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UNITED STATES OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS
FIRST SESSION

VOLUME 119—PART 11

APRIL 19, 1973 TO MAY 7, 1973

(PAGES 13223 TO 14578)

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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—*Thursday, April 19, 1973*

The House met at 10 o'clock a.m.

Father Joseph F. Thorning, pastor emeritus, St. Josephs-on-Carrollton Manor, Frederick, Md., offered the following prayer:

Heavenly Father, Author of life and of love, let the light of Thy countenance shine brightly upon the Speaker of this House and upon all the Members of the U.S. Congress.

Grant a special blessing, we beseech Thee, upon the President of the United States of America and upon those who counsel him.

Vouchsafe, dear Saviour, that the noble cause of inter-American understanding and amity be renewed and revitalized, producing better cooperation for peoples whose ideals include religious faith, personal freedoms, and a determination to improve homes, schools, and conditions of work conducive to happiness in families, communities, and nations.

Grant us the divine graces essential to realize that responsibilities flow from the enjoyment of rights and that prayer is the handmaiden of progress.

Humbly and fervently we implore these favors, spiritual and material, on this 29th congressional celebration of Pan American Day, once more seeking the help of the Christ of the Andes. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

### FATHER JOSEPH F. THORNING

(Mr. BYRON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BYRON. Mr. Speaker, I am pleased that El Padre, Father Joseph F. Thorning, has joined us once more this year on Pan American Day. Last month Father Thorning, in an effort to keep abreast of developments throughout the Western Hemisphere, gave lectures in several of the leading universities of South America. In March his educational work took Father Thorning to Panama, Ecuador, Peru, Chile, Argentina, Paraguay, and Bolivia. His efforts to foster understanding and brotherhood in the Western Hemisphere have been noted before in this Chamber; however, it is clear that his energy and the dedication to his chosen task have not paled. I commend Father Thorning for these efforts, and I am proud that he is a permanent resident of the Sixth District of Maryland. I look forward to Father Thorning's annual visit with us here in the House of Representatives, and I join you, Mr. Speaker, and my colleagues in welcoming this distinguished pastor of peace to this Chamber.

### RESOLUTION TO REQUIRE HOLDING OF 1974 CENSUS OF AGRICULTURE

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, yesterday I introduced a joint resolution to require the Bureau of the Census to conduct a 1974 Census of Agriculture, as required by law. An identical resolution has been introduced into the Senate by Senator HUBERT HUMPHREY.

The holding of such a census every 5 years is required by section 142 of title 13 of the United States Code. The next scheduled census is to be held in 1974. However, the Nixon administration is attempting to have the census postponed until 1977. No funds for the 1974 Agricultural Census appear in the Budget of the United States.

The census of agriculture provides the only complete agricultural data available at the county level for rural America. The census provides information which is invaluable not only for farmers but also for Government decisionmakers, businesses serving agriculture, and ultimately, the average citizen intimately affected by decisions relating to the agricultural sector.

Both the Congress and the Executive need the data collected by the census in acting on future agriculture policy. But reliance on 1969 data through 1977 or 1978 is to rely on old data not fully related to the current situation. There is a great need for up-to-date data so that policymakers can be fully aware of both the economic and social conditions in America's farmland.

The estimated fiscal impact for this census is not great. The total budget for the 1974 census would be $28 million, according to the Census Bureau; $1.3 million has already been appropriated, but has been impounded by the Office of Management and Budget.

### AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House from April 19 to April 30, 1973, the clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

### AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS, APPOINT COMMISSIONS, BOARDS, AND COMMITTEES AUTHORIZED BY LAW OR BY HOUSE NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until April 30, 1973, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

### DISPENSING WITH THE CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, MAY 2, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, May 2, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

### CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic de-



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vice, and the following Members failed to respond:

[Roll No. 109]

| | | |
|---|---|---|
| Adams | Gray | Pepper |
| Anderson, Calif. | Green, Pa. | Pike |
| Badillo | Griffiths | Podell |
| Blaggi | Grover | Powell, Ohio |
| Burke, Calif. | Gunter | Rogers |
| Carney, Ohio | Hanna | Rooney, N.Y. |
| Casey | Hansen, Wash. | Ryan |
| Clark | Harvey | Smith, N.Y. |
| Cronin | Hays | Steele |
| Davis, Ga. | Hébert | Steiger, Wis. |
| Diggs | Johnson, Colo. | Stuckey |
| Dulski | Jones, Ala. | Symington |
| Eckhardt | King | Talcott |
| Evins, Tenn. | Maraziti | Teague, Tex. |
| Fountain | Mathias, Calif. | Tiernan |
| Fraser | McCormack | Udall |
| Gibbons | Morgan | Wilson, Bob |
| | Passman | Young, Ill. |

The SPEAKER. On this rollcall 380 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the debate on S. 502, the Federal-Aid Highway Act of 1973.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## FEDERAL-AID HIGHWAY ACT OF 1973

Mr. WRIGHT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. WRIGHT).

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill S. 502, with Mr. UDALL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before the committee rose on yesterday, it had agreed that title I, ending on page 133, line 18, of the committee amendment in the nature of a substitute would be considered as read and open to amendment at any point, and there was pending the amendments offered by the gentleman from California (Mr. ANDERSON).

The committee had further agreed that further debate on the amendments offered by the gentleman from California (Mr. ANDERSON) and all amendments thereto would be limited to 30 minutes, with the gentleman from California (Mr. ANDERSON); the gentleman from Illinois (Mr. ANDERSON); the gentleman from Massachusetts (Mr. BOLAND); the gentleman from Ohio (Mr. HARSHA); the gentleman from Michigan (Mr. GERALD R. FORD); and the gentleman from Texas (Mr. WRIGHT), each to be recognized for 5 minutes on the amendments.

The Chair now recognizes the author of the amendments, the gentleman from California (Mr. ANDERSON) for 5 minutes.

Mr. ANDERSON of California. Mr. Chairman, three points have been made in opposition to my amendment:

First, opponents contend that it would result in a bankrupt trust fund.

Nothing could be farther from the truth—the committee bill allocates $700 million of trust fund money to urban areas.

My amendment does not change that. My amendment merely permits the urban areas—50,000 or more people—to use those funds for bus or rail transit, as well as highway construction.

If $700 million would bankrupt the trust, then your arguments should be directed against the committee-approved bill—not my amendment.

#### RURAL NOT AFFECTED

Second, opponents contend that rural areas will suffer as a result of my amendment.

The fact is—this amendment affects only urban money—not rural funds—so what happens in the rural areas is not determined by your vote on my amendment. Vote "aye" and your rural-primary and secondary highways will continue to be funded with $1.1 billion trust fund money per year. Vote "nay" and they will be continued also—it makes no difference to your area—it only affects the cities of 50,000 or more.

#### MY AMENDMENT DOES NOT BREAK FAITH WITH THE USER

Third, opponents contend that this amendment breaks faith with the highway user.

If building police barracks, paying salaries of traffic court officials, building businesses and homes of those displaced by highway construction and purchasing ferryboats does not break the faith—then, certainly, taking steps to alleviate highway congestion, to benefit those who truly need the highway, is not breaking the faith.

#### CONFIDENCE IN STATE AND LOCAL OFFICIALS

Ladies and gentlemen—vote "yes" and permit the State and local officials to make the decision.

Vote "yes" and allow the State and local urban officials to meet their local urban transportation needs by building highways—if that is what they want—by buying a bus—if that is what they want—by construction of a rail system—if that is what they want—or a combination of the three.

I have confidence in the people in our State and local government—and I want to give them the opportunity to decide. I urge you to join with me and vote aye—in support of this amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, as the ranking minority member of the Transportation Appropriations Subcommittee, I have become convinced that our urban transportation crisis cannot be solved just by building more roads. These complex and severe problems can be solved only through the proper combination of highway and mass transit capital investment. To do this, Federal assistance must be made available to help the State and local governments achieve this end.

I believe that the best way to do this is to utilize the highway trust fund. We are proposing that up to $700 million from the trust fund be made available to our major cities to use either for public mass transportation facilities or for highway construction. This would give these urban areas the opportunity to solve their urban transportation problems according to local needs.

Our cities are choked with traffic and polluted air. They are struggling to remain vibrant centers of commerce and residence. But a key element in their lifeline is breaking down.

The transportation systems of many urban areas are on the verge of collapse. Urban roadways are overburdened during peak travel periods, and most cities do not have the room or tolerance for more highways. Public roads cover as much as 50 percent of the total land area in some cities.

Meanwhile, urban mass transportation systems are deteriorating. Last year, mass transit systems in the United States lost $400 million. In the past two decades, 230 systems have collapsed and the number of riders has dropped 60 percent.

Half the vehicles in mass transit systems are over 10 years old. Equipment and service are deteriorating.

The answer to the urban transportation mess is not more highways. The answer is a program that caters to local needs and that allows flexibility in achieving a balance between urban highways and mass transit facilities.

A large segment of our urban population—the old, the handicapped, the young and the poor—are dependent upon mass transit systems for most of their movement. Our mass transit systems must be preserved, and renovated, and improved.

But this will take a large investment of money. More than $1 billion per year is now being provided for urban transportation projects. But the amounts are nowhere near adequate.

This is not to say that all cities will use any Federal funds they receive for mass transit projects. Many of them need particular highway projects before mass transit. But all of them need coordinated and balanced development of their overall transportation system.

Highways should be built where they are justified, but cities should have the option to use Federal funds that are legitimately theirs for alternate transportation systems.

Every year, there is a net increase of 5 million cars on our highways. As the auto population increases, urban traffic congestion, and air pollution, and the Nation's gasoline shortage grow worse. For our urban areas, the more effort that is expended on building new highways, the greater the problems of congestion, pollution and supply become.

It is time to adopt the Anderson-Grover amendment and open the highway trust fund.



This amendment provides a realistic, coordinated, and flexible program for the expenditure of highway trust fund moneys allocated by the committee bill for urban transportation programs.

The Anderson-Grover amendment provides that each urban area that does not want, or cannot tolerate, further highway construction could, instead, use its existing share of highway trust fund dollars on alternative modes of transportation. Thus it could coordinate and balance its various transportation needs.

The Anderson-Grover amendment is not an attempt to divert needed road funds, but it is an attempt to solve the overall transportation problems of urban areas.

We are supporting the Anderson amendment as an alternative to the so-called "Wright compromise." That proposal is not a compromise; it is a travesty. That "compromise" provides that, if an urban area wants to acquire mass transportation facilities rather than build a highway, it can refuse the trust funds and go to the General Treasury to get the money for the mass transit facilities. The highway trust funds that are refused then go back to the trust fund to build another road, heaven knows where.

This is yet one more example of "backdoor spending." This would take some $1 billion each year out of the Treasury in a manner which the Congress would not be able to control. Approximately two-thirds of the Federal budget is now uncontrollable. The Congress and the President are trying valiantly to control the size of the Federal budget, and the so-called Wright compromise would only increase this problem.

Where will all the money to support this compromise come from? What programs will we have to cut?

The highway trust fund is not sacrosanct. The trust fund was established to meet the transportation needs of the 1950's. However, it has become abundantly clear that the trust fund cannot meet the needs of the 1970's and 1980's.

The time has come for a change. The trust fund must be given the flexibility to deal with the transportation needs of today and tomorrow. The "backdoor spending" of billions of dollars to save the sacred cow status of the highway trust fund is not the way to do it. The House of Representatives must face up to its responsibilities and allow the trust fund to be used to meet today's transportation needs. We must open up the highway trust fund for urban mass transportation facilities.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, in 1956 the Congress took a very important step. It said, "We are going to build a national highway system; we are going to charge the people who use the highways for the cost of building those highways." The Congress said that we will impose special user taxes for the cost of those highways. We said that there will be a trust fund established so that the money will be there for the construction of highways.

Let me say parenthetically that we have not completed the highway program and there is no real surplus in the highway trust fund.

In 1969 the Secretary of Transportation, the Honorable John Volpe, had this to say, and let me quote from his comments.

Secretary Volpe said in 1969:

I believe that the integrity of the Highway Trust Fund must be preserved without question. This was the intent of Congress and the Chief Executive in framing the Federal Aid Highway Legislation of 1956 and subsequent acts. In my opinion, to divert highway use tax revenues to purposes other than the provisions of highways would abrogate a long-standing moral commitment as well as a statutory provision.

President Eisenhower in 1956 at the time the highway trust fund was established, said the following:

A sound Federal highway program I believe can and should stand on its own feet with highway users providing the total dollars necessary for improvement and new construction.

This amendment sponsored by the gentleman from California reads in part as follows:

The construction of fixed rail facilities or the purchase of passenger equipment, including rolling stock for any mode of public mass transportation.

The proponents of this amendment seek to violate a commitment. They seek to violate the trust fund concept because rolling stock and operating equipment under no stretch of the imagination can be construed to be highways.

Let me make this observation: I challenge any one of the Members to go down to a gasoline station and stand there and ask the people who buy the gas and pay the tax as to whether they think they are going to pay that tax for rolling stock and operating equipment. They believe they are paying that tax for the construction of highways.

We will be violating the trust with these taxpayers if we now divert that tax money away from highways and into railroad operating equipment.

I said last year, and I repeat now, once the mass transit people get their nose under the tent with operating equipment, the next step is operating subsidies. Operating subsidies, we know from experience in our major metropolitan areas, are a bottomless pit. And in proof that this is the first step of that operating subsidy let me just quote from a letter I received today from the city officials of my hometown of Grand Rapids, Mich. Inadvertently, they let the cat out of the bag. Here is what they say, after pleading with me to break the trust fund and divert funds for operating equipment—and as I say, this lets the cat out of the bag:

There would also be available to the metropolitan area about $125,000 yearly that would help take some of the burden off the local areas to provide sufficient funds to operate the transit system.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. Not at this point. I do not have sufficient time to yield to the gentlewoman.

Mr. Chairman, again let me say that once we break faith, once we let them get their nose under the tent, the diverters go from operating equipment to operating funds and, believe me, that is a bottomless pit. We ought not break faith with the taxpayers in order to let this kind of diversion from the trust fund take place.

Mr. Chairman, I urge the Members to vote "no" on the Anderson amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I have before me a letter dated the 17th of April, 1973, signed by the Secretary of Transportation, Mr. Brinegar. I shall not take the time to read the entire letter, but shall answer one point that has just been made by reading from paragraph 3 of that letter:

Does the Anderson/Grover amendment reduce the Federal commitment to complete the Interstate System?

Answer: The Anderson/Grover amendment in no way reduces the Federal commitment to complete the Interstate System. Funds authorized for the Interstate System cannot be used for any other purpose under the bill reported by the Committee. The Anderson/Grover amendment does nothing to change this.

The words "diversion" from the trust fund have become code words, suggesting that those of us who proposed the Anderson amendment are recommending a breach of trust; that we are breaking faith with the taxpayers of this country. The Anderson amendment mandates no diversion from the trust fund. It merely gives to local officials the flexibility. It extends to them the option to decide if, in their wisdom, it is better to construct those urban highway systems, or to go to mass transit.

I think, Mr. Chairman, it is of enormous significance that we consider this amendment this morning, on the day following the receipt of the President's energy message where he personally, once again, reaffirms the commitment of his administration to the adoption of the Anderson amendment.

I am told that at the joint leadership briefing on that message yesterday morning, in response to a query he said:

Yes, we must examine the role of the automobile in American society if we are really serious—if we are really serious—about developing a conservation-of-energy policy in this country.

The passage of the Anderson amendment would indicate to the Nation that Congress is aware of the problem and that we are willing to act in a decisive manner.

There are many of us who have suggested over the past few months that Congress cannot decide for the entire Nation; that we represent simply a gaggle of constituencies; that we are literally incapable of speaking with one voice on a critical national issue.

Mr. Chairman, I would say to those who have made the argument to me—and some have—that the Anderson amendment will do nothing for my congressional district. We do not have any rail transit or any mass transit. It is not going to do anything for me. I would appeal to those of that persuasion that

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the problem of maintaining adequate mass transit in the cities of our land has a real and a very fundamental meaning for all of us, whether or not we live in an urbanized area.

On the point, finally, that we are somehow violating the sanctity of the trust fund and the use of this code word over and over again of "diversion," let me repeat that the crux of the issue is not diversion; it is whether or not we are going to get a balanced transportation policy in this country. When we stop to consider that, two-thirds of the highway fund is generated from gasoline taxes that were put on the books in 1932, 24 years before the Interstate System was ever started, and literally 95 percent of all of the taxes that go into the so-called trust fund were put on the statute books of this country before the passage of the Interstate Highway Act. As the Secretary has indicated to me in his letter, the adoption of this amendment is not going to take away one dime from those of us representing rural constituencies. It is not going to interfere with any of the plans that are presently laid for the completion of those highways. We are asking for an affirmative vote on this amendment so that we can begin to do now what the President suggested yesterday in the very opening paragraph of that energy message when he said: "Old problems are yielding to new initiatives." The time has come now to seek a new initiative to solve the transportation problems of this country.

I would urge the Members to vote "yes" on the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, it strikes me as being very peculiar, if rail transit is going to solve all of the problems of congestion on the highways that proponents claim and mass transit is going to be the panacea for all of these ills—that the cities that already have rail transit systems are the very ones which have all of the traffic ills we hear about.

The city of Boston, the city of Philadelphia, the city of Chicago, and the city of New York all have rapid rail transit systems, and they have the highest congestion and traffic tieups in the country. Rail mass transit has not solved their problems. It is not the solution, and neither is the Abzug-Anderson amendment the solution to the problem.

Secretary Brinegar said the other day in a letter that there was only $100 billion in highway construction that could be economically justified, and 85 percent of that $100 billion would be in urban areas. He is trying to assert economic justification contrary to law. He is prohibited by the very act that created the Department of Transportation from using economic justification.

Furthermore, if he applies the same tests of economic justification for mass transit, he could not spend even $1. By no method that I know of can we economically justify the construction of mass transit systems.

We are not talking about the construction of new highways, Mr. Chairman. We are talking about the $300 billion that is for essential highway improvements. The figure that appears in the Department of Transportation report is the same figure that the Secretary admitted when he testified before the committee, and of that $300 billion, 93 percent is represented in improvements to the present system, not the construction of new highways. We are talking about upgrading our presently deteriorated highway system outside of the interstate. Seventy percent of the rural highway system of America and 50 percent of the urban highways of America were deficient as of 1970.

Now, in order to further inform the Members as to what we are talking about, most of these highways were built as long as 40 years ago. Eighty percent of them were constructed in 1930 and before, so we are not talking about building new highways but we are talking about trying to make those we have safer and improve and resurface them.

So do not be deluded by the Anderson-Abzug amendment into thinking that we are going to start constructing new highways. We are, by this amendment, jeopardizing the preservation of the present system.

I ask my Member friends to remember the fact that Amtrak is going to abandon some of its present service, the Penn-Central is going to abandon some of its present freight lines and other Northeast railroads are going to consolidate and abandon rail lines. All of that traffic will have to be diverted to the highways, onto an already deficient highway system which will further compound the problem.

Coupled with this is the fact that safety on the highways is related to improvements of the highway system and implementation of the safety program. These programs are designed to save the lives of schoolchildren of the Members and their constituents around America.

Do Members know that in over 200 years in all the wars this Nation has fought we have killed 668,000 American soldiers and wounded another 1,680,000 American soldiers, and yet, in the short span of 10 years, from 1970 to 1980, it is estimated we will kill a number in excess of that, and we will injure more than 20 million users of the highways, 12 times the number we injured in all the years of war in which this country has been involved.

We have to stop this slaughter. It seems to me it is of a much higher priority to save lives than it is to alleviate highway congestion. Any available funds should be used first to save lives and second, for the convenience of travelers. That is what we will be jeopardizing by diverting trust fund moneys away from highway safety and away from the road program.

Do not be deluded by the statement that we will not be taking anything away from the highway trust fund for rural highways. The fund has limited revenues. If we take anything away from that fund for any purpose other than highways, that reduces the availability of funds for highways. Mr. Chairman, we will be jeopardizing the lives of every American who uses the highways if we divert such moneys. We cannot get 2 quarts of milk out of a 1-quart milk bottle. We cannot use the highway trust fund to cover both programs.

One final observation: The Department of Transportation's needs report states that major shifts in funds from highways to mass transit would improve transit but would result in increased highway fatalities. Furthermore, such shifts would result in very little improvement in pollution levels. In fact, that report estimates that for the period 1968 to 1990, the diversion of large sums to rapid transit would result in higher carbon monoxide and hydrocarbon levels.

Obviously, if there is little or no change in air pollution, there will be little or no saving of fuel or energy because it is the consumption of fuel that causes air pollution.

I certainly do not want the responsibility on my head of increasing highway fatalities by diverting highway funds from safety related programs.

Do you?

I urge the defeat of the Anderson-Abzug amendment.

Mr. BOLAND. Mr. Chairman, I want to first commend the leadership, the Committee on Rules, and particularly the Public Works Committee for all joining in bringing the 1973 Federal-Aid Highway Act to the floor, with a rule that permits, an up or down vote, on the amendment offered by the gentleman from California (Mr. ANDERSON).

Mr. Chairman, let me applaud this distinguished and great Committee on Public Works for shepherding, monitoring and bringing to near completion, at this date, the Federal Interstate Highway System. I suported this program when it was recommended by President Eisenhower back in 1956. I support it today. It is the biggest public works project in the history of the world—when finished, 42,500 miles of the Federal Interstate System will lace this Nation—the most remarkable network of highways anywhere in the world.

We are coming to the end of that system, Mr. Chairman, it will be finished in a few years.

And it is time—it is past time—that this Nation turn its attention, to a balanced transportation system.

I have listened to the eloquence and the persuasiveness of the gentleman from Texas (Mr. WRIGHT)—the floor manager of this bill. I have heard him talk of the billions that are needed for additional highways—for improvement of the primary system.

I am impressed by the incredible statistics—110 million automobiles, 55,000 killed on our highways.

But, Mr. Chairman, automobiles are choking and strangling our cities—giving rise to problems of pollution, energy, mobility of people—18,000 to 19,000 of those killed by automobiles struck down on our city and town streets.

Mr. Chairman, back in 1970 the Committee on Public Works recognized these problems. In a dramatic shift of emphasis, this committee recommended a completely new Federal-aid urban system program. In this bill, it has increased that authorization sevenfold to $700 million.



And that is the nub of the question and the issue that we are talking about.

What is sought to be done by the Anderson amendment?

It would remove the constraints, presently imposed upon funds which have been earmarked under the Federal-aid urban system. It would permit the $700 million in the urban systems fund to be used for either mass transit or highways. And that is all it would do. Adoption of this amendment would not deprive rural areas of a single penny of highway funds.

The Anderson amendment applies only to urban systems funds. This amendment does not alter allocation formulas in even the slightest manner; it merely adds the option of mass transportation to those options which already exist for urban funds, and for urban funds only. Rural trust fund money will remain available for highway use only.

Furthermore, the Anderson amendment would not prevent the completion of urban highways where they are needed. This proposal is permissive, it does not compel any State to use highway funds for mass transit. It would allow a State to spend urban money apportioned to them for transit if they decide that such spending would be in the greatest interest of the urban area.

Yesterday, I listened with interest and admiration to the gentleman from Illinois (Mr. KLUCZYNSKI), the chairman of the Roads Subcommittee of this committee. I am sure that it was not an easy address to make, for in past years he has opposed the Anderson amendment. But, I am sure, Mr. Chairman, that it was an act of leadership and statesmanship.

Others have also demonstrated these characteristics, like the distinguished gentleman from Ohio (Mr. WYLIE) who opposed this amendment last year.

Mr. Chairman, the Anderson amendment is an appeal—a simple appeal to permit urban areas to use the urban systems fund for specific transit purposes or for highway purposes. Surely, nothing could be more reasonable.

And beyond that, Mr. Chairman, it is an appeal—a plea for those who do not have cars—those who are being strangled by cars. It is an appeal, for the poor, the disadvantaged, the elderly, the young—for those who must get to work—for those who seek opportunity—who desire an education.

Mr. Chairman, over half of all households with incomes under $3,000 and about half of all households whose heads are 65 years and older have no cars. It is this group—the poor, the handicapped, the old and the very young—who need mobility the most to gain access to adequate education, health care, job opportunities and other necessities of life.

All we seek to do with this amendment is to permit the urban areas to use their urban systems funds for mass transit or highways. Let us leave it up to the urban areas to make that decision. Surely, they are entitled to this judgment.

Mr. Chairman, I have received considerable mail on both sides of this issue with the weight tilted against my position in support of using a part of the highway trust fund for mass transit purposes. A reading of this mail convinces me that there is considerable confusion on what this amendment does. Let me emphasize that it does not deprive any State of any money allocated to it under the trust fund. It touches only the Federal-Aid Urban Systems. The amount carried in this bill for this system is $700 million. And I underscore again, Mr. Chairman, that the decision will be left to the local areas to determine whether to use the allocation for mass transit purposes or for highways. To make this crystal clear, let me insert at this point language from the minority views of the committee members who support the Anderson amendment and a table from page 124 of the committee report on S. 502 Federal-Aid Highway Act of 1973:

Finally, it should be abundantly clear that our amendment is not anti-highway, nor is it anti-rural America. It simply gives urban officials the option of using the highway funds they presently receive to build or purchase a mass transit system, as well as construct highways.

The following is a chart showing the effect of the mass transit amendment on the funding levels in the committee bill, and on the various sections of the law:

| Highway trust fund projects | Funding committee bill | Funding Anderson amendment | Uses, committee bill | Uses, Anderson amendment |
|---|---|---|---|---|
| The Interstate System | $3,500,000,000 per year through fiscal year 1978 | No change | No change | No change. |
| The primary system in rural areas | $700,000,000 per year for fiscal years 1974–75 | do | do | Do. |
| The secondary system in rural areas | $400,000,000 per year for fiscal years 1974–75 | do | do | Do. |
| The forest highway system | $33,000,000 per year for fiscal years 1974–75 | do | do | Do. |
| The public lands highways system | $16,000,000 per year for fiscal years 1974–75 | do | do | Do. |
| The economic growth center development highway | $150,000,000 per year for fiscal years 1974–75 | do | do | Do. |
| Special urban high density traffic programs | $100,000,000 per year for fiscal years 1974–75 | do | do | Do. |
| Priority primary system | $300,000,000 per year for fiscal years 1974–75 | do | do | Do. |
| Urban extensions system | $400,000,000 per year for fiscal years 1974–75 | do | do | Do. |
| Urban system | $700,000,000 per year for fiscal years 1974–75 | do | do | Expanded to include purchase or construction of bus or rail rapid transit systems. |

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROSTENKOWSKI. Mr. Chairman, I would like to associate myself with the remarks of my colleague from Illinois (Mr. ANDERSON) and the gentleman from Massachusetts (Mr. BOLAND), in support of the Anderson amendment.

I believe that it is time that we in this Congress recognize the need for flexibility in the further development of our transportation systems. This is especially true in our urban areas where traditional problems are complicated by mounting pollution and seemingly endless congestion. The implementation of the Clean Air Act will, in the case of many cities, require drastic alteration of existing modes of transportation. Although this would transform the accustomed style of many of those who take to the highways to reach their daily employment, most would willingly switch if alternate means of transit were readily available.

A recent survey by National Opinion Research Corporation indicated 57 percent of the American people thought we should limit automobile traffic in downtown areas; 66 percent of those who live in cities of a million or more thought it a good idea. The latest Conference of Governors overwhelmingly favored mass transit alternatives to highway building in cities. Governor Sargent, of Massachusetts, has recently imposed a ban on more roadways in Boston, and is spending money instead on an improved public transportation system.

It is clear that changes have occurred in the Nation's thinking about highways since the interstate highway system and the highway trust fund were conceived, almost 20 years ago. At that time, the gap between perceived highway needs and existing roads was clear—a 20-year planning framework made sense. And, as far as intercity connections go, the interstate systems was well designed.

But the view from 1973 is distinctly different. A basic system is already substantially in place. Additions to it, new highways, must be weighed on their merits and on a link-by-link basis. Other modal alternatives must be considered. Funding for those alternatives must be flexible and unbiased, or we risk wasting vast sums of precious national resources.

The concept for a single-mode trust fund—whether for highways, airways or rail transit—is outmoded. Broadening of the highway trust fund is a necessary step from the point of view of overall national priorities, and a proper way to provide the substantially larger sums for urban mass transit which I believe to be in the best interest of the general public. For this reason, I am supporting the Anderson amendment and hope my colleagues will do likewise.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT) to close debate on the pending amendments.

Mr. DORN. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my friend from South Carolina.

Mr. DORN. Mr. Chairman, I am opposed to this amendment.

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Mr. Chairman, the highway trust fund has served our Nation well. The highway trust fund has enabled us as a nation to build the greatest transportation system in the world and has provided the greatest defense transportation system in all history.

Since the beginning of our Republic, we have sought to really unite the American people in a close union of sovereign States. This system, which connects every State Capitol in our country, has done much to bring our people together—economically, socially, and geographically.

The highway trust fund must be retained in order to complete this great highway system by 1979. The highway trust fund must be protected to improve the primary, secondary systems and our rural highways and roads.

It is necessary to maintain this fund to solve the greatest tragedy of our time, that of the ever increasing slaughter and carnage on our highways. There is a war raging on the highways of our country. This death and destruction can and must be solved. We have proven on the Interstate System, made possible by the highway trust fund, that we have less than one half as many deaths and injuries per traveled mile as compared to our other systems. This improved engineering, modern technology and design must be extended to our primary, secondary and rural road systems. We must not break faith with the highway user, the taxpayer, who made it possible to create the trust fund.

The Congress has an obligation and a duty to protect this fund which is in the interest of all the people—urban and rural alike. Should we raid this fund and set the precedent today by adopting the Anderson amendment it would be the beginning of the end. It would open the highway trust fund to every conceivable scheme of revenue sharing that the mind of man could possibly conceive. Housing, welfare, poverty programs, and even foreign aid might carve in for a share. The highway trust fund would be destroyed and all of our people—urban and rural—would be the losers.

Mr. Chairman, again in this bill, we provide $3 billion from the general revenue for mass transit in the cities of our country. I supported this in our Committee on Public Works. We have other mechanisms in this bill to help urban areas with their acute transportation problems, and I understand the needs of our urban areas. I live in downtown Washington where I can personally appreciate this problem. I pledge my continued, every effort to help the urban areas in finding a solution to the pedestrian problems, the pollution, and time wasted in traveling to employment in the cities. However, Mr. Chairman, the preservation of the highway trust fund is in the best interest of all of the American people. If we scatter this fund in the wind, it will help no one area, but will injure the Nation as a whole.

Now, Mr. Chairman, I address myself to the specific amendment proposed by the gentleman from California.

The gentleman from California has led many of our colleagues to believe that his amendment would not affect the allocation of Federal-aid funds to any State. I submit that the gentleman's amendment would have substantial effect on the distribution of Federal-aid funds to the States and even delay the date of final completion of the Interstate System.

The highway program in earlier years was primarily rural-oriented because of the need to get the farmer out of the mud, and, later, to develop a nationwide interconnected highway system. The Interstate System is now 80 percent complete, and it is just and equitable that the cities should participate more fully in the benefits of the program.

Although the lion's share of this bill is for the benefit of the cities, authorizations for the ABCD systems are meticulously balanced between urban and rural systems. This balance is based upon the results of the 1972 transportation study which indicate equal highway needs in urban and rural areas.

Balanced funding for the ABCD systems, however, is jeopardized by the amendment offered by the gentleman from California. If we opened up the "D" system for both highways and mass transit, certainly a portion of the fund would be used for mass transit. The orderly balance between rural and urban highways would be lost. In order to regain this balance and meet the legitimate highway needs of the cities, future authorization would have to be biased in favor of the urban "D" system.

The gentleman from California explained very well the consequences of biasing Federal-aid authorization in favor of the "D" system. The effect would be to drain funds away from the Interstate System and the rural systems, a situation I believe we should try to avoid.

In this bill, annual authorizations for the urban system have been increased sevenfold from $100 million to $700 million to achieve a balance between the rural and urban program. Opening up the "D" system to both highways and mass transit would destroy this balance, distort the highway program, and soon cause a redistribution of funds among the Federal-aid systems and among the States.

Mr. Chairman, this country needs both good highways and good mass transit. Under the Anderson amendment, we settle for second best. I urge my colleagues to join in voting it down.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there is a growing concern in this Nation about the lack of public transportation in metropolitan areas. Nowhere is the problem so acute as in Los Angeles. Compared to any other metropolitan area in the Nation, commuter distances are greater and public transit is the least efficient. Dependence on the automobile pollutes our air, diminishes our overburdened energy supply, and imposes tremendous commuting costs to residents of Los Angeles.

Air pollution, traffic congestion and urban freeway blight must be significantly reduced with less reliance on highways and the automobile as the main means of commuter transportation. Los Angeles has a crying need for reliable public transit as soon as possible and I take no issue with this obvious and pressing public need.

I question, however, where we shall get the billions needed for capital investment and tens of millions for operating costs. It is this issue on which I wish to comment: How shall the bill be paid?

There is an unusual coalition of support to use gasoline sales tax to fund public transit. Many see the highway trust fund as the only immediate available source of funds. The President, never adverse to shifting the cost of Government to regressive taxes, sees breaking up the fund as a way to fund an expensive public facility without increasing the Federal deficit or reforming the Federal tax structure. If we do indeed have surplus moneys in the fund we should repeal the expensive, regressive gasoline tax and thereby benefit those who pay this "special" tax which strikes the middle and lower income taxpayers harder than any other group.

Using the gasoline sales tax to finance mass transit projects is an unworkable alternative. Because there is some surplus in the highway trust fund, due to Presidential impoundment, and because there is Presidential support for this proposal, there is an effort in this Congress to use this tax as the financing source for public transit systems. The gasoline sales tax is the most regressive tax collected by Government. First, it is a sales tax on a necessity and its rate is approximately 11 cents per gallon in California. This means that for every gallon of gasoline purchased 4 cents goes to the Federal Government and 7 cents to the State of California. If we add to this the cost of building public transportation and maintaining roads, we can expect the gasoline sales tax to double.

Although the gasoline sales tax is both high and regressive its virtue is that it is a user's tax. One pays for the cost of the highway in proportion to the amount he uses it. Funding a public transportation system by use of highway trust fund moneys would be the reverse of a user's tax. Those who use the roads heavily would be more heavily taxed to absorb the cost of a mass transit plan that would be available to all.

As a member of the House Ways and Means Committee I have listened to the tax experts who have confirmed my opinions of the discriminatory practices waged against the middle and lower income people under our present Federal income tax structure.

I view the effort to bust the highway trust fund as a means of further compounding the inequity in the present tax system as they would be the first to pay the price of increased gasoline taxes. Using this source of funding to finance mass transit projects would single out a special group to absorb the costs.

It should be noted that how one pays for something in no way effects how much it costs. If a transit system in Los Angeles is to cost $3 billion to provide,



that will be the cost whether it comes from gas taxes, the fare box, property or sales tax or general funds.

Funding for mass transit projects should not come from the fare box. All of the fiscal studies for Los Angeles and any other metropolitan area indicate that such financing would make the fares so high that there would be few customers. Indeed, the legislation which established the high speed rail system in San Francisco contemplated that the capital costs should essentially be paid from general tax revenue but the operating costs should be paid from fares. This means that BART had to set relatively high fares in order to cover anticipated costs. If fares are higher than low-income segments of the population can reasonably afford, the working poor will obtain no relief.

We should also reject, because the voters have consistantly rejected it, payment through property or sales taxes. In 1968 and again in 1970 the voters of Los Angeles were presented with the opportunity to build a mass transit system. The 1968 proposal, for an 89-mile system at the cost of $2.5 billion, was defeated at the polls. The main objection to this proposition was the method of financing. The proposed ½-cent sales tax was unacceptable to the people of Los Angeles.

As public transportation is a public responsibility it is imperative that the taxpayer think through the various alternatives, both as to the method of mechanically moving people and whose pocket the dollars are to come from.

We need an adequate public transit system in Los Angeles to reduce air pollution, conserve our energy supply and reduce commuters time and expenses. But it will cost billions. Those billions should be collected fairly and spent wisely. Using gasoline taxes is not fair.

Mr. WRIGHT. Mr. Chairman, let us get one thing straight again. The originator of this so-called Anderson approach was not the gentleman from California. It was not the Senator from Maine. The inventor of this approach is the Department of Transportation. For 2 long years DOT spokesmen have been trying to hard sell this Congress on the idea of taking one fund and pretending to make it serve two purposes.

In pushing that approach they are applying against the Congress an age-old technique, divide and conquer. They are throwing one bone to two dogs and trying to make us fight over it. Now, my friends in the Congress, if we fall for that trap we deserve the moniker of the biggest suckers of the year.

Any honest appraisal, including the massive appraisal of the Department of Transportation itself, will tell us that there is simply not enough money in the trust fund for either purpose, let alone for both purposes.

Completion of the Interstate System, to which some Members have referred, certainly is not going to mean the end of the need for highways in this country. There are primary needs, secondary needs, and rural road needs that have been too long deferred.

Every town in America depends directly upon highways for its lifeblood. Relatively few can benefit by rail transit. But we want to help them.

Here is the crux of the issue. Do we want to divert moneys that have been committed to the completion of the highway needs and use them for other purposes? Let me assure the Members that if they vote "aye" today on this amendment that will not be the end of it. It may be the beginning of the end for the highway program as we now know it in this country.

This diversion attempt is a plan that has been in the process of germination in the Department of Transportation for 2 years. Already the Department of Housing and Urban Development spokesmen are publicly clamoring to laddle out of the money from the highway trust fund for urban housing projects.

Where will it end?

How important are highways? Let me tell the Members this: The highways of this country are used more frequently by more Americans than any other service the society provides.

Do Members believe this is the end of highway needs? Every year we add 10 million new vehicles to the total number. Where are we going to put them all, in safety?

Some have spoken about choking the cities. Listen to this: Twelve automobiles traveling at a steady pace on a well-engineered thoroughfare emit less carbons than one automobile starting and stopping on a crowded road that needs widening.

Yes, we want to do those things necessary for mass transit and for the cities. In this bill the committee has been generously responsive to the needs of the cities of this country.

Almost three-fourths of all the authorizations contained in this bill already go to the cities, and about two-thirds of those out of the trust fund go to the cities, although the cities only contribute about half of the funds.

Do Members believe we have not been fair with the cities? This bill already provides $3 billion for mass transit authorizations. And it has an anti-impoundment feature connected with that title.

Already the bill provides the local flexibility the gentleman from California (Mr. ANDERSON) asks for. It gives the city the opportunity to substitute for a section of urban highway within the city limits a mass transit program, and it gives an equivalent dollar amount to that city out of the general revenues.

Mr. Chairman, since when is money out of the general revenues considered some kind of second-class money? That is the source through which the Congress has traditionally provided for more than 90 percent of all the needs of our country.

But here is the crux of it, and here is the basic issue: The committee bill does not violate the trust fund. Unused highway moneys for which general fund money is substituted for mass transit purposes would go back into the trust fund for redistribution to the other cities and States of this country. They have needs, too. And their needs are just as urgent to them as transit needs are to the big cities.

In the committee bill, we have made an earnest effort to be responsive to both needs, and to do so in a reasonable way.

Mr. JOHNSON of California. Mr. Chairman, I rise in opposition to the Anderson amendment.

The committee bill gives to the cities more than half of all the trust fund moneys for the next 3 years.

On top of that, it gives the cities an extra $3 billion in authorization for mass transit programs.

When you add those together, the cities already get the lion's share of the total authorization contained in this bill.

There are other parts of the United States, outside the big cities, that need help too. There are many areas of this country which desperately need highway improvements to move their citizens in safety from one place to another.

The Anderson amendment would make the entire country give up a portion of its trust fund moneys to give the big cities yet an extra slice out of the bill.

It sebms to me that the committee has been more than generous with the cities. It has given them the option of flexibility that they say they want. It even gives it to them on advance obligational authority. But still they are not satisfied.

What they really appear to want is not money for mass transit—which the committee bill gives them—but to bust the trust fund.

I am perfectly willing to help them with their legitimate needs, but I am not prepared to take money out of the trust fund—which belongs to the country as a whole for highway purposes—simply to satisfy their apparently insatiable demands.

For these reasons, I will vote no on the Anderson amendment.

Mr. McCLORY. Mr. Chairman, I rise in support of the amendment offered by my colleague from California (Mr. ANDERSON) to the Federal Aid Highway Act (S. 502). Indeed, I am cosponsor of legislation which is identical to the Anderson amendment.

This amendment would permit highway funds allocated for urban use to be employed in behalf of highway congestion in our urban areas of 50,000 or more—and would authorize the appropriate use of a portion of these funds for such urban transportation purposes as are determined to be most essential by municipal or regional officials.

Mr. Chairman, in furthering the Anderson amendment, I am convinced that my position is consistent with the best interests of the highway users—those who travel by automobile and who pay the taxes for such automobile use from which the highway fund has been established.

Mr. Chairman, as chairman of the committee on highways and traffic regulations of the Illinois State Senate for 10 years before my election to the Congress, I am conscious of the need for adequate highway funds. Also, I am aware that by virtually forcing commuters and visitors to travel by automobile to the



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core areas of our urban centers, we are contributing to traffic stagnation, critical air pollution, and economic detriment to the urban areas themselves. We should not continue to pursue such a policy.

By permitting highway funds to maintain existing urban mass transit services—whether public or private and whether motorized or rail service—we are relieving the highways for the benefit of the motorists who must and will continue to use the highways for their transportation.

Mr. Chairman, I am convinced also that under the Anderson amendment no part of the highway trust funds which are presently allocable to rural areas will be diverted to any urban uses. Accordingly, I am hopeful that this House of Representatives will today give its approval to the Anderson amendment and to the forward looking philosophy for urban development which it contemplates. I am certain that adoption of this amendment will be in the best interests of all of my constituents from both the urban and rural areas of the 13th District of Illinois.

Mr. FRENZEL. Mr. Chairman, the Anderson amendment to the Federal Aid Highway Act of 1973 will provide our urban communities with the necessary flexibility to plan and execute a coherent transportation plan for their area, taking into account local needs and desires. The amendment is biased neither for or against any particular mode of transit. If local elected officials prefer to depend exclusively on the automobile for their transportation needs, Federal funds would continue to support this decision. If, on the other hand, individual communities prefer to develop a more balanced transportation system, this amendment would for the first time allow them to use their urban trust funds for mass transit purposes.

My recent congressional district survey indicates strong support for an Anderson-type amendment. Fully 80 percent of those who responded to my questionnaire favored using a portion of highway taxes for mass transit purposes. It no longer makes any sense to force local officials to make transportation decisions based for the most part on what Washington is willing to fund or not fund. This inflexibility has played a significant role in deflecting transportation planning at the local level away from mass transit development and the social and economic costs have been enormous.

The Anderson amendment holds out the only realistic hope for providing substantial additional funds for the development of mass transit systems at this time. Attempts to secure additional funds out of general revenues for mass transit fly in the face of this administration's determination to keep the lid on new spending programs not in the budget. Hopefully the House will act today to give local officials, charged with the responsibility for transit planning, a free hand to establish their own priorities for public transportation capital expenditures.

The President, Secretary of Transportation. Claude Brinegar, and his predecessor Gov. John Volpe are to be commended for their leadership in spearheading the drive for enactment of this important amendment.

Mr. HARRINGTON. Mr. Chairman, I rise in support of S. 502, the Federal Aid Highway Act of 1973, and the amendment offered by the Honorable GLENN M. ANDERSON of California.

The greatest issue faced by the Congress in the Federal highway program over recent years has been the flexible use of Federal highway funds for mass transit. Should moneys set aside for the construction of highways be used for the development of a balanced transportation system, including the construction of mass transit facilities? The answer to this question must be in the affirmative.

First, while the highway trust fund has created an outstanding Interstate Highway System, mass transit has been sadly neglected by the Federal Government. In 1970, the Congress finally recognized the need for more than token funding for mass transit; $3.1 billion was appropriated to be distributed over a 5-year period at an annual average of $620 million. From 1964 to 1969, however, only $1 billion was allocated for mass transit use. During that same period, revenues generated from the highway trust fund totaled upward of $5.7 billion a year—roughly five times more than the spending for mass transit. We have made a beginning, but clearly we have a long way to go.

Second, precedent is on our side. Part of the trust fund has already been used for nonhighway construction. Precedent and principle should guide us in making the most useful allocation of trust fund moneys possible.

Finally, the pressing needs for adequate, rapid, comfortable, environmentally clean rapid transportation in our major urban areas argues persuasively for Federal outlays to build mass transit facilities, and to redress the imbalance between the availability of automobile transportation and rapid mass transportation.

For these reasons, I believe it only rational to expend funds from the highway trust fund for the purpose of improving and expanding our mass transportation system. The bill before us today would do this, and the Anderson amendment, which I have cosponsored and strongly support, would take us a step further.

National transportation priorities, for both highway and mass transit, must reflect current national needs regarding the protection of the environment, assistance for urban transportation needs, conservation of our energy resources, greater popular participation in planning and development, and, the safety of our citizens. The indefinite continuation of the highway trust fund could deter the construction of more pressing non-highway facilities. The 1973 Federal Aid Highway Trust Act would, to some degree, avert this danger, by providing for such nonhighway construction purposes as public mass transportation facilities including bus lanes, traffic control devices, passenger loading areas, shelters, and parking facilities. Increased funding is also included for such purposes as expanded highway safety programs; removal of roadside hazards; the effects of drug usage on drivers and other areas of highway safety research; the elimination of railroad grade crossings; pavement marking; correction of hazardous locations on the highways; driver education and evaluation; court and police enforcement of local traffic infractions; statistical studies of significant accident reporting data; pedestrian safety; and access facilities for the handicapped.

These are all desirable ways in which to spend moneys designed to improve our national transportation network, and I support the bill for this reason.

In addition, however, Representative ANDERSON has offered an amendment to this bill which would provide greater flexibility in funding formulas. This flexibility is vitally important because it allows local officials a choice in the use of their share of the Federal funds they now receive by permitting the construction of bus or rail transit systems as well as the construction of highways. Urban areas are now only permitted the use of urban system funds for highway use and related construction projects.

This amendment would affect only the urban system moneys of the highway trust fund. These funds are set at only $700 million annually for fiscal year 1974 to fiscal year 1976. It will not affect the Interstate System or the primary or secondary road system.

This is a means of providing urban areas the use of their Federal highway funds in a fashion they believe will best contribute to the solving of their transportation problems.

It might be argued that this use will be a breach of the original intent of the highway trust fund. However, the fund has been directed toward other nonhighway construction purposes throughout the years, and we now face a more pressing need for urban mass transit than for more urban highways.

I have personally advocated the elimination of the trust fund in favor of a general transportation fund to deal with highway construction, railway needs, urban transit, airport improvement, and maritime requirements in a comprehensive overall plan. I am aware that the enactment of such legislation is a political impossibility at this time.

The Anderson amendment is a positive step in the right direction. It is a long needed proposal directed toward the consolidation of our interrelated transportation system. Our future transportation needs dictate the need for the utmost flexibility in the use of transportation directed revenues.

S. 502 recognizes, in part, many of the demands on our transportation system, but without the inclusion of the Anderson amendment, it will not provide the flexibility that is so urgently required in the use of funds in our urban areas. I urge the Congress to permit a portion of the highway trust fund to be used in a more rational way, thereby allowing mass transit capital investments where communities so desire. In short, I urge the Congress to support the passage of S. 502 and the Anderson amendment.



Mr. MILFORD. Mr. Chairman, today I have witnessed as many of my colleagues have sought, for seemingly noble and worthwhile reasons, to say to the American motorist: "I am sorry, but what I have been telling you for years no longer applies"—or, in short, "My word is good until I change my mind."

Back home in my district, the 24th of Texas, our folks operate under what, at times in this body, seems to be an outmoded form of logic. If they give you their word, you can count on them keeping it from then on—without hesitation, without reservation, and without changing to accommodate themselves. That old-fashioned type of logic seems pretty valid to me, and I do not intend to break my word now simply because someone else thinks it is expeditious or currently advantageous.

None of us opposes the building of the vital and necessary mass transit facilities, but many of us do vigorously oppose robbing the highway "trust" fund for a purpose for which it was never intended. The American people paid their tax money into this fund for a specific purpose—so they could have better highways—what is happening today is an abrogation of that trust.

We are not free to simply say to the motorist of our Nation, "even though you paid this money into this trust fund for the specific purpose of building the world's finest highway system, we have decided that we're going to use it for something totally unrelated." My dear colleagues, this is not our prerogative. We cannot set this psychological precedent and allow this to become the law of the land—this is not only unfair to our people—it is dangerous for our Nation.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that the House will expeditiously act in the approval of this amendment designed to establish a modern, progressive Federal-Aid Highway Act.

Certainly, Mr. Chairman, such a strengthened measure would, in the judgment of a great many respected authorities, have to grant the option to local governments to use part of their Federal highway fund allocations to help overcome the increasingly burdensome problems of hazardous and intolerable auto and noise pollution and abnormal traffic congestion.

Mr. Chairman, from every ordinary standard of good judgment and prudent financing, it impressively appears that the highway fund is large enough to permit this type of reasonable "sharing"; that there is an imperative current need throughout the country to resolve a veritable plague of traffic tieup frustrations; and that the wholesome benefits of mass transit improvement and pollution correction will fall equally on highway users as well as everyone else. In fact we might well ask who, these days, is not a highway user?

By providing State and local officials with the opportunity to determine, based on their pressing needs and priorities, whether to spend urban funds for highways or mass transportation, there will be no change whatever in the State-by-State allocation of funds nor will there be any adverse effect on the completion of the Interstate System or other approved highway projects. In adopting this modern approach to meeting the growing transportation needs of the Nation, no State will get less money but all States will benefit by having the option to use highway fund moneys to assist in coping with the wide variety of national transportation needs.

Mr. Chairman, the urgency of initiating mass transit improvement, together with auto and noise pollution control, is very great and a progressive modern Federal highway assistance measure constitutes a substantial forward step toward an effective and equitable solution of these present-day crises. Therefore I hope that the House will speedily take this forward step in the national interest.

Mr. HORTON. Mr. Chairman, I rise in support of the "urban flexibility amendment" offered by Mr. ANDERSON. The amendment would permit local officials in urban areas to use their share of the $700 million in urban systems funds from the highway trust fund to meet nonhighway transportation needs. Specifically, the amendment would allow the Department of Transportation to approve urban system public mass transportation projects involving construction of rail facilities or purchase of passenger equipment.

While the highway trust fund has proven to be an extremely successful program, it is time that we adapt to an era of changed transportation needs. There is strong opposition in our metropolitan areas to the construction of new and wider swaths of concrete through and around our cities, parks and suburbs. While there is clearly a need for good road systems capable of handling commuter auto traffic, there is an equal, and in some areas an even greater need for more efficient means of public transit. The growth of our metropolitan areas and the problems of highway deaths, air pollution, noise pollution, and scrap disposal all put into question a transportation system that relies solely on cars and highways. But our emphasis on highways continues. In fact, 60 percent of the total federal transportation budget is spent on highways and only 4 percent on mass transit.

The amendment under deliberation would not require use of trust funds for mass transit, but would merely give localities the flexibility to spend money on highways, mass transit bus systems, or mass rail transit in accordance with their needs. Favorable action on the amendment would in no way affect the interstate system or the primary/secondary systems. It would not reduce by a single penny the authorizations of the Public Works Committee bill.

Many motorists argue against opening the trust fund because they feel the taxes they pay on tires and fuel products should be used solely for highway purposes. The fact is that these taxes should be used not only to improve highways but also to compensate for the social, economic, and environmental costs which are brought on by highways and their users. One way to serve the interests of the motorist is to ease traffic congestion by providing convenient alternative means of transit.

Given the action already taken by the Senate and the administration's supportive stand on the Anderson amendment, the House remains the only roadblock to a modest effort to open up the trust fund. I hope that, at long last, the public interest will prevail over the vested interest of the very vocal opposition.

Mr. JONES of Alabama. Mr. Chairman, my comments on the need for maintaining the integrity of the House trust fund were printed in the April issue of the American Road Builder.

Because of the significance of these remarks to the debate today, several Members have requested that I make them available.

The article follows:

BUST OF TRUST FUND WOULD BE A DOUBLE FAILURE

Since the first days of the iron horse, rail transit has been an alluring idea that has lagged far behind its promise.

During the past hundred years, public funds without end have been invested in rail transit systems by Federal, state, and local governments.

The result of this massive investment today has been bankruptcy and financial failure even in our most densely populated urban corridors which presumably are most dependent on rail transportation.

At this time, an unlikely assortment of allies has banded together in yet another raid on public funds for advancement of rail transit.

The well publicized goal of the raiders is the Highway Trust Fund established by the Federal Highway and Highway Revenue Acts of 1956.

Should the air be successful it will mean a double failure by the government in its obligations to the citizens.

The first failure will be reflected in the higher death rates, lost time, and greater inconvenience and cost which will result from delays in completion of an adequate highway system for which he is paying.

The second failure will be the breach of trust by the government, as represented by the Congress and the Administration, with its citizens in the obligation to devote taxes imposed on a specific group of users to purposes related to their enhancement.

Because of the delays and stretchouts in the highway construction program by the past two Administrations, a citizen may rightly feel his government has failed him already in the first instance. Completion of the Interstate is particularly critical in urban areas where unfinished sections expose out-of-state travelers and locals to delay, expense and potential accident hazards.

The still incomplete Interstate System and the vast catalog of unfilled highway improvements are mute testimony to the fact that there is no surplus in the Highway Trust Fund. There has been a clear failure to allocate these funds to their proper purpose.

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Even if the Fund had a valid surplus, no amount of non-related need would make right a diversion of the funds from their legal and intended use.

A review of the Nation's highway program is essential to understanding the special nature of the Highway Trust Fund and its legal uses.

Our modern highway program had a modest start with the Federal Aid Road Act of 1916 which provided $75 million over a five year period for the improvement of rural post roads.

The problems of rail congestion experienced in the Northeast during World War I proved the necessity for an alternative transportation system and the Federal Highway Act of 1921 called for "such projects as will expedite the completion of adequate and connected system of highways, interstate in character."

This was a move away from parochial interests toward a national program of arterial routes, a concept which expanded the ability and right of a citizen to move beyond the confines of his own community.

The Act recognized that the national interest required highway linkage of the separated sections of the country.

The importance of highways to social, commercial and defense requirements continued to increase and gain attention. A report on the need for Interregional Highways in 1944 laid a blueprint for the Interstate System which was recommended by the Clay report of the early 1950's.

President Eisenhower sent up legislation in 1955 calling for the construction of the Interstate and its financing by a $25 billion bond issue to be repaid over 30 years.

The Public Works Committee rejected the bond proposal because hearings developed that $11 billion would be required to pay interest and service on the bonds.

The Committee decided on a pay-as-you approach as more economical and we got up a tax program that would finance the much needed Interstate Program.

While it was a bit unusual for a regular authorizing committee to prepare and insert taxes into a legislative program, the Speaker agreed to send members of the Ways and Means Committee over for hearings on the proposal.

The legislation was reported out in two sections, one authorizing the construction and the second providing the financing through the Highway Trust Fund.

Until the Highway Revenue Act of 1956 authorized creation of the Trust Fund, appropriations for financing of roads and highways were from the general funds. Prior to 1956, the Federal taxes on motor fuels, motor vehicles and associated products were placed in the general fund. Although highway related revenues were about the same as highway related expenditures, there was no formal link between the two.

In establishing the Highway Trust Fund, the Congress made a commitment to all the people that those who were going to use the highways would pay for them. There was a parallel commitment to the motorist that his user taxes would be engaged to make highway improvements to save time, help prevent accidents and deaths, and reduce the cost of movement.

We can justify the user taxes only to the extent that the payer receives an adequate return for his special tax. If a trust fund is put to other purposes, the user tax which supplies it is either discriminatory or too high.

Even with the self-financing program the highway proposal was defeated on the first trip to the floor.

On the second trip, some six months later, the Eisenhower financing plan for 30-year bonds was offered as a substitute but it was defeated on the floor. The historic legislation was adopted with only 18 nay votes.

Thus, we established the present highway programs in which motorists are required to pay for highways and the user taxes are earmarked to enhance highways and highway travel.

The Trust Fund Tax Program increased a number of highway-related excise taxes to meet anticipated expenditure requirements. The excise taxes on some of the highway-related revenues continued to go into the general fund. Adjustments have been made in the revenues as requirements changed.

The Administrations of recent years, however, have refused to commit the resources of the fund to their intended and required use. The motoring public has suffered through curtailments, impoundments, freezes, and deferments. Thus, the so-called surplus in the fund is more apparent than real.

There is a staggering backlog of road-related needs: new bridges, elimination of high hazard locations, separation of grade crossings, improvement of major corridors and completion of the Interstate System.

Diversion of highway user taxes in face of the legitimate highway improvement needs would be a failure of the government to fulfill an obligation to the vast motoring public which has participated in the fund with the promise of improved roadways.

There can be no doubt that mass transit, as an element of transportation, is in serious trouble. In spite of increasing population and growing urbanization, 268 transit systems have ceased operations in twenty years.

Ridership has decreased from 17 billion in 1950 to 7 billion today.

Municipal subsidies to transit systems have increased by 300 percent in the past 10 years.

In the major cities of the world with mass rail transit systems, traffic congestion and movement problems seem just as severe as in those without.

Those who urge a raid on the Highway Trust Fund for rail transit in an effort to realize fiscal goals or economy suffer perhaps the greatest illusions. They completely ignore the total costs associated with construction and operation of such systems in an effort to temporarily solve a vexing problem—serving a need while restraining new expenditures.

The motorist, on the other hand, comes closer to completely paying for his transportation through the user taxes which build the roads and his private investment in automobile and fuel.

He is going to be severely shortchanged, however, if the trust fund raiders are successful in diverting resources from programs needed to improve safety and economy of operation of our Nation's road system.

In several cities, it may be possible to make a case for rail transit systems, but in each, it will only be as a part of a total transportation system, where roads and highways are an essential element.

The transit case should be presented on its own merits and funds should be made available from general revenues if the requirements are as urgent as the trust busters would like for you to believe.

Because of the limitations of the trust fund, if the raiders have their way, the public is going to find it has neither adequate rail transit nor adequate roads.

The lure of the rail will again prove to be more of a promise than a reality.

Mr. RANDALL. Mr. Chairman, while I enthusiastically support the Federal-Aid Highway Act of 1973, I cannot support the amendment by the gentleman from California (Mr. ANDERSON) that would provide for diversion to mass transit.

None of us are opposed to mass transit. As a matter of fact, our committee bill provided for $3 billion in additional contract authority for mass transit out of general revenues. The Anderson amendment, however, would have allowed $700 million a year to be taken from Federal-aid urban system funds to be used for improvements for mass transit. Already in the bill was the flexibility for the locality to choose to use urban mass transit funds in lieu of urban highway system funds. If a city chose to do so, it could return the money allocated to that urban area to the highway trust fund, and would receive contract authority from general revenues in an amount equal to the amount returned to the highway trust fund.

I am totally opposed to the invasion of the trust fund, first and foremost because it violates a trust or a commitment made many years ago. But, Mr. Chairman, I am also opposed to this diversion of funds because there are so many improvements yet needed to be made in the national highway system. The volume and cost are staggering. While there are no statistics on the number of dangerous curves needed to be eliminated, there must be thousands. There is a figure on the number of narrow bridges. There are 6,000 in the primary system where the roadway is less than 20 feet wide. Safety statistics indicate that as our highways are improved the highway death rate goes down. Put very simply, there yet remain thousands of killer bridges, thousands of killer curves, and hundreds and hundreds of killer railroad grade crossings. All of these death traps can in time be eliminated if we continue to spend the money from the trust fund for the purpose for which it was intended, and not allow diversion for so-called mass transit needs.

There is an additional and a very interesting reason why I oppose an invasion or a diversion of highway trust funds to transit uses. We all know there is a rail crisis in America. Thousands of miles of railroad trackage are being abandoned, mostly in rural areas. The loss of this railroad service to agricultural areas will have a direct and lasting effect on the cost of food to the consumer. The only remaining alternative to hold down food prices is to improve the local roads serving these communities. There is a rising consumer concern over food prices. Present rail abandonment has thrown millions of tons of consumer products onto inadequate roads and bridges, some of which were built back in the 1930's. We hear that all of the Northeastern railroads may soon be bankrupt. There has been testimony of rail abandonment in Minnesota and Wisconsin. The Penn Central is in deep trouble. But if we let any of the money from the highway trust fund to be diverted there will be no way to bring these Federal-aid primary and secondary roads up to acceptable standards to handle the new loads that cannot now be handled by farm-to-market roads. Thus rising food prices are another factor in this opposition to the diversion of highway trust funds.

A basic consideration we must all remember is that we must first complete the interstate system. It is a commitment Congress made to the people of the United States, and must be fulfilled. It is just not true that the supporters of the interstate system oppose mass transit. But it is extremely important to remember that the needs are great in both highway construction and mass transit, and we should not sacrifice one program to help the other.

Today we hear so much about traffic pileups and traffic jams. We should remember, however, that statistics will prove that those areas which have mass transit have the worst traffic pileups and traffic jams of all, and I refer to Boston, Chicago, Philadelphia, and New York. The important thing is that all traffic in these areas must be kept moving. Every year we add millions of new vehicles to the roads. One statistic that we should never fail to keep in mind is that 12 vehicles moving along emit less carbons than one vehicle standing on a traffic-crowded road. The consideration of thiis fact alone should be reason enough to continue to support the highway program and oppose diversion of funds to any type of transit system.

Mr. FRASER. Mr. Chairman, I rise to support the amendment of the gentleman from California (Mr. ANDERSON).

I think it is significant that we are debating this measure to strengthen mass transit just after we have received the President's energy message. In that message, the President told us that:

> If present trends continue unchecked, we could face a genuine energy crisis.

Some of us, I know, feel that the crisis is already upon us, but it is clear that the problem will only become more intense if we continue to rely as heavily as we do now on the automobile to move us from our homes to our jobs and back again.

Improved mass transit can and will do much to ease the current oil shortage. Studies have shown that a 25 percent diversion of auto traffic to transit would reduce petroleum demands nationally by almost one-half million barrels daily.

Even if energy were not a factor, this amendment would be necessary solely on transportation grounds. Our highways and freeways have become so congested and backlogged with commuters that no one really benefits. One historian recently discovered that traffic during peak periods in New York City actually moved faster in 1900 than it does today.

By permitting local urban officials to use their share of the highway trust fund for mass transit, as this amendment would let them do, we are giving these officials a tool to use land in a more rational way and to transport people in a safe, efficient and economic manner.

The Anderson amendment deserves our support. I urge its adoption.

The CHAIRMAN. All time has expired.

The question is on the amendments offered by the gentleman from California (Mr. ANDERSON).

RECORDED VOTE

Mr. ANDERSON of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 215, not voting 28, as follows:



[Roll No. 110]

AYES—190

| | | | | | |
|---|---|---|---|---|---|
| Abzug | Fraser | Obey | Howard | Mollohan | Slack |
| Adams | Frelinghuysen | O'Brien | Huber | Montgomery | Smith, Iowa |
| Addabbo | Frenzel | O'Neill | Hudnut | Myers | Snyder |
| Anderson, Calif. | Frey | Owens | Hunt | Natcher | Spence |
| Anderson, Ill. | Gaydos | Pepper | Hutchinson | Nelsen | Staggers |
| Annunzio | Giaimo | Pettis | Ichord | Nichols | Steed |
| Ashley | Gilman | Peyser | Jarman | O'Hara | Steiger, Ariz. |
| Aspin | Goldwater | Pike | Johnson, Calif. | Parris | Steiger, Wis. |
| Badillo | Grasso | Price, Ill. | Johnson, Colo. | Patman | Stephens |
| Barrett | Green, Oreg. | Pritchard | Johnson, Pa. | Perkins | Stubblefield |
| Bell | Green, Pa. | Rangel | Jones, N.C. | Pickle | Stuckey |
| Biester | Gubser | Rees | Jones, Okla. | Pcage | Symms |
| Bingham | Gude | Regula | Jones, Tenn. | Preyer | Taylor, Mo. |
| Boland | Hanley | Reid | Karen | Price, Tex. | Taylor, N.C. |
| Bolling | Hanrahan | Reuss | Ketchum | Quie | Thomson, Wis. |
| Brademas | Harrington | Riegle | Kuykendall | Quillen | Thone |
| Brasco | Hawkins | Rinaldo | Landgrebe | Railsback | Thornton |
| Broomfield | Hechler, W. Va. | Robison, N.Y. | Landrum | Randall | Towell, Nev. |
| Brotzman | Heckler, Mass. | Rodino | Latta | Rarick | Treen |
| Brown, Calif. | Heinz | Rogers | Leggett | Rhodes | Ullman |
| Brown, Mich. | Helstoski | Roncallo, N.Y. | Litton | Roberts | Vander Jagt |
| Buchanan | Hicks | Rosenthal | Long, La. | Robinson, Va. | Veysey |
| Burgener | Hinshaw | Rostenkowski | Lott | Roe | Waggonner |
| Burke, Calif. | Holtzman | Roush | Lujan | Roncalio, Wyo. | Walsh |
| Burke, Fla. | Horton | Roybal | McCollister | Rooney, Pa. | Wampler |
| Burke, Mass. | Hungate | St Germain | McEwen | Rose | Ware |
| Burton | Jordan | Sarasin | McFall | Rousselot | White |
| Carey, N.Y. | Karth | Sarbanes | McKay | Roy | Whitehurst |
| Carney, Ohio | Kastenmeier | Schneebeli | McSpadden | Runnels | Whitten |
| Chisholm | Keating | Sebelius | Mahon | Ruppe | Williams |
| Clay | Kemp | Shipley | Mann | Ruth | Wilson, Charles, Tex. |
| Collier | Kluczynski | Smith, N.Y. | Maraziti | Sandman | Winn |
| Conable | Koch | Stanton, J. William | Martin, Nebr. | Satterfield | Wright |
| Conte | Kyros | Stratton | Mathis, Ga. | Saylor | Wyman |
| Conyers | Lehman | James V. | Mayne | Scherle | Young, Alaska |
| Cotter | Lent | Stark | Melcher | Schneebeli | Young, S.C. |
| Coughlin | Long, Md. | Steele | Michel | Sebelius | Young, Tex. |
| Cronin | McClory | Steelman | Milford | Shoup | Zablocki |
| Culver | McCloskey | Stokes | Miller | Shriver | Zion |
| Daniels, Dominick V. | McDade | Stanton, Studds | Mills, Ark. | Shuster | Zwach |
| Danielson | McKinney | Sullivan | Mills, Md. | Sikes | |
| Delaney | Macdonald | Symington | Mitchell, N.Y. | Sisk | |
| Dellenback | Madden | Teague, Calif. | Mizell | Skubitz | |
| Dellums | Madigan | Thompson, N.J. | | | |
| Derwinski | Mailliard | Tiernan | | | |
| Diggs | Mallary | Udall | | | |
| Dingell | Martin, N.C. | Van Deerlin | | | |
| Donohue | Matsunaga | Vanik | | | |
| Drinan | Mazzoli | Vigorito | | | |
| du Pont | Meeds | Waldie | | | |
| Eckhardt | Metcalfe | Whalen | | | |
| Edwards, Ala. | Mezvinsky | Widnall | | | |
| Edwards, Calif. | Minish | Wiggins | | | |
| Eilberg | Mink | Wilson, Charles H., Calif. | | | |
| Erlenborn | Minshall, Ohio | Wolff | | | |
| Esch | Mitchell, Md. | Wyatt | | | |
| Eshleman | Moakley | Wydler | | | |
| Evans, Colo. | Moorhead, Calif. | Wylie | | | |
| Fascell | Moorhead, Pa. | Yates | | | |
| Fish | Mosher | Yatron | | | |
| Foley | Moss | Young, Fla. | | | |
| Ford, William D. | Murphy, Ill. | Young, Ga. | | | |
| Forsythe | Murphy, N.Y. | | | | |
| | Nedzi | | | | |
| | Nix | | | | |

NOES—215

| | | |
|---|---|---|
| Abdnor | Camp | Findley |
| Alexander | Carter | Fisher |
| Andrews, N.C. | Casey, Tex. | Flood |
| Andrews, N. Dak. | Cederberg | Flowers |
| Archer | Chamberlain | Flynt |
| Arends | Chappell | Ford, Gerald R. |
| Armstrong | Clancy | Fountain |
| Ashbrook | Clausen, Don H. | Froehlich |
| Bafalis | Clawson, Del | Fulton |
| Baker | Cleveland | Fuqua |
| Beard | Cochran | Gettys |
| Bennett | Cohen | Ginn |
| Bergland | Collins | Gonzalez |
| Bevill | Conlan | Goodling |
| Blackburn | Corman | Gray |
| Blatnik | Crane | Gross |
| Boggs | Daniel, Dan | Guyer |
| Bowen | Daniel, Robert W., Jr. | Haley |
| Bray | Davis, S.C. | Hamilton |
| Breaux | Davis, Wis. | Hammer-schmidt |
| Breckinridge | de la Garza | Hansen, Idaho |
| Brinkley | Denholm | Harsha |
| Brooks | Dennis | Hastings |
| Brown, Ohio | Dent | Hays |
| Broyhill, N.C. | Devine | Hébert |
| Broyhill, Va. | Dickinson | Henderson |
| Burleson, Tex. | Dorn | Hillis |
| Burlison, Mo. | Downing | Hogan |
| Butler | Duncan | Holt |
| Byron | | Hosmer |

NOT VOTING—28

| | | |
|---|---|---|
| Biaggi | Hansen, Wash. | Podell |
| Clark | Harvey | Powell, Ohio |
| Davis, Ga. | Hollifield | Rooney, N.Y. |
| Dulski | Jones, Ala. | Ryan |
| Evins, Tenn. | King | Talcott |
| Gibbons | McCormack | Teague, Tex. |
| Griffiths | Mathias, Calif. | Wilson, Bob |
| Grover | Morgan | Young, Ill. |
| Gunter | Passman | |
| Hanna | Patten | |

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HANLEY

Mr. HANLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANLEY: Page 124, strike out line 10 and all that follows down through and including the line following line 12 on page 125.

Renumber succeeding sections and references thereto accordingly.

Mr. HANLEY. Mr. Chairman, the intent of this amendment is very important although easy to understand. What we are doing is striking an amendment which prevailed in the committee. The issue at stake is flexibility or earmarking. If the provisions of the bill prevail, we will have removed from State jurisdiction the ability to determine need, in allocating these funds. So, I do not believe that as a matter of policy it is the intent of Congress that allocation be determined on a per capita basis, and as opposed to this I believe it is the intent of Congress that such allocations be based on need.

For instance, in my home State, the State of New York, which would enjoy about $77 million as a result of this program, about $55 million would be earmarked for the city of New York and in part of the city of Buffalo, these being

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the only two cities in that State which enjoy a population in excess of 400,000. So if your district is composed of cities with populations of less than 400,000, I earnestly urge those Members to take a keen interest in this amendment. There are only 32 cities in the entire United States that would meet this criterion.

Again, the language would provide that cities with populations in excess of 400,000 would be guaranteed their share. The rest of the State would enjoy what is left from the pie. For the State of New York that means only about $32 million of the entire $77 million could be allocated to the entire rest of the State. In fact communities surrounding but outside of the city of New York could be denied funds commensurate with the need that might prevail.

The National Association of Counties incidentally is in earnest support of my amendment which would strike that language. The National Conference of Governors is in earnest support of my amendment which would strike that language.

So in essence by striking the present language we would then be assigning to that respective State department of transportation the ability to determine where the need for this allocation exists in that particular State. Without the success of this amendment, each State would be denied that opportunity and would have to earmark funds to the degree that is required in this present language of the bill.

Incidentally as I note the committee report, it somewhat verifies the intent of my amendment. This is from the committee report:

Experience shows that the States are best able to identify their most pressing needs and best able to determine the proper allocation of resources to geographic areas within their boundaries.

So I would say to the Members this is what it is really all about. Adoption of my amendment will assign to the respective States the opportunity to determine where the need in that State exists and in turn allocate the funding. Failure of my amendment then would revert to the committee language which would require that each State earmark this substantial proportion of the moneys to the larger cities, cities in excess of 400,000 population.

Mr. Chairman, I subscribe to the principle of providing the States with the most flexibility we can in meeting their most pressing transportation needs as they see them. I believe that the language of section 138 with its inflexible earmarking militates against the ability of each State to solve its most pressing transportation problems.

I object to guarantees of urban systems funds to any region of a State without regard to need and without regard to the priority decisions of the State on its transportation needs.

We have heard a great deal today about the need to provide flexibility in the use of transportation funds. I am a supporter of the Anderson amendment which provides that the $700 million in urban systems funds can be used to meet a variety of transportation needs.

I believe that section 138 of this bill militates against the principle of flexibility by earmarking exclusively for the largest cities in each State their share of the urban systems pie. We tread on dangerous ground when we talk in terms of shares, as they relate to transportation needs. I do not think that much can be accomplished in terms of the transportation needs of cities under 400,000 in population if we adopt the principle of earmarking of urban systems funds. All of the cities in each State under 400,000 in population will be left to compete with each other for the scraps of urban systems funds falling from the tables of the larger cities.

More than half of New York State's allocation for urban systems—55 percent to be exact—will be locked in irrevocably to the city of New York, without regard to its transportation needs or the needs of any other city in the State. This is unfair and shortsighted.

Either we favor flexible use of urban systems funds or we do not. Earmarking militates against flexibility, at least on a statewide basis. Flexibility would tend to support the concept of selecting priority transportation projects on the basis of need. Earmarking of funds solely on the basis of populations militates against priority decisions based on need.

I attach a letter from the National Association of Counties which further describes the significance and urgency of my amendment:

NATIONAL ASSOCIATION OF COUNTIES,
*Washington, D.C., April 18, 1973.*

HON. JAMES M. HANLEY,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. HANLEY: The National Association of Counties is strongly opposed to the provision in the Federal Aid Highway Act of 1973 which would earmark funds for cities over 400,000 population. (Section 138 of S. 502 as reported by the House Committee on Public Works). We support your amendment to delete this section.

Although the bill proposes to increase funding for the federal aid urban road system from $100 million to $700 million a year, this amount is still minimal compared to the total road and street needs in urban areas. Our needs will far outstrip available resources for many years to come. To make best use of these limited federal aid urban system funds, it is essential that a priority funding system be established which is based on needs. We believe these priorities should be determined at the state level where the needs of all the urban areas can be adequately considered.

We see no justification or rationale for separating out cities who happen to be over 400,000 population. Why should their needs be given special priority over the needs of other urban areas in a state? The same question can be asked regarding the funding of projects within a metropolitan area. In effect, central cities would be given special treatment over other urban governments in 33 metropolitan areas.

This provision ignores the complexities of jurisdictional responsibilities and current financing arrangements in large metropolitan areas. The federal aid urban system within a metropolitan area consists of major arterial streets and roads under the jurisdictions of a central city, suburban municipalities, one or more counties and in many instances the state highway department. The portion of the system under the control of the central city could be a small part of the total federal aid urban system within the metropolitan area. In addition, this system is connected to extensions of the federal aid primary and secondary systems which usually are under the control of the state. It not only is simplistic, but also unreal, to try to separate out one part of the system and give it a special priority over the rest of the metropolitan area.

The key issue should be flexibility in meeting varying state needs. In fact, the earmarking proposal goes in the opposite direction and is a step backwards.

We urge the Members of the House of Representatives to support your amendment to delete Section 138 from the bill.

Our kindest personal regards.

Sincerely,

RALPH L. TABOR,
*Director, Federal Affairs.*

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment. I understand and appreciate the concern expressed by my friend from New York (Mr. HANLEY). It was not the intention of the committee in adopting this section to do any injury whatever to any city that is not covered in the earmarking provision.

All the earmarking provision would do, would be to say that those cities of 400,000 and over will have earmarked for them out of the urban system an amount proportionate to the percentage that their population bears to the total urban percentage of the State.

Now, the urban program of a given State consists of all those cities and towns of 5,000 and more.

The purpose of the section, which was offered in the committee by the gentlewoman from New York (Ms. ABZUG) was not to deprive other cities of their rightful shares, but simply to let those large cities of 400,000 and more—and there are 32 of them in the country—know in advance how much of that money on a percentage basis rightfully ought to be theirs, in order that they might make some advance, long-term plans. That is the whole purpose.

I do not believe that the amendment works to the detriment of other cities. It applies only to the urban system, and therefore would not apply at all to the rural system, and it does not disturb all the money in the urban system.

Those 32 large cities, on the basis of their population as a percentage of the total population, would be entitled to approximately $188 million. That is $188 million out of the $700 million total set aside for urban highways. So, that means more than $500 million will be left for disbursement among the other cities in the country.

Admittedly, the 400,000 level was an arbitrary figure. I think it was accepted in committee for the reason that this was the figure established in the other body. It might have been 50,000, or it might have been 100,000. The idea behind establishing the figure at 400,000 was basically the thought that cities of that size probably need to have advance knowledge so that they can make long-term plans for their public hearings and otherwise accommodate all the other provisions of the law, and thus not have separate and interminable delays in the completion of



their particularly knotty and cumbersome highway problems.

I do not think the provision in the bill would actually inflict harm upon any other cities. For that reason, while I sympathize with the ideas expressed and the concern of the gentleman from New York and some of my other neighbors who do not represent cities of that size—I represent a city just barely under 400,000—I do not believe that this amendment is a necessary one.

Therefore the committee position would be to vote against the amendment.

PERFECTING AMENDMENT OFFERED BY MR. BUCHANAN

Mr. BUCHANAN. Mr. Chairman, I offer an amendment as a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. BUCHANAN: Page 124, strike out line 14 and all that follows down through and including the line following line 12 on page 125, and insert in lieu thereof the following:

"§ 149. Availability of urban system funds

"(a) Funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title which are attributable to urbanized areas having a population of 400,000 or more shall be allocated among such urbanized areas, or parts thereof, within any such State in the ratio that the population within each such urbanized area, or part thereof, bears to the population of all urban areas, or parts thereof, within such State.

"(b) Funds allocated in accordance with subsection (a) of this section shall be available for expenditure within any such urbanized area for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(c) Funds allocated to any urbanized area under subsection (a) of this section shall be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas agree to such availability.

"(d) Where the Secretary finds that any incorporated municipality having a population of 400,000 or more, or a combination of municipalities, at least one of which has a population of 400,000 or more, has sufficient authority under State law to develop and implement a plan for expenditure of funds attributed to such municipality or municipalities pursuant to this section and has adequate powers under State law and is suitably equipped and organized to carry out projects on the urban system, funds allocated to an urbanized area under subsection (a) of this section which are attributable to such municipality or municipalities shall be available to such municipality or municipalities for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title, and which shall not be in conflict with any State transportation plan approved by the Governor."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"149. Availability of urban system funds.".

Mr. BUCHANAN [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, the distinguished gentleman from Texas has made an eloquent defense of the language of the committee bill, which would even better apply to the amendment I now present as a second alternative.

The gentleman from New York (Mr. HANLEY) would have us strike this section. I would have us improve it to include all urbanized areas of 400,000 or more and to provide a passthrough formula for such areas.

This was proposed by the administration and endorsed again by the Secretary of Transportation in a letter on April 4. It is the language passed by the other body.

I would call this a "fair play to cities" amendment or an equal rights amendment to that majority—majority, if you please—of Americans who live in such urbanized areas.

It is one of the saddest but truest facts of life I know in this country that in this growingly urban Nation of ours many of the larger cities have been consistently discriminated against by their State governments in those areas where the State government has exclusive control over such Federal funds as these.

This has been the case in my own city of Birmingham, consistently through a series of administrations. We got our interstate money last, and only after a sustained fight to receive it. It was uneconomic, unjust and unwise, but it happened.

We do not get our fair share of urban systems money, although we are the largest city and our people are entitled to it as a matter of their rights as citizens of Alabama and of the United States.

I want to ask the Members to strike a blow for justice and for the people by accepting this perfecting amendment.

The city of the distinguished gentleman from Texas will be one of those included. I would urge my friends to check carefully their own cities, because there are many Members here who would find help for their constituents in the passage of this amendment.

The cities which would benefit directly from this amendment, Mr. Chairman include:

New York.
Los Angeles-Long Beach, Calif.
Chicago, Ill.
Philadelphia, Pa.
Detroit, Mich.
San Francisco-Oakland, Calif.
Washington, D.C.
Boston, Mass.
Pittsburgh, Pa.
St. Louis, Mo.
Baltimore, Md.
Cleveland, Ohio.
Houston, Texas.
Newark, N.J.
Minneapolis-St. Paul, Minn.
Dallas, Tex.
Seattle-Everett, Wash.
Milwaukee, Wis.
Atlanta, Ga.
Cincinnati, Ohio.
San Diego, Calif.
Buffalo, N.Y.
Miami, Fla.
Kansas City, Mo.
Denver, Colo.
San Bernardino-Riverside, Calif.
Indianapolis, Ind.
San Jose, Calif.
New Orleans, La.
Tampa-St. Petersburg, Fla.
Portland, Ore.
Phoenix, Ariz.
Columbus, Ohio.
Providence-Pawtucket, R.I.-Mass.
Rochester, N.Y.
San Antonio, Tex.
Dayton, Ohio.
Louisville, Ky., Inc.
Sacramento, Calif.
Memphis, Tenn.
Fort Worth, Tex.
Birmingham, Alabama.
Albany-Schenectady, N.Y.
Toledo, Ohio.
Norfolk-Portsmouth, Va.
Akron, Ohio.
Hartford, Conn.
Oklahoma City, Okla.
Honolulu, Hawaii.
Ft. Lauderdale-Hollywood, Fla.
Salt Lake City, Utah.
Omaha, Neb.
Nashville, Tenn.
Springfield-Holyoke, Mass.
Jacksonville, Fla.
Richmond, Va.
Bridgeport, Conn.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from California.

Mr. ROUSSELOT. Would the effect of the gentleman's amendment be to basically bypass the State highway commissions and/or operative organizations in each State?

Mr. BUCHANAN. The effect of my amendment would be to provide the same kind of passthrough formula, to provide their fair percentage to urbanized areas, as is true in revenue sharing and many other programs where we have found it wise to do so. The gentleman is correct.

Mr. ROUSSELOT. The respective State highway commissions, or whatever it is set up to analyze this, would be bypassed.

Mr. BUCHANAN. Yes, but only the fair share of the funds which by population these cities would merit would be required to be passed through.

Mr. ROUSSELOT. So, in effect, in the State of California, a city of 400,000 or more, they would bypass the State highway department?

Mr. BUCHANAN. Mr. Chairman, I would say to the gentleman from California (Mr. ROUSSELOT) that the committee amendment provides for cities of 400,000 or more; my amendment provides for that wider group, including the majority of American citizens who live in urbanized areas of 400,000 or more.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman yielding to me, and I appreciate he is attempting to answer my question.

It would, in fact, provide for the bypass procedure for the major cities to override the State highway department?

Mr. BUCHANAN. Mr. Chairman, it would provide for the passthrough procedure to protect the rights of the people who live in the cities of these United States, the majority of the people, and I urge the majority of those people through their representatives in this House to support this amendment and recognize that it is an equal-rights-for-the-people amendment, a fair-play amendment.

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I would say also that I know the gentleman from Texas and the gentleman from Ohio are Members who are wise and compassionate, and in their wisdom and compassion I know they will not pass by on the other side the many American citizens who are stranded by the roadside in America's cities and who need their help.

Surely, Mr. Chairman, they will strike a blow for justice by accepting my amendment.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not want to be guilty like the priest and the Levite of passing through—or passing by—on the other side. I thought I was being like a Good Samaritan when I spoke against the amendment offered by the gentleman from New York (Mr. HANLEY) and I, more or less, may have stretched a point in charity by saying that moneys ought to be earmarked for certain big cities.

But this substitute would go a very dangerous step further. My friends and colleagues, this is a lot different than earmarking so much money available for a city. This would utterly destroy the Federal-State partnership that has existed since the beginning of the highway program.

This would not just earmark moneys and say these are available for programs within those cities; this would say that the State highway department or the State department of transportation or the government of the States does not have one word to say about the disbursement of these particular funds.

It would take the money and deliver it directly from the Department of Transportation to the city, bypassing the State machinery, making all of the State rules and laws inapplicable to it.

If there were any State requirements for environmental impact studies, if there were any State requirements for city priorities, if there were any State requirements for determining public desires as to a certain corridor, all those would be bypassed.

This amendment was offered in our committee and was very strongly opposed by the National Governors' Conference; it also was very strongly opposed by the National Association of Counties; it also has been very strongly opposed and almost unanimously opposed by the American Association of State Highway Officials.

Mr. Chairman, as sympathetic as I am to my beloved colleague, the gentleman from Alabama (Mr. BUCHANAN) and as loath as I am to appear to "pass by on the other side," I still do not want to be guilty of passing through, or shall we say bypassing, the important filter of State administration. We should stop and think before we destroy the very precious and very delicate Federal-State relationship that exists within this program. So, Mr. Chairman, I urge the Members to reject the amendment offered by the gentleman from Alabama (Mr. BUCHANAN).

Mr. SNYDER. Will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I think the point has been made, as the gentleman said, that this was opposed back in the committee, but in reading the language and discussing it with the gentleman from Alabama (Mr. BUCHANAN) while we must have a city of 400,000 or more under his amendment for pass through, it also includes all of the other smaller municipalities in the group around that city, and the actual practical ability to be able to plan highways and to use this money in conjunction with it, where you may have 30 or 40 of these little communities nestled around the city, would run into so much red-tape, you would have the question of practical ability to be able to operate under this provision and bypass the State.

As the gentleman says, under this program, in an areawide system, a group of municipalities trying to coordinate really could not be put together, because this money comes directly from the Department of Transportation, but all of the other big cities would have to await the regular process in order to get their funds.

I may say I do not think that would be a proper procedure. It would ignore the plan that we have, if you want to put it that way.

Mr. SNYDER. That is right. It would be a real mess.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I am glad to yield to the gentleman.

Mr. SEIBERLING. I am a little bothered by the language of the committee bill that says funds apportioned to any State are attributable to incorporated municipalities having a population of 400,000 or more.

Take my own city of Akron. It has a population of 300,000, but it you include the other cities around it, is gets up to 500,000, and that would not be taken care of by this amendment.

Mr. WRIGHT. The gentleman is correct. It would not be. And it is further aggravated by the amendment offered by the gentleman from Alabama.

I happen to represent an area where I suppose the central city comes out to perhaps 398,000. I do not know exactly, but it is just short of 400,000. The contiguous metropolitan area consists of a conglomeration of smaller municipalities lying adjacent to the central city and to one another, as the gentleman describes in his own case.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. SEIBERLING, Mr. WRIGHT was allowed to proceed for 1 additional minute.)

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Should we not look at the actual metropolitan area and make that the criterion rather than incorporated municipalities?

Mr. WRIGHT. The bill does, of course, contain provisions for metropolitan area-wide planning and for their working through the State highway departments. I think the provisions of the bill are not mischievous on that score in earmarking of money, but the provision offered by the gentleman from Alabama, I believe, would be mischievous with regard to that areawide planning approach, in my judgment.

Mr. SEIBERLING. Thank you.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to associate myself with the remarks of the distinguished gentleman from Texas (Mr. WRIGHT) insofar as they apply to the Buchanan amendment.

This was offered in the committee, and I do not believe it is a good amendment. It is opposed by the Governor's Conference and by the AASHO.

We have already built into the law that no project would be built in any municipal area without the concurrence and cooperation of local officials, under the federal aid urban highway system. There is no need for this amendment.

I would like to make reference to the amendment offered by the gentleman from New York (Mr. HANLEY). We have in the bill a provision that he endeavors to strike out. The amendment was offered by Ms. ABZUG, and I did not raise any serious objections to it at that time, because I did not fully understand it, I am frank to admit, but let me point out to you what it does.

It deprives States of their rights under existing law to apportion funds on the basis of need and priorities. In other words, the Federal aid urban money is dedicated to the needs of an incorporated municipality of 400,000 or more in a State irrespective of the needs across the rest of the State.

For example, the State of Illinois, under the distribution of urban funds, would get $42.7 million, roughly. Chicago alone out of that $42 million total would get $18,163,000, leaving about $24.5 million to be divided across the rest of the State of Illinois. The suburbs of Chicago would have to fight with the rest of the State against the city of Chicago as an incorporated municipality and what it gets. The rest of the cities would have to scramble for what is left regardless of priority.

Now take the State of Michigan. Michigan gets $30.6 million, and yet the city of Detroit gets over $8 million of that and the suburbs of Detroit would be excluded. They would have to vie with all the other cities in the State of Michigan for the balance of about $22.5 million.

The same principle applies in Pennsylvania where they get $37,529,000.

Yet the city of Philadelphia and the city of Pittsburgh get $13 million, so that the suburbs of Philadelphia and the suburbs of Pittsburgh would have to get in line with all of the other cities in Pennsylvania to fight for the availability of some $24 million.

Let me illustrate to you what happens in Ohio. Ohio has $36 million coming, and roughly $10 million would be taken out of that for the incorporated city of Cincinnati, the incorporated city of Columbus, and the incorporated city of Cleveland, and all of the suburbs of Cleveland, Cincinnati, and Columbus would have to join with the rank and file of all of the other cities that fight for the remainder of the $26 million. This is totally unfair, and deprives the State of making the determination as to where the needs are and what the priorities based on the total transportation needs of their State.

I point this out to the Members of the House, and urge that the amendment offered by the gentleman from New York (Mr. HANLEY) be accepted.

Ms. ABZUG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Hanley amendment.

The "earmarking" provision of the bill, which would be stricken by this amendment, was adopted by the Public Works Committee after full and careful deliberation. It provides that cities with more than 400,000 population would be assured of having their proportional share of urban system funds—based upon population—spent within their boundaries. This will provide our major cities with stable sources of funding and will allow them to develop adequate, comprehensive plans for a balanced transportation program—without affecting the prerogatives or funding available to smaller communities. The committee has in the past been a staunch and reliable advocate of the interests of such smaller communities, and it has in no way let them down by adopting this provision.

The Federal-aid urban system is designed to serve the transportation needs of cities and metropolitan areas containing approximately 120 million people across the Nation. Of these, 35 million live in our 33 largest cities, those with populations of over 400,000. Under the provision in the bill, a proportional share of urban system funds—$188 million out of a total of $700 million—will be earmarked for expenditure within these 33 cities. The balance of urban system funds—$512 million—will remain available for expenditure in smaller cities and metropolitan areas in the same manner as at present. It was the committee's judgment that the proposed authorization level of $700 million for the urban system is sufficiently high to permit such earmarking without danger of dissipating the total amount apportioned to any given State.

In the 30 States which do not contain any city of over 400,000 people, this provision will have no effect whatever on the amount or manner of distribution of urban system funds. In the remaining 20 States—plus the District of Columbia and Puerto Rico—the provision will only assure that the large cities receive their fair share of the funds, in much the same way that each State is guaranteed its fair proportion of funds.

In concluding, I wish to note that this provision in no way affects or disturbs the allocation of funds for the Interstate, primary, secondary or urban extension systems, nor for most of the funds in the urban system. In addition, the States will still maintain control of the earmarked funds and will still have the final say as to the manner in which those funds are spent.

The committee has made in this provision a sincere and responsible effort to meet the pressing transportation needs of our major cities, without reducing in any way the funds to which smaller communities are rightly entitled. I believe that the committee deserves your support, and I urge you to vote down the Hanley amendment.

Mr. WRIGHT. Mr. Chairman, I wonder if we could get some agreement as to a time limit on this amendment, and the amendment to it. Therefore, Mr. Chairman, I ask unanimous consent that all debate—and I see that there are very few Members standing—on the amendment offered by the gentleman from New York (Mr. HANLEY) and the perfecting amendment offered by the gentleman from Alabama (Mr. BUCHANAN), and any amendments thereto, shall be finished in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. DANIELSON. Mr. Chairman, reserving the right to object, I rise in opposition to the amendments.

Mr. Chairman, the major shortcoming of this legislation is that we are looking at only one side of the highway travel coin—that is highway construction. The other side of that coin is the use of which those highways will be put—the automobiles which travel on the highways we are building. And it is becoming increasingly clear that these automobiles are causing some grave problems.

The insatiable appetite of our big American cars for gasoline is clearly the key to our current fuel shortage. The highway use of motor fuel exceeded 103 billion gallons in 1972 in the United States. If the automobiles of America were to average 25 miles per gallon, instead of the present 12.5 miles per gallon, obviously we would greatly lessen the fuel shortage, and with that we would reduce our balance of trade deficit.

Additionally, motor vehicles are responsible for over half of the 2 million tons of pollution which we dump into our air every year. If we could perfect smaller and cleaner-burning engines than those currently in use, we could avoid many of the problems associated with air pollution.

Car size is also a factor in highway congestion, the rate of highway accidents, the lack of parking in urban areas, and even the need for additional highway construction.

What we need is a comprehensive study and investigation of the relationship of car size to these problems.

I have sponsored a joint resolution, House Joint Resolution 301, which authorizes and directs the Secretary of Transportation to undertake such a study. This legislation, with 13 cosponsors, is currently pending before the House Committee on Interstate and Foreign Commerce.

I sincerely hope that Congress will order the undertaking of such a study before we pack up and go home at the close of the second session. We need this information if we are to make intelligent decisions about our highway program and about other pressing domestic problems.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BUCHANAN. Mr. Chairman, reserving the right to object, Mr. Chairman, I want to underline the fact that this is an administration proposal; it has been passed in the other body, and it has been endorsed by the Secretary of Transportation and the President, and I am for it.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. PEYSER. Mr. Chairman, reserving the right to object, I would agree to a time limitation being taken as long as it gives each Member who is standing at least 2 minutes of time, if that would be agreeable.

Mr. Chairman, I withdraw my reservation of objection.

Mr. WRIGHT. Mr. Chairman, how many Members were standing?

The CHAIRMAN. The Chair has approximately 10 or 11 Members on the list at this time.

Mr. WRIGHT. In that case, Mr. Chairman, I would ask unanimous consent that all debate conclude in 20 minutes on this amendment and any other amendments.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on the pending amendments and amendments thereto close in 22 minutes. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Each Member standing when the unanimous-consent request was agreed to will be recognized for approximately 2 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

(By unanimous consent, Messrs. DON H. CLAUSEN and FREY yielded their time to Mr. SHUSTER.)

Mr. SHUSTER. I thank the Chairman.

Mr. Chairman, I rise in opposition to the amendment. I rise in opposition to it for three reasons. The first reason is because it is patently unfair to all of the cities of America except those exalted 32 largest cities which are suggesting that they should be able to capture funds for themselves without going through the process which the rest of the cities of America must go through.

Mr. Chairman, there are 243 metropolitan areas in this Nation. Under this amendment 32 of those cities would be able to get their funds without having to justify them in any way, and the other cities of this nation would have to go with hat in hand to their State trans-



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portation departments, begging for the leavings and begging for the leftovers of the funds which they had hoped to get.

This simply is not fair. It is unfair to all of the cities, as well as rural America. It is unfair because the exalted 32 should have to follow the same process as the rest of America.

The second reason I object to this amendment is because it rejects the orderly planning process. The exalted 32 cities would be completely out of the planning loop. The State departments would not have any say-so in deciding what the statewide orderly planning process should be.

The third reason why this amendment should be rejected is because it is fiscally irresponsible. Historically we have decided to spend money on highways on the basis of need. This amendment, Mr. Chairman, says that we will spend money on the basis of population.

That is a fundamental change, and it is fiscally irresponsible. For these three reasons I urge this committee to reject this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HANLEY).

(By unanimous consent, Messrs. SISK and HARSHA yielded their time to Mr. HANLEY.)

Mr. HANLEY. I thank the gentleman from Ohio.

Mr. Chairman, not to belabor the issue, but in an effort to separate the two issues here, the Buchanan amendment versus my amendment, actually, and with due respect to Mr. BUCHANAN, essentially he would be doing about the same thing that the language of the Abzug amendment would do, and that is to remove from States the ability to determine their own priorities on the basis of needs within that State. Bear in mind support for the Buchanan amendment does pretty much the same as the Abzug amendment, contained in the committee language.

Support for my amendment, which Members will have the opportunity to vote on subsequently, will assign to the respective States the opportunity for that State Department of Transportation to determine where the need exists in whatever communities, irrespective of population, and allocate moneys accordingly. They will not be impeded by the restriction of earmarking funds. They, through the prerogative invested in that particular State, will determine the need and set the priority and as such determine where these moneys are to be spent.

Thus I ask for a "no" vote on the Buchanan amendment and earnestly appeal for a vote in favor of my amendment.

Mr. COTTER. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Connecticut (Mr. COTTER).

Mr. COTTER. Mr. Chairman, in other words the amendment offered by the gentleman would protect towns with populations of less than 400,000?

Mr. HANLEY. Precisely. There were only 32 cities in the United States which enjoy a population in excess of 400,000. The provision of the Abzug amendment would help those 32 cities, true, but at the expense of the less populous cities throughout the Nation.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, are there not a great many more urban areas which exceed 400,000 and which the Buchanan amendment would take care of?

Mr. HANLEY. But unfortunately it would create a bureacratic monstrosity which would in effect tie the hands of that State in its efforts to develop a sound transportation program. Either we will have a Department of Transportation enjoying the responsibility of providing the best possible transportation accommodation in that State or we will not have it. Support for the Buchanan amendment would deny the State that opportunity.

Mr. SEIBERLING. But some States do not have such a department. Is that not true?

Mr. HANLEY. Very few States, I would guess. And as the gentleman knows, the House did not agree to the language of the Buchanan amendment.

Mr. SEIBERLING. The House has not voted yet. Does the gentleman mean the committee?

Mr. HANLEY. The House committee did not. I would hope very much the House would not approve the Buchanan amendment and in turn would support my amendment and assign that prerogative where it should be which is with the respective States.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to agree with the points the gentleman in the well is making because California, as with many other States, is now moving in the direction of establishing a full cabinet-level Department of Transportation and if we are going to have sound management planning we must have sound transportation planning also. The official position of the State of California is in support of what the gentleman from New York is urging, that the States have the responsibility. Yesterday, I placed a telegram from Mr. James Moe, director of public works for the State of California stating their support for my position that supports Mr. HANLEY's amendment.

We must maintain the proven Federal-State and local coordinating relationship.

Mr. HANLEY. The National Association of Governors would be opposed to the Buchanan amendment and in support of my amendment, as would be the National Association of Counties.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. HANLEY. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, the gentleman is not suggesting that the committee bill is removing control of the State over those funds?

Mr. HANLEY. I am advising that it would require earmarking of funds and as such would remove from that State the prerogative of determining where need actually exists. We would be tying that State into an earmark situation whereas the determination should be based on need and not on a per capita basis.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. MCEWEN).

(By unanimous consent, Mr. MCEWEN yielded his time to Mr. PEYSER.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PEYSER).

Mr. MCEWEN. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New York (Mr. MCEWEN).

Mr. MCEWEN. Mr. Chairman, I rise in opposition to the Buchanan amendment and in support of the amendment offered by my colleague, the gentleman from New York (Mr. HANLEY).

Mr. Chairman, I think the amendment offered by the gentleman from Alabama would be an extension of the wrong concept, that is the destruction of the Federal-State relationship and in preferring certain communities over others.

I hope the amendment offered by the gentleman from Alabama will be defeated and the amendment offered by the gentleman from New York (Mr. HANLEY) will be approved.

Mr. PEYSER. Mr. Chairman, I find myself in an unusual position here. I do represent part of the city of New York in Congress. Obviously, I would be in support of anything that would help the City in achieving solutions to its problems and its goals.

However, I think that in the best interests of the State, and ultimately of the city of New York, the Hanley amendment should be agreed to. The Buchanan amendment should not be agreed to.

I received a letter yesterday from a former colleague of many who sit here today. He is now the mayor of New York City, John Lindsay. John Lindsay in his letter in speaking of this amendment says:

> This provision, which was inserted in the committee bill through the efforts of Representative Abzug, is essential to assure that major cities receive their rightful share from the Highway Trust Fund. We would strongly oppose any effort to delete it on the House floor.

I do not agree with Mayor Lindsay in this situation. I think all he is taking is a very provincial position in this matter.

It is essential, if you are going to have a meaningful mass transportation program to have a total State program, not one that speaks to one specific area and lets, in effect, the city of New York or any other city have what looks like an independent say on it. The need for mass transit does cross local boundaries and must be addressed by governmental bodies bigger than cities. States must be given the flexibility to create a coordinated plan.

I ask for support on the Hanley amendment and for the defeat of the Buchanan amendment.



Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, we have discussed the Anderson amendment. We are talking about flexibility of the States in future programs. Now, that provision in the bill would turn right around and deny that flexibility, would it?

Mr. PEYSER. The gentleman is absolutely correct. It would take it away.

Mr. HARSHA. It would deny the State the control of expenditures of money on the basis of priority to the State, would it not?

Mr. PEYSER. It seems to me the State priorities do consider the needs and priorities of the cities to take the right to decide priorities away from States would be a mistake.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

(By unanimous consent, Mr. FRENZEL yielded his time to Mr. BUCHANAN.)

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I have listened attentively to this debate, and would remind the members of this committee that I speak not just for myself, but for more than half of the people of America who live in the urban areas for which I would seek relief.

I would further remind the Members that this is not my proposal.

This amendment was proposed by the administration and was included in S. 502 as passed by the other body. On April 4, 1973, Department of Transportation Secretary Claude Brinegar, again urging its inclusion in this bill, said, in a letter to the Chairman of the Public Works Committee:

> Our proposal would require a specific allocation of urban system highway funds to any urbanized area with a population of 400,000 or more. This provision would insure that major urban areas, too, would receive substantial and continuous funding which would enable them to plan confidently and realistically for future projects to meet their transportation needs.
>
> Currently the states have complete control over the amount, if any, of available federal funds each urban area will receive. In addition to assured funding to urban areas, we propose that such earmarked funds be passed through directly to an urbanized area if it has an agency capable of planning and carrying out transportation projects.
>
> Local officials are in the best position to determine local transportation needs and solutions. Therefore, if local institutions exist which have the ability to effectively manage urban transportation programs, they should be given control of the funds available to deal with the problem.

I ask the committee and the great Committee on Public Works to recognize an historic change in our society, and a great present need. We have to wake up to the fact that most Americans live in such urbanized areas as those for which I seek relief in my amendment. We need to recognize that in many instances States have been unfair to their own large cities in their State policies when funds are controlled purely by the State.

These are Federal funds for urban areas, so designated. In my own city, we had taxes placed upon gasoline in our airports which killed our chance to grow in air traffic and greatly hurt our city and our State as well. It is so because our State was, for many years, dominated by a legislature controlled by 7 percent of the population of our State. Even after reapportionment, however, we do not yet get a fair shake from the State of Alabama in the city of Birmingham.

It is not one administration, but many administrations of State governments in my own State and elsewhere which have not given fair deals to their large cities, or the majority of people living in them.

Consequently, in its wisdom the Congress has a pass-through formula in revenue sharing, in many programs of direct Federal assistance to cities, and in many other ways in which we do in principle what we try to do in this amendment, simply to guarantee to the urbanized areas of 400,000 or more, and to the more than 100 million Americans who live in them, their fair share of Federal money for urban areas.

There is nothing mischievous, new or strange about this amendment. It is a fair play amendment. It is an equal rights amendment.

I urge the adoption of the Buchanan amendment and the defeat of the Hanley amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RONCALLO).

Mr. RONCALLO of New York. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I know I am opposed to the Buchanan perfecting amendment, so-called. I doubt very much that it is the business of the Congress of the United States on this occasion, to straighten out the past misdeeds of the Alabama Legislature.

I should like to address a question to the gentleman from Texas (Mr. WRIGHT) with respect to the section 138. I would preface it by saying that there are two cities in the State of Iowa of more than 75,000 population each which do not as of this day and hour have an interstate highway connection. It seems to me that this provision in the bill, with its mandatory provision, might work adversely to the situation in Iowa, and perhaps in other States. I should like to have the gentleman tell me whether that is not true.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. WRIGHT. Let me ask the gentleman from Iowa a question. Is there any city in Iowa over 400,000, in the last census?

Mr. GROSS. No, there is none.

Mr. WRIGHT. In that case this will not affect the State of Iowa one way or the other, because the State of Iowa would get its regular apportionment and it would divide it among its cities just as it has done in the past. The State of Iowa would not be affected one way or another.

Mr. GROSS. All right. Going beyond saying it could adversely affect cities of similar population in other States?

Mr. WRIGHT. If the gentleman from Iowa is correct in his interpretation, I do not believe that the provision in the bill would adversely affect anybody, because it does not take money away from one and give it to another. I do believe that the proposed Buchanan amendment could be very mischievous.

Mr. GROSS. I agree with the gentleman on that score, with respect to the Buchanan amendment, but I believe section 138 is a further breaching of the original purpose of the Highway Act and I am opposed to that section.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT) to close debate.

Mr. WRIGHT. Mr. Chairman, the committee hopes that Members will, by all means, vote down the Buchanan amendment, because it would breach the long-standing relationship between the Federal Government and the State highway departments and would make regionalized planning much, much more difficult.

As I tried to explain earlier, I do not believe it is necessary to support the Hanley amendment, because I do not believe that the language in the bill works to the detriment of any city. It merely earmarks moneys that would be applicable to the largest of the cities, to give them time for planning.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Texas.

Mr. PICKLE. It appears to me that the Hanley amendment is a more democratic aproach, and would allow not only the big cities but also the moderately large cities to have an opportunity to use these funds. Would not the gentleman agree it would be a matter of equity to allow the medium sized or moderate sized cities to get aid?

Mr. WRIGHT. As I said earlier, the 400,000 figure was arbitrary. It might as well have been 50,000 or 100,000. There has to be some point to determine that a city is so big that it requires advance knowledge of total funding availabilities.

The problems of the cities need understanding. I am not saying there was anything magic about that 400,000 figure at all. I do not believe, however, that the provisions in the committee bill work to the detriment of any of the other cities.

Mr. PICKLE. But certainly it is a more democratic approach to the needs of the moderately sized city.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, in the debate I understand the gentleman from Iowa (Mr. GROSS) said that Iowa did not have any cities of 400,000 or more population.

However, in section 110, paragraph (2), on page 87, it says:

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Any State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary.

Would this Hanley amendment affect that section in any way?

Mr. WRIGHT. It would not affect it in any way whatever.

The CHAIRMAN. All time has expired.

The question is on the perfecting amendment offered by the gentleman from Alabama (Mr. BUCHANAN).

The perfecting amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HANLEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. ABZUG. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

Mr. DON H. CLAUSEN. Mr. Chairman, I have an amendment at the desk. However, at this time I want to yield to the gentleman from New York (Mr. BINGHAM) who has another appointment, so that he may offer his amendment at this time.

The CHAIRMAN. The Chair will advise the gentleman from California (Mr. DON H. CLAUSEN) he cannot yield for that purpose. If the gentleman from New York (Mr. BINGHAM) were here, the Chair would recognize him.

AMENDMENTS OFFERED BY MR. MILFORD

Mr. MILFORD. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. MILFORD: Page 102, line 17, strike out "Approval" and all that follows down through and including the period on line 23 and insert in lieu thereof the following:

Approval of the plans, specifications and estimates for such project by the Secretary shall require payment of the proportional share of the United States of the cost of such project in an amount equal to the Federal share which would have been paid if such project were a highway project under sec. 120(a) of this title, but only to the extent and in such amounts as may be provided in appropriation Acts enacted after the date of the enactment of the Federal-Aid Highway Act of 1973.

Page 128, line 5, strike out "Approval" and all that follows down through and including the period on line 12 and insert in lieu thereof the following:

Approval of the plans, specifications and estimates for such project by the Secretary shall require payment of the proportional share of the United States of the cost of such project in an amount equal to the Federal share which would have been paid for the route or portion thereof approval of which is withdrawn under this paragraph, but only to the extent and in such amounts as may be provided in appropriation Acts enacted after the date of enactment of the Federal-Aid Highway Act of 1973.

Page 165, line 14, immediately after "(c)" the first place it appears insert "(1)".

Page 165, after line 17, insert the following:

(2) Notwithstanding any other provision of law, the Secretary of Transportation shall, with respect to those funds authorized as a result of the amendment made by paragraph (1) of this subsection, incur obligations on behalf of the United States only to such extent and in such amounts as may be provided in appropriation Acts enacted after the date of enactment of this title.

Mr. MILFORD. Mr. Chairman, my amendment is really very simple. All it does is to make this bill follow normal congressional procedures. It does not remove 1 penny from the authorized expenditures of the highway trust fund. This amendment simply channels the appropriation of general funds through the Appropriations Committee—instead of granting blank check contracting authority.

As a member of the Public Works Committee, I take great pride in this legislation. I have found that it is an excellent work, well drawn, well researched, and it merits rapid passage by this body.

Only in this one factor do I disagree with my distinguished colleague and north Texas neighbor (Mr. JIM WRIGHT). The two of us are honored to jointly represent the largest metropolitan area in Texas. Each of us are vitally interested in the provisions on mass transit in this document.

However, I think that there may be some misunderstanding on the part of some Members of this House as to what "contractual authority" really means. It means that if you pass this bill in its present form, you have committed the U.S. Treasury to spend $3 billion. There will be no annual review, no way to modify or change—even if we should encounter a national emergency a year later.

Most important, this House will once again be a participant to back door spending. We will be committing a sizable sum of money without taking into consideration the overall spending needs of this Nation. Only the Appropriations Committee or the forthcoming Joint Budget Control Committee can intelligently do this job.

My friends, this is not responsible spending. Past history has proven this fact. Let me quote a section from the interim report of the Joint Budget Committee study:

A type of backdoor authority is contract authority. This is authority granted to the executive department to enter into contracts . ... involving direct obligation of Federal funds.

This is a contract drawn by the Federal Government which must be lived up to with the House having no real say in how much money can be spent under such a contract.

This Congress has already lost control of the budget. It was not taken from us—we gave up that control. The use of contracting authority was one of the prime vehicles that handed budget control to the administration.

I would urge each of you to consider this amendment. Again all it does is to remove the contractual authority for spending in those areas that takes money from the general fund and replaces the spending authority through our normal appropriations procedures.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in its deliberations the Committee on Public Works recognized that there was a need for mass transit facilities throughout the country. That is why we went to the extent we did in writing this bill to try to help the cause of mass transit.

The administration sent up here its urban mass transit extension of the present law. It requested an additional $3 billion of contract authority, and it put in its budget for fiscal 1974 this amount of money. The administration placed an obligation of $1 billion for contract authority for urban mass transit facilities.

Mr. Chairman, the administration is wholly committed to urban mass transit.

The committee, in its wisdom, tried as best we could to provide the mass transit facilities needed in this country. We felt that the urban mass transit program should include contract authority, and if we can provide contract authority out of the trust fund for highways, we can, with equal logic, provide for additional mass transit funds by contract authority.

We have to resolve the transportation problems in this country, and while the gentleman is trying very sincerely to be very fiscally responsible—and I admire him for that—we think, under this bill, the administration has sufficient control of the funds available to be expended that it will exercise the fiscal responsibility necessary.

We, on the committee, have recognized the need for mass transit and have extended to it what the administration wants and is committed to for mass transit.

Mr. Chairman, I urge the defeat of the amendment.

Mr. JAMES V. STANTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, in the difficult task of trying to meet the various forces that were emerging on this bill between the highway trust fund supporters and the supporters of the needs of urban areas of the United States, the gentleman from Texas (Mr. WRIGHT) and the gentleman from Ohio (Mr. HARSHA) and the committee as a whole proposed a contract authority to meet the needs of mass transit in the United States. It was an attempt to build a bridge between the divisive forces of this House and to give some assurances to the urban areas of the United States that they were going to be considered as to their mass transit needs.

Mr. Chairman, we have just lost a battle to open up the trust fund. As one who voted in favor of opening up the trust fund, I accept that defeat. I think that it is the will of this House not to open up the trust fund, but I ask the Members in the name of fairness not to deny us the one chance we have of funding for mass transportation in the United States. If we are denied this contractual authority then you will deny us everything, because the fact of the matter is we who know the House, if we were thrown to the position of going through the normal appropriation process the cities of America will not be meeting their needs, and not getting the guarantee that was offered by the leadership of the House Committee on Public Works.



Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. JAMES V. STANTON. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I would just like to say that I emphatically agree with every word that has been spoken by the gentleman from Ohio (Mr. JAMES V. STANTON). As dear and as close a personal friend as is the gentleman from Texas (Mr. MILFORD) who offered this amendment, I think it would be a very, very bad thing. It would break faith with our earlier expressions in debate today and upset the balance that we have created in order to serve mass transit. Mass transit does need help, and it needs it now, and the only way cities can get it in a timely fashion is by contractual authority.

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. JAMES V. STANTON. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Chairman, I thank the gentleman from Iowa for yielding to me.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. MILFORD) and I do so because I speak as one who voted for diversion last year, and had it not been for the excellent compromise language worked out by the gentleman from Texas (Mr. WRIGHT) and the gentleman from Ohio (Mr. HARSHA) I would not have changed my position and be sustaining the position of the majority of the committee.

The language on contractual authority, once the plans are approved does give relief to the cities when they need it, and I think it is excellent legislation.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Texas (Mr. MILFORD).

Mr. WRIGHT. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. GIAIMO. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude in 15 minutes.

Mr. GIAIMO. Mr. Chairman, might I ask if this is coming out of my time? I yielded for a unanimous-consent request, and not for a debate or a discussion.

Mr. WRIGHT. Mr. Chairman, I would like to withdraw my unanimous-consent request.

Mr. GIAIMO. Mr. Chairman, I decline to yield further.

The CHAIRMAN. The gentleman from Connecticut (Mr. GIAIMO) declines to yield further, and the gentleman from Texas withdraws his unanimous-consent request.

Mr. WRIGHT. Further, Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky be given 1 additional minute to compensate the gentleman for the time that I took.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GIAIMO. Mr. Chairman, I thank the gentleman from Texas for the additional time, and I know that in this debate, I am going to need all the additional time I can get.

Mr. Chairman and members of the committee, I rise in support of the amendment offered by the gentleman from Texas (Mr. MILFORD). And to my friends who voted for the Anderson amendment, as I did, I say to them that I wish they would think about what is really happening to the budgetary processes in this country.

If we in fact had congressional appropriations for highway funds, I would be willing to bet my bottom dollar that we would have received some money today for mass transit.

But the fact is that what is occurring in this country is that we go around wringing our hands and saying that Congress is losing control to the executive. We are told that the executive branch is taking over, and Congress is becoming powerless. In many areas Congress is powerless, but in some areas Congress could be paramount in power, and that is in the power of the purse, in the budget, and the appropriating and the expenditures of money.

But, what do we do? We lament over loss of control of the Federal budget, and we worry about the power of the Appropriation Committee. My figures are accurate. I know, that approximately, 50 percent, of the taxpayers' money that is spent today does not go through Congress and does not go through the appropriations procedure.

My chairman of the Committee on Appropriations will tell us that. What do we do? We authorize revenue-sharing funds over which Congress has no control. We authorize trust funds, the highway trust fund, the airport trust fund, the social security trust funds, over which the Executive has control and Congress has none. We find the same situation in contract authority, such as in our FHA and housing programs, over which Congress has no control and authority. That is the point where we really give away our congressional powers. If we had those powers, I know from the pressures in this Congress that today there would have been funds for mass transit, and powers and pressures put into this Committee on Appropriations would have forced us to come out with money for mass transit.

I will admit that in the old days the Committee on Appropriations of both the House and Senate were pretty tough in giving out money. It was then that contract authority and trust funds and back-door spending come into being—during the thirties and the forties in this country.

But the pendulum has swung the other way, and we are now giving away the one great power that the House and the Congress have, and that is control over the taxpayers' money.

To my urban friends and my liberal friends from the North who were so concerned about having a tight-fisted Committee on Appropriations deny them the funds that they want I say you are making a mistake. We would have gotten money for mass transit today. I know we would have gotten it. Instead of that what are we doing? We are leaving it to the decision of faceless, unknown people in the various executive agencies to determine how much goes into the highway trust fund, how much goes out for revenue sharing, how much goes into our housing projects and housing programs, how much will be expended in social security payments and in medicare payments. That is where we are really giving away our congressional power.

I say that if Congress really wants to regain its power from the executive branch of Government, we had better cut out this business of back-door spending, because that is what all of these various modes of expenditure are really called. Get the power of the purse back here in the Congress; this is the only effective leverage that we have and which really justifies our existence as an institution. Let them come up here every year and ask us for money. Let them tell us what they are going to do with the money, where they are going to put it, and at least we will then have some control over it. Do not be carried away by these old historical arguments which may have been true in their day but are no longer true now.

If there is one great means of regaining congressional prerogative and control, it is to get back the control of the taxpayers' money which we have so frivolously and generously given away to the executive branch.

I support the gentleman's amendment.

Mr. BURLESON of Texas. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Texas.

Mr. BURLESON of Texas. Mr. Chairman, I wish to associate myself with everything the gentleman has said. He describes one of the most vital issues that we have in this Congress today.

Mr. GIAIMO. Absolutely.

Mr. BURLESON of Texas. As the gentleman has so ably said in describing this situation, it is the only way in the world we are ever going to get handles on our fiscal affairs where we can have a look at every dime appropriated. He is so right, and I do appreciate the gentleman's statement. I support the amendment by my able colleague, the gentleman from Texas (Mr. MILFORD). I share the concern which he expressed in presenting his amendment and deplore this attempt as the bill now provides to bypass the appropriation processes.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is an amendment that will decide, to some considerable

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extent, what Members in this House want: Better control of the purse and greater power in the hands of Congress. We should not be in favor of abdicating to the Executive. We should stand on our two feet and have a greater role in running this country.

I am in favor of the Milford amendment.

As to mass transit, we have to have funds for the mass transit program. It is a big and difficult problem but we have to make appropriate provision for mass transit.

What does this bill do with respect to mass transit? It says for 3 years we have $3 billion for mass transit in contract authority. All right, suppose the Executive does not obligate the money, next year what do we do? For 3 years we are locked in because next year the issue will not come before us. We can lambaste the Executive about not contracting for these projects, but the issue would not be before us for review. We cannot reaffirm next year that we are still in favor of mass transit through an appropriation, because it is all contract authority and we are locked in for 3 years and we have nothing to do but pick up the tab.

It is like revenue sharing in which for 5 years we have abdicated our control and have walked out of the picture and turned it over to the Executive.

We talk about the misuse of power by the Executive. Of course if we give the power away how can we expect him not to use it. I propose that we authorize appropriations in authorization bills such as this and provide the money in appropriation bills. It ought to be that way and it will be that way when the Members of this House awaken to the fact that there is no need for us to give away the power which is provided to us under the Constitution.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I want to associate myself with the remarks made by the gentleman from Texas who has stated the situation correctly. I think it is time we in the Congress reassert ourselves and we can do it best through the appropriations process.

Let me assure the Members we in our committee are not insensitive to the problems of mass transit nor to any other problems, but I believe firmly what the gentleman has stated, that if we are going to be in control of the budget in the House and in the Congress we have got to do it through amendments of this type.

Mr. MAHON. Mr. Chairman, I am disappointed that the Committee on Public Works would want to take away from the House the right to act annually on such matters through the regular appropriation process.

I do hope this amendment, which has been so ably presented by the gentleman from Texas (Mr. MILFORD) and so brilliantly supported by the gentleman from Connecticut and endorsed by the ranking minority member of the Appropriations Committee, and others will be approved and that we can act next year and every year on mass transit and annually review the program.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, is the gentleman suggesting we return to the days when it was required that all the bills out of the Public Works Committee providing for the construction of Federal buildings and various other projects had to come before the Congress through the authorization procedure? Is the gentleman suggesting that we return to that procedure?

Mr. MAHON. I am not sure to what the gentleman refers but I am sure the gentleman is not in favor of contract authority which would mean we would abdicate our power for 3 years.

Mr. GROSS. The Congress a few years ago turned over to the Public Works Committee authority to authorize construction of Federal buildings without further approval from the House of Representatives. Is the gentleman suggesting that in that area we return and recapture that power as well as give to the Appropriations Committee the authority to appropriate money for the construction of the buildings? Is the gentleman suggesting that?

Mr. MAHON. I would agree that is a better procedure, but at this time I would like for us not to make a $3 billion mistake on the pending measure.

Mr. GROSS. If we are going this route, let us do go all the way.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment, but pending that I would like to see if there are any other Members who are seeking recognition on this subject.

PARLIAMENTARY INQUIRY

Mr. BURKE of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURKE of Massachusetts. Mr. Chairman, I would like to ask the Chair, in view of the fact that this amendment is a special amendment, if the amendment is in order. If it is a new amendment, it should apply across the entire bill rather than to specific areas.

The CHAIRMAN. The Chair will state that this is not a proper parliamentary inquiry. It is a matter for every Member to determine.

Mr. BURKE of Massachusetts. Mr. Chairman, is it time to raise a point of order that the amendment should apply to every section of the bill?

The CHAIRMAN. The Chair will state that the point of order would come at this point too late.

Mr. WRIGHT. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Chairman, this is at the very heart of the balance between highways and mass transit that we sought so painstakingly and so arduously to achieve. Our committee recognized that there are important needs for highways and there are very legitimate needs for mass transit. In some of the cities these are truly urgent needs. In some of the cities there is an immediate and impending need, to try to provide some alternate means as an inducement to people to leave their automobiles at home rather than driving in ever increasing numbers daily into the heart of town.

The only way that we can be absolutely certain that a city which exercises the option to forego a given strip of urban highway and substitute mass transit, is to give the Secretary of Transportation the right at that moment, at that time when the decision is made on the part of the city, to grant to that city advance obligational funds in order that the city would have the necessary assurance to make that decision.

I stood here in the well earlier today and argued as passionately as I could to reject the Anderson amendment, which would have taken this money out of the trust fund. But with equal fervor I believe I must plead with the Members not to break the faith that we expressed in good conscience to the cities when we said, "If you will leave our trust fund intact and guarantee the highway program, we are going to give you an alternate system that is just as good."

If we do not follow through on that; if we do not give them this advance contractual authority, then what assured rights would they have under that provision? To wait a year and see if Congress in its wisdom is going to appropriate the money?

Bear in mind that the amendment that is now before us is not an amendment applicable to the $3 billion. This amendment would strike at that flexibility granted in section 1, within the $700 million urban system to which we have already voted to deny thrust fund moneys. It is a limited section, and it will not involve all of that $700 million by any stretch of the imagination.

Most of the cities are not prepared at this time to move forward with mass transit programs. Some of them are, and they need help now. This will not involve a great deal of money in this section. But such money as it does involve, I think should be promised to those cities today so that when they exercise this option and say, "We do want to forgo a portion of our urban highway and substitute a viable mass transit program and eliminate the crowding and fumes and noise of traffic in the downtown section," that there is a means by which we can say, "Very well, on this day when you relinquish the trust fund money, you have the commitment of this other money."

If this amendment prevails, they will not have that assurance on which to exercise an intelligent option. So therefore, I plead in the interest of fairness to the cities, that those who voted with me against a raid of the trust fund, will vote with me against this amendment so that we can give those cities desiring it some commensurate help, in this limited section of the bill, in order that they will not be totally denied.

The CHAIRMAN. All time has expired.



The question is on the amendments offered by the gentleman from Texas (Mr. MILFORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GIAIMO. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. DON H. CLAUSEN

Mr. DON H. CLAUSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DON H. CLAUSEN: Page 81, strike "$500,000" on lines 10, 21, and 22, and substitute in lieu thereof "$1,000,000."

The CHAIRMAN. The gentleman from California (Mr. DON H. CLAUSEN), is recognized for 5 minutes in support of his amendment.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I am glad to yield to the gentleman from Texas.

Mr. WRIGHT. I should like to say that those of us on the majority side have examined this amendment. We have no objection to it.

Mr. DON H. CLAUSEN. I thank the gentleman.

Mr. Chairman, I offer this amendment to increase the road fund authorization from $500,000 to $1 million for America Samoa for the fiscal years of 1974, 1975, and 1976.

Just yesterday the Governor and the Legislature of American Samoa were in Washington meeting with our Territorial and Insular Affairs Subcommittee and this matter, along with many others, was discussed with them. They pointed out the serious road problems they have.

As the ranking Republican on the Territorial and Insular Affairs Subcommittee and a member of this Public Works Transportation Subcommittee, I can state to the Members that the administration supports the amendment, as does my colleague from California, Chairman BURTON of Territorial and Insular Affairs, Mr. WRIGHT, Mr. HARSHA, and the members of our Public Works Committee.

I hope the Committee of the Whole House will concur and accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DON H. CLAUSEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 111, strike line 1 and all that follows down through and including the material that appears immediately following 14 on page 112, and renumber succeeding sections accordingly.

Mr. BREAUX. Mr. Chairman, I rise in opposition to the gentleman's motion to strike the priority primary section of the bill. The gentleman is making something out of this section which it is not. Namely, it is in no way a second generation interstate system nor is it in any way a system which has to be built to interstate standards.

This was the basis for much of the confusion about this section last year when it contained reference to interstate standards. The section has been rewritten in this bill to completely eliminate the reference to standards so that there will be no confusion on this point. The effect of these changes is merely to allow the system to be built to normal primary system standards.

In some cases these may very well be roads built to interstate standards. On the other hand, a well-designed, two-lane rural highway is a primary route of major significance in many of our large rural States.

With respect to urban areas, again such a route could be built to interstate standards, but it is highly unlikely. Most often an urban project will be one of possibly a widening of an existing major street with left-turn provisions and other improvements which would improve the flow of traffic.

This is one of the most important sections of this bill. The argument that these routes could be built under existing apportionments by simply raising the primary funds misses the point entirely. With the Interstate System nearing completion, feeder roadways to this system become increasingly important and should be given specific attention. The regular primary system improvements separate from the interstate, have been so neglected during the period of emphasis on the Interstate System that their progress should be allowed to proceed in as rapid a manner as possible in their own right.

The 10,000-mile study referred to in the 1968 needs study, does form the basis for the committee's recommendations in this regard and it is in light of the recommendations of that study that the bill before this body today calls for designation of this preferential system by the Secretary in cooperation with the States by July 1, 1974.

This section of the bill represents a significant move in the transition from interstate emphasis toward the urgent needs of connecting it to the other systems.

I urge the rejection of the gentleman's motion to strike section 128 of the bill.

Mr. HAMMERSCHMIDT. Mr. Chairman I rise in opposition to the gentleman's amendment.

A recent national highway needs report considered the need for additional attention to primary highways and found that within this "intermediate" system, about 10,000 miles of primary Federal-aid highways appear to require urgent attention. These 10,000 miles serve about one-sixth as much travel as the present interstate system on about one-fourth as much highway mileage. Every State has some of this mileage.

These 10,000 miles need priority consideration and should be built to high standards taking into consideration the heavy traffic volumes they handle. This becomes increasingly self-evident since travel demand continues to increase at a geometric rate with about 90 percent of all intercity passenger miles, including those traveled by air, is carried by highways.

Of particular significance is the fact that a large percentage of this 10,000-mile system reflects the enormous expansion of development from urban centers into the surrounding countryside, and the resulting heavy burden this development has placed on the rural primary system. Hence, it is felt priority programs for improvement of a limited, integrated system of supplementary routes could and, indeed, should be partially financed within the resources of highway trust fund.

This priority primary program is not conceived as another interstate system, but rather as a means of accelerating and upgrading the quality of key primary routes already on the Federal-aid system. I cannot impress on you enough what this means toward saving lives and injuries of your constituents. In most cases, it will involve reconstruction and possibly some realinement, although for the most part, these highways have been in existence for dccades, and the work required can proceed within the present rights-of-way so that the motoring public can be provided with safe, modern and convenient roads beyond the Interstate System. I strongly urge the defeat of this amendment.

These are not more interstate miles—in fact, the standards and specifications could be those of present primaries up to those interstates or in between. This would allow your State flexibility in determining its wisest course of action in keeping with its own need—allowing them to build to the highest commensurate standards in light of their light traffic volumes that would be served.

I oppose the gentleman's amendment. There are very sound and valid reasons why the committee placed this section in the bill.

Any of you who have ventured out of the cities and off the Interstate System I am sure are fully aware of the great need of upgrading our old primary road problem. This highway bill is designed to help States meet this problem, but there is urgent need to improve the most used portion of the 66,000 miles that could be considered an intermediate system, just below the Interstate System in importance, but above the balance of the primary system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: Page 133, after line 18, insert the following:

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DONATIONS

SEC. 149. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following:

"SEC. 323. DONATIONS.

"Nothing in this title, or in any other provision of law, shall be construed to prevent a person whose real property is being acquired in connection with a project under this title, after he has been tendered the full amount of the estimated just compensation as established by an approved appraisal of the fair market value of the subject real property, from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor, to a Federal agency, a State or a State agency, as said person shall determine."

(b) The analysis of Chapter 3 of title 23, United States Code, is amended by adding at the end thereof the following:

"323. Donations."

Mr. HARSHA. Will the gentleman yield?

Mr. ROBERTS. I will be delighted to yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, this amendment is similar to a provision in last year's bill. We accept the amendment on this side.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield to me?

Mr. ROBERTS. I am delighted to yield to the gentleman.

Mr. WRIGHT. That goes for this side of the aisle, too, all of us over here. The amendment is identical to one that was inserted last year and we think it is a proper amendment and would accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ROBERTS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ZION

Mr. ZION. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZION: Page 133, after line 18, add the following new section:

FLEXIBILITY OF BEAUTIFICATION AUTHORIZATION

SEC. 149. Notwithstanding any agreements entered into between the Secretary of Transportation and the States under section 131, of Title 23, United States Code, funds authorized for appropriation in sections 120 (g), 122(b) and 104(a)(11) of the Federal-Aid Highway Act of 1973 may be allocated by the States to carry out the purposes set forth in sections 144, 152 and 153 of this title, and section 203(d) of the Highway Safety Act of 1973, for highway safety projects on highways not included on any Federal-aid system, if such a transfer is requested by the State Highway Department and approved by the Governor as being in the public interest.

Mr. ZION. Mr. Chairman, the purpose of this amendment is to provide flexibility to the States so as to enable them to implement the beautification provisions or to expend such sums for highway safety improvements of the Federal-aid system. In other words, Mr. Chairman, this can be called the posies or people amendment.

Mr. Chairman, this bill proposes the expenditure of $30 million for landscaping. Experience with this program has been abyssmally bad. Very few of the plants that have been bought and paid for have survived. Landscape gardeners have told me that they feel guilty taking tax money for plantings that will die from neglect, or fall victim to the State-financed mowing machines. They rationalize that somebody is going to get this gravy, so it might as well be them.

In my own State of Indiana, I have seen a pretty good example of what is being done in the name of beautification. At a country crossroads in the interest of beautification, they provided huge concrete planters. These were built around the crossroads. Within a month, the flowers that were supposed to be so beautiful had died, and were replaced with asphalt. So, instead of plants we now have concrete pillboxes which are particularly lethal, and the businesses in that neighborhood have lost about 50 percent of their business, because these pillboxes have made it almost impossible for the traveling public to come anywhere near.

Mr. Chairman, this bill also proposes $150 million to buy up billboards in spite of a survey that shows there is no widespread dissatisfaction with billboards. Now, I would certainly support legislation that would prevent construction of any roadside material that would appear offensive to the traveling public, but in good conscience I cannot abide $150 million expenditure for billboards at a time when we cannot afford to finish highway construction that is so badly needed.

This bill requires the expenditure of $45 million to hide junkyards. How silly can we be? We need to recycle these offending materials. Do you think by any stretch of the imagination we can plant enough geraniums or jonquils—even $45 million worth—so that the junkyards are going to appear to disappear?

We are going to spend $9 million in this bill, in this Donnybrook—$9 million for people to dole out tax dollars for completely irrational programs.

Administrative costs, $9 million.

Next year—next year—the 2 millionth person will lose his life on our highways since the advent of the motorcar. While we are sitting here today some family is slamming into an outmoded bridge, or losing control and spinning off a county road that was built for a horse and buggy.

Can we entertain the thought that we should spend $234 million for bushes and flowers at the cost of legs and arms and heads, and lives?

We all know that the completion of the Interstate System will save lives. The testimony has indicated this. There are thousands of killer bridges, killer curves, and killer obstructions that can be corrected if we have the money to spend so that we can eliminate treacherous railroad crossings and other defects, but if we spend $234 million a year for sunflowers and billboards we must be out of our minds. The lives of our traveling public must certainly be more important than that.

What do we want here, Members of the House? Live bushes and dead bodies, or safe highways and healthy families?

Every buck we spend to plant bushes, could be spent to improve a guard rail and prevent the impaling of a family on its blunt end. We have identified in our committee bridge approaches that end smack-dab up against an abutment. We have in our committee files literally hundreds of pictures of twisted steel and broken bodies wrapped around inflexible signposts.

So, instead of planting posies, we can replace these lethal traps with breakaway signs. Every Member of this body—every Member of this body has death traps in his district, just waiting to crush some family into shapeless pulp. If the Members want their share of $234 million to save lives, then I urge them to support this amendment.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. ZION).

What this amendment would do would be to take all the money that is in the bill for highway beautification purposes and make that money available, in addition to the other money herein provided for safety purposes.

The gentleman from Indiana makes a simplistic argument which at firsthand sounds reasonable, of course. Safety is more important than beauty. I do not think there is any quarrel with that. I am not saying that beauty is more important than safety. I do not think any of us has to contend that. What I am saying is that each has its rightful place. Where there are eyesores and physical drabness that make the highways things of drudgery instead of things of serene reflection and beauty, we should and we could make them more attractive for the American traveling public.

Let us get things in balance. We have in the bill $1.2 billion expressly set aside for safety. Nobody is trying to take any of that away—certainly not the gentleman from Texas. But the amount we have included for beautification is by comparison quite considerably less, as it should be, no doubt. So let us not take that money away and put it on safety also, because we can do both. We can have both safe highways and beautiful highways.

Sometimes the same device serves both purposes Sometimes we plant median strips with indigenous shrubbery which serves the purpose of beautification and also serves the purpose of safety, because it stops the glare of oncoming traffic at night, blinding headlights that would otherwise be in our eyes.

Knowing full well that beautification has not been a wildly popular program in this Congress, we are trying to correct it and make it more reasonable and more sensible.

We are trying to improve it through the suggestions of the Highway Beautification Commission. The recommendations contained in this bill will in my opinion make the beautification program a better program.

We have a great deal of money included for safety. The most massive safety program that has ever been offered to the Congress by any committee is offered in this bill.



So let us not take away the widow's mite that exists in the bill for beautification. If the Members want to add money for safety, do it simply by adding more money for safety. Do not take it away from the beautification program.

Mr. ZION. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Indiana.

Mr. ZION. I heard an excellent analogy this morning by the very able gentleman from Texas. He was talking about a bone between two dogs, and the bone in this instance, he said, was kind of a merger bone because it is only $234 million and, therefore, it is insignificant. But I say to the gentleman if we throw that bone out there, it is going to be either gobbled up by a perfumed pink poodle in the interest of cosmetics, or it might satisfy the ravages of a wild Doberman that is combing the highway in the way of the traveling public. As far as I am concerned, I would rather appease the monster than the perfumed poodle.

Mr. HARSHA. Will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I might say that I join with him in his remarks on this issue.

The Congress determined the beautification issue several years ago, and what we can do about it. We are also looking into establishing by law a Beautification Commission too study this issue and take the reports back to Congress. I believe I am safe in saying that I have as good a record in highway safety, and I am involved in interest in highway safety as much so as anybody else on the committee or in the Congress. While I am devoted to highway safety, I think we have adequate measures in the highway safety sections of this bill which I sponsored, which every member of the committee cosponsored. We have sections in that title of the bill that would take care of the highway safety program, and I would join the gentleman from Texas in urging defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ZION).

The amendment was rejected.

AMENDMENT OFFERED BY MRS. BURKE OF CALIFORNIA

Mrs. BURKE of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BURKE of California: Page 94, strike out line 22 and all that follows down through and including line 24 on page 99 and insert in lieu thereof the following:

CONTROL OF OUTDOOR ADVERTISING

SEC. 120. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way.".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale of lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located. The Secretary is authorized to promulgate model standards concerning lighting, size, number, and spacing of signs, displays, and devices advertising the sale or lease or property upon which they are located or advertising activities conducted on the property on which they are located. In promulgating such model standards the Secretary shall consult with the State highway departments.

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof:

"In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

"Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law prior to the date of enactment of the Federal-Aid Highway Act of 1973."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $2,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, $50,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

Mr. WRIGHT (during the reading). Mr. Chairman, this amendment is so long I ask unanimous consent that it be considered as read and printed in the RECORD and that the gentlewoman from California be permitted to explain her amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. BURKE of California. Mr. Chairman, this amendment might well be referred to as the Lady Bird Johnson amendment since I read in the newspaper yesterday that she has been lobbying for it.

This amendment is substantially the same as the present provisions of Senate bill 502 and seeks to maintain the continued program now in progress in 49 States under the 1965 Highway Beautification Act. That act was aimed at an orderly removal of distracting billboards in scenic areas with reasonable compensation.

Some 49 States have programs underway to remove signs that direct you to Joe's Broiler or Snookley's Nut Stand. These signs are being replaced by orderly informational signs approved by the Secretary of Transportation.

This bill, in its present form, places a moratorium on the right of the Secretary to order removal of nonconforming signs until December 31, 1974. Secretary Volpe contends that this would disrupt present progress and States would be required to treat directional and nondirectional signs separately and piecemeal.

There is a new test instituted to determine whether or not a sign should be removed. The test is whether a sign provides "specific information in the interest of the traveling public."

This new language will require court action to interpret and each State must reevaluate its program to fit the new criteria, wasting much money and duplicating efforts.

This present bill also removes the power of the Secretary of Transportation to erect uniform informational signs in the interest of the traveling public in certain situations. The result is that large and small businesses would be re-

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quired to purchase space on existing billboards rather than obtain space on the uniform signs that are being developed and now used in Vermont and other States such as Oregon.

The 1965 beautification bill limited the kinds of signs private companies could erect to natural, scenic and historical signs, for sale or property signs or to advertise a business conducted on the property. This allowed uniform signs to provide information for directions, miles, and so forth. This bill changes these limitations and adds food services, camp grounds, gas stations, rest stops, and others.

In addition, this bill would allow six directional signs per mile. We were going in the direction of limiting them to 1 per mile, but this bill would permit a total of 1.2 million billboards, an increase of 400,000 new signs.

The argument has been made that the easing of standards and regulation of billboards came from the Highway Beautification Commission. This suggestion is based upon interpretation of language in an interim report. The two public members have addressed a letter to the chairman pointing out the Commission has not met since the organizational meetings in December 1971, even though six hearings were held in 1972.

The point of the public members is that the interim report was just that and that the Commission was extended to provide further study.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

It is with some trepidation that I rise in opposition to the eloquent, attractive, charming, intelligent lady from California. She made such a beautiful appeal. This may be her maiden speech on the House floor, and I congratulate her on it. I thank her for the magnificent and articulate statement.

I should like to say, however, that if her amendment were adopted, all that the Congress has been attempting to do in the last couple of years would be nullified.

We created a Highway Beautification Commission for the purpose of studying and recommending changes in the Highway Beautification Act. We did this, because obviously it has not been administered in a popular way. Congress on occasion had not seen fit to fund it. On one occasion 2 or 3 years ago we just missed by one vote losing the whole highway beautification program.

The Highway Beautification Commission, upon which the gentleman from California (Mr. DEL CLAWSON) and the gentleman from Iowa (Mr. SCHWENGEL) and I have served, along with other Members, held six or seven open public hearings throughout the country last year. We commissioned the taking of two nationwide polls to find out what the public wants, the guy for whom we are presumably building and beautifying the highways.

We have made some improvements in this bill, I think. I believe they are significant improvements.

First of all, we have corrected the situation where billboard control previously extended to only 660 feet from the road. Mammoth boards had been erected just beyond that limit. Those mammoth billboards, under the committee bill, will have been taken down.

Second, for the first time we have provided truly adequate funding in the bill for highway beautification.

Third, we make a distinction between signs that simply advertise and those that give useful directional information. I want to tell the Members why we are making that distinction. The traveling public clearly wants a distinction made between those signs that just advertise products such as Fumo cigars or Coca-Cola or Old Turkey whisky on the one hand, and those on the other hand that give information of a directional nature as to the location of motorist-oriented services. The public needs to know where to get off this freeway to find an Esso station or a Gulf station, depending on what kind of credit card the driver has, or what exit to take to get lunch, or to secure necessary services to their automobile; things directly related to the highway itself and to the service of travelers, often driving in unaccustomed territory.

We commissioned two extensive nationwide polls. Ample copies of these poll summaries are on both majority and minority desks, and I urge the Members to take them and read them if they want to know what the public says. The Sindlinger organization made one and the deKadt Marketing and Research made the other. They are two highly professional firms.

These polls reveal that a large majority, better than two-thirds of the American public, do not want to take down all the signs that tell them where they can find these traveler-oriented services—and certainly not until there is some other type of such directional information provided.

All we say is, leave those until last; take down first—and I guarantee there are plenty of them to be taken down—the expressly commercial signs which merely advertise national products. Just take down those that advertise products until we can find some alternate way of getting the needed information and informing the motorist of these services about which the motorist wants to know.

That provision would be stricken out by the Burke amendments.

There has been some very wrong information spread about. I saw Mrs. Johnson last night. Contrary to published misinformation, she is not lobbying against this highway bill. I visited with her. Somebody gave her wrong information.

They said our bill would authorize the erection of 1.2 million signs, including 400,000 new and additional signs. This bill in and of itself does not authorize the erection of a single new sign.

Here is how somebody apparently concocted that outlandish figure. The limitation we provide—and there has not been any such limitation in existing law—is to no more than three signs per mile in either direction. Someone obviously multiplied 200,000 miles of highway by 3, and then multiplied that product by 2, because there are two directions, and said, "We are going to have 1.2 million signs."

That is ridiculous. We do not authorize an additional sign. We simply create a limitation of no more than three in a mile. We do not say, "must have three in every mile." We say you may not have more than three in any mile.

I have seen places where there are 21 in a mile. I have counted them. That is clutter. That is what we want to bring down.

But we do not want to rob the traveling public of information which the public says it wants and needs. And we do not want to rob someone who has invested money in a roadside service of the opportunity to tell the public where to get off the highway to find it.

I urge the Members to vote down this amendment. While doing so, I have a great deal of respect for the delightful lady who offered it, and I fully expect that she will become a very effective and very constructive Member of this Congress.

Mr. ESCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I believe we should be clear as to what specifically this amendment would do or would not do.

This amendment accepts the Senate language of the bill, which eliminates the moratorium on further sign action, which would allow continuation of the action on sign removal by the individual States. The moratorium which is referred to is through December of 1974.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield briefly?

Mr. ESCH. I am happy to yield to the gentleman from Texas.

Mr. WRIGHT. The gentleman does realize, does he not, that that moratorium does not apply to all signs? It does not apply to those merely advertising products.

Mr. ESCH. That is correct.

Mr. WRIGHT. I wanted to make that point, because some newspaper stories have left the impression that it applied to all signs. I am glad the gentleman realizes it does not.

Mr. ESCH. I appreciate the chairman's comment.

I also appreciate the work of the Commission. I believe it should be pointed out that the Commission emphasized that in the interim time we ought to continue our progress toward the elimination of unsightly billboards.

But I support the amendment for this purpose. I recognize that eventually there must be a balance between communicating to the public, to the traveling public as to the needs or facilities along the route, and beautification, and that the Commission will in the next year or year and a half, hopefully, resolve that issue.

However, during that time I would suggest that those States which want to move more aggressively in this area should be allowed to do so.

The only thing we are doing by this amendment is allowing the States to continue their action toward billboard removal during that interim time.

I hope the Commission will act effectively and aggressively toward a balanced proposal, but in the interim time let us allow the States, where they so desire, to move aggressively on this problem.

I urge the support of the amendment.

Mr. SEIBERLING. Mr. Chairman, I rise in support of the amendment.

A billboard by whatever name is just as unsightly. The difficulty I have with the existing language of the committee bill on this point is that in effect it gives a sanction, a legal authorization, to signs at the rate of three per mile in each direction, where none existed before.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. What the gentleman means is that the bill establishes a limitation of not more than three signs in each direction, where no limitation heretofore existed.

Mr. SEIBERLING. That is true, but by putting a limitation into effect, we have that fewer number of signs.

Mr. WRIGHT. Well, Mr. Chairman, we had no limitation before. If we are to play a numbers game, we would have to say, "an infinite number of signs" under the existing law.

Mr. SEIBERLING. I concede that we have had no limitation up to this time, but I am saying that we should be moving in the direction of zero commercial signs along highways, except for signs advertising a product sold on the premises.

Why should we all of a sudden give our blessing to any number of signs? To do so is inconsistent with the ultimate objective of eliminating all but essential signs on the Interstate Highway system.

Mr. Chairman, I think that the amendment of the gentlewoman from California (Mrs. BURKE) is going in the direction that a lot of States, including my own, are trying to go, and the committee's bill on this point will cut the ground out from under them.

The gentlewoman's amendment does what a lot of the more progressive States are trying to do to clean up our highways, so that we can end efforts to subvert the purpose of the 660-foot limitation.

Mr. Chairman, we are approaching the bicentennial of the founding of the United States of America, and it seems to me that one of our objectives by 1976 should be to eliminate the unsightly clutter of commercial signs we have allowed to develop along our highways and restore America the Beautiful.

The gentlewoman's amendment is a major step in that direction.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hesitate to get up and oppose the gentlewoman from California (Mrs. BURKE). She is very articulate and she is a fine member of the committee. She is very sincere in this effort, and she makes an outstanding contribution to the deliberations of the committee. But I find that in the last portion of her amendment, on page 6, she takes out of the highway trust fund $50,000,000 for the fiscal year ending June 1974, $50,000,000 out of the trust fund again in June 1975, and $50,000,000 for the fiscal year ending June 1976.

This committee in the House has, ever since we have inaugurated the beautification program, gone on record as opposing the use of trust funds for highway beautification. We have always opposed any further diversion of the highway trust fund for beautification purposes.

This flies in direct conflict with that concept, Mr. Chairman, and, therefore, I would have to oppose the amendment offered by the gentlewoman from California (Mrs. BURKE).

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I thank the gentleman from Ohio (Mr. HARSHA) for yielding.

I rise in opposition to the amendment offered by the gentlewoman from California (Mrs. BURKE) to substitute a revised version of section 120 of the bill. The effect of such a deletion would, I believe, perpetuate certain grave inequities which have arisen in connection with the highway beautification program.

As you are aware, the aim of the highway beautification program is to remove unsightly signs on our Nation's highways in order to make them more pleasant and pleasing for the traveling public. Those of us familiar with the administration of the Highway Beautification Act of 1966, under which this would be done, are familiar with the shortcomings of this statute and some of the hardships it has created.

I should like to mention one of them which has come to my attention: Mrs. Merle Smith, a widow, converted her home into a tourist home in order to help make financial ends nieet. She is a pensioner with only a small retirement income.

Her business, that is her tourist home, is located about 500 feet from U.S. Route 15 near Rochester, N.Y. In order to advertise her tourist business, she erected two signs adjacent to the highway. One measures 4 by 3 feet and says, "Smith's Tourist Home" with an arrow pointing off the road. It also contains a vacancy notice when rooms are available. The second sign is 5 by 3 feet. It says, "Tourist—Open All Year".

Not long ago, Mrs. Smith received a notice from the State of New York that she had to remove these two signs within 30 days. Failure to do so would result in removal by State authorities.

The notification also indicated that if Mrs. Smith desired to reestablish these signs, they had to be placed 660 feet from the highway right-of-way. By this, I gather, the director of Real Estate Property was suggesting that she erect a jumbo sign. Of course, in view of the modest type of business Mrs. Smith runs, such an alternative was totally unrealistic.

In all probability, removal of her two signs would put Mrs. Smith out of business. Her tourist home is not easily seen from the highway because there are tall maple, spruce, and cedar trees surrounding her house.

Of course, she had the alternative of cutting these trees down and erecting a large on-site sign on her property. But this hardly seems like a sensible course for either her to do, the State to require, or the Federal Government to demand in the administration of what is purportedly a "beautification" act.

The case of Mrs. Smith is not the only one that has come to my attention. There are others. In fact, I have a file full of them. All point out the inequities, and at times inanities, of the Highway Beautification Act which is presently on the books and being aggressively implemented around the country.

I am all for a sensible program to control outdoor advertising on our highways. But if it is to succeed from both the standpoint of the traveling public and property owners adjacent to our highways, it must be one that is fairly conceived and equitable to all.

Directional signs are necessary for the traveling public in order that they may be apprised of the recreational opportunities in the area in which they are traveling. They are also necessary to insure that small business men, and others who derive a living from the tourist trade, may advertise their wares.

Yet, as the law now stands and is being administered, the Mrs. Smiths of America are literally being driven out of business. Surely, this was not the intention of those who first proposed a beautification law. Certainly, I will not attribute such an intention to Lady Bird Johnson who conceived it.

Because of the imperfections of the 1966 act, the Congress created the Highway Beautification Commission in 1970. The mission of the Commission is to identify the Mrs. Smith type of inequities contained in the law and find ways and means of alleviating them.

The Commission, as you know, has yet to submit its final recommendations with regard to the Mrs. Smith type of problems. Accordingly, we have extended the life of the Commission for an additional period. During that time, until the Commission has had time to study and recommend a solution to the directional sign problem on premises signs and other matters dealt with in this section and the Congress has time to consider and act upon them, there should be a moratorium and the other protections for the Mrs. Smiths of our land and others who would otherwise suffer grievous economic hardships from implementation of the present law as altered by this amendment.

Mr. ULLMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to indicate my full support of the amendment proposed by the gentlewoman from California (Mrs. BURKE). I compliment her on the fine work she has done on this important issue for her amendment will be most helpful in preserving Oregon's progressive billboard removal program.

Oregon has been a leader in the removal of billboards in accordance with the Highway Beautification Act of 1965. The Oregon Travel Information Council erected the Nation's first motorist information logo boards last July. It is expected that Oregon will have all bill-



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boards removed from interstate and primary highways by the end of 1973.

I was disappointed that the bill reported by the Public Works Committee contained the same two prohibitive provisions that appeared in last year's ill-fated highway bill. First, the language in section 120(e) would preclude the substitution of the logo system where adequate information is provided by billboards themselves. Second in section 120(h), a delay on removal of billboards until December 31, 1974, would cripple Oregon's efforts to remove all billboards. As my fellow Members will recall, the conference report last year eliminated these same inconsistent directives but unfortunately the same provisions are back with us.

As Mrs. BURKE pointed out in her additional views in the committee report, no States have asked for these delays and impediments. The language I have referred to in the committee bill would torpedo Oregon's logo program, entered into in good faith, and would add unnecessary costs to State programs.

I urge my colleagues to join me in support of the amendment proposed by Congresswoman BURKE, as her amendment will eliminate the inconsistencies in the billboard removal provisions in the committee bill and will protect the fine program of States that have gone the extra mile to comply with Federal directives.

Mr. WYATT. Mr. Chairman, I strongly support Congresswoman BURKE's amendment. The billboard removal program in Oregon is moving ahead rapidly with agreement having been reached for the removal of 2,600 signs along Oregon's freeways and primary highways by January 1, 1974. The 2-year moratorium on removal of billboards as provided in this bill would most certainly injure and impair the effectiveness of the Oregon Motor Information Act of 1971 and our billboard removal program in Oregon.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. BURKE).

The question was taken; and on a division (demanded by Mrs. BURKE of California) there were—ayes 30, noes 74.

So the amendment was rejected.

Mr. WRIGHT. Mr. Chairman, I wonder if we can come to some agreement on time. We have been moving along well and, of course, there are many, many Members who desire to go to their homes and many have reservations on planes. I wonder if we can get unanimous consent that all debate on title I of this bill and all amendments thereto close at a quarter of 2.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. REID. Mr. Chairman, reserving the right to object, may I ask the chairman whether I could have 5 minutes for debate on an amendment, that I have been on the floor for about 2 hours now.

Mr. WRIGHT. Under my unanimous consent request, if it were agreed to, it would not give the gentleman 5 minutes but only about 2 minutes.

Mr. REID. How many Members are on the floor?

Mr. WRIGHT. Mr. Chairman, let me withdraw that request and request all debate on title I and any amendments thereto should close at 2 o'clock.

Mr. RAILSBACK. Mr. Chairman, reserving the right to object, how many amendments to title I are at the desk?

The CHAIRMAN. The Chair will state there are a number of amendments here, but the Chair has no way of knowing whether the authors will insist on offering them. However, there are approximately 10 or 12 proposed amendments, the Chair has been advised.

Mr. RAILSBACK. Further reserving the right to object, may I ask the Chair what the rule is where a Member has printed his amendment in the CONGRESSIONAL RECORD more than 24 hours before?

The CHAIRMAN. Under the rules of the House, if the amendment has been printed in the CONGRESSIONAL RECORD at least 1 day prior to debate, that Member is entitled to 5 minutes regardless of any unanimous-consent agreement or any other action taken in the committee.

Mr. FRELINGHUYSEN. Further reserving the right to object, Mr. Chairman, if it should be assumed—and I think it is safe to assume—that there are 12 amendments, that would allow 35 minutes with 5 minutes out for anyone who had an amendment printed in the RECORD. It seems to me we could not conceivably discuss matters of substance in that short a time.

On that basis I feel constrained to object to the unanimous consent request.

I have been waiting for 3 hours to discuss a matter of some substance to my State, and I feel we could not possibly do justice to that one amendment in that length of time.

Mr. WRIGHT. Mr. Chairman, I withdraw my unanimous consent request.

AMENDMENT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: On page 88, after line 9 strike out paragraph (1) of section 112 and renumber subsequent paragraphs (2), (3), (4), and (5) as (1), (2), (3), and (4.

Mr. WALSH. Mr. Chairman, I rise to offer an amendment to section 112 of S. 502.

Mr. Chairman, as presently constituted, this legislation contains a provision that would substantially reduce the allocation of funds for rural primary roads in 15 States.

The provision, section 112, paragraph (1) is a change from the present apportionment formula. As presently constituted, the total population of a State is used as the base and S. 502 would change that to a rural population base.

The rural primary system serves all of the people of a given State, urban and rural, whether for travel or for the movement of goods.

The number of people and the amount of goods moving through a rural area often reflects the size and proximity of that State's urban areas.

The primary system is oriented toward major urban centers across the Nation. The major portion of investment in the system to date has been in the vicinity of urban centers to meet the urban-oriented traffic needs. We should not misinterpret the fact that the system runs through rural areas in connecting urban centers as meaning the system is a rural one.

The apportionment formula should continue to reflect this broad purpose and include all of a State's population in the calculation. For that reason, Mr. Chairman, I call on my colleagues to support this amendment to strike this portion of the bill that would change the present formula.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I thank the gentleman for yielding, and I wish to congratulate the gentleman for bringing this amendment to the floor. I believe that if you change the total, the formula of total population to rural population, this money is not going to be replaced because there is a great deal of difference between rural population and rural traffic. Because of this, many of these States, just like my own State of New Jersey, which may have a small number of people living in what is designated as a rural area, but being a small State between two large cities, we have a great deal of traffic on the rural roads. Our State will lose 46 percent of funding for this. New York State will be hurt as much as any other.

I feel that the formula we had is much better, because all of the States, including the rural areas, will be provided adequate roads according to the amount of traffic they have.

So again I congratulate the gentleman from New York for presenting his amendment, and I hope that the amendment is agreed to.

Mr. WALSH. Mr. Chairman, I thank the gentleman from New Jersey for his remarks.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. WALSH).

Mr. Chairman, I regret that I have to oppose my distinguished friend, who is a valued member of the Committee on Public Works, but I must do so because, under S. 502, there is an equal division between urban money and rural money. Primary and secondary money in rural areas can only be spent in those areas. So-called C. & D. money can only be spent in urban areas.

We made this division, Mr. Chairman, on the basis that we want to treat every segment of our economy equally. Taxes that come into the trust fund will generally come in equal amounts from rural areas as those collected in urban areas. We wanted to apportion to rural areas the same amounts as we apportion to urban areas. For primary highways and secondary highways, that money can be spent only in rural areas. Therefore, the



rural population should be the basis for considering the apportionment.

Mr. Chairman, the gentleman from Massachusetts makes a valid point. The State of Ohio does, in fact, lose some money under this formula. But every State under this equal division of funds gets more money than it got under the previous legislation. Urban needs are included in the vastly increased release of C. & D. moneys. The present law only provides for $100 million for urban funding. But in this bill we have $700 million for urban funding. This represents a five-fold increase over that available last year.

So every State will receive more money under this bill than were apportioned in fiscal 1973. I think we would be undermining the concept of equalizing funds between urban and rural areas if we adopted this new formula.

I urge defeat of the amendment.

Mr. HORTON. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from New York (Mr. WALSH). The amendment would delete paragraph (1) of section 112 which establishes rural population rather than total population as the basis of allocation for rural primary system funds.

The apportionment of rural primary highway funding has been based on a State's total population for good reason. These roads serve not only those living in rural areas but all the people of a State. In my district, for example, rural primary roads serve both as intercity systems linking urban population centers and as the rural lifeline for the population in between.

By allocating rural primary money on the basis of a State's population living outside areas of 5,000 people, many States stand to lose substantial and necessary funds. Based on figures supplied by the Federal Highway Administration, New York State alone would lose almost $10 million a year.

I urge my colleagues to support the pending amendment and in doing so, I commend my colleague, Mr. WALSH for taking the leadership in this effort to delete an unwarranted and very costly change in rural primary system funding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WALSH).

The question was taken; and on a division (demanded by Mr. WALSH) there were—ayes 23, noes 61.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GINN

Mr. GINN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GINN: Page 133, insert, following line 18, the following:

TRAINING PROGRAMS

SEC. 149. Subsection (b) of section 140 of title 23, United States Code, is amended by striking out in the second sentence "and 1973," and inserting in lieu thereof ", 1973, 1974, 1975, and 1976", and by striking out "$5,000,000 per fiscal year" and inserting in lieu thereof "$5,000,000 per fiscal year for the fiscal years 1972 and 1973, and $10,000,000 per fiscal year for the fiscal years 1974, 1975 and 1976,".

Mr. GINN. Mr. Chairman, section 110 of the Federal-Aid Highway Act of 1970 authorized the Secretary of Transportation "to develop, conduct and administer highway construction training, including skill improvement programs."

For this purpose, the Secretary was authorized to deduct up to $5 million per year from the apportionments for the Federal-aid primary, secondary, and urban systems, the urban extensions of the Federal-aid primary and secondary systems, and the Interstate System.

The statute gives the Secretary considerable flexibility in the conduct of the training programs. He may cooperate "with any other department or agency of the Government, State agency, authority, association, institution, corporation—profit or nonprofit—or any other organization or purpose."

Within this discretionary authority, DOT has instituted a variety of actions with the objective of tailoring the training program to the needs of the various regions and States. The general objective of all of these actions is to open a maximum number of employment opportunities in the highway construction field, with principal emphasis on supplying opportunities for disadvantaged minority workers.

Historically, the highway construction industry has been an excellent source of employment opportunities for unskilled workers. In recent years, however, the application of mechanization to the highway industry has greatly increased the need for skilled workers while decreasing the demand for unskilled workers. In most cases, the individual seeking entry into the highway construction field will require some training.

The needs of many workers can be satisfied through an on-the-job training program, where such a program is available. Other workers, more disadvantaged, require preentry training.

An example of the preentry training program is the one conducted by the Northeastern Training Institute, Fleetville, Pa., which provides 400 hours of instruction divided equally between classroom and field training for heavy equipment operator trainees. An analysis of this program shows that the average family income of 144 trainees was less than $3,500 per year, prior to training. Minority group members made up 50.6 percent of the trainees, and 60.4 percent were Vietnam veterans. Immediately prior to training, 60.4 percent were unemployed. Employment was available for all graduates of the training course, with substantial increases in hourly wages.

An example of the on-the-job training program is the program conducted in Southeastern States by the Road Builders Training Association, Atlanta, Ga. A total of 2,668 trainees have been enrolled in this program, in seven States, including 1,732—64.9 percent—disadvantaged minorities.

The program is conducted through State contractors' associations and individual contracting firms.

With the cessation of the Vietnam conflict, the need to bring skill improvement opportunities to young men has increased.

The training program is the essential ingredient in providing employment opportunities in the highway construction field for members of minority groups.

Job mobility in the highway construction field is very high. Typically, a contractor recruits a work force for a particular project, or a particular phase of the project. Workers move from project to project, and from one employer to another. Even though an employer may be able to offer him continued employment at another jobsite, the worker is likely to opt for a job closer to home with a different employer.

Consequently, the most effective on-the-job training program is one which involves the cooperation of all highway contractors in a given area. The worker trained by contractor A may become an employee of contractor B, and vice versa.

The initial success of the highway construction training program has indicated the merit of expanding this program. A doubling of the annual dollar effort, from $5 million to $10 million, would be highly desirable.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GINN. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, we are prepared to accept the amendment.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. GINN. I yield to the gentleman from Ohio.

Mr. HARSHA. We accept the amendment.

Mr. GINN. I thank the gentleman from Ohio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARSHA: Page 121, line 24, strike "1974" and insert in lieu thereof "1975".

Page 122, line 1, strike "1974" and insert in lieu thereof "1975".

Mr. HARSHA. Mr. Chairman, I discussed this amendment with the majority. It is a technical amendment. It gives us 1 year's extension of time, and I understand they are willing to accept it on the provision that it deals with.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Illinois.

Mr. GRAY. We are prepared to accept the gentleman's amendment, Mr. Chairman.

Mr. HARSHA. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HARSHA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REID

Mr. REID. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

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Amendment offered by Mr. REID: Page 101, after line 4, insert the following new section:

"SEC. 122a. Section 109 of title 23, United States Code, is amended by adding at the end thereof the following subsection:

"'(k) The Secretary shall not approve any project under this title which would significantly affect the highway system of a contiguous State without the concurrence of that State.'"

Mr. REID. Mr. Chairman, I offer the Reid-Wolff-McKinney amendment, in which the gentleman from Connecticut (Mr. COTTER) and the gentlewoman from Connecticut (Mrs. GRASSO) and the gentleman from Connecticut (Mr. SARASIN) and the gentleman from Connecticut (Mr. STEELE) are joining.

Mr. Chairman, this amendment is designed to protect the rights of States when they would be significantly or adversely affected by the construction of a federally aided highway or connection in contiguous States. It would simply add a brief new section to the bill providing "the Secretary shall not approve any project under this title which would significantly affect the highway system of a contiguous State without the concurrence of that State."

I might note that his same provision, Mr. Chairman, was adoped by the Senate with the agreement of the managers of the bill in that body.

I would note further that under the present Federal-Aid Highway Act no federally aided highway project can be undertaken in a State unless the State plans, participates in, and, of necessity, approves the project, taking into account its total impact on the State.

However, as the law now stands, a project can be constructed in one State wholly without the approval of a neighboring State, even though the highway system of the latter may be seriously affected by the proposed project.

This threat to the rights of States is growing increasingly strong as new increments are added to the basic Interstate Highway System already in service. Proposed projects adding to the system in one State—particularly where they tie into highways traversing State lines—will have substantial impact on the traffic and future highway requirements of adjoining States.

Where this is the case, it is only equitable that all States which are significantly affected be formally represented in the decisionmaking process.

A clear case in point is the proposed bridge over Long Island Sound between Rye, N.Y., and Oyster Bay, N.Y. While this federally aided span would be located solely within New York State, it will join Interstate 95 less than 2 miles from the point at which I–95 crosses into Connecticut and becomes the Connecticut Turnpike, and it will become the major conduit for traffic between all of Long Island and New England.

The environmental impact statement predicts that by the end of only its fifth year of operation, this bridge would handle about 16 million vehicles annually, half of which will be newly generated by the mere existence of the bridge.

Obviously this tremendously increased volume will heavily impact the State of Connecticut, since much of the generated traffic will originate in, terminate in, or pass through that State.

In connection with the local approval I would note that the record is quite clear. The legislature of the State of New York has twice voted this down, in 1971 and again in 1972. So has the legislature of Connecticut. So has the Governor of Connecticut, whom I talked with this morning and who has written a very clear and persuasive statement as to why he does not feel this particular project is desirable at this time.

It should be noted that this proposed bridge will cost $274 million at the latest estimate, of which approximately $72 million would be Federal funds. For this money we could probably build 25 modern hospitals. I for one believe it is far more important to provide adequate health care and education for our citizen than to save 10 minutes driving to Mineola.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, the Reid-Wolff-McKinney amendment, which is also cosponsored by Mr. SARASIN, Mr. COTTER, Mr. STEELE, and Mrs. GRASSO, would require that the Secretary of Transportation not approve a highway project that would significantly affect the highway system of a contiguous State without the concurrence of that State. I believe it is an equitable and necessary amendment if we are to insure the rights of States to determine and control the impact of highway plans upon their citizenry.

Mr. Chairman, our amendment has particular significance for residents of New York State and Connecticut. For the past 6 years a battle has raged in New York over the proposal to build a bridge that would extend from Oyster Bay on Long Island to Rye, N.Y. The bridge would have an obvious and immense impact on New York, particularly on the entire Long Island Sound area. In its proposed path lie valuable wetlands at both ends of the bridge, shoreline and beach areas and the irreplaceable resources of the sound itself. It is estimated that the bridge would handle 33 million cars per year, over half of which would be newly created traffic. The Nassau, N.Y., County Board of Supervisors unanimously adopted a resolution in opposition to the proposed bridge. The entire Nassau County Republican delegation to the New York State Legislature opposed it. The councils of the New York towns and villages of Rye, Tarrytown, Mamaroneck, Oyster Bay, Bayville, Mill Neck, and Lattington have all come out in opposition to the bridge. The Westchester County New York Board of Legislators have voiced their concern that the project be suspended.

Mr. Chairman, these views are representative of New York's opposition only. The residents of Connecticut, who at this moment have no say whether the bridge will go through or not, have unmistakably and repeatedly expressed their opposition ever since the proposal was first aired. The northern end of the proposed bridge would be located only a few miles from the Connecticut border. It would have the effect of funneling countless additional cars and trucks into the already overcrowded Connecticut Turnpike and Merritt Parkway, aggravating an already tremendous congestion problem and increasing levels of air and noise pollution for Connecticut residents who have no say in the matter. Connecticut's Governor and State representatives have overwhelmingly voiced their dismay over the proposed construction, as has the Southwestern Regional Planning Agency, which is comprised of the towns of Wilton, Westport, Norwalk, Darien, New Canaan, and Stamford. Mr. Chairman, our amendment would insure the residents of Connecticut their rightful say in deciding whether the proposed bridge will respond to their concerns and needs.

As the Members may know this same amendment as we are offering was adopted by the Senate during their consideration of S. 502. I believe the Senate has provided us with a laudable initiative. I urge my colleagues support for the Reid-Wolff-McKinney amendment.

Mr. RONCALLO of New York. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from New York (Mr. RONCALLO).

Mr. RONCALLO of New York. Mr. Chairman, I rise in complete support of this amendment and in utter opposition to the Long Island Sound Bridge, whose approaches would destroy one of the most naturally beautiful areas of Long Island. Both offshore and onshore, these approaches would cut through areas as yet untroubled by pollution, areas replete with wildlife, much of them Federal parkland.

Not only does the bridge pose a threat to our natural resources, but also to the peace and tranquility, and indeed the very character, of our communities. There is no need to send through truck traffic and its noxious fumes to Long Island and across the sound as there are already in use alternatives in the Interstate System which bypass New York City. In addition to the approaches at issue today, some means would have to be constructed to connect the bridge with major existing north-south routes. I can promise you that unless this amendment is passed, we will soon see before us a request for funds to build an Atlantic Expressway across the south shore of Long Island, which would destroy and remove from the tax rolls some of the most valuable business property we have and create a "Chinese wall" dividing our communities in half. Other roads would have to be built or widened to feed the bridge, creating more traffic problems and further reducing the green areas we have left.

Mr. Chairman, I have been working against this bridge for many years—ever since I was a town councilman in Oyster Bay, at the southern end of the proposed bridge. It has occupied a great deal of my attention since joining you in the House. I would like to call the attention of my colleagues to the New York Times editorial entitled the "Un-Sound Bridge," which I inserted into the RECORD in the extension of my remarks on February 5, 1973. It noted that if this bridge, its approaches and other similar proposals are constructed, "the entire sound will have become a sewer bounded by a sprawl."

The answer to the transportation problem on Long Island lies in improved and expanded public transportation, not in more traffic-producing roads, especially in this time of concern about our environment and dwindling energy resources. I am opposed to this bridge; the people of Long Island are opposed to this bridge; and the New York State Legislature has twice voted to rescind its authorization. In the name of one of the foremost environmentalists the world has ever known, Theodore Roosevelt, whose hometown of Oyster Bay the bridge approaches would destroy, I urge support of this amendment.

Mr. REID. I thank the gentleman for his comment.

Mr. Chairman, I would point out the Governor of Connecticut Mr. Meskill has stated that he is "unalterably opposed" to the bridge and that it would impinge seriously on the road network in Connecticut.

I would also point out that not only has the legislature in New York opposed this but it did so unanimously in the Senate and in the assembly in April of 1972, the Governor notwithstanding.

This amendment is not only included in the Senate bill but also it is supported by both Senators of the State of New York and by both Senators of the State of Connecticut.

The purpose of this is to encourage cooperation among States in the planning and development of highway projects. It is not an effort to totally preclude the construction of a particular bridge. It is, however, an effort to insure that the rights of affected, contiguous States are protected and that they do have a voice in a matter which can affect them.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, I simply want to add to what the gentleman from New York has said. It is very strange that under the new federalism, we have to come to Congress to obtain this type of relief.

I would say that at least the people have spoken, both legislative bodies in both States have come out firmly against this bridge. When do we curb the monster which we have created here and over which they have no control?

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hope the committee will look very carefully at the language of this amendment in trying to understand what we are doing here.

This amendment is both unwise and unwarranted, and it is not restricted to just an area in this country; its application is nationwide.

It is an effort to undermine the status of the Federal-aid highway program, and its effect would be to give each State what amounts to a veto for highway projects in adjacent States.

I do not know whether the committee knows it or not, but there are about 10,000 highway projects approved each year. How many would be affected by this amendment, if it became law, there is no way of knowing. The only restriction is that it must have a "significant effect." Who makes the determination as to what is a "significant effect"?

The procedures required for the approval of highway projects are already long and arduous. There are some 23 steps to go through to get a highway program to the construction stages. In addition to that, it takes anywhere from 4 to 6 years from the initiation of a highway project to its completion.

To superimpose yet another hurdle, particularly a hurdle of this kind, would for all practical purposes, Mr. Chairman, doom many projects to oblivion. We are trying to cut out the redtape, to alleviate the redtape, and get out of the bureaucratic mess we are in.

This amendment would negate the efforts which the committee has made.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, does the gentleman not believe that a State has a right to some say in a project which would impact unfavorably upon it, regardless of whether the project is in the State or not?

Mr. HARSHA. In the first place, I do not think that we can stop the construction of a highway in a particular State because it may inadvertently have some effect upon the highway in another State. We are going to have to have a continuous highway program. We just cannot stop at a State border. We have got to have highways that have continuity so that we can have a transportation pattern across the country.

Mr. WOLFF. Mr. Chairman, do I understand that if there is inadvertent impact upon another State, that the State would not have the opportunity to have its say? It is important that if there is a heavy impact upon one State putting a highway in an adjoining State, then both States affected should have equal say.

Mr. HARSHA. Mr. Chairman, the State can make its views known. The only thing it does not have is a veto. This would give a State a veto over heavy construction projects in an adjoining State.

Mr. WOLFF. Mr. Chairman, I move to strike the last word.

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. REID. I should like to direct a question to the ranking minority Member, because I believe one point needs clarification.

The amendment specifically says:

The Secretary shall not approve any project under this title which would significantly—

By that it means adversely—

affect the highway system of a contiguous State without the concurrence of that State.

If the Secretary determined there were no significant effect, the matter would be moot. On the other hand, if the Secretary, after careful consideration, determines there will be an adverse impact on a contiguous State—in this case involving potentially 25 million additional cars on highways already close to capacity—then and only then is it clear that the Secretary must seek concurrence of both States.

I believe that is only fair. If he determines there is not an adverse effect, then it is not operative.

Mr. HARSHA. I did not follow all of the gentleman's statement. There was too much noise in the chamber.

I would ask the gentleman: Who makes the determination of what is significant?

Mr. REID. The Secretary does.

Mr. HARSHA. That is subject to interpretation, and any citizen in any court can challenge it.

Mr. REID. The Secretary would make the judgment. Here there is a reasonable case to be argued, because both State legislatures have taken such a position. Indeed, it is quite clear there is some concern. It is reasonable to ask the Secretary to make a judgment. If he determines it is adverse, then it is not unreasonable to ask the concurrence of both States.

Mr. HARSHA. In a specific case to which the gentleman is trying to address himself, the legislatures have acted. But this provision would apply nationwide and would permit this type of action to be challenged in courts throughout the country.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Would the gentleman from New York (Mr. REID) accept an amendment that might clarify the locality, to his amendment, which is at the desk? I was not going to offer the amendment, to save time, but I will offer it.

Mr. REID. I would prefer to see if we can clarify this amendment, and then I should be happy to look at the gentleman's proposal. I understand the gentleman from Texas (Mr. WRIGHT) would like to make a comment.

Mr. WOLFF. Mr. Chairman, I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I thank the gentleman for yielding.

I wonder if the gentleman from New York, in order to clarify in the law what he has declared to the ranking minority Member, would accept an amendment simply to add three words, to make it read:

The Secretary shall not approve any project under this title which in his judgment would significantly affect the highway system of a contiguous State without the concurrence of that State.

Would the gentleman accept an amendment of that kind?

Mr. REID. I believe that is consistent with the language of the amendment. Yes, I would accept it.

AMENDMENT OFFERED BY MR. WRIGHT TO THE AMENDMENT OFFERED BY MR. REID

Mr. WRIGHT. In that case, Mr. Chairman, I should like to offer an amendment.

Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York; between the words "which" and "would" insert the words "in his judgment."

The Clerk read as follows:

Amendment offered by Mr. WRIGHT to the amendment offered by Mr. REID: In line 4 of the amendment, between the words "which" and "would" insert the following words: "in his judgment".

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

I do not know what the distinguished ranking majority Member is trying to get at, but I am concerned that this language does not remove the probability that somebody could challenge this judgment as being capricious, over extended, and not in the best interest of solving the environmental issue here involved.

I believe, because of the scope of the amendment, which applies nationwide, we will be opening up a can of worms. Is there not some way we could limit this to the specific project about which the gentleman is concerned? The gentleman from Connecticut (Mr. MCKINNEY) has an amendment which I believe is limited to the specific problem, involving the Oyster State Bridge, I believe, which would go far to relieve my mind as to what we might be getting into.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I think the gentleman from Ohio (Mr. HARSHA) would recognize that the amendment I offered was intended to render the amendment of the gentleman from New York less menacing and more palatable to the gentleman from Ohio and to the rest of us.

In any event, whatever the gentleman might wish to do with regard to the amendment of the gentleman from New York, I think he would agree that a limitation of this type would improve it to the extent it would stipulate the Secretary as the one to make the judgment, and not some self-appointed critic.

Mr. HARSHA. Mr. Chairman, I certainly think there is no question but what the gentleman's amendment to the amendment does include that provision. But I still think we have considerable areas here to be concerned with because of the generality in the language involved.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Iowa (Mr. GROSS.)

Mr. GROSS. Mr. Chairman, let me ask the gentleman from Texas, is this not a rather broad delegation of power to the Secretary?

I did not think we were supposed to be opening this up for the delegation of power in cases of this kind. Does this apply only to the State of New York?

Mr. WRIGHT. If the gentleman from Ohio (Mr. HARSHA) will yield further, I will attempt to answer my friend, the gentleman from Iowa (Mr. GROSS.)

Mr. HARSHA. I yield further.

Mr. WRIGHT. Mr. Chairman, it is my interpretation that my amendment, if accepted, would not make any real substantial change in existing law or procedure, because the Secretary presently has the discretion with respect to crossing State lines, and it might be helpful to the gentleman from New York in his problem.

The Secretary would presently have the authority to settle disputes between two States.

I think it would be fairly consonant with existing law. I am just offering it as a way out of what appears to be a difficult dilemma.

Mr. MCKINNEY. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, I will offer my amendment at this point.

I will state that I am offering this amendment as a perfecting amendment. The Clerk has a copy at the desk.

The CHAIRMAN. The Chair will state that there is already a perfecting amendment pending, the one offered by the gentleman from New York (Mr. REID).

If that amendment should be defeated or withdrawn, the gentleman could then offer it, or he may offer it as a substitute for the amendment offered by the gentleman from New York (Mr. REID).

SUBSTITUTE AMENDMENT OFFERED BY MR. M'KINNEY FOR THE AMENDMENT OFFERED BY MR. REID

Mr. MCKINNEY. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. MCKINNEY for the amendment offered by Mr. REID:

Page 133, after line 18, insert the following:

SEC. 149. Section 106 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) The Secretary shall not approve any surveys, plans, specifications, and estimates for any project on the Federal aid system which would connect any part of the Interstate System with a bridge over Long Island Sound, unless prior to the submission of such surveys, plans, specifications, and estimates, such project has received the approval of the legislature of the State of Connecticut and the legislature of the State of New York."

The CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Mr. MCKINNEY. Mr. Chairman, I will not use all of my time, but very briefly, let me make a few comments here about something that really disturbs me; I think it disturbs most of the Members of this body. We do believe we live in a democracy.

Let us look at the monstrosity we created in New York. We, the Congress of the United States, did it. We turned around and produced a Metropolitan Transportation Authority which is in essence responsible to no one.

So what do we have? We have the House in the State of New York that votes against the bridge; the Senate in the State of New York votes against the bridge; the House in the State of Connecticut votes against the bridge; the Senate in the State of Connecticut votes against the bridge. Nobody votes any money for it, but it still can be built because this autonomous agency can go ahead with its own bonding and build its own bridge.

Mr. Chairman to those Members who come from the beautiful Midwest and other places, Long Island Sound may not look like very much to them, but believe me, it is all we have left. We are trying to bring it back, and save it for the future.

This bridge will be so tall and so big, at 6½ miles long, that standing in New Haven 35 miles away, it will overpower the entire landscape.

It is just an absolute travesty that we should take our one recreational body of water and our major national asset and fill it with this bridge.

On top of that we have the very distinct possibility that we will bring all of the traffic in the State of Connecticut to a complete and utter halt. It is estimated that two main roads are already completely obsolete for the traffic that they handle, and this will increase the traffic on the Connecticut Interstate Turnpike and on the Merritt Parkway 35 to 40 percent in passenger cars and up to 70 percent, in trucks, because most of Long Island is now taken care of by railroads due to the difficulty of getting trucks through the city.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. MCKINNEY. I yield to the gentleman.

Mr. HARSHA. I have authority to accept the amendment on our side.

Mr. WOLFF. Will the gentleman yield?

Mr. MCKINNEY. I yield to the gentleman.

Mr. WOLFF. As one of the coauthors of the other amendment, I think the gentleman has done a great service in breaking this down to the specific project involved. I support it.

Mr. COLLIER. Will the gentleman yield?

Mr. MCKINNEY. I yield to the gentleman.

Mr. COLLIER. I think the original amendment is more in keeping with the orderly process of legislation. It seems to me whatever merit or demerit might be involved in the project here, we have an amendment which singles out one project in one area and in sum and substance is discriminatory. That means it would not be applicable to a similar situation in another area. I am totally sympathetic to the situation here, but I believe it is not the right way to write legislation.

Mr. MCKINNEY. I would suggest to the gentleman that Long Island Sound is not just a body of water belonging to the group of people surrounding it but belongs to the whole country.



Mr. COLLIER. So does the Mississippi River.

(Mr. SARASIN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SARASIN. Mr. Chairman, this amendment is of great importance to the people of my district and my State and I strongly support it. For reasons of safety, environmental protection, traffic congestion, freedom of navigation, and the spirit of cooperation in the development of transportation systems, this amendment should be adopted.

There has been a great deal of talk during our deliberations about the need for coordinated transportation systems and cooperation and flexibility between jurisdictions. Indeed, many of us who support amendments to make the Federal Aid Highway Act of 1973 more responsive to transit needs of the urban areas predicate this support on the belief that cities, States, and the Federal Government can work together for such an integrated system.

The amendment presently before us would be a major step to assure such cooperation by requiring consultation and agreement between the States in all cases where the plans of one could have a serious effect on another.

It is obvious that a great deal of the impetus for the passage of this amendment comes from Members concerned about the ill-advised and now generally repudiated efforts to bridge the Long Island Sound. This project is now being pushed by the few in the face of the opposition of the many in spite of the fact that massive evidence of its unsuitability has been provided.

As just a small part of this outpouring of opposition I have the privilege of offering for inclusion in the RECORD a statement by the Honorable Thomas J. Meskill, Governor of Connecticut, expressing the opposition of the State administration to this poorly conceived span, and a statement by members of the Connecticut General Assembly supporting the intent of this amendment.

The Governor's statement follows:

STATEMENT BY GOV. THOMAS J. MESKILL, OF CONNECTICUT, APRIL 18, 1973

I am opposed to any Long Island Sound crossing having a terminus in or near Connecticut.

I have taken this position because I believe the proposed project will result in increased traffic, higher noise levels, decreased air quality, accelerated pressures on scarce open space and adverse effects on the ecology of Long Island Sound which are too severe for Connecticut.

We already expect, without the bridge, significant transportation corridor deficiencies in Fairfield County by the year 1980. The proposed bridge would accelerate this development of transportation corridor deficiencies, resulting in inconvenience and greater safety hazards for all traffic using I–95 and Connecticut Route 15, not just for the additional traffic to and from the bridge.

Further, any attempt to expand corridor capacity in Fairfield County cannot take place without significant social and environmental impacts on the neighboring communities.

The South West Planning Region reports an 85 percent increase from 1964 in the amount of built-up land within its boundaries. In 1970, the total stood at 51.2 percent, highest of any region in the state.



The effect of this bridge can only be more intensive pressure on the rapidly diminishing open space which is necessary to preserve the diversity and character of the area and the quality of life for all residents in that region.

The proposed bridge would lead to the entrance of pollutants—lead, rubber, oil and litter—into the Sound, and could increase the probability of ship collisions because of the spans.

Connecticut's shoreline is already suffering under dramatic oil spill damage and we must do all we can to limit potentials for further damage.

We, the undersigned, Members of the General Assembly of the State of Connecticut, urge, on a non-partisan basis, support of the proposed amendment to the Federal Aid Highway Act of 1973 which would prohibit the use of Federal highway funds by one state should such use adversely affect the best interests, environment and safety of the people of any adjoining state.

Arbitrary independent action by one state is inconsistent with today's valuable concept of cooperative regional planning, which we feel can be seriously undermined by any such unilateral decision.

Speaker Francis J. Collins, 107th District.
Deputy Speaker Michael L. Morano, 151st District.
Majority Leader Gerald F. Stevens, 119th District.
Deputy Majority Leader Alan H. Nevas, 136th District.
Minority Leader Carl R. Ajello, 104th District.
Deputy Minority Leader James J. Kennelly, First District.
Minority Leader at Large William R. Ratchford, 109th District.
Rep. Gennaro W. Frate, 141st District, House Chairman, Transportation Committee.
Rep. Dorothy K. Osler, 150th District, Greenwich.
Rep. A. U. Fox, 149th District, Greenwich.
Rep. Paul A. Siladi, Jr., 148th District, Stamford.
Rep. James F. Bingham, 147th District, Stamford.
Rep. Sideny M. Sherer, 144th District, Stamford.
Rep. Richard B. Edwards, 146th District, Stamford.
Rep. John G. Matthews, 143rd District, New Canaan.
Rep. John F. Mannix, 142nd District, Wilton.

(Mr. LENT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LENT. Mr. Chairman, I rise in support of the substitute offered by the gentleman from Connecticut, Mr. MCKINNEY. The question of a proposed bridge from Bayville in Nassau County to Rye in Westchester County, N.Y., is one that has haunted the people of Long Island, Westchester County and Connecticut for 6 years now. Every local public official from my home county of Nassau, each member of the New York State Legislature from Nassau County, the Nassau County executive, the town supervisors, the village mayors—indeed, everyone has opposed construction of this bridge.

Now some may argue that we have no business here today considering what appears to be a local situation, but I would point out that this bridge has been voted down on two separate occasions by the New York State Legislature, it has been condemned by our Nassau County Planning Commission as unwise, and the U.S. Department of the Interior has said it will not grant easement rights for the bridge's approach over Federal lands for to do so would seriously endanger a national wildlife refuge.

Further, the Bayville to Rye Bridge would create a tremendous burden on our already overloaded highway system in Nassau County. The bridge would act as a magnet to North-South traffic seeking to avoid New York City. It would also necessitate expansion of feeder arteries and secondary roadways, and that burden would fall to our county and townships, which, I reiterate, do not want this bridge.

It, in essence, would invite New York City's frequent bumper-to-bumper traffic to Nassau County and soon re-create the very situation its construction is said to be designed to alleviate.

Mr. Chairman, I hope that my colleagues who are not yet plagued by a situation where it takes an hour and a half to travel 15 miles—those of our colleagues who yet enjoy some greenery in their congressional districts—will have empathy for those of us who are being asked to accept "wall to wall pavement" on Long Island. I hope those of you who still have the benefit of unhampered travel will join with us in support of this worthy amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WRIGHT) to the amendment offered by the gentleman from New York (Mr. REID).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Connecticut (Mr. MCKINNEY) for the amendment offered by the gentleman from New York (Mr. REID).

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID) as amended by the substitute amendment offered by the gentleman from Connecticut (Mr. MCKINNEY).

The amendment, as amended, was agreed to.

Mr. WRIGHT. Mr. Chairman, I am hoping again we may be able to get some agreement as to fixing a time. We have a lot of Members catching planes. I would ask unanimous consent that all debate on title I of the bill and amendments thereto conclude at 2:30.

Mr. WOLFF. Reserving the right to object, does the Chair have any idea as to how many amendments still remain at the desk to title I?

The CHAIRMAN. The Chair is not aware of all the proposed amendments, but we have a list of approximately five or six of which several, the Chair understands, may be accepted by the managers of the bill.

Mr. WOLFF. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recog-

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nizes the gentleman from Illinois (Mr. RAILSBACK).

AMENDMENT OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK: Page 133, line 5, strike out "route" and insert "routes", and strike out "for the purpose of including such highways in the National System of Interstate and Defense Highways" on lines 5, 6, and 7.

Page 133, line 8, immediately before "A" insert the following: "(1)".

Page 133, after line 13, insert the following:

"(2) A route from Kansas City, Missouri, or its vicinity, to Chicago, Illinois, or its vicinity, so aligned as to cross the Mississippi River at a point between Nauvoo, Illinois, on the north, and Hannibal, Missouri, on the south.".

Ms. ABZUG. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentlewoman from New York reserves a point of order on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I will be glad to yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, we have accepted this amendment on this side, since it only proposes a study, and no funds are involved; therefore we are prepared to accept the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I thank the distinguished gentleman from Illinois.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, we accept the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. I thank the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Does the gentlewoman from New York (Ms. ABZUG) insist on her point of order?

POINT OF ORDER

Ms. ABZUG. I do, Mr. Chairman, in that I merely reserved the point of order inasmuch as I wanted to have some explanation from the gentleman from Illinois as to what his proposed amendment actually does.

The CHAIRMAN. The Chair will state to the gentlewoman from New York that the time of the gentleman from Illinois has expired.

PARLIAMENTARY INQUIRY

Mr. RAILSBACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RAILSBACK. Mr. Chairman, my parliamentary inquiry is this: That I had asked the Chairman before I offered my amendment, and I just tried to bring this matter up just now, and that is that I printed my amendment in the CONGRESSIONAL RECORD of April 17 at page 12843, and I was previously led to believe, in response to the answer of the Chairman, that I would be given 5 minutes on my amendment.

The CHAIRMAN. The Chair will state that the gentleman is correct. The Chair was not aware that the gentleman's amendment had been printed in the RECORD, and the Chair will state that the gentleman from Illinois will be recognized for an additional 4 minutes.

(By unanimous consent, Mr. RANDALL yielded his time to Mr. RAILSBACK.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois for 4¾ minutes.

Mr. RAILSBACK. I thank the Chairman for his ruling. I do not intend to use all of my time.

PARLIAMENTARY INQUIRY

Mr. COLLIER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Illinois yield for the purposes of a parliamentary inquiry?

Mr. RAILSBACK. I yield to the gentleman from Illinois.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COLLIER. Mr. Chairman, my parliamentary inquiry is this: I am not sure that I understand what is happening on the floor here. Is the gentleman from Illinois now speaking on an amendment that has already been agreed to?

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the Committee of the Whole has not acted upon the amendment offered by the gentleman from Illinois (Mr. RAILSBACK) although the managers for the bill on both sides have indicated that they would both accept the amendment offered by the gentleman from Illinois.

Mr. COLLIER. I thank the Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, my amendment would require a feasibility study by the Secretary of Transportation for including a route from Chicago, Ill., to Kansas City, Mo., in the primary system. This amendment would be in addition to the Georgia to Kansas City feasibility study included by the Committee on Public Works in its bill.

I have offered this amendment for myself and on behalf of my distinguished colleagues from Illinois, Missouri, and Iowa, Representatives MICHEL, FINDLEY, MEZVINSKY, RANDALL, LITTON, and BOLLING.

The midwest region between Chicago and Kansas City is one of the great agricultural regions and, in terms of general traffic and the transportation of agricultural products, one of the most traveled routes in the United States. Yet, in terms of comparable size and population, this area is one of the largest in the country not served by interstate highways. While 10 railroads and three airlines provide a direct link between Chicago and Kansas City, interstate highway users must travel an indirect route through Des Moines or St. Louis.

The absence of adequate modern highway transportation has a profound effect on the vitality of this region and its ability to service the major markets of the East and West. Furthermore, residents and travelers must face unsafe roads and inconvenience in terms of time and money because there is no highway between these two giants of the Midwest.

A route linking Chicago and Kansas City would be 145 miles shorter than through Des Moines and 125 shorter than traveling through St. Louis. This would mean faster and more efficient farm-to-market transportation. It would save travelers extra hours and the costs associated with longer travel time. It would relieve congestion now occurring in the St. Louis metropolitan area. It would mean that large urban centers like Peoria's metropolitan area with a population of 300,000 and the smaller cities and towns of west-central Illinois would for the first time have direct access to Chicago.

Providing an adequate highway transportation system would not only affect the area by improving accessibility for visitors and residents traveling from one community to another or from farm to market, it would also have a tremendous impact on economic development in the region. Indeed, a Chicago to Kansas City interstate would translate our stated commitment to rural America, as expressed in the Rural Development Act, into meaningful action.

Most of the communities which would be served by this interstate are rural small towns—small towns in trouble because they have been unable to attract industry and have seen their young people leave for the cities where the jobs are. For example, 14 of the 16 counties of western Illinois lost population between 1960 and 1970, even though the area has an abundance of high quality labor, excellent river transportation, fine schools and recreational facilities and outstanding higher educational institutions.

Despite these attributes, the situation in many small towns is critical and revitalization is desperately needed. What stands in the way of economic growth is an absence of good highways. Most industrial prospects demand to be within 20 or 30 miles of an interstate highway so they can have access to markets for their products. Industry will be reluctant to consider the west-central Illinois, northeast Missouri or southeast Iowa region until they can be assured of an adequate transportation system. And these rural areas will not grow and prosper and will find it difficult to contribute to and share in the economic development of the country unless we take the first step today by approving the feasibility study proposed in the amendment before us now.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman for yielding, and I would just like to inquire if this proposal is for a feasibility study of a highway from Kansas City to Chicago, and that there is no attempt made in this proposal to pinpoint the location of the bridge, because this would be a decision of the engineers by the appropriate State highway departments and Federal highway official. Is that correct?



Mr. RAILSBACK. That is correct.

Ms. ABZUG. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentlewoman from New York withdraws her point of order.

AMENDMENT OFFERED BY MR. RUNNELS TO THE AMENDMENT OFFERED BY MR. RAILSBACK

Mr. RUNNELS. Mr. Chairman, I offer an amendment to the amendment offered by Mr. RAILSBACK.

The Clerk read as follows:

Amendment offered by Mr. RUNNELS to the amendment offered by Mr. RAILSBACK: Page 133, line 1, strike out "Study" and insert "Studies".

Page 133, line 5, strike out "route" and insert "routes".

Page 133, line 8, immediately before "A" insert the following: "(1)".

Page 133, after line 13, insert the following:

(2) A route from Amarillo, Texas, or its vicinity to Las Cruces, New Mexico, or its vicinity, so aligned as to serve the following intermediate locations, or vicinities thereof: Hereford, Texas; Clovis, New Mexico; Portales New Mexico; Roswell, New Mexico; Ruidoso, New Mexico; Tularosa, New Mexico; and Alamogordo, New Mexico; together with a branch route from Alamogordo, New Mexico, or its vicinity, to El Paso, Texas, or its vicinity, to connect with Interstate Route No. 10 and the port of entry with Mexico.

(3) A route from the Port of Catoosa, Catoosa, Oklahoma, or its vicinity, to Interstate Route No. 35 to Ponca City, Oklahoma, or the vicinity.

Ms. ABZUG. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentlewoman from New York (Ms. ABZUG) reserves a point of order against the amendment offered by Mr. RUNNELS to the amendment offered by Mr. RAILSBACK.

Mr. HARSHA. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New Mexico is recognized in support of his amendment.

Mr. RUNNELS. Mr. Chairman, as many of you know, New Mexico is a State where our major highways serve as the connecting link between our communities and is the major link between the East and West and is the major source for the transportation of goods and people into and out of the State of New Mexico.

We presently have excellent interstate highways which service the northern and central part of the State, but the east and southern portions depend on unsafe, for the most part narrow, highways that are totally inadequate to the needs of our residents and to those people desiring to drive through our State.

The proposed amendment would authorize the Secretary of Transportation to conduct a study on the feasibility of constructing a much needed highway between Las Cruces, N. Mex., where it would connect with interstates 10 and 25, and Amarillo, Tex., connecting with interstate 40.

Under the present situation, the major portion of southeast New Mexico which contains a large percentage of the State's population, is not served by a major highway which offers safe, dependable travel. I am sure all of you read or heard of the tragic accident involving a school bus in New Mexico which was traveling on one of the narrow, outdated U.S. highways that crosses this area of the State. This is just one example of the need for improving the present inadequate U.S. highway system in New Mexico.

Specifically, Mr. Chairman, my amendment would instruct the Secretary of Transportation to conduct the feasibility study and report back to the Congress by January 1, 1975. The Congress could then base its decision on the need for an additional interstate highway on the information supplied by the Department of Transportation.

This amendment involves the congressional districts of Mr. MAHON of Texas, Mr. PRICE of Texas, Mr. WHITE of Texas and Mr. MCSPADDEN of Oklahoma, all of who support this amendment, and I urge my colleagues to accept it.

Mr. WHITE. Mr. Chairman, we have proposed this amendment because of the constantly developing transportation requirements of the southwest due to large influxes of new residents with accompanying commercial traffic, and the burgeoning tourist industry. I would stress that the amendment asks only for authority for a feasibility study at this time, and that such an item was included in the original Senate bill. Mr. Runnel's amendment proposes an additional segment to be included in the proposed feasibility study, and that is the stretch of U.S. Highway 54 between Alamogordo, N. Mex., and the Texas border. The Texas State Highway Department and the city of El Paso have already provided for a divided freeway route from the State line along Route 54 leading directly to the international port of entry at Juarez, Mex. and the Pan American Highway. The length of U.S. 54 between the Texas State line and Alamogordo, N. Mex.—some 70 miles—is one of the most heavily traveled in the State of New Mexico. Yet, it is a narrow, twisting, two-lane artery carrying a rating of one of the 10 worst primary routes in the State. It also has the stigma of having one of the poorest safety records in the southwest. I would stress further that the route carries a distinctive importance to our defense effort in that it is extensively used by army convoys and for other military related travel between Fort Bliss, Tex., and White Sands Missile Range, N. Mex. This branch from Alamogordo, N. Mex., to El Paso, Tex., becomes even more important should the route from Amarillo, Tex., to Las Cruces, New Mex., be eventually included in the Interstate System. The interstate 10–25 corridor from Las Cruces south to El Paso is already over-crowded, and without the Alamogordo-El Paso branch, the increased travel on highway 70 would funnel additional heavy loads into this corridor. For these very logical reasons, I urge the inclusion of that stretch of U.S. 54 between Alamogordo, N. Mex., and the Texas State line be included in any feasibility studies designed to include route 70 from Amarillo to Las Cruces in the Interstate System.

Mr. MICHEL. Mr. Chairman, I commend and salute my friend from Illinois for his initiative and assure him of my support for his amendment which would require the Department of Transportation to conduct a feasibility study of a Chicago to Kansas City route for the purpose of including such a highway in the Interstate System.

Certainly the central and western portions of the State of Illinois which include my friend's district as well as portions of my own have not received adequate consideration in the past for inclusion in the Federal Interstate Highway System. Hopefully the adoption of this amendment will be the first step in a process which will eventually provide this area with easy access to a new highway connecting the two great cities of Chicago and Kansas City. I urge my colleagues to support this amendment.

Mr. RANDALL. Mr. Chairman, I enthusiastically support the amendment offered by the gentleman from Illinois (Mr. RAILSBACK) at page 133 of S. 502.

Kansas City, Mo., the heart of America, has already fared rather well by being mentioned in S. 147 for feasibility study to construct a route from Brunswick, Ga., to Kansas City, Mo., running through Springfield, Mo.

Mr. Chairman, Chicago is a great city, and the metropolitan area of Kansas City is a great area. For 20 years, we have dreamed of an Interstate route between these two great cities. Oh, of course, we can drive to a point on the Mississippi River north of St. Louis, then on up the main route to Chicago. We need a direct route. We hear so much today about the energy crisis. Then there is another crisis that we hear discussed repeatedly—the crisis of our railroads. We have been fortunate to maintain good rail service in most of the Midwest. We always need a supplemental system of transportation. The Kansas City-Chicago direct route expressway would save millions of dollars annually for our industries because of its less mileage for over-the-road highway freight between these points.

Mr. Chairman, I commend the gentleman from Illinois for his hard work on this amendment. I know there is a controversy as to where this route would cross the Mississippi River—at Hannibal and Quincy or farther north. Studies can resolve that problem. The important thing is to get on with a highway study which will ultimately lead to construction of this great road.

Some of us had thought that we might be knocked out by a point of order. I was proud to have had a small part in negotiating with the committee leadership on both sides of the political aisle and to be able to gain acceptance of this amendment without a challenge by a point of order. By agreement that this proposed road be financed by a ratio of 70 percent to 30 percent rather than the 90 percent to 10 percent, we avoided a head-on conflict and possible defeat of the amendment. Thus, this route may not be presently considered as part of the national system of interstate highways, but the very important thing is that we can get on with the study. Then, perhaps later it can be put again back under the Interstate System.

Once again, the gentleman from Illinois is to be commended for his effort as he carefully and diplomatically avoided a conflict over where the route might

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cross the Mississippi River and then was able to skillfully surmount the challenge of the point of order. I am proud to be associated with him in this effort as one who represents part of the metropolitan area of Kansas City. It should be noted that at page 58 of S. 502, the Senate had already included feasibility study of a route between Kansas City and Chicago to cross the Mississippi River between Hannibal, Mo., and Quincy, Ill. Our committee had deleted that section, and now the amendment which has been accepted by the committee puts back into the picture the chance for a thorough study of the Kansas City-Chicago route.

In summary, the passage of this amendment marks a great day for the future of all central and northern Missouri and all eastern Illinois. It means new industry will spring up along the great new and hoped-for Kansas City-Chicago route.

Mr. RUNNELS. Mr. Chairman, I ask unanimous consent to include the Railsback amendment.

The CHAIRMAN. The Chair does not understand the gentleman's unanimous-consent request.

Mr. RUNNELS. Mr. Chairman, this is merely a study, and I am asking at this point in time unanimous consent that the Railsback amendment also be included in this study.

The CHAIRMAN. The Chair will state that the gentleman's amendment is an amendment to the Railsback amendment.

Mr. RUNNELS. I withdraw the request, Mr. Chairman.

Mr. Chairman, I just hope all of the Members vote "yes."

The CHAIRMAN. Does any Member insist on a point of order against the amendment? If not, the question is on the amendment offered by the gentleman from New Mexico (Mr. RUNNELS) to the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN: Page 125, line 21, strike out "(a)" and all that follows down through and including "(b)" on line 1 of page 126.

The CHAIRMAN. The gentleman from New Jersey is recognized.

(By unanimous consent, Messrs. QUILLENS, TEAGUE of California, and SANDMAN yield their time to Mr. FRELINGHUYSEN.)

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentlemen who yielded their time to me.

I regret we are so eager to adjourn that we do not have adequate time to discuss what I hope is a noncontroversial amendment. The language I seek to strike would require the Secretary of Transportation to permit no further action on 22 miles of interstate highway in my State of New Jersey. This highway, I–287, is approximately 65 miles in length. It has taken us about 25 years to complete construction on some 44 miles of this route.

Prohibiting construction from Montville to Mahwah would mean the remaining road could not be built without additional, new hearings. In my opinion there is no justification for such an intervention on the part of the Federal Government. No case can be made for further delay over a badly needed interstate highway.

There is no significant support in my State for such a delay. In fact the Department of Transportation is solidly against any further consideration of alternative alinements, and so is the Governor, and I have statements to that effect in my possession.

Without any question we have delayed too long. The only justification for a further delay of this kind is because there are one or two towns which feel they would be adversely affected. In my opinion that is not sufficient justification for not giving a State the right to continue with an alinement which has been on master plans of the towns affected for over 20 years.

Our State quite obviously has grown and in the path of the proposed alinement there are some municipalities that would be adversely affected. But there can be no expediting of the completion of this important interstate highway if Congress should now seek to allow consideration of alternative routes at this time.

Let me say also that the terrain in that part of New Jersey is such that there is no easy alternative to the approved alinement. Any alternative would have a severe and adverse environmental effect. In addition, an environmental impact statement on the approved alinement is expected any day. I would suggest we keep our nose out of New Jersey's business, and not try to delay further what needs to be done with respect to the completion of a crucially important circumferential highway. The volume of traffic on the existing highways is already enormous and this new highway is badly needed.

I do hope that there is a recognition on a bipartisan basis that dropping this language makes sense. This is the kind of intervention by Congress which we should not tolerate. There will be an opportunity during design hearings on the alinement as now proposed for individuals who feel there should be some modest changes of the proposed alinement.

I urge that this language be dropped from the bill.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I tell the Members as a Representative from the State of New Jersey that our cause is just. I would not present such an amendment that affects my district directly if I did not believe our cause was just and fair to our people, but what my good colleague fails to understand is that there are alternatives. It is true some hearings were held, and they were held 7 years ago before this great body passed an Environmental Protection Act. I call the attention of this gentleman to the fact that there is no such thing as formal design hearings by congressional law. They happen to be by administrative procedure of the Department of Transportation.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(By unanimous consent, Mr. HOWARD yielded his time to Mr. ROE).

Mr. ROE. Mr. Chairman, my people in the State have begged and cajoled and got on their hands and knees and asked for justice. They had the Department of Transportation to listen to them.

What do they want to do? They want to speak on an issue that affects them. I listened all day for 2 days to the battle on mass transit and to the battle for people to be heard and the right for people to speak in America on issues that affect them. That is what this issue is about. The cause is just. We are simply saying to give the people of my district in my State the right to speak and to be heard on this issue.

What is so terrible about that? If that is so wrong and this issue is struck, then every other thing that has been said here today on the people's right to speak is a fraud. I know this Congress does not feel that way and I ask the Members to help and vote against this measure so my people can be heard.

Mr. MARAZITI. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. MARAZITI).

Mr. MARAZITI. Mr. Chairman, I rise in support of the amendment. Interstate Highway 287 is a major highway surrounding a New York-New Jersey metropolitan area. It has been years and years in building. This section that we speak of is a vital link and it is necessary that it be completed at the earliest possible time.

We have heard a great deal about hearings. They have had hearings upon hearings. The route has been determined. Additional hearings will not have any beneficial effect. We never will get an alinement that will be agreeable to all parties concerned.

The time for hearings has passed. The time for action is now. Let us build the highway.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, all the amendment does is to authorize a new corridor hearing. The original was held long, long ago. The people of New Jersey want to be heard on this matter. They want to make their voices heard. There is nothing new about this provision. We had it in last year's bill, and passed it last year; the same provision.

Significantly enough, it seems to me that the gentleman is discriminating in his amendment when he offers to strike out one section, or portion of that section, and is not suggesting that the same thing be done with the other portion of this section.



Mr. Chairman, I urge the defeat of the amendment.

Mr. WRIGHT. Mr. Chairman, I am opposed to the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The amendment was rejected.

Mr. McKAY. Mr. Chairman, I have an amendment, but in the light of earlier debate I would rather take my time to ask the gentleman from Texas (Mr. WRIGHT) of the committee a question.

In light of the moratorium on the highway beautification fund, he indicated in earlier debate that it was possible to continue to remove signs of certain kinds.

Can the gentleman assure us that in those States who had taken the lead, they can proceed under this agreed program within the States to continue to take down under this bill, all signs with the exception of those which give directions?

Mr. WRIGHT. If the gentleman will yield, the answer is absolutely yes. We provided funds for it, and provided authorization for it; we think it will move faster than it has.

AMENDMENT OFFERED BY MR. DON H. CLAUSEN

Mr. DON H. CLAUSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DON H. CLAUSEN: Page 108, line 17, strike the quotation marks and add the following new subsection:

"(e) Not more than $20,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a) and (c) of this section, and no State shall obligate more than $1,000,000 for such projects in any fiscal year."

Mr. DON H. CLAUSEN. Mr. Chairman, the amendment I am offering relates to the bicycle transportation section.

Subsection (a) of the bicycle transportation section would permit the use of funds apportioned under Federal-aid primary and secondary systems, and urban extensions, and Federal-aid urban system moneys to be expended for bicycle transportation.

Subsection (c) would permit funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways to be used for the construction of bicycle routes. The purpose of this amendment is to limit the overall expenditure of funds authorized for such purposes in subsections (a) and (c) to a total of $20 million.

It places an expenditure and/or obligation ceiling on an otherwise open-ended authorization that I believe would be difficult if not impossible to administer.

This will help the Secretary of Transportation and the State and Federal agency administrators to more effectively establish guidelines and regulations for implementation of the provision.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, it is understood that the Department of Transportation will administer this in such a way that all States should have an opportunity to get some funds for bicycle path use.

The Secretary in administering this section will determine the desires of each State with regard to participation in this program and will insure that all States participate in the program if they wish. If this requires some States to use less funds for this program than they would wish, the Secretary shall make that determination.

Mr. DON H. CLAUSEN. Mr. Chairman, I agree.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DON H. CLAUSEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 133 after line 18 insert the following:

USE OF INTERSTATE SYSTEM RIGHT OF WAY

SEC. 149. The second sentence of section 111 of title 23, United States Code is amended by striking the period at the end thereof and substituting in lieu thereof a comma and the following: "except the State Highway department may permit the construction and operation of small food service establishments in rest stop areas."

Mr. HARSHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, I believe the amendment acts as an anti-crime amendment by permitting the States to put coffeeshops at rest stops to encourage the presence of people.

Mr. WRIGHT. Mr. Chairman, we have examined the amendment and approve it.

Mr. HARSHA. Mr. Chairman, we likewise accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLFF: Page 107, strike out line 9 and all that follows down through and including the line after line 20 on page 108 and insert in lieu thereof the following:

"§ 217. Bicycle transportation and equestrian trails

"(a) To encourage the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation and the development and improvement of equestrian trails on or in conjunction with highway rights-of-way, the States may, on projects carried out with sums apportioned in accordance with subsection (b) of section 104 of this title, include to the extent practicable, suitable, and feasible, the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles and equestrian trails in conjunction or connection with Federal-aid highways. Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(c) Funds authorized and appropriated for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle routes in conjunction with such trails, roads, highways, and parkways.

"(d) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes."

(b) The analysis of chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"217. Bicycle transportation and equestrian trails."

Mr. WOLFF. Mr. Chairman, a city boy wants to inject some horsesense into this bill.

Mr. Chairman, my amendment deals with the section of the bill before us that is entitled "Bicycle Transportation." My amendment broadens this section to include, not only bicycle transportation, but equestrian trails. Very simply, my amendment would allow use of highway funds for the development and improvement of equistrian trails in connection with Federal-aid highways.

Mr. Chairman, the Senate highway bill passed last month included a provision virtually identical to the amendment I am offering. The Senate bill recognized the need for improved equestrian trails, not only to promote the safety of equestrians, but also to ease the flow of motor traffic. The Senate bill specifically encourages the multiple use of highway rights-of-way as that relates to bicycles, pedestrians, and equestrians. The House bill should not differ from the Senate version on this point, it is important that we give due consideration to the safety and convenience of equestrians and motorists alike by allowing for the development of equestrian trails.

In making this small addition to the House highway bill, we are supporting and encouraging a recreational activity enjoyed by countless Americans, one that complements and promotes a healthy, active citizenry and a wholesome environment. Many of the Members I am

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certain, have experienced the enthusiasm of equestrians in their districts. I know that my own district boasts an active and growing equestrian organization and that riding is an extremely popular pastime in New York State in general. I would not like to see this mounting enthusiasm and wholesome recreation discouraged by a lack of safe and appropriate trail facilities along our highway routes. I urge my colleagues to join with me in following the Senate initiative by adopting my amendment to promote the development and improvement of equestrian trails.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was rejected.

AMENDMENT OFFERED BY MR. M'CLOSKEY

Mr. McCLOSKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLOSKEY: On page 108, lines 16 and 17, strike out "and, when snow conditions permit, snowmobiles."

Mr. McCLOSKEY. A point of order, Mr. Chairman, that is the wrong amendment.

The CHAIRMAN. The Chair will order the correct amendment reported.

Mr. McCLOSKEY. May I read the amendment, Mr. Chairman?

The CHAIRMAN. Does the gentleman have his amendment in writing?

Mr. McCLOSKEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman may read the amendment.

Mr. McCLOSKEY. The amendment is:

Page 108, line 16, after "snow conditions" insert the following: "and State or local regulations".

Mr. McCLOSKEY. Mr. Chairman, all this amendment does is permit State and local governments to ban snowmobiles from the trails created under this bill. The way the bill is written today, it would deny the right of such governments to ban snowmobiles from these trail systems; and I suggest that it is appropriate that we let the State and local governments deny snowmobiles if they wish to do so.

Mr. WRIGHT. Will the gentleman from California (Mr. McCLOSKEY) yield?

Mr. McCLOSKEY. I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, we have no objection to the gentleman's amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McCLOSKEY).

The amendment was agreed to.

The CHAIRMAN. The gentleman from Texas (Mr. WHITE) is recognized.

(By unanimous consent, Mr. WHITE yielded his time to Mr. WRIGHT.)

AMENDMENTS OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer two technical and comforming amendments, which are offered on behalf of the committee, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HARSHA. Mr. Chairman, reserving the right to object, may we have copies of those amendments so that we may understand what they are?

Mr. WRIGHT. Copies will be made available.

Mr. HARSHA. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. WRIGHT: Page 82, line 16, strike out "and".

Page 82, line 17, after "1975," insert the following: "and June 30, 1976,".

Page 128, line 18, strike out the quotation marks and insert in lieu thereof the following: No financial assistance shall be provided under this paragraph for the purchase of buses to any State or local public body or agency thereof which, after the date of enactment of this paragraph, has engaged or proposes to engage directly or indirectly in charter bus operations in competition with private bus operators outside the urbanized area within which such State or local public body or agency provides mass transportation service. No financial assistance shall be provided under this paragraph to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions or which proposes to expand present routes, schedules, service, or facilities for the purposes of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such children and personnel. The preceding sentence shall not apply unless such private transportation company is able to provide adequate transportation at reasonable rates, and in conformance with applicable safety standards, and such sentence shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such children and personnel along with facilities to be used therefor) was so engaged any time during the twelve-month period immediately prior to the date of the enactment of this paragraph. The provision of assistance under this paragraph shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph."

Mr. WRIGHT (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Chairman, these two amendments are simply technical and conforming amendments, and I urge their adoption.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, we accept the amendments and the explanation for them.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas (Mr. WRIGHT).

The amendments were agreed to.

The CHAIRMAN. All time has expired on title I.

The Clerk will read.

The Clerk read as follows:

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1973".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1974, $300,000,000 for the fiscal year ending June 30, 1975, and $300,000,000 for the fiscal year ending June 30, 1976.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $115,000,000 for the fiscal year ending June 30, 1974, $115,000,000 for the fiscal year ending June 30, 1975, and $115,000,000 for the fiscal year ending June 30, 1976.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $35,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, and $45,000,000 for the fiscal year ending June 30, 1976.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, not to exceed $10,000,000 per fiscal year.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railroad-highway crossings.

(b) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings $150,000,000 for the fiscal year ending June 30, 1974, $225,000,000 for the fiscal year ending June 30, 1975, and $225,000,000 for the fiscal year ending June 30, 1976. Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

(c) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System);

(2) one-third for projects on highways not included on any Federal-aid system.

(d) Funds made available in accordance with paragraph (1) of subsection (c) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of title 23 of the United States Code, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made to implement the railroad-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in implementing projects to improve railroad-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a), and include recommendation for future implementation of the railroad-highway crossings program.

(f) Funds authorized by this section may be used to provide local government with funds to be used on a matching basis when State funds are available which may only be spent when local government produces matching funds for the improvement of railroad crossings.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972,"; by inserting immediately after "1973," the following: "$225,000,000 for the fiscal year ending June 30, 1974, $450,000,000 for the fiscal year ending June 30, 1975, and $450,000,000 for the fiscal year ending June 30, 1976,"; by striking out "out of the Highway Trust Fund," in the first sentence; and by inserting after the first sentence the following: "Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.".

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereto); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid syatem."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PAVEMENT MARKING DEMONSTRATION PROGRAM

SEC. 205. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 151. Pavement marking demonstration program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a pavement marking demonstration program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included on any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, out of the Highway Trust Fund, the sum of $125,000,000. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

"(f) Funds apportioned to a State but not required by it for pavement-marking projects authorized by this section may be released by the Secretary to such State for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator for carrying out this program.

"(g) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing the program and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the number, rate and severity of accidents at improved locations and the cost-benefit ratio of such improvements, comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such pavement markings. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made in implementing the program and the safety benefits achieved under it."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"151. Pavement marking demonstration program.".

PAVEMENT MARKING RESEARCH AND DEMONSTRATION PROGRAMS

SEC. 206. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs to improve the the effectiveness and durability of various types of pavement markings and related delineators, to develop improved equipment and techniques for applying, erecting, and maintaining such markings and delineators, and to develop new traffic control materials, devices, and related delineators to assist the traveling public during adverse weather and nighttime driving conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 207. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) There is authorized to be appropriated to carry out the amendments made by this section by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

PROJECTS FOR HIGH-HAZARD LOCATIONS

SEC. 208. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 152. Projects for high-hazard locations

"(a) Each State shall conduct and systematically maintain an engineering survey of all highways to identify high-hazard locations which may constitute a danger to vehicles and to pedestrians, assign priorities for the correction of such locations, and establish and implement a schedule of projects for their improvement.

"(b) For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high-accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, the sum of $100,000,000, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.



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"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

"(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made to implement projects, for high-hazard locations and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in implementing projects for improvements at high-hazard locations. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the spot improvements program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"152. Projects for high-hazard locations.".

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 209. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 153. Program for the elimination of roadside obstacles

"(a) Each State shall conduct and systematically maintain an engineering survey of all highways to identify roadside obstacles which may constitute a hazard to vehicles and to pedestrians, assign priorities for the correction of such obstacles and establish and implement a schedule of projects for their elimination. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or breakaway upon impact. Yielding or breakaway sign and light supports shall be used, where appropriate, on all new construction or reconstruction of highways.

"(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, the sum of $75,000,000 except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

"(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing the program for the removal of roadside obstacles and the effectiveness of such improvements. Each report shall contain an assessment of the costs and safety benefits of the various means and methods used to mitigate or eliminate roadside obstacles. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in eliminating roadside obstacles and the effectiveness of the improvements made under this program. The Secretary's report shall include, but not be limited to, an analysis and evaluation of each State program, identification of any State found not to be in compliance with the schedule of improvements required by subsection (a) and shall include recommendations for future implementation of the roadside obstacle removal program. In addition, to assess the safety benefits of varying roadside obstacle treatments, the report shall contain an assessment of the costs and safety benefits of the various means and methods used to mitigate or eliminate roadside obstacles."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"153. Program for the elimination of roadside obstacles.".

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 210. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media for informing and educating the public of ways and means for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by June 30, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation, in consultation with State and local highway safety officials, shall develop a series of highway safety television programs of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934. At least 50 per centum of the funds authorized and expended under subsection (d) of this section shall be allocated to the States at the discretion of the Secretary for approved programing projects. To the maximum extent feasible, the services of private individuals shall be utilized in carrying out this subsection.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of $4,000,000 out of the Highway Trust Fund.

CITIZEN PARTICIPATION STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with State and local highway safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on traffic enforcement and accident detection, response, and reporting, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies and highway rescue agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by June 30, 1974.

(b) For the purposes of carrying out this section, there is authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 212. (a) The Secretary of Transportation shall make a study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include, but not be limited to, an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein, the methods to be used for its evaluation and the criteria needed to assure its proper utilization by appropriate public and private agencies and groups. The Secretary shall report to the Congress his findings and recommendations not later than January 1, 1975.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of $5,000,000 out of the Highway Trust Fund.

PEDESTRIAN SAFETY STUDY

SEC. 213. (a) The Secretary of Transportation shall make a full and complete investigation and study of pedestrian safety. Such an invesigation and study shall include, but not be limited to, the following:

(1) A review and evaluation of State and local ordinances, regulations, and laws and the enforcement policies, procedures, methods, practices, and capabilities for enforcing them.

(2) The relationship between alcohol and pedestrian safety, with special emphasis on problem drinkers, both drivers and pedestrians.

(3) An evaluation of ways and means of improving pedestrian safety programs.

(4) An analysis of present funding allocations for pedestrian safety programs and an assessment of the capabilities of Federal, State, and local governments to fund such activities and programs.

In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the States, and their political subdivisions, and other interested private organizations, groups, and individuals.

(b) The Secretary shall, not later than January 31, 1975, report to the Congress the results of this investigation and study together with his conclusions and recommendations for appropriate legislation.

(c) There is hereby authorized not to exceed $5,000,000 from the Highway Trust Fund to carry out this section.

MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

SEC. 214. (a) The first sentence of subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after "approved in accordance with subsection (a)," the following: "including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds".



PUBLIC ROAD MILEAGE

SEC. 215. Subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after the third sentence the following: "Public road mileage as used in this subsection shall be determined as of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary."

MINIMUM APPORTIONMENT

SEC. 216. Subsection (c) of section 402 of title 23, United States Code, is amended by striking "one-third of 1 per centum" in the fifth sentence thereof as amended, and inserting "one-half of 1 per centum".

HIGHWAY SAFETY PROGRAM APPLICABILITY

SEC. 217. Section 401, title 23, United States Code, is amended by adding at the end thereof the following: "For the purposes of this chapter, the term 'State' means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa, except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriate."

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY PROGRAMS

SEC. 218. Section 402 of title 23, United States Code, is amended by adding the following new subsection:

"(i)(1) In addition to other grants authorized by this section, the Secretary may make incentive grants in each fiscal year to those States which have adopted legislation requiring the use of seatbelts in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, not to exceed $50,000,000 for the fiscal year ending June 30, 1974, not to exceed $75,000,000 for the fiscal year ending June 30, 1975, and not to exceed $75,000,000 for the fiscal year ending June 30, 1976.

"(2) In addition to other grants authorized by this section, the Secretary may make additional incentive grants to those States which have made the most significant progress in reducing traffic fatalities based on the reduction in the rate of such fatalities per one hundred million-vehicle miles during the calendar year immediately preceding the fiscal year for which such incentive funds are authorized compared with the average annual rate of such fatalities for the four calendar year period preceding such calendar year. Such incentive grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, not to exceed $25,000,000 for the fiscal year ending June 30, 1974, not to exceed $35,000,000 for the fiscal year ending June 30, 1975, and not to exceed $35,000,000 for the fiscal year ending June 30, 1976.

"(3) Incentive awards authorized by this section shall not exceed 25 per centum of each State's apportionment as authorized by this chapter."

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

SEC. 219. The second sentence of subsection (a) of section 403 of title 23, United States Code, is amended to read as follows: "In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which the Secretary deems will promote the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel."

TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

SEC. 220. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section."

ADMINISTRATIVE ADJUDICATION OF TRAFFIC INFRACTIONS

SEC. 221. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) In addition to the research authorized by subsection (a) of this section, the Secretary shall, either independently or in cooperation with other Federal departments or agencies, conduct research into, and to make grants to or contracts with State or local agencies, institutions, and individuals for projects to demonstrate the administrative adjudication of traffic infractions. Such administrative adjudication demonstration projects shall be designed to improve highway safety by developing fair, efficient, and effective processes and procedures for traffic infraction adjudication, utilizing appropriate punishment, training, and rehabilitative measures for traffic offenders. The Secretary shall report to Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research and demonstration projects authorized by this subsection, and shall include in such report a comparison of the fairness, efficiency, and effectiveness of administrative adjudication of traffic infractions with other methods of handling such infractions."

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

SEC. 222. Subsection (a)(1) of section 404 of title 23, United States Code, is amended by inserting immediately after "Federal Highway Administrator," the following: "the National Highway Traffic Safety Administrator,".

DATE OF ANNUAL REPORT

SEC. 223. The first sentence of subsection (a) of section 202 of the Highway Safety Act of 1966 (80 Stat. 736) is amended by deleting "March 1" and substituting in lieu thereof the following: "July 1".

UNDERPASS DEMONSTRATION PROJECT

SEC. 224. (a) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

HIGHWAY SAFETY NEEDS STUDY

SEC. 225. In order to provide the basis for evaluating the continuing highway safety programs authorized in title 23, United States Code, and to furnish Congress with the information necessary for the authorization of appropriations for such programs, the Secretary of Transportation, in cooperation with the Governors and appropriate State and local highway officials, shall make a full and complete study of highway safety needs and shall prepare recommendations and estimates of the costs for meeting such needs. Such estimates and recommendations shall identify the requirements to meet highway safety needs of the States, Puerto Rico, and the District of Columbia and would also consider those of Guam, American Samoa, the Virgin Islands and such other United States territories the Secretary shall determine. The Secretary shall submit such detailed estimates and recommendations to the Congress not later than January 10, 1976.

DRIVER EDUCATION EVALUATION PROGRAM

SEC. 226. (a) Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) In addition to the research authorized by subsection (a) of this section, the Secretary shall carry out research, development, and demonstration projects to improve and evaluate the effectiveness of various types of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom. The research, development, and demonstration projects authorized by this subsection may be carried out by the Secretary through grants and contracts with public and private agencies, institutions, and individuals. The Secretary shall report to the Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research, development, and demonstration projects authorized by this subsection, and shall include in such report an evaluation of the effectiveness of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom."

(b) For the purpose of carrying out the amendment made by subsection (a) of this section, there is authorized to be appropriated $10,000,000 out of the Highway Trust Fund.

TRANSFER OF FUNDS AMONG HIGHWAY SAFETY PROGRAMS

SEC. 227. Section 104 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with sections 144, 152, and 153 of this title, or section 203(d) of the Highway Safety Act of 1973, may be transferred from the apportionment under one section to the apportionment under any other of such sections if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve such transfer only if he has received satisfactory assurances from the State highway department that the purposes of the program from which such funds are to be transferred have been met."

CURB RAMPS FOR THE HANDICAPPED

SEC. 228. Paragraph (1) of subsection (b) of section 402 of title 23, United States Code, is amended by adding at the end thereof the following:

"(F) provide adequate and reasonable access for the safe and convenient movement



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of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State."

DEMONSTRATION PROJECT—RAIL-HIGHWAY CROSSINGS

SEC. 229. (a) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $36,000,000 to carry out subsections (a) and (b) of this section.

(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebraska, for the relocation of railroad lines from the central area of the city in conformance with the methodology developed under proposal numbered DOT-FR-20037. The city shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads and multi-civic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(e) Federal grants or payments for the purpose of subsection (d) of this section shall cover 70 per centum of the costs involved.

(f) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to subsection (d) of this section.

(g) For the purpose of carrying out subsections (d), (e), and (f) of this section, there is hereby authorized to be appropriated the sum of $2,500,000 out of the Highway Trust Fund, and not to exceed $9,500,000 out of any money in the Treasury not otherwise appropriated.

(h) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Brownsville, Texas, and Matamoros, Mexico, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the Brownsville Navigation District, providing for the construction of an international bridge and for the elimination of a substantial number of existing railway-road conflict points within the cities.

(i) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in East Saint Louis, Illinois, for the relocation of rail lines between Thirteenth and Forty-third Streets, in accordance with methodology approved by the Secretary. The Secretary of Transportation shall carry out a demonstration project for the relocation of rail lines in the vicinity of Carbondale, Illinois.

(j) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in New Albany, Indiana, for the elimination of the existing rail loop and relocation of rail lines to a location between Vincennes Street and East Eighth Street, in accordance with methodology approved by the Secretary.

(k) The Federal share payable on account of projects under subsections (h), (i), and (j) of this section shall be that provided in section 120 of title 23 of the United States Code.

(l) There is authorized to be appropriated not to exceed $2,150,000 in the case of Brownsville, Texas, $15,000,000 in the case of East Saint Louis and $10,000,000 in the case of Carbondale, Illinois, from the Highway Trust Fund, and not to exceed $4,300,000 in the case of Brownsville, Texas, and $1,000,000 in the case of New Albany, Indiana, from money in the Treasury not otherwise appropriated, for carrying out the provisions of subsections (h), (i), and (j) of this section.

(m) The Secretary of Transportation shall carry out demonstration projects for the construction of an overpass at the rail-highway grade crossing on Cottage Grove Avenue between One Hundred Forty-second Street and One Hundred Thirty-eighth Street in the village of Dolton, Illinois, and the construction of an overpass at the rail-highway grade crossing at Vermont Street and the Rock Island Railroad tracks in the city of Blue Island, Illinois.

(n) The Secretary shall make a report to the President and the Congress with respect to his activities pursuant to subsection (m) of this section.

(o) For the purpose of carrying out subsection (m) of this section, there is authorized to be appropriated, out of the Highway Trust Fund, not to exceed $5,250,000.

(p) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground level railroad-highway crossings in, or in the vicinity of Elko, Nevada.

(q) The Secretary shall make a report to the President and the Congress with respect to his activities pursuant to subsection (p) of this section.

(r) For the purpose of carrying out subsection (p) of this section, there is authorized to be appropriated the sum of $1,400,000 out of the Highway Trust Fund, and not to exceed $2,800,000 out of any money in the Treasury not otherwise appropriated.

(s) The Secretary of Transportation shall carry out a demonstration project for the elimination of the ground level railroad highway crossing on United States Route 69 in Greenville, Texas. He shall report to the President and Congress with respect to his activities under this subsection. There is authorized to be appropriated not to exceed $1,200,000 to carry out this subsection, except that local interests shall contribute $800,000 to the cost of such project.

Mr. WRIGHT. Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. GRAY

Mr. GRAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAY: Page 165, after line 3, insert the following:

HIGHWAY SAFETY STANDARDS

SEC. 230. Subsection (h) of section 402 of title 23, United States Code, is amended to read as follows:

"(h) Each uniform safety standard promulgated under this section on or before January 1, 1973, shall continue in effect unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973. The Secretary shall not promulgate any other uniform safety standard under this section (including my revision of a standard continued in effect by the preceding sentence) unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973."

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAY. Mr. Chairman, this amendment is designed to bring some order into what is becoming a very confusing situation in the matter of administering the Highway Safety Act.

There are currently 18 safety standards in effect which are more or less the rules of the road in conducting the safety program. These vary from driver licensing and driver education to pedestrian safety and emergency medical services.

In many cases, it has taken a long time to get the proper State legislation to conform to these standards so that the program could proceed. From the Federal standpoint these standards can be revised at any time without any reference to the Congress, but in the establishing of a new standard the Secretary of Transportation must submit it to the Congress and if no action is taken by the Congress in 90 days, he may proceed to promulgate the standard.

The problem that has arisen is that the Department of Transportation on August 3, 1972, published in the Federal Register a proposal to reduce the 18 standards down to 9. Much of the material in the new standards is different than the old ones. They have entirely different headings and in one case the proposed new standard No. 1 is not in the category of a standard at all, but makes the safety program, in effect, a Federal rather than a State program.

If promulgated these new standards would present a new thrust in some areas of the safety program where there is not now general agreement among the States.

When the new nine standards were proposed for comment in the Federal Register the chairman of the Committee on Public Works submitted a letter to the Register indicating that the committee intends to hold hearings on these standards this year to insure that all parties were heard and the necessary congressional input assured in these new areas.

The effect of the amendment is merely to continue the program moving with the present standards until this new condensation of the standards is properly reviewed by the public and the Congress. It will in no way hold up the safety program or any of the safety proposals in this bill.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. I wish to inform the gentleman that we on this side will accept the amendment of the gentleman from Illinois (Mr. GRAY).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GRAY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RONCALIO OF WYOMING

Mr. RONCALIO of Wyoming. Mr. Chairman, I offer an amendment.

The Clerk read as follows:



Amendment offered by Mr. RONCALIO of Wyoming: Page 142, line 5, add a new section as follows and renumber all following sections:

HIGHWAY SAFETY ON INDIAN RESERVATIONS

SEC. 207. Section 402 of title 23 of the United States Code is amended by adding a new subsection (l) as follows:

"(l) For the purpose of the application of this section on Indian reservations, 'State' and 'Governor of a State' includes the Secretary of the Interior and 'political subdivision of a State' includes an Indian tribe: *Provided*, That, notwithstanding the provisions of subparagraph (C) of subsection (b) (1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further*, That the provisions of subparagraph (E) of subsection (b) (1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable."

(b) Subsection (d) of section 402 of title 23, United States Code, is amended by inserting at the end of the first sentence thereof the following: "and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary."

Mr. RONCALIO of Wyoming. My colleagues, this is language taken from S. 502. It deals with safety on Indian reservations and does nothing more than provide machinery whereby the chief of the tribal council can make application for additional funds when the safety or the lack of safety on roads on the reservation warrants it.

In the light of the statistics which show a tremendous death rate so much higher on reservations than otherwise, there should be a more equitable method of distributing highway safety funds.

American Indians appear to suffer more than any other group as a result of highway accidents. The counties adjacent to Indian reservation lands typically have highway death rates several times the national average. Information from the Department of Transportation indicates that highway fatalities on reservations in the North Central States run two to four times the national rate, in the Southwest three to eight times the national rate, and in some parts of the South almost 20 times the national rate.

In light of these statistics, there must be a more equitable method of distributing available highway safety funds to Indian tribes. The amendment would allow an Indian tribe to be considered to be a "political subdivision of a State" for the purposes of receiving Federal funds under section 402 of the Highway Safety Act. The Secretary of the Interior could be considered the "State" or the "Governor of a State" for the purposes of administering highway safety funds, although 95 percent of the funds apportioned to the Secretary of the Interior for this purpose must be expended by the tribes themselves to carry out highway safety programs within their jurisdictions.

The highway safety problems on Indian reservations warrant special attention. This provision should measurably improve highway safety on the reservations.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO of Wyoming. I am glad to yield to the gentleman.

Mr. WRIGHT. I commend the gentleman on his amendment, and we accept it on our side.

Mr. DON H. CLAUSEN. Will the gentleman yield?

Mr. RONCALIO of Wyoming. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. We will accept the amendment on the minority side.

Mr. GROSS. Will the gentleman yield?

Mr. RONCALIO of Wyoming. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. If this bill were in effect, would this take care of the situation at Wounded Knee?

Mr. RONCALIO of Wyoming. I am afraid it would not, because of the fact that they probably have a few wounded heads now at Wounded Knee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming (Mr. RONCALIO).

The amendment was agreed to.

(Mr. BAFALIS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BAFALIS. Mr. Chairman, title II of this committee bill is truly one of the most creative and detailed pieces of legislation that has come before us. In this bill we see thoughtful consideration of what to do about a problem that affects every American. Is there anyone here who has not been touched in his life by death and carnage on our highways? Are there many Americans who have not?

Regrettably, highway tragedy is a result of the incalculable benefits of the automobile to the common man of America. And, regrettably, it strikes possibly the most active, most enterprising, most mobile part of our society. In the age group 18 to 44, death by auto is the leading cause of death. We have heard that in addition to these deaths, there are 600,000 severe injuries.

Title II of this bill contains a highly realistic new approach to the problem of making highways safer. The projects of pavement working, improving high hazard locations, rail crossing improvements, bridge reconstruction, and hazard removal deal with the most serious deficiencies on our highways today. There is no other way that these measures can be accomplished without highly positive leadership from the Congress. Every other approach has failed. We must now take those that can succeed. If the safety of road environment, particularly on those roads which claim over half the deaths and severe injuries is not identified, there is no hope for progress on the total issue.

There is dire need to raise the levels of the present activities as this bill does. There is need to plan for the future as this bill provides. In particular, the provision calling for the development of a national center for highway statistics is the most critical. The quantification of the problem we now have is adequate for generalized decisionmaking, but much more hard data is needed for future action. This was mandated in 1966. Now we must see that it is done. The new ideas in communication called for are also most critical and they represent bold thinking. Indeed, bold thinking is needed.

The committee staff has information to the effect that in certain countries in Europe the death toll on highways has been brought under control. In Great Britain and Sweden, in particular, total deaths are now no higher than they were in 1964. In the United States the increase in the 1960's was 4 percent per year, and it returned to 4 percent in 1972. These other countries have sustained much greater increases in traffic than did the United States. In these other countries, much stronger, well-managed total safety programs are in evidence.

America has different problems. But we are a people traditionally concerned with one another and where preserving human values is utmost in the purpose of Government. We are also a country with a tradition of solving big problems and of big accomplishments. We can land on the moon; we can build the great interstate system of highways; we can produce the highest real income per capita in the world. We can also control and reduce the serious injuries and deaths and human suffering on our total road systems and this bill will lead the way toward that goal.

This bill represents increased investment, but will produce predictable results. President Nixon has cited the cost in economic terms of highway accidents at $45 billion per year. Surely the authorization is justified to reduce these losses and to reduce the human suffering which highway tragedy causes.

The CHAIRMAN. If there are no further amendments to be proposed to title II, the Clerk will read.

The Clerk read as follows:

TITLE III

URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 301. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows "The Federal grant for any such project to be assisted under section 3 shall be in an amount equal to 80 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

(c) Section 4(c) of the Urban Mass Transportation Act of 1964 is amended by striking out "$3,100,000,000" in the first and third sentences and inserting in lieu thereof "$6,100,000,000".

(d) Section 9 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "to make grants" in the first sentence and inserting in lieu thereof "to contract for and make grants";

(2) by striking out "and designing" in the first sentence and inserting in lieu thereof "designing, and evaluation";

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(3) by striking out "and (3)" in the second sentence and inserting in lieu thereof "(3) evaluation of previously funded projects; and (4)";

(4) by inserting "or contract" after "A grant" in the third sentence; and

(5) by striking out all that follows "Secretary" in the third sentence and inserting in lieu thereof a period.

(e) The provision of assistance under the amendments made by this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

(f) Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(f) No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Act or carried on under this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(g) Section 16(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants and loans—

"(1) to States and local public bodies and agencies thereof for the specific purpose of assisting them in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons, with such grants and loans being subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a) and being considered for the purposes of all other laws to have been made under such section; and

"(2) to private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly and handicapped persons for whom mass transportation services planned, designed, and carried out under paragraph (1) are unavailable, insufficient, or inappropriate, with such grants and loans being subject to such terms, conditions, requirements, and provisions (similar insofar as may be appropriate to those applicable to grants and loans under paragraph (1)) as the Secretary may determine to be necessary or appropriate for purposes of this paragraph.

Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 2 per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs)."

IMPOUNDING OF FUNDS

SEC. 302. Section 12 of the Urban Mass Transportation Act of 1964, as amended, is amended by adding at the end thereof a new subsection, as follows:

"(g) No part of any sums authorized to be obligated, appropriated, or expended pursuant to the provisions of this Act shall be impounded or withheld from obligation, for purposes and projects as provided in this Act, by any officer or employee in the executive branch of the Federal Government."

Mr. WRIGHT (during the reading). Mr. Chairman, I ask unanimous consent that title II may be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARSHA: Page 168, strike lines 11 through 20, inclusive.

Mr. HARSHA. Mr. Chairman, this provision prevents the impounding of urban mass transit funds. The administration is entirely committed to the mass transit program, and it has in its budget for fiscal year 1974 $1 billion, the same level previously authorized for the funding of mass transit programs, but under this legislation it says "no part of any sums authorized to be obligated, appropriated, or expended pursuant to the provisions of this act shall be impounded or withheld from obligation for purposes and projects as provided in this act by any officer or employee in the executive branch of the Federal Government."

Under the construction of this provision of the bill, Mr. Chairman, the entire $3 billion in title III would have to be obligated immediately upon the enactment of the legislation. I do not think anybody who has any sense of fiscal responsibility intends that situation to occur. Yet the language in this bill is subject to that interpretation.

Mr. Chairman, the administration has taken a very definite stand on infringement of its prerogatives in dealing with expenditures of funds from the national budget. We have been advised that if the language in the bill prevails the way it is that the bill would be subject to a veto. I would much rather have a bill than just an issue to debate in the coming months. If we are really interested in having highway legislation, and having authorizations for mass transit programs, then we will delete this section of the bill. Do not tie the impoundment issue to a specific bill dealing with benefits to all America, deal with the issue by separate legislation.

Mr. Chairman, the administration has the courage to do what the Congress will not. President Nixon on behalf of the U.S. taxpayer has chosen to bite the bullet. He has taken it upon himself to assure there will be no tax increase and in doing that we must not react irresponsibly for forcing him to spend money that will insure a tax increase. President Nixon has the courage of his convictions and unless we provide him the necessary flexibility he will veto this legislation. Too much is at stake to risk a veto—adopt my amendment.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. HARSHA).

Mr. Chairman, I do so with full reservation and recognition of some of the very valid points that have been made by the extremely able and hard-working ranking minority member on the Committee on Public Works, the gentleman from Ohio (Mr. HARSHA). However, I feel that to be that rigid as he suggests in removing any limitation on impoundment would be wrong.

This exercise of full impoundment authority has presented serious obstacles all over America. Indeed, in my own State of Minnesota, in northern Minnesota and also in those States just adjacent thereto, the weather up there is an extreme factor in highway construction. If the bids for highway construction are not put out before May, or at least June, then you have to have a race against time before the freeze sets in shortly after Thanksgiving. And yet I have found that in these States, when they are ready to proceed, ready to ask for bids and to award contracts, they cannot do so because for apparently no reason whatsoever, and upon extremely short notice anywhere from 3 months or less than that, they are told that they will not have the funds that they were told they would have 6 months earlier.

They had been told that they would have those funds, and upon that basis those States went forward.

So I would suggest to the gentleman from Ohio that perhaps in conference we can come to some form of modification on this subject. Maybe the way it is in the bill it is too rigid. I for one would be against a total impoundment, but I would not oppose a certain amount of flexibility in the committee's provision dealing with Presidential impoundment.

So, Mr. Chairman, I do hope that the amendment offered by the gentleman from Ohio (Mr. HARSHA) is defeated so that we may work out a little more flexible version through a conference.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, I thank the gentleman from Minnesota for yielding me this time.

I think the gentleman from Minnesota is acquainted with the proposal the gentleman from California (Mr. DANIELSON) has been proposing, and which, in its present form, is I think applicable not only here, but in many of the instances in which we want to protect the position of the House.

As I understand the measure proposed by the gentleman from California (Mr. DANIELSON) it would send directions from the Congress of the United States to the Comptroller General that he shall not issue the money that is set aside unless and until certain guidelines are followed, to wit, that all moneys for all programs within any bill shall not be less than 25 percent of what has been appropriated.

I think the gentleman from Minnesota would agree with me that if we could come up with an approach of this nature that this House would then be able to act effectively, and would say to the man who is the one who countersigns each and every check made out by the President of the United States, because, as I understand the process, the President cannot get one dime unless he has the approval of the Comptroller on every check that is issued. Is that correct?



Mr. BLATNIK. That is correct.

And may I say regarding the amendment proposed by the gentleman from California (Mr. DANIELSON) that to my regret we received the amendment with such short notice—and we have discussed the amendment very briefly, may I say, with the minority counsel and the minority staff, and the majority counsel and the majority staff, but in it, as I understand, there we do have the phraseology that will allow the President to make a certain percent, say, 20 or 25 percent of a total amount across the board in those cases, and of course where there is no money authorized by the Congress, then of course there would naturally be no impoundment because you cannot impound a percentage of zero.

So I would say that it does appear as though the approach suggested by the gentleman from California (Mr. DANIELSON) is a much more important approach, based on constitutional law, and based on the authority vested in the House of Representatives and in the Congress as a whole, and this would give us the phraseology for the authority of allowing the President to have some permission for impoundment.

Mr. HANNA. I thank the gentleman.

Mr. Chairman, I would ask unanimous consent when we get into the House that there be printed in the RECORD the Danielson proposal for all of the Members to study carefully, and I suggest that they do so, because this present President—and I should think every President from now on—will have to be impressed far more than now seems to be the impression with how closely this House handles the purse strings for which we have such great constitutional power.

The CHAIRMAN. The gentlewoman from New York is recognized.

Ms. ABZUG. Mr. Chairman, I rise in opposition to this amendment, which would strike from the bill section 302, relating to the impounding of funds under the Urban Mass Transportation Act.

This provision, of which I am proud to be the author, is similar to the impounding provision which already appears in the law with regard to Federal-aid highway funds at section 101(c) of title 23, United States Code. It provides as follows:

No part of any sums authorized to be obligated, appropriated, or expended pursuant to the provisions of this Act shall be impounded or withheld from obligation, for purposes and projects as provided in this Act, by any officer or employee in the executive branch of the Federal Government.

Let me state at the outset that I have some doubt as to whether this prohibitory language is necessary, for I believe that impounding by the Executive is impermissible unless the applicable statute specifically permits or authorizes it. There is absolutely nothing in the Constitution which supports impounding by the Executive, and the U.S. Court of Appeals for the Eighth Circuit recently held that unless an act expressly grants discretion to withhold funds for a given reason or purpose, they may not be withheld. In further support of this approach is a memorandum written in 1969 by William H. Rehnquist, then an Assistant Attorney General:

With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent.

I believe that Mr. Rehnquist was correct. However, the open-ended nature of UMTA funding led me to propose section 302 just to make the intent of Congress "perfectly clear."

This provision in no way abrogates or limits the requirement of UMTA that the Secretary not make any grant unless he determines that the grantee possesses: First, the legal, financial, and technical capacity to carry out the proposed project; and, second, satisfactory continuing control, through operation or lease or otherwise, over the use of the facilties and equipment.

Nor does it alter any of the other requirements under the act, such as certain limitations on the making of grants and loans for identical purposes, or requirements regarding public hearings, or requirements that proposed projects be found to be needed to carry out a coordinated urban transportation program in an area.

What this provision does assure is that the administration may not withhold or refuse to obligate funds available under UMTA for any reasons other than those specified by law.

It is designed to make sure that these funds are not impounded at some future date, because of reasons not directly related to this program, reasons such as "the status of the economy" or "inflationary pressures."

In additional views contained in the report on this bill, a number of members of the committee stated that section 302 is not necessary, because the administration is already committed to fully carry out this legislation. I am pleased to know of the administration's commitment; if it is carried out as stated, then this provision will not come into the picture and all will be well. I note, however, that in 1977, we will have a new administration, and I want to protect this program against any attempt on its part to impound funds that Congress has decided should be spent. Also, this administration impounded a third—$300 of $900 million—of the UMTA funds in fiscal 1972.

Let me close by noting that this provision does not commit these funds for obligation irrevocably. If the administration decides at some future time that the funds should be spent elsewhere, it is always free to seek legislation transferring them to another program or legislation simply deleting them. That is the way in which reduction of appropriated funds for programs should be accomplished, not by the unilateral action of one branch of our Government.

I urge the defeat of the amendment.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the chairman of the committee for his interchange with my colleague from California (Mr. HANNA).

This impoundment process has been used by all Presidents we admit, to begin with, but never before has it been used to the degree which the present occupant of the White House has used it. The amount runs between $12 and $16 billion over the last year or so of impoundments. I feel there must be a better way to establish comity between the White House and the legislative body than this circumvention—and I use that word literally—of the will of Congress. I use it even more deliberately when it comes to the point where a bill under the Constitution and under our procedures is passed by a majority vote, and then goes to the White House and is vetoed. It comes back here and is passed over the President's veto, and yet the President can, by circumvention, stop the constitutional process of legislation by refusing to spend moneys not from a standpoint always of fiscal responsibility but from a standpoint of ideological and philosophical objection to the type of legislation which Congress passes.

I am glad that the gentleman is considering the Danielson language. I am sure if he were on the floor he would not press it at this time, but it is something that I think the House should consider if they value the integrity and the honor and the purpose of the legislative branch.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Minnesota.

Mr. BLATNIK. With all due respect to the gentleman, we want to stick to restraining impoundment on a specific program or procedural basis rather than get involved in ideological or philosophical differences on issues. Would the gentleman allow us that?

Mr. HOLIFIELD. Yes.

Mr. BLATNIK. We would appreciate that very much.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the 5 minutes, but I must say a few words with respect to impoundment and the remarks of the gentleman from California (Mr. HANNA).

I cannot think of a greater delegation of power for impoundment of funds than his committee, the Banking and Currency Committee, gave to the President of the United States by way of legislation. That law delegates to the President, who would use the Federal Reserve Board, the power to take over every dollar of credit in this country.

Can Members think of a greater delegation of power than the power to impound every dollar of credit in this country, and that without an explanation before or after the fact of having imposed this takeover.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. HANNA. I have found myself many times, although admiring the gentleman

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in the well, not always agreeing with him, but having seen the utilization of power, which the committee I am a member of and the great will of this House supported, as it has been used in phase III, I now would be glad to join with the gentleman as I did in my vote the other day to just tell the President: Enough already.

Mr. GROSS. The gentleman is saying then that he got caught where the hair is short. Is that it?

Mr. HANNA. That is a very quick and a very incisive and a very clever analysis, as the gentleman always provides. However it is just a matter of fact that there are always two things involved: There is the power which we give and then the man who wields it. I think the power as it was intended to be wielded is one thing, but the way in which it was wielded is very bad.

Mr. GROSS. I have never been able to understand why the Committee on Banking and Currency, of which the gentleman is a member, ever brought to the floor of this House that kind of bill with all the awesome power it delegates to any President, no matter who he may be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HARSHA).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Page 168, after line 20, insert the following:

UNFAIR COMPETITION

SEC. 303. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"UNFAIR COMPETITION

"SEC. 17. No financial assistance will be provided under this Act for the purchase of buses to any State or local public body or agency thereof which, after the date of enactment of this section, has engaged or proposes to engage directly or indirectly in charter bus operations in competition with private bus operators outside the urban area within which such State or local public body or agency provides mass transportation service. No financial assistance shall be provided under this Act to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions or which proposes to expand present routes, schedules, service, or facilities for the purpose of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such children and personnel. The preceding sentence shall not apply unless such private transportation company is able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards and such sentence shall not apply to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such children and personnel along with the facilities to be used therefor) was so engaged any time during the 12-month period immediately prior to the date of the enactment of this section."

Mr. WRIGHT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HARSHA. Mr. Chairman, if the gentleman will yield, as long as this is a technical perfecting amendment I would advise the gentleman the minority accepts it.

Mr. WRIGHT. Mr. Chairman, this amendment is similar to one which already applies to the mass transit provision which appears in title I of the bill. It is in the nature of a technical and conforming amendment and applies to the unfair competition language dealing with charter buses and schoolbuses to the Urban Mass Transportation Act of 1964 and the funding thereunder.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ABZUG: Page 168, after line 20, add the following new section:

ASSISTANCE FOR OPERATING EXPENSES

SEC. 303. (a) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by inserting immediately after the second sentence the following sentence: "The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of mass transportation service in urban areas, allocating any funds made available for assistance under this sentence among the various State and local public bodies and agencies thereof in the manner provided in subsection (g): *Provided*, That no assistance shall be provided under this sentence to any State or local public body or agency thereof unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment financed with such assistance will not exceed one-half of the rates generally applicable to other persons, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise."

(b) Section 3(c)(2) of such Act is amended by inserting "(including grants for payment of operating expenses)" after "project grants".

(c) Section 3 of such Act is further amended by adding at the end thereof the following new subsections:

"(f) No financial assistance shall be provided to any State or local public body or agency thereof for payment of operating expenses incurred in connection with the provision of mass transportation service unless the applicant State or public body or agency has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program meeting criteria established by the Secretary for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in the urban area or areas involved, and for placing mass transportation operations in such area or areas on a sound financial basis.

"(g) The funds made available for assistance in the payment of operating expenses under the third sentence of subsection (a) for any fiscal year shall be allocated by the Secretary among the various States and local public bodies and agencies thereof (without regard to section 15) on the basis of a formula under which the urbanized areas of eligible applicants in any State will be entitled to receive an amount equal to the sum of—

"(1) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total population of the urbanized areas of eligible applicants in that particular State, and the denominator of which is the total population of the urbanized areas of eligible applicants in all the States;

"(2) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total number of revenue passengers carried by mass transportation systems in the urbanized areas of eligible applicants in that particular State and the denominator of which is the total number of such passengers carried by mass transportation systems in the urbanized areas of eligible applicants in all the States; and

"(3) one-third of the total amount so allocated multiplied by a fraction the numerator of which is the total mass transportation revenue vehicle miles traveled in the urbanized areas of eligible applicants in that particular State and the denominator of which is the total mass transportation revenue vehicle miles traveled in the urbanized areas of eligible applicants in all the States."

(d)(1) Section 4 of such Act is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"(d) To finance grants to assist States and local public bodies and agencies thereof in the payment of operating expenses under the third sentence of section 3(a), there is authorized to be appropriated not to exceed $400,000,000 for the fiscal year ending June 30, 1974, and $400,000,000 for the fiscal year ending June 30, 1975. Any amount so appropriated shall remain available until expended; and any amount authorized but not appropriated for either such fiscal year may be appropriated for any succeeding fiscal year."

(2) The first sentence of section 4(c) of such Act is amended by inserting after "under sections 3, 7(b), and 9 of this Act" the following: "(other than grants made under the third sentence of section 3(a))".

Mr. WRIGHT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Ms. ABZUG. Mr. Chairman, title III of the bill before us recognizes what we have all known for a long time—the close relationship between highways and mass transit. It has long been obvious to anyone who has sat in bumper-to-bumper traffic that every 40 cars in front of him could be replaced by a single mass transit vehicle. The committee has acted on the evidence of this by taking the appropriate step of recommending an additional $3 billion for mass transit capital expenses, but it has failed to do all that must be done by declining to include operating assistance in its bill.



More new equipment alone is not going to save—let alone rejuvenate—mass transit in our cities. Federal operating assistance is the key. Without it, mass transit will just be going to the poorhouse in a newer bus.

My amendment authorizes $800 million over the next 2 years in operating subsidies to mass transit. The funds would be allocated among localities on a formula based one-third on population, one-third on the revenue passenger carried by the local transit system, and one-third on the vehicle miles of that system.

The program embodied in this amendment is not new. It has been reported to this House twice, each time with bipartisan support, and it has passed the Senate by substantial margins three times in the last 2 years.

A program of operating subsidies achieves three major goals for transit:

First, it will stop the spiral of higher fares, service cutbacks and dwindling ridership that plagues so many transit systems.

Second, it relieves the unbearable financial pressure on local governments who are hard-pressed to find new revenues to support their transit systems. More than 150 American cities now subsidize local transit operations—at a cost of over $500 million annually—and more are on the way.

Third, by offering Federal funds based largely upon vehicle miles and revenue passengers, it creates a powerful incentive for an efficient and attractive service operation.

These days, no one in his right financial mind expects mass transit to pay for itself out of the fare box—just as highways are not paid for exclusively by means of user taxes. One in every four dollars spent for highways comes from the same source as most local mass transit operating assistance—the burdensome, regressive property tax. If we want to maximize the usefulness of the new buses which we expect to buy with the capital grant money, we should adopt this amendment. Mass transit gets people out of their automobiles only if it costs them less out of pocket; this cannot be assured unless we provide funds for operating assistance.

If title III of this bill is to have any real meaning, and if mass transit is to have any real future, we must provide operating assistance and provide it this year. I urge the adoption of this amendment.

Mr. BIAGGI. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment and wish to associate myself with the remarks of the gentlewoman from New York.

Mr. HOWARD. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I wish to congratulate the gentlewoman from New York for her amendment. I support the amendment, and I hope the committee will accept it.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

I think most of us on both sides of the aisle on the committee really have to oppose this amendment for one very simple and straightforward reason. On the very first day of our public hearings, the Secretary of Transportation, Mr. Brinegar, testified before our committee. Very clearly and unequivocally, he stated that if this bill should contain operating subsidies out of the Federal Treasury for mass transit, he would recommend a Presidential veto of the entire bill.

Mr. Chairman, we are not seeking a confrontation nor an opportunity to override a veto. We would like to have a bill which we hopefully would expect the President to sign. If we were to adopt this amendment, I think we would be deliberately inviting a veto.

For that very simple reason, Mr. Chairman, I believe we must vote against this amendment.

Mr. DANIELSON. Mr. Chairman, I opposed the amendment, which was just defeated, to strike section 302, on impoundment, from the bill. We badly need some protection against the impoundment of funds which have been appropriated by the law of the land for the purpose of carrying out the policies of our Government which have been established by the laws of the land.

Although I opposed the motion to strike, I feel that the anti-impoundment language of section 302 is both feeble and futile. To me it makes no sense that there should even be an amendment which would strike the section, which cannot stop impoundment, and will not stop it if the Executive should choose to impound.

The most that can happen under that language is—if there is an impoundment—then someone with standing to sue will sue, and in 2 or 3 years there will be a judgment of a court holding that the impoundment was, indeed, illegal, and directing the appropriate Government agency to release the funds. Meanwhile, the evil effects of impoundment will have prevailed, Government policy will have been frustrated, and the effects of this law will have been nullified.

The trouble with the language of section 302 is that all it does is tell the Executive, "Thou shalt not impound!"

There is nothing new in this. The present laws of the land, in effect, say the same thing, for the Executive has no constitutional right to impound, no inherent right to impound, and no statutory right to impound. The Constitution already places on the Executive the absolute duty to "take care that the laws be faithfully executed."

And that means all of the laws of the land, not just some of them. That means appropriation laws as well as all other laws. The Executive does not have the right selectively to choose—cafeteria style—those laws which he will execute and those laws which he will not execute. Thus he does not have the right to impound and thereby to nullify the laws of the land.

Section 302 of the bill merely restates the above by providing that the funds authorized by the act shall not be impounded by the Executive.

The fallacy of this and all the other anti-impoundment efforts which have been made to date is that they do not address themselves to the real problem. We all know that the Executive does not have the right to impound, but it is obvious to us all that he nevertheless has the power to do so. He has the power to impound by simply not applying the money to its intended purpose.

In order to prevent impoundment we must reach the heart of the problem—we must take away the Executive's power to impound. There is only one way to take away the power to impound and that is by making it impossible for the Executive to do so. That the Congress can easily do, by carefully wording the language of the authorization and appropriation bills so that the Executive can no longer select those activities he chooses to execute—those laws he chooses to obey—and then disregard the others.

A simple and effective way to achieve that end in the bill before us, S. 502, would be to add a section 303 to the bill to read as follows:

Sec. 303. Unless the Congress shall provide otherwise in language expressly made applicable to this section, at any time during the fiscal year 1974, the amount obligated or expended pursuant to this Act for any program or activity provided for by this Act, expressed as a percentage of the amount appropriated pursuant to this Act for purposes of such program or activity, shall be not more than 25 percentage points greater than the amount obligated or expended at that time during such fiscal year for any other program or activity authorized by this Act, expressed as a percentage of the amount appropriated by the Congress for purposes of such program or activity for the fiscal year 1974."

That language would prevent the Executive from fully executing any portion of the law without executing the other portions of the law to a reasonable degree. How would this be accomplished?

Article I, section 9, clause 7, of the Constitution provides that "No money shall be drawn from the Treasury but in consequence of appropriations made by law; • • •" The Congress has, by law, provided for carrying the foregoing constitutional provision into execution by directing that all warrants for the disbursement of money from the Treasury be first duly audited and settled and certified by the General Accounting Office and that disbursements shall be made upon such warrants, and not otherwise.

These existing provisions require the Comptroller General to examine whether the terms of an appropriation bill are met before he is permitted to certify a warrant for the disbursement of money from the Treasury. Thus there would be no way for the Executive to favor one category of appropriation while nullifying the other through neglect or refusal to implement. In order to imple-

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ment his favorite programs, he would be required to implement the others. It would be impossible for him to nullify through impoundment. We would have solved the impoundment problem.

My suggested language would impose a consequence, or, if you prefer, a condition or a limitation, on appropriations, so that the Executive must execute all of the laws with reasonable impartiality.

My plan is not a spendthrift plan. On the contrary, it would encourage thrift and economy since the Executive could obligate and expend all funds frugally. My plan would not be disruptive or obstructionist. On the contrary, it would promote harmony and cooperation between the legislative and executive branches. Whenever the Executive, in the management of the Government's business, would determine that money could be saved, all he would have to do is notify the Congress and by resolution the Congress could provide for an appropriate change in the rate of expenditure—could terminate it altogether. The Congress and the Executive, working together as they should, could economize whenever a need is removed, or could accelerate expenditure where a need is increased. Changing needs, based on changing circumstances, could be quickly accommodated.

My plan also provides for a reasonable and responsible flexibility. Recognizing that all things in Government do not move at exactly the same pace, the language I suggest provides a flexibility of 25 percent in the implementation of the various programs under the law. That amount could be varied, in the wisdom of the legislative or appropriations committee, to meet the needs of the particular subject matter.

In addition, my proposed language provides, at the outset, a means by which the Executive and the Congress, working together, can quickly vary the formula to adjust to a changing need resulting from changed circumstances. All the Executive has to do, if he finds a need to change the formula, is to send a message to the Congress asking for a variance and the Congress, by resolution, can quickly approve.

This is not a personal matter; I am not dealing in personalities. This is not a partisan matter; I am not distinguishing political parties. I have been informed that Presidents other than the incumbent, and of other political parties, have impounded funds from time to time. The separation of powers under our Constitution is the foundation of American Government. We must preserve and protect it.

Presidents come and Presidents go. Congressmen come and Congressmen go. Majority parties change from time to time. With each change the burdens and responsibilities of government shift from one to another. But our Constitution and our form of representative self-government must not go. It has served us well for nearly 200 years and, God willing, it can serve America for 200 years yet to come. The threat of impoundment is a threat to our Constitution and to our entire structure of government. We must meet and end that threat, and this is the way to do it. There is no other choice.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, this amendment provides the best answer for defeating attempts to break the trust. It is a peculiar twist, is it not? We are asked here to contribute to the operating costs of so-called mass transit systems.

Have the Members ever traveled upon the first mass transit—successful mass transit system in the country? It is the Pennsylvania Turnpike. If the Members do not believe it, I recommend they ride it some time on a Sunday afternoon or any other day, for that matter.

What is it we do? We provide revenues for the trust fund. We collect taxes on that private property, and it is private property. We are paying the bonds off with the charges we make for using it. Yet, we pay the taxes we collect on gasoline to the trust fund which does not give us any money for either operating costs or maintenance of the road itself.

The people who use that pay. If we ever get away from the principle of use and paying for the use of any kind of transportation or transit system, we will open up a can of worms we will never on God's earth be able to capture again, because there is not enough money in gasoline, motor use, or any kind of consumption of that fuel to meet the needs and demands for people moving. It is impossible to do so.

We pay for our own. The city of Philadelphia and the city of Pittsburgh would get a very nice sized chunk of money out of this, but from where would it come? It would come from the people in the rural areas.

We have thousands and thousands of miles of road, compared to the few city blocks, if we measure them. We have to maintain them. The townships have to maintain them. We have a road tax in every township in our great State, to maintain roads, for city people to go out to homes in the mountains, on the lakes and the streams, and to get food into the markets.

We have to pay taxes. We have road taxes. Many other places do not have road taxes.

These folks in the city might say, "We are only going to use this in lieu of something else. We want the option." The best option they can take for using money they get from mass transit now, by way of the gasoline tax allocation, would be to fill in some of the pot holes in the doggoned cities. I do not know one city which has too much money in its treasury now to take care of its streets. But they cannot take money out of this, go back and say, "You can use it for whatever you want."

Use it to fix up the streets. Use it to fix the pot holes. Use it for transportation purposes only.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in opposition to the amendment.

There can be no doubt that the Nation's urban transportation systems are in trouble. Because of rising operating costs, falling ridership, and other ills they are not able to make ends meet.

And so, at the very time they are soliciting the Congress to authorize vast new capital grants and equipment purchasing programs, mass transit proponents are advocating the approval of operating subsidies.

Yet, as Secretary of Transportation Brinegar has pointed out, while most of the Nation's urban transit systems appear to be sustaining operating losses in varying degrees, it is by no means clear that either the causes or the solutions to those deficits are simple enough to be addressed by the type of subsidy grant provisions being advanced. The reason for his concern is that just five systems, those of New York, Boston, Chicago, Philadelphia and Los Angeles are responsible for approximately 70 percent of the operating deficits reported. Losses sustained in New York City amount to half this total.

The remaining large systems around the country report only moderate deficits.

In considering approval of operating deficits, the questions must be asked: Why do such differences exist? Are they the result of different objectives being pursued by the different systems in different cities? If this latter question is answered in the affirmative, would it not be reasonable for those cities sustaining such deficits to solve the problem locally, rather than by seeking to secure a massive new Federal subsidy program?

Realistically, the establishment of fare structures, routes, manpower levels and wage rates are local problems and can best be solved at the local level. By providing operating subsidies, we would, in effect, be relieving local areas of the pressure that is required to make the tough decisions that are necessary for efficient operation of mass transit systems.

Take the case of New York. Between 1968 and 1972, its deficit went from $77 to $179 million annually. In Boston, the same thing happened. A 1960 deficit of $42 million escalated to $71 million in 1972. In Chicago it went from $3 million in 1968 to $44 million last year.

Surely, if we establish the precedent of providing $400 million a year to divide up among the Nation's transit systems, we will not arrest the basic causes of the galloping deficits, nor will we, unless we earmark the funds for those systems which operate the least efficiently, do much to relieve their deficit problems.

Such deficits are created in the first place because of the priorities chosen by local governments in earmarking local tax revenues and the funds they receive under Federal revenue sharing for other purposes. I submit it is not the job of the Federal Government to relieve the effects of establishing such priorities.

There are over 1,000 grant systems in America. Over 300 of them serve metropolitan areas of over 50,000. If we once open the Pandora's box of operating subsidies, as many as 500 might manage to qualify for financial assistance. The administrating problems that would be presented in judging needs, operational plans, and the efficiency of each system would be herculean. While I am not unsympathetic, I do not believe the operating deficit problem can be solved by the creation of yet another Federal subsidy program. The only lasting solution can come from local initiatives, local pressures, and local trade offs.



The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to be proposed to title III? If not, the Clerk will read.

The Clerk read as follows:

TITLE IV

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

SEC. 401. (a) Title 23, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 6—DISCRIMINATION ON THE BASIS OF SEX PROHIBITED

"Sec.

"601. Prohibition of discrimination on the basis of sex.

"§ 601. Prohibition of discrimination on the basis of sex

"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(b) The analysis of chapters at the beginning of title 23, United States Code, is amended by adding at the end thereof the following:

"6. Discrimination on the basis of sex prohibited ---------- 601".

TITLE V

INAPPLICABILITY OF TIME REQUIREMENTS

SEC. 501. The time requirements in section 104(b) of title 23, United States Code, shall not be applicable to the apportionment of sums authorized for the fiscal year ending June 30, 1974, in any title of this Act, and the Secretary shall apportion such sums for such fiscal year as soon as practicable after the date of enactment of this Act.

Mr. WRIGHT (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANDERSON of California. Mr. Chairman, I rise at this time to first, commend the Public Works Committee—and especially our great and able chairman—my friend—JOHN BLATNIK, for the way the committee considered the Federal Aid Highway Act of 1973.

The meetings were open to the public. Every member was given an equal opportunity to participate and to voice his or her opinion. All of us—from the most junior member to the most senior—were able to participate in the writing of the act.

It was completely fair to all—something that should not surprise anyone who knows JOHN BLATNIK.

Second, I would like to commend the chairman of the Transportation Committee—JOHN KLUCZYNSKI—for the leadership and guidance he has given to all of us. And, especially, for the help he has given me in this fight.

Third, obviously, congratulations must go to our colleague JIM WRIGHT for his brilliance in drafting the House bill and for his articulate defense in behalf of the bill. But, especially, I want to commend JIM for the honesty and the integrity of the debate. We differed on one point—how to best finance mass transit—an honest difference that divided us on this issue, but did not divide our friendship. My admiration for the gentleman from Texas, which was immense, is now even greater.

Fourth, I want to commend the leadership for their actions in permitting debate and allowing a vote on this important amendment. I appreciate their actions and I know the people, and the House itself, are much the better because of our leaders.

Mr. GUYER. Mr. Chairman, when the highway trust fund was first set up, it was done so in good faith, earmarking funds for highway construction, principally for the new Interstate System. This fund was raised and paid for by the people who use our highways by the revenue collected by the fuel tax; tube tire tax; general tire tax; manufacturers' tax on trucks, buses, and trailers; weight taxes on heavy trucks or buses; and the retread tax.

Why should we break the faith and spirit of the act by diverting these funds to other purposes? If moneys are allowed to be taken from the highway trust fund, it would be like the camel in the tent—just the beginning of a takeover. This will only set a precedent for Congress to take moneys from other in trust funds such as the airport fund or social security. Perhaps even our pensions would not be safe from similar actions.

Highway requirements in my State of Ohio for 1973–1990 are projected at $27 billion. Our share of the existing fund will not begin to fulfill the needs of Ohio's highway system, much less answer growing needs for a mass transit system.

In the interest of both the need for highways and the safety of users of highways, I am voting against the Anderson amendment to the Federal-Aid Highway Act of 1973. We must insure safety on our highways. More Americans have been killed in the last quarter of a century from highway accidents than have been killed in all the wars our country has ever fought. Certainly, highway safety, alone, merits top priority from the funds that were established for such purposes, along with construction, improvement, expansion, and highway modernization, to meet our exploding population and vehicle increases.

If Congress allows a change in a taxing process that has proven very satisfactory in funding our highway system, it is acting most irresponsibly. The fund has produced the intended results; those who use our highways are receiving benefits, which they paid for.

May I stress, however, that I am not unmindful of the need of mass transit systems. I fully share the concern of our friends in large urban areas and their need for mass transit systems; but these moneys should come from general revenue or special revenue, but not from a fund that is earmarked for highways.

The words above the Speaker's dais read: "In God We Trust."

I subscribe to their meaning and their spirit. Let us also learn to trust one another as well, and a good beginning would be to honor the word, "trust," and the measures men of good faith have made by revering deeds done in trust.

Mr. ALEXANDER. Mr. Chairman, I rise in support of section 147, which provides that the Secretary of Transportation shall report to Congress by January 1, 1975, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following route for the purpose of including such highways in the National System of Interstate and Defense Highways: A route from Brunswick, Ga., or its vicinity, to Kansas City, Mo., or its vicinity, so alined to serve the following intermediate locations, or vicinities thereof: Columbus, Ga.; Birmingham, Ala.; Tupelo, Miss.; Memphis, Tenn.; Batesville or Jonesboro, Ark.; and Springfield, Mo.

I urge the House of Representatives to approve the provision in this Federal Aid Highway Act for a study of the feasibility and necessity of constructing to interstate standards a highway which would link Arkansas with Kansas City, Mo., and Tennessee.

The provision to which I refer appears as section 147 of the bill before us today. It provides for a study of a route from Kansas City, Mo., through north central and northeast Arkansas, Tennessee, Mississippi, and Alabama to the Atlantic coast of Georgia.

This route linking Arkansas with its neighbors to the northwest and to the southeast is one which I have long supported and worked for. Upon the decision which the Congress makes with regard to this provision hangs the economic future of thousands of Arkansans. The value of an adequate highway system which equitably serves all parts of this Nation is unchallenged.

In taking note of this value, the House Committee on Public Works, in its publication titled "Benefits of Interstate Highways," said:

Advances in highway service have been closely associated with the growth of the American economy. . . .

Arkansas is rich in natural resources—its people and its scenic and fertile lands—and in potential for well-planned growth. Therefore, it is of grave concern to me when I see that one of the most scenic and picturesque regions of our Nation, though blessed with abundant natural resources, is being shortchanged in its efforts to develop its economic potential—being shortchanged by a lack

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of adequate highways over which its people and visitors can travel.

I am especially referring to the north central and northeast portions of Arkansas, which would be served by the route for which this feasibility study is proposed. I believe that the economic health of a nonmetropolitan area such as this, and many of the other regions which would be served by this highway, is closely tied with its transportation network.

A lack of balanced economic development has long plagued the First Congressional District of Arkansas. And, generally, poor economic health has also been its fortune. Through 1972, 19 of the 21 counties in this district were designated redevelopment areas. That was at a time when there were only 52 such areas in the whole State.

Eighteen of the 21 counties have regularly been afflicted by high rates of unemployment. Eleven of them lost population during the last decade. Six of these had losses of 10 percent or more.

The counties of Arkansas which experienced a population and economic gain in the last decade generally were urban, adjoined urban counties, had interstates within their boundaries, and/or contained some of Arkansas' most attractive scenic and recreation areas.

Most all of them had adequate highway networks. There have been some remarkable exceptions. I refer to counties like Fulton, Independence, Sharp, Van Buren, Izard, and Stone. They have experienced from 8.6 to 30.3 percent increases in population. Yet, they have wretchedly inadequate highway systems. But, they also have some of the most enticing scenery and folkways in the Nation.

The counties of the Ozark foothills in north Arkansas contain a treasure trove of folklore—in the form of practicing craftsmen, art exhibitions, hootenanies—to be shared with visitors from across the Nation. These trips into the Ozarks region will bring our visitors into a new understanding of their national heritage and will help bring a new prosperity to a region which has been struggling to join the economic mainstream of the Nation.

In the delta counties where the population has been dwindling—or hardly growing—there is potential for achieving a desirable economic mix of agriculture, business, and industry. But, the goal for this region, and others like it along this proposed highway route, can only be reached if the region is provided with a good quality highway system over which to transport products and raw materials.

In the Ozarks we have an opportunity to create a sprawling recreation area which can be beneficial to the Nation as a whole by employing a well-devised plan which would protect, preserve, and wisely utilize our natural resources.

But, to achieve the full potential of these prospects, we must see that this area, and others like it, have high quality highway networks. It has been my growing concern over this need that led me to introduce in the 92d Congress, and again this year (H.R. 124), a bill to expand the National System of Interstate and Defense Highways. When it was originally authorized, the system was intended to link every part of the Nation with every other part. Without the route which we propose, that objective will not be reached.

Passage of the Federal Highway Act of 1973 with section 147 included in it as it is now proposed is an essential step toward that objective. Directing the Secretary of Transportation to make this feasibility study will tell our people in the Nation's countryside that Congress is serious about its commitment to treat all regions of the Nation fairly and to implement a balanced national growth policy.

For the reasons that I have outlined, I urge the Members of this House and of the Congress to direct the Secretary of Transportation to make a study of the feasibility of constructing an interstate highway along this route.

Mr. PRICE of Illinois. Mr. Chairman, I am particularly interested in section 229, title II, of the 1973 Federal Aid Highway Act authorizing the Secretary of Transportation to carry out rail-highway demonstration projects throughout the United States. I want to commend the House Public Works Committee for its continuing leadership in promoting highway safety by relocating on-grade rail-highway crossings.

This problem is especially acute in the east St. Louis, Ill., area. In recognition of the severity and magnitude of the problems, the committee has authorized the Secretary of Transportation to enter into the necessary arrangements to carry out a demonstration project in east St. Louis for the relocation of rail lines between 13th and 43d Streets along Route 460, one of the major east-west corridors in this metropolitan area. The total project cost of relocation of four rail tracks is an estimated $30 million. Fifteen million dollars is authorized to start the project and depending upon the Secretary's determination of the scope of the project, funds can be obtained from the State of Illinois' Federal aid apportionment which amounts to approximately $300 million annually.

For motorists who use Route 460 this project is welcome relief. Delays of 30 minutes are not uncommon for them. Public safety and health are well served by this project. Reports of police cars, fire trucks and ambulances being delayed at rail crossings occur with disturbing frequency. Traffic fatalities resulting from automobile and railroad car collisions are cruel reminders of the need for this project.

The East St. Louis area serves as a major railroad hub. As such, efficient, effective and safe rail operations are essential for the area to remain competitive and to provide badly needed employment. This project promotes economic growth by improving rail operations and by enhancing the area's potential as a distribution center for the Midwest.

I strongly support this section of the bill. It is important and beneficial to the people of the 23d District of Illinois.

Mr. TAYLOR of Missouri. Mr. Chairman, I rise to speak in support of the Federal-Aid Highway Act of 1973, a comprehensive response to the current transportation needs of the Nation, and a measure in harmony with the Public Works Committee record of studied attention to the evolving needs of the traveling public.

Missouri was the first State to undertake the construction of an interstate project when a contract was let to build a section of I–70 across the Missouri River. Since that time, the ambitious Federal highway program has proven to be one of the most successful public works ventures ever undertaken by the Government. Today, I–70 can be driven from the Nation's Capitol straight through to Denver, Colo., and 42,500 miles or 80 percent of the interstate program has been completed.

The benefits to the State of Missouri from the highway trust funded program during this period have been wide ranging with all citizens enjoying the opportunities of increased mobility and sharing in the economic rewards brought about by better roads. The improvements in road systems have resulted in the safer, swifter movement of people, goods, and services, and stimulated growth in agricultural, manufacturing, and recreational sectors of activity.

In addition to fostering the physical upgrading of Missouri's roadways, the highway trust fund support occasioned the setting and meeting of ever higher standards by the personnel involved in managing and building road work projects. Perhaps the finest example of this occurrence is the career of Rex M. Whitton, a Missourian whose contributions to the field has won him national and international commendation.

Rex Whitton joined the Missouri Highway Department as a chain man for a survey team, in 1920, and through the exercise of his abilities rose to the position of chief engineer of the department. In 1956, he was elected President of the American Association of State Highway Officials and later served as Chairman of National Academy of Science Highway Research Board. In 1961, after 40 years of service in Missouri, he was appointed Federal Highway Administrator when the interstate highway program was in the formulative stage.

During his 5-year administration, Rex Whitton provided the leadership and drive which accelerated the completion of the interstate project and made possible the accomplishments we see today. During his service, Rex Whitton earned almost every award of recognition available in the highway field: The George S. Bartlett Award, the Thomas H. MacDonald Award, the Roy W. Crum Award, and in 1966 he became the first American to be named the Outstanding Highway Man of the Year Award by the International Road Federation. Rex Whitton retired in 1966 and is currently a consultant in the highway field.

Today, I received a letter from Rex Whitton which concerns the Federal-aid highway program which I would like to insert, at this point, in the RECORD.

REX M. WHITTON,
*Independence, Mo., April 12, 1973.*

The Honorable GENE TAYLOR,
*Congress of the United States,*
*Rayburn House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN: I am hopeful that you find it possible to support House Bill HR–6288 introduced by Jim Wright of Texas and Don Clausen of California. It is my firm belief that the Interstate program and the Road program, both Rural and Urban, needs are much greater than the Trust Fund will provide. Therefore it seems to me that it is entirely implausible to consider spending Highway Trust Fund money for building rail transit or for the purchase of busses. It seems most logical to me that general funds should be used for rail transit and bus purchase.

After the Interstate System is complete, and I certainly feel that it should be completed at the earliest possible date, the Trust Fund money should then be used in its entirety to improve, reconstruct and rehabilitate our primary, secondary and urban roads.

Again, I am most hopeful that you see your way to support the above-mentioned bill.

With kindest personal regards and best wishes.

Sincerely,

REX M. WHITTON.

I recommend to you the wise counsel of Rex Whitton on the subject of "busting the trust." The national transportation report of 1972 contains estimates which support the greater highway needs forecast in the letter. The figures indicate that the highway needs during the 1970–90 decades total about $600 billion, and needs for mass transit total about $63 billion the completion of the Interstate Highways program will not release loose money.

As allowed for in this Federal-Aid Highway Act of 1973, the separate financing of both types of transportation can be provided independently of each other, so that both ends can be met at the same time without one need having to be sacrificed to meet the other one.

As the demands of the Interstate System decline, we need to redirect our attention to the condition of Federal-State primary and secondary roads, and place a new emphasis on their reconstruction. Department of Transportation figures show that, in 1971, injuries on rural highways numbered 518,974; more than three times the injuries reported on our modern interstate highways. The road conditions represented by this record of wreckage must be corrected.

Some other provisions of merit which lend to the passage of this bill include authorizations for forest highways, forest development roads, and trails, and clarification of the committee's intent in regard to the control of outdoor advertising. The committee notes with particular concern the need for motorists to get information about such travel-oriented services such as lodging, food service, camping areas, and travel attractions, The committee authorizes the Secretary of Transportation to promulgate national standards which will allow directional and informational signs.

Mr. Chairman, this is a good bill, a responsible bill, and one that provides for the transportation needs of urban, suburban, and rural. The committee has provided funding for mass transit without reneging on those who have been taxed to maintain better highways. I urge the adoption of this bill without encumbering amendments.

Mr. CULVER. Mr. Chairman, I want to call attention to section 131 of the Highway Act which provides funds for the Great River Road. The Mississippi River is the most significant North-South scenic corridor in the United States. It is within easy driving distance of millions of American families. Since the 1930's farsighted planners have hoped to see a scenic highway bring the beauty of the Mississippi within easy access of these millions. From Canada to the Gulf through Minnesota, Iowa, Wisconsin, Illinois, Missouri, Arkansas, Kentucky, Tennessee, Mississippi, and Louisiana, the Great River Road remains the dream of those who want to preserve and enhance the esthetic values of the Mississippi.

Over 8 years ago the President's Council on Recreation and Natural Beauty recommended the establishment of a system of scenic and recreational roads. The Council recommended a 10-year program to provide the American people with the kind of roads they deserve, if they are really going to be able to enjoy the scenic and recreational values of this vast and beautiful expanse of America and its people.

A study of outdoor recreation in Iowa suggests that the demand for decent, safe, and attractive scenic roads is far outpacing the roads we are providing.

In Iowa as in the rest of the country, pleasure driving is the most popular outdoor recreation activity—78.7 percent of all Iowans average 18 days of such driving—or a total of more than 28.1 million user-days a year.

Driving is then followed by other activities closely associated with and available along the Great River Road—77 percent picnicking; 59 percent sightseeing; 58 percent hiking and walking; 40 percent fishing; and 35 percent boating.

Clearly the demand for the access and the recreational facilities that would be provided by roads such as the Great River Road is overwhelming. It is reflected in a bill now being considered in the Iowa General Assembly providing State funds for this and other scenic highways within the State.

Mr. Chairman, I hope that before too long we will see winding along the banks of the Mississippi the scenic road that Americans deserve. Clearly the need is there. But the Great River Road will not be completed in a year or two, and with each passing year we see some of our fears realized. Unplanned, unsightly development threatens to deface the beauty and environmental value of the Mississippi.

One of the major aspects of the Great River Road bill that I introduced in January, and which has been incorporated in this Highway Act, is the acquisition of properties and easements along the banks of the river. While the bill would provide some beginning help in upgrading road surfaces along existing rights-of-way, it is designed principally to protect the route and to provide the scenic viewing points and roadside parks necessary for proper enjoyment of the vistas the Mississippi affords.

This year we are celebrating the 300th anniversary of the disovery of the Mississippi by Marquette and Joliet. It is an auspicious time to begin the realization of the dream of a road from Canada to the gulf. But the Great River Road will be more than a beautiful scenic highway along the Mississippi; it will also serve as a prototype of a national system of scenic highways we will eventually enjoy.

Mr. Chairman, in closing I want to thank the chairman of the Public Works Committee for sponsoring the Great River Road bill with me. His guidance and encouragement has been indispensable to those of us who hope to see this long delayed and vital project.

Mr. BIAGGI. Mr. Chairman, I rise in support of the Abzug amendment which would provide the kind of funding critically needed in so many major metropolitan areas to maintain adequate mass transit systems. By making $800,000,000 in UMTA funds available for mass transit operating subsidies over a 2-year period, we would at least put a temporary halt to the deterioration of our present city transit services.

Lack of funds for proper mass transit maintenance has up to now resulted in car-congested, polluted city streets. Other effects will include an escalation of the big business exit from downtown locations, and the further deterioration of inner city areas.

It is for this reason, Mr. Chairman, that I have constantly expressed support for use of highway trust funds to aid mass transit, as expressed in the Anderson amendment. It is for this reason that I voted against the Hanley amendment, which discriminates against the cities.

Mr. Chairman, in light of the fact that this body has today voted down the use of highway trust funds for urban mass transportation systems, it is imperative that we pass the Abzug amendment. The formula for allocating the funds is eminently fair, being based on the three operative variables: Namely, population, number of passengers, and total system mileage.

We cannot afford to deny to the cities sufficient funding to revitalize their public transportation services. I therefore call upon the Members of the House to adopt the Abzug amendment, and to grant urban transit networks a desperately needed reprieve.

Mr. VANIK. Mr. Chairman, the bill before the House tonight provides authorizations of $25.6 billion for highway transportation needs during the next 3 years. It is vital, Mr. Chairman, that this bill be substantially amended.

Amendments are needed to provide regular and large-scale funding of mass transit programs in our urban areas. Assistance is needed for more than just mass transit capital grants—our Nation's transit systems need daily operating assistance. An amendment is needed to provide that sections of Interstate Highway routes in urban areas which are no longer wanted can be deleted—and the money saved in the trust fund can be used to develop other forms of transportation in that urban area. In addition, new billion dollar additions to the Federal-Aid Highway System must be deleted; the proposal for a new 10,000 mile highway system has not been adequately studied. It is an extravagance



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that must be deleted, and a balanced program of National Transportation substituted in its place.

If amendments are not accepted which provide our Nation's urban areas with greater flexibility and freedom in developing more rational transportation systems, then I feel, Mr. Chairman, that I must oppose the passage of this legislation.

OUR CITIES CANNOT STAND ANYMORE HIGHWAYS

Mr. Chairman, in his introduction to the National Academy of Sciences' February report on automotive emissions, the President of the Academy, Mr. Philip Handler, pointed out that the automobile has been such a success that it is beginning to defeat us. It has accelerated depletion of several critical natural resources, including the petroleum which fuels it. It has scarred the land and choked the city, contributing seriously to deterioration of the quality of urban life. In the long run, the truly effective mechanisms for emission control must include a significant reduction in the number of cars operated in a city—a solution dependent upon acceptable public mass transit systems and substantial reduction in the mean size of those automobiles which do function in the city.

URBAN AIR POLLUTION

The automobile is the single most important contributor to urban air pollution. It is responsible for about 35 percent of the Nation's air contamination and, in our major cities causes as much as 80 percent of the downtown air pollution. While the auto companies have just been granted a delay of 1 year for reducing the levels of auto pollutants, our urban areas must still meet 1975–76 standards for clean and healthful air. As a result, the EPA has estimated that as many as 67 cities may have to place some restrictions on traffic into the central city areas. But this is only feasible, if some form of alternative mass transit is available.

URBAN CONGESTION

In most large cities, nearly 50 percent of the central business area is devoted to highway use—freeways, streets, and parking lots. Not only has over-reliance on the auto created terrible distortions in urban land use, but it has rendered our cities almost impassable. Someone has figured out that in downtown New York City, transportation by horse and carriage was about 3 or 4 miles per hour faster than it is today in the bumper-to-bumper automotive age. The highways have contributed to "sprawl city": The disruption of neighborhood communities and totally unplanned and inefficient land use in populated areas. It is no wonder that some 37 segments of the urban Interstate System costing some $5.25 billion are stalled due to environmental, economic and community objections. One of those segments which has aroused particularly bitter feelings is the Clark Freeway which was scheduled to plow through the eastern suburbs of Cleveland, Ohio.

HIGHWAY TRANSPORTATION AND THE ENERGY CRISIS

The automobile is probably the most inefficient, energy-consuming contraption man could devise. Automobiles effectively use only 5 percent of the potential energy they burn—fully 95 percent is wasted. Per passenger, an auto consumes five times as much fuel as a train and six times as much as a bus. These facts alone would not be so bad except that our Nation, for a variety of reasons, has become over-reliant on the automobile.

All this means that the Nation is annually presented with a tremendous energy bill from the automobile. In terms of energy consumed—and largely wasted—13 percent of the total domestic energy budget is allocated directly to gasoline consumption. This translates into over 60 million gallons of gas a day. Moreover, gasoline demand, like automobile sales, shows no sign of slowing down. Over the 10 year period from 1960 to 1970, the annual demand for gasoline grew by over 60 percent. In the next decade, demand is expected to continue to rise at a rate of between 6 and 7 percent each year. At the present rate, transportation demands could burn up the entire proven Alaskan oil reserves in 7 years.

As the President said in his energy message, delivered to the Congress yesterday afternoon:

> There are other ways, too, in which government can exercise leadership in this field of energy conservation. I urge again, for example, that we allow local officials to use money from Highway Trust Fund for mass transit purposes. Greater reliance on mass transit can do a great deal to help us conserve gasoline.

In the face of the incredible drain on our Nation's resources that the automobile represents, we must begin now to reexamine the role the automobile shall play in our transportation future. The present energy crunch and our increasingly scarce supply of petroleum makes it even more imperative that we seek more efficient ways to use our resources. The growing energy crisis can only be resolved through new energy research, increased energy efficiency, and a dedication to energy conservation. Until substitutes for gasoline can be developed, in the field of transportation, the energy crisis may mean altering the entire pattern of travel in this country: shifting intercity freight from truck to rail, shifting short-haul passengers from air to ground, shifting urban passengers from automobile to mass transport.

The simple fact is that we are constructing new highways for automobiles at a time when we are running out of fuel for the cars. The money we are spending for these roads might better be spent on finding new energy sources. Today, we are only building future monuments to our present folly.

THE NEED FOR MASS TRANSIT

It is obvious that improved system of mass and rapid transit could do much to alleviate some of the problems which I have outlined. Increased use of transit systems could save on energy consumption, reduce congestion and air pollution in our major cities, as well as provide increased mobility for millions of non-car-owning Americans.

Yet the vast proportion of our Nation's ground transportation expenditures are made for highways. In fiscal year 1972, the Federal Government spent $8.8 billion on all forms of transportation, of which highways got about $6 billion. Total expenditures on roads by all levels of government in 1972 was $21.9 billion. As of last year, my own State of Ohio had spent $4.5 billion on highways since 1956—but not a penny for mass transit.

Not only do we need to provide for a more balanced program of transportation development, but immediate efforts are necessary to save the present inadequate mass transit systems. It is reported that since the establishment of the highway trust fund in 1956, a total of 268 city transit systems have gone out of business. While 23 billion people were carried annually in 1945 by mass transit systems, only 7.3 billion use such systems now. The Department of Transportation estimates that the cost of bringing our mass transit systems up to necessary standards by the end of the decade will cost between $28 and $34 billion. The Federal Government's level of assistance out of general revenues, however, is about $1 billion annually.

The need for increased support for mass transit on a regular, dependable basis is obvious. The need for a more balanced transportation program—less highways and more mass and rapid transit—is obvious. This Federal aid to highway bill, with its automatic funding from the highway trust fund, must be amended to provide trust fund financing of other urban area ground transportation programs.

WEAKNESS OF MASS TRANSIT PROVISIONS IN THE EXISTING BILL

The committee has reported out a bill which would permit an urban area to decide to give up the use of its share of the $700 million per year urban system allocation, return the money to the highway trust fund, and receive a like amount of funds on a contract authority basis from general revenues. These funds could then be used for various public transportation construction projects.

Mr. Chairman, this approach is simply not good enough. As we have seen in program after program in the last decade, and particularly in the past few years, appropriations almost never equal the authorizations which we provide. Through impoundment, the executive can act to suspend a program or cripple it. Indeed, the Federal Government has been in a chronic deficit budget situation. To expect further funding of transportation programs out of general revenues is unrealistic.

Yet regular, dependable funding is what is required to encourage communities to construct the necessary rapid and mass transit facilities. Last year, and again last month, the Senate passed highway-aid legislation which would permit urban system funds to be used for either highway or for mass transit programs. The same amendment is being offered to this bill and should be adopted.

MASS TRANSIT AND REGIONAL TRANSPORTATION PLANNING IN NORTHEAST OHIO

The provision for regular funding of mass transportation systems will provide an invaluable base for the development of truly comprehensive and coordinated regional transportation plans. While a number of communities have been able to develop such programs, most have not. With the support of the Federal Government the Greater Washington, D.C., area has started a massive subway program. The BART system has just gone into operation in the San Francisco area, and Atlanta has started work on their new transportation system. But these are the exceptions. Almost every other urban center of the Nation needs such a program or must up-grade its present system.

The densely populated Cleveland-Akron area in northeast Ohio is a prime example of a region which needs to—and with regular funding could—develop a regional mass transit system.

In 1970, the administration's fiscal year 1971 budget message specifically indicated that the Greater Cleveland Area would be a prime candidate for participating in some $636 million in urban mass transportation development. In fact, the Cleveland area was given first priority in the listing of possible urban areas which could receive assistance.

Unfortunately, despite years of discussion, our community has not yet moved to institute a mass transit system throughout the area. Yet the promise and potential remains. In March of 1970, I testified before the Housing Subcommittee of the House Banking and Currency Committee in support of urban mass transportation legislation. Because I have received a number of requests over the years for copies of this testimony, and because it is still applicable to the situation in northeast Ohio, I would like to enter portions of this statement in the RECORD. I might add, Mr. Chairman, that I get rather depressed in reviewing this testimony. There is so much potential for development in my community and so little has been done. I would hope that if the mass transit funding amendment is accepted, some of the types of ideas and proposals contained in this testimony will be acted on—before another 3 years go by.

My testimony follows:

STATEMENT OF HON. CHARLES A. VANIK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. Chairman and members of the committee: I appreciate the opportunity to speak before you today on the subject of amendments to the Urban Mass Transportation Act.

As you know, the purpose of H.R. 11081, of which I am a cosponsor, is to establish an urban mass transportation fund.

In both large and small cities, demonstration and capital improvement programs assisted by the Federal Urban Transportation Program have shown that people will welcome and use improved mass transportation facilities. Perhaps the clearest proof thus far is in Cleveland where extension of the rail rapid transit line to Hopkins International Airport has produced twice the traffic estimated in the course of project planning and where acquisition of additional rail cars representing a fifty percent increase in the original order has already been decided.

In November of 1968, the Cleveland Transit System opened this four-mile extension of its rapid transit line providing through service between Hopkins Airport and downtown Cleveland. Total cost was $18.6 million, of which $12.2 million was a Federal grant. The local share was provided by the city of Cleveland and Cuyahoga County.

By the spring of 1969, there were approximately 2000 round-trips per day between the airport and downtown. At a fare of forty cents one way, this volume will produce annual gross revenue of about $500,000. Estimated annual operating costs are $266,175 with a resulting net operating income of $233,825. The best alternative would have been bus service which CTS estimates would have had annual operating costs of approximately $687,000.

Presently, half of all rush hour trips to and from downtown Cleveland are assisted by mass transit. One-fourth of all rush hour traffic within Cuyahoga County is by means of mass transit, even though in many square miles of the county there is no public transit. The transit systems "park 'n' ride" lots provide 7000 parking spaces (including 1700 in the Shaker transit network).

The proposed Clark Freeway, Interstate 290, in Cleveland, which would have cut through the Cleveland and Shaker Heights area, was overwhelmingly and justifiably opposed by the citizens whom it was intended to aid. It has since been vetoed at the state level.

I believe that the majority will of the people has been shown to prefer rapid transit extension rather than highway construction in this situation. The President's Budget Message, indicates that the Greater Cleveland area will participate in $636 million urban mass transportation development scheduled to begin in fiscal 1971. Cleveland was given first priority in the listing of urban areas to receive assistance. This provides our community with a greater opportunity to develop a rational metropolitan mass transit system to the Northeast, East and South.

With the assistance of adequate trust funds, our community can move forcefully ahead, taking advantage of our head start, to prove feasible alternatives to extensive highway construction which destroys community values.

My community is ready and waiting for a mass transit program and for Federal inducements which can permit long-range planning. The Cuayahoga County Mayor's Committee headed by Mayor Irving Konisberg of University Heights in my District is already on the move in developing a master plan to serve the entire metropolitan area. There is widespread interest and support in a metropolitan transit authority. Just last week, the Ohio State adopted legislation to authorize the establishment of such an authority with multi-county jurisdiction.

Cleveland is one of the leading proponents of a mass transit in America. The Cleveland Transit system extends from the Cleveland-Hopkins Airport to Windermere in the City of East Cleveland—a distance of 19 miles. The Shaker Rapid Transit System operated by the City of Shaker Heights is a 9.7-mile system—extending from downtown Cleveland to and through Shaker Heights and the City of Beachwood in two spurs.

The last costly extension of a rapid transit system in America is a possible extension of the Shaker Boulevard line of the Shaker Heights Rapid Transit System for three additional miles from Shaker Heights through the City of Beachwood. The right-of-way has already been acquired. The over-passes have already been constructed. All that remains to be done is extend the tracks, over head power lines, and passenger platforms.

There is no reason why the extension of the Shaker Rapid could not be projected into the next county and become part of a new service complex to serve future housing needs. This extension would serve to justify the elimination of a high-cost, extensive land-consuming freeway which has just been stricken from the Interstate System because of community protest.

The Cleveland Transit System which presently extends to Windermere in the City of East Cleveland could be extended through the City of Euclid along the existing and available railroad right-of-way at relatively moderate expense—

Shortly after this testimony was delivered, I received a copy of a resolution from the Euclid City Council in support of an extension of "the Rapid Transit System from the Windermere Station in East Cleveland through Euclid and to Lake County," Resolution No. 25, 1970—

A further extension into Wickliffe and Mentor in the next county would reach into high density housing developments. New links of the Cleveland Transit System to the south and the southeast would make the Cleveland plan one of the best metropolitan systems in America.

One of the problems of mass transit results from piecemeal development. A system cannot become efficient and economically sound until it begins to totally serve a large metropolitan area. In the interim, high-cost partial operations with traffic below expectations, serve to discourage mass transit programs before they are developed.

If my community can proceed with its master plan, we can develop a sound, efficient and economical total system at a fraction of the cost of developing a comparable system in metropolitan Washington—a metropolitan area of comparable size.

In the event, your legislation should strive toward the completion of those systems of mass transit which can be comprehensive. This would be infinitely preferable to proliferating mass transit funds in bits and pieces.

I fully support the concept of the Mass Transit Trust Fund and will support the establishment of such a fund if the issue is presented to the Ways and Means Committee. We have just completed comparable legislation for the Aviation Facilities Expansion Act in conjunction with Interstate and Foreign Commerce Committee. As you undoubtedly know, this legislation was developed in two portions by each committee to develop a trust fund concept for Aviation Facilities.

There will be some protest by automobile groups resulting from the allocation of automobile excises for mass transit. However, every highway user must realize that every convert to mass transit develops more highway space for those who have no other alternative. Mass transit, therefore, develops opportunities for more effective utilization of highways.

And this brings me to a major point: the inter-relationship between rapid transit and new cities and housing projects. Your committee is in a unique position of being able to require that all new town projects and federally-assisted housing projects are on rapid transit routes.

In view of the fact that federal resources are drastically limited both in respect to outlays for housing and outlays for mass transit, it seems to be in the public interest to combine the two programs in a practical way to permit the Federal programs of mass transit and housing to complement each other.

In view of the warning by Secretary Maurice Stans that the next thirty years will bring America to the 300 million level, of whom 255,000,000 will live in urban areas, it becomes absolutely essential that federal programs meet the increased need for housing and transportation.

Federal programs in housing must be directed toward the utilization of mass transportation. Federal programs in mass transit must be directed toward new housing.

Under these circumstances, a substantial allocation of mass transit funds must be set-aside for mass transit extensions in density populated urban centers and into the countryside to serve new town developments.

While we struggle to preserve urban life in crowded, congested, polluted and crime-infested cities—we must recognize that a



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second front must be developed for urban life—into the countryside.

We must encourage the extension of mass transit into the countryside, with a "planned community of high density housing at every transit station." One station could be designed for industry and commerce, or education, another for medium and low-cost high density housing, another for more expensive high-rise complexes. The objective would be to place high density housing at the transit station, with underground connections. A ten mile extension into the countryside with a 30,000 high density population on each transit stop would provide rapid transit for 300,000 people and insure the success of the transportation system—

I have since read some details of the urban planning and transportation system of Copenhagen, Denmark. Shortly after World War II, the Danes established a "Finger Plan" for the suburban development of the Greater Copenhagen Area. The Urban Extension Act of 1949 introduced the concepts of inner zones, where urban development should be accepted—within the framework of local town plans—and outer zones—the wedges—which were preserved as green areas for agricultural and recreational purposes. Transit lines ran out from central Copenhagen through the "finger" suburbs, leaving large areas open for recreation and public parks. We should begin planning our own urban development and growth in a similar manner—

This approach would also offer people a safer, better environment than would be possible in the center city and still permit access to the business and cultural benefits of the center city.

Several years ago, I recommended that this Committee encourage the development of mass transit authorities which would have the power to establish new mass transit extensions and acquire all land areas within a half-mile of a transit stop on an interchange to insure high density housing in close proximity to the transit stop and prevent land speculators from reaping the benefit of transit extensions into new areas. If the transit extension multiplies land values, the increment in value should inure to the benefit of the transit authorities whose decision made the value—rather than for the benefit of the speculator—"who happened in." We should not repeat the mistakes of the Interstate Highway System which provided "instant riches" to those who owned land adjacent to interchanges. This unjust enrichment for a few resulted from the huge public investment.

If the increment in land values were retained for the development authority, the sale or lease of land by the transit authority near new transit stops to housing or commercial developers would create resources which could be utilized to (1) offset the cost of right-of-way; or (2) provide for extending the system further out.

The development of mass transit and high density housing into the countryside will provide more of each at considerably less cost and help meet the crisis in both housing and transportation which is about us.

I sincerely hope that this committee will write into the law a dramatic set-aside of resources for this purpose in both housing and mass transit.

Mass transit grants and loans must be made contingent upon high density rezoning at stops and interchanges. Mass transit grants must be made conditional upon housing plans which provide for full and better utilization of both housing and mass transit.

There is now an opportunity to develop both housing and mass transit. We should not have one without the other.

THE USE OF EXISTING RAILROAD LINES FOR MASS TRANSIT PURPOSES

In addition to developing comprehensive plans for regional transportation, Mr. Chairman, I believe that we should give greater consideration to the use of existing railroad lines in our urban areas for short-haul commuter service. Most of our Nation's cities are crisscrossed with railroad tracks. With the decline of railroad passenger service, the merger of railroads, and some reduction in track useage, many of these right of ways could be used by local transit authorities to provide high speed commuter service. Rather than building new transit routes at enormous cost, every effort should be made to coordinate local commuter service with existing railroad lines. On many lines which are used only once or twice a day by the railroads, a schedule could be worked out to provide commuter service—at high speed and minimum cost.

In the Cleveland area which I represent, public authorities could take over portions of the Erie Lackawanna commuter service which that railroad is now requesting to discontinue. Through better service, attractive equipment, and more adequate station stops, such a commuter run could provide an important mass transit service into the area's southeastern suburbs.

One of my constituents, Mr. Frank Seller of Northfield, Ohio, a community which lies between Cleveland and Akron, has provided me with detailed maps of the railroad lines which stretch south from Cleveland. Some of these right-of-ways have been abandoned. Others are seldom used—yet there is no good commuter service between these two major metropolitan cities!

As Mr. Seller writes in part:

Northern Summit County is definitely oriented toward metropolitan Cleveland, physically, economically, culturally, and socially.

Complete dependence on automobile transportation dictated by absence of any mass transit availability.

Congestion and winter road hazards overwhelm any over-the-highway plan of movement safely or efficiently.

A railroad right-of-way leading into a metropolitan area my be ideal for a sophisticated mass transit model. Ample in width and with unused acreage available for collector and parking stations, such properties might well be preserved in the public domain for possible mass transportation corridors.

The bill which we are considering today—and legislation which we will be considering in the years to come—should contain provisions for the use of railroad right of ways in the development of urban mass transit systems. As everyone knows, we are facing a massive railroad crisis in the Northeast part of the country this year due to the financial difficulties of the Penn Central. Now I am personally opposed to any approach to that problem which involves huge financial commitments to that company by the Federal Government. We do not need to continue the tradition of Lockheed loans and the bail-out of inefficient companies. But I do think that if any legislation is passed involving commitments from the Federal Government, then some provision should be made for obtaining "shared-time" in the use of railroad routes in urban areas. This would enable a rapid, and low-cost expansion of needed mass transit facilities. In addition, perhaps it is time that the railroads themselves considered the possibility of leasing their right of ways to local transit authorities. The cash flow which could result from such leases could then enable them to support and improve their intercity transportation facilities.

Mr. FRASER. Mr. Chairman, I am pleased to note that the Public Works Committee has seen fit to include my amendment on freeway noise in the bill now before us, S. 502, the Federal Aid Highway Act.

The freeway noise amendment, section 115 of the Highway Act, broadens the authority of the Secretary of Transportation to fund noise control projects along existing Federal-aid highways. These projects may include, but are not limited to, construction of physical barriers, landscaping, and acquisition of additional right of way.

Funding along the Federal Interstate System would be on a 90–10 basis. For other Federal-aid highways, the funding arrangements that now apply to new construction would apply to these noise control activities.

Our amendment also enables the Secretary to set noise standards for existing highways. Under current law he has the authority to establish standards for new projects approved after July 1, 1972.

Mr. Chairman, freeway noise is becoming an increasingly severe problem—particularly in our urban areas. Last year, a group of constituents took me to listen to the problem at first hand at the edge of one of our freeways in Minneapolis. In this neighborhood, which abuts the right-of-way for Interstate 94, local residents have found that they can no longer use their backyards, because of the din from the freeway.

Decibel readings in the area often approach 90, the level at which prolonged exposure can cause permanent hearing loss.

Experiments have shown that freeway noise can be reduced significantly either by construction of noise barriers on the right-of-way itself, or through acquisition of additional right-of-way to serve as a noise buffer zone.

One such experiment is now underway along Interstate 35W in Minneapolis. This project has received Federal support but only because it is a demonstration. Section 115 would permit funding for other projects, such as the one in the planning stages for Interstate 94, on a regular basis.

Hopefully, noise will be less of a pollutant in the future as ways are found to design quieter freeways. Quieter engines and tires will also help considerably. But we have to live more comfortably with the freeways we already have and that is what section 115 will help us do.

The CHAIRMAN. Are there any amendments to be proposed to title IV?

Are there any amendments to be proposed to title V?



The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, pursuant to House Resolution 356, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole?

Ms. ABZUG. Yes, Mr. Speaker.

The SPEAKER. Will the gentlewoman from New York (Ms. ABZUG) state on which amendment she demands a separate vote?

Ms. ABZUG. Mr. Speaker, I demand a separate vote on the so-called Hanley amendment.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 124, strike out line 10 and all that follows down through and including the line following line 12 on page 125.

Renumber succeeding sections and references thereto accordingly.

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. HARSHA. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 292, noes 93, not voting 48, as follows:

[Roll No. 111]

YEAS—292

| | | |
|---|---|---|
| Abdnor | Broomfield | Conlan |
| Alexander | Brotzman | Conte |
| Anderson, Ill. | Brown, Calif. | Coughlin |
| Andrews, N.C. | Brown, Mich. | Crane |
| Andrews, N. Dak. | Brown, Ohio | Cronin |
| Arends | Broyhill, N.C. | Culver |
| Armstrong | Broyhill, Va. | Daniel, Dan |
| Ashbrook | Burgener | Daniel, Robert W., Jr. |
| Ashley | Burke, Fla. | Daniels, Dominick V. |
| Aspin | Burleson, Tex. | Danielson |
| Bafalis | Burlison, Mo. | Davis, Ga. |
| Baker | Butler | Davis, S.C. |
| Beard | Byron | Davis, Wis. |
| Bergland | Camp | de la Garza |
| Bevill | Carney, Ohio | Delienback |
| Biester | Carter | Denholm |
| Blackburn | Cederberg | Dennis |
| Boland | Chappell | Dent |
| Bolling | Clausen, Don H. | Derwinski |
| Bowen | Clawson, Del | Devine |
| Brademas | Cleveland | Dickinson |
| Bray | Cochran | Dingell |
| Breaux | Cohen | Donohue |
| Brinkley | Collier | Dorn |
| Brooks | Conable | |
| Downing | Landgrebe | Rose |
| Drinan | Landrum | Roush |
| Duncan | Leggett | Rousselot |
| du Pont | Lent | Roy |
| Edwards, Ala. | Litton | Runnels |
| Edwards, Calif. | Long, La. | Ruth |
| Esch | Long, Md. | St Germain |
| Eshleman | Lott | Sandman |
| Evans, Colo. | Lujan | Sarasin |
| Fascell | McCloskey | Satterfield |
| Findley | McCollister | Saylor |
| Fish | McDade | Schneebeli |
| Fisher | McEwen | Sebelius |
| Flood | McFall | Seiberling |
| Flowers | McKay | Shipley |
| Flynt | McKinney | Shoup |
| Foley | McSpadden | Shriver |
| Ford, Gerald R. | Mahon | Shuster |
| Ford, William D. | Mallary | Sikes |
| Forsythe | Mann | Sisk |
| Fountain | Maraziti | Skubitz |
| Frelinghuysen | Martin, N.C. | Slack |
| Frenzel | Mathis, Ga. | Smith, Iowa |
| Frey | Mayne | Smith, N.Y. |
| Froehlich | Mazzoli | Snyder |
| Fuqua | Meeds | Staggers |
| Gaydos | Melcher | Stanton, J. William |
| Gettys | Michel | Steed |
| Giaimo | Milford | Steele |
| Gilman | Miller | Steiger, Ariz. |
| Ginn | Mills, Ark. | Steiger, Wis. |
| Goodling | Minish | Stephens |
| Grasso | Minshall, Ohio | Stratton |
| Gross | Mitchell, N.Y. | Stubblefield |
| Gubser | Mizell | Symms |
| Gude | Moakley | Taylor, Mo. |
| Guyer | Mollohan | Taylor, N.C. |
| Haley | Montgomery | Teague, Calif. |
| Hammer-schmidt | Moorhead, Calif. | Thomson, Wis. |
| Hanley | Mosher | Thone |
| Hanna | Moss | Thornton |
| Hanrahan | Myers | Tiernan |
| Hansen, Idaho | Natcher | Towell, Nev. |
| Harsha | Nelsen | Treen |
| Hastings | Nichols | Ullman |
| Hays | Obey | Vander Jagt |
| Hechler, W. Va. | O'Brien | Vanik |
| Heinz | O'Hara | Veysey |
| Helstoski | Owens | Vigorito |
| Hillis | Parris | Waggonner |
| Hinshaw | Pepper | Walsh |
| Hogan | Perkins | Wampler |
| Holifield | Pettis | Ware |
| Holt | Peyser | Whalen |
| Horton | Pickle | White |
| Hosmer | Pike | Whitehurst |
| Huber | Poage | Whitten |
| Hudnut | Price, Tex. | Widnall |
| Hungate | Quie | Wiggins |
| Hunt | Quillen | Williams |
| Hutchinson | Railsback | Wilson, Charles H., Calif. |
| Johnson, Calif. | Randall | Winn |
| Johnson, Colo. | Rarick | Wydler |
| Johnson, Pa. | Regula | Wyman |
| Jones, N.C. | Rinaldo | Yatron |
| Jones, Okla. | Roberts | Young, Alaska |
| Jones, Tenn. | Robinson, Va. | Young, Fla. |
| Karth | Robison, N.Y. | Young, S.C. |
| Kastenmeier | Rodino | Young, Tex. |
| Keating | Roe | Zion |
| Kemp | Rogers | Zwach |
| Ketchum | Roncallo, Wyo. | |
| Kuykendall | Roncallo, N.Y. | |
| | Rooney, Pa. | |

NAYS—93

| | | |
|---|---|---|
| Abzug | Eckhardt | Mezvinsky |
| Adams | Eilberg | Mink |
| Addabbo | Erlenborn | Mitchell, Md. |
| Anderson, Calif. | Fraser | Moorhead, Pa. |
| Annunzio | Fulton | Murphy, Ill. |
| Archer | Gonzalez | Murphy, N.Y. |
| Badillo | Gray | Nedzi |
| Barrett | Green, Oreg. | Nix |
| Bell | Green, Pa. | O'Neil |
| Bennett | Harrington | Price, Ill. |
| Biaggi | Hébert | Pritchard |
| Blatnik | Heckler, Mass. | Rangel |
| Boggs | Henderson | Rees |
| Brasco | Hicks | Reid |
| Breckinridge | Holtzman | Reuss |
| Buchanan | Howard | Rhodes |
| Burke, Calif. | Jordan | Riegle |
| Burke, Mass. | Kazen | Rosenthal |
| Burton | Kluczynski | Rostenkowski |
| Carey, N.Y. | Koch | Roybal |
| Chisholm | Kyros | Sarbanes |
| Clancy | Lehman | Schroeder |
| Conyers | Macdonald | Stark |
| Corman | Madden | Steelman |
| Delaney | Mailliard | Stokes |
| Dellums | Matsunaga | Studds |
| | Metcalfe | Sullivan |
| Symington | Wilson, Charles, Tex. | Wylie |
| Thompson, N.J. | Wolff | Yates |
| Udall | Wright | Young, Ga. |
| Van Deerlin | Wyatt | Zablocki |
| Waldie | | |

NOT VOTING—48

| | | |
|---|---|---|
| Bingham | Harvey | Podell |
| Casey, Tex. | Hawkins | Powell, Ohio |
| Chamberlain | Ichord | Preyer |
| Clark | Jarman | Rooney, N.Y. |
| Clay | Jones, Ala. | Ruppe |
| Collins | King | Ryan |
| Cotter | Latta | Scherle |
| Diggs | McClory | Spence |
| Dulski | McCormack | Stanton, James V. |
| Evins, Tenn. | Madigan | Stuckey |
| Gibbons | Martin, Nebr. | Talcott |
| Goldwater | Mathias, Calif. | Teague, Tex. |
| Griffiths | Mills, Md. | Wilson, Bob |
| Grover | Morgan | Young, Ill. |
| Gunter | Passman | |
| Hamilton | Patman | |
| Hansen, Wash. | Patten | |

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. King.
Mr. Cotter with Mr. Latta.
Mr. Dulski with Mr. Groves.
Mr. Patten with Mr. Bob Wilson.
Mr. James V. Stanton with Mr. Chamberlain.
Mr. Teague of Texas with Mr. Collins.
Mr. Stuckey with Mr. Powell of Ohio.
Mr. Ichord with Mr. Madigan.
Mrs. Hansen of Washington with Mr. Martin of Nebraska.
Mr. Casey of Texas with Mr. Harvey.
Mr. Clark with Mr. Young of Illinois.
Mr. Diggs with Mr. Podell.
Mr. Hawkins with Mrs. Griffiths.
Mr. Clay with Mr. Bingham.
Mr. Jones of Alabama with Mr. Spence.
Mr. Jarman with Mr. Goldwater.
Mr. Morgan with Mr. Ruppe.
Mr. Passman with Mr. McClory.
Mr. Gunter with Mr. Mathias of California.
Mr. McCormack with Mr. Scherle.
Mr. Evins of Tennessee with Mr. Talcott.
Mr. Hamilton with Mr. Mills of Maryland.
Mr. Gibbons with Mr. Preyer.
Mr. Ryan with Mr. Patman.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HARSHA. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HARSHA moves to recommit the bill, S. 502 to the Committee on Public Works.

Mr. HARSHA. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

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Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the engrossment of the House amendment to S. 502, the Clerk be authorized to make changes in section numbers, cross-references, and punctuation as may be necessary to reflect the amendments adopted in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. WRIGHT, BLATNIK, KLUCZYNSKI, JOHNSON of California, JAMES V. STANTON, HARSHA, CLEVELAND, DON H. CLAUSEN, and SNYDER.

## APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 393, AMENDING EDUCATIONAL AMENDMENTS OF 1972

Mr. O'HARA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Post-Secondary Education and the period within which it must make its final report, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, O'HARA, and QUIE.

## PROVIDING FOR THE PRINTING OF REMARKS OF TRIBUTE TO THE LATE PRESIDENT OF THE UNITED STATES, LYNDON BAINES JOHNSON

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Report No. 93-150) on the concurrent resolution (H. Con. Res. 109) providing for the printing of remarks of tribute to the late President of the United States, Lyndon Baines Johnson, and ask for immediate consideration of the resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 109

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed, with illustrations, as a House document and bound, under the direction of the Joint Committee on Printing, all of the speeches and remarks which constitute tributes to the life, character, and public service of the late President of the United States, Lyndon Baines Johnson, and which were delivered on January 24 and 25, 1973, in the rotunda of the Capitol of the United States where the remains of the late President lay in state, at his funeral service held at the National City Christian Church, Washington, District of Columbia, and at his burial service in Texas, together with such additional explanatory matter as the joint committee may deem pertinent, and all speeches and remarks of tribute to the late President delivered in the Halls of Congress.

SEC. 2. There shall be printed and bound, as directed by the Joint Committee on Printing, thirty-two thousand four hundred additional copies of such document, of which twenty-two thousand one hundred copies shall be for the use of the House of Representatives and ten thousand, three hundred copies shall be for the use of the Senate.

With the following committee amendments:

Page 2, line 6, delete "two hundred and fifty" and insert "four hundred"; and on line 7, delete "twenty-one thousand nine hundred and fifty" and insert "twenty-two thousand one hundred"

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand that this is House Concurrent Resolution 109 which is being considered?

Mr. BRADEMAS. That is correct.

Mr. GROSS. What is the cost of this resolution?

Mr. BRADEMAS. It is estimated it will cost a total of $104,228.98.

The committee amendments were agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## PRINTING OF HEARINGS ENTITLED "YEAR-ROUND SCHOOLS"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-151) on the concurrent resolution (H. Con. Res. 126) to provide for the printing of 1,000 additional hearings entitled "Year-Round Schools", and ask for immediate consideration of the concurrent resolution.

The Clerk read the resolution, as follows:

H. CON. RES. 126

*Resolved by the House of Representatives (the Senate concurring)*, That there shall be printed one thousand copies of the hearings entitled "Year-Round Schools", Ninety-second Congress, for use of the House Committee on Education and Labor.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## PRINTING OF HEARINGS ENTITLED "CORRECTIONS, FEDERAL AND STATE PAROLE SYSTEMS"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-152) on the concurrent resolution (H. Con. Res. 156) to provide for the printing of 1,000 additional hearings entitled "Corrections, Federal and State Parole Systems, parts VII-A and VII-B, serial 15, Ninety-second Congress," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 156

*Resolved by the House of Representatives (the Senate concurring)*, That there shall be printed one thousand copies each of parts VII-A and VII-B of serial 15 hearings entitled "Corrections, Federal and State Parole Systems", Ninety-second Congress, for use of the House Committee on the Judiciary.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## PRINTING OF SENATE HEARINGS ENTITLED "RUNAWAY YOUTH"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-153) on the Senate concurrent resolution (S. Con. Res. 2), authorizing the printing of additional copies of Senate hearings entitled "Runaway Youth," and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate Concurrent Resolution, as follows:

S. CON. RES. 2

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed for the use of the Senate Committee on the Judiciary three thousand copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, second session, entitled "Runaway Youth".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## PRINTING OF SENATE HEARINGS ENTITLED "SATURDAY NIGHT SPECIAL HANDGUNS, S. 2507"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-154) on the Senate concurrent resolution (S. Con. Res. 3), authorizing the printing of additional copies of Senate hearings entitled "Saturday Night Special Handguns, S. 2507," and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 3

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed for the use of the Senate Committee on the Judiciary three thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, first session, entitled "Saturday Night Special Handguns, S. 2507".



## PRINTING OF SENATE HEARINGS ENTITLED "JUVENILE CONFINEMENT INSTITUTIONS AND CORRECTIONAL SYSTEMS"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-155) on the Senate concurrent resolution (S. Con. Res. 4), authorizing the printing of additional copies of the Senate hearings entitled "Juvenile Confinement Institutions and Correctional Systems," and ask for immediate consideration of the resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 4

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed for the use of the Senate Committee on the Judiciary two thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, first session, entitled "Juvenile Confinement Institutions and Correctional Systems".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## PRINTING OF SENATE HEARINGS ON THE SUDDEN INFANT DEATH SYNDROME

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rep. No. 93-156) on the Senate concurrent resolution (S. Con. Res. 13), authorizing the printing of additional copies of Senate hearings on the sudden infant death syndrome, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate Concurrent resolution, as follows:

S. CON. RES. 13

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed two thousand additional copies of part 1 of the hearings held by the Subcommittee on Children and Youth of the Senate Committee on Labor and Public Welfare entitled "Rights of Children, 1972 (Examination of the Sudden Infant Death Syndrome)", dated January 25, 1972. Such additional copies shall be for the use of the Senate Committee on Labor and Public Welfare.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for the remainder of this week, if any, and the schedule for the week beginning April 30.

Mr. McFALL. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. McFALL. I will be happy to respond to the gentleman's inquiry. There is no further legislative business for today. As the gentleman knows, we have already adopted the resolution adjourning over until Monday, April 30.

The program for the House of Representatives for the week of April 30 is as follows:

For Monday we have listed the Economic Stabilization Act conference report. The Senate must act first, as the gentleman knows, and we will act when the Senate has finished.

Tuesday is the day for the call of the Private Calendar, and there are no bills.

There will be consideration of H.R. 3932, confirmation of Director of Office of Management and Budget, under an open rule with 1 hour of debate.

For Wednesday there is scheduled H.R. 6452, Urban Mass Transportation Act, subject to a rule being granted.

Thursday and the balance of the week there is scheduled H.R. 982, Immigration and National Act amendment, under an open rule with 1 hour of debate.

This statement is made with the usual reservation that conference reports may be brought up at any time and any further program will be announced later.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. ROUSSELOT. I wonder if the gentleman from California, the majority whip, could tell us whether he plans to bring up the Economic Stabilization Act conference report under a suspension or in a normal procedure?

Mr. McFALL. I am advised that, if passed by the Senate, it will be eligible to be brought up in the regular way of a conference report on that Monday.

PARLIAMENTARY INQUIRY

I would perhaps make an inquiry of the Chair as to whether or not I am correct in this statement.

The SPEAKER. The gentleman's parliamentary inquiry is, How will the conference report be brought up? If passed by the Senate, it can be brought up in the House in the normal manner.

Mr. ROUSSELOT. In the normal manner.

Mr. McFALL. In the normal manner.

Mr. ROUSSELOT. Mr. Speaker, the reason I raised that question is because, in the suspension procedure, it differs as between the other body and the House, and it would not be adequately debated and, if we could be sure that it would be brought up in the normal manner, we would appreciate that assurance.

Mr. McFALL. I will state to the gentleman that the Speaker has just now assured us, and I would add one more thing: Since the suspension procedure requires a two-thirds vote, I would think we would have considerable difficulty in bringing it up in that fashion.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman.

## THE 83D ANNIVERSARY OF THE UNION OF AMERICAN REPUBLICS

The SPEAKER. Pursuant to House Resolution 284, this day has been designated as Pan-American Day.

The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I offer a resolution (H. Res. 363) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES 363

Whereas, April 14, 1973, marked the eighty-third anniversary of the International Union of American Republics, now known as the Organization of American States:

Whereas, continued hemispheric cooperation is important to the cause of progress and freedom for all citizens of this hemisphere; and

Whereas, the Organization of American States provides an essential forum for strengthening the common ties shared by the nations of the hemisphere.

Now, therefore, be it Resolved, That in honor of the founding of the Organization of American States, the House of Representatives of the United States of America extends greetings to the other Republics of the Western Hemisphere and to all citizens of those Republics, with the fervent hope that this new year of inter-American cooperation will be one of peace, understanding, and prosperity.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The gentleman from Florida (Mr. FASCELL), is recognized for 1 hour.

(Mr. FASCELL asked and was given permission to revise and extend his remarks, and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I rise in support of the resolution.

First, I would like to again welcome to this Chamber one of this Nation's foremost advocates of inter-American unity and a distinguished religious leader, the Reverend Joseph F. Thorning. The invocation Father Thorning delivered this morning was the 29th consecutive time he has been present to join with the House of Representatives in celebrating Pan American Day, the anniversary of the Organization of American States. Father Thorning's long and distinguished career as priest, educator, scholar and author have won for him the deep respect and friendship of many throughout the Americas.

I know that all my colleagues join me in thanking Father Thorning for the inspirational assistance he has given to the Congress for almost three decades.

Mr. Speaker, today the House takes time away from its regular legislative schedule to celebrate the 83d anniversary of the founding of the Organization of American States and of the inter-American system. From its small and modest beginning in 1890 the International

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Union of American Republics has grown in size, complexity and ability into the present day Organization of American States, now the world's oldest regional organization. But today we celebrate more than just the founding of the OAS. We celebrate the spirit of hemisphere cooperation and unity which has produced not only such important institutions as the OAS and the Inter-American Development Bank but also noble concepts such as the Alliance for Progress.

Today, as we honor the memory of those whose vision and hard work led to the creation of the OAS, I would like to take this opportunity to extend greetings to all the thousands of persons, inside and outside of the OAS, who daily carry on their work in behalf of understanding and friendship in the hemisphere. In particular, I extend best wishes to the very distinguished Secretary General of the Organization of American States, the Honorable Galo Plaza, to the able and respected president of the Inter-American Development Bank, Dr. Ortiz Mena, and especially to that great hemisphere statesman the outgoing chairman of the Inter-American Committee on the Alliance for Progress, Dr. Carlos Sanz de Santamaria.

Mr. Speaker, anomaly is becoming a word increasingly used of late in discussion of various aspects of U.S. policy toward Latin America. I am serving warning since I am about to use it again. Some would suggest that this entire celebration here today of inter-American unity is an anomaly—that it is at variance with the world as it is.

Is the inter-American system an idea whose time is over? Should the United States withdraw from the OAS? These are not questions we can ignore. They have been raised by serious students of hemisphere affairs, some of whom would—and some of whom have—answered yes to both questions. I am not prepared to go that far, not now, without a serious and probing analysis by this country of what role we should play in hemisphere organizations, particularly the OAS. But it is possible that our goals for Latin America and those of the other nations, might be more effectively served by a substantially reduced U.S. presence.

The depth of concern within the United States over the future of the OAS was reflected in an editorial printed only last Friday in the Miami Herald, long a champion of inter-American cooperation. The editorial, entitled "An Odd Relationship With OAS" said that "the United States and the Organization of American States appear to have arrived at the unhappy point where they cannot live happily with or without each other," and went on to detail some of the many issues which are dividing the OAS "in a basic split that puts the United States on one side and the other OAS members on the other." This concern within the United States has increasingly led to the notion that the time has come for a thorough review of the structure of the inter-American system. This idea, however, is by no means strictly a subject for U.S. discussion. In fact, our own discussions have largely been sparked by Latin American initiatives, particularly that of Dr. Carlos Sanz de Santamaria, suggesting that the new realities of the new post cold war world require a rethinking and a restructuring of the mechanisms of hemisphere cooperation.

Earlier this week, the OAS General Assembly, meeting here in Washington, formally approved a study aimed at reviewing the basic purposes and entire structure of the organization. It is the kind of study suggested by many in the United States and Latin America. The United States supported the study and undoubtedly will provide financial backing, as it should. It is my hope, however, that our support for the study will not prevent consideration of the obviously fundamental question of whether or not the other member states continue to want full U.S. participation in the OAS and, if they desire continued U.S. presence, to what degree they are willing to more fully share financial responsibility for the OAS.

Mr. Speaker, Latin concerns about updating the OAS are clearly well founded. The entire political and economic climate of international relations has changed dramatically. The cold war has ended. China and the Soviet Union are increasingly being incorporated into the myriad political and economic activities of the rest of this world. The Common Market has become a major economic power and is on the verge of increasing its size to a point where its trade will probably surpass that of the United States, the Soviet Union and Japan combined. The dollar has become another vulnerable currency and the whole world monetary system is undergoing fundamental change.

Perhaps of even greater importance to the Latins in calling for a reexamination of the OAS, have been the changes in Latin America itself. Manufacturing, for example, has replaced agriculture as the most important sector of the regional economy. Few of us realize that manufacturing now accounts for 25 percent of Latin America's GNP. Despite high rates of population growth, there have been significant increases in per capita income over the last decade. Exports have grown steadily over the last 10 years, with manufacturing doubling its share of total exports. In summary, despite its less than favorable views in recent years, the Alliance for Progress has had a tremendous impact on Latin America.

Where does this leave us? The world has changed and the Latins recognize it and want to restructure the OAS so it can play a more meaningful role. Our best answer to date seems to have been, "That sounds reasonable," but I submit that such a position, while it may be tactically useful, is hardly a substitute for a coherent, realistic, United States policy toward the OAS. The need for such a policy should be clear if for no other reason that we are paying at least $37 million to support the organization, two-thirds of its entire budget. Clearly the time has come for the United States to reexamine our own policy toward the OAS, to carefully review whether or not that organization really serves our own interests or whether it is simply an expensive forum for largely anti-United States views.

Mr. Speaker, I do not make these comments lightly. We need to reexamine our OAS policy, not to vent our frustrations over the strident anti-U.S. rhetoric of many of its meetings, but because it should now be painfully clear that the organization is not fulfilling the purposes for which it was designed: The resolution of conflicts, serious consideration of issues of mutual concern, and the formulation of common hemisphere positions. Whether this is because of Latin shortsightedness or because of our own refusal to trust the organization and use it or for some other reason, I do not know. I do believe, however, that it is difficult to justify continuance of our present policy of substantial support for an organization which is long on rhetoric but short on action to resolve the disputes which seem to increasingly divide rather than unite the hemisphere. The United States should fully explore every option: Whether to withdraw from the OAS, whether to remain in the organization as presently constituted, whether to stay in a restructured OAS, or whether to give the OAS a larger and more significant place in our policy toward Latin America. It is my hope that the Secretary of State will direct that a thorough going review be made of U.S. participation in the OAS parallel to the OAS' own reexamination of itself.

Such a United States review could produce a needed new realistic policy toward the OAS in line with the new realities which are now confronting both Latin America and the United States.

Mr. Speaker, regardless of whether or not the Executive branch reviews our policy toward the OAS we in the Congress have our own responsibility to examine to what extent hard earned tax dollars should be used to support continued U.S. participation in the activities of the OAS. To carry out that responsibility the Inter-American Affairs Subcommittee will hold hearings on U.S. participation in the OAS this summer.

Conflicts, doubt and debate are no strangers to either viable and vigorous institutions or a happy marriage. We have no shortage of any of these in the OAS. Let us hope that our mutual desire to work out a new and better future for the organization will yet prove that it can fulfill the promise of providing for the world a model of how diverse countries, developed and developing, can work together for a more peaceful and prosperous future.

Mr. Speaker, I ask that the entire Miami Herald editorial to which I referred be incorporated at this point as a part of my remarks.

AN ODD RELATION WITH OAS

The United States and the Organization of American States appear to have arrived at the unhappy point where they cannot live happily with or without each other.

That, essentially, is what all the agonizing is about at the OAS meeting in Washington.

Clearly, Latins will no longer tolerate U.S. domination. But the traditional ties are so strong and the economic dependence still so evident, can they avoid it?

Present U.S. policies call the Latins to take charge of their own destinies, to turn elsewhere for trade and aid, and to end the paternal role of the United States.

Paradoxically, when faced with these policies, the Latins have grown cautious. They have been fearful of so sharp a separation.

The United States, too, has a contradiction. While it encourages Latin maturity and independence, and encourages a diversification of trade, it still worries about foreign penetration in such countries as Cuba and Chile.

The problems hinge around economic independence and political pluralism. They divide the OAS in a basic split that puts the United States on one side and the other OAS members on the other.

A further division in ranks develops over the issue of whether and how to admit new members, such as the Bahamas which become independent in July, and other even smaller prospective nations.

There is concern that the broadening of membership can alter the organization altogether. Rather than Latinizing, this would bring a dilution of Latin influence.

Carlos Sanz de Santamaria, the Columbian statesman and head of the coordinating committee for Inter-American economic and social development, has called for leadership and political vision comparable to that which opened new areas of cooperation between the United States, China and Russia.

But that kind of bold stroke has been absent from OAS councils and, unless U.S. policies change, probably will continue to be.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am delighted to yield to my colleague from California.

Mr. LEGGETT. As the new Chairman of the Panama Canal Zone Subcommittee, I want to commend the gentleman on his bringing this resolution to the floor at this time.

While we do have problems with many of the Latin American States, I do not think any of them are of such magnitude that we need to throw up our hands and cast off our Latin neighbors whom we have learned to live with and to love in a good neighbor policy of prior Presidents.

We do have problems down there relating to tuna boats and fishing limits and the development of natural resources and many of these things. We have to learn to live with different forms of government other than our own. The United States has a lot of maturing to do before we draw the conclusion that we have come to age and nobody has in all of the Americas.

I commend the gentleman for his patience and restraint in this resolution and ask unanimous consent that my remarks follow those of the gentleman celebrating the 83d anniversary of the Union of American States.

Mr. Speaker, our celebration of the 83d anniversary of the Union of American Republics comes at a particularly crucial point in the history of United States-Latin American relations. Although the States in the Western Hemisphere have recognized the importance of regional cooperation in the struggle for freedom since 1890, the substance of that cooperation has been altered repeatedly over the last 80 years. It is my feeling that we are currently at another major turning point in this rich history.

It has now been 12 years since the launching of the Alliance for Progress in Punta del Este by President Kennedy. Some spokesmen have pointed to the failures of that Alliance, and have urged a reduced American presence in Latin America. It is true that the Alliance for Progress failed to meet many of its 10-year goals which included achieving; an economic growth rate of 2½ percent per annum, a more equitable distribution of income, a diversification of economic structures, an increase in agricultural productivity, and the adoption of broad programs in the health and welfare areas.

Latin America today suffers from many of the same ills that plagued it 10 years ago. The States of Central and South America still suffer from a chronic trade deficit, exacerbated by their inability to break out of the colonial pattern of trade in which they supply raw materials in exchange for manufactured goods.

There still exists the age old albatross of the undiversified economy dependent on the whims of the world commodity markets, and Latin America is still plagued by a gross maldistribution of wealth.

All of these problems still exist despite the existence of the Alliance for Progress, one of the most monumental aid programs in the history of the world.

Nevertheless, the solution to these problems is not to have the United States retreat into isolationism, and abdicate its responsibilities toward its less-developed neighbors to the South. Rather than disengage from Latin America, I would hope that the United States would seize upon the knowledge gained during the Alliance for Progress in order to structure a cooperative program based on the realities of the 1970's.

To begin with we must recognize that Latin America consists of 26 independent States displaying varying degrees of economic self-sufficiency and democratic stability, not one monolithic bloc. The Alliance for Progress recognized this fact too late. Its goal of regional development was destroyed as a result.

We must also recognize that our own economic history is not necessarily applicable to the States of Latin America. Economic history has shown that economic development is a function of a state's ability to accumulate a sufficient amount of capital. In the United States the process of accumulation was aided by the richness of the country, a lack of organized domestic opposition to industrialization, a large and willing labor force, and a sympathetic government. In contrast, the less-developed nations of the world must accumulate capital without a plethora of natural resources, without an educated elite, and in the face of opposition from the unions, military, and the civil service. Added to this, many times policies that are necessary for modernization violate the traditional beliefs and practices of the Latin American people.

Unfortunately, much of the United States aid to Latin America has gone for urban industrial development when, as a recent article in the Christian Science Monitor indicated, the cities have not succeeded in putting to work the landless peasants who migrate to urban areas. The spread of urban slums all over the world demonstrates that the type of capital-intensive development going on in the cities does not alone generate enough major new employment opportunities.

The capital-intensive industrial development that was appropriate in another time for the United States and Europe has only served to create a new class of urban elite. While the incomes of this elite have grown, the gap between them and the remainder of society has widened. It would be much wiser for the United States to structure an aid program that takes cognizance of Latin America's greatest resource—its people.

It is true that the per capita income of Latin American countries has risen during the years of the Alliance for Progress, but it has risen in so unbalanced and inequitable a way that the gains have gone almost entirely to the 20 percent of the population who live within the modern economy. The benefits accruing to the lower 80 percent have not even kept up with population growth, so that they have become both relatively and absolutely poorer.

This does not mean that the United States should somehow disengage itself from Latin America. Both the United States and Latin America have much to gain from continued regional cooperation. We cannot forget that Latin America already buys some $5 billion in goods from us each year, and that this market will grow to at least 7 or 8 billion dollars in the present decade. Moreover, United States direct private investment in Latin America amounts to $13 billion and brings a return of nearly $2 billion per year in royalties and profits. In light of these figures, it is clear that the United States has a practical as well as a moral responsibility to encourage cooperation between the North and South.

One major roadblock to any United States-Latin American aid program, of course, is the residual of anti-American sentiment in many areas of Latin America. We must face the fact that this sentiment is largely a result of the omnipresence of American corporations. I certainly do not want to appear to be antibusiness. But the fact is the past decade in Latin America has been very good for American business and very bad for the people of Latin America. According to Gary MacEoin, the author of "Revolution Next Door," U.S. companies withdraw $2 in dividends, royalties, and other payments for every new dollar they invest.

Business requires stability, but in most cases stability means a military dictatorship or an elitist oligarchy, neither of which is likely to feel much need to improve the lot of the average person.

So the people of Latin America, with considerable justification, hold us responsible for their stagnation.



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Paradoxically, this is true even though our corporations frequently pay well above the prevailing wage. It is practically impossible for a nation to develop a strong modern economy unless profits are kept within the country; this is generally equivalent to saying the corporations must be domestically owned and controlled.

So we find ourselves facing instances of forced nationalization of American-owned installations without fair compensation, as we have seen in Cuba, Peru, and Chile. This cannot be condoned, but we have to face the fact that this is likely to be the pattern of the future unless our policies are changed.

And what has been our foreign policy in Latin America but some vague notion of support for the "free world forces" in an attempt to build a bulwark against the threat of "international communism?" At one point there may have been some validity for such a view, but no more. President Nixon's trip to China and Russia signaled a change in our view of the two major communist powers, away from the ridiculous notion that Moscow and Peking somehow controlled what happens in Santiago.

Despite the profound change in our attitudes toward Russia and China, we still harbor the same old antiquated views of the third world. President Nixon's proposed fiscal year 1974 budget includes nearly $2 billion in various forms of military assistance.

All too often, military assistance which begins as a misguided attempt to thwart revolutionary guerrilla movements ends up as the instrument used to keep second-grade dictators and oligarchs in power. If we are to restructure our policies in Latin America it is vital that we cease being the chief weapons financier for the despots of the world.

At one point a fear of guerrilla movements may have been justified, but no longer. It is clear that Fidelism is no longer a threat to the people of Latin America. The Cuban example has not been exported to the mainland. In fact, most of the guerrilla movements have been substantially diminished over the last few years. Even the election of Marxist Salvadore Allende Gossens in Chile amounts more to a phenomenon to be understood rather than a danger to be feared.

There is much to be done in order to realine our policies in Latin America. We must strive to eliminate the sore spots that damage the whole of United States-Latin American relations. It is incomprehensive to me how we can maintain our rigid position toward Cuba in light of President Nixon's rapprochement with Red China and the Soviet Union. They are Communist nations also, and represent a much greater threat to the security of this country.

Our policy toward Cuba has been justified as a legitimate response to Castro's attempt to export revolution, yet it is clear that Cuba has violated the principle of nonintervention no more so than ourselves.

To be sure the small bands of Cubans who drifted in and out of Latin American nations have violated that principle, but hardly in a way that is comparable to the landing of the U.S. Marines in the Dominican Republic in 1965, or the overthrow of Guatemalan leader, Jacabo Arbenz by the CIA in 1954.

Moreover, the threat from Cuba has been grossly exaggerated. Che Guevara, billed as a master of revolutionary strategy, failed miserably to turn the Andes into another Sierra Maestra. In essence Che made the same mistake we did; that is, he failed to realize that it is impossible to make people hate or like their government if they simply do not want to.

Recently, the Cuban Government, beset with internal difficulties, has moderated its view of the United States. I would hope that we could seize upon this unique opportunity and develop a more reasoned approach toward the Castro regime.

Our relations with Chile also needs an intense review. Over the last few weeks we have discovered that the CIA and ITT were deeply involved in both the 1964 and 1970 Chile elections. This involvement amounted to no less than a serious violation of the sovereignty of what is probably the strongest democratic nation in South America. Hopefully, the revelation of the ITT–CIA affair has exposed the idiocy of such action, and will act to deter future mistakes of that kind. Unfortunately, the incident promises to further exacerbate the Latin American distrust of the United States.

Still another sore spot in Latin America is the tiny island of Culebra. For the past 37 years this small island off of Puerto Rico has been subjected to an intense naval and aerial bombardment by the U.S. Navy as part of the Navy's Atlantic fleet weapons range. For almost as long, leaders of the Puerto Rican community and Members of Congress have been petitioning the Department of Defense to cease this unnecessary action considering that this island is also a home for some 1,000 Puerto Ricans.

For a time it did appear that the Navy would find an alternative to Culebra as a bomb site, and give the citizens of that tiny island a long-deserved respite from the some 2,000 yearly hours of shelling. On April 1, 1971, Secretary Laird issued a report stating that all Navy operations would be transferred away from Culebra by June 1975.

We discovered in December, however, that Secretary Laird apparently changed his mind on discontinuing the shelling of Culebra by 1975. Laird summarily announced that the shelling should be continued until at least 1985 and no reasons were given.

The issue of Culebra seems inconsequential. It is, after all, only a very small island. To the 1,000 inhabitants of Culebra and the entire Puerto Rican population, however, the issue is anything but minor. Furthermore, to a real extent, our handling of the Culebran problem will have a profound effect on the rest of our Latin American relations.

And then there is the Panama Canal. As the new chairman of the Panama Canal Subcommittee of the House Merchant Marine and Fisheries Committee I am now reviewing the progress of the negotiations with the Panamanians over the Canal.

Unfortunately, at the present time there is very little progress at all. Treaty negotiations for all intents and purposes were broken off in late 1972. Nevertheless, I am confident that the two nations can move forward and reach some mutual understanding over this issue. The Canal is one area where the United States has performed a credible job in reconciling the interests of the Panamanians with our own.

The Panamanians had been gearing up for the recently completed United Nations Security Council meeting in Panama City, but they failed in their attempt to stimulate worldwide concern. There is much to negotiate in Panama. I would hope that our two nations could sit down and reach some mutually beneficial position on the administration of the Canal and the Canal Zone.

This process of negotiations will certainly not be easy. The Panamanian problem has been raging since 1915, and understandably has captured the conscience of the Panamanian public. I can think of no better way to start a new era of relations with our Latin American neighbors than to reach an equitable solution in the Canal question.

Mr. FASCELL. I thank my distinguished colleague from California who has taken over the chairmanship of that important subcommittee. His remarks are certainly in the spirit that I not only personally feel but I feel that it is absolutely essential for you as policy. I think we can say it is a feeling that has emanated from the general assembly of the Organization of American States.

Everybody thought when they began that we would bring the house down in terms of confrontation, but it wound up in a quite moderate, conciliatory, and hopeful manner.

We must approach the problem, as the gentleman says, constructively and affirmatively. It is much too important to us.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am delighted to yield to my colleague from Florida.

Mr. ROGERS. I thank the gentleman for yielding.

First of all, Mr. Speaker, I want to commend the gentleman in the well for bringing this resolution to the House floor. I want to commend him for his outstanding leadership in the field of foreign affairs and Latin America in particular. He has served in a distinguished manner as the chairman of the Subcommittee on Latin American Affairs on our great Committee on Foreign Affairs. He has been a true leader in this area and will continue to be. The House appreciates his leadership. If any area needs great leadership, it is our relations with Central and South America, and the gentleman from Florida has been handling this work in a magnificent manner. I salute him.

I also salute Father Joseph Thorning, who, as the gentleman from Florida has already said, devoted so much of his time and talent in an attempt to try to bring to the attention of this Congress and the American people the importance of our relationships with South America. He has done a magnificent job and for 29 years has been faithful to this cause which he has espoused so eloquently over the years.



Finally, Mr. Speaker, may I say that I hope the passage of this resolution perhaps will begin to see us change our priorities with regard to foreign countries.

I am sure the gentleman with his leadership can help bring this about. I know that the gentleman has tried to do this, and is doing it. I believe we should give greater priority to our relations with our neighbors to the south, particularly the trade situation where we have a favorable trade with so many areas in South America, and whereas with certain European countries and other countries in the world we are in the opposite position. In order to really give it some attention, really give it some impetus, we should put top people into our relations with Latin America and set some goals so as to try to improve our relationships, because I believe we have ignored that area to an extent which I think has become alarming.

So I hope that the gentleman will, if he can, through his leadership, try to guide our Nation toward such a goal in this very important area of the world.

Mr. FASCELL. Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. ROGERS). Of course, the gentleman is a neighboring colleague, and has been over the years that the gentleman has been in the Congress, very, very genuinely interested in the relationship of the United States with the Latin American countries. I agree with what the gentleman says thoroughly. We must have such leadership. The importance of the priority is obvious, if nothing else, because of trade. But in addition there are so many other reasons, as the gentleman well knows, that make it vital for us in the United States to have the proper relationship with the Latin American countries.

I commend the efforts of the gentleman from Florida throughout the years in trying to bring this about.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am most happy to yield to the gentleman from Florida, our colleague (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I thank my distinguished colleague, the gentleman from Florida, for yielding me this time.

Mr. Speaker, I wish to commend our distinguished colleague, the gentleman from Florida (Mr. FASCELL) for the magnificent leadership the gentleman has given to the cause of our having an agreeable and cooperative relationship that is mutually beneficial both to the United States and Latin America.

I am pleased to join with him in this observance of Pan American Day. It is 83 years since the founding of the Union of American Republics, which we know today as the Organization of American States. Since the inception of the OAS, this vital organization has emphasized the friendship of the American peoples and the economic and social development of all of the countries of this hemisphere.

Today, more than ever, we must dedicate ourselves to upholding the goals of this great inter-American system.

Somehow over the years the commitment of the United States to our hemispheric neighbors has deteriorated. When we pitched in to rebuild Europe, we were too busy with the aftermath of World War II to give full attention to Latin America. The goals of the OAS were temporarily forgotten at a time when we should have been looking to the future and strengthening our ties with Latin America against the day when Europe would be our great competitor again.

Throughout the terrible involvement in Vietnam our relations with our Latin American neighbors have suffered from our preoccupation with Southeast Asia. I hope the damage this tragic war has done to us at home and in the world will not include irrevocable damage to our hemispheric relattionships.

I hope our Government will now give Latin America the priority attention it requires. Our relationships with the people of this hemisphere are still in a state of transition and I believe we can have significant influence on future developments.

We should not, I think, emphasize what we are going to do in Latin America and for Latin America. The day of paternalism has long since expired.

Today, we must extend the hand of friendship in sincerity and warmth, and we must open the door of opportunity to the people of Latin America on terms of mutual self-interest and cooperation.

I have traveled many times in Latin America and I know that the people of these countries do not want handouts from the people of the United States. They want the opportunity to earn their own way by selling the products of their labor and their genius in the United States, as they have sold in the past their raw materials, their agricultural products and their mineral riches.

We must, I believe, give the manufactured products of Latin America a welcome in our vast domestic market which matches the warmth of the friendship we profess for their peoples and their countries. If we will make it easier for Latin Americans to expand their trade with the United States, we will not have to fear for their identity with the cause of freedom and economic progress which we champion in this hemisphere. The lands that trade together have a much greater prospect of staying together than those that merely talk together of their mutual ideas and companionable political philosophies.

I hope we will, in the consideration of new trade legislation in this Congress, give the attention to the possibility of making the Western Hemisphere a great trading community undergirding a cultural and political New World.

Mr. FASCELL. Mr. Speaker, I want to thank my colleague, the gentleman from Florida (Mr. PEPPER). The gentleman has had a long and distinguished career in the Congress of the United States, first in the Senate and then in the House of Representatives. During all of those years the gentleman has always manifested a high interest in Latin America, and the relations between the United States and Latin America. The gentleman continues to do that to this day as a Member of the House, coming from the south Florida area as the gentleman does, not only because this is important there for us as local representatives, but mainly because we realize that it is in the deepest and best interests of the United States.

Again I thank the gentleman from Florida.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman from Florida for yielding to me. I want at this time to say how much I have appreciated the chairmanship of the Inter-American Subcommittee by the gentleman from Florida. He is an able and fair chairman and it is a pleasure to serve with him. I do differ with the gentleman on this resolution. It is not pleasant to sound a discordant note here today, but I am convinced, as a result of what has transpired especially in the last few years, that the Organization of American States has outlived its usefulness. And were it on another day, Mr. Speaker, I suspect that I would ask for a vote on this resolution. However, I simply want the RECORD to show my vote in opposition to the pending resolution.

Mr. FASCELL. Mr. Speaker, I thank the distinguished gentleman from Iowa. The gentleman from Iowa is a very valuable member of our subcommittee. The gentleman devotes a great deal of time and energy to the entire question of foreign affairs, and particularly to Latin American affairs.

As I said in the earlier part of my remarks, the issue which has been raised by the gentleman from Iowa is one which cannot be ignored. I thank the gentleman from Iowa for not calling a roll-call vote on this resolution at this time, because I think there is a better way of raising that issue, and I will discuss that right now.

At the last meeting of the General Assembly of the OES, one of the basic things that came out of this session, which as I said was moderate and conciliatory, was the designation of a special committee of the OES on which every country would be represented, to study the whole question of the OES, its strength, whether or not it should continue to live, how it should live, and what the participation should be, what to do about the Caribbean countries, and a whole host of other soul-searching questions.

The thrust of my remarks today, as we celebrate the need of inter-American unity—and I really believe this is funda-

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mental so far as the U.S. policy is concerned—but what we need to do in the United States, with an open mind, as the gentleman from Iowa suggests, is review our own policy in terms of what is going to happen in the OES, or what should happen, or what the U.S. policy should be, and how we should participate.

After all, we are paying the major share of the upkeep of that organization, and therefore, while they themselves are doing their own soul searching—I think that is good—it is absolutely incumbent upon us for the U.S. executive branch to be examining very carefully and critically at the same time our own viewpoint and perspective of the OES.

I will say to the gentleman that it is also, I believe, incumbent on the Congress and, therefore, I am saying now that I propose to hold some hearings on this very subject. That is why I thank the gentleman for not calling the roll on this resolution tonight, because this is one of spirit and principle. When we get down to the substantive matters, there will be ample opportunity not only to explore different viewpoints, but perhaps to even have a vote on the issue. So I do say to the gentleman that I propose, as the chairman on the Inter-American Affairs Subcommittee, to hold ample hearings on this whole issue some time this summer.

Mr. GERALD R. FORD. Mr. Speaker, the policies of the United States are consistent with, and indeed encourage, productive trends in Latin America.

Latin America today is characterized by change and a push to development and modernization. Encouraging trends of economic growth are being sustained, but increasingly there is a recognition of the need to assure the common man a share in growth. New social and political institutions are growing up. New ties, within the region and outside of it, are being established.

Relationships between the United States and Latin America today are characterized by a growing understanding of the global setting in which we have to take up solutions to our problems, the encouragement of efforts to find national solutions to national development problems, and by the acceptance of differences.

Fundamental to this relationship are the principles initiated by President Nixon in 1969. These are: A firm commitment to the inter-American system; respect for national identity and dignity; continued U.S. assistance for hemispheric development; U.S. support for Latin American development initiatives; and a dedication to improving the quality of life.

These principles have been our guide as, over the last 4 years, the United States has done its part to build a more mature and realistic relationship.

There have been constraints in some areas, but as was noted in the House by Mr. FASCELL on April 12, the introduction of the "Trade Reform Act of 1973" shows that we are meeting our commitments, and that we are prepared, as we have always been, to do what we can "in the direction of inter-American economic partnership on a basis of equality."

The record is sound in other areas, too. Our economic assistance programs have become increasingly collaborative. The total U.S. assistance effort is as high now as it was in the peak period of the mid-1960's. Our economic assistance to Latin America in fiscal year 1971 was $602 million and in fiscal year 1972 it exceeded $1 billion.

Further, U.S. policy reflects a pragmatic approach to problems shared by sovereign governments and a determination to remove points of friction not related to our real interests in the hemisphere. In this context, there have been real successes in the past 3½ years. These are: Signing of an historic agreement with Mexico on determining the present 2,000-mile boundary; establishment of a mechanism for peaceful settlement of boundary issues resulting from meanderings of the Rio Grande; Swan Islands Agreement, recognizing Honduran sovereignty; abrogation of the Bryan-Chamorro Treaty, relinquishing all canal construction rights in Nicaragua; Quito Sueno agreement between United States and Colombia in which the United States renounced all claims to sovereignty; and resolution of the fisheries dispute with Brazil.

Of course, there are other remaining problems, but the scene is no longer cluttered up. We have before us the issues of the Panama Canal, Chile, expropriation, and the fisheries disputes.

But in every case we have made unmistakably clear our willingness to negotiate, to approach problems in a spirit of compromise, and to consider all proposals.

As can be seen, the new policy of President Nixon did not reflect any lessening of the importance we attach to Latin America or a retreat from commitments. It was a challenge to change the tone and character of our relationship, to replace the atmosphere of dependence with one of cooperation, and to use that cooperation not only to continue to address the problems of the hemisphere in more imaginative ways, but to tackle international problems of mutual concern.

The General Assembly of the OAS, which adjourned only a few days ago, is testimony to the success of the policy. It was clear that the nations of this hemisphere can address their problems in realistic terms and that the relationship permits us to challenge old ways of doing things.

So there is no doubt the administration policy is responsive to changes in Latin America and in the world, and that it means not only delivering on commitments already made but making sure that new commitments are relevant and realizable.

This is a reassuring conclusion as we mark Pan American Day.

Mr. ALBERT. Mr. Speaker, I join my distinguished colleague, the gentleman from Florida, in commemorating the 83d anniversary of the founding of the Pan American Union. The gentleman's remarks are of great interest to the House. It is well known that he is highly knowledgeable on the subject of hemispheric relations and the organizations of the inter-American system. It was my pleasure to appoint him recently to represent the House at the third regular session of the Organization of American States General Assembly in Washington, D.C. This organization along with the Pan American Union, the Inter-American Development Bank and the Inter-American Defense Board, is one of the main cooperative efforts we share with our Latin American neighbors.

Although these organizations have never functioned precisely as envisioned at the time of their founding, and have not achieved the high aims to which they were dedicated, it is important that they be maintained. They offer contact opportunities for discussion of our mutual problems, for while North and South America do not have a total community of interests, and for economic reasons have a different frame of reference, we do have many common problems—environmental problems, problems of urbanization, poverty, unemployment. In addition, the Pan American Union and its sister organizations provide a forum in which disputes between sister states can be discussed. The potential exists in the Pan American Union for consultation and peaceful and constructive resolution of the problems facing the nations of the Americas.

Perhaps structural changes, policy changes must be made in order to respond appropriately to the attitude and conditions which have developed with the passage of time. The hemisphere is undoubtedly in a new and more difficult period. Adjustments and accommodations may be advisable to improve and renew our efforts to maintain sound and productive relations with our Latin neighbors. United States-hemisphere relations are no less important than they have ever been, and on the occasion of the Pan American Union anniversary it seems appropriate to urge the rejuvenation of our inter-American organizations, recognizing the import of existing and emerging problems and the economic and security interests of our country as well as those of Latin America. It is certain that the integrity of the hemisphere is best protected against the appeals of communism by promoting the quality of life. Economic and social advancement continues to be the principal and mutually desired goal of these organizations and its accomplishment is well worth the effort and support required to build a strong hemisphere community.

Mr. MORGAN. Mr. Speaker, I welcome this opportunity to join my colleagues in celebrating Pan American Day. While many significant developments have taken place over the past year in relations between the United States and other more distant nations of the world—particularly with the People's Republic of China, the Soviet Union and the countries of Indochina—it is fitting, indeed, that we pause for a moment to consider the urgent problems we all face here in this hemisphere. Obviously, an improvement in inter-American relationships, a renewed effort to create mutual cooperation and understanding, remain high priority items on the American agenda.

Mr. Speaker, Pan American Day is more than an anniversary. It marks an historic commitment by the nations of the Western Hemisphere to respect the sovereignty and independence of all American States, to appreciate our cultural diversity, and to work together to achieve political cooperation, economic progress, and social justice. In recent years, U.S. relations with Latin America have undergone a period of some strain. The search for a relaxation of those tensions and a resolution of our differences will require good faith on all sides. We will all have to resolve to reach a mutual accommodation of our respective interests through serious, patient negotiation. Although some progress has been made in that direction already, much unfinished business lies ahead.



Mr. Speaker, as chairman of the Committee on Foreign Affairs, I want to take this occasion to commend my good friend, the gentleman from Florida (Mr. FASCELL), for the important contribution made during the past year by the Subcommittee on Inter-American Affairs, which he chairs. The gentleman's subcommittee, I should point out, has not confined its activities to a review of pending legislative proposals submitted by the executive branch, but has taken the initiative in holding hearings on a broad range of topics of concern to our Government and Members of Congress. For instance, since February of 1972, the subcommittee has invited expert witnesses both from within and outside of the Federal Government to testify on such current issues as:

Fishing problems and United States-Latin American relations;

United States-Mexican trade relations;

The Inter-American Foundation—A review of its first year of operation;

United States-Venezuela relations;

Panama Canal negotiations;

Treasury Department management of U.S. participation in the Inter-American Development Bank;

United States-Chilean relations;

United States-Paraguay relations; and

Soviet activities in Cuba.

By focusing public attention on these matters, the subcommittee has performed a valuable service. It has increased the awareness of Congress and the public of the vital issues at stake and the highly complex political, economic and social factors affecting Latin American attitudes toward the United States. These factors, Mr. Speaker, must be clearly understood before they can be intelligently dealt with in the formulation of a viable and equitable U.S. policy toward Latin America. Again, I wish to congratulate the gentleman from Florida and all members of his subcommittee for having undertaken this challenging assignment.

Mr. WHALEN. Mr. Speaker, I am pleased to join Chairman FASCELL and my other colleagues in commemorating Pan American Day by saluting the citizens of the OAS-member States. I also am honored to serve as a member of the Inter-American Affairs Subcommittee of the House Foreign Affairs Committee which is so ably chaired by the gentleman from Florida (Mr. FASCELL). His diligent efforts in promoting hemispheric cooperation and better understanding between the peoples of the United States and Latin America are well known to this Chamber.

The OAS is the world's oldest regional organization. In varied and diverse ways, it has functioned as a forum for the exchange of ideas and information; as a cultural, social, and educational body; as an instrument for the peaceful settlement of disputes; and as a tool for the economic development of the member nations.

Nevertheless, as evidenced by the recent OAS meeting of foreign ministers held this month in Washington, these are important and critical times for the inter-American system. It even has been suggested in some quarters that the United States should quit the OAS, that the organization has outlived its usefulness, and that it is no longer a viable institution.

Thus, clearly the inter-American system is faced today with many problems and is challenged by the strains produced by nations in various stages of political and economic development. It is my belief that the United States should join our neighbors in the Western Hemisphere in reevaluating our hemispheric policies. We have strong political, economic, legal, and cultural ties with Latin America. Our relations should be characterized by continuing efforts to understand each others problems and by a commitment to work out any difficulties among us through negotiations and compromise.

Mr. Speaker, the work of OAS is unfinished. Thus, on this occasion of Pan American Day it is my hope that all nations of the Western Hemisphere will reaffirm their commitments toward hemispheric peace, cooperation, and prosperity.

Mr. LANDGREBE. Mr. Speaker, I wish to associate myself with the remarks made by the gentleman from Iowa, H. R. GROSS.

Mr. BYRON. Mr. Speaker, it gives me pleasure to relate a few facts about the Reverend Dr. Father Joseph F. Thorning, the priest-scholar from my Sixth District of Maryland and a devoted friend of my mother, father, my wife and children, as well as of myself. Dr. Thorning recently conducted seminars and gave several lectures in South American universities. His work took him to Buenos, Argentina; Santiago de Chile; Lima, Peru; La Paz, Bolivia; Panama City; Asunción, Paraguay and Quito, Ecuador. In some capitals he consulted, not only other scholars, but also Ambassadors of the United States of America. Father Thorning, who is an associate editor of "World Affairs," expressed high praise for Ambassador and Mrs. John Davis Lodge in Argentina; Ambassador and Mrs. Nathaniel Davis in Chile; and Ambassador and Mrs. Taylor Garrison Belcher in Peru. Dr. Thorning reports to me and others in Government, including Secretary of State and Mrs. William P. Rogers, that he found conversations with the aforesaid envoys and their charming wives "a liberal education."

The Maryland educator and author assures me that U.S. officials in the other American Republics he visited are providing splendid representation for the United States of America and impressing the nationals of the countries where they serve with their desire to cooperate with the governments and the peoples to whom they are accredited.

It may be worthy of mention that Father Thorning has acted as Dean of the Graduate School of Georgetown University and as professor of church history and social history at Mount St. Mary's Major Seminar and College, Emmitsburg, Md., one of the leading educational centers in my district. This is "the Padre's" 29th annual offering of the prayer on Pan American Day. My distinguished colleagues and I hope that he may be with us in the years to come.

Mr. REUSS. Mr. Speaker, this is the 29th consecutive year Father Joseph F. Thorning has offered the prayer in the House of Representatives on Pan American Day.

Milwaukee is proud to claim Father Thorning as a native son. He took the initiative in inaugurating an official celebration on Capitol Hill of the cause of Inter-American understanding, cooperation, and friendship back in 1964. This annual observance is now a firmly rooted tradition, and has broadened the understanding and respect of Members of the House for our neighbors of the Americas.

Father Thorning is known as "the Padre of the Americas," a title awarded him by the distinguished gentleman from Montana who is now the majority leader in the other body, Senator MIKE MANSFIELD. Educated at St. Louis University and Catholic University in Washington, he devotes his time to being both a scholar and journalist on Latin America.

Today, more than ever, Inter-American programs need leadership like that provided by Father Thorning. The Members of this body, and all Americans, owe him a great debt of gratitude.

Mr. DERWINSKI. Mr. Speaker, it may be interesting to note that Father Joseph F. Thorning, Acting Chaplain today, is the author of a book published by the University of Florida Press, Gainesville, Fla. The volume is considered the definitive biography of Don Francisco de Miranda of Venezuela, entitled "Miranda: World Citizen." Miranda served humanity as the Precursor of Latin American freedom and independence.

It may also be important to recall that Dr. Thorning was the organizer of the first western hemisphere conference of educators and other leaders sponsored at Barry College for Women in Miami Shores, Fla.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just agreed to.

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The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

## PERSONAL ANNOUNCEMENT

Mr. MARTIN of North Carolina. Mr. Speaker, because of a visit to my district last night I was absent for three rollcalls.

I ask that the RECORD show:

On the vote on the Older Americans Act amendment I would have voted "yea."

On the procedural vote to lay on the table the motion to reconsider I would have voted "yea."

And I would have answered "present" on the quorum call, had I been here.

## PERSONAL EXPLANATION

Mr. HOLIFIELD. Mr. Speaker, on the Anderson of California amendment I used the electronic voting device but failed to check the board. I was told later that I was not represented on the board.

If I had been properly represented in the manner I intended to vote it would have recorded me as voting "aye" on the Anderson amendment.

## PERSONAL EXPLANATION

Mr. PICKLE. Mr. Speaker, I had left the floor yesterday when two rollcall votes, Nos. 107 and 108, were taken because I had been informed that the regular legislative action had been completed for the day.

I left the House to attend the ceremonies for the unveiling of the bust of the late Speaker Sam Rayburn at the National Portrait Gallery. At the Portrait Gallery I joined Mrs. Lyndon B. Johnson as she made the formal presentation of the Rayburn sculpture.

## PERSONAL EXPLANATION

Mr. PICKLE. Mr. Speaker, between April 4 to April 11 I was away from the Congress on official business of the Congress. I had been appointed as a delegate to the International Communications Conference. My appointment to be a delegate to this conference was made by the Speaker of the House of Representatives, Speaker CARL ALBERT, upon the recommendation of Mr. HARLEY O. STAGGERS, chairman of the House Interstate and Foreign Commerce Committee.

## THE CASE AGAINST RIGID CONTROLS

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, at a time when some people in the country seem to feel what we really need is rigid wage and price controls across the board to lock our economy in for the next 60 days or 90 days or perhaps even a year, it is refreshing to read an article in today's Wall Street Journal prepared by Mr. Edgar R. Fiedler, Assistant Secretary of the Treasury for Economic Policy.

Mr. Fiedler points out the very great difficulties which were created during the World War II and when we had extremely rigid wage and price controls accompanied by rationing, shortages, black markets, and other economic dislocations which accompany unrealistic economic policies.

Mr. Speaker, I am inserting Mr. Fiedler's article and I would strongly recommend it to my colleagues.

[From the Wall Street Journal, Apr. 19, 1973]

THE CASE AGAINST RIGID CONTROLS

(By Edgar R. Fiedler)

WASHINGTON.—Why not impose more rigid controls on prices and wages? Prices are surging upward in a number of economic sectors; doesn't that call for more stringent controls? The changeover to the "self-administered" Phase 3 has been widely regarded as a failure; doesn't that call for a new system of tighter controls? Certainly there is a great demand for tougher controls—from consumer groups, from organized labor, and from other sources. And although Congress decisively rejected proposals to reinstitute a freeze and to broaden it to encompass other sectors of the economy, there is a sizable minority of Congressmen who are demanding more comprehensive, more rigid and more permanent controls over prices and wages.

Well, why not?

There are, I think, two fundamental reasons for resisting the call for tighter controls. One reason is liberty—the old-fashioned principle that the individual is the important unit in our society, that his freedom is something to be cherished, and that the government's power over him should be limited. To me this principle is a persuasive reason for opposng a move to inflexible, permanent controls. The second fundamental reason is economic efficiency. Our economy is so complex and changes so rapidly that the presence of controls over a long period of time would damage it seriously. History tells us that a comprehensive system of controls would require a gigantic bureaucracy here in Washington and would produce endless ribbons of red tape throughout the economy. History also tells us that the major economic impact of controls would be inefficiency and inequity.

REMEMBERING WORLD WAR II

Those of us who remember World War II know what the comprehensive wage and price controls of that era produced. We remember the restrictions against changing jobs and the shortages and rationing of meat, sugar, gasoline and many other products. We remember also the black markets and other illegal efforts to circumvent the controls. Those World War II controls produced great waste in the economy and great inconvenience for the public. But we put up with them for patriotic reasons; we were willing to make the sacrifice to help the war effort.

I think it is obvious that today the public would not accept the problems that rigid controls inevitably create. There are no patriotic or other reasons that would lead people to put up with, for example, shortages of basic consumer goods.

But the World War II experience may not be completely applicable to 1972 and 1973. What, then, can we say about the present controls? Have they done any damage during the year and a half that they've been in effect? Have they hurt productive efficiency and created other problems?

The answer to that is, in the broad general sweep of things, no, but in many specific cases, yes, very definitely. When we look at the economy as a whole, we do not find that productivity growth has been slowed, or any other substantial evidence that the controls have done widespread damage. There are two reasons for this: First, the control system in Phase 2 was designed wherever possible to be flexible and, second the economy was operating with considerable slack. These conditions minimized the trouble effects of the program.

But while the stabilization program did not produce widespread economic distortions during 1972, it did produce many individual instances of inequity and inefficiency. And the economy was growing so fast that more and more of these difficulties were beginning to show up. Had we continued Phase 2 through the current year, with its rapid growth pushing many industries close to full utilization of capacity, these dislocations would have become numerous and serious enough to injure the economy as a whole. To demonstrate that this is not just a bogeyman in the closet, let me cite a few examples of what happened during 1972.

The most disturbing and most wasteful difficulties created by the controls program were in the lumber and plywood industry, which was under heavy demand pressure from the boom in homebuilding. There were numerous reports that production was held 5% to 10% below maximum, primarily to avoid violating the Price Commission'a profit margin rule. Sawmills were performing minor operations on standard cuts of lumber to create "new products" that were exempt from price control. Phony export and reimport transactions were recorded, without any lumber even leaving the country. Tricks like these kept the Internal Revenue Service working overtime tracking down violators. And in another effort to circumvent the controls, railroad cars full of lumber were being shipped around the country from one middleman to another, accumulating markups, which were individually legal, but not getting the lumber to the final user.

Despite the fairly high levels of unemployment that prevailed during 1972, we heard a number of complaints from businessmen that their employes were being lured away by higher wages to a competitor's plant down the road, and that they were prevented by the controls from raising wages to meet the competition in order to stop the pirating of their work force. When businessmen complain that the wages they pay are too low, well, that's a pretty sure sign that the controls are interfering with the efficient operation of the labor market.

Another inefficiency that was becoming more significant as the program progressed was the red tape that both labor and business found themselves tangled up in. By the end of 1972, for any pay or price request that was at all more than routine, the waiting lines at the Pay Board and Price Commission were getting longer and longer.

The controls had a perverse impact on petroleum refining, creating an incentive to distill less fuel than necessary and more of some other products. This helped make the fuel oil shortage last winter a little worse than it otherwise would have been.

The controls also produced serious difficulties for commodities that are traded in international markets. When the world price rises above the ceiling price of domestic producers, a powerful incentive is created to ship all domestic production out of the country, irrespective of the need for it at home. This situation developed for soybean meal and phosphate fertilizer late in 1972 and threatened to create severe shortages of those commodities here in the United States.

The Phase 2 profit margin limitation created a special kind of problem in some industries. One company, for reasons unrelated to its major product line, would be up against its profit margin limit and would be unable to raise prices on any product. The pressure of competition would, then, prevent other firms in the industry from raising their prices, despite the fact that their costs had increased sharply. The classic example of this problem is the wine industry, where the Gallo Co. had recently developed a very profitable new line of fruit-based wines. Because Gallo was up against its profit margin ceiling, it could not raise prices on its grape wines, despite the fact that a poor crop had sent the price of grapes up some 50%. This increase in costs was not too hard on Gallo, but it did hurt other vintners badly. These other vintners generally produce only grape wines and thus would have been justified in raising prices because of the increased costs, but they could not do so because of competition from Gallo. These other vintners, then, saw their profits disappear very quickly and turn to losses. This same situation developed in a number of other industries, including baking, brewer's yeast, linens, pool tables and others.

ENDLESS COMPLAINTS

The six examples described above are only a few of the many economic distortions and wasteful changes in normal business practices that the controls produced during 1972. We heard endless complaints from labor, business and consumers about their troubles, and complaints were growing in frequency and intensity as the year progressed. Moreover, these difficulties mounted despite our best efforts to maintain a flexible and equitable program, and despite the fact that farm products, interest rates, most rents, wages of low-income workers, and many other sectors of the economy were exempt altogether from the regulations.

The storm of protest over Phase 3 and the great demand that exists to move toward across-the-board price controls indicates that the freeze and Phase 2 have had a profound effect on the attitudes of the American people. It tells us that what the entire stabilization effort has done, more than anything else, is to miseducate the public to believe that controls are the way to solve the problem of inflation. That is a distressing result. To me, it is clear that a comprehensive system of rigid price and wage controls applied over an extended period would wreak havoc on the basic structure of our economy.



## AN OUTRAGEOUS OFFERING: ANTIQUE DEALER PLANS TO AUCTION MONTANA INDIAN MOTHER AND CHILD SKULLS WITH SKIN AND FOOT

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I rise in sorrow and outrage over something brought to my attention late yesterday to announce that I have called on the Attorney General of the United States to investigate and, if justified, prosecute those responsible for an advertised sale to be held in Orlando, Fla., Saturday, April 28, of a Montana Indian mother and child skull set, including skin and foot.

I have been given the April 17 issue of the "Antique Trader" published at Dubuque, Iowa. This publication contains a double-page advertisement, on pages 6 and 7, announcing an auction set for Saturday, April 28, by the Antique World, 750 South Orange Blossom Trail, Orlando, Fla., which proclaims itself one of the largest antique dealers in the world.

It announces the sale of "an important collection of Civil War, musical, Indian, Primitive, fine furniture with additions" and features as one of six photographically illustrated items for sale: "Mother and child Indian skull with skin and foot (Montana)." I hesitate to put into the RECORD the advertised names of the owners lest there be some mistake and they are done an injustice.

I have asked the Attorney General to determine if the sale can be stopped, the remains returned to Montana for decent interment if they are genuine, and to investigate whether laws against grave robbing, sepulture, interstate transportation of the loot of grave robbers, or any other statute has been violated by anyone now or previously connected with this ghoulish episode.

If the skulls are bona fide Montana Indian mother and child skulls they were probably obtained by commission of a felony.

Sections 4601–4606, title 94 of the revised Montana statutes make it a felony to "mutilate, disinter or remove from place of sepulture the dead body of any human being without authority of law" and then only for reinterment.

These should surely not be trophies of some early Indian war—the skulls of a mother and child. If they are, it is inconceivable that any human being would want to enoble the butcher who collected them by exhibiting them. Nor are they scientific specimens. They are up for sale as family treasures, antique trinkets for around the house.

It is hard for me to conceive of any person who would want, advertise or auction the remains of an American Indian, or brag that they are something special, "mother and child with skin and foot."

It is even harder for me to imagine that our society and our Government would allow this horribly repugnant act with racist overtones to go unpunished and a traffic to be permitted in the remains of human beings of minority groups to be used as household decorations.

If we do not have Federal laws prohibiting such a traffic, I shall introduce legislation as promptly as it can be prepared.

I am heartsick that such circumstances could arise in our country. I am outraged by the participation of everyone connected in any way with this grizzly, ghoulish, racist incident.

I apologize to American Indians on behalf of all the decent people of this country and assure them that if this insulting wrong can be ameliorated in any way, I intend to see it done.

Mr. Speaker, I am advised that since I first protested, the Congressman from Florida (Mr. FREY) has been in touch with the owners of the Montana mother and child Indian skulls offered for sale in an antique auction at Orlando, Fla., and that the items have been taken out of the sale and are to be turned over to Montana for appropriate disposition.

I want to express my appreciation to the Congressman from Florida for his immediate intercession in this matter. It is gratifying to me that the Antique World, which offered the items for sale as agent for the owners, immediately removed them from public offering at their sale, and that the owner has agreed to turn the items over to the custody of the State of Montana.

I have asked the Attorney General to investigate the facts in this case, which I hope will determine the place these remains originated. When that is determined, I will do anything legally possible to assist in returning the remains to their proper place of interment.

I expect to continue my effort to determine if traffic in human remains is legal in the Nation—it certainly is not in Montana—and to introduce legislation if it is necessary to put an end to any commercial sales of human remains except for scientific purposes, and then only when those remains have been acquired in a legal manner, acceptable to all persons and groups concerned.

I remain shocked by the thought that people would acquire such items as personal possessions, or traffic in them as antiques for profit, and by the racist implications of the offering that was made.

## "EL PADRE" JOSEPH F. THORNING

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, "El Padre" Joseph F. Thorning, acting chaplain on Pan American Day for 29 consecutive years, served the young people of the American Republics as director of the first Inter-American seminars in the University of San Marcos, Lima, Peru; in the National University of Mexico; and in the University of Havana, Cuba. Today, he is honorary chaplain of the Inter-American Defense College. On other occasions, he has acted with competence as an official member of Special Diplomatic Missions of the USA in South America, Central America, and the Caribbean. He is an educator who works on the world scene.

It is a great privilege to take part in Pan American Day and as a great admirer of "El Padre" Joseph F. Thorning, it is also a great pleasure.

## USE OF ELECTRONIC VOTING SYSTEM

(Mr. BUTLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTLER. Mr. Speaker, on Monday of this week, the House had before it for consideration the Economic Stabilization Act, the most important piece of legislation considered by the 93d Congress to date.



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After more than 3 hours of debate, including on the rule itself, the House elected, on motion of one of its Members, to close all debate after 40 minutes.

The ensuing "40 minutes of debate," which in fact consumed nearly 3 hours of time, included consideration of 10 amendments, remarks by at least 20 Members, three votes by division, seven voice votes, and eight electronically recorded votes.

So great was the number of Members desiring to offer amendments and speak on the legislation at the time of the motion to close debate that those offering amendments were limited to a period of 100 seconds in which to explain their proposed changes.

Thus, each of the six recorded votes upon amendments to the most important legislation yet considered by the 93d Congress placed the House of Representatives of the United States in the embarrassing position of consuming more than 15 minutes in determining the fate of amendments upon which the House itself had debated for less than 2 minutes.

Although I was in the majority on each of these votes, this stringent limitation of debate, was, in my judgment, wrong in principle and an insult to the intelligence of the people we purport to govern.

If the House cannot find the time to permit at least 5 minutes of debate on every amendment, regardless of its merit, then the system itself ought to be revised.

One remedy is apparent: We can use the electronic voting system for its intended purpose; and we can spend less time in counting the votes.

We should recognize that once the membership is within the Chamber upon a quorum call, the electronic voting system does not require 15 minutes to determine the result in a rollcall vote.

Had the membership of the House remained within the Chamber on Monday afternoon at the conclusion of general debate, limiting debate under the 5-minute rule and concluding all rollcall votes within 5 minutes, instead of 15 minutes as presently required by the rules, the deliberations on the Economic Stabilization Act could have been concluded several hours earlier. Or, more to the point, it could have permitted a more thorough and intelligent discussion of the amendments being offered.

The requirement of clause 5 of rule XV of the House that "Members shall have 15 minutes—to have their votes recorded" by the electronic voting system is no longer appropriate.

Accordingly, it is my intention to introduce an appropriate resolution to amend the Rules of the House to permit a majority of the House, pursuant to resolution or motion to close debate, to further limit the amount of time for Members to have their votes recorded.

## SECRETARY ROGERS' ANNUAL REPORT TO THE CONGRESS

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, there is a great deal being written these days about lack of cooperation and communication between the executive and legislative branches of Government. Some of this is undoubtedly correct. But I would like to take note that Secretary Rogers and the Department of State are making vigorous efforts to bridge the gap. Both sides are striving to open a new era in relations between the Department and the appropriate committees of the Congress. I have just seen the Secretary's annual report to the Congress and believe that it will make a substantial contribution to this process.

I commend the Secretary for the excellence of his report and for his leadership in moving relations between the administration and the Congress from an era of confrontation toward an era of negotiation. If such an achievement is possible between the United States and the Soviet Union, it surely must be also between the executive branch and the Congress.

The Secretary of State is assuming leadership in both movements which merits commendation. I include herewith the introduction to his report for the edification of my colleagues:

APRIL 19, 1973.

Hon. J. WILLIAM FULBRIGHT,
*Chairman, Committee on Foreign Relations, U.S. Senate.*

HON. THOMAS E. MORGAN,
*Chairman, Committee on Foreign Affairs, House of Representatives.*

DEAR MR. CHAIRMAN: Once again I am pleased to present to the Congress my annual report on United States Foreign Policy. This report provides a comprehensive record of the events and policies of 1972. In a brief introductory comment, I set forth nine major policy objectives for 1973 and a table of key indices showing the state of the world in statistics.

Previous reports have traced the development of new policies for resolving conflict and reducing world tension. The year 1972 marked a point of high achievement in our effort to free international relations from the rigidities of confrontation and the tensions of the past. 1973 will be a year of building, a year of intensive negotiations that will move us forward into the structure of peace which President Nixon has made our foremost national goal.

In my first foreign policy report I wrote that my greatest hope was to help create among Americans a new national unity and purpose in our foreign policy. Now with the major source of division within our country behind us, there is every reason to believe we all can work together to restore that common purpose.

Sincerely yours,

WILLIAM P. ROGERS.

### 1973—A YEAR OF BUILDING

INTRODUCTORY COMMENT BY THE SECRETARY OF STATE

1973 will be a year of building in American foreign policy—for in 1973 we will be initiating new negotiations and developing new relationships which could determine the political-economic structure of the world for the remainder of this century. As President Nixon stated in his second Inaugural Address: "We are embarking on an era that presents challenges as great as those any nation or any generation has ever faced."

We have reached this formative stage in international affairs as a result of the dramatic changes of the past year, changes due in substantial measure to innovations we began to introduce into American foreign policy four years ago.

We can take special pride in the four accomplishments of last year that are enabling us to complete the transition from the concerns of the past to the construction of a new and more peaceful international environment.

The profound transformation the United States brought about during 1972 in our relations with the People's Republic of China is opening new opportunities for an Asia at peace. A "new start" was the phrase Premier Chou En-lai used in his toast during President Nixon's first night in Peking. Today—as the first official Americans to reside in Peking since 1949 have already arrived—there is no question that a new start in our relations is being carried forward. We are particularly hopeful that progress in U.S.-Chinese relations will lead toward an improving international climate throughout Asia.

Firm foundations for a new era of cooperative efforts between the world's two powerful nations now exist in the aftermath of the Moscow Summit. A fabric of common interests and of instruments of cooperation is being created that will serve to perpetuate better relations. And agreements to limit offensive and defensive arms have been concluded that may well be viewed historically as the critical point when risks of nuclear conflict between us turned permanently downward.

The flash point of Europe's dangers for 25 years, Berlin, has been defused, and the Quadripartite Agreement has proven to be a major stimulant to favorable evolution in the European situation. Not only has the inner German agreement followed, but movement toward conferences on European security and cooperation and on mutual and balanced force reductions has been hastened as a result.

The Paris Agreement on Vietnam is bringing an end to this century's longest war. Though it is yet imperfectly observed a cease-fire has been established in Vietnam and Laos. And a framework for a peaceful environment in Indochina has been established.

1972 was thus a year of achievement in our efforts to turn away from the rigidity of confrontation and the tensions of the cold war. 1973 will be a year during which we will concentrate on forging this progress into a durable structure of peace. In doing so we shall seek to accomplish nine objectives.

*First, we will cooperate with Europeans, eastern and western, in what we hope will be a decisive lowering of barriers to Europe's sense of unity—seeking to enhance mutual security through strategic arms limitations and mutual and balanced force reductions and to free the flow of people and ideas throughout the continent.*

Of the many significant developments taking place in U.S.-Soviet relations, negotiations this year on a permanent and comprehensive strategic offensive arms agreement will be the single most important. A successful conclusion of those negotiations will also be of importance to Europe as a whole, further stabilizing strategic relations under which Europe derives its basic protection.

On this as on so many other issues close cooperation between us and our allies in NATO continues to be of fundamental importance. We will consult closely with them throughout the course of these negotiations to ensure that their interests are taken fully into account.

The ABM Treaty we signed last year is a major contribution to strategic stability, but it must be accompanied by a permanent agreement on offensive strategic arms. The ABM Treaty could not have been achieved until the principle of equivalence had been met to the satisfaction of both sides. There should not be one standard for defensive and another for offensive arms. Essential equivalence must be achieved in this area as well—equivalence based on the principles of comparable security and no unilateral advantage to either side. An agreement based on this approach would contribute to the maintenance of a stable U.S.-Soviet strategic relationship and enhance the security of both countries and of the entire world.



Exploratory talks have begun on a mutual and balanced reduction of forces in central Europe. Full scale negotiations are expected to begin in the fall. Reductions in the forces that have so long faced each other in central Europe would further contribute to the strengthening of peace in Europe. Our own policies have been a motivating force in these negotiations. We will pursue them to a conclusion that reduces the confrontation of forces in central Europe.

In the meantime it is important that we do not unilaterally reduce our own forces, as some have advocated, and risk in consequence both the prospect of negotiating an agreed limitation on forces in central Europe and an unbalancing of the military relationship.

*Freer Relations Within Europe.* Just as we will seek to reduce the confrontation that impedes cooperation, so will we endeavor to help lower the political barriers that divide Europe. In the forthcoming Conference on Security and Cooperation in Europe we are are well aware that the Soviet Union will be attaching considerable importance to the inviolability of present territorial boundaries. The Soviet Union must be equally aware of our determination that this issue not be used as a pretext for ratifying a political division of Europe.

Fortunately barriers are lessening and each state in eastern Europe is now officially seeking to improve its cooperation with western Europe. The Conference will provide an excellent opportunity to widen the framework of relationships which engage them with ourselves and their neighbors. It is of particular importance that the Conference achieve objectives agreed upon at the last meeting of NATO: closer, more open and freer relationships among all people in Europe, and a wider flow of information and ideas.

It would be erroneous to presume that widely divergent national perspectives on the range of these freedoms do not exist. But we accept General Secretary Brezhnev's recent statement that the possibilities here are "quite broad" as an expression of a welcome intent to move toward us in an area of relations where we have such deep convictions.

*Relations With States of Eastern Europe.* We anticipate also that significant advances will be made this year in our bilateral relations with states in eastern Europe. Since the President's visit to Romania in 1969 concrete improvements have been achieved with Romania, Poland, and Hungary in trade, in consular protection and services, in scientific and technological cooperation, and in cultural contacts. Our relations with nonaligned Yugoslavia have continued to progress.

During 1973 we hope to achieve substantial improvements with Czechoslovakia and Bulgaria. The Foreign Ministers of both countries told me at the U.N. General Assembly session last fall their governments would welcome concrete improvements. We share that desire and are responding to it. As has been the case with other states in eastern Europe the conclusion of consular conventions will be the starting point.

In Moscow last spring President Nixon and General Secretary Brezhnev pledged our countries to recognize the sovereign equality of all states, to make no claim to any special rights or advantages in world affairs, and to seek to promote conditions in which no country will be subject to outside interference in its internal affairs. Full application of these principles is central to the détente so many now desire.

*Economic Relations.* Both the Soviet Union and eastern European nations place commercial issues high on their agenda of bilateral interests. We also give high priority to expanding our trade with eastern Europe. During 1973 as our relations with individual countries improve we will move to normalize trade and to initiate broader trade arrangements. We have submitted and are seeking approval of legislation which will authorize the President to extend most-favored-nation treatment to the Soviet Union and to those countries of eastern Europe and elsewhere who do not now have it. Such congressional action would be consistent with the improvement in our political relations; it will be of central importance in our efforts to increase trade with the Soviet Union and eastern Europe.

The trade agreement we signed with the Soviet Union in October contemplates that U.S.-Soviet trade will triple over the 1969–71 level, rising to an aggregate amount of at least $1.5 billion. And in eastern Europe we will endeavor to increase our exports significantly.

*Second, we are turning our energies to the task of helping to build what hopefully will be Asia's first period of peace in 40 years into a network of stability based on commitments to mutual noninterference, with the ultimate aim of bringing about cooperation among all of Asia's peoples.*

To solidify and perpetuate the peace that has now been achieved in most of Indochina is, of course, a pressing objective to which we are devoting a maximum effort. Although a certain unsettled period is to be expected in the immediate aftermath of a cease-fire, to date we are not satisfied with implementation of the Agreement. We are scrupulously carrying out the provisions of the settlement, and we expect others to do so as well. The International Conference on Vietnam held in Paris from February 26 to March 2, 1973, was an important step in this direction. The Conference participants endorsed the Vietnam Peace Agreement, pledged to observe its terms and support its full implementation, and to associate themselves with the peacekeeping process. They also agreed to respect the independence and sovereignty of Cambodia and Laos with a view to help bring durable peace to those countries as well.

Our wider objective and hope is that with this peace all Asians can be freed from the bitterness of past confrontation so that they may concentrate on building and renewing cooperative relationships throughout the area. The United States supports and will continue to support efforts of Asian and Pacific nations to develop and expand regional cooperation.

At the same time America's role in Asia must remain strong and active. Continued American engagement in Asia is mandated not only by the volume of our current economic and political interests (our total trade with Asia now equals 85 percent of our trade with western Europe), but by the need to prevent a recurrence of the conditions that brought America into warfare in Asia three times within one generation.

The growing rapprochment in Asia, including of course our own and Japan's with China, will contribute to achieving stability throughout the continent. We take seriously the mutual commitment which the People's Republic of China and we made in the Shanghai Communique that each of us would eschew and oppose attempts by anyone to impose hegemony in the Asia-Pacific region. Scrupulous adherence to this principle can be the building block from which more normal relations can be constructed throughout the area.

*U.S.-P.R.C. Relations.* In our bilateral relations with China we will work thoughtfully and energetically to ensure that last year's initial improvements prosper and expand during 1973. The establishment of liaison offices in our respective capitals, the agreement already reached on further cultural exchange, and the progress anticipated in economic relations will all contribute to further development of normal relations. In Paris last month I was able to reach agreement in principle on the issues of U.S. private claims against the P.R.C. and frozen Chinese assets in the United States. We expect our trade in 1973 to increase significantly. We will urge that larger numbers of Chinese be sent to the United States as well as encourage an increase in the number of Americans going to China.

*Reconstruction in Indochina.* 1973 must also be the year when the nations of Indochina shift decisively from the concerns of war to the tasks of reconciliation and reconstruction. A reconstruction program in Indochina will not only hold out hopes of a better life to the peoples of these nations; it will be a major influence in ensuring the integrity of the peace we have agreed upon and even in altering the framework of relationships between us and North Vietnam. We look forward to a more constructive relationship with North Vietnam but neither this—nor economic assistance—will be possible unless the Vietnam Agreement is fully carried out.

We see such a reconstruction program as a fundamental aspect in our effort to extend the accomplishments of the peace agreement into broad stability throughout Southeast Asia and to Asia as a whole. We will be devoting particularly close attention this spring to ensuring that we have the means and capability of pursuing this policy to a successful completion. The program will and should be one in which other nations—notably Japan and members of the European Community—also make an important contribution. We will consult closely with Congress on this program.

*South Asia.* For historical and cultural reasons Americans—and many Asians—tend to think of Asia in far eastern and Pacific terms. But the continent-wide stability and cooperation we seek to bring about cannot be complete without the participation of the nations of South Asia.

The United States seeks a close relationship with each of the nations in South Asia. Pakistan, Bangladesh, and India will all have an important influence and effect upon Asian stability.

We will continue our strong support for the viability and cohesion of Pakistan because of our longstanding relationship and because of its importance to the stability of the entire region. Our support for the efforts of the new government of Bangladesh to place the nation on a firm foundation of stability and progress will continue. In recent months, India has expressed a desire to improve relations with the United States. We reciprocate that desire. We will look to India, as South Asia's largest nation, to play a leading role in building a climate for peace in South Asia which will contribute to peace throughout the continent.

*Third, in the Middle East, the only remaining area of chronic conflict in the world where no negotiations are in progress, we will actively encourage the parties to initiate, during 1973, a genuine negotiating process.*

Some people claim that the conflict between Israel and the Arabs, which has now lasted in chronic or acute stages for 25 years, is impossible to resolve.

Yet it has already proven possible to make progress through negotiation in other areas of passionate differences: in South and North Korea, South and North Vietnam, Pakistan and India, West and East Germany.

New prospects for an improved quality of life before all peoples of the Middle East

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which could bring about a national and human resurgence when a just peace releases energies from preoccupation with the past.

And the relaxation of tensions between the major powers, the continuing quest for a peaceful settlement in many countries of the area, and the maintenance of military calm make 1973 a favorable time for the process to get underway.

We know of no other way to arrive at the mutual clarifications of national interests necessary for progress toward peace than to engage, whether directly or indirectly, in negotiation. Outside forces cannot impose a settlement. We see no prospect for any other external means of narrowing differences.

For many months we have sought in the Middle East to convey one fundamental point: that agreement to negotiation requires no change of objectives but only a thoughtful approach to the possibility of mutually advantageous accommodation. That is the process that has taken place to the common benefit of peoples elsewhere—a process we ourselves have benefited from in Vietnam. It is a process that would also benefit the peoples in the Middle East—Palestinian, Israeli, and the peoples in the Arab states concerned. It is in such a process, and not in nihilistic terrorism of the kind that took the lives of two of our finest diplomats in Khartoum, that hope for a better future lies.

If, as a first step, negotiations on an interim Suez Canal agreement can be brought about and pursued to successful implementation, as we believe possible, the result would: reinforce the cease-fire, separate the military forces of the two sides, result in partial Israeli withdrawal, open the Suez Canal to international commerce, and, most importantly, create momentum toward a permanent settlement based on U.N. Resolution 242.

I have placed such emphasis upon an interim agreement (not as an end in itself but, as a step toward final agreement) because of our continuing judgment that it is there where the issues are most susceptible to successful results. We continue, of course, to be open to any ideas the parties may suggest. We do not, however, view an interim agreement as an end in itself and recognize the relationship between any first step toward peace and the broader context of a final Arab-Israeli settlement. As recent visits to Washington by King Hussein, President Sadat's emissary Mr. Ismail, and Prime Minister Meir have emphasized, we remain in close consultation with the governments most intimately concerned.

Fourth, we will work to deepen our community of interest with the states of Latin America on global as well as hemispheric issues, supporting in particular the expanding roles so many Latin American states are assuming in world affairs.

The community which the two American continents have created is a community of broadly shared objectives, underlying mutual interests, geographic association, and significant intellectual, political, and security ties. It is, as well, a community of economic cooperation: some 38 percent of Latin America's total foreign trade is with the United States; Mexico is a trading partner of the United States on the level of France and Italy; and over half of U.S. private investment in the developing world is in Latin America.

At the same time we live in a period when isolation of the hemisphere has disappeared and when Latin America's involvement in an interdependent world is rapidly accelerating. Its foreign trade with Europe and Japan is now slightly higher than that with the United States. Mexico's established role in international affairs has for many years been an outstanding one. More recently continental-sized Brazil has sought a global role commensurate with its rapidly expanding strength. Other states, small as well as large, have contributed to the success of multilateralism in the United Nations and elsewhere.

Both they and we are now looking upon our community in new ways—upon the collective contributions that can be made by the states of this hemisphere in world as well as hemispheric affairs. All of us will benefit from this wider role, for despite vicissitudes the contributions we individually make will largely complement one another. We intend, in fact, to work with the countries within this hemisphere in much the same pragmatic atmosphere of equality and cooperation and in the same global context as we do with those in the other community with which we are closely associated—western Europe.

But cooperation in global matters cannot be isolated from the health of our hemispheric association. I hope we will be able to bring about a franker and more useful exchange of views through instituting private consultations among Foreign Ministers at the start of OAS sessions. The opportunity to exchange opinions informally would be a valuable contribution to improving cooperation and understanding. It would, for example, give us an opportunity to share views on world political developments and to ascertain how we can work together on such matters as the forthcoming trade negotiations.

We do not expect to eliminate differences of opinion and approach. But if our association is to realize its potential for mutual benefit, indeed if it is to avoid becoming a format for sterile recrimination, we and our neighbors will have to build upon areas of mutual interest and to resolve those conflicts which exist.

I recently told the Foreign Ministers of the Organization of American States that with the progress that has been made toward a more peaceful world we are now in a position to give our relations with Latin America more consistent attention. I will participate personally in this effort and will soon fulfill my longstanding desire to visit Latin America.

As part of our increased effort we are now seeking approval of the generalized preference legislation we felt it necessary to defer in 1972. And Latin America will continue to be the recipient of substantial assistance—aid which totaled $1.2 billion in 1972. But it is through trade, private investment, and the normal course of international economic relations that the largest share of cooperation in development for the hemisphere has always come and always will come. That is one of the reasons why it is important for countries who desire investment to apply stable rules upon which investors can count. And that is why we are approaching all economic cooperation with the developing world from a comprehensive, not merely an assistance policy approach.

*Fifth, we will continue to broaden our natural cultural and political relationship with Africa by strengthening our economic ties, in particular by accelerating the growth in trade and investment already taking place under policies we adopted in 1970.*

In the last three years U.S. trade with Africa has risen by 30 percent and our investments by 50 percent. The still relatively modest dollar levels of these relations ($3 billion in trade and $4 billion in investment) can be significantly expanded.

Increased African production of raw materials and energy resources to meet the growing needs of industrialized societies will account for much of the increase of our imports and simultaneously provide opportunities for mutually beneficial investment. Nigeria and Libya, negligible oil producers in 1960, now rank seventh and ninth in world production. Natural gas from Algeria—whose reserves are among the highest in the world—has recently begun to arrive in U.S. ports. And Guinea ranks with Australia in possessing bauxite reserves almost 100 times those of the United States.

For the first time in many years, and in spite of promotional efforts, U.S. exports to Africa declined in 1972. There are, nonetheless, good opportunities for expanding our exports to Africa's rapidly developing markets. We intend to pursue them.

As the first Secretary of State to visit Africa, I know from my own experience how highly African states are motivated to develop their economic resources and their standards of living. We will contribute to that process both through grant and loan assistance and through the expansion of our normal economic contacts, a process of increasing contact and cooperation we expect to lead to more soundly based political relations as well.

In Nigeria, American investments now total $800 million. Dynamic and well on the way to recovery from its civil war, Nigeria is one of those leadership countries in Africa and in world affairs with which we anticipate continued increases in consultation and cooperation.

In focusing upon the growth of economic ties we imply no dilution of American support for self-determination in those parts of Africa which have not yet had the opportunity to choose their own future. We will continue to encourage productive diplomatic means—such as Secretary General Waldheim's initiatives of last year—to give the peoples of southern Africa the same choice as to their future that the bulk of the continent has already experienced.

*Sixth, we will endeavor both to restore our international economic position and to reach agreement on principles to govern an expanding international trade and monetary system.*

In both previous reports on foreign policy I emphasized our expectation that economic relations will assume major importance in our foreign policy over the rest of this century. Economic policy increasingly occupies our time at all levels of government at home and of our diplomacy abroad. With the cessation of the war in Southeast Asia and the improvement of relations with China and the Soviet Union, economic policy will be particularly prominent in 1973.

We will, as a matter of urgency, be seeking (1) to improve the ability of American workers and businessmen to compete in world markets and (2) to restructure the international economic system so that the unprecedented growth of the world economy of recent years can be extended into the future.

The American economy remains by far the largest and most productive economy in the world. We must not let our concern over current problems obscure that basic strength. But obstructive trade barriers continue to distort the smooth and equitable growth of world trade. The world economy will benefit by the removal of such obstacles, as will the United States.

The currency realignments of 1971 and 1973 will be major steps in making it possible to restore our trading position. But monetary steps must now be supplemented by elimination of previously tolerated trading practices and restrictions that put extra burdens upon the dollar or upon the American exporter or investor. Changes are particularly necessary to make our access to Japanese markets more equivalent to their access to ours. They also are needed in Europe, where in the course of enlargement of the Common Market some obstacles to U.S. exports have been extended more widely, especially in agriculture, and where our trade account went into deficit in 1972 for the first time.

Accordingly we will be negotiating compensation in the GATT for impairment of trade interests which resulted from the enlargement of the European Community and from its special arrangements with other European countries. We will continue to press the Community to ease its restrictions on agricultural trade and to eliminate reverse preferences for Community exports. We will work with Japan for an early reduction or elimination of import quotas and tariffs, improved access to the Japanese market for U.S. investors and businessmen, and increased Japanese Government purchases of American products.

Our economic health is increasingly linked to that of the world's long-run economic health. Consequently we also will be pressing this year for basic reform of the international monetary and trade systems.

*Monetary Reform.* The broad principles of monetary reform which we wish to see adopted by the IMF Board of Governors this September were set forth by Secretary of the Treasury Shultz at the annual meeting of the International Monetary Fund last September. At the March 16 meeting of the Ministers of the Group of Ten countries and the European Community agreement was reached on measures to ensure maintenance of an orderly exchange rate system while the effort to reform the international monetary system is pressed ahead. This is a positive and encouraging result.

While considerable time is required before exchange rate changes can alter the balance of payments, we are satisfied that if acceptable trade arrangements can also be made we will soon move toward sustainable equilibrium in our payments position. But a sense of urgency in the current negotiations within the IMF's Committee of Twenty is now necessary so that the favorable effect of the devaluations of the dollar can be realized and a stable system created. We hope that the Committee would be able to report agreement on broad principles of reform by the time of the annual meeting of the IMF in Nairobi this fall.

*Trade Negotiations.* While the monetary talks proceed, the first session of related negotiations on trade will open this September under the General Agreement on Tariffs and Trade.

The Administration has submitted to the Congress a request for the comprehensive negotiating authority we consider necessary to attack agricultural as well as industrial restrictions and nontariff as well as tariff barriers. In these negotiations we will insist that American products be given fair and reasonable treatment.

The authority which the President is seeking to raise tariffs in particular cases is designed to achieve that purpose, not to bring about increased barriers to trade. In fact our objective is quite the opposite. For the past quarter century international trade has increased at a more rapid rate than world production, providing an essential stimulus to the most rapid global economic growth in man's history. The reduction of barriers to trade made this contribution possible. It must be continued.

During the trade negotiations we will, in particular, seek approval on these principal approaches:

That tariff barriers on both industrial and agricultural goods should be reciprocally reduced to the point where they form no appreciable impediment to the flow or direction of international trade.

That nontariff restraints should be reduced over a moderate period of time and that remaining restrictions should be regulated under international agreement.

That trade should continue to be organized on a global basis, not on the basis of trading blocs, and that reverse preferences favoring particular groups of developed countries should be removed.

That particular account should be taken of the need to find solutions to the problems of developing countries.

That an internationally supervised system of safeguards should be agreed upon to give industries adversely affected by shifting trade patterns time to adjust.

Neither the negotiations on trade nor on monetary matters will be completed in 1973. But success in establishing agreement on such basic principles will go far toward building tomorrow's economic system.

*Seventh, we intend to employ our economic policies more comprehensively than in the past to support the efforts of developing countries to accelerate their per capita rate of economic growth beyond current levels.*

If the forthcoming trade negotiations are successful, the poorer nations of the world will benefit fully as much as the developed world. But neither trade nor assistance, developed nor developing nations' policies, investment nor nationalization, nor other separate efforts will suffice for dealing with what may well be the most important but difficult requirement of the next quarter century—that of escalating the economic growth rate of the developing world.

Despite the high priority given to economic growth in most of the poorer nations, two decades of international assistance, and decisive breakthroughs in several states, the overall per capita growth rate in the developing world has only reached that of the industrialized countries in the past two years. Even with that accomplished, the fact remains that a 3 percent per capita growth rate in a country like India produces an annual income increase of only $3 while in the United States it produces $120. Thus no end is in sight in the increasing disparity between income levels of developing and developed nations. And within the developing countries, the benefits of modernization have been unevenly distributed, causing internal social and political problems.

We must collectively seek to narrow these disparities lest North-South dissension replace the receding East-West conflict. We therefore intend to pursue a comprehensive policy designed to help stimulate social and economic progress, particularly higher rates of per capita economic growth, in the developing world—a policy not of aid alone but employing a wide variety of economic relationships, a policy involving coordination with other developed countries and requiring principal efforts from the developing countries themselves. We will pursue it in recognition of the fact that just as the developing nations need access to the capital and cooperation of the developed countries, so will we increasingly need their cooperation and access to what they can produce. The rapidly burgeoning needs of the industrialized world for energy and raw material resources offer new trade possibilities that will both augment production and foreign exchange earnings in the developing world.

I have asked the new Under Secretary of State for Economic Affairs, William Casey, to give special attention to this matter. Mr. Casey will be using the full resources of the Department and the government to coordinate the use of such elements as restraints on population growth, international investment, trade expansion, preferences, multilateral institutions, grant and loan assistance, and debt relief in support of this purpose.

*Eighth, we will seek during 1973 both to strengthen the economic and political relationship among the world's industrialized, democratic countries and to create associations among us which will be more global in scope and more regular in nature than has previously been the case.*

During 1973 we will be engaged in important separate consultations with the European Community, Japan, and other key friends. But bilateral approaches are no longer sufficient to handle the growing agenda of common political and economic concerns. A substantially higher level of worldwide coordination and cooperation is required among Japan, Canada, western Europe, Australia, New Zealand, and the United States if we are to solve common trade and monetary problems, continue the rapid expansion of the world's economy, and assist in the growth of the developing world. It is through wider cooperation also that we can best contribute our complementary strengths and common ideals toward building a politically sounder world.

We are one another's best trading partners and one another's most significant competitors. Our governments derive their authority from the freely expressed consent of their citizens. Our people share a common desire for an open and peaceful world. No longer can any of us satisfactorily think solely in Asian terms, in European terms, or in North American terms. For the health and strength of us all we must think and act in terms of us all.

One way in which this can be approached will be through enhanced cooperation in the Organization for Economic Cooperation and Development, the one organization whose membership is closely linked to these states. Last year the Executive Committee of the OECD was transformed into a high-level policy forum for consultations on the entire spectrum of our economic relationships.

We would like the new high-level policy forum to address the interrelationship of all aspects of economic policies—domestic and international—and their impact upon the total economic system. We believe the OECD should be a center for coordination of the more comprehensive development policies we consider necessary. And we would like to see it continue to be involved in an area it has only recently begun to deal with—international investment, including the role of the multinational corporation.

At OECD Ministerial meetings we plan to continue our policy of including a senior State Department representative in our delegation. We hope that the OECD may increasingly become a forum for broad cooperation beyond the technical items on specific agendas.

The presence of Foreign Ministers at the United Nations General Assembly each year also provides a further opportunity for coordination at the policy level. I have found the various meetings I have each year with NATO Foreign Ministers, Australia, New Zealand and Japan to be highly useful. An occasional opportunity for Foreign Ministers from these countries to exchange views collectively should improve coordination on the many matters that now affect us all. I hope we will able to find time for such an exchange this fall.

We will of course be consulting with our friends about these ideas, as they may have other suggestions for strengthening our relationship.

*European Community.* The enlargement of the European Community and the consequent strengthening of western Europe's economic capabilities assure that 1973 will be a year of special attention to relations between the European Community and the United States.

We hope to be able to build such lasting ties that our relations with the Community will in time become a solid pillar of U.S.-European association such as we already have in NATO. To achieve this however we must overcome a number of economic differences arising out of the changes in Europe and out of our balance-of-payments situation. Western European as a whole now produces three-quarters as much as we do, and it has a greater share of world trade. We will accordingly be looking to them to assume a more equal share of common responsibilities.

*Japan.* We will also be engaged during 1973 in reinforcing our long-range political and economic association with Japan, an association as important to us across the Pacific as



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is our relationship with western Europe across the Atlantic.

Last September Prime Minister Tanaka and President Nixon concurred that strengthening of our close ties would be "an important factor for peace and stability in the evolving world situation." The solidity of these ties will be of particular importance as we each proceed to build closer relations with China and the Soviet Union.

A major correction in the trade imbalance between us ($4.2 billion in 1972—two-thirds of our overall trade deficit) understandably has high priority. Japan has accepted this correction as being one of its top priority tasks. We welcome its intention to lower tariffs and to promote import and capital liberalization, its decision to permit the yen to appreciate in the exchange market, and its stated desire to achieve an external equilibrium within the next two or three years.

*Canada.* Our attention has understandably been drawn most recently to the changes in western Europe and to Japan's dramatic growth. But it is Canada which will remain our largest single trading partner and the major locus of private American investment. We hope to examine with Canada such areas as automotive trade and defense procurement to assure that benefits from our close trading ties are fully shared. And we intend to engage in more intense and varied cooperation with Canada to meet the environmental and energy problems of North America, in particular in carrying out the purposes of the Great Lakes Water Quality Agreement of 1972.

The next few years will be a time of testing of our bonds with all the industrialized, democratic nations as we work toward new relationships based on current security, economic and political imperatives. The adjustment will be neither simple nor painless. But we approach this adjustment with the confidence that it can lead to an era of cooperation bountiful for all our peoples.

*Ninth, we will press forward toward building a world of multilateral cooperation and orderly relations under law, giving special attention in 1973 to preliminary agreement in the United Nations on a global law of the sea that will transform the oceans from an area of growing conflict into a source of growing wealth and cooperation.*

In many concrete ways we are seeking to strengthen the contribution of multilateral institutions—in particular of the United Nations agencies—in creating a more cooperative and better regulated international community. Of substantial importance in the extension of such cooperation will be the first session of the U.N. Conference on the Law of the Sea, which will open this fall in New York following two years of preparatory work. That meeting will set into process an international negotiation in whose success all nations have an important stake.

The international communication made possible by the freedom of the seas and the potential resources that the seas contain in energy, food and raw materials are too important to permit the oceans to become centers of conflict. Yet the varying interests of coastal states in security and of naval powers in freedom of navigation, of coastal states in their adjacent resources and of the world community in the resources of the deep sea will produce just such conflicts unless we all accommodate for our long-range advantage.

That is why we are striving to reach early agreement on a comprehensive legal regime for the seas. Negotiation of a treaty will require most of 1974, but we will urge that this fall's opening session concur upon the objectives of:

A maximum breadth of 12 miles for the territorial sea;

Free transit through and over straits used for international navigation;

Broad coastal state economic jurisdiction over mineral and fisheries resources in areas adjacent to the territorial sea, tempered by international standards which will protect legitimate interests of other states;

An international regime including machinery to authorize the exploration and exploitation of the deep seabed under agreed regulations;

Standards and controls to protect the marine environment from pollution; and

An agreed regime which would promote marine scientific research.

*Narcotics and Terrorism.* A deeper commitment to orderly relations under laws is also urgently required in the campaign to outlaw hijackers and drug smugglers. As Chairman of the Cabinet Committees on International Terrorism and International Narcotics Control, I will continue during 1973 to pursue our war against these two threats to a more civilized world.

In 1972 we developed comprehensive anti-narcotics plans with each of the 59 nations involved in production, consumption or transshipment of illicit hard drugs. During 1973 we will translate these plans into action. With the movement toward eliminating Turkey as a source of opium well underway and with progress developing in Southeast Asia, we will especially concentrate upon interdiction of the drug traffic. Enforcement and improved intelligence are our two top priorities. We are obtaining increased cooperation from other countries in both areas. Our programs have already caused shortages of heroin within the United States, hindering the recruitment of new addicts, and hopefully driving many existing addicts into treatment. In 1973 we intend to intensify this pressure.

The international community's response to the narcotic issue has been gratifying. But its response to initiatives to suppress hijacking and terrorism has been disappointing, even shortsighted. An atmosphere not sufficiently hostile to assaults upon civilized comity among nations, such as the recent slaughter of two American and a Belgian diplomat in the Sudan, must be changed. Although 63 airliners from 24 countries were hijacked and 245 passengers were killed or wounded in 1972, most nations of the world have so far been unwilling to take meaningful new action on hijacking or terrorism either at the United Nations or in the International Civil Aviation Organization.

On the bilateral front we have been more successful due to the agreement with Cuba on the extradition or punishment of hijackers. We hope to reach similar agreements with other countries, particularly in northern Africa.

We will also press again at the ICAO Conference this August for a new international convention to prevent safe havens for hijackers. At the very minimum we will expect the Assembly to establish international machinery to make investigations and recommendations in hijacking or sabotage cases.

If there was any doubt that international treaties should be adopted to provide for the protection of diplomats and for the extradition or punishment of persons who kill, seriously injure or kidnap innocent persons in a foreign state for political purposes, this year's outrages should terminate it. We will pursue the latter treaty vigorously in the U.N. *ad hoc* committee on terrorism scheduled to meet this summer. And we believe the United Nations should complete the treaty on protection of diplomats at this fall's General Assembly.

This introduction can only hope to outline the most important of the Administration's foreign policy objectives. I have elaborated here upon those which collectively give 1973 the characteristic of a year of building—the building of relations and institutions that could determine the course of the rest of the century. Given the President's strong interest and leadership in this effort, we have every reason to expect that further substantial progress toward lasting peace and cooperation will be made in the coming year.

It is now commonplace to hear that there are no more dramatic accomplishments possible in foreign affairs. I do not agree. 1973 can be a dramatic year—not in breaking old patterns but in building new ones, a year when we begin to erect the framework for a generation of peace.

But 1973 will be just beginning. The road ahead will be as difficult and dangerous as it will be promising. It will require the continued perseverance and engagement of this great nation. That is why our foreign policy must continue to be a policy of engagement—engagement with adversaries in building cooperation, engagement with allies on a basis of shared values and interests, engagement with developing nations in the effort to raise the living standards of their people.

For many years the economic and political health of the world has been heavily affected by the state of the American society. Now our condition increasingly is affected by the welfare of others. The degree of interdependence among nations and many of the principal trends of international affairs are succinctly evident in the statistical indicators of the state of the world I have appended to this introduction. In concise terms they illustrate both the necessity of our engagement in the world and the nature of many of the issues the world must still face.

In my first foreign policy report, I expressed the hope that we could fashion a foreign policy which would overcome the deep and destructive divisions within this country and restore a sense of common purpose in America's approach to world affairs. Today the obstacles to such a common purpose have been overcome, and we have found a new self-confidence, devoid both of arrogance and of destructive self-doubts. The foreign policy objectives we are setting forth are moderate and constructive ones. It will be my earnest endeavor so to carry them out that the Administration and the Congress, the leadership of both parties, the government and the citizenry can again move forward harmoniously in their support. With such cooperation 1973 will be a year of substantial progress toward the more peaceful and prosperous world we all desire.

THE STATE OF THE WORLD IN STATISTICS

| | 1960 | 1965 | 1970 |
|---|---|---|---|
| I. Human welfare: | | | |
| Gross world product (billions of 1971 dollars) | 2,214 | 2,852 | 3,673 |
| World product per capita (1971 dollars) | 730 | 853 | 1,003 |
| GWP growth rate (percent) | 4.9 | 5.2 | 5.2 |
| Population (billions) | 3 | 3.3 | 3.7 |
| Population growth rate (percent) | 1.7 | 1.8 | 1.8 |
| Infant mortality (percent) | 11 | 10 | 9 |
| Literacy (percent) | 43 | 56 | 64 |
| II. Interdependence: | | | |
| World energy imported (percent) | 21 | 27 | 30 |
| World product exported (percent) | 8.7 | 8.9 | 9.7 |
| Industrial product exported (percent) | 12.7 | 13.6 | 18.5 |
| International mail (billions of items) | 4.5 | 7.1 | 13.0 |
| International travel (millions) | 102 | 135 | 178 |
| International travel/world population (percent) | 3.1 | 4.1 | 4.8 |
| III. Military: | | | |
| Men under arms (millions) | 19 | 21 | 23 |
| Men under arms/population (per thousand) | 6.3 | 6.3 | 6.4 |
| Military expenditures/GWP (percent) | 7.6 | 6.8 | 6.5 |



## EXCESSES IN THE DOMESTIC BUDGET

(Mr. REES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. REES. Mr. Speaker, at a time when the administration is bemoaning so-called excesses in the domestic budget, and is acting on those "excesses" by cutting the life out of programs which are essential to millions of lower-income Americans, I think it is fitting that we also examine waste in our defense budget.

The administration's facilities realinement announced April 16 by the Department of Defense confirms the conclusions reached in an article appearing in the April 1 issue of the Americans for Democratic Action legislative newsletter. The study points out that the Defense Department has employed nearly 10 times as many civilians as the Department of Health, Education, and Welfare.

While I applaud the reduction in nonessential personnel, I fear that the President's deep cutbacks in domestic programs will prevent the easy transference of manpower from a wartime to a socially oriented peacetime economy. The article which I am inserting in the CONGRESSIONAL RECORD supports the intentions of those who attempt to tell the American people that a lowering of the defense budget is not synonymous with an endangering of national security.

## THE PUBLIC HAS BEEN MISLED ON INDOCHINA

(Mr. DELLUMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, President Nixon has long claimed that he would pull the rug out from under his critics on the Indochina war. He has asked that they publicly apologize to him, since he has now achieved "peace with honor."

But I ask the President to publicly apologize to the American people, for, as anyone who reads the paper knows, we have neither peace nor honor in Indochina. The Paris agreements did not end our involvement—the Vietnam era is not in the past—no political objectives beyond brutal destruction were achieved. The cease-fire in Vietnam did not "break down"—it never existed. The famous end to the war was a public relations creation.

I do not seriously expect an apology. But I do expect we will learn from past mistakes and not try to cover up manifest failure by bombing our way to even greater failure. We no longer have even the shred of an excuse for our continued bombing in Cambodia—no troops to protect, no POW's to bring home, nothing but, perhaps, the feeling that it would not be America if we were not bombing somebody somewhere. War and dishonor need not be synonymous with our country, if we can stop the small elitist minority from playing their games with people's lives.

One step toward ending the bombing would be to pass legislation controlling the war powers of the President, so that the President can no longer involve us without full public discussion and awareness. But I warn you that war-powers legislation is no panacea.

I do not think we are better off when the President condescends to let a few top Congressmen in on the secret a few hours before it is made public. No amount of congressional bluster about constitutional principles will do us any good unless Congressmen have the humanity to realize the tragedy of what we are doing in Indochina, and the guts to stand up to the President and stop him.

## CONGRESSMAN GUDE LEADOFF WITNESS AT HEARINGS ON ECONOMIC STABILIZATION PROGRAM

(Mr. REES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. REES. Mr. Speaker, during the past several months, we have witnessed a swirling controversy regarding the rising cost of living. With the crescendo of noise and recriminations between wholesalers, retailers, farmers, and landlords regarding who, if anyone, is to be blamed for rising prices, I believe the true victim of this situation is not being heard. I refer to the American consumer, to the person who in the face of steadily mounting costs sees his wage and salary increases measured by a more restrictive standard.

The Banking and Currency Committee, of which I am a member, has held extensive hearings on this important issue in an effort to develop a solution which will offer relief to the American consumer. Our study of the problems of inflation, particularly those relating to food and rent, was greatly assisted by the testimony of my distinguished colleague from Maryland (Mr. GUDE). As a leading expert in these areas and as a sponsor of remedial legislation, Mr. GUDE was the leadoff witness at the committee's hearings on the economic stabilization program. His detailed comments outlining the parameters of the problem and the potential solutions was of great value to each member of the committee.

Nor did my colleague's leadership in this area end with his testimony. His consistent support for a strong bill which would protect the consumer was greatly appreciated by myself, other members of the committee, and by all those persons who have suffered the ill effects of inflation. There were numerous amendments offered to the committee bill. While neither I nor my colleague from Maryland were in complete agreement with every line of the bill, Mr. GUDE was steadfast in his support of all those amendments which would improve the bill and provide protection for the citizens of this Nation. As a resident of his District during the congressional session and as a member of the Banking and Currency Committee, I commend Mr. GUDE for his leadership in this area.

## LAREDO ROTC DRILL TEAM

(Mr. KAZEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, I am proud to call the attention of my colleagues to the magnificent performance of a combined high school ROTC drill team from Nixon and Martin High Schools in Laredo. In the 6 years of the competition, held in Washington each spring at Georgetown University, no team has ever swept the men's events. But the Laredo Baldies have done just that this year.

They won the male platoon competition, the male squad event, and Cadet Sgt. Jose Juarez won the individual championship. In this national competition, Laredo took all three first-place trophies.

For these young men, their families, and their schools, I express thanks to the Spraker Rifles drill team of Georgetown University which in 6 years has built this competition from a local to a national event. Participation is a splendid experience for the young men and women who come to the Nation's Capital, but competitive victory is always especially gratifying. My home city proclaims its pride in this combined team from two high schools, trained by 1st Lt. Javier Montemayor, Sfc. Miguel A. Saenz, and Sfc. Roberto Flores.

The young men who are the national champions are the following:

Nixon High School: Juan Manuel Alonzo, Luis Rena, Jesus Cantu, Renaldo Sanchez, Jose Sergio Caballero, Hector Huerta, Jesus Garza, Jose Garza, Hilario Gonzales, Jose Juarez, Juan Rodriguez, Mario Dominguez, Gerardo Valdez, Victor Mendoza, Eduardo Sanchez, Carlos Rubio, Jose Hinojosa, and Alvarez Ramiro.

Martin High School: Oscar Benavides, Humberto de Hoyos, Juan de la Rosa, Jose Delgado, Julis Delgado, Jose L. Garcia, Raul Garcia, Ramiro Garza, Daniel Gomez, Jesus Gonzales, Pablo Garza, Juan Gaona, Vincent Gonzalez, Daniel Holguin, Luis Mata, Jose Moreno, Martin Moreno, Javier Bompa, George Pompa, Rene Rayos, Jose Romero, Herardo Rodriguez, Javier Villasenior, and Ricardo Guerrero.

These are outstanding young men, a credit to our community and our country. Their national championship gives them added reason to stand tall.

## THE PUBLIC HEALTH ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. ROGERS) is recognized for 15 minutes.

Mr. ROGERS. Mr. Speaker, today, I, and nine of the 10 other members of the Subcommittee on Public Health and Environment (Mr. SATTERFIELD,

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Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT); and our distinguished full committee chairman, Mr. STAGGERS, are introducing the Public Health Act of 1973. This is the first of what will be a series of bills proposed by members of the subcommittee which would substantially revise and extend the existing authority encompassed in the 11 existing titles of the Public Health Service Act, including the 12 authorities which expire at the end of this fiscal year. I expect that the subcommittee will conduct hearings on this bill shortly after the Easter recess.

I want to emphasize that this is a bipartisan action by members of the subcommittee. For as long as I have served on our subcommittee, it has been bipartisan and I intend to do all I can to insure that this subcommittee continues to act in a bipartisan manner.

Mr. Speaker, each of the 12 expiring authorities in the health field deserves thorough review and scrutiny by the Congress. Many of the programs fostered by these authorities have admirably performed the purposes for which they were intended; some of these should be continued, perhaps some should be revised. If any of the programs have not done the job for which they were intended, then these programs must either be revised or terminated.

Health, Education, and Welfare Secretary Weinberger has urged the subcommittee to adopt this approach. During hearings on March 29, 1973, the Secretary testified:

> We would encourage any effort to scrutinize, rationalize and consolidate the existing myriad of health authorities with which this department now deals. ... Our position is that the time has come for a hard-nosed assessment of what is working and what is not, of what has achieved its original goal and should now be returned to states and localities, and what still needs Federal direction and nourishment. We are asking you to address these questions with us.

Unfortunately, Mr. Speaker, despite rhetoric about looking closely at these programs, it is clear that the Department of Health, Education, and Welfare, probably as a result of intervention by the Office of Management and Budget, has developed an unenlightened chopping approach which does not seek a cautious review of these programs with recommendations to the Congress.

In its budget requests and during hearings before our subcommittee, HEW has proposed extensions of five of the expiring authorities with virtually no revision. These are health services research and development, health statistics, medical libraries, developmental disabilities and comprehensive health planning. It also proposes that two of the programs—migrant health and family planning—not be extended but instead be funded under existing broad general authorities of the Public Health Service Act, thus obviating congressional directives for these programs. It proposes the termination of five programs—allied health training, public health training, community mental health centers, regional medical programs and Hill-Burton hospital construction and modernization. This "up or down" approach is not a responsible solution.

If it is not responsible to propose complete termination of the Hill-Burton program instead of a thorough review of what portions of this 26-year-old law deserve extension and what portions deserve termination. Likewise, it is not responsible to propose a simple extension of comprehensive health planning program, a program which has gained extensive experience since its last revision 3 years ago.

In short, Mr. Speaker, apparently only the Congress will conduct this much needed intensive review, a responsibility which our subcommittee has undertaken gladly but not lightly.

This first bill has three main purposes. Title I revises and extends the authority of HEW to undertake programs in health services research and development, and health statistics. This broad authority has been abused in the past. We are recommending that limitations be placed on these authorities with respect to the number of projects which may be undertaken and the amount of money which may be spent without first advising the Congress.

Title II of the bill revises the authorities for assistance to medical libraries. This revision follows most of the rather minor recommendations contained in a bill submitted by HEW to the Speaker earlier this month.

Title III of the bill constitutes a complete restructuring of the Public Health Service Act, a task which has not received attention since 1944. I want to emphasize that this title is not an attempt to rewrite the act, but only restructures it to place its authorities in a more rational perspective. For example, all of the manpower training authorities—previously scattered throughout the act—are placed in a new title.

It is intended that in reviewing these authorities as they expire, we will write them so that all authorities within each title ultimately will expire at the same time. Using manpower training again as an example, we hope not only to combine all of these authorities into one title but also to give manpower training authorities a common expiration date. By thus forcing a review of all similar authorities at the same time, we can insure that overlap and duplication will be eliminated.

Many essentially similar programs are scattered throughout the various agencies and divisions within HEW. I would hope that this consolidation and restructuring of the act might be followed by the Department in consolidating its programs and activities, eliminating overlap and duplication.

Title III does contain two provisions which are not merely structural revisions, Mr. Speaker. First, it reinstates the Office of Surgeon General as the head of the Commissioned Corps of the Public Health Service. Under Reorganization Plan No. 3 of 1966, the Office of the Surgeon General was stripped of all its function. Title III would reinstate only those functions relating to the Commissioned Corps, and not other functions which previously were the responsibility of the Surgeon General.

There is a second substantive revision within title III. The title repeals sections 314(e), 910(b), and 910(c) of the Public Health Service Act, three authorities which have been grossly abused in two ways by this and previous administrations. First, these authorities have been used by HEW to undertake massive projects without the consent of Congress. One recent example is the award of 110 grants and contracts to develop health maintenance organizations with full knowledge that Congress was undertaking legislative action in this area. Secondly, these authorities have been relied upon by HEW—both in this and prior administrations—to oppose programs initiated by the Congress as unnecessary because of the existence of these broad general authorities. An example of this abuse can be found in the area of communicable disease control.

Three years ago Congress extended the authority of HEW to foster programs to combat communicable diseases and enacted guidelines for these programs. Despite the existence of this law, which was signed by the President, HEW chose to fund communicable disease programs under broad general authorities, thus allowing the Department to ignore the guidelines contained in the law. This forced the Congress, in extending the Communicable Disease Act last year, to require that no funds other than those authorized in the communicable disease law developed by the Congress could be expended for such programs. This approach was the only way in which the subcommittee could insure that congressional guidelines would be followed.

HEW has engaged in similar activities with respect to other programs, family planning, for example.

This opposition to specific programs ignors the constitutional responsibilities and prerogatives of the Congress to develop guidelines for domestic programs.

In proposing the repeal of these broad sections, Mr. Speaker, the subcommittee is admonishing HEW that it is the Congress and not the executive branch that should establish programs with appropriate guidelines for migrant health, for family planning, for health maintenance organizations. The subcommittee wants HEW to have flexibility to develop research and demonstration programs, and we believe there is sufficient flexibility contained in title I of the bill. But the members of the subcommittee would remind HEW that it is the Congress which will initiate health programs, and it is the Congress that will develop guidelines for those programs.

One final point, Mr. Speaker. The subject of funding is a point to which every Member of this body is sensitive. I think that every member of our subcommittee feels that although spending should be held to a minimum, funding of programs should insure that the health needs of the people of the Nation are met. I think, too, that the members of the subcommittee feel strongly that a budget limitation should be placed by the Congress, hopefully under the levels submitted by the President. So it is not money that is the issue addressed in this bill, Mr. Speaker. The issue is whether the Congress shall write laws for development of health program in this country, or whether we leave it to the bureaucracy.

Mr. Speaker, this bill, and particularly title III, deserves a thorough scrutiny by the entire health community. Copies of a committee print which includes the bill and staff analysis will be available from the Committee on Interstate and Foreign Commerce within the next few days. I urge my colleagues and other interested persons to afford this bill's provisions careful and thorough consideration. I feel it is of vital importance to take this step to streamline the laws dealing with Federal efforts in the health field.

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## LEGAL SERVICES FOR THE WORKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, the Congress has the opportunity to increase dramatically the availability of legal services to the American worker—and it can do so without adding a cent to the burden of the Federal Government.

I am pleased to sponsor today H.R. 77, a bill introduced by my distinguished colleague on the Education and Labor Committee, Congressman THOMPSON of New Jersey. This bill would open the way for a vast increase in the number of prepaid group legal services plans in effect in the United States by amending the Labor Management Relations Act of 1947 to permit employer contributions to a jointly administered trust fund for the purpose of providing legal services.

This Congress has acted wisely in the past, and will be doing so soon again, to guarantee the provision of legal services to those Americans unable to afford them. Yet there are millions of Americans, ineligible for the legal services program of the Office of Economic Opportunity, who simply cannot afford legal counsel. H.R. 77 firmly addresses this need by enabling labor and management to establish a legal services plan paid for by contributions from each side. The Labor Management Relations Act presently prohibits all such joint contributions except where specifically permitted, as in contributions to pension plans and health care programs.

American society today is such that the average citizen is forced to interact with governments, businesses, and other institutions on so complex and sophisticated a plane that legal counsel is a necessity, not a luxury. The bill I am introducing today will help assure that the "equal justice under law" of our constitutional system will be available to the American worker as well as the indigent and the wealthy.

Mr. Speaker, I ask that the Congress join organized labor and the bar in supporting this vital amendment to the Labor Management Relations Act.

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## AMNESTY—THE LONG TRIP HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 15 minutes.





Mr. ROBISON of New York. Mr. Speaker, it appears that on the broader issues involved with the question of amnesty our constituents may be leading those of us in Congress. In my congressional district, for instance—I am quite sure in many others—active discussion is underway on the meaning of amnesty, the justice of its application to those who fled the Indochinese war, and its possible effects on those most directly concerned. Since the participants of these discussions are neighbors and relatives, church congregations and social organizations, the terms of conversation most often revolve around the human terms of amnesty. The feedback I receive, in my correspondence and the hometown newspapers, likewise stresses the human dimension.

I should emphasize that the letters and the newspaper articles reflect both sides of this rigidly polarized and highly emotional exchange, and perhaps I can best illustrate the nature of the discussion in my congressional district by extracting from two letters and a newspaper article which came to me about the same time.

During the first week of April one of my constituents wrote:

> I oppose amnesty for any civilians or service people who fled to foreign lands. I think these people made a decision and that's that.

A letter written from the same area, about a week earlier, said:

> I am an old lady but interested in our country. Do want to ask a great favor of you. Will you please help our boys to come home, the ones who evaded war in Vietnam. These poor young men only wanted to save their lives from that terrible conflict. Am sure not one would desert if our country was attacked. Do help them, am sure God will bless you.

A few days after these letters were written, one of the newspapers serving those two constituents included the following article titled "Draft Dodger Begins Long Trip Home":

[From the Binghamton (N.Y.) Press, Apr. 9, 1973]

### DRAFT DODGER BEGINS LONG TRIP HOME

(By Dan Hall)

TORONTO, Ontario.—After three years as a draft dodger in Canada, David Brooker, 26, has returned to Rochester to face a federal indictment.

He is married to a Canadian, Debra, and the two have a year-old son, David Jr.

Brooker talks little about his life in Canada or about his reasons for coming back. Lawyers advised him not to talk much, he said.

But he did discuss some details.

"When I came here to Toronto, I came to stay. I never had much desire to go back," he said.

But there were little things that hurt. "I missed my family at home. And it hurt when my wife and baby would visit them in Rochester and I had to stay here in Toronto."

His father called in February.

He told his son that the Draft Information Center had investigated and decided young Brooker had little chance of winning in court. But he might qualify for trial under the federal Youth Corrections Act, which would mean his criminal record would be erased after he completes his sentence, they said.

"My father didn't try to talk me into it," Brooker said. "He just gave me the pros and cons. I guess the biggest thing was a chance to clear my record. There has been no change in my moral convictions, no change of heart on the war."

Brooker left for Canada after his sophomore year at Vincennes University in Indiana, just before he received his draft notice.

He was not a member of any peace group. "But I always considered myself a conscientious objector," he said. "I was against the war and killing." He never formally applied for conscientious objector status, however.

"I knew I couldn't get it honestly. I knew lots of guys who were turned down." At the time, conscientious objection required a belief in a supreme being. That requirement has since been changed to allow deeply held personal moral convictions.

His mother sympathized with the decision to go to Canada but his father opposed it. His father "accepted it a little better" as time went on, he said.

Life in Canada started out well. Within two weeks he got a job managing a billiard parlor, and began meeting Canadian friends.

"It didn't matter to them why I was there," he said. He can't remember exactly when he told Debra that he was a draft dodger.

They were married in 1971, and he got a better job, working in a sporting goods store. But late last month he was laid off "It had nothing to do with being a draft dodger," he said. "They laid off four or five people with the least seniority and I was it."

"The loss of the job was not the deciding factor in coming home, but probably made me start unconsciously thinking about it," he said.

The Rev. Kenneth Colton, director of the Draft Information Center of the Rochester area, believes Brooker is a "perfect example of a man who would benefit from amnesty."

"He hasn't been able to make it in Canada, and he has a wife and a child to think about. It has been especially hard on his family here too."

If found guilty, the maximum sentence could be a $10,000 fine and five years in prison. But the more likely penalty, at least based on past experience in federal court here will be probation for 2½ years during which he would work in the national interest.

What will happen when the case is resolved?

He thinks he could find another job in Canada, but "once this is over, I'll have much wider opportunities. I can see what's available in both countries and do what's best."

"Maybe we'll live in Canada anyway," he said. "But at least I'll have that choice. And at least I'll have visiting privileges."

I would suggest, Mr. Speaker, that the people at home are making a much more vigorous effort to find the implications of amnesty, and to find the common ground for possible reconciliation therein than we are attempting in Congress.

As I have suggested to my colleagues previously, we can best begin our own discussion by looking to the amnesties of the past, and at the national spirit and leadership which fostered those amnesties. Never in our Nation's history was that leadership more profound and influential than during the Presidency of Abraham Lincoln. The anniversary of Lincoln's death having just past, it is appropriate that we look again at Lincoln's example; and so I would like to devote the remainder of my third statement on this issue to a brief look at Lincoln's amnesties and the spirit which motivated them.

Mr. Speaker, little time elapsed after Lee's surrender to Grant at Appomattox Court House before newspaper editorials and podium-thumping orators through-

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out the country were demanding victory's revenge on southern rebels and northern deserters. This chorus was led on Capitol Hill by Senators Charles Sumner and Benjamin Wade and by House Member Thaddeus Stevens, who in repeated statements called for severe chastisement. In one such outburst, Senator Sumner wrote:

Never were men more guilty. The honor of the country requires a sacrifice, and it cannot be dispensed with.

Throughout the war, Abraham Lincoln had responded to this kind of recrimination in a conciliatory tone. In a moment of fatigue, he said, during a Cabinet meeting on the question of reconstruction:

I hope that there will be no persecutions, no bloody work after the war is over. No one need expect me to take any part in hanging or killing of those men, even the worst of them . . . enough lives have been sacrificed. . . .

This was one of many occasions when Lincoln counseled that both deserters and those who had taken up arms against the Union should be permitted to return in peace to their homes. His position on clemency had been consistent throughout the war. He used his amnesty power as a tactical measure to encourage dissension and desertion in the enemy's ranks, and thereby hasten the coming peace; and, at the same time, he made it clear that his clemencies were proof that Union victory would not end in punishment and retribution which could only further inhibit the reconsolidation of the Union.

In carrying out this policy, President Lincoln granted several amnesties during the course of the Civil War. On March 10, 1863, deserters from the Union Army who reported on or before April 1 of the same year were reinstated to their regiments and given a punishment no more severe than forfeiture of pay during their absence. Then, when proclaiming clemency on December 8, 1863, Lincoln joined his proclamation with an announcement of plans for restoration and reconstruction of the South. On that day, he offered a general amnesty to the rebels if they took an oath of loyalty to the United States. Amnesty and the return of former rights and privileges would precede the restoration of a given State to its position in the Union prior to secession. Officers of the Confederacy were excluded in addition to five other classes of individuals.

According to Lincoln's plan for amnesty and reconstruction, any State could participate in the reorganization and reconstruction programs once it had successfully registered one-tenth of its voting population for the loyalty oath. The President later felt compelled to issue an explanatory proclamation of amnesty on March 26, 1864, which clarified his December clemency and made provision for applications for pardon from individuals of the excluded classes. On March 11, 1865, President Lincoln issued a pardon for all deserters of the Union Army who returned to their posts within 90 days—an action required by Congress earlier that month.

Lincoln's death came on April 14, 1865, but the impact of his sentiments remained. Under his administration there were no mass arrests or persecutions of those who had been the instigators of the Confederate rebellion or those men who had deserted the Union Army during the battle. His actions and his statements stress a willingness to forgive and a desire to achieve peace and reestablish harmony with his lost countrymen.

President Lincoln had a firm belief that a government "* * * can properly have no motive of revenge, no purpose to punish merely for punishment's sake." His decisions were based on the best interests of the Nation under the goal of rebuilding a society that was torn from within by a brutal and destructive war. Lincoln's primary objective was to bind the Nation together. His words—in the familiar phrases—still ring loudly with us today:

With malice towards none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in (and) to bind up the Nation's wounds . . . to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations.

Mr. Speaker, there will be those who will say that such lessons of history as we may draw from Lincoln's example do not apply in the context of the debate about amnesty, today. There are differences, to be sure, and I am well aware thereof. History may not be the greatest of teachers, but an understanding of, and an appreciation for, what it does teach, especially in the continuum of attitudes and ideas that, accumulatively, produce a national spirit, is important. It is in that sense, then, that this additional history lesson is offered.

## OEO MAKES POVERTY VERY PROFITABLE AT THE EXPENSE OF THE POOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, the Atlanta Journal recently published an article which traces the employment responsibilities and salary levels of OEO employees before and after they were hired by OEO.

This article clearly points out that in many cases individuals were making very high salaries. One can easily see why such a large portion of the OEO dollar has been spent on administration and such a small portion has been left to help the poor.

As a veteran of the war on poverty once said:

I sure hope OEO lasts forever, I'll never be able to make as much money on the outside.

I insert the following article in the RECORD:

"THERE'S NO JOBS THAT COMPARE" TO POVERTY PAY

(By Maurice Fliess)

WASHINGTON.—Employees of the Atlanta regional headquarters of the Office of Economic Opportunity (OEO) are "having trouble" finding new jobs, a spokesman says.

Jack Hord, special assistant for communications in the Atlanta office of the antipoverty agency, said, in fact, that only 13 of the 163 employees have secured employment thus far.

All but 39 of the 163 persons are scheduled to lose their jobs April 28 when—by order of the Nixon administration and Howard Phillips, acting OEO director—the Atlanta regional office and nine others like it across the country go out of business.

The remaining 39 described Wednesday by Hord as "veteran employees" of OEO are being kept on the payroll until June 30, the date the administration has set for the abolition of the antipoverty arm of the executive branch of government.

According to Hord, some of the 13 workers who have been placed in other jobs—both within and outside of the public sector—have taken salary cuts.

As he put it, "There's no jobs in private business that compare to what people make here."

Hord outlined the pay scales for the 163 Atlanta OEO employees as follows:

At grade GS–16 ($31,203–$39,523 per year) one employee (regional director William "Sonny" Walker).

GS–15 ($26,898–$34,971), four.
GS–14 ($23,088–$30,018), 18.
GS–13 ($19,700–$25,613), 35.
GS–12 ($16,682–$21,686), 20.
GS–11 ($13,996–$18,190), 15.
GS–9 ($11,614–$15,097), four.
GS–7 ($9,520–$12,373), 24.
GS–6 ($8,572–$11,146), two.
GS–5 ($7,694–$10,007), 16.
GS–4 ($6,882–$8,943), 11.
GS–3 ($6,128–$7,964), five.
GS–2 ($5,432–$7,061), four.
GS–1 ($4,798–$6,238), one.

After President Nixon announced in January his intentions to dismantle OEO created in 1965 as part of President Lyndon B. Johnson's "Great Society," the employees were instructed to fill out resume forms that might be used in job placement efforts.

Copies of the confidential resumes were made available to the Atlanta Journal by a source outside the federal agency.

The resumes show that the people now looking for a job vary in background from realtor to congressional aide, and in educational attainment from 11th grade to doctoral degree.

For example, Laverne B. Polston said her education consisted of "11th grade, business course." She said she began with OEO as an administrative aide at GS–6 up to "procurement assistance," GS–7.

In her resume, she said she was "responsible for preparing and processing all purchase orders for OEO Regional Office for purchase not exceeding $2,500. Make purchases from Federal Supply, Schedule or solicit quotations for purchases between $250 and $2,500; set up blanket purchase orders to cover recurring expenses, such as repairs, rentals, etc.; and make some small purchases by cash . . ."

Jesse L. Lester, who said he graduated from high school and attended business college one year, specified his job title as "equal opportunity specialist," GS–13 level ($24,956 a year).

According to his resume, he was director of labor union participation in metro Atlanta's United Fund—a job that paid $10,000 per year—until joining OEO in 1967.

In a section of one of the resume sheets set aside for specifying "primary skills-education-knowledge required in current job," Lester wrote:

"Ethnic sensitivity, full knowledge of Civil Rights Act of 1964, OEO regulations relative to equal opportunity, Sympathetic to the mission of OEO (and) ability to meet and converse with people; ability to speak to groups."

Betty M. Hunter Lockett, a $14,462-a-year field representative, said she finished high school and went to Atlantic Business School for a year. Listing jobs held in the last 10 years, she showed how she progressed steadily from a GS–4 secretary stenographer in the pre-OEO days to her present GS–11. She said she had been "assigned five community action agencies in the Southeast region with budgets ranging from $146,000 to $200,000. Assist in preparing annual budgets . . ."

Ernest L. Freeman, Jr. said he was a GS–7 administrative assistant at Brookley Air Force Base, Ala., before joining OEO as a GS–12 field representative ($17,233 per year). A graduate of high school and Spaulding Business College, Freeman said he was part of a team of four which administered to "the programmatic, fiscal and administrative needs of 12 CAA's (community action agencies) whose total budgets exceed $4 million . . ."

Jack O. Perrin, a high school graduate who said he went to business school for two years, said that as a GS–9 ($12,388 a year) field representative, he provided "technical assistance in the area of management and administration as well as policy guidance to private and public agencies who are responsible for over $16 million in federal funds. . . . I am responsible for monitoring the performance of private corporations and public officials that are recipients of federal grant funds."

Roger R. MacEldon, a GS–13 ($22,328 annually) field supervisor, said he was a real estate broker before joining Economic Opportunity Atlanta, the Atlanta antipoverty agency, in 1966 at $12,000 per year. MacEldon said he had three years of college.

James E. Stedghill, a graduate of Arkansas State College with a major in history and a minor in sociology, has been a GS–14 ($26,938 per year) public health analyst with OEO. Stodghill said he aslo studied biochemistry at the University of Georgia.

Arnold D. Hawkins, another college graduate, listed his previous job as accountant with Texaco, Inc., at an annual salary of $7,800. He is a GS–13 auditor for OEO, making $21,014 per year.

Sunny LaFaye Guilder, a Spelman College graduate with post-graduate work at Atlanta University and Georgia State University, was an Atlanta teacher ($5,080 per year) and a U.S. mail clerk ($5,800 per year) before hooking onto OEO as a $16,632, GS–12 field representative.

Thomas W. Hash said he joined OEO as a field rep trainee at $5,300 per annum (GS–5) and moved up the ladder to GS–12 field representative, $17,794 a year. He, too, has a bachelor's degree.

Fred H. Singleton, with a bachelor's degree in biology and a master's in zoology, listed his job title as "regional manpower specialist." He is a GS–13, making $20,357 a year.

Thomas F. Duncan was a $7,000-a-year staff associate, specializing in youth work, for the National Board of Education of the Methodist Church before going to OEO as a GS–13 ($21,671-a-year) field supervisor. He holds degrees from the University of Alabama (B.S.) and Vanderbilt University (M.S.).

Among the Atlanta OEO personnel with military backgrounds are these:

Harold H. Tate, a high school graduate, who was a Marine first sergeant when he retired in 1967 after 22 years. He is a GS–12 ($16,350 per year) field representative.

Scott M. Case, a West Point graduate, who was an Army colonel and post commander of Ft. McPherson, Ga., when he retired. He is a GS–14 ($24,628 annually) interagency relations coordinator.

Bruce Fusner, a retired lieutenant colonel with bachelor's and master's degrees, who is a GS–13 ($20,356 per year) field supervisor.

Frederick I. Head, a retired Army lieutenant-colonel with one year of college, who also is a GS–13 field supervisor.

George P. Rossman, who retired as a major after 20 years in the Air Force. Rossman, who said he received the equivalent of a high school diploma in 1953, is a $21,104-a-year GS–13 grantee management specialist.

Four of the employees listed stints as congressional assistants in their backgrounds.

Sara V. Craig, a GS–14 ($26,168 a year) specialist in congressional relations, said she was an administrative assistant and press secretary for Charles L. Weltner when he was Georgia's Fifth District congressman.

Charles E. Clark, the GS–14 chief of the grantee program support division, said in his resume he was a congressional aide in the U.S. House of Representatives.

George E. Hovan, an auditor (GS–12, $18,906 a year), said he was a legislative assistant for G. Elliott Hagan when Hagan was Georgia's First District congressman.

James E. Cliatt III, a GS–14 special assistant (earning $24,628 a year), was administrative assistant to Rep. Tom S. Gettys, D–S.C. Cliatt holds a Ph.D. from Mississippi State University.

A few of the resumes contained misspelled words. One of the college graduates wrote that he had obtained a "batchelor's degree." Another college-educated man specified the number of "semister hours" he received in certain subjects. Yet another college grad said he had served as a "Peace Core Volunteer."

Under a section for "special qualifications or limitations you want to mention," one man wrote:

"Since 1961 I have acquired additional experience as a part-time real estate salesman when not employed with HUD (Department of Housing and Urban Development). 1953 to present has worked as an extra bartender."

## KEMP SPEAKS OUT ON BEHALF OF THE GREAT LAKES AND ENVIRONMENTAL PROJECTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, Congress is slowly coming to recognize the fundamental issues facing the Nation—budget control, budget reform, and budget priorities. Much criticism has been directed at the President for the course he has charted in the fiscal year 1974 budget and for impounding certain funds. Some contend that the President has arrogated congressional responsibilities. The fact is, though, that until Congress gets a handle on the budget, and until Congress reforms its own budgetmaking process, cries of alarm emanating from this Congress will and should fall on the deaf ears of a discerning and fiscally responsible public.

In short, the President has acted where Congress has not. I cannot in good conscience condemn an action which has not and cannot in any other way be met. The issue of budget control has not yet been met by this Congress. Consequently, Presidential impoundments are tough, unpopular, but necessary measures. There are certain impoundments which I vehemently oppose and I will diligently pursue my own course in that regard. One area by which I am deeply disturbed is water pollution control.

Mr. President, last year much of the Congress' attention was focused on the Water Poilution Control Act Amendments of 1972—and rightly so. However, during that same time period another program of vital concern to our environment was under consideration and still remains to be completed, the special Great Lakes cleanup program.

Late in 1971, the Environmental Protection Agency submitted to the Office of Management and Budget a comprehensive and innovative proposal which would accelerate efforts to halt the ravages of pollution in the Great Lakes. Unfortunately, the Office of Management and Budget did not approve the necessary budget items for submission to the Congress, although I strongly urged that they do so.

The Agriculture-Environmental and Consumer Protection Subcommittee of the Committee on Appropriations, under the distinguished leadership of Mr. WHITTEN, in its report to accompany H.R. 15690, recommended $108,500,000 for the special Great Lakes cleanup program. Since the Environmental Protection Agency did not at that time have the necessary authority to fund the construction of storm and combined sewers, the committee directed that $100 million in water and sewer funds previously appropriated to the Department of Housing and Urban Development and frozen by OMB be used to fund the program.

With the passage of the Water Pollution Control Act Amendments of 1972, this portion of the Great Lakes cleanup program can now be funded under a section of that legislation and although it will be up to the States involved to give the necessary programs priority status, I will strongly urge that the administration support the needed funds for implementation of both the Great Lakes cleanup program and critically needed waste water treatment facilities. There are in my 38th District of New York State, three waste water treatment facilities pending, Erie County Sewer Districts Nos. 2 and 4 and Amherst, which are crucial to the success of the environmental programs of the area and to the cleanup of Lake Erie.

By passage of the Water Pollution Control Act Amendments of 1972, the Congress has provided the means to remedy the major water pollution problem in the United States and particularly in the Great Lakes Basin; that is, municipal pollution and the inability of local governments to finance the construction of new and upgrading of existing sewage collection and treatment systems. However, the efforts of Congress were mitigated by the decision of the administration to spend only half of the funds that Congress voted to commit to this pollution abatement program.

This is a blow to the communities in the Great Lakes Basin and particularly in the Lake Erie drainage basin. Not only did it result in the nonfunding of a large number of projects, it also discouraged other communities in the basin from preparing proposals to cope with their municipal water pollution problems. Under the terms of the 1972 act, communities essentially must submit blueprints of proposed projects. To prepare such plans necessitates a considerable expenditure of money. Noting the percentage of municipal projects that have been funded by the Environmental Protection Agency in 1972–73, cities, towns,



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and counties each were unwilling to gamble tens of thousands of dollars in consulting fees and/or staff time to prepare plans.

Meanwhile, the ecological conditions in Lake Erie continue to deteriorate primarily from the accelerated overenrichment of these waters by sewage, and particularly the phosphorus in these discharges. The dire predictions made as a result of Project Hypo—a 1970 study of the Central Basin of Lake Erie by Federal scientists from the United States and Canada—are closer to being realized. These aquatic experts stated that if the level of phosphorus being added to Lake Erie was not significantly reduced by 1972, that the lake would become self-polluting as a result of the release of nutrients and other pollutants from the sediment when the bottom waters of the lake become devoid of oxygen—anaerobic. The oxygen is used up in the decay of algae which become overcrowded in the surface waters, die and settle to the bottom. Both the duration and area of oxygen-less conditions have increased markedly since 1954.

I am afraid the United States is also in danger of falling behind in its commitment to reduce the over-fertilization of Lake Erie under the Great Lakes Water Quality Agreement that President Nixon and Prime Minister Trudeau signed in April 1972. The United States had pledged to reduce the phosphorus-loading of Lake Erie by improving sewage treatment while Canada is both upgrading sewage treatment plants and reducing the phosphate level of detergents. This has resulted in the questioning of the good faith of our Nation in meeting its international obligations. This issue was raised at numerous gatherings of delegates at conferences sponsored by the United Nations and other organizations concerned with global ecology.

I was most encouraged however, to hear Dr. Robert Sansom, Assistant to the Administrator of EPA for Air and Water, state at a recent meeting of the Interstate Legislative Committee on Lake Erie that a number of wastewater treatment projects have been pinpointed which the Environmental Protection Agency believes, if implemented, would enable the United States to fulfill its commitment of the 1975 deadline contained in the United States-Canada Great Lakes Water Quality Agreement. This is an additional urgent reason for sufficient funding for wastewater treatment projects.

Using the Water Pollution Control Act Amendments of 1972, the Congress, the administration and the States, by working in cooperation and providing adequate funding, have the opportunity to provide a new era of clean water for all our citizens. But, adequate funding must be provided in order to achieve this goal. We in Congress must pledge ourselves to this effort.

Mr. Speaker, on April 10, I again testified before the Agriculture-Environmental and Consumer Protection Subcommittee of the Committee on Appropriations on behalf of the Great Lakes cleanup program and adequate funding for our critically needed wastewater facilities and other environmental programs.

One of the environmental programs I testified in behalf of was the Soil Conservation Service. Eroded soil is one of the major pollutants of the streams and rivers of the United States. This material not only destroys the breeding area of fish, but it is also the primary mechanism by which numerous pesticides and fertilizers enter our national waters. These agricultural chemicals are bound to organic material in the soil.

Erosion also results in other costs. It was observed that over half of the material annually dredged from the navigable waters of the Greater Buffalo area, more than 300,000 cubic yards, at an annual cost to the taxpayer of near a million dollars, was soil that had washed from rural areas. This is a problem that is occurring in most watersheds throughout the United States.

As agricultural areas are decreased as a result of urban sprawl, and as there is a necessity to increase our agricultural productivity, we can ill afford to allow millions of cubic yards of our most fertile soils to be washed to the sea.

While the Soil Conservation Service has made considerable progress in reducing soil erosion, considerable work remains to be done and adequate funds must be appropriated.

Mr. Speaker, I am fortunate in having many articulate and knowledgeable environmentalists in my District who have provided me with much excellent research for my efforts on behalf of the Great Lakes and other ecological programs. Among these are Dr. Robert Sweeney of the Great Lakes Laboratory of the State University College at Buffalo, the Erie County League of Women Voters, the Housewives to End Pollution and the Environmental Clearing House. I would like to acknowledge their efforts and those of many other environmentalists in my district and commend them for their work on behalf of our community and the environment.

Mr. Speaker, I include my testimony at this time for the interest of my colleagues and others concerned with the vital environmental programs I have mentioned:

TESTIMONY OF CONGRESSMAN JACK KEMP BEFORE THE AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS

Mr. Chairman and distinguished members of the Committee, I appreciate this opportunity to once again present testimony before your fine Committee.

Last year I presented testimony on behalf of the special crash Great Lakes cleanup program proposed by the Environmental Protection Agency and I strongly urged the appropriation of $100 million to adequately fund the program.

I know the members of the Committee share my concern and interest in this special Great Lakes cleanup program and I was pleased that the Committee in its report to accompany H.R. 15690, recommended $108,500,000 for the special Great Lakes program. The Chairman and members of the Committee are to be commended for their prompt action to set in motion this crucial program to save our irreplaceable Great Lakes.

As you know, $100 million of the funds would have allowed the Environmental Protection Agency to fund 9 or 10 selected storm and combined sewer projects in order to study the cost-benefits of the various systems. Since EPA did not at that time have the authority to fund the construction of storm and combined sewers, the Committee directed that $100 million in water and sewer funds previously appropriated to the Department of Housing and Urban Development and frozen by OMB be used to fund the program.

During the past year, several significant steps were taken to control the pollution of the Great Lakes. The most important of these was the passage of the Water Pollution Control Act Amendments of 1972 in which Congress recognized and attempted to remedy the major water pollution problem in the United States, and particularly in the Great Lakes Basin—specifically, municipal pollution and the inability of local governments to finance the construction of new and upgrading of existing sewage collection and treatment systems.

It is my understanding that with the passage of the Water Pollution Control Act Amendments of 1972 that the 9 or 10 selected storm and combined sewer projects which I have mentioned can now be funded under Sec. 211 of that legislation. I realize that with the passage of the new landmark water pollution control legislation that the special Great Lakes program that we talked about last year cannot be specifically earmarked within this section. However, it is my hope that at least $100 million for the 9 or 10 selected cities on the Great Lakes will be provided in this or the appropriate section and that these selected storm and combined sewer projects needed to implement the special Great Lakes program will be given priority status by the States involved.

I was also pleased to note that fund requests for several important elements of the special Great Lakes program are included in the Environmental Protection Agency's budget request for FY '74.

These elements of the Great Lakes program include:

An expanded program of Great Lakes research and investigation.

Compliance Activities: Comprehensive water quality studies in 12 special attention areas;

Upper Great Lakes Study to determine the extent and sources of pollution in Lake Superior and Huron, the remedial and preventative measures needed to abate or control pollution and recommendations for the establishment of water quality objectives;

Agriculture and Land Use Study to study pollution of boundary waters of the Great Lakes system by land drainage from agriculture, forestry, urban and industrial land development, recreation and park land development, utility and transportation systems and natural sources;

International Joint Commission Study and Research Coordination; and

Planning and Demonstration.

I was also delighted to see Sec. 108 of the Water Pollution Control Act Amendments of 1972 included in the Environmental Protection Agency's budget request.

Mr. Chairman, I would like to reiterate my support of this vital Great Lakes cleanup program and strongly urge that the Committee recommend appropriations for these programs at at least the amount requested by EPA. To many, the Great Lakes stand as a symbol of man's degradation of the environment. We in the Congress have the opportunity to make them an outstanding example of our Nation's determination to restore and preserve our priceless natural resources.

I was most encouraged to hear Dr. Robert Sansom, Assistant to the Administrator of EPA for Air and Water, state at a recent meeting of the Interstate Legislative Committee on Lake Erie that a number of wastewater treatment projects have been pinpointed which the Environmental Protection Agency believes, if implemented, would enable the United States to fulfill its commitment of a 1975 deadline contained in the historic April, 1972, United States-Canada Great Lakes Water Quality Agreement.

In addition, EPA Administrator Ruckelhaus has sent a letter to Governors of the States bordering the Great Lakes asking each State, in evaluating its water quality needs, to rank Great Lakes municipal wastewater treatment facilities high on the State's priority list. The Environmental Protection Agency has reported that 252 Great Lakes Basin wastewater treatment facilities projects are expected to be funded in FY '73–74, based upon current allocations and State priority lists. These projects involve an eligible cost of $961,617,900.

I hope the Committee report accompanying this bill will encourage phased funding and flexibility in the 75% Federal share. In this way, the States will be able to start the maximum number of projects.

My District in Erie County, New York, which borders on Lake Erie, has three critical projects pending: Erie County Sewer Districts #2 and #4 and Amherst. EPA has obligated Federal matching funds for Sewer District #2, but the other projects are equally vital to the success of the environmental programs of the area. Hopefully, there will be ways and means to start Amherst and Sewer District #4 in the near future.

I also would like to express my wholehearted support of adequate funding for two additional outstanding programs: the Soil Conservation Service and programs to control the gypsy moth.

In 1971, President Nixon acknowledged the environmental contributions of the Soil Conservation Service and stated the need for increasing assistance to the program. He stated:

"Another area where Government should do more to provide technical assistance to farmers is that of soil and water conservation. Long before most Americans were thinking much about the environment our farmers, our ranchers, our woodland owners were working together with Government to conserve our natural resources. I believe we should now be providing more help for our dedicated corps of soil conservationists whose number has dropped sharply in the past four years."

Last year in the Town of Amherst in my 38th District of New York State, the Soil Conservation Service provided an interdisciplinary team including a soil scientist, geologist, engineer, hydrologist, resource conservationist and soil conservationist to look at the total conservation problem confronted by the Town. By having available the expertise in each of these fields it was possible to provide several alternatives to the Town of Amherst so that they might avoid future problems—problems that would be particularly expensive and difficult to overcome once the concrete was poured or the asphalt leveled.

One of the specific problems involved proposals to build some multi-million dollar developments on lands that were subject to flooding. Through the assistance of this interdisciplinary team, the residents of the Town of Amherst can avoid problems related to development in this flood plain area and will have a better environment in which to live in future years.

Gentlemen, this is only one example of the outstanding work of the Soil Conservation Service. I include with my testimony, for the information of the Committee, highlights of conservation accomplishments in my District in 1972.

In the concluding portion of my testimony I would again like to stress the importance of adequate support for programs to control the gypsy moth.

As you know, the gypsy moth was introduced into North America from France in 1869 at Medford, Massachusetts. Twenty years later, the moth had become so numerous that forests and residential trees were being defoliated over an area exceeding 200 miles. In recent years noticeable defoliation of forested areas increased from a low norm of about 80,000 acres in 1968 to 1,940,000 acres in 1971, dropping back to 1,400,000 acres in 1972.

Extensive research has shown that an effective program can be conducted to retard the spread of this insect. With vigorous application of a regulatory program, supported by necessary survey and control activities, it is projected that natural spread of the pest to the limits of its susceptible range in U.S. hardwood forests will require 75 years. Without an action program, it is estimated the moth can spread over this area within 15 to 20 years, due to uncontrolled artificial spread which will serve as focal points for establishing new infestations. It is expected that research now underway will contribute to the success of the containment effort and perhaps provide the tools to turn back or slow down the natural spread along the periphery.

Now that we are facing a critical shortage of lumber, I believe it is more important than ever that we support programs to stop the menace of the gypsy moth to our forests. The fact that there was a noticeable decrease in acres defoliated in 1972 is a hopeful sign that progress is being made.

I respectfully urge that the Committee recommend sufficient funds for both the Soil Conservation Service and the gypsy moth control program to enable them to continue and expand their activities which have proved most productive and beneficial.

Mr. Chairman and members of the Committee, I would once again like to express my thanks for this opportunity to appear before you today to present my testimony.

HIGHLIGHTS OF CONSERVATION ACCOMPLISHMENTS—1972

38TH CONGRESSIONAL DISTRICT—NEW YORK

This data is the accomplishments for the Erie County SWCD

1,259 People assisted at least one time.
43 Soil & Water Conservation plans prepared.
284 Natural resource inventories & evaluations prepared for individuals.
31 Units of government assisted with natural resource problems.
88 Natural resource inventories & evaluations prepared for units of government.
34 Recreation developments installed or expanded-public and private.
.1 Miles of diversions installed for erosion control and improved drainage.
48 Ponds built.
1986 Acres of grassland planted and managed.
24.1 Miles of drainage works installed.
545 Acres of trees planted.
484 Acres of woodland managed.
1,230 Acres of wildlife habitat developed and managed.
6,281 Acres of land adequately treated with conservation practices.

## NAVY STAR BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MITCHELL) is recognized for 5 minutes.

Mr. MITCHELL of New York. Mr. Speaker, today I am introducing legislation which would promote equity for the leadership of the U.S. Navy Medical Service Corps by bringing it in line with the leadership of the similar corps in the U.S. Army, as well as other corps in the Navy itself. My bill would elevate the Chief of the Navy Medical Service Corps to the rank of rear admiral.

At present, promotion in this position is limited to the rank of captain. This naval position supervises highly educated and skilled professionals in the health field. The promotion to the rank of rear admiral would similarly recognize the value of this corps and the vital work that it accomplishes for the Navy. Thus the Chief of the Medical Service Corps would be on a par with the heads of other naval corps, with the same advancement process as the other corps.

The Navy will soon experience some new situations due to the development of a total voluntary military force. Gone will be the "doctor draft" with the automatic and constant replacement of needed health professionals. It is imperative that the Navy upgrade the whole image of the Medical Service Corps in order to insure that an adequate number of competent health care professionals decide on a naval career. Upgrading the rank of the Medical Service Corps will surely be one facet of this general program. This should also positively affect the retention rate of these skilled professionals in the Navy.

## JACK WOOLLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE), is recognized for 15 minutes.

Mr. McDADE. Mr. Speaker, over the past 4 years I have been privileged to work in the closest cooperation with one of the most devoted, most intelligent, and most delightful civil servants it has been my experience to know. I refer to Mr. Jack Woolley, formerly Assistant Secretary for Legislative Affairs in the Department of Housing and Urban Development.

The position of Assistant Secretary for Legislative Affairs is one that requires an extraordinary intelligence and a discreet wisdom which is not to be found easily. He must be totally conversant with the vast range of Housing and Urban Development statutes, and must be able to apply that knowledge to a discussion of any community in America. He must have a rapidity of judgment based on that knowledge, and there is little room for error in that judgment.

Jack Woolley possesses all these attributes, and very many more. As a member of the Subcommittee on Housing and Urban Development in the Appropriations Committee, it was my privilege to work closely with Jack in the multitude of programs which would have to be funded through that subcommittee, and I found his judgment to be superb and his breadth of knowledge to be extraordinary. In the flow of discussion between the Secretary of Housing and Urban Development, and the committee that would fund the programs for the Department of HUD, Jack was not merely a conduit who passed information and opinions swiftly and correctly. He was a positive and contributing force in the growth and implementation of the vast multitude of housing programs



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which were devised to give the citizens of this Nation a decent place in which to live.

More than that, I found Jack to be a delightful friend. I came to know him to be a man whose word was his bond, whose handshake was as firm a binder as any signed and witnessed contract. In short, I have known Jack Woolley as an outstanding public servant and an outstanding man. He is a man who gave his country service in the Navy, where he is a captain in the Naval Reserve; and he is a man who gave his country new service as Assistant Secretary for Legislative Affairs in a whole new career in the Department of Housing and Urban Development.

It is my understanding that Jack has now assumed the position of manager of Federal Government affairs of PPG Industries. In that new endeavor, I wish him well and more than well. That corporation is fortunate to have so distinguished a man in their employ. He deserves those good wishes from all of us who work to serve this Nation.

Mr. EVINS of Tennessee. Will the gentleman from Pennsylvania yield?

Mr. McDADE. I am pleased to yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Pennsylvania (Mr. McDADE) in paying a brief but sincere tribute to Jack Woolley, who served with distinction as Assistant Secretary for Legislative Affairs in the Department of Housing and Urban Development.

Mr. Woolley has resigned from this position recently, and is now manager of Federal Government affairs of PPG Industries, Inc.

Mr. Woolley conducted the congressional affairs of HUD in a congenial and efficient manner—he was always most cooperative and most helpful, and certainly I wish for him the very best of good luck and success in his new position.

Mr. TALCOTT. Will the gentleman from Pennsylvania yield?

Mr. McDADE. I am pleased to yield to the gentleman from California.

Mr. TALCOTT. Mr. Speaker, I value this opportunity to extend my best wishes to Jack Woolley, who has served exceptionally well as Assistant to the Secretary of HUD for congressional relations since 1969. Jack's background, from a student at the U.S. Merchant Marine Academy, through graduation from the U.S. Naval Academy and the University of Southern California, has certainly proved to be a great asset in his excellent service to the Federal Government.

In his capacity with HUD, Jack was always quite well informed and most cooperative with me and my office in all of the myriad matters pertaining to HUD. My constituents and staff generated unusually large numbers of disparate problems and questions. Jack was always prompt in his assistance and perceptive in his understanding of the various and difficult problems about which we often sought his aid. I commend Jack for his extraordinary performance in the past, and extend my very best wishes for continued success and personal satisfaction in all of his future endeavors.

Mr. BARRETT. Will the gentleman from Pennsylvania yield?

Mr. McDADE. I yield to the gentleman, also from Pennsylvania.

Mr. BARRETT. Mr. Speaker, this is an occasion of great pleasure, when I can join with so many of my colleagues to praise and honor Jack Woolley, former Assistant to the Secretary of HUD for congressional relations.

As chairman of the Housing Subcommittee, I was in the unique position of working closely with Jack on a great many matters during the 4 years he was with HUD. Matters, not only of interest and importance to my district and constituents, but of great importance to the people of our Nation in meeting their housing needs.

I found Jack Woolley to be a man of great integrity and ability. His understanding of the legislative process and his concern with the housing needs of our Nation lent themselves to the remarkable job he did under trying circumstances. Jack has a talent so necessary for the position he held—that is, to approach problems without political partisanship, while at the same time being aware of, and responsive to, the demands and responsibilities of his office. I know that Jack is now with private industry and have no doubt he can more than fulfill their expectations and needs.

I wish him every success and may the good Lord grant him long life, peace, and happiness to enjoy his successes.

## VEYSEY ASKS FOR NEW TEETH IN LAW FOR INSPECTION AND MAINTENANCE OF AUTOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 10 minutes.

Mr. VEYSEY. Mr. Speaker, today I am introducing legislation to tighten the Clean Air Act, and to thereby give us, for the first time, the necessary teeth in that law to keep polluting vehicles off of the road.

My bill would end a practice which the current statute permits, and which will continue to allow polluting vehicles on the road unless it is changed.

Currently, the Environmental Protection Agency has no direction from the Congress to keep dirty-running cars off the road. The statute merely allows the EPA to test cars as they come off the production line if and when such a test is feasible.

Also, the current law allows tests which are run on prototypes to suffice for all new vehicles. As we might expect, there are as many new cars exceeding the prescribed emission standards than there are meeting it as they roll off the assembly lines.

And finally, there is no provision in the current law to make reasonably sure that cars stay within acceptable levels of emissions—after they are driven a few miles or a few years.

My legislation would shore up each of these loopholes in the current statute.

Specifically, my bill would mandate inspection by the EPA of a large enough sampling of new cars to assure within reasonable bounds, that each car meets Federal standards.

Second, it would mandate that that inspection be made on production-line cars and not on prototypes alone.

Third, it would make manufacturers responsible for the performance of emission control devices during the first 4,000 miles. Currently, the new owner must prove faulty construction before the manufacturer is obliged to cover the cost of repairing inadequate emission control devices. My bill would remove this burden of proof from the new car owner for the first 4,000 miles.

Finally, my bill would direct that each State devise and operate an effective and regular system of inspection of all vehicles. In short, the end result would make it illegal to drive a car that does not meet emission standards just like it's illegal to drive a car at night without headlights. Thus, responsibility for the air pollution of each car would be clearly established.

The University of California's statewide air pollution control center and its director, Dr. James Pitts, tell us that such a system of inspection and maintenance would make a profound contribution to cleaning up the air. In fact, Dr. Pitts rates this as one of the most important steps that we can take, and countless other environmental experts agree, including a substantial number of the EPA's top technicians.

Let us give the EPA the teeth it needs to make maximum progress in the war against smog. It is clear that the Clean Air Act, as it stands, needs touching up in this area. Let us make inspection and maintenance of emission controls just as important as the development and employment of those controls.

## ACTION ON ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, with the adjournment of the Maryland Legislature on April 9, I feel it is appropriate for me to call to the attention of my colleagues action taken by my State's Legislature dealing with abortion.

I was particularly proud that the Maryland State Legislature approved a joint resolution calling on the Congress to approve an amendment to the Constitution of the United States protecting unborn humans.

At this point I would like to include the full text of the resolution for the RECORD:

SENATE JOINT RESOLUTION No. 37

Senate Joint Resolution requesting the Congress of the United States to propose an amendment to the United States Constitution to effectuate protection of unborn humans

Whereas, The law of Maryland has always recognized that unborn humans are entitled to legal protection; and

Whereas, The Supreme Court of the United States has expressly deprived unborn humans of all legal and constitutional protection during the first six months of gestation; and

Whereas, The Supreme Court of the United States has effectively deprived unborn humans of all legal and constitutional protection during the last three months of gestation by ruling that the interest of the viable unborn child is subordinate to his or her mother's sense of physical, emotional, psychological and familial well-being; now, therefore, be it

Resolved by the General Assembly of Maryland, That the Congress of the United States propose an amendment to the United States Constitution to effectuate protection of unborn humans; and be it further

Resolved, That copies of this Resolution be sent to the United States Senate and the United States House of Representatives.

On January 30, I introduced House Joint Resolution 261, proposing an amendment which would protect the right to life of the unborn from the moment of conception. On April 2, I reintroduced my amendment with seven cosponsors.

In other action relating to the abortion issue the Maryland Legislature refused to change State statutes on abortion to bring them in line with the Supreme Court decision of January 22.

The third piece of legislation was a bill that provides that medical personnel cannot be forced to participate in abortion operations against their own conscience.

The action by the Maryland Legislature clearly indicates its opposition to the Supreme Court's decision on abortion. I am proud of my State legislature.

I hope that Congress will now respond in the same manner and approve a constitutional amendment that will protect the lives of those who cannot defend themselves.



## FEDERAL JUDGESHIP FOR ALASKA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, today, I am introducing legislation which will authorize the President to create an additional Federal judgeship for the State of Alaska. The creation of an additional district judge will assist in insuring the speedy administration of justice in Alaska. In recent years, there has occurred a significant increase in the caseload handled by the present two U.S. district judges now in Alaska. In addition, the unusually large size of Alaska requires wide travel by the two judges in order to serve all areas of the State.

That the judicial caseload handled by the two U.S. district judges in Alaska has increased greatly is portrayed most clearly by the significant increase in the number of case filings in recent years. The commencement of criminal cases in the district increased from 101 in 1964 to 250 as of June 30, 1972. The civil caseload has also increased from 116 in 1964 to 273 in 1972. In addition, 264 bankruptcy petitions were filed in the district for the year ending June 30, 1972. Since 1964, therefore, the total filings for the district, both civil and criminal, have increased over 100 percent, while the number of district judges has remained the same.

Since Alaska is over one-fifth the size of all the other 49 States, it presents unusual geographic problems for the two present judges due to the increase in caseloads in the district. In order to handle cases in other areas of the State, the judges must travel long distances to other cities, such as Fairbanks, Juneau, Ketchikan, and Nome. Expected increases in the district's caseload will only make the present situation more burdensome.

Recent developments in Alaska promise to add heavily to the judicial workload of the present two U.S. judges. The Alaska Native Claims Settlement Act and the trans-Alaska pipeline have presented complicated legal issues which require sound judicial consideration and interpretation. Further litigation on such important issues may be expected.

Recent developments in the judicial field have increased the time demand upon individual judges. Although these problems are not unique to Alaska judges, they do contribute to the problems facing the present manpower of the Alaska district. Appellate decisions relating to the acceptance of pleas of guilty have established standards which require additional court time.

In conclusion, I believe that this bill to authorize the creation of one additional U.S. district judge for Alaska is a necessary and carefully considered piece of legislation which will insure the rapid administration of justice in Alaska. Furthermore, an additional U.S. judge will assist other districts in the ninth circuit in handling their increased caseload.

Mr. Speaker, I include this bill to be printed in the RECORD:

H.R. 7249

A bill creating an additional Federal district judgeship for the district of Alaska

*Be it enacted by the Senate and House of Representatives of the United States of Congress assembled,* That the President is authorized, by and with the consent of the Senate, to appoint an additional district judge for the district of Alaska.

SEC. 2. The provisions of this Act shall become effective on the first day of the month following the date of enactment of the Act.

## PRIME MINISTER LEE KUAN YEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WYATT) is recognized for 10 minutes.

Mr. WYATT. Mr. Speaker, during the recent state visit to the United States by Prime Minister Lee Kuan Yew, of the Republic of Singapore, this far-sighted statesman delivered a penetrating and most thoughtful address to the National Press Club in Washington. His remarks are a philosophical and I believe quite objective view of the rapidly shifting political sands in Asia, and should stimulate much constructive thinking around the world. I can say with certainty that this excellent review is further evidence of the competence and qualities of leadership demonstrated on so many occasions by Prime Minister Lee.

For the benefit of my colleagues in the Congress, and for others who read the CONGRESSIONAL RECORD, I include herewith the full text of the speech of the Prime Minister of Singapore, and I ask that they be carefully read:

SUPER POWER POLITICS AND SOUTHEAST ASIA IN THE LATER 1970's

Few in 1971 could have predicted the complete turn-abouts in the relationships of the great powers. The world watched with disbelief Chairman Mao receiving Mr. Nixon in Peking in February 1972. Then, three months later, in May, it held its breath as Hanoi was bombed and Haiphong mined. But Mr. Nixon arrived in Moscow a few days later on schedule, to be received by Mr. Brezhnev for a ceremonial state visit.

Small wonder that few predicted the way in which American involvement in Vietnam would end, in an orderly manner, with the South Vietnamese government of President Thieu still in charge of the principal cities and towns, and most of the populated areas of South Vietnam.

There was no Vietcong victory. Hanoi will be quiet for a while, unless massive military and economic aid is again pumped in by the Soviet Union and China.

However history may judge the American intervention in Vietnam, one side benefit of the conflict, and the way it has ended, is that it has broken the hypnotic spell on the other Southeast Asians, that communism is irresistible, that it is the wave of history. Communist victory was demonstrated not to be inevitable, though at a cost no one ever contemplated. The fact that there are viable non-Communist countries in Southeast Asia today, whatever their varying claims to democratic government is because that streak of communist wins in North Korea by the Red Army, then in China by the People's Liberation Army, and then in North Vietnam by the Vietminh was checked. Otherwise, the rest of Southeast Asia might well have been stampeded to the communist side, if for no other reason than that their will to resist would have melted under the heat of communist propaganda, that it was useless to buck history.

At the risk of being proved wrong, there are three scenarios I envisage as a result of the Paris agreement.

First, despite low level violence and frequent, but small, breaches of the Paris agreement, the provisions are in the main honoured by the South Vietnamese, North Vietnamese and the Vietcong. In this case, the contest will become primarily political. The South Vietnamese government stands a very fair chance in such a contest.

Second, an all-out offensive by both the North Vietnamese and the Vietcong as soon as they believe they are strong enough to overwhelm the armed forces of the South Vietnamese government. However, the North Vietnamese must weigh the possibility of an American reaction to a flagrant breach of the Paris agreement.

Third, the North Vietnamese, to avoid unnecessary risks, ostensibly honour the Paris agreement. However, they will leave it to the Vietcong, with North Vietnamese infiltrators and fresh military supplies to augment their strength, to make a bid for power in the South. It is doubtful if an all-out offensive in the next few months can succeed. But they may keep up the violence and insurgency, to keep the South Vietnamese armed forces of 1.1 million men fully engaged, and military expenditure high, to prevent economic recovery. For, if the South Vietnamese can cut down on military expenditure, and concentrate their resources on the rehabilitation of the economy, then the chances of insurgency overthrowing the established government will be greatly reduced. It is hard to envisage the Vietcong acquiescing in this process, unless they are

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given a substantial political stake and a fair bid at power via political means.

There can be variations of these three basic scenarios. The course of events and the outcome of the struggle are not easy to predict. The situation in Laos is nebulous. The base of authority of the Cambodian government is fragile. The Paris agreement does not include specific provisions for a political settlement.

But, if the worst does happen, and the Vietcong, with the help of the North Vietnamese do gain control over the South in the middle 1970's, it does not necessarily follow that the rest of Southeast Asia will go communist. The morale of the other peoples of Southeast Asia is now very different from what it was after Dien Bien Phu in 1954. The Thais are now more prepared psychologically to face up to such a situation. The possibility of ever more neutralist, or even pro-communist, governments in Laos and Cambodia is part of the Thai contingency planning. A crucial factor is whether they believe they can depend on American military and economic aid, as spelt out under the Guam doctrine. And if the benefits of economic development that Thailand has enjoyed in the last 20 years are spread out into the outer provinces, it is unlikely that any indigenous Thai guerrilla insurgency can overthrow the established government.

For the rest of Southeast Asia, excluding Indochina, cautious optimism prevails. The danger of external communist aggression is remote. It is not part of communist revolutionary doctrine. Amongst other reasons, it carries a high risk of painful retaliation. If ordinary people can see their government making a serious attack on poverty, and they begin to feel an improvement in standards of life, then guerrilla insurgency will find it very difficult to get off the ground.

It is in Indochina itself, by the nature of the Paris agreement, where the issue is left open. The final outcome could go either way. It must be so, or there would have been no agreement.

As America swiftly adjusted to the realities of the world power situation in the last two years, to sort out a new power balance to maintain peace and prosperity without war, Southeast Asians are psychologically adjusting themselves to a new situation where America, and the West generally, will not be the sole dominant power. They are cautiously edging their way to meet a situation where the influence of the Soviet Union, China and Japan may eventually be as considerable as that of America.

In the current phase, during which America is trying to find a world power balance between America, the Soviet Union and China, with Western Europe and Japan on America's side of the security balance fundamental differences, whether in ideology or in political and economic systems, between free enterprise and communist systems, must be muted. But these differences continue to exist. It is extremely doubtful if any amount of collaboration and co-operation will make the communist system open up their basically closed economies to the free enterprise of the West.

Great power competition for greater power and influence over third countries is part of the game of peaceful co-existence. Certain strategic areas, like the Middle East, especially the oil countries, will be areas of keen contest. Hence, whatever the contemporary differences over defence burden sharing, balance of payments deficits, currency parities, tariff and non-tariff barriers to trade between America and Western Europe, and America and Japan, together they comprise an open non-communist world system, distinct from the closed economic systems of the communist powers of Comecon and China.

Any significant part of the Third World over which a communist government is established, means that the free world system is that much diminished by the shrinking and weakening of the economic base of the non-communist world. It also means a corresponding increase in the strength of the communist world, divided though it may be between the Soviet Union and China.

The dramatic advances in communication and transportation technology in the last three decades, the jumbo jets, and instant communications through satellites placed in stationary orbit, have made for a smaller and more interdependent world. It would be an irony of history for Americans, whose technology made this into a smaller world, if they find themselves left with a much smaller influence over it. For, if the mood post-disengagement from Vietnam persists, and a more objective perspective is not restored, this may well be the case.

Peace and prosperity are more likely if the burdens of stability and opportunities of trade and investments are shared between the great powers. Then no small country is forced to join one or other of the contending political and economic systems, because of the predominant presence of one and the absence of the others. This is what the smaller countries of Southeast Asia hope for in their search for stability and progress.

## FLOCK OF CRANES DESCEND ON MADISON LIBRARY SITE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER. Mr. Speaker, presently there are five foreign-made tower construction cranes occupying the Madison Library site in full view of the U.S. Capitol. Ironically, imports have penetrated this country to such an extent that they are used to construct the public building right under our very noses. Indirectly the American taxpayers are subsidizing the purchase of these French-made cranes across the street even though the same crane is made and available in this country at competitive prices.

Not only are we exporting our tax dollars for these overseas purchases, but we are losing jobs that would otherwise be available to our own workers. I also have to wonder how many American workers are laid off each year and how many man-hours are lost awaiting parts from abroad to repair tower cranes and other foreign-made construction equipment.

Before we talk about our trade and balance-of-payments problems we should place our own house in order by making sure that we do not allow foreign-made equipment to build new buildings on Capitol Hill.

## OZARK FOLK CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

Mr. ALEXANDER. Mr. Speaker, in this season when the dogwood, plum, pear, and peach trees set the ridges and valleys of the Ozark Mountains aglow with their delicate blooms, one of the most exciting folklore showcases and educational centers in America will be opened to the public at Mountain View, in Arkansas' First Congressional District. This will come about when the Ozark Folk Center officially begins operations on May 5.

This development will be of interest to my colleagues in the Congress, I believe, so today I would like to share with them some information about the folk center. It is located in Stone County, which until this Congress, was a part of the Second Congressional District and has benefited from the expertise and interest of that great and dedicated servant of the people, the Honorable WILBUR D. MILLS.

This center was conceived about a decade ago as a cradle of Ozark folk traditions, arts, crafts, music, and dancing. Those facilities which have already been built with $3,390,000 in Federal loans and grants amply demonstrate the potential for conserving these elements of our national heritage. In addition, these facilities and related developments are breathing new life and vigor into the economy of Stone County and Arkansas through the new job opportunities which are being created.

This vast folk center complex is built on a mountaintop just north of Mountain View. It will provide a national showplace for the native handicrafts being made and sold in 17 separate craft shops spread over the folk center grounds. A 1,000-seat auditorium will be the settting for various folk music and dancing shows throughout the year. It will also be the hub of the annual folk festivals which have made the town nationally famous. Other buildings will supply space for conference and workshop areas for educational and entertainment seminars that will be a part of the center's operation.

Current plans for the future call for four festivals to be held during the year, but may be expanded as operation of the center progresses.

A small vocational education school offering training and advanced instruction in crafts will be part of the complex. Its graduates will be able to work at the center shops, demonstration areas, or engage in private business ventures supplying craft items to the center shops for sale. Tourists and seminar guests will have access to a continuing education center, conference areas, about 60 motel-type lodging units, and a restaurant. A recreation area has been specially set aside for the use of occupants of the lodging areas.

All these facilities are situated within a mile of Mountain View. They are unique structures of native stone and wood. Their presence is already benefiting the economy of Stone County because of the tremendous tourist drawing power of the Ozark Mountains. Numerous private business developments are underway or are planned to provide the additional services visitors will require.

The May opening is no overnight occurrence. Had it not been for the persistence of many local residents and their governmental representatives, the project would have faded away several years ago. On a number of occasions the project seemed at a deadend. But, each time it was given new life and another chance of becoming a reality.

Actually, the idea of the project was born more than 10 years ago when various local community leaders and Government officials began exploring ways of financing a new water system for Mountain View, and searching for a means to bring more employment to Stone County. A new water system was absolutely necessary for economic development. Without adequate water supplies the economic base could not be expanded.



John Opitz, who was then administrator for the Area Redevelopment Administration—now the Economic Development Administration—was assisting Mountain View with its search for solutions. He proposed that efforts be made to expand the local tourist industry. Mr. Opitz had been working with the Ozark Foothills Handicraft Guilt, which was recruiting area craftsmen into a cooperative to make and market craft items in the Ozarks. The guild had begun plans for an annual craft fair. To Mr. Opitz and several craftsmen the idea of a folk center fell naturally into the scope of the tourist industry development which would create the new jobs so vital to community improvements.

Even while the idea of a folk center was under discussion, the guild held its first show at Mountain View in April 1962. The newly formed Rackensack Musical Society provided folk music for this celebration. The festival became an annual event and grew from about 10,000 visitors the first year to well over 100,000 last year. It was the success of the first festival that caused the idea of building the folk center in the Ozarks to jell.

Some of the original members of the Rackensack Society have formed another musical organization, the Mountain View Folklore Society. It sponsors a summer festival in July. Both societies have been sponsoring weekly hootenannies at the Stone County Courthouse. Members of the Rackensack Society perform on Friday nights. And musicians of the Mountain View Folklore Society entertain on Saturday nights.

Ozark musicians have played an important role in traveling around the country promoting the folk center's development. Jimmy Driftwood, of Timbo, Ark., is one of the best known of the Ozark musicians. He has served as master of ceremonies for the Spring festival since its beginning in 1962.

Mr. Driftwood had already gained a national reputation as a folklorist and composer when the idea of the folk center came into being. He left the Grand Ole Opry in Nashville, Tenn., to return to the mountains of Arkansas and devote more time to promoting the center project. In recent years he has served as a member of the Arkansas Parks and Tourism Commission which will operate the folk center.

He was encouraged to help establish the musical part of the folk festivals by Lloyd Westbrook and Leo Rainey, two Arkansas Extension Service employees. These men were already working with the development of folk crafts and the tourist industry aspects of the festivals. Mr. Driftwood also acted as an adviser to John Opitz during the development of the plans for the folk center.

Shortly after the first festival in 1962, the idea of a folk center really began to come to life. Local leaders and several Ozark musicians made a trip to Washington, D.C., to discuss the idea with the Arkansas congressional delegation. As a result, the project was soon in full planning stage.

At that time the members of the Arkansas congressional delegation were: Senators JOHN MCCLELLAN and J. W. FULBRIGHT, and Congressmen WILBUR D. MILLS, J. W. Trimble, Oren Harris, E. C. Gathings, and Dale Alford, and Congresswoman Catherine Norrell.

Those making the trip to the Capitol were Hubert Kendrick, Bookmiller Shannon, Ivan Risner, C. K. Lancaster, Jr., Charles Johnson, Guy H. Lackey, Jr., Eddie Walker, Buddy Lancaster, Tommy Simmons, Harold Sherman, Jimmy Driftwood, Willie Morrison, Ralph Roush, G. R. Sansom, Jim Warren, William Conley, and Albert Rutledge, all of Mountain View, John Opitz and Alvis Owon, and Thomas Fair of the U.S. Forest Service, also made the trip.

Congressional staff members who participated in the effort were Jim McDougal with Senator MCCLELLAN; Pat Fleming and Lee Williams with Senator FULBRIGHT; Jack Files with Congressman MILLS; Chuck Honey with Congressman Harris; Carl Whillock with Congressman Trimble and Fred Ward with Congressman Gathings.

As these events were in the making, the Ozark Foothills Handicraft Guild was forming itself into a very viable organization under the direction of Jim Warren, a Mountain View artisan. He was advised and assisted by Arkansas extension service personnel, Ethel Bennett and Everett Sanders. Mr. Warren, working with other local craftsmen, Edwin Luther, Eppes Mabry, Les Richardson and Clara Wood, had already become part of a five-county cooperative to make and sell mountain crafts.

A Small Business Administration loan enabled the guild to build sales outlets in Hardy, Clinton and Heber Springs. This work, along with the festivals at Mountain View, and later at Heber Springs, was the genesis of the guild's interest in seeing the folk center come into reality.

The guild has been awarded the operational contract for the crafts to be distributed at the folk center. And, the Rackensack Society has the contract for the musical entertainment after the facility opens. Each organization will handle its own affairs, but will meet guidelines set by the Arkansas Parks and Tourism Commission.

After the 1962 visit to Washington to drum up initial interest in the project, the Mountain View artisans continued to push work on the feasibility studies and plans. But, it was not until 1965 that any official appropriations were made to get the venture underway.

In 1969 the final authorization was given, but, almost another year elapsed before the construction was begun.

Now, the official opening of the Ozark Folk Center, situated in the region some call "the land of the fifth season," is just days away.

Almost $4 million has gone into this huge, unique and spectacular conservatory of life in the Ozarks.

It was during the early years of planning that the Ozark Folk Cultural Center Commission was formed by the Arkansas General Assembly. Almost 900 acres of land was bought by Mountain View to be developed by the commission according to the desires of the city. Presently, only about 400 of those areas are designated for future use. About 80 acres will provide the site for the folk center, and about 300 others will be developed into a State park.

The Ozark Folk Center Commission has statewide membership. It has coordinated development of the center. And, last year it negotiated to lease the operation of the center to the Arkansas Parks and Tourism Commission.

Dr. Bessie Moore of Little Rock is chairman of the Folk Cultural Center Commission. She succeeded to the post after the death of Marvin Melton of Jonesboro. Other commission members are: Jess P. Odom, vice chairman, Little Rock; Crawford A. Wyatt, secretary, Mountain View; Charles Eickenbaum, Little Rock; Guy H. Lackey, Jr., Mountain View; Dr. Wesley J. Ketz, Batesville; Cass S. Hough, Rogers; Reeves Ritchie, Little Rock, and William Henderson, director of the Arkansas Department of Parks and Tourism. Stone Countians who have served on the commission in the past are Tommy Simmons and the late Von Rosa.

Ground was broken for the folk center project in September of 1971. At the ceremony Congressman MILLS announced that another loan and grant would be made to insure that the construction of the folk center would follow the original plans. Then, Mr. MILLS used the power of an Ozark mule and the blade of a field plow to officially break ground.

A development which helped bring about the funding for the Ozark Folk Center was the nearby presence of the fabulous Blanchard Springs Caverns. The Caverns are located in Ozark National Forest. Preparation for officially opening to visitors began in 1965. That opening is now set for July.

The caverns, the new recreational development in Stone County and the establishment of the folk center are a persuasive demonstration of how a variety of projects can work together to benefit the whole Nation.

As a people we search back to the roots of our beginning for an understanding and appreciation of our heritage. At Mountain View our people can meditate on our past, take pleasure in our present, and nurture visions which will help us along the path to a peaceful and prosperous future.

What has been wrought in Stone County, Ark., is not a memorial to the past, but rather a monument to the ability of humanity to retain the good from past experience and to the creativity and intelligence of the human race which has made it possible for us to grasp today and shape the future for an even greater tomorrow.

## MAJORITY LEADER THOMAS P. O'NEILL, JR., CRITICIZES PRESIDENT'S APPROACH TO BUDGET CUTTING

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

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man from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, since January President Nixon has taken delight in denouncing this Congress as spendthrift.

He and his budget experts would do what was fiscally responsible and hold down spending. Caspar Weinberger, the former director of the Office of Management and Budget, said the administration had made "exhaustive evaluations" of 1,000 programs and eliminated 115 it found "riddled with waste and inefficiency."

The Congressional Joint Economic Committee has examined these so-called exhaustive evaluations and found that they look more like disjointed scribblings. Three-fourths of them are not even 1 page long.

Further, the administration claimed $11 billion in fiscal 1973 savings. But $8 billion of that ranges from questionable to downright counterfeit. For example, Defense is claiming a $1.2 billion savings in one account simply because it decided not to ask for that money.

This is fiscal responsibility?

Mr. Speaker, these evaluations are supposed to be coming out of the President's top budget officers—the consummate managerial experts. But this work is not worthy of a junior assistant branch office manager.

It is all the more reason that Congress should consider setting up its own capability to analyze the Federal budget as a whole and to propose informed, realistic and constructive alternatives to the administration's priorities.

After all, someone has got to keep a responsible eye on spending.

## REMARKS OF SENATOR HUMPHREY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, the distinguished Senator from Minnesota, HUBERT HUMPHREY, long an advocate of congressional responsibility, made the concluding remarks at the Time, Inc., 50th anniversary dinner in the Smithsonian Institute this past January. He cautions against extolling efficiency in the legislature and warns that improving procedures without promoting justice in the laws which govern are counterproductive.

His remarks follow:

Mr. DONOVAN. For our anchor man tonight, I am calling on an old friend from my home State. We are known for our laconic habits in the State of Minnesota, where Hubert Humphrey and I both have some connections.

Senator Humphrey.

Senator HUMPHREY. Thank you very much, Hedley, and my distinguished colleagues from the Senate and the House.

I just want to say tonight that I am not a candidate for anything so I am not going to worry about how long I talk to you. Under other circumstances, I would obviously be slightly more charitable. So on that basis, I will try to give the layman's benediction here.

Tonight we have been listening to each other. What we said here is informative. I don't think any of us would really come down and say that we are in violent disagreement. I just want to say, first of all, that Hugh Scott said to me the other day in the Foreign Relations Committee: "Would somebody please just say, 'thank you, Mr. President'." And I waited my turn and I said, "Hugh, it is coming from the opposition, but I want to say 'thank you, Mr. President'." We were talking about the truce agreement.

Tonight I want to thank the President again. I want to thank him for the excessive use of Executive power that compels the Congress of the U.S. to reexamine itself and its role in constitutional government.

I often said at home that we had physiological politics: empty stomach, full head; full stomach, empty head. That is pretty much the way it is. You know, when you suffer a little bit, you begin to think clearly. When things are going too well, you don't think well at all.

And it is not a fact that Mr. Nixon is the man who is responsible solely for Executive power and the excessive use of Executive power. Like everything else, it is an idea whose time has come. People have had it. The Congress has had it, so to speak, and we are going to do something about it. I am positive that we will bring a better balance to government. How it will be done, I can't tell you because we are a pragmatic people. No one here can outline the program and the agenda of how this will be done, but it will be done.

After it is all done, let me just say, after you have shined up the car, tuned up the motor and looked at the map, and even put the gas in the tank, you've got to make up your mind that you are going to take the trip.

What really is wrong in this country is not so much the procedures, even though they are subject to improvement and obviously should be, and we have had brilliant displays tonight of the kinds of ideas that we could work on, but when it is all done, government is only as good as the will to govern. That is what it is all about.

I think that the public realizes that it is Congress that has created the mess and until we are willing to assume the responsibility of putting our house in order we aren't going to retain or recover the respect of the American people.

And the same President that lectures the Congress on our limitations is in charge of every Executive department of this Government. What needs to be done is to shape up the Executive Branch of this Government to respond to public needs; to get the letters answered, if you please; to take the citizens' complaints and do something about it; to take the programs that have been legislated and act upon them.

How do you know if they are any good? They have never been really tried.

Many a person gets his old age pension before he gets an application responded to or answered in this Government. That is at the Executive side; the will to govern and the willingness to be responsive to public needs. And for us in the Congress, let's remember that we can equip ourselves, as has been said here tonight, to do a better job.

Essentially, we are supposed to formulate public policy and the Executive is to carry it out. He is our agent. And whatever the past may be concerning impoundment, that doesn't necessarily apply to the present President. It was one thing to impound money in the 1920s when Charles Dawes was the first Director of the Budget, when your budget was $2 billion and you really had no great national programs. But today when you impound the money, you frequently exercise, for all practical purposes, the veto.

That I don't think is proper and right.

I am not so worried about efficiency. I was glad to hear Carl Albert speak about it tonight. I am giving the benediction, let me just refer to the Scriptures. You can read the Old and New Testaments, verse by verse and chapter by chapter, and the word "efficiency" never appears. Not once. But love, justice, liberty, God, people, brothers, sisters appear. You can read the Magna Carta and the word "efficiency" is not to be found there, yet it is the great document of representative government.

You can read the Declaration of Independence and all of the grievances therein listed and not once did our founding fathers talk about the inefficiency or the efficiency of government. They had grievances about the injustice and the inequities that were imposed upon them.

You can read the Constitution of the U.S. from the Preamble to the last word and not once find the word "efficiency," or the Emancipation Proclamation.

Hitler was efficient and so was Bismarck. That did not give them justice and I think that what the American people want is justice. I think they want some justice in tax laws and they know they are not getting it. I think they want some justice and fair treatment. I think that what they want out of the Congress and the Executive is not a fight over procedure, but what you are going to do about your cities before they blow up.

I think what they want from the Congress of the U.S. is response to human problems, and while we sit here fighting the battle of procedure, the American people becomes more disgusted with our Government; not with our country, but with our Government because what they see is Government locked in quicksand, so to speak, spinning its wheels on debates between Presidents and Congress over procedures and forms.

That does not mean that we should not improve the procedures and forms, but only for one reason. Namely, can we govern more justly? Can we promote domestic tranquility? Can we provide for individual liberty? Can we make it profitable for people to pursue happiness?

Churchill was right: you know, nobody mentioned him tonight. Churchill said: "Democracy is the worst possible form of government except all others that have ever been tried."

On that note, I would say "Amen."

Mr. DONOVAN. Thank you very much, Senator Humphrey, Speaker Albert, Senator Scott ladies and gentlemen.

We again thank you all for being with us tonight and I hope you will bear with us through what I hope will be at least another 50 years.

Thank you and good night.

## TAX TREATMENT OF MOVING EXPENSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I have introduced legislation today to amend the current provisions of the Internal Revenue Code with respect to the tax treatment of employees' moving expenses. The bill will change existing law by first, eliminating the existing dollar limitations on certain deductible moving expenses, second, expanding the existing time limitations on temporary living expenses, third, reducing the mileage test for qualifying for the moving expense deduction, and fourth, providing that an employee who accounts to his employer for reimbursed moving expenses will include in gross income only those reimbursed moving expenses which are not deductible under section 217 of the Internal Revenue Code.



This bill is the result of a continuing effort on my part to remove the inequities in the tax treatment of employee moving expenses. The structure of the United States economy requires the free mobility of its labor force. More than a million moves a year are necessitated by the shutdown of old installations and the opening of new installations, or by numerous other valid and important business reasons. Private industry has long recognized the desirability of freely moving employees to new locations where their skills can best be utilized and, to achieve this desired mobility, has followed the practice of reimbursing such employees for the costs incurred in their moves. Since 1966, when Congress enacted Public Law 89–516, the Federal Government has followed a similar practice for government employees who are transferred in the interest of the Government.

Valid reimbursed employee moving expenses include not only transportation costs of moving the employee, his family and household goods, but also the costs of selling the old home, finding living quarters at the new job location and temporary living expenses until such quarters are available, and other related costs. However, prior to enactment of the Tax Reform Act of 1969, judicial interpretation of the Internal Revenue Code required that a reimbursed employee treat as taxable income all reimbursed amounts other than actual transportation costs and subsistence en route. The inequities of such an approach are apparent. An employee could avoid being treated as having received taxable income on such job-related expenses incurred by and reimbursed to him only by refusing the proposed move and thus risking the loss of his job or possible future promotions.

Beginning in 1966, I participated in a bipartisan effort in the House and Senate to enact corrective legislation. On February 24, 1966, I introduced H.R. 13070, which would have provided, among other things, that in addition to costs of moving the employee, his family and household goods, the following reasonable reimbursed costs would be nontaxable to an employee employed for at least 1 year: house-hunting expenses of the employee and his spouse, temporary living expenses at the new location while awaiting permanent quarters—up to a period of 30 days—selling commissions and other expenses incident to the sale of the employee's old residence or to the settlement of an unexpired lease, and out-of-pocket expenses incident to the purchase of a new residence.

Although H.R. 13070 was not enacted by the 89th Congress, it generated a great deal of bipartisan interest in both Houses. I introduced an identical bill in the 90th Congress on January 10, 1967—H.R. 47. On May 25, 1967, as a compromise measure. I introduced an amendment to H.R. 47, which placed dollar limitations on the new deductible expenses and provided that they be available to all employees, whether or not reimbursed by their employers. The Tax Reform Act of 1969 basically adopted H.R. 47, as amended. Section 231 of the Tax Reform Act provided that, in addition to transportation of the employee, his family and household goods to the new job location, the following are deductible moving expenses:

Expenses for premove househunting trips;

Temporary living expenses for up to thirty days at the new job location;

Expenses related to the sale of the residence—or the settlement of an unexpired lease—at the old job location; and

Expenses incident to the purchase of a residence—or the acquisition of a lease—at the new job location, with the following maximum dollar limits as proposed in the amendment to H.R. 47: no more than $1,000 for house-hunting trips and temporary living expenses and no more than $2,500 for all four of the new deductible categories.

In addition, section 231 of the Tax Reform Act changed existing law by providing that all moving expense reimbursements, whether or not deductible, must be included in the employee's gross income. It also substituted the requirement that the employee's new principal place of work be at least 50 miles farther from his former residence than was his former principal place of work to replace the 20-mile test applicable under prior law in determining whether a move qualified for deduction.

The Tax Reform Act of 1969 was a major advance toward the equitable tax treatment of employee moving expenses. However, certain provisions of the act badly need revision to prevent inequitable tax treatment to employees and to simplify reporting requirements. First, the $2,500 limit on the new deductible expenses, which was proposed by me in 1967 as a compromise measure to eliminate Treasury objection to H.R. 47, should be replaced by my original proposal, which provided for the deductibility of all such reasonable expenses. The rigid $2,500 overall limitation was far from generous in 1967, and experience has shown that it is now much too low for the average move in 1973. A recent study of private industry transfer practices covering 22,200 moves indicates that in 1971 the average move resulted in reimbursement of $4,600 for expenses in the categories subject to the overall limitation of $2,500, with reimbursement for housing expenses at the old and new locations averaging $3,400 per move and temporary living costs and house-hunting travel averaging $1,200 per move. This study indicates that on the average, transferred employees must pay tax on $2,100 of reimbursed moving expenses because of the inequitable dollar limits included in the present law. We must not let this unfair situation continue. My bill takes care of the problem by eliminating completely the rigid dollar limitations making the various types of moving expenses covered by present law deductible if reasonable in amount.

Replacement of the rigid dollar limitations by a rule of reasonability will also result in a much-needed simplification of Internal Revenue Service Form 3903 used by employees to claim the allowable moving expense deduction. The current form requires that employees make various complicated computations to segregate the various expenses and to apply the sublimitation and overall limitation.

A second change made by my bill increases the 30-day limitation on allowance of temporary living expenses incurred at the new job location to 60 days. The 1971 study referred to above indicates that transferred employees on the average were eligible for 50 days of temporary living expenses while awaiting permanent quarters. In addition, the statutory rule applicable to temporary living expenses needs expansion to include at least 5 days of temporary living expenses incurred at the old job location. Frequently a family departing from the old job location must vacate its house there several days before the moving van is finally loaded and before the family can officially leave the house. The Treasury regulations under section 217 of the Internal Revenue Code touch upon this problem by treating as a travel expense a 1-day temporary living allowance at the old job location. The Statute should be amended to expand the 1-day rule to 5 days to accord with the realities of the situation.

A third major problem covered by the bill relates to the unreasonable requirement that in order to qualify for the moving expense deduction, an employee's new principal place of work must be at least 50 miles farther from his former residence than was his former principal place of work. This test, which replaced the 20-mile test under prior law, in addition to creating difficult compliance problems, is unfair to thousands of employees because is assumes an unreasonably long commuting pattern.

My bill proposes that the 50-mile test be replaced with a 10-mile test to take into account the normal and reasonable commuting distance for the average employee given today's crowded highways and inadequate transportation facilities and to conform with the existing practice in both private industry and Government. A 10-mile rule is followed by many employers in private industry, and the Federal Government will reimburse qualified moves when the new official station is more than 10 miles farther from the employee's home than was his former official station. In addition to resulting in more equitable treatment of transferred employees, the 10-mile test will simplify the administration of moving expense reimbursement allowances with the tax law.

Finally, the current law can be greatly simplified by eliminating the requirement added by the 1969 Tax Reform Act that all employees who are reimbursed for their moves report such reimbursements as income and claim offsetting deductions for allowable moving expenses. This requirement has imposed unnecessary and burdensome paperwork on both employers and employees. Under most moving expense plans, both government and private, an employee can obtain reimbursement for the cost of his move only by supplying his employer with supporting documentation showing the nature and actual incurrence of such expenses. To the extent that such expenses otherwise qualify for deduction under present law, amendment of the present rules to provide that an employee who

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fully accounts for his moving expenses to his employer could simply exclude the reimbursements from his gross income would eliminate the several duplicative steps now required.

At the present time, after an employee accounts fully to his employer, the employer must supply the employee with a complicated IRS approved form listing the payments to him, broken down into various categories showing the type of expense and nature of payment. The employer must also record the reimbursed expenses, broken down between what the employer thinks is deductible and nondeductible, on a W–2 form for the employee. The employee is then required to transcribe the information to Form 3903, which he must file with his return. The employee must then claim his moving expense deduction on the long Form 1040 as a subtraction from gross income, which precludes his use of the simplified Form 1040–A, which was reintroduced by the Internal Revenue Service in 1972 to simplify the income tax return filing for many individuals. All deductible reimbursed moving expenses which are fully accounted for to the employer should be treated as an "exclusion" rather than having to go into the employee's gross income and come out again as a deduction. This full accounting to the employer concept, which is analogous to the exclusion rule now applied in the business travel and entertainment area, would greatly simplify the present burdensome compliance problems for the more than a million employees who have job-related moves each year, the great bulk of whom earn between $8,000 and $20,000.

In summary, the items covered in the legislation are as follows:

First. The employee shall exclude from gross income any amounts paid by his employer which are deductible as moving expenses under section 217, provided that he supplies his employer with supporting documentation of such expenses. He shall include in gross income any amounts not so reported.

Second. Allowable moving expense deductions shall include temporary living expenses for 5 days at the former principal place of work and for 60 days at the new principal place of work.

Third. The $2,500 overall limitation and the $1,200 sublimitation for certain moving expenses are repealed.

Fourth. A 10-mile test is substituted in lieu of the present 50-mile test in order for moving expenses to be deductible.

Mr. Speaker, enactment of this legislation is essential to simplify the current complicated moving expense provisions and to preclude the imposition of an unfair tax on employees who are reimbursed by their employers for job-related moves.

## THE ECOLOGY MOVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MEEDS) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, one of the most positive signs I have seen recently showing the deep-rooted vitality of the ecology movement was a letter I received from Mr. Lonzo Mayfield's sixth grade science class at Buena Vista School in Nashville. They informed me of a special project which they are undertaking in conjunction with their study of ecology, a project which deals with the saving of small wildlife. They have entered the President's Environmental Awards program and plan to set up a small game preserve on Mr. Mayfield's farm.

As part of their project, the class asked me to write a resolution to promote earthkeeping and the saving of wildlife. However, since so much of the real value of their program derives from their own commitment and their own participation, I suggested that they determine what they considered to be the points of most critical importance to them and write a resolution themselves. I sent a sample copy of a resolution for the purpose of form, which they modified slightly to suit this particular situation. The result is a truly gratifying piece of legislation that I would like to present to you as it was presented to me, with a few technical revisions. And I suggest that all of us would do well to pay careful attention to what our young people are proposing for their future and the future of our planet.

I hereby submit to you this joint resolution on behalf of Mr. Lonzo Mayfield, Robert Green, Henry C. Jones, Tony McCullers, Tony Rogers, Wendell Quarles, Cordelia Osborne, Cindy Thompson, Buddy Blake, Sandi Zumbro, Stephany Looney, Teresa Lawrence, Dale Simmons, Debbie Stratton, Lisa Lawrence, Fred Parrish, Steven Ray Martin, Brad Rowlette, Theo Garner, Jerry Morton, Karen Schmutz, Zachary Ridley, James Mitchell, Peggy Mangrum, Lytres Taylor, Eileen Tschan, Dexter Lee, and Clarence Johnson, Jr.

JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO PROCLAIM MAY OF EACH YEAR AS "NATIONAL EARTH AND WILDLIFE MONTH"

Whereas, there is an urgent need to promote broader awareness and understanding of the national environmental crisis, including the abuse of energy resources, the pollution of air, land, and water, and the loss of wildlife; and

Whereas, there is a compelling need to encourge a continuing commitment by educational, agricultural, business, labor, and civic groups to solve environmental and wildlife problems; and

Whereas, education of the public regarding environmental issues is necessary in order to solve complex environmental problems: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States is authorized and requested to issue a proclamation designating May of each year as "National Earth and Wildlife Month", and calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

## COMPREHENSIVE LAND USE PLANNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. MEEDS. Mr. Speaker, I am today introducing a bill that will respond to the need for comprehensive land use planning.

Everyone here experiences daily the problems brought on by nonplanning in the suburbs and cities and the helter-skelter migration to metropolitan areas.

As a result of migration, technology, and the population explosion, we see fights between highway men and conservation groups, fights between real estate developers and oldtime residents, fights between cities and suburbs over revenues and property taxes, to name a few.

You name the conflict and land use will probably be involved some way.

The approach of the bill I am introducing today, holds the greatest promise of bringing less friction and more land use planning of those bills presently before the committee. The planning is assured and comprehensive, and is designed to bring cooperation among Federal agencies and a relative peace to land use.

My bill insures that a planning process beginning at the local level will get underway and that States will begin utilizing the planning within 5 years. Each year $60 million would be authorized for State land use planning grants. Up to two-thirds of the planning costs would be borne by the Federal Government.

Additional incentives are included for State participation in land use planning. If a State is not making substantial progress toward establishing a land use process or program within 3 years after enactment, Federal assistance will be reduced by one-half where such assistance has substantial impact on land use. Should the process not be established and used within a 5-year period, all such Federal assistance would be cut off.

This land use proposal is a comprehensive measure. Included within its purview are all lands within the United States. The bill establishes a grant program for States to do the planning on non-Federal lands, but it also provides policy directives and coordination of Federal departmental activities with regard to Federal land.

The approach of my bill is designed to bring relative peace to land use. One of the main reasons for land planning is to douse brushfire wars which flare over land use decisions. Disputes will arise less frequently because the carrot-and-stick provisions will bring forth a planning process and a usable program for everyone to see. Orderly development can take place. With a road map spread out in front, many present land use decisions will be eliminated.

I am hopeful that the committee and this Congress will see fit to adopt a land use bill which will provide assured, coordinated, and comprehensive planning.

## THE SHOT HEARD AROUND THE WORLD

The SPEAKER pro tempore. Under a provious order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 15 minutes.

Mr. DRINAN. Mr. Speaker, 198 years ago today on April 19, 1775, American patriots at Concord and Lexington fired the shots heard around the world. Our war against tyranny and despotism had opened.

In the opening phrases of the Declaration of Independence the Founding Fathers set forth the types of oppression, deception, and tyranny against which they waged the war of revolution.

I quote that language verbatim. I feel that it need not be pointed out that the forms of oppression and deception against which the leaders of the American colonies started a war of revolution 198 years ago today are present today in the executive branch of the American Government.

The writers of the Declaration of Independence expressed their grievances in these words:

The History of the present King of Great Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to candid World.

He has refused his Assent to Laws, the most wholesome and necessary for the public Good.

He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right inestimable to them, and formidable to Tyrants only.

He has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

He has dissolved Representative House repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the Dangers of Invasion from without, and Convulsions within.

He has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migrations hither, and raising the Conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a Multitude of new Offices, and sent hither Swarms of Officers to harrass our People, and eat out their Substance.

He has kept among us, in Times of Peace, Standing Armies, without the consent of our Legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

For quartering large Bodies of Armed Troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all Parts of the World:

For imposing Taxes on us without our Consent:

For depriving us, in many Cases, of the Benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended Offences:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People.

He is, at this Time, transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty and Perfidy, scarcely paralled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

He has constrained our fellow Citizens taken captive on the high Seas to bear Arms against their Country, to become the Executioners of their Friends and Brethren, or to fall themselves by their Hands.

He has excited domestic Insurrections amongest us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions.

In every stage of these Oppressions we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.



## USURPATION OF POWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts, (Mr. MOAKLEY) is recognized for 5 minutes.

Mr. MOAKLEY. Mr. Speaker, last night I joined with 29 other freshman Democratic Members of Congress in decrying the usurpation by the President of the powers and prerogatives of the Congress. Although our focus was on the budget the issue of war in Indochina once again transcends all others.

The President has ordered the bombing of Cambodia and Laos and a halt to minesweeping operations off the coast of North Vietnam. And he has taken these actions without consultation with or authorization by the Congress.

Despite protests over the President's constitutional authority to take these actions, they continue. Congress must act now to stop them.

I believe the proper congressional response is found in the proposal offered by our colleague, Mr. BINGHAM, to end all American military involvement in Indochina. House Joint Resoultion 516 of which I am a cosponsor, provides that—

No funds heretofore or hereafter appropriated shall be expended for the conduct by United States forces of bombing missions or other combat operations in or over or from off the shores of Indochina, including Cambodia, Laos, the Republic of Vietnam and the Democratic Republic of Vietnam, without prior, specific authorization by Congress.

Mr. Speaker, I think that if this legislation is enacted that even the President, himself, would have difficulty circumventing its intent. I call upon my colleagues to support this bill in order to finally bring about the peace the President claims we now have.

We can no longer justify our inaction with arguments that legislation would jeopardize the lives of our troops and prisoners in Southeast Asia. The troops have been withdrawn and all the prisoners released from captivity.

We need to make certain that events do not once again result in the introduction of American forces and the capture of American men.

For more than 6 weeks, American B–52's have flown daily hundreds of sorties, dropping thousands of tons of bombs on the land and people of Cambodia in an effort to maintain in power a regime which so obviously lacks the support of its people.

Only this week, we have resumed bombing missions over Laos and just today the Pentagon announced the suspension of the mine removal operations which began a month and a half ago.

Mr. Speaker, have we not killed enough people, destroyed enough homes, created enough suffering, and endured enough divisions here at home to have learned the lessons of our past mistakes? Let us act now to bring an end to this war.

## UNIVERSITY OF HAWAII LABORATORY SCHOOL YOUNGSTERS BRING ALOHA TO CAPITOL HILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 5 minutes.

Mr. MATSUNAGA. Mr. Speaker, my colleagues had a rare opportunity today to enjoy a bit of aloha brought to the Nation's Capital by the 84-member combined band, orchestra and chorus of the University of Hawaii's Laboratory High School. A highly professional "Aloha Revue" was staged in the caucus room of the Cannon House Office Building by the talented young musicians and their director, Mr. Alan Fetterman. Members of Congress and Capitol Hill employees, as well as special invited guests were treated to a fast-moving program of both traditional and modern music and dance from Hawaii and the Pacific area.

Accompanied by the principal of their school, Dr. Loretta Krause, of this outstanding group of youngsters are here on their first trip to the mainland. They have worked hard all year to prepare their program and to earn money for the trip—collecting refundable soft drink bottles, selling sweet bread and sponsoring fund-raising concerts and dinners. They raised over $54,000 to finance their trip.

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It is a pleasure for the Hawaii congressional delegation to welcome this fine group of young people to Washington and I know that my colleagues will join me in wishing them continued success on the remainder of their concert tour.

## THE FEDERAL NOXIOUS WEED ACT

(Mr. FREY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FREY. Mr. Speaker, I am today introducing the Federal Noxious Weed Act which would fill many existing gaps in Federal law by regulating the importation and interstate movement of noxious weeds and providing for their control and eradication. In effect, it would be the first broadscale assault on noxious weeds of all types which have adversely affected the Nation's agricultural economy and threatened the health of humans and livestock.

The development of this legislation is the result of 6 years of research by the Federal Interagency Ad Hoc Committee on Preventive Weed Control. It has been endorsed by the National Association of State Departments of Agriculture, the Weed Science Society of America, the Northeastern, Southern, North Central, and Western Weed Control Conferences, and many State weed control conferences.

### THE WEED MENACE

Weeds are a menace to our Nation's agricultural economy and a threat to the health of humans and livestock. Weeds compete with desirable economic plants for water, light, mineral nutrients, and other plant growth requirements. One plant of common yellow mustard needs twice as much nitrogen, twice as much phosphoric acid, four times as much potash, and four times as much water as a well-developed oat plant. Some weeds are poisonous to livestock and humans.

Weeds constantly threaten food and fiber production. They reduce yields and lower the quality of crops and livestock. Weeds impair human health and reduce the efficiency of water management. Weeds harbor insect vectors of human diseases and serve as a reservoir for disease-producing organisms. They reduce the efficiency of production and harvesting equipment. Weeds also ruin lakes, ponds, waterways, parks, and other recreation areas.

The scope of weed control operations on privately owned lands in the United States is enormous. Cultural, mechanical, ecological, and other biological methods of weed control are used on more than 400 million acres of intertilled and drill-seeded cultivated crops each year. The intertilled row crops receive two to five seedbed tillage operations and an average of about five cultivations each year. More than 1 billion acres of hay, pasture, and rangelands, and millions of acres of nonagricultural lands, aquatic sites, and rights-of-way benefit by weed control practices.

Federal and State agencies are responsible for the management of about 1 billion acres of land, all of it closely associated with privately owned land that is used for crop production, grazing, and forestry. Most of this 1 billion acres is in various stages of weed infestation. More than 10 million acres of this land are infested by weeds classified as noxious by the State and Federal seed laws. In addition, millions of acres in road, railroad, and utility line rights-of-way, and fence rows, ditchbanks, waterways, and industrial sites are infested with weeds. Many States have enacted noxious weed control laws. However, the programs of these States will remain ineffective as long as noxious weeds remain uncontrolled on their public lands.

No one knows how many weed species populate the earth. However, an estimated 30,000 or more are known to be widely distributed throughout the world. About 1,800 of these cause serious annual losses. Most of our major cultivated crops are subject to infestation by as many as 200 species. Between 20 and 30 species cause serious yield reductions in most crops and must be controlled each year.

Preventive methods—such as the use of clean seed, weed-free manure and hay, clean harvesting equipment, mowing, burning, grazing management, and eradication of weed infestations adjacent to cultivated fields—were for many years the primary practices used for control. Beginning with the introduction of selective herbicides about 1896, emphasis gradually shifted to the use of chemical control practices to supplement cultural and biological methods. The period from 1945 to 1965 was characterized by the rapid introduction of new herbicides and their wide-scale use as primary methods of control.

In 1949, herbicides were used on 23 million acres of agricultural land; in 1952, on 30 million acres; in 1959, on 53 million acres; in 1962, on 71 million acres; and in 1965, on 120 million acres. The acreage treated with herbicides more than doubled in just 5 years. During the period from 1951 to 1960, American farmers spent an average of $2.5 billion each year to control weeds. Despite this expenditure, and the use of modern weed control technology, weeds reduced crop production by 13.5 percent in each of those years. Emphasis on preventive methods during this period actually declined, and reliance on chemical methods of control increased.

Unless weeds on federally and State managed lands, rights-of-way, industrial sites, and other nonagricultural areas are controlled, it will be difficult to reduce losses caused by weeds on privately owned lands. Such public lands provide an instant source of reinfestation of private lands. Unless weeds are controlled on such lands, the cost of control by farmers will continue to increase. Annual reinfestation maintains populations of weed seed, increases annual losses, requires increased use of herbicides, and increases the cost of control by all methods. The burden is endless for those who produce our supply of food and fiber.

Yet the loss to farmers is only a part of the total annual loss. Many acres of land and waterways are infested with poisonous plants. Poison ivy, poison oak, and other poisonous plants are a menace to many unsuspecting persons seeking recreation. Each year poisonous weeds cause nearly 2 million cases of skin poisoning and other skin irritations, all of which adds up to a loss of 333,000 working days a year. Poisonous weeds also cause 3.7 million days of restricted activity and ½ million days spent in bed. We do not have statistics on reduced efficiency, cost of medical care, and other information related to losses caused by ragweed and other weed pollens to which hundreds of thousands of people are allergic. We do know that the human misery caused by poison ivy, poison oak, and toxic pollens is staggering.

Recent advances in chemical and nonchemical weed control technology make it possible to control weeds effectively, safely, and economically on private as well as on federally managed public lands.

Most noxious weeds are imported into the United States and transported in interstate commerce. The yearbook of the U.S. Department of Agriculture for 1895 listed 200 important weeds found in the United States. Of these, 108 had been established as being of foreign origin. Russian thistle was introduced into the United States in 1893 in flaxseed brought from Russia and sown in South Dakota. Johnsongrass was introduced in South Carolina as a forage plant from Turkey about 1830. Waterhyacinth was introduced from tropical America into the St. Johns River in Florida about 1884. These three weeds of crops, grazing lands, and aquatic sites are examples of many species that have been introduced from foreign countries into the United States where they have become widely distributed. Currently in California there are approximately 526 foreign weed species. About 72 percent of these were introduced from Europe and western Asia; 10 percent from eastern Asia, South Africa, and Australia; 10 percent from South America; and 8 percent from States east of California.

There is abundant historical and current evidence that the movement of weed seeds and other propagating parts has occurred in the past between States and farms, and even across continents and oceans. The discovery of witchweed in South Carolina in 1957 suggests that a similar situation exists today. Obviously, improved preventive methods are critically needed if we are to prevent the importation and domestic movement of weed seeds that constantly renew and increase their populations in the soil.

### NEED FOR NEW FEDERAL LEGISLATION

Current Federal and State legislation does not prohibit, regulate, or restrict the importation or interstate movement of either noxious weeds, weed parts and seeds or materials infested with noxious weeds and their propagation parts—other than agricultural and vegetable seeds covered by the Federal Seed Act. This lack of effecting preventive weed control programs has been a major contributing factor to the increasing need for the enormous and recurring annual weed control programs and expenditures. The cost of such programs—$2.5 billion annually—has become a burden that our agricultural economy cannot sustain. The Federal Government, alone, is spending $20,000,000 annually for operational weed control programs in addition to funds spent for research and education.

Federal legislative authority is also lacking to allow the Federal Government to cooperate with growers and States to develop weed control programs where such programs are beyond the scope and capabilities of the individuals and States. Furthermore, authority is lacking to permit the United States to cooperate with Mexico and Canada to protect American agriculture from outbreaks of noxious weeds that might spread into the United States. Presently, for example, alfombrella is a Mexican weed that threatens the U.S. border.

The legislation which I offer today provides the Secretary of Agriculture with the necessary legislative authority to control the importation and interstate transportation of noxious weeds and enter into cooperative weed control programs with the States, individuals, and the Governments of Canada and Mexico. If enacted, it would substantially reduce the costs of weed control programs which are such a drain on the agricultural economy, increase food fiber, and livestock production, lower farm labor costs, eradicate human and livestock disease producing situations, and improve navigation and recreational uses of both water and land.

The Federal Noxious Weed Act authorizes the Secretary to designate as "noxious weeds" those weeds that are new to or not known to be widely prevalent or distributed within and throughout the United States and may be directly or indirectly injurious to crops or other useful plants, livestock, or poultry, or other interests of agriculture including irrigation or navigation or public health.

Before a noxious weed may be imported into the United States or transported in interstate commerce, a permit must be obtained from the Secretary. The permit, if issued, may be general or specific in nature and require the adherence to certain conditions. A permit will not be issued if there is a danger of dissemination.

An inspection program is established to inspect persons or means of conveyance moving into or through the United States to determine whether such persons or means of conveyance are moving any noxious weed contrary to the act. Inspectors may also enter with a warrant any premises in the United States for the same purpose. Violation of this act is a misdemeanor punishable by fine up to $500 or imprisonment not exceeding 1 year.

As an emergency measure to prevent dissemination of noxious weeds, the Secretary is authorized to "seize, quarantine, treat, destroy, or otherwise dispose of any product or article or means of conveyance which he has reason to believe is infected by or contains any noxious weed." The Secretary can also order the owner of any product, article, means of conveyance or noxious weed to treat, destroy, or dispose of such product, means of conveyance, or noxious weed. Appropriate safeguards for the owner are contained in the bill.

The Secretary is also given the authority to cooperate with Canada and Mexico in survey and control activities related to impeding or preventing the spread of noxious weeds from those countries into the United States. The Secretary is further authorized to cooperate with other Federal agencies, States or territories, farmers associations, and individuals in performing the operations authorized within the proposed act.



## PRESIDENT MILLER, OF UNITED MINE WORKERS OF AMERICA, CLARIFIES THE ENERGY PICTURE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I am pleased to present for the RECORD, a practical, down-to-earth energy plan for the United States developed by President Arnold Miller, of the United Mine Workers of America. President Miller also issued a statement on President Nixon's energy message, which follows:

STATEMENT OF UMWA PRESIDENT ARNOLD MILLER ON THE ENERGY CRISIS, APRIL 16, 1973

I speak to you today on the energy crisis for two reasons. As President of the United Mine Workers of America, I am responsible for the welfare of 200,000 families whose livelihoods will be directly affected by this nation's energy policies. And as an American citizen, I want to be confident that the public interest is represented in the current energy debate.

A great deal of attention has been devoted recently to the problem of threatened and actual energy shortages in the United States. Certain sectors of the energy industry have attempted to create something approaching a national panic on the subject. Television viewers have been subjected to the sound of an ominous pulse beat accompanied by the warning "A nation that runs on oil can't afford to run short." Full page ads in major newspapers threaten shortages in natural gas supplies. And magazine advertisements depict a lump of black coal in a glass museum case under the caption "Coal—the vanishing resource."

The United Mine Workers agrees that the energy problems facing the nation are serious. But the current campaign to stampede public opinion hardly serves the national interest. In the present "crisis atmosphere" the interests of the American worker and the consumer public will likely be ignored and the narrow interest of corporate profit will likely dominate the debate. If so, we will only have proved that as a nation we do not learn from our mistakes.

### INADEQUATE COAL RESEARCH

For we face an energy crisis today because government has failed to develop a national approach to our energy needs, but has instead allowed corporate interests to develop and supply the nation's energy in accordance with their instincts for profit alone. As a result, we have become heavily dependent on unstable, foreign sources of oil; we have failed to develop effective research to utilize our vast reserves of high sulphur underground coal; we have promoted a lopsided commitment to the development of nuclear power which has consistently failed to yield its promised rewards; and we have permitted major oil interests to develop monopoly control of the major sources of energy in which we depend as a nation.

As a coal miner, I can speak most knowledgeably about the crisis miners find themselves in because of our failure to develop effective sulphur control technology. The vast bulk of our 1.3 trillion tons of coal is high sulphur coal. Most of it is located in Appalachia and the coal mining states of the Midwest—Illinois, Indiana, and Ohio.

In West Virginia, the Appalachian and Ohio Power companies have threatened to end their annual purchases of millions of tons of West Virginia coal and to import low sulphur coal from the West instead. The reason they give for the threatened shift is that they cannot meet the state's air pollution standards with West Virginia coal. In Illinois, to prevent threatened mine shutdowns rank-and-file coal miners have petitioned the legislature to delay implementation of the state's air pollution standards. The miners' fears are understandable.

### MINES SHUTTING DOWN

Unemployment in major coal mining counties is 30 percent higher than the national average. Last year, West Virginia lost 2,200 jobs in the coal industry and mines have shut down in Ohio, Illinois, Pennsylvania, and in West Virginia because the sulphur content of the coal was too high to meet air pollution standards. Present state regulations to implement the Clean Air Act of 1970, according to reports, will put some 26,000 miners out of work.

Industry and government shortsightedness are largely to blame for the crisis coal miners face. The response of the electrical utility industry to the problems posed by high sulphur coal is to devote a meager one-fourth of one percent of gross revenues to research and to fight a rearguard action against pollution control. Government is equally to blame. While coal miners lose their jobs because air pollution standards prohibit burning high sulphur coal the administration *cuts* by $10 million funds allotted to the Environmental Protection Agency in the 1974 budget for the development of technology to reduce sulphur emissions.

The energy industry's response to the problems posed by high-sulphur eastern coal, it appears, is to abandon mining in the East, move west, and strip mine the reserves of low-sulphur coal in the western states. Such a shift is contemplated not because it is a reasonable response to the present energy crisis, but because it will be highly profitable to the energy industry.

### STRIP MINING CONTROLS

For government's failure to legislate meaningful controls on strip mining means that ranchers, farmers, and homeowners in the West will pay for the destruction of their land and water brought on by western mining, not industry. And government's willingness to open up its vast coal reserves out West to strip mining means that the American taxpayer, too, will subsidize industry profits. Widespread western stripping is also attractive to industry in narrow corporate terms because it requires far fewer workers than underground mining to produce equal amounts of coal. The human cost of a move west will not be borne by the corporate planners promoting this policy, but by landowners and ranchers and the thousands of eastern coal miners who will be forced out of work by mine shutdowns.

If government and industry's response to their failure to develop sulphur control technology is to abandon eastern coal mining, then the nation should understand the consequences of such a policy. Unfortunately, recent history provides an all-too vivid picture of what happens when coal declines in a region where mining is the only available work.

When the coal industry automated its mines in the 50's and 60's, some 300,000 coal miners in Appalachia and the Midwest were left without work. Thousands of mining families were driven from their homes to the squalid, migrant ghettos in Chicago, Detroit, and Dayton. There they searched

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futilely for jobs that didn't exist and wound up on the public dole because there was no other way to survive. The hunger, sickness and squalor left behind in the coalfields were so shocking that an American President was moved to declare a war on poverty.

If the government allows mining to leave Appalachia and the Midwest for good in the 70's, the eastern coalfields will become a region of ghost towns—peopled by the aged, the sick, the disabled, and those too hopeless to flee. And thousands of coal miners will once again hear the bitter sound of "No work today."

For five years coal miners have heard the virtues of the "work ethic" extolled by the President. But I ask the President when will the rhetoric of the "work ethic" be matched by a commitment to preserve the jobs of American citizens? I ask the President and Congress how they can pass legislation to protect the air we breathe and stand silently by while the jobs of thousands of hardworking, taxpaying American citizens go down the drain because government has failed to prepare for the effects of its laws?

JOBS AND CLEAN AIR

Coal miners don't want to be pitted against environmentalists in a battle between jobs and clean air. But that's what present government policy ensures. Coal miners don't want to be poison pushers. We breathe the same air as the rest of the public. But it is slight comfort to coal miners on the unemployment line, whose children go hungry and forgo their educations, that the air they breathe is pure.

Our concern about sulphur control and the future of coal mining is immediate. Our jobs are threatened by government and industry's failure to develop sulphur emissions controls. But coal miners share with many American citizens serious misgivings about the broader direction of the nation's energy policy, particularly its heavy reliance on foreign oil.

Just this past weekend, terrorists blew up American-owned oil storage facilities in Lebanon. Last month, the Emir of Kuwait told United Press International that "when zero hour comes" in a future war, Kuwait will use its vast oil reserves as a "weapon." Coal miners wonder: How much longer can we safely permit this nation to rely on unstable and hostile Middle East regimes for the bulk of its fuel energy needs?

It is not hard to understand why corporate interests have allowed the nation to become dependent on foreign oil. In 1971, according to Senator Fred Harris, Continental Oil Co. paid nothing in federal income taxes on $109 million in profits. What coal miners cannot understand is how responsible government officials have allowed the inflated profits of the oil industry to dictate our nation's energy policy. Coal miners cannot understand why we continue to strain our balance of payments deficit by pumping billions of American dollars overseas to purchase foreign fuel energies rather than develop domestic supplies.

COAL MAJOR ENERGY SOURCE

Coal represents 80 percent of this nation's fuel reserves. Yet we rely on coal for only 18 percent of our fuel energy needs. Oil and gas represent 17 percent of our domestic reserves. Yet the nation relies on oil and gas for 77 percent of its energy needs. Doesn't such a lopsided misuse of our resources ensure continued energy shortages? There is speculation that this nation may enter into long-term contracts to purchase natural gas from the Soviet Union. Will we continue to pursue a foreign source of energy while we ignore the vast, untapped reserves of coal here at home?

Coal miners have heard for two decades that nuclear power is the hope of the future. Since 1945, 87 percent of government and industry energy research and development has been devoted to development of nuclear fission. But, today, reactors continue to be plagued by safety and technical problems and nuclear power remains a distant dream. Coal miners believe we should prepare for the future. But they recognize that we live in the present.

The administration's 1974 budget allocates a token $61 million to develop our vast reserves of coal and a massive $506 million to develop nuclear power. Such a budget will ensure that the energy crisis—blackouts and brownouts and domestic fuel shortages—will be a way of life for Americans for decades to come.

I am not an energy expert. I am President of a coal miner's union and an American citizen. So let me state my concerns simply.

I don't want the security of my children and grandchildren to rest on the whims of some foreign potentate or commissar.

I don't want to look into the hungry eyes of coal miners' children while oil-rich sheiks and moguls drive Cadillacs and Continentals down desert highways and fuel energy conglomerates pay no taxes on millions of dollars in profits.

I never again want to see the unemployment and welfare lines I saw in the 50's and 60's. I don't want to see thousands of mining families in trucks piled high with furniture, grinding down curving mountain roads destined for the desolation of urban ghettos because at home there is no work, no food, and no hope.

I don't want to see the still beautiful West raped and defiled like my beloved home state of West Virginia. I don't want this nation to allow the energy industry to abandon underground mining in the East and destroy our western wilderness and farms because the zeal for profit encourages it and government neglect permits it.

I don't want to see American coal miners forced to fight for their jobs because of industry and government shortsightedness and wind up damned as irresponsible citizens unconcerned about air pollution.

ENERGY POLICY

In short, human beings are this nation's most important resource. Their concerns and needs, not corporate profits, should be the cornerstone of our national energy policy. In that spirit, the United Mine Workers believes that our nation's energy policy must do the following:

Concentrate on developing our most abundant, domestic energy supply—coal.

Provide energy, wherever possible, without destroying our land and water resources.

Affirm the principle that the jobs of American workers are more important than the profits of energy conglomerates.

We must recognize that coal can guarantee our nation's energy needs for hundreds of years to come if we unchain our gigantic underground reserves. We urge the President and the Congress to commit themselves to support coal mining as the most stable source of the nation's energy and as a source of livelihood for thousands of American working families.

In that regard, we welcome the sense of urgency expressed by the sponsors of the National Energy Research and Development Act to expand the government's commitment of funds for research into the uses of coal. But we note that the Act fails to deal with the most pressing problem facing coal miners today—sulphur control.

The United Mine Workers believes that the nation's need for clean air and the coal miners' need for employment demand immediate action to develop sulphur emissions controls that will permit our massive reserves of high-sulphur coal to be burned without polluting the atmosphere. We call, therefore, for a crash program using whatever federal funds are needed to develop such technology in as short a time as possible.

ENERGY MONOPOLY

As coal miners and citizens, we are deeply disturbed by the growing monopolization of energy resources by fuel energy conglomerates. It is apparent that the present energy crisis has developed hand-in-hand with the increasing domination of all energy sources by single companies. The United Mine Workers believes this trend is against the public interest and the needs of a free market economy and urge that it be reversed.

Finally, we believe that the present crisis in energy is largely due to the fact that narrow industry concerns have dictated our national energy policies. To prevent the errors of the past we propose a National Energy Planning Council to help chart the nation's future energy program. For such a council to truly represent the public interest the United Mine Workers believes that unions representing workers in the energy industry, environmentalists, and consumers must have a major policy-making role in its decisions.

In closing, I wish to speak once more in two capacities. As President of the United Mine Workers I want to remind the nation that 100,000 coal miners gave up their lives in this century to provide for this nation's energy needs. I sincerely hope that in forming our future energy policies the nation will not ask coal miners to give up their livelihoods too.

As an American citizen, I note that the American worker and the consumer public speak with an increasingly lonely voice in their nation's capitol while industry seems to have an open invitation to direct national policy. It is long past time for the public to be represented in the planning of its future. The direction of our nation's energy policies is clearly the place to begin.

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STATEMENT BY ARNOLD MILLER, PRESIDENT OF THE UNITED MINE WORKERS OF AMERICA, ON PRESIDENT NIXON'S ENERGY MESSAGE, APRIL 19, 1973

United Mine Workers President Arnold Miller said today that President Nixon's energy message is "long on rhetoric and short on substance" and called it a "great disappointment to the Nation's coal miners.

Nixon's energy message urges that "the highest national priority be given to the expanded development and utilization of our coal resources."

"Those are bold words," Miller commented, "but words won't develop coal."

"The facts, as indicated in the Wednesday briefing in the Interior Department are that no new funds have been allocated in the 1974 budget for coal research."

Miller said the 1974 budget allocates a token $61 million for coal research and a massive $506 million for nuclear research which has consistently failed to yield its promised rewards.

"The most critical problem facing coal miners today is that more than one trillion tons of high sulfur coal in the U.S. cannot be burned without polluting the atmosphere. The President's response is to cut $8 million mandated for developing sulfur-control technology for the Environmental Protection Agency's budget and to call for lowering air pollution standards.

"President Nixon called for 'national conservation ethic' " Miller said, adding:

"But his energy message doesn't conserve the nation's land and water resources by promoting Eastern underground mining as an alternative to Western strip mining; it doesn't conserve the air we breathe by developing technology to burn high-sulfur coal, and it doesn't conserve the jobs of 26,000 coal miners threatened by present state regulations under the 1970 Clean Air Act."

"The only resources the President's energy message will successfully conserve," Miller said, "are the inflated profits of the energy industry."

Commenting on President Nixon's elimination of oil import quotas, the UMW president pointed out that less than 24 hours after the President's message, Saudi Arabia announced that it will not expand its oil production unless the United States alters its political stance in the Middle East.

"Once again we see the folly of relying on foreign sources for this Nation's energy needs," Miller said. "This policy has brought us nothing but instability and crisis."

"We must become self-sufficient in energy," Miller said, "and the key to self-sufficiency is coal."

The nation's 1.3 trillion tons of coal reserves represents 80 per cent of our domestic energy resources, Miller said.

"The Nation needs a crash program to develop sulfur-control technology and synthetic fuels from coal," Miller said, "Instead we got a crash of rhetoric."

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## ANOTHER OSHA MISTAKE

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, I voted against extension of the Economic Stabilization Act because it perpetuates the delegation of lawmaking powers to downtown bureaucrats.

Those of us who tried to bring some reason to the regulations promulgated under the Occupational Safety and Health Act are especially sensitive to what happens when Congress gives broad powers to the executive branch.

The skyrocketing cost of living is a serious problem and my vote in no way reflects indifferences to what this has meant to every sector of the economy, agriculture included.

However, during the past several weeks, a hastily considered bill, H.R. 6168, has proposed to roll back all prices, interest rates, and rent to January 10, 1973, a terrible blow to the cattle raisers who have only recently achieved a fair price.

I opposed H.R. 6168 because I believe it would have required a bureaucratic machinery we can ill afford.

I also recognized how harshly it would have dealt with stock growers. After H.R. 6168 cleared the Banking and Currency Committee, I met with representatives of the Wyoming Stock Growers Association, Dean Prosser, Joe Budd, and Bob O'Neil.

We discussed how a January 10 rollback would have penalized those who are trying to increase the supply of beef and who had no idea that a price rollback would be sought. The economic loss in Wyoming alone would have exceeded $70 million.

The seriousness of the impact was underscored by the several hundred telephone calls I received from residents of all 23 of Wyoming's counties.

While they, too, have suffered from higher costs of operating, they felt the January 10 rollback was a punitive measure which in the long run would have contributed to higher, not lower prices.

At the request of my constituents, I contacted a number of my colleagues seeking a way to ease this provision. I wanted Congress to make some statement of economic policy because I do not believe the President's phase III failure deserves a vote of confidence.

Thus, when the motion to consider a compromise measure, the Stephens substitute, failed and the issue came to voting for a straight extension, I voted against giving the President a blank check on economic controls.

The issue, then, had swung from one extreme—the January 10 rollback—to another extreme—Congress signing away responsibility to the President to put on controls where and how he decides.

Now that the House has rejected any participation in any future phases of economic controls, the battle against inflation will have to concentrate on fiscal responsibility.

If the Congress cannot attack inflationary trends in the economy at large, it can at least refrain from reckless spending.

In this respect, I want Congress to show more courage in putting the brakes on spending, but I want this done according to the directives of Congress—not the ultimatums from the executive branch.

If we want our constituents to recognize our commitment to economic stability, then the Congress ought to set the priorities and vote accordingly. We cannot, as we did yesterday, vote $60 million for luxurious new offices in an extension of the west front of the Capitol.

With responsible and consistent economizing efforts, Congress and this House in particular can perhaps regain a little of the respect lost in the confusing and indecisive action on the Economic Stabilization Act.

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## NO MONEY IN BUDGET FOR CONTINUED FUNDING OF OEO OR COMMUNITY ACTION AGENCIES

(Mr. PERKINS asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. PERKINS. Mr. Speaker, my remarks are addressed to every Member who is interested in the issue of impoundment or in the survival of the Office of Economic Opportunity and its programs—especially community action.

The situation today is this: There is no money in the budget for the continued funding of OEO or community action agencies. Other OEO programs either have been or are scheduled to be transferred to other departments and agencies.

Now a Federal judge, William B. Jones, has ruled that the administration may not dismantle OEO or its programs without congressional action. The judge pointed out that OEO and its programs are authorized through June 30, 1974. His ruling though, and here is where those of my colleagues who are interested in the impoundment issue should listen carefully, went beyond the narrow case of OEO. Judge Jones said:

An administrator's responsibility to carry out the Congressional objectives of a program does not give him the power to discontinue that program, especially in the face of a Congressional mandate that it shall go on.

And in this morning's Washington Post it is reported that the Nixon administration "has no desire to test this ruling in a higher court." One reason given is that the administration believes they can render the issue moot because, in their opinion, it is unlikely that Congress will appropriate funds for OEO and community action either in a regular bill or in a continuing resolution.

So I say to my colleagues that if there is to be an OEO, or if community action agencies are going to continue to exist, the only solution is for the House to appropriate funds for this purpose. The cost is small; about $330 million more than is in the budget is all it would take to insure the survival of the OEO programs, including community action, and to force a court test of the President's authority to impound funds that has been decided in the first instance in favor of the congressional position.

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## SECRETARY ROGERS' ANNUAL REPORT TO THE CONGRESS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I wish to take note of the increasingly effective job the Department of State is doing in providing the American people with the information to make considered judgments about our foreign policy. Today Secretary Rogers is issuing his annual report to the Congress. No other government produces such a detailed and comprehensive accounting of its foreign policy. Several weeks ago I participated in a foreign affairs conference in my native city, Grand Rapids. The Department of State's high-level participation, led by Under Secretary William Porter, was largely responsible for the success of this conference.

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## U.S. BELLIGERENCE IN SOUTHEAST ASIA SHOULD CEASE IN ABSENCE OF CONGRESSIONAL AUTHORIZATION

(Mr. BENNETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BENNETT. Mr. Speaker, I have today introduced a resolution which provides that 90 days after the resolution becomes law it shall be unlawful for any U.S. military or Government civilian personnel to engage in any belligerent activity, or order any to be done in Southeast Asia except to defend themselves in case of attack.

The purpose of this legislation is to bring to an end U.S. belligerent involvement in Southeast Asia.

Recent history has shown that unless we enact this resolution, we should possibly, and even probably, expect an ever-growing war activity there on the part of the United States, including loss of prisoners of war and missing in action.

There is no constitutional grounds for the war actions of the United States that are now taking place in Southeast Asia. Congress alone has the power to declare a war, and there is no declared war in Southeast Asia now that the Bay of Tonkin resolution has been repealed.

I am deeply concerned that our country continues U.S. war activity in Southeast Asia when there is no congressional foundation for that activity. This is a serious erosion upon the constitutional provisions which give Congress the sole authority to declare war. The present course of the administration involves America in a very dangerous situation.

XUM

And this is being done without the country having the debate and congressional action which should always precede any war activity on the part of our Nation. The legislation I have introduced reads as follows:

H.R. 725

A bill to prohibit certain belligerent activities by United States personnel in Southeast Asia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful for any military or civilian personnel of the United States to engage in any military or paramilitary belligerent activity in Southeast Asia, or to cause any other military or civilian personnel of the United States to engage in any such activity, except to defend themselves in case of attack.

SEC. 2. The provisions of the first section of this Act shall take effect on the ninetieth day after the date of its enactment but shall not apply with respect to any activity specifically authorized by an Act of Congress enacted on or after such date of enactment.

## A WORLD IN REVOLUTION AND A REAPPRAISAL OF THE SPANISH CIVIL WAR

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I would like to include in the Pan American Day Record two book reviews. One was featured in the Fordham University quarterly, Thought, spring 1973; and the other in America, a national weekly published by the Jesuits of the United States and Canada.

The first of these reviews was written by one of my friends, the Reverend Dr. Joseph F. Thorning, an associate editor of World Affairs, Washington, D.C., and the second by Dr. José M. Sánchez, chairman of the history department at St. Louis University, Missouri. Unless I am mistaken, the two pieces by recognized scholars throw considerable light upon recent history.

The reviews read as follows:

THE FORDHAM UNIVERSITY QUARTERLY, THOUGHT, SPRING 1973

(A World Revolution. A Newspaper Man's Memoir. By Herbert L. Matthews. New York: Charles Scribner's Sons, 1971. Pp. 462. $12.50.)

Although Herbert L. Matthews retired from *The New York Times* in 1967, he remains an interesting and controversial figure. One reason for continued interest and debate is the fact that Matthews helped to shape several State Department policies whose effects may endure for generations. His name, his dispatches, his books, including the one under review, are already quoted in surveys of foreign affairs. Nor are they apt to be overlooked by future historians. If the peoples of the planet are in a revolutionary mood, Matthews can claim some degree of responsibility for the process.

Assignments from *The Times*, starting in New York (1922), covered a wide field: France (1931–35); Abyssinia (1935–36); Spain (1936–39); Italy (1939–42); India (1943); England (1945–49); Latin America and, again, New York. Matthews and his family now reside in Australia.

The author is bitter about the treatment some of his pieces received during the Spanish Civil War. He not only harbors resentment toward critics who wrote letters to the editor, but also excoriates such widely respected newspapermen in their day as Neil MacNeill and Raymond McCaw, whose news judgment killed some of the stories he filed from Madrid, Valencia and Barcelona. Matthews, however, neglects to recall his own admitted failures to check his sources. Nothing is chronicled, for example, about the apology he was obliged to make to the widow of General José Moscardó for an attempt to deny the historicity of the Spanish officer's heroic refusal to surrender the Alcázar, Toledo, in return for the life of his son. Numerous university scholars, including Hugh Thomas, Manuel Aznar and Cecil Eby, researched and related the truth about this important historical episode.

On the other hand, the Timesman rightfully can contend that, thanks to his initiative and resourcefulness, Fidel Castro was proved to be alive and active in the mountains of eastern Cuba when spokesmen for Fulgencio Batista in Havana were trumpeting "news" (1957) of the rebel's death and the defeat of his movement. Otherwise, Castro, his brother, Raúl, and "Che" Guevara, as Matthews points out, might have remained unnoticed, unpublicized and "withered on the vine."

In his chapter on Cuba, with the benefit of hindsight, the writer does make acknowledgments about Fidel that were not prominent in his *Times* evaluation of the "Maximum Leader." Matthews now discovers that "Castro's performances in the social, economic and political fields ranged from admirable to awful" (p. 293). This admission may be grounds for Fidel's complaint, recorded by Matthews, that "this old man treats me as if he were my father."

Matthews now believes that "power has corrupted" Castro, but "in a very human way." The docility displayed to the leader by his entourage renders him "temperamentally incapable" of sharing absolute control.

It is the impression of other observers, however, that overriding authority currently resides in the hands of Soviet overlords. The ultimate surrender, it is suggested, took place when Castro voiced approval of the military occupation of Czechoslovakia. His submission, in contrast to the attitude shown by Italian, French and British Marxists, was total. Indeed, it should be obvious that Fidel has less room for maneuver than a onetime Spanish viceroy or a U.S. "proconsul" in the days of North American influence.

The former Timesman, it is fascinating to note, has warm praise for Celia Sánchez, "the faithful and charming companion since *Sierra Maestra* days, with a shrewd mind and tough core behind her gentle manners." But Matthews hardly mentions Fidel's other women friends of many nationalities, colors, sizes and shapes.

*A World in Revolution* has been described by Matthews' onetime colleagues on *The Times* as a "sad book." One reason for their view is the author's catalogue of complaints, grievances and long-winded disputes with the publisher, Mr. Arthur ("Punch") Ochs Sulzberger, and various Managing Editors, including Turner Catledge and Clifton Daniel. Lester Markel, the then Editor of the Sunday Magazine, was another *Times* personality who refused to print Matthews' later pieces about Cuba.

The debate was settled when publisher and news executives concluded, unanimously, that Matthews was making their newspaper "a laughing-stock of the journalistic world," adding that "it would be over their dead bodies" that the veteran correspondent ever again would be permitted the role of a reporter for *The New York Times*. It is to their credit that they kept their word. Matthews' byline on a news story appeared for the last time on July 16, 1961. It was a typical HLM appraisal of the Castro revolution as a beneficent event, free of Soviet domination.

Nevertheless, for six years (1961–67), Matthews remained in *The Times* organization as a member of the Editorial Board. Until his retirement, his views about Cuba, Spain, Latin America and other parts of the globe were expressed, freely, in numerous editorials, some of them signed. Is it not an exaggeration, therefore, for the author to charge (p. 338) that he was "muzzled"?

In the light of this record, a major question remains unanswered: "Can a bad reporter become a good editor?"

HALF OF SPAIN DIED: A REAPPRAISAL OF THE SPANISH CIVIL WAR

(By Herbert L. Matthews)

One hardly knows where to begin on this incredibly bad book. Were it not for the fact that the author's name and reputation will attract the reading public, it would be kinder to ascribe the errors of fact and interpretation to the author's dotage and forget that he ever wrote it.

Herbert Matthews was the New York *Times* correspondent in Republican Spain during the Civil War. He was ardently pro-Republican then and remains so in this book. His sympathies cannot be quibbled with, but when he labels this work a "reappraisal" and states that he is "one of the nine or ten of the professional . . . historians who have written about the war," then one certainly expects more than a rehashing of all the old prejudices. He claims to have read all of the standard works on the war written since 1939 and to have included them in his book. In fact, he has relied heavily on Thomas, Jackson, Brenan and Payne (all of them sound historians), but he has quoted them out of context; in addition, he has benefited from other authors whom he does not cite. Statistical and chronological errors abound.

Matthews, his proofreader and his publisher are fearless. In a background chapter he makes the startling assertion that Philip II was an isolationist (I wonder what the Portuguese, French, Dutch and English would have thought). The chapter on the Church resurrects all of the hoary myths that have long been laid to rest: thus, the Jesuits are seen as controlling one-third of the wealth of pre-1931 Spain (would the Republicans have found it so easy to dissolve a Society with so much economic power?). The slaughter of over 7,000 clergy by the Republicans is mentioned, but the murder of 16 Basque priests by Nationalists is stressed over and over. The Republican terror is always referred to as being short-lived and in the "heat of passion," while the Nationalist terror is "cold-blooded." "There were no known Spanish martyrs," Matthews says about the Spanish clergy. If only Rome had the good news, it would save them the trouble of going through the thousands of causes for beatification pending in the Sacred Congregation of Rites.

I could go on and on. There are chapters on American nonintervention, the International Brigades and the Franco regime that are all equally fallacious. The Spanish Civil War certainly needs a popular reappraisal, but this book is an inept hatchet job.

## GEORGE BURROUGHS—A DISTINGUISHED ATTORNEY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, a most remarkable man, George D. Burroughs, of Edwardsville, Ill., celebrated his 100th birthday April 12. Achieving this age is a unique feat in itself. What is more remarkable is that George Burroughs is an active practicing attorney who can be found in his office every work day at 8 a.m.

It has been my privilege to know George Burroughs for a long time. He is living testament to the idea that our senior citizens make valuable contributions to our society.

At this point, I would like to include a recent article from the Edwardsville Intelligencer about this distinguished man:

BURROUGHS RECALLS 100 YEARS OF LIFE

(By Don Frost)

Edwardsville attorney George D. Burroughs will be 100 years old Thursday.

He has practiced law in Edwardsville since 1894. He was in practice with his brother, the late William G. Burroughs, after their graduation from Baltimore Law School.

Burroughs later became a partner in the law firm of Warnock, Williamson and Burroughs, which later became the existing firm of Burroughs, Simpson and Wilson. The veteran attorney can be found every work day at 8 a.m. at the firm's office in downtown Edwardsville. He moves rather slowly these days, but he still has a firm, friendly handshake.

Burroughs is the last surviving member of a family of seven children. He was born and raised in Maryland.

"My father was very apprehensive about me coming here to practice law," Burroughs recalls. "He thought I would start drinking and go to the dogs.

"But I got here and made a lot of money, and he was happy with my success."

Burroughs said that he amassed a lot of property over the years, but he gave most of it away.

Burroughs once gave a sizable amount of money to several secretaries in the Madison County Courthouse.

Recalling the incident, Burroughs simply said, "Those girls were always nice to me, and I knew they didn't make much money, so, I wanted to give them something for a rainy day."

His nephew, Gordon Burroughs said the elder Burroughs used to be quite a gardener, but he has given that up.

"In fact, he gave a good chunk of his yard to the school district," the nephew said.

Burroughs said that he was regarded mostly as a corporation lawyer.

Burroughs' greatest contribution to the Bar is his "hard work and faithful service," his nephew said.

In 1969, the Illinois Bar Association made Burroughs a Senior Counselor, Magna Cum Laude, for 75 years of law practice. That number has now reached 79 years.

Burroughs admits, "I don't do much trial work anymore."

The firm has offices on the fifth floor of the Old Bank of Edwardsville building on the corner of Purcell and Main Streets. The elevator occasionally breaks down, but Burroughs doesn't.

"He comes right on up the stairs," Gordon Burroughs said, "and it takes a damn good man to keep up with him."

In addition to being a practicing lawyer, Burroughs served on the Board of Governors of the Illinois Bar Association for many years.

Burroughs spends much of his time in his fifth floor office, reading works of literature and the Bible.

"I read the Bible a lot," Burroughs said. "It's a pretty good book. I recommend it."

Burroughs said he has experienced and seen many things during his century on earth.

The most pleasant experience he recalls is a trip to Europe with a fellow attorney, he said.

"April 12, I'll be 100 years old," he said. "That's a good long time to live and still have your faculties. That's quite a privilege."

George D. Burroughs remembers the past, but he also has some thoughts about the present.

"I think we live in a pretty wonderful age," he said. "There are many opportunities in life, but some people just don't seem to want to take advantage of them."

Burroughs will be honored Thursday at a reception in the Sunset Hills Country Club, given by his daughter and son-in-law, Mr. and Mrs. Robert Saner of Springfield, and his grandchildren, Judith Saner of New York City and Robert Saner II of Washington, D.C.

Also joining him in celebrating his 100th birthday will be his niece, Mrs. William Southwick, and two nephews, Gordon Burroughs and Raymond Burroughs.



## THE EFFORTS OF CONGRESSMAN GUDE

(Mr. MITCHELL of Maryland asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, as phase II ended, Americans were greeted with the unwelcome news that the wholesale price index and the retail price index were rising faster than at any time in our Nation's history. I received numerous letters and telephone calls from my constituents cataloging the disastrous effect these price increases were having on the family budget.

When the Banking and Currency Committee, of which I am a member, began its hearings on the economic stabilization program, I was pleased to see my colleague from Maryland (Mr. GUDE) as our first witness. His comprehensive testimony clearly spotlighted the nature of the problem facing consumers and pointed toward viable solutions.

Mr. GUDE has for over a year been in the forefront of efforts to calm the seas of inflation. The leadership role my colleague assumed through legislation he sponsored and statements made on the floor of the House has been crucial to the efforts of those of us who have sought answers to this complex question.

When the House considered legislation which would amend the Economic Stabilization Act to provide greater control over prices, Mr. GUDE again sought to persuade the House to adopt the strongest practical bill. His empathy for consumers confronted by soaring prices is a beacon of light to all concerned Americans.

## INTERNATIONAL BUSINESS STUDENTS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, as you know, I am very proud that we have in the Miami area one of the outstanding institutions of higher learning which is in tune with the current emphasis upon international business and economic development.

The University of Miami, through its school of business administration, has sought to expand the horizons of its students by including them in international trade missions of Florida businessmen to various countries in this hemisphere. It is appropriate, I believe, to note on Pan American Day, the program for these students this year.

Several University of Miami business students will be members of international trade missions to Panama and Venezuela this spring and summer in cooperation with International Center, headquartered in Coral Gables, Fla.

Last November, four UM students accompanied 25 Florida businessmen to Jamaica where exhibits and sales of their products were held.

Dr. John M. Dyer, professor of marketing and coordinator of inter-American business at the UM School of Business Administration, has called the trips "invaluable firsthand experiences for our students of international business."

The students man exhibition booths, act as observers, and report back to fellow students what they learned of commercial operations in other nations.

Participation in international trade missions is only one aspect of business education offered. As Professor Dyer said recently:

The University of Miami is a private, independent, international university located in one of the fastest growing sections of the country. The area provides a fertile international business environment. To meet the manpower needs of international business, the School of Business Administration has a well-developed program of international courses, organizations, conferences, and access to the multinational companies and the international business community. All of these attributes are coupled with the cross-disciplinary resources within the University's School of Law and Center for Advanced International Studies.

Under the international business curricula are courses in international relations, inter-American programs, international marketing, foreign policy, international finance, foreign languages, plus graduate programs, executive and professional development programs, including a certificate program in international business to begin in September 1973.

The school cooperates with the International Association of Students in Economics and Management—AISEC—which allows students opportunities to spend their summers working in other countries, and encourages honors such as the Thomas E. Flynn & Co., and Seaway Lines, Inc., travel awards for distinguished students in international business.

## CRIME COMMITTEE'S STREET CRIME HEARINGS ENCOURAGING

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am encouraged by hearings currently underway by the Select Committee on Crime that we can do more to curb crime in the United States. These hearings have revealed that a relatively few people commit most of the violent and serious crimes, many of them who start their criminal careers in their teens. To reduce crime further, the police departments must have more money for more personnel, better trained personnel, and more research programs into the causes of crime and the character of those who commit crime.

But it is very clear that the police cannot do an effective job curbing crime without the cooperation of the prosecuting attorneys, courts—trial and appellate—and the correctional system.

XUM

The beginning of the pipeline for the commission of crime is in the teenaged groups, and new and innovative procedures must be employed in dealing with juvenile crime.

During the week of April 9–13 we heard about the New York Police Department's citywide anticrime unit which has significantly reduced robbery, assault, and other street-level crimes on the streets of New York City. During that week we also learned that the New Orleans Police Department has initiated new training and planning programs to prevent a repetition of the tragic Howard Johnson's motel incident which took the lives, earlier this year, of so many innocent citizens and policemen in that city. The New York Police Department also described in great detail its high level of planning and training to prepare that department for the handling of hostage and sniper incidents.

We heard of most successful programs operated by the Indianapolis Police Department to encourage citizen cooperation with police programs. Citizens in that city frequently ride in patrol cars and engage in crime alert operations. We also learned that at a saving of $3 million the city has established a policy of enabling patrolmen to use their patrol cars as family vehicles.

We learned from the Police Department of Cincinnati of a new kind of police programs which reinvolves police with close contacts with local neighborhoods. We learned that Chicago, Ill., has maintained a very successful police-community service aid program designed to employ young people in the Chicago ghetto area and to use those people to reduce crime and increase police-community relations.

The Washington, D.C. Police Department described the success it has achieved through the use of increased police manpower. The Detroit, Mich., Police Department described at length its STRESS program, which places policemen in civilian clothes throughout the city to, in effect, create invisible police charged with the responsibility of intervening in street crimes and apprehending street criminals.

The St. Louis Police Department described its most interesting program to provide additional mobile crime laboratories enabling that department to now use skilled evidence technicians at the scene of 35 percent of serious crimes—a rate far in excess of the national average. That same department also described its commendable program to provide concentrated counseling to hard-core delinquents. This counseling program to date has achieved remarkable success in reducing the recidivism rate of young people who have participated in counseling sessions.

The Dallas Police Department described its thorough and professional "Study of Repeat Offenders"—a study which corroborates the fact that 63 percent of serious offenders are recidivists. The Dallas department also described its imaginative program of utilizing in-house attorneys on a large scale to provide street-level legal advice to police officers.

The Miami Police Department forwarded to us a statement indicating its very considerable success in reducing crime in certain areas of that city by implementing new street-lighting policies.

Finally, the Kansas City Police Department described its heavy commitment to research and analysis and its equally heavy commitment to the development of new techniques for police patrol. This department is now engaged in studies of homicide, aggravated assault, and family disturbance calls which can redesign the theories of appropriate police response to these kinds of crimes. This department is also in the process of equipping all its vehicles with computer terminals which will soon be able to provide a formidable array of vital information to street-level patrolmen.

These and other unique programs were described to the committee. We have learned much; we have heard an impressive array of policemen who have indicated that in their judgment an overriding proportion of crime is committed by the young; that all too frequently police effectiveness is hampered by the subsequent dismissal of criminal charges in the offices of prosecutors and in courts; that all too frequently offenders are released on bail and commit additional offenses; that correctional sentences do not correct and do not rehabilitate.

We also learned that in making these comments police administrators were not simply passing the blame to other agencies. Those administrators, officers, and patrolmen who testified were most candid in pointing up their own shortcomings.

Above all, we learned during the course of these hearings that police departments are making honest and effective efforts to reduce crime, and especially to reduce those violent crimes which prey upon so many of our citizens, and that those administrators and agencies need additional Federal support and need the encouragement and support of their citizens.

From April 14 to through April 19 we heard testimony on "Crime in the Streets—The Reduction of Juvenile and Adult Recidivism Through New Correctional Approaches." During this week new kinds of correctional programs and better ways of dealing with juveniles who are involved in serious delinquency and serious crime were described. The reduction of juvenile crime and delinquency offers the best hope for the eventual reduction of all crime in the United States.

As a priority matter, we must devote massive and sustained attention to those individuals who early in their lives demonstrated a propensity for committing anti-social and criminal acts. We have learned long ago that the correctional systems in this Nation are ineffective when they are asked to "correct" a criminal who has already reached the midpoint in his criminal career.

We must, therefore, strengthen our resolve to bring to bear as many financial and personnel resources as necessary to attack criminality before it becomes an established life style. The many professional specialists who testified, describe in detail new approaches and new ideas in rehabilitating young delinquents. We are convinced that a sound way to deal with crime is to utilize our considerable correctional and social service resources when our young men and women first indicate that they are potential delinquents.

Finally, from May 1 through May 4, our hearings will concentrate on prosecution and court programs which offer the means to expedite criminal cases in our courts. These hearings then will cover the entire criminal justice process: They are practical hearings in that they are designed to demonstrate that many police, court, and correctional agencies are attempting to improve the administration of justice, thereby making our streets safer for all Americans.

## GENE AUSTIN

(Mr. BURLESON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, Gene Austin the great composer and singer of American folk songs, was born in Gainesville, Tex. in 1900 and spent the first years of his life in that typical Texas town.

It has been a year since he died, but his songs live on and will live so long as people have music in their hearts. There are songs he wrote, music he composed, and other songs that he sang and made popular. For the young people who on the spur of the moment have trouble in placing Gene Austin, it might be in order to mention that one of his recordings, "My Blue Heaven" sold over 7 million records in 1927. Songs he composed are many, and include such popular ones as "That Old Gang of Mine," "The Lonesome Road," "When My Sugar Walks Down the Street," and on and on. He popularized and made famous "Sleepy Time Gal," "Yes, Sir, That's My Baby," "My Melancholy Baby," and more and more. He was endowed with talent such as come to few men, and he tended it well. He left a legacy of clean, wholesome, and beautiful music. He was a great American.

## THE HONORABLE BOB SIKES ADDRESSES THE NATIONAL RIFLE ASSOCIATION

(Mr. ROBERTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, my good friend and colleague from Florida, the Honorable BOB SIKES, delivered a speech before the National Rifle Association, which carefully examines the issues concerning individual gun ownership. I offer his statement for the consideration of my colleagues. Congressman SIKES has a perspective which is too often overlooked or ignored, and this is unfortunate. He speaks to the issues and he makes sense. I hope his advice and recommendations will be heeded.

His remarks follow:

SPEECH BY CONGRESSMAN BOB SIKES TO THE NATIONAL RIFLE ASSOCIATION, MARCH 31, 1973

The title for today's general session is "Gun Laws—Here and Abroad", and the comment



in your program refers to "speakers who will examine in detail the present and pending firearm controls in the United States and England and how they affect you, the firearm owner.

There are many ways in which this subject can be approached. Not long ago, after the murder of the Governor of Bermuda and his bodyguard, officials there ordered the confiscation for ballistics tests of 800 registered handguns owned by Bermuda residents. Bermuda has laws which permit this. The Governor also offered amnesty to owners of unregistered handguns who turned them in.

It is significant that the assassins have not been found. They haven't turned in their weapons. The laws against ownership of weapons by law-abiding criminals don't reach criminals.

In Britain there was within one year a marked increase in crime. The Criminal Court judges began cracking down. They imposed stiff jail terms even to first-offenders and crime dropped off by 75% in some districts. There was one British judge who said, "Sometimes it is said that sending young men to prison does no good—but it can do the public a lot of good."

Stiff sentences will reduce the incidents of crime in America. The problem is to get soft judges and prosecutors to think about the rights of the victims instead of the rights of the criminals. Even the President has felt it necessary to refer to the problem of soft judges.

Great Britain since 1920 has been very tough on private ownership of weapons. But the crime rate continued to go up until the judges started passing out stiff sentences. In Northern Ireland, where private ownership of firearms is strictly prohibited, revolutionists are well supplied. Those aren't marshmallows they are using to kill each other. Blanket restrictions on the ownership and use of firearms discriminates against honest citizens. They aid the criminal by disarming his victim.

The crime situation in the United States shocks the world. Our people are frightened. They are reluctant to go out after dark. They live behind barred windows and doors that are double- and triple-locked. Other nations won't put up with this situation. It is time we stopped putting up with it.

Crime control is not my subject today, but it is a very important part of the discussion of gun laws. The National Rifle Association has opposed oppressive anti-gun laws. It has indicated support for reasonable legislation which has the objective of getting the so-called "Saturday-night specials" off the streets. These cheap little handguns are available to just about everybody who wants one, particularly in Washington, which has some of the most restrictive anti-gun laws in the country.

Now this would seem to be a very reasonable approach for an organization of sportsmen and outdoor lovers and conservationists, and NRA and similar groups want the right to state their case in Congress. Nevertheless, a bill has been introduced by none other than Senator Ted Kennedy which would restrict, I quote, "gun lobbying activity." Mr. Kennedy, who defends most of the leftist groups in this country and who also is critical of the Federal Bureau of Investigation apparently doesn't want our side to be able to state our case in the Halls of Congress. He would be the first to object if any of his liberal friends were hampered in free expression—even when they speak against our country.

NRA also is a favorite target of the Washington Post—also known as the uptown edition of the Daily Worker. A constant advocate of leftist doctrine, it consistently brands NRA as a gun lobby and depicts us as the handmaidens of gangsters.

So you bear the name lobbyist. You are the target of those who want anti-gun legislation passed. Now let me urge that you live up to the name; that you do really effective lobbying. You have a good cause. Speak up for it. The key to successful lobbying is contacts from the grass-roots level. Members of NRA in the cities and towns of our Nation and others who feel as you do on the subject of anti-gun legislation should contact your Senators and Congressmen not once, but repeatedly. Let them know how the homefolks feel.

You see, in Washington we are exposed day after day to massive doses of anti-gun propaganda. We need to hear from the other side. When a Congressman or Senator hears from the people back home, this impresses him more than what he reads in the Washington Post. This work needs to be supplemented by a vigorous, well organized strike force which operates constantly on Capitol Hill.

John Dingell, one of the great champions of conservation and sound firearms legislation, also has some thoughts on lobbying which he will impart to you. Listen to him. He knows whereof he speaks.

Above all, let's attempt to be fully practical in our objectives as individuals and as an organization. Don't spin your wheels on impossible objectives. Most of us want the 1968 gun law repealed. It is a nuisance. I think it does as much harm as good. But it isn't going to be repealed in the foreseeable future. Since 1968 it has not been possible to get a repeal measure reported either in the House or in the Senate. It isn't possible now. Don't waste your time. What you can do is pick the most objectionable things about the 1968 law and concentrate on repealing these. For instance, the reporting requirements on .22-caliber ammunition.

Let me caution—there is much more likelihood that additional anti-gun legislation will be passed than there is of repealing what already is on the statute books. Our fight has not been won. We can lose it. I don't think we will. But we haven't a prayer of stopping an anti-gun bill in the Senate. The sentiment of the House has not been tested, and it is in the House where we may have to undo the damage which can be done by a heavy liberal majority in the Senate. Fortunately, this Administration is not pressing for restrictive anti-gun legislation.

I like to see a constructive approach—education in gun safety; stress on sound marksmanship programs—it was NRA that kept McNamara's crowd from killing the National Board For the Promotion of Rifle Practice, something very important in marksmanship; National Hunting and Fishing Day; and always the fight against crime. It would cost $3 billion to administer a gun registration and licensing law. Let's show how effectively that amount or money could be used in the fight against crime. We must help to insure an awakening across the land to the truth that it isn't guns that are responsible for crime. It is the criminals who use guns or bottles or knives or brickbats.

Let's not discount the fact that the forces mounted against us are formidable and they enjoy the support of influential individuals and organizations both in Washington and throughout the country. You can be certain that a combination or honest liberals and Communist-loving leftists which enjoy the support of a large segment of the press are going to hammer at you from every side. That you will be swamped with a tidal wave of half-truths, innuendos, outright falsehoods, and emotional poppycock about the evils of gun ownership.

Let me give you just one example of the type of emotional appeal which is being used in the effort to enact repressive anti-gun legislation.

Earlier this month, on March 17th, there appeared in the Washington Star-News an article which carried the headline, "Saturday-Night Specials Must Go." This was a syndicated column with broad circulation. In it, the writer tells of a mass murder in Santa Cruz, California, where a man killed 9 or 10 people with a gun.

No question—the crime is terrible. Nine or ten people dying by violence of any sort is ghastly. The writer devoted 10 lines to saying the suspect was a known drug addict. The remainder of the 2-column story is an argument for gun registration and national firearms legislation, not crime control. There is no suggestion that this man should have been in custody as a drug addict; nor does the writer go into detail on how a man with a known record of drug addiction passed the state and local clearance required in California before he could purchase a gun.

The writer does mention the fact that Santa Cruz became what he calls an armed camp and that grandmothers and young girls are "packing guns and revolvers." The writer shows no concern that lack of police protection against criminals is responsible for the fact that grandmothers and young girls want a weapon; nor does he say that they are going around shooting people. Presumably, millions of people who have read this account may assume that it was shortcomings in the law which made it possible for the man to get a gun and commit crime with it. It was not a lack of laws which brought about the crime.

When Senator John Stennis was shot on the sidewalk in front of his home—and we can thank the good Lord above that he has been spared to carry on his very important work in the Senate—the cry went up for stricter gun controls. Not a word was said about the laws already on the statute books against guns and against crime in Washington—laws which are ineffectively enforced. If the men guilty of attacking Senator Stennis had beaten him half to death with a length of lead pipe, how many of the anti-gun advocates would be calling for the registration of lead pipe?

The proponents of anti-gun legislation will take advantage of any such incident to push their viewpoint. They do not raise their voices against setting criminals free to prowl the streets. They don't call for prompt justice. They want to take guns away from the victims of crime. Some of them are rabid on the subject.

What, then, can you and I do about this situation? How can we use cold, hard logic to substantiate our position? We need not expect the liberal press to report the facts without coloration. You will not get an even break there.

We can, by personal effort and initiative, help to destroy the myth that guns make criminals and that no guns means no crime, but we must tell our story over and over in the places where it counts. We can do this as individuals and as an organization.

We can bring our influence to bear on the election or selection of men and women who will engage in the prosecution and sentencing of those who commit crimes. No deals and no copouts. Arrest them, try them, and sentence them. No more, and no less.

We can carry the war to the enemy—the enemy is crime and criminals.

There have been some very good illustrations in the recent past of effective work by members of this organization. Your presence has been felt at the polls and better representation in the Halls of Congress and in other public offices has resulted.

There also is better understanding of the true facts on gun controls on the part of the lawmakers. Last year there was intense pressure to bring the Bayh Bill, which was just another bad anti-gun bill, to the floor of the House. It had passed the Senate. The same people who brought the 1968 Gun Control Act to Congress were still here and they worked day and night for the Bayh Bill. They were unable to get it out of committee. This tells a very significant story. Education and personal contact with the Members of Congress made the difference. NRA spearheaded

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this effort. NRA's leadership was the key to victory.

There is much more to this story than the preservation of the rights of law-abiding citizens to own weapons without undue restriction. This right has been a part of the pattern of individual freedoms which made America the great land that it is. Now there are now forces abroad in our country. They seek to type America into new patterns. They want to tear down the old institutions, to destroy the great traditions. They want even the right to violate the law in their own cause. The result has been permissiveness, confusion, and indifference on the part of the public.

The work of these new forces has been reflected in part in U.S. Supreme Court rulings. They have been demonstrated time and again in court proceedings whereby the criminal got a better break than his victim. Demonstrated in the protests, the marches, the flag-burnings. Demonstrated in the way that it was made to appear time and again that America was guilty of atrocities in Vietnam when few of the actual atrocities of the enemy against innocent South Vietnamese ever were portrayed.

That is the kind of battle you face. You are not fighting just to own weapons. You are fighting for America—the kind of America in which we grew up and which we love for its greatness and its opportunity.

You in this organization are part of an essential breed of Americans who seek to insure the preservation and protection of the institutions which make America the great land that it is.

Ours is a large organization. You take comfort in that fact and you gain a feeling of security in its traditions and its work. Perhaps it hasn't occurred to you that the effectiveness of this organization starts with you as an individual. It is easy to have the feeling that there isn't much that one man can do, but that the organization can do much. That is where you are wrong. The organization is better and more effective if you are active. That is when it really is able to flex its muscles.

This is the start of a new age. Peace is finally here. America's longest war has officially ended. We are out of Vietnam. Our POW's have, at long last, come home, ending one of the most tragic chapters in United States history. We can be everlastingly proud and grateful for the things they have said, for the way they came back believing in and standing up for this America of ours.

Many Americans died in Indochina. Others will always bear the scars of war. Family disruptions and the readjustment of returning veterans have been a major factor. It is time to give thanks to the Almighty that, hopefully, all of this is in the past. There is much to be done at home. There are adjustments to be made here, too—very important ones. But we can now concentrate more on our own problems and tomorrow can be a brighter day for America. And in my book, none of this includes reparation payments to Hanoi or amnesty for draftdodgers.

I hope this is the start of a new age in other ways. The President's Inaugural Address carried a hopeful message to the nation. It contained much that America needed to hear. I am impressed by his frankness in stating that government has too long attempted to gather all power in Washington. This is the inevitable result of more and bigger government programs and less and less individual responsibility. The President said we must take less from the people so they can do more for themselves. This, I hope, means that we take less of their individual initiative as well as less taxes. It could represent a complete turnabout from present paternalistic trends in government. How and when it is to be accomplished will depend in large measure on strong leadership from the President with cooperation from the Congress. Now they are sparring—not cooperating. They must find a way to a better understanding. These things are essential for a solvent America.

Perhaps now, more than ever, a commitment of the American people to historic ideals is needed. Perhaps now, more than ever, you and I can help to preserve those ideals.

Last November we celebrated Thanksgiving Day. Let's make every day a Thanksgiving Day for the blessing that this nation and that we as individuals have enjoyed; and let's give thanks to the voices of reason that rise above the din and the noisy clamor of the mob. Let's give thanks for the fact that we do cling to the teaching of our fathers, particularly to the Constitution that must guide the nation as we seek to solve problems at home and abroad through the process of reason, and to the God above who gave our nation the strength, the courage and the beliefs on which we have built.

All of this is a part of your responsibility as an individual. It represents the need for personal involvement by you. The whole fight—for America—can be lost by default if enough of us say, "Let Joe do it."

So above all, let's be about our work. We pass this way but once and time is running for each of us—for you—for me. America needs our help now.

## A CASE STUDY OF PENTAGON OBFUSCATION—DOD MANPOWER COSTS

(Mr. GRAY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GRAY. Mr. Speaker, one of the main reasons the Pentagon gives for an increasing defense budget is high manpower costs. Manpower assumes 56 percent of the fiscal year 1974 defense budget, or $43.9 billion of the total $79 billion in outlays.[1]

Yet the Pentagon is never quite clear about what constitutes that high figure. In reality, while a large proportion of the $43.9 billion goes for men and women in the Armed Forces, another large part is spent on civilian bureaucrats.

It is estimated that by June 30, 1973, there will be 1,012,000 DOD full-time permanent civilians. The Pentagon sees no further decrease in fiscal year 1974; in fact, it projects a slight net increase.[2] While 1,012,000 civilians represent a substantial decline from the Vietnam highpoint, there is much room for further reductions of DOD bureaucrats.

EVEN NIXON AGREES

Even President Nixon agrees that the number of DOD civilians can be reduced. In his November 9, 1972, interview with the Washington Star-News, Nixon was very clear on the subject:

When I speak of Defense, in terms of the hardware of Defense, in terms of the military personnel in Defense, the cuts that can be made certainly are minimal, except when we get mutual agreement with other countries. But in terms of the masses of civilian employees who are getting in the way of each other over in the Pentagon and around the country, they are going to have to take a thinning down.

But the Pentagon has no such thinning-down plans for fiscal year 1974. The overall level of DOD civilians will remain the same despite a reduction of more than 30,000 civilians, because their places will be taken by 31,000 soldiers becoming civilians.[3]

CONFUSION OVER MANPOWER COSTS

When the Pentagon discusses the high manpower costs consuming 56 percent of its budget, it leaves the inaccurate impression that this money goes to pay the poor grunt and decent wage, and not to pay bureaucrats. This implies that manpower costs cannot be cut without cutting the number of men in uniform.

The resulting confusion of politicians is understandable. Note the statement of Senate Majority Whip ROBERT C. BYRD of West Virginia, on the Senate floor February 22, 1973, while defending the high military budget:

What I am saying is that 56 percent of this budget is to pay people, and yet we are going to have a lower overall manpower level—2.2 million—than we have had at any time since before the Korean war.[4]

However, that 56 percent figure, as previously noted, includes those 2.2 million military personnel plus another million civilians—and other categories.

Or follow a subsequent dialog that same day between Mr. ROBERT C. BYRD and Senate Appropriations Committee Chairman JOHN MCCLELLAN of Arkansas, on manpower costs:

Mr. ROBERT C. BYRD. Yes. And the military pay increases and increases in military retirement result from laws which we ourselves have passed.

Mr. MCCLELLAN. Yes. There was a substantial increase in legislation Congress passed last year, and it was a deserved increase in my judgment. Now we have to make additional appropriations for it. This necessarily increases the cost of Government.

Mr. ROBERT C. BYRD. Yes. And the only way to cut that is to cut down the manpower level which has already been cut to 2.2 million in the 1974 budget.

Mr. MCCLELLAN. Whether that can be further reduced is a matter of opinion. I am not prepared to say, but as long as we have the present level of forces, it takes this amount, 56 percent, of the total budget to meet this cost.

Mr. ROBERT C. BYRD. To pay people.

Mr. MCCLELLAN. To pay the people; to pay servicemen.[5]

WHAT THE 56-PERCENT FIGURE INCLUDES

Actually, Mr. ROBERT C. BYRD and Mr. MCCLELLAN are mistaken. The tremendous manpower costs can be cut without touching the 2.2 million men in uniform—although that amount would appear to be ripe for cutbacks as well. It can be cut by slicing away the fat among the civilians.

In reality, of the $43.9 billion slated for fiscal year 1974 manpower outlays, $13.5 billion will be paid for DOD civilians. In other words, more than $1,000,000,000 a month will be paid to these civilians. And when the Pentagon uses its 56 percent manpower cost figure, it is including 17 percent of the entire defense budget for civilians.

The following is a chart which breaks manpower costs into various components:



ESTIMATED DOD MANPOWER OUTLAYS FOR FISCAL YEAR 1974

[Dollar amounts in thousands]

| Category | Fiscal year 1974 outlay | Percent of DOD outlays |
|---|---|---|
| Civilian personnel payroll | $13,512,344 | 17 |
| Military personnel payroll | 24,384,300 | 31 |
| Retired pay | 5,271,900 | 7 |
| Family housing | 763,216 | 1 |
| Total estimated manpower outlays | 43,931,760 | 56 |

DOD IN COMPARISON WITH OTHER AGENCIES

The Department of Defense employs many more civilians than any other Federal agency. As of January 1973, DOD employed 1,080,782 full-time and part-time civilians. The next largest is the quasi-Federal Postal Service, which employed 677,746 civilians in January. Next came the Veterans' Administration with 193,072, HEW with 118,950, Treasury with 111,615 and Agriculture with 109,200. No other Federal department or agency employed more than 100,000 civilians.[7]

As these figures show, the Pentagon dominates the civilian bureaucracy in the U.S. Government. Even HEW, with its supposedly swollen bureaucracy, has about one-tenth as many civilians in its employ as does DOD.

Of its million plus civilians in January 1973, the DOD employed 978,838 inside the United States and 101,994 abroad. Thus the Pentagon employs almost two-thirds of the 158,429 U.S. Federal personnel working in other countries.[8] And this figure does not include more than 100,000 foreign nationals working for DOD under contract or under agreement with a foreign power in support of U.S. Military Forces.

As for congressional oversight of the Pentagon's activities, the legislative branch employed 32,787 people in January 1973 to monitor the activities of the million DOD civilians and the 2.2 military, in addition to Congress other legislative, investigative and oversight functions.[9] A total of 55 staff members work for the Senate and House Armed Services Committees. It is little wonder that Congress performs so little oversight of the DOD.

A PROPOSAL TO REDUCE THE CIVILIAN PERSONNEL LEVEL

While DOD civilian personnel have been cut from their Vietnam war high, this group has avoided its fair share of cuts in the Pentagon pruning process. At a minimum, the civilians should be reduced in the same proportion as the military.

To use a mathematical formula, the military level will have declined from an end strength high of 3,547,000 during the Vietnam war to 2,233,000 by the end of fiscal year 1974.[10] This is a decrease of 37 percent in military personnel.

The civilian personnel, which reached a wartime end-strength high of 1,287,000[11] should be similarly reduced by 37 percent. Thus a 37-percent reduction of the previously high level of 1,287,000 would bring the civilian personnel level to 811,000—and into line with the military cutbacks. The new level will mean a further reduction of the fiscal year 1974 civilian level by 202,000, or a potential savings of $2.7 billion in outlays. And a cutback of 202,000 just about matches the normal DOD attrition rate, which totaled 201,183 for the last complete fiscal year, 1972.

If President Nixon follows through with his words of November 9, $2.7 billion can be saved with little hardship.

FOOTNOTES

[1] The Budget of the United States Government—Fiscal Year 1974.

[2] Pentagon statistics supplies at Congressional Staff Briefing on FY 1974 Department of Defense Budget.

[3] Former Asst. Secretary of Defense Robert Moot's budget briefing of January 27, 1973.

[4] Congressional Record, February 22, 1973, p. 5100.

[5] Congressional Record, February 22, 1973, p. 5100.

[6] Entire chart from statistics supplied by DOD Comptroller's office on March 14, 1973, by phone.

[7] Additional Report of the Joint Committee on Reduction of Federal Expenditures, Joint Committee Print No. 348, January 1973, p. 17.

[8] *Ibid.*, p. 7.

[9] *Ibid.*, p. 1.

[10] Pentagon statistics supplied at Congressional Staff Briefing on FY 1974 Department of Defense Budget.

[11] *Ibid.*

## HAWAII DELEGATION ACTS TO PRESERVE SHIPPING

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I am glad to join with my colleague from Hawaii, the Hon. SPARK M. MATSUNAGA, in cosponsoring legislation to preserve Hawaii shipping. Similar legislation has been introduced in the Senate by the Honorable DANIEL K. INOUYE and HIRAM L. FONG. Thus, all four members of the Hawaii congressional delegation are joining in cosponsorship of this important legislation.

We have introduced two bills, which are complementary. The first bill would provide an extension for Hawaii lasting 160 days, from any labor-management dispute in the west coast maritime or longshore industries. The exemption would be obtained through a court injunction by request of any party to the dispute, or by the Governor of Hawaii.

The second bill would provide for a common expiration date for all labor-management contracts in the west coast maritime and longshore industries affecting shipping to Hawaii. Under its provisions, Hawaii would be guaranteed a period of 3 years of uninterrupted shipping.

If adopted, these bills would provide a solution to the shipping disputes which have so severely injured Hawaii's economy in the recent past. First, we would be assured of at least 160 days of continued shipping of all our products if a strike does occur. Second, there would be no series of successive strikes for all contracts would expire and be renegotiated at the same time for a new 3-year period.

The four members of the Hawaii delegation have introduced their own shipping strike measures. My own bill, H.R. 3566, introduced on February 1, 1973, would provide a 160-day exemption for Hawaii similar to that envisioned by the legislation introduced jointly today with the other delegation members. H.R. 3566 also contained a provision for a common expiration date.

I am happy that all four members of our delegation are cooperating in this united effort to preserve Hawaii shipping. Through this concerted drive for action, we will enable Hawaii to speak with one voice in protecting its vital interests as the most vulnerable State in the Union. At the same time, each delegation member will be able to continue seeking all avenues of legislation or voluntary activity to solve the shipping problem.

Since the exemption for Hawaii would only affect about 3 percent of the labor involved in west coast shipping, our bill has no significent effect on the right of west coast maritime or longshore workers to strike, nor management's right to suspend service. It only protects the interests of an innocent third party, Hawaii, whose workers are not on strike in west coast shipping disputes. The legislation does not apply to disputes in Hawaii itself.

To show labor and management support for the principle of a common contract expiration date, I am including at the end of my remarks, correspondence on this matter. To date, we have received written support from management and from four unions, as well as stated support from the Hawaii local of Warehousemen's Union.

Adoption of this legislation is necessary to put Hawaii on a par with other States which still have transportation even if shipping is interrupted. Hawaii by its unique geographical status has no such alternative means and depends solely on shipping for its daily necessities.

I hope my colleagues in the Congress will realize how imperative it is that we act to save Hawaii from crippling economic consequences of shipping disputes. Hopefully, we can secure favorable action on this legislation early in the current session of Congress. The aforementioned correspondence follows:

SAN FRANCISCO, CALIF.,
*March 1, 1973.*

Representative PATSY T. MINK,
*House of Representatives,*
*Washington, D.C.:*

In response to your telegram the Pacific Maritime Association does support the principle of a uniform expiration date for all future labor contracts in the west coast maritime and longshore industries as suggested in your telegram, staggered expiration dates could result in successive shipping interruptions. We are as anxious as the people of Hawaii to alleviate the number and frequency of these interruptions.

EDMUND J. FLYNN,
*President, Pacific Maritime Association.*

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FEBRUARY 27, 1973.

Mr. EDMUND J. FLYNN,
*President, Pacific Maritime Association, San Francisco, Calif.:*

We urge that the Pacific Maritime Association executive board at its meeting tomorrow consider and support a uniform expiration date for all future labor contracts in the west coast maritime and longshoring industries.

We urge that the executive board approve the principle of a uniform expiration date. A common date for all labor contracts is essential for the economic stability of the State of Hawaii which is so adversely affected by shipping interruptions. Both labor and management would also benefit from entering into negotiations on all labor matters at one time instead of piece meal as at the present time.

Presently there are eight or more groups of employees whose contract disagreements could result in successive shipping interruptions. The people of Hawaii are most anxious that all avenues be explored to alleviate the number and frequency of these events.

Your voluntary support for such a principle would help greatly to alleviate our deep concerns.

Very truly yours,

Senator DANIEL K. INOUYE, of Hawaii; Senator HIRAM L. FONG, of Hawaii; Representative PATSY T. MINK, of Hawaii; Representative SPARK M. MATSUNAGA, of Hawaii.

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AMERICAN RADIO ASSOCIATION,
*New York, N.Y., March 14, 1973.*

Hon. PATSY T. MINK,
*Congress of the United States, House of Representatives, Washington, D.C.*

DEAR CONGRESSWOMAN MINK: Received your letter of March 6th and want you and your colleagues to know that we in the ARA share your concern to help protect the people of Hawaii from possible shipping interruptions that might occur due to differing expiration dates for contracts.

The ARA supports a common expiration date and will support all positive moves to achieve that objective.

We appreciate your contacting us, and wish to extend our best wishes to you and your constituents, the good people of Hawaii.

Sincerely yours,

W. R. STEINBERG,
*President.*

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MARINE FIREMEN'S UNION,
*San Francisco, Calif., March 29, 1973.*

Hon. PATSY T. MINK,
*U.S. House of Representatives, Cannon Building, Washington, D.C.*

DEAR MRS. MINK: We have always felt that a common expiration date for all Maritime contracts was desirable.

To the best of my knowledge the only contracts that do not expire on June 15, 1975 are the contracts negotiated between the West Coast Longshoremen (I.L.W.U.) and the Pacific Maritime Association.

We would be willing to make any accommodation in future negotiations in contracts if it would help in attaining a common contract expiration date.

I am sure I can speak for my colleagues in the Pacific District; namely, the Sailors Union and the Marine Cooks & Stewards Union in this area.

Very truly yours,

HARRY JORGENSEN,
*President.*

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WASHINGTON, D.C.,
*March 6, 1973.*

Mr. HARRY BRIDGES,
*President, International Longshoremen's and Warehousemen's Union, San Francisco, Calif.*

DEAR MR. BRIDGES: This is to request your union's voluntary acceptance of the principle of establishing a uniform expiration date for all future labor-management contracts in the west coast maritime and longshore industries.

We sincerely believe that a common expiration date would benefit both labor and management, as well as help to protect the people of Hawaii from successive shipping interruptions that could occur due to differing expiration dates for contracts.

On March 1, 1973, in response to our request to the executive board, president Edmund J. Flynn stated that the Pacific Maritime Association does support a common expiration date.

To pursue this matter further, we are contacting each of the unions involved with this same request. We ask that you consider this matter as soon as possible.

Hopefully, labor and management can reach voluntary agreement on a uniform expiration date for all contracts. This would do much to alleviate the deep concern of the people of Hawaii over the prospect of repeated shipping interruptions in the future.

Very truly yours,

HIRAM L. FONG, Senator; DANIEL K. INOUYE, Senator; SPARK MATSUNAGA, House of Representatives; PATSY T. MINK, House of Representatives.

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[From the Honolulu Advertiser, Feb. 16, 1973]

SHIP TIE-UP "SOLUTION" SUGGESTED

(By Charles Turner)

ILWU Regional Director Robert McElrath has suggested a possible solution to labor disputes which tie up Hawaii's vital shipping lines.

McElrath told the Industrial Traffic Association of Hawaii:

"There is one way such stoppages can be reduced in number and give the business community more economic elbow room.

"That is for all of the maritime unions to enter into collective bargaining agreements that expire at the same time."

McElrath emphasized that joint expiration dates in themselves would not prevent a strike. However, he said they "certainly would eliminate the possibility of a multiplicity of strikes for a given period of time."

The union official said joint expiration dates on contracts are not unusual in Hawaii. He pointed out that the unions with contracts at the two major Honolulu daily newspapers have the same expiration dates.

"Those unions also negotiate jointly on community issues and break up when issues are particular to one or more of the six unions involved," he said.

The ILWU's Hawaii and West Coast longshore contracts expire June 30 of this year. Most of the maritime contracts with other unions expire in 1975.

McElrath said ILWU doesn't like strikes any more than businessmen do.

"We in the ILWU, and I believe that I am speaking for the rest of the labor movement in Hawaii, would like to see the day come about when organized labor and management—organized or otherwise—can settle all of our differences at the bargaining table and retire the strike and lockout weapons to the arsenal of history," he said.

But he said there are complications which arise in negotiations because "there are human beings on both sides of the table . . ."

"Sometimes in collective bargaining we make mistakes—both labor and management negotiators," he said. "Sometimes we falter and stumble during the course of long and protracted discussions."

He told the Isle businessmen attending Wednesday's luncheon meeting at Ala Moana Banquet Hall:

"In my opinion, there is no substitute for good-faith collective bargaining. The law of the jungle won't work; it didn't work in Hawaii back in 1949."

## PRESIDENT URGED TO EXEMPT HAWAII FROM OIL IMPORT TARIFF

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the President yesterday submitted to Congress an energy message which would do severe damage to the already strained economy of the State of Hawaii.

Hawaii is uniquely dependent on imported fuel sources to supply all its energy needs. Partly, as a result of the higher cost paid by the people of Hawaii for imported energy sources, our cost of living has soared to a level some 15 percent higher than that of mainland States, even those with heavy costs of living.

The President's statement announces suspension of the existing oil import control system which has resulted in these excessive energy costs in Hawaii. This is to be applauded, as the system was found unworkable several years ago by the President's own Task Force on Oil Import Control.

Yet I am disappointed, to say the least, that the new system is to continue the same old discrimination which Hawaii has endured for years. In place of the import control system, the President said he is "substituting a license-fee quota system." There is no mention of any exemption for Hawaii, or any consideration at all for its unique geographic status and needs.

I have sent an urgent appeal to the President to modify his program to exempt Hawaii from any system of tariffs on imported oil. It seems to me this is essential in any sound, equitable program to reconcile our energy needs with sources of fuel.

Hawaii has no fuel sources and must import all that is necessary to meet energy and other needs. No system can overcome this physical fact. There is no increased national security, as far as Hawaii is concerned, whether we pay higher for imported oil or not. All must be imported, regardless. An attack could be made on a ship bearing mainland oil as easily as one bearing foreign oil as it traversed thousands of miles of open ocean.

To levy an import duty on oil brought to Hawaii has only one result: it increases the already-excessive costs which must ultimately be borne by consumers. I repeat there is no stimulus or encouragement to the development of U.S. sources.

As chairman of the Subcommittee on Mines and Mining of the House Committee on Interior and Insular Affairs, I question whether the President's newly-announced program is sound and equitable in all its ramifications. I believe that the program must be examined minutely by Congress to restore the balance presently lacking.

For the benefit of my colleagues, I am inserting correspondence from Hawaii illustrating the regressive nature of the President's new program as far as Hawaii is concerned. I am also attaching my wire urging its urgent modification to exempt Hawaii:



WASHINGTON, D.C.,
*April 19, 1973.*

Hon. RICHARD M. NIXON,
*President of United States, White House, Washington, D.C.:*

Request urgent revision new energy policy to exempt Hawaii from any increased tariff on imported crude oil. Hawaii's absolute dependence on imported energy sources and existing importation costs place extremely heavy burden on Hawaii consumers as determined by your cabinet task force on oil import control. Hawaii's living costs at least 15 percent higher than those on mainland now. Your proposal for additional charges would contribute nothing to national security but severely damage Hawaii economy. Request explanation why State of Hawaii's unique geographical status and needs ignored by your policy and urgent revision to provide exemption.

PATSY T. MINK,
*Member of Congress.*

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HAWAIIAN INDEPENDENT REFINERY, INC.,
*Honolulu, Hawaii, April 13, 1973.*

Hon. PATSY T. MINK,
*Suite 302, Cannon House Office Building, Washington, D.C.*

DEAR REPRESENTATIVE MINK: Under separate cover we airmailed you a copy of our April 11, 1973 submission to Mr. W. E. Simon, Chairman of the Oil Policy Committee, concerning possible revision to the U.S. oil import policy.

We would greatly appreciate your active support so that the only U.S. foreign-trade zone refinery located in Hawaii, Hawaiian Independent Refinery, Inc., will not be bypassed but, rather, be given the same objective treatment under President Nixon's new energy policy as other U.S. refineries. I believe there is an urgency in apprising the Oil Policy Committee of our unique situation as I understand they are in the process of finalizing the new oil import program.

Your timely assistance will be most helpful.

Best regards.

Sincerely,

PAUL C. JOY.

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HAWAIIAN INDEPENDENT REFINERY, INC.,
*Honolulu, Hawaii, April 11, 1973.*

Mr. W. E. SIMON,
*Chairman, Oil Policy Committee, Deputy Secretary of the Treasury, Washington, D.C.*

DEAR MR. SIMON: Any revision to U.S. oil import policy must fully consider the role of U.S. refinery operations being undertaken within U.S. foreign-trade zones. We plead that you not overlook Hawaiian Independent Refinery, Inc.'s position in the development of the special "national security fee" tariff program you are reportedly preparing. Our U.S. refinery, operating on U.S. soil within a U.S. foreign-trade zone, must be given the same objective treatment as other secure U.S. refinery capacity, and not be thrown in with overseas refining capacity on foreign soil!

1. Finished products manufactured by a U.S. foreign-trade zone refinery must not be penalized by the imposition of special national security fees or tariffs which may be placed on petroleum products manufactured in overseas foreign areas.

2. Finished products manufactured by a U.S. foreign-trade zone refinery for domestic consumption must be given all the consideration and benefit afforded less secure finished products of Canadian manufacture that are imported into the U.S. by overland transportation or that refined in Puerto Rico and the U.S. Virgin Islands.

3. If the benefits generated by new U.S.-based refinery capacity erected in a foreign-trade zone are to be maintained and supported, U.S. zone refiners must be afforded consideration significantly different than that afforded overseas foreign refinery operations. (Attachment A factually outlines the direct benefits afforded our nation by America's first foreign-trade zone refinery operating in the State of Hawaii.)

What is a "Foreign-Trade Zone Refinery?" Briefly, the only difference between a U.S. refinery processing foreign crude oil in a U.S. foreign-trade zone and a typical U.S. refiner processing imported foreign crude is a Customs distinction as to when, in the chain of events, duties become payable on foreign source petroleum destined for U.S. consumption. A FTZ refinery is an American manufacturing facility within a unique U.S. location where foreign materials may be brought without being subject to payment of U.S. Customs duties unless and until such materials or products manufactured therefrom actually leave the zone for entry into U.S. markets. Petroleum fuels refined with a FTZ plant are truly products of U.S. manufactuer and are fully subject to U.S. jurisdiction, laws and regulation. The U.S. zone refiner's manufacturing operation takes place on duty-free crude oil within an essentially duty-free Customs enclosure and only those zone products entering U.S. markets or consumed within the zone must be duty paid. Non-zone U.S. refiners pay Customs duties on the foreign crude oil imported before its processing and must apply to Customs for duty drawback or credit to recover the duty previously paid on that portion of their products which are exported to foreign markets.

U.S. zone refineries are structured to engage in manufacturing for both world and U.S. bonded markets, whereas most U.S. domestic refiners are structured to serve mainly U.S. domestic markets. But, in time of crisis, the full output of the U.S. zone refinery can be readily diverted to supply fuels to the U.S. economy rather than to overseas foreign markets!

It was the intent of Congress that the FTZ law provide such duty-free enclosures on U.S. soil to encourage American business to undertake "value added" manufacturing operations within the U.S. which would otherwise be conducted on foreign soil. Such activities, of course, support the domestic economy, improve U.S. balance of payments and U.S. participation in world trade and commerce, and, in the case of zone petroleum refining, have a positive impact on our national security.

Without knowing more about the new import program you are developing, it is difficult to make specific recommendations. However, since Hawaiian Independent Refinery is the only operating U.S. foreign-trade zone refinery in existence, we could be placed in a most difficult situation through a simple oversight. Therefore, we would certainly appreciate an opportunity to discuss with you the future role of U.S. foreign-trade zone refineries and the probable effects of the proposed "national security fee" program upon them prior to promulgation of the new program. Since this may not be possible, we make the following suggestions:

1. A foreign-trade zone refinery can be considered analogous to (1) a Canadian refinery operation although a zone refinery is a totally U.S. operation or (2) those refineries in U.S. Virgin Islands or Puerto Rico. Under the new program you are developing, it is timely that U.S. zone refined products destined for U.S. markets be treated no less preferentially than Canadian refined products or those refined in the U.S. Virgin Islands or Puerto Rico allowed entry into District I-V. If a lower fee schedule is applied to these sources of finished products than overseas foreign refined products, then such lower fees should apply to an even more secure U.S. foreign-trade zone refinery's products.

2. Since a very significant portion of Hawaiian Independent Refinery's products are exported into international trade and commerce, it is essential that no special fee be imposed on the foreign crude oil utilized to manufacture those zone refined petroleum products which are marketed in world-wide competition with foreign-based refineries.

3. We believe it essential that during a national energy shortage, U.S. refining capacity located in trade zones be recognized and allowed to supply a portion of our nation's finished product demand deficit. U.S. zone refined products must be given fair and just treatment under the new security fee oil import control program if this is to be economically accomplished.

4. Since foreign crude oil can freely enter U.S. zones for refining, it is only reasonable that any products produced therefrom would; upon entering the U.S. market, be subject to the same national security fees which would be imposed on foreign crude or unfinished oils (not finished products) entering the domestic economy for processing by other U.S.-based refineries.

Our present program to considerably expand the refining operation in Hawaii's Foreign-Trade Sub-Zone No. 9A to produce larger quantities of badly needed low sulfur residual fuel oil, synthetic natural gas, and distillate fuel oils for electric power generation, in addition to expanding its output of essential military fuels now in short supply for the Pacific area, cannot proceed unless the new oil policy program recognizes the significant role which foreign-trade zones can play in expanding future U.S. refinery capacity.

We would prefer no change in either the current policies or regulations as they now provide a satisfactory basis for the expansion and use of zone refineries throughout the littoral U.S. However, we are concerned that your new program relating to oil imports could seriously damage U.S. refiners operating in foreign-trade zones and discourage the generation of all the peripheral benefits which zone operations provide (see Attachment A).

American refineries operating within a foreign-trade zone enclosure on U.S. soil are part-and-parcel of the U.S. refining industry and their interests must not be overlooked. Therefore, in revising the oil import program, we request you seriously consider the role of U.S. zone refineries and the advantages they offer to national security, balance of payments, and the U.S. economy.

We stand ready to meet with you at any place or time convenient to you to discuss this subject in greater detail.

Sincerely,

PAUL C. JOY,
*Vice President.*

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HAWAIIAN INDEPENDENT REFINERY, INC.,
*April 11, 1973.*

ATTACHMENT A

What has the nation's first Foreign-Trade Zone refinery accomplished?

1. It effectively reduced the U.S. dollar outflow by the initial $40,000,000 of capital investment that was made in American refinery capacity rather than in a foreign based operation.

2. It has reduced the U.S. reliance on uncertain foreign sources of refined products by 30,000 barrels per day.

3. It has created 76 full time and 18 part time new U.S. jobs—mostly for skilled workers; since each refinery job reportedly creates 8 positions in affiliated services, approximately 700 new local jobs have been generated!

4. It has created a significant new source of tax revenues for both Hawaii and the U.S.A. by generating $50,000,000 of new annual corporate revenues.

5. It has enabled the development of significant new foreign trade markets for the U.S.A., helping to counter our nation's growing balance of trade deficit. (According to the actual 1972 statistics from the Executive Secretary of the FTZB, 81% of the zone re-



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finery's volume of product was foreign trade oriented—either exports directly to Japan, Canada and Mexico, or sales supplanting foreign refined products historically supplied to the U.S. Armed Forces and Hawaii's bonded transportation fuels market.)

6. It has established much needed new refinery capacity on U.S. soil and particularly in strategically located Hawaii.

7. It supplies a majority of its products to the Department of Defense in support of our national security interests.

8. It has effected large dollar savings in fuel procurement for the Armed Services. (For example, DFSC JP-4 jet fuel bids for the last half of 1972 dropped nearly 2¢ per gallon from historical Hawaii levels after the zone refinery went on stream.)

9. In the interest of national defense, the U.S. zone tanker mooring and bulk fuel terminal provides the DOD with a second deep-water mooring and nearly 50% more petroleum reserve storage facilities adjacent to the Pearl Harbor Naval Base, Hickam Air Force Base, Kaneohe Marine Air Station, and the Army complex at Schofield.

10. It is providing major quantities of ecologically needed low sulfur residual fuel oil to major Hawaiian industrial consumers and U.S. utilities.

11. Every barrel of zone product produced represents approximately one U.S. dollar of "value added" by a U.S. refining and petroleum distribution activity; this one dollar per barrel is a direct saving on the U.S. balance of payments out-flow had the product otherwise been refined on foreign soil. It amounts to millions of dollars per year on the initial 30,000 barrel per day zone refinery operation.

12. By mainly serving markets historically supplied by foreign refiners, it provides Hawaii's economy with a more reliable alternate source of fuels, safe and secure from foreign political interference.

13. By using U.S. flag vessels to transport zone refined products to the U.S. West Coast to fulfill a portion of that area's petroleum deficit, its distribution operations directly support the failing U.S. maritime industry.

14. In time of national emergency or energy crisis, rather than export the zone-refined products to foreign markets, its fuels could immediately be diverted into the U.S. domestic economy in the national interest.

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HONOLULU, HAWAII,
*April 11, 1973.*

PATSY TAKEMOTO MINK,
*U.S. House of Representatives,*
*Washington, D.C.*

Following message was sent to President Nixon this date:

Subject: Oil imports: exemption of Hawaii from the proposed new tariff system.

DEAR MR. PRESIDENT: We understand that the administration is giving serious consideration to the imposition of an additional tariff or fee program for foreign petroleum imported into the United States. This letter is to request that you and your task force consider the unique opportunity you have, through this national security fee program, to foster the development of domestic energy resources and fully sustain the price of domestic crude oil in the interest of national security while encouraging the construction of new Hawaiian refinery capacity and lowering the cost of living in the islands.

Hawaii should be made exempt from any increased tariff on imported crude oil in recognition of the island's absolute deficiency of fossil fuel energy resources, intolerably high cost of living and distant offshore location.

The Cabinet Task Force stated in its report, the oil import question (section 306B), "The Hawaiian wholesale price of gasoline is 2-4 cents a gallon higher than that on the West Coast." Obviously, Hawaii's residents pay a heavy economic penalty for living in this energy-insecure island State. Shipping costs must be added to most everything consumed here—part of the reason that Hawaii's cost of living is 15 percent to 20 percent higher than the mainland average. The cost of petroleum fuels, our primary and only significant source of energy, is likewise higher than the mainland. Why is this true even though much of the 50th State's petroleum fuels are basically derived from foreign crude oil? Under the present oil import program, the import quota generated by Hawaii's 100 percent crude oil deficiency is distributed among all the refiners in district V, even to those in crude surplus States such as Alaska. This deprives this most isolated U.S. bastion of defense of what otherwise would be significant self-sufficient petroleum refining industry and forces it to rely on the West Coast for a significant portion of its fuel.

If foreign petroleum must be imported into the United States, from a national security standpoint, Hawaii is an ideal destination for it. Regardless of the source, all of Hawaii's petroleum must be shipped in tankers over thousands of miles of ocean. It makes no sense from a national defense or economic standpoint to ship middle and far east foreign crude oil past the islands to U.S. West Coast refiners and then to ship their refined petroleum products back out to Hawaii. Such a double shipment activity not only reduces Hawaii's security of energy supply, but increases the landed cost of fuels.

Because of the cost of shipping refined products from Hawaii to the West Coast, Hawaii refined petroleum prices could be 1 to 2 cents per gallon lower than U.S. mainland prices without upsetting domestic crude or product prices. Given the 2 to 4 cents per gallon spread reported by the cabinet Task Force, and the current cost level of foreign crude oil, Hawaii could receive all the foreign crude oil it could refine directly from overseas sources without upsetting in any way the proposed tariff supported price of domestic crude oil or the island's security of fuel supply.

We urge your task force to seriously consider the unique opportunity the proposed tariff program presents to lower the cost of basic energy so essential to Hawaii's economy, while fully maintaining the national defense purpose of the mandatory oil import program. We urge you to direct the exemption of Hawaii from any proposed additional tariff on foreign crude oil or refined products.

If we may assist you or your task force by providing additional testimony on Hawaii's unique energy situation, please call on us.

Very truly yours,
CHAMBER OF COMMERCE OF HAWAII.

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## BETTER COMMUNITIES ACT

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, one of the nightmares of Federal social legislation is the presence of laws designed to accomplish good ends, but which so fragment the problems that the results are diluted and only marginally effective.

Such has been the case with urban development categorical grant-in-aid programs. And so today, I am introducing the Better Communities Act which seeks to replace these fragments with a single, unified program that will achieve far better results than ever before. This legislation is being cosponsored by every minority member of the Banking and Currency Committee.

We seek to establish in a single fund, all the major, current categorical programs that deal with the physical development of a community. All the activities now authorized under the separate categorical programs will be permissible under the new act.

In addition, the Better Communities Act will accomplish the following:

Give State and local elected officials direct control over funds and permit them to establish their own priorities on how the money shall be spent.

Allocate funds by a formula based on need, considering population, overcrowded housing, and especially poverty.

Provide an automatic annual fund entitlement.

Eliminate as much as possible Federal redtape and bureaucratic restrictions.

Assure localities of funds at least equal to the annual funding under the categorical grant system.

The recipients will be localities in which more than 72 percent of the American people live. These include 481 metropolitan cities—with populations of 50,000 or more—approximately 600 cities with lesser population, and 85 urban counties—with populations of 200,000 or more. States will participate in this act, and all nonmetropolitan communities, are potential beneficiaries of better community funding through the States.

President Nixon in his fiscal year 1975 budget will ask that Congress appropriate $2.3 billion for the first year beginning July 1, 1974. This is more than the total of funds currently allocated under the categorical community development programs.

The first 65 percent of the appropriation will be divided among the metropolitan cities and urban counties on a formula based on actual need.

Some cities will receive considerably more than they received in previous years. Of the major users of the replaced programs, none will receive less than what they have received during the recent past.

The remaining 35 percent of the appropriation will be used primarily for a "hold harmless" provision—that would insure a community that it will receive as much under this act as it received previously.

Of the funds not used for "hold harmless" provisions, most will go to the States to assist local community development activities.

The Better Communities Act will support community development activities as selected by local elected officials. Among the activities eligible for funding are:

Acquisition, clearance and renewal of real property and land;

Relocation of people and businesses displaced by urban renewal;

Construction of streets, malls, neighborhood, and community centers, recreation areas;

Rehabilitation of residential or commercial property;

Elimination of harmful physical conditions that endanger health or safety; and

Provision of services to support other community development activities funded by the act.

I would like to emphasize that activities funded by the replaced categorical grant programs could be continued or expanded, and new activities started, as desired by the locality, and determined by their own needs and priorities.

Funds already obligated by the Federal Government will remain with the locality to use according to the terms of the grant. These funds are in excess of $6 billion for the urban renewal program alone.

A community will be able to convert urban renewal projects to Better Communities Act funding and regulation by closing the project's financial records and converting the assets and liabilities against the community's future shared revenue entitlement.

In summary, the Better Communities Act will consolidate into a single fund all the money now used in the seven inflexible, fragmented, categorical grant-in-aid programs loosely lumped under the heading of Community Development, that is, Urban Renewal—including neighborhood development programs, code enforcement, demolition grants, and interim assistance; model cities; neighborhood facilities, water and sewer grants; open space and historic preservation; rehabilitation loans; and public facility loans.

Spending of this money by the locality would be determined by locally elected officials according to their own overall planning and priorities.

The long, seemingly interminable delays now experienced in winning approval for projects would be eliminated. So too would the reams of paperwork now required for Federal review.

The Government interest would be protected through reporting procedures, postaudits, and public disclosure.

Major users of the replaced HUD programs would receive no less under the Better Communities Act, than they did under the categorical grant system.

The Better Communities Act will return to local government the powers of decision concerning local community programs and problems, subjects on which they are far more knowledgeable than the Federal Government.

Following my remarks I am including the March 8, 1973, message of President Richard Nixon to the Congress of the United States:

*To the Congress of the United States:*

Today, in this fifth report to the Congress on the State of the Union, I want to discuss the quality of life in our cities and towns and set forth new directions for community development in America.

Not long ago we became accustomed to the constant rhetorical drumbeat of the "crisis of our cities." Problems were multiplying so rapidly for our larger urban areas that some observers said our cities were doomed as centers of culture, of commerce, and of constructive change.

Many of these problems still persist, but I believe we have made sufficient progress in recent years that fears of doom are no longer justified.

What is needed today is calm reflection upon the nature of modern community life in the United States, a reassessment of the manner in which we are trying to solve our remaining problems, and a firm resolve to get on with the task.

America's communities are as diverse as our people themselves. They vary tremendously in size—from massive cities to medium-sized urban and suburban areas, to small towns and rural communities.

Just as importantly, each of our communities haa built up strong individual characteristics over the years, shaped by region, climate, economic influences, ethnic origins and local culture.

Of course, communities do share common needs and concerns. People in every community want adequate housing, transportation, and jobs, a clean environment, good health, education, recreation facilities, security from crime and fear, and other essential services. But local priorities differ; the intensity and order of local needs vary.

Clearly, no single, rigid scheme, imposed by the Federal Government from Washington, is capable of meeting the changing and varied needs of this diverse and dynamic Nation.

There is no "best" way, no magic, universal cureall, that can be dispensed from hundreds or thousands of miles away.

What is good for New York City is not necessarily good for Chicago, or San Francisco, much less for smaller communities with entirely different economies, traditions and populations.

Too often in the past we have fallen into the trap of letting Washington make the final decisions for St. Louis, Detroit, Miami and our other cities. Sometimes the decisions were right, and programs have succeeded. Too often they were wrong, and we are still paying the price.

The time has come to recognize the errors of past Federal efforts to support community development and to move swiftly to correct them.

The results of past errors form a disturbing catalogue:

They have distorted local priorities.

They have spawned a massive glut of red tape.

They have created an adversary climate between local communities and Washington which has often led to waste, delay and mutual frustration.

They have contributed to a lack of confidence among our people in the ability of both local and national governments to solve problems and get results.

They have led to the creation of too many complex and often competing Federal programs.

Perhaps worst of all, they have undercut the will and the ability of local and State governments to take the initiative to mobilize their own energies and those of their citizens.

The Federal policy that will work best in the last third of this century is not one that tries to force all of our communities into a single restrictive mold. The Federal policy that will work best is one that helps people and their leaders in each community meet their own needs in the way they think best.

It is this policy which binds together the many aspects of our community development programs.

THE BETTER COMMUNITIES ACT

In the near future, I will submit to the Congress the Better Communities Act to provide revenue sharing for community development. Beginning July 1, 1974, this act would provide $2.3 billion a year to communities to be spent as they desire to meet their community development needs. In the event this Better Communities Act becomes effective, funds already available to the Department of Housing and Urban Development will be used to maintain and support community development.

The Better Communities Act is intended to replace inflexible and fragmented categorical grant-in-aid programs, and to reduce the excessive Federal control that has been so frustrating to local governments.

Rather than focusing and concentrating resources in a coordinated assault on a set of problems, the categorical system scatters these resources, and diminishes their impact upon the most needy. Excessive Federal influence also limits the variety and diversity of development programs. Local officials should be able to focus their time, their resources and their talents on meeting local needs and producing results, instead of trying to please Washington with an endless torrent of paperwork.

I first proposed such legislation in 1971, and although the Congress failed to enact it, signficant support was expressed in both the Senate and the House. Since that time, members of my Administration have been consulting with Congressional leaders, mayors, Governors, other local officials and their representatives. Many contsructive suggestions have been received and will be incorporated in my new legislative proposal. As a result, I believe the Better Communities Act will represent our best hope for the future of community development and will deserve rapid approval by the Congress.

Among the most significant features of the Better Communities Act are these:

Hold-Harmless Provision: The flow of money to cities and urban counties to be based on a formula reflecting community needs, as determined by objective standards. In the years immediately following enactment, funds would be used to assure that no city receives less money for community development than it has received under the categorical grant programs.

Assistance for Smaller Communities: Funding is also to be provided for our smaller communities, recognizing the vital importance of small towns and rural communities to the future of the Nation.

The Role of State Government: State governments have always played an important part in meeting the community development needs of their communities. The Act will recognize this role.

Local Decision Making: While each of the activities now supported by categorical grants may be continued, it would be up to local leaders to determine how that money will be spent.

Minimizing Red Tape. Recipients would be required to show the Federal Government only that they are complying with Federal statutes in the way they are spending their revenue sharing money.

Elimination of Matching. Shared revenues would not have to be matched by local funds.

Protection for Minorities. Under no circumstances could funds provided under the Better Communities Act be used for purposes that would violate the civil rights of any person.

A DEPARTMENT OF COMMUNITY DEVELOPMENT

One of the most serious deficiencies in the effort of the Federal Government to assist in community development has been the fragmentation and scattering of Federal programs among a variety of departments and agencies. All too often State or local officials seeking help for a particular project must shuttle back and forth from one Federal office to another, wasting precious time and resources in a bureaucratic wild goose chase.

In order to coordinate our community development activities more effectively, I proposed nearly two years ago that we create a Department of Community Development which would pull under one roof various programs now in the Departments of Housing and Urban Development, Transportation, Agriculture, and other agencies.

After extensive hearings on this proposal, the Committee on Government Operations of the House of Representatives reached this conclusion:

"The Department of Community Development will be a constructive center in the

Federal Government for assistance to communities, large and small. It will facilitate rational planning, orderly growth, and the effective employment of resources to build viable communities throughout the United States. It will help to strengthen the physical and institutional bases for cooperative action by Federal, State and local governments."

This Administration fully agrees, of course, and will continue to work with the Congress for the prompt creation of a Department of Community Development.

In the interim, I recently appointed a Presidential Counsellor on Community Development who will coordinate community development programs and policies in the executive branch. But only when the Congress approves the basic departmental reorganization proposed by the Administration can our efforts to eliminate waste, confusion and duplication, and to promote community betterment more efficiently, be fully effective.

THE RESPONSIVE GOVERNMENTS ACT

For nearly 20 years, the Federal Government has provided assistance to State and local governments in order to strengthen their planning and management capabilities.

This aid, provided under the Comprehensive Planning Assistance Program, has always been helpful, but the program itself has several major flaws. It has tended, for instance, to stress one aspect of public administration—planning—without adequately recognizing other essential features such as budgeting, management, personnel administration, and information-gathering. Planning has often been irrelevant to the problems and the actual decisions. State and local governments have also found it difficult to coordinate their planning because of the fragmented way in which funds have been sent from Washington.

This Administration proposed new planning and management legislation to the 92nd Congress, but it was not approved. In the meantime, we took what steps we could to improve the existing program. Some progress has been made, but corrective legislation is still needed.

I shall therefore propose that the 93rd Congress enact a new Responsive Governments Act. I shall also propose that we provide $110 million for this act in fiscal year 1974—almost one-fifth of the entire amount that has been spent under the present law in the last two decades.

This Responsive Governments Act would assist State and local governments in meeting several important goals:

Developing reliable information on their problems and opportunities;

Developing and analyzing alternative policies and programs;

Managing the programs;

And evaluating the results, so that appropriate adjustments can be made.

The ability to plan and manage is vital to effective government. It will be even more important to State and local governments as they are freed from the restraints of narrow categorical Federal programs and must decide how to spend revenue sharing funds. Thus the Responsive Governments Act is a vitally necessary companion piece to the Better Communities Act.

HOUSING

This Administration is firmly committed to the goal first set forth for America in the 1949 Housing Act: "a decent home and a suitable living environment for every American family." While we believe that some of our housing programs have failed and should be replaced, we should never waiver in our commitment.

During the past four years, the Federal Government has provided housing assistance to an additional 1.5 million American families of low and moderate income. This represents more housing assistance than the total provided by the Federal Government during the entire 34-year history of our national housing program preceding this Administration.

In addition, a healthy, vigorous, private housing industry has provided 6 million new unsubsidized units of housing for Americans in the last four years. Housing starts for each of the last three years have reached record high levels,—levels, in fact, that are more than double the average for the preceding 21 years.

Most importantly, the percentage of Americans living in substandard housing has dropped dramatically from 46 percent in 1940 to 37 percent in 1950 to 18 percent in 1960 to 8 percent in 1970. Americans today are better housed than ever before in our history.

At the same time, however, there has been mounting evidence of basic defects in some of our housing programs. It is now clear that all too frequently the needy have not been the primary beneficiaries of these programs; that the programs have been riddled with inequities; and that the cost of each unit of subsidized housing produced under these programs has been too high. In short, we shall be making far more progress than we have been and we should now move to place our housing policies on a much firmer foundation.

That is why we suspended new activity under Federal subsidized housing programs effective January 5th of this year. I would emphasize, however, that commitments that were made under these programs prior to their suspension will be honored. This will mean that approximately 300,000 units of new subsidized housing will be started in 1973.

In pursuing our goal of decent homes for all Americans, we know that better means are needed—that the old and wasteful programs, programs which have already obligated the taxpayer to payments of between $63 billion and $95 billion during the next 40 years, are not the answer.

One of my highest domestic priorities this year will be the development of new policies that will provide aid to genuinely needy families and eliminate waste.

A major housing study is now underway within the Government, under the direction of my Counsellor for Community Development. Within the next six months, I intend to submit to the Congress my policy recommendations in this field, based upon the results of that study.

TRANSPORTATION

To thrive, a community must provide for the efficient movement of its people and its products. Yet in recent years, the growing separation of the city from its suburbs and changing employment patterns have made transportation more of a community problem than a community asset. To improve community development we must meet the challenge of transportation planning and provide more flexible means for communities to meet their transportation needs.

Without better transportation, our communities will either stagnate or choke.

Four years ago we initiated programs to renew and redirect our transportation systems. We took action to expand the capacity of our airways, to preserve and improve intercity rail passenger service, to continue the Nation's highway program with greater emphasis on safety, and to bring needed progress to our surface public transportation. The Federal commitment has been substantial:

The enlarged Airport Development Aid Program established under the Airport-Airways Development Act of 1970 has quadrupled Federal assistance to airports to $295 million per year.

Under the Rail Passenger Service Act of 1970 we have begun to rejuvenate rail service as part of a balanced transportation system.

From 1970 through 1974 we will have invested some $23 billion in highways. In 1972 alone we committed $3.3 billion to the Interstate system, which is now 80 percent complete. In that same year, $870 million was designated for primary and secondary roads. Equally important, we have emphasized safety on our highways, both in their design and use.

We have progressively increased the levels of Federal funding for transportation research, development, and demonstration projects. This support focuses on new transportation technology. It is designed to encourage private industry to join aggressively in the search for better transportation.

Concurrent with our programs to improve transportation between our cities, we have undertaken programs to develop freeflowing corridors for people and commerce within our cities.

Since 1970, when I proposed and the Congress passed the Urban Mass Transportation Assistance Act, we have committed more than 2 billion Federal dollars to preserve and upgrade public transportation. Nationally, urban public transportation has become a billion-dollar-a-year Federal program.

Over the past four years, Federal dollars have helped 60 American cities to help those who depend on public systems for transportation to jobs, hospitals, shops and recreational centers. Now we must deal even more aggressively with community development challenges in transportation by building on the strong foundations we have laid.

Nothing can do more to lift the face of our cities, and the spirit of our city dwellers, than truly adequate systems of modern transportation. With the best highway system in the world, and with 75 percent of our people owning and operating automobiles, we have more transportation assets per capita than any other people on earth. Yet the commuter who uses a two-ton vehicle to transport only himself to and from work each day is not making the most efficient use of our transportation system and is himself contributing to our transportation and environmental problems.

Good public transportation is essential not only to assure adequate transportation for all citizens, but to forward the common goal of less congested, cleaner and safer communities. As I pointed out a few weeks ago in my message on the environment and natural resources, effective mass transit systems that relieve urban congestion will also reduce pollution and the waste of our limited energy resources.

As we build such systems, we must be aware of the two special challenges in coordinating the needs of the inner city and the suburb and in alleviating potential disruptions which new transportation systems can bring to neighborhood life.

To further these efforts I again continue to urge Congress to permit a portion of the Highway Trust Fund to be used in a more flexible fashion, thus allowing mass transit capital investments where communities so desire.

I recommend that the Congress authorize the expenditure by State and local governments of $3.65 billion over the next three years from the Highway Trust Fund for urban transportation needs, including capital improvements for bus and rapid rail systems. I also recommend continuing the rural highway program at the $1 billion a year level, and providing ample resources to advance the Interstate system as it approaches its 1980 funding completion date. This legislation can meet old needs while at the same time addressing new ones.

Some communities now feel unduly obligated to spend Federal monies on controversial Interstate highway segments in urban areas. I urge the Congress to allow States and localities to transfer such funds to the construction of other Federal-aid highways and



mass transit capital improvements. In this way, we can help resolve controversies which have slowed work on a number of Interstate links in urban areas.

It is very important to recognize that this proposal does not represent an arbitrary Federal shift of funds from highways to transit. What it does stress is the right of local governments to choose the best solutions for their urban transportation problems.

This year, in a companion measure to our Federal Highway Bill, I am also proposing that funding for mass transit capital grants be increased by $3 billion, bringing the obligational authority for the mass transit program to $6.1 billion. This provision would maintain a forward looking mass transit program through at least 1977. I am also asking the Congress to amend the Urban Mass Transportation Assistance Act, increasing the Federal share for urban mass transit capital grant assistance programs to 70 percent and thereby achieving parity with Federal aid for urban and rural road building projects.

RURAL DEVELOPMENT

Community Development is sometimes thought of primarily in terms of urban areas. However, as this Administration has often pointed out—and will continue to emphasize—no element of our national well-being is more important than the health and vitality of our rural communities. Thus, in pursuing a policy of balanced development for our community life, we must always keep the needs of rural America clearly in sight.

Twice in the last two years, I have recommended legislation which would provide new revenues for rural development. Under my latest proposal, loans and guarantees would have been made for projects selected and prepared by the States.

While the 92nd Congress did not enact either of these proposals, it did enact the Rural Development Act of 1972, establishing additional lending authority for rural needs. Like the Administration's proposals, this lending authority provides for insured loans and guaranteed loans which allow maximum participation of the private sector.

Several new programs are proposed to be funded under the Rural Development Act. One is a $200 million loan program to assist communities with a population of less than 50,000 in developing commercial and industrial facilities. A previously existing loan program has been increased by $100 million—to a total of $445 million—and, under the new law, can now be used to construct a wide variety of essential community facilities. In addition, grants and other programs under the act will be funded at a level of $33 million.

This Administration will implement the Rural Development Act in a manner consistent with the revenue sharing concept, allowing major project selections and priority decisions to be made by the State and local governments whenever possible. It is our intent, after fully evaluating the effectiveness of this approach, to seek whatever additional legislation may be needed.

DISASTER ASSISTANCE

To a community suffering the ravages of a natural disaster, nothing is more important than prompt and effective relief assistance. As our population grows and spreads, each storm, earthquake, drought or freeze affects larger numbers of people.

During the past four years, we have tried to reduce personal injury, deaths, and property damage by emphasizing adequate preventive measures. During the same period, however, I have had to declare 111 major disasters in 39 States and three Territories. This past year alone set a tragic record for major disaster activity, as I had to declare 48 major disasters—43 caused by storms and floodings. There were a number of especially devastating disaster emergencies in this period: the flooding in Buffalo Creek, West Virginia; flash flood in Rapid City, South Dakota; and, of course, Tropical Storm Agnes which rampaged through the eastern United States. Agnes alone caused 118 deaths and some $3 billion in property damage.

Until now, disaster relief efforts have involved a number of different agencies and have been coordinated by the Executive Office of the President. The experience of the past few years has demonstrated that:

We are not doing nearly enough to prepare in advance for disasters.

States, local governments and private individuals should assume a larger role in preparing for disasters, and in relieving the damage after they have occurred.

Responsibility for relief is presently too fragmented among too many authorities.

At the Federal level, disaster relief should be managed by a single agency.

I intend to make 1973 a turning point in the quality of governmental response to natural disasters.

To achieve this goal, I have already proposed Reorganization Plan Number 1 of 1973, which is now before the Congress. It calls for the delegation of all responsibility for coordinating disaster relief to the Secretary of Housing and Urban Development, who is also my Counsellor for Community Development. This transfer of operations would take place at the beginning of the new fiscal year and would be carried out in such a way that the effective relations which now exist with State disaster officials would in no way be harmed, while a new sense of unity and mobility at the Federal level would be fostered.

If the Congress enacts my proposal for a new Department of Community Development, that new department would be responsible for directing all Federal disaster activities, including those of several other agencies which perform disaster roles.

In addition to the improvements I have proposed in Reorganization Plan Number 1, I will shortly submit a new Disaster Assistance Act to the Congress. This new act is designed to improve the delivery of Federal assistance, to provide a more equitable basis for financing individual property losses, and to forge a more balanced partnership for meeting disasters head-on—a partnership not only among governments at all levels but also between governments and private citizens.

Under these proposals, each level of government would accept responsibility for those things it can do best. While the Federal Government would continue to assist with financing, State and local governments would have far more latitude and responsibility in the use of those funds. They would also be encouraged to assert stronger leadership in efforts to minimize the damage of future disasters.

For homeowners, farmers and businessmen who have suffered disaster losses, the Federal Government would continue to provide direct assistance.

I will also recommend to the Congress an expansion of the national flood insurance program to allow participation by more communities in flood-prone areas and to increase the limits of coverage.

CONCLUSION

As reflected by the proposals set forth here, I believe that we must strike out on broad, new paths of community development in America.

During the last few years, we have taken genuine, measurable strides toward better communities.

All of this is good; it is not good enough.

It is clear that we can and should be accomplishing more in the field of community development. There are too many programs that have been tried and found wanting. There are too many programs that strengthen the bureaucracy in Washington but sap the strength of our State and local governments.

People today want to have a real say in the way their communities are run. They want to feel that, once again, they can play a significant role in shaping the kind of world their children will inherit. And they expect their institutions to respond to their needs and aspirations.

That feeling will never flourish if the Federal Government, however vast its financial resources and however good its intentions, tries to direct the pattern of our lives. That feeling cannot be manufactured in Washington, it must come from within.

But the Federal Government can and should eliminate some of the barriers that have impeded the development of that feeling by returning resources and initiatives to the people and their locally elected leaders. It is in that spirit that I urge the 93rd Congress to give favorable consideration to my proposals for community development.

RICHARD NIXON.

THE WHITE HOUSE, *March 8, 1973.*

Mr. WYLIE. Mr. Speaker, President Nixon, in his community development message, said:

Local officials should be able to focus their time, their resources and their talents on meeting local needs and producing results instead of trying to please Washington with an endless torrent of paperwork.

Taken alone, this might be good and sufficient reason for passing the Better Communities Act. But this legislation which I am cosponsoring today does far more than relieve communities of a paperwork burden. It returns to the American taxpayer a greater measure of control over his own community.

Few can deny that previous attempts to aid urban areas, no matter how well-meaning, have distorted local priorities, spawned a massive glut of redtape, created an adversary climate between local communities and Washington, and led to the creation of too many complex and often competing Federal programs.

Perhaps more importantly—because they have been offered with such grand promises—unmet promises—the American taxpayer has had good cause to lose faith in his governmental institutions at all levels.

This legislation will help revise this dangerous trend in our great Republic. I quote the President again from his community development message. He said:

The Federal policy that will work best in the last third of this century is not one that tries to force all of our communities into a single restrictive mold. The Federal policy that will work best is one that helps people and their leaders in each community meet their own needs in the way they think best.

Mr. FRENZEL. Mr. Speaker, the Better Communities Act, which I am cosponsoring today presents a rational system for helping communities of all sizes solve the problems that beset them.

Under existing legislation, communities are confronted with a tacked-together system of grant-in-aid programs, rigid in concept, inflexible in application and wasteful in its bureaucratic strictures.

This act proposes a coordinated approach toward dealing with the physical development of a community.

Locally elected officials will determine how to use the support offered by the Better Communities Act. They will decide which functions now performed un-

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der the categorical programs will be continued or expanded, or whether new activities should be initiated. Most important, communities will know each year what their annual share of the funds will be.

Under the act, communities can continue to acquire, clear and renew property and land; purchase and develop open space, historic sites, parks and playgrounds; relocate people and businesses displaced by urban renewal; build streets, malls, neighborhood and community centers, and recreation areas.

Also, communities can continue to rehabilitate residential and commercial properties; eliminate harmful physical conditions that endanger health or public safety, and provide public services or facilities supporting their community development program.

No longer will it be necessary for a community to file a separate application for each of the categorical grant programs for which it seeks Federal assistance.

The act replaces existing categorical programs with a single funding system, allocating funds by a formula based on objective standards.

It gives States and local governments more control over funds and greater flexibility in deciding how the funds are to be spent. Governors and State governments will be able to play significant roles in developing communities in their States.

The act provides automatic annual entitlement for metropolitan cities and urban counties, with localities receiving no less than recent annual funding under the categorical grant system.

The act eliminates Federal redtape and bureaucratic restrictions, but protects legitimate Federal concerns through reporting procedures, postaudits, and public disclosure.

The money already earmarked by the Federal Government for existing categorical programs is not affected. These funds will remain with the locality for use in accordance with the terms of these earlier grants.

This legislation is a milestone in bringing into the Federal Establishment efficiency, economy and a sense of purposeful order.

## CLEAN AIR

(Mr. ECKHARDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, there has developed in recent years a poisonous atmosphere conducive to executive and administrative corruption. I have joined my chairman, the distinguished gentleman from West Virginia (Mr. STAGGERS), chairman of the Interstate and Foreign Commerce Committee, and the able chairman of the Subcommittee on Commerce and Finance (Mr. MOSS) in introducing the most important bill now before us to clear this atmosphere and to clean the air in the sphere of administrative process. It would accomplish this by enhancing the independence of the Environmental Protection Agency and the independent regulatory agencies.

### HISTORIC BACKGROUND

Beginning in the eighteen eighties with the creation of the Interstate Commerce Commission, Congress has created a number of agencies to regulate highly sensitive aspects of our economic system. The last of these agencies created, the Consumer Product Safety Commission, was established in the last Congress. Each of the so-called independent regulatory agencies was established as a subordinate arm of Congress to carry out assigned administrative and judicial functions within the parameters of legislative policy established by Congress. Great care was taken in the enabling statutes to create agencies which would be as far removed as possible from partisan politics or political influence. Though not in a strict sense an independent regulatory agency in form, the EPA is not unlike the typical independent regulatory agencies in its administration of environmental protection acts.

From the very inception of these agencies, however, Presidents, whether Republican or Democrat, have attempted to subject these regulatory agencies to executive control and dominance. Since these agencies together exercise more direct control over the private sector than any other segment of government, the power to manipulate them, or to shield particular businesses from the impact of their regulation, carries with it a political potential of enormous magnitude.

### GROWTH OF EXECUTIVE POWER

The power of control and dominance in the President, and the power to stand between the agency and the enforcement of its orders in the Attorney General, have been enhanced through the years by administrative statutes. In the interest of promoting economy and efficiency in Government and of affording precision and selectivity, the Congress has enacted certain administrative statutes which have placed in the hands of the President and those acting under his authority the means to control the substantive programs of the regulatory agency. As Government has become more complex, the precise problem has become more difficult to anticipate and delegation of authority to the agencies has increased. Thus, legislative power has moved toward the executive department via the administrative route. As a result of these agencies increasingly look to the executive department for direction.

Increasingly, allegations appear in the press and in public statements that the President has abused this authority and encroached upon the independence of these agencies; and there has been a growing body of evidence to the effect that the application of administrative orders, controls, and enforcement is being selectively applied. Sometimes it appears that such selectivity is not without sensitivity to its political implications.

At this very moment there is mounting evidence of a close relationship between the Justice Department and the fundraising efforts of the Republican Party in the last Presidential election. There is no question but that the head of that Department moved to the leadership of the Nixon campaign and raised money from sources formerly affected by his administration of the Department and at the time affected by the enforcement authority of that Department. There is indeed now serious question as to the propriety of former Attorney General John Mitchell's conduct in the campaign.

### DEPENDENCE ON THE DEPARTMENT OF JUSTICE

Currently, the EPA must rely on the Department of Justice to conduct litigation on its behalf. The White House too frequently becomes involved in decisions at the Justice Department as to whether or not to prosecute polluters. As a result, the Attorney General is placed in a position to conduct a turnstile system of justice. If applied corruptly, polluters, to avoid prosecution, might simply drop a coin in the turnstile—in the form of a campaign contribution—and pass on through. The bill we have introduced would prevent this by allowing the Environmental Protection Agency and other Government agencies to conduct their own litigation in civil cases. In the case of the EPA, criminal litigation would continue to be handled by the Justice Department; however, the Administrator of the Environmental Protection Agency would assume supervisory responsibility for such cases.

### POLITICAL INTERVENTION ON BEHALF OF ALLEGED POLLUTERS

The case of Armco Steel Co. in my home district of Houston, Tex., is a case study of blatant political influence. On December 1, 1970, the Justice Department filed suit under the Refuse Act of 1899 to enjoin Armco Steel from dumping waste into the Houston ship channel. The complaint stated that the discharges were "highly toxic" and constituted an "immediate hazard to human life." The Attorney General issued a press release to emphasize that the Government sought an immediate injunction rather than a fine, as a fine would be "a mere slap on the wrist."

The case was complicated somewhat when the Texas Water Quality Board ordered Armco to commence drilling of an injection well system to take care of its wastes. The Justice Department filed an amended complaint to halt construction of such a system. On September 17, 1971, a Federal district court complied with the Justice Department requests. The judge issued a decree ordering Armco to stop discharging wastes unless a permit was issued under the Refuse Act of 1899. A few days later, the court issued a partial stay of its order pending disposition of a motion for a new trial.

On September 28, 1971, Armco's president, William Verity—who in 1968 contributed $14,000 to the GOP campaign—wrote to President Nixon about the decision:

> After hearing your comments at the Detroit Economic Club on the need for a sensible balance between the environment and jobs, and after personally hearing you tell us that industry would not be a whipping boy in solving our environmental problems, I was shocked by the actions of Mr. Ruckelshaus and the Justice Department in shutting down the blast furnace and coke ovens at our Houston plant. It is inconceivable to me that your administration believes environmental problems can be solved by shutting down industry.
>
> To us that shutdown is extremely grave, both in and of itself and as an example of the heavy—even irresponsible—hand of big Government. I say this because our company has been trying to cure this plant's water pollution problems for over a year, but has been prevented from doing so by a petty argument between the State of Texas and EPA.
>
> We are bringing this to your attention, and also to the attention of the Attorney General, and the director of the Environmental Protection Agency.
>
> We are asking that you and the Justice Department take action to stay the judge's decision until a sensible, satisfactory plan can be worked out to solve our Houston problem. The company that has led the way in environmental improvement; the 300 men and women whose jobs are immediately affected; in fact, all employees of our Houston plant deserve fairer treatment than this.

Mr. Verity's plea was heeded by a sympathetic reader. In mid-October, several newspaper accounts reported that White House aide Peter Flanagan discussed the matter with Justice Department officials. The Government entered into negotiations with Armco, and a final order was issued on November 4, 1971. The order allowed Armco to continue to dump approximately 1,000 pounds of cyanide per day into Buffalo Bayou until June, Armco further agreed to construct an incinerator for waste disposal purposes, and to take up abatement measures—a far cry from the original request to halt the discharge of pollutants into the ship channel.

### HEARINGS ON THE ARMCO CASE

At hearings conducted by the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations to examine possible improprieties in the Armco case, Assistant Attorney General Shiro Kashiwa testified that no contract between the Justice Department and the White House had occurred. Yet, a year later—November 1972—a syndicated columnist reported that Mr. Martin Green, a section chief in the Justice Department, had prepared a memorandum to the files—dated September 30, 1971—which stated that the White House and Mr. Kashiwa were in close contact regarding the Armco case. On November 22, 1972, Congressman HENRY REUSS announced that his subcommittee staff had sought to obtain a copy of the memo. He said that on November 15, 1972.

> Assistant Attorney General Kent Frizzel (Mr. Kashiwa's successor) assured our Subcommittee staff that 1) the Green memorandum was accurately and fully quoted in the column, and 2) the Subcommittee could have a copy of it.

In his account of the events, Congressman REUSS said that later:

> Deputy Attorney General Ralph E. Erickson, in a letter to me reversed Mr. Frizzell, saying that my request for the Green memorandum "must be respectfully declined."

### GULF RESOUACES AND BUNKER HILL

And, there is the case involving Bunker Hill Co., a mining subsidiary of Gulf Resources & Chemical Co., whose main offices are located in Houston, Tex. Despite recommendations by the administrator of the 10th region of EPA, the Government failed to bring suit against the company to prohibit heavy metal discharges into the Silver King Creek. These discharges ultimately found their way to the Coeur d'Alene River in violation of the Refuse Act of 1899.

Concurrently, Mr. Robert Allen, president of Gulf Resources, was assembling some $100,000 which in due course he delivered to the Nixon reelection campaign. Ultimately, embarrassment to the campaign having developed over the disclosures resulting from the Watergate scandal, Mr. Allen asked for the return of the money and apparently it has been most willingly returned.

It appears that the assembling of the $100,000 contribution occurred about simultaneously with the delivery of a like sum which was transmitted from the corporate coffers of Gulf Resources to its Mexican subsidiary. It has been alleged, and I think not denied, that all or a substantial part of this transfer was paid to a lawyer of the Mexican subsidiary.

### OTHER EXAMPLES

There are other examples of questionable disposition of cases on the part of the Justice Department. For example, in October, 1970, the Interior Department recommended civil and criminal actions against ITT-Rayonier, Inc. For 3 years the company had failed to clean up effluent as agreed to at the Puget Sound Enforcement Conference. The Justice Department filed suit on March 30, 1971, charging the company with violation of the Refuse Act of 1899. The suit was settled on the same day.

The pattern of these cases shows that there is an open invitation for corruption when a quasi-judicial agency must enforce its orders through the Justice Department. The Attorney General of the United States is too frequently appointed as the chief henchman of the President of the United States.

There are other problems associated with reliance upon the Department of Jusitce to prosecute cases. A report issued by the Environmental Protection Agency, "The First Two Years: A Review of EPA's Enforcement Program," shows that during the period covered by the report, 106 civil actions and 169 criminal actions were referred to the Justice Department under the Refuse Act. Of those, the Justice Department initiated proceedings in only half of the civil and criminal cases. A report issued last summer by the House Committee on Government Operations described the problems which arisen when restrictive general policy guidelines affecting the prosecution of cases are established within the Justice Department. In 1970, departmental guidelines provided that U.S. attorneys could not institute civil or criminal proceedings in Refuse Act cases without the "prior authorization from the appropriate Assistant Attorney General." Fortunately, the guidelines have since been changed. However, there is little to prevent future Attorney Generals from again revising the guidelines so as to hamper prosecutions.

The bill is drafted to insure bipartisan legislative oversight of the agency's activities. All proposed legislation, comments on legislation and proposed regulations submitted to the Office of Management and Budget must also be submitted to Congress, Furthermore, if regulations are circulated among other agencies or submitted to any other person for comment, the agency must report such submissions to the Congress. Budget requests submitted to OMB must also be submitted to Congress. This is included in the bill in an effort to curb the effective policy control which is exercised by the Executive through the budgetary control exercised by OMB.

Institution of these practices will insure that regardles of who occupies the White House, and who controls the Congress, the elected representatives of the people will have an opportunity to oversee the activities of the agency.

A summary of the legislation H.R. 6962 follows:

### SUMMARY

1. PURPOSE

The proposed legislation is designed to remove executive branch controls of these agencies and to augment Congressional oversight authority. The bill would reach only those independent regulatory commissions subject to the jurisdiction of the Interstate and Foreign Commerce Committee. Thus, the terms relate to the CAB, FCC, FTC, FPC, ICC, SEC, and the new Consumer Product Safety Commission. The bill does not attempt to restore the regulatory freedom of the Federal Maritime Commission, which is subject to the jurisdiction of the Committee on Merchant Marine and Fisheries, nor does it deal with the National Labor Relations Board, which has a different cross-industry function and a peculiar status among the regulatory commissions. The bill also proposes to give greater regulatory freedom to the Environmental Protection Agency in the administration of those acts which are subject to the legislative jurisdiction of this Committee (i.e., the Clean Air Act, the Solid Waste Disposal Act, and the Noise Control Act of 1972)

2. BRIEF OUTLINE OF LEGISLATION

In brief summary, this legislation would—

(1) Require Senate confirmation for appointments of agency chairmen (Today the Senate only examines the appointment of a chairman if a commissioner is designated as chairman at the time he is appointed to the commission.);

Require that chairmen, once designated, shall continue to serve as such for the duration of their terms as members of the commission (Today agency chairmen serve at the pleasure of the President.); and

Prevent removal of agency chairmen or commissioners except for neglect of duty or malfeasance in office (At present several of the enabling laws establishing the regulatory commissions fail to state grounds for removal; others would permit removal for inefficiency in addition to instances of neglect of duty or malfeasance in office. These amendments make uniform and at the same time narrowly limit the bases for which the President may remove an agency chairman or commissioner.).

This bill does not propose amendments to the procedures for appointment of the Administration of EPA, nor does it establish a fixed term for such Administrator.

(2) Remove Justice Department control of civil litigation to which the regulatory commissions are a party and permit these agencies to act on their own behalf and through their own attorneys (At present some of the enabling statutes permit the regulatory agencies to act on their own behalf and through their own attorneys in civil litigation—e.g., the SEC and FPC—other enabling statutes are silent on this point. In the absence of specific direction from the Congress to the contrary, the Justice Department assumes control and supervision of all civil litigation.) These amendments would permit EPA to act in its own name through its own attorneys in any civil action under the Clean Air Act, the Solid Waste Disposal Act, or the Noise Control Act of



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1972. Also the Administrator of EPA would be permitted to control and supervise any criminal prosecution arising under violations of those acts.

(3) Eliminate the requirement that the agencies obtain the prior approval of OMB before distributing questionnaires or requests for information. The agencies would still be required to submit such questionnaires and requests to OMB and allow a reasonable opportunity for the Director to comment on them. (Existing law and practice allows the Director of OMB to exercise a veto over agency distribution of questionnaires to ten or more people. There have been instances when this authority has been exercised to deny an agency access to needed information.) These amendments apply to EPA only in the administration of the Clean Air Act, the Solid Waste Disposal Act, or the Noise Control Act of 1972.

(4) Direct the agencies to submit legislative recommendations or comments on pending bills directly to Congress and not to seek or obtain prior clearance or review of such submissions by any department of the executive branch or any other authority. (Under current practice, OMB requires the independent regulatory commissions to submit their legislative recommendations and comments for prior review and clearance. This procedure is called for by executive order. There is no legislative authority for it.) These amendments apply to EPA only in the administration of the Clean Air Act, the Solid Waste Disposal Act, or the Noise Control Act of 1972.

(5) Require the President, in submitting his budget to the Congress, to include the agency requests originally submitted to OMB together with any supporting materials furnished by the agency so that Congress may have a clear understanding of what resources the agencies themselves believe are necessary to carry out their assigned duties.

(6) Clarify the right of the duly authorized committees of the Congress to obtain access to information in the possession of these agencies. (These provisions are intended to remove any argument relating to the right of the committees charged with legislative oversight to gain access to information in the possession of the regulatory commissions. Its need is clearly demonstrated by the recent SEC-ITT experience.)

## PRESIDENT'S ENERGY MESSAGE

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, the President's Energy Message has to be viewed as a disappointment by those who are concerned that the demand side of the energy equation is not receiving enough attention.

The fact is that America has been on a three-decade-long energy binge, and a massive hangover is in prospect. The President's answer is to take more bufferin—the only real answer is to moderate and in some cases abstain from our bad habits.

But unfortunately, except for a few exhortations, the President's message looks only at supply, and even then there is too much "dig-and-dam-and-drill" philosophy.

It is the kind of philosophy that simply accepts the premise that population, as some project, will increase 50 percent to 300 million by the year 2000 and that energy per capita will necessarily quadruple. If we are going to simply accept this, we had better get a grip on what it means.

What it means is six powerplants for every one we have today, and even if the sites could be found, we would not for long have the oil, gas, coal, and dollars to keep them running. It means permanently clouded skies and poisoned waters. It means inevitable conflict with other world powers competing for scarce petroleum resources and perhaps it means mortgaging our future national security for Mideast oil.

We ought to ask ourselves: Are we really gaining anything by chasing the supply rabbit? The average American uses twice as much energy as his British counterpart. Does this lavish energy use really make us 100 percent happier? We waste as much energy each year as the Japanese consume; we use as much for air conditioning annually as 800 million Chinese use for everything. Surely there are places we can cut back without reverting to a spartan life style.

The President should have used this message to tell us some hard truths. He should have told us that the joy ride is over and we are going to have to begin thinking small: smaller cars, smaller houses, smaller towns.

Instead he has accepted the premise that public demand will grow exponentially and we had better get ready for it. My reply is that I'm part of the public and I demand no such thing.

Mr. Speaker, I have put together some down-to-earth suggestions for private citizens in the form of an energy diet, and I include it in the RECORD at this point:

THE UDALL ENERGY DIET

The idea of a spartan existence is repugnant to Americans. But the fact is that by exercising modest restraint average citizens, according to one study, could reduce energy demands overnight by as much as one-third. Each family ought to start thinking in terms of an energy diet: if your weakness is a big automobile, then cut down on electrical appliances, heating and air conditioning and so on. Below I have combined the best suggestions that have been made on how the average citizen can have an impact—and without seriously changing life styles.

THE AUTOMOBILE

Buy smaller cars.

Commute to work in car pools or by public transportation if accessible.

Ride bicycles and walk wherever possible. Auto traffic averages 12 mph in the cities, no faster than the horse and buggy.

Turn the engine off when parked. Don't use the engine just to cool or heat the car.

THE UTILITY COMPANY

Write your local utility a strong letter suggesting they knock off advertising stimulating electrical use.

THE AIR CONDITIONER

Keep in mind always it is one of the worst offenders during the worst part of the year.

Turn it off when you leave and in rooms not in use.

Make sure nothing is obstructing the ducts and that drapes are drawn on hot days.

Seek a professional's advice in purchasing a unit that isn't too big for your needs. Watch efficiency ratings given various brands by consumer magazines. Efficient models use less power.

LIGHTS

Turn off lights not in use.

Use fluorescent lights where feasible because they produce more light per watt and less heat.

Neon advertising lights are garish. By discouraging their use we can improve scenery and save energy all at once.

HOUSEHOLD APPLIANCES

Do one full load of wash rather than many half loads. If clothes are dry in 20 minutes, don't run the dryer 40 minutes.

Clean the dishwasher filter often and don't run less than a full load.

Never use the range as a heater.

Turn off the TV and radio when not looking and listening.

Use the garbage disposal as seldom as possible and if you don't have one, don't buy one.

HOUSING

If you're building a home, insist on thermal insulation to greatly reduce energy consumption and your monthly utility bill.

Use storm doors and windows to further cut utility costs.

Set your thermostat for a comfortable reading and leave it alone. Constant changing wastes fuel.

If you have individual room thermostats, keep a lower temperature in rooms, such as bedrooms, not in constant use.

ELECTRIC GADGETS

Start walking rather than riding those 18 holes.

Stop giving Christmas presents like electric toothbrushes, hair stylers, blankets, shoe polishers and so on.

RECYCLING CENTERS

Start using your local center!

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ROGERS, for 15 minutes, today.

(The following Members (at the request of Mr. MCCOLLISTER) and to revise and extend their remarks and include extraneous matter:)

Mr. BELL, for 5 minutes, today.

Mr. ROBISON of New York, for 15 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. MITCHELL of New York, for 5 minutes, today.

Mr. MCDADE, for 15 minutes, today.

Mr. VEYSEY, for 10 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. WYATT, for 10 minutes, today.

Mr. MILLER, for 5 minutes, today.

(The following Members (at the request of Mr. STUDDS) and to revise and extend their remarks and include extraneous matter:)

Mr. ALEXANDER, for 60 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. MCFALL, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 15 minutes, today.

Mr. FULTON, for 5 minutes, today.

Mr. MEEDS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. DRINAN, for 15 minutes, today.

Mr. MOAKLEY, for 5 minutes, today.

Mr. MATSUNAGA, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GROSS to insert his remarks in the body of the RECORD on S. 502 prior to the vote on the Anderson amendment.



Mr. RANDALL, to revise and extend his remarks, just prior to the vote on the Railsback amendment.

Mr. HORTON to extend his remarks during debate on the Anderson amendment and on the Walsh amendment in the Committee of the Whole, today.

Mr. MICHEL to extend his remarks following those of Mr. RAILSBACK during debate on the Railsback amendment in the Committee of the Whole, today.

Mr. DON H. CLAUSEN to include in the RECORD during debate on S. 502, today, remarks of Mr. JONES of Alabama.

Mr. WYLIE and Mr. FRENZEL to follow the remarks of Mr. WIDNALL today.

(The following Members (at the request of Mr. MCCOLLISTER) and to include extraneous matter:)

Mr. YOUNG of Alaska in two instances.
Mr. CONLAN.
Mr. KEATING.
Mr. WYMAN in two instances.
Mr. QUIE.
Mr. KEMP in two instances.
Mr. KUYKENDALL.
Mr. RINALDO.
Mr. GUYER.
Mr. HASTINGS.
Mr. ROUSSELOT.
Mr. ZWACH in three instances.
Mr. LENT in two instances.
Mr. VEYSEY in four instances.
Mr. HOGAN in two instances.
Mr. NELSEN.
Mr. SARASIN in two instances.
Mr. DICKINSON.
Mr. GERALD R. FORD.
Mr. ESHLEMAN.
Mr. STEIGER of Arizona.
Mr. THOMSON of Wisconsin.
Mr. MCDADE.
Mr. ARMSTRONG.
Mr. CONTE.
Mr. BURGENER.
Mr. CRONIN in two instances.
Mr. COUGHLIN in three instances.
Mr. WYDLER.
Mr. PARRIS in five instances.
Mr. HUBER in two instances.
Mr. FRELINGHUYSEN in two instances.
Mr. ASHBROOK in three instances.
Mr. MAILLIARD.
Mr. BUCHANAN in two instances.
Mr. WIDNALL in two instances.
Mr. BROOMFIELD in two instances.
Mr. FREY.

(The following Members (at the request of Mr. STUDDS) and to include extraneous matter:)

Mr. UDALL in seven instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. KOCH in two instances.

Mr. ROONEY of New York to extend his own remarks on the 30th anniversary of the Warsaw ghetto uprising.

Mr. BADILLO.
Mr. DRINAN in seven instances.
Mr. EDWARDS of California in two instances.
Mr. BLATNIK in two instances.
Mr. EILBERG in 10 instances.
Mr. GIAIMO in three instances.
Mr. DINGELL in two instances.
Mr. CAREY of New York in two instances.
Mr. RANGEL in three instances.
Mr. CORMAN.
Mr. ANDERSON of California in three instances.
Mr. FUQUA.
Mrs. MINK in four instances.
Mr. DANIELSON.
Mr. ROY.
Mr. RODINO in two instances.
Mr. WOLFF.
Mr. JAMES V. STANTON.
Mr. STOKES in five instances.
Mr. DOMINICK V. DANIELS in eight instances.
Mr. PICKLE.
Mrs. CHISHOLM.
Mr. RUNNELS.
Mr. HOWARD.
Mr. JOHNSON of California.
Mr. ROGERS in five instances.
Mr. FULTON.
Mr. ECKHARDT in two instances.
Mr. KYROS.

## SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 50. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes.

## ADJOURNMENT OVER TO MONDAY, APRIL 30, 1973

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 2 minutes p.m.), pursuant to the provisions of the Senate concurrent resolution 22, 93d Congress, the House adjourned until Monday, April 30, 1973.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

793. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subject of the Empire of Iran; to the Committee on Armed Services.

794. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, covering the quarter ended March 31, 1973, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

795. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the International Economic Policy Act of 1972; to the Committee on Banking and Currency.

796. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities; to the Committee on Banking and Currency.

797. A letter from the Commissioner of the District of Columbia transmitting a draft of proposed legislation to authorize certain programs and activities of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

798. A letter from the Deputy Assistant Secretary of Commerce for Product Standards, transmitting notice of proposed amendments to the Flammability Standard for Mattresses, DOC FF 4-72; to the Committee on Interstate and Foreign Commerce.

799. A letter from the Secretary of State, transmitting a report on U.S. foreign policy during 1972; to the Committee on Foreign Affairs.

800. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities; to the Committee on Interior and Insular Affairs.

801. A letter from the President, National Safety Council, transmitting a report of the audit of the financial transactions of the Council for 1972, pursuant to section 15 of Public Law 83-259; to the Committee on the Judiciary.

802. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 142 of title 13, United States Code, entitled "Census"; to the Committee on Post Office and Civil Service.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 109. Concurrent resolution providing for the printing of remarks of tribute to the late President of the United States, Lyndon Baines Johnson; with amendment (Rept. No. 93-150). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 126. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Year-Round Schools" (Rept. No. 93-151). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 156. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections, Federal and State Parole Systems", parts VII-A and VII-B, serial 15, 92d Congress (Rept. No. 93-152). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 2. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Runaway Youth" (Rept. No. 93-153). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 3. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Saturday Night Special Handguns, S. 1607" (Rept. No. 93-154). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 4. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Juvenile Confinement Institutions and Correctional Systems" (Rept. No. 93-155). Referred to the House Calendar.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 13. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the sudden infant death syndrome (Rept. No. 93-156). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 6388. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in



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air commerce; and for other purposes; with amendment (Rept. No. 93–157). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER (for himself and Mr. MILLS of Arkansas):

H.R. 7211. A bill to utilize the repayment of delinquent foreign debts for the establishment of the National Outdoor Recreation and Wilderness Trust Fund to be used to acquire land and waters for national outdoor recreation and wilderness areas; to the Committee on Ways and Means.

By Mr. BELL:

H.R. 7212. A bill to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services; to the Committee on Education and Labor.

H.R. 7213. A bill to extend the National Foundation on the Arts and the Humanities Act; to the Committee on Education and Labor.

By Mr. BURKE of Massachusetts:

H.R. 7214. A bill to amend the tax treatment of moving expenses; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself and Mr. ST GERMAIN):

H.R. 7215. A bill to increase the duty on rubber filament; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. BRASCO, Mr. BROTHILL of Virginia, Mr. COLLINS, Mr. WILLIAM D. FORD, Mrs. GRASSO, Mr. JOHNSON of California, Mr. KUYKENDALL, Mr. MICHEL, Mr. NIX, Mr. RARICK, Mr. SPENCE, Mr. TIERNAN, and Mr. WOLFF):

H.R. 7216. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. DIGGS (by request):

H.R. 7217. A bill to provide for the appointment of alternates and hearing examiners by the Zoning Commission of the District of Columbia, to change the composition of the Board of Zoning Adjustment, and for other purposes; to the Committee on the District of Columbia.

H.R. 7218. A bill to improve the laws relating to the regulation of insurance companies in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DINGELL (for himself, Mr. PEPPER, Mr. REES, Mr. LUJAN, Mr. BROWN of California, Mr. MCCLOSKEY, Mr. WILLIAM D. FORD, Mr. ROYBAL, Mr. MOSS, Mr. WALDIE, Mr. LEHMAN, Mr. BUCHANAN, Mr. EILBERG, Mr. MOAKLEY, Mr. FORSYTHE, and Mr. MURPHY of Illinois):

H.R. 7219. A bill to encourage the movement in interstate and foreign commerce of recycled and recyclable materials and to reduce the quantities of solid waste materials in commerce which cannot be recycled or do not contain available recycled materials, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH (for himself, Mr. BROYHILL of North Carolina, Mr. COLLINS, Mr. DAVIS of Georgia, Mr. ERLENBORN, Mr. FORSYTHE, Mr. FRENZEL, Mr. GILMAN, Mr. HAMMERSCHMIDT, Mr. HARVEY, Mr. HEINZ, Mr. KEMP, Mr. MCCLOSKEY, Mr. MOSHER, Mr. REGULA, Mr. RHODES, Mr. ROBISON of New York, Mr. TEAGUE of California, Mr. TOWELL of Nevada, Mr. VEYSEY, and Mr. WON PAT):

H.R. 7220. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

By Mr. GUDE:

H.R. 7221. A bill to amend the Freedom of Information Act to require that all information be made available to Congress except where Executive privilege is invoked; to the Committee on Government Operations.

By Mr. HARRINGTON (for himself, Ms. ABZUG, Mr. BROWN of California, Mrs. CHISHOLM, Mr. DIGGS, Mr. DRINAN, Mr. KYROS, Mr. MACDONALD, Mr. MOAKLEY, Mr. OWENS, Mr. PODELL, Mr. ROYBAL, and Mr. WON PAT):

H.R. 7222. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. HARRINGTON (for himself and Mr. DRINAN):

H.R. 7223. A bill to establish a New England Regional Commission, and for related purposes; to the Committee on Public Works.

By Mr. HARRINGTON (for himself, Mr. ADAMS, Mr. BADILLO, Mr. BROWN of California, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. DELLUMS, Mr. EDWARDS of California, Mr. EILBERG, Mr. FRASER, Mr. HAWKINS, Mr. HECHLER of West Virginia, Miss HOLTZMAN, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NIX, Mr. PODELL, Mr. RANGEL, Mr. ROE, Mr. SARBANES, Mr. STOKES, Mr. STUDDS, Mr. WON PAT, and Mr. YATRON):

H.R. 7224. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. BADILLO, Mr. BROWN of California, Mrs. CHISHOLM, Mr. DELLUMS, Mr. EDWARDS of California, Mr. EILBERG, Mr. FRASER, Mr. HAWKINS, Mr. HECHLER of West Virginia, Miss HOLTZMAN, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NIX, Mr. PODELL, Mr. RANGEL, Mr. ROE, Mr. SARBANES, Mr. STOKES, Mr. STUDDS, Mr. WON PAT, and Mr. YATRON):

H.R. 7225. A bill to improve the extended unemployment compensation program; to the Committee on Ways and Means.

By Mr. HASTINGS (for himself, Mr. MEEDS, Mrs. HANSEN of Washington, Mr. HOWARD, Mr. JONES of Tennessee, Mr. BAKER, Mr. DUNCAN, Mr. ROE, Mr. SEIBERLING, Mr. COUGHLIN, Mr. EVINS of Tennessee, Mr. ASHBROOK, Mr. ARCHER, Mr. EDWARDS of California, and Mr. BINGHAM):

H.R. 7226. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts (for herself, Mr. MAYNE, Mr. SISK, Mr. BROOMFIELD, and Mr. O'NEILL):

H.R. 7227. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 7228. A bill to amend title 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

By Mr. KOCH (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BELL, Mr. DRINAN, Mr. EDWARDS of California, Mr. FRASER, Mr. KASTENMEIER, Mr. MOAKLEY, Mr. REES, Mr. ROSENTHAL, Mr. STARK, and Mr. RANGEL):

H.R. 7229. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

By Mr. MITCHELL of New York:

H.R. 7230. A bill to amend title 10, United States Code, so as to provide that the Chief of the Medical Service Corps of the Navy shall be a rear admiral and for other purposes; to the Committee on Armed Services.

By Mr. KYROS (for himself, Mr. STEELE, Mr. BLACKBURN, Mr. CLEVELAND, Mr. CONLAN, Mr. FREY, Mrs. GRASSO, Mr. HOWARD, Mr. JONES of North Carolina, Mr. PIKE, Mr. REES, Mr. ROSENTHAL, Mr. SARBANES, Mr. SHIPLEY, Mr. VIGORITO, Mr. WHITEHURST, and Mr. YOUNG of Alaska):

H.R. 7231. A bill to amend the act of May 20, 1964, entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States, and by persons in charge of such vessels", to define those species of Continental Shelf fishery resources which appertain to the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MARAZITI:

H.R. 7232. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. MEEDS:

H.R. 7233. A bill to authorize grants to encourage and assist the States in developing and implementing land use planning processes and programs; to coordinate Federal programs and policies which have a land use impact; to establish a public land policy and to provide public land use planning directives; to provide for the protection and enhancement of the environment; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MIZELL:

H.R. 7234. A bill to establish a national development program through public works, including a special component for the development of rural America, and to consolidate under the program so established certain existing development programs; to the Committee on Public Works.

By Mr. MURPHY of New York:

H.R. 7235. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 7236. A bill to provide increased annuities under the civil service retirement program; to the Committee on Post Office and Civil Service.

By Mr. OBEY (for himself, Mr. CORMAN, Mr. BEVILL, Mrs. MINK, Mr. CONYERS, Mr. NIX, Mr. YATRON, Mr. SARBANES, Mr. MELCHER, Mr. STUDDS, Mr. HARRINGTON, Mr. RANGEL, Mr. OWENS, and Mr. FAUNTROY):

H.R. 7237. A bill to assist the States in providing the opportunity for an elementary and secondary education of equal quality to all students throughout each State and in providing for greater equity in the distribution of the burden of school financing; to the Committee on Education and Labor.



By Mr. OBEY (for himself, Mr. HECHLER of West Virginia, Mr. LEGGETT, Mr. ROONEY of Pennsylvania, Mrs. CHISHOLM, Mr. MITCHELL of Maryland, Mr. PODELL, Mr. EILBERG, Ms. ABZUG, Mr. BROWN of California, Mr. MOAKLEY, Mr. BINGHAM, Mr. ROSENTHAL, Mr. CLARK, and Mr. MURPHY of New York):

H.R. 7238. A bill to assist the States in providing the opportunity for an elementary and secondary education of equal quality to all students throughout each State and in providing for greater equity in the distribution of the burden of school financing; to the Committee on Education and Labor.

By Mr. PATMAN:

H.R. 7239. A bill to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College, in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower; to the Committee on Appropriations.

By Mr. ROUSH (for himself, Ms. ABZUG, and Mr. CHARLES H. WILSON of California):

H.R. 7240. A bill to amend the Communications Act of 1934 to provide grants to States and units of local government for the establishment equipping, and operation of emergency communications facilities to make the national emergency telephone number 911 available throughout the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 7241. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SHRIVER:

H.R. 7242. A bill to amend the Uniform Time Act of 1966 in order to provide that daylight saving time shall be observed in the United States from the first Sunday following Memorial Day to the first Sunday following Labor Day; to the Committee on Interstate and Foreign Commerce.

By Mrs. SULLIVAN (for herself, Mr. GROVER, Mr. DOWNING, and Mr. MAILLIARD):

H.R. 7243. A bill to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws; to the Committee on Merchant Marine and Fisheries.

By Mrs. SULLIVAN (for herself, Mr. BIESTER, Mrs. BOGGS, Mr. DAVIS of South Carolina, Mr. BREAUX, Mr. DENNIS, and Mr. BEARD):

H.R. 7244. A bill to extend until November 1, 1978, the existing exemption of the steamboat Delta Queen from certain vessel laws; to the Committee on Merchant Marine and Fisheries.

By Mr. ULLMAN:

H.R. 7245. A bill to limit the authority of the Secretary of Health, Education, and Welfare to impose, by regulations, certain additional restrictions upon the availability and use of Federal funds authorized for social services under the public assistance programs established by the Social Security Act; to the Committee on Ways and Means.

By Mr. VEYSEY:

H.R. 7246. A bill to amend the Clean Air Act to require more effective testing and control of motor vehicle emissions; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE (for himself, Mr. ROONEY of Pennsylvania, Ms. ABZUG, Mr. RANGEL, and Mrs. BURKE of California):

H.R. 7247. A bill to extend Migrant Health Act and increase appropriation; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST (for himself and Mr. DOWNING):

H.R. 7248. A bill to direct the Secretary of Labor to study the feasibility of and need for a Cost of Existence Index; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 7249. A bill creating an additional Federal district judgeship for the district of Alaska; to the Committee on the Judiciary.

By Mr. BADILLO:

H.R. 7250. A bill to amend the Civil Rights Act of 1964 to prohibit housing discrimination on the basis of race, color, creed, national origin, sex, marital status or, in the case of adults, age; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 7251. A bill to prohibit ceratin belligerent activities by U.S. personnel in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. BLATNIK:

H.R. 7252. A bill to enable domestic growers or canners of seasonal fruits or vegetables or of fruit juices, fruit nectars, or fruit drinks prepared from such seasonal fruits, which were packed in hermetically sealed containers and sterilized by heat, to secure an adjudication of certain claims for losses in the Court of Claims; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri:

H.R. 7253. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7254. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs

By Mr. CARTER:

H.R. 7255. A bill to authorize the acquisition of certain lands for addition to the Cumberland Gap National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DELANEY (for himself and Mr. CONABLE):

H.R. 7256. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 7257. A bill to amend section 3041 of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. RONCALLO of New York, Mr. MITCHELL of New York, and Mr. WALSH):

H.R. 7258. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 7259. A bill to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.R. 7260. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

By Mr. HUNGATE (for himself, Mr. LITTON, Mr. SYMINGTON, and Mr. THORNTON):

H.R. 7261. A bill to authorize appropriations to the Winston Churchill Memorial and Library in the United States for the construction of educational facilities at such memorial and library, and for other purposes; to the Committee on Education and Labor.

By Mr. LANDGREBE (for himself, Mr. CONLAN, Mr. DAVIS of Georgia, Mr. HOGAN, Mr. KETCHUM, Mr. PARRIS, and Mr. WON PAT):

H.R. 7262. A bill to provide for the continuation of programs authorized under the Vocational Rehabilitation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. LEHMAN:

H.R. 7263. A bill to extend the Environmental Education Act for 3 years; to the Committee on Education and Labor.

By Mr. MINISH:

H.R. 7264. A bill to amend the State and Local Fiscal Assistance Act of 1972 with regard to the definition of township; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mr. STEIGER of Wisconsin, and Mr. HAWKINS):

H.R. 7265. A bill to provide for the operation of programs by the ACTION Agency, to establish certain new such programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MITCHELL of Maryland (for himself, Mr. HAWKINS, Mr. MOAKLEY, Mr. WAMPLER, Mr. CONYERS, Mr. HARRINGTON, Mrs. CHISHOLM, Mr. DELLUMS, and Mr. MAZZOLI):

H.R. 7266. A bill to establish the Federal Protective Service police force within the General Services Administration, provide minimum training, pay, and other benefits for such police force, and for other purposes; to the Committee on Public Works.

By Mr. MITCHELL of Maryland:

H.R. 7267. A bill to amend the Internal Revenue Code of 1954 to exempt the taxpayer's principal residence from a levy for collection of taxes and to remove the limitation on the amount of certain books and tools exempt from such levy; to the Committee on Ways and Means.

By Mr. MOORHEAD of Pennsylvania:

H.R. 7268. A bill to amend section 552 of title 5, United States Code, known as the "Freedom of Information Act"; to the Committee on Government Operations.

By Mr. MURPHY of New York (for himself, Mr. BIAGGI, Mr. ROONEY of Pennsylvania, Mr. MCCLOSKEY, Mr. MAILLIARD, Mr. FORSYTHE, Mr. TREEN, Mr. DINGELL, Mrs. SULLIVAN, Mr. METCALFE, and Mr. MOSHER):

H.R. 7269. A bill to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials; to the Committee on Merchant Marine and Fisheries.

By Mr. OWENS:

H.R. 7270. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7271. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7272. A bill for the relief of certain distressed aliens; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 7273. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

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By Mr. ROGERS (for himself, Mr. STAGGERS, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT):

H.R. 7274. A bill to consolidate and revise the laws relating to public health, to revise the programs of health service research and development, and to extend the program of assistance for medical libraries; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 7275. A bill to authorize financial assistance for service, employment, and redevelopment (SER) centers; to the Committee on Education and Labor.

By Mr. SARASIN:

H.R. 7276. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

By Mr. WIDNALL (for himself, Mr. JOHNSON of Pennsylvania, Mr. J. WILLIAM STANTON, Mr. BLACKBURN, Mr. BROWN of Michigan, Mr. WILLIAMS, Mr. WYLIE, Mrs. HECKLER of Massachusetts, Mr. CRANE, Mr. ROUSSELOT, Mr. MCKINNEY, Mr. FRENZEL, Mr. CONLAN, Mr. RONCALLO of New York, Mr. BURGENER, and Mr. RINALDO):

H.R. 7277. A bill to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities; to the Committee on Banking and Currency.

By Mr. FREY:

H.R. 7278. A bill to provide for the control and eradication of noxious weeds, and the regulation of the movement in interstate or foreign commerce of noxious weeds and potential carriers thereof, and for other purposes; to the Committee on Agriculture.

By Mr. DIGGS (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mrs. BURKE of California, Mr. BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. DE LUGO, Mr. DRINAN, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FRASER, Mr. HARRINGTON, Mr. HAWKINS, Miss HOLTZMAN, Ms. JORDAN, Mr. KOCH, Mr. LEHMAN, Mr. MCCLOSKEY, Mr. METCALFE, and Mr. MITCHELL of Maryland):

H.J. Res. 522. Joint resolution to protect U.S. domestic and foreign policy interests by making fair employment practices in the South African enterprises of U.S. firms a criteria for eligibility for Government contracts; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.J. Res. 523. Joint resolution to deauthorize inactive Army Corps of Engineer projects; to the Committee on Public Works.

By Mr. FULTON:

H.J. Res. 524. Joint resolution authorizing the President to proclaim May of each year as "National Earth and Wildlife Month"; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.J. Res. 525. Joint resolution to terminate American military activity in Laos and Cambodia; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H.J. Res. 526. Joint resolution proposing an amendment to the Constitution of the United States to provide 4-year terms for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. RONCALLO of New York:

H.J. Res. 527. Joint resolution to extend the provisions of the Railway Labor Act, and for other purposes; to the Committee on Interstate nad Foreign Commerce.

By Mr. BURKE of Massachusetts:

H. Con. Res. 202. Concurrent resolution requesting the President to proclaim July 4 of each year as the "Principal National Permanent Legal Holiday"; to the Committee on the Judiciary.

By Mr. DRINAN:

H. Con. Res. 203. Concurrent resolution declaring and recognizing the right to travel freely to any foreign country; to the Committee on Foreign Affairs.

H. Con. Res. 204. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. KYROS:

H. Con. Res. 205. Concurrent resolution expressing the sense of Congress that the contingent of U.S. troops stationed in Europe be substantially reduced; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Res. 364. Resolution creating a special committee to conduct an investigation and study into the legal, political, and diplomatic status of lands which were the subject of grants from the King of Spain and from the Government of Mexico prior to the acquisition of the American Southwest as a result of the Treaty of Guadalupe-Hidalgo concluding of the Mexican-American War in 1848; to the Committee on Rules.

By Mr. VANIK:

H. Res. 365. Resolution creating a select committee to conduct an investigation of distillate and residual fuels in the United States; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

161. By the SPEAKER: A memorial of the House of Representatives of the State of Oklahoma, relative to the price of beef; to the Committee on Banking and Currency.

162. Also, memorial of the Senate of the State of Oklahoma, relative to the price of beef; to the Committee on Banking and Currency.

163. Also, memorial of the Legislature of the State of California, relative to oil importation on American flagships; to the Committee on Merchant Marine and Fisheries.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 7279. A bill for the relief of Francisco Realme Galindo; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 7280. A bill for the relief of Ricardo Munoz; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 7281. A bill to grant a Federal charter to the Mid-Continent Railway Historical Society; to the Committee on the District of Columbia.

By Mr. PEPPER:

H.R. 7282. A bill for the relief of the estate of William H. Evans; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

180. By the SPEAKER: Petition of C. W. Johnson, Pensacola, Fla., and others, relative to protection for law enforcement officers against nuisance suits, to the Committee on the Judiciary.

181. Also, petition of S. H. Barnes, Shreveport, La., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

182. Also, petition of Samuel R. Johnston, Wyoming, Mich., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

183. Also, petition of Charles L. Stewart, Erie, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

184. Also, petition of Paul E. Bickelman, Moscow, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## THE 1974 BUDGET SCOREKEEPING REPORT NO. 1

### HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. MAHON. Mr. Speaker, I am inserting for the information of Members, their staff, and others who may be interested, a few excerpts from the first "budget scorekeeping" report of the staff of the Joint Committee on Reduction of Federal Expenditures for the current session.

The report reflects the impact of congressional actions on the President's budget requests through April 13, and contains considerable budget information for those who have need for details. The report itself has been sent to all Members.

This year for the first time the report is incorporating certain information pertaining to the controllability of the budget through current actions by the Congress; analysis of the unexpended balances in the "pipeline"; and historical material summarizing the five previous series of scorekeeping reports, and showing the 15-year record of Federal budgets.

In order to be able to distribute the report to the Members before the Easter recess, it was necessary to have a cutoff date of April 13. The report, therefore, does not reflect the congressional actions being taken during the current week.

The excerpts that I am inserting here are from the text of the report and include the scorekeeping highlights, some summaries and analysis of the budget requests, and the main scorekeeping table.

I would add that these scorekeeping reports, now in their sixth year, are the most comprehensive current source of information on what is happening legislatively to the President's budgetary



recommendations. They are authoritative, being carefully prepared by an experienced staff dedicated to complete objectivity, reporting the facts as best they can be ascertained. Some estimating is necessary, especially in regard to legislative actions affecting outlays—expenditures.

The excerpts follow:

EXCERPTS FROM 1974 BUDGET SCOREKEEPING REPORT NO. 1

SCOREKEEPING HIGHLIGHTS

*Fiscal year 1974*

To date, April 13, 1973, the only completed action affecting fiscal year 1974 pertains to the extension of the continuing resolution to June 30 to cover vetoed Labor-HEW appropriation bill activities. In connection with this extension, the failure to act on certain 1973 budget amendments has the effect of increasing the budget outlays for fiscal year 1974 by $391 million.

Incomplete pending actions affecting fiscal year 1974 include two appropriation measures—House committee action reducing the Legislative Bill by $16.9 million in budget authority and $16 million in outlays, and House floor and Senate committee action slightly increasing the Urgent Supplemental. Other major incomplete actions to date include:

House Committee Action

$1,124 million in additional backdoor contract authority for highway programs;

$915 million in additional backdoor contract authority for traffic safety.

Senate Action

$414 million in additional backdoor contract authority for highway programs;

$280 million in additional backdoor contract authority for airport development;

$358 million in budget authority and outlays in three bills providing additional mandatory veterans benefits (including two bills that were vetoed last Session);

$245 million in additional backdoor contract authority in the traffic safety bill.

*Fiscal year 1973*

Completed scorekeeping action affecting fiscal year 1973 budget estimates was the extension to June 30 of the continuing resolution with respect to vetoed Labor-HEW appropriation bill activities. The failure to act on certain 1973 budget amendments in connection with this extension has the effect of increasing 1973 budget authority by $966 million and estimated outlays by $470 million.

Other actions, to date, affecting fiscal year 1973 relate to legislation restoring certain program reductions (impoundments) contemplated in the revised 1973 budget estimates. The Presidential veto of one bill—to restore $50 million in outlays for rural water and sewer grants—has been sustained. Three other pieces of legislation, involving some $500 million in impoundments, are pending—REA loans, rural environmental assistance (REAP), and rural emergency loans.

The scorekeeping shown for the impoundment restoration legislation (on page 5) reflects the full amount of the administrative savings projected in the budget for fiscal year 1973. However, due to the lateness and uncertainty of the actions, the estimates must be regarded as tentative and subject to revision. The possible further impact of these actions on fiscal year 1974 budget estimates cannot be determined pending action on the appropriation bills involved.

THE BUDGET REQUESTS—SUMMARIES AND ANALYSIS

The budget requests for fiscal year, 1974, and the revised estimates for fiscal year 1973, as transmitted by the President on Jan. 29, 1973, are summarized as follows:

[In billions]

| | Budget authority | Outlays | Receipts | Deficit or surplus |
|---|---|---|---|---|
| Fiscal year 1974: | | | | |
| Federal funds | $202.9 | $199.1 | $171.3 | −$27.8 |
| Trust funds | 105.9 | 90.4 | 105.5 | +15.1 |
| Intragovernmental transactions | −20.8 | −20.8 | −20.8 | |
| Unified budget | 288.0 | 268.7 | 256.0 | −12.7 |
| Fiscal year 1973 (revised): | | | | |
| Federal funds | 209.1 | 188.4 | 154.2 | −34.1 |
| Trust funds | 92.5 | 82.6 | 92.0 | +9.3 |
| Intragovernmental transactions | −21.2 | −21.2 | −21.2 | |
| Unified budget | 280.4 | 249.8 | 225.0 | −24.8 |
| Change, 1974 unified budget compared to revised 1973 estimates | +7.6 | +18.9 | +31.0 | −12.1 |

*Revised revenue estimates*

Estimates prepared by the Joint Committee on Internal Revenue Taxation indicate that revenues for fiscal years 1973 and 1974 will be $4.2 billion and $4.1 billion respectively higher than the projections contained in the 1974 budget, mainly due to increased receipts from individual and corporate income taxes. On this basis, revised estimates show revenue totaling $229.2 billion for 1973 and $260 billion for 1974.

*Portion of 1974 budget requiring current action by Congress*

In its consideration of the fiscal year 1974 budget recommendations, the Congress will act currently on about 60 per cent of the budget authority requested and on only about 46 per cent of the outlay estimates. The remainder has already been made available either in previous appropriations and authorizations or in permanent and trust fund programs, and therefore does not require current action by Congress. The following fiscal year 1974 budget summary shows the portions requiring current action:

[In billions]

| | Budget authority | Outlays | Receipts | Deficit |
|---|---|---|---|---|
| Net total 1974 budget estimates | $288.0 | $268.7 | $256.0 | −$12.7 |
| Intragovernmental transactions and offsetting receipts | +31.3 | +31.3 | +31.3 | |
| Gross total 1974 budget estimates | 319.3 | 299.9 | 287.3 | −12.7 |
| Portion not requiring current action by Congress (previously enacted, permanents and trust funds) | 146.2 | 177.1 | 287.2 | |
| Portion requiring current action by Congress | 173.1 | 122.8 | .1 | |
| Percent of net total | 60.1 | 45.7 | | |

*Controllability of budget*

Although the Congress must currently act on about 60% of the requested fiscal year 1974 budget authority and 46 per cent of the outlays, much of this action relates to mandatory program costs over which it has little or no practical control under existing law.

In its current consideration the Congress has effective control over only about 44 percent of net budget authority and 28.6 percent of the budget outlays estimated for fiscal year 1974. The remaining budget authority and outlays relate to mandatory, permanent and trust fund programs established in law, and spending from balances of prior year appropriations and other available authorizations.

The following table summarizes by major program the portion of the 1974 budget which is relatively uncontrollable under existing law, and shows the total amount which is relatively controllable by the Congress, primarily in its current consideration of appropriation legislation. These amounts are also shown in their percentage relationship to the budget totals.

CONTROLLABILITY OF FISCAL YEAR 1974 BUDGET REQUESTS

| | Budget authority | | Outlays | |
|---|---|---|---|---|
| | Amount (billions) | Percent of total | Amount (billions) | Percent of total |
| Relatively uncontrollable under existing law: | | | | |
| Major programs funded through appropriation bills: | | | | |
| Public assistance grants | $15.1 | 5.2 | $15.1 | 5.6 |
| Other social services and benefits | 1.9 | .6 | 1.9 | .7 |
| Veterans benefits | 9.0 | 3.1 | 9.1 | 3.4 |
| Agriculture price support | 3.5 | 1.2 | 2.7 | 1.0 |
| Food stamp program | 2.2 | .8 | 2.2 | .8 |
| Public housing subsidies | 2.1 | .7 | 2.0 | .5 |
| Military retired pay | 4.7 | 1.6 | 4.7 | 1.7 |
| Postal Service | 1.4 | .5 | 1.4 | .7 |
| Major permanent and trust fund programs: | | | | |
| Social security and medicare | 74.5 | 25.9 | 68.2 | 25.4 |
| Unemployment | 6.8 | 2.4 | 5.5 | 2.0 |
| Retirement and other | 11.2 | 3.9 | 6.8 | 2.5 |
| Interest on the debt | 24.7 | 8.6 | 24.7 | 9.2 |
| General revenue sharing | 6.1 | 2.1 | 6.0 | 2.2 |
| All other, net (including outlays from prior-year authorizations) | 7.5 | 2.6 | 50.7 | 19.0 |
| Total, relatively uncontrollable | 170.7 | 59.2 | 201.0 | 74.8 |
| Relatively controllable under existing law | 126.4 | 43.9 | 76.8 | 28.6 |
| Undistributed intragovernmental transactions | −9.1 | −3.1 | −9.1 | −3.4 |
| Total, fiscal year 1974 budget authority and outlays (net) | 288.0 | 100.0 | 268.7 | 100.0 |

*Unexpended balances—the pipeline*

An important reason accounting for uncontrollability of budget outlays in any given fiscal year, is the accumulation of unexpended balances of budget authority provided in earlier years. Unexpended balances of authority enacted in prior years to be carried over at the end of fiscal year 1973 are estimated at $298.5 billion, $114.5 billion, or 38 per cent of the total, reflects obligations already incurred for specific purposes. $112.1 billion of the estimated unobligated balances represent trust funds, including social insurance. Of the estimated federal funds unobligated balance of $71.9 billion, a major portion is earmarked for specific uses and is not available for new programs or discretionary use by either the Executive Department or by the Congress.

The following table summarizes these estimated carry-over unexpended balances as of the beginning and the end of fiscal year 1974.

[In billions]

| | Estimated unexpended balances, fiscal year 1974 | |
|---|---|---|
| | Start of year | End of year |
| Obligated balances of prior year spending authority: | | |
| Trust funds | $22.8 | $24.3 |
| Federal funds | 91.7 | 94.9 |
| Subtotal, obligated | 114.5 | 119.1 |
| Unobligated balances of prior year spending authority: | | |
| Trust funds (social insurance, retirement, etc.) | 112.1 | 126.2 |
| Federal funds: | | |
| Standby authority (international banks, loan guarantees, etc.) | 28.1 | 29.5 |
| Program balances | 43.8 | 30.8 |
| Subtotal, unobligated | 184.0 | 186.6 |
| Total, unexpended balances | 298.5 | 305.7 |

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*Reconciliation of 1973 budget outlay estimates*

The following is a reconciliation of the original 1973 budget outlay estimate of $246.3 billion with the revised 1973 budget outlay estimate of $249.8 billion contained in the budget message submitted January 29, 1973:

| | Billions |
|---|---|
| Original fiscal year budget outlay estimate | $246.3 |
| Budget amendments subsequently transmitted | +2.9 |
| Estimated impact of net congressional actions on the 1973 budget estimates | +6.3 |
| | 255.5 |
| Budget reestimates, revisions, etc., to date: | |
| Interest on the debt | +1.5 |
| Social services grants | +3.7 |
| All other (net of many items) | +0.3 |
| | 261.0 |
| Estimated effect of congressional limitation on outlays for social service grants | −2.3 |
| | 258.7 |
| Outlay savings reflected in revised 1973 budget outlay estimates, including program reductions, terminations, and financing shifts | [1] −8.9 |
| Revised fiscal year 1973 budget outlay estimate | 249.8 |

[1] Outlay reductions reflected in the revised 1973 budget include: $1.6 billion in additional offsetting receipts from stockpile sales, oil leases, and user charges; deferral of $1.5 billion in general revenue sharing to first quarter of 1974 and $0.5 billion in other deferred payments; $1.1 billion in substitution of private financing for direct federal credit programs; and $4.2 billion in various program reductions and terminations (as listed in the budget message, pages 51–57).

## FLOOD DESTRUCTION IN SOUTH DAKOTA

### HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

*Wednesday, April 18, 1973*

Mr. ABOUREZK. Mr. President, on June 9, 1972, the Rapid City, S. Dak. area was inundated by a flood which caused unprecedented destruction, devastation, and loss of life. Two hundred and thirty-seven people were killed by the flood, 500 mobile homes and 700 houses were destroyed, 800 mobile homes and 1,800 houses were also damaged, and the property damage was in excess of $100 million. To comprehend the enormous amount of destruction and devastation, it must be remembered that the area had a total annual personal income of approximately $400 million and that the area had a population of about 40,000. If the loss of life caused by Agnes would have been as proportionally large, 10,000 people would have perished in Pennsylvania.

In spite of the devastation and destruction, immediately after the flood, the people of the Rapid City area responded to the tragedy with a recovery effort which was amazing. The survivors of the flood worked tirelessly to restore and rebuild the community and to renew the dreams which were shattered on the night of June 9, 1972.

Now that the flood is not a daily topic of national conversation, the Federal Government is not responding adequately to the human consequences of the disaster. Rapid City is confronted with a mental health crisis and the Federal Government is refusing to provide the help which is desperately needed.

The aftermath of the flood is not pleasant. The West River Mental Health Clinic, which is basically an out-patient service agency with a staff of four, has reported a major increase in the number and severity of depressed patients. There is a 46-percent increase in the amount of consultation that is being provided and still the staff is only able to respond to one-third of the demands for consultation. Similarly, Lutheran Social Services, a private agency, has reported a 39-percent increase in the number of families which are referred for counseling. The State of South Dakota Public Welfare Department Regional Office has reported an increase of 234 cases which are disaster related. Sixty of the additional cases suffer continuing emotional problems. Since the flood there has been a substantial increase in the number of patients admitted to St. John's McNamara Hospital who have manifested emotional or mental disorders. The number of public intoxication arrests which occurred after the flood as compared to the same period in the year before the flood, suggests that many people are resorting to antisocial behavior in an effort to cope with the consequences of the disaster. There has also been an increase in the number of people from the Rapid City area who have been admitted to Yankton State Hospital for the treatment of emotional problems.

Mr. President, it is possible to provide countless other examples of the human consequences of the flood and the ensuing mental health crisis, but it is apparent that an awareness of the mental health crisis will not elicit an adequate response from the Federal Government. The Federal Government is aware that there are many people who need and deserve help and that there are simply not enough resources in Rapid City to insure the provision of needed assistance. The Federal Government, however, has decided that it is not capable of providing the type of disaster relief which would enable the survivors to resolve the problems created by the flood.

In October 1972, the Black Hills Areawide Comprehensive Health Planning Council submitted a grant application. The application requested a grant of $248,162, an amount which would insure an initial sufficient response to the emotional problems caused by the disaster. Although the application was favorably considered by both the regional office and the National Office of the National Institute of Mental Health, the grant was not authorized. The National Institute of Mental Health indicated that, "due to the uncertainty regarding the level of funding which will be provided for National Institute of Mental Health programs for fiscal year 1973, we have suspended funding of new projects in the service area."

Since being advised by the National Institute of Mental Health that the grant would not be authorized, I have submitted to President Nixon, Secretary Weinberger, and Mr. Ash a written request that the grant application receive further consideration and that on the basis of humanitarian considerations, the modest award be authorized immediately. On the basis of testimony offered during the oversight hearings which were conducted in Rapid City recently by the Subcommittee on Disaster Relief of the Senate Public Works Committee, Senator RANDOLPH and Senator BURDICK have also submitted similar written requests to Secretary Weinberger and Mr. Ash. Yet, the grant still has not been authorized.

Mr. President, I contend that the Federal Government cannot be allowed to casually forsake the present and future well-being of the residents of the Rapid City, S. Dak., area. In an effort to inform the Members of Congress of this tragic situation, I ask unanimous consent that the letter submitted to President Nixon be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, D.C., February 28, 1973.*

Hon. RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I respectfully request further consideration of the 1973 Fiscal Year budget for the National Institute of Mental Health. The request is prompted by the inability of the National Institute of Mental Health to authorize a modest grant which would insure the provision of an initial and sufficient response to the extraordinary emotional stress which is being experienced by residents of the Rapid City, South Dakota area.

On October 13, 1972 an "Initiation and Development Proposal-Rapid City, South Dakota" grant application was submitted by the Black Hills Area-Wide Comprehensive Health Planning Council to the Department of Health, Education and Welfare/National Institute of Mental Health. The grant application contained a request for a modest award of approximately $248,162.

Although the grant application was favorably reviewed by both the Regional Office and the National Office, the award was not authorized. On January 31, 1973, Dr. Bertram Brown, Director, National Institute of Mental Health, responded to an inquiry concerning the status of the grant application. Dr. Brown advised "due to the uncertainty regarding the level of funding which will be provided for National Institute of Mental Health programs for Fiscal Year 1973, we have suspended funding of new projects in the services area."

An authorized award equal to the amount requested in the grant application would provide the monies which are necessary for the implementation of a "search and find" community mental health project. A "search and find" community mental health project would provide the victims of the devastating June 9, 1972 flood with an initial sufficient response to the mental health problems which are a consequence of the natural disaster. Attached is a description of the magnitude and severity of the problems which are a consequence of the disaster.

As an example of the ability of the Federal government to respond to a natural disaster, it is worthwhile to note that the serious plight of the victims of the Pennsylvania flood was recognized and received an initial and sufficient response. While everyone is most thankful that the National Institute of Mental Health authorized a grant of approximately $249,908 on August 1, 1972 to assist the victims of the Pennsylvania flood, it is incredible and utterly deplorable that the Federal government cannot provide an amount less than $250,000 in an effort to alleviate the suffering which has been caused by the South Dakota flood.

As it is generally acknowledged that the detrimental effects of a natural disaster on the emotional well-being of the victims is initially evidenced six months after the occurrence of the disaster, the need for the immediate authorization of the award is obvious—painfully obvious to residents of the Rapid City, South Dakota area. Therefore, Mr. President, I can only hope that for the sake of the future of the people of the Rapid City area, the 1973 Fiscal Year budget of the National Institute of Mental Health will receive further consideration and that on the basis of humanitarian considerations, the modest award will be authorized immediately.

With best personal regards, I remain
Sincerely,

JAMES ABOUREZK,
*United States Senate.*

On June 9, 1972 Rapid City was struck by a flash flood that killed 237, destroyed 500 mobile homes and 700 houses; damaged 800 additional mobile homes and 1700 houses; and caused in excess of 100 million dollars in property damage. However, over and above the deaths, the damaged homes, and the financial loss looms the inestimable toll the flood has taken on the mental health of those left to cope with its aftermath.

Cognizant of a possible outbreak of mental health problems, Rapid City Mayor Barnett issued a proclamation on June 20th establishing a Mental Health Steering Committee and gave this broadly based group the mandate of meeting the anticipated mental health problems. On June 21 the Steering Committee for Mental Health held its first meeting and quickly enlisted the services of the National Institute of Mental Health, Region VIII. NIMH responded by providing a part-time psychiatrist to aid the staff of various local social service agencies, and a temporary planner/coordinator to prepare a plan of action.

On October 12, 1972, a grant application, prepared by the Steering Committee, was submitted to the National Institute of Mental Health, Region VIII, seeking financial support for a "search and find" mental health program which was to be integrally attached to a comprehensive mental health delivery system that coordinated and integrated the community's extant social service agencies. For the following three months, the Steering Committee, the professional staff of every social service agency in Rapid City, and the community waited for the "imminent" funding of the proposal.

The anticipated money, however, never came. In the interim, no staffed agency took the responsibility for providing a comprehensive mental health program because each agency considered that such a move would be presumptive in light of the community-wide proposal already generated. Thus the proposed program designed to quell the rash of flood induced mental health problems, forestalled a number of approaches to the anticipated mental health crisis.

Faced with the dubious funding of the program on the one hand and a possible mental health crisis on the other, the members of the Steering Committee decided to make one last determined effort to get the program funded. To this end, and at the request of the Steering Committee, the Black Hills Areawide Health Planning Council donated the time and services of one and a half staff members to prepare a manuscript assessing the impact of the flood on the need for mental health services and determine the extent to which mental health needs are going unmet.

On the basis of a brief and necessarily cursory examination of the disparity between the available mental health services and the mental health needs of the residents, the following conclusions have been reached: (1) the community is facing a mental health crisis; (2) the need for professional help is most acute among the lower socio-economic people, the elderly, and among children, (3) the mental health care delivery system could be vastly improved by a coordination and integration of the community's extant social service agencies.

I. THE CURRENT MENTAL HEALTH CRISIS

Without a functioning, comprehensive mental health delivery system, it is extremely difficult to document adequately and to appraise fully the impact of the flood on the mental health of area residents. The best that can be done is to secure the perceptions of the community's mental health professionals and, where possible, obtain supportive, quantifiable data. Toward this end, assistance was sought from the three social agencies in Rapid City that offer the widest spectrum of psychological and social services.

*West River Mental Health Center* is basically an out-patient service agency with a staff of four, full-time psychiatric social workers and a part-time psychiatrist. Currently, the Mental Health Clinic reports a major increase in the number and severity of depressed patients, amounting to a 13% increase in the number of hours spent with patients and a 46% increase in the amount of consultation that is being provided. Despite this, the staff of the Mental Health Clinic is not able to meet a third of the demands for consultation services. (Based on materials prepared by Kelvin T. Kelly, Psychiatric Social Worker, West River Mental Health Center).

*Lutheran Social Services* is a private agency with a staff of ten full and part-time counselors and social workers. Since the flood, the staff of Lutheran Social Services has been burdened with caseloads, but until a request was made for specific atatistics they had not precisely determined the magnitude of the increased demands for counseling services.

The increased demand for psychological services is best reflected at Lutheran Social Services by comparing the number of family units referred for counseling from June 1972 to February 1973, with the numbers referred for counseling during a similar period in 1971.

*Number of new family unit referrals*

| | 1971 | 1972 |
|---|---|---|
| June | 20 | 19 |
| July | 25 | 37 |
| August | 15 | 32 |
| September | 17 | 28 |
| October | 32 | 33 |
| November | 31 | 34 |
| December | 15 | 25 |
| January | [1] 23 | [2] 40 |
| | 178 | 248 |

[1] 1972.
[2] 1973.

The difference between the referral rates of these two time periods is a statistically significant ($t=2.5$, $df=14$, $p<.025$) 39% increase. Moreover, the demand for counseling is remaining at a very high level and there is every indication that the new referrals in February will equal or surpass the January record of 40.

Also, it must be mentioned that these data do not represent the entire mental health problems that are being met by Lutheran Social Services. The agency also does considerable group therapy work and conducts numerous education programs designed to promote sound mental health. Although the statistics for these areas could not be generated on short notice, the demands placed upon these services seem to have shown a commensurate increase.

In addition to giving professional mental health care to families who were flood victims, Lutheran Social Services encounters many more individuals with adjustment problems attributable to the indirect effect of the disaster. A case in point is a couple in their early thirties, who, in terms of dollar loss and personal property damages, were not affected by the flood. Yet, as measured by major psychological problems, the flood took a heavy toll on their lives. At the time of the flood the couple was holding together an unstable marriage, and the husband was working for a business that subsequently was demolished. Unfortunately, as an aftermath of the flood, additional pressures were placed upon his physical and mental energies to re-establish that business. The combination of psychological stress and physical fatigue was more than the marriage could endure. When the couple finally came to Lutheran Social Services, the marriage was almost completely shattered. Cases such as this, which reflect the indirect impact of the flood, account for a significant number of family units now seeking counseling. (Based on an interview with Curt Paulsen, Director, Lutheran Social Services).

*The State Welfare Department* found that 25% of the cases that it was serving at the time of the flood suffered significant living and adjustment problems as a consequence of the flood. In addition, the Welfare Office gained 234 additional disaster related cases. Of these additional cases, 60 are still suffering continuing emotional problems. The following two individuals are typical.

JANUARY 22, 1973

1. Mrs. — (age 52) and her husband, Robert, each have a previous BSR on file. Mr. — of — agency called as he became concerned about her when she applied for a job with his firm. She seemed very depressed. Mr. — would like to know if we can make a service contact and evaluation. Because we have previous BSR, I would think it appropriate to make a contact in person to follow up the possible medical application she has not applied for and to evaluate her emotional state and the possible resources.

2/2/73—This worker talked to Mrs. — today. She was in fairly good spirits, but was somewhat disoriented. She related flood experiences that she had talked about when I saw her last. She is still upset over this. She told the worker that Robert still sleeps on the couch with one hand holding on to the back of the couch and with a light on. She said the nights are the worst for them. One of their friends was sleeping on the front room floor through last weekend when he finally returned to his bedroom. These people are still living in the flood plain.

After some time Robert came home. After talking for a while it became apparent that they were not moving very fast in terms of relocation. He is upset about the cost of lots and doesn't want to pay as much as they want. Worker plans to talk to them about some counseling after he sees what is available.

JANUARY 16, 1973

2. Mrs. — came to this office upset, nervous and discouraged, with a notice from Income Maintenance advising her that her February warrant is being held up based on "whereabouts unknown." She stated that she called this office January 5 and reported her whereabouts to the receptionist, which information apparently didn't get to Income Maintenance.

Mrs. — and her four youngest children are living temporarily in the home of her mother until a Brentwood apartment is available. Anita continues to attend North Junior High, but Rosana and Robert are not in school. I told her to enroll them at Horace Mann immediately. Lisa, age 5, has never been in school because she is a frightened little girl. Mrs. — refers to her as "my baby."

Nancy has quit Central High because she is pregnant and is staying with her married brother, Leroy, in Keystone. I explained our services available to unmarried mothers and also suggested Upward Bound School for



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Nancy so that she can complete the school year.

Mrs. ——— stated that her family has really "gone to pot" since the flood and sometimes feels like giving up. She has applied for an SBA loan and received $200 from the Disaster Relief Fund which she is saving for furniture when she gets her apartment. Her speech impediment (stuttering) was very severe today because of her nervous condition. I set up an appointment for her to see Doris Palmer, Thursday at 1:30 p.m.

In view of Mrs. ——— emotional problems, a service worker can be beneficial to her.

(Based on material submitted by Dennis Ritter, Director, Pennington County Division of State Welfare Department.)

The data and information provided by the staffs from West River Mental Health Center, Lutheran Social Services, and the Pennington County State Welfare Department indicates that since the flood the demand for their services has increased. Knowing that the flood has had a strong impact on these agencies, one is prompted to concern about extant mental health problems that are not receiving professional attention. In an effort to assess the magnitude of current, unmet mental health problems an effort was made to secure pertinent data. The bulk of the obtained data suggests that the community is faced with numerous mental health problems that are not getting professional attention.

One indice that suggests numerous, unmet mental health problems is the sharp increase in alcoholism that was reported in interviews with social service personnel and is documented by examining the police records for public intoxication arrests, which reflect a statistically significant increase in the number of public intoxication arrests following the flood as compared to the same period the previous year ($t=1.77$, $df=14$, $p < .05$). This data strongly suggests that large numbers of people are not finding adequate solutions to their behavior problems.

*Public intoxication arrests*

| | 1971 | 1972 |
|---|---|---|
| June | 255 | 134 |
| July | 233 | 397 |
| August | 242 | 417 |
| September | 263 | 310 |
| October | 191 | 257 |
| November | 219 | 270 |
| December | 217 | 254 |
| January ('72) | [1] 162 | [2] 225 |
| Total | 1, 782 | 2, 264 |

[1] 1972.
[2] 1973.

Another indirect indice of unsolved psychological problems among members of the community is the increase in postflood hospital admittances at St. John's McNamara as compared to a years ago.

*Number of patients admitted*

| | 1971 | 1972 |
|---|---|---|
| June | 596 | 684 |
| July | 574 | 623 |
| August | 614 | 656 |
| September | 493 | 558 |
| October | 507 | 684 |
| November | 533 | 671 |
| December | 564 | 580 |
| | 3, 881 | 4, 456 |

It is questionable that this 15% increase in hospital admittances at St. John's is attributable entirely to post-flood, mental health precipitated problems. It must be mentioned that the flood inundated Rapid City's other hospital, Bennett-Clarkson, rendered it inoperable for ten days, and curtailed its services through October. During this period of time, of course, many patients from Bennett-Clarkson were transferred or referred to St. John's. However, the referrals from Bennett-Clarkson cannot account for the fact that unusually large numbers of patients at St. John's have persisted over several months and into January. In an effort to more fully examine this problem, a breakdown was made with respect to numbers of patients at St. John's who have evidenced some emotional or mental disorder.

ST. JOHN'S McNAMARA HOSPITAL, FEB. 12, 1973

| | July | | August | | September | | October | | November | | December | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1971 | 1972 | 1971 | 1972 | 1971 | 1972 | 1971 | 1972 | 1971 | 1972 | 1971 | 1972 |
| Alcoholic psychosis | 1 | | | | | | | | | | | |
| Psychosis associated with other physical conditions | | 1 | | | | 1 | 1 | 1 | | 1 | | |
| Schizophrenia | | 2 | | 5 | 2 | | 2 | | 2 | 1 | | |
| Affective psychosis | 2 | 1 | 3 | 1 | 1 | 1 | 1 | | 2 | 5 | 1 | 1 |
| Paranoid states | | | | | | | | | | | 1 | |
| Other psychosis | | | | | | | | 1 | | | | 1 |
| Unspecified psychosis | | | | | | | 1 | 1 | | 1 | | |
| Neurosis | 18 | 3 | 14 | 12 | 16 | 6 | 10 | 11 | 6 | 7 | 13 | 3 |
| Alcoholism | 6 | 17 | 4 | 9 | 5 | 18 | 5 | 13 | 3 | 12 | 2 | 8 |
| Drug dependency | | | | | 1 | | 1 | | 1 | | | |
| Physical disorders/psychogenic | | 1 | 1 | 2 | 2 | | | | 1 | | | 2 |
| Situational | | 2 | | | | | | 3 | | 4 | | 1 |
| Mental disorders-not psychotic | 4 | 9 | 4 | 3 | 3 | 5 | 7 | 2 | 9 | 3 | 6 | 2 |
| Other | 1 | 1 | 2 | 4 | | | | 1 | 4 | 2 | 3 | 2 |
| Total | 32 | 38 | 28 | 37 | 30 | 31 | 28 | 33 | 28 | 36 | 26 | 20 |

These data verify that since the flood there has been a substantial increase in the patients at St. John's who have manifested emotional or mental disorders.

The data that most directly underscores the inability of our mental health delivery system to meet adequately the community's mental health problems is the comparison of post-flood admittances to Yankton State Hospital from Pennington County with the admittances from the same period of the previous year. Unfortunately, the only data available pertains to county financed admittances so the actual size of this influx remains unknown. Especially pertinent are the figures for the last three months that indicate a greater increase.

*Pennington County admittances to Yankton State Hospital*

| | |
|---|---|
| June 1971 | 4 |
| July 1971 | 16 |
| August 1971 | 13 |
| September 1971 | 14 |
| October 1971 | 9 |
| November 1971 | 8 |
| December 1971 | 6 |
| January 1972 | 10 |
| Total | 80 |
| June 1972 | 9 |
| July 1972 | 13 |
| August 1972 | 15 |
| September 1972 | 14 |
| October 1972 | 8 |
| November 1972 | 13 |
| December 1972 | 14 |
| January 1973 | 13 |
| Total | 99 |

In summary assessment, numerous individuals are suffering post-flood adjustment problems. A significant, but small portion of these individuals are finding their way to psychological and social service agencies. Nonetheless, there are fair amounts of evidence suggesting that these agencies have not been able to meet the rash of mental health problems. Moreover, with respect to severity and frequency these emotional disorders are of such magnitude that it is no understatement to say Rapid City faces a major mental health crisis.

II. UNMET MENTAL HEALTH NEEDS

Numbers of social service agencies were contacted in an effort to identify segments of the population having severe post-flood adjustment problems. On the basis of numerous interviews with social service personnel, it became clear that the groups most severely inflicted with unmet mental health problems were the children, the lower socio-economic peoples, and the elderly.

The Children: Shortly after the flood, HUD provided housing for 1280 of the 1770 eligible families who applied for temporary living quarters. These jammed, hastily planned trailer courts have become incubation centers for serious mental health problems. Children and parents have found it extremely difficult to live in a cramped trailer after owning their own spacious homes. Furthermore, having no choice in selecting trailer sites, many people find themselves close neighbors to families they typically would not choose to live near. Some of these adjustment problems are an inevitable consequence of sudden relocation and less than adequate housing; other mental health problems, however, are attributable to poor planning of HUD sites and negligence in providing adequate social services. The adjustment difficulties that HUD trailer camp children are having became very apparent in an interview with Mrs. Fierro, Director of Girl's Club.

Significantly, Rapid City Girl's Club has experienced a noticeable increase in membership following the flood, and there has been a decided increase in general unrest, anti-social behavior, racial friction, and discipline problems. These behavior problems are severe for children in HUD trailer courts where socio-economically desperate families have been thrown into close proximity. Currently, the Girl's Club is seeking funds to pay for the services of a part-time counselor to work with parents and children in hopes that many of these emotional problems can be resolved through a better understanding of the child's needs. However, as Mrs. Fierro said, "What can a counselor do for a young girl who doesn't want to go to a HUD trailer house because there is two inches of ice in her bedroom?"

Another agency experiencing the impact of flood-related mental problems is the Boy's Club which has had a 20% post-flood increase in the number of boys participating in the program, and is providing service to 128 families who relocated because the flood destroyed their homes. These boys, in particular, have a need to find stability, care, security, recognition, and "to get out of those damn trailers." Among the services being offered are individual counseling with 115 boys and 102 parents participating, and group counseling with 94 boys and 10 parents. Currently, the staff's largest concern is providing services to boys living a considerable distance from the center and in servicing referrals from the local school system. (Information obtained from an interview with Roger Erikson, Director of Boy's Club.)



Perhaps in no other area is the shortage of services as acute as it is for children who are without a father. Rapid City is fortunate enough to have a Big Brother program, but the impact of the flood on the problems of this program has been considerable. Currently, in Pennington County, there are 681 boys that need a Big Brother. Unfortunately, the part-time Rapid City staff of two men can handle only a small percentage of these cases. At present, 52 Little Brothers have been matched with a Big Brother, but there are still just as many registered Little Brothers for whom it is necessary to find a Big Brother that can pass the careful screening process. Also, even though several professional volunteers assist the program on a monthly basis, there is a need for a well organized referral system so that special help may be obtained for boys with severe emotional problems. In addition to these problems, about twenty Big and Little Brothers were affected by the flood. One case in point is a Big Brother that drowned in the flood and his death so deeply upset his Little Brother that the tenth grader became extremely depressed, refused a substitute, and had to be sent by his mother to California. In another case, a young boy was sent elsewhere to live with a relative because his mother had no suitable place to house him. Many such Little Brothers have been displaced by the flood and have been unable to retain their contact with a Big Brother. The already short supply of Big Brothers has been substantially diminished by the flood. At the present time, the staff of the Big Brothers program is attempting to locate a funding source of $22,000 so that they can expand their services to 150–200 boys and thereby take up some of the slack. (This material was based on an interview with Don Kennedy, Director, Big Brothers Program).

In addition to the problems faced by the Boy's Club and Girl's Club in their service offerings to school age children is the dearth of social services available to pre-school children. At present this community is unable to meet the demand for day care centers and the future looks even bleaker.

After the June 9 flood, the Community Action Program funded several day care centers, but only for a period of 60 days. One such center, still operating, is the Imaginal Day Care Center serving 35 children, of whom about 33% are flood victims. The major problem faced by this center is securing funds to keep its doors open. Currently, they are surviving on the basis of timely donations which supplements the money received from tuition, which they collect reluctantly because these service fees eliminate numbers of children whose family cannot afford even this small cost. (This information was based upon an interview with Mrs. Gibson, Director, Imaginal Day Care Center).

In addition to the tuition-charging day care centers, the Community Action Program has for three years been offering Head Start programs which provide free services to 70 children from low income families. Following the flood their enrollment did not increase, but then, it cannot increase because of limited facilities. Currently, they have a waiting list of 25 children. (This material was based on an interview with Donna Goldstein, Director, Head Start).

The Lower Socio-Economic People: The people lowest on the socio-economic ladder also seem to be hit very hard by post-flood adjustment problems. To a large measure, of course, this group is comprised of Indians. The mental health crisis seems extensive among them for several reasons: (1) as a group they were disproportionately flood victims as is reflected in the fact that 14% of the deaths were among Indians even though they comprise only 5% of the population; (2) they do not have money for needed services; and (3) typically they are not adequately aware of the services that are available at little or no cost.

Following the flood, the Steering Committee arranged for three Denver psychiatrists to make one day per week visit to Rapid City. The professional services of these three psychiatrists are not subsidized and their patients must bear the financial burden of compensating them for their services and their travel expenses. Nonetheless, each psychiatrist has a large enough caseload to make the weekly trip profitable. Whether or not the pre-flood community could have supported three psychiatrists is an issue open to speculation and, at this point, a moot question. The important point is that they are here and are providing services to the more affluent people. Unfortunately, however, these services are not available to the lower socio-economic peoples, who probably have comparable if not greater needs.

The agency in town having most direct contact with the lower socio-ecomonic peoples is the Family Planning Center, a component of the Western South Dakota Community Action Program. Even though the June 9 flood demolished the office and the records of the Family Planning Center, the agency relocated in three centers throughout town, hired additional outreach workers, and began to locate individuals and families in need of innoculations, medical attention, temporary housing, and food. Through the efforts of the Family Planning Center, almost 1,000 people were assisted in meeting their basic, physical needs. However, in the course of this work, the outreach workers encountered numerous individuals with maladaptive behavior patterns, suicidal tendencies, and severe depressional states. The infliction of these mental health problems upon outreach workers, who were trained primarily to help solve physical needs, was a severe emotional drain that was beyond the tolerance level for many of the workers. Therefore, to meet the needs of the outreach workers, Dr. Karl Keener, a Denver psychiatrist, was employed to equip the outreach workers with the self-confidence and requisite skills to provide preliminary mental health services. Unfortunately, as early as September, and only shortly after the training, the absence of adequate funding necessitated pruning the number of outreach workers down to six. By this time, the program had been able to deal successfully with the physical needs of the flood victims, but the mental health crisis was just beginning.

Since September, the Family Planning Center has not been able to return to its primary task of assisting in family planning because excessive demands are being made by the lower socio-economic peoples for mental heath services. The outreach workers report that numerous people, who have been relatively isolated following the flood, need professional attention for adjustment problems. However, even when these people recognize their need for assistance they are reluctant to seek counseling. It is important to note that these flood-related psychological problems afflict not only flood victims, but in larger measure, numerous people who were eye witnesses to the flood and disaster. The experience of seeing others lose everything while they themselves lost nothing seems to have instilled within them an inappropriate, but nonetheless acute, sense of guilt. Outreach workers are meeting this mental health crisis to the best of their ability, but the agency is too understaffed and inadequately trained to provide the mental health services for which they are constantly summoned. Attempts have been made, therefore, to refer individuals with mental health problems, but this effort has met with little success. This is true largely because these low income people do not have the money to pay a babysitter, not to mention the fee for professional counseling. A cross-section of the problems currently being encountered by family planning outreach workers are:

1. A 36 year old female with six children was caught in the path of the flood, but by handling the situation with extreme calmness she was able to insure the survival of herself and all six children. Previous to the flood this woman was fairly stable; but, currently, she is a chronic alcoholic, talks much about the flood, and has frequent periods of depression. (Although the outreach worker who reported this case has no knowledge of the impact, there must be six children in need of help).

2. A 26 year old female had three children plus a husband previous to the flood. When she came to the Family Planning Center for a tubal ligation, she had only two children and no husband. Outwardly, she is a happy person who seems to have coped with her losses. Yet, she desperately wants to remove herself from the possibility of having any more children, and she has only one child living at home with her because she has rejected the baby that was born the night of the flood. Currently, the infant is being cared for by an aunt.

(This material was based on an interview with Rosemond Goins, Director, Family Planning Center).

Another agency serving the mental health needs of the Indian population is the Public Health Service Indian Hospital that is located in Rapid City. The officer in charge of the Social Service Department at the hospital is Bill Haddow. His response to a request for information regarding the mental health needs of the Indian population is worth reporting in its entirety. Not only does the report underscore the need for outreach workers to serve the mental health needs of the Indian population, but it underscores the difficulty in obtaining precise estimates of the magnitude of the mental health crisis.

PUBLIC HEALTH SERVICE,
*February 8, 1973.*

This is in reply to your request for information regarding the need for mental health service among the Indian population whom we serve.

The magnitude of the mental health problem is extremely difficult to determine for the following reasons:

1. We have a very small social service staff with one trained Social Worker and two untrained assistants.

2. The Indian population in Rapid City is very mobile. It is even difficult to determine the number of Indians residing in Rapid City. Estimates range from 3,000 to 8,000.

3. The majority of the Indian people are not aggressive regarding seeking help when they are in need. Example: A young couple were on their way to visit on the reservation at the time of the flood. They were stranded for a few days between here and the reservation but managed to reach destination. Their rented apartment and personal belongings were lost in the flood. A month later the husband returned to Rapid City for medical care while the wife remained with relatives on the reservation.

Several months later when the wife returned to Rapid City to be with her husband they had no place to stay and no personal belongings. This young couple knew of the resources available to flood victims but did not seek service until our agency assisted them in requesting the service of the other agencies. They then obtained a HUD trailer and emergency funds.

I know of several other flood families and

XUM

many others who have been referred to our department by our medical staff for counseling and have never come in. We then go out to them as time permits.

I feel that in order to provide therapy for the Indian population, aggressive casework is necessary. Counselors must go out to the client until he has been able to help the client overcome his resistance that is probably due to social and cultural differences.

The plan of the grant proposal is extremely appropriate regarding the mental health needs of the Indian population in that it provides for outreach workers (in this case Indian counselors) to determine the need of service.

I have only been employed at this service unit for one year and, therefore, cannot compare the mental health needs following the flood to a year prior to June 1972. Also our staff has changed in number, training, and philosophy.

Numerically, comparing the number of open cases for the Quarter ending in June 1971 to June 1972, we have 120 to 234.

Comparing September 1971 to September 1972, we have 54 to 251. Comparing December 1971 to December 1972, we have 71 to 232.

I believe the tremendous increase in caseload is due primarily to increase in staff and aggressive casework, and secondarily to the flood.

I hope this information will be helpful to you in obtaining funds for the service that is greatly needed in our area.

Sincerely yours,

A. WM. HADDOW,
*ACSW, Chief, Social Service, PHS Indian Hospital, Rapid City, S. Dak.*

cc: Raymond Becich, Service Unit Director

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For the most part, members of the Indian population and other segments of the lower socio-economic strata show considerable reluctance to seek assistance in solving their post-flood emotional problems. As one Indian woman put it, "The Indian already believes that white people think he is part crazy; no Indian is going to show up at West River Mental Health Center and get called all crazy." Of course, the recent racial tensions and polarizations precipitated by protesting American Indian Movement (AIM) members will place additional barriers between the poorly adjusted Indian and professional assistance.

The Elderly: Marie Rogers, Director of the meals program for Community Action, feels that the elderly flood victims had a jolting experience with subsequent, severe adjustment problems. 14% of the members of the meal program have had to relocate, mostly into trailers, and all of them have lapsed into minor depression and severe disorientation. Although they deplore their HUD trailers, most of these elderly people refuse to seek new homes. Rather than working toward a permanent solution to their housing problem, they substitute the temporary estape of eagerly awaiting the driver who takes them to the center where they remain as long as possible. Also, members who had a drinking problem prior to the flood now seem to be continuously drunk. One flood-victim woman, who lost her husband, is severely disoriented to such an extent that she constantly looks for her husband.

Mrs. Rogers, who has worked for several years with low income people and recently was a member of the disaster relief foundation, feels that although post-flood adjustment problems are ubiquitous throughout the community, the problems are particularly acute with older people. Moreover, she knows there are elderly people who still need to be reached, and Mrs. Rogers believes that "the situation has been getting worse as time goes on."

Mrs. Virginia Egan, a State Public Health Nurse, reports that for many of the elderly being seen at the time of the flood subsequently are manifesting considerable psychological stress in the following ways: those previously diagnosed for alcoholism are increasing their drinking, or are now drinking after a period of abstinence; patients with various problems relating to mental health show signs of anxiety, depression, withdrawal, and question the value of continuing their life. Also, it has been observed that families living in HUD trailers are experiencing difficulties with the family structure. A few examples will more fully illustrate the nature of the post-flood adjustment problems among the elderly.

Case I: Eighty-two year old female who lost her home in the flood, has cardiovascular difficulties, not necessarily flood-related, but has many depression problems which I feel are flood-related. No special follow-up has been done. PHN goes in as ordered by the doctor and tries to give them emotional support.

Case II: Eighty-five year old female living with husband who is 87; they lost their home in the flood, and are very depressed. They have a lot of senility and confusion, which they would have anyway, but I do feel that much of their anxiety and depression is flood-related. No special follow-up has been done. PHN goes in as ordered by the doctor and tries to give them emotional support.

Case III: Seventy-two year old male who lost his home in the flood. He is a widower who lives with an alcoholic bachelor son. He had a business in his home and lost all his tools that he is unable to replace due to financial situation. This gentleman is extremely depressed, continues to be, has had to be hospitalized 2–3 times due to depression, and results of the depression. He does not eat sometimes or take his medication properly and goes into carteovascular difficulties. At times he cries a lot. He will not go for consultation. He is improving now, but is now worried where he is going to locate permanently when his HUD trailer is taken away. He is becoming more active and has gone along somewhat with some of PHN's ideas on how to activate himself, but there is a lot of room for improvement.

Case IV: Fifty-eight year old female that PHN sees every other week. She lost her trailer house in the flood. Mrs. K. has hypertension, and immediately post-flood, had severe physical problems. She also was quite depressed immediately after the flood, but seems to be coming out of it now. She did not receive follow-up. PHN attempted to give her as much emotional support as I could.

Case V: Eighty-one year old female that PHN sees every other week. Also has lost her home in the flood. She is a little widow lady. She has hyper-tension and edema of the feet, and I see a post-flood depression here with a lot of anxiety as to what is going to happen to her; loss of identity, etc. No professional psych evaluations have been done, just assistance with neighbors and home extension and Public Health Agency.

Case VI: Eighty-four year old lady and her husband, who is about 88, who now live in a HUD trailer as their home was washed away in the flood. Mrs. K. was hospitalized post-flood for injuries that she received that night. I see in these 2 people loss of identity and occasional depression that I would evaluate as post-flood-related. No special follow-up has been done. PHN sees Mrs. K. every week, and I attempt to support them emotionally as much as possible.

In summary appraisal of the residents' unmet, mental health needs, there are three readily identifiable groups that seem to be having considerable, post-flood adjustment problems. These three groups are the children, the lower socio-economic peoples, and the elderly. It would be erroneous to believe that time will abate these mental health problems. No less than 900 families still live in HUD housing and within the near future again will incur the psychological stress of relocating. If this relocation is as unplanned and poorly coordinated as the HUD trailer camp experience, the community can expect mental health problems that will reach a new order of magnitude.

III. NEED FOR A COORDINATION AND INTEGRATION OF SOCIAL SERVICE AGENCIES

The preparation of this paper has been impeded by the difficulty in obtaining community-based, mental health statistics. This dearth of available data directly reflects the community's woefully inadequate mental health delivery system. Even the referenced data were accumulated at considerable time and effort on the part of the social service agencies. For example, to obtain the breakdown of psychiatric disorders at St. John's McNamara Hospital, a Sister worked all day Sunday and a good part of Monday searching the records of hundreds of patients. Unfortunately, much potentially pertinent data could not be obtained in time to include in this report. A case in point is the recent receipt of information from a pharmacist indicating that the prescriptions for such drugs as mood elevators, tranquilizers, and mild sedatives were significantly greater for Nov. 1972 than for Nov. 1972 ($X^2=9.58$, df=1, $p<.01$).

In the course of attempting to assess the ability of the community's social service agencies to meet the citizen's postflood, mental health problems, it has become apparent no single agency is cognizant of the community's extant social services. The debilitating effect precipitated by the lack of a coordinating agency, was, in many cases, manifestly apparent. Agencies frequently are duplicating efforts while many mental needs go unmet. More tragically, some agencies are clamoring for services that, in fact, exist within the inter-structure of another agency located only a few blocks away.

The desirability, indeed, the necessity, of developing an inter-agency comprehensive mental health plan is now recognized widely throughout the county. And the federal government is providing substantial funding to a number of communities so that they can serve as an "experimental site" for an integrated social service system. In many cases, however, these efforts to establish a "therapeutic community" have met with difficulty because community-based, grass-roots support was not present. Ironically, Rapid City has an ideally constituted committee which has formulated a well planned program to effect an integrated social service that is desperately needed to meet a major mental health crisis. But the federal government has not seen fit to fund this program. At this point, it is a sad commentary on the value system of a government that provides 84 million to rebuild flood destroyed roads, bridges, and other physical structures, but ignores the mental health needs of flood disaster victims.

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## THE SIDELINING OF GENERAL PEERS

### HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ZABLOCKI. Mr. Speaker, last week I called to the attention of the House and of the President how incredible it was to me that the Army and the Pentagon are prepared to allow Lt. Gen. William R. Peers to retire from active duty. Since that time there have been numerous press reports.

In conducting the My Lai investigation, Lieutenant General Peers wrote one of the courageous chapters in this country's military history. As I said to the House last week:

In my judgment, the issue is highly imperative: It is whether or not by the action of the Army the sidelining of General Peers will cause future officers to shy away from calling the shots as they see them. We cannot let this happen to the U.S. Army.

Mr. Speaker, today's New York Times carries an editorial on this very subject entitled "Unwanted General" which I recommend to the attention of all our colleagues:

UNWANTED GENERAL

In 1969, when the nation was still in a state of shock over the wanton killing of women and children by American soldiers in Mylai, a major note of hope was the appointment of Lieut. Gen. William R. Peers to head an inquiry into the tragic affairs. General Peers carried out a vigorous and unsparing investigation, and in 1970 established that "a tragedy of major proportions" had indeed occurred in the ill-fated Vietnamese hamlet.

It now appears that General Peers is to be quietly retired from active service at the age of 58. The Army insists that the general's exit is routine. But the departure of this officer who stood for fair but unsparing efforts to expose the Mylai atrocities and prevent their recurrence seems of a piece with the Pentagon's almost totally negative response to the Peers panel's findings.

Only one of fourteen high-ranking officers charged by the inquiry with complicity in a cover-up of the massacre was brought to trial, and he was acquitted. Charges against the others were dropped for alleged lack of evidence, but the 260-page report which contains the charges in question is still classified "secret."

Two civilian lawyers, who served as special counsel to the Peers panel, have long been critical of the Pentagon's peculiar apathy. Robert MacCrate characterized the quick dismissal of charges as a "failure to recognize the Army's responsibility to the public at large." Now, Jerome K. Walsh Jr. has charged that General Peers' retirement will add to "the impression that the Army was not really serious about punishing those responsible" for the Mylai cover-up. It most certainly will.

General Peers, an officer with a distinguished command record that included action in Vietnam, probably never fitted into the military establishment's concept of an investigator. When he accepted the assignment, he said he "deliberately avoided selecting a group of senior colonels and general officers" because he wanted "young combat-experienced officers who had seen war and who knew the trials, the pressures and the tribulations of combat first-hand."

The general's tough, unorthodox approach to an unpleasant task raised the hopes of many Americans that exposure of a terrible wrong committed by the military would be a first step toward full accountability by the responsible echelons of command. Yet, except for the conviction of Lieu. William Calley and administrative censure of some officers, little has been done to use the Peers report for the only purpose that matters—to determine what went wrong and to give assurance that the Army can discipline itself properly in the future. This purpose has not been accomplished.

Gen. Peers' premature retirement indicates that the Pentagon has managed to rid itself of the unwelcome presence of anyone who might remind America's conscience of this still shamefully unfinished business.

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## SAM WILSON, EYE DONOR

### HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

*Wednesday, April 18, 1973*

Mr. TALMADGE. Mr. President, we are all aware of the splendid humanitarian work done by the Lions Club to help the blind and preserve eyesight. There recently came to my attention an Atlanta newspaper article about a Georgia Lion who did this good work up to the very last.

He was Sam Wilson, vice president of the Georgia Lions Lighthouse Foundation and a director of the Peach Bowl, sponsored by the Lions Club. Sam Wilson had cancer, and knew he did not have long to live. One of his last acts was to donate his corneas, and to make sure the transplants would be carried out. Now, life is more liveable for two Georgians who were totally blind before each received one of Mr. Wilson's corneas. This is a dramatic example of the dedication of the Lions Club and its members in helping the blind.

I bring this article to the attention of the Senate, and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD as follows:

THE MAN WHO GAVE HIS EYES

(By Hugh Park)

Knowing that soon he was to die, Sam Wilson turned to his wife, and said, "India, honey, are you sure that container is here ready for my eyes? That is one of the last things I can do and I don't want any slip-up."

Thus if a man ever worked until the last to help others, he was Sam Wilson. He was vice president of the Georgia Lions Lighthouse Foundation and a director of the Peach Bowl, both of which have done so much for the blind and for sight conservation.

With him when he asked if everything was all set for the transplant of his corneas was Lions District Gov. Ed Daniel of Decatur, a friend, who had driven up to the North Georgia hospital to see him once more and for the last time. Sam Wilson had known he had cancer since last September.

He was the kind of man that people remember, as many besides Mr. Daniel will tell you. The principal of Canon Elementary School, 10 miles from Carnesville, he had coached football and basketball at Newnan and coached a state high school basketball championship team at Winder in 1940.

All five starters of this team, now living in Winder, Athens and Atlanta, came to see him before he died. All but one, Charles Duncan, who had been killed in World War II. His father came in his stead.

Sam Wilson was married to a remarkable woman, the mother of their four children: Jack Wilson, Atlanta real estate developer; Bill Wilson, in business insurance in Durham, N.C.; Mrs. Jerry McCauley of Canon and Mrs. Dwight Carithers of Spartanburg, S.C.

Mrs. Wilson, who teaches math at Franklin High School at Carnesville, is this year's STAR teacher in Franklin County, an honor given her three times before, twice in Franklin and once in Athens.

At 60, Mr. Wilson was a well-knit athletic man with a zest for living. His eyes now make life more livable beyond estimate for two Georgians who were totally blind before each received a cornea.

The surgeon who performed the operation has 52 patients waiting for similar transplants.



## LAW-ABIDING FAMILY VERSUS URBAN CRIME

### HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ZABLOCKI. Mr. Speaker, the communication media in my district recently reported an alarming and serious act of injustice experienced by a constituent of mine which, I fear, is becoming more and more widespread in our urban communities.

Because of the alarm it generates and the concern it should elicit by all Americans, I am including a copy of the letter from my constitutent which graphically illustrates the very real fear that crime and violence are becoming a serious threat to the stability of our society.

Our legal and constitutional system, as spelled out in the Bill of Rights, is based on the premise that justice and liberty are man's best vehicle to the achievement of dignity and brotherhood. Therefore, the procedures and processes for implementing justice and guaranteeing individual freedom in our society must be preserved.

In recent years the increasing permissiveness of our society has led to the blatant disregard of the law by certain individuals and groups. Law and order have been fiercely attacked by some intellectually muddled citizens as nothing more than code words for repression and fascism.

Clearly, Mr. Speaker, a reading of the letter demonstrates the need for additional steps to improve law enforcement and to fully protect the many law-abiding citizens of our country. The vicious cycle of crime, arrest, bail, and then more crime must be broken.

In the interest of broadening attention and concern on the very real fear of growing crime and violence in our modern society, a copy of the letter follows for consideration by our colleagues:

URBAN CRIME

DEAR SIR: On Saturday March 24, 1973 in the middle of the afternoon my son Ralph was accosted by two boys. With a knife at his throat, they robbed him. They got little. He was delivering papers at the time. Today, March 27, 1973 my two sons were again delivering newspapers when the same two boys plus another boy held them up and tried to rob them but got nothing. This was at about 4:00 P.M. At 5:15 P.M. while my boys were returning home from the route those same three boys plus another three again held them up but got nothing. The would be robbers then said they knew that Thursday and Friday were collection nights and they said they would see them then.

The above incidents were reported to the police each time the boys were robbed. An officer was over this evening and my wife Dorothy and I discussed with him the outrageous behavior of a certain percentage of grade and high school age children. The officer mentioned a family where both parents were working. The children, around ten were present, were drinking and doing other things not of a healthy or honorable nature. He informed the parents of these activities. They told him it was their house and he had no business there. They told him to leave.

An instance that happened in the school my son attends also indicates the trend of

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wildness and irresponsibility to human safety that exists today. A young lad threw a table at a teacher recently. The teacher is in the hospital and has been for several weeks. He says that he will not go back to teaching.

To get back to the officer, he related a case where a 15 year old boy was taken in for robbery. He was identified; hours were spent filling out reports; he was released. Within a day or two he was again picked up for robbery, identified; hours spent on reports and again released. If I remember the officer's words correctly, the boy was also armed at the time of the robberies. The officer said that few youngsters are detained for very long after a crime, and little is being done legally to stop this criminal behavior. The officer feels that the Supreme Courts, both federal and state, are responsible for passing laws that tie the hands of persons that are in a position to control this situation.

It is my sincere hope that you will bring this problem before the people and especially, follow-up on it in the future. I'm certain that if you will question officers who patrol the bordering sections of the ghetto and parts of the South Side such as those officers working out of the 3rd and Lincoln ave. police station, you will find plenty of material to work on.

My wife and I have decided to take our boys off the paper route. It was good experience for them to earn money honestly, be responsible, and learn to deal with people respectfully. We wish this could have continued but we are fearful for them and they too, are fearful.

## 4–H GOOD FOR YOUNG PEOPLE

### HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

*Wednesday, April 18, 1973*

Mr. DOMENICI. Mr. President, I would like to officially welcome the 300-fine young men and women who have come to Washington from all 50 States to attend the National 4–H Conference. These 300 young people represent 5 million young Americans who participate in 4–H through local clubs, through the 4–H television program series and through special urban programs. Aged 16 through 19, they have come from the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands and Canada. And they are assisted by 22-adult volunteer leaders represent 500,000 local leaders throughout the country who help young 4–H'ers with their project works.

They have visited with us here on Capitol Hill, they plan a special tour of the White House, Thursday and they have spent much of their time meeting in 15 advisory groups. Their interests and achievements are as varied as their backgrounds and I think they reflect many of the concerns of our entire nation. They are involved in health, community development, urban 4–H nutrition programs, drug education, the environment, energy and natural resources and even the creative use of leisure time.

Each State has selected outstanding young men and women to represent local 4–H'ers at this national conference. Those from my State of New Mexico were Ann Lochnan of Clovis, Steve Fritz of Gallup, Clay Milton of Las Vegas, Benton Greer of Tucumcari and Emma Johnson of Lovington. I welcome them and the other fine young men and women here for the conference.

## BREAKING OPEN THE HIGHWAY TRUST FUND

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. HARRINGTON. Mr. Speaker, this year is a big transportation year. Here in Congress, governors, mayors, environmentalists, and legislators have supported efforts to open the highway trust fund for mass transit funding. The Senate has taken positive action in that direction by voting to allow trust fund revenues to be used for urban mass transit. The House is now considering this important issue. The amendment, sponsored by the Honorable GLENN ANDERSON to provide for this use of the trust fund, is, in my opinion, an essential addition to the Federal Aid Highway Act of 1973 if we, as legislators, are to support a national transportation policy in the future that will provide the flexibility for a balanced and efficient transportation system.

As a cosponsor of the Anderson bill to provide for the use of trust fund revenues in either mass transit or highway projects, I strongly support the Anderson amendment.

At this time, I wish to insert in the RECORD an advertisement which appeared in the New York Times on September 14, 1972. I feel this advertisement merits particular attention because it was published by the Mobil Oil Corp., which some might view as one of the vested interests concerned with the preservation of the highway trust fund in its present form:

LET'S END THE HIGHWAY TRUST FUND

While America has developed a superb highway system through Highway Trust Fund revenues, our mass transit has slipped sadly. We're moving people better by car, but people who try to get from one place to another by train, bus, or subway are fighting a losing battle. This, in turn, forces more people into their cars and onto the highways. And this puts added pressure on even the best of our highways, not to mention city streets.

For this and other reasons, we've been urging publicly that Congress get moving with a national program to improve mass transit, and re-examine the desirability of the Highway Trust Fund. We doubt whether such special earmarked funds represent sound public policy. Experts in public finance have historically opposed trust-fund financing because this mechanism mandates decision-making and priority-setting by a bureaucracy with its own direction and momentum, without the proper annual review of proposed expenditures.

Some people suggest greater diversion of Highway Trust Fund revenues for mass-transit projects. But the cost of truly comprehensive improvements in all forms of mass transit will far exceed the revenues available from the Fund. Robbing Peter to pay Paul by diverting revenues from the Fund will give us the worst of both worlds—poor highways and poor mass transit. We cannot afford either.

Look at the sorry record of recent years. Only in 1970 did Congress appropriate mass-transit funds on a scale even remotely recognizing the need: $3.1 billion spread over five years, or an average of $620 million a year. From 1964 through 1969, a total of only $1 billion was spent for mass transit. The Highway Trust Fund, meanwhile, generates revenues of about $5.7 billion a year—or five times what was actually spent for mass transit over a six-year period.

Thus the problem, largely one of imbalance, is that highway-building has dominated federal transportation policy.

One reason for this is the formula under which the federal government shares revenues with the states for transportation. States now pay only 10% of the cost of highways under the Interstate Highway System. But the states have to pay from a third to a half of the cost of mass-transit programs to which the federal government contributes. From the states' viewpoint, it's just plain cheaper to ignore mass transit and simply build highways.

But the need for improved mass transit and the need for better roads and highways often coincide: Construction of special express lanes for buses can ease commutation problems and unclog other highway lanes for faster movement of passenger cars and trucks.

It shouldn't be an either/or situation. What's needed is substantially increased spending by federal, state, and local governments for construction of needed transportation facilities of all kinds. If the Highway Trust Fund is phased out, Congress can make appropriations at the federal level for an adequate, integrated transportation system.

Even so, we don't want just blindly to build more of what we have had for the past 50 years. We must innovate, and we must look ahead as far as advanced technology can take us in meeting both present and future transportation needs.

We are convinced that this can be achieved only through a National Master Transportation Program, financed both by existing gasoline taxes that would go into the general coffers and by annual appropriations large enough to do the job. A sound first step would be to end the Highway Trust Fund.

## WEATHER MODIFICATION

### HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

*Wednesday, April 18, 1973*

Mr. ABOUREZK. Mr. President, South Dakota has had a long and active history in the field of weather modification. Our State legislature this year appropriated $643,000 for a statewide operational program. The effort is totally a State, county, and local one. The entire operation is based on 75–25 cost share between the State agency—in this instance the South Dakota Weather Control Commission—and the county subdivisions of our State.

All decisions about whether to seed in a given area for hail suppression or rain increase are made by the local people. I as a Senator am gratified and proud of this effort in my home State; for that reason I ask unanimous consent that the following speech given by Mr. Merlin Williams, the State director of the Weather Control Commission and a nationally recognized authority on weather modification given before the American Society of Civil Engineers last February 2 here in Washington, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

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SOUTH DAKOTA WEATHER MODIFICATION PROGRAM

(By Merlin W. Williams [1])

NOTE: Figures are not reproduced in the RECORD.

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I. INTRODUCTION

Activities by state planners, interested private groups and legislators in 1970 led to legislative action in March 1971 to establish a statewide program of weather modification in South Dakota. This program is intended to provide an economic benefit to the people of the state through application of existing knowledge to increase rainfall and decrease hail by cloud seeding. In addition, the legislative action recognized the need to enhance knowledge in the field to improve the capability.

The South Dakota Weather Control Commission (WCC) is charged by law with the responsibility for weather modification activities in this state including the development of the statewide program. The Commission was established in 1953 when the basic law, South Dakota Compiled Law (SDCL) 38–9, concerning weather modification was passed. The Commission is composed of ten representatives, seven of whom are appointed by the Governor and three ex officio members representing the Department of Agriculture, the Water Resources Commission and the College of Agriculture of South Dakota State University. Through periodic meetings, the Commission provides general policy and oversight for the functions set forth by the law.

The detailed work of the Commission is conducted by the office of the Director. This office was established as a result of the amendment to SDCL 38–9 by the 1971 legislature. In September 1971, the Director's office began the task of designing, organizinz and initiating the statewide program. This activity represented one of the four functions assigned to the Commission by the Law. These functions also include interstate and federal cooperation, special studies and regulation of all weather modification activities in the state through both licensing and monitoring.

This paper describes the activities of the Weather Control Commission in the design, organization and initiation of the statewide program: Cloud seeding activities during the first season of operation will be summarized, and program effectiveness will be described. It must be recognized that insufficient data can be obtained from a single year's operation to supply statistical significance to the results; therefore, no attempt will be made to indicate the effects of seeding.

II. BACKGROUND

Private associations of farmers, ranchers and businesses have been formed to sponsor weather modification in specific areas of the state since the early 1950's. Funding for these activities were provided by voluntary contributions. At one point in the mid 1950's, operation by a private contractor involved seeding with ground generators in an attempt to affect as much as 60% of the state. Relatively few areas of the state have not been the target of seeding attempts at one time or another.

Passage of enabling legislation in 1963 provided for more organized funding of weather modification through county tax structure. Various long term, county supported projects were developed in both the eastern and western part of the state. Examples of such programs are to be found in the western and northwestern grasslands areas and the northeastern crop area. Numerous shorter term projects were also developed on this basis in the south central and southeastern crop areas. Some measure of the degree to which such activities are supported can be obtained from the fact that county funding for weather modification throughout the state has averaged nearly $100,000 for the past ten years.[2]

Results of these projects were not always documented. Funding limitations did not permit evaluation activities of a significant nature. In fact, funding limitations for projects sponsored by individual counties did not permit adequate operations in many cases. Routine evaluations of the activities based on comparisons of variations from long term normals for target and control areas were made by members of the WCC. Persistent indications of increases achieved by the cloud seeding were obtained from these evaluations. Those Commission efforts led to the support of a more formal evaluation of the locally sponsored efforts by the Institute of Atmospheric Sciences (IAS), South Dakota School of Mines and Technology, during the summer of 1971. This evaluation, which was funded under a contract with the WCC, provided strong indications that increases of 7% to 48% were being achieved in four different projects [3].

While it is recognized that these evaluations do not provide conclusive evidence for cloud seeding effects, they do represent a considerable body of qualitative evidence favorable to the seeding. This information together with research results was considered sufficient supporting evidence to warrant development of the applied, statewide program.

Results of research activities serve as a basis for portions of the program design. The most pertinent results are those obtained by projects in South Dakota. Specifically, concentrated experimentation has been underway by the IAS since 1963. This activity has been under the sponsorship of federal agencies such as the Bureau of Reclamation, National Science Foundation and National Oceanic and Atmospheric Administration. The research has involved both individual cloud experiments and areal testing. Through the use of scientific design and sophisticated techniques, these efforts have led to results which provide a stepwise program development. In 1969 a pilot project was developed to test the research results over large areas in North Dakota. Subsequent results made it possible for the IAS staff to make the summary statement in November 1971: "However, the overall result of a project based on the present state of the art of cloud seeding and lasting for a season or more should be an increase in total rainfall at the ground" [6]. This conclusion was reinforced by the results of the evaluation of commercial seeding activities during the summer of 1971 [5].

South Dakota results are reinforced by results from other parts of the country and the world. Hail suppression activities in four southwestern counties of North Dakota indicate 30% to 60% decrease in hail [4]. A cumulus experiment in California conducted during the summer months of 1966, 1967 and 1968 provided results indicating significant increases in runoff resulting from cloud seeding [15]. Research on summer systems in Arizona sponsored by the Bureau of Reclamation between 1965 and 1969 provided support for increases resulting from seeding [15]. Experiments in Florida by National Oceanic and Atmospheric Administration researchers provides strong evidence for increased precipitation from seeded convective cells [19]. Results of seeding experiments in Australia have led to application of the technology for many years [2]. Carefully conducted experiments in Israel between 1961 and 1967 led to development of an operational program in 1971 [9]. Activities in Kenya since 1967 provide evidence of significant reduction in hail (as much as 60%) with corresponding increases in crop production (tea). [10]. Reports of hail suppression activities in Russia include statements of ability to stop 70% to 85% of the hail for clouds treated by firing silver iodide bearing artillery shells into the cloud.[17].

III. BASIS

The physical conditions associated with weather in South Dakota are characterized by a continental climate with cold winters, warm to hot summers, light moisture in the winter and moderate moisture in the summers. The climate is generally limiting or marginal for most crops in terms of both precipitation and growing season. Winter weather patterns are associated with cold, northerly flow from large, high pressure systems moving into the state from the north or north-west. Warm or hot summer air results from southerly flow which is interspersed with humid conditions when this air originates over the Gulf of Mexico. The entire state is characterized by frequent changes caused by cold fronts and associated low pressure areas moving across the state.[5]

The maximum precipitation occurs during the growing season months. This precipitation varies from 18 inches in the southeast to 10 inches in the northwest, and results predominantly from convective activity with no major orographic influences except in the Black Hills region. Some measure of the degree of convective activity can be obtained from the fact that thunderstorms occur on an average of 40 to 45 days at any one location in the state.

Average increases of 15% to 20% as deemed possible by the research efforts at IAS [14] would provide an additional one to two inches of precipitation during the growing season. Hail may be expected in most parts of the state an average of two to three times a year. Hail losses are estimated to average $30,000,000 per year.[13]

The potential for benefits from weather modification is variable for the activity being conducted. Variations in effect are also noted for different crop types. Preliminary estimates of the benefits to be achieved by an average increase of growing season precipitation of one inch would provide a benefit cost ratio of between 10 and 30 to one [14] through increased crop production. The additional benefit achieved by a 30% to 50% reduction in hail would increase the benefit to cost ratio significantly. In addition, these preliminary estimates do not specifically include benefits to urban areas. Reduction of hail damage and increased water supplies for cities and towns provides an additional significant benefit that is difficult to estimate at this time.

Considerably more detailed studies of benefits are underway by a research team of the College of Agriculture at South Dakota State University. Preliminary estimates have been made of the benefits to be derived from an average increase of one inch of rainfall during the growing season. An example of their findings can be obtained from consideration of wheat production where results indicate increases of one to nine bushels per acre depending on type, location and distribution of rainfall.[7] Continuing studies of a broad range of economic considerations are underway not only by SDSU, but by surrounding Northern Great Plains states as well.[8 11]

Additional studies [11] and consultation with

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farm groups have identified another source of potential benefits in the form of increased preseason moisture. The effect of preseason moisture varies with crop type, but appears to be most important to forage and small grains. Additional investigation may well lead to the development of programs to provide seeding for periods other than the growing season.

Social concerns in the state are associated with agricultural activities since the economy of South Dakota is largely dependent on this industry.

Approximately 70% of the state's economy is derived from agriculture and agriculture related activities.[16] The general trend in farming operations in the last 30 years has been toward increasing mechanization and larger farms. This action has resulted in part from relatively constant prices for farm products while production costs increased. The overall effect of these factors is a resulting out-migration of population in the state. This factor is particularly significant in younger age groups, and results in a general economic and social problem for the state. It is generally accepted that stabilization of the agricultural economy will serve to reduce the social problem, but probably not eliminate it.

An average increase in precipitation of one to two inches of precipitation is generally reeognized as a means of improving crop production; and, thereby contributing to stabilization. Opinion surveys indicate that 60% to 80% of the people accept weather modification as a tool to be used for this purpose, and feel that it can produce the beneficial effects proposed.[12] A majority of the people are willing to spend their local and state tax money to support a weather modification program. Legislative approval of both the concept and funding of the program has been provided by the same margins.

The legal aspects of weather modification have been considered on an individual state basis. In this manner, consideration of local conditions and needs has been included in the legal policy of the states. South Dakota claims sovereign right to the use of all water over its boundaries for the benefit of its residents. The law (SDCL 38–9) also provides a general recognition of weather modification as a state function entered into to provide for the general welfare of the public. It further recognizes the state of the art as being capable of producing beneficial changes under certain defined conditions.

The financial support for the program is broadly based throughout various levels of government. State support for the statewide activities is derived from general fund appropriations. The initial state appropriation amounted to $100,000, and was provided by the 1971 legislature for FY 1972 to design, organize and initiate the program. This action was followed by an appropriation of $250,000 for operations in FY 1973. Administrative funds for the conduct of Commission activities were provided under a separate budget appropriation in each case.

Authority for county support of weather modification is provided by SDCL 10-12-18. This law provides that counties may levy a maximum of one mill tax on assessed property valuation for this purpose. The authority to levy and commit funds under this law rests solely with the county commissioners in each case; however, in actual practice it is normally done on the advice of groups in the county. On occasion, the county commissioners have requested that approval to proceed with a program will be obtained by a vote of the people or a poll be taken to determine the wishes of the people.

Funding of weather modification activities by federal agencies has been limited to research either by administrative policy or Congressional directive. Thus, funds for support of the operational aspects of the statewide effort are not available; however, cooperative programs for the support of related evaluation and research activities have been developed. The Bureau of Reclamation participation in the program takes the form of funding support in the amount of $52,000 for a 15 month period to conduct research and special evaluation studies. This organization also supplies special services for operational testing. The National Oceanic and Atmospheric Administration is also providing support in the form of services and related research.

### IV. PROGRAM DESIGN AND ORGANIZATION

Initial investigation indicated that the technical design and organization would be inextricably bound together. Considerations of funding, equipment limitations, personnel availability and other technical features would determine the most effective type of organizational structure. Conversely, existing governmental and private characteristics would effect the technical considerations from the standpoint of location, areas covered and decision-making.

Administratively there was a need to have local involvement in decisions regarding cloud seeding activities by those people most affected by the outcome. After consideration of a number of possibilities it became evident that a local-state cooperative effort was desirable. Examination of governmental structure indicated that county government was the most suitable for local representation. Reasons for this choice included such factors as,[1] county commissions represent an existing governmental structure,[2] they are familiar with local conditions and desires and,[3] they represent the smallest level of government that could provide effective decision-making.

The decision making proposed for the administrative aspect of the program was of two types. First, a decision to participate in a cooperative effort was required. Recognizing dissimilar local needs and desires, this decision was made voluntary. Secondly, decisions on the degree and type of activity needed to be made on the basis of local conditions. Thus, the local administrative structure was required to establish beginning and ending dates and provide recommendations for suspension or termination of activities when adverse effects (such as production of additional rainfall when above normal amounts affected farm operations) were prevalent.

A local-state cooperative feature was also desirable from the standpoint of funding. Such an arrangement would not only provide increased operational capability through a larger budget; but would provide a measure of the need and interest by local groups. Here again, county government was the most logical choice for local-state cooperative efforts. Their authority to tax to support weather modification provided the means for local level support.

After examination of various factors, a cost-share concept was developed wherein the counties provide 25% and the state 75% of the costs. Considerations involved in this concept included the relative role of agriculture in the overall state economy and the ability of counties to raise funds under the one mill limitation. The latter consideration is significant for large counties with major portions of their area represented by nontaxable federal, state or Indian land. This factor has resulted in an inability of several counties to participate despite the unequal cost-sharing ratio.

Physical characteristics were also considered in the program organization. Climatic and soil zones were investigated to provide definition of homogeneous cropping zones. Use of such zones to organize areas of activity would provide the ability to make uniform seeding decisions. This point was quite important in view of the variation in precipitation; and, hence, crop patterns across the state.

In addition, consideration was given to the capabilities of the equipment currently available. Radar and aircraft capabilities provided the primary limitations on the size of the areas considered. Available radar could effectively cover a circle approximately 100 miles in diameter. Light aircraft of the type proposed could also be expected to cover an area approximately 100 miles in diameter without excessive loss in transport time. Minimum equipment required to meet the technical design could provide coverage for areas larger than single counties; therefore, multicounty operation would be more efficient than single county efforts.

All of the above considerations led to the adoption of multicounty districts operated on the basis of cost-sharing. Each of the districts is designed to consist of the counties that fit within a 100 mile circle within the limitations imposed by straight line county boundaries. Local level administration of each district is provided by a coordinating committee composed of one representative of each participating county commission. Districts and their associated counties participating during 1972 are shown in Figure 1.

### V. OPERATIONS—1972

State funding for the summer field activities was provided by the 1972 legislature in the form of a $250,000 appropriation. This amount was inadequate to meet the requests by counties representing three full districts and two partially formed districts. The decision was made to provide full scale funding to the two adjacent districts in the southeast portion of the state with supplemental support to on-going county programs in the western and northwestern part of the state rather than try to provide limited support over the entire area requesting. Representatives of the district in the north central part of the state agreed to develop the administrative organization, but forego field operations until 1973 when funds became available. District cost-share funds from participating counties resulted in a total budget of approximately $340,000 from both state and county sources.

Contracts with private operators for equipment and personnel were awarded in March in preparation for field activities during the period May 1 through August 31. Aircraft acquired under these contracts were of the turbocharged, light, twin-engine type, fully equipped for high altitude and instrument operations. Complete navigation equipment provided the capability for day or night, all weather flights to meet the proposed requirement for seeding operations at any time. Each of the three aircraft provided to each complete district was equipped with both acetone-silver iodide type generators with a capability of dispensing silver iodide at a rate of 150 to 300 grams per hour and pyrotechnic devices capable of dispensing 200 grams per minute. Thus, a wide range of capabilities was provided for two types of seeding materials to permit either rainfall increase or hail suppression activities. Aircraft safety was stressed throughout the contract specifications.

Equipment contracts also provided for radar equipment with multiple capabilities. One radar system was located in each complete district with the capability for both storm monitoring and aircraft tracking. Radar storm surveillance provided the capability to detect storm characteristics, determine hail potential, provide seeding direction and coordination and provide continuous recording of all radar information by time lapse photography. In addition, each radar system included standard observing instruments for measuring meteorological parameters.

The requirement for experienced personnel was stressed in both the radar and aircraft contracts. A fully qualified individual with an academic degree in meteorology and experience in radar and/or weather modification work was provided for each district. A

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radar operator was provided by separate contract to assist the meteorologists at each site, and an electronic technician was provided to maintain and calibrate all radar systems. Three instrument rated, commercial pilots were provided for each site.

All equipment and personnel were ready to begin operations on May 1; however, natural events in the form of above normal rainfall resulting in difficulites to farming operations just prior to the starting date necessitated a delay. This circumstance provided a major test of the effectiveness of the organizational structure which utilized decision-making inputs from local coordinating committees. Normal operations required a full coordinating committee meeting once a month during operations with a telephone poll of each representative once a week to determine recommended operations.

On May 1, all district representatives except one requested that nothing be done to aggravate a situation where excessive rainfall was hampering farm operations. (It should be noted that the representative from one county consistently requested full operation on the basis that the additional rainfall should be obtained whenever possible.) The suspension of rain enhancement activities extended throughout most of May and June, and periodic suspension of rain enhancement activities continued throughout most of the summer.

Crop development by mid-May had reached a stage where the occurrence of hail would cause damage. Accordingly, the Coordinating Committees were consulted regarding the advisability of initiating hail suppression at any time a clear out indication of hail potential was identified. This action represented a departure from the original plan, and was made possible only by the flexibility provided by the local-state cooperative organization.

The results of this type of decision-making can be seen from a comparison of potential operations versus actual operations given in Figure 2. The potential operations represent estimates by the district meteorologist of the total number of aircraft seeding hours that could have been conducted for the weather systems that actually occurred. It should be noted that as the season progressed the potential opportunities decreased and the ratio of seeded to potential hours increased. Table 1 presents a summary of seeded days during the season.

TABLE 1.—SEEDING DAYS AND MISSIONS (1972 SEASON)

| | Rain increase | Hail suppression | Both |
|---|---|---|---|
| District I: | | | |
| Days | 10 (8) | 23 (19) | 8 (6) |
| Missions | 30 | 75 | |
| District II: | | | |
| Days | 12 (10) | 16 (13) | 13 (11) |
| Missions | 42 | 75 | |

Note: Figures in parentheses indicate percent of total days.

Various methods of evaluation are currently underway both by the staff of the WCC and under private contract. Data available for these evaluations consist of the following:

1. Radar cloud intensity and height measurements
2. Raingage observations from National Weather Service networks
3. WCC supplemental raingage observations obtained by cooperative observers
4. WCC hail occurrence observations obtained by cooperative observers
5. American Hail Actuarial Insurance Institute records
6. National Weather Service radar observations
7. WCC seeding operations logs

Evaluation of rainfall is not expected to produce significant results due to the lack of seeded cases resulting from the frequent suspensions imposed on the effort. Some indications of effectiveness may be obtained in the two counties where seeding for rain enhancement was conducted for continuous periods in excess of one month. However, the overall conclusion must be that no valid evaluation of rainfall increases can be conducted for 1972.

Hail suppression evaluations are underway using hail insurance loss records. Historical hail loss records for the period 1928 to 1972 will be used to provide comparisons for evaluation. In addition, comparisons will be made between seeded and unseeded areas and times.

Qualitative evaluations of radar observations, seeding pilot observations and local observers reports are also underway. While this type of evaluation will not provide definitive proof of effectiveness, it does provide valuable background information for modification and improvement of future operations.

A post-program evaluation of costs indicates that the most meaningful estimate for varying size districts is a per unit basis. Using this method provides an average per acre cost of 3.2¢ for 1972 operations. On the basis of a 75% state-25% county basis, the costs are divided 2.4¢ per acre from state funds and 0.8¢ per acre from county funds.

### VI. FUTURE DEVELOPMENT

Organizational structure will remain essentially the same for 1973 with the exception of addition of as many new districts as funding permits. The district coordinating committees will continue to provide input to decision-making from the local level while the design, coordination, oversight and budgeting will be provided by the WCC staff. Cost sharing is also proposed to continue on the same basis.

No major changes are proposed for the technical design. Equipment, personnel and operational requirements for individual districts will be modified slightly on the basis of experience gained during the first summer; however, no major changes are anticipated. The emphasis and goals of the program will remain the same.

The major change in the program will be the overall size. A total of 26 countries participated in the program during 1972. In order to provide for effective planning and organization, all counties in the state were notified that requests for participation in 1973 needed to be submitted by September 10, 1972. A total of 42 counties responded representing an increase of almost twice as much area. This increase includes District 3 which was formed during 1972. Plans are currently underway to revise district boundaries and establish new districts to accommodate the additional counties shown in Figure 3. The number of counties and districts will be finally determined by the amount of the budget provided by legislative appropriation, since county funds are already obligated for this purpose. Accommodation of varying size areas is achievable by virtue of the flexibility inherent in the multi-county district organizational concept.

### VII. RELATED RESEARCH AND EVALUATION

Funding for the operational aspects of the program is derived solely from state and county sources. Limitations on funds provided to federal agencies restrict their use to research purposes which precludes federal participation in the operational phases of the program. However, conduct of certain research and evaluation in conjunction with the operations is not only desirable from the standpoint of enhancing knowledge and improving the operations, but required by the directive contained in SDCL 36–9. During the development of the program, cooperative relationships were developed with various federal agencies either directly or through other organizations to conduct special studies.

A contract with the Division of Atmospheric Water Resources Management of the Bureau of Reclamation provides for testing and development of certain models and concepts in an effort to affect a technology transfer from research to operations. Testing during the summer seeding program of the effectiveness for operational purposes of the computer time-share system developed by that organization represented one phase of this project. A subcontract arrangement with South Dakota State University provides for the development of sociological, economic and climatological models with which to evaluate the effectiveness of the seeding program. A second sub-contract with a private firm is designed to provide for development of conceptual models of cloud conditions with which to improve operational coordination and communication. Direct funding provides for establishment of a supplemental raingage network in seeded and unseeded areas in an effort to improve evaluation information. During the summer of 1972 a total of 175 such gages were operated by volunteer observers in the eastern half of the state.

Funding from the National Oceanic and Atmospheric Administration (NOAA) provides for both direct support and support to the IAS. Initiation of radiosonde operations at Huron, South Dakota on May 1, 1972 to coincide with initiation of the state program contributed significantly to the program. IAS efforts under NOAA funding consisted of efforts to develop techniques for evaluation of the field program through the use of the National Weather Service radar at Huron, South Dakota.

A third cooperative effort involves sociological studies conducted by the Institute of Behavorial Sciences, University of Colorado, under the sponsorship of the National Science Foundation. This program involves a study of attitudes of residents of the state toward the weather modification program. Testing is conducted before, during and after the seeding program takes place.

### VIII. REGIONAL PROGRAMS

The possibility of cooperative efforts with adjacent states is being investigated. Planners in both North Dakota and Nebraska have indicated interest in cooperative programs. Organized activities on the part of these states, however, will require legislative action to provide both the structure and funding for such efforts. The primary need at this point is the development of an organizational structure with enough flexibility to recognize the needs and requirements of the individual states.

Current action involves a proposal for joint projects in border counties. Negotiations for such a project have been completed with four counties. North Dakota. It is anticipated that activities in their project will be initiated in 1973. There are needs for additional projects of this nature in other areas of the state where border counties are involved.

In addition to joint operational efforts, a necessity exists to develop an interstate compacts system for operations along state boundaries where no seeding is taking place in the adjacent county. A distinct requirement exists to begin treatment of storm systems before they reach the upwind boundary of the target counties. For example, clouds moving southward from North Dakota to South Dakota should be treated 10 to 20 miles north of the state boundary in order to have an effect on areas in South Dakota immediately adjacent to the boundary. Proper treatment should not cause an effect in areas of North Dakota. Establishment of a compact to permit such activities will require action by the Governors of the states involved, and must recognize differences in state laws regulating weather modifications in each case.

Federal regional programs are under consideration in two areas of the Great Plains. The WCC will continue to cooperate in the

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development of these programs. In view of the fact that South Dakota has an operating program, the state may serve as a nucleus for such development. Steps are underway to provide information based on experience gained during the first year to other states establishing programs.

IX. REGULATION

South Dakota has had a law to regulate and monitor all weather modification activities since 1953. This law requires both licensing and reporting of activities. Steps are now underway to modify and expand the existing law to keep pace with both the operational program and new developments in the field. The new law will provide for improvements in the structure and administration of the Commission. It will clarify and expand the functions of the Commission, and strengthen the regulatory authority of the State. To implement the new law a set of rules and regulations are being promulgated for administration of the provisions.

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Key Words: Design, *hail* suppression, meteorology, organization, operation, *rain increase*, water resources, *weather modification*.

Abstract: Design, organization and initiation of a statewide program of weather modification was undertaken by the South Dakota Weather Control Commission in September 1971. This program was designed to provide for increased rainfall and decreased hail by cloud seeding. The design of the program was based on research and operational results obtained in South Dakota and other parts of the country. The organizational structure of the program was based on a local-state cooperative effort for both decision-making and funding. These efforts led to the development of a limited scale field program during the summer of 1972.

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## PREDATOR CONTROL: M–44 CYANIDE DEVICE A HUMANE AND FEASIBLE TECHNIQUE WHICH MEETS ALL ENVIRONMENTAL OBJECTIONS

### HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. FISHER. Mr. Speaker, on January 22, 1972, the President issued Executive Order 11643 which banned the use of chemical toxicants in the control of predators on Federal lands and in Federal programs. That order was followed on February 9, 1972, by an EPA order halting interstate shipment of all pesticides for use in controlling predatory animals. Registration of 11 products, including sodium cyanide, were canceled.

The Department of Interior, which handles Federal predator control, having found that in the past a major portion of all predator control has resulted from the use of chemical toxicants which were outlawed by the two orders, that agency has made an intensified but thus far futile search for alternative methods to control predators. The Department, and all concerned, recognize the absolute necessity of predation control.

COYOTE EXPLOSION

Already the Bureau of Sport Fisheries and Wildlife (BSFW) which deals with the predator problem for the Department of Interior, reports evidence of a population explosion of coyotes and other predators and, of course, an upsurge in livestock losses. A more accurate analysis of the results of the Executive orders will, according to these officials, be available later this year.

In any event, we know from a multitude of reports from the cattle, sheep, goat, and turkey country throughout the land that coyotes have multiplied and livestock losses have mounted. Indeed the situation has become intolerable.

As I have pointed out, this explosive development was brought on by Government action. It therefore becomes the duty of the Government to provide a remedy, or certainly not to block a feasible and proven solution, to which I shall refer in a moment.

Instead, we find the Government thus far seeking to escape from any responsibility in this area by requesting legislation which would remove traditional Federal participation in predator control and turn that entire burden over to States and livestock producers—after depriving us of the only effective means of coping with the problem.

EXECUTIVE ORDERS ILL ADVISED

Mr. Speaker, the Executive orders to which I have referred were based largely upon what is known as the Cain Report on predator control. That hastily prepared document has been rather substantially discredited in several respects. Even the Department of Interior has found fault with some portions of it. The report undoubtedly contains some very misleading information and some faulty conclusions.

In fact, the propriety of the Executive orders has been strongly challenged by one of the Nation's leading ecologists and experts in the field of chemical toxicants as applied to predation, Dr. Walter E. Howard. He is professor of wildlife biology and vertebrate ecologist in the Agricultural Experiment Station of the University of California at Davis. In referring to Executive Order 11643, this noted environmentalist stated:

. . . Unfortunately, it has not had intended effects on the environment nor will it prove to have been a wise conservation move. Rather, it has worsened matters for both the farmer and the wildlife species it was designed to protect. It had emotional appeal, but was not based on sound ecological facts or good principles of animal control. . . .

Dr. Howard then proceeded, in his committee testimony, to document his conclusions very convincingly.

But, be that as it may, being realistic I recognize the difficulty of obtaining relief from those Executive orders, at least for the present. What is needed now, and desperately needed without delay, are alternative methods of coping with predators; otherwise it is certain that livestock losses will continue to drive more livestock producers out of business.



ALTERNATIVES TESTED

Recognizing the dilemma created and the Government's responsibility for bringing it about, Interior Department specialists undertook a special program last summer in the Bridger National Forest. The project used crack teams, with aircraft and helicopters. It was successful in terms of coyotes destroyed in relation to sheep losses, but at a cost of approximately $250 per coyote.

Last Spring, following the Executive orders, Secretary of Interior Rogers Morton instructed the Bureau of Sport Fisheries and Wildlife to initiate a special program to provide assistance to the livestock industry in highly critical areas, using nontoxic methods. That experiment was made from April 17 to October 1, at a cost of $349,500. A report on the results found that aerial control was the most effective and selective, and added this:

It was not effective in (1) protecting poultry, (2) in rugged terrain, (3) in dense vegetation, (4) in bad weather . . .

Thus, it is self-evident from these experiments that while extensive use of choppers can be fairly effective in some environments, this method of killing coyotes cannot be relied upon in rugged terrain, or where the vegetation is dense, or during bad weather. That finding completely eliminates, for all practical purposes, the use of aircraft and choppers as a feasible means of coping with coyotes, particularly in the entire southwest where we find the principal breeding grounds for cattle, sheep, and goats. That country is, in the main, brushy and much of it is rough. We can always count on the alert coyote to take full advantage of hiding places.

Moreover, in any event the cost of choppers, pilots, and marksmen would be prohibitive unless heavily subsidized by the Government. And such low flying is fraught with much hazard. Only recently a pilot chasing a coyote was killed in a crash.

In addition, predators are at their worst during calving, lambing, and kidding seasons. It is well known in the ranching country that ewes and nannies are extremely sensitive to excessive noises or other unusual disturbances during the critical lambing and kidding periods. Most ranchmen are wary about even riding horseback among them. Noise from low-flying choppers could be disastrous. The animals would scatter, mothers and offspring separated, and any ranchman will tell you that many of the mothers will thereafter disown their young.

AN AVAILABLE, FEASIBLE, EFFECTIVE ALTERNATIVE

Mr. Speaker, what other alternatives can we turn to? Well, it just happens that a technique has been developed, tested for years, and found to be extremely useful. It meets every environmental objection to use of toxicants. I am referring to the M–44, an ejection device, which uses sodium cyanide.

This device has been used by the Bureau for animal damage control since the early 1940's, first in the coyote getter and more recently in an improved version—the M–44. This cyanide ejector technique applies the same principle as the coyote getter except that the chemical is ejected by a spring-loaded piston, rather than an explosive charge. This basic difference eliminates the human hazard previously associated with the getter. The results of both are similar.

This perfected device is charged with sodium cyanide which is baited and driven into the ground. Left unattended, it is activated when an animal pulls at the bait. The spring in this device propels the cyanide into the coyote's mouth. By requiring a greater force to release the spring, the improved mechanism adds to the selectivity, according to the Bureau, and limits the kinds of animals capable of pulling it.

The coyote that triggers the device is killed almost instantly. This humane device is highly selective, and that fact is emphasized. As a result of extensive tests in several States by the BSF and W, both on the former explosive device and the improved version with the spring mechanism, the high degree of selectivity was confirmed. (Vol. 7, No. 2, The "Humane Coyote-Getter . . . in Control of Predatory Animals.". The finding concluded:

Of the creatures killed and recovered with coyote killers (getters), about 95 percent were predators.

The same Bureau collected 7 years of data between 1965 and 1971 in Texas, and found:

Overall, coyotes comprise 87 percent of the recoveries . . .

Some were triggered by coyotes wallowing, stock tramping, et cetera.

ONLY OBJECTION TO M–44 IS ITS "PHILOSOPHY"

When Assistant Secretary of Interior Nathaniel Reed testified before the House committee recently, he could cite but two reasons why the M–44 had been outlawed:

It was based two-fold, based on the general thought of removing poisons for controlling depredating animals and secondly, it was non-selective in the sense that a number of other animals are killed by M–44 . . . I think basically the answer would have to go back to the philosophy expressed of the genuine effort to get poisons as a tool away from the use of depredating animals, and I will leave it there, if I may.

Now, just where Mr. Reed got the idea that the M–44 was non-selective, I would not know. He certainly did not get it from the experts in his own Department who are charged with the responsibility of knowing about these things.

In short, the only official objection remaining to the use of the cyanide ejection device is the philosophy of not using poisons in the control of predators. Mind you, this reasoning does not address itself at all to any allegation of ecological harm from the use of M–44.

While not the complete answer by any means, this device is admittedly the safest, most successful, and the least objectionable method that is available. Yet it is prohibited by the Executive orders.

NO AFTER-EFFECTS WHATEVER FROM M–44

The uninformed may say: "Yes, but that poison can pollute the environment and it may find its way into run-off water, or it may poison birds or other wildlife which eat the carrion."

That would seem to be the only possible logical basis for drawing upon "philosophy" as an excuse for outlawing use of the M–44.

But what are the facts? Here are the words of Jack K. Berryman, Chief of the Division of Wildlife Services, BSF and W:

It (cyanide from M–44) degrades very rapidly in an animal's body so there is no persistence or environmental contamination.

Mr. Berryman added there is absolutely no after-effects found in the dead animal, in the ground, or in the atmosphere. The cyanide disappears, evaporates, with nothing remaining to endanger man, birds or animals.

COYOTES TREAT PREY INHUMANELY

The Department has suggested the use of steel traps as the primary alternative to the use of toxicants. It is true that traps have been used for generations. But they are totally inadequate and ineffective as a meaningful answer to depredation problems. And obviously that method is far more inhumane than is the M–44. But speaking of humane aspects, how fares the helpless victims of the blood-thirsty coyote? On that subject, Dr. Howard commented:

The inhumane treatment by predators of domesticated animals exceeds that which any humane society can tolerate.

In that connection let me read from a letter I recently received from a constituent, Tom DuBose, of Uvalde, Tex.:

I can understand how some well-meaning people might think of poison and "coyote getters" as being cruel to wild animals. But these people could not know what real cruelty is unless they actually saw the results of a coyote attack upon a lamb or a kid goat. Many times these predators kill "just for fun" and often don't complete the kill. On several occasions I have had to get off my horse and cut the throat of kid goats that had been torn open but still alive enough to be trying to escape the buzzards.

At the moment I have a coyote killing an average of two lambs every night—lambs that would bring 20 to 30 dollars when weaned. The trapper has been trying his best to catch this coyote, but his most effective, yet humane, tools have been taken away from him—the "M–44 Coyote Getters."

In conclusion, Mr. Speaker, let me urge that very serious and prompt consideration be given by EPA and by committees in Congress to steps which would restore the use of the M–44.

It is humane—causing almost instant death of the predator.

It has been proven to be feasible and effective.

The use of it results in no after-effects whatever.

Unless and until a better alternative is discovered, let us restore the use of this effective, humane, and relatively inexpensive device in coping with an extremely serious predator problem.

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## STEPHEN DIENSTFREY

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. HANNA. Mr. Speaker, some 11 years ago, a young college student by the name of Stephen Dienstfrey came into my campaign headquarters in Anaheim,

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Calif., to ask for a bumper strip for his car. Little did he or I realize on that day that it was the beginning of a long friendship.

I had the good fortune of working with Steve not only that first campaign of mine for Congress in 1962, but also in 1964, 1968, and 1970. As my colleagues are aware, there are many tasks in a campaign. Steve has done them all on my behalf—from running the mimeograph to analyzing election returns.

One of my most pleasurable experiences has been watching Steve grow and mature. In 1966 I spent some time with Steve in the Philippines where he was serving with the Peace Corps. Upon his return to California, he entered graduate school. After completing work on his master's degree, he taught in the sociology department at what is now California State University at Long Beach. During 1971 he served on my Washington staff.

It has been a longstanding policy with me to use the public office I hold to encourage young people to develop an interest and take part in our political processes. Steve has been one of those young people who has made the most of the opportunity to contribute to his country and to build a constructive and worthwhile career for himself. He has merged his experience in campaigns and his experience as a congressional office employee in such a way as to make himself a better citizen and a valued employee. I am confident that Steve will be making a lifelong contribution to his country.

I have recently been informed that Steve is planning to get married in October, 1973, to Miss Beverly Lowenstein of Washington.

Mr. Speaker, I would like to take this opportunity to wish Bev, Steve, and their parents—Mr. and Mrs. Ernest Lowenstein of Baltimore and Mr. and Mrs. Joseph Dienstfrey of Laguna Hills, Calif. congratulations and mazel tov.

## THE PRESIDENT PLACES THE BLAME

### HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. COLLIER. Mr. Speaker, blame for inflation has been put on many scapegoats—the grocer, the farmer, the landlord, the physician, the banker, and the repairman.

The real culprit, however, is none of these. Blame for higher and higher prices, higher and higher rents, and other increases in the cost of living ought to be placed on the shoulders of those who have, through the years, voted for multibillion dollar measures that inevitably led to greater budgetary deficits.

An editorial that recently appeared in the Seymour, Ind., Tribune put the blame where it belongs and deserves a wider circulation. I am therefore inserting it in the RECORD. The editorial follows:

THE PRESIDENT'S MESSAGE

Thursday night the President of the United States delivered a most unique message to the people. It dealt with the Vietnam situation, food prices and the importance of the United States in the world today. Following the talk the TV people were interested in only the Vietnam position and how this message would affect the U.S. in the world today.

In our opinion the TV critics missed the most important political first in our nation's history. Mr. Nixon's reference to increased prices directly placed the responsibility upon the federal government. He stated that the United States citizens had to make a decision of whether they wanted more services with more taxes or more inflation.

The President made it clear there was no choice. In our memory this has been the first time any political leader has stated this. Normally political figures find other scapegoats upon which to lay the blame—either business or labor—depending upon their political dependency.

Mr. Nixon, for the first time of any major political office holder, laid it on the line. What does the public want—increased taxes or increased inflation. He offered the correct alternative—sensible government spending. He has advocated this and incurred the ire of the Congress by vetoing major spending bills which will add to inflation. He has challenged Congress on this point and made it perfectly clear that the irresponsible spending of the Congress will not be tolerated.

Congress, mostly, has not seemed to have received the message. They still seem to think that we can spend, spend, spend, inflate, inflate, inflate ourselves out of any problem. They seem to refuse to accept Pres. Nixon's idea that programs which have at least 75 cents out of every tax dollar going to administrative costs and salaries, should be eliminated.

We are proud that the United States has achieved peace with honor and did not abandon our POW's and the free people of South Vietnam as the liberal doves of Congress urged. But we are more proud that Pres. Nixon has called a spade a spade and has said that inflation is permanently caused by the government spending more than the government takes in. In our recollection this is the first time a President of the United States has ever correctly blamed the federal government for inflation.

With a stable dollar, high prices by manufacturers and high rates by labor will soon be eliminated by competition. We urge you to write your Congressman and Senators very demanding letters asking that a sensible federal spending program be adopted—a program which will not add to taxes or inflation. There is no other solution.

It is your choice—you, the voters, of the United States. Don't scream about the price of meat, the price of homes, the price of cars to each other—scream to the men who cause it. And the men who cause and can control it are those men you elect to the House and Senate of the United States. They are the ones who overspend and are the real villains of inflation—not the carpenter, not the auto worker, not the steelworker, not the farmer, not the manufacturer, but those in Washington who still think they can buy votes for re-election by spending more than they earn. Can you do it? Ask the collection bureaus.

## U.S. PARTICIPATION IN THE U.N. ENVIRONMENT PROGRAM

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. FRASER. Mr. Speaker, last week Mrs. Patricia Rambach, international officer of the Sierra Club, made an excellent statement during hearings of my Subcommittee on International Organizations and Movements. The subcommittee held hearings on legislation to authorize U.N. participation in the U.N. environment program, including authorization for contributions to the voluntary fund for the environment. I would like to include Mrs. Rambach's statement in the RECORD so that all of the Members of the House will have an early opportunity to read it:

STATEMENT BY PATRICIA RAMBACH, INTERNATIONAL OFFICER, SIERRA CLUB, HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS AND MOVEMENTS, APRIL 10, 1973

Mr. Chairman, members of the Committee, I am Patricia Rambach and I have been invited to present comments on H.R. 5696 [H.R. 6768] on behalf of the Sierra Club.

The Sierra Club, an American environmental organization, was established in 1892 for the purpose of preserving and protecting the natural resources of the United States and has a current membership of 140,000 in the United States and abroad. The activities of the Sierra Club have evolved over the years, reflecting the changing membership and the increasing concern of conservation organizations with the broader issues of environmental quality.

In 1971 the Board of Directors extended the range of Club interest beyond the borders of the United States and in April 1972 established an Office of International Environment Affairs located in New York opposite United Nations Headquarters. I am the International Officer for the Club in charge of that Office.

The Club actively followed the preparations for the U.N. Environment Conference, and presented testimony before the Secretary of State's Advisory Committee on the 1972 U.N. Conference on the Human Environment on several occasions. In our testimony then, we recommended that the United States Government support the proposal for a U.N. Environment Fund. I am here to urge this support again and the legislation that is before the committee.

As you know the proposal to establish a Voluntary Fund for the environment was introduced by President Nixon on February 8, 1972. At the time he said that if such a Fund were established he would "recommend to the Congress that the United States commit itself to provide its fair share." The United States has stated its willingness, subject to approval by Congress, to pay up to $40 million of the proposed 5-year $100 million Voluntary Fund—a small commitment for the United States.

The Advisory Committee report focused attention on the importance of establishing such a Fund and suggested that the U.S. Government support the Fund with a substantial contribution.

I attended the U.N. Conference on the Human Environment held at Stockholm from June 5-12, 1972 as a member of the Sierra Club's observer delegation. Along with many other non-governmental organizations the Sierra Club was able to witness the shaping of the Declaration of Principles and the 109 recommendations that make up the environmental Action Plan. The United States' role at the Conference was significant. By introducing the proposal for a Voluntary Fund the U.S. showed that it was serious about its concern for world environmental problems. The proposal offered a new and flexible means of additional financing for international environmental programs and provided a way for the industrialized nations of the world to back up their verbal concerns about world pollution with the means to stop it.

The United States is one of a number of highly industrialized countries that is in the unusual position of being both a pioneer in developing sound environmental standards and at the same time having a major environmental impact by virtue of our dependence on overseas resources, the extent of the pollution we create, and the extent of our international trade and investment. The Government has indicated that it is especially concerned about atmospheric and marine pollution. In order to set up effective measurement and control mechanisms to monitor air and water pollution, the assistance of international agencies will be needed to provide access to other countries. It is through the Fund that these programs will be at least partially financed. The Fund as you know is to be used for financing regional or global monitoring, assessment, and data collecting systems, and for programs the 58-member Governing Council may decide upon. It will also be used to finance wholly or in part costs of new environmental actions undertaken within the U.N. system as a means of infusing environmental concern into international programs. It may be used at times to supplement an existing program in order to complete it faster or to support a project that might not otherwise be done.

Maurice Strong, the Executive Director of the Environment Program, perhaps best described the manner in which the secretariat intends to use the Fund in his statement before the 2nd Committee of the U.N. General Assembly:

"The proposed Environment Fund is designed to support the policy and programme objectives established by governments through the Governing Council. It would help to provide the international funding required to enable agreed program activities to proceed with the greatest possible participation by national and other institutions. By using wisely the relatively modest resources of the Fund as a stimulant, a catalyst, and a supplement to other sources of funding, the new organization would be in a position to influence and facilitate the effective utilization of . . . larger sums that will be spent on the environmental activities . . . by national governments and intergovernmental and . . . nongovernmental bodies.

The U.N. Environment Program thus has two major functions: (1) to point out where environmental considerations must be added and (2) to provide support at sensitive points to ensure consideration.

The Fund was formally approved in December 1972 at the 27th U.N. General Assembly. By June 1973, the U.N. Environment Program will have received assured pledges of $6.3 million for the first year. This combined with support from the United States will be adequate to move quickly into the first year of program.

Since January the new environment secretariat has been developing a program for its first year of operation to be submitted to the first session of the Governing Council for the Environment Program in 1973. This program will outline major objectives and immediate priorities and detail specific action projects to be carried out by international agencies, governments, and non-governmental organizations, with the secretariat acting as a focal point. The secretariat will remain small for maximum flexibility and efficiency. Maurice Strong has explained that he intends to use existing facilities that have proved their effectiveness to carry out projects. There will be no need to add program staff to his office.

The U.N. Environment Program, by broadening the concept of environment to include all aspects of the quality of life—from preservation of wilderness areas to concern for squatter settlements in developing countries, from careful management of natural resources to adequate health and sanitation standards—has enlisted the cooperation and commitment of all countries of the world.

"The central theme of our age," Mr. Strong has said, "is interdependence—the interdependence of all elements which sustain life on this planet." It is an extraordinary opportunity for countries to learn to work together for common purposes. The Environment Fund provides the financial means for the United States to show its commitment to this unique effort at world cooperation. It is a first step toward developing international structures to protect the air, and sea, and land at a global level. It is truly our own best protection of our environment.



## NEWARK'S ATTUCKS-KING MEMORIAL PARADE

### HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. RODINO. Mr. Speaker, on Sunday, April 15, in my home town of Newark, N.J., our 8th annual Attucks-King parade was celebrated. This year our gathering took on added significance, for "character building through sportsmanship" was selected as our theme and in addition to recalling the lives, achievements, hopes and dreams of Crispus Attucks, and Dr. Martin Luther King, we also set aside this time to reflect upon another man—the late Jackie Robinson.

Jackie Robinson—No. 42, second baseman for the Brooklyn Dodgers, rookie of the year in 1947, most valuable player in 1949, and in 1962, the first black member elected to baseball's Hall of Fame. And all the time, through his skill, his intelligence, his belief in himself, his determination to prove he was not only good, but the very best, he was saying, "Judge me, look at me, for my ability and my achievements, judge me for what I can do and for what I hope to attain." Jackie Robinson, who cracked the crust of bigotry in the baseball world, achieved a breakthrough which had an incalculable effect on the texture of all American life. Jackie Robinson, succeeded in breaking down the barriers that for 70 years made baseball a solely exclusive sport and made it possible for an unbroken string of black stars to enter the big leagues. Jackie Robinson—a man who remained throughout his life a tireless crusader for social and racial justice.

For this first step which Jackie Robinson took on the field of competition in 1947 demonstrated not only that the National Leagues had room for one outstanding black man but that American society was open for all men, regardless of color or creed.

So, too, did Crispus Attucks, by his presence among the early American revolutionaries, demonstrated that freedom and self-determination were to be the inherent rights of all participants in American life. Crispus Attucks, tall and heavily built, carrying only a large wooden stick stood forth as the leader for the courageous gathering of Boston citizens who defended the sentinel at the King Street Custom's House against the British that March night in 1770. Little is really known of his background and historians have been known to quibble over conflicting accounts. What is to be remembered, however, is that Crispus Attucks just seemed to arise and act upon the feelings pounding in his heart and the hearts of all our early colonists to become one of the first martyrs to stand forth for the cause of American liberty. What is to be remembered is that in fighting for justice and freedom, all men work together as a team and are judged by their ability, their accomplishments, and their success.

John Boyle O'Reilly, in dedicating a poem to Crispus Attucks, called upon all of us and asked:

Have we learned through affliction's teaching
what our Crispus Attucks knew,
When right is stricken, the white and the
black are counted as one, not two?
And so we must come to the learning of
Boston's lesson today.
The moral that Crispus Attucks taught in
the old heroic way,
God made mankind to be one in blood, and
one in spirit and thought;
And so great a boon, by a brave man's death,
is never dearly bought.

And Dr. Martin Luther King, could not he have easily stated these words, almost two centuries later, "When right is stricken, the white and black, are counted as one, not two?" Martin Luther King stood as a symbol above color for the imperishable rights of us all. He held a dream for the black, and this same dream for the poor and the disadvantaged, and this same dream still for peace for his country for men at home and abroad.

He said:

It is the need for men to overcome oppression and violence without resorting to violence and oppression.

Martin Luther King—whose militant nonviolence accomplished more in his short lifetime in bridging the gap of fear and misunderstanding than all the violence of the racists, black or white. He made us aware that the better angels of our nature can dominate the struggle of the United States and her people. And the dream of true equality of rights and opportunity for all men is nearer today because in our lifetime there lived a Martin Luther King.

Thus, we can take that baseball field in which Jackie Robinson played and we can do many things to it. We can fence it in. We can build the highest of walls around it and cut if off from the outside world. We can forget to cut its grass and clean its stands and let it remain neglected in years to come. Or, we can open up its doors and build the very best of teams, with the most qualified and the most skillful of players, let us all join together and take the latter course. For I believe, in so doing, we can accomplish a great deal.

Among the numerous officials who were present last Sunday, I was particularly pleased that my distinguished colleague and friend, the Hon. CHARLES RANGEL, was our keynote speaker. I would very much like to share his words with you at this time:

Ladies and gentlemen of Newark, New Jersey I thank you for the opportunity to be with you as we commemorate the death of Crispus Attucks, Dr. Martin Luther King and Jackie Robinson. I am certain that you could include many more on this list of fallen heroes, the late Adam Clayton Powell and Malcolm X come immediately to mind, but there are a host of others who we remember and honor here today.

XUM

The newspapers have focused their attention upon the community unity demonstrated in this historic parade on this beautiful day, and it is right that the emphasis be on the common goals that the people of Newark share.

We in Central Harlem, which is just across the river, and our brothers in Bedford-Stuyvesant, South Bronx, in St. Louis, Chicago, Detroit and all the major metropolitan areas of this country have suffered the same common prejudices which are part of the history of the city of Newark. The question is whether or not we will allow the past to determine the future for us, to drag us down to the level of our basest emotions so that our cities literally fall apart from the internal stress of group against group, race against race and person against person, or whether or not the good people will stand forward and protest this trend towards self-destruction and come together in a joint effort to rebuild our cities.

I am confident that under the present leadership of your Mayor Kenneth Gibson and the Congressional leadership of my colleague Peter Rodino, the bad past we have shared will give way to a future of hope and constructive change.

We have leaders that will make a contribution towards making the dreams of our fallen heroes, Crispus Attucks, King and Robinson become a reality. Education, job opportunities, housing and the well-being of our citizens have to be some of our vital concerns so that together we can seek a better life for ourselves and better opportunities for our children.

## SELF-HELP AND SENIOR CITIZENS

### HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ZABLOCKI. Mr. Speaker, in our complex and bureaucratic modern society, individual and group efforts based primarily or solely on voluntary nonsubsidized and self-help motivations are regrettably becoming more uncommon.

Therefore, Mr. Speaker, it is with pleasure I call your attention to a recently activated group of senior citizens in the Milwaukee area who have organized the Society of Retired Catholic Persons, with the purpose of helping themselves by taking advantage of benefits available through the power of group purchasing. The group, originally organized and headquartered in Milwaukee, Wis., also has societies established in other States and is aiming to become an active national organization serving the elderly. State charter enrollments have already been established in the States of Florida, Pennsylvania, Minnesota, Michigan, Illinois, Louisiana, Kentucky, New Jersey, and New York.

Through the use of organized action and group purchasing power, the society is helping Catholic senior citizens qualify for needed services, especially in the areas of hospital, life, and auto insurance. For instance, the society has secured adequate hospital insurance at a lower cost for their individual members than similar insurance would cost the individual arranging for his own private purchase. The price of hospital insurance for a couple under a private plan would be $360 annually, while comparable insurance under the group plan sponsored by the society costs slightly more than $100 a year.

Another example of useful service the society offers to its members is a catalog of non-prescription drugs, prepared and published by the society; a bottle of vitamins which previously cost the individual purchaser $5.87 is available to members of the society for $2.75.

As the membership increases and the society is able to proportionately increase its group purchasing power, the society plans to offer additional benefits and services such as low cost tours offering members a wider diversity of activities now unavailable.

To date, Mr. Speaker, the Society of Retired Catholic Persons has more than 1,700 members, obtained primarily on a word-of-mouth publicity campaign. I commend the society for their efforts thus far and wish them every success in their self-help efforts to assist needy fellow senior citizens.

## THE PRESIDENT'S PRESS CORPS QUESTIONS "PEACE WITH HONOR"

### HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. LEGGETT. Mr. Speaker, since the announcement of the Vietnam peace agreement in January most of the journalists that supported the President's policy all along continued to mouth the administration line. We were told that the Vietnam agreement assured "peace with honor," despite the fact that a realistic reading of the document indicated that it assured nothing of the kind.

Now that our POW's have been returned, however, these same journalists are spouting a different line. In an uncommon fit of honesty William Randolph Hearst, Jr., declared on April 1 that:

> While it is true that the U.S. has achieved its own "peace with honor," it would appear that both North and South Vietnam—far from desiring a real peace—have never expected to stop fighting each other.

Columnist Stewart Alsop echoed Mr. Hearst's assessment on April 9 when he declared that:

> He (the President) has endlessly reiterated that the settlement in Vietnam, a major achievement for which he deserves much credit, is "peace with honor." It is not peace, and he will be left vulnerable when it becomes clear that it is not peace.

Mr. Speaker, I commend these men for their perceptive analysis of the Vietnam accords. As I have stated before, the Vietnam accords are being billed as something that they are not. They did succeed in freeing our POW's, and in ending a large part of our involvement in Vietnam, which is no small task. The Vietnam agreements did not succeed in achieving peace, nor, as we have seen from our continued involvement in Cambodia, have they insured the complete extrication of the United States from Indochina.

I am pleased that Mr. Hearst and Mr. Alsop have chosen to speak out on the obvious deficiencies in the Vietnam agreements, and I insert their two articles in the RECORD for the benefit of my colleagues.

The articles follow:

PEACE WITH HONOR

(By William Randolph Hearst, Jr.)

NEW YORK.—Now that the last of our prisonera and fighting men finally have returned home from Vietnam, today seems an appropriate time to pause in our elation to consider what has been accomplished and—more particularly—what may happen next in that war-ravaged land.

President Nixon, in his eloquent televised speech to the nation on Thursday night, outlined with justified pride what he and the nation have done in the last four years of our 12-year military involvement.

He pointed out, properly, that despite all the frustrating handicaps imposed by his enemy-aiding critics, he has succeeded in his personal vow to withdraw our forces peaceably and with their honor intact.

Far more significant, as he noted, is the fact that the ceasefire reached between the United States and the Communist invaders marked fulfillment of an idealistic commitment which no other nation on earth would have honored at such a cost to itself.

"We have prevented the imposition of a Communist government by force on South Vietnam," he said. "Never have men served with greater devotion abroad with less apparent support at home."

All of which is true. The U.S. has indeed achieved the "peace with honor" sought for so long by the President—a formal peace agreement obtained after halting the mass invasion of a helpless country and leaving that country with all the training and military hardware it needs to protect itself.

Unfortunately, as the President himself was forced to add, what we have seems to be a peace whose terms have been lived up to in general by the enemy only so far as our prisoners are concerned.

It is a peace signed by an enemy to whom the concept of national honor has little meaning, men who regard power as all important and treaties as mere tools in diplomatic maneuvering for eventual achievement of their real goals.

Even more unfortunately, these same conditions and attitudes seem to prevail in the government of the country for which we have sacrificed so much.

It is this combination of facts—and the little understood reasons for them—that call for more understanding if we are not to be disillusioned by possible future events.

Now I certainly don't want to throw away any cold water on the situation, or our part in it. We went into this thing to assure the right of a long-suffering people to choose their own government without outside interference—and we were true to our word, to our everlasting credit.

An enormously complicating factor, however, is the extreme cultural gap which exists between Western societies and the rest of the world—a gap so large that one group frequently doesn't really understand what the other means though he understands his words.

We have all noted, for example, how Communists refer to enslavement as "liberation," or their dictatorship as a "peoples democracy." What is less known is that our Christian ideals of inviolable international law and organization have no basic validity for leaders who consider the conference table as the extension of a battlefield—or for people whose sole idea of good government is the one which interferes not at all in their lives.

This point is touched upon in a fascinating new book, "The Storm Has Many Eyes," written by my long-time friend, Henry Cabot Lodge, who was our ambassador to Saigon in 1963-64, and again in 1965-67. Here is how he explains many common misconceptions about Vietnam:

"My view (as ambassador) was that the people of South Vietnam had a right to exist independently of North Vietnam . . . (but) the North wanted to conquer the South. I thought from the beginning that an exclusively military solution to the problem was impossible.

"It is important never to forget that South Vietnam is a land without a Western democratic tradition. It did not occur to most Vietnamese that an election was a good way to decide an important problem. The Confucianist tradition, founded on the idea of respect for the ruler, holds that a ruler stays in office and gets respect as long as he deserves it. In their tradition, a coup was the acceptable way to get a change.

"North Vietnam, on the other hand, under Chinese and Russian influence, had become an efficiently authoritarian police state in modern dress, governed with iron control by a small group of determined men. About the only thing in common, governmentally speaking, is that neither Vietnam is a Western democracy."

For a fuller explanation of what this can and has meant to us your attention is called to certain perceptive writings I have been reading recently by Mrs. Adda B. Bozeman, who is Professor of International Relations at Sarah Lawrence College and one of the most brilliant women I have ever had the privilege of knowing.

The main thrust of a paper written by Dr. Bozeman entitled "Law and Foreign Policy" is that the concept of law as held by Western culture is virtually unknown in cultures motivated by such principles as religion, local ethics, social traditions or political forces which use law for its protection, not its people.

"Law," she writes, "is not uniformly accepted in the multicultural modern world whether as a major value, a basic norm, or a symbolic language. It ought not to be viewed (by us) as a mainstay of foreign policy-making."

In other words, don't assume that everyone means the same thing by signing a piece of paper, or that you can apply your laws to them and expect it to mean anything.

In one of her many books, entitled "The Future of Law in a Multicultural World," Dr. Bozeman explores this subject at great length. Only a very few pertinent quotes can be reproduced here:

"The convergence of Asian traditions of state-craft on the idea that politics is war and diplomacy the art of deliberate make-believe or deceit is amply documented.

"The records of the present and the past do not suggest that law will be the basic principle of political organization in Southeast Asia, or that peace and respect for the territorial integrity of states will be dominant ideals. Conflict is a way of life there, perhaps even a major principle of organization.

"There is false sense of moral unity in the Western disposition to identify meaningful accords with firm contractual commitments. This is likely to be illusory, firstly because this form of obligation is not a transculturally valid norm, and secondly because it is more difficult today than it was in an exclusively Occidental state system to know just what sovereignty and independence mean, and how credible and durable any accord is likely to be.

"Under the impact of these developments, war and peace can no longer be viewed as polarized, mutually exclusive conditions. Indeed, the most that can be said of peace today—whether contemplated as a concept or as a political reality—is that it denotes a situation where conflict is controlled."

The quotes which have been offered here on what could be called the conflict between "law" and "lore" are certainly revealing when applied to the situation in Vietnam.



While it is true that the U.S. has achieved its own "peace with honor," it would appear that both North and South Vietnam—far from desiring a real peace—have never expected to stop fighting each other.

I don't want to sound like a pessimist. It is, after all, POSSIBLE that they really have decided to settle their differences political rather than militarily. But it seems increasingly doubtful.

President Nixon, meanwhile, has warned that he will take drastic steps to insure that Hanoi doesn't go too far in its illegal infiltration of the South.

This presumably would mean resumption of a congressional challenge of his power to do so. I earnestly hope they don't provoke him, as he has shown that he doesn't make a threat lightly.

However, the American people have had it up to here with Vietnam.

OUR SUPEREROGATORY PRESIDENT

(By Stewart Alsop)

WASHINGTON.—The word "Watergate" has become a portmanteau word for all the rascally shenanigans indulged in by supporters of President Nixon, supposedly in the interests of re-electing him. A lot of details about the grubby affair are being uncovered, and there are more to come, but two mysteries remain.

The first mystery is this: as Nixon himself told a reporter before the election, as soon as it was clear that George McGovern would be the Democratic candidate, it was also clear that Nixon would win, and big. So how could any sane person suppose that it was to the President's advantage to bug Larry O'Brien's office, to pay college kids to work as spies in the McGovern headquarters, and the like?

The second mystery is this: from the beginning, the Nixon campaign managers had money coming out of their ears, their eyeballs and every other mentionable orifice. So how could any sane person suppose that it was to the President's advantage to cut legal corners, to take large sums from suspected crooks or to cart great mounds of cash around in suitcases?

It may be that there are no sensible answers to these questions, except that seemingly sane people sometimes act in an insane way. And yet it is interesting to speculate about the answers. The place to start is with the President himself. It seems safe to assume that the President had no detailed knowledge, and more probably no knowledge at all, of what was going on.

OBVIOUS

Mr. Nixon is not at all a fool. It therefore seems obvious that if he had known about the bugging, the money washing, and all the other hanky-panky, he would have recognized the danger instantly, and put a stop to it.

And yet the President sets the tone of his Administration, as an experienced hostess sets the tone of her party. The President has, and always has had, one unvarying characteristic—an almost ungovernable impulse to indulge in supererogation. He has a compulsion to go too far, to try too hard, to press, as the athletes say, when he ought to hang loose.

In the 1934 Whittier College year-book, there is an easily recognizable photograph of a skinny football player with a ski-jump nose and a do-or-die expression. Nixon was, by all accounts, a terrible football player—he was used as a sort of animated tackling bag by the better players, and he hardly ever got into a game. When he did, a football lineman who was a Nixon classmate once told me: "I always braced myself for those 5-yard penalties. Dick was so eager he'd be offside just about every play."

HALLMARK

The supererogatory impulse that took the young Nixon off side just about every play has been a hallmark of the President's career. The "old Nixon" was given to rather sleazy debating tricks ("Isn't it wonderful, finally, to have a Secretary of State who isn't taken in by the Communists?"). This sort of thing was not worth a vote to him—in fact, the memory of the "old Nixon" probably elected John Kennedy in 1960. So the things the President said and did in the "rocking, socking" campaigns of his youth seem less a matter of cool calculation than of impulse, of some inner necessity.

These days, the supererogatory impulse takes a somewhat different form. It has repeatedly led him to go too far, to exaggerate each achievement in such a way as to leave him vulnerable later. He called the Apollo 11 flight "the greatest week in the history of the world since the Creation." This irked his friend Billy Graham and other churchmen, since it rather downgraded the birth of Christ.

He called the Smithsonian agreement (which subsequently collapsed) "the most significant monetary agreement in the history of the world." He has endlessly reiterated that the settlement in Vietnam, a major achievement for which he deserves much credit, is "peace with honor." It is not peace; and he will be left vulnerable when it becomes clear that it is not peace.

A President with a supererogatory impulse attracts around him people with a similar impulse to overdo, to press, to indulge in the superfluous. Charles Colson cannot have helped much with the grandmother vote, when he said that "I would walk over my grandmother if necessary" to insure Nixon's re-election, but the remark was typical enough of a lot of over-eager young men in the Nixon entourage.

"In the campaign, there were maybe a couple of hundred young guys in the White House or near it you and I never heard of," says a Republican Senator. "They'd all walk over their grandmothers to elect Nixon, and most of them think a liberal Democrat is next thing to a Communist."

The "couple of hundred young guys" were strictly political amateurs, like the bell-bottomed McGovern youths, initially hailed as geniuses by the gullible press. Like McGovern's bellbottoms, Nixon's button-downs were essentially ideologues, with the tunnel vision that always leads ideologues to muck things up.

President Nixon has always had curiously few true political pros in his inner circle. In campaign time, the only pro fairly close to the throne was Clark MacGregor, who wisely but futilely argued for a policy of lancing the Watergate boil by indignant full disclosure right away.

AMATEURS

The other old hands were amateurs. Like many men with long faces who smoke pipes and grunt a lot, John Mitchell acquired a reputation for political shrewdness, but the only thing he did to earn it was to follow his wife's advice to get away from "all those dirty things that go on." Maurice Stans is undeniably expert at squeezing the fat cats, but he squeezed them in such a way as to cause maximum embarrassment to his principle.

Add to the supererogatory impulse and political amateurishness a dash of Walter Mittyism—it is clear that some of the CREEP types who went in for bugging telephones and lugging cash around in suitcases had been watching too much private-eye television—and you have a recipe for disaster. One wonders if the President realizes just how disastrous it may be to his prestige and authority when the Sam Ervin show hits the television screens.

There is a sadness here. President Nixon is an intelligent, able, hard-working man who, as Walter Lippmann said recently, has "done pretty well" at playing a "disagreeable role . . . imposed upon him by historical necessity." In some ways, he has done better than that. The extrication from Vietnam, the détente with the Communist pow-

XUM

ers, were great achievements. Yet the big things he has done may all be obscured by a silly, tawdry and purposeless exercise in political supererogation.

## DIMMING THE LAMPS OF LEARNING

### HON. FRANK J. BRASCO

IN THE HOUSE OF REPRESENTATIVES OF NEW YORK

*Wednesday, April 18, 1973*

Mr. BRASCO. Mr. Speaker, of late I am getting a distinct feeling that our Nation is quick-stepping to the rear insofar as vital social progress is concerned. No sooner does one vital social program stumble and fall because of a quick stabbing hamstring cut by the Office of Management and Budget, than another crashes to earth.

In education and health, we are witnessing the disastrous dismantling of 40 years of social advancement. Programs long considered sacrosanct are being crippled with satisfaction by this President.

Federal aid to handicapped citizens was not only vetoed, but when that veto was sustained, the President noted it with great satisfaction and even threw a party at the White House for those noble souls who cut off Federal aid to 12 million handicapped Americans.

No more hospital building. No more aid to impacted area schools. No more community mental health centers. And now, no more libraries will receive Federal aid funding.

Millions upon millions of our people owe their major advancement in life to free libraries. Untold numbers of immigrants found the key to the locked doors blocking them as a result of the gift of knowledge available through our free library system. Now the President proposes to end Federal aid to this network of institutions. No worse shame can darken the brow of our Nation. No greater confession of moral and intellectual bankruptcy could be proclaimed. No more selfish, unfeeling act has been forthcoming from this administration, which seems to specialize in such actions.

For 1974, the Library Services and Construction Act is slated to receive zero funding. This applies to library programs under the Elementary and Secondary Education Act and the Higher Education Act.

Simultaneously, however, this President piously proclaims National Library Week. Hark to his message to America's librarians:

> An efficient and readily accessible library system is essential to the Republic.

How nice of him to tell us.

Here is how funding cuts will affect us. There are two major kinds of impact. First, innovations reaching the poor and previously unreached will be eliminated. This means storefront branches and bookmobiles. Second, much of the entire attempt to reach the deprived will wither. This includes the blind, physically handicapped, homebound, hospital patients and people in prisons. Few will maintain access to library resources as a result of the cuts. The White House mumbles on about revenue sharing taking up the slack. That, it seems, is its standard answer to anguished protests greeting its massive surgeries on domestic programs. Yet there are some who remember that when revenue sharing was offered, it was pointed out that the concept was not offered as a substitute for already existing, functioning program. So much for veracity.

The administration says Federal aid to library programs have been notably successful. Therefore, runs its rather convoluted logic, such programs should be terminated forthwith. This is the same overpowering reasoning employed on ending aid to community mental health centers. Either way, the American people lose.

Here are some facts for Americans to ponder: For the final 6 months of last year, the University of Michigan library was unable to buy any books. Nearly 40 percent of U.S. elementary schools lack libraries. In some States as many as 95 percent of elementary schools have no libraries. Twenty million Americans live in neighborhoods where no library exists.

The American Library Association has begun to fight back. On May 8, libraries across America will dim their lights in symbolic protest against the President's action.

What is at stake here is the precious right of the public to know. Millions of citizens use these libraries for a wide variety of access to what is being said across the Nation and around the world. Periodicals in libraries are accessible to people who ordinarily would not be able to afford or otherwise read them.

But then, much of this administration's stock in trade is restricting the right to know of both the public and the Congress.

Administration mouthpieces and flacks blather on that all cuts are being made in the name of saving public money. Why do we pay taxes? For certain essential services. Among them is the right to be informed and to be enlightened by publicly supported institutions such as libraries, which have proven their worth again and again in generation after generation. This administration, embracing secrecy as an article of faith and self-preservation, is doing more than burning books. It is smothering information.

However, this administration has set several precedents for all this, so we should not be all that surprised.

The handicapped have already been advised to shift for themselves. Now the blind, and others dependent upon libraries, are told to do the same.

Only congressional action can save this program. Only leadership and determination on the part of Congress can prevent the lamp of learning from being dimmed across the land.

## AMERICAN HERITAGE

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. LANDGREBE. Mr. Speaker, I wish to bring to the attention of my colleagues a unique educational venture which is available to students in Indiana which I believe has some merit as we attempt to give our young people a heritage of which they can be proud.

The Imperial Equipment Corp., of Lafayette, Ind., has brought some 11,000 Hoosier students to Washington, D.C., since February of 1970. Through well-planned, 1-day field trips to the Nation's Capital these students are exposed to the scientific, governmental, and historical background of our great Nation.

At a nominal cost, these young people are exposed to much of the heritage of which we Americans have come to be so proud.

It is my wish that everyone in America would someday be able to visit their Nation's Capital and other historic places which have meant so much in making America the greatest country in the world. I believe that Imperial educational programs has come forward with a way in which that wish may someday come true.

## INCREASE FEDERAL GAS TAX TO SET UP A FUND FOR MASS TRANSIT

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. BOB WILSON. Mr. Speaker, as one who has been an enthusiastic supporter of the highway trust fund and an original endorser of the Federal Highway Act which set up this unique method of financing and constructing a true Interstate Highway System, I have been concerned by the attempts of the advocates of mass transportation to violate the original concept of the fund for the purpose of financing much-needed urban transit systems.

As long as there are unfinished portions of the Interstate System it does not make sense to me to dilute the fund for other uses. It is true that the number of automobiles has more than doubled and the gasoline tax receipts are more than originally conceived when the plan was put into effect back in the 1950's but it is also true that despite the balance of dollars that have come into the trust fund there are incomplete links that keep the system from being truly effective. Two such relatively short missing links are in San Diego County and this is the reason for my personal concern.

If a priority can be put on the completion of the network of highways I am inclined to vote for the Anderson/Grover amendment which the administration supports and which gives a modicum of relief to the badly congested urban areas.

I do believe the most logical answer, however, is an increase in the Federal gas tax to set up a fund especially for mass transit. We have seen in recent years the establishment of an airport development fund and there is no reason why such a financing system should not be worked out for mass transit. In addition to gasoline taxes an override on subway and urban rail transportation systems should also be levied as a means of correcting this increasingly horrendous problem of transportation congestion in our cities. An article in the Los Angeles Times of April 16, authored by A. Alan Post, a distinguished California legislative analyst suggests a means of producing the revenue to alleviate the pollution and congestion that are the twin plagues of our urban freeway systems.

I include Mr. Post's thoughtful article as a portion of my remarks:

FASTEST ROUTE TO CLEAN AIR: HIGHER GAS TAX TO TURN CAR DRIVERS INTO BUS RIDERS

(By A. Alan Post)

The Los Angeles air pollution problem calls for a rather immediate solution. I don't think anybody questions that.

The only way a reasonable, immediate solution can be developed is to approach the problem in terms of "what is now"—that is, making do with what we have—as opposed to thinking about the ideal public transportation system.

If we are going to use public transportation as a tool to discourage the use of the automobile and thus reduce pollution in Los Angeles, we must in the short run talk about buses and deploying them for a more efficient use of our freeway and street system.

While a rail rapid transit system may, conceivably, be the best long-term mass transit solution, it is just that—a long-term solution. The hard facts are that if everyone agreed today that a rail transit system should be constructed, a short-term solution would still be needed because of the seven to ten years that would be required to build it.

So how do we go about making the most efficient use of what we have?

We must, first and foremost, create the desire to use mass transit. The most likely group of automobile users who would, under certain conditions, switch from the car to public transportation are persons who commute to work.

This group is not only the most important because of numbers but because it is responsible for the greatest concentrated travel and, therefore, is the producer of the highest concentration of vehicle emissions. In addition, as a practical matter, no major expansion of a public transit system can be successful unless the commuter market is penetrated.

Obviously, a solution calls for more than simply purchasing more buses to move more people. Transportation studies invariably cite the same factors as determinants when people are deciding among modes of travel. When an alternative to the auto exists, prime variables that travelers consider in arriving at a decision are cost, travel time and comfort.

Initially, cost would seem to be the most effective tool for discouraging automobile use and inducing use of public transportation. Thus, in order to change travel patterns in the Los Angeles Basin, various economic incentives could be instituted. The sales tax on gasoline could be increased, graduated weight fees could be imposed on cars, and license and parking fees could be raised.

However, studies also show that the desire to use the car is highly inelastic and that most of these taxes, especially if used alone, would not be very effective in discouraging auto travel.

On the other hand, transportation studies indicate that a reduction in travel time, particularly as it pertains to the commuter, seems to offer the greatest incentive for switching from the automobile to public transportation. This is especially true when shorter travel time is linked to a cost disincentive for automobile users.

Based on these factors and assumptions, I would like to suggest an approach using a combination of disincentives to offset the continued reliance on the automobile coupled with a corresponding set of incentives to encourage the use of public transportation.

I propose an increase in the sales tax on gasoline within the counties of the Los Angeles Air Basin. The added tax revenue would be utilized to expand the present bus transit system—essentially that of the Southern California Rapid Transit District. In addition, I urge a more effective utilization of the present 700-mile freeway system by designating high-speed freeway lanes in selected areas during peak travel hours for exclusive use by buses.

It is astonishing to me that a system of special bus lanes has not already been instituted. In 1969, the Legislature authorized the Department of Public Works to provide for preferential or exclusive use of freeway lanes for public transportation. While the department does not bear the full responsibility for not implementing the legislation, what it has chosen to do in constructing the 11-mile El Monte-to-Los Angeles Busway must be termed a marginal effort.

Many experts claim that the busway, which is physically separated from the rest of the freeway, is simply not long enough to bring about a significant change in use patterns. They also believe that physically separate busways have a built-in disadvantage as a solution to the immediate air pollution problem in that time is required for construction. By contrast, the use of existing highway lanes for buses has the advantage of economy and immediate availability.

If gasoline were made more expensive by an increase in the sales tax, most automobile users would simply accept the higher cost and continue to shun public transportation. However, by using high-speed freeway lanes, buses would develop a clear travel time advantage over the private auto, and those persons continuing to drive their cars would realize no advantage for the added cost and, in addition, would suffer a predictable disadvantage relative to the bus—in part because the automobile capacity of our freeways would be effectively reduced.

At present, the seven transit organizations in the basin have a combined fleet of approximately 1,800 buses. The largest system, the Southern California Rapid Transit District, has more than 1,500 buses.

The RTD has broadly projected that a system developed around preferential bus lanes would require 5,000 to 8,000 new buses. (The system I contemplate may eventually require even more vehicles.) For 8,000 buses the capital cost would be approximately $360 million, which could easily be financed by a gasoline sales tax increase.

I can only generalize as to the amount of a tax increase until precisely defined estimates of the cost of the program are determined. However, a 15% per gallon sales tax on gasoline in the Los Angeles Air Basin would generate approximately $281 million per year, which would be sufficient since the capital cost of $360 million for purchasing 8,000 buses would be expended over approximately two years because of the manufacturing time involved.

RTD is currently subsidized at a rate of approximately 34% of operating expenses, with the funds being raised by the 0.25% added to the general sales tax and earmarked for transportation. If 8,000 buses were added to the system, an additional $156 million per year would be necessary under the current levels of subsidy. Since an increase in the sales tax on gasoline would particularly affect low-income groups, various levels of additional operating subsidies should be considered.

No estimate can be given at this time for the cost of constructing on and off ramps along freeways for buses. However, the latter cost would be flexible, given the fact that buses could begin to operate immediately on existing freeway facilities.

I appreciate that a major increase in gasoline prices by imposing higher sales taxes would have a rationing effect that would not be acceptable to many people, yet I would not have suggested it if I did not think that this method would be less disruptive and more effective than quantity rationing of gasoline.

The approach I suggest is flexible. There is little doubt that it is economically possible to impose sufficient taxes on gasoline to produce a reasonable reduction in driving. Thus, the consequences would be similar to quantity rationing.

But whether as a rationing device or as a disincentive, another result of a higher sales tax would be to produce the funds for public transit in lieu of the automobile. The tax could be adjusted in the future to compensate for, or recognize changing public attitudes toward, the use of automobiles in the basin.

Obviously, not everyone who desires to use public transit would be able to use it because of the complex and scattered travel patterns in the Los Angeles area. This is a critical aspect of the problem. Some people may suffer inconvenience, some may use car pooling in public transit does not meet their needs, and some simply may be unable to commute or travel as much as they do now.

This is a real cost that has to be balanced against better air quality, and also is the reason for doing everything possible to provide good quality, convenient and speedy public transportation.

Yet some residents may still have such serious transportation problems that they will have to make decisions about changing their living places or jobs. As I see it, this is the impact of vehicle emission controls on land use—an increasing number of people must think about travel distances and mobility problems when selecting places to live and to work.

Such a long-term adjustment, would, I hope, cause more people to make decisions that reduce rather than increase their travel—while still maintaining as nearly as possible the quality of life that they want.

Eventually the result should be higher land use densities around centers of employment, increased availability of public transit and decreased propensity to scatter the location of schools, shopping centers, businesses and public facilities.

The foregoing is an approach rather than a program. It attempts to deal with people's attitudes and ways of life—critical factors that cannot be quantified in calculating oxidant values.

This approach is realistic, I believe, in that it puts into perspective the broad range of economic, regulatory and other considerations that confront any effort to attain the goal we all seek: a major improvement in the air quality of Los Angeles.

## COPERNICUS AND THE CHANGING WORLD—A NEW EDITION

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ANNUNZIO. Mr. Speaker, Dr. Edward C. Rozanski, general chairman of the Copernicus Observance Committee for Illinois, has brought to my attention a fine publication and excellent reference source on the life of Mikolaj Kopernik titled "Copernicus and the Changing World." This account of the life and



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background of Copernicus, whose 500th birthday the world is celebrating this year, is told with great sensitivity, and should appeal to a wide group of readers.

At this point in the RECORD I wish to insert an introduction by Dr. Rozanski regarding the conception of this publication. His statement follows:

Since its inception, the Mikolaj Kopernik—Copernicus — Quincentennial Observance Committee of Illinois decided that the occasion called for a program of historical publications. That program was formulated with the advice of a committee headed by Mitchell Kobelinski, President of the Illinois Division, Polish American Congress. We are grateful to the Polish Institute of Arts and Sciences in America, Canadian Branch at McGill University and to Prof. Tadeusz Romer, Director of the Canadian Branch for making this edition possible in the United States.

Wanda M. Stachiewicz has placed us all in her debt for an outstanding monograph depicting the life and works of Mikolaj Kopernik, the great Polish astronomer, founder of modern astronomy and author of "De revolutionibus orbium coelestium."

Mikolaj Kopernik—Copernicus—represents one of the most brilliant minds of the Renaissance. We hope that this monograph will reach as wide a readership as it deserves.

EDWARD C. ROZANSKI,
*General Chairman.*

## UNLIMITED TRADE AUTHORITY CAN BE A TWO-EDGED SWORD

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, a Nashville newspaper, the Tennessean, recently published an editorial concerning the request by the President for new discretionary powers with respect to international trade.

Because of the tremendous interest in this subject by my colleagues and the American people, I place the editorial in the RECORD herewith.

The editorial follows:

UNLIMITED TRADE AUTHORITY CAN BE A TWO-EDGED SWORD

The President's trade measure is as sweeping as predictions had indicated. He wants unrestricted power to do as he likes in the arena of international trade.

That might not be so bad if the Congress and the American people had any idea of how he would use such enormous power. Mr. Nixon has often spoken in ways that would lead one to believe he is for free trade and against any kind of economic isolationism.

But the President has a record of major flip-flops on positions. At one time he was against any immediate moves to improve relations with Communist China. At one time, he was staunchly opposed to controls on the economy. He steadfastly criticized budget deficits among other things.

Nobody can say with certainty that Mr. Nixon won't be as fully committed to protectionism tomorrow as he seems to be in favor of free trade today.

The legislation he is asking is in part ambiguous.

There is something for both sides. The thrust of the message is one of favoring free trade, but it also contains provisions for instant protectionism, almost at the whim of the chief executive.

The proposed legislation would give "most favored nation" status to the Soviet Union and China, putting their exports to this country in a competitive position with products of free world nations entering the U.S. market.

It would give the administration power to decide when a trading nation appeared to be discriminating against American goods, and to retaliate with temporary higher tariffs or quota restrictions against products of that country. At present such retaliation can only be imposed against a country which is violating international trade agreements.

The danger here, if that power were not used wisely, would be in setting off an old-fashioned trade war, or the use of "dollar diplomacy" to force other nations to do what the U.S. wants. In either case, the results could be damaging to the United States economically and diplomatically.

There are problems of trade discrimination against the U.S.

There are instances in which the administration needs a bargaining lever to negotiate an end to unfair treatment of American goods. Obviously, some of the bargaining has to be rather tough.

But the Congress should be extremely wary of handing over to this—or any—administration unlimited and unchecked power to deal with the flow of commerce in the world. It should not shackle the President's hands, but it should build into any trade legislation enough safety valves to prevent the country from plunging into a self-destructive course of action without means of escape.

## RETIREMENT OF DR. ROGER CONANT

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. EILBERG. Mr. Speaker, Dr. Roger Conant, director of the Philadelphia Zoological Garden and who has been affiliated with the zoo for nearly 38 years, will retire May 31 to join the faculty of the University of New Mexico in Albuquerque. His place will be taken by Ronald T. Reuther who is currently serving as director of the San Francisco Zoo.

In announcing the pending change in the zoo's top position, John G. Williams, president of the Zoological Society of Philadelphia, stated, "We are sorry indeed to lose Dr. Conant. His career has been long and distinguished, and thousands of persons think of him as "Mr. Zoo." He has asked for an early retirement in order to resume his scientific studies with reptiles and amphibians, and we have reluctantly complied with his request."

Dr. Conant joined the zoo on July 1, 1935, as curator of reptiles, a title he still holds. He soon also became public relations director and played a large part in the building up the attendance from fewer than 300,000 visitors a year to the well over a million of the past seven seasons. He was named director of the zoo on January 1, 1967, when he succeeded Freeman M. Shelly.

Many residents of the Philadelphia area remember Dr. Conant for his numerous television appearances and for the "Let's Visit the Zoo" radio program he personally conducted for nearly 34 years.

Less well known to the general public is his scientific output, which has included 3 books and more than 150 papers, he is widely recognized as one of the country's leading herpetologists.

Dr. Conant played a major role in developing the new naturalistic techniques at the zoo in which the animals live in areas resembling their native habitats. During his regime the hummingbird exhibit and the reptile house were completed, the wolf woods will open in the spring, and work is now underway on an African plains exhibit that he conceived and which was enthusiastically supported by the zoo's board of directors. He personally, in collaboration with the architects, designed the reptile house. He is particularly proud of the zoo's new educational program, which recently was inaugurated with the aid of a professional teacher, supplied by the school district of Philadelphia, and with the support of the Docent Council, a group of volunteers who are taking children on tours of the zoo.

## SUPPORT FOR MASON NECK

### HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. PARRIS. Mr. Speaker, because of planned budget cuts by the Department of the Interior, the Mason Neck Wildlife Refuge located in my district, is losing its last full-time employee. The resident manager's job at the refuge has been eliminated and the employee now holding that position is being transferred. Mason Neck, according to Department of the Interior officials, will now be under the control of the Blackwater National Wildlife Refuge, which is more than 60 miles away on the other side of Chesapeake Bay.

This action has caused great concern among my constituents, because Mason Neck is the only national refuge for bald eagles and one of the few nesting areas for eagles on the east coast. At present there are two mating pairs of eagles at Mason Neck, but without the protection of the Department of the Interior their future is uncertain.

The Virginia Sentinel recently wrote an editorial on the growing concern about this situation and I would today like to insert that article in the RECORD:

SAVE MASON NECK FROM INTERIOR

The Fairfax Board of Supervisors this week voted to opposed a budget cutback by the U.S. Department of the Interior which is leaving the Mason Neck National Wildlife Refuge bereft of daily supervision.

We join the Board in its concern.

The 904 acre refuge is the first and only one for the Great Bald Eagle, symbol of this country. It is on a peninsula whose indigenous flora and fauna are fast disappearing in other areas of the East Coast.

The Board position was spearheaded by Mt. Vernon Supervisor Herbert E. Harris II, and he phrased the problem succinctly in a letter to Interior Secretary Rogers C. B. Morton. We quote:

". . . this action would have the immediate effect of closing the refuge and the long term prospect of destroying it forever.

"As I am certain you are well aware, the 904 acre Mason Neck National Wildlife Refuge is the first and only refuge for the Great Bald Eagle. It was established in 1969, under the provisions of the Endangered Species Act of 1966. The preservation of this emblem of our great nation in its nesting habitat, just 15 miles from the District of Columbia, as well as the protection of the valuable flora and fauna indigenous to this peninsula is absolutely essential.

"The conservation effort represented here on Mason Neck is, in and of itself, most significant and would certainly warrant continued operation; however, when viewed as part of a broader picture, the significance becomes even more demonstrable.

"Efforts over the past decade by the Audubon Naturalist Society, the National Wildlife Federation, the Wilderness Society, the National Parks Association, the Izaak Walton League, the Regents of Gunston Hall, the Northern Virginia Conservation Council, the Nature Conservancy, the Conservation Committee for Mason Neck, the Metropolitan Washington Council of Governments, the Virginia State Board of Conservation and Economic Development/the Virginia Division of Parks, the Northern Virginia Regional Park Authority, the U.S. Fish and Wildlife Service, the Fairfax County government, and literally thousands of concerned individual citizens have managed to save almost 5,000 acres of Mason Neck's 8,000 acres for the enjoyment and education of all our citizens by placing it in the hands of public agencies for park and wildlife refuge purposes. I know of no other instance where so many divergent groups, both private and public, have worked so well together in a coordinated effort.

"The Virginia Commission on Outdoor Recreation has stated that 'the Mason Neck complex is one of the finest composite park areas on the Eastern Seaboard.' I would go even further and unequivocally state that it is *the finest*. To allow an integral part of the foundation of this complex to be yanked out from underneath it would destroy . . . the complex."

Lack of supervision would leave the refuge open to vandals, persons riding forbidden motorized vehicles and unauthorized hunters, Harris and others fear. This quiet refuge could easily be destroyed, its nesting eagles scattered and the work of countless individuals and organizations who labored to save the Mason Neck peninsula as unspoiled wilderness turned into a wasted effort.

The change will save Interior $25,000 a year. "Supervision" will be carried on by one person who will have to travel from his station in Cambridge, Md., to look the site over. Such a supervisor it expected to visit Mason Neck about once a month.

This lack of supervision is patently incompatible with preservation of the bald eagles' nesting area.

We do not believe that Americans will not pay $25,000 a year to aid the fast-disappearing eagle when millions are being spent to bail out investors in defense industries.

For Secretary Morton to leave 904 acres open to any predators in the name of economy is unconscionable and ultimately a waste of the public funds used to acquire the refuge. We urge him to reconsider his action.

## PAKISTANI PRISONERS OF WAR ARE NOW PRISONERS OF THE PEACE

### HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. LEGGETT. Mr. Speaker, over 15 months ago the war between India and Pakistan was concluded. Indian and Bengali objectives were achieved; Pakistan, as the vanquished foe, was stripped of a large portion of the territory it once controlled. This area has since become the nation of Bangladesh.

Since that time, according to our State Department, Indian POW's held by Pakistan have been released. India, however, still holds 90,000 Pakistani POW's in camps in India. The purpose of holding POW's in wartime is to neutralize them as effective fighting forces. This is a legitimate wartime aim, and I do not mean to challenge it here. This war, however, has been finished for some time. Since there is no legitimate wartime objective to be served by their continued detention, why, 15 months after the end of hostilities, have these men not been repatriated?

The United Nations has called for full implementation of the 1949 Geneva Convention on the part of all sides by a unanimous vote of the Security Council. Pakistan has made a material contribution to the final settlement of this dispute by its release of the Indian POW's. Viewed in this light, the continued detention of Pakistanis in India makes them solely and completely political prisoners held hostage to Indian foreign policies. There is no war, thus there can be no compelling military reason preventing their release.

This type of playing of politics using POW's was widely condemned very recently when indulged in by the North Vietnamese on a much smaller scale; certainly it cannot be condoned now. It is to be hoped that India will soon release all these POW's in consonance with its obligations to the world community.

## DEBATE ON THE ISSUE OF ABORTION CONTINUES

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. HOGAN. Mr. Speaker, as the debate on the issue of abortion continues in Congress and across the Nation the significance of the Supreme Court's January 22, decision becomes more and evident. Today I would like to call the attention of my colleagues to a recent article by William F. Buckley, Jr., regarding an appeal by the State of Connecticut asking the Supreme Court to review its January decision. The article follows:

[From the New York Post, Mar. 31, 1973]

CONNECTICUT'S APPEAL

(By William F. Buckley, Jr.)

The press has not widely noticed an extraordinary appeal that has been lodged by the States of Connecticut asking the Supreme Court to review its decision of last January in respect of abortion. On that occasion the Court ruled that no state can deny a woman the right to an abortion during the first few months of her pregnancy on the grounds that the fetus is not a "person" in any constitutional sense and is not therefore entitled to the protections given to a person. The court was not itself anxious to rule just when in the embryonic process someone comes alive, satisfying itself to say that "We need not resolve the difficult question of when life begins."

The State of Connecticut reminds the Court that in 1966, in Brookhart vs. Janis, the Supreme Court observed that "When constitutional rights turn on the resolution of a factual dispute, we are duty bound to make an independent examination of the evidence in the record." It is such an independent examination that the State of Connecticut has conducted. And 14 states of the union have joined Connecticut, as amici curiae. The Court is considering the matter at this moment.

Connecticut has imposed upon itself rigorous scientific responsibilities, to which end it begins its 55-page brief with testimony from scientists. Dr. Albert William Liley is professor in perinatal physiology in the Postgraduate School of Obstetrics and Gynecology at the University of Aukland.

"In 1963," says Dr. Liley, "I developed a technique for the transfusion of blood to the baby *in utero*. This work demonstrated conclusively that the unborn child, like any other person, could be ill and could have his disease diagnosed, his condition, assessed, and his malady successfully treated."

In a number of genetic and biochemical problem, definite diagnosis can be established as early as the 14th week, and, in the Rh baby, therapy has been undertaken as early as the 18th week of intrauterine life. With advances in technology these limits will be moved back earlier in pregnancy. The unborn child is my patient, and I respect and protect his life as I would the life of any other patient."

Dr. Hymie Gordon is chairman of the dept. of medical gentics at the Mayo Clinic. He introduces his testimony philosophically. "The modern biological concept of human individually is remarkably in harmony with that of some of the oldest theological concepts. The Rabbis of the Talmudical period and the early Christian Fathers taught that life entered the fetus at the moment of conception. Modern biology teaches the same thing.

True, environmental influences both during the intrauterine period and after birth modify the individual's constitution and continue to do so right until his death, but it is at the moment of conception that the individual's capacity to respond to these exogenous influences is established. It is an ignorant presumption to suggest that we are in a position to weigh its (the living cell's) life against that of another. A clear distinction must be made between the unquestionable right of the mother to decide whether or not she is to become pregnant, and the unquestionable right of the unborn baby to life."

Dr. Micheline Mathews-Roth of the dept. of microbiology and molecular genetics at Harvard deposes that "studies in embryology and genetics have conclusively proved that the embryo from conception to birth is a living human individual. . . ."

Dr. Paul Rockwell, director of anesthesiology at Leonard Hospital in Troy, N. Y. writes that "in 1968 or thereabouts, while giving an anesthetic for a ruptured ectopic pregnancy at eight weeks gestation, I observed what I believe was the smallest living human being ever seen. A tiny human male (approx. 1 cm.) was swimming vigorously in the amniotic fluid from the end of his umbilical cord within the intact, transparent embryo sac. This tiny male was perfectly developed with fingers and hands, toes and feet . . . It is my opinion that if the lawmakers and people realize that very vigorous human life is present, even at this early stage of development, it is possible that abortion would be found much more objectionable than euthanasia."

The Supreme Court would do well to recognize that there is a quite general soul-sickness in America about its abortion decision, the implications of which are altogether staggering. Critics of the decision have thus far mostly insisted that the decision was bad law and bad philosophy. Connecticut and fourteen other states are now saying that it is





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bad science, that the factual basis of it was incorrect.

## MICHIGAN'S MOTHER OF THE YEAR

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. BROOMFIELD. Mr. Speaker, at this time, I would like to extend my congratulations and best wishes to Mrs. Eula Abbey of Lake Orion Township, Mich., who was recently named Michigan's mother of the year by the Michigan State Mothers Committee.

The mother of 6 children and 21 grandchildren, Mrs. Abbey has devoted a lifetime of loving care not only to her own family but also to hundreds of Lake Orion families through her volunteer activities. She has donated her time to organizations such as the Girl Scouts, the PTA, the United Fund, and many others too numerous to name here. She is also a member of the Women's Club, the Oxford-Orion FISH program and serves as chairman of the administrative board of the Lake Orion United Methodist Church.

Needless to say, we are all very proud of Mrs. Abbey and wish her well as she carries Michigan's banner to the national mother of the year competition to take place in Denver next month.

Mr. Speaker, the following article from the Oakland Press describes Mrs. Abbey's activities and her well-deserved award.

The article follows:

LAKE ORION'S EULA ABBEY: MICHIGAN'S MOTHER OF THE YEAR

(By Jody Headlee)

"I'm not a model mother," said Eula Comstock Abbey, her knitting needles working back and forth on the afghan that was taking shape on her lap.

"And I would be the last person to ever try and tell others how to raise their children. We just had very good luck," she smiled proudly.

Mrs. Abbey, a 67-year-old widow of Orion Township, was named "Mother of the Year" Monday by the Michigan State Mothers Committee, a nonprofit organization dedicated to strengthening the American family.

Mother of six children and 21 grandchildren, Mrs. Abbey has lived in her 140-year-old farmhouse for 38 years. Originally on 40 acres, the house and its land have been sold and soon Mrs. Abbey will leave. She plans on moving into a condominium.

"My children have all invited me to come live with them—but I wouldn't do it for anything. We get along awfully well apart—and I love all of my grandchildren but for 24 hours a day—NO!," she said as the needles gained momentum for emphasis.

A memoer of the Lake Orion Woman's Club (the group that entered her name into the state competition), Mrs. Abbey has always been active in her community. For a time, she worked with brain damaged children.

"A couple of youngsters from our community were enrolled in the program," she said. "One of their mothers was a former girl scout of mine and I wanted to help out. It took at least three persons every hour all day long to work with the children. I spent 1½ hours once a week."

In addition, Mrs. Abbey was a clothing and food project leader for 4-H on a local, district and state level. She has done volunteer work for the P.T.A. the United Fund, Girl Scouts, Michigan Cancer Foundation, the American Farm Bureau, the Orion Township Library and the Orion-Oxford Social Development Center.

Currently, Mrs. Abbey is involved in the Orion-Oxford FISH program.

"I'm on the transportation committee and since my name is Abbey, it's on the top of the list so I get quite a few calls to take people back and forth—at least two a week.

"I also pick up food stamps and bring them back for local use."

Religion has played an important part in the Abbey household. Mrs. Abbey is presently chairman of the administrative board at the United Methodist Church of Lake Orion.

"We went to church as a family. And the children are still active in church, all of them—different churches—but still active."

Asked if she had any advice to young people raising a family today, her ready grin spread as she shook her head.

"Me? I don't even give advice to my own children. That way, my in-laws all think I'm wonderful and I know they are. It isn't too much different raising youngsters today than it was when my children were young. My grandchildren are just like my children—every generation has its problems."

Last Sunday was reunion day as all of the Abbey children and most of the grandchildren met to congratulate Mrs. Abbey on her honor.

Since the judging committee decides if a mother is outstanding by the character and achievements of her children, it goes without saying that the Abbeys are all achievers.

Marion Medler (Mrs. Robert) lives in Berkley, is a substitute school teacher and has three children. Marilyn Kamischke (Mrs. Rudolph) has six children, lives in Roseville and has returned to teaching junior high math full time.

From Binghamton, N.Y., Gene, an electrical engineer, has three children. Lawrence, a resident of Lake Orion and member of the Lake Orion Community School Board, has four youngsters. Like his dad (Dan Abbey), he works for Consumers Power Co.

Lorraine Wethy (Mrs. Basil) helps her husband in his Lake Orion electrical contracting business and has three children.

Kathleen Abbey Hogan has two sons, lives in Rogers City and teaches French and English.

Mrs. Abbey has a philosophy that has strengthened her through the years. She lives for "right now."

"If it's happened, it's happened," she said. "I don't even think back. I live for right now. I can't change the things that are coming or the things that have passed."

"Doesn't the silence of an empty house ever bother you?"

"Silence bother me? After six kids. I appreciate it. The minute they came home on went the record player and the radio as loud as they could go. And it does me good now, when my grandchildren turn everything on to find out everyone of my kids feels exactly as I used to.

Having raised her children through the depression, Mrs. Abbey is familiar with the battle of the budget. But she is against food boycotts.

"My sympathy is with the farmer" she said. "I know what he goes through."

"And you have to raise your youngsters so they realize they can't have everything they want just because the other fellow has it. They feel badly at the time but when they grow up, they understand and thank you for it."

And for when she grows old (which she'll never do, her spirit wouldn't let her) Mrs. Abbey's saved television.

"That's when I'm so old I can't do anything else," she said. "Then all those reruns will be brand new to me and I'll think they's wonderful."

Mrs. Abbey will compete with 50 other women for "American Mother of the Year" May 7–11 at Denver, Colo. The American Mothers Committee sponsors the national competition.

## OEO LEGAL SERVICES—A SUCCESS STORY FOR EQUAL OPPORTUNITY

### HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mrs. CHISHOLM. Mr. Speaker, the 93d Congress has been a dismal place for those of us who are concerned about social welfare programs but occasionally there is hope. The action of the courts, in placing an injunction upon any further dismantling of OEO and the recent column by Mr. James J. Kilpatrick which clearly and enthusiastically outlines the need for legal services is a clear sign that many in the land—including conservative members of the President's own party—do not agree with the administration's meat-ax approach to the problems of the poor in our country.

For those of you who may have missed Mr. Kilpatrick's column, I hereby insert it into the CONGRESSIONAL RECORD:

CONTINUE LEGAL SEAVICES? BY ALL MEANS

(By James J. Kilpatrick)

There are times, sad to say, when American conservatives appear to constitute "the stupid party," as John Stuart Mill once labeled their British counterparts a century ago. By their failure to give active support to a continuing program of legal services for the poor, my brother conservatives are abandoning their principles and exhibiting a dullwittedness that makes a man despair.

Of course a legal services program should be extended! Let the Congress, if it pleases, scrap everything else that has been funded through the Office of Economic Opportunity. Let the administration, if it can dismantle a hundred boondoggling, paper-shuffling programs of grants-in-aid. But in one form or another, the Neighborhood Legal Services must be maintained.

Chiseled in stone above the great white columns of the U.S. Supreme Court are four famous words: Equal justice under law. No concept in our public life is nobler and no concept has been more poorly served. The grim truth is that for all practical purposes, we still have two systems of law in this country, one for the rich, another for the poor. Every newspaperman who ever has covered the small claims and criminal courts of his city knows this is so.

Granted, much has been done in recent years. Indigent defendants, even in serious misdemeanor cases, now have a right to counsel. Bail reform has remedied some of the most flagrant evils of the criminal justice system. Since 1965, the federally assisted legal services program has greatly benefited the poor in areas of civil litigation. Now this civil program—a program seeking to promote equal justice under law—is threatened with abandonment. Conservatives, dedicated in principle to this elementary proposition, ought to be in the forefront of a fight to push the cause along.

But where are they? They are grumbling that in recent years the program of legal services has been abused. Doubtless this is true. It would be incredible not to discover abuses in a program involving 2,500 lawyers in 900 neighborhood law offices.

But these occasional abuses, while serious, have been few. Viewed on the whole record, the legal services program has helped to foster a sense of confidence not only in the courts, but also in what is known vaguely as "the system." In a message two years ago, urging creation of a wholly independent Legal Services Corporation, President Nixon made that point: "This program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets."

Unhappily, Nixon now seems to be dragging his heels. The present $70 million program is to expire in June, and nothing is yet in sight to take its place. It would be calamitous to let the concept go. As a recent report from the General Accounting Office made clear, the great bulk of case-work by the NLS lawyers involves legal problems arising from housing, domestic relations, employment, and consumer grievances.

What is needed—and needed promptly—is a bill to create an independent legal services corporation, generously funded, with authority to provide essential representation for the poor. Such a corporation should have backup facilities for research. It ought not to be denied a hand in "law reform." Neither should it be prohibited from bringing the class actions that often provide the most effective remedies at law.

Conservatives should back such a bill, in the full awareness that from time to time they will be irritated, harassed, and outraged by the "zeal and adrenalin." Mistakes will be made. Incidents of bad judgments can be expected. But if we truly believe in equal justice under law, we ought not to be deterred from supporting an effort to make those words in stone something more than an empty phrase.



## EXECUTIVE PRIVILEGE BOWS TO CONGRESS

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the entire Congress owes a debt to Senators SAM ERVIN and HOWARD BAKER for their steadfast defense of the Congress right to get the information it needs from the Executive branch.

On Monday the Senate Select Committee on Presidential Campaign Activities adopted ground rules which have effectively put the so-called doctrine of executive privilege in its place. The ground rules, apparently agreed to by the White House, will compel the testimony of White House aides before the committee. The aides wil be accorded the right to counsel and a White House Counsel may also be present. If the witness, by counsel, feels that a particular question should not be answered by reason of a claim of privilege belonging to the President, the Committee will hear arguments in favor of the privilege and then make its own ruling on the matter. If the committee rules against the claim of privilege that then the witness will be compelled to answer the question.

This criteria is of course available to other witnesses on claims of other privileges which may be available.

The ground rules also require the appearance of White House aides under any circumstance, the right to claim a privilege being only available for specific questions during testimony.

I believe that these rules have finally put the question of executive privilege in perspective. They make it clear that it is the Congress which will make the final determination as to what should or should not be considered a privileged communication to the President or by a Presidential aide.

Congress has always recognized that as a matter of comity and good practice each of the coordinate branches of the Government should be privileged to conduct certain internal affairs in privacy. This is as it should be and I am confident that the Congress will exercise its good judgment when it seeks information from the Executive. However, as the Ervin-Baker ground rules exhibit, the final determination on these questions belongs to the Congress.

With these rules as precedent I am hopeful that the warfare between the Congress and the Executive which we have endured for the past year may be at an end.

I now enclose the full text of the Senate guidelines for the benefit of my colleagues:

GUIDELINES OF THE SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

In investigating the matters mentioned in S. Res. 60, the Senate Select Committee on Presidential Campaign Activities will observe its standing rules, its previously established procedures for staff interviews of prospective witnesses, and these guidelines:

1. The Committee will receive oral and documentary evidence relevant to the matters S. Res. 60 authorizes it to investigate and matters bearing on the credibility of the witnesses who testify before it.

2. All witnesses shall testify before the Committee on oath or affirmation in hearings which shall be open to the public and the news media. This guideline shall not abridge, however, the power of the Committee to take the testimony of a particular witness on oath or affirmation in an executive meeting if the Committee would otherwise be unable to ascertain whether the witness knows anything relevant to the matters the Committee is authorized to investigate.

3. All still and motion picture photography will be completed before a witness actually testifies, and no such photography shall occur while the witness is testifying. Television coverage of a witness and his testimony shall be permitted, however, under the provisions of the Standing Rules of the Committee.

4. In taking the testimony of a witness, the Committee will endeavor to do two things: First, to minimize inconvenience to the witness and disruption of his affairs; and, second, to afford the witness a fair opportunity to give his testimony without undue interruption. To achieve the first of these objectives, the Committee will honor the request of the witness to the extent feasible for advance notice of the time and place appointed for taking his testimony, complete the taking of his testimony with as much dispatch as circumstances permit, and release the witness from further attendance on the Committee as soon as circumstances allow, subject, however, to the power of the Committee to recall him for further testimony in the event the Committee deems such action advisable. To afford the witness a fair opportunity to present his testimony, the Committee will permit the witness to make an opening statement not exceeding 20 minutes, which shall not be interrupted by questioning, and a closing statement summarizing his testimony, not exceeding 5 minutes, which will not be interrupted by questioning: Provided, however, questions suggested by the closing statement may be propounded after such statement is made.

5. The Committee respects and recognizes the right of a prospective witness who is interviewed by the staff of the Committee in advance of a public hearing as well as the right of a witness who appears before the Committee to be accompanied by a lawyer of his own choosing to advise him concerning his constitutional and legal rights as a witness.

6. If the lawyer who accompanies a witness before the Committee advises the witness to claim a privilege against giving any testimony sought by the Committee, the Committee shall have the discretionary power to permit the lawyer to present his views on the matter for the information of the Committee, and the Committee shall thereupon rule on the validity of the claim or its application to the particular circumstances involved and require the witness to give the testimony sought in the event its ruling on the claim is adverse to the witness. Neither the witness nor any other officer or person shall be permitted to claim a privilege against the witness testifying prior to the appearance of the witness before the Committee, and the Committee shall not rule in respect to the claim until the question by which the testimony is sought is put to the witness.

7. The Committee believes that it may be necessary for it to obtain the testimony of some White House aides if the Committee is to be able to ascertain the complete truth in respect to the matters it is authorized to investigate by S. Res. 60. To this end, the Committee will invite such White House aides as it has reason to believe have knowledge or information relevant to the matters it is authorized to investigate to appear before the Committee and give testimony on oath or affirmation in open hearings respecting such matters. In this connection, the Committee will extend to such aides the considerations set forth in detail in guideline No. 4 and the right to counsel set forth in detail in guidelines Nos. 5 and 6. In addition to these considerations and rights, the Committee will permit the White House to have its own counsel present when any White House aide appears before the Committee as a witness, and permit such counsel to invoke any claim that a privilege available to the President forbids a White House aide to give the testimony sought by the Committee, and the Committee shall thereupon rule on validity of such claim or its application to the particular testimony sought in the manner and with the effect set forth in guideline No. 6 in respect to a claim of privilege invoked by a witness or his counsel. The Committee will not subpoena a White House aide to appear before it or its staff unless such aide fails to make timely response to an invitation to appear.

8. The Committee may require the Sergeant at Arms of the Senate, or any of his assistants or deputies, or any available law enforcement officer to eject from a meeting of the Committee any person who willfully disrupts the meeting or willfully impedes the Committee in the performance of its functions under S. Res. 60.

9. Whenever the Committee takes testimony through the agency of less than the majority of the members of the Committee as authorized by its standing rules, the member or members of the Committee taking the testimony shall be vested with the powers set forth in these guidelines and shall be deemed to act as the Committee in exercising such powers.

## MANPOWER REFORM

### HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ESCH. Mr. Speaker, I submit that the House of Representatives today gave strong indication that they do not wish to merely extend one more categorical

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manpower program, but rather they desire to develop and consider legislation for total manpower reform. I believe that their action was a clear mandate to the Education and Labor Committee to pursue aggressively the development of an effective program that emphasizes decategorization and decentralization of the present manpower maze. I am requesting Chairman PERKINS and Mr. DANIELS, our subcommittee chairman, to proceed immediately to develop legislation that will encompass total manpower reform. Hopefully, this legislation can be developed in a bipartisan manner, so that in the future the House will be able to approach this issue in a more analytical and thoughtful manner.

## OEO SUPPORT OF MILLE LACS INDIAN RESERVATION CLINIC

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. FRASER. Mr. Speaker, since it was created in 1965, OEO has worked closely with other agencies to provide services for Americans who are moving out of welfare and into the mainstream of our economy. This year the President has decided—against a great deal of evidence and public opinion—that OEO is no longer necessary and should be disbanded. We in the Congress cannot allow this to happen. Hopefully, we will salvage OEO and its most valuable programs.

In my home State of Minnesota, OEO has supported the clinic at the Mille Lacs Indian Reservation. One of the staff, Dr. Dennis Jacobson, recently wrote to indicate his concern about the possible termination of this clinic. He described the clinic's accomplishments and the effect disbandment would have on the reservation population.

I commend his letter to my colleagues and insert it at this point in the RECORD:

MILLE LACS CLINIC,
*Onamia, Minn., March 9, 1973.*

DEAR REPRESENTATIVE FRASER: There have been numerous reports that, as a result of President Nixon's cutbacks of money designated for use by the Office of Economic Opportunity, many of the Community Action Programs will have their funds cut off. I am writing to you to plead with you to do all you can to keep the C.A.P. at Mille Lacs Indian Reservation funded. I believe that great strides forward have been made in the health, living conditions, and productivity of the Indian people affected by this C.A.P.

At present there is a Community Center which houses the C.A.P., the Headstart Program (funded by H.E.W., not O.E.O., as you know) and a medical clinic. Most striking to me is the improvement in health seen in these people since 1966 when the Community Center was built. The various programs mentioned above were all instituted since then. As an example the Minnesota Department of Public Health did an infant mortality study for a 18 year period ending in 1968. During this time there were about 350 babies born to mothers residing on the Mille Lacs Reservation. Of these, 35 (one in ten) died before he reached his first birthday. Since 1968 there have been no children residing on the Mille Lacs Reservation who have died, much less any infants. This is only one statistic, but does reflect health standards. I can assure you from first hand experience that the health of these people has improved a great deal in all respects.

I feel that the improved medical situation cannot be accounted for by any one factor. Many of the factors are at present supported by O.E.O. funds, however, and cutting off these funds is certain to result in a marked increase in disease and health problems. The old water and sewage systems were responsible for much of the health problems. The present water and sewage systems were instituted and are maintained thru C.A.P. funds. The previous deplorable living conditions were markedly improved when O.E.O. funds made it possible to build simple but adequate, much improved, homes for these people.

The Community Health Representative, Maggie Sam, does much to improve health standards with home visits, aid in transportation, referrals to various agencies, etc. Many of the older people used to have much trouble finding transportation to the clinic or hospital for medical care until this was made available by C.A.P. funds.

The Headstart Program is housed in the Community Center which depends on C.A.P. funds for heat, lights, and water. Even if the Headstart funds are not cut off the program could not function without a building.

Sister Gertrude Lampbert, R.N. is a young nun who is an extremely capable and valuable member of the health delivery team here. She is a public health nurse and functions as clinic nurse and Headstart nurse. Her position is funded partly by O.E.O. funds and partly by Headstart funds. In my opinion she is the most valuable single person involved in health care on the reservation. She made a total of 677 home visits in 1972 in addition to her functions as clinic nurse and Headstart nurse.

The clinic on the reservation is housed in the Community Center and is therefore dependent on C.A.P. funds to stay open since we must have space, lights, heat, and water to have an adequate clinic. This clinic is manned by the three physicians in the Mille Lacs Clinic, Onamia (10 miles away). The clinic is open three afternoons a week and in 1972 we had 2,113 clinic visits.

The C.A.P. has done much more to improve life for the Indians on the Mille Lacs Reservation but their health is one area I feel qualified to comment on. The improved health standards depend on many factors including transportation, home visits, available clinic and M.D.'s, improved water and sewage systems, and improved housing. All of these factors are dependent on O.E.O. funds. I therefore urge you to do all you can to insure continued federal funding of the Mille Lacs Indian Reservation Community Action Program. The health and, indeed, the very lives of many people are dependent on this program.

Thank you for your attention.

Sincerely,

DENNIS JACOBSON, M.D.

## A MEANINGFUL BICENTENNIAL COMMEMORATION

### HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. YOUNG of Georgia. Mr. Speaker, Congress will soon have to decide what kind of bicentennial the Nation will observe in 1976. Hearings have been held on H.R. 3695, relating to the proposed American Revolution Bicentennial Administration, by subcommittee No. 2 of the House Judiciary Committee.

Robert A. DeForrest, executive vice president of the Afro-American Bicentennial Corp., testified at the hearings on March 15, and I wish to insert in the RECORD his prepared statement. I commend to my colleagues Mr. DeForrest's persuasive case for maximum participation in the bicentennial by Afro-Americans, and his appeal to Congress to take an active role in making the bicentennial an historic event which will be meaningful to all Americans.

The testimony follows:

STATEMENT OF ROBERT A. DEFORREST

Mr. Chairman: On behalf of the officers and board of the Afro-American Bicentennial Corporation, I wish to thank you, and this Committee for inviting me here today to present testimony on H.R. 3695 (the recently introduced Administration bill to establish the American Revolution Bicentennial Administration).

As you may know, the Afro-American Bicentennial Corporation (ABC) was established in December of 1970 out of a concern that the forthcoming Bicentennial include projects and programs which would express the desires and meet the needs of Black Americans in line with the principles and ideals of the American Revolution.

Before commenting on the specifics of the bill under consideration, however, I would like to take a few minutes to discuss some of the factors which have influenced our own involvement in certain bicentennial program areas.

The guiding consensus of ABC's directors, as well as its distinguished advisory board, is that the bicentennial commemoration be viewed as a timely and appropriate vehicle for revitalizing America's continuing revolution in line with the philosophy and aspirations of such early American revolutionaries as Jefferson, Paine and Sam Adams. It should be apparent to any reader of the original legislation which created the American Revolution Bicentennial Commission in July of 1966 (PL 89–491) that its sponsors, Senator Mathias and Representative Morse, were quite comfortable with language such as: "Individual Liberty," "Representative Government," and "Inalienable Rights."

Such references are used extensively throughout the first section of PL 89–491, establishing the mandate of the ARBC, and are clearly expressions of concern for the quality of life among Americans, and a commitment to address these concerns as a feature of the forthcoming Bicentennial.

In earlier testimony presented before the Subcommittee on Federal Charters, Holidays and Celebrations of the Senate Judiciary Committee on August 2nd, I suggested the possibility that the architects of the original legislation, while setting the tone for a truly meaningful celebration, might well have been designing a legislative mandate which would insure against the kinds of activities and interpretations that have given rise to the mounting criticism of the ARBC, and which, it may be suggested, have brought us here today.

My subsequent discussions with the Senator on this matter have more than confirmed this assumption. Further clarification regarding the intent of PL 89–491 was provided by Senator Mathias himself even earlier on the Floor of the Congress on December 2nd, when in citing the lack of meaningful program development by the Commission, he stated, "We believed not only that the Revolution was the most important event in our history, but, even more, that the ideas and ideals of that Revolution are as real and relevant today as they were 200 years ago."

Mr. Chairman, in our appearance last August before the Subcommittee on Federal Charters, Holidays, and Celebrations of the Senate Judiciary Committee, I stated our organization's support of the mandate enunciated in the original ARBC Legislation and then proceeded to state the "historical case" for maximum Afro-American participation in this most important event. (The latter mainly for the benefit of those still reading from pre-1970 history books and who had earlier questioned the role of Blacks during the period of the American Revolution).

While stating our support of PL 89–491 at that time, we were not convinced that the Commission leadership was committed to the kind of commemoration clearly intended by the sponsors of that legislation. The Bill under consideration today, leaves us even more doubtful.

While retaining most of the original language in Section (I) of the original legislation, H.R. 3695 is nonetheless conspicuous in its deletion of a number of important references in that section of its proposed legislation.

ITEM

*(Original)*

It is appropriate and desirable to provide for the observation and commemoration of this anniversary (and these events) through local, state, national, and international activities, planned, encouraged, developed, and coordinated by a National Commission (Representative) of appropriate public and private authorities and organizations.

*(Proposed)*

It is appropriate and desirable to provide for the observance and commemoration of this anniversary. And for those activities of local, state, national, and international significance to be coordinated, scheduled, and facilitated by a government unit, drawing on the resources of public, private, civic, and other organizations for planning and implementation, to insure that the appropriate observances take place.

In addition to these concerns over the deletions and changes proposed in Section (I) of H.R. 3695, we are equally apprehensive about the unusual authority and role of the Administrator of the proposed ARBA, as described in Sections 2, through 5, of H.R. 3695.

ITEM

Sec. 2(d) The Administrator shall have power to appoint and fix the compensation of such personnel as he deems advisable. Not more than five (5) such personnel may be appointed, compensated or removed without regard to the civil service laws and regulations and Chapter 51 and sub-chapter III of Chapter 53, of Title 5, United States Code.

Why is this authority being requested when findings contained in the recently concluded staff review on the activities of the ARBC clearly show that such practices by the Commission leadership have in the past contributed to low morale among staff personnel and may have resulted in reducing the effectiveness of the staff (Re–167, ch. 5, "Personnel Practices and Staff Morale," a review by the Staff Dec. 21, 1972).

ITEM

Sec. 3 (a) There is hereby established an American Revolution Bicentennial Advisory Board hereinafter referred to as the "Board" to be composed of twenty-five members appointed by the President. The members shall serve at the pleasure of the President, and their terms of office shall not extend beyond the termination date of the Administration. In appointing persons to the Board, the President shall give due consideration, among others, of the Nation's youth, elders, racial and ethnic minorities, artists and craftsmen, and learned professions. The Administration shall act as Chairman. The Board shall meet at *the call* of the Chairman and shall render advice to the Administration on all matters relating to the purposes of this Act.

We note here that the criteria for the establishment of the proposed ARBA Advisory Board remains essentially the same as that contained in the original legislation except:

That it gives its member absolutely no responsibility for preparing an overall program.



Meets only at the call of the Chairman.

Creates a glaring loophool for the appointment of individuals who might not otherwise qualify for membership on this August Body. Reference is made to the addition in Sec. 3(a) of the questionable term "among others."

Does not insure that any meetings held, would be open to the public.

ITEM

Sec. 10. Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, and the expenditure of Government Funds as he may specify.

Under what conditions would the exercise of this authority be warranted?

Sec. 14(c) It shall be the function of the Committee to make a continuing study of the activities of the American Revolution Bicentennial Administration. The Committee shall from time to time report to the Committees on the Judiciary of the Senate and House of Representatives, and to the Senate and the House of Representatives concerning the results of its studies, together with such recommendations as it may deem desirable. It shall make a final report thereon by June 30, 1977.

It should be apparent in light of past criticism of the ARBC, that the role of the Congress, relative to its responsibility in insuring a meaningful bicentennial commemoration for the nation, will not be enhanced under Section (11) of H.R. 3695. On the contrary, under this section of the proposed bill, Congress would again be in the embarrassing position of being able to react "after the fact."

It is our strong feeling that the Congress must play a major role in all bicentennial planning, from encouraging active participation by states, local municipalities and private citizens to exercising veto power through the proposed "Joint Congressional Committee on the American Revolution Bicentennial."

ITEM Sec. 13(d) The President may authorize any person, who immediately prior to the effective date of this Act held a position in the executive branch of the government to act as Administrator until the Office of Administrator is for the first time filled pursuant to the provisions of this Act or by recess appointment, as the case may be.

We find this section of the proposed legislation especially objectionable on two (2) counts:

(1) Its insistence that the "Interim Administrator must have held a position in the Executive Branch of government immediately prior to the effective date of this act.

(2) The obvious loophole provided by an appointment of the Administrator during a Congressional recess, thereby eliminating the requirement for Senate confirmation.

Why is executive experience "immediately prior to the effective date of this Act necessary?

Why not experience gained in the Legislative Branch, or in the private sector? or executive experience gained under another Administration?

Mr. Chairman, a thorough analysis of H.R. 3695 can only conclude that in its present form, this bill offers little hope for a truly meaningful bicentennial commemoration, but, in fact, contradicts its own officially stated mandate by proposing "an autocratic", operational structure accountable to none but the President, himself.

The real question, it seems to us, is whether or not there is a commitment on the part of the Congress and the Administration to forthrightly respond to the challenge of its own legislative mandate.

PL 89–491 directed the ARBC to develop plans for the commemoration of the Bicentennial of the American Revolution. Most state statutes establishing bicentennial commissions conform in spirit, if not in letter, to PL 89–491. However, the prevailing interpretation of PL 89–491 seems to be a variance with what seems its clear meaning. That interpretation, as we understand it, is that the ARBC shall develop plans for celebrating (a) a 200-year slice of American history and (b) the 200th birthday of the republic. The Bicentennial Era has now been defined by the President, at the request of the ARBC, as extending from now until 1976, and the period beyond 1976 is seen by the chairman of the ARBC, according to a comment made by him at Williamsburg, as primarily one of "cleaning up."

There seems to us to be a number of disadvantages attending this interpretation.

(a) At best, it is a very narrow construction of the mandate of PL 89–491. Celebrating either a "200-year slice" of American history or the 200th national birthday seems to be a qualitatively different thing from commemorating the bicentennial of the American Revolution.

(b) 1976 is not, in fact, the 200th anniversary of the founding of the republic. It is the 200th anniversary of thirteen colonies declaring independence from the British empire. It signifies neither the beginning, the climax, nor the conclusion of the American Revolution.

(c) It conflicts with the initial ARBC *Report to the President* which explicitly recommended that the commemorative period extend through the bicentennial dates of the Constitution-making period. It also conflicts with bicentennial periods implicitly defined by PL 89–491 and most state statutes covering the subject.

(d) The definition of the Bicentennial Era as 1971–76 does not conform to any professionally reputable or generally accepted defintion of the span of the American Revolution.

(e) This compression of the Bicentennial Era severely restricts the potential for planning and executing bicentennial-related projects requiring more than three years time. This, in turn, has a manifest tendency to promote programs and projects of an ephemeral and superficial nature.

The legislation passed by the Congress establishing the ARBC authorized it to "plan, encourage, develop and coordinate a nationwide bicentennial program." It further directs "that the thrust of the Bicentennial program should be an enunication of the basic principles upon which our republic was founded." The President himself interjected criticisms of terms such as "Festival Freedom" which seem to connote a commemorative "fair" rather than a movement that would have long-term effects in renewing the institutions of our society.

It would appear that the President favored a modern-day extension of Jefferson's "pursuit of happiness" as the fundamental theme—translated today as a renewed concern for the "quality of life."

It would seem, therefore, that proposals for programs directed at eliminating conditions adversely affecting the "quality of life" of millions of Americans should be "planned, developed, encouraged," and fostered by the ARBC as its primary area of focus.

While we would agree with Mr. Mahoney's statement of August 1 that:

"The Commission is not an action agency to carry out projects of ecological improvements. The Commission is not an agency to find a cure for cancer or heart ailments. The Commission is not an agency for social action, civil rights or public welfare. . . ."

Each of the areas identified in his statement are among this nation's most critical problems, and are in desperate need of a "Marshall Plan" type of assistance. While agreeing with Mr. Mahoney that the Commission is not an action agency with the mandate or the monies to actually implement such programs, it does have a mandate to plan and encourage such programs . . .

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and it should. Then, it should seek support for these programs from the Administration, the Congress, and the American people.

We disagree strongly with Senator Hruska and others who have suggested that the Congress would not support authorization requests of the size necessary to underwrite "quality of life" programs such as those mentioned previously.

The major criticism of the ARBC to date has been primarily directed at its lack of significant program development as well as the charges of "political manipulation" and commercial exploitation, published in the Washington "Post" in August of last year.

We note in (part III) of it's recently concluded review of the ARBC, the House Judiciary staff concluded the following:

"We believe that as presently structured, the ARBC will be unable by 1976 to provide this country with a meaningful bicentennial commemoration. Unless reorganized, given a clear definition of role, and afforded an unambiguous mechanism for executive direction, the Commission will continue to flounder, 'planning, encouraging, and coordinating' in its current haphazard fashion."

We note further that the bill under consideration today differs substantially from the suggested legislation drafted by the House Judiciary staff on page 130 of its report.

Having commented on those sections of H.R. 3695 to which we are opposed, and having earlier submitted to this committee our specific observations and recommendations on proposed changes.

Mr. Chairman, while we would agree that a more effective operational structure is desirable for the ARBC, its Head must be accountable to the Congress, as well as to the President. But of far greater importance and urgency is the question of whether the Congress or the Administration is truly committed to a meaningful Bicentennial Commemoration.

This question must be answered by both the Administration and the Congress by their prompt and positive actions toward that end.

## COMMENTS ON THE DUAL PRIME RATE

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. HANNA. Mr. Speaker, I am quite confident that I managed to convey to my colleagues in the House my strong feelings as to the inadequacy of our actions this past Monday on H.R. 6168, the Economic Stabilization Act extension amendment.

My first endeavor in our activities on that legislation was to insure not only the recognition of, but to develop as well a means of filling constructively, the needs of the small borrower, the borrower who is always the first to be bumped off the borrowing bench when the money market gets tight. I argued strongly that the corporate borrower had sufficient independent economic muscle to find a place at the loan window, but that the little man was rightfully entitled to our direct and indirect assistance in having access to that same window, that we needed to provide him with more muscle than he could independently develop in competing with the corporate borrower.

One of the major supports the corporate borrower has enjoyed has been the somewhat questionable importance which various activities of the Federal Government have attached to the prime rate. I am pleased, therefore, to note the first recognition of the need for credit and capital allocations as epitomized in the proposal reported in the Wall Street Journal of April 17, which I include below, by the Federal Reserve System for a two-tier prime rate structure. The philosophy behind this proposal is that same approach I have been trying to impress upon the Banking and Currency Committee and the House in recent weeks.

On the other hand, it is interesting to note that at the present point in time the administration in general and Dr. Burns in particular feels that voluntary guidelines will be sufficient. While I am appreciative of the revised position taken in the guidelines, I do think a more than mere voluntarily effort is necessary specifically on the need for the banks to "continue to meet legitimate credit needs of home buyers, consumers, small businesses and farmers." Banks realistically must respond to their stockholders in the most profitable manner possible and voluntarism permits excessixe evasions of the necessary commitments to the aforementioned loan activities—evasions avoidable with mandatory standards. It is, after all, much easier for the bank to tell its stockholders that it had no choice than to attempt to explain an unprofitable choice despite the existence of Government pressures therefor.

For whatever cause and to whatever degree the decision has been made, I am pleased to see this virtual endorsement of my position. It is long overdue, but we have been striving for something so akin to this proposal that we are delighted to see the appropriate Government agencies taking a more enlightened approach to this problem.

As a matter of general interest, Mr. Speaker and esteemed colleagues, I would like also to take this opportunity to put on the public record the language contained, at my insistence, in H.R. 6879, the originally proposed substitute to H.R. 6168. I ask the indulgence of my colleagues while I explain in some detail what this language could have done and why.

You will note that instead of speaking in the language of a freeze on rates, the language merely stated that ceilings shall be set. This in itself provided for a flexibility that is important. The President would not have been restricted by the arbitrary level of any given day. He would, instead, have been instructed to select ceilings for the loans for the classes of small borrowers designated which will achieve stability. Members will note that ceilings could have been imposed in each of the categories—not necessarily one common rate to all.

Next, the President would have been required to address the possibilities for reductions of rates in these classes of loans. Again, flexibility was assured in the language which refers to "pervasive and dominant pressures of the money markets." This language was added to make clear that the committee and the Congress are cognizant of the relationship between the yields dictated by the market conditions and the interest rates paid by all borrowers. All Members of Congress are aware of two sources of loanable funds—savings and investment capital. It is the potential gap between the level of controlled interest rate and the yield demanded for marketed paper to achieve liquidity for which the Congress should have demonstrated concern. The administration of the authority granted in this language would have been forced to remain consistent with these market realities. In the absence of this flexibility, the controls imposed would surely have had the effect of drying up credit to the small borrower—and it is just such a market reaction that this section sought to avoid.

This section also would have forced the President to use all the institutions, instruments, and powers his administration possesses to assure a reasonable allocation of funds for credit to those classes of borrowers, the little people, who have historically been bounced down and, sometimes completely, off of the borrowing bench. In all the recent tight money periods the immediate "drying up" of credit is in the sectors enumerated in this bill—the consumer, the small businessman, the farmer, the home purchaser, and personal loans. When the money crunch hits banks and savings and loans, large borrowers have access to other money markets.

Paragraph (1) in its totality assured the President the necessary flexibility in responding to the pervasive market realities—to roll back rates wherever possible and, when such was not possible, to adjust appropriately reasonable ceilings with a full explanatory order and message to the Congress.

Our Government monetary agencies must be so used that they act as interveners for the small borrowers. The President has easy access to data which can give him a realistic indication of the credit demands in each of these controlled areas. The Federal Reserve can project the demand for personal loans and consumer credit. The Departments of Housing and Urban Development and Commerce can project mortgage money demand. The Small Business Administration can project the demand for small business loans. The Farmers Home Administration in the Agriculture Department can anticipate the demand for farm loans. With these data sources at his disposal, the President should have been able to carry out the directives of the proposed legislation.

Colleagues, this allocation of credit section was of paramount importance because of the grim future for capital competition. Capital demands associated with the energy crisis have been measured as between $600 billion and $1 trillion in the next 10 years. Enormously increased capital will be required to solve our present transportation dilemmas in the metropolitan area. Environmental protection is already demonstrating a disturbing appetite for investment dollars. The national debt rollover has alone been a growing burden on available money markets. This list is not exhaustive for all segments including corporations, States, municipalities, and governmental agencies are also increasing their demand every year.



We failed, however, in this effort, and I can only express hope that the Federal Reserve System's proposals will be enough and that they will be in time.

The proposal and the interest rate control language follows:

[From the Wall Street Journal, Apr. 17, 1973]

BURNS UNVEILS DUAL PRIME-RATE GUIDELINES, INCLUDING A LIMIT ON BANKS' PROFIT MARGINS

WASHINGTON.—The Nixon administration's previously promised "voluntary" guidelines on bank interest rates, unveiled yesterday, include the government's first restrictions on bank profit margins.

The guidelines, issued by the Committee on Interest and Dividends, are intended to help banks establish a dual prime, or minimum, rate system. Such a system will allow the interest rate banks charge large national corporations to fluctuate with minimum government interference, while the lowest rate banks charge small businesses and farmers will remain more stable and closely watched by the administration.

Analysts said the issuance of the guidelines makes it likely banks would soon boost their prime rates to major borrowers to 6¾% from 6½%.

The new guides, which take effect immediately, generally follow the broad outlines administration officials indicated earlier, but spell out some of the details and inject the surprise element of a profit-margin limit for banks. The concept of a dual prime-rate system is still a new one, however, and officials indicated the guidelines will be further refined and clarified as the new bank interest-rate structure evolves.

The guidelines drew quick support from the American Bankers Association. Rex J. Morthland, president-elect of the trade group, said he is "confident the American banking industry will observe the guidelines." He added, "while there are problems in any system of administered rates, we feel the dual-rate concept announced today is an appropriate measure in a time of economic stress."

This two-tier prime rate concept grew out of a recent series of government-banking industry confrontations over increases in the prime rate, which is the interest banks charge their most credit-worthy customers, mainly big corporations. While protecting smaller borrowers against burdensome increases in borrowing costs, the guidelines will permit the Nixon administration to make a strategic withdrawal from the recurring battle of the prime rate.

The Committee on Interest and Dividends, headed by Federal Reserve Board Chairman Arthur Burns, said in its five-page guideline paper that the prime rate charged large companies "may respond flexibly to changes in open-market interest rates." Mr. Burns has conceded this politically sensitive interest rate has been artificially held down by the government's jawboning under the "voluntary" program he heads.

While the big-business prime rate is to be freed from the government hold-down, the guidelines stress increases in it should be made "in moderate steps in order to avoid disruptive market effects." Mr. Burns indicated this statement was meant to deter any quick, large jump in the big business prime rate from the present 6½%. Officials earlier indicated the rate currently might be as high as 7½% if it hadn't been for federal jawboning, but they clearly don't want to see an overnight boost of that size.

Interest rates charged small businesses and farm borrowers, the guidelines say, shouldn't rise from present level "unless an increase can be fully justified by increases in costs." If banks do raise such rates, the committee added, the boosts "are to be decidedly smaller, and are also to be made less frequently, than changes in rates on loans to larger firms." The guidelines didn't define "decidedly smaller" or "less frequently."

The guidelines define a small business as any commercial, industrial or agricultural borrower whose nonmortgage borrowings outstanding in the previous 12 months never exceeded $350,000 and whose assets don't exceed $1 million. The definition covers "the great majority of business establishments and farms," the committee said.

Banks may extend the more favored small-business interest structure to any size firm, the guidelines said. They also said such rates "may vary from bank to bank."

Interest rates charged by banks on home mortgage loans and consumer loans "should remain under special restraint," the guidelines state. They say such rates should remain "relatively stable" even if the big business prime rate moves up "significantly."

The Nixon administration may have to issue similar guidelines to cover thrift institutions, such as savings and loan associations, and consumer finance companies, to keep their practices in line with the banks, Mr. Burns told newsmen. "We'll probably have to get into that," he said.

The committee said that since the administration's wage-price controls system began in August 1971, companies and workers have been required to sacrifice "earnings they might otherwise have realized," and so "banks should accept similar restraints." It said that despite the new flexibility being granted for the big-business prime rate, "increases in a bank's entire structure of lending rates must in no instance lead to undue increases in the bank's profit margin."

Laying down a new bank profit-margin restriction, the guidelines say increases in interest rates shouldn't raise a bank's overall profit margin from domestic operations (excluding service functions such as trust departments and data processing) above the average of the best two years in the prior four calendar years.

The paper defined the profit margin as "the ratio of net operating income, on a fully taxable equivalent basis before income taxes and securities gains or losses, to gross operating income on a fully taxable equivalent basis."

The guidelines also state banks should "continue to meet legitimate credit needs of home buyers, consumers, small businesses and farmers." That admonition reflects a committee fear that because interest rates on such loans will be restrained by the guidelines, such smaller borrowers might find credit difficult to obtain.

HANNA INTEREST RATE CONTROL LANGUAGE

"Sec. 204. Ceiling on prices and certain interest rates

"(b)(1) Notwithstanding any other provision of this Act, ceilings are imposed on interest rates on—

"(A) mortgage loans for single or multi-family dwellings,

"(B) installment or noninstallment consumer credit loans,

"(C) loans for farm production or capital improvement loans,

"(D) loans to small business concerns as defined under section 3 of the Small Business Act, and

"(E) personal loans,

at levels no higher than those prevailing on March 16, 1973, and the President shall, by written order stating in full the considerations for his action, roll back the interest rates described in this paragraph to levels lower than those prevailing on March 16, 1973. The President may make adjustments to avoid gross inequities resulting from pervasive and dominant pressures of the money markets with respect to such interest-rate ceilings and roll backs as are imposed under this paragraph by written order stating in full the considerations for any such adjustment.

"(2) The President shall take all necessary steps to insure a reasonable and adequate flow of loanable funds into the types of loans upon which interest rate controls are imposed under this subsection based upon reasonable estimates of satisfiable demands for such types of loans.

"(3) This section does not annul, alter, or affect, or exempt any personal from complying with, the laws of any State relating to the rate of interest which may be imposed in such State, except to the extent that those laws exceed the ceilings established by the provisions of this section or any order or regulation issued hereunder.

## THE ECONOMIC SCENE IN INDIA

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. BINGHAM. Mr. Speaker, as the most populous democratic nation in the world and a long-time friend of the United States, India holds a special place among the nations of the world in American foreign policy concerns. Recent reports in the press and elsewhere have included some dire predictions about the state of the Indian economy, and the conditions of the agricultural sector in particular. G. V. Ramakrishna, Economic Minister of the Embassy of India, recently spoke to the Far East-America Council of Commerce and Industry in New York on "Some Aspects of the Current Economic Scene in India." His remarks include a number of interesting and more optimistic observations on the economic and social conditions in India, and I am pleased to provide the text of Mr. Ramakrishna's statement for the RECORD:

SOME ASPECTS OF THE CURRENT ECONOMIC SCENE IN INDIA

(By G. V. Ramakrishna)

Ladies and Gentlemen: I am happy and privileged to be here today and I wish to thank the Far East America Council and, in particular, its charming Vice President Mrs. Hilda Russel for the honour they have done me by very kindly inviting me to address this distinguished gathering this afternoon.

The subject on which I would like to dwell today is some aspects of the current economic scene in India. The foremost questions that are likely to arise in the minds of keen observers of the current Indian economic scene are, I think,

(i) What is the impact of the drought that we had last year?

(ii) Has the Green Revolution in India failed?

(iii) Can India really become self-sufficient in Food?

(iv) What has planned economic development achieved in terms of improving the standards and quality of life of India's millions?

(v) Is there any need or justification for the recent re-dedication to social and distributive justice alongside with economic growth?

These are important questions and the answers are not always easy. However, to do justice to my task today, I should at least make an attempt to deal with some of these questions and I shall do so briefly.

The year 1972 saw very large areas of India with irregular or late rainfall or no rainfall at all. This was the second consecutive year of drought for many of these areas. The consequences of this drought have been particularly adverse in three main aspects—the level of foodgrain production (particularly in course grains) in the Kharif or Fall crop

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fell substantially by nearly eight million tons, many parts of the countryside which depended on rainfall to replenish their wells for drinking water went dry and pastures for livestock also dried up. Power generation from hydro-electric soruces also suffered a set back owing to inadequate storage in reservoirs. We were fortunate in having built up a reasonably good buffer stock of over nine million tons of foodgrains as a result of the four good years we had from 1967–68. The distribution of foodgrains through Government ration and fair price shops has been organized on a very large scale and tens of thousands of these shops are distributing grains all over the drought affected areas. Deep tube wells were bored to provide water supply in the countryside. Employment in the countryside had to be provided for large numbers of people who are dependent on farming operations for their living. Several major schemes of rural development and reconstruction have been undertaken in the form of maintenance and construction of roads, irrigation works, soil conservation, etc. The Central Government has provided special assistance of nearly Rs.4.5 billion ($600 million) to the drought affected areas for these development schemes which provide a living to nearly 5 million people who had temporarily been displaced from agriculture. The foodgrain buffer stocks were run down in the process of maintaining an adequate distribution system. It became necessary to arrange for imports of about two million tons of foodgrains to replenish the buffer stocks for future use. As the result of these various measures and mainly as a result of the large buffer stocks that had been built up during the earlier years, it has been possible for Government to minimize the adverse impact of the drought on the large numbers of people living in these areas. The current crop mainly of wheat on ground is reported to be very promising and we hope to regain the momentum of our agricultural growth with a good spring harvest beginning from about the end of this month.

The question that next arises naturally is why India is still so dependent on rainfall for ensuring an adequate supply of foodgrains and whether the Green Revolution has not really had the kind of impact that has been attributed to it in the four years of rapidly rising foodgrain production. It must be admitted that Indian agriculture is still to a disconcertingly large extent dependent on rainfall. This is not to say that there has been no major progress in tapping the water resources of the country or in new agricultural technology. To put matters in proper perspective, India's presently known water resources can irrigate over 200 million acres out of the total cultivated area of about 400 million acres. Cumulatively by the end of this year, irrigation facilities would have been provided for over 100 million acres. Thus only half the irrigation potential is being tapped and less than 25% of the cropped area has assured irrigation facilities. The rest of the area has to depend on rainfall for growing mainly what we call dry crops which do not need substantial or heavy and assured irrigation. Of the areas that have irrigation facilities, a good part depends on water that is accumulated during a season of rainfall and stored in reservoirs and distributed through surface canals. These sources of irrigation are also in a very major sense dependent on rainfall. The main difference is that the storage facilities will enable the even distribution of water as a result of accumulation that takes place during periods of heavy rainfall and enables the distribution of water during periods when there is no rainfall. Apart from the surface irrigation, there is another major source of irrigation which has come to be tapped rather intensively during the last few years. This is the ground water resources which are available to a very substantial degree in many parts of the country. While a number of projects have been executed in the last ten years or more to build major irrigation storage facilities for surface irrigation, in the last four or five years there have been a very large number of tube wells constructed for tapping the ground water resources. To give you an illustration of the extent of development in this, the following figures would be of some interest:

Nearly 500 major and medium irrigation works costing $4 billion (Rs.30.5 billion) have been constructed from 1951 till now. In addition, nearly 1.8 million pumpsets were installed in the last ten years. The outlay on minor irrigation in the Fourth Five-Year Plan is about Rs. 5200 million or $700 million. Nearly 300,000 wells and over 340,000 pumpsets were installed in one year—1971–72.

As a result of these major investments in irrigation and the technological advances in developing high yielding varieties of seeds the base of Indian agriculture has been considerably strengthened. Although the drought in 1972 was almost as bad as in 1966–67 the foodgrain production in 1972–73 will be 25 million tons higher than in 1966–67.

Now to the Green Revolution. This major break-through in agriculture, not only in India but in several other countries, came in the middle Sixties mainly as a result of the introduction of Mexican dwarf varieties of wheat which were highly responsive to water and fertilizer and had certain favourable characteristics which enables them to give very high yields. In India, the Green Revolution really began as a wheat revolution. This has indeed been a revolution and a very significant one at that. Wheat production reached a level of nearly 27 million tons in 1971–72 as compared to around 12 million tons hardly five years before. The area under wheat increased by 50% during this period and the productivity increased by a similar margin. In some areas of the Punjab the wheat productivity is 2,700 lbs. per acre, which exceeds the yield rates in the United States and Mexico. All this is not to say that we have reached the end of the possibilities for increase in wheat production. There still are very large areas which normally grow wheat where the full benefits of the improved technology and agricultural practices have not yet reached. It is also true that the bounties of the wheat revolution have initially benefited the more progressive, the better educated and the wealthier farmer. Special measures have therefore been taken in the last few years to enable a wider dispersal of these benefits to the relatively small farmers. A further encouraging feature is that in purely technical terms the benefits of the wheat technology can go down to the lowest farm size of around two acres and the productivity of wheat can be maintained in such a small farm almost at the same level as the productivity in a much larger farm provided the right techniques are followed. And so we still have some way to go in reaping the full benefits of the wheat revolution. There is clearly assured potential within the country for a further substantial increase in the level of wheat production.

Coming next to rice, our largest single crop, in which we reached a level of over 42 million tons of production in 1970 and 1971, we find that the technological problems of developing higher yielding varieties of rice are considerably more difficult than in the case of wheat. Although we have been able to evolve rice strains which are responsive to water, fertilizer and light, there have been problems in regard to developing the rice strains which are resistant to disease and water logging. It has been found that those varieties which are responsive to more fertilizer and water are precisely those varieties which are also highly susceptible to disease. Research is under way to evolve disease resistant strains by bringing about genetic mutations. Present indications are that with a measure of luck we should be able to achieve a breakthrough in rice production in the next year or so.

Another major area of our foodgrain production is the category of coarse grains like corn, sorgum, millet, etc. These crops are grown almost wholly in what we call rain fed areas which do not have assured irrigation. These are also generally the relatively less fertile area. In these crops also we have evolved several high yielding varieties of seeds and encouraging results have been obtained in the yields from these new varieties, but by far the most significant development in research in dry farming took place last year which was a year of drought. A Research Project which we now have under implementation with the assistance of agricultural scientists from Canada, managed by following certain agricultural techniques to not only protect the coarse grain and pulse of lentil crops from total destruction owing to the failure of rains, but even succeeded in getting yields two to three times the normal. If the benefits of this research in dry farming are eventually stabilised and extended not only to coarse grains but also to other crops like pulses and oil seeds, there is every hope of a real breakthrough in Indian agriculture as a whole. This will mean not only a reduced dependence on the vagaries of the monsoon but also higher levels of production of dry crops, pulses and oil seeds.

What I have said so far will indicate that (1) we have assured potential for further increases in the levels of wheat production, that (2) we are on the threshold of a breakthrough in rice production and that (3) major developments are taking place in the field of dry farming and (4) there is a continuing major effort to add to our irrigation potential—both surface and underground. There is, therefore, every reasonable hope that the rate of increase in our food grain production will be stabilised at a satisfactory level and will keep ahead of the rate of growth of our population.

We come next to the more general question as to the impact of planned economic development on the standards and quality of life of the people of India. When India became independent in 1947, one of the major concerns of the popular Government was to raise the standards of living of the vast population of the country and to give the people a better quality of life in terms of education, housing, medical facilities etc. Even before we gained our independence, our political leaders were constantly reminding our people that political independence was not an end in itself but was only the beginning of the long road towards economic emancipation. So, it would be of some interest to you, I would assume, to see what India has achieved during the past two decades and more of planned economic development in a truly democratic system. One way of measuring this progress would be by looking at a few indicators of economic development. Taking the 20 year period from 1951 to 1971, the output of foodgrains more than doubled from about 51 million tons in 1961 to 108 million tons in 1971. The per capita availability of foodgrains increased by 14%, that of edible oils by 22%, sugar by over 140%, and cotton cloth by about 25%. On the industrial front, steel production increased six-fold from one million tons to nearly six million tons. Aluminium production from a mere 4000 tons in 1951 to over 170,000 tons in 1971. Cement output now exceeds 14 million tons a year which is more than five times the output in 1951. Nitrogenous fertilizer production increased from 9000 tons to nearly a million tons. Output of petroleum products increased from about a fifth of a million tons in 1951 to over 17 millions tons in 1971. Power generating capacity increased from 2.4 million Kw to 17 million Kw. There was practically no Indian shipping in 1951; today we have over 200 ships, big and small, with a gross tonnage of 2.5 million and 40% of our trade is carried in Indian ships. Let us look at other socio-economic indicators. There were 14 million children in schools in 1951. We now have over 83 million children in schools. College enrollment is now at two million and has doubled in the last decade. The number of college students in India now ranks third behind the U.S. and USSR. There were 45 universities in 1960 and there are now over 80 universities. The death rate has dropped from 28 to 16 per thousand. Major diseases like cholera, malaria and smallpox have almost been eradicated. The number of doctors has been doubled and the number of nurses has increased eight-fold during the period of about two decades. There have been other gains too. The industrial base has been greatly diversified and expanded. A large reservoir of skilled and highly trained manpower has been built up. A good deal of experience has been gained in planning for development and many lessons have been learnt.

Even so the question has been asked with increasing frequency and urgency in the last few years as to why, in spite of these significant and substantial gains during the last two decades, there still are millions of Indians who still subsist below the poverty line without the minimum wherewithal of food, clothing and shelter. There has been a great deal of thinking and public debate on this difficult economic and human problem and it is now generally realised that merely to wait for economic growth to take place and for the benefits of such growth to trickle down to the masses is no longer an acceptable alternative and would significantly affect the continuance of the free, open and democratic society that we have. It is no longer possible in India or perhaps anywhere else in the world, to expect a politically and socially stable society to exist with the polarisation of the 'haves' and 'have nots', of the few conspicuously rich and the poverty ridden masses and if there has to be a preservation of the social and human values that we have cherished and for which we fought for our independence, it is urgently essential for society to make a conscious effort towards alleviating poverty as it exists at the lowest levels for vast millions of our people. The concept of social justice is not new in Indian thinking. It has in fact been built into our Constitution which says that "the State shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice-social, economic and political—shall inform all the institutions of national life." Our plans for economic development have aimed at providing a better life for the poorer sections of the people. The need for special action to bring about a reduction in inequalities and a degree of social justice in the form of a better distribution of the fruits of development, more equal opportunities for employment and advancement and a special concern for the weak, the young, the aged and the infirm, has been one of the major concerns of our Government during the last five or six years. There is often a question asked as to whether it is appropriate for a country like India, with a long way to go in terms of economic growth, to attempt to bring about distributive justice at such an early stage in the process of development. What I have just said explains the compelling political, social and humanitarian reasons for the Indian Government's special concern for the poorest of the poor. However, it must be clarified that when we are talking of greater social justice, we do not mean that there should be any less *emphasis* on *growth*. In fact, over 20 years ago, our first Prime Minister Pandit Jawaharlal Nehru had said that social justice does not mean a distribution of poverty and that there has to be more production and more growth for social justice to be effective. In a large country like India with a multi-lingual, multi-ethnic society and a federal system of Government operating under truly democratic conditions, it is necessary even for the process of economic growth to have the involvement of the large number of people in the major effort and to make use of the human resources in the process of achieving a faster rate of growth. It is in this context that we now regard growth and social justice as not mutually exclusive but as really inter-linked and mutually reinforcing concepts. Social justice needs growth to be meaningful; a mere redistribution at existing levels of production will not constitute social justice. On the other hand, growth needs social justice to be sustained and durable. In a system where we are able to show economic growth only in statistical terms but with a great deal of inequality among the people, development will not be a durable process as the social fabric, which is an essential component of our growth process, is likely to be terribly strained and perhaps irreparably damaged if the economic and social inequalities are not only allowed to exist but are in fact aggravated in the name of growth. We are, therefore, consciously following a policy not only of achieving faster economic growth, but also of taking special measures to attack the widely prevailing poverty at its lowest levels. Special measures of housing, special measures for provision of food and drinking water, employment for the lowest sections of our population are therefore an integral and important part of our planning today. In this task we continue with optimism and confidence. Temporary set back like the drought will not be allowed to distract us from the main purposes and goals of our economic progress.

The Fifth Five-Year Plan will begin from the 1st of April, 1974. The broad outlines of the Plan have been approved. An average rate of growth of 5.5% in the GNP has been envisaged. Out of the total outlay of about $62 billion, over a third will be private investments in the corporate, cooperative and household sectors. Given reasonable luck with the rains this summer and fall, we have every hope of beginning the Fifth Plan in the right tempo and getting on the path of steady and self-sustaining growth.





## GENOCIDE CONVENTION SHOULD NOT BE RATIFIED

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ASHBROOK. Mr. Speaker, although this House does not pass on treaties, there has been reported from the Senate Committee on Foreign Relations a treaty whose grave dangers to the United States and our present form of government makes necessary my speaking out in opposition to it. This treaty is the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

It is instructive to look briefly at the history of this convention. The Genocide Convention was adopted by the General Assembly of the United Nations on December 10, 1948, and was submitted by President Truman to the Senate for its consideration in June 1949. The Senate Foreign Relations Committee appointed a subcommittee which reported to the full committee that the United States should not ratify the convention unless the Senate adopted four substantial understandings and one substantial declaration.

After the 1950 hearings, the convention went into hibernation for 20 years. During the Eisenhower administration, Secretary of State John Foster Dulles announced that the administration would not bring up the convention. At the 1950 hearings, then Assistant Secretary of State Dean Rusk presented the State Department's position in favor of the treaty. As Secretary of State under both Presidents Kennedy and Johnson, Dean Rusk did not revive the treaty. It was not until February 1970, after 20 years of dormancy, that the Genocide Convention was sent by President Nixon to the Senate.

In 1949, the American Bar Association announced its opposition to the treaty—reaffirming that opposition in 1970. In part, its statement says:

> That the suppression and punishment of genocide under an international convention to which it is proposed the United States shall be a party involves important constitutional questions which the proposed convention . . . does not resolve . . . in a manner consistent with our form of government.

This statement coupled with a letter signed by then Senator Richard Nixon in 1951 flatly opposing ratification of the convention leads to serious questions on the advisability of the Senate ratifying this unwise document. In the words of then Senator Richard Nixon:

> The major objection to the treaty is that its provisions would not apply to the persecution of political minorities of the Soviet Union. In addition, the treaty, in its present form, grants far more power to the international organization (the United Nations) than the United States should agree to, particularly in view of present world conditions.

You can be sure that in view of these objectionable features, I shall continue to oppose the approval of the Genocide treaty in its present form.

In the intervening years the treaty has not changed. Obviously, the American position in the United Nations has not improved.

I ask my distinguished colleagues on the other side of the Capitol not to ratify the Genocide Convention with its many dangers and problems for our free American system of government.

## HON. WILLIAM H. NATCHER

### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. CARTER. Mr. Speaker, for several years I have had the good fortune to be associated with the Honorable WILLIAM H. NATCHER, U.S. Representative from the Second District of Kentucky. He is one of the most effective Members in this body. He is chairman of the Subcommittee on Appropriations for the District of Columbia, and a member of two other subcommittees of this very powerful committee. He has served his people well for many years. The accolade accorded him in last evening's Star News deserves the attention of this body:

KENTUCKY FLAVOR COMES OUT

(By Martha Angle)

At 10:02 a.m. yesterday, Donald H. Weinberg, director of personnel for the District, slid into the witness chair, adjusted his

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papers and apologized for his two-minute tardiness.

"Why that's okay," drawled Rep. William H. Natcher, D-Ky., chairman of the House D.C. Appropriations subcommittee. "I'm a little late myself now and then."

"Off the record," Natcher said, "did you ever hear about the little first-grader down home in Kentucky who was late for school one day? The teacher stood him up in a corner and fussed and fussed and fussed, and then finally asked why he was late.

'I was following a slow dog,' the little boy said."

A gentle chuckle rippled through the hearing room, the stenographer prepared to go back on the record, and another day's testimony on the District's proposed fiscal 1974 budget got under way.

When the hearing record is published, the "slow dog" anecdote won't show up. Neither will countless other little stories, many of them ostensibly Kentucky tales, that Natcher recounts each day.

The anecdotes are mostly "off the record," along with a good many personal salutations to witnesses, recollections of shared experiences and observations about human nature that Natcher sprinkles over each day's testimony.

Until this year, hardly anyone except committee members and the city government witnesses who appear before them even suspected that Natcher had a sense of humor.

The tall, 63-year-old Kentuckian has been far better known for his implacable opposition to funding the Washington area subway system while local freeways remained unbuilt than for any personal warmth, professional fairness or legislative skill.

But a reform of House rules this year opened up the annual city budget hearings to the public for the first time, and Natcher—an intensely private man who has always avoided any contact with the Washington press corps—is emerging in a new light.

Natcher has headed the D.C. Appropriations subcommittee for 12 years. He has served in the House almost 19 years, and proudly notes, "I've never missed a day, and I've never missed a vote. I've been right lucky."

What he's been, actually, is right conscientious.

Assignments to the D.C. Appropriations subcommittee are not exactly coveted, in either House or Senate. And the only thing regarded as worse than membership on the two panels is the responsibility for heading them; inevitably, the chairman ends up doing all the work.

Yet Natcher has never sought relief from the burden.

He carries on, year after year, patiently plowing through the incredible minutiae of a municipal budget, never missing a tell-tale detail that might signal the presence of a little fat.

He is occasionally critical of, but never rude to, the city officials who troop before him. And many of them win his ultimate accolade: "You're doing a good job, and I want to commend you for it."

Natcher clearly admires Mayor Walter E. Washington, and despite their differences over Metro funding, the feeling appears to be mutual. Last week, the two men wandered down memory lane together for more than an hour, while committee members and waiting witnesses fidgeted.

"You'll be interested to hear this, Mr. Roush . . . Mr. Myers . . . Mr. Burrison," Natcher would say every so often when a member's attention appeared to stray.

Most of the members, in fact, do appear interested in the daily hearings, even when the going is slow. Attendance is excellent, and Natcher is scrupulous about insuring every committee member a chance to question each witness for as long as the member feels like it.

No District government official is ever cut short, either, although the old hands know that brevity may be the better part of budget wisdom.

When Samuel T. Eastman, the District's director of public affairs, sat down to present his office's spending request he began by noting he was seeking a reduction—rather than increase—in funds.

Natcher and other members were so astounded at this aberration that they asked not one question, and Eastman was safely and happily on his way back to the District Building less than two minutes after he began his testimony.

Natcher has little patience with chicanery or incompetence. "God help you if you haven't done your homework," said one experienced city official who appears before the chairman each year.

But he has a professional's admiration for skillfully presented testimony and documentation. "Mr. Copple (budget director Comer S. Copple) has a right sharp pencil," Natcher observed several times last week.

"But that's all right," he added. "Mr. Silsby (his own staff aide) has a pretty sharp pencil, too."

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## COMMONWEALTH AGAINST BRUNELLE

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. HOGAN. Mr. Speaker, earlier I inserted excerpts from the testimony in the criminal abortion trial "Commonwealth Against Brunelle" held in the State of Massachusetts. Today, I would like to continue inserting a commentary on this testimony previously printed in the RECORD by Dr. Herbert Ratner, M.D., public health director of Oak Park, Ill., and editor of Child and Family Quarterly. The commentary was printed in Child and Family Quarterly, volume 9, No. 2, page 159:

COMMONWEALTH AGAINST BRUNELLE

If witnesses are to testify under oath as medical experts, it seems that either candor or competency demands scientific and accurate statements concerning the humanity of the fetus.

Exemplary is the following comment of pro-abortion Roderick W. Childers, M.D., of the University of Chicago:

"I think it should be said first of all that a great deal of discussion that you hear now on the question of abortion involves trying to define individuality in terms of the fetal age in the uterus: that at two months he isn't entitled so much to live as he is at three months, and when is the cutoff point? It's only fair to say that the theological argument is much the most consistent, that from the moment of conception something is there and that's that. But I think we have to be absolutely honest about this and be practical. Obviously, there has to be reform of the abortion laws, but I don't think that the endeavor is helped by the deception that one is doing anything other than interrupting, or destroying life. I think one has to face that and take it from there. Everything else is specious."

Equally exemplary is the honesty of Mary Dratman, M.D., Associate Professor of Endocrinology in the Department of Obstetrics and Gynecology, Women's Medical College, Philadelphia:

"I can't bring myself to tell some sort of phony lie about the fact that the fetus isn't alive or that we can make a sharp distinction between the living organism after birth and the living organism before birth, but I think there is a difference in the value and the concerns that we have to exert toward the mother as compared to the fetus. And I favor the concerns of the mother."

In closing this section, it is perhaps appropriate to turn to the conscience of an earlier age when obstetrical sensibilities to human life in the womb were greater and when respect for life was paramount in the healing art of medicine. Professor Joseph B. DeLee of the University of Chicago Medical School and Chief of Obstetrics at the famous Chicago Lying-In Hospital, one of the great obstetricians of American medicine, reflects this conscience.

For decades DeLee edited the *Annual Yearbook in Obstetrics and Gynecology*, a collection of abstracts of the significant articles published in the preceding year. Most notable were his sage editor's comments following many of these abstracts. Prophetic in its way is the comment following an article entitled, "Clinical Observations and Study of Results of Abortion Performed for Social Indications," published in Germany in 1933 at the beginning of the Nazi era:

"Is civilization progressing backward? What kind of men will develop in a society that recognizes the slaughter of innocents in such a wholesale fashion? To those of us who get a shock and a sickish, sinking feeling around the heart when we have to do a therapeutic abortion, such a wholesale business as is done in Russia evokes inexpressible sentiments. 'Abortion for social indications.' Social!"

THE SECOND SET OF WITNESSES

Even more disturbing is the testimony of the second group of proabortion witnesses. The first two witnesses, Hall and Tietze, had the right principles but failed to use them: they accepted the principle that biology, the science basic to medicine, is authoritative in determining who is a human being, and, accordingly, what animal species is the recipient of the physician's art as differentiated from the veterinarian's. As physicians, they recognized the professional man's overriding dedication to the good of the individual patient, and obligation which transcends the perversities of the political state and the sophistries of a sick culture regarding who is or is not a human being deserving of health and life.

Hall and Tietze contradicted these principles, however, by denying the humanity and the right to patient-hood of the previable fetus, as established by a fixed predeterminable age even though the state of viability varies according to intrinsic factors, namely, the vitality of the newborn, and extrinsic factors, such as, the degree of available infant care skills and the state of technologic advance. (The capricious nature of the term "viability" is demonstrated by the New York law which permits abortion up to 24 weeks, four weeks past the period of viability.) These witnesses preemptorily narrowed the obligation of obstetrics from two patients—mother and child—to one patient, the visible patient, the mother. They also negated the pediatric subspecialty of fetology which holds that although the fetus "is the littlest patient, he is by no means the least." But at least these witnesses accepted fundamental principles which make dialogue possible.

In sharp contrast were the principles implicit in the testimony of the second set of pro-abortion witnesses. They abandoned the medical profession's responsibility to be governed by the teachings of biology, which irrevocably establish the medical art's constituency—its patients. Despite an occasional token disavowal they assented to the doctrine, foreign and inimical to the tradition of the medical profession, that physicians are primarily skilled technicians instrumentally subserving state and society—both its philosophy and its members—dutifully, compliantly and willingly.

For example, psychiatrist Liberman testified under oath that "whether the fetus is human goes outside the area of medical science and psychiatry," and, "when a fetus becomes a human being is up to the mother." Psychiatrist Notman testified that "whether a fetus is human is not a medical issue"; that "the concept of human being is not a medical concept"; and that though the child is human after birth "what transforms a fetus into a human being by virtue of passing from the womb is not a medical question." Completely irrelevant to this twentieth century physician is the absence of any significant difference in the infant before and after birth. For Notman to disregard the observable and the evident for the mystical and the obscure is anachronistic and a throwback to the dark ages of a prescientific era. It recalls ancient preoccupations with *pneuma*: the soul or spirit thought to inspire and animate new life.

Biologist Hardin, who defines his science as dealing "with the structure, functioning, and activity of living *objects*, both plant and animal," (italics added) testified that it is "society which defines what is human and some societies define it differently." Since Hardin lists among his qualifications membership in the International General Semantics Society, this statement should be seen as an instance where his semantic inclinations took precedence over his biologic training. Nowhere in his testimony did Hardin comment that one society's concept of *human* may be more humanistic than another's. Nor did he take issue with Nazi Germany, a society which defined *human* in Aryan terms, or with former periods which classified Blacks and Asiatics as subhuman. To have such a doctrine voiced in the latter half of this century in a country which has defended the inalienable rights of the individual to life, liberty and the pursuit of happiness adds fuel to the fire of today's pervasive emotions of alienation and aggression.

These witnesses held that in regard to the life and death of human beings, the state, any given society, or individual laymen, but *not* the physician, determines who is or is not a human being. Not only did they tolerate, but they readily acquiesced to the right of the state and society to graft on to medicine the function of executioner. In opposition to the character and tradition of medicine, they would add to Curative, Preventive and Perfective Medicine, a fourth end, Exterminative Medicine. To kill, however, goes counter to the very nature of medicine which is constituted by definitive ends: to cure, to prevent disease and to perfect health. These instrinsic ends underlie and are encapsulated in every code of medical ethics ever written. To add killing to healing as an end of medicine is as monstrous as adding the goal of injustice to justice in our sister learned profession, law.

At least one physician amenable to abortion has discerned the incongruity of a profession governed by conflicting ends. Michael J. Halberstam, a practicing internist in Washington, D.C., views the inclusion of abortion in the practice of medicine as a professional deviation of grave import. He finds the role of physician as a lethal instrument and an agent of society and state, when society and state decide for social or other reasons that certain categories of human beings are eligible for extermination, to be contrary to the physician's prime ordination to life and health and, thus, unacceptable. He felt sufficiently concerned about this subversive aspect of the abortion movement to make a counterproposal in an article addressed to the public at large.

In his introduction he notes that States that "have enacted 'liberalized' abortion laws . . . have changed the status of abortion within the medical profession itself, from unorganized criminally to organized hypocrisy" with the result "that the honesty of the medical profession has been subjected to continual erosion."

He expresses his concern that:

"More and more doctors are beginning to wonder if abortion should be the doctor's business . . . . The Hippocratic Oath in its classic form enjoins the physician from performing an abortion. Physician-abortionists have always worked on the fringe of the profession—known . . . but somehow despised. The reason for this is quite obvious. Medicine basically is the business of life. The physician is enjoined to protect and preserve life . . . The physician is taught to make no distinctions as to the stage or quality of the life he is to protect . . . as a physician I know that (the fetus) lives and as a human being I am in awe of it."

Halberstam believes that, although some of the thinking of abortion protagonists may be valid, "it misses one vital point:"

"By the very nature of his training and function the physician is committed to the preservation of life . . . regardless of its stage or quality. As a guardian of biological life I can understand that my distaste for abortion stems from the way I believe it compromises the basic fiber of my profession."

He then enunciates his position:

"The most compelling reason why doctors should not be required to perform abortions is that one arm of society, medicine, should continue to be devoted to life . . . Let the psychiatrists, social workers, social planners and population experts have their way; their reasons are socially valid. But when people we love are in the hospital—or when we ourselves are—we should never have to wonder if the doctor is thinking about his patient or about what is best for society.

"If abortions are to be made easier to obtain . . . the last people in the world to do them are physicians . . . Medicine now quite simply should renounce responsibility for performing or certifying the need for abortion.

"The biological facts about the fetus . . . are incontestable. The proper function of the physician in society is implicitly and explicitly agreed upon by physicians and those they serve, and that function is to preserve biological life. If the time has come when our civilization's sociological interpretation of fetal life has changed, it does not necessarily mean that the physician's role has changed along with it.

The suggestion that if abortions must be done they be done by non-physicians is not a copout. It is a recognition of a medical ethic that has served society well in many areas other than fetal life. And this medical ethic may be the individual's greatest protection in the future."

These thoughts of a physician sympathetic to certain elements of the abortion movement call for sober deliberation. That physicians tolerate and even welcome the exploitation and misuse of their technical skills for killing purposes suggests that they have been unreflective victims of today's barrage of propaganda by foundations and power groups fascinated by social engineering, and of demands for unrestricted personal freedom by a confused, unpurified and deeply resentful women's liberation movement.

Unfortunately, the avarice associated with a materially-oriented culture, to which physicians are not immune, makes them more susceptible to the siren song of increased opportunities for surgery. This has been confirmed by their exorbitant and sometimes extortionist fees for abortion and by lucrative assembly line practices. (Although it is claimed that abortion is an easy as pulling a tooth, the modest fee attached to an extraction is ignored.)

In either case, the willingness of physicians to cater to the consumer to the extent of destroying the very character of medicine as a profession shows how far we have wandered from the true physician's commitment to his learned profession. Halberstam, sensitive to the heritage of medicine, echoes in the above quoted passages what has been so forcefully expressed by Prof. Edelstein of Johns Hopkins University in his *Commentary on the Hippocratic Oath:* that the heart and backbone of a learned profession is the integrity, fidelity, dedication and allegiance of its members to its vocation and the further willingness of its members to suffer even martyrdom in the face of debasing and degrading forces.

The proclivity of the medical profession to succumb to corruptive cultural influences such as today's clamor for abortion-on-demand has been noted before. The nineteenth century Harvard professor, Oliver Wendell Holmes, father of the equally famous Supreme Court Justice of the same name, in an historical address to the Massachusetts Medical Society in 1860, forewarned us of this perennial predisposition.

He decried "the statesman who works in policy without principle [and] the physician who, calling himself a practical man, refuses to recognize the larger laws which govern his changing practice" pointing out that they "may all find that they have been building truth into the wall, and hanging humanity upon the cross." He spoke, too, of the inapparent "relation between the medical sciences and the conditions of society and the general thought of the time." Although he was aware that "theoretically medicine ought to go on its own straight-forward inductive path without regard . . . to fluctuations of public opinion," he also recognized its vagaries. "The truth is," he stated, "that medicine, professedly founded on observation, is as sensitive to outside influences, political, religious, philosophical, imaginative, as is the barometer to the changes of atmospheric density." (pp. 176-7)

As Holmes and others before and after him have stressed, however, the physician faithful to his learned profession has a commitment that overrides anti-professional onslaughts. In this sense, medicine, as a profession, is radically distinguished from today's transmuted concept of profession in which professional achievement is measured by the degree of monetary remuneration or the plaudits of the public. 'Professional' athletes and 'professional' entertainers come to mind. Today's abortionists qualify on both these grounds: on the basis of financial rewards, and popularity with highly vocal pro-abortion groups: upper-class, single, white males; women 'liberators'; 'liberal' mass communicators; and 'brave new world' politicians.

DeLee's earlier expression of abhorrence for the act of abortion, even when done to save one life when, otherwise, two would die, and his deep repugnance for abortion based on social indications, epitomizes medicine's timeless pro-life tradition. What, then, has caused us to swerve from a commitment intrinsic to the very nature of medicine as a profession? After all, DeLee was contemporary to many physicians practicing medicine today. He not only edited and annotated the *Year Book On Obstetrics* over a forty year period (1903 to 1942), and wrote the most widely used textbook on obstetrics, but he, more than any other physician, pioneered in reducing the scandalously high maternal mortality rates that characterized American medicine in the thirties and forties. (In the thirties, our national maternal mortality rate compared to other developed countries was as high as our infant mortality rate so compared is today. Our continuing high infant mortality rate reflects the same indifference that permits us to accept huge numbers of induced fetal deaths and makes us tolerant of the infanticide occurring in states where abortion is legal.)



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## HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. GAYDOS. Mr. Speaker, in a 6-to-3 decision the other day, the U.S. Supreme Court once again demonstrated the serious legal problems which this Nation now faces in seeking to maintain its customary high moral standards.

The Court majority, in what it assumed to be its wisdom, ordered the University of Missouri to reinstate a female graduate student who had been expelled for distributing on campus an underground publication which had been banned for indecency.

And no wonder the ban. The paper carried a cartoon, according to the Associated Press, which pictured the "Police" in the act of raping the Statue of Liberty and the Goddess of Justice. Corny as was the idea itself, the cartoon nevertheless was a crude libel on law enforcement officers and obviously, in the minds of the university authorities, a disgusting piece of pornography.

But, no matter, the majority jurists, in an unsigned opinion, informed the university officials that, although they had the legal right to control conditions relating to the spread of ideas at their school, they could not halt the "mere dissemination" of them "no matter how offensive to good taste."

The majority held that the girl was dismissed because of the paper's content and not because of how she handled it and ordered that she be returned to her classes. The "facts," the Justices said, supported this finding.

In my judgment, this is one more of those Court exercises in nit-picking to which the Nation is being subjected in cases having to do with loose morals and obscenity. I agree, as I am sure most Americans do, with the Court minority in this instance, Chief Justice Burger and Justices Rehnquist and Blackmun, that the true issue was circumvented and that the publication in question, being "obscene and infantile," was properly subject to university control. Justice Rehnquist made the added point that the victory for smut in the majority decision could add to the growing reluctance of taxpayers to finance higher education.

What can be done about this situation? Granted, the sincerity of the Court majority cannot be questioned. The Justices found what in their minds was the law of the case and based their findings upon it. Whether their determination damaged the Nation morally may have been beyond what they considered the scope of their jurisdiction.

We can disagree with them and condemn, as laymen, their seeming disregard of the consequences of what they did. But we cannot fault it, because the Court majority is the highest legal authority in the land. And yet, as Members of Congress and as parents and troubled Americans, we can face up to the results of this widespread Court permissiveness. This is our responsibility and I am sure the time has come for us to do something about it.

We need new laws dealing with pornography and, if Congress finds it possible to draft them so as to meet Court challenges, then we must submit the issue to the public in the form of a proposed constitutional amendment. I am sure an antismut amendment, one to rid our society of the rising tide of filth which has come in the wake of the Court rulings, would be supported overwhelmingly.

LIVE FETUS RESEARCH DEBATED

## HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. PARRIS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article published recently in the Washington Post concerning the debate over live fetus research. Many of my constituents have been shocked and angered by this debate and I think it appropriate at this time to include this article in the RECORD.

NIH CONSIDERING ETHICS—LIVE-FETUS RESEARCH DEBATED

(By Victor Cohn)

The possibility of using newly-delivered human fetuses—products of abortions—for medical research before they die is being strenuously debated by federal health officials.

So is the question of whether or not federal funds ought to be used to support such research in a country where abortion is considered immoral by millions.

A proposal to permit such studies was recommended to the National Institutes of Health 13 months ago, it was disclosed yesterday by a doctors' newspaper, Ob.-Gyn. (Obstetrician-Gynecologist) News.

Officials at NIH, prime source of funds for American research laboratories, differed yesterday on whether the recommendations had at least temporarily become "NIH policy."

But they agreed that NIH is considering the ethics of the matter afresh in the light of last year's revelation of an Alabama syphilis study in which the human subjects were neither informed about their disease nor treated for it.

They also agreed that most scientists feel that it is both moral and important to health progress to use some intact, living fetuses—fetuses too young and too small to live for any amount of time—for medical study.

Most such scientists would apparently agree with the recommendations of still another NIH advisory body—made in September, 1971, but again not disclosed until yesterday—that a fetus used in research must meet at least two out of three criteria: (1) it be no older than 20 weeks: (2) no more than 500 grams (1.1 pounds) in weight; and (3) no longer than 25 centimeters (9.8 inches) from crown to heel.

Such tiny infants if delivered intact, may often live for an hour or so with beating heart after abortion.

They cannot live longer without aid, primarily because their lungs are still unexpanded. But artificial aid—fresh blood and fresh oxygen—might keep them alive for three or four hours.

Scientists in Great Britain and several other countries are regularly doing studies in this way, medical sources said yesterday.

British scientists generally work under a set of strict though unofficial guidelines set last year by a government commission named to end what virtually everyone agreed was an abuse—obtaining months-old fetuses for research and keeping them alive for up to three or four days.

Before permitting research on fetuses said the British commission, a hospital ethics committee must satisfy itself "that the required information cannot be obtained in any other way."

This is often the case, one well-known genetics researcher, Dr. Kurt Hirschhorn of New York's Mount Sinai Hospital and Medical School, said in an interview yesterday. Indeed, he added, some U.S scientists are going to Sweden or Japan or other countries to do such research and doing so with the help of their NIH funds.

Using the fetus, Hirschhorn said, it may be possible "to learn how differentiation occurs"—the way cells develop into different parts of the body. "We could learn more about inborn anomalies," or birth defects.

"I don't think it's unethical," he said. "It is not possible to make this fetus into a child, therefore we can consider it as nothing more than a piece of tissue. It is the same principle as taking a beating heart from someone and making use of it in another person."

Dr. Andrew Hellegers, professor of obstetrics at Georgetown University and director of the Kennedy Institute for the Study of Human Reproduction and Bioethics, argued with this view at one NIH advisory meeting. "It appears," he said, "that we want to make the chance for survival the reason for the experiment."

"Isn't that the British approach?" another member asked him.

"It was the German approach, 'If it is going to die, you might as well use it.'" Hellegers replied, referring to Nazi experiments on doomed concentration camp inmates during World War II.

Despite some views like his, an NIH Human Embryology and Development Study Section decided in September, 1971, that: "Planned scientific studies of the human fetus must be encouraged if the outlook for maternal and fetal patients is to be improved. Acceptable formats for the conduct of . . . carefully safeguarded, well controlled investigations must be found."

For example, this group warned, "under no circumstances" should attempts be made to keep a fetus alive indefinitely for research.

The study section's recommendations were greatly modified by the National Advisory Child Health and Human Development Council—the advisory group to NIH's National Institute of Child Health and Human Development—in March, 1972.

"It was my understanding that the advisory councils recommendations were accepted last year," Dr. Philip Corfman, acting director of the Child Health Institute, said yesterday. "But everyone knew they would require more work on specific guidelines."

However, Dr. Charles U. Lowe, the institute's scientific director—who was asked last year to head a group to help develop such guidelines—said: "The council statement was sent to the director of NIH, but it is not at the present time policy. It has no standing except as a council expression."

The Child Health Institute is supporting no research using live, intact fetuses, he said. Other sources said they knew of no such projects supported by any NIH institute, though, one added, "we'd have to survey some 12,000 projects to be sure."

Lowe said he personally agrees with the British commission's feeling that such research is proper and ethical if properly controlled.

"But I haven't decided in my own mind yet," he added, "whether we can go along with Great Britain, using federal dollars First, we have an articulate Catholic minority which disagrees. Second, we have a substantial and articulate black minority" sensitive on issues of human life.

Hirschhorn for his part argued: "How do we know what drugs do to the fetus unless we find out?" A position is needed, he maintained, between those "who say we're not doing any harm to a fetus that's going to die anyway" and those who would require "highly complex forms" before a medical scientist can do anything.



CONSERVATISM: NEW ATTENTION, NEW RESPECT

## HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. CRANE. Mr. Speaker, it has been said for many years that both young people and the Nation's academic community have been moving steadily to the left and that the conservative approach to government, a belief in limited government, in national strength, in fiscal responsibility, was not to be found either within the academy or among our youth.

Nothing could be further from the truth. As a recent article in the Los Angeles Times pointed out, there is a definite trend toward conservatism, even in the academic world. The article noted:

Stanford's prestigious Hoover Institute is stepping up research in domestic affairs that will aid conservative scholars. . . . The import of this trend extends far beyond the academic institutions and publications where the debate between conservatives and liberals is hottest. What is at stake is the shape of public opinion and, ultimately, the thrust of national policy for years to come.

Even at Harvard University, long considered a citadel of liberalism, students are engaged in studying the subject of "traditional conservatism in the 1970s." The teacher is Jeffrey Bell, former Washington representative of the American Conservative Union, and currently a fellow at Harvard's Kennedy Institute of Politics.

Part of the renewed interest in conservatism is surely the fact that liberal programs such as urban renewal, agricultural price supports, welfare, school busing, inflationary deficit spending, and a host of other governmental interventions into problem areas previously considered outside of the jurisdiction of government, have not solved any of our difficulties. Instead, Americans feel more and more out of control of their own government which is, increasingly, dominated not by elected officials but by bureaucrats who have been elected by no one and who are not obligated to return to the people at stated intervals for their approval or disapproval.

With the mounting evidence of the failure of liberalism and the bankruptcy of its belief that social problems can all be handled by the appropriation of government funds and the creation of government bureaus, conservatism has become of interest to many who truly seek a government which is responsive to the people and their real desires.

Discussing one of the major intellectual centers of the Nation, Los Angeles Times writer Robert Shogan states that:

Conservatives can expect more ammunition for their battles from Stanford University's Hoover Institution on War, Revolution and Peace. The Hoover Institution, generally regarded as conservatively oriented, has in the past devoted nearly all its attention to international affairs. But last summer it announced a major expansion of research into economic, political and social problems on the domestic front.

The tide is turning in American politics, and that turn is one away from dependence upon government and the naive belief that huge financial expenditures can, in reality, solve problems of crime, alienation, and meaninglessness in an increasingly complex society. The problems we have must be faced. But we will need something better than the shopworn liberal slogans of the past with which to face them.

I wish to share with my colleagues the article concerning the renewed vigor of conservatism which appeared in the Los Angeles Times of March 15, 1973, and insert it into the RECORD at this time:

RENEWED VIGOR—CONSERVATISM: NEW ATTENTION, NEW RESPECT

(By Robert Shogan)

WASHINGTON.—This semester about 25 Harvard students are spending Tuesday nights boning up on the subject of "traditional conservatism in the 1970s." A feature of the new study group is a hard-nosed critique of conservatism's traditional adversaries—among them Harvard University itself.

The teacher, 29-year-old Jeffrey Bell, former Washington lobbyist for the American Conservative Union, came to Cambridge last month as a fellow at Harvard's Kennedy Institute of Politics. Officials there, Bell says, "told me quite frankly that they wanted more balance because they had underrated conservatism as a force."

Harvard's interest in Bell, and in the subject closest to his heart, is a sign of the ideological times. In their long underdog struggle against liberals, conservatives are now commanding increasing attention and respect, even in quarters where they had often been ignored or rebuffed.

MORE TIME AND SPACE

Two pillars of the so-called liberal Eastern Establishment, the Columbia Broadcasting System and the New York Times, are giving conservative views more time and space. Stanford's prestigious Hoover Institution, is stepping up research in domestic affairs that will aid conservative scholars. And a fiercely individualist brand of conservatism, called libertarianism, is spreading on campuses.

The import of this trend extends far beyond the academic institutions and publications where the debate between conservatives and liberals is hottest. What is at stake is the shape of public opinion and, utlimately, the thrust of national policy for years to come.

Conservative thinkers are trying to exploit the general disenchantment with liberalism that set in during the late 1960s. Because theirs has long been the dominant ideology, liberals have taken much of the blame for the nation's frustration with the Vietnam war and with urban and social problems.

"Liberals have come a cropper," William A. Rusher, publisher of the conservative National Review, says flatly.

NIXON SHIFTS TO RIGHT

Moreover, conservatives have gained impetus and enthusiasm from President Nixon's apparent sharp shift to starboard since last November's election. In his first term, Mr. Nixon's policies on China and welfare irked many right-wingers.

But now, says Patrick Buchanan, one of the most fervent conservatives on the White House staff, "the President has moved in a conservative direction, both in his budget and in his overall view of government. These are issues that could bring about a broad realignment of forces in the country."

Some conservatives hark back to the dawn of the New Deal as a model for their resurgency.

"Franklin Roosevelt rallied the liberals in the 1930s by making the 'economic royalists' a target," says one influential Administration official. "We conservatives can do the same thing by making our target the liberals in the media and the universities who control the manufacture and dissemination of knowledge."

The forces of modern American conservatism vary widely in doctrine and tactics. And the word "conservatism" itself resists simple definition, just as much as "liberalism" does.

But it is fair to say that most conservatives share a strong suspicion of government activity, particularly in the economic sphere. Most also view schemes for the perfection of society with considerable skepticism, founded on a dour view of human nature.

Though the hopes of conservatives are bright, their optimism is tempered by a recognition of their own shortcomings. For one thing, conservatives as a group do not seem to generate as much intellectual energy as liberals do.

NOT VERY STIMULATING

They are not particularly eager to join organizations or to buy books and publications that support their views. And on a personal level, one young conservative activist says: "Many conservatives are just not very stimulating to talk to."

Because they have been on the defensive for so long, conservatives tend almost instinctively to assume a negative stance on many public issues. "Criticizing the failures of the past is what we've been best at," White House aide Buchanan says.

Despite all this, many conservatives are now hastening to take advantage of a long-sought opportunity to contribute to the present, and to the future.

AGNEW HAS HELPED

Some conservatives believe that the willingness to grant them a hearing has been fostered by the charges of pro-liberal bias leveled against the communications media by Administration spokesmen, notably Vice president Agnew.

National Review's Rusher says the Administration criticism' has, "no question about it, made the media more sensitive about whether they are fair. So now we get calls for conservative spokesmen to give conservative viewpoints on public events."

The CBS Spectrum program, started in 1971, presents the views of such conservative spokesmen as columnist Jeffrey St. John and American Conservative Union chairman M. Stanton Evans on a regular basis on network radio and TV.

The New York Times has opened its opinion pages to conservative writers including Buchanan, Rusher and Victor Gold, former press secretary to Vice President Agnew. And William Safire, one of President Nixon's top speech writers, will become a columnist for the New York Times when he leaves his White House post next month.

In some public controversies, the conservative chorus has been swelled by voices outside the fold. Irving Kristol, Sidney Hook and other eminent scholars previously identified with liberal causes nowadays often seem to agree with conservatives on issues such as campus dissent and law and order.

"They're social issue conservatives, as distinguished from economic conservatives," says Thomas S. Winter, editor of the conservative weekly, Human Events. "But they're important because they can reach people we can't get to."

Human Events itself is trying new tactics to reach people. Its latest gambit is a set of cassette tapes featuring lectures by leading conservative spokesmen in defense of free enterprise.

"Stop liberal arguments cold," says an ad

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in a recent issue. "Hear these seven famous conservatives in your own home." The complete set of tapes sells for $50.

Conservatives can expect more ammunition for their ideological battles from Stanford University's Hoover Institution on War, Revolution and Peace.

RESEARCH EXPANDS

The Hoover Institution, generally regarded as conservatively oriented, has in the past devoted nearly all its attention to international affairs. But last summer it announced a major expansion of research into economic, political and social problems on the domestic front.

The program would provide scholars with a "think tank" comparable to Brookings Institution in Washington, though on a smaller scale. Brookings, says Martin Anderson, former special assistant to President Nixon and now a senior fellow at Hoover, "is 99% liberal-oriented. We're trying to develop our materials on a bipartisan basis."

By contrast with the John Birch Society, "we don't look for hidden causes and conspiracies," says Human Events' Winter. "We think things are pretty much what they seem."

"You've still got guys running around who want to sell the sidewalks," says William Baroody, president of the American Enterprise Institute for Public Policy Research, a Washington think tank which tries to offset liberal intellectual domination. "I want people who are concerned with picking out viable solutions to problems."

IN-DEPTH STUDIES

Under Baroody's leadership AEI's budget has jumped from $80,000 and "slipping" in 1954 to more than $2 million a year, contributed by companies, individuals and foundations. It churns out in-depth studies of national and international issues, analyzes major legislative proposals and sponsors TV confrontations between liberals and conservatives on controversial issues.

"My fundamental approach is that public policy is pretty largely determined by public attitudes," Baroody says. "What you've got to do is assure effective competition in the area of idea formulation."

The renewed vigor of conservatism is reflected on campuses from coast to coast. "Ten years ago it was hard to find students who would identify themselves as conservatives," says Don K. Price, dean of Harvard's Kennedy school of government. "Now there's a distinct minority which is growing in interest and aggressiveness."

STUDENT LIBERTARIANISM

Catching on particularly fast among students is an offshoot of conservatism called libertarianism. Libertarians oppose government intrusion not only in economic affairs, but also in what they regard as matters of personal liberty and conscience.

On some issues such as abortion (they are against most legal restrictions) and draft amnesty (they support it) libertarians are closer to the American Civil Liberties Union than to traditional conservatives.

Nevertheless, most traditional conservatives count libertarians as part of the right-wing flock. "I was a libertarian in college myself," says the Kennedy Institute's Bell. "I think it's kind of a young man's thing."

The largest libertarian group, the Society for Individual Liberty, started with chapters on 10 campuses in 1969. Today, according to co-director Don Ernsberger, it has 232 chapters and a total membership of about 10,000.

Last year the libertarians founded a political party, which nominated John Hospers, director of the University of Southern California school of philosophy as its candidate for President. Though the party started too late to get on the ballot in most states, Hospers did get one electoral vote, cast by a maverick Republican elector from Virginia.

For next month, the Society for Individual Liberty is planning what co-director Ernsberger calls a "major nationwide demonstration," to protest the income tax, and "tax tyranny of all kinds."

Looking ahead, with a sense of history, Ernsberger recalls the progressive movement of the 1890s which helped to usher in an era of national political reform. "If we can reach enough people that affect public opinion, the same thing will happen," he says. "If we can educate the people, a political movement will grow out of it."

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## THE HIDDEN CUTS IN FUNDING FOR RESEARCH INTO MENTAL DISORDERS

### HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. LEGGETT. Mr. Speaker, much of the discussion over the President's proposed budget has centered on cuts that we can see—the termination of OEO, the cuts in funds for higher education, the increase in costs to medicare recipients and so forth. What we have not heard much about are the budget reductions that are not readily apparent.

One cut that is hidden inside the maze known as the Federal budget is the massive slash slated for research on mental disorders. The President's 1974 budget proposes $124 million in grants to fund research on mental disorders, but not 1 cent of this $124 million is programed for new projects. This money is only going to be used to fund projects that are now in their 2d and 3d years. When this money is exhausted Federal research into mental disorders will cease to exist.

Mr. Speaker, this is a quiet, but nonetheless effective, way to kill much-needed research in this area. We have come a long way toward discovering cures for some of the most disabling mental disorders. Thanks to research, we now can use psychotropic drugs to limit the effect of schizophrenia and depression. No longer are patients doomed to spend the rest of their lives in mental hospitals as a result of these disorders. Hospitalization now often lasts a matter of weeks. Thousands have been released from hospitals in California.

Unfortunately, the actions of the Nixon administration threaten to mar this encouraging record. Much has been accomplished, but much needs to be done. The causes of schizophrenia have not yet been identified, and unless we continue a strong research effort those causes may never be discovered.

The National Association for Mental Health, a voluntary citizen organization that receives no money for research from Government agencies, has informed me that 250 research projects should be initiated in the next fiscal year in order to maintain the present level of research progress. This could be accomplished if the 1974 budget were at the same level as the current year, $145 million. The NAMH indicates, however, that this funding level is significantly low considering the need and opportunities for research.

At this point in the RECORD I would like to insert the full text of the Mental Health Association's comments on Federal funding for research into mental disorders for the benefit of my colleagues and also the credentials of the author, the very distinguished Dr. James Lowry, M.D.

The articles follow:

CALIFORNIA ASSOCIATION FOR MENTAL HEALTH,
*Sacramento, Calif., March 23, 1973.*

Hon. ROBERT L. LEGGETT,
*Congressman, Fourth District, California, Sacramento, Calif.*

DEAR CONGRESSMAN LEGGETT: Thank you for taking time from your busy schedule to discuss with me the Administration's 1974 budget proposals for support of research on mental disorders. As you requested, I have put into writing some of what we discussed.

The amount in the President's 1974 budget for research supported by grants to universities and other research facilities is $124,000,000. There is not one dollar for new projects. This fiscal year there are $145,000,000. The $124,000,000 will continue those projects which will be in their second and third (final) year. It is obvious that the President has decided to terminate the support of research on mental disorders by the end of fiscal year 1975. I say it is obvious even though it is unstated and has never been discussed with the Congress.

The record shows that progress in the treatment of patients with mental disorders has been made as the result of the application of research. The utilization of psychotropic drugs has been one of the major factors in shortening the time of disability from the most disabling mental disorders—schizophrenia and depressions. No longer are patients doomed to spend the remainder of their lives in mental hospitals if they develop a mental disorder. Instead of years, hospitalization now lasts only weeks.

Not only has human suffering decreased, but recovered patients are able to be productive members of society instead of costly patients. When I became director of the California Department of Mental Hygiene in 1964, there were 35,000 patients in the state hospitals for the mentally ill. When I retired in 1971, there were less than 10,000. And the population in California had increased by almost 4,000,000 during this period.

Progress in treatment of some mental disorders has been made thanks to new knowledge from research being applied in clinical practice. However, our lack of knowledge exceeds our knowledge. The causes of the most disabling and widespread mental disorder, schizophrenia, have not been identified. We are at the same level of ignorance as in the field of cancer and cardiovascular diseases. However, recent advances in knowledge about genetics, biochemistry and neuropharmacology have opened the doors to encouraging progress. Unless we have continued research, hundreds of thousands of people will become mentally sick every year.

Very little research is now being done on the mental disorders of children and the aged. While schizophrenia is the curse of middle age, the young and the old have their full share of illnesses.

Rather than terminating the support of research, it should be strengthened. Since the results of research benefit everyone in our nation, it is an appropriate area for federal support. The National Association for Mental Health is a voluntary citizen organization with state and local chapters in every state. Like other such organizations, it has limited funds but is investing what it can in research, about $170,000 per year. Its support of the budget of the National Institute of Mental Health for research grants is not motivated by self interest, since it neither asks nor receives money for research from the Institute or any other government agency. Those of us who serve on the Research Committee do so without monetary compensation, but with great personal gratification.

To maintain the present level of research progress, at least 250 new research projects should be initiated in the next fiscal year. This could be done if the budget for 1974 were at the same level as the current year. There are projects waiting to be supported in genetics, biochemistry, neurophysiology, children's disorders, schizophrenia, the effects of environmental stress and other important areas. The National Association of Mental Health has considered the research program very carefully and recognizes that the present level of research is disproportionately small compared to the need and the opportunities for research. It recommends that the research budget for 1974 be $164,000,000 in order to make significant advances in knowledge that will result in prevention and effective treatment.

My professional career has been in the delivery of medical services and this has enabled me to see the progress resulting from research during the last thirty-five years. Very little progress would have happened without the federal support of research. What I am writing about is not just next year's budget, but the fate of the entire research program. If you and the other members of Congress do not act on behalf of the people of this country, there will be no research grant program in 1976 even if there is legislative authorization.

With best regards,

JAMES V. LOWRY, M.D.

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SEPTEMBER 1972.

CURRICULUM VITAE

James V. Lowry, M.D., 700 Woodside E. Ln. Apt. 3, Sacramento, Calif.
Born 1913, Milwaukee, Wisconsin.

EDUCATION AND TRAINING

B.S.—University of Wisconsin, 1935.
M.D.—University of Wisconsin, 1937.
Internship—U.S. Marine Hospital, New Orleans, 1937–38.
Psychiatric residency—U.S. Public Health Service Hospital at Fort Worth and Colorado Psychopathic Hospital.
Psychoanalytic training—Washington Psychoanalytic Institute.

EXPERIENCE

1. Research—National Institute of Health, 1940–1943;
2. Chief, Psychiatric Service, U.S. Public Health Service Hospital, Fort Worth, 1943;
3. Clinical Director, U.S. Public Health Service Hospital, Lexintgon, Kentucky, 1944–1947;
4. Chief, Community Services Branch, National Institute of Mental Health, 1947–1954;
5. Medical Officer in Charge, U.S. Public Health Service Hospital, Lexington, Kentucky, 1954–1957;
6. Assistant Surgeon General and Deputy Chief, Bureau of Medical Services, U.S. Public Health Service, 1957–1958;
7. Assistant Surgeon General and Chief, Bureau of Medical Services, U.S. Public Health Service, 1953–1964;
8. Director, Department of Mental Hygiene, State of California, 1964–1971; and

PROFESSIONAL AFFILIATIONS

1. American Board of Psychiatry, diplomate, 1946.
2. Mental Hospital Administrator, certified, 1956.
3. American Psychiatric Association, Fellow; Vice-Chairman, Council on Mental Health Services.
4. Sigma Sigma, honorary medical fraternity.
5. Alpha Omega Alpha, honorary medical fraternity.
6. Central California Psychiatric Society.
7. Consultant, National Association for Mental Health, non-pay.
8. Consultant, California Conference of Local Mental Health Directors, non-pay.
9. Consultant, National Institute of Mental Health.
10. Consultant, California Association for Mental Health, non-pay.
11. Consultant, California Department of Corrections.



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## THE NEW BUDGET TWIST: IMPOUNDMENT VIA NEW GUIDELINES

### HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mrs. CHISHOLM. Mr. Speaker, I noted with great interest that the Senate Finance Committee Chairman RUSSELL LONG has announced that he will begin hearings on the proposed new guidelines for social service programs directly after Easter recess on May 8.

As a day care teacher, director, and consultant with 19 years of experience in the field of child care, and as a legislator deeply concerned about social welfare programs, I was deeply shocked at the effect which these proposed guidelines would have on the quality of services provided to our elderly, our handicapped, our retarded, and to the small children of working mothers.

And as a Member of Congress I am incensed at the highhanded liberties which the bureaucrats in HEW have taken in rewriting these guidelines. The guidelines are clearly contrary to congressional intent and are but one more example of the arrogance which the executive branch has displayed toward Congress.

Because of the great interest in the social service guidelines by both Members of Congress and citizen groups, I am today inserting into the RECORD copies of my critique of the proposed guidelines and a letter which I sent to Representative WILBUR MILLS, chairman of the House Ways and Means Committee.

I would urge everyone who is interested in this issue to write to Chairman RUSSELL LONG of the Senate Finance Committee before May 4 so that they may be afforded the opportunity to register their views of the proposed guidelines.

The proposed guidelines and letter follows:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., April 3, 1973.*

Hon. WILBUR D. MILLS,
*Chairman, House Ways and Means Committee, Washington, D.C.*

DEAR WILBUR: I had wanted to speak to you personally about this but I have been ill the past few weeks.

As you know, the proposed new Guidelines for the Social Services Programs have created an uproar around the country.

I realize that you are deeply involved in the hearing on tax reform right now but I hope you will consider holding hearings on the effect of the new regulations.

I am opposed to them on several grounds. First, I am incensed at what seems to be an arrogant attempt to rewrite the Social Services legislation via these new guidelines.

I know that the Committee was disturbed about abuses—many of which could have been corrected if H.E.W. had simply enforced the old guidelines, and that you were disturbed about the fact that H.E.W. could not account for or give even the vaguest estimate of how each of the state were spending these monies. But, this did not give the H.E.W. bureacrats a license to rewrite the law.

Congress clearly wanted to spend the full $2.5 billion.

Congress did not indicate that *past* and *potential* welfare clients were to be denied assistance.

Congress did not indicate that they intended that the quality of programs should be so weakened and watered down as to render them purely custodial.

As a Day Care instructor, teacher, and director with nineteen years of experience, I am very distressed at the attempts to save money at the expense of little children. The proposal to double the teacher/child ratio, to eliminate expenditures for the health and nutritional aspects of the programs, and the elimination of monitoring and code enforcement costs as a reimburseable expenditure, quite frankly gives me the horrors. I have seen the effect of shoddy, unlicensed, or unenforced programs. You end up with some pathetic soul who needs help herself, taking in children to make a little money. The children sit on a bare floor in wet diapers, munching potato chips without any diversion except a television. That is not Child Care!

The change in the definitions for past and potential recipients from 2 years to 3 months and 5 years to 6 months, is both contrary to the law because it would virtually eliminate past and potential welfare recipients from participation, and foolish because it forces current wage earners back into a dependency status which is, in fact, more costly to the taxpayer.

The proposed guidelines are nothing but a kick in the teeth to those women who are struggling to get off or stay off welfare. As I indicated in my enclosed comments on the proposed regulations, H.E.W. has set up a Catch 22 situation for these women. Under the Talmadge Amendments, she is forced to accept job training and employment, then 3 months after she gets her job, she becomes ineligible for day care and the only way she can become re-eligible is to go back on welfare.

There are some 25.5 million poor in the nation, of which only 21.5% are on welfare. Under these new regulations, none of these struggling people would be eligible for help. I thought after all that hoopla about Family Assistance Plan that they had finally gotten it into heir heads that the solution to welfare was to help people to work!

In fact, I wish that the Committee, in recognition of the close interrelationship between day care and family planning and the ability of an individual to get off and stay off welfare, would exempt day care and family planning from the Social Services Ceiling.

The final ironic twist is that the same Administration which talks so much about putting decision-making power at the state and local level, has with these guidelines, taken away from the states decision-making power, which they used to exercise regarding eligibility, fee schedules etc. And; the same Administration which speaks so eloquently of volunteer donations and the role of the private sector, now comes up with guidelines which forbid the use of private funds.

I realize that I have gone on a bit but this attempt to thwart Congressional intent and abuse people in the name of "targeting our priorities on those with the greatest need", as Secretary Weinberger puts it, has just incensed me. Apparently the only thing they understand down there is for Congress to hit them over the heads with a two by four.

Sincerely yours,

SHIRLEY CHISHOLM,
*Member of Congress.*

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To: The Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.
From: The Honorable Shirley Chisholm, Room 123, Cannon House Office Building, U.S. House of Representatives, Washington, D.C.

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Re: The proposed H.E.W.-S.R.S. Regulations for Social Services Programs for Families and Children.

As the Representative of a Congressional District, the constituents of which will be severely effected by the proposed changes in guidelines, as a former day care and child development center director, and teacher of some twenty years experience, and as a member of Congress, who is intensely interested in our welfare and child programs, I am deeply concerned about the proposed guidelines for social services.

In the last few months, we have seen a variety of methods utilized to cut back expenditures for social welfare programs. First, there have been outright budget cuts, second, impoundment of funds authorized and appropriated by Congress, and third, a more subtle device, impoundment by the redrafting of guidelines, thus making it impossible to spend the money allocated by Congress. In the instance of the social services programs, various groups from the Child Welfare League, to the American Public Welfare Association estimate that under the new guidelines the states will only be able to spend about one half of the 2.5 billion Congress mandated for social services.

Many members of Congress were deeply concerned about the rapid rise in social service expenditures. Indeed, this was the reason that the $2.5 billion dollar ceiling was imposed but, the Congress clearly intended that all of the $2.5 billion should be spent and in no case did they intend such a drastic change in the quality and kind of services to be provided. As Chairman Wilbur Mills stated on the floor, "we have not changed the definition of Social Services that are available for those who are recipients of or applicants for welfare."

Unfortunately, as in a number of other instances in the past few months, the Administration has seen fit to assume responsibilities which constitutionally belong to Congress. The effect of the new guidelines is to completely rewrite the Social Services legislation. I would submit that however much H.E.W. might like to assume that responsibility, it is not theirs to assume.

Since the 1967 amendments, the social security laws have provided that the states shall provide appropriate social service programs to *past, current,* and *potential* welfare recipients. The language of the law has not changed but, the effect of the new guidelines on eligibility and the new income limitations would be to eliminate past and potential welfare recipients from participating.

All of this is being done in the name of targeting monies on those with the greatest need and eliminating wasteful spending but the effect will be to take away benefits from the working poor who have managed to get off or stay off welfare and in many instances, force them to go on the welfare rolls at considerably greater expense to the public than the cost of the original supportive service! Not only is this a hardship on the families involved, it is a misuse and abuse of public tax monies.

Under the old regulations, a past recipient was defined as one who had been on welfare up to two years ago. A potential recipient was defined as one who might slip onto the welfare rolls in the next five years. When the new regulations are combined with the Talmadge Amendments, they set up a Catch 22 situation for the recipient. Under the Talmadge Amendments, she is forced into work training and employment, then 3 months after she gets her job, she loses her day care eligibility. The only way she can become re-eligible for child care is to go back on the welfare rolls!

Under the old regulations, there were no specific income limitations. Instead, each state established its own criteria based upon local needs and the local economic situation. Under the proposed new regulations, potential recipient cannot earn more than 133⅓% of the actual welfare payment level. In some states, principally the southern states which have a high incidence of poverty, benefit levels are so low that this new regulation would prohibit families below the poverty line from receiving assistance. In the state of Mississippi, for example, a mother could not earn more than $71.83 a month and still utilize the day care that makes it possible to stay off assistance.

Similarly, a retired social security beneficiary in Florida, receiving more than $85.73, could not benefit from the home-maker service that makes it unnecessary for him to turn to assistance for the far more expensive care in a nursing home.

While the 133⅓% limitation will wreak havoc in the poorer states of the nation, it will also create serious problems in New York. Under the new formula, the state would have to terminate service to anyone with an income over $5,400 as the $7,500 cut off point in the present state plan. This may seem like a high benefit level but the plain fact is that it costs more to be poor in New York City than it does in Hattiesburg, Mississippi.

If these working mothers have their day care eligibility taken away from them, they will be forced onto the welfare rolls. Of the 40,000 children now served in New York City, approximately one half, 20,000, will no longer be eligible for assistance. As Greg Color, a day care director from Minneapolis, Minnesota, pointed out in testimony before the House Education and Labor oversight hearings, welfare is three times as expensive as providing day care.

Clearly, some method of determining eligibility other than the 133⅓% formula, will have to be devised. One that has been suggested is to provide free services up to a specific income level and then a graduated fee schedule above that point. If H.E.W. chooses to consider a sliding fee scale as one of the alternatives to the 133⅓% formula, I would like to suggest that they consider the fee schedules devised by the House-Senate Conferees when we were considering the Day Care and Child Development Bill. The Fee Schedule had bipartisan support and although it would have to be revised to take into account the increase in the BLS Standard (Bureau of Labor Statistics Lower Living Standard budget for an urban family of four), it provides a useful indication of Congress' view of an appropriate fee schedule. It allowed free child care for any family earning up to $4,320. Families earning from $4,320 to $5,916 would pay 10% of the increase over $4,320 or $159 for the first two children. From $5,915 to $6,960 the family would pay $159 plus 15% of the increase over $5,916. At the $6,960 level, the cost would be $317 and the Secretary of H.E.W. would set the fees above that income level. (See p. 18, Section 516(8) (A) and (B) Conference Report 92–682 Economic Opportunity Amendments of 1971, U.S. House of Representatives, November 29, 1971.)

Since the cost of living varies greatly in different parts of the country, any fee schedule should be based on *disposable income* rather than gross income. It would be appropriate to deduct fixed items such as taxes, court ordered support, social security, health insurance, pension and union dues, rent, utilities, and transportation expenditures so that eligibility can be determined on a more equitable basis.

By focusing only on *current* welfare recipients, H.E.W. is establishing a disincentive to work and is ignoring the very real needs of the working poor. It should be pointed out that:

Accerding to the 1970 Census, there are still some 25.5 million poor in the nation (e.g. incomes under $3,968);

Only 21.5% of these families are on welfare;

Over 40% of these poverty families are headed by women;

Over 50% of all poor black families are headed by women;

And, the number of female headed families is growing. In 1960, 25% of all marriages ended in divorce or annulment. By 1970 the figure was up to 35%;

Among women as heads of household, 215,000 worked sometime during the year but fewer than 10% worked full time year around. It is mainly their duties at home that kept them out of work;

Of those who worked, over half are employed as service workers or maids. And more than half the women who headed families worked as maids in 1970 had incomes under the federal poverty line (the median income for domestics is $1,800):

Among married women in 1970, 8 million earned between $4,000 and $7,000 and two-thirds of them were married to men who earned less than $10,000;

The median income 1969—all males: $6,429.

The median income 1969—minority males: $3,891.

Median income 1969—all females: $2,132.

Median income 1969—minority females: $1,084. (From Work in America, Report of a special task force to the Secretary of H.E.W., December 1972, p. 42.)

What the above figures point out is that there is a vast constituency of people who need the kind of support and help the social services provide. This is particularly true in the area of Day Care, which is the essential Social Service necessary if a woman is to be able to work and support her family. The new guidelines are designed to help only those who are currently welfare recipients and does not allow for any consideration of, or extension of services to, these working mothers who are struggling to keep their heads above water. Isn't it about time we rewarded and helped the people who are doing their darndest to stay off welfare?

In my view, the old standards of 2 years and 5 years should be reinstated and we should all work to remove day care and family planning from the 2.5 Social Services Ceiling.

As a former day care teacher and director, I am as disturbed by some of the omissions in the new regulations as I am by the inclusion of others. These omissions mark the return to custodial care which all of us in the field have worked to eliminate. The exclusion of key provisions regarding staff training, health and nutrition, staff child ratios, parental involvement, and the complete lack of reference to the Federal Interagency Day Care Requirements, all point toward a deterioration of services. We all have seen the snake pits so many of our mental institutions have become, for God's sake let's not do that to our children.

The current regulations requiring staff development, education and training for both professionals and paraprofessionals need to be reinstated.

The elimination of health and nutrition services is especially harmful as these are essential to the normal growth and development of small children. Those who suggest that money for health care and nutrition programs are available from other sources, have no idea how difficult it is to secure these services in the field. It is also indicative of the fact that they are not aware of the cutbacks H.E.W. has been making in the Maternal and Infant and Children and Youth Health Care programs or the attempted cutbacks in the School Lunch Program. All of the sources of funding which might have been turned to, are being cut back or phased out.

The lack of refcrence to the Federal Interagency Day Care Requirements is particularly disturbing because it once again flies in the face of Congressional intent. Congress specifically included the 1968 Federal Interagency Day Care Requirements in the O.E.O. Act precisely because we wished to reaffirm our support for these standards, to make it clear that any revision of these standards shall be "no less comprehensive" than those of 1968.

There are disturbing rumors that H.E.W. plans to water down the standards and to effect savings by increasing the child-care giver ration to about double what it is now. That kind of "savings" is not going to produce anything but badly cared for children.

When President Nixon vetoed the Day Care and Child Development Act, he did so because he asserted that child care programs must not "diminish parental authority and parental involvement with children." In view of this strongly held belief, I find it strange that under the new regulations, all parent involvement has been virtually eliminated. Whereas, under the old regulations, ⅓ of the local and state Day Care Advisory Councils were made up of parents, they may now serve only in a vague advisory capacity at the state level. Further, an input by the parents as to the "suitability" of the child care offered, has been removed.

As one who has worked in the field for 20 years, I believe we must do everything we can to encourage and indeed insist upon participation by parents. As has been indicated by study after study, anything that has been done in school or in a day care center, must be reinforced in the home atmosphere. This is especially true with very young children precisely because they are so young and impressionable.

I am not going to spend a great deal of time discussing the prohibition against private contributions except to say that, if the current regulations had been properly enforced the members of the Senate Finance Committee and the House Ways and Means Committee would have had nothing to criticize.

The current regulations state:

(1) Donated private funds for services may be considered as state funds in claiming federal reimbursement where such funds are:

(i) Transferred to the state or local agency and under its administrative control; and

(ii) Donated on a restricted basis (except that funds donated to support a particular kind of activity, e.g. day care, or to support a particular kind of activity in a named community, are acceptable provided the donating organization is not the sponsor or operator of the activity being funded.)

(2) Donated private funds for services may not be considered as state funds in claiming federal reimbursement where such funds are

(i) Contributed funds which will revert to the donor's facility or use

(ii) Donated funds which are earmarked for a particular individual or for members of a particular organization.

The enforcement of the existing regulations would have insured that abuses would not occur.

This is also true in the case of group eligibility situations. There are instances where group eligibility is a useful idea (e.g. in housing projects and migrant work camps). It is more efficient and less expensive to set up a group eligibility center in these instances. Rather than eliminate group eligibility, altogether because of a few abuses, let's enforce the existing regulations more carefully.

Speaking of enforcement, the proposed new regulations requiring recertification every 3 and 6 months, are merely going to create more red tape in a program that is loaded down with it. In addition, it will divert scarce and badly needed funds from services into administrative overhead. Since one's income rarely improves dramatically in such a short period of time, it would be more reasonable and efficient to check eligibility once a year.

While I completely concur that one of the prime objectives of the social service day care programs is to provide assistance to working mothers, it is not the only objective.

In instances of drug or alcoholic addiction, chronic illness or suspected child abuse day care is an important resource for caseworkers who are trying to improve the quality of life in the home and to help recipients sort out their problems. The decision to make child care services available ought to be made at the local level by state and local agencies as they are in a far better position to make a judgement as to whether a service is appropriate or necessary.

According to O.M.B.'s own analysis, social service outlays for nonemployment related day care were estimated to be $154 million for fiscal year, 1974, providing services for 253,000 children. If the new guidelines are retained without amendment, the states will no longer be able to provide these services.

Clearly, the removal of this option is antithetical to the Administration's doctrine that it wants to return decision making power to state and local governments. In fact, as Representative Orval Hensen (R, Idaho) pointed out in the oversight hearings on March 14th, in every case the new guidelines are taking from the states decision making responsibilities which were formerly theirs.

Under the existing guidelines, the states determine who is eligible for nonemployment related child care, devise income eligibility and fee schedules and decide appropriate monitoring schedules. Under the proposed regulations H.E.W. will withdraw this policy making authority from the states and promulgate these decisions from on high here in Washington in direct contravention of the avowed Administration policy.

Finally, in the past day care has been a *mandated* rather than optional service. In view of the current emphasis on assisting working mothers, day care should be mandated service. We cannot berate people for not working when we do not provide the tools they need to go to work.

I appreciate this opportunity to comment on the proposed regulation and sincerely hope that they will be carefully reviewed, reexamined, and rewritten in light of all of the criticisms which have been advanced by a broad cross section of Members of Congress, welfare and social service administrators and consumers.



## RAMSEY CLARK VISIT DESCRIBED BY EX-POW

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. BOB WILSON. Mr. Speaker, back during the Vietnam war many of us were concerned about the visits of Jane Fonda and former Attorney General Ramsey Clark to Hanoi and their appearance with certain POW's at a press conference in Hanoi. Most of us were aware the prisoners appeared under duress but the peace at any price advocates denied that there was any stage management of this unfortunate event.

Now that the prisoners are home the real truth is out. Knowingly or unknowingly, Ramsey Clark perpetrated a fraud on the American public in the name of peace. A man of his intelligence and background should have known better. I am troubled about and ashamed of his performance.

I ask consent to include an article about his visit printed in the San Diego Union on April 14, 1973.

The article follows:

CLARK VISIT DESCRIBED BY EX-POW—FLIER SAYS LEGAL AID OFFERED IF HE ISSUED ANTI-WAR STATEMENTS

(By Jim Russell)

An ex-POW said here yesterday that he was offered legal assistance by Ramsey Clark, when the former attorney general visited Hanoi last August.

Navy Lt. Stephen A. Rudloff said Clark told him he would represent him in court after he was released, if he, Rudloff, made antiwar statements while in prison.

Clark met with 10 American prisoners in Hanoi, Aug. 10, 1972

Rudloff, 28, was shot down May 10, 1972.

He was joined in the press conference yesterday by former POWs Lt. John C. Ensch, Lt. Cmdr. Phillip A. Klentzler and Lt. Carroll R. Beeler.

"My meeting with Ramsey Clark was a staged production," Rudloff said. "We were very disturbed, but we tried to be very cordial with him."

He said those who were forced to attend the meeting praised the food and medical attention excessively, as a signal that the affair was staged.

GRANDIOSE STATEMENT

"Some of us intentionally made grandiose statements concerning medical treatment and food in the hopes that it would be noticed back in the United States," he said.

He said Clark's statements concerned the political atmosphere and the chances that Sen. George McGovern, D-S.D. would be elected president.

"He also discussed some legal questions in that if we made statements opposing the war, that he would be more than willing to represent us in court at a later date," he said.

Despite their brief captivity—none was confined more than a year—all four ex-POWs told of being mistreated by their captors

Klentzler, 33, was shot down Jan. 27, 1973, the day before the cease-fire agreement.

He was naval flight observer (radar intercept officer) for Cmdr. Harley H. Hall, who still is missing.

CHUTES FIRED UPON

Hall, former flight leader of the Blue Angels, was executive officer of Fighter Squadron 143, aboard the carrier Enterprise.

Klentzler said they were about 200 yards apart as they parachuted.

"Once we got into the air we received intense ground fire, and I was shot in the leg," he said.

He said the last time he saw Hall, he was about 2,000 feet above ground, alive and looking around.

"It was common practice for the Communist to fire on parachutes as they were coming down," he said.

Although virtually all of his imprisonment was after the cease-fire took effect, Klentzler said he was in solitary confinement until two days before he left Hanoi.

"I was put in stocks and my window tarpapered over, because they caught me talking," he said.

He said he arrived in Hanoi from Quang Tri province in South Vietnam where he was captured, two weeks after the first group of POWs was released.

"That how my name got out," he said, adding that was how U.S. officials learned he was a prisoner.

He said they kept telling him that because his name was not on the list of prisoners to be released, he would not go home.

Ensch, 35, said their bus ride to the C-141 waiting to take them to freedom was the first time they had been outside the prison, without being blindfolded.

He said when they passed a railroad yard that had been bombed, the guards were not pleased with the prisoners' murmurs of approval.

Ensch said his thumb, severed by a missile

XUM

fragment when he was shot down, was amputated by his captors, after three days of interrogation.

"I was refused medical attention until such time as I would answer their military questions," he said.

He said doctors at Naval Hospital are working on his left hand which was neglected during his confinement.

Beeler, 29, said civilians who picked him up when he was shot down, May 24, 1972, treated him kindly, contrary to the experience of others.

He said when he was shot down by a surface to air missile, he was injured by fragments.

He said they took him to a small room and began immediately to clean him up.

"Five minutes after I was shot down I had a bowl of hot tea in my hand," he said.

The samaritan treatment ended, however, when a North Vietnamese army officer showed up.

After injecting him with novocain, a doctor began sewing up his wounded leg, he said.

"At this time a man wearing an army uniform with officer's insignia came in and stopped the treatment," he said.

"He pushed the doctor away and said, 'Now you go to Hanoi.' That was the end of my medical treatment."

Beeler said he got into trouble eight days before he was released, for passing a cigarette to another prisoner.

He said he was threatened with punishment, but except for harassment, it was not carried out.

He said he never doubted he would be released, despite threats to the contrary following the incident.

Operation Homecoming officials said 538 of the 590 ex-POWs across the country have held news conferences.

Three former prisoners are scheduled to meet with newsmen Monday at Naval Hospital here.

"When these three men speak," said Cmdr. Brayton Harris, "that will make 43 out of the 47 men at Naval Hospital who have talked with the press."

The three are Lt. Cmdr. Theodore W. Triebel, Lt. Albert R. Molinare, and Lt. Henry J. Bedinger.

## TO KEEP OUR COUNTRY A DECENT PLACE TO LIVE IN

### HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. MIZELL. Mr. Speaker, for some time I have been concerned about the increasingly permissive censoring policies being followed by the television networks and a growing number of radio stations across the country.

I have spoken out many times against the spread of pornographic literature and motion pictures, and I have sponsored and supported legislative measures designed to protect private homes from being invaded by obscene mail and advertisements.

One such measure, which Congress passed in 1970, was a tough law providing penalties of 5 years in prison and $50,000 in fines for those who send pornographic material through the mail and into private homes.

This was a good law, and one which I strongly supported. The law provides a means of removing a person's name from mailing lists of pornography dealers, and thus stopping the influx of unsolicited obscene material.

In 1971, Congress passed another anti-pornography law, which strictly defined "obscenity" and provides for more stringent controls on the sale of pornographic material to minors.

I strongly supported this bill as well, and offered an amendment to it which would have prohibited pornography dealers from mailing potentially offensive material to private homes unless that material has been ordered by the resident.

But fighting pornography through the mail is only part of the battle we must wage to rid the Nation of this ugly disease.

Pornographic bookstores, which advertise their wares in window displays that pedestrians cannot avoid seeing, have multiplied in recent years to the point that there is hardly an American community left today without at least one such store.

Countless moviehouses throughout the country exhibit tasteless scenes of sexual activity every day, and Hollywood seems determined to see just how far it can go in the name of "art."

It has even reached the point that people cannot take their families for a drive through the countryside without being subjected to these scenes that are current fare at thousands of open-air, drive-in theaters.

And the battleground has spread now to millions of television sets and radios.

This television season has been marked by an alarming increase in the use of bad language and vulgarity. One network began the season by showing an X-rated movie on late-night television. More and more television programs are becoming more and more permissive, and it has gotten to the point that parents cannot always be sure that a program will be all right for their children to see.

And just a few days ago, the Federal Communications Commission fined a radio station in California $2,000 for broadcasting a program devoted solely to vulgar conversation.

Freedom of speech is a precious right in this country, but as Justice Oliver Wendell Holmes said, freedom of speech does not include the right to yell "fire" in a theater; it is not absolute.

The Nation's broadcast airwaves have begun to abuse the right of free speech, and some broadcasters are infringing on the right of decent people not to be subjected to foul language every time they turn on their radios or to vulgar scenes on their televisions.

I intend to write the Federal Communications Commission to urge its members to continue the example of strict supervision they demonstrated in fining the radio station I mentioned earlier for its misconduct, and I will urge the Commission to establish and supervise a stricter code of program censorship for television as well.

The current attitude of "anything goes" should be the first thing to go when these new standards are set.

At a time when the spread of pornography and permissiveness has reached epidemic proportions in our country, and when the moral fiber of our Nation seems to be unraveling, I believe we are in desperate need of stricter and more effective policies for both pornographic material and programs that are offered as "entertainment."

I am committed to that effort, and I will do all that I can to ensure that this country remains a truly decent place to live.

## ASPIN HITS INTERIM TESTIMONY ON ALASKA PIPELINE

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ASPIN. Mr. Speaker, today the Honorable John C. Whitaker, Acting Secretary of the Interior, presented a statement to the House Interior and Insular Affairs Committee concerning the granting of rights-of-way across Federal lands.

Mr. Whitaker repeated many of the deceptive and half-truthful statements used by the Nixon administration to bolster the Alaskan pipeline.

Mr. Whitaker claims that for reasons of "economic efficiency, balance of payments, and national security reasons," that we need an Alaskan pipeline. He said:

> The Alaska pipeline can be built at least 3-5 years sooner than a trans-Canadian pipeline and an Alaskan pipeline will carry all U.S. oil while a trans-Canadian pipeline might carry as much as 50% Canadian oil some of which might go to Canadian markets.

In terms of economic efficiency, the trans-Canadian route is a clearly superior route. It will provide supply and price balance throughout the country. If an Alaskan route is built, in 1980 there will be 200,000 barrels per day of excess oil on the west coast which must either be shipped to Japan or sent to the east coast on costly tankers.

The net balance-of-payments effect of building a Canadian pipeline would be negligible. Only if large amounts of Canadian oil were transported to U.S. markets would the balance of payments be seriously effected. Any oil that is imported from Canada—whether via pipeline or not—creates balance-of-payments debits.

In terms of national security, I believe that a Canadian line has certain advantages. It would not involve the tankering of oil across a vast and treacherous waterway which can be, in time of war, infested with enemy submarines. The chances of oil loss are much fewer and Canada has been traditionally our staunchest international ally.

Recently, when a member of my staff asked the Canadian Embassy to pinpoint on the record Canada's insistence on 50 percent Canadian-owned oil, he was told that the statement could "not be identified." Canada has apparently not insisted on 50 percent Canadian oil passing through the pipeline. It would be very foolish for Canada to insist on such a proviso since the development of the MacKenzie Valley Delta so far has yielded very little supplies. I am sure that the Canadians will not insist on keeping the pipeline empty to pipe nonexistant Canadian oil.

Mr. Whitaker also emphasizes the effects of the pipeline on Alaska. Whether a pipeline is built through Canada or Alaska, the State of Alaska will still receive 20 percent of the oil head price. Hence, either pipeline will provide Alaska with the same revenue.

In terms of jobs, the building of a pipeline would create a boom and bust atmosphere. There would be temporarily thousands of construction jobs that would disappear in 3 years after the pipeline construction is complete. The boom and bust economy in Alaska would probably only add to the long term economic problems that the State is facing.

Mr. Whitaker also claims that the building of the Canadian line will involve serious delays. The MacKenzie Valley Research Pipeline group which has studied feasibility of the Canadian line has estimates that it will take 4 years from the date of filing an application to completion of the line. Even if Congress approves the Alaska pipeline today, the lengthy court battle lasting years will ensue over environmental issues. The upshot of the delay argument is simple: It is quite possible that a Canadian line could be built as quickly or almost as quickly as the Alaska route.

In his statement Mr. Whitaker also conveniently sidesteps an earlier statement made by Secretary Morton concerning the cost of a pipeline. Secretary Morton publicly stated that a Canadian pipeline would cost $10 billion. Mr. Whitaker corrects Secretary Morton's statement by saying "together, an oil and gas pipeline will cost about $10 billion." In point of fact, the MacKenzie Valley Pipeline Research Limited group estimates the cost of a Canadian route at $3.4 billion.

In his testimony Mr. Whitaker says Alaska oil was needed on the west coast. But, a careful examination of the Interior Department's own figures along with the National Petroleum Council figure indicate that in 1980 there will be 200,000 barrels per day of surplus oil available for the west coast.

As my colleagues can readily see, the Interior Department is harping on its old arguments that are worn out and distorted. The facts are that an Alaska pipeline holds economic advantages for the Midwest and East and can be built within a reasonable period of time.



## RED CHINESE COME TO TOWN

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. RARICK. Mr. Speaker, yesterday the House passed S. 1315 to authorize the President "to extend to the liaison office of the People's Republic of China in Washington and to the members thereof the same provisions and immunities as are enjoyed by diplomatic missions accredited to the United States and by members thereof." The legislation was rapidly signed into law to accommodate the Communists from China who arrived in town last night.

Extending diplomatic relations and immunities allows the Red Chinese to enter the United States without search of any of their effects and grants all members of the mission estimated to number 30 immunity from arrest for any illegal actions.

Granting diplomatic immunities to a Communist party to establish a public relations contact for world public opinion purposes is a new historic precedent.

This special interest legislation gives sanctuary to the Red China agent, Huang Chen, regarded as one of China's most seasoned diplomats, a leader in its Communist Party as well as a member of the Party's Central Committee.

A former military commander in the Red Army of Mao Tse-tung, Huang Chen's field of experience is propaganda.

The cost of the latest exchange of Communist liaison missions is beginning to come to light. The President's request for $361 million additional budget authority, includes $1.5 million to establish a U.S. mission in Peking.

I include related newsclippings:

[From the Washington Star and Daily News, Apr. 11, 1973]

A $361 MILLION BUDGET INCREASE ASKED BY NIXON

President Nixon has asked Congress for $361 million in additional budget authority for the current fiscal year, including $16.2 million to pay the claims of the prisoners of war and $1.5 million to establish a U.S. mission in Peking.

The White House said about 90 percent of the increased appropriations were for "uncontrollable" matters such as retirement benefits, veterans benefits and payments to international agencies to reflect the devaluation of the dollar.

"These proposals will not increase the spending estimates in the January budget since the budget totals included allowance for contingencies," Nixon said.

The president in January estimated spending in the fiscal year that ends June 30 would total $249.8 billion, $24.8 billion more than anticipated income.

ADVANCE PARTY FROM PEKING DUE TONIGHT

The advance diplomatic party from China is expected to arrive here this evening and set up temporary headquarters in the Mayflower Hotel, the State Department reports.

Charles W. Bray, the department spokesman said the 10-man Chinese party will aim at establishing a permanent office for the mission by early May so a near-simultaneous opening can be celebrated with the opening of the American mission in Peking.

Bray said reports from Alfred Jenkins, head of the American advance team, indicate the party has been treated with extreme cordiality and accommodation.

The permanent heads of the missions (David Bruce for the United States) will not arrive in the respective capitals until the headquarters are established.

[From the Washington Star and Daily News, Mar. 31, 1973]

CHINA'S U.S. LIAISON IS MAN OF THE ARTS

Huang Chen, one of China's most seasoned diplomats and a figure of marked importance within the country's Communist party, was named yesterday to head China's liaison office in Washington.

In his 64 years Huang has been a soldier, propagandist, playwright and artist. His interest in the arts, fostered in his early years, remains lively today. Central to Huang's life, however, has been an unflagging dedication to China's Communist party, a loyalty that goes back at least 42 years and has rewarded him with membership in the party's central committee.

Huang Chen was born into a peasant family in southwest Anhwei and went to school in Anching, a Yangtze port city 30 miles from his birthplace. He graduated from the fine arts academy in Shanghai and remains one of the few Chinese in high positions to have had training in this field.

At the age of 23 he became a party member and served as a political commissar at the divisional level when the Communist headquarters was in the southwestern part of Kiangsi Province.

He fought with the Red Army of Mao Tse-tung and Chu Teh and at one time commanded a regiment, the 13th, which belonged to the Third Army Corps. Later he served as a propaganda worker, and while on the Long March from Kiangei to the new base in Yenan, he wrote two plays that were staged just before the Red Army made the difficult crossing of the upper Yangtze in the spring of 1935.

During this period Huang made sketches of the Red Army in the field, some of which were published in book form in 1962 under the title "A Collection of Drawings During the Long March."

Through all of the years that followed Huang combined an active military career with political groundwork for the party when the central government was formed in the fall of 1949, after the Nationalists were driven from the mainland, he was working in the political department of the people's Revolutionary Military council, the highest military organ of the government, with the rank of general.

The following year Huang was assigned to the foreign ministry and was named Peking's first ambassador to Hungary. In 1954 he was reassigned to Indonesia. It was during this period that the Afro-Asian conference was held in Bandung, and Huang, as part of the Chinese delegation headed by Premier Chou En-lai, was successful in establishing China as a friend of the small Asian and African countries.

During his stay in Jakarta relationships were strained over the treatment of the three million Chinese in Indonesia often victims of blatant discrimination and the target of riots. Finally a treaty was signed in 1960, after six years of negotiations.

From 1961 to 1964 Huang served in Peking as deputy minister of foreign affairs, a period during which he tried to consolidate the start made at Bandung to improve China's relations with the developing countries.

In this capacity he made four trips abroad, including one in which he accompanied Chou on a visit to 10 nations in Africa.

In 1964 Huang became Communist China's ambassador to France.

Relaxed and affable, Ambassador Huang was a familiar figure in diplomatic circles during his eight years in Paris—a big man with a round, heavy face, he was often clad in Gray Mao vests and sported a Mao cap.

In 1964 Huang became Communist China's ambassador to France.

His wife, Chu Lin, was active in making contacts with French groups as well as the overseas Chinese in Paris.

After President Nixon's visit to Peking last year, Huang held frequent meetings with the United States Ambassador to France, Arthur K. Watson, within the framework of the opening stages of the new Chinese-U.S. relationship.

They exchanged gifts, Huang presenting Watson with Mao-Tai, a Chinese brandy, and Watson reciprocating with bourbon.

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## THE SAN ANTONIO EXPRESSWAY

### HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ECKHARDT. Mr. Speaker, the House has now before it the Federal Highway Aid Act of 1973. At each stage of consideration—in the Senate Public Works Committee, on the floor of the Senate, and in the House Public Works Committee—the controversy surrounding the proposed construction of an expressway in San Antonio, Tex., has been a subject of intense interest.

The State of Texas favors the construction of the route through a major parkland area, the Breckenridge-Olmos Basin parkland. However, the State has been unable to construct the expressway over this route. To date, two Secretaries of Transportation have refused to approve the route, and in August of 1971, the Court of Appeals for the Fifth Circuit enjoined construction of the expressway until State and Federal officials considered alternative routes that would minimize harmful environmental impact. On January 10, 1973, the United States District Court for the Western District of Texas ordered the State and Federal Governments to prepare an environmental impact statement with all speed reasonable.

The State, however, is unwilling to comply with the court's requirement that the necessary environmental impact statements be submitted before construction. Thus, the State has come as a supplicant to Congress with the request that we exempt the San Antonio Expressway from the requirements of Federal law. Specifically the proposal is to terminate the San Antonio North Expressway as a Federal aid project. Any Federal funds previously received by the State would be returned to the Federal treasury and State and local financing would be utilized to complete the project.

Aside from the question of the particular merits of the Parkland route, a larger question is raised by this proposal. Its adoption, in my mind, would set a dangerous precedent for the passage of legislation to exempt controversial projects from the reach of Federal environmental statutes. Such action would, I fear, destroy the effectiveness of the National Environmental Policy Act, and section 4(f) of the Department of Transportation Act.

These concerns are shared by administrative agencies and executive officers whose responsibilities encompass matters related to highway construction and environmental protection. Recently, I solicited the opinions of the Council on Environmental Quality, the Environmental Protection Agency, the Department of Transportation, and the Department of Interior regarding the exemption proposal. My colleagues will doubtless be interested in reading their evaluations:

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
*Washington, D.C., March 15, 1973.*

Hon. BOB ECKHARDT,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. ECKHARDT: As you recalled in your letter to me of March 1, 1973, the Council on Environmental Quality has expressed its views on the merits of the removal of the San Antonio North Expressway from the Federal Aid Highway System in a letter to you and Congressman Dingell on September 27, 1972. This provision was in the proposed Federal-Aid Highway Act of 1972 as Section 113 of H.R. 16656 and Section 147 of S. 3839. The proposed Federal-Aid Highway Act of 1973 (S. 502) being considered by the Senate Public Works Committee contains the same provision.

We continue to feel that such a provision undermines the spirit of the National Environmental Policy Act and hence represents an extremely bad precedent. Discontinuing the long Federal involvement in this proposed highway project, particularly when the last requirements to be met consist of a consideration of environmental values, certainly calls into question the ability of this project to withstand the environmental analysis that must be met by all other highway projects. Compliance with NEPA and Section 4(f) of the Department of Transportation Act of 1966 does not prohibit construction of highways, but only requires that highways, as well as all other Federal projects, be subject to a rational decision-making process in which all social, economic, and environmental factors are taken into account. Such a provision represents an effort to exclude a specific project from an already legislated Federal commitment.

The proposed Federal Aid Highway Act of 1973 also contains provisions to reduce the flexibility of the NEPA review process for Interstate 66 in Arlington, Virginia. These provisions make NEPA conform strictly to the minimum time allowed for comments and review as well as to follow other procedures already outlined in the Council's guidelines. While the Council believes that the impact statement process can often be completed within the stated time periods, the process is designed to be flexible in order to respond more quickly to emergency situations and more slowly on projects which are highly complex, very controversial, and have extremely important and far-reaching environmental effects.

These provisions further state that the Secretary of Transportation's final action on this project will be conclusive with respect to all issues of fact and cannot be reviewed. This effort to make the Secretary's decision final and not subject to substantive court review also violates the spirit of an open decisionmaking process which NEPA has fostered.

As we did in September of 1972, we feel it is important to point out that legislation such as these provisions risks Congressional embroilment in individual highway projects around the country, and establish unwise precedents for the application of NEPA to a wide range of Federal actions.

Sincerely,
RUSSELL E. TRAIN, *Chairman.*

U.S. ENVIRONMENTAL PROTECTION AGENCY,
*Washington, D.C., March 26, 1973.*

Hon. BOB ECKHARDT,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. ECKHARDT: This is in response to your March 1 letter requesting our views on terminating Federal highway construction assistance for the San Antonio North Expressway. I am pleased to be of assistance to you on this matter.

Last year, as you recall, the Environmental Protection Agency stated that termination of Federal involvement in this project would in effect exempt the project from the procedural requirements of the National Environmental Policy Act. Further, we stated: "In a wider context, termination would establish a dangerous precedent for invoking special legislation in behalf of similar Federal-aid highway projects, and, by extension, other Federal projects which may not be acceptable from an environmental standpoint. Such special legislation or a pattern of such legislation would inevitably undermine and defeat the purpose and protections of the National Environmental Policy Act.

"The National Environmental Policy Act provides an opportunity for Federal agencies to review and assess proposed Federal actions which have an impact on the environment. The Act clearly is not intended to retard progress but rather to insure that progress be identified as the protection of the Nation's heritage in the broadest sense."

Our position, with respect to this issue, has not changed. Further, we believe enactment of legislation terminating Federal involvement would needlessly hazard the laws that have carried forward the National commitment to protect and enhance the Nation's environment. Consequently, we oppose enactment of special legislation on this subject.

Sincerely yours,
WILLIAM D. RUCKELSHAUS,
*Administrator.*

THE SECRETARY OF TRANSPORTATION,
*Washington, D.C., April 9, 1973.*

Hon. BOB ECKHARDT,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. ECKHARDT: This is in further reply to your letter of March 1 inquiring of my position on a provision in S. 502, the proposed Federal-Aid Highway Act of 1973 introduced by Senator Bentsen. This provision, which would terminate the contractual relationship between the Federal and State governments with respect to the San Antonio North Expressway and cause it to cease to be a Federal-aid project, was included as section 148 in the bill passed by the Senate on March 15.

As you may know, my position on this important issue is a matter of public record. Prior to the floor debate on S. 502 I wrote the Chairman of the Senate Public Works Committee and recommended that section 148 be deleted from the Senate bill. This letter is printed at page 45 of the report on S. 502 of the Senate Committee on Public Works. Despite our opposition, the Senate by a narrow margin voted to retain this provision in its bill.

Subsequently, in testifying before the House Public Works Committee on March 19, I reiterated my opposition to legislation which would exempt particular highway projects from environmental and other Federal requirements. We believe that such exemptions serve to weaken these laws and make their enforcement more difficult.

Thank you for your interest in this matter. If we can be of any further assistance, please do not hesitate to write.

Sincerely,
CLAUDE S. BAINEGAR.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., April 12, 1973.*

Hon. BOB ECKHARDT,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. ECKHARDT: This is in response to your letter of March 9, 1973, concerning the Department's view on an amendment to the Federal Aid Highway Act of 1973 (S. 502) which would delete from the Federal Aid highway system a section of the San Antonio North Expressway.

It is the position of this Department that such an action by the Congress is inconsistent with the intent of Section 4(f) of the Department of Transportation Act. As you point out, this section is designed to protect public park and recreation resources. We concur with your views that this action establishes an undesirable precedent because of the present and long range implications for public use areas.

If there were no feasible alternatives to construction of the section of expressway at issue, we could offer technical planning services and guidance to the State of Texas to help mitigate the damage to the park. However, it appears that there are arguable alternatives to the planned location of the highway and the portion affecting Brackenridge Park that should be given the fullest possible consideration.

Please let us know if we can be of additional service to you.

Sincerely yours,
———— ————,
*Assistant Secretary of the Interior.*



## BILL TO INCREASE CIVIL SERVICE ANNUITIES

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. WALDIE. Mr. Speaker, as chairman of the Subcommittee on Retirement and Employee Benefits, I recently had the pleasure of receiving testimony from representatives of the National Assocciation of Retired Federal Employees on the need for immediate action on H.R. 1262, a bill to increase annuities.

I have seldom been so impressed by the clear, logical, and dignified presentation of testimony as I was at this hearing.

Mr. Arthur L. Sparks, president of the association, led the witnesses in providing the subcommittee with examples of the real hardship and dignity in these times of spiraling inflation.

As chairman of the Subcommittee on Retirement and Employee Benefits, I pledge that swift action will be taken on this bill at the earliest possible date.

Mr. Speaker, I am including in the RECORD the testimony of Mr. Willard Wretman, Mr. Thomas F. Ward, and Mr. James A. Johnson so that other Members of the House may be made aware of the urgent need for this legislation.

The testimonies follow:

STATEMENT OF WILLARD A. WRETMAN

NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES,
*Washington, D.C., April 11, 1973.*

Chairman Waldie, Members of this Subcommittee, my name is Willard A. Wretman. I am Secretary of the Illinois Federation of Chapters, National Association of Retired Federal Employees. I entered the United States Postal Service in Moline, Illinois on May 1, 1930 and worked as a Post Office Clerk and Supervisor in that Office until my retirement on July 31, 1960 (30 years and 3 months).

Basing my annuity on my five highest years' salary, at the time of my retirement I received a monthly annuity of $216.30 per month. This has been increased by some small raises and cost of living increases during the past 12½ years to $316.15. If I had not been able to supplement my annuity with other employment during the past 12 years, I could not have made it.

I am thinking of a lady who worked in our office as a charwoman, whose husband was unable to work for many years due to illness. She was the sole supporter of the home. He passed away a few years ago. She reached retirement age and had to retire. She has been trying to keep a small home (for which she worked and paid) and to support herself with a present annuity of $95.20 per month. She is now in the hospital and may be hospitalized for a lengthy period. No doubt her doctor and hospital bills will force her to sell her home and possibly take all she can realize from the sale. There are hundreds of our annuitants who are in similar circumstances and are desperately in need of assistance.

Our city of Moline, Illinois is a manufacturing city and through the years the wages paid by industry there have far exceeded the wages paid by the Government. Their employees do not contribute to any pension funds, yet their annuities are greater than ours by far. They also receive free hospital and medical services at full coverage, both when employed and when retired.

It does not seem fair that we should give the best thirty to fifty years of our lives in conscientious service to our Government, pay into a pension plan for our retirement and then find that, even with our cost of living adjustments, many of our members are existing at poverty levels.

The cost of living provision in the Civil Service Retirement Law is a help to annuitants, but in many cases inadequate. For instance, a 4.8 percent cost of living raise for an annuitant who receives $100 per month (and there are many of them) would receive $4.80 per month or 16c per day. This can hardly be considered a pay Raise.

Gentlemen, on behalf of approximately one million federal annuitants and survivors (for many of them it is already too late) I plead that you will issue an early, favorable report on H.R. 1262 and then do all you can to secure its passage in the House of Representatives.

Thank you for your time and for the privilege of presenting our problems to you.

NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES,
*Washington, D.C., April 11, 1973.*

STATEMENT OF THOMAS F. WARD

Mr. Chairman and Members of the Subcommittee, I am Thomas F. Ward, a member of the National Association of Retired Federal Employees and the President of Manhattan Chapter 23, New York City. I welcome the opportunity to come before you to talk of many things, particularly the merits of H.R. 1262. On behalf of NARFE, Mr. Chairman, I thank you for introducing this bill. It could not come at a better time. With the spiraling cost of food, the increase of prices generally, and the cost of labor, it is a startling and harrowing thought to consider the thousands of Federal Retirees whose annuities are less than $100 per month.

Many times one hears of the fabulous annuities that Federal Retirees receive, while all the while there are approximately 275,000 who receive less than $100 per month. Many of these annuities retired some years ago when salaries were small and the computing of annuities was based on a narrow scale.

Furthermore, argument is made that the majority of those in the low annuity brackets had been short term Federal Employees. Statistics, however, prove otherwise. Two years ago, before this Committee, it was demonstrated that many retirees in the low category who were employed 15 years received annuities ranging from $19 to $52 per month; those in 20 to 25 years group averaged $45; and the 25 to 30 year group received less than $100.

In two years time, with the value of the dollar decreasing, the cost of living skyrocketing, and one's income fading away, the minimum annuity of $84.50 will be a boon to many; however, a basic annuity of $100 would be more realistic, and not unreasonable. We were pleased to note that H.R. 1262 does make provision for a minimum annuity.

Now we come to the second part of the bill.

For years many Federal Employees worked beyond their time in order to put together some savings and to acquire a more satisfactory annuity. Until October 20, 1969 the employees left service with an annuity based on his five highest earning years. Those employees who retired later were fortunate to have only three years of their highest earnings computed. This, alone, was an annuity gain of 40 percent.

Bills have been introduced in Congress over the years to increase annuities on a graduated scale. Despite the good intentions and efforts of all concerned, these bills failed to materialize. H.R. 1262 makes a most reasonable approach and has great possibilities.

Section 3 (a) and (b) of H.R. 1262 make their contribution to those who retired before October 20, 1969. For example a retiree with a $200 monthly annuity will receive an added $25, which in effect is an increase of 12½ percent; those with a $300 monthly annuity will receive an increase of 8⅓ percent, and so on.

We are happy to note that an increase for survivors is also included in this bill.

Men and women who left Government service, say 10 to 15 years ago are now that much older and each passing hour and day become more precious. With the escalating cost of health protection, Medicare, rents and food over the years, the benefits of H.R. 1262 will offer some relief from the ravaging inroads made on their annuities.

We firmly believe that H.R. 1262 has an excellent chance of survival and it is beyond one's comprehension to think it might fail. The contents of H.R. 1262 are simple, the demands are modest, and the cause is just.

Thank you, gentlemen, for giving me the opportunity to express my views and those of the members of NARFE on this very important legislation.

NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES,
*Washington, D.C., April 11, 1973.*

STATEMENT OF JAMES A. JOHNSON

Chairman Waldie and Members of this Subcommittee, today I come before you with mixed emotions. My name is James A. Johnson, and I represent the National Association of Retired Federal Employees. I come from Alabama—the home of Tuskegee Institute. This educational Institute was made famous by Booker T. Washington and George Washington Carver. These gentlemen espoused the theory that trained head, heart and hands supported by hard work meant a successful and happy life.

The majority of the people I represent were imbued with the Washington-Carver philosophy. After developing their minds and mastering saleable skills they elected to seek employment with the Federal Government. Some entered the postal service, some went with the Agriculture Department, others were employed by the Veterans Administration, while others sought a career with the Armed Forces. They were dedicated men and women imbued with the Booker T. Washington philosophy and motivated by the sentiment expressed by our late President, John F. Kennedy: "Ask not what your country can do for you but what you can do for your country." These people were happy in their employment because they believed they were making a worthwhile contribution and at the same time they were earning what they regarded as a reasonable living.

They were contented because they had felt assured that at the end of their working days the Federal Government would provide them with a reasonable income during their retirement years. Today these people, though old and deprived, are still proud. They do not relish the idea of having to beg their government for the mere necessities of life. Yet, many of them have no other choice.

Two years ago, our National President, Thomas G. Walters, appeared before you and cited statistics to emphasize the need for action by the 92nd Congress on certain bills

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before it. Today, I am not going to cite statistics. Figures, at best, are cold. They appeal to the head—which is good. I am appealing to your heads and to your hearts.

At the 1971 White House Conference on Aging, President Nixon stated that, "Any action which enhances the dignity of Older Americans enhances the dignity of all Americans, for unless the American dream comes true for our older generation, it cannot be complete for any generation." He further stated, "We are speaking, after all, of a proven generation, one that has brought this country through the most turbulent period in human history."

Gentlemen, there are several bills now pending before this Subcommittee which are of interest and importance to our Federal retirees. I refer particularly to H.R. 30, which would restore full annuities to those who have lost their designated survivor beneficiaries and have not remarried, and the measures to increase the Government's contribution towards health benefit premiums and allow pre-1960 retirees to elect coverage under the Federal Employees Health Benefits Program. I would hope that you will soon give favorable consideration to these bills.

I am here today, however, to request your immediate favorable consideration of H.R. 1262, introduced by you, Mr. Chairman, which would give financial relief to those older persons who have the greatest need of it to retain their self-supporting dignity in today's inflationary society. The bill's establishment of a minimum monthly annuity and the provision for an increase in monthly annuities would be of great assistance to thousands of our former Federal employees.

The above quotations from President Nixon's address to us who attended the 1971 White House Conference on Aging reminds me of Sir Wolsey's farewell address as stated in Shakespeare's Henry the Eighth. I quote loosely, "Had I served my God with half the zeal I served my King he would not in mine old age have left me to the mercy of a rude stream that must forever hide me."

Gentlemen, the fate of these old public servants, who at best have but a short time to live is partially in your hands. By whatever you do, or do not do, you will contribute to the final Chapter of their lives. What will it be? I pray that you will do your best to see that the 93rd Congress provides the kind of help that will enable our retirees to live their last days in dignity.

## ART BUCHWALD LOOKS AT AN AMERICAN FUTURE WITHOUT MASS TRANSIT

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ANDERSON of California. Mr. Speaker, it may be difficult to believe that in a few short years we could be explaining to our children how we once enjoyed an unlimited supply of gasoline and its resulting mobility.

Today the possibility becomes more and more probable that we will indeed be forced to cut back private automobile usage because of fuel shortages.

The Environmental Protection Agency proposed gasoline rationing, and a shortage of fuel could easily create an immobilized society in many large urban areas.

Today we have a chance to prepare for our future. The way to provide an efficient, economically sound method of transportation is to support my amendment to S. 502 which would give urban areas the option of using their share of highway trust fund moneys for rapid mass transit.

Humorist Art Buchwald portrayed a vivid picture of life in the not too distant future, if we do not use this opportunity to allow our cities the flexibility they require to provide their citizens with mass transit systems.

Mr. Speaker, I am enclosing Mr. Buchwald's insightful column so that all of my colleagues may have a glimpse into the American future without efficient mass transit systems.

[From the Washington Post, Apr. 17, 1973]

AND THEN 2 GALLONS IN EVERY TANK?

(By Art Buchwald)

"Daddy, tell me again what it was like in 1973 when anyone who wanted to could drive a car?"

"I know you're not going to believe this, son, but all you had to do was drive up to a gas station and say to the attendant, 'Fill 'er up.' And you know what? He had to wipe your windshield, too, or you wouldn't buy any gas from him."

"Ah come on, Daddy, you're putting me on."

"I'm telling the truth, son. And not only that, but we used to have these big cars—three times the size of the ones you see now—with four doors and airconditioning and everything. Some of them got nine, 10 miles to a gallon. I think there are some pictures of them in the encyclopedia here."

"Gosh, those were some cars."

"In those days you could drive your car to work or to the city all alone without violating the law. You'd see people in eight-passenger station wagons all by themselves."

"Is it true you could drive to the beach, or to the mountains or a football game 100 miles away without getting a special pass from the Automobile Authority?"

"Yup. One time your mother and I drove all the way to Florida, and we didn't have to ask permission from a soul. We just went."

"What happened, Daddy?"

"Nobody really knows. People just kept using up gasoline and oil until there was none left. I remember in '73 Detroit announced it had had its greatest year. Sold more big cars than any time in its history.

"But nobody bothered to tell Detroit there would be nothing to put in the gas tanks. They said it wasn't their problem.

"It was really funny, because in Washington they were arguing about automobile pollution and the emission standards for 1976, when in fact, the problem solved itself. There was no fuel left to pollute anything."

"Why didn't Detroit build smaller cars that wouldn't use up so much gasoline?"

"Because they said Americans wouldn't go for it. They said Americans had always had big cars, and they deserved big cars because big cars were what made America great. Of course now they have no choice but to manufacture two-cylinder automobiles, because that's the only kind of car Americans can afford. I mean when gas is selling for $9.50 a gallon and you've got rationing coupons, nobody in his right mind is going to make a four-cylinder car."

"Is that why we move back to the city, because you couldn't drive to work anymore?"

"Yup. We lived in the suburbs when you were very little, but when the country ran out of gasoline we had to move back here. Oh, I tried bicycling to work, but it was 40 miles each way and I was pretty pooped by the time I got home. So we came back. And it was curious, because up until that time the blacks lived in the cities and the whites lived in the suburbs.

"Now, of course, all the whites live in the cities and the blacks live in the suburbs, because that's the only housing the blacks can afford. The blacks didn't want to go to the suburbs, but the whites kept buying up the ghettos and the blacks had no choice. They're probably happier out there, anyway, living among their own kind."

"Who was to blame for our running out of gasoline?"

"Detroit blamed it on Ralph Nader, the President blamed it on Congress, the Arabs blamed it on Israel and the oil companies blamed it on the caribou in Alaska."

"It must have been fun living in 1973."

"It was. Do you know one time we drove 30 miles just to have a sirloin steak."

"What's a steak?"

"Oh, the hell with it. It hurts too much to talk about it."

## HEALTH PROGRAMS EXTENSION ACT

### HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. PATTEN. Mr. Speaker, on June 30, 1973, several health programs included in the Public Health Service Act, are due to expire. Some of the programs the administration plans on either terminating or restructuring include funding authorizations for health services research; public health training; migrant health; comprehensive health planning and services; assistance to medical libraries; Hill-Burton programs that aid hospital construction; training in the allied health professions; regional medical programs; community mental health centers; alcoholism and drug abuse programs; the Developmental Disabilities Services and Facilities Construction Act, and other programs.

A bill that would extend these and other programs for 1 year beyond June 30, 1973, was passed on March 27 of this year in the Senate under the strong and able leadership and chief sponsorship of the senior Senator from Massachusetts (Mr. KENNEDY). I hope that the House takes similar action soon in extending these essential programs for an additional year, because if they are allowed to end or become fragmented, it would be a tragedy not only for medical science, but for the millions of people they have helped over the years.

Mr. Speaker, I am, of course, interested in all of these programs, but I have a special concern about two that the administration is reportedly considering for termination or severe modification—the Hill-Burton program, and the community mental health centers program.

Since its inception in 1946, the major objective of the Hill-Burton program has been better patient care for all people through health care facilities and services. Keeping abreast of the Nation's fast-changing health needs so that new directions could be instituted has characterized Hill-Burton over the years. As a pace setter, the program has scored many firsts and continues to look for better ways to help resolve the Nation's growing health delivery problems.

The State of New Jersey, through its Hill-Burton program director, Leonard D. Dileo, has expressed deep concern over the possibility of that fine and constructive program being terminated. I share Mr. Dileo's concern—and so do many of my constituents.

Dileo, in emphasizing this concern stated:

The Hill-Burton program has made it possible to assist 215 projects, aiding 108 facilities throughout 81 communities in the State of Uew Jersey. The Federal Government's participation has amounted to $76,300,000 which has provided $412,890,000 worth of health care facilities and services for citizens of New Jersey.

Although we are deeply appreciative of the improvements in our health care system to date, it is by no means finished. Of the 29,122 general hospital beds presently existing, 13,660 are in need of modernization, or replacement. Within the long-term category there are 30,881 existing beds. Of this number, 11,293 are in need of modernization or replacement. With the program's emphasis on modernization and outpatient facilities, the need for Federal assistance is greater now than ever before.

Mr. Speaker, the basic philosophy was and still is, the working together of the Federal Government, the State government, and the voluntary health industry to maintain a system of health care services for the benefit of all citizens.

The basic goal of the Hill-Burton program has been to improve patient care, and this goal is just as vital today as it was in the inception of the program in 1946. The effectiveness of the program can be measured by its past achievements in meeting the needs for health care services. This effectiveness is also reflected by the number of applications for grant or loan assistance now being received for construction and/or modernization of health care facilities and services. Presently, we have requests amounting to over $300 million in areas of new construction, modernization, rehabilitation, and outpatient services.

Mr. Speaker, statistics alone do not show a realistic picture as to New Jersey's health care facilities needs. Shifting and increasing population should be taken into consideration in dealing with community health needs. To have HEW claim that New Jersey is overbuilt by 2,000 general hospital beds without considering community health needs is not being fair. For example, although the State shows an excess of 2,000 beds, the community service areas of Middlesex-Union show a need for 210 beds. This is due to the rapidly growing population in this area.

Another factor not considered is that although there are 3,903 general hospital beds, 1,482, are in need of modernization or replacement, and in the long-term care category there are 3,826 skilled nursing beds and of this number, 1,043 fail to meet State or Federal construction standards.

Obviously, since its inception, some of the original needs of the Hill-Burton program have been met. Hill-Burton was initiated at a time there was a critical need for general hospital expansion, but has been changing to meet the needs of the health delivery system.

Aside from major changes in the legislation in 1954, 1964, 1968, 1969, and 1970, the Hill-Burton program has also allowed States to make adjustments from the standard formula for the purpose of meeting individual needs of their citizens. Sixty-one percent of New Jersey's health care facilities do not meet current Hill-Burton construction standards and life safety codes. The need for upgrading these facilities is enormous and in most cases, these needs can not be met by local communities without Federal financial assistance. Therefore, the need for an accelerated and continuous attack on both the functional and physical obsolescence is an urgent one.

I was also disturbed, Mr. Speaker, to read that the administration plans to end Federal aid for building new community mental health centers, as well as not funding the staffing needs of new centers. This is a cruel blow to Middlesex County, N.J., where new community mental health centers are being completed, but would be unable to operate effectively without staffing funds. New centers are being completed at Rutgers—the State University of New Jersey, and at the South Amboy Memorial Hospital. Under the effective and dynamic leadership of former Freeholder George J. Otlowski, great progress was made in our mental health centers, so I hope the administration changes its mind. I strongly hope that the House passes the Health Programs Extension Act of 1973. To be really great, a nation must be healthy, as well as powerful.

## THE NATIONAL NEED FOR PAPER RECYCLING

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. WALDIE. Mr. Speaker, I wish to bring attention to the testimony of Edward K. Mullen before the House Ways and Means Committee on March 20, 1973. His testimony deals with the great benefits America can receive from a viable paper recycle industry.

Mr. Mullen, president of Newark Boxboard Co., spoke on behalf of the Boxboard Research and Development Association. He began by outlining two major projects being undertaken by the paper recycling industry which benefit every American and which should be encouraged and expanded. First of all, the recycling of paper extends the Nation's wood-based fiber, thus conserving our forests, certainly one of our most valuable natural resources. Second, the paper recycling industry provides a great national benefit by reducing the volume of solid waste. I do not have to remind anyone of the great problems and expense that communities are incurring with their mountains of solid waste. The recycling of postconsumer wastepaper in large quantities could help to alleviate our already inadequate and overworked disposal facilities.

Mr. Mullen also stated that recycling can provide a more favorable balance of trade in regard to paper since recycling could reduce the 8 million tons of paper fiber that are imported each year.

But, Mr. Mullen surprisingly pointed out that contrary to popular belief, the paper recycling industry is not a growing, expanding industry. In fact, the industry is in a decline and has been so since World War II.

In order to overcome severe handicaps and begin providing the Nation with these ecological benefits at a meaningful level, it has been suggested the Federal Government provide in its Tax Reform Act of 1973 tax incentives for the use of postconsumer grades of wastepaper. If the proper incentives are developed then the paper industry predicts that more than 25 percent of our paper could be recycled by 1985—instead of the current prediction of recycling dropping to 17 percent by 1985.

Mr. Speaker, I feel that with a little initiative on the part of the Federal Government this nationally beneficial industry could begin to play the role that it can and must, if our natural resources are to be saved for future generations and our air made cleaner for those living now.

Mr. Speaker, the following is the full text of the testimony:

TESTIMONY OF EDWARD K. MULLEN

I am Edward K. Mullen, president of the Newark Boxboard Company, with headquarters in Newark, New Jersey, operating six paperboard machines in four states. My appearance here today is in that capacity and as spokesman for the Boxboard Research and Development Association, (BRDA) with offices in Kalamazoo, Michigan.

Forty companies are members of the Boxboard Research and Development Association. All of them manufacture paperboard from waste paper, most of which is post-consumer waste, that would otherwise wind up in the solid waste stream further taxing already critical disposal facilities throughout our nation.

Post-consumer waste paper[1] for all practical purposes consists of newspapers collected from homes and apartment buildings, old corrugated boxes coming from supermarkets and industrial plants and mixed waste papers from offices and department stores. This waste paper accounts for over seventy percent of all the paper that is recycled today. This comes to about 8 million tons per year.

All members of our association use waste paper to make recycled paperboard, which the public knows simply as cardboard. Recycled paperboard is used for a wide variety of purposes—

Folding boxes and rigid boxes for cereal, candy, games, soap, pharmaceuticals and a host of other consumer items;

It is used as well in paper matches, book covers, record jackets, partitions, and paper tubes;

It is used in the building product area for gypsum wallboard liners; and

It is used in corrugated containers as the fluted medium and to a lesser extent for the liner.

Our products are versatile and find their way into many other end uses.

As a group, we are the largest user of post-consumer waste paper by far—accounting for over 85% of the total consumed last year. This was about seven million tons.

It is appropriate for us to appear before you as you consider natural resources and tax policies because we *conserve* natural resources and reduce the volume of solid waste.

When we turn waste paper into useful products, we are in effect extending the nation's wood-based fiber resources. Our energy requirements, water and chemical consump-

Footnotes at end of article.

tion are less in working with "once tamed" fiber.

As you know, solid waste is a real problem in cities these days. Cities are spending a fortune to get rid of mountains of trash. The highest disposal costs are in the larger cities, such as New York, which we understand to be well over $31 per ton. A large part of my own companies' material is this post-consumer waste from the New York metropolitan area. A rough estimate of the cost to municipalities if they were to collect and dispose of the post-consumer waste now being used, would be in the neighborhood of $160 million per year.

This is a very real saving to hard-pressed taxpayers and budget-tight cities. There are other real benefits, too. Cities throughout the country are running out of adequate incinerator and sanitary landfill space. You need only to read the newspapers here in Washington to know this. Washington, D.C. is one of the many cities that has run out of landfill space and is in need of new non polluting incinerators.

So, Mr. Chairman, in a very real sense, our use of post-consumer waste paper is a real benefit to our country. At a time of desperate solid waste disposal problems, we are helping now and could help more to solve it. At a time when cities are in critical financial plight, we are relieving them of present expense, and could relieve future expenses. And again—we are helping conserve the natural resources of the nation.

Clearly, Mr. Chairman, if there were no recycled paperboard industry, the government would do well to invent one.

After explaining our "good works," it is perhaps ironic that I must now explain to you that your country is struggling. In the eyes of the general public, and perhaps among some members of Congress, it is generally believed that recycling of waste paper is a growing expanding industry. But this is not the case.

In spite of all the recent concern about the environment, in spite of all the concvern about pollution and the emphasis on recycling, the recycling rate in this country has been steadily declining since the end of World War II.

The basic reason is due to the loss of end product markets for the paperboard grades made of post-consumer waste.

I will have more to say about this decline later.

Many people are concerned about the need to recycle waste, and they seek ways to express that concern. One way is to use recycled stationery for their correspondence.

The GSA has been taking steps to require the use of recycled fibers in various paper products purchased.

Many housewives (perhaps some of yours) use recycled tissue and recycled paper towels.

All these efforts are sincere. However, the fact is, some of these practices are not getting to the root of the problem.

Let me explain.

The waste paper used for recycled stationery, recycled tissue or recycled paper towels is mostly the high grade waste paper that has always been recycled because of its value. It never finds its way into the solid waste stream because it is too valuable. Therefore it does not present a solid waste problem to municipalities.

Such paper will continue to be recycled in the future, as it has in the past but the supply of these high grades will be difficult to increase.

The problem is in finding ways to increase the use of the abundant lower grades, the post-consumer waste paper that will go to the city dump if it is not recycled. This is the only real way to increase recycling.

Our industry recycled huge quantities of the lower grades, but we also need a supply of the higher grades. For many of our products we need a small percentage of the higher grades in order to use much larger amounts of the lower grades.

Thus, the well-meant effort directed at high grade waste recycling has unfortunately added to the cost and manufacturing problems we live with as we combine these small quantities of high grades with much larger quantities of post-consumer waste in our finished paperboard products.

I would like to refer back now, Mr. Chairman, to my remark about the steady decline in the recycling rate due to erosion of the markets for the products made of post-consumer waste.

There is no single simple reason—rather a variety of factors—which has served to put the recycling paperboard mills at an economic disadvantage. They have become progressively more difficult to operate profitably, and to generate the funds and the confidence required for new investment.

Proof of this lies in the fact that over forty paperboard machines have been shut down in the past seven years. Only three new machines were put in operation during the same period.

Economic reasons are, of course, most significant. Our mills are generally located in urban areas with relatively high taxes. They are mostly older properties, and small in size. The very difficulty in generating earnings has precluded broad-scale reinvestment in new equipment and further aggravated the situation. Frequently it is the pollution abatement costs that make these mills unprofitable.

These factors vary from mill to mill and company to company, but collectively they have had the result of putting our end products at a disadvantage cost wise in the market place.

All of the above are economic in nature. Other more subtle influences which derive from the packaging buyers' concept of what the consumer wants, have led to replacement of our products with others from the paper and plastic industries.

An Arthur D. Little study made recently for the Environmental Protection Agency concluded that, of the 170 recycling paperboard machines still operating, some 78 could be considered marginal in terms of continued operation.

The future need not, however, be all gloom and doom for our paper recycling industry and its present and potential contribution to reduction of the solid waste problem.

A study made by the Midwest Research Institute for the Solid Waste Council [2] was released last week, and makes projections which this Committee can very well find helpful in its consideration of tax reform. Present trends, without governmental influences, projected to 1985, will result in a decline in recycling from the already low rate of twenty percent to about the seventeen percent level.

It is possible, as the study indicates in great detail, that a recycling rate of twenty-six percent is feasible by 1985. This can happen only if the concern of the public is translated into demand for recycled paperboard products, if industrial buyers of paperboard products reflect this concern in their choice of packaging materials, and, most importantly, if the government provides legislation which will develop an economic incentive to encourage the use of post-consumer grades of waste paper.

As pointed out in his Midwest Research Institute report, which you have, federal tax policy "has encouraged the development, long-range supply and utilization of natural resources. To date, there has not been a comparable program to encourage the utilization of recycled materials."

We suggest, Mr. Chairman, that the Ways and Means Committee provide in its Tax Reform Act of 1973, tax incentives for the use of post-consumer grades of waste paper.

Earlier in these hearings you heard from William T. Creson, Chairman of the Recycled Paperboard Division of American Paper Institute, that these incentives should be in the form of tax credits. He further suggested they should be fixed dollar amounts limited to post-consumer waste and given to the manufacturer who converts the waste into useful products. We wholeheartedly support Mr. Creson's position.

Allow me, Mr. Chairman, to explain a bit more fully why we believe the fixed dollar amount on post-consumer waste is preferable to the percentage proposed in several bills pending before this Committee.

A percentage allowance per ton of the cost of the material to be recycled can lead to a "cost-plus" attitude and encourage concern with acquiring high-value wastes that probably would not go into the solid waste stream anyway.

A flat dollar amount per ton for post-consumer waste used for recycling would, on the other hand, give the greatest incentive for use to the materials that are lowest in value and most difficult to use. That is socially desirable because that is precisely the kind of waste paper which would otherwise go into municipal waste.

Accordingly, we feel that the Committee would be doing a national service by providing tax incentives of a flat amount per ton for the use of post-consumer waste paper. Such incentives are certainly in the national interest and would be materially assisting hard-pressed local communities. Two of the best sources of post-consumer waste for recycled paperboard products are newspapers and corrugated boxes. They represent the largest items of the solid waste stream. Because of their potential reuse as newsprint and as corrugating medium, they represent an unusual opportunity to encourage recycling, according to the Midwest Research Institute Report from which I have been quoting.

Our struggling segment of the paper industry needs the economic incentives that will let us reverse the downward trend of recycling—and in doing so, perform the socially desirable function we are knowledgeable about and ready to do.

The loss of jobs in urban areas from past mill closings and potential future shutdowns is real. The fiber requirements of the country as projected into the near future tell us that this vast resource should be recovered and reused.

There are only three sources of paper fiber available to the nation; virgin fibers—trees along with the sawdust and other forest wastes; recycled waste paper, and imports. The paper needs of this country are growing at a fast rate.

The portion of the market held by recycled paperboard is dropping. Not long ago, more than one-third of all the paper needs of the country were filled by recycling of post-consumer wastes. Today barely a fifth of the needs are filled in this manner.

In short, while we are squeezing more production out of fewer machines, and producing about the same amount of paperboard as we did a couple of decades ago, we have a *smaller* portion of the total market. It will take new investment in new production equipment to make the 26% recycling rate in 1985 as indicated in the MRI report, into a reality. We need to begin *now* to build that new capacity. We need to begin *now* to orient the thinking of the planners in the paper industry to build new plants to recycle waste paper. To do so will take incentive such as I have mentioned.

Such incentives are supported by the Council for Environmental Quality, by many of the top thinkers at the Environmental Protection Administration, and by studies made for the Commission on Materials Policy.

Midwest Research Institute estimates that, by 1985, with proper tax incentives, our industry could more than double its production of recycled paperboard.

That would be good for the environment. That would be ecologically sound. That would be economically sound. It would also be a meaningful form of revenue sharing by providing tax incentives to save local communities the monumental task and expense of disposing of mountains of waste paper. Midwest Research Institute estimates that, in 1985, our portion of the industry can be producing 17 million tons of recycled paperboard a year—up nine million from today—if there are tax credit incentives.

If the incentive were set at $12 a ton, that nine million tons would amount to $108 million a year. The savings would more than offset this as over $180 million would be saved annually in collection and disposal costs, which may be expected to reach an average of at least $20 per ton by 1985.

What would we do with the money from tax incentives?

A portion of it will go to increase supplies. That is, we will be able to develop new and better sources of waste paper. We will be able to pay more for what we buy and that will help encourage the public, communities, charitable organizations, and businesses to save waste paper for our use.

A portion of it will go to reduce our prices. We will be better able to compete for paperboard business with other paper industry products, as well as other alternative materials. We would be in position to recapture some of our lost markets.

Let me point out that charitable organizations, most frequently Boy Scout troops, receive approximately $25 million a year for gathering old newspapers and selling them to recycling companies.

Many companies would undoubtedly use some of the funds to develop techniques for improving the quality of the lower grades of waste paper by sorting out and cleaning mixed waste which now includes a mixture of very good grades with very poor waste.

Hopefully, a small portion of the funds will remain with us—as profit, as seed money for research and as investment capital to provide production facilities to increase our output as the opportunities for recycling increase.

Let me now say a word about the critical trade balance, Mr. Chairman.

The U.S. now imports some eight million tons of paper from abroad each year. I'm sure you know most of that is newsprint. We export some three million tons, chiefly paperboard. Incentives for the use of post-consumer waste can have the effect of reducing imported newsprint requirements as well as giving our recycled paperboard products the opportunity to enlarge their export markets. These are goals in terms of our balance of payments problems, to which this Committee and the Senate Finance Committee would certainly subscribe.

Mr. Chairman, let me now summarize our position:

1. The recycled paperboard industry is vital to our national welfare.

2. This industry has been in serious trouble and faces a difficult future.

3. The industry is performing ecologically and environmentally worthwhile work and can do much more by using up piles of waste paper, saving natural resources, conserving energy, and minimizing air and water pollution.

4. The industry needs tax incentives to increase supplies, capacity and profits, and to lower prices to customers.

5. We must reverse today's trend toward less use of recycled paperboard. This will only be done through regaining lost markets and fully sharing in future market expansion.

6. Our cities, which are now straining under the load of solid waste will benefit from the diversion of post-consumer waste paper into recycled paperboard.

7. The balance of trade might well be improved by helping the recycled paperboard industry.

8. The needs of the country for paper products are increasing rapidly. If recycled fiber is to be available to help meet these needs, the Congress should provide tax credit incentives to insure the capacity will be there.

Incentives for recycling waste are needed. It is an idea whose time has come. It is good for America. That is why you should be interested. I am interested for those reasons as well as because it will be good for my company and others in our business.

FOOTNOTES

[1] The General Services Administration defines in a fact sheet issued on October 20, 1972 post-consumer waste in Part I of its specifications as: "Paper, paperboard and fibrous wastes from factories, retail stores, office buildings, homes, etc., after they have passed through their end-usage as a consumer item, including: 1. Used corrugated boxes; 2. Old magazines; 3. Old newspapers; 4. Mixed waste paper; 5. Tabulating cards; and 6. Used cordage.

The Midwest Research Institute Report, *Paper Recycling: The Art of the Possible, 1970 to 1985*, March 1973, Page 176, states: "Post-Consumer Waste. Any product that has gone through its useful life, served the purpose for which it was intended, and been discarded by the user. Waste or scrap created in a manufacturing or converting operation is not considered post-consumer waste. However, post-consumer waste is generated in homes, commercial establishments, government offices and the like."

[2] Midwest Research Institute Report, *Paper Recycling The Art of the Possible, 1970 to 1985*, March 1973.

## NAVY APPROACHES NO. 2 STATUS

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial:

[From the San Diego Union, Apr. 6, 1973]

BUDGET "KNIFE" FEARED—NAVY APPROACHES NO. 2 STATUS

Members of Congress have been known to drop off to sleep during discussions of budgets. Long lists of numbers can have that effect. However, the chief of naval operations, Adm. Elmo R. Zumwalt, is presenting the Navy's budget in terms that should keep Congress awake.

Progressive cutting of defense budgets over the last three years finally is eroding the combat readiness of our fleet. Furthermore, if the United States of America does not reverse its course in naval funding, we are heading straight into No. 2 status behind the Soviet Union in naval strength.

The immediate problem described by Admiral Zumwalt is "shortfalls" in Navy accounts. The current budget is so tight that many fleet commanders simply do not have the money for repair and maintenance of their ships and thus are unable to provide adequate training for new sailors. The necessary funds, time and a catch-up program in maintenance and training, can go far to cure this immediate problem, but the longer-range impact of austerity in Navy budgets is a matter far more grave. It affects not only the United States but that large segment of the world that relies on our Navy for security and free use of shipping lanes. By the middle of next year, the number of active ships in our fleet will have dropped to 523—a 45 per cent cutback since 1968. For the first time, the number of combat ships flying the U.S. Flag will fall below the number in the Russian navy, which is more modern and already boasts a numerical superiority in its submarine fleet.

The Administration is not unmindful of the implications in these figures. In the new budget the Navy receives $2 billion more than the Air Force and $4 billion more than the Army, reflecting the increasing role which sea power must play in our strategic defense in coming years. What worries Admiral Zumwalt, and should worry the American people, is that Congress may approach the new Defense Budget the same way it has approached each one for the past three years running—with a knife.

Seeing our Navy decline to No. 2 status goes far beyond any question of national pride. What is important is that the Soviet navy is on the threshhold of becoming No. 1 and there is nothing in history or the stated aims of Soviet policy to suggest that Moscow will use its navy for anything but international mischief and to further the goals of Communist imperialism around the world.

If any congressman does not understand what that means to the United States and the Free World, he might as well go back to sleep.

## TRIBUTE TO RABBI PHILIP SCHROIT

### HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. REES. Mr. Speaker, I would like to take this time to pay tribute to a dedicated and gentle man, Rabbi Philip Schroit, who will be honored in a triple celebration by B'nai David congregation, in west Los Angeles.

A triad of events will be commemorated May 6 at a dinner dance to be held in the grand ballroom of the Beverly Hilton Hotel. B'nai David congregation will celebrate the 25th anniversary of its founding at the same time the State of Israel commemorates the 25 years of its existence. B'nai David's spiritual leader, Rabbi Philip Schroit, will also be honored for his 25 years of commitment to and involvement in religious and community leadership.

Honoring Rabbi Schroit will be prominent personalities from educational, political, religious, and entertainment fields. Funds raised by means of the dinner dance will be devoted to assisting the youth in the area served by B'nai David congregation.

This action is very much in the spirit of Rabbi Schroit. For the past 25 years, under his leadership, B'nai David congregation has attained a position of eminence in the life of Los Angeles. Indeed, it has become a model throughout the city, due in large measure to the untiring efforts and wise counsel of Philip Schroit.

Rabbi Schroit has particularly dedicated his energies to educate scholastically qualified students in B'nai David's religious school programs through the provision of scholarships. In a deeply



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troubled society, he has built a program for youth which brings them logic and understanding, with a strong foundation from which to grow.

Rabbi Schroit is a man with a keen sense of awareness who has had a great share in the development and growth of the Jewish community in Los Angeles. His contributions to worthy causes are legion. The youth of his community attest to the fact that he is truly a man with an understanding heart.

## DR. CRANE: EXPERT ON THE HAPPY POOR

### HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. SYMMS. Mr. Speaker, sometimes you have to wonder how a man develops the ability to shoot from the hip and aim straight between the eyes on the problems this Congress considers. My good friend and colleague, PHIL CRANE, from Illinois, is the kind of marksman who can strip an issue right down to the bare bones. But rather than let my colleagues think that the gentlemen from Illinois is a new phenomenon to that part of the country, I would like to submit the following article from the April 10 issue of the Chicago Sun-Times. If you recognize a familiar refrain, it will only serve to underscore what a lot of us already know—young PHIL is a chip off the old block—as the saying goes "the apple doesn't fall far from the tree."

The article follows:

"FREE FOOD, RENT; NO WORRIES"—DR. CRANE: EXPERT ON THE HAPPY POOR

(By Bob Greene)

Dr. George Crane is a psychologist who has been writing a syndicated newspaper column called "The Worry Clinic" for 38 years. The column is supposed to be aimed at people who have problems.

People who have problems do not include people who are on welfare, according to Dr. Crane. I recently read an astounding episode of "The Worry Clinic," in which Dr. Crane contended to his millions of readers that the birth rate is falling because of television. Young married people are watching television late at night, and because of this they are too tired to produce babies, Dr. Crane announced.

But there is a hitch. This passage is quoted directly from "The Worry Clinic".

"Dr. Crane: I have often been asked, then wouldn't it be a good idea for politicians to promise welfare families a free TV set? Wouldn't that help reduce our growing tax burden to support the relief families?

"Theoretically," Dr. Crane replied, "it would—if the adults in such families were also putting in eight hours of hard work every day before they slouched down at night before their TV.

"But millions of welfare cases are idly sipping their beer (paid for by you employed taxpayers) and enjoying baseball or other sports TV broadcasts all afternoon. Even if they stay up till midnight, these nonworkers still have enough unused energy to zoom the birth rate.

"Contrast the unbalanced ballot-box totals when you compare a normally intelligent couple's offspring with those of the feebleminded. Use a 25-year generation cycle, with the normal taxpayer averaging three children and the feebleminded at least five. See how fast the indigent will outvote the offspring of the intelligent workers, assuming they mate with their own kind . . . Thus, within 50 years, you see, the indigent are outnumbering you intelligent readers by almost a five-to-one ratio!"

I asked him why he felt that people on welfare had so many children.

"That's easy enough," said Dr. Crane, who is 71 years old and claims he receives 1,000 letters a day from people who are seeking his wisdom. "They know that on the welfare the more children they have, the more Aid to Dependent Children money they'll get. My son is a doctor, and while he was at the county hospital in Chicago, he delivered a baby from one of these buxom lasses who came up from the South. It was her 12th baby, and my son said that there had been eight different fathers! You figure she's getting $45 or $50 a month for each child . . . she's living in the lap of luxury! She comes from the South where they live on black-eyed peas and hominy grits, no wonder she doesn't want a husband. She couldn't afford a husband if she had to give up all that money."

I asked Dr. Crane if he really thought that welfare families with so many children were doing it out of greed.

"Well," he said, "you won't find the morality or scruples among them that you'll find in intelligent people."

With so many Americans reading his column, though, I asked, doesn't he feel an obligation to offer advice to people on welfare, too?

"I have maintained something from many pulpits," Dr. Crane said. "You must remember that Christ was very selective. He didn't give out food stamps, he didn't go house-to-house making medical calls to the poor. He only healed the people who had the ambition to get up and come to him."

I asked Dr. Crane if, as a man depended on for advice by millions of readers all over the country, he did not feel that the people who really need "The Worry Clinic" most are those very people on welfare, who cannot afford a private psychiatrist or psychologist to help them through the hard days. Aren't the welfare recipients the people with the most worries in our country?

"Oh, no, they don't have any worries," Dr. Crane answered me. "They get medication free, they get food free, they get rent free. They don't pay any taxes. They don't worry about getting a paycheck or about getting laid off. They don't have any worries at all!"

TV sets, beer and baseball games aside, though, Dr. Crane said there is some hope in convincing welfare recipients that birth control is good for them: "We should not hold back birth control from any of this feeble minded and dull segment of the country," he said. "We should tell them, look, they don't like to get fat and broad in the hips, they'd rather be out dancing than being pregnant."

I was intrigued by some of Dr. Crane's findings, so tracked him down. His columns appear in some 250 newspapers, and I wondered how those of his readers who are on welfare felt about being called "feebleminded" and told them that they have more babies simply because they watch more baseball while slouched down in front of their TV's drinking government-issue beer.

"Oh, I don't have many welfare people among my readers," Dr. Crane said to a warm, friendly voice. "So many of them are not literate enough to be followers of columns such as mine. The comics or TV are as far as they can go."

## THE CONTINUING NEED FOR THE EMERGENCY EMPLOYMENT PROGRAM

### HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mrs. CHISHOLM. Mr. Speaker, I shall not stand here today and waste my alloted time on partisan rhetoric—lambasting the Nixon administration for its stance on this piece of very critical legislation. Instead, I urge my colleagues in this House to join in support of the Emergency Employment Act because it goes to the heart of our current domestic crisis.

Here we are with a very serious problem: The national unemployment rate is 5 percent; the black unemployment rate is twice that high; and the jobless rate among Vietnam veterans is over 7 percent. This is a wasted potential which no country can afford.

Now many politicians have decried the problem and at the same time have worked against the most effective attempt to deal with this problem. Many of us here have told the people of America that they must develop the "work ethic," that they must pull themselves up by their bootstraps, and that they must get off welfare and find a job, but at the same time some of those same people in this Chamber today are opposing a bill which could provide up to 300,000 jobs in fiscal year 1974 and 375,000 jobs in fiscal year 1975, which would in effect provide "bootstraps".

What good is a desire to work if there is no work? Where are the 4.5 million unemployed to go once they have decided to leave the welfare rolls? The public employment program authorized by the Emergency Employment Act of 1971 gave some of these people a chance to find a decent and useful job. But now, the same politicians who have publicly committed themselves to lowering the unemployment rate have refused to support an extension of this highly successful and tremendously needed program to produce public-service jobs.

Why, if we agreed in the Congress in 1971 that a national unemployment rate of 4.5 percent constituted an "emergency" which necessitated job-producing funds, don't we agree in the Congress again in 1973? Why, if we agreed in Congress in 1971 that a local unemployment rate of 6 percent should trigger special funds to that local area, don't we agree again in 1973? Since the circumstances which gave impetus to the first Emergency Employment Act in 1971 still persist today in 1973, why is there any opposition to the continuation of the act?

The current budget proposal, the new social services guidelines, and now the opposition to the Emergency Employment Act can leave no doubt but that the administration's public committment to the needy, the homeless, and the jobless is just an empty promise.

While a few people have been rounded up to criticize the other programs being



cutback or terminated, even the President has been hard pressed to find economists who question the utility of the Emergency Employment Act at a time like this. When the economy is in such serious straits, economists of all persuasions are skeptical that the private sector can absorb the mass of unemployed workers. Mr. Chairman, you and I might both prefer to let the private sector create the jobs, but we also know that this is just not happening. The simple fact is that we would be abdicating our responsibility to the American people if we refused to create public jobs during the present time.

In the approximately 18 months of operation, the emergency employment program has provided jobs for some 300,000 people. And these were not useless, menial jobs; these were jobs involving unmet needs for public services in such fields as environmental quality, health care, recreation, education, public safety, transportation, conservation, crime prevention and control, and many other areas of needed social improvement. Every witness who appeared before the Select Labor Committee, which studied the emergency employment amendments, testified to the worth and effectiveness of the public employment program. Even the official spokesman for the administration, Paul J. Fasser, Deputy Assistant Secretary for Manpower, labeled the program "very effective" during the subcommittee hearings.

In the face of such strong support of the emergency employment program, the rationale for opposing any extension, as expressed by the Labor Department, is that the unemployment emergency is over! I don't think many of the 4.5 million unemployed in this country think the emergency is over. Ask some of the 300,000 unemployed Vietnam veterans whether they think the emergency is over. There can be no doubt that an extension of the Emergency Employment Act of 1971 is absolutely essential if we are sincere about giving these people a chance to help themselves.

I could proceed at length to elucidate the irresponsibility and deceptions employed by the opposition to this bill, but now we must turn to positive action. We must act now to pass the emergency employment amendments of 1973, and we must work hard to override the almost inevitable Presidential veto.

## HUD LIAISON OFFICER GOES TO WORK FOR PPG

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, if the entire executive branch adopted the attitude and cooperative nature of the Department of Housing and Urban Development's congressional liaison officers, the flack flying between the Hill and downtown would be much less.

It takes only a bit more effort to be helpful and pleasant and that little bit extra always was put forth by my good friend Jack Woolley, who has just left the liaison staff of HUD for a new post with the Pittsburgh Plate Glass Co.

Although he knew I did not always agree with his bosses, Jack Woolley did not let that deter him from doing his maximum to provide my office with HUD information requested by constituents or needed by me for committee work.

Since PPG is headquartered in my district, I am sure I will be seeing a lot of Jack and I am looking forward to continuing to work with him.

Jack's departure is the Government's loss but a significant gain for PPG.

## THE WHO'S AND WHY'S OF BUDGET CUTS

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, we have heard much of the so-called efficiency and management expertise of the Office of Management and Budget—but many of us have felt since OMB was granted broad new powers that this office has greatly increased its powers and enlarged its personnel staff.

Repeated statements by OMB officials and other bureaucrats concerning the proposed budget are an example. The thrust of these statements is that any change this administration's budget would create all sorts of economic and fiscal problems—even though the budget arbitrarily and without statutory authority in some areas terminates, eliminates, or reduces more than 100 domestic programs enacted by the Congress.

There is, of course, nothing magic about the administration budget—and the issue is not whether the budget will be exceeded, as the record shows that Congress has consistently cut and reduced the Presidential appropriation requests over the past several years.

The primary issue is where the money will be spent—whether Congress will accept administration priorities—which call for reparations to North Vietnam and increased allocations for foreign aid and defense spending—or whether Congress will set some priorities of its own more responsive to needs at home.

A recent study by the Joint Economic Committee released recently by Senator HUMPHREY underscores the political function of the OMB—to support administration policy—and as a result the so-called documented support for terminations or sharp cutbacks in many progressive programs is found to be filled with "fiction and froth" and often lacking in substance and reason.

Because of the interest in my colleagues and the American people in this most important matter, I place in the RECORD herewith an editorial and an article from the Washington Post concerning this critical analysis of OMB justifications for some of its irresponsible actions.

The editorial and article follow:

THE WHOS AND WHYS OF BUDGET CUTS

For months now, the administration's vast public relations campaign on behalf of the President's budget has featured two themes. One is that, thanks to congressional extravagance, federal spending had been threatening to soar out of sight until President Nixon boldly intervened to save the taxpayers from ruinous inflation, heavy tax increases or both. The complementary theme has been that the program slashes and terminations decreed by the President were based on the most exhausive systematic review of federal operations ever made. As long ago as November 28, for instance, White House Press Secretary Ronald Ziegler told reporters at Camp David that Mr. Nixon "intends for the Office of Management and Budget to assume a new and expanded role . . . [and] undertake a comprehensive examination of all government programs now in existence to determine whether they are actually meeting the purpose for which they were designated."

Now, however, in a Joint Economic Committee staff study, just released by Senator Humphrey, comes word that those estimates of extravagant spending—and the claims of enormous cuts—are partly fiction and fluff. The real increases which produce legitimate concern, the study points out, are attributable as much to presidential initiatives as to congressional moves. From supposedly authoritative documents submitted to the committee by OMB emerges the impression that the administration's real cuts were not based on any comprehensive assessment of federal programs, but that the weeding was done instead mainly by slashing about in all directions. Finally, from OMB Director Roy Ash himself, comes a refusal to testify on these matters on grounds that OMB in general and Mr. Ash in particular should not be held accountable for the details of those painful cuts.

It is easy to see why the President's top budget officer was not too anxious to be interrogated about the 179 pages of "statements" which his agency submitted to Senator Humphrey to justify all those program cuts. The material cannot be dignified with the label of serious analysis, much less the exhaustive review, based on consistent standards, which administration rhetoric might lead one to expect. Most of the programs are written off in several lines of generalities. In some policy areas such as housing which are ripe for reform, the OMB papers do not even incorporate the detailed studies which have actually been made. In many other cases, the reason for cutting or ending a program boils down to the autocratic assertion that the government shouldn't be doing that, or shouldn't be doing it that way.

All in all, this material—Mr. Ash's refusal to discuss it publicly—hardly promote either the President's professed goal of serious reform, or the image of OMB as an agency rich in management capability and analytic skill. The picture which emerges is that of a highly partisan wrecking crew, taking the occasion of a legitimate budget squeeze to demolish every domestic program which anyone thought was shaky in performance or suspect in principle. Senator Humphrey and his staff have performed a real service in debunking the 'battle of the budget." Their work will be most valuable if it prods Congress to undertake on its own the serious reassessment which it needed, but which OMB apparently has not done.

HUMPHREY ACCUSES PRESIDENT OF BUDGET DECEPTION

(By Spencer Rich)

Sen. Hubert H Humphrey (D-Minn.) yesterday charged that President Nixon is practicing deliberate public "deception" and misrepresentation on federal budget figures

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in order to justify killing programs he doesn't like and to shift blame for inflation to the Democrats.

Humphrey's accusation, the harshest yet made against the President in the battle over spending, was based on a 20-page analysis of administration budget cuts prepared by the staff of the Congressional Joint Economic Committee, where the former Vice President heads the Consumer Economics Subcommittee.

The analysis was derived from a 179-page Office of Management and Budget document intended to justify proposed budget cuts in 108 federal programs.

"Today I am releasing material that shows the Nixon administration's spending reform policies are a combination of deception and incompetence and that it has misrepresented the savings achieved by the budget cuts . . . Mr Nixon must take responsibility. I hold him accountable for this budget," said Humphrey, who lost to Mr. Nixon in the 1968 presidential race.

Specifically, Humphrey charged that:

The administration's claim that in fiscal 1974 it will hold federal spending by various methods to $17 billion less than would have otherwise been spent under congressional policies is a misrepresentation.

In fact, said Humphrey, the staff study shows that at least $8.4 billion of the claimed $17 billion savings are bookkeeping tricks or outright "manipulations" that will never give an ounce of relief to the taxpayer. For example, according to the staff study, by projecting an excessively favorable market situation for U.S. grains, the administration is claiming to save $600 million more in subsidy payments to farmers than will actually be the case.

Administration claims that impoundments of funds were necessary to hold down federal spending in the current fiscal year because Congress pumped up the budget are also phony.

In fact, Humphrey charged, of some $15 billion which the administration claimed would be spent in excess of the President's original estimate if it hadn't been for impoundments, $2 billion was imaginary. Of the remainder, $6.5 billion was due directly to Mr. Nixon's own requests for added spending.

Even the OMB's 179-page justification of its proposed budget cuts is a "slipshod" job which condemns some programs without documentation and simply misrepresents the facts on others.

For example, said Humphrey, the OMB recommended phasing out community mental health center on grounds that the main benefits aren't going to the poor. But Humphrey said government figures show that in 1970 some 64 per cent of those being served by the centers had family incomes below $5,000.

Similarly, he charged, the administration, hoping to save $75 million, proposed phasing out Medicaid (charity) dental care for adults because, according to the OMB justification, "lack of dental care is seldom life-threatening and is less critical for adults." However, the Joint Economic Committee staff report says, "no evidence is provided to support a contention that seems highly questionable . . . In addition, in the face of the 17,000 deaths each year as a result of oral cancer, is it accurate to state that lack of dental care is seldom life-threatening?"

The aim of the whole "clever, diabolical budget figure manipulation," Humphrey charged, is to mislead the public into thinking the Nixon administration will really be able to hold expenses down, then to blame everything on Congress when phony claimed cuts melt away, and use this as an excuse to slash social programs the President doesn't like.

As for himself, he said, he would rather cut spending by eliminating items like the more than $2 billion ticketed for arms aid to Saigon and Laos in the defense procurement bill, since the war there is over.

Humphrey said the administration claim that unless the President's spending cuts are put into effect there will have to be a 15 per cent increase in personal income taxes is just "conjuring up political hobgoblins to frighten some people."

Money for needed programs could be raised through tax reform, without any such personal tax increase for most people, he said, but the administration "is stone deaf and silent on tax reform."

The White House had no comment.

Referring to a newspaper story describing a party given by President Nixon for members of Congress who voted to sustain his veto of the vocational rehabilitation bill, Humphrey said it was "shameful" to celebrate the defeat of legislation intended to help people with "spinal injuries" and other crippling diseases. "It's cruel, wrong," he said.

The joint committee staff study focuses on two alleged administration claims: that it was Congress that pumped up the 1973 budget, and that the administration, by cutting social programs, is actually achieving great savings in the 1974 budget.

In fiscal 1973, says the study, the President first proposed a $246 billion federal spending level, then falsely claimed that subsequent congressional action, mainly to and programs, would have pumped this up by $15 billion.

At least $2 billion of the supposed $15 billion boost represents what social services might have cost had Congress itself not put a ceiling on them, the study says.

Of the remaining $13 billion, the study says, about $6.5 billion was requested by Mr. Nixon himself—$1.2 billion for added Vietnam war expenses, $15 billion for Hurricane Agnes, $2.6 billion for revenue sharing startup date shifts, and certain other, minor items. Another $1.6 billion was for an "uncontrollable" increase in interest on the public debt.

Congress is actually responsible for only $5 billion of the increase, the study says: $2.8 billion for Social Security increases, $1 billion for black lung disease benefits for coal miners; and $1 billion for its own proposed revenue-sharing increase.

Thus, the study concludes, Mr. Nixon was actually more responsible for budget increases in fiscal 1973 than Congress.

The study next turns to the $17 billion by which, the study says, Mr. Nixon claims he will cut potential spending in fiscal 1974 by reducing various programs in ways Democrats have criticized.

At least $8.4 billion of this claimed saving is called "cosmetic"—simply an illusion.

For example, the study says, in addition to unrealistically underestimating farm subsidies by $600 million, the OMB is claiming that Mr. Nixon is "saving" $27 billion in social service grant costs by holding spending down to $2.5 billion—the congressionally imposed budget ceiling for this program.

All the OMB is saying, says the study, is that if Congress hadn't imposed the ceiling of $2.5 billion, the program might have gone as high as $5.2 billion in fiscal 1974—yet the administration is claiming this as a saving due to administration initiative.

Similarly, the study says, the administration is claiming it will save by various moves $4.7 billion on what otherwise would have been spent for defense. But the study says at least $2.7 billion of this claimed savings is simply the Defense Secretary's refusal to ask Congress to approve the total amounts requested of him by the individual military departments.

Another claimed saving, $592 million, the study says, is projected from a proposed federal welfare regulation which "has not yet been adopted and whose legality is questionable" and is being challenged by 34 states.

Other claimed savings, the study charges, simply involve deferments of expenditures to later fiscal years, ultimately saving nothing.

## GIOVANNI DA VERRAZANO, FLORENTINE NAVIGATOR

### HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ROONEY of New York. Mr. Speaker, tucked into the rolling hills above the beautiful city of Florence, Italy, a stone house stands out from those around it only because of a plaque set into one of its walls. The marker tells the passers-by—and they are few—that here was born the most famous of this town's sons, Giovanni da Verrazano. The young Verrazano, restless in his native town, made his way to France where in 1524 he persuaded the King of France into financing an expedition to explore and map the still unclaimed coast of the new world.

His voyages carried him across the Atlantic and thence along the coast of North America from as far south as the Carolinas to the northern sections of Newfoundland. His cartographic work was superb as was his luck, for he discovered a body of water that formed a harbor far superior to anything known in Europe.

The harbor was New York's and the people of that great city were to remember Giovanni da Verrazano nearly 500 years later when a massive bridge, spanning the very narrows that he had first seen, was constructed and named in his honor. It is, therefore, fitting and proper that this longest suspension bridge in the world, this largest of American monuments to honor a European, this greatest of engineering feats should presently stand within sight of the Statue of Liberty; for it was through the very narrows that Verrazano had discovered and passed along that hundreds of thousands of his country men would come to make their contribution to the world. Men like Fermi, Toscannini, Verdi were joined by thousands of other great people of Italian birth and descent who have given us so much.

In just 12 short years we shall be celebrating the 500th anniversary of the birth of the great Italian explorer and navigator. This celebration should be one of great magnitude and widespread observance. It should have long range planning, not only on the part of Italo-American organizations for whom it will hold great interest, but by the Congress of the United States as well. We should begin immediately to consider the type of honor which this body considers fitting for the man who has meant so much to our country's development. Surely some of the most important coastal waterways which we shall be converting into national parks or sanctuaries should be named Verrazano.

And so, Mr. Speaker, let us all join with our fellow Americans of Italian lineage and pay tribute to the greatest of all Florentine navigators—Giovanni da Verrazano.



## CHICAGO ITALICS CLUB HONORS MISS MARGARET DURSO

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ANNUNZIO. Mr. Speaker, on April 8, 1973, at the Chateau Royale in Chicago the Italics Club honored a most distinguished Chicagoan—Miss Margaret Durso, as the Woman of the Year 1973, for her active interest for emotionally disturbed and mentally retarded children. We of the 11th Congressional District of Illinois, which I am proud to represent, are privileged that Miss Durso is a part of our community.

Some 300 people, including Judge Helen Kelleher and Judge Kenneth Wendt, attended the Italics Club Annual Award Dinner Dance, at which club president Mary M. Mento presented a plaque to Margaret Durso in recognition of her outstanding service to humanity.

Miss Durso was escorted to the seat of honor by Hon. Thaddeus S. Leckowicz, and Hon. Victor A. Arrigo presented her with a resolution from the Illinois House of Representatives celebrating her accomplishments. She was also presented with an honorary lifetime membership in the Italics Club by general dance chairman and first vice president, Carmello A. Blacconeri.

The Italics Club gave donations in the name of Miss Durso to the Chicago Read Mental Health Center, to the Villa Scalabrini Home for the Aged, and to the Sacred Heart Seminary of Northlake.

I extend my warmest congratulations to Miss Margaret Durso for meriting the Italics Club's 1973 Woman of the Year Award, and at this point in the RECORD include her biography. The biography follows:

MISS MARGARET DURSO

Margaret Durso, educator and benefactress, was born in Chicago, the daughter of Luciano and Antonina Durso, who settled in Chicago four years after the great fire. Luciano was a man whose family's welfare was uppermost in his mind. Antonina's keen foresight, sagacious business ability, and love of learning spurred her children to achieve a higher education.

The children born to Luciano and Antonina were Domenica (Mrs. John Molinaro), Elena (Mrs. Christopher Levaccare), John, Joseph, Michael, Rose (Mrs. Anthony Desimone), and Margaret.

Miss Durso's elementary education was obtained at the Edward Jenner School; she then attended Waller High School. Upon graduation she attended Chicago Normal from which she graduated in 1922.

Throughout her life her most ardent desire was to study medicine relevant to school health. She then attended evening school and received a bachelor of science degree in 1930.

Miss Durso enrolled at Loyola University as an evening graduate student and was given a masters in education.

The desire for a medical degree continued but she had passed the admitting age of medical students. Fortunately, however, Loyola Medical School opened a department of public health and preventive medicine. She enrolled and received her master's degree in public health in 1945.

Miss Durso received a certificate as health coordinator from the Chicago Board of Education. She taught nurses at St. Francis, Columbus, South Community, Evanston and Evangelical Hospitals.

Michael R. Durso, Miss Durso's brother, a state legislator from the old 29th senatorial district, established a free evening school for immigrants. It was staffed by volunteer workers at the Edward Jenner and nearby schools. Miss Durso took an active part in this endeavor, promoting the understanding of the history and traditions of this country in preparation for the citizenship examinations.

Miss Durso was the founder of the National Italian American Civic League, the purpose of this benevolent group was to confer scholarships to under privileged high school students.

With the passing of years and still imbued with the continued interest in school children's health, her attention was directed to the establishment of a memorial hospital. This hospital was to be organized exclusively for charitable, scentific and educational purposes, but because of the lack of federal funds, this undertaking did not materialize.

Despite some disappointment, Miss Durso's love for humanity and interest in medicine motivated her to donate two perpetual trusts on July 1, 1971. The income from these trust funds were to be used for the welfare and treatment of emotionally disturbed and mentally retarded children and adolescents at Chicago Read Mental Health Center.

Former Governor Richard Ogilvie, who officiated at the ground breaking ceremonies of the Children's Center, publicly thanked Miss Durso and the Name of Chicago Read Medical Surgical Building has been officially changed to Margaret Durso Medical and Surgical Hospital.

In devoting much of her professional life to the welfare of others, Miss Durso was able to perpetuate the words of her mother, *"Do good on earth and forget about it"*.

AWARDS AND ACHIEVEMENTS

The State of Illinois Honorable citation presented February 19, 1972 as a symbol of esteem and gratitude to an ardent exponent of children's health.

Eugene Field School P.T.A. Award 1962, for exceptional services.

National Director of the National Italian American Civic League.

Secretary and Member of the Immigrants Protective League.

Founder and Organizer of the National Civic League, Junior Auxiliary Club.

Founder and President of the Benevolent National Italian American Civic League—(Chicago Women's Club).

Benefactress: Calumet Women's Club for Blind and Deaf Children, Chicago Read Mental Health Center.

Member: Sons of Italy—Skokie Lodge, Italian Arts Club, Italian Teacher's Club, Joint Civic Committee of Italian Americans, Villa Scalabrini Italian Home for the Aged, Women's Club, Eugene Field School P.T.A., National Italian American Civic League Chicago Women's Club, American Committee on Italian Migration.

## NATIONAL SECRETARIES WEEK

### HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. HASTINGS. Mr. Speaker, this week marks the 22d annual observance of Secretaries Week and I should like to take this opportunity to offer a warm and well-deserved tribute to the secretaries all over the Nation.

They serve with efficiency, dedication, and superb skill, contributing in great abundance to the ordered operation of business, industry, government, and the professions.

The National Secretaries Association, the largest organization of its kind in the world, is sponsoring this special week. Its theme is "Better Secretaries Mean Better Business." Indeed they do.

I take special pleasure in joining with others throughout the country in offering this salute to secretaries. Their efforts have set a lofty standard which rightfully merits the recognition of everyone.

## ZION SETS A GOOD EXAMPLE FOR RESPONSIBLE COMMUNITY ACTION

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. McCLORY. Mr. Speaker, there are many assurances that the substitution of general revenue sharing in lieu of multiple, categorical grant programs will serve as a definite impetus to local and State action.

Many communities and townships in Lake County in my 13th Illinois Congressional District are demonstrating their concern and capabilities regarding problems which are most needed by local citizens.

An example is the township of Zion where a share of the township's Federal revenue-sharing funds are being provided for vocational and employment counseling for dropouts, transportation for the elderly, classes in consumer education, homemaking and budgeting, and a referral service.

I am attaching a recent editorial which appeared in the News Sun, the leading daily newspaper in Lake County, Ill., on Friday, April 6. Perhaps this editorial can point to an example for other communities to emulate:

ZION SETS A GOOD EXAMPLE

Zion's Community Action Program, like its counterparts in cities throughout the nation, stands on the brink of extinction as a result of federal funding cutbacks, but township and city officials may save the day.

Zion Township Supervisor Ernest Mintern said the proposal to save the program by channeling into it a portion of the township's share of federal revenue sharing funds is a workable solution.

Mintern told residents who requested the funds for a $10,000 annual program that would provide vocational and employment counseling for dropouts, transportation for the elderly, classes in consumer education, homemaking and budgeting, and a referral service: "It can be a good program, but it needs supervision. The last one brought in strangers from outside Zion. There are some things the program can do better than we can, but we should have something where we can pull the strings."

One of the specified purposes of federal revenue sharing is to create locally controlled and supervised social service agencies to replace those which would be eliminated in federal cutbacks.

The idea to have Zion township and city officials fund and administer a revised community action program—to be renamed Zion

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Social Service—would seem to fall easily within the federal guidelines.

Township Auditor Donald Ower said "We have an obligation to be concerned about the community and put revenue sharing under local control with strict supervision."

This is the type of community action which can make the federal revenue sharing plan work. Zion officials are expected to approve the program when they convene this month and other governments should take a look at what community concern can mean when handled properly.

## THE CENTENNIAL CELEBRATION OF HOME ECONOMICS AT KANSAS STATE UNIVERSITY

### HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ROY. Mr. Speaker, I would like to call the attention of my colleagues to the recent centennial celebration of the College of Home Economics at Kansas State University.

One hundred years ago, in 1873, Kansas State became the first school in the Nation to offer home economics courses for college credit. From a modest beginning that year with 12 students, the KSU involvement with home economics has grown to a College of Home Economics enrolling more than 1,700 students—men and women—in 1973.

The centennial celebration on campus in late March called attention to this century of growth, and to the change in role for the American woman.

This change can be appreciated by reading the following remarks, made by the first president of Kansas State University, John Anderson. Speaking in 1874, President Anderson made these comments about the Kansas woman in his "Woman's Course":

> She has a right to an education as precisely adopted to a woman's work as is the boy's preparatory to a man's work. She has a right to study her own organism and functions, to understand the conditions of health, and to be forewarned against the inexorable penalty of ignorance, folly or overtaxation . . . in short, to all the knowledge which related sciences can contribute to her intelligence, deftness and efficiency in that greatest and purest of womanly arts, the art of making a home.

It is because of institutions such as the KSU College of Home Economics that women in America have abandoned such a narrow description of "woman's work," and have made such great strides toward achieving a full role in our society.

A recipient of special honor at the centennial celebration was the woman who has guided the college for the past 19 years, Dean Doretta Hoffman. Dean Hoffman is recognized today as one of the most dynamic educators and home economists in the Nation, and we Kansans feel very fortunate to have her services at Kansas State University.

Also honored at the celebration were 13 women who were recognized as distinguished alumnae of the college.

These women are: Tessie Agan of Manhattan, a former faculty member in the college; Elizabeth Walbert Crandall, chairman of the department of home management at the University of Rhode Island; Ruth J. Dales, head of the department of home and family life at Florida State University; Grace Zeller Goff of Manhattan, past president of the Kansas extension homemakers council; Lyllis Ann Ling, chief nutritionist at Children's Mercy Hospital in Kansas City, Mo.; Lucille Osborn Rust of Manhattan, a former faculty member in the college; and Shirley Joan Sarvis, a free lance writer in San Francisco.

Also: Georgiana H. Smurthwaite, honored for her outstanding service to the women of Kansas; Martha Lewis Starling, a homemaker and community leader in Pennsylvania; Doris Train Stewart, a retired public school teacher from California; Joyce J. Terrass, coordinator of home economics education at Purdue University; Arlene May Wilson, associate director of the department of dietetics at Indiana University Medical Center; and Maxine Fay Wilson, assistant director of residence halls at Purdue University.

Mr. Speaker, these women represent more than 7,000 alumnae of the College of Home Economics. Their accomplishments reflect credit upon themselves, their fellow alumnae, and their school.

One of the highlights of the centennial activities was an address by our colleague, the distinguished gentlewoman from Hawaii (Mrs. MINK). She presented a brilliant exposition of the role of the modern woman in the United States.

Mrs. MINK established an immediate and deep rapport with her audience. Her known great personal achievements and her dynamic presentation deeply impressed her vision of the future of our Nation and our Nation's women upon this large and receptive gathering.

Such vision symbolizes the work of the Kansas State College of Home Economics for the past 100 years. I am sure that my colleagues join me in wishing similar success for the next century to everyone associated with the school.

With your permission, Mr. Speaker, I include Mrs. MINK's address in the RECORD at this point:

SPEECH BY REPRESENTATIVE PATSY T. MINK, CENTENNIAL PROGRAM, COLLEGE OF HOME ECONOMICS, KANSAS STATE UNIVERSITY, MARCH 30, 1973

President McCain, Dean Hoffman, Dr. Joseph Hajda, my distinguished colleague Congressman William Roy: I am extremely grateful for this opoprtunity to participate in the centennial celebration of the College of Home Economics. I believe this is my first visit to Kansas, and I really came only because Congressman Roy was most persuasive and insistent.

You are most fortunate to have such an outstanding and dedicated Representative in the Congress, and it is a high personal privilege for me to have made the acquaintance of this distinguished American.

You all have every reason to be proud of the special significance of this day. One hundred years ago, Kansas State inaugurated the concept of home economics. As far as can be determined, these were the first home economics courses taught anywhere for college credit. Kansas State was even then a leader in believing that home economics—a field reserved almost exclusively for women—was important enough to have its own formal academic recognition. This displayed remarkable foresight. It elevated homemaking as well as family life; it became a separate curricula in higher education.

In rapid order, other universities across our nation followed in establishing schools of home economics. Just as it displayed vision by launching this field in 1873, Kansas State University has remained in the forefront by expanding and modernizing the concept of home economics even as the overall role of women in our society has grown and evolved.

Today, the School of Home Economics is a dynamic and relevant institution attuned to meeting the diverse needs for home or life-related instruction in a complex world. Where it had 12 students at the outset, in 1973 there are 1,700 students preparing themselves in a wide variety of disciplines. The founders would marvel at the range of subjects being offered, a far cry from the sewing and cooking concept of a bygone era.

Whether it be child development, restaurant management, fashion design, interior decorating, retailing, or consumer education, the School has developed courses for just about every aspect of the expanded field of Home Economics. It offers both undergraduate and graduate degrees. And the field is no longer restricted to only women. I understand there are 20 male graduate students in the area of Child Development alone at Kansas State University.

It seems to me that this changing panorama of roles in our society is all to the good. The School of Home Economics realizes that women do not remain in the home, and that men must be equally schooled in family and home management. With the growing number of women entering our national work force, the new curricula is only a reflection of reality.

In 1960, women accounted for 33 percent of all jobs in our country. By 1970, just ten years later, they held 38 percent of all jobs, a five percent gain.

Moreover, the overall number of jobs increased tremendously, so that women's gain is even more impressive. Of the 12 million new jobs created in the last decade, women claimed just under 8 million of these. As new jobs are opened, women get the great bulk of them. I do not know how long this trend will continue, but we are rapidly approaching a society where sex is an irrelevant factor in determining family responsibility. As a matter of fact, 15 percent of the working wives last year earned more than their husbands, and amazingly our society has not crumbled.

This raises a number of implications for our social structure. Some of these implications relate to mores, to individual customs and life-styles. Others relate to more formal institutions such as our laws and governmental policies, and it is these questions I wish to discuss.

Of primary importance, it seems to me, is the grace with which we adjust to the changeover from a male-dominated workforce to one in which women have an equal opportunity to contribute. Past concepts of women-in-the-home clash directly with the reality of more than 29 million working women. Therefore, to the extent that our laws and policies are grounded in the philosophy that a woman's place is in the home, they must necessarily be re-examined and updated.

We must revise such practices as paying a woman less than a man for the same work, on the theory that a man deserves more because he is a breadwinner while a woman only supplements the husband's income. Strange as it may seem, this concept has not been eradicated, even from our basic laws. The Social Security system, for example, affords lesser recognition to the earnings of women than men. There is no legal justification I can see for this. It is simply a carry-over from a time when few women worked. Yet the effect of this obsolete law is to deprive male surviving spouses of benefits due them as a result of taxes paid by their wives, whereas female surviving spouses automatically receive theirs.



Under Social Security, a widow is entitled to monthly benefits when her husband dies. However if the wife works her widower receives no benefits unless he was dependent on her income while she was alive. For purposes of Social Security, your earnings count one way if you are a man, and another way if you are a woman.

In reality, in most cases, men are the real losers because it is the surviving husband who receives no benefits from his wife's payments into the Social Security system, which is a survivor benefit system. If I pay taxes same as a working man why should my survivors receive less in benefits merely because of my sex? My current earnings provide security for my family. Why shouldn't the taxes I pay provide the same security for them when I am dead? The tax committees of the Congress say to provide this equity would cost too much! But women live longer anyhow so we certainly won't be bankrupting the system.

These kinds of discrimination have been allowed to develop because not enough women were personally interested in securing equal rights. But this too has changed. The Congress of the United States approved a constitutional amendment which states that women shall have equality. This is before the State legislatures for ratification. My home State of Hawaii was the first to ratify the amendment, and the Kansas legislature has also passed it. The fact that the amendment has not had an easy time in other legislatures merely serves to prove that we have much work ahead of us. I am confident that as more women realize the enormity of our deprivation of basic human rights, they will rally and bring sufficient pressure to adopt the amendment.

It is the traditional sex-role concepts that hold women back more than anything else, and the force of these concepts is all the greater because it is subtle and pervasive. It is in the mind of a little girl as well as her brother by the time they are five years old. What women today must learn to do is to go beyond the stereotypes to gain the human freedom that can only come when our minds and behavior are not patterned according to what is traditionally proper thought or action for women. We must do for women overall what the College of Home Economics has done for this course of instruction.

At least in this country, history has brought us to a point in time when women should be able to make individual choices and take their places as complete human beings. The trend toward fewer children, the development of conveniences that speed and simplify housework, and the new urbanization and mobility leave women freer to have their own separate lives apart from traditional roles of wife and mother. Recent legal actions in the United States, such as the Equal Pay Act, the Civil Rights Act of 1964, the Revised Order No. 4 of the Office of Federal Contract Compliance as well as Congressional passage of the equal rights amendment, have made it clear to business and industry that they must make places for women workers in their organizations. Publicity given to women of achievement such as the distinguished home economists for whom many of your buildings are named is giving many women role-models, and is suggesting that maybe they, too, could have careers or get involved in government and politics. Things have been changing for the better for women who want achievement in their own right.

I think one of the greatest problems for women today is themselves—their own inability to go beyond the stereotypes of what a woman should do and what she should be. Many in this audience doubtless have chosen to go beyond the traditional ideas of womanhood. You have the education and the interest to become the decision-makers of the future. Yet, I doubt that any but a handful of women has escaped some feelings of guilt or trepidation about your chosen life-styles. We were brought up, most of us, to believe that the most rewarding work in life would be to stay home, with our husbands and children. And yet many of us know we want more than that.

We women were treated differently than our brothers from birth. Little boys are given toys that challenge the mind and teach manual dexterity while we were given dolls and teacups and dreams of motherhood. Perhaps some of us here can remember the tearing apart of a young adolescent girl who had years of joy as a so-called tomboy, climbing trees and winning races, only to be told that such activity had to stop if she was to be successful as a young girl and later as a woman. Young women have told me that they can't remember consciously deciding, in the seventh or eighth grade, not to excel in school, to get lower grades in order to insure popularity. The dumb broad routine. It has been said that girls get less intelligent as they get older, that thousands of women who are positively brilliant in grade school become merely bright in high school, simply very good in college, and finally, mediocre in graduate school and that this explains the lower and lower percentages of women in these levels of higher education. But I doubt that any of us here accept that nonsense! This lack of "achievement" of course is merely the harsh workings of discrimination, brutally inflicted against women because of sex alone.

As a result of the women's movement, more and more young women are rethinking their goals and aspirations. However, even these women are not immune to the social conditioning of the traditional sex-role concepts.

The problem is, it seems to me, that a girl is conditioned to accept the notion that femininity and academic achievement are incompatible while the boy is taught from birth that his human fulfillment and his masculine fulfillment are one and the same.

This unconscious ideology is, I believe, at the root of the problem. Forces of history are changing other conditions that have made it difficult for women. New opportunities for women are increasing in the world of work as well as in community life and in government and politics. However, the traditional sex stereotypes continue to hinder the full development of women.

I chose politics as a career for active involvement and I would encourage more women to do the same. Obviously every woman in this country who is concerned with improving society cannot hold an office. But there is a limitless field for women to participate in politics at the grass roots level.

Women can actively involve themselves in the major issues of their localities, State and nation. Through awareness of the things that are important you can help to formulate public opinion. Things don't just happen. Actually, most of the major decisions in our society are not decisions at all. For instance, no single person or group reaches a conscious decision that there will be higher prices for meat. These things result from the interconnected actions of the market-place, in which millions of consumers have just as much impact as those who are in positions of power. There will be one decision if all of these consumers do not give any thought to prices and continue buying as usual. There may be quite another decision if enough individual consumers think about the matter and work to alter the course of events. We have seen this work yesterday as a result of a few determined wives.

On any public issue, it is the cause which generates the most attention and support that gets action. People can affect changes if they care enough to work for them!

A sense of political awareness is the key. Which public servant is doing something about an immediate problem? Which one is not? By following the activities of those in public office, you can have a basis for deciding. Those who meet with your approval should be supported and continued in office. Often, a single letter to a Congressman can turn his attention toward a problem that needs solving. Quite a few times, I have introduced a bill because of one letter from a constituent, outlining a legitimate need that should be met. Actually, I think most of the legislation that is considered in Congress originates from letters received by Members. On many issues, which command wide public attention, we get loads of mail and again this helps to assure that major problems are not ignored.

I know the same is true in State legislatures, such as the Hawaii legislature where I served before coming to Congress. It is even more true at the municipal or county level of office, where the office holder is in daily contact with the people he serves. Those in public office need to hear from the people in order to know how to proceed. But politics is not the only way to effect social change. Through private efforts, such as clubs and committees, much can be done also. All such activities can help bring pressure to bear on the inequities affecting many people. It seems to me that the more leadership devoted by women toward a better world, no matter whether through governmental or private efforts, the better. We need all the involvement we can get. The only error is to not get involved at all—or to permit others to make all the judgments which affect your life.

You might ask how can I get started in this process of involvement? My response is that the biggest obstacle is you! You have to first make a decision that you want to do something. After that it is simple to find the means!

You can't wait around for someone to ask you. There are many organizations, national and local, who need your help, but are not equipped to find you to ask you to join. Whatever you do will be by your own initiative. Actually, this lack of outside motivation is one of the main reasons why so many people fail to act beyond their own personal needs. It is only when you cease waiting for someone to ask you that you can begin considering yourself as over the hill and on your way to being a full contributing citizen!

Human initiative is the key to all progress, not just to the political process. The willingness to care, the fortitude to act in the face of apathy—these are the tools for change. And women care deeply and we've got enough fortitude to meet any challenge!

One hundred years ago, initiative created a new course of study in Home Economics here at Kansas State. Study is one thing—putting it to use is quite another matter. Initiative means you care about your fellow human beings; initiative cannot be taught. It comes out of a regard for yourself as an important person whose life has been given with equal capacity to do good works, to achieve and to count for something worthwhile. Women cannot, must not, take the back seat in the struggle for human dignity, for that is what true equality means.

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## AID TO HANOI WOULD BE MERELY TRIBUTE—HUMAN EVENTS

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, the conservative publication Human Events in its current issue includes an article by Thomas A. Lane which concludes in substance that any reparations to North Vietnam would have to be construed as tribute to an enemy. Mr. Lane concludes that this proposal is very bad policy and indeed madness.

Because of the interest of my colleagues and the American people in this most important matter, I place the article in the RECORD herewith.

The article follows:

AID TO HANOI WOULD BE MERELY TRIBUTE

(By Thomas A. Lane)

Attempts of the Nixon Administration to defend its commitment of aid to North Vietnam are generating some tendentious explanations. The claim of Secretary Rogers that we have always given such aid to mend the ravages of war is sheer misrepresentation. President Eisenhower offered no program of aid to North Korea when the armistice was signed at Panmunjon.

The Administration obscures the issue with references to our assistance to Japan and Germany after World War II. There is no similarity in the cases. In Japan and Germany the enemy surrendered and we replaced his government with one of our own. We assumed responsibility for administration of the countries. We installed democratic governments. This is not happening in North Vietnam.

President Johnson proposed aid to Hanoi as part of a peace settlement and President Nixon repeated the ploy. Because previous proposals to buy peace had not been criticized by Congress, the President had reason to believe that the proffer of aid would be accepted at the Capitol.

The Johnson proposal was not an offer; it was an indication of readiness to consider aid in a settlement package. No President has authority to make the commitment without the approval of Congress. The question now is whether any commitment of aid to Hanoi made by the President should be accepted by the Congress and the people.

This is a very bad proposal—much worse than appears on the surface. The Presidents should have considered the proposition more carefully before they spoke.

Let us be clear about precedents. There is no precedent for giving aid to an unvanquished enemy except as tribute. Aid to Hanoi would clearly be so categorized, whatever our explanation, as the price we pay for release from the conflict.

Arguments that the cost is less than the cost of continuing the war are specious. They obscure the cost of defeat. They would bow to defeat by puerile North Vietnam, as though money were the only consideration in war. We are not so depraved as to take that view of conflict.

Moreover, there is no need of our aid in North Vietnam. These people built their own country and they can rebuild it without our assistance. They can get economic and technical assistance from the Soviet Union and Red China, their allies in the war. North Vietnam is demanding aid so that it can claim the U.S. paid tribute to end the war.

It has been falsely charged by some critics of our policy in Vietnam that we are trying to police the world. If we now undertake to pay our enemies for the damage sustained in their aggressive "wars of liberation" against our allies, it can be fairly charged that we are trying to *bankroll* the world. What other interpretation can be put on a plan to rebuild not only the free world but the Communist world as well?

In the present state of our finances, this is madness. It is an extension of the profligate spending which has caused our monetary distress.

Aid to North Vietnam would be a radical innovation, not a following of precedent. Congress must reject it. Congressional leaders should firmly inform the President that the negotiation target for aid to Hanoi must be zero, because the Congress will have none of it.

## LET'S ACT TO RESOLVE THE OEO CONTROVERSY

### HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. BAFALIS. Mr. Speaker, in view of the great controversy which has arisen over the future of the Office of Economic Opportunity, I found this recent editorial from the April 16, 1973, Miami Herald most interesting.

We have heard endless threats from that vocal minority in our society which has condemned the President for authorizing the dismantling of OEO. Federal judges have issued conflicting decisions about the validity of this order. All in all, it is quite a turmoil.

I, therefore, would commend this editorial entitled "A Simple Vote in Congress Could End the OEO Hubbub," to my colleagues for review. This editorial provides the information necessary to see that, in this time of great fiscal crisis, the President has taken decisive steps toward consolidating those poverty programs which have proven to be effective and eliminating those which have proven to be a disgraceful waste of the taxpayers' dollars. It also outlines a logical course of action to resolve this controversy.

I strongly support the President in this difficult decision as does the Miami Herald.

The article follows:

A SIMPLE VOTE IN CONGRESS COULD END THE OEO HUBBUB

Conflicting decisions by two federal judges leave laymen confused about the fate of the Office of Economic Opportunity.

A jurist in Chicago refused to ban the dismantling of the OEO in that city, as ordered by President Nixon, on grounds it was assured of funding at least through June 30.

Contrariwise, a judge in the District of Columbia commanded a halt to the termination program. He rejected the argument that the executive branch has power to reorganize federal agencies in the way the OEO is being phased out.

"If the power sought here were found valid," said the Washington court, "no barrier would remain to the executive ignoring any and all congressional authorizations if he deemed them, no matter how conscientiously, to be contrary to the needs of the nation."

Offhand, this sounds like reinforcement for the role of the legislative as a co-equal with the executive and the judicial. Yet it is hard to reconcile with the Chicago ruling.

Nor is it clear to us whether either court considered the congressional grant of power to the President to combat inflation by economic controls. That, as we understand it, is the rationale for getting rid of the OEO—to cut back federal spending forthwith as an anti-inflation weapon.

All that Mr. Nixon is trying to eliminate is Community Action and a scattering of residual OEO activities. Most OEO programs are continued in his budget, many with more money. His effort to transfer them to other departments is in line with the intent of the Economic Opportunity Act that OEO should work separately only until its tasks could be shifted to old-line agencies.

The case against Community Action is conclusive. Its cost of nearly $400 million annually is unjustified by eight years of failure to prove that Community Action programs propel persons out of poverty.

Congress could slash through all the red tape and litigation easily. A simple bill abolishing Community Action would do it. But that would end the hubbub, depriving congressmen of the political hay they may think they are making with the likes of those poverty fighters in Washington who ordered champagne to celebrate their court "victory."

## IMPORTANT AVIATION DEVELOPMENT

### HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. DON H. CLAUSEN. Mr. Speaker, our colleague, the distinguished gentleman from Massachusetts (Mr. CONTE) recently spoke to the Short-Haul Air Transportation—STOL—Symposium in McLean, Va. His speech represents a significant milestone in the effort to shed some light on an important aviation development which I believe holds great promise for the traveling public.

I believe all the Members of Congress should have an opportunity to gain a better insight into the role of aviation as it relates to our developing STOL transportation system and with Congressman CONTE's permission, I am inserting a copy of his statement in the CONGRESSIONAL RECORD so that we can all have the opportunity to benefit by it.

Having 30 years professional flying experience, I believe the gentleman from Massachusetts has once again demonstrated his extraordinary leadership in the field of transportation.

The statement follows:

REMARKS OF HON. SILVIO O. CONTE

Thank you very much for the kind introduction. It is a pleasure to be here tonight. With all the problems I have had using short-haul air transportation during my 14 years in the Congress, I am hopeful that meetings like this will lead to a brighter future.

I was going to fly here tonight in a STOL from the Capitol lawn. However, I ran into a host of problems. First the FAA told me that the flight could not take place because it would conflict with the Air Traffic Control pattern in the Washington area, and because the plane did not have a certificate of airworthiness. Next, the CAB told me that this was not a certificated route and that they were not sure the route would qualify for a subsidy. The last straw was the court suit filed by the *Capitol Hill Staffers for Peace and Quiet* asking for an injunction because I had not filed an environmental impact statement. I had a nice drive out here in a car.

Seriously, there are some real problems facing the air transport industry in its efforts to provide economical and safe short-haul air transportation. Tonight, I want to address myself to some of the problems and the federal role in seeking solutions.

As you well know, it is difficult to discuss any of the issues or the problems facing short-haul air transportation by placing them in nice, neat little packages. They are too closely related and intertwined for that approach.

When the federal government became involved in the civil side of aviation, it automatically became involved in the problem of providing adequate short-haul transportation. Unfortunately, the initial government reaction was the all too common one of throwing money at the problem. Subsidies based on operating costs were provided. This only served as an incentive for waste and the development of inappropriate solutions.

In its usual way, America decided that bigger was better. Our original short-haul carriers purchased equipment suited to longer hauls with greater passenger loads, even though the approach was patently uneconomical and the market for these facilities did not exist. Because they had the larger planes, the short-haul carriers begged for and got longer routes. They then tried to drop many of the less profitable routes. The end result is that the short-haul, feeder carriers have become minitrunk carriers, and some of them are not so mini any more either. Probably the worst aspect of these developments was that the demand for the development of *practical*, short-haul equipment, became subservient to the larger, faster, longer-haul markets.

Fortunately, the tables are now turning. The carriers, the manufacturers, the federal government and local citizens are all recognizing the need for new technologies to meet the challenges of the 1970's and beyond. These new technologies are coming, and I believe that they hold great promise. Steep approaching, quiet, short-runway aircraft are now appearing on the drawing boards. The 45-passenger DeHavilland DHC–7, able to operate from short runways quietly and economically, is scheduled to appear by the mid–70's. The Air Force is going ahead with construction of two prototype jet STOL transports from which technological fallout is inevitable. The major airframe manufacturers are seriously studying the type of short-haul aircraft that can meet the environmental and market demands of the next decade.

Right now, NASA is involved in the development of a clean and quiet experimental engine. Of all things necessary for a practical and acceptable short-haul aircraft to meet our future transportation needs, a quiet engine is the most crucial. As things presently stand, this engine can be ready for production by the middle of this decade and in commercial service by 1980. But many questions must first be answered. What size, or sizes, of aircraft are needed to meet the demand? Which of the technologies being actively pursued, i.e., augmentor wings, externally blown flaps, etc., will meet the combined needs of environmental acceptability and operating economics?

We see both government research and industry moving forward with technological developments. I welcome this, and I hope this trend continues. I must note, however, that there is a great deal of lobbying for *greater* government assistance in the form of tax benefits, subsidies and even more massive federal R&D programs.

When I discuss this issue, the most commonly asked question I hear is: "What can the government do?" I am really disturbed by this because the implicit question really is: "How *much money* will the government spend on short-haul transportation?" While I believe that the federal government does have a role and should spend some money on the development of our short-haul air system, I am also convinced that the major responsibility lies with the carriers and the manufacturers. This country has led the world's aviation industry since its inception. There is no reason why we cannot continue to do so. From all the reports I have seen on the demand for short-haul air transportation, the market is there waiting to be tapped. NASA has committed to a $100 million program to develop a QUESTOL engine. The Internal Revenue Code contains a host of tax benefits for both the manufacturer and the carrier. The FAA's Quiet Short-Haul Air Transportation System Office is providing centralized leadership for those things which are properly the responsibilities of the federal government. I do not think we can reasonably expect federal aid to grow much beyond that.

Neither I nor anyone else can discuss short-haul air transportation without discussing competition and markets. Competition for the short-haul carriers takes two forms: other airlines and ground transportation. In most cases, the free market forces should be the determining factor. If the market is over-served by airlines, the competing carriers are going to have to make the decision to fish or cut bait. There is no reason why the carriers should be subsidized to over-serve the dense short-haul market. Their function is to fulfill a transportation need at a reasonable cost, and massive subsidies are not the answer. A wiser approach would be to amend our regulatory system to allow for joint or unilateral reductions in an over-served dense market.

With regard to competition on the ground, there have been a number of very significant developments over the last few years. The most notable of these are the nearing completion of the Interstate Highway System and the establishment of Amtrak in 1970. The Interstate Highway System has cut travel times tremendously, and this has given rise to a greater readiness to drive to a destination rather than fly. Often-times, this decision is an economic one because the time saved is not significant enough to warrant the expenditure of the premium cost of air transportation. I believe that the industry and the CAB must seriously investigate the possibility of establishing more flexible group fares for short-haul flights.

One extremely important area that I have already alluded to is the *market* for short-haul air transportation. Essentially there are two markets: First, the high density markets found on the East Coast, in the Great Lakes region, and on the West Coast; and, second, the lower density market in the rest of the country.

For the high density markets, I think that it is reasonable to assume that short-haul air transportation will continue to operate as a vital part or our transportation system.

With the coming developments in technology and with the given demand, there is no reason why the carriers cannot provide even better service at a more economical cost per revenue passenger mile without reliance on subsidies.

A far different situation exists in those markets where there is not enough demand to profitably support the operations of regular air service, but where service is nonetheless needed. In such cases, I believe that one proposal made by the CAB has substantial merit. The CAB has proposed that markets which demonstrate a need for air service, but which cannot support such operations, should benefit from *limited* subsidy. This subsidy would take the form of a contract designed to provide regularly scheduled air taxi service to these areas.

The contract would specify the maximum fare and the minimum service to be provided. The potential carriers would then bid for the amount of the subsidy they felt necessary to make a reasonable profit and to provide the specified services. The low bidder would be awarded a short-term contract which would *not* be subject to renegotiation. At the end of the contract term, say in three years, the contract would be put out for bid again, and the prior contract holder would have no preference over the other bidders. In those cases where a contract holder made a substantial profit or incurred substantial losses, the subsequent contract bids would certainly reflect the experience. The advantage of this would be to provide the best service that is possible and reasonable at the lowest cost to the government and the consumer. This system would provide an incentive to the contract holders to meet the requirements of the contract in the manner which is most responsive to the needs of the community in their effort to maximize profits. Most of the services under this system would probably be provided by the air taxi carriers. The air taxis, which have developed scheduled service at a so-called "third level," have become an interesting outgrowth of the desire of smaller carriers to withdraw from the local service market. In many cases, they are providing substitute service for the carriers so that the carriers can meet the requirements of their certificates, and they are doing a very good job in many cases.

The final matter I want to discuss involves airports and airways. Because time is always a crucial element in transportation, there is a demand for short-haul airports of greater convenience to the passenger. I don't have to remind you of the opposition that arises every time airport construction or expansion is proposed.

You are, or should be, fully aware that you have a major job on your hands. There are conflicting points of view involved here. On the one hand, there is a need for more convenient air tranpsortation terminals. On the other, there is a broad-based feeling that airports do not make good neighbors. Hopefully, this feeling will change some with the advent of the substantially quieter engines and smaller, more compatible landing facilities. In such casea, you may be able to make substantial progress in convincing people that airports *can* make good neighbors and that the benefits of having a STOLport, for example, would be in the public's interest. You have to understand that for many years the entire airline industry operated on the assumption that bigger is better. The job of convincing people that things are changing and that the changes are in their interest is not going to be easy. It is going to take a real sales effort, and it must be an honest and fully informative one.

Of course, any discussion of airports must include a discussion of the means to get to and from those terminals. This is a vital factor in the overall success or failure of short-haul aviation. And it is an area in which the Federal Government, through its efforts to develop efficient mass transit systems, can be of great assistance. First, you must clear the hurdle of establishing new STOLports, and of expanding the operation of smaller nearby airports as STOLports.

Then the utilization of fast and economical mass transportation to connect these STOLports with major hub airports could benefit the entire transportation system by reducing congestion and expanding the available services for the passenger.

This, of course, would only be practical in a limited number of cases, but it would provide a possible answer which would help to solve a host of problems.

Finally, I do believe that the FAA is working to assure that short-haul air transportation continues to have a place in the airway system. It is also preparing for the special needs of new concepts for short-haul air-





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craft and their special capabilities. New Technologies are coming to the fore with improvements in air traffic control, navigation, and safety. However, much of the direction that developments in this area take will depend largely upon the technologies that are implemented in the short-haul field, the expansion of the number or size of airports, and how these developments fit into the short-haul system.

In the years to come, all of us, the federal government, the state and local governments, the manufacturers, and the carriers have a role to play. The success of short-haul air transportation will depend on how well we fulfill our roles.

I appreciate the opportunity to share my thoughts with you this evening, and I look forward to the positive developments in short-haul air transportation in the coming years.

Thank you.

## IMPROVE RETIREMENT SYSTEM FOR FEDERAL EMPLOYEES

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. WALDIE. Mr. Speaker, I would like to call attention to an article that appeared in the January 1973 issue of North Island Civilian. This article, written by Carl La Munyon, the president, National Council of Naval Air Station Employee Organizations, advocates changes in the civil service structure which would encourage young men and women of high quality to enter the employment of the Federal Government.

Mr. La Munyon states the only way that the Federal Government will achieve this much desired goal is to provide a dignified early retirement plan for its older employees which in turn would open up the necessary employment vacancies.

Mr. La Munyon suggests two steps that should be taken in order to provide employment vacancies. The first step should be to change the retirement system to eliminate any penalty assessed because of age under a discontinued service retirement. The second step that should be taken is to put the civil service retirement system on a comparable level with the retirement system enjoyed by the military personnel.

Mr. Speaker, I believe that this is a matter of great concern. Not only must we make plans to care for our aging Federal work force, we must provide employment for our highly qualified young men and women.

Mr. Speaker, the text of the article follows:

LA MUNYON ADVOCATES RETIREMENT CHANGES

(By Carl La Munyon)

Congressmen, civilian, civilian personnel officers, and ordinary taxpayers have for years advocated changes in the civil service structure which would encourage young men and women of high quality to enter the employ of the federal government. In 1962 when the Compensation Comparability Act was passed, they throught they had the answer. In 1963, when extensive revisions to accident and health insurance coverage for federal employees was passed, they thought they had the answer. In 1969, when a progressive, two-phase major pay increase was passed, they thought they had the answer. In 1972 we find that our civilian personnel population among federal employees is older in age than ever before. Why?

The answer is relatively simple. Although major changes in pay and fringe benefits have been made in reecnt years, retirement benefits have not undergone a significant change for over twently-five years. Procedural changes in the retirement system have been made but no substantive changes in the benefits. The only way that the federal government will achieve the much desired goal of attracting young, knowledgeable employees is to provide a dignified early retirement plan for its older employees to open up the necessary employment vacancies. The reason the government is falling behind in the socially desirable goals of minority and female employment is because no vacancies exist for recruitment purpose. Vacancies do not exist because stabilized and/or reduced employment levels freeze an aging work force into the available jobs. The only solution to these critical problems is to change the retirement system for federal employees to encourage early retirement and to provide comparability with other federal employees, notably military personnel.

There are two steps that should be taken to correct this situation. The first step should be to change the retirement system to eliminate any penalty assessed because of age under a discontinued service retirement. Discontinued service retirements have in the past been encouraged by government officials because they, in a reduction-in-force condition, can prevent separation of on-board employees as a result of a ceiling reduction. These same government officials have been dismayed at the results of the discontinued service retirement program. And no wonder. Why would an employee with years of service, even though he yearns for retirement, step aside to save another employee's job when it means a drastic reduction in his annuity? Yes, we have a World War II employee "hump" in the federal civil service. Forty per-cent (40%) of all employees have over twenty years of service. Is their reward for loyal and faithful service to be a letter from the commanding officer asking them to step down at a much reduced annuity because of the age penalty? How much better to eliminate the age penalty and encourage voluntary retirements that afford dignity and security, and open up our ranks to the young, the poor, the minority and the female.

The second step that should be taken is to put the civil service retirement system on a comparable level with the retirement system enjoyed by military personnel. Now that military personnel pay increases are directly tied to increases earned by civil servants, the inequities that exist among the two retirement systems should be corrected. I am not talking about the fact that military personnel may participate in the Social Security system and that civil service employees may not. I am willing to forego changing this inequity. I am talking about the fact that military employees may retire with 50% of their paycheck after twenty years of service and 75% of their paycheck after thirty years of service while civilian employees may not do likewise. This inequity in the computation of federal annuities among groups of employees should be changed and the sooner the better. Since our pay scales and pay increases are inexorably linked together, why should not our retirement plans? A high priority goal of any employee association of federal civil servants should be to encourage Congress to permit civilian employees to retire, after twenty years and regardless of age, with 50% of their high three average income and to retire, after thirty years and regardless of age, with 75% of their high three average income.

We seek a retirement plan for those who have worked that is enticing enough to make room for those without jobs who want to work. We believe this deserves a higher priority than making welfare the only alternative for those not working.

The revitalization of our civil service work force has been the goal of every federal administration since John F. Kennedy. If they and the Congress are sincere in their aim to bring this revitalization about, they should welcome with enthusiasm our two-step plan to achieve this goal. Solvency and actuarial soundness of a retirement fund supported by congressional appropriations, stemming from the unique right of the federal government to operate currency printing presses, pales in comparison with the social goals—both civil rights and full employment—that can be achieved merely by updating and modernizing the federal civil service retirement system.

## THOSE CONVENIENTLY FORGOTTEN IOU'S

### HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. BRASCO. Mr. Speaker, in this century, the United States has poured out its blood and treasure in a series of foreign commitments which cumulatively amount to staggering numbers of lives and dollars. The lives can never be restored, but the money certainly can be repaid by its original recipients.

In World War I, Europe tore itself to pieces in the "War To End All Wars," until we were finally prevailed upon to enter and change the balance in favor of the Allies. Without our money, even our physical commitment would not have been enough. A number of nations, including all the principals to the fighting, were the eager recipients of American largesse. Loans were made in enormous figures. Little of that money has been repaid. In fact, some $18 billion is owed us from World War I alone.

The total sum owed the United States by foreign governments mounts up to a sobering total of $46 billion. And in view of the present state of economic affairs, some progress toward arranging repayment of these debts is very much in order.

Some of the nations owing the most are today prosperous. For example, France was rebuilt after World War I and World War II by American assistance. Let us not even take into serious consideration for the purpose of this debate the deliberate, long-term hostility France harbors for any and all things American. Suffice it to say that she owes us a considerable monetary debt as a result of the loans and other financing we made available to her.

The time has come for that nation and a host of others to make some arrangement in this area. In plain language, we desire repayment. Such a request is not an inordinate or unfair one.

Last session of Congress, our distinguished colleague from New York (Mr. WOLFF), introduced a "War Debts" resolution, requiring the Treasury Department to provide Congress within 90 days an accounting of all moneys owed by other nations to the United States. Further, it would require the Treasury to make swift arrangements with such countries for repayment of all overdue debts. I joined in sponsorship of that measure last year, and am most pleased to do so again this time.

It is my belief that the Congress speaks for the Nation at large in seeking repayment of these sums. We face a budget and balance-of-payments problem today. It is exceedingly difficult, in light of these facts of economic life, for the Nation to carry these large outstanding sums on its books.

We have successfully worked out some agreements with the Soviet Union over the lend lease imbroglio, and this was perhaps the most difficult potential problem of this type. Surely then, if we have managed to untie that Gordian knot, there should be no insurmountable obstacles to presenting and settling our bills with other nations around the world.



## FOOD PRICES

### HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. JONES of Tennessee. Mr. Speaker, recently a young man from my district, Mr. Thomas Henning, a member of the Bartlett High School Chapter of the Future Farmers of America, presented a speech at the annual FFA Banquet in Memphis, Tenn. Although I was unable to be present for the occasion, I did read the text of the spech and was favorably impressed by what Mr. Henning had to say. Apparently the FFA speech contest judges shared my assessment since Mr. Henning's speech was named best in west Tennessee.

In these times when there is so much awareness of food prices, I feel that these remarks are particularly appropriate. I include Mr. Henning's speech at this point in the RECORD:

THE FARMER AND THE PRICE OF FOOD

Man's search for food has been his dominating activity throughout history. The need for food carried the children of Israel into Egyptian bondage and in recent times brought about a softening of the cold war, because of Russia's need for American wheat. Rising food costs are causing much concern among the people of the United States. Besides being the most important item in the family budget, food is on a person's mind three times a day, and purchases by the housewife are made often. Most complaints about food prices are directed toward the farmer, since he is the producer of all food products.

The true picture of food prices is much more complex than the amount that the farmer receives. The price of food must include transportation, processing, packaging, storage, and wholesale and retail profits.[1] On an average the farmer receives 38% of the food dollar. This average ranges from seven cents on the corn flakes dollar to sixty-two cents on the choice beef dollar. The percentage of the food dollar the farmer receives dropped from 47% in 1950 to 38% in 1971. The remaining 62% pays for all the tasks performed by the marketing system, many of which were done at home or on the farm a few years ago. Today the American housewife demands foods that are pre-washed, pre-cooked, pre-mixed, and pre-packaged. This increases the consumer's cost and reduces the percentage that the farmer receives.[2]

Food is actually the biggest bargain in the American consumer's budget. The people of the United States pay less of their income for food than any other country in the world. In the United States, only 16% of the disposable income is spent on food, compared to 55% in Russia and 60% in India.[3] In many countries most of a person's time is spent on just acquiring the bare essentials of food.

In spite of the rising cost of food, the working man's wages are increasing faster. In 1950 a production worker could buy ten loaves of bread for one hour of labor, whereas now one hour of labor would buy fourteen loaves. The amount of beef roast an hour of labor would buy has doubled in the past 22 years from 2.3 pounds in 1950 to 4.6 pounds in 1972. Other items in the cost of living are also going up faster than food costs. Inflation has caused a 62% rise in medical care, 34% rise in clothing, and 35.5% rise in labor in the past 12 years; in that same period food has increased only 30%.[4]

If there is ever a tremendous food shortage the price of food will skyrocket. A perfect example of this is the shortage of soybeans last fall. This shortage caused the price of beans to increase from $3.40 a bushel at the start of the harvesting season to $6.60 a bushel five months later.[5] The price of wheat increased from $1.53 to $2.55 per bushel in nine months after the sale to Russia was announced in July 1972.[6]

The amount of food that will be needed in the future will be directly proportional to the number of people present to eat it. Experts estimate that the population of the United States will double in the next twenty to thirty years. This means that twice as much food will be needed. In the future the farmer must be encouraged to improve and expand in order to feed these people. He must receive enough money from his sales to make it profitable to stay on the farm.

The farmer has very little control over the price that he receives. There are thousands of separate farmers which makes it practically impossible for them to control the flow of their products into the market. The main thing that determines what the farmer will get is the supply of the product and the demand for it. Many farm products required a guaranted minimum price to keep the farmer in business, until recently when farm prices have been going up steadily. Most of the increase in the price of groceries is the result of increase in labor, transportation, processing, handling, and distribution profits.[7] If the government controls prices that the farmer can receive, then as inflation is increased he will have less profit, less incentive to farm, and probably seek another profession. This would cause fewer farmers, a shortage of food, and a tremendous increase in food prices.

The only way to keep the price of food within reasonable bounds is to produce an abundant supply. If this is to be accomplished, we must not only maintain present production levels, but must double produc-

tion to take care of increasing population. To do this, we must have a well informed, highly efficient, and prosperous agricultural population that is unhampered by government regulations.

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[2] *Facts You Should Know About Food Costs*, Agricultural Extension Service, University of Tennessee, August, 1972.

[3] *Ibid.*

[4] *Ibid.*

[5] "Spot Commodities", *Journal of Commerce*, Vol. 314, (October, 1972), p. 8.

[6] "Spot Commodities", *Journal of Commerce*, Vol. 313, (July, 1972), p. 7.

[7] *Marketing America's Food*, U.S. Dept. of Agriculture, August, 1972.

## ALOHA TO THE LATE ALFRED APAKA, "THE GOLDEN VOICE OF HAWAII"

### HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 17, 1973*

Mr. MATSUNAGA, Mr. Speaker, because several of my colleagues have informed me of their plans to be in Hawaii for at least a part of the upcoming Easter recess, I would like to take this opportunity to inform them as well as other Members of Congress of a musical extravaganza to be held on Sunday, April 29, 1973, which probably will not be duplicated in the history of Hawaiian music. This is the musical tribute to the late Alfred Apaka, the golden-voiced baritone whom many regard as the greatest singer ever produced in Hawaii.

Called the "Songwriters' Aloha to Alfred Apaka," the production will be staged at the Waikiki Shell in Honolulu. Tony Todaro, a veteran musician, songwriter and author—as well as personal friend of Apaka—is writing, producing and directing the show. Todaro, perhaps more than any other person, has kept Apaka's name alive.

Apaka died of a heart attack on January 30, 1960, at the age of 40—at the zenith of an extraordinary singing career.

He was for many years the headline entertainer in the Tapa Room of the Hawaiian Village Hotel—now Hilton Hawaiian Village—charming visitors and local residents alike. He presented a striking appearance, wearing always an all-white outfit with a red carnation lei and a red sash. His engaging smile was ever present.

But it was when he sang that he held his audiences spellbound. His voice was deep, rich, mellow—and moving. He gave even the most frequently sung Hawaiian songs new depth, new meaning, and new delight. Mainland radio audiences also came to love his singing as the result of his frequent appearances on the "Hawaii Calls" radio show. His was truly the "Golden Voice of Hawaii."

The April 29 show in Honolulu, Hawaii, will reunite as participants Hawaii's foremost entertainers. Many performed with Apaka. They will use the Hawaiian songs that Apaka recorded and loved.

Mr. Speaker, I know that many of my colleagues, if informed, would not wish to miss such a rare oportunity to hear once again the magic of Apaka's recorded

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voice and to see all who will come to entertain in memory of a great singer. I, for one, would not want to miss the "Songwriter's Aloha to Alfred Apaka," and regret it for the rest of my life.

As an added enticement to the musical extravaganza its sponsors are turning the entire proceeds over to the Hawaii Heart Association Research Fund to fight the deadly disease which silenced "Hawaii's Golden Voice."

Your attendance, if at all possible, may help to keep alive a heart which might some day soon spring forth with yet another "Golden Voice of Hawaii." Mahalo and Aloha.

## TAX CREDITS FOR HIGHER EDUCATION

### HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. COUGHLIN. Mr. Speaker, yesterday I introduced a bill that is a prudent and reasonable effort to help parents, especially lower- and middle-income taxpayers, to meet the escalating costs of higher education for their children. This measure would establish tax credits for higher education expenses and it is cosponsored by 38 of my colleagues from 25 States and territories. I am particularly proud of the fact that their sponsorship represents a broad spectrum of Congressmen—both parties, both sexes, cities, suburbs, rural areas, and all geographic sections of the Nation.

I think all of us as sponsors are agreed that the time has long passed when the Federal Government can pay lipservice to the cause of higher education without providing some concrete assistance for citizens to use their own resources in educating their children.

This bill would provide a tax credit of 100 percent for the first $200 spent on higher education; 25 percent of expenses from $200 to $500; and 5 percent of expenses from $500 up to a maximum of $1,500. Eligible taxpayers would be able to apply the credit amount directly to reducing their yearly income tax. This proposal represents an equitable addition to our present tax system which does not even provide for deductions of costs of higher education while providing for deductions for yachts and champagne dinners—for business purposes, of course.

A maximum tax credit of $325 would be provided to those taxpayers spending $1,500 or more on higher education expenses and whose adjusted gross income is $19,000 a year or less. At higher income levels the credit would be gradually reduced by an amount equal to 1 percent of the amount by which the adjusted gross income for the taxable year exceeds $19,000.

Credits provided by the bill would apply to taxable years beginning after December 31, 1973. In addition to colleges and universities, the provisions of this bill would cover business, trade, technical, and vocational institutions meeting Federal and State standards.

In the past, bills similar to this one have twice been passed by the U.S. Senate but they were later killed in House-Senate conferences. I respectfully submit that it is time that all of us in the Congress carefully reexamine our thinking on bills such as these and recognize the very real need to which they are addressed.

I fully realize that one of the first questions asked is what the revenue loss will be for the U.S. Treasury if this bill is enacted. I ask what will be the loss to the country if we do not encourage our citizens to educate their children by means of a bill such as this.

Frankly, I have not cited the estimated revenue loss under the bill because figures have a certain way of being inflated when a case against a new proposal is being made. I will point out, however, that so-called tax breaks for other purposes—many of which I feel are less justified than tax credits for education—are costing the Federal Government almost $46 billion annually.

If indeed, we should weigh monetary considerations first, then I think Department of Commerce figures for 1968 help make my case. College graduates in their lifetime earn an average of $213,000 more than high school graduates and an average of $371,000 more than those with 8 years of education or less. On this basis alone, I feel the country, in the long run, will be far better for encouraging and assisting parents to send their children to institutions of higher learning. Better-educated citizens earning higher incomes would have a positive impact on the economy and tax revenues.

Through this bill, we also would be recognizing the desirability of promoting education at private institutions rather than pushing students to tax-supported colleges and pouring ever-increasing amounts of government money into them as a result. This bill, as I have stated, is a reasonable and prudent effort to make this principle a living fact rather than abstract rhetoric.

I think that most Americans, as I am, are tired of excuses of monetary expediency that penalize the workingman and his family. Something must be done to help parents provide their children with a higher education. Soaring tuition rates compounded by continuing inflation are making it unbearable and, in some cases impossible, for parents to send their children to college.

Congress must exert leadership in this field by meeting the challenge of providing the most education for the most people. My bill would help accomplish this objective.

Mr. Speaker, I want to thank my colleagues who joined me in sponsoring this vital legislation and I insert a list of their names in the RECORD:

LIST OF COSPONSORS

Mark Andrews, Republican, of North Dakota.
John Buchanan, Republican, of Alabama.
Clair W. Burgener, Republican, of California.
Bill Chappell, Democrat, of Florida.
James C. Cleveland, Republican, of New Hampshire.
William S. Cohen, Republican, of Maine.
James M. Collins, Republican, of Texas.
John W. Davis, Democrat, of Georgia.
Ron de Lugo, Democrat, of the Virgin Islands.
William L. Dickinson, Republican, of Alabama.
Edwin D. Eshleman, Republican, of Pennsylvania.
O. C[illegible]her, Democrat, of Texas.
Walter Flowers, Democrat, of Alabama.
Edwin B. Forsythe, Republican, of New Jersey.
Bill Frenzel, Republican, of Minnesota.
George A. Goodling, Republican, of Pennsylvania.
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Orval Hansen, Republican, of Idaho.
Ken Hechler, Democrat, of West Virginia.
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William Lehman, Democrat, of Florida.
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Romano L. Mazzoli, Democrat, of Kentucky.
Clarence E. Miller, Republican, of Ohio.
Stanford E. Parris, Republican, of Virginia.
Bertram L. Podell, Democrat, of New York.
J. Kenneth Robinson, Republican, of Virginia.
Leo J. Ryan, Democrat, of California.
Ronald A. Sarasin, Republican, of Connecticut.
William F. Walsh, Republican, of New York.
William C. Wampler, Republican, of Virginia.
Antonio Borja Won Pat, Democrat, of Guam.
Roger H. Zion, Republican, of Indiana.

## AUTO EMISSIONS AND CLEAN AIR

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 17, 1973*

Mr. WYMAN. Mr. Speaker, it is worthy of note that an esteemed newspaper like the Washington Star has seen fit to editorially support an "adjustment" in the clean air standards of the 1970 law. This is the thrust of the Star's editorial on Monday, April 16, 1973, concluding that EPA Administrator Ruckelshaus' request to Congress to ease the stiff nitrogen oxide emission standards set for 1976 ". . . seems justifiable and would make the manufacturers' task much easier."

Present emissions requirements are far too high for what the public health or safety truly requires and the legislative arena is now open to constructive amendments to the Clean Air Act of 1970 to get these requirements down to a level consistent with public health and compatible with the energy crisis which is now upon us in full flock. It would be the height of stupidity, for example, to require an unnecessary level of emission control that would add millions of barrels of oil each day to the voracious appetites of America's motor vehicles, when the Alaskan pipeline will produce but 3 million barrels a day when connected.

I have such an amendment pending in the Congress, H.R. 4313. It takes the standards from 96 percent pollution free emissions, to 90 percent pollution free emissions.



It will adequately protect the public health.

It provides a standard the automotive industry can live with.

It will give the motoring public cars that would not eat them alive with wasteful operating costs—perhaps 8 miles per gallon of gas—and several hundreds of dollars more in cost for control gadgetry.

H.R. 4313 should be enacted without further delay by Congress to keep jobs for our workers and to protect the public health at the same time. The present level of standards go overboard.

AIR AND AUTOS

In allowing auto-makers another year for compliance with antipollution standards set for 1975, William D. Ruckelshaus struck a good balance in the public interest. In other words, as head of the Environmental Protection Agency, he chose the lesser of evils. The question was whether to insist on meeting that year-after-next target at all cost, or to deviate from it sufficiently to avoid economic penalties that the nation might be hard-pressed to pay. A sizable segment of the auto industry appeared certain to fall short of the '75 requirements, and plant shutdowns conceivably could have caused a good deal of unemployment had Ruckelshaus refused to relent.

The fear, of course, is that this may become a commonplace kind of decision that eventually will make a shambles of the Environmental Protection Act. And indeed, harder tests may lie ahead. Industry with heavy employment may keep trying to back the government down, simply by pleading inability to comply with standards, and trusting that its economic leverage will translate into political power. But Ruckelshaus seemed to affirm that this will not work henceforth in the matter of auto pollution control. The EPA is intent on full-scale application of the 1975 standards in 1976 car models—an option which Congress wrote into the clean-air law. This seems well within the manufacturers' capability, and in any case there should be no thought on the government's part of further concessions.

Unfortunately, that thought appears to be an obsession with the car-makers, who reportedly are planning a high-powered drive in Congress for relaxation of basic standards in the 1970 Clean Air Act. This is not, we think, a battle they can win—nor should they. The resources that would go into such a public relations and lobbying campaign instead should be applied to meeting the technological challenges of compliance. After all, the EPA ascertained that General Motors and Chrysler were fully able to meet the 1975 emission standards on most of their production for that year, though Chrysler lagged dismally. One more year is long enough. The car-makers, some of whom are suspect of having made too little effort, should be told it's all there is, and to make every day count.

In the meantime, Ruckelshaus has decided to squeeze out all the clean air he can for the public during the year's delay, by imposing strong interim emission standards. These would go halfway in 49 states toward the final limitations of hydrocarbons and carbon monoxide, and two-thirds of the way in smog-plagued California. And that, it seems to us, is a good and shrewd trade. It will allow a year for hard testing in California of the catalytic depolluter which most auto-makers are depending on, and also afford those of us elsewhere a good deal of relief from fumes. Beyond that, Ruckelshaus will ask Congress to ease the stiff nitrogen oxide emission standards set for 1976, which seems justifiable and would make the manufacturers' task much easier.

## KAISER STEEL HAS BEEN A CORNERSTONE OF THE INLAND EMPIRE'S ECONOMY SINCE THE 1940'S

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. BROWN of California. Mr. Speaker, last Thursday I spoke briefly of the role which Kaiser Steel plays in the economy of California's 38th Congressional District. At that time I inserted into the RECORD an article which gave some specific details about the nature and extent of Kaiser's role in the economy of my district. That article, from the Ingot, a Kaiser Steel Corp. publication, contained a wealth of information.

Since that time another article has come to my attention. Joe Baker, the business editor of the San Bernardino Sun-Telegram, wrote a feature story on the same subject for the April 8 Sunday edition of that paper. I have always found Mr. Baker's articles to be interesting and well-written, and this is no exception. Frankly, with all due respect to the staff of the Ingot, I found Mr. Baker's article to be a more comprehensive and in-depth treatment of the subject than the article done by Kaiser's own publication.

I would like to point out that I intend no offense to the author of the Ingot article; Joe Baker is tough competition. His articles frequently contain information which I find useful long after I first read it, such as an article he wrote at Christmas of 1971, in which he described a method of synchronizing a tape recorder with a slide projector. I had clipped the article for my own interest and recently found it useful in assisting a constituent who sought my help in a similar project.

Here, Mr. Speaker, is the Sun-Telegram article of April 8 which I have referred to and I insert it into the RECORD for the benefit of our colleagues at this time:

STUDY SHOWS KAISER IMPACT ON SOUTHLAND

(By Joe Baker)

FONTANA.—It's no secret that Kaiser Steel exerts a tremendous economic impact on the Inland Empire.

You could almost say that in a sense, Kaiser Steel is to San Bernardino County what the moon is to the earth.

The moon weighs only about 1/81 as much as the earth (slightly over 1 per cent of the earth's mass). Kaiser Steel's 9,000 employees represent about the same percentage of the county's 700,000 people.

But almost everyone realizes that a catastrophe far out of proportion to the moon's size would certainly result if the moon were suddenly taken away.

And no person of reasonably good judgment could deny that an economic disaster of proportionate magnitude could be expected in the county if Kaiser Steel suddenly ceased to be.

Until now, however no one has attempted to measure Kaiser Steel's full impact on the Inland Empire economy, or on the Southern California economy as a whole.

Now, for the first time in Kaiser Steel's 30 years in steelmaking and steel fabricating, such a study has been made.

Economist Gerhard N. Rostvold, head of Urbanomics Research Associates, Claremont, who made the study, calls it "the most thorough and comprehensive analysis of a company's economic impact on its local community that my organization has ever produced, and probably the most detailed in my experience."

"Frankly," said Dr. Rostvold, "we have been surprised at the magnitude of this one company's economic significance to the Southern California economy."

Many of the elements of the 116-page study have been separately examined and discussed in the past.

But putting them all together, along with other elements never before analyzed, leads to the conclusion that Kaiser Steel's economic impact is probably much greater than most people imagined.

For example: Kaiser Fontana jobs (almost 9,000), annual payroll (92.6 million), and annual San Bernardino and Riverside county property taxes ($9.6 million) have been discussed many times.

But Rostvold's study discloses that in 1971, a typical year, the company also:

Spent $114 million on materials, supplies, fuel and other purchases.

Spent $33 million for shipping and transportation charges.

Invested $18 million in new plant and equipment.

Paid $3 million in state sales taxes.

Paid $1 million in state unemployment insurance.

Donated, with its employees, $335,000 to community civic and charitable organizations.

All this adds up to more than $271 million, representing Kaiser's primary economic impact on San Bernardino, Riverside, and Los Angeles counties in one year.

But the direct expenditure of over a quarter-billion dollars does not represent the full impact. The study also measures the "induced" economic impact, determined by applying "generally accepted multiplier principles."

The primary economic impact is measured in employment, payrolls, expenditures on supplies, utilities and raw materials, new investment in plant and equipment, federal, state and local tax payments, and transportation expenses.

The induced economic impact is measured in terms of such things as household income, consumer spending, retail sales, employee savings, and induced employment and income effects in non-basic areas such as retail trade, services, financial and government.

"By way of illustration," says the study, "one manufacturing job at the Kaiser Steel plant provides a foundation of ongoing support for at least two jobs in non-basic lines of activity, namely retail trade, services, finance, utilities, government, etc."

Here are some of the induced economic effects attributed to the Fontana Steel manufacturing and metal products plants:

Creation of more than 17,500 nonbasic jobs in regional communities, with annual payrolls of $124 million.

Spending of over $70 million by Kaiser Fontana employes on family and household needs such as food, clothing and transportation.

Annual saving of $6.5 million by Kaiser employes.

Spending of $3.5 million annually for new capital investment by other companies during business with or because of the influence of Kaiser Steel.

The primary and induced economic effects combined add up to:

25,000 jobs, with annual payrolls of $216 million.

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$164 million in annual household spending.

An additional several hundred million dollars in annual spending for supplies, raw materials, utility services, and investment goods.

And the total? Not $271 million, as Kaiser Fontana annual direct expenditures would indicate, but over a half-billion dollars annually, Dr. Rostvold believes.

"In terms of the overall annual economic impact on the Southern California economy," he says, "the two Kaiser production facilities in Fontana can be described as the basic employment income and expenditure foundation of a $500 million industry."

Other salient points turned up by the study:

The typical Kaiser Fontana hourly employe earns between $8,500 and $9,500 annually.

Minority group representation is more than 22 per cent of Kaiser's employment base.

Nearly 95 per cent of the 8,771 employes live within a 20-mile radius of the two production plants.

More than 87 per cent (7,852 employes) live in San Bernardino County; 8.2 per cent (745) in Riverside County; 4.3 per cent (387) in Los Angeles County; and 0.4 per cent (34) in Orange County.

Steel produced at Fontana mostly goes into construction, containers and packaging, exports, steel service centers, military, machinery and equipment, steel conversion, automobiles, ships and railroads.

Employes living in the Fontana-Lytle Creek area receive 38.4 per cent of the payroll.

Employes living in other San Bernardino County communities received nearly 50 per cent of the payroll.

The major portion of employes' earnings are spent and saved in communities in which they live.

More than half of Kaiser's annual purchases ($114 million) of materials, supplies, fuel, etc. are made from primary suppliers located in Southern California.

$7.8 million in property taxes go to San Bernardino County governmental units, and $1.8 million to Riverside County units.

Who receives the tax money in San Bernardino County?

In 1971, county government received $2,740,000 or 31.3 per cent; school districts, $5,156,000 or 58.9 per cent; fire protection districts, $106,000 or 1.2 per cent; flood control districts, $261,000 or 3.0 per cent; and water districts, $491,000 or 5.6 percent.

County government's $2,740,000 share was distributed as follows: public assistance agencies, $1,200,120 or 43.8 per cent; public protection, $802,820 or 29.3 per cent; administration, $405,520 or 14.8 per cent; health and sanitation, $150,700 or 5.5 per cent; education, $112,340 or 4.1 per cent; and miscellaneous (recreation, contingencies, public services), $68,500 or 2.5 per cent.

Kaiser's 1971 payroll of $92,583,200 was distributed among employes living in these communities:

Fontana-Lytle Creek, $35.5 million; Ontario, Upland, Montclair and Chino, $14 million; San Bernardino and Highland, $12 million; Rialto and Bloomington, $10.7 million; Riverside, Arlington and Corona, $5.9 million; Colton and Loma Linda, $5.4 million; Cucamonga, Mira Loma, Alta Loma and Etiwanda, $3.5 million; Pomona, $1.9 million; and Redlands, Claremont, LaVerne and other regional communities, $3.4 million.

Kaiser employes paid nearly $12 million in federal and state income taxes in 1971.

Where do the employes live?

Their home towns and numbers are: Fontana, 3,266 employes or 36 percent; San Bernardino, 1,102 or 12 per cent; Rialto, 721 or 8 per cent; Ontario, 719 or 8 per cent; Riverside, 525 or 6 per cent; Upland, 463 or 5 per cent; Colton, 428 or 5 per cent; Bloomington, 396 or 4 per cent; Pomona, 171 or 2 per cent; Cucamonga, 135 or 2 per cent; Montclair, 103 or 1 per cent; Alta Loma, 99 or 1 per cent; Redlands, 87, Mira Loma, 78, Chino, 59, Corona, 52, Etiwanda, 48, Claremont, 45, Highland, 45, Arlington, 32, Norco, 29, Yucaipa, 25, each less than 1 per cent; and 389 others, 4 per cent.

How did the employes spend the $92,583,200 they earned in 1971? The money went for these items:

Food, $18,980,000 or 20.5 per cent; housing, $19,813,000 or 21.4 per cent; transportation, $7,221,000 or 7.8 per cent; clothing and personal care, $9,629,000 or 10.4 per cent; medical care, $5,647,000 or 6.1 per cent; other family needs, $5,092,200 or 5.5 per cent; other household costs, $4,351,000 or 4.7 per cent; savings, $6,481,000 or 7.0 per cent; Social Security and disability insurance, $3,611,000 or 3.9 per cent; and personal income taxes, $11,758,000 or 12.7 per cent.

Many have acknowledged that Kaiser Steel has been a cornerstone of the Inland Empire's economy since the Fontana plant began operations in the 1940s.

But until now, no one was sure of the dimensions of Kaiser Steel's role. Dr. Rostvold's study indicates the appropriate designation might be "big." Mighty, mighty big.

## NIXON ADMINISTRATION'S APPROACH TO LAW ENFORCEMENT

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, in the last few weeks I have received an increasing amount of mail concerning the administration's approach to law enforcement.

Frankly, I am very disappointed in the administration's approach which appears designed to create newspaper headlines rather than solve the real problems of street crime. There are few Federal capital offense crimes related to the problems of people on the streets and in their homes. The administration seems quite content with a do-nothing approach.

There is no duty of Government more absolute, more basic to a civilized society than the protection of its citizens. Yet in every major city and suburb, crime is the major concern of the average citizen. We have become so used to it that we have almost forgotten that once we felt safe on the streets at any time of the day or night; that in many European cities people walk about unmolested.

Mr. Speaker, the city of Washington, D.C., was known as the crime capital of the world until Congress appropriated sufficient funds to add over 1,000 police, additional courts, judges to man them, and a massive street lighting program. As a result Washington is one of the few cities where street crime has declined—in some cases it has been cut in half.

Nevertheless, the administration budget has not provided adequate financial resources to make people safe in other cities.

Instead, the administration has supplied only rhetoric, calling upon State legislatures to institute capital punishment, blaming the judicial system, and still criticizing the "Warren Court" even though Justices he has appointed have upheld in many of the constitutional interpretations made by the Warren Court.

The cities of the Nation—no longer small—and the people who live in them—no longer rural, desperately need police on their streets, more courts, and more judges to handle increasing population in a complex society. We need rehabilitative programs in our prisons to break the cycle of criminal behavior, indeed, our long neglected prisons have become institutions of higher criminal learning. Prisons are making muggers out of shoplifters, burglars out of bicycle thieves, heroin pushers out of marihuana smokers.

This administration by its budget has indicated its opposition to increased financial assistance to local police departments and improving prisons. If they are allowed to get away with this pennywise-poundfoolishness, people will continue to be mugged, murdered, robbed, and raped on their own streets.

This administration—whose official Cost of Living Council response to the high cost of food was "let them eat less"—now tells Americans in their cities to cut back and suffer more.

This administration is nevertheless content with military cost overruns and tax loopholes which pour money into the pockets of fat-cat financiers who even now continue to enrich the coffers of the disreputable Committee to Re-Elect the President.

Mr. Speaker, my constituent mail has almost doubled since the President's budget was released. My constituents are angry. Every letter carries the same message—"We've been had, double crossed and we've had enough."

## SUPPORTS REA BILL

### HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. RONCALIO of Wyoming. Mr. Speaker, a House-Senate conference committee is now working on a compromise measure vitally important to rural America—legislation to restore an effective Rural Electrification Administration loan program which was terminated in early January.

The bill under consideration establishes a "rural electrification and telephone revolving fund" within the REA which will provide regular loans at 5 percent and "special" 2 percent loans to systems with low revenue-per mile and customer-per-mile operations.

A guaranteed loan program would allow qualified systems to obtain money from private commercial institutions at commercial rates with a government guarantee.

Meeting a major objection of the administration, the compromise bill sponsored by Congressman FRANK DENHOLM at the request of Chairman POAGE eliminates all loans out of appropriated funds by substituting insured and guaranteed loans.

The revolving fund would be set up from the interest and principal coming in from borrowers on existing loans, an amount estimated currently at about $25 million monthly.

I am hopeful this legislation can be cleared quickly and signed into law. In asking my colleagues to support the conference report, I insert for the RECORD the testimony I offered to the House Agriculture Committee when the original bill was considered. Although this testimony does not touch on the compromise, it does stress the importance of the rural electrification programs to Wyoming and to all rural areas. My testimony follows:

STATEMENT OF HON. TENO RONCALIO

The two percent direct loan program under the Rural Electrification Act of 1936 has made possible the extension of electric and telephone service to much of rural America. Without this program many of our rural citizens would even today be deprived of these valuable conveniences which we so often take for granted.

Today most REA loans go toward the maintenance and improvement of existing rural systems. However, in sparsely populated rural areas such as my State of Wyoming, and I represent it all, even these costs would not be feasible for the rural cooperatives or for their consumers. Even with the 2 percent loan program much of the money used by rural electric cooperatives comes from other sources. Mr. Don Cooper, researcher for the National Rural Electric Cooperative Association, states that only 88 cooperatives receive 100 percent loans from REA out of about 1,000 cooperatives. Most cooperatives only borrow a portion of their funds from REA to offset the high interest rates which they must pay to commercial lenders. I submit again that they are unable to use the collateral, as my colleague from North Dakota pointed out. They cannot use the comparable collateral as an IOU that an investor-owned utility can use in getting loans and sometimes they are compelled to go to government sources for their loans. The average interest rate paid by cooperatives is then not 2 percent, but rather 3.8 percent.

The loss of the REA 2 percent loan program could be disastrous to some rural cooperatives and mean high increases in the costs of these services. Portions of Wyoming may be affected by the loss of this program to the extent of an actual power shortage in the very near future. In a letter to President Nixon, Arthur Jones, President of the Basin Electric Power Cooperative wrote, "The termination of the REA direct loan program occurred on the same day that Basin Electric had been promised an REA supplemental loan of $25 million at 2 percent interest to help finance completion of our 460,000 KW power generating station and 528 miles of 345 KV transmission now under construction in North and South Dakota. To avoid costly delays to this $168 million construction program and a power shortage in the Missouri Basin in mid-1975, we respectfully request you to release REA loan funds needed to complete this project."

Mr. Fred Simonton, Executive Director of Mid-West Electric Consumers Association, has told me that delays in the construction of this power facility will indeed mean brownouts and blackouts in portions of Wyoming by 1975—only two years from today. We aren't talking about brownouts in a highly industrialized, metropolitan area; this is a sparsely populated rural area in Wyoming.

As if the cancellation of the REA 2 percent loan program would not impose enough hardship on rural cooperatives and their customers, the Bureau of Reclamation has announced an expected rate increase on its hydro-electric power to be effective January 1, 1974. According to REA Bulletin 111-2, latest published figures for fiscal 1970 show that the Bureau of Reclamation sold to REA systems about 7½ billion KWH at a cost of $36,261,684 in that year. In Wyoming about 80 percent of the power used by Rural Electric Cooperatives is purchased from the Bureau of Reclamation. Mr. Harold Kelly of REA's Power Planning Branch and Mr. Jack Mack, Assistant Chief of Power with the Department of Interior have told me that present rate increase figures are only an estimate at this time and that more definite figures will be available in mid-July—but they have provided me with these estimates. The Missouri River Basin West delivers power to most of Wyoming's rural cooperatives. Today, at a 55 percent load factor, the rate is 6½ mills. This cost will increase by 3/10 of a mill; about 5 percent.

The southwestern portion of Wyoming purchases its Bureau of Reclamation power from the Colorado River Storage Project. The present rate on power from this source is 6 mills. The rate increase planned on the Colorado River Storage Project is a whopping 12½ percent, ¾ of a mill. I understand that the Bureau of Reclamation has not had a rate increase since 1955, and I can appreciate that their costs are probably up, but I would like to see the justification for this proposed rate increase. I point out to the Committee the dire circumstances these small REAs are in.

What impact will this rate increase have on the rural cooperatives? The Bridger Valley Electric Association of southwestern Wyoming buys 100 percent of its power from the Bureau of Reclamation. In 1970 it purchased 33,633,320 KWH at a cost of $174,722. A 12½ percent rate increase would mean an additional cost to the good people served by Bridger Valley of $21,839.25. There are no country clubs in that area of Bridger Valley; there are no dilettantes in that area. There are no people who moved to get away from black ghettos of the big cities into lilly white suburbs. This is nonsense and I agree with my colleague from North Dakota. It is not the President who said this, it is some misguided assistant in the White House who writes this sort of thing and it gets into print attributed to the President. I just do not believe those criticisms are justified.

Now couple with the cancellation of the REA 2 percent loan program, the fact that rural cooperatives such as this one are looking at an incredible jump in costs. Don Cooper of the National Rural Electric Cooperative Association says that for the first time in the history of REA there will be rate increases, and I would imagine that in some instances these are going to have to be large.

I have seen other criticisms by spokesmen for the investor owned utilities that the 2 percent program must not be restored because many of these co-ops are now in a 35 to 50 percent equity position; that is, the owners and consumers have a healthy equity position. If you wish to scale the loans to the utilities, there will be no objection to that. But I do feel that in states like Wyoming the restoration of this program is necessary and I submit that it is fair and that we must use economy across the board.

I agree with the President and with the spokesman for the Administration that the time has come to look over all of our programs. I would be willing to cut one man off my staff tomorrow. I think every Member of the House would if the President would look at every program in the Pentagon and make appropriate cuts and savings; instead of just saying to the farmers, you must cut 100 percent of your 2 percent construction program, get none of it anymore, but we will allow $78 million to be lent to the Grumman Company; we will allow a man to sit in the Office of Management and Budget and tell you and me, Mr. Zwach, what we are going to spend in our state and what we will not spend in our state. Meanwhile, Mr. Ash negotiates a $560 million cost overrun for the Litton Industries, which was his company up until a year ago. We cannot have this sort of thing in government.

I think the time has come for us to put back these things that share the burden and make these economies fair and square and do not impose them on the Congress.

## CANCER DEATH RATE UP SHARPLY IN 1972

### HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. FOUNTAIN. Mr. Speaker, I want to bring to the attention of the House an important article in the rising cancer death rate which appeared in the April 8, 1973, edition of the Washington Post. This perceptive article entitled "Cancer Death Rate Up Sharply in 1972" was written by Morton Mintz, the Post's nationally known investigative reporter.

I do not believe it is widely understood that the death rate from cancer in the United States has been steadily rising for many years at an annual rate of approximately 1 percent. This steady increase in cancer mortality, I might add, has been occurring despite earlier case finding and improvements in medical treatment which have served to increase a person's chances of surviving from this dread disease. In other words, a larger percentage of our population die from cancer year by year even though we, as a nation, spend ever-increasing amounts for cancer research and have benefited from improved treatment methods. Obviously, something is seriously wrong.

As pointed out in Mr. Muntz' article, the National Center for Health Statistics has recently reported provisional figures for 1972 showing the cancer death rate increased 3.35 percent over 1971, or about triple the annual average since 1950.

While we hope and pray that the current big jump in the death rate from cancer may turn out to be a statistical aberration, we cannot dismiss the possibility that cancer is now on the rise because of the wide exposure of our population to new cancer-causing agents 15 or more years ago. That is how long experts believe it takes many types of cancer to develop in susceptible individuals.

During the past 2 years, the Intergovernmental Relations Subcommittee, which I chair, has held extensive hearings on certain chemical additives that have been widely used in food production and which are known or thought to be involved in cancer formation. One of these, the drug DES, has now been banned from livestock feed, although FDA is still permitting its use as an animal implant. Another substance, sodium nitrite, which



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is widely used in meat products such as bacon, ham, corned beef, and frankfurters, was the subject of a report issued by the Committee on Government Operations late last year. The report called attention to FDA experiments which have established that a potent carcinogen—nitrosopyrrolidine—is produced when bacon treated with nitrite is fried. Because of that finding and the very large consumption of bacon, I have urged the FDA and the Department of Agriculture to give highest priority to research and regulatory action in connection with this problem.

Because nitrites under certain conditions can be transformed into cancer-causing substances, it was our recommendation that these agencies outlaw the unnecessary or excessive use of nitrites in fish and meat products. This is in line with the testimony of experts who told the subcommittee that cancer can be prevented today only by reducing or limiting public exposure to substances known to cause cancer in man or animals.

Congress has voted large amounts of money for the purpose of increasing our scientific knowledge with respect to the causes and prevention of cancer. I fully support this effort. However, for the present, I believe it is only prudent that the regulatory agencies and all of us as consumers, take whatever actions are possible, and necessary and prudent to prevent our unnecessary exposure to chemicals that are carcinogenic.

The article by Mr. Mintz follows:

[From the Washington Post, Apr. 8, 1973]

CANCER DEATH RATE UP SHARPLY IN 1972

(By Morton Mintz)

The cancer death rate rose in 1972 at the fastest pace in 22 years, the National Cancer for Health Statistics has reported.

Experts offered various explanations but agreed that increased exposure to cancer-causing chemicals in man's environment—his air, water, soil and food—was probably involved.

The National Center, in a routine monthly report, said the cancer mortality rate was 168.8 per 100,000 deaths in 1972, compared with 161 4 in 1971.

The rate of increase was 3.35 per cent, or about triple the annual average since 1950. The previous peak, 1.9 per cent, was in 1952. However, the rate of increase declined by 0.7 per cent in 1971.

The center report, dated March 29, labeled the 1971 and 1972 data "provisional." However, "provisional" cancer mortality statistics usually prove to differ by only a fraction of one per cent from the refined final data, Robert J. Armstrong, chief of the Division of Mortality Statistics, told a reporter

"The "provisional" as well as the final data—which for the two most recent years will not be ready for several months—are based on systematic samplings of 10 per cent of each state's death certificates.

The figures do not take the victims' age at death into account. This point figures in a comment to The Washington Post by Dr. Frank J. Rauscher Jr., director of the National Cancer Program.

"These statistics are not as solid as one might like, Rauscher said. "For example, they are derived from a nonrandom sample of death certificates. Whatever the precise increase, much of it is due to the increasing percentage of our population that is 55 years of age or older, an age group that is at high risk to cancer."

The proportion of that age group in the population increased only one percentage point throughout the 1950s, from 16.9 to 17.9 per cent. The increase in the 1960s totaled 1.1 percentage point. Rauscher went on to say:

"To the extent that this age factor doesn't account for the entire increase, it is due to increases in smoking and exposure to other carcinogens in our environment that are expressed, for example, in increases in lung cancer in men and women, bladder cancer in men, and cancer of the esophagus in black men and women."

Since 1933, when the government first began to gather cancer mortality data on a national basis, the actual death rate from cancer has increased 66 per cent. This increase closely parallels the increase (64 per cent) in the proportion of the population over 55. In 1973 alone, cancer will kill an estimated 350,000 Americans.

A special task force reported to the Surgeon General in April, 1970, that the majority of cancer victims had been exposed at least 15 years earlier to cancer-causing chemicals, or carcinogens.

These substances include components of cigarette smoke, additives to food and beverages, growth stimulants for cattle, certain air and water pollutants and, at work sites, asbestos.

"Any increase of carcinogenic contaminants in man's environment today will reveal its carcinogenic effects some 15 or more years from now," said the task force, which was headed by Dr. Umberto Saffiotti of the National Cancer Institute.

Terming "the majority of human cancers potentially preventable," the scientists said it is "urgent that every effort be made to detect and control sources of carcinogenic contamination well before damaging effects become evident in man."

This theme was reflected yesterday by Rep. L. H. Fountain (D-N.C.), chairman of the House Intergovernmental Relations Subcommittee. It has been investigating the use of carcinogens in foods and drugs for two years.

One of these chemicals is DES, a growth stimulant for cattle and sheep that livestock men began to use widely in 1954. No human cancers resulting from this usage have been demonstrated. If DES does cause human cancer, the evidence would only now start to become available.

Last summer, Dr. Rauscher, who is also director of the Cancer Institute, joined Fountain and others in urging the Food and Drug Administration to ban DES from feed. Reluctantly, Commissioner Charles C. Edwards, now an Assistant Secretary of Health, Education, and Welfare, imposed a ban effective last Jan. 1. However, the agency continues to allow injections of DES.

Last month, an internal FDA memo disclosed that at least 18 possibly carcinogenic substances are being used in food animals. "For practically all of these, inadequate testing methods exist for the detection of residues of these substances in human food," Sen. Abraham A. Ribicoff (D-Conn.) told the Senate on March 20.

The FDA also permits pharmaceutical manufacturers to text experimental medicines in humans before completing animal tests designed to determnie if the drugs could cause cancer. There have been cases in which cancer developed in laboratory animals while human studies were under way.

Yesterday, Fountain pointed out that the cancer death rate has been steadily rising over the years "despite improved treatment methods.

"While we hope and pray that the current big jump in the death rate from cancer may turn out to be a statistical abberation," he continued, "we cannot dismiss the possibility that cancer is now on the rise because of the wide exposure of our population to cancer-causing agents 15 or more years ago."

Fountain said he has urged the FDA and the Agriculture Department to give top priority to research and regulatory action arising from FDA experiments involving another potent carcinogen, nitrosamine.

The experiments established that this substance is produced in the frying of bacon that has been treated with sodium nitrite, which is widely used not only in bacon, but also in hot dogs, ham, corned beef and other processed meat products.

In a related development, the Washington-based Center for Science in the Public Interest released a 55-page report charging that nitrite is a hazardous food additive that should be banned.

The co-director of the public interest group, Dr. Michael Jacobson, seeks in the report to rebut the meat industry's claim that nitrite, which enhances color and flavor and acts as a preservative in some cases, is essential for all current uses.

In a joint letter to Agriculture Secretary Earl Butz, Jacobson, Peter Schuck of Consumers Union and Harrison Wellford of Ralph Nader's Center for Study of Responsive Law protested that the department and the FDA have not set up a scientific panel to study the nitrite issue.

The department said in March, 1972, that the panel was "in the process" of being established, the letter said. The same assurance waa given again last August, Jacobson recalled. "I was shocked to learn last week that no such panel . . . has been convened," he said.

In Cleveland, Ohio, Dr. Samuel S. Epstein of Case Western Reserve University, a specialist in toxic substances in the environment, said the new National Center data "are precisely consistent with what one would expect" from "the increasing load of carcinogens" in the environment.

In New York City, a spokesman for the American Cancer Society said that it is too early to assess the significance of the new statistics in terms of causes.

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## ENERGY AND THE ENVIRONMENT

## HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. YOUNG of Alaska. Mr. Speaker, while we in the Congress have begun to address ourselves to the related issues of the national energy crisis and environmental protection, I would like at this time to call your attention to some thoughts on these important subjects.

The Honorable Walter J. Hickel, former Secretary of the Interior and Governor of Alaska, today is addressing these twin questions of energy and the environment before the Sixth Public Relations World Congress which is meeting now in Geneva, Switzerland. And it is with a great deal of pleasure that I now present his comments.

ENERGY AND THE ENVIRONMENT

(By Walter J. Hickel)

I. ENERGY

*"There is an unusual tie-in between energy and life, energy and poverty, energy and peace."*

The controversy surrounding energy has to be seen in the context of world concern about the environment.

We've all heard that pollution is tarnishing the great civilizations of modern man.



It is threatening to damage the life support system on which humans and all animals depend.

This is central to the energy question because the greatest amount of pollution comes from the production and use of energy.

People say the energy industry is "Public Enemy No. 1," but I say it is the great hope of mankind, and the hope of the environment.

Show me any area in the world where there is a shortage of energy, and I'll show you basic poverty.

There's no shortcut to human activity. It all takes energy. If you want to go to town from the countryside, there's no way to do it without using energy; even if you walk.

To achieve a standard of living as the Swiss enjoy in this great capital of Geneva requires the equivalent energy output of 200 adult slaves per person.

In many respects we are still only one step from slavery. But harnessing energy has helped us take that step away from the slavery of hunger, lack of shelter, disease and ignorance. It is a step toward freedom in its most basic sense.

It would be a tragedy if our concern about pollution turned us against this great emancipator called energy which is freeing and improving the lot of mankind.

With the awakening of environmental concern, a concern I share, certain people want to drive Cadillac but not produce energy. These people, in nations such as my own, want to export pollution. They want other nations to do the drilling, pumping, refining and transporting of oil so that their own water and land be untouched by man.

This is no answer. In fact it is a new form of imperialism under the guise of the holy cause of the environment. In reality they are saying, "Let other people's children choke on smog and play in polluted streams. Let other nations' wildlife be destroyed. But we must protect our own."

This philosophy, however misguided, is gaining strength. Its advocates are currently attempting to prevent the vast oil reserves above the Arctic Circle in my State of Alaska from being used.

This is the worst kind of conservation. We are one world with one system. Ecologically, it is impossible to export pollution. We must clean it up.

Enemy No. 1, the energy industry, is in reality the answer.

We are not going to solve the problems of the world with less energy. I don't mean wasting it on senseless gadgets, but utilizing it to free mankind and clean up the environment.

With the leadership of the United Nations and strong government regulations this can be done. Energy doesn't have to disrupt. The answer lies in national and international guidelines for the use of energy without the abuse of the environment.

Oil companies are resented because of their economic power and their seeming disregard in the past for nature. But this hatefulness is now coming to haunt us. To punish is not the answer.

In our short history, America has many examples that hate is no answer to greed. At the turn of the century there was a public reaction against the men who had built America's railroads.

These so-called "Robber Barons"—Rockefeller, Morgan, and Vanderbilt—became the object of public hatred. Laws were passed designed to destroy these men, but in reality all they destroyed was the magnificent railroad system which had criss-crossed and united our untamed country.

If today we treat the worldwide energy industry like we did the U.S. railroads, we'll have a lost civilization.

In reality, there is no world energy crisis. The voices of doomsday are not real. The earth will not run out of resources. The only thing we might run out of is imagination.

Using modern computer technology, a well-intentioned group of men called the Club of Rome sponsored a report which has forecast doom for the human race.

The weakness of a computer is that it can only compute on the basis of what is known. This is a shaky way to predict the future. What if we had used a computer 200 years ago to forecast energy resources for 1973? At that time man depended on firewood, horses, water and wind. The conclusions would have been more disastrous than those of the Club of Rome today. We would have forecast doom and starvation because there are not enough forests and workhorses on earth to care for the needs of our growing population.

Computers have their place, but I have more faith in the creative capacity of man; and that is uncomputable.

Today we have fossil fuels and hydroelectric power. Tomorrow we shall use geothermal resources by tapping the heat deep beneath the crust of the earth.

We shall develop the art of gasification and liquefication of the soft coals we have abandoned in the past. This will become a mammoth source of nearly pure power.

I see this liquified natural gas as the answer to automobile pollution. By replacing the gas tank in your car with a propane-like bottle we can solve the majority of the world's man-made air pollution. The technology is there. All we need is to apply the new methods to produce natural gas.

Also awaiting us is the heat of the sun, and the tremendous energy of the hydrogen bomb. Man is already working on this. Some scientists predict breakthroughs within a decade or two. With fusion we can produce a pure energy which regenerates itself.

No, there is no world energy crisis. The crisis that exists is one of control. Fossil fuels are the major source of power now and will be for the remainder of this century. The nations which control petroleum will have great political and economic power in the decades immediately ahead.

Whether we have peace or war may well depend on how this new balance of power will be used. The Middle East nations, with their vast reserves, are being swept into the mainstream. Likewise, the Arctic will have an ever-increasing role in world affairs.

The ten million square miles on top of the earth contains a staggering wealth of fossil fuels left over from an earlier age when much of it was covered by tropical jungle. Canada, Alaska, the Scandinavian countries, and especially the Soviet Union and its mighty Siberia will all share in the new Arctic Age which is ahead of us.

There is no fear in the quantity of reserves waiting for mankind. The only concern is in the control of those resources. Will they be distributed to meet the needs of all men everywhere or will they be horded for the benefit of a small elite?

The 21st century, the world of tomorrow, will be a world of unlimited energy. With the new sources I have mentioned, especially geothermal power, solar heat and fusion, every nation will have its own supply. Gone will be the tools for energy blackmail.

I sometimes think that this era, which some of us in this room may see, is slow in coming only because the decision-makers are fearful of upsetting the total economic situation as we know it today. They are locked into the past.

There is an unusual tie-in between energy and life, energy and poverty, energy and peace.

The challenge of the moment is for both the developed and the developing nations to share our common needs and our common opportunities. Then we can usher in a millenium of peace which could be only one or two generations away.

II. ENVIRONMENT

*"Humans are the most precious things on earth."*

In our zest for cleaning up the environment, and I have that zest and that concern, we must not overreact to the point where we protect wildlife and nature while ignoring the needs of man.

People equate the using of nature with the destruction of the environment, when in reality man cannot exist without using nature. The secret for man's life on earth, in fact for all life on earth, is for man to be compatible with nature. We must not abuse it, but we must use it.

For example, God put a tree on earth to be used, not just to be cut down, but to be used; perhaps for birds to nest in, or simply to be looked at for mere enjoyment to restore the spirit and perspective of man.

If a tree growa somewhere unused by man or animal it is somehow wasted. Like a human being, it must be needed by someone. But likewise, like a human being, it should not be exploited. Man, being the only reasoning animal, has to be the one concerned about other life on earth.

There's a struggle going on in my country. I call it the civil war of priorities—neighbor against neighbor, man against need—over preservation or use of our resources.

Bitter voices have been raised, on the one side pleading, "Give us work, give us energy for our homes;" on the other side shouting, "Stop the rape of our environment, protect our wildlife and our wilderness."

This same battle is going on between the rich and the poor throughout the world. Somewhere in between there's a still small voice that says, "If we work together we can do it right."

As far as pollution and environmental desecration go, we cannot undo all the wrongs of yesterday, but we can guide responsibly the needs of tomorrow.

We cannot condone exploitation of one resource at the expense of another resource, even if that resource has no dollar value, such as a sunset, a lonely stretch of beach, or the right to roam.

But neither can we preserve untouched all those resources that man needs. All human needs must be taken into consideration, those of everyday necessity such as food and energy, or those of lasting beauty, such as a wilderness. In evaluating the total situation, I am convinced we can make use and conservation compatible. For the good of the human, they must be made compatible.

With technology and the right attitude in our governmental leaders we can see the job well done, but only if we are guided by the fact that the most precious thing on earth is the human. The whole world can unite on that basis. I remember well when the leader of the Chinese delegation to the U.N. Conference on the Human Environment last June in Stockholm addressed himself eloquently to that theme.

I have no time for those who say they are dedicated to the environment but disregard the needs of people. The question is not what kind of a world do we want for elephants, or reindeer, or pandas, or Sequoias, or tundra, but what kind of a world do we want for our children.

Wilderness is not the world. The world is both in wilderness and people, in animals of rich variety, in water and air, in the world of modern technology and the world of timeless nature.

Dr. Paul Brandwein put it well: a world which does not conserve its children, does not conserve its elephants. It does not conserve its environment or its resources or its knowledge or its values. It is neither competent nor compassionate. Its ends are neither human nor humane.

I am most happy to be here in Geneva at this time to moderate this panel at the Sixth Public Relations World Congress. Maurice



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Strong, the man who organized and led the United Nations Environmental Conference, asked me to participate on his behalf. He is in Nairobi, Kenya, this week where he is setting up the headquarters for the new United Nations Environmental Agency. I have known Secretary Strong since 1970, before he was named to head the U.N. environmental effort. As U.S. Secretary of the Interior and afterwards, I have worked closely with him on his approach to making the environment a truly global issue.

From the beginning I have been a firm believer that the United Nations is the one hope the world has for effective environmental action.

Pollution knows no boundaries. Every major river eventually empties into the oceans. A river doesn't know whether it is flowing through a Socialist country or a Capitalist country; but if we pollute it, it will carry that pollution into our common seas.

I thank God that visionaries over 25 years ago succeeded in organizing the United Nations. Without it there would be no natural forum for mankind to confront the common dangers and opportunities of the environment. There would be no one to listen to the cry of life. The environment is going to do for the original intent of the United Nations what diplomacy and politics have failed to do. It will provide a common concern that bridges national self-interest.

You, who deal with the media, must tell that story. Many nations, including my own, are falling into the mentality that it is time to let the world take care of itself. We want to look after only those problems within our own borders. Parliaments and congresses are cutting back their appropriations to finance United Nations activities.

But the realities of the environment cannot be ignored. No one nation can clean up only its own back yard and expect to have a clean environment. The urgent call of the hour is for all people to reach out to the others and help carry the responsibility of learning how to use nature and preserve her for the good of all mankind.

Do not narrow your thinking to those who propound a negative philosophy of doom. Those who want to turn off the lights of the world are not the true friends of the world or the future.

The human family is being drawn together by the environmental challenge, and this is a great and important event in world history.

My hope of the future is to concentrate on solutions, answers, and imaginative approaches to the problems at hand rather than repeating the already shop-worn cliches of the doomsday philosophers.

I am fed up with those who profit in terms of fame and fortune by being negative. This is not doomsday; it is opportunity-day. We can look in a mirror and see if our face is dirty. If it's dirty, then let's wash it. Not talk about it.

There is an old belief in journalism that something has to be negative to be news. I'm tired of this attitude. Criticism is necessary, but with it should go responsibility. Man caused the problem we are looking at. Man can clean it up.

The best public relations, especialy in the environmental area, is action.

When I was appointed as Secretary of the Interior for the United States, responsible for our natural resources and public lands, I was attacked by the press. False stories were written, and the people became afraid I would promote policies that would desecrate the land and its beauty.

I didn't get angry with the press. I didn't even hire a public relations firm. I set out to do a job believing that if I made a decision in the best interest of all two hundred million of our people, it would also benefit the special few. I began to clean up the relationship between industry and government.

Within only a few weeks, the press changed their attitude. Words are cheap, and they are being used by all sides. But action on behalf of the people is the best form of public relations I know.

Today we must generate a global demand for action on the part of our leaders in government and industry in all corners of the earth. If we do, it is not too late.

## PEACE CORPS

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. EILBERG. Mr. Speaker, when President John F. Kennedy established the Peace Corps, he made available to the world the energy, idealism, and expertise of the people of the United States.

Today, the Peace Corps remains a living symbol of our country's commitment to help people and to teach them to be self-reliant.

Recently the Peace Corps put out a press release about one of the volunteers from my district. She is Margaret A. Roche, daughter of Mr. and Mrs. John F. Roche, of 6409 N. Fairhill Street, in Philadelphia.

At this time I enter this article into the RECORD:

PHILADELPHIA PEACE CORPS VOLUNTEER LEARNS FROM HER MICRONESIAN STUDENTS

Peace Corps volunteer Margaret A. Roche of Philadelphia Penn. gets up at 6:30 a.m. to begin her day as an elementary school teacher in Micronesia.

Miss Roche, 25, is serving a two-year tour of duty as a Peace Corps volunteer in Babelthuap, the largest island in the district of Palau.

Like most of the 227 Peace Corps volunteers serving in Micronesia, Margaret Roche has had to make adjustments to the tropical climate and slow pace of living in this multi-island nation so close to the equator. However, there is no language barrier since the Micronesian government established English as the official language.

Nine different languages are spoken on the Micronesian islands, which sprawl over 3 million square miles of Pacific Ocean. Although Miss Roche teaches in English and uses it in her daily living, she is determined to learn more Palauan, the language of her district. "I've decided to have one of my better students tutor me because I want to learn to speak Palauan well," she reports, admitting that presently her pronunciation of certain words usually convulses her Micronesian friends.

She lives in the small village of Melekiok—population 400—with a family of five. The village lacks electricity and all shower facilities are located outdoors but Miss Roche counts herself fortunate because the village has a water system and her Micronesian family owns a generator.

A graduate of Gwynedd Mercy College in Gwynedd, Penn., Miss Roche received her B.A. degree in history in 1970. She taught at St. Helena's School in Pennsylvania for one year before enrolling in the Peace Corps last summer.

Although most of her meals consist of island food like fish, rice, bananas, and coconuts, she usually breakfasts on all-American peanut butter, jelly and crackers. She heads for school around 8:00 a.m. each day to teach reading, grammar and mathematics to a combined 7th and 8th-grade class. Miss Roche says she learns more from her students than she teaches. In the afternoon she serves as the official physical education instructor for all grades and frequently substitutes as the singing teacher.

Miss Roche is enthusiastic about her students and believes her work is especially important at this time of critical change in Micronesia. "I look at these children and grow excited when I think of the possibilities for some of their futures. Their country is going through a great transition presently as it becomes more and more in tune with the modern world; it will be anxiously waiting for their direction in the not so distant future. I hope in some way I aid in this preparation."

She plans to start a night school for adults interested in learning English. For many years the various languages and dialects separated islanders. Miss Roche believes that introducing older natives to the new language changing their way of life will help break down previous language barriers and ease the transition to a more modern way of life.

She charts progress in human terms, citing the 3-year-old child who no longer cries when he sees her but runs up with a hug and says her name. And the students who avoided her when she first arrived now walk with her hand-in-hand to the village movie theater.

## THE RETIREMENT BENEFITS TAX ACT

### HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. SCHNEEBELI. Mr. Speaker, I have today cosponsored the Retirement Benefits Tax Act on behalf of the administration.

The bill provides comprehensive changes in the tax laws affecting our private retirement system. Since 1942, incentives have been included in the Internal Revenue Code that encourage the growth of pension systems in the private sector. This has contributed to the healthy growth of private pension plans that now cover 30 million workers and pay benefits to another 6 million retired individuals.

In order to build on this record and insure that private pensions respond directly to our citizens' needs, the Retirement Benefits Tax Act proposed by the President would strengthen private retirement systems in a number of respects. The bill would provide minimum standards for vesting by making the so-called "Rule of 50" mandatory; it would require funding of a portion of the unfunded, vested liabilities; it would encourage employees who do not have adequate employer-sponsored pension plans to save on their own behalf; it would provide greater incentives for self-employed individuals to establish pension plans on behalf of themselves and their employees; and would defer taxes on lump-sum payments from pension plans until an individual retires.

These are important and far-reaching proposals that are of vital interest to all working Americans. I am hopeful that the Ways and Means Committee will respond to the President's initiative at the earliest possible time.



## LOUISVILLE, KY., LOSES A VALUED AND A WELL-LOVED CITIZEN—FORMER MAYOR KENNETH A. SCHMIED

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. MAZZOLI. Mr. Speaker, on April 5, 1973, a distinguished and selfless leader of the Louisville, Ky., community was taken by death at the untimely age of 61.

I am speaking of the Honorable Kenneth A. Schmied, mayor of the city of Louisville from 1965 to 1969.

Kenny Schmied was an exceptional public servant, a man who had great rapport with the people he served, a generous-hearted man who truly cared about the well-being of his fellow citizens. I counted him as my personal friend.

As mayor, Kenneth Schmied brought great warmth to city government. He loved his city, loved its neighborhoods and loved its traditions. He added a personal quality to the mayor's office, which too often is lacking in governmental bureaucracies. To put it quite simply, Kenny Schmied cared about his fellow citizens.

The accomplishments of his term as mayor are conspicously visible in downtown Louisville today. For it was Kenneth Schmied who laid much of the important groundwork for the dramatic transformation of the Louisville river front and the surge of new high-rise construction which has totally altered the Louisville skyline.

Prior to his election as mayor, Schmied served with great distinction for 4 years as president of the Louisville Board of Aldermen. All told, during his 8 consecutive years of municipal leadership, he was able to play an instrumental role in the successful development of a great many urban projects and programs which make Louisville a better place to live today.

Among the many areas of accomplishment in which Kenny Schmied could rightfully take pride was the emphasis he placed on improvement and expansion of the city's recreational facilities. During his 8 years in office, he say the city gain an excellent new zoological garden, a first-rate new tennis center, and a number of new swimming pools. In addition, he helped the city add to its inventory of parklands.

Jovial by nature and genuinely friendly in his dealings with the public, Kenneth Schmied was a man who appreciated the importance of recreation and play in a well-rounded life. Accordingly, he saw to it that his fellow citizens were provided with more and better opportunities for leisure-time pleasure, as well as improved opportunity for economic success.

Whether at work in Louisville's revitalized downtown business center, or at play in the city's expanded recreational facilities, the citizens of my home city are reaping the advantages of Kenneth Schmied's compassionate foresight, and his ability to get things done.

To his wife, Ethel, to his two sons, and all the other members of his family, I extend my deepest sympathy. They have suffered a great loss, as has the entire Louisville community.

## TRIBUTE TO MRS. ALFRED H. EVERSON

### HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. CAREY of New York. Mr. Speaker, on April 12 a testimonial dinner was held at the Whitehall Club in Manhattan honoring Mrs. Alfred H. Everson, who recently stepped down as president of the Brooklyn Bureau of Community Service, the borough's oldest nonprofit, nonsectarian social services agency. The dinner honored a woman, Mr. Speaker, who has dedicated 50 years of voluntary work with nonprofit Brooklyn agencies offering child care, family counseling, day nursery care, family planning services, services to the blind and handicapped, neighborhood settlement house programs, and community planning services. The organizations to which she has devoted her time and energy have helped hundreds of thousands of persons.

I would like to congratulate Mrs. Everson for her outstanding record of giving and commend the following article to my colleagues' attention, which appeared in the March 29 issue of Brooklyn today:

COMMUNITY VOLUNTEER? SHE GAVE 50 YEARS

Rachel Everson, who was born in Brooklyn, doesn't think that she has done anything very extraordinary. She says, "I have been fortunate all my life, never having to strive for identity or seek motive power.

"I was inbred from early childhood with the opening words of the Declaration of Independence: We hold these truths to be self-evident; that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness."

In the last fifty years, Mrs. Everson has served as volunteer, board member, or executive officer of the Brooklyn Bureau of Community Service, Colony-South Brooklyn Houses, the Brooklyn Chapter of the American Red Cross, Y.W.C.A. of Brooklyn, United Neighborhood Houses, Brooklyn's first Planned Parenthood Committee, Youth United, Brooklyn Tuberculosis and Respiratory Disease Association, Brooklyn Women's Club, the Civitas Club, and the Brooklyn Council for Social Planning.

The organizations to which she has devoted her time and energy have helped hundreds of thousands of persons, thanks to the aid of volunteers like Mrs. Everson, who has raised money to support programs, shaped policies to widen the scope of voluntary activities to reach more people, and helped pioneer important services people needed in order to survive.

Mrs. Everson says these things were nothing special. She says she looked around her, saw what was happening, and decided she wouldn't wait for the next person to do something. She'd do it herself.

At least part of her motivation came from her father, Charles M. Higgins, an Irish immigrant who came to the United States as a boy. Higgins invented Higgin's American India ink, went on to found the Higgins Ink Company and became one of Brooklyn's foremost philanthropists and civic leaders.

He had inscribed on the family's tomb in Brooklyn's Greenwood Cemetary these words from Matthew VII–12, "Whatsoever Ye Would That Men Should Do To You, Do Ye Even So To Them." He wrote, "These words being writ in imperishable material on the walls of the Tomb, will, I hope, keep them before the minds of my children and grandchildren and give them an inspiration, rule and guide for right living and for all true and just relations between Mankind."

Mrs. Everson's mother, Alexandra Fransioli, came from Switzerland to Brooklyn with her mother, sister, and brothers, and settled there because her uncle, Father Joseph Franaioli, had come earlier. Father Fransioli built St. Peter's Church, School, and Hospital at Warren and Hicks Streets in Cobble Hill, and was a founder of the Brooklyn Bureau of Community Service. "Father Fransioli has always been a kind of mystical hero to me," Mrs. Everson says.

Mrs. Everson attended Packer Collegiate Institute in Brooklyn, then went on to Vassar, and graduated with a Phi Beta Kappa key in 1922. She completed a year at New York University's Law School, but an injury resulting from a fall from a horse interrupted her education, and later she decided to marry rather than return to law school.

While at school, she spent most of her time during vacations and holidays with her family in Park Slope.

The world of the society debutante in the 1920s was exciting, she said. "There were a great number of private parties. The Metropolitan Opera appeared regularly at the Academy of Music, and everyone important in Brooklyn could be seen at these functions.

"If you were not careful, that was all you saw. In those days, neighborhoods were more distinct. The poor lived separately, in Williamsburg, Brownsville, and Bedford.

"The affluent were concentrated in Park Slope, the Clinto-Hill area, Brooklyn Heights and cobble Hill, in the beautiful Italianate and Victorian houses still standing today."

In 1924, the year of her marriage to Alfred Hall Everson, an engineer, she joined as a volunteer the Colony-South Brooklyn Houses and the Brooklyn Bureau of Community Service. Serving on the Brooklyn Bureau's Family Committee, she learned of the problems people were suffering.

"You have to remember that in the '20s there was still no public relief People literally had no one to turn to when they needed help except the voluntary agencies."

The story of voluntary service to poor Brooklyn communities began much earlier, Mrs. Everson said. In 1866, when the Brooklyn Bureau of Community Service was organized, Brooklyn had almost 300,000 people, many of whom were poverty-stricken.

The New York Times, June 30, 1866, said, "There are certain . . . districts in Brooklyn where . . . dirt and filth and poverty reign triumphant—quarters which in misery, squalor and wretchedness . . . equal the lowest quarters of New York, or of any civilized city."

Volunteers did then what volunteers have always done in a crisis, Mrs. Everson said. They organized to help.

Thus, in 1866, the Brooklyn Children's Aid Society (later to merge with the Brooklyn Bureau of Charities and other voluntary social service agencies to form the present Brooklyn Bureau of Community Service) was organized to care for the many children made homeless by the Civil War who were wandering the streets and living by their wits. By 1884, the Brooklyn Bureau had established a work facility and employment service for the jobless. Two years later, the same agency opened a workroom to employ unskilled women.

Campaigns for court reform, mandatory pasteurized milk, free school lunches, free public health services to children and the handicapped, and many other causes were

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taken up by Brooklyn voluntary organizations in the years that followed.

During the depression in the 1930s the situation was especially critical, Mrs. Everson said. "With nearly half a million people needing relief in the New York metropolitan area alone, agencies poured all of their resources into an effort to keep people fed and families together."

Mrs. Everson recalls she published in 1952 a ten-point program for Brooklyn while she served as President of the Brooklyn Council for Social Planning and "many of the problems I discussed then are still things we are struggling with today.

"I wrote that we must strengthen our family counseling, child guidance and other services which help families stay together. I asked for more and better foster homes, day care centers for working mothers, premarital counseling services, better teaching, slum clearance and building rehabilitation, better police protection, improved conditions in hospitals and health services, and more adequate financing of Brooklyn's welfare and cultural programs."

In her six years as President of the Brooklyn Bureau of Community Service, Mrs. Everson spurred the development of important new programs in a number of areas.

The Brooklyn Bureau entered the field of foster care services to sick children without parents able to care for them who live in the pediatrics wards of Kings County Hospital. The agency is placing many of these children in foster homes where they receive the affection and care they require.

The Brooklyn Bureau has organized more group counseling services for children, parents, families and the handicapped, and established a teaching center for blind and otherwise handicapped men and women who want to learn to cook, clean, iron, read and write Braille, budget their funds, and live independently.

There is also an organized and strengthened effort to find jobs in industry for handicapped men and women trained for work in the Brooklyn Bureau of Community Service's job training programs.

Mrs. Everson says that her experience as a wife and mother helped her to understand the problems of people served by the social agencies she worked for. "You know, if you have five children to look after as I did, what it means to feel sometimes as if everything is just too much and there isn't time to do what must be done.

"But I really believe my outside interests made me more content and effective at home and my home life made me more understanding of agency problems. I still find pushing a vacuum cleaner conducive to thinking or composing speeches."

She says she was careful to budget her time so that she did not neglect her family. "My family understood what I was trying to do. I would always try to be home just in time to start dinner before my husband arrived!"

As for her own children, four boys and a girl, she says, "As parents, our desire was not to make life as easy as possible for them or give them all possible comforts.

"We kept a coal furnace way beyond the accepted time with its attendant disciplines of shoveling coal and taking out the ashes. This was one of the many responsibilities of the boys, the kind that build character."

What are the lessons she has learned in half a century of voluntary work?

"One thing you must be able to do if you want to change people's attitudes is to develop a thick skin. You can't be too sensitive if somebody turns you down when you've asked for a contribution for an organization that needs help.

"I've found that working to help others increases the fulfillment I've felt in all areas of my life. Your work gives you a feeling that you belong to the world, to life, and that you are involved. Definitely, giving does something important for the giver as well as for the receiver.

"And when you do make someone see the importance of being a good and generous neighbor, you feel that you've really done something worthwhile. People have to change their feeling about each other.

"I say to people that they don't realize what you go through if you are an object of racial or religious prejudice, or poor, or jobless. I have always tried to imagine myself in these positions, and what I would feel and how I would look at the world."

Mrs. Everson's husband died in 1969. Her five children and eight grandchildren continue to occupy some of her great supply of energy. But not all of it.

Today, she continues her volunteer work as chairman of the Executive Committee and Vice President of the Brooklyn Bureau of Community Service, and board member of Colony-South Brooklyn Houses.

Recently, Mrs. Everson attended a party given for blind and otherwise severely handicapped men and women at the Brooklyn Bureau of Community Service. She spoke to them of the goals of achievement and happiness shared by every human being. One mentally retarded young man approached her and said that the agency had found a job for him. He said it was his first job, and he knew he would succeed because everybody had been so helpful to him. "I have people I can really count on for the first time in my life," he said.

Mrs. Everson said later, "Volunteerism is never going to stop. Not ever. Not when we can give so much to people who want to live with decency and self-respect."

## OIL CRISIS

### HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. KUYKENDALL. Mr. Speaker, the recent "conditions" which the Saudi Arabians laid down by which they will determine their oil policy toward the United States is truly one of the most significant "first steps toward disaster" that we have faced in our entire history. When we are told by one country that we have to change our policy toward a friendly nation in order to do business, and there are conditions existing which put definite "teeth" in that threat, we all must recognize that we are on the brink of disaster.

Ever since the "extremists" in the environmental movement began to achieve goals of their own such as the blocking of the Alaskan pipeline, I have consistently warned that they were dabbling with the security of this country. There are very few doubts now in the minds of any thinking people that this danger has now come into reality. Unless the massive reserves in Alaska are made available to the United States as quickly as possible, we will not only have an energy crisis in this country which will put us at the mercy of unstable governments in the Middle East, but the same crisis can and probably will threaten the security of Israel so severely that its existence may be in danger.

The main stream of the environmental movement is an intelligent one which is based on good sense and good business but the "far out thinkers" in the same movement have already threatened our economic stability and are now threatening our national security to obtain luxuries that are simply not worth the price. Remember, our Nation must survive and our economic system must survive or a pleasant environment will be totally meaningless.

## TRIBUTE TO ROBERT NATHAN

### HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. REES. Mr. Speaker, Robert Nathan, distinguished California novelist and poet, was honored by the Los Angeles Library Association April 5, at their annual tribute luncheon at the Century Plaza Hotel.

Mr. Nathan, 79, is the author of more than 50 books and 3 volumes of poetry. Among his better known novels are "Portrait of Jennie," "The Bishop's Wife," "Enchanted Voyage," and "One More Spring." All have been made into motion pictures.

Present to honor Mr. Nathan were such noted west coast writers as Irving Stone, Irving Wallace, John Weaver, Leonard Wibberly, Ralph G. Martin, Ray Bradbury, Ariel and Will Durant, Norman Corwin, Michael Blankfort, Robert Carson, and Jack Smith. Actors David Janssen, Joseph Cotten, Anne Baxter, and Anna Lee—Mrs. Nathan—read selections from Nathan's novels and sonnets to the more than 500 guests in attendance.

President Nixon joined in paying tribute, sending a message which read:

Throughout your career you have written with heart-warming compassion and stirring depth of feeling. Your sensitivity and creative genius are best reflected in the inspiration you have brought to the enthusiastic readers of your work.

Senator ALAN CRANSTON echoed the President's sentiments in saying that Mr. Nathan's contributions "to both his community and to the world are sizable—his works of the last 50 years have been varied and outstanding in all their forms." Scores of tributes similar to these were sent to Mr. Nathan on this occasion from public and literary figures throughout the world.

However, Mr. Speaker, we would not be doing this remarkable man justice if we were content to merely speak about him. That is why, at this time, I insert into the RECORD his insightful acceptance address given at the dinner honoring his contributions to English letters. In this way, we may let Robert Nathan speak for himself.

The address follows:

ADDRESS

If this were an "Oscar", I'd know just how to start: I'd thank my producers, Mr. and Mrs. Harold Nathan, and my wonderful director, Anna Lee, and then everybody else . . . publishers, editors, critics . . . it would take forever, and I only have ten minutes. So instead, let me say thank you, to all of you—my friends, the writers who came to honor the library and donated their books, the stars who read my poems so beautifully, the committee that worked so hard—and most of all, you librarians without whom I'd have long ago starved to death.

About a hundred years ago, Robert Browning wrote a poem that I've always remembered—or at least, the opening lines: "Ah, did you once see Shelley plain? And did he stop and speak to you? And did you speak to him again? How strange it seems, and new."

It had only been a matter of sixty years or so since Whoever-it was had seen Shelley plain, but to Browning it was already a far-off, magical time. And Who-it-was, who had actually spoken to Shelley, and had heard his voice, was an authentic antique.

You-know—I can imagine some young writer—or even a middle-aged one—saying to me: "And did you once see F. Scott Fitzgerald plain, and did he stop and speak to you?" As a matter of a fact, I did, and he did; at a party at Fannie Hurst's, he quoted me one of my own sonnets. That was in 1924, just under fifty years ago. To tell you the truth, I'd forgotten all about it.

Fitzgerald wasn't my Shelley. My Shelley was Stephen Vincent Benet. I thought him—indeed, we all thought him—the most secure immortal of us all. I taught him fencing one year in the basement of a little apartment I had in an old brownstone house near Madison Avenue. I used to give parties there—we all gave parties, because it was prohibition, and one drank whatever and wherever one could. You'd expect me to have a lot of memories—of the Benets, of Elinor Wylie (I was a character in one of her books)—of E. A. Robinson, of Dos Passos, of e e cummings, of Scott Fitzgerald, of Edna Ferber and George S. Kaufman, John Marquand and Dorothy Parker . . . of bright things said, of fine thoughts expressed, wise things, funny things . . . but memory is a queer thing, you either have it or you don't. And the only things I can remember anybody saying to me, were "Hello!" and "Which way to the bathroom?" That's why I'll never be able to write my autobiography.

However . . . just as the first years of the nineteenth century brought in a new era in English Literature, so the first two decades of the twentieth ushered in a new age in American letters. In 1912, just over sixty years ago—I was elected to the editorial board of The Harvard Monthly. That, in itself, was not earth-shattering. But on that same board with me were Estlin Cummings (e e, that is) John Dos Passos, Gilbert Seldes and Robert Hillyer. And at that very same time, on the Yale Lit. there were Stephen Vincent Benet, Thornton Wilder, Archibald MacLeish and Philip Barry. And at Princeton, at the same time, there was Scott Fitzgerald, and Edmund (Bunny) Wilson and John Peale Bishop. Edna St. Vincent Millay was at Vassar; Ben Hecht was in Chicago; and somewhere in the west there was a young schoolboy named Hemingway.

There were others at Harvard and Yale, too: John Marquand, Sam Behrman the playwright, Walter Millis, Donald Ogden Stewart, Bob Benchley, Johnny Farrar. . . . There aren't too many of us left. And the pages of American literature have turned more than once since those far-away days, bringing other manners, other voices, other goals. The voice you are listening to now belongs to the past—to something that was once called the Younger Generation, and that soon enough, will seem as far away as Shelley, and as extinct as the croak of the Pterodactyl.

Therefore—so that you young people in your twenties and thirties and forties—and fifties—can someday say that you saw a Pterodactyl plain, and that he stopped and spoke to you, I'm going to add a few—a very few—remarks about the art of writing—at least, as I see it.

When I was at Harvard, I had to read a book by Tolstoy on "What is Art?" All I learned from it was that art was a form of communication between man and man. My fault, probably. But meanwhile, I've thought a lot about it; and I've come to believe that art is a communication informing man of his own dignity, and of the value of his life, whether in joy or grief, whether in laughter or indignation, beauty or terror. Terror can be a catharsis, indignation can dignify life, can dignify man in his scorn of the mean and the unworthy. On the other hand, the communication which belittles man, or dishonors him—though it may be artful—is not art—it's simply an exercise in malice. And in the grey land between art and malice, there are only happenings. Man needs the comfort of his own dignity—as a Being, a Creature of the Universe, as Max Ehrmann said. And that's what the artist is for. To give him that comfort.

In closing, I'd like to read you a little verse I wrote a few days ago, for this occasion. Even my director hasn't seen it.

My parents revered the Victorian Snob.
When we rose in our youth, I must say
That we loved with a cry and we wrote with throb,
And believed in Millay—and Benet.

I find no delight in the violent flights
Which the critics rejoice to extol.
They speak of the troubles which trouble their nights,
But they speak without soul—

Without form, without cadence, or rhythm or rhyme,
Without beauty or grace. So you see,
All I can say, it's a hell of a time
For Tennyson, Shelley and James Oppenheim,
And Edna and Stephen and me.

## PRAISE DUE JIM KRAYESKE

### HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. SARASIN. Mr. Speaker, I would like to take this opportunity to commend to my colleagues' attention the admirable work being done by Mr. A. James "Jim" Krayeske, Jr., of Naugatuck, Conn., who is the defensive football coach of Wilby High School.

Jim Krayeske's leadership talent has been clearly demonstrated by the successes he has achieved working against adverse conditions and yet still being able to place a solid foundation for beginning, inexperienced football programs.

Jim's ability to instill the desire for victory in his youthful charges at a time when many young people are questioning society's values is, indeed, worthy of praise and is proven by the results of his efforts.

In establishing football programs at three schools, he has never had less than a .500 season.

Jim's coaching skills have not been ignored, as he is the only high school coach from Connecticut ever selected to participate in the annual National Football Coaches Clinic.

Mr. Krayeske has left his mark as a fine and outstanding coach as well as a gentleman wherever he has been.

## EMBASSIES FOR SALE

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. DRINAN. Mr. Speaker, today's New York Times contains a sobering editorial that is a sad commentary on the present state of our Nation's Government.

The editorial, entitled "Auction," details the unconscionable practice of this administration of offering ambassadorships to the highest bidder. The embassies at stake are usually selected from places such as Luxembourg, Trinidad and Tobago, and Costa Rica. The broker in these cases is the Nixon administration and its ill-reputed adjunct, the Committee to Re-elect the President. The bidders are a group of wealthy Americans whose only qualification for a diplomatic post is the size of their check to the Committee to Re-elect the President.

The trophies of this reprehensible auction are as follows: Britain, France, Finland, Trinidad and Tobago, Austria, El Salvador, and Jamaica. Currently under contention is Luxembourg.

It is outrageous that the rich should be able to buy their way into our Government. The Nixon administration owes the people of this country—who cannot afford to buy such favors—an explanation.

This outlandish practice must end. I hope that the Senate, to which the Constitution grants the power of rejecting ambassadorial appointments, will spurn all those who earned their posts by virtue of their pocketbook and have no other qualification. This practice is wholly beneath the ideals upon which our Government was based, and must cease.

I hope that my fellow colleagues in Congress will take the time to read "Auction," and will consider its indictment:

AUCTION

The United States, as most foreigners know, is an extraordinary country with picturesque customs. Every four years, for example, it auctions off its embassies in Western Europe and in a few other agreeable areas to the highest bidders. The cash goes not to the United States Treasury but to the Republicans or Democrats, whichever party is in power. No other country follows this curious custom. But then no other country is as rich as the U.S.A.—and it is well known that the very rich usually practice odd little economies.

As of now, it looks as if Mrs. Ruth L. Farkas of the New York department store family is the top successful spender in the 1972-73 auction. She and her husband contributed $300,000 to President Nixon's campaign. In return, she gets the embassy in Luxembourg. There was a mild ruckus in the Senate Foreign Relations Committee because Mrs. Farkas seemed to be buying her embassy on an easy-payment plan, that is, two-thirds of the money was given after Mr. Nixon was safely re-elected, and the Republican treasury already showed a $4-million surplus.

But this problem has been cleared up. Mrs. Farkas explained she intended to give the money *before* the election but it took time to sell the necessary stock. Rivals agree that it would have been a shame if she had lost out on her bid because she had already lost once. In the 1968-69 auction season, she though she had acquired the embassy in Costa Rica. But that fell through because



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of a court case involving a political contribution to a Democrat in the 1965 New York mayoral primary.

Money alone is not always enough, however. W. Clement Stone, the Chicago insurance man, made a big contribution to Mr. Nixon in 1968 and more than $1 million in 1972. Mr. Stone has delicately told the press that he would be "honored" to get the embassy in London. So far, Mr. Nixon—or whoever is conducting this year's auction for him—seems to be looking at the other side of the room and not to have caught Mr. Stone's bid. Perhaps $1 million is not enough. If Luxembourg is going for $300,000, should not London be worth a cool $5 million? Or it may be that Walter H. Annenberg, the current Ambassador in London, has been able to renew his lease by giving $254,000 last year.

Like most other items under Phase 3, the cost of embassies seems to be soaring. It may only be that the new campaign finance law has disclosed spending that until last year had been largely concealed. In any event, consider these prices:

Arthur K. Watson was appointed to France in 1970 and resigned last fall. He donated $49,000 to the G.O.P. in 1968, $22,000 in 1970, and $300,000 in 1972. The new Ambassador to France is his brother-in-law, John N. Irwin 2d who gave only $14,000 in 1968, $16,500 in 1970, but $52,500 in 1972. As a former Under Secretary of State, Mr. Irwin is one bidder who might have made it by merit alone.

John Krehbiel just obtained the embassy in Finland. He gave $5,500 in 1968, $1,000 in 1970, and $12,500 in 1972. Alas, not much for Finland.

Anthony D. Marshall bid in Trinidad and Tobago for $25,000 in 1968, a mere $1,000 at midterm, and $49,505 last year.

John P. Humes has Austria for $43,000 in 1968, $13,000 in midterm, and $103,500 last year. (If that seems a little high for Vienna minus the Habsburgs, he may have been bidding discreetly for Rome or even Paris.)

Henry E. Catto Jr. has El Salvador for $10,750 in 1968, $2,000 in midterm, but $26,000 last year.

Vincent de Roulet obtained Jamaica in the 1968–69 auction for $44,600 then and $32,000 last year. But relatives can also bid. Mr. de Roulet's father-in-law is Charles S. Payson who gave $28,000 in 1968, $32,000 in 1970, and $88,000 last year. At first glance, that seems like an awful lot; but then Jamaica really is a gem of an isle.

It is never too late to enter this auction. President Nixon has been re-elected but the Committee to Re-Elect the President is still in business, and still accepting bids—or "campaign contributions" as they are sometimes called.

## PROTEST SALE OF INDIAN MOTHER AND CHILD SKULL

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. FREY. Mr. Speaker, earlier in the day the distinguished gentleman from Montana (Mr. MELCHER) rose to protest the sale in my congressional district of an Indian mother and child skull set complete with skin and foot.

I am pleased to announce that my office has been in touch with the owners of the relics and he has agreed to remove the items from display and sale.

The owner has further graciously agreed to donate the items to the State of Montana where they can be displayed in a museum or given a proper burial.

I thank Mr. MELCHER for bringing this matter to the attention of the House and recommend that other businessmen follow the fine example set forth by a good friend and constituent in Orlando, Fla.

## A PROFESSIONAL ANALYSIS OF ISSUES CONCERNING THE RETENTION OF THE SELECTIVE SERVICE SYSTEM

### HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. DICKINSON. Mr. Speaker, professional judgment must always be focused on our Nation's security and, in judging matters which directly affect the individuals who are called to serve in our armed services, it is especially important that the views of experts be sought.

I find it disquieting therefore to learn that those who put out the printed material which we have seen circulating with the stated objective "to dismantle the Selective Service System" failed to seek the views of the national headquarters of the Selective Service System before they launched their campaign.

Examples of their pamphleteering have been entered into the CONGRESSIONAL RECORD in recent weeks.

Two places in the U.S. Government which have awareness of military manpower problems are the Department of Defense and the national headquarters of the Selective Service System. In writing those two agencies I learn that the position of the National Committee To Repeal the Draft—NCRD—is based upon more than one invalid conclusion and that "facts" alleged by the NCRD are inaccurate.

Obviously no one—neither professional personnel managers nor a group of disparate dismantlers—has the clairvoyance to know at this time if our efforts to reach the goal of an all-volunteer Armed Force will succeed.

Inasmuch as the matter is of such importance to most Americans, I believe each Member will want to have available the professional judgment which I have obtained from the national headquarters, Selective Service System. Accordingly I request that the letter of April 9, 1973, with its attachment from Byron V. Pepitone, Director of Selective Service, be entered at this point in the RECORD:

SELECTIVE SERVICE SYSTEM,
*Washington, D.C., April 9, 1973.*

Hon. WILLIAM L. DICKINSON,
*House of Representatives.*

DEAR CONGRESSMAN DICKINSON: You recently asked to what extent officials of the National Council to Repeal the Draft (NCRD) had consulted with people of this office. You also asked for comments upon the validity of reasoning in that organization's pamphlet, "Selective Service Without the Draft."

There has been no known or recognized contact with this Headquarters by officials of the NCRD.

The "facts" alleged by the NCRD are quite inaccurate, and the reasoning is no better. For instance, the NCRD says that we have now reached the goal of an all-volunteer armed force. In fact, there are about 100,000 draftees still in service, and their numbers will not be reduced to zero for over eighteen months. We have merely reached the point where the Department of Defense believes it is possible, by volunteers alone, to replace all the men as they are discharged at the end of their service—both draftee and volunteer.

I am aware of the content of the letter on this subject provided at your request by the Office of the Secretary of Defense. Permit me to endorse fully the statements made in that letter.

Attached is a brief discussion of each issue raised in the NCRD pamphlet.

If I may be of further assistance in this matter, please call upon me at any time.

Sincerely,

BYRON V. PEPITONE.

SELECTIVE SERVICE WITHOUT THE DRAFT—AN ANALYSIS

The National Council to Repeal the Draft—NCRD—has recently issued a pamphlet called, "Selective Service Without the Draft". It purports to be a clear exposition of the issues involved in "killing off" the Selective Service System, to dismantle entirely even a standby means of reinitiating the draft in the event of a serious emergency where the peacetime volunteer system is not enough.

The pamphlet lists a number of questions and then provides the answers. Unfortunately for clear understanding on the part of anyone, friend or foe, on the use of conscription in American life, the answers are inaccurate or distorted or sometimes a combination of both. The pamphlet is more hindrance than help in gaining an accurate appreciation of the problem the American people will face in deciding whether the Selective Service System should remain as the Congress now requires, able to function in an emergency, or dismantled and thrown away with the hope it will never again be needed, or that if needed it can be quickly put together again.

As usually happens in many of these cases, the errors presented in such distorted fashion, while briefly stated, can require a long-winded exposition to give a balanced consideration to all aspects of the issue. At the risk of leaving out aspects of interest to a wide range of people, this review will attempt only to hit the highspots of the matter.

The first question asked, "What is the current status of the draft?", is one of two answered with no error and no distortion. NCRD stated the Selective Service System is in operation but no one is presently being drafted and the induction authority is not being used.

The next question was, "Does this mean that we have reached the goal of an all volunteer armed force before the July 1 target date?" NCRD's answer: Yes, there is no need to depend upon draftees to meet our manpower needs.

Fact: The answer is "No". There are 100,000 draftees still in service, it will be two years before they have all been discharged. Since our present forces are a mixture of volunteers and draftees, a major problem of the Pentagon is to increase the volunteer enlistments to the point where they will replace the men being discharged who include both volunteers and draftees. What Secretary Laird called a great "experiment" is still in the test tube.

Question: "What will be the status of the Selective Service System after July 1?" The NCRD says: Continue with its present organization and functions (then a real howler of an error) but since the President's induction authority expires on July 1, he may then no longer use the System to draft 19-year olds.



Fact: It is true that the Selective Service System will continue with the fundamentals of its function. Its mode of operation, however, will shift to a standby type.

The draft authority is not now based on 19-year olds. The draft authority applies to men in the calendar year in which they reach age 20. The median age is 20, some are 19, and some are almost 21.

Question: "Then no one can be drafted after July 1?" NCRD says: The President may still draft millions of men who have been deferred and are under age 35 and drafting could go on for the next 15 years even without induction authority. They also point to the section dealing with a "National Security Training Corps", an obsolete piece of the law which did provide for a basic training stint of six months and they say this "could be activated easily".

Fact: The NCRD has it badly garbled. Under the present provisions of the law and regulations, men aged 26 who have been previously deferred have not lost their liability until age 35 but the rules would have to be changed with all of the attendant public fanfare of justification before anyone over age 26 could be drafted. Even for those under age 26, the only ones to whom this "residual authority" could be applied are those whose basis for deferment has now expired. The total number involved is roughly estimated to be perhaps 500,000 from age 20 to age 26, and not the millions the NCRD claims.

The claim that the National Security Training Corps can be activated easily is nonsense. It has never been activated. A whole series of actions by the Congress and the Executive would need to be taken, including the provision of necessary appropriations. If Congress did not do its part by further legislation authorizations and provision of funds, it could not be activated. Clearly, it is a fundamental exaggeration to say this provision could be done easily. Further, these trainees would not be members of the armed forces available for deployment and combat.

Question, "What Selective Service legislation, if any, does the Administration propose?" NCRD says: "We do not know" and the President has not announced whether "he" would ask for extension of the induction authority or modify the functions of the Selective Service System although he still proposes to expend $55 million on the System in Fiscal 1974.

Fact: Officials of the Administration speaking to Congress and the public have said that the Administration has no intention of asking for an extension of inductions. They also have said unmistakably what they intend to do with the functions of Selective Service and the $55 million budget request. They intend to carry out the provisions of the law to place the Selective Service System in a standby mode of operations, prepared if the Congress authorizes it, to resume inductions.

Question, "Why should we spend all that money on the Selective Service System if we are depending solely on volunteers?" NCRD says: The only possible argument is for insurance so that "we might participate in a major ground war".

Fact: Nonsense. Insurance is correct, but the participation in a major ground war represents a cockeyed look in the crystal ball that only the NCRD seems capable of doing. The rest of the citizens have no way of knowing when the present large group of draftees are discharged that the requirements for men in uniform will be adequately met by volunteer methods. The insurance has nothing to do with intentions to fight any war. It is a prudent measure in case we cannot meet peacetime requirements, and an absolute necessity if we should become engaged in fighting that the Congress believes cannot be supported by volunteers alone.

Question, "But even in peacetime we could have a shortage of men. Shouldn't we keep Selective Service for that possibility?" NCRD says: The shortage is not likely, claims that many things can be done to get enough volunteers in case the present great expenditures don't accomplish the job and that those things such as length of enlistment periods, salaries, fringe benefits, etc., have been the military tradition for maintaining strengths for 160 years and not conscripts.

Fact: More nonsense. Throughout American history, through the Revolutionary War to the present day, whenever the United States has needed more than a mere skeleton force (on one occasion a force so small that it could not even handle the Whiskey Rebellion of a few farmers) we have had to use conscripts. In fact, the requirement for military service by all able-bodied men is a fundamental tradition of democratic countries. In the past the only way that the United States has been able to totally rely upon volunteer methods has been to have very small active forces, and rely on time, distance and our allies to shield us while we prepared the larger number to put muscles on the skeleton we had maintained.

Question, "What about the insurance argument? Shouldn't we keep Selective Service on standby in case of war?" NCRD says: "No", it would take too long to make draftees effective. A scheme of using regulars and reserves and "early volunteers" would give the time to create a draft system. They further claim that we activated the draft rapidly from scratch in World War I and could do it faster today with "computerized technology". When threatened, we have had ample volunteers at onset of hostilities. They claim since it takes six months to process and train draftees, they have no value in emergencies.

Fact: Again, more nonsense. It is generally true that it takes six months to prepare a soft, untrained man to take his part in a military unit but when you add that six months training time to an optimistic six months time to prepare a new draft system, these people would have the United States stay in a crisis situation requiring drafting for over a year before the first man would be available for deployment. Who could think this is a good scheme?

We did not activiate a draft system very rapidly from scratch during World War I. There had been a number of preparations made for it since the flames of the war in Europe had been visibly getting closer for three years. In any event it was months before the scrawny skeleton of the then volunteer Army had enough muscles on it from draftees that it could be deployed for battle. There were not "ample" early volunteers rushing to overwhelm the recruiting sergeants. With all of the Government's most intensive efforts, the total volunteers in the first weeks were only 30,000 men from the entire United States and in a war which many people now view as a "popular war".

What "computerized technology" would do in the absence of a trained, organized and prepared Selective Service organization to use the computers is left unsaid.

Question, "What if the Nation is not 'clearly' threatened?" NCRD says: We should not have a standby organization because it may be used without a "national consensus".

Fact: Once again, nonsense. The standby draft cannot be used to begin the induction process until the Congress of the United States has affirmatively acted to give the President this authority.

A national consensus? What more do these people want?

Question, "Have we ever had a standby draft before?" NCRD says: "Not exactly". They draw a comparison to the situation in 1947 and 1948 when President Truman refused to ask Congress to reenact the Selective Service Act and in effect did what these people want, repealed the draft act. They then have a long list of charges saying that the Armed Forces with President Eisenhower, then Chief of Staff of the Army, and the apparent connivance of the Secretary of Defense and the Service Secretaries, an apparently blind Congress standing by, "sabotaged" the volunteer concept, plotting to bring on a manpower shortage and the reinstitution of the draft act.

Fact: The NCRD misstates the entire situation and carefully avoids the opportunity to compare a standby draft with a no standby draft situation. They are not telling the truth when they say the Armed Forces sabotaged the volunteer concept by raising mental requirements for enlistment. During a good portion of the time the requirements were lower. They say the Armed Forces limited the number of women and black enlistees. In fact, President Truman himself led the way in increasing the use of both blacks and women in the Armed Forces. They say the Armed Forces replaced civilian personnel with uniform personnel. In fact, Secretary of Defense Louis Johnson went to extreme efforts in what he called the "fat elimination process" in which civilians replaced uniformed people. The sabotage claim is a false charge made up out of the whole cloth.

The effort to avoid a comparison of a standby system with a no standby condition must have been deliberate. The facts as to the standby system were too closely involved in the period they cite to be overlooked. The Selective Service Act lapsed in 1947. For 19 months there were no calls for induction. The System was dismantled to a corporal's guard disposing of the cabinets full of files. When the strength of the forces had declined to a disastrously low level, Congress reenacted the Selective Service Act with the greatest of urgency in reconstructing the machinery. The best that could be done after six months was to induct 20,000 men.

The use of the standby system occurred shortly after the Nation recommenced drafting in 1948. The combination of drafting and draft pressure had so improved the strength posture that beginning in January 1949 no draft calls were issued for sixteen months. The System with its draft machinery intact, registering, classifying and examining, but not inducting young men, was in the "standby" mode attacked by the NCRD. Then the United States was struck by the surprise blow of the Korean War. The standby organization was able to begin drafting within two months and at the end of six months had furnished over 220,000 men.

The contrast is clear. No standby is a serious mistake. Standby is a very low cost method of being sure that the United States can do what it needs to do without taking great risks, or the heavy casualties if war begins when we are in a weak condition. It avoids tempting a rash opponent when he believes we cannot react in time, or with enough strength.

Question, "Why should Congress be interested in repeal of the Selective Service Act?"

NCRD believes: The program is wasteful, they could use the money for other things and Congress should end anything connected with the draft in order to regain its Constitutional power to raise Armies.

Fact: Ordinary prudent men and their families do not call an insurance premium a waste. The wasteful acts are those which would provide no insurance to preserve our way of life and this marvelous country which is ours. It is comparing apples and bananas to compare the money for this purpose with money which could be used for other purposes. Any mature student of the political processes knows to not appropriate money for one program does not appropriate money for some other program. It is normal good business, as well as Congressional practice to have each program stand on its own

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merits. When you knock off one appropriation, that money does not go elsewhere in the appropriations handled by some other Committee.

Once again, it is a nonsense issue to make a claim that for Congress to maintain a standby draft system whose induction authority depends upon a specific Congressional enactment, is for Congress to lose control of its power to raise Armies. It is in fact a prudent and thoughtful exercise of its power to raise Armies.

Question, "Why should the Defense Department be interested in repeal?"

NCRD urges: If those in the Defense Department do not support the destruction of the Selective Service System, it shows their heart is not in the all volunteer approach proving that the military leaders of today do not rate with those of the 40's, who had to learn their leadership skills in forces manned solely by volunteers in World War II.

Fact: Where were these people in World War II? Twelve million men were drafted—not volunteers. It is a gross insult to claim that our present-day leaders do not rate with those of the 40's. In fact, they were leaders in the 40's. They learned their leadership skills in an Army of Americans—volunteers and draftees alike. The quality of the troops involved then as now had nothing to do with being a draftee or a volunteer. It is also an insult to the quality of the magnificent troops who served our country in World War II, Korea and Vietnam, mostly draftees, or do these people mean that the difficulty of leading volunteers is such that leadership skills thus learned are enhanced? The thought occurs, perhaps they never served at all themselves and have no firsthand experience at all.

Question, "Why should the President be interested in repeal?"

NCRD states: For reasons mentioned above, the President's interest in such repeal stems from a desire to show that he means business about all volunteer forces.

Fact: The President and the Pentagon leaders, making strenuous efforts to achieve an all volunteer force, premised their action to get such a force upon the fact that there would be a standby Selective Service System. This standby mode of operation for the Selective Service System was part and parcel of the Gates Commission recommendation to seek an all volunteer peacetime force. This fact seems to be conveniently forgotten by the NCRD and its adherents.

Question, "Will draft repeal bills be introduced in this session of Congress?"

NCRD says: "Yes".

Fact: Yes, in the first and last responses only does the NCRD give an answer with a reasonable resemblance to accuracy.

## A VICTORY OF SORTS

### HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. BURGENER. Mr. Speaker, the Wall Street Journal carried an editorial on April 17 which I think deserves attention, and I would like to have it printed in the RECORD for all to read:

A VICTORY OF SORTS

We see House Republicans won a key procedural vote in the wage-price control battle yesterday. They back a year's extension of the President's discretionary powers over prices and wages, but a Democratic-controlled committee brought out a bill to roll prices, rents and interest rates but not wages back to the level of January 10.

Frankly, we like the Democratic bill better. Since it amounts to the legislation of mass bankruptcy, the President would have to veto it. Then his wage-price powers would expire at the end of the month and maybe the economy could settle down. (Distortion note: the recent increase in industrial prices "may" have been due partly to business "anticipation" of a new wage-price freeze, a Treasury official says.)

The Democratic leadership, though, decided to "compromise" by rolling prices only back to March 16 instead of January 10. The procedural tilting will keep this proposal from reaching the floor, and this rated a plus for the Republican-backed extension. So far as we can understand it, the theory is that Congress can be depended upon to vote down the utterly preposterous so long as it doesn't have a chance to pass the merely preposterous.

## WELFARE SCANDAL—XV

### HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. THOMSON of Wisconsin. Mr. Speaker, it seems that no matter how much money we spend to help our less fortunate neighbors, the welfare system does not encourage them to help themselves. Despite billions spent, we find some families are recurring or continuing recipents of public largesse.

The Milwaukee Sentinel recently ran a series of articles by two of its investigative reporters, Miss Gene Cunningham and Mr. Stuart Wilk. They found welfare fraud, mismanagement of the welfare department, and failure of many recipients to use the public moneys provided to improve their condition as intended.

Today I am inserting the 15th segment of the series which explores the squalid living conditions self-imposed on many welfare families.

Congress must come to grips with this problem. On one hand we have continuing and mounting evidence of the failure of the big brother approach. On the other we can see that many homemakers lack even rudimentary knowledge of the mental and physical problems attendant to the conditions they force upon their families. It is a scandalous situation that demands our early attention.

WELFARE POOR HOUSEKEEPER

(By Gene Cunningham and Stuart Wilk)

A welfare check can put food on the table but it can do nothing to keep garbage off the floor and filth out of a house.

A number of welfare families are living in self-made squalor.

Their homes are piled with dirty clothes, garbage, debris and filth—a menace to health and a fire hazard. It is also a violation of city code punishable in court.

One welfare mother learned that earlier this month.

She was fined $100 for failing to keep her home in clean and sanitary condition. The fine was stayed to give her time to haul out the debris and clean house.

The case came to the attention of city building inspectors in January. After an inspection of the home, an inspector reported:

"Mrs. ——— has a housekeeper paid by the welfare department to clean house. The housekeeper just left and the place is filthy.

"There is garbage on the floor in the kitchen, living room and bedrooms. It appears that all that was done was to sweep the garbage to one side to provide walking space . . ."

The inspector notified the welfare department's homemaking section of the conditions he had found and also talked to the woman's caseworker.

"Caseworker says Mrs. ——— has been a continual problem. She does not work and is not ill. Housekeeping neglect not justified. Case being turned over to Child Protective Services."

The inspector later reinspected the home to see if the woman had done the necessary cleaning. He reported:

"Two bags of garbage in kitchen, living room. Garbage scattered over floor and furniture. . . Gerbel or hamster in room. Room reeks of urine and animal feces. . . ."

Later, he attempted further reinspections but was refused admission to the house. The only recourse was to take the woman to court for a violation of the city code requiring that dwelling units be kept in clean and sanitary condition.

PLEADS GUILTY

The woman, a young South Side mother with six children, appeared in court March 2. At first she had pleaded not guilty but then changed her plea to guilty.

"She had an attorney represent her in court. . . When it was over she wrote him a check for his fee," a building inspection official said.

Relatively few welfare mothers end up in court for bad housekeeping.

Building inspectors make every effort to correct the conditions through the welfare department and avoid court proceedings, said Robert Kuells, assistant supervisor of the Enforcement Division of the city building inspection office.

Actually, there's nothing a judge can do to make a woman clean her house, and when she's on welfare she can't very well be fined, Kuells said.

LITTLE DONE

There's also little the welfare department can or does do.

The department provides homemaker services to assist and teach women in housekeeping when they learn of poor housekeeping practices by recipients. But some women refuse such services.

"When I get sent out, I knock on the door and tell them who I am and that I'm from the welfare department. If the woman says she won't let me in, I say 'thank you' and I leave," one homemaking aide said.

Another welfare mother will be in court next month for housekeeping practices, or lack of them.

A building inspector served her with an order to clean house early in February. As of last week, nothing had been done; the house was still littered and dirty.

JOINED OWNER

After being refused entry for reinspection, the inspector finally got back in late last month with the owner of the house accompanying him.

"Found housekeeping very poor. All rooms littered and unclean," the inspector said. "Piles of clothes and scattered clothes everywhere. Garbage overflowing in the kitchen. Piles and ground-in dog dirt throughout unit.

"Floors not swept or washed in weeks. All rooms cluttered with personal belongings. Found it difficult to walk through attic. Piles of clothes, rags, broken furniture, papers and junk. . . . Bad fire hazard," the inspector reported.

He also said that he talked to the woman's caseworker and found that the woman attends the University of Wisconsin—Milwaukee all day.

HELP OFFERED

He said the casework told him that she had referred the woman to the homemaking section for help "but couldn't say if she was getting any help."

A later reinspection of the house showed no change, the inspector reported.

On that occasion, he said, he talked to the woman and she told him that arrangements had been made for her to buy a house under the federal 235 housing program.

She said "she was going to wait till she moved before cleaning," the inspector reported.

One welfare mother living in a ramshackle building on the city's North Side showed a Sentinel reporter through her apartment.

"I need more beds," the woman declared.

FEARS SCRUBBING

"And I'm afraid to scrub the floors. It's so cold in here they wouldn't dry and the kids would all get sick," she said.

The filth and stench of the place were overwhelming.

There was a pool of urine on the bathroom floor running into the kitchen. The kitchen floor was littered with garbage and trash. In the kitchen doorway was a pile of fecal matter.

The bedrooms were piled with dirty clothes, rags and junk. The beds were uncovered, dirty mattresses piled with more clothes and rags.

The children—10 of them of assorted ages—were playing or wandering around the apartment in various stages of dress.

RECEIVED GRANTS

The woman already had received grants from the welfare department for 4 beds and, in the next three months, would get grants for 10 more.

Certainly not all bad housekeepers are welfare recipients, nor are all welfare recipients bad housekeepers.

A reporter toured the home of another North Side welfare family that was immaculately clean. Yet the house had been condemned and was scheduled to be demolished.

The furnishings were modest but well cared for. There was no dirt, litter or odor.

CO-OPERATION CITED

When building inspectors report housekeeping violations to the welfare department, the homemaking section co-operates in trying to get them corrected, Kuells said.

A homemaking aide is sent out to help the woman clean and teach her how to clean properly, Kuells said.

Once a house is cleaned and in compliance, then building inspection cancels its orders against the woman tenant and steps out of the picture, he said.

While the welfare department has no program to teach housekeeping as such to welfare mothers living in rented homes, it does send in aides for a "teach and motivate" program when housekeeping violations are discovered.

MANY REQUESTS

The department gets about 200 requests a month for homemaking aides and about 20 of those are requests made under the teach and motivate program, a department official said.

If housekeeping conditions are so bad that they endanger life and health, the case is referred to the protective services section, he said.

How many welfare families may be living in the filth and litter of neglected housekeeping no one knows or would estimate. But such conditions are not uncommon.

There are cities with programs similar to Alcoholics Anonymous, that teach housekeeping, said Alex P. LeGrand, deputy city building inspector.

When housekeeping violators are taken to court, the judge can sentence them to take part in the program, he said. They are taught proper housekeeping practices and, hopefully, they are motivated to carry them out, LeGrand said.



## FACT VERSUS FICTION

### HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. STEIGER of Arizona. Mr. Speaker, recently a consensus plan of the insurance industry was criticized on the floor of the Senate because its no-fault plan "only" fully compensates 98.5 percent of all injured persons. It was alleged that this plan does not take into account the future earnings for the seriously injured and killed. A DOT study—Economic Consequences of Auto Accident Injuries—was cited as the basis for the attack on this plan.

The economic consequences study is replete with warnings about the speculative nature of the projections of future losses, the substantial errors in classifying the various individuals, the arbitrary criteria used for defining serious injury and the candid admission that "the study does not provide reliable estimates of aggregates."

But it was assumed—contrary to the statements of its authors—that this study represented approximately 500,000 fatalities and seriously injured persons.

The fact is that the scope of this study is considerably more narrow than these statements would imply. This is not a study of 500,000 persons, nor even 5,000. These extrapolations are actually based on interviews with only a mere 1,376 accident victims or their survivors. This relatively small sample is subdivided into dozens of smaller categories, so that the number of persons falling into many of these categories are so low as to have little credibility. Yet this study blows up the results obtained from subsamples as small as 13 persons into national proportions, and conclusions are drawn based on such data.

Mr. Speaker, it is most interesting to note that the record of the Senate Commerce Committee hearings on auto insurance reform does contain a thoughtful critique and analysis of the economic consequences study which clearly shows why continued misuse of this study only impairs the progress of needed auto insurance reform.

Most importantly, the mentioned criticism seems to totally ignore the fact that the States are really doing something about auto insurance reform. The fact is that over one-third of the Nation's population—actually more than 34 percent—are now covered by some type of no-fault law.

Some 15 States have already moved in this area—Minnesota, Massachusetts, Delaware, Florida, Oregon, South Dakota, Connecticut, Maryland, Virginia, New Jersey, Michigan, New York, Arkansas, Utah, and Kansas. Thirteen States including my own State have pending no-fault bills which have passed at least one of their legislative houses or are being debated on the floor.

The fact is that State legislators are enacting plans which are geared to the real life problems and expectations of their constituency and not the very questionable assumptions of a very small study.

Mr. Speaker, real progress is being made in this vital area. It is time to recognize this State movement.

Fact, not fiction, is that needed no-fault auto insurance reform is taking place right now at the State level.

Where it belongs—close to those most concerned.

## VIOLENCE BREEDING VIOLENCE

### HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. KEATING. Mr. Speaker, currently the controversy at Wounded Knee, S. Dak., has captured the attention of the media. Millions of Americans watching the evening news are witnesses to armed Indians on horseback patrolling the village while armed Federal forces surround the site with military equipment.

Tragically, the scene is set in 1973 and it is not staged for the benefit of Hollywood moviegoers.

The guns are real, the Indians in earnest and the weapons deadly.

Only the greatest amount of patience and forbearance has prevented the loss of human life at the scene. An errant shot, a lost temper, or a malicious participant could turn the situation into a human tragedy of immense proportions.

Certainly the American Indian has grievances which are just, and needs and rights which deserve action on the part of the American Government.

A recent opinion poll found a majority of Americans sympathetic to Indians as a group and felt they had not received their share of American opportunities and benefits.

However, it is extremely doubtful whether a majority of these same Americans feel that the use of violence is justifiable in the furtherance of Indian claims.

On the contrary, the principles of American democracy call for the use and exploration of all avenues of change—public opinion, voting, legislation, new leadership, negotiations, education—without turning to or depending upon violence to accomplish specific goals.

Last November, the same group of militant Indians seized control of the Bureau of Indian Affairs Building in Washington, D.C., and destroyed and stole most of the contents of the building during their stay.

The failure to adequately prosecute the leaders and participants on that occasion no doubt encouraged the additional acts of violence subsequently committed by this same group of militant Indians.

When these Indians discovered they could seize a building in Washington, D.C., cause several million dollars damage and escape without prosecution, they proceeded to create incidents at Custer, S. Dak., and Wounded Knee, S. Dak.

The dispossession of people from their stores and homes is a crime. The use of firearms to threaten or injure others is

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a crime. And the refusal to disarm and disband at the order of a duly appointed law enforcement official is also a crime.

The perpetrators of these acts should be held responsible and should face prompt and thorough prosecution.

Only when the connection between crime and punishment is made through competent prosecution and swift and fair trials will individuals and groups be dissuaded from lawless acts.

Group crimes which are not spontaneous, such as these organized takeovers of buildings and towns are planned and premeditated by leaders who have only disdain for laws and the rights of others.

When participants are convinced in advance that they will be held accountable for their crimes, no matter how righteous their cause, they will be less likely to destroy property, detain and injure people, and otherwise demonstrate contempt for law and society.

This administration under the leadership of President Nixon has waged an increasingly successful attack on crime. The latest FBI figures show that the growth rate for serious crime has been reduced to 1 percent. This is the lowest rate since 1960.

Since January 1969, Federal assistance for State and local law enforcement has increased from over $100 million to over $1 billion. Some 40,000 law enforcement officers are being trained in the control and prevention of drug abuse. More than 1,200 State and local police officers will graduate from the new FBI Academy and projected Federal assistance next year will grow to $1.2 billion.

Nonetheless, these massive efforts will be negated in large measure if militants throughout the country believe they can engage in lawless acts with impunity.

What we must recognize as reality is the infectious nature of violence and disrespect for law amongst groups who believe that they will not be called upon to pay the penalty for their crimes.

As a cosponsor of speedy trial legislation and a strong believer in competent prosecution, I would urge my colleagues to support legal efforts to effectively deal with lawbreakers as quickly as possible.

Failure to act decisively with the Indians leads to additional militant Indian violence. Prison riots often spark similar riots. And urban violence also has a tendency to become repetitive.

I would encourage my colleagues to condemn violence as a destroyer of liberty, an imprisonment of freedom, and a curse upon a democratic society. Our efforts should be directed at insuring that American justice is speedy and fair and insure that the grievances of different groups be met at civilized levels of human behavior.

## REBUILDING SHOULD WAIT

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ZWACH. Mr. Speaker, in an effort to avoid tax increases, slow inflation, and balance the budget, a wide variety of reductions have been made in Federal spending. Entire programs, such as the Water Bank program, which I introduced, have been eliminated in the name of economy, yet there are proposals for massive aid to North Vietnam.

How many of our Minnesota Sixth Congressional District people feel about this matter is reflected in an excellent editorial written by Editor Scott Schoen in the Redwood Gazette.

With your permission, and for the edification of my colleagues, I insert Scott's editorial in the CONGRESSIONAL RECORD at this point:

REBUILDING SHOULD WAIT

It qualifies as mercenary, but practical, to propose that this country postpone applications for any rebuilding of the cities and the economy of North Vietnam for five years, and make it conditional even then on good behavior.

There are several reasons why this would be an excellent procedure, first of which is this nation's balance of payments, which can only be worsened by pouring money for reconstruction into areas our bombs were so recently destroying.

Another, and these are not necessarily in order of importance, it would give allies of the Hanoi government opportunity, if not incentive, to do what they would be silly to do while we were ready and willing, although not so able financially, to do. Russia and Red China have encouraged the North Vietnamese; let them now give them solid comforts.

With the prospect of U.S. aid based on good behavior, quite possibly the status quo in South Vietnam, in which we have invested heavily in lives, limbs and fortunes, might remain undisturbed long enough to permit something of democracy to survive. The alternative may be our do-gooders giving their all in the north while North Vietnamese undermine and negate what little has been accomplished in the south. Hold off for five years, and if nothing has been gained, at least no more has been invested in what may have been, from the first, folly.

There will be those with guilt complexes to whom the slightest delay in reconstruction, gratus, of what we paid fabulous sums to destroy will be bothersome. Perhaps if it is acceptable, as proposed, to designate that $1 from one's income tax payment shall go to a political party, it may also be possible to assign part of an income tax payment to North Vietnamese reconstruction. It should be inherent in any such plan that the amount of any payment is to be subtracted from whatever federal revenue sharing is due the donor's home community.

The precedent has been set, as we will be reminded frequently, of rebuilding what our bombs destroy; German and Japan being the principal examples. It is time to break that precedent, lest urban renewal programs—of which most nations have need—be commenced the world over by going to war with generous old Uncle Sam.

## CHESHIRE, CONNECTICUT—ALL AMERICA CITY

### HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. SARASIN. Mr. Speaker, I rise today to address and inform my colleagues of the recent announcement by the Saturday Evening Post in cosponsorship with the National Municipal League, designating Cheshire, Connecticut as a Special Mention All America City.

At a time when we see the problems of the cities greatly increasing, it is indeed encouraging to find that some cities in an attempt to better their situation are recognized for their efforts.

This award is a recognition of Cheshire's outstanding progress through citizen-led programs. The initiatives of the Jaycees to volunteer their time to counsel the juvenile inmates of the Cheshire Reformatory, so that upon release they will be prepared to enter society as responsive citizens is but an example of their accomplishments and as such is indeed worthy of praise.

Today's cities are the product of an industrial revolution that centralized both residential and commercial functions in one place. This award clearly shows that, as Shakespeare said, "the people are the city."

## OPPOSES BLUE RIDGE POWER PROJECT

### HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. MIZELL. Mr. Speaker, for more than 4 years now, I have been actively involved in an effort to block construction of the controversial Blue Ridge power project proposed to be built on the New River at the North Carolina-Virginia border.

This project has generated considerable opposition, especially among the people who live in the proposed project area. Many of these are my constituents, living in Ashe and Alleghany Counties, N.C.

As some of my colleagues will remember, last year I authored a section of the Federal Water Pollution Control Act amendments designed to restrict the size of the project and the amount of environmental destruction involved.

My amendment provided that no hydroelectric power projects could include water storage for "pollution-dilution" unless the Administrator of the Environmental Protection Agency specifically recommended its inclusion.

This "pollution-dilution" technique, in the Blue Ridge project, would involve the inundation of 40,000 acres of land in North Carolina and Virginia to provide a source of clean water for diluting industrial pollution 250 miles downstream in and around Charleston, W. Va.

EPA 2 weeks ago refused to recommend the use of "pollution-dilution" in the Blue Ridge project, citing the fact that the chemical plants in Charleston had not advanced any argument at all in support of the contention that "pollution-dilution" was needed to augment at-source abatement efforts.

This was one of several major points raised by EPA in its comments on the draft environmental impact statement prepared for this project by the staff of the Federal Power Commission.



I filed my own comments on the environmental impact statement, criticizing the fact that the FPC staff recommended keeping the project at its currently proposed dimensions.

In addition, I am continuing to push my legislation, introduced January 3, to prohibit the construction of the project entirely, and I am hopeful that action will be taken on my bill later in this session.

For the benefit of my colleagues, I now insert in the RECORD the text of a news release I distributed on April 10, 1973, outlining my comments on the EPC staff's draft environmental impact statement on Blue Ridge:

WASHINGTON, D.C.—U.S. Representative Wilmer (Vinegar Bend) Mizell (R.–N.C.) Monday took strong exception to a Federal Power Commission staff recommendation that the Blue Ridge power project be built at its currently-proposed dimensions, and he called for extensive revision of the staff's draft environmental impact statement on the project.

Mizell, a staunch opponent of the Blue Ridge project since 1969, filed his comments on the environmental statement with the FPC today, calling the report "little more than a compilation of spurious arguments and inadequate research."

The environmental statement, ordered by the FPC last November and submitted in January, recommended building the Blue Ridge project at essentially the same specifications as those called for with the inclusion of water storage for "pollution-dilution," but said the water storage should be used instead for power generation, flood control and recreational purposes.

Mizell, who authored a section of the Federal Water Pollution Control Act Amendments of 1972 prohibiting the use of "pollution-dilution," unless it was specifically recommended by the Environmental Protection Agency, called the staff recommendation "a poorly substantiated attempt to circumvent (the law) rather than deal with its intended purpose."

He said it was his intent "as the author of this amendment to see the Blue Ridge project reduced to its original, pre-pollution-dilution specifications."

"Changing the basis for this environmental destruction from 'pollution-dilution' to 'power crisis' does not lessen or eliminate the environmental destruction itself," Mizell said, "and the amount of environmental destruction proposed in the Blue Ridge project is massive and terrible indeed."

The project calls for flooding 40,000 acres in Ashe and Alleghany counties in North Carolina and Grayson County, Virginia, displacing hundreds of residents, and leaving the scenic area blighted by mudflats much of the year.

Mizell said "staff's recitation of the need for power and power sources is not contested, but it is also hardly relevant to this proceeding, certainly not to the extent that it would require a doubling of the size and expense of the Blue Ridge project from what was originally envisioned and proposed."

He said the Appalachian Power Company, which applied for a license to construct the project in 1965, anticipated and projected "to the most accurate degree possible the power needs of the nation and the company's role in helping to meet those needs over a period of the next fifty years and more." (The project license, if granted, would be in effect for fifty years.)

He said the decade-long delay in ruling on the license application bears no significance on those projections, and staff's contention that the delay affects those projections so profoundly as to double the size of this project is ludicrous in the extreme.

Mizell said that the FPC,, "while responsible for insuring an adequate supply of energy for the U.S.," is also bound by the Federal Power Act to do so "with the greatest possible economy and with regard to the proper utilization for conservation of natural resources."

He said the reasons advanced for building the larger project "are weaker now than ever before," since pollution-dilution, the original goal of the larger project, was assumed by the Staff to be impermissible in the case of Blue Ridge.

Mizell recommended that the FPC "order a comprehensive revision of this draft, with sufficient time to make the project of value."

He said the revision should include a more detailed analysis of national power needs as they relate to Blue Ridge, an appraisal of such adverse environmental effects as housing displacement; a report on popular opinion among project area residents; and a reevaluation of the original, smaller project proposal as an alternative to the modified project and in light of the Mizell amendment.

## REPORT FROM THE HONORABLE EDWIN D. ESHLEMAN

### HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ESHLEMAN. Mr. Speaker, I will be sending my constituents a newsletter. I am including the contents of that newsletter in the RECORD at this point:

REPORT FROM YOUR CONGRESSMAN, ED ESHLEMAN

WOUNDED KNEE

There are many of us who are sympathetic with the plight of the American Indian, and who want to see changes in Government policies toward the Indian, but who do not support the kind of terrorism and blackmail that have been so much a part of the present day occupation of Wounded Knee.

Of course, the Wounded Knee area was picked by the militants for its publicity value. There are emotional ties to the "Massacre" that occurred there in 1890. But as with so many of the falsehoods that have highlighted the situation in South Dakota, even the reason for picking the site seems to be based on myth rather than reality.

In his book, "Crimsoned Prairie," historian S. L. A. Marshall gives a factual account of what happened at Wounded Knee in 1890. It seems 340 Indians surrendered to the 7th Cavalry on December 28. Next morning, the Indians still had not given up their arms. A detachment of cavalry was sent in to search for weapons. One Sioux, Black Fox, took a rifle from under his blanket and began firing. Others followed his lead.

"There is no doubt," writes Marshall, "Who started that day's fight, though it is often called a massacre. . . . Deliberate Sioux action, so timed as to indicate that it had been well plotted, initiated the slaughter."

When the shooting stopped, half the Indians were dead. But 31 soldiers also had been killed. It is this cavalry loss which is, according to Marshall, "Too commonly disregarded or treated as insignificant by Americans bent on making Wounded Knee something it definitely was not."

REMEMBER AND REFORM

As we think toward our bicentennial year of 1976, there is a good case to be made for having returned as much power as possible to local hands by that time. The case is presented as an indictment against George III in the Declaration of Independence. It states, "He has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out their substance."

WINDS OF CHANGE

Congress is not known for its willingness to revise its rules or reform its way of doing things. But despite that reputation, there are signs that the winds of change are blowing on Capitol Hill. Some of the practices that have long disturbed people about the legislative process are on their way out or have already been eliminated.

Seniority is no longer an automatic assurance of legislative leadership. Committee chairmen are subject to being voted out by their colleagues.

Committee meetings are now open unless the members of the committee take specific action to close a particular session to the public.

The old practice of hiding real legislative decision-making by using the unrecorded teller vote is dead. Teller votes have been made record votes for which the Congressman is then answerable.

VETERANS VISIT

The picture at the right shows Representatives of the Veterans of Foreign Wars who dropped by my Washington office to talk about legislative issues. The veterans are one of many groups that have discussed legislation with me in recent weeks.

One of the special concerns of the VFW was the amnesty issue. It occurs to me that here is an area where there is no apparent generation gap. By overwhelming numbers the young people I've been talking to and hearing from oppose, as the veterans oppose, unconditional amnesty for draft dodgers and deserters.

THEN THEY SAID

In case you thought that Jane Fonda, Father Berrigan and the Washington Post were the ultimate spokesmen for truth about Vietnam, you might be interested in what they had to say about our POWs who took another viewpoint and even sounded patriotic.

Jane Fonda, who had told us to expect the POWs to come off the planes shouting anti-American slogans and condemning the President, revised her story and reminded us that these men were more like murderers than heroes.

Father Berrigan forthrightly described the POWs as "war criminals."

A Washington Post writer tipped us off to the fact that the POW episode was just another Pentagon plot.

Before they're through they may convince us that fiction is stranger than truth.

AL QUIE

The guest editorial in this newsletter was written by Congressman Albert H. Quie of Minnesota's First District. Al Quie is the ranking minority member of the Education and Labor Committee on which I serve, and his views on reforming Federal financing of education are receiving a great deal of attention in the 93rd Congress.

GUEST EDITORIAL

The House Education and Labor Committee is now working on revisions of the Elementary and Secondary Education Act.

Right now that act is pouring $1.6 billion into school districts with heavy concentrations of youngsters from low-income families. "Economically disadvantaged" students are counted—but not the educationally disadvantaged.

To decide how much money each school district receives, the Office of Education still is using 1960 census figures of low-income population. Those figures were six years old

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when the act went into effect. Now they are nearly 14 years old. The children originally counted now are launching their own families.

Even if we went to 1970 census figures next year, the income information would be four years obsolete.

Aid goes on the basis of families with annual income under $2,000. Today there are 47 percent fewer families at that income level in the Nation. The number in Minnesota, for example, has declined 59 percent. In Pennsylvania the drop is 42 percent. A few States actually have gained low-income population.

A 1970 study by Dr. Gene Glass of the Laboratory of Educational Research, University of Colorado, showed 68 percent of fourth grade children from families below $2,000 in annual income had severe reading difficulties.

Significantly enough, 34.8 percent of the students from families with incomes between $4,400 and $8,000 were equally handicapped. More than 27 percent of those in the $3,000 to $12,000 income bracket had similar reading difficulties.

To put it another way, the Glass study indicates that less than one-quarter of all students with educational deficiencies in reading come from the below $2,000 family income group on which ESEA Title I aid is primarily based.

Why not distribute funds on the basis of actual educational need? After all, that is the condition we are attempting to treat.

I have introduced legislation as a substitute for this outmoded system. Through testing of reading and mathematics skills of a nationally drawn sample of students, it would be possible to establish each state's relative ranking and each school's entitlement.

Each school would have the responsibility of establishing realistic performance goals for its students. Parents would be heavily involved and this would make schools more accountable for performance.

Through use of such a goals-oriented system, I believe we could establish objectives for strengthening basic education that would be as valid in Alaska as in Florida.

It would bring more individualized instruction with new challenges—and new satisfactions—for teacher, parent and child.

BUDGET BREAKDOWN

With all the talk today about the Federal budget, you might be interested in the chart at the right [not printed in RECORD] which generally explains where the money comes from and where it goes.

Of course, the figures are based upon the Nixon administration's proposed budget, which is subject to change by the Congress. We are in the process of determining priorities that may or may not end up being the same as those outlined by the President.

NEW ASSIGNMENTS

The way things are going, Henry Kissinger's next journey may be to Capitol Hill to arrange a ceasefire with Congress.

GOOD IDEA

The Ephrata area senior high school sent me a form to fill out which registered me as a part of their community resource file. This file provides names of local people who can be used in the classroom as experts on various subjects. They also say that resource contributions might include supplying materials or displays as learning experiences.

I was happy to volunteer to participate in the program as someone versed in government, based, of course, on the limitations of my congressional schedule. If I can't make it, I indicated that one of my assistants could be made available.

The whole idea impresses me because it starts with finding out who is willing to share their experiences with students and can result in the presentation of valuable personal insight in nearly every field of study.

## ARMENIAN-AMERICANS TO DONATE BLOOD IN THANKS FOR U.S. ASSISTANCE

### HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. DANIELSON. Mr. Speaker, I am pleased to call to the attention of the House that Americans of Armenian heritage will pledge and donate blood to the American Red Cross during the week of April 24 as an expression of their appreciation for the relief assistance this country gave to Armenia in the 1800's and early 1900's.

During the week of April 24 every year, Armenians commemorate the time when hundreds of thousands of Armenians were massacred, and Americans of Armenian descent donate their blood to repay the American people for their outpouring of assistance to Armenia long ago. As one member of the Armenian National Committee put it, "If blood is to be spilled, it should be for a good cause." Indeed, this is one of the best causes imaginable, because this selfless gesture by Armenian-Americans will help others live.

This nationwide appeal to the 400,000 Americans of Armenian descent is being coordinated through the American Red Cross by the Armenian Youth Federation, the Armenian Relief Society, the Armenian Apostolic Church, the Armenian Revolutionary Federation, the Armenian Cultural Associations of America, the Hairnik Association, Armenian newspapers in this country, and by many other national and local Armenian groups.

American aid to Armenians goes back to 1896 when Clara Barton, founder of the American Red Cross, led a relief expedition to the Near East to aid the victims of starvation. This assistance continued into the early decades of this century as massive relief programs for the Armenians were organized by many groups and organizations in this country. Cooperative relief efforts were conducted by the American Red Cross and the Armenian Relief Society beginning in 1916, and in 1919 Congress established the Near East Relief organization, which distributed vast amounts of aid in that part of the world.

During those years, orphanages were operated to care for the children left without families, ten villages were built to house refugees, vocational training programs were developed to enable people to learn skills such as weaving or embroidery, and feeding stations were established to ward off starvation.

Today, the Armenian Relief Society continues to aid people both in the United States and abroad through educational efforts, operation of orphanages and summer camps, provision of welfare assistance to families of Armenian descent and by continuing to acquaint young people with the history of their ancestors.

I am sure that I can speak for all the people of our Nation in expressing my deep appreciation to the Americans of Armenian descent who organized this effort, and who will be donating their blood during the week of April 24.

## REPRESENTATIVE LENT COMMEMORATES THE COURAGE OF THE WARSAW GHETTO JEWS

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. LENT. Mr. Speaker, because April 29 marks the 30th anniversary of the Warsaw ghetto uprising, I would like to take this opportunity to mark that occasion and salute once again those brave people who gave their lives for the principles of freedom and as defenders of the Jewish faith.

The ruthless victories of the German armies in the early years of World War II resulted in the corraling of much of European Jewry under the inhumane Nazis and their sympathizers. From the Atlantic to the Volga and from Norway to Sicily, Jews were robbed of all human rights—their property was confiscated and most of them were herded into ghettos and concentration camps marked for future inhuman deportation to Poland. Adolf Hitler's scheme made Poland the site for what he described as his "final solution to the Jewish problem."

But in 1941, Hitler became impatient with previous methods of Jewish extermination which included mass shootings, systematic starvation, and disease. He deemed them too slow to suit his brutal fancy, and ordered the German Government to embark on a new plan of genocide, and those whose will to resist had been sapped by prolonged starvation and disease were often unaware of their impending fate until the last moment.

It is not difficult to understand why, under these circumstances, very few Jewish communities across Europe rose against this merciless aggression and why most of them turned to flight and hiding as the only means to escape the Nazi horror.

But neither is it difficult to comprehend the human spirit which ultimately dictated that these brave people stand and fight, even in the face of overwhelming odds and in the face of certain death. So it was at Warsaw in the spring of 1943.

At one time, prior to the German invasion of Poland, the Warsaw ghetto clutched a half a million people, but the murders had taken their toll and by April 1943, only 40,000 were left—a small pitiful unarmed camp, hardly capable of mounting any resistance

But then came the deadly deportation order, directing all Jews to assemble, surely in preparation for the final journey to probably extinction. It was then that the people of the Warsaw ghetto rose in fury against their tormentors—to wage a war for their survival knowing full well any chance of victory was minute. But looking back, who, I ask, could have followed any other course?

The Germans tried to quell these brave people, first with clubs and small arms only to be beaten back. Then came the storm troops with large guns and flamethrowers, yet the Warsaw Jews continued to fight on with a passion that astonished everyone. The Nazis even went so far as to promise future good treatment, but the password of the Warsaw ghetto was "no surrender"—and on that promise, the Jews of Warsaw perished, almost to the man.

Thirty years later, we have all learned the lessons of World War II—we have learned that diplomacy is far preferable to armed conflict. But we have also learned that in the face of certain madness, there is no substitute for unselfish heroism as a lesson to the madmen of the future.

So today, let us not forget the heroes of the Warsaw ghetto, who, without a sliver of a chance for survival, beat off the Nazi murderers for nearly a month and in so doing supplied the cornerstone for the construction of the Jewish state of Israel. And let us not forget either that the password of the Warsaw ghetto—"no surrender"— lives on today in Israel and we can join in collective hope that it will never die.



## REPORTER/TAXPAYER GLAD TO BE OUT OF VIETNAM

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, Bob McCarthy, writing in a recent issue of the Penn Hills Progress, notes with great substantiation that most Americans feel no great surge of emotion over our getting out of Vietnam.

This attitude reflects the general relief that we have finally unleashed this albatross from our necks and possibly we can now get back to the many domestic problems facing us.

I find myself in solid agreement with Mr. McCarthy's sentiments and would like to introduce his article in the RECORD at this time for the information of my colleagues:

RELIEF INSTEAD OF GRATITUDE OVER TRUCE

(By Bob McCarthy)

According to a recent wire service news report, President Nixon is disappointed that instead of an outward pouring of gratitude over the negotiated truce in Vietnam the American people are demonstrating only a great sense of relief.

He is correct in his reading of the American reaction. But why this should disturb him is beyond us.

Surely, despite his insistence that there be a peace with honor and now his claim that at last this has been achieved, as President he knows a great many Americans don't care what kind of peace it is as long as we can get our troops and prisoners of war out of the place.

The name of the game ever since the late Lyndon Johnson rode the Vietnam War right out of office has been to get out. Whether or not this truce holds up, and there's abundant evidence right now to suggest otherwise, America's overriding concern is that it must last long enough for the United States to make an orderly exit.

Even that may be hoping for too much. According to Newsweek Magazine, in the first few days of the so called truce the South Vietnamese forces have suffered 1,113 killed, 5,155 wounded and 900 missing. The report also estimates 6,487 North Vietnamese and Viet Cong deaths over the same period.

That's some truce.

In view of Southeast Asia's lousy track record on living up to past truce agreements, and the latest evidence that nothing has changed, the President should fully understand why Americans don't expect this "honorable peace" to last very long. They recognize the latest Paris agreement for what it really is . . . a cease fire to allow the United States time to get out before the fighting resumes. Nothing more.

Even if the truce should last longer than it now looks, there isn't much chance we'll accept this as "peace with honor." A great many of the President's countrymen find it hard to attach any honor to our involvement in this Vietnam mess. Their relief is over the opportunity to get untracked and wash our hands of the whole thing.

President Nixon is finding out for himself that there is precious little enthusiasm for maintaining an American presence there. Congress, above all, seems awfully stubborn about making a substantial withdrawal from the area. That's all a part of the relief over our exit and the determination that we won't get sucked in again.

Whatever the President's intentions, many of us view the request that we now help rebuild North Vietnam as part of a scheme to keep the North Vietnamese off the back of Thieu's regime down south by pouring dollars into rebuilding the north. We like the reaction of Senator Barry Goldwater. Let the Russians and Chinese who kept oiling the North Vietnamese war machinery pick up the tab for that.

Personally, this writer, speaking as a taxpayer, doesn't feel a dime's worth of obligation to either North or South Vietnam. We paid our price for this stupid war. In fact we overpaid it . . . in blood, money and machinery, and now we don't owe anyone (except the courageous Americans who fought there) a red cent.

So let's get out, either under a flag of truce, peace with honor, or whatever people want to call it. The important thing is to get our American boys back from harm's way so that when the fighting resumes in Vietnam as it inevitably will our guys aren't in the line of fire.

The next important thing is to stay out of there . . . permanently.

President Nixon should be content that history will give him high marks for achieving an end to this American folly in Southeast Asia. It will not ponder long over whether or not the terms of the settlement were honorable. For there is so precious little of that involved in the first place, it won't rate much of an historian's attention.

## WOOL INCENTIVE PROGRAM TO COST NOTHING THIS YEAR

### HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. FISHER. Mr. Speaker, with wool and mohair prices holding up well thus far this year, it now appears likely there will be no payment to growers required for 1972.

The cost of the incentive program was rather high in 1971 when the average price of wool dropped to 19 cents per pound, the lowest in 33 years. But the average was 35 cents last year, and 1973 sales will probably be above the incentive level as established by the Secretary of Agriculture.

In order to provide a perspective of the way the program operates, and its objectives, I include a copy of a weekly newsletter on that subject:

WOOL INCENTIVE PROGRAM TO COST NOTHING THIS YEAR

Should there be a viable wool and mohair industry in this country? That is a recurring question which in 1954 was reflected in the National Wool Act whereby it became a national policy to seek an annual production level of 300 million pounds. Availability of raw wool had been declared an essential for national defense, since in time of war only domestically produced wool could be counted to meet our minimum requirements.

Due to low-cost foreign competition, domestic wool producers were in plenty of trouble in the early 1950's. A Tariff Commission study at that time found our domestic production costs to be about 10¢ below what low-cost competitors could produce and deliver it, including tariff, to our markets, and recommended addition of a 10-cent per pound import fee.

Instead, President Eisenhower proposed what became the Wool Incentive Act, whereby the Secretary of Agriculture would annually establish an incentive price level designed to encourage increased production of up to 300-million pounds, which since 1954 has been from 62 to 72 cents on wool.

The Wool Act provided for an annual incentive payment to growers of the percentage difference between the average annual domestic price and the incentive level.

In 1971 our wool and mohair prices were the lowest in 33 years, and the incentives, to approach the incentive level, were high. Wool prices that year averaged only 19¢; in 1972 it was 35¢, and this year (1973) no incentive payments are expected because of good market prices for both wool and mohair.

It should be pointed out that no incentive payments whatever can be made from U.S. appropriated funds. Such payments, if any, come exclusively from import tariffs imposed on imported competitive products. Thus, technically at least, Australian and New Zealand growers pick up the tab for most of the cost of financing our incentive program and payments made to individual U.S. growers.

The law prohibits more than 70 percent of the tariff generated revenue from ever being used to finance the incentive program. It is usually much less.

## ROGERT W. MERGNER RECEIVES RED CROSS AWARD

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. WOLFF. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues a noteworthy act of mercy undertaken by one of my constituents, Mr. Robert W. Mergner, 46–20 159th Street, Flushing, N.Y., who has been named to receive the Red Cross Certificate of Merit. This is the highest award given by the American Red Cross to a person who saves a life by using skills

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learned in a Red Cross first aid, small craft, or water safety course. The certificate bears the signatures of the President of the United States, Honorary Chairman, and E. Roland Harriman, Chairman of the American National Red Cross. Presentation will be made by the American Red Cross in greater New York chapter, New York.

On August 21, 1972, Mr. Mergner, who has been trained in Red Cross first aid, was at home when he heard a neighbor screaming. Her 2-year-old son had fallen into the family swimming pool and had apparently drowned. When the child's mother removed him from the pool he was unconscious and not breathing. Mr. Mergner immediately began mouth-to-mouth resuscitation which he continued while the boy was transported to a hospital. The child survived. There is no doubt that Mr. Mergner's first aid knowledge and skill saved a life.

This action exemplifies the highest ideal of the concern of one human being for another who is in distress.

## DRINAN OPPOSES NIXON MEDICARE AND MEDICAID CUTS

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. DRINAN. Mr. Speaker, on Monday, March 26, 1973, Senator MONDALE introduced with 50 cosponsors a resolution expressing the sense of the Congress that the Nixon administration should not be allowed to cut the medicare and medicaid allocations and otherwise reduce the benefits and increase the cost of these health services for millions of older Americans. I commend Senator MONDALE for taking the lead in insuring that the Federal Government lives up to its promise of providing quality health care to all older Americans at a reasonable cost.

Congress passed the medicare bill in 1965 to assure quality health care for the millions of older Americans who depend primarily on social security benefits for their retirement income. The assumption was that the Federal Government should underwrite a health insurance program which would cover the majority of acute health care needs of older Americans, while not establishing a free medical care program. The President now seeks to substantially change this health insurance plan. He proposes to increase the charge to patents for the first day of hospitalization from $72 to a full hospital charge: the patient would be required to pay 10 percent of actual hospital costs between the 1st and 61st days—now free under medicare. Those covered under part B of medicare would have to pay the first $85 of bills for physicians' service—instead of the first $60, and 25 percent of everything above that—instead of 20 percent. "Low priority" medicaid services would be eliminated—including dental care for adults.

The President seems to have forgotten that millions of Americans have paid the added payroll tax resulting from the medicare program in good faith, expecting to receive benefits at the present level in case of serious illness. Disheartening as these proposed changes must be for those who are now paying for medicare with every paycheck, these changes strike hardest at those now retired who depend on medicare for protection against the financial ruin of hospitalization and other major medical expenses. These elderly Americans have no choice but to continue to pay the same premium, but receive less insurance coverage, and worse still, face the possibility of substantially higher medical costs to themselves if they become ill.

Since 1965, the first year in which medicare benefits were paid, hospital daily service charges have increased by 104 percent, and the inflation in health care costs shows no signs of slowing down. At the same time, the average income of elderly Americans has increased by an appreciably smaller amount. The result is that now, more than ever, millions of our Nation's elderly would be unable to meet major medical expenses without continuing Government help. But if the President's proposals become law, then our senior citizens eligible for medicare will be forced to pay for the cost increases in medical care over the present level—a burden they can ill afford. Worse, the President's proposals would virtually nullify the effect of the 20-percent increase in social security benefits passed by Congress just last year. In fact, with the added financial burden the President's proposals would cause, many elderly Americans will be worse off than before.

For the sake of a relatively minor reduction in Federal expenditures, the administration proposals will significantly increase the cost of medical care for millions of older Americans. Retired people living on fixed incomes, already hard hit by inflation, will see their coinsurance payments markedly increased without any protection against further inflation of health care costs. I believe the President's proposals to be unnecessary and of great potential harm. They must not go into effect.

Because of the great concern expressed to me as to the most unfortunate—and unwarranted—potential effects of the administration proposals, today I am introducing in the House of Representatives a measure similar to that of Senator MONDALE, which would express the sense of Congress in opposition to these proposed changes in medicare. The text of the resolution is as follows:

H. CON. RES. 204

Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the Medicare and Medicaid programs

Whereas, the cost of health care has accelerated at a rate faster than the rate of increase in the income of recipients of Medicare and Medicaid benefits; and

Whereas, the purpose of Medicare and Medicaid is to provide medical care for older Americans at a price they can afford; and

Whereas, any economies resulting from the proposed budget changes would not be reflected in a reduction in either the payroll tax or the monthly premium which finances these services; and

Whereas, in the Administration's proposed budget for the fiscal year ending June 30, 1975, the amount allocated for the Medicare and Medicaid programs for such year is predicated upon the enactment of certain amendments to titles XVIII and XIX of the Social Security Act which amendments will be unduly burdensome on the elderly—those least able to pay: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that no amendments should be made to titles XVIII and XIX of the Social Security Act which would have the effect of—

(1) increasing the amount of the deductible, which is applicable (under part A of such title XVIII) with respect to the first day of inpatient hospital services received by a patient, to an amount equal to the average per diem cost of inpatient hospital services;

(2) imposing a coinsurance amount, with respect to inpatient hospital services (under part A of such title XVIII) received after the first day a patient receives such services and prior to the 61st day he receives such services, equal to 10 per centum of the actual costs imposed for such services;

(3) reducing coverage for physicians' services (under part B of such title XVIII) by increasing the deductible applicable thereto from $60 to $85, and by increasing the patient's share of such costs, above the deductible, from 20 per centum to 25 per centum; or

(4) eliminating (under such title XIX) Federal financial participation with respect to costs, incurred under a State plan approved under such title, attributable to the provision of certain low-priority services (including dental care) to adults.

## THE "RIGHT" TO CHEAP FOOD

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ZWACH. Mr. Speaker, high food prices are on nearly everyone's minds, but the sad part of it is, all too few people have a real understanding of our food prices in relation to the balance of our general economy.

One of the most lucid articles I have read on this subject is by Earl W. McMunn in the Ohio Farmer.

Because of the good sense contained in this article, I insert it in the CONGRESSIONAL RECORD and highly recommend its reading to all of those concerned with food prices.

The article follows:

THE "RIGHT" TO CHEAP FOOD

Ours is a great food production system. Perhaps it is too good. It has lulled most Americans into believing that food production is almost automatic. That their incomes should rise, but that the price of farm products should not. And, that they should pay the grocery bills with an ever-decreasing share of their take-home pay.

This is the way it was for a good many years. Consumers got used to the idea. Twenty years ago the average consumer spent 25 percent of his take-home pay for food. By 1972 the percentage was down to about 16.

But, late in the year food prices did start to rise. Most conspicuous were increases in the price of beef. That is when farm product prices came under attack and the clamor has increased in volume. And few there are who know or care that food is still a bargain. Not many have the facts, and not many care. They wanted a culprit and were willing to heap the blame on farmers.

It's true that higher farm prices have been responsible for some of the food price increase of recent months. But, unless there's a better understanding about basic economics, consumers are in for a real jolt during the years ahead.

We could keep food prices from rising. It is not likely we will do so. It is a sure bet we will never keep retail prices from rising by clamping ceilings on prices of farm products.

The basic reason is obvious. Farmers get just about a third of each food dollar. The other two-thirds is the cost of getting food from the farm into the hands of consumers. And labor gets half of that total. Farm product prices move up and down in response to supply and demand. Labor rates move in one direction. That direction is upward. If farm product prices never again advanced by a single dollar, food prices would continue to rise!

Or, at today's levels, food prices could be cut back by only a third, even if all farm products were given away absolutely free! This is why we'll have to attack the other end of the problem if there is any real hope of stabilizing food prices. We need to look where most of the cost is added and this isn't on the farm.

The real truth is that almost everyone who deplores higher food prices had something to do with bringing them about. But few are willing to accept their share of the blame. It is more comfortable to point the finger at someone else. And, some of the biggest culprits are now shouting the loudest as they direct their attack away from themselves.

Who is really causing higher food prices? Look around and you will find them wherever you turn. They include labor leaders who use their monopoly powers to force wage increases in excess of gains in productivity. They include members of Congress who have voted for deficit spending with the inflation it creates. The culprits also include voters who make demands which lead to such irresponsible action.

The list doesn't stop here. It includes consumers who believe they should be provided with a never-ending supply of "free" maid services. And high on the list are consumer activists who make ill-informed demands for changes in farm management and technology under the guise of environmental improvement.

We know that deficit government spending is a major cause of inflation. That lawmakers are making our dollars less valuable when they spend more than they collect in taxes. This is the condition we have created in our federal government. And yet, some of the most irresponsible spenders in Congress now voice the greatest concern about rising food prices.

The truth is that off-farm incomes have kept ahead of farm income for most of the period since World War II. This is why we have had a cost-price squeeze in farming. We survived largely because of marvelous gains in farm productive efficiency. Average gains in productivity were well ahead of those for industry in general.

This was accomplished by use of new technology which depended upon a wide range of commercial inputs. They included greater use of fertilizer to improve crop yields, feed additives to improve livestock gains, pesticides to reduce insect damage, herbicides to combat weeds and a host of others. These products were not used because the farmer liked the stuff. All gained acceptance because they reduced production costs. And consumers reaped the benefits in lower food prices.

Now, most of these products are under attack by some group or other. A few have already been banned. Others are likely to follow. Much of the attack has been highly emotional and irresponsible in nature. Scientific evidence has been largely ignored. Overlooked is the fact that every product used in agriculture undergoes a vast amount of scientific testing before it is allowed on the market. And, that these products used as directed result in a food product which is safe and of high quality.

Some of the agitation is successful because of a federal law which says a food product is unsafe when it contains any detectable amount of certain substances. Modern laboratory techniques permit detection of amounts of less than half a part per trillion. Thus, there is an excuse for the legal ban even though there is no proof that the product would ever be harmful to anyone.

People leading the attacks on farm chemicals, growth stimulators and all the others claim they are motivated by concern for the welfare of people. What they don't understand, or fail to admit, is that they are helping drive food prices upward. They will reduce supplies. In many cases, quality also will be impaired. A head of wormy cabbage, for instance, isn't the most wholesome or appetizing!

One material, DES, was widely used as a feed additive in cattle rations. It increased feeding efficiency by as much as 10 percent. Yet, because traces were found in a few cattle livers, it was banned as a feed additive. Most lawmakers who favor bans on this and similar products probably see no connection with food prices. But the connection is there and it is becoming more apparent.

Weeds are a major reason for reduced crop yields, as every farmer knows. They may well cut production by 20 or 25 percent, often by more. Modern herbicides are the best and cheapest method of keeping them under control. Still, a lot of people don't see the connection between herbicides and food prices.

There have even been some who would ban or severely limit the use of chemical fertilizer. They don't understand that without fertilizer we could soon reduce crop production in this country by as much as a half.

Higher food prices are not the cause of inflation. They are a logical result. Deficit government spending creates inflation and will continue to do so until it is brought under control. Lawmakers who press for higher spending while crying about food prices are about as sensible as a man who would drive a car with the throttle pushed to the floorboard and the brake set!

Farmers and laborers each get about equal amounts out of each food dollar. But labor has been granted monopoly powers to force wages in one direction. That direction is upward. Farm product prices move up and down in response to changes in supply and the wishes of consumers. Irresponsible demands of environmentalists will continue to increase production costs and in some cases discourage production.

Until lawmakers and other decision makers understand these facts there is little reason for a reduction in food costs. There are many reasons why they should go higher.

Many consumers appear to believe they have a "right" to a plentiful food supply and at an ever-decreasing share of their take-home pay. This is not a right. It is a gift delivered by the bounty of our system of farming. It could be taken away by a succession of unwise decisions. The sooner a lot of people understand this fact the better we all will fare.

## PUBLIC POLICY ON ABORTION: AN AFFIRMATIVE RESPONSE BY THE HEALTH SYSTEM TO THE SUPREME COURT DECISION

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. FRASER. Mr. Speaker, a few weeks ago, a distinguished physician and public health leader in the United States, Dr. John H. Knowles, now president of the Rockefeller Foundation, delivered an excellent paper on the Supreme Court's decision on abortions.

Dr. Knowles said that without immediate and systematic intervention by government and the health system, "low-income women, members of minority groups, and youth in general, who presently have little contact with the health system, will have greater difficulty securing abortions than higher income women. Inner-city, and even more so, the rural poor, may find themselves without services for years to come."

"A wise public policy," according to Dr. Knowles:

In a pluralistic society on a sensitive matter such as abortion should seek to maximize free choice and avoid any situation in which individuals or institutions are compelled to act against their deeply felt beliefs. . . . In some areas of the country, the principal—sometimes the only—hospitals and health institutions have religious affiliations which forbid abortion as a matter of conscience. A wise public policy would seek to avoid direct confrontations between the two values in tension in these communities—the beliefs of the institutions versus the Constitutional rights of the consumer to the services she needs and wants. A wise public policy would accomplish this . . . by insuring that alternative service facilities and referral services are available and accessible in such communities so as to preclude the need for divisive and tragic confrontations.

Dr. Knowles urges:

Government and . . . the health system to respond affirmatively . . . to insure that individuals are able to gain access to abortions performed under the safest, most dignified and humane conditions.

The complete text of Dr. Knowles' speech follows:

PUBLIC POLICY ON ABORTION: AN AFFIRMATIVE RESPONSE BY THE HEALTH SYSTEM TO THE SUPREME COURT DECISION

(By John H. Knowles, M.D.)

Abortion is and will continue to be an emotionally charged issue. It is an intellectually charged issue, too, and the moral and ethical considerations surrounding abortion have yet to be adequately aired. One need not either oppose or advocate abortion, however, to recognize that the U.S. Supreme Court has placed an immense responsibility on the U.S. health system and on national health policy. The Court has recognized as part of a woman's Constitutional right to privacy, her qualified right to have an unwanted pregnancy terminated by a doctor. This right, the Court rules, is subject to further state regulation during the second trimester of pregnancy only on grounds reasonably related to the pregnant woman's health and safety, and may be prohibited during the third trimester only if such prohibition poses no threat to the pregnant woman's life or health. The public interest in this distinctly private matter, the Court held, lies in insuring for women who utilize abortion the maximum degree of safety that current knowledge and technology will permit. A public policy consistent with the law, therefore, would seek to guarantee the legal, regulatory and institutional conditions necessary to promote that public interest. Legislators and public officials cannot by themselves, however, determine the requirements for ensuring medical safety in abortion services, nor can they implement them. They must depend on the judgments of health professionals and organizations in meeting those requirements. We—all of us—have a



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unique opportunity to develop an important component of health policy and planning in a manner responsive to the law and to public interest. In coming to its decision, the Court must have been cognizant of the fact that abortions have occurred and will continue to occur, whatever the law may be. Christopher Tietze has estimated that in the first two years of a liberalized abortion law in New York City, legal abortions to residents replaced some 100,000 previously illegal abortions. In 1971, there were half a million legal abortions reported to the Center for Disease Control throughout the United States, and it is believed that there were about two times that many illegal operations. Thus, we may expect that following the Supreme Court decision, some 1.2–1.8 million legal abortions will need to be performed each year in the nation. It is the responsibility of government and the health system—both the public and private sectors—to see that these abortions take place under optimum medical circumstances. Both government, through law, administrative regulations and resource allocations, and the health system, through its own ethical and administrative standards, share the responsibility. The Court's ruling constitutes a mandate to government and to the health system to respond affirmatively with an active program to insure that individuals are able to gain access to abortions performed under the safest, most dignified, and humane conditions. It remains for the individual to persuade or dissuade herself as regards abortion, according to her own values, morals, or religious beliefs.

There are some who contend that neither government nor the health system need take action of any kind. If left alone, they argue, the free market will operate in such a way as to carry out the Court's injunction. Laissez-faire may be fine for soap and cars, but not for health services. I believe we know enough about how the free market operates in medical care generally to assert that prompt action is absolutely essential. The free market has *not* provided accessible services to the poor; it has *not* stressed those services with a high benefit: cost ratio, and it has placed too much emphasis on the ability to pay as contrasted with need as the prime determinant for receipt of services.

An example of how other unfettered forces may operate derives from the experience during the last two years in states where abortion was legal before the Court decision. According to data compiled by the Center for Disease Control and others, there is great variation in the ratio of abortions to live births reported in these states. In Hawaii during 1971, the ratio was 271 abortions per 1,000 live births, while among residents of New York City it was 511 in 1970–71 and 650 during 1971–72. It does not seem likely that regional differences in attitudes alone would lead to such large variations. Rather, the differences more probably stem from differences in legal and institutional arrangements. In Hawaii, abortions, by law, could be performed only in hospitals, and the lowest total fee for an outpatient abortion is about $300. In New York City, properly equipped clinics perform half of all abortions, and the lowest fee is about $125. New York also has had an extensive information and referral program emphasizing the importance of early abortion. I would like to point out what is perhaps obvious: these differences are traceable not to variations in *medical* judgments, but to differences in *administrative* commitment and responsibility.

While the future is never certain, we have enough experience to predict at least the major outlines of what will happen if the free market is left to its own devices:

(1) Some abortions will become available to some people (the more affluent and most informed) in most areas of the country, certainly in all major cities.

(2) Because of political pressures, tax-supported public hospitals are likely to have more restrictive administrative policies governing abortion than nondenominational voluntary and proprietary hospitals. A good many urban teaching hospitals may refuse their "fair share" responsibility too with the complaint that too many abortions will dilute their teaching programs.

(3) In some areas, physicians and organizations will be able to establish specialized outpatient clinics for early abortion.

(4) As these facilities and resources develop, a variety of referral systems will be established which will enable some women seeking abortions to secure them at reasonable cost without undue delay or red tape. (Although it seems probable, based on past experience, that some of these referral agencies may gouge patients and refer them to facilities whose medical standards are uncertain.)

(5) Some abortions will be performed under conditions of higher risk than is desirable, for example, in poorly equipped facilities, and by poorly trained personnel.

(6) The fee structure for abortion will be quite high, both because the supply of abortion services will be limited and because there will not be sufficient specialized nonprofit facilities which can serve as the standard setters for costs and quality.

(7) Low-income women, members of minority groups, and youth in general, who presently have little contact with the health system, will have greater difficulty securing abortions than higher income women. Innercity, and even more so, the rural poor, may find themselves without services for years to come.

(8) Some women—Particularly the very young and the poor—will have difficulty securing early abortions because of the scarcity of outpatient facilities and the lack of information about the risks of delay and the sources of care.

These predictable consequences do not constitute adequate fulfillment of the Supreme Court's injunction to respect the private rights of the individual and to ensure the best standards for medical safety. They will, in the aggregate, result in denial of access to safe, legal abortions to many, and particularly those most in need. They will result in delay for many more, resulting in rates of mortality and morbidity which a properly functioning health system could have prevented.

In sum, without an adequate public policy and an effective action program, the "free market" will not be free at all, but will instead be subject to numerous constraints, most of them political and discriminatory in nature. The objective of public policy on abortion should be to replace narrow political and economic criteria for determining policy with objective medical criteria.

The key to reducing morbidity and mortality from abortion—in addition to the requirements for proper facilities and trained personnel lies in the documentation of significantly greater medical risks when abortions are performed in the second as contrasted with the first trimester of pregnancy. According to Dr. Tietze's detailed studies, the risk of both major and minor complications is four times greater during the second trimester than during the first; and in New York City, he found that mortality ratios for late abortions were nearly 10 times higher than for early abortions. A pluralistic society need not encourage or discourage abortions but would seek to make sure that those who need and want abortions can get them, and that all abortions will be performed as early as possible. Such a policy requires action by the agencies of government (particularly state and local government) which regulate the health system, and by health institutions and organizations in both the public and private sectors.

What would such an action program look like? The following proposals are not intended to be exhaustive, but rather to suggest what could and should be done.

In the first instance, we need to develop rapidly overall medical standards for the safe performance of abortions, at the various stages of gestation, which facilitate and do not reduce the availability of early abortion. While there is room for reasonable difference of professional opinion, there is, nevertheless, a broad area on which most professional bodies will agree, if the determination is made on purely medical grounds. In the states and cities, governors and mayors should call together committees of responsible medical authorities to develop such standards. For the nation as a whole, the Department of Health, Education, and Welfare should form a working committee of experts such as Dr. Tietze and representatives of such groups as the American College of Obstetricians and Gynecologists, the American Public Health Association, the American Medical Associaton, the National Medical Association, the American Medical Women's Association, the American Association of Planned Parenthood Physicians and the American Academy of Family Practitioners to formulate general guidelines. ACOG's action last month in formulating detailed basic safeguards for the performance of first trimester abortions in facilities outside of hospitals, like APHA's earlier guidelines, is exactly the kind of response I am referring to.

Regulations and licensing are usually the responsibility of state and local health departments and hospital boards. They should incorporate these standards and specify the criteria for licensing out-patient facilities to perform early abortions. There may be some variation in such regulations to account for unique local conditions, but if the determining criteria are medical, the range of variation should not be large. The requirements for insuring medical safety in Alabama are not substantially different from those in Alaska or California.

The public policy objective of making certain that abortions are performed as early as possible requires that abortion be available at low cost with minimum red tape and administrative delay. To achieve this, state and local government and private organizations should:

Encourage establishment of licensed nonprofit outpatient facilities (as part of hospitals or freestanding) sufficient to handle a large volume of early abortions, since the experience in New York City demonstrates conclusively the safety of such facilities and their efficacy in relieving hospitals of the burden of performing early abortions for which the hospital is an inappropriate site. To create such facilities, short-term loans may be needed by public or private agencies in some communities. **Vigilance must be** maintained to see that local pressures do not result in misuse of clinic licensing procedures to discriminate against establishment of nonprofit outpatient abortion facilities.

Initiate a public education program, using all available media, to emphasize the advantages of early pregnancy detection and termination, and to outline objectively the options available to pregnant women, and provide information on the availability of services. This should include a "clearing house" through which abortion provider agencies may exchange information on abortion demand and capacity so as to avoid development of long and dangercus waiting times for patients. It should also include a "hot line" information service directing patients to the most convenient and appropriate facility for their care. (Such a program of public information need not be morally or ethically offensive to any religious group. Arguments that such information demoralizes youth or fosters libertine sexual activity are unfounded.)

Support the development of free or low cost pregnancy detection servies, and of referral and counseling services which offer women detailed information on their options (including maternity care and adoption) and assistance in making the necessary arrangements.

Support the availability of family planning services to all women regardless of income, and encourage the widest possible dissemination of information about the availability of these services, as a major positive immediate step to minimize need for abortion. It is crucial that this be done, I believe, for both moral and economic reasons. Postabortal facilities should include contraceptive counseling and services, and at least access to religious or psychiatric services if requested.

In addition to insuring the availability of these basic services, state and local governments have responsibilities in the financing of abortion services. In those states which regulate the insurance industry, the appropriate state agency should review current health insurance plans to insure that they cover abortions performed in licensed clinics as well as in hospitals, that single women employees and single female dependents of male employees are eligible, and that procedures are developed to insure confidentiality in filing abortion claims. State and local governments should insure that Medicaid sets the same standards for abortion patients as for those eligible for other services under Medicaid, and they should make provisions to subsidize, at least in part, abortions for medically needy women not covered by Medicaid or private insurance. For the long-range, health insurance in all its forms should include payment for family planning services.

In most parts of the country there is very little experience in the health system with legal abortion. This fact imposes special responsibilities on public and private health agencies (particularly our health planning agencies) in the areas of program planning, development and evaluation. In the absence of detailed planning, it is predictable that nonmedical, political and economic factors will be more influential in determining what the health system does. It will be difficult but it should be possible, based on experience in states and communities where abortion had been legalized prior to the Court's decision, for public and private health agencies to estimate the likely range of need for abortion services as an initial framework for program planning, and to develop means of monitoring the number actually performed by hospitals and licensed clinics. The purpose of such analyses should be to identify areas where abortion services are in short supply and thus to guide the allocation of resources available for developing needed programs. In a sense, we need to apply to abortion services the methods of program planning and development which have been employed in the last decade in the family planning field. This will be, admittedly, a very difficult job, especially in an area like abortion, where emotions are so intense and experience is so limited.

The rapid and seemingly endless rise in medical care costs is one of the principal issues confronting the American people. Governmental and private agencies should routinely compile data on fees and sources of financing, and publish periodic reports which provide an evaluation of fee structures and a means of identifying administrative practices which restrict the financing of needed abortion services. At the same time, public and private agencies should begin now—before it is too late—to assemble information required for the adequate evaluation of the medical, social and economic consequences of abortion, and the consequences for the health system. For example, data are beginning to emerge from New York City which suggest that the availability of abortion, by reducing the incidence of prematurity, malformations, illegitimacy and abandoned infants, has released hospital resources for other urgently needed care. These interrelations need to be documented so that health planners and leaders can learn how the prevention of unwanted births through abortion facilitates achievement of other goals. The moral and socio-economic cost of abortion services has to be weighed against the moral and socio-economic cost of unwanted infants. I have no reason to doubt the wisdom of the Supreme Court in its decision.

Finally, it seems apparent that the implementation of such a program will require substantial amounts of training and technical assistance. For most of the health system, abortion is a new and anxiety provoking service. An increased number of staff will need training in abortion techniques and counseling, and a large number of institutions will need help in planning, organizing, and managing abortion services, pregnancy testing clinics, referral services and information programs. This is a large order for an already overburdened health system, but I firmly believe that the benefits of such a program will far outweigh the costs.

These are some of the elements which I believe would constitute an adequate response by government and the health system to the Supreme Court decision. I want to emphasize that they are based primarily on the Court's injunction to maximize medical safety. To insure medical safety will require that the health system act *systematically* to guarantee the availability and accessibility of early abortion, and that government undertake the responsibility to coordinate and guide such a systematic response.

I should like to add one note in passing. The fear has sometimes been expressed that easier access to abortion will make women careless about using contraception, and that we may become an aborting rather than a contracepting nation—something like the countries of eastern Europe. Nothing in the experience of contracepting nations, such as England and Scandinavia, which have liberal abortion laws, would add credence to this concern. In our own country, in states like New York and Hawaii, there has apparently been no relaxation of contraceptive vigilance, and in New York, at least, contraceptive practice has apparently improved significantly since that state's abortion law was liberalized in 1970.

Finally, there is an indirect consequence of the approach which I have suggested. "A wise public policy in a pluralistic society on a sensitive matter such as abortion should seek to maximize free choice and avoid any situation in which individuals or institutions are compelled to act against their deeply felt beliefs. The Court's decision does not require anyone to undergo an abortion, nor does it require any physician to perform one. It does require, if the Constitutional right which the Court recognized is not to be nullified, that abortion services be available and accessible to those who need and want them under conditions of optimum medical safety. In some areas of the country, the principal—sometimes the only—hospitals and health institutions have religious affiliations which forbid abortion as a matter of conscience. A wise public policy would seek to avoid direct confrontations between the two values in tension in these communities—the beliefs of the institutions versus the Constitutional rights of the consumer to the services she needs and wants. A wise public policy would accomplish this, as I have outlined above, by insuring that alternative service facilities and referral services are available and accessible in such communities so as to preclude the need for divisive and tragic confrontations." (It is also incumbent, of course, on the religiously-affiliated institutions not to seek to prevent the establishment of alternative services.) Without such a policy and program, it is unfortunately predictable that legal and other pressures will be brought to bear to compel the existing institutions to meet community needs. Such confrontations are unnecessary and preventable.

In sum, the Supreme Court decision offers the U.S. health system a unique opportunity to demonstrate its ability to respond to social need in a systematic fashion, and to enhance its understanding of how to meet societal requirements in other health areas. I hope all of you, and your organizations, will take up the challenge.



## LEGION FIGHTS POSTAL RATE INCREASE

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. HOGAN. Mr. Speaker, the most recent edition of the American Legion's "Legislative Bulletin" contains an article explaining the Legion's position on postal rate increases. I submit the full text of that article for the RECORD:

LEGION FIGHTS POSTAL RATE INCREASE

On March 28 before the House Subcommittee on Postal Service, and again on April 2 before the full Senate Committee on Post Office and Civil Service, representatives of The American Legion and the American Legion Auxiliary made a strong appeal for legislative relief from the increase in postal rates on our Legion and Auxiliary publications.

Publisher James F. O'Neil testified on behalf of the Legion Magazine, Daniel H. Burkhardt, Maryland Department Adjutant, represented our Department publications and Mrs. Maxine Chilton, National President, made the case for the National News and state publications of the American Legion Auxiliary. Following is a summary of their testimony.

All witnesses testified that the increase in postal rates has created a serious financial problem for their publications. The Legion Magazine and the National News are the only direct link between the national organizations and their individual members. The increase in postal rates has placed the future of each magazine in jeopardy unless the Congress provides legislative relief. The advertising potential of the profit publications is not available to these magazines. Their principal source of income is through subscription revenue which is part of the dues structure of each organization. The magazines cannot arbitrarily raise their subscription prices in order to absorb the increased postal costs. They must await action of their conventions to modify the dues structure and this is not easily accomplished.

The American Legion Magazine: Mr. O'Neil said the Magazine fulfills the historic policy enunciated by the Congress and the Supreme Court of the United States through the dissemination of current information of benefit to the public. He cited many examples of public information services provided by the Magazine, including the Braille edition published without charge for distribution to blinded veterans, and submitted a tabulation outlining the development of the special second-class rates for nonprofit organizations.

The American Legion was an intervenor in the proceedings of the Postal Rate Commission last year and strongly protested the proposed increase in rates at that time. It was an expensive undertaking and the Legion was handicapped in the development of its material because of cost.

The current postal rates applicable to nonprofit publications is the second highest in-

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crease assigned to any class of mail. When the rates are fully phased in, the increase approximates 235 per cent for the Legion Magazine. These increases are manifestly unfair and inequitable as they apply to nonprofit, low-advertising content publications. They discriminate against a class of publications least able to absorb the rate increase and whose history has been one of disseminating information in the public interest, rather than being income oriented through the sale of large amounts of advertising.

The rate increases are in contravention of the traditional concept of the preferential second-class mail rate treatment for qualified nonprofit organizations established by the Congress and by the Postal Reorganization Act. The language of the Act clearly supports the proposition that the Congress had no intention of abandoning the traditional treatment accorded second-class authorized nonprofit mailers.

In 1969 the postal bill for the Legion Magazine was $201,356.53. In 1972 the cost rose to $313,759.42. The projection for 1973 is $372,000 and by 1980 the postage will exceed one million dollars.

The present second-class rates for nonprofit organizations are a complete and dramatic departure from the rate concept traditionally accorded preferential second-class mailers. The Post Office Department and the Postal Rate Commission callously ignored those provisions of the Postal Reorganization Act and 54 years of Congressional policy concerning the rate treatment of nonprofit mailers.

The publisher endorsed S. 1395 and H.R. 6157 which would provide the relief needed for the Magazine and other Legion publications. The provisions of these bills will be discussed at the end of this article.

National News: Mrs. Chilton testified that the American Legion Auxiliary is composed of wives, mothers, sisters, daughters and granddaughters of men and women who served our Nation in the armed forces during time of war. It is a non-profit, community-oriented organization and supports The American Legion in all its legislative activities.

Preferential second-class postal rates for authorized nonprofit publications have always been part of the Nation's historic policy of encouraging dissemination of material of benefit to the public. Certain requirements, however, are placed upon those who publish under that rate structure. In every way, the National News has conformed to these requirements and to the intent of the Congress.

The Auxiliary, last year, through its National State and local organzations, contributed $5,828,000 in aid and nearly three million hours of volunteer effort to their communities.

The money and time donated by Auxiliary members demonstrate their devotion to the community, although the organization is by definition a veterans Auxiliary. It has always been believed that complete aid to the veteran and his dependent can only be accomplished through attention to the needs and problems of the whole community. By definition and by action, the Auxiliary has long been recognized as a leader among the nonprofit, community-oriented women's organizations.

The Auxiliary first began publication of a magazine in 1927. Two years ago, rising costs forced cutbacks in publication to six issues per year so that National News now operates as a bimonthly, five-by-eight inch, forty-eight page publication. The advertising content is very small, averaging only 18.9 per cent in 1972.

All advertising revenue is applied toward the cost of publishing the magazine, which under the existing rate structure, is operating on the barest of margins.

The impact of the new postal rate increases on the American Legion Auxiliary and on its magazine will be disastrous. The Department publications may also face termination of publication if relief from the excessive increases is not granted.

Under the new schedule of rates, the annual postage costs of National News will go from $21,000 to $105,675, an increase of over five hundred per cent. The organization cannot financially meet such an increase at the present rate of revenue.

National News receives nearly all of its revenue from dues paid to the national organization. This revenue amounted to about $334,000 last year and an additional $50,000 was received from advertising. The membership has remained fairly stable since 1955 and no substantial increase in advertising is anticipated.

Publication and related expenses allocated from the National News budget in 1972 amounted to $301,898.96. Expenses in 1973, including a five per cent increase in the cost of paper, a two and a half per cent increase in labor costs and the projected 1973 postage increase will be approximately $320,000.

By 1982, when the full postal increase has been added to the other publication costs, the expenses, discounting other increases, will approximate $382,573, leaving the Auxiliary with about $2,000 to meet other rising costs. National News will then be out of business.

Most of the Auxiliary Departments share publication of a newspaper with The American Legion. In many cases, the Legion absorbs the total cost of publication; in others, it charges the Auxiliary a flat fee. The increase in postage, resulting in higher costs to the Legion, will likewise increase the cost to the state organizations of the Auxiliary.

Twelve of the Auxiliary Departments publish separate newspapers, nine of them financed through dues to the organizations. One is financed through the general fund—which of course means dues—and the other two finance publications through separate subscription fees which are supplemented by monies from the general fund.

Mrs. Chilton told the Congress that in a survey conducted this month, two of the nine states dependent on dues financing said that a dues increase to cover postal increases would be impossible. An increase in dues must be approved by convention action. Any increase usually means a decrease in members. Seven of these nine states said it would be very difficult to secure the approval of convention delegates for such an increase.

Of the twelve states affected, two replied that the postal increases will force their newspapers to discontinue publications. Six expressed grave doubts that they could continue to publish and only one was sure that deficits could be covered by the general fund to maintain publication.

Since National News is now published only once every two months, the Department newspapers are a necessary program aid to the members, providing useful information to assist them in their community activities.

Because of the serious problems brought about by the increase in postal rates, several alternatives of publication have been studied. None have proven to be the answer.

Mrs. Chilton said the postal increases as scheduled over the next ten years will not permit the Auxiliary publications to survive. She endorsed S. 1395 and H.R. 6157 as legislation which would enable National News and publications of its kind to continue to publish—not just for the next three or four years while costs can still be met—but for as long as the need for them exists.

Department publications: In addition to 24 years of service as Department Adjutant of Maryland, Dan Burkhardt is the editor and publisher of the Free State Warrior, the official Legion newspaper in his State. He testified in behalf of his newspaper and also for publications in the other Departments of the Legion. Mr. Burkhardt pointed to the rising costs of labor, material and supplies in addition to the postage rate increase which in some cases totaled several hundred per cent. He said "when profit making publications such as Look and Life are forced to give up the ghost you know the rest of us are not far behind.

"Not just veterans publications are involved . . . church papers, farm publications, labor papers and all the other worthy contributors to the national scene will be gone unless the Congress provides relief. In my own publication we devote considerable space to free printing of internal revenue information. We print a column every month for the Social Security Administration; information from the Veterans Administration; a column covering traffic safety, one by our Chaplain and another covering assistance to children and youth.

"Our newspaper contains information on dangerous drugs and promotes the Medical Eye Bank, Heart Fund, Diabetes Association and many other charitable drives. We are now engaged in publishing a definitive work on the Flag of the United States of America and history of the Star Spangled Banner.

"In the case of my own newspaper, and this is true of many other nonprofit publications, no one receives any salary or expense account. We have already cut to the bone in order to make the grade. We are tied to a tight dues structure which prevents any raise, therefore, the postal increases simply mean we cannot survive unless some relief is granted."

Legion proposals: Bills have been introduced in both Houses at the Legion's request which will provide the relief needed if our magazines and other publications are to survive. The Senate bill is S. 1395, introduced by Senator Jennings Randolph of West Virginia. The House bill is H.R. 6157, by Congressman Lawrence J. Hogan of Maryland. Our proposals are incorporated in each of these measures.

Briefly, these bills would 1) make it clear that the Postal Service is obliagted to provide postal services at rates which will encourage and support the widest possible dissemination of news and information of benefit to the public; 2) apportion the costs of postal operations to all users of the mail on a fair and equitable basis that takes into consideration all aspects of postal policy; 3) prohibit imposition of the exorbitant and unfair per piece charge on second-class qualified nonprofit publications now in effect. (This is the principal inequity in the existing rate schedule); 4) freeze second-class postal rates at the level of July 6, 1972, for the first 250,000 copies of newspapers and magazines sent through the mails; and 5) provide that revenues received from any increase in rates on qualified nonprofit publications after July 6, 1972, shall not exceed 50 per cent of the amount that would otherwise be received from any increase in rates for such class of publications.

Our recommendations are before the Congress and our spokesmen have made the case for our organizations. Now is the time to contact your Senators and the Congressman from your District. We also urge each of you to write to the members of the Senate and House Committees on Post Office and Civil Service. The names of those members were published in our Legislative News Bulletin of February 20. Please ask the members of the Senate Committee (and your own Senators), to support S. 1395. Ask the members of the House Committee (and your own Congressman), to support H.R. 6157. There are a number of other bills pending on this subject but S. 1395 and H.R. 6157 are the ones that would provide the most help for nonprofit publications such as ours.

Contacts by letter or telegram should be made as soon as possible. If the Legion and the Auxiliary are to obtain the legislation needed so that our members can continue to receive their publications as in the past, an all-out effort must be made without delay. The Postal Service sets the rates but the Congress can intervene. It must reassert its historic policy of providing preferential rate treatment for authorized nonprofit mailers by appropriate legislation.

It is important that every member of the Congress hear from his or her constituents on this subject. There are many organizations in every community who should be concerned about the survival of their own publications. This includes churches, fraternal, farm and labor groups in addition to veterans organizations. These groups should be contacted and urged to join in our protests. If all the nonprofit organizations make their voices heard loud and clear on Capitol Hill, the Congress will respond. Now is the time for action and we need your help.



## THE SAN ANTONIO EXPRESSWAY

### HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ECKHARDT. Mr. Speaker, yesterday, I submitted for the RECORD the comments of several administrative agencies and executive officers regarding the long range impact of the passage of legislation exempting the San Antonio North Expressway from the reach of Federal environmental statutes. Today, I would like to add a statement from the National Trust for Historic Preservation, whose responsibility it is to facilitate public participation in the preservaton of sites of national significance or interest, regarding the proposed exemption:

NATIONAL TRUST FOR HISTORIC PRESERVATION,
*Washington, D.C., April 19, 1973.*

Congressman BOB ECKHARDT,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN ECKHARDT: Thank you for your letter of April 13th requesting a position statement from the National Trust for Historic Preservation in regard to Section 147, "Termination of Federal-Aid Relationship", pertaining to the San Antonio North Expressway in S. 502, the Federal-Aid Highway Act. During the consideration of the Federal-Aid Highway Act during the last Congress, the National Trust expressed its concern to a number of members of the Congress, on the matter of the San Antonio North Expressway. At that time, we said in part:

"The San Antonio North Expressway has a long and complicated history. The San Antonio Conservation Society, which has had so much to do with the North Expressway controversy, is a member organization of the National Trust. It is our conviction that should this section of the bill be passed intact, it will have an important nation-wide impact and seriously threaten the effectiveness of federal environmental laws. By giving legislative relief to the Texas Highway Department in the matter of segmenting highway construction, this section of the bill will set a very dangerous precedent to ignore and disregard important environmental and historic preservation considerations. Section 147 of the bill will in effect abrogate the environmental protections that have been upheld by the courts. With the upcoming observance of the 200th anniversary of the founding of our nation, we should not now erode the reminders of our historical past and the natural beauty that is so distinctly American."

As you know, the National Trust for Historic Preservation in the United States was created by an Act of Congress in 1949 to further the national preservation policy enunciated in the Historic Sites Act of 1935 to facilitate public participation in the preservation of sites, buildings and objects of national significance or interest, and to provide a national trust to acquire such properties significant in American history and culture and preserve and administer them for public benefit. We act as a leader in the preservation community and today have well over 1,000 organizational members and over 37,000 individual members throughout the country. Through our technical services, we provide advice and help on preservation to our members and others ranging from furnishing a historic house museum to historic district legislation and battling the bulldozer.

As part of this work to foster preservation, we have for some years been actively concerned about the adverse impact that highways can have on areas of historical and architectural interest. It may interest you to know that we have just finished administering a grant from the Department of Transportation to develop a handbook of preservation factors in highway planning. We are pleased to have the opportunity to again state our views in regard to Section 147 of the Federal Aid-Highway Act. Should you desire, we will be happy to discuss our views on S. 502 with you in more detail at your convenience.

Sincerely,

JAMES BIDDLE,
*President.*

## NEW YORK CITY'S OFF-TRACK BETTING

### HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. CAREY of New York. Mr. Speaker, all New Yorkers are familiar with the tremendous success of the city's Off-Track Betting Corporation, which is headed by Howard Samuels. Statistics have shown that OTB has succeeded in hindering the illegal activities of the bookmaker, while at the same time bringing a tremendous amount of income into New York City. The following two articles, one from the New York Times Sunday magazine and the other from New York Magazine, point to this fact. I offer these articles as guidance to other jurisdictions who may be contemplating similar programs for public wagering:

[From the New York Times Magazine, Apr. 1, 1973]

AFTER 2 YEARS, OTB'S IN THE MONEY: AND THE BOOKIE STANDS IN LINE

(By Fred J. Cook)

The master bookie was bragging. A veteran of the business (he likes to say, perhaps with pardonable exaggeration, that he's been in it for 50 years), he was ridiculing the idea that the Off-Track Betting Corporation's invasion of his preserve could ever hurt him.

"Naw," he said, "I like it. The clients I have would rather bet with me than with OTB." He explained in his expansive fashion that he disdains the $2 and $5 bettor, even the $50 bettor. Only the big action for him. "Those $1,000 bets—I always take that kind of action. I love it," he confided.

OTB has been a real help to him in his business, he insisted, somewhat surprisingly. "Look," he said, "suppose I get overloaded on a long shot. I can just send a guy over to OTB and lay off right there; I don't have to worry about laying off at the track."

The layoff is, as the initiated know, the insurance system by which a bookie guarantees himself against financial disaster if some 40-to-1 long shot comes in first. To protect himself on days when his clientele has become irrationally fascinated en masse with such a nag, the bookie must cover himself by betting enough on the horse so that he won't be hurt if the unlikely animal wins. If the hayburner loses, the bookie who has calculated his needs correctly at least breaks even on this particular race, and takes his profit from the other ventures of the day. If the horse wins, he wins along with his bettors, and can pay off without feeling any pain.

OTB, according to the master book, makes this layoff system convenient and especially remunerative. "Look at it this way," he says. "I get a break laying off with OTB. They pay track odds."

He winks.

The wink is meaningful. No bookie in his right mind pays off at odds of more than 20-to-1, regardless of what the track pays. But a bookie who has laid off his dangerous play at his friendly neighborhood OTB office can collect 30- or 40-to-1 on his money, while giving his customers only the 20-to-1 odds his profession sets.

Is the master bookie puffing smoke through both ears, or is he telling the truth about his profession in the era of OTB? In his case, he's probably telling the truth, but much evidence indicates his experience is hardly typical of what has happened to his fraternity as a whole. Actually, one fairly well established fact emerges: A lot of bookies have been badly hurt by the competition of OTB.

Of course, there is little doubt that the big-time bookie, handling heavy action, is still prospering despite OTB. For one thing, the really big play—those $500 and $1,000 bets the master bookie relishes—comes largely from wagering on sports: basketball, prize fights, hockey, football and baseball. The sports bettor is the big plunger; and, since three- and four-figure gambles are ingrained in his nature, he plunges the same way when he becomes fascinated with a horse.

This kind of bettor still prefers to patronize his favorite bookie for a number of reasons. First, there is credit. If he loses today, he may win tomorrow—or, at least before the end of the week when he has to settle his account. Second, if he wins, there is no tax on that money if he doesn't declare his winnings, Internal Revenue is not looking over his shoulder. And then there is a powerful psychological motivation: There's a certain panache about dealing with a Damon Runyonesque bookie character, much as it was a status symbol in Prohibition days to be on a first-name basis with a big bootlegger.

A businessman, who possesses an impressive wad and likes the thrill of a daily gamble was in a prominent West Side Steak house one night recently, and he was exulting because he had hit a real long shot at Aqueduct. He was griping a bit, too, because he got paid off only at his bookie's top 20-to-1 rate.

"Well, why didn't you go over and place the bet with OTB?" someone asked.

The bettor reared back as if someone had just made an unpardonable suggestion. "You think I would go over there and stand in that line?" he asked in offended tones.

"No, but you could have sent someone to place the bet for you," he was told.

"I wouldn't think of it,' the bettor replied huffily. "I wouldn't think of betting with anyone but Mannie. I'd rather take the 20-to-1."

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That's status for you—and, perhaps, a tax break, too.

In the shadowy world of the bookie, it is often hard to get at the truth. Bookies are a paradoxical breed, always boasting like the master bookie about the big money they handle; then, in the next breath, moaning about what a hard life they have because so many of their customers have picked winning horses. To hear them tell it, theirs is the best of all possible worlds one minute—and the worst the very next.

The fraternity's favorite line before OTB came in was that legalization couldn't hurt them, at all; they welcomed OTB because legal betting would whet the appetite of thousands of innocents who would be brought into the gambling fold for the shearing. Now, confronted with the reality, they are as little likely to admit that this forecast was wrong as they are to acknowledge that they have ever committed the cardinal sin of the profession—getting cleaned out, or nearly so, by miscalculating the damage that could be caused by a winning long shot.

Although, the master bookie with a well-heeled clientele addicted to heavy betting on sports and an occasional fling on the horses, may, indeed, hardly feel the pinch, the same is not true for a large number of neighborhood bookies who used to handle the smaller play of the tip-sheet clan.

For example, a few years ago a number of bookies used to congregate around the jewelers' Exchange in the Bowery area. One veteran operator even had a booth in the exchange. He had a few watches and trinkets scattered about has window-dressing, but it is doubtful that he ever tinkered with a mainspring. He spent a busy day booking horses.

This ingenious innovator is now dead, but it seems significant that no successor has appeared to handle what was once a lucrative trade. Significant, too, according to habitues of the exchange, is the fact that the other bookies who used to throng the area have vanished as if whisked away by some magic wand.

Perhaps one of the most striking examples of the way OTB is hurting came in February, when police arrested five alleged bookies who had been infiltrating the betting lines at OTB offices in Queens and Brooklyn. In the same raids, police arrested four more men in a syndicate "figure room" in Brooklyn to which the bets had been funneled. The handle was reported to have been between $15,000 and $20,000 a day.

According to authorities, the bookies had begun to hang around OTB offices because so many of their former customers had been lured away to the legal betting windows. Howard J. Samuels, chairman of OTB, said at the time: "They have been approaching our customers in our offices, telling them they don't have to wait on line to bet with them and offering quick service in placing and collecting wagers. They have also taken bets on football, basketball and hockey—sports action which we are not permitted to handle. They have also offered credit."

When a bookie has to chase down his former customers and take the risk of trying to proposition them almost in front of the OTB windows, it stands to reason that he is finding the new world of, legalized gambling less of a paradise than the master bookie pictured. Ralph Salerno, the veteran crime consultant who is now an adviser to OTB, is convinced that legalized betting has put a definite crimp in the bookies' business. He cites one graphic example:

City detectives, monitoring a legal wiretap on a major syndicate crime operation, recorded a revealing conversation between a young mobster and his girl friend. The girl had obtained a tip virtually from the horse's mouth about a long shot that was supposed to win, and she telephoned her boy friend to get down a bet for her. He listened to her description of the hot nag, and then the conversation went like this:

HE: I think I'll put down a bet myself if it's that good.

SHE: Where you going to take it—to Johnny?

HE: Naw. He won't give me the full odds. I'll go to OTB.

SHE (surprised): You mean you go there?

HE: Sure, we all do. You can walk in like a gentleman; you don't have to hunt for somebody in a cellar. And you can get the full odds on a race, no chiseling.

"This was a thief," Salerno emphasizes, "and when even his kind prefers to bet with us instead of using the underworld's own bookmaking system, we must be hurting [them]."

Much other evidence points in the same direction. Late last year, the Fund for the City of New York published a report on gambling, based on a survey of bettors made by the Oliver Quayle organization. Quayle's opinion-samplers concluded: "Three times as many horse players say they bet with OTB as say they bet with bookmakers. OTB would appear then to be cutting substantially into illegal bookmaking operations."

The Quayle survey analyzed the habits of betting addicts in several ways. In one series of questions, the pollsters asked sports bettors, who also sometimes bet on horses, how they placed their action. This group, whose sports bets had to be placed with bookies, reported that some 41 per cent of their betting dollars were going to OTB, and only 25 per cent to bookmakers. The Quayle report concluded that, "while bookmaking is still a thriving business, betting with OTB has taken a very substantial sum of [bookmakers'] former business away from them. . . ."

In another portion of the study, the Quayle pollsters questioned those who said they bet only on horses. The object was to find out whether this particular clientele—the bettors directly affected by OTB—were betting with bookies as much as formerly or whether they were betting less.

Of those surveyed, 29 per cent said they were betting with bookies "much less" than formerly, and 30 per cent said "somewhat less." Thirty-four per cent said they were betting with bookies about the same as before the advent of OTB; 5 per cent were not certain—and, a significant figure, only 2 per cent said they actually bet more with bookmakers now.

The Quayle report concluded: "All the foregoing data make it clear that OTB, with all its teething problems and occasional computer breakdowns, has taken a great deal of betting money out of illegal channels. Those who fear that the advent of OTB has whetted an appetite for betting that can only be satisfied by wagering with bookmakers can put their fears to rest. Our data show that, of those still betting with bookmakers now, only a handful say they are wagering more with bookies now than they did in the past. Such data also demonstrate rather conclusively, in our judgment, that while legalizing sports betting will not do away with bookmaking on sports like football, basketball and baseball, most of the money now bet with bookies on these sports (which is also most of the total money now bet on sports) would flow into a legal operation."

What appears to have happened is that OTB has attracted the great mass of the small-time betters. The master bookie who licks his lips over the $1,000 plunger still gets much of the heavier action, but the thousands of small fry who used to keep the neighborhood bookie in business have transferred their allegiance in great numbers to OTB.

District Attorney William Kahn of Nassau County, not an advocate of legalized gambling, disclosed in announcing the indictment of an organized-crime bookmaking ring that his legalized widetaps had produced some significant information. They showed, Kahn said, that bookies were turning down racetrack bets of under $100. Those wishing to bet smaller amounts were being told to "go to OTB."

What this indicates to Ralph Salerno is that "organized-crime bookmakers are ceding the major portion of their market to us." Small horse bets were profitable to the illegal bookie only if he did a volume business; take away the volume, and it's hardly worth his while to deal with picayune bets. Yet, the evidence indicates, most horserace betting is relatively small-time stuff.

In the Quayle survey, horse bettors were asked about the size of their wagers. Only 5 per cent bet $50 or more. When asked what was the highest bet they had ever placed, only 24 per cent said that they had ever risked more than $50. Howard Samuels and his staff see these findings as significant as they plan their next hoped-for expansion of legalized gambling.

This is to invade the territory now preempted by the numbers racket, the most flourishing betting ploy in Harlem and many other poorer areas of the city. Samuels unveiled his proposal at a City Hall press conference Feb. 26, when he announced he would ask Gov. Nelson A. Rockefeller and the State Legislature to approve a bill putting OTB into the numbers field.

How could OTB compete with the lucrative numbers racket? Well, said Samuels, just as in horse betting, it would pay odds: 750-to-1 on a winning number instead of the current 600- or 500-to-1 payout by numbers runners. In addition to the 75 per cent of the handle returned to winners, there would be other benefits. Fifteen per cent of the take would be funneled directly back to planning boards or school boards in the communities generating the action. Another 5 percent would be spent for salaries for those hired for the new numbers operation, and the remaining 5 per cent would be used to defray the expenses of OTB.

Though Samuels admitted the program might have "tough sledding" in getting state approval, he predicted it "would strike a deadly blow against organized crime" if it became a reality. He may be right.

As one Harlem resident reports, the numbers boys who scurry up and down the streets daily during the heat of the action are already becoming jittery at the prospect of possible OTB competition. A couple of them were commiserating with each other recently in a Harlem barbershop.

"If that goes through," said one, referring to the new OTB plan, "we're all going to have to go out and get jobs."

"Damn," said the other. "Do you know how I can get a job with OTB?"

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[From the New York Magazine, Apr. 2, 1973]

THE CITY POLITIC: A STUDY IN RACING RELATIONS

(By Pete Axthelm)

The Governor's Commission on the Future of Horse Racing in New York State, headed by former investment banker and Con Ed executive Charles B. Delafield, labored for eight months to bring forth a 180-page document designed, apparently, to kill New York's OTB. Its charts, graphs and compilations of facts are impressive, and some of its recommendations are unquestionably sound, but instead of dealing with the crisis in the gambling industry in a searching and visionary way, the report, in political terms, comes down to a straightforward power grab by the state. New York City put up the money to launch OTB and suffered the risks and setbacks of its first hesitant days. But now that the risks have passed and the proof is in, the state will be happy to snatch OTB out from under the city.

When the nine-member Delafield Commission was appointed last summer by Governor Rockefeller, everyone familiar with the racing industry knew that significant changes were needed. New York racing, poorly promoted and dependent on an elderly clientele that was not being replenished by enough new fans, had proven vulnerable to off-track competition for the betting dollar. The cost of going to the races was rising steadily, the quality of the sport was declining, and many fans—particularly the smaller bettors—had switched their allegiance to their neighborhood betting parlors. To make matters worse, the hastily-drawn 1970 bill that authorized OTB had provided woefully inadequate shares of off-track revenues to the tracks—as OTB President Howard Samuels was among the first to admit.

The state government showed a poignantly paternalistic interest in the problems of Yonkers and Roosevelt Raceways and the New York Racing Association—and with good reason. Under existing law, the state takes in a healthy 10 per cent of on-track handle, while the lion's share of OTB profits goes to the city. So as OTB grew—New Yorkers now bet more than $2 million a day at OTB offices—and the tracks faltered, city income increased by some $11 million in 1972 while state revenue fell by $8 million. Faced with such figures, the Delafield Report understandably concluded, "OTB's net effect has been redistributive."

The Commission had clearly been appointed to do some harsh redistributing of its own. Under the Delafield proposals, the track owners and the state will turn racing back into a private garden party for the wealthy, OTB will be emasculated as a force in the gambling market, what's left of it will be turned over to the state—and the city will be right back where it was before it took on the massive task and headaches involved in making OTB work. Even among the horseplayers themselves, the Delafield scheme will draw sharp class distinctions. Those who can afford to attend the races will enjoy a tax reduction, from 17 per cent of the mutuel handle down to 14. But OTB customers will be subjected to a tax hike from 17 to 25 per cent on exotic wagers (three or more horses in one bet), plus a 5 per cent surcharge on all bets—and the eventual elimination from OTB of all forms of betting except exotic, lottery-type gimmicks.

The Commission's attempt to discourage the little man from stumbling into the exciting and alluring world of gambling is most disheartening. The thinking of the Commission is perhaps best exemplified by its proposal of the 5 per cent surcharge on off-track wagers. Instead of drawing fans to the tracks by making on-track beting more appealing, the state is now going to make off-track betting more repugnant. One result of the proposed $2.10 price tag on a $2 ticket wil be to drive many OTB fans to friendly bookmakers; another will be an exodus of disillusioned customers from the betting industry. And for those who stay around, there will be still another deterrent. As regular win, place, show and exacta betting is phased out of OTB, gimmick bets will offer larger but less frequent payoffs; and frequent rewards—even smaller ones—are what keep new customers interested in betting. Thus the Delafield plan could deprive OTB of one of its strongest asets—the influx of new fans.

Track management could hardly be more delighted with the Delafield Report; the industry is already marshaling its lobbying forces to press the proposals into law. Unquestionably the most thoughtful and potentially far-reaching recommendation is the roll-back of the on-track betting tax. Students of pari-mutuel wagering have long maintained that a decrease in such taxation leads to an over-all rise in volume and total tax revenues, simply by keeping more betting money in circulation—and more horseplayers solvent. Experiments of this nature have succeeded dramatically at smaller tracks, and racing people are eagerly awaiting the results of an "experiment" with the lower tax at the Aqueduct fall meeting.

Other Delafield suggestions, such as a fairer share of OTB money for the tracks, better track promotion, and wider experiments with television racing, are also interesting—particularly because they have all been voiced in the past by Howard Samuels. Like any thinking man in the betting business, Samuels has recognized the needs of tracks and horsemen and the vast potential of television. But his hands were tied: the tracks' share couldn't be increased without new legislation, and television was effectively blocked by Rockefeller's racing commissioner, Joseph Gimma. Now the state is willing to do the things that New York OTB has wanted all along—while cutting the city out of the action. When Delafield is asked why his imminently sound cures for racing's ills couldn't be utilized under city control, he refers vaguely to the problems of regulation if many cities are allowed to run their own betting operations. "It would be like dealing with a lot of little utilities companies," he said at one point. "From my experience, I'd rather deal with one Con Ed." Considering the power situation, the metaphor is revealing.

The greatest disappointment of the Delafield Report, however, is neither its state-oriented politics nor its pro-track posture. Created by Rockefeller and pledged to making racing "viable," the Commission practically had its biases built in; yet, as its deliberations proceeded, there seemed reason to hope for broader and bolder strokes than the mere protection of parochial interests, but the Delafield Commission offered only a cautious retreat from the critical issues.

Sports betting, for example, was rejected out of hand, partly because of "security problems" and partly because it would compete with racing for the betting dollar. If the origin of racing's alleged right to exist without competition seems obscure, consider the equally murky logic of the security argument: are large and easily spotted leftfielders and split ends any more difficult to police than 112-pound jockeys? In addition to rejecting the idea of casino gambling, the Commission also backed gingerly away from Sunday racing, an innovation that could open up the sport to thousands who can't go to the tracks on weekdays. The scapegoats in this case are the unions, who would ask for huge bonuses for Sunday work; presumably it is easier to hide from that problem than to negotiate Sunday racing into being. Also interestingly, Commission member M. Donald Grant didn't object one bit to this conclusion; Grant's Mets play baseball on Sunday, and their right to head off competition is apparently every bit as sacred as racing's.

Without a massive infusion of new fans, racing will be left with essentially the same problem it faced before the Delafield Report. The on-track rollback will undoubtedly breathe some life into the wallets of racing's sturdy but aging constituency; the redistribution of revenues will surely make the rich richer. But those changes are basically short-term. The real future of legal gambling still lies off the tracks, and it will be realized only by leaders who are willing to make high-stakes bets at long odds. New York City was daring, or desperate, enough to take such chances—but now the prospect of a giant payoff in legal gambling may be snatched away. The Delafield Commission would then turn it all over to the kinds of millionaires who bet $2 to show—and that doesn't promise much action for anybody.



## ARE WE CONDEMNED TO REPEAT THE PAST?

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. HOGAN. Mr. Speaker, today I would like to insert in the RECORD the third part of an abortion commentary by Dr. Herbert Ratner, M.D., public health director of Oak Park, Ill., and editor of Child and Family Quarterly. The article is entitled "Commonwealth Against Brunelle II." Commentary published in "Child and Family Quarterly," volume 9, number 2, page 159:

ARE WE CONDEMNED TO REPEAT THE PAST?

It was not too long ago that our country's concern with life involved us in World War II. Following the war, the impact of the Nazi attack on innocent human life as seen in the genocidal persecution of non-Aryans, the medical atrocities, and the pro-abortion and pro-euthanasia movements impelled medicine to recommit itself to the rights of the living. This recommitment took the form of the Geneva reformulation of the Hippocratic Oath by the World Medical Association and the Helsinki Declaration on Human Experimentation, a recommitment in which organized American medicine participated. Concerning abortion, the World Medical Association reaffirmed the physician's obligation to "maintain the utmost respect for human life from the time of conception."

Yet one generation later, in headlong fashion, we are renouncing our respect for early human life and increasingly renouncing our respect for later human life—the disadvantaged and elderly. Today we see pro-abortion advocates (as well as euthanasiasts and over-enthusiastic medical experimenters) espousing the very principle which was the basis of our condemnation of prominent German physicians at the Nuremberg trials, that is, that a justified function of the medical profession is to serve society's demands and science's dictates irrespective of the rights of the living.

How could we have forgotten so quickly? Did we not grasp the lessons taught by mankind's greatest challenge to the integrity and independence of medicine as a learned profession dedicated to healing? Or do these lessons retreat from our consciousness as we succumb to 'population explosion' propaganda or confront the insoluble complexities of the abortion issue? What lessons of World War II have we failed to pass on to new generations of physicians born since the thirties to whom the Nazi holocaust is a remote happening of a bygone, irrelevant age?

To forget in the sixties and seventies the Geneva and Helsinki declarations of the forties is a Pyrrhic victory of devastating proportions: an ironic case of the vanquished vanquishing the victors—of winning World War II physically but losing it spiritually. The historical facts and factors associated with the decline and fall of German medicine contain a teaching we must not ignore.

We cannot remind ourselves too often of modern civilization's darkest hour. As the official German physician-scholars of the Nuremberg trials emphasized in 1949:

"It does not seem impossible that this very recent history may repeat itself in some fashion, or even that it is not already repeating itself in some part of the world. That is why we think it necessary to recall ceaselessly this lesson from the past."

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Unfortunately, as Gabriel Marcel states in an essay entitled *Techniques of Degradation*, we must contend with "the extraordinary unreadiness men show to learn from the lessons of the past" despite George Santayana's stern warning that "Those who cannot remember the past are condemned to repeat it."

What happened then to German medicine is happening now to American medicine. And we speak not only of the fetus. To permit feticide for social and other non-medical reasons whether for convenience, economy, psychologic distress, 'overpopulation,' or for 'the good of the one to be killed,' is to introduce the principle of euthanasia. Today, the forces arguing and fighting for euthanasia practically match the forces fighting for abortion—fetal euthanasia. And euthanasia in any form inexorably leads to the extermination of—to use the Nazi phrase—"useless eaters." In this sense abortion is the tip of the euthanasia iceberg, the open sea to the widespread acceptance of killing as a primary function of the physician and his contribution to the solution of national social and economic problems. Much is at stake here. The ultimate decline and fall of American medicine is contained in the abortion controversy.

In retrospect the historical facts relating to the breakdown of German medicine stand out clearly.

1. A highly cultured nation, Germany, and one of the most esteemed national bodies of physicians in the world, were not immune to decadent forces and moral collapse.

2. The erosion of medical values came from within the medical profession and preceded the ascendency of Hitler.

3. Medicine's downtrend had small beginnings—a little mistake at the beginning became a catastrophic mistake at the end.

4. What started out as voluntary, subsequently became compulsory: the "right to die" was quickly replaced by the "right to kill."

5. Many academically prominent and other highly respected physicians were implicated.

Noteworthy in reporting, documenting and explicating these facts have been psychiatrists Leo Alexander, M.D., and Frederic Wertham, M.D., Yale Kamisar, Professor of Law, formerly of the University of Minnesota and now at the University of Michigan, has also analyzed the German experience in the context of the euthanasia movement. They have done their utmost to warn us.

Alexander was one of two official medical experts representing the United States at the Nuremberg trials in 1947. The other expert was Professor Andrew Ivy, M.D., of the University of Illinois School of Medicine. It is significant that today, 23 years later, both have taken firm public positions against abortion-on-demand. Following his return from the Trials, Alexander published his observations in the *New England Journal of Medicine* in an article entitled, "Medical Science Under Dictatorship."

Wertham, a practicing psychiatrist in the U.S. received his medical training in Germany and was personally acquainted with the erosion of psychiatry in his native land. His book entitled, *A Sign for Cain: An Exploration of Human Violence*, is the most recent warning of major proportions relating to the ascendency of violence as a solution to social problems.

Kamisar's contribution is an extensive analysis entitled, "Some Non-Religious Views Against Proposed 'Mercy Killing' Legislation."

Contrary to popular opinion that the fall of German medicine resulted from a handful of psychopaths and madmen who gained control, these three analysts show that it began by small, unreflective, pragmatic beginnings within the medical profession. Ultimately these small beginnings made the downfall of German medicine inevitable. The studies of these critics validated the cogency of the "wedge principle"—the "camel's nose in the tent" thesis that if the nose gains entrance the rest of his body will ultimately take over. Kamisar recalls in this connection Supreme Court Justice Cardozo's judicial insight concerning "the tendency of a principle to expand itself to the limit of its logic."

Alexander explicates how the "wedge principle" operated in Germany:

"Whatever proportions these crimes finally assumed, it became evident to all who investigated them that they had started from small beginnings. The beginnings at first were merely a subtle shift in emphasis in the basic attitude of the physicians. It started with the acceptance of the attitude basic in the euthanasia movement that there is such a thing as life not worthy to be lived. This attitude in its early stages concerned itself merely with the severely and chronically sick. Gradually the sphere of those to be included in this category was enlarged to encompass the socially unproductive, the ideologically unwanted, the racially unwanted and finally all non-Germans. But it is important to realize that the infinitely small wedge-in lever from which this entire trend of mind received its impetus was the attitude toward the non-rehabilitable sick.

"It is, therefore, this subtle shift in emphasis of the physician's attitude that one must thoroughly investigate. It is a recent significant trend in medicine, including psychiatry, to regard prevention as more important than cure. Observation and recognition of early signs and symptoms have become the basis for prevention of further advance of disease.

"In looking for these early signs one may well retrace the early steps of propaganda on the part of the Nazis in Germany as well as in the countries that they overran and in which they attempted to gain supporters by means of indoctrination, seduction, and propaganda.

There is no doubt that in Germany itself the first and most effective step of propaganda within the medical profession was the propaganda against the useless, incurably sick."

Later, Alexander reemphasizes that:

"It is the first seemingly innocent step away from principle that frequently decides a career of crime. Corrosion begins in microscopic proportions."

Alexander subsequently applies his observations to the United States:

"Under all forms of dictatorship the dictating bodies or individuals claim that all that is done is being done for the best of the people as a whole, and for that reason they look at health merely in terms of utility, efficiency and productivity. It is natural in such a setting that eventually Hegel's principle that 'what is useful is good wins out completely. The killing center is the *reductio ad absurdum* of all health planning based only on rational principles and economy and not on humane compassion and divine law. To be sure, American physicians are still far from the point of thinking of killing centers, but they have arrived at a danger point in thinking, at which likelihood of full rehabilitation is considered a factor that should determine the amount of time, effort and cost to be devoted to a particular type of patient on the part of the social body upon which the decision rests. At this point Americans should remember that the enormity of the euthanasia movement is present in their own midst.

"The case, therefore, that I should like to make is that American medicine must realize where it stands in its fundamental premises. There can be no doubt that in a subtle way the Hegelian premise of 'what is useful is right' has infected society including the medical portion. . . . The destructive principle, once unleashed, is bound to engulf the whole personality and to occupy all its relationships. Destructive urges and destructive concepts arising therefrom cannot remain limited or focused upon one subject or several subjects alone, but must inevitably spread and be directed against one's entire surrounding world, including one's own group and ultimately the self. The ameliorative point of view maintained in relation to all others is the only real means of self-preservation."

The above was written in 1949. In the light of what has happened since, Alexander's explicit warning takes on prophetic proportions. Eighteen short years later, the American Medical Association took its first step down the last mile. In 1967 at its Annual Meeting it accepted a new principle completely alien to medicine's tradition, namely, that a physician on the basis of his determination of fitness can determine, in cooperation with the guardian, who should or should not be permitted to live. They introduced this principle when they accepted a provision of the Model Code of the American Law Institute concerning fetal indications for therapeutic abortion. The diabolical misuse of the term *therapeutic* should be noted. From acts directed to the elimination of a disease, it now is extended to acts directed to the elimination of the patient who has the disease.

Three years later, again in the context of the abortion issue, the American Medical Association took another giant step in imitation of German medicine. In 1970 at its Annual Meeting it introduced an additional principle, one completely inimical to the nature of a learned profession and fraught with forebodings, that what is legal is ethical. This was done, presumably, to free physicians from New York and other pro-abortion states from the bind created by abortion-on-demand, a lucrative, legally permissable act on one hand and a medically unethical act on the other.

Finally, to show how fast we have moved since Alexander's 1947 report, "killing centers" in the form of abortariums now exist in New York, California and elsewhere.

Lastly, we have Wertham's account of the insidious beginnings that culminated in the ultimate degradation of German medicine. Psychiatry was the chief culprit. In his chapter, "The 'Euthanasia' Murders," Wertham recalls Dr. Karl Brandt's key defense at the Nuremberg trials. Brandt was the medical chief of Nazi Germany's euthanasia project, the project that ultimately led to the extermination of "useless eaters."

"And when Dr. Karl Brandt . . . defended himself for his leading role in the action, he stated that he had asked for the 'most critical' evaluation of who was mentally incurable. And he added: 'Were not the regular professors of the universities with the program? Who could there be who was better qualified than they?' Wertham adds."

## SURFACE MINING LEGISLATION

### HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. BLATNIK. Mr. Speaker, on Monday of this week, April 16, 1973, Mr. Robert J. Babich, executive vice president of the Northeastern Minnesota Development Association, testified before two subcommittees of the House Committee on Interior and Insular Affairs on pending surface mining legislation. His remarks before joint hearings of the Environmental Subcommittee and Mines and Mining Subcommittee appropriately and succinctly call attention to the complex and far-reaching affect of this proposed legislation. His testimony is an excellent illustration of the many diverse types of mining situations that must be considered in the development of efficient legislation. Mr. Babich represents an organization which is deeply concerned with both the environment and economic development. In northeastern Minnesota we are proud of our clean air, clean water, and untrammeled forests and we are doing all in our power to keep it that way. Mr. Babich's approach to regulating surface mining as it applies to iron ore and taconite mining in northeastern Minnesota is responsible and effective. I want to take this opportunity to call to the attention of my colleagues this balanced, well-reasoned statement:

Mr. Chairman, members of the committee, my name is Robert J. Babich and I am the executive vice president of the Northeastern Minnesota Development Association, hereafter referred to as NEMDA.

Let me first express my sincere thanks for allowing me to visit with you about this very important legislation before the committee. It is my hope that after our discussion here today we may all be a bit wiser in the matter of legislation regulating the reclamation of surface mining land.

To help you better understand the reason for my appearance today, let me brief you on the origin and functions of NEMDA.

NEMDA was founded back in 1964 under the direction of Hubert Humphrey, Walter Mondale, John Blatnik, former Minnesota Governor Karl Rolvaag, labor and industrial leaders, a group of concerned citizens and myself to revitalize the depressed area of Northeastern Minnesota. It was at that time that we received a mandate from the state through the passage of the Taconite Amendment to develop the taconite industry to its fullest potential.

We organized NEMDA both to encourage the development of our mining and wood fiber industries and to diversify the economy by bringing other types of industry to Northeastern Minnesota. Since that time NEMDA has played a key role in the economic development of the six counties we cover in Northeastern Minnesota.

It gives me pleasure to tell you that our efforts have been successful. Industry, labor unions and many, many small businesses of all types invested their money and manpower into our development program. As a result, today the economy of Northeastern Minnesota is healthier and more stable than at any other time in history.

For instance, we have managed to diversify our economic base by encouraging the growth of satellite industries to service our basic industries. This may come as a surprise to some of you, but we now have a mushrooming garment industry in our area which is providing supplemental incomes that weren't there eight years ago. And we have worked hard to develop and sophisticate our service and recreation industries. We have one of the most beautiful sections of the country, and we must take advantage of the ever-increasing tourist-travel dollar.

We are witnessing growth in our wood fiber industry that we haven't seen before. Not only are our wood fiber plants expanding, they are also diversifying their product lines to more fully utilize our great sources of raw material in Northeastern Minnesota. All of this means jobs and future opportunities for today's families and their children.

On a statewide basis, the forest products industry is the third largest industry in Minnesota. By far the largest single producer of forest products in Minnesota is the pulp and paper manufacturing industry. Eleven pulp and paper mills in the state the equivalent of a million and a half cords of pulpwood annually.

Products from these eleven mills are valued at about $350 million annually. From 1960 to 1970, the pulp and paper industry of the state expanded $143 million in basic capital investment and an additional $48 million in plant maintenance. These mills employ over 10,000 people whose earnings exceed $100 million each year. They have a freight bill of $30 million and they purchase $120 million of materials and supplies, exclusive of pulpwood.

In addition, pulpwood harvesting provides full and part-time employment for another 9,000 people. Nearly all the pulpwood harvested in Minnesota comes from 17 counties in the northeast and north central section of the state. All Minnesota pulp and paper manufacturing facilities are located in the same area—Northeastern Minnesota.

An additional 10,000 people are employed in other wood fiber industries such as saw mills, box factories and box manufacturing in the state of Minnesota.

As you can see, this is a substantial part of our economy. It is an industry which will continue to grow through proper forest management and assurances to the industry of an adequate supply of raw material.

Iron ore mining is another industry which has significant impact on the economy of Minnesota, especally Northeastern Minnesota. The following facts and figures will illustrate just how important iron mining is to the state.

Today there are about 12,000 people employed in mining in Minnesota, with about 10,000 of those working in year-around jobs in the taconite industry. These people were paid more than $150,000,000 in wages in 1972. A recent study showed that the number of additional jobs in industries closely tied to mining is estimated to be another 12,000. Indirectly, each mining job supports between eight and nine people.

Much of the goods and services required by the mining industry is purchased from 1700 Minnesota firms. In 1972, purchases from these Minnesota firms totaled more than $175,000,000 with taconite firms spending over $160,000,000 of this amount, and this figure represents only a part of the total expenditure for taconite production.

Taconite's importance is also reflected in tax payments. The estimated taconite taxes paid to state and local governments in 1972 is $20,000,000. In addition, commercial railroads paid more than $2,500,000 in gross earnings taxes derived from hauling iron ore and taconite.

To date there has been approximately $1.2 billion invested in taconite plants in Northeastern Minnesota, with another $220,000,000 in taconite facilities under construction. These six commercial plants are producing 39,700,000 tons of taconite pellets annually. When the new facilities are completed they will have an additional annual tonnage capacity of 6,000,000 tons.

However, in the past decade we have seen a steady decline in our natural ore production. From 1971 there was a drop in natural production from 16,462,000 tons to 14,297,000 tons. As our natural ore bodies are depleted, the mines close, and of course this means unemployment. Today there are about 2,000 people still working in natural ore mines. We expect all of the men and women will be unemployed by 1985.

The answer to this problem is to continue to expand our taconite industry. Most authorities agree that production of taconite pellets could reach 65,000,000 tons per year, as competitive and economic conditions permit. Achieving this rate of production would have a beneficial effect on the economy of Minnesota and Iron Range communities. It would certainly solve the unemployment caused by the closing of natural ore mines. Maturing of the industry to the potential 65,000,000 ton mark, however, depends on many factors.

Our future, of course, is in taconite, and with all plants going at or near full capacity, the taconite industry will produce 40,000,000 tons of pellets in 1973. But that's less than two-thirds of our potential. Sustaining a healthy economy depends on further taconite development to replace jobs being lost in natural ore mines.

We are also facing competition from other areas of the nation and world. Other iron ore producing areas have been very busy promoting and developing their iron ore reserves. Twenty years ago, Minnesota shipments were 22 percent of the world's production. Now they are less than 7 percent. This is due to new discoveries and lower production costs in other parts of the country and world. Ores produced in foreign countries also have become more competitive because of changes in ocean transportation, like ships five to eight times larger than the biggest on the Great Lakes. Twenty years ago there was little or no mining in Australia, Brazil, India, Labrador, Liberia, Peru, Quebec, or Venezuela. Today, they're all competing with us. And, their ore deposits are typically very large, and of high quality.

Also the last twenty years have seen dramatic changes in steelmaking. In 1971 Russia produced more steel than the U.S. Japan has become the world's third largest steelmaker, the world's largest shipbuilder, and the builder of the world's largest ships. Japan's steel industry has been built around deepwater harbors which can accommodate these huge ore carriers, hauling ore from all parts of the world.

So the changing world, plus the fact that iron ore is plentiful and produced by many other nations, has an impact on Minnesota's iron ore and taconite pellet production.

As I stated earlier, employment in natural ore has been steadily declining. On the other hand, growth in the taconite industry has provided new jobs to replace those being lost due to the decline in natural ore production.

Gentlemen, for the first time in the history of Northeastern Minnesota, people like my nine brothers and sistera and their families have year 'round employment. In my father's twenty-eight years as an iron ore miner, the best employment year he had was nine months. Most years were much less. Today, we are blessed with a clean taconite industry creating jobs for our people.

In studying your bill, I find that it could become effective legislation controlling surface and strip mining and continue to permit development of our mineral resources. However, there are provisions in the bill, as they relate to iron mining which seriously threaten the existence of our iron mining industry in Northeastern Minnesota.

There are provisions in the bill which would limit the term of any permit for surface mining and reclamation five years or less. In view of the enormous capital investment for iron mining operations, normally involving loans running for 25 to 30 years, such a limitation would create serious financial problems.

There is also a provision to force backfilling of our open pits. You must understand that our iron mines operate for as long as 50 years. The natural iron ore open pits of years past are now our source for the low grade taconite ores. To limit permits to five years and force backfilling in our open pits are regulations that could very well kill the taconite industry in Northeastern Minnesota.

Gentlemen, as I have illustrated in my testimony, the economy of our state and especially Northeastern Minnesota basically



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relies on the wood fiber and iron mining industries. Both of these industries have made every effort to comply with new state and federal regulations regarding air and water quality. In this compliance they have invested millions of dollars for pollution equipment which adds not one cent to the companies' earnings. Our companies have recognized their responsibilities and have willingly invested their money to correct environmental problems.

The mining companies are not opposed to legislation regulating reclamation of mine lands. However, these regulations must be written so as to allow these to continue to operate in realistic terms.

We at NEMDA are knowledgeable of the iron mining industry in Northeastern Minnesota, and have a deep desire, as I'm sure you do, to see that legislation to regulate surface mining is effective and equitable. We offer our services to you in reviewing and amending your "working document".

Again, thank you for your time and consideration.

GROWTH IN THE TACONITE INDUSTRY IN MINNESOTA FOLLOWING PASSAGE OF THE TACONITE AMENDMENT IN 1964

[Dollar amounts in thousands]

| | Annual capacity (thousands of tons) | Investment | Employment |
|---|---|---|---|
| Taconite facilities presently in operation: | | | |
| Reserve Mining Co. | 10,800 | $350,000 | 3,200 |
| Erie Mining Co. | 10,500 | 350,000 | 2,900 |
| Minntac | 12,000 | 275,000 | 2,000 |
| Eveleth Taconite Co. | 2,000 | 45,000 | 450 |
| Butler Taconite | 2,000 | 56,000 | 400 |
| National Steel Pellet | 2,400 | 90,000 | 425 |
| Total, 6 commercial plants | 39,700 | 1,166,000 | 9,375 |
| Taconite facilities in operation prior to the passage of the taconite amendment in 1964: | | | |
| Reserve Mining Co. | 6,500 | 210,000 | 2,500 |
| Erie Mining Co. | 7,500 | 300,000 | 2,400 |
| Pilotac (United States Steel) | 1,000 | 50,000 | 500 |
| Total, 2 commercial plants and 1 pilot plant | 15,000 | 560,000 | 5,400 |
| Growth since 1964 | 24,700 | 606,000 | 3,975 |
| Additional taconite facilities under consideration: | | | |
| X | 2,000 | 70,000 | 600 |
| Y | 4,000 | 150,000 | 1,300 |
| Total | 6,000 | 220,000 | 1,900 |

## GLENSIDE NEWS MARKS 50TH ANNIVERSARY

### HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. COUGHLIN. Mr. Speaker, I am pleased to call to the attention of my colleagues the 50th anniversary of the Glenside News, one of the fine community newspapers that enjoys such loyal readership in the Montgomery County section of the 13th Congressional District.

For many years, weekly newspapers have served the many Montgomery County communities with an interesting blend of local news items. Their stature in the community has grown over the decades.

The Glenside News first was published on February 7, 1923, by the Robinson Publishing Co., later sold in 1939. From then until 1959, the Glenside News was published as one of the Times Chronicle Newspapers.

In 1959, the Times Chronicle Newspapers were purchased by Montgomery Publishing Co., one of the largest weekly newspaper chains in the area. While a member of a chain of weeklies, the Glenside News has remained closely attuned to local needs. It serves residents of the Greater Glenside Area including Glenside, Ardsley, Edge Hill, North Hills, Custis Woods, Glenside Gardens, Laverock, Roslyn, Weldon, and Wyncote.

The excellence of the Glenside News is shown by the numerous editorial awards that the newspaper and its staff have received. Not only has the newspaper been cited by the Pennsylvania Newspaper Publishers Association in statewide competition, but it also has been honored by the National Newspaper Association in nationwide contests.

With a current circulation of 4,500, the Glenside News today commands a special place in the affections of its readers. While printing local news of importance and interest, the newspaper has won a deserved reputation for integrity, dignity and civic-mindedness in its half-century of publishing.

I salute the staff of the Glenside News for its outstanding efforts in the field of community journalism, exemplified by its high standards of writing, editing and publishing. They have maintained a proud record.

The communities served by the Glenside News, I am certain, regard the newspaper as a vital part of local life. They are fortunate in having so professional and community-oriented a newspaper covering local news events.

I offer my congratulations and best wishes on this 50th anniversary, and know the Glenside News will continue for many more years to serve its readers honestly and effectively.

## SHOE PRICES RAPIDLY RISING DUE TO HIDE EXPORTS

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ANDERSON of California. Mr. Speaker, as consumers we all have a tendency to grumble, shake our heads, and then proceed to buy high priced commodities.

But, as Members of Congress we cannot just shake our heads and passively accept inflated prices. We must take action.

Food prices are an easily visible indicator of our runaway economy. But other essential products have prices which are also skyrocketing.

Wholesale shoe prices are climbing. It is not the retailers or wholesalers fault that shoe prices have gone up. The rising price of hides because of their increased exportation is the villain behind the increasing price of shoes.

In the last 10 years, U.S. hide exports have risen from under 7 million to over 17 million hides annually.

During the same time period, shoe imports into the United States have climbed from 50 million pairs to almost 300 million pairs—a sixfold increase.

The increasing net deficit in foreign trade of hides, leather, and shoes, has paralleled the increased hide export and shoe import figures. Since 1962, the net deficit has gone from $150 million to over $1 billion in 1972.

A shoe retailer recently explained the necessary price increase in a letter to the dealers selling his products.

His letter cogently details how the exportation of hides is raising the price shoe manufacturers pay for their major raw material—hides.

Mr. Speaker, I would like to share one shoe producer's dilemma with all of my colleagues. After all, we all share in his dilemma—we must all purchase shoes.

The following letter was sent to a shoe dealer in my district:

NEW PRICES EFFECTIVE APRIL 1, 1973

MUSEBECK SHOE CO., INC.,
*March 30, 1973.*

*To all Foot-So-Port Dealers:*

It is with a feeling of helplessness of being caught up in a flow of events that you cannot fight against that we announce another increase in our wholesale shoe prices.

Several factors bring this about. Nothing has been done to stop the export of hides out of this country; in fact, it's still increasing, with outside countries bidding up the price.

On top of this, since Phase III has been discontinued, we are now beginning to get price increases from other suppliers, all of which bring about the prediction that shoe retail prices will have to go up from $1.00 to $3.00 a pair very shortly. We feel that our prices are still competitive in our particular field, but we have to recognize that the leather shoe of high quality is becoming a premium product, as are all leather producta.

We are seeing a parallel in other raw material products, such as wool, which is forcing all wool clothing to record highs; and the export of logs and lumber, which has added over a thousand dollars to the cost of a home in the last few months.

The government so far doesn't seem to have come up with any solution except the statement that we don't dare offend any foreign countries for fear of a trade war, which would make things worse. We are beginning to wonder how long we can keep on buying overseas at the expense of jobs in this country and continuing inflation.

Thanking you for your understanding of the situation.

Sincerely,

W. W. GALLAHER, *President.*

## ALL-AMERICA CITY

### HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. O'NEILL. Mr. Speaker, I am placing in the RECORD a letter from the managing editor of the Saturday Evening Post regarding the city of Somerville, which has just been awarded the title of All-America City. I am justly proud to represent the city of Somerville, and the exemplary citizens who have demonstrated their devotion to ideals of democracy and leadership in attaining national recognition from the Saturday Evening Post and the National Municipal League. Each and every member of the community deserves congratulations and gratitude for having made Somerville such a fine place to live and work.

The letter follows:

THE SATURDAY EVENING POST,
*April 9, 1973.*

Hon. THOMAS P. O'NEILL, JR.,
*Representative from Massachusetts,*
*Rayburn Office Building,*
*Washington, D.C.*

DEAR REPRESENTATIVE O'NEILL: It is my pleasure to inform you that Somerville, Massachusetts, has just been awarded the title of All-America City.

The award goes to Somerville for the vigorous action of its citizens in bringing about major improvements in their community, thus setting an example of good citizenship to the nation.

The All-American Cities Awards contest, now entering its 25th year, is co-sponsored by the National Municipal League and The Saturday Evening Post to recognize and encourage citizen action. Each year, eleven winners are selected for the honor by a jury of distinguished citizens and experts on government impanelled by the League.

The names of the eleven winners will be *released officially on April 15,* and an article highlighting the All-America Cities will appear in the May/June issue of The Saturday Evening Post, on sale, April 15.

The Post is proud to announce this year's fine new team of All-America Cities. We know that you will join us in offering the heartiest congratulations to the citizens in your constituency who have shown such an avid interest in their community.

Sincerely,

FREDERICK A. BIRMINGHAM,
*Managing Editor.*

## REPORT ON FIRST 100 DAYS IN CONGRESS

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. HUBER. Mr. Speaker, to report on my activities since this session of Congress began 100 days ago, next week, my office will be sending our first regular newsletter to my constituents.

Emphasis has been placed on two matters of particular concern to Michigan's 18th District which I have the honor to represent. One is the forced busing mess that is growing into a countrywide cancer, and the other is the dilemma faced by me and other Members of Congress who want to drastically cut spending by the Federal Government but not cripple essential programs.

The report follows:

*April 1973.*

Roughly 100 days have passed since coming to Washington as your Representative from Michigan's redefined 18th District. This first regular report will summarize my principal activities and assignments during this period, and note legislation I have introduced. It also will indicate the dilemma faced by me and other Congressmen who want to hold down your taxes while voting for worthwhile programs.

Let me repeat: your comments and suggestions on Congressional and national matters always will be welcomed and carefully weighed. My offices in Royal Oak and Washington are staffed to be of service to you on matters relating to the federal government.

To serve constituents better, I have made it a point to meet and confer with top officials here in Washington at both day and evening meetings. Among those have been Secy. of State Rogers, Secy. of HEW Weinberger, Secy. of Navy Warner, OEO Director Phillips, Pres. Advisor Kissinger, Pres. Assts. Haldeman and Friedersdorf, and high level officials of the Department of Housing and Urban Development. Numerous contacts are made daily with lesser officials throughout the bureaucracy.

Relevant, responsible committee posts have been assigned me for the next two years. I will serve on the Committee on Education and Labor, and its Special Education and General Labor Subcommittees. Here my years of experience as a Michigan legislator and as a manufacturer will be most useful.

I also agreed to serve on the Veterans' Affairs Committee and three of its Subcommittees—Education and Training, Hospitals, and Housing. Here again, my training and experience such as my U.S. Army service, years in the American Legion, and the past Post Commander in the Catholic War Veterans should make a contribution to the deliberations and work of the groups.

Meeting at the White House at the President's invitation to explore ways to slash federal spending and thus stop increasing taxes.

An influential post has resulted from my world travel and work with the Detroit Chamber of Commerce promoting overseas trade and my concern for developing fiscally sound economic policies. I have been selected to serve on the 16 member Republican Task Force on International Economic Policy. This group will study such key issues as monetary reform, the U.S. trade deficit, international investments, and the role of the multinational corporation.

Members of Ferndale School Board meet with me to fight racial discrimination charge by HEW against the district.

Ban busing: To resolve the forced busing mess in this country, I am working on a day-to-day basis with like-minded Members of Congress and with concerned organizations and individuals.

We have introduced four Constitutional Amendments to reduce and eliminate forced busing. (I testified before the House Education and Labor and the Senate Judiciary Committees on these earlier.) Under this legislation, a child's neighborhood would remain the appropriate area for determining his public school assignment. Getting a Constitutional Amendment adopted, however, calls for a two-thirds vote in both the House and Senate, and then ratification by 38 states—a process that is slow and uncertain. Hence, we also are attacking the problem of forced busing by enacting new federal laws. One of our bills makes it clear all court-ordered busing would be stopped until all appeals have been exhausted. Another would limit student assignment to a child's neighborhood.

There is no question of the effectiveness, in total, of the concerted efforts of the nation's citizens groups that oppose forced busing. Equally true, the battles for high quality education for all, for neighborhood schools, and for an end to forced busing is still far from won. You can count on my continued participation with anti-busing groups in Michigan. Coupled with efforts in other Congressional Districts, we can help persuade the courts as well as Congress that the majority of Americans, will not tolerate forced busing for arbitrary racial balances.

A 15%–20% increase in income taxes is about the last thing most taxpayers can handle without further cutting their standards of living. Yet this is exactly what the nation faces unless excessive spending by the federal government is slashed.

The problem becomes especially acute when bad legislation is masked by alluring names and labels. It poses a special problem for me and other Congressmen who want to trim waste and the nice-but-necessary projects, but at the same time make sure we do not cripple essential programs.

The Vocational Rehabilitation Act presents a good example of the problem. Over strong Republican opposition, the Democrats forced a bill through Congress that would increase federal spending by a full *billion* dollars above the level we can pay without increasing taxes or slashing some other equally important program. I had voted *for* an expanded but reasonable Republican vocational rehabilitation program that failed to pass, then voted *against* the wastefully extravagant Democrat bill that passes. The President vetoed this over-stuffed bill, and the Senate sustained his veto.

Supporters of the extravagant version didn't bother to point out that such excessive spending would mean more deficit spending and inflation more devaluation of the U.S. dollar and more federal income taxes. They didn't remind us that haphazardly passing out bundles of taxpayers' money rarely solves problems or hits the target. They certainly didn't show how much the federal rehabilitation program had expanded and improved since President Nixon came into office. For example, the budget for vocational rehabilitation, from fiscal year 1969 to fiscal year 1974, shows a 75% increase. The number of Americans being served jumps from 781,000 to some 1,225,000 during this period. And its estimated about 350,000 persons will be rehabilitated compared with 241,000 at the start of Nixon's administration in 1969.

Of course we must and will continue to meet essential needs of our citizens, but with costs as high as they are today we cannot afford to waste taxpayers' money. My vote on this bill—as it will be on others that have become extravagantly padded—will be to cut wasteful spending in order to avoid the need for an increase in our already heavy income taxes.

Helping constituents with their problems began the day I became your Congressman. For instance:

3713 letters mailed.
12 round trips made to the 18th District.
47 bills and resolutions introduced.
128 problem cases handled, including ones involving Social Security, Veterans Administration, Army, Navy, Air Force and Civil Service.
355 long distance phone calls completed.
131 citizens visited our Washington office.
96 citizens visited our Royal Oak office.
152,000 questionnaires, seeking 18th District opinions, distributed.

National Commander Jos. Sanson recently presented me with Honorary Life Membership in AMVETS.

In voting, and in proposing new legislation, my prior experience as a mayor, county supervisor and State Senator is helping me get off to a fast, sure start. In deciding how to vote, or whether or not to introduce legislation, each issue is approached on its individual merit—its advantages or disadvantages to my neighbors in Michigan and to those in the rest of the nation. Here are typical measures introduced since coming to Washington in January:

To improve Postal Service:

Each year have Congress pass on requests from the U.S. Postal Service for supplementary operating funds.





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To aid veterans:

Insure that their disability rates will not be lowered.

To protect the environment:

Provide tax incentives to recycle trash, or to burn it for fuel.

To help the taxpayer:

Create a Senate-House Committee on the Budget to tighten control of federal spending.

Give single persons the same federal income tax benefits as married ones.

To fight crime:

Impose stiff, mandatory sentences on those using firearms in committing a felony.

Make it a federal crime to kill or assault a fireman or policeman performing his duty.

## THE REALITY OF REGIONALISM

### HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. CRONIN. Mr. Speaker, several weeks ago, we in the Congress were honored by the visit of the Honorable Frank McManus, a member of the British Parliament elected by the people of Northern Ireland. Mr. McManus was in Washington to speak with Members of Congress about the tragic events in Northern Ireland. He spoke in highly moving terms, and I know that his words had a profound effect on many of my colleagues. To his credit, he was able to take the complex issues relative to Northern Ireland, which are often difficult for the American people to follow, and place them in a context which could be understood by all.

Mr. McManus has set forth one possible solution to the hostilities in a book entitled: "Ulster—The Future." This book has been reviewed by Mr. Fred O'Brien, of Charlestown, Mass., who is a contributing author to "The Irish People" and a frequent commentator on the events in Northern Ireland.

Mr. Speaker, I respectfully request that Mr. O'Brien's review be placed in the RECORD.

The review follows:

THE REALITY OF REGIONALISM

(By Fred Burns O'Brien)

Having just finished reading the booklet "Ulster—The Future" by The Honorable Frank McManus, M.P., it seems appropriate to offer more discussion on the theory of regionalism that Mr. McManus presents so convincingly. The theory of regional government is a rational approach to the problem of uniting all the people of the island of Ireland, including those at extreme poles on the political spectrum. Most concepts discussed herein are those developed by Mr. McManus, however, a few ideas developed as an outgrowth of those which are my own.

Dividing Ireland into the four provinces with strong regional parliaments is confronting the problem of implementing unity face to face. No citizen of the Six Counties, Orange or Green, is going to accept the Dublin Government suddenly being thrust upon them in a governing capacity. All the people would feel resentment to some degree for they would be passed from one domineering force to another with the new one being as unfamiliar with local problems as the past government across the Irish Sea. Frank McManus fully realizes that a new Ulster, like a new Ireland, requires new creative government. This eliminates the Government of Dublin as it presently exists. There, they have had one-party government similar to that of one-party domination in the North with the one exception that the "Republic" has had an opposition that was able to interrupt its rule twice over the last forty years of its power. The Government of Dublin is as stale as that of Stormont was before it was brought down and deep down as indifferent as that in London. The indifference of both London and Dublin has prolonged the agony of the North. There has never been any real pressure from either government to have a settlement, only guarded words.

The regional government could be looked at as permanent government in a transitional context. A united nine-county Ulster would allow its inhabitants to adjust to the idea of the united province and accept this entity eventually transmitting their loyalty to a central Irish Government which would be the overseer of the regional areas. Until that time the regional and central governments could work hand in hand for the betterment of the province. This form of regionalism would be beneficial to the people of Ireland as a whole especially in areas with particular problems. The North has been living under a wartime atmosphere and needs delicate reshaping that only its citizens can work out. The West of Ireland needs a special attention on development that a regional parliament would give attention of a particular sort that the central government would not be able to allow for due to complexitys.

Ulster's problems are best understood by those who live there and best resolved by all factions of opinions hammering out viable programs offering equitable solutions. The population of the full nine counties would reflect almost a 50–50 division between the two major sectarian groupings. This would give rise to a healthy political climate where there would always be effective opposition. Mr. McManus contends that initially the present Unionist coalition of opinion would be in the majority and control the proposed Ulster Parliament. Their position of power would not be decimated by this form of Irish unity. They would maintain power, but in a rational vein.

The melding of "historic Ulster" is simple geographic sanity. It is a vehicle that is needed to assure the present Protestant majority of the Six County State that they will not be so dominated as to be devoid of equality. The fears of Protestants have to be alleviated and appeased. Some of the Protestant fears are mythical as pointed out at the beginning of the McManus booklet. The inflammatory rhetoric of the Orange Order conjure myths to keep in line those who by their way of life should be opposed to the leaders of the order. The other fears are certainly legitimate and must be tended to by the government. These would be in reference to the divorce laws, contraception, abortion, censorship and other social legislation. The denial of these entities are certain to bring cries of papist tyranny and verify the Orange myths.

Asking Unionists to accept Regionalism offers a less offensive tone to it than ordering them to reject all that they hold necessary to their existence and have them accept the Dublin Government at face value. This would surely bring on a civil war. Regionalism brings a new Ulster for all parties to offer concrete contributions regardless of past politics. McManus cites the regional approach of Switzerland, Germany and the United States as workable regionally based states with controlling central governments.

The United States of America has always had regionalism. Each region or block of states have certain problems fixed to their particular region to be considered and solved by those of power in the regions. The Congressmen and Senators of the Southern States of the United States have a different approach to the central government than their counterparts in the Northeast States. There are pertinent regional concerns that are primary goals of representatives of the region and of course there are central issues of a national concern that are solved in the context of the whole nation, but always with over-riding regional concerns. This would be true in Ireland as well as the United States.

The booklet presents the overbearing issue of domination. Do those in Ulster want to be dominated by either London or Dublin? McManus correctly, in my judgment, states that the overwhelming number of Ulster citizens would reject domination of either in favor of the regional concept with allegiance eventually to an Irish central government reshaped to be acceptable to all the Irish people. In addition to the idea of domination by an "outside force" Mr. McManus dwells on the all too true fact that unity of the two states that make up Ireland is not just a possibility, but a certain necessity. It is only a matter of when and it will not be too great a time because of the economic strain on the British economy in financing the North and the added pressure of Europe leaning on Britain to resolve their "internal problems."

The establishment of an Ulster identity formed by all of the people can be accepted by all its people, healing wounds of the past as all of Ulster will strive to maintain benefits that will accrue to them. The figure in the booklet suggests that a nine-county Ulster will make up 40% of the population of Ireland. Numerically as stated, the Protestants will control Ulster and have a powerful voice in the central government. This cold fact should alleviate many Protestant fears since they will control 40% of the population of Ireland and they will be stronger that their 25% of the population. The more advanced North will be able to exert a great influence due to their industrial potential.

Ulster certainly has a future if those of Ulster want it and can repress past myths in favor of a reasonable future. Each side must divest itself of selfish one-sided goals in favor of what is best for the entire community. These are easy words to say and are general concepts. They have not been effectuated because they remain general and easy for politicians to speak of, but far too broad for practical enactment. This is another reason in favor of regionalism which could be implemented since it is more specific and operable.

For anyone with an interest in the future of the North, I highly recommend reading *Ulster—The Future*. It offers a rational approach to a problem that must be solved.

## ARMY MEDICAL CORPS

### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. FUQUA. Mr. Speaker, on April 12, I introduced H.R. 6907, a bill which would bring long-needed equity into the promotion considerations of all officers in the U.S. Army. The Army is entering a period of experimentation, with the end of selective service and the initiating of the concept of the volunteer army. It would be especially fitting that if at the same time, the Army could be reorganized so that the officers of the Army Medical Service Corps achieve the recognition they deserve and have been denied for too long.

H.R. 6907 would elevate the rank of the chief of the Army Medical Service Corps to a major general; the assistant chiefs, the heads of the various sections in the corps, would rank at brigadier general. Such upgrading of rank would present an equitable position with other Army officers and thus undoubtedly enhance the prestige of the corps. According to the current ratio of 5 general officer positions for 1,000 Regular Army strength, there should be 10 such positions in the Medical Service Corps, instead of the single such position now allocated.

Recent statistics reveal that 11 percent of all Army officers with graduate degrees are in the Medical Service Corps, and that this corps also boasts 31 percent of all doctorate degrees. This educational background demands attention in promotion considerations.

Until this time, the Army has had no problem in securing health care professionals; at least on the surface, it would seem that way. There was always the doctor draft. The Army depended on this situation, since the retention rate has not been overwhelming in this area. And how can we expect a good retention rate, with less chance of promotion than for officers in other corps in the same Army or with the great disparity between civilian and military income.

We are now in a position where the Army must begin to depend on volunteers. This upgrading of rank for health care professionals is one sure way to at least encourage these needed officers to consider the military as a satisfying career, this is one sure way to increase retention. Surely the retention factor alone would present a long-term financial savings as well.

As the Nation and Congress turn more and more attention to the question of health in this country, the Army cannot be exempt from this consideration. The health and well-being of the Army should be a prime concern. With the volunteer army, it will be a necessity to provide comprehensive health care to all military professionals. Upgrading the rank of the Army Medical Service Corps by H.R. 6907 is an initial step in this whole process.

## SCRANTON PREP—STAR CHAMPION

### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. McDADE. Mr. Speaker, last St. Patrick's Day, Irish eyes were smiling on the Scranton Prep basketball team as they defeated Pittsburgh North Catholic High School 48–44 in Pittsburgh to win the PCIAA class A State championship. The victory gave Prep their first State championship in the school's history and culminated one of their finest seasons.

It was much more than good luck which accounted for the tremendous season enjoyed by the Cavaliers under the very able leadership of Coach Jack Farrell. Included in their championship season was a 17-game winning streak, a victory in the prestigious Lynett Tournament that gave Coach Farrell his 100th victory at Prep, and the succession of victories that led to their final win over Pittsburgh.

Not to be outdone by the varsity, the Prep junior varsity posted an 18-2 record this year, indicating that my alma mater should enjoy continued success in the future.

Mr. Speaker, I know the Members of the House will join me in extending to the coaches, faculty, students, and players at Scranton Prep our hearty congratulations on this outstanding achievement.



## NEW WAY TO FIGHT POVERTY, NEEDED

### HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. CRONIN. Mr. Speaker, a recent editorial in the Maine Sunday Telegram, Portland, Maine, points out that since the war on poverty has not worked, another method to fight poverty must be undertaken.

The strategies and plans to raise the poor out of poverty have failed and the only way to do that is to learn from past mistakes, scrap and restructure programs which have failed, and develop a new and progressive program based on programs which have been successful.

It is for these reasons that OEO must be restructured.

I include the following editorial in the RECORD:

[The Portland, Maine, Telegram, Feb. 25, 1973]

WAR ON POVERTY; WHAT BATTLES WON?

OEO—sloganized as the "war on poverty"—was a high and splendid idea. But after eight years and billions of dollars, its record of results achieved in defeating poverty was a sorry one.

As soon as President Nixon said he was dismantling the Office of Economic Opportunity, wailing words poured out from congressmen on Capitol Hill, including wails from the Maine delegation. After weeks of hearing those wails we came across two statistics which strike us as somewhat relevant . . . Since 1950 a congressman's salary has increased 183 per cent and the price of a manure spreader has increased 395 per cent.

Enough expensive crocodile tears, we say.

Now the job is not to mouth political invective over the dismemberment of OEO because of its failure to win the war against poverty. The job is to develop other tools that may perform more effectively. For America should and must continue the fight against poverty in our midst.

Today, the challenge to the windy army of OEO poverty fighters is not to keep themselves on the payroll but rather to marshall enough convincing facts, figures and program proposals to persuade local government authorities to finance provenly effective anti-poverty programs out of new revenue sharing funds.

So far this is not happening. Why not?

It is a cherished tenet in America that the closer government is to the people the more effective and more responsive government is to the needs of the people.

If this tenet is true, why are local officials not responding more to the needs of the poor, the sick, the elderly, the children? Local officials surely are not steely hearted human beings. Furthermore, as politicians they know that to be re-elected they need the votes of the poor, because the poor and the aged are numerous.

Is the fault therefore with the innumerable agencies of OEO?

Are they unable to present a convincing case?

Are these tens of thousands of people on OEO payrolls unable to muster provable facts that their programs are indeed moving people up out of poverty? Are they unable to show that dollar for dollar they are achieving results that demonstrably deserve re-financing from local budgets, where all are better able to see both the costs and the results? If they can't do this, then let's stop the wailing about the end of OEO.

The fight against poverty can be won not by putting a few poor on OEO payrolls, but only by helping people move themselves up out of poverty. If the OEO agencies can show they are performing this vital job, then we are confident that they can compete successfully in getting their due share of revenue-sharing funds from Maine town, municipal and state government. And then carry on their work.

While the American people have no love for taxes, the one thing they really hate is paying taxes to government agencies which fail to deliver the goods. And that has been the fault of OEO nationwide. Its goals are fine. Its performance is not. Who therefore, can quarrel with the President's proposal that a more effective method to fight poverty be tried?

## FEDERAL-AID HIGHWAY ACT MONEYS FOR ALASKA

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. YOUNG of Alaska. Mr. Speaker, today is a very important day in the history of Alaska. And because of this, I would like to insert my remarks.

I say this is an important day for my State because the Congress has approved the Federal-Aid Highway Act of 1973. For many of my colleagues, this action will bring needed highway improvement. For others, it will open the way for improved inner-city transportation.

But for Alaska, the law means more, much more. It means that a major segment of the only road connecting Alaska with her sister States will be paved for the first time. It also means that Alaska will receive $20 million for each of the next 3 years to improve and expand her highway system.

Alaska is the only State in the Union that has never been made eligible to receive Federal interstate highway trust funds; this you all know. But Alaska's very special needs have not been forgotten by her friends in the Congress.

The quest for these highway improvement moneys started many years ago, when the Honorable Howard Pollock was Alaska's only Representative in Congress. The late Nick Begich worked long and hard with Mr. BLATNICK, the Honorable Representative from Minnesota who chairs the House Committee on Public Works, to provide for badly needed highway improvement funds.

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The Honorable DON H. CLAUSEN, the gentleman from California, has also given Alaska his able assistance in committee meetings and on the floor. To these gentlemen and to others who have worked to help Alaska become a more equal partner in the Union go my thanks and the sincere appreciation of all Alaska.

They know that Alaska, a State 2½ times the size of Texas has only 7,500 miles of roads. They are aware, too, that Texas, by way of comparison, has 248,340 miles in its road systems. The distinguished Members who have helped include Alaska in this highway appropriation measure know that Rhode Island, a State smaller than Alaska's Malaspina Glacier, has 5,500 miles of roads, very nearly as many miles of highways and city streets as there are in all of Alaska.

Alaska, I may remind you, is one-fifth the size of the entire continental United States. In the 50 States and the District of Columbia, there are 3,758,942 miles of roads, highways, and city streets. If the Nation's roadways were built in proportion to the size of each State, Alaska's highway system would have to be expanded a hundredfold. For the present, this is obviously impossible. But before closing my remarks, I must point out that Nevada, a State with a population closest to Alaska's has a road system seven times the size of Alaska's.

Appropriations for the next 3 fiscal years—$20 million for each—will bring substantial improvement to Alaska's road system. And, the specific allocation that links the main body of the State and the panhandle region of southeast Alaska will enable Alaskans and all citizens who each year visit the Great Land in increasing numbers to make their journeys more safely and with greater convenience.

## A SYMBOLIC VOTE

### HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ARMSTRONG. Mr. Speaker, today's vote on the highway trust fund amendment, an amendment to provide some additional funding for mass transit, posed the most difficult decision which I have faced on any legislation since coming to Congress. After weighing arguments presented during floor debate and studying the written reports on the proposed amendment, I voted against diverting money from the highway trust fund.

This was a difficult decision because I am for mass transit. This country needs environmentally and economically sound mass transit systems; this need is particularly acute in my home State, Colorado. But the amendment proposed today would not solve the problem. On the contrary, I am convinced the amendment would undermine both mass transit and highway programs.

Of course, today's vote was mostly symbolic. In its original form S. 502 already provides $3 billion in general fund money for mass transit. So permitting the diversion of a part of the $700 million in urban systems money would not have significant financial impact.

But it would undoubtedly foster the impression that mass transit funding problems are solved. And nothing could be further from the truth.

Since it is obvious there is not enough money in the highway fund now, or in the future, to finance both highways and mass transit, creating competition for highway user funds will divert attention from the real need—separate funding for transit on a realistic basis.

Some people believe the highway fund has a heavy surplus. But the National Transportation Report, submitted to Congress last year by the Department of Transportation, estimates $600 billion is required to meet highway needs between now and 1990. The highway trust fund will have income of less than half this amount. And the $5.4 billion balance expected in the trust fund at the end of this fiscal year is already $2.6 billion short of unpaid obligations.

Tying the future of mass transit to an already depleted highway fund does not make sense. We must have responsible financing of mass transit on its own merits.

In this respect the legislation adopted by the House today is a constructive step. It provides $3 billion in new authorizations on the basis of an 80–20 matching formula, an improvement over the previous 2–1 formula.

A new degree of local flexibility permitting a city to substitute all or a part of its urban highway money for mass transit investments—either fixed rail or rolling stock for rail or bus operations—is also included. This will be made available in advance obligational authority against general revenues. The $700 million earmarked for urban highways will be available for such optional use.

Furthermore, existing legislation permits the use of any interstate, primary, secondary or urban money wherever the needs exist for construction of preferential bus lanes, fringe parking facilities and so on.

I should also point out that this legislation extends the Nation's program for highway construction by providing an additional $3.5 billion for completion of the Interstate System; $1.1 billion per year for urban roads; $1.1 billion a year for primary and secondary work in rural areas; and lesser amounts for other purposes. This highway construction program is the greatest single public works project in the history of our country and it is worthwhile to note that the Interstate Highway System is the only pay-as-you-go project of large magnitude which the Federal Government has undertaken.

All in all, Mr. Speaker, this is a good bill. But I deeply regret the symbolic overtones of today's House action. Many Americans will interpret today's action as being antimass transit and it is for this reason that I wished to explain my reasons for opposing the amendment and to reaffirm my own support for mass transit systems which are so urgently needed.

## MINNESOTA'S WCCO: SQUARESVILLE-ON-THE-AIR?

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. NELSEN. Mr. Speaker, this morning's issue of the Wall Street Journal features a delightful front-page article on a friend known to nearly everybody in Minnesota, radio station WCCO. Of course, some faithful listeners may be a bit surprised to find WCCO described as squaresville-on-the-air. But on the other hand, maybe that is why this popular station is one of the most successful in the entire country.

Since Morgan Mundane, "sports editor" of the CONGRESSIONAL RECORD seems to be covering a wrestling match between President and Congress at the moment, I am pleased to substitute for him by inserting the WCCO story in the RECORD:

"JUST FOLKS" RADIO: WCCO STILL SOUNDS AS IT DID IN THE 1940'S, BUT MINNESOTANS LISTEN

(By M. Howard Gelfand)

MINNEAPOLIS.—Listen to WCCO radio:

At the crack of dawn, Maynard Speece tells folks about the price of frozen pork bellies. Later in the morning, Howard Viken plays a Patti Page ballad for his listeners. During the afternoon, Steve Cannon makes the city's worst sports prognostications. At night, Ray Christensen tells a quiz show contestant "Gee, it was fun talking about your farm."

Without listening any further, you should begin to understand why a local newspaper columnist labels WCCO radio "squaresville-on-the-air." What you may have a bit more trouble understanding is that Maynard and Howard and Steve and Ray and their associates dominate their listening area like no other metropolitan radio station in the country.

Most big-city radio stations are thrilled to muster a tenth of their area's listening audience. Only a handful of them can claim a share of audience greater than 20%. But Maynard and Howard and Steve and Ray, et al., regularly command 30% to 40% of the Minneapolis-St. Paul radio audience (depending on which figures you use).

All those listeners don't hear the strident jukebox sounds of "top-40" rock music; nor do they hear all-news or all-talk or all-"easy listening" music or any of the other round-the-clock formats that have dominated radio in the years since television first reared its head. Instead, WCCO offers a little music, a little sports, a good deal of news, a resolute avoidance of anything controversial, and an endless stream of light chatter about home, farm, family and anything else that Maynard and Howard and Steve and Ray find interesting.

A MODEL—OF THE 1940'S

That sounds like a standard radio format for the 1940s, and it is. In fact, other than the demise of a couple of soap operas, the only difference between the WCCO of 1953 and the WCCO of 1973 is that in those days, WCCO was fighting for dominance of the Twin Cities radio market; these days, WCCO *is* the Twin Cities radio market.

WCCO radio (there's a sister television station) acquired that dominance by flatly refusing to change with the times during the mid-1950s. A good many broadcasters decided then to focus their energies on TV; many also converted their radio operations to, in effect, free jukeboxes that occasionally tell time, temperature and a few headlines. One WCCO rival, KSTP, maintained a talk-and-music format but shifted much of its radio talent to KSTP–TV, and it has gradually seen its share of the audience slip to 3% from 26% two decades ago. Currently, two rock-music stations vie for second place in the 20-station market with about 10% of the Twin Cities audience apiece.

As a result, WCCO "is one of the last radio stations in the country to appeal to a wide range of audience," says Leonard Bart, professor of broadcasting at the University of Minnesota. "It's a model of how to run a successful radio station—in the 1940s. But somehow they've been able to sustain their appeal, largely because their 'we're-just-like-you' approach is so much a part of their market."

Standing pat was a gamble. "We lost money in those years (in the early 1950s), but we knew we could hang on," says Lawrence Haeg, president of Midwest Radio-Television Inc., which owns WCCO. "Other stations were cutting their advertising rates, but we said 'by God, these are our rates, and this is what you'll pay'."

WCCO is still saying just that (station manager Phil Lewis is fond of referring to "the novelty of television"), and advertisers pay. It's estimated that last year's pretax profit was more than $3 million, or over 40% of WCCO's $7 million in revenue, a staggering performance in an industry where a 20% profit margin is considered exceptional. (The profits remain in the Twin Cities. Midwest Radio-Television Inc. is controlled, through some rather complex corporate geneology, by Minneapolis Star & Tribune Co. and by the Ridder family, which also controls a nationwide string of newspapers, including those in St. Paul.)

A BELLYDANCER AND DAVID HALBERSTAM

One reason for that prosperity is purely technical. For civil defense reasons, the federal government in 1932 designated WCCO and 11 other stations as "clear-channel" stations, meaning that after sundown no other stations can share their frequencies. During the day, WCCO's 50,000-watt signal booms out to all of Minnesota plus large chunks of Wisconsin, Iowa and the Dakotas. At night, the same signal carries as far as Ohio to the East and Texas to the South.

But all that signal does, of course, is transmit the sounds of WCCO, sounds like the 10:30 show done each morning by Charlie Boone and Roger Erickson, who are probably the station's best-known announcers. The two of them go light on the music—in 90 minutes they may play no more than four records—and heavy on the interviews, with guests ranging from a bellydancer to touring authors like David Halberstam, who called the show one of the best he'd been on.

Messrs. Boone and Erickson also do skits they concoct themselves, such as their tongue-in-cheek campaign to save the skeet, which they claimed was an endangered species nearing extinction. (Indeed it is—skeet shooting consists of blasting clay targets out of the air with a shotgun.) And they toss around humor of a sort.

Roger: "Hey, have ya seen those pictures from 'Last Tango in Paris'?"

Charlie: "If that's what goes on in Paris, now I know why it took them so long to sign a peace treaty." Or, perhaps:

Charlie: "Say, women's lib keeps saying it's time women take things into their own hands."

Roger: "You mean, like a mop?"

Charlie: "No, that's not what they have in mind."

Then, as often as not, comes a commercial, to which Roger and Charlie transfer their energies with such enthusiasm that they'll often run 15 or 20 seconds over on a one-minute commercial. Advertisers, who pay $85 to $105 a minute for the privilege, don't object.



Jack Miller, editor of the North Country Anvil, a local review, recently offered Messrs. Boone and Erickson this faintly sarcastic praise: "Perhaps the greatest thing about B&E is that they *never* get controversial. They tell you so, too. . . . They don't invite any fringe nuts that are going to say something upsetting on the air. And even with the middle-of-the-road guests they have, B&E are always diligent about seeing that the discussion is kept light and fluffy—in a word, optimistic. And isn't that what we need, when the world is in such a depressing state?"

Charlie Boone thinks so. "We don't like to make people uncomfortable," he says. "It was frustrating for us during the Vietnam war. We had to be objective, and it was difficult for us to remain silent. We had to keep light and fun because people needed that." But occasionally an edge shows through, as when, playing a pompous Senator, he declared, "I don't mind the Defense Department spending $81 billion on bombs, missiles and bullets—as long as it's spent constructively."

The voices and the programs change as the day rolls on, but the mood remains the same. Mr. Cannon's afternoon "drive-time" show features such characters (played by Mr. Cannon) as Morgan Mundane, "sports editor of the Congressional Record," whose prognostications are invariably wrong.

Mr. Christensen's 9 p.m. quiz show is entitled "Honest-to-Goodness" and contestants really do win cash prizes of $8.30 for answering questions like "What was the original name of the comic strip 'Popeye'?" (answer: "Thimble Theater"). Mostly, though, Mr. Christensen and co-host Steve Edstrom just chat with contestants about their families, jobs and farms.

"WE LIKE IT HERE"

Talky shows like these take years to build audiences, but then station manager Lewis can't recall an announcer quitting for another job in years, Messrs. Boone and Erickson have 14 years each at WCCO, making them relative newcomers alongside Maynard Speece and Howard Viken, who have 20 and 23 years in, respectively.

"We've all had many offers, but we like it here, and it would take more than money to make us move," says Charlie Boone. Not that Mr. Boone is starving. He's reported to earn about $60,000 a year, while Mr. Viken, who presides over the morning "drive-time," pulls down an estimated $100,000 a year.

Lacing all the chitchat together is a quite substantial amount of local news and information—almost 4½ hours daily, not counting the hourly "feed" of national headlines from the CBS radio network, with which WCCO is affiliated. Local residents clearly rely on WCCO to be their news bulletin board. When the station announced at 4:45 one morning that Honeywell Inc. didn't want the first shift at local plant to report because of a power failure, some 90% of the 1,300 employes got the word.

Though WCCO news has won a variety of awards over the years, there are those who think its quality isn't terribly exciting. Paul Gruchow, who heads the news department at KSJN radio, a local noncommercial station, says, "Among commercial operations, WCCO makes a more serious effort than anyone else, but a great deal of what they do is simply a shortened version of the Minneapolis Tribune. It seems to me that their news operation constitutes a minimum response to an obligation that can be fairly placed upon them as the richest station around."

PLAY-BY-PLAY OF A TORNADO

Nonetheless, and possibly because of the size of its audience, WCCO does make news. Secretary of Agriculture Earl Butz, for example, made his first public defense of the cutback in federal aid to farmers on a recent WCCO call-in show.

During a call-in show in 1964, Sen. Hubert Humphrey was talking to Roger Erickson from the Democratic National Convention when the CBS network broke in with a bulletin—President Johnson wanted the Minnesota Senator as a running-mate and was trying to get a call through to him. "A man could miss the train," Sen. Humphrey remarked as he hung up the telephone.

If there's a news area in which WCCO excels, it's the weather. On summer nights when there are tornado warnings, a tour of the Twin Cities would reveal thousands of people standing on their porches, staring at the sky, the sound of WCCO coming from their living rooms. The station has tracked tornados for so long that for many listeners, calling WCCO is a reflex action when they spy a twister. As a result, the station often outdoes the Weather Service at tracing tornados.

"I'll always recall the May 1965 tornado that killed 14 persons in Fridley (a suburb)," says former WCCO promotion manager Rob Brown. "We did an actual play-by-play of that thing. It was the most exciting, rewarding thing I've ever done." It also won Peabody and duPont awards for the station.

Tornadoes are serious business in Minnesota, and WCCO has been persuaded to use its nerve-shattering klaxon horn only when a tornado is actually sighted, not every time there's a "tornado watch" (conditions in which a tornado could develop). Critics charged overuse of the klaxon was a scare tactic that didn't exactly reduce the station's audience.

But then WCCO has never been particularly bashful about blowing its own horn. When rival WDGY, a rock station, made a splash in 1957 with lucrative contests and cash giveaways, Mr. Haeg countered with "Big Bill Cash," a mythical figure who gave up to $5,000 to listeners who answered their phone with a designated phrase announced on WCCO. WDGY retorted by announcing WCCO's phrase on its own programs, so WCCO began selecting such self-serving aphorisms as "WCCO, your good neighbor to the northwest." WDGY eventually surrendered.

If the winds of change are blowing at WCCO, they're not blowing very hard. The advertising department recently dropped its ban on ads for hemorrhoid remedies, "but we still won't play the commercials during the dinner hour," says Clayton Kaufman, WCCO's national advertising director. Music director Dennis Long, at 29 the youngest member of the announcing staff, manages to slip a few Beatles and James Taylor tunes in among the Lawrence Welk and Ferrante and Teicher standards, but he acknowledges that "the music is secondary" to the station's conversational fare.

The reason change comes slowly, if at all, is simple enough. "Just look at this antiquated equipment. Some of this stuff is as old as the station itself (50 years)," growls the normally affable Howard Viken as he points to the control board in his announcing booth. Then he explains that when he and other announcers have tried to persuade management to modernize, the answer is always the same—"If it works, leave it alone."

## LOOK TO THE CROSS

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, as we approach the season when we observe the celebration of the risen Christ, I would like to offer to my col-

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leagues in this House a few words of poetic inspiration by a valued constituent, Mrs. Georgianna Childs Mello of Jersey City, N.J. Mrs. Mello is a dear friend of mine of many years standing and I think her words will be of value to all who read this RECORD.

Her poem follows:

LOOK TO THE CROSS

(By Georgianna Childs Mello)

A Cross stands high on a hill in Calvary
Symbol of strength . . . courage . . . misery,
How His heart must yearn for those
Who know not what His eyes discern
For the young and old who have ignored Him;
Sometimes I wonder as I sit and ponder
The wrongs we have done, His mysteries we flounder,
I wonder what He thinks, as He looks down from Calvary
I wonder what He would say, of all this blood and thunder.
Nearer each day His coming seems nearer,
Nearer, oh nearer, each day my God; nearer oh nearer,
Let us not forget His teaching, and stop this reaching
For the moon, the stars, the sun.
But rather reach for the things He taught;
A different world would we see, as we Look to the Cross on Calvary.

## CONGRESSMAN DOMINICK V. DANIELS SAYS "ISRAEL MUST CONTINUE TO EXIST"

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, as part of the celebration of the 25th anniversary of Israel, Arnold Forster, general counsel of the Anti-Defamation League of B'nai B'rith interviewed Prime Minister Golda Meir and Mr. Abba Eban, the Foreign Minister of Israel. The interviews are so significant that I urge all Members of this House and all Americans who read the RECORD to pause for a few minutes to listen to the voices of two of the most respected leaders of this plucky little nation which in a short quarter century has taught the world so much.

Mr. Speaker, the qualities of the small Jewish state are those that all people who love liberty should emulate. Alone in a hostile world, Israel has by the bravery of her people managed to remain viable as a nation. Yet, through a quarter century of war and near war she has kept her democratic traditions alive.

I urge all Members of this House to ponder on our historic commitment to the only democratic nation in the troubled Middle East. Israel must continue to exist and this nation must not renege on our commitment.

The interviews follow:

CONVERSATION WITH GOLDA MEIR

"I believed that when there would be a Jewish state, anti-Semitism would disappear. To my sorrow, that didn't happen."

FORSTER. What does the existence of Israel mean for Jews in other countries?

MEIR. It has made them more conscious of their Jewishness, which is not in contradiction to their being good citizens or loyal to the countries in which they live. But they are Jews, and there's a connection in history and culture and religion. Maybe some of them have never known too much about Jewish history and Jewish past. Israel has awakened in them a desire to know more about themselves, as Jews.

FORSTER. Israel is a small country, with limited resources. Why is it committed to the burden of unlimited immigration?

MEIR. Because that's what this is all about. We haven't created something for a number of Jews that happened to be here at a given time. When the estate was established, we were only about 650,000 Jews. It would have been absolutely ridiculous if we would have thought that for that number of Jews we needed a state.

FORSTER. Can you see a limitation on the number of Jews in Israel?

MEIR. Never, never.

FORSTER. Do you regard Israel as having a special role among nations?

MEIR. No, I don't think that we have to be something for the nations of the world. We have to be a Jewish state. When I say a Jewish state, I don't mean that no others can live among us, God forbid. We have a minority of non-Jews now of about 13, 14%, and always room for people who are not Jewish. But when I say a Jewish state, I mean that this is where Jewish culture, the Hebrew language, the principals of Judaism are carried out and implemented. For ourselves, I would want this to be a model state that would have an informed society, justice, and not too great differences between various groups in society. I would like a society where each one really has equal opportunity, where those that come to us from societies in which they have been held back be given greater opportunities in order to reach a certain cultural or educational level. I would like a society where it's good to live for everybody—not because we want to be a model for other countries but for ourselves.

FORSTER. Has Israel's presence for a quarter of a century changed anti-Semitism anywhere in the world?

MEIR. This is probably my greatest disappointment. I believed that when there would be a Jewish state, anti-Semitism would automatically disappear. To my sorrow, that didn't happen. There is anti-Semitism in the world—in some places, very evident and very brutal, in other places, less. Anti-Semitism did not disappear.

FORSTER. It's made no fundamental difference in the feelings of Christians toward Jews?

MEIR. That I wouldn't say. For instance, when I was Minister of Foreign Affairs back in '57, a foreign minister said to me, look, I don't understand, Jews were never known as outstanding farmers, or as soldiers. This was after the Sinai Campaign. He asked me, what happened to you people? He said in his country a team of farmers from Israel have done wonderful things for his people. And now, he said, you have won this war, in several hours practically. You've done something which is held up as an example of what your army is. I said, yes, it's because wherever we were, we had no natural roots. We grew and sometimes hoped that we contributed something wherever we were. You can take a plant out of its natural environment and replant it somewhere else. It will grow, maybe even give fruit, but it will not be the same as where it came from. Go back to the country which grows this plant naturally, with full roots and accustomed to the climate, and it develops differently. This is what happened to us, coming back to our land. Once upon a time we were farmers. We go back to the soil and we become good at it again.

FORSTER. Do you see a major challenge in the character of the Israeli people over the 25 years of Israel's existence?

MEIR. It isn't correct to begin our existence here from the 14th of May, 1948. There were always Jews here. Throughout the 2,000 years since our dispersion, this country was never entirely free of Jews. On November 29, 1947, the United Nations declared that there should be a Jewish state. They would never have declared it if all the elements of a state had not already been created. The basis, the foundation, was created for many, many decades. The United Nations decided on the fact that the foundation was already here and because the second war highlighted what happens to a people who have no place in the world to which they can come. I'm convinced, for instance, that during the Holocaust, during the Nazi regime, if there had been a Jewish state at that time—I don't say that we could have saved all of the six million Jews, but there's no doubt whatsoever in my mind that many of them would have been saved. In the darkest, darkest hours of that period, we were dependent upon the number of certificates that we got from another power as to how many Jews we could bring into the country. If the doors of Israel had been open, as they are today, many of those that are not here any more would have been alive. Many of those children that were sent to the gas chambers would have been alive. We would have brought them here.

FORSTER. Now there is an Israel and Soviet Jewry is in trouble . . .

MEIR. Here is a very concrete example of what having a Jewish state means to a Jew. There are three million, four million Jews in Russia, nobody really knows. Many of them, don't forget, are the second and third generation of Jews after the Bolshevik revolution. For decades, these Jews were cut off from contact with any other Jewish groups. Study of Hebrew is prohibited, it's a crime. Zionism is a crime. Jews are supposed to become non-Jews as far as the religion is concerned, as far as their history is concerned. But their identity cards say who is a Jew. This is the situation of Jews in the Soviet Union. They're not to develop anything of their Jewishness, but as far as their government is concerned they're Jews. So in that kind of atmosphere, in that double kind of existence, they would go on living until I don't know what would have happened to them. With the establishment of the Jewish state, those that remembered their Jewishness, and those that knew very little of it, all of a sudden became conscious that they're Jews and that they're not entirely dependent, that their fate is not decided only and entirely by the Soviet Union. There is a Jewish state with which they can identify themselves, to which they can go and be equal in every way and end this schizophrenia. What's happening now in the Soviet Union is something that nobody has really yet grasped. Young people, some of them really didn't know they were Jews anymore because their parents tried to hide it from them to maybe make their lives easier for them, all of a sudden have come aware of their Jewishness. The heroism with which they fight, not against the regime, but for the right to come and be themselves in a Jewish state! They couldn't struggle to go to Canada, or to go to France, because that would mean that they wanted a different regime. But when they struggle to come to Israel, it's not because they're against the Bolshevik regime, the communist regime; they are struggling for their self-identity and their self-expression as Jews. This is the only place that they can come to this self-expression. And what about Jews that are in Arab countries, in Moslem countries? Most of them have come here, hundreds of thousands of them. Those that are left, discriminated against, treated brutally, the only reason that they can go on and not give up is because there is an Israel to which they hope to come eventually.

FORSTER. What will happen in the next 25 years?

MEIR. There's no limit to my dreams because nobody will say to me, ah, 25 years ago you said this will happen but it didn't. I just won't be here. I hope one thing first—that there will be no problems of security for Israel; that we will live in peace with our neighbors, or, rather, that our neighbors will live in peace with us. Not merely formal peace treaties, but that this will be really a region of cooperation between the countries with great development to which Israel can contribute, and is anxious to contribute. I hope there will be millions of Jews here, with a fine, decent society, a good culture. I hope we will live not only in an area and region of peace, but in a world that knows no more wars.

FORSTER. And then, what will Israel's final destiny be?

MEIR. Millions of Jews participating in all the good things that all decent nations of the world participate in. I'm convinced that 25 years from now wars will be something of the past; there will be more cooperation among peoples of the world. The scientific developments will go on and bring people closer together. There will be more a community of nations, not with anybody foregoing a specific identity, but with people growing closer together. I hope that the disparity between nations in the world, of the haves and have-nots, will disappear, that there will be more equality among not only individuals in each society, but more equality and more cooperation between peoples of the world.

CONVERSATION WITH ABBA EBAN

"The Arab states are the only states in the world which refuse to come into dialogue with their adversary."

FORSTER. Your Excellency, your assignment for almost 25 years has been to interpret Israel to the world. Are you a frustrated man as a result?

EBAN. No. I'm very much a fulfilled man. I don't believe that any of the predictions or appraisals that I have made have been substantively discredited by history. The value of Israel's 25th anniversary is that it enables us to take a panoramic look at our achievements. I think an Israeli can get a genuine and justified surge of pride. First of all, the feat of survival against the very strong forces raised up against us from the earliest days until now. Beyond survival, there are two greater accomplishments: the degree of our integration into the international family against heavy challenge; the economic, social and cultural growth, which, with all occasional setbacks, is without any precedent. Take our exports then and our exports now, our gross product then, and now, our educational enterprise in those days and in these, the total resources that the nation creates year by year, and, of course, the fantastic growth of population, for which there is no parallel in the history of political institutions—you get a spectacle of vitality and growth, which does not have precedent.

FORSTER. What was your motivation in coming here?

EBAN. I arrived in Israel before it was Israel, in 1941. My motivation was the same as that which has brought millions of Jews—the sense of being a part of Jewish history, the feeling that history has dealt with the Jewish people in a special way and that our main vocation must be to give new life and identity and a new birth of freedom to the Jewish people. This sense of duty and vocation was extremely reinforced by the spiritual and moral experience of the Holocaust.

FORSTER. Must Israel be a Jewish state?

EBAN. It has no meaning otherwise. After all, what was our purpose? We saw a new world society arising at the end of the second world war. The central theme was the self-determination of peoples. Every nation was about to realize its own identity and to develop its culture within the shelter of free institutions, except the one nation that had suffered the most, the absence of a home and a shelter for its body and its spirit. This was a very serious danger in 1945. The greatest victim of history was going to stand as if it were in the corridors and not be given the chance of expressing itself in free social and cultural institutions.

FORSTER. After 25 years of a Jewish state, can you say what the impact of Israel is on anti-Semitism in the non-Jewish world?

EBAN. Anti-Semitism is a disease of the Gentile mind. I, therefore, don't think it's very much affected by what Jews do or do not do. It is an index of the moral health of non-Jews; the virtues or defects of Jews have very little effect upon it. But, it has given Jews, themselves, the power to transcend and to resist anti-Semitism by giving triumphant expression to their own resilience. If anti-Semites were interested in a refutation of their prejudices, which, of course, most of them are not, they would see here an answer to the great questions: Is the Jewish people constructive, can it create? Does it have its own stature? Is it able to make sacrifices? Does it represent deep human values? Does its glorious past represent a memory or does it have effect and influence on the present? All of these are no longer questions to be answered hypothetically, or in terms of abstract argument. Israel is an answer. I think many peoples, especially small, struggling peoples and deprived communities within societies, can draw courage from the saga of Jewish recuperation.

FORSTER. Has Israel changed Jewish attitudes toward Christians?

EBAN. We face the non-Jewish world in a more normal posture, no longer in a constant posture of supplication, no longer nervous about the reaction of others. The central fact of Jewish history, until Israel's establishment, was passivity. Jewish history consisted of what Jews endured, suffered, surmounted, resisted, not of what Jews did and created. Now, and hence forward, within a territory, however small, Jewish decisions move armies, raise taxes, receive kinsmen, reanimate a culture, and compel the reaction of others near and far. Our history has entered a phase of autonomy. Now, in the relationship between Jews and non-Jews there is equality.

FORSTER. Is Israel subject to the will of the great powers?

EBAN. I think we've proved, perhaps more than any other small nation, that the great powers do not dictate the course of historic evolution. At nearly every stage of its destiny, Israel has found one or another of the powers to be in its way, and has always managed to surmount that obstacle. Israel, of course, is not independent of world opinion, we have needed international support. I think we've been more successful than any other nation in obtaining it. But whenever our own security and survival and identity have been at issue, we have not hesitated to take lonely decisions. We were born out of a lonely decision.

FORSTER. How do you evaluate the American role since the creation of Israel?

EBAN. The American-Israel partnership has been unusual and moving. Moving, first of all, because of the enormous disparity between the size of the partners. Despite that disparity, there has been a very strange atmosphere of equality in that relationship. The United States has been the crucial and formative influence at every stage. The period since 1970 has been especially creative and fruitful because of the necessity for an indigenous balance of power in the Middle East. It has enabled Israel to look after itself and defend a common interest without making any claims upon American sacrifice, or even any contingent claim upon American manpower. This independent vitality has been appreciated by the people, the Congress, the President, and has resulted in the strengthening of Israel within the framework of a common policy for maintaining the international equilibrium in the Middle East. Another moving part of the partnership is that it has never been a source of internal discord, either in the United States or in Israel. It has been based upon an American national consensus and the intergovernmental relationship has been enriched on both sides by an active and conscious public opinion.

FORSTER. I take it you would not sum up the United Nations role in the same flattering terms.

EBAN. There was a time when the United Nations' role mattered very much. Now our membership in the United Nations is far more important than any single resolution of the United Nations, because our membership is the identity certificate of a state. The struggle in 1947, 1948 and 9, was between Israel and five Arab states. Israel is still one Israel, but the five Arab states have become 18. The seven or eight Moslem countries have become about 15. The Soviet bloc has come from five to 12. Our starting point is statistically so impossible that we're caught up in a parliamentary deadlock. If we had 19 Israeli states and 12 Jewish states, we would do very well in the U.N. Its resolutions really reflect the power of balance; they don't reflect conscience.

FORSTER. What must the Israelis and the Arabs overcome to achieve peace?

EBAN. What the Arabs have to overcome is their taboo and their complex about negotiation. There isn't peace because there has not been negotiation. Within the last two or three years all other nations have overcome the complexes, the inhibitions, the taboos, which prevented them from having a dialogue with their adversary. The Arab states are the only states in the world which refuse to come into dialogue with their adversary. They are swimming against all the currents in modern international life. They say because we have a conflict with Israel we'll not talk with her. We say because you have a conflict with us, therefore you must talk with us. What Israelis have to overcome is chiefly a scepticism born of 25 years of longing for peace and the danger of believing it might be a hopeless dream.

FORSTER. With President Nasser gone, is there an Arab leader strong enough to take the Arab nations from their present hostilities to peace with Israel?

EBAN. Whether Nasser was strong enough or not, he didn't take the Arab states from hostility to peace with Israel. He didn't have the moral strength to do it, even if he had the objective strength. I think that Arab leaders will have to understand soon that peace is what their people want, and, therefore, it isn't an act of political revolt or political courage to realize it. I think it's an illusion to believe that the Arab peoples want militants and war and hostility—therefore, a leader who keeps his ear to the ground will respond to the militant and hostile elements in Arab life. We have proven this by coming into contact with an Arab community that was regarded as the most hostile and immoderate of all Arab communities, mainly the Palestine Arabs. And we find that the million Arabs living with us west of the Jordan are convinced of the futility of war and understand that they are its constant victims. They have little to do with the alleged Palestinian leaders, the dogmatists in Beirut and European capitals who think in terms of bombs and hand grenades. So I think that Arab leadership will wake up to the idea that the Arab leader who makes peace with Israel will go down in history for his statesmanship and his enlightenment and will not be cursed as a traitor.

FORSTER. What is your concept of a proper Mideast peace?



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EBAN. A Middle Eastern peace must proceed from the initiative and the agreement of Middle Eastern peoples. If we write and build peace together, that is a real assurance that it will be kept. There must be substantive alteration of fragile armistice lines in order to prevent future war. After all, those who built the peace and security system in Europe didn't put Danzig in the Polish Corridor and the old Czech frontier where it was before. The way to make peace is not to reconstruct the conditions that led to the war. Nevertheless, we don't envision the annexation of large Arab populations. I believe that there would be a territorial compromise and while the Arab states would not get back everything, they could get back a very great deal. Once the boundaries were determined, my vision is of something that goes beyond peace, into what I have called a Middle Eastern community, something like the European community, combining separate sovereignty with a high degree of social and economic integration. We should have open boundaries. There are precedents in the Moslem world for political separatism in order to express cultural identity and juridical authority. But this does not mean that we must be hermetically sealed off from each other. I think there should be a flow of trade and of human commerce across our boundaries.

FORSTER. Looking back at this time of stocktaking, any regrets?

EBAN. Our central disappointment is the absence of peace, and to this we must address ourselves as we enter the second half of our first jubilee.

## ANOTHER OEO COSTLY MISTAKE—WINE FIASCO OFFERS VALUABLE LESSON

### HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. DICKINSON. Mr. Speaker, one of the less successful OEO programs occurred in Atoka County, Okla. It all began when a naive bureaucrat decided that anyone could produce wine. Therefore, by emphasizing typical bureaucratic methods, OEO spent a total of $62,000 for planning studies, land, salaries, and grapevines and placed six poverty families on the land.

The program did not become very popular because few of the supervisors had ever grown grapes before. The rocky soil, the long hours, and the hard work in the hot sun proved to be insurmountable difficulties. The poor people did not stay around very long. Funds became exhausted and no grapes ever appeared.

According to OEO officials, the program failed because more Government funds were not available.

In truth, however, the program failed because it was ill-conceived, poorly planned, and essentially unworkable, yet very typical of many of OEO's projects.

I include the following editorials from the Perryton Herald and the Tulsa Tribune in the RECORD:

[From the Perryton (Tex.) Herald, Feb. 25, 1973]

SOURED GRAPES

The demise of the Office of Economic Opportunity is deplored loudly in some quarters, primarily by bureaucrats in that agency who are now losing their soft jobs.

But the OEO will not be missed, except with a feeling of relief, by the American taxpayer.

It is a classic example of what President Nixon has described as "throwing money at problems."

In Oklahoma, the OEO had a gradiose scheme to relocate poor people on some rocky hillsides in that state, with the promise that they would become self supporting farmers by planting grapevines and havesting the grapes.

Nobody in the agency checked on grape growing very thoroughly or they would have learned that grapevines grow slowly and that it takes a lot of grapes to make a living once they bear fruit.

The project, designed to lift thousands of people out of poverty by setting them on tiny acreages of hardscrabble land in Atoka county, never did get going. For one thing, the first settlers on the grape orchards quickly tired of the hard manual labor required to set up a vineyard.

Although a lot of people visited the site and took advantage of free transportation and meals while getting started, when the work began in earnest, the settlers left in droves.

When the project finally died, only three families were left.

Yet, with typical bureaucratic arrogance, OEO officials maintain there was nothing wrong with the grape growing project. They merely ran out of money before if got established, they said, and their cure for it was to get more government appropriations.

What we need is the pruning shears applied to more boondoggle projects as well as grapes.

[From the Tulsa Tribune, Feb. 21, 1973]

A DOLLAR A GRAPE

The OEO's aborted Atoka County vineyard program will prove to be a good investment if it gets across to a number of citizens what lousy investments some of these much-heralded government uplift schemes can be.

Robert White, new OEO director for Oklahoma, blames the end of this turkey on President Nixon's abolishment of the OEO. It should never have been hatched.

The scheme, you recall, was to settle poor people on lands deemed suitable for grapes. As a modest starter, the OEO spent $24,000 for salaries of planners and supervisors, $28,000 for land and $10,000 for grapevines. At the peak, six families were at the vineyard site. At the closeout this week there were three left.

Maybe wine grapes will grow in Oklahoma. We have hot summers and cool winters which some vines like. Vines can thrive on very sorry land, and we've got some of that, too. But to plunge people who haven't been able to make the grade at anything else into an agricultural experiment of the highest delicacy was a little fantastic.

The fact that the first year's salaries for supervision nearly equalled the cost of the land and more than doubled the cost of the vines tells a lot about what is wrong with many "poverty programs." The bureaucracy is likely to do a lot better than the poor.

But this dollar-a-grape fiasco (really, there weren't any grapes) might intrigue Oklahomans into some intelligent experimentation. Wine is a red hot item right now, what with college students going ape over it, and if Oklahoma has prospects this is the time to test them.

There is no reason why OSU couldn't retain 10 acres of the Atoka plot for experimentation with a number of varieties of grapes. Five years after the vines begin producing there would be some basis for judging quantity and quality. After that, enterprising people who are willing to do the very tough work of cultivating, pruning and hunting for pickers might have a run at it and we could gradually develop a wine industry.

Arkansas produces wines, most of them, alas, of tank car quality and heavily laced with alcohol for the wino trade. But how do we know the Chateau d'Atoka might not be surprisingly drinkable?

In the meantime, we'll have to look around for some other way to help the poor without requiring them to be instant experts under well-paid supervisors who don't know from nawthin'.

## SUPPORT FOR REVISION OF TITLE I, ESEA

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. QUIE. Mr. Speaker, I am continuing to receive reactions from educators across the United States to my bill H.R. 5163, the Educationally Disadvantaged Children's Act of 1973. The responses to this bill, which would amend and extend title I of the Elementary and Secondary Education Act, have been gratifying. Professionals working in the field have indicated clearly that distributing title I money on the basis of educational need would be of great benefit to the children of our country.

I am again reproducing several statements which I have recently received and which I think will be of interest to all Members:

Gregory R. Anrig, commissioner of education, State of Massachusetts, March 21, 1973:

Your proposed legislation has much to commend it. I certainly agree that it is undesirable to label all poor children as educationally deprived; individual assessment of educational needs is an intelligent approach to remediation; and the involvement of parents is, I believe, vital in establishing meaningful goals.

Dr. A. Edward Blackhurst, director, Regional Special Education Instructional Materials Center, University of Kentucky, Lexington, Ky., April 5, 1973:

Recently, I have had the opportunity to review H.R. 5163, which you introduced to the House of Representatives on March 5. As a professional special educator, I am vitally interested in legislation that is designed to improve the quality of education for handicapped children. Therefore, I would like to provide you with my reaction to your Bill.

The bill has a number of innovative provisions to commend it. Eligibility requirements are based upon deficits in learning as opposed to deficits in the educational system. This will enable local and state administrators to focus directly on the child and modify the systems to meet the unique needs of each child. Not only will this do much to improve individualization of instruction, it will also provide for greater accountability in terms of child progress (as opposed to simply collecting data on such things as number of children served). In addition, the bill provides for an emphasis on making services available to those who are in greatest need. . . .

You are to be commended for your continued interest and support of legislation for handicapped children. Such efforts are certainly needed and appreciated by all of us who are concerned with improving the quality of education for all children.

Herbert J. Prehm, chairman, Department of Special Education, University of Oregon, Eugene, Oreg., April 10, 1973:



As you note in your address to the Congress, your bill is innovative and contains important changes in practice. I strongly support the use of criterion-referenced testing to determine educational need. As you are well aware, the use of educationally relevant performance data to determine who should receive supplementary educational services would constitute a major breakthrough in education. Your perceptions that your approach would significantly increase the probability that those children who need the service will get it is, I believe, correct. Your approach is much better, in my mind, than the use of outdated census and income data.

I also concur with your intent to involve the parents of children served. In addition to providing the student with extra assistance, this feature should improve school-home understanding and cooperation. The involvement of the schools, parents, and child in the development of an educational plan is important.

Your bill would benefit *all* children who are in need of educational assistance without regard for the reason for the need. This concept, which I believe expresses each child's right to an appropriate education, benefits both normal and handicapped children. Your concept is important, in need of affirmation by Congress, and has my hearty support.

In summary, I support this important piece of legislation. It is, in my opinion, well thought out, logical, documented, and of potentially significant impact. If I can be of any further assistance, do not hesitate to call upon me.

Duane Christensen, director, special education, Bemidji Regional Interdistrict Council, Bemidji, Minn., April 6, 1973:

We are writing you in regard to the introduced bill H.R. 5163, which would amend Title I funding to be given to help the educationally handicapped. We have read your report of March 6, 1973, to the House of Representatives. You gave a fine report which was certainly to the point. There are many things we agree with. We agree there needs to be a change in the distribution of Federal monies. We agree there needs to be a change in the distribution of Federal monies. We agree that we can no longer use low income as an indicator of educational need. We agree that some type of criterion-referenced test would indicate better an educational need and identify those students who need help.

Kathryn M. Brewer, SLBP resource teacher, Gatewood Elementary School, Hopkins, Minn.:

I wholeheartedly support your proposal to distribute Title I funds on the basis of need instead of income.

At the present time, the Special Learning and Behavior Problems program in the Hopkins Public Schools receives Title I, state, and local monies. Only six of our eight elementary schools have qualified for Title I monies on the basis of current regulations. As an SLBP resource teacher in the district, I am aware of the disparity between income and learning disabilities. This funding situation has created an administrative nightmare in our district.

I am also concerned that Title I funds will lose their categorical designation. For me, this presents the possibility that there will be a cutback or termination of SLBP funding.

I have a great personal investment in the program, the children I service, the parents, classroom teachers, and my support team. I cannot give it up.

I appreciate your efforts to see that funding for special education programs becomes more equitable.



Dr. H. A. Goodstein, associate professor of education, assistant director, arithmetic project for the mentally handicapped, the University of Connecticut, Storrs, Conn., April 6, 1973:

I am grateful for the opportunity to review H.R. 5163, the "Educationally Disadvantaged Children's Act of 1973." My general response is that this thoughtful piece of legislation represents an imaginative approach to the marshalling of federal resources toward the improvement of the educational process. I agree with your premise that the allocation of resources on the basis of census and AFDC data is discriminatory. Children who are educationally disadvantaged do not always carry the additional burden of poverty.

Further, I endorse the concept that resources can most profitably be employed to ameliorate deficiencies in the tool subjects of reading (more broadly defined as language arts) and mathematics. These two curriculum areas represent the tools necessary for economic competitiveness in our society. One of the primary responsibilities of our public schools must be to insure its graduates of an opportunity to be productive. Graduates of our schools (or dropouts) who fail to read or do mathematics at least 5th or 6th grade level will find employment opportunity severely restricted. A sixth grade level may appear at first glance to represent an inadequate baseline. I am not, however, referring to a "normative" 6th grade performance, which may not imply that a child can perform on the sixth grade curriculum; but, rather, to a "criterion-referenced performance."

As a special educator, I was especially pleased to see the inclusion of "handicapped" children within the scope of the bill. This is consistent with recent litigation which has resulted in the affirmation of the right of all children to a public education. Many states and districts are moving rapidly to "mainstream" many handicapped children in the elementary school. This bill will provide needed resources to these districts to assist in the educational accommodations necessary to provide for the educational progress of these children.

Cyril B. Busbee, State superintendent of education, State of South Carolina, April 2, 1973:

Your proposal to determine Title I allocations to States and districts on the basis of measured educational deprivation seems to have merit. Seemingly, if it is the intention of Congress to attack a National problem of educational deprivation with the intent of providing financial resources for that purpose, it would be reasonable to assume that a direct measure of educational deprivation should be considered. I am sure you would allow sufficient time for the development of the appropriate measuring devise to establish a point of deprivation.

In order not to dissipate the ultimate financial input, it would seem that criteria would have to be established in order to concentrate the new programs on the most educationally deprived students. Seemingly, an approach to attacking the problem of deprivation at its points of concentration would be necessary in order to be effective.

Robert B. Docking, Governor of Kansas, March 29, 1973:

Thank you for your letter of March 13, 1973, regarding your introduction of H.R. 5163 to amend Title I of the Elementary and Secondary Education Act of 1965.

The material you enclosed in your letter has been reviewed and it is felt that monies should be allocated on an individual basis according to the needs of children instead of the census and AFDC data presently being used. Therefore, the philosophy of your bill, I feel, is good as there are many children, regardless of the income of their parents, who have great need for individualized instruction.

M. L. Brockette, deputy commissioner of education, Texas Education Agency, Austin, Tex., March 26, 1973:

Thank you for the opportunity to review your proposed amendment to Title I of the Elementary and Secondary Education Act of 1965.

The Texas Education Agency began using criterion-referenced mathematics tests in the Fall of 1970 in a pilot test in one region of the State. The results of the pilot testing indicated that this type of test was useful to teachers and other school personnel. Because of the positive evaluation results received from the pilot test, the 1971 statewide assessment of sixth graders in reading and mathematics was based on the use of criterion-referenced tests. . . .

Based on an evaluation of the 1973 assessment, approximately 140,000 sixth grade students took criterion-referenced reading and mathematics tests this year. Because of their usefulness as instructional tools for diagnosing individual educational needs of pupils and developing individual instructional plans, these tests were provided to schools as a part of our guidance program.

Our experience with the reading and mathematics assessment project gives evidence of several advantages of criterion-referenced testing:

1. The use of student performance measures on educational objectives or the determination of eligibility for support under this proposed legislation seems superior to reliance upon such descriptors as poverty and ethnicity.

2. Classroom teachers have been provided specific diagnostic information on the educational objectives obtained by individual students. They have also received reports of the number and percent of students achieving each of the reading and math objectives. This information has proven more effective for planning improved instructional procedures and strategies than the knowledge that a student is performing two years below grade level.

3. Criterion-referenced instruments have focused attention on specific learnings that educators and citizens want accomplished in the public schools. We have had to address the problem of identifying basic or essential objectives from among all those included on each of the instruments.

4. Teachers, counselors, pupils, and parents have been led to review each student's attainment of reading and mathematics objectives instead of looking only at his placement in a statistical population such as a national norm.

5. Criterion-referenced instruments also contribute to program evaluation because each item can be verified as to its sensitivity to instruction. The use of the instruments in a pre/post situation would yield important information about gains made in the achievement of reading and mathematics objectives.

## LABOR POLICIES OF ROYAL DUTCH PETROLEUM CO. AND SHELL OIL CO. IN THE UNITED STATES

### HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ECKHARDT. Mr. Speaker, I wish to bring to the attention of my colleagues the following perceptive letter of Mr. A.

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F. Grospiron raising searching questions about the above topic:

Mr. G. A. WAGNER,
*Chairman of the Board, Shell Oil Co., U.S.A. President, Royal Dutch Petroleum Co., The Hague, The Netherlands.*

DEAR SIR: I address you both as Chairman of the Board of Shell Oil Company of the United States and as President of Royal Dutch Petroleum Company, one of the parent companies of the United States company.

My purpose is to call your attention to and ask for an explanation of the inconsistency of labor policies of Shell in the United States with labor policies of European affiliates of the Royal Dutch/Shell group of companies.

This union has sought to negotiate with Shell U.S. a health and safety clause in its contracts comparable to such clauses granted by nearly all U.S. oil companies. Your company has failed to agree or even to seriously negotiate toward this end.

But I am informed that in several European countries, subsidiaries of the Royal/Dutch Shell Group of Companies accede to joint labor-management monitoring and enforcement of health and safety conditions:

That in West Germany Shell discusses and decides health and safety matters jointly with the labor union in Hamburg, Essen, Frankfurt and Wassling facilities.

That in The Netherlands recent legislation compels your management to deal with health and safety problems jointly with local unions.

That health and safety matters are subject to joint, participatory decision-making procedures between labor and management in the Goteborg, Sweden, refinery.

That particularly comprehensive joint decision-making prevails in the Vienna, Austria, refinery.

It would appear to me that our union proposals in the United States are very modest compared to these arrangements to which your companies have acceded in Europe.

Statements made by Shell officials in the United States, specifically statements made by Mr. A. C. Hogge, Vice President of employee relations, and letters signed by Mr. W. H. Cothern, manager of consumer relations, have distorted the union proposal. They say that the union seeks to direct capital expenditures of the company.

This is not true.

Perhaps your expereince in Europe has caused you or some other corporate officials to misunderstand the motives of American trade unionists. I understand that in Germany labor representatives make up one-third of the membership of supervisory boards which decide on investment and production; that under a new Swedish arrangement at least two elected union representatives will sit on Shell's board of directors in that country; that as of the forthcoming summer one-third of the supervisory assembly of the Oslo, Norway, refinery will be union representatives; that in the Vienna refinery union-representatives participate extensively in joint decision-making.

I reiterate that the Oil, Chemical and Atomic Workers International Union does not seek and has no intention of seeking such involvement in management matters. We ask only the establishment of joint labor-management procedures for the protection of life and health of workers while they are on the job.

I request an explanation of the inconsistency by which Shell accedes to extensive union involvement in management affairs in various European countries yet denies the Union an opportunity to concern itself with the life and health of its own members in the United States.

Very truly yours,

A. F. GROSPIRON,
*President.*

## A COMMUNITY'S DREAM: A ROSEVILLE COMMUNITY HOSPITAL

### HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. JOHNSON of California, Mr. Speaker, next Saturday, April 28, I will be privileged to dedicate the recent addition of the Roseville Community Hospital. This dedication ceremony coincides with the 30th anniversary of an idea which grew into a fine community institution. It was 30 years ago, while I was mayor of the city of Roseville, that we first organized an effort to build and operate a community hospital. In fact the first event on this long road to success took place on April 10, 1943, when several of us sponsored a dance to raise the first funds for the hospital. It took us 10 years of long, hard work to get that hospital built, but built it was and the hospital became a reality on November 2, 1952. Since that time we have had four expansions, including that which we will dedicate on Saturday. This addition of 99 beds raises to 255 beds the total capacity of the hospital. Twenty-one of these new beds are in the new intensive care and coronary care unit, which will be the finest in northern California.

For those of my colleagucs who may be undertaking a new hospital project I would like to retrace some of the history of this event, taking it step by step. It is a difficult project—one which involved a lot of time, effort and money—but, as one who walked this road, it was one which I can say with great confidence and pride, is worth every nickel and every minute we have invested in it.

On December 7, 1941, when the great naval base at Pearl Harbor was attacked, our Nation was plunged into a world-wide conflict which affected every American. Citizens of the Western States feared that an invasion could be imminent. The California National Guard was federalized and a unit was formed in Roseville. As mayor of the city of Roseville, I organized and chaired a Roseville Civilian Defense Council. The Roseville Joint Union High School board of trustees cancelled physical education programs in the high school's gymnasium and the gym was transformed into an emergency hospital, under the supervision of Hattie Broyer, a registered nurse. The citizens were determined, in a unity of purpose, to be prepared to meet any crisis.

It was in this setting that the community came to the conclusion that a city of some 8,000 people should have a community hospital and under the aegis of the Civilian Defense Council a series of fund-raising events for such a hospital was held. The first of these events occurred on April 10, 1943. The benefit for the emergency hospital fund was held in two dance halls, the Eagles Hall and the Masonic Hall. Over $1,100 was raised by the affair. The general chairman of the benefit committee was Irvin D. Elliott. His committee members were:

R. F. "Rube" Nelson, T. A. "Tony" Mealia, Charles C. Lee, G. J. Geron Wilson, J. B. "Brick" Paolini, Wm. Emerson, Dr. Lucas Empey, Dr. James F. McAnally, Tom J. Pugh, Chas. W. Lauppe, Mrs. Hattie Broyer.

Roy Carr, Catherine Wamsley, Mrs. J. M. Blair, Mrs. L. E. Etzel, Mrs. Fred Pannell, Joe Giannoni, Uno J. Hebuck, James "Jimmie" Giles, L. DeWitt Spark, Elwin H. Gregory, Dr. L. E. Jones.

Dr. R. H. Eveleth, Dr. W. E. Weddle, Dorse Hite, Mrs. Anne E. Bailey, Elsie Dunn, Mrs. W. V. Schultz, Mrs. L. E. Lonergan, Mrs. Floyd Stanley, Mrs. E. B. Huskinson, Mrs. J. G. Kenerelly, Mrs. Alta Graham.

Mrs. Vernon Finacom, Henry B. Berry, S. J. Briggs, W. R. Stephens, Pete Wamsley, Clifford Geach, Phillip Leak, J. E. Riley, P. C. Hughes, J. B. Erickson, Clyde Herlitz.

Leo Maxey, J. H. Fleming, Dave Fredrickson, Walter Hanish, John Macario, Mrs. W. R. Calvin, Mrs. Edith Spanger, Mrs. Edgar O'Brien, Col. D. White, J. M. Thornhill, Jerry Cudly.

A. W. Nelson, Wendell Keen, Eugene E. Watson, W. C. Keehner, J. L. Seawell, R. M. Allen, H. A. Richardson, E. M. Gates, Ben Abell, Louise Butler, Fred Garbolino, Lou Mohan.

In September 1943, we organized a Victory Garden Fair and Harvest Festival, sponsored by the Civilian Defense Council. Over 3,000 people rallied to support this project on Labor Day, September 5, 1943. Net proceeds were deposited in the hospital fund. On August 13, 1944, the Second Harvest Festival was held in Royer Park with 4,000 persons attending. Willard Dietrich, superintendent of city parks, was general chairman of the event which had a dual purpose of providing an opportunity for community recreation, and swelling the coffers of the Roseville Hospital Fund.

In early 1945, our Civilian Defense Council organized a second multihall dance for the benefit of the Hospital. Once again, the Masonic, Eagles, and Odd Fellows halls were used for the Washington's Birthday event. Virginia Arp wrote in the Roseville Press Tribune on Friday, February 23, 1945, "Roseville's big effort was a huge success."

The final fund-raising activity during the year of 1945 was another festival which occurred just prior to the termination of the war with Japan. The Roseville Press Tribune of Wednesday, August 15, 1945, carried two headlines. The largest said, "War Is Over" and under that in smaller type "Harvest Festival Crowd Largest One to Date." Between 4,000 and 5,000 people attended.

In addition to raising some $15,000, these events generated an enthusiasm on the part of the citizens of Roseville to see to it that a community hospital was obtained for the city of Roseville and the surrounding community. The hospital project caught on quickly and the hospital fund quickly reached $15,000. Near the end of 1946, Father Vito Mastretta, pastor of St. Rose of Lima Catholic Church, became active in the effort and indicated that a site for the hospital had been guaranteed without cost by a local resident. While no positive action was taken to construct a hospital by the sisters, several important contributions were made by Father Mastretta. The cost of such a hospital, operated by the sisters, was put at $200,000 to $250,000.

By the end of 1947, I was able to report to the city council the results of personal investigations into the hospital proposal and said that it might be possible that State and Federal funds could be made available to the local project, providing the city was prepared to donate its share. On Friday, February 20, 1948, we called for some 700 voters to sign petitions to place a $250,000 bond issue on the municipal ballot scheduled for April 13, 1948. The municipal ballot of April 13, 1948, carried two propositions concerning a municipal hospital. The first proposition that a hospital be built carried by a vote of 2,089 for and 242 against. The second proposition authorizing a $250,000 bond issue carried by a vote of 2,008 for and 357 against. During the months of February and March 1948, hospitals and hospital programs were investigated thoroughly by Mayor Johnson, members of the city council, and staff of the city of Roseville. On June 17, 1948, city councilmen Ernest Amick and Milt Roberts; Dr. K. R. Monson; Dr. A. E. Hirschler; Dr. Berry Boston; and Dr. Leo Barusch; also Joseph Barbieri, Carl Laughridge, Eugene Watson, Robert Bates, John Piches, Raymond Long, C. C. Cuff, L. DeWitt Spark, Milton P. Kjer and myself as mayor, met with Dr. P. K. Gilman, chief of the Bureau of Hospitals, California Department of Health and John R. Derry, planning engineer for the Bureau of Hospitals. The two officials explained how the priority system and the theory of matching funds worked. Mr. Derry stated that the cost of hospitals throughout the State varied from $11,000 to $23,500 per bed and that upkeep costs averaged about $8.00 per day per patient. He felt that the cost of a one-story hospital would approximate $15,000 per bed. The balance of the year 1948 passed with the city of Roseville trying to become eligible for State and Federal matching funds to no avail. On December 15, 1948, the city council authorized working drawing prepared for a 50-bed hospital with the capability of later expansion to 100 beds. On December 21, 1948, tentative approval was given to a portion of the Adamson tract, formerly the Jerry Shelley ranch, as the site for Roseville's proposed hospital. On January 11, 1949, the city of Roseville accepted a gift of eight and one-half acres of land from Mrs. Frances Adamson as the site for the proposed community hospital and the location was approved by the State Department of Health. L. DeWitt Spark, city attorney, worked out the details leading to the annexation of the site to the city.

In March 1949, Dr. Edwin Hal Kelley, project committee chairman, gave the status of the project as follows:

First. The city has acquired 8½ acres as the site;

Second. The building will be 50-bed capacity at first, with facilities to extend the capacity to 150 beds when needed;

Third. Expected cost of the building is $600,000, of which $262,000 is now available; and



Fourth. The hospital will serve approximately 30,000 persons in a 15-square mile area.

On January 30, 1950, Dr. H. P. Carey, chief of the medical staff at the Gridley Hospital, spoke to some 32 local doctors and city officials about the Gridley Hospital. He explained that a 25-bed hospital was financed entirely by funds raised through public subscription and after seven months of operation the hospital was "running in the black." Dr. Carey pointed out that the Gridley Hospital was run on a nonprofit basis under a board of directors appointed by members of the hospital corporation. He explained that a business manager handled the business of the hospital and a physician was in charge of the staff. He told the group that the hospital cost $264,000 to construct and about $100,000 to equip. This particular meeting laid the groundwork for the administration and operation of the Roseville Community Hospital and started the leaders of the hospital movement to shift away from the idea that it was absolutely necessary to wait for State and Federal participation in order to obtain a hospital for the community. A mass meeting involving all interested citizens of Roseville was called March 16, 1950, as the first phase of concrete organization for the hospital. Practically every organization, labor unions, fraternal lodges, business associations, and professional clubs, had representatives present in order to learn of the hospital plan and then set up the machinery to make it function. The mayor noted that the plan had been endorsed by the doctors and the city council, and outlined the proposed procedures. First, a nonprofit corporation would be established for the purpose of administering a fund-raising campaign to collect $150,000, which when added to the $250,000 bonds voted by the people, should be sufficient to build and equip a 25-bed hospital.

On March 22, 1950, the city attorney drew up incorporation papers with 10 local residents as the initial members. Each of the 10 members pledged the sum of $100 toward the coming fundraising campaign. They were Mrs. J. A. Trollop, C. Doulton Burner, Rev. E. N. Dabritz, Everett F. Bush, C, C. Smith, Carl G. Laughridge, W. J. McNeil, William Nixon, Clark Turner, and myself. By April of 1950, architect plans for a 25-bed hospital were given tentative approval. The design had five wings fanning out from a central nurses' station so that a nurse would have to walk a maximum of 60 feet from her station to any point in the hospital and it would be possible for her to view all hospital corridors from the central location. Roseville doctors, including Carl Angella, Newton Craig, Arthur Hirschler, Louis Jones, Edwin Hal Kelley, James McAnally, and Kenneth Monson generally approved the preliminary plans.

Clark Turner became president of the expanded corporation and on April 28, 1950, he called a meeting of doctors, city councilmen, and all members of the fundraising corporation. Unified support for the hospital was pledged by all those in attendance, with the firm understanding it be "divorced" completely from politics. Only the council's approval to draft plans for the structure was needed when a difference of opinion arose as to whether construction of the building or the fundraising campaign should be started first. The Roseville Press Tribune carried a front page editorial on June 2, 1950, telling that "a serious rift between Roseville community leaders is threatening the realization of something of prime importance—a hospital for this area." The editorial ended with the plea, "Let's get together, Let's have the hospital."

The future of the Roseville Community Hospital, at this point, was questionable. As the country became more deeply involved in the Korean war, material prices and wages continued to climb. The result was that the financial capability of the city to build a hospital diminished. On October 18, 1950, the city council approved final plans for a hospital at a cost of $220,000 by a 3-to-2 vote. On November 8, 1950, the city council hired Walter Mezger of Modesto as consultant on Roseville's proposed hospital project. Mezger felt the general plan was very satisfactory, well above standard, and so reported to the city council. The plan called for 25 to 27 beds with approximately 560 square feet of floor space per bed.

In January 1951 the timetable had been set back a month or so and it was announced that the $250,000 project would be advertised for bid on February 22, and bids opened on March 22. Construction would begin on April 2 and the completion date was set at October 15. The cost of the building was estimated at $212,500 for construction costs, $17,000 for architect fees, $300 for consultant fees, $63,000 for equipment and the remainder for land development and incidentals. On June 20, 1951, the city council was informed that State and Federal funds were still far out of reach and it was decided to revise the architects' plans and build a less elaborate structure with what money was available. Bids were advertised July 25, 1951. On September 12, 1951, the bids were opened and all six bids exceeded $250,000. As September came to an end and progress seemed at a standstill, Mayor Bill Finger, Jr., investigated the possibility of building the hospital without an architect. The council reviewed all prior considerations for construction of a hospital and on October 26, 1951, Councilman Paul Lunardi announced he would have Erling Olauson, an architect from Sacramento, attend the council meeting on the following Wednesday to present his plan to save $100,000. Mr. Olauson reported to the council that he could build and equip a 25-bed hospital in Roseville for $250,000 or less. Specifically, the hospital would have 25 beds with potential expansion to 49 beds; an area of 10,500 square feet, or 400 square feet per bed, at a cost of $15 per square foot; a concrete block and frame construction with 4-hour firewall and air conditioning and heating throughout; group I equipment and possibly certain X-ray equipment and drapes; and finally, guaranteed approval by the State health department and fire marshal, as well as the division of hospital architecture. The council de-

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cided to ask the doctors to review Olauson's plans and report back to them. With great patience and understanding, the doctors reviewed both plans, but were mainly concerned with getting a hospital built as soon as possible. On December 12, 1951, the city council voted to hire Mr. Olauson.

On February 11, 1952, the Roseville city council accepted bids for the hospital. The low bid of $158,765 was submitted by Carter Construction Co. of Sacramento. The bids included construction and group I equipment.

The brief ground-breaking ceremony was held at 11 a.m., Monday, March 24, 1952, with some 150 persons, representing various local organizations and interested citizens, present to hear Mayor Bill Finger, Jr., proclaim the start of construction.

In June, Lewis S. Porter was hired as consultant-administrator to begin his work on June 23, 1952. Clark Turner, head of the hospital association announced that Porter was the unanimous selection of the association members and stated he would act as consultant until the association assumed control. He would then take over duties as full-time administrator.

On August 6, 1952, the following officers of the medical staff were elected: Dr. Louis E. Jones, chief of staff; Dr. James F. McAnally, assistant chief of staff; and Dr. Edwin Hal Kelley, secretary. On October 3, the contractor announced that except for a few odds and ends, the building was complete.

Roseville's great dream became reality at an open house on Sunday, November 2, 1952. Opening day ceremonies were held in front of the hospital. Presiding as moderator was Charles Lauppe, civic leader. Words of welcome were delivered by State Senator Harold T. Johnson; Mayor Hal Wentworth; J. B. "Brick" Paolini, chairman of Placer County Board of Supervisors; John R. Derry, assistant chief of State Bureau of Hospitals; George Erb, president of Roseville Area Chamber of Commerce; Dr. Louis E. Jones, medical chief of staff; Clark Turner, president of the hospital association; and administrator Porter.

The first patient, Bobby James, 12, of 126 Riverside Avenue, christened the hospital by having his tonsils and adenoids removed. His doctor was Dr. Colin Greenlaw, who replaced Dr. Newton Craig in Roseville.

Community interest in the hospital continued to grow as the neeed for additional facilities quickly became apparent. In less than 3 years, the hospital opened its first addition. Dedication ceremonies were held on May 8, 1955, for a new facility which added 16 new beds, bringing the total to 42. The new beds provided services for medical, surgical, and pediatric patients.

By the turn of the decade the hospital facilities were again being fully taxed and thought was given to further expansion. By June of 1962, a 57-bed addition was completed and open for use. The additional space made room for additional general hospital beds and expanded pediatric services.

Prior to the opening of the second addition, plans were laid for still another expansion. In March 1962 the hospital applied to the Federal Government for Hill-Burton construction funds. On February 20, 1963, Roseville Community Hospital received $786,194 in Hill-Burton funds. One month later Cox-Liske, architects, was awarded a contract for a 52-bed addition. Ground-breaking ceremonies were held on July 1, 1964. By April 1966 the third addition was ready for occupancy. It provided a new medical floor and a complete pediatric unit. By now the hospital had 156 beds.

A contract was signed with Mansell Dexter, architect, in December 1969 for construction on a fourth addition which would add 99 new beds. The C. S. Plumb Co. received the general contract for erection of the $6.5 million project, on June 1, 1971. Ground was broken for this addition on the last day of June in 1971. The latest addition contains 21 beds in new intensive care and coronary care units. These two facilities are among the finest in the State of California, and are the most up-to-date in northern California. Open house and dedication ceremonies are being held on April 28, 1973.

The newest addition includes an emergency room seven times larger than the previous room. It encompasses a new minor surgery room, an emergency monitoring room, and several special procedure rooms. The expansion project also provides a new maternity unit with five labor rooms, a recovery room, two general nurseries, an infant intensive care unit, and two new delivery rooms.

The $5.5 million addition adds 53,000 square feet of space and houses a new laboratory, a nuclear medicine department, a physical therapy department, a pathology department, and the emergency room.

It is with pride that I will be able to join George Coley, president of the hospital board of directors, John T. Major, president of the Hospital Addition Corp., and Rev. Roy W. Herndon at the dedication ceremonies.

Most recently, Roseville Community Hospital has participated in a pilot project in conjunction with the school of medicine at the University of California, Davis, under the sponsorship of the regional medical program of the Federal Government. The primary objective of the project was to develop a quality continuing medical education program designed for a medium sized hospital and its community, and to develop an in-service training program in intensive coronary care and cardiopulmonary resuscitation for nurses and allied health personnel in the area.

A screening program was developed to inform citizens of the community about ways to detect and prevent chronic diseases, encouraging them to seek medical advice early, and increasing their knowledge about heart disease, cancer, and stroke.

In its 3 years of existence, the Roseville project presented 87 programs accounting for over 1,400 hours of instruction and active participation in classes on heart disease, cancer, stroke, renal diseases, and other related diseases. Two hundred and thirty-six nurses received a combined total of 15,600 hours of training in intensive coronary care. One thousand and thirty-six community residents participated in the screening program. This screening produced significant changes in the levels of knowledge and awareness about the importance of early detection of diseases, and the attitudes about seeking early medical advice. Nearly 75 percent of the participants returned to their personal physicians for further consultations. In final analysis, 90 percent of the "true" project costs were expended for the direct benefit of the community.

It is easy to see that the Roseville Community Hospital has been in the center of community development for over 30 years. This constantly expanding institution has brought continually improved health care to the citizens of Roseville and surrounding towns through its diligent efforts to keep pace with the latest developments in the field of medical care. Although the facilities tell a fascinating story, it is the people who serve the hospital in many capacities that are the impetus for its rapid growth and outstanding reputation. The city of Roseville can be proud of its hospital and of the people who share in its operation.

## IN MINNEAPOLIS: HEARINGS ON THE FEDERAL BUDGET

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. FRASER. Mr. Speaker, on March 19, Senator MONDALE, Senator HUMPHREY, and myself sponsored hearings in Minneapolis on the impact of the fiscal 1974 Federal budget on Minnesota's Fifth Congressional District.

Forty witnesses representing a wide range of community groups and Government agencies testified at the day-long hearings.

The witness list is as follows:

WITNESS LIST

MORNING SESSION

Duane Scribner, Staff Assistant to Governor Anderson.
Vera Likens, State Commisisoner of Public Welfare.
State Representative Martin Sabo.
State Senator Nicholas Coleman.
Thomas Olson, Chairman, Hennepin County Board of Commissioners.
Bernard Steffan, Anoka County Administrator.
Virgil Moline, President, Mpls. Central Labor Union Council.
Thomas Ogdahl, Executive Secretary to Mayor Charles Stenvig.
Mayor Duane Miedtke, St. Anthony.
Dr. John Davis, Superintendent, Minneapolis Board of Education.
Duane Lundgren, Director, Special Services, Fridley Public Schools.
Dr. Chris Huber, Ass't Superintendent, Columbia Heights Schools.
Alderman Richard Erdahl and Alderman John Derus, Minneapolis City Council.
President Malcolm Moos, Vice President Stanley Wenberg, University of Minnesota.

AFTERNOON SESSION

David Roe, President, Minnesota Federation of Labor.
Ervin Gaines, Director, Minneapolis Public Library.
Roger Mahachek, Carl Lindquist (daytime activity for retarded).
Mary Lottarman (day care).
Irene Gallagher, Higher Education for Low Income People (HELP).
Earl Craig.
Gary Levin (public employment).
Diana Baker (higher education for AFDC recipients-Metro Jr. College).
David Brown (health research).
Leola Jackson, Pilot City Regional Center.
Dan Kain, Eden House.
Blanche MacIntosh (Medicare costs).
Joanne Gorecki, Neighborhood Youth Corps.
Ann Salas, Adult Basic Eeducation.
Melba Sharp (compensatory education, ESEA Title I).
Van White (housing rehabilitation loans).
Leslie Gilbert (federally subsidized housing).
Sanda Jones (housing construction).
Fred Hempel (alcohol treatment).
Agnes Johnson, Senior Citizens Centers.
Leland Carrienger (methadone treatment).
Robert Walther, United Way.
Mrs. Lorraie Evenson (student loans).
Dr. MacBain Smith, Veterans Hospital, Neighborhood Youth Corps.
Gleason Glover, Minneapolis Urban League.
Normandy D. Eckert.

IMPACT ON MINNESOTA

Mr. Speaker, the State planning agency has assessed the impact of program funding changes on those areas which face the most dramatic cutbacks. In the social services, if the State is to maintain the current level of assistance without Federal money, an additional $22 million must be appropriated by the State and counties. Vera Likens, the State commissioner of public welfare, testified that the problems caused by funding shortage are aggravated by new Federal regulations for eligibility for social services which greatly reduce the number of people who may be helped. One example is the impact of new rules on child-care programs. These centers allow mothers to work by providing adequate care for their children. Proposed regulations cut the number of children in free day-care facilities by half from 4,000 to 2,000. Because of this 900 new families will be forced from their jobs onto the welfare rolls, at a cost to the taxpayers of $2,670,000.

In the mental health field, social service contractions will allow only 40 percent of those now helped to continue to be served. Vocational rehabilitation, delinquency prevention, home delivered meals for senior and handicapped citizens will also be cut. Programs in the fields of alcoholism, drug abuse, legal services, and family counseling are also scheduled for elimination. At the present 112,570 Minnesotans are receiving social services; if the proposed regulations are enacted, that number will fall to 72,900.

With the restriction on programs and eligibility, our State will not be able to use much of its $46.7 million allocation of revenue sharing for social services. Many people will be forced back into dependency, after participating in programs that were designed to foster self-sufficiency in our citizens.

Other important programs that are affected by the budget changes are a cutback in medical research and training at the University of Minnesota, discontinuance of community action programs, and the loss of 3,000 housing units covered under present Federal programs. In the area of ecology, water quality will be funded at about half the level authorized by Congress and the land and water conservation fund will lose about 75 percent of its fiscal 1973 moneys. Young people are affected by the loss of 10,000 summer jobs provided by the Neighborhood Youth Corps and by cutbacks in Federal aid to education. Public service employment is to be discontinued with a resulting loss of 2,500 jobs.

Duane Scribner, special assistant to Gov. Wendell Anderson, described the problems facing the State government, because of the uncertainty and timing of the cutbacks in Federal program. Minnesota uses a biennium period of budgeting, and the proposals for the biennium ending July 1, 1975, had to be made while the plans for the Federal budget for fiscal year 1974 were only rumors. The unfortunate result is that the State has no opportunity for thoughtful planning, hence it cannot respond responsibly to the changes on the Federal level. Essential in the concept of revenue sharing has been increased responsibility for State and local jurisdictions. There is no opportunity for State and local responsibility in the budget proposed by President Nixon.

IMPACT ON MINNEAPOLIS AND HENNIPIN COUNTY

The chairman of the Hennepin County Board of Commissioners termed the impact of the Federal budget for fiscal 1974 "a tragedy of monumental proportions" affecting some 100,000 persons in Hennepin County. The termination of categorical grants seems to have been made without regard to the viability of the programs. In this county 64 programs have been notified of their terminations. This will force many people to go on public assistance. The closing of one day-care center alone will cost the taxpayers $114,000. Of this, $90,000 represents new welfare recipients who were previously employed and supporting their families while the children were cared for in day-care facilities. The remaining $24,000 is lost income tax revenue from the staff members who have been fired. This monetary loss does not measure the social loss that is incurred by the return to dependency of those who had been employed.

In Minneapolis, the phasing out of social services is particularly harmful to the elderly, the poor, and minorities. Those programs which are scheduled for radical budget surgery are model cities, Minneapolis Age and Opportunity Center, Inc.—MAO, urban renewal, neighborhood development program—NDP, HUD 235 and 236 housing subsidies, and open space programs. Manpower programs are also reduced to a skeleton. Emergency Employment Act cuts will allow only 20 or 30 jobs to be funded instead of the current 180. There is no money available locally to provide for the continuation of these programs.

EDUCATION

In the Minneapolis school system, only the carefully budgeted surplus at the end of the current school year will permit the same level of service to be provided next year. In the following year, however, a deficit of between $4 to $8 million is forecast. Dr. John Davis, superintendent of the board of education, testified that the uncertainty of the Federal role in education makes planning impossible. Elementary and Secondary Education Act—ESEA—funds for Minneapolis are projected to drop from $6.7 to $4.2 million with the new budget.

The majority of title I funds have been used to teach children basic skills through the development of new teaching materials and a standardization of curriculum for title I schools, since disadvantaged students have high mobility and change schools frequently. Evaluations have reported growth in the pupils' performance in the vital areas of reading and math. In order to acquaint the teachers with new teaching methods utilizing materials developed with title I funds, a corps of experienced teachers assist those in the classroom to determine how to most effectively employ the new programs. To help older children learn to read, two basic skills centers have been set up, funded by local money and title I funds.

Options have been developed for those pupils who are unable to succeed in a traditional learning setting. These are used for children in the traditionally difficult years of junior high school. Here each student is given a chance to succeed by setting short-term goals which are possible to attain. Not only is growth in academic achievement realized, but, more importantly, self-control and self-confidence are gained.

These are just some of the many innovative programs which have been developed with the help of title I funds to solve problems which had not previously been tackled. Success has been demonstrated. Yet the funds for ESEA are being drastically cut. State and local governments have already taken over some support of programs which were initially funded by Federal money. Categorical grants cannot be made up entirely by our State and local funds. We must depend on the Federal Government to help schools to serve the children with the greatest needs.

Another cutback that concerns schools is the termination of the Neighborhood Youth Corps—NYC—which is funded by the Office of Economic Opportunity whose future is tenuous: Last summer in Hennepin County, NYC provided jobs for over 3,100 youths, who earned $776,000 and made important contributions in the community through their work. During the current school year 913 students are in the NYC to earn money to stay in school. Only 25 NYC participants have dropped out of school this year. In a letter from the National Alliance of Businessmen to support the reinstatement of this program, they admitted that even with an expanded economy, the private sector could not have provided these jobs for young people, particularly during the school year.

Testimony of the impact of the Federal budget on higher education was provided by President Malcolm Moos of the University of Minnesota and Vice President Stanley Wenberg. Moos called



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the outlook for the State-Federal partnership in education discouraging. In his words the impact of the Federal budget for fiscal 1974 is "the most severe cutback of Federal support in the history of this institution." The immediate impact is a loss of $11 million in Federal support with such a decrease continuing over several years as programs are eliminated.

The budget cutbacks at the university are interdisciplinary with no apparent pattern. One area where these reductions are most puzzling is in the health field. Program cuts are scheduled in the medical school, the school of nursing, and the College of Veterinary Medicine, where enrollment was enlarged with Federal encouragement. These fields all have severe manpower shortages which affect the national health and the cost of medical care. Altogether one-third of the Federal training support may be lost. NIH grants alone may be reduced by $8 million in the next 2 years. The State of Minnesota does not have the resources to make this up.

Another area of hard felt impact is student aid. Although the concept of basic opportunity grants is promising, the immediate availability for student aid is limited. Formerly these students were served under the national direct student loan program through their schools. The banking community has not yet been able to implement the BOG loans. Currently there is widespread confusion as to where a student may obtain funds to continue his education.

LIBRARIES

An important source of self-help and improvement has been available to our citizens through the public library programs. This program has been affected by proposed cutbacks. In fiscal year 1972, Minnesota received $1.1 million from the Library Services and Construction Act. This program is in danger due to lack of funds. If these services are not available to people without ties to educational institutions, in both rural and urban areas, in all economic groups, learning will be controlled by the elite. In the Federal budget $80 million is proposed for public information abroad through Voice of America and other organizations; nothing is allocated for U.S. citizens through aid to libraries.

DAY CARE

In Hennepin County, there are 90,000 children who are potential users of day-care facilities; 59,600 of these are youngsters whose mother would work if adequate care were available for the youngsters. At the present there are 1,991 spaces in licensed day-care centers in the county. Letters were presented from staff members of centers around Minneapolis begging for continued support for this vital need. They spoke eloquently of the community support for these centers.

One of the key problems for the facilities is the new restrictions which HEW has placed on eligibility. In one center where 100 children are currently served by day care and latch key programs, the new regulations would make only 35 eligible. The only alternative for the mothers of the 65 ineligible children is to stop working and go on welfare. Calculations of the Greater Minneapolis Day-Care Association show that the new regulations will cost taxpayers $51,363 per month in added welfare payments, minus the cost of closing or limiting the centers.

HOUSING AND URBAN RENEWAL

In this area the budget cuts and program freezes will have a dramatic impact on plans to revitalize the cities. Model cities will receive some money to carry it through the next fiscal year, but the $3 million it obtains is a decrease of almost 50 percent. The 235 and 236 housing subsidy programs have been frozen. In Minneapolis alone, 40 to 50 percent of the 1,400 new housing units constructed last year were financed by funds that are now frozen. This will cause a $10 million loss in construction money. Approximately 700 to 750 families are to be relocated, because of development plans. Of these, 75 percent would have been eligible to receive the housing subsidies which are now impounded.

Urban renewal will be further slowed by the decimation of the neighborhood development program funds. A loss of 312 rehabilitation loans will produce a loss of at least $1 million in funds per year. Taken one by one, these programs represent only a tiny fraction of the Federal budget. To the Minneapolis area, however, they represent huge sums of money which cannot be replaced by revenue-sharing funds.

SENIOR CITIZENS

Cutbacks in programs for senior citizens will have the inevitable effect of further lessening their independence and forcing many of them into institutions. Virgil Moline, president of the AFL–CIO Central Labor Council, estimated that 6,000 elderly who live in public housing will be affected by proposed regulation changes. The support which they receive to maintain their self-sufficiency will be taken away. Another area where the proposed funding decrease will cause problems is in the "senior aides" program. This program keeps the 80 senior aides off old age assistance by enabling them to support themselves by working 20 hours per week in community service jobs. Other services provided by Minneapolis Age and Opportunity Center, Inc., provide just the margin of help necessary to keep many elderly citizens in their own homes with dignity instead of being institutionalized.

Low-income housing for the elderly is also being cut back. One project was notified in December of a $1.6 million grant for such a program, only to have it terminated 4 months later. Medicare payments for medical care are slated to be decreased with the elderly paying a greater share. In Minnesota, medicare recipients will have an additional $22 million in health care costs which are not reimbursed by the Federal program.

Testimony was received from representatives of other programs which allow people with some problem to be productive members of society with treatment or after institutional care. Letters from parents of retarded children and adults pleaded for the continuation of funds for those projects which train and teach these people to be useful and productive citizens. Similarly funds to teach physically handicapped children and adults have received notice of Federal cutbacks. Despite the concern over returning veterans from Vietnam, the VA hospital is losing money for research which amounts to at least 16 percent of the current research budget. How can the small amount of money which the Government saves with these economies be more important than the services which allow these citizens to become dignified, productive members of our society?

The impact of the budget on poor people has been most severe. Dismemberment of OEO is just the beginning; with it goes the Community Action program whose goal is help for the poor. In Anoka County, the Community Action Agency paid the salaries of $114,907 to people who would otherwise be on welfare. The total economic impact of the agency through spending and respending in the community is estimated to be $1 million. This source of imaginative programs which have given help and dignity to the disadvantaged has been terminated.

Although no testimony was presented specifically on the topic of revenue sharing, the subject was a key factor in much of the presentation. The concept of a return of money to the State and local jurisdictions for their use in those programs especially important to their constituents with fewer levels of redtape was welcomed by most people. Testimony from representatives of those agencies and departments which face cutbacks or termination of Federal aid indicate some problems with the implementation of this program.

Vera Likens, State commissioner of public welfare, summarized some of the problems her department faces with revenue sharing. Not unexpectedly, the first difficulty is the amount that will be received by Minnesota. Of the $2.5 billion authorized by Congress for social services, our State was to receive $46.7 million. Although this is substantially less than the department's estimates of the funds needed to adequately meet the needs of low-income citizens, the amount was sufficient to maintain the programs at current levels with no expansion. However, the new rules proposed by HEW for social services would preclude Minnesota from spending about one-quarter of that $46.7 million. These regulations will severely limit those programs necessary for some of our citizens to become or continue to be self-supporting individuals.

The effect of these regulations will be to place greater costs on the taxpayers and to increase the number of social problems. Among the programs affected by these proposed regulations, in addition to the child-care limitations discussed above, are help for the elderly, drug abuse and alcoholism programs, treatment and rehabilitation for the mentally ill and handicapped.

In the discussion about revenue sharing, one of its most attractive features was the responsibility to be shared between the Federal Government and the State and local levels. The funds brought by revenue sharing were to be "new" money. State and local governments were to have autonomy to build programs relevant to their own pressing problems. Yet the President's budget proposals note that revenue-sharing funds can be used to fund those expenditures which have been eliminated by the Federal Government. Flexibility and freedom brought by the general revenue sharing cannot be achieved if moneys are used to pick up abandoned Federal support. Martin Sabo, speaker of the Minnesota House of Representatives, has called the special revenue sharing self-defeating. With the present uncertainties and unanswered questions, this is an apt description.



## HELP DECIDE!

### HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. FULTON. Mr. Speaker, a new citizen's organization to seek out and publish grass-roots public opinion on a nonpartisan basis was formed recently in Tennessee's Fifth Congressional District.

The group is known as Help Decide! Though formally operating since only March 5 the group has come up with some very interesting and significant public opinion findings on the matter of cutbacks in Federal support for social service and other human need programs as well as how State and local governments should spend their general revenue sharing dollars.

Mr. Speaker, the president of Church Women United in Nashville, Mrs. Carleen Waller, who is also a member of the compilation committee of Help Decide! has been good enough to forward me the results of the organization's findings and I include it in the RECORD at this point commending it to the attention of our colleagues:

HELP DECIDE!

*Nashville, Tenn.*

Memo to: Mayor Beverly Briley and Members of Metropolitan Nashville Council; Other Public Officials, Metropolitan Nashville; Governor Winfield Dunn and Members of Davidson County Delegation to the 88th Tennessee General Assembly and Members of Appropriate Committees, General Assembly; Senators Howard Baker and William Brock; Congressman Richard Fulton; and Other Public Officials.

On March 5th, Post Office Box 1669 was opened under the name of Help Decide! by a group of Nashville citizens, and members of the Nashville community were invited to express their opinions by mail on the effects of federal cutbacks on their families and neighborhoods, on their priorities for the spending of federal general revenue sharing funds, and on their concern for a citizens' group to help set priorities in future decisions.

By March 17th, some 650 letters had been received and tabulated.

We are submitting the results of this tabulation for your information and consideration, along with some sample comments from the letters.

Several general observations should be made about the letters:

1. The overwhelming interest in the continuation of day care and services for children and youth. This was coupled with fears of parents who might have to be returned to welfare rolls, who would lose jobs because of no child care, or who had children receiving services for the retarded who would have no help or might have to be institutionalized.

2. The broad scope of the cutbacks began to be evident, showing that the problem is much greater than just the cutbacks in social services, ineligibility tightening, and private matching funding. Some forty different cutbacks were mentioned, affecting people in every part of the county. A list of more than fifty programs that will be curtailed or dismantled has been assembled.

Those writing the letters expressed fears of just how many programs will be discontinued, with such expressions as fear of pension losses, fear of lack of medical help, fear of hunger and the like also being brought on by the known problems.

3. The entire community seems to be concerned that the elderly, the handicapped, the disadvantaged, the retarded and all of those needing special help receive priority in funding decisions.

4. Interest in water-sewer services was secondary whenever it was mentioned (in less than 7% of the letters). It usually was coupled with phrasing such as "they're important, but our first interest must be people." This was true also of streets, fire protection, and other such specific programs.

5. There is much frustration that no government agency or official will release a total list of cutbacks in federal funds in Metropolitan Nashville and Tennessee, including medical programs, OEO programs, and the like. There is general fear that it is much worse than "they" want us to know. "How much money will we lose?" continues to be asked.

6. There is real outrage in the letters that the group that is being hurt the most, next to children, aged, etc., is the "working man" who is just managing to get by and will see many of the services needed by his family snatched away.

7. The second greatest concern of all the letters received so far has been for some group to be formed that will speak out on behalf of the people of the community in such a crisis, an independent group that will "not play politics with people."

The cries for someone or some group "to fight for us" are moving, and there is a real sense of panic and outrage that somehow "government" cannot hear.

8. Taxes, tax rates, water rates, buildings, capital improvements—all of these received practically no expressions of concern in the letters. There were numerous requests as to "what can we spend revenue sharing money for legally?" and "Why aren't other plans being suggested?"

The letters are all thoughtful, and represent a great outpouring of concern for human needs and the future of the community.

Help Decide! will continue to serve as a channel for such responses and urges the proper government agencies and officials to seriously consider the need for regular citizen participation in the kinds of hard decisions that must be made in the months ahead about programs, services, revenue sharing funds, jobs, taxes, and most important, human needs.

Signed: Compilation Committee:

Carleen Walter, President, Church Women United in Nashville; Mary M. Wade, President, League of Women Voters of Nashville; Helen Clark, Citizen Action, Church Women United in Nashville; Barbara Mann, Vice-President, League of Women Voters of Nashville; Eleanor Willis, Director, Heads-Up Day Care Center; Earline Kendall, Tennessee Association on Children Under Six; Betsy Edwards, Vice-President, Church Women United in Nashville; Dorothy Luton, Chairman, Christian Social Relations, Tennessee United Methodist Women; and Pat Kalmans, Advocate, Family and Children's Service.

Dated: March 19, 1973.

For Further Information: Call 269–6475 (Carleen Waller): 297–8658 (Mary M. Wade).

COMPILATION OF REPLIES RECEIVED MARCH 5–17 1973, EXPRESSING PRIORITIES FOR THE SPENDING OF REVENUE SHARING FUNDS

(Percentages are based on 600 replies)

*Programs For Children*—84 percent mentioned programs for children; 30 percent specified day care; 8 percent mentioned youth programs; 12 percent mentioned special education services; 12 percent mentioned schools, regular and special; 14 percent mentioned handicapped children; 15 percent mentioned retarded children.

*Social Services For Low Income Families, Needy*—64 percent, with many naming a specific service, many mentioning "the poor".

*Sewer—Water Services*—7 percent. "While they are important, our first priority should be. . . ." "We must have them, but they should be funded with regular tax monies and monthly rates. . . ."

*Pay Raises*—1.6 percent.

*Replace Federal Fund Cutbacks*—29 percent.

*Health Services* (Including mental health, hospitals, etc.)—12 percent.

*Transportation*—6 percent.

*Housing Programs*—5 percent.

*Human Needs, People Needs* (General Mention)—41 percent.

*Jobs*—5 percent.

*Citizens' Lobby*—83 percent; only 4 No votes.

*Streets*, 2 votes; *Taxes lowered*, 5 votes; *Drug Programs*, 6 votes; *One of Present Revenue Sharing Plans*, 3 votes; *Parks*, 4 votes; *Planned Parenthood*, 6 votes; *Environment*, 3 votes; *Fire Protection*, 12 votes.

*Sample Answers*—How do you think Revenue Sharing Funds should be spent?

Human beings pay better dividends than sewers!

Not for improving golf courses!

Human needs first and capital needs next!

Not for big salaries or regular government utility functions.

Let's not have a political patronage bonanza.

Now that the war on poverty is over, the war of survival begins.

The top priority should be those who cannot help themselves—the poor, children, the aged, disabled, and mentally ill.

People Services.

Stop trying to weed out the weakest and most needy.

A large amount should be spent to help people help themselves.

For those who have to depend on others for help!

Should not be left in the hands of politicians.

Lower water bills would be a help!

However it is divided, it will not be adequate.

Help the parents who are trying to work and keep their families together.

Human beings in need, not buildings and big jobs.

We have already obligated ourselves to the retarded, the disadvantaged, the physically handicapped. We can't let them down.

Surely our lawmakers can devise a better plan than the two that they have shown us so far.

Salvage the needed programs that are being cut out before we plan for new needs.

Children! Children!

Spend it to help those who have no political muscle.

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Why won't anybody come out and say just what things it could be spent on? Is it a secret?

Anything that affects our children.

Don't take away the jobs of people willing to work.

People first!

The need for sewers is great, and pay raises for policemen and firemen also, but I strongly feel the Metro Council must at the same time look seriously at the needs of the poor and aged in this community and should have before them a proposal that meets the needs of this group. I do not believe we can ignore this situation now with the excuse that special funds will be available later.

If priorities were established, the taxpayer would feel his tax dollar was being spent in the best way possible to meet the needs of the community. Don't do away with the progress we have made in meeting human needs!

Charity begins at home, and it's past time to begin here at home in Nashville.

It's time to change our priorities from destruction to investing in human beings.

Use our dollars to save our children. Tomorrow may be too late. Don't wait for another generation to be spoiled.

We need to hold local government to its responsibilities—don't let them cop out on any of the needs.

Why won't they print a list of all of the things that are being cut out, so that Metropolitan Council can make the right kind of decision about what should come first? Don't spend the revenue sharing money until we know just how bad it is, and what we've got ahead in this community.

We cannot allow any child to be deprived.

*Sample Answers*—How are federal funding cutbacks affecting you, your family or your neighborhood?

I am the sole support of my children without anything but my check from my job. My children's care would take one-third of my pay check. I surely pray that my children will be able to remain in the day care. It would be more of a burden that I can bear.

I am the head of my house with four children to support, and without a job it will be very hard to live.

How can you tell a child that is 5 years old you cannot go back because I can't afford to send you and the federal funds are cut.

I am the mother of 5 children 13, 9, 4, 3, 2. The center has helped me to hold my family together since I have had four operations in the past, and the last one left me 100% disabled.

I am desperate. I don't know I'll be able to survive. I have five children and there is just me to support them.

How can they play politics with my children?

I will either have to quit work or try to struggle by myself. I was on Aid for Dependent Children. I would not have respect for myself if I quit work. Please—help, help, help!

I have a retarded child, and I cannot stand by and see him not have the opportunity to live a happy life.

I could not work if they didn't have the program for old people that keeps my 84-year-old mother all day. What would happen to us?

I am a disabled widow. The center is a great source of help to me.

My community will be without recreation or day care.

No family and no community should have to decide between adequate child care and a safe sewage disposal system.

I can't tell you what's in my heart except my love for my children. Mothers like me have to work to support our kids. You help the kids overseas and I think that's wonderful, but I want some of that help too. Try to help us too.

My retarded child may end up in an institution if you take away the help she's getting now.

*Sample Answers*—Does Nashville need an independent Citizens' Lobby?

Citizens need their own special interest groups.

It is past time for it.

Yes, and it needs to be lobbying right now.

We need some help for those of us who have no political clout to protect ourselves.

The people should have the final say on sewer-water services, taxes, pay raises.

If we had such a lobby, we wouldn't be in the fix we're in today!

The ordinary citizen should be heard.

Yes, even if it's lost on deaf ears, we need to go all out to protest and speak our minds. That would be a step in the right direction.

A citizens' group is desperately needed. Taxpayers just don't have any voice.

Definitely. The citizens' groups would be in a position to know what is most needed more than the politicians are!

Yes, and Help Decide is a fine beginning.

Register my vote for a citizen's lobby.

We need a forum for public opinion.

There needs to be a lobby for the benefit of all young children.

Yes, everyone else has a lobby, why not us?

Thank you for giving the people of Nashville a chance to express themselves.

Count me in!

I need *somebody* to fight for me and my family.

Government and big business don't seem to hear anybody else.

Somebody needs to get all this information together and tell us what's really going on and help us to do something about it. It's situations like the one we're in now that show just how little Nashville citizens have to say about what goes on.

You must be crazy! No one has helped decide anything in this town for 40 years. Just relax. Big Daddy will let you know what "they decide."

## PAN AMERICAN DAY

### Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. FRELINGHUYSEN. Mr. Speaker, Pan American Day is an appropriate time to reflect on the meaning of recent developments in the inter-American system. The winds of change which are blowing through the Organization of American States are in many ways similar to those so apparent at the United Nations. Small states in the OAS, as in the U.N., are clamoring for a larger role in organizational policies. The leadership of the United States in both organizations is under challenge.

In our bilateral relationships with Latin America changes are also in evidence. We are in dispute with Peru and Ecuador over fishing limits. Relations with the Allende government in Chile are strained. The most recent dispute arose during the stormy U.N. Security Council session held in Panama. The changes are not all for the worse, however. In January, we signed an antihijacking accord with the Cuban Government—which may lead to more normalized relations with the Castro regime. Our response to the victims of the devastating earthquake in Nicaragua was immediate and invaluable.

One lesson to be learned from these developments is that the United States must recognize the desire on the part of the Latin Americans to stand apart from the American embrace. We must adapt to the changing attitudes of our Latin American neighbors and constructively respond to their new self-awareness. In that way we can help to channel their energies into new and constructive inter-American relationships.

## MILITARY BASE CLOSINGS

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. HARRINGTON. Mr. Speaker, on April 17, 1973, Secretary Richardson announced that the Defense Department would close 274 bases throughout the Nation, including the Boston Naval Shipyard, Westover Air Force Base, and the Newport Naval Facility. The reasoning used by the administration is that the closings will save over $3 billion without in any way diminishing our national security. As a long-time critic of excessive defense spending, I now find myself in the anomalous position of supporting a Defense Department directive which causes tremendous economic hardship to my own area.

That being the case, I could reverse my position and in the course open myself to valid charges of inconsistency and hypocrisy, or I can make some attempt to deal with the situation and offer some suggestions for its possible solution. I make no claim to expertise, but it seems to me that the most effective approach would be a strong coalition of those on the Federal and State levels and those in the business community to find the jobs and attract the new business we need to the area.

Over 25 percent of the jobs that will be eliminated are in two New England States—Massachusetts and Rhode Island—where some 34,000 jobs will be lost. The Boston Naval Shipyard, Westover Field, and other military facilities in Massachusetts will be closed. The Newport Naval Complex in Rhode Island will also close.

The economic impact of the base closings is my primary concern. The net loss of 34,000 jobs in our area is a crushing blow we cannot absorb alone at a time when the unemployment rates in Massachusetts and Rhode Island stand at 7.2 and 6.4 percent respectively. Unemployment in Massachusetts will rise from 7.2 to 7.6 percent if these men and women are laid off and not given jobs. The tax base will deteriorate, State welfare and unemployment compensation expenses will rise, retail sales will fall, and stagnation will continue. I understand that little consideration was given by the Defense Department to the economic effects of the base closings. I wish such considerations had been taken into account and that the Defense Department had a thorough, effective program ready to put in place. They have no such plan. The challenge to us now is to join together and formulate and implement a program that will help avert the economic crisis we face.



We must have a full range of financial assistance from Federal dollars to private capital to combat the effects of these cuts in our area. Pulling installations out without provision for this kind of assistance would be another example of a thoughtless and fragmented approach to the problems of our economy.

In short, we need economic conversion. That is a grand phrase we heard frequently as we withdrew from Vietnam, but it has never meant anything and it has never been a practical reality. The concept is just too big. But here we have a concrete situation of manageable dimensions. Here we have a problem with which we can deal. We have been presented with a rare challenge. If we live up to that challenge, we can provide a model for others to follow.

Such a transition will require action on the part of the Department of Defense and the executive branch of the Federal Government. It will require congressional involvement and the involvement of the congressional delegations from the States affected. It will require, most of all, the active participation of the business community and the cooperation of labor unions. But it can work, and we can make economic conversion a positive reality, rather than a negative code word.

I have four suggestions to offer today:

First, the Defense Department should use the resources at its disposal to assist States and local communities in the adjustment process. When many bases were closed in 1964, then-Defense Secretary Robert McNamara established the Office of Economic Adjustment to deal with the same problems facing us today. President Nixon, also recognizing the problem, established a Cabinet-level committee in 1970, the Interagency Economic Adjustment Assistance Committee, to coordinate the Federal programs providing local development assistance.

I have worked with the Office and the committee, and they do not fully measure up to performance standards we would ideally seek.

I suggest that we take a hard look at the budget of the Office of Economic Adjustment and consider doubling its funding and personnel to help them better meet the needs of the communities affected.

I also suggest that we consider moving the Office out of the Defense Department and vesting its authority in the Department of Commerce or some other appropriate domestic agency because this is essentially a domestic issue.

Second, we should offer adequate adjustment assistance to workers laid off by base closings. Congress has enacted adjustment assistance in the form of retraining allowances, relocation allowances, and a salary stipend for a year for workers displaced by international trade. I intend to introduce similar legislation to assist workers displaced by the closing of military installations. I hope that it can be passed promptly by the Congress and signed into law by the President.

Third, the land in New England that will be abandoned is prime industrial land. It should not be used for different defense purposes that would not create the new jobs that are needed. It should not be used for recreational purposes alone. It should instead be used in such a way that new industry will move in and create the jobs necessary to put the displaced workers back to work.

The congressional delegations from the affected states should work closely with the Defense Department, the General Services Administration—which disposes of excess property—and the Federal Property Review Board, to make sure that by December 31, 1973, when the Boston Naval Shipyard will close, plans are well underway for the appropriate disposal of the land.

Fourth, we should provide additional retirement and severance benefits to those who are laid off. Ordinary retirement and severance benefits are insufficient for men and women who, for no fault of their own, will have their lives disrupted. The portability of pensions and all other pension rights must be protected. We should consider increasing retirement benefits for civilian employees along the same lines as the increased benefits that went to postal workers when the Postal Corporation was formed. We should also consider plans to authorize and appropriate some period's pay—such as 1 month—for every year worked at the military bases for the civilians whose jobs have been eliminated. This would apply only to those ineligible for adjustment assistance.

The Department of Defense can provide the severance pay by an administrative action. Adjustment assistance takes legislative authority and will therefore take far longer to implement. Therefore, the Department of Defense should provide such severance benefits now while the Congress begins action on legislation authorizing adjustment assistance.

These are but a few initial suggestions. I would welcome any recommendations from any Member of Congress, official of the Federal Government, businessman, labor leader or interested citizen. What we really need now is the energy to persevere, ideas with which to work, and the imagination to put those ideas to practical use. I would call on business leaders in particular to come forth and give us the ideas with which we can put our economy back together and achieve real, stable prosperity.

## STATEMENT CONCERNING SECRETARY ROGERS' ANNUAL REPORT TO THE CONGRESS

### HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. MAILLIARD. Mr. Speaker, Secretary Rogers' report to the Congress on U.S. foreign policy in 1972, which was issued today, covers one of the most significant years in this Nation's foreign relations. The President's journeys to Peking and Moscow represented an historic turning point. But progress was made on other fronts as well. Many of our diplomatic efforts never make the headlines, and Secretary Rogers' report serves to remind us that the tasks of diplomacy are intricate, complex, and wide ranging. They encompass not only relationships among the superpowers but also the very human relationships involved in efforts to advance the well-being of peoples throughout the world. We should all be grateful to Secretary Rogers for providing us with a comprehensive and illuminating review of the events of 1972 and for identifying problems and opportunities which lie ahead.

## SOCIAL SERVICES—THE REAL STORY

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. HUBER. Mr. Speaker, I think it is time to set the record straight with regard to the proposed new regulations governing federally supported social services.

There has been a great outcry to the general effect that the new regulations proposed by the Department of Health, Education, and Welfare "will cripple thousands of vital human service programs"; that they will "gut existing programs which provide many families with the help they need to get off the welfare rolls and become self-supporting"; that they will have a "severe and tragic impact" on individuals "currently benefitting from day care programs"; that they are "so restrictive—they would eliminate completely existing programs which provide child protective services, emergency care, day care" and other services; that they reflect a "callous, indifferent attitude—toward the needy people of America"; that they will "not only halt the growth of day-care centers—they may well doom existing ones." The catalog of projected "terrors" goes on and on.

Perhaps some of the taxpayers in this country would be interested in the real facts, so contrasted with the kind of hand-wringing hysteria we are being treated to in the CONGRESSIONAL RECORD and in the press.

First of all, to put the picture in perspective, it should be pointed out that the new regulations were necessitated by an act of Congress. Last year faced with the fact that the federally supported social services program had become a flagrantly abused and financially skyrocketing boondoggle, Congress clamped a $2.5 billion ceiling on it. Had no such action been taken, the fiscal year 1973 cost of the program would have reached at least $4.65 billion or nearly twice the maximum mandated by Congress. Almost to a man, Members of Congress who now flail the HEW regulations voted for the ceiling. But, as so often happens in the Congress these days, some Mem-

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bers would like to have their cake and eat it, too. They seem not to realize that a vote to curb spending also means curbing the scope of the programs on which the money was being spent.

Significantly, however, the new regulations will actually channel more money to the truly needy than they have thus far been receiving under these programs. This will happen, because the new regulations force spending to be focused on those in greatest need and because administration is tightened up to reduce waste and duplication of effort.

Today, I would like to discuss specifically the effect of the new regulations on child care. In the future I hope to discuss other aspects of the rules changes.

Critics of the new regulations complain that they will "play havoc with those who are in greatest need." That simply is not true. The curtailment is in fact meant to eliminate services to those who need them least and to concentrate most of the Federal dollars available for child care on those who have the greatest need—those families and individuals who receive cash assistance, because of their very low income.

Critics of the new regulations complain that "day care will no longer be available to parents in job training or full time jobs." Once again the charge simply is not true.

In order to target aid to those who need it most, the Department has made two major changes in the day-care regulation:

First. The scope of support for day care would be restricted to the purpose of enabling caretaker relative to participate in employment, training or receipt of needed services.

Second. The member of former and potential welfare recipients who are eligible for day-care support has been reduced. This targets available moneys on those most in need; namely, those whose incomes are so low that they must have cash assistance to survive. This reduction is accomplished by means of two changes in the regulations:

First. The income level for eligibility for services as potential welfare recipients would be estimated at 133⅓ percent of the State's welfare assistance payment level, whereas formerly States could set any reasonable level. Some States permitted a family of four with an income of $8,000 to $9,000 to qualify. That is several times the income permitted for a family to qualify for welfare assistance payments.

Second. Group eligibility as potential recipients is eliminated. People formerly could qualify for services simply because they lived in a public housing project, model cities area, Indian reservation, low-income census tract, et cetera, regardless of the real need for the services.

Another change in the regulations reduced from 2 years to 3 months the time period during which "former" welfare recipients are eligible for services, including day care, and reduced from 5 years to 6 months the period during which "potential" welfare recipients are eligible for services.

Critics have charged that this will "undercut * * * efforts to help individuals move from reliance on welfare benefits to a position of financial independence." They overlook two very significant factors however, in making such a charge:

First, the longer periods permitted many people to qualify for services long after they had achieved "a position of financial independence."

Second, the shorter periods proposed are only initial limitations. If, for example, a family has been off from welfare for 3 months, but a review of their situation at the end of 3 months indicates they might be forced to return to welfare if day-care services are denied, it is possible for that family to continue eligible for services under the "potential" category. Further, the 6-months limitation for potential recipients does not preclude receipt of services for a longer period of time; it merely requires that the State certify, at the end of each 6-month period, that the family is still in immediate danger of welfare dependency if services, including day care, are not provided.

What these criticisms amount to, then, is primarily an attempt to obscure the real issue—the need to curtail a ballooning and badly abused program—behind a cloud of rhetoric about "gutting programs for the poor," "callousness," "indifference," "crippling vital services," "eliminating child care," and other fallacious, but emotional verbiage.

When it is all boiled down to its essence, what the critics really want to save is jobs for a lot of professional "servants of the poor" and child-care programs for a lot of mothers who would rather work than stay home and raise their own children.

In witness of this latter fact I include in the RECORD at the close of my remarks an article by Barbara Garson, the author of the bitterly satirical play "MacBird," which appeared in the New York Times on Thursday, March 15, 1973. Miss Garson views her article as a defense of the current program. I view it as ample evidence that the current program is being abused and should be curtailed as required by congressional action and the proposed HEW regulations.

Why, for example, do the taxpayers owe Miss Garson a right to write? If she took a real job instead of indulging herself in a professoinal luxury all of us might enjoy but most cannot afford, she could pay for professional child care.

Or consider her own attitude toward child raising:

> If working eight hours a day is a hard way to be a mother, staying home alone in a room all day with your kids is even worse.

It may be each woman's right within her capabilities, to decide whether she will raise her own family or let someone else do it. But why should the taxpayers be called upon to subsidize her "liberation."

Miss Garson concludes her column by suggesting that rather than entrust her child to "some woman with two kids of her own who takes in three children at $25 a week and sits them in front of the television all day" she would rather "do the responsible thing for my child, stop working, and go on welfare." I suggest that if she really wants to do the responsible thing, maybe she should go back to her husband.

The article follows:

THEN ON THE OTHER

(By Barbara Garson)

When my daughter was 3 years old, I wanted to start writing again. I didn't have the money for professional child care so I got involved in a string of collapsing parent-controlled co-ops. After a few months Juliet was getting ragged around the edges. So I decided to put off my literary comeback.

Then I was lucky enough to get into Greenwich House, a first-rate day care center with a long, long waiting list. Greenwich House is 75 per cent Federally supported. We parents pay zero to $25.25 a week, depending on income. Greenwich House is professional, loving, unexperimental and above all, stable.

Now I could start writing full time with a clear conscience and a good hope of supporting myself. As a matter of fact, I've finished another play which I have dedicated to my school.

Among the mothers of Greenwich House are nurses, receptionists, messengers, and a couple of welfare women going to school. Most of them are divorced, or separated like me.

Many of us single parents have somewhat unstable lives. It must be the times. We always seem to be losing a job or an apartment or a husband. That makes childhood a little different for my daughter than it was for me.

My parents have been married for 34 years. They still live in our old home with the same good neighbors on the block. When I visit my folks I feel like I'm on an anthropological field trip. "Look Juliet," I say. "This is a home. This is how people once lived."

Greenwich House helps me give my child a little of that world I grew up in.

After nursery school Greenwich House sees our children through the years with the after-school program, summer camp and even music lessons.

Many of the day-care mothers have worked out exchanges so that Billy's mother picks up Jerry after school and Jerry's mother takes them both to the movies on Saturday. These are more than free baby-sitting arrangements. This is how our children can make friends that don't disappear. Making friends in the neighborhood seems so simple and ordinary. Yet without Greenwich House it would be difficult for us modern Manhattan working mothers to arrange.

The Department of Health, Education and Welfare has decided that the Federal Government will no longer subsidize child care for working mothers. The new H.E.W. regulations don't close the centers. They simply transfer the subsidy from working mothers to welfare mothers. Now surely welfare mothers need a Greenwich House, too. If working eight hours a day is a hard way to be a mother, staying home alone in a room all day with your kids is even worse. A welfare child needs the continuity of day care at least as much as my child does.

But this is not what the new regulations provide. Under the proposed rules the Federal Government subsidizes day care only to make welfare mothers find jobs (or work off their checks for below the minimum wage on the work-fare programs). After three months it is assumed they have "stabilized" their incomes. Then they too are kicked out. From a school Greenwich House becomes a temporary holding hall for little kids, while their mothers seek work. Then those mothers, like me, must find some other makeshift arrangement.

What can those politicians, those motherhood lovers have in mind? I guess they figure they'll use day care to clear the welfare rolls. The mothers will manage somehow. And the kids—oh, they'll turn out all right. After all, didn't Mr. Nixon group up in adversity?

Private day care costs at least $45 a week per child. For most of us at Greenwich House that's about one-half of our salaries. Under the new regulations our only real options are to go on welfare, or to find some woman who takes in three children at $25 a week and sits them in front of the television all day. That's the kind of arrangements most low-paid working mothers make right now. Frankly I'm too middle class for that. I'd rather do the responsible thing for my child, stop working and go on welfare.



## JAMES J. KILPATRICK ON THE GREAT SOCIETY

### HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ARCHER. Mr. Speaker, a recent report by the Government Accounting Office which was released on February 20, 1973, concerns a study on the Neighborhood Youth Corps. The figures which the report presents illustrates that the program has been a failure.

Similar to many of the Great Society programs which are now or have been administered by OEO, the Neighborhood Youth Corps was built on an idealistic base which simply has not worked.

James J. Kilpatrick, the noted writer and commentator, recently wrote an article on this subject and I include it to be printed in the RECORD at this point:

[From the Albuquerque, N. Mex., Journal, Mar. 5, 1973]

(By James J. Kilpatrick)

RESPONSE TO MALARKEY

WASHINGTON.—Several thousand poverty workers descended recently on Capitol Hill, there to lobby for their jobs and to publicize their cause. They had learned their catechism well.

What is Richard Nixon? Richard Nixon is an oppressor. Whom does Richard Nixon oppress? Richard Nixon oppresses the poor. Why does he oppress the poor? He oppresses the poor because he lacks compassion. What else does he lack? He lacks sensitivity also. How does he oppress the poor? He oppresses the poor by demanding that certain anti-poverty programs be dismantled. What do we call these demands? We call them brutal and savage.

Nixon replied to this malarkey in a speech that crackled with common sense. A great many fed-up Americans, listening on their car radios, must have wanted to honk their horns in approbation. He took deadly aim on the "almost Utopian commitments" of the Great Society that "in case after case amounted to dismal failure."

"Those who make a profession out of poverty got fat," he said. "The taxpayers got stuck, and the disadvantaged themselves got little but broken promises."

For a telling example of what Nixon was talking about, consider the Neighborhood Youth Corps. This well-intentioned boondoggle was created under the Economic Opportunity Act of 1964. It is administered by the Department of Labor. One of its purposes is to provide meaningful employment and remedial education for potential dropouts, in order to keep them in school.

On Feb. 20 the General Accounting Office released a report on the Neighborhood Youth Corps' operation in 1970–71 in Houston, Norfolk, and Washington, D.C. The report made dismal reading.

During the 1971 fiscal year, the Corps had a budget of $59 million for its in-school program. Nationwide, an estimated one million youths were eligible. Of these, only 95,000 got a taste of the gravy. In the three cities studied by the GAO, 2367 youths shared in a program that cost $1,575,000.

The Labor Department had set up criteria for determining potential dropouts. These criteria, it appears, were widely ignored. Examination of a sample group indicated that probably 35 per cent of the youths were ineligible. They never had thought of dropping out.

Did the program operate effectively for the other two-thirds? No, indeed. In Washington, for example, the GAO auditors compared Corps enrollees who had "identified dropout potential" with a similar group of non-enrolled youths. The actual dropout rate was 18.7 per cent for those who were enrolled. It was 11.8 for those who were not.

The program was intended to provide remedial education for poor students. Only 17 per cent of them got it.

The program also was to provide "meaningful" job opportunities. On the average, enrollees worked about 10 hours a week and earned some $600 during the school year. Most of the participating girls were assigned to clerical work, and these benefited from the program.

It appeared, however, that some 54 per cent of the boys were shuffled off to jobs as assistant janitors. In Washington, 40 per cent of the boys in the sample group were assigned to a "courtesy patrol." Their duties were "to patrol neighborhoods and help residents carry groceries, help elderly people off buses, help remove litter, and maintain general surveillance over neighborhood streets."

The GAO auditors visited a courtesy patrol work station. In their observation, more than half the sampled youths were simply lounging around. "All the courtesy patrol members were assembled in the same room with no apparent work to perform. During the entire length of our visit, not one left the room to patrol the streets or serve residents."

To borrow from Nixon's speech, this doubtless was "compassion that meant well." If this kind of thing can be replaced by "compassion that works," Nixon and the Congress will have applause coming; and the catechism will be exposed as a lie.

## SUPPORT FOR NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. BADILLO. Mr. Speaker, perhaps the most difficult and complex task facing the 93d Congress is the setting of national budget priorities. Particularly at a time of soaring inflation and nagging unemployment, the disposition of Federal funds deserves the most careful consideration.

At this time, I want to urge the support of my colleagues for legislation that would extend the life of the National Foundation on the Arts and the Humanities for another 3 years, with authorizations of $450 million for each of the two endowments. This legislation has been introduced and subjected to hearings in both the House and the Senate, and I am hopeful that early and affirmative action will be taken.

Since the legislation establishing the National Foundation on the Arts and the Humanities was enacted by the 89th Congress, there has been a growing appreciation, both within the Congress and among the general public that the cultural resources of this Nation are as vital and in need of preservation as are our natural resources. The Federal Government has an important role to play in this effort, and this has been recognized in the funding increases for the arts and humanities over the past 2 years. The Federal-State partnership established under the arts and humanities legislation deserves even greater support and encouragement, for every dollar invested by the Federal Government is matched by the State, and that $2 is in turn matched by the ultimate recipient, with the result that a single Federal dollar becomes a $4 expenditure on the arts.

I urge my colleagues to keep this in mind as the authorizations and appropriations for the arts and humanities are considered.

## FEDERAL EXPENDITURES SHOULD NOT EXCEED REVENUES

### HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. HUDNUT. Mr. Speaker, our national debt has now reached the astronomical figure of $460 billion. Few people can visualize the vastness of this amount, but it can be graphically illustrated if we picture it as converted into $1 bills. It is said if we place 1 billion $1 bills end to end, they would extend four times around the world. If we carried this a step further and converted our entire national debt into $1 bills, they would form stacks end to end, 1,840 bills deep, stretched around the entire world.

Since 1930 there have been only 6 fiscal years when we had a balanced budget. Three of these years were in the Truman administraton—1947, 1948, and 1951, and three were in the Eisenhower administration—1956, 1957, and 1960. For the most part, these deficits have been due to extenuating circumstances such as economic recessions or wars. However, there were years—such as during the Kennedy administration when we saw "planned deficits" as a matter of economic policy.

Historian Arthur M. Schlesinger, Jr., in his book "A Thousand Days," described this as "a revolution in fiscal policy" which committed itself "to a radical principle: The deliberate creation of budgetary deficits at a time when there was no economic emergency." At that time former President Eisenhower warned "the deficit road through history has lured nations to financial misery and disaster." President Eisenhower denounced the Kennedy administration's "vast, reckless plan." Schlesinger writes that "neither the passion for a balanced budget or the fear of inflation"

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was allowed to abort the fiscal revolution. The Kennedy administration dismissed Eisenhower's plea and warning as a "right-winger's mythology."

Today, we see the results of these years of Federal deficits in the high prices for meats and other products, in increased rents and interest costs, as well as the devaluation of our dollar in foreign trade. Seemingly, the entire economy of the United States is on very shaky grounds.

If ever there were a time ripe for corrective action, surely it is now. And that action can only come from one source, the body invested by the Constitution of the United States with the responsibility for action in fiscal matters of this country, the Congress. I personally feel the time has now come when we must get our house in order. In an attempt to remedy this situation, I am introducing a bill to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency declared by the Congress by a concurrent resolution which has passed each House by at least two-thirds of the authorized Members of that House. Also, there is a provision for a systematic reduction of the public debt beginning with 2 percent the first year and gradually reaching 5 percent each year.

In discussions with my constituents, I find the vast majority do not want any more deficit spending. I believe they represent the views of most Americans who are fed up with high taxes and inflation and feel that Congress should begin to handle the Nation's budget as they do their own family budget—living within their means.

The Joint Study Committee on the Budget has already made a good start in their recommendations for better budget control and I hope this proposal I am sponsoring will receive very serious consideration.

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## W. D. P. CAREY

### HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. SHRIVER. Mr. Speaker, one of this Nation's distinguished business leaders and an active civic leader of Hutchinson, Kans., Mr. W. D. P. Carey, passed away on April 7, 1973. Mr. Carey had achieved success as a businessman, attorney, and community leader.

Many of the progressive developments in the Hutchinson community were stimulated by the leadership of Mr. Carey. Whether it was a sports arena for the city, a hotel, flood control, a hospital, or the United Fund, he was in the forefront hard at work.

Mr. Carey was a director "emeritus" of Tenneco and had served as president of the Packaging Corp. of America.

The Carey family long has been synonymous with Hutchinson. In recent months, however, the family has experienced the loss of Howard J. Carey, Sr., a brother, and Howard's widow, Mrs. Louise Carey.

Mrs. Shriver joins with me in conveying our deepest sympathies to Mrs. W. D. P. Carey; her daughter, Mrs. Gwen Everett; and a son, W. D. P. Carey, Jr. Under leave to extend my remarks in the RECORD, I include the following editorial from the Hutchinson, Kans., News which eloquently eulogizes this outstanding citizen—W. D. P. Carey:

W. D. P. CAREY

William Carey was a Renaissance man.

That is defined as a "present-day man with many broad interests who has opportunity to indulge himself in them so as to acquire a knowledge of each that is more than superficial."

He went beyond that definition, from the arena of knowledge into the field of action. Devoted as he was to education and the arts, he did not accumulate knowledge and understanding for their own sakes but as tools with which man serves himself and others.

Simply to run an inventory of those interests is to invite both the error of omission and disbelief. They included the law, which to him was the frame on which to build both a civilized society and a personal life. Along with that passion came business. He approached that with the zeal of a talented football player—which he also was—marshaling his strategy and resources to fashion a win. But business was a bit more than a game to be played superbly, as he did. It also was a skeleton to be fleshed with people, inspired with imagination, and imbued with moral fiber.

And then what? Golf, of course. Community duty, of course. Service to country, to his schools, to his business associates. Art was there, and a smattering of music; deep interest in history; some politics; man's social needs, as they can be met with better hospitals, better parks and recreation, better housing, better jobs.

Above all stood his sense of devotion. First, to his family. Then, to his home community. How well he met those self-imposed obligations is clear in the long record of duty which was noted in the Sunday report of his death.

Suffice it to say that if we had such a title as Citizen Of The Century, this century's honor would go to William Carey.

It has been an unhappy season for the Carey family, and for their friends throughout the land. Though deaths came cruelly fast, the losses served as testimony to the abundance and fullness which the lives of this remarkable family have given to all of us.

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## DIPLOMATIC DOUBLE STANDARDS OR JET AIRCRAFT

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. RARICK. Mr. Speaker, undoubtedly, the sale of three used jet airliners to Rhodesia will bring cries of anguish from the same crowd that engineered the economic sanctions the U.N. imposed against that country several years ago. The airplanes represent the first jet aircraft acquired by the Rhodesian airline.

This still leaves Rhodesia lagging behind Communist China in jet transportation. The Chinese, you will recall, purchased ten 707 jet airliners from an American firm last fall for a reported $125 million. But the Red Chinese got a better deal still—free training for Chinese pilots was thrown in for boot.

It is interesting to note that within a few days after the Chinese made their deal with the American businessmen to buy commercial airliners—for peacetime purposes only—the Nation's news reported:

About one dozen MIG 19 jet fighter planes were delivered by China to North Vietnam. . . . At the time Hanoi was down to fewer than two dozen jet fighters and was losing them in dogfights with American attacking aircraft at such a rate that they would have been out within two weeks.

Here is another example of the double standard in U.S. diplomatic relations. While UN imposed economic sanctions against non-Communist Rhodesia continue to be respected by the United States, we allow U.S. made planes to be sent to the same Communist who supplied the war material to prolong the killing of our fighting men in Vietnam.

Related newsclippings follow:

[From the Star and News, April 17, 1973]

FIRM EXPLAINS SALES OF THREE JETS TO RHODESIANS

GENEVA.—Three Boeing jet airliners delivered to Rhodesia in violation of the economic sanctions imposed by the United Nations were owned by a bankrupt West German charter company, according to a spokesman for Jet Aviation, an aircraft maintenance company in Basel said.

The spokesman said yesterday the four-engine aircraft left the Basel airport on Thursday and Friday for Lisbon. The Boeings are said to be the first jet aircraft acquired by the Rhodesian airline, Air Rhodesia.

Jet Aviation, according to the spokesman, prepared the planes for the flight to Lisbon without knowing their ultimate destination. They arrived in Salisbury, the Rhodesian capital, on Saturday.

The spokesman said that the three planes belonged to a Munich charter company, Calair, which went bankrupt last year.

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[From the Washington Evening Star, Sept. 18, 1972]

OTHERS WOULD FOLLOW BOEING CHINA DEAL

(By Stephen M. Aug)

Months of patient effort and weeks of hard negotiating have won the Boeing Co. not only an unusual cash purchase for $125 million worth of its planes, but a stretch-out of its 707 production; continued employment for hundreds of workers and more than a foot in the door to greater trade with the Peoples Republic of China.

The deal, completed Saturday, is the largest transaction to date since trade barriers have been eased between the United States and mainland China.

An examination of records at the Commerce Department, however, indicates that a number of other companies—some of them unidentified—are looking toward further deals with the Chinese.

Among them:

Pratt & Whitney Division of United Aircraft Corp. received last Thursday a Commerce Department license to export $12,112,000 worth of aircraft engines and parts for installation on U.S. planes. These would be replacements for the engines to be placed on the 10 Boeing 707s the Chinese have ordered. A Pratt & Whitney spokesman said a company delegation leaves for China today to negotiate the deal.

An export license was issued Aug. 2 to an unidentified company to demonstrate and resell $6,713 worth of outboard motors.

On July 25 the department issued a temporary license for a demonstration of $6,000 worth of data processing equipment. This, however, is not to be sold, but is to be returned to the United States. The department did not identify who received the license.

The department's quarterly report for the three months ended June 30 says export licenses for sales of more than $150 million were approved for the Peoples Republic of China. Commercial aircraft for civil airline operations accounted for all but a few thousand dollars.

Virtually all of this was accounted for by the Boeing license which was granted June 30. In mid-July, the government granted McDonnell-Douglas Corp. a $21 million temporary license authorizing a demonstration flight of an airplane to China.

But Douglas officials never went to China, nor did their plane. They weren't invited, and business with the Chinese at this point is by invitation only.

LOCKHEED LESSON

Sometimes, of course, even invitations haven't resulted in sales, as Lockheed Aircraft Corp. learned.

A five-member team headed by Lockheed international vice president Robert I. Mitchell visited China from May 28 to June 14 in an effort to sell airplanes—the jumbo L1011 Tristar, L100 Hercules and the Jetstar, an executive jet plane. Although there has been a continuing exchange of correspondence since the visit, no sales have resulted.

Commerce Department records indicate a number of sales to the Chinese of photographic film—some direct, and some of it U.S. products re-shipped from Hong Kong.

The only significant export to China since the trade barriers began coming down last year—and prior to Boeing—was the sale of about $6.6 million worth of communications satellite equipment by RCA Corp. The company's first sale was made in connection with President Nixon's February visit to China.

STEADY IMPORT FLOW

There continues, however, to be a steady flow of imports from China. During the first seven months of this year, $16.8 million worth of Chinese goods have been imported.

George Driscoll of the China desk at the Commerce Department, said the first direct transactions between U.S. and Chinese firms after the RCA deal were made in connection with the Chinese Export Commodities Fair at Kwangchow from April 15 to May 15. After $6 million worth of business was transacted—although none of it was export business from American firms.

Among the importers is Seabrook Foods Inc. of Great Neck, N.Y. Murray P. Berger, president, was among those who attended the fair. His company has ordered about $200,000 worth of frozen vegetables—including some 9-inch green beans—and frozen shrimp. Compared with the $75 million in sales Seabrook Corp., Leviant International, Boeing, RCA, May Lee Import-Export Corp., Bloomingdale's, Sobin Chemicals, Envirotech Corp., and Alexander's Department Store. Trade associations also appeared from Minneapolis, Chicago, San Francisco and Hawaii. The China Trade Association of Washington also was represented.

The Chinese, these businessmen must have found out, are tough negotiators. Boeing's chief negotiator on the 707 transaction, Byron H. Miller, international sales director, said his sales team had "a quite arduous time . . . It was by far the most rigorous negotiations I've ever been involved in."

"VERY ARDUOUS"

At a news conference yesterday, Miller said they were "very, very protracted and detailed negotiations." The result, he said, was a 125-page contract, and "we went through that thing 10 times . . . it was very arduous."

Although most sessions began at 9 a.m. and ended at 5 or 6 p.m. with a two or three-hour mid-day recess, loggerheads that developed resulted in no meetings at all for two or three days at a time.

Miller traced the progress of the deal starting perhaps two years ago when Boeing received several "always somewhat mysterious" inquiries about its aircraft. The source was eventually traced to mainland China, but several indirect attempts by Boeing to obtain authorization to send a delegation to China were unsuccessful.

SIGNING SEPTEMBER 9

Then, last March 7, the company applied directly to the China National Machinery Import & Export Corp., which negotiates such deals. A cable to Boeing three weeks later invited a delegation to the April-May trade fair. Negotiations began April 15 and trade documents were signed Sept. 9. Nine different Boeing officials took part at one time or another.

Miller said the Chinese want details of the contract kept confidential. But he said the deal is for cash—almost unheard of in airplane sales—with a 30 percent down payment and full payment in U.S. dollars through the Bank of China and an unidentified bank in an unidentified country when the planes are delivered.

The contract includes training for Chinese pilots on the ground and in simulators at Boeing headquarters in Seattle, plus flight training in China. The planes will have Pratt & Whitney engines, and these account for about 15 percent of the $125 million price for the 10 aircraft.

The planes will be used on both domestic and international routes, Miller said, speculating that they would likely reach such Western nations as Japan, Canada and France.

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HANOI GETS JETS FROM PEKING

(By Henry S. Bradsher)

SAIGON.—About one dozen MIG 19 jet fighter planes were delivered by China to North Vietnam early last week. At the time Hanoi was down to fewer than two dozen jet fighters and was losing them in dogfights with American attacking aircraft at such a rate that they would have been out within two weeks.

The fact that China came through with help at a time when the flow of Soviet aid has been greatly reduced by the U.S. blockade of North Vietnam emphasizes the increased importance of Peking to Hanoi.

China has since 1965 supplied mostly light weapons and bulk civilian goods to North Vietnam while the Soviet Union provided sophisticated heavy weaponry and technical goods. But now with roles shifting, the blockade is only one reason.

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China has over the years also provided jet fighters to North Vietnam. The MIG 19s which China now is making at a rate of 450 a year is a modified copy of a Soviet design. The Soviets have provided later and better MIG 21s to Hanoi. But the North has been running out of them. Delivery of planes early last week was a Chinese effort to keep the North Vietnamese air defenses viable.

China has also provided North Vietnamese with Chinese produced copies of Soviet bombers. These are stationed in Southern China to protect them from U.S. air raids and have not been used against South Vietnam.

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## MIDAIR COLLISION AVOIDANCE ACT OF 1973

### HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. GOLDWATER. Mr. Speaker, the recent collision between a NASA plane and a Navy jet, which tragically took 16 lives, demonstrates once again that Congress must enact legislation to require the installation of collision avoidance systems on most civilian and military aircraft. There is no doubt that the danger of midair collisions is increasing, and on the basis of personal studies that I have undertaken, unless we do something immediately, hundreds and perhaps thousands of people will die in such collisions in the next 10 years. In fact, the National Transportation Safety Board has projected 972 fatalities from 335 collisions between 1970–79.

Unfortunately, ground based radar does not always pick up aircraft, and a great percentage of aircraft flying today is classified as the lighweight, small general aviation type. For the most part, such planes fly outside the control of radar and aircontrollers on the ground. Actually, its a tribute to the pilots of such aircraft that more mid-air collisions do not occur than the already frightening number that do.

It is not a very pleasant subject to bring before the Members of the House, but after all, practically all of us are required to fly great distances, and while there is always the danger of an accident occurring, it can be increased many times over unless proper precautions are taken. One of these precautions should be the installation of effective collision avoidance systems. As our colleague in the other body (Mr. Moss) pointed out in a statement yesterday, the technological know-how is available to effect a program of collision avoidance on most aircraft.

Together with my colleague (Mr. Moss), I introduced legislation yesterday that would set a target date of March 1974, for completion of testing of mid-air collision avoidance systems. The bill, H.R. 7125, requires that all airliners and military aircraft must have a collision avoidance system by June 1976. Additionally, by June 1977 all business and other commercial aircraft would be required to have the system operative and by June 1978 all aircraft would have to comply. This would exclude certain type aircraft that operate away from congested areas such as specialized sport, experimental, antique, agricultural planes and gliders.

We have a serious obligation to do everything possible to reduce the chances of midair collisions. I am very hopeful that we can get some hearings on this bill in the near future, and if any of my colleagues would like to discuss it with me please let me know.

Mr. Speaker, I would like to include a copy of H.R. 7125 as a part of my remarks at this point. The preamble, or findings and purpose, of the bill describe the seriousness of the midair collision problem. The bill is as follows:

H.R. 7125

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Mid-Air Collision Avoidance Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) Whereas mid-air collisions have already caused and will continue to cause a



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tragic loss of human and economic resources, inasmuch as—

(1) mid-air collisions between air carrier, general aviation and military aircraft have caused a tragic loss of human life totaling 966 fatalities from 178 reported mid-air collisions between 1956 and 1970;

(2) the National Transportation Safety Board projects that, based on past levels of collisions and fatalities, the nation can expect to witness the loss of 972 lives from 335 collisions between 1970 and 1979;

(3) single collisions have resulted in damage claims of some $70 million; payments of some $29 million; and, based on qualified estimates, could result in a cost to the airlines of some $180 million if involving two wide-body airliners;

(4) the nation will experience a dramatic rise in airspace congestion as the airline aircraft fleet is expected to grow over 40 percent and the general aviation fleet by over 73 percent between 1971 and 1981.

(b) Whereas studies, analysis and tests have already demonstrated that economical and effective collision avoidance systems can be made available to reduce markedly the incidence of mid-air collisions that cannot be prevented with the nation's ground-based air traffic control system alone, inasmuch as—

(1) the National Transportation Safety Board reported in 1971 that "an estimated 82 percent of the accidents studied may have been avoided if collision avoidance systems (CAS) and pilot warning indicators (PWI) had been installed aboard the involved aircraft";

(2) in four of the eleven collisions between air carriers and uncontrolled aircraft, the uncontrolled aircraft was not even seen on the ground-based radar; and

(3) the Administrator of the Federal Aviation Administration has stated that efforts to evaluate three advanced designs proposed by industry, in versions suitable for all classes of aircraft, can be completed by March 1975.

(c) Therefore, the purpose of this Act is to require the Administrator of the Federal Aviation Administration to expedite the evaluation and selection of a national standard for a collision avoidance system; proceed to develop plans for operating rules and regulations integrating this system into the ground-based air traffic control system; and require the installation of a collision avoidance system on all classes of aircraft by certain dates.

EVALUATION, SELECTION AND IMPLEMENTATION OF COLLISION AVOIDANCE SYSTEMS

SEC. 3. (a) Not later than March 30, 1974, the Administrator of the Federal Aviation Administration, in cooperation with the National Aeronautics and Space Administration and the Secretary of Defense acting through the Interdepartmental Group on Collision Avoidance and Pilot Warning, shall complete the flight test and evaluation of currently competing airborne collision avoidance systems, as defined in section 101 (37) of the Federal Aviation Act of 1958, and not later than June 30, 1974 shall select a national standard for such systems.

(b) The selected standard shall be technically and economically suitable for all classes of civil aircraft, as defined in section 101(14) of the Federal Aviation Act of 1948.

(c) Not later than December 30, 1974, the Administrator of the Federal Aviation Administration shall publish implementation rules and regulations to describe compatible use and operating procedures between CAS systems and the existing air traffic control system.

AMENDMENTS TO THE FEDERAL AVIATION ACT OF 1958

SEC. 4. (a) Section 101 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof the following:

"(37) 'Collision avoidance system' means an all weather cooperative system on an aircraft which is compatible with but independent of ground based air traffic control systems and can detect all other aircraft representing a potential collision threat and, if necessary, indicate to the pilot a safe evasion maneuver."

(b) Section 601 of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new subsection:

COLLISION AVOIDANCE SYSTEM

"(d)(1) Minimum standards pursuant to this section shall include the requirement that—

"(A) not later than June 30, 1976, a collision avoidance system shall be installed on any aircraft which is operated by an air carrier or a supplemental air carrier, and has a maximum certificated takeoff weight in excess of 60,000 pounds;

"(B) not later than June 30, 1976, a collision avoidance system shall be installed on all public aircraft;

"(C) not later than June 30, 1977, a collision avoidance system shall be installed on any civil aircraft which has a maximum certificated gross weight in excess of 12,500 pounds;

"(D) not later than June 30, 1978, a collision avoidance system shall be installed on all civil aircraft not covered by clauses (A) and (C) above.

"(2) Specialized sport, experimental, and agricultural aircraft and gliders as defined by the Administrator, shall be excepted from the provisions of this subsection when operating outside congested terminal airspace."

## WELFARE SCANDAL—XIV

### HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. THOMSON of Wisconsin. Mr. Speaker, evidence of the massive failure of our welfare system overwhelmingly demands urgent rethinking of the entire, outdated apparatus by which we try to help the poor and helpless. The system invites fraud and is characterized by inefficient administration. It further encourages a breakdown of individual responsibility through its bureaucratic clumsiness.

For 3 months, two reporters for the Milwaukee Sentinel investigated the operations of the Milwaukee County Welfare Department. What they found was scandalous and the subject of a series of articles in the Sentinel. Today's 14th installment of this series shows how the welfare department and both taxpayers and businessmen dealing with some welfare clients are victimized by an inefficient, sloppily administered program of public assistance.

To stretch our available resources to reach and help the truly needy, we must tighten up our procedures and eliminate such duplicative funding for some clients at the expense of everybody else.

BUSINESS PAYS WELFARE TWICE

(By Gene Cunningham and Stuart Wilk)

While Milwaukee County taxpayers are taking a beating from the welfare department, a number of businessmen are getting hit twice.

They not only pay tax money for waste and fraud. In addition, they take losses on their business transactions through the department.

For example:

One plumbing contractor is trying unsuccessfully to collect $1,120 in unpaid bills for work ordered by the department on homes owned by welfare recipients.

A furniture company wrote off $1,131 on its income tax as a bad debt. The amount was the unpaid balance on furniture ordered by the department for welfare recipients.

An optometrist said he loses hundreds of dollars every month because the welfare department will not pay the full cost of glasses ordered by welfare recipients nor will the department tell him what amount it will pay for glasses.

A real estate broker complained to the department that welfare recipients owed him $1,261 in unpaid rents and security deposits, money they had been given but had spent for something else.

The department, the businessmen said, insists that although it authorizes and orders items and services for welfare recipients it will not pay the cost.

Instead, the money is given to the recipient who often spends it for something else, leaving the businessman or landlord with a collection of unpaid bills.

"The authorization for the work comes from the welfare department, but then they don't pay for it," the plumbing contractor complained.

He is currently sending the department bills for work done for 13 different welfare recipients. Some of the unpaid bills date back to 1970.

The department, he said, told him it "had no record of having been billed" for six of the accounts. He showed a Sentinel reporter copies of bills and letters he had sent the department.

In some cases, he said, the department insisted it had not authorized the work.

In others, the department said the money already had been given to the recipients and that it was up to the plumbing contractor to collect from them.

The furniture store owner said he took telephone orders from department workers for more than $5,000 worth of furniture from 1968 into 1970.

He and his bookkeeper said they knew the department workers who phoned in the orders and that the proper acknowledgments of the orders were sent by the store to the department.

When it became apparent that some of the recipients' accounts were not going to be paid, the store contacted the welfare department.

The department's answer was that the money had been given to the recipients and that the store had to collect from them, the owner said.

He began a letter writing campaign to the department.

"Orders were taken from your caseworkers. . . . Our business was strictly with the Milwaukee County Welfare Department and we were not aware that any moneys were sent to your clients," he wrote.

He explained further that he had given the department a discount price that he did not give to individual retail customers.

The reply was the same—collect from the welfare recipients.

"As we stated before, we do not and did not deal with your clients. We dealt with welfare department homemakers and caseworkers. We feel it is the responsibility of the ordering party, namely the welfare department, to pay this charge," the store-owner wrote in a later letter.

When it became apparent that the department was not about to pay the bills, the store wrote off the unpaid balance of $1,131 as a bad debt.

In some cases, the store repossessed some of the items.

In others, the welfare recipients could not be located or the items bought were mattresses that cannot be repossessed and resold, the store owner said.

The optometrist said that he loses hundreds of dollars every month on glasses sold to welfare recipients because many of them demand expensive, stylish frames which Title 19 Medicaid allowances apparently will not cover.

"They say 'I want those gold wire shades' and when you tell them welfare won't pay for those" they argue with you, he said.

He said that last month his bill to the department for glasses for welfare recipients came to more than $2,500. He received a check for $1,974 in payment, he said.

The optometrist said he had tried unsuccessfully to find out from the welfare department how much Title 19 will pay for glasses.

He was told "we can't tell you because then you'll always charge that amount," he said.

The optometrist said that about one-fourth of his business is from welfare recipients but that he is seriously considering refusing to sell to them.

The real estate broker who complained to the department about unpaid rents and security deposits asked that the department put welfare recipients on vouchers and make payment direct to the landlord instead of giving the recipients the money.

"The voucher system is the only answer to the increasing trend of welfare recipients in not paying their rents and security deposits," he said.

The broker also contacted Supervisor William E. Nagel, chairman of the County Board's Welfare and Human Resources Committee.

Nagel checked the cases about which the broker had complained. He reported that in many of them the rent money had been given to the recipients who had simply spent it for something other than rent.

In a letter last January to Arthur Silverman, director of the welfare department, Nagel said:

"It is shocking to think nothing can be done to prevent such flagrant abuse of public money."

Nagel also introduced a resolution calling for a study of nonpayment of rent by welfare recipients and its cost to the county in lost security deposits, duplicate rent payments by the department and costs of moving recipients to other housing.

## THE ANTI-CIVIL RIGHTS GENOCIDE TREATY

### HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. ROUSSELOT. Mr. Speaker, the Senate has the constitutional responsibility to ratify treaties presented to it by the President. The House of Representatives does not have ratification power. Nonetheless, there are, from time to time, treaties under consideration which may have such great impact on our whole system of Government that we as Members of Congress have a responsibility to those who have elected us and to all of the American people to make our concerns known. The Senate Foreign Relations Committee has reported out such a treaty. This treaty is the Genocide Convention—a Convention which would seriously disturb and disrupt our present form of Government.



In an article in the American Bar Association Journal for August 1949, Orie L. Phillips, Chief Judge of the U.S. Court of Appeals for the 10th Circuit, stated that the Convention would:

. . . define certain acts, which have traditionally been regarded as domestic crimes, as international crimes and to obligate the United States to provide for their punishment and for the trial of persons accused thereof either in our domestic courts or in an international tribunal.

Judge Phillips has raised an important point that I wish to investigate at some greater length. If the U.S. Senate was to ratify the Genocide Convention, the United States would undertake an obligation to prosecute and punish public officials and private citizens of the United States for acts not embodied in the term genocide. In article II of the Genocide Convention, the term "genocide" embraces five specified acts "committed with intent to destroy, in whole or in part, a national ethnical, racial, or religious group, as such." The real meaning of the term genocide considers genocide only that which intends the complete destruction or the complete wiping out of a group. Under the terms of the Convention, any public official or private individual is subject to prosecution and punishment if he intentionally destroys a single member of any of the specified groups.

In 1950 the subcommittee of the Senate Committee on Foreign Relations realized that the convention distorts the idea embraced in the word "genocide." For that reason, they stated that the Senate should not consider ratification of the treaty unless it announced a certain understanding of the meaning.

In 1970 and 1973 the committee in its report stated:

While the committee had no particular problem with the meaning of these words in order to allay any misconceptions, it recommends two understandings to this article . . .

The first understanding—which is of relevance to us—would construe the words "intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such" to mean the intent "to destroy, such a group in such manner as to affect a substantial part of the group concerned."

Mr. Eberhard P. Deutsch on behalf of the American Bar Association stated:

It is again submitted that such an understanding in ratification of the Genocide Convention by the United States would hardly stand in the way of a finding of guilt.

The drafters of the convention have attempted—through their distortion of the concept of genocide—to make punishable either in the courts of an adherent to the treaty or in an international tribunal to be established under the terms of the treaty all of the acts enumerated in articles I and III of the convention.

Since the provisions of the treaty make an intent to destroy a single individual belonging to one of the four designated groups an act of genocide, the treaty would make any person in any of the countries adhering to it a potential victim of genocide. Almost every single person on the Earth belongs to one or more of the four groups designated.

The ratification of this convention would lead the United States into affirming something quite different than its name implies. The drafters of the convention have not even shown an understanding of that which they are attempting to stop.

Treaties must always be given serious consideration. And this one must be given very serious consideration. I ask my distinguished colleagues in the Senate to defeat ratification of this convention.

## NEW INTERNATIONAL AIRPORT

### HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. BROYHILL of Virginia. Mr. Speaker, I want to call to the attention of my colleagues a project being undertaken under the leadership of a Virginia corporation which will greatly enhance civil aviation in Southeast Asia. I refer to the proposed new international airport near Bangkok to be designed and built by 1978 by Northrop Airport Development Corp.—NADC—of Vienna, Va., which is located in my district.

Southeast Asia and the Pacific represent the fastest developing air travel market in the world, and one of the key hubs in that area is Bangkok. Air traffic through Don Maung, the present Bangkok airport, will reach saturation levels by 1977. Even today, the airport at Don Muang is so outdated that it is impossible for one super-jet to taxi past the terminal while another is taking off.

Furthermore, the airport at Don Muang is a combination military and commercial installation, even though the separation of military and civil aviation already is standard worldwide.

The Government of Thailand has long been aware that a critical situation is approaching and it has set aside land for a new international airport. Thailand has been beset by declining world rice prices and narrowing markets for its natural rubber products. It needs to expand its tourist trade. However, with the present squeeze at Don Muang airport it is impossible to do so—and the straining treasury cannot provide the capital for a new airport without jeopardizing other key domestic programs.

Northrop Airport Development Corp. has conceived of a way to help get the Thai Government out of this aviation dilemma without placing any additional strain on the government's own capital resources.

For the first time, a private company is offering a turnkey civilian airport, complete from planning through operation—and this landmark innovation actually includes private financing. It will cost the Thai Government nothing except the land, which it will provide at no cost to the private airport company, and except for the cost of certain governmental services that the Thai Government will supply for the operation of the airport, such as control tower service and security and immigration serv-

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ice. Furthermore, the company's systems approach to airport construction should compress by 40 percent the time normally required to build such a facility, thus allowing profitable operations to begin 3 or 4 years sooner than otherwise.

Briefly, NADC contemplates establishing a new corporation called the Northrop Thailand Airport Co. in which Thai private investors will hold majority ownership. Capital of approximately $100 million will be obtained through investments and loans from foreign and Thai sources. After the airport opens the new company will operate it under a 20-year franchise—but the Thai Government at all times reserves the right to buy the airport.

This concept provides the money for this essential facility without calling up images of a rich American Big Brother operation. I want to stress that this is a wholly private enterprise.

Mr. Speaker, I believe this may provide the answer to a potentially serious problem for civil aviation. The benefits in terms of safety alone would deserve our wholehearted support. For not only does this approach provide the capital, it also exports sophisticated communications equipment, American technical know-how, and American air safety standards which are the highest in the world.

In addition to the overriding advantages we would all gain from having a modern airport with all the best safety and communications equipment now available, this project will provide a tremendous economic stimulus to our Thai friends. An NADC study concludes that during the initial twenty years of airport operations, the contribution to the economy of Thailand by foreign air visitors beyond that accruing from Don Muang operations in 1976, is estimated to be $55 billion in 1970 constant prices. In addition, another $6.6 billion is estimated to be expended on the construction of hotel rooms for these visitors. The incremental savings to the economy of Thailand resulting from the expanded and modernized air cargo facilities at the new airport is estimated at $6.8 billion for the 20 year period.

However, this project is not a case where a foreign operation by an American company exports jobs and dollars—quite the reverse. This is a case where a foreign operation can help create jobs for Americans as well as funnel dollars back home.

Northrop Thailand Airport Co. will be financed by loans and investments from Thai and foreign sources, thus minimizing the American dollar outlays as well as relieving pressure on the U.S. reserves by utilizing Eurodollars and Asian dollars abroad. In addition, interest and dividends on the American portion of the capitalization over 25 years will have a significant impact on our balance of payments deficit. Construction of the new facility will require raw materials and equipment from the United States. Sophisticated safety and communications gear manufactured here will be installed there. Management services in the form of planning, design and construction management will be almost wholly American. All these factors will have an effect on American employment.

On-site employment of nationals wherever possible will stimulate the Thai economy. This stimulation will increase its buying power, thus creating new markets for American products of all kinds.

But let us not be too hasty in crediting these benefits to our balance-of-payments ledger. Our recent economic policies have improved our opportunities in the world market. It remains our task to take advantage of them. The organizations established by the Government and the Congress to support foreign trade and promote the expansion of private enterprise in the developing world, such as the Export-Import Bank, the Overseas Private Investment Corporation, the Private Export Financing Corporation, and the Foreign Credit Insurance Association, must take an aggressive stance by participating in the financing necessary to capitalize this project and others like it. If we neglect this opportunity to support a facility providing these benefits to the world, the Thais, and our own people, other countries will not be so reluctant. Such support is one of the simplest and least costly ways of financing economic aid to developing nations.

Mr. Speaker, for too long the United States has concentrated exclusively on the AID approach to foreign assistance. Here is a case where private investment can help get our Government out of the support business, yet can show evidence of our continuing interest in long-term capital investment in Southeast Asia. We can point to this project with pride as a prime example of private industry's promotion of trade and innovative financing from private sources replacing governmental foreign aid.

Here is a project from which everyone gains. The Government of Thailand shall have its badly needed airport. The Thai people will benefit from the increased tourism and increased employment. The people of the United States will benefit from the improvement in our balance of payments, increased employment at home, and the new market for American goods in Southeast Asia. And the people of every nation in the world will benefit from better contact with Southeast Asia.

To assemble the financial package envisioned in this plan will require the support and assistance of several governments and several governmental agencies thereof. I would hope that NADC will promptly receive that support. Surely, if the United States is unwilling to encourage the private development of Thailand there will be other countries ready to step in and offer assistance on other terms.

## TAX CREDITS FOR NONPUBLIC ELEMENTARY AND SECONDARY EDUCATION

### HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. COUGHLIN. Mr. Speaker, yesterday I introduced legislation to create a tax credit against the expenses of education at private nonprofit elementary and secondary schools. The amount of the credit would equal 100 percent of nonpublic elementary and secondary education costs up to a maximum credit of $200 per dependent in any year. I am pleased to announce that I am joined in sponsoring this measure by 21 of my colleagues representing 16 States and Territories.

It is widely recognized that the viability of our public education system, as it has evolved, is in large measure dependent upon the existence of nonpublic schools. Public education is, of course, the backbone of our educational system and as such deserves our primary attention and support. However, it is a fact of life that private and parochial schools now enroll 5½ million students or 11 percent of all elementary and secondary school students in the country. A study by the National Catholic Education Association underscores the vital role nonpublic schools play, especially in urban areas. In New York, for example, 24.3 percent of all students attend nonpublic schools; in Chicago, 27.3 percent attend nonpublic schools; and in Philadelphia, the figure is 33.6 percent.

Nonpublic education is in a state of crisis and we can no longer afford to ignore that fact. As a result of increases in teacher salaries and operating costs, private school tuition has risen and enrollment has declined in recent years, placing additional strains on public education facilities and making greater demands on public funds. Many nonpublic schools have been forced to close or to curtail their programs. This trend is likely to continue if some means is not devised to reduce the hardship experienced by families who send their children to nonpublic schools.

For whatever reason families may prefer a nonpublic school education for their children—specially tailored or experimental programs, proximity, or religious conviction—they should be accorded this choice. Moreover, it should not be a choice exclusively available to the well to do. For this reason I have constructed my bill in such a way that the full amount of the tax credit would be available to those least able to finance nonpublic education for their children—lower and middle-income taxpayers who earn $19,000 a year or less. This allows the vast majority of nonpublic school parents to receive the maximum benefit of the credit. For those with higher incomes, the credit would be reduced by 1 percent of income in excess of $19,000 in recognition of their greater ability to pay. Because of the urgent need for this legislation, I have recommended an effective date of December 31, 1973. The tax credit would thereby be applicable to educational expenses incurred in taxable years starting with 1974.

Tax credits offer a financially sound solution to the mounting crisis of nonpublic education. It has been estimated that if public education were required to absorb private school pupils, the additional cost to the taxpayer could run as high as $8 billion. While my tax credit proposal would result in some loss of revenue, it is clearly a much less costly approach. The long-term cost savings are all the more apparent when one compares the cost of educating a student in the public schools—approximately $1,000 a year—to the modest $200 tax credit which I am proposing.

As the scope of the difficulties encountered by parents in meeting the rising costs of nonpublic education and the wider implications for public education costs have become more apparent, support for the tax credit concept has broadened. President Nixon has endorsed the principle. The tax credit proposal was one of the major recommendations of the President's Panel on Nonpublic Education. Treasury Secretary George Schultz suggested legislation very similar to my own proposal when he testified before the House Ways and Means Committee last year.

As one who has been concerned with aiding parents of nonpublic school pupils for some time, I recognize the uncertainty which surrounds this issue due to various court actions. The situation is far from clear at this time. Tax credits for nonpublic education enacted at the State level have been upheld by courts in New York and Minnesota but ruled against in Ohio. The Ohio decision is presently on appeal to the Supreme Court and I welcome a ruling which I am confident will support the tax credit approach. However, in the absence of judicial clarification of this issue, I believe the Congress has a responsibility to develop and enact measures which are reasonable and constructive.

Mr. Speaker, I want to express my appreciation to my colleagues who joined me as sponsors of this legislation and I insert a list of their names in the RECORD:

LIST OF COSPONSORS

Mark Andrews, Republican, of North Dakota.
John Buchanan, Republican, of Alabama.
Clair W. Burgener, Republican, of California.
James C. Cleveland, Republican, of New Hampshire.
James M. Collins, Republican, of Texas.
Ron de Lugo, Democrat, of the Virgin Islands.
William L. Dickinson, Republican, of Alabama.
O. C. Fisher, Democrat, of Texas.
Walter Flowers, Democrat, of Alabama.
Bill Frenzel, Republican, of Minnesota.
Orval Hansen, Republican, of Idaho.
Ken Hechler, Democrat, of West Virginia.
Margaret M. Heckler, Republican, of Massachusetts.
Robert J. Huber, Republican, of Michigan.
John E. Hunt, Republican, of New Jersey.
Romano L. Mazzoli, Democrat, of Kentucky.
Bertram L. Podell, Democrat, of New York.
Leo J. Ryan, Democrat, of California.
Ronald A. Sarasin, Republican, of Connecticut.
William F. Walsh, Republican, of New York.
Antonio Borja Won Pat, Democrat, of Guam.

## THANKS

### HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. WYDLER. Mr. Speaker, the Americanism Chairman of the Hollis-Bellaire-Mark Post No. 980 of the American Legion has forwarded on to me a poetic tribute he wrote with regard to the cease-fire in Vietnam, and I would like to share with my colleagues the eloquence of the sentiments expressed. The tribute follows:

THANKS

I speak for the men in the Air Force,
The Army, the Navy, Marines,
The Coast Guard and all our Allies,
And for those in the Submarines.

I speak for all those in Service
Who are stationed all over this world,
Fighting for the Honor and Glory
Of keeping Our Flag unfurled.

You at home have prayed for our safety,
And for the hope we would surely return
With the Flag of Victory flying,
On our ships from the bow to the stern.

In our hearts we will ever be thankful
For the time which we know that you spent,
Praying in church every Sunday
And praying each day during Lent.

We know that you prayed every morning,
We know that you prayed every night.
We know that your prayers had injected
The courage that helped win the fight.
The prayers that you said weren't wasted,
For each moment, each hour, each day,
Found some wounded patiently waiting
For the moment you started to pray.

Your prayers saved the lives of many,
And the souls of those who are dead,
Who fought and died like the heroes they were,
To bring peace in the world ahead.

Now, we may be your Sweetheart, your Brother,
Your Father, or maybe your Son,
But, whoever we are, we just want to say,
"Thanks" for a job well done.

WALTER J. KAISER, JR.,
*Americanism Chairman.*

## PYSANKY—UKRAINIAN EASTER

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, in the 14th Congressional District of New Jersey which I have the honor to represent there is a large community of Ukrainian-descended people. Because they are hard working, have a tradition of taking care of their own, and law abiding, they are often overlooked by the community at large. As a Congressman representing a large Ukrainian community, I am often invited to Ukrainian social events. I have been privileged to share in their ancient culture and partake of the unexcelled generosity and thoughtfulness of this wonderful group of people. Many Americans not of Ukrainian descent have not been so privileged, and thus, know very little of Ukrainian folkways.

Mr. Speaker, I was delighted to read this afternoon in the Washington Star-News an article by Diana McClellan describing the preparation of Ukrainian Easter eggs. For the benefit of all my colleagues who have not been privileged to know much about the Ukrainian people, I include Miss McClellan's fine article in the RECORD.

The article follows:

PYSANKY—UKRAINIAN EASTER

(By Diana McLellan)

They look impossibly difficult to make.

But Ukrainian Easter eggs, with their intricate designs, their tulip-bright hues and their profusion of ancient symbolism, have been lovingly made every year for 1,000 years by Ukrainian families with no closer claim to genius than you or me.

The art of creating the elegant symbols of the rebirth of spring and the resurrection of Christ is called Pysanky.

It needs few special tools. The only really esoteric one, a stylus called a kistka, is available locally at the Country Store of Washington, Va., where a demonstration will be held Saturday.

"They're made by Ukrainian women but they can't make too many at a time because it makes their fingers bleed," the proprietor said yesterday. Considering that, the $2 price is really a bargain.

Eggs, beeswax, crepe paper (you extract the dye from it) and some kleenex are the only other supplies you need to create dazzlingly authentic Ukrainian eggs.

In the old days, of course, dyes were extracted from onion skins and various other natural color sources, and some people today use plain old Rit.

You can choose the symbols you'll put on your eggs from an enormous traditional repertoire. Originally, families from the Carpathian mountains stuck to geometric patterns for their eggs; various types of crosses abounded, triangles represented the holy trinity, and curlicued lines encircling the eggs symbolized eternity.

Lowlanders liked to use animals, and didn't mind introducing symbols of temporal fortune among the religious motifs.

Reindeer and horses, for example, both stood for material wealth. Hens and roosters—always shown at rest—stood for fertility. The fish, as it had since early Christian days, stood for Christ. Suns meant good fortune; flowers, happiness; wheat, a good harvest, and so on.

The eggs themselves were decorated raw—fertility symbol, again—and were not intended to be eaten.

In fact, kept around the house all year, they were supposed to protect the home, and act as a heaven-approved fire and lightning insurance. Present-day egg-decorators, discouraged by the nasty smell that accompanies accidents to middle-aged raw eggs, tend to blow the eggs before decorating.

Nobody has yet determined whether this weakens the fire-preventing power of the eggs, but they still make handsome gifts for Easter.

## ANOTHER VIEW OF NIXON BUDGET

### HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. NEDZI. Mr. Speaker, the President's recent televised remarks to the Nation concerning his budget and problem of inflation have evoked some salty comments from the Detroit Free Press.

An editorial in the March 31 issue of the Free Press found some flaws in the President's argument. Since the Congress was the target of the President's attack, it might be well for us to heed the points made in the editorial.

Under leave to extend my remarks in the RECORD, the editorial follows:

CONNING THE CITIZENRY

To say that the nation must keep its budget balanced to hold prices stable is not the



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same as saying that Congress must adopt President Nixon's budget, Mr. Nixon to the contrary notwithstanding.

He tried hard to give that impression on television Thursday night when he said: "If I were to approve the increases in my budget that have been proposed in the Congress it would mean a 15 percent increase in your taxes, or an increase in prices for every American."

Then, a few moments later, he leaned even harder. He didn't earn the sobriquet of Tricky Dick for nothing. "I admit there is an honest difference of opinion on the matter of the federal budget," he said. "If you are willing to pay the higher taxes or prices that will result if we increase federal spending over my budget, as some in Congress have proposed, you should ask your senators and congressmen to override my vetoes." But if you don't want higher taxes, he said, write your congressman that, too.

This is a phony and specious argument, and the President knows it. He is relying on the people not knowing it and, given the complexities of the budget, he may be right.

There is no argument in Congress over the size of the federal budget. We have yet to hear a voice from Capitol Hill arguing that the President's proposed $268 billion overall budget is seriously out of line.

What is being argued is how the pie is to be divided. Mr. Nixon has proposed slashing existing programs for education, housing, agriculture and welfare. He wants more money for the Pentagon, law enforcement, the environment, energy, transportation and a federal tax credit for private school tuition.

With some of these changes we can agree, as do many members of Congress. With other proposals, though, especially more money for the Pentagon just after we have extricated ourselves from Vietnam, we and many members of Congress disagree. That is the "honest difference of opinion."

Further, no one expects every pet project to pass Congress and wind up on the President's desk. Yet that is what the President was saying.

When he talked about a 15 percent tax increase, he was basing it on his budget as submitted—plus all the possible addons. He was not talking about substituting a congressional proposal for one of his own. He was not talking about the congressional duty to weigh priorities.

What he was doing was trying to pull a con job on the American people.

## DEMOCRACY—THE HEART OF THE GREEK PEOPLE

### HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. RODINO. Mr. Speaker, if liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.

Aristotle, as we all well know, wrote the above words when Greece stood forth among all nations as the fatherland of freedom, justice, and democracy. It is from the teachings of her early philosophers and from the examples her early leaders laid that free nations have followed, developed, and patterned themselves, bending to the particular needs and focus of their own times. From the principles of their ancient courts, to the strength behind their Hippocratic oath, to the continued emphasis on the need for a balance between the rational and the emotional in their art, their drama, in every aspect of their daily lives—few of us will disagree that the Greek nation has provided an invaluable foundation for the understanding and the implementation of the democratic principles free men cherish today.

It is therefore extremely painful and disconcerting to know that in the past 6 years, only vestiges of this Nation's remarkable past remain. For on April 21, 1967, representative democracy in Greece was smothered and the situation, since that date, grows ever more abusive. The cruel beatings of the Greek University students serve as only the most recent example of the oppressive nature of the Greek junta. And, as the sixth year of military rule draws near, the words of Aristotle seem now to have come almost from a land of make believe.

I would like to take this moment to once again reaffirm my hope that the Greek people will once again enjoy a life of freedom and personal fulfillment. Democracy is embedded far too deeply in the hearts of these men and women to remain forever dormant. And, I know that the Greek people have not given up their hopes and dreams and their courage. I join with these brave citizens in their goal that democracy will be "best attained when all persons alike share in the government to the utmost."

## CENTRAL PARK: EMBATTLED EDEN WITH FRIENDS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. RANGEL. Mr. Speaker, Central Park, America's most spectacular urban park, is located in my congressional district. Occupying the heart of Manhattan, Central Park has provided opportunities for recreation and relaxation for a century.

Central Park also represents one of the earliest victories for urban environmentalists in the fight against overdevelopment. Bicycle lanes, playgrounds, a zoo, benches, softball diamonds, rowboats, horse paths, and hiking trails can be found there. Both New Yorkers and visitors share its wonders each year. The Shakespeare in the Park program is nationally known.

Our Town, a community newspaper with a long-term commitment to the preservation and expansion of park areas in New York City, recently published an article on Central Park which I would like to call to the attention of my colleagues:

CENTRAL PARK: EMBATTLED EDEN WITH FRIENDS

(By Rose Smolin)

"A large public park in a democracy? Ridiculous!" was the spontaneous outcry in 1844 when Central Park was proposed for metropolitan New York.

For old aristocratic countries to create parks for the aristocrats—that was acceptable. For the general public—never. A park would be a folly in a Republic, so the argument ran, because it would necessarily be open to all the people.

Central Park has been a green oasis in the middle of the city for over a hundred years. It stands as a masterpiece of 19th century landscape art, but like any old masterpiece, it needs care.

When Estelle Wolf says sadly, "It looks so bad," she has that note of compassion in her voice that one has for a friend who is not well. As Membership Chairman of the Friends of Central Park, which was organized in 1967 by Mr. Robert M. Makla, she is thinking of the way the Park looked before time and use dulled its magnificence. She is thinking about the care and concentration that Frederick Law Olmsted and Calvert Vaux put into its creation.

"A more uncompromising locality was never given to any Adam to make and Eden of," Clarence Chatham Cook wrote in 1867. He added, "Nature having done almost nothing, art had to do it all."

Olmsted and Vaux transformed this land which was all rock and swamp into one of the most beautiful parks in the world. It was their genius which created an environment within its walls which is in extreme contrast to all that lies outside. They created the paths to lead inward taking the visitor by the hand as it were into sylvan pleasure.

These artists created this beauty; the Friends of Central Park do their best to maintain it. They have raised enough money to have over fifty old trees cared for in order to insure their continued life. Since the Park has no tree surgeon, they have hired one.

When the Park was created, each tree and the place it was to occupy were carefully chosen. Rising ground and shrubbery were created to hide walls. Olmsted and Vaux wanted those who would contemplate these scenes after they were created to feel that they were transformed and elevated as they would be in a painting by a master.

Yet there are, and have always been, individuals and organizations who would never think of commissioning someone to paint a fountain or any material object into the middle of a Constable landscape, but who will eagerly propose that some man-made object be put into one of those carefully planned areas.

Bloomingdale's is the latest with their offer of $150,000 to lay some decorative tiles in the Mall to make provision for entertainment. Olmsted and Vaux were very specific about such intrusions. "The Park should be free," Olmsted wrote, "from the rigidity and confinement of the city with its incessant emphasis on artificial objects."

The Friends of Central Park are against the Bloomingdale proposal because they feel the priority is wrong. The money is to be matched by the city, and the experience of "The Friends" is that the city never has enough money for the essential upkeep of the Park. They would like to see that beautiful focal area, Bethesda Fountain and the Terrace, restored. They point out that Belvedere Castle is in ruins. They would like to see the money spent to make the Park look the way it used to look.

The Park has become, as its creators intended, many things to many people. For lovers, the Park is a romantic setting; for bird-watchers, a wild-life preserve; for city children, a backyard; for music lovers, an outdoor concert hall; for artists, a place to sketch and paint.

The Park does a great deal for New Yorkers; the Friends of Central Park do what they can for the Park. But it needs care; it needs cleaning; it needs restoration; it needs even more friends.

The role of William Cullen Bryant in the creation of the Park and a remark which he made should be recalled. We remember him for his poem "Thanatopsis." His contemporaries knew him as the active and opinionated editor of The Evening Post and as an outdoorsman.

Bryant was also a man of decision, and he decided that the city needed a park. It was on July 3, 1844 that he took his broad-brimmed hat from the office rack and set out on foot to cover mid-Manhattan in order to find a suitable place for the park he had in mind. His was not a pleasant amble but a determined march over rough terrain without benefit of side-walks and very few paths.

He went back to his office and wrote the editorial in which he cited the present location as being the ideal one. He referred to it by a name of his own invention "The Central Park" although the city buildinga at that time had only reached Twenty-Third Street.

It was certainly the center of Bryant's interest as he wrote a series of editorials to cajole New Yorkers into accepting the future need for such a haven. When it was suggested to Bryant that he was advancing a lost cause, he made the remark which is worth considering today.

"I know New Yorkers," he said, "They won't bother to keep the streets clean, but they are likely to engage in a scheme with an air of magnificence."

History proves that he did, indeed, know his New Yorkers. But what would be a "scheme of magnificence" in our time? The task of restoring the Park to its former beauty would qualify. This could be done if it had enough partisans. It is a simple matter to become a Friend of Central Park; one need only write to the organization, Lenox Hill Post Office, Box 610, New York City 10021 or call UN1-9696 for a membership form.



## TRIBUTE TO LARRY E. TOWNSEND

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ANDERSON of California. Mr. Speaker, on March 5, Lee and I lost a dear friend, and the people of the State of California, as well as the Nation, lost an outstanding leader.

But even in our loss of California State Assemblyman Larry E. Townsend, we retain many memories that we should like to share with the other Members of Congress.

We can surely say his death, coming at the age of 43, could be due in no small part to his ceaseless fight for the persons he represented.

During his 7 years as the Representative from the 67th Assembly District, Larry fought untiringly for the principles he believed in so strongly. Those very ideals, which were so dear to Larry, are the same ones which have made our country great.

Larry's background helped to make him the legislator committed to the American way of life that he was.

A native of Memphis, Tenn., Larry came to California in 1950. He finished his higher education in the San Diego area and started to work with the San Diego Gas and Electric Co.

He soon became active with Local No. 465 of the International Brotherhood of Electrical Workers, and was appointed to the brotherhood's staff in 1957, where he served until his election to the California State Assembly.

Interested in politics since his high school days when he became a Young Democrat, Larry Townsend served 3 years as a member of the Los Angeles County Central Committee.

Clearly showing his commitment to his community of Torrance, Larry served as chairman of the Torrance Civil Service Commission for two terms, and as director of Little Company of Mary Hospital.

While ably representing the people of Gardena, Lawndale, and parts of Carson, Compton, Hawthorne, Redondo Beach, and Torrance, Larry championed many causes in the fields of education, health, and tax relief for property owners. He also spearheaded the development of the Southern California Regional Occupational Center in Torrance, and supported the fireman paramedic bill which provides emergency aid to heart attack victims.

Recently Larry was appointed chairman of the important California State Assembly Transportation Committee. He has served as a distinguished member of the Health, Commerce and Public Utilities, Governmental Organization, and Joint Retirement Committees.

Larry served all of us well as an outstanding legislator.

We still have a legacy of his contributions in his wife, Shirley. Shirley, who was always firmly at his side, understood his dreams as the reasons for his toils. We are confident that his goals and dreams will continue with the efforts of this outstanding woman and their three children, Dale, LaShirl, and Lauren.

Mr. Speaker, it was for all of us that Larry Townsend worked so diligently in the vineyards of public service. Now, as we continue to reap his harvest, we mourn the passing of a great legislator and a close, personal friend—Larry Townsend.

## SER

### HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ROYBAL. Mr. Speaker, today I have introduced legislation to authorize funding for the establishment and operation of service, employment and redevelopment—SER—centers to meet the needs of the unemployed and underemployed Spanish-speaking population of this country.

Since its formation on June 10, 1966, SER has been the largest and one of the most effective manpower programs serving the Spanish-speaking people.

Administered by Jobs for Progress, Inc., a nonprofit corporation, SER is funded principally through Department of Labor and Department of Health, Education, and Welfare funds. SER extends its resources throughout the country, assisting a variety of local programs and upgrading the economic opportunities of Spanish-speaking Americans.

SER was formed in 1966 through the joint funding of the Department of Labor and the Office of Economic Opportunity. Prior to the formation of SER, the League of United Latin American Citizens had been operating job placement centers of the Spanish-speaking organization, the American GI Forum, and formed Jobs for Progress, Inc. The manpower program became known as SER, which means "to be" in Spanish. The initials also stand for the goals of the organization—service, employment, redevelopment—the means by which the poverty and despair of many Spanish-speaking people can be eliminated.

By August 1969 SER was clearly on the move, expanding and extending manpower services to many people for the first time. By 1970, 23 programs were operational. On a national scale, Spanish-speaking leaders from various communities were coming together—pooling their knowledge, experience and hope. Today, SER is a dynamic organization which is expanding beyond its original territory to meet the needs of people in cities such as Gary, Ind., and Racine, Wis.

In addition to skills training through a variety of educational institutions and on-the-job training, SER provides the enrollee with supportive services to insure firm placement in a meaningful job. SER is also conducting successful experimental programs such as Operation Detour, a program for young first offenders, offering an alternative to court backlogs and imprisonment. Another innovative program is the SER Residential Youth Center in San Jose, Calif. Here an environment marked by drugs, hopelessness and crime is being replaced by a living situation which allows individual potential to flourish. These are just samples of the many innovative programs being developed to provide creative solutions to persistent problems unique to the Spanish speaking.

The majority of society knows little or nothing about Spanish-speaking people beyond the adverse images created and perpetrated by the mass media. Counteracting these attitudes is an overwhelming problem. Through training and employment, SER is helping to erase false notions and practices which have kept Spanish-speaking Americans from full and equal participation in the benefits of this country. In many parts of the United States, people of Spanish-speaking origin—the second largest minority in the country—are at the bottom of the economic, educational, and social ladders. Traditionally, institutions have been unresponsive to their needs, and the results have been devastating: people crowded into dehumanizing barrios, an alarming school dropout rate, escape through drugs or crime—a seemingly inescapable cycle of social and economic oppression.

The purpose of SER is to help build a better America. This is not an unfamiliar or uncomfortable idea to the Spanish speaking. They have been helping to build America for centuries. They realize that although our present society has much to offer, a great deal still needs to be changed. SER has become a catalyst for positive change by breaking the bar-

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riers of traditional employment patterns and by helping business and industry to understand that Spanish-speaking people are a valuable resource. As a specific goal, SER wants the Spanish-speaking disadvantaged of this land to become self-sufficient. It will do this by continuing to be the major national vehicle for the delivery of manpower services to the Spanish speaking.

During fiscal year 1972, SER served a total of 11,163 people. Of this number 5,305 were trained; 3,478 were placed directly on full-time, permanent and meaningful jobs; and 2,380 received supportive services. The number trained exceeds SER contractual obligation to DOL of 3,905 trainees by 1,400 people. This demonstrates SER's commitment to efficiently serve the Spanish-speaking community beyond what is required in the contract.

SER is providing quality training to the trainee in the areas of job preparation; adult basic and adult advanced education; English as a second language; institutional training, and on-the-job training. SER is operating at 101 percent of planned capacity. This represents excellent planning and management on the part of the local project directors and their staffs. A mere 12 percent of the trainees are in holding. Only 16 percent of the trainees terminated from the program early.

SER is placing 79 out of every 100 people trained. This is accomplished by careful assessment, counseling, education, training, and followup of trainees. In program year 1972 SER placed 5,346 people on full-time, permanent, and meaningful jobs. This figure exceeded SER's contractual obligation to DOL of 2,499 by 2,847.

One of SER's notable achievements is the cost of per trainee figure of $1,085 and the cost per placement of $1,341. Every local staff member has served 22 clients. For every $1 spent on an enrollee, the return to the community, in the form of increased earnings, is $1.24.

I include a copy of my bill. The bill follows:

H.R. 7275

To authorize financial assistance for service, employment, and redevelopment (SER) centers

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Service, Employment, and Redevelopment (SER) Assistance Act".

DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of Labor; and

(2) "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

STATEMENT OF FINDINGS AND PURPOSE

SEC. 3. Due to the unmet needs of the unemployed and underemployed Spanish-speaking population of the United States, it is essential to the welfare of all Americans that action be taken by the United States Government to provide funds for bilingual manpower training, job placement, counseling, remedial education, and other related services.

APPROPRIATION AUTHORIZED

SEC. 4. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1974, $35,000,000 for the fiscal year ending June 30, 1975, and $40,000,000 for the fiscal year ending June 30, 1976, and each of the four succeeding fiscal years.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

PROGRAM AUTHORIZED

SEC. 5. The Secretary shall make financial assistance available under this Act for the establishment and operation in any State of service, employment, and redevelopment centers which shall include education classes specifically designed to assist the disadvantaged Spanish-speaking clients who are unemployed or underemployed. The educational components of a service, employment, and redevelopment program shall consist of adult basic education, advanced adult education, world of work orientation, and English as a second language, with the classes being specifically adapted to the particular needs of the community where the center is located; and any such program shall include (in addition to the educational components) services in the areas of recruitment, counseling, vocational training, job development, job placement, outreach, follow-up services, on-the-job training, and other appropriate and related services. Service, employment, and redevelopment centers shall also conduct research and development activities which will improve program performance. No funds shall be made available for any program under this section unless the Secretary determines that adequate provisions are made to assure that (1) residents of the area to be served by such program are involved in the planning and operation of the center, and (2) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this section serving residents of an inner-city area with substantial unemployment or underemployment.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 6. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under this Act. In developing such criteria he shall consider, among other relevant factors, the ratios of the population, unemployment rates, educational achievement levels, and income levels of Spanish-speaking individuals.

LIMITATIONS OF FEDERAL ASSISTANCE

SEC. 7. Federal financial assistance to any program carried out pursuant to this Act shall not exceed 90 per centum of the cost of such program, including costs of administration; except that the Secretary may approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the objectives of this Act. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADMINISTRATION

SEC. 8. (a) The Secretary shall prescribe regulations to assure that programs assisted under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds received under this Act.

(b) The Secretary may prescribe such additional rules and regulations as he deems necessary to carry out the provisions of this Act.

(c) In carrying out his functions under this Act, the Secretary is authorized to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or political subdivision of a State, to accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

REPORTS

SEC. 9. The Secretary shall transmit, as a part of the annual report required of the Department of Labor, a detailed report setting forth appropriate information with respect to the activities conducted under this Act.

## CLEVELAND'S BOOSTER: LARRY ROBINSON

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. STOKES. Mr. Speaker, the city of Cleveland, like most major American cities, suffers from the exodus to suburban areas. The city will not enjoy a revitalization until commerce and consumers both return to the downtown area.

In spite of this, many Clevelanders have great faith that—with enough money and a deep commitment—our city will thrive once more. A leader in the articulation of this credo is Mr. Larry Robinson, president of J. B. Robinson Jewelers.

Larry Robinson deserves credit for tying his own personal business interests to the future of Greater Cleveland. In an interview with the Chicago Tribune on April 5, Mr. Robinson explained his philosophy.

The article follows:

JANEWAY—JEWELER REFLECTS ON FACETS OF GROWTH

(By Eliot Janeway)

NEW YORK, April 4.—As greater Cleveland goes, so goes America's industrial economy; and as downtown Cleveland goes, so goes America's progress in bringing its blighted center city cores back to vigorous economic life.

Larry Robinson, a native of Cleveland and head of a chain of retail jewelry stores, has been riding the consumer spending boom and giving downtown Cleveland a lead to ride it too.

Retailer Robinson, a graduate of the Harvard Business School, has combined his avocation as a civic leader and erstwhile radio-TV host of "rap" sessions on urban problems and his vocation by going public as his own mass merchandiser.

Ad-libbing his commercials and writing his own ads for J. B. Robinson Company Jewelers, he has translated a catch phrase into good business. He has become both the medium and the message.

JANEWAY. How did you get started in the retail jewelry business?

ROBINSON. When my father died in 1959, he left me a small wholesale jewelry business. Rather than liquidate, I decided to quit the world of the executive suite and go into the retailing business. In 12 years, our sales have gone from about $200,000 to approximately $4 million a year.



JANEWAY. Which means that you have done very well as a proprietor. Do you attribute your success to Harvard Business School marketing techniques?

ROBINSON. Right. One of the things I learned there was that the only way to be successful in any kind of marketing business is to give customers what they want, and that's what my people do. This means broad high-quality assortment, low prices, nice people to get along with, and strong guarantees in terms of exchanging or returning merchandise.

For instance, we are just about to announce an offer to exchange any Robinson diamond bought a year ago or earlier for the original cost plus 10 per cent towards the purchase of a larger and more valuable diamond.

JANEWAY. In other words, you are treating diamonds like automobiles?

ROBINSON. Not really, because automobiles depreciate in value. We are taking into account the fact that diamonds appreciate in value over the years.

Incidentally, what has been going on in the diamond markets internationally is just incredible, particularly in the last five years. For instance, both downtown Cleveland and did you know that America is now a net exporter of cut diamonds that weigh more than a half-carat?

JANEWAY. But we mine almost no diamonds here. Is that all reexport?

ROBINSON. That is part of it. The value added is by American cutters who reexport to foreigners. Just prior to, during, and right after the dollar devaluation, the Europeans were all over New York. If I wanted a two-carat stone, some of the cutters were reluctant to tell me where I could find one because they knew they could get a lot more money from the Europeans.

JANEWAY. Do you see more people buying jewelry for investment since the dollar was devalued?

ROBINSON. Yes. Our sales of diamonds and also of gold jewelry have gone up sharply in recent months. The Europeans, however, have been somewhat more aggressive in purchasing jewelry for investment because they have had more experience with inflation.

JANEWAY. How much have diamond prices increased over the last few years?

ROBINSON. In the last five years, diamond prices at the wholesale level have increased more than 50 per cent; and in the last decade, they have more than doubled.

JANEWAY. Has that increase contributed to your sales this year?

ROBINSON. Not significantly. In spite of the new life styles, people are still becoming engaged and getting married in the old fashioned way. Our overall business is up 40 per cent over last year, and 70 per cent of that business came from diamonds. Since our average engagement ring sale today is about $375 as compared with $350 late last year, I would say that most of that increase was from greater volume, rather than higher prices.

JANEWAY. Does your business all come from suburban shopping centers?

ROBINSON. Eight of our stores are in major shopping malls around the state. But our downtown Cleveland store, which is our headquarters, is far and away our leading volume and profit producer.

JANEWAY. Does that indicate an economic resurgence for downtown Cleveland?

ROBINSON. Our volume went up even when Cleveland was down cyclically, but I think our experience is reflecting a tremendous upsurge of retail spending in industrial Cleveland.

In the first five years of this decade, we will have about half a billion dollars of construction in downtown Cleveland. And we have plans to expand our downtown store again, altho we have already expanded it seven times in the last five years. Naturally, I'm bullish about the future of Robinson Jewelers, but I am also bullish on the future of the greater Cleveland area.

## PRESIDENT NIXON'S ENERGY MESSAGE

### HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. HOWARD. Mr. Speaker, since early December we have anxiously been awaiting the President's energy message. The plans, programs, and legislation it proposes were accepted openly. It must be admitted that there are many things of great interest and note contained in the message.

As chairman of the Public Works Subcommittee on Energy, I have particular interest in the contents of the message and would like to share some of my initial reactions to it with you. Of course, it goes without saying that this lengthy document merits serious and painstaking review, not only by me but by the Congress as well as the public which will be most affected by any action taken on its behalf.

First, I would like to commend the President for his treatment of conservation of energy. There is no doubt that Americans consciously and unconsciously waste tremendous amounts of energy annually. I was particularly pleased with the suggestion that automobiles and home appliances be labeled as to energy consumption. I only hope that he is not being overly optimistic in his suggestion that companies will do this voluntarily. I would have been more pleased if he had mentioned that if voluntary action is not taken, some type of compulsory legislative action may be necessary.

Next, I should like to comment upon the proposed deregulation of new natural gas at the well-head. This is not a new proposal; as it has been championed by the energy industry for some time with a growing number of converts both in Congress and the administration. In the hearings I chaired in August 1972, we heard extensive discussion of this topic from various industries and from Mr. John Nassikas, chairman of the Federal Power Commission. As was mentioned in the President's message, we were frequently told how Government price regulation has not provided the necessary incentives needed for continued exploration and development. However, we never received a satisfactory explanation as to exactly where the inadequacy lay. We were told by Mr. Nassikas that the Federal Power Commission attempted to set rates which would provide a reasonable profit, yet seemingly this profit was not enough. I question whether they were not receiving a sufficient profit or merely not the desired profit. Although a few cents increase may seem insignificant, it has been said that the 4-cent increase that occurred over the last few years has cost the consumer $4 billion. Further, as a result of a recent speech by Chairman Nassikas April 11, 1973, the Washington Post noted that critics of a substantial rate increase said that doubling the present rate of 26 cents would cost the American consumers as much as $50 billion over the next 20 years." Considering the present problems with the rising cost of living, it is questionable just how much of a rate increase the American public can absorb.

I was pleased to see that the President was not oblivious to this problem as is evidenced by his allowing the Secretary of Interior to "impose a ceiling on the price of new natural gas when circumstances warrant." However, it may be pointed out that in a similar situation this spring, the administration was forced to put price ceilings on the rate increases for home heating oil requested by the energy industry. Although the President's suggested action has potential merit, serious debate concerning its overall wisdom is essential before final action is taken.

Debate will also be essential in the increased availability of offshore leasing; especially the extent to which this shall be done on the Atlantic coast. Since no one knows what an "acceptable environmental risk" is, I was most gratified to find that serious environmental danger will prevent leasing in a particular area.

I must admit I was at a loss to explain the statement; "we are continuing the Santa Barbara suspension," since on April 13, 1973, an article appeared in the Evening Star titled "New Drilling Off California Eyed by U.S." The article began: "The Interior Department has quietly taken the first step toward renewed massive oil drilling over a 290-square mile stretch off the California coast." Perhaps this is merely an example of the right hand not knowing what the left hand is doing. Nonetheless, it is grounds for serious confusion on my part.

I would also like to point out with respect to natural gas deregulation, that it would be more reassuring if some requirement were placed on the companies to guarantee that the increased rates resulted in increased exploration and development, and not primarily increased profit.

The prospect of offshore superports is a great concern to me, and I have introduced H.R. 2020 dealing with this subject. My bill would give the legislature of a State the right to prevent the construction of such a port off its coast. This seems to me both right and reasonable, since no State should be burdened with such an enterprise if, after weighing the benefits and drawbacks, the State decides against the proposal. The President would place such power with the Secretary of Interior.

What alarms me somewhat in the President's message is the failure to go all-out in making funds available for research and development. Such failure suggests that perhaps the administration still does not fully appreciate the seriousness of the energy problem.

The administration still seems unaware that we are in need of immediate action. If we are to avert economic disaster; if we are to avert being reduced to a second-rate Nation; if we are to avert getting boxed into a corner that may lead

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to war; we had better get moving on a crash program that will assure our energy needs over the near term. Such an intensive program always costs; but this is to be expected. When you are in circumstances that demand quick, decisive, productive action, to be penny-wise can be pound-foolish. I hope this fact of life will soon become apparent to the President's advisers.

## TAX EQUITY FOR WORKING MARRIED COUPLES

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. KOCH. Mr. Speaker, as we all know, millions of Americans have just finished filing their 1972 tax returns. Unfortunately, working married couples found they were paying higher taxes than they would if single or head of a single income household.

I have introduced legislation—H.R. 850—to eliminate the tax inequities faced by working married couples. While it may be true that some family incomes are substantially increased because of a wife's work, the greater majority of working women come from lower- and middle-income families and work to meet today's high cost of living.

I would, at this time, like to bring to the attention of my colleagues an organization called Married Americans for Tax Equality—MATE. This group, consisting of working married couples, was formed to fight this arbitrary tax law. On April 18, 1973, Anita Murray submitted a statement to the Ways and Means Committee for inclusion in the hearings being held on tax reform on the tax inequity suffered by the working married couple. Ms Murray's statement follows:

STATEMENT BY ANITA MURRAY FROM MATE (MARRIED AMERICANS FOR TAX EQUALITY)

Should a marriage license cost $200, $1,000, or $2,000 per year? As a result of changes in the Federal income tax law in 1969, which lowered taxes for single persons, married couples where both partners work, now pay higher taxes than if they were single. MATE (Married Americans for Tax Equality, 15 Charles St., New York City) was formed to fight this discriminatory tax penalty for married working couples.

The change in the rate structure brought about by the 1969 Tax Reform Act was the result of Congressional concern over the higher tax rate imposed on the income of a single wage earner as compared to the rates on that same level of combined income earned by a married couple.

It was said at that time that the single person could pay as much as 42% higher taxes than such married couple. Under the new rate structure, whereby a lower rate than before the 1969 act is imposed on single persons at a given level of income, the higher taxes payable by a married couple where both spouses work, can be as much as or more than that percentage higher than if the two working persons were able to file as single taxpayers.

Before this change, married persons filing separately used the same rates as single persons. Now, if a married person files separately, he or she must use higher rates than the rates used by a single person at the same income level.

Let us illustrate. Joan, who is single, earned $10,000 in 1972 and paid taxes of $1,525, using the pre-computed table which incorporates the standard deduction. Her fiance Dave, who earned $15,000, paid taxes of $2,702, also using the standard deduction. Thus, their combined tax liability was $4,227. Under current law, if Joan and David had married on or before December 31, 1972, the total tax on their joint income would have been $4,860, or $633 more than the taxes they actually paid as single persons. It looks like this might be a very long engagement.

As single persons, Joan and Dave are each entitled to a maximum standard deduction of the lesser of 15% of adjusted gross income or $2,000. As a married couple, they would be entitled to a maximum standard deduction of only $2,000 if they filed jointly, or $1,000 each if they filed separately.

The following chart illustrates the tax penalties paid by married couples at various income levels who use the standard deduction:

CHART 1.—NO DEPENDENTS, 1972 FEDERAL INCOME TAX PENALTIES FOR MARRIAGE

| | Husband's income | | | | |
|---|---|---|---|---|---|
| Wife's income | $5,000 | $10,000 | $15,000 | $20,000 | $30,000 |
| $5,000 | −$200 | −$130 | −$203 | −$110 | +$187 |
| $10,000 | −130 | −350 | −633 | −780 | −888 |
| $15,000 | −203 | −633 | −1,156 | −1,503 | −2,006 |
| $20,000 | −110 | −780 | −1,503 | −2,055 | −2,903 |
| $30,000 | +187 | −888 | −2,006 | −2,903 | −4,136 |

Note: The standard deduction is assumed in all cases. A negative amount in the chart indicates that the tax as a married couple is higher than for 2 single persons. A positive amount indicates that the tax is lower if the couple is married.

The situation is even worse for the working mother. Carole, a young widow with one child, earned $12,000 in 1972. In order to be thus gainfully employed, she paid $200 a month in child care expenses. Using head of household rates and after taking $500 in miscellaneous deductions plus $2,400 ($200 a month) in child care deductions, she paid $1,392 in taxes. Bill, who is single, earned $16,000 and paid taxes of $2,992 using the standard deduction. Their combined tax liability as single persons was $4,384. If Carole and Bill had married, their joint tax liability would have been $5,580 using the standard deduction. This would be $1,196 more than the taxes they paid as single persons. Since their joint income was over $27,500, they could not claim any child care deduction if married, and they would be allowed a maximum standard deduction of only $2,000, assuming their itemized deductions do not exceed that amount.

In connection with the child care deduction, there are several discriminatory aspects regarding married couples. As indicated above, it is the joint income that is taken into account in determining the income limitation for taking the deduction as opposed to the income of the person supporting the child. In addition, the couple must file a joint return to claim the child care deduction, and both spouses must be gainfully employed on a substantially full-time basis, whereas there is no similar requirement for a single person.

To summarize, although we object to all of the many other restrictions in the tax law that discriminate against married persons, these three provisions are responsible for a large proportion of the higher taxes paid by working couples who marry:

1. Single persons can use lower rates than married workers filing separately.

2. Each single person can take a maximum standard deduction of $2,000, but married persons are allowed a maximum of only $2,000 between the two of them, or $1,000 each. The low-income allowance is similarly restricted.

3. The maximum income limitation for child care deductions applies to the joint income of the two spouses rather than to the individual's income.

Our country has traditionally considered the family the mainstay of society, but it appears that for tax purposes, it has negative value. When this type of tax structure was tried in Sweden, tax divorces became so popular, and so respectable, that the law was finally changed in 1971 to eliminate tax penalties for marriage. We hope that Congress will act quickly to avoid widespread social consequences in the U.S.

In these times of economic stress, this inequity cannot be ignored. In most two-worker families, both husband and wife must work to provide the basic necessities of life. For working mothers and low-income couples, the difference may mean not being able to afford the luxury of legal marriage.

We urge you to protect the happiness and dignity of working Americans and prevent further damage to our society by removing the discriminatory tax penalty for marriage at once. Don't legislate against marriage—it's in enough trouble already.

Thank you.

This statement was prepared in consultation with Linda B. Hirschson, Member of the New York State Bar.

Respectfully submitted,

ANITA MURRAY.

## ALASKA PIPELINE VERSUS TRANS-CANADIAN PIPELINE

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ASPIN. Mr. Speaker, today the Honorable William A. Egan, Governor of Alaska, testified before the subcommittee on Public Lands of the House Interior and Insular Affairs Committee.

Governor Egan argued vigorously for the advantages of the Alaska pipeline and against the trans-Canadian pipeline.

While I have the greatest respect for Governor Egan, I must respectfully disagree with some of his assertions and facts.

There is an interesting contradiction between the testimony of Governor Egan and Under Secretary of the Interior, John C. Whitaker. Governor Egan argues that the prices of oil will be determined by the flow of foreign crude, while Under Secretary Whitaker claims that the flow of gulf coast oil to the midwest and the northeast will determine prices.

Hopefully, in the future, these two individuals who are on the same side of the issue, can at least get their story properly lined up.

Actually, in a certain sense, both Governor Egan and Under Secretary Whitaker are correct when they argue that either foreign crude or diverted gulf coast oil will help determine midwest prices. Prices will be determined by supply—regardless of where it comes from. In fact, 2-million-barrels-per-day of Alaskan oil flowing into the midwest and east will have an effect on price. Economist Charles Cicchetti has estimated that the per barrel price of crude oil could be



cut 32 cents in the midwest and 33 cents in the east by building Canadian pipeline.

Despite all their claims to the contrary, neither Governor Egan nor Under Secretary Whitaker has successfully refuted the fact that oil prices could be, at a minimum, held down and possibly even lowered if a trans-Canadian pipeline is built.

The MacKenzie Valley Pipeline Research group has estimated the cost of constructing a Canadian pipeline at $3.4 billion.

Governor Egan makes the statement:

To be economically justifiable, the trans-Canadian line would have to cost no more than $4.2–$4.375 billion.

If Governor Egan believed—which I am sure he does not—that the Canadian pipeline would cost only $3.4 billion, then it should be considered economically justifiable.

Governor Egan argues that the true cost of the trans-Canadian pipeline will be $7 billion—which, according to him, would make it economically unfeasible.

I disagree. Neither Governor Egan nor the Department of the Interior have provided any documentation to prove their assertion that a pipeline would cost so much. The MacKenzie Valley Pipeline Research Group, on the other hand, has done a series of extensive studies that indicate the estimated cost of the pipeline at $3.4 billion.

Governor Egan also claims that the west coast's deficit in 1980 will be 2.4 million-barrels-per-day. If Governor Egan accepts the projections of the Interior Department and the National Petroleum Council, there would be a projected surplus on the west coast of 200,000 barrels per day.

Mr. Speaker, I have the greatest respect for the distinguished Governor of Alaska. I believe that he fails to perceive the economic and environmental advantages of the Canadian pipeline.

## PEYSER CALLS FOR FULL AND VOLUNTARY DISCLOSURE IN WATERGATE CASE

### HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. PEYSER. Mr. Speaker, we as a political body are being faced with a national disgrace in the Watergate affair. No one should be rubbing their hands in glee over what looks to them like a political advantage being created by this illegal action that took place during the last presidential campaign.

All Members of this Congress should realize that the public's faith in all of us in the political world is being shaken. Now more than ever to maintain the integrity of our political system I hope that we can pull together to bring about a speedy end and bring to justice those who are guilty in this affair. It is for this reason and for the good of this country that I call on all of those people at any level of government who have been involved in the Watergate affair to step forward now and disclose their involvement without waiting for subpenas or indictments.

## THE WARSAW GHETTO REMEMBERED

### HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. BRASCO. Mr. Speaker, shortly the Passover will be over, ending once again the celebration of the struggle of an ancient people to be free. This Passover marks the 30th anniversary of the foredoomed yet heroic uprising by the Jews of the Warsaw ghetto against their Nazi murderers.

When Hitler's legions overran Poland, 3½ million Jews resided there. Today virtually all are gone. Many perished in the ghetto of Warsaw, methodically slaughtered by the barbaric regime which will ever remain a byword for beastliness, horror, and merciless assassination of the helpless.

A few survivors had escaped from Treblinka and other murder camps the Nazis had set up in a semicircle around Warsaw. In that unhappy place, more than half a million Polish Jews had been crammed, like cattle readied for the slaughterhouse. At first incredulous, and then with growing amazement and horror, they realized what fate awaited them.

Penned in and dying like flies from disease and malnutrition, they were told "resettlement in the east" was their fate. The Nazi regime decreed to the Judenrat of the ghetto, its Jewish government, that a minimum of 10,000 Jews daily had to be assembled at the Umschlagplatz, or railroad square, for shipment. A minuscule handful of such people escaped to tell the tale.

In spite of repeated urgings by the Jewish community leadership, a heroic band of doomed men and women set out to make the Nazi beasts pay as high a price as possible for liquidation of the rest of the ghetto.

Begging, borrowing, and stealing a few weapons, and with some aid from the Polish resistance, they painfully constructed a resistance organization.

Couriers risked their lives to obtain a few gallons of gasoline for bombs, a few pounds of explosives, and a handful of weapons.

In the spring of 1943, they began their resistance; asking for but not receiving active military assistance from the Polish underground. The Nazis, taken utterly aback at this act of suicidal courage, mustered a massive force of airplanes, tanks, and mechanized troops to crush the pitifully small resistance that was, in spite of all, taking a significant toll of the barbarous SS troops and their allies.

The Warsaw ghetto was flailed by carpet bombing. Tanks and artillery smashed entire buildings. All inhabitants of entire blocks were killed if a single shot was fired from them. Poison gas was pumped into sewer systems. Other poisons were dropped into water systems. Dogs were used to ferret out women and children cowering in the ruins. And still, handfuls of Jews fought back, at times with only bricks and clubs.

Almost all died, horribly, mercilessly cut down wherever found. No prisoners were taken. All Jews were executed on the spot. And at last the massive funeral pyre of Polish Jewry was empty of life, burning and crackling over the mass grave of a Jewish community which had lived in Poland for more than a thousand years.

Gen. Jurgen Stroop of the SS had pictures taken of his "great victory," presenting them in a folio bound with human skin to Hitler.

This, then, is our glory remembrance of the Jews of Warsaw on this Passover. Consider it a free gift to their fellow Jews and to all those around the world who cherish freedom and dignity. For when they knew they had to die, they chose to perish on their feet, rather than to be butchered like animals on their knees.

Two vignettes from that event are worth recounting here. At one point, a young Jewish father and his small 7- or 8-year-old son were flushed out of a building. Nazi soldiers tried to separate them. Each time the terrified youngster rushed back to the shelter of his doomed father's arms. Finally, the Nazis, laughing, granted the two of them the final gift of dying together. That was one Jewish mentality, and it perished in the ghetto of Warsaw with its victims and adherents.

The other story is very different. It concerns a group of young Jewish men and women surrounded by the Nazis and ordered out. They came out, all right; with guns blazing, dying in a hail of automatic weapons fire with several of their tormentors and murderers.

Even though they died, their message and spirit lives. Israel and the modern Jewish people embody that feeling. It moves Jews in Russia to take any risk for freedom. It burns in the hearts of their coreligionists around the world, and touches the hearts of all men who know the joy of freedom.

## ANNOUNCEMENT OF HEARINGS ON EQUAL EMPLOYMENT OPPORTUNITIES IN PRESENT AND PROPOSED DRUG ENFORCEMENT AGENCIES

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. EDWARDS of California. Mr. Speaker, the Civil Rights Oversight Subcommittee of the House Committee on the Judiciary will hold hearings commencing on May 2, 1973, in room 2226, Rayburn House Office Building. The subject of the hearings will be current employment opportunities available to minorities in the Bureau of Narcotics and

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Dangerous Drugs, the Office of Drug Abuse Law Enforcement, and the Office of National Narcotics Intelligence. The subcommittee will also hear testimony on affirmative action plans for the proposed Drug Enforcement Administration which if approved by the Congress will be comprised of the above-mentioned agencies and transferred special agents from the Bureau of Customs.

Interested persons may submit testimony to the House Committee on the Judiciary, 2137 Rayburn House Office Building, Washington, D.C. 20515.

## THE 30TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

### HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ROONEY of New York. Mr. Speaker, the tragic stories of the persecutions of the Jews are as old as the history of man. From slavery under the Pharaohs to the pogroms of the last two centuries, the Jew has never known when the knock on the door will come. Even today the Soviet Union has flouted world opinion with its blatant use of the education tax to stifle Jewish immigration to Israel. So frequent are these stories in our history that it might be expected that the world might become callous to the plight of world Jewry. That, fortunately, is not so because free people everywhere have a great compassion for the Jewish people, who for centuries have been forced to bear the shackles of oppression and submit to the basest types of persecution.

Interspersed in the legacy of this persecution are gratifying sagas of successful Jewish resistance; stories of great courage and valiant attempts to rise up against their oppressors and tormentors. The most historic and valiant of these heroic uprisings started on the morning of April 19, 1943, in Warsaw, Poland.

On that day 60,000 Jews, more than half of them women and children, penned in an area only 1,000 by 300 yards and led by Mordecai Anzelewicz and his Jewish Combat Organization—ZOB—lashed out at their Nazi tormentors, armed with only a few pistols and rifles, a dozen or so machineguns that had been smuggled in, and homemade grenades. They were pitted against crack Nazi troops armed with tanks, artillery, and flamethrowers.

The outcome was never in doubt. But what had been planned as a 3-day operation by the Nazis turned into 4 weeks of savage house-to-house fighting. Finally the end came on May 16 when the last of the ZOB outposts were overrun.

During the 4 weeks of fighting over 800 acres of the ghetto were destroyed—gone were the homes and shops of thousands and thousands of Jews. Gone, too, were more than 56,000 Jewish men, women, and children captured or killed by the Nazis. Others died in the firing of the ghetto.

But, Mr. Speaker, not gone and not dead is the memory of the Jewish fighters who challenged the Nazi military might. Not gone or destroyed by the awful fires is the evidence of equally outstanding courage shown by the survivors who mourned their dead while caring for the wounded, the aged, and the orphaned. Many of them subsequently found a new life in Israel where at least some of the horrors of the ghetto uprising could be erased from their daily thoughts and their nightly dreams.

May our Jewish friends and neighbors gain renewed faith and restored courage from their observance of the anniversary of this historic event. May all of us renew our determination to do everything in our power to end for all peoples of all races, of all faiths and of all creeds the types of oppression and persecution which have for so long a time and over so wide an area of the globe beset the Jewish people.

## APRIL IS CANCER CONTROL MONTH

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mrs. GRASSO. Mr. Speaker, cancer is a disease that knows neither limits nor favorites among its victims.

April is Cancer Control Month, a time when we pay tribute to the American Cancer Society's never-ending dedication to finding a cure for cancer, and to the efforts of private citizens to encourage through their contributions the work of scientists and technicians to find cures and effective treatment for this dread disease. In addition to the countless Americans who presently suffer from cancer, it is estimated that during 1973 more than 650,000 new cases of cancer will strike Americans from all walks of life. Fortunately, many forms of cancer are curable if detected early and treated promptly, and it has been an important goal of the American Cancer Society to alert the public to cancer's warning signals.

Medical researchers and scientists have made important strides in the struggle to rid cancer from our midst. One invaluable tool now being used by many is the Connecticut Tumor Registry. Since 1935, this organization has compiled a record of cancer cases and treatments in my State. The file is unique in that it has followed every cancer victim in the State during the past 38 years. The information store provides an uninterrupted record of cancer treatments and their results with more than 120,000 State victims of this disease.

It was my great honor to be an early sponsor of legislation during the 92d Congress to focus attention on the need for a national attack on cancer. The National Cancer Act of 1972 which emerged from that Congress institutionalized our national commitment to seek a cure for cancer. The Congress appropriated $492 million for fiscal year 1973. While spending for cancer research has been increased over last year; regretably, some $60 million which has been appropriated by Congress for use in the war against cancer is not being spent.

Although progress has been made, the road ahead will not be an easy one. We must continue to broaden our cancer research capabilities and to assure those in research that adequate support will be sustained until success is achieved.

Mr. Speaker, too many people now endure the agony of this disease and too many bear the sorrow of having a loved one as its victim. It is my hope that Cancer Control Month will serve as a catalyst to renew our commitment and strengthen our determination to make cancer go the way of polio, small pox, and other diseases which man has overcome.

## THE 30TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. EILBERG. Mr. Speaker, today is the 30th anniversary of the Warsaw ghetto uprising. That battle, in which a handful of poorly armed, starving Polish Jews stood off the German army for 35 days, has become a symbol for people all over the world, who are fighting for their freedom.

The Jews of the Warsaw ghetto never had a chance of winning, but they died as free men and women, because they chose to stand and fight for their liberty.

Every year at this time the Jewish people celebrate Passover, the holiday of freedom. It is a time when we remember our liberation from slavery in Egypt and of the many other occasions when we had to fight and die for freedom.

The battle of the Warsaw ghetto is one such incident. At this time I enter into the RECORD a poem written by Marilyn Krantz, the editor of a newspaper in my district, about the Warsaw ghetto Uprising:

THE MARTYRS' VOICE—ON THE 30TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

(By Marilyn Krantz)

Sh-h-h, listen world, can you not hear
Their voices, clear and bright?
Do listen now! 'Tis bad enough
They went unheard that night.

Today's Passover ritual
Includes the Martyrs' story,
A bold chapter in the annals
Of spiritual glory,
For the Festival of Freedom
Took on an added light
As they lashed out with defiance
Against oppression's might,
Armed with the shield of courage
And sword of determination—
Their acts upheld the dignity
Of the Jewish nation.

The Ghetto stood, a lost island
In the vast sea of life,
All alone in its anguish,
Left to end its own strife—
Both the young and the old
Vowed, in facing their plight,
That if death had to come
They would meet it in fight.



Can you hear the ghetto fighters
As the battle began,
Calling out from hell's abyss?
Hear them now, if you can,
As they matched the Nazi tyrant,
Blow for blow, look for look,
Knowing well their death sentence
Was written in his book;
And one thought brought them solace
In their pain. This they knew:
In the streets of Warsaw's Ghetto
Would be Nazi blood, too!

Oh, how weary and weak
From starvation and need
Were these people and yet,
In the name of their creed
They pitted their bodies,
So beaten and plundered,
Against the oppressors
As angry hearts thundered.

And often, so often,
From the depths of despair
The remnants cried out,
"Doesn't anyone care? . . .
Where ARE all the people?
Won't they come to our side?"
But their cries went unanswered;
As they suffered and died.

They fought not for themselves—
How could they hope to win,
So greatly outnumbered
By the mongers of sin!
It was for US, the living . . .
For a world of better years . . .
That their heroic message
Was inscribed with blood and tears.

And in the end, the vile Nazi
Did not fulfill his goals;
They who'd enslaved Jewish bodies
Could not enslave their souls;
To Heaven's arms went the Martyrs
From each Ghetto street,
The song of faith upon their lips
Resounding, pure and sweet.

These were part of six million—
Six million in all—
Who 'neath wheels of destruction
Had been destined to fall . . .
Whose lives once had meaning
Until they were shattered . . .
Whose bodies, once whole,
Were broken and tattered . . .
Who went to their graves
Asking how it could be
That a civilized world
Had not answered their plea.

Shall we light a yortzeit candle
To honor each one?
The light of SIX MILLION CANDLES
Would outshine the sun!

Now, only our remembering
Their message bold, inspiring,
Can give meaning to their living
And purpose to their dying . . .
Now, only by upholding
The Ghetto fighters' plea
For one's right to live in freedom
Can we preserve man's dignity.

Sh-h-h, listen world, can you not hear
Their voices, clear and bright?
Do listen now! 'Tis bad enough
They went unheard that night.

## A TRIBUTE TO MARY GRIGGS

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. EDWARDS of California. Mr. Speaker, I want to recognize Mary Griggs of the Fremont Unified School District in California on the occasion of her retirement. Mrs. Griggs has been a teacher most of her life and for the past 10 years hundreds of Fremont students have had the opportunity to learn from her and to experience the joy and enthusiasm she brings to her work, and hence to school. Her special skills and rapport with children have led her to her present position as a teacher in the gifted children program at Millard Elementary School.

While teaching has been Mrs. Grigg's career, her love and understanding of children also extends beyond the classroom. She has been a Camp Fire Girl field director, worked with the Blue Birds, and taught in church schools. In addition, she has given her time to tutoring ghetto children, to directing dramatic and musical productions given by children, and to taking them on cultural and sports outings. In these activities, as in her profession, Mrs. Griggs has had a positive influence on her students which they long remember, often returning in later years to express their appreciation. Her retirement will certainly be a loss to the Fremont School District and to the community, but especially to those children who will no longer have the opportunity to have her as a teacher.

## OBSCENE RADIO BROADCASTING—X

### HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. JAMES V. STANTON. Mr. Speaker, over the last few months, I have been inserting into the CONGRESSIONAL RECORD—February 5, 6, 7, 8, 21, 26, 28, March 28 and April 3—several items relating to controversial broadcasting by station WERE in Cleveland, Ohio, and on how this appears to be part of a national trend in programing by radio.

I am happy to report to this body that I have had some additional success in getting the Federal Communications Commission to accept responsibility for this situation. For the information of those who have been watching this situation unfold, I insert here the letter I received from the FCC in reply to my original letter to Chairman Birch:

FEDERAL COMMUNICATIONS COMMISSION,
*Washington, D.C. April 11, 1973.*

Hon. JAMES V. STANTON,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. STANTON: This is in response to your letter of February 1, 1973, regarding complaints from your constituents alleging that obscene program material is presently being broadcast by Station WERE(AM), Cleveland, Ohio. You suggest three alternative courses of action which this Commission could pursue in attempting to curb obscene programming: (1) action under Title 18, United States Code, Section 1464; (2) imposition of sanctions pursuant to the Commission's "authority to act in the public interest"; and (3) institution of a Commission inquiry and rule-making proceeding with a view to promulgating a national regulatory policy. You request to be advised as to what Commission action is being taken in this area and you invite comment on the possible courses of action which you have suggested.

This is a most difficult area. The Commission must scrupulously observe the fine line between censorship—wisely proscribed by the First Amendment and the Communications Act (Section 326)—and the discharge of its responsibilities under the Act to deter the broadcasting of obscene and indecent material. I believe that we are acting effectively and properly in this sensitive field. I shall detail our actions in the course of my seriatim comments on your suggestions.

As you know, criminal prosecution under Section 1464 is solely within the jurisdiction of the Department of Justice. The Commission has thus referred a number of complaints to the Department of Justice for possible criminal prosecution under 18 U.S.C., Section 1464.

Under Sections 312(a)(8) and 503(b)(1)(E) of the Communications Act of 1934, as amended, the Commission is authorized to revoke broadcast licenses and to impose forfeitures for violation of Section 1464. In any action under these provisions, the Commission is of course guided by the decisions of the courts defining terms such as obscenity and thereby indicating the constitutionally permissible distinctions which must be drawn between protected and unprotected speech.

Rather than discuss in this letter what those guidelines are, I have enclosed a copy of our just adopted letter to Sonderling Broadcasting Corporation, the licensee of Station WGLD-FM, Oak Park, Illinois. That letter constitutes a Notice of Apparent Liability for a forfeiture of $2000 for violation of 18 U.S.C. 1464 as a result of broadcast of apparently obscene and indecent material on a radio talk show, "Femme Forum." As you will see, the letter treats fully the legal and policy considerations applicable to this area. It represents th definitive statement of the Commission's position, and may well become the "test case" whereby we obtain judicial clarification. You will also note that the letter is pertinent to many of the considerations raised by you.

We are also now engaged in a review of complaints received concerning allegedly obscene or indecent material broadcast by Station WERE-AM and other stations. We have instituted a Section 403 proceeding in order to assure that our investigation in this area can be fully and effectively carried out. See enclosed Order. We shall of course keep you apprised of any public developments.

As to the suggestion that we act under the public interest standard, we believe that no useful purpose would be served by proceeding in this fashion. You are, I am sure, in full agreement that the Commission "could not properly assess program after program, stating that one was consistent with the public interest and another was not." (*WUHY-FM*, 24 FCC 2d at p. 413). As we there noted, citing *Banzhaf v. FCC* 405 F. 2d 1082, 1095, that would be "flagrant censorship." So if we were to proceed under the public interest standard—as we did in *WUHY*—it would be necessary to meet the same specific criteria as in the case of the broadcast of indecent material, "namely, that the material is patently offensive by contemporary community standards and utterly without redeeming social value."

In short, in our judgment, the standard here remains the statutory one against broadcast of obscene or indecent material—with the important qualification that the criteria are applied with recognition of the unique characteristics of the broadcast medium. See Sonderling Letter, pp. 5–7.

Similarly, we do not believe that it would be appropriate to initiate an overall inquiry



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and rule-making proceeding. We cannot change or further refine the controlling criteria in this First Amendment field. Rather, it becomes a matter of applying them to particular factual situations in a manner that serves the public interest. By that, I mean in such a way that we do not "chill" any protected speech and yet at the same time "weed out" the impermissible (the obscene or indecent). As to the broadcaster's responsibility to exercise his responsible judgment to avoid presentation of prurient trash, I believe that my recent NAB speech has certainly made that clear. See enclosed copy.

With respect to your inquiry concerning station retention of tapes, there are no Commission rules or regulations which require a broadcast licensee to keep tapes of its programs. The Commission recently considered requiring licensees to keep tapes of "open mike" programs, *Notice of Proposed Rule Making*, FCC 71-804 (July 22, 1970). After reviewing comments on the proposal, the Commission withdrew its Notice (Report and Order, FCC 71-804 (August 4, 1971) for the reason that such rules did not appear to be clearly warranted at that time, and, if adopted, they would be financially and administratively burdensome for many licensees, particularly those of small stations. In this regard, the Commission has noted the cost of audiotaping all or certain types of programs broadcast and the higher cost of videotaping, as well as the added expense for storage space, all of which would have to be borne for a time period sufficient in length to make such rules effective, and the difficulty in distinguishing between stations capable of bearing such increased operational and financial burdens and those which could not.

I note your attention to introduce legislation which would "assure more effective and fair enforcement of Section 1464." I would be glad to give you my comments on such legislation.

I fully share your concern that the airwaves not be polluted by the broadcast of obscene or indecent material. Our goal here is clear. As we stated in the conclusion of the *Sonderling* letter,

"It is not our function, consistent with the First Amendment and Section 326 of the Communications Act, to impose upon broadcasters and listeners alike our personal standards of good taste. But neither is it our function to ignore the presentation of programming that in our view violates a criminal statute (18 U.S.C. 1464), especially when Congress has assigned to us a special role in the enforcement of that statute."

I hope that the foregoing is helpful to you.

Sincerely,

DEAN BURCH, *Chairman.*

## DECENTRALIZED RESPONSIBILITY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. RANGEL. Mr. Speaker, in President Nixon's haste to shift support of social programs from the Federal Government to State and local governments and private sector groups, we must carefully consider the potential for action that exists in these decentralized areas. If the President succeeds in delegating responsibilities away from the Federal Government, then the hope for social progress and change clearly lies in communities across this Nation.

In this light, I submit for your attention and the attention of my colleagues, the statement of Alex Prempeh, president of Effective Rehabilitation for Community Tenants, Inc.—ERECT—to the Human Resources Administration and mayor's office for the handicapped in New York City.

STATEMENT BY ALEX PREMPEH

My appearance here before you today, is, hopefully, to shed some light on a very serious problem, which may produce more effective and meaningful solutions.

First, the needs of the elderly have been neglected far too long in our city. Coupled with that of the handicapped, care of the aged has only recently been recognized as a major priority and responsibility of government at city, state and federal levels. But to date these needs, this responsibility and this priority have not been fully recognized at the community level.

While all money resources were being directed towards programs for the poor, economic opportunity, manpower, education, employment and housing, the true necessity for a program combining subsistence with shelter for this segment of the community has been sadly neglected, even denied recognition, as more and more of our senior citizens reach the golden years of their lives.

In far too many instances, our elderly and handicapped have to endure substandard, over-crowded or dilapidated housing, quite often in the most squalid conditions.

My experiences over the past thirty years have familiarized me with these circumstances and conditions, in real estate management and local political clubhouses, as neighborhood captain, housing developer, anti-poverty worker, organizer, and subsequently as consultant to Medicare Alert and director of Medicaid Alert.

Working with these conditions brought me close associations with the first President's Commission on the Aged, the Governor's Office of the Aging, Community Service groups and eventually, the New York City Office for the Aging. This has given me enriching relationships with most of the recognized personalities in this field, who have made pioneering efforts to bring these problems to the forefront. Now today I ask that this responsibility be fully assumed at the neighborhood community level.

In regard to service and support programs for the elderly and handicapped, which Federal and State legislation is expected to curtail or seriously cut back, I must point to their failure to organize neighborhood and agencies which must now be considered a major priority. Housing for the elderly has primarily been delegated to City and State agencies. The weak efforts of New York State Senior Citizens projects and City Housing Authority Senior Citizens projects to seek community involvement have fostered little community responsibilities and/or participation.

When Federal legislation made it possible under Section 202 to encourage local sponsorship and local participation regarding food, clothing and shelter for the elderly and handicapped, far too few groups were prepared to take advantage of this opportunity.

Since 1959, the Section 202 program grew to 45,527 units under construction as of September, 1969, of which 27,780 had been completed. But in 1969, when it was just beginning to fulfill expectations, the Section 202 program was replaced by the Section 236 rental housing program, in an attempt to coordinate and simplify government-financed housing programs. As of today Section 236 is dead and nothing but revenue-sharing will arise from the ashes. It is now up to Municipal and State agencies to supply the leadership.

In the course of these changes, workable arrangements were sought to encourage the participation of the private sector with government programs and lending agencies. Today I am proud to be a part of this combination and its involvement in the production of housing. But it still remains for government and the private sector to develop a workable arrangement with neighborhood and community agencies to assume the responsibility for the care of the elderly and handicapped tenants, whether of low or moderate income, whether receiving welfare or social security assistance.

As the price for assuming roles of responsibility, management and accountability, the principal themes from community groups are of "control" and "a piece of the action." Although the private sector firm with which I am associated is offering both of these incentives to community groups qualified in housing management, there are no groups qualified in management and care of the elderly and handicapped.

Unless neighborhood and community groups can be organized to operate in true partnership with government and the private sector, the problems of food, clothing and shelter cannot be solved by centralized agencies. To gain a piece of the action rather than left-overs or crumbs, neighborhood and community groups must be encouraged to take a serious look at their roles in respect to the elderly and handicapped before they become part of our forgotten yesterdays.

Service and support programs for the elderly and handicapped should take into consideration combinations of vocational education, rehabilitation and adult education with child care, mental care and health related programs. Such combinations may provide a pooling of appropriate resources which until now have only been moderately tapped, and may, with your concerted efforts and time, successfully be co-ordinated with private sector involvement.

To particularly characterize the plight of my own people, and especially in Harlem, where there are comparatively few facilities for the aged, the elderly and the handicapped, let me make a strong, personal plea. I know of no black organization with the capacity and the willingness to build and care for our own aged brethren. Until blacks and Puerto Ricans see the need to care for their own, and until city and state agencies organize and finance community groups especially for our elderly and handicapped, we cannot expect this situation to change.

We must see the problem as it is related to our own homes and our own neighborhoods or communities and then look around to see how others solved their problems.

I hope this will be of some help in this critical situation. Thank you.

## A SALUTE TO JOE MOLONY AND MIKE MAZUCA

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. KEMP. Mr. Speaker, yesterday, I voted against a 1-year extension of the President's authority to impose wage-price controls for two reasons; first, while temporary controls are justified to control inflation during wartime, they are not justified during peacetime; and second, controls are inequitable and unfair to American working men and women.

The application of wage-price controls during peacetime undermines responsible business practice as well as collective bargaining. Controls render both superfluous, because the accomplishments in the marketplace or at the bargaining table are superseded by legislative fiat.

I mention this, because of the admiration I hold for those individuals in labor and management who have made the extra effort to work out reasonable and equitable agreements.

The United Steelworkers have two such individuals, Mike Mazuca and Joseph Molony. Joe Molony is retiring as international vice president of the United Steelworkers of America and on Tuesday, May 24, 1973, at the Statler-Hilton Hotel in Buffalo, his friends will be on hand to talk over old times, reminisce, and salute this great labor leader. I include at this point articles on Mike and Joe:

[From the Buffalo Evening News, Feb. 17, 1973]

WILL STEELWORKERS' MAZUCA GET A BRASS RING?

(By Ed Kelly)

When, after a heated election battle, Mike Mazuca of Buffalo was chosen as state director of the United Steel Workers (AFL-CIO) in 1969, more than a few tasks awaited him.

There were political rifts to be closed, better rapport to be established between his district administration and the union's international administration in Pittsburgh, a backlog of bargaining and local union problems to be cleared up, safety programs to be designed and implemented.

Mazuca was undaunted. He tackled the problems with the same zest he lavished upon rival ball carriers when he played running guard for UB Coach Jimmy Wilson's famed Baby Bulls football team of 1932.

Mazuca brought to the administration of his district an enormous energy, massive enough to match his physical size. The former foundryman from Worthington Pump stands 6 feet 2, weighs 250 pounds.

"I was never small," he chuckles, "bowing in at 16 pounds at birth."

Hours after being sworn into office, Mazuca set about what he calls "welding the state district into a unified whole."

He became a highly mobile and visible leader, moving about the state, setting up conferences in his Rochester, Syracuse, Albany and New York City subdistricts, spending time in his Lackawanna subdistrict.

At the same time he kept close to his subdistrict office in Cleveland that serves the USW local union representing Great Lakes seamen.

Mazuca was in Pittsburgh often for meetings of the USW's International Executive Board (of which, as a district director, he is automatically a member), in Washington frequently for union legislative and other sessions, in several cities on many occasions for USW company-wide and industry-wide bargaining conferences.

He'd also turn up in far corners of the state when occasion demanded.

For instance, after a mine disaster took 91 lives in Idaho last year, Mazuca sped to our state's North Country, donned a hard hat and went deep into the ground to see first-hand what precautions safeguard his members working in the zinc mines there.

But most of the time, Mike Mazuca was in his third-floor office in the Edwards Bldg. on Franklin St. where, through 50 union staff representatives and nearly a score of office aides, by phone and by mail, he tended to day-to-day operations of his District 4.

It's a whopper geographically, stretching from Montauk Pt., L.I., on the Atlantic to Dunkirk on Lake Erie. Its nearly 60,000 members belong to 238 locals.

A firm believer in delegating responsibility, Mazuca insisted from the first that, where possible, the principal burden of servicing a membership be borne by the local union representing that membership.

To represent his district and its member-local unions in major arbitration cases and situations arising under the federal labor law, Mazuca re-instituted the office of district counsel and retained attorney Tom McMahon to fill it.

The Mazuca directorship has given USW members a chance to do some exciting things, educationally, under a closer-than-ever working relationship between his District 4 and Cornell's State School of Industrial & Labor Relations. And his administration has seen stepped-up District 4 interest in the legislative area—local, state and federal.

The achievements of Mazuca's first term have been several. The tasks he set himself in 1969 have been largely completed, and successfully. His popularity with staff and rank-and-file has risen. His political position within the district, accordingly, has become impregnable.

So it wasn't surprising last Tuesday when USW members in the state, apparently embracing the wisdom of the old adage that "one good term deserves another," re-elected Mike Mazuca to lead them for another four years.

He was unopposed for the $25,000-a-year post. A would-be challenger failed to get enough local union endorsements to get on the ballot. Those who worked against Mazuca in 1969, including his then principal opponent for the directorship (who was backed up by the international leadership in Pittsburgh), were solidly behind him in 1973.

The beginning of his second term next June 1 will find Mike Mazuca facing a brand new set of tasks.

Several stem from the recent merger—at the international level—of the independent International Union of District 50, Allied & Technical Workers, with the United Steel Workers. That amalgamation has added 8000 new members to Mazcua's district, most of them in Western New York, and has prompted him to set up a new sub-district office in Niagara Falls.

The merger has been concluded but still to be worked out is an alignment of the dues and initiation-fee structures of former District 50 and its new parent organization.

Many members of District 50, opposed to the merger, remain unhappy in the USW. They must be won over.

Within the USW are several company-wide and industry-wide conferences of local unions, formed to enable them to present a united front in bargaining. The local unions of old District 50 must be slotted into their appropriate conferences.

And the former District 50 units and their members must be worked into the existing USW safety and workmen's compensation programs.

"We've got another welding job to do," says Mazuca. "The membership of our Steelworkers district must be integrated in such a way that the result is a sound district in which all share the same programs, responsibilities, services and goals."

Mazuca's confident it can be done.

Though he himself says nothing publicly about the matter, Mazuca's friends believe that the USW state leader, four years from now, will be in a strong position to seek higher office in the international union.

They point out that the two top posts—president and secretary-treasurer—will be up for grabs in 1977. Incumbents I. W. Abel and Walter Burke will be unable to seek re-election then because of a 65-year age limit prescribed by the USW's international constitution.

Mazuca will be 62 when the next international union elections roll around.

By that time, his supporters feel, he'll have been head of the New York State district—a good power-base within the USW—for eight years and, they're confident, will have built up an impressive record.

They note also that Mazuca's stock should be pretty high with the current USW top leadership because of the massive way in which local unions in his district, during the recent nomination period, rallied behind the incumbent international leadership and its slate.

"There'll be one helluva scramble for the top big jobs in '77," predicts the head of a big USW local here. "And Mike Mazuca's got as good a chance as any, and a better chance than most, to grab one of the brass rings."

BIOGRAPHICAL SKETCH OF JOSEPH P. MOLONY, INTERNATIONAL VICE PRESIDENT, UNITED STEELWORKERS OF AMERICA, AFL-CIO—CLC

Joseph P. Molony, International Vice President of the United Steelworkers of America, came to the United States at the age of 20 from his native Ireland where he was born on November 6, 1906.

One of Mr. Molony's first jobs was as a laborer for the New York, New Haven and Hartford Railroad. He also worked on the ore docks of Republic Steel Corporation in Buffalo.

The year 1937 was the year of the "Little Steel Strike," and it was during the strike that Mr. Molony was appointed as an organizer for the Steel Workers Organizing Committee (SWOC), predecessor of the United Steelworkers of America.

At the First Constitutional Convention of the USWA in Cleveland, Ohio, in 1942, Mr. Molony was elected Director of USWA District 4 (New York State). Time after time he was re-elected Director without opposition to head the District until 1965 when he was elected International Vice President.

As Director of District 4, Mr. Molony pioneered in the area of workmen's compensation in New York where he served as a member of the Governor's (New York State) Workmen's Compensation Committee.

Mr. Molony is Chairman of the USWA's Committee on Civil Rights, the first International Union officer to serve as head of the Committee. He is also a member of the AFL-CIO Civil Rights Committee. Mr. Molony was one of the participants invited by President Johnson to attend the 1966 White House Conference on Civil Rights.

He was Chairman of the Union's negotiating committee with Bethlehem Steel until 1965 when he was elected International Vice President. He also served as Chairman of the USWA organizing drive of Great Lakes seamen.

He is presently Chairman of the Nonferrous Industry Coordinating Committee.

Mr. Molony not only has insisted throughout his labor career that union officials should become active in civic affairs but has set examples by his own record of public service. He served for three terms as Chairman of the Niagara Frontier Port Authority. He also was Chairman of the Buffalo Zoning Board, General Chairman of the United Negro College Fund of Western New York; and a Director of the Buffalo Urban League.

Mr. Molony was the first to be given the Buffalo Evening News Outstanding Citizenship Award. He was given the Brotherhood Award of the Buffalo Chapter of the National Conference of Christians and Jews. The Buffalo Diocesan Labor-Management College honored Mr. Molony in 1960 with its Bishop's Plaque.

Mr. Molony is a member of the Board of Directors of the United Fund of Allegheny County and served as Associate Campaign Chairman of the 1972 United Fund Campaign. He is a member of the Board of Directors of the Health and Welfare Association of Allegheny County, and a member of the Board of Directors of the Pittsburgh History



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& Landmarks Foundation. He served as Chairman of the Boys Town of Italy Fund Drive for 1970 and 1971. In September 1971, Mr. Molony was appointed as a member of the Airport Advisory Committee of Allegheny County.

Mr. Molony is known throughout the Union as a story teller par excellence. He is best known, however, for his deep, life-long commitment to the welfare of Steelworkers and his adopted country. Though his formal education was cut short, he is probably one of the best-read and best-informed union officials.

He served with the U.S. Army from 1943 to 1945.

He and his wife, the former Marguerite Bouchard, reside in Pittsburgh. They have one son, Michael.

## CINCO DE MAYO—1973

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ANDERSON of California. Mr. Speaker, on Cinco de Mayo, millions of Americans will observe an historic landmark in mankind's age-old struggle against tyranny, and in the New World's efforts to rid itself of the oppression of the Old World. For on that day, in the year of 1862, Mexico's great President Benito Juarez led a force of patriots to victory over the armies of France and her puppet Emperor Maximilian.

It is entirely fitting that America's second largest minority, those among us whose heritage includes Hispanic culture, the Spanish language, Indian blood, and Mexican ancestry, should join with their brothers of the Republic of Mexico in observance of this event. And it is fitting, too, that the people of the United States, speaking through this freely elected Congress, should recognize this day as fateful, not only in the history of Mexico but for all of the peoples of the New World. For the victory of Juarez marked a turning point; hard fought proof that the peoples of Mexico would not endure foreign rule and that they would find the strength to successfully resist it. Surely every American, North and South, is indebted to the brave people of Mexico for that.

In my own State of California, schools, cities, and organizations throughout the State will be observing this event, partly for the reasons I have already mentioned, but also as a gesture of solidarity with and affection for the people whose heritage is part of our own. For to the extent that California, a relatively new and yet not unpromising place, has a heritage, a culture, and a tradition, that heritage is inextricably bound up with the people of Mexico. And in observing Cinco de Mayo we honor not merely a gracious tradition and a great blow struck for human freedom in the past, we honor the present and, hopefully, the future as well. Indeed, we honor ourselves, for we Californians began as Mexicans and part of that heritage remains with us in the names of our cities and streets, in our history, our music, our literature, and our customs.

Cinco de Mayo celebrates the past, but it also recognizes that the struggle against tyranny and oppression is unending. Within recent years the people of the Southwest have witnessed the resumption of that struggle by a new brand of patriots, who call themselves Chicanos and who have already added to the rolls of humanity's heroes a new name that is honored everywhere in the world where men respect courage and love justice—the name of César Chavez.

THE CHICANO

The word "Chicano" is new to many of us. It is frightening to some and disturbing to others. It has been used most widely by younger Mexican-Americans, and those in the forefront of the struggle to improve the lives of their people and their communities and, therefore, those most likely to be perceived on television, and in the press as troublesome. But I believe those who are troubled and fearful have not thought deeply of the matter. For what does it profit the United States of America if we gain the world, but lose millions of our own to poverty, lack of education, and indignity.

The United States prides itself on being a nation of free, independent, and prosperous citizens. Time and again throughout our history we have declared war on poverty. The Chicano means to help us win that war, and proposes that we fight it as though we intended to win. Over 30 years ago, in a land caught in a cruel economic depression, a prophetic voice arose from the fields and orchards of California decrying the cruelty and injustice to those whose toil brought food to the table of our Nation, but who themselves were condemned to poverty and ignorance and often to hunger. The man was John Steinbeck and the book was "Grapes of Wrath." And he told a story of injustice and depression that shocked the conscience of the world and brought him a Nobel prize. Today, over three decades later, those who pick the grapes and harvest the lettuce are still struggling to win rights that other Americans assume as their birthright: Decent wages, job security, collective bargaining, education for their children, and respect for their culture.

However, I do not wish to dwell too much on the unhappy side of a complex story. The Chicano is, in fact, an amalgam of three cultures: The Hispanic, the Indian, and the North American. And from the beginning of these three traditions, he was created, indeed, he embodies, something new and unique in the world. A new man with an old culture. And rather than fear this new man, I think we might well try to understand and perhaps even learn from him.

THE POWER OF FAITH

One of the things we can learn, I believe, has something to do with the power of faith. For the Mexican-American community, as we all know, is above all a religious community. The spiritual and mystical approach to life, which finds itself under attack and even in decline in so many areas of modern life, remains as strong in today's barrio as it was two centuries ago. The church, it is true, has changed. Some of the priests and nuns have changed. Even some of the saints have been changed. But the people's faith does not change. Surely there is something profoundly satisfying in this fact. For it means that people, having found something which nourishes life and gives men hope, will not abandon it for the sake of transient pleasure and advantages.

THE CHICANO FAMILY

Secondly, I should like to mention the Chicano family—La Raza. Again there are voices among us which assert that the American family is finished; that the family system grew out of certain economic and historical conditions and that since these circumstances no longer remain, the family has lost its function. I have never known a Mexican American scholar to write or speak in this vein.

Nor are there many who dwell upon such themes as "the generation gap." On the contrary, hardship and struggle has cemented the Chicano family and made it stronger than ever. In the great majority of cases the children remain at home and respect the authority of their parents, regardless of age, until they are themselves ready to assume responsibilities of their own.

For most Mexican Americans the home and family remains a kind of sanctuary, a complete society. The very old and the very young often live side by side, depending upon each other. Whatever their fortunes may be in dealing with the outside world, the family remains united, interdependent, and fiercely loyal. What the family has, it shares. What it must suffer, it endures together. I think we might all learn something from the seamless robe of the Chicano family. For surely we do not need more loneliness, more alienation, more isolation from one another.

A HUMANIST TRADITION

Finally, I would speak of the Chicano as the bearer of a rich humanist tradition, rooted in the beauty of the Spanish language and the natural poetry of those who retain a feeling for nature and the land. I refer not merely to a superficial formality in manners and language, but rather to that innate courtesy which characterizes a highly social way of life.

The ethic of personal success, of material acquisition, of competitive individualism, has not been a prominent part of Chicano culture. There is instead a sense of community and of lives shared. Their leaders seem to possess a ready eloquence, perhaps the product of a bilingual culture, which we can only envy.

Perhaps no group of Americans has been more willing to fight for the United States, certainly none has fought with greater valor or suffered higher casualties proportionate to their numbers in the total population, and yet the Chicano in civil society is truly a gentle man. In personal address, in the conduct of the ordinary business of life, he rarely forgets the purely human element.

Faith, family, humanity—these I think are some of the virtues of our fellow Americans whose heritage is Mexican, whose language is Spanish, and in whose veins is the blood of the Aztecs. Doubtless one could name many others, perhaps more important. But I can only speak of my own knowledge and experience as a friend and lifelong neighbor of Mexican-American people.

I have chosen the occasion of Cinco de Mayo to make these remarks partly because I feel the time is appropriate, and also because a new age demands new insights. The familiar stereotypes by which the Mexican American has been portrayed in the movies, and, shamefully, is too often still portrayed on television advertisements, has created a totally false and dehumanizing picture.

The comical bandido, the lazy peon sleeping under a cactus, are perhaps not meant to be vicious or degrading. But they are the products of greedy men eager to exploit the ignorance of the general public. Stereotypes have been created which, deliberately or not, were meant to reinforce the Anglo's good opinion of himself by dehumanizing others.

In recent years we have begun to learn, slowly and painfully, of the terrible price that this Nation must pay for the all too human tendency to think of certain groups within our society as "other." Much has been written and spoken about the Nation's largest minority. But we are only beginning to realize that there are even minorities among the minorities. Not with the aim of pitting one exploited group against another. But simply to recognize that diversity is not the exclusive province of the affluent.

But it is not only the problems of the Chicano people—the poverty, poor housing, lack of equal opportunity, that demand our attention. It is also the successes. Their distinguished record in the Armed Forces, the rising numbers of Chicano students attending our colleges and universities who will surely be the instruments of a profound social change for their entire people in the not too distant future; and the growing authority of men like Cesar Chavez, who embody the deepest aspirations for peace and justice not simply of the Mexican-American, but for all the American people.

I am confident that the coming of Cinco de Mayo, 1973, will bring us closer to the day when this strong people, so long denied their proper place in our legislatures, our schools, our corporate, and business life, will cease to pick "the grapes of wrath." And that this generation of Chicanos which has progressed so rapidly in so many areas—which has a clear idea of its own destiny, will fullfill the words of the prophet who foretold that the day would come when—

Those who have labored in the vineyard shall keep the fruit thereof.

## MANPOWER AND DIGESTIVE DISEASES

### HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. HASTINGS. Mr. Speaker, a National Conference on Digestive Diseases as a National Problem will be held on May 18 at the National Institutes of Health. More than 500 persons will gather to develop a long range attack on every phase of this national problem.

It will be preceded by a 3-day workshop, April 23–25, at Arlie House in Virginia, where 150 will work at analyzing the present status of digestive disease research, manpower development and the delivery system for care.

Chairman of this conference is Dr. Fred Kern, Jr., head of the Division of Gastroenterology at the University of Colorado School of Medicine.

Impetus for the conference came about largely as a result of a law passed last year establishing the National Institute of Arthritis, Metabolism and Digestive Disease, focussing attention on the lack of adequate research in this area. That bill was considered by the Subcommittee on Public Health and Environment, of which I am a member. I participated in the hearings and am pleased to say that I worked for its passage both in the committee and on the floor of the House.

It has been brought to my attention that Dr. Kern has co-authored—along with Dr. Thomas R. Hendrix, head of the Division of Gastroenterology at Johns Hopkins University School of Medicine and also a member of the steering committee of the national conference—an excellent editorial which appeared in the March 1973 issue of Hospital Practice.

Mr. Speaker, I insert this editorial at this point in the CONGRESSIONAL RECORD and commend it to my colleagues for study.

MANPOWER AND DIGESTIVE DISEASE

The 1967 Conference on Digestive Disease as a National Problem focused attention on the magnitude of the digestive disease problem and the proportionally small share of resources, both in manpower and in funds for research and training, that were allocated to digestive disease. A manpower survey showed that there were only 2,004 specialists in digestive disease in the United States and that they were unevenly distributed—some communities had many, four states had none. The real meaning of these figures can be questioned because the "gastroenterologists" identified in that survey were self-designated, i.e., physicians who identified themselves as having a special interest in digestive disease. Thus, the survey did not furnish information about what proportion of gastroenterologists was specially qualified or about the level of their knowledge and skills. From its beginning in 1940 and through December 1972, only 675 physicians have been certified by the American Board of Internal Medicine Subspeciality Board on Gastroenterology. How do these figures compare with the number of specialists in other areas of internal medicine? Again, data are incomplete, but, for example, several sources of information suggest that there are three to four times as many cardiologists as gastroenterologists. An informal survey published late in 1972 showed that there are many vacant academic positions for gastroenterologists—more than for any other specialty within internal medicine.

Despite the apparent shortage of manpower, reactions catalyzed by the 1967 conference are continuing to stimulate favorable decisions in behalf of digestive disease. Awareness of digestive disease as a major health and economic problem has increased. Money invested in digestive disease research has borne a rich harvest of fundamental as well as pragmatic information, e.g., in relation to bile salt metabolism and gallstones, intestinal secretion and toxigenic and choleretic diarrheas, hepatitis-associated antigen and acute and chronic liver disease, the complex interaction of gastrointestinal hormones, and the motor and secretory disorders of the GI tract—to mention only a few active areas of productive basic and clinical investigation.

There is considerable expectation that as this wave of interest and discovery in digestive disease gains momentum we will be able to replace the empiric approach to therapy of digestive disease by rational therapy, based on an understanding of the pathophysiology of these disorders. Cholecystectomy will be replaced by correction of disordered hepatic lipid excretion; paregoric and Kaopectate will be replaced by oral fluid and electrolyte solutions and by agents that interfere with the link between secretory stimuli and secretion; chronic active liver disease will be contained by an understanding of antigen and host interaction; and secretory and motor abormalities will be managed by correcting or circumventing neurohumoral imbalances.

The likelihood, however, that these bright hopes will be realized is in jeopardy. At a time when we need to push ahead to capitalize on the gains that we have made in the understanding of the physiologic basis of digestive disease, research resources are being threatened. At a time when we should translate our new understanding into more effective patterns of practice at all levels of medical care, funds for training are scheduled to be phased out.

Intelligent planning for the education and training of manpower for the future care of patients with digestive disease is obviously desirable, but it is especially difficult now because of all of the uncertainties of future medical practice. Some of the issues that affect our planning will be mentioned briefly. In the future, who will provide primary medical care for digestive disease patients? Will it be the family practitioners, internists, or gastroenterologists? Will general surgeons continue to be involved as primary physicians? Will physicians' assistants, or some equivalent, have the major role in primary medical care, as has been forecast?

Ideally, the best system is the one that provides the best medical care for the patients. Should patients with duodenal ulcer, for example, be cared for by generalists and referred to gastroenterologists only after they develop complications? Or should such patients be managed primarily by gastroenterologists with the hope that their supposedly greater understanding of gastric physiology and gastric secretion will prevent or delay complications? How will changes in the organization of medical care affect our training needs? Unfortunately, facts are not available to answer these and many similar questions that have a direct bearing on the deployment of resources in academic and teaching-hospital gastroenterology programs. It is important to know whether our teaching effort should be directed primarily toward physicians' assistants, medical students, residents in internal medicine and family practice or toward trainees or fellows in gastroenterology. It would be helpful to know how many digestive disease specialists per 100,000 population would be optimal in 1983. Now that we are having potentially disastrous cuts in federal research and training funds it is of crucial importance to know how best to use our diminishing funds.

It is evident that our specialty, like much of medicine, is in a state of flux and uncertainty. We recognize the need for critical data and equally critical determination of policy, as guides for our teaching and training efforts. It is partially for this reason that the American Gastroenterological Association and the National Institute of Arthritis, Metabolism, and Digestive Diseases of the National Institutes of Health (with support from other digestive disease societies, federal agencies, and pharmaceutical firms) have organized a second Conference on Digestive Disease as a National Problem to be



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held this spring. In preparation for this conference, data are being collected that relate directly to some of the questions asked here. We do not expect definitive answers to many questions, but we do anticipate that the data and their subsequent discussion at workshops and at the conference by gastroenterologists, biomedical scientists in other fields, health administrators, economists, laymen, and others will more clearly define the policy issues and will help design future studies that will provide more precise information.

The need for manpower trained to care for patients with digestive disease is not at issue because of the overwhelming evidence that digestive disease is a major health problem that affects many millions of people—more than any other category of illness. Although only cancer of the digestive tract and cirrhosis are major killers, the morbidity and costs of digestive disease are staggering. Hospitalizations for digestive disease outnumber those for heart disease by five to three; hospitalizations for peptic ulcer and for cholecystitis each outnumber hospitalizations for coronary disease by a similar proportion. Digestive disease is the leading cause of visits to private clinics, the leading cause of hospitalization in VA hospitals, etc. The statistical documentation of the importance of digestive disease is impressive.

Because of the numbers of people affected it seems likely that regardless of future changes in systems and priorities, digestive disease will continue to be cared for on many levels, as it is now. Consequently, the training needs for this category of disease are enormous. Only a small proportion of digestive diseases is now treated by gastroenterologists. Most patients with these disorders are seen by family physicians, internists, pediatricians, and general surgeons. To ensure optimal care for patients with digestive disease, the new knowledge must be disseminated more effectively and specialty advice must be more timely and more available. This requires, first, more time and effort devoted to the presentation of the pathophysiologic basis of digestive disease to undergraduate medical students and a greater exposure in postgraduate residency training to the best and most advanced practice in digestive disease; second, an appropriate distribution of excellently trained specialists in digestive disease to provide consultation and advice in the care of the complex problems in this area; and, finally, provision for a continuing supply of highly motivated individuals for teaching and research so that our understanding of digestive disease continues to grow and our new insights are disseminated in usable, stimulating forms to undergraduates, residents, and all practicing physicians dealing with digestive disease.

In the words of Shakespeare's Brutus:

There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune:
Omitted, all the voyage of their life
Is bound in shallows and in miseries.

FRED KERN, JR., M.D.
THOMAS R. HENDRIX, M.D.

## HOUSING DISCRIMINATION BY SEX AND AGE MUST END

### HON. HERMAN BADILLO

OF NEW YOAK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. BADILLO. Mr. Speaker, I am introducing a bill today which amends the 1964 Civil Rights Act to prohibit housing discrimination on the basis of race, color, creed, national origin, sex, marital status, or in the case of adults, age. For the purposes of this bill, the term adult applies to any individual 18 years old or older.

Last year, while making a study of housing laws, I was startled to find that discrimination by sex was not a part of the so-called fair housing provisions of the 1968 law. Not only that, but I was also advised that the passage of the equal rights amendment would not remedy this situation since its provisions would only be applicable to situations where either Federal or State action was involved. This, of course, would leave untouched the much wider area of accommodations which by all indications had to be reached.

It seemed at first as though the addition of the terms "sex, marital status or age" to the 1968 act would serve my purpose. However, there was some area of doubt that made me wonder if this would indeed do. To begin with, title VIII provides that before a complainant may institute enforcement proceedings in Federal court, he must have filed a written complaint with the Secretary of the Department of Housing and Urban Development who is then charged with making a preliminary investigation with a view to resolving the dispute through "conference, conciliation, and persuasion."

Only after the Secretary has declined to attempt administrative resolution, or such a process, as carried out by him or any appropriate State or local agency to which the dispute may be referred, has proved unavailing within given time limits, may an aggrieved person effectively pursue his remedies in Federal court. My study indicated that this process of mediation often has caused long delays. Furthermore, a great deal of responsibility was vested in the person of the Secretary who, depending on his own convictions, was left to decide the appropriateness of the complaint, the referral process, or indeed, the urgency of the matter.

It seemed to me that this, at certain times, could prove to be a great drawback to persons who felt themselves injured. After all, when we write the laws we cannot predict who will be administering them. Consequently, it appeared wiser to amend the 1964 act, giving a dual avenue to redress: First, a complainant can address his complaint to the Attorney General who, if he deems the person unable to institute proceedings for his own relief, initiate and maintain appropriate legal procedures to rectify the situation in the name of the United States, or, second, give the person the choice to sue in any Federal court for a redress of his grievances.

In the latter case, should the Attorney General delay in intervening, or indeed be inhibited in his actions by possible political considerations, a meritorious cause may be backed by a group and brought to a successful conclusion without the mandatory referral to the Secretary's arbitration, as would be the case under the 1968 act.

The very broad wording of my bill is designed to give the same type of protection which was invoked by the Supreme Court in 1968 in *Jones* v. *Mayer Co.*, 392 U.S. 409 (1969) when it held all racial discrimination in the sale or rental of property, private as well as public, to be a violation of the 1866 Civil Rights Act.

Mr. Speaker, it is time and more than time that we did something to end discriminatory practices which are presently injuring large portions of our population. My initial investigation into the field of sex discrimination, I contacted New York City's 10 largest property management firms, revealed that when women seek rental housing a majority of the firms will impose the "1 week's salary must equal 1 month's rent" rule. However, they do not include child support payments in the applicant's income—only income from stocks and bonds. Thus, a woman may not qualify for a decent apartment because she is deemed to be financially unable to support the expense. However, HUD, when it computes income, does take into account child support payments, in this manner often disqualifying the same women for subsidized housing this time because they are judged to be to well to do to qualify for assistance. Such absurities must stop. I am not even mentioning here the thorny aspects of financing which have already received considerable publicity.

It has also come to my attention that older persons as well as youth have considerable difficulty because of their age in competing in the tight housing market. This too must not be permitted to continue. The National Council of Senior Citizens backs this legislation. Our senior citizens are concluding lives of rich contributions to our society—they deserve and should receive respect and consideration and should not be shunted aside into what has been so aptly described as the "last segregation." Our youth, also deserve fair consideration. To use age as a sole disqualifying factor is unworthy of this Nation. Some directors of off-campus housing, who have learned of my intention to introduce this measure, have already signified their support. In their estimation, the bill fills a real need.

I hope that Members will support this much-needed legislation and join me in urging its speedy consideration and enactment.

## OEO-FUNDED GROUP DISRUPTS HARVARD COMMENCEMENT

### HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. CONLAN. Mr. Speaker, in view of the controversy concerning dismantlement of the Office of Economic Opportunity and new leadership in the Federal Government's poverty programing, I should like to bring to the attention of Members of this body another example of mismanagement and poor judgment in OEO funding that created the disgraceful disruption of the 1970 commencement at Harvard University, where I did my graduate work.



It was about 9 p.m. on June 10, 1970, and the Harvard University band and the combined Harvard-Radcliffe Glee Club were completing their traditional commencement concert in the Harvard Yard. Harvard's 334th commencement week was in full swing. Class reunions were being held, the senior class was having its last party at one of the houses, and the concert in the yard, because it was free and open to the public, was attended by many members of the Cambridge community.

In another part of Harvard Yard, soul music was blaring forth from numerous speakers which 300 members of the Riverside planning team had brought with them. They seized a corner of the Harvard Yard between two dormitories which were housing the families of the 25th reunion class.

The Riverside Planning Team—RPT—is a neighborhood association organized and supported by the Cambridge economic opportunity committee, which is supported by OEO funds.

The Riverside group had decided to take over a section of the Harvard Yard to demonstrate for low-cost housing in the Cambridge area. The group wrote the president of Harvard University and demanded that he cancel his commencement eve plans and meet with the group.

During that week, RPT circulated flyers and used sound trucks to encourage community residents to walk to Harvard and participate in a low-cost housing demonstration in the Harvard Yard. That night they stated that they would not leave and would not turn off the music until the Harvard president appeared. During the evening RPT provided meals for its members.

Late that evening a representative of the president's office did meet with the group, but he was unable to satisfy its request. In the early hours of the next morning many graduates returned from reunion activities. They were greeted by the deafening sounds of rock music. RPT refused to turn off their loud speakers and many minor confrontations occurred before police had to be called in. The police brought the situation under control at about 3 a.m.

It was later discovered that the organization, publicity, sound trucks, food, and legal service personnel which RPT brought with them were all paid for out of OEO funds.

The next day was commencement day, and because of space limitations all attending the commencement exercises were required to present tickets for admittance. However, the Riverside planning team had staked out spots throughout the night in the Harvard Yard, thus assuring for its members strategic locations during the commencement.

Halfway through the exercises, the RPT people decided to make their move. With bullhorns in hand, they marched and yelled their way onto the stage as the Harvard president was conferring degrees. They mounted the stage, seized the microphones, and began shouting demands over the public address system.

The exercises stopped and the microphones were turned off. RPT demonstrators then used their OEO-purchased bullhorns to take over the exercises. At that point, the Harvard Corp. voted to give RPT 2 minutes for a statement. RPT members took the microphones, insulted the Harvard president and corporation for almost 5 minutes, and were finally escorted off stage by university police.

The commencement finally continued after a 20-minute delay.

The OEO-funded Cambridge Economic Opportunity Committee's executive director, the community coordinator for social services, and the director of Cambridge Legal Services were all in attendance to render legal assistance in case an incident involving the police occurred.

There appears little doubt, therefore, that OEO funds and personnel were used to organize and carry out the takeover of Harvard's 334th commencement exercises. In fact, Mr. Speaker, the local OEO agency endorsed the entire activity.

Such activities supported by OEO funds raised many serious questions. It is indeed an outrageous situation to have OEO funds supporting demonstrations that involve trespassing, disturbing the peace, assault and battery, larceny, disorderly conduct, violations of freedom of speech, and other offenses.

Mr. Speaker, the time has come for us to look deeply into the history of the Office of Economic Opportunity and to acknowledge, as painful as it may be, the many examples of misspent and fraudulently spent public funds. There must be a better and more efficient manner to provide services for the disadvantaged without spending public tax dollars on such illegal, self-serving activities.

Let us work together to restructure the poverty program to meet the needs of the poor.

Let us work together to develop a new system.

Let us accept the fact that OEO programs have proved to be a colossal failure in many instances and that they have been a monstrous waste of public funds.

Let us devise a new program that will prevent public funds from ever again being used to disrupt the activities of higher education.

I insert the following article from the Boston Herald Traveler outlining the events of the 1970 Harvard commencement in the RECORD at this point:

[From the Boston Herald Traveler, June 11, 1970]

CIVIL RIGHTS GROUP STAGES CAMP-IN AT HARVARD YARD

(By Paul Giguere and Tom Sewell)

Some 150 members of a Cambridge civil rights organization seeking low-rent housing began a sit-in under a tent in the Harvard Yard on commencement eve last night.

The "Camp-in" followed a march at 5 p.m. to the offices of Harvard President Nathan Pusey, led by Mrs. Sandra Graham, president of the Riverside planning team of the Cambridge Economic Opportunity Committee Inc.

Dr. Pusey was not there, but Edward Gruson, community affairs officer for Harvard, persuaded the protesters to move to nearby Gray Hall for discussion.

Gruson and Mrs. Graham and others engaged in an exchange before entering the hall, but there was no serious disturbance.

At the meeting in Gray Hall, the CEOC called upon the Harvard Corporation to turn over 100,000 square feet of "largely vacant property known as "Treeland" in the Riverside neighborhood area of Cambridge for construction of low-rent family housing.

Another demand was that during the Treeland construction one-third of the 500 student apartments in Peabody Terrace be given to Riverside families "threatened with evictions and rent increases."

Gruson advised the meeting that he could not at the time discuss the Treeland question. But he pledged that the corporation would build low and middle income housing in the future.

## A SERMON ON ARCHIE BUNKERISM

### HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. CORMAN. Mr. Speaker, last fall my minister, Dr. Kermit L. Long, of the First United Methodist Church of North Hollywood, Calif., preached a remarkable sermon under the title of "Jesus Christ and Archie Bunkerism." Dr. Long believes that "there is more Christian gospel preached from the 'All in the Family' television show than from many churches and temples—if we get the message."

More than 60 million Americans view the show every Saturday night. Its popularity loses no ground as each week passes, but its effect has become far more complex and disturbing than mere entertainment.

"Getting the message" is the underlying theme of Dr. Long's forceful sermon. It is such an important and timely message that I am inserting Dr. Long's sermon at this point in the RECORD and strongly recommend its reading to my colleagues.

The sermon follows:

JESUS CHRIST AND ARCHIE BUNKERISM

(By Dr. Kermit L. Long, preached October 22, 1972, First United Methodist Church of North Hollywood, Calif.)

"America's number one television hero, Archie Bunker, is a prejudiced, ignorant, lower middle-class, white Anglo-Saxon Protestant, beer-bellied bigot." That's what he is according to a quote from Ebony Magazine's June 1972 issue. In real life the actor, Carroll O'Connor, is anything but Archie Bunker; in fact he is the opposite of Archie Bunker, or else, he says, he could never stomach playing such a nasty bigoted part. He, Jean Stapleton, who plays the part of his wife Edith ("dingbat"), and the rest of the *All in the Family* staff have won 10 Emmys. Without a doubt this is the most popular program on television today. We laugh at them, and we laugh with them. We enjoy the sweet, soft-spoken, beautiful blonde daughter and her long haired liberal husband, the son-in-law whom Archie calls "meat-head." In fact, on any given Saturday night over 50 percent of the viewing public is looking at this program. Now I know and you know that the church, through its clergy and laity, speaks

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of what eternity has to say to the hours. We already have our agenda. It's in the Book—the Bible. It's in the theology of our faith and in the history of the people of God through the centuries of time. But if we are wise at all, we will also be cognizant of the fact that the world, too, prepares the agenda for the church. Thus I have chosen to speak on *Jesus Christ and Archie Bunkerism.*

In an *Ebony Magazine* article containing an interview with Mr. Carroll O'Connor, someone said, let's talk about Archie a bit. How does a man like yourself a man whose background and views are so different from those of Archie, bring him to real life? "Well," said Mr. O'Connor, "we didn't do any real research on this. We just tried to be open and sensitive to where we were in the world." In Hamlet's advice to the players, he tells them to hold up a mirror to life. This is real acting—holding up a mirror to life. This is what the actor is supposed to do. So when Carroll O'Connor was asked, "do you really believe that white America is as bad as you portray white America to be?" he answered, "I believe that Archie Bunker really represents a pretty good slice of white America even yet today. I have seen it. I have talked with Archie Bunkers in New York. I have talked with them in Boston, Tulsa, Cleveland and in Dallas. I know them best in New York where I have spent most of my life so this is why I play him in New York."

Archie Bunker is a man who is on a bridge. He is so rigid, so inflexible that he can't change. In his case it's just easier to name call than to try to be open to change. We know that God calls us to change, that the past is gone. But Archie doesn't want to let it go. He doesn't want to cross over the bridge. Because other people are crossing over the bridge Archie becomes the loser . . . and he is portrayed as a loser. Do you think Archie is enjoying life? Look at him as he comes in from work. There is always something wrong. (If you are always unhappy you'd better look at yourself, not at other people. Something is wrong with you.) He usually comes storming in, hanging up his old hat and jacket in the corner, full of complaints. The subway has been slow again. The Puerto Rican guard has given him trouble. The Blacks are moving in next door. And the Communists are threatening his life and all of our lives. The Hippies are bothering him. The world seems to be closing in on him and while we look at him and laugh at him, the guy is really in pain. He is hurting. And from his hurt he strikes out; he name calls. He is a bigot, full of prejudice, a bigot who is digging his own grave right here on earth.

Norman Lear, director and producer of the *All in the Family* show, Rabbi Heller of Los Angeles, and Dr. L. L. White a United Methodist black preacher appeared together on a television panel discussion during September, 1972. The discussion brought out the fact that Archie Bunker had the inability to adjust. He was always trying to build himself up by hurting someone else. (That's not how you build yourself up. You minister to the other person first, and then God, in His mysterious ways, has a way of building you up.) Since Archie hasn't learned this, it is pointed out that he is always the loser, and because he is always the loser we laugh at him. L. L. White, the black panther, was asked if this laughter bothered him. "No," he said, "laughter can ventilate feelings. It can be happy. We ought to look at prejudice and laugh at it for the ridiculous stance which it is. Then we ought to do something about it." Dr. White continued, "As a black man it doesn't matter if you laugh, just so you are laughing with me not at me. If you are laughing with me, there is a bond; if you are laughing at me, there is a barrier."

In *All in the Family,* viewed every Saturday by over 60 million persons, Archie is always the loser. But I am not sure that in real life Archie Bunker is always the loser. In God's eternal plan he is, but often in this life he is not. I have seen some Archie Bunkers who were pretty prosperous at the other fellow's expense, and you have too.

The program is not as realistic as it might be. Do you think that Lionel, the young, kind, beautiful black neighbor boy would really put up with what he has been through at the hands of Archie Bunker for a year and a half? He is finally starting to speak up—but it is past due. Even though they are in the home of a white man being served a cup of coffee, the young blacks today won't put up with racial insults. They are not sweet and polite and kind like Lionel. They might throw a bomb in the house and carry a knife on their body. While we might not appreciate that, we ought to at least understand it. There is a limit as to how much bigotry one can take . . . how much suffering one will go through at the hands of an ignorant fool.

Some of us think there is more Christian gospel being preached from that program than from many churches and temples . . . if we get the message. This is why I was saddened when Norman Lear, the producer of the show, when asked what the basic ethic on which the show was produced said, "it doesn't have any ethic." He continued that he didn't think of the program having any mission at all. His only job was to entertain. I thought, "Boy, if I was on this panel I'd really let him have it, slap him but kindly, I hope." Dr. L. L. White came through saying, "Now you may not have a mission, you may not think of this as a mission, but how can you possibly evade the responsibility of saving something when you realize the power of the media?"

All of us have a mission, whether we stand in the pulpit, produce an *All in the Family* show, teach school, go to the office, go to the farm, or go to the plant. We all have the mission to bury bigotry once and for all. If you are not in the business of burying bigotry I don't give a hoot what you do, you are not doing what God is calling you to do in our time. I know this isn't always the way people talk out in the world. Even a top executive of United States Steel said, "Our business in United States Steel is not to make steel, our business is to make money." Oh, I know a little bit about free enterprise. You have to make money, and you have to have profit to keep the economy going to produce the products that satisfy and serve people. But why must money be put ahead of service? Through your vocation and mine if we are dedicated people of God we have but one mission . . . to glorify God, by serving people. I'd like to see U.S. Steel and our other friends make the money by which they can do that. No wonder socialism and communism have got more than a foothold in the door. It's because of the blindness of some in our capitalistic system. Put this down for a certainty: if we do not learn how to use our capitalistic free enterprise system to serve people, God will let us fail. He might even help us. It is so easy, of course, to miss this business of mission . . . the loving acceptance and service of people, all people, regardless of color or creed. Character, not color, is what counts! Character, not creed, is what counts! Mission, not money, is what counts! Where are we? Are we following Jesus Christ or Archie Bunker? If you look to Jesus and get his pattern of life it's pretty simple. It's not only a lot different from Archie Bunkerism, it's a lot different from some of our own statements and behavior patterns. One of the troubles we have today is the trouble of making distinctions. I know we have to make decisions. And many of these decisions are not easy. But we also need to make distinctions and understand that there can be unity and equality within.

Yes, in the midst of all of our division, in the midst of all of our diversities, there can be a unity and a love. To make adequate distinctions as well as decisions is one of the needs of our time, so that we don't stereotype people and over-simplify and categorize people as Archie Bunker is so prone to do. He has a name for everybody, every class of people. They are not his type of folks, you know, like we are—white. It's a funny thing but it's done. Jesus is all white, like Santa Claus, and Protestant of course.

There is no difficulty with Protestant or Catholic, black or white, Jew or Gentile when we are all the people of God. Why do we categorize people and name call them when we don't understand them? We do this politically. During the 1972 presidential campaign I heard Mr. Nixon referred to as a Facist. I heard Mr. McGovern referred to as a Communist. It's a sickness of our time. These men are no more saints than you or I are saints, but they are both dedicated men. I know them both. It hurts when people categorize and name call because they are on another side of the political fence. We do that socially, too, you know. We even do it religiously. If someone doesn't say the same thing we want them to say, religiously speaking, they are heretics. That's prejudice—that's judgement, and none of us is good or smart enough to judge. Let God judge; that's his business. Can't we, in the church, have unity and diversity of theological and doctrinal opinions? If we can, we are the church; if not, we are something less than the church. Some of us love the Apostle's Creed which we use this morning. One of you said so as we came in. You were so glad we were using the Apostle's Creed again. On the other hand, I have been with this congregation as pastor long enough to know that some of you refuse to repeat the Apostle's Creed. You don't believe some aspects of it. But do you know what? We can still gather in love. You don't have to believe everything that some church fathers of several centuries ago said you had to believe to be a person of God. In fact, the church has been changing the creeds for nearly 2,000 years. We can gather with diversity of theological opinions, with diversity of doctrine, but in unity and love. That is the church. It doesn't take any prophet to see it, yet we are so slow to see it. This is why we had better look to Jesus Christ instead of Archie Bunker when we want to get serious about our life. For you see, Jesus accepted people as people, not as Jew or Gentile, not as Jew or Samaritan, not as saint or sinner. He was at home in the temple with the leaders of the faith. He was at home in the dwelling of the sinner. Oh, the "Righteous" were all upset that he would hobnob with such sinners. They looked down their noses at those people, but Jesus didn't. He accepted all people as people. Isn't that beautiful? That's Jesus. The Jews in his day didn't talk to those niggers. No they didn't call them niggers, they called them Samaritans. But it's the same thing—prejudice. The Jews felt the Samaritans were lesser folk. If Jesus had been that kind of a person we never would have had the beautiful story of the woman of Samaria at Jacob's Well who found salvation when a Jewish gentleman whom she learned later to be the Messiah, the Saviour of the world, accepted her as a person. How beautiful it is to accept people as people, instead of categorizing them and Archie Bunkerizing them.

We have been a long time getting close to Jesus. I think we are on the way and it is a beautiful day in which to live. Even Aristotle, smart as he was, declared that only a comparatively few people would really live lives that were worthwhile. First of all the slaves could not live happy lives because they were the tools of other men. Then, those who die young would not find happiness because they had not lived long enough. And those who were diseased could not ever find happiness—they were too miserable. Those who were paupers, the poor people, couldn't find happiness because they just didn't have enough of the world's goods. Well now, if you take these four groups from society, there are not many left. If that is what it takes to be happy, most of us aren't going to make it. Some of us have to learn to live with poverty or near poverty. All of us have to learn to live with some problems of one kind or another. So we look beyond Aristotle to Jesus, who bases all of life upon God, and in whom the measure of time is but a segment of eternity. There are some who will not receive in this life all that common sense would dictate that they are entitled to. This is why there must be and why there will be an eternity.

Wherever Christ is present there is unity and equality in diversity, and people find the way of accepting and loving one another and living together for the enrichment of one another. Even the Jews had trouble when they were proselyting people. The Jews knew that a proselyte, one who became a Jew, could not possibly live life at the same qualitative level as one who was a blood descendant of Abraham. The Jews had their hang up with prejudice too. And of course if you happened to be a slave, your religious duties as a Jew must not interfere with your service to your Jewish master. A wife was the property of her husband. She wasn't a free and equal person. A wife was like a cow. In some countries today, a man is still worth ten women. How would you girls like to live in that kind of a country? Said Josephus, the historian, "Women are inferior to men." Now I don't care whether he is a church historian or whether he is the Pope, if it is a lie, we don't have to buy it. Look to the gospel and the spirit of the Master and you will find the difference between Jesus Christ and Archie Bunkerism. Paul looked seriously at Jesus. He knew who he was, he knew what he was, and he learned his lesson well. Paul says to the Galatians who were hung up on the law, "find love." Paul said that there is neither Jew nor Greek, for you are all one in Christ Jesus. If you would see what man can be, look to Jesus. All colors and all races meet in Him like the rivers meet in the sea.

So we come now to the place for decision. Preachers either preach for display or decision. Most of us are white. It is almost impossible for us to realize how subtle this evil of racism is . . . it's all a part of our culture. This is the moment for decision right now. Oh, I am not just inviting you to come forward, but if there is anybody here today who wants to say, I'll accept Jesus Christ and his way of life for me and I promise to support his church with my prayers, my presence, my gifts, and my service because I do believe in the Bible, I do believe in Him and I want the church, if you will come forward we will receive you this morning. But the main emphasis and the call to discipleship is not a call to come forward but to go out into the world and be disciples of Jesus Christ, the Lord of all who loves and accepts people as they are, regardless of whether they are black or white, male or female, slave or free, Protestant or Catholic, Jew or Gentile. People and people in God's sight if we understand Jesus. You are invited to go into the world as an ambassador of love accepting all people—even those with whom you must of necessity for integrity's sake disagree. Will you still accept and love each person as a child of God? If so you will be a faithful follower of Jesus, who recognizes we are all one in the family of God.





WILLIAM BENTON

## HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. GIAIMO. Mr. Speaker, it is with a great sense of personal loss that I rise to call the attention of my colleagues to the career of former Senator William Benton, who departed this life March 18, 1973.

There is no way that I could fully convey to my colleagues the affection and respect which I held for this man. The knowledge that he was my friend gives me, in deepest humility, one of the greatest satisfactions of my life. I have personally conveyed my sympathy and my own sense of loss to Bill's lovely wife, Helen, but I want to share with this great body several of the highlights of the life of this outstanding man—a man who loved his country and his government with such commitment as to demand the full measure of his energies and his talents, which were many.

There are many men and women who excel in one and sometimes several fields; very few, however, achieve the total success and quality of performance as was achieved by Bill Benton in numerous and diverse areas of human endeavor. He devoted his energies and deep sense of personal concern in politics, education, philanthropy, foreign service, the arts, and his "original" career, advertising.

Bill began his many years in business as a copywriter in New York City. With Chester Bowles, another outstanding businessman and statesman hailing from my State of Connecticut, the Benton and Bowles Advertising Agency was formed, which, despite the depression, had grown into the sixth largest agency in the world by the time the two men sold their interests.

Bill then spent several years in Chicago, serving as an officer and benefactor of the University of Chicago. His business acumen led him to become owner of the Encyclopaedia Britannica, and his support and devotion to the furtherance of the cause of quality education led him to arrange for royalties from the sale of the firm's prestigious volumes to go the University of Chicago. This arrangement has raised more than $45 million for higher education over the years.

Following other success in business, Bill actively entered public service as one of the founders of the Committee for Economic Development to help rebuild Europe. He followed this endeavor with service as Assistant Secretary for Public Affairs in the Department of State, where he organized and supervised the Voice of America programs. These auspicious beginnings of his public service career were succeeded by his chairmanship of the first United States delegation to the United Nations Educational, Scientific, and Cultural Organization and, some 15 years later, his service as the first U.S. Ambassador to UNESCO.

Bill Benton's political career in Connecticut began in 1949 with his appointment to the U.S. Senate, followed by victory in a special election in 1950 to fill the remainder of an existing Senate term. Gregarious and intelligent, Bill rapidly earned the respect of political leaders throughout Connecticut. With unusual courage, he spoke out early and strongly against the tide of McCarthyism, a stand which, in the minds of many observers, led to the stemming of the McCarthyism tide and the end of Bill Benton's career in public office. Largely as a result of the courage which he displayed during his Senate service, John F. Kennedy once remarked that Bill Benton would have a rightful place in a new edition of his book, "Profiles in Courage," were such ever written.

Public service continued to be the hallmark of Bill's career after he left the U.S. Senate. In education—as a trustee of numerous institutions and benefactor of many as well— in public service—as a traveler, organizer of seminars, author and lecturer; and in philanthropy—as an unselfish donator of his time and wealth, Bill Benton was a positive force in his State and Nation. He was a student of the world, as well.

It has been said that Bill Benton possessed a "Midas touch." Certainly his success in so many areas is to be admired, but one must also recognize that there are times when the man of greatest courage and conviction stands alone. Bill Benton was not afraid to speak out for his convictions, however lonely or unpopular his position might be at the time. He achieved a statesmanship level reached by very few men in our lifetime, with the gentleness and ideology of his nature always evident in his actions. The lives of all citizens of this country have been enriched because Bill Benton lived and because he cared.

If indeed a man lives as long as his goals are valued and his work remembered, Bill Benton is perpetuated in the minds and hearts of scholars everywhere.

FIRST WOMAN OPTOMETRIST IN AIR FORCE

## HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. RUNNELS. Mr. Speaker, the many women serving in various capacities in our Armed Forces have a long tradition of excellence in all branches. One young woman in the Air Force is carving a career for herself in a field previously served only by men.

Capt. Allison Smith, of Artesia, N. Mex., has become the first woman optometrist in the Air Force. I am heartened to see that the Air Force will be able to benefit from her training and talent. Captain Smith has a tradition of optometry in her family. Her grandfather practiced in Alva, Okla., and her uncle still maintains

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his optometric practice there. She was determined to keep this family tradition alive, and, following 2 years of undergraduate work at the University of New Mexico at Albuquerque, she graduated from the School of Optometry of the University of California at Berkeley. After 2 years in private practice in San Rafael, Calif., Captain Smith found herself intrigued by recruiting materials, and thus, embarked on her military career.

Captain Smith's service reflects a very healthy situation with the Armed Forces. All career options in the service, at all levels of capacity, should be open to anyone who can qualify on the basis of ability. In this way, each individual functions at his highest level of ability and the Nation benefits from this utilization of aptitude and skill.

## LEGISLATION TO MAKE THE GOVERNMENT PUBLIC INFORMATION PROFESSIONAL A PUBLIC TRUST

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, if the ideal of democracy is based upon a fully informed public, the accuracy of the information the public receives from its government will determine how close a society comes to the democratic ideal. Our society misses the mark by a wide margin, according to the unanimous report issued by the House Government Operations Committee after its Foreign Operations and Government Information Subcommittee held 41 days of hearings, listening to 142 witnesses. One of the reasons, the committee reported, is that decisions about public access to public records are not being made by public information experts.

The Federal Government's public information professionals usually are relegated to the level of press agents, called in to beat the drums and crank up the propaganda machine after the policy decisions already have been made. Those Government employees whose profession is informing the public do not even make the decisions on the single Federal law which is designed to guarantee public information.

In nearly all Federal agencies, the committee reported, requests for access to public records are channeled through the agency's lawyers, or they are handled by an administrative officer. Seldom is the public information expert even consulted; almost never does the public information expert make any decisions about the public's right to know.

"Public information experts," the committee's report concluded, "should serve as a bridge between an impersonal government and the individual citizen to make certain that he is sufficiently informed about Federal programs that may affect him and his family."

I have introduced legislation to create that bridge by establishing the public information function at the top level of every Federal agency and by permitting the public information experts to serve as the people's voice in Government with the power to make the basic advisory decisions under the Freedom of Information Act.

It is not a complicated piece of legislation. It requires each agency head to assign a chief public information officer at the top administrative level. It requires the chief public information officer to receive all requests for public records and to answer those requests. He also must set up the rules, establish the fees and approve the reports under the Freedom of Information Act. Only the head of the agency could overrule the information expert's actions.

Such a system assigns clear responsibility for proper administration of public information. And the responsibility is clearly upon an employee who leans heavily toward the public's right to know, not the Government's claim for secrecy. Following is the text of the legislation:

H.R. 7268

A bill to amend section 552 of title 5, United States Code, known as the "Freedom of Information Act"

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) (1) The head of each agency shall—

"(A) appoint, without regard to the provisions of this title governing appointments in the competitive service, a chief public information officer;

"(B) except in the case of an agency which is an Executive department, fix the annual rate of pay of such officer at a rate not to exceed the annual rate of pay, as in effect from time to time, of Level IV of the Executive Schedule of section 5315 of this title; and

"(C) prescribe the duties of such officer, which shall include—

"(i) receiving all requests for records made under this section to the agency by which he is employed;

"(ii) approving such requests made to such agency, subject to reversal by the head of such agency;

"(iii) approving all fees charged by such agency to persons requesting records from such agency under this section, subject to reversal by the head of such agency;

"(iv) approving any rules proposed to be published by such agency under this section, subject to reversal by the head of such agency; and

"(v) approving all reports or memoranda which may be required to be submitted to the Congress regarding activities of or expenditures for public information purposes under this section subject to approval by the head of such agency.

"(2) The chief public information officer appointed by the head of each agency under paragraph (1) shall be an assistant to such head, and in the case of an agency which is an Executive department, such officer shall be Assistant Secretary of such Executive department.

"(3) The head of each agency may appoint and fix the pay of such personnel as necessary to assist the chief public information officer carry out his duties under this subsection."

## MUNTU DRUM SALUTES BLACK PRESS

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. STOKES. Mr. Speaker, the history of the black press predates the freedom of black people in this country. From its earliest origins until the present day, the black press has been the spokesman in this country for freedom, equality, and dignity.

The March 13 issue of the Muntu Drum of Cuyahoga Community College was dedicated to the 146th anniversary of the black press. It was fitting that one of Ohio's newest black newspapers should pay tribute to its historical predecessors in the State of Ohio.

Mr. Speaker, I want to share with my colleagues two excellent articles that appeared in this edition of the Muntu Drum. The first is "Deans of Ohio Black Journalism" and the second is "Development of Black Press in Ohio."

Both articles follow:

DEANS OF OHIO BLACK JOURNALISM

Turning to two outstanding figures, Wendell Phillips Dabney and W. O. Walker, in Ohio Black Journalism we first have Wendell Phillips Dabney who was born November 4, 1865, in Richmond, Virginia, to John and Elizabeth Dabney. Wendell Phillips Dabney was named after the celebrated abolitionists. "At the age of seven Dabney entered Lancaster School erected and named in honor of the Lancastrian System of schools then existing in England. The first school that Dabney attended was for white kids but later became a school for Black children. Wendell had a brother nine years older than he, whom he admired quite a lot.

As a little boy, he lived for the time when he could get to go out with his older brother, Clarence, who was nine years older and was allowed more freedom. Clarence, his main hero, was king among the boys in his district. No boy bothered him, for he was a good fighter and would defend himself against white or colored. Dabney's elder brother whom he admired very much was a great disappointment to him. His brother had several racial encounters with whites in Richmond, Virginia, which he ended up having to spend some time in city jail and later was ordered to leave the city of Richmond, Virginia. This incident was very much disheartening to Dabney who had held his brother very high as an idol.

After Dabney's brother left and went to New York City he started working after school with his father, who had a catering service.

One afternoon when Dabney returned home with his father, his mother informed him that he was going to Oberlin College. Dabney was shocked to hear this because he wanted to work with his father and earn more money.

Dabney went to Oberlin College where he lived off campus in a boarding school with other Black Students. He only remained at Oberlin for a year; while there he was a member of the Cademian Literary Society.

After Dabney left Oberlin he went to Richmond, but not to stay. He left Richmond, to go to Cincinnati, Ohio, where he remained for the rest of his life. While in the Queen City he became involved in politics and in 1907 felt that there was a need to have a vehicle to speak for Blacks in that city. On February 13, 1907, he started the procedures to begin a newspaper. Dabney named it the Union, and its motto was: "For no people can become great without being united, for in the Union there is strength."

Dabney's paper was very unique because he ran it by himself up until his death in 1952. He supported the Republican Party and also did his paper until later years in his life when he came to believe in supporting individuals instead of a party.

Dabney was considered by many to be a militant editor who spoke up for Blacks in Cincinnati with his paper, but not only on the local but also on the national level.

On June 5, 1972, when Wendell Phillips Dabney died the Union also died, because there was no one to carry on with the papers.

Secondly we have William O. Walker, editor and publisher of the Call and Post, Walker was born in Selma, Alabama, on September 19, 1896. He was educated in the public schools of that city. The editor also attended Wilberforce University and later graduated from Oberlin Business College in 1918.

After graduating from Oberlin Business College, Walker worked for the Pittsburgh Courier as a reporter and later became City Editor of that paper. He remained with the Courier until 1920 when he took a position with the Norfolk Journal and Guide.

In 1932, Walker decided to come to Cleveland, Ohio to work on the almost defunct Call and Post. At the time that he came to Cleveland, the paper owed a lot of money to the Murrell Brother who had been publishing it. The paper was prepared on East 55th. Street and the press-work was done at the plant of the American Bohemian Publishing Co.

Young Walker was given $35.00 dollars a week for his services to the paper and after that he began looking for other qualified people to work on the Call and Post. Some of those people were Mrs. Ida James, Eugene "Gene" Ivey, Harry Alexander and Charles H. Loeb.

In 1940 the Call and Post was incorporated as the P.W. Publishing Company.

Today W. O. Walker is the man in charge of the Call and Post, located in Cleveland, Columbus and Cincinnati, Ohio.

The history of the Call and Post is very short, at one time in the city of Cleveland, Ohio, there existed two Black papers: Cleveland Call edited by Garrett A. Morgan who used the paper to advertise his goods. The other paper was the Cleveland Post edited by Perry B. Jackson. Both papers were in financial trouble so they merged together to form the Call and Post. This merger was later called a "marriage of their misery." With the leadership of W. O. Walker behind the Call and Post it has been in existence ever since their merger back in 1921.

In conclusion I would like to say that the Black Press was started in Ohio as the Freedoms' Journal in New York City, was started to speak out against evils and mistreatment of Blacks in the state of Ohio. Most Black newspapers in Ohio, supported the Republican Party. This was illustrated with the Union edited by Dabney and also the Call and Post edited by W. O. Walker. Since the Call and Post is a Republican paper I wonder if it had not supported Carl B. Stokes, whether it would still be in print today. For the Call and Post to support Stokes, a Democrat, one can surmise that it might have gone out of print if it hadn't supported the Black Democrat.

However, being loyal to the Republican party is what has kept a number of Black papers in existence. Dabney and Walker both were given jobs by the Republican Party.

Public issues were at the birth of the Black press, public issues remain at the heart of the Black press today and will probably in the future.

DEVELOPMENT OF THE BLACK PRESS IN OHIO

(By Ulysses Glen)

The Black Press in the state of Ohio is one hundred and twenty-nine years old. It was started sixteen years after Freedom's Journal was started in New York City by Samuel E. Cornish and John B. Russwurm. This was the first Black paper of its kind in the country.

"The Black Press in the U.S.A. is approximately half the age of the white press, having begun in 1827, when the white press already existed 137 years."

The Palladium of Liberty, the first Black newspaper in Ohio, started in the state's capital, Columbus, in 1843. The name Palladium of Liberty is similar to a number of other earlier Black newspapers. Their names let the reader know that they were speaking for someone's freedom. The following quote gives a brief history and flavor of Ohio's first Black newspaper.

"Established by a group of free Negroes in the Columbus area, the Palladium "devoted to the interests of the colored people generally, was an early, albeit, short-lived, civil rights paper. Its express purpose was to aid in the amelioration of unjust conditions in which the free Blacks of Ohio lived, to help in the attainment of the prerogatives of citizenship to which they were entitled, to agitate for the abolition of slavery. The editor, David Jenkins, had a many-faceted career. At various times, he was a farmer, barber, paper hanger, painter and glazier. As a leading participant in civil rights activities in Columbus' Black Community Jenkins was an energetic operator in the local Underground Railroad and a trustee of a Negro school society. Following service in the Civil War as recruiting officer of 127 Ohio Infantry, he was appointed to the Freedom's Bureau in Mississippi."

Since Palladium of Liberty was started before a number of Black Americans were allowed to read, one can surmise that Ohio's first Black newspaper was intended for whites who were sympathic toward the abolishment of slavery and the freeing of Blacks. The Palladium of Liberty like Freedom's Journal only existed for one year. Money was one of the reasons that a number of early Black newspapers had a short life. Blacks could not support them. If the paper was sponsored by a white group it could not speak out too militantly or the white group would stop supporting it.

There were also five other Black papers that existed in Columbus. These were: Ohio State Monitor started in 1918 and lasting until 1925; the editors were J. Wesley Carter, R. Doyle Phillips and F. H. Cook; The Ohio Torch founded October 1, 1928, the Ohio Historical Society has copies up until January, 1930; the editor was Charles H. Woode; Ohio State News was started in 1935 and existed until September 27, 1952, the editor was Llewllyn A. Coles; The Ohio Sentinel was started in 1949 and lasted until 1963, the editors were Russel A. Jackson, Theodore Coleman, and W.D. Gillespie; Columbus Call & Post started in 1965; editors are Amos H. Lynch and John Combs; Columbus Challenger is a monthly, started in 1963 and is still being published today; the editor and publisher is Robert Deal Broadus; The Onys was started in 1971 and is still in print, the editors are M.D. Dones and Jacquelyne Dorsern."

"There are seven Black newspapers published in (Cincinnati) Ohio, the first of them was started in 1863 and lasted for ten years. The name of that paper was The Colored Citizen, the editors were Joseph C. Corbin, John P. Sampson; Charles W. Bell, H. F. Leonard and Reverend George Williams. The six other papers in Cincinnati were: The Afro-Americans founded in 1882; there is no information as to how long this paper was in print, The editor of the paper was Peter H. Clark; The Union was founded in 1907 by Wendell Phillips Dabney and was in existence until his death 1952. The second part of this paper will give more information on The Union and Dabney; Cincinnati News was started December 6, 1963 and was a short lived newspaper. It was edited by Anthony C. Mathis; Cincinnati Call & Post was started in 1963 in that city. The Call and Post and editor will be discussed in my paper later. The Leader was started in 1952 and only lasted for one year. The editor was William C. Brown; Cincinnati Herald was founded in 1954 by Gerald L. and Mojorie B. Porter. The paper was in existence for eleven years."

There were a number of Black newspapers in Cleveland, Ohio, but there were only three of which any records or information can be found. They are as follows: The Gazette, which started August 25, 1883 and lasted until May 20, 1945. The editor of this paper was Harry C. Smith, who was elected for three terms to the Ohio Legislature from Cuyahoga County. The Cleveland Advocate was founded in 1914 by Ormond Forte, who is believed to be related to Roland Forte, who works on the Call and Post in Cleveland today. Forte is somewhat different from a lot of the other earlier founders of Black newspapers in Ohio where he had journalism experience having worked on the now defunct paper The Cleveland News. Another Cleveland based paper is the Call and Post which was started in 1921 and is still in existence today. I will discuss this paper in more detail in the second part of my paper on W. O. Walker, who is the editor of The Call and Post.

In Dayton, Ohio, there were five Black newspapers, the first being The Dayton Tattler, founded in 1890 and lasting until 1891. The editor of the paper was the late Paul L. Dunbar, who was also a noted poet; The Forum was started in 1913, and lasted until 1949. The editor of that paper was John H. Rives; The Ohio Daily Express was started in 1942 and was printed until 1955. It was edited by Leon W. Taylor and Paige Strickland; The New Dayton Express was started in 1964 and is still in print today. The editors were Joseph S. Saunders 1964-69, Sidney D. Davis 1969-71. Charles M. Austin, April-May 1971 and Eugene W. Tate June 1971 to present; The Advocate was started in 1971 and is still in print; the editor is Leo Cooper.

There was only information on three Black papers that were started in Toledo, Ohio: The Script was started in 1943 and lasted until 1949; the editors were W. E. Barnett and Frances Alexander; Sepia City Press was started in 1948 and was in existence for two years; the editor was O. Wendell Shaw; Bronze Raven was started in 1948 and is still in print today; the editors are Frances A. Belcher, 1948-1963 and Richard Belcher 1963 to present.

There was only one Black newspaper printed in Urban, Ohio, which was The Informer started in 1898 and existed until 1920; the editor was W. W. B. Curry.

In Hamilton, Ohio, there had been only one Black paper in existence; it was the Fort Hamilton American, started in 1940 and lasted until 1971, the editors were Olvin D. Smith 1940-68 and Judson B. Reece 1969-71.

In the steel city of the world, Youngstown, Ohio, there have been three Black newspapers; two of the three are still in print today. The following two papers are being printed in Youngstown, Critiqula started in 1969, a bi-monthly phamphlet format paper, the editor is not listed; Mohoning Valley Challengers was founded in 1967 and it's



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editor is Nathaniel C. Lee. The third paper in Youngstown was the Buckey Review which was J. Maznard Dickerson, William Vaughn, Nathaniel R. Jones and B. B. Burrowes.

## A REWARD FOR LONG AND FAITHFUL SERVICE

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ASHBROOK. Mr. Speaker, for a number of years I have attempted to call to public attention cases of public servants who dared to buck the bureaucracy in the interest of a more fair and efficient Federal service. Sad to say, in most cases their efforts, however meritorious, eventually resulted in their leaving Government employment.

In his column, Washington Watch, of April 15, 1973, veteran reporter and Pulitzer Prize winner, Clark Mollenhoff, recounts the latest developments in the case of John D. Hemenway, the Foreign Service Officer who battled the State Department for several years in appealing his selection out at that department. Having transferred to the Department of Defense in 1969, Mr. Hemenway was ousted on April 13 despite his qualifications for serving in a useful capacity in DoD.

I insert at this point the abovementioned column by Clark Mollenhoff as it appeared in the Richmond Times-Dispatch on Sunday, April 15, 1973:

RICHARDSON PERSISTS IN ATTEMPT TO FIRE EXPERT

(By Clark R. Mollenhoff)

WASHINGTON.—By all odds, John D. Hemenway is the kind of bright and hard-working foreign affairs expert who should be moving forward in the Nixon administration.

Instead, this 46-year-old Rhodes scholar, with fluency in Russian and German, is on the way out because he is persona non grata with Elliot L. Richardson, the new U.S. secretary of defense.

The first attempt at firing Hemenway was made for Richardson even before he was confirmed as defense secretary, through his alter ego, Jonathan Moore, who had preceded Richardson from the Health, Education and Welfare Department to Defense. Moore's job was to eliminate men who had been on Defense Secretary Melvin Laird's team.

Many of Laird's men bowed out voluntarily because they didn't want to serve under Richardson. But Hemenway wanted to remain as a confidential assistant in the International Security Affairs Division for Europe, in which he had served since 1969.

Moore bungled the first attempt at firing Hemenway in January, and has missed again, since then. However, a third effort to fire Hemenway may be made in such a way that it will not be vulnerable to charges of irregularities that made the first two attempts fail.

One might rightly ask what Hemenway, a bright Republican conservative foreign affairs expert, has done to merit such special attention from Richardson and his personnel expert.

The answer is that Hemenway has fought vigorously for his rights to a State Department job as a career Foreign Service officer, from which he was "selected out" (discharged) by the Johnson administration in its last days in office.

In the first weeks that Richardson was undersecretary of state in 1969, Hemenway's appeal from the "selection out" routinely fell under Richardson's authority. Richardson and Moore, who was his man Friday on such matters at the State Department in those days, gave the case to the same personnel division that Hemenway contended was involved in lying, falsifying records and otherwise illegally trying to fire him.

Richardson and Secretary of State William P. Rogers then rubber-stamped the personnel division's finding that it had acted properly in selecting Hemenway out.

Defense Secretary Laird and assistant secretary Warren Nutter recognized Hemenway for the bright and capable Foreign Service expert that he was and hired him, at essentially the same level, in the International Securities Affairs Division.

But, Hemenway still had career job rights at the State Department and he pursued these to force the first grievance hearing in history. In filing that action with the Civil Service Commission, Hemenway challenged the judgment of Undersecretary of State Richardson.

In one of the most painful and drawn out proceedings in the history of the State Department, Hemenway proved that top personnel officials in the State Department had sworn to false records.

The three-man hearing panel that heard the Hemenway case, in effect, found for him on all counts and ruled that he should be reinstated, promoted, have his legal fees paid and receive an apology, and that letters of retraction be sent to those who had been officially misinformed about the Hemenway case by the State Department press office.

The three-man panel also ruled that Hemenway's records should be expunged of the untruthful and derogatory material the personnel division had wrongfully placed in his file.

The decision meant that Undersecretary Richardson and his special assistant Moore had been wrong and had incorrectly advised the secretary of state. It also branded them as having major responsibility for a grave injustice.

However, the State Department simply set aside the hearing decision and refused to implement any of the recommendations favorable to Hemenway. There were letters of protest filed for Hemenway by both the most conservative and most liberal congressmen and senators, including liberal Democrat William Proxmire of Wisconsin and Republican Strom Thurmond, an ultra conservative from South Carolina. Sen. Henry M. Jackson, a moderately liberal Democrat from Washington, also spoke for Hemenway.

Undersecretary John Irwin finally agreed to a half-hearted apology to Hemenway and to pay his legal fees. But he refused to reinstate him as a Foreign Service officer and then left for Paris, where he is now serving as U.S. ambassador.

It is doubtful that any of those who have taken part in the elimination of Hemenway from the State and Defense departments can match his record as an honor graduate from the U.S. Naval Academy in 1951 with a B.S. in engineering; a B.A. degree in politics, philosophy and economics from the University of Oxford in 1954, and a master's degree from Oxford in international studies in 1956.

The Milwaukee, Wis., native is fluent in Russian and German and served in Moscow and Berlin as a career Foreign Service officer between 1954 and 1969.

Hemenway enlisted in the Army as a private at 17 in World War II and at 18 was commissioned a second lieutenant on the battlefield. He returned to the Naval Academy in 1947.

Hemenway is a man who has proved he will stand out in any crowd. Yet, the Nixon administration blundered early by going along with the Foreign Service crowd from Democratic administrations that used provably foul means to fire capable, but independent, conservatives who occasionally dissented but who usually proved they were right.

If there are too few bright conservatives in the State Department, Elliot Richardson has a large measure of the responsibility. If the few brighter conservatives who survived under Defense Secretary Laird are being eliminated, it is the direct responsibility of Richardson. If it is permitted to continue, President Nixon cannot avoid a measure of responsibility when both liberals and conservatives in Congress have joined in protest.

## COMMENTS ON OEO—CBS MORNING NEWS

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. LANDGREBE. Mr. Speaker, on the CBS morning news of Thursday, April 5, 1973, M. Stanton Evans, editor of the Indianapolis News, presented his thoughts on the recent activities of OEO.

I include Mr. Evans' remarks in the RECORD:

OPINION BY M. STANTON EVANS

JOHN HART. Here's an opinion from M. Stanton Evans, Editor of the Indianapolis News. His own opinion.

M. STANTON EVANS. Efforts by the Nixon Administration to phase out the controversial Office of Economic Opportunity have met with predictable cries of outrage and alarm.

To hear the critics tell it, Nixon and acting OEO Director Howard Phillips are abolishing everything that is good and holy in government, showing their insensitivity to poor people and the needs of the disadvantaged.

A glance at the record and the Phillips' pruning operation, however, suggests an entirely different weeding.

Phillips states the matter well when he asserts that this agency has not done much to lift people out of poverty. Some grants tended to foster the welfare ethic rather than the work ethic. Too much of the anti-poverty money has gone into setting up an administrative bureaucracy, rather than into the hands of the poor.

Some of the poverty bureaucrats have responded to Phillips' program by filing suit to prevent the abolition of their jobs. An all too typical example of the attitude which prevails in certain governmental circles. Obviously these tax consumers feel they have a standing entitlement to other people's money and will defend to the death their right to sponge a living off the working taxpayer.

North Carolina Senator Jesse Helms observes that since 1964, some $2.8 billion has been poured out for OEO projects and that in some instances up to 85 percent of the money for local programs has gone to pay for bureaucratic salaries.

The results of this expenditure in terms of generating local effort have been poor indeed. Particularly when compared to private self-help endeavors in comparable areas of concern.

Citizens tired of seeing their money used in this fashion should let their congressmen know how they feel and urge support of the Phillips' crackdown.

HART. That's his opinion, not necessarily CBS's, or the station you're watching this morning.



## REAL STORY OF AGRICULTURE NOT BEING TOLD TODAY

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ZWACH. Mr. Speaker, on March 29, 1973, Arnold Paulson, executive director of the National Organization for Raw Materials, Inc.—NORM—testified before the House Committee on Agriculture.

Mr. Harlan Vander Zee, president of NORM followed Mr. Paulson's presentation with remarks of his own.

Mr. Speaker, I would like to insert into the RECORD the statements of these two gentlemen, as well as a few complementary tables and a statement by Mr. Walter A. Bowers, also of NORM. I urge all my colleagues to read over the statements:

REMARKS OF ARNOLD E. PAULSON

Thank you very much Congressman Zwach, Mr. Chairman, and distinguished members of the House Committtee on Agriculture. My name is Arnold Paulson, and as Congressman Zwach has said, I am from Granite Falls, Minnesota. With me here today, and on my right is Harlan Vander Zee, the national president of the National Organization for Raw Materials, Inc. Hereford, Texas. To my left is Mr. Walter Bowers, from Yates Center, Kansas. Mr. Bowers has distinguished himself with many years of service here in Washington, having served with the Treasury Department, the Pentagon Department of Commerce, and several other government agencies. Mr. Harry Rash, Banker from Thayer, Kansas is also with us, but he is attending another hearing at this time.

With your permission, we would like to split our testimony. I am going to deviate from the 15 pages of testimony and supplements that I have turned in because it is much too lengthy to cover in the time allotted. Also with your permission, I would like to adlib and make a few comments to the testimony as presented.

Our testimony today is in direct conflict with public sympathy. Everyone today, it seems is screaming about the high cost of food without really knowing the facts behind the cost of food. The only way the consumers of America can really expect a cut in food costs without taking it out of the hide of the producers is by all of the working people, labor and management, to go on strike for lower wages.

Labor, interest costs and taxes are the basic cost factors for everything the consumer buys. So, it seems ridiculous for the public to jump on the most efficient producers, and the lowest income segments of the economy the moment they get their first increase in wages in the last twenty years.

Probably the responsibility for public ignorance is due to the method of tabulating the Consumer Price Index and the Wholesale Price Index. The government revises these indexes every ten years, and both of these indexes are brought into balance with a lead pencil, as if everything is equal. So I would recommend that the first order of business, in my opinion, should be to revise the Wholesale Price Index and the Consumer Price Index to an honest, realistic base period equal to 100, so that the general public will know the horrible dislocation that exists between the consumer cost of living and the prices that are in balance with the wage and tural producers.

If we check the records and revise the consumer price index to reality, the consumer will discover that the cost of living is much higher than the government indexes reveal, and that agricultural income is much lower than the wholesale price indexes reveal.

Now, the real story of agriculture is not being told in America today, and the real story of our country's problems are not being told; and these stories must be told if we are to find lasting solutions to our nation's economic and monetary problems.

We are not here today representing the best interests of agriculture alone. We are here today in spite of agriculture. We are here for America. The reason we are so vitally interested and concerned about agriculture, and the income of raw material producers is because agriculture in itself is the greatest contributor and creator of new wealth for our National Economy.

We can trace all of our nation's domestic and international monetary problems to the cause and treatment of agriculture, and if we had the time this morning, we could prove this mathematically by using the official records of government. The problem we are faced with today, both in agriculture and the consumer problem are economic, monetary problems—domestically and international—and can be traced directly to the treatment of agriculture.

It boils down to one specific thing—New Wealth. What is it? Where does it come from? What is it worth? All of the consumer goods are high today, not just food, and these foods are not high because of high farm prices. Our cost of living is high today because of low farm prices over the years, and because of the amount of New Wealth that our economy losses each year as a result of the underpayment to agriculture. By underpayment, I mean honest prices for the cost of production plus a reasonable profit for the producers risk and work.

Now the reason that I mentioned earlier, that all of our domestic and international problems can be traced to agriculture is because we have completely ignored, or forgotten the value of New Wealth. Every year this nation must produce, create, or generate X number of billions of dollars of New Wealth to operate a solvent, stable economic system.

Where does new wealth come from? What is new wealth? The word new tells us it has to be something New that was not in existance before, and the only thing new that comes into being during the course of the year is our raw material production. All of science has failed to produce something from nothing. Money is not wealth. Money will merely purchase wealth. People want goods for their money—real wealth. Money would be worthless if it wasn't for what money will purchase! Yet, for some reason we have made economics the Flow of Money—rather than the flow of goods and services.

The real wealth that God gave humanity is not money but Raw Materials in the form of agriculture that we take from the land, and other raw materials from the sea, the mines, the forests and the air. This is the only thing New, and this is the New Wealth that we bring into being each year. Its value is nothing more than the price we pay for it in monetary terms. So, when we underpay ourselves as a nation for this New Wealth, it means that we have operating losses throughout the entire economy that have to be covered up by increased debt expansion, and increased burdens of interest. This is why our nation has gotten into the crisis it is in today.

All raw material prices must be at full honest parity, not for the producer alone, but for the entire Nation. By parity we mean prices actually being received by Agriculinterest costs that makes up our Consumer Price Index and Cost of Living.

The Nation must monetize real wealth. We can no longer afford to monetize debt and call this prosperity. It simply boils down to a matter of how money gets into circulation. Money is either earned into circulation from production, or borrowed into circulation via debt expansion. Which of the two makes the most sense?

We have become the greatest producing nation the world has ever known, so production is not our problem. Our problem has been our ability for the entire system to exchange this production with one another without the need of excessive debt expansion . . . to buy with earned income, rather than with borrowed income.

What has happened over the years as a result of low farm prices is that the entire nation has ben forced to substitute excessive debt expansion in order to exchange production with one another. When the nation fails to create, or earn the earned income necessary to exchange production of goods and services, then the goods either end up as surplus in the midst of want, or goods and services must be purchased with excessive credit.

Every segment of society is interdependent upon each other for the sale of their excess production. Unless the buying power of all segments are in balance with one another it becomes impossible to exchange production with one another without someone being forced to borrow excessively, or they are forced to go without, thus causing either surplus production, or unemployment.

One other item I would like to make clear that is not in my testimony. We are being told constantly that the farmers are only receiving about 40 percent of the consumer food dollar. This is not true. The farmers only receive about five cents (5 cents) of the food dollar, the other is wage and interest costs. From the 40 percent the farmers receive in gross income, the producer must pay for his chemicals, fertilizer, gasoline and all operating expenses. This is all going to the agri-business segments. The producers only get a nickel out of the food dollar for themselves.

Out of the nickel, the producer must buy his own food, clothing and shelter, make the mortgage payments on debt, meet the interest costs, support his church, pay his own personal income tax to state and federal governments . . . Not out of the 40 percent, but out of the nickel. If we will check the records we will discover that consumer income is the biggest cost factor of everything the consumer buys, including food. I think this is the story that should be told to the housewives who are on strike protesting because of high food costs.

In 1972, 79.8 percent of the total national income was wages, salaries and net interest profits on savings. The remaining 20.2 percent went to all of owners of private enterprise business units, such as corporations, small business, professionals, rental income of property, net farm and the self employed. Out of this 20 percent they had to pay all of their living costs, income taxes, etc. So it is easy to see that wages and interest is the biggest cost factor of everything—not the raw materials.

In closing I would like to make another comment. We hear a lot of talk about the imbalance in payment from trade and international deficits. Have we ever read in the newspapers about the horrible dislocation and balance of payment of trade between Metro-America and Rural America? This is the crisis of America today! The income of the millions of people who live in the rural areas and towns, and the prices they must pay for goods and services they must buy from Metro-America. Compare the buying power of the two areas and we will discover why we have unemployment, welfare and massive deficits. This is the dislocation that America must discover first, even before our international monetary problems, and the exchange values of currency, that merely

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protects the International Financiers from taking their losses.

Gentlemen, I sincerely want to thank you for the opportunity of being here. I wish I could spend 4 or 5 days telling our story, but the time is limited. I trust you will read the testimony that we submitted and the supplementary article that appears in Acres, U.S.A., on pages 15, 16, 17, and 18. At this time I would like to turn my time over to Mr. Walter Bowers who will conclude our presentation. Thank you.

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TESTIMONY OF HARLAN VANDER ZEE
HEREFORD, TEX.

HARLAN VANDER ZEE. Thank you Mr. Chairman. I saw Mr. Graham Purcell walk into the room. I would like to make a comment that we certainly lost a champion to agriculture when he was not reelected. This is no reflection against another champion Bob Price whom we all respect highly. It would have been a loss to agriculture to have lost either of them. I certainly hope to see Mr. Purcell back in a position of authority sometime in the future. He is a fine supporter of the cause.

A lot has been said that farmers should come to Washington to present a united front and let the Congressmen know what they want. It is so difficult to get two million farmers to agree, but honestly gentlemen, their one major problem is income. Their one problem is PRICE. They have no other major problems. When their income is sufficient, and their prices are adequate and fair at a parity level, then all of their other problems would disappear, big ones. That is what the National Organization for Raw Materials, Inc. (NORM) is all about, and almost only what NORM supports, is fairness, and honesty, and equity.

I think Mr. Webster and his dictionary said when I looked up the word "parity" in an old copy, and again in a newer edition, the definition had to do with farmers being paid for not doing anything, and that is the concept of the American public today. This is not the definition of parity at all. Parity has become a dirty word because of misunderstanding, it seems to mean welfare, it means give away, socialism and terms like that.

NORM supports the honest concept of parity, which means a standard of measurement of value of exchange. Parity means receiving equitable prices for goods exchanged for other goods at equal values. Parity must exist if we are to have a balanced, stable, solvent economic system.

Agriculture needs and must have a loan program to guarantee that the purchases of farm commodities will be on an equitable basis. Agriculture needs a law making it unlawful for the trades to pay less than a parity price for farm commodities. Just as Mr. Bowers has said, a law like the minimum wage law that makes it unlawful to hire labor for less than a specific price. Then there will not be any need for government subsidies.

The farmers don't want subsidies, honestly they don't. It is embarrassing. It is degrading somewhat for a man to have to receive a green check in the mailbox. BUT, it is necessary until our nation decides that we are willing to provide and pay what commodities are worth at the marketplace to keep this man in a level with the other segments of the economy.

Norm supports the concept that it is necessary to control our production with the needs of domestic use and exports, and also a reasonable emergency food and fiber reserve for both humans and livestock. We cover this in our printed testimony.

I certainly do thank you for permitting us to appear here today. We have over run our time, but we certainly do appreciate your attention.

I challenge the American public to further explore the thinking of this man, Arnold Paulson. This has not jumped up in a few years. It has been many years. A man named Carl Wilken, whom I imagine some of you gentlemen know, began this study in the '30's. He has testified before this committee on many occasions prior to his death in December 1968. This is the continuation of that research.

The only challenge that we might extend today is, "that if things we are now doing are good, why aren't they working?" And, I think some very good thoughts can be derived from further exploration of Mr. Arnold Paulson's thinking. Thank you!

[Dollar amounts in billions]

| Component | Total accumulated income 22 years | Average per year | Percent increase | Parity (percent) |
|---|---|---|---|---|
| National income | $11,192.00 | $508.73 | 139.12 | 87.33 |
| Wages and interest | 8,344.90 | 379.30 | 173.80 | |
| Corporation profits after taxes | 826.90 | 37.58 | 84.60 | 67.42 |
| Small business and professions | 871.40 | 39.61 | 78.10 | 65.04 |
| Rental income persons | 380.30 | 17.29 | 118.81 | 79.91 |
| Gross farm income | 955.80 | 43.45 | 33.92 | 48.91 |
| Net interest profits of persons | 331.90 | 15.08 | 728.57 | |
| Wages and compensation | 8,013.00 | 364.23 | 166.44 | |
| Private enterprise | 2,386.80 | 108.49 | 66.24 | 60.71 |
| Net farm income | 308.20 | 14.01 | −5.09 | |

Note: Table illustrates the increase of income for each of the segments of the economy from a base period of 5 years, 1946-50=100 through the following 22-year period, 1951-72 inclusive.

Comparing all other segments in ratio to the increase in wages and interest costs over the 22 years the following shortages resulted. Or, had other segments kept in balance with wages and interest increase costs their income should have been greater.

National income—$1,622.5 billion income shortage.

Private enterprise—$1,544.18 billion income shortage.

Small business and professions—$468.16 billion income shortage.

Corporation profits after taxes—$399.50 billion income shortage.

Net farm income—$580.80 billion income shortage.

Gross farm income—$998.10 billion income shortage.

Rental income of persons—$95.48 billion income shortage.

As a result of these operating losses, the Gross Public and Private Debt increased nearly $1,700 billion. The governments lost all of the tax revenue from these losses.

National income only increased 139.12 percent, not sufficient to cover the increase in wages and interest costs of 173.8 percent, so it is only natural to assume the loss had to be covered either by debt expansion, loss of profits, or both. As a result, government could not balance its budgets, liquidity crisis resulted.

ARNOLD E. PAULSON.

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OPERATING LOSS STATEMENT OF THE NATIONAL ECONOMY

From the base period years 1946–1950=100 Through 1972

By: Arnold E. Paulson, Executive Director, National Organization for Raw Materials, Inc., 220–10th Avenue, Granite Falls, Minnesota 56241. Tel. 612–564–2555.

The following five year period 1946–1950 inclusive has been used to illustrate the Operating Losses of the National Economy up to the end of 1972. This analysis is based upon employing Wages, Salaries and Interest as the cost factor of operating the economy.

The following data illustrates the average income per year for the base period of 1946–1950. Had the economy of the United States remained in the same ratio of balance from 1951 thru the end of 1972, then all segments of the economy should have had the same percentage ratio increase of income . . . to be in balance with their increase in operating costs.

*Example:* During this 22 year period from the end of 1950, the National Income to be in balance with operating costs should have increased at the same ratio as the wages and interest. The very same should have applied to all of Private Enterprise which has the responsibility of meeting every dollar of wages, salaries, interest and taxes paid by everyone—including governments and all government employees.

Unless Private Enterprise earns its fair share of the national income, then shortages occur resulting in lost profits and savings vitally essential for Private Enterprise segments to invest capital to create new jobs, build and replace plants and factories for expansion. When these shortages occur, Private Enterprise is either forced to borrow and go into debt to meet increased wages, and for expansion, or curtail employment and expansion. As a result the Federal Government has a direct loss of Tax Revenue from this lost income which either has to be borne by the employees, or by government deficits.

(In billions)

| Component: | 1946–50 Average |
|---|---|
| National income—average for years 1946–1950=100 | $212.74 |
| Average Wage and Salary Payments, Compensation to Wages and Salaries, plus Net Interest Profits of persons | 138.52 |
| Wages and Salaries, and Compensation Payments Without Interest | 136.70 |
| Compensation, or Supplements to Wages and Salaries | 6.40 |
| Private enterprise income average 1946–1950 | 65.26 |

Private Enterprise Income represents the income of Corporation Profits after Taxes, Rental Income of Persons, Small Business, Professionals, Net Farm.

The following statistics represent the average income 1946–1950 (per year) =100 for the segments listed.

(In billions)

| | |
|---|---|
| Gross Farm Income | $32.440 |
| Net Farm Income | 14.760 |
| Small Business and Professions | 22.240 |
| Rental Income of Persons | 7.900 |
| Corporation Profits Before Taxes | 29.300 |
| Corporation Profits After Taxes | 20.360 |

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TO RESTORE THE ECONOMIC BALANCE OF AMERICA

(By Walter A. Bowers)

Economic balance of this nation can be restored by Congress and the President working together within five simple guidelines:

1. Farmers (producers of food and fiber products) must receive in money ten (10%) percent of the gross national product (GNP).

2. Minimum prices must be established each year based on the cost of living in the same way that wages for labor are tied to the cost of living.

3. The value of paper money should be stabilized by never issuing more than $10.00 in paper money for each $1.00 of gold in Fort Knox.

4. Federal debt should never exceed twenty (20%) percent of total assessed value of property in the United States.

5. The Federal budget should never exceed twenty (20%) percent of the national income (NI) of the United States.

Great civilizations of the past have disappeared from the pages of history and their temples and palaces reduced to sand dunes and rubble when rulers failed to allocate to farmers a proper proportion of the national income. The prophets Amos and Ezekiel warned that Israel would fall because of failure to share properly national income with farmers. The Roman Empire fell when slaves working for nothing on corporate farms forced the free and independent farmer and his family into the welfare and food stamp programs of the cities.

Tying minimum farm product prices to the fluctuations of the cost of living related to an honest parity base would immediately double gross income of American farms from $65 billion to $130 billion. NORM economic studies show new wealth produced by farmers multiplies seven times as it permeates through the national economy from producer to consumer. Seven times the $65 billion increase would add $450 billion to the nation's gross national product (GNP), and $400 billion would be added to the national income (NI). Since the Federal government is estimated to take twenty-five (25%) percent of the National income in taxes, doubling farm income would produce $100 billion more in Federal tax revenues. With this additional $100 billion Congress could wipe out the President's $45 billion 1972–1973 deficit then could pay off ten (10%) percent of the $450 billion Federal debt and still leave the President a surplus to finance additional revenue sharing and city welfare programs.

To stabilize the value of the dollar issuance of paper money should be limited to ten (10) times the $10 billion of gold in Fort Knox (valued at $40.00 per ounce). No further devaluation of the dollar should be permitted. No further shipments of gold out of the United States should be allowed. All United States gold should be brought home from the I.M.F., Export-Import Bank, World Bank or other foreign depositaries. No American farm products should be sold abroad below honest parity prices and payment therefore must be in gold at $35.00 per ounce. Congress should order cancellation of sales of products to Russia and China on credit and payment required in gold at $35.00 per ounce. Tariff surcharges should be imposed immediately on all imports equal in percentage to the decline in value of the dollar below $35.00 paper per ounce of gold. This rule should apply especially to countries with which the United States now has an unfavorable trade balance and particularly to Japan, Germany and those from whom the United States buys minerals.

Within the borders of the United States, Congress should immediately require the change of color of all paper money from green to blue within ninety days. Congress should forbid acceptance of any outstanding green paper money from any foreign country except in payment (at face value at rate of $35.00 per ounce of gold) of outstanding $18 billion World War I debts, $100 billion World War II loans and lend-lease balances and $200 billion Marshall plan reconstruction and Truman plan underdeveloped nation obligations. When the supply of green paper money is exhausted, the United States can thereafter accept gold at $35.00 per ounce in further settlement of debts.

From this date forward the rule in the United States should be "Buy American". Shipments overseas should be made in American owned ships. Travel abroad should be only in American planes to countries that will accept American money at $35.00 per ounce of gold. There should be no further "favored nation" import agreements on any food or fiber products. American workmen should buy American products—they will get better repairs and service on such products from American workmen. And in permitting import of any foreign made products only those countries that pay wage scales equal to American wage scales should be considered.

From the $100 billion annual increase in Federal revenues made possible by doubling gross farm income, the Federal debt should be reduced $45 billion or ten (10%) percent annually until Federal debt is reduced below twenty (20%) percent of total assessed valuation in America.

The Federal budget should never exceed twenty (20%) percent of national income (NI).

To summarize, five simple guidlines would keep the economy of the United States in proper balance:

1. 10% of the gross national product for farming.

2. Minimum prices for farm products tied to the cost of living.

3. Paper money limited to ten times gold.

4. Federal debt limited to 20% of assessed valuation.

5. Federal budget limited to 20% of national income.

These five simple guidelines would restore world respect for the United States and would restore the position among nations of the American dollar. These simple rules would demonstrate how a free people can insure equitable distribution of national income between city and farm people, can stabilize the value of money, can control the use of credit and can control functions and activities of government.



## WIDESPREAD SUPPORT FOR VOTER REGISTRATION REFORM

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. RANGEL. Mr. Speaker, in my involvement in voter registration reform, I have been in contact with and have received support from individuals and organizations working in this field. University professors, State election officials, civil rights groups, labor unions, and concerned citizens have written me expressing support for my proposal to reform our system of voter registration. I would like to share these correspondences with my colleagues. They clearly point out the concern that exists for enactment of progressive laws for voter registration.

The correspondence follows:

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, DEPARTMENT OF POLITICAL SCIENCE,
*Cambridge, Mass., January 18, 1973.*

Hon. CHARLES B. RANGEL,
*House of Representatives, Congress of the United States, Washington, D.C.*

DEAR CONGRESSMAN RANGEL: Thank you very much for your letter of January 18. In general, I strongly approve of the objectives and methods of the "Voter Registration Rights Act of 1973", so far as these are briefly described in your letter. I would like to know a good deal more, and would welcome a copy of the introduced bill, along with any hearings which may be held on the subject during the 93rd Congress. In particular, perhaps, I like the notion of providing monetary incentives to secure compliance—since, as we all know, such incentives tend to get results without an excess of hard feelings.

You may have seen a copy of my *Washington University Law Quarterly article*, "A Political Scientists and Voting Rights Litigation: The Case of the 1966 Texas Registration Statute." In case you haven't, I am enclosing one of my few remaining offprints. The article, as it seems to me, deals with a number of of the most important issues which surround this entire area of public law. I hope it may be of use.

Contemplation of the personal-registration requirement and its measurable burdens on the poorer half of our population has led me to the conclusion that it should be abolished altogether as depriving identifiable classe of people of equal protection of the laws. A uniform enrollment procedure conducted by public authority (whether state or federal) should be substituted; this would bring the United States into line with practice which exists in one variant or another throughout the entire Western world.

Naturally, I recognize that this a "radical" approach to the problem ("radical" in the 1867, 40th-Congress sense of the term). Still, to argue for it may be to sharpen the issue enough so that some effective action can be taken by Congress, even if it falls short of some doctrinaire ideal.

Again, I am happy to endorse the purposes and methods of your proposed legislation, as stated in your letter. If I can help in any further way, please don't hesitate to let me know.

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AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
*Washington, D.C., January 22, 1973.*

Hon. CHARLES B. RANGEL,
*U. S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN: This is in reply to your letter of January 15, 1973 concerning voter registration. I am glad to know of your plans to introduce the "Voter Registration Rights Act of 1973."

As I pointed out in testimony before the House Subcommittee on Census and Statistics on March 22, 1972 the AFL–CIO "is deeply interested in standardizing and modernizing voting laws and has been for many years." In the last session of Congress we testified in favor of and urged Congress to enact Senator Gale McGee's bill, S. 2574 to establish a national system of voter registration by mail for voting in federal elections, and to encourage the states to adopt similar systems for voting in state and local elections. Because of your interest in this legislation I am enclosing herewith a copy of our statements before the Senate Post Office and Civil Service Committee on registration and voting legislation on October 19, 1971 and before the House Subcommittee on Census and Statistics on March 22, 1972.

From these statements I think you will see that efforts to improve and modernize present voter registration machinery have the strong support of the AFL–CIO.

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NORTHWESTERN UNIVERSITY,
COLLEGE OF ARTS AND SCIENCES,
*Evanston, Ill., February 23, 1973.*

Hon. CHARLES B. RANGEL,
*House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN RANGEL: I strongly support your efforts to modernize this coun-

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try's out-dated registration procedures. I believe that people are becoming increasingly aware of the problems involved in tolerating archaic practices that systematically discriminate against minorities, youth, the less educated, the mobile, those in the military service, Americans living abroad and the poor.

The present system is a national disgrace. Instead of facilitating voting, it effectively serves to bar people from exercising their right to the franchise. The members not participating in elections run to the tens of millions—approximately 63 million in 1972 alone.

Our registration laws are relics of another age—often simply experiments in certifying people to vote or, on occasions, in moralizing. When the pressures that brought about the legislation passed and the problem either disappeared or were amenable to other and more direct correctives, the laws instituting the practices were ont repealed. They simply formed an accumulated set of barriers to a decently progressive and effective registration system; an area in which the United States sadly lags behind other major democracies.

I believe that tens of millions of potential voters need a modern and more national means for enrolling. I feel that our states and localities need some recognition of the tremendous burden placed on them and would welcome some help. Consequently, I warmly endorse your proposal for a national mail registration system, coordinated by the Bureau of the Census. Monetary incentives to the states would represent an appreciated assistance to them in executing their duties.

Once registered, people vote. The goal of an easily accessible franchise, open to all who care to exercise it, strikes me as the objective of a democracy. We do not now have such a political system. Your proposed bill would move us towards a truly open and representative ballot.

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NATIONAL EDUCATION ASSOCIATION,
*Washington, D.C., January 23, 1973.*

Hon. CHARLES B. RANGEL,
*Cannon House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN RANGEL: The National Education Association has been and will continue to be a strong supporter of a national registration system for federal elections. Therefore, we are pleased to learn that you plan to sponsor the "Voter Registration Rights Act of 1973."

I understand that Rosalyn Hester of our staff has been in touch with one of your staff members, Ken Garfield, regarding this legislation. Recently, at Mr. Garfield's request, Ms. Hester forwarded some of our materials to your office. However, I am enclosing a copy of the testimony we presented before the Subcommittee on Census and Statistics of the House Post Office and Civil Service Committee last May. The statement sets forth the rationale for NEA support. I hope you find the testimony helpful.

We look forward to working with you and your colleagues to bring about the enactment of a National System of Voter Registration.

With best wishes.

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CITIZENS' RESEARCH FOUNDATION,
*Princeton, N.J., February 7, 1973.*

Hon. CHARLES B. RANGEL,
*House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN RANGEL: Thank you for your letter of January 18th, regarding the Voter Registration Rights Act of 1973. The Citizens' Research Foundation is not an advocacy organization and does not take a position with reference to legislation.

However, I have always felt that governments, federal and/or state, should take the responsibility for the registration of voters. As you know, in all other mature democracies in the world, governments are responsible to keep the voters' rolls current. It is only in the U.S. that this responsibility devolves upon the citizen, the candidate, and the party. This, in turn, increases costs for candidates and parties and leads them to seek out assistance from special interests.

There is no question in my mind that the government should do more than just encourage registration and voting. It should take the responsibility of registering voters on a non-partisan basis.

With best wishes,

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STATE OF ALASKA,
*Juneau, Alaska, January 29, 1973.*

Mr. CHARLES B. RANGEL,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. RANGEL: I was delighted to learn of your efforts toward improving the electoral process. Enclosed is a phamphlet which was prepared by the American University Institute of Election Administration for the U.S. General Accounting Office.

It is my feeling and the feeling of others about the responsibility of conducting elections that a nationwide effort is needed to upgrade the entire election process. Toward this end, the first national meeting in New Orleans is being held on February 1 and 2 to discuss in detail the problems encountered in the last national election. Attending this meeting will be lieutenant governors and/or secretaries of state representing each one of our 50 states. I am hopeful that many worthwhile suggestions and proposals will be forthcoming as a result of this conference.

In Alaska, we are developing a pilot program that will see us attempt to effect what we call an "on-line voter registration system" utilizing computer capabilities already in existence. We feel that this program would have national application and would be very interested in discussing the matter with you, soon.

Your stated approach of "the strengthening of local systems" is an excellent one.

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LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
*Washington, D.C., February 1, 1973.*

Hon. CHARLES B. RANGEL,
*House of Representatives, House Office Building, Washington, D.C.*

DEAR CONGRESSMAN RANGEL: The Leadership Conference does support, in principle, the kind of expedited voter registration you seek to put into law. In the last Congress the Conference worked for passage of Senator Gale McGee's Voter Registration Bill. From your description, your measure sounds similar to his, so I'm sure we would be interested in examining it. Please send us a copy and I will be glad to refer it to our Legislative Committee.

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ASHEVILLE, N.C.,
*February 18, 1973.*

DEAR MR. RANGEL: I was happy to read your letter in the N.Y. Times of 2/9 relative to legislation to opening up registration for voting. I urged registration by mail to my N.C. State legislators but got no takers.

When I read of % of voters in other western democracies I wonder about the U.S.

Good luck to you in your efforts. We are transplanted N.Y. Cityites.

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## CONCERN OVER EVENTS IN THE KINGDOM OF SIKKIM

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### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. LONG of Maryland. Mr. Speaker, I want to express my deep concern over recent events in the Kingdom of Sikkim, one of India's small neighbors. I have several newspaper accounts which I shall include at the end of my statement and which show that the Government of India has exploited its dominance over Sikkim in order to destroy the independence of that tiny nation and disrupt its legal government.

India has a strategic interest in Sikkim, which borders on Communist-controlled Tibet and which is located on one of the major Himalayan passes from China to India. India had an impressive presence in Sikkim even before the recent disturbances there. Two Indian divisions are garrisoned in Sikkim. In addition, India controls Sikkim's communications and foreign relations. Most internal affairs had been left to the Sikkimese Government. An election in January of this year endorsed the administration of the Chogyal or king. Opposition leaders, charging election-rigging and government mismanagement, staged demonstrations rather than protesting the election results through the legal means available to them. Observers familiar with the Sikimese electoral system largely discount the likelihood of election-rigging. They point out that Indian magistrates would be called on to referee any disputed election results.

The Indian press and official representative of the Indian Government have reported that thousands of demonstrators led by the opposition parties have converged on the capitol and that violence and a breakdown of control by the Government of Sikkim have occurred.

However, according to representatives of the Government of Sikkim, there has been very little violence. The Chogyal and his son, in a telephone conversation to London, discussed their administration's efforts to avoid incidents which could cause communal strife. They also revealed that there had been considerable pressure by Indian representatives to turn over control of the Government to India. Since that time, telephone service to Sikkim has reportedly been discontinued, and India has taken over control of the administration of the country. Foreign newsmen have been barred from the kingdom.

India's actions during this 5-week period have been extremely suspicious. It has been generally recognized that the bulk of the people participating in the demonstration are of Nepali origin. Yet there apparently were no effective steps taken by either the Indian Army in Sikkim or by authorities in India to prevent a flood of Nepali demonstrators from crossing into Sikkim.

Similarly, the Indian Government and press have been sympathetic to the opposition and critical of the legal administration and the royal family. Repeating opposition charges, they have frequently referred to the royal palace as gold topped—it has a red tin roof—and to the Gangtok football stadium where demonstrators camped as a royal polo ground. The Indians estimated that there were 20,000 demonstrators, though Sikkimese observers place the number at about 4,000. The discrepancy may well stem from Indian efforts to justify their takeover.

In sum, action of the Indian Government seems to have been aimed primarily at consolidating its control over its neighbor rather than promoting reform or reducing civil strife. The entire episode is merely a thinly disguised takeover of a smaller country by a large and increasingly aggressive neighbor. We have helped India for years through our foreign aid program. We have seen an increasing amount of war and aggression on that subcontinent. It should be obvious that India has learned to help itself.

The newspaper articles follow:

[From the New York Times, Apr. 9, 1973]

NEW DELHI TAKES OVER CONTROL OF SIKKIM ON REQUEST OF RULER

GANGTOK, SIKKIM, April 8.—The Indian Government today took over the administration of the troubled Himalayan monarchy of Sikkim, which has been shaken by agitation for political reform during the last week.

An announcement from India House, the office of the resident political officer in this Indian protectorate, said that the move had been made at the request of Sikkim's ruler, Chogyal Palden Thondup Namgyal, who reportedly has been confined to his palace throughout the protests along with his American-born wife, the former Hope Cooke of New York.

The take-over came as thousands of anti-Government demonstrators were camped on the polo ground of this capital, which is 5,500 feet up in the Himalayas. K. S. Bajpai, the resident political officer, is to direct the administration under the Chogyal, who will continue to be head of state. A special officer will arrive later from New Dehli to replace Mr. Bajpai.

EFFORT TO AVERT COLLAPSE

Mr. Bajpai told newsmen it had been hoped that a breakdown of the administration could be averted. "We regret that it did not prove possible," he said.

He said that the 50-year-old Chogyal had asked India to take over responsibility for law and order in his kingdom, which borders Chinese-ruled Tibet.

Apart from the demonstrators, life appeared normal and tranquil. The Indian army was not much in evidence, although reports said it had been welcomed with cheers all over the kingdom.

A reporter who drove the 40 miles from the West Bengal town of Kalimpong saw few signs of unrest.

But all indications were that the administration had collapsed. Border checkpoints were manned by supporters of the Joint Action Committee, which consists of two opposition groups that have been leading the popular movement for reform and against the rule of the Chogyal. No officials were seen on the route to Gangtok.

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OPPOSITION BARS NEGOTIATION

NEW DELHI, April 8.—The leader of the campaign for political reforms in Sikkim said today that the time had passed for negotiations with representatives of the ruler, the Press Trust of Indian reported.

Kazi Lendup Dorji, president of the Joint Action Committee, told newsmen in Gangtok that his supporters were "virtually calling for the abdication of the Chogyal," according to the news agency.

He spoke before India announced that she had taken over administration of Sikkim.

Mr. Bajpa who was placed in charge of the administration, told newsmen that all political factions in Sikkim had appealed to India to take over. He said India would help to solve political problems "in consonance with the spirit of the age."

KEY ISSUE IS ORDER

The most important issue, he said, is the restoration of law and order. Such questions as the safeguarding of minority rights can be tackled later, he said.

A major factor in the crisis was the discontent of the majority Nepali community over the State Council. In the council they have only equal representation with the Lepchi and Bhutia communities, which form only about a quarter of the population of 200,000.

The take-over by India came as thousands of Nepalis gathered in the tiny capital to press their demands. The Joint Action Committee was said to be in control of large parts of the kingdom and many Sikkimese officials were reported defeating to join it.

The Indian Government has barred all non-Indian reporters from Sikkim.

A spokesman for the royal palace in Gangtok, reached by telephone from New York early yesterday, declared that there had been "no such thing" as widespread fighting. But he conceded that Indian troops, stationed in Sikkim for years to secure the border with China, had been asked to help quell the demonstrations.

J. Densapa, secretary to the Sikkimese ruler, told The New York Times that Indian units had occupied police stations that demonstrators had threatened to take over. But he reported that Sikkimese police rather than Indian soldiers continued to guard the royal couple who, he added, had been able to go outside the palace.

Mr. Densapa asserted that there had been "some trouble" but "no violence" in his country. At the same time, he charged that the rebellious opposition elements had forced "innocent village folk" to join them by burning their houses and otherwise intimidating them.

He said that only one death "in the camp of the demonstrators" had been reported since the agitation started and that about 200 people had been arrested for "unlawful assembly." All but about 10 were subsequently released, Mr. Densapa added.

Among those still being held, the palace spokesman named Kashiraj Pradhan, leader of the State Congress party. He said that the opposition leader had been arrested after the January council election because he had been making "inflammatory speeches amounting to subversion leading up to this sort of trouble."

Mr. Densapa described the opposition as Sikkimese subjects of Nepalese origin and characterized their leaders as "undesirable elements." He dismissed the possibility that the unrest might have been instigated either by China, or by India, which he called "our protecting power."

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[From the Washington Post, Apr. 10, 1973]

SIKKIM KING HINTS OF INDIAN PRESSURE

(By Bernard D. Nossiter)

LONDON, April 9.—A telephone interview with the royal family in Gangtok, taped here Saturday, suggests that India has exploited Sikkim's troubles to take over the Himalayan kingdom.

Neither the king, or Choygal, Palden Thondup Namgyal, 50, nor the crown prince, Tenzing Namgyal, 20, would say flatly that India had inspired their difficulties. With the Indian army at their doorstep, both chose their words carefully.

"Everything is going reasonably well," Prince Tenzing said. It is just that, you know, the element outside us has been causing some problems, and that we have several times been approached by the political officer to hand over all power to the government of. . . ."

On this last word, the telephone line which had been remarkably clear, suddenly went dead for an instant, obliterating the identity of the "government." In the context, there seemed little doubt that Prince Tenzing was referring to Delhi's political officer and the government of India.

In the course of the half-hour discussion, the king reluctantly acknowledged that he had asked the Indian army to intervene. But almost in the next breath, he talked of "outside elements" causing violence and cited protests in Darjeeling. Darjeeling is in the Indian state of West Bengal.

KING'S PREDICTION

Both royal figures said on Saturday afternoon, London time, that they were in control, if not in full control. The king, who is married to an American, Hope Cooke, predicted that he would have full control in 24 or 48 hours.

But the next day, Sunday, India took over administration of the tiny kingdom, saying it had done so "in the interests of law and order, at the request of the Choygal."

India's interest in Sikkim is not new. Delhi took advantage of a 1949 rising to send in troops and establish a protectorate over the kingdom. Since then, India has run Sikkim's defense, foreign affairs and communications.

Sikkim lies across an historic invasion route between China and India. Troops from both armies have fired at each other across Himalayan passes nearly 20,000 feet up.

The king's removal last May of India's chief administrator and Chinese hints that Peking wants less hostile relations with India may have encouraged New Delhi to seize firmer control of the little land.

FOREIGN CORRESPONDENTS

Impartial accounts of the events in Sikkim are impossible to come by. India has refused to permit any foreign correspondents to enter the kingdom since the disturbances began last week.

The interview with the king and his heir was initiated from a London apartment by a fellow student of the prince at Cambridge. The student and two friends spoke with Gangtok over an open line. The three interviewers asked that their names not be used because they fear reprisals by the Indian government.

The king and Prince Tenzing spoke in perfect English and they were told that their remarks were being recorded. Another attempt was made to reach them on Sunday, but the Indian-controlled communications to the palace were cut off.

Prince Tenzing began by outlining the background of the disturbances. A mob of about 4,000, armed with clubs, he said, had stormed Gangtok to demand "certain rights." According to the prince, many of them had been forced to demonstrate by a "hard core" who had threatened them with knives.

The prince twice disputed in detail a story related by the government-controlled All India Radio that he personally had shot some demonstrators. As he told it, a crowd of about 1,000 had surrounded his car at Ranipur, outside Gangtok, threatening "an ugly situation."

MEN SHOT

"I drove through the barrier that they put up against me. I broke the barrier through, and my security man shot one man in the side and one in the leg because they were attempting to stop me."

Since the demonstrators are Nepalese Hindus and the royal family are Tibetan Buddhists, the All India Radio story said communal antagonisms were at the bottom of the unrest. The prince's account was apparently an effort to allay these passions.

Prince Tenzing acknowledged that the demonstrators were led by two political parties representing the Nepalese who were counted out in Sikkim's general election in January. He did not specify the "rights" they sought. But it is known that the Nepalese, a majority, believe they have been under-



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represented and victimized by false electoral counts in Sikkim.

Next, the king came on the line.

"We have had to hand over a certain amount of law and order problems to the Indian army or rather the government of India," he said.

"Did you call in the Indian army?" he was asked.

"Well, they are here," was the reply.

"Yes, but did you ask them to intervene in the internal affairs?"

"Yes . . . in four points in Sikkim."

OUTSIDE ELEMENTS

The king continued:

"The present situation is rather good . . . I won't say I have complete control now but I will have complete control in 24 or 48 hours time . . . I can face my people anywhere. As far as my family is concerned, we can go anywhere, and although there may be some outside elements that maybe resort to violence, but no Sikkimese though . . . There are outside elements, otherwise why should the people in Darjeeling and elsewhere be protesting?"

The prince then took back the telephone. He spoke of "the outside element" and made his abortive mention of the obliterated government's demand for full power.

"We are in control," he said. "You see the whole reason why there has been no bloodshed, why the crowd has been allowed to come to Gangtok, has been that my father does not want any violence whatsoever."

"But in fact, we have all the guns and ammunition. We could have wiped out the whole crowd. So in order not to make . . . because the crowd contains . . . nearly 99.9 per cent Nepalese, if we fire on them, then it's going to become communal."

The shots by his security man, he said, were the first in the history of Sikkim. But, he insisted, the two victims "are not going to die. No one has been killed at all."

The crowd in Gangtok, he said, has been dispersed with tear gas, "without violence."

"Everything is going reasonably well," said the prince.

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INDIAN NAMES OFFICIAL TO ADMINISTER SIKKIM

NEW DELHI, April 9.—The Indian government named a senior civil servant, B. S. Das, to take charge of the government of the little Himalayan protectorate of Sikkim.

Das was formerly India's representative in Bhutan, another Himalayan kingdom, and is now commissioner for the Delhi Municipal Corporation.

S. P. Singh, India's minister of state for foreign affairs, told Parliament that India took over the administration of Sikkim yesterday because of "the complete breakdown of law and order" there.

He said that "excesses of the police" had caused many casualties, including deaths, among demonstrators protesting the kingdom's political system which discriminates against the Nepalese majority.

"There were charges of malpractices, corruption and rigging of elections on the part of the Sikkim durbar (royal court)," Singh said.

After talks with Indian officials in Sikkim, Kazi Lendup Dorji, a leader of the rebels, announced that the "current phase" of protest had been suspended.

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[From the New York Times, Apr. 12, 1973]

PRINCESS OF SIKKIM ACCUSES INDIAN AGENTS IN DISORDERS

HONG KONG, April 11.—Princess Pema Tsedeurn Yapshi-Pheunkhang, sister of the Chogyal, or King, of the Himalayan Kingdom of Sikkim, charged here today that Indian intelligence agents were interfering in the internal affairs of her country.

Earlier this week, the Indian Government named a senior civil servant to take charge of the administration of Sikkim in response to a request by the Chogyal, Palden Thondup Namgyal, as disorders swept the country. India was already responsible for Sikkim's defense and foreign policy.

The Indian move followed nearly two weeks of agitation for political change in Sikkim. Demonstrators had converged on the palace of the Chogyal, whose wife is an American, the former Hope Cooke.

Speaking at a news conference, the Princess said she sincerely believed that Prime Minister Indira Gandhi and her Government did not know what Indian agents were doing. She added that she would strongly recommend that the governments of India and Sikkim jointly investigate the situation.

"The powers of Indian intelligence should be curbed," she said.

The Princess said that Indian intelligence agents had heavily financed the two opposition parties, the National Congress and the State Congress which has been in the vanguard of demonstration against the administration and the Chogyal. The committee has put forward demands for political reform.

The Princess said the National Congress had expected to "sweep the field" in recent elections, she said, but the Sikkim National party had won a majority of seats.

The opposition accused the Chogyal of rigging the elections, she said, but the vote counting was supervised by senior civil servants and magistrates.

Princess Pema said the Chogyal was anxious that all communities should be represented in the government and had asked the national party to join with the National Congress and State Congress party in forming a new cabinet.

However, the opposition parties refused and resorted to "terrorism and lawlessness" to attain their objectives, she stated.

The Princess said that the people agitating were "supporters of the parties that lost the election."

Princess Pema took issue with reports accusing the police of attacking demonstrators or committing excesses. She said the opposition parties "resorted to terrorist action and the police tried to maintain law and order."

"It would be better if all the parties concerned get together and discuss the question of any changes," she said. "But you cannot just give into one section. Change must come about by agreement. And we must not forget that elections were held in a democratic way."

The Princess said Indians from Darjeeling had gone into Sikkim to take part in the demonstrations and described them as "imported agitators." She added that India was "making trouble for itself" by permitting this.

"The present situation is not in the interest of India or Sikkim," Princess Pema said. "It is in India's interest to have a stable government in Sikkim."

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## WARSAW GHETTO UPRISING

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. ANDERSON of California. Mr. Speaker, after 30 years, it becomes easy to forget the heroism of Polish Jews in the Warsaw ghetto against Nazi tyranny and execution.

But the lives that were lost and the heroism that was exhibited on April 19, 1943, cannot be forgotten.

On that date, the Jewish Combat Organization—ZOB—commanded by Mordecai Anzelewica, began armed resistance against the Nazi troops in the ghetto of Warsaw, Poland.

Outnumbered and outarmed, the ZOB forces fought gallantly. The last ZOB outpost was attacked on May 8, 1943, by the Nazis. With defeat imminent, the leaders of the uprising committed suicide.

During the fighting, over 800 acres of the ghetto were destroyed and 56,000 Jews were captured or killed. Others were burned in the ghetto's flaming ruins.

Today, as we solemnly observe the Warsaw Ghetto Uprising's 30th anniversary, I would recall the sacrifices made by 6 million European Jews and an equal number of Europeans of other denominations who died as a result of the Nazi terror in World War II.

Vladka Meed, who struggled and fought through the Warsaw Ghetto Uprising, described the nightmare in last Sunday's Washington Post this way:

WARSAW GHETTO UPRISING

We know already about the destruction. We know it very well, but we know so little about the life behind it. And sometimes, I am resenting that we only show destruction, destruction, holocaust. I mean how the Germans operated and how the Jews were killed in the streets. It's horrible. But I would like to reveal the life beyond this, how they lived. There were really very high moments in life. We had starvation, it's true. But at the same time we had a net of illegal schools, 85 illegal schools, in the Warsaw ghetto.

In the beginning our philosophy was to survive as human beings. We didn't know when the ghetto was created that this was really destruction, absolute annihilation. We didn't believe it. So the way was to survive as human beings. This was the ghetto philosophy and this was resistance, for living. Later on, the resistance was for a dignified death. But resistance was true all the time.

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## GREAT RIVER ROAD

### HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 19, 1973*

Mr. BLATNIK. Mr. Speaker, in addition to the brief remarks I made on the floor of the House yesterday during general debate on the Federal-Aid Highway Act of 1973, I want to submit a more detailed statement on the history, background, and current status of the Great River Road.

Section 131 of the bill authorizes 3 years funding for the Great River Road, a scenic, recreational, and historic roadway along the Mississippi River from its headwaters in Lake Itasca, Minn., to the Gulf of Mexico.

MINIMAL CONSTRUCTION NEEDED

Most of the Great River Road is already built; only an estimated 700 miles of new construction remain to be done, according to information provided by the Department of Transportation. The balance will require upgrading to meet scenic road standards of environmental protection and enhancement.

Most of this new mileage will be built, Great River Road or no; and most of the rest of the route will, in time, be upgraded to meet increased traffic needs.

The question is whether this highway development will be accompanied by strip zoning and environmental degradation, or whether this Congress will give the States incentive and encouragement to build it in an orderly, planned, responsible manner with concern for the historic and scenic values along its route.

Earlier this year, I asked the 10 Mississippi River States to give me an up-to-date status report on their portions of the Great River Road. The responses I received indicate that 1,000 miles have been completed; another 1,000 exist but need upgrading; and 192 miles are scheduled for construction or upgrading within the next 5 years.

The States were most enthusiastic in their support of the road, and a number informed me that they have put it at the top of their scenic-road priority list.

Most of the States have completed all their planning, and are ready to proceed with construction once the funds provided in this bill are made available.

All States will comply with Federal requirements for environmental impact statements and the public hearing process; they have developed, or are developing, their own State-level procedures as well.

SCENIC AND ENVIRONMENTAL STANDARDS

Upgrading of existing roads to scenic highway standards entails acquisition of wide strips of land on both sides of the road, to protect the quality of the landscape. Strips of wildwood, bluff faces, swamps, and islands would be acquired outright, and protected from the unsightly hotdog stands, gas stations, and straggling shopping centers which inevitably accompany uncontrolled development.

Woodlands would be preserved or restored; original vegetation would be replanted, and animal habitat protected from the bulldozer and powersaw.

Farmers would continue tilling the land within the scenic easements and enjoy all rights of property except the right to put up billboards or other scenic defacements, or commercial or residential buildings.

The Great River Road will thus be a two-lane or four-lane country road, crisscrossing the river many times, and traversing permanently protected woodlands, scenic river valley, peaceful farmland, and some of the most historic areas of the Nation.

It will enable city dweller and rural American alike to enjoy and learn from 65 major scenic and historic areas, including two national forests, Superior and Chippewa; two national parks, Mamouth Cave and Voyaguers; one national monument, Effigy Mounds; several national wildlife refuges; numerous national memorials; historic landmarks; historic and military parks; as well as State parks and forests.

RECREATIONAL HIGHWAY NEEDED

Increased income, more leisure time, and a growing interest in the natural and historic values of our Nation have put more and more Americans on the road, accelerating the demand for recreational, scenic, and historical routes.

The Department of Transportation's 1972 highway needs study points out, for example, that in 1969 an estimated 11.6 billion automobile trips were made for recreation, generating a total of 150 billion vehicle miles, or 18 percent of total vehicle miles traveled.

Figures compiled by the Recreational Vehicle Institute show that sales of motor homes, travel trailers, campers, and other recreational vehicles grew from 483,000 in 1968 to 729,000 in 1972; with projections of well over 800,000 sales in 1973 and 1 million by 1980. Over 5 million American families now own one or more such vehicles; 8 million will be in use by 1978.

In short, the surge toward the open road, which has already caused tremendous problems of overuse in our national parks and forests, will increase with each coming year.

The Great River Road offers a solution to this overcrowding.

Specifically created to the needs of motoring America, it rivals the far western areas in historic sites, scenic beauty, and cultural interest. It is more accessible than the West to both east coast and midwestern travelers, and will absorb many who would otherwise continue westward, thus relieving pressure on Yosemite, Yellowstone, and other western areas.

If, in the future, vehicles are restricted in our more crowded parks, the Great River Road will be ready for those who choose, or those who must travel by car or trailer.

BACKGROUND—1938 BEGINNING

Mr. Speaker, the Great River Road is far from a new concept.

It was initiated in 1938 by then Interior Secretary Harold Ickes as a mid-continent parkway from Minnesota to the Gulf of Mexico.

Ickes appointed to the Mississippi River Parkway Commission the Governors of the 10 parkway States, to study the feasibility of this proposal.

Work was interrupted by World War II, but the Commission was reactivated in 1947 and in 1949 received a $250,000 appropriation from Congress for the parkway feasibility study by the National Park Service and the Bureau of Public Roads.

The study was published in 1951 at a cost of $150,000; the remaining $100,000 was returned to the Treasury. That study recommended a parkway—since changed to a scenic highway—along the Mississippi River, crossing back and forth over mostly existing or planned highways to avoid duplication and excessive cost. The study also recommended detailed phase I planning reports.

In 1954 the Congress authorized $250,000 in BPR funds for the road, which have been spent over the years.

By 1960 the phase I reports had been completed for each of the 10 States, recommending the general route, scenic easements, control of access, control of development of recreational areas along the route, and land acquisition for right-of-way.

In 1960, also phase II reports were begun, describing features of the route, delineating scenic corridors, preparing strip maps.

An additional $250,000 were authorized in the Federal-Aid Highway Act of 1964, for continued detailed planning apportioned to the States on the basis of need.

To date $404,000 of the total $500,000 planning money has been apportioned; $326,000 has been spent. Most of the phase II reports have been completed.

GREAT RIVER ROAD NOW EXISTS

But the Great River Road is far more than a paper highway at this point. Markers have been placed along the length of the route; major historical, archeological, and natural areas have been located, and wayside stops, small parks, and scenic outlooks selected.

The vast preponderance of the road is already in existence; it needs upgrading to meet advanced scenic and environmental standards not in existence when those segments were built.

Mr. Speaker, we need an up-to-date cost estimate of completing the Great River Road. The last estimate, done in 1951, put the cost at $560 million. However that estimate is in 1951 dollars; a current estimate should be made on projected costs of new construction and upgrading of existing highways.

JUSTIFIED BY EVERY STANDPOINT

Mr. Speaker, I believe the Great River Road is fully justified on environmental, cultural, and economic grounds.

It will insure that the remaining undeveloped areas along the Mississippi will be preserved.

It will bring closer to all Americans, in all parts of the country, the history and culture of the Midwest, stretching 300 years back to the colorful history of the French in North America, from the Voyageurs of the fur trade to the hardy discoverers of the "Father of Waters" and the New Orleans Cajun legacy of Arcadian courage; as well as the native American Effigy Mounds, which affords a unique glimpse of the high civilization which has all but been obliterated elsewhere.

Americans want to see, enjoy, and learn from all those sites.

The beauty and history of America belong to all her people, whether they elect to approach by car or by backpack.

The Great River Road will bring closer to all Americans the priceless heritage and tradition which lie along the banks of the Mississippi River.



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# SENATE—*Monday, April 30, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Reverend Jesse E. Thomas, Round Hill Community Church, Greenwich, Conn., offered the following prayer:

God of our fathers, we pray for this Nation our fathers founded. We thank Thee for the toil and tears of others and for qualities of character that have been woven into the fabric of this Nation. We pray with earnest hearts for the cause of justice and peace abroad, and for order and tranquillity at home. Give us all a due sense of integrity, and save us from violence, discord, and confusion. Endue with wisdom and compassion our leaders, and may the people be so endowed that they can discern between good and evil. So bind us together as a people that we may be one Nation.

O God, our Father, who canst not make a good world out of evil men and women, cleanse our hearts, forgive our sins, and amend our ways. Here in this place, may Thy transforming grace change our lives. May we be a more fit body of Thy people to strive for righteousness.

In Thy holy name, we pray. Amen.

## EXECUTIVE MESSAGES RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 18, 1973, the Secretary of the Senate received the following messages in writing from the President of the United States:

On April 19, 1973: Sundry nominations.

On April 24, 1973: Sundry nominations.

On April 27, 1973: Sundry nominations.

(The nominations are printed at the end of Senate proceedings.)

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 18, 1973, the Secretary of the Senate received the following messages from the House of Representatives:

On April 18, 1973:

That the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

That the House had passed a bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

That the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 6883. An act to amend the Agricultural Adjustment Act of 1938 with respect to rice; and

H.J. Res. 496. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration, and for other purposes.

The above bill and joint resolution were subsequently, on April 19, 1973, signed by the Acting President pro tempore (Mr. METCALF).

On April 19, 1973:

That the House had agreed to the following concurrent resolutions:

S. Con. Res. 2. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Runaway Youth";

S. Con. Res. 3. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Saturday Night Special Handguns, S. 2507";

S. Con. Res. 4. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Juvenile Confinement Institutions and Correctional Systems";

S. Con. Res. 13. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the sudden infant death syndrome.

ENROLLED BILL SIGNED

That the Speaker had affixed his signature to the enrolled bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes.

The enrolled bill was subsequently, on April 23, 1973, signed by the Acting President pro tempore (Mr. METCALF).

On April 23, 1973:

That the House had passed the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WRIGHT, Mr. BLATNIK, Mr. KLUCZYNSKI, Mr. JOHNSON of California, Mr. JAMES V. STANTON, Mr. HARSHA, Mr. CLEVELAND, Mr. DON H. CLAUSEN, and Mr. SNYDER were appointed managers on the part of the House at the conference.

That the House had disagreed to the amendment of the Senate to the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. O'HARA, and Mr. QUIE were appointed managers on the part of the House at the conference.

That the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 109. Concurrent resolution providing for the printing of remarks of tribute to the late President of the United States, Lyndon Baines Johnson;

H. Con. Res. 126. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Year-Round Schools"; and

H. Con. Res. 156. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections, Federal and State Parole Systems", parts VII–A, and VII–B, serial 15, 92d Congress.

## REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 18, 1973, the following reports of a committee were submitted on April 27, 1973:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 14. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes (Rept. No. 93–129); and

S. 607. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes (Rept. No. 93–130).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

S. 723. A bill to establish a National Institute of Health Care Delivery, and for other purposes (Rept. No. 93–131).

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, April 18, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING THE SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## AUTHORIZATION OF FURTHER APPROPRIATIONS FOR THE OFFICE OF ENVIRONMENTAL QUALITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 118, S. 1379.

The President pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:



S. 1379, to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments, on page 1, line 3, after the word "Environmental", strike out "&"; in line 8, after the word "Quality", strike out "such sums as the President may request" and insert "$1,500,000"; in line 9, after the word "for", insert "the"; in the same line, after the word "year", insert "ending June 30,"; and, in line 10, after the word "and", strike out "for each fiscal year thereafter." and insert "$2,000,000 for the fiscal year ending June 30, 1975."; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended to read as follows:

"SEC. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality $1,500,000 for the fiscal year ending June 30, 1974, and $2,000,000 for the fiscal year ending June 30, 1975. This authorization is in addition to those contained in Public Law 91–190."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The amendments were considered and agreed to en bloc.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

## THE CASE FOR REDUCING U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a commentary written by Mr. James Goldsborough, published in the International edition of the Herald-Tribune under date of April 12, 1973, entitled "The Case for Reducing U.S. Forces in Europe."

The being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE FOR REDUCING U.S. FORCES IN EUROPE

(By James Goldsborough)

PARIS—The time has come to consider a unilateral reduction of U.S. forces in Europe on its political and military merits, not just on how much money it would save. The Nixon administration has bought time against any such move while the MBFR talks continue with the Soviet Union, but the indications are so far that very little can be achieved in Vienna.

Senate backers of the Mansfield proposals for cutting U.S. force levels in Europe from 300,000 to 150,000 and eventually reducing them even more have emphasized the savings that would result—estimated at anywhere from $3.5 billion a year up. Given the U.S. balance-of-payments deficits and two recent dollar devaluations, this is not an argument without merit.

But because of this emphasis on savings, too little attention is paid to the political and military consequences of a unilateral U.S. force reduction.

SHOCK TREATMENT

There is a growing body of people in Europe who believe that, politically, a U.S. reduction would have a therapeutic effect on the nations of Western Europe. These people believe that it will now take no less than shock treatment to put an end to the European's bickering and quarrels, and clear the path for greater political and military cooperation among them.

The Soviet Union understands the implications of a unilateral U.S. reduction, and that is one of the principal reasons Moscow agreed to enter into the mutual and balanced force reductions talks in Vienna and so helped defeat the Mansfield bill when it first came to a vote two years ago. The Russians understand that unilateral U.S. reductions would lead to new pressures and policies in Western Europe, and that is something they prefer to forestall.

The Soviet Union also hoped the MBFR talks would lead to national force reductions, especially among the national forces in the German-Polish-Czechoslovakian area. This would be an initial step toward the neutralization, or Finlandization, of West Germany, something the West could hardly accept.

But for the moment at least, things are not going well in Vienna. The Russians have complicated the situation by insisting that Hungary be left out of the conference. What's more, to believe the intelligence reports, the Soviet Union is now moving new forces into Central Europe to use as bargaining chips in any eventual reductions, which, if true, would make a mockery of the entire negotiation.

David Packard, former U.S. under secretary of defense, told the recent Europe-America conference in Amsterdam that at best only "token reductions" could be expected at Vienna.

TRADE DEFICIT AREA

U.S. policy has been to do everything short of considering the merits of a unilateral reduction. This has gone so far as to involve a complicated linking of defense and commercial issues, so that the general feeling among Europeans is, as Belgian Jean Rey put it recently, "that you expect us to run a constant trade deficit to help you pay for your overseas investments"—including foreign military commitments.

Raymond Aron, one of the few Frenchmen at the Amsterdam conference, said that while he found it "fair that Europeans, if they desire the presence of U.S. troops, pay the cost in cash," that he also found it "deplorable, for the continuity of our friendship, to mix, or give the impression of mixing, protection and trade, troops and tariffs."

Yet the U.S. administration is bent on winning trade advantages to offset these costs. And there even is a growing suspicion that the administration prefers a trade surplus, as a means of offsetting the costs, to outright payment from the Europeans, for the latter decidedly gives the U.S. soldiers the taint of mercenaries.

Mr. Aron made another telling point: That the continued U.S. defense of Europe "psychologically weakens and discourages the Europeans from taking charge of their own defense." It was clear that he thought a unilateral U.S. reduction would prod the Europeans, push them toward what Sir Edward Tomkins, the British Ambassador to Paris, called this month a common European "decision-making body, common diplomacy and foreign policy, and finally, a common European defense."

According to some military experts, the principal immediate military effect of a unilateral U.S. reduction in forces would be to lower the nuclear threshold, that is, to increase the chances that a conflict would be a nuclear one. Since the Warsaw Pact forces already are stronger in manpower than NATO forces in Central and Northern Europe by the ratio of about five to three, and are markedly superior in tanks and aircraft, a sharp reduction in U.S. men and equipment would reduce the credibility that NATO could repulse an attack from the East with conventional forces.

Consequently, the chances that NATO would respond with tactical nuclear weapons to an attack would be increased, with the danger that the use of tactical nuclear weapons would quickly escalate into strategic nuclear warfare.

But this lowering of the nuclear threshold is a questionable argument, since it already is NATO strategy to use tactical nuclear weapons from the outset of a conflict if necessary, and that it is known that the Warsaw Pact nations, in all their recent maneuvers, were also simulating their early use in a conflict.

It is hardly likely that the difference of 150,000 or 200,000 men is going to alter this strategy. On the contrary, Mr. Packard, in his paper in Amsterdam, said that the West already knew that it could never match the Warsaw Pact's manpower, and that the only way to maintain parity was through better technology and equipment, both conventional and nuclear.

It can also be argued that though a U.S. forces reduction could conceivably affect NATO's options, by the same token it might reduce the risks of any foolhardy probes from the East, precisely because of the dissuasive effects of immediate nuclear retaliation.

One of the principal consequences of a U.S. reduction would be to expose more than ever the French military contradictions and stimulate France into realistic military cooperation with its European partners. The French certainly suspect some of this and it is one of the reasons France's voice has been loudest that present U.S. forces be maintained, even though France pays not a penny for them.

French military policy is at present completely out of line with NATO policy. The two French divisions in West Germany are well back from the East German border, and they would be more likely to retreat into France in a conflict rather than advance. French strategy is still based on immediate massive retaliation if France is endangered, but there would be no counting on the French if the attack was against Norway, or Yugoslavia, or even West Germany itself.

A U.S. reduction of forces is not going to bring France back into NATO, but it could perfectly well lead to a French re-evaluation of the possibilities for better cooperation with its allies, at least in the form of closer nuclear cooperation with Great Britain to give the European nuclear forces more credibility.

BELIEF IN DÉTENTE

The British favor such cooperation, and French opposition to it certainly will not be increased by the departure of Michel Debré from the Defense Ministry. The French believe perhaps more than anybody in the permanence of détente. But despite the deep-seeded Gaulism of the high command, they have not yet gone so far as to base their defense policy on that belief.

As for the West Germans, they have had their contingency plans ready in the case of U.S. reductions for some time, and it is not for a few U.S. divisions that they are going to rush into the arms of the Soviet Union.

Almost 30 years after the end of the war, it is an anomaly to continue to quarter over 300,000 U.S. troops in Europe, especially since Europe now has the means to take up the slack. Neither as a symbolic force nor as a "tripwire" are such levels needed. Nor are they a significant deterrent, for the real

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deterrent is in the missile silos and the submarines. An important expense for America, they have become an excuse for the Europeans. A significant drawdown would serve both sides of the Atlantic.

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield the time remaining to me to the distinguished senior Senator from Mississippi, the President pro tempore of the Senate (Mr. EASTLAND).

## DEATH OF THE HONORABLE FELTON M. "SKEETER" JOHNSTON, FORMER SECRETARY OF THE SENATE

Mr. EASTLAND. Mr. President, it is my sad duty to inform the Senate of the sudden passing of the Honorable Felton M. "Skeeter" Johnston, former Secretary of the Senate, on Friday, April 20.

Skeeter was a Mississippian and a Democrat.

Shortly following his graduation from the University of Mississippi in June of 1929, Skeeter began his service to the Senate as a stenographer in the office of the late Senator Pat Harrison. In 1933, he was appointed to the staff of the Finance Committee and served that committee as its clerk from 1934 through 1941.

On October 15, 1945, he was elected Secretary to the Democratic majority and served this side of the aisle as Secretary until his election as Secretary of the Senate on January 5, 1955. He voluntarily retired from this position on December 30, 1965.

His record of 33 years of outstanding and dedicated service to this institution epitomized the finest qualities of Government service. Those of us who were fortunate enough to be associated with Skeeter were enriched by this association and will cherish his memory. Senators from both sides of the aisle whose terms began during his tenure as Secretary of the Senate will particularly remember him for the efficient and businesslike manner in which he assisted them upon their arrival in Washington.

The family of Felton M. Johnston remembers him with deep affection and respect for the qualities of loyalty, honesty, thoughtfulness, generosity, and patriotism which distinguished his life and career. His loyalty and devotion to his friends and colleagues were amply rewarded by the deep and enduring friendships which were forged and maintained throughout his life and which sustained him after the death of his beloved wife, Wanda. His devotion to the U.S. Senate was rewarded by the opportunities he was given to serve this great body for many years. He discharged his official responsibilities with scrupulous honesty and with honor; and, in his long experience in American politics, he did not succumb to cynicism. As a citizen, public servant, and enlisted man in the U.S. Army, he manifested his love for his country and his loyalty to it. This patriotism came to him naturally and from the heart—it sought no reward.

He loved people. He loved to be of service to them. He was a profoundly kind and decent man.

I know I can speak for the entire membership of this body when I tender the condolences of the Senate to his son and daughter on their loss. The country has lost a great American and a great public servant.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. MANSFIELD. Mr. President, I wish to be associated with the remarks just made by the distinguished President pro tempore of the Senate on the passing of Felton "Skeeter" Johnston. Everything that the Senator from Mississippi said about him is true. He was a good, faithful, loyal servant.

Coincidentally, it is my understanding that at approximately the same time his successor, Emery Frazier, passed away; and what has been said about Felton Johnston can equally be said about Emery Frazier. They were both outstanding public servants.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time allocated to the distinguished Senator from Maryland (Mr. MATHIAS) be allocated, instead, to the distinguished Senator from Oregon (Mr. HATFIELD).

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from Pennsylvania desire recognition?

Mr. SCOTT of Pennsylvania. Yes, Mr. President.

## A BAD DAY AT CREDIBILITY GAP

Mr. SCOTT of Pennsylvania. Mr. President, this is a bad day at credibility gap. The lack of grace in power has led to a fall from grace. The President will speak at 9 o'clock tonight. I commend him for his firmness; his determination, and his meeting head-on the most unpleasant kind of situation that can confront a Chief Executive.

I pass no judgment on the individuals concerned, because that judgment is for the investigative authorities.

I have only sadness at personal tragedies and at the grief which will result from them. But the action which has been taken is one which, so far as I know, every Senator will agree should be taken when those in whom a President places his trust have failed, in his judgment, to merit or justify that relationship.

I associate myself with a statement made by a very respected Pennsylvanian, Gen. Matthew B. Ridgway, general of the U.S. Army, retired, who made this statement about the 18th of September 1972. I quote the following two paragraphs, and I associate myself with them:

Recognition of the primal principles which have evolved in every societal fabric throughout the ages—refusal to deal in lies, to cheat, or to steal—must become essential elements in the mores of our people, if we expect to raise the tone of our national life and to contribute to a better world.

The name of this game is leadership, the elevation to the seats of power in our land of men with wisdom, integrity, and moral courage of the highest standards. There are plenty such among us. They must be identified and utilized. Their role will be one of extreme difficulty. The masses will never perceive their worth nor willingly follow them initially. But a minority will, and with the leaders that minority will steadily grow, as will the strength of our nation, which in the final analysis rests on the character of its people.

Mr. President, I believe that all those who honor the profession of politics will feel that what has been done was correctly done by the Chief Executive. The disgraceful episode of the Watergate, which represented a nexus of crimes founded upon stupidity and lacking to this day clear motivation, was bad, in itself, but not as damaging to our confidence in others as the subsequent coverup—a coverup not known to the President on the 20th of March, as I am certain in my own knowledge it was not known, since that is the day I talked to him at length, and, confidentially; becoming known to him shortly thereafter; acted upon by him forcefully as soon as he felt he had the facts.

But this whole shabby, disgraceful episode is not the action of men schooled or grounded in the art of politics. It has been condemned by former national chairmen of the party, including myself as such; it has been condemned by every Republican who has spoken out and by every Democrat, so far as I am aware. It has tainted the fabric of our profession. What we have to do now is to gain restoration of the confidence of the American people in the profession of politics, an honorable profession. Indeed, I would trust a man of political faith as quickly—or more quickly—as any other person I know; because he has no tool of his trade except his given word, which is his bond.

So I hope it will become clear to the American people that the man in the White House, who is the President and is himself a practicing member of the political art, had no more to do with this than those of us here who also are professionals and are proud of it. He has done the right thing, and I am glad he has done it.

Mr. MANSFIELD. Mr. President, I wish to commend the President of the United States for the action he has taken this morning. I know too little about the realities of the situation, but I am sure that the President had full access to all the facts finally and that, on the basis of those facts, he acted accordingly.

The Watergate affair and all its ramifications—and they extend far and wide and go back a long time, on the basis of the newspaper reports—is not a Republican tragedy but is, in essence, an American tragedy; because what it struck at were the roots of a democratic government, a constitutional government, a government based on a two-party system.

The President, in acting as he did, displayed a greater loyalty to the American people, as he should, than to those around him.

It is a sad episode. The matter, of course, is not completed, because we still have the grand jury in operation, we still have the court of Judge Sirica in operation, and we still have the Ervin special committee in operation. So this is a start which will help to clear the air. But all the facts will have to be laid out; and out of this let us hope that all of us will learn a lesson as to how Government should be operated—in the open—and all of us should become aware of the fact that the only loyalty we owe is to the people, because it is the people who are the government.

Mr. HATFIELD. Mr. President, I thank the minority leader, the Senator from Pennsylvania (Mr. SCOTT), for the very eloquent words that certainly bespeak the feelings of all of us, Democrats and Republicans. His remarks certainly are consistent with the great position of integrity and leadership Senator SCOTT has occupied over many years of service in our party, as party chairman, as a Representative, as a Senator, and now as our minority leader in the Senate.

I also commend the President of the United States for the action that has just been reported in the press, indicating that four of the President's major advisers—Mr. Kleindienst, Mr. Ehrlichman, Mr. Haldeman, and Mr. Dean—will be leaving the administration by resignation.

But, Mr. President, let me make clear that what the American people desire is the truth. I believe that appropriate persons may well have to leave the administration.

But the next and most important step for the President to take is to tell the American people the truth, the whole truth, and nothing but the truth, concerning this entire episode. I trust and believe that this will be done.

## WATERGATE AND CAMBODIA

Mr. HATFIELD. Mr. President, while the Watergate case and U.S. bombing in Cambodia might appear at first to be separate and distinct, I submit that they are, in fact, interrelated.

Can the Constitution and the rule of law withstand assaults now directed at them from two flanks? The past week marked the 50th day of the unconstitutional U.S. bombing in Cambodia. Revelations in the Watergate case erode public confidence in Government adherence to the fundamental law of this country.

Bombing in Cambodia continues without explanation by the administration to Congress or to the public. Such an explanation was promised to the Foreign Operations Subcommittee of the Appropriations Committee at our classified hearing on April 11. The material was to be delivered by April 13. The hearing record is going to print 2 weeks later, with no justification submitted by the administration for the constitutional basis of this bombing.

Such arrogance by the administration cannot be tolerated. For over 50 days, our B–52's have rained bombs upon the villages and hamlets of Cambodia, while the administration blithely ignores constitutional restraints and congressional laws.

I was advised a draft document attempting to give such a rationale was prepared by State Department legal advisers and sent to the White House, where it was been gathering dust. I am forced to assume that White House officials have neither the time nor the willingness to address this legal issue. Based on recent events, I also recognize that criticism will be leveled at any legal justification for any action now emanating from the White House.

Fundamental respect for rule by law in this country is jeopardized by assertions surrounding the Watergate case. At the same time, the Constitution is flaunted by military actions taken in Southeast Asia.

Such flagrant disrespect for the basic tenets by which this country has survived could create a legacy that must alarm all Americans. Such ruptures in our Constitution and the rule of law threaten the very political process by which this country functions. The integrity of the Republic is under siege.

Government's truth and credibility is strained by recent events in the domestic and foreign policy areas. Recovery from such attacks represent a major task for all public officials. In the foreign policy area, Congress must begin to repair this damage, and offer hope for restoration of truth and of trust. An immediate step will start this next week with Senate consideration of a specific legislative measure to mandate adherence to the Constitution, and to stop our intervention in the Cambodian civil war.

Congress cannot stand by and watch constitutional government and the people's right to know wither away.

Mr. President, I ask unanimous consent that following these remarks the following prior statements of mine appear in the RECORD: An April 12 statement on the Cambodian bombing; an April 17 statement on Laos bombing; and an April 26 statement on the Watergate case.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### U.S. BOMBING IN CAMBODIA

The course of U.S. actions in Cambodia in recent days brings back memories of the early stages of this country's intervention in Vietnam. I fear the pattern of secret commitments and public denials is being repeated.

I am profoundly worried and concerned over the present trend of events in Indochina. My anxiety has intensified since questioning State Department and Defense Department officials yesterday (Wednesday) at a classified session of the Foreign Operations Subcommittee of the Appropriations Committee.

We are achieving neither peace nor honor in Indochina.

Developments in the past days heighten the unpleasant but unavoidable truth that the U.S. is not out of Indochina and that we are on the verge of more, rather than less, involvement in the continuing Indochinese war.

The conflict in Cambodia is basically a civil war—this should be made clear to everyone. Cambodians are fighting Cambodians, and yet one side is being besieged by U.S. bombs dropped from U.S. planes flown by U.S. pilots. Innocent civilians are being killed by those bombs.

Our bombing, our military aid, our airlift and sealift of supplies, and even further steps, such as supporting another possible South Vietnamese invasion of Cambodia, all are seen as indispensable for the survival of the Lon Nol government. Yet, Congress and the American public repeatedly are told that the Administration has no "commitment" to that government. Such hypocrisy must halt.

No shred of constitutional authority nor any legal justification exists justifying our military actions in support of the Lon Nol government.

U.S. efforts to insure Lon Nol's survival fly in the face of clear Congressional directive spelling out that authorized military and economic aid shall not constitute a commitment to the defense of Cambodia.

Executive autocracy must not be allowed to trample the Constitution and the will of Congress. We are intervening in another civil war. We are killing innocent people. We are violating the Constitution of the United States. We are ignoring the law of the land.

In the words of the prophet Jeremiah, "they say 'peace, peace', when there is no peace."

Let this be clear: the Administration should expect no funds from Congress for continuing the war while boasting about peace.

### LAOS BOMBING

Expansion of the air war into Laos and its intensification in Cambodian carries with it the fear that they are a possible prelude to renewed bombing of North Vietnam. Such actions only will repeat the tragic loss of American life and create new American POW's. The threat of more POWs and U.S. deaths even now permeates the deadly bombing missions over Cambodia and Laos.

The American people have been told again and again in that we have achieved peace in Indochina, and yet we continue to rain death on villages and hamlets in Cambodia and Laos. This further erodes confidence of the American people in their government. The people of this country know that the substitution of Indochinese deaths for American deaths is not peace.

The American people deserve a complete explanation by this administration of its definition of peace and its plans for Indochina. How long will this illegal bombing continue? Is the military "winding down" or "heating up" this war? Can the American people ever expect an end to this tragic war?

### WATERGATE CASE

Sen. Mark Hatfield said Thursday that the burden in the Watergate case is on President Nixon to demonstrate that he is "as clean as a hound's tooth."

Recalling a similar statement about Nixon by Dwight Eisenhower prior to the so-called "Checkers speech," Hatfield said that "once again he must prove himself."

Hatfield said that "this is not just a crisis of a political party, but of the political process."

"The taint from this scandal threatens to engulf not only Mr. Nixon, but the institution of the Presidency as well.

"Already trust in all government is eroding and estrangement from the political process strains the very capacity to govern.

"While the statements of accusation, re-



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crimination and vindication from the White House staff reflect the personal tragedy in those lives ensnared in this web, I trust that the results will expose the guilty parties and that they will be brought to justice."

Eisenhower made the "clean as a hound's tooth" statement in an off-the-record press conference Sept. 20, 1952 and the Nixon television appearance defending the "Nixon fund" followed on Sept. 23.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CAMBODIA

Mr. MANSFIELD. Mr. President, I associate myself with the remarks just made by the distinguished Senator from Oregon (Mr. HATFIELD).

We are engaged anew in a civil war. We are, in effect, asking for, if not actually seeking, a reinvolvement in Cambodia based on the expanded bombing for which $500 million recently has been requested by the Department of Defense. To further implement what is going on in Cambodia we have brought about a cessation of the minesweeping operations at Haiphong Harbor. The result, of course, is that we are not as close to peace in Indochina as we thought we were.

There are no constitutional grounds for our involvement in Cambodia. The problem there is diplomatic, not political. As far as bombers, river convoys, and the like are concerned, it only intensifies our involvement in a situation in an area in which we have no business. If it continues, the possibilities of a break of the fragile peace in Vietnam will become more and more apparent.

It is unfortunate that this country ever became immersed in Indochina. We never had any business in any of the three countries of that region in the first place; and we have none today.

The continued bombing of Cambodia casts doubt on our achievements by way of negotiations in Vietnam, and unfortunately it appears we are digging in deeper and deeper all the time. The only solution I can see is that the only symbol of Cambodia's nationalism who could be called upon to bring about a unification of that sad nation is Prince Norodom Sihanouk. I would state that if he were to return to Cambodia—and he will again shortly, I understand—he will be the symbol around which all Cambodians will rally. Through him, there will be the possibility of once again creating a united, neutral Cambodia.

Again, I commend the distinguished Senator from Oregon.

## U.S. FOREST SERVICE REGIONAL STRUCTURE

Mr. MANSFIELD. Mr. President, during the recess of the U.S. Congress, the Secretary of Agriculture announced that the U.S. Forest Service would adjust its regional organization to fit with the standard Federal regional structure. I wish to take this opportunity to let my colleagues here in the Senate know that I am unalterably opposed to this plan. The present structure is adequate and conforms to the major areas of U.S. forestry activity in the United States. As we all know, Forest Service activity is concentrated in several different areas of the continental United States and is not uniform throughout. Therefore, I think it is ridiculous that it be required to conform with the standard Federal regional structure. Timber is a renewable resource and requires on the ground management.

Region I is one of the most active forest areas in the Nation and to move a regional office at a time when there is a greater demand for increased timber sales and management activities is difficult to understand. The rationale behind this plan obviously does not include efficiency and effectiveness because of such large distances involved. The Federal officials who devised this plan apparently have never been outside of New York City or Washington, D.C., and are not aware of the vast distances in the West. If you will look at the map, you will find that Missoula, Mont., presently the headquarters for region I, is approximately 800 to 900 miles from Denver. The proposed regional setup announced by Secretary Butz places 10 States within region C and the two large forest areas at opposite ends. I do not see how any efficient administrative plan can handle such a situation. Transportation services between Missoula and Denver and Portland, Oreg., headquarters of region A, are very bad and there is no direct air service. What is to happen at the research facilities at Missoula—the smokejumpers school, the Forest Service Fire Research Laboratory, and associated facilities that are operating at Montana's two universities in Bozeman and Missoula.

Adding these additional Forest Service activities to the regional complex in Denver only compounds what is a serious and growing problem for this midcontinent city. This seems to be contrary to everything the administration is attempting to do in returning the governmental process to the local level. This action and others merely creates a larger bureaucratic monster in Denver.

Missoula, Mont., is a beautiful city with a moderate climate and home of one of Montana's two universities. There is absolutely no reason why personnel would not wish to maintain their present residencies in this community.

Mr. President, rumors have come to my attention that the Montana congressional delegation has agreed to this move of the regional headquarters because of a compromise reached between the delegation and the administration. Supposedly, Malmstrom Air Force Base, one of the most important Strategic Air Command bases in the continental United States is to be preserved and maintained if we agreed to the closing of the Forest Service Regional Office in Missoula. I wish to state here and now that I in no way participated in any such discussion in conjunction with the administration's plan to reduce Federal activity. Both the regional headquarters of the U.S. Forest Service and its associated activities in Missoula and the Strategic Air Command Base at Malmstrom are necessary and vital parts of our Federal activity.

I am also greatly concerned about reports that the Secretary of Agriculture has placed a muzzle on Forest Service personnel who disagree with this plan.

The Forest Service has traditionally been one of the most active and semi-independent agencies in our Federal system. They have done an excellent job and, only in recent years, have they become burdened with excessive Office of Management and Budget controls which are limiting and curtailing their management of our forests. There are a great many demands for new timber sales and improved management of our national forests. This can only be done with adequate management at the ground level. This means maintaining regional headquarters as they are now structured. Also, I believe that the Forest Service should be granted additional funds for the proper management of their agency. At the present, the administration has impounded funds and further hampered this necessary work.

I wish to place myself on record—and I know I speak for my distinguished colleague the Senator from Montana (Mr. METCALF) and our two colleagues in the House, Representatives MELCHER and SHOUP—that we shall not stand by and watch this consolidation take place.

Mr. President, I ask unanimous consent to have printed at this point in my remarks, the joint statement released by my colleague, Senator LEE METCALF, at the time of the announcement, and also the news release issued by the U.S. Department of Agriculture announcing that there would be a reduction—a phasing out—of the regional offices at Missoula, Mont., Albuquerque, N. Mex., and Ogden, Utah, and the experiment station headquarters at Ogden, Utah, and Asheville, N.C.

There being no objection, the statement and release were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATORS MANSFIELD AND METCALF

Senators Mansfield and Metcalf said the announcement by the Nixon Administration that the Regional Forest Service Office at Missoula will be transferred to Denver "is "another example of this Administration's distorted view of our natural resource priorities."

"This is not an economy move, but rather a stupid, shortsighted, ill-advised decision which will hinder the proper management of forest resources which are basic to the economy of Montana and the nation," the Montana Senators said in a statement from their Washington offices.

"President Nixon's budget ax has now fallen on an effective facility for the management of important timber resources."

"The personnel most familiar with forest management problems and programs and who have first-hand knowledge and experience will now be required to make decisions in an urban area far from the forest resource they must manage."

"The transfer of management from the immediate vicinity of programs and from the center of the resource will only result in misunderstanding and additional bureaucratic red-tape."

Another important factor, according to the Montana Senators, is that the citizens living in the Forest Service area will not be able to present their views effectively to the officials who will make the decisions.

"Instead, they will have to travel some 800 miles to Denver to present their views, which in our opinion is not in line with the Nixon Administration's policy directive that the government should be close to the people," the Senators said.

"Previous Administrations have considered the Forest Service facilities at Missoula as an outstanding example of how a Federal agency can work with the local citizens in the effort to establish sound management policies and practices.

"But this Administration doesn't want citizen participation in the decision-making process on managing the resources of our national forests.

"The Regional Office in Missoula, along with the fire control center, the forestry research center and the School of Forestry, University of Montana, are important groups attempting to solve many of the problems of forest management.

"This effective team must not be dismantled," the Senators said. "Instead, it would be economically sound to continue the various forest service and university facilities in the same community, and near the center of the resource that they must protect and manage for our benefit and for future generations.

"We will fight this move. We will not stand by and approve a closure decision made by a so-called management expert who doesn't know the difference between chip wood and a tree."

[News from U.S. Department of Agriculture]

FOREST SERVICE TO ADJUST REGIONAL STRUCTURE

WASHINGTON, April 24.—The Forest Service, U.S. Department of Agriculture, will adjust its regional organization to fit within the standard federal regional structure, Secretary of Agriculture Earl L. Butz announced today.

Secretary Butz said the change in organization will require phasing out of regional offices at Missoula, Mont.; Albuquerque, N.M.; and Ogden, Utah; and experiment station headquarters at Ogden, Utah, and Asheville, N.C. Although these five headquarters offices will be discontinued, other Forest Service offices presently at these locations will remain in operation.

Some 1,000 employees will be affected by phasing out of the five offices. Every effort will be made to provide employment opportunities for these people elsewhere in the Forest Service organization, Secretary Butz said. The schedule for making the organizational adjustments will be developed by the Forest Service, he reported.

Secretary Butz said these actions will enable the Forest Service to improve its efficiency and effectiveness in carrying out its resource management, research and state and private forestry programs. One result, he said, would be to make more funds and manpower available for on-the-ground activities in the 155 national forests which contain 187 million acres.

In addition, he said, greater efforts can be diverted directly to research by reduction of the two experiment station headquarters, and the Forest Service's ability to work with state and local governments will be improved through closer coordination with the federal regional councils.

The present Forest Service organization includes nine national forest system regional offices, eight experiment station headquarters offices and two state and private area offices. With the change, the system will be realigned into six regions, six experiment stations and two state and private forestry areas.

Full regional office status will continue at Atlanta, Ga.; Milwaukee, Wis.; Denver, Colo.; San Francisco, Calif.; Portland, Ore.; and Juneau, Alaska. Experiment station headquarters will be continued at Upper Darby, Pa.; St. Paul, Minn.; New Orleans, La.; Ft. Collins, Colo.; Berkeley, Calif.; and Portland, Ore. The Forest Products Laboratory at Madison, Wis., and the Institute of Tropical Forestry in Puerto Rico will be maintained. The state and private area offices will remain at Upper Darby and Atlanta.

Secretary Butz said most other regional structures in the federal government now conform to the standard federal region concept, as a result of the government-wide effort directed by the Office of Management and Budget. He said the effort is geared to simplify and improve the ability of the federal government to provide service through conformance to the standard region concept.

Another factor considered in the decision, he said, is the review being made by all federal agencies to determine where expenditures can be reduced. In addition to regional changes, he said, the Forest Service's review will lead to national forest and ranger district headquarters consolidations, as well as changes in the agency's headquarters office in Washington, D.C.



Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT OF EDUCATION AMENDMENTS OF 1972

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 393.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PELL, Mr. RANDOLPH, Mr. WILLIAMS, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. HATHAWAY, Mr. DOMINICK, Mr. JAVITS, Mr. SCHWEIKER, Mr. BEALL, and Mr. STAFFORD conferees on the part of the Senate.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains under the preceding orders?

The PRESIDING OFFICER. Seven minutes remain to the Senator from Oregon.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all time not consumed under the orders be utilized for a period for the transaction of routine morning business later today, to follow the various orders, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Michigan (Mr. GRIFFIN) was to be recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Illinois (Mr. PERCY) be substituted for the name of Mr. GRIFFIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. I thank the distinguished assistant majority leader.

## THE NECESSITY FOR AN IMPARTIAL INVESTIGATION OF THE WATERGATE MATTER

Mr. PERCY. Mr. President, the events of the last few weeks have shaken the confidence of the people of this country in the integrity of their Government. Charges of crimes, coverups, suitcases full of moneys, and corruption have been the daily fare day after day in our newspapers.

Mr. President, I have just returned from a brief visit to London and Paris, and I can certify that this matter has been one of the gravest concern to every American traveling abroad. I was approached by people who would recognize me on the street. One woman just grabbed my arm and said, "Is not this awful?" She did not even have to say what she was talking about. Someone else indicated to me that he had been a member of the Republican National Committee for many years and that everything he believed in and had worked for and hoped for with respect to our country had simply fallen apart in front of his very eyes.

The ability of this administration to govern is in jeopardy because the people, from whom we derive our powers, are beginning to believe that they no longer trust their representatives or the system itself. In the the truest sense of the word, this is a crisis.

In times like these, not only is it necessary to discover all of the facts, and see to it that justice is done, but it is also vital that there be an appearance of justice.

At the present, the investigation into the whole sordid series of events loosely referred to as the Watergate affair is being conducted by the Justice Department under the direction of Assistant Attorney General Henry E. Petersen. I am in no way impugning the integrity of this man. However, charges have been made concerning his stewardship in this matter,

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and as a result, there are already doubts in many people's minds whether even this investigation will bring out all the facts, even if Secretary Richardson takes over overall supervision. Whether or not this investigation does uncover all the facts, there will still be those who will remain skeptical.

I do not think that we can afford such a reaction, and yet we must anticipate it. The investigation of the entire Watergate scandal must be conducted by someone who is a person of great integrity and who is completely apolitical. There should be no possibility that this person could be influenced by political considerations either because of his personal or professional relations with anyone involved in Government or implicated in this matter.

For these reasons, I had intended to introduce today a Senate resolution saying that it is the sense of the Senate that the President should appoint a special prosecutor to conduct the investigation and prosecution of those who have perverted our electoral and judicial processes in the 1972 Presidential election campaign and the months thereafter. The resolution would have called upon the President to submit the name of his choice for this position to the Senate for approval. If the person that the President would select for the role of special prosecutor was the type of person who was envisioned by this resolution, I am certain that the Senate would have concurred in the President's choice without delay.

The American Bar Association's president, Robert Meserve, has indicated his support for a special prosecutor. The prestigious New York Bar Association has also gone on record as supporting such an appointment. There is precedent for such action. On February 1 and 2 of 1924, the Senate and House passed a joint resolution calling on President Coolidge to appoint a special counsel independent of the Department of Justice to investigate the scandals in the Harding administration, known generally under the heading of Teapot Dome. President Coolidge took the advice of the Congress and did appoint two men to handle the investigation. By June, all concerned in the oil lease scandals were under indictment. Mr. President, that type of quick action is what we now need.

The need for a special prosecutor has been recognized by the Christian Science Monitor, The New York Times, the Washington Post, and a host of other major newspapers which have led the way in bringing this matter to the attention of the American public.

I submit that with the latest developments of this morning, with major resignations of Attorney General Kleindienst, John Ehrlichman, H. R. Haldeman, and John Dean, the process of restoring public faith in the Government has begun. The President could continue this process by appointing a special prosecutor.

Secretary Rogers, in an appearance before the Foreign Relations Committee this morning, in a helpful and candid statement on this subject, indicated that delay as the thing he would be particularly concerned about in this matter.

I am not submitting the resolution today because of the dramatic announcements that have been made now by the White House. I applaud the President's decision appointing Mr. Elliot Richardson as Attorney General. I have been privileged to know Mr. Richardson for many years. I look upon him as a man of impeccable judgment and integrity, great courage, and deep conviction, and with considerable experience in government, both in his own State of Massachusetts as well as in the U.S. Government.

I think it unfortunate that we must borrow men who are already deeply involved in heavy and responsible work, such as Mr. Ruckelshaus in the EPA, and take him into the FBI, and to take Mr. Elliot Richardson, who has just assumed enormous responsibilites in the Department of Defense, into the Justice Department; but I think it shows the sense of urgency the President has placed on the matter. He is taking a man who without any question has the competency to do this job and who is highly regarded, I feel, on both sides of the aisle, by those who know him.

The question, however, is whether or not, in principle, we can just deal in personalities or whether or not we should deal in the principle of the matter as to whether or not the executive branch of the Government, certain officers of whom are being investigated now, should then be the same arm that carries on the prosecution. Obviously, if Mr. Peterson stays on as the Assistant Attorney General, he would be in overall charge of this case.

The President has made it very clear this morning that he is charging Mr. Elliot Richardson with full personal responsonsibility of carrying on an exhaustive investigation, but I still raise the question as to whether or not—so there can be no possible appearance of a conflict of interest or any appearance of any political influences—as to whether a man of impeccable integrity and judgment, apolitical, and not engaged in party politics in any real sense of the word or held public office, should not be the special prosecutor appointed in this case, as was done in 1924.

The Teapot Dome scandal, I think, is smaller in relative importance than this matter with which we are now confronted. With the dimensions of the events which have unfolded, I would anticipate that the whole story is not yet out and that the matter will become worse rather than better.

The prosecution of this case should be beyond any reproach. I am not in any way imputing that Mr. Richardson would not be one of the most qualified persons that I could think of to fill this post. He would be an excellent choice. However, in this case I still hold the conviction and, after checking with some of my highly respected colleagues in the Senate since the President's dramatic decisions to make personnel changes, I feel in principle that this matter could best be handled by a special prosecutor. However, I reserved judgment on this matter until after I have heard the President this evening.

I do not know what the President will say. However, I have the strong conviction that the President is taking this matter into his own hands at this time and has decided that a complete and honest disclosure is the only way to meet this crisis.

I would hope and, as I explained yesterday, pray that in every action the President takes the initiative. As I have stated, I really want to see the credibility of the President and the White House and the executive branch of the Government restored. We have an obligation and a responsibility to make such suggestions as we can. I have tried to do so in the last 6 or 7 months now. However, at this stage I feel it best to wait until after we have heard from the President. I look forward with great interest to the speech of the President and I commend the action that has been taken this morning. That action does not presume that criminal activity is involved. However, there must be action of this kind so that the processes of the Government can continue and so that we can restore credibility in Government as rapidly as possible.

It is perfectly apparent to all of us that there is a sense of urgency involved in the matter and that we must deal with this matter with the greatest dispatch and comprehensiveness.

I, therefore, will take no further action with respect to my resolution.

I appreciate the sponsorship that has been indicated from both sides of the aisle. However, I will not take any action until after the President has addressed the Nation tonight at 9 p.m.

## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield back the time allotted to me under the previous order.

## ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, there will now be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE MASSIVE 1973 FLOODS

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Mississippi (Mr. STENNIS), I ask unanimous consent that there be printed at this point in the RECORD a statement by the Senator from Mississippi (Mr. STENNIS) with respect to the recent floods in Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR JOHN C. STENNIS

Last Friday, I accompanied the President on an inspection from the air of the flooded areas of the State of Mississippi. The damage is awesome, and my heart is heavy for those many thousands of our people who have suffered such extreme hardships and disastrous economic losses.

As the rains continue and the waters reach high on our levees it is increasingly clear that flood protection for our Lower Mississippi River Valley must receive a higher national priority for work in the field of water resources.

This is the third great flood in fifty years. The flood of 1927 inundated 26,000 square miles in the Lower Mississippi Valley, displaced over 600,000 people, did damage which in terms of today's values would be over a billion dollars, and 214 people lost their lives. Since then some $1.7 billion dollars have been expended to help protect the area from such floods. Much has been done, but there is much left to be done.

Over the years, I have made a joint effort with the late Senator Ellender and Senator McClellan, as fellow members of the Senate Appropriations Committee, to increase the funds appropriated for necessary flood control work. From year to year we were frequently able to increase the amount of money provided by the budget. All too often, however, the additional amounts were frozen in budgetary reserve and not expended. It has taken much effort and many frustrations to get the project up to a consistent budget level of $110 million. This is not enough.

In the Yazoo Basin—our Mississippi Delta region—a total of $307 million worth of flood control work has been authorized by Congress in the Yazoo Basin. Funds totalling $165 million have been appropriated through the current fiscal year to carry out the work. This is not enough.

In the eastern part of our State, channel improvements for flood control along 22 miles of tributary streams of the Tombigbee River were authorized by the Congress. The total cost of the work is estimated to be $52 million. To date, $5.7 million have been made available for the work. This is not enough.

Today Damage Survey Teams from the Federal Office of Emergency Preparedness and State employees are in the field estimating the damage caused by the floods. In many cases the water will have to recede before meaningful estimates can be made. However, preliminary estimates of the Corps of Engineers indicate that at present 3,180,000 acres of land have been flooded in Mississippi, and damages to date are $92,800,000 in our State alone. Thousands of people have been driven from their homes. Prime croplands are saturated or completely under water. 37 of our counties have been declared a part of the flood disaster area.

I want to make the point very strongly that the levees, flood control dams on the tributary rivers, flood walls, and other completed works have all paid off. The projects of the Corps of Engineers have prevented $3.9 billion in damages in this one flood. The forethought shown in the planning of these projects over the years has been so effetcive that the Engineers are entitled to be commended very highly. The overall project for the Mississippi River and Tributaries is only about half completed, but its effectiveness has prevented what otherwise would have been an infinitely greated disaster throughout the central region of our nation.

I also want to compliment the Army Engineers for their work during the flood. They have led the emergency flood fight, and they have labored tirelessly. The people of the Valley are greatly indebted to the personnel of the Corps of Engineers, military and civilian, who have done such a fine job.

While the protection afforded by the flood control projects that have been completed to date has so far spared us the devastating losses and suffering of 1927 and 1937, still the damage is tremendous and we must do more to protect our people.

When the present flood has passed, we must look to the future. The existing flood control project authorizations in the Yazoo Basin must be reviewed to see what additional authorizations are appropriate, based on the new flood data. The review study of the Tombigbee River and its tributaries, which is now in progress, must be completed as soon as possible. The Administration must be convinced of the absolute necessity for increased appropriations for flood control.

The people of the Lower Mississippi Valley have learned again the power of a flood on the great Mississippi River pushing against the levees that line its banks and backing into the tributary streams to wreak havoc. We must press forward with determination for the completion of the flood control projects that can spare us from the great misfortune that so many of our citizens are undergoing today.



## EXTENSION OF TIME LIMITATION ON STATEMENTS DURING MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time limitation on statements during morning business today be limited to 5 minutes instead of the usual 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AN ILLEGAL USE OF FUNDS: THE NIXON ADMINISTRATION'S BATTLE OF THE BUDGET PROPAGANDA KIT

Mr. HUMPHREY. Mr. President, on April 17, I brought the attention of the Senate to a massive propaganda attempt by the White House to discredit the Congress. The White House has issued orders to the public information officers in the various agencies to prepare speeches, statements, and radio messages with slanted, half-truth anti-Congress material on Federal spending for the use of political appointees in a systematic attempt to undermine respect for the Congress as a political institution.

Mr. President, I consider this "Selling of the Budget 1973" to be an illegal use of the taxpayers' money. It is my judgment that it violates numerous Federal statutes, including section 1913 of title 18 of the United States Code, and title VI, section 608(a) of the Treasury, Postal Service, and General Government Appropriations Act, 1973.

Since my first statement on this matter, other developments have come to light.

Washington Post Reporter Mike Causey, on April 25, 1973, published an article in which he noted that the National Institutes of Health public information officers have been issued orders to write "speeches blasting the big spenders in Congress." Causey notes that:

Writers at NIH report that several editorial offerings have been rejected by HEW officials who gave them a tongue lashing because the material contained "too much information" and not enough pro-Administration or anti-Congressional material.

These are quotations from the article to which I have referred.

Mr. President, I am appalled at this conscious effort to feed the public half-truths, insinuations, and innuendo. I demand that it cease immediately, and I further demand that those responsible be required to account for these illegal activities.

In addition, Mr. President, Public Citizen, Inc., a public interest law group, has filed a civil suit in the U.S. district court seeking to stop the administration's usage of this battle of the budget propaganda kit.

The suit specifically asks that the court enjoin the responsible administration officials from "continuing to engage in actions designed to influence the passage of legislation pending before Congress," and direct the responsible officials to "revoke any and all suggestions, guidelines, and instructions issued by them in that attempt to influence the passage of legislation."

Finally, Mr. President, on April 17, I asked the American Law Division of the Library of Congress to prepare a memorandum for me concerning the lobbying efforts financed by Federal appropriated funds. The memorandum notes that:

Since the (battle of budget kit) enumerates or mentions specific pieces of legislation and urges certain Government employees to give speeches to the general public incorporating phrases of the speeches suggests in the (kit) to urge taxpayers to "write their Congressmen to tell them where you stand," then by statute, this matter would be intended or designed to influence Members of Congress to favor or oppose legislation.

Clearly illegal under terms of section 1913 and section 608(a) of the relevant law.

Mr. President, here is another illegal action: the misuse of appropriated funds in open violation of Federal statutes. The time to stop this nonsense is now, and those responsible should be held accountable.

I have asked the Comptroller General to report to the Congress on the source of the funds used to prepare this battle of the budget book and whether or not the preparation of this kit is in his opinion, a violation of law. I would hope that the administration would cooperate fully with the Comptroller General.

Mr. President, I ask unanimous consent that the article written by Mike Causey, "NIH Peddling Anti-Congress Editorials," a copy of the suit papers filed by Public Citizen, Inc., and the memorandum prepared for me by the American Law Division of the Library of Congress and further articles written by Mike Causey be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 25, 1973]

NIH PEDDLING ANTI-CONGRESS EDITORIALS

(By Mike Causey)

In a new move in the White House's battle against congressional budget-busters, the Administration has ordered federal workers

to crank out weekly "canned" editorials which it hopes to peddle to newspapers and magazines.

Federal workers have already been ordered to write—and officials to give—speeches blasting big spenders in Congress. Now, the National Institutes of Health, a major unit of HEW, has told publicists to supply 800-word editorials explaining the Administration's controversial health spending priorities. It hopes the articles will be picked up by publications such as the Reader's Digest, and small-town newspapers hungry for news "features."

Public information officers at NIH got their production quotas several weeks ago from Storm Whaley, a political appointee who is associate director for communications. At the session, Whaley told dozens of NIH writers and aides to come up with an editorial a week on selected health subjects.

Employees were told that the editorials were to be used, in some cases, as feature stories which would carry the byline of HEW Secretary Caspar W. Weinberger, or other top officials. They were told to write the editorials in such a way as to make them usable for speeches, magazine features or editorials for small town newspapers which frequently use so-called canned or mass-produced editorials.

Several workers—fearing they might be caught up in a fight between the White House and Congress—asked that the editorial directive be put in writing. They were told that verbal authorization is all that was necessary. NIH earlier warned employees to preclear talks with Congressmen, reminding workers they could be disciplined for violating the anti-lobbying law.

Whaley told this column that the editorials are not intended to be political but rather "to describe some of the activities we are interested in." He said they are to be "sort of a modified press release of about 800 words." Topics assigned so far include glaucoma, arthritis, the atomic heart pacemaker, and venereal disease. Despite the rather grim titles, employees say they've been told to include digs against the Congress for "wasteful" spending plans that would duplicate and confuse present government research.

Writers at NIH report that several editorial offerings have been rejected by HEW officials, who gave them a tongue-lashing because the material contained "too much information" and not enough pro-Administration, or anti-Congressional material.

Some employees feel the editorial quota is part of the White House program called "Battle of The Budget—1973." Details of that push were first outlined here April 4.

The battle of the budget document, in looseleaf notebook form, went to information chiefs at all federal agencies. It directs them to enter the crowd war against the "Far Out Fifteen," legislative programs which Mr. Nixon opposes. The document tells speech and press release writers how to attack "big spenders" in Congress, and advises them to lace speeches with "one liner" anti Congress jokes, and to warn the taxpayers of a 15 per cent income tax boost, if Congressional big-spenders have their way. As also reported here, a number of agencies have been assigned speech making quotas, under which officials are to seek out, and speak before, influential groups on the Battle of the Budget.

While the canned editorials do qualify as legitimate public information, they also could be viewed as lobbying in view of the battle between Congress and the White House over health fund priorities. Using the government's information facilities to write distribute and locate major media markets for the editorials would give the Administration a public relations head start the Congress couldn't match.

THE LIBRARY OF CONGRESS,
*Washington, D.C., April 19, 1973.*

To: Hon. HUBERT H. HUMPHREY.
Attention: Mr. Healy.
From: American Law Division.
Subject: Lobbying Efforts Financed by Federally Appropriated Funds.

This is in response to your inquiry of April 17, 1973, concerning lobbying efforts financed by funds appropriated by Congress.

Title 18 of the United States Code, Section 1913, prohibits lobbying with funds appropriated by any enactment of Congress. The original act was Title 18 U.S.C. 201, enacted July 11, 1919. The present wording of the statute was enacted on June 25, 1948. The wording of the statute is as follows:

"§ 1913. Lobbying with appropriated moneys.

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment. (June 25, 1948, ch. 645, 62 Stat. 792.)"

The terms "department" and "agency" used in § 1913 are defined in Section 6 of Title 18:

"§ 6. Department and agency defined.

"As used in this title:

"The term 'department' means one of the executive departments enumerated in section 1 of Title 5, unless the context shows that such term was intended to describe the executive, legislative, or judicial branches of the government.

"The term 'agency' includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense. (June 25, 1948, ch. 645, 62 Stat. 685.)"

A survey of Federal cases which cite either Section 1913 of Title 18, U.S.C., or Section 201 of Title 18, U.S.C. prior to 1948, reveals that this statute has been used very little. In 1952, in the United States District Court for the Southern District of New York, Section 1913 was cited on a matter not particularly germane to the issue at hand. (*Angilly v. United States*, 105 F. Supp. 257, cited § 1913 in support of the constitutionality, with respect to due process of law, of the dismissal of a government employee for conduct which constitutes a crime.) In addition to the case mentioned above, it was recently reported in Law Week of April 10, 1973, 41 LW 1155, that in a case in the United States District Court for the District of Columbia, certain organizations "dust off an obscure federal criminal statute to challenge . . ." the use of federally appropriated funds to finance a lobbying effort. In that case, *National Ass'n for Community Development* v. *Hodgson*, (USDC Dist. Col., 3-30-73), the court held that plaintiffs, a public interest organization, have standing and could instigate a civil suit based on the criminal statute in Title 18 U.S.C. 1913, and that the jurisdictional amount has been met. The court's explanation of the apparent legislative intent of § 1913 was reported to be:

". . . to prevent corruption of the legislative processes by government financial support of a lobbying organization. Prohibiting federal funds to be used for lobbying precludes any possibility of a privately financed 'voice of the people' being drowned out by a publicly funded special interest group (41 LW 2537)."

Although the alleged expenditure and use of appropriated funds for the lobbying effort involved in relation to the "kit" in question was not directed from, or to, a "lobbying organization" or a "publicly funded special interest group" as such, it could be argued that the legislative intent of § 1913 was in fact intended to cover such a situation as presented here. This may be inferred from the language of the statute itself which provides for the penalty of fines, imprisonment, and removal from office or employment of "an officer or employee of the United States or any department or agency thereof" who violates or attempts to violate this section. From this, it may be argued that the statute applies not only to lobbying by an "organization" or "special interest group," but even more specifically, it applies to an individual or a group of government employees who use appropriated funds to lobby or assist in lobbying for or against legislation.

The initial consideration which should be raised in applying § 1913 to this particular situation would be a determination of what funds were used to finance the production of these kits. The statute prohibits the use of any "money appropriated by any enactment of Congress," and so the funds used must fit within this framework to encounter the statutory prohibition.

Secondly, it must be determined whether this "printed or written matter" was "intended or designed to influence in any manner a Member of Congress, to favor or oppose . . . any legislation or appropriation." It may be argued in this sense that since the memorandum in question enumerates or mentions specific pieces of legislation and urges certain government employees to give speeches to the general public incorporating phrases or speeches suggested in the memorandum to urge taxpayers "to write their Congressmen to tell them where you stand," (*N.Y. Times*, Monday, April 4, 1973, p. 30), then by the statute, this matter would be intended or designed to influence Members of Congress to favor or oppose any legislation. It may further be argued that the "message" communicated to Congress by means of this "kit" is neither "on the request of any Member of Congress" nor "through the proper official channels."

In addition to the criminal statute of Title 18 of the U.S.C., a further prohibition on the use of appropriated money for publicity or propaganda purposes is provided in Title VI, Section 608(a) of Public Law 92-351, known as the "Treasury, Postal Service, and General Government Appropriation Act, 1973." This section provides:

"Sec. 608(a) No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress."

The practical considerations raised in reference to the criminal statute of Title 18 U.S.C. § 1913, must again be raised to apply this present situation to the prohibition expressed in P.L. 92-351. The source of the funds used to publish, compile or produce the "kit" in question must be established to determine whether they are "part of any appropriation contained in this or any other Act." It may be argued, as in the case of the criminal statute, that by the instructions and suggestions on the face of the memorandum or "kit" in question, and from any additional instructions that accompanies such kit, that the purpose of the kit was to generate "publicity or propaganda . . . designed to support or defeat legislation pending before Congress." This section may have a more narrow application than the criminal statute of Title 18, as section 608(a) discusses the support or defeat of "legislation pending before Congress," while 18 U.S.C. § 1913 discusses "any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation." Further, the criminal statute prohibits the use of such appropriated funds directly or indirectly to pay for matters which would influence Congressmen, while Sec. 608(a) of the the appropriation act does not mention indirect use of appropriated funds. In either case, however, the argument could be advanced that the salaries of the government employees who compiled such a kit were from appropriations made by Congress and thus such funds were expended for publicity or propaganda, evidenced by the material contained in the "kit."

JACK MASKELL,
*Legislative Attorney.*



[U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA]

PUBLIC CITIZEN, INC., PLAINTIFF, v. KEN W. CLAWSON, DEPUTY DIRECTOR OF COMMUNICATIONS FOR THE EXECUTIVE BRANCH, DEFENDANT

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action which seeks to enjoin defendant, who is the Deputy Director of Communications for the Executive Branch, from continuing to carry out at public expense a massive publicity campaign designed to influence the passage of certain legislation pending before the Congress, which campaign significantly exceeds in scope and purpose customary and lawful communications by members of the Executive Branch to the Congress and the public concerning pending legislation.

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1361.

3. The value of the amount in controversy exceeds $10,000.

4. The plaintiff Public Citizen, Inc. is a taxpaying non-profit organization whose activities include efforts to insure that government officials carry out their duties according to law and that the laws, as written by the Congress, are enforced when government officials are unwilling or unable to do so. In the slightly more than eighteen months since it began to seek public contributions, Public Citizen has received contributions from approximately 100,000 individuals who support its objectives. Most of such persons are taxpayers, and among them are many persons who will be benefited by certain legislation pending before the Congress which defendant is illegally lobbying to defeat. In addition to its own organizational interests, Public Citizen sues on behalf of all of the aforementioned persons in this action.

5. Article 1, Section 9, Clause 7 of the United States Constitution provides in pertinent part that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by law; * * *"

6. Section 628 of Title 31, United States Code provides: "Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

7. Section 1913 of Title 18, United States Code provides, in pertinent part, that "[n]o part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any matter a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation * * *"

8. Section 608(a) of the Treasury, Postal Service, and General Government Appropriation Act, 1973, P.L. 92-351, 1972 U.S.C. Cong. & Adm. News 556, 570 which includes an appropriation of funds for the White House Office, provides that "[n]o part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress."

9. Beginning at a time unknown to plaintiff and continuing until the present time, defendant and persons under his supervision and control have orchestrated a massive publicity and propaganda campaign designed to effect the defeat of approximately fifteen bills pending before the Congress which the President opposes for budgetary reasons, and to support various proposals for legislation contained in the President's budget for fiscal year 1974. In connection with this campaign, defendant and said persons have:

(a) prepared and disseminated to various officers and employees of the Executive Branch a document entitled "The Battle of the Budget, 1973," a copy of which is filed herewith, and other written and oral communications contained suggestions, guidelines, and instructions regarding the distribution by said officers and employees of speeches, editorials, articles, and other materials designed to influence the passage of said legislation;

(b) distributed to the media for publication written and oral communications designed to influence the passage of said legislation;

(c) prepared and disseminated to various officers and employees of the Executive Branch suggestions, guidelines, and instructions regarding the scheduling by said officers and employees of speaking appearances throughout the country to present addresses designed to influence the passage of said legislation;

(d) engaged in other activities presently unknown to plaintiffs, designed to influence the passage of said legislation.

10. As a result of the foregoing actions of defendant, various officers and employees of the Executive Branch have delivered speeches containing passages which were taken directly from the materials supplied by defendant and which were designed to influence the passage of said legislation.

11. Congress has made no appropriation of funds for the purposes of financing the actions complained of in paragrapha 9 and 10.

12. The actions of defendant and others complained of in paragraphs 9 and 10 are unlawful, in that:

(a) the expenditure of public monies for purposes for which no appropriations has been made violates Article 1, Section 9, Clause 7 of the United States Constitution and Section 628 of Title 31 of the United States Code;

(b) expenditures of other appropriated monies for such purposes constitutes the use, without express authorization by Congress, of appropriated funds to pay directly or indirectly for personal services, printed or written matter, or other devices intended or designed to influence in some manner Members of Congress to favor or oppose, by vote or otherwise, legislation before them, thus violating the specific prohibition of Section 1913 of Title 18 of the United States Code; and

(c) the expenditure of other appropriated monies for such purposes constitutes the use of appropriated funds for publicity or propaganda purposes designed to support or defeat legislation pending before Congress, thus violating Section 608(a) of the Treasury, Postal Service, and General Government Appropriation Act, 1973, P.L. 92-351, 1972 Cong. & Adm. News 556, 570.

13. As taxpayers, plaintiff and the persons on whose behalf it brings this action have been and will continue to be harmed by defendant's actions in unlawfully diverting tax monies.

14. As potential beneficiaries of some of the approximately fifteen bills against which the actions complained of in paragarphs 9 and 10 are directed, plaintiff and the persons on whose behalf it is bringing this action have been and will continue to be harmed by said actions, which make passage of said bills less likely.

15. As citizens, plaintiff and the persons on whose behalf it is bringing this action have been and will be harmed by the continued abuse of the legislative process that occurs when public monies are used to lobby for or against the passage of legislation pending before Congress in the manner described in paragraphs 9 and 10 hereof.

16. The harms to plaintiff and the persons in whose behalf it is bringing this action, which harms are described in paragraphs 13, 14, and 15 hereof, are irreparable since it is extremely difficult to determine the cost to the taxpayers of the expenses resulting from defendant's actions, since it is virtually impossible to counteract the effects of publicity and propaganda once it has been disseminated, and since the abuse of the legislative process can never be adequately corrected by remedial action.

17. Defendant will continue to engage in the unlawful actions complained of in paragraphs 9 and 10 unless this Court enjoins him from doing so.

WHEREFORE plaintiff prays for:

(1) an order preliminarily enjoining defendant and persons under his supervision and control and others acting in concert with them from continuing to engage in the actions complained of in paragraph 9 or any other actions designed to influence the passage of legislation pending before the Congress, and requiring defendant, pending the final outcome of this action, to recall and refrain from distributing or disclosing all existing copies of the document entitled "The Battle of the Budget, 1973;" and

(2) a final order:

(a) declaring unlawful the actions of defendant and persons under his supervision and control complained of in paragraphs 9 and 10;

(b) permanently enjoining defendant and said persons and others acting in concert with them from engaging in the actions complained of in paragraphs 9 and 10 or any other actions designed to influence the passage of legislation pending before Congress.

(c) directing defendant and said persons to revoke any and all suggestions, guidelines, and instructions, written or oral, issued by them and designed to cause officers and employees of the Executive Branch to engage in activities designed to bring about the passage or defeat of legislation pending before the Congress;

(d) directing defendant to notify such of-

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ficers and employees in writing that such suggestions, guidelines, and instructions have been revoked pursuant to order of the Court, and to advise such officers and employees in said notification that the continued adherence to suggestions, guidelines, or instructions involving the expenditure of public monies to attempt to bring about the passage or defeat of legislation pending before Congress is unlawful;

(e) awarding plaintiff its costs and disbursements in this action; and

(f) granting such other and further relief as the Court may deem necessary or appropriate.

Dated Washington, D.C., April 20, 1973.

W. THOMAS JACKS.
ALAN B. MORRISON.

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U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

PUBLIC CITIZEN, INC., PLAINTIFF, v. KEN W. CLAWSON, DEPUTY DIRECTOR OF COMMUNICATIONS FOR THE EXECUTIVE BRANCH, DEFENDANT

AFFIDAVIT OF ALAN B. MORRISON, ESQUIRE

Washington, District of Columbia, ss.

Alan B. Morrison, being duly sworn, deposes and says:

1. I am Director of Litigation for plaintiff Public Citizen, Inc., and an attorney for plaintiff in this case. I am familiar with the background of the suit and the facts on which plaintiff's claim is based.

2. Upon reading the newspaper reports which are attached as Exhibits A, B, and C hereto, my associate, W. Thomas Jacks and I undertook to investigate the facts reported therein.

3. In connection with that investigation, I spoke to David Broder and Mike Causey, who are writers for The Washington Post and who are the authors of the newspaper articles mentioned in paragraph 2 above, about the possibility of their executing affidavits attesting to the truth of the matters reported by them. Both declined to do so because they feared that their involvement in this action to that extent would subject them to questions concerning the identity of their sources of information which they would feel obligated not to answer, thus exposing them to the possibility of fine or imprisonment. Neither suggested any reason for declining to execute an affidavit other than the one just mentioned.

4. Other news stories have been published concerning the subject matter of this dispute; they are attached as Exhibits D and E hereto.

5. To the best of my knowledge information, and belief, there have been no denials of the substance of these articles or that defendant was responsible for the publicity campaign described in them and in the complaint.

6. On the basis of the investigation conducted by Mr. Jacks and me, it is my belief that the matters alleged in the complaint are true.

7. Plaintiff desires to move for a preliminary injunction at the earliest practicable date in order to bring the unlawful acts alleged in the complaint to a halt. It is my opinion that the evidence which plaintiff now possesses, which consist of the accompanying Exhibits A-E, the absence of any denials thereto, and the collection of documents entitled "The Battle of the Budget, 1973," which was filed with the complaint, may not be sufficient to support the factual findings which a court is required to make under Rule 52(a) of the Federal Rules of Civil Procedure in order to grant a preliminary injunction. The factual information to support such findings is in the possession of the defendant, and our investigation has determined that defendant will not make such information available except under compulsory process, such as is available under Rules 30 and 36. It is for this reason that plaintiff is moving for an order permitting defendant's deposition to be taken on May 2, 1973 or in the alternative, shortening the time for defendant to reply to plaintiff's requests for admission.

ALAN B. MORRISON.

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[EXHIBIT A]

[From the Washington Post, Wednesday, Apr. 4, 1973]

PR MEN GIRD FOR "BATTLE OF BUDGET"

(By Mike Causey)

The Nixon administration is mobilizing the bureaucracy's extensive, and expensive, public relations apparatus for an attack on the "spendthrift" Democratic-controlled Congress.

To make sure voters get the same message, federal writers have been given a detailed set of guidelines by the White House, telling them where, when and how to warn taxpayers of the dangers to their pocketbooks if Congress tampers with the President's budget.

The guidelines, obtained by this column, tell government specialists how to write speeches warning of tax increases, and give lists of 15 federal programs to be hit, anti-Congressional "one liners" to be used by officials on the banquet circuit, and examples of "horror stories" to be used in spotlighting federal programs Mr. Nixon wants to end.

The idea is to rally public pressure against Congress not to tamper with the budget. The approach is not new. It was used by the Kennedy administration to push antipoverty programs and civil rights, and by the Johnson administration to build support for our presence in Vietnam. But the scope of the latest operation, and its tight control from the White House, may be unprecedented, and is definitely attack-oriented.

Kits, called "The Battle of the Budget, 1973," were distributed yesterday morning to top agency officials and public relations aides. The kit includes detailed instructions as to how future government press releases, and speeches, are to be written, listing:

"Major Themes."

"Key Facts."

"Sample Speech Material. One-Liners, Sample Speech," and "Anecdotes" that lampoon unsuccessful federal programs, members of Congress and anti-administration newspapers.

Examples of how "Horror Stories Might Be Used" in speech material and "canned" editorials written for newspapers and television stations include the following:

"Each day the Congress persists in its efforts to foist on the American public a gaggle of runaway spending schemes . . . and boondoggling programs which fuel inflation and threaten higher taxes.

"The pat response by the President's critics is that the President is hurting the poor, not responding to the people and has his priorities mixed up."

It then lists the programs Mr. Nixon has "targeted for cutbacks," and the "horror stories" to be used to illustrate they have been a waste of time and taxpayers' money. They include the Concentrated Employment Program in East Harlem that had "the commendable goal of 1,400 enrollees" in a job training, placement system.

"Only 616 persons were actually enrolled," the guideline sheet says, "while 170 of those dropped out. Instead of the hoped-for job placements of 920, the magic figure for the number of persons placed in jobs was 6. That is to say, thousands of dollars were spent for a program whose final results were a one out of 100 ratio of job placement."

In a section called "Support for the President's Stand," speech-writers are told to draw on Mr. Nixon's earlier antispending statements—which are attached—and to use this followup:

"As President Nixon has said, 'The way to hold the line on taxes is to hold the line on federal spending'." The suggested followup in a speech is "It is as simple as that."

The speech-writers are then given this suggestion for phrases their bosses must use in upcoming speech-making tours. They should tell taxpayer groups:

"But holding that line means doing away with some of the favorite sacred cows that the Congress has funded and refunded again and again for decades." The sample speech continues:

"As far as the public is concerned, these sacred cows stopped giving milk years ago. But each special program has a small but determined band of special beneficiaries—people who have been receiving something for nothing; people who have been getting a free ride at the taxpayers' expense. These free loaders are not going to be evicted without a fight."

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[EXHIBIT B]

[From the Washington Post, Apr. 6, 1973]

ADMINISTRATION SUPPLIES ONE-LINERS

(By Mike Causey)

The White House has ordered government officials making the rubber chicken banquet circuit to spice their talks to citizens groups with bright but deadly quips lampooning congressmen who disagree with Mr. Nixon's spending priorities. The idea is to scare them off or send them into enforced retirement next November.

The how-to-make-speeches kit, first revealed here April 4, is a detailed guide as to which spending programs the administration opposes, and ways to hit "spendthrift" congressmen and make them look silly and fiscal dangerous to the voters.

One section of the closely held guidebook, called "The Battle of the Budget, 1973," includes "one-liners, sample speeches and anecdotes" with specific directions as to how to employ "Epithets for Congress." Examples of items to be used in speeches include:

"The buck-passing Congress . . . the 15 per cent Congress (forcing a tax increase of that much) . . . the credit-card Congress . . . the maverick Congress (ignoring the will of the people)."

Officials looking for an ice-breaker in speech material are told to say: "This may look like a Santa Claus Congress—but it's got a bagful of bad news for the taxpayer."

When defending Mr. Nixon for refusing to spend program funds voted by Congress, officials are to say: "Just because the Congress passes the buck doesn't mean the President has to spend it." Other one-liners:

"When Congress can't add, Senator Scott (the Republican leader) has said the President must subtract. Otherwise the budget will keep on multiplying and the taxpayer's dollar will keep on dividing."

Mandatory use of White House-approved phrases in talks and press releases indicates the administration has declared all-out war on congressmen who back programs the President doesn't, and that the bureaucracy's unmatched communications resources will be used to beat Congress over the head. Caught in the middle will be career federal workers who must one day poke fun at a congressman before his constituents, then go up to Capitol Hill and ask the same congressman for money.

"When one man helps himself to another man's bank account," the speechwriters guide says, "that's called embezzlement. But when a big-spending congressman helps himself to the taxpayer's income with higher prices and taxes, then it's called 'compassion.'"

With an eye to the 1974 congressional elections, federal officials are told to remind voters—and worried congressmen—of Mr. Nixon's huge victory at the polls. They will



do this using item No. 9 in the "budget one-liners" section. It goes:

"The issue of 'no taxation without representation' was settled in this country two hundred years ago—and it still holds today. No member of Congress who read the election results last fall and the opinion polls this winter can claim he is representing the people if he forces a tax increase down their throats this spring."

Homing in on spending opposed by the administration, the government spokesman is to ask audiences: "Does the Congress really want programs of compassion for the poor, or does it just want to indulge its passion for poor programs?"

The speech-guidelines kit lists "The Far-Out Fifteen," which it describes as a "$9 billion herd of Trojan horses that are thundering our way from out of the Congress, brightly painted and outfitted with very attractive accessories . . ." These are bills, it is explained, that are being touted by Democrats as save-the-people legislation which, the Republicans say, would do little but raise taxes by 15 per cent. Examples of the "Far Out Fifteen" include airport building, anti-hijacking legislation, the Economic Development Administration, the older Americans legislation and flood control bills.

On flood control, for example, the guidebook explains what it would mean, and how federal officials by word and press release, are to kill it in this "speech insert."

"If anything warms congressional hearts more than fund-raising dinners, it is dams. Big dams, little dams, earth dams, concrete dams—they all mean flood control, recreation, conservation reclamation. And more than that, they mean vote-getting pork from the federal barrel."

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[EXHIBIT C]

[From the Washington Post, Apr. 6, 1973]

WHITE HOUSE GIRDS FOR BUDGET BATTLE

(By David S. Broder)

Last Wednesday afternoon, the weekly meeting of the departmental information officers of the Nixon administration was shifted from its regular location in the Executive Office Building to the Theodore Roosevelt Room of the White House.

The occasion was something of a celebration. Ken W. Clawson, the deputy director of communications for the executive branch and organizer of the session, passed out cufflinks with the presidential seal to everyone present.

Such mementoes have been traditional at the White House for years, celebrating the end of wars, the resolution of missile crises, or the passage of major pieces of legislation.

As far as anyone could remember, however, this was the first time that the agency publicity men, the top echelon of the army of government flacks, were so well rewarded for their part in sustaining a presidential veto.

"One down," said Clawson, referring to the previous day's Senate vote upholding Mr. Nixon's veto of the vocational rehabilitation act. "One down and 14 to go."

Facing at least 15 possible veto showdowns with Congress, the White House has mobilized all the resources of the executive branch for the 1973 battle of the budget. In this struggle, mobilizing public opinion on the President's side of the debate is regarded as one of the most vital battlegrounds.

Mr. Nixon's men are organizing it with the same thoroughness—and many of the same techniques—they used in the last election campaign. In time, the "selling of the budget" may make as striking a chapter in the public relations textbooks as "the selling of the President."

Clawson, a former Washington Post reporter who is expected to succeed the departing Herbert G. Klein as the administration's information director, is the coordinator of the budget campaign.

As in the last campaign, Mr. Nixon himself is being used sparingly for crucial roles in the publicity drive. The President provides the basic themes and the overall message and delivers—in occasional radio and television talks to the public and in messages to Congress—the key statements in the budget battle.

But the day-to-day work of keeping the message before the public is being done by Cabinet officers and agency heads, just as those men or their predecessors served as "surrogate candidates" for the President last fall.

Clawson, who coordinated the "surrogates" in the 1972 campaign, is marshaling them with similar efficiency and an eye for detail in this new campaign.

In an interview last week, he insisted that each Cabinet member is setting his own speech schedule and picking his own topics, with the White House merely offering background material on budget issues and providing sugestions on ways to reach as wide an audience as possible in the city he chooses to visit.

But participants in Clawson's weekly meetings depict the White House role as central in the whole publicity drive.

Weeks ago, they say, Clawson announced to the agency information chiefs that the President wanted his hold-the-line budget drive given top priority in every possible forum. Applying this doctrine, Clawson ordered a quota of one "economy" speech per week for every presidential appointee in the department or agency.

Last week, the quota was tripled, with the flacks told they would be responsible for producing three appearances a week by each political appointee.

Target areas were identified—mainly small to medium-sized cities with conservative Democratic or liberal Republican congressmen. Agency public relations men were told to coordinate their principals' speaking plans with John Guthrie, an aide to presidential assistant H. R. (Bob) Haldeman, in order to avoid overlapping appearances and to assure maximum coverage.

In recent weeks, Clawson has added other assignments to the expanding drive:

Each department or agency was told to deliver two signed editorial page-style commentaries on the budget battle by its officials,, which Clawson is atempting to place in newspapers around the country.

Each agency publicity man was directed to produce several ideas on budget stories for trade and business publications.

Each department with a radio facility was told to produce recorded budget messages for radio stations to tape for their own use.

A list of radio talk shows across the country was distributed and the publicity men were urged to line up interviews for their bosses—via long-distance.

The White House is also playing a leading role in shaping the contents of the message. In addition to distributing the President's own economy statements and legislative veto messages to a list of some 1,500 editors, editorial writers and broadcasting executives, Clawson's office prepared a bulky "battle of the budget" kit as a guide to agency speechwriters.

A copy of the document, obtained by (Washington Post reporter Mike Causey, lists "horror stories" and "program failures" that can be used to justify presidential budget cuts; letters to the White House; editorials and polls supporting Mr. Nixon's stand; and "one-liners" and anecdotes directed against the congressional "budget-busters."

Material from the White House speech kit has been turning up regularly in the texts of Secretary of Commerce Frederick B. Dent, Secretary of Housing and Urban Development James T. Lynn and others. For example, when presidential counselor Anne Armstrong told a San Antonio audience that "holding the line means putting some sacred cows out to pasture," she was quoting a Clawson one-liner.

When Dent told the Wholesale Grocers Association about the anti-poverty agency's employment program in East Harlem, he was citing one of the Clawson-certified "horror stories."

When Lynn told audiences in Washington, Indianapolis, Charleston, W. Va., Richmond, and Anderson, S.C., that the alternative to budget-cutting would be a 15 per cent tax raise, he was parroting one of Clawson's recommended "major themes."

The White House has also encouraged the advertising of similar themes by private-citizen allies of the President. Last Tuesday, The Washington Post carried the first full-page ad in a planned national campaign by a newly formed group called Citizens for Control of Federal Spending.

The chairman of the organization is David Packard, former deputy Secretary of Defense and head of the 1972 Nixon campaign in California. Its "legislative consultant" is Bryce N. Harlow, counselor to the President in the first Nixon administration and formerly top White House lobbyist. The list of other officers and members is studded with social friends of the President and former members of his administration.

The new organization has rented space on the same floor of a Washington office building with the local office of J. Walter Thompson, the advertising agency that contributed Haldeman and so many others to the White House staff, but its own agency is Wagner and Baroody, a firm whose principals have worked for Mr. Nixon and the Republican National Committee.

When H. Lee Choate, the retired Air Force officer who is listed as executive director of the Citizens for Control of Federal Spending, was asked if the group had any ties to the White House, he said, "No."

"They're aware of our existence, "because our three leaders (Packard and ex-Reps. John W. Byrnes of Wisconsin and James Roosevelt of California) visited the President and told him what they were prepared to do. He was very grateful and encouraged them to go on."

Clawson, denying any more role in the creation of the citizens committee than he acknowledged in the orchestration of the administration's own publicity campaign, expressed optimism about the way the battle of the budget is going.

"I think we're winning it in the country," he said, citing a series of public opinion surveys, including the latest Gallup Poll. That poll reports that by majorities ranging from 54 per cent to 65 per cent, voters believe that federal taxes are too high, that it is very important to balance the budget and that it is more important to hold down spending and taxes than to increase spending for social programs.

"We know the country is with us," Clawson said, "but the people who are hit by the budget cuts are the organized special interest groups—like the professional poverty workers—who are just lobbying the hell out of Capitol Hill."

"The question is whether congressmen will respond to their constituency back home or to the organized pressure groups," he said.

So far, the President is winning the battle both in the country and on Capitol Hill, where his first veto was sustained and the Senate has passed a spending ceiling even lower than the one Mr. Nixon recommended.

The way things are going, Clawson may have to request a supplemental appropriation for more presidential jewelry for his flacks.

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[EXHIBIT D]

[From the Washington Post, Apr. 19, 1973]

"FAR-OUT 15" SKIRMISH NOW A BATTLE

(By Mike Causey)

While the administration steps up attacks on congressional budget-busters using the bureaucracy as the battering ram—key Democrats are studying a little-used federal law that provides fines and jail terms for civil servants who get caught in the lobbying business.

Under orders from the White House, federal agencies have been told to whip up public opposition to the so-called Far Out Fifteen. They are legislative proposals Mr. Nixon says would ruin his budget and force unwanted tax increases. Many of the programs under attack are pet projects of powerful Senate and House Democrats eyeing the 1974 congressional elections.

The result of the executive vs. legislative branch brawl, now being fought with press releases and speeches, could be that some career civil servants will find themselves caught in a legal meat grinder that could cost them their jobs. It could also bottle up agency money packages in a revenue-seeking Congress.

The law in question, one of the most frequently bent on the books, is the anti-lobbying statute, known in the trade as U.S.C. 18, 645, 62 Stat. 792. It reads:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any matter a member of Congress to favor, or oppose, by vote or otherwise, any legislation or appropriation by Congress . . . but this shall not prevent officers or employees of the U.S. . . . on the request of any member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business."

Like most laws, the above can, and probably does, mean lots of things.

One reading would indicate that civil servants who get involved—as speech writers, secretaries or liaisons—in lobbying against a congressional project would be in violation of the law. If that is true, the law has been violated frequently by other administrations.

If, however, you take the approach that federal workers report directly to the President, it could be argued that they should do what he says, even if it means butting heads with Congress.

Some congressmen are considering a test of the law. The outcome could be a clear mandate for the President, any President, to use the bureaucracy as he sees fit, or to put it more directly under control of the Congress. Unfortunately for the "test case" federal workers caught in the middle, it could mean loss of a job, a $500 fine and a year's room and board at some federal penitentiary.

RIGHT TO STRIKE HEARINGS

The first ever on the controversial proposal to give postal employees the right-to-strike open today before Rep. Charles H. Wilson's (D-Calif.) Postal Facilities subcommittee. Postmaster General E. T. Klassen is leadoff witness.

In addition to the right to strike, postal unions are seeking the right to negotiate the union shop, which would require rank-and-file employees to join organizations, or at least pay dues to them.

Klassen has said before that he would not oppose the right to strike, provided postal unions stop asking Congress to legislate on their working conditions and instead stick to the bargaining table.

National Right to Work Committee, which opposes compulsory unionism, will also testify this week as will heads of major postal unions.

Music Soothe The Savage Scientists: Department of Transportation has installed piped-in music at its research facility next door to the CIA in McLean. Reaction to the music from workers is mixed. But in these times of belt-tightening at DOT, some wonder about the cost of the sound of music.

Job Hunters: The White House Fellows group is looking for a secretary, up to Grade 7. Call 382–4661 . . . National Capital Housing Authority wants an attorney (D.C. bar) with landlord-tenant experience. Call 382–8025.

Agency for International Development's Rosslyn office has openings for GS 7–9 and 11 contract specialists. Call 557–0187.

[EXHIBIT E]

[From the Washington Post, Apr. 11, 1973]

SPEECHES ATTACKING CONGRESS PROBED

(By Mike Causey)

Sen. Edmund Muskie (D-Maine) has asked the General Accounting Office to investigate the background and legality of speech writer guidelines sent federal agencies from the White House, telling when, where and how often to attack "spendthrift" members of Congress.

Muskie says the 200-plus page guidelines—first outlined here April 4—constitute a "major propaganda campaign" against the Congress He wants GAO to find out who wrote the guidelines, if they were prepared on government time and with federal facilities, and if they violate the 1913 law which bars civil servants from lobbying for or against programs before the Congress.

The Maine senator said the speech kits have been circulated to top press officials in every agency and tell government specialists "how to write speeches warning to tax increases and give lists of 15 federal programs to be attacked."

The speechwriters' guide also includes "horror stories" to be used in ridiculing the "far out 15" programs, contains a section of "epithets for Congressmen" who support the programs, and has a list of "one-liner" jokes to be used in speeches.

In his letter to Comptroller General Elmer B. Staats, Muskie included a copy of additional instructions being used by the Commerce Department. They order top officials to "immediately identify" two or more "major forums" between now and April 23 at which the anticongressional speeches may be made. The Commerce directive also tells district officials to "make arrangements to deliver such a speech yourself before a minimum of four additional groups during the same period as well as handling on your own any of the major forums for which a departmental spokesmen is not available.

Democrats are especially upset by the speechwriters' guide. Majority Whip Thomas P. O'Neill Jr., has called it a federally financed "administration attempt to malign Congress" and to use federal workers as "tin soldiers" to discredit Congress and "to push President Nixon's scheme for one-man rule.

Muskie has asked the GAO to find out, and give him a preliminary report by April 30 as to:

Who authorized production of the kits?

Who paid for them?

What is their distribution in federal agencies?

What instructions accompanied the kits?

Were federal funds used to finance "this propaganda campaign"?

Do speeches written and prepared according to guidelines in the kits violate the 1913 law which prohibits federal workers from legislative lobbying?

Last Sunday, Washington Post Staff Writer David S. Broder identified Ken W. Clawson, deputy director of communications for the executive branch as the White House official coordinating the campaign to defeat the "far out 15" legislative proposals.

The speech kits identify the next targets as flood-control legislation, the older Americans measure, an antihijacking bill, emergency farm loans, airport grant extension, among others. These programs, the speech kit fact sheet says, are expensive pie-in-the-sky political ploys of the Democrats whose only sure-fire guarantee is a 13 per cent tax hike for the American public.

Speechwriters and speechgivers have been told to use quotes from the President and his top aides, referring to the programs in such terms as ". . . a $9 billion herd of Trojan horses" thundering out of Congress and as "daggers" pointed at the taxpayer's pocketbook.

Federal employees drafted into the fight against Congress are warned that the programs have strong special interest backing, and have political sex appeal to individuals and communities.

Democrats who control Congress and are the main backers of the "far out 15" are furious over the attack plan which, while not umque to this administration, appears much more professional and hard-hitting than past attempts by the Kennedy and Johnson administrations to utilize the resources of the bureaucracy to win public backing for plans and programs.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States, received during the adjournment of the Senate, submitting sundry nominations, which were referred to the appropriate committees.

(The nominations are printed at the end of Senate proceedings.)

## HOUSE BILL REFERRED

The bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

## HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 109. Concurrent resolution providing for the printing of remarks of tribute to the late President of the United States, Lyndon Baines Johnson;

H. Con. Res. 126. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Year-Round Schools"; and

H. Con. Res. 156. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections, Federal and State Parole Systems," parts VII–A and VII–B, serial 15, 92d Congress.



## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills:

On April 19, 1973:

S. 1493. An act to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status.

On April 23, 1973:

S. 50. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON LOAN TO CORN POWER COOPERATIVE, HUMBOLDT, IOWA

A letter from the Administrator, Rural Electrification Administration, Rural Electrification Administration, reporting, pursuant to law, on the approval of a loan to Corn Belt Power Cooperative of Humboldt, Iowa (with an accompanying paper). Referred to the Committee on Appropriations.

REPORT ON CONSTRUCTION PROJECTS PROPOSED TO BE UNDERTAKEN BY THE ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on construction projects proposed to be undertaken by the Army National Guard (with an accompanying report). Referred to the Committee on Armed Services.

REPORT ON CONSTRUCTION PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on construction projects proposed to be undertaken for the Air National Guard (with an accompanying report). Referred to the Committee on Armed Services.

REPORT OF ACTUAL PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT PURPOSES

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended March 31, 1973. Referred to the Committee on Armed Services.

PROPOSED DONATION OF SURPLUS PROPERTY TO CORONADO, CALIF.

A letter from the Chief of Legislative Affairs, Department of the Navy, reporting, pursuant to law, on the proposed donation of certain surplus property to the city of Coronado, Calif. Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE NAVY

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subject of the Empire of Iran (with and accompanying paper). Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF CIVIL AERONAUTICS BOARD

A letter from the Chairman, Civil Aeronautics Board, transmitting, pursuant to law, a report of that Board, for the fiscal year 1972 (with an accompanying report). Referred to the Committee on Commmerce.

REPORT OF NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Vice President of Public and Government Affairs, National Railroad Passenger Corporation (Amtrak), transmitting, pursuant to law, a report of that Corporation, for the month of March, 1973 (with an accompanying report). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes (with accompanying papers). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE DISTRICT OF COLUMBIA GOVERNMENT

A letter from the Commissioner, the District of Columbia, transmitting a draft of proposed legislation to authorize certain programs and activities of the government of the District of Columbia, and for other purposes (with an accompanying paper). Referred to the Committee on the District of Columbia.

PROPOSED LEGISLATION FROM THE SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to be cited as the "Retirement Benefits Tax Act" (with accompanying papers). Referred to the Committee on Finance.

PROPOSED LEGISLATION FROM THE DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses (with an accompanying paper). Referred to the Committee on Finance.

PROPOSED LEGISLATION FROM DEPARTMENT OF STATE

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report entitled "U.S. Agreements With and Assistance to Free World Forces in Southeast Asia Show Need for Improved Reporting to the Congress" (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report entitled "Readiness of the Air Force in Europe" (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Enlisted Aide Program of the Military Services," Department of Defense, dated April 18, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Federal Deposit Insurance Corporation for the Year Ended June 30, 1972 Limited By Agency Restriction On Access to Bank Examination Records," dated April 23, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "For Safer Motor Vehicles—More Effective Efforts Needed to Insure Compliance With Federal Safety Standards," National Highway Traffic Safety Administration, Department of Transportation, dated April 24, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORTS OF SEVEN RIVER BASIN COMMISSIONS UNDER WATER RESOURCES PLANNING ACT OF 1965

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, reports on the seven River Basin Commissions established under the Water Resources Planning Act of 1965 (with accompanying reports). Referred to the Committee on Interior and Insular Affairs.

PROPOSED CONTRACT FOR A RESEARCH PROJECT ENTITLED "ADVANCED TECHNIQUES FOR RADON GAS REMOVAL"

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with Arthur D. Little, Inc., Cambridge, Mass., for a research project entitled "Advanced Techniques for Radon Gas Removal" (with accompanying papers). Refered to the Committee on Interior and Insular Affairs.

REPORT ON ACTIVITIES OF THE CHARLES R. ROBERTSON LIGNITE RESEARCH LABORATORY

A letter from the Acting Secretary of the Interior, reporting, pursuant to law, on the activities of, expenditures by, and donations to the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, N. Dak., for the calendar year 1972. Referred to the Committee on Interior and Insular Affairs.

BANKRUPTCY RULES AND OFFICIAL FORMS COVERING GENERAL BANKRUPTCY CASES

A letter from the Chief Justice of the United States, transmitting, pursuant to law, bankruptcy rules and official forms covering general bankruptcy cases (with accompanying papers). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM THE U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to authorize the position of crier-clerk within the judicial branch of the Government of the United States, and for other purposes (with an accompanying paper). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation



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to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office" (with an accompanying paper). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM THE ATTORNEY GENERAL

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners (with an accompanying paper). Referred to the Committee on the Judiciary.

REPORTS OF NATIONAL LABOR RELATIONS BOARD

A letter from the Chairman, National Labor Relations Board, transmitting, pursuant to law, reports of that Board, for the fiscal year ended June 30, 1972 (with accompanying reports). Referred to the Committee on Labor and Public Welfare.

REPORT ON PUBLIC EMPLOYMENT PROGRAM

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on the public employment program, dated February 1, 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION FROM DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Bilingual Education Act, for the dropout prevention program, and for section 309 of the Adult Education Act (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

DELEGATE LISTS—CORRECTION OF FINAL REPORT OF THE 1971 WHITE HOUSE CONFERENCE ON AGING

A letter from the White House Conference on Aging, transmitting, for the information of the Senate, a corrected printing to be inserted in volume I, appendix E, of the final report of that Conference (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

REPORT OF THE INTERIM COMPLIANCE PANEL, DEPARTMENT OF THE INTERIOR

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, the annual report of the Interim Compliance Panel, for the calendar year 1972 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION FROM THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend section 142 of title 13, United States Code, entitled "Census" (with accompanying papers). Referred to the Committee on Post Office and Civil Service.

REPOAT ENTITLED "THE EFFECT OF POLLUTION ABATEMENT ON INTERNATIONAL TRADE"

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "The Effect of Pollution Abatement on International Trade" (with an accompanying report). Referred to the Committee on Public Works.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of Elizabeth, N. J., praying for the enactment of legislation to allow tax credits for income tax purposes. Referred to the Committee on Finance.

## REPORTS OF COMMITTEES

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 1672. An original bill to amend the Small Business Act. Ordered placed on the calendar. (Rept. No. 93-132).

## EXTENSION OF TIME FOR FILING REPORT OF SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, I ask unanimous consent to move from April 30 to May 15 the date by which the report of the Senate Special Committee on Aging, "Developments in Aging, 1972, January–March, 1973," shall be submitted. I am making this request in order to give additional time for completion of minority views.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ALLEN:

S. 1656. A bill for the relief of Hernan Beteta. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (by request):

S. 1657. A bill to amend the Food Stamp Act of 1964, as amended, for the purpose of authorizing appropriations for fiscal years subsequent to the fiscal year ending June 30, 1973. Referred to the Committee on Agriculture and Forestry.

By Mr. BAYH:

S. 1658. A bill for the relief of Marguerita Ponce. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 1659. A bill to exclude certain lands from the boundaries of the Voyageurs National Park. Referred to the Committee on Interior and Insular Affairs.

By Mr. PROXMIRE:

S. 1660. A bill for the relief of the estate of James J. Caldwell. Referred to the Committee on the Judiciary.

By Mr. CASE:

S. 1661. A bill for the relief of Barry R. Scharaga. Referred to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself, Mr. BELLMON, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. DOLE, Mr. DOMENICI, Mr. DOMINICK, Mr. GURNEY, Mr. GRAVEL, Mr. HANSEN, Mr. HART, Mr. HASKELL, Mr. HATHAWAY, Mr. HUMPHREY, Mr. JAVITS, Mr. MCGOVERN, Mr. MATHIAS, Mr. MONDALE, Mr. RANDOLPH, Mr. ROTH, Mr. SAXBE, Mr. TAFT, Mr. THURMOND, and Mr. TUNNEY):

S. 1662. A bill to provide for a daily index of the Congressional Record. Referred to the Committee on Rules and Administration.

By Mr. YOUNG:

S. 1663. A bill for the relief of Arthur O. Bilden. Referred to the Committee on Veterans' Affairs.

By Mr. CHURCH (for himself, Mr. CLARK, Mr. BIBLE, Mr. CHILES, Mr. HUGHES, Mr. KENNEDY, Mr. PELL, Mr. WILLIAMS, Mr. RANDOLPH, Mr. RIBICOFF, Mr. HUMPHREY, Mr. MCINTYRE, Mr. STEVENSON, Mr. MCGOVERN, Mr. NELSON, Mr. BIDEN, Mr. ABOUREZK, Mr. TUNNEY, Mr. MCGEE, Mr. HASKELL, Mr. BAYH, Mr. HART, Mr. METCALF, Mr. PASTORE and Mr. CRANSTON):

S. 1664. A bill to prohibit any material to be enclosed with any social security check which contains the name, signature, or title of any Federal officer other than the Commissioner of the Social Security Administration, and for other purposes. Referred to the Committee on Finance.

By Mr. GRAVEL:

S. 1665. A bill to terminate the Airlines Mutual Aid Agreement. Referred to the Committee on Commerce.

By Mr. GRAVEL (for himself, Mr. BAYH, Mr. MCGOVERN and Mr. RIBICOFF):

S. 1666. A bill to amend title 39, United States Code, to establish improved standards to achieve efficient mail service, to provide an effective method of reimbursing the U.S. Postal Service for public service costs while maintaining a reasonable postal rate structure, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. PROXMIRE:

S. 1667. A bill to limit the amount that may be paid in advance under certain Federal contracts, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. WEICKER:

S. 1668. A bill to amend the National Environmental Policy Act of 1969 in order to insure the balancing of environmental considerations with economic and social considerations in complying with the provisions of such act. Referred to the Committee on Interior and Insular Affairs.

By Mr. MCGOVERN (for himself, Mr. CRANSTON, Mr. KENNEDY, Mr. MONDALE, Mr. CASE, Mr. HUMPHREY, Mr. NELSON, Mr. HART, Mr. CLARK, and Mr. ABOUREZK):

S. 1669. A bill to amend the Food Stamp Act of 1964, as amended. Referred to the Committee on Agriculture and Forestry.

By Mr. MCGOVERN:

S. 1670. A bill to provide for the establishment of the George Washington Institute for the Social Sciences. Referred to the Committee on Labor and Public Welfare.

By Mr. MCGOVERN (for himself and Mr. ABOUREZK):

S. 1671. A bill to provide for the establishment of a national cemetery near the Fort Randall Dam, S. Dak. Referred to the Committee on Veterans' Affairs.

By Mr. CRANSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 1672. An original bill to amend the Small Business Act. Ordered placed on the calendar.

By Mr. CRANSTON:

S. 1673. A bill for the relief of Mrs. Zosima Telebanco Van Zanten. Referred to the Committee on the Judiciary.

By Mr. PERCY (for himself, Mr. COOK, Mr. MCGOVERN, and Mr. SCHWEIKER):

S.J. Res. 99. A joint resolution to authorize the President to designate the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week." Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE (by request):

S. 1657. A bill to amend the Food Stamp Act of 1964, as amended, for the purpose of authorizing appropriations for fiscal years subsequent to the fiscal year ending June 30, 1973. Referred to the Committee on Agriculture and Forestry.

Mr. TALMADGE. Mr. President, by request I introduce a bill to amend the Food Stamp Act of 1964, as amended, and I ask unanimous consent that a copy of the bill together with a letter from the Department of Agriculture requesting the bill be printed at this point in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of subsection (a) of Section 16 of the Food Stamp Act of 1964, as amended (7 U.S.C. 2025(a)), is amended by striking out "June 30, 1972 and June 30, 1973" and substituting "June 30, 1972 through June 30, 1977".

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, D.C., April 13, 1973.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft of a proposed bill to amend Section 16 of the Food Stamp Act of 1964, as amended.

The proposed amendment to Section 16 would provide appropriation authority through fiscal year 1977. Public Law 91-671, approved by the President on January 11, 1971, provides appropriation authority only through fiscal year 1973. Extension of the appropriation authority is requested in order to continue to provide food assistance to those in need by supplementing their food purchasing power and to continue the policy of orderly and progressive expansion. Also, extension of the appropriation authority will permit State welfare agencies and this Department to build the administrative organization needed to adequately supervise already operating programs. In February of this year the Food Stamp Program was operating in 2,209 areas in 47 States and the District of Columbia, with 12.4 million persons participating.

The actual level of the annual appropriation for each fiscal year beyond 1973 would be determined by the Congress under the annual appropriation process.

Because the proposed amendment of Section 16 is concerned only with the continuation of appropriation authority, it would not affect program costs or employment requirements for the program.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation and that the enactment of this proposed amendment would be consistent with the objectives of the Administration.

A similar letter is being sent to the Speaker of the House.

Sincerely,

CLAYTON YEUTTER,
*Acting Secretary.*

By Mr. MONDALE:

S. 1659. A bill to exclude certain lands from the boundaries of the Voyageurs National Park. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, I am today introducing a bill to exclude an 85-acre plot of land from the boundaries of Voyageurs National Park.

Under ordinary circumstances I would be inclined to refrain from any boundary adjustments until the park had been formally established. However, I feel there are especially compelling reasons for this exception.

The land in question is owned by Mr. Robert Gawboy, Jr. and his relatives. Mr. Gawboy is a Chippewa, and the land was given to his grandfather by the Federal Government shortly after the turn of the centuryy.

In spite of repeated attempts to obtain the exclusion of his property prior to final passage of the Voyaguers National Park Act, Mr. Gawboy's land was not exempted. In my view, this exemption would be fully compatible with the intent of Congress in authorizing the park's creation. The affected lands would be preserved in their natural condition, but would remain under the ownership of Mr. Gawboy, his relatives and their heirs.

This bill provides a way to permit Mr. Gawboy to keep his property rather than needlessly forcing Federal purchase of this small plot of Indian-owned land.

Mr. President, I ask unanimous consent that the full text of my bill be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1659

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That* notwithstanding the provisions of the Act entitled "An Act to authorize the establishment of the Voyageurs National Park in the State of Minnesota, and for other purposes", approved January 8, 1971, the land described as Outside Nett Lake Allotment No. 396, lots 6 and 7, section 28, township 70 north, range 18 west, 4th principal meridian, Minnesota; shall not be considered, on and after the date of the enactment of this Act, a part of, or within the exterior boundaries of, the Voyageurs National Park.

SEC. 2. The Secretary of the Interior shall take such action as may be necessary to carry out the purpose of this Act.

By Mr. PACKWOOD (for himself, Mr. BELLMON, Mr. BROOKE, Mr. BURDICK, Mr. CASE, Mr. DOLE, Mr. DOMENICI, Mr. DOMINICK, Mr. GURNEY, Mr. GRAVEL, Mr. HANSEN, Mr. HART, Mr. HASKELL, Mr. HATHAWAY, Mr. HUMPHREY, Mr. JAVITS, Mr. MCGOVERN, Mr. MATHIAS, Mr. MONDALE, Mr. RANDOLPH, Mr. ROTH, Mr. SAXBE, Mr. TAFT, Mr. THURMOND, and Mr. TUNNEY):

S. 1662. A bill to provide for a daily index of the CONGRESSIONAL RECORD. Referred to the Committee on Rules and Administration.

Mr. PACKWOOD. Mr. President, I introduce today—for myself and 24 other Senators—a bill which would require that an index be printed in every daily issue of the CONGRESSIONAL RECORD.

For the past century, the proceedings and debates of Congress have been printed in the CONGRESSIONAL RECORD. But, because of its staggering number of pages, though it is one of the most valuable Government publications, it is also one of the least used—because it is not indexed.

Today it is impossible for a Senator or Congressman or a member of their staff to pinpoint a bill or speech—or get an overview of everything that was printed in the RECORD, without wasting time and the taxpayer's money. And, as a result, most congressional offices either totally discard the CONGRESSIONAL RECORD—making no use of it whatever—or waste the taxpayer's money by pouring over page-by-page, every day of the week, a document the size of "Gone With the Wind."

Mr. President, just because Senators and their staffs chose to squint and pore over finely printed pages 100 years ago and waste the taxpayer's time and money in the process is no reason for us to do the same.

Accordingly, I am introducing this bill to require that every daily issue of the CONGRESSIONAL RECORD be accompanied by an index—so that those who need to use the RECORD, can do so expeditiously.

Mr. President, I ask that a copy of this bill be printed at this point in the RECORD, together with four articles from Oregon newspapers endorsing this bill.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 1662

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That (a) the second sentence of section 901 of title 44, United States Code, is amended by inserting immediately after "Congressional Record" the following: "daily (whenever either House of Congress is in session) and".

(b) Section 902 of such title is amended by striking out "semimonthly" and inserting in lieu thereof "daily, semimonthly,".

(c) The first sentence of section 905 of such title is amended by inserting after "daily Record" the following: "the daily index,".

(d) The second full paragraph of section 906 of such title, relating to copies of the daily Record to be reserved in unstitched form, is amended by inserting immediately after "daily Record" the following: "(excluding the daily index)".

[From the Pendleton (Oreg.) East Oregonian Mar. 24, 1973]

BY ALL MEANS

Only those who are required to read the Congressional Record. It's a bulky collection of dullsville, including junk that congressmen insert to please their constituents, edited speeches that either delete some of what a congressman actually said or pretty it up, and a lot of other trivia.

Sen. Bob Packwood wants to make plodding through the Record easier for those who must do it daily. He proposes that it be indexed. Anything to make it easier for the long suffering readers of the thing should be done without regard for the expense.

[From the Salem (Oreg.) Capital Journal, Mar. 22, 1973]

AN INDEX FOR THE PUFFERY?

Sen. Bob Packwood of Oregon is one of 21 lawmakers pushing for daily indexing of the Congressional Record.

This huge document of all testimony and supportive material results each day in a document larger than a Salem phone book.

There is an indexing crew already, but they publish the index only twice a month, meaning that when the material is fresh (and presumably most often needed) you have to grope.

With today's methods and computers this should be fairly simple to do.

We'll reluctantly agree. We get the Congressional Record (free) and sometimes try



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to paw through it. It's difficult to find anything. We'd prefer that it be scrapped for most of it is junk and puffery—congressmen lauding each other, extolling a fine citizen from back home, or even reprinting a Capital Journal editorial at the request of one of those discerning readers who agrees with its message. But there probably is enough vital testimony sandwiched into the pages to make it what Packwood calls a "priceless document."

If we must print it, and index it, the least that could be done is to offset the additional cost of indexing, by reducing the daily press run to far less than the present 49,000 copies. All of these are distributed free, often unrequested.

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[From the Cottage Grove (Oreg.) Sentinel, Mar. 22, 1973]

SENATOR SEEKS DAILY CONGRESSIONAL RECORD INDEX

Every day that Congress is in session, 49,000 persons wade through a document the size of "Gone With The Wind"—and "it's a waste of time" claims Senator Bob Packwood, (R) Oregon, who is planning a small revolution in Senate tradition.

He is proposing legislation to index the "Congressional Record"—the verbatim transcript of everything that's said and done in congress. Since its inception 100 years ago, there has never been a daily index.

The record is printed in fine print, smaller than that of some newspapers, and is so bulky and unwieldy it's impossible to pinpoint a bill or speech without wasting time, Packwood says.

His proposal, which already has 21 co-sponsors, would require the publication of an index with each daily issue of the Record.

The proposal would not involve any great expense or difficulty Sen. Packwood says. There already is Congressional Record Index Office of the Government Printing Office which indexes the Congressional Record. But, the office does its indexing the day after the Record is published—then holds the index cards in a cumulative, semi-monthly index. Sen. Packwood's bill would require that the day's publication be indexed the same day.

"The Congressional Record can be a priceless tool of government, and I think it is time we made it easier to use" he says. "Just because Senators and their staffs chose to squint and pour over finely printed pages—100 years ago—and waste the taxpayer's time and money in the process, is no reason for us to do the same thing."

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MIXED CAR

(By A. M. Tewksbury)

Sen. Bob Packwood has proposed that a daily index be published in each issue of the *Congressional Record*. We don't want to discourage the Senator, but we suggested the same thing way back in 1939. It was one of a long list of improvements we proposed in a special report to the Librarian of Congress after a detailed study of the functioning of the Library's Legislative Reference Service. As far as we know, none of our suggested reforms have been adopted, but they made good sense then and more sense now.

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By Mr. CHURCH (for himself, Mr. CLARK, Mr. BIBLE, Mr. CHILES, Mr. HUGHES, Mr. KENNEDY, Mr. PELL, Mr. WILLIAMS, Mr. RANDOLPH, Mr. RIBICOFF, Mr. HUMPHREY, Mr. MCINTYRE, Mr. STEVENSON, Mr. MCGOVERN, Mr. NELSON, Mr. BIDEN, Mr. ABOUREZK, Mr. TUNNEY, Mr. MCGEE, Mr. HASKELL, Mr. BAYH, Mr. HART, Mr. METCALF, Mr. PASTORE, and Mr. CRANSTON):

S. 1664. A bill to prohibit any material to be enclosed with any social security check which contains the name, signature, or title of any Federal officer other than the Commissioner of the Social Security Administration, and for other purposes. Referred to the Committee on Finance.

Mr. CHURCH. Mr. President, I introduce for appropriate reference, a bill to prohibit any material to be enclosed with any social security check which contains the name, signature, or title of any Federal officer other than the Commissioner of the Social Security Administration.

The social security system is one of the landmark legislative achievements of our Nation—protecting workers and their families from loss of earnings, because of retirement, death or disability.

Today approximately 28 million Americans receive social security benefits, including more than 18 million persons age 65 or older.

Equally important, social security keeps 10 million Americans out of poverty. Without these benefits, millions of individuals would be forced onto the welfare rolls. Others would be required to depend upon relatives, many of whom would be financially hardpressed to provide economic assistance. And without these payments, 19 out of 20 social security beneficiaries would not even achieve a moderate standard of living.

These basic facts of life underscore the need to maintain the integrity of social security and to insure that it is never used for partisan purposes.

However, it has become the custom for both Republican and Democratic administrations to include announcements with social security increases which generally suggest that a boost in benefits is the result of action taken by the President.

The most recent example occurred this past October when 28 million social security beneficiaries received an announcement 1 month before the Presidential election. That notice said:

> Your social security payment has been increased by 20 percent, starting with this month's check, by a new statute enacted by the Congress and signed into law by President Richard Nixon on July 1, 1972.
>
> The President also signed into law a provision which will allow your social security benefits to increase automatically if the cost of living goes up. Automatic benefit increases will be added to your check in future years according to the conditions set out in that law.

This practice, I strongly believe, is subject to serious potential mischief for several reasons. First, it may undermine the social security program by using the system for political advantage. Second, using the social security mailing process for this purpose may create a misleading, erroneous or partisan impression in the minds of millions of potential voters.

Such notices, in my opinion, serve no useful purpose. Consequently, I introduce legislation today to prohibit social security announcements from making reference to the name or title of any individual who holds a Federal elective office or is a candidate for such office.

No one benefits—least of all the elderly—when the social security mailing process is used for narrow, partisan purposes. Social security is too vital to be demeaned in this fashion.

Today the vast majority of older Americans depend upon social security for their principal means of support. Approximately 65 percent of retired workers and 49 percent of aged couples rely upon social security for over half of their income.

For these older Americans, the social security system is simply too important to be exploited.

Mr. President, I urge early and favorable consideration of this measure.

Additionally, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1664

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* Section 205 of the Social Security Act is amended by adding after subsection (q) thereof the following:

"(r) The Secretary shall not permit material to be enclosed with any social security check which—

(1) is not related to the provisions of Title II and Title XVIII of the Social Security Act; or

(2) contains the name, signature, or title of any officer of the Government of the United States other than the Commissioner of the Social Security Administration.

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By Mr. GRAVEL:

S. 1665. A bill to terminate the Airlines Mutual Aid Agreement. Referred to the Committee on Commerce.

Mr. GRAVEL. Mr. President, I rise to introduce a bill that would terminate the airline industry's 14-year-old mutual aid agreement on the grounds that the agreement is seriously detrimental to the interests of commerce, labor, and the consumer.

The agreement was originally reached in 1958 by six airlines—American, Capital, Eastern, Pan American, TWA, and United. This occurred shortly after Capital Airlines—struck by the International Association of Machinists—requested assistance from its fellow airlines.

The agreement provided mutual assistance in the event that the flight operations of any of the carriers were shut down by reason of: First, a strike called to enforce union demands in excess of or opposed to the recommendations of a Presidential Emergency Board appointed under section 10 of the Railway Labor Act; or two, a strike called before exhaustion of the procedures of the Railway Labor Act in disputes between carriers and employees; or three, a strike which is otherwise unlawful. Such assistance was in the form of an agreement by the air carrier parties to pay to the strike-bound carrier the increased revenues of the other carrier parties attributable to the strike, less applicable added direct expenses. These were the so-called windfall payments.

The agreement, for 1 year's duration, was filed with the Civil Aeronautics Board for approval under section 412 of the Federal Aviation Act. The CAB approved the agreement on May 20, 1959.

The following year the CAB approved an extension of the agreement—an agreement, moreover, which had since been broadened in both membership and scope. It now included four additional airlines and contained an amendment providing payments to struck carriers in situations where the strike had been carried in the absence of the establishment of a Presidential Emergency Board and the struck carrier had in all respects acted in compliance with the Railway Labor Act. Thus, with CAB approval of this new looser interpretation, virtually all strikes became legitimate grounds for mutual assistance among the airlines. And the original contention—that the agreement had been executed to protect the carriers primarily against strikes founded on rejection of Emergency Board recommendations—was clearly exposed for what it was: a shameful gimmick to obtain CAB approval of the agreement.

In subsequent years, the mutual aid agreement has been regularly extended by CAB, and further amended to the benefit of the airlines so that now payments are so liberal that a strike-bound airline has little incentive to end the strike—to seriously engage in collective bargaining, speedily reach agreement, and return to full operations.

And why should it, if a strike hardly puts a crimp in its earnings? Consider the case of Northwest Airlines. Thanks to the mutual aid agreement that airline has survived four strikes provoked by its own adamant demands—a 45-day walkout by the machinists in 1966, a 5-hour work stoppage by the pilots in 1969, a 160-day tie-up by the Brotherhood of Railway and Airline Clerks in 1970, and a 95-day strike by the pilots in 1972—and even managed to parlay those strikes into profits. During the most recent strike, the airline received mutual aid payments of $43.1 million. Using that amount—and a little of its own funds—to operate only its most profitable routes with available personnel, Northwest showed earnings for that quarter of $2.8 million.

Labor, for its part, suffers considerably at the hands of the mutual aid agreement. Its bargaining representatives are at an unfair disadvantage at the bargaining table. The striking employees live on subsistence-level strike funds for considerably longer than they would otherwise have to. And many workers from other unions who are idled by a strike are denied Government assistance due to existing State laws.

Most importantly, the general public also suffers great hardships as a result of the agreement's existence and frequent use. Especially hard-hit by protracted agreement-abetted strikes are small communities which depend on a single line for commercial and passenger service. Fargo, N. Dak.—virtually paralyzed by the 1972 pilots' strike—became so desperate that it petitioned CAB to cancel Northwest's operating certificate and provide the city with a new carrier's service.

Moreover, what started out as a limited group insurance system has—with increased CAB subsidies to several local carriers—evolved into a generous corporate welfare plan partially supported by the Government. I view this as a particularly ironic situation in view of the Government's increasingly dim view of welfare for needy individuals.

Perhaps the most convincing evidence against continuation of the mutual aid agreement is contained in a simple statistical comparison: During the 8 years preceding execution of the agreement, there were 38 strikes averaging 15.1 days each. During the first 12 years following execution of the agreement—thus omitting the 95-day pilots' strike—there were 62 walkout averaging 35.5 days each.

The well documented disruptive effects of the mutual aid agreement have prompted many concerned individuals—inside and outside the Government—to call for its modification, especially in the area of payment levels. It is now time, however, for more decisive action. With my introduction of this legislation—and my support of identical legislation which has been introduced in the House by Congressmen KARTH and FRASER of Minnesota—I earnestly request that the mutual aid agreement not be modified but terminated because it is incompatible with the public policy of the United States as provided in its existing labor relations laws. The agreement is a threat to equitable collective bargaining and a danger to the commerce of our Nation. Overall, it is a one-sided pact that has been sanctioned by the Federal Government for 14 years and which I now sincerely believe should be brought to a speedy and conclusive end.

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By Mr. GRAVEL (for himself, Mr. BAYH, Mr. MCGOVERN, and Mr. RIBICOFF):

S. 1666. A bill to amend title 39, United States Code, to establish improved standards to achieve efficient mail service, to provide an effective method of reimbursing the U.S. Postal Service for public service costs while maintaining a reasonable postal rate structure, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. GRAVEL. Mr. President, there are several universal standards by which a nation is judged by its peers. These standards include such things as:

Is the Government honest and even-handed?

Is transportation swift and reliable?

Is the civil service trustworthy and effective?

And: Is the mail service efficient and dependable?

Certainly if we were to be judged by the last of these standards alone, we would be considered third or fourth rate. The postal service of the United States—the greatest, strongest, and wealthiest country in the world—is a national scandal. The postal service being provided to the American people would not be acceptable in many nations that are considered to be less advanced than the United States.

Two years ago, when the U.S. Postal Service was coming into being, we were told that the new quasi-corporation would solve all the ills that were besetting the mails.

Two years have passed. The postal service today—judged by the USPS's own figures—is worse than it was in the dying days of the old Post Office Department.

Mr. President, we cannot afford to permit this steady erosion of our principal system of communications to continue.

As long ago as 1829, Andrew Jackson said:

> The Post Office is to the body politic what veins and arteries are to the natural—carrying rapidly and regularly to the remotest parts of the system correct information of the operations of government and bringing back to it the wishes and feelings of the people.

The Postal Service should be—must be—this and much more besides. It should be, as Woodrow Wilson once wrote:

> The Messenger of Sympathy and Love; the Servant of Parted Friends; the Consoler of the Lonely; the Bond of the Scattered Family; the Enlarger of the Common Life; the Carrier of News and Knowledge; the Instrument of Trade and Industry; the Promoter of Mutual Acquaintance, Of Peace and Good Will Among Men and Nations.

No one could honestly say that the Postal Service today is fulfilling this mission. The mails are slow and uncertain. Service has been sacrificed on a false altar of petty economies.

Even the Postmaster General, Elmer T. Klassen, has admitted to the Senate Post Office Committee that the U.S. Postal Service was so heilbent on reducing costs that we perhaps lost track of service.

We must make certain, Mr. President, that no one in authority ever again loses track of service.

The mail service to, from, and within the State of Alaska, has deteriorated to such an alarming degree during the past 2 years that I asked the General Accounting Office to conduct a Postal Service survey. This survey began just after the first of the year and is near completion. Alaskans are accustomed to getting the short end of the stick as far as services go, and we recognize that we do have unique problems of distance and weather not normally encountered in the Lower 48 States. However, the report of one Alaskan, that it took 30 days to get a letter delivered 60 miles away, had nothing to do with weather—just poor service. Once it became known that a GAO investigation was underway, my office was flooded with letters citing a wide range of incredible experiences from mail delivered opened to packages marked air-mail and fragile being delivered by second-class mail and in damaged condition. Cases were cited of food being delivered spoiled when postage had been paid for expedited service, or left dumped from the airfields and exposed to weather.

This is not intended to reflect adversely upon the overworked and dedicated Postal employees who perform their duties against great odds. As a matter of fact, were it not for their dedication, we would probably have no service at all. The main problem stems from administrative practices and serious understaffing.

I have today introduced legislation, S. 1666, which would establish specific standards of service, and which would require Congress to make whatever appropriations are necessary to insure that these standards are met.



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The standards are really quite modest. They are practically minimal. They are:

First. Guaranteed next-day delivery of first-class mail within a 500-mile radius.

Second. Guaranteed third-day delivery of first-class mail any place within the United States beyond the 500-mile radius.

Third. Six-days-a-week delivery service, including parcel post.

Fourth. Six-day window service in post offices.

Fifth. Second attempt at delivery of parcel post.

The standards, in short, would bring the postal service up to the place it was 15 years ago. Is that too much to ask?

On reflection, Mr. President, we must all realize that Congress went entirely too far when it washed its hands of the postal service. The sad and dreary story of postal service failure ever since should cause us collectively and individually to examine our consciences. Congress must, at the very least, conduct oversight over this essential public service which touches almost every citizen of this Nation every working day of the year.

My bill, Mr. President, mandates the Post Office and Civil Service Committees of both Houses of Congress to conduct each year a thorough investigation of the performance of the United States Postal Service in order to make certain that the modest standards I have mentioned earlier are indeed being met.

My bill further provides that any managerial or administrative official who deliberately and knowingly violates or circumvents the standards of service shall be promptly discharged from the U.S. Postal Service.

The conduct of the mails is public business. It affects the economic, social, and political welfare of every one of our citizens. It is our manifest duty to oversee the operation of this essential system of communications and to make certain that decent standards of service are maintained.

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By Mr. PROXMIRE:

S. 1667. A bill to limit the amount that may be paid in advance under certain Federal contracts, and for other purposes. Referred to the Committee on the Judiciary.

Mr. PROXMIRE. Mr. President, I introduce a bill that would reestablish congressional control over back-door financing of defense contractors. In light of the Lockheed bailout, the C5A and Cheyenne problems, the purchase of stock in floundering companies, unusual loans to Grumman, and a host of other relatively unknown examples, it is clear that Congress has no real control over bailouts and back-door financing.

BYRD-PROXMIRE AMENDMENT OF 1970

Once before we addressed this problem with regard to loans made under the Defense Production Act. A Byrd-Proxmire amendment subsequently was accepted by the Senate in a 75 to 0 vote and was passed by the House to become law on August 13, 1970. The Byrd-Proxmire amendment provided that any loan or guarantee made under the Defense Production Act section 2091 shall not exceed $20 million without the approval of Congress. It was necessary due to the rather open ended language of that act and was designed to curtail unlimited loans to contractors.

UNUSUAL ADVANCE PAYMENTS

That did not shut off the back-door financing, however. Instead of invoking section 2091, the Defense Department turned to title 10, United States Code, section 2307. Under this provision, emergency advance and other payments can be made to a distressed contractor up to the total dollar amount of his contracts without any proof of work completed. In effect, they are loans whereby the contractor can keep his cash position solvent. This is the law being used to provide Grumman with "loans" for the F–14 program.

DEFENSE PRODUCTION ACT, SECTION 2092 APP.

There is another way to get around the congressionally imposed $20 million level. The Defense Department can make use of the loan and loan guarantee authority in a companion section to 2091 of the Defense Production Act. Since the $20 million level only applies to one section—2091—it leaves section 2092 open for exploitation. By its terms, section 2092 applies directly to the President and to those who are delegated his authority. It essentially contains the same powers as in section 2091. According to the General Counsel of the Department of Defense, section 2092 has not been used since it was enacted in 1950. Nonetheless, the authority is there ready to be invoked.

VAST EXECUTIVE POWERS IN PUBLIC LAW 85–804

By far the most extensive powers given to the President and the Department of Defense reside in Public Law 85–804—title 50, section 1431, U.S.C. This law allows the President or any department he authorizes to enter into contracts or modify contracts without regard to other laws if it would "facilitate the national defense." It also allows for advance payments.

The authority is delegated to the Secretaries of Defense, Army, Navy, and Air Force, and can be further delegated. Above $50,000 in obligation, the action must be approved by a Deputy Assistant Secretary or higher or by a departmental Contract Adjustment Board. The Department of Defense must report to Congress by March 15 of each year with an accounting of the actions under this law of the previous year.

A review of these annual reports indicates that Public Law 85–804 has been used to obligate $700 million from 1959 to 1972. This is a staggering amount of money to be obligated by a back-door technique. It has been used to purchase stock as collateral in the Gap Instruments Corp., of Long Island. It has been used to provide financing for the ill-fated C5–A airplane and Cheyenne helicopter programs. It is the broadest and most flexible contract modification law on the books. The Department of Defense can virtually take any action it desires simply by stating that it would "facilitate the national defense."

EVEN THE SELECTIVE SERVICE ACT HAS EMERGENCY PROVISIONS

My review of existing emergency legislation also has uncovered a little known provision of the Selective Service Act, title 50, section 468 App. which remains in force due to the national emergency of 1950. It does not appear that the extensive authority given the President under the Selective Service Act has been used, but it could be. In fact there have been strong hints that use of this act was under consideration as a technique to compel Grumman to produce F–14's.

The Selective Service Act permits the President, after receiving advice from the National Security Resources Board, to place orders for military goods and compel production by seizing the plant if necessary. In fact the President can take over a defense plant and run it as he sees fit simply by declaring it is in the interests of national security.

"Fair and just compensation" is required for any products furnished but there is no definition of what is fair and just.

NEEDED CONGRESSIONAL APPROVAL FOR BACKDOOR FINANCING

My bill would take the concept so readily accepted by Congress in 1970—the idea of a $20 million limit without congresional approval—and apply it to these other laws that permit back-door financing. In no way does it cut off emergency authority of the Department of Defense of the President. It simply requires that any action involving obligations of Federal resources over $20 million must first be approved by Congress. If Congress says OK, then they go through. But Congress can also say no and that is the authority it does not now have. Each individual case would be debated on its merits. There would be less chance of back-door bailouts.

For those who would be concerned about the limitation of Presidential authority in an emergency, there are two sound points to consider. First, Congress can always give its approval as I am sure it would in an emergency.

Second, and even more important, the President has extensive emergency authority to meet any circumstances without the laws in question. Under title 10, the President has two sections—4501 and 9501—which give him vast authority to place orders for defense goods, transfer production, insure production, and seize facilities if necessary. The qualifying time phrase is "in time of war or when war is imminent." Similar provisions exist in title 50, United States Code, section 82.

It is obvious, therefore that loopholes must be plugged while still allowing broad leeway in time of national emergencies. My bill would do just that.

A SUMMARY OF RELEVANT LAWS

Mr. President, the following is a short summary of the current legislation that enables the Department of Defense to take such extraordinary actions without prior congressional approval:

First, 50 U.S.C. 1431: National defense contracts, authorization and official approval. Public Law 85–804:

This section empowers the President to authorize Government agencies to amend or modify contracts, and to make advance payments on contracts, when the President believes such action would facilitate the national defense. This section applies only during a national emergency.

As implemented by Executive Order 10789—1958—agencies may take the actions specifically enumerated in the section, as well as "modify or amend or settle claims" and "enter into agreements—modifying or releasing accrued obligations."

Other parts of the Executive order make the following provisions, among others:

First. Proper records must be kept and made available for public inspection unless disclosure would harm the national security.

Second. A report to the Congress of all actions taken during the previous year under the section must be made by March 15.

Third. Advance payments may be made only after obtaining adequate security.

Fourth. The Comptroller General has access to "directly pertinent" corporate records, subject to certain limitations in section 1433.

Fifth. A contract amendment may not increase the price to an amount higher than the lowest rejected bid of a responsible bidder.

Second, 50 United State Code App. 2092: Loans to private business enterprises. Defense Production Act:

This section allows the President to provide for direct loans to private business enterprises to expedite the national defense. Loans may be extended only to the extent that they are "not otherwise available on reasonable terms." Statutory termination date is June 30, 1974, as extended. The previous section 2091, which provides for loan guarantees, was amended in 1970 to include a $20 million limit on guarantees unless approved by Congress.

Third, 10 United States Code 2307: Advance payments:

This section allows heads of agencies to make advance, partial, progress or other payments, not to exceed the unpaid contract price, and only if the contractor provides adequate security.

Fourth, 50 United States Code App. 468: Utilization of industry. Selective Service Act:

This section authorizes the President to compel producers to fulfill defense contract obligations. Nonfulfillment includes failure to fill an order "within the period of time prescribed by the President" and failure to furnish articles at the contract price, among others. In the event of noncompliance, the President is authorized to take immediate possession of any facility and to operate it to produce the contract material. This section applies only during a national emergency.

Mr. President. I ask unanimous consent that my exchange of correspondence with the General Counsel of the Department of Defense be placed in the RECORD at this point, except for his lenghtly appendices.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
*Washington, D.C., February 15, 1973.*

Mr. J. FRED BUZHARDT,
*General Counsel, Department of Defense, Washington, D.C.*

DEAR MR. BUZHARDT: I am undertaking a review of the emergency legislation now on the statue books which might be used by the President or the Department of Defense as authority for providing emergency relief to defense contractors in various kinds of financial difficulty.

I have read your testimony of January 15th on this subject before Senator Byrd's Armed Services Subcommittee on General Legislation, and I would much appreciate it if you would answer the following questions which that testimony brings to my mind.

(1) In your testimony you cited three statutory provisions which might be used by the Deparment as authority for emergency relief:

Title 50, Section 1431 U.S.C. (P.L. 85–804).

Title 50, Section 2091 U.S.C. App. (Defense Production Act).

Title 10, Section 2307 U.S.C. (Advance and Other Payments).

Would you please provide me with a detailed record of the use made by the Department of these provisions during the past three years—the dates of each action taken, the names of the corporations or other beneficiaries involved, and the dollar extent of each obligation or commitment? (My interest in Title 10, Section 2307 U.S.C. is limited to advance payments and other payments of an emergency nature which may have been made, not to customary progress payments provided for in contracts when entered into). Would you also provide me with a separate record of those occasions on which these provisions have been used, at *any time* since they became effective, to provide a corporation or other beneficiary with relief in excess of $20 million?

(2) You did not refer in your testimony to Title 50, Section 2092 App. (which applies by its terms to the President alone). Title 50, Section 2092 App. authorizes the President to loan (or guarantee loans) to private business enterprises under specified circumstances beneficial to the national defense. Would you please provide me with a detailed record of the use made of this provision during the past *three* years?

Would you also provide me with a separate record of those occasions when it has been used, at *any* time since it became effective, to provide a private business enterprise with aid in excess of $20 million?

(3) You did not refer in your testimony either to Title 50, Section 468 App. U.S.C. or to Title 50, Section 1152 App. U.S.C., which provisions were referred to as the "Selected Service Act" and the "War Powers Act" by the Navy last year in testimony to the Tactical Air Power Subcommittee of the Senate Armed Services Committee. The Navy suggested in that testimony (at page 3812 of Volume 6 of the Committee's FY 1973 authorization hearings) that these provisions could be invoked to compel defense contractors on the F–14 to continue production of the planes. Is it your opinion, also, that either or both of these provisions would be legally applicable to compel continued production of the F–14 by those F–14 contractors unwilling to continue production without a restructured contract? If you believe that Title 50, Section 468 App. U.S.C. would be applicable, how would the "fair and just compensation" called for by subsection (d) of that section be determined (would it be the *costs* of continued production, the existing contract price, or something else instead)? If you believe that Title 50, Section 1152 App. U.S.C. would be applicable, how would the price to the government of continued production be determined under that section? Would you please provide me with a detailed record of the last *five* times *each* of these Sections has been used to compel production of a major weapon system program—the dates of each action, the names of the contractors involved, the dollar magnitude of the production work in question, and a precise explanation as to how the price of that work to the government was determined?

I would deeply appreciate it if you could provide me with answers to the above questions by March 5, 1973. Should you be reluctant, in light of present negotiations regarding the F–14, to answer now those questions which refer directly to that program, I would accept immediate answers to all other questions (including those regarding the historical use of Title 50, Sections 468 App. and 1152 App.) and a later reply to the F–14 related questions. Mr. Ron Tammen of my staff (Ext. 55653) would be happy to assist you in responding to this request.

Sincerely,

WILLIAM PROXMIRE,
*Subcommittee on Priorities and Economy in Government.*

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GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
*Washington, D.C. March 7, 1973.*

Hon. WILLIAM PROXMIRE,
*Chairman, Subcommittee on Priorities and Economy in Government, Joint Economic Committee, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your letter of February 15, 1973 in which you asked for certain information in connection with your review of legislation which provides for financial assistance to contractors.

Pursuant to section 4 of Public Law 85–804 (50 U.S.C. 1434), the Department of Defense annually provides a report to the Congress of actions taken under that authority. I am providing as Enclosure 1 a copy of each year's report with the exception of the report for calendar year 1972 which is in the process of preparation. A copy of the 1972 report will be sent to you when it is transmitted to the Congress within the next few weeks.

Enclosure 2 represents information compiled by the military departments in response to your inquiry concerning actions taken under section 301 of the Defense Production Act (50 U.S.C. App. 2091) and 10 U.S.C. 2307.

Authority to take loan action under section 302 of the Defense Production Act (50 U.S.C. App. 2092) was delegated to the Secretary of Treasury and to Director of the Office of Emergency Preparedness by section 310 of Executive Order 10480, as amended. We understand that no loan action by those agencies has been taken under this authority for many years, and we have been unable to find any record in the Department of Defense which would indicate the extent Defense contractors were ever involved in such loans since enactment of that provision in 1950. You may wish to make further inquiry of those agencies.

We find no record of the use by the Department of Defense of section 18 of the Selective Service Act (50 U.S.C. App. 468) since its enactment in 1948. In the light of present negotiations concerning the continuance of the production of the F–14, we would prefer not to give an opinion as to the provision's applicability to the situation at this time.

The provisions of 50 U.S.C. App. 1152 are no longer in effect. As indicated in 50 U.S.C. App. 645, the provisions of section 1152(a) were to remain in force until June 30, 1949, or until June 30, 1950 in the case of contracts or orders for tin and tin products. (The only extension beyond these dates was



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in connection with import controls on fats, oils, rice, and rice products, in which case the final expiration date was August 1, 1951. See note following 50 U.S.C. App. 1152.) Additionally, it should be noted that the national emergency declared on September 8, 1939 and referenced in section 1152(a)(1) was terminated on April 29, 1952 by Presidential Proclamation No. 2974. We have found no record which indicates the extent this authority was used prior to its expiration.

I trust the foregoing information will meet your needs.

Sincerely,

J. FRED BUZHARDT.

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By Mr. WEICKER:

S. 1668. A bill to amend the National Environmental Policy Act of 1969 in order to insure the balancing of environmental considerations with economic and social considerations in complying with the provisions of such act. Referred to the Committee on Interior and Insular Affairs.

Mr. WEICKER. Mr. President, today I am introducing a bill that will strengthen and improve the National Environmental Policy Act.

The National Environmental Policy Act has been law for over 3 years. During this time it has had far-reaching effects on Federal agency decisionmaking. As a result of NEPA, the environmental implications of proposed Federal actions are more likely to be recognized and weighed now than they were in the past. Because of NEPA, citizens and communities who believe that environmental consequences have not been adequately considered by an agency now have recourse through the legal system to insure that environmental values have been given fair consideration. An examination of the record of litigation brought under NEPA shows that the law has proved to be an effective tool for concerned citizens attempting to protect the quality of their local environment.

But these past 3 years have also shown that NEPA, like any human creation, could still be improved. The amendment I propose is an attempt to improve NEPA, not cripple it. The purpose of this amendment is to clarify the original intent of Congress when drafting NEPA so that citizens and communities may be assured that all predictable effects to their human, as well as natural, environment have been weighed before a Federal project is undertaken.

The courts across the country have not uniformly interpreted the meaning of the term "environmental impact" contained in NEPA. They have questioned whether "environmental" is to be construed narrowly, to refer only to physical, chemical, and biological effects, or more broadly to include the social, economic, and cultural aspects of man's environment. Fortunately, many courts have adopted the broad interpretation which Congress clearly had in mind.

In Goose Hollow Foothills League against Romney, U.S. District Court Judge Alfred Goodwin held that factors such as changing the character of a neighborhood, increasing population concentration, increasing traffic and destroying visual amenities did constitute significant environmental effect which HUD should have included in an environmental statement. Similarly, in Hanly against Mitchell, U.S. Circuit Court Judges Waterman, Hays, and Feinberg found that:

> The National Environmental Policy Act contains no list of so-called "environmental considerations", but without question its aims extend beyond sewage and garbage and even beyond water and air pollution . . . The Act must be construed to include protection of the quality of life for city residents. Noise, traffic, over-burdened mass transportation systems, crime, congestion and even availability of drugs all affect the urban "environment" and are surely results of the "profound influences of . . . high-density urbanization (and) industrial expansion."

These are encouraging signs. However, it is time for Congress to spell out in no uncertain terms its intent that economic and social factors be considered as a component of the human environment. Chief Judge Friendly was unfortunately in the minority in a second appeal of *Hanly* v. *Kleindienst* (sub. nom. *Hanly* v. *Mitchell*). His dissenting opinion reads in part:

> I see no ground for the majority's doubt "whether psychological and sociological effects upon neighbors constitute the type of factors that may be considered in making such determination (of significant environmental effect) since they do not lend themselves to measurement.

It is clear that the intent of Congress as expressed in section 102(2)(B) of NEPA was that just such effects be considered whether "presently unquantifiable" or not and should be weighed and balanced against considerations more amenable to computation. The Council on Environmental Quality has recognized this to be congressional intent in their third annual report. To quote from that document:

> The legislative history suggests that the Congress did expect the 102 statement to record the agency's tradeoffs of competing values. In explaining the bill on the Senate floor, Senator Jackson said: "Subsection 102 (c) (now 102(2)(c)) establishes a procedure designed to insure that in instances where a proposed major Federal action would have a significant impact on the environment that the impact has in fact been considered that any adverse effects which cannot be avoided are justified by some other stated consideration of national policy that short-term uses are consistent with long-term productivity, and that any irreversible and irretrievable commitments of resources are warranted.

Other court cases such as the Calvert Cliffs case and the Natural Resources Defense Council against Morton have upheld this interpretation of NEPA. However, there is a danger that these decisions will be interpreted to require that only negative effects to the natural environment and beneficial effects to the human environment be discussed in environmental statements. Essentially, this has been the response of the Atomic Energy Commission to the Calvert Cliffs decision. AEC's subsequent guidelines broadened the content of the commission's impact statements to include discussion of project benefits of all kinds compared with narrow definitions of environmental costs.

This bill seeks to insure that all costs to the human environment be set forth in the environmental statement. Clearly this was the intent of Congress and it is most important that we make this clear, particularly if environmental statements are now used as vehicles for discussion of project benefits of all kinds while adverse economic and cultural impacts are treated summarily or ignored. The public has a right to know about the social costs and social benefits as well as the economic costs and economics benefits which a given project will produce.

Mr. President, I ask unanimous consent that the bill be inserted at this point in the RECORD, followed by a section-by-section analysis and a bibliography of relevant materials.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1668

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the National Environmental Policy Act of 1969 is amended—

(1) in section 102(2)(C)(i), by inserting after "action," the following: "together with the impact of the proposed action on the economic, social and cultural dimensions which contribute to the quality of the human environment.";

(2) in section 102(2)(C)(ii), by inserting after "implemented," the following: "along with any opposing considerations of national policy as set forth in Sec. 102(2)(B) which are used to justify implementation of such proposal.";

(3) in section 102(2)(C)(iii), by inserting after "action," the following: "including the reasons, environmental, social or economic, for rejection of such alternatives."; and

(4) in section 102(2)(C)(v), by inserting after "implemented" the following: "and that any such commitments are warranted in terms of balancing policy considerations as set forth in Sec. 102(2)(B).".

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SECTION-BY-SECTION ANALYSIS

Section 1: This Section amends the existing subsection 102(2) of NEPA to clarify that the balancing performed under Section 102(2)(B) is required, under Section 102(2)(C), to be made explicit in the environmental statement.

Subparagraph (1) clarifies the meaning of environmental impact, defining it to include human environmental dimensions.

Subparagraph (2) deals with any unavoidable adverse environmental effects. Environmental here is meant to include human environmental factors as well as natural factors. This section requires that agencies document the balancing required in Section 102(2)(B) in the environmental statement.

Subparagraph (3) relates to alternatives to the proposed action. Full descriptions of rejected alternatives, as well as the proposed action, in terms of environmental, social and economic effects must be included in environmental statements.

Subparagraph (4) requires that any irreversible and irretrievable commitments of resources must be shown to be warranted in terms of the balancing of Section 102(2)(B). It will be noted that a superficial rationalization for proceeding with a proposed action despite such irreversible commitments will not constitute such a demonstration.

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3. *Goose Hollows Foothills League v. Romney*, 334 F Supp 877 (1971).

4. *Hanly v. Mitchell*, 460 F. 2d 640 (1972).

5. *Hanly v. Kleindienst*, No. 357 (2d Cir. 1972) 2 ELR 20717.

6. *Natural Resources Defense Council v. Morton*, No. 71-2031 (D.C. Cir. 1972) 2 ELR 20029.

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2. General Accounting Office. *Adequacy of Selected Environmental Impact Statements Prepared Under the National Environmental Policy Act of 1969*. Report to the Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries, House of Representatives. Washington, D.C.: Comptroller General of the United States, 1972.

3. ———. *Improvements Needed in Federal Efforts to Implement the National Environmental Policy Act of 1969*. Report to the Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries. House of Representatives. Washington, D.C.: Comptroller General of the United States, 1972.

4. Administration of the National Environmental Policy Act—1972, Hearings before the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries, House of Representatives, February 17, February 25, and May 24, 1972. Serial No. 92-24, pp. 379-389.

5. Calvert Cliffs Court Decision, Hearing before the Committee on Interior and Insular Affairs, United States Senate, Pursuant to S. Res. 45, November 3, 1971, Part 1. Serial No. 92-14. pp. 20-25.

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By Mr. McGOVERN (for himself, Mr. CRANSTON, Mr. KENNEDY, Mr. MONDALE, Mr. CASE, Mr. HUMPHREY, Mr. NELSON, Mr. HART, Mr. CLARK, and Mr. ABOUREZK):

S. 1669. A bill to amend the Food Stamp Act of 1964, as amended. Referred to the Committee on Agriculture and Forestry.

THE FAMILY NUTRITION ACT OF 1973

Mr. McGOVERN. Mr. President, today I am introducing on behalf of myself and my colleagues the Family Nutrition Act of 1973. I consider this to be one of the most important pieces of legislation that Congress will be required to pass judgment on this year.

We are all aware, Mr. President, of the widespread concern throughout the Nation now regarding the problem of nutrition, especially the problem of obtaining an adequate diet during a time of rising prices.

This concern is nowhere felt more deeply than among the Nation's 26 million poor—women, children, and elderly living on fixed incomes or pensions.

Over the past 4 years, the Federal Government, in cooperation with State and local officials, has attempted to alleviate that concern by launching a truly magnificent effort to provide nutritional assistance to those either suffering or in danger of suffering from malnutrition.

This effort has been based on humanitarian feelings and commonsense. It is simply unacceptable in a nation as rich as ours that anybody in need should go hungry. And it is commonsense that adequate nutrition is the fundamental base for good health and full participation in our national life.

To that end, old programs have been improved and new programs—for the very young and the very old—have been launched.

One of the old programs that has been vastly improved is the food stamp program. Four years ago, the benefits of this program were inadequate and only 3 million of the Nation's needy were participating in the program.

Through congressional and Executive leadership the benefits have been improved and participation now hovers around the 12 million mark.

There are few efforts that this Government has ever launched to deal with the problems of its disadvantaged citizens that can match this record. It should be noted that a food program of this size has provided a most valuable cash market for the American farmer.

But the job we set out to do is not yet done. There are still the hungry and still the sick in America who need help and now is the time to make the further improvements in the food stamp program to make sure that help is given.

It is in that spirit that the Family Nutrition Act of 1973 has been drafted. This bill, Mr. President, does not represent a sweeping revision of the food stamp program. It seeks to make limited and specific remedies in the manner in which the present program operates to insure the participation of those in need and to insure that the need is adequately met.

And, while these specific remedies will require expenditures above what the administration has requested, we do not expect those expenditures to exceed, perhaps not even equal, the funds appropriated this year for the program.

Let us take a look at what this bill seeks to accomplish.

Last year, Congress, seeking to simplify assistance programs, increased the cash benefits available to many of our older citizens through the new supplemental security income program. This is a needed and commendable step forward in the way our assistance programs operate. But, at the same time, Congress made all elderly receiving cash benefits through SSI ineligible for the food stamp program. Since that time, Mr. President, the Senate Nutrition Committee and individual Members of Congress have been told repeatedly by representatives of the Nation's older citizens, that many of the Nation's elderly will simply not be able to survive, pay the rent, medical bills and buy the food as well, on the cash they are going to receive. They have asked for a very simple thing. If we are still eligible, by virtue of income regardless of how received, for the benefits of the food stamp program, then let us continue to receive stamps. The stamps do not give us all that much—maybe $10 or $20 a month—but that $10 or $20 is the difference between existing on bread, soup, and starch, and being able to buy a little protein and vegetables as well.

We believe that is a reasonable request. The administration estimated that 1.5 million elderly citizens now in the food stamp program would be rendered ineligible because of SSI payments. If half of those are still eligible by virtue of income, then we are simply saying they should continue to receive food benefits because they so obviously need them. Let us not sacrifice the nutritional sufficiency of these elderly in the name of administrative efficiency. In time, we all hope that their cash income support will be high enough so that they will not need additional food assistance but that time has not yet arrived.

There are several other provisions in the Family Nutrition Act that also benefit the elderly. One provides for the use of food stamps to purchase meals at senior citizen eating centers. This provision is an important step toward fulfilling this country's obligation to provide the opportunity for adequate nutrition to every aged resident. Just as importantly, it provides the elderly with the opportunity to combine a well-balanced diet with the companionship and society which—all too often—they would otherwise be denied. Until now, the elderly poor who participate in the food stamp program have been restricted to taking their meals in what is often the unwanted loneliness of their own residences. This provision will open up a new vista for companionship to them: the opportunity to obtain low-cost food in the more companionable atmosphere of senior citizens centers or restaurants. By providing this chance for new social contacts, we are adding a vital element of human warmth and dignity to the later years of those who have given so much to this Nation. Another raises the allowable resource requirement for the elderly from $3,000 per household to $3,000 per individual. We have a dual purpose here. The first is to permit the elderly to live together and reduce their overhead expenses without losing their food stamp benefits. The second is to permit a $1,500 set-aside to allow for burial expenses. The Nutrition Committee has been informed that many elderly would rather starve than "go into their burial money." An additional provision for the elderly provides for supplemental benefits to meet special dietary needs as determined and prescribed by competent medical authorities and approved by the Secretary of Agriculture. It is difficult enough today to achieve an adequate diet. But when you have the special health problems of age—diabetes, high blood pressure, heart disease—it is almost impossible, especially on a limited income.

Another group with special nutrition problems today, like the elderly, are pregnant women, infants, and large families. We have several provisions in the Family Nutrition Act of 1973 to assist them. As with the old, we provide for an additional personal allotment for pregnant women and for children under 1 year of age, $12 per month more. If there is one fact that has been brought home time and again to the Nutrition Committee, it is that malnutrition in pregnancy or infancy is paid for throughout life in retarded physical and mental ability. If that little extra for mothers and young





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children prevents that result, it will have paid for itself millions of times over in money that will not have to be spent taking care of people who are truly not able to care for themselves. As for the larger families, and the average food stamp family is now five persons, we provide for a slight reduction in how much they must pay for their food stamp allotment. Under present law, the maximum cost may be 30 percent of a families income. In actuality, the average throughout the program is around 28 percent but for the larger families in the higher income States, it is nearly 30 percent. According to the Bureau of Labor Statistics Consumer Price Index, the average expenditure for food by families in the Nation is around 25 percent. For that reason, we have recommended a reduction in the maximum purchase price from 30 to 25 percent.

For everyone in the program, we have attempted to deal with the current problem of rapidly rising food prices. Inflation hurts everyone but it hurts the poor most of all. The current food stamp program provides for an annual cost-of-food adjustment in the program's allotment. In practice, this means that the Department of Agriculture updates the allotment every June based on the increase in the cost of food as of the previous December. Anyone who has been following this year's price rises since December, never mind before, knows that this is simply no longer adequate. Senator Case, an original cosponsor of the Family Nutrition Act of 1973, is especially concerned about this injustice and, at his specific suggestion, we are recommending that the updating as of this July 1 be required to incorporate the rise in the cost of food through March 31 of this year, and that henceforth the updating take place every 6 months instead of annually. When and if this price situation comes under control, the Congress may want to return to an annual adjustment which, in a time of relative price stability, is clearly adequate.

The Family Nutrition Act of 1973 also contains a number of administrative improvements designed to make this program more accessible to needy persons. The administration has said that this program is available to all who are in need. The Nutrition Committee has received sufficient information regarding the actual administration of the program to bring that assertion into some doubt. It is true the program is out there and waiting. If a person is actually aware that it exists, and many are not. If a person can manage to take time out from work to wait for hours in line to file an application, and many cannot. If a person can wait the month or months for his application to be investigated and approved. That is a long time to go hungry. We have, therefore, recommended several provisions to alleviate each of these administrative problems. First, we have mandated both outreach and certification workers to make sure that the isolated hungry poor, especially the isolated and the elderly, are informed that the program exists and then to make sure that there are adequate personnel to accept and process their applications. Our formula is one outreach worker for every 500 eligible nonparticipating households—households, not individuals, mind you—which actually works out to two outreach workers per county now in the program, and one certification worker per 1,000 participating households, or about one per county. Second, we provide for a simplification of the certification procedure itself, requiring that an application be acted upon within 15 days of its submission, or that temporary certification be provided at that point. Experience has shown, Mr. President, that the vast majority of applications are eventually approved, though it make take months for the wheels to grind. While some may argue that this automatic temporary certification is an incentive to cheat, we believe that the current financial and criminal penalties for defrauding the Government in this program, are adequate to deter potential cheats.

Our concern must be with meeting the real hunger of the poor as quickly and adequately as possible. Finally, to assist the States in the administration of the program, we are recommending an increase in the Federal Government's share of the administrative expenses from 62 to 80 percent. That, of course, sounds like a significant increase but in actual dollars and cents it amounts to around 7 million additional over this year's expenditures.

Last year, Mr. President, the Congress appropriated almost $2.5 billion for the food stamp program. The administration estimates that the cost of the program at the end of this fiscal year will run about $2.2 billion. The administration also estimates that next year—given the elimination of 1.5 million elderly participants, plus further reductions in participating due to improved economic conditions and administrative procedures designed to catch ineligibles—that the program will again cost $2.2 billion.

We have attempted, as best we can, to estimate the additional cost above the administration's budget estimate for the coming fiscal year of the recommendations in the Family Nutrition Act of 1973. It is our judgment that those recommendations will cost, at least, $200 million additional, and, at most, given increased participation because of improved outreach, an additional $300 million. If the additional cost works out to be the lower figure, then the program in the next fiscal year will cost $100 million less than Congress appropriated for the current year. If it approaches the higher figure, then the cost of the program next year will approximate the amount appropriated for this year.

Mr. President, we all realize that great care must be given to budgetary responsibility. All agree that programs must be careful'y scrutinized as to their effectiveness. It is in this context that the Family Nutrition Act is being set forth today. No effort in the past decade has been more successful than this antihunger effort. It works because it is the essence of simplicity and good sense, and good health is essential to participation in our society. We believe that the Family Nutrition Act of 1973 continues in a responsible and considered way this country's commitment to providing good nutrition for all of the American people, be they rich or be they poor.

Mr. President, I ask unanimous consent that an explanation of the Family Nutrition Act of 1973 be printed at this point in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE FAMILY NUTRITION ACT OF 1973

Definition of "Household". Eligibility for and participation in the program is made on a household basis. Based on this provision, the DOA issued regulations and instructions which provide that persons who share common living quarters shall be considered a "household" for Food Stamp Program purposes. These provisions are inconsistent with the current Food Stamp Act (as determined by the United States District Court for the Northern District of California in the case of Knowles v. Butz) and the bill provides for this codification. There is no attempt to amend the "related individuals" provision which has been ruled invalid but is currently on appeal.

The definition is further modified by striking the last sentence, which was added by P.L. 92-603 (H.R. 1): "No person who is eligible (or upon application should be eligible) to receive supplemental security benefits under Title XVI of such Act shall be considered to be a member of a household or an elderly person for the purposes of this Act" and was to become effective January 1, 1974. (The effect of this amendment is dealt with further below.)

Eligible Households. The Secretary shall continue, in consultation with the Secretary of HEW, to establish the uniform national standards of eligibility but the Bill provides for certain specific requirements as follows:

1. In no event shall the income eligibility requirement be less than the poverty line.

2. In determining which receipts are to be included in the computation of "income", only receipts that are actually received and available for general expenditures by the household are to be considered. This provision is specifically meant to exclude school loans for tuition, school fees, and books even though repayment is deferred until completion of the recipient's education.

3. All income which is excluded under Section 119 of the Internal Revenue Code is to be excluded under the provisions of this Bill. This provision is specifically meant to exclude from the computation of income the cost of lodging furnished to farm workers by their employers.

4. The maximum allowable resources are established at $3,000 per person over 60 in the household.

5. Concomitant with the amendment to the definition of "household" (above) relating to the eligibility of persons who are old, blind, or disabled, the Bill specifically states that such persons who receive Supplemental Security Income pursuant to Title XVI of the Social Security Act shall be allowed to participate under those conditions that apply to those who receive their income from any other source.

6. The provision that eliminated the eligibility of an individual who had reached his eighteenth birthday for one year after such person is claimed as a dependent by a taxpayer who is not a member of an eligible household is eliminated. Such person would still not be eligible during the taxable year he or she is so claimed.

7. The provision providing for temporary emergency standards of eligibility is modified to include mechanical failure as well as natural disasters.

8. The Secretary is also required to formulate uniform national standards for the distribution of federally donated foods.

*Work Requirement.* A work requirement exists in the current law which cuts off entire families from food stamp benefits if any single member of the family should be found able but unwilling to work. This bill is designed to protect the children and others in a family who may be unable to work. Essentially, it would require a reduction in food stamp allotments commensurate with the number of individuals who are required to register for employment, but who refuse to do so. In other words, if in a family of six there were one adult who was required by the law to register for work, and that individual refused to do so, the family would receive henceforth ⅚ of the food stamp allotment that they would normally be entitled to.

*Use of Coupons.* Under the Bill the Secretary is granted the power to investigate complaints made by participating households into the pricing policies of retail food stores where it is claimed that the pricing policy of the retail outlet discriminates against participating households in such a way as to lessen the purchasing power of the food stamp allotment. This is not meant as a carte blanche to investigate and control the general price level of consumer foods.

*Value of Coupon Allotment.* The bill provides that the face value of the coupon allotment be updated twice a year instead of annually and that the updating that is scheduled to occur July 1st, incorporate the rise in the cost of food through March 31st of this year. As the law currently reads, January increases in the cost of food would not be reflected in the allowable coupon allotments until July of the Next year. The Bill also provides an extra allotment for a pregnant woman, a $12 bonus per month for each child under one year of age, and an allotment bonus to persons medically certified as requiring a special diet of such an amount as the Secretary determines is necessary to provide that person with a nutritionally adequate diet.

*Cost of Food Stamp Allotment.* The maximum charge that can be made for the coupon allotment of each household is reduced from 30 percentum to 25 percentum of the household's income.

*Certification of Households.* Certification of applicant households would be made on the basis of a simplified application containing the necessary information and each application would be required to be acted upon within 15 days from the date that the initial request is made. Any household whose application was not acted upon within the 15 days would be granted a provisional certification until such time that a decision on the merits could be reached. Households which are receiving assistance pursuant to Title IV of the Social Security Act would qualify automatically since their need is already proven.

The income of households whose income is earned on a seasonal basis will be averaged on a 3, 6, or 12 month basis, as the applicant chooses, and certification would be for a like period of time.

Certification of any household would not lapse or be otherwise adversely affected except pursuant to a fair hearing, except that each participating household would have the obligation to report to the appropriate State agency any change in income or family size within 30 days of such change. In the event that any household so required fails to report such household's eligibility would terminate, until such time as compliance is met.

*State Plan of Operation.* As is currently the law, each state would be required to submit a plan of operation that provides for the incorporation of eligibility standards promulgated by the Secretary and for the certification of applicant households in accordance with federal guidelines. In addition, however, new provisions provide for:

1. employment by the State of one worker per every 1000 participating households for the purpose of undertaking the certification and re-certification of applicant households.

2. employment by the State of one worker per every 500 households in that subdivision whose incomes are under the income poverty guidelines but who are not currently participating.

3. granting authority to the hearing board to allow them in appropriate cases to grant retroactive relief.

4. issuance of coupon allotments no less than two times per month.

5. the reinstatement of the provision which was repealed by P. L. 92-603 (H.R. 1) providing any household that is participating in the food stamp program by reason of its participation in a program pursuant to Title IV of the Social Security Act (AFDC) with the option to have its coupon allotment deducted from such grant and distributed to it with such grant.

*State failure to comply.* If a State agency fails substantially to comply with the provisions of this Act the Secretary would no longer be allowed to totally discontinue the further issuance of coupons in the political subdivisions involved. In lieu thereof the Secretary would pursue one or more of the following sanctions:

1. request the Attorney General to petition any district court of the United States having jurisdiction over the State agency to enjoin such State to comply with this Act, the regulations, or the State plan of operation.

2. disallow for cost sharing purposes under this Act administrative funds expended by the State agency not in compliance with this Act, the regulations, or the State plan of operations;

3. require the State agency to reimburse any households affected by the agency's failure to comply with this Act, the regulations, or the State plan of operations for the benefits under the program that such households have been denied thereby; or

4. directly administer such program throughout the State or in such political subdivisions as the Secretary deems appropriate.

*Use of Food Stamps by Senior Citizens.* Members of an eligible household who are sixty or over or such persons and their spouses would be allowed to use food stamps to purchase meals prepared by senior citizens' centers and various other eating establishments which prepares meals especially for elderly persons.

*Cooperation with State Agencies.* The Secretary is currently authorized to pay to each State agency an amount equal to 62½ per centum of the cost of salaries and other administrative expenses involved in carrying the provisions of the Food Stamp Act. This per centum would be raised to 80% and would include the cost of the added personnel required for certification and outreach services.

*Authorization.* The bill provides for an open ended authorization for the FY 1974, 75 and '76 as was the case for FY 1972 and 1973.

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By Mr. McGOVERN:

S. 1670. A bill to provide for the establishment of the George Washington Institute for the Social Sciences. Referred to the Committee on Labor and Public Welfare.

GEORGE WASHINGTON INSTITUTE OF THE SOCIAL SCIENCES

Mr. McGOVERN. Mr. President, there has recently been much discussion in the Congress and in the media about the programs to which priority should be given in order to resume the forward pace of progress of this Nation.

The administration has amply demonstrated its ideas of how it should be done. Many of us disagree, seeing a backward trend, and have proposed other programs more pertinent to the results desired.

Those programs we will continue to encourage in order to place above all else the welfare of all our people, their health care, education, and job training and opportunities.

Within these general categories there are innumerable goals to be pursued. All of them, if they are to be explicitly and rationally formulated, need detailed study in terms of budget data and economic analyses in order that the best courses of action can be selected.

The recognition of this need is not new. I have stated before the importance of a source of ready, reliable information on social issues. But that information must be accompanied by responsible, sophisticated analysis. Senator MONDALE, in discussing the more than $400 million worth of statistics produced in this Government, said they are worth almost nothing because no one looks at them. Senator JAVITS has observed that there is a need for some sort of coordinating mechanism which would consider all of the alternatives and options open to us. Others in and out of Congress state that this body must be more than a brake or a rubber stamp on legislative initiatives from the White House.

For these purposes and in order to establish a framework within which consistent decisions can be made in a considered manner, and to stimulate informed awareness and discussion of national priorities, I propose the establishment within Congress of an institute to be known as the "George Washington Memorial Institute for the Social Sciences." It will conduct analyses of national goals and priorities and provide the Congress with the information and data needed for enlightened decisions.

I ask unanimous consent that this bill will be printed in the RECORD.

There being on objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1670

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Institute for the Social Sciences Act."

TITLE I—FULL OPPORTUNITY

DECLARATION OF POLICY

In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

The Congress finds and declares that there



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is a need for a more explicit and rational formulation of national goals and priorities, and that the Congress needs more detailed and current budget data and economic analysis in order to make informed priority decisions among alternative programs and courses of action. In order to meet these needs and establish a framework of national priorities within which individual decisions can be made in a consistent and considered manner, and to stimulate an informed awareness and discussion of national priorities, it is hereby declared to be the intent of Congress to establish an Institute within the Congress which will conduct a continuing analysis of national goals and priorities and will provide the Congress with the information, data, and analysis necessary for enlightened priority decisions.

DECLARATIONS

The Congress declares that our first President George Washington—

(1) left a bequest to endow a national university in his last will and testament;

(2) repeatedly urged upon the Congress the importance of establishing a national university; and

(3) surveyed a site for such a university with the cooperation and assistance of the Commissioners of the District of Columbia.

ESTABLISHMENT OF INSTITUTE

(A) There is hereby established in Washington, District of Columbia, an institute to be known as the "George Washington Memorial Institute for the Social Sciences" (Hereinafter referred to as the "Institute"), to promote through such Institute the social welfare of the United States by—

(a) providing research relating to the social need of citizens and to policies which will give every American the long-range opportunity for "the pursuit of happiness" as provided in the fundamental policy contained in the Declaration of Independence;

(b) gathering, for study and evaluation, various reports, studies, documents, and data prepared by the Federal Government, and other public and private organizations, relevant to social conditions in the United States; and

(c) organizing conferences and seminars with persons of outstanding achievement and capacity from the professions, industry, agriculture, labor, commerce, institutions of higher education and other appropriate areas.

(B) The Institute shall be housed in such public buildings as may be made available for this purpose in Washington, District of Columbia. In order to carry out the provisions of this subsection the Administrator of General Services is authorized to provide such buildings, facilities, and equipment to the Institute as may be necessary.

BOARD OF TRUSTEES

(a) The Institute shall be under the direction and control of a Board of Trustees (Hereinafter referred to as the "Board") which shall be composed of—

(1) the Secretary of Health, Education and Welfare;

(2) the Librarian of Congress;

(3) the Chairman of the National Endowment of the Humanities;

(4) the Secretary of the Smithsonian Institution;

(5) the Director of the National Science Foundation;

(6) the Director of the Institute; and

(7) seven members to be appointed by the majority leader of the Senate, and the Speaker of the House of Representatives and confirmed by a majority of each House. Two of said appointed members shall be members of a university or college faculty and five shall be drawn from state and local government and the cultural, industrial, agricultural commercial and other walks of life.

(b) The majority leader of the Senate and the Speaker of the House of Representatives shall designate a Chairman and a Vice Chairman from among the members appointed and with concurrence of both Houses. A majority of the members of the Board shall constitute a quorum.

(c) The seven appointed members under (a) (7) shall serve terms of six years, except that (1) of those members initially taking office, two shall serve terms of two years, two shall serve terms of four years, and three shall serve terms of six years, and (2) a vacancy shall be filled only for the unexpired portion of any term.

(d) Members of the Board shall receive no compensation, but shall be reimbursed for their travel expenses, including a per diem allowance, in accordance with section 5703 (c) of title 5, United States Code, when engaged in the performance of their duties as such members.

There shall be a Director and an Assistant Director each of whom shall be appointed by the Board of Trustees. The Institute shall be under the control and supervision of the Director, and shall have a seal adopted by him. The Assistant Director shall perform such duties as may be assigned to him by the Director, and, during the absence or incapacity of the Director, or during a vacancy in that office, shall act as the Director.

(a) The annual compensation of the Director shall be equal to the annual compensation of the Comptroller General of the United States. The annual compensation of the Assistant Director shall be equal to that of the Assistant Comptroller General of the United Sates.

(b) The terms of office of the Director and the Assistant Director first appointed shall expire on January 31, 1978. The terms of office of Directors and Assistant Directors subsequently appointed shall expire on January 31 every four years thereafter. Except in the case of his removal under the provisions of subsection (c), a Director or Assistant Director may serve until his successor is appointed.

(c) The Director or Assistant Director may be removed at any time by a resolution of the Senate or the House of Representatives. A vacancy occurring during the term of the Director or Assistant Director shall be filled by appointment, as provided in this section.

(d) The professional staff members, including the Director and Assistant Director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret publicly policies and programs.

FUNCTIONS OF THE INSTITUTE

(a) The Institute shall make such studies as it deems necessary to carry out the purposes herein designated. Primary emphasis shall be given to supplying such analysis as will be most useful to the Congress in voting on the measures and appropriations which come before it, and on providing the framework and overview of priority considerations within which a meaningful consideration of individual measures can be undertaken.

(b) The Institute shall submit to the Congress on March 1 of each year a national goals and priorities report and copies of such report shall be furnished to the Committee on Appropriations of the Senate and of the House of Representatives, the Joint Economic Committee, and other interested committees. The report shall include, but not be limited to—

(1) An analysis, in terms of national goals and priorities, of the programs in the annual budget submitted by the President, the Economic Report of the President, and the Social Report of the President;

(2) an examination of resources available to the Nation, the foreseeable costs and expected benefits of existing and proposed Federal programs, and the resource and cost implications of alternative sets of national priorities; and

(3) recommendations concerning spending priorities among Federal programs and courses of action, including the identification of those programs and courses of action which should be given greatest priority and those which could more properly be deferred.

(c) In addition to the national goals and priorities report and other reports and studies which the Institute submits to the Congress, the Institute shall provide upon request to any Member of the Congress further information, data, or analysis relevant to an informed determination of national goals and priorities.

POWER OF THE INSTITUTE

(a) In the performance of its functions under this title, the Institute is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of the operations of the Institute.

(2) to employ and fix the compensation of such employees, and purchase or otherwise acquire such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Institute and as may be appropriated for by the Congress;

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code; and

(4) to use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(b) (1) Each department, agency, and instrumentality of the executive branch of Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Institute, upon request made by the Director, such information as the Director considers necessary to carry out the functions of the Institute.

(2) The Comptroller General of the United States shall furnish to the Director copies of analyses of expenditures prepared by the General Accounting Office with respect to any department or agency in the executive branch.

(3) The Office of Management and Budget shall furnish to the Director copies of special analytic studies, program and financial plans, and such other reports of a similar nature as may be required under the planning-programing-budgeting system, or any other law.

JOINT ECONOMIC COMMITTEE HEARINGS

The Joint Economic Committee of the Congress shall hold hearings on the national goals and priorities report and on such other reports and duties of the Institute as it deems advisable.

PAYMENT OF EXPENSES

All expenses and salaries of the Institute shall be paid by the Secretary of the Senate from funds appropriated for the Institute upon vouchers signed by the Director, or in the event of a vacancy in that office, the Acting Director.

FELLOWS

In keeping with the spirit of President George Washington's unsatisfied bequest calling for the creation of a national institution of higher learning—

(a) There shall be within the Institute, George Washington Memorial Fellows (hereinafter referred to as "Fellows"), who shall assist in carrying out the functions of the Institute pursuant to services they can render by virtue of their expertise.

(b) The Board shall select Fellows on the basis of outstanding achievement and capacity in the requirements of their special fields from among the social scientists and others of the United States (and, where appropriate, of other Nations) without regard to their current place of employment. In selecting Fellows, the Board shall maintain, to the extent practicable, a representative distribution among scholars in the various disciplines of sociology, political science, psychology, anthropology, economics, social work, urban affairs, law, and such other disciplines as the Board may consider to be engaged in social research.

(c) (1) Fellows shall be appointed for terms not to exceed twenty-seven months, except when the Board deems a longer period appropriate.

(2) Fellows shall be compensated at rates established by the Board sufficient to provide a stipend and expenses incidental to service at the Institute, including travel expenses and a living allowance.

SATISFACTION OF BEQUEST

Enactment of this Act shall serve to discharge any and all obligations on the part of the Federal Government under the bequest of President George Washington.

AUTHORIZATION OF APPROPRIATIONS

In order to carry out the provisions of this Act there is authorized to be appropriated a sum not to exceed $10,000,000 for the fiscal year ending June 30, 1974, and not to exceed $5,500,000 for each succeeding fiscal year. Any sum appropriated pursuant to this section shall remain available until expended.

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By Mr. McGOVERN (for himself and Mr. ABOUREZK):

S. 1671. A bill to provide for the establishment of a national cemetery near the Fort Randall Dam, S. Dak. Referred to the Committee on Veterans' Affairs.

FORT RANDALL NATIONAL CEMETERY

Mr. McGOVERN. Mr. President, South Dakotans have felt the need for a national cemetery for veterans for many years. A number of South Dakota veterans are already buried on a plot of government-owned land near Fort Randall, and it seems only fitting that this site be designated as a national cemetery for veterans.

To accomplish this purpose, and in compliance with the South Dakota State Legislature House Concurrent Resolution No. 501, I am joining with my colleague, Senator ABOUREZK, to introduce a bill which directs the Secretary of the Army to establish and maintain a national cemetery for veterans on the site previously referred to.

Mr. President, I ask unanimous consent that House Concurrent Resolution No. 501 as passed by the South Dakota State Legislature be printed in the RECORD as well as the text of the bill following my remarks.

There being no objection, the resolution and bill were ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION NO. 501

A concurrent resolution, Memorializing the Congress of the United States to direct the Secretary of the Army to establish a national cemetery at a site near the Fort Randall Dam in Gregory County, South Dakota

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, one of the first duties of this nation is to provide suitable resting places for those who have given a full measure of service to their country; and

Whereas, a great need exists on the central plains of this great nation for a national cemetery to serve as final resting place for this nation's honored dead; and

Whereas, the United States Government owns approximately three hundred twenty acres of land located on the southeast side of Fort Randall Dam in Gregory County, in the central plains of South Dakota; and

Whereas, a cemetery containing the graves of United States veterans of the earlier era already exists on a portion of the above said acreage.

Now, therefore, be it resolved, by the House of Representatives of the Forty-eighth Legislature of the State of South Dakota, the Senate concurring therein, that the Congress of the United States be memorialized to direct the Secretary of the Army to establish a national cemetery on a portion of the above said three hundred twenty acres of federal land located on the southeast side of Fort Randall Dam in Gregory County in order that this great nation can fulfill its obligation to those of its citizens who answered the call during the time when our great republic was threatened by the enemies of freedom; and

Be it further resolved, that copies of this concurrent resolution be transmitted by the Chief Clerk of the House of Representatives of the State of South Dakota to the offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional delegation of the State of South Dakota, the Secretary of the Army of the United States and the Governor of the State of South Dakota.

Adopted by the House, January 30, 1973.

Concurred in by the Senate, February 6, 1973.

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S. 1671

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Army is authorized and directed to establish a national cemetery within the area of approximately three hundred and twenty acres of Government-owned land located at the southeast side of Fort Randall Dam, South Dakota.

SEC. 2. The Secretary of the Army is authorized to provide for the care and maintenance of the cemetery established pursuant to the first section of this Act and is authorized to prescribe such regulations as he may deem necessary for administration of this Act.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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By Mr. PERCY (for himself, Mr. COOK, Mr. MCGOVERN, and Mr. SCHWEIKER):

S.J. Res. 99. A joint resolution to authorize the President to designate the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week." Referred to the Committee on the Judiciary.

NATIONAL NUTRITION WEEK

Mr. PERCY. Mr. President, the Senate Select Committee on Nutrition and Human Needs, of which I am the ranking Republican member, has held a number of hearings during the 93d Congress. In the course of these hearings, the committee has looked into the problems of nutritional advertising, particularly for children's television; the relationship of diet and dietary additives to tooth decay; the nutritional adequacy of popular weight-reduction diets currently followed by many Americans; and the sale of competitive foods in schools participating in the national school lunch program.

At each of the hearings, it becomes more apparent that the American public is sometimes taken in by overzealous commercial interests—interests of the food industry, or proponents of fad diets, of the advertising industry. It has also become apparent that the Federal Government cannot be entirely responsible for the protection of American consumers from those commercial interests.

The best protection the public has against unsafe or ineffective diet plans, against advertising that does not provide adequate or correct nutrition information about food products, and against food products that are either potentially harmful or without nutritional value is an awareness and understanding of the facts about good nutrition. Every step taken to bring accurate nutrition information to Americans is of course beneficial to the individuals who are thus better informed. But every such step is equally beneficial to our whole society as its members are given an added opportunity to maintain good health.

National Nutrition Week was observed this past March by the American Dietetic Association and its affiliates across the country. The success of National Nutrition Week next year, however, would be immeasurably enhanced by a Presidential proclamation. Such a proclamation would be one more important step toward bringing factual and up-to-date nutrition information to all Americans.

Consequently, I am pleased to introduce today a resolution on behalf of myself, Senator COOK, Senator MCGOVERN, and Senator SCHWEIKER, calling for the designation of the period of March 3, 1974, through March 9, 1974, as National Nutrition Week. I ask unanimous consent that this joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 99

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized and requested to issue a proclamation designating the period from March 3, 1974, through March 9, 1974, as "National Nutrition Week", and calling upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

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## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 250

At the request of Mr. RIBICOFF, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 250, to provide tuition tax credits to parents of nonpublic school students.

S. 371

At the request of Mr. TOWER, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 371, to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the pro-



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duction or gathering and sale but not in the transmission of natural gas.

S. 433

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from Tennessee (Mr. BAKER), the Senator from Alaska (Mr. GRAVEL), and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 433, a bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes.

S. 645

At the request of Mr. BAYH, the Senator from South Dakota (Mr. ABOUREZK) was added as a consponsor of S. 645, a bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes.

S. 780

At the request of Mr. SPARKMAN, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 730, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor.

S. 821

At the request of Mr. BAYH, the Senator from South Dakota (Mr. ABOUREZK) and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 821, a bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

S. 838

At the request of Mr. TOWER, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 838, a bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces.

S. 919

At the request of Mr. GURNEY, the Senator from Nevada (Mr. BIBLE), the Senator from California (Mr. TUNNEY), the Senator from Delaware (Mr. ROTH), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 919, a bill to permit spouses and widows of medicare beneficiaries and early retirees to purchase medicare coverage at cost.

S. 948

At the request of Mr. MONDALE, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 948, a bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees.

S. 971

At the request of Mr. TAFT, the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Utah (Mr. Moss), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 971, the Home Preservation Act of 1973.

S. 983, S. 984, S. 985

At the request of Mr. BAYH, the Senator from Colorado (Mr. DOMINICK), and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 983, a bill to amend the Controlled Substances Act to move certain barbiturates from schedule III of such act to schedule II; and S. 984, a bill to amend the Controlled Substances Act to require identification by manufacturer of each schedule II dosage unit produced; and S. 985, a bill to amend the Controlled Substances Act to establish effective controls against diversion of particular controlled substances and to assist law enforcement agencies in the investigation of the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels, by requiring manufacturers to incorporate inert, innocuous tracer elements in all schedule II and III depressant and stimulant substances, and for other purposes.

S. 1082

At the request of Mr. WEICKER, for the Senator from Indiana (Mr. BAYH), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 1082, Bread Tax Repeal Act of 1973.

S. 1103

At the request of Mr. HART, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1103, the Congressional Election Finance Act of 1973.

S. 1109

At the request of Mr. MONDALE, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CASE), the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1109, a bill to amend the Internal Revenue Code of 1954 to provide that the designation of payments to the Presidential Election Campaign Fund be made on the front page of the taxpayer's income tax return form.

S. 1146

At the request of Mr. WEICKER, the Senator from Minnesota (Mr. HUMPHREY), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Minnesota (Mr. MONDALE), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 1146, a bill to provide for repayment of certain sums advanced to providers of services under title XVIII of the Social Security Act.

S. 1189

At the request of Mr. WEICKER, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1189, the Federal Election Campaign Reform Act of 1973.

S. 1218

At the request of Mr. GRAVEL, the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1218, a bill to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing.

S. 1252

At the request of Mr. BAYH, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Michigan (Mr. HART), the Senator from Illinois (Mr. STEVENSON), the Senator from Nevada (Mr. BIBLE), the Senator from New York (Mr. JAVITS), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. TUNNEY), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PELL), the Senator from Utah, (Mr. Moss), and the Senator from South Dakota (Mr. MCGOVERN), were aded as cosponsors of S. 1252, a bill to amend the Controlled Substances Act to establish effective controls, including production quotas, stricter distribution and storage security, and more stringent import and export standards, against diversion and abuse of methaqualone, by placing this depressant substance on schedule II of such Act.

S. 1407

At the request of Mr. BURDICK, the Senators from Minnesota (Mr. HUMPHREY and Mr. MONDALE) were added as cosponsors of S. 1407, to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission certain authority over railroad car service when an emergency is or may be imminent.

S. 1507

At the request of Mr. GURNEY, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 1507, a bill to restrict the amount of export of softwood lumber.

S. 1527

At the request of Mr. WEICKER, the Senator from Nevada (Mr. BIBLE), the Senator from Florida (Mr. CHILES), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. HASKILL), and the Senator from New Hampshire (Mr. MCINTYRE), were added as cosponsors of S. 1257, the Lobster Conservation Control Act of 1973.

S. 1544

At the request of Mr. MONDALE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1544, a bill to prohibit the further expenditure of funds to finance the involvement of the Armed Forces of the United States in Cambodia.

S. 1578

At the request of Mr. BAYH, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1578, a bill to provide for a national program of disaster insurance.



S. 1592

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 1592, the Endangered Species Act of 1973.

S. 1599

At the request of Mr. SAXBE, the Senator from Montana (Mr. MANSFIELD), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 1599, a bill to provide for the continued sale of gasoline to independent gasoline retailers.

SENATE JOINT RESOLUTION 95

At the request of Mr. HUMPHREY, the Senator from Wyoming (Mr. MCGEE) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of Senate Joint Resolution 95, authorizing and directing the Secretary of Commerce to conduct a Census of Agriculture in 1974 and to insure that such data acquired from this census be made available to the public as soon as practicable.

## SOCIAL SERVICES FOR THE AGED—AMENDMENT

AMENDMENT NO. 93

(Ordered to be printed, and referred to the Committee on Finance.)

Mr. SCOTT of Pennsylvania (for himself, Mr. SCHWEIKER, Mr. BIBLE, Mr. BURDICK, Mr. COOK, Mr. CRANSTON, Mr. GURNEY, Mr. HOLLINGS, Mr. HUGHES, Mr. MCGOVERN, Mr. MOSS, Mr. PASTORE, Mr. PERCY, Mr. RANDOLPH, Mr. STAFFORD, Mr. TUNNEY, and Mr. YOUNG) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 582) social services for the aged.

## ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 18 TO S. 371

At the request of Mr. TOWER, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 18, to S. 371.

## NOTICE OF HEARINGS ON REPORT OF COMMISSION ON CONSUMER FINANCE

Mr. PROXMIRE. Mr. President, the Subcommittee on Consumer Credit of the Committee on Banking, Housing and Urban Affairs will commence hearings on the report of the National Commission on Consumer Finance at 10 a.m. on May 17, 18, and 21 in room 5302 Dirksen Office Building.

All persons wishing to testify should contact Mr. Kenneth A. McLean, room 5300, Dirksen Office Building; telephone 225-7391.

## NOTICE OF HEARINGS ON FAIR CREDIT BILLING LEGISLATION

Mr. PROXMIRE. Mr. President, the Subcommittee on Consumer Credit of the Committee on Banking, Housing and Urban Affairs will commence hearings on S. 914 and S. 1630 at 10 a.m. on May 22, 23, and 24 in room 5302, Dirksen Office Building.

All persons wishing to testify should contact Mr. Kenneth A. McLean, room 5300, Dirksen Office Building; telephone 225-7391.

## NOTICE OF HEARING ON A NOMINATION

Mr. BIBLE. Mr. President, on behalf of Chairman JACKSON, I would like to announce for the information of the Senate and the public that the Committee on Interior and Insular Affairs will hold an open hearing on May 3 at 3 p.m. on the nomination of James T. Clarke by President Nixon to be Assistant Secretary of the Interior for Management.

This announcement is made so that any Member of the Senate or the public who desires to comment on the nomination will have adequate notice and may do so.

I ask unanimous consent to include a copy of the biographical sketch of this nominee.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF JAMES T. CLARKE

James T. Clarke, 35, of Detroit, has been nominated by the President of the position of Assistant Secretary of Interior for Management. His duties will include the management and administrative activities of the Department.

Mr. Clarke is currently a partner in Coopers & Lybrand (formerly Lybrand, Ross Bros. & Montgomery), one of the largest international accounting and consulting firms. A certified public accountant, he is in charge of the firm's consulting practice in Detroit and coordinates its consulting services to government throughout the Midwest. He joined the firm in 1961 and now specializes in assignments concerning financial analysis, organizational planning and budgeting accounting and EDP systems.

He was born in Petoskey, Michigan, and received a B.A., degree with honors in economics from the College of Wooster, in Ohio, and an M.B.A. degree in finance from the University of Michigan. From 1962 to 1965 he was a supply officer in the Navy; he was honorably discharged as a lieutenant.

Mr. Clarke is a member of the American Institute of CPA's and the Michigan Association of CPA's, for which he is Chairman of the Management Advisory Services Committee. He is also a member of the Federal Government Accountants Association and has held a number of positions in the Junior Chamber of Commerce.

He is married to the former Patricia Kemp of Detroit. They have a son, Timothy, 2.

## NOTICE OF CHANGE IN PLACE OF HEARING

Mr. BURDICK. Mr. President, I wish to announce that the hearing of the Subcommittee on Improvements in Judicial Machinery on additional U.S. district judgeships previously noticed for May 2, 1973, will be held in room S. 224 in the Capitol at 10 a.m., rather than in room 1318, Dirksen Office Building.

## NOTICE OF HEARINGS ON JUDICIAL DISQUALIFICATION BILL

Mr. BURDICK. Mr. President, as chairman of the Judiciary Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings for the consideration of S. 1064, a bill to amend 28 U.S.C. 455 specifying the circumstances under which a Federal judge should disqualify himself from participation in a case.

The hearing will be held on May 17, 1973, beginning at 10 a.m., in room 457, Russell Office Building.

Those who wish to submit a statement for inclusion in the hearing record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, Dirksen Office Building—extension 5-3618.

## ADDITIONAL STATEMENTS

### VIETNAMESE VETERANS: TOP WHITE HOUSE PRIORITY

Mr. SCOTT of Pennsylvania. Mr. President, in a recent letter to the editor of the New York Times, Mr. Donald Johnson, Administrator of the Veterans' Administration, clearly details what the Federal Government is doing to help Vietnam veterans. He points to the "compassionate concern for these young veterans" as this Nation enters a long-awaited era of peace. He explains that we want to make certain these young men, home at last from a long and grueling war, receive the best health and medical services available.

In a recent meeting, Mr. Johnson told me he was hopeful that Federal money would soon become available for a new and badly needed Veterans' Administration hospital for the Philadelphia area. This is the kind of progress we all look forward to as we support his efforts in keeping the needs of Vietnam veterans a continuing top priority.

Mr. President, I ask unanimous consent that Mr. Johnson's informative report in his April 14, 1973 letter to the Times be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
*Washington, April 2, 1973.*

VIETNAM VETERANS: TOP WHITE HOUSE PRIORITY

To the EDITOR:

Although your lead editorial of March 28 is completely misleading, I agree with its caption: This, is, indeed, the "Age of the VietVets," the more so now that President Nixon's program to end the war and win an honorable peace has been capped with the return of our P.O.W.'s and the absence in Vietnam of American forces for the first time in twelve years.

A compassionate concern for these young veterans has long had top priority Administration considerations, and, as the President noted in his March 25 statement, "In every area of Government concern, we are now doing more than we have ever done before to help our American veterans."

Here are the facts:

The latest Veterans Administration medical-care budget of $2.7 billion is 80 per cent higher than the 1969 budget; more veterans are receiving health care than ever before; V.A. hospital staffs have been augmented by thousands of employes.

The President has approved two increases in compensation for disabled veterans, and there has been an 85 per cent increase over

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1969 in V.A. vocational rehabilitation training.

The number of home loans under the G.I. Bill has doubled in the last four years; the President has twice approved increases in G.I. Bill education and training allowances, and the number of veterans now training under the G.I. Bill is about three times the number of trainees in 1968.

Your editorial referred to "tragically high" veteran unemployment but ignored dramatic gains in this problem area in the nearly two years since President Nixon launched his national Jobs for Veterans program. The unemployment rate for all Vietnam era veterans—once nearly 10 per cent—was down to 5.7 percent last month.

The editorial conceded Mr. Nixon could point with pride to recent increases in educational allowances but argued that present allowances fall "pitifully short," and World War II veterans were given higher benefits.

The present single veteran allowance of $1,980 for a school year is nearly three times the World War II allowance and gives most veterans more monetary assistance than after World War II, even allowing for inflation and increased school costs. The World War II G.I. Bill paid tuition, books and supplies only up to $500, and—unlike the current G.I. Bill—placed a $210 ceiling on a veteran's combined allowance and outside earnings.

Your editorial's branding of benefits for older veterans as "a long-term boondoggle—a mortgage on society—and an extravagance" seems to warn Vietnam veterans that no matter how much their military service may be valued now, as far as The Times is concerned they will be strictly on their own as they grow older. This letter will give your readers at least a glimpse of the other side of the coin.

DONALD E. JOHNSON, *Administrator.*

## U.S.-LATIN AMERICA RELATIONS

Mr. KENNEDY. Mr. President, Sol Linowitz has been observing relations between the United States and Latin America for several decades and has been one of our most thoughtful policymakers in that area as well.

Therefore his recent article in the World magazine on this subject is of particular interest.

For he describes what public opinion leaders in Latin America have been complaining about for 4 years—the absolute failure of this administration to enunciate or implement a policy towards Latin America.

The missed opportunities of this administration are cited—the decision to impose on Latin America the same onerous 10-percent surcharge despite the traditional balance of trade and balance of payments in our favor, the decision to warp the purposes of multinational leading institutions by demanding that they play a role in carrying out United States antiexpropriation policy.

He might also have included the decision to link U.S. foreign policy to the destinies of private U.S. corporations, the decision not to support imaginative ways of providing additional development assistance through SDR allocations for developing nations, and the decision to put far more political muscle behind the drive to maintain military aid than behind the effort to obtain humanitarian and development assistance.

In addition to his critique of the administration's nonpolicy toward Latin America, Ambassador Linowitz also puts forth a sensible set of principles that should be considered carefully as a basis for reestablishing a coherent policy toward Latin America.

I believe this article deserves the close attention of my colleagues and, therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOK, MR. PRESIDENT, LATIN AMERICA IS ON THE MAP, TOO

(By Sol M. Linowitz)

Few leaders have had such clear guides by which to formulate a policy for a region. "Yet for some . . . reason, the President has failed to respond."

Not long ago the *Journal do Brasil* (a not unfriendly Brazilian newspaper) ran a cartoon that shows President Nixon standing before a globe of earth contemplating Europe, the United States, and Asia. In the next panel, Nixon, crouching down, peers in astonishment at South America and exclaims: "Look, there's a map on the underside, too!"

The cartoon's implications are painfully clear: To Latin Americans, President Nixon is the first U.S. President in this century who has prided himself on his mastery of world affairs, yet has had literally no policy for Latin America. Other presidents during the past seventy years, whether their goals were regarded as constructive or jingoistic, at least seemed to have some clear idea of what they wanted to accomplish "south of the border." Theodore Roosevelt had his Big Stick and Gunboat policies, replete with territorial-imperative chest pounding. FDR launched the well-meaning, paternalistic Good Neighbor policy. And John F. Kennedy created the Alliance for Progress, which was later furthered by Lyndon B. Johnson. But the Nixon administration has seemed rudderless in this area, and Latin Americans speak bluntly of the Nixon "non-policy" toward Latin America.

Ironically, the relationship between the United States and Latin America inherited by the Nixon administration was basically a healthy, cooperative one.

There were, of course, problems and quarrels. But under the Alliance for Progress, Latin America has managed to achieve an annual average of 2.4 percent real per capita growth. This was exactly one decimal point below target, but far better than might have been expected during the 1960s, when the area's terms of trade and income from export commodities suffered badly. During that decade the United States contributed over $8 billion in bilateral aid and was responsible for much of the $6.5 billion in loans from international institutions such as the World Bank and the Inter-American Development Bank. The Latin Americans themselves, moreover, put up at least 90 percent of the capital required to fuel development and built up a sizable infrastructure of public-works projects and social programs.

One of the Alliance's crowning achievements was in export expansion and diversification—which is the critical bone of contention between the United States and Latin America today. Under the Alliance, Latin America moved away from the wasteful import-substitution policy that had been its mainstay during the 1950s, and concentrated instead on diversifying its exports. However, toward the end of the decade, Latin American leaders realized that further success in this program would require the United States and other countries of the developed world to tear down the trade barriers to Latin American-manufactured exports. It was at this stage that President Nixon stepped onto the scene.

Then came two striking developments in U.S.-Latin American relations: the Rockefeller mission to Latin America and the Latin American meeting that produced the document called the consensus of Viña del Mar.

In late January 1969, Nixon announced that he was sending Gov. Nelson Rockefeller—a former Co-ordinator of Inter-American Affairs, long known for his deep interest in the area—on a fact-finding mission to a dozen Latin American capitals. Rockefeller surrounded himself with highly respected experts from a wide range of disciplines and embarked on a whirlwind tour of Latin America. Some skeptics asked whether still another study was in fact necessary, but when it came out, the Rockefeller report did demonstrate the importance of Latin America for the United States objectives, and recommended significant action. The President accepted the report, and Latin Americans waited to see whether he would act on it.

Meanwhile—at precisely the same time as the Rockefeller mission—there was a meeting of CECLA—the Special Coordinating Committee on Latin America, which consists of all OAS members except the United States. The purpose of the meeting was to coordinate the Latin American position within the Alliance, and the conferees agreed on a statement issued as the consensus of Viña del Mar.

The consensus covered a good deal of ground, ranging from international financing to the transfer of technology and the role of foreign direct investment; and from tariffs and quotas to the prices of commodities on the world markets.

Specifically, it asked that the United States eliminate tariff and non-tariff barriers on goods from the developing world and that it champion Latin exports by helping secure similar treatment for them in other developed markets. The CECLA group also sought greater financial cooperation that would allow recipients of aid to set their own priorities with no strings attached to the foreign aid they received.

Few national leaders in their first year in office have had such clear guides as the consensus and the Rockefeller report by which to formulate a foreign policy for a region. Yet for some inexplicable reason, the President failed to respond. In his only major Latin American policy statement, on October 31, 1969, the President indicated his awareness of the key problems, and then to the great disappointment of Latin Americans did very little about them.

The Nixon proposal for Latin America, as outlined in the October speech, was known as Action for Progress in the Americas; its ideas were meant to be the backbone of the Nixon policy for Latin America. On the face of it, the program seemed to offer highly positive concessions to Latin America in four key areas.

First, with respect to trade preferences, the statement said that the United States would urge other industrialized countries to agree on a uniform, nondiscriminatory system toward developing countries. The system would be very generous, with no ceiling on preferential products that Latin America felt it could sell to the United States; and the United States would be prepared to go ahead with preferences for Latin America on a number of products if Europe and Japan could not be persuaded to go along on a more general trade preference for all developing countries.

A second point was the untying of U.S. AID (Agency for International Development) loans. It was emphasized in the policy statement as a significant step forward. What was not underscored was the fact that while AID recipients would no longer be tied to U.S. sources alone, they would be free to purchase manufactured imports with AID funds only from sources *within Latin America.*

A third and slightly related point was the promise to move toward increased multilateralization of U.S. aid for Latin America.

The program's last key point concerned the need to "deal realistically with governments in the inter-American system as they are." The President conceded that each nation had a right to decide whether or not it wanted foreign private investment. Without threatening countries that might choose the path of expropriation, the President quietly warned that such action might seriously affect investor confidence.

Latin Americans accepted these key policy positions with a sense of hope, which has over the months turned to cynicism and disillusionment.

One major setback to Latin American confidence in the new program came on August 15, 1971, when the Nixon new economic game was announced. The plan placed a 10 percent surcharge on imports to protect the U.S. balance of payments, and Latin America found itself lumped in with the other exporting areas. Many commodities that make up the bulk of Latin American exports were excluded, and White House spokesmen pointed out that only 22 percent of Latin American exports would be affected by the surcharge. However, they missed two important points that did not escape Latin Americans: First, the exports affected were fast-growing manufactured products, which Latin producers had worked long years to be able to manufacture for successful marketing in the United States. Second, Latin America's dollar-trade deficit with the United States had exceeded a billion dollars the previous year; and Latin Americans understandably felt that they should not be penalized in the same category as the European, Japanese, and other exporters who had contributed to the balance of payments predicament of the United States.

Quite clearly, the President had missed an extraordinary opportunity. He could have said he recognized that Latin America was not a factor in U.S. economic problems and could have absolved the area from the added burden of the surtax. Having failed to do so, however, he could no longer blame a protectionist Congress (as his administration had been doing) for the failure to live up to his commitment on trade preferences for Latin America.

The predictable result was to unite Latin America firmly against the United States. Even such strange bedfellows as Brazil and Chile were able to get together with other Latin American countries in an emergency CECLA meeting in Buenos Aires that condemned the U.S. action and explored possible sanctions against the United States. A belated decision (made after the CECLA affair) to roll back the 10 percent AIO cut failed to overcome the resentment and hostility that had been aroused.

The promised multilateralization of aid also proved to be a disappointment to the Latin Americans. At the beginning of last year, President Nixon issued a statement that appeared to increase politicization of technical aid channels through the Inter-American Development Bank and the World Bank. He warned that all U.S. aid—including that funneled through multilateral institutions—would, in the absence of special circumstances, be cut off from countries that expropriated U.S. investments without prompt and adequate compensation.

Other statements exacerbated the situation. While still secretary of the treasury, John Connally stated in an interview: "The United States can afford to be tough with Latin Americans because we have no friends left there anymore." Later, as good-will ambassador to Latin America, Connally warned Venezuelans that "the United States has the power to export prosperity or poverty to any country in the world to which it chooses to do so."

Against this background it is quite clear that the Nixon non-policy toward Latin America has had one effect: It has united Latin America in opposition toward the United States and its surrogates—the hundreds of subsidiaries of U.S. corporations spread throughout the region. On other issues it has helped set Latin American leaders against each other in their efforts to vie for leadership of the region precisely at the time when the nations of Latin America should be working solidly together for development of the continent.

Neither the United States nor U.S. private investment in the area has benefited from this non-policy toward Latin America. Therefore, what we now need—and need badly—is a cohesive policy for Latin America that will take into account the hemisphere's special requirements and desires. And this challenge presents the new Nixon administration with an extraordinary opportunity at a pivotal moment.

What should be the ingredients of such a policy? Here are a few suggestions:

1. Define U.S. goals in the hemisphere, and spell out just as clearly what the United States expects of others. Then stick to these commitments.

There is no need of studies and analyses that make clear what our approach should be and how we should go about it. What we need—and desperately—is to recognize that clarity, like charity, must begin at home. To talk about "partnership" at a time when there is not even a constructive dialogue is neither realistic nor constructive. To be effective, a partnership must begin at the top—with the President. There must also be a genuine commitment on the part of the President, which in turn is reflected throughout the administration.

2. Move the Alliance for Progress toward a second stage, in which it would really be directed on a multilateral basis, with goals mutually defined.

We have long since passed the time when the United States can attempt to direct the destiny of Latin America. It is now necessary for all sides to participate in setting up goals and guideposts. The consensus of Vina del Mar and the recommendations of the Rockefeller commission can be important guides in establishing common objectives. The United States should indicate its readiness to join in developing such common goals.

3. Use existing inter-American institutions to conduct as much of our governmental business with Latin America as possible.

The OAS and the Inter-American Development Bank are two established organizations in which the United States can place its trust in dealing with the area. Both are staffed with dedicated international civil servants who are seeking to develop the region and who can speak both the language of the United States and that of Latin America. We should make clear our confidence in, and respect for, such inter-American institutions.

4. Once the United States has agreed to the principle of multilateralism, we should assure that decisions with respect to multilateral aid are truly multilateral.

As is true with any corporate board of directors, the role of the board of a multinational institution is to set overall standards and leave everyday management to the professional managerial staff. The same should apply in the case of international lending institutions. It would be helpful in this regard if Japan, European countries, and others were to join such institutions as the Inter-American Development Bank in order to assure that they are truly multilateral and not dominated by the political influence, express or implied, of the United States.

5. Open up the U.S. market to Latin American products to the greatest extent possible and in a way that will truly benefit inter-hemispheric trade.

One idea worth exploration would be for the United States to allow Latin American products to come in free of all duties and quotas to the extent of the almost $2 billion trade surplus it has with the region. There is no reason why a nation as powerful as the United States must make its mark at the expense of its developing neighbors. To make the formula more acceptable to Congress, the United States could insist that Latin nations reduce their barriers against U.S. exports to the degree they benefit from increased exports to the United States.

6. *Help rekindle the fire of economic integration.*

During the first eight or nine years, regional integration worked well, but it has since been stymied in its growth. Both LAFTA (Latin American Free Trade Association), which includes all of South America plus Mexico, and the Central American Common Market have run into difficult times. At the presidents summit meeting in April 1967, a Latin American common market was the leading item on the agenda. The United States could help revive interest in it by offering to become a nonreciprocal member—which would open up its markets—but not insist on the same from Latin Americans. A major market outside the area could be the stimulus that regional integration needs to set its export goals high and to develop the way to reach them.

7. *Make clear the nature of the relationship between the U.S. government and Latin American subsidiaries of U.S. parent companies.*

If the U.S. government has a responsibility for helping American companies in conflict with foreign governments, then it must also be prepared to be responsible for companies that conduct themselves badly in a particular country. The United States could insist that American companies follow a specific code of conduct of responsible international companies that would state what rights companies should be able to expect when dealing internationally, and what duties to the host country they have in return. If a U.S. company is wronged under such a code, then the U.S. government could, in good conscience, step in to make this known to an international tribunal, while avoiding any unilateral action.

8. *Accept the idea that Latin American countries—like other countries of the world—have the freedom to determine their own political, social, and economic systems on behalf of Latin Americans and in a Latin American way.*

The United States must learn to understand and accept the fact that differences exist among people and their ways of looking at things. And it must learn to adapt to these systems when they pose no intrinsic danger to the United States, and to avoid hostile knee-jerk reaction when disagreement occurs.

There is, of course, no guarantee that such policies will entirely abate hostility and tension. But they could begin to change the climate and move us back to a spirit of cooperation, rather than conflict. The need has never been greater, both in our own interest and in the interest of hemispheric progress and world peace.

## TWENTY-FIFTH ANNIVERSARY OF THE STATE UNIVERSITY OF NEW YORK

Mr. JAVITS. Mr. President, a joint meeting of the New York State Legisla-



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ture was held on March 13 to commemorate the passage 25 years ago of the legislation creating the State University of New York.

New York was the last of the States to found a State university. That was in 1948. Today, this university is the largest in the Nation, with a total of 364,000 full-time and part-time students presently enrolled at 72 campuses within the State of New York.

By this spring, or just 25 years after its creation, State University of New York will have graduated more than a half-million students.

The university is observing its silver anniversary with a series of special events which began with the March 13 joint meeting of the legislature. Other observances will be held on university campuses and at other locations through October.

The historic legislation creating the university was passed by the State Senate on March 10, 1948, and by the Assembly on March 13. It was signed into law by then Gov. Thomas E. Dewey on March 30 of that year.

The joint legislative meeting marked this commitment of New York's State government to expand educational opportunities in New York. It was attended by Gov. Nelson A. Rockefeller, who personally has made the enlargement of and enhancement in quality of the State University of New York a prime objective of his administration, and by other representatives of the executive department, the State university's board of trustees and its distinguished chancellor, Ernest L. Boyer, and more than 400 guests, including educators and university students and alumni, in addition to the members of both Houses of the 1973 legislature.

On this occasion, the university presented Distinguished Service Awards to four individuals and to the executive and legislative branches of State government.

Posthumous awards were made to Governor Dewey, to Assemblyman Irwin Steingut, and to State Senator Benjamin F. Feinberg. Assemblyman Steingut of Brooklyn, and Senator Feinberg of Plattsburgh were the principal sponsors of the 1948 legislation in their respective houses.

These awards were received at the ceremony by the sons of each of the three men, Thomas R. Dewey Jr., Stanley Steingut, now assembly Democratic minority leader, and Robert J. Feinberg, county judge and family court judge in Clinton County, N.Y.

The fourth person who was honored at the ceremony is Frank C. Moore, a former Lieutenant Governor and State comptroller of New York who served on the university's board of trustees from its inception in 1948 until 1965. He was board chairman for 11 years, from 1954 until 1965.

These awards were presented by four university students and four university alumni.

The Distinguished Service Awards to the executive and legislative branches were presented by Mrs. Maurice T. Moore, board chairman, and were received, respectively, by Governor Rockefeller, Assembly Speaker Perry B. Duryea, and Senate Majority Leader Warren M. Anderson.

Replicas of the seven awards were presented to each assemblyman and senator now serving in the legislature.

I ask unanimous consent that the remarks of Governor Rockefeller and Chancellor Boyer be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS BY GOV. NELSON A. ROCKEFELLER

I am deeply moved by this honor.

Naturally, at this time, my thoughts go back to taking office in 1959.

At that time the State University had 38,000 full-time students.

At that time 60 per cent of New York's students were in private colleges—compared to 20 percent in California.

It was clear that the post-war baby boom would soon be reaching college age.

And my Administration was determined that no young person would be denied the opportunity for higher education for lack of personal means or lack of educational facilities.

Therefore, in that first year I asked the State Board of Regents to join me in appointing a committee to study the State's future needs in higher education.

This outstanding committee, led by Dr. Henry Heald, warned that we had to double our State program of higher education between 1960 and 1970.

My Administration proposed and the Legislature approved creation of the State University Construction Fund to tackle the giant building task.

The construction fund launched a university construction program unparalleled anywhere on earth.

Almost $1.3 billion worth of projects are already completed.

Another $900 million worth of projects are under construction or in the design stage.

As a result of this unprecedented commitment, we have gone from 46 rather small campuses before to 72 modern campuses today;

Including four major university centers.

We have gone from 13 community colleges to 38.

At the same time that we were building facilities, we were building financial opportunity for students in need.

The existing program of Regents scholarships has been increased from 25,000 students when the Administration took office, to 86,000 today.

An entirely new form of support, the Scholar Incentive Awards, was begun in 1961.

Today, Scholar Incentive aid is paid to 277,000 college students in both public and private colleges.

And so, in an incredibly brief span, a state university system accommodating 38,000 full-time students has been expanded into a system with over 235,000 full-time students today;

The largest public university system anywhere.

The most exciting result is that we have managed to achieve simultaneous growth both physically and academically.

When we say today that New York has a state university system second to none, we mean both in size and academic stature.

The eyes of the world biology community, for example, are on the research in life-synthesis being carried out on the Buffalo campus.

Our newly created Empire State College is more than a university without walls;

It is a university without barriers—taking college to people who might never have reached a conventional campus.

Nobel laureates in the sciences—and world acclaimed figures in the humanities are members of State University faculties.

We have fulfilled our objective of providing the people of New York with an outstanding system of public higher education.

But in no area is it more important to remain vital and dynamic and attuned to change than in higher education.

The problems of the 70's will not be met with the solutions that served us well in the 60's.

That is why I named a superbly qualified group—the Keppel Task Force—to make a searching inquiry as to where New York should now be headed in higher education.

The major recommendations of the Task Force offer a great deal of good sense;

To guarantee some form of post high school education to every student;

To provide adequate support to low-income students to allow them the choice of public or private college;

To bring tuition into line in public colleges upstate and in New York City;

To relate student aid progressively to a family's ability to pay;

To carry out statewide and regional planning and cooperation in higher education.

And to have the Governor nominate the members of the Regents with the advice and consent of the Legislature.

We want to achieve a healthy balance of public and private colleges in which opportunity is open to all students with a will to learn—and never barred by family financial circumstances.

I thank you once more for the honor conferred on me, and add only this.

Over the years my Administration has been committed to many goals.

But if compelled to stand on one alone, I would want it to be the part this Administration has been permitted to play in providing a place where the hopes and dreams of our people for their children can find fulfillment.

And that, in great measure, is the meaning of the State University.

REMARKS BY ERNEST L. BOYER, CHANCELLOR, STATE UNIVERSITY OF NEW YORK

Mrs. Moore, Governor Rockefeller, Speaker Duryea, Majority Leader Anderson, Attorney General Lefkowitz, Comptroller Levitt, Members of the Assembly and Senate, President McGill, distinguished guests and friends.

On November 11, 1647, leaders of the Massachusetts Bay Colony passed a law requiring each town to provide a schoolmaster to teach the village children to read and write. It was a bold move, one which affirmed that, in a free society, education is far too important to be left to chance.

And on March 13, 1948, exactly 300 years and 4 months later, another move was made, equally as bold. On that day the New York leaders passed a law which was rooted deep in the tradition of the colonial village school. This act, one which we celebrate here today, declared that higher learning also must be open to the many and not just the few, and recognized that, as educational needs expand, educational opportunities must expand as well.

Therefore, we pause today to pay tribute to the visionaries, to those who dreamed the dream and to a legislative act which one Assembly man at the time described as "the most important bill we'll pass this session."

From the vantage point of history, that was a staggering understatement indeed, for the impact of that single act can be measured in a thousand separate ways.

We have already heard of the 500,000 students who have completed their degrees.

We could record the 82,000 disadvantaged youths who have enrolled in our Urban and Cooperative Centers and matriculated on our campuses during the past six years.

We could record State University's impact on the farms. Because of University research and extension service, the New York dairy farmer gets 4,000 more pounds of milk per cow each year than he got in 1948.

We could underscore the service to the poor. This year it is estimated that over 20 percent of the students on our campuses come from families with a net taxable income below the national poverty level.

The impact on health care has also been dramatic. Today almost 2,000 physicians and 10,000 nurses are in preparation at State University campuses—the largest medical training program in the world.

Or we could talk about the service to communities with almost 20,000 State University students last year working as volunteers at hospitals, day care centers, retirement homes, and sponsoring blood banks, ambulance service, and TV telethons for crippled children.

I'm suggesting that if one wishes to measure the impact of the University, the yardsticks everywhere abound.

But statistics, while impressive to the ear, often clog the mind. Ultimately, a university must be reduced to human scale. After all, we're dealing not with passive objects but with people—friends and neighbors, sons and daughters—and, in the end, the impact of a university is not something to be quantified but something to be sensed and felt.

That distinguished man of American letters, Archibald MacLeish, recently observed that, as we in our public life grow more distant from each other, we "find ourselves hungrier and hungrier for the human truth, the untouched, uncoached, undoctored, untinted human self, the self itself, the man, the woman."

Viewing the State University from this vantage point:

It is the story of Mrs. Joan Cofield, an American Indian and mother of two, who graduated from Albany with honors and won a fellowship to study for her Ph. D.

It's the story of the Rochester mailman who has worked out a program of American history with his Empire State College mentor which makes it possible for him to go to college and keep his job.

And it's the story of the two-year college graduate on Long Island who was immediately employed as a computer programmer by an industry close to home.

The story of the University is the story of human service.

Just two weeks ago all of the colleges of this State joined together to pledge cooperation on many fronts. In the concluding paragraph of our statement, we agree that we were coming together for just one aim, "to encourage the intellectual development of individual men and women so that the knowledge gained can be put to the service of others."

This, then, is the dream, and the focus of our celebration:

The man, the woman, the individual students who, through education, may enrich their minds, develop skills for work, and expand their human spirit.

On behalf of the students and the families we have served, may I tell you that it is an honor for us to be honoring you today.

## TOWN'S JOBS GO ABROAD

Mr. HATHAWAY. Mr. President, on the front page of this morning's Washington Post is an excellent story by Helen Dewar which describes the plight of a small rural town in Virginia, whose only major industry is lost because of the press of foreign competition. It is a story which has been repeated many times in recent years in all sections of our country—and especially in my native New England. Fortunately, this particular story has at least the hope of a happy ending, as the President has moved to make adjustment assistance available to the workers directly affected by the closing.

I recommend the story to my colleagues, not only because it graphically describes a situation that has become all too common, but also because it points up the need for more effective and far-reaching adjustment assistance when cases like this arise. I commend the President for his action in this case and for the steps taken in his trade proposal which make trade assistance more readily available to those who need it. But loosening the qualifications will not be enough if the assistance which is forthcoming is unrealistic in amount and unhelpful application. I intend to study this section of the President's proposal carefully and take steps to insure that the program will be adequately funded and provide effective assistance to those individuals most directly hurt. In addition, I am developing a proposal to expand the adjustment assistance concept to include help to the community, itself, which is dependent on an industry which is being damaged by imports. Providing assistance to these communities which will enable them to rebuild their local economies is the only kind of help which will lead to true adjustment.

Foreign trade is vitally important to our country and, on balance, is of great benefit to the national economy. But, as the Post story indicates, there are costs, costs which are caused in large part by the actions of our Government. For this reason, I feel it is incumbent upon us, where we are able to minimize these costs and spread them more equitably among all of our citizens.

Mr. President, I ask unanimous consent that the above mentioned story be printed in the RECORD.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

AND A TOWN'S JOBS GO ABROAD
(By Helen Dewar)

TAZEWELL, VA.—It was this small Appalachian town's biggest industry, employing up to 1,000 people and producing millions of dollars worth of electrolytic capacitors, primarily for television sets.

But that was before the General Instrument Corp., a large multinational conglomerate headquartered in New Jersey, found that because of labor costs and tariff concessions it would be cheaper to produce the capacitors abroad.

Now the plant's machinery has been boxed up and shipped to General Instrument plants in Taiwan and Portugal, where the capacitors—devices used to store electric charges—can be produced at less than one-third of American labor costs.

That makes them competitive with capacitors produced in Japan, where the cost of labor is significantly lower than it is in the United States.

Only the big empty plant and the former employees remain behind, victims of international trade policy machinations that many of the workers in Southwest Virginia do not even pretend to understand.

Since the plant closed last September, a few of the 300 employees who remained to the end have found employment in North Carolina. A few others have been able to land jobs in nearly coal mines or at equipment shops that dot the highways through the picturesque Clinch River Valley, in which this community of about 5,000 people lies, almost 300 miles southwest of Washington.

But union officials estimate that 80 or 90 per cent of them are unemployed, simply because there is little industry in Tazewell and people here are loath to leave.

Some went on welfare and began receiving food stamps, but others, true to the strong work ethic of the area, were holding out as long as they could.

Many were near the end of their resources when, two weeks ago, the White House announced that President Nixon had broken a tie vote of the U.S. Tariff Commission and ruled that the plant had been closed because of increased imports of capacitors arising from trade concessions.

Those concessions, which sometimes include the lowering of U.S. tariffs, resulted in foreign-made capacitors selling at a lower price than those made in Tazewell.

President Nixon's order made Tazewell the 75th American community to receive assistance under the Trade Expansion Act of 1962, which provides cash allowances, job retraining and other services to people thrown out of work as a result of trade agreements.

The impact of the plant closing on the local economy was cushioned by the fact that at least 70 per cent of the assembly line workers were women, most of whom had husbands who were working elsewhere.

But single people, widows and divorcees, men without working wives and couples who once considered themselves fortunate to be working together at the plant—about 30 per cent of the work force—were left without anything but unemployment insurance, except for the few who found new jobs.

Stella Kinder, a 54-year-old widow who worked as an assembler at the plant since shortly after it opened 18 years ago, said she knocked on doors all over Tazewell trying to find work and faced going on welfare when her unemployment insurance ran out.

"I don't like the idea but . . . ," she said earlier this month, her voice trailing off as she left the sentence uncompleted.

But then came the reprieve from Mr. Nixon, just as Mrs. Kinder and others were about to receive their last unemployment check.

"The people were overwhelmed, they couldn't believe it," said Irma Mitchell, secretary of the Tazewell steelworkers union local that which, together with the company, had filed the request for adjustment assistance. "We know it won't last forever, but we hope it will tide us over until we get new industry."

The aid—the first such assistance to be received by any Virginia locality—could last up to a year and a half, according to the U.S. Labor Department, which is involved in administering the program. Claims will start being processed through the Virginia Employment Commission in about a month, after eligibility is determined and administrative details are worked out.

In the meantime, the Tazewell County Board of Supervisors, working with the newly formed Tazewell Chamber of Commerce, has hired an industrial consultant and taken other steps to lure new industry into the community—and, they hope, a buyer for the old General Instrument building.

"No one thought this kind of thing could happen—you know, trade deals way off in Europe or Asia that might affect us—until General Instrument proved that it was a smaller world than we ever imagined," said a community leader. "It didn't bring about an



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overnight miracle, but it did wake some people up, you might say. There may be hope yet."

For Mrs. Kinder and other older employees of the plant, hope is tempered by fear that new plants will hire only young people. "Anything that comes in probably won't be interested in hiring me," said Mrs. Kinder, who added that a small new plant in the town recently turned her down at the same time it was hiring several younger people.

However, Ewell R. Templeton, the county's industrial development consultant, says he is assured that new firms will be interested in "experience, not age."

For General Instrument, which last year had manufacturing facilities in 12 states and nine foreign countries with net sales of $276 million, the decision to close down the Tazewell plant was dictated by the Japanese competition, an official said.

"You can't compete against Japan by having a plant in Virginia," he said, "but you can compete with a factory in Taiwan."

Although some Tazewell leaders blamed the steelworkers union and its pressure for higher wages for the plant's closure, the General Instrument spokesman said this was not so. "In the final analysis, it didn't depend on whether it was union or non-union," he said. "The name of the ballgame is that you can't compete here with Japanese-made products."

Employees in one large division of the plan, formation and etching, once offered to take a cut in pay if the plant would stay, but management officials said even that would not help the plant remain.

Mrs. Mitchell and other union officials don't blame the company, although they do criticize the country's trade policies.

"As a whole, the workers didn't feel the company could do anything about the situation," said Mrs. Mitchell "but they did feel the government could do something about companies going abroad."

The union officials praise the company for having given five months' advance notice of the closure and paying severance pay of one day's wages for each year worked.

Mrs. Mitchell and her husband, Leslie, both worked at the plant but consider themselves lucky to have landed a job managing a local motel. "We were the fortunate ones . . . it was prayer, luck and the grace of God," Mrs. Mitchell says.

"We knew the plant was below average in pay (in relation to national industrial averages) but it was a good place to work," Mrs. Mitchell said. "Well, come to think of it, it was the only place we had. We were foolish that both of us worked at the same place, but we never thought it would happen; you never do."

Less fortunate was a friend of the Mitchells' who failed to take out medical insurance after her company policy lapsed and subsequently contracted a lingering, ultimately fatal illness. The woman's husband went into debt to cover her hospitalization and even had to borrow money to travel to see her in the hospital, Mrs. Mitchell said.

Another woman, a divorcee with five children, receives $219 a month in welfare payments and "just can't live on it," says Pearlie Stone, treasurer of the union. The woman is embarrassed about receiving welfare and has tried to keep it a secret, she added.

No one knows exactly what kind of assistance will be offered, except that there will be a cash outlay of 65 per cent of a person's wages for at least a year, along with a lump sum payment covering some past losses.

Because tariff concessions may have caused dismissal of some employees well before the plant actually closed, it won't be known until a federal investigation is completed how many will receive assistance. The White House announcement, however, said that about 400 former employees are expected to qualify.

## SOBRIETY IN THE SENATE

Mr. SCOTT of Pennsylvania. Mr. President, the Albuquerque Tribune recently published an editorial noting that freshman Senators led by PETE DOMENICI were instrumental in sustaining the veto of the vocational rehabilitation bill. The idea of the veto was to take a firm stand against irresponsible Federal spending.

By sustaining the veto, the editorial explains, Mr. DOMENICI and the other freshman Senators who voted with us cast their vote against what the editorial refers to as "well-intentioned, but lavish spending schemes." Actually, the President's budget calls for $650 million more for these programs this year.

Mr. President, I ask unanimous consent that the text of the April 3, 1973, editorial be printed in full in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOBRIETY IN THE SENATE

The 38 senators who supported President Nixon's first 1973 veto may have given him the leverage he needs to hold the line on inflationary federal spending this year.

The issue was whether to pass over the President's veto a two-year, $2.6 billion job-training-for-the-handicapped bill so popular that only two senators voted against it in February.

Yet the vote on the same bill was 60 to 36, four votes short of the two-thirds margin necessary to override the presidential veto.

Credit should go to senators like Baker and Brock of Tennessee, Taft and Saxbe of Ohio, Cook of Kentucky, Tower of Texas, Domenici of New Mexico and Dominick of Colorado for casting a responsible vote.

Had the veto been overridden, more than a dozen bills might have skipped merrily through Congress this spring offering nonexistent federal money to farmers, veterans, old people and other worthy groups in defiance of the President's $268.7 billion budget ceiling for the year starting in July.

The result, as Sen. Hugh Scott, R-Pa., ably pointed out on the Senate floor, would have been another spending binge, an economic hangover, more inflation or higher taxes.

"It is not going to be easier to stop on the second, third or fourth drink," he warned, "than it is to stop right now."

In a sense, of course, the President is a sitting duck for criticism every time he vetoes a bill that promises to help the sick, the crippled or the retarded.

Sen. Hubert H. Humphrey, D-Minn., called his latest veto "the worst, the most cruel, the most inhumane ever handed down."

What the senator failed to mention is that federal aid to the handicapped will have increased 75 per cent, and the number of persons served 50 per cent, to 1,225,000, since Nixon took office in 1969. Spending is running at the rate of about $650 million a year.

The issue, then, is not whether the President is a fool or a miser.

The issue is whether Congress has the courage—and good sense—to say no to well-intentioned but lavish spending schemes.

## NATIONAL INSTITUTE OF JUSTICE

Mr. HUMPHREY. Mr. President, on March 29, I introduced legislation (S. 1422) which would establish the National Institute of Justice to undertake the refinement and reform of judicial and related processes on a national scale.

Since World War II, there have been vast social and economic changes in America which have made us increasingly unable to cope effectively with the overall problems of criminal and civil justice. The result is that justice in our Nation increasingly falls short of any reasonable ideal. Our courts are seriously overburdened. Respect for our law enforcement mechanisms is declining. Jails and prisons have become institutions of higher education in crime.

Therefore, I believe, as does the American Bar Association, that a National Institute of Justice could remedy some of these problems.

It would conduct a study of the causes of delay in the administering of justice, identify the problems, and recommend solutions.

It would establish priorities, objectives, and continuing evaluation of the judicial system at all levels.

It would survey, collect, analyze, and disseminate information about the operation at all levels of the judicial system, with emphasis on improvements and innovations.

The Institute of Justice would be nonpartisan and would comprise the finest legal minds in the country. It would not supplant existing State, local, or Federal entities.

The president of the American Judicature Society, Judge Robert H. Hall, of the Georgia Court of Appeals, has given a strong endorsement of proposals for a National Institute of Justice before the National Conference of Bar Presidents on February 9, 1973, at the midwinter meeting of the American Bar Association in Cleveland, Ohio. His succinct statement is extremely helpful and I hope it will clear away some of the impediments to the scheduling of congressional hearings on S. 1422.

I ask unanimous consent that Judge Hall's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMENTS BEFORE THE NATIONAL CONFERENCE OF BAR PRESIDENTS

As a state judge, I rise to make two brief but important points. One is that a National Institute of Justice would be of great assistance in improving the administration of justice in our state and federal judicial systems. The other is to say that the bench and bar of our fifty states have no reason whatever to fear some sort of federal domination from this type of Institute.

To begin with there are some problems in our justice systems, state and federal, which are national in scope and must be examined by empirical research on a unified or national basis. They cannot be solved by a fragmented approach. Our state and federal judicial systems are interrelated. Any change in one automatically affects the other. Within each of these two systems we have separate and independent fragments—the bench, bar, police, prosecutor, public defenders, corrections and others. All are part of the entire system of justice but each normally goes its separate way, suspicious of each other and jealous of its own functions. There is no agency in existence today capable of performing co-ordinated research on this problem. There are many organizations composed solely of judges including Federal Judicial Center and the National Center for State Courts. There are also organizations such as the American Bar Association, American Judicature Society and the National Conference of Bar Presidents that are predominantly made up of lawyers. While all of these organizations perform well within their capabilities, they are, except for the Federal Judicial Center, private bodies and by virtue of their membership none can provide a broad based unified approach.

The Law Enforcement Assistance Administration is as its name indicates involved only in law enforcement programs which mainly deal with block grants to our states. These block grants will undoubtedly continue either under LEAA or be switched over to the President's revenue sharing plan. It is true that some 15 percent of LEAA funds are reserved for discretionary grants at the national level; however, they are restricted to the area of criminal justice in the states. We must have an entity capable of dealing with the totality of justice nation wide.

From the very inception of the idea for a National Institute of Justice everyone involved in this endeavor has said that the Institute should be neither a new federal agency nor a part of the existing federal structure. The concept has been to establish non-political, federally chartered corporation, governed by representatives of the bench, bar and public. In addition to the limitations I have already mentioned, we must remember that LEAA is a part of the United States Justice Department. A giant step was taken in the 1930's to remove the federal courts from the administrative control of the Justice Department. It would be ironic if we in the 1970's placed the administration of national research grants for state courts under this federal agency. The best way to avoid the specter of federal control is to avoid placing a research institute under a federal agency.

Cardozo told us that "Justice is not to be taken by storm. She is wooed by slow advances." A National Institute of Justice will allow the bench, bar and public to "woo" her together in a unified manner.

## OMBUDSMAN FOR BUSINESS

Mr. SCOTT of Pennsylvania. Mr. President, the Commerce Department's Business Ombudsman program has been operating for 3 years and has dramatically improved the relationship between Government and the business community. I ask unanimous consent to have printed in the RECORD, an announcement to this effect by the Secretary of Commerce.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

OMBUDSMAN FOR BUSINESS BEGINS THIRD YEAR OF OPERATIONS

Secretary of Commerce Frederick B. Dent, citing a constantly increasing caseload in services provided by the Ombudsman for Business who has just begun his third year of operations, said today the Nixon Administration is making progress in its effort to improve communications and understanding between the Government and the business community.

During the 24 months since the office of the Ombudsman was established in the Commerce Department under the direction of Thomas E. Drumm. Jr., it has received more than 8,200 requests for information from businessmen and others. More than 440 inquirers were handled in February 1973 and over 500 in March.

The Ombudsman for Business is one central place in the Federal Government where businessmen and others can come directly with requests for information and service and bring their suggestions, criticisms and complaints.

The Secretary noted that while the designation is Ombudsman for Business, the users of the service include not only business firms of all sizes, but also members of Congress, attorneys, academe, minority entrepreneurs, state and local entities, professional, trade and manufacturers associations, the U.S. Chamber of Commerce and other chambers throughout the country, trade related organizations, CPA's, and the general public.

The requests for services from the 50 States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and over 47 foreign countries, have covered a wide range of government programs, including government procurement; financial assistance—loans, grants, and guarantees; truth in lending and advertising; product safety; occupational safety and health; industrial pollution abatement; wages and hours; standards, technology transfer; metric system; franchising; patents; trade with China, Russia and the bloc countries; and programs of OPIC FCIA, Export-Import Bank, AID, World Bank, and numerous other programs concerned with domestic and international trade.

The "good offices" approach of the Ombudsman has reconciled a number of government/business misunderstandings and has resulted in improved government program performance, communication, understanding and delivery of government services.

The heads of 15 departments and agencies have designated senior officials to serve in a liaison capacity with the Ombudsman. With those resources, the services of the office are government-wide.

The Ombudsman also renders on-the-spot services throughout the Nation through the District Offices of the Department of Commerce and regional offices of other departments and agencies, and overseas through U.S. embassies and consulates.

As a result of the Ombudsman's activities the channels of communication between government and business have been broadened. There has been an improvement in program performance, bureaucratic red tape and delays have been reduced, government services to the business and general public have been advanced, and the economy has benefited.

To utilize the service, address Thomas E. Drumm. Jr., Ombudsman for Business, U.S. Department of Commerce, Office of the Secretary, Washington, D.C., 20230, or call (202) 967-3178.

## CONSTANCE BEAUMONT

Mr. PERCY. Mr. President, Constance Beaumont has been a member of my staff for almost 3 years. After having worked in the office of Senator ROBERT DOLE, she joined my legislative staff in April of 1970 and, since that time, has been an invaluable aide. Her particular area of responsibility has been the problems of the elderly and she has attacked these problems with spirit and with a great deal of compassion and understanding.

Every Senator must rely heavily on his staff for advice, research, and counsel. Mrs. Constance Beaumont has provided all of these with both skill and talent. Unfortunately, Constance has recently left my staff to become the Director of Government Relations for the American Association of Homes for the Aged, here in Washington. I can say only that our loss is their gain.

Mr. President, on behalf of all the members of my staff and all of those who have worked with Constance Beaumont over these last 3 years, I wish her the very best in her new career. She has been a great credit to my office and to the U.S. Senate.

## RECENT EVENTS IN RHODESIA

Mr. HUMPHREY. Mr. President, I would like to bring to the attention of my colleagues several articles which recently appeared concerning the deteriorating economic and political situation in Rhodesia.

It is clear that the economic sanctions against Rhodesia's minority white regime, though not completely effective, are beginning to place great pressure on the Smith government. As David Ottaway reports in the Washington Post, the combination of a drought and meager foreign currency reserves may force the government to negotiate a settlement after more than 7 years of minority rule.

In the midst of these indications that the Smith government is experiencing great difficulties comes the news that it also is embarking on policies designed to halt racial integration, prevent African participation in the political process and establish a white supremist state modeled after its South African neighbor.

The Rhodesian Government has continued to pursue a path of restriction of individual freedom and harassment of those who either state the truth or work for change of official policies.

Recently, a Rhodesian court sentenced Peter Niesewand, a 28-year-old South African newsman holding Rhodesian citizenship, to a year at hard labor for reporting Rhodesian Army operations against black guerrilla forces.

The New York Times reports from Salisbury that key portions of Mr. Niesewand's trial appealing his case were held in secret. This type of "justice" is characteristic of the behavior of the Smith regime which routinely arrests, detains, and imprisons those who dare to disagree or oppose government policies.

Writing on the editorial page of the New York Times, Miss Judith Todd, daughter of a former Prime Minister of Rhodesia now being held under house arrest in Rhodesia, eloquently describes the current state of affairs in Rhodesia.

Recently in the United States, Miss Todd was able to tell many of us about the need for continued international pressure on the Rhodesian Government. As she states:

> Only continuing pressure may lead white leaders to a negotiating table with African leaders.

Mr. President, very few Americans are aware that our Government has officially broken the sanctions against Rhodesia established by the United Nations.

Through our imports of chrome and other minerals, authorized by an act of Congress, we supply needed foreign currency and psychological support to a racist regime representing only 5 percent of Rhodesia's population.

I am personally determined to change our policy and am in the process of asking my colleagues to join with me in such an effort.



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Mr. President, I ask unanimous consent that Mr. David Ottaway's article entitled "Pressure Mounts on Rhodesia," Judith Todd's essay on "Mr. Smith's Regime," and Charles Mohr's article entitled "Journalist's Appeal Is Heard in Rhodesia" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 21, 1973]

PRESSURE MOUNTS ON RHODESIA

(By David B. Ottaway)

Rhodesian Prime Minister Ian Smith is now faced with growing pressure at home and abroad to enter into direct negotiations with African nationalist leaders and peacefully end the dispute that has kept the breakaway British colony an international pariah for more than seven years.

Britain has just stiffened its terms for granting recognition to the white minority government in Rhodesia, demanding that it come to an agreement with black nationalist leaders in the country.

Guerrilla attacks from neighboring Zambia, once sporadic, have recently turned into a sustained, though still small-scale, movement within the country, and 15 whites have been killed in the past few months.

At the same time, the East African country—already facing the worst drought in years—is now being hit with a sharp cut in its meager foreign exchange earnings as a result of the government's decision to close Rhodesia's border with Zambia, cutting off the shipment of Zambian copper through the country.

The reaction of Rhodesia's white leadership so far has been to stiffen its stand at home. It has passed laws to implement what it calls "provincialization" of the country—the Rhodesian equivalent of the South African system of segregated homelands for the black population.

It has also told the moderate African nationalists grouped within the African National Council that will give them no better terms than those proposed in the 1971 settlement package, which was worked out between the British and Smith and overwhelmingly rejected by the 5 million black Africans of Rhodesia.

According to African analysts here and to Judith Todd, the daughter of former Rhodesian Prime Minister Garfield Todd, it is a critical time in the history of the 250,000 whites' struggle to maintain their rule, a struggle that has been going on since the Smith government declared the country's unilateral independence from Britain in 1965.

"I don't think time is on the side of a peaceful solution," said Miss Todd in a recent interview here.

Miss Todd, now a close ally of the moderate black Rhodesian nationalist—particularly since she and her father spent five weeks in solitary confinement last year—believes that conditions are now better to force Smith to the negotiating table than at any previous time.

"The pressures are all there to get the whites to the table," Miss Todd said. "There is a very remote chance that a peaceful settlement can be achieved . . . but it is there."

Miss Todd, believes that the repeal of the so-called Byrd Amendment could well be the key to negotiations.

The amendment, named after Sen. Harry F. Byrd (D.-Va.), was passed by Congress in October 1971 and allows U.S. companies to break U.N. sanctions to import Rhodesian chrome and other strategic materials.

An effort to repeal the amendment nearly succeeded in the Senate last year, and another repeal campaign is now being organized in both the House and the Senate.

The argument, Miss Todd and other Rhodesian specialists make is that a repeal of the Byrd amendment coming hard upon other pressures now being exerted on the Smith government, could finally break the whites' stubborn resistance to holding talks with the nationalists.

The economic situation in Rhodesia, while still far from desperate, has become steadily worse, and there is presently little reason to expect a change in this trend.

Rhodesia had a $26 million deficit in its balance of payments in 1971, and the deficit for 1972 is expected to be considerably larger.

Rhodesia's decision in January to close its border with Zambia, is retaliation for alleged guerrilla incursions from that country, has resulted in the loss of income from shipments of Zambian copper via Rhodesian rail lines to the Mozambique port of Beira. This will mean a cut of $20 million in Rhodesian government revenues this year.

If the Byrd Amendment is repealed, it would represent the loss of perhaps another $13 million—the value of U.S. imports of Rhodesian chrome, ferrochrome, nickel and beryllium last year.

The shift in the British government's position, however, is clearly far more significant and troublesome to the Smith government.

British Foreign Secretary Sir Alec Douglas-Home told Parliament a week ago, "It is quite clear that there must be a basic agreement between responsible Africans and the Rhodesian administration before any proposals (for further talks with Britain) can be seriously considered."

Smith had hinted recently that a breakthrough in the off-again, on-again talks with the British was imminent, and Sir Alec's statement has dashed this hope.

The British are understood to have shifted their policy because of increasing pressure from Nigeria, whose oil and natural gas wealth are of considerable interest to London, as well as from the socialist governments now in power in New Zealand and Australia.

The prospects for talks between Rhodesian whites and the moderate African National Council are only slightly brighter than the likelihood of an accord.

The two sides have been holding "talks about talks" for some time, and, according to Miss Todd, the African group has drawn up its own set of proposals.

But it will not make them public, she says, until the Smith government agrees to talk about something other than the 1971 British-Rhodesian settlement package, which effectively eliminated the prospect of black rule before the turn of the century.

Smith, who had been counting on a breakthrough with the British and a government-sponsored campaign among blacks to win support for the 1971 terms, has so far shown little flexibility.

Indeed, he has jailed three top African National Council leaders, arrested six lesser members, and taken away the passport of Bishop Abel Muzorewa, the council's president and its most important lobbyist abroad.

In addition, last November the government introduced the South African system of pass laws requiring all non-whites over 16 years of age to carry identity papers at all times, a measure it said was being taken primarily for security reasons.

In January, it issued a decree imposing collective punishment on tribes for any guerrilla activities taking place on their lands.

Late last month, it began the formation of two African regional administrative authorities in Mashonaland and Matabeleland, the provinces inhabited by the two main African ethnic groups, the Mashona and Matabele.

Members of these authorities, or executives, are to be elected by the existing provincial assembly of government-appointed chiefs, and they are to have responsibility initially for taxation, health and education.

In the past, the government-appointed chiefs have been the main allies of the white government, but their authority over the black population is now being seriously challenged both by the guerillas and by the moderate nationalists.

These new provincial authorities appear to be the keystone of the Rhodesian system of provincialization.

The Rhodesians have yet to spell out where provincialization will lead, but it is clear that its immediate effect is to put a brake on the further integration of the black and white populations, block African participation in the political system and lay the foundations for a permanent white supremacist state.

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MR. SMITH'S REGIME

(By Judith Todd)

LONDON.—Rhodesia's Smith regime tends to regard any opposition as a threat to its existence. Leaders of the African people (95 per cent of the population) have been held in prisons and detention camps for years without trial—one man, Daniel Madzimbamuto, is now entering his fourteenth year of detention—parties and newspapers have been banned and activities within the country are rigorously controlled by laws and regulations. One of the latest regulations makes it an offense, punishable by up to seven years imprisonment, to spread rumors.

Peter Niesewand, 28-year-old reporter for the B.B.C., U.P.I., Reuters and The Guardian has now been detained. Niesewand is not even a protester. He is simply an accurate journalist who, by competently reporting events in Rhodesia, fell foul of the Smith regime. Like all other detainees he is held under an order signed by the Minister of Law and Order which states that he is detained because of the "belief" that he may in the future do something against the State.

Quite apart from the detention order, Niesewand has been charged and found guilty under Rhodesia's Official Secrets Act. His trial was in secret. The charges are not known. The sentence, announced to waiting newsmen by a court official, was two years hard labor, one suspended conditionally. The sentence has aroused a storm of protest in Britain and it is possible that enough pressure will be brought on the Smith regime to secure Niesewand's release. If not, he will serve his sentence and then may continue to be held indefinitely under the detention order which remains in force, whatever Peter's circumstances, until it is revoked by the Minister of Law and Order.

Sometimes the actions of the Smith regime verge on the ridiculous. In January 1972 my father and I were arrested—no charges, no trial. After five weeks in prison we were released, only to be put under immediate house arrest. My father is still under house arrest. Last July I was given permission to leave Rhodesia for England. At the airport, just as I was leaving, a new detention order was served on me. This stated that if I returned to Rhodesia, I must go immediately to my last place of detention: that although I was being allowed to leave Rhodesia I still remained a detainee (which means that Rhodesian newspapers are not allowed to print my name); and that if while overseas I did anything subversive—"subversive" was not defined—I would be liable to a year's imprisonment on my return to Rhodesia. As my new book has just been banned by special governmental decree for "security reasons" the incentives to return to Rhodesia are not great.

The situation inside Rhodesia is critical. Africans who have left the country and trained in guerrilla warfare are returning to fight and are now being supported by the local population. Since last December more than a dozen whites have been killed, an alarming number bearing in mind that the total white population is only about 275,000.



The Smith regime has responded by sentencing captured guerrillas to death and, in a brutal campaign to "disinfect" local groups believed to have aided guerrillas, has embarked on a program of collective punishments under which cattle have been seized, villages fined, schools closed and turned into interrogation camps where hundreds of men are being held.

The only African political organization in Rhodesia, the African National Council is, however, under the leadership of the United Methodist Bishop Abel Muzorewa, pleading for peaceful change and for talks and compromise between white and black leaders. The weapon on the side of peaceful change is the continuing United Nations mandatory sanctions policy against the illegal Smith regime. This policy has gravely damaged the Rhodesian economy and, more importantly, keeps the regime isolated. Only continuing pressure of this kind may lead white leaders to a negotiating table with African leaders.

The United States decision to import Rhodesian minerals, and thus to provide foreign currency to the Smith regime, is one which President Nixon could easily get revoked. By doing so, he would be assisting in the arduous task of seeking peacefully to change Rhodesia from a repressive white-supremacist state into a country where citizens of any colour were accorded their rights and dignity and men held for years in camps and jails were given their freedom and the chance to start trying to mend their lives and families.

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JOURNALIST'S APPEAL IS HEARD IN RHODESIA

(By Charles Mohr)

SALISBURY, RHODESIA, April 27.—The Rhodesian Appeals Court heard today the appeal of Peter Niesewand, journalist, whose case has aroused an international furor and jeopardized the possibility of a settlement of Rhodesia's lengthy dispute with Britain.

Mr. Niesewand, 28 years old, a South African who holds Rhodesian citizenship, was sentenced to a year at hard labor three weeks ago after a secret trial in which he was accused of violating the Official Secrets Act by publishing accounts of army operations against black guerrilla forces.

The three-judge court heard arguments on points of law openly, but were forced by a Government order to hear points of evidence in secret session. The judges will announce their decision later.

Mr. Niesewand's lawyer, Israel A. Maisels, presented the court today with what he called "certain further information" that he asserted would exonerate Mr. Niesewand. Mr. Maisels said the information that Mr. Niesewand had reported had "ceased to be secret by an act of the Government itself."

BRITISH ARE ANGRY

Because of the order on secrecy, Mr. Maisels was not permitted to explain what his new information was. The implication seemed to be that in a recent public statement a high Government official had touched on the same "secret" material that Mr. Niesewand had published.

The British have reacted strongly to the prosecution of Mr. Niesewand, a freelance journalist who represented the British Broadcasting Corporation, the Guardian, United Press International, Reuters and Agence France-Presse here.

Prime Minister Heath said earlier this month that the case had "damaged the possibilities of getting a settlement" of Britain's constitutional dispute with her former colony.

Britain has demanded that Mr. Niesewand be set free and permitted to leave Rhodesia.

Britain and Rhodesia are at odds over how Rhodesia's white minority and black majority can justly share political power. Prime Minister Ian D. Smith has said recently that he is eager to make new efforts to reach a settlement. The tone of British comment on the Niesewand case indicates that London regards the affair as a provocative and unnecessary act that complicates a delicate political situation. Critics also condemned the secrecy of Mr. Niesewand's trial.

The appeals court justices published today what they called an edited version of the lower court's previously secret judgment against Mr. Niesewand and of the charges against him, as well as his appeal. These edited documents did not reveal exactly what Mr. Niesewand's offense was and they did not show any of the government evidence.

Mr. Niesewand had moved to have his appeal heard in public, but the court was presented with a certificate signed by the Minister of Justice, Law and Order, Desmond W. Lardner-Burke, saying this would not be in the national interest. Key issues of the appeals argument were heard in secret after an open morning session mostly devoted to discussion of legal points.

The ministerial certificate surprised some observers. Prime Minister Smith, asked in an interview recently about the secrecy of the trial and how it could be shown that justice had been done, replied: "We will have to accept the decision of courts here."

Mr. Niesewand's friends and other critics have said the articles that caused his arrest concerned matters of common knowledge about army operations against black guerrillas.

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## SENATOR THURMOND'S PRAYER BREAKFAST REMARKS

Mr. PERCY. Mr. President, a few weeks ago at the regular meeting of the Senate Prayer Breakfast Group, our colleague STROM THURMOND led the service and gave a memorable address to the Members on the subject of happiness and religion.

I asked Senator THURMOND to share a copy of his remarks with me; now I would like to share them with our colleagues who were not present that day.

In his remarks, Senator THURMOND points out that for many people the most difficult battle is the battle against unhappiness. He cited a recent French Gallup poll which revealed that 44 percent of the respondents said they were moderately happy; 40 percent said they were not very happy; 8 percent said they were happy; and another 8 percent said they did not know.

As other Senators will see when they read Senator THURMOND's remarks, he suggests that the most effective strategy one can pursue in the battle against unhappiness is to make a meaningful commitment to something or someone other than oneself. In this sort of commitment it is the constant seeking after perfection in the relationship that makes living worthwhile.

Mr. President, I ask unanimous consent that Senator THURMOND's thought-provoking and excellent remarks from the March 14 Prayer Breakfast be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

HAPPINESS AND RELIGION

(Remarks by Senator STROM THURMOND)

Some years back a book was written which expressed the spirit of the 1920s under the somewhat imperious title of The Right to Happiness—a right, so the author argued, which should be asserted with all vigor. Unfortunately, that view of happiness has failed to bring happiness to those who proclaimed it most vigorously.

It is fair to say that for most human beings the major battle of everyday life is the battle against unhappiness. Everyone wants to be happy; yet, how few there are who are really happy.

It seems as though Henry Thoreau was exaggerating the facts when he wrote that the masses of men lead lives of "quiet desperation." And yet, a recent French Gallup poll taken on this question of happiness reveals that of the people who answered the question, 44 percent said that they were moderately happy; 40 percent, not very happy; 8 percent, happy; and the other 8 percent did not know whether they were or not. I was struck by the findings that only 8 out of a hundred considered themselves happy.

This seeking of happiness, therefore, is a goal in which, like the battle against disease, we are all engaged.

My remarks this morning stand against the background of two convictions: First, that happiness is not entirely a matter of disposition and temperament; it can be cultivated and won. Second, real happiness, that is, pure joy, and real religion go hand in hand; and we can even go further and say that you never have real religion without happiness, or vice versa.

TWO CLASSIC STRATEGIES

Consider first two classic strategies that have been used over and over again in this battle against unhappiness. The first one is the strategy of detachment. It is a strategy of withdrawal, denial. It is quite obviously a strategy of defense. It is an attempt to eliminate from a man's life those things which might be the cause of unhappiness. It is strategy as old as the beginning of mankind.

Three-hundred years before Christ, a Greek philoscpher named Pyrrho rebuked the terrified passengers in a storm at sea by pointing to a little pig that kept on feeding throughout the commotion. "Such", he said, "ought to be the tranquility of the wise man." His view was the gospel of uninvolvement achieved by reducing life to its lowest terms. The American philosopher, Paul Elmer More, commenting on the story of the pig, said, "There is an example of an affirmation, an affirmation of the sty."

Three hundred and fifty years later Epictetus was more explicit in the counsel that he gave. "When you fondle your wife or your child", he said, "say to yourself that you are fondling just a human being; so that, should they die, it will not affect you." It is the strategy of detachment. Do not become too involved in human emotions and then when those whom you love are taken away, you will be left in all of the serenity of your environment.

We see many other expressions of the strategy of detachment. A man, for instance, who has loved deeply and been hurt greatly by the one whom he loved says, "I have been burned once, but it will not happen again." Or, a man has thrown in his lot with a great political cause and after he has spent everything in that cause, events turn against him and betray him. He says, "I have been hurt once but never again", and withdraws from active political life. It is expressed in the advice that the fond parent gives to the child who is desperately longing for something way beyond him, and the parent says, "Don't set your heart upon it." Another person who is giving advice says, "Don't expect too much and you will never be disappointed." It is, in other words, a strategy of reducing life to its lowest terms and achieving a kind of absence of pain and daring to call it happiness.

STRATEGY OF ATTACHMENT

The other classic strategy, at the opposite extreme, we might call the strategy of attachment. It is the strategy of attack, of an-

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nexation to our lives of the things which we believe we need to make us happy.

In considering what we think is needed to be happy, there is general agreement that a list compiled by Bertrand Russell is a good guide. The first item on this list is health and a certain amount of economic security. Most of us would find it hard to be happy if we should be stricken with paralysis this morning, so that tomorrow and the day after we could not go about our way. Also, we would find it difficult to be happy if we lacked winter days with no heat or with inadequate food. We need, in other words, the minimum of health and economic security.

The second thing that a man needs is work that is worth doing. A man must earn a living, but he must do something more than that, for one of his characteristics is that he is made by God to share in God's creative enterprise. No one is really happy unless he is doing something that he recognizes is worth doing, and that gives him an opportunity to express something at least of his own native talent and ability.

The third item is people to live with and love. Some of us like to have periods of solitude and seclusion, but most of us would find it hard to be happy without people around us whom we love, and above all, a family that loves us.

Fourth, Mr. Russell listed interests that are worth cultivating; that is, a breadth of interest which gives a man a delight in many things. I remember that Emerson once said, "I like a man who likes to see a fine barn as well as a good tragedy."

These four, then, we might say are the basic things, the necessities, that a man who follows the strategy of attachment sets out to attach himself to in order to be happy.

But all those things are here today and gone tomorrow. Health is not constant; it flares up with all of its vibrant exuberance, and then fades away. Money, wealth, security and comfort evaporate like the morning dew. People we love come and disappear in the twilight. Also, the interests that we delight in begin to shrink as time passes.

Such should make us wonder about this strategy for happiness and we wonder even more when we go on to note the fact that there are some people who have all those things and yet are miserable. Conversely, others have practically none of those things and yet their lives radiate a sincere state of happiness. So, while happiness is not entirely independent of external circumstances, real happiness is certainly not to be found in any of these stage properties of life.

THE THIRD STRATEGY

There is, therefore, a third strategy suggested by a word which I have used a great many times to suggest other things—the word being commitment. A commitment is a response to a recognized claim. You see at once the contrast between this strategy and the other two. In contrast with detachment this is positive, not negative; and in contrast with attachment, it is not possessive, but its desire is to be possessed by something good or someone great. The person who goes out to attach things to himself finds the center of gravity right here in himself, whereas the person who goes out to make a great commitment finds the center of gravity out there, toward which he is drawn by some irresistible power greater than himself, and it is in this way that real happiness lies.

Let us take an example of these strategies from a familiar situation in life in the realm of human relationships, and that, I think, is the realm in which much unhappinesss grows. Imagine, if you can, three mothers. Each one has a son and each son marries so that the mother becomes a mother-in-law. What we say of this personal situation is true of all human relations but perhaps it is more intense in this particular one.

The first mother-in-law says to herself something like this: They will have to lead their own life, and I will lead mine. My son has left me and my home, my care and my responsibility, and taken a wife and his own way of life. That is perfectly right. He should. I will go my way and they will go their way and we will never come into conflict. That is the strategy of detachment.

The second mother-in-law says, my son has not left me; he has brought to me another child, and I will put my arms about her and include them both in my embrace. They will come to live with me, they will fill my life in my old age, they will make the pattern of life beautiful for me as I travel down the twilight path. They will live my way and think my thoughts, and when they have children, their children will grow up in the pattern and tradition of their grandfather and their grandmother. That is the strategy of attachment.

The third mother-in-law says, here is a new family beginning. They will go their way and develop along their own lines. I know that I can never have all of them. (I wish that we could realize that we can never have all of anyone.) I never can have all of their life. I don't expect them to spend all their time with me, or to do everything the way I have done it. I will not be hurt when they prefer the company of their contemporaries to mine; that is as it should be. Their life must go its own way and develop according to its own bent. Their life cannot be the way my life is, but I recognize their claim upon my affection, my care and my love and I stand here committed to that family. Everything that I have is theirs if they want it, and if they don't want it, all that I am in love and affection is theirs. That is the strategy of commitment.

STRATEGY OF COMMITMENT

It is just this strategy of commitment which finds its enduring expression in the secular realm in the "self-evident" truth of the Founding Fathers when they spoke in the Declaration of Independence of our God-given right, not to happiness, but to the pursuit thereof. They recognized that true happiness is found not in the attaining but in the pursuing. Happiness can never be captured nor can it be guaranteed. Rather, it is a gift or by-product of life, a life lived bravely and boldly, a life which fulfills the best that is within us—the power to achieve which God has placed within our human reach.

Therefore, I see our task in life as not to attain happiness as a goal in itself, to satisfy the endless demands of the ego, but rather to find meaning in living, to taste life to its fullest and know it as the gracious gift of God. Happiness, in this light, is commitment regardless of consequence; it is a result, not a goal; a blessing, not an excuse. It is achieved through a life filled and fulfilled with meaning, purpose and commitment.

Could there be a more valuable lesson for America today than this? This view is at the heart of the Biblical teaching in both the Old and New Testament: "Happy is the Man," wrote the author of Proverbs, "Who findeth wisdom:" "Happy is the people", wrote the Psalmist, "Whose God is the Lord."

Scholars tell us that in the Sermon on the Mount, the word "blessed" is very close to our word "happy." "Blessed (happy) are the pure in heart, for they shall see God."

With keen insight, the Bible does not use the noun "blessedness." Rather, "blessed" and "happy" are found as translations for the same word, suggesting that quality of life "where true joys are to be found."

As we gather here this morning, facing together a year of important decisions for our Nation and for the world, let our lives reflect this commitment which I have illustrated. Such a viewpoint will strengthen us in the grave responsibilities we face here in the Senate. As instruments of the Divine Love, may we reveal to our fellow men that "unconquerable gladness" is at the heart of true religion. May we in this life of tragedy and triumph, with its mingled pain and pleasure, commit ourselves to the life of the world, all of it, good and bad, light and shade, joy and grief, saying with Paul the Apostle, "I have learned, whether at sea or on land, in storm or in sunshine, to be content. I know how to be abased and how to abound." In the battle against unhappiness, we may be well on our way toward victory.

## JAYCEES PROMOTE SCHOOL FOOD PROGRAMS IN MICHIGAN

Mr. HART. Mr. President, some of my colleagues have called attention to an outstanding new program being undertaken by the national Jaycees; namely, the improved child nutrition project.

It is enormously gratifying to find a national organization of the stature and strength of the Jaycees dedicating its efforts to helping meet a basic and urgent need; namely, to push the school food programs "the last mile" so that they actually reach the children who can most benefit by them.

Mr. President, we all recognize that great strides have been taken over the past 10 or 11 years in extending child nutrition programs. We are at the point where fresh impetus is needed to reach those schools or communities where lack of facilities or equipment, school board opposition, or citizen indifference is holding up delivery on a national commitment to our children.

Happily, this Jaycee effort is now moving into Michigan, where a workshop will be held on May 5. All of us concerned with wiping out hunger and malnutrition will wish them well.

## ARCHITECTURAL BARRIERS TO THE HANDICAPPED—A DENIAL OF ACCESS

Mr. JAVITS. Mr. President, as the Committee on Labor and Public Welfare pointed out in its report on the Rehabilitation Act of 1972—

Barrier-free design in Federal buildings and in Federally-assisted projects is mandated in present law, but has never been adequately enforced.

As a matter of fact, even though the Congress created such statutes, we have been remiss right here on Capitol Hill, and it was not until about 2 months ago that a ramp was constructed to ease entry of persons in wheelchairs to the Dirksen Senate Office Building. In addition, meetings have been held with the Architect of the Capitol—and my office has participated in such conferences—to find means to bring the Capitol and the office facilities into compliance with the spirit of providing access for the handicapped to their Government.

A judge of the civil court of the city of New York, Judge Nathaniel Sorkin, himself confined to a wheelchair as a result of a childhood bout with polio, has written a significant article in the March–April 1973, issue of Case & Comment on the access to justice of the handicapped. I ask unanimous consent that this article appear at this point in the RECORD. As Judge Sorkin points out, those who have lost the use of their limbs are too often exluded in fact from most of the public facilities which our whole society helps build and support.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EQUAL ACCESS TO EQUAL JUSTICE: A CIVIL RIGHT FOR THE PHYSICALLY HANDICAPPED

(By Nathaniel Sorkin)

It is an obvious fact, although generally overlooked, that the most discriminated minority in our Nation, State, and City is a group of our citizens whose disadvantage arises from factors which cut across all ethnic, and economic lines—the physically handicapped. For they, who from circumstances of birth, accident, illness or war, are deprived of the use of their limbs, are in fact excluded from most of the public facilities which their tax dollars help to support. The physically handicapped are de facto barred from using the city's subways and to an only slighter degree from the city's surface transportation system. They are not merely relegated to the back of the bus, they are totally excluded. Public buildings, particularly those built in the past, have impressive monumental entrances fronted upon by massive flights of granite steps, pleasant to the eyes of the ordinary person, but terrifying to the physically handicapped.

DENIAL OF DUE PROCESS

Discrimination against any group on irrational and unjust basis is an affront to any civilized people. When it amounts to a denial of access to due process of law, it cannot be tolerated.

Under the American judicial system every person has the right to enjoy equal justice under the law. Each is entitled to have a day in court. And, this implies a right to physically enter the courthouse. Nevertheless, courthouses are seldom barrier-free for handicapped persons.

A Law Day USA observance, held this year at the courthouse at the northern end of the Civic Center in New York County, had as its theme "Equal Access to Equal Justice" to mark the Civil Court's rededication to the law and to equal justice under the law. It also served to give recognition to the fact that the steps at this courthouse are legendary rather than real. Unlike other courthouses, it was designed with ground-level entrances, as well as doorways, elevators and restrooms wide enough for wheelchairs.

As a feature of the ceremony, a plaque, showing the world-wide used and recognized Symbol of Access for the handicapped, was unveiled on the facade of the courthouse before representatives of the bench and bar, government agencies, architectural firms and the handicapped. The robed judges of the Civil Court participated in the observance.

ACCESS TO THE GROUNDS AND BUILDINGS

The Symbol of Access depicts a figure seated in a wheelchair. It serves as a representation to persons with physical impediments that the facility upon which it appears is without architectural barriers and affords them access with dignity. On a courthouse it indicates that the Temple of Justice is accessible to the handicapped. The fact that the Symbol is used and recognized worldwide is noteworthy. Physical disability is neither characteristic of any particular nation, nor discriminatory in its selectivity of persons. It cuts across all boundaries and differences. No class or group of people is immune.

While the handicapped may be a minority within a single group, collectively they are many. In the United States, for example, it is estimated that 12% of the total population is handicapped. In these enlightened times, when civil rights of all minorities are in the forefront, it seems strange that planners and designers of public buildings give little consideration to providing equal access for that portion of the populace disabled as a result of illness, accident or warfare, but restored to productive lives through the efforts of rehabilitation medicine.

The fact that so large a segment of the population has physical impediments should not, in itself, be the justification for eliminating architectural barriers in public buildings. The right to equal access needs no justification. Providing access to the handicapped entails no increased cost in construction, but merely a recognition of the obvious and a will by architects and builders. Such access is implicit in the concept of equality under the law. Freedom of movement with dignity should be available to all as a matter of right, not as a matter of privilege.

CONSTITUTIONAL GUARANTIES

Our Constitution guarantees that neither the Nation nor the States shall discriminate against any group. When public buildings are constructed without ground-level entrances, doorways and corridors wide enough to accommodate persons with impaired ability to walk, there is patent discrimination, unwitting and unwilful as it may be.

The Civil Rights Acts of 1964 and 1968 provide for public accommodation laws designed to enforce the Constitution's 14th Amendment. As a practical matter the difference between accommodation and access is almost minimal. Anything less than equal access to a public building violates the spirit, if not the letter, of our Constitution.

The theme of "Equal Access to Equal Justice" for the handicapped, has its foundation in the basic principles of decency, justice and equality. Equal access is important, not because the law may require it, but because fairness and logic, the touchstones of the law, compel it.

CONCLUSION

Like every other minority group, the handicapped have within their ranks persons of talent and skill, capable of contributing much to the law and to society generally. If the community is to avail itself of the benefits of their contributions, proper facilities must be provided to enable them to make those contributions. Public awareness of architectural barriers is a primary requirement to overcome the situation that confronts physically impaired persons seeking access to a courthouse or other public building. When the problem is recognized, the solution will be found. Only then, with equal access provided for all persons, will the handicapped enjoy the equality and justice so basic to our institutions.

## A CAUTIOUS EYE ON SUPERPORTS

Mr. BIDEN. Mr. President, the question of construction of offshore port facilities of our coastlines has been the topic of recent Senate hearings and much private debate.

I have long felt that there is a need for further information on the entire spectrum of questions that have been raised concerning proposed superports, questions which range from the need for such facilities to the environmental damage that may ensue if they are constructed.

The coastal waters of my own State of Delaware have been named as a possible site for port construction and I have followed the debate with much interest.

Recently the Wilmington Evening Journal published an article by Ernest W. Thorn, a member of the Common Cause organization in Delaware. Mr. Thorn's article outlines the action he feels should be taken before any decision on superports are made.

Mr. Thorn's views summarize many of the unanswered questions concerning these offshore facilities and offer some helpful direction for gathering information concerning the issue.

I request unanimous consent that the article be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUPERPORT: LET US MAKE SURE IT IS REALLY NECESSARY

(By Ernest W. Thorn)

As an environmentalist, I hope Delaware does not need a superport in its bay or offshore in the ocean for unloading crude oil from super-large tankers to pipelines or barges. As our neighbors in New Jersey and New York are not apt to want a superport either, a decision will need to be made on the basis of facts. Much research remains to be done. To resolve the problem in an expeditious and orderly manner, I recommend the following steps be taken by our governor, senators and representatives (federal and state), with active encouragement from you and me:

1. An independent audit of current energy consumption forecasts needs to be made to verify their validity. The need for a superport is predicated upon forecasts that the U.S. energy demand is so outpacing domestic supplies that by 1980 the United States will need to import 48 per cent of its oil requirements and by 1985, 57 per cent. On the other hand, as recently as 1970, the President's Task Force on Oil Imports predicted that the U.S. would have to import no more than 27 percent of its oil by 1980.

2. Any energy conserving measures that could be used to reduce substantially our mounting crude oil imports should be given highest priority and vigorous implementation. Toward the end of '72, the President's Office of Emergency Preparedness completed a study, "The Potential for Energy Conservation" from which it concluded that energy demand can be reduced substantially, provided we are willing to make the effort. The study's authors estimate, for example, that America could slash projected energy requirements in 1980 by the equivalent of 7.3 million barrels of crude oil a day, Table 2 in the Summary Report of the Delaware Bay Oil Transport Committee (Gaither Committee) presents a forecast from the Delaware Bay Transportation Co. of 4.600 millions of imported barrels of petroleum and gas in 1980. Per day this would be 12.6 million barrels. So, with a will, we Americans could eliminate 58 per cent of the 1980 projected import requirements.

3. To reduce our dependence on imports of oil and natural gas, any research and development that might bring new domestic sources of clean energy into production must be assured a high priority by Congress and the President. At the moment other sources are either too dirty to be safe in large quantities for our lungs (coal), in short supply (natural gas and energy from nuclear fission), or not sufficiently developed to meet demands of the next 10 years (nuclear fusion, nuclear fast breeder reactor, solar energy, geothermal energy, gasification of coal).

4. On a joint basis with New Jersey and New York, the Delaware legislators and Gov. Sherman W. Tribitt should have an independent study made from a regional viewpoint, as called for in the Gaither Committee's fourth recommendation, to agree on the ideal location (or locations) for a superport from economic and environmental view-

points—in the event one or more should be needed after taking into account the preceding three considerations.

The Gaither Committee appears to have done a very good job with its assignment limiting it to what was best for Delaware. A similar committee, which has the confidence of the political leaders and citizens in all three states, should now determine what is best from a regional viewpoint. In addition, this regional committee should determine the preconditions that the three states should require for the issuance of any federal permits for construction and for operations of an offshore facility.

In announcing the tentative recommendations of the Philadelphia District Army Corps of Engineers on Jan. 8, Col. Carroll D. Strider requested that concerned citizens advise him of the conditions that need to be made a part of any construction permit to assure that the facility will not create or otherwise induce undesirable social and environmental conditions. I would think there ought to be conditions on an operating franchise also. However, necessary preconditions probably cannot be finalized until we know the results from the next two steps.

5. Through environmental-impact studies of all superport sites under consideration must be insisted upon. With his announcement of Jan. 8, Col. Strider enclosed a Summary of Enivornmental Consideration which states that the environmental study made is "preliminary and subject to updating based on changing conditions. In some instances, there is a lack of detailed knowledge in a number of areas essential to the comprehensive environmental analysis of deep-water port facilities. Current federal research activities should, however, improve this situation."

6. To give us a real option in choosing between a bay or ocean superport location, containment devices able to localize oil spillage and ease clean-up must be expeditiously researched and developed for ocean superports. A containment device is used to surround an oil tanker when it is unloading into a pipeline, so that in the event of a spill the oil is in a confined area from which it can be readily collected with very limited ecological damage.

When, as and if, it should be determined there is to be a superport and if the affected states can participate in environmental controls through necssary preconditions to construction and operations, a superport offshore in the ocean would be much preferable to one in a bay with respect to the ecological damage from those oil spills that may result from collisions or going aground, but would currently be at a distinct disadvantage in unloading spills. At least in Dean W. S. Gaither's opinion, the containment devices proposed for an offshore superport by the Maritime Administration have not been sufficiently tested to assure that they would give adequate protection in the high waves of the ocean. It would be beneficial not to have this limiting factor when a regional committee is determining the best location or locations.

7. It is imperative that our current state General Assembly establish a program to regulate completely the petroleum transfer operations now being conducted within Delaware water, in accord with Gaither Committee recommendation.

Extensive oil transfers from oil tankers to barges (lightering) occur now in Delaware waters, a little more than three miles off shore from Big Stone Beach—12 miles up Bay from Cape Henlopen. Currently no spill containment devices or other spill localization and clean-up systems are available at this mooring site. The tank and barge operators are to be commended for their care in unloading, as no major spills have occurred. However, the risk is there and is growing. Containment devices and state control are needed as long as this lightering operation continues.

As the lightering area is in a federal navigable waterway, there is a legal question as to the right of the state of Delaware to legislate controls. This will be decided by a case before the U.S. Supreme Court against Florida legislation. If Florida loses its case, let us urge through our governor and congressmen that the federal government expand current Coast Guard requirements by providing for containment devices.

8. The General Assembly must also take action now to end the traditionally limited liability and standard of liability with respect to damages caused by spilled oil, so as to provide an adequate remedy to private property owners, in accordance with another Gaither Committee recommendation.

The Gaither Committee recommends modeling legislation after a Florida law, provided that the Florida law is upheld in a current test case before the U.S. Supreme Court. A decision is expected this spring.

9. U.S. Sens. William V. Roth Jr. Joseph R. Biden Jr. should urge fellow senators to vote against ratification of two international conventions from the Intergovernmental Maritime Consultive Organization (IMCO) respecting oil pollution damage and liability for such damages, if further investigation verifies the substantial opinions reported by the Gaither Committee ". . . that the provisions of the conventions are inadequate to provide for appropriate compensation to individuals and local government injured by oil spills."

The two IMCO conventions are now before the U.S. Senate. Ratification of the conventions would pre-empt all state laws and prevent measures from being taken by the Delaware General Assembly.

No doubt Delaware's political leaders are aware of the problems I attempted to cover. Nevertheless, I believe the problems and proposed solutions or their alternatives need more public airing.

If the threat of an energy crisis is valid and cannot be overcome by a combination of new sources of domestic clean energy and a concerted national effort to conserve energy, it will do no good to say we do not want a superport. But let's be sure of the facts.

If in concerted efforts, such as NASA, our nation can get a man to the moon within one decade and, such as the Manhattan Project, can develop a nuclear bomb, why can't we lick the energy crisis and its related oil import problem by establishing a high priority program to bring alternative sources of domestic clean energy into production in time and implement the findings of the President's Office of Emergency Preparedness to substantially reduce our energy demands.

## A ROCKEFELLER LOOKS AT LIFE IN AMERICA

Mr. PERCY. Mr. President, I would like to call to the attention of my colleagues a book recently written by John D. Rockefeller III. We are all familiar with Mr. Rockefeller's work as Chairman of the Commission on Population Growth and the American Future, his efforts in the field of conservation and ecology, and his lifelong dedication to his philanathropic works.

Now he has distinguished himself further by authoring this sensitive, logical, and thought provoking work, entitled "The Second American Revolution." One might not think of John Rockefeller as a revolutionary, but he proves with the publication of this book that he is, indeed, at the forefront of the second American revolution—a revolution he considers peaceful, positive, and progressive.

Mr. Rockefeller's basic premise is that many of the "quality of life" clauses guaranteed in the Declaration of Independence have been all but ignored for nearly two centuries while Americans raced ahead with economic and material progress. There is a deep need in this country, he maintains, for a movement toward more humanistic progress. He sees that movement gaining momentum in a variety of areas.

The youth movement, which predominated in the 1960's, is now moving away from aggressive reaction to specific events and is leading the way in such battlefronts as the effort to save our environment. The work of the young people is more thoughtful and, consequently, more effective than it once was.

He discusses the women's liberation movement, which also has moved from what seemed to be a militant position toward a quiet—and much more effective—insistence on equality. As Mr. Rockefeller points out, this movement has affected the lives of American women who previously had never given a thought to the fact that they had a choice in the direction of their lives.

As a former businessman, I found particularly effective Mr. Rockefeller's treatment of the issue of corporate involvement. He points out that while business can and must impose some reforms on itself, its first responsibility is to maintain the economy of this country, and that an overextention into the field of social reform would be as inappropriate as no involvement at all.

Mr. Rockefeller has expressed very articulately the idea that this second revolution will be peaceful. As I told him, it is important for those who see this revolution in a positive light to speak out and to counterbalance the prophets of gloom.

Mr. Rockefeller has brought insight, breadth of experience, and uncommon concern for the welfare of the citizens of this country to bear on his account of the changes we are experiencing as a nation.

His accomplishment is great, Mr. President, and I heartily commend "The Second American Revolution" to the attention of my colleagues in the Senate, in the House, to the executive and judicial branches of Government, and to all thinking Americans interested in the trend and the quality of American life.

So that my colleagues will have the benefit of other judgments of Mr. Rockefeller's work, I ask unanimous consent that book reviews from the Wall Street Journal, the Philadelphia Bulletin, and the Book-of-the-Month Club News be printed into the RECORD.

There being no objection, the book reviews were ordered to be printed in the RECORD, as follows:

### A ROCKEFELLER LOOKS AT LIFE IN AMERICA

(By Edmund Fuller)

"Democracy is the most fragile and difficult political system ever devised. Its fragility lies precisely in the fact that it is the system best suited to the human condition itself, since it allows maximum freedom for all the whims and emotions, the wants and the needs, of the individual person. Democracy is difficult because men and women are difficult."

Those are words of John D. Rockefeller III in a small, challenging book, "The Second American Revolution: Some Personal Observations." It is an eclectic book—there are mighty few in history that are not. He does not offer himself as a source of dazzling new vision (thank God!) but comes forward as a thoughtful man who has been putting forth great effort to understand his time. "I have talked to countless people, I have read much more than is my normal habit, I have traveled extensively, and I have listened as I have never listened before. I lay claim to no definitive answers, only to a personal view, to honest questions and honest attempts to think them through."

The influence of ideas often is related in part to who utters them. Mr. Rockefeller has been especially struck by two books since 1970: "Without Marx or Jesus" by the French writer, Jean-Francois Revel, and "The Greening of America," by Charles Reich. He agrees with some of their major premises and such points gain particular force and influence in our present society by his restatement, which may win a hearing, in quarters not previously disposed to listen, for the idea that we are in fact in a revolution, of a new kind, nonviolent and irreversible.

The eldest of the five Rockefeller brothers observes with nice understatement: "The name Rockefeller does not connote a revolutionary, and my life situation has fostered a careful and cautious attitude that verges on conservatism. I am not given to errant causes. I have quite a consistent record as a Republican and a supporter of Republican candidates." Thus the special value of his testimony. The name "Reich" has more clout with the counter-culture than does the name "Rockefeller"; it is just the reverse with the Establishment and for the social movements this book discusses it is essential to reach the Establishment. He devotes a chapter to "The Crucial Role of the Moderates."

"I have come increasingly to see that old patterns are breaking down and new ones developing, that change is necessary, not for its own sake, but if we are to meet our problems, needs, and opportunities with hope and confidence. . . . I believe that we are at a turning point in our history . . . that instead of being overwhelmed by our problems, we must have faith that they can be solved, that we can achieve a society in which humanistic values predominate. However, the justification for this faith will depend on Americans generally feeling a sense of responsibility for what happens in their country, on their ability to see and understand the hopeful prospect that lies ahead and to commit themselves to achieving it. This faith and responsibility and commitment should become the substance and the driving force of our Bicentennial in the years ahead. I can think of no more fitting way to commemorate the 200th anniversaries of American independence and the founding of the United States."

It is not that our problems have arisen all at once but that modern communication has made us aware of them all at once, which is unnerving and unsettling. It has brought "a crisis of awareness, and this in turn has produced a crisis of faith in terms of the future of our society." The book discusses a broad range of subjects: political, economic, moral, cultural, educational. He looks in a calm way at radical shifts in sexual mores, personal appearance, and life-styles. He might be reassuring to some culture-shocked returning POWs.

Some of our worst problems are ironic results of excesses in our best accomplishments. ". . . The pioneering spirit born out of the westward drive to expand to the full limits of this continent . . . produced a breed of rugged individuals, but also a pattern of life which competition predominates over compassion, violence is an ugly undercurrent, and exploitation and destruction of nature's bounty are seen as natural."

A few of the questions he examines:

Population. The recent decline in the U.S. birthrate does not mean the end of that problem, even here. He is concerned with the unemployment created by sophisticated technology, while at the same time the drive for efficiency tends to make work become increasingly dehumanized.

In the affluent society the gap between haves and have-nots continues to widen dangerously.

In both business and government the power of bureaucracies "becomes more centralized and distant from the people and alienation and impersonalism grow."

He is concerned for the environment. We are just entering a new phase when second looks are causing some, who paid lip-service to environmental concerns, to say: "It would be good to have clean air and water and to save the planet but we can't afford it."

He welcomes Ralph Nader's consumerism. He is responsive to the women's movement, asserting that "Women's Liberation is men's liberation, and . . . together they can become human liberation." He devotes much space to the role of youth, affirming that: "Far from being some subversive force, the central drive of the youth movement in this country has been squarely in the best American tradition of individual initiative. In the Estes Park [youth conference] spirit of 'a rage of love' for American ideals, it is reminiscent of revolutionary America of 200 years ago."

Mr. Rockefeller advocates decentralization of powers and more initiative from the private sector, but he sees an essential, permanent government role as the *"facilitator of participation."* In other words, as a prod.

Having worked most of his life in philanthropy, he believes that America must be "A Giving Society." He says: "We are well into an unprecedented financial crisis in the private nonprofit sector. . . . The fact of the matter is that private giving has not increased as fast as the gross national product or the federal budget or the rise in costs of operating." As a result we see "institutions closing their doors or drastically curtailing their services or gradually being taken over by the government." He sees the "growing imbalance between the major sectors of our society"—the private and the public—as one of the most urgent concerns.

He calls also for "A Learning Society," offering sound comments on education. On the currently hot subject of encroachment upon the press and TV from some quarters he urges Jefferson's admonition to "trust the public judgment," and is firmly opposed to any who would "place themselves in the position of judging what their fellow citizens can see and hear and learn."

A chapter is devoted to "A Planning Society." "Planning" has been an emotion-freighted word in public debate, which is odd since neither business, government, nor a private household can survive without it. Mr. Rockefeller stresses the difference between a "planned society" in the regimented sense, and his "planning society . . . based on freedom of choice, which requires widespread involvement and maximum knowledge and understanding."

He closes his book with strong affirmations of optimism about our future. "The Second American Revolution" is an important challenge from a man of experience and vision who has kept his mind free from the bonds of ideologies, rigid class-determined attitudes either economic or social, and sacred-cow assumptions. The book is an invitation to keep a promise. "This country can become the despair of the world. Or it can fulfill its transcendental mission."

### A ROCKEFELLER CALLS FOR A REVOLUTION

(By Martin H. Belsky)

Anyone who is John D. Rockeller 3d, and who is the eldest brother of two governors and father of a possible third, is an unlikely revolutionary.

But this Rockefeller is a progressive activist, involved in philanthropic pursuits and extensive public service in behalf of consumerism, education, civil rights, urban housing, and poverty. He seeks to become a revolutionary synthesist—able to rationalize the nature of radical movements and to integrate their aims into the existing social structure.

#### ALREADY BEGUN

Rockefeller's premise is that "The Second American Revolution" has already begun and that we must react immediately or risk destruction.

The First American Revolution established humanistic values that the Industrial Revolution subordinated to materialistic demands. The answer is not to discard democratic capitalism but rather to redefine it, making it more human and humane.

#### LEADING THE WAY

The moderates—"those who . . . have made it"—must lead the way, and Rockefeller must be the "midwife," utilizing criticisms of the present system to define new goals.

The author handles his role well.

"Black power" is not a call for disorder but rather the expression of individual dignity. The "Youth Movement" seeks not to overturn the social structure but rather to establish a person-centered society. Both movements will promote humanity and idealism in all Americans.

In his synthesis—termed the "humanistic revolution"—Rockefeller asks the system to respond to crisis by restructuring existing institutions.

Population control, environmental rehabilitation, and economic revitalization will be accomplished through a cooperative effort of a less bureaucratic, more responsive government, an open, more responsible business leadership, and a "giving, learning and planning" society.

#### "CAUTIOUS ATTITUDE"

Based on his experience in philanthropy, Rockefeller relies too heavily on the "private, non-profit sector" to be the pioneer of reform. However, he also offers creative ideas for change—including redefining work to provide qualitative measurements of productivity, decentarlizing government to make it a facilitator rather than a manager of change, and establishing new structures to plan and effectuate humanistic goals.

Those who have been seeking social change will find little new or novel in this book. Its appeal is not to those who have reacted but to those who haven't and should.

Reforms, often disregarded as idealistic, are now offered as essential by one who defines himself as "a Republican" with a "careful and cautious attitude verging on conservatism."

Rockefeller provides a clear and methodical analysis of the changes in American Society, and uses his personal observations to suggest reform through people participation. He is optimistic that people will no longer be content to be pawns of fate but rather will now seek to influence their destiny.

Let's hope he is right

### THE SECOND AMERICAN REVOLUTION

(By John D. Rockefeller 3rd)

Quite apart from the interest lent by the status of the author, which is frankly difficult to overlook—now in his mid-60s, he is the eldest of the five sons of John D. Rocke-



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feller, Jr.—this is an arresting book, seriously intended, optimistic in tone, logically and effectively presented. The revolution which Mr. Rockefeller has in mind, and which he sees in progress and hopes will continue, is humanistic. Unless unfortunately diverted it will, he believes, change the mental and moral structure of the United States and result in a happier and more nearly united country. He quotes both Charles Reich and Jean-François Revel in support of his view that a movement of enormous significance has been under way. Among the topics related to it which he raises for discussion are population problems (these he has studied in depth and analyzes with true firsthand knowledge), minority problems (the Kerner Commission report, identifying white racism as a fundamental cause of civil disorder, he labels "one of the most impressive reports ever produced by a national commission"), the youth movement, and impending changes in the nation's industrial system, in corporate responsibility and in the role of government (government should conserve and generate the powers of individual initiative and aim at being a facilitator of participation). Mobilized modestly enough [illegible] Mr. Rockefeller's book is positive and forward-looking, possibly [illegible] Mr. rights. He shows how the Second Revolution can be won satisfactorily: only by winning the understanding and support of a great body of the moderates.

Rockefeller seeks a way of achieving all the legitimate goals without violence and for the benefit of all the people. He is not dictatorial, but wants people to work out things for themselves, aided by conscientious leaders in all walks. His book is full of suggestions as to how this might be done, and optimism that it can and will be done.

Regarding the blacks:

"Progress has been made," says Rockefeller, "but the basic patterns persist—patterns of ghetto living, of unemployment and of underemployment, of inadequate education, of housing segregation . . . a little progress only whets the appetite for more progress . . .

"I think blacks are helping to give us our humanity, in stimulating and playing a central role in the humanistic revolution . . . the awakening of black consciousness has in turn stimulated other groups to assert their identity and seek equality . . ."

Among the needs, if the Second Revolution is to make a better America, he lists: encouragement of philanthropy, personal involvement of individuals and businesses as well as involvement of their dollars, goal-setting institutions not to tell people what [illegible]

And, it is supposed to do great things.

Cut redtape.

Promote local decisionmaking.

Eliminate all matching funds.

Protect all minorities.

That is the rhetoric.

What the Better Communities Act actually does is drop all the problems back into the hands of local government and say "you solve 'em" but with less money and little Federal direction or expertise assistance.

The legislation is replete with statistical games over the amount of funds that will be going to communities—minimum guarantees, phaseout, hold harmless, and the like. But the end result is a reduction of funds going to cities with the greatest need and most massive problems.

In the guise of local control, the legislation will set back efforts at comprehensive urban planning.

In the guise of reducing redtape the legislation will put a premium on spending as much money as quickly as possible—to throw money at problems—with-



Fortunately, there is an alternative—an innovative, well-developed, conceptually sound alternative to the Better Communities Act.

I am talking about the housing and urban development legislation that passed the Senate last year by a vote of 80 to 1.

The legislation would, among other things:

Establish a block grant community development program.

Require applications from communities seeking funds to outline development objectives for 3-year periods—to specifically state what plans were to meet community housing needs, prevent and eliminate slums, and upgrade community services.

Assure continuity of funding for plans with a guarantee that funds would be distributed 1 year in advance.

Specify that comprehensive planning should reflect community needs for housing, employment, education, and health with adequate opportunity for citizens participation and the involvement of [illegible]

its recommendations for a substitute for public housing, housing for the elderly, rent supplements and the other housing programs it has suspended.

President Nixon and his associates are fond of referring to urban programs as "inflexible and fragmented" programs. But they could more accurately be described as money targeted for specific problems.

Those problems are overwhelmingly concentrated in the cities. That is where the masses of poor people live, where the slums are, where the overaged and dilapidated public facilities are. The most urgent problems are not out in the new subdivisions or along the six-lane beltway.

Administration spokesmen constantly talk about "red tape" and about the levels of government that are "closest to the people." But the critical question is not which unit of government spends the money but where and for what specific purposes the money is spent. "Neighborhood facilities," for example, could mean new streets and a firehouse in a wealthy neighborhood or a child's playground in a slum. Federal bureaucrats with their guidelines sometimes described as "red tape" are often more zealous in asserting the interests of the poor than are [illegible]

## ARMS SALES ABROAD

Mr. ROTH. Mr. President, a recent edition of the Wall Street Journal carried an article by Mr. Richard J. Levine on increasing American arms sales abroad.

According to this article U.S. arms sales on a government-to-government basis will reach nearly $4 billion in fiscal year 1973, compared to $2.07 billion in fiscal year 1971 and $914 million in fiscal year 1970. These figures reflect a continuing demand for U.S. arms abroad, particularly among developing countries in Latin America and the Middle East. In addition, they reportedly reflect a more relaxed U.S. official attitude toward arms sales, partly because of their balance of payments effects.

I find these trends particularly disturbing. At a time when international tensions are diminishing, I would hope we should be moving in the general direction of limiting arms sales rather than encouraging them. While balance of payments considerations may in the short run be a tempting reason for relaxing our restraint on our part, sales to the

points—in the event one or more should be needed after taking into account the preceding three considerations.

The Gaither Committee appears to have done a very good job with its assignment limiting it to what was best for Delaware. A similar committee, which has the confidence of the political leaders and citizens in all three states, should now determine what is best from a regional viewpoint. In addition, this regional committee should determine the preconditions that the three states should require for the issuance of any federal permits for construction and for operations of an offshore facility.

In announcing the tentative recommendations of the Philadelphia District Army Corps of Engineers on Jan. 8, Col. Carroll D. Strider requested that concerned citizens advise him of the conditions that need to be made a part of any construction permit to assure that the facility will not create or otherwise induce undesirable social and environmental conditions. I would think there ought to be conditions on an operating franchise also. However, necessary preconditions probably cannot be finalized until we know the results from the next two steps.

5. Through environmental-impact studies of all superport sites under consideration must be insisted upon. With his announcement of Jan. 8, Col. Strider enclosed a Summary of Enivornmental Consideration which states that the environmental study made is "preliminary and subject to updating based on changing conditions. In some instances, there is a lack of detailed knowledge in a number of areas essential to the comprehensive environmental analysis of deep-water port facilities. Current federal research activities should, however, improve this situation."

6. To give us a real option in choosing between a bay or ocean superport location, containment devices able to localize oil spillage and ease clean-up must be expeditiously researched and developed for ocean superports. A containment device is used to surround an oil tanker when it is unloading into a pipeline, so that in the event of a spill the oil is in a confined area from which it can be readily collected with very limited ecological damage.

When, as and if, it should be determined there is to be a superport and if the affected states can participate in environmental controls through necssary preconditions to construction and operations, a superport offshore in the ocean would be much preferable to one in a bay with respect to the ecological damage from those oil spills that may result from collisions or going aground, but would currently be at a distinct disadvantage in unloading spills. At least in Dean W. S. Gaither's opinion, the containment devices proposed for an offshore superport by the Maritime Administration have not been sufficiently tested to assure that they would give adequate protection in the high waves of the ocean. It would be beneficial not to have this limiting factor when a regional committee is determining the best location or locations.

7. It is imperative that our current state General Assembly establish a program to regulate completely the petroleum transfer operations now being conducted within Delaware water, in accord with Gaither Committee recommendation.

Extensive oil transfers from oil tankers to barges (lightering) occur now in Delaware waters, a little more than three miles off shore from Big Stone Beach—12 miles up Bay from Cape Henlopen. Currently no spill containment devices or other spill localization and clean-up systems are available at this mooring site. The tank and barge operators are to be commended for their care in unloading, as no major spills have occurred. However, the risk is there and is growing. Containment devices and state control are needed as long as this lightering operation continues.

As the lightering area is in a federal navigable waterway, there is a legal question as to the right of the state of Delaware to legislate controls. This will be decided by a case before the U.S. Supreme Court against Florida legislation. If Florida loses its case, let us urge through our governor and congressmen that the federal government expand current Coast Guard requirements by providing for containment devices.

8. The General Assembly must also take action now to end the traditionally limited liability and standard of liability with respect to damages caused by spilled oil, so as to provide an adequate remedy to private property owners, in accordance with another Gaither Committee recommendation.

The Gaither Committee recommends modeling legislation after a Florida law, provided that the Florida law is upheld in a current test case before the U.S. Supreme Court. A decision is expected this spring.

9. U.S. Sens. William V. Roth Jr. Joseph R. Biden Jr. should urge fellow senators to vote against ratification of two international conventions from the Intergovernmental Maritime Consultive Organization (IMCO) respecting oil pollution damage and liability for such damages, if further investigation verifies the substantial opinions reported by the Gaither Committee ". . . that the provisions of the conventions are inadequate to provide for appropriate compensation to individuals and local government injured by oil spills."

The two IMCO conventions are now before the U.S. Senate. Ratification of the conventions would pre-empt all state laws and prevent measures from being taken by the Delaware General Assembly.

No doubt Delaware's political leaders are aware of the problems I attempted to cover. Nevertheless, I believe the problems and proposed solutions or their alternatives need more public airing.

If the threat of an energy crisis is valid and cannot be overcome by a combination of new sources of domestic clean energy and a concerted national effort to conserve energy, it will do no good to say we do not want a superport. But let's be sure of the facts.

If in concerted efforts, such as NASA, our nation can get a man to the moon within one decade and, such as the Manhattan Project, can develop a nuclear bomb, why can't we lick the energy crisis and its related oil import problem by establishing a high priority program to bring alternative sources of domestic clean energy into production in time and implement the findings of the President's Office of Emergency Preparedness to substantially reduce our energy demands.

## A ROCKEFELLER LOOKS AT LIFE IN AMERICA

Mr. PERCY. Mr. President, I would like to call to the attention of my colleagues a book recently written by John D. Rockefeller III. We are all familiar with Mr. Rockefeller's work as Chairman of the Commission on Population Growth and the American Future, his efforts in the field of conservation and ecology, and his lifelong dedication to his philanathropic works.

Now he has distinguished himself further by authoring this sensitive, logical, and thought provoking work, entitled "The Second American Revolution." One might not think of John Rockefeller as a revolutionary, but he proves with the publication of this book that he is, indeed, at the forefront of the second American revolution—a revolution he considers peaceful, positive, and progressive.

Mr. Rockefeller's basic premise is that many of the "quality of life" clauses guaranteed in the Declaration of Independence have been all but ignored for nearly two centuries while Americans raced ahead with economic and material progress. There is a deep need in this country, he maintains, for a movement toward more humanistic progress. He sees that movement gaining momentum in a variety of areas.

The youth movement, which predominated in the 1960's, is now moving away from aggressive reaction to specific events and is leading the way in such battlefronts as the effort to save our environment. The work of the young people is more thoughtful and, consequently, more effective than it once was.

He discusses the women's liberation movement, which also has moved from what seemed to be a militant position toward a quiet—and much more effective—insistence on equality. As Mr. Rockefeller points out, this movement has affected the lives of American women who previously had never given a thought to the fact that they had a choice in the direction of their lives.

As a former businessman, I found particularly effective Mr. Rockefeller's treatment of the issue of corporate involvement. He points out that while business can and must impose some reforms on itself, its first responsibility is to maintain the economy of this country, and that an overextention into the field of social reform would be as inappropriate as no involvement at all.

Mr. Rockefeller has expressed very articulately the idea that this second revolution will be peaceful. As I told him, it is important for those who see this revolution in a positive light to speak out and to counterbalance the prophets of gloom.

Mr. Rockefeller has brought insight, breadth of experience, and uncommon concern for the welfare of the citizens of this country to bear on his account of the changes we are experiencing as a nation.

His accomplishment is great, Mr. President, and I heartily commend "The Second American Revolution" to the attention of my colleagues in the Senate, in the House, to the executive and judicial branches of Government, and to all thinking Americans interested in the trend and the quality of American life.

So that my colleagues will have the benefit of other judgments of Mr. Rockefeller's work, I ask unanimous consent that book reviews from the Wall Street Journal, the Philadelphia Bulletin, and the Book-of-the-Month Club News be printed into the RECORD.

There being no objection, the book reviews were ordered to be printed in the RECORD, as follows:

A ROCKEFELLER LOOKS AT LIFE IN AMERICA

(By Edmund Fuller)

"Democracy is the most fragile and difficult political system ever devised. Its fragility lies precisely in the fact that it is the system best suited to the human condition itself, since it allows maximum freedom for all the whims and emotions, the wants and the needs, of the individual person. Democracy is difficult because men and women are difficult."

Those are words of John D. Rockefeller III in a small, challenging book, "The Second American Revolution: Some Personal Observations." It is an eclectic book—there are mighty few in history that are not. He does not offer himself as a source of dazzling new vision (thank God!) but comes forward as a thoughtful man who has been putting forth great effort to understand his time. "I have talked to countless people, I have read much more than is my normal habit, I have traveled extensively, and I have listened as I have never listened before. I lay claim to no definitive answers, only to a personal view, to honest questions and honest attempts to think them through."

The influence of ideas often is related in part to who utters them. Mr. Rockefeller has been especially struck by two books since 1970: "Without Marx or Jesus" by the French writer, Jean-Francois Revel, and "The Greening of America," by Charles Reich. He agrees with some of their major premises and such points gain particular force and influence in our present society by his restatement, which may win a hearing, in quarters not previously disposed to listen, for the idea that we are in fact in a revolution, of a new kind, nonviolent and irreversible.

The eldest of the five Rockefeller brothers observes with nice understatement: "The name Rockefeller does not connote a revolutionary, and my life situation has fostered a careful and cautious attitude that verges on conservatism. I am not given to errant causes. I have quite a consistent record as a Republican and a supporter of Republican candidates." Thus the special value of his testimony. The name "Reich" has more clout with the counter-culture than does the name "Rockefeller"; it is just the reverse with the Establishment and for the social movements this book discusses it is essential to reach the Establishment. He devotes a chapter to "The Crucial Role of the Moderates."

"I have come increasingly to see that old patterns are breaking down and new ones developing, that change is necessary, not for its own sake, but if we are to meet our problems, needs, and opportunities with hope and confidence. . . . I believe that we are at a turning point in our history . . . that instead of being overwhelmed by our problems, we must have faith that they can be solved, that we can achieve a society in which humanistic values predominate. However, the justification for this faith will depend on Americans generally feeling a sense of responsibility for what happens in their country, on their ability to see and understand the hopeful prospect that lies ahead and to commit themselves to achieving it. This faith and responsibility and commitment should become the substance and the driving force of our Bicentennial in the years ahead. I can think of no more fitting way to commemorate the 200th anniversaries of American independence and the founding of the United States."

It is not that our problems have arisen all at once but that modern communication has made us aware of them all at once, which is unnerving and unsettling. It has brought "a crisis of awareness, and this in turn has produced a crisis of faith in terms of the future of our society." The book discusses a broad range of subjects: political, economic, moral, cultural, educational. He looks in a calm way at radical shifts in sexual mores, personal appearance, and life-styles. He might be reassuring to some culture-shocked returning POWs.

Some of our worst problems are ironic results of excesses in our best accomplishments. ". . . The pioneering spirit born out of the westward drive to expand to the full limits of this continent . . . produced a breed of rugged individuals, but also a pattern of life which competition predominates over compassion, violence is an ugly undercurrent, and exploitation and destruction of nature's bounty are seen as natural."

A few of the questions he examines:

Population. The recent decline in the U.S. birthrate does not mean the end of that problem, even here. He is concerned with the unemployment created by sophisticated technology, while at the same time the drive for efficiency tends to make work become increasingly dehumanized.

In the affluent society the gap between haves and have-nots continues to widen dangerously.

In both business and government the power of bureaucracies "becomes more centralized and distant from the people and alienation and impersonalism grow."

He is concerned for the environment. We are just entering a new phase when second looks are causing some, who paid lip-service to environmental concerns, to say: "It would be good to have clean air and water and to save the planet but we can't afford it."

He welcomes Ralph Nader's consumerism. He is responsive to the women's movement, asserting that "Women's Liberation is men's liberation, and . . . together they can become human liberation." He devotes much space to the role of youth, affirming that: "Far from being some subversive force, the central drive of the youth movement in this country has been squarely in the best American tradition of individual initiative. In the Estes Park [youth conference] spirit of 'a rage of love' for American ideals, it is reminiscent of revolutionary America of 200 years ago."

Mr. Rockefeller advocates decentralization of powers and more initiative from the private sector, but he sees an essential, permanent government role as the *"facilitator of participation."* In other words, as a prod.

Having worked most of his life in philanthropy, he believes that America must be "A Giving Society." He says: "We are well into an unprecedented financial crisis in the private nonprofit sector. . . . The fact of the matter is that private giving has not increased as fast as the gross national product or the federal budget or the rise in costs of operating." As a result we see "institutions closing their doors or drastically curtailing their services or gradually being taken over by the government." He sees the "growing imbalance between the major sectors of our society"—the private and the public—as one of the most urgent concerns.

He calls also for "A Learning Society," offering sound comments on education. On the currently hot subject of encroachment upon the press and TV from some quarters he urges Jefferson's admonition to "trust the public judgment," and is firmly opposed to any who would "place themselves in the position of judging what their fellow citizens can see and hear and learn."

A chapter is devoted to "A Planning Society." "Planning" has been an emotion-freighted word in public debate, which is odd since neither business, government, nor a private household can survive without it. Mr. Rockefeller stresses the difference between a "planned society" in the regimented sense, and his "planning society . . . based on freedom of choice, which requires widespread involvement and maximum knowledge and understanding."

He closes his book with strong affirmations of optimism about our future. "The Second American Revolution" is an important challenge from a man of experience and vision who has kept his mind free from the bonds of ideologies, rigid class-determined attitudes either economic or social, and sacred-cow assumptions. The book is an invitation to keep a promise. "This country can become the despair of the world. Or it can fulfill its transcendental mission."

A ROCKEFELLER CALLS FOR A REVOLUTION

(By Martin H. Belsky)

Anyone who is John D. Rockeller 3d, and who is the eldest brother of two governors and father of a possible third, is an unlikely revolutionary.

But this Rockefeller is a progressive activist, involved in philanthropic pursuits and extensive public service in behalf of consumerism, education, civil rights, urban housing, and poverty. He seeks to become a revolutionary synthesist—able to rationalize the nature of radical movements and to integrate their aims into the existing social structure.

ALREADY BEGUN

Rockefeller's premise is that "The Second American Revolution" has already begun and that we must react immediately or risk destruction.

The First American Revolution established humanistic values that the Industrial Revolution subordinated to materialistic demands. The answer is not to discard democratic capitalism but rather to redefine it, making it more human and humane.

LEADING THE WAY

The moderates—"those who . . . have made it"—must lead the way, and Rockefeller must be the "midwife," utilizing criticisms of the present system to define new goals.

The author handles his role well.

"Black power" is not a call for disorder but rather the expression of individual dignity. The "Youth Movement" seeks not to overturn the social structure but rather to establish a person-centered society. Both movements will promote humanity and idealism in all Americans.

In his synthesis—termed the "humanistic revolution"—Rockefeller asks the system to respond to crisis by restructuring existing institutions.

Population control, environmental rehabilitation, and economic revitalization will be accomplished through a cooperative effort of a less bureaucratic, more responsive government, an open, more responsible business leadership, and a "giving, learning and planning" society.

"CAUTIOUS ATTITUDE"

Based on his experience in philanthropy, Rockefeller relies too heavily on the "private, non-profit sector" to be the pioneer of reform. However, he also offers creative ideas for change—including redefining work to provide qualitative measurements of productivity, decentarlizing government to make it a facilitator rather than a manager of change, and establishing new structures to plan and effectuate humanistic goals.

Those who have been seeking social change will find little new or novel in this book. Its appeal is not to those who have reacted but to those who haven't and should.

Reforms, often disregarded as idealistic, are now offered as essential by one who defines himself as "a Republican" with a "careful and cautious attitude verging on conservatism."

Rockefeller provides a clear and methodical analysis of the changes in American Society, and uses his personal observations to suggest reform through people participation. He is optimistic that people will no longer be content to be pawns of fate but rather will now seek to influence their destiny.

Let's hope he is right

THE SECOND AMERICAN REVOLUTION

(By John D. Rockefeller 3rd)

Quite apart from the interest lent by the status of the author, which is frankly difficult to overlook—now in his mid-60s, he is the eldest of the five sons of John D. Rocke-

feller, Jr.—this is an arresting book, seriously intended, optimistic in tone, logically and effectively presented. The revolution which Mr. Rockefeller has in mind, and which he sees in progress and hopes will continue, is humanistic. Unless unfortunately diverted it will, he believes, change the mental and moral structure of the United States and result in a happier and more nearly united country. He quotes both Charles Reich and Jean-François Revel in support of his view that a movement of enormous significance has been under way. Among the topics related to it which he raises for discussion are population problems (these he has studied in depth and analyzes with true firsthand knowledge), minority problems (the Kerner Commission report, identifying white racism as a fundamental cause of civil disorder, he labels "one of the most impressive reports ever produced by a national commission"), the youth movement, and impending changes in the nation's industrial system, in corporate responsibility and in the role of government (government should "conserve and generate the powers of individual initiative and aim at being a facilitator of participation"). Subtitled, modestly enough, "Some Personal Observations," Mr. Rockefeller's book is positive, confident, possibly even overconfident in tone—but, says Mr. Rockefeller, "I am uncomfortable merely phrasing a thought in negative terms." It is a constructive book, a hopeful book, well expressed, worthy of great respect and warranting wide attention. ($6.50)—Holger Lundbergh

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CHARTING COURSE TOWARD HIGHER HUMANISM

(By J. Z. Howard)

A new book by John D. Rockefeller 3rd, "The Second American Revolution" (Harper & Row, N.Y., $6.50), is published this month, but was finished by him in December 1972.

The date is of interest because of the fact that the U.S. Supreme Court on Jan. 22, 1973, barred states from interfering with the decision of a woman and her doctor to end pregnancy within the first three months.

On Page 64 of his 1972 book, Rockefeller, in discussing the May 1972 report of the Commission on Population Growth and the American Future, a body of which he was chairman, mentions the Commission's recommendation "that the matter of abortion should be left to the conscience of the individual concerned in consultation with her physician."

Thus we see that the nine old men of the Supreme Court do not always themselves originate the drastic ideas which they promulgate. Whether the Court's abortion ruling stems directly or entirely from the Rockefeller Commission's recommendation is a matter for speculation.

But certainly the recommendation marks the eldest of the five grandsons of the original John D. as a leader in innovative social thinking. This instance is a mere hint of how far this scion of a phenomenal family has thought in that field—the entire new book spells that out provocatively and in great detail.

Rockefeller starts with the values asserted in the Declaration of Independence, the goals that sparked the First American Revolution: equality of justice and opportunity for everybody—the "unalienable rights" of life, liberty and the pursuit of happiness. These goals, though they have been beacons for people in America and around the world, have not yet been fulfilled, despite persistent lip service. Impatience with this failure is moving this country toward the Second American Revolution, Rockefeller says, starting with the 1954 Supreme Court anti-discrimination ruling.

He examines the factors in this new revolutionary trend—the roles of blacks, youth and women, all making their own declaration of rights. He shows how the Second Revolution can be won satisfactorily: only by winning the understanding and support of a great body of the moderates.

Rockefeller seeks a way of achieving all the legitimate goals without violence and for the benefit of all the people. He is not dictatorial, but wants people to work out things for themselves, aided by conscientious leaders in all walks. His book is full of suggestions as to how this might be done, and optimism that it can and will be done.

Regarding the blacks:

"Progress has been made," says Rockefeller, "but the basic patterns persist—patterns of ghetto living, of unemployment and of underemployment, of inadequate education, of housing segregation . . . a little progress only whets the appetite for more progress . . .

"I think blacks are helping to give us our humanity, in stimulating and playing a central role in the humanistic revolution . . . the awakening of black consciousness has in turn stimulated other groups to assert their identity and seek equality . . ."

Among the needs, if the Second Revolution is to make a better America, he lists: encouragement of philanthropy, personal involvement of individuals and businesses as well as involvement of their dollars, goal-setting institutions—not to tell people what to do, but to stimulate them to work out the best answers to problems themselves. Rockefeller poses a question and gives an answer:

"Can we the people successfully move our society forward in more humanistic directions, toward a higher level of human existence? I believe we have no other real choice. We cannot stand still, muddle through, try to turn the clock back . . . only once before in our history did we face the ultimate test. Now, as then, the issue is, in Lincoln's words whether 'government of the people, by the people, for the people' shall perish.

"For myself, I am basically optimistic . . . yet I like to think that my optimism is tempered by a good measure of realism . . ."

Rockefeller's book is full of such sincere, tolerant, temperate, wise statements.

This work may well be rated, in after years, as the greatest book of these times. If this rating does not come, it will be, in my opinion, only because not enough of us Americans—politicians, business men, scientists, teachers, writers, what not—read it and take it to heart. Intrinsically, all "the makings" are there.

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## BETTER COMMUNITIES ACT—A RETREAT FROM URBAN AMERICA

Mr. HUMPHREY. Mr. President, last year, the Nixon administration proposed a community development special revenue-sharing plan. It was a simple plan—take all the HUD development money and lump it into one single fund, toss it back at local government and say, "Okay, you spend all the funds any way you like. We are returning power and money to the people."

The legislation got nowhere.

This year, the Nixon administration resubmitted the special revenue-sharing plan, only now they call it the Better Communities Act.

The Better Communities Act would close down urban renewal, model cities, grants for water and sewer lines, parks and open space, and construction of neighborhood facilities. Replacing these categorical programs would be a $3.2 billion fund to be distributed among urban areas to be used at the discretion of local officials for community development activity.

And, it is supposed to do great things.

Cut redtape.

Promote local decisionmaking.

Eliminate all matching funds.

Protect all minorities.

That is the rhetoric.

What the Better Communities Act actually does is drop all the problems back into the hands of local government and say "you solve 'em" but with less money and little Federal direction or expertise assistance.

The legislation is replete with statistical games over the amount of funds that will be going to communities—minimum guarantees, phaseout, hold harmless, and the like. But the end result is a reduction of funds going to cities with the greatest need and most massive problems.

In the guise of local control, the legislation will set back efforts at comprehensive urban planning.

In the guise of reducing redtape, the legislation will put a premium on spending as much money as quickly as possible—to throw money at problems—without specifying what goals should be accomplished and in what period of time.

In the guise of protecting minorities, it leaves minorities helpless to deal with the all too often unresponsive local powerstructures and establishments.

And, in the guise of promoting the interest of middle Americans, it clearly says "solutions to your pressing problems of street repair, pollution, crime, sewage and water and increasing the local commercial tax base to lighten the load of residential property taxes will have to wait."

The Better Communities Act does not represent a thoughtful approach to urban problems.

It represents an admission of defeat and disinterest of the Nixon administration in the future of American cities.

It is a retreat, not a step forward.

It is a serious setback for Federal assistance and progress toward overcoming problems which do not recognize jurisdictional boundaries.

Mr. President, the Nixon administration continually alleges that programs such as urban renewal or open space are inflexible or have failed to accomplish the slightest good.

In the official OMB program evaluations supplied my Consumer Economics Subcommittee, urban renewal, for example, was being terminated for one reason that "the program has not been effective in impressing urban living conditions." Yet recent research on this program, as published in a committee print of the Senate Banking, Housing and Urban Affairs, suggests that urban renewal has greatly assisted in an important aspect of improving urban living conditions—increasing local tax revenues from project sites after redevelopment—tax revenues that could be utilized to finance needed public services.

Mr. President, I am not suggesting that every program, including urban renewal, must be continued just as is. We must constantly reevaluate programs.

But the Nixon administration's Better Communities Act is not a reevaluation; it is a wholesale scrapping.



Fortunately, there is an alternative—an innovative, well-developed, conceptually sound alternative to the Better Communities Act.

I am talking about the housing and urban development legislation that passed the Senate last year by a vote of 80 to 1.

The legislation would, among other things:

Establish a block grant community development program.

Require applications from communities seeking funds to outline development objectives for 3-year periods—to specifically state what plans were to meet community housing needs, prevent and eliminate slums, and upgrade community services.

Assure continuity of funding for plans with a guarantee that funds would be distributed 1 year in advance.

Specify that comprehensive planning should reflect community needs for housing, employment, education, and health with adequate opportunity for citizens participations and the involvement of minorities in the projects located in their neighborhoods that are selected for grants.

That is not all of the provisions of last year's legislation.

Of one thing I am certain, though.

The legislation that passed the Senate last year is not a bailout on part of the Federal Government.

It was a responsible approach, developed through consultation with mayors, county officials, Governors, urban planners, and the best expertise of our universities and colleges.

I urge repassage of legislation such as last year's bill.

Finally, Mr. President, an editorial published in the April 27, 1973, New York Times, also took issue with the Nixon administration's proposal.

I concur in the judgment of the New York Times on the proposed legislation. And, I want to assure the American people that, as the Times suggests, the Congress will rewrite this bill to "achieve a better balance between local automony and Federal leadership."

Mr. President, I ask unanimous consent that the editorial from the New York Times, "The Urban Losers" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE URBAN LOSERS

It is no accident that the Nixon Administration's bill to shut down urban renewal, Model Cities and other urban programs and substitute a share of Federal revenue is entitled the "Better Communities Act." The objective is to shift Federal money and public attention away from the cities where the Administration's political support is weakest and transfer them to the suburbs where its support is greatest. To achieve that shift, the Administration has not only proclaimed an end to the crisis of the cities but has also stopped talking about cities altogether in favor of "communities."

In addition to urban renewal and Model Cities, the programs which the Administration seeks to abolish include grants for water and sewer lines, parks and open space and construction of neighborhood facilities. The White House has deferred until September its recommendations for a substitute for public housing, housing for the elderly, rent supplements and the other housing programs it has suspended.

President Nixon and his associates are fond of referring to urban programs as "inflexible and fragmented" programs. But they could more accurately be described as money targeted for specific problems.

Those problems are overwhelmingly concentrated in the cities. That is where the masses of poor people live, where the slums are, where the overaged and dilapidated public facilities are. The most urgent problems are not out in the new subdivisions or along the six-lane beltway.

Administration spokesmen contantly talk about "red tape" and about the levels of government that are "closest to the people." But the critical question is not which unit of government spends the money but where and for what specific purposes the money is spent. "Neighborhood facilities," for example, could mean new streets and a firehouse in a wealthy neighborhood or a clinic and a playground in a slum. Federal bureaucrats with their guidelines, sometimes described as "red tape," are often more zealous in asserting the interests of the politically impotent poor than are local governments responsive to established, influential elements in the community.

Under the Better Communities Act submitted to Congress the other day by Secretary of Housing and Urban Development James T. Lynn, the poor in the crowded urban centers would be the losers. The cities in which they live would receive each year only the average of the funds which they received during the five fiscal years from 1968 through 1972. Under a "hold harmless" provision, they could not receive less but they would not receive more even though the average of those years is already inadequate and even though their problems may be worsening.

Moreover, since the President's budget provides no new money in the fiscal year beginning July 1 and since the money under the new plan to start on July 1, 1974, would be heavily mortgaged by commitments already in the pipeline, it would be fiscal 1978 before most cities would struggle back to the level of Federal help which they reached last year.

The states and the counties, meanwhile, would gain markedly under the Administration bill. Yet except for conservative political dogma, there is no persuasive reason to cut the states into this spending stream. Most state governments have no experience or particular competence in urban problems. Even New York under Governor Rockefeller's ambitious reach has had difficulty in defining what it can usefully do about inner city problems.

The National Association of County Officials is understandably delighted with the bill. But the county is not a unit of government with a uniform definition. In many states the county government is a moribund affair which only serves to give the sheriff and the coroner a place to park their cars. Among counties which are live, viable units, many have no serious urban needs.

The defects in the Administration bill are inevitable in any attempt to get away from specific categories and devise automatic formulas. The difficulty is that problems are not uniform across the country. There is no substitute for local officials making applications for Federal money to meet specific problems and for Federal officials making judgments on those applications.

Congress ought to rewrite this bill to achieve a better balance between local autonomy and Federal leadership. The urban poor must not be the losers in the necessary reshaping of the Federal system of grants-in-aid.

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ARMS SALES ABROAD

Mr. ROTH. Mr. President, a recent edition of the Wall Street Journal carried an article by Mr. Richard J. Levine on increasing American arms sales abroad.

According to this article, U.S. arms sales on a government-to-government basis will reach nearly $4 billion in fiscal year 1973, compared to $2.07 billion in fiscal year 1971 and $914 million in fiscal year 1970. These figures reflect a continuing demand for U.S. arms abroad, particularly among developing countries in Latin America and the Middle East. In addition, they reportedly reflect a more relaxed U.S. official attitude toward such sales, partly because of their balance-of-payments effects.

I find these trends particularly disturbing. At a time when international tensions are diminishing, I would hope we should be moving in the general direction of limiting arms sales rather than encouraging them. While balance-of-payments considerations may, in the short-run, be a tempting reason for relaxing our restraints on our own sales, in the long-run it may be most unhealthy for our economy as well as embarrassing to our foreign policy to become excessively dependent, like the French, upon military sales to maintain balance-of-payments equilibrium.

To me these figures suggest more than ever the need to give careful consideration to the possibilities for international agreements to control conventional arms transfer. At the present time, the Arms Control and Disarmament Agency, with the help of other executive agencies and departments, is preparing a report to the Congress on the nature of the trade in weapons, on the economic, military, and political implications of arms sales for both sellers and buyers, and on international control possibilities. This report will include recommendations for future U.S. policies.

I think this report gives our executive departments a unique opportunity to make bold proposals in the area of conventional arms restraint as a complement to our continuing endeavors in the area of nuclear arms control.

I would like to commend Mr. Levine's article to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 27, 1973]

U.S. ARMS SALES SPURT OVERSEAS, AIDING FIRMS, UPSETTING LAWMAKERS

(By Richard J. Levine)

WASHINGTON.—American arms sales to foreign governments are booming as never before, helping the U.S.'s defense industry and distressing some legislators.

The boom began about three years ago, when U.S. defense contractors were reeling from Pentagon procurement cutbacks that accompanied America's shrinking military role in Vietnam. The boom has continued to build, and barring some dramatic lessening in international tensions, overseas markets for American weapons are likely to remain strong, keeping the U.S. in first place among the world's arms sellers.

U.S. arms sales on a government-to-government basis will reach nearly $4 bil-

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lion in fiscal 1973, which ends June 30. That's roughly double the fiscal 1971 sales of $2.07 billion and quadruple the fiscal 1970 sales of $914 million. (In addition to these government-to-government sales, American companies have been selling more than $500 million in arms a year directly to foreign customers in straight "commercial" deals.)

"We're doing two and three times the sales" of the early and mid-1960s "when we were really promoting, and the curve is going up," says Vice Adm. Ray Peet, director of the Pentagon's Defense Security Assistance Agency, which negotiates arms sales with foreign governments.

"MERCHANTS OF DEATH"

Four developments are primarily responsible for the rising sales: Washington's new, more tolerant attitude toward the sales; the strengthening economies of potential purchasers, especially in the Middle East and Latin America; the continuing appetite for American-made arms, and the increasing sophistication and rising price tags of the weapons being bought.

Neither the Pentagon nor the State Department enjoys discussing the details behind the sales figures. "Let's face it, merchants of death are never popular," one Pentagon insider says. But in recent months, bits of information have filtered out that, when pieced together, give some insight into the expanding dimension of the U.S. sales abroad. These include:

Last month's announcement by Northrop Corp., one of the most successful American companies in foreign markets, that it expects orders for its new F5E "international fighter" to "ultimately reach at least 1,000 planes" and that about 30% of the company's business now is "international in scope." Indications are that roughly 300 of these planes, designed exclusively for export, will be given by the U.S. to poorer nations, while the others will be sold. The F5E program, Northrop estimates, "will contribute nearly $2 billion to U.S. exports."

The Pentagon's disclosure that Iran has placed orders for 489 helicopters that will cost $720 million—part of some $2 billion in arms purchases by Iran in the past year and a half. In addition to the choppers, which will be built by Textron Inc.'s Bell Aerospace Co., Iran has been buying McDonnell Douglas Corp. F4 fighter-bombers, Lockheed Aircraft Corp. C-130 transports, Northrop F5Es and Boeing 707s fitted as aerial refuelers. Financed from oil revenue, this big buildup will give Iran better equipment than U.S. forces in some instances—an irony that isn't lost on U.S. military men. The Armed Forces Journal, a private periodical that often reflects military thinking, recently observed: "With (the helicopter) deliveries to Iran beginning in 1974, the U.S. Army is faced with the paradox of a friendly nation having more capable helicopters than the U.S. possesses in the older model Hueys and Cobras." Iran is also said to be casting covetous glances at the McDonnell Douglas F15 fighter, just going into production.

Reports that Brazil is considering major purchases of fighter planes and other arms later this year and that U.S. companies are in the thick of the negotiations. France and Britain had dominated sales in Latin America for several years as a result of restrictions imposed by Washington.

NO HARD SELL

U.S. officials view expanding arms sales as a means of bolstering both the Nixon doctrine (which calls for America's allies to assume a greater role in their own defense) and Washington's precarious balance of payments. But they insist that the U.S. hasn't taken to "promoting" weapons sales abroad in the hard-sell manner of the Russians, British and French—increasingly tough competitors in international armaments trade. It remains U.S. policy, officials assert, to avoid selling weapons that would launch local arms races or would be so expensive that they would stultify a country's domestic development.

Such assurances, however, have done little to dispel the deep disillusionment of many lawmakers with the Military Assistance Program, which encompasses both military sales to foreigners and outright military grants to poorer countries. Congressional critics see the program as dangerous to world peace, supportive of right-wing governments and detrimental to economic development abroad.

"Many people are disenchanted with foreign military assistance because it's provided so easily to military regimes which lack any commitment to democratic government," Sen. Hubert Humphrey (D., Min.) declares. "The international trade and proliferation of conventional arms have reached such proportions as to pose a threat to world security nearly equivalent to the one created by the presence of vast nuclear arsenals."

Chairman J. W. Fulbright of the Senate Foreign Relations Committee, which oversees the Military Assistance Program, says his aim is "to get the State and Defense Departments out of the arms-sales business and get these transactions back to a free-enterprise, commercial basis, where they belong."

Northrop's F5E fighter, seen as a symbol of arms sales because it's designed exclusively for export, has drawn harsh comment in past years. To Sen. George McGovern (D., S.D.), the plane "exemplifies one of the uglier aspects of this country's profile abroad." He has expressed fear that it could end up in the hands of "right-wing governments" that would use it "to quell internal disputes," thus identifying Washington "with the forces of repression."

Despite Capitol Hill unhappiness, there isn't any question that U.S. policy toward arms sales has changed in the past few years and that the Nixon administration has decided, in the words of State Department officials, to be "more responsive" to prospective arms buyers, especially in Latin America and the Middle East.

While there haven't been any major policy pronouncements, industry clearly discerns Washington's more favorable attitude toward arms sales. An executive with a major American defense contractor heavily involved abroad declares: "There's a much stronger feeling on the part of the administration these days to encourage sales. We're getting better cooperation from our embassies and Military Assistance Advisory Groups."

During the late 1960s, the Johnson administration, under congressional attack for too aggressively selling arms to underdeveloped nations, adopted a stance that made it more difficult for U.S. companies to peddle weapons abroad. The unhappiness on Capitol Hill resulted in legislative restrictions on sales in Latin America and Africa that the Nixon administration would like to see removed.

Currently, U.S. arms sales to Latin America are restricted by law to $100 million annually, with the President empowered to increase this ceiling by $50 million if he decides it is in the national interest. The ceiling on sales to Africa is $40 million annually.

Washington abandoned the go-slow approach to sales, U.S. officials say, because the policy was a failure. One major lesson learned, Secretary of State William Rogers has told Congress, is that "if U.S. equipment isn't available, Latin American countries will go elsewhere." Another official puts it more bluntly: "We were cutting our own throats. By bureaucratic fiat we were keeping American companies out of Latin America."

The Pentagon estimates that, as a result of government policy, U.S. contractors have lost out on roughly $500 million in arms business south of the border in the last five years—with Britain and France getting most of it. U.S. analysts also expect the Soviet Union will soon be selling weapons in Latin America, probably to Chile and Peru.

According to Defense Secretary Elliot Richardson, business lost by American companies in Latin America not only hurt the U.S. balance of payments but also deprived "us of the opportunity for the kinds of relationships that can be established and maintained through cooperation in training and maintenance of equipment provided." Translation: Loss of military sales can mean loss of U.S. influence and loss of commercial sales in Latin America.

Washington's reluctance to sell arms to Latin America also created diplomatic problems. Many Latin American leaders felt U.S. policy was paternalistic, with Uncle Sam assuming responsibility for deciding what they needed for their defense forces.

To a large extent, growing U.S. weapons sales abroad reflect the increased economic strength of America's friends, enabling them to buy arms rather than rely on free grants of mostly older equipment. "Many nations now have the capability to pay either cash on the barrelhead for their purchases from us or buy with the help of credits annually authorized by the Congress," Secretary Richardson says. Of the $3.45 billion in arms sold abroad in fiscal 1972, only $550 million was financed with U.S. credits; the rest was for cash.

Since 1965, U.S. military sales have exceeded grants every year, though the grant category excludes the huge military aid given to Vietnam and Laos directly from the defense budget. Current sales are running about eight times the level of grants, and the number of countries getting grant aid has been cut by more than half from the high of 45 nations in 1964.

The switch to sales occurred first in Western Europe. Most recently, it has been evident in the Mideast, where heightened tensions and expanding oil wealth have led to major arms purchases from the U.S. With oil revenue in that region expected to more than triple by 1980, a Pentagon expert foresees U.S. weapons sales in the Mideast "remaining at a high level," outstripping those in Europe.

In the long-running Arab-Israeli dispute, the U.S. has supplied arms to both sides, despite its policy of restraint. By far the largest cache has gone to Israel. According to a new government report, the Israelis bought $317.9 million of U.S. weapons for cash in fiscal 1972 and received U.S. loans and guarantees totaling another $300 million for arms purchases.

The U.S. sales boom also reflects the heavy purchase of high-performance aircraft that carry big price tags (such as the $3.5 million F4)—despite Washington's insistence that it wants to avoid overburdening allies with sophisticated weapons systems.

The Nixon administration is hoping the increasing emphasis on cash sales will protect the overall military aid program from congressional attack. Earlier this month, Sen. Fulbright, introduced a bill that would phase out military grants over a two-year period and reduce government credits for sales to $200 million annually from the $525 million sought by the administration.

## RESPECT

Mr. ALLEN. Mr. President, our Nation has weathered an unhappy period in its history—a period characterized by a massive questioning of national purpose—a period of self-doubt—of divisiveness—of traumatic confrontations such as to test the mettle of our national character. We have been assaulted by the cynics, skeptics, the critics, defeatists, and whining disaffected spokesmen whose virtue seems to be a penetrating



evil eye which sees nothing but fault in the fundamental values of our Nation and the ideals which have made ours the greatest Nation on earth.

Mr. President, it is truly refreshing and inspiring to detect evidence of a changing attitude. I am extremely grateful to Mrs. Dianne Lewis, president of Westhills Parent-Teachers Association and Mr. John B. Bush, acting administrator of the Westhills Primary School in Bessemer, Ala., for providing me with an example which illustrates a revival of spirit which proclaims the emergence of a new day, a new attitude, a new spirit of optimism.

On April 20, 1973, Mrs. Lewis and Mr. Bush informed me by letter of activities inaugurated in the Westhills Primary School. More specifically, a program structured around the theme of respect. This program has been conducted throughout the school year and will be climaxed during the first week of May with a festival day during which emphasis will be centered on respect and love of country.

The festival theme will be "Make America Proud of You." On Friday, May 4, 1973, the festival will feature games, patriotic songs, children's choirs, and band music. I am proud to say that representatives from all branches of the military service will be present.

Mr. President, the underlying purpose of this commendable endeavor has been to instill in the individual child, a greater appreciation of the meaning of respect—respect for self, respect for others, and respect for and love of country. In this connection, I recall the sentiments of Ralph Waldo Emerson who said:

> The true test of civilization is not the census, nor the size of cities, nor the crops—no, but by the kind of man the country turns out.

To the extent that the youth of our Nation regain respect of self and the ideals upon which this Nation was founded—to that extent will we preserve for posterity the highest and the best and most noble accomplishments of our Nation and Western civilization.

Mr. President, I sincerely trust that schools and school systems and parents of children throughout the Nation will recognize in Westhills Elementary School a program worthy of emulation.

I commend Mrs. Lewis Bush, and the parents, teachers, students, and all those who have participated in this worthy program and request unanimous consent that the letter from Mrs. Lewis and Mr. Bush which briefly describes the program be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WESTHILLS SCHOOL,
*Bessemer, Ala., April 20, 1973.*

Hon. JAMES B. ALLEN,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR ALLEN: For some time you have pointed up the need for our society to return to those principles and ideals which in the past have served to make our country great. Many of these principles are based on one word, "Respect", respect for self, respect for others, respect for country.

The Westhills Primary School has conducted a program of RESPECT during this school year. This program is being climaxed during the first week of May with emphasis on "Respect and Love of Country".

On Friday, May the 4th, the Westhills P.T.A. and school will climax the week with a big Patriotic Festival, to be held at the school. Special music programs with choirs, childrens' groups and a program of martial and patriotic band music will be interspersed with games, supper and other activities. Representatives from all branches of the military service will also be present during the time of the Festival. The theme for the festival will be, *Make America Proud of You.*

We believe that activities of this type are not only important but are essential if we are to develop citizens who do share an interest and concern as well as a genuine love for their country.

If you could possibly send greetings to the students, parents and teachers prior to May 4th, concerning the Patriotic Festival effort, it would certainly add a great deal of prestige to this worthy effort and emphasis.

Sincerely yours,

(Mrs.) DIANNE LEWIS,
*President, Westhills Parent Teachers Association.*

JOHN B. BUSH,
*Acting Administrator, Westhills Primary School.*

## MITCHELL MELICH

Mr. BENNETT. Mr. President, a prominent Utah attorney, Mr. Mitchell Melich, has returned to private life following 4 years of distinguished service as Solicitor of the Department of Interior. I take this opportunity to commend him for his performance in this position, and to express my best wishes to him on the completion of this phase of his career.

Our colleague in the other body, the Honorable JULIA BUTLER HANSEN, of Washington, best expressed the esteem in which Mr. Melich and his office were held by Congress during a recent hearing of the Appropriations Subcommittee which she chairs. In remarks to the Deputy Solicitor, Mr. Raymond Coulter, Mrs. Hansen said:

> The Committee is deeply appreciative, Mr. Coulter, of the many difficult problems which have been before the Solicitor's Office in which Mr. Melich and yourself did an excellent job. We have had many controversial opinions that have had to come from the Solicitor's Office and they have come forthrightly and in response to the Committee. I don't think at any time in the Department of Interior has a Solicitor been as frank nor as forthright nor as prompt about sending decisions to the Committee upon which the Committee could base its action as has been done during the past four years.

Congresswoman HANSEN later added:

> I have served with many Solicitors and in my life I have worked with many, many attorneys, lawyers, counsellors, barristers, what have you, and I have never found two more dedicated men who had more integrity than Mr. Melich and Mr. Coulter.

Mr. President, I endorse the remarks of Mrs. HANSEN and applaud Mr. Melich for the high degree of integrity, dedication, and professionalism which he brought to the Office of Solicitor. I am sure that others join me in wishing him well in future endeavors.

## DEATH OF FELTON "SKEETER" JOHNSTON

Mr. SPARKMAN. Mr. President, I want to join with other colleagues here in the Senate in expressing my genuine sorrow to learn of the death of Felton M. Johnston—"Skeeter" as we all knew him. He had a long service here in the Senate. After serving as Secretary to the Senate Democrats, he became Secretary of the Senate. He did an excellent job serving all Senators faithfully and effectively. No one was ever more dedicated to his work than Skeeter Johnston.

He was a great American, one who served his country well, and one whom those of us who had the privilege of working with him will long remember with gratitude for his wonderful service to us.

## UNDERSTANDING FARM PROBLEMS AND FARM PRICES

Mr. YOUNG. Mr. President, it is unfortunate that most consumers have so little knowledge and understanding of farm problems and particularly farm prices. A better understanding would be in the best interests of both producers and consumers. No nation in the world is so blessed as the people in the United States are in having abundant supplies of food commodities and at such reasonable prices. It is true some food prices are higher now than for some years, but few realize that less than a year ago most farm prices were far below what is considered by Government standards to be a fair price.

Mr. President, a resolution adopted by the Dickinson Chamber of Commerce of Dickinson, N. Dak., very accurately sets forth the thinking of rural America. I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, income from agriculture is the primary support of the Dickinson Community, bringing in the major portion of wealth in Southwestern North Dakota.

And whereas, the farm community is the lifeblood of Dickinson.

And whereas, the prices of raw agricultural products have just recently improved to the point of allowing the farm and ranch operators to receive closer to parity for their production.

And whereas, the agricultural sector of the United States is an efficient sector of our economy. Americans have a great blessing in a viable, healthy, efficient agricultural production sector, producing the greatest abundance, variety, and highest quality of food in the world at reasonable prices.

According to the "Banking Journal of the American Bankers Association", the American public spends less of their paycheck for food than anywhere in the world. Americans spend 16% of their paycheck, down from 22% in 1950 and 25% in 1947. Canada spends 20%, Western Europe and Japan spend from 37 to 39%, and India spends 60% of their paychecks for food.

And whereas, the American farmer has not been a contributor to inflation, but a victim of it.

Now therefore, be it resolved that the Board of Directors of the Dickinson Chamber

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of Commerce, on recommendation of their agriculture Committee, feels that any boycott or government action to force raw agriculture product price down from present levels are not in the best interest of the farm sector or the consumers of this country.

## WILLIAM BENTON—BUSINESSMAN/EDUCATOR/STATESMAN

Mr. PROXMIRE. Mr. President, I did not have the honor of serving in the U.S. Senate with William Benton. Yet his brilliant career in business, in education, in Government could not escape me as it could not escape others.

He was a man who knew hard work, despite his background; who knew the business world as few men have, serving it through advertising and entertainment; who knew monetary success, but yet was willing to give up moneymaking to devote himself to other careers—higher education, publishing, Government service, and public office.

Senator Benton was, indeed, a remarkable man, an honorable man, a courageous man.

Mr. President, Senator Benton showed courage in a way that will long be remembered in Wisconsin. In an editorial shortly after his death, the Milwaukee Journal reminded its readers about that courage. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WILLIAM BENTON

A 22-year-old memory of one of the finest hours of courage and conscience in American politics is freshened, though in sad context, by the recent death of William Benton. For it was he, as a freshman senator from Connecticut, who scorned the consequences to himself by taking the Senate floor on Aug. 6, 1951, to demand the expulsion of the fearsome, marauding, witch hunting senator from Wisconsin, Joseph R. McCarthy. The brave act, mostly unappreciated at the time, did cost Benton his seat in the 1952 election, but his true accusations of fraud and deceit were the first triggering of McCarthy's eventual downfall, three years later, and the final discrediting of "McCarthyism."

That is far from the whole story of Benton's distinguished contributions to the uplifting of American society. Having made an early fortune as a founder of the famous Benton & Bowles advertising firm, he "retired" from it at 35 and pursued a notable career of public service, in politics, diplomacy and scholarship, for 37 more years, until he died. Before his Senate term he led the development of adult education by radio at the University of Chicago and was an assistant secretary of state. He later became a leader of UNESCO, of the Committee for Economic Development and the Fair Campaign Practices Committee. He wound up as publisher of the Encyclopaedia Britannica. But he will mainly be recorded in history as the politician who dared to call the first shot against the McCarthyist menace to his country.

## THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Mr. DOMINICK. Mr. President, previously I have announced my support of S. 795, the bill which would continue funding for the National Foundation on the Arts and Humanities. When this legislation was originally passed in 1965, it established the role of the Federal Government as one of creating and sustaining a climate which would encourage freedom of thought, imagination, and inquiry while supporting national progress in the humanities and the arts.

Since 1965, the national endowment has participated in a growing diversity of programs and effected a wider geographical distribution in its activities for more of our citizens. Its programs include assistance for museums, orchestras, and community-based groups with professional direction and minority ethnic orientation. It has provided fellowships to individuals for study and research into areas ranging from the environment to medical discoveries.

In my own State of Colorado, the foundation has assisted various organizations and individuals. Such assistance covers a wide spectrum of activities, including to mention only a few:

Grants to the Colorado Council on the Arts and Humanities for carrying out its activities;

A grant to Uplands, Inc., Durango, to support planning of a cultural village to foster understanding of Indian and Hispanic Arts;

A grant to the University of Colorado for expansion of its film program to include free programs for children and film showings throughout the State of Colorado;

A grant to the Community Center for the Creative Arts in Greeley, which provides classes for Greeley citizens;

A grant to the Central City Opera Association for support of its productions;

Grants to the Changing Scene Theater in Denver for productions and development of plays by resident playwrights; and

A grant to the Denver Symphony Association for support of a high school concert series and a special concert for the Chicano community.

Mr. President, the endowment will now become involved in planning for the upcoming bicentennial celebration which, as Members of this body know, also falls in the year of the centennial celebration of my own State.

It is fitting that the endowment under increased funding participate in that celebration in such a way that some of the products of that celebration become lasting artistic and humanistic additions to our country.

Mr. President, truly the endowment's progress has justified a continued expansion of its activities, and I will support the bill to continue its growth.

## DEATH OF EMERY FRAZIER

Mr. SPARKMAN. Mr. President, I was sorry to learn of the death of Emery Frazier. He served long and faithfully in the Senate.

Many of us will also remember his serving in many national Democratic conventions. The appearance and the voice of Emery Frazier became known throughout the country from those services.

Emery Frazier was a great American and a dedicated public servant whom we shall all remember affectionately.

## DEATH OF FORMER PRESIDENT HARRY S TRUMAN

Mr. LONG. Mr. President, Harry S Truman was a great President, a great Senator, a great judge; but, above all, he was a great American.

He led our country with wisdom and dignity for nearly 8 challenging years and the leadership he provided for the free world will be remembered by history as a credit to our country.

President Truman's foreign policies did much to promote peace in the world. I am thinking especially of his initiation of the Marshall plan, his program of aid to underdeveloped countries, the creation of NATO and the birth of the United Nations, both during his administration, and his steadfastness in meeting aggression. The Truman doctrine and his defiance of Stalin's attempt to isolate Berlin point up both his courage and his foresight.

I am reminded of the observation of the eminent 19th-century preacher, Henry Ward Beecher, when he said:

Greatness lies not in being strong, but in the right use of strength.

Harry Truman was President when I first came to Washington as a U.S. Senator in 1948. I can remember well not only his courage and fortitude but also his humility. He had what we call "the common touch." Although he was the President of the United States—having achieved the highest office in our Nation and the most important position in the world—he never forgot that he was a simple man from Lamar, Mo.

The spirit of his honesty and integrity are captured in this excerpt from a letter he wrote to his daughter, Margaret:

Right must always prevail. Do not let glamor get you. There are decent, honorable people among the very rich, just as there are among the very poor. Honor knows no class. . . . Remember always to keep your balance no matter how great you may become in your own time. Your Dad will never be reckoned among the great but you can be sure he did his level best and gave all he had to his country.

President Truman often said:

If you do your best, history will do the rest.

Mr. President, he did his best and his best was great. History will do him justice.

## PROTECTING THE PRESS

Mr. BIDEN. Mr. President, I recently submitted for inclusion in the RECORD correspondence I had received from Delaware newsmen concerning freedom of the press and related issues.

At this time I would like to add the views of Delaware editor James Flood as expressed in an editorial which he recently wrote.

I request unanimous consent that the article be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROTECTING THE PRESS

Newsmen have gone to jail in recent months rather than reveal the confidential sources of information which they used in news stories, and this has given rise to interest and debate over the idea of providing a special "shield" for newsmen.

The idea is that newsmen should be protected by a law in addition to the First Amendment provision that "Congress shall make no law . . . abridging the freedom of speech, or of the press."

At first blush the idea sounds like a good one. In doing investigative stories a writer should be able to protect his sources of information from later prying by a grand jury. Only if a newsman is able to give such protection will some sources be willing to talk.

But on more reflection several questions arise. Who is a qualified newsman? If a shield law is enacted what is to prevent later changes, and possibly more restrictions, because some newsmen had abused the privilege? Why should a newsman have any greater rights in the First Amendment area than any other citizen?

On balance I believe the nation's free press, which is to say the public's right to know, will be better protected if Congress does not legislate any boundaries of press freedom. If this means that some newsmen go to jail then this will have to be counted as one price in keeping the press free.

The public may well get a little tired about the press talking about "freedom," when certainly the press regularly commits sins of irresponsible journalism. But on the whole the public is served well by the press in this country, far better today than a generation or two ago. It is important that the public, and gadflies within the journalistic community, keep pointing out the faults of the press. It is equally important that the press, when criticized, respond in other than bleats of pious purity.

It remains, in the words of James Madison, that "A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy or perhaps both."

What is ultimately at stake in a free press is a free government and a free people, and that is something which affects us all.



## UNDERSTANDING GENOCIDE

Mr. PROXMIRE. Mr. President, once again I want to call attention to an important matter of international concern, the Genocide Convention. After more than 25 years of discussion, this treaty has again been reported favorably out of the Foreign Relations Committee and presently warrants the careful consideration of every Senator.

The Senate's hesitation in acting on this treaty has been prolonged by confusion as to the precise definition of "genocide" under the convention's terms. I have found that many criticisms of the Genocide Convention reflect a misunderstanding of certain provisions. The purpose of the treaty is "to make genocide an international crime, whether committed during peace or war." Although all of us would agree that genocide is a particularly heinous crime, many are opposed to this effort to outlaw genocide.

As the term "genocide" has fallen into casual and common usage, the meaning of the word has become sufficiently broad and vague to create confusion as to just what constitutes genocide. As a result, a number of persons have expressed the fear that ratification of the genocide convention could have dire consequences for our military, birth control programs, and police actions. However, the genocide convention itself states a very specific definition of genocide which is carefully worded to limit application of the treaty.

Article II of the convention states that genocide means "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

First, killing members of the group;

Second, causing serious bodily or mental harm to members of the group;

Third, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Fourth, imposing measures intended to prevent births within the group; and

Fifth, forcibly transferring children of the group to another group.

In addition, the Committee on Foreign Relations took great care to eliminate any ambiguity in the provisions. Accordingly, the treaty was reported with two understandings recommended to the Senate with respect to article II:

First. That the U.S. Government understands and construes the words "intent to destroy, in whole or in part, a national ethnical, racial, or religious group, as such" appearing in article II to mean the intent to destroy a national, ethnical, racial, or religious group by the acts specified in article II in such a manner as to affect a substantial part of the group concerned.

Second. That the U.S. Government understands and construes the words "mental harm" appearing in article II (b) to mean permanent impairment of mental faculties."

There have been allegations that school busing, birth control clinics, lynchings, police actions with respect to the Black Panthers, and the incidents at My Lai constitute genocide. The Foreign Relations Committee made it clear that such acts do not fall within the provisions of the convention unless the intent to destroy the group as a group is proven. Harassment of minority groups and racial and religious intolerance generally, no matter how reprehensible, are not outlawed per se by the Genocide Convention. Far from outlawing discrimination, article II is so written as to make it very difficult to prove the "intent" element necessary to sustain a charge of genocide.

The meaning of genocide in the treaty is thus clear and unequivocal. Fears that false charges of genocide could lead to conviction are simply unwarranted.

Mr. President, I urge the Senate to ratify this treaty without further delay.

## HOPEFUL MOVE IN SOUTH ASIA

Mr. KENNEDY. Mr. President, over the past 2 weeks a number of hopeful steps have been taken by the nations of South Asia to resolve the humanitarian questions remaining in the aftermath of the conflict in 1971. On April 17, the Governments of India and Bangladesh announced a major new diplomatic initiative to help provide for the orderly repatriation and exchange of prisoners of war, civilian internees, and minority populations among all countries on the subcontinent. Last week, the Government of Pakistan asked for further clarification of the offer.

Hopefully, a new dialog has begun among the nations of South Asia which will finally break the diplomatic logjam that has for so long caught innocent civilians on all sides. The basic responsibility for a bright and peaceful future for South Asia rests, of course, on the courage and good-will of the leaders and people of India, Pakistan, and Bangladesh. I am fully confident that they see, and will act upon, the new opportunities at hand.

For our part, we must continue to offer our support and provide whatever continuing assistance that is necessary to help these nations help themselves.

Mr. President, a recent editorial in the Washington Post clearly sets forth the issues involved in the humanitarian crisis that confronts South Asia today, and I commend it to the attention of all Senators. I ask unanimous consent that the editorial be printed in the RECORD, as well as the complete text of the joint declaration issued by India and Bangladesh on April 17, 1973, in New Delhi and Dacca.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 26, 1973]

A HOPEFUL MOVE IN SOUTH ASIA

A major advance in relations on the South Asian subcontinent is promised by the proposal of India and Bangladesh to return the 90,000 Pakistani POWs held for the last 16 months, if Pakistan will 1) release some 200,000 Bengali civilians stranded since the 1971 war and 2), in a kind of exchange, accept back some 200,000 Biharis who have been interned in Bangladesh but do not wish to stay there. By this one stroke, three important groups, each posing a political knot as well as a humanitarian issue, could start their lives anew. What makes the deal considerably more palatable for Pakistan is that Bangladesh no longer demands Pakistani recognition as a condition of POW return. Bangladesh still threatens to retain up to 200 POWs to try as war criminals, but since trials would ensure Bangladesh—a major supplicant for international handouts—major political damage, one hopes that Sheikh Mujib will find a way around them. Besides, Pakistan could hold counter-trials of Bengalis.

To outsiders, it may seem odd, not to say distasteful, that problems can be solved by official decisions to move large communities of people from one country to another, rather than to treat their condition in place. But large scale transfers of people have been a feature of political life in the subcontinent at least since India and Pakistan were born as modern states a quarter-century ago. Moreover, many Americans tend to forget how immense was the movement of people from one country to another in Europe after World War II. The Soviet Union alone, for instance, physically expelled some 10 million people from areas conquered by the Red Army; no one now challenges that astonishing act. The one conspicuous postwar exception to the notion of resolving political issues by moving people around the map is the Mideast, where the claim of some Palestinians to return to their former homes in what now is Israel is still part of the politics of the region.

In the current case of the subcontinent, the three groups of people who would be moved (one composed of military prisoners, two of civilian internees) wish to move. This



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is what makes the new Indian proposal seemingly such a natural. It was only last July that India and Pakistan agreed, at Simla, to work for "an end to the conflict and confrontation that have hitherto marred relations." Not without strain, they have since moved a significant distance toward their goal—not by American prodding, it might be noted, but in response to their own sense of what is necessary and right.

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BANGLADESH-INDIA JOINT DECLARATION ISSUED AT NEW DELHI AND DACCA ON APRIL 17

The Government of India and the Government of the People's Republic of Bangladesh have been giving consistently their most anxious thought and consideration to the problem of restoring friendly, harmonious and good neighbourly relations between India, Bangladesh and Pakistan on the basis of sovereign equality of each State with the object of promoting, in every possible way, durable peace in the sub-continent so that each country may devote its resources and energies to the pressing task of advancing the welfare of its own people. With this object in view, the Government of India and the Government of the People's Republic of Bangladesh have been carrying on mutual consultations. More recently, the Foreign Minister of the People's Republic of Bangladesh, His Excellency Dr. Kamal Hossain, paid a visit to Delhi on April 13, 1973, at the invitation of the Minister of External Affairs, Government of India, Sardar Swaran Singh. Discussions between the two Ministers concluded on April 16, 1973.

2. During these discussions and mutual consultations, the Government of India and the Government of the People's Republic of Bangladesh considered measures to promote jointly the processes of normalization in the sub-continent and to solve humanitarian and other problems arising out of the armed conflict of 1971.

3. Reviewing the entire situation in the sub-continent, the Government of India and the Government of the People's Republic of Bangladesh noted with regret and concern that progress, in the establishment of friendly and harmonious relations, has not yet been achieved owing to the failure of Pakistan to recognize the realities in the sub-continent. They felt that the policy hitherto pursued by the Government of Pakistan has stood in the way of negotiations among the three countries on the basis of sovereign equality of each. They further noted with concern that Pakistan continued to persist in hostility towards Bangladesh and despite clear provisions of the Simla Agreement, continued to maintain a hostile attitude against India. The Government of the People's Republic of Bangladesh reiterated their stand that they cannot participate in any discussions with Pakistan at any level except on the basis of sovereign equality.

4. Despite the difficulties created and the hostility manifested by the Government of Pakistan, the Government of India and the Government of the People's Republic of Bangladesh are resolved to continue their efforts to reduce tension, promote friendly and harmonious relations in the sub-continent and work together towards the establishment of a durable peace.

5. Inspired by this vision and sustained by the hope that in the larger interests of reconciliation, peace and stability in the sub-continent, Pakistan will refrain from persisting in hostility and bearing in mind the letter and spirit of the Simla Agreement concluded between India and Pakistan which Bangladesh had welcomed, the Government of India and the Government of the People's Republic of Bangladesh jointly declare as follows:

"Without prejudice to the respective positions of the Government of India and the People's Republic of Bangladesh, the two Governments are ready to seek a solution to all humanitarian problems through simultaneous repatriation of the Pakistani prisoners of war and civilian internees, except those required by the Government of the People's Republic of Bangladesh for trial on criminal charges, repatriation of the Bangalees forcibly detained in Pakistan and repatriation of the Pakistanis in Bangladesh, that is, all non-Bangalees who owe allegiance and have opted for repatriation to Pakistan."

6. The Government of India and the Government of the People's Republic of Bangladesh earnestly hope that Pakistan will respond to the constructive initiative taken by the two Governments to resolve the humanitarian problems in the manner set out in paragraph 5.

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## DELAWARE STATE POLICE 50TH ANNIVERSARY

Mr. BIDEN. Mr. President, the Delaware State Police will soon celebrate its 50th anniversary of service to the State of Delaware.

This organization has grown in the past half century, from a one-man motorcycle officer to a force of 401 State troopers and more than 100 civilians.

The history of this law enforcement group reflects the changing needs of our society in the past five decades and I would like to offer my praise and thanks to those men who constantly serve Delawareans in their fight against lawlessness.

The May 1973 edition of the magazine Delaware Today presents an interesting history of the Delaware State police which I would like to share.

I request unanimous consent that the text of that article be printed in full at this point in my remarks:

There being no objection, the text of the article was ordered to be printed in the RECORD, as follows:

DELAWARE STATE POLICE HISTORY

(By Anne Purinton)

The date is April 28, 1923. The Model-T Ford is "speeding" on the newly-paved Philadelphia Pike—going 40 miles an hour on that 35-mile-per-hour road. Suddenly a motorcycle appears.

Words like "fuzz" and "pig" do not spring to the driver's mind. Instead he meekly acknowledges his error—admits that the trooper, muffled against the winter elements in whip cords, is quite correct—he WAS speeding.

He admits his error. Retired police officers claim that nine out of ten offenders did in those days. Penalty was imposed at the nearest Magistrate's Court, where the usual procedure was to pay a $10 fine. The offender could consider himself fortunate if the magistrate comprehended the case review. In the words of one retired police officer, "The magistrates—many of them—were a bunch of pitiful old men, politically appointed; if the offender got any semblance of justice, he was lucky."

Fifty years ago—April 28, 1923—The Delaware State Police were officially born. They have grown from a single traffic officer in 1920, (when the Delaware State Police had its informal start) to an organization of 401 troopers and more than 100 civilians.

Charles J. McGarigle of Wilmington was the first traffic officer. His assignment was to patrol on motorcycle the newly constructed Philadelphia Pike, which was then the main artery from Pennsylvania to Delaware.

A year later in 1924 he was captain of a five-membered force of traffic officers who, along with ten members of the Engineering Force of the State Highway Department, were commissioned to enforce the motor vehicle laws, especially those regarding speeding, reckless driving and driving while intoxicated. With no training and little actual direction it was no easy job.

Headquarters for the traffic police was an old timekeeper's shack set up at Bellevue Hollow on the Philadelphia Pike.

First aid knowledge was essential in the early days, with the next priority finding means of getting the injured to the nearest doctor.

The value of having the traffic officers enforce the State's Criminal Code as well as its Motor Vehicle Laws was soon realized and legislation was approved in February 1921 that conferred greater police powers on the officers. This legislation stated "that all Traffic Officers in the employ of the State Highway Department shall hereafter be conservators of the peace throughout the State and shall have power and it shall be their duty to suppress all acts of violence and all infractions of laws relating to the safety of persons and property."

Minutes of the State Highway Commission during the years 1920, 1921 and 1922 continually refer to efforts of the Highway Department to expand its Traffic Police force: however, the money to do so was just not available. On several occasions it was recommended that the fines collected by the Traffic Police be used by the Highway Department to maintain a larger force rather than be turned over to the counties in which the arrests were made. The Legislature, however, refused to take such action and the five-member Traffic Police force struggled on, at times with only two or three patrolling the highways because others were on leave recovering from injuries suffered in motorcycle accidents.

As one retired officer explains, "At one time or another I was in every hospital in the State. Actually, I was lucky. There were many motorcycle injuries on the clay and dirt roads and on the newly paved highways. Several of my buddies lost arms and legs in accidents."

A Citizen's Highway Police was formed in the spring of 1921—it eventually totaled 60 in number—to help the overburdened traffic officers in their attempt to curb the increasing number of highway accidents. Public criticism of the activities of some of the citizen police caused the abandonment of this means of highway protection. The stage was set to formalize and enlarge the paid State Highway Police, for which the State Highway Department 1923 budget had allocated $14,000. The tiny band of traffic police had covered 71,976 miles during the first 11 months of 1922 making 666 arrests, but there was a growing feeling that the budget, size of force and duties of the Highway Police needed considerable expansion.

The signing of a bill by Governor William D. Denney on April 28, 1923 "justified a material increase in the Highway Police Force," according to Chief Engineering C. Douglass Buck's 1923 Annual Report.

With the passing of legislation, the Highway Department moved rapidly to increase its police force. Sergeant August Ahlquist was hired June 1, 1923, and appointed captain with the assignment of recruiting and training men and reorganizing the Traffic Police.

During those early days, Delaware's major roads were patrolled daily from Claymont to the State's southern boundary with Maryland. Riding motorcycles, the Highway Police would travel through each of the three counties stopping at post offices in each community to have their worksheets stamped, and to see if they were needed by anyone.

Patrolling by motorcycle, while more convenient and less expensive means of transportation than the automobile of the day, was a gruelling experience in the winter months. Retired troopers recall times when they were almost "frozen stiff" and were barely able to straighten up and walk, much less attempt to write out a ticket or report after chasing a speeder.

Not only did the trooper of the '20s not have the patrol car of today equipped with forcement devices such as radar and VASCAR, but if they worked an eight-hour shift troopers report, "If we worked a 10 or 12-hour day—8 a.m. till 6 p.m. or noon to midnight—we only worked a six-day week. It was the night shift—midnight to 8 a.m. where you got no day off."

To provide the public with a means of communicating with the Highway Police patrolling the state, a flag system was initiated in 1924. The telephone numbers of 42 places of business throughout the state were listed in local newspapers by Superintendent Reynolds. Persons in need of a State Policeman's service, would call the nearest flag station and a flag would be raised to attract the attention of an officer as he passed on his patrol.

Enforcing the state's motor vehicle and traffic safety laws and tracking down bootleggers kept the first Delaware State Police busy. "We really didn't concern ourselves too much with bootleggers though," reminisces one retired trooper, "Many of us were against the strict prohibition laws of the times," he remembers.

In 1931, legislation was passed officially changing the name fo the "State Highway Police" to the "State Police." Gradually the organization grew to meet the police service needs of Delaware. Motorcycles were abandoned in favor of State Police patrol cars. Compared to the all-day ride the Highway Police Officer of 1923 made astride his motorcycle, a helicopter now patrols the 100-mile length of the state in less than an hour's time.

Today's State Police operates from nine troops—five in New Castle County, one in Kent County and three in Sussex County. Headquarters and the State Police Training Academy are in Dover.

Colonel George J. Bundek, Superintendent of State Police, recently said, "Today's Delaware State Trooper finds himself working in a continually changing society. He is confronted with complex legal questions which require instantaneous decisions, and the public often expects him to act as a social worker, psychiatrist and legal advisor, as well as a police officer."

He noted that "despite the continual pressure they face and the criticism to which they are often subjected, Delaware State Troopers do not hesitate to put their lives in jeopardy as the front-line troopers in society's battle against lawlessness. As the Delaware State Police has changed during its first 50 years, changes in its service will continue in the years ahead to meet the needs of all Delaware citizens."

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## COSMETIC SAFETY

Mr. EAGLETON. Mr. President, as the sponsor of the Cosmetic Safety Act (S. 863), I read Mrs. Virginia Knauer's remarks to the American Society of Perfumers on April 18 with considerable interest.

Mrs. Knauer, Special Assistant to the President for Consumer Affairs, has been interested in the problems associated with cosmetics for some time. She has been especially active in the effort to encourage ingredient labeling by cosmetics manufacturers.

In her remarks, Mrs. Knauer points to several hopeful signs in the effort to insure that consumers know what they are getting when they buy cosmetic products.



First, Avon, Colgate-Palmolive, and Max Factor intend to list ingredients on the labels of their products in the coming months. Second, several medical groups have indicated their support for stricter regulation in this area, including the American Academy of Allergy, the American Medical Women's Association, the American Academy of Dermatology, and the American Medical Association's Committee on Cutaneous Health.

Mrs. Knauer urged perfume manufacturers to voluntarily supply the Food and Drug Administration with more information about their products and the sensitizing ingredients they contain. She also urged them to tread carefully in claiming "trade secrets," providing as much information as possible to the Government.

While I have less confidence than Mrs. Knauer in the voluntary approach to regulation of the cosmetics industry, I do think that her comments are worthwhile and I commend them to my colleagues.

I ask unanimous consent that Mrs. Knauer's speech to the American Society of Perfumers be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE COSMETIC INDUSTRY RESPONSE TO CONSUMER NEEDS

(NOTE.—This text is the basis for Mrs. Knauer's oral remarks. It should be used with the understanding that some material may be added or omitted during presentation.)

Almost eight months ago your program chairman, Andre Mallegol, invited me to speak here today. I generally decline speaking engagements so far in advance. This is because the President often asks me to perform special missions on short notice which preempt my regular schedule.

In this case, however—because of our mutual interest in a very important consumer matter—I decided to accept Mr. Mallegol's kind invitation. Both industry and consumers have a great stake in cosmetic safety and cosmetic ingredient labeling, and that is why this 19th Annual Symposium is so important.

April, 1973 is a critical time for your industry. At this very moment, the fundamental decision of whether to require mandatory cosmetic ingredient labeling is being considered by the Food and Drug Administration. At the same time, Congress is taking a hard look at your industry with an eye toward tough new legislation. Since January of this year, five new bills have been introduced in Congress which, among other things, would require all cosmetics to be tested for safety and for various test results to be submitted to FDA before marketing.

In addition to government, the medical profession also has its eye on the cosmetics industry. Over the past few months, my office—in response to consumer and press inquiries—has contacted several of the major medical organizations and associations. We have asked for their views concerning cosmetic safety and cosmetic information disclosures. Recently I reported that three major medical associations—the American Medical Women's Association, the American Academy of Dermatology and the American Medical Association's Committee on Cutaneous Health—all passed resolutions calling for increased cosmetic testing, adoption of ingredient labeling, and the filing of formula information and adverse reaction data with FDA.

Today, I have another name to add to the list. I have just received a letter from the immediate past president of the American Academy of Allergy. He said—and I quote: "I am happy to report that the Executive Committee . . . was strongly in favor of having available all inforamtion regarding the content of cosmetic formulations."

The Academy further endorsed the resolution of the American Medical Women's Association. This reoslution calls for the following:

First, adoption of cosmetic ingredient labeling by all cosmetic companies;

Second, filing of complete ingredient formulations and all adverse reaction reports with FDA;

Third, open information policies between the cosmetic manufacturers, FDA and the Poison Control Centers;

Fourth, adoption of identity, quality and safety standards by the industry.

Why would Congress, the FDA and several of the major medical associations be urging such strong actions regarding your industry? To any consumer who has suffered a severe reaction to a cosmetic product, the answer is obvious. To the industry, however, the answer might not seem so clear-cut. For this reason, let's explore the real issue—consumer safety—in more depth.

As you know, I have long been an advocate of both cosmetic ingredient labeling and generally, additional safety measures for cosmetic products. I have taken this position because I know what has happened without these measures.

Every year, thousands suffer adverse reactions to cosmetics. With rare exception, these Americans have no way of knowing what is in the cosmetic. Thus, they have no way of avoiding ingredients that may have been medically identified as the cause of allergic reactions. Similarly, because no test data or very few adverse reaction reports are available to FDA, doctors have no convenient way of checking into potentially troublesome ingredients in a particular product.

Industry officials have estimated that over 30 million Americans may exhibit allergic reactions to many commonly encountered substances. While these figures may define the scope of the problem, they cannot reveal the pain and suffering, experienced by these millions of people. The letters that reach my office from consumers who have suffered disfigurement and pain tell the real story. So that you can better understand what these people have experienced, I'd like to share some recent letters with you.

One letter comes from a woman in Illinois who experienced three and a half weeks of agony after using a new hair spray. In describing her painful reaction to the spray, she wrote me: "My face and ears were covered with an awful rash, itchy skin and puffiness around the eyes." She asked me to help her find out what ingredient in the spray has caused this terrible suffering. She had written the manufacturer who had simply put the blame on the perfume but gave no trade name for the fragrance or any other information that might help her avoid such a reaction with another product.

Another letter comes from a 33-year-old woman who suffered an infection in both eyes. Her doctor diagnosed the infection as an adverse reaction to her eye makeup. She asked me to continue my efforts toward full cosmetic ingredient labeling and safety, adding "I've invested so much money trying products which I hope won't affect me. . . . I am one of those people who need ingredient labeling," she concluded.

These two letters are just a sampling of the hundreds I've received from consumers who need help. Consumers and consumer groups recognize that they need ingredient labeling for their own protection and are now demanding it. With this labeling, they will be able to make better and safer buying decisions.

Consumers also recognize the need for ade-

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quate product testing. As cosmetic companies rush new products on the market in an effort to beat their competitors, they can create a situation where the consumer becomes the test animal. Since consumers can only hope the cosmetics they buy are adequately tested, they are often at the mercy of "quick on the trigger" marketers and advertising agencies.

Toni Stabile, in her revised book *Cosmetics: The Great American Skin Game*, tells of one incident in which women began getting serious reactions to a new kind of eye pencil. Upon investigation by the FDA, it was found that the eye pencil contained coal-tar, forbidden for use around the eyes since 1938.

Upon further investigation by FDA, it was found that fully 95 percent of all eye pencils on the market were made by one small company whose name was unknown to the public. This company had been putting coal-tar in eye pencils for nine years before it was discovered by FDA. Although the large cosmetic companies marketing the pencils claimed to have spot-checked for safety, they said that since the coal-tar was only present in certain colors, it was not detected during testing.

Such incredible occurrences, often with tragic results for consumers, have reinforced my own convictions—and actions—concerning cosmetic safety.

I have met with many consumer groups across the country. Last July, 13 national organizations representing over two-and-one-half million women joined me in calling for ingredient labeling and greater safety at press conferences in several major cities. These organizations continue to be strong advocates of ingredient labeling.

In addition to consumers, I have worked with FDA and the industry itself, I have encouraged FDA to take additional steps to assure the safety of cosmetic products. At the industry level, I have maintained close contact with industry leaders and have urged their full cooperation with FDA.

Early last year I also went to the retailers. I told the major retailing associations of Avon's new policy to provide consumers with ingredient information upon request. I urged these associations to support my call for such disclosures by other firms.

In response to my request for support, members of the Mass Retailing Institute and the National Association of Chain Drug Stores promised to ask their cosmetic suppliers to provide shoppers with information regarding cosmetic ingredients. In addition, both Osco Drugs and Giant Foods have initiated their own programs to obtain cosmetic information for the consumer.

I am encouraged by the positive action taken by these retailers. As I have stated on several occasions, I believe the retailer is the consumer's purchasing agent; as such, he should be the consumer's advocate.

The FDA has proven itself another strong advocate for cosmetic safety. At a press conference last April, FDA Commissioner Charles Edwards and I announced new FDA regulations calling for voluntary registration of cosmetic manufacturers and packers and for voluntary filing with FDA of product ingredients and formulations.

Moreover, the voluntary regulations call for participating companies to provide poison control centers and licensed physicians with all the information needed to treat patients suspected of an allergic or sensitive reaction to a cosmetic.

A month later, FDA published another proposed regulation that would alter its past "closed door" policy regarding cosmetic information. FDA proposed to open its adverse reaction and complaint data to the public upon request. These data would be made available without disclosing the manufacturer's name and without revealing trade secrets.

When I discussed the issue of cosmetic ingredient labeling with members of the industry, several indicated their need for guidance from government on how best to present ingredient information. I communicated their views to FDA. In hopes of accelerating progressive voluntary action, FDA published guidelines for the voluntary labeling of cosmetics products. While some forward-looking companies made the commitment to voluntary labeling, upon further consideration FDA, on February 7, 1973, proposed mandatory labeling of cosmetic products using the format of these guidelines.

Your industry is at this point in history today. As many of you know, April 9 was the deadline for comments on the FDA proposal for mandatory labeling and on another proposal—this one written by Professor Joseph A. Gage and the Consumer Federation of America. FDA's proposal would require the labeling of each cosmetic ingredient in descending order of predominance—except for fragrances, flavorings and colorings which would simply be listed as such.

The Page proposal calls for full ingredient listing, including fragrances, flavors and colors. The proposal also contains extensive provisions for determining and safeguarding trade secrets.

Concerning trade secrets, I am well aware of the need for their protection. While the FDA proposal does not contain a specific provision for trade secrets, the Fair Packaging and Labeling Act does, of course, protect trade secrets from ingredient disclosure requirements. This trade secrets exemption will no doubt be closely watched by advocates for cosmetic labeling legislation. How you use this exemption is therefore of crucial significance.

In addition to the many steps FDA and my office are taking to provide the consumer with more cosmetic safety, Congress has a few moves up its own sleeve.

According to a recent report in the magazine *Product Management*, Senator Frank Moss of Utah is planning new hearings this summer on the question of cosmetic legislation. These hearings come on the heels of the five bills already before Congress which would require filing of ingredients, premarket clearance and full label disclosures of cosmetic products.

With so much legislation under consideration that could affect your entire industry, clearly now—as never before—is the time for you to stand up and be counted. Already several of the large cosmetic companies have made a strong commitment to the consumer.

As many of you know, last July, I wrote to 19 leading cosmetic manufacturers asking them to inform me of their policies on ingredient labeling. Since that time, I have continued to correspond with these companies. I would like to summarize their positions as related to me.

To date, three companies have told me of their target dates for ingredient labeling of their products. The most recent good news came from Avon, which only last month informed me that by the fourth quarter of 1973 all its new products will carry ingredient labels. For the rest of its product line, Avon is shooting for full ingredient labeling by the third quarter of 1974.

Colgate-Palmolive has also given me very heartening news. Since January 17 of this year, one of its shampoos began to carry ingredient labeling. In addition, two new toothpastes are being test-marketed with ingredient labels and "product information panels" for six detergents are now being printed.

Another leader is Max Factor which has informed me that its ingredient labeling program will be implemented by mid-year.

In addition to these three companies with definite time tables for ingredient labeling, all the others I contacted indicated they were taking some steps to provide more information to FDA and consumers. I have reported this information to consumers.

I would also like to point out that a number of individuals within the industry have made deep personal commitments to ingredient labeling. Arlene Dahl, whose line of beauty aids is produced for Sears, was among the first to express her support for my efforts. She has already placed ingredient labeling on her product packaging.

For years, Julius B. Kahn, President of Ar-Ex Products, has been providing a Professional Formulary of his products to physicians, druggists and cosmeticians. In adapting this formulary for consumer use, his company became the first to provide ingredient information to consumers at the point of sale.

The responses of these companies are good news to everyone. But because many other companies are far behind in providing information to consumers and to FDA, the possibility of mandatory regulation becomes more likely.

With this in mind, I would like to zero in on your product: perfume. I am well aware of the problems involved with listing perfume ingredients. So is FDA. For this reason, the agency's proposal to require mandatory ingredient labeling exempts the listing of ingredients in fragrances.

But this doesn't mean that you should wash your hands of the matter. As you are an integral part of the cosmetics industry, I hope you will make a concerted effort to provide ingredient disclosures wherever possible. In circumstances where the ingredients are too numerous to list, I hope you will provide FDA with as much information about your fragrances as possible.

As I mentioned before, FDA has issued new regulations providing for the voluntary filing of product formulations. Under these regulations, you—the perfumers—could take an active role in helping the allergy-prone consumer.

According to FDA officials I have spoken with, the agency is requesting cosmetic companies to list the identity of fragrances in their products by their trade names and numbers. For the sake of the many consumers who suffer reactions to perfumes, I hope you will support this listing procedure and cooperate with FDA should a further break-down of the perfume's ingredients be necessary.

In addition to your active cooperation in the voluntary filing program, you obviously can further advance consumer protection through more extensive pre-market testing. As you may know, the Research Institute for Fragrance Materials has embarked on an ambitious project of systematically testing all known perfume ingredients. Once the findings are released, all sensitizing ingredients will be listed as such. It will then be up to you to either discontinue using these sensitizers or to inform the FDA and medical authorities about the identity of these ingredients.

There is another area that I know perfumers are particularly interested in and that's protecting trade secrets. While these secrets are vital to your industry, I ask that you not hide behind a veil of secrecy if it is not necessary. Trade secrets are protected under law but this law should not be abused.

Perfumers can also help the consumer in the general areas I call "the consumer's right to know." Recently, this right has become embroiled in a controversy concerning civet. As you know, several stories have run in the press about the mistreatment of the civet cat. This cat excretes a musk-smelling substance that is sometimes used in perfume.

I have received many letters from animal lovers who demand the right to know whether animal scents are used in perfumes. I hope you will provide consumers with this information so that if they are opposed to using animal scents in perfumes they can choose those products that only contain non-animal scents.

The points I raise here today are critical to all parts of the cosmetic industry. Since that day eight months ago when I accepted your invitation, the growth of consumer, medical, and congressional concern have made future government action almost inevitable. Your industry's response to voluntary programs will determine the nature of this future action.

With this in mind, you have two real options open to you. You can hide your head in the sand and hope all this talk of government regulation will just go away.

Or you can take the positive approach—already taken by some of the leading cosmetic companies—and decide to help the consumer. It is this second approach that will lead to better understanding and a growth of your industry that is based on information and cooperation.



## QUEEN ISABELLA DAY

Mr. PROXMIRE. Mr. President, as you well know on October 12, 1492, Christopher Columbus discovered America. The historical background of this important event reveals that Columbus had great difficulty finding a patron to finance his risky and expensive voyage. He first approached the King of Portugal in 1484, who promptly rejected the unorthodox idea of sailing west. It was Queen Isabella of Spain who finally decided 8 years later to accept Columbus' plan.

Just as Christopher Columbus deserves the annual holiday in memory of his great deed, Queen Isabella deserves credit as the person who singlehandedly made Columbus' trip possible. I believe it is appropriate that we designate one day each year to commemorate the person originally responsible for the discovery of America. I therefore support Governor Lucey's decision to proclaim Monday, April 23 as "Queen Isabella Day" in the State of Wisconsin, and ask that the document be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

THE STATE OF WISCONSIN—A PROCLAMATION

Whereas, the enthusiasm and support of a single ruler led to the discovery of America and the resounding effect this discovery had upon the history of the world; and

Whereas, this great ruler, Queen Isabella of Castile, wife of Ferdinand of Aragon, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th Century concept of the world; and

Whereas, the shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere; and

Whereas, the history of America has direct linkage to the birth of Queen Isabella on April 22, 1451.

Now, therefore, I, Patrick J. Lucey, Governor of the State of Wisconsin, do hereby proclaim Monday, April 23, 1973 as "Queen Isabella Day" in the State of Wisconsin and urge all citizens to reacquaint themselves with the earliest history of our Nation by honoring this Spanish Citizen who was solely responsible for America's Discovery.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison, this twenty-seventh day of March in the year of our Lord one thousand nine hundred and seventy-three.

PATRICK J. LUCEY,
*Governor.*

## RURAL AREAS ALREADY HARD HIT BY HOUSING FREEZE

Mr. EAGLETON. Mr. President, the 18-month housing moratorium imposed by the administration on January 5 applies not only to programs administered by the Department of Housing and Urban Development.

Also caught up in the net were a number of programs administered by the Farmers Home Administration which provide housing assistance in rural areas and small towns. These programs include subsidized housing loans, rental and cooperative housing loans, farm labor housing grants, and farm labor subsidized housing loans.

The potential loss to Missouri of the freeze on rural housing programs has been estimated at $65.9 million in loans and 6,008 man-years of employment.

Actually the effects of the housing moratorium are being felt earlier and more drastically in rural America.

We have been assured by Secretary Lynn and other administration officials that housing starts under HUD's subsidized housing programs will continue at an annual rate of 250,000 for the next 18 months because of commitments entered into before the January 5 freeze.

The same claims have not been made with respect to rural housing programs. The Department of Agriculture has estimated that, because of their shorter leadtime, FMHA projects in the pipeline before the moratorium will be completed within 6 months.

This means that there will be no new housing starts under these rural housing programs during the fiscal year beginning July 1.

Now an analysis by the rural housing alliance reveals that the moratorium has already drastically curtailed housing loans in rural areas.

During February, the first full month of the moratorium, the number of interest subsidy loans made by FMHA dropped by 80 percent from the monthly average number of loans made during the first half of fiscal 1973.

Missouri is one of 20 States in which the loan cutback equaled or exceeded the national average.

FMHA made an average of 185 initial interest credit loans per month in Missouri during the last 6 months of 1972. In February 1973, it made only 24 such loans.

The dollar amount of the cutback was from an average of $2,776,540 each month last fall to only $388,080 in February.

Mr. President, this freeze on rural housing programs is not an isolated matter. The list of targets includes REA, water and sewer grants, REAP, disaster loans, the school milk program, and price support programs.

I believe there is a limit to the punishment that rural America can take from this administration.

Mr. President, I urge early action on legislation now before the Senate Housing Subcommittee to require the Secretary of Agriculture to carry out all rural housing programs authorized and funded by Congress.

## RECOGNITION OF STARTING DATE OF VIETNAM CONFLICT

Mr. COTTON. Mr. President, the Legislature of the State of New Hampshire, acting to try to help make certain that all Vietnam veterans receive the benefits to which they are entitled, passed house concurrent resolution No. 3 "Memorializing the Congress of the United States to enact legislation setting February 1, 1955, as the starting date of the Vietnam conflict in order to give recognition to all who served in the Vietnam theater of war."

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION No. 3

Memorializing the Congress of the United States to enact legislation setting February 1, 1955, as the starting date of the Vietnam Conflict in order to give recognition to all who served in the Vietnam theatre of war

Whereas, on November 8, 1950, the first American United States Air Force advisers arrived in Vietnam to assist the French and South Vietnamese, who at that time were deeply engaged in the Indochina War, and we have remained in Vietnam during twenty years of continuing combat, and

Whereas, after the fall of Dien Bien Phu in May 1954 and the partitioning of Vietnam at the 17th parallel, French forces withdrew and the American presence was gradually increased and escalated as more and more Americans were committed during the ensuing years of insurgency, and

Whereas, many Americans were killed and injured during the twenty years of continuous strife, the first combat death that the government officially recognizes occurred in 1961, over three and one-half years before the date now set as the start of the Vietnam Conflict, August 5, 1964, and

Whereas, the United States Senate has twice voted to repeal the Gulf of Tonkin Resolution that was passed as a result of the attack by the North Vietnamese on August 5, 1964 against United States Navy ships cruising in the Tonkin Gulf. The administration has publicly stated that it does not regard the Gulf of Tonkin Resolution as the basis for its authority to operate in Vietnam, therefore there no longer exists any validity for retaining August 5, 1964 as the starting date of the Vietnam Conflict, now therefore be it

Resolved by the House of Representatives of the State of New Hampshire, the Senate concurring:

That the Congress of the United States is hereby memorialized to set February 1, 1955 as the starting date of the Vietnam Conflict for the purposes of veterans administration and all other branches of the federal government so that all Vietnam Veterans may receive their full entitlement to benefits; and be it further

Resolved, that the Secretary of State be instructed to forward a copy of this concurrent resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the congressional delegation from New Hampshire.

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## SENATOR MUSKIE ON A NEW OIL POLICY FOR THE NATION

Mr. McINTYRE. Mr. President, tomorrow is May Day. It is also Loyalty Day and a number of other observance "days."

For many of us, May 1 of this year has a new significance. It will mark the day that quotas are finally lifted from imported oil.

Because this occasion signals, as it does, the start of a new oil policy for the Nation, I would like to call my colleagues' attention to an analysis by the distinguished senior Senator from Maine, the Honorable EDMUND S. MUSKIE.

Speaking before the Maine Oil and Heating Equipment Dealers Association in Portland, Maine, Senator MUSKIE examined some of the broader implications of the new program for our Northeast region and then focused closer attention on some of the elements which will bear close attention by New Englanders in the months ahead.

I ask unanimous consent to have the text of Senator MUSKIE'S remarks printed in the RECORD, because, in my judgment, his cautionary analysis couples fairness and restraint with sharp insight into exactly what we can expect from this new policy in short- and long-range terms.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A NEW OIL POLICY FOR THE NATION

It is a pleasure to be here today to discuss a question which is of vital importance to the people of Maine—the question of whether they will have sufficient oil to heat their homes, their factories, and their schools next winter, and in future winters.

This is not a new concern. Indeed, it is a matter which has occupied my attention since the year I entered the United States Senate in 1959—the year that the Mandatory Oil Import Quota Program was put into effect.

But it is a concern which has taken on new dimensions in the last year—partly because of rapidly changing circumstances in the world oil market, but primarily because of acute shortages which were experienced this winter in Maine.

To many of you in this room, the President's energy message last Wednesday must have had a curious ring when he said "In the years ahead, we must face up to the *possibility* of occasional energy shortages and some increase in prices."

That future "possibility" of which the President spoke seemed strangely real to MOHEDA's officers and me when we met in Washington last February to seek ways of securing fuel oil for dealers who had been rationed or cut off by their suppliers.

The plain truth of the matter is that oil distributors in Maine did encounter shortages this winter. And, despite the President's initiatives, there will be continued supply problems with gasoline this summer and heating oil next winter because his actions came too late.

The story of how we arrived at this situation is familiar to you, I am sure. It came about through a combination of a continued rapid growth of demand for oil, declining fuel reserves, insufficient refinery capacity, inadequate planning by both government and industry, and dramatic political changes in the Middle East which raised the price of crude oil.

The President's response, outlined in a 20-page document of analyses and proposals, urges four basic approaches to a solution—(1) sharply increased petroleum imports; (2) greater utilization of domestic energy sources; (3) the development of alternate energy sources; and (4) energy conservation measures.

Many of his proposals are controversial. Many do not go far enough. Some particularly those dealing with the environment, go too far. The President's message is, nonetheless, the first significant effort by this Administration to articulate a comprehensive national policy for the use and development of energy.

What I find disturbing, however, is the fact that the current fuel shortages might very well have been avoided if the President had taken steps to abolish the import quota program sooner.

It was just over 3 years ago, that the President's Cabinet Task Force on oil import controls recommended replacing the import quota program with a flexible tariff system not unlike the one proposed a week ago. But the President turned down this recommendation at the time.

And last fall, on the basis of assurances from the major oil companies that there would be adequate stocks of heating oil for the 1972–73 heating season, as well as grossly inaccurate projections by the Office of Emergency Preparedness, the President specifically rejected our urgent requests to increase the #2 allocations for the Northeastern Region.

Finally, when it became plain that his failure to act was leading to a crisis of serious proportions, the President announced a temporary lifting of import restrictions. But even this proved inadequate and it was only a mild winter that saved New England from severe problems.

During this period, the major domestic refiners who had persistently opposed imports found themselves caught in a dilemma. In order to fulfill the assurances they had given the Administration, they had to maintain a high output of heating oil at the very time they should have been producing gasoline in greater quantity. What this seems to indicate is that we are now caught in a circular game of "catch-up" with gasoline shortages this summer and further fuel oil shortages this winter, and on and on until we can import and produce a sufficient supply of refined products to meet our needs.

In retrospect, it seems incredible that the decisions of a relatively small number of individuals—both in and out of government—could have placed us in these circumstances. Our neighbor, Senator Tom McIntyre of New Hampshire, made perhaps the most accurate assessment of the situation in his testimony to the Cost of Living Council in February.

"In my opinion," he said "it is apparent that either two things happened. Either the Federal officials responsible for oil policy in this country displayed an unbelievable level of incompetency, or the petroleum industry itself misrepresented the facts. I personally believe that a combination of both factors was at work."

This, then, is part of the story of how we arrived at our present circumstances. There is no need to dwell on this history, except that it helps explain some of the forces which are at work in Washington and why we New Englanders have reason to view Federal oil policies—new and old—with Yankee skepticism. It is also important because it points out that the long-range factors which are generally cited as the cause of the "energy crisis" are not sufficient to explain our current predicament.

Now, we are to have a new oil policy. In six days, on May 1st, the current quota program will be scrapped and in its place will be a system of unlimited imports and a system of license fees.

I do not presume to know precisely what impact this new system will have for the consumer and marketer. To do this requires a knowledge of marketing forces and competitive factors about which I am not expert. For this reason, I am looking forward to hearing the remarks of the other gentlemen on this panel.

I would, however, like to make some general observations.

First, the Chairman of the President's Oil Policy Committee has defined the objectives of the new program in these words: "To import oil to satisfy the short-term needs of U.S. refiners and consumers, while providing longer-term stability and additional incentives for increased domestic production and new refinery construction."

These goals are clearly desirable. But they also establish the standard by which the new program should be judged. For the citizens of Maine, the President's intentions would assure an adequate supply, at a reasonable price, without major disruption of our marketing system. However, because the New England Region depends on imports far more than any other region of the country, it may be difficult indeed to achieve these objectives.

Secondly, the elimination of quantitative import restrictions, with a gradual transition to a system of import fees, is conceptually sound. The uncertainties and human miscalculations associated with the quota program are largely absent. It also provides the opportunity for the long-range commitments necessary to obtain both supply and favorable prices.

Third, the exemptions from import fees granted to independent deepwater terminal operators are intended to provide a sufficient measure of protection for them to compete effectively with the major oil companies. Historically, the presence of the independents in the New England market has been a positive and healthy competitive factor. This influence should be preserved.

However, the President's proclamation gives the terminal operators a fee-exempt allocation of only 50,000 barrels-per-day of No. 2 oil. This is no more than last year and clearly would seem to be inadequate for the coming year.

Additional fee-exempt imports will have to be obtained from the oil import appeals board on a case-by-case basis. This would be cumbersome and adds an unnecessary element of uncertainty. Therefore, the role of the Oil Imports Appeals Board is of critical importance in the new system, particularly for New England. It remains to be seen whether in practice, the Board will be responsive to the needs of those who serve New England.

Fourth, despite some complaints that the initial fee structure is set too low to protect the independents' competitive position, it was probably necessary if the President is to minimize the impact of higher prices for the consumer. Nevertheless, the price of heating oil will inevitably climb this year and in the future, and Maine consumers should be aware of this.

Fifth, I am greatly concerned with the absence of any provision in the new program to assure that independent refiners, marketers and retain dealers will not be cut off from products previously supplied by the major oil companies. We are already seeing this happen in New England and the situation is aggravated by the withdrawal of several major companies from the Northern New England market.

Administration officials are apparently intending to rely upon "jawboning" if such dislocations persist under the license fee system.

I am not convinced that this is sufficient. I am therefore supporting legislation to give the President authority to allocate national supplies among dealers where necessary to cope with shortages. The Congress has a responsibility to assure that the major oil companies do not use a national shortage as an opportunity to drive independent marketers out of business by favoring their own distribution outlets.

Finally, I would like to say a word about William Simon, Chairman of the President's Oil Policy Committee. Over the past fourteen years, the New England Congressional Delegation has had to deal with Federal officials responsible for oil policy on an adversary basis.

Since Mr. Simon has assumed the Chairmanship of the Oil Policy Committee, he has opened a clear line of communication with New England officials. He has displayed a genuine interest in the problems and needs of our region. The new policy he has helped shape and which he will administer holds promise—if it is administered flexibly and wisely, with a willingness to make appropriate adjustments where necessary. While our earlier experience was not favorable, the initiatives taken by Mr. Simon are encouraging.

I know we would both be pleased if I could conclude my remarks by assuring you that the uncertainties and difficulties which MOHEDA faced last winter, can be avoided next winter. Unfortunately, neither I nor anyone else can give such assurances.

The world energy picture has changed dramatically in the last 3 years. We shall continue to suffer from this, and from the misguided policies of the past. Now, we have a new oil import policy and have begun seriously to debate a new national energy policy. If we are successful in devising a coherent and comprehensive policy, we can overcome our current difficulties and satisfy our energy requirements for the future.

In the meantime, we might reflect on an observation made recently by the Director of the Petroleum Industry Research Foundation. He said, "what we are doing is shifting from the age of oil to another energy age. Historically speaking, transition periods are very interesting . . . but living through them may not be so much fun."



## THE NATION'S ENERGY NEEDS

Mr. HASKELL. Mr. President, I am honored to present to the Senate a joint resolution from the Colorado Senate memorializing the Congress to give top priority to defining and implementing a national energy policy. As a member of the Committee on Interior and Insular Affairs, which is conducting an extensive and comprehensive study of the Nation's energy needs, I cannot overemphasize that this body must take a positive step toward insuring the energy needs of this Nation. Mr. President, I ask unanimous consent that Colorado Senate Joint Resolution 1 be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

SENATE JOINT MEMORIAL NO. 1

Memorializing the Congress of the United States to define and implement a national energy policy.

Whereas, Educational, governmental, and industrial facilities in the State of Colorado have been shut down because of a fuel shortage; and

Whereas, This serious condition is expected to continue and worsen in the future, unless immediate action is taken to correct the causes thereof; and

Whereas, The General Assembly of the State of Colorado considers the present fuel shortage to be an immediate threat to the health, safety, and welfare of the citizens of the state; and

Whereas, Increased reliance on importation of fossil fuels presents a problem of national security and balance of payments; and

Whereas, There is a need for a national policy which will provide adequate supplies of energy at reasonable cost and protect the environment; and

Whereas, Such objectives can be achieved by private enterprise under wise governmental policy; now, therefore,

*Be It Resolved* by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to give top priority to immediately defining and implementing a National Energy Policy, including objectives to:

(1) Encourage the economic and efficient use, as well as the conservation of energy by:

(a) Encouraging and supporting research into additional methods to conserve energy and decrease per capita consumption of energy; and

(b) Providing financial incentives to schools, educational institutions, and industries involved in research and education concerning energy conservation and the reduction of per capita consumption of energy; and

(c) Supporting changes in technology designed to conserve energy and more economically utilize available resources;

(2) Manage the leasing of federal lands located within the state of Colorado (which constitute thirty-five percent of the land of Colorado), so as to encourage their development for the production of energy resources giving consideration to the energy needs of Colorado's people and its environment;

(3) Provide a tax policy which would encourage exploration and development in order to increase the supply of domestic oil and gas;

(4) Encourage and facilitate an increase of refinery and transportation capacity for petroleum products;

(5) Achieve a reasonable balance between protecting the environment and developing, processing, and transporting needed energy resources;

(6) Gradually relax price controls on natural gas, but with provisions for equitable price treatment for consumers; and

(7) Encourage the release of atomic energy blocks of land for development of nuclear power.

Be it further resolved, That the Congress of the United States is hereby memorialized to do all that it deems necessary to promote the development of sources of clean and efficient energy through such means as:

(1) Encouragement and support of research to determine the energy potential of resources, such as solar, geothermal, nuclear fusion and fission, oil shale, tar sands, and the gasification and liquefaction of coal;

(2) Provision for tax incentives to industries involved in such research and development; and

Be it further resolved, that copies of this Memorial be transmitted to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and the members of Congress from the States of Colorado.

## THE THREE LIVES OF MARK CLARK

Mr. THURMOND. Mr. President, during my careers both in and out of the military, I have had the pleasure of knowing many outstanding persons. One of the most dedicated and respected men with whom I have ever had contact is Gen. Mark Clark, who now makes his home in Charleston, S.C.

Thus, I was delighted to see a magazine article recently on General Clark. Obviously, it would take years of research and volumes of books to do justice to the outstanding service this great American has given his country. But the article referred to is a very good synopsis of the man and the soldier.

Mr. President, I ask unanimous consent that the article from the April issue of the Sandlapper magazine entitled "The Three Lives of Mark Clark," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE THREE LIVES OF MARK CLARK

(By Tom Hamrick)

The first time I met Mark Wayne Clark, artillery was booming in the backdrop and the Chinese were sending us presents considerably more potent than pandas. Clark, four stars winking at the sun, was the closest thing to a supreme being on earth for a lot of us in uniform that day 20 years ago. Everything is foggy to me now about his inspection tour as commander of United Nations forces in Korea except the warning which had been italicized in messages preceding his visit. "If you value your lives," the Telex from his information officer said, in effect, "don't shoot any photos of the right side of his face. He thinks that's his bad side." At the time, I considered that enough to remember. Never before in the history of the Orient were so many photos taken of the left side of anybody's countenance.

All that was in part one of Clark's army career, which carried the son of a soldier from his cradle on a now-forgotten upstate New York army post in 1896 into the annals of history as one of the nation's best-known warriors. As Gen. Dwight D. Eisenhower's right arm, he helped engineer the D-day invasion which doomed Hitler's Fortress Europa. He persuaded the French in Africa to quash their alliance with the Axes and thereby laid the groundwork for the expulsion of the Germans and Italians from the Dark Continent. His Fifth Army, slogging its way up the Italian boot, forced Benito Mussolini into unexpected retirement and captured Naples and Rome. Later, when Eisenhower won the Presidency and was trying to wrap up the Korean War in 1952, it was perhaps only natural to assign the mission to Clark.

All that should be a sufficiency in any man's life. For Clark, it was only a prelude to winning "the battle of The Citadel," taking the helm of a military college with a sagging enrollment and a football team unfamiliar with victory and pushing both to new peaks. Clark's distinguished career at The Citadel will never cause more than a footnote in history; any Citadel cadet will regard that as a negligent pity.

Kim and a smiling maid met me at the door to the "Top of the Mark" when I punched the buzzer to his top-deck apartment—Charleston's only penthouse—capping the Francis Marion Hotel. The maid invited me in while Kim rubbed Pekingese fur on my left pants leg.

I walked into a museum, otherwise decorated with soft places to sit. A pair of one-pounders dating to Oliver Cromwell points at visitors from floor level just inside the door. A collection of international trophies, gifts and souvenirs, from Chinese screens to a brass replica of a woman's dainty hand, embellish the general's latter-day holdings. Photographs are everywhere, picturing Clark with world-famed figures whom school kids will read about 200 years from now. A five-foot-wide glassed frame on a wall protects some 100 decorations he has won on the battlefront or has been presented by heads of state.

The 76 years of Gen. Clark moved onto the scene, not an inch out of the perpendicular I remembered from Korea. A Gary Cooper shape of a man, he strides like an athlete accustomed to walking up to five miles a day around downtown Charleston. I immediately was convinced he lies about his age. Despite what his four-page biography from The Citadel's press office reads,

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you tell yourself this man is not a whisper over 56. I was also impressed that the right-face photo orders we had gotten in Korea had been somebody's imagination at play. The cut of him on either side is as handsomely chiseled as the profile on a well-kept coin.

We went into the bar, complete with three or four stools, again surrounded by photos, souvenirs and remembrances of American victories around the world. A lot of Citadel cadets have shared something stronger than cola with him here. When Clark took command of the state's 130-year-old military college as president in 1954, he was appalled that "when I'd go into a Charleston restaurant and have a cocktail, I'd see Citadel cadets at the next table having theirs out of a teacup." Believing that knowing how and when to drink is the mark of a gentleman, Clark eschewed the bone-dry regulations of The Citadel. Cadets were sneaking the stuff into the barracks and drinking it because they weren't allowed to tipple, anywhere, *period*. "A young man is going to drink," Clark insisted, and he modified a cadet regulation so his charges could have a friendly nip or two off campus without risking expulsion. Booze in the barracks nose-dived.

Clark's career at The Citadel began quite casually. "Would you be interested in being president of The Citadel?" the late Gov. James F. Byrnes wired him in 1953, as Clark planned to bring his 40-year army career to a close. The invitation was but one of a deluge of job offers which inundated Clark. Industry dangled fat bait in front of him; "one offered me more money than I'd dreamed of," he said The University of California at Los Angeles asked him to become their chancellor. By comparison, The Citadel's pay was a pittance: $12,000.

Clark chucked all other offers when the bid from Byrnes came through. "I'd always been impressed with the way a Citadel cadet stood out as a soldier," he recalled. (Anyway, he considered in retrospect, he would have been ill at ease in industry.) He and Eisenhower talked it over at the White House. The President, in something less than half jest, asked if Clark could not be retained in uniform, whatever his pleasure. Finally, Eisenhower conceded victory to The Citadel: "I don't know anything better," he told Clark. "You'll like it."

Although Clark aspired to The Citadel, he was unsure it was the place for him. "The scholastic handcuffs might be too tight," he argued with himself. All apprehension, he noted, was dumped when The Citadel's officialdom "promised I could run the place and nobody would be second guessing me every minute." It was to be a post he would happily hold for 11 years, calling it "one of my finest commands." He retired in 1965 when he tipped 70 "because I thought somebody ought to set that as an age precedent for a Citadel president."

His Citadel record:

Almost immediately, his acceptance of the post made national news People read about The Citadel's new president in publications from Spartanburg to Spokane. *Life* magazine saluted him with a pictorial spread. Ralph Edwards surprised him before tens of millions with a *This Is Your Life* television edition.

He took over a student enrollment which had dipped to 1,318 and in three years boosted it to 2,071, capacitating facilities.

He began personally supervising student recruitment. Edward M. Blight, son of a soldier friend and the first cadet he procured in his hunt for new faces, chalked up straight A's for four years and set a record no student at The Citadel has ever equaled.

Citadel athletic teams, which had apologized for being alive, found a great ally who detested mere "moral victories." Clark immediately organized an experienced coaching staff and sent it forth to beat the bushes for players who could find the goal line and still meet The Citadel's exacting demands. Good players who were lousy cadets soon found the red carpet jerked from under them. "No matter how great a star he is, he is supposed to be a Citadel cadet first," Clark said. And he meant it. Today's Bulldogs have both growl and teeth.

He was appalled that one of the nation's elite military colleges lacked an honor code. He left it to a student vote and won support by a 97 percent majority. To enforce the code, Clark set up a student court which tried cadets charged with infractions. If expulsion was recommended, Clark normally complied. (And he personally sought to place The Citadel's rejections in other colleges.)

"Because a commander has to know what is going on," he said, he instituted a cadet advisory system which met routinely to post him on problems, gripes and shortcomings as they saw them. "We won't wink at regulations. Let's change them if we can't enforce them," he proclaimed.

He established an "open door" policy; cadets who couldn't get satisfactory answers anywhere else had a four-star ear to talk into.

To tune in his corps of cadets to world affairs, Clark launched a "Greater Issues" platform program and brought some of the nation's leaders—including ex-boss Ike—to address the corps. Students were encouraged to recommend guest speakers, "but don't suggest some stripteaser come here!"

He inaugurated a summer camp program on campus to introduce high school students with a talent for leadership to his "God and Country Environment," as the cadets hailed it. Emphasis was placed on sports and physical fitness. Summer classes were also phased in, so the college no longer spent hot weather in the doldrums.

When he learned The Citadel had been collecting "war trophies" from its cadets for more than a century and hiding them behind cobwebs, he ordered a museum opened. One wing now houses his own irreplaceable World War II and Korean War memorabilia. The attraction has become one of the college's prime tourism lures.

And he proved to the student body that a star-spangled war hero could laugh as loudly as any cadet. There was the time, for example, when one of his cadets freed a boa constrictor in a dormitory, then gleefully notified the press. "No such thing," responded Clark when the media queried him. Then both he and the press chortled when the snake was dragged forth into the national eye. Fond of fishing, one of his favorite cartoons published in the campus newspaper shows him in full dress with a cane pole behind his back.

When the time for self-inflicted second retirement came in 1965, Clark toyed with the idea of moving to San Mateo, California. But his first wife, Renie, joined him in opting for Charleston. "We had a lot of friends here, and we liked what the people here stood for," he reflected. Renie died a year later, ending a 43-year love affair, but not before the management of the Jack Tar hotel chain invited them to take perpetual lease on its 12th floor, sharing space with a ballroom across a hallway. "No one has a better view of Charleston," Clark reported. He spends fractional idle time at a magnipower spyglass which points toward Ft. Sumter and the harbor.

If old soldiers are supposed to fade away, somehow Clark missed the message. He has cranked out two books on his experiences, and he now mentally catalogs notes he is considering for a third volume. When the movie *Patton* came to the parlor screen, it was Clark that *TV Guide* asked an article on his wartime friend. He is at his desk constantly, a sheaf of papers before him. He is military consultant to *Encyclopedia Americana* and is reviewing authority of military manuscripts for a bevy of publishers.

For years now, he has successfully beaten back political suggestions to run for governor or senator. "I don't like nor admire politics one bit. I'm too unbending to be a politician," he argued.

Nonetheless, he headed up President Nixon's campaign in South Carolina in 1968—"because I admired him." He was also a fund raiser in one campaign for U.S. Senator Strom Thurmond, served as honoragy state chairman of Nixon's bid for reelection in 1972, and was adviser to the house armed services committee during the reign of the late U.S. Rep. L. Mendel Rivers of Charleston.

When congress sought advice on killing the draft, the solons turned to Clark to head up a reporting committee. More recently, he became chairman of the American Battle Monuments Commission, touring areas overseas where a quarter million U.S. servicemen are buried. He is particularly absorbed by the latter mission because some foreign governments which erected monuments to slain Americans have allowed these hallowed fields to become dilapidated and overrun by weeds. "Too many visitors thought they were our responsibility, I told them," he said.

He and the second Mrs. Clark, Mary, a pretty blondish woman somewhere near the mid-century horizon were married in late 1967. The general has found that between daily walking stints and the fishing he loves, they have little time to talk about real retirement.

## RETAIN PRESENT CAPITAL GAINS TREATMENT OF INCOME IN CUTTING AND DISPOSAL OF TIMBER

Mr. COTTON. Mr. President, emphasizing the importance of the timber industry to the State of New Hampshire, the legislature passed Senate Concurrent Resolution No. 2 "memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber."

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE CONCURRENT RESOLUTION No. 2

Memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber.

Whereas, the State of New Hampshire is eighty-seven percent forested and over eighty-five and eight-tenths percent of the commercial land in New Hampshire is owned by private woodland owners and farmers, and

Whereas, the capital gains treatment of timber has been an incentive to grow timber in spite of the many risks involved such as fire, wind, insects, and disease, and

Whereas, The forest lands of New Hampshire provide many jobs and support many industries and communities in our state.

Now, Therefore, Be it Resolved by the Senate of the general Court of New Hampshire, the House of Representatives concurring:

That the general Court of the State of New Hampshire recommends the retention of the present capital gains treatment of income from the cutting and disposal of timber under Internal Revenue Code 631(a) and 631(b) and

Be It Further Resolved, That a copy of these resolutions be forwarded by the Clerk of the Senate to the congressional delegation from the State of New Hampshire and to the Honorable Wilbur Mills, Chairman of the Committee on Ways and Means of the United States House of Representatives.

## THE RETIREMENT OF GIL ROWLAND

Mr. THURMOND. Mr. President, for the past 25 years, the people in and around Greenville, S.C., have been served in the finest journalistic tradition by Mr. Gil Rowland. During his distinguished career with the Greenville Piedmont, Gil Rowland used the power of his pen not only to report on matters of great concern fairly and objectively, but also to better the lives of those in his community.

His recent retirement from the newspaper ended a quarter century of public service. But those who know Gil Rowland have no doubt that he will continue to take an active interest in the Greenville community and the State of South Carolina.

I ask unanimous consent that two articles from the Greenville News and the Greenville Piedmont entitled "Newspaperman Gil Rowland Retiring From Piedmont After 25 Years," April 26, 1973; and "Good Afternoon Unpreachified," April 26, 1973, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

NEWSPAPERMAN GIL ROWLAND

(By Jack Norris)

What stands out most vividly in a man's mind after 25 years as a columnist and news reporter?

A handful of unusual people and significant local events, said Gil Rowland, who is retiring Monday from the staff of The Greenville Piedmont.

High on his list of unusual persons, Rowland placed a Greenville man; a woman, who is a sort of female Johnnie Appleseed; and a young Japanese who traveled over much of the world on a bicycle.

Of Dr. L. P. Hollis, longtime superintendent of Parker District Schools, Rowland said:

"In my lifetime he was Greenville's great innovator. So many people will look back over good things that have happened here and say, 'Pete Hollis did that.'"

"In the field of education Hollis worked to eliminate rigid curriculum requirements as far back as the 30s. He pioneered in adult education, in getting students out of the classroom to see the actual thing they were studying about; he was one of the first locally to develop vocational education in the public schools; and although continued education for teachers was not a new concept, he was innovative in this, too," Rowland said.

"Peace Pilgrim," was the woman who came first to Rowland's mind. He first interviewed her when she walked into The Greenville News-Piedmont building one night years ago and was shown to his desk.

After the interview he telephoned a prominent Greenville woman who gave the Peace Pilgrim lodging for the night.

"Nobody knows why this woman got on this peace kick. She gave up her home, her family, and her friends and would never talk about them again. She went everywhere with the clothes on her back and nothing but a comb and toothbrush in her pocketbook. If anybody offered her food she ate; and if anybody offered her a night's lodging she would sleep in a bed. Otherwise she'd just sleep in a car somewhere if she could find one," he said.

"She maintained that she was not afraid to walk anywhere at any time because she loved all things and all persons. She was either very smart or a very big nut," Rowland said, adding that she has passed through Greenville a number of times in her travelling about the United States.

Also vivid in Rowland's memory was the Japanese youth, "Shum" who travelled with a modest budget even more widely than Rowland, himself, has in recent years.

Shum was in his early 20s when he arrived in Greenville by bicycle, after spending six months traveling about the United States, Rowland said.

Mr. and Mrs. Rowland and Shum are members of SERVAS, a group of persons who like to travel and give other travelers a night's lodging, and this is how Rowland met Shum.

After the young Japanese left Greenville he traveled up the Atlantic Coast to New York, went by boat to Plymouth, England, and then toured Europe by bicycle for three years.

"When he finally got into Afghanistan he was pretty tired out and he went on back home by train," Rowland said, adding that, two years ago, when he was visiting Japan he visited Shum.

"Shum was very worried about world conditions. He told me he was going to travel to Tibet, live in a monestery, mediate, and seek truth," Rowland said.

Rowland recalled that, while on his round-the-world journey two years ago a student from India who had stayed frequently with the Rowlands while attending school in America, arranged for him to visit the Dali Llama of Tibet, who had fled that country before the Communist takeover and was living in exile in northern India.

"My friend arranged the trip with officals by telling them that I was a very well known American journalist employed by the Associated Press, and I was given a chauffeur, and a limousine. I remember I had a pass through four checkpoints to get to the Llama, and I was given a 15-minute interview but it didn't amount to very much."

Rowland thought that the interview might have turned out better if the Dali Llama had used an interpreter instead of insisting on speaking English.

"He said things like: 'we glad you came,' I asked, do you think your people will ever get back to Tibet, and he replied: 'yes, we will eventually triumph over all our enemies,' Rowland said.

Looking back over significant local events of the past 25 years, Rowland said one was certainly the much publicized Willie Earle lynching trial in 1947 which got much attention nationally:

"This was the first time in many years that white men were brought to trial in the South for lynching a Negro and even though all were acquitted it showed that attitudes were changing dramatically," Rowland said.

A significant event occurred in 1945 when Greenville City Council voted against urban renewal—"it was one of the most negative things that happened here in the 40s and it set the stage for our getting pretty badly behind the times in the years that followed," Rowland said.

Rowland said another milestone was when the Rev. J. S. Hall, then pastor of Springfield Baptist Church, led a march to the airport when baseball player Jackie Robinson came to Greenville to protest segregation of public waiting rooms.

"When the issue to eliminate sub-standard housing here got the backing of the Greater Greenville Chamber of Commerce I did everything I could to help it along. The chamber deserves a great deal of credit for what has been accomplished in reducing the amount of such housing," Rowland said.

Rowland, who was at one time a teacher at Parker High School, said he got into newspaper work almost by accident because Parker High was submitting a weekly column of school events being published by the Piedmont.

"Another teacher was doing it and when he went to work at Furman University I was asked to take over putting out the column which I did somewhat reluctantly. I brought the column down every Thursday and I began to get interested in newspaper work. Early in the 40s I began part-time and in 1945 I became a full-time reporter," Rowland said.

Commenting briefly on his daily column which has run in The Piedmont for years, Rowland said it grew out of his interest in people, and the fact that people generally are interested in the thoughts and activities of others.

"I never had any carefully laid out plan—if one thing didn't work out I tried another and the editors gave me extremely free rein. They left me alone. They never said, 'This is good stuff do more of it; or 'I think I'd go easy on this topic if I were you.'"

Rowland said he was sometimes telephoned by individuals who had been angered by one of his columns, but that he was never threatened with physical violence.

He said his position was that if a person believed something erroneous had appeared in the column he was entitled to make a comment to set the record straight.

He said his most depressing chore in recent years has been having to tell a person with a friend or neighbor who had experienced a series of misfortunes that he couldn't just write a column publicizing the situation and start a fundraising campaign.

Except for a year spent doing public relations work for the South Carolina Human Relations Council, Rowland remained in journalism from 1945 until his retirement this week.

"Had other organizations presented me with enticing offers I might have considered them, but my work has been both interesting and satisfying," he said.

There is both routine and novelty in news reporting, as in most other work, Rowland believes.

GOOD AFTERNOON "UNPREACHIFIED"

(By William C. Morris)

This is the story that nobody wanted to write, least of all Gil Rowland who resigns from the Greenville Piedmont staff after this week.

"Do we have to?" Gil asked when told that he would be the subject of one of those resignation features that almost always accompanies a veteran employe who has reached his 65th birthdate.

Relaxed at the desk where he's produced nearly 3,000 "Good Afternoon" columns, Gil said he was ready for the ordeal.

"It all began when I was teaching at Parker," he said.

In the early 1940s, Wendell Fletcher was teacher of a Parker high school class that produced stories for publication in The Piedmont. "When Wendell left to go to Furman, the principal came to me and asked me to take over," Rowland recalled.

That was the sketchy beginning of a career that spanned nearly every aspect of the news media, including photography, sports writing, desk work, a managing editor's position and finally as columnist and dean of staff writers.

The fulltime career comes to a close this weekend, but Gil's familiar by-line will continue once-a-week after that. "I'm not quitting," he said, "but it'll be a change of direction."

At Parker, Gil admits he knew little about writing, but he possessed a natural curiosity about people that today is evident in his writing—even his telephone conversations with them.

City Editor George Chaplin of The Piedmont influenced Gil with his suggestions and tips about the ingredients of a story.

"Pretty soon I got interested and became a part-time employe of The Piedmont," Rowland said. The career has stretched over 30 years, less a year that he spent with the South Carolina Human Relations Council.

"My first job on a newspaper was as a photographer," said Gil, who once received an Associated Press award for a feature picture.

What has changed most over the years? "The most significant thing is the speeded





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up process. We didn't have as many competing things in those years. Today we want things in more capsule form," he said.

The years of writing have convinced him of the readers' appetite for news. "People are interested in people," he summarized. "They are interested in the failures, struggles and frustrations of other people."

In recent years, Gil Rowland has tried to write more and more of what the trade calls a "human interest story." He also has added another ingredient to his column.

"I never could get the old teacher idea out of my noggin," he explained, "that in addition to being entertaining, there might be a worthwhile idea."

The worthwhile ideas have broadened his writing subjects to embrace community projects, particularly those affected substandard conditions and low-income groups.

"The world has changed so radically in 30 years," Gil mused. "Greenville's problem has been to keep up and adjust. In doing that, people have become more separated in attitudes, life style and interests." Some of this has been spurred by the influx of management-level people from other sections.

As for his formal retirement, he says: "No matter how much you love a job, there comes a time when a change of jobs is desirable—to get out of a rut."

So, beginning next week, Gil Rowland will have his desk cleared to begin "wandering around a bit." He's still not sure what he'll do with all the leisure time.

His two children (Howard, 30, and Miriam, 25) are on their own. There's a VW camper in the yard and a whole new life ahead of him and his wife Clay.

Finally, Gil said of the interview, "Isn't that enough? I want to avoid being preachified."

Good afternoon—for awhile.

## THE ODYSSEY OF HARRY TRUMAN IN MONTANA

Mr. METCALF. Mr. President, accolades have been paid to ex-President Truman for his courage, his forthrightness and his inherent honesty and he has been widely praised and extolled. I concur. However, Montana's claim on Harry Truman has not been completely presented.

The story of his appearance in Butte and his inspiration the "Give 'em Hell, Harry" shouts from the audience gave to President Truman's campaign have been frequently told. Likewise, his statement at the dedication of Hungry Horse Dam in Kalispell admonishing the people to go out and look at the dam because it would be the last river and power project if the Republicans were elected was prophetic and often quoted.

But to complete the record, the Montana Historical Society in February of this year summarized the odyssey of Harry Truman in Montana. This account of his early years explains why Mr. Truman as Senator, Vice President and President was especially beloved by Montonans. I ask unanimous consent that the Montana Historical Society article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ODYSSEY OF HARRY TRUMAN IN MONTANA

It is nearly 60 years ago that a 29-year-old farmer named Harry S. Truman, from Grandview, Missouri came out to Glasgow, in Northeastern Montana, to register for a homestead. It was the first of six known visits which this irrepressibly "common man" was to make to Montana. Except for the 1913 trip, during which he was one of thousands, most of them nameless now, Mr. Truman's visits were well publicized. Indeed, his campaign of 1948, following which he triumphed so surprisingly over Thomas E. Dewey, reached a high-water mark in Montana. Until his life ended the day after Christmas, 1972, Truman himself maintained there was no doubt that his famous "'Give 'em hell' Harry" style got its start when he addressed a crowd of nearly 10,000 at Butte's Naranche Stadium on June 8, 1948.

Well known, and sometimes criticized, for his flat, midwestern delivery, President Truman's remarks in Butte were anything but dull. He defended his programs and blasted the 80th ("No Nothing") Congress. His hard-hitting, no-punches-spared style was set from then on. Moreover, Butte became one of his favorite cities, and he never forgot it.

But in September, 1913, these things were far in the future for Harry Truman. World War I, a haberdashery in Kansas City, a judgeship, the U.S. Senate, the vice presidency and the shattering death of Franklin D. Roosevelt were worlds removed from the life of a young man trying to establish a livelihood to support his younger brother and sister and someday make it possible for him to marry his childhood sweetheart, Elizabeth Wallace.

In that September of 1913, some 1,600,000 acres of the Fort Peck Indian Reservation near Glasgow were thrown open to homesteaders. To avoid the land speculators and "musclemen" land grabbers who dominated many earlier land openings, a drawing was held for the Fort Peck land.

No record remains describing young Truman's thoughts as he visited the small Montana town between September 1 and 21 to register for a chance for land. Over 12,000 people registered for the 8,405 homesteads of 160 acres each.

Apparently an unsuccessful registrant, Truman went back home to Grandview, where, in the same year, he bought a second-hand Stafford touring car to make it easier for him to court the golden-haired Bess, who lived in Independence.

It was over three decades later, in 1944, that he made his next visit to Montana, in behalf of Franklin D. Roosevelt, whose death soon after he began his fourth term in 1945 propelled the farm boy from Kansas to the presidency.

In 1944, Vice President Truman began his love affair with Butte. He donned a hard hat and descended, along with the four reporters covering his trip, into the Leonard mine. He and this group formed the "Hard Rock Club," to which he referred many times on subsequent visits to the state. The presence of only four reporters, however, suggests the lacklustre news value of the trip.

But June, 1948, was a different story. Now Truman came to Montana as President of the United States and drew an estimated 40,000 people along his parade route in Butte. This time, he was accompanied by 58 newsmen.

It was in 1948 that Truman lashed out at the 80th Congress and defended himself and the policies he had begun. "They have been telling you a lot of things about Harry Truman," he said, "but the country has been pretty well run in the last three years. . . ."

President Truman returned to the Big Sky Country in 1950 and again spoke in Butte, before a crowd of 6,000.

He defended U.S. government involvement in business and other areas, pointing to low cost housing and unemployment insurance, on which many miners in Butte had recently been forced to depend.

Introduced by Montana's U.S. Senator Mike Mansfield as a "man of the people," Truman said his 1950 trip was not political, but was to "report to my boss—the people."

In 1952 President Truman was back in Montana to set off the dynamite charge that moved the first earth for the Tiber Dam Project near Chester and later to put Hungry Horse Dam at Columbia Falls into production by throwing a switch in the Kalispeel gym.

In his speech, he backed Montana democratic candiates for office, and spoke warmly for the Adlai Stevenson-John Sparkman ticket. But the Eisenhower-Nixon team won in Montana by 51,181 votes.

In 1956, Harry Truman came out of his "retirement" to again travel the campaign trail, this time for Stevenson and Estes Kefauver. He made only one speech in Montana, and requested that it be given in his favorite city. It was a nostalgic visit, a remembrance of old days and old glories. To Montana's U.S. Senators Mike Mansfield and James Murray, the former President said, "It's like old times. I'd give my right eye to be back in the Senate with you."

He told his audience, "It was in Butte where I began telling people about that do-nothing Republican Congress. You know what happened after that. The people took proper care of the Republicans when election day rolled around. . . . A lot of people were surprised at the outcome of the 1948 election. I think the same people are going to be surprised this year—because I think Stevenson and Kefauver are going to win." But they lost, and in Montana, Eisenhower and Nixon won by 38,695 votes.

Harry S. Truman, with whom historians are expected to deal kindly, apparently sensed, in Montana, and especially in Butte, that people knew him for what he was, a "common man" with uncommon courage. An interesting supposition, now that he is gone, is what history might have had to say about him had he drawn a good number that day in Glasgow, Montana, nearly six decades ago.

## REPORT ON WIRETAPPING AND ELECTRONIC SURVEILLANCE

Mr. McCLELLAN. Mr. President, court-ordered wiretapping and electronic surveillance authorized by title III of the "Omnibus Crime Control and Safe Streets Act of 1968" is playing a key role in the war against crime. As the Attorney General testified on April 5 before the Senate Committee on Appropriations:

> The provision for . . . [wiretapping] by Congress has been the most significant, most important weapon that our country has had to deal effectively with the problem of organized crime. . . . Now after four and a half years we have more than one-half of the leadership of organized crime in the country under indictment.

His testimony was also underscored by that of the Assistant Attorney General for Narcotics:

> I would say wiretapping is one of the principal tools needed and necessary to develop major conspiracy . . . cases. It is expensive. It is time-consuming. It is very tedious investigative work. It takes an awful lot of manpower to operate taps and surveillance devices. But it is an absolutely effective and necessary tool.

Mr. President, during 1972, there were 855 orders for intercepts issued by Federal and State judges, and 2,861 arrests flowed from the information obtained. So far, 402 convictions have already resulted, and more are expected. This is compelling evidence of the effectiveness of wiretapping and electronic surveillance in combating organized crime.

In order to protect the public and keep it informed, title III of the act provides that prosecutors who seek surveillance orders and judges who issue them are required to file detailed reports each year to the Administrative Office of the U.S. Courts. The Administrator is required to transmit to Congress a summary and analysis of this information.

These public disclosure provisions reflect the judgment of Congress that complete and regular public accounting is essential to any system requiring the use of electronic surveillance techniques—no matter how limited its use. Public support for the power to wiretap and bug—even under authorization—can only be obtained where the citizenry is responsibly informed as to the extent and character of its use.

The Fifth Annual Surveillance report which has just been released by the Director of the Administrative Office indicates that 18 of the 21 jurisdictions which have laws authorizing courts to issue surveillance orders used their statutes in 1972.

In these 18 jurisdictions, Federal judges signed 206 orders for intercepts and 649 were signed by State judges. Of the 649 State orders, 294 or 45 percent were issued in New York, while 235 or 36 percent were issued in New Jersey.

The 855 applications filed during 1972 compares with 596 applications filed in 1970. On the Federal level, the decrease from 285 in 1971 to 206 in 1972 results from a shift in emphasis by the Department of Justice from gambling to narcotics and other offenses. In narcotics cases, it is usually more difficult to establish the probable cause required to authorize the tap.

In 1971 and 1972, the Justice Department mounted an extraordinary effort to deal with syndicated gambling, relying principally on electronic surveillance. In 1971, 251 of its 285 applications were in the gambling field. Only 22 were for narcotics. In contrast, 146 of its 1972 orders were for gambling, while the narcotic figure rose to 35.

During 1971–72, eight known or suspected organized crime figures were convicted, including the head of the New Jersey syndicate and high ranking members of the Genovese-New York and Detroit syndicates. Twenty-eight more such figures, including the heads of the Brooklyn, Kansas City and Florida syndicates, and two high-ranking members of the Cleveland syndicates were indicted.

Mr. President, I am hopeful that the shift in emphasis to narcotics cases will now carry with it a similar record of achievement.

On the State level, the rise in surveillance orders from 531 in 1971 to 649 in 1972 represents an increasing pattern of utilization of State statutes authorizing surveillance by States other than New York and New Jersey. I am confident that when all of the States begin to use the authority concurred by the 1968 act, they, too, will have a record of success in combating crime through the use of electronic surveillance techniques.

On the Federal level, of 206 authorized intercepts, 205 were installed and 48 extensions were granted. The 205 authorizations were granted for an average length of 16 days; the extensions were granted for an average of 15 days. The State picture varied. In New Jersey, for example, of the 68 authorized intercepts of the attorney general's office, 67 were installed and 13 extensions were granted. The 67 authorizations were granted for an average length of 18 days; the extensions for 21 days.

Of the 841 devices installed in 1972 on the Federal and State level, 779 involved a telephone wiretap. Twenty-nine applications specified a microphone device, and 28 requests specified both a telephone tap and a microphone.

The offenses specified in the 841 applications covered a wide range of criminal activity, but several broad categories of crime predominated: gambling 497; narcotics 230; homicide and assault 35; larceny 22; loan sharking 13; and receiving stolen property 31.

In 1972 the average intercept involved 51 persons and 600 intercepts, of which 303 or 50.5 percent were incriminating. In contrast, in 1971 the average wiretap involved 40 persons and 643 intercepts, of which 399 or 60 percent were incriminating. In Federal cases during 1972, the average intercept involved 66 persons and 1,023 intercepts, of which 614 or 60 percent were incriminating. In 1971 the average intercept involved 53 persons and 916 intercepts, of which 648 or 71 percent were incriminating.

The increase in the number of persons involved in surveillance and corresponding decrease in the percentage of incriminating intercepts is attributable to the shifting character of the offenses under surveillance. In 1971, gambling led the list with 570 ordered; while in 1972 the gambling figure dropped to 497. In 1971, there were only 126 narcotics cases. In 1972, the narcotic's figure had increased to 230. Experience has shown that it is relatively easier to focus on incriminating telephone calls in the gambling area, while in the narcotics field, it is necessary to conduct surveillance over an increased number of conversations to obtain incriminating evidence.

Nevertheless, to show the extraordinarily limited character of even this surveillance, statistics furnished by the American Telephone & Telegraph Co. to the Subcommittee on Criminal Laws and Procedures, which I am privileged to chair, show that there are approximately 119 million telephones, including extensions, in the United States and that they are used to make more than 159 billion calls each year. The percentage of calls, therefore, subject to surveillance in 1972 is almost too small to calculate. It is less than .0000039 percent. The privacy of the average citizen, in short, is not threatened by the court ordered surveillance authorized by title III.

Indeed, the 1968 act prohibits wiretapping not authorized by the courts. And these provisions, too, have been used with significant effect.

The first conviction obtained under title III, for example, was that of Enid Roth, an NBC program director, who pleaded nolo contendere to a count alleging illegal interception of proceedings of the platform committee of the National Democratic Party during the 1968 convention by means of a microphone concealed behind a curtain in a conference room. The most important case yet developed under the 1968 act, however, has been the Watergate affair. The investigation, prosecutions, and convictions in this case were all made possible by the 1968 act. Without it, we would not have had available on the books a Federal felony punishable by 5 years imprisonment and a $10,000 fine (18 U.S.C. 2511). As tragic and regrettable as this whole affair has been, I am glad that the 1968 act could be used to bring these men to justice. The Senate can know that it did its part in strengthening this aspect of the law, too.

The total cost of each intercept—manpower and equipment—ranged from a low of $5 to a high of $82,628, with the average intercept nationally running $5,435, and the average Federal intercept running $9,795. The figures should do a great deal to relieve the fears of some citizens of an excessive use of these techniques by legitimate law-enforcement agents. Most police departments, including the Federal law-enforcement agencies, simply do not have the manpower and other resources to conduct widespread or indiscriminate surveillance.

Most of the cases in which there were intercepts reported are, of course, still under investigation or are awaiting trial. Indeed, the studies of the Subcommittee on Criminal Laws and Procedures indicate that the average delay from indictment to trial in organized crime cases is 22.5 months. Consequently, conviction results will always lag behind arrests. Nevertheless, the 1972 annual report, as I have said, indicates that as of December 31, 1972, 2,861 arrests had resulted from intercepts made during last year. In addition, 402 convictions have been obtained.

Recognizing that arrests and convictions would lag behind surveillance, title III required supplementary reports to be filed on the results of past year's surveillance. According to these supplementary reports, during 1972, there were 732 arrests and 1,193 convictions as a result of intercepts installed in previous years. Taken together with the data from previous annual reports, this indicates from June 1968 to December 1972, there have been 2,742 orders which have yielded 6,956 arrests, and 2,495 convictions. These are indeed impressive figures, and certainly should put to rest any suggestion that wiretapping is ineffective in combating crime.

Mr. President, to gain a sense of the concrete results of electronic surveillance, it may be helpful to look at the facts of several cases in which intercepts brought otherwise elusive lawbreakers to justice.

On June 1, 1971, a Federal jury found Martin and Jesse Sklaroff guilty of transmission of gambling information.

This was the first Federal wiretap under title III. It was in operation 6 days—171 conversations were involved, of which 161 were incriminating—94 percent. The telephone was in a public booth in the Miami International Airport; visual surveillance was maintained on the booth, so that the tap was in operation only when the suspect entered the booth. When Sklaroff, one of the Nation's leading layoff men—the underworld figure who reinsures bets—was convicted, he told the Atlanta Journal on June 1, 1971:

> You can't work with a telephone—I'm gonna have to find another business. The Federal wiretaps are going to put us all out of business.

The case is now on appeal in the Fifth Circuit.

On October 13, 1971, the Tenth Circuit Court of Appeals decided *United States* v. *Cox*, 449 F. 2d 679 (10th Cir. 1971), *cert. denied*, 406 U.S. 934 (1972), in which it sustained the constitutionality of title III and affirmed the conviction in the appeal before it.

The case involved four bank robbers whose conversations were overheard during the course of a wiretap issued in a narcotics investigation. The wiretap was installed for 19 days on a residential telephone; 1,216 intercepts were involved, of which 157 were incriminating—12 percent. This one wiretap has resulted in 19 convictions: 14 for narcotics, 4 for bank robbery, and 1 for assault on a Federal narcotics agent. In addition to uncovering the scope of the narcotics ring and solving the bank robbery, the officers were able to prevent a murder with information overheard on the tap.

Finally, when Cox's narcotics conviction was appealed, the Eighth Circuit Court of Appeals in *United States* v. *Cox*, 462 F. 2d 1293 (8th Cir. 1972), followed the lead of the Tenth Circuit and sustained the constitutionality of title III and affirmed that conviction, too.

Indeed, only one district court to date has upheld a challenge to the constitutionality of the various provisions of title III. In *United States* v. *Whitaker*, 343 F. Supp. 358 (E.D. Pa. 1972), Judge Joseph Lord III held title III unconstitutional. I am pleased to report, however, that his decision was reversed by the Third Circuit on February 27, 1973.

More recently, on April 5, 1973, in United States against Tortorello, the Second Court of Appeals sustained both the constitutionality of title III and a New York State statute modeled on title III, in affirming the stock fraud conviction of Arthur Tortorello.

Tortorello's criminal record began in 1929—more than four decades ago. A member of the Gambino syndicate in New York City, he collected arrests ranging from burglary, assault and battery, and forgery to a 1-year sentence for kidnaping. The New York County District Attorney's Office obtained in 1969 a series of wiretap and surveillance orders in connection with an investigation of stolen property and forged instruments. The execution of the orders uncovered a complex fraudulent scheme in which Tortorello conspired to dispose of thousands of unregistered and worthless stock to the unsuspecting public.

Tortorello has now been convicted and sentenced to 5 years in jail and a $10,000 fine. As in the Sklaroff and Cox cases, the indispensable key to his conviction was the surveillance orders authorized by title III.

Mr. President, I am proud to have been associated with the effort that led to the enactment of title III of the 1968 act. I am pleased, too, that the effort of the Senate to strengthen law enforcement with this necessary tool has met and passed its constitutional tests in the courts. It vindicates, I think, the Senate's judgment to include title III in the 1968 act.

Mr. President. I ask unanimous consent that the following exhibits appear in the RECORD at the conclusion of my remarks.

Exhibit No. 1, jurisdictions with statutes authorizing the interception of wire or oral communications, January 1, 1972, to December 31, 1972.

Exhibit No. 2, court-authorized Federal electronic surveillance.

Exhibit No. 3, summary report on authorized intercepts granted.

Exhibit No. 4, known or suspected organized crime figures prosecuted under Federal antigambling laws.

Exhibit No. 5, gambling operations indicted by Organized Crime and Racketeering Section during fiscal year 1971.

Exhibit No. 6, conviction of persons involved in major gambling rings, fiscal year 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1.—JURISDICTIONS WITH STATUTES AUTHORIZING THE INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS EFFECTIVE DURING THE PERIOD JAN. 1, 1972 TO DEC. 31, 1972

| State | Statutory citation [1] | Reported use of wiretap in 1972 |
|---|---|---|
| Federal | 18:2510 to 2520 | Yes. |
| Arizona | 13:1051 to 13:1059 | Yes. |
| Colorado | 40-4-26 to 40-4-33 | Yes. |
| Connecticut | Public Act No. 68 | Yes. |
| Delaware | 11:XLII,757 | Yes. |
| Florida | 934.01 to 934.10 | Yes. |
| Georgia | 26-3001 to 26-3010 | Yes. |
| Kansas | 22-2513 | Yes. |
| Maryland | 35-92 to 35-99 | Yes. |
| Massachusetts | 272-99 | Yes. |
| Minnesota | 626A.01 to 626A.23 | Yes. |
| Nebraska | 86-701 to 86-707 | Yes. |
| Nevada | 200.610 to 200.690 | Yes. |
| New Hampshire | 570-A:1 to 570-A:11 | No. |
| New Jersey | 2A:156A-1 to 2A:156A-26 | Yes. |
| New York | 813-J to 813-M; 814 to 825 | Yes. |
| Oregon | 141.720 to 141.900 | Yes. |
| Rhode Island | 12-5.1-1 to 12-5.1-16 | Yes. |
| South Dakota | 23-13A-1 to 23-13A-11 | No. |
| Washington | 9.73.030 to 9.73.080 | No. |
| Wisconsin | 968.27 to 968.33 | Yes. |

[1] Excludes jurisdictions which enacted legislation in 1973.

EXHIBIT 2

*Court Authorized Federal Electronic Surveillance*

During the years 1969 through April 24, 1973, a total of 889 court orders (including 183 extensions) have been obtained and executed in connection with Federal investigations.

The categories of offenses in which the 889 court orders have been obtained and executed are as follows:

| | |
|---|---|
| Gambling | 653 |
| Narcotics | 152 |
| Extortionate Credit Transactions | 38 |
| Counterfeiting | 12 |
| Interstate Transportation of Stolen Property | 15 |
| Bribery | 5 |
| Theft and Robbery | 3 |
| Racketeer Influenced and Corrupt Organizations | 6 |
| Obstruction of Justice | 2 |
| Kidnapping | 1 |
| Interstate Transportation of Explosives | 1 |
| Interference with Commerce | 1 |
| Total | 889 |

EXHIBIT NO. 3

SUMMARY REPORT ON AUTHORIZED INTERCEPTS GRANTED PURSUANT TO TITLE 18, UNITED STATES CODE, SECTION 2518 JUNE 20–DEC. 31, 1968, JAN. 1–DEC. 31, 1969 THROUGH 1972

| Summary item [1] | Reporting period 1968 | 1969 | 1970 | 1971 | 1972 |
|---|---|---|---|---|---|
| Intercept applications authorized | 174 | 301 | 596 | 816 | 855 |
| Federal | | 33 | 182 | 285 | 206 |
| State | 174 | 268 | 414 | 531 | 649 |
| Average length of original authorization (days) | 20 | 23 | 22 | 22 | 22 |
| Number of extensions | 128 | 200 | 237 | 228 | 246 |
| Average length of extensions (days) | 20 | 21 | 20 | 24 | 24 |
| Location of authorized intercept: | | | | | |
| Residence | 67 | 134 | 203 | 342 | 351 |
| Apartment | 49 | 68 | 163 | 211 | 218 |
| Multiple dwelling | 10 | 14 | 39 | 45 | 56 |
| Business | 45 | 71 | 121 | 134 | 120 |
| Business and living quarters | | 5 | 30 | 40 | 48 |
| Not indicated or other | 3 | 9 | 40 | 44 | 62 |
| Major offenses specified in application: | | | | | |
| Arson and explosives | 1 | 1 | 13 | 2 | 2 |
| Bribery | 5 | 11 | 16 | 16 | 9 |
| Drugs | 71 | 89 | 127 | 126 | 230 |
| Extortion (includes usury and loansharking) | 13 | 10 | 17 | 5 | 13 |
| Gambling | 20 | 102 | 325 | 570 | 497 |
| Homicide and assault | 22 | 19 | 21 | 18 | 35 |
| Larceny | 19 | 10 | 31 | 31 | 22 |
| Robbery | 8 | 24 | 13 | 17 | 9 |
| Other | 15 | 35 | 33 | 31 | 38 |
| Intercept applications installed [2] | 147 | 270 | 582 | 792 | 841 |
| Federal | | 30 | 179 | 281 | 205 |
| State | 147 | 240 | 403 | 511 | 638 |
| For authorized intercepts installed: | | | | | |
| Actual number of days in use | [3] NA | 9,018.0 | 11,190.5 | 14,582.5 | 15,561 |
| Average number of persons involved | 29 | 53 | 44 | 40 | 51 |
| Average number of intercepted communications | 454 | 544 | 656 | 643 | 600 |
| Average number of incriminating intercepted communications | 98 | 265 | 296 | 399 | 303 |
| Number of authorizations where cost reported | 120 | 262 | 569 | 776 | 805 |
| Average cost where cost reported | $1,358 | $2,634 | $5,534 | $4,599 | $5,435 |
| Number of orders costing: | | | | | |
| $1,000 or less | 75 | 127 | 178 | 241 | 206 |
| $1,001 to $2,000 | 21 | 45 | 88 | 163 | 156 |
| $2,001 to $5,000 | 18 | 54 | 139 | 162 | 185 |
| $5,001 to $10,000 | 6 | 24 | 88 | 114 | 124 |
| $10,001 and over | | 12 | 76 | 96 | 134 |

[1] See reverse side for minor revisions of previously published data.
[2] Installed intercepts includes only those intercepts where a report was received from a prosecuting attorney.
[3] NA—Not available.



EXHIBIT 4

KNOWN OR SUSPECTED ORGANIZED CRIME FIGURES PROSECUTED UNDER FEDERAL ANTIGAMBLING LAWS, 1971–72 [1]

| Name | District | Comments |
|---|---|---|
| Indictments, 1971: | | |
| Michael Astarita [2,3] | D.N.J. | |
| Gaetano Musto [3] | | |
| Arthur Belli [4] | D.N.J. | |
| Anthony Astore [4] | | |
| Raffael Sabbato [4] | | |
| Eugenio Stephano Campo [3] (U.S. v. Nicholas Nardone, et al.) [6] | D.N.J. | |
| Frank Joseph Caracci [4] | E.D.La | |
| Vincent J. Marcello [4] | | |
| Salvadore J. Marcello [6] (U.S. v. Baily Mfg. Co.) | | |
| Nicholas Civella [3] | W.D.Mo. | Boss of the Kansas City Syndicate. |
| Anthony Thomas Civella [3] | | |
| Frank Tousa [3] | | |
| Joseph Colombo, Sr. [4] | E.D.N.Y. | Boss of the Broklyn Syndicate; Colombo has been incapacitated by an assassin's bullet. |
| Thomas Amato [4] | | |
| Albert Di Stephano [4] | S.D.Ohio | Later committed suicide. |
| Jack Herman [4] (U.S. v. Sam Winer, et al.) | S.D.Fla. | |
| John James LaGorga [3] (U.S. v. Irwin Charles Ager, et al.) | W.D.Pa | |
| Joseph Louis Lanza [4] | N.D.Fla | |
| John Nardi [3] | N.D.Ohio | Nardi and Delsanter are high-ranking members of the Cleveland Syndicate. |
| Anthony Delsanter [3] (U.S. v. Joseph James Lanese, et al.) | | |
| Frank Thomas Narducci [4] | E.D.Pa. | |
| Louis Ruggirello [3] | E.D.Mich. | |
| Anthony Imbrunone [3] | | |
| John Pasquale Tronolone [4] (U.S. v. Dade Marder, et al.) | S.D. Fla. | |
| Indictments, 1972: | | |
| Frank Cerone [4] | N.D.Ill. | |
| Alexander "Pope Dee" Dalessio [4] | E.D.N.Y. | |
| Henry Trafficante [4] | M.D.Fla. | Boss of the large Florida Syndicate. |
| Peter Valente [4] (U.S. v. Ernest Mario, et al.) | S.D.N.Y. | |
| Convictions 1971: | | |
| Samuel Rizzo De Cavalcante [3] | D.N.J. | Boss of the New Jersey Syndicate. |
| Charles Majuri [3] | | |
| Joseph Ippolito [3] | | |
| Anthony De Pasque [3] | | |
| Alessio Barrasso [3] | | |
| Nick Zarro [3] | | |
| Ralph Masciola [3] | | |
| Joseph Anthony Ferrarra [3] | | |
| Pasquale Monzelli [3] | E.D.Pa. | |
| James Michael Pignetti | S.D.N.Y. | |
| Nicholas Ratteni (U.S. v. William Alter, et al.) | S.D.N.Y. | High-ranking member of the Genovese Syndicate. |
| Convictions, 1972: | | |
| Nicholas Fino [4] (U.S. v. Joseph Fino, et al.) | W.D.N.Y. | |
| Jack Anthony Lucido | E.D.Mich. | |
| Peter Cavataio (U.S. v. Donald Dawson, et al.) | | |
| Francis Santo (U.S. v. Al Mones, et al.) | S.D.Fla. | |
| Anthony Joseph Zerilli | C.D.Calif. | Zerilli and Polizzi are high-ranking members of the Detroit Syndicate. |
| Michael Santo Polizzi | | |
| Anthony Giardano | | |

[1] This list does not include persons who have been acquitted or persons whose convictions have been reversed on appeal.
[2] Persons named in the same indictment are listed together.
[3] Case involved utilization of court-ordered electronic surveillance.
[4] Case involved both the utilization of court-ordered surveillance and a violation of 18 U.S.C. 1955.
[6] Unless otherwise noted, the defendants listed were also the defendants named in the title of the indictment, e.g., the case in which Michael Astarita was prosecuted was filed as U.S. v. Astarita.
[6] Case involved utilization of 18 U.S.C. 1955.

EXHIBIT NO. 5

GAMBLING OPERATIONS INDICTED BY ORGANIZED CRIME AND RACKETEERING SECTION DURING FISCAL YEAR 1971

| | Indictments | Estimated annual |
|---|---|---|
| Total gambling operations indicted | [1] 129 | $867,465,000 |
| Indictments involving use of court-ordered electronic surveillance | 89 | 766,871,000 |
| Gambling indictments involving violations of 18 U.S.C. 1955 | 55 | 440,160,000 |
| Gambling indictments involving both the use of court-ordered electronic surveillance and violations of 18 U.S.C. 1955 | 45 | 420,565,000 |

[1] This total includes only the indictments of gambling operations doing a significant annual business; the total comprises 76 percent of the 169 indictments returned by the section during fiscal year 1971.

EXHIBIT NO. 6

CONVICTIONS OF PERSONS INVOLVED IN MAJOR GAMBLING RINGS, FISCAL YEAR 1972

| Case | Number of defendants convicted | Size of operation |
|---|---|---|
| U.S. v. William Alter, et al. S.D.N.Y. (1971) | 6 | Handled over $50 million annually. |
| U.S. v. David Marder, [2] et al. S.D. Fla. (1971) | 2 | Handled $150,000 a week. |
| U.S. v Sol Titkin, et al. N.D. Ohio (1971) | 2 | Records showed $200,000 business in a 5-day period. |
| U.S. v. Raul Jimenez, et al S.D.N.Y. (1971) | 7 | Handled $5 million a year. |
| U.S. v. Joseph Colombo, et al. E.D.N.Y. (1971) | 14 | Annual gross of $10 million. |
| U.S. v. Petter Tenore, [3] et al. S.D.N.Y. (1972) | 5 | Handled $10,000 a day. |
| U.S. v. Vincent Calaro et al S.D.N.Y. (1972) | 4 | Handled $65,000 a week. |
| U.S. v. Vincent Peter Pisacano, [1] et al. S.D.N.Y (1972) | 6 | Handled $2.9 million annually. |
| U.S. v. Earl Benton, [3] et al. S.D.N.Y. (1972) | 7 | Handled $5,000 a day. |
| U.S. v. Norman Simon, [1] et al. D.C. Calif (1972) | 6 | Grossed $10,000 a day. |
| U.S. v. Richard Becker, [3] et al. S.D.N.Y. (1972) | 7 | Grossed approximately $125,000 a day. |
| U.S. v. Ronald Sacco, [3] et al. N.D. Calif. (1972) | 13 | Annual gross of over $15 million. |

[1] Court-ordered electronic surveillance used in investigating the case.
[2] Case involved violation of 18 U.S.C. 1955.
[3] Prosecution of case involved both the utilization of court-ordered electronic surveillance and a violation of 18 U.S.C. 1955.

## WORKER ALIENATION

Mr. KENNEDY. Mr. President, recently, the Urban Research Corp. sponsored a seminar in New York on the changing work ethic. Previously a similar conference was held in Chicago and soon the final session will be held in San Francisco.

These conferences have produced a tremendous response from corporate management, from government management, and from labor union leadership. I believe the key element underlying this interest is a belief that we cannot afford to disregard the implications of job dissatisfaction and worker alienation in America today.

Many ask whether there is a great difference between today's worker and his predecessor, whether the more modern factory is more or less authoritarian, whether the connection between job satisfaction and absenteeism, work turnover, poor product quality, and even alcoholism or drug use among the workers can be proved.

At the very least, it is becoming generally accepted that these questions deserve our attention and our concern. Last year, 2 days of hearings of the Subcommittee on Employment, Manpower, and Poverty which I chaired, demonstrated the need for further information on this subject. For that reason, I introduced legislation on this subject. A similar bill, S. 736, the Worker Alienation Research and Technical Assistance Act of 1973 has been reintroduced with 17 cosponsors.

In December, HEW issued its report on work in America. Despite the rigorous analysis of existing research completed in that effort, it was the view of most observers, including Secretary Richardson, that more data was needed, more

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experimentation required, and more concern demanded of business, labor, and government in this matter.

The Urban Research Corporation has played an important role in stimulating discussion and focusing attention on this problem. I was privileged to attend the recent conference and was impressed with the workshops and with the addresses by the distinguished Senator from Illinois, Mr. PERCY, by George Gallup, Jr., of the American Institute of Public Opinion, and by Mr. Robert D. Lilley, president of American Telephone & Telegraph Co.

I would call particular attention to the report by Mr. Gallup on the latest job satisfaction surveys conducted in late January 1973, by the Gallup poll. This survey showed a 10-percent drop in the level of job satisfaction among American workers over the past 4 years and a drop of 7 points in the past 13 months alone. According to Mr. Gallup, if that trend continued in the next 4 years, half of all American workers would be dissatisfied with their jobs.

Because of the importance of this issue, I ask unanimous consent that the four addresses to the conference, including my own, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY TO THE URBAN RESEARCH CORPORATION CONFERENCE ON THE CHANGING WORK ETHIC, NEW YORK, N.Y.

I appreciate the opportunity to address this distinguished gathering this evening.

Also, I want to commend the Urban Research Corporation for undertaking this series of seminars into "The Changing Work Ethic." The United Auto Workers, AT&T, Corning Glass Works, and General Electric Company also deserve public recognition for their role in sponsoring this conference.

Since Sunday, you have heard from academic, union and business leaders who have been spending time, resources and energies in exploring the degree of worker alienation in America, its relation to productivity and its relevance to the quality of American life.

The reason for this rising concern with the quality of work extends far deeper than a knee-jerk response to headlines of blue collar blues. For the nation today is engaged in a series of tests; a test whether it can maintain a steadily rising standard of living for its citizens, a test whether it can extend its economic bounty to those who have never enjoyed economic comfort, a test whether it can maintain the strength of the powerful economic machine that fuels our growth, and, finally, a test whether it can achieve a continuing enrichment of the quality of life in this land.

And you leaders meet today because you have the foresight and vision to know that improving the quality of life includes improving the quality of work.

The direct concern of industry and management in improving the quality of work is all too evident. For the very future of American economic growth depends on our ability to withstand the intense pressure from foreign competition. And the failure to recognize the debilitating impact of job dissatisfaction could prove to be a lethal defect in the effort to increase productivity and to maximize our competitive ability.

As former Price Commission Chairman C. Jackson Grayson Jr. said, "There is an illusion that you can get higher productivity by speedups and cost-cutting, and simply by turning out more things, more goods and services. This is not enough. Some new realities are emerging about the quality of things we produce, about work and the quality of work, and about the quality of our lives. We must learn about and explore these realities."

Those realities are showing up in a host of studies and surveys.

George Gallup Jr. yesterday reported to this group the latest poll which showed a 10 percent drop in the past four years in the number of workers who are satisfied with their jobs.

Workers under thirty ranked the interesting nature of the work, their opportunities to develop their own special abilities and their chances for promotion higher even than more pay in a 1970 nationwide study by the University of Michigan Survey Research Center.

A survey of white blue-collar union members by the W. E. Upjohn Institute for Employment Research showed a 20 times greater willingness to change jobs among workers in monotonous and unchallenging jobs even though they were making high wages and had substantial job security.

These attitude surveys are backed up by other reports. A Bureau of Labor Statistics study showed a 36 percent increase in the average daily rate of absenteeism between 1961 and 1971. In one industrial giant, absenteeism rose 50 percent; worker turnover rose 70 percent; worker grievances rose 38 percent; and disciplinary layoffs rose 44 percent between 1965 and 1970, according to the National Commission on Productivity.

While these data do not appear directly on a company's balance sheet, we know that they mean higher costs, higher prices and ultimately lower prospects for surviving a competitive market.

There are other reasons for the nation's industrial managers to be concerned. For job discontent and dissatisfaction unquestioningly have marked effects on the quality of the product.

During 1972, while 11.2 million cars, buses and trucks were sold, 7.8 million vehicles were ordered recalled to American manufacturing plants for corrections. In other industries, spoilage in some plants is reported as high as 29 percent. And if there is one across-the-board conclusion of recent experiments to reduce worker alienation, it is that the quality of the product improves when job dissatisfaction decreases.

All over the industrial world—in Sweden, in Norway, in Italy, in Germany—industries are experimenting with ways to give workers greater participation in the work and decision making, and greater opportunity, to use and reward the skills of their heads and hands. In the United States, too often our efforts are all in the other direction. Are we improving the quality of life in this nation by paying industry enormous tax subsidies to replace workers with machines, and making the work that remains more routine and monotonous than ever?

Technology is only one part of the economic equation, an important part, but inadequate without the cooperation and collaboration of labor. In the past, industry has spent most of its capital and most of its energies to refine and polish the machine, and it has forgotten all too often that there is a human being struggling to keep pace with that machine. But the realities of modern competition and the search for ways to improve productivity and to improve quality now are producing a rising corporate awareness of the dangers and costs of worker discontent.

Labor unions have at least an equal concern with the rising evidence of this discontent. For beyond their own interest in the ability of American industry to withstand foreign competition, they have a special responsibility and a special right to represent and to speak for their members.

Through the past 35 years, unions have achieved a marked change in the status of the American worker. In job security, in wages, in fringe benefits, in working conditions—vast numbers of American workers clearly have moved beyond even their own expectations of a generation ago.

Those improvements have not come without struggle and conflict; neither have they been fully secured—particularly for non-unionized workers. Nor, in our dynamic society, are they goals that can be achieved once and for all and then forgotten.

Any discussion of the quality of work must be premised on the recognition that improvements in these aspects of the conditions of work must continue.

Workers not only have a legitimate right to expect their paychecks to outdistance the spiral in the price of the food they eat and the rents they pay, they also have a right to expect to share in the gains of productivity. And they have a right to the security of a job and to due process in any decisions affecting that security. Finally, they have a right to demand that industry observe and Federal authorities enforce occupational safety and health regulations. The killing of 15,000 workers a year and the disabling of another 2.2 million must come to an end.

Today a major oil company is facing a strike of its workers because of a threat in their work environment to their quality of life. Their strike is over more than dollars and cents. In their view, it is over life and death.

No worker is going to be satisfied with his job if he believes the machine he operates or the industrial fumes he breathes threaten his health. Meeting these needs are first on anyone's priority list of how to improve the quality of work and of how to reduce job dissatisfaction.

But today, we are finding that improvements in these primary aspects of the job are only part of the answer.

For studies have shown that job stress clearly has an effect on the mental and physical well-being of the worker. Heart disease and high blood pressure are not confined to the board room but affect other jobs as well, right down to the assembly line. Nor can we avoid the disturbing number of workers whose addiction to drugs is tied in some way to their revulsion for their job.

A U.A.W.-sponsored study showed one in every three workers under 30 surveyed used "Speed," marijuana and other drugs—many of them on the job. Other studies show similar high rates of drug use among dissatisfied white collar workers. For many of them, it is their way of coping with robot-like and repetitive jobs.

A work force that is becoming younger each year, with 22 million now under the age of 30, a work force where 80 percent have a high school diploma compared to the eighth grade average of a generation ago, and a work force that comes from a society where choice and independent thought are more highly prized than ever before—that work force no longer is going to accept dead-end jobs. Nor is that work force going to accept without protest a compulsory overtime at those jobs.

Workers want a chance to use their better education. They want a chance to contribute and to have that contribution recognized. They want a chance to be treated as free-willed human beings and not as steel-plated production tools.

Union leaders have more than studies and surveys to cause them concern. For the most forceful expression of job dissatisfaction comes from the workers themselves. They seem to be saying, as eloquently as Dostoevsky that: "To crush, to annihilate a man utterly, to inflict on him the most terrible of punishments so that the most ferocious murderer would shudder at it and dread it beforehand, one need only give him work of an absolutely, completely useless and irrational character."

How can one mistake the cry of the worker who testifies: ". . . All we are left with is the dead-end job—jobs that offer little challenge to the more educated worker, little chance for advancement, and hardly any chance to participate as a worker."

Can we expect satisfaction from the worker who recalls that when a friend of his was killed in a car accident, and he took the day off to attend his funeral, he was disciplined for two days because this was an unexcused absence?

Are our institutions responsive to the complaint of a high union official who says: "The most attention the worker gets is when they sign him up. And then he is swallowed up, placed on a treadmill to oblivian, smothered by the corporation."

Or an assembly line worker who says, "Sometimes you get the feeling you want to stop this goddamned machinery . . . that happens all the time. You're nothing but a tool. But there's nothing you can do about it . . ."

Just as management and labor have specific interests in the problems of the quality of work, so too does government. For government today is the largest single employer in the country. Last week, at Airlie House, a seminar of top Federal managers met on this issue and its relationship to productivity in the public sector. The first tentative efforts to explore ways of relieving dissatisfaction in the 3 million member Federal bureaucracy will begin shortly in the Social Security Administration under the sponsorship of the National Commission on Productivity. The Commission's activities and the now well-known task force report on work in America prepared for H.E.W. are further evidence of the mounting attention being paid to the worker and to work itself in our society.

Aside from its responsibilities as an employer, government has a primary responsibility in meeting the challenge of improving the quality of life in this country.

Therefore, to try and find more definitive answers to the questions still remaining about the extent of job dissatisfaction and its relationship to economic productivity and to the quality of life, I introduced last August, with three cosponsors, the Worker Alienation Research and Technical Assistance Act. It has been reintroduced in the 93rd Congress with 17 cosponsors.

It authorizes the Secretaries of Labor and Health, Education, and Welfare to:

Conduct research to determine the extent and severity of job discontent throughout the land;

To examine methods being used here and abroad to decrease worker alienation;

To disseminate the results of this research to unions, companies, schools of management and industrial engineering and the general public;

To provide technical assistance to workers, unions, companies and state and local governments for experimental and demonstration projects in improving the quality of work;

To conduct pilot projects in Federal agencies to try and relieve worker dissatisfaction; and

To make recommendations for further legislation if necessary by December 31, 1974.

What it attempts to do is provide, on a national basis, some way of coping with the difficulties of generalizing from the information we now have available.

Government clearly can best act as a catalyst, providing a central clearinghouse of information, providing models, and providing some seed money for undertaking pilot projects in collaboration with unions and management.

But management and labor bear the major responsibility for grappling with the problems of dissatisfaction and for finding solutions.

This assembly is a heartening sign that you recognize those responsibilities. I know that numerous corporations and unions already have begun to move in this direction. The American Society for Personnel Administration reported last week that of 600 firms studied, one-fourth have tried job enrichment. How far they have pushed these experiments and with what results is not fully known. But it is clear that some managers have recognized the problem and begun to take steps to resolve it. Unfortunately they are in the minority.

While many of the experiments have produced unassailable benefits, single-shot solutions will not be the answer. Different industries will require different answers. Frederick Winslow Taylor thought scientific management was the one sure way for all plants to solve all problems. We know now that there is no sure way.

But the more prominent experiments of General Foods, A.T. & T., Corning Glass and others do offer hope that significant gains in reducing absenteeism, in reducing turnover, and in achieving moderate productivity gains can be accomplished if worker dissatisfaction is decreased.

For what workers want, as over a hundred studies have shown, is to feel that they and the work they do is important and has meaning.

Labor unions also are examining how they can respond to the problems of job discontent, and they are demanding rightfully that they be part of any management plan to seek ways of easing job pressures. It must be obvious that the least friction will result if management and labor work together in devising new work arrangements, flexible hours or other innovations.

The steelworkers participation in productivity councils, the host of progressive steps taken by the U.A.W., the job pressures committees of the Communications Workers of America—these are only three examples of progressive labor movement activity in this area.

The process for dealing with job dissatisfaction may be directly through the collective bargaining process. But other methods also may develop outside the bargaining tables as management and labor seek the benefits that reduced job dissatisfaction can bring to them both.

Perhaps one of the most promising displays of what can be accomplished when the potential of the worker is tapped occurred last fall in Fontana, Calif.

Japanese competition threatened a Kaiser Steel plant there with closing. As a last resort, management finally decided to give the union free rein in coming up with a solution. The workers rearranged the production flow; the workers altered the production schedule; the workers re-shaped the tools. The result was astonishing. Production jumped by 32 percent in three months and the quality of production jumped as well, with faulty products dropping from 29 percent to 9 percent.

In how many places can that be duplicated? No one knows. But it proves that the humanization of work is not only an end in itself. It can also be a fruitful means toward unleashing the greater potentials of our work force to meet the realities of a tough, competitive, industrializing globe.

In the future, more managers may discover that offering the worker an opportunity to participate in decisions affecting his job, an opportunity to increase his self esteem, and an opportunity to receive greater satisfaction, may prove economically beneficial to both the company and the nation.

For we must never forget that in addition to our technological genius, it is to the creativity, the commitment and the energy of American workers that our nation owes its pre-eminent role in the world. The men and women who comprise the American work force are still the nation's greatest resource. And we forget that fact only at our own risk and at the risk of failing in our pursuit of a richer, more durable and more satisfying quality of life for all Americans.

Camus wrote: "Without work all life goes rotten. But when work is soulless, life stifles and dies."

We must act and act soon to restore the soul to work and to raise once more the spirit and quality of life in America.

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ADDRESS BY SENATOR CHARLES H. PERCY BEFORE THE NATIONAL CONFERENCE ON THE CHANGING WORK ETHIC

I am honored by your invitation to speak here today on the theme of quality of work in America. I know that in this audience are the men and women who have been most adventuresome and most creative in this challenging new field. For you are helping to chip away—through experimentation, research and innovation in the American workplace—at an entrenched, authoritarian industrial system that has taken decades and decades to build.

I have asked myself why such change is so difficult, why many people have tended to resist the simple proposition that by improving the nature of jobs we can both make people better satisfied and become a more productive society.

I think the central reason why change of this kind is so difficult is that our industries have been so enormously successful. With the jobs, income and products created by America's industrial machine we have created very great prosperity and enormous economic muscle. And so we encounter the problem of institutional rigidity. If it works, why change it? And even if it doesn't seem to be working as well as it used to, we are accustomed to established ways of doing things, and have difficulty taking the mental leap that is often necessary to break our old habits and find new solutions.

We continue, for example, to think in terms of the idea that work should be broken down into increasingly finer details of specialization and that people should be organized in formal, pyramidic ways, all in the name of efficiency. But if such ideas of organization have now become obsolete because of their adverse effects on people and on the quality of output, efficiency becomes a myth. Then it is time to change.

I would like to suggest four separate but interrelated reasons why I think we are now on the brink of a major breakthrough in the effort to change our ideas about work.

First, we find we are suddenly an educationally affluent society. In quantity, if not yet in quality, Americans must be the best educated society on earth. A short generation ago, 40 percent of all American workers were high-school graduates, up from five percent in 1900. Today, almost 80 percent of the men and women under 34 have at least a high-school diploma, and a third of those go on to a year or more of college.

Second, there has been a collapse of respect for our traditional values and institutions, as documented both by our own observations and national surveys. A Harris poll revealed, for example, that public confidence in the executive branch of government fell from 41 percent to 27 percent between 1966 and 1972; confidence in Congress dropped from 42 percent to 21 percent; confidence in corporations, from 55 percent to 27 percent.

Third, we are becoming perhaps a more conservative, individualistic society. President Nixon's call for a return to individual responsibility finds a response in all levels of the contemporary public, perhaps as a reaction to the fact that many of the Great Society's programs have—unfortunately—not delivered what they promised.

Fourth, I perceive an acute feeling that some parts of the giant, all-powerful industrial machine that we built in the great pe-



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riod of American industrial expansion since the Civil War have developed profound shortcomings. There is a strong feeling that managerial and labor institutions have sometimes grown too rigid. Too often they have become selfish, insensitive to the needs of consumers and blind to the broader needs of our society. There is a growing feeling that American productive know-how is no longer considered, —and might never again be—the last best hope for solution of the earth's pressing problems.

These forces have measurably changed almost every social institution in the country from marriage and family through community, church and school. In some cases—for example, the educational establishment—they have been transfiguring.

But, for the most part, the forces visibly whipsawing our society have operated, and continue to operate, outside the plant gate and office door.

As a social institution, the American workplace has stubbornly remained virtually the last redoubt of yesterday's values.

This is the key to the need now for a new awareness of work quality: Americans who work have significantly changed. But the work they perform and the way they are organized to perform it have not changed.

In the way we structure and organize work, we frequently seem to apply the old paternalistic notions that father—or management—knows best; and that the children—or employees—should be neither expected nor permitted to ask how or why. A question-asker is frequently considered a trouble-maker because his questionings seem to challenge the institution itself. In many of our organizations, the suggestion box is considered proof of enlightenment. Both management and labor tend to view the worker as a person whose value stems only from his function as a fractional part of the vast productive machine.

These attitudes, and the systems that are built on them, are now under serious attack, and I wholeheartedly join in it.

Outside the plant gate or office door is the new American: A future-oriented, demanding, expectant, educated, freedom-loving individual. Inside that gate or door this interesting, creative, inventive American is required to conform to a past-oriented, authoritarian, hierarchical, class-based, freedom-fearing social system.

Is there any wonder then that, in the past two years, the national media have given us example after example of the grinding effects of old-style jobs on new workers? Two *Washington Post* investigative reporters, Haynes Johnson and Nick Kotz, wrote in a major series of articles based on months of interviewing that:

"The worker's complaint is simple. He says he hates the job, particularly the monotonous factory job. At times he hates it so much that he deliberately will throw a monkey wrench in the machinery, or turn to drugs to escape the boredom. To him, whether the job is better than it used to be or pays more and gives greater benefits is beside the point."

Again and again the same theme is stressed: In spite of more pay and benefits than ever before, all kinds of working men and women, "blue collar" and "white collar," are unhappy in their work, and thus unhappy and unfulfilled in a large and very important part of their lives.

In my recent Senate campaign in Illinois this fact was brought home to me again and again. In countless encounters with people in their places of work, it was acutely clear to me how frustrated people seem to be in their jobs.

To me, the fact of job dissatisfaction and the need for a new quality in work is a very clear, very compelling problem.

To my surprise, this conclusion is not as widely acceptd as I had thought. I find that the idea is often labelled a fad; it is derogated as pop sociology, or sidewalk psychology. It is even called a threat to free enterprise.

These attitudes are echoed in government, where I have discovered there is a stronger urge to *study* the problem of worker alienation and job dissatisfaction than there is to *do* something about it.

We already have a great deal of knowledge—enough to warrant action. We have the results of successful quality of work experiments, some of which are being discussed in this conference. To me, they are proof enough both that there is an immediate and perceivable problem, and that there are available techniques of solving the problem.

A negative way to analyze this problem is to view the cause as worker alienation, to believe that there is something wrong with the American worker—that he is newly prone to alcoholism and drug abuse, that he is innately rebellious, that he bears an inborn grudge against the industrial organization, rather than against the nature of the work he is asked to do. I believe that this is just plain wrong. I believe Americans want to express themselves in creative, valuable ways and that we can so structure their work. Simply measuring how alienated or dissatisfied we have become is nothing more than a superbly bureaucratic way to avoid facing and solving the problem.

The costs to our society of increasing worker frustration are only beginning to be studied, but there is some evidence that profound dissatisfaction with work has a kind of polluting effect on the larger society.

The dissatisfied worker doesn't just shrug off the bad psychological effect of his frustration. It is often expressed in anti-social, harmful, unproductive ways—in absenteeism, high quit rates, wildcat strikes, sabotage, poor quality; in drugs and alcohol addiction, aggression, and delinquency; in a decline in physical and mental health, family stability, and community participation and cohesiveness.

For all these reasons government has a stake and must take part in changing the conditions of work in America. Government can help by creating demonstration projects that reorganize work on the basis of quality of work principles. The Quality of Work Programs of the National Commission on Productivity is gearing up to provide such assistance through advice and seed-money.

But the primary responsibility for improving the quality of work lies with the private sector. What can labor and management do together to implement job satisfaction programs?

I suggest the following kinds of initiatives, both for companies and unions:

Question old ways of organizing work.

Find ways to put highly fragmented, fractionated jobs back together into whole jobs.

Use the workers' own knowledge and insights to design work so that they can begin to participate in the management of their jobs, and thus have a personal stake in good job performance.

Look especially closely for unnecessary levels of supervision: There is nothing more damaging to a responsible individual than the lack of trust constantly shown by subjecting his work to unnecessary oversight. Instead, find ways to permit the employee and his co-workers to check their own work.

Most important, stop thinking that you, the manager, the industrial engineer, the fellow with the degree, know all there is to know about the job, the plant and its people. The more you ask the people who do the work how to improve it, the more you'll learn from them.

And finally, share the rewards of increased productivity. Design incentive pay plans based on worker teams or identifiable worker groups, so that the people who work together to increase productivity get the rewards of their group effort.

I am pleased that an amendment I offered to the 1971 Economic Stabilization Act Amendments to provide an exemption from wage controls for incentive pay plans seems to have worked: 75 such plans have been approved for 85 companies in the nine full months since the plan has been available. Though pay alone has been shown to matter increasingly less, particularly to younger workers, it is still an important motivator.

These types of quality of work techniques have worked. One of the leading corporations of my state, Motorola, has dismantled one of its old assembly lines and put jobs back together. One worker now assembles a complex piece of electronic equipment. This has required patience and it has not been cheap, but the experiment has paid off in terms of higher quality and a more satisfied work force.

The NBC-TV *First Tuesday* program on March 6 impressed me deeply because it showed first-hand how workers involved in quality of work efforts respond to their experience. I've taken this statement by an installer for Chesapeake and Potomac Telephone Company in Northern Virginia from the program's transcript:

"I was ready to quite at one time, 'cause I felt the telephone company had no use for me: I was just another body that came in daily, did what I was told to do, and gave them their answers just the way they wanted them. Now I've got my own area I take care of, and as far as I'm concerned I'm the telephone company, the whole telephone company, in this certain area. It really develops a sense of responsibility and pride in your job, something that I didn't have before."

To me, this is a perfect example of a human response to responsibility and trust. It shows the persistent, obstinate hunger a man has for pride in his work.

I know that many of you can provide similar examples from your own immediate experience. I can only reiterate that it is in your interest—and in the national interest—that we build on these successful experiences and accelerate our efforts to expand them.

We have wonderful raw material to work with: A work force that is well-educated, creative, vigorous, and willing—*when motivated*. The result will be better use of our human resources—which benefits everyone. Quality of work is as effective for affluent whites as for poor minorities. Its goal is to improve work and utilize American human potential. It is an everybody-wins effort because it improves the quality of working life and at the same time makes us a more productive, more competitive, better fulfilled society.

Quality of work is an idea whose time has come. You represent the groups that have the power to implement it. Your survival and our future national economic strength may well depend upon your decisions and the extent of your commitment.

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### How Much Is the American Work Ethic Changing?

(By George Gallup, Jr., President, American Institute of Public Opinion)

Mr. Naisbitt, Ladies & Gentlemen. At the investigation of Mr. Naisbitt and the Urban Research Corporation, the Gallup Organization sought to seek fresh insight regarding the current status of the work ethic in America. I think we've come up with some important findings and I'm pleased to report these to you tonight for the first time.

Our findings lend to the conclusion is that there are absolutely no problems—so there will be no conference and you can all go home.

Much valuable information has been produced by the flood of books and article about worker dissatisfaction and productivity—about the so-called "blue collar blues" and the "white-collar woes". At the same time, however, the conclusions are frequently contradictory and range from the belief that work has suddenly become a four-letter word in this country to the belief that the problem of worker dissatisfaction exists only



in the minds of sociologists looking for something to worry about.

The fact remains, however, that our nation in recent years has faltered in making real gains in productivity. Actually, since 1965, the U.S. has demonstrated the worst productivity record of any major power. Attitudes on work clearly differ from country to country. There are certain very obvious signs. In Japan, workers lustily sing songs which ring with the praises of their company or employer. Can you imagine American workers marching along, with voices raised in unison, singing "Fight on for United Conglomerate"?

At any rate, the U.S. government for some time has been worrying about how to increase productivity in this country, which would help relieve inflationary pressures and make American products more competitive in world markets.

I think all of us would agree that there is much to be learned about the mood of workers in the United States—about attitudes on the "work ethic"—and that we should do all we can to gain this knowledge. If, as some observers feel, worker dissatisfaction is limited to a vocal minority, it is still true that, in the case of a nation's workforce, "a little dissatisfaction goes a long way."

As you know, a government task force recently produced a report entitled "Work in America". This conclusion was drawn:

Because work is central to the lives of so many Americans, either the absence of work or employment in meaningless work is creating an increasingly intolerable situation. The human costs of this state of affairs are manifested in worker alienation, alcoholism, drug addiction and other symptoms of poor mental health . . . A great part of the staggering national bill in the areas of crime and delinquency, mental and physical health, manpower and welfare are generated in our national policies and attitudes toward work.

Trying to increase productivity is an extremely difficult task since many factors are involved—technology, economic controls, social welfare programs, and "make-work" projects or "feather-bedding"—which is, as you know, the practice of some labor unions of requiring more men than are actually needed to do a particular job.

The practice of feather-bedding is currently under fire from some quarters since it runs head-on into the drive to increase productivity in this country.

A recent Gallup Poll shows that a majority of Americans, 55 per cent, would like to see a law passed which would outlaw feather-bedding. Of particular interest are the views of persons in labor union families. The results show as many union people against feather-bedding as in favor of it.

While many factors are involved in the attempt to increase the productivity rate in the United States, one factor of vital importance is, of course, the attitudes of workers. Newsweek in its recent excellent cover article, "Who Wants to Work", said:

"The mood of this vast work force is obviously of tremendous importance to the country as a whole as well as to the individuals themselves. Worker attitudes affect productivity—how competitive the nation is versus nations such as Japan and how high America's standard of living can go. On a more philosophic but no less significant level, a nation's attitude toward work is a reflection of its sense of itself. The work ethic President Nixon is so fond of celebrating involves not only a job but a way of life."

We at the Gallup Organization have only begun to research the problem of worker dissatisfaction and productivity. However, in a recent nationwide survey, which I am reporting for the first time, we sought to turn over new ground. Specifically, we attempted to:

1. Take an up-to-date reading on worker satisfaction, using a social indicator which we first used nearly a quarter of a century ago.

2. Measure the degree of satisfaction or dissatisfaction.

3. Find out among which groups dissatisfaction is concentrated.

4. Determine as nearly as possible the reasons people have for being dissatisfied—or satisfied—with their work.

5. Learn what we can do about how hard Americans are working and to find out why they don't work harder.

6. And, finally, to gain some insight into the relationship between job satisfaction and productivity.

The survey reached 1,520 adults, 18 and older, in personal interviews conducted in late January in more than 300 scientifically selected localities across the nation. The findings can be projected to the total adult civilian non-institutionalized population which now numbers approximately 136 million.

Before presenting our latest findings, I would like to comment briefly on the Gallup Poll findings presented in the *Newsweek* article. The article said:

"But in actual fact, the thesis that most Americans are indeed contented with their jobs finds powerful support among public-opinion specialists and some thinkers.

"For example, a Gallup Poll reports that, contrary to what HEW and the others say, eight out of ten Americans are satisfied with the work they do. And the situation is getting better, not worse, says Gallup. Back in 1949, 'three out of ten whites and nearly half of blacks said they were dissatisfied or had qualifications about the work they were doing' vs. the two out of ten for today, according to Gallup."

While this statement is indeed true—there is a big difference between 1949 and today in terms of job satisfaction—we have a still later figure than the proportion quoted in Newsweek and it shows a change.

Now I would like to give our latest survey results. The first finding that stands out is the finding that job satisfaction in the U.S. remains extremely high—77 adults in every 100 say they are satisfied with the work they do. This is not only a high proportion in itself, but it is high when compared to data from other nations. For example, job satisfaction in Great Britain, according to a Gallup Poll taken last year, was at 68 per cent.

In addition, nearly half of all persons interviewed (48 per cent) in our latest survey say they are "very satisfied". Only 11 per cent say they are dissatisfied and a very small proportion say they are "very dissatisfied"—only 3 per cent.

But the next point is equally important. While job satisfaction remains high, the trend over the last four years merits close attention, inasmuch as it shows a 10 point drop in job satisfaction over the period of four years. Between the two latest surveys, only 13 months apart, the decline has been 7 points. Projected to numbers of people, this means that roughly three-quarters of a million people left the ranks of the satisfied each month during this 13 month period. If this rate were to continue, the job satisfaction index would be at about the 50 per cent level in only four years time.

But before becoming overly alarmed, we should examine the trend more closely. It will be seen that, while the satisfaction percentage has dropped 7 points in just a little over a year, there has not been a corresponding increase in the percentage who say they are dissatisfied. In fact, more than half of those who have left the ranks of the satisfied during the last 13 months can now be found among those who express "no opinion" or uncertainty.

This, I think, can be considered good news, since it should be easier to win back those who are wavering than those who are firmly dissatisfied.

And it is this group of persons who are presently neither definitely satisfied nor definitely disatisfied who, presumably, would be particularly susceptible to recent efforts to improve the mood of workers and promote productivity.

A survey, of more than 600 firms, recently conducted by Prentice-Hall and the American Society for Personnel Administration, and reported in the *Wall Street Journal*, shows that almost half have formal work-measure plans and 20 per cent of those plan to expand them. One-fourth of the firms have tried job enrichment, and two out of three are pleased with the impact on output. Many say they will expand efforts to improve employee job satisfaction. About 46% of the companies tie incentive pay to work measurements.

Analysis of the survey findings by occupation groups, sex, education, age and race reveal this important finding: the decline in job satisfaction since 1969 has been "across-the-board." This would indicate that the sources for this dissatisfaction—or uncertainty—must be looked for not only on the production line but behind the sales counter and in the board room.

At the same time, however, the decline in job satisfaction has been particularly marked in the case of Blacks and young persons.

A posible reason for the sharp decline in job satisfaction among Blacks is the fact that they are particularly hard hit by inflation, since many have relatively low incomes.

The trend among young people should be examined carefully. It is vitally important to look at the attitude of young persons in the work force, since they will provide much of the energy and creativity behind productivity for the remaining quarter of this century.

It is perhaps to be expected that young adults in their twenties would not be as bullish about work as older persons, since many are in the process of trying to settle into a job that suits them. Yet the tables show an accelerated trend. While job satisfaction has declined 8 points since 1969 among persons 30 to 49 years old, and 9 points among those 50 and over, the drop has been 14 points among adults under 30 years of age.

Job satisfaction has declined somewhat over the last four years, but this trend should not be read apart from other trends.

Since 1949 the Gallup Poll has employed social indicators which reveal satisfaction levels in terms of housing, income, education, and so forth. When satisfaction with housing, income and education were on an upswing, between 1949 and 1969, job satisfaction showed a comparable uptrend. And the decline in job satisfaction since 1969 has been accompanied by downtrends in terms of housing, income and education.

In addition, a close relationship between job satisfaction and other satisfactions is found when the views of those who are satisfied with their work are compared with those who are not, as revealed by the table in the report. In the case of every item there is a wide difference in views—satisfaction with income, quality of life, housing, standard of living, the future facing one's family, the education of one's children, the way the nation is being governed.

Another important factor related to a decline in job satisfaction could be worry over inflation. Recent Gallup surveys show six in every ten persons naming inflation as one of the nations' two top problems. The public's current concern about high prices is underlined by a recent Gallup survey on the cost of living. The median estimate of what a family of four needs per week to make ends meet has climbed dramatically to a record high of $149 today, representing a nearly 50 per cent increase since 1967, when the estimate was $101.

Now, let's examine the key background characteristics of the "very satisfied" worker versus the "very dissatisfied" worker. A profile of the person who is "very satisfied" with his job reveals that he is likely to be white,

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middle-aged, with a college background, and in business or the professions.

In sharp contrast is the "very dissatisfied" worker. Here is his profile: He is likely to be non-white, young, with less than a college background and an unskilled manual worker.

Those who said they were satisfied were asked to give their reasons.

The chief reason is "enjoyment of their work", named by 39 per cent, followed by "good pay", named by 17 per cent and the belief that their work "help society", offered as a reason by 15 per cent.

Of particular significance is the fact that, among persons who have a college background, as many give as their main reason the belief that their work "helps society" as name enjoyment of their work.

More than one observer has expressed the belief that the fastest cure for worker dissatisfaction is a fat pay check. Yet, when we examine the reasons given by wage earners who are dissatisfied with their jobs, nonpecuniary reasons are seen to outweigh the money factor. I must stress, however, that the sample base is small for this table and the results are therefore subject to considerable sampling error.

A key question is—what is the relationship between job classification and productivity? One doesn't need a survey to draw the conclusion that a happy worker is going to be more active and a better producer than a disgruntled and unmotivated worker. The question is, to what extent is there a relationship?

A cross-tabulation of survey findings is most revealing on this score. Among those in the survey who say they are "very satisfied" with their jobs, 22 per cent say they could accomplish thirty per cent or more per day. In sharp contrast, among those in the survey who say they are "very dissatisfied" with their jobs, 38 per cent say they could accomplish thirty per cent or more per day.

Fifty-one per cent of persons in the latest survey think Americans are not turning out as much work each day as they should, with the proportion six in ten among persons in business or the professions.

When asked if they themselves could accomplish more each day if they tried, a majority of 54 per cent said yes. Among young persons the figure is 67 per cent.

Asked how much more they could accomplish, 4 in 10 in the national sample said 20 per cent or more.

Why don't people work harder? Good solid clues as to the appropriate steps that should be taken, both by business and government, are seen in the answers people give for not trying to accomplish more each day.

Some workers apparently feel they would not benefit from making a greater effort and increasing their productivity. Some, particularly young adults, cite "lack of incentive". Others say they would not get paid for accomplishing more, while still others indicate a lack of interest in their work.

The findings I have presented here tonight seem to me to give clear indication that worker morale in the United States is not on the verge of collapse—that the typical American in both white-collar and blue-collar jobs, is, by and large, content.

But I think it is also true that there is a greater degree of discontent today than we have found for a number of years—particularly among young persons. I think it is safe to say that young workers dissatisfied with their jobs pose a growing threat to U.S. industrial output.

With the steady rise in formal education in this country, youth have come to expect more—and so they will increasingly be asking questions such as: What is my company doing to help society as a whole? Where do I fit into the picture—will my efforts contribute to the greater good of society? Unless the young worker of today can answer these questions to his own satisfaction, he will not be putting his best effort into his work—and the productivity level in this country can be expected to slide.

JOB SATISFACTION

"On the whole, would you say you are satisfied or dissatisfied with the work you do?"

NATIONWIDE

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| January 1949 | 67 | 20 | 13 |
| July 1963 | 85 | 11 | 4 |
| September 1965 | 82 | 13 | 5 |
| November 1966 | 86 | 8 | 6 |
| —10 pts.: | | | |
| April 1969 | 87 | 7 | 6 |
| December 1971 | 84 | 9 | 7 |
| January 1973 | 77 | 11 | 12 |

*Job satisfaction—Degree of satisfaction and dissatisfaction*

| | Percent |
|---|---|
| Very satisfied | 48 |
| Somewhat satisfied | 22 |
| Undecided | 7 |
| Total satisfied | 77 |
| Very dissatisfied | 8 |
| Somewhat dissatisfied | 7 |
| Undecided | 1 |
| Total dissatisfied | 11 |
| No opinion | 12 |
| Grand total | 100 |

JOB SATISFACTION—MANUAL WORKERS

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| 1949 | 61 | 26 | 13 |
| 1963 | 67 | 31 | 2 |
| 1965 | 80 | 14 | 5 |
| 1966 | 86 | 9 | 5 |
| —6 pts.: | | | |
| 1969 | 86 | 10 | 4 |
| 1971 | 84 | 12 | 4 |
| 1973 | 80 | 13 | 9 |

JOB SATISFACTION—CLERICAL AND SALES (WHITE-COLLAR)

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| 1949 | 70 | 19 | 11 |
| 1963 | 78 | 19 | 3 |
| 1965 | 82 | 13 | 5 |
| 1966 | 89 | 8 | 3 |
| +11 pts.: | | | |
| 1969 | 92 | 5 | 3 |
| 1971 | 86 | 12 | 2 |
| 1973 | 81 | 13 | 6 |

JOB SATISFACTION—PROFESSIONAL AND BUSINESS

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| 1949 | 80 | 11 | 9 |
| 1963 | 76 | 20 | 4 |
| 1965 | 92 | 7 | 1 |
| 1966 | 94 | 5 | 1 |
| —8 pts.: | | | |
| 1969 | 93 | 4 | 3 |
| 1971 | 93 | 4 | 3 |
| 1973 | 85 | 10 | 5 |

JOB SATISFACTION—BY SEX

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| MEN: | | | |
| 1949 | 67 | 19 | 14 |
| 1963 | 87 | 10 | 3 |
| 1965 | 84 | 11 | 5 |
| 1966 | 86 | 8 | 6 |
| —10 pts.: | | | |
| 1969 | 88 | 7 | 5 |
| 1971 | 83 | 12 | 5 |
| 1973 | 78 | 12 | 10 |
| WOMEN | | | |
| 1949 | 66 | 22 | 12 |
| 1963 | 84 | 10 | 6 |
| 1965 | 80 | 14 | 6 |
| 1966 | 86 | 8 | 6 |
| —11 pts.: | | | |
| 1969 | 87 | 7 | 6 |
| 1971 | 84 | 7 | 9 |
| 1973 | 76 | 10 | 14 |

JOB SATISFACTION—EDUCATION

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| COLLEGE | | | |
| 1949 | 78 | 11 | 11 |
| 1963 | 92 | 6 | 2 |
| 1965 | 89 | 8 | 3 |
| 1966 | 91 | 6 | 3 |
| —7 pts.: | | | |
| 1969 | 91 | 6 | 3 |
| 1971 | 88 | 7 | 5 |
| 1973 | 84 | 10 | 6 |
| HIGH SCHOOL | | | |
| 1949 | 70 | 21 | 9 |
| 1963 | 86 | 11 | 3 |
| 1965 | 86 | 10 | 4 |
| 1966 | 87 | 9 | 4 |
| —14 pts.: | | | |
| 1969 | 89 | 7 | 4 |
| 1971 | 84 | 10 | 6 |
| 1973 | 75 | 13 | 12 |
| GRADE SCHOOL | | | |
| 1949 | 59 | 23 | 18 |
| 1963 | 80 | 12 | 8 |
| 1965 | 71 | 19 | 10 |
| 1966 | 81 | 9 | 10 |
| —10 pts.: | | | |
| 1969 | 81 | 8 | 11 |
| 1971 | 78 | 10 | 12 |
| 1973 | 71 | 9 | 20 |

JOB SATISFACTION—BY AGE

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| UNDER 30 YEARS | | | |
| 1949 | 66 | 24 | 10 |
| 1963 | 79 | 14 | 7 |
| 1965 | 79 | 14 | 7 |
| 1966 | 87 | 10 | 3 |
| —14 pts.: | | | |
| 1969 | 86 | 10 | 4 |
| 1971 | 82 | 12 | 6 |
| 1973 | 72 | 20 | 8 |
| 30-49 YEARS | | | |
| 1949 | 73 | 20 | 7 |
| 1963 | 87 | 11 | 2 |
| 1965 | 86 | 13 | 7 |
| 1966 | 87 | 11 | 2 |
| —8 pts.: | | | |
| 1969 | 91 | 6 | 3 |
| 1971 | 87 | 9 | 4 |
| 1973 | 83 | 9 | 8 |
| 50 AND OVER | | | |
| 1949 | 58 | 19 | 23 |
| 1963 | 83 | 9 | 8 |
| 1965 | 80 | 9 | 9 |
| 1966 | 85 | 5 | 10 |
| —9 pts.: | | | |
| 1969 | 83 | 7 | 10 |
| 1971 | 81 | 8 | 11 |
| 1973 | 74 | 7 | 19 |

JOB SATISFACTION—BY RACE

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| WHITES | | | |
| 1949 | 69 | 19 | 12 |
| 1963 | 90 | 7 | 3 |
| 1966 | 87 | 8 | 5 |
| —8 pts.: | | | |
| 1969 | 88 | 6 | 6 |
| 1971 | 85 | 9 | 8 |
| 1973 | 80 | 10 | 10 |
| NONWHITES | | | |
| 1949 | 55 | 33 | 12 |
| 1963 | 54 | 33 | 13 |
| 1966 | 69 | 18 | 13 |
| —23 pts.: | | | |
| 1969 | 76 | 18 | 6 |
| 1971 | 68 | 21 | 11 |
| 1973 [1] | 53 | 22 | 25 |

[1] Results for nonwhites for 1973 based on only 1 survey and therefore subject to wide sampling error.

*Profile of the person "Very Satisfied" with his job*

| | Percent |
|---|---|
| National | 48 |
| Whites | 50 |
| Non-Whites | 26 |
| College | 53 |
| High school | 47 |
| Grade school | 43 |
| 18-29 years | 41 |
| 30-49 years | 53 |
| 50 and over | 47 |
| Professional and business | 55 |
| Clerical and sales | 51 |
| Manual labor | 48 |
| Skilled | 52 |
| Unskilled | 45 |
| $15,000 and over | 55 |
| $10,000-$14,999 | 47 |
| $7,000-$9,999 | 59 |
| $5,000-$6,999 | 47 |
| $3,000-$4,999 | 37 |
| Under $3,000 | 26 |

*Profile of the person "Very Dissatisfied" with his job*

| | Percent |
|---|---|
| National | 11 |
| Whites | 10 |
| Non-whites | 22 |
| College | 10 |
| High school | 13 |
| Grade school | 9 |
| 18-29 years | 20 |
| 30-49 years | 9 |
| 50 and over | 7 |
| Professional and business | 11 |
| Clerical and sales | 13 |
| Manual labor | 14 |
| Skilled | 8 |
| Unskilled | 18 |
| $15,000 and over | 10 |
| $10,000-$14,000 | 11 |
| $7,000-$9,999 | 10 |
| $5,000-$6,999 | 15 |
| $3,000-$4,999 | 15 |
| Under $3,000 | 10 |

*Job satisfaction—Reasons satisfied (wage earners, nationwide)*

| | Percent |
|---|---|
| 1. Enjoy my work | 39 |
| 2. Good pay | 17 |
| 3. Helps society | 15 |
| 4. Like people work with | 11 |
| 5. Interesting work | 8 |
| 6. Good working conditions | 7 |
| 7. Challenging job | 5 |

*Job satisfaction—Reasons satisfied (wage earners, college)*

| | Percent |
|---|---|
| 1. Helps society | 30 |
| 2. Enjoy my work | 30 |
| 3. Good pay | 15 |
| 4. Interesting work | 13 |
| 5. Like people work with | 10 |
| Challenging job | 10 |
| 6. I work my own time | 5 |

*Job satisfaction—Reasons satisfied (wage earners, 18-30 years)*

| | Percent |
|---|---|
| 1. Enjoy my work | 37 |
| 2. Help society | 17 |
| 3. Like people work with | 16 |
| 4. Good pay | 15 |
| 5. Interesting work | 13 |
| 6. Challenging job | 6 |
| Good working conditions | 6 |

*Job dissatisfaction—Reasons dissatisfied (wage earners, nationwide)*

| | Percent |
|---|---|
| 1. Poor wages | 34 |
| 2. Boring job | 20 |
| 3. Not doing what I want to | 17 |
| 4. Have to work too hard | 10 |
| 5. Being held back | 9 |
| 6. Hours too long | 8 |
| 7. Not many benefits | 5 |

JOB SATISFACTION RELATED TO OTHER SATISFACTIONS [1]

| | Those satisfied with job (percent) | Those dissatisfied with job (percent) | Difference (pts.) |
|---|---|---|---|
| a. Satisfied with income | 68 | 34 | 34 |
| b. Satisfied with quality of life | 79 | 48 | 31 |
| c. Satisfied with housing | 77 | 51 | 26 |
| d. Satisfied with standard of living | 81 | 55 | 26 |
| e. Satisfied with future facing you and your family | 61 | 36 | 25 |
| f. Satisfied with education children are receiving | 62 | 45 | 17 |
| g. Satisfied with way Nation is being governed | 39 | 22 | 17 |

[1] Based on 1971 surveys.

*Relationship between job satisfaction and productivity*

(NOTE.—Percent saying could accomplish 30% or more per day.)

| | Percent |
|---|---|
| Those "very satisfied" with job | 22 |
| Those "very dissatisfied" with job | 38 |

*Productivity*

"Some persons claim that American workers are not turning out as much work each day as they should. Do you agree or disagree with this?"

| Percentage of agreeing: | Percent |
|---|---|
| National | 51 |
| Men | 57 |
| Women | 47 |
| College | 58 |
| High school | 51 |
| Grade school | 42 |
| Under 30 years | 45 |
| 30-49 years | 53 |
| 50 and over | 54 |
| Professional and business | 60 |
| Clerical and sales | 63 |
| Manual workers | 45 |

*Productivity—Self appraisal*

"In your own case, could you accomplish more each day if you tried?"

| Percentage of saying Yes: | Percent |
|---|---|
| National | 54 |
| Men | 53 |
| Women | 55 |
| College | 64 |
| High school | 55 |
| Grade school | 40 |
| Under 30 years | 67 |
| 30-49 years | 60 |
| 50 and over | 39 |
| Professional and business | 66 |
| Clerical and sales | 67 |
| Manual workers | 52 |

*Productivity*

"How much more could you accomplish each day if you tried?" (asked of those who say they could accomplish more)

| | Percent |
|---|---|
| Ten percent | 14 |
| Twenty percent | 16 |
| Thirty percent | 10 |
| Forty percent | 4 |
| Fifty percent | 5 |
| Over 50 percent | 3 |
| Do not know/no answer | 2 |
| Total | 54 |

*Productivity—Why not try to accomplish more? (Wage earners, nationwide)*

| | Percent |
|---|---|
| 1. No incentive | 6 |
| 2. I do not push myself | 5 |
| 3. I lack initiative | 4 |
| Too many things to do at once | 4 |
| 4. Do not get paid for accomplishing more | 3 |
| 5. No one else does—why should I? | 3 |
| 6. Disinterested in work | 3 |
| 7. Get too tired | 3 |
| 8. Health problems limit me | 3 |

*Productivity—Why not try to accomplish More? (Wage earners, 18-32 years)*

| | Percent |
|---|---|
| 1. No incentive | 11 |
| 2. I lack initiative | 8 |
| 3. Disinterested in work | 6 |
| Don't push myself | 6 |
| 4. Too many things to do at once | 5 |
| Get too tired | 5 |

DESIGN OF THE SAMPLE

The design of the sample is that of a replicated probability sample down to the block level in the case of urban areas and to segments of townships in the case of rural areas.

After stratifying the nation geopraphically and by size of community in order to insure conformity of the sample with the lastest available estimates by the Census Bureau of the distribution of the adult population, about 320 different sampling locations or areas were selected on a strictly random basis. The interviewers had no choice whatsoever concerning the part of the city or county in which they conducted their interviews.

Approximately 5 interviews were conducted in each such randomly selected sampling point. Interviewers were given maps of the area to which they were assigned, with a starting point indicated, and required to follow a specified direction. At each occupied dwelling unit, interviewers were instructed to select respondents by following a prescribed systematic method and by a male-female assignment. This procedure was followed until the assigned number of interviews was completed.

Since this sampling procedure is designed to produce a sample which approximates the adult civilian population (21 and older) living in private households in the U.S. (that is, excluding those in prisons and hospitals, hotels, religious and educational institutions, and on military reservations), the survey results can be applied to this population for the purpose of projecting percentages into number of people. The manner in which the sample is drawn also produces a sample which approximates the population of private households in the United States. Therefore, survey results can also be projected in terms of number of households when appropriate.

SAMPLING TOLERANCES

In interpreting survey results, it should be borne in mind that all sample surveys are subject to sampling error, that is, the extent to which the results may differ from what would be obtained if the whole population surveyed had been interviewed. The size of such sampling errors depends largely on the number of interviews.

The following tables may be used in estimating the sampling error of any percentage in this report. The computed allowances have taken into account the effect of the sample design upon sampling error. They may be interpreted as indicating the range (plus or minus the figure shown) within which the results of repeated samplings in the same time period could be expected to vary, 95 per cent of the time, assuming the same sampling procedure, the same interviewers, and the same questionnaire.

Table A shows how much allowance should be made for the sampling error of a percentage.

The table would be used in the following manner: Let us say a reported percentage is 33 for a group which includes 1500 respond-



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ents. Then we go to row "percentages near 30" in the table and go across to the column headed "1500." The number at this point is 3, which means that the 33 per cent obtained in the sample is subject to a sampling error of plus or minus 3 points. Another way of saying it is that very probably (95 chances out of 100) the average of repeated samplings would be somewhere between 30 and 36, with the most likely figure the 33 obtained.

In comparing survey results in two samples, such as men and women, the question arises as to how large must a difference between them be before one can be reasonably sure that it reflects a real difference. In tables B and C, the number of points which must be allowed for, in such comparisons, is indicated.

Two tables are provided. One is for percentages near 20 or 80; the other for percentages near 50. For percentages in between, the error to be allowed for is between that shown in the two tables.

Here is an example of how the tables would be used: Let us say that 50 per cent of men respond a certain way and 40 per cent of women respond that way also, for a difference of 10 percentage points between them. Can we say with any assurance that the 10-point difference reflects a real difference between men and women on the question? The sample contains approximately 750 men and 750 women.

Since the percentages are near 50, we consult Table B, and since the two samples are about 750 persons each, we look for the number in the column headed "750" which is also in the row designated "750." We find the number 6 here. This means that the allowance for error should be 6 points, and that in concluding that the percentage among men is somewhere between 4 and 16 points higher than the percentage among women we should be wrong only about 5 per cent of the time. In other words, we can conclude with considerable confidence that it amounts to at least 4 percentage points.

If, in another case, men's responses amount to 22 per cent, say, and women's 24 per cent, we consult Table B because these percentages are near 20. We look in the column headed "750" and see that the number is 5. Obviously, then, the 2-point difference is inconclusive.

TABLE A.—RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF A PERCENTAGE

| | In percentage points (at 95 in 100 confidence level)[1] sample | | | | | | |
|---|---|---|---|---|---|---|---|
| | 1500 | 1000 | 750 | 600 | 400 | 200 | 100 |
| Percentages near 10 | 2 | 2 | 3 | 3 | 4 | 5 | 7 |
| Percentages near 20 | 2 | 3 | 4 | 4 | 5 | 7 | 9 |
| Percentages near 30 | 3 | 4 | 4 | 4 | 6 | 8 | 10 |
| Percentages near 40 | 3 | 4 | 4 | 5 | 6 | 8 | 11 |
| Percentages near 50 | 3 | 4 | 4 | 5 | 6 | 8 | 11 |
| Percentages near 60 | 3 | 4 | 4 | 5 | 6 | 8 | 11 |
| Percentages near 70 | 3 | 4 | 4 | 4 | 6 | 8 | 10 |
| Percentages near 80 | 2 | 3 | 4 | 4 | 5 | 7 | 9 |
| Percentages near 90 | 2 | 2 | 3 | 3 | 4 | 5 | 7 |

[1]The chances are 95 in 100 that the sampling error is not larger than the figures shown.

TABLE B.—RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF THE DIFFERENCE

| | In percentage points (at 95 in 100 confidence level);[1] percentages near 20 or percentages near 80 | | | |
|---|---|---|---|---|
| | 750 | 600 | 400 | 200 |
| Size of the sample: | | | | |
| 750 | 5 | | | |
| 600 | 5 | 6 | | |
| 400 | 6 | 6 | 7 | |
| 200 | 8 | 8 | 8 | 10 |

[1] The chances are 95 in 100 that the sampling error is not larger than the figures shown.

TABLE C

| | Percentages near 50 | | | |
|---|---|---|---|---|
| | 750 | 600 | 400 | 200 |
| Size of the sample: | | | | |
| 750 | 6 | | | |
| 600 | 7 | 7 | | |
| 400 | 7 | 8 | 8 | |
| 200 | 10 | 10 | 10 | 12 |

### It's Their Company, Too

(By Robert D. Lilley, President, American Telephone and Telegraph Co.)

The participation in a meeting such as this by representatives from business, labor, government and education is, I feel, a clear demonstration that America is genuinely concerned about its working people. If there is a single theme that has prevailed here, it is this: we are serious indeed about finding—and implementing—responsive, innovative means of meeting the changing needs and expectations of working men and women.

It is imperative for all concerned that we reach a fuller understanding of what can be done to provide an environment in which employees can perform to the best of their ability, and, when they go home at night, feel that it was worth it.

Needless to say, this isn't an easy task we have assigned ourselves. In the Bell System, for example, we have one million employees, and they range from the messenger who dropped out of high school to the scientist from M.I.T.; from the installer with six months' service to the foreman who has four decades of experience; from the programmer who works in a comfortable office to the splicer who must be outside in all kinds of bad weather. Our efforts, whatever they are, need to be directed to all of them.

How successfully we meet the challenge will bear strongly on how well we, as a corporation or a government agency or whatever, perform our function. For the Bell System, that function is service. Each business day of the year, some 400 million messages are carried on our nationwide telecommunications network. That means 400 million contacts a day with our customers, and that isn't counting the many, many face-to-face contacts that occur every day of the year. Not everyone making a call actually talks to a telephone employee, of course, but one way or another the question of whether customers get the kind of service they want depends to a large extent on how well our people have done their job.

So the attitudes—the work ethics, if you will—of employees is of particular concern to us, as it is to any organization with service responsibilities.

A couple of months ago I talked to a group of retired telephone people, and I knew that one of the things they most wanted to hear about was today's telephone employees. What kind of people are they? What kind of job do they do? Do they have the same spirit of service that their predecessors had? These are reasonable questions, especially when there seems to be an increasingly popular notion that young Americans don't like to work and they make cantankerous, rebellious employees who do a slipshod job.

I'll tell you what I told them: Most of the young men and young women coming into the telephone business today—like most of our longer-service employees—are good workers. What's more, they display a very real desire to serve the public well. I assured the audience that these are people who take pride in their work—and who we can take pride in.

We ended 1972 with only about 400 more employees than we started the year with. Yet at year's end we were handling a volume of business fully 10 per cent higher than we were at the beginning. Taking a closer look at this, the traditional measure of productivity in the telephone business is the number of employees it takes to serve 10,000 telephones. In 1971 it took 77 employees to serve 10,000 phones. Last year it took 73. We could not have accomplished that kind of increased productivity if our younger employees—who account for more than 50 per cent of our total work force—were lazy or non-productive.

There is no question, however, that there are important differences between yesterday's and today's employee, and that some of these differences are revealed in the attitudes and priorities that young people bring to the job.

They tend to reject jobs that are menial, unpleasant or boring. They resent arbitrary displays of authority. They are turned off by policies or work rules which seem to unduly restrict their freedom or undermine their individuality. Yesterday's employee felt the same way, but today's employee is quicker to let you know about it.

Where once it was thought that good wages, job security and attractive fringe benefits were enough to insure hard work, high productivity and employee loyalty, we are witnessing the emergence of a new dimension in employer-employee relations. It isn't that economic priorities aren't still important to working people, but an increasing number of employees now want—and expect—more from their jobs. They want to derive some sense of satisfaction from work. They want their hours spent on the job to be interesting and challenging. They want a chance to get ahead.

It is factors such as these—and a good many more—that are creating what we are now calling the changing work ethic. While some of the changes taking place may cause us some fitful hours, I see no cause in the long run for either alarm or dismay.

That young people don't want jobs that are unsatisfying to them doesn't reflect unfavorably on their attitude toward work. Just the opposite. It indicates that they care what they do with their lives. They don't want to feel that they are wasting their lives. Nor should it be disturbing that they question old ways of doing things and demand to try new ways. That's what we need. We stand still if we don't experiment, if we don't innovate.

On the basis of what I see in the Bell System, I agree with those who argue that the younger generation does take work seriously. There are exceptions, of course, but most recognize that work is a necessary part of life and they want to make the best of it. Or, as our contemporary "Adam Smith" puts it: ". . . people like to work, as opposed to not working or hanging around the house . . . Given any degree of pleasantness, encouragement and satisfaction, they would go to work even without the exhortations of the Ethic."

As with any change, there are bound to be some growing pains. And so it is with the changing work ethic. We see signs of dissatisfaction on the assembly line as well as among some young, college-educated managers who are finding the transition into the world of work to be harder than they expected.

Frankly, I'm not sure we can—or could ever hope to—eliminate dissatisfaction in all cases. The expectations of young people in our society are exceedingly high—for some, I suspect, unrealistically so. I am told, for example, that we are graduating more students from colleges than we have jobs that truly require college degrees. We have led our young people to believe that a college diploma was their pass to the good life, and some are deciding—or have discovered—that it ain't necessarily so.

Dissatisfaction, whatever its cause, is often expressed in absenteeism, poor workmanship, disinterest and so on—sometimes in alcoholism and drug use. But, as you have heard here these past two days, it can be substantially diminished, even eliminated in many instances, if we structure and restructure jobs and the organization of work in such a way that competent people will find work a challenging, rewarding and involving experience.

What I am leading up to, of course, is job enrichment. Bob Ford, who has been AT&T's guiding genius in these matters for some years now, had a workshop here yesterday; so I know some of you are familiar with our efforts in this direction. I'm not going to get into it very deeply or throw out a lot of examples, but I thought I would at least offer you our rationale for moving ahead with this concept.

In many craft jobs, for example, we found the work arranged in such a way that just about everything was keyed to the average person. We also found that there was overlapping of job modules between the various craft levels, and that this was causing craftsmen to take a passive, tell-me-what-to-do approach to their work. Under this sort of arrangement, above-average and outstanding people weren't achieving as well as they could. It was obvious that if we didn't bolster the jobs of these high-potential employees—i.e., give them a good module of work with control over it and effective feedback—we stood to lose them.

We are still a long way from fully implementing this concept throughout the Bell System, but I think there is a general agreement that the old theories about fragmenting jobs to achieve efficiency, cost reductions and productivity can have just the opposite results.

Two other points about this ought to be made, I think. One is that you have to expect some problems. For instance, not all workers have the aptitude to handle improved job modules and not all managers are eager to give up any of their supervisory prerogatives. The other thing is that this is not the total answer. It has to be used in conjunction with other management techniques and other management programs—in addition, I hasten to add, to good wage and benefit schedules.

I'm well aware, as I know you are, that the labor movement has been raising serious questions about industry's intentions. Some labor spokesmen, as the Wall Street Journal pointed out recently, view job enrichment as a scheme for getting more work out of fewer workers.

Managing people involves a whole range of interrelated objectives. One is communicating to employees those kinds of information that are of real interest to them. Survey after survey of employee communications media turns up requests for more information that employees can relate to their own jobs, to their part of the business. The other side of the coin is upward communications—making certain that avenues are available for employees to, in effect, talk back to management.

A sustained effort also must be made to take human needs into consideration when industry develops new kinds of equipment. It isn't enough to ask whether employees can operate a piece of gear. We have to ask ourselves, will they? AT&T and Bell Telephone Laboratories recently set up a task force to dig into this problem, to make sure that human needs are considered at the design stage. It's too late when new equipment is introduced into a central office or an operating center to find that it will dehumanize or bore the person who must use it.

One of our best success stories to date has been in the northern operating area of the Chesapeake and Potomac Telephone Company of Virginia. Chip Pfautz and Wendell Kenyon from the C&P Company talked about this program at a workshop yesterday afternoon. This was a situation where the Company took a full human resources approach that cut across departmental boundary lines and where key managers threw their full support behind the program.

Along with a few people from our Human Resources Development group at AT&T, I spent a day down there not too long ago talking to employees who were involved in the program. It was an encouraging day.

When the employees talked about the Company and their jobs, they did so in terms of my customer, my directory, my Company. They talk about the Company standing behind them and treating them as individuals. On the plane back to New York, I thought, "Now if we can only get all one million to feel like that."

That's not a bad goal to reach for.

Thank you.



## DISASTROUS IMPACT OF BUDGET CUTS IN MINNESOTA

Mr. MONDALE. Mr. President, the President's proposed cuts in the social services area will have a profound impact on the people in my State of Minnesota. I have received many letters concerning these cuts and I would like to share just two of them with my colleagues today.

The first letter, from Mr. Hannis Smith, director of the office of public libraries and interlibrary cooperation, points out the great accomplishments of the library program in Minnesota. He talks about the damage that would be done if the administration's request is upheld by Congress.

The second letter comes from Howard B. Casmey, commissioner of education in Minnesota, who points out the hardships that would occur if title III and V are terminated in the upcoming budget.

Mr. President, I share the concerns expressed by these Minnesota education leaders and I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMPACT OF ESEA TITLES III AND V TERMINATION

Pursuant to your request, the following information details the consequences in Minnesota of the Nixon administration's anticipated termination of ESEA Titles III and V.

TITLE III IMPLICATIONS

Intended to support educational innovation and reform, Title III has had decided impact on education in this state. The following list is descriptive of but a few categories of practices which have been stimulated and nurtured in particular communities through this program:

1. Education for the handicapped (Crookston, St. Paul, Minneapolis, Willmar, Marshall, Morris).

2. Technology utilization (TIES in the Seven County Metro. Area, Owatonna, Bloomington, Hopkins, St. Cloud, Montevideo, Osseo).

3. Individualization of Instruction (19 Southwestern counties, Stillwater, Lakeville, St. Paul, Winona, Roseville, Duluth).

4. Arts and Humanities (Minneapolis, Marshall and the entire Southwestern portion of the state, Alexandria, St. Paul, Mankato).

5. Human Relations (Minneapolis, Duluth, Rochester, Rosemount, Albert Lea).

6. Pre-school education (St. Paul, St. Cloud, Brainerd, Fridley).

7. Vocational Education (St. Paul Career Support Center, Minneapolis Work Opportunities Center, Little Falls, North St. Paul).

8. Accountability and Cost Effectiveness (Mora, Osseo, Kennedy, Staples, Duluth).

9. Environmental Education (Grand Marais, Albert Lea, Golden Valley, Windom).

This admittedly fragmentary list hopefully provides some intimation of Title III's responsiveness to educational needs specific to certain communities. It, furthermore, is our contention that the impact of this program may be displayed in numbers of pupils and educators served. During the 1971–72 school year 42,679 public elementary and secondary Minnesota pupils were directly enrolled in a Title III supported program. Additionally 4,151 non-public Minnesota pupils were enrolled in such programs. Public and non-public Minnesota educators who were directly involved with and affected by Title III activities numbered 3,153. If one is concerned regarding the dissemination of Title III practices, it is possible to demonstrate that some 466,000 Minnesota pupils were indirectly affected by Title III programs operating in schools or districts other than their own. Title III has also made significant contributions to educators' capabilities to perfrom needs assessments, to evaluate individuals and programs, and to develop some basic acquaintance with the concept of cost-benefits.

In the event that Title III is terminated as of June 30, 1973, some 28 projects will be obliged to conclude their activities between one and two years short of the three year financial life span which they had reason to expect if project evaluations were favorable. A total of 374 full and part-time individuals at the local district level will have to be terminated if already strapped district budgets cannot absorb them.

Perhaps, most significantly, a catalytic agent which has caused educators, laymen, and students to rigorously conceive and test new solutions to educational problems and opportunities will be replaced by a return to conventionalism and a reluctance to strive for educational improvement.

TITLE V IMPLICATIONS

Unlike some legislation of the last decade which has responded to limitations of certain agencies by simply establishing new agencies to assume non-performed or ill-managed functions, Title V was historic in its assertion of a belief in and a financial willingness to invest in State Departments of Education. Coming at a time when suspicion and mis-

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clues as to the appropriate steps that should be taken, both by business and government, are seen in the answers people give for not trying to accomplish more each day.

Some workers apparently feel they would not benefit from making a greater effort and increasing their productivity. Some, particularly young adults, cite "lack of incentive". Others say they would not get paid for accomplishing more, while still others indicate a lack of interest in their work.

The findings I have presented here tonight seem to me to give clear indication that [illegible] in the United States is not on the verge of collapse—that the typical American in both white-collar and blue-collar jobs is, by and large, content.

But I think it is also true that there is a greater degree of discontent today than we have found for a number of years, particularly among young persons. I think it is safe to say that young workers dissatisfied with their jobs pose a growing threat to U.S. industrial output.

With the steady rise in formal education in this country, youth have come to expect more—and so they will increasingly be asking questions such as: What is my company doing to help society as a whole? Where do I fit into the picture—will my efforts contribute to the greater good of society? Unless the young worker of today can answer these

| | | | |
|---|---|---|---|
| 1965 | 82 | 13 | 5 |
| 1966 | 89 | 8 | 3 |
| −11 pts.: | | | |
| 1969 | 92 | 5 | 3 |
| 1971 | 86 | 12 | 2 |
| 1973 | 81 | 13 | 6 |

JOB SATISFACTION—PROFESSIONAL AND BUSINESS

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| 1949 | 80 | 11 | 9 |
| 1963 | 92 | 7 | 1 |
| 1965 | 92 | 7 | 1 |
| 1966 | 94 | 5 | 1 |
| −8 pts.: | | | |
| 1969 | 93 | 4 | 3 |
| 1971 | 91 | 4 | 5 |
| 1973 | 85 | 10 | 5 |

JOB SATISFACTION BY SEX

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| MEN | | | |
| 1949 | 67 | 19 | 14 |
| 1963 | 87 | 10 | 3 |
| 1965 | 84 | 11 | 5 |
| 1966 | 86 | 8 | 6 |
| −10 pts.: | | | |
| 1969 | 88 | 7 | 5 |
| 1971 | 83 | 12 | 5 |
| 1973 | 78 | 12 | 10 |
| 1971 | 82 | 12 | 6 |
| 1973 | 72 | 20 | 8 |
| 30-49 YEARS | | | |
| 1949 | 73 | 20 | 7 |
| 1963 | 87 | 11 | 2 |
| 1965 | 86 | 13 | 7 |
| 1966 | 87 | 11 | 2 |
| −8 pts.: | | | |
| 1969 | 91 | 6 | 3 |
| 1971 | 87 | 9 | 4 |
| 1973 | 83 | 9 | 8 |
| 50 AND OVER | | | |
| 1949 | 58 | 19 | 23 |
| 1963 | 83 | 9 | 8 |
| 1965 | 89 | 9 | 9 |
| 1966 | 85 | 5 | 10 |
| −9 pts.: | | | |
| 1969 | 83 | 7 | 10 |
| 1971 | 81 | 8 | 11 |
| 1973 | 74 | 7 | 19 |

JOB SATISFACTION BY RACE

[In percent]

| | Satisfied | Dissatisfied | No opinion |
|---|---|---|---|
| WHITES | | | |
| 1949 | 69 | 19 | 12 |
| 1963 | 90 | 7 | 3 |
| 1966 | 87 | 8 | 5 |
| −8 pts.: | | | |
| 1969 | 88 | 6 | 6 |
| 1971 | 85 | 9 | 8 |
| 1973 | 80 | 10 | 10 |

| | |
|---|---|
| $3,000–$4,999 | 15 |
| Under $3,000 | 10 |

*Job satisfaction—Reasons satisfied (wage earners, nationwide)*

| | Percent |
|---|---|
| 1. Enjoy my work | 39 |
| 2. Good pay | 17 |
| 3. Helps society | 15 |
| 4. Like people work with | 11 |
| 5. Interesting work | 8 |
| 6. Good working conditions | 7 |
| 7. Challenging job | 5 |

*Job satisfaction—Reasons satisfied (wage earners, college)*

| | Percent |
|---|---|
| 1. Helps society | 30 |
| 2. Enjoy my work | 30 |
| 3. Good pay | 15 |
| 4. Interesting work | 13 |
| 5. Like people work with | 10 |
| Challenging job | 10 |
| 6. I work my own time | 4 |

*Job satisfaction—Reasons satisfied (wage earners, 18–30 years)*

| | Percent |
|---|---|
| 1. Enjoy my work | 37 |
| 2. Help society | 17 |
| 3. Like people work with | 16 |
| 4. Good pay | 15 |
| 5. Interesting work | 14 |
| 6. Challenging job | 6 |
| Good working conditions | 6 |
| Manual workers | 45 |

*Productivity—Self appraisal*

"In your own case, could you accomplish more each day if you tried?"

| Percentage of saying Yes: | Percent |
|---|---|
| National | 54 |
| Men | 53 |
| Women | 55 |
| College | 64 |
| High school | 55 |
| Grade school | 40 |
| Under 30 years | 67 |
| 30–49 years | 60 |
| 50 and over | 39 |
| Professional and business | 66 |
| Clerical and sales | 67 |
| Manual workers | 52 |

*Productivity*

How much more could you accomplish each day if you tried? (asked of those who answered "could accomplish more")

| | Percent |
|---|---|
| Ten per cent | 11 |
| Twenty per cent | 10 |
| Thirty per cent | 10 |
| Forty percent | 4 |
| Fifty percent | 5 |
| Over 50 per cent | 3 |
| Do not know, no answer | 2 |
| Total | 51 |

and purpose of projecting percentages into number of people. The manner in which the sample is drawn also produces a sample which approximates the population of private households in the United States. Therefore, survey results can also be projected in terms of number of households when appropriate.

SAMPLING TOLERANCES

In interpreting survey results, it should be borne in mind that all sample surveys are subject to sampling error, that is, the extent to which the results may differ from what would be obtained if the whole population surveyed had been interviewed. The size of such sampling errors depends largely on the number of interviews.

The following tables may be used in estimating the sampling error of any percentage in this report. The computed allowances have taken into account the effect of the sample design upon sampling error. They may be interpreted as indicating the range (plus or minus the figure shown) within which the results of repeated samples of the same [illegible] could be expected to vary, 95 out of the time. The chances are 19 to 1 that the difference due to sampling will be less than the sampling tolerance.

Table A shows how much allowance should be made for the sampling error of a percentage.

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ents. Then we go to row "percentages near 30" in the table and go across to the column headed "1500." The number at this point is 3, which means that the 33 per cent obtained in the sample is subject to a sampling error of plus or minus 3 points. Another way of saying it is that very probably (95 chances out of 100) the average of repeated samplings would be somewhere between 30 and 36, with the most likely figure the 33 obtained.

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Here is an example of how the tables would be used: Let us say that 50 per cent of men respond a certain way and 40 per cent of women respond that way also, for a difference of 10 percentage points between them. Can we say with any assurance that the 10-point difference reflects a real difference between men and women on the question? The sample contains approximately 750 men and 750 women.

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If, in another case, men's responses amount to 22 per cent, say, and women's 24 per cent, we consult Table B because these percentages are near 20. We look in the column headed "750" and see that the number is 5. Obviously, then, the 2-point difference is inconclusive.

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| Percentages near 20 | 2 | 3 | 4 | 4 | 5 | 7 | 9 |
| Percentages near 30 | 3 | 4 | 4 | 4 | 6 | 8 | 10 |
| Percentages near 40 | 3 | 4 | 4 | 5 | 6 | 8 | 11 |
| Percentages near 50 | 3 | 4 | 4 | 5 | 6 | 8 | 11 |
| Percentages near 60 | 3 | 4 | 4 | 5 | 6 | 8 | 11 |
| Percentages near 70 | 3 | 4 | 4 | 4 | 6 | 8 | 10 |
| Percentages near 80 | 2 | 3 | 4 | 4 | 5 | 7 | 9 |
| Percentages near 90 | 2 | 2 | 3 | 3 | 4 | 5 | 7 |

[1] The chances are 95 in 100 that the sampling error is not larger than the figures shown.

TABLE B.—RECOMMENDED ALLOWANCE FOR SAMPLING ERROR OF THE DIFFERENCE

| | In percentage points (at 95 in 100 confidence level),[1] percentages near 20 or percentages near 80 | | | |
|---|---|---|---|---|
| | 750 | 600 | 400 | 200 |
| Size of the sample: | | | | |
| 750 | 5 | | | |
| 600 | 5 | 6 | | |
| 400 | 6 | 6 | 7 | |
| 200 | 8 | 8 | 8 | 10 |

[1] The chances are 95 in 100 that the sampling error is not larger than the figures shown.

TABLE C

| | Percentages near 50 | | | |
|---|---|---|---|---|
| | 750 | 600 | 400 | 200 |
| Size of the sample: | | | | |
| 750 | 6 | | | |
| 600 | 7 | 7 | | |
| 400 | 7 | 8 | 8 | |
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The participation in a meeting such as this by representatives from business, labor, government and education is, I feel, a clear demonstration that America is genuinely concerned about its working people. If there is a single theme that has prevailed here, it is this: we are serious indeed about finding—and implementing—responsive, innovative means of meeting the changing needs and expectations of working men and women.

It is imperative for all concerned that we reach a fuller understanding of what can be done to provide an environment in which employees can perform to the best of their ability, and, when they go home at night, feel that it was worth it.

Needless to say, this isn't an easy task we have assigned ourselves. In the Bell System, for example, we have one million employees, and they range from the messenger who dropped out of high school to the scientist from M.I.T.; from the installer with six months' service to the foreman who has four decades of experience; from the programmer who works in a comfortable office to the spicer who must be outside in all kinds of bad weather. Our efforts, whatever they are, need to be directed to all of them.

How successfully we meet the challenge will bear strongly on how well we, as a corporation or a government agency or whatever, perform our function. For the Bell System, that function is service. Each business day of the year, some 400 million messages are carried on our nationwide telecommunications network. That means 400 million contacts a day with our customers, and that isn't counting the many, many face-to-face contacts that occur every day of the year. Not everyone making a call actually talks to a telephone employee, of course, but one way or another the question of whether customers get the kind of service they want depends to a large extent on how well our people have done their job.

So the attitudes—the work ethics, if you will—of employees is of particular concern to us, as it is to any organization with service responsibilities.

A couple of months ago I talked to a group of retired telephone people, and I knew that one of the things they most wanted to hear about was today's telephone employees. What kind of people are they? What kind of job do they do? Do they have the same spirit of service that their predecessors had? These are reasonable questions, especially when there seems to be an increasingly popular notion that young Americans don't like to work and they make cantankerous, rebellious employees who do a slipshod job.

I'll tell you what I told them: Most of the young men and young women coming into the telephone business today—like most of our longer-service employees—are good workers. What's more, they display a very real desire to serve the public well. I assured the audience that these are people who take pride in their work—and who we can take pride in.

We ended 1972 with only about 400 more employees than we started the year with. Yet at year's end we were handling a volume of business fully 10 per cent higher than we were at the beginning. Taking a closer look at this, the traditional measure of productivity in the telephone business is the number of employees it takes to serve 10,000 telephones. In 1971 it took 77 employees to serve 10,000 phones. Last year it took 73. We could not have accomplished that kind of increased productivity if our younger employees—who account for more than 50 per cent of our total work force—were lazy or non-productive.

There is no question, however, that there are important differences between yesterday's and today's employee, and that some of these differences are revealed in the attitudes and priorities that young people bring to the job.

They tend to reject jobs that are menial, unpleasant or boring. They resent arbitrary displays of authority. They are turned off by policies or work rules which seem to unduly restrict their freedom or undermine their individuality. Yesterday's employee felt the same way, but today's employee is quicker to let you know about it.

Where once it was thought that good wages, job security and attractive fringe benefits were enough to insure hard work, high productivity and employee loyalty, we are witnessing the emergence of a new dimension in employer-employee relations. It isn't that economic priorities aren't still important to working people, but an increasing number of employees now want—and expect—more from their jobs. They want to derive some sense of satisfaction from work. They want their hours spent on the job to be interesting and challenging. They want a chance to get ahead.

It is factors such as these—and a good many more—that are creating what we are now calling the changing work ethic. While some of the changes taking place may cause us some fitful hours, I see no cause in the long run for either alarm or dismay.

That young people don't want jobs that are unsatisfying to them doesn't reflect unfavorably on their attitude toward work. Just the opposite. It indicates that they care what they do with their lives. They don't want to feel that they are wasting their lives. Nor should it be disturbing that they question old ways of doing things and demand to try new ways. That's what we need. We stand still if we don't experiment, if we don't innovate.

On the basis of what I see in the Bell System, I agree with those who argue that the younger generation does take work seriously. There are exceptions, of course, but most recognize that work is a necessary part of life and they want to make the best of it. Or, as our contemporary "Adam Smith" puts it: ". . . people like to work, as opposed to not working or hanging around the house . . . Given any degree of pleasantness, encouragement and satisfaction, they would go to work even without the exhortations of the Ethic."

As with any change, there are bound to be some growing pains. And so it is with the changing work ethic. We see signs of dissatisfaction on the assembly line as well as among some young, college-educated managers who are finding the transition into the world of work to be harder than they expected.

Frankly, I'm not sure we can—or could ever hope to—eliminate dissatisfaction in all cases. The expectations of young people in our society are exceedingly high—for some, I suspect, unrealistically so. I am told, for example, that we are graduating more students from colleges than we have jobs that truly require college degrees. We have led our young people to believe that a college diploma was their pass to the good life, and some are deciding—or have discovered—that it ain't necessarily so.

Dissatisfaction, whatever its cause, is often expressed in absenteeism, poor workmanship, disinterest and so on—sometimes in alcoholism and drug use. But, as you have heard here these past two days, it can be substantially diminished, even eliminated in many instances, if we structure and restructure jobs and the organization of work in such a way that competent people will find work a challenging, rewarding and involving experience.

What I am leading up to, of course, is job enrichment. Bob Ford, who has been AT&T's guiding genius in these matters for some years now, had a workshop here yesterday; so I know some of you are familiar with our efforts in this direction. I'm not going to get into it very deeply or throw out a lot of examples, but I thought I would at least offer you our rationale for moving ahead with this concept.

In many craft jobs, for example, we found the work arranged in such a way that just about everything was keyed to the average person. We also found that there was overlapping of job modules between the various craft levels, and that this was causing craftsmen to take a passive, tell-me-what-to-do approach to their work. Under this sort of arrangement, above-average and outstanding people weren't achieving as well as they could. It was obvious that if we didn't bolster the jobs of these high-potential employees—i.e., give them a good module of work with control over it and effective feedback—we stood to lose them.

We are still a long way from fully implementing this concept throughout the Bell System, but I think there is a general agreement that the old theories about fragmenting jobs to achieve efficiency, cost reductions and productivity can have just the opposite results.

Two other points about this ought to be made, I think. One is that you have to expect some problems. For instance, not all workers have the aptitude to handle improved job modules and not all managers are eager to give up any of their supervisory prerogatives. The other thing is that this is not the total answer. It has to be used in conjunction with other management techniques and other management programs—in addition, I hasten to add, to good wage and benefit schedules.

I'm well aware, as I know you are, that the labor movement has been raising serious questions about industry's intentions. Some labor spokesmen, as the Wall Street Journal pointed out recently, view job enrichment as a scheme for getting more work out of fewer workers.

Managing people involves a whole range of interrelated objectives. One is communicating to employees those kinds of information that are of real interest to them. Survey after survey of employee communications media turns up requests for more information that employees can relate to their own jobs, to their part of the business. The other side of the coin is upward communications—making certain that avenues are available for employees to, in effect, talk back to management.

A sustained effort also must be made to take human needs into consideration when industry develops new kinds of equipment. It isn't enough to ask whether employees can operate a piece of gear. We have to ask ourselves, will they? AT&T and Bell Telephone Laboratories recently set up a task force to dig into this problem, to make sure that human needs are considered at the design stage. It's too late when new equipment is introduced into a central office or an operating center to find that it will dehumanize or bore the person who must use it.

One of our best success stories to date has been in the northern operating area of the Chesapeake and Potomac Telephone Company of Virginia. Chip Pfautz and Wendell Kenyon from the C&P Company talked about this program at a workshop yesterday afternoon. This was a situation where the Company took a full human resources approach that cut across departmental boundary lines and where key managers threw their full support behind the program.

Along with a few people from our Human Resources Development group at AT&T, I spent a day down there not too long ago talking to employees who were involved in the program. It was an encouraging day.

When the employees talked about the Company and their jobs, they did so in terms of my customer, my directory, my Company. They talk about the Company standing behind them and treating them as individuals. On the plane back to New York, I thought, "Now if we can only get all one million to feel like that."

That's not a bad goal to reach for.

Thank you.



## DISASTROUS IMPACT OF BUDGET CUTS IN MINNESOTA

Mr. MONDALE. Mr. President, the President's proposed cuts in the social services area will have a profound impact on the people in my State of Minnesota. I have received many letters concerning these cuts and I would like to share just two of them with my colleagues today.

The first letter, from Mr. Hannis Smith, director of the office of public libraries and interlibrary cooperation, points out the great accomplishments of the library program in Minnesota. He talks about the damage that would be done if the administration's request is upheld by Congress.

The second letter comes from Howard B. Casmey, commissioner of education in Minnesota, who points out the hardships that would occur if title III and V are terminated in the upcoming budget.

Mr. President, I share the concerns expressed by these Minnesota education leaders and I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### Impact of ESEA Titles III and V Termination

Pursuant to your request, the following information details the consequences in Minnesota of the Nixon administration's anticipated termination of ESEA Titles III and V.

#### TITLE III IMPLICATIONS

Intended to support educational innovation and reform, Title III has had decided impact on education in this state. The following list is descriptive of but a few categories of practices which have been stimulated and nurtured in particular communities through this program:

1. Education for the handicapped (Crookston, St. Paul, Minneapolis, Willmar, Marshall, Morris).

2. Technology utilization (TIES in the Seven County Metro. Area, Owatonna, Bloomington, Hopkins, St. Cloud, Montevideo, Osseo).

3. Individualization of Instruction (19 Southwestern counties, Stillwater, Lakeville, Staples, St. Paul, Winona, Roseville, Duluth).

4. Arts and Humanities (Minneapolis, Marshall and the entire Southwestern portion of the state, Alexandria, St. Paul, Mankato).

5. Human Relations (Minneapolis, Duluth, Rochester, Rosemount, Albert Lea).

6. Pre-school education (St. Paul, St. Cloud, Brainerd, Fridley).

7. Vocational Education (St. Paul Career Support Center, Minneapolis Work Opportunities Center, Little Falls, North St. Paul).

8. Accountability and Cost Effectiveness (Mora, Osseo, Kennedy, Staples, Duluth).

9. Environmental Education (Grand Marais, Albert Lea, Golden Valley, Windom).

This admittedly fragmentary list hopefully provides some intimation of Title III's responsiveness to educational needs specific to certain communities. It, furthermore, is our contention that the impact of this program may be displayed in numbers of pupils and educators served. During the 1971–72 school year 42,679 public elementary and secondary Minnesota pupils were directly enrolled in a Title III supported program. Additionally 4,151 non-public Minnesota pupils were enrolled in such programs. Public and non-public Minnesota educators who were directly involved with and affected by Title III activities numbered 3,153. If one is concerned regarding the dissemination of Title III practices, it is possible to demonstrate that some 466,000 Minnesota pupils were indirectly affected by Title III programs operating in schools or districts other than their own. Title III has also made significant contributions to educators' capabilities to perfrom needs assessments, to evaluate individuals and programs, and to develop some basic acquaintance with the concept of cost-benefits.

In the event that Title III is terminated as of June 30, 1973, some 28 projects will be obliged to conclude their activities between one and two years short of the three year financial life span which they had reason to expect if project evaluations were favorable. A total of 374 full and part-time individuals at the local district level will have to be terminated if already strapped district budgets cannot absorb them.

Perhaps, most significantly, a catalytic agent which has caused educators, laymen, and students to rigorously conceive and test new solutions to educational problems and opportunities will be replaced by a return to conventionalism and a reluctance to strive for educational improvement.

#### TITLE V IMPLICATIONS

Unlike some legislation of the last decade which has responded to limitations of certain agencies by simply establishing new agencies to assume non-performed or ill-managed functions, Title V was historic in its assertion of a belief in and a financial willingness to invest in State Departments of Education. Coming at a time when suspicion and mis-

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trust of federal involvement in State and local educational affairs was substantial, the effort to strengthen State Departments was insightful and statesmanlike. Now, in the eighth year of their acceptance of such assistance, state agencies have demonstrated the capacity to perform a "bootstraps" operation.

To cite some output measures descriptive of products of the Federal investment in the Minnesota Department of Education, I present the following abbreviated list:

1. Establishment of a Planning Division responsible for short, intermediate, and long range developmental planning.

2. Installation of a State Educational Assessment Section responsible for determination of pupil performance in selected curriculum areas by development and administration of testing instruments for Minnesota pupils.

3. Implementation of the Minnesota Right to Read program, designed to reduce illiteracy to the one percent level by December 31, 1975, and now regarded by HEW officials as a national model.

4. Furtherance of the goal of equal educational opportunity for all Minnesota children and youth, regardless of racial or socio-economic condition, by establishing an Equal Educational Opportunities Section to serve as an advocate for such pupils.

5. Establishment of a Federal Program Coordinator's office which has resulted in Minnesota maximizing its access to Federal funds and has contributed to harmonious blending of resources from diverse funding agencies and programs.

6. Development of evaluation expertise in the agency by the establishment of such a section and the coordination of evaluation throughout the agency, as well as the installation of evaluative practices in school districts formerly devoid of such.

7. Provision of improved service to state agency and local district personnel by establishment of a full time Legal Services Section, staffed by an Assistant Attorney General.

8. Improvement of Management capabilities by secural of systems analysts, Program Budgeting Coordinators, and the provision of training to staff to commence utilization of improved procedures resulting in greater effectiveness and efficiency.

9. Provision of improved recruitment, selection and training activities for State personnel.

10. Establishment of greater responsiveness to internal management, the Federal government, the Legislature, the Governor's office, school district personnel and the public at large through development of a Data Systems Section responsible for the collection, processing, analysis, recording, and dissemination of a broad array of educational information.

11. Introduction of improved teaching practices and aspirations through support of efforts dealing with environmental education, summer school programs, the community school, foreign languages, education for the gifted, science, social studies, and mathematics.

12. Improvement in leadership provided to teacher training institutions by developing programs making their and the Department's expectations more responsive to pupil and community need.

13. Establishment of a Publications Section which has made the Department more consumer-oriented by allowing it to communicate directly with 60,000 educators, 435 local boards of education, and Minnesotans generally.

I prefaced this list by referring to it as abbreviated, and it is as compared to the range of Title V inspired and supported activity in which this Department has engaged since I assumed responsibility for the program's general direction in April of 1966. Additionally, I have compressed many individual activities to secure the generality of the 13 preceding statements. Nonetheless, the fact remains that much remains to be done before many would acknowledge this agency to be really effective in discharging the Minnesota Constitution's mandate to provide "a general and uniform education." However, a further fact exists that the President's budget calls for termination of Title V as of June 30, 1973. While some of the Title V initiated activities have been, and may be financially assumed by the Legislature, the expectation that it could immediately assume a near $700,000 obligation as of that time is absurd. Consequently, we face the prospect of seeing the merits of our Title V program threatened, its programmatic functions terminated, and some 50 highly trained, dedicated personnel lost.

As a more specific explication of the problem, I am attaching an enclosure which has been used to detail portions of the problem for the Senate Education Committee. Also, I have included a Department organizational chart descriptive of functions which will either be terminated or severely impaired if the President's intentions are realized.

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IMPACT OF TITLE V ESEA SUPPORT

Pursuant to your request, I shall briefly detail in this memo the impact of Title V ESEA support within the Minnesota Department of Education. As you recall, this is one of the several education programs which President Nixon has recommended for zero funding in F.Y. '74.

1. Organizational Component: Division of Planning and Development:

Function: Short, intermediate, long-range planning; management of a variety of Federal and State grant programs; Equal Educational Opportunities.

Number of Positions: Eight (budgeted); four filled.

Financial Support Required: Salaries: $152,000 (for full staffing); Other: $85,000 (contracted services, largely).

2. Organizational Component: Federal Programs Coordinator Function: Generation of federal educational revenues; liaison with Federal agencies and Congressional delegation.

Number of Positions: Three.

Financial Support Required: Salaries: $40,066. Other: $23,757.

3: Organizational Component: Publications Section.

Function: Dissemination of State Board and Department of Education activities, regulations, service provisions, etc.

Number of Positions: Four.

Financial Support Required: Salaries: $42,677; Other: $38,850 (largely printing).

4. Organizational Component: Information Systems Section:

Function: Development and provision of data processing services for entire Department; collection and processing of data from school districts and school personnel.

Number of Positions: Eight (two vacant).

Financial Support Required: Salaries: $89,658; Other: $40,800 (largely to Division of Computer Services, Department of Administration).

5. Organizational Component: Administrative Services Section:

Function: Financial management, systems analysis, procurement, general Department support.

Number of Positions: Ten (three vacant).

Financial Support Required: Salaries: $80,693 (for current staffing); Other: $3,126.

6. Organizational Component: Certification Section:

Function: Processing of teacher certification requests; monitoring of school district teacher assignment practices.

Number of Positions: Two.

Financial Support Required: Salaries: $15,000.

7. Organizational Component: Research and State Aids:

Function: Processing of school district financial and statistical reportage; development of information for planning purposes.

Number of Positions: Four (two vacant).

Financial Support Required: Salaries: $16,000.

8. Organizational Component: Professions Development Section:

Function: Development of entry level and developmental standards for teachers and administrators; implementation of legislative statutes and State Board Regulations.

Number of Positions: Two.

Financial Support Required: Salaries: $36,000; Other: $10,000 (Task Force support costs).

9. Organizational Component: Elementary and Secondary Education Section:

Function: Implementation of monitoring functions of North Central and summer school programs.

Number of Positions: Two.

Financial Support Required: Salaries: $23,040.

10. Organizational Component: Professional Library Section:

Function: Cumulation of professional educational materials; pursuit of information retrieval; liaison with other educational strata in development of common collections.

Number of Positions: One.

Financial Support Required: Salaries: $12,984.

It should be noted that state salary support for these 44 positions would require roughly $507,000 per annum if title V ESEA funds were to become unavailable and the State chose to continue these functions.

REVENUE 134863—ESEA TITLE V

| Name | Position number | A/C I.D. | Percent |
|---|---|---|---|
| Federal programs coordinator: | | | |
| Gloria Rockne | 205370 | 513440 | 100 |
| Edwin Cain | 205720 | 513440 | 100 |
| Anne St. Pierre | 205940 | 513440 | 100 |
| Publications: | | | |
| James Lee | 205610 | 518944 | 100 |
| Ralph Berenger | 205530 | 518944 | 100 |
| Linnea Lose | 205500 | 518944 | 100 |
| Judith Schell | 210781 | 518944 | 100 |
| Information systems: | | | |
| Maureen Ferrin | 205270 | 516583 | 100 |
| Rachel Oerter | 205390 | 516583 | 100 |
| John Butterfield | 205550 | 516583 | 100 |
| Vacant (systems analyst) | 205560 | 516583 | 100 |
| William White | 205570 | 516583 | 100 |
| Lane Eswein | 205580 | 516583 | 100 |
| Richard Locke | 205710 | 516583 | 100 |
| Vacant (trainee) | 210390 | 516583 | 100 |
| Administrative services: | | | |
| Kathy Dahlman | 205160 | 517409 | 100 |
| Vacant (clerk typist) | 205210 | 517409 | 100 |
| Patricia Rahlien | 205260 | 517409 | 100 |
| Richard Johnson | 205380 | 517409 | 100 |
| Vacant (clerk-procurement) | 205400 | 517409 | 100 |
| Bette King | 250430 | 517409 | 100 |
| Pat Baggenstoss | 205470 | 517409 | 100 |
| Mildred Harvey | 205510 | 517409 | 100 |
| Robert Wilson | 205540 | 517409 | 100 |
| Vacant (auditor) | 210341 | 517409 | 100 |
| Certification: | | | |
| Minnie Baxton | 205330 | 507046 | 100 |
| Ilione Casper | 205450 | 507046 | 100 |
| Legal: | | | |
| Charles Mottl | 205950 | 515114 | 100 |
| Research and State aids: | | | |
| Debnrah Peterson | 210362 | 510057 | 100 |
| Vacant (clerk typist) | 210361 | 510057 | 100 |
| Vacant (clerk typist) | 210410 | 510057 | 100 |
| Joyce Clague | 210790 | 510057 | 100 |
| Education professions development: | | | |
| William Allen | 208940 | 487058 | 100 |
| Thomas Filla | 210010 | 487058 | 100 |
| Instruction: | | | |
| Vacant (clerk typist) | 205781 | 485524 | 100 |
| William Papke | 209020 | 485524 | 100 |
| Planning and development: | | | |
| Judith Neudahl | 205410 | 513515 | 100 |
| Greg Waddick | 205740 | 513515 | 50 |
| Gayle Anderson | 205810 | 502096 | 50 |
| Walter Jones | 205830 | 502559 | 25 |
| Printice Engstrom | 205840 | 501460 | 100 |
| Donald Hadfield | 205870 | 502559 | 25 |
| Archie Holmes | 205890 | 502559 | 25 |
| Jerome Webster | 205990 | 501197 | 50 |
| Professional libraries: Patsy Tupper | 205520 | 520072 | 100 |



STATE OF MINNESOTA,
DEPARTMENT OF EDUCATION,
*St. Paul, Minn., February 7, 1973.*

Senator WALTER F. MONDALE,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MONDALE: When the American Library Association and the Minnesota Library Association gave the luncheon in Washington on last Thursday for members of the Congress, our office furnished a one-page brief on the accomplishments of the Library Services Act program in Minnesota. A copy of it is enclosed for your convenient references. I trust that it will be informative and helpful.

In a lengthy account of the proposed projects to be discontinued in the President's 1974 budget I found a statement that the projects being discontinued had either outlived their usefulness, or were failures. Since I have administered the LSCA program in Minnesota from its inception during the Eisenhower administration, and have been quite familiar with the program as it has developed both in Minnesota and in other states. I can only say that neither of these reasons applies to the Library Services and Construction Act. Anyone saying that they do is either totally ignorant of the program and its accomplishments, or has been totally misinformed.

A few years ago, one of the higher officials in the Office of Education Bureau of Libraries who is no longer connected with the Bureau, made a speech before a large assembly of state library agency directors. After the speech the group of state leaders spent nearly an hour correcting the incorrect statements made by that official. In the light of that event, there are many who think that the current widespread misinformation may actually be a deliberate distortion of known facts.

The enclosed information sheet demonstrates clearly that the program did not fail in Minnesota, and this kind of progress has been repeated in other states. That it has outlived its purpose is emphatically disproved by the fact that most states still have rural areas which are without public library services and urban areas where library services need substantial improvement. The program has not yet completed its stated purposes at the time of its passage.

The reasons for not yet completing its purposes are easy to identify:

(1) Local officials (city and county) who have the legal authority to establish library service and provide for its support have regarded the funding as haphazard (e.g. There is no set appropriation yet for the fiscal year which began over seven months ago!), and/or (2) Such officials have regarded the sums available for getting started are insufficient to establish quality service, and therefore do not justify the imposition of a new local tax.

The prospects of being funded too little and too late have served as serious handicaps in enlisting the active collaboration of local officials in many cases.

While the total amount of LSCA Title I (Services) funds used in Minnesota since 1957 is slightly more than $6,000,000 and may appear large at first glance, it has been spread over 16 years. It averages out about $200 per capita for the entire period, an average of 12½¢ per year! With the costs of good public library service averaging around $5.00 per year for the time covered, it can easily be seen that the federal addition is not statistically meaningful. Please note the underlining, I will return to this later.

Many administration speakers, including the President himself, have emphasized over and over again that their proposals are to return decision making to the states and local governmental units. I believe that a careful examination of the programs which the President wishes to eliminate entirely will show that many, if not most, of them are already returning the decision making to the states and local government. Certainly the LSCA is an example of such return.

There has never been any direction of this program from Washington. Every state makes its Plan according to the needs and peculiarities of its own situation, and there is no state in the Union where state government can force local government to establish public libraries.

I believe this makes it abundantly clear that the Library Services and Construction Act projects have been run by state and local government, on a voluntary basis, with only a benign form of guidance (regulations) from Washington. The law was well written, and in practice has proved an outstanding example of federal, state and local governmental partnership. For that reason alone, it is worthy of continuing until it accomplishes its purpose.

But there is another reason which reinforces the justification for continuing the LSCA programs. I stated earlier that the funds have not been statistically meaningful quantities. They have really been seed monies. As you know, Minnesota instituted its first state aid to public libraries under the impetus of the LSCA matching. We cannot make a percentage comparison between no money and $500,000 a year in state aid, but we can compare the increase in local funds provided. While some of the increase is unquestionably due to inflated costs, the increase in Minnesota from 1956 to 1971 was from just over $4 millions, to just over $16 millions. Somewhat over half of the increase was due to inflated costs, the rest was new money largely stimulated by LSCA! The seed sprouted to a bountiful harvest.

Most of the United States will reflect this kind of growth from the seed planted by LSCA. Just one fact will illustrate this. In 1954 (the last year before LSCA for which figures are available to me) there were 25 states providing some state aid to public libraries. The total amount was just over $5½ millions, or 3.76¢ per capita. In 1972, there were 38 states providing some state aid to public libraries with a total of over $66 millions, or 32.69¢ per capita! I have served on various active committees and advisory committees over the years which have had a responsibility toward LSCA, and I found that the consensus of my peers is that a substantial part of this growth is directly attributable to LSCA!

Please do everything you can to insure that we continue to receive these "packets of seed." For public libraries, they have proved to be a "green revolution" producing a bountiful harvest. But the job is not yet complete, so the seed money still is badly needed if ever the job is to be completed.

Sincerely yours,

HANNIS S. SMITH,
*Director.*

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ACCOMPLISHMENTS IN MINNESOTA UNDER THE LIBRARY SERVICES AND CONSTRUCTION ACT: 1957–72

*Public Library Service:* The Minnesota LSCA Program has, from the beginning, used a combination of federal, state and local funds for establishing and improving public library service.

Some results:

10 multi-county regional library systems, covering 39 counties.

14 county library service systems, for a total of 53 counties 100% served.

35 bookmobiles providing easy access to people in 41 counties.

1957 population supporting public library service: 2,215,025 (74%).

1973 population supporting public library service: 3,421,276 (90%). Increase (including population growth): 54.8%.

The 383,793 people not yet supporting public library service are all rural and small village residents of 34 counties, mostly in western and southern Minnesota. They have access to nearby libraries through payment of an appropriate non-resident fee.

Books:

1957 book stock of all public libraries: 4,330,572 (1.45 per capita).

1972 book stock of all public libraries: 7,184,935 (1.77 per capita).

Total new additions during period: 3,935,685, or 1.03 per capita.

The figure for per capita served by libraries was 1.95 and 1.98 for a growth of only .03 per capita for the 15-year period. Bookstocks barely kept pace with population growth and additions to service areas.

Films:

In 1957, only the two largest public libraries had 16 mm film service.

By 1973, all 26 of the larger public libraries and public library systems in the state have 16 mm film service; many with 8mm also.

Library use:

All of this is meaningless unless used by the public. Minnesota consistently scores well above the national average in library use, and it is growing.

Circulation of materials: 1957 11,624,799 (5.2 per capita served).

Circulation of materials: 1972 19,901,120 (5.8 per capita served).

Books-by-mail:

A special books-by-mail program is underway in 5 library systems serving 18 counties.

*Public Library Buildings:* The LSCA, Title II, funds have helped build 31 new public library buildings in Minnesota. All are strategically located, well-designed and usable by the handicapped. They have been planned to fit the long-range plan of state-wide development. Nine of them are headquarters of larger systems, the others branches of such larger systems.

*Institution Libraries:* Substantial improvements in physical facilities, furniture, and materials collections have been made in twelve of the welfare and correctional institution libraries in the state since the new Titles were added to LSCA.

*Interlibrary Cooperation:* Minnesota's outstanding achievement in this field is the highly successful Minnesota Interlibrary Teletype Exchange (MINITEX). In 1973 there are 17 public, 18 junior college, 24 senior college, and 8 special libraries collaborating with the University of Minnesota Libraries on this project. In addition to expediting requested information and published materials, MINITEX is completing work on a Minnesota Union List of Serials. This was given high priority because 70% of requests are being filled from serial publications.

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PLUG IN HERE FOR KNOWLEDGE

Learn how you can . . . borrow more books from your library than it owns; benefit from tax monies made available only on a statewide basis; enlist the talents of people not on your library's payroll; utilize services not provided for in your library's budget; be a more satisfied library user through the Minnesota well-read library network.

Perhaps you can already "plug into" part of the Well-Read Network. Of the eleven state library regions shown on the map, five already exist at varying points in their development. Also, there are several strong single-county libraries with the population and tax base necessary for good beginning development. In some of these the library income from local funds is at a reasonably high tax rate, but far from sufficient to support good service; this is where state and federal funds are used to help. The legislature has already established modest state aid to public libraries—a fund which will have to be expanded as more network segments are established.

The Network goal is being worked towards in several steps. Sub-regions may very well develop before local authorities are ready

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to accept the larger, numbered systems. [The numbered systems are designed to serve 100,000 or more library users, and each would have a sound working relationship with all the school, academic and specialized libraries in its area.]

In every numbered region there would be at least one large collection of library materials having more than 100,000 titles; and a number of substantial, though smaller, collections strategically located in the surrounding area. In smaller community centers there would be branches stronger than the average small community library is today. There would be bookmobiles to serve as branches-on-wheels for people in rural areas.

Such a network would reach every citizen of the state. He would bring his request to the most convenient library, and through the network would receive any material he wanted from any library in the state.

That's how the Well-Read Network will serve you. Won't you serve it? Inform yourself concerning its particulars in your community—and then go to bat for a better library system for all of us!

This brochure is designed to tell you about a dream: Minnesota's dream for an expanded and improved library system for each of its citizens. It is called the Well-Read Library Network.

The Network is designed to serve you.

To meet the growing needs of its people for reliable and up-to-date information on an immense variety of subjects, and to provide the reading public with works of literary and artistic merit, Minnesota must both expand the territory served by minimum adequate public library service, and coordinate the services of its growing public libraries with the services of all other kinds of libraries in the state: school, academic and specialized.

When the first federal funds were made available in Minnesota for the development of public library service, the Library Division of the State Department of Education, with advice from the Minnesota Library Association, developed a plan for providing good library service to everyone in the state: a statewide network of libraries with service outlets close to every resident. The inside of this brochure describes this network and the present state of its development.

The total Well-Read Network is still a dream. But as parts of it are established, other sections go into experimental or early developmental form. There is progress to report, fortunately; the time is fast approaching when such a network will be a necessity.

How will Minnesota make its network a flourishing reality? The decision to have it and to take part in it must be made at the local level. Individuals like yourself in each of our state's communities, will—by their interest or apathy regarding the network—determine the extent of its success.

Just as each local library or bookmobile must feed into the network, so does local government feed into its development. Minnesota law provides that counties, cities and villages may establish and support library service—and that these units of government in contiguous areas may join together in supporting and operating such a service. The legal base of the network has already been laid by the legislature; now there must be official action at the local level to implement the law.

In dreams begin responsibilities. The prospect of a Well-Read Network outlet in his or her community should be of personal interest to every Minnesotan.

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## ENERGY AND THE ENVIRONMENT

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by former Secretary of the Interior, Mr. Walter J. Hickel, for the Sixth Public Relations World Congress, at Geneva, Switzerland.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ENERGY AND THE ENVIRONMENT

(By Walter J. Hickel)

I. ENERGY

*"There is an unusual tie-in between energy and life, energy and poverty, energy and peace."*

The controversy surrounding energy has to be seen in the context of world concern about the environment.

We've all heard that pollution is tarnishing the great civilizations of modern man. It is threatening to damage the life support system on which humans and all animals depend.

This is central to the energy question because the greatest amount of pollution comes from the production and use of energy.

People say the energy industry is "Public Enemy No. 1," but I say it is the great hope of mankind, and the hope of the environment.

Show me any area in the world where there is a shortage of energy, and I'll show you basic poverty.

There's no shortcut to human activity. It all takes energy. If you want to go to town from the countryside, there's no way to do it without using energy; even if you walk.

To achieve a standard of living as the Swiss enjoy in this great capital of Geneva requires the equivalent energy output of 200 adult slaves per person.

In many respects we are still only one step from slavery. But harnessing energy has helped us take that step away from the slavery of hunger, lack of shelter, disease and ignorance. It is a step toward freedom in its most basic sense.

It would be a tragedy if our concern about pollution turned us against this great emancipator called energy which is freeing and improving the lot of mankind.

With the awakening of environmental concern, a concern I share, certain people want to drive a Cadillac but not produce energy. These people, in nations such as my own, want to export pollution. They want other nations to do the drilling, pumping, refining and transporting of oil so that their own water and land be untouched by man.

This is no answer. In fact it is a new form of imperialism under the guise of the holy cause of the environment. In reality they are saying, "Let other people's children choke on smog and play in polluted streams. Let other nations' wildlife be destroyed. But we must protect our own."

This philosophy, however misguided, is gaining strength. Its advocates are currently attempting to prevent the vast oil reserves above the Arctic Circle in my State of Alaska from being used.

This is the worst kind of conservation. We are one world with one system. Ecologically, it is impossible to export pollution. We must clean it up.

Enemy No. 1, the energy industry, is in reality the answer.

We are not going to solve the problems of the world with less energy. I don't mean wasting it on senseless gadgets, but utilizing it to free mankind and clean up the environment.

With the leadership of the United Nations and strong government regulations this can be done. Energy doesn't have to disrupt. The answer lies in national and international guidelines for the use of energy without the abuse of the environment.

Oil companies are resented because of their economic power and their seeming disregard in the past for nature. But this hatefulness is now coming to haunt us. To punish is not the answer.

In our short history, America has many examples that hate is no answer to greed. At the turn of the century there was a public reaction against the men who had built America's railroads.

These so-called "Robber Barons"—Rockefeller, Morgan, and Vanderbilt—became the object of public hatred. Laws were passed designed to destroy these men, but in reality all they destroyed was the magnificent railroad system which had criss-crossed and united our untamed country.

If today we treat the worldwide energy industry like we did the U.S. railroads, we'll have a lost civilization.

In reality, there is no world energy crisis. The voices of doomsday are not real. The earth will not run out of resources. The only thing we might run out of is imagination.

Using modern computer technology, a well-intentioned group of men called the Club of Rome sponsored a report which has forecast doom for the human race.

The weakness of a computer is that it can only compute on the basis of what is known. This is a shaky way to predict the future. What if we had used a computer 200 years ago to forecast energy resources for 1973? At that time man depended on firewood, horses, water and wind. The conclusions would have been more disastrous than those of the Club of Rome today. We would have forecast doom and starvation because there are not enough forests and workhorses on earth to care for the needs of our growing population.

Computers have their place, but I have more faith in the creative capacity of man; and that is uncomputable.

Today we have fossil fuels and hydroelectric power. Tomorrow we shall use geothermal resources by tapping the heat deep beneath the crust of the earth.

We shall develop the art of gasification and liquefication of the soft coals we have abandoned in the past. This will become a mammoth source of nearly pure power.

I see this liquefied natural gas as the answer to automobile pollution. By replacing the gas tank in your car with a propane-like bottle we can solve the majority of the world's man-made air pollution. The technology is there. All we need is to apply the new methods to produce natural gas.

Also awaiting us is the heat of the sun, and the tremendous energy of the hydrogen bomb. Man is already working on this. Some scientists predict breakthroughs within a decade or two. With fusion we can produce a pure energy which regenerates itself.

No, there is no world energy crisis. The crisis that exists is one of control. Fossil fuels are the major source of power now and will be for the remainder of this century. The nations which control petroleum will have great political and economic power in the decades immediately ahead.

Whether we have peace or war may well depend on how this new balance of power will be used. The Middle East nations, with their vast reserves, are being swept into the mainstream. Likewise, the Arctic will have an ever-increasing role in world affairs.

The ten million square miles on top of the earth contains a staggering wealth of fossil fuels left over from an earlier age when much of it was covered by tropical jungle. Canada, Alaska, the Scandinavian countries, and especially the Soviet Union and its mighty Siberia will all share in the new Arctic Age which is ahead of us.

There is no fear in the quantity of reserves waiting for mankind. The only concern is in the control of those resources. Will they be distributed to meet the needs of all men everywhere or will they be horded for the benefit of a small elite?

The 21st century, the world of tomorrow, will be a world of unlimited energy. With the new sources I have mentioned, especially geothermal power, solar heat and fusion, every nation will have its own supply. Gone will be the tools for energy blackmail.

I sometimes think that this area, which some of us in this room may see, is slow in coming only because the decision-makers are fearful of upsetting the total economic situation as we know it today. They are locked into the past.

There is an unusual tie-in between energy and life, energy and poverty, energy and peace.

The challenge of the moment is for both the developed and the developing nations to share our common needs and our common opportunities. Then we can usher in a millennium of peace which could be only one or two generations away.

II. ENVIRONMENT

*"Humans are the most precious things on earth."*

In our zest for cleaning up the environment, and I have that zest and that concern, we must not overreact to the point where we protect wildlife and nature while ignoring the needs of man.

People equate the using of nature with the destruction of the environment, when in reality man cannot exist without using nature. The secret for man's life on earth, in fact for all life on earth, is for man to be compatible with nature. We must not abuse it, but we must use it.

For example, God put a tree on earth to be used, not just to be cut down, but to be used; perhaps for birds to nest in, or simply to be looked at for mere enjoyment to restore the spirit and perspective of man.

If a tree grows somewhere unused by man or animal it is somehow wasted. Like a human being, it must be needed by someone. But likewise, like a human being, it should not be exploited. Man, being the only reasoning animal, has to be the one concerned about other life on earth.

There's a struggle going on in my country. I call it the civil war of priorities—neighbor against neighbor, man against need—overpreservation or use of our resources.

Bitter voices have been raised, on the one side pleading, "Give us work, give us energy for our homes"; on the other side shouting, "Stop the rape of our environment, protect our wildlife and our wilderness."

This same battle is going on between the rich and the poor throughout the world. Somewhere in between there's a still small voice that says, "If we work together we can do it right."

As far as pollution and environmental desecration go, we cannot undo all the wrongs of yesterday, but we can guide responsibly the needs of tomorrow.

We cannot condone exploitation of one resource at the expense of another resource, even if that resource has no dollar value, such as a sunset, a lonely stretch of beach, or the right to roam.

But neither can we preserve untouched all those resources that man needs. All human needs must be taken into consideration, those of everyday necessity such as food and energy, or those of lasting beauty, such as a wilderness. In evaluating the total situation, I am convinced we can make use and conservation compatible. For the good of the human, they must be made compatible.

With technology and the right attitude in our governmental leaders we can see the job well done, but only if we are guided by the fact that the most precious thing on earth is the human. The whole world can unite on that basis. I remember well when the leader of the Chinese delegation to the U.N. Conference on the Human Environment last June in Stockholm addressed himself eloquently to that theme.

I have no time for those who say they are dedicated to the environment but disregard the needs of people. The question is not what kind of a world do we want for elephants, or reindeer, or pandas, or Sequoias, or tundra, but what kind of a world do we want for our children.

Wilderness is not the world. The world is both in wilderness and people, in animals of rich variety, in water and air, in the world of modern technology and the world of timeless nature.

Dr. Paul Brandwein put it well: a world which does not conserve its children, does not conserve its elephants. It does not conserve its environment or its resources or its knowledge or its values. It is neither competent nor compassionate. Its ends are neither human nor humane.

I am most happy to be here in Geneva at this time to moderate this panel at the Sixth Public Relations World Congress. Maurice Strong, the man who organized and led the United Nations Environmental Conference, asked me to participate on his behalf. He is in Nairobi, Kenya this week where he is setting up the headquarters for the new United Nations Environmental Agency. I have known Secretary Strong since 1970, before he was named to head the U.N. environmental effort. As U.S. Secretary of the Interior and afterwards, I have worked closely with him on his approach to making the environment a truly global issue.

From the beginning I have been a firm believer that the United Nations is the one hope the world has for effective environmental action.

Pollution knows no boundaries. Every major river eventually empties into the oceans. A river doesn't know whether it is flowing through a Socialist country or a Capitalist country; but if we pollute it, it will carry that pollution into our common seas.

I thank God that visionaries over 25 years ago succeeded in organizing the United Nations. Without it there would be no natural forum for mankind to confront the common dangers and opportunities of the environment. There would be no one to listen to the cry of life. The environment is going to do for the original intent of the United Nations what diplomacy and politics have failed to do. It will provide a common concern that bridges national self-interest.

You, who deal with the media, must tell that story. Many nations, including my own are falling into the mentality that it is time to let the world take care of itself. We want to look after only those problems within our own borders. Parliaments and congresses are cutting back their appropriations to finance United Nations activities.

But the realities of the environment cannot be ignored. No one nation can clean up only its own back yard and expect to have a clean environment. The urgent call of the hour is for all people to reach out to the others and help carry the responsibility of learning how to use nature and preserve her for the good of all mankind.

Do not narrow your thinking to those who propound a negative philosophy of doom. Those who want to turn off the lights of the world are not the true friends of the world or the future.

The human family is being drawn together by the environmental challenge, and this is a great and important event in world history.

My hope of the future is to concentrate on solutions, answers and imaginative approaches to the problems at hand rather than repeating the already shop-worn cliches of the doomsday philosophers.

I am fed up with those who profit in terms of fame and fortune by being negative. This is not doomsday; it is opportunity-day. We can look in a mirror and see if our face is dirty. If it's dirty, then let's wash it. Not talk about it.

There is an old belief in journalism that something has to be negative to be news. I'm tired of this attitude. Criticism is necessary, but with it should go responsibility. Man caused the problem we are looking at. Many can clean it up.

The best public relations, especially in the environmental area, is action.

When I was appointed as Secretary of the Interior for the United States, responsible for our natural resources and public lands, I was attacked by the press. False stories were written, and the people became afraid I would promote policies that would desecrate the land and its beauty.

I didn't get angry with the press. I didn't even hire a public relations firm. I set out to do a job believing that if I made a decision in the best interest of all two hundred million of our people, it would also benefit the special few. I began to clean up the relationship between industry and government.

Within only a few weeks, the press changed their attitude. Words are cheap, and they are being used by all sides. But action on behalf of the people is the best form of public relations I know.

Today we must generate a global demand for action on the part of our leaders in government and industry in all corners of the earth. If we do, it is not too late.

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## DEATH OF EMERY L. FRAZIER

Mr. HUDDLESTON. Mr. President, the Nation and my home State of Kentucky have suffered a very great loss with the death last week of Emery L. Frazier, who for many years served as chief clerk of the U.S. Senate, and who also served as a legislative clerk in the Kentucky House of Representatives.

Kentucky is a State rich in political history, and we have produced many great politicians and statesmen—from Henry Clay to Alben Barkley and my predecessor, John Sherman Cooper. Emery Frazier belongs in that select group because he too served his State and his country with devotion and honor.

Mr. Frazier was born in Woodford County, but he soon moved to Lawrenceburg, where he attended high school. After graduating from the University of Kentucky, he served a term in the State legislature and also served several terms as mayor of Whitesburg.

He then came to Washington with Alben Barkley in 1933 and started his career as a legislative clerk. He was later named chief clerk of the Senate and served in that position until 1966. Finally, Mr. Frazier served a brief term of less than a year as secretary of the Senate.

Emery Frazier was also a great member and leader of the Democratic Party, as evidenced by the fact that he was the chief reading clerk of every Democratic national convention from 1936 to 1965.

Today, we have a very strong Democratic Party in Kentucky. It is a party that serves the State and the Nation well—and it is because of hard work and devotion of men like Alben Barkley and Emery Frazier that this is the case.

Mr. President, our great country has lost an outstanding citizen. He will be impossible to replace, but we can pay tribute and honor to his memory. To that end, I ask unanimous consent that an article about Mr. Frazier, which appeared in last Wednesday's Louisville



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Courier-Journal, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EMERY L. FRAZIER, KENTUCKIAN WHO SERVED AS U.S. SENATE AIDE, DIES AT 76

Emery L. Frazier, 76, the Kentuckian who called the roll of states at Democratic national conventions for many years and served the U.S. Senate as reading clerk, chief clerk and secretary, died at 4 a.m. yesterday at Louisville's Methodist Evangelical Hospital.

Frazier went to Washington in 1931 as a legislative aide and had worked as reading clerk and chief clerk. He was named secretary of the Senate in January 1966. He retired in October 1966.

He had called the roll of states at Democratic conventions since 1932.

Although born in Woodford County and reared in neighboring Anderson County, Frazier throughout his adult life regarded Whitesburg, the county seat of Letcher, as his adopted home.

A graduate of the University of Kentucky School of Law, Frazier served in the 1922 Kentucky General Assembly as state representative from Anderson County.

WORKED FOR COURIER-JOURNAL

He moved to Whitesburg the following year where he opened a law practice, became town clerk and was later elected mayor.

Although he lived in Whitesburg only 10 years—1923 to 1933—his terms as mayor were characterized by civic progress that included construction of the town's first paved streets and sewer lines, and the installation of electric and telephone lines.

Frazier also worked as a part-time correspondent for The Courier-Journal in Eastern Kentucky. In 1927, tipping a Louisville & Nashville Railroad porter $5 to serve as his courier, Frazier sent out the first eyewitness account and pictures of the disastrous flood that year.

Before moving to Washington, Frazier also served as a clerk in the Kentucky House of Representatives and as secretary to state Democratic Party conventions.

He liked to recall in more recent years that he called the roll of delegates at the last state nominating convention, held in Lexington, which nominated Ruby Laffoon for governor and A. B. Chandler for lieutenant governor.

Although Frazier refrained from publicly discussing prominent politicians he came to know in his Senate job and at national conventions, he was acquainted with four Democratic presidents—Franklin D. Roosevelt, Harry S. Truman, John F. Kennedy and Lyndon Baines Johnson.

The names of Truman, Kennedy, and Johnson rolled from Frazier's lips on numerous roll-call votes in the Senate before these three men ascended to the White House.

In private conversations, Frazier liked to spin yarns about colorful American political figures of the Roosevelt era, particularly Jimmy Walker, former mayor of New York, "Boss" Ed Crump, of Memphis, and Anton Cermak, the mayor of Chicago, who was killed in Miami during an assassination attempt against Roosevelt.

"They were all strong-willed men with aggressive personalities," Frazier would recall.

Frazier was a close friend of the late Alben Barkley, Kentucky senator and vice president under Truman. In conversations with Kentuckians, Frazier would recall Barkley's temporary split with Roosevelt in 1944—an event triggered by the president's veto of a tax bill that Barkley, then Senate majority leader, got the Senate to pass.

Barkley's denunciation of the Roosevelt veto, made in a speech from the Senate floor, was said by Frazier to be the most dramatic event he ever witnessed in the Senate during his years in Washington.

"He poured out his entire soul in that speech," Frazier would say.

A modest person, Frazier was the bane of newspaper reporters. Although he witnessed momentous legislative events and was privy to the infighting that preceded congressional action, he would gloss over the intimate details.

"My only interest is in the mechanics of legislation and the conventions," Frazier would say to reporters, his eyes twinkling mischievously.

There are no immediate survivors.

The funeral will be at 2:30 p.m. tomorrow at Gordon Funeral Home, Lawrenceburg, Ky., with burial in Hebron Cemetery, Anderson County. The body will be at the funeral home after 11 a.m. today.

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## ROLLBACK OF BEEF PRICES—RESOLUTION OF OKLAHOMA SENATE

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the Oklahoma Senate memorializing Congress to defeat legislation providing for a rollback of beef prices.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION No. 36

A resolution memorializing Congress to defeat legislation providing for a rollback of beef prices; and directing distribution

Whereas, agriculture is the number one industry in Oklahoma; and

Whereas, the livestock industry is the largest segment of the agriculture industry in Oklahoma by generating approximately $800 million per year into the economy of this state, as well as being an important segment of the over-all economy and prosperity of Oklahoma; and

Whereas, House Bill No. 6168 will be considered in the Congress of the United States; and

Whereas, this bill would roll back meat prices to the January 10, 1973, level and would cost Oklahoma cattlemen about $227.5 million dollars; and

Whereas, Oklahoma cattlemen have faced the most severe winter weather in history, in addition to paying higher prices for feed; and

Whereas, cattle feeders have been affected also by the withdrawal of use of D. E. S. January 1 of this year, which had the effect of adding ten percent (10%) to the cost of feeding cattle; and

Whereas, livestock producers and feeders contract for cattle months in advance of the actual delivery date and many would be facing bankruptcy by the effect of House Bill No. 6168.

Now, therefore, be it resolved by the Senate of the 1st session of the 34th Oklahoma Legislature:

That the United States House of Representatives be and hereby is respectfully urged to defeat any legislation designed to roll back beef prices and particularly to defeat House Bill No. 6168, which would have drastic effect upon the economy of Oklahoma and other primary agricultural states.

That the Oklahoma Congressional delegation actively oppose the passage of House Bill No. 6168 in the United States House of Representatives.

That duly authenticated copies of this Resolution be distributed to each member of the Oklahoma Congressional delegation.

Adopted by the Senate the 12th day of April, 1973.

## ROBERT W. WOODRUFF, PRESIDENT OF COCA-COLA CO.

Mr. TALMADGE. Mr. President, 50 years ago Mr. Robert W. Woodruff became president of the Coca-Cola Co., and from that time forward he has wisely guided the company to great success throughout the United States and in every country of the world except China, Russia, and Portgual. As a businessman, Mr. Woodruff is a humanitarian who has contributed beyond measure to the well-being of his fellow man in Georgia and all across our country.

The April issue of Atlanta magazine contains a very fine profile of Mr. Woodruff, in which he is described as "a gifted and giving man." This is a well-deserved tribute to a great Georgian, an outstanding American, and a gentleman of the first order.

I bring this article to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROBERT W. WOODRUFF

(NOTE.—Fifty years ago this month 33-year-old Robert Winship Woodruff accepted the presidency of The Coca-Cola Company. Warren Harding was President and Andrew Mellon secretary of the Treasury. Stalin and Trotsky were jockeying for power to succeed the ailing Lenin in Bolshevik Russia. Mussolini had just come to power in Italy. Internationally, currency was chaotic. Atlanta had just opened the Spring Street Viaduct, and was enjoying a building boom on Marietta Street and around Five Points.

(Woodruff's father Ernest was one of a group of businessmen who had bought the Coca-Cola Company in 1919 for $25 million—at the time the largest transaction ever consummated in the South. But Robert Woodruff's selection was no silver platter gift. He already had demonstrated his independence and his business acumen.

(Restless with college life at Emory-at-Oxford, the eldest of the three living sons of Emily Winship and Ernest Woodruff had gone to work at 20 as an apprentice machinist at an Atlanta foundry (60 cents a day), then moved up, moved out, and at 24—a year after he was married—started selling White Motor Co. trucks. He did so well that after a World War I Army stint (as a major in Ordnance), he was vice president and sales manager of White when Coca-Cola offered him its presidency, a position he entered April 28, 1923.

(The first Coca-Cola syrup had been sold in Atlanta in 1886, four years before Robert Woodruff was born. Its steady growth into an international, diversified, prospering giant is linked intimately with Robert W. Woodruff.

(But this is neither a corporate history nor a personal biography. It is an anniversary portrait from the memory of friends of an extraordinary man.)

In a fulfillment beyond the deepest yearnings of most men, Robert Winship Woodruff has lived long enough and well enough to measure the length of his own shadow.

Very alert, and still incisive at 83, this restless, introspective man spends his days at his office on North Avenue, his home on Tuxedo Road, his River House apartment on 52d Street in New York, or Ichauway, his plantation-hunting preserve in Southwest Georgia, pondering alternatives, searching his intuition for the most productive employment of his ever-growing fortune to the betterment of his community.

This is today his most urgent and demanding task, for with all individuals of great financial acumen, in time it becomes far easier to make money than to give it way with wisdom.



In ways dreamed by few—even those who smile knowingly when they read of multi-million-dollar gifts from an "anonymous donor"—Bob Woodruff has made stunning contributions to the greening of Atlanta; from his own resources, and from those of others whom he has helped make rich through his business judgment, and whom he influences through his assent.

He is a complex man of baronial extravagances and simple pleasures, a college drop-out of intuitive genius, an executive with an uncanny ability—attested by educators, businessmen, politicians—to listen, see the total picture quickly, and take constructive action.

"Good vibes" is what Woodruff's grandnieces and -nephews probably would call this essential electricity, this near-telepathic communication with men and women in all walks of life.

A venerable colleague and long-time friend put it in plainer English: "He listens to people," said John A. Sibley, honorary chairman of the board of the Trust Company of Georgia, and one of Woodruff's oldest friends. "He sees instinctively what they need, what troubles them. He gets to the kernel, the ultimate in his judgment. People know this. They feel affirmed and assured in his presence."

But not only people: "Watch Robert Woodruff with animals," Sibley suggests "He is a fine horseman, a real outdoors man. He loves horses, dogs, all animals. There is an understanding between them. They trust him. He considers them, and they do their best, perform their utmost for him." (Woodruff has remarked over the years that the real duty of a hunter was to give his horses and dogs a day of pleasure.) This gift communication set his executive style.

From his beginning at Coca-Cola, he has been a man-to-man executive, avoiding "conferences," by-passing memos and paper work, instead talking to individuals, listening, deciding.

To say that his *modus operandi* works is magnificent understatement. As businessmen are wont to say: Look at the bottom line. One share of Coca-Cola stock bought in 1919 for $40 is worth more than $16,000 today, considering splits and dividends. Integrity of the stock was one reason why Woodruff abandoned the $85,000-a-year vice presidency of the White Motor Company to accept the $35,000 presidency of Coca-Cola. He had been scraping to buy Coke stock for several years. It had fallen from 40 to about 19, and he told friends he was going to see what he could do to recoup his losses.

Besides, he had a couple of aces in the hole. His former employer, Walter White, and his friend, Walter Teagle of the Standard Oil Company, each had assured him that he could have his choice of jobs with either company should he decide he had made a bad decision by coming home. He did go back to the White Motor Company in 1929 upon the death of White. He took over the interim presidency for one year, holding the presidencies of both companies, commuting between Cleveland and Atlanta.

"I want everybody associated with Coca-Cola to make money," Woodruff has said. As everybody knows, most of them have. Adding his own executive genius to the established Coca-Cola system of selling syrup and support in advertising, marketing and merchandising to locally owned bottlers, Woodruff transformed a national drink into a worldwide favorite, available in every country but China, Russia and Portugal. And the company that offered only one product until 1950 now is a multi-national corporation selling 250 products, including other soft drinks, flavors, citrus products, coffee and, through a subsidiary, water purification systems.

The concept of a cooperating group of independent local businesses rendering a fair profit at all levels is considered by many as an exemplary model of the American way of business. "The Company could never have achieved this acceptance and image (worldwide) with any other way of doing business," said present Board Chairman J. Paul Austin. "Nor could any company have affored the breadth of expansion this has made possible."

So pervasive is Bob Woodruff's influence in all this flowering that even though he retired officially in 1955, and now is nominally only a director and chairman of the finance committee, his associates once adjourned an important meeting when he did not appear, declaring they lacked a quorum.

If it can be said that Coca-Cola and Bob Woodruff have been synonymous for 50 years, it also is true that his business and civic and personal life have melded until they cannot be distinguished.

In Nell Hodgson, one of the spirited daughters of a large and talented Athens, Ga., family, Woodruff met a woman to match his mettle, or better still, to complement it. From the beginning, she knew she was "married to a kite," but she adored him, was proud and protective of the Company, and found her greatest pleasure with him and with their friends and families.

Both Mr. and Mrs. Woodruff had a flair for sociability. Their lives became a swift succession of glamorous hospitality extended and received. They were invited everywhere, entertained in elegant ways. Mrs. Woodruff, whose face and manner had a petal softness, ran her households as efficiently as he ran his business. She sang well—ballads, lullabies, *lieder*. She rode and hunted, enjoyed birds and nature. She was a gifted raconteur, especially adept at dialect, her sense of comedy matching his more cryptic and astringent wit. When she was invited to the White House to be presented to the visiting Queen Elizabeth of England, one of her nieces carefully admonished her. "Now, Nana, do be careful. You must not turn on your British accent when you meet the queen."

The Woodruffs moved freely among four places of abode. Their spacious Georgian house in Atlanta was home. They acquired the 4,600-acre ranch of the late Buffalo Bill near Cody, Wyo. They had Ichuaway with its 37,000 acres. And they had a stunning duplex in New York. Atlanta friends of Nell Woodruff remarked enviously that she could go to New York to entertain guests for luncheon in her apartment easier than they could make a trip to Buckhead. Every house was perfectly appointed, completely staffed. The refrigerators were stocked, brasses and silver polished, linen and flowers fresh.

A chauffeur in Atlanta whisked her to their waiting private plane (one of which she decorated herself, principally with beautiful paintings of mourning doves by Athos Menaboni.) The plane floated down at a private airport where a car awaited to whisk her to River House.

"It was like moving around with royalty," says Mrs. T. Erwin Schneider, "yet the Woodruffs gave themselves no airs at all. All paths were smoothed ahead of them. It was as if they had a brace of equerries preparing the way."

Mrs. Schneider traveled often with her beloved friend, including a trip to Geneva, where Mrs. Woodruff had been appointed by President Dwight D. Eisenhower a member of the American delegation to the World Health Organization of the United Nations, an appointment to which she brought a graceful and informed effectiveness. One time when the two ladies were traveling by train to the Woodruff ranch in Wyoming, the conductor knocked on their compartment to give them a message. The president of the railroad had called, he told them, to order the train halted at a point near the ranch to save them several hours of tedious travel. When he had gone, Nell Woodruff smiled at Mrs. Schneider. "Have you ever had a train stopped for you before?" she asked in amusement. "Isn't it wonderful what a little five-cent drink can do?"

The late Ernest Woodruff, Robert's father, was known for his prudent handling of money. One day he observed to his son that from his point of view, four homes seemed a conspicuous extravagance. "But, Pa," his son cajoled him, "Have you ever heard of any other man with four houses and the same wife in all of them?"

Mrs. Woodruff had finished two years of nurse's training when she married the "city slicker from Atlanta" as she sometimes called her husband, and she kept a lifelong interest in that healing ministration. During World War II, she served as a nurse's aide in Washington, D.C. and held credentials permitting her to serve in that capacity in any hospital in the United States. She never missed a chance to take over the nursing of their friends in their illnesses. Mrs. J. Elliott Scarborough, whose late husband was head of the Winship Memorial Clinic at Emory and Mr. Woodruff's personal physician and devoted companion, recalls gratefully that Mrs. Woodruff was in the room with her, at her side upon the birth of each of her three children.

In 1968, Emory University named its new nursing school the Nell Hodgson Woodruff School of Nursing. Mrs. Woodruff was on hand at the groundbreaking. Her husband, in one of his very rare public pronouncements, took the opportunity to bespeak his pride in his wife and her quality of human compassion. Mrs. Woodruff delightedly telephoned a friend later. "I've never been so thrilled," she said. "Wasn't that the nicest thing you ever heard of?"

Within a week she died suddenly at Ichauway. They had celebrated their 55th anniversary a few months earlier.

In a reflective mood on one occasion, Mrs. Woodruff had remarked on her charmed existence, and declared that she had never really been tested in her whole life. "Ah, but you have, Nell," Mrs. Schneider remembers replying. "Great wealth and great power are the most demanding tests of anything in the world."

Bob Woodruff has been blessed with many happy family relationships. He was devoted to his mother, and spent much time with her until her death in 1939. One of his favorite places, even as a grown man, was at her knee as she read or talked.

With no children of their own, the Woodruffs showered affection on 30 nieces and nephews—the three children of Woodruff's brother George, and the 27 offspring of Mrs. Woodruff's eight brothers and sisters. These young folks poured in and out of all the Woodruff residences throughout the years. Mrs. Robert Watt, nee Nell Hodgson of Athens, was named for Mrs. Woodruff, and her childhood was somewhat divided between the households of her parents and her aunt and uncle. "All the nieces and nephews just worship them both," Nell Watt says. "I can't tell you how many things our Uncle Bob and Nana have done for us all and now for our children. He's just their Bimpa to the youngest ones."

A cross-stitched sampler at Ichauway says it well: "Happiness is a rich uncle."

Another niece, Mrs. Rutherford L. Ellis, the former Martha Hodgson, now widowed, has served as Mr. Woodruff's hostess from time to time since her aunt's death.

At the office, Mrs. Lucille Huffman has been Woodruff's personal secretary for 45 years, and every year, she says, has been busy, exciting, happy. Officially, Mrs. Huffman is assistant treasurer, one of the two women officers of the Company. She has been eligible for retirement for several years, yet stays on at

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their mutual pleasure, voted extension each year by the Board upon Woodruff's motion. "He doesn't like change," she says. "He sticks to people and they stick to him." Mrs. Huffman knows his favorite friends, his irritations, his gratifications, all his ways. "He's done so much good that nobody has ever suspected. He's so soft-hearted. So kind. Some people bore him of course, and he avoids dreary characters like the plague. He never gets caught with tedious ones twice. He can stand ignorance, but he can't tolerate stupidity."

Though The Coca-Cola Company has built a new office structure, Woodruff's offices remain in the old building on North Avenue, adjacent to that of Joseph W. Jones, vice president of the Company and Woodruff's principal business assistant, and down the corridor from the offices of President Charles W. Duncan, Jr. and Board Chairman J. Paul Austin. The walls of the halls, the conference room, his office, and his private dining room are a virtual gallery of leaders of the 20th Century, all autographed affectionately. His office itself is a museum of memories. It contains the roll-top desks of his father and grandfathers, portraits of them all (Grandfather Woodruff with an ear trumpet in hand), hundreds of mementoes, gimcracks, knick-knacks, scrapbooks, and at the left hand of his writing pad, a black leather Bible. Facing him is an engraved reminder reading, "There is no limit to what a man can do or where he can go if he doesn't mind who gets the credit."

A Presbyterian by denomination, Woodruff is not much of a church-goer. His clergy friends come to him, and often bring copies of their sermons. Quietly, he has refurbished and restored many small churches that have fallen into need, and one congregation, knowing his dislike of trumpet-blowing for his benefactions, simply wrote a letter to God thanking him for letting such a fine man come their way when they needed him.

In the center drawer of Woodruff's desk in his office are five watches which Mrs. Huffman ceremoniously keeps wound. He always checks to see if they are running. They always are. It is a little game he plays with Mrs. Huffman. "What can anybody give a person like Mr. Woodruff, who has everything?" Mrs. Huffman asks. "Nothing of value. So you give him something of amusement or sentiment. He appreciates this. He don't let one of his little treasures be thrown away."

Woodruff himself is a discerning gift-giver. His favorite token is one fresh rose delivered at the significant moment. But his personal gifts range from swimming pools to silver to fresh vegetables from the country. He is particularly thoughtful of the widows of his old friends, and makes it a point not only to remember them at sentimental times but to plan special hospitality for them on other occasions. Before the start of each month, Mrs. Huffman presents him with a list of anniversaries of friends he wishes to remember—and he selects the gifts.

Of the many portraits painted of Woodruff, two of the finest are by Elizabeth Shoumatoff (who was working on President Franklin Roosevelt's portrait at the time of his death). The Shoumatoff portraits are almost identical, except that one does not have Woodruff holding a cigar. The ubiquitous cigar has become a personality signature.

Julian Harris, whose broad-shouldered, handsome bronze bust of Woodruff rests in the lobby of the Robert Woodruff Library for Advanced Studies at Emory, found him a surprisingly patient sitter in their seven meetings while Harris was doing the initial molding. At one time he asked his subject to look at a pine tree outside the studio. Woodruff obliged; then his attention wandered. Harris asked him again, and the same thing happened. Finally Harris blurted out: "Look at the pine tree, damn it!"

The artist immediately apologized. "Does anybody ever presume to give you orders?" he asked.

Woodruff laughed and retorted: "Yes: Luther." Luthern Cain Jr. is Woodruff's black chauffeur, his valet, his constant attendant and his friend. Cain is admittedly indispensable to Woodruff, and with all due propriety and respect, knows it.

Woodruff has always had an easy country man's way with all his neighbors at Ichauway. Nell Watt remembers with nostalgic pleasure the lovely wedding of a pretty black girl in the big house, arranged by the Woodruffs. At Christmas time, she says, the screened back porch of the old white clapboard house sagged with strain when the black neighbors came to sing spirituals and get their "Santa Claus." Sometimes such guests as Morton Downey sang along with them.

While Dwight D. Eisenhower was President, he dropped in unannounced at Ichauway one time, pulling up at the green circle of winter rye grass centered with the live oak tree in front of the unpretentious house. Prepared for anything, the Ichauway staff were equal to this unexpected honor. They served the President quail and ham.

The President, a golfing buddy of Woodruff's (Ike said he was the only golfer he knew he could beat) loved to hear the spirituals at Ichauway. From time to time he telephoned impulsively during his years at the White House to say, "Bob, put my chorus on. I want to hear them sing 'Just a Closer Walk with Thee'."

During Mrs. Woodruff's lifetime, she had remarked that she scarcely remembered when they had had a meal alone. Even now, Woodruff is rarely without a guest in his household.

The ranch in Wyoming has been sold, but Ichauway continues to be one of Woodruff's favorite places. The bird dogs are there, descendants of the retrievers, pointers and setters—Preacher Dick, Lloyd George, Lady Maritana, Old Mattie—and the others who are buried in Ichauway's canine Valhalla, a private burial nook with appropriate headstones.

The house is picturesque and homey, and in the chill of the hunting season, the fireplaces crackle with fat "lightard" knots bursting with resin. The sideboard groans with food—good country food: fried chicken, string beans, turnip greens, black-eyed peas, sausage, guinea hens, catfish, barbecued ribs, venison steak. In season there are watermelon and berry cobbler, and always homemade cornbread, cane syrup, and fresh buttermilk.

People who fit this memory of the past, this appealing anachronism, are welcomed as much by the staff as by their host. Only trusting people are invited, and they are well known to each other. "Life is pleasanter lived among the people you were brought up with." Woodruff has commented. "That may sound sentimental, but it is true."

Dr. Philip Weltner, a bookish man, former president of Oglethorpe University, and one of Atlanta's respected social visionaries, served fruitful years as consultant to the Emily and Ernest Woodruff Foundation. In one of their discussions, Woodruff suggested that Weltner come to Ichauway to continue the conversation. Demurring, Weltner confessed that if one of the bird dogs pointed a covey of quail, he would not be able to pull the trigger of his gun. "I would be too interested in looking at them."

Woodruff searched his face quizically. "You would, hmmmm? Well, then I guess you have no business at Ichauway."

And Weltner has never been there. But hundreds of other people have: politicians, professional sportsmen, singers, educators, doctors, business magnates, including the Jack Adairs, the Ivan Allens, the Henry and Robert Troutmans, the Sibleys, the Carl Sanders.

Much of Ichauway is wooded with miles of trails and roads threading through slender pines, great oaks, the draperies of Spanish moss along the banks of Chicawawatchee Creek, and visitors cherish invitations for the refreshing company of their host as well as a chance to enjoy a spacious outdoor world that exists mainly in tender memory of vigorous Southern men.

"I admire no one more than Mr. Woodruff," Carl Sanders says. "He's a brilliant man with a peculiar gift of insight. He's a marvelous host. I learn so much from him. Everybody does. When I was governor, his advice and counsel meant so much to me. I'm afraid there'll never be anyone like him. He's one of a kind."

His friends visit him also in his Atlanta home, some of them dropping in as a kind of ritual, to discuss a problem or pass an hour or so in comradeship. Richard H. Rich, chairman of the executive committee of Rich's Inc., whose mercantile organization was building a major store on Alabama Street the year Woodruff took the presidency of Coca-Cola, considers himself fortunate to be one of these visitors: "He makes people feel he has just been waiting to see them individually, to greet them. It is flattering. He's a remarkable person, a man of strong contrasts. There is that hard-core exterior and soft interior in human relations. He has strong likes and dislikes. I find him very warm and friendly and I appreciate him."

Woodruff has always been the friend and advisor to Atlanta's mayors the Late William B. Hartsfield was his boyhood schoolmate, and remained close to him. Former Mayor Ivan Allen enjoyed Woodruff's social and business friendship long before succeeding Hartsfield, and had his support through his two eventful terms. Sam Massell, younger than either of his recent predecessors, inherited Woodruff's counsel as well. Massell has great respect for Woodruff, not only for his wisdom, but for his proven love of Atlanta. "I feel I could go to him for anything needed for the city," he says, "and I don't mean just money. I mean advice, help, direction. He's very bright. Brilliant, really. You hardly begin to fill him in, and he understands the situation."

Of all men, Boisfeuillet Jones, formerly special assistant to the secretary of Health, Education and Welfare and now president of the Emily and Ernest Woodruff Foundation, perhaps best sees the intensity of Woodruff's concern and devotion to Atlanta.

Actually there are five foundations, all of them interrelated through their growth from Coca-Cola investments: the Trebor Foundation, the Joseph B. Whitehead Foundation, the Lettie Pate Evans Foundation, the Lettie Pate Whitehead Foundation, and the Emily and Earnest Woodruff Foundation. Their assets total about $553 million, most of it international stock of The Coca-Cola Company. Except for the Trebor Foundation (Robert spelled backward) with assets of $38 million, none of these can be considered Robert Woodruff's own money.

The funds are controlled by a board including George A. Woodruff (Robert Woodruff's only living brother), J. Paul Austin, John A. Sibley and James M. Sibley. Joseph W. Jones is alternate member. But it is understood that Robert Woodruff "influences" the grants and gifts from all these sources.

These Foundations are at the heart of virtually every capital funds campaign in Metro Atlanta. Their general pattern of philanthropic interest centers on health, education, youth activities, culture, and in recent years, the problems of crime, job training, welfare services in the inner city, etc. In the past, grants have been made anonymously, respecting Woodruff's distaste for personal publicity, and his feeling that operating quietly gets more things done. "In any event, the people who really count know about the grants anyway," it is often remarked.

Anonymity has actually worn a very opaque veil. One of the "worst kept secrets in Atlanta," according to the late William B. Hartsfield, was the source of $8 million given toward the construction of the Atlanta Memorial Arts Center. These gifts have since been identified by such publications as *The New York Times* and the Twentieth Century Fund Study *The Big Foundations*, compiled by Waldemar A. Nielsen and published in 1972 by the Columbia University Press.

Gudmund Vigtel, Director of High Museum, which is a part of the $13 million Memorial Arts Center, says the new building has changed everything for the museum. Attendance tripled the year of its opening. Membership did likewise. Income from membership went from $30,000 to $146,000 last year. "While you may not think that is very dramatic," Vigtel says, "let me tell you it is one of the highest figures in the country."

Dr. Weltner, who helped focus Woodruff's attention on the city's need for an arts center, says Woodruff admittedly is no culture buff. "So the fact that he gave the arts the momentum he did is even more to his credit. He knew the city needed it."

This month, when the dogwoods are in full bloom, Atlanta's new Central City park in the environs of Five Points has opened in a preliminary way as a downtown oasis. This park is the result of a gift of stock valued at $9 million marked "anonymous" a year or so ago. At the same time the park gift was made, a grant of $1 million was made to the Martin Luther King memorial for a park to be developed across the street from the late Dr. King's church, the Ebenezer Baptist, and his burial plot.

For years Woodruff was a trustee and member of the finance, executive and nominating committees of Tuskegee Institute, and has been much involved with that institution's development. Three major capital grants amounting to about $6 million have also been made recently to the Atlanta University complex. The Boys Clubs of America, Goodwill Industries, Y.M.C.A., Red Cross, dozens of other agencies have received grants, and in 1971, a gift of $75,000 to Fernbank Center assured the purchase of 65 acres of crucial land. That was the year that the city received its Center City park grant, and $28 million more was distributed in 28 gifts, including seven to Emory's Medical Center.

Last July, the Woodruff Foundation gave about $36 million to Atlanta educational institutions, plus more than $10 million to the Atlanta Arts Alliance as an endowment for the Memorial Arts Center's operation. A gift of $1 million was made recently to the Atlanta Historical Society toward the construction of a new archives building.

But Emory University has received the lion's share of the Foundations' benefactions since 1937. Amounts in excess of $100 million have found their way to Emory under the "influence" of the Woodruffs, most of them channeled to the establishment of the Woodruff Medical Center. The name was chosen to honor the Woodruff family, not an individual member, since much of the money represented the Woodruff family's wealth. The Woodruff Medical Center continues to expand. It now embraces 16 major medical and research units and related agencies.

Dr. Arthur Richardson became dean of the Emory Medical School 18 years ago. He declares that Woodruff has never made a demand on him. "He can take facts, many facts, put them in relationship and come to the right conclusion. He is not distracted by details. He is also not a man to second-guess, and you'd better not try. Once he is committed, he is committed 100 per cent."

For his part, Dr. Sanford Atwood, who has spearheaded a huge development program at Emory since he came 10 years ago as its president, considers Woodruff the "grandest man I've ever known. They way he thinks, acts, accomplishes, his feeling for his fellow man. . . . Of course one of his profound and lasting interests is Emory University. This has perspicacity behind it. Through scholarship and research and service activities, a university is one of the strongest forces for cultural advancement and the forward thrust of society. Mr. Woodruff and I have a perfectly wonderful association. We talk. He suggests. He makes no demands. He is a very great person."

More than 35 years ago, Woodruff's good friend, the late Ralph McGill, wrote him a long letter upon the death of his brother Henry. "So many men," McGill wrote, "never realize the hard fact that they are a part of mankind, and that they must be responsible to mankind. You have learned that the bell tolls for you, and you have answered it in measure greater than was required of you. You have given of your wealth and more important, of yourself."

McGill would not have written it better in 1973.

But canny old Dr. Weltner, the man who couldn't fire a gun at a quail, perhaps says it best: "I think of Woodruff and Augustus Caesar," he mused; "When Augustus Caesar came to Rome, the city was built of bricks. When he left it, Rome was a city built of marble."

## DEATH OF THOMAS P. STONEY, FORMER MAYOR OF CHARLESTON, S.C.

Mr. THURMOND. Mr. President, Thomas P. Stoney of Charleston, S.C., who died April 21, 1973, at age 83, the victim of a hit-and-run driver, was an outstanding leader in his community and State for more than a half century.

His service spanned not only a long period of years but a variety of roles in public affairs. After graduation from the University of South Carolina Law School in 1911, he entered the practice of law in his home city. At the age of 26, Mr. Stoney was elected circuit solicitor, a post which he filled with distinction until being elected mayor of Charleston 7 years later.

His two terms at the helm of the city administration resulted in a number of outstanding accomplishments. During his administration the city's first airport was established, as well as a number of recreational and playground facilities.

Mr. Stoney's strong and progressive leadership has been felt through the years. Since leaving the mayor's office in 1931, his wise counsel was sought and followed in many areas of civic and public life. He was a champion of the underdog throughout his career, and never feared to fight for those principles which he felt were right.

His interest in politics and public life transcended local affairs, extending to a broad range of state matters and Presidential elections.

Mr. Stoney was an excellent speaker and a respected lawyer who contributed a lifetime of public service. His untimely death as the result of a hit-and-run automobile was a shock to all who knew him.

Mr. President, at the time of his death a number of newspaper tributes were published about his life and career. I ask unanimous consent that four such articles be printed in the RECORD at the conclusion of my remarks. They are as follows: "Thomas P. Stoney Killed in Hit-Run," the News and Courier, Charleston, S.C., April 23, 1973, "Stoney Was Known as Man of Courage," Charleston Evening Post, Charleston, S.C., April 23, 1973; "Thomas P. Stoney," the News and Courier, Charleston, S.C., April 27, 1973.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THOMAS P. STONEY KILLED IN HIT-RUN

Thomas Porcher Stoney, lawyer and former mayor of Charleston, died Saturday night when he was hit by a car on U. S. 17 at Awendaw. He was 83 years old.

Charleston County Policeman Dan Lunsford said Mr. Stoney was struck by an unidentified automobile when he attempted to cross the highway.

Mrs. Stoney was in the family vehicle when the accident occurred, Deputy Coroner William Wood reported.

Wood said Mrs. Stoney had parked on the highway shoulder, headed south, at about 10:30 p.m. 20 miles north of Mount Pleasant.

Mr. Stoney got out and was struck by a car headed north, Wood said, as he walked toward a grocery on the other side of the road.

Charleston Mayor J. Palmer Gaillard ordered flags to be flown at half staff on city buildings until the funeral at 3 p.m. today at St. Philip's Episcopal Church.

Burial will be in Strawberry Chapel cemetery in Berkeley County, directed by Stuhr's.

Mr. Stoney was born Dec. 16, 1889, at Medway Plantation in Berkeley County, a son of S. Porcher Stoney and Mrs. Eliza C. Croft Stoney.

Surviving are: his widow, Mrs. Beverly Stoney, a Charleston Realtor; Charleston County Judge Theodore DuBose Stoney, and Laurence O'Hear Stoney, a Charleston lawyer, and several grandchildren.

Mr. Stoney attended Catawba Academy at Rock Hill and Porter Military Academy at Charleston. After two years at the University of the South in Sewanee, Tenn., he entered the University of South Carolina Law School, graduating in 1911.

He began his law practice the same year with J. P. Kennedy Bryan. In 1916 he was elected solicitor for the 9th Judicial District.

Mr. Stoney served as solicitor until his election in 1923 as mayor. He was re-elected mayor in 1927 and completed his second term in 1931.

As mayor, Mr. Stoney was instrumental in establishing Charleston's first airport, a facility on James Island. It was transferred to the present site in 1929.

Under his administration, a municipal golf course was laid out on James Island; Johnson Hagood Memorial Stadium and Thomas P. Stoney field were built, and the Gen. William Moultrie Memorial Playground opened.

Throughout his life, he was known as a champion of the underdog. In 1931, he lashed out at the Federal Farm Board's proposal that cotton farmers destroy a third of their crops to prevent a surplus, calling the plan "preposterous on its face."

In talks to state and local groups, Mr. Stoney reversed his initial support of Franklin D. Roosevelt's administration and became an ardent supporter of states' rights. He lost a race for the U.S. Senate to James F. Byrnes in 1936.

Mr. Stoney broke philosophical ties with the Democratic Party in 1948 when he stumped for the Thurmond-Wright States Rights ticket.



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In 1956, he was named an elector for South Carolinians for Independent Electors. Four years earlier he had traveled some 2,100 miles campaigning for Dwight D. Eisenhower.

He supported Barry Goldwater in 1964, saying that the Democratic Party was "set upon a course that is hell-bent for national socialism."

Mr. Stoney served as president of the Charleston County Bar Assn., the Charleston Chamber of Commerce and the University of South Carolina Alumni Assn. He had been a trustee of Porter Military Academy, Sewanee and the College of Charleston.

He was a 32nd degree Mason, a Shriner, a member of the Charleston Rifle Club, the Huguenot Society, Elks, Moose and Knights of Pythias. He held membership in the St. Cecilia Society, and Alpha Tau Omega and Omicron Delta Kappa fraternities.

Mayor Gillard said in a statement yesterday:

"He was the most colorful and astute politician this city will ever have. He never wavered from what he believed to be right and would take on all comers and odds in any fight in the political arena.

"His leadership was recognized throughout the state and his opinions and advice were constantly sought by those with public responsibilities.

"Few, if any, achieved political success in this area without receiving the benefit of his counsel.

"The most pleasant experiences of my political life were those occasions when I would discuss with him a particular problem about our city. His understanding of the situation, his sincere desire to be of help and his unique ability to suggest a solution never ceased to amaze me. A conversation with Mr. Stoney was truly an education in itself.

"But his true greatness was in his love and devotion to his friends and his city. The greater part of his life was devoted to helping others with their problems. He was truly the friend of the little man.

"Charleston has lost a great man. I have lost a dear friend. And on behalf of all Charlestonians, I extend our heart felt sympathy to his family."

U.S. Sen. Ernest F. Hollings, as Governor who appointed Mr. Stoney to the State Board of Corrections in 1959, credited him with having done a "tremendous job" in that post.

With Mr. Stoney on the board, Sen. Hollings said, the prison system gained a new camp, new rehabilitation programs, a new education system and a Jaycee chapter.

"We came from about the bottom of the ladder in reform," said Sen. Hollings. "And a lot of that was due to Mr. Stoney's leadership. He kept it up to the very end."

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STONEY WAS KNOWN AS MAN OF COURAGE

(By Sally Lofton and Jack Leland)

Funeral services for Thomas Porcher Stoney, former mayor of Charleston, were to be held today at St. Philip's Protestant Episcopal Church.

Burial was to be in Strawberry Chapel churchyard in Berkeley County.

Mr. Stoney, 83, was killed in a hit-and-run accident Saturday night as he attempted to cross U.S. Highway 17 in Awendaw.

Flags on city buildings were flown at half staff today, upon order of Mayor Gaillard, City Hall was to be closed during the funeral.

"He was the most colorful and astute politician this city will ever have," Gaillard said. "He never wavered from what he believed to be right and would take on all comers and odds in any fight in the political arena.

"His leadership was recognized throughout the state and his opinions and advice were constantly sought by those with public responsibilities," he continued.

"Few, if any, achieved political success in this area without receiving the benefit of his counsel."

Gaillard said Mr. Stoney's "true greatness" was in his love and devotion to his friends and the city of which he served as mayor from 1923 to 1931.

"Charleston has lost a great man. I have lost a dear friend. And on behalf of all Charlestonians, I extend our heart-felt sympathy to his family."

According to the Charleston County coroner's office, Mr. Stoney was struck by a car headed north on the highway as he tried to cross from his car to a grocery on the other side. Mrs. Stoney was waiting in their vehicle at the time.

An inquest is planned, according to Coroner Kenneth Chue.

Mr. Stoney was a farsighted thinker who predicted most of the political changes that have occurred in the last four decades. He never failed to speak up whenever an issue arose and was known as an aggressive and courageous fighter in all controversies in which he engaged.

He was born at Medway Plantation in Berkeley County Dec. 16, 1889, a son of Samuel Porcher Stoney and Eliza Chaplin Croft Stoney. He attended Catawba Academy at Rock Hill and Porter Military Academy at Charleston.

After two years at the University of the South (Sewanee) he entered the University of South Carolina Law School, graduating in 1911 and beginning law practice that same year. He was an ardent sports fan and played on the Carolina football team from 1909 to 1911.

In 1915, he married Miss Beverly DuBose of Columbia. They had three children, Charleston County Judge Theodore DuBose Stoney; Charleston lawyer Laurence O'Hear Stoney, and Randell Croft Stoney, a Charleston realtor.

Mr. Stoney entered the law firm of J. P. Kennedy Bryan in 1911, shortly after his admission to the South Carolina bar. In 1914–15 he was a member of the firm of Stoney and Cordes. He was elected solicitor for the 9th Judicial District in 1915, the youngest solicitor ever elected, serving until 1923 when he was elected mayor of Charleston.

He was re-elected in 1927 and served until 1931, when he returned to law practice as a member of the firm of Stoney, Pritchard and Crosland. That firm was to gain a reputation as one of the strongest law teams in South Carolina. It was dissolved in 1954. He was in practice with his son at the time of his death.

While mayor of Charleston, Mr. Stoney was instrumental in establishing Charleston's first airport, on James Island, and saw it transferred to its present site in 1929. In 1965, after the city gave the U.S. Air Force several thousand acres of land as a site for its present base. Mr. Stoney charged that the city was not adequately protected in the contract it signed and said: "The Air Force has traded the city out of its breeches."

He was credited with creating the first Johnson Hagood Stadium, and with the establishment of Harmon Field and Moultrie Playground. During his tenure as mayor, the first landfill program was initiated to create two playgrounds and a baseball field, which was named in his honor.

In 1931, when the Federal Farm Board proposed that cotton farmers destroy one third of their growing crops to prevent a cotton surplus, Mayor Stoney rose to defend the farmers. He said: "The proposal . . . is preposterous on its face. Why not propose that manufacturers and merchants destroy one third of their holdings in cotton goods. Prevention of surpluses can only be had by developing new uses for raw materials."

Throughout his life, he was a champion of the underdog. In 1932 reading that a Spartanburg Negro with the mentality of a nine-year-old child was to be electrocuted for murder, he wrote Gov. Ibra C. Blackwood and requested clemency.

He had misgivings about the Franklin D. Roosevelt administration from the first, although he supported the Democratic Party at the time. He warned the 1932 "lame duck" Congress against trying to institute Roosevelt's announced programs before FDR was inaugurated as President. However, he backed Roosevelt in 1933 and called for united support of the new regime in Washington.

In 1934, he expressed hopes of being named the U.S. district attorney at Charleston, a hope that never was realized. His political opponents later charged him with opposing Roosevelt because of the President's failure to name him to the post, an allegation Mr. Stoney denied.

By 1934, he was moving away from the national Democratic Party, chastizing its congressmen for supporting the National Recovery Act (NRA), because it continued high tariffs on Southern raw materials and benefited Eastern manufacturers.

In 1935, Mr. Stoney began speaknig out against the growing strength of the federal government under the Roosevelt Fair Deal. He listed 10 powers he said the President had usurped and warned against further centralization of power in Washington.

Mr. Stoney was an early advocate of the tourist trade and made numerous speeches in the late 1930s urging more funds for tourist promotion in Charleston.

His disaffection with the New Deal grew and, in 1936, he said in a speech that "all of his spending is like giving a drunk some drinks in an effort to sober him up."

That same year, he became a candidate for the U.S. Senate against veteran James F. Byrnes, but Byrnes won by a 7–1 margin.

During his campaign, he became more and more critical of the leadership in the National Democratic Party which he said, "deserted its historic principles to follow those of Hot Dog Frankfurter, Little Tuggie Tugwell, Too Damned Dumb Hopkins, Mrs. Itches (Ickes) Moley and Cracked Down, now Cracked-Up Hugh Johnson". However, he made it clear he would remain in the party.

By 1939 Mr. Stoney was urging a build-up of the nation's military strength as Adolph Hitler's power grew in Europe. He suggested that American Communist Party Leader Earl Browder be jailed for saying he would side with Russia in event of a war with the Soviets.

During the war, Mr. Stoney headed the Charleston United War Drive but found time to warn Congress against passage of the Wagner-Murray-Dingle Bill, which would have socialized the nation's medical program. He warned that the nation was "drifting toward a socialized state".

In 1947, after Federal Judge J. Waites Waring ordered the Democratic Party primaries open to Negroes, Mr. Stoney thundered: "The Democratic Party is dead as of this date. If we cannot organize politically as a white party, then we are not free men." He staunchly opposed the abandonment of the two-thirds majority vote rule in the national party and warned that it would disenfranchise the South.

His break with the party appeared certain in 1948, when he stumped for the Thurmond-Wright "States Rights" ticket. He said: "You are either for Light-Headed Harry Truman and Dear Alben Barkley, or you are for Thurmond and Wright."

In 1952, he was a delegate to the state Democratic Party convention where he opposed support of the Adlai Stevenson—John Sparkman ticket. In an emotional speech he said: "Vote with your heads instead of your bellies." He described the Stevenson-Sparkman team as "spiritual children of Tumanism". He spoke out for Eisenhower and strongly urged a return to "strict constitutional government to prevent a takeover by any branch of the government".

By 1956, Mr. Stoney was a leader in the South Carolinians for Independent Electors.



He told audiences that the only way the people of this state could make their votes count was to vote independently and force the national parties to reckon with them.

In 1964, he supported Barry Goldwater for the presidency as chairman of the "Individuals for Goldwater Committee". At that time he charged the Democratic Party with being "set upon a course that is hell-bent for national socialism.

When it was announced that Highway I–95 was being routed away from Charleston, Mr. Stoney was named chairman of a group which unsuccessfully opposed the routing.

Mr. Stoney had served as president of the Charleston County Bar Association, the Charleston Chamber of Commerce, the University of South Carolina Alumni and other organizations. He had been a trustee of Porter Military Academy, Sewanee and the College of Charleston.

He held memberships in many organizations. Among them were the St. Cecilia Society, Alpha Tau Omega fraternity; Omicron Delta Kappa fraternity, the Huguenot Society, the Elks, the Order of Moose and Knights of Pythias. He was a 32nd degree Mason and a member of the Shrine and the Ashley Rifle Club.

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THOMAS P. STONEY

Endowed with courage, vigor and a keen mind, Thomas Porcher Stoney was born to leadership. For more than half a century he was prominent, both in and out of political office, in the affairs of Charleston.

Descended from pioneer English and French families, he grew up at Medway Plantation in Berkeley County, went off to school and started practicing law in 1911 at Charleston. Within four years at age 25, he was elected solicitor of the 9th Judicial Circuit.

As prosecuting attorney, the starting place for many an American politician, Mr. Stoney made an instant public impact. In 1923 he ran for mayor against John P. Grace, for years a dominant political figure in Charleston, and won. He was reelected in 1927. After completing his second term in City Hall, he continued to play an influential role in the political and civic life of this community.

While he had the bearing and assurance of aristocracy, Tom Stoney also had the common touch and an abiding concern for the underdog that brought admiration and support from people in every walk of life. In later years, his deep faith in states rights caused him to leave the Democratic Party, first to support independent tickets and later Republican candidates for President. He retained the respect of citizens of all factions, and his counsel was sought in many circles.

Mr. Stoney's death at age 83 from a hit-and-run automobile is a tragic ending for a useful and distinguished lifetime of public service. Shrewd in business and politics, witty, wise and proud, he was quick to sense an affront but willing to forgive. Thomas P. Stoney will be remembered with affection, gratitude and esteem in the region of his birth.

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THOMAS P. STONEY

To The News and Courier:

Thomas Porcher Stoney was the greatest man I ever knew. It was my high privilege to serve as his first executive private secretary when he became mayor of Charleston. In this position I had ample opportunity to study the characteristics of this great man. I came to understand as a very young person what a servant of the people should be in every sense of the word.

Mr. Stoney was every inch a patriot. He loved his country, his state, and his city, with utterly unselfish dedication. When I left Mr. Stoney to go to the theological seminary to study for the ministry of the Protestant Episcopal Church I realized every day of my life that I had received splendid preparation for this exalted work as Mr. Stoney's secretary.

I have lost a friend and the people in every walk of life have lost a friend whose devoted love and loyalty could never be doubted.

LAWTON RILEY.

CANTERBURY HOUSE.

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## BEEF PRICES AT THEIR NATURAL LEVELS—RESOLUTION OF OKLAHOMA HOUSE OF REPRESENTATIVES

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the Oklahoma House of Representatives memorializing Congress to prevail upon the President's Council of Economic Advisers to permit beef prices to seek natural levels until such time as there is a rollback of prices on items that directly affect cattlemen's cost of beef production.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION No. 1049

A resolution memorializing Congress to prevail upon the President's Council of Economic Advisers to permit beef prices to seek natural levels until such time as there is a rollback of prices on items that directly affect cattlemen's cost of beef production; and directing distribution

Whereas, the wholesale price index compiled by the Department of Labor reflected a 2.2% inflation rate in March—the steepest monthly hike since January, 1951; and

Whereas, the near billion dollar per year cattlemen's beef industry in the State of Oklahoma is squeezed between inflated costs of machinery, livestock feed, and other essentials to beef production and the artificially limited sales returns imposed by the government on beef; and

Whereas, the aforesaid inflation ran unchecked until recent federal government attempts to curb it, and the curb now imposed on beef prices leaves the cattlemen in untenable financial positions; and

Whereas, the federal government's limit of prices on a selected product, like beef, is grossly unfair when there is no limit on important items directly affecting beef production; and

Whereas, the present policy of selective controls on beef is destructive of the cattlemen's beef production efforts and is one that, in the vernacular, "kills the goose" that has been laying the cherished egg of quality beef for the consumer.

Now, therefore, be it resolved by the House of Representatives of the 1st session of the 34th Oklahoma Legislature:

SECTION 1. The Congress of the United States is respectfully urged to prevail upon the President's Council of Economic Advisors to let the price of beef seek its natural level until such time as the Congress is prepared to roll back prices on items that directly affect the cattlemen's beef production.

SECTION 2. That a duly authenticated copy of this Resolution be distributed to each member of the Oklahoma Congressional delegation and to the office of the President of the United States.

Adopted by the House of Representatives the 16th day of April, 1973.

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## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CLARK). Is there further morning business? If not, morning business is concluded.

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## VOTER REGISTRATION ACT

The PRESIDING OFFICER (Mr. CLARK). Under the previous unanimous-consent agreement, and the hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, S. 352, which the clerk will state.

The legislative clerk read as follows:

S. 352, to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the 1 hour allotted before the Senate proceeds to vote on the cloture motion will be equally divided and controlled by the Senator from Wyoming (Mr. MCGEE) and the Senator from Alabama (Mr. ALLEN).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCGEE. Mr. President, I yield to the Senator from Alabama for 15 seconds.

Mr. ALLEN. Mr. President, I yield such time as has been assigned to me to the distinguished Senator from Hawaii (Mr. FONG) who was absent from the Senate at the time of the assignment of the time, and yield control of the time to him in opposition to the cloture motion.

Mr. MCGEE. Mr. President, I now yield to the distinguished Senator from Massachusetts (Mr. KENNEDY) for 7 or 8 minutes.

Mr. KENNEDY. Mr. President, I give my strong support to S. 352, and I hope that the Senate will vote to invoke cloture this afternoon. I have had the opportunity to testify before the floor manager of this bill and the Committee on Post Office and Civil Service on two different occasions in support of the measure.

Now, the Senate has the opportunity to express its will on whether we shall, as the people's representatives, be able to vote on an issue which is probably as basic and as fundamental to our democracy and the cause of freedom as any issue which will be before the Senate in this session or perhaps in many sessions to come.

From the earliest days of the Republic, we find statements and the concerns over the importance of the right to vote. Yet, from the earliest days of the Constitution itself, on into recent times, we find that serious road blocks have been placed in front of the American people in the exercise of this most basic and fundamental of all rights, the right to vote.

XUM

In recent years, the Supreme Court and Congress have taken extremely important steps toward removing many of these roadblocks. The Voting Rights Act and the 18-year-old vote are two of the most recent landmarks of our concern in Congress.

Until fairly recently, the Nation endured a situation in which individuals who voted in sparsely populated areas often had their votes count many times as much as those who lived in the industrial areas. But the Supreme Court recognized the importance of one man, one vote as an important step in maintaining and improving and strengthening our free society and our democracy, and the Court's decision has been vindicated many times over in the new vitality given our political process.

So, particularly in recent times, there has been a constant effort by Congress and by the Supreme Court to make the right to vote available to all the American people.

The matter before the Senate this afternoon represents an effort to eliminate another major obstacle that restricts the franchise in our society—the enormous burden of unfair registration requirements that effectively deny the right to vote to millions of our citizens.

We do not have to look very far in any of our States, including my own State of Massachusetts, to realize the constant barriers that registration imposes on individuals seeking to express their views at the polls. The place where one registers to vote may be many miles from where he lives. The place where one registers is often closed at the times when persons would find it most convenient to register. Most people in this country are working people, and it just happens that most of the hours during which registration offices are open coincide with the hours when most people have to go to work to provide for their families. Typically, there is only a very limited period, shortly before an election, when adjustments are made to permit citizens to register more easily.

The fact is that the requirements of voter registration in most States have grown up only in the last 75 years or so. Their effect has not been to encourage people to participate in the election system, rather, the effect has been to harass the people who wish to vote. The burden of registration is the major reason why 62 million eligible voters failed to go to the polls on election day last November. The number of nonvoters has grown in each election since 1960. Certainly this is an unfortunate situation. No other free society in the world has such a low turnout of voters.

There are those who say that America's low voter turnout is a result of the malaise that exists among the American people; that the people do not wish to exercise their right to franchise; that they are not pleased with the candidates who are running.

But why can we not simply agree that voter apathy is a factor, too, and go on to deal with serious and immediate problems of voter registration? The effort being made here today is to eliminate registration as a barrier to voting. The bill before the Senate is a reasonable and responsible measure which, at a single stroke, is capable of opening up the franchise to millions of citizens.

I think this legislation is constructive. I think it has been well thought through by the committee. It represents a major new effort by the Senate to build on the progress we have made in many other areas of voter participation.

I, for one, cannot understand what justification exists for Members of this body to try to filibuster a proposal that goes to the heart of our democratic process, or to try to prevent the issue from coming to a vote before the Senate this afternoon. At a time when there is considerable concern about the public malaise, I hope that the Senate will identify itself with the first right of Americans, going back to the first days of the Republic—the right to vote.

Mr. FONG. Mr. President, I yield 6 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the Senator from Hawaii.

Some explanation is probably in order today about the cloture motion, which was filed on April 17 by the junior Senator from Alabama and 20 other Senators. The bill has been before the Senate since April 6 of this year.

There was no disposition apparently on the part of the leadership to bring the matter to a conclusion and there was no inclination on the part of the sponsor of the bill, the distinguished Senator from Wyoming (Mr. McGEE), so at the time that the cloture motion was filed, the Senator from Alabama correctly stated that in his judgment all 21 signers of the cloture motion would vote against the invoking of cloture, a vehicle available to Members of the Senate to show that a sufficient number of Senators wish to prevent a vote on the bill are opposed to passage of the bill.

It is the hope of those who signed the cloture motion and provided the vehicle for this vote that the cloture motion will be defeated, that it would be defeated by such an overwhelming margin that not only the leadership but also the distinguished Senator from Wyoming will be willing to withdraw this bill from consideration by the Senate.

They say the whole country wants this bill and that there is strong sentiment in the Senate for the bill. Where is the support for the bill, Mr. President? There are two Senators in the Chamber—three now—and two of those Senators are opposed to the bill and one is in favor of the bill. It would seem to the Senator from Alabama that if there is so much support for the bill every Senator would be in his seat clamoring for cloture to be invoked in order that consideration of the bill might be had.

Having postcards sent out—by the way, why send 240 million of these cards throughout the country by the post office system? Why do that? Why not have the cards picked up at a local office, the county tax collector's office, the place where automobile tags are picked up? Do not go to the trouble of sending out tens of millions of these cards throughout the country. They would be sent to residences whether there are adults in the house or not, and without regard to who might live there. Why go to all that trouble? I suspect the reason it is proposed they go through the mail is so that the Committee on Post Office and Civil Service, headed by the Senator from Wyoming (Mr. McGEE) would have jurisdiction of the bill. The bill should be considered by the Committee on the Judiciary, as almost everyone concedes.

How much good does a postal card registration do? The great State of Texas has had registration not only by post card but also by coupon in the newspaper or by letter, any type notice to the registrar that the man wants to vote.

What is the registration percentage in Texas? According to the 1970 Census figures, 62.3 percent of voting age Texans are registered to vote where they had the post card system, and after 30 years. So the reason for a light vote is not the registration but rather the failure of people to go out and vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield 2 additional minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 additional minutes.

Mr. ALLEN. I thank the Senator.

Mr. President, let us look at another State that does not have post card registration, the State of Utah. How many voters are registered there without post cards? The percentage in the State of Utah is 98.4 percent. In the good State of Utah 98.4 percent of the people are registered to vote.

Yet under this bill they would send out two cards, or a card doubled over; the recipient would fill in a question or two and send it back to the registrar, and on that basis they would be registered. We would have a situation where a man registered by post card would never be seen by the registrar. Under this bill they would broadcast possibly a half million post cards throughout the State of Utah in order to get this remaining 1.6 percent of the people registered who are not now registered. What greater example of overkill could we have than to send out that many cards in order to register 1.6 percent of the people in the State of Utah.

In the State of Texas they have post-card registration and they have only 63.2 percent of the people registered.

This would cost $50 million to $100 million a year.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Birmingham News entitled "The Reluctant Voter," another editorial from the Birmingham News entitled "Protect the Vote," and an article by James J. Kilpatrick entitled "Postcard Registration Bill Is a Bad One."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Feb. 5, 1973]

THE RELUCTANT VOTER

Americans tend to register poor showings in elections, whether the elections are held for president or local school board member; particularly if they are for a local bond issue, in which case citizens rationally would be expected to be interested in how their money will be spent.



The voter turnout is especially poor when compared to the "democratic" elections of, say, the Soviet Union, where the only choice the voter has is to vote yes to the party's slate. Failure to vote in such countries could be injurious to the citizen's health.

The question, however, is whether the problm of low voter turnouts in this country is something the government should do anything about. Presumably there are no barriers to those who wish to register and put forth the effort to get their bodies into the proper voting machine on the appointed day.

The severity of the problem may, however, vary with the interests of the individual assessing the problem. To a politician belonging to a party which lost the last national election—such as Sen. Edward M. Kennedy of Massachusetts—the situation cries out for action.

Naturally the first step toward a solution of the problem entails finding a villain. "Registration is the villain," Kennedy has determined, "and 1972 is no exception." With this fanfare, Teddy K. proposes a federal law which would allow all those potential Democrats who so far have not registered to do so via postcard.

Kennedy's proposal may not solve the problem of citizen apathy, but the operators of machine politics will love it. In wards where residents of cemeteries mysteriously continue to "vote," think of the possibilities for the enterprising ballot box stuffer if a potential voter need not even present his body for official inspection before being conferred the privilege of casting a ballot.

Another point: If a voting-age citizen lacks the cognitive resources to comply with simple registration procedures, will he have the perspicacity to distinguish between a registration postcard and his junk mail? Further, will door-to-door federal registration field workers be needed to help the afflicted individual fill out his postcard?

Registration procedures are just not that complicated for those blessed with ordinary walking around sense. Kennedy himself is a registered voter, proving the point.

With the Democrats' luck, new registrants gained through a postcard system would vote Republican anyway—just as the celebrated "youth vote" went for Nixon despite prior Democratic illusions to the contrary.

If the Democrats keep giving the country candidates such as Sen. George McGovern, they will continue to lose sweepingly, despite all the "villains" they find on which to blame their misfortunes.

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[From the Birmingham News, April 17, 1973]

PROTECT THE VOTE

Americans who have been around long enough to have seen national, statewide and local elections turn on the basis of a few stolen or questionable votes shudder at the prospect of the proposed postcard registration.

The bill would use the U.S. Census Bureau to identify potential voters and to prepare registration cards. The Postal Service would deliver them. The potential voter would in turn only have to mail the card to his proper board of registrars.

The motivation for the bill is the conviction that not enough Americans vote. Apparently the philosophy is that the more persons who are registered to vote the bigger be the turnout in elections.

This theory patently will not bear scrutiny. In the hotly contested 1972 presidential elections only 57 per cent of the eligible voters saw fit to cast their ballot. Out of an estimated 139 million eligible to vote, approximately 64 million chose not to exercise their franchise.

Statistically no evidence exists to support the theory that making it easier to register will result in a larger percentage of voters in any given election.

If a potential voter will not expend the time and energy required to register, why expect him to make a like commitment of time and energy to vote?

On the other hand the voter registration bill could open the election process to all sorts of crooked voting. Close, hotly contested elections could be determined by the party or candidate who could vote the largest number of persons two or more times.

Voter registration requirements over the nation vary from state to state. Probably a great deal could be done to make registration easier. The number of hours per week that registration offices are open could be increased with an adequate number of nighttime hours provided. Holiday and weekend hours could also be made available and temporary registration offices could be set up in neighborhoods so as to be easily accessible to potential voters.

Patently, the so-called tombstone, mail-order registration bill is not a sensible solution which will serve the American election process and is therefore not in the best interests of the nation.

Majority Democrats in Congress who are pushing the bill would do well to look down the road to the time when they may not be of the majority party and rue the day they face defeat in a hotly contested race because of illegally cast votes.

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POSTCARD REGISTRATION BILL IS A BAD ONE

(By James J. Kilpatrick)

Pliny the Elder, so we are told, once remarked that "no book was so bad but some good might be got out of it." The same gentle maxim ordinarily applies to bills that reach the floor of the United States Senate.

But Sen. Gale McGee's S. 352, now the pending business before the Senate, may well constitute an exception to the rule. This is the Voter Registration Act, otherwise known as the Postcard Registration Bill. It is so bad that no good whatever can be got out of it.

The bill might better be entitled, "An Act To Waste the Time and Money of the People and To Undermine the Constitution of the United States." To be sure, the Democratic senator from Wyoming does not these purposes in mind. His idea is to make it easier for eligible persons to register as voters, in the hope that, once registered, they will vote in greater numbers. The gentleman is full of good intentions and bad law.

It is arguable, indeed, that McGee's first premise is in error. Is there any valid reason why vast numbers of people should vote? More precisely, is there any evidence to prove a correlation between good government and mass voting? It seems exceedingly doubtful.

Utah and Montana, by way of example, traditionally have ranked high among the states in terms of voter turnout. Alabama and Louisiana traditionally have ranked low. Yet each of the states has sent some able and distinguished men to Congress; and each of them has sent men whose abilities were not quite so great and whose distinction was scarcely visible. There is nothing whatever, so far as I know, to prove that democracy is healthier, or government more virtuous, if 70 or 80 or 90 percent of the eligible persons register to vote.

This further threshold observation: The right to vote, like other rights, is noncompulsory in its exercise. Just as the right to speak embraces a right to remain silent, so the right to vote embraces a right not to vote. Now that poll taxes and literacy tests have been effectively abolished, nothing stands between the eligible adult and the ballot box but his own indifference. McGee's bill would do nothing to alter this human characteristic.

The senator proposes to create within the Bureau of the Census a new agency, the Federal Voter Registration Administration. The agency would be charged with mailing postcards, with return cards attached, to every postal address in the country. The cards would be mailed no earlier than 45 days and no later than 30 days prior to the close of registration for a "federal" election—that is, an election to name members of Congress or presidential electors. The cards would be processed by local registrars, McGee supposes this costly and clumsy system would produce millions of new voters.

The bill is bad on its merits, and bad in principle, too.

No one, least of all the senator from Wyoming, has any realistic idea of what the scheme would cost. Two years ago, when similar proposals were under consideration, the start-up costs were estimated all the way from $191 million to $527 million and the annual costs between $26 million and $134 million.

Neither does anyone have any clear idea of how the system would work. The Census Bureau opposes it. So does the Postal Service. So does the Department of Justice, which presumably would have some responsibility—still unclear—for prosecuting the massive fraud that could be expected. Sen. James B. Allen, D-Ala., chief opponent of McGee's bill, has raised serious questions of mechanics that the proponents have been unable to answer.

These considerations to one side, the bill would do grave violence to constitutional principles as old as the nation itself. The system would provide one more pernicious assault upon responsibilities plainly vested in the states. The senator would use a junk mail device for junking the Constitution. Seventeen months ago the Senate killed a quite similar proposal, on the mature conclusion that the scheme was unworkable and wrong. It still is.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 5 minutes.

Mr. FONG. I thank the distinguished Senator from Alabama for managing this bill on behalf of the opposition while I was away. He has done yeoman service for those who oppose the bill, and I thank him sincerely.

Mr. President, I rise to oppose the cloture motion to cut off debate on S. 352, the voter registration bill pending before the Senate.

It is a poorly drawn bill. There is much to be done to the bill. Many of its provisions need to be redrafted and spelled out in detail.

The Senate has debated this measure for only 7 days. This bill has very far-reaching effects. It completely revises our whole voter registration system. Rollcall votes have been taken on only eight amendments to the bill—three of which were committee amendments.

I am informed that many Senators are ready to offer other amendments to perfect the bill, if it can be perfected. Because we have had only 7 days debate on the bill and have not given sufficient time for many other amendments which are intended to be brought before this body I think the cloture petition is premature.

This bill certainly needs to be debated further to apprise all Senators and the American people of the drastic implications S. 352 would have on our political system.



XUM

As I stated in my minority views on S. 352, this bill is not just a simple voter mail registration legislation.

Its effect on our entire political system would be drastic.

Its effect on the State voter registration procedures is drastic.

It would replace the traditional State voter function with a Federal bureaucracy far removed from the people who know the problems of voter registration.

It would have serious adverse effects on our political party system by making party delegate elections to national political party presidential nominating conventions Federal elections. This the bill would do without requiring any political party membership in order to vote in those party elections.

We have gone far afield here in connection with the political party delegates to national presidential nominating conventions.

There would be much dissension and many problems that could arise because a person who may not be registered in a political party is voting in the political party convention elections.

This bill would invite fraud on a national scale, unparalleled in our Nation's history of political elections.

A person would simply file a post card stating that he is a resident of such and such address, and that he is such and such an age, that he has been a resident for 30 days. That card is sent to the registrar's office and the registrar picks it up and says that that person is registered to vote. That would be a bona fide certificate authorizing him to vote. There could be no dispute over the certificate. We would be saying that anyone who sends in a post card and gets a receipt for that post card would be entitled to vote. It would invite fraud on a national scale in our voter registration process.

This system would establish a Federal bureaucracy charged with involving itself in elections at all levels. This opens the way for political chicanery and collusion at Federal, State, and local levels among government and political party officials.

It mandates a change in the Constitution of the United States without following the legal procedures set out in the Constitution for making such changes.

The Senator from Massachusetts has said that we in this body have passed bills which dealt with barriers to election. Yes, we have passed bills which dealt with some of the practices which deprived some of our citizens of the right to vote. But it is only when our citizens have been deprived of the constitutional right to vote that we as a body have acted. However, in this case there is no deprivation of the right to vote or to register. We have seen how easy it is in some States to register. For example, as alluded to by the distinguished Senator from Alabama, in the State of Texas one can register by sending in a coupon from a newspaper or, in the State of North Dakota, one does not even have to register; all he has to do is vote.

When we consider that in most States registration is such a simple matter of one's going down to the registrar's office or seeing the registrar at the corner drug store, or on the street corner, or having the registrar go to one's home and asking him to register, when we find that all this has been done in the interest of getting more people to register, we find that there is no barrier to registration. The Congress should not meddle in problems like these, which have always been in the province of State or local governments.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. Mr. President, I yield myself another 3 minutes.

As I have said, the bill would establish a Federal bureaucracy charged with involving itself in elections at all levels. It mandates a change, as I said, in the Constitution of the United States.

It would authorize the expenditure of over $100 million on a program that has little promise for obtaining its goals.

The bill provides that the registration bureau will send out cards at least once in 2 years. If cards were sent out only once in 2 years, it would incur an expenditure of over $100 million. If cards were sent twice in 2 years, it would be an expenditure of $200 million. And for what purpose? Not for the purpose of making it easier for people to register. There is no barrier to registration, as we have pointed out. It is so easy for people to register. Why spend this money when our country is in such poor financial condition?

I also believe S. 352 should be referred to other Senate committees for expert considerations of various provisions of the pending measure.

The bill was referred to the Committee on Post Office and Civil Service only because the Census Bureau had been brought into play. The Census Bureau would supervise the voter registration system. Outside of that, the Committee on Post Office and Civil Service would never have jurisdiction over the bill. There are many provisions in the bill—provisions dealing with punishment and fraud, for example—which are in the province of the Judiciary Committee, and the bill should be referred to the Judiciary Committee for that purpose.

The Rules and Administration Committee should be allowed to consider the bill in light of the effect it would have on Federal elections.

The Government Operations Committee should consider the bill because of the great impact this measure would have on State laws, and the new relationship it establishes between Federal, State, and local governments.

There are many, many areas involved in this legislation which should receive further consideration in other Senate committees and on the Senate floor.

Because there are many problems which are going to be introduced by this bill, because there are many Senators who wish to speak on it, and because of the fact that we have debated it for only about 7 days and taken up only eight amendments, we should not invoke cloture at this time. We should have more time to explore all the provisions of the bill. We should have time to work on the bill to make it a better bill. We should have more time to study the implications of the bill and what it would do to our whole political system.

Mr. McGEE. Mr. President, I yield 10 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I am very pleased to have an opportunity to join with the distinguished Senator from Wyoming today in discussion of S. 352. This permits me once again to congratulate him on his exemplary leadership in forwarding this legislation.

The background of the bill is well known by the Members of the Congress. There were several bills introduced to provide a better system of voter registration, and the legislation before us is the result of the condensation of several of these measures, plus hearings that have been held by the Committee on Post Office and Civil Service, plus the deep interest that has been expressed by a number of public organizations that have spent a good deal of time and money in encouraging voter participation and voter registration.

I am one of the cosponsors of S. 352, and in the moments I have here today, I should like to state once again, as I did last week, why I believe this legislation is necessary.

First of all, effective representative government depends on the widest participation in the system. Our first objective as legislators here should be to remove every possible impediment, every possible obstacle, from the right to vote—in other words, to make it easier for the citizenry to participate in the political process.

The fact is that we have made it difficult over the years for that individual to participate. Our society today is much different than it was some years ago. It is much more mobile. There are large numbers of Americans who have moved from one State to another in a year, from one community to another, and any kind of registration laws, or any kind of law that limits the opportunity of that citizen to register and to vote, is an infringement on the right to vote, and indeed it limits the effectiveness of democratic parliamentary goverment.

People must be given the feeling that they can have a say in who governs, and restricted participation could well be indicative of a feeling of helplessness, of being powerless, and the general notion that, no matter what happens in government, the average citizen will not be regarded or his needs be met.

So we are talking here today of how we make the principle of the right to vote an effective principle and how we put it to work. The facts are very evident that the many State laws that we have relating to voter registration have made it difficult in some places, and surely very difficult in others, for the widest possible voter participation.

We are seeking to establish a National Voter Registration Administration within the Bureau of the Census under the terms of S. 352. This Voter Registration Administration would utilize the census records to notify all eligible voters of their right to vote.

It would allow for a national system of post card voter registration by having the National Voter Registration Administration mail blank registration forms to every household and address in the country, allowing anyone at that address, if qualified by age to vote, to fill out the post card, mail that card back to the local registrar, and become a registered voter.



Under any system, there are complications. Under any system, there can be some voting fraud. But we believe that the system set up under S. 352 minimizes those possibilities, and it provides for stern penalties for fraud, and it does offer the machinery to see that voters are registered and that, once registered, they have every opportunity to cast their vote.

Is there a need? Well, in recent Presidential elections, there has been a trend away from participation at the ballot box. I know that people will say that is not due to the difficulties in registration, and it may not be due entirely to that. In fact, I am sure it is not.

In 964, more than 43 million eligible voters failed to vote.

In the 1972 election there were several million voters who failed to vote because they had moved their household goods from one State to another or from one jurisdiction to another and were therefore unable, within the period of time prescribed by State law, to register and vote.

In 1968, there were 47 million eligible voters who did not vote.

In 1972, that figure jumped to 62 million voters. An average of 44 percent out of a total electorate of 139 million eligible participants did not vote.

Mr. President, I am not here to say that percentage figure is due to the difficulties in voter registration. However, I am here to say that the difficulties in voter registration contributed to that lack of political interest and political participation. In fact, once we have accomplished this legislation, I would hope that the Congress of the United States might set up a select committee to look into all of the reasons we can detail or discover as to why 44 percent of the eligible electorate of this country did not vote in a recent Presidential election and, in other elections, as high as 35 percent of the eligible voters did not vote.

Our national record on voter participation does not look good for a country that says it is a great democracy. When we compare our record to the records of European countries, we discover that their record is much better. Eighty-seven percent of those eligible to vote in West Germany do so. Perhaps they take their democracy a little more seriously than we do because, within the last two generations, up to 1945, they had to live under a severe totalitarian dictatorship. Perhaps, therefore, our friends and compatriots in West Germany appreciate the importance of the ballot and therefore participate.

Eighty percent of the eligible voters in France vote.

Mr. President, by the way, they have open registration there. When one is a citizen and of voting age, he is automatically registered and can vote.

Eighty-nine percent of the eligible voters in Denmark participate in the electoral process in their parliamentary elections and 76 percent of the eligible voters in our neighboring country of Canada participate in the electoral process.

I think that those figures indicate that there must be something wrong there and there must be something better that we can do here in terms of educating and encouraging the people to vote.

We have a massive education program. We have spent millions of dollars to encourage people to register and to vote. However, there are many reasons why they do not do so. However, among the people who register to vote, it should be noted that nine out of every 10 do vote.

So the issue is how do we get people registered. When they are registered, they tend to vote. Most of those who fail to register do so because they do not want to register, did not register for some reason, or there were difficulties involved in registering.

The Senator from Wyoming is not saying that, if we pass this legislation, everyone will rush to the polls and vote. He is not saying that voter registration will be perfect.

The Senator from Wyoming is saying in substance that this is one more step in improving the electoral process and toward making the franchise and right to vote a meaningful reality. And on that basis, I think that this legislation deserves and merits our support.

Effective democratic government depends on wide participation in the system. People must be given the feeling that they can have a say in who governs. Restricted participation could well be indicative of a feeling of helpless, powerless, and a general notion that, no matter what happens in government, the average citizen will not be regarded or his needs met.

The resulting hodgepodge of voter registration obstacles makes voting difficult for many blue-collar workers, poor people, members of ethnic minorities, elderly persons, and persons with less formal education.

Mr. President, why do I make that statement? I make the statement, because the facts are clear. That is exactly what happens.

The PRESIDING OFFICER (Mr. CLARK). The time of the Senator has expired.

Mr. McGEE. Mr. President, I yield 2 additional minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 additional minutes.

Mr. HUMPHREY. Mr. President, one study of the 1968 elections showed that only 69 percent of America's manual workers were registered to vote in 1968, in spite of the efforts of AFL–CIO Cope in registering drives.

Among the obstacles to registration is that registration offices open at inconvenient hours and require many people to drive many miles to register in the courthouses. Also, they require reregistration if the voter fails to vote in a single election.

There are uneven and sometimes restrictive registration dates. Pennsylvania closes its books 50 days before election. Rhode Island closes its books 60 days before election.

There are different registration systems for different levels of Government. One State, Missouri, has six different registration systems, depending on city size.

We can find States in which it is very easy to register. However, if one goes into some of the Midwestern States, he will find that it is very difficult to register. Only recently in Minnesota was is possible to register people at the polls. They close the office at 4 o'clock and, before the final date for registration, they extend the hours to 7 o'clock.

There ought to be one system for national elections. why do we not ask people to register in the same way they get their income tax blanks? We know that the Government finds every citizen for that purpose. One can hide in a cave, he can dig under the tundra, he can hide in an iceburg, or he can go into the mountains or wilderness area, and the Internal Revenue Service will find him and give him his income tax blank. The Internal Revenue Service also tells him to get it back not later than April 15.

The Government that can find someone when it wants to tax him ought to give that same person a chance to register in the same manner.

I suggest that we use that same system to get people to register.

I am still of the old-fashioned idea that there should be no taxation without representation. And there is not any representation unless a person can vote.

Legislation can not guarantee that people will vote. But, legislation can remove obstacles that have stood in the way of such voting.

The Post Office Committee has shown that 9 out of 10 registered Americans do vote; but fewer than 6 out of 10 voting age Americans vote; that is, the unregister faction.

Thus, registration does have an effect.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally against both sides.

Mr. McGEE. Mr. President, I yield my self time until someone from the other side comes to the Chamber to use their allotted share of the divided time.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. On whose time?

Mr. FONG. On my time.

Mr. McGEE. I will be happy to yield to the Senator from Hawaii.

Mr. FONG. Mr. President, in response to the distinguished Senator from Wyoming, I want to say that this side has already covered all of its pertinent arguments. Those arguments are so concise and overwhelming that we need not take any more time.

Mr. McGEE. Mr. President, I would assume that those in opposition are ready to vote.

Mr. FONG. Mr. President, we are ready to vote on the cloture motion.

Mr. McGEE. The Senator ought to be ready to vote on the bill.

Mr. President, let me take a few moments while we gaze over this vast hall to point out that a year ago we had this bill up before the Senate for consideration. The curious thing is that we heard the same tired arguments and alibis about why we should not act. Among the

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alibis was that they had not had enough time to study it. We then spent another year, and we still hear them say that they have not had enough time to study the matter.

Mr. President, I am sure that if we take 10 years to study the matter, they would still say that they had not had enough time.

I say that their time is running out. We had an election in this country last November, an election that should have been a shock to everyone, not in its outcome, but in the lack of performance itself. Sixty-two million Americans who were old enough to vote did not vote. That is almost as many Americans as did vote. What is even more incriminating, Mr. President, is that this is the worst voter registration record among any of the so-called democratic countries of the world.

All the republics of Western civilization out-register and out-vote us, and apparently are more responsible than we. Or are they? We have to conclude either that they are or they are not. I do not think they are more responsible; they simply make it easier to vote. They make it possible to register in a more simple fashion, so that the voters in England or Canada or France are not obstructed as readily as we seem to obstruct registration, with the variables existing among our many States.

That is the reason why we feel that the time is now to get caught trying, on this new voter registration addition. I stress the fact that it is an addiction. This is no substitute for voter registration, Mr. President; this is another step toward increasing the numbers of eligible voters who will be registered. It is simply another device; it is an application for registration. The evidence is overwhelming, whether it be from the League of Women Voters, the National League of Municipalities, the recent Gallup poll, or the rest of the studies recently made. The fact remains they found that a substantial number of Americans, running into the tens of millions out of those 62 million, did not vote because of difficulties in the way of their registering to vote.

This is simply an effort to remove that block, to remove that alibi, to destroy it somehow. Of course, there will be many who still will not vote, but we dare not allow impedimenta to stand in the way of those who otherwise would vote.

Mr. President, in this bill there is nothing new, essentially, set up. It involves simply the mailing of post cards to facilitate registration for those who have not already registered under the regular systems that exist now. It is an addition, an application for registration.

To assist in that effort, we limit it to only Federal elections, as the Voting Rights Act of 1970 already does, but it would extend that same procedure to the elections for U.S. Senators and Members of the House of Representatives.

The specter of fraud has been raised here. I would just like to say, Mr. President, that in areas where they have had post card registration, whatever else the performance, as alluded to by the Senator from Alabama, the fact remains that there was no fraud. Again and again the registrars of the States have reminded us that the fraud occurs, not in registration, but at the ballot box, in the electing process, and that fraud is the result of officials who decide to defraud.

Who is to argue fraud on a day like today, when the whole symbolism of those who would cheat or abuse their public responsibility hangs heavily over all of us, not just those on one side of the aisle, but over all of us?

You cannot write a constitution for any country that will prevent fraud. You cannot write a law that will not be evaded, if you have officials who try to do so.

What we can do is not defraud the voter; and that is the biggest fraud present today. That is pretty strong language for this special day, but it is still the biggest fraud, that 62 million Americans old enough to vote still do not get to the polls, for one reason or another—tens of millions of them, according to the breakdown studies, because of obstacles in the way of voting.

So I say, Mr. President, that in the wake of this long and protracted discussion we have had here for many days now, and the pending business at hand, which requires that we remove this kind of delay from the consideration of other matters by this body, whatever else the Senate of the United States does, it must be given a chance to stand up and be counted on voter registration.

Stand up and be counted. Do not hide behind a cloture vote. Do not hide behind the wall of some obtuse motion. It is time the American people know where the Senate and the Senators stand.

Do you support an extension of voter registration as a process, or do you oppose it? That is the issue here, and that is the reason the Senator from Wyoming insists that this body be given the chance to vote—not the chance to duck. Too many people have been ducking in this country lately. There are too many people who have been evading the responsibilities of good government.

So I say, Mr. President, now is the time. This body can be measured by its vote on this cloture motion. Cloture must be broken, if there are those who would still persist in delaying action. If that persistence is not to continue, it is time that we vote, straight up or down, on the merits of this bill.

There is a real difference of opinion on how good the bill is. Some think it is great; others do not think so. The way we settle that sort of dispute, in our kind of society, is to vote. If our misgivings are really serious, let us test the judgment of the Senate of the United States. Let us see how the Senate will vote, and not evade that responsibility by ducking behind a cloture motion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Hawaii for yielding to me a second time to speak on this measure.

I feel that an era has passed in the U.S. Senate with regard to the matter of registration of voters. During all of the debate on this bill in the last Congress, and during the some 2 weeks of debates so far during this Congress, in the listing of the various barriers to voting and voter registration by the distinguished Senator from Wyoming (Mr. McGee), and by the distinguished Senator from Minnesota (Mr. Humphrey), just a few minutes ago, not one single time was the statement made or the question raised as to whether or not there are barriers to voting or to registration imposed by voter registration officials in Alabama and the South.

Throughout the 1965 and 1970 debates on the Voting Rights Act, the statement was made time and again on the floor of the Senate that voter registration officials in Alabama and the South would not allow fully qualified voters to register to vote. Not once, however, has that charge been made with respect to this bill, and I am proud that that is the case. I do not feel that that situation ever existed, but not once has that charge been made by those who advocate the passage of this measure.

They say the hours are too short, the time for opening the books is too limited. But never once have they said that a person cannot go in and register.

I do not know what barriers there are. All you have to be to register anywhere in the United States, as far as the Senator from Alabama knows, is 18 years of age and a resident citizen of the State. That is all it takes—no literacy test, no educational requirements. So what is so hard about registering? Why should not an applicant for registration bother to go by the registration office and present himself, saying, "I am 18 years of age, I live here in the county, and I want to register"? That is all it would take to go into all the hocus-pocus of sending hundreds of millions of post cards throughout the country on a blanket basis, irrespective of whether people vote or not.

The Senator from Minnesota raised the parallel of the Internal Revenue Service seeking one out, but at least they send the forms to a person who is believed to be subject to the income tax laws. They send the forms out to a designated person.

In this bill, the post card would be sent out, broadcast throughout the country, on a junk mail basis. So it would seem to the Senator from Alabama that there is no occasion for setting up another vast Federal bureaucracy to seek to get people to register to vote when they already have access to the registration office.

Why send all the postcards—double cards—through the mail when they could be left at the post office and all a person would have to do would be to come by and pick them up But, no, they have to make it hard and complicated.

I submit that this would open up ways for fraud and corruption, for the registration of tombstones throughout the big cities, for the registration of fictitious persons, or for the registration of deceased persons.

Just the other day, an articles was published in the newspaper to the effect that a great insurance company, which has gone into bankruptcy, was in the business practice of issuing fictitious insurance policies and then selling those policies to another company. The record shows that this one insurance company issued 56,000 fictitious policies on supposed individuals who were living, and sold them to larger insurance companies.



The PRESIDING OFFICER (Mr. Scott of Virginia). The 5 minutes of the Senator from Alabama have expired.

Mr. ALLEN. May I have 1 more minute?

Mr. FONG. I yield 1 more minute to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 1 additional minute.

Mr. ALLEN. So, if an insurance company could perpetrate such a fraud on another, larger insurance company, which has ways and means of finding out about the nonexistence of fictitious names, think how many frauds could be perpetrated throughout the country by interested people, or pressure groups of people registering fictitious people at the polls.

Mr. President, this bill is not necessary. It will add another Federal bureau to cost $100 million a year, according to the best estimates. I, therefore, hope that the effort to invoke cloture will not succeed and that the vote of Senators will be "nay" on the motion to invoke it.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Six minutes remain to the Senator from Hawaii.

Mr. FONG. Mr. President, I yield myself the remaining 6 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 6 minutes.

Mr. FONG. Mr. President, this bill will not increase substantialy the number of people who will register to vote. Just look at the State of North Dakota, for example, where they have no preregistration. The only thing a citizen has to do in North Dakota is to go down on election day and vote. Yet even without the registering of voters in the State of North Dakota, we find that in the 1972 election, 30.1 percent—nearly one-third—of the eligible voters in North Dakota did not vote.

In Texas—which has been alluded to by the distinguished Senator from Alabama—where they register by coupon, during every election season the newspapers carry a registration coupon in their advertisements. Here we find that in Texas—where we find a similar type of voting prescribed as would be in this bill except that instead of registering by coupon they would send in a post card.

Mr. ALLEN. Mr. President, will the Senator from Hawaii yield at that point?

Mr. FONG. I yield.

Mr. ALLEN. Would not this bill confer on the person who registered by post card something in the nature of second-class citizenship, in that he would not be allowed to vote in State races held at the same time? If he went into the voting booth, he would be told to go down on the machine or on the paper ballot only as far as the Federal officers were concerned in any State voting. How in the world would that be handled? Could the Senator explain that?

Mr. FONG. This bill would set up a very special registration system which would deal only with those running for Federal office. It would go a little further by dealing with the section of political party delegates to national conventions. Presently, under the State voter registration system, the citizen would comply with the laws of the State and the laws of the State are different from the law which we would pass here. Therefore, each State would have a different registration system for its various offices.

Mr. President, I alluded to the State of Texas where one registers by sending in a coupon. Despite this simple registration procedure, 54.9 percent—more than half—of the eligible voters in Texas did not vote on election day.

How easy can we make it? Here we say, in Texas, "Clip the coupon. Send it in and register"—yet only 45 percent of the people voted; 54.9 percent did not vote.

So here we have a bill to spend at least $100 million every 2 years—at least—because the Voter Registration Administration may send out cards more than once in each election year. If they send out two mailings in each election year, it will cost approximately $200 million. For what?

As the distinguished Senator from Alabama has said, the State of Utah has a registration of almost 98 percent. Here we would send out thousands of cards to the people of Utah because it is contemplated we will have to send out at least three or four times the number of necessary cards to reach all the eligible voters in the United States, and there are over 88 million addresses. In order to be sure that everyone living at a certain address is reached, it necessitates the sending out of approximately 320 million cards. And, for what? Just to catch the 1 percent or the 2 percent of the voters in the State of Utah who did not register?

Mr. President, why is it that people do not register? A survey was made in 1968, by the Bureau of the Census, of 50,000 households—not 15,000 people, as the Gallup poll would poll or the Harris poll would inquire, but 50,000 households. If we say there are three persons in a household, that would be a survey taken of approximately 150,000 people in the United States. Of the 50,00 households surveyed, 26,942 reportedly had not registered to vote.

In other words, more than 50 percent of the 50,000 households did not have a single person in them registering to vote.

As to the reasons for not registering to vote, the answers recorded were in the following categories:

Not a citizen of the United States.

Have not lived here long enough.

Never got around to it.

Dislike politics, and so forth.

Fifty-three percent, or over half, said they did not register because they disliked politics or were not interested. That is the reason over half of those not registered did not register. It is not because of State registration laws.

Mr. CHILES. Mr. President, it is my intention to vote for this cloture motion so that the Senate will be able to proceed and work its will on S. 352. I feel ample time has been available for Senators to fully air their views in consideration on this legislation.

I support passage of S. 352, a bill to increase voter registration in the Federal election process. At the present time, the level of voter participation in the United States is at a shocking 60 percent, and the trend is downward pointing to an even lower figure in the years to come unless something is done to prevent it.

Archaic restrictions which inhibit full voter participation in persist in spite of efforts to remove them. Over the past century the elimination of the requirement for property ownership and the extension of universal suffrage to all adults, regardless of sex, race, or color, were important landmarks in broadening the voter franchise. More recently, largely through the efforts of my distinguished predecessor, Senator Spessard Holland, we have seen the removal of the poll tax.

Still, people are discouraged from exercising their precious right to vote. Voters are faced with obstacles that are outdated, ineffective and simply inappropriate for a highly mobile society. For example, in some States an individual must personally appear before the registrar. Often the registration offices are open only during the business hours from Monday to Friday which is a source of discouragement and inconvenience for many working people. In addition, citizens must frequently travel long distances and through heavy traffice. There are other equally frustrating registration obstacles which tend to harass and confuse the prospective voter.

The proposed bill will eliminate these barriers by establishing a voter registration program through the mail. Under this plan a distribution system will be provided whereby postcard-size registration forms conforming to each State's requirement for voter registration will be mailed by the National Voter Registration Administration to every postal address and residence. In addition, the forms will be readily available at various State and Federal facilities throughout the country. The voter can then mail or deliver his completed form to the local registration agent, who will later inform the applicant of his acceptance or rejection. The cost of such mailings will be borne by the Voter Registration Administration. Other countries in the free world—England for example—that use a variation of postcard registration report that voter participation is well above 75 percent and irregularities in procedures do not appear to be a problem.

Some people have expressed concern that registration by mail will lead to fraud. I believe, however, that these fears are unfounded. Nothing in this bill prevents the county clerks from investigating the qualifications of applicants who register by mail. In fact, if a State official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of S. 352, he may notify the Administration and request its as-

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sistance to prevent fraudulent registration.

The administration is authorized to give assistance and issue a report on its findings. In addition, this bill provides stiff penalties for fraud. Fines of up to $10,000 can be levied or imprisonment for not more than 5 years or both can be imposed on anyone who gives false information on the registration postcard. Such provisions are in addition to the State penalties now in effect and the same scrutiny and safeguards as exist now will continue to be maintained.

With the great number of complex issues that confront our country today, many Americans are experiencing a serious disillusionment with their Government. They feel powerless and that their Government is too large, too far away and too out of touch with how they really feel about important issues. A vital step towards dealing with this crisis is to simplify the registration process so that all Amercans will be encouraged to express themselves at the polls. If the voter still does not participate, at least we have the knowledge that we have removed redtape, unnecessary obstacles and outmoded, confusing restrictions.

## CLOTURE MOTION

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The hour of 2 o'clock having arrived, under the unanimous-consent agreement, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 352), a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

1. James B. Allen.
2. Paul Fannin.
3. Jesse Helms.
4. Edward Gurney.
5. Bill Roth.
6. James Buckley.
7. William L. Scott.
8. Robert Dole.
9. Robert Griffin.
10. Clifford Hansen.
11. Norris Cotton.
12. Hugh Scott.
13. Marlow Cook.
14. Wallace F. Bennett.
15. Ted Stevens.
16. Bob Packwood.
17. Dewey Bartlett.
18. Strom Thurmond.
19. George G. Aiken.
20. H. E. Talmadge.
21. Pete V. Domenici.

## CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

Mr. FONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FONG. I understand that those in favor of cloture will vote "yea."

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 108 Leg.]

| | | |
|---|---|---|
| Abourezk | Eastland | McIntyre |
| Aiken | Ervin | Metcalf |
| Allen | Fannin | Mondale |
| Baker | Fong | Montoya |
| Bartlett | Fulbright | Muskie |
| Bayh | Goldwater | Nelson |
| Bellmon | Gravel | Nunn |
| Bennett | Gurney | Packwood |
| Bentsen | Hart | Pastore |
| Bible | Hartke | Pell |
| Biden | Haskell | Percy |
| Brock | Hatfield | Proxmire |
| Brooke | Hathaway | Randolph |
| Buckley | Helms | Ribicoff |
| Burdick | Hollings | Roth |
| Byrd, Harry F., Jr. | Hruska | Saxbe |
| Byrd, Robert C. | Huddleston | Schweiker |
| Case | Humphrey | Scott, Pa. |
| Chiles | Inouye | Scott, Va. |
| Church | Jackson | Sparkman |
| Clark | Javits | Stafford |
| Cook | Johnston | Stevenson |
| Cotton | Kennedy | Symington |
| Cranston | Long | Talmadge |
| Curtis | Mansfield | Thurmond |
| Dole | Mathias | Tower |
| Domenici | McClellan | Weicker |
| Dominick | McClure | Williams |
| Eagleton | McGee | Young |
| | McGovern | |

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from California (Mr. TUNNEY), are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) and the Senator from Utah (Mr. Moss), are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. SCOTT of Pennsylvania. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), and the Senator from Ohio (Mr. TAFT) are absent on official business.

The Senator from Wyoming (Mr. HANSEN) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). A quorum is present.

## VOTE

The PRESIDING OFFICER. Pursuant to rule XXII, a rollcall has been had, and a quorum is present. The question before the Senate is: Is it the sense of the Senate that debate on S. 352, a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SPARKMAN. On this vote I have a live pair with the Senator from Washington (Mr. MAGNUSON) and the Senator from Utah (Mr. Moss), each of whom would vote "yea." I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) and the Senator from Utah (Mr. Moss) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

On this vote, the Senator from California (Mr. TUNNEY) and the Senator from Iowa (Mr. HUGHES) are paired with the Senator from Mississippi (Mr. STENNIS).

If present and voting, the Senator from California and the Senator from Iowa would both vote "yea," and the Senator from Mississippi would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), and the Senator from Ohio (Mr. TAFT) are absent on official business.

The Senator from Wyoming (Mr. HANSEN) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The yeas and nays resulted—yeas 56, nays 31, as follows:

[No. 109 Leg.]

YEAS—56

| | | |
|---|---|---|
| Abourezk | Gravel | McIntyre |
| Aiken | Hart | Metcalf |
| Bayh | Hartke | Mondale |
| Bellmon | Haskell | Montoya |
| Bentsen | Hatfield | Muskie |
| Biden | Hathaway | Nelson |
| Brock | Hollings | Packwood |
| Brooke | Huddleston | Pastore |
| Burdick | Humphrey | Pell |
| Byrd, Robert C. | Inouye | Percy |
| Case | Jackson | Proxmire |
| Chiles | Javits | Randolph |
| Church | Johnston | Ribicoff |
| Clark | Kennedy | Saxbe |
| Cook | Long | Schweiker |
| Cranston | Mansfield | Stevenson |
| Dole | Mathias | Symington |
| Eagleton | McGee | Williams |
| Fulbright | McGovern | |

NAYS—31

| | | |
|---|---|---|
| Allen | Dominick | Nunn |
| Baker | Eastland | Roth |
| Bartlett | Ervin | Scott, Pa. |
| Bennett | Fannin | Scott, Va. |
| Bible | Fong | Stafford |
| Buckley | Goldwater | Talmadge |
| Byrd, Harry F., Jr. | Gurney | Thurmond |
| Cotton | Helms | Tower |
| Curtis | Hruska | Weicker |
| Domenici | McClellan | Young |
| | McClure | |

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Sparkman, against

NOT VOTING—12

| | | |
|---|---|---|
| Beall | Hughes | Stennis |
| Cannon | Magnuson | Stevens |
| Griffin | Moss | Taft |
| Hansen | Pearson | Tunney |

The PRESIDING OFFICER. On this vote the yeas are 56; the nays are 31. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is not agreed to.

Under the previous order, the Senator from Wyoming (Mr. McGEE), is recognized.

Mr. McGEE. Mr. President, I have a number of remarks I want to address myself to for some time. If it will assist Senators in making whatever plans they might have, I would anticipate that no one of them would have any difficulty in making his way to his office, but——

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. McGEE. I will only for the purpose of a question, if I do not lose my right to the floor.

Mr. SPARKMAN. The Senator, I am sure, is aware of the fact that at midnight tonight the Economic Stabilization Act expires unless we take certain action.

We have a conference report at the table. The Senate is supposed to act first. I should certainly like an opportunity to take up the conference report. I hope that it will not take too much time.

Mr. McGEE. Mr. President, I would say in response to the Senator's question, which was whether there will be an opportunity to take up the Economic Stabilization Act conference report later this afternoon, that that measure has not been waiting as long as this bill has been waiting for action by this body.

I would not be prepared to make an estimate. I am aware of the urgency of the matter. However, I am not prepared to set aside this measure at this time in order to proceed toward whatever action the Senator envisages on that particular measure.

Mr. SPARKMAN. Will the Senator yield?

Mr. McGEE. Mr. President, I will yield to the Senator from Alabama without losing my right to the floor.

Mr. SPARKMAN. I would point out that the Senator is opposed to the act. We have no way of knowing what the House will do. It is entirely possible that we will have to go back to conference. So, time is of the essence. I am not asking the Senator to set aside the bill or to yield the floor. I am asking him to yield sufficient time so that we might bring up the conference report.

Mr. McGEE. Mr. President, I appreciate the point of the Senator who is chairman of the conferees in this very troublesome and difficult situation. It is doubly appreciated here. I would not be prepared to suggest a time, however, that this matter be considered.

We have been put probably in a more frustrating position with reference to this measure with regard to which there seems to be a surplus of votes. The votes are very substantial. On every occasion on which this matter has been considered and voted on, a switch in two votes would have changed the outcome of the vote.

For that reason, I want to continue to pursue the merits of this particular proposal. It has been delayed now for many days, and it has been delayed apparently for the reason that there are not enough Senators against it to debate it in open debate at a moment when we in this body are all under fire because we will not stand up and be counted. I think it is imperative that we do so.

There has been some suggestion that there are pitfalls in the bill. Others believe the bill to be a very workable and constructive measure.

This happens in almost every bill before this body. I suggest that the way to settle the question is to vote on it. That is what our system of government is all about. We only ask for the right to vote.

Mr. President, when we look back upon the election in the past November, we realize that 62 million people who were old enough to vote did not vote. The studies on the matter since last November tell us that tens of millions of those 62 million people did not vote because of the difficulties and obstacles put in the way of their voting. It seems to me that it is imperative that this body face up to this matter.

That is the reason I am not willing to accede to the request of the Senator from Alabama, the distinguished chairman of the conference committee.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I would be glad to yield to the Senator from Idaho for a moment without losing my right to the floor.

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object on this occasion, I want to serve notice that hereafter I will demand the regular order.

The Senator from Wyoming has the floor. He is entitled to the floor. He can avail himself of the floor and use it until midnight if he sees fit to do so. However, I shall object to his parceling out time and deciding on his own desire to whom he will yield the floor.

So, I shall demand the regular order hereafter. However, in this case, not having given notice, I interpose no objection.

Mr. McGEE. Mr. President, it is my understanding that I would yield for only a moment. This is not an effort to kill time.

I assure the Senator from Alabama that I have had 5 days in northwest Wyoming where I was counting antelope, deer, and other animals. So, I am in great shape. If midnight is the challenge, I believe I can at least give it a try.

Mr. ALLEN. Mr. President, if the Senator wants to filibuster his own bill as well as the Economic Stabilization Act, he is at liberty to do so.

Mr. McGEE. Mr. President, I suggest that I am in no more difficult position than the Senators who vote for a cloture motion when they do not intend to vote for the bill.

The Senator from Wyoming is in good shape and can hang on for a while.

Mr. President, the Senator from Wyoming yields 1 minute to the Senator from Idaho for the purpose of making a unanimous-consent request, without losing his right to the floor.

## EXTENSION OF TIME FOR FILING REPORT OF SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, I ask unanimous consent to move from April 30 to May 15 the date by which the report of the Senate Special Committee on Aging, "Developments in Aging, 1972, January–March, 1973," shall be submitted. I am making this request in order to give additional time for completion of minority views.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. McGEE. Mr. President, I yield for a question without losing my right to the floor.

Mr. TOWER. Mr. President, the Senator does have a right to yield for a question without losing his right to the floor.

Mr. McGEE. Mr. President, I wanted to make sure, because I have seen the floor slip away from time to time. So, this is double assurance.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. TOWER. Mr. President, does the Senator from Wyoming intend to keep the floor until midnight if necessary?

Mr. McGEE. Mr. President, I intend to keep the floor until midnight or later if necessary. I do not know what will happen. It appears this afternoon that a lot of things have been happening.

Mr. TOWER. Mr. President, in other words, there will be no opportunity to take up the Economic Stabilization Act conference report. I think that we have a right to inform the country that the controls expire at midnight tonight.

Mr. McGEE. Mr. President, I hope so, and I hope that we advise the country also about the delay in the bill we are considering.

Mr. TOWER. I think that there can be little question about the relative urgency of the two bills.

Mr. McGEE. Mr. President, I suppose that one can say that if he is opposed to it. I think that urgency is a relative term.

We have known for a long time that the Economic Stabilization Act has an expiration date of the 30th of April. We knew that a long time ago.

Mr. President, the pending bill reached the floor in plenty of time to get voter registration. There has been delay after delay. That is why I am reluctant to be squeezed out of the box at a time when we ought to face up to the issue of voter registration. And if there are those who fail to face up to the facts, I think the news ought to be also posted in the headlines that they are being derelict in watching the calendar. That date of April 30 has been on the calendar ever since I received my calendar at Christmas time.

This bill has been the pending business for a long time. We have challenged those who oppose the bill to give us an opportunity to vote. That is the only thing involved, the giving to the Senate of the

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United States a chance to vote its will. That is all.

I would think that this body would certainly be the object of a lot of questions and some attacks around the country if at a time like this, when we are trying to encourage participatory democracy and getting people to vote and register, we were to try to delay such a decision by parliamentary procedure. Let us vote it up or down.

Everybody knows what the issues are. If we disagree over the issues, let us vote our disagreement. That is all we are arguing. It is simply that the time is now.

I must say, Mr. President, that I have been somewhat mystified at the seriousness of this mobilized slowdown of action on this bill. It would appear to a great many not to be that important. We have had many prolonged discussions here on a lot of great issues in the 15 years since I have been in the Senate, but never one on this kind of issue, involving this kind of operative procedures and issues at stake. But again, that is always a choice for the Members of this body, the choice being that you can delay by whatever parliamentary procedures or maneuvers are available to you.

All this body needs to do and must do before we are through with this question is agree to stand up and be counted. Vote yea or nay, it matters not, but let your constituents know where you stand. A U.S. Senator has that responsibility.

Mr. LONG. Mr. President, will the Senator yield?

Mr. McGEE. With the understanding that it is for a question, and that I do not lose my right to the floor, I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, has it occurred to the Senator that he appears to be making headway toward enacting his legislative proposal, and that to become an obstructionist to other important legislation at this point in the session might very much hurt his cause, at a time when it appears he is making headway? Some of us voted with him today who did not vote for cloture before. Has that thought occurred to the Senator?

Mr. McGEE. That thought certainly has occurred to me, and I am particularly grateful to the Senator from Louisiana for his broadmindedness on this whole question. The point he raises gives the Senator from Wyoming considerable pause. It is a matter of considerable concern to me.

However, in the light of other events that have been taking place, I doubt that more than a few will notice even the deadline marking the expiration of the Economic Stabilization Act, in the light of other developments.

But that should not let any of us forget that that is important, that economic stabilization is a key factor, that the failure of the administration, in phase III, to come to grips with it is a great part of the explanation for the plight we find ourselves in now, with the inflationary situation, high prices, and everything. It is simply a plight we ran away from.

But I also know that in this particular case, if it makes a difference to this administration that controls be continued, that ought to be evaluated on the same scale of assessments in terms of producing action on this bill. I think this bill is a significant one, and I think that the one should not be shunted aside for the other, for the reason that we were here for a long time, and first, and that under those circumstances this ought well to have been a consideration for those who voted against cloture, if it is that important. But obviously 31 Senators did not think it was that important.

Mr. LONG. Will the Senator yield for a further question?

Mr. McGEE. So with that in mind, I again would want to say that I certainly agree with my colleague that it is a difficult kind of decision to have to make.

Mr. LONG. Would the Senator be willing to consider the fact that he would perhaps help his cause better, and probably come nearer to having a better chance of succeeding in that which he is attempting to achieve in this Congress, if he did not disappoint some of those who are supporting him by engaging in a somewhat irresponsible endeavor to impede other legislation, and instead do the best he can, all factors considered?

Mr. McGEE. I can pledge, in response to the Senator's question, that the Senator from Wyoming will do the very best, all factors considered, that he can; and he knows that the Senator from Louisiana knows that the Senator from Wyoming is not unknown for his cooperativeness around this Chamber. We try to keep things moving.

But I would have to say that in this instance the responsibility does not rest on the shoulders of the Senator from Wyoming, but rather I would think on the shoulders of those who prevented an up-or-down vote on this matter long ago, and that we are still stuck with that situation. If economic stabilization continuation by midnight tonight is that important, then call off the dogs and let us get going on an up-or-down vote.

Mr. LONG. Might I suggest to the Senator that if he will simply persist in what he has been trying to achieve in this area in good humor, and yield to some of the frustrations that are necessarily a part of this type of struggle, in due course he will prevail with what he is trying to do?

Mr. McGEE. I thank my colleague from Louisiana for his helpful comments and his understanding on this question, and I can assure him, as his friend, that I can sweat this one out. In fact, while I was trying to relax, counting those moose and those elk, this was the issue that always loomed largest, particularly in the middle of the night: What do you do when the chips are down?

It seemed to me that what we can still do, I think, today, is see if there is not a possibility of achieving the best of both worlds. I doubt it. I have not heard any rumblings that would suggest so. If they are not forthcoming, I am not interested.

Mr. LONG. Will the Senator yield for a further question?

Mr. McGEE. I yield to the Senator from Louisiana for a question.

Mr. LONG. Does the Senator have any reason to believe that the leadership would not be willing to call this bill back before the Senate after the disposition of the Economic Stabilization Act, if that is what the leadership has in mind?

Mr. McGEE. No one has told me that. I have had no dialog with anyone.

But I do not intend to leave the floor. I will be right here, so everyone will know where I am. I am prepared to go on until we drop over in the middle of the night, and we will worry tomorrow about how we succeed.

This is, again, with the deepest understanding of the implications of all that, and it is very frustrating, but you still have to make a decision on it. I have had to make the decision. No one has had to make it for me.

But I would say that I do appreciate the thoughtfulness of the senior Senator from Louisiana, and I shall continue to be troubled over this question.

Mr. President, the issue that faces us here today is the matter of trying to get a straight up or down vote. All kinds of misrepresentation have occurred in regard to this bill. The bill does not create national voter lists, for example, as has been suggested. We already have a national voter list. The Voting Rights Act of 1970 created it for the office of President. All this measure would do would be to add the offices of Senators and Representatives to the same list. It is nothing new for the States.

Likewise, I might say that this is not a new registration process. This is an application, for an additional way to register. All of the existing ways will continue to be employed for registering voters. This is simply another one, under the terms described in the bill, and it is an application.

That application goes to the State registrars. It does not go to any Federal agent or Federal agency. The States remain the judges of the validity of that registration application. We have tried to make it as simple as possible. We want to leave the basic judgment decision at the State level rather than to write national laws for the procedures. In that process, we believe we have advanced the odds for several million additional Americans actually to be able to register. The gap between registering and voting will always be there, but I submit that the performance of those already registered is delightfully high indeed. It ranges from 70 percent, 80 percent, even to 90 percent.

The real problem lies with those who, for one reason or another, did not or could not get to register.

As to the question raised by some of my distinguished colleagues about the cost of the system, let me say first that the amount now being spent to register voters is phenomenal. It runs into several hundred millions of dollars. The money spent by the various campaign committees to register voters, organizations like the League of Women Voters, those in labor, and in business, all organizing good citizen registration programs across the country in all the 50 States, amounts to a great deal, even in some States which have liberalized registration procedures on their own. As the registrar of voters in the city of New York testified before the committee, they take mobile outfits door to door to register the voters, and it costs about $8 a vote to register them.



That only says to me that the cost factor is a mixed business. The best estimates we could get from those who would have to beef up their operation to make this simple mailing possible talk in terms of somewhere between $15 million and $25 million, and not the specter of hundreds of millions of dollars which has been raised around here. That has to be at observed levels. It has to indulge the absurdity of sending practically every registration card by special delivery, by multiplying the optimum of those who will respond, ignoring the fact that 75 million people in this last election were already registered to vote, and voted—and not by postcard.

We are going after only those who are left over. They are the ones that would respond. We offer a small, meaningful formula for the States that believe they would be burdened by this extra manpower work.

But, my friends, think of raising the question of cost, when our mandate is to show the rest of the world that more and more Americans are willing to participate in their elections. We are being watched. People are looking to us for leadership, but they only find that we have placed obstacles in the way.

So, Mr. President, in the wake of these rather brief discussions on the cloture petition, I merely repeat that the time to vote is now. This body dare not hide behind the cloak of cloture.

Mr. BROCK. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I am happy to yield to the distinguished Senator from Tennessee, who is one of the cosponsors of the bill, for the purpose of asking a question.

Mr. BROCK. Just for the purpose of asking a question or two, with some expansion, perhaps.

The Senator has mentioned the fact that it does cost a great deal of money for the mobile registrations, where they go out into the county and register people. But I should like to raise another point about that, in addition to the expense, and that is the fact that in an awful lot of areas in this country, if an election commission is under the control of one or the other party, that becomes a tool which can be abused and, in fact, has been abused in some instances, North and South, so far as I know, where the registrars, by selective registration, deliberately use their office to enhance the prospects of one party or the other.

I would therefore ask the Senator from Wyoming if—I know that probably is not the case in his State, because his State has a remarkably clean record, but I do know in other States, and the Senator does, too—this has not been the practice, to the disadvantage of the electorate.

Mr. McGEE. That is absolutely true. That is not just the monopoly of any one political party.

Mr. BROCK. No, it is not.

Mr. McGEE. We want to be more consistent with the areas where one party may prevail more substantially to dominate the other, that takes arbitrary measures, perhaps, on the part of the registrar, that would make it increasingly difficult for someone of the other party to register. It is that kind of thing that raises another aspect of this procedure and that is the post card registration.

Mr. BROCK. Then would not the Senator agree that post card registration is probably the most nondiscriminatory form we could devise, because every individual would have a full and equal opportunity to avail himself of this process and it would not be subject to the whim of the registrars of a different party?

Mr. McGEE. That is an apt observation by the Senator. It bears out what one of the registrars from one of the States said that it was their experience that one manipulated elections not by mailing a coupon or post card, but by the manipulation of officials who were in charge as they prepared the voter lists or as they mounted the number of obstacles placed in the way of those who otherwise might have registered for the party out of power in a general area.

Mr. BROCK. Mr. Randall B. Wood, former director of elections in the State of Texas, has noted:

> You do not effect fraud whether you register by mail or in person. The voter does not induce fraud into the election system. Fraud is induced with the knowledge or active participation of election officials.
>
> A Texas citizen who had just been released from the State hospital filled out and mailed in about fifty voter registration forms with different names and addresses. That was discovered in a couple of weeks, but these experiences have been few and far between.

Mr. Wood's testimony further indicates that his State, which presently practices registration by mail has experienced relatively no fraud at the registration level.

That is a fair summation of the facts, I believe.

Mr. McGEE. I think that really hits the nail on the head. What it should say to us is that we cannot write a law that would prevent any willful official from taking advantage of it, but we can introduce penalties that would suggest the unwisdom of trying to do violence. We have that in elections now. This bill would provide severe penalties for anyone who would try to do violence to the registration system—$10,000 fine and 5 years in prison. There are variables in the penalties in the income tax procedure, which is carried out almost entirely by mail. That seems to be a sufficiently strong policing method. Some people, of course, try to get away with it, but they are prosecuted. The simple inducement to register is at such a low level that we do not count the registrants but the votes.

Mr. BROCK. That is correct.

Mr. McGEE. That the level where it seemed to be worth the chance of getting caught would be at the ballot box rather than at the registrar's table. I would think that that in itself would give eloquent testimony to the point the Senator has been making.

Mr. BROCK. The Senator——

Mr. McGEE. I apologize to my colleague for having broken off our dialog for the moment. I was trying to settle another matter that is involved here.

Mr. BROCK. I am prepared to resume the colloquy, but if the Senator wants to go on to something else——

Mr. McGEE. I would like to resume the colloquy.

Mr. BROCK. If the Senator will yield further, is it not true that in existing registration, very few registration agencies require any identification at all? Very few agencies require anything more, as a matter of fact, than the personal signature. Once on the registration rolls, very few registration offices verify names and addresses against tax rolls, drivers' licenses, city directories, and the rest. As a matter of fact, very few election jurisdiction budgets even allow for registration fraud investigation. Very few States or counties check the names on their rolls against the rolls of other jurisdictions, other counties, other cities. If one has the desire, he can register and vote in nearly every political jurisdiction in the country and, with very few exceptions, would not be detected.

In my State, we have had instances of people who have registered in six, seven, or more counties, if I recall correctly. In one court suit, an individual actually registered and voted in seven different counties, all on the same day.

That is a process that is very difficult to detect and very difficult to stop.

We have other specific statements that I think bear on this matter. I should like to quote the president of the board of elections of New York City, Mr. David Dinkins, who said:

> We do not see fraud as presenting any problem in registration-by-mail legislation. If anything, we can tighten things up a bit.

Mr. Willard A. Morris, administrator of the Maryland Board of Elections, has noted:

> In Maryland, we register by mail members of the Armed Forces, Merchant Marines, the Red Cross, the USO and other organizations serving the Armed Forces outside of the United States, civilian employees of the United States, all of these including their spouses and dependents, the ill and disabled, we have it and it does work.

I think that is an excellent statement of the logic of this particular bill. I think that is the essence of what the Senator is trying to achieve. Rather than compounding the problem of fraud, we hope to enhance our ability to address it in a better fashion.

I am impressed with the Senator's point that 95 percent of the tax returns in the United States are done in the home and mailed in. That is almost as if we were voting in the home, much less registering. But we have a minimum of fraud, and I think we can anticipate, because of the penalties in this bill and the safeguards it incorporates, that the same will apply here. I do not believe we are adding to the prospect of fraud. As a matter of fact, I think there is an excellent chance that we are reducing that prospect.

Mr. McGEE. I am interested in the point the Senator from Tennessee has made. As I recall, in part of his testimony during the hearings, the point was made that the broader your base of registrants



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from as many sources as possible, the more difficult it is to mobilize them for any disciplined purpose, such as voting for me, such as voting for one party; that, if anything, rather than introducing a new risk of fraud, it actually takes the edge off some of the existing risks of fraud—fraud that has already appeared on the record in some ballot boxes.

Mr. BROCK. The Senator is correct.

One advantage I see in mail registration is that there have been instances——

Mr. McGEE. The Senator should make clear that that is m-a-i-l registration, or he is going to be in trouble.

Mr. BROCK. The Senator is correct.

There have been instances in certain sections of this country where people could not register if they were black. We attempted to deal with that in the Voting Rights Act of 1965, and I think rightly so. There have been equal instances in which if it were not impossible, it certainly was difficult to register if you were a Republican.

I can cite some individuals who have come to me with that complaint in counties outside of my own State. They simply said that they were discouraged, if not outright refused; that, as a matter of fact, when they tried to register, the registrar, when they said they wanted the Republican book, simply turned to them and said, "I'm sorry, but we're out to lunch." It happened to be about 9:30 in the morning.

That sort of thing begins to wear thin after a while, and it seems to me that the effort of this bill is to deal with exactly that kind of situation.

Let me give another example. Further testimony from Maryland was given to us by Mrs. Gerber, the elections administrator for Montgomery County. She said:

> In 1972, before the general election, one thousand of our new registrations were mail registrations and there has been no fraud involved.

That is pretty eloquent testimony, I think.

As a matter of fact, it has been my experience, in studying the election codes of the various States, that those States which do allow registration by mail have less fraud than those which do not. I think the very logic of that case should bear upon the debate today.

Let me cite a couple of the safeguards in S. 352 against fraud.

Under the bill, the local election official must send a nonforwardable registration verification form to all who register by mail. If there is no such address or no such person residing at the address, the verification form would be returned to the local election official for investigation.

Let me tell the Senator why I think that is important. We have had a case with which I am familiar—or about which I have been told—in which some 17 individuals registered and voted for years from the same address. Upon investigation of the address, we found that it was a vacant lot, that it had been vacant since 1958. Yet, those people had voted every 4 years, because in Tennessee people cannot stay on the registration books. They are automatically purged if they do not vote every 4 years. They had been voting from a vacant lot.

Mr. McGEE. And that was without any post card registration.

Mr. BROCK. Absolutely.

Mr. McGEE. Under the present system.

Mr. BROCK. Without any post card registration at all.

We had a county in which I think the registered voter population was approximately 2,500 people, and in one election 969 absentee ballots were cast. On appeal, the judge threw out the ballots and threw out the count, but he did not throw out the people who were elected by those ballots. They were allowed to serve.

There is a second safeguard in this bill: Upon request by State or local election officials, the Voter Registration Administration can provide fraud investigation assistance. Today, the vast majority of local registration operations cannot afford such investigation.

From my own experience in the State of Tennessee, we have had time and time again, claims of fraud. It is very difficult to prove voter fraud, either in the form of absentee ballot or by people who go behind the curtains and pull the lever for someone who may be semiliterate. But the claims were of such substance and of such number that we tried to get those investigated. There simply was not any mechanism. The judges or others who were requested either did not have jurisdiction or did not have time or did not have the personnel. Perhaps some of them did not have any interest. I do not know that. But I do know that very rarely do we ever get that sort of thing investigated and prosecuted.

I do know that an awful lot of people have felt for many years that this is a matter that should be a subject of great concern; it should be corrected; and it has not been adequately addressed, at least to their satisfaction.

There is a third protection in the bill. The Attorney General is empowered to bring civil action against fraudulent registration. That is clearly pointed out to the individual when he registers.

Fourth, those involved in registration could receive a fine of $10,000 or 5 years in prison or both. As the Senator from Wyoming (Mr. McGEE) pointed out, that is a fairly strong penalty for those who might want to abuse the process.

Mr. President, every State in the Union, to my knowledge, allows for the challenge of a voter at the polling place on election day. In most circumstances, the challenged vote is set aside until the challenge is resolved, at which time it is either admitted or thrown out. Clearly, a questionable voter or series of voters can be challenged at any given locale in the country.

In Tennessee I have seen citizen efforts on the election day. We still have occasional abuses, but by and large we have made enormous progress. Both parties have poll watchers on election day. If they think someone is not a legitimate voter they challenge him then and there. That system works and it is the kind of system that will protect this country against further abuses.

The purpose of this bill is to enhance the opportunity for people to participate in the political process. Certainly, it is not to increase fraud but to enhance the opportunity for participation in government and faith in the system.

Our political parties are aggressive. If they believe they are threatened by a massive conspiracy to commit vote fraud by post card or any other means, they will make sure that their representatives at the polls protect their interest.

In short, I dismiss the argument that we cannot institute post card registration because of potential fraud. Where fraud prevention measures have the effect of disenfranchising legitimate voters, they ill-serve democracy.

We cannot prevent a man from registering to vote, just because we suspect he may commit fraud, any more than we can prevent a man from getting a marriage license just because we fear he may commit bigamy.

If he violates the law, in either instance, he can be punished. The bill we are discussing provides many assurances of that, and as evidence of my concern, I plan to introduce an amendment to provide an additional assurance against the possibility of dual registration.

In this final analysis, there is no evidence that S. 352 would increase vote fraud. If you have corrupt election officials, you will have vote fraud. That has always been the case, and always will be.

The post card system does nothing to encourage fraud, and may, in fact, have a side benefit of reducing it.

There are over 44 million Americans who are eligible to vote by age and citizenship, but cannot, for the simple reason that they are not registered.

There are many reasons why they are not registered, and whatever other reasons may be cited, among those reasons are surely these:

Company transfers to a new State;

Inability to reach a registration point because of age, health, distance, transportation, or inconvenient operating hours; and

Complicated or antiquated registration procedures.

In Tennessee, despite the best efforts of our registrars, there were over 723,000 unregistered, but otherwise eligible, voters in 1972. This is a number of people equal to the combined populations of Memphis and Chattanooga.

One of the arguments raised by opponents of S. 352 is that the establishment of a Voter Registration Administration has the effect of taking power from the States and vesting it in the Federal Government. I think my record in that area is clear, and I assure you that I would not be a party to such a plan.

S. 352 will not have that effect. It does not replace State initiatives; it does not reduce State responsibilities. It supplements them. But it does something else, too. It increases the impact and power of the people to have an impact on their Government. It gives to the citizens of this country, Mr. and Mrs. America if you will, an avenue for increasing their participation in the Federal electoral process. More voters can mean more input into the governmental system and more interest in making the system work.

One of the great strengths of the bill is that it allows for the streamlining of the registration procedure, without altering State and local standards and criteria for eligibility.

As such, it is clearly constitutional, as has been stated by Prof. Alexander Bickel, perhaps the leading conservative constitutional authority.

In the course of this debate, it has been implied that the only reason we have unregistered voters is that the people are apathetic. There is some justification for that view, but I would like to take it one step further and ask why are people apathetic.

I believe the answer is that they see government as too remote, too complicated, and too insensitive to their lives. By bringing the registration system closer to them, we can strike a blow against apathy. We can show that we do care, that government is responsive.

Another concern that has been stated by the opponents of this legislation is a fear that it will lead to vote fraud. This is a most appropriate concern.

Vote fraud is a terrible crime, since each fraudulent vote cast robs from some other citizen his precious right of franchise. We must be ever alert to the problem of fraud, and seek to wipe it out wherever and whenever it exists.

Now, that is important, vote fraud exists. It has existed for years. There are instances of it in every election, elections, mind you, where postcard registration is not involved.

Nearly all voter registration offices require no identification for registration—one's signature is the only identification required.

Once on registration roll, nearly all registration offices do not verify names and addresses—against tax rolls, driver's license, and so forth.

Most election jurisdiction budgets do not allow registration fraud investigation.

Very few States or counties presently check the names on their rolls against the rolls of other jurisdictions.

If one has the desire, he can register and vote in nearly every political jurisdiction in the country and it would not be detected.

All of these things can happen now, without post card registration. The simple fact of the matter is that we have substantial expert opinion that this legislation would strengthen fraud-prevention efforts, through Federal assistance for investigation, prosecution by the Attorney General, and criminal penalties for violators.

I wish to ask the Senator one question. One of the things that bothers me a little about the bill, and I think I mentioned this in my testimony, is the fact there is no requirement for a statement or affidavit on the registration card itself in which the individual states categorically that he is not registered in any other place, and if he is, where and why. I refer the Senator to the type statement we require from military and governmental personnel stationed overseas. That is supplied on standard form 76, part A. The statement says on the form for overseas personnel:

> I am not requesting a ballot from any other State and am not voting in any other manner in this election, except by the absentee process, and have not voted and do not intend to vote in this election at any other address.

I wonder if such a statement should not be incorporated in the bill and if not in the bill, certainly in the legislative intent that we establish here. I think it is important for the individual to give us some indication of his good faith that he is not going to abuse the process.

I have a lot of latitude in my mind as to the kind of statement that would be required. I have an amendment prepared to place the statement in specific terminology. I am not sure that is the way to go about it. But what I want is an expression of intention, some statement of guarantee on the part of the voter that he does not intend to abuse the process, that he will not register in more than one location. I think we need some assurance on that.

Mr. McGEE. The only reason the committee did not put that on a specific form at this stage was that there are several possibilities there and we felt that to select one of them would be to tie the hands of the administrative agency responsible for actually preparing the form. Some have suggested it might be sufficient to have them put their social security numbers there. That would be some kind of check. But the distinguished chairman of the Committee on Finance has reminded us that a great many people have several social security numbers and that would not lock them in properly. Mrs. McGee has just applied for a social security number and she now has five that she has received in the last 3 weeks. There was all kinds of shifting around in connection with the application for a social security number.

Therefore, we would have to know more about that. Whether one could put a signature on the card as is done in the case of an income tax return and affirm that that is his authentic signature and that these facts on the card are as stated, I do not know.

What we wanted, both in the report on the bill and in the legislative intent on the floor of the Senate, was to make it abundantly clear that we want that type on the form, but we were a little reluctant to prescribe the type device. We wanted to leave a little latitude for the administrator.

Mr. BROCK. I agree with the Senator, because it is quite possible that we are going to find there are problem areas that crop up that have not been anticipated, and the administrator should have some flexibility in attempting to deal with that problem.

But for the record, it is the intent of the sponsors of the bill, and certainly it is on my part, that a statement, an affidavit of some description be incorporated in the post card form that would give us clear evidence of the individual's intention to register in this one instance and not abuse the process by multiple registrations.

Mr. McGEE. Indeed, it is. That is the intent of those of us, including the Senator from Tennessee, who are sponsors of this measure. I would add that in addition to that, upon the receipt of a post card with that affidavit statement, the registrar in that State or that county or locality still could challenge him. He could still say, "I do not think this is right." It is not automatically a guarantee of registration. If he wants to challenge it, he can challenge it, and ask for investigatory help if he needs it to verify it or disqualify it. But he makes that decision as he does now where the person walks in that office. He does not know if that person is John Doe or John Dew.

Mr. BROCK. Does the Senator from Wyoming agree that a registrar would be more suspicious of a registration received in the mail than when a prospective registrant walked in the office?

Mr. McGEE. It is much easier to walk in the door, fill out a form, and sign a name. "Who are you?" He does not know who you are, except in a tiny precinct, but the fact that the person walked in totally disarms the registrar. The fact that on a post card they would get the same kind of information, although under oath, would seem to tighten it more and be less disarming and subject to closer surveillance.

Mr. BROCK. I completely agree. I would like to ask the Senator two questions. Would it not be possible for a State participating in the program to draft its own statement on the cards to be mailed?

Mr. McGEE. That would not be out of the question at all—whatever would seem to meet the requirements of a particular State in that case.

Mr. BROCK. Because we are not, by any method or by design or device, obviating any State law; we are trying to strengthen it.

Mr. McGEE. And we are not trying to create any voter lists of any sort that would be available to anybody. All we are trying to do is set up a mechanism that already exists for the mass application of registration. That is all that is involved.

Mr. BROCK. I thank the Senator.

I should point out at this point that I appreciate the Senator's accepting my suggestion with regard to privacy in protecting this national list in the bill as it is incorporated today. I think that was an important improvement.

I would like to address one other question to the Senator with regard to this entire subject matter. If we had this law, the individual, as he envisions it, would be signing the post card with some form of affidavit as designed by the administrator. Would it be possible for a State to require that signature to be notarized, for example?

Mr. McGEE. I can think of its posing some logistical problems, unless they had notaries who went to wherever they received the post card, and notaries were sent out there. I think that would introduce an operating factor of some dimensions—I am not sure, right off the top of my head—as well as some cost factor. It is not notarized in the income tax form. The idea for introducing the bill



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is to make it easier for one to reister and this might be an unnecessary obstacle. I am not sure.

Mr. BROCK. I am suggesting it because I think it is worth exploring. I do not think it is something that we should mandate legislatively, but I think it would be worth exploring.

Mr. McGEE. This colloquy would surface that as another possibility, so that those in charge when this system is set up would certainly delve into it to make sure what it means in a national voter registration effort.

Mr. BROCK. One last question: One of our colleagues said to me he does not think this bill is necessary because in most of the States, and certainly most of the cities, of this country, the registrars are located in precincts, and they know everybody in the precinct; therefore, there is no possibility of fraud at the precinct level.

Perhaps my experience is somewhat limited. I have not had experience in the legislative process outside the State of Tennessee, but in the State of Tennessee—and I think in a good many other places—that simply is not so. Most of the time the registration is at the county courthouse or the city hall, and the individual can be required to drive 5 or 10 more miles into town. He can walk into that office, never having been seen by that registrar at all before at any point in time, and simply sign and be registered.

Mr. McGEE. He can, indeed. There are some large cities where not only does one have to drive to the city, but he has to do it between 9 and 5. There are some city halls, where there is such a requirement, which are not open evenings, Saturdays, or Sundays, and so it is additionally difficult. The fact that it is so limited in that way, in reverse order, would surely tell us that the registrar in the city hall or the county clerk's office could not possibly know voters face to face and has to take them on faith—and that is no lisp.

Mr. BROCK. I thank the Senator for his response.

As the Senator knows, I am very interested in the bill. I think it is in the interest of both political parties—not one or the other, but both. I think it is in the interest of the system. I frankly think that, once established, to the contrary of some of the arguments that have been made against it, it will be found that this bill goes a long way not only toward enhancing the ability of participation on the part of the citizen—and that is desperately needed today—but also that it goes a long way toward reducing the tendency of even the opportunity for voter fraud. I think that is terribly important.

Mr. McGEE. I appreciate the comments of the Senator from Tennessee on the bill in general. He has been so deeply involved in its many ramifications that his testimony in a particular sense comes as expertise from his grassroots experience with the dimensions of the problem. To that extent, he has given unique and real professional advice, because it was reduced to what had been experience in real life, real live election procedures and registration procedures. That ought to say even more to the Members of this body than some of the theories on which we have to operate on something like this, something that has not been tried on a nationwide basis. We have to reason from that kind of statement.

Mr. BROCK. I thank the Senator from Wyoming for his comments and his leadership.

Mr. McGEE. Mr. President, I have been sitting back in my chair quietly reflecting on the history of the measure now being debated in this Chamber, and I should like to share some of my thoughts with the Senate.

In the summer of 1971, I mentioned to my staff my great concern with the low voter turnout for elections in this country and tossed out some suggestions on how this could be improved. As a history professor with an abiding interest in foreign affairs, I have traveled extensively abroad, talking with and listening to citizens of other countries. One of the most frequently asked questions of me was, "Since America is the world's most powerful country, has the largest gross national product, the highest educational level in the world, and the most famous democracy in the world, why does it have approximately the lowest turnout of voters in the world for the election process?"

As a citizen of this country and a public servant, I was and continue to be hard pressed for an answer to this query. My answer has been we are working on it, and that is why I am in this Chamber at this particular time. My staff put these ideas in mind in the form of a rough draft bill and we announced hearings in early October 1971. The response was overwhelming. Groups and individuals from all areas and persuasions came to Washington to talk about improving voter participation, and one way was to improve the archaic registration processes.

Testimony from experts in response to why we do not match up to other countries in voter participation suggested that other countries make it easy for their citizens to vote; the United States, with its complicated system of voter registration requirements controlled by the States, makes it extremely difficult. The committee made appropriate changes in response to this testimony and presented S. 2574 to the Senate floor for debate in November of 1971.

The bill approved by the committee set up a Voter Registration Administration within the Bureau of the Census which would send out post cards to postal addressees at least 30 days prior to a Federal election. The citizen would simply mail this perforated post card to his registrar or county clerk and he was registered. Safeguards for prevention of election fraud were written into the bill. States could still fix their own requirements for State and local elections; but should they choose the McGee plan, a Federal subsidy would aid them in financing the burden of registering voters.

The McGee bill was ready for debate on the merits in late November 1971 by the full body but somehow a number of factors prevented this from taking place. First, certain Members of this body had no desire for the bill to see the light of day. Second, the Senate was moving toward adjournment of the first session of the 92d Congress and the bill became steamrollered by last minute appropriation bills, and so forth, and I was the nice guy who yielded to a plea by the leaders to agree to a 2 hour debate on the bill, then vote if unanimously agreed to. On December 3, we discussed the bill for the allotted time upon which I said, "Let's vote." As you can imagine, the same individuals who raised objections in the first place said "let's not vote," so the bill was set aside.

S. 2574 returned to the spotlight of Senate debate in March of last year. I came to the Senate floor prepared again to vote on the bill—yes or no on its merits after reasonable discussion. Again opponents raised allegations of election fraud without stating any proof that anything like this would even remotely have a possibility of occurring. Second, the old line of "This bill belongs in the Judiciary Committee for further study" was echoed. The able Senator from Massachusets (Mr. KENNEDY) stated in Senate debate on December 3, 1971, on this bill that—

> The only time the argument over jurisdiction is made is when no other good argument can be made.

Senator KENNEDY also pointed out that this Judiciary Committee argument was used in 1970 when the 18-year-old vote came up for a floor vote. "Let's send it to the Judiciary Committee" it was said. The Senate then, as it has now, recognized those arguments for what they were—delaying tactics—and refused to avert them.

Third, the so-called constitutional experts informed the bill's opponents that the bill was probably unconstitutional because it had a 30-day residence requirement instead of the lengthy periods required by some States. We argued that this was not unconstitutional and cited many instances where there was abundant constitutional, legislative, and judicial precedent to support enactment of this legislation. As to voter registration, the Constitution in article I, section 4, gives the right to the Congress to make or alter regulations relating to times, places, and the manner of holding elections for Senators and Representatives.

The Supreme Court as early as 1932 in Smiley against Holm interpreted article I, section 4 to mean Congress has abundant authority to do this. Congress may reduce requirements for voting in Federal elections if it wishes. Oregon against Mitchell affirmed this right of Congress to reduce residence requirements in Presidential elections, on the ground that such requirements interfere with the constitutional right of citizens to travel freely from State to State. Finally, just last spring, the Supreme Court in *Dunn* v. *Blumstein*, 405 U.S. 330, stated that durational residence requirements are violative of the Equal Protection Clause of the 14th amendment, as they are not necessary to further a compeling State interest.

The Supreme Court went on to say that a period of 30 days appears to be ample to complete whatever administrative tasks are needed to prevent fraud and insure the purity of the ballot box. I think finally we can place this constitutional argument to rest and realize once and for all that Congress has the power and the responsibility to act in regard to Federal elections.



Since these three groundless and fallacious arguments dominated the Senate's time again, no discussion of the bill's merits was allowed. The bill was tabled by a scant four votes and that ended any hopes of enactment before the 1972 Presidential election.

Disproving the notion that the Senator was only interested in seeing a voter registration bill enacted to help the Democratic Party register 1972 Presidential and congressional voters, the bill was reintroduced early in this session of Congress. New hearings were held and to reecho the Senator from Wyoming's nonpartisan motives, he had many members of the Republican party cosponsor the bill. One of the most enlightening pieces of testimony I have heard since being in the body, and that is 15 years, was delivered by the junior Senator from Tennessee, Mr. BROCK, before the Post Office and Civil Service Committee hearings on Friday, March 16, 1973.

In an excellent statement complete with statistics, he put the argument to rest that if several million more voters had shown up at the polls on November 7 that the Democratic candidate would have received the lion's share of them. Senator BROCK's statistics show just about the opposite. The incumbent Mr. Nixon would have received even a larger percentage than he amassed. The Senator from Tennessee knows, too, for he had an instrumental role in the incumbent's reelection campaign and I should be more specific in light of recent developments. He was the Director of Youth for Nixon.

Senator BROCK says the bill currently pending in the Senate, S. 352, will work and is a good bill. The Senator from Oklahoma, Mr. BELLMON, agrees. I respect the view of these distinguished colleagues along with the other cosponsors and supporters of the bill from the party across the aisle.

On March 16, 1973, Mary C. Lawton, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice testified before the Post Office and Civil Service Committee on S. 352. Ms. Lawton stated the views of the Justice Department that this bill is questionable on constitutional grounds, contains fraud potential, and that its expense is too great in view of the fact it offers no real assurance that its provisions would induce more people to vote. The committee rejects those views.

With regard to the constitutionality of the bill, I believe that this question was answered sufficiently in light of the recent court decisions I mentioned a moment ago. The committee believes the authority of Congress with respect to national voting is well defined. Congress has the power, and the introduction of S. 352 indicates the desire of Congress to exercise it. To reiterate, it is the opinion of the committee that the constitutional argument is fallacious and moot.

Second, does the bill increase fraud potential? Witnesses testified that fraud is already rampant. This bill offers no more opportunity for voter fraud than exists already. S. 352 retains the safeguards of present State law in addition to providing new Federal safeguards and criminal penalties to deter fraud.

The witness cited a figure of $190 to $527 million as the cost of a program of voter registration. Apparently she was mistakenly referring to S. 2457 of the 92d Congress, introduced by Senator KENNEDY, a susbtantially different measure from S. 352. Best committee estimates are that S. 352 would cost between $25–$30 million, a relatively small amount measured against the value to be achieved in bringing the Nation closer to its goal of true participatory democracy.

The Justice Department raised 10 technical questions in their testimony which the committee has considered. I would like to take a few moments to respond to these:

First. The first question queries the requirement that registration forms would be sent to the occupants of U.S. households. Because of the unidentified number of eligible voters in each household, how will the Voter Registration Administration know how many forms to send each address?

My answer to that is four or five registration forms would be delivered by mail to each household. If this number were not sufficient, section 406(b) of the bill provides for public distribution of the forms at post offices and other Federal installations.

Second. The bill provides that registration forms shall elicit information responsive to State law and responsive to voting qualifications criteria established by the Voter Registration Administration. The Justice Department questions whether the Voter Registration Administration could veto the requirements of State law.

In responding to this, the bill provides that both the State and Voter Registration Administration qualifications will be reflected on the form. The Voter Registration Administration is nowhere empowered to circumvent or overthrow State law.

Third. If a State refuses to participate in the mechanism provided for State and local elections and declines to process the forms for Federal elections, what provision is there to require compliance?

Let me state that the bill encompasses but does not require State participation in State and local elections. A State refusing to process the forms for Federal elections would be in violation of Federal law. Appropriate State officials could be penalized for violation of section 408(b).

Fourth. Must State and local officials be bound by the registrant's own classification of himself as a resident of the State?

The answer here is simple. State law would apply. If a citizen meets the requirements of State law, he is a duly qualified elector. This bill would not affect the current procedures available for determining classification of the potential voter.

Who determines the qualifications of the nonresident who votes in his former State in a presidential election?

The answer is that Federal law would apply here. Congress enacted the Voting Rights Act Amendments of 1970 and they were upheld in *Oregon* v. *Mitchell*. These amendments gave Congress the authority to determine residence requirements in presidential elections.

Fifth. Who processes the forms for a State that has no registration procedure?

It is clear that section 410 authorizes the Voter Registration Administration to issue regulations which may exclude a State from the provisions of S. 352 if that State does not require a qualified applicant to register prior to the date of a Federal election.

Sixth. Do the penal provisions of the bill in section 408 preclude resort to State civil or criminal remedies?

To answer this, the bill provides that, in order to prevent fraud, a State official may take appropriate action under State law in addition to remedies available through the penal provisions of section 408.

Seventh. What is the relationship of the penal provisions in this bill to the existing Federal election laws carrying out quite different penalties, such as 18 U.S.C. 245, 594, 597 and so forth?

In the bill, section 408 prescribes penalties for fraudulent voter registration. These provisions are not in conflict with law now on the books. Existing laws provide penalties for voter fraud. They may be invoked under provisions of S. 352 just as they can be under the present system. For example, section 1001 of title 18, United States Code, is applicable to fraudulent statements in completing the registration form. Section 245(b)(1)(A) of title 18, United States Code, prescribes penalties for those interfering with citizens qualifying to vote. Section 594 prescribes penalties for persons coercing or intimidating voters. Section 597 prescribes penalties for persons expending money to influence voting.

Eighth. Will the exclusion of the election of delegates in Guam and the Virgin Islands and the election of a resident Commissioner in Puerto Rico raise equal protection problems?

In responding to this query, the committee has amended the bill as introduced to add Guam, the Virgin Islands, and Puerto Rico into the definition of State in section 401(2).

Ninth. Does the processing of registration forms in section 409(a) of the bill include independent investigation of the qualifications of a prospective registrant or is it limited to the handling of the registration form itself?

Simply, section 410 of S. 352 provides that the Voter Registration Administration is authorized to issue rules and regulations for the administration of this chapter. The committee believes that the detailed subject of independent investigation can be better controlled by regulation.

Tenth. Possession of the voter registration form under section 405(c) would be prima facie evidence that the individual is qualified. Would the State or local official be obliged to permit the holder of the form to vote even if he knows

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of his own knowledge that he lacks necessary qualifications?

My answer would be clearly that possession of the registration form indicating that the individual is entitled to vote in an election shall be prima facie evidence that the individual is a qualified and registered elector. Under section 407, the State official may take appropriate action under State law if he has reason to believe that individuals registering to vote are not qualified. In addition, he may notify the Voter Registration Administration and request its assistance to prevent any fraudulent registration.

By sending up a smokescreen of fraud, jurisdiction, constitutionality, cost, and other devices the opponents have avoided talking about the substance of the bill. It is very distressing to the Senator from Wyoming that in all the opposition debate on this bill extending from November and December 1971, and March 1972, to the present, there has been little if any discussion of the bill on the merits. It seems probably a little curious to the people sitting in the gallery to be discussing a bill they had heard about registering voters by post card and then to come in to this body and listen to very little debate whatsoever on post card registration. This body owes it to the people in the galleries for they represent the people of this Nation who are continually being strangled by archaic and burdensome registration requirements. As Joseph McCaffrey mentioned in an editorial last week on the bill and I paraphrase:

> The Senate is faced with voting on a bill which is somewhat unique. If it is enacted it will work. More people will vote and it will help to register more voters. The opponents most of all know this, and that is why the bill is being subject to extended debate.

I agree with him. The Post Office and Civil Service Committee has looked long and hard at this bill and has answered all arguments made by the bill's opponents fully and I believe convincingly.

Voter participation in this country is at the crossroads. If real representative government in the United States is going to prevail, it must be structured so that all can participate. In this modern day there is no possible excuse for a registration system which tends to limit the free exercise of citizenship. There can be absolutely no justification for sustaining an inefficient system which prevents the unwary from knowing and using what is commonplace to the informed.

Mr. BIDEN. Will the Senator yield?

Mr. McGEE. I yield.

Mr. BIDEN. I have heard a good deal of debate on this bill in the last several weeks. One of the things that puzzles me is this: It is my understanding that the State of Texas has a registration system that is very similar to that which the Senator from Wyoming has proposed today and that he has been proposing for the last several weeks. My first question is: What is the difference between that system and the system which is working well at present? I have heard of no allegations of fraud in the Texas registration system. I am curious as to whether there is a difference between the proposal of the Senator from Wyoming and the system which exists in the State of Texas.

Mr. McGEE. The only real difference, specifically, that I would single out in my proposed legislation is that we are tighter on the penalty for anyone who would abuse it than the State of Texas is in its procedure. Second, the State of Texas is a little more loose in the way it solicits registrants. They run ads in the newspapers and print handbills which are passed out to prospective registrants.

That goes much further than this envisages. However, what it does say is that even with all of that, they have no measurable incidence of fraud in the registration process.

As the Texas registrar testified before the hearings, in fact, the only fraud that they encountered was at the ballot box where corrupt officials juggled the ballot boxes, seized them, stuffed them, or did whatever else they could do to distort the election, not the registration process. They had no evidence of tampering with registration lists.

Mr. BIDEN. Mr. President, is there any indication that the voters in Texas are any more or less honest than the voters in other States, or is it merely that the system is not as fraught with fraud as it has been suggested in the last few weeks?

Mr. McGEE. Mr. President, I would certainly say that the State of Texas is not any more subject to fraud than is any other State. And I say that with the distinguished Senator from Texas present. American people are all alike. They move all over. People start in Texas and wind up in Wyoming, as a great many have. I do not think that has anything to do with it.

Mr. TOWER. Mr. President, would the Senator yield for a question?

Mr. McGEE. Mr. President, I will yield for a question if the Senator puts a question mark after the question and if I do not lose my right to the floor.

Mr. TOWER. Mr. President, is the Senator from Wyoming not aware that the most outstanding characteristic of Texans worldwide is their honesty?

Mr. McGEE. I thought the Senator was going to say that they move to the State of Wyoming.

Mr. TOWER. That has to do with the eternal vigilance of the law officials in our State.

Mr. McGEE. Mr. President, I would have to say that there are a number of ranches in the State of Wyoming that would dwarf the State of Delaware.

Mr. BIDEN. The Senator from Wyoming is about to lose my support.

Mr. McGEE. Mr. President, that merely suggests that one has to be more skillful in making a living than he would have to be if he had more.

Mr. BIDEN. Mr. President, in the State of Delaware, according to the figures coming out of the committee and the little homework that I have done on the subject, we rank relatively high in the number of people registered and rank relatively high in those registered and voting. However, even in our State, we are in a position where only 70 percent of our eligible voters are registered and about the same percentage vote.

In our small State, which is much more accessible to polling places and registration places than is the case in other States, I suspect, we are in a position in which it is very difficult to make registration available to a significant portion of the population in light of the fact that 30 percent of the people in my State do not register. Our State is only 100 miles long and less than 50 miles wide. There are only three points where people can register in the normal course of events. The pending bill would eliminate the requirement that the farmer get off the plow between 9 and 5 and get to the courthouse, 30 miles away, find the basement of that courthouse, and find a solicitous registrar who would give him time to register.

Mr. McGEE. Mr. President, that is true. This is the gap that we are trying to help close. It will not close the whole gap by any means. We make no pretense about what this is capable of doing. However, we believe that it would close it significantly and would bring in nationwide some tens of millions of new participants in the election. In Wyoming and in Delaware we are talking about thousands, rather than millions. It is the percentage gap that concerns us.

Mr. BIDEN. Mr. President, with reference to the cost of this legislation if it were to pass and become law, would the cost of this legislation to the American taxpayer be cheaper in the long run to have legislation whereby people who want to register for the Federal elections can do so by post card as suggested and thus eliminate the need for additional or other forms of registration throughout the State. Would the total cost involved be less?

Mr. McGEE. There would be cost involved. The best estimate we can get from those who run the machines that do the computing and the mailing, the cost would range somewhere between $15 million and $30 million or $35 million. However, this has to be kept in a relative setting, and that relative setting is that we are now spending many times that amount in voter registration in every State.

As the registrar of the city of New York testified before the hearings, this would be a whole lot cheaper for him. In the registration drives, they move around registering people, and it costs them $8 a vote by the time they pay the bills and monopolize the manpower and the machines required.

Mr. BIDEN. Mr. President, as the Senator envisions it, would the enactment of this legislation eliminate the need in my small State for the voting and registration vans and the physical plant moving around? We conducted like a bookmobile unit that goes around, very unannounced on most occasions. Would it eliminate the cost factor there?

Mr. McGEE. Mr. President, I do not know that I would say it would eliminate the need to have that cost factor. It would still have to be the judgment locally as to whether that sort of thing would make a difference in that particular State or precinct. However, that is another matter. Playing the odds statistically, the chance is that the cost would be much less and the cost factor would be down as a result. The States, should they not decide to accept the post card system for State and local elections would possibly continue with the vans. This is the reason for the incentive payment of 30 percent to States who adopt this plan for their elections.



Mr. BIDEN. Mr. President, the uniformity which this would bring across the country with regard to Federal elections is somehow looked upon as being implicity bad. What are the arguments against uniformity? Is there any reason why there should not be a uniform system of registration?

Mr. McGEE. Mr. President, there is nothing at all bad in achieving some kind of uniformity in Federal elections. As a matter of fact, the lack of uniformity is one of the complications involved. People move from one State to another State and find that they are disenfranchised, because they have different mechanisms and requirements in the other State. So, in Federal elections if we can minimize the differences for elections involving Federal office, such as voting for the President of the United States, it would seem to me to make it more consistent, which is a better word than uniform, with the equal rights of all American citizens old enough to vote. That is the key.

Mr. BIDEN. Mr. President, I thank the Senator for being so responsive to my question. Before sitting down, I would like to point out that I believe the population of the State of Delaware is larger than that of Wyoming. However, I am not sure.

Mr. McGEE. Mr. President, I would guess that the population of Delaware is larger than that of Wyoming. We believe in quality living, and we are very selective in the process.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate, and may we have order in the galleries?

The PRESIDING OFFICER. The Senate will be in order. The galleries will be in order.

Mr. MANSFIELD. Mr. President, could the distinguished Senator from Delaware tell us which State in the Union is the first State?

Mr. BIDEN. Mr. President, the first State in the Union is Delaware, and we would be delighted if the other States would all follow us.

Mr. McGEE. Mr. President, I must say that the State of Delaware set a great example for a number of big States in which no pilgrims landed and to which no pioneers from Europe came. We are grateful to let Delaware develop this whole enterprise many years after the fact.

Mr. BIDEN. We are delighted to have you join us.

Mr. McGEE. The only drawback is that it also has something to contribute to the order of seniority in this Chamber, as I found out when I arrived here 15 years ago, and that coming from a State which was not admitted to the Union until 1890 has some drawbacks.

Mr. BIDEN. Inasmuch as the Senator from Delaware happens to be No. 100 in seniority, I had rather not talk about that subject.

Mr. McGEE. Well, I thank the Senator from Delaware for his remarks here, and I want to say that his was one of the unique campaigns, in his freshman endeavor in seeking a seat in this body, to dare to make this kind of registration an issue in a statewide campaign. I think it not only showed courage on his part, but a very astute recognition of the sensitivity of people, who want the barriers removed that keep them out of the registration files. They want those obstacles minimized, and I think the voters of Delaware not only showed superb judgment in their selection of a Senator, but reflected a popular public demand for this kind of procedure; and I would like to say that we in this body have come to be very proud of the contributions in the U.S. Senate by our youngest Member of this body. That should mean that he has many long years of seniority looming ahead, much more so than some of the rest of us sitting here.

Mr. MANSFIELD. Mr. President, would the Senator consider laying aside the pending business for the moment, to take up a conference report?

Mr. McGEE. Mr. President, I would like to inquire first as to the procedure in such event. Is it in order that I ask that the Senate immediately return to the consideration of S. 352, and that the Senator from Wyoming would have the floor, as he did at the beginning of today's session?

Mr. MANSFIELD. Mr. President, I make that request, even though the matter is a privileged matter.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The Chair would state to the Senator from Wyoming that the Senate would resume the consideration of the measure now before it, the unfinished business, upon the termination of the privileged matter.

Mr. McGEE. And the Senator from Wyoming would again obtain the floor?

The PRESIDING OFFICER. The Chair would state that that would require unanimous consent of the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Wyoming, at the conclusion of the consideration of the conference report, be given the right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from New York (Mr. JAVITS), I ask unanimous consent that Mrs. Leslie Bander, of the staff of the Joint Economic Committee, be permitted the privilege of the floor during the debate on the price and wage control conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I call up the conference report on S. 398.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970 having met after full and free conference, having agreed to recommend and do recommend that the Senate agree to the same with an amendment. Signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

(For the text of the conference report, see Senate proceedings of April 18, 1973, page 12877.)

Mr. SPARKMAN. Mr. President, I ask unanimous consent that during the consideration of the conference report, the following staff members of the Committee on Banking, Housing and Urban Affairs be accorded the privilege of the floor: Dudley O'Neal, Kenneth McLean, Michael Burns, T. J. Oden, and Steve Paradise.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, the conference report, S. 398, was agreed to by a majority of the Senate conferees and a majority of the conferees of the House, although not all the conferees agreed to it.

As I said a few days ago, when it was up, it was not a satisfactory report for anyone. However, that is often true with reference to conference reports, because they are free conferences and each side, naturally, will contend for the things it wants, and the result is, in nearly every instance, that it becomes a compromise. That is what this conference report is.

However, it is an agreed-on settlement of the case and I feel that the Senate should adopt the conference report.

This legislation will expire at midnight tonight, when we finish here in the Senate, assuming that the Senate adopts the conference report, and then it has to go over to the House and be acted on by the House. We certainly hope and anticipate getting the conference report agreed to by both Houses and down to the President before midnight tonight. That means that we are going to have to move along.

However, Mr. President, I am not going to make any lengthy discussion of this matter but there is one thing I invite the attention of the Senate to, and that is the amendment written into the Senate bill as offered by the Senator from New Hampshire (Mr. MCINTYRE), relating to the allocation of petroleum supplies in order that there might be an equitable distribution.

Within the past few weeks, my attention has been called to a very bad situation prevailing in many parts of the country with reference to what we might call the independent gasoline dealers and marketers. I recall pictures in the newspapers, about the time we took the Easter recess, showing gasoline stations

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closed down with the distributor not able to get gasoline with which to supply the stations he had been supplying.

I had one such situation in my State called to my attention recently. In fact, he came here and went over the situation with me. He is a rather large distributor, but an independent one. He has several hundred stations to supply. He was getting his oil from a large distributor, likewise an independent, dependent upon the independent refineries—what we might call the smaller refiners.

The result was, all the way along, that gas could not be supplied.

I have gone to just about all the large gasoline companies, refineries, and so forth, trying to get gasoline for those particular stations, but none of them have been able to come up with an adequate supply. This is a vexing problem, I realize that.

We have hearings scheduled on gasoline and rationing set for next week, but at least this provision is in here to give power to the President to allocate petroleum to the end that there might be an equitable distribution.

I have just received a letter from the gentleman who came to see me. It makes a great deal of sense. He proposes this: that there are things that can be done and can be done without further legislation, as a matter of fact.

He calls attention to this, and I read from his letter as follows:

> The Secretary of the Interior is authorized by law to sell outer continental shelf royalty oil belonging to and available to the United States under oil and gas leases. Regulations have been promulgated to implement this authority and provide "except when special circumstances warrant other action, as determined by the Secretary . . ." that royalty oil may be sold to small refiners for use in their refineries and not for resale in kind. Exchange agreements for other crude oil on an equivalent value basis is not construed as constituting a prohibited resale in kind.

Then he goes on to say:

> While this provides some relief to the small refiner, it gives no relief to the small marketer who has been wiped out and who stands at the mercy of the major and independent oil refiners. The Government has a responsibility in the allocation of its own resources to see that all levels of the industry are treated fairly and equitably.

He goes on and proposes that a special circumstance—indeed, an extraordinary circumstance—prevails in the oil industry warranting action by the Secretary. Under the special circumstance authority reserved in section 225a.3, royalty oil should be disposed to small marketers for use in their operations and, further, that agreements providing for the exchange or royalty oil purchased under these regulations or other petroleum products on an equivalent value basis will not be construed as constituting a prohibited resale in kind.

Mr. President, there is another thought that he advances, that some agency of Government, perhaps the Small Business Administration, or committees of Congress, should exercise oversight on this question of the small independent dealers getting an adequate gasoline supply, that the SBA, for instance, could help work out means, methods, and steps by which the smaller gasoline dealers could be supplied with an adequate supply of gasoline.

I thought that was a very good suggestion the writer of this letter made, particularly in line with the thought that the amendment of the Senator from New Hampshire (Mr. McINTYRE) is carried in the conference report.

Mr. President, that is about all I care to say. I do hope for acceptance by the Senate of this conference report.

I yield now to the distinguished Senator from Texas (Mr. TOWER) such time as he may require.

Mr. TOWER. Mr. President, I did not sign the conference report, and I was one of those who were rather dissatisfied with the outcome of the conference. But I think that we must all subordinate the things we dislike about the conference report to the greater need of preventing the authority under the Stabilization Act from expiring at midnight tonight. It is an authority that must continue, and I think we would hesitate to forecast what might happen to the economy if we failed to extend this authority.

Economic controls are something that I think most of us dislike—those of us who believe in a market regulated economy; but when market regulation ultimately does not work, when it contains some distortion and anomalies, it becomes apparent that we have to take some sort of transitory means to restore order in the economy, and that is all I regard this as being.

I hope we will not have to come back here a year hence and ask for further extension of the authority under this act. I hope the Senate will act with dispatch this afternoon. Only a few minutes remain to us, and then the House can act. We are compelled to act first. Therefore, I hope the Senate will act with great dispatch and rush this measure over to the House so that they may act on it before the time they adjourn this evening.

Mr. President, I should like to explain the action of the conference on section 5 of the bill.

The Stabilization Act currently provides that employer contributions to certain fringe benefit programs may be controlled if the contributions are determined to be unreasonably inconsistent with the general wage and salary standards.

The bill as passed by the House would have changed current law to provide that contributions made by employers necessary to maintain reasonable benefit provisions could not be controlled. It thus would have shifted the criterion of control from the level of contributions to the level of resulting benefits. However, as he stated on the House floor, the sponsor in the House, Mr. REES, intended to make sure that building trades employees who are under the jurisdiction of the Construction Industry Stabilization Committee are treated equitably with respect to fringe benefit programs.

In order to clarify that no change was to be made as to the authority currently being exercised by agencies of the economic stabilization program to regulate employer contributions to various fringe benefit plans, the conference deleted this amendment and substituted an amendment which provides that the rules with respect to fringe benefits shall be administered equitably with respect to employees in all the industries subject to economic stabilization program controls. Obviously, we do not mean everyone has to get the same benefits. But all must be treated fairly and be given equal protection.

Mr. President, I should now like to turn to section 7 of the conference bill which provides for hearings before agency action to reduce wage or salary increases.

This language is not intended to supersede or repeal the explicit exemption of the economic stabilization program from the provisions of the Administrative Procedure Act, by section 207(a) of the Economic Stabilization Act Amendments of 1971.

In addition, this provision applies only to final orders which have the effect of reducing the level of wages or salaries which may be paid. It does not prevent the Cost of Living Council from withholding approval of a wage increase, and deferring the implementation of the increase, pending the outcome of the hearing which the amendment mandates.

Finally, the amendment is not intended to interfere with the very successful practice of obtaining advice from tripartite bodies on wage and salary decisions. This practice was begun by the Pay Board and has been continued and expanded upon by the Cost of Living Council through the establishment of advisory committees composed of representatives of business, labor, and the public which advise the Council on disposition of individual cases as well as other collective bargaining issues. This form of public participation in the program is essential and nothing in this amendment is intended in any way to restrict that activity.

Mr. JAVITS. Mr. President, I thank Senator CASE for staying his hand until I have had a chance to say a word, as he intends to bring up a matter in which I join very strongly, one which deals with a specialized aspect of the Economic Stabilization Act and authority.

When this matter was up before, I voted with Senator PROXMIRE and others to approve this conference report. I appreciate very much that Senator SPARKMAN and Senator TOWER, in good faith, and for reasons which they considered quite appropriate, sought to have the matter rereferred to conference.

I agree with Senator TOWER about the overriding importance of having this law on the books. I also feel very strongly that the omission of specificity respecting rent controls in areas of the country where local action or State action will not do what needs to be done in the interests of economic stabilization, a subject to be raised by Senator CASE, also needs attention.

But, Mr. President, in the final analysis, I shall vote for this conference report, as I did before, and the reason is this: If we want the right thing done, we have to have the legal machinery to do it. In a democracy, many things can happen notwithstanding the best intentions; so that if the law is not on the books, it may very well cause a tremendous dislocation in the country by the sheer vacuum which will be created in the authority of the President.



But in giving the President authority, I would be less than honest with myself and with the country if I did not state that I think the President was completely premature in installing phase III; that the theory that effective price and wage controls continue during phase III which is inactive rather than active control, is completely inappropriate to the inflationary situation. Inflation is getting worse, not better.

In my judgment, the danger that the slower remedies which are being applied, in terms of monetary and fiscal affairs, will take hold is, in my judgment, running too much of a risk or the country; and I express the hope and the expectation that the President will not wait too long to see that phase III was premature and that we will have a phase IV, which in essence will be a phase II.

The fact is that the history of the situation demonstrates that the country did very well under phase II. There was confidence that we really were trying to get hold of this inflationary situation. The doctrinaire view that controls should be taken off at the earliest possible moment, without appraising what is the earliest possible moment, in my judgment, has turned out to be harmful to the country, to the economy, and to the confidence which those who produce—including workers, not just managers and investors—must have in this economy.

So, Mr. President, I hope, with other Members of the Senate, to develop this issue as the days go on. But, in order to do anything, you have to have power, and this law will give the power.

I hope very much that the other body will see it as we do and will give the power so that it may be exercised, confident in the fact that in our country—no matter how much the President may think he is going to run it all his own way—will in the final analysis have what Congress and the people want with respect to economic stabilization. This is in no way assuming that the President wants to do anything different from what I want to do or any other Member in good faith in this body wants to do—to wit, control effectively, in the interests of our people, the inflationary movement of prices. But I express my view, at the same time I vote for this authority, which is a great authority, that the taking off of phase II and its succession by phase III was premature and that we should return, in a phase IV, to the price and wage controls, both fully equally, which had the country on a pretty reasonable level, and which I believe can again restore the country to a pretty reasonable level. I do not believe a freeze will do it, as it will freeze in many inequities which have already occurred.

For example, my dairy farmers in northern New York feel deeply abused by the rise in feed prices, whereas other commodities may be the subject of material windfalls to their producers. Therefore, utilization of the cutlass instead of the scalpel in legislation will not be effective and will not be just.

I hope very much that the power we are giving—and it is going to be up to us to see that it is given—is used wisely and constructively. We are not yet ready to relinquish a price and wage control mechanism, and we should return to it at the earliest time.

Mr. CASE. Mr. President, I shall not keep my colleagues long. At the conclusion of a very brief statement, I expect to move—and I understand that the motion will be in order—to recommit the conference report to conference, with instructions to the Senate conferees to insist upon the Senate amendments.

Am I correct in my understanding?

The PRESIDING OFFICER. The Senator is correct.

Mr. CASE. I thank the Chair.

Mr. President, the need for effective rent control in low-vacancy areas is well documented. In my State of New Jersey, rent increases, sometimes as high as 100 percent and many averaging between 20 percent and 40 percent, have been reported.

Unfortunately, those most directly and deeply affected are people with fixed, small incomes, especially older people who in many cases cannot pay the increased rent and must search for less costly housing.

Unfortunately, for older people this means moving at a time in life when getting from one place to another is fraught with great difficulty and hardship. Moreover, the fact that there are no available apartments in many areas means moving a great distance and possibly severing family ties which provide a measure of security and affection for older people.

Mr. President, that is why the Senate rent control amendment to the Economic Stabilization Act is so needed.

That is why the Senate acted as it did in approving the amendment, when I offered it, by a vote of 50 to 38, as I recall. That amendment would impose rent controls only in those areas where needed. It would not be across the board. It would only impose them as long as they are needed and, most importantly, would guard against blatant rent gouging, but would allow reasonable rent increases where such increases are justifiable. The imposition of controls would be on the basis of rental vacancies.

I cannot imagine, assuming one is willing to accept controls in any sense at all, any system of regulation more fair or more reasonable.

I am sorry, indeed, that the House of Representatives never had the opportunity to consider the Senate's rent control amendment. Instead, the House voted on a flat, nationwide system of rent controls that would have been difficult and expensive to enforce. No one likes controls, especially controls that go beyond necessity. The amendment I presented was designed to safeguard tenants but not at the expense of landlords. Moreover, I believe it was designed in such a manner that the market mechanisms of the economy would not be adversely affected.

The many failures of the phase III economic program are well known. We know there is little that can be done to control price increases, short of a freeze on all prices. Food prices constantly increase, putting pressure on all American households. Such increases hit hardest the rent payer, who not only faces food price increases but must also pay higher rental charges.

This, I think, is most unfair, and can be reversed if the Senate insists on its amendments to the Economic Stabilization Act. This act, when renewed, will give the President ample authority to guard against any increases that may occur should final approval be delayed for a day or two. And, as I have urged, the President should act to control prices and especially rents. We should move with all speed and do our best to see that there is no gap. But I do not worry about a day or so without nominal controls. That could be taken care of when we take the matter up again. There is a point beyond which we should not yield to unreasonable action on the part of the other body if, indeed, the other body itself is involved, as opposed to a few individuals in a position of some strategic importance.

In the long run the need will require that Congress act fairly in this matter. I believe that the President should act to control prices and in doing so should include rents. Because of the difficulty I have had, and I know other colleagues have had, persuading the administration to impose reasonable rent controls under discretionary authority, I thought it necessary for me at least to express my views about the situation by offering the amendment, which I did, and which the Senate accepted. I hope the Senate will repeat its action. I do not expect to press anyone into a position that would be difficult. For that reason I am not going to ask for a record vote. I shall be content to have this matter decided by a voice vote.

Therefore, I move that the report be recommitted to conference, with instructions to our Senate conferees to insist on the provisions of the bill as originally passed by the Senate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. JAVITS. Mr. President, I joined with the distinguished Senator from New Jersey (Mr. CASE) before with regard to this matter in proposing the amendment, and I join him again. I have no illusions as to where we are going in this matter at this time, the 11th minute of the 11th hour. But I deeply feel the position needs to be maintained. As we have learned from long experience in this body that does not necessarily mean our voices are falling on deaf ears. I adopt everything the Senator said but I would like to add a few facts. One is that this issue of rent control by the Federal Government in those areas where local action is unlikely to result in controls, was approved by a special committee acting in the name of the President, headed by a former colleague, Tom Curtis of Missouri, after exhaustive testimony. None of the facts there adduced that brought about reasonable federal control have changed.

In my State of New York, the city of New York has, generally speaking, an effective rent control mechanism, again, without French style rent control, where properties had to be permitted to rot be-

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cause increased costs could not be passed on. The amendment of the Senator from New Jersey (Mr. CASE) guarded against that, and quite properly.

Then, outside of New York City, in the suburbs surrounding New York, where we have a population in the area of 2.5 million to 3 million people, where vacancy rates of less than 2 percent exist. Some landlords, before they will give anyone any kind of lease for any period of time, insist on a 20- to 40-percent rent increase. With rent constituting 25 to 30 percent of the family budget, I could not think of anything to fire inflation more. This is something we can and should avoid. It is a national problem, and we should not depend on State legislatures where there may be a rural feeling and a feeling against rent controls which does not express the interest of the Nation or justice in the suburban community.

I have no illusion as to where the Senator from New Jersey is going with this motion, and neither does he. The important thing is that the position should be maintained and the matter should be pressed on the administration. It would have full authority under this law as it had before and I would urge at the very least what we have said and are prepared to prove may be the subject for appropriate action once the basic authority is granted. But in the interim I shall vote for and support the Senator from New Jersey, as I have before because I feel he is right on the merits and the substantive matter.

Mr. TOWER. Mr. President, I hope that the motion of the Senator from New Jersey will be defeated. I think the matter of rent controls is extremely important. It is a matter that deserves the concern of Congress. The fact of the matter is that we did adopt the amendment of the Senator from New Jersey on the floor of the Senate by a vote of 50 to 38. It is also a fact that some four rent control amendments to the Economic Stabilization Act were defeated by very heavy majorities in the House of Representatives.

Now, actually, the Senate rescission in conference on the rent control provision was the only major concession the Senate conferees made to the House.

I must confess there were some of us who were Senate conferees who would have liked to make more concessions to them, but essentially it is a Senate bill that came out of conference.

Even if we could recommit this measure to the conference committee, and if we were successful in the conference in insisting upon the Senate provision on rent controls, I am afraid that that would be a fatal action in terms of this bill.

There is no assurance at this moment that the conference report will be adopted by the House, and although the administration would like to see the conference report adopted in both Houses, there are strong elements on both sides of the aisle in the House that I think quite conceivably might seize on any particular aspect of the report to try to bring about its defeat. Certainly, an all-Senate bill, when we consider the rather strong votes in the House for the House version, would, I think, present the bill with a fatal weakness which would prevent its survival in the House.

But I find, purely from a practical standpoint, the House at this moment is recessed, subject to the call of the Chair, and the hour is now 4:30, and I do not think they intend to stay around very long for the remainder of the afternoon. It is, therefore, incumbent upon us to act with dispatch. We could not invoke a conference today, and it is unlikely that we could act with any great alacrity once a conference was convened; and at midnight tonight phase III would die. Indeed, the authority under which the administration could revive phase II, as has been suggested by my colleague from New York, would expire.

Therefore, the exigency of the situation demands that we act now. So if we want to continue the authority, it is essential that the motion offered by my good friend from New Jersey, on a matter for which he has a genuine and abiding concern, in this instance I think must be defeated.

Mr. SPARKMAN. Mr. President, I want to add just this word to what the Senator from Texas has said about phase II. The point I want to make is as follows: Did not Dr. Dunlop testify that the power that the President had under phase II to control rents continues and that the President could invoke rent controls if he saw fit to do so?

Mr. TOWER. The Senator from Alabama is absolutely correct. If we were to adopt this motion and delay the adoption of the conference report, to the extent that the authority expired at midnight tonight there would be no authority to control rents. There is now authority to control rents. I would think that the prudent course to be followed by the Senator from New York and the Senator from New Jersey would be to use the great persuasive powers which they have with the administration, but the fact is that there is authority now to control rents. It is not presently mandated, but at least it is there.

Mr. SPARKMAN. And the Senator says there would be no authority if the law died. That is because the basic authority is in the basic Economic Stabilization Act itself?

Mr. TOWER. The Senator from Alabama is correct.

Mr. CASE. Mr. President, I have no intention to take any longer. I would be willing to move to a vote on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey to recommit. [Putting the question.]

The motion was rejected.

Mr. EAGLETON. Mr. President, I am pleased that the conferees adopted the Senate amendment which I submitted to authorize the President to establish an equitable system for allocation of scarce petroleum products.

In the 5 weeks since this measure was passed by the Senate, the fuel shortage has gone from serious to critical in many areas of the country. It seriously threatens the operation of public utilities, farmers and a growing number of businesses.

An article in today's Wall Street Journal quotes the president of Standard Oil Co. as estimating a gap as high as 5 percent between gasoline supply and demand this summer. The same article notes reports that almost 10 percent of the independent service stations in New England have had to shut down or limit their hours of business. I ask unanimous consent that the article be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I am concerned also that the fuel shortage is being used by certain major suppliers to eliminate competition, to abandon marginal dealerships and customers, to drive up prices, and to exercise leverage in the interest of promoting the sale of their nonpetroleum products.

It is no longer a question of whether we shall have allocation of fuels. Allocation is already a fact of life in most parts of the country. Rather, the question is whether that allocation will be controlled by the presidents of a few major companies having a vested interest in the outcome, or by the President of the United States.

The amendment I submitted does not bind the hands of the President except to provide that any system set up should be fair and equitable to all concerned and be designed to assure all areas of the country that they will get the fuel they need for essential purposes. The amendment also provides that any system established should be directed toward maintaining competition in the petroleum industry.

This latter provision has been misconstrued by some as an invitation to the Federal Government to step in and take fuel away from dealers who have contracted for it in order to give it to their competitors down the street. That was not my intent in writing and introducing the measure. I do not expect the Federal Government to be going around abridging contracts. However, if the suppliers themselves are changing the terms of existing contracts, I anticipate that the administration would step in to require some minimum standards of fairness to all concerned. Beyond that, I would hope the administration will focus on ways to increase the overall fuel supply in areas of need and to see that each sector of the market receives a fair share.

Mr. President, as an indication of the strong support this provision has among both brand name and independent oil dealers, I would note that the gasoline committee of the National Oil Jobbers Council endorsed the Eagleton amendment at its meeting in St. Louis on Friday. The measure has also been endorsed by the Society of Independent Gasoline Marketers of America.

[From the Wall Street Journal, Apr. 30, 1973]

PRICES OF GASOLINE, HEATING OIL, DIESEL RISE AS SUPPLY TIGHTENS AND CRUDE COSTS CLIMB

(By James C. Tanner)

NEW YORK.—Prices of fuels are beginning to increase generally, reflecting some spot shortages as well as rising costs of crude oil.

Effective tomorrow, Cities Services Oil Co. will boost dealer and consumer tankwagon prices for both regular and premium grades of gasoline one cent a gallon throughout its marketing system.

So-called "rack" prices for gasoline are being increased 1.2 cents a gallon, the Cities Service Co. subsidiary said. These prices apply to wholesale distributors of gasoline whose contracts with the company are based upon terminal posting rather than on tankwagon prices.

Cities Service also said it is raising prices of heating oils one cent a gallon at all levels of distribution. Diesel fuel prices are being increased between one cent and 1.5 cents a gallon, depending upon supply points, the company added.

The increases, Cities Service said, are in keeping with guidelines established by the Cost of Living Council. The move also is in line with scattered price boosts made recently by several major marketers of gasoline and heating oils around the country.

Last week, Southwestern petroleum refiners generally increased their posting by one cent a gallon for No. 2 fuel pipelined to Midwestern markets. That pushed the refinery price for the home heating oil to a record 11.5 cents a gallon.

One reason for the rising fuel charges is the higher price refiners are having to pay for crude oil. Costs of crude oil have risen 25 cents to 40 cents a barrel in recent weeks, reaching $4 a barrel for preferred "sweet" types of petroleum such as low-sulphur Louisiana crudes.

Generally, a 25-cent-a-barrel increase in the price of crude means about one cent more a gallon in the price of products. In some cases, however, prices of gasoline at the pump are up as much as four cents a gallon.

Even though they are paying higher prices, many refiners aren't able to get all the crude they need to meet surging product demand. Harry Bridges, president of Shell Oil Co., said that company's refinery processing increased 12% to slightly more than one million barrels a day in the first three months of this year. Operations would have been at a higher level, he said, if it hadn't been for crude oil shortages.

Despite the nation's refineries operating near capacity, demand for petroleum products, particularly gasoline, is so strong that inventories are shrinking to what some oil observers consider critical levels. As of April 20, according to the American Petroleum Institute, gasoline stocks totaled 204.4 million barrels, down 4.5 million barrels from the week-earlier level and down 23 million barrels from a year earlier.

George V. Myers, executive vice president of Standard Oil Co. (Indiana), estimates that the gap between gasoline supply and demand "may be as high as 5% during the heavy summer driving months".

As a result of tightening supplies, many oil companies have started rationing the amounts given their dealers. Getty Oil Co. (Eastern Operations) Inc., the refining and marketing subsidiary of Getty Oil Co., is one company that has begun a gasoline allocations program. Its customers—including dealers, distributors and commercial accounts—are receiving allocations based on 92% of their average monthly purchases made during the first quarter of 1973. Cities Service, it was learned, is restricting supplies of gasoline to its 8,700 service stations to 80% of the volumes the outlets received last year.

Independent service stations—those without major oil company and refinery connections—are being pinched even harder by the spot shortages of gasoline. According to the Associated Press, almost 10% of the independent service stations in New England have been forced to close or shorten their hours.

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FPC SAYS SOME AREAS FACE ELECTRICITY PINCH

WASHINGTON.—Some regions of the nation may have problems in meeting electricity demand during peak periods this summer, a Federal Power Commission report warns.

The staff report says electricity reserve margins of utilities in parts of the Southeast and Midwest are hurt by delays in construction of nuclear power units and that the predominantly hydroelectric Pacific Northwest area is faced with low water conditions for the coming summer and winter seasons.

Also, much of the expected reserve in several areas will depend on relatively new and immature generating units with unknown dependability for the summer season, the FPC staff says.

However, the report says that overall reserve capacity for electric utilities, as a percentage of projected peak load, will be about the same this summer as it was last year, and that the available generation is better distributed around the country than a year ago.



SENATOR GAYLORD NELSON'S FIGHT AGAINST BIG BUSINESS SECRECY

Mr. ABOUREZK. Mr. President, the Senate and House will shortly decide whether to make a small but significant change in this country's long-standing public policy of allowing giant corporations to exercise great power in great secrecy.

The decision will be made by our acceptance or rejection of the conference report (H. Rept. No. 93-148) on S. 398, the bill to extend and amend the Economic Stabilization Act of 1970.

If the Congress passes that conference report, and the President does not veto the bill, there will come into the United States Code a new legal requirement, in the form of an amendment to section 205 of the Economic Stabilization Act of 1970.

Under that new law, corporations having annual sales of $250 million or more, desiring to raise prices more than 1.5 percent a year on a product accounting for more than 5 percent of their total annual revenues, will have to share with the public at large the information they give the Government to justify that increase.

If the conference report is rejected and we adopt instead a mere extension of the Economic Stabilization Act—as some administration and big business forces have been urging—the Congress will once again be denying the people's right to have that information. Instead we will be affirming again the existing unfair and outmoded law and policy, a policy of deep, dark secrecy for the product-line information of giant corporations.

Therefore, I earnestly hope that the Senate and House and the President will accept this conference report, with the reform that it contains of the secrecy provisions of section 205 of the Economic Stabilization Act.

If the conference report does pass, we shall all be deeply indebted to the junior Senator from Maine (Mr. HATHAWAY), the author and highly effective parliamentary shepherd of the disclosure amendment.

But win or lose on this particular amendment, I believe that the principle embodied in section 6 of the conference report before the Senate, the public disclosure section or "Hathaway amendment," is the coming principle, the wave of the future.

And if that belief is correct, the country and everyone in it who believes in freedom and democracy and the accountability of power, owe an enormous debt of gratitude to the one man who, more than any other, is making the waves in the fight against corporate secrecy. That man is the Senator from Wisconsin (Mr. NELSON).

SENATOR NELSON'S HEARINGS AND LEGISLATIVE PROPOSALS

Patiently, persistently, for many years, Senator NELSON has been probing the complex pattern of laws and rules and regulations which add up to an overall national policy of Government-protected secrecy for the operations of giant corporations. He has been holding hearings on corporate giantism in his Senate Small Business Subcommittee on Monopoly since 1967. Since 1971, those still-continuing hearings have focused particularly on corporate secrecy.

In the fall of 1971, after the first corporate secrecy hearings, Senator NELSON proposed an amendment to the Economic Stabilization Act, similar to but somewhat broader than the amendment contained in the present conference report. While it did not pass, the "Nelson amendment" helped pave the way and create the climate that made the conference report now before us politically possible.

In the present Congress, Senator NELSON is the sponsor of S. 875—H.R. 4311—the Vanik-Nelson bill to require public disclosure of the most important information contained in the Federal income tax returns of giant corporations—those with assets of $50 million or more.

In the last Congress, Senator NELSON was the cosponsor, with Senator METCALF and others, of S. 3923, the Corporate Ownership Reporting Act. Now being prepared for reintroduction in an improved form, that bill would take some of the mystery out of the interlocking ownership and control of big-business wealth. It would do that by requiring periodic disclosure of the names of those able to vote 1 percent or more of any class of voting stock of corporations having gross income of $10 million or more.

Only yesterday the Potomac magazine section of The Washington Post contained a review by Rudy Maxa of recent publications of the Government Printing Office of particular interest and importance. The record of Senator NELSON'S hearings on corporate secrecy headed the list.

The summer 1972 issue of Mergers & Acquisitions—The Journal of Corporate Venture contained a "Disclosure Roundup" featuring an editorial and three articles on the subject of corporate secrecy. One of the articles was by GAYLORD NELSON and reviewed the aspects of big business secrecy that are most worrisome to him.

THREE ISSUES

Of the many issues mentioned by the Senator, three are of particular relevance today.

The first is the contrast between the secrecy enjoyed by big business and the increasing lack of secrecy, even of ordinary and decent privacy, experienced by individual citizens and small business concerns. In an age in which consumers and small business must "tell all" to computerized data banks—owned and controlled by big business and big government for the most part—in order to ob-

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tain the common necessities of life and commerce, privacy for the little man has all but vanished. Even worse, as today's headlines remind us, the "power establishment" is increasingly uncontent even with the information we are compelled to put on its computer tapes with our knowledge and is, therefore, resorting to clandestine electronic eavesdropping.

The second of Senator NELSON's points that is especially timely involves the current fuel shortage. Listen to these words, written many months ago and found in the Senator's article entitled "The Exposed Individual and the Secret Corporation:"

Information on ownership of natural resources, especially by giant corporations, should be in the public domain. Congressional and public evaluation of the much-touted "energy crisis" is simply impossible when even the U. S. Bureau of Mines lacks data on the location and ownership of all proven and probable reserves of energy minerals.

Finally, and most in point in today's debate, are Senator NELSON's comments on the inadequacy of the Securities and Exchange Commission's line-of-business reporting requirements, as applied to big business, and their inequity, as applied to small business. The adoption of the conference report on S. 398 will move the country a short but worthwhile distance in the direction of the reforms the Senator has proposed.

I urge the Senate to vote for passage of the conference report.

Mr. President, I ask unanimous consent to insert in the RECORD at this point excerpts from an article by Rudy Maxa in the April 29 Washington Post and the four-part "Disclosure Roundup" published in the summer 1972 issue of Mergers & Acquisitions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Potomac magazine, Apr. 29, 1973]

GLORIES OF THE GPO—THE WAITES OF SPRING

(By Rudy Maxa)

It is an exceptional spring at the Government Printing Office, with a healthy crop of interesting and instructive books and pamphlets to alternately cheer and concern you.

The publications to worry you are, as usual, products of Senate hearings. Some people complain newspapers fill their non-advertising space with bad news; a reading of most Senate hearings makes newspapers look like Disney World press releases.

Early last winter the Subcommittee on Monopoly, part of the Senate's Select Committee on Small Business, conducted four days of hearings on the subject of corporate secrecy.

"The word is power," said Sen. Gaylord Nelson (D-Wis.) at the opening of the hearings. "The issue is power: economic, political, social and cultural power."

In theory, Nelson stated, a corporation is subservient to the state that charters it. But those were the old days, in some cases. Standard Oil of New Jersey had 1967 sales of almost $13.3 billion, Nelson said while the combined general revenues of the state that chartered the company (New Jersey) and all the local governments in that state were under $3 billion.

Some people worry that when companies grow that large, corporate secrecy as it applies to product safety, political influence and fair competition pricing becomes an issue of national concern. The 75 cents Role of Giant Corporations—Part 2 (56C) is well worth the price, if only to read the cogent testimony of Ralph Nader, who claimed the public knowns more about the internal workings of the CIA than that old dragon of his, General Motors.

"How many times do you hear auto management say, 'Labor wages should not increase faster than productivity gains'?" Nader asked. "They continue to be able to say that because they don't have to disclose their productivity gains.

"United States Steel, to move to a property tax area, has, in effect, told the Gary, Ind., property tax collector that it is none of his business what kind of investment the company is putting into taxable plant facilities," Nader continued. "The IRS and its corporate clients strike almost 30,000 private tax deals a year which in effect become secret law between the IRS and the corporation, applicable to no other taxpayers, business or individual, and not subject to judicial or any other form of review."

Further interesting comments are voiced by Harvard professor John Kenneth Galbraith, Sen. Robert Taft, (R-Ohio) and three other professors.

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WHERE TO GET IT

Books or pamphlets mentioned above may be obtained by making check or money order payable to "Superintendent of Documents." Print or type desired publications and item number (listed after boldface title) on one piece of paper. Then, to expedite order processing, provide your name and address on a separate piece of paper for use as a return mailing label.

Mail payment, order list, name and address mailing label to: Public Documents Distribution Center, 5801 Tabor Ave., Philadelphia, Pa. 19120.

If you would like to receive the GPO's free biweekly list of new government publications, send your name and address to: Selected List, Box 1821, Washington, D.C. 20013.

Two months ago in this space, passing reference was made to American University's Foreign Area Studies department that had assembled several books on foreign countries. The reference should have been more than passing. About 80 books exist (on 80 countries), including a 1972 book on the People's Republic of China. If you wish a copy of the list, along with order numbers and prices, drop a short note to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20401 and ask for the listing of the foreign area studies handbooks.

And that's not all. In last month's "Golden Oldies Review," the book *National Forest Vacations* was incorrectly listed with a nickel price tag. The correct price is 50 cents.

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[From Mergers & Acquisitions, summer 1972]

DISCLOSURE ROUNDUP

"When *I* use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean—neither more nor less."

"The question is," said Alice, "whether you *can* make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master——that's all."

The world seems to be composed of men and institutions who function either as information sources or as information sinks. Either they *produce* large amounts of useful information (sources), or they *absorb* large amounts of information (sinks).

It is certainly a proper function of government to gather information and to reciprocate as source in the public interest. It is not the proper function of government to act as sink to protect the administration or any special interests under the cover of "secrecy" whether military or commercial.

It is certainly a proper function of the corporation to gather information in the interest of its special constituency, the stockholder, but it must reciprocate. It must not act as a sink in the special interest of management or against the public interest under the cover of "trade secret."

In the three following articles, U.S. Senator Gaylord Nelson, the AFL-CIO's Markley Roberts and Don Etra from Nader's shop sharply question the state of "public" information in these United States. Together, they point up that controlling and managing information—whether about war casualties or product profitability—works against the public interest, that the situation is getting worse and that corrective activity is desperately needed.

What does all this have to do with mergers and acquisitions? An awesome lot because good mergers are made in a heaven of good information, and there is an identity between the information needs of labor and the consumer, and the information needs of a stockholder in a company about to be merged into a corporate sink. Most of the facts necessary to judge a proposed merger from an investment standpoint are not available to stockholders, having been suppressed in the interest of management, although ostensibly—as with so-called trade secrets—in the interest of the shareholders.

In the merger craze of the 1960s, the newly emerging corporate giants went to great lengths to convince the investing public that they were something other than what they appeared to be. One agglomerator who was buying up companies at a rate his successors in the seventies are trying to match in selling them off, stated in an address before the New York Society of Security Analysis: "We are not a conglomerate; we are a mutual fund that manages our own investments." Many little pointed heads nodded—ah, wisdom from on high! It occurred to only a few that there was a vast difference between a decision to invest in an agglomerate in which the sales, profit and capital investment profile were consolidated for many different subsidiaries and product lines, and a decision to invest in a portfolio of companies whose separate financial histories were readily available. It occurred to none that such a statement was ridiculous since a mutual fund optimizes its desired risk profile by continual portfolio buying and selling. Thus the $64 million question—"You've bought twenty companies this year; how many have you sold?"—went unasked. The answer, of course, was none. If such subtleties escaped the New York security analysts, no wonder the artless entrepreneurs and stockholders with companies to sell were taken in by this "logic."

Agglomeration holds substantial, albeit transitory, benefits for management because of continuous opportunities to "manage" the flow of information. Games can be played with the allocation of corporate headquarters' costs and interdivisional charges such that *years* of mismanagement can be covered up. Even if the whole company stinks, it is possible to cover up by making more acquisitions and pooling earning backwards. Without accounting rules that require meaningful disclosure of financial data, it is a near-impossibility for a potential seller to ascertain the true state of affairs of a buyer. Thus the enterpreneur, after spending twenty years building up his company, trades it for equities whose real value can only be guessed at.

All of the indications of the impending failure of the Penn Central and the big write-offs at LTV and Litton were covered up by accounting legerdemain which converted what should have been booked as a loss, into a standing, ostensibly non-wasting asset. And many profits that need not have been booked at all—because they had not yet been realized—were booked and the taxes paid solely in the interest of preserving management's position and insulating it from criticism.

After long years of similar cover-ups in government—which were, in large measure, the cause for the continuance of the Viet Nam debacle—the Freedom of Information Act is finally making "sources" out of the "sinkers" that have been running national government. Can and should this act be extended to apply to the corporate giants, which are, after all, in a real sense, public not private entities?

All attempts at suppression and distortion of information wind up hurting the stockholder, for soon management cannot distinguish the real from the illusory. They create their own house of mirrors—mirrors that can distort the financial figures to look fat, or thin, or even invisible from without. After years of this, there's finally no way out—and in comes the sheriff. For they have finally arrived at the ultimate in self-disillusionment where all the figures, like Humpty Dumpty's words, mean exactly what they want them to mean—neither more nor less.

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THE EXPOSED INDIVIDUAL AND THE SECRET CORPORATION

(By Senator GAYLORD NELSON)

(NOTE.—Gaylord Nelson, a Democrat and a lawyer, was elected to the Wisconsin Legislature in 1948, as Governor of Wisconsin in 1958 and again in 1960, and U.S. Senator from Wisconsin in 1962 and again in 1968. He currently serves as Chairman of two Senate subcommittees, the Labor and Public Welfare Subcommittee on Employment, Manpower and Poverty and the Small Business Subcommittee on Monopoly. In the latter post, since 1969, he has been studying and holding hearings on "The Role of Giant Corporations in the American and World Economies." The probe has increasingly focused on "corporate secrecy" as a problem that needs, and is susceptible to legislative reform.)

"Unlike democratic society, totalitarian organization claims secrecy for the regime and full surveillance over the lives of groups and individuals."—Zelman Cowen in "The Private Man."

A typical credit file contains a person's name, address, date of birth, marital status, social security number, place of employment, approximate salary, charge accounts, checking and savings accounts and other financial information, and even, in the case of insurance company files, medical and psychiatric histories and "moral hazards"—extramarital affairs, homosexuality, heavy drinking or other social observations which might conceivably affect the risk.

As the eminent Australian barrister Zelman Cowen noted, such surveillance is characteristic of a totalitarian state—as is the contrasting demand of "secrecy for the regime." In America's complex society, "the regime" has many faces, of which Big Business and Big Government are easily the two major factors which largely determine the quality of every individual's life. Increasingly, these and other components of the power pyramid no longer act as "countervailing powers," to use the term coined by Professor J. K. Galbraith, to provide an effective system of checks and balances. Instead, business and government reinforce one another in their mutual craving for secrecy and mutual disregard for individual privacy. It is our contention that insofar as we gratify that insatiable demand for secrecy, this nation will move closer and closer to totalitarianism.

If we accept this thesis, it follows that the individual who values his freedom and hates totalitarianism must fight as hard *against* secrecy for Big Business and Big Government as he will fight *for* his own privacy. Sadly, most individuals—the political grassroots—are largely unaware of the issue. Even those who instinctively accept the thesis that secrecy for "the regime" is dangerous—Jeffersonian conservatives, liberals, radicals and populists all do when it is put to them squarely—assign it a rather law priority. Yet preservation of secrecy is at or near the top of any list of Big Business priorities.

As a result of this imbalance, the battle against "secrecy for the regime" fares badly. To the extent that it exists, the thrust is almost entirely against secrecy in the government sector. A notable victory for the forces opposed to secrecy was the Freedom of Information Act, passed in 1966 after a long, hard battle spearheaded by Representative John E. Moss (D-Calif.). But that act, which gives the individual qualified rights of access to the files of Big Government, contains an express exemption for anything in those files that is a secret of Big Business!

GIANT CORPORATIONS AS "THE REGIME"

Some readers may not accept the first premise of our thesis, which is that Big Business today is a co-equal half (at least!) of "the regime." Yet the evidence is everywhere around us. A few examples plucked from the record of the corporate giantism/corporate secrecy hearings of the Senate Small Business Subcommittee on Monopoly will illustrate.

"Big Business," as used here and in any realistic appraisal, means, *at most*, the 2,400 concerns, more or less, included in the pre-notification (Tier I) and notification (Tier II) segments of the Nixon Administration's price stabilization scheme. That means firms having annual business receipts of $100 million or more (Tier I) or in the $50 million to $100 million range (Tier II). For most meaningful analyses however—political, economic and social—"Big Business" may be defined as only the billion-dollar-and-up corporations, so great has their share of the total power and property become.

The largest corporations now dwarf not only the states that chartered them, not only the industries in which they operate, but even most sovereign nations of the world. A listing of the 100 largest "money powers" of the world in 1970—in which both countries (by gross national product) and corporations (by net sales) were interspersed and ranked by size—included 51 corporations and only 49 sovereign national states. (General Motors, number 24 in the ranking, came just after Switzerland and just ahead of Yugoslavia. The slots from 61 through 70 inclusive were *all* occupied by business corporations, sandwiched in between the Republic of China (Taiwan), No. 60, and Malaysia, No. 71.)

The total budget receipts of the United States government from all tax and other revenue sources were $210 billion in fiscal 1970 (ending in mid-1969). The total 1969 sales of the "Fortune 500" were $444.7 billion, or more than twice as much.

And who can doubt that the needs of giant corporations are a prime determinant of giant government's policies? In a country where decent mass transportation has almost vanished—choked nearly to extinction by cars and highways—the President could think of no better way to attack unemployment, in his New Economic Policy of August 15, 1971, than to give tax and trade-policy stimulation to the sale of automobiles!

Perhaps the strongest statement at the Monopoly Subcommittee hearings on the giant corporations' role as full partner in "the regime" came from Professor Galbraith. Summarizing his now-familiar argument in *The New Industrial State*, he said:

"In the actual development of the great corporation there is a full break with the private firm of the classical market. As it enters the company of giants, the 2,000-odd firms that do around half of the non-public business of the country, it must be regarded by any man of minimally untrammelled mind as a public institution.

"The cliches of private enterprise are used by such corporations primarily to disguise their essentially public character, including their private exercise of what is, in fact, public power.

"What do we mean by the exercise of public power, and how do we define a public corporation? Such a corporation fixes its own prices. It has extensive control over it costs. It influences its consumers. It has extensive power in relation to its suppliers. It has great paid and unpaid access to public and political opinion. What it needs from the government is sound public policy.

"It has, on frequent occasions, a hammerlock on the Pentagon. The case is clearest with the large specialized weapons firms, including one, Lockheed, which was extensively discussed before this body earlier this year. Much of the fixed plant of the corporation is publicly owned; even the shop in which it is building the Tristar belongs to the government. Working capital comes from the government. Its business comes all but exclusively from the government. Its cost overruns are socialized. Its capital needs, even those resulting from the mismanagement of its civilian business, have now been guaranteed by the government.

"Only its earnings, when it makes them, and the salaries of its executives are strictly in the private sector."

For powers such as these to justify secrecy on the grounds that they are "private" enterprise is simply unacceptable to anyone of "minimally untrammelled mind." Yet secret the giants are, and secret they have insisted (thus far successfully) they shall remain.

THE INDIVIDUAL'S EXPOSURE

The disparity between what the individual can find out about the giant corporations and what the giant corporations can find out about the individual, comports all too closely with Cowen's two characteristics of "totalitarian organization."

Congress in 1970 tried to impede the spreading erosion of personal privacy with passage of the Fair Credit Reporting Act. The law imposes modest restrictions on the collection, use and dissemination of data in the mushrooming files of the country's 2,000-odd credit bureaus. It also gives the beleaguered individual the right to see and correct the information about himself in those files—if he happens to discover it. But the law is as impossible of enforcement as that requiring a "beep" signal anytime a telephone conversation is being tape-recorded.

Corporations—with their computerized data banks containing detailed, personal dossiers on just about anyone who has ever applied for credit, insurance or employment—are, of course, not alone in their disregard for personal privacy. The Senate Judiciary Subcommittee on Constitutional Rights brought to light the extensive network of military surveillance of private citizens. Following hearings early in 1971, the Army issued a well-publicized order to its domestic intelligence officers to destroy the records they had gathered on hundreds of civilian peace organizations and "political dissidents" in its mission to help cope with domestic disorders in the late 1960s.

Computer people only snicker about the "order." There can be no real assurance that *any* information that has *ever* been committed to a computer tape has been expunged from all existing electronic storage media or will be made available only to "authorized" persons for "legitimate" purposes.

At this point, then, there seems to be little basis for hope that the individual can ever regain his own lost privacy. He can, however, at least insist that "the regime"—including both Big Business and Big Government—become as exposed to him as he is to them.



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THE GIANT CORPORATIONS' SECRETS

What kinds of corporate data are not, but should be, available to the individual?

*Segmental financial information*

For too long, one element of socially useful business competition has been prevented from functioning in the way that Adam Smith himself thought was essential. That element is public information about where the profits are being made and where the losses are being experienced, stated in *recognizable, comparable terms of corporate organization, standard industry classification, and geography.* Competitive equity between large and small businesses, and competition itself, are endangered when the giants refuse—and are permitted to refuse—to tell how they are doing on an itemized basis.

Recent requirements of the Securities and Exchange Commission for information on "lines of business" in registration statements and annual reports (see M&A, Vol. 4, No. 2, pp. 12-19) are but a meagre step in the right direction. Besides being totally inadequate, the SEC rules are unfair to small business in defining what constitutes reportable lines of business. The SEC presently requires disclosure of a maximum of ten lines of business each accounting for at least ten percent of sales or income—whether the company has $50 million or $20 billion in annual sales.

A far more equitable approach would be to require segmented reporting of sales and profit (or loss) data for any Standard Industrial Classification (SIC) segment of the registrant's business that accounts for $10 million or more in sales ($5 million for companies with sales under $50 million). There would, of course, be *no* maximum number of separate SIC segments to be reported under this formula.

Nor would it matter whether the unit of business for reporting purposes corresponded with a two-digit or seven-digit SIC level. Reporting at the two-digit SIC level (e.g., SIC Code 37, Transportation Equipment) might conceivably be too fine for a small but diversified registrant, who would therefore be permitted to lump two or more two-digit industrial segments into one "line of business" accounting for $5 million in sales. Conversely, the giant auto makers would find the seven-digit Census product codes (e.g., Code 37111 11, Passenger Cars, Knocked Down or Assembled, and Chassis for Sale Separately) too gross. They would accordingly be required to itemize still further by product within that seven-digit code, or perhaps by brand names, plants, or geographic distributions, to produce reporting segments of approximately $10 million each in sales.

It is admittedly open to question whether such detailed disclosure would be good for General Motors (although it is by no means certain it would not be); but it most certainly would be good for the country!

*Ownership and control information*

Senator Lee Metcalf (D-Mont.) related for the corporate secrecy hearings an incident concerning the Federal Communications Commission that would be, in his terms, ludicrous—if it weren't so alarming. The FCC had a rule that no party could hold more than one percent of a broadcast company's stock, but only sporadic, and usually outdated, information on compliance with the rule was available. When a survey revealed that some banks were holding over five percent of the stock in stations and at least one held over ten percent, the FCC changed the rule!

Senator Metcalf remarked:

"Under the new rule the one percent limit applies to individuals, but the limit is raised to three percent for a mutual fund and five percent for a bank. . . . Instead of enforcing the rules, the Commission simply rewrote them. And it gave the banks three years to comply with the new five percent rule. Then the banks may come in and get a ten percent limit."

The real (not straw-party) names of all persons and companies having power to vote one percent or more of the voting securities of all corporations in regulated industries and all other corporations with sales of $10 million or more a year should be a matter of public record, with the records kept current quarterly. Such disclosure is already required for regulated corporations, but is not adequately enforced. Legislation to that end, for unregulated corporations, was introduced in August 1972 by Senator Metcalf, Senator Fred R. Harris (D-Okla.) and the writer.

Information on ownership of natural resources, especially by giant corporations, should be in the public domain. Congressional and public evaluation of the much-touted "energy crisis" is simply impossible when even the U.S. Bureau of Mines lacks data on the location and ownership of all proven and probable reserves of energy minerals. Full details of the ownership and control of agricultural properties and other real estate by giant corporations should also be fully and easily accessible to the public.

*Product information*

Ralph Nader, testifying on this point, stated:

"Product information to the consumers is the critical touchstone of the effective functioning of the market system. Without the consumer knowing what he or she is buying, they cannot feed back critically through the market system and raise the quality of competition by choosing the better product or service and rejecting the shoddier.

"This, of course, is the touchstone of the classical market theory which big businessmen like to pay lip service to at Chamber of Commerce luncheons. But what do they do in practice?

"They systematically deny consumers basic information on the contents of the most important products they buy, from food to automobiles."

Competition is not the only element of a democratic society that suffers when manufacturers knowingly withhold from the public information they possess about the serviceability, life expectancy, safety hazards and performance limitations of their products. Lives and property are endangered. Morality is eroded.

*Innovation information*

The "hows" of this proposal are still unclear, but it would seemingly be in the public interest to require public disclosure of new and useful inventions for which giant corporations have obtained patents, but have no intention of developing and marketing. Such business decisions may protect a corporation's markets or investments, but impoverish mankind.

*Procurement information*

There should be no secrets whatever about the negotiation for and awards of contracts by big government to big business for the purchase of unclassified goods and services.

*Environmental impact information*

The recent rediscovery of the Refuse Act of 1899, Ralph Nader charged in the corporate secrecy hearings, is an example of big business utilizing disclosure to obtain a "license to pollute." That indictment may, however, have been too harsh. For if the disclosure of effluent discharges into waterways, in accordance with the Corps of Engineers' new permit system, improves general knowledge of what has been happening all along anyway, the public is no worse off and may, with the new information, be better able to insist on improved enforcement of both old and new statutes, or amendment of the laws.

*Employment practices and working conditions information*

Is an employer morally obligated to disclose to its employees known health hazards in the plant, even those that are lawful? To the extent such failures to disclose are not already illegal under the Occupational Safety and Health Act or other statutes, they must be made so.

On the civil rights front, demands of minority and ethnic groups, and of women, for a fairer shake in American enterprise cannot be evaluated, much less met, without public information from corporations on their hiring practices and existing employment at all wage and salary levels. Claims that such data are "proprietary" must be challenged.

*Political activity information*

The Federal Election Campaign Act passed early in 1972 may help reduce the influence of giant corporations and enhance the influence of individuals in the electoral process; but this remains to be seen. The law should make it easier to link big individual contributors both to the candidates they support and the corporations they serve.

*Information on tax settlement deals*

Only about one revenue ruling in fifty is ever published. The unpublished decisions not only involve vast amounts of revenue lost to the Treasury, but also amounts to a species of private, secret "law" for the corporate taxpayers whose accounts are closed out in that fashion. Further scrutiny of this practice appears to be in order.

CORPORATE ARGUMENTS AND PUBLIC ANSWERS

It is significant that witnesses representing a spectrum of sharply divergent economic viewpoints—Nader, Galbraith, Mueller, Walter Adams and Donald F. Turner—were unanimous in their assessment of secrecy on the part of the corporate giants: they all agree it has to end. Nevertheless, the giants themselves defend the practice and their arguments deserve consideration. They claim that the types of disclosure advocated here are too complex or costly for their present accounting systems and that such disclosure would put them at a competitive disadvantage, especially with foreign competitors.

The accounting argument was perhaps best answered at the hearings by Professor Turner, who was chief of the Justice Department's Antitrust Division during the Johnson Administration. He remarked:

"That some managements may keep inadequate or inappropriate cost accounting records is quite possible; that their records are such that they have virtually no idea as to whether they are making a profit or a loss on various product lines is wildly implausible. But if there are such cases, the stockholders deserve to know them, and the management thrown out as hopelessly incompetent."

It seems improbable that such incompetence is, in fact, very common among the giant corporations. It simply taxes one's credulity when the executive head of the Financial Executives Institute testifies (as he did at a meeting of a panel of the Business Advisory Council on Federal Reports on January 21, 1971), that: ". . . the requirement to report by Enterprise SIC codes would be very burdensome and costly to reporting companies. . . . We know that major companies do not maintain financial data by Enterprise SIC codes."

In the context in which that statement was made, it amounted to an assertion that corporations having sales of a billion dollars or more a year would be unable to *estimate* on an annual basis their total revenues and net income (nothing more) for separate industrial segments having sales amounting to no less than $10 million and no more narrowly defined than the three-digit Enterprise SIC level (e.g., Code 13.0, Oil and Gas Extraction; Code 37.3, Ship and Boat Building and Repairing).

Since the real reason the giants are fighting such disclosure is not the accounting situation cited, it must stem from competitive qualms. Here again Professor Turner offered some helpful insights:

"It is often suggested that to force corporations to disclose more precise cost and profit or loss data to their competitors would have undesirable effects on competition. How so? One can perhaps see the private interest a particular company may have in not periodically disclosing its vulnerability to its competitors.

"It may well feel that with that knowledge the competitors would compete more aggressively in price than they would otherwise do. But certainly as a general proposition, that is what we like to see. One of the main purposes of competition is to reward the more efficient firms, and to punish the less efficient.

"It is desirable that firms who find themselves to be more efficient than other firms endeavor to take full advantage of that fact.

"It is desirable that the firm which finds itself less efficient than others should be under heavy pressure to pull up its socks."

Another answer to the argument, of course, is that single-line producers, if they are public corporations, are openly exposed to their competitors. Even if closely held, the small single-line producers increasingly will have the same kind of exposure as the individual citizen through the computerized networks of data banks containing information furnished in connection with credit applications, contract negotiations, etc. To put it most simply, if Maytag can live in a world in which its giant conglomerate competitors—including General Electric, Westinghouse and GM—know how it is doing on a product line basis (because it *has* only one product line), why could not GE, Westinghouse and GM live in a world in which Maytag had the same product-line data about them?

TWO LOST SKIRMISHES

The power of the giants to protect the system of secrecy was demonstrated in two recent skirmishes with forces opposed to secrecy. The first involved a proposal made early in 1971 by the Federal Trade Commission to collect confidential data on the various industrial segments of the nation's largest corporations. The idea was to provide an annual check on the industry statistics included in the FTC's *Quarterly Financial Report for Manufacturing Corporations.* That report, which costs the government about $900,000 a year to produce, is supposed to provide data on profits and losses in industries at the three-digit Enterprise SIC level. Its usefulness for that purpose is suspect, however, due to the FTC's practice of collecting only *consolidated* balance-sheet and income-statement data from the corporations in its sample, no matter how large or diversified they are. Each corporation's data are then assigned to a single industry. It seems, for example, that until recently the entire consolidated operating results of the electronics and aerospace giant, Ling-Temco-Vought, were attributed to the industry "food and kindred products."

The FTC was willing to continue to "make do" with the consolidated *quarterly* reporting. But it wanted a supplemental *annual* report, containing profit-and-loss data from corporations broken down into the broad standard industrial groupings. The Commission also was willing to limit the requirement for line-of-business reporting to the very largest corporations—initially, those with assets of $1 billion or more. And it was willing to keep the annual line-of-business reports of individual companies completely confidential, as has always been the case with the quarterly, consolidated reports.

Despite the excessive modesty of these reform proposals, big business interests raised a chorus of opposition when the Office of Management and Budget invited them to comment on the form the FTC planned to use. The program was tabled, and while not formally dead, there is no indication when it may be revived.

The other skirmish, fought in Congress, involved an effort to amend the economic stabilization legislation to provide for public disclosure of information offered by corporate giants in support of price and wage increases. The amendment failed in both houses of Congress, and the law was passed instead with a section guaranteeing secrecy for corporate data.

Despite this defeat, the economic stabilization program has provided an important basis for future assaults on corporate secrecy. Indeed, economic historians may well record one feature of the program as the Nixon Administration's most significant contribution. That is the deliberate, clear recognition of a double standard—in fact, a triple standard—for the application of onerous regulation, a standard based on *no other criterion than business size.* Galbraith referred to it as "a watershed action, one that recognizes the new shape in the American economy." He observed:

The consequence, therefore, of the actions that have been taken since August 15 is acceptance of the fact that the big corporation has a special public standing.

Thus while secrecy may be of no concern when practiced by the neighborhood pretzel peddler, it *is* unacceptable when practiced by the corporate giants.

Can the gloomy future implicit in the ominous phrase—"1984: minus twelve and counting"—yet be averted? An end to unwarranted secrecy of the giant powers in our lives could still stop that count.

FTC RELEASES PRODUCT SHIPMENTS DATA FOR 1,000 LARGEST CORPORATIONS—TWENTY YEARS LATE

Now it can be told! General Motors shipped household refrigerators valued at $176.6 million that year. Those shipments accounted for only 2 percent of GM's total shipments—but for over 19 percent of the total shipments of refrigerators by fifteen corporations, all members of the "1,000-largest club." GM shipped 73 product classes, ranging from passenger cars ($4.3 billion) to edge tools ($74). Refrigerators ranked fifth for GM, but GM ranked first for refrigerators.

All these fascinating nuggets of information are contained in a publication released by the Federal Trade Commission in mid-September 1972—after this article was written. There's just one hitch. The data are for 1950. Nevertheless, this one-time-only collection and belated release of "Value of Shipments Data by Product Class for the 1,000 Largest Manufacturing Corporations in 1950" is immensely important. It demonstrates what can be done and what should be done, with refinements and improvements, annually.

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THE CURTAIN OF CONGLOMERATE SECRECY

(By Markley Roberts)

(NOTE.—Markley Roberts is an economist with the American Federation of Labor and Congress of Industrial Organizations.)

Conglomerates present unions with an extremely difficult position in the area of collective bargaining. One such corporation having contracts with a dozen or more unions may well be able to sustain a strike in any single segment of its far-flung operations. Thus the ultimate sanction that makes collective bargaining viable—the economic power it can wield through the strike—may not exist when dealing with a huge, diversified concern.

Equally important, however, may be the loss of bargaining power which results because the unions have no meaningful financial data on a conglomerate's operations to back up their demands. Corporate financial reports to stockholders and to the Securities and Exchange Commission (10-K reports) at best don't provide much hard data for union negotiators to utilize, but the consolidated financial statement of the conglomerates present a nearly impossible situation. Even the most basic statistics—total sales and net income—for any particular segment of the conglomerate's operations are unavailable.

Even under the SEC's "line of business" disclosure requirements, essential information on individual subsidiaries or divisions of a conglomerate remain buried in the consolidated financial statement. Most big corporations—especially the multi-product, multinational companies—refuse to break down their sales, cost, price and profit data by product line in a meaningful way. Thus, when a large conglomerate swallows up a major U.S. corporation, information that was previously available to the public disappears forever after into the consolidated earnings statement and balance sheet.

ITT, for example, has taken over more than 100 businesses in the past ten years, including such major U.S. employers as Avis, Sheraton Corp. of America, Rayonier, Marquis-Who's Who, Levitt & Sons, Bobb-Merrill and Continental Baking Co., whose products include Wonder bread, Hostess cakes and Morton's frozen foods. Each such acquisition leaves the public with virtually no further information on the acquired companies. ITT has traditionally divided its sales and revenues into three broad categories for reporting purposes: manufacturing, consumer and business services and telecommunication utilities. But what does that tell one about the continued profitability or lack of it of Rayonier?

Or consider the case of Sunshine Biscuits, one of the top three U.S. producers of crackers, cookies and snack foods. It was taken over in 1966 by American Brands, a major cigarette and cigar producer. In line with SEC requirements, American Brands provided the following percentage breakdown of its operating results by product lines in 1971:

[In percent]

| | Sales | | Oper. Inc. | |
|---|---|---|---|---|
| | 1971 | 1970 | 1971 | 1970 |
| Tobacco products: | | | | |
| Domestic | 35.3 | 38.5 | 61.3 | 67.3 |
| International | 37.0 | 38.4 | 16.8 | 1.8 |
| Hardware | 2.7 | 1.0 | 6.6 | 1.8 |
| Distilled beverages | 4.8 | 5.1 | 5.8 | 1.9 |
| Food products | 12.3 | 13.4 | 2.1 | 1.9 |
| Office services and supplies | 2.4 | 1.8 | ---- | 1.8 |
| Toiletries | 2.1 | 1.7 | 3.6 | 2.2 |
| Less intra-co. sales | dr0.5 | dr0.5 | ---- | ---- |
| Total | 100 | 100 | 100 | 100 |

From this we can see that American Brands' food product line was relatively unprofitable, accounting for 12.3 percent of total sales, but only 2.1 percent of total operating income (in contrast to domestic tobacco products, which accounted for 35.5 percent of sales and 61.3 percent of profits). But there's still no way to separate financial data for Sunshine Biscuits from the financial data for another wholly owned American Brands subsidiary, Duffy-Mott Co. (acquired in 1968–69), which processes and markets food products such as applesauce, apple juice, puddings, vegetables and seafood. The detailed information that was once available for both Sunshine Biscuits and Duffy-Mott no longer exists—at least not for public consumption. Is it fair that a corporation should be protected in this way from public scrutiny merely because it has been taken over by some larger corporate entity?

It is readily apparent that, even with line of business reporting, the financial report still conceals far more than it reveals about specific operations. It does not show what items within a particular line of business account for what share of sales and income;



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thus one cannot calculate product-by-product connections among costs, prices and profits. The union is still unable to point to high profits for a particular product or plant to justify higher wages—even if this is the case.

As far as the public which needs specific information about a particular product or particular subsidiary of a multi-product corporation is concerned, these vast enterprises may as well be family-held, non-public corporations. The helpless individual gets *no* cost-price-profit information from the latter, and no *meaningful* data from the former.

In contrast to the multi-product conglomerates, which, with their consolidated balance sheets can avoid public disclosure of product-by-product cost and profit data, the single-product companies—large and small—must file informative financial reports. Publicly held, single-product corporations (such as American Motors or Maytag), as well as corporations in regulated industries (the airlines, for example), have been putting out product-related financial data for years—without ever giving away legitimate trade secrets. Profits on a product line of a single-product corporation can be estimated with a high degree of accuracy from the quarterly and annual reports submitted to stockholders and filed with the SEC. These reports show net sales, major costs and investments, depreciation and amortization of plant and equipment, net income before and after taxes and earnings per share. Anyone—a consumer watchdog, a government investigator, a business competitor or a union negotiator—can arrive at reasonably accurate estimates of the effect on profits of a specific wage or price increase.

Obviously, managers of conglomerates are being rewarded by these inadequate reporting standards. For by not requiring detailed reports for each of their operating subsidiaries, it is impossible to obtain a meaningful indication of how successfully a giant company is managing its various acquisitions. By shuffling what is to be included in each reportable "line of business" (this is left to the judgment of management, hardly an unbiased party), a multi-unit company can easily ensure that it will look good to investors by obscuring operating results, hiding profit declines and overstating growth in earnings.

THE PRICE PROGRAM

The need for accurate cost, price and profit data came to public attention with special urgency as a result of the price program put into effect by President Nixon last year. Labor skepticism about this unenforced program stems in part from the fact that corporate financial data given to the Price Commission to justify requests for price boosts don't get public scrutiny. Since the price panel has no labor or consumer representatives, the public has no way to find out if the Price Commission's decisions are justified. Individual company costs, profit margins and mark-up percentages are concealed in documents available only to the Price Commission and to the Internal Revenue Service.

The AFL–CIO has called for open Price Commission hearings and an end to secrecy in the commission's proceedings. Sen. Gaylord Nelson (D-Wis.) issued a prophetic warning about the potential loss of public confidence in the price control program which could result from the secrecy curtain on price decisions:

"At the present time, when labor wins a wage increase, all the essential information is in the public domain. Anyone interested can find out exactly what the workers got before the wage increase and what they will get after the wage increase. The public has what it needs to form an intelligent, independent judgment on whether the Pay Board acted wisely or unwisely. It is terribly important that the public be able to perform this function of Monday-morning-quarterbacking the decisions of the Pay Board.

"It is just as important for the public to be able to evaluate the decisions of the Price Commission. But here the situation is very different. The public cannot carry out its vital function of Monday-morning quarterbacking the commission's decisions. That is because the TV screen goes blank during the winning plays and there is no live audience admitted to the "game."

"These 'games'—the proceedings and reasoning of the Price Commission—result in immense taxation of the American consumer, in the form of approved price increases. Yet they are played with no spectators. There is no one there but the players: the corporation that wants the price increase and the Price Commission that approves it.

"This can truly be described as a kind of taxation without representation. It is unfair and unreasonable, and it will, if it persists, cost the whole Phase 2 program the public confidence that it needs to succeed."

Arch Booth, executive vice president of the U.S. Chamber of Commerce, was one of the many who opposed Price Commission disclosure of big corporations' financial data to the general public. He warned that business cooperation might be withdrawn if the Price Commission "let the public see confidential records" of these corporations. Congress once again came to the aid of the big corporations and refused to add anti-secrecy provisions to the Economic Stabilization Act, which authorizes the price control program. The Senate rejected a 1971 proposal by Sen. Nelson to require corporations with annual sales of $50 million or more to justify their price increases publicly. The House turned down a similar proposal by Rep. Herman Badillo (D-N.Y.).

The public's right to know goes far beyond the present price control program with its anti-consumer inequities and its pro-business bias—becaus that right to know is an essential feature of a democratic society. Even if the price program didn't exist, it would be essential for the public to understand how giant U.S. corporations—not only the "top 500" but also the 2,400 firms with annual sales over $50 million—manipulate their costs, prices and profits in ways that may be contrary to the public interest.

The public needs detailed, standardized corporate financial reporting to understand how the economic giants are shaping the economy. The pubic's right to know and the public interest require an end to corporate secrecy on cost, price and profit information that vitally affects more than 200 million American citizens.

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## Corporate Disclosure: A Challenge to Accountants

(By Donald Etra)

(Note.—Donald Etra is associated with Ralph Nader's Corporate Accountability Research Group and is coauthor of Citibank by the Nader Task Force on First National City Bank, New York City, to be published soon. He holds a B.A. from Yale College and J.D. and M.B.A. degrees from Columbia University, and is a member of the New York Bar.)

"Accounting should provide to the public an understandable presentation of a corporation's financial progress and social impact."—Statement of Accounting Objectives, Corporate Accountability Research Group.

The public's right to know about a corporation's activities stems from two sources. First, every corporation owes its existence to the public which has granted the corporation its charter. It is this charter which furnishes a corporation with its indispensable assets—immortality (the privilege of continuing beyond the lives of its members) and limited liability (the privilege of subjecting to risk only those assets designated as belonging to the corporation). A corporate charter constitutes a kind of public subsidy; in return for this subsidy, a corporation has certain obligations to the public. One area of responsibility is to furnish the society with information about its activities; for without such information the public cannot decide if the corporation merits continued subsidization.

The public's right to know also derives from the fact that, in this day of giant corporations, corporate decisions influence the entire community. As J.A.C. Hetherington observes:

"If American Motors, the largest industrial employer in Wisconsin, were to discontinue the manufacture of automobiles in Racine, Wisconsin, this would be a matter of considerable importance to the economic interests and prospects of the entire state, including many persons who live far from Racine and who never owned an American Motors car.[1]"

Still more broadly, the health and safety of every individual is predicated on corporate decisions, especially in the realms of product safety and environmental protection. When the largest corporations wield more financial power than the states in which they reside, it is unrealistic to believe that the public can avoid either the beneficence or wrath of corporate influence.

Since it is *from* the public that corporations derive their power, and *at* the public that corporations direct their activities, it is to the public that corporations owe forthright and meaningful disclosure. Some of the interest groups which are vitally interested in a corporation's activities are consumers, labor, investors, creditors and government. These segments of the public need various kinds of information and can thus benefit from various kinds of corporate disclosure.

CONSUMERS

Consumers are most directly interested in the finished products of corporations. Their initial concern is a product's price. Adequate price information entails disclosure of unit prices to facilitate the buyer's assessment of the comparative costs of similar products. Similarly, disclosure of the profit margins of goods would enable a consumer to judge whether the retail price is commensurate with the company's production costs. (Disclosure of profit margins by product line would also benefit the consumer by creating potential entrants to the marketplace. The very threat of entry has an ameliorative effect on price, and actual entry results in greater competition. As economists and historians are wont to illustrate, competition—either actual or potential—results in the production of better goods at lower prices.)

Consumers are also entitled to know more about the producta they buy. Is the product safe? Durable? Nutritious? Without access to such information, the decision to buy must too often be based, not on the quality of the goods, but on superficial packaging and unsubstantiated advertising claims.

Cynics might argue that consumers are lazy and do not bother to read even that information which is already available. Studies have shown, however, that not only do consumers want more information, they act on the basis of it. For instance, in 1971, the Consumer Research Institute studied the buying habits of 950 households that were given nutritional information on various food items. Among the conclusions of this test were these: (1) nutrient information was used by the consumers, as demonstrated by the fact that their purchase patterns changed after the introduction of nutrient labeling; and (2) in situations where a product brand had a real nutritional advantage,

Footnotes at end of article.



there was a major increase in that product's share of the market.[2]

LABOR

Labor groups need to know the profits of a company in order to determine if wages constitute a fair share of those profits. Workers are also concerned with the financial performance of a company because their own financial security is tied to the fortunes of their employer. The corporate pension plan is another area of particular concern to employees. Is it adequately funded? Under what circumstances do employees risk forfeiture of their accumulated pension rights?

A study by the State of New York Insurance Department indicated that employers have been less than honest in telling employees about their pension funds:

"Only 84 out of 188 plans analyzed for this purpose clearly stated that pension benefits were not promised or guaranteed. *Contrary to the facts*, 70 plans out of 188 expressly stated or implied that the benefits were guaranteed or promised without reservation. An additional 34 plans were completely silent on the conditional nature of the pension 'promise.'[3]" (emphasis added)

INVESTORS AND CREDITORS

Investors and creditors use the traditional kinds of data presented in balance sheets and income statements to derive such ratios as earnings-per-share and debt-to-equity for comparison of alternative investment or loan opportunities. But the life of a corporation is dynamic, not static. A wise investment or credit decision requires not only a snapshot of the present financial condition of a company, but also some indication of where the company has been and where it is going. Some companies already follow the commendable practice of including in their annual reports a ten-year summary of past earnings to provide perspective. The next step should be forecasting of some sort.

In the past, by not allowing even limited forecasting, the SEC has created the conditions under which companies can hide by omission significant data bearing on future earnings. Depreciation allowances, tax credits and so-called extraordinary items can all be manipulated to improve the immediate picture at the expense of a future year's result. It is often hard to believe that management has not foreseen the necessity for certain extraordinary write-offs years before they finally appear on the income statement. If so, the lack of forewarning to the public is deceitful. A company should be required to disclose what depreciation allowances and tax incentives it has already used up and, on the positive side, any special items it is holding in reserve for possible future use should real performance not meet expectations. The SEC seems to be moving in this direction, as well it should since under securities law an omission of a material fact is as fraudulent as a willful misstatement of fact.

The objective of certified financial statements should be to tell a candid and objective story—what has happened, what is happening, and what might reasonably be expected to happen to a company.

Is there any limit, then, to what should be disclosed? The country's larger corporations should be required to make public everything except trade secrets. Trade secrets should be redefined as that information which a company would not pay to develop if it had to make it public. Outside of processing techniques, the burden should be on the corporation to prove that something is, in fact, a legitimate trade secret.

GOVERNMENT

The government's interest in the disclosure of a company's financial performance stems from its need to accurately and fairly determine the company's tax liability. The government also needs microeconomic statistics, such as productivity and return on investment data for individual firms, so that macroeconomic statistics can be developed to describe the course of the economy as a whole and to assess the effectiveness of government fiscal and monetary policies.

Although the government's utilization of corporate data differs from that of investors and creditors, it needs the same basic financial information. If financial disclosure is to be anything but a farce, the data provided to the government must be computed in the same way as the data disclosed to shareholders. For instance, the profit a company reports to its shareholders should be the same profit figure quoted to the government. Under present accounting rules, however, no such requirement exists.

A 1971 study of 100 corporations chosen at random from the Fortune 500 revealed significant discrepancies between the way corporations broke down their sales and profit data for the public in their annual reports and the way they broke down the same data for the government in the 10–K forms filed with the Securities and Exchange Commission. Only 39 companies gave identical breakdowns of both sales and earnings in their annual reports as in their 10–Ks; 12 companies disclosed different figures in their 10–Ks and annual reports; 10 companies reported both sales and profit breakdowns to the SEC and identical sales, but not identical profit figures to shareholders; and 39 reported by classes of products or services to the SEC, but did not give shareholders any product line breakdowns in the annual report.[4] Consistent reporting practices should certainly be required.

Having sketched some of the interest groups that have a need and a right to know about corporate activities, the next question is how accountants can help serve these groups. Because it is the accounting profession which formulates the "generally accepted accounting principles" which determine how (and to some extent, what) financial information must be presented, accountants play a vital role in determining whether the public get the information it requires.

IMPARTIALITY

Because the financial information disclosed by a company reflects the performance of its management, management has a particular interest in the form and content of corporate disclosure. If the kind of information to be disclosed were left solely to the discretion of management, they would understandably seek to present those facts which would show them in the most favorable light.

Is the role of accountants one of aiding and abetting management, or one of serving the public? Contrary to the views of Robert Mautz[5] and his followers, who assert that the accountant's sole role is to serve management, the law is clear:

"The responsibility of the public accountant is not only to the client who pays his fee, but also to investors, creditors, and others who may rely on the financial statement which he certifies."[6]

If the certified public accountant is to live up to his middle name, he must remain absolutely impartial. And if he is to satisfy the legitimate informational needs of the public, he must resist the temptation to be merely a pawn, a tool of management, who creates a morass of "generally accepted accounting principles" that are acceptable to only one interest group.

To ensure that accountants once again achieve independence, the following changes are called for:

The creation of a rule-making body that represents all interest groups.

A prohibition against accounting firms providing management consulting services to accounting clients.

A limitation on the length of service that any one accounting firm can provide to the same company.

The group that established accounting principles, formerly the Accounting Principles Board and now the Financial Accounting Standards Board, must include in its ranks representatives from all interested parties—consumers, labor, creditors, investors, scholars, government and management. Economists and other social scientists would also be welcome additions to this rule-making body. These public representatives would force the accountants to justify existing, as well as proposed, accounting principles and procedures and would ensure that corporations reveal the kinds of information the public needs to make wise investor and consumer decisions. At all costs, the situation must be avoided which existed under the Accounting Principles Board, where the accounting principles were determined by a small clique representing the Big Eight accounting firms. It is not surprising that current accounting principles reflect the interests of their clients—Big Business—rather than the interests of the public as a whole.

A second area of potential abuse exists when an accounting firm performs management consulting services for its regular accounting clients. Critics rightfully question whether the firm which provides advice can objectively evaluate the results of having followed that advice. As Professor Abraham Briloff has shown, the public feels that any firm which performs both services compromises its independence.[7] To avoid such conflict-of-interest situations, accounting firms should be prohibited from offering consulting services to the firms they audit—or, at the very least, should be required to disclose in the certification statement the fact that they have done so.

The very fact that management (in form only is it the board of directors) retains an accounting firm, inevitably creates a community of interest between management and the accountants. Without nationalizing the accounting profession, there is no way to change the system of who pays the fee. However, there may be ways to prevent the community of interest from growing too strong. A rule could be established that no accounting firm may serve the same client for more than four consecutive years—thus preventing long-term back-scratching relationships from developing. Under such a system, an accountant would have less incentive to present management in a deceptively favorable light, just to be retained.

Admittedly, changing accounting firms every four years would be inconvenient. The new firm would have to adjust to a company's internal accounting idiosyncracies. On the other hand, an accountant who has been on retainer for many years is sometimes too familiar with a company's procedures. He no longer asks questions. However, it is because old assumptions *must* be challenged that a company should periodically change accountants for the good of all. The annals of accounting might well be different if auditors and accountants had asked: Is there really salad oil in those tanks; or, What is the collateral behind that loan? A new accountant must ask these questions. He is starting from scratch and has no old information to rely upon.

UNDERSTANDABILITY

Much of what is disclosed by way of corporate financial statements is more or less incomprehensible to the general public and even to the average investor. It behooves the accounting profession to work to ensure that the information which companies disclose is understandable. It was Homer Kripke who wisely observed:

"My assertion is that a typical prospectus *cannot* enable a lay investor to achieve an informed investment decision."[8]

Footnotes at end of article.

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If accounting statements are to be of any use, they must be understood. To promote this objective, the first aim should be to eliminate unnecessary technical jargon. While words like "flow-through" and "pooling method" which are bandied about in footnotes are a convenient shorthand for the experts, they constitute a trap for most laymen. Where such terms can be avoided by using nontechnical terminology, this should be done. In any case, a glossary of definitions should be included for the benefit of the many.

No financial statement is an island. To be meaningful, it must be comparable with financial statements of other companies, particularly those of similar size within the same industry. To accomplish this, a uniform system of accounting is necessary. There is no justification for retaining six alternate methods for evaluating inventories or three methods of accounting for the investment tax credit. The whole realm of accounting principles desperately needs to be scrutinized for instances where the same economic event is amenable to varying accounting treatments, each producing a different income statement result. As long as such options are available, management can be expected to exploit the situation to its own advantage.

The private accounting profession would do well to take note of the Cost Accounting Standards Board, a federal body created to implement uniform cost accounting standards for defense contractors. One study estimated that the government could save two billion dollars a year if defense contractors were required to use standardized methods of computing costs. Is not the private sector entitled to similar savings?

Accountants offer two arguments against uniform accounting principles. The profession pleads that flexibility is needed to account for the myriad of economic events that besiege a corporation, and the profession cries out that uniform procedures would transform putative professionals into pedestrian pencil pushers.

Fexibility for flexibility's sake has no merit in accounting. When those rare circumstances crop up where a uniform accounting method would not accurately reflect the actual economic event, exceptions should be allowed. But the burden of proof should be on the firm wishing to deviate from the norm, rather than the present situation where alternative methods may be used at the whim of management.

In addition to allowing widely differing methods for describing the same event, another problem with present accounting rules is that many simply fail to make sense. We strongly recommend that all accounting rules and all the Opinions of the old Accounting Principles Board be reexamined to determine if they are reasonable or whether they merely cater to a particular interest group. Each rule must be put to a common sense test: does the rule describe an event that has happened in the real world?

It is enlightening to submit the APB's pooling rule to this test. In the real world when one company acquires another company's assets, it almost always acquires the assets at their market price. Pooling, however, permits an acquiring company to represent that it still values the acquired assets at their historical cost basis—something which is not at all reflective of what has really taken place. Our conclusion: APB Opinion No. 16 (the pooling opinion) does not meet the common sense test; therefore, pooling should be eliminated as an accounting procedure.

Accountants should also subject their rules to a functional test: Is the rule merely procedural or will it have substantive impact? Some assert that the merger movement of the 1960s was fired up in no small part by the availability of pooling. Indeed, as one corporate financial officer observed, if the Accounting Principles Board had outlawed the use of pooling:

". . . the merger movement would have been stopped more effectively than by anything the Department of Justice [by invoking the antitrust laws] might do."[1]

When an accounting rule changes the behavior of firms that use it, accountants are in some measure responsible for its social consequences. The accounting profession has traditionally shied away from attaching value judgments to their rule-making responsibility. Yet they must be sensitive to whether the rules will be to the benefit or detriment of the public.

SOCIAL COST ACCOUNTING

Every once in a while, accountants should think about the broad cost relationships within society. What, for instance, is the relationship between the automobile industry and the insurance industry? Why are insurance rates so high? What is the average cost of fixing a car that has been in a low-speed collision? How much would it cost GM to provide decent bumpers? If GM invested ten dollars more per car for better bumpers, what would the aggregate savings be to car owners in terms of lower repair costs and insurance premiums? These are the kinds of questions which can lead to significant change. It is this kind of analysis that has led some insurance companies to reduce insurance costs for those people who have taken driver education courses.

Accountants are trained to analyze cost-benefit relationships. They are familiar with the procedures used to compute costs, and they have the wherewithal to communicate complex financial information. Such qualifications make the accounting profession an indispensible party to the task of translating the newer sophisticated concepts of costs into concrete accounting practices.

Some will contend that social cost accounting is doomed by its own complexity. They argue that no one can compute all the factors that bear on real-world relationships. However, the advent of new technologies, greater sophistication about what is of value, and recent successful experiments have shown that the contrary is true. Ecologists and zoologists have proven that one kind of tampering with the environment (the use of pesticides) leads to a directly attributable result (a hardier strain of insects). Doctors have proven that antibiotics have caused stronger strains of virus. Bankers, in their weaker moments, admit that their conservative policies which caused them to redline certain districts whereby mortgages were not issued, resulted in neighborhood decay and riots. Many of these relationships, considered quite tenuous a short time ago, are now recognized as valid and form the basis for important policy decisions about future actions.

CORPORATE IMPACT STATEMENT

A full-scale reevaluation of the corporation's impact on a community—the costs it foists on the community, as well as the benefits it provides to the community—is in order. Under the National Environmental Policy Act, federal agencies must file "impact statements" whenever their actions affect the environment. The larger corporations—whose actions often have far greater impact on the environment—should be subject to the same requirement.

In the area of pollution, the technology now exists to measure the environmental impact of a corporation. With devices to measure the chemical content of the air, the source of pollution—by plant and smokestack—can be identified. Other measures exist to compute the effect of effluents on a body of water.

As the traditional experts in computing costs, it would be natural for accountants to play a central role in devising the indices for computing the costs of a company's pollution. In so doing, accountants would be providing remedies for those who bear the brunt of corporate pollution. The individual whose car is corroded by fumes from the local plant, and the community that is forced to install a new sewer plant must be provided with facts to back up their case in court.

It took a long time for the courts to develop the principles of product liability. Now the principles of environmental liability—that corporations are liable for the harm they do to the environment—are just beginning to be formulated. Corporate impact statements, which force a company to reveal and assess its adverse effect on the community, can play a vital part in their development.

A PUBLIC INTEREST CPA FIRM

Many of the suggestions described above will forever remain suggestions, unless the accounting profession takes it upon itself to implement these and similar ideas. One concrete way accountants can begin to change their profession is by establishing a public interest CPA firm.

What is a public interest CPA firm? Not too long ago, people were equally vague about public interest law firms. Yet, today the idea of public interest law firms, acting as private attorneys general, to initiate suits having widespread implications for the public and to lobby for consumer legislation is widely acclaimed. Why not a similar role for accountants as well?

If every CPA taxed himself three dollars per annum, the money could be used to pay five or six accountants a competitive wage so that they could sever their interests from private practice and form the first public interest CPA firm. Suggestions for meaningful projects requiring accounting expertise could come from professional colleagues or members of the public.

CONCLUSION

We began by examining why the public has a right to know and sketched the kind of information needed. We then turned to the profession whose task it is to present corporate information understandably and impartially. Now is the time for accountants to move beyond the basics, to fight for more and better prepared information. The possibilities have been outlined; it is up to individual accountants and public interest CPA firms to make them realities.

FOOTNOTES

[1] J.A.C. Hetherington, "Fact and Legal Theory: Shareholders, Managers, and Corporate Responsibility," 21 *Stanford Law Review* 248 (Jan. 1969).

[2] *Federal Register*, Vol. 37, No. 62, March 30, 1972. p. 6495.

[3] Martin S. House, *Private Employee Benefit Plans: A Public Trust*. State of New York Insurance Department, 1956, p. 105.

[4] "10-K and the Annual Report, How 100 Leading Corporations Reported Sales and Earnings to the SEC and to Shareholders." Selvage, Lee and Howard, Inc., New York, October 1971, p. 7.

[5] Walter F. Frese and Robert K. Mautz, "Financial Reporting by Whom," *Harvard Business Review*, Vol. 50, No. 2, Mar.–Apr. 1972.

[6] *Touche, Niven, Bailey & Smart*, 37 SEC 629, 670 (1957).

[7] See Abraham Briloff, *The Effectiveness of Accounting Communication*, Praeger Publishers, New York, 1967, especially Chapter 6, "The Proliferation of Services to Management."

[8] Homer Kripke, "The SEC, Some Myths and Some Realities," 45 *New York University Law Review*, 1151, 1153 (Dec. 1970).

[9] Frese and Mautz, *Op. Cit.*, p. 10.

Mr. STEVENSON. Mr. President, during the Easter recess, I met with independent petroleum refiners, marketers, and retailers in Illinois. These independents are desperate. Many of them are being forced out of business by the cutoff of their supplies by major oil companies.



The Penn-Guin Oil Co., a branded independent distributing Citgo Products in Chicago, has been a family business for more than 60 years and has been associated with Cities Service since 1930. It has been told by Cities Service that its contract will be terminated as of May 31. The owner of Penn-Guin believes this policy will effectively puts his company out of business.

The Cropsey Independent Oil Co. of Cropsey, Ill., has been a family business for 18 years. Now its independent supplier, Hicks Oil & Hicksgas of Roberts, Ill., which also receives its product from Cities Service, has been cut off—and in time this independent may be forced out of business.

The Concord Oil Co. operates 12 independent gas stations in the Chicago area. Concord's suppliers have been Triangle Refining, Conoco, and Clark. Triangle closed its Chicago terminal on April 15, and Conoco has put Concord on allotment. It may soon have to close all 12 of its stations.

These are but a few examples. There are many of the independent companies in Illinois which are in similar straits. Hundreds of gas stations are involved, and the number can be multiplied nationwide.

The major oil companies, who are cutting off the independents, seem to have their storage tanks full in the Chicago area. And many of the majors are reporting record first quarter sales and profits.

This threat to the independents cannot be ignored. The biggest loser if the independents are forced out of business will be the consumer. The independents "keep the majors honest" in their pricing practices. They provide the primary source of competition in an industry that sorely needs competition.

The administration has ignored the threat. Last week an administration spokesman said there is no present or prospective gasoline shortage, and that "just a few independent" and "a few marginal gas stations" may be forced out of business. Gasoline should be available, we are told, down the road at the next station. The "next station," of course, will be owned by a major oil company, and the cost will be many cents more per gallon with the extra profits going to the big companies.

The administration, through the Justice Department, should be conducting a major investigation of the practices of the major oil companies. My talks with the independents and the evidence they presented to me strongly suggest the need to determine whether the major oil companies are violating the antitrust laws. The actions of the majors are curtailing competition. Gasoline is not being made available to the independents, and yet the majors are opening up their own discount stations. Independent refiners are not selling to independent marketers because the majors can promise the refiners a continuing source of crude oil if the refiners in turn give the majors first call on their refined products. Many refineries are not being operated to their full capacity, and it is uncertain whether this is solely the result of an overall shortage of crude oil or whether certain major refineries are deliberately being operated at less than maximum capacity.

Despite such evidence, I see little to suggest that any investigation is contemplated by the Justice Department. With the imminent prospect of price increases that may raise the cost of gasoline to 50 cents a gallon at the pump, there can be few higher priorities in the antitrust field.

Such an investigation would take time, and action is needed now to preserve competition in the oil industry. Section 2 of the Economic Stabilization Act amendments gives the President the authority to systematically allocate supplies of petroleum products "in order to meet the essential needs of various sections of the Nation and to prevent anticompetitive effects resulting from shortages" of petroleum products.

As soon as the President signs this act, he should use this authority. I urge him to act to save the independents, and in turn to save consumers hundreds of millions of dollars.

Time and again, the President and his advisers have acted to favor big oil and harm small oil and the consumer. The Presidential task force on the oil import quota system recommended in 1970 that the quota system be scrapped. Senator KENNEDY and I, along with over 30 of our colleagues, urged a temporary suspension of the quotas in Senate Joint Resolution 23 introduced in January of this year—and I recommended a similar action in letters to the President and the Secretary of the Interior last year. But until a week and a half ago the President failed to heed any of these recommendations and took only the most incremental steps in regard to the quota system. He now says he realizes that the mandatory import program was "of virtually no benefit any longer."

In his energy message, the President gave us a new "tariff" system. But it is doubtful that this change will benefit the independents at all, and in other sections of his energy message Mr. Nixon proposes other actions that promise more of the same—million of dollars in tax breaks to the major oil companies and billions more in costs to the consumers of energy.

This provision will give the President the specific authority to help independents and consumers. Today, the major oil companies control about 95 percent of the production of oil used in this country. They control 68 percent of the retail gasoline outlets. If the majors are allowed by the administration to use the present fuel shortage for their own purposes and allocate petroleum products according to their own formulas and priorities, they will surely push that 68 percent much higher and could end up monopolizing every phase of the oil production and distribution system.

The concentration of power in one oil company, Standard Oil, was a major cause of the first great antitrust movement in the United States. The very word "trust" was devised by Standard Oil attorneys in 1879. Standard was viewed as an archdemon in the public eye in the latter years of the 19th century. From this perception came the public pressure that led to State antitrust legislation in the 1880's and the passage of the Sherman Act in 1890. The very culmination of the great "trust-busting" era was the dissolution of Standard Oil into 34 companies in 1911. Wholesalers and retailers buying from independent refiners had been threatened with destructive competition by Standard. By 1882 it was estimated that Standard Oil controlled from 90 to 95 percent of all oil refined in the United States.

How current this all sounds. Now it is all the major oil companies apparently trying to control the entire industry. History could be repeating itself, and we may be in another era when a major antimonopolistic effort by the Government is necessary.

The Senator from Michigan (Mr. HART) has introduced new antitrust legislation. Appropriately enough the first subject of hearings on this legislation will be the oil industry. But that is a long-term solution. The antitrust tools may be there now for an administration that wants to use them. And now this act will give President Nixon the power to take administrative action.

The oil companies are fond of telling us "the Nation that runs on oil cannot afford to run short." The Nation that runs short of independent oil companies may not be able to afford the gasoline it needs. Action must be taken now to preserve the independents and in turn to protect the consumer. I urge the President to use the power Congress is about to give him.

Mr. HATFIELD. Mr. President, as one of the two Senators who voted against Senate extension of the Economic Stabilization Act of 1971, I would like to briefly explain the reasons why I opposed this measure and why I am voting against the conference report.

First, and most importantly, is the reality of congressional power eroding to the Executive. A great deal of criticism within this body, within the House of Representatives, and in the private sector, has centered on congressional irresponsibility and acquiesence to the executive branch. Yet, we continue to pass bills such as the one before us today. The Economic Stabilization Act potentially eliminates the Congress from any meaningful role in guiding the principles of our economy. We simply hand over the reins to the President. It is time we started exercising the authority and responsibility granted us under the Constitution and take a step toward consistency in action as well as rhetoric.

The second reason is the impracticality of wage and price controls. They can no longer serve the purpose they were originally conceived to serve. The original purpose was to give a psychological push to the economy. I do not think anyone really expected the freeze to work in an economy of our complexity and size. It has not worked in any economy in the past, and there was no reason to expect it to work here. But it was hoped that a good psychological shock, coupled with effective Government action in its budgetary allocations, could curb inflation. The former occurred; the latter did not.

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Consequently, inflation and unemployment continue to plague us as before.

Unless and until the Federal Government reduces its expenditures, inflation will continue unabated. I applaud congressional efforts to reform budgetary procedures and limit Federal expenditures within a system of proper national priorities, and I hope that these efforts will be successful. The onus for inflation is on the Federal Government. The consumer, the worker, the businessman, the housewife, and the farmer should not be made to bear any more of the burden for the Government's mistakes than they have already had to bear.

Mr. SPARKMAN. Mr. President, I move that the conference report be adopted.

The PRESIDING OFFICER. The question is on the adoption of the conference report. [Putting the question.]

The report was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The PRESIDING OFFICER. Pursuant to the unanimous consent order, the Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, may I inquire into the parliamentary situation?

The PRESIDING OFFICER. The Senate has returned to the consideration of the voter registration bill.

The clerk will state the bill by title.

The assistant legislative clerk read the bill (S. 352) by title, as follows:

A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. McGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McGEE. May I suggest the absence of a quorum with the understanding that I do not lose my right to the floor, by unanimous consent?

The PRESIDING OFFICER. If unanimous consent is granted.

Mr. McGEE. Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 5:30 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 5:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered. Thereupon, at 4:40 p.m., the Senate took a recess until 5:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Wyoming (Mr. McGEE) was to be recognized at this time.

Mr. MANSFIELD. Mr. President, standing in for him, I yield to the distinguished Senator from Kentucky (Mr. COOK).

## LITTLE CIGAR ACT OF 1973

Mr. COOK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of my motion of April 10, 1973, to reconsider the passage of S. 1165.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which S. 1165 was passed.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill (S. 1165) by title, as follows:

A bill to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

The question is on the passage of the bill.

The bill was passed as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Little Cigar Act of 1973".

SEC. 2. Section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the following new subsection:

"(7) The term 'little cigar' means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subsection (1)) and as to which one thousand units weigh not more than three pounds."

SEC. 3. Section 6 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331-1340) as amended by the Public Health Cigarette Smoking Act of 1969 is amended by inserting the words "and little cigars" after the word "cigarettes".

SEC. 4. The amendment made by this Act shall become effective thirty days after the date of enactment.

## AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING THE ADJOURNMENT

Mr. MANSFIELD. Mr. President I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate and that the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign any duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders on tomorrow under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. HASKELL, Mr. CURTIS, Mr. PERCY, Mr. DOMENICI, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EULOGIES TO THE LATE FORMER SENATOR BENTON

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Connecticut (Mr. RIBICOF), I ask unanimous consent that the RECORD, for eulogies to the late former Senator William Benton remain open for an additional week, so that Senators who, due to the recess, have not had an opportunity to make statements may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. HUDDLESTON). Without objection, it is so ordered.

## RECESS UNTIL 6:15 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 6:15 p.m. today.

The motion was agreed to, and, at 5:40 p.m., the Senate took a recess until 6:15 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. TALMADGE).



## RECESS UNTIL 6:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 6:30 p.m. today.

The motion was agreed to, and at 6:16 p.m., the Senate took a recess until 6:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

The message also announced that the House had passed without amendment the bill (S. 1494) to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods.

## ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

## ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND FOR CONSIDERATION OF UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for recognition of Senators on tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, S. 352.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. The two leaders or their designees will then be recognized under the standing order, after which the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. HASKELL, Mr. CURTIS, Mr. PERCY, Mr. DOMENICI, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate will resume the consideration of the unfinished business, S. 352, the post card registration bill.

A motion to invoke cloture will be entered tomorrow, and the vote on that motion will occur on Thursday next.

During the afternoon of tomorrow, the leadership intends to set aside—with consent, of course—the unfinished business and to proceed to the consideration of S. 795, a bill to amend the National Foundation on the Arts and the Humanities Act of 1965. Other measures on the calendar may likewise be taken up, if consent is given.

There will be yea-and-nay votes tomorrow, quite surely, especially with respect to the bill to amend the National Foundation on the Arts and Humanities Act and with regard to amendments thereto.

## ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 6:34 p.m. the Senate adjourned until tomorrow, May 1, 1973, at 12 o'clock noon.

## NOMINATIONS

Executive nomination received by the Senate on April 19, 1973, pursuant to the order of April 18, 1973:

NATIONAL COMMISSION ON MATERIALS POLICY

Frederick B. Dent, of South Carolina, to be a Member of the National Commission on Materials Policy, vice Peter G. Peterson, resigned.

Executive nomination received by the Senate on April 24, 1973, pursuant to the order of April 18, 1973:

DEPARTMENT OF THE INTERIOR

James T. Clark, of Michigan, to be an Assistant Secretary of the Interior, vice Richard S. Bodman, resigned.

Executive nomination received by the Senate on April 27, 1973, pursuant to the order of April 18, 1973:

DEPARTMENT OF JUSTICE

Mitchell A. Newberger, of Florida, to be U.S. marshal for the middle district of Florida for the term of 4 years, vice Andrew J. F. Peeples, retired.

IN THE NAVY

Rear Adm. Merton D. Van Orden, U.S. Navy, to be Chief of Naval Research in the Department of the Navy for a term of 3 years in accordance with title 10, U.S. Code, section 5150.

IN THE AIR FORCE

The following-named Air National Guard of the United States officers for promotion in the Reserve of the Air Force, under the appropriate provisions of section 593(a), title 10, United States Code, as amended.

LINE OF THE AIR FORCE

*Major to lieutenant colonel*

Leroy A. Aafedt, 501–28–9609.
Ray D. Airy, 478–32–9488.
Winfred L. Appleby, 405–20–5660.
Shirley R. Ashby, 308–20–6084.
Dale G. Bailey, 537–30–2613.
Ronald N. Browne, 082–28–1750.
James J. Butler Jr., 184–26–1380.
William F. Carroll Jr., 035–24–8560.
William G. Caudill, 290–14–8966.
Alfred P. Christoffersen, 516–36–1531.
Edward B. Cogswell Jr., 516–32–3085.
Thomas C. Costin, 308–20–3197.
Patrick J. Crakes, 456–52–3824.
James L. Delaney, 411–42–5595.
John A. Earll, 517–26–2860.
Jerry R. Edwards, 328–20–7678.
Robert P. Ellingson Jr., 503–28–1246.
Gerald L. Glade, 562–36–0899.
Charles W. Harris, 432–48–8350.
Robert E. Harris, 183–26–9611.
Jesse J. Henderson, 423–40–3676.
Bernard J. Hevel, 312–32–1248.
Richard E. Higgins, 293–30–7409.
Herbert L. Johnson, 471–22–3471.
Jack H. Lykes, 430–44–7671.
Roy B. McKanna Jr., 448–22–71519.
Thomas C. McLaughlin, 234–48–7792.
James L. Metzger, 293–28–9729.
Clifford R. Moore, 501–26–1312.
Allan L. Olson, 469–28–0786.
Richard A. Pihl, 554–42–5978.
Robert W. Schaumann, 055–26–8223.
Donald G. Simpson, 474–32–5687.
Pinckney B. Smith, 250–64–1970.
Ted D. Tyus, 424–32–1257.
Harry E. Warlick, 237–42–9701.
Clarence B. Wingert, Jr., 142–24–3488.

IN THE AIR FORCE

The following officer for appointment in the Reserve of the Air Force (Line of the Air Force) in the grade in lieutenant colonel, under the provisions of sections 593 and 8351, title 10, United States Code, and Public Law 92–129:

Frymire, Richard L., Jr., 401–40–4126.

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

DENTAL

*To be lieutenant colonel*

Roraff, Arthur R., 396–26–2272.

*To be first lieutanant*

Marx, Robert E., 332–38–8104.

The following officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

*To be first lieutenant*

Abram, Leslie D., 513–34–6840.
Abramson, Bruce D., 521–64–7069.
Allenson, Stephen P., 088–34–8449.
Allison, Charles L., 508–64–6012.
Alward, John B., 306–48–5514.
Anderson, Ralph P., 272–42–8034.
Andrea, Ronald L., 225–64–7158.
Arant, Michael H., 542–50–9683.
Artz, John C., 428–90–7529.
Austermiller, Daryl L., 272–40–9028.
Austin, Gregory A., 481–72–3665.
Aylsworth, George W., 438–70–2935.
Bannon, Edward A., 045–36–6381.
Barber, Joan E., 244–66–5899.
Barnett, Barbara J., 191–34–7600.
Bates, Francis C., 086–36–8571.
Batstone, Brian G., 266–68–4523.
Beck, Christopher A., 163–36–2312.
Beemer, James E., 271–40–8594.
Bellinger, Robert W., 536–42–6921.
Berner, Brent A., 524–50–3606.
Bidzila, Joetta A., 161–34–9417.
Black, William A., 186–36–8829.
Bostick, James K., 500–48–0595.
Bowling, Vernon B., 266–62–4091.
Brandon, William G., Jr., 430–86–2390.
Brashear, Dick D., II, 459–74–5737.
Bridges, Gary L., 455–72–9890.
Brown, Donald E., 404–50–6632.
Brown, William R., 312–48–6479.
Buchanan, Paul E., Jr., 412–72–9345.
Burch, Bob C., 536–42–2209.
Burman, David T., 079–36–4974.

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Burton, Charles D., Jr., 165–36–0784.
Cadalzo, Alberto, Jr., 145–36–2622.
Carosella, Peter, 079–36–8232.
Chalmer, Lawrence R., 076–36–9657.
Chandler, John W., 445–46–8357.
Chappell, James R., Jr., 412–72–7945.
Christenson, John L., Jr., 049–36–2201.
Clark, Fred M., 425–88–7647.
Clark, Jerry W., 437–66–9242.
Clark, Lawrence E., 481–48–7048.
Clifford, Randolph J., 131–36–6245.
Cole, Alvin R., 426–79–3250.
Colon, Luis R., 581–84–1390.
Combs, Michael B., 555–60–4229.
Connolly, Thomas V., III, 136–38–5821.
Cooper, William T., 483–50–9490.
Corbit, Richard E., 334–36–3854.
Corrigan, Richard, 151–34–3997.
Crane, Charles E., 436–72–8600.
Crawford, Frederick L. II, 445–42–3940.
Criss, George W. III, 223–68–9166.
Cronin, Andrew T., 165–36–0184.
Culberson, Dennis D., 318–38–8551.
Darden, Robert S., 230–56–0918.
Dennard, Michael D., 460–74–0429.
Dennis, Gerald D., 413–72–2905.
Deppe, Larry D., 345–38–2966.
Devlaming, Douglas M., 100–36–5857.
Deyde, Ronald A., 053–32–1052.
Dickerson, David L., 453–76–3904.
Dow, John C., 057–36–0613.
Duhe, Richard J., 433–64–7824.
Dunton, Frank P., 023–36–3926.
Duplantis, Allan J., 433–62–5762.
Eagar, William E., 424–58–5028.
Eccard, Lawrence D., 286–42–7506.
Ellis, Billy B., 570–62–0290.
Engstrom, William H., 469–50–5391.
Etter, Leo F., 303–48–3203.
Famulare, Eugene J., 085–36–5327.
Farver, Douglas K., 417–62–8940.
Fell, James H., 478–64–6347.
Figun, Stephen L., 222–23–3082.
Fischer, Wayne A., 482–56–4297.
Fitch, Thomas M., 210–34–6098.
Flomer, William A., 519–50–6938.
Foley, Philip A., 008–32–3295.
Folmar, William A., 571–66–6564.
Foster, Stanley R., 321–54–4296.
Francis, David G., 519–56–7373.
Fraunfelder, Richard D., 292–42–1896.
Frome, Richard J., 169–36–6995.
Gerasimowicz, Gary A., 467–66–4153.
Gerber, Donald J., 345–36–2047.
Giles, Truett A. II, 523–50–1377.
Glomski, Gerald J., 494–48–6665.
Gordon, Bruce A., 481–58–5350.
Grant, James R., Jr., 009–34–5357.
Grant, Russell J., 157–34–7856.
Greenfield, John P., 362–46–1422.
Gregg, Duncan S., 550–58–0223.
Gunn, William B., 451–76–7942.
Hall, Michael S., 082–38–9456.
Hamilton, Wilbur R., 557–66–2132.
Hammond, David A., 546–66–2636.
Hardin, Philip R., 462–68–0881.
Hash, Jay R., 506–56–7175.
Head, Barry L., 432–80–1358.
Heeb, Jeffrey O., 510–44–0874.
Heller, Stuart C., 399–44–3455.
Helwick, Thomas P., 296–36–4187.
Henderson, Joseph S., 466–70–8143.
Hickman, Burl E., 457–72–0630.
Hilbus, Essley C., 576–46–9035.
Hill, James B. III, 423–60–6776.
Hinkle, Charles W., 510–42–8238.
Hite, Bruce E., 304–50–4095.
Hoffman, Frederick C., Jr., 533–44–2795.
Holcombe, David E., 416–60–4176.
Holliday, Charles R., 578–58–5695.
Hough, Richard F., 338–36–7772.
Hudson, Timothy D., 239–72–9618.
Hulgan, Benford H., Jr., 422–60–2420.
Hunnewell, Neil F., 469–50–7354.
Hurt, Michael G., 498–48–1352.
Hutson, Paul E., 300–38–8392.
Hwang, Shu M., 102–36–4994.
Hythecker, Norman L., 483–54–2504.
Jackson, George F. III, 443–44–7821.
Jackson, John P., 522–60–7342.
Jessen, Jerome D., 481–50–2641.
Johnson, Dion W., 158–38–1461.
Johnson, Melvin N., 256–70–6080.
Jones, Charles D., 401–58–7955.
Joy, Harold S., 509–52–2624.
Kelly, Dennis P., 507–58–7730.
Kent, Jesse G., Jr., 423–58–8262.
Kepner, Richard S., 212–46–2609.
Kermes, Robert J., 475–54–9378.
Knobler, Harry A., 158–34–5342.
Koczur, Manfred, 516–50–3294.
Krop, John M., 516–52–8086.
Kunkemiller, Alan R., 271–42–4368.
Lackey, John E., 585–18–4454.
Lafon, Edward C., 496–50–7197.
Larcom, Eugene L., 531–46–7434.
Larson, Jay L., 481–52–9282.
Latino, Thomas J., 425–94–2302.
Laut, Thomas J., 300–33–9349.
Lee Joseph I., Jr., 237–38–4118.
Legg, James R., 572–56–8605.
Leighton, Porter C., 571–62–9366.
Levine, Barry H., 466–66–5399.
Lindeman, Harrie D., 449–64–0907.
Lippincott, Robert L., Jr., 136–36–1924.
Low, Howard B., 026–34–5652.
Lumby, Ronald L., 527–66–2936.
Lund, Dennis E., 154–36–8178.
Maguire, Thomas J. III, 270–42–6782.
Maheux, Randolph M., 057–36–2797.
Mahlum, Walton C., 389–50–7154.
Maier, John C., Jr., 295–38–0549.
Male, Evan J., Jr., 233–68–9682.
Maltman, Douglas T., 563–70–8788.
Matthias, Craig S., 312–50–8252.
McAlister, Jerry P., 441–44–0320.
McAndrew, William P., III, 515–46–4211.
Mead, Robert C., 019–34–3792.
Mengel, Jay A., 209–36–8016.
Mentzer, David R., 172–36–7230.
Messler, Donald A., 131–36–9292.
Milwer, Frederick P., 346–40–0733.
Moore, Dwight A., 513–44–4318.
Moyle, Gregory W., 436–70–0630.
Mullen, Thomas M., 384–44–1102.
Murray, Gerald W., 354–36–8222.
Mutty, Judith, 048–30–6551.
Nabb, Alan G., 484–60–1875.
Nelson, Robert O., 011–38–1343.
Newton, Peter H., 265–66–5384.
Nishi, Clark D., 520–48–6878.
Noll, Clifford J., 396–30–6209.
Nuber, James R., 516–52–2180.
Nute, Cyril T., 549–64–9008.
O'Neill, Thomas M., 042–36–0492.
Orrell, Bennie D., 521–62–0937.
Ott, Edgar A., 211–36–5647.
Packard, Cynthia L., 475–46–0337.
Panza, Robert C., 571–60–7345.
Parmelee, James W., 585–20–5634.
Patterson, Dennis C., 511–46–4706.
Payne, Milton O., Jr., 256–70–7501.
Perkins, B. R. Jr., 217–42–1004.
Phillips, Roy B., 536–42–0801.
Poch, Keith F., 506–58–4275.
Prairie, Gerald L., Jr., 124–36–5032.
Price, Roger B., 034–32–9111.
Reynolds, Kenneth R., 299–40–3201.
Rhode, Charles G., 501–52–4673.
Rhule, William L., II, 493–48–9969.
Richard, Louis H., Jr., 223–62–0811.
Rising, Stanley A., Jr., 514–44–0309.
Rodriguez, Luis M., 443–48–3845.
Roe, John W., 288–40–2661.
Rogers, Henry D., Jr., 240–74–2413.
Rohlfing, Robert A., 332–36–7894.
Rovira, Joaquin J., 583–09–2793.
Rukstalis, Vincent, 355–34–3357.
Ryan, Timothy C., 551–66–5212.
Ryder, Dennis R., 318–38–6145.
Saatjian, Ronald P., 555–64–1252.
Sabanosh, Alan R., 154–40–8753.
Safrit, David M., 243–68–7294.
Salters, Roger E., 251–56–5010.
Santucci, Edward B., 285–40–5836.
Sargent, Billie E., 503–48–2269.
Schofield, Richard D., 262–72–1663.
Schupper, Thomas F., 397–40–6805.
Scott, Lowell E., 537–38–2252.
Scott, William J., 071–38–6269.
Scully, Dennis J., 143–36–1421.
Sherwood, Michael D., 134–36–7310.
Shockley, Julian R. Jr., 248–72–7774.
Silva Stephen J., 257–72–2132.
Simcox, James D., Jr., 510–46–2577.
Sime, Donald L., 482–62–3338.
Sims, Jack E., 585–18–6080.
Skillings, Richard L., 020–36–9981.
Smeltzer, Glen D., Jr., 513–42–8505.
Smiley, John E., 207–36–8420.
Smith, Donald L., 412–70–0706.
Smith, Jack W., 2256–66–2882.
Smith, Robert E., 425–90–6969.
Smith, Robert L., 531–40–9050.
Snodgrass, Charles G., 235–36–4096.
Southard, Robert Y., 019–34–3931.
Stidsen, Richard W., 019–34–2213.
Stites, Ronald D., 532–44–2095.
St. John, Shelton C., Jr., 552–70–1882.
Stohl, Bruce G., 475–44–0781.
Stolz, Gary J., 514–50–1533.
Stubbs, Steve E., 421–58–2539.
Sullivan, Stephen G., 212–48–3745.
Sundberg, Eric E., 565–62–2956.
Sutton, Joseph E., 141–40–2752.
Sweaney, Edward J., 499–46–3613.
Swift, Michael S., 228–62–3393.
Terkuile, Reino'd W. II, 155–34–6417.
Theokas, Richard P., 024–38–2254.
Thomas, Michael E., 573–46–9153.
Thornton, John D., 482–52–9053.
Tims, James E., 271–42–0761.
Umpleby, Howard D., 523–56–5436.
Vanrees, Richard P., 030–40–2729.
Wade, Lawrence T. III, 587–48–6233.
Wainscott, Richard H., 554–60–6691.
Ward, James M., 155–34–2233.
Warren, Michael E., 443–44–3981.
White, Norman L., 258–56–9478.
Whitfield, Robert B., 423–56–3688.
Whitney, Mason C., 514–50–9168.
Willett, Gordon H., 367–45–8216.
Williams, Frank M., 260–72–4008.
Wilson, James L., 498–46–0690.
Withey, James A., 459–66–8081.
Wray, Warren K., 511–42–4240.
Young, Terry L., 309–46–8812.

IN THE AIR FORCE

The following cadets, U.S. Air Force Academy, for appointment in the Regular Air Force in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284 and 9353, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force.

Abraham, Robert E., 430–92–1978.
Adams, Kenneth C., 587–22–6366.
Aderhold, David J., 248–86–7893.
Adriance, Bruce E., 066–44–3040.
Albert, John G., 459–98–3181.
Alexander, Kelly D., 508–66–9879.
Allen, Joel M., 454–88–8256.
Allen, Robert H., 237–76–4752.
Allgood, James E., 416–64–9107.
Almeida, James A., 150–44–1674.
Altman, Robert W., 249–86–1866.
Ambrose, Charles E. Jr., 427–94–3911.
Amos, Jimmie D., 530–38–5975.
Andermann, Brian E., 560–70–8615.
Anderson, Cortland J., 506–70–7765.
Anderson, Emmet D. Jr., 556–84–5648.
Anderson, Erik C., 410–92–7334.
Anderson, Gary L., 508–68–6135.
Anderson, Michael E., 471–64–9227.
Anderson, Steven J., 471–62–8856.
Anselm, Richard, 140–40–0439.
Arnett, James M., 552–70–6537.
Ashler, Frederick L., 479–64–2242.
Atwood, Horace D., 587–68–1996.
Avila, Edward R., 458–96–4008.
Avvento, Gennaro J., 111–40–2425.
Awtrey, Clyde A., 250–92–6691.
Bailey, Thomas D., 067–44–8033.
Baillie, Carl C., 544–61–8600.
Baker, Richard A., 264–88–8753.
Balash, Lawrence, 208–40–2240.
Baldwin, Conrad C., Jr., 246–78–1926.
Baldwin, Mark W., 482–66–6994.
Ballard, Mark R., 424–74–6247.
Barcus, David M., 265–92–7018.
Barr, Barry W., 453–92–4433.
Barron, John I., III, 251–78–5527.
Barry, John L., 056–44–7396.



Barton, Harold H., Jr., 256–78–7030.
Bash, Darrell D., 566–78–4515.
Bass, Roy H., Jr., 531–54–1080.
Beal, Byron E., 513–48–8601.
Beally, Timothy N., 374–48–4696.
Beard, Brian B., 186–42–8587.
Beard, John H., 499–56–8181.
Beck, William P., 263–15–1189.
Beckmann, Wilfried N., 572–86–6723.
Bedore, Craig W., 473–62–8017.
Beigh, Roger A., 317–56–9339.
Bendick, Gordon L., 479–66–9783.
Bennett, Bruce G., 496–56–4682.
Berdeaux, Donald H., 267–94–5764.
Berthiaume, Richard A., 263–92–6721.
Betts, Kenneth N., Jr., 184–42–2444.
Beyer, Gregory T., 502–62–1468.
Birch, Dale W., 505–70–8179.
Black, Christopher S., 411–92–2573.
Black, John A., 526–94–0658.
Blanchard, Samuel A., 508–60–4298.
Blanchette, Jeffrey G., 473–62–3295.
Blandin, Robert R., 224–76–3459.
Blase, Thomas L., 360–38–4799.
Blecher, John R., 485–68–1746.
Blohm, Michael R., 218–54–8740.
Blokland, Gary, 015–44–5847.
Boehm, James G., 300–44–9816.
Bolton, Robert M., 488–60–3547.
Bonn, Kenneth, 089–44–7097.
Bottenus, Robert J., 056–46–6070.
Boyce, Dennis E., 122–44–9088.
Boyd, Raymond A., Jr., 224–76–5292.
Boyle, James M., 569–90–4398.
Boyt, Thomas E., 529–68–9236.
Brammeler, Charles L., Jr., 552–72–7721.
Bratten, Gordon L., 541–58–5707.
Brechbuhl, Peter R., 523–72–3548.
Breckenridge, Ronald R., 479–6–2865.
Brennan, Scott W., 494–58–5984.
Brenner, Paul H., 421–62–6885.
Briding, Alan J., 521–68–9731.
Brienzo, Frank L., 479–68–2504.
Bright, Victor A., Jr., 087–42–5127.
Brobeck, Gary L., 414–70–2736.
Broderick, Ralph S., Jr., 578–66–4738.
Bromberek, Clarence S., 329–46–4088.
Brooks, James M., 223–66–1868.
Brown, David M., 458–78–9561.
Brown, Eric F., 019–40–6659.
Brown, Jeffrey H., 465–78–0420.
Brundage, Roy C., 059–44–2524.
Bryant, David E., 412–84–3224.
Buchanan, Richard K., 263–94–3175.
Buckley, James L., III, 427–98–4352.
Bullock, Bernard A., 060–44–1711.
Burger, Robert D., 033–42–5755.
Burke, Stephen F., 032–40–6852.
Burnett, David M., 575–50–6466.
Buse, David L., 488–654–8093.
Butler, Ernest E., Jr., 577–70–4602.
Butler, Thomas, 057–44–5630.
Callard, James R., 362–54–3923.
Callaway, Bernard B., 587–22–7389.
Calomino, Allan, 215–60–1488.
Cardenas, Richard L., 510–56–6416.
Carlson, Joel A., 373–54–3518.
Carolan, Robert J., 565–84–0786,
Carpenter, William D., 008–42–2390.
Carr, John F., 393–56–8377.
Casey, James M., 343–44–0879.
Catlin, Benjamin S., IV, 463–90–1880.
Chalifoux, Michael, 545–88–8856.
Chambers, Maydn G., 562–86–4076.
Chapman, Gregory S., 464–84–5466.
Charfauros, Kenneth H., 559–90–7382.
Cheeseman, Gary R., 034–34–7305.
Cherry, Phillip S., 415–84–8000.
Childers, Frank W,, 429–92–4420.
Childress, Charlie, Jr., 410–88–6784.
Christal, Johnny M., 574–22–5968.
Christensen, John L., 543–64–0022.
Chun, Mark C., 576–58–3228.
Cira, Anthony T., 496–54–6334.
Clark, Bryan R., 358–46–6201.
Clark, Dennis R., 421–72–2905.
Clatterbaugh, Charles C., 226–78–3327.
Cleary, Michael S., 558–92–5832.
Cleland, David I., Jr., 284–48–9092.
Cleveland, Craig D., 541–54–9268.
Clovicko, Cary, 527–02–1860.
Coffman, Mark R., 587–42–2971.
Cohn, William F., 466–62–6393.
Coker, Luke A., 430–04–5720.
Collins, John R., 021–42–9920.
Collins, Richard B., 573–82–9732.
Combs, Kenneth A., 092–42–9188.
Comer, Richard L., 245–76–4255.
Comtois, Norman F., 008–40–5841.
Connelly, Daniel P., 566–82–4828.
Cook, Gerald L., 337–46–3977.
Cooper, Paul T., Jr., 231–62–4313.
Cooper, Robert L., Jr., 522–64–0319.
Cooper, Timothy W., 262–15–7924.
Corley, John D., 454–90–9553.
Cornell, Charles O., 512–58–2665.
Correll, Eugene A., 529–70–1109.
Cost, Thomas M., 155–38–2857.
Cotten, John P., 585–16–5685.
Cottrell, Daniel E., 537–54–9536.
Crandley, John F., Jr., 046–44–8773.
Crank, Chester T., 509–58–5600.
Cristiani, Steven J., 522–80–8738.
Crites, Carl B., 464–94–7268.
Crockford, William W., 258–86–3552.
Cropper, James W., 312–56–0651.
Cross, Christopher A., 121–44–9135.
Cruice, Edward J., III, 559–82–6368.
Cuadros, Ricardo G., 583–38–3915.
Culbertson, William C., 264–88–5210.
Cummins, Gregory W., 220–58–2835.
Cunningham, Breck A., 192–42–9121.
Cunningham, William F., Jr., 215–52–5890.
Cuomo, Gennaro, 125–36–0150.
Cutter, Michael J., 486–56–5481.
Dahmer, Forrest K., 397–56–7950.
Dalrymple, Stephen H., 393–52–2543.
Danielson, Dennis L., 208–42–8840.
Dannels, Barton L., 521–70–9195.
Davenport, Michael J., 018–42–5707.
Davis, Edward M., 480–86–6122.
Dean, Jimmie E., 212–58–5710.
Deason, John M., 467–86–1568.
Debruin, Philip C., 392–52–2934.
Decker, Robert L., 516–66–3955.
Delong, Hugh K., III, 120–44–2631.
Dempsey, John R., 041–46–2004.
Dendinger, Michael E., 222–36–4587.
Derosa, Anthony, 131–42–3584.
Derry, Christopher J., 286–44–7820.
Dick, Douglas R., 547–80–2680.
Diehl, Steven L., 212–54–8706.
Diffley, William J., 548–88–7851.
Dodge, Larry C., 396–52–2686.
Dofelmier, Carl T., 540–62–1039.
Dorris, George W., 519–58–7724.
Drake, Eddy P., 483–66–0613.
Dretar, Stephen P., 386–54–8308.
Droppo, Gerald W., 472–56–5670.
Drury, William J., 563–76–7894.
Duerson, Stuart T., 389–56–0664.
Dulin, Patrick J., 079–40–5150.
Dunbar, Robert J., 516–56–1085.
Dunlap, Alden L., Jr., 007–52–2841.
Dunn, Arthur L., Jr., 285–48–7268.
Dutelle, Gary A., 364–54–5191.
Eames, Robert A., 572–88–3617.
Edwards, Howard M., 507–68–5648.
Eilers, Richard L., 489–52–4516.
Eisenhart, John A., 569–78–4234.
Eller, Jonathan R., 226–76–0760.
Elliott, Howard C., 560–86–5763.
Ellis, David T., 171–40–6217.
Ellis, Frank T., Jr. 552–86–4942.
Ely, Richard O., II, 231–64–0245.
Englebretson, Mark S., 554–82–9951.
Enright, Randall M., 453–98–0353.
Ergonis, Resty J., 547–88–1863.
Essig, David L., 280–52–2883.
Evans, Paul G., 492–50–2049.
Evans, Steven A., 087–42–6545.
Ewert, Lanny L., 470–50–9075.
Faber, Larry E., 217–56–9559.
Faris, Ronald J., 546–92–5847.
Farr, Charles M., 516–62–8302.
Farrell, Michial G., 532–52–2938.
Faye, Philip A., 564–90–2859.
Fazio, Richard P., 268–90–0405.
Felton, Charles E., 563–70–7684.
Fenton, Stephen T., 238–48–4816.
Ferris, Mark E., 187–36–0374.
Fickes, Richard J., 302–52–3807.
Flavin, John R., 491–56–4403.
Floyd, David W., 401–64–9282.
Flynn, Charles C., 465–92–7216.
Flynn, James H., 175–40–1803.
Foerster, Carl A., 135–42–7501.
Forbes, Michael R., 514–52–7787.
Foreman, John T., 086–44–4030.
Forrester, Joe D., 538–54–7079.
Fotinakes, Randall D., 570–86–1705.
Fox, William E., 412–78–3925.
Frank, William D., 332–42–3122.
Fraser, Robert S., 461–78–5041.
Frazier, Edwin B., Jr., 416–64–6689.
Freund, Paul G., 390–50–3597.
Fritz, Marc A., 372–50–8080.
Frodsham, Gene M., 567–76–9293.
Frohlich, Robert A., 572–88–7769.
Fulk, David L., 457–84–4165.
Gade, Dale R., 472–58–9680.
Galvin, Timothy J., 438–86–3369.
Gambardella, Frank V., 124–42–9149.
Gammon, Hugh H. Jr., 257–84–2983
Garlington, Alan R., 057–46–9297.
Garrard, John M., 241–72–9677.
Garrity, Kevin S., 398–50–9842.
Gast, Stephen R., 316–58–0412.
Gaylor, Don K., 505–66–3679.
Gee, Gary F., 390–58–0405.
Geers, Terry D., 380–54–0379.
Geesaman, Dennis E., 171–38–6156.
Gempler, Gregory J., 515–54–1750.
Gesch, Wolfgang E., 397–52–5024.
Gessert, David P., 380–48–6431.
Gilbert, Robert L., 279–44–9416.
Gilbert, Russell L., 275–46–7374.
Gillig, Grant W., 281–50–2607.
Gillin, William T., 517–56–4225.
Gilmer, Lee R., 500–56–3334.
Gimborys, Peter F., 261–90–5726.
Glavan, John R., 174–40–3043.
Glitz, Robert J., 331–46–4152.
Gober, Marc T., 587–60–9456.
Goetz, William T., 390–58–9956.
Golson, Bruce W., 566–88–9483.
Gonyea, Gregory T., 370–56–4315.
Gore, Monnie L. Jr., 520–60–0596.
Graf, Gerald R., 577–70–8528.
Graybeal, Terry A., 532–54–1059.
Grayson, Alan R., 051–38–4077.
Grayson, Thomas G., 528–64–5854.
Greathouse, Larry L., 355–40–0506.
Greer, David W., 043–42–2551.
Grier, Samuel L., Jr., 225–78–2968.
Griffith, Michael D., 369–52–3420.
Gross, Donald W., 022–42–1241.
Gulasey, Steven J., 181–36–9713.
Gutierrez, Sidney M., 585–36–1799.
Guttman, Paul M., 419–66–8101.
Haddock, Barry W., 510–54–4062.
Haegele, Edward S., 401–78–9042.
Halfast, Richard D., 306–60–9277.
Haman, Robert M., 450–96–0731.
Hamilton, Thomas L., 502–58–3182.
Hammond, Lloyd B., Jr., 497–54–9948.
Handlin, Daniel W., Jr., 351–44–5814.
Hannan, David T., 119–38–2991.
Hansel, Steven E., 214–58–7529.
Hansen, Steven L., 391–50–1773.
Hansen, Timothy J., 471–62–9335.
Hanson, David T., 410–78–2354.
Harbeck, William L., 399–52–0608.
Harman, Steven A., 534–54–5337.
Harmon, David M., 478–68–3986.
Harmon, Michael P., 289–50–8743.
Harper, Mark C., 548–88–5660.
Harr, John A., 408–80–8538.
Harris, James J., Jr., 444–52–8101.
Harris, William M., 031–42–0750.
Harrison, Charles R., 223–80–3047.
Harrison, Herbert A., 067–44–6261.
Hart, Roy A., 356–42–7711.
Hartman, Robert D., 134–40–8543.
Harveson, Walter P., 451–88–0065.
Haugh, Dennis E., 291–52–0264.
Hawkins, Edwin P., Jr., 555–70–3025.
Hawkins, Robert A., 523–76–8969.
Hay, Michael R., 391–50–0572.
Hayes, Richard A., 213–58–5550.
Hayes, Timothy W., 399–48–1110.
Haylett, Dean H., 389–56–2252.
Haylock, Robert P., II, 098–42–7677.

XUM

Head, Michael J., 552–84–5319.
Healy, Roger F., 513–58–1732.
Hearnsberger, Eric, 454–92–4576.
Heater, Henry E., 352–58–0523.
Heely, William E., 225–74–8176.
Hegner, John W., 234–94–5996.
Heironimus, James D., Jr., 278–46–2385.
Helsey, Edward A., 287–50–8082.
Henehan, Michael S., 475–64–9319.
Henningsen, Gerry M., 482–66–3920.
Henry, Kenneth L., 145–42–8642.
Hessney, John S., 081–40–7186.
Hill, Martin V. II, 546–80–3635.
Hill, Richard J., 468–60–3257.
Hinds, Ralph W. III, 394–54–6734.
Hinkle, John C., 575–62–7851.
Hirschi, Bradford B., 567–86–7468.
Hitzeman, Keith A., 296–40–0356.
Hodges, Rudnaldo, 466–90–5799.
Holt, Steven L., 523–68–4273.
Holum, Wayne K., 470–60–1684.
Homburg, Robert C., 388–56–6911.
Hooten, Robert L., 316–52–8031.
Hoover, Alan D., 315–56–7158.
Horton, Robert P., 501–60–2525.
Hoskins, Ronald D., 514–54–4079.
Hough, Luther W. III, 440–50–4827.
Houk, Richard W., 408–88–1713.
Hower, Daryl L., 353–44–0322.
Howey, Allan W., 366–56–9174.
Hub, Michael G., 129–40–4872.
Huber, Herbert E., 292–44–4448.
Hubert, Michael J., 452–92–8335.
Hudson, John L., 437–72–5860.
Huelskamp, David G., 213–48–6920.
Hulsey, Douglas M., Jr., 429–02–1822.
Iagulli, James V., 024–40–5628.
Ideen, Dana R., 520–56–8942.
Iversen, Ronald J., 521–82–0287.
Jabour, William J., 115–40–2791.
Jaco, Chris K., 568–80–6164.
Jaczinski, John S. III, 042–48–8780.
Jarman, Leonard L., 360–42–8140.
Jensen, David W., 521–80–9588.
Johnson, Henry E., 523–72–5492.
Johnson, Noel G., 537–52–4835.
Johnson, Ronald G., 509–56–1957.
Johnston, Bruce B., 290–48–4889.
Johnston, Glen A., 365–50–6100.
Johnston, Rick A., 383–50–3828.
Jones, Brian W., 467–86–8351.
Jones, Richard L., 223–72–4698.
Jordan, Patric, 156–42–8355.
Kahoe, Joseph J., 220–54–8050.
Kalkman, James R., Jr., 298–40–7269.
Kammire, Frederick A., 115–42–1691.
Karnezis, Ivan J., 579–62–6459.
Karvosky, Richard J., 040–48–1698.
Kaufman, Michael D., 513–56–0286.
Kearns, Wade J., 248–90–8422.
Keesee, John E., 509–52–6919.
Kehias, George A., 323–38–9994.
Kehoe, Peter L., 086–42–7821.
Keirnes, Duncan C., 522–74–8561.
Kennedy, Thomas M., 225–78–0403.
Kimberling, Michael C., 550–86–3200.
Kinback, Alan C., 422–74–8237.
Kinder, Dean A., 503–56–9989.
Kintzing, Edward T., 181–42–4189.
Kirchner, Keith A., 255–82–7274.
Klotz, Frank G., 214–58–6089.
Knarr, Robert C., 169–36–8422.
Kniffen, Stephen B., 455–90–6309.
Knight, Jeffrey B., 381–52–0263.
Knowles, Frederick S., Jr., 226–76–6798.
Knox, Kirby E., 264–92–9424.
Koehn, Kimet J., 388–54–7309.
Koerner, Michael J., 192–42–6211.
Kohler, Jeffrey B., 255–84–6994.
Koncel, Anthony W., 351–44–1140.
Koser, Michael C., 186–42–7689.
Kowalski, Bogdan R., 144–44–9148.
Krafft, Gregory W., 561–70–7808.
Kroessig, Thomas A., 157–40–8198.
Kuconis, John E., 029–40–3542.
Kuprel, Stephen A., 157–42–7202.
Kuyk, Charles F., 040–48–9938.
Lady, Craig E., 168–36–8964.
Lake, Calvin K., 281–44–4218.
Lakin, Terrence D., 002–36–9990.
Laney, Michael H., 268–44–5541.
Larned, Thomas H., 536–50–2631.
Lattner, John W., 481–70–7201.
Lauderdale, Earle C., 253–80–9227.
Lauritzen, William G., 342–44–3500.
Lauten, John J., 549–82–3292.
Lavigne, Todd V., 118–42–1121.
Lease, Boyd B., 504–62–2753.
Leeman, Richard C., 486–56–7843.
Legg, Otto, P., III., 214–58–3003.
Lemons James L., 466–72–4413.
Lenz, Eric H., 551–86–3450.
Lesser, John D. II, 170–40–1926.
Lewis, Gerald E., 346–42–1346.
Lilly, Kirk, 239–84–2392.
Lineberger, Vance E., 154–42–5512.
Linnell, Robert S., Jr., 448–52–3477.
Long, Timothy L., 343–46–2898.
Loper, Clifford M., 153–44–9376.
Lorenz, Stephen R., 080–38–2664.
Love, Francis E., 045–44–3716.
Luther, Howard T., 410–76–7492.
Lutz, David W., 503–62–2841.
MacDonald, William C., 291–50–9208.
Machovina, George S., 278–44–8801.
MacPherson, Craig K., 022–42–7976.
Magnusson, Kent E., 479–64–4292.
Mahood, Harvey A., 533–56–8042.
Malberg, Eugene A., 523–70–8907.
Manley, Gerald B., 011–42–5907.
Manley, Paul R., 151–44–2783.
Mann, John C., 415–90–0081.
Manning, David H., 572–88–5487.
Manson, Robert A., 104–40–8732.
Maple, Dennis E., 508–60–6014.
Maravilla, Ernest, 524–64–2715.
Maricle, Wayne S., 267–92–1814.
Marinella, Stephen J., 546–86–2056.
Marozick, Philip J., 548–70–9366.
Marple, Robert K., IV, 198–42–8238.
Marsh, Robert L., Jr., 516–66–9595.
Massey, John P., 585–46–6614.
Mateos, James, Jr., 266–08–7121.
Matthews, Randy J., 527–80–3700.
Matustik, Raymond E., Jr., 465–88–9265.
Maurer, Alfred C., 389–48–5736.
Mayberry, Thomas L., 441–54–4945.
Mayer, Michael H., 536–54–4075.
Mayhew, Mark E., 180–38–0891.
Mazurowski, Paul R., 355–46–4168.
Mazza, Dominic L., 169–42–8188.
McAllister, Timothy J., 213–48–1093.
McCalmont, Jack D., 513–50–4758.
McCauley, Stephens P., 226–78–2115.
McClain, William D., 304–52–8657.
McClellan, Mark D., 435–74–8195.
McCoy, Steven D., 572–76–7472.
McCullar, Kelly L., 462–90–2126.
McDavid, Stephen T., 293–50–7244.
McDevitt, John A., 172–44–0811.
McGrath, Michael D., 125–40–7621.
McHugh, Kevin E., 553–86–8821.
McKenna, Kenneth E., 125–42–6833.
McKenzie, William A., 660–82–3694.
McKinnis, William C., Jr., 180–40–2271.
McLaughlin, Scott W., 016–42–0072.
McMillan, Charles T., II, 568–86–0742.
McMillan, Donald L., 516–62–8737.
McMurray, John E., Jr., 249–82–5408.
McNeil, Frederick L., 293–50–6258.
McNellis, Kevin M., 494–50–1165.
Meachem, J. F., 265–11–7913.
Meints, Jeffrey S., 531–54–6096.
Meister, Donald J., 390–50–1150.
Merideth, Denny J., III, 486–52–3096.
Meyer, Bruce W., 501–60–3930.
Meyer, Charles, A., Jr., 541–60–7935.
Meyers, Robert H., 470–62–7460.
Michael, Geoffrey P., 002–38–3140.
Miller, Douglas J., 532–58–2214.
Miller, Louis K., 513–54–9819.
Miller, Milton J., 291–46–7411.
Miller, William H., 387–54–4334.
Miller, William T., 486–58–8335.
Mills, Scott E., 148–44–6591.
Minto, David W., 454–92–8083.
Mitchell, Charles H., 329–46–0935.
Mitchell, David L., 536–54–5511.
Mitchell, Howard J., 372–56–0859.
Mitchell, Joseph R., Jr., 123–40–7191.
Mitchell, Orderia F., 308–56–2771.
Mitchell, Robert V., 305–58–5835.
Mize, Robert W., 249–92–5260.
Moran, Ronald L., 511–54–4245.
Morrison, Donald L., 446–54–0675.
Morrow, Greyson B., 469–54–3945.
Morse, Neil J., 544–60–7396.
Moses, Glenn E., 303–58–2332.
Mosier, Michael L., 337–46–2311.
Motley, Paul B., 443–54–3930.
Moudry, James A., 475–62–0729.
Muckley, David A., 494–58–8840.
Mullins, David W., 408–84–3881.
Mullvain, Steven L., 474–54–9871.
Munhall, Douglas S., 541–56–1949.
Munson, Robert A., 228–74–9204.
Murphy, Alan R., 113–38–7640.
Muse, John R., 453–76–2425.
Nacke, Alan T., 539–52–5388.
Naigle, William J., 534–48–7761.
Naumann, William W., III, 213–58–4980.
Neal, Robert L., 554–70–2743.
Nearing, Wayne T., 259–82–1754.
Nehring, Kevin J., 374–54–0719.
Neifert, Marc J., 362–54–4852.
Nelson, Sherman D., 585–44–5934.
Nenortas, Viktor E., 478–64–5944.
Nicholas, Christopher J., 567–70–9804.
Nichols, Gary T., 005–52–6296.
Nickerson, Eric J., 543–58–1008.
Nishimuta, Michael P., 447–54–5026.
Niskala, Gary C., 471–58–3181.
Noble, Bart E., 455–94–4600.
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Nolen, Lawrence D., 432–92–1382.
Noss, John F., 223–74–7030.
Noto, Vincent, C., Jr., 067–44–6978.
Ochmanek, David A., 147–44–9821.
Oconner, Gerald T., 548–72–6694.
Oconnor, John J., II, 376–54–6505
Odell, Randall A., 383–54–5047.
Odell, Wayne E., 215–52–0648.
Ogilvie, Eugene S., 565–84–0814.
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Oliger, Leland D., 432–94–6561.
Olin, Jerome C., 389–56–5159.
Ollis, Robert B., 242–78–3412.
Olson, Phillip J., 395–54–0069.
Orcutt, William D., 415–86–2586.
Osborn, Billy K., 571–72–2673.
Osborne, Stanley R., 524–68–3877.
Ottinger, Donald M., Jr., 317–50–8351.
Ottofy, Glyn M., 493–54–6307.
Pace, John M., 397–52–2672.
Paladini, Steven M., 559–74–7002.
Paling, Robert F., 015–38–8644.
Pallas, Nicholas T., 574–22–6986.
Parisi, Vincent M., II, 076–40–3083.
Park, John T., 053–44–3947.
Parker, James, P., 332–46–6050.
Parker, Scott D., 523–76–2557.
Parry, Edward L., 462–78–2364.
Pastiak, Robert, 337–40–1332.
Patchin, John C., 225–76–8688.
Patterson, William W., 559–74–0828.
Patton, Michael C., 529–76–9870
Payne, John H., 342–24–5105.
Pedden, Raymond A., 317–48–2231.
Peffer, Frank E., 565–78–6143.
Peluso, Joseph, 093–42–6709.
Pemberton, John C., 585–28–5124.
Pence, Roy, Jr., 245–90–8811.
Penix, Arnold R., 301–48–7218.
Penta, Peter J., Jr., 086–42–0035.
Peragallo, James L., 044–46–3350.
Perona, Andrew D., 552–84–5827.
Petersen, John J., 564–76–5299.
Peterson, Quentin L., 508–68–7151.
Petro, John, 204–40–8227.
Pettit, Donald D., 249–80–9133.
Phillips, Albert L., Jr., 579–62–8367.
Pierre, Daniel J., 394–48–3746.
Pilcher, John W., Jr., 512–54–3243.
Pitcovich, Paul A., 276–46–1673.
Polkabla, Lawrence J., 270–48–7980.
Popper, Stephen E., 545–80–0273.
Poquette, Daniel C., 398–54–5239.
Powell, Terrell J., 264–15–3154.
Powers, Kevin W. 225–74–5599.
Powers, Victor C., 116–36–7296.
Preble, Edwin G., Jr., 007–52–7342.
Prechter, Gary C., 259–72–3883.
Pretz, John M., 513–58–5489.



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Price, Ronald C., 447–488–8119.
Price, William L., 531–54–3753.
Prill, Mark E., 533–54–6742.
Pulham, Charles E., Jr., 461–90–5065.
Purcey, Gordon K., 372–52–3931.
Putz, Randall, 434–92–6561.
Quackenbush, David J., 151–42–9927.
Quick, Martin A., 134–42–2415.
Quinnell, Charles W., 230–76–5409.
Rabins, John M., 571–72–4584.
Radcliffe, Johann, 219–60–7753.
Radov, Larry G., 571–82–0921.
Rake, William F., 500–54–9678.
Ralph, Richard A., 316–50–8442.
Ralston, Mark D., 284–44–3469.
Ramm, Donald E., 562–86–309.
Rampulla, George M., 172–38–8797.
Randolph, Lynn D., 585–43–3066.
Ranft, Andrew J., 489–56–2467.
Rasmussen, Neil J., 057–44–0622.
Ream, Thomas J., 236–76–8284.
Reed, Stalker E., Jr., 526–90–3402.
Regni, John F., 003–40–3567.
Reinecke, Gregg H., 355–40–3586.
Renko, Gregory J., 471–54–9679.
Rensel, Dennis J., 277–46–8483.
Richardson, Donald L., 578–68–6403.
Richardson, Douglas J., 345–46–2865.
Richter, Douglas W., 452–98–3976.
Ricker, David K., 521–68–6421.
Ricks, Edward J., 494–54–6259.
Rider, Richard K., 526–96–7327.
Rietsema, Kees W., 049–44–1502.
Rightmyer, Donald W., 405–66–1087.
Ritchhart, Kenneth M., 306–56–3335.
Ritter, William F., 527–52–2850.
Robbins, Richard V., 025–42–7851.
Roberson, William C., 538–52–4453.
Roberts, David E., 152–44–7606.
Rogacki, John R., 149–44–4650.
Rollinger, Michael J., 397–46–9589.
Rolsen, John F., 302–46–3242.
Romain, Mark G., 513–58–7456.
Romcevich, Daniel M., 352–44–5026.
Roodhouse, David A., 379–48–4305.
Rooney, Patrick J., 483–64–8359.
Rosenberg, William E., 392–56–7862.
Roskey, John E., 565–86–9340.
Rosser, John P., 578–68–8327.
Rossetti, Stephen, 097–44–5477.
Rotach, Alan M., 065–42–6985.
Rothwell, William J. Jr., 541–58–9042.
Russell, James E., 451–90–3534.
Russell, James H., 567–86–4081.
Sage, Randall L., 269–52–5958.
Salmonson, Anthony C., 065–42–2094.
Samelson, Kirk S., 338–38–5111.
Sanchez, Francisco P., 583–32–4066.
Sandberg, Stuart A., 312–54–5330.
Sanders, Richard D., 576–58–8339.
Saunders, Thomas H. Jr., 247–96–6942.
Savell, Stephen M., 435–82–7732.
Schaller, Richard, 148–46–3774.
Schanberger, Richard D., 524–78–3388.
Scheinost, Barry J., 505–68–0664.
Schenk, David A., 351–40–6453.
Schiefer, Michael A., 585–54–4449.
Schineller, Robert E., 090–42–3956.
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Schlabs, Michael W., 508–66–6934.
Schmitt, Thomas W., 379–56–6920.
Schroeder, Gordon D., 559–70–7738.
Schrupp, David M., 517–56–3864.
Schuessler, Thomas L., 359–46–5048.
Schwartz, Kenneth L., 388–56–1713.
Schwartz, Norton A., 136–44–7542.
Scott, Ronald J. Jr., 329–46–4405.
Scully, James E., 546–68–4489.
Searles, Dewitt R., III, 214–58–5492.
Sebald, Christopher L., 214–56–5154.
Seder, Kenneth E., 154–38–7361.
Sensiba Greg S., 454–88–7741.
Shaffer, Patrick, 527–02–0044.
Shagets, Frank W., 496–54–4159.
Shamrell, Richard T., 544–62–2153.
Shanahan, David P., 314–54–7907.
Sheldon, Steven H., 006–46–4821.
Sheppard, Patrick L., 212–56–4873.
Shurtleff, Richard W., 528–80–5389.
Silver, James W., 456–92–1552.
Simpson, Scott L., 522–62–9101.
Singleton, Victor H., 229–72–2454.
Sisco, William M., 485–62–5513.
Sisson, Timothy L., 527–94–0108.
Skalko, David J., 471–64–1299.
Slawter, Bruce D., 567–82–1552.
Sloan, Donald W., 407–62–4487.
Smallman, Alan R., 012–42–0239.
Smith, Charles E., III, 219–58–0989.
Smith, David S., 518–62–3621.
Smith, Drew G., 223–74–9250.
Smith, James M., 536–54–2441.
Smith, Michael L., 513–48–6135.
Smith, Michael W., 287–52–7957.
Smith, Michael P., 159–44–5656.
Smith, Milton L., III, 136–42–1696.
Smith, Robert H., 247–94–5174.
Smith, Roger E., 452–92–0216.
Smith, Roy P., 224–66–0452.
Smith, Thomas R., 533–52–9078.
Smith, Warren L., 565–86–9766.
Soda, Kenneth J., 320–46–9808.
Soligan, James N., 016–44–8751.
Solis, Onesimo, Jr., 458–96–0091.
Sortland, Gary L., 501–60–6126.
Sovey, Joseph B., 297–50–2815.
Spehar, Michael L., 289–46–6574.
Sponaugle, Troy J., 506–66–7902.
Sporte, Thomas P., 383–50–2326.
Stallworth, Charles E., 563–84–8984.
Stampley, Michael C., 464–94–6803.
Stanberry, Wayne P., 222–32–2575.
Stangl, David P., 468–60–9751.
Stanley, Kenneth C., Jr., 257–86–0186.
Stanton, Billy J., Jr., 466–84–4947.
Stayton, Rowe P., 462–88–8406.
Stefonik, John R., 392–46–7139.
Stein, Grover N., 182–42–9487.
Stewart, Bruce F., 010–38–5282.
Stewart, Charles D., 464–84–6126.
Stewart, Clay A., 528–76–8785.
Stewart, Donald B., 585–48–0686.
Stilson, Devin T., 040–42–1954.
Stilwell, Neil C., 317–48–0639.
Stilwell, Thomas H., 452–94–3138.
Stine, Walter S., 287–44–8958.
Stollings, Michael N., 268–48–2510.
Stone, Laurence F., 560–86–4892.
Stonehouse, David J., 107–44–9666.
Strain, Glenn C., 417–72–2462.
Straiton, Thomas R., 474–64–7595.
Stratton, Robert A., 539–52–4685.
Strauss, Douglas J., 573–84–2868.
Strawa, Anthony W., 338–44–3823.
Streib, Allan B., 564–76–6511.
Stuckley, Mark H., 188–36–5210.
Stucky, Paul R., 265–90–7176.
Sullenberger, Chesley B., 464–88–6859.
Summers, Robert P., 205–38–8833.
Sutula, Donald G., 345–44–5501.
Swan, William S., 523–78–4025.
Swertfager, Thomas A., 545–72–7646.
Swider, Raymond J., Jr., 335–44–3550.
Taft, Robert E., 277–72–5335.
Taravella, Christopher A., 524–62–5269.
Taylor, Ewing R., III, 521–64–3833.
Taylor, Paul W., 535–54–0794.
Theken, Terry W., 298–48–4469.
Thiel, William R., 369–50–4785.
Thomas, David L., 478–68–3196.
Thomas, Ronald L., 559–88–4920.
Thompson, James M., 566–82–4133.
Thompson, John A., Jr., 521–74–2911.
Thompson, William L., 247–90–4695.
Thorn, William F., 468–84–7682.
Thuotte, Victor E., Jr., 005–52–9915.
Ticknor, Robert W., 270–42–9141.
Tillman, Michael S., 386–56–5725.
Torrey, Samuel R., 526–78–1019.
Tota, Samuel G., 198–38–4549.
Tramontana, Michael W., 264–94–9257.
Tremonte, Michael F., 394–50–0156.
Triplett, Gary M., 404–74–0588.
Troncoso, Michael E., 494–54–0440.
Truax, Michael J., 264–90–8019.
Tucker, Chris L., 430–98–0654.
Turner, Michael R., 136–44–7874.
Ulmer, Richard M., 093–38–9437.
Underwood, Peter K., 148–40–9345.
Vancoevering, John B., 367–56–0138.
Vandam, Richard A., 585–40–6777.
Vandrie, Gary L., 527–70–8067.
Vanells, Marc, 387–56–0013.
Vanheeswyk, Leslie R., 482–66–2405.
Varn, George L., 248–92–4990.
Veatch, Raymond J., 522–72–0124.
Vechik, Gary L., 227–70–9537.
Veenstra, Randall A., 141–46–4240.
Veidman, Francis E., II, 374–48–5198.
Vinnedge, William C., 046–38–3149.
Vitelli, James, 075–40–6581.
Vogel, Eric M., 046–44–2606.
Vogler, James B., III, 505–66–4413.
Voigt, Robert E., 366–56–8329.
Volkman, Kenneth A., 392–46–0369.
Volodzko, Konstantin, 148–46–6127.
Wachs, Calvin O., 512–54–5990.
Wagaman, Richard S., 164–44–0376.
Wagoner, John H., 281–48–6438.
Walker, Donald L., 236–78–6362.
Walker, Harry C., III, 231–70–2886.
Walker, Joseph P., 459–88–8212.
Walker, Keith A., 507–66–8143.
Walker, Michael A., 262–96–0491.
Wallace, Raymond E., 334–44–6341.
Wallace, Richard B., 400–76–6494.
Waller, Steven D., 350–46–8020.
Wassenar, Kenneth D., 020–44–5071.
Watt, Vance L., 414–90–2306.
Wauchop, Johnnie H., 214–56–7738.
Way, Spencer, Jr., 257–90–0615.
Welcome, Gerald F., 013–40–1029.
Welteroth, James R., 198–42–3355.
Wenger, Michael S., 282–42–7812.
West, Paul R., Jr., 233–84–9993.
Westbrook, Landon L., 442–54–8371.
Western, James R., Jr., 409–82–5961.
Wetekam, Donald J., 321–42–0322.
Wetzel, Michael R., 354–46–0678.
Whitaker, Johnny, 224–72–6500.
Whitt, Earl E., Jr., 553–78–3683.
Wickers, Rodney W., 549–82–0294.
Wigington, John T., III, 252–86–6044.
Wigle, Gary B., 539–54–8417.
Wilcox, Donald A., 476–62–0394.
Wilken, Michael J., 506–60–6045.
Williams, Larry T., 246–82–2646.
Williams, Lester D., 549–76–8600.
Willis, Henry S., 240–88–5553.
Willis, Stephen B., 361–44–8946.
Wilmert, Terance L., 340–46–7853.
Wilson, Scott, 261–19–7642.
Wilson, William M., Jr., 507–60–9365.
Winburg, Roger S., 097–40–7349.
Winburn, James K., 493–58–4398.
Witkowski, Mark H., 369–56–7604.
Womack, Kenneth W., 496–52–8625.
Wright, Bruce A., 518–68–5759.
Wrisley, Dale E., 180–40–3594.
Wurster, Donald C., 524–80–1815.
Wyatt, William C., 172–38–7099.
Yagher, Ray A., Jr., 442–54–0418.
Yamato, Masaaki, 560–90–1333.
Yaniglos, James, 272–52–3764.
Yavorsky, Philip G., 523–62–9270.
Yestness, Steven R., 520–58–9163.
Youel, Roger H., 507–62–1716.
Young, Bradley C., 400–68–0584.
Young, Christopher R., 263–04–9518.
Young, Karlon K., 575–60–9796.
Young, Michael M., 462–80–8247.
Zachrist, Robert E., Jr., 263–82–2846.
Zeigler, Bloise A., 416–64–7685.
Zimmerman, Lee W., 290–42–1438.
Zwiebel, John M., 475–62–4082.
Zwirko, Edward J., Jr., 148–44–9024.



The following Cadets, U.S. Military Academy, for appointment in the Regular Air Force in the grade of second lieutenant, effective upon their graduation, under the provisions of section 541 and 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Benoit, Mark E., 223–80–2669.
Bjurstrom, Richard G., 325–46–1124.
Bull, Stephen D., III, 019–38–9687.
Critchlow, Carl L., 224–68–2189.
Cromack, Douglas T., 576–54–1005.
Cronin, John M., 223–74–7641.
Currie, Paul T., 239–82–2480.

XUM

Dickinson, Richard H., 022-38-6183.
Hawkins, James A., 373-58-6268.
Hill, Philip W., 574-24-1209.
Jaremko, Joseph E., 194-42-6087.
Kincart, Jack L., 478-58-6799.
Kipple, Peter W., 532-52-5386.
Krahl, Robert J., 585-40-0591.
Lubozynski, Frank T., 261-88-4543.
Marsh, Robert A., Jr., 282-44-1357.
McInerney, Patrick J., 030-42-2334.
McMurtry, Walter P., 266-82-8358.
Moline, William P., 576-52-2858.
Naum, Michael C., 257-82-2593.
Ohagan, Michael, 553-84-2239.
Owens, William S., 249-90-7748.
Pearson, William R., 223-66-1357.
Robinson, John N., III, 362-56-9835.
Shaka, Gregory M., 551-82-3861.
Spielberger, Michael C., 343-40-8168.
Stanton, Michael R., 224-76-8316.
Topping, Gary E., 372-52-0733.
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Young, Carlton E., 538-52-2672.
Zielinski, John J., 505-62-1911.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel:

Dan C. Alexander
Francis Andriliunas
Kermit W. Andrus
Leon N. Angelo
Glen H. Barlow
William D. Bassett, Jr.
Sydney H. Batchelder, Jr.
Harold L. Blanton, Jr.
John R. Braddon
Albert E. Brewster, Jr.
Ernest C. Cheatham, Jr.
Gerald B. Cornwall
John V. Cox
Joseph Deprima
Daniel M. Duffield, Jr.
Ronald P. Dunwell
Hans G. Edebohls
Edward F. Fitzgerald
Paul K. German, Jr.
Richard O. Gillick
Harry T. Hagaman
John B. Harris
Francis J. Heath, Jr.
Maurice Hunter
John W. Irion, Jr.
Frederick S. Johnson
Chester T. Jones
Joseph F. Jones
Raymond H. Kansier
Floyd A. Karker, Jr.
James P. King
Charles R. Kucharski, Jr.
Richard A. Kuci
Ray G. Kummerow
Robert W. Lewis
Ronald J. Lynch
Robert W. McInnis
Don A. Mickle
Robert L. Milbrad
Wendell P. Morgenthaler
James H. Olds
Evan L. Parker, Jr.
James R. Penny
Horacio E. Perea
John Phillips
Gerald H. Polakoff
Wesley H. Rice
William E. Riley, Jr.
Melvin H. Sautter
Joseph Scoppa
Arthur B. Shilan
Don J. Slee
Melvin J. Steinberg
Richard D. Taber, Sr.
John J. Tolnay
Henry R. Vitali
Dallas R. Walker
George M. Wilson

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of colonel:

Alvin W. Bowen.
Billy M. Mitchell.

# HOUSE OF REPRESENTATIVES—*Monday, April 30, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*If any man will come after Me, let him deny himself, and take up his cross and follow Me.*—Matthew 16: 27.

O God, our Father, who hast led us apart from the busy world into the quiet of Thy presence, grant us grace to worship Thee in spirit and in truth that our hearts may be strengthened, our spirits refreshed, and our minds stimulated to think clearly and cleanly.

On this first day of the rest of our lives, we confess that we have done that which we ought not to have done and we have left undone that which we ought to have done. Do Thou have mercy upon us; pardon and deliver us from all our sins; confirm and strengthen us in all goodness that henceforth we may serve Thee and our country in newness of life and with the glory of love.

Bless Thou the leaders and the people of our beloved Republic. So reign in their hearts and so rule them in their endeavors that justice and peace may prevail: to the glory of Thy holy name and the good of all mankind; through Christ our Lord. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## A TIME TO WEEP

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, the announcement today of the resignations of Richard Kleindienst, H. R. Haldeman, John Ehrlichman, and John W. Dean III will stun the country even though anyone following the daily news reports knew these resignations had to come. This is a tragic time for our country and for our Government. It is particularly distressing for a public officeholder because when any government officer betrays his public's trust, the people's confidence in all government officials is diminished.

Unfortunately, the public at large holds politicians in very low regard and this latest assault on good government by those closest to the President will add to the contempt that so many of our citizens have for those in public office. Indeed, the current joke in the Halls of Congress today relates to the conversation that one member of the remaining White House staff allegedly had with another:

When you see my mother, please don't tell her I'm on the White House staff. She thinks I'm a piano player in a bordello, and I don't want to upset her.

Mr. Speaker, a scandal comparable to the one we are suffering took place in Great Britain; it was known as the Profumo affair. There the government toppled. I really do not know what the President can say tonight which can rehabilitate his administration but I shall listen with great interest. I want to support the President not because he is Richard M. Nixon, but because of the respect I have for the Presidency and for our form of government. I silently weep because unintentionally or otherwise, Richard Nixon has allowed the office of the Presidency to fall to such a low level. This is not a time to gloat. This is a time to weep.

## U.S. COMBAT DEATH IN CAMBODIA

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, it is imperative that Congress take immediate steps to cut off all funding for America's military involvement in Indochina. With the signing of the cease-fire agreement in Paris this January, it was hoped that an end to the U.S. armed presence in the Asian conflict had been reached. Instead, the President soon ordered resumption of massive bombing attacks in Cambodia and Laos without congressional authorization. Moreover, ominous threats have been issued by Secretary of Defense Richardson to the effect that our military forces may be sent back into action in Vietnam in response to the increased fighting between the Thieu government and the Communist forces. To quote Senator WALTER MONDALE of Minnesota, our "light at the end of the tunnel" is turning into a "tunnel at the end of the light."

The U.S. bombing of Cambodia causes untold suffering and devastation for the inhabitants of that distant, war-torn land, and our military involvement causes tragedy right here at home as well.

According to an April 26 Department of Defense bulletin, Air Force Lt. Joseph Gambino, Jr., of the Bronx., a resident of my district, was shot down on April 7 while piloting a small propeller-driven lookout plane in Cambodia. The Defense Department listed him as the first American serviceman killed in Cambodia since the Vietnam cease-fire agreement was signed. His death represents a terrible personal tragedy for his family and a loss to his home community and to the Nation of a bright young life.

Close to 50,000 Americans have been killed thus far in Indochina, Mr. Speaker, another quarter of a million wounded, and hundreds more are still missing in action. The American people have had enough.

If we, the Congress, cut off all funding for American military operations in Cambodia, Laos, and Vietnam, no more lives of brave young Americans will be lost in the trauma of Indochina, and the internecine struggles which rage in those lands will no longer be fueled by American participation.

Along with 65 cosponsors, I have introduced funding cutoff legislation which would terminate all U.S. air, sea, and ground operations in Laos, Cambodia, and Vietnam. For the sake of our Nation, which wants no more part in the bloodshed and destruction of Indochina, we must take this unmistakeable and unambiguous step which would close the curtain on American military participation in the Indochina war and prevent the President from continuing or resuming bombing in Cambodia, Laos, and Vietnam or reintroducing land and naval forces in the conflict.

## FIFTY MILES PER GALLON OF GAS

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, right now 50 miles to the gallon is possible only with motorbikes or very tiny cars. Yet who is to say American technology cannot devise an automobile engine that can get 50 miles to the gallon?

In this time of acute energy crisis when something must be done to check our voracious appetite for gasoline in this country—about 6½ million barrels each day—it is the responsibility of the auto makers to put their heads together and build an engine that will double, triple, and even quadruple today's ridiculously low gasoline mileage. If the industry requires exemption from antitrust restrictions to make a common effort in this direction Congress should provide it, but first the industry itself owes it to the country to get going on this and get going now.

If, indeed there is a national security problem in the huge increases in imports of gasoline and oil from abroad to keep the wheels of industry and vehicular traffic moving in the United States, and there is an acute problem with 365 Soviet submarines in being, the time is coming when one of the restraints likely to be required if not accepted voluntarily, is acknowledgement of the truth that in such circumstances, citizens cannot have a right to insist on operating cars as long as 15 feet, weighing 2 to 3 tons, and consuming two or three times as much fuel as smaller counterparts.

President Nixon has sent a special energy message to the Congress urging the adoption of a "national energy-conservation ethic." To help achieve this important goal the U.S. auto industry can and should take the lead. Elimination of 400-plus horsepower single-car engines, and reduction of oversized cars is bound to come, if not by consumer preference, by a combination of industrial cooperation and, if need be, legislation.



## FOXES IN THE CHICKEN COOP

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, I think everyone has just learned that the Katzenjammer Kids, Hans and Fritz, Ehrlichman and Haldeman, have just resigned along with Kleindienst and John Dean. For these people I have only two words to say, and that is good riddance.

Mr. Speaker, the handwriting appeared on the wall more than 2 years ago. President Nixon had barely completed the first half of his first term, but already the arrogance and incompetence of the 'palace guard" as H. R. Haldeman and John Ehrlichman were then called, earned many enemies for the administration. In an effort to warn the President about the dangerous deficiencies in his staff at the highest level, we published the following article in our newsletter on February 3, 1971:

FOXES IN THE CHICKEN COOP

Presently promenading piously through the plush paneled offices of the White House is a platoon of pompous pinheads. These incredibly incompetent White House staffers have managed in two short years to embarrass the President in almost every facet of his Chief Executive's post. So skilled have they been in their "goof-ups" that the only remaining question is whether they have acted deliberately in their exhibition of stupidity, or have managed to grope their way down the primrose path of pathetic prattling through stark naivete.

As the lengthy litany of blunders continues, it must be possible for word to reach the President somehow that unless he casts out those on his staff who are unable or unwilling to toe the line of responsibility, grave consequences lie ahead.

So completely had they isolated the President—under the guise of protecting him—that the message never seemed to reach him. This pair of power brokers erected an impenetrable wall between the Chief Executive and his constitutional coequals in the legislative branch. Instead of harmony, they bred animosity. Strangely enough, these supposedly polished products of Madison Avenue lacked even the most rudimentary instinct for public relations. Their reckless political blunders alienated virtually everyone on Capitol Hill. They began by inspiring dislike and ended by forfeiting even the minimum of respect due to representatives of the White House.

This administration will never regain the people's trust until this brigade of Brutuses is relieved of responsibility. Honorable men would resign instead of waiting to be fired, but we are not dealing with honorable men. They are so busy trying to salvage what they can of their own skins that they have given no thought to the integrity of the Government or the reputation of the Nation. But if they will not go willingly, they must still go—and there should be no bands playing at their exit. Having fallen from grace, they must fall from favor as well, or they will stain the image of the Presidency itself.

## REACTIONS TO WATERGATE

(Mr. CARTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CARTER. Mr. Speaker, each year almost every U.S. Representative sends out a questionnaire to sense the feeling of his constituents. During the Easter recess I though it necessary to conduct an oral poll concerning the Watergate incident.

One of the first citizens I interviewed was Circuit Judge Pleas Jones, a renowned jurist from Williamsburg, Ky. I asked him what he thought of the Watergate.

He replied:

It reminds me of the time Marie saw what she thought was a helpless kitten lodged in the fork of a tree. She enlisted my assistance in rescuing the beleaguered feline.

I climbed the tree and found that instead of a helpless kitten, it was a wildcat. I never got so tired of one animal in all my life!

I then asked the sage of Shadersburg, Billie Polston of Monroe County, his thoughts on the Watergate Caper.

He told me it reminded him of a sad faced undertaker who had entered a restaurant and had ordered. After the waiter served his soup, he asked the gentleman with the mournful expression if he liked the soup. His reply: "I am sorry I even stirred it."

Then I visited Napoleon B. Perkins of Whitley City, I asked him what he thought about Watergate.

Nip mused:

Watergate, Watergate, that Hoss won't be in the money. It will be Secretariat, my Gallant and Impecunious, one, two, three.

## FLOOD INSURANCE HEARINGS

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the Subcommittee on Housing will hold 3 days of hearings, May 8, 9, and 10, on a number of pending flood insurance bills. The subcommittee will hear testimony on the administration's flood insurance proposal, H.R. 6524, introduced by Chairman PATMAN, myself, and Mr. WIDNALL; H.R. 6903, introduced by my distinguished colleague from Pennsylvania, Mr. FLOOD, to establish a national program of Federal insurance against catastrophic disasters; and H.R. 4920, introduced by my colleague from California, Mr. DANIELSON, to create a Federal Disaster Insurance Corporation.

The recent spring floods on the Missouri and Mississippi Rivers demonstrates again the vital need for flood insurance for all residential and commercial structures. It is an opportune moment for the subcommittee to be hearing testimony on the proposed flood insurance proposals, as well as receiving a report from the Federal Insurance Administration on the operations of the Federal flood insurance program. I would

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hope that the Committee will take prompt action upon the completion of the hearings.

The subcommittee will also be hearing testimony from George Bernstein, the Federal Flood Insurance Administrator and the Administrator for the Office of Interstate Land Sales, on the recent hearings conducted by HUD on a number of problems in the interstate land sales area. I would hope that this report might lead to some additional legislation this year.

The hearings will begin at 10 a.m. in room 2128, Rayburn House Office Building, on May 8, 1973.

## AUTHORIZING SPEAKER TO DECLARE RECESSES TODAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker to declare recesses subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader if this would apply only to the pending legislation that is expected to come over from the other body?

Mr. O'NEILL. The gentleman is correct—the Economic Stabilization Act.

Mr. GROSS. The recess, then, would be for no other purpose?

Mr. O'NEILL. That is correct.

Mr. GROSS. Other than the consideration of that legislation?

Mr. O'NEILL. The gentleman is correct.

Mr. GROSS. And the House will be notified 15 minutes in advance?

Mr. O'NEILL. The gentleman is correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## FIVE PRESIDENTS ON THE PRESIDENCY

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, during the Easter recess when we were in our home districts learning how our people feel about the issues and rejuvenating ourselves to get a fresh perspective on our Government, we were pleased to watch an excellent television program by the Columbia Broadcasting System last Thursday. The program, the "Five Presidents on the Presidency" was truly one of the finest I have ever seen and CBS is to be complimented for such a worthwhile use of its air time.

There is one part of the show that bears repeating at this time, because of its current applicability. President Nixon was seen talking about consulting with the Congress about military operations.

What he said was—

I can assure the American people that this President is going to bend over backwards to consult the Senate and consult the House whenever he feels it can be done without jeopardizing the lives of American men.

Well now, what about this current Cambodian situation?

We have an escalation in the bombing in that country. And we have it going on—full blast—without any consultation with the majority leadership of the House. I have been to the White House and have heard the President speak for hours about trade and the energy crisis.

But never has he mentioned, or, as he put it on television, consulted with, the leadership about this new bombing.

Curiously, he mentioned how he would consult with us if he could do it without jeopardizing the lives of American servicemen. Yet he is the one who is jeopardizing the lives of the airmen who are flying those bombers over Cambodia—and he is still not consulting with us. Perhaps he knows that if he did, I for one, would tell him to stop jeopardizing those lives.

President Nixon's attitude toward Congress in this matter is typical. He has never given us the total information about the war in Vietnam and perhaps he never will.

But one thing is certain. We will continue to call attention to his mistakes as he makes them—you can bet on that.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I would ask the distinguished majority leader what happens if some of our Air Force personnel who are bombing over Cambodia are captured and taken prisoner? Will we not then have a POW problem all over again?

Mr. O'NEILL. I would have to concur with the gentleman from Maryland. But, as I say, Mr. Speaker, we have no knowledge as to how President Nixon would act because the President has not conferred with any Members of the House.

Mr. LONG of Maryland. Mr. Speaker, if the gentleman will yield further, we certainly do not want to be placed in another bind where once again hostages are in the hands of the Communists in Southeast Asia.

Mr. O'NEILL. I thank the gentleman for his comments.

## CALL OF THE HOUSE

Mr. RONCALIO of Wyoming. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 112]

| | | |
|---|---|---|
| Abdnor | Gubser | Passman |
| Armstrong | Hanna | Pepper |
| Ashbrook | Hansen, Wash. | Pickle |
| Badillo | Harsha | Powell, Ohio |
| Blaggi | Hébert | Price, Tex. |
| Blatnik | Heinz | Pritchard |
| Bowen | Helstoski | Railsback |
| Bray | Henderson | Reuss |
| Buchanan | Hollifield | Rhodes |
| Burke, Calif. | Holtzman | Robison, N.Y. |
| Carey, N.Y. | Huber | Rogers |
| Carney, Ohio | Jarman | Rooney, N.Y. |
| Chisholm | Johnson, Calif. | Rooney, Pa. |
| Clark | Johnson, Colo. | Rostenkowski |
| Conyers | Jones, Ala. | Roy |
| Coughlin | Jones, Tenn. | Ruppe |
| Culver | King | Ryan |
| Daniel, | Kluczynski | Sandman |
| Robert W., Jr. | Litton | Selberling |
| Davis, Wis. | Lujan | Sikes |
| Delaney | McCloskey | Sisk |
| Denholm | McCormack | Smith, Iowa |
| Dennis | McKay | Snyder |
| Eckhardt | McSpadden | Staggers |
| Edwards, Calif. | Madden | Steed |
| Erlenborn | Martin, N.C. | Symington |
| Esch | Mathis, Ga. | Talcott |
| Findley | Matsunaga | Teague, Tex. |
| Fish | Michel | Van Deerlin |
| Flowers | Milford | Veysey |
| Foley | Mink | Whalen |
| Ford, | Minshall, Ohio | Whitten |
| Gerald R. | Moakley | Wiggins |
| Giaimo | Moorhead, Pa. | Wilson, Bob |
| Gray | Mosher | Young, Alaska |
| Green, Oreg. | Myers | Young, Ill. |
| Grover | Owens | |

The SPEAKER. On this rollcall 325 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

## IMMEDIATE DISPOSAL OF CERTAIN ABACA AND SISAL CORDAGE FIBER

The Clerk called the bill (H.R. 4682) to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile.

There being no objection, the Clerk read the bill as follows:

H.R. 4682

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), the abaca cordage fiber and sisal cordage fiber which was declared obsolescent by the Office of Emergency Preparedness and with respect to which notice of disposal was published in the Federal Register by the General Services Administration on January 9, 1973, may be disposed of on or after the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMENDING CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964

The Clerk called the bill (S. 1494) to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods.

There being no objection, the Clerk read the Senate bill as follows:

S. 1494

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 236 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note), is amended by (1) striking out "eight hundred" and inserting in lieu thereof "twenty-one hundred", and (2) striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "nor a total of fifteen hundred during the period beginning on July 1, 1974, and ending on June 30, 1979."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

## PERSONAL EXPLANATION

Mr. DULSKI. Mr. Speaker, due to illness, I missed a number of rollcall votes preceding the Easter recess. Although I had leave from the House because of my illness, I would like to be recorded as to my position on the various votes.

Had I been present and voting I would have voted "yea" on rollcalls Nos. 77, 79, 80, 83, 84, 85, 86, 90, 91, 100, 102, 104, 105, 108, and 110.

Had I been present and voting, I would have voted "nay" on rollcalls, Nos. 88, 92, 93, 94, 95, 96, 107, and 111.

## RECESS

The SPEAKER. Pursuant to a previous order of the House, the Chair declares a recess subject to the call of the Chair.

The bells will be rung 15 minutes prior to the reconvening of the House.

Accordingly (at 12 o'clock and 28 minutes p.m.), the House stood in recess subject to the call of the Chair.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 58 minutes p.m.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 398) entitled "An act to extend and amend the Economic Stabilization Act of 1970."

The message also announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 393) entitled "Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. RANDOLPH, Mr. WILLIAMS, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. HATHAWAY, Mr. DOMINICK, Mr. JAVITS, Mr. SCHWEIKER, Mr. BEALL, and Mr. STAFFORD to be the conferees on the part of the Senate.

## CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 393, EXTENDING DATE FOR FILING REPORT BY NATIONAL COMMISSION ON FINANCING OF POSTSECONDARY EDUCATION

Mr. PERKINS submitted the following conference report and statement on the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report:

CONFERENCE REPORT (H. REPT. NO. 93-158)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report, having met, after full and free conference, have been unable to agree.

CARL D. PERKINS,
JAMES G. O'HARA,
ALBERT H. QUIE,
*Managers on the Part of the House.*

CLAIBORNE PELL,
JENNINGS RANDOLPH,
HARRISON WILLIAMS,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
TOM EAGLETON,
WILLIAM D. HATHAWAY,
PETER DOMINICK,
JACOB K. JAVITS,
RICHARD S. SCHWEIKER,
J. GLENN BEALL,
ROBERT T. STAFFORD,
*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report, submit the following joint statement to the House and the Senate in explanation of the accompanying conference report: The report states that the conferees have been unable to agree. This is a technical disagreement occasioned by the House rules. The Senate amendment provides, first, that if the appropriation for fiscal year 1973 for making payments under the Basic Educational Opportunity Grant Program (subpart I of part A, of title IV of the Higher Education Act of 1965, as amended) does not exceed $385,000,000, payments under that program shall not be made on the basis of the entitlement of any student, as defined by the Commissioner of Education, at an institution of higher education prior to July 1, 1973, or any student who is in attendance at such an institution at less than a full-time rate.

The Senate amendment further provides that the joint resolution shall be effective as of May 1, 1973.

Under the House rules, the Senate amendment appears in part to be not germane to the House bill. It is the understanding of the conferees that the Chairman of the House conferees will, at the appropriate time after the presentation of the conference report, move that the House recede from its disagreement and concur in the Senate amendment.

It is the further understanding and intention of the conferees that the resolution, in limiting payments under the Basic Educational Opportunity Grant Program, under the conditions described therein, to initial year students, shall not be interpreted as denying the benefits of any other student assistance program authorized in title IV of the Higher Education Act to any otherwise eligible student, and that such benefits shall be available to all eligible students to the full extent that funds appropriated by the Congress shall permit.

CARL D. PERKINS,
JAMES G. O'HARA,
ALBERT H. QUIE,
*Managers on the Part of the House.*

CLAIBORNE PELL,
JENNINGS RANDOLPH,
HARRISON WILLIAMS,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
TOM EAGLETON,
WILLIAM D. HATHAWAY,
PETER DOMINICK,
JACOB K. JAVITS,
RICHARD SCHWEIKER,
J. GLENN BEALL,
ROBERT T. STAFFORD,
*Managers on the Part of the Senate.*

## CONFERENCE REPORT ON S. 398, TO EXTEND AND AMEND THE ECONOMIC STABILIZATION ACT OF 1970

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

Mr. PATMAN (during the reading). Mr. Speaker, in view of the fact that we all have this report, I ask unanimous consent that it be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BLACKBURN. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Clerk will read the statement.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of April 18, 1973.)

Mr. PATMAN. Mr. Speaker, I yield 30 minutes to the gentleman from New Jersey (Mr. WIDNALL), pending which I yield myself such time as I may consume

Mr. Speaker, the conference version of the Economic Stabilization Act Amendments of 1973 retained all provisions of the legislation adopted in this House last week. As you know, the House adopted provisions which would: First,



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extend the Economic Stabilization Act until April 30, 1974; second, give wage earners an opportunity to be heard before stabilization authorities in cases involving a reduction of negotiated wage increases; and third, harmonizes various wage stabilization regulations to insure that all payments pursuant to qualified fringe benefit plans are treated the same. The conferees did accept a clarifying amendment to this last provision which would result in all employees in all industries subject to controls being treated equally. Otherwise, the conferees accepted the provisions adopted by this House in every other respect.

In addition to the House-passed bill, the conferees accepted the following:

First, an amendment designating the legislation as the "Economic Stabilization Act Amendments of 1973";

Second, authorization of the President to set priorities of use and systematic allocation of petroleum products;

Third, definition of "substandard earnings" to mean $3.50 per hour or less;

Fourth, clarification of the authority vested in the President by the Economic Stabilization Act to insure that it does not authorize or require the President to withhold any funds; and

Fifth, disclosure of justification of certain price increases by companies subject to cost of living reporting requirements. On this last item the House conferees insisted and obtained acceptance of an amendment which would narrow the Senate disclosure provision to insure that under no circumstances would trade secrets, processes, operations, style of work or apparatus of a business enterprise required to report would be subject to this provision.

It should be noted that the Senate bill also contained provisions relating to: First, unemployment; Second, rent controls, and Third, the reporting on food and health insurance prices. These provisions were rejected by the House conferees.

Mr. WIDNALL. Mr. Speaker, at this time I yield myself such time as I may consume.

(Mr. WIDNALL asked and was given permission to revise and extend his remarks.)

Mr. WIDNALL. Mr. Speaker, it is obvious to all who have looked at the conference report on the bill before us that your minority conferees did not sign it. We refrained for two reasons. First, we objected to the acceptance of certain provisions of the Senate-passed bill because they are, in our judgment, objectionable. Second, and perhaps more important, we refused to sign the report because the majority of your conferees did not attempt to carry out the will of the House. On the contrary, they attempted to recapture pet provisos which had been soundly rejected here on the floor April 16.

Mr. Speaker, let me just review briefly the checkered history of this legislation. On January 15, 1973, at the administration's request, and in plenty of time to avoid "expiration excitement," the chairman and I introduced H.R. 2099 providing for a 1-year extension of the Economic Stabilization Act.

For reasons best known to the chairman, hearings were not commenced until March 26. After they started, 20 Members of the majority on the committee cosponsored a new bill—the now notorious H.R. 6168—containing not only the 1-year extension but a proliferation of misconceived mandates known only too well to the Members of this House.

The rule was soundly thrashed by a vote of 147 yeas to 258 nays—which included 76 Democrats—and our original bill was made in order as a substitute. I need not remind the House that it was this simple extension with two minor amendments which was finally passed. By its action on the rule and the decisive rejection of amendments offered on the floor, this House soundly rejected the committee's recommendations.

Mr. Speaker, though it would appear from the numbers that the Senate receded on more points—six to five—than did the House, the fact of the matter is that the interests of the House were not upheld in an honorable way by your conferees. For this reason, we refused to sign the conference report.

Let me now turn to the results of this debacle. There were 11 points of difference between the two bills.

There were nine provisions in the Senate version which were not in the House version. One was of no importance—being only a title and no harm was done by accepting the Senate version. Two others were of minor significance—requiring only reports to Congress on food prices and health insurance prices. Your conferees held fast on these insisting the Senate recede—which it did.

Of the four Senate provisions which were dropped in conference, only two were of any significance. One established as a goal the reduction of unemployment to 4 percent by April 30, 1974, and stated the sense of Congress that the President should pursue policies to achieve it. To have adopted this would have been highly inflationary and directly contrary to our own efforts to stabilize fiscal policy. Reflecting on its own action, the other body voluntarily receded on this. The second was the rent control provision to which I have previously alluded.

Four Senate provisions were accepted by the House conferees. Of those, one related to a mater which had never been considered here, either in committee or on the floor; and three duplicated provisions which had been reported out in H.R. 6168 but died on the floor.

The one not previously considered was a repeal of authority under this act for the President to impound funds.

Those previously rejected included authority for the President to allocate petroleum products, an exemption from wage controls for those earning less than $3.50 an hour, and a section on public disclosure of corporate information. What effect will the acceptance of these provisions have on our efforts to control inflation?

The first will have practically no value. I think we all recognize that we are facing some fuel shortages and have been thankful for the mild winter. Most would probably agree that we need a national policy on fuels and power and I think it is obvious that so long as shortages exist, we will witness some unpleasant upward price pressures.

However, this proviso does not speak to these issues—it merely authorizes rationing—not just to ameliorate shortages but to prevent "anticompetitive effects resulting from shortages." It says not one word about increasing supplies or controlling price. What it does do is give the President authority—very broad authority—to dictate marketing procedures within the fuel industry. This could compound present difficulties but it will not be beneficial in combating inflation. The proposal has no place in this legislation.

A second proviso defines substandard wages as those below $3.50 per hour. The administrators have pointed out that if all wages under this figure are exempted from controls it could be quite inflationary. This would result in the exemption of about 80 percent of workers in the food industries and some 75 percent of all workers.

Existing law and legislative history make it quite clear that Congress is opposed to the use of any authority under this act to restrict the upward mobility of those making substandard wages. This proviso has been prompted by a difference of opinion between Congress and the administrators downtown as to what the proper figure should be. The question is: Should we let our emotions or economic realities govern? If we expect to operate a successful program of price and wage controls, it must be the latter.

The Senate bill contained a section on public disclosure of information which your conferees accepted. This provision was rejected in the Banking and Currency Committee before the bill was reported because it was felt that it required the disclosure of too much cost information of a confidential nature. Many companies advised us that while they did not object to providing full information on a confidential basis to the Cost of Living Council as justification for approvals of price increases, that they felt it was unfair, and perhaps illegal, to make such information available to their competitors both foreign and domestic. In the conference, the Senate accepted an amendment indicating that it would not be required to disclose information which "relates to trade secrets, processes, operations, style of work, or apparatus of the business enterprise." It was our intention that this language would protect against the disclosure of information which would have anticompetitive effects and we hope it will be so construed. We would certainly consider confidential cost information a "trade secret."

The House prevailed on the two points in its bill which were not included in the Senate version. At the time of their adoption, we saw no problems with these amendments but later reflecting calmly on the language, some further interpretation seemed desirable.

The first of these is a requirement that the agency—presumably the Cost of Living Council—not issue any order reducing any wage or salary in effect or proposed to be put into effect without an opportunity for a hearing. The objective of this amendment was to assure an opportunity for workers to present their story properly to those in the Government administering wage controls. Certainly, this is proper and fair.

But the question arises as to whether or not formal hearings must be held in every instance. As the Cost of Living Council points out, there have been many instances where modest reductions have been worked out agreeably through informal conferences between the affected parties. The ability to do so expedites decisions. Even under this procedure, as we all know, decisions were too long in coming. If we are to require formal hearings in every instance as a prelude to a ruling, the decisionmaking will grind to a halt.

Certainly, it was not my intention, and I believe all will agree, to mandate a procedure that would cause excessive delays in granting wage adjustments. What I did want to do was to assure that when an employee unit felt a ruling was unfair that it should be guaranteed the opportunity to present its case. This is what I think this amendment says when it refers to an "opportunity for a hearing." So long as it is interpreted this way, I do not see how one can object to it.

The second House amendment, to which the Senate agreed with an amendment, was a definition of wages and salaries. As explained here during debate on the bill, it was intended that employees subject to wage rulings by the Cost of Living Council and the Construction Industry Stabilization Council would be treated equally as regards fringe benefits. The amendment which the Senate offered clarified this point.

Mr. Speaker, at this point I would like to ask the gentleman from California (Mr. REES), who, I believe, is here at this time, if that is not his understanding of the effect?

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from California (Mr. REES).

Mr. REES. Mr. Speaker, in answer to the gentleman's question, yes, the intention of the amendment was to make it very specific, that the information specifically excludes "any information"—I am reading directly here—"or data which concerns or relates to the trade secrets, processes, operations, style of work, or operators of the business enterprise."

So the intention is that none of the information that is required to be made public in the administered industry would in any way affect the various trade secrets, processes, et cetera. And as the gentleman knows, the amendment was accepted unanimously in the conference committee.

Mr. J. WILLIAM STANTON. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Speaker, I thank the gentleman for yielding, and take this time to further clarify the situation, because the gentleman from California in the conference, with the offer of a single-sentence amendment, completely changed the mind of the chairman of our committee, who voted against this amendment in committee and turned around, because of the gentleman's language, and voted for it. There were added two sections which were, of course——

Mr. PATMAN. Mr. Speaker, may I ask the gentleman to yield for a correction?

I did not vote against it in the committee; I voted for it.

Mr. J. WILLIAM STANTON. Mr. Speaker, I appreciate the gentleman's remarks.

I will simply say that the Chairman of the Committee on Banking and Currency before the full membership of the House—and I have it on page 354, the Gonzalez-Stephens amendment—the gentleman voted yes to knock out this section in the Committee on Banking and Currency.

Now, if the gentleman wishes to retract this on the financial disclosure section and vote aye along with 22 other members of our committee and he wishes his stand to be corrected, I will be glad to accept it.

Mr PATMAN. Well, if the gentleman will yield——

Mr. J. WILLIAM STANTON. Mr. Speaker, I say to the gentleman from California (Mr. REES) that one thing that, of course, bothers me and the companies in my district and around the country is the question of being asked to disclose information which puts them in a noncompetitive position, especially with foreign competitors.

I want to make sure the intention of the gentleman from California, as we discussed during the conference, is that in no way would this section require companies to reveal trade secrets which would put them in a noncompetitive position with any of their competitors.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from California (Mr. REES).

Mr. REES. Mr. Speaker, there are two points of this amendment. One affects some companies, companies which are affected by the amendment, and these companies affected by the amendment are defined by the administrative regulation promulgated by the Wage-Price Board, and those are corporations that have annual sales or revenue of over $250 million a year. So this only affects about 800 corporations; it does not affect small business.

Mr. J. WILLIAM STANTON. I thoroughly understand the gentleman's report.

Mr. REES. Mr. Speaker, in looking at many of the types of companies and businesses that would be affected and reading the lists, it was felt that if we put in this very specific language about trade secrets, that the same shall not be revealed, this would be the intent of the legislation which basically on those factors make up the price.

However, if one of those factors is a trade secret or process, that shall not be revealed in the public disclosure.

Mr. WIDNALL. Mr. Speaker, this legislation has traveled a frightening course. None of us are happy about the consequences of inflation, nor is the administration. Some Members have argued that the Congress is abdicating its responsibility if it does not maintain more specific price control measures as this bill has done. I disagree with that. I believe that we have initiated the maximum administrative flexibility.

I further want to point out that Congress' responsibility for controlling inflation does not end with enactment of this legislation. In the months ahead we will be voting on a number of appropriation bills. Those who are anxious to get inflation under control will be also anxious to attack the root causes of it by responsible votes on these appropriation measures.

## CALL OF THE HOUSE

Mr. SYMMS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 113]

| | | |
|---|---|---|
| Abdnor | Hanna | Murphy, N.Y. |
| Badillo | Hansen, Wash. | Myers |
| Blatnik | Harsha | O'Hara |
| Bowen | Hébert | Passman |
| Brotzman, Va. | Heinz | Price, Tex. |
| Carney, Ohio | Huber | Pritchard |
| Clark | Jarman | Railsback |
| Conyers | Johnson, Calif. | Rhodes |
| Culver | Johnson, Colo. | Rooney, N.Y. |
| Delaney | Jones, Ala. | Rostenkowski |
| Denholm | Jones, Tenn. | Ryan |
| Diggs | King | Sikes |
| Edwards, Calif. | Kuykendall | Talcott |
| Erlenborn | Lujan | Teague, Tex. |
| Evins, Tenn. | McKay | Van Deerlin |
| Fish | McSpadden | Veysey |
| Gray | Maraziti | Whalen |
| Green, Oreg. | Martin, N.C. | Whitten |
| Grover | Matsunaga | Young, Ill. |
| Hamilton | Milford | |

The SPEAKER. On this rollcall 374 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## CONFERENCE REPORT ON S. 398, TO EXTEND AND AMEND THE ECONOMIC STABILIZATION ACT OF 1970

Mr. PATMAN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Missouri (Mrs. SULLIVAN).

(Mrs. SULLIVAN asked and was given permission to revise and extend her remarks.)

Mrs. SULLIVAN. Mr. Speaker, as a result of the votes cast in the House on April 16, when a Republican-sponsored simple extension of the Economic Stabilization Act was substituted for the strong roll back anti-inflation bill the Committee on Banking and Currency had recommended, there was very little the House Conference could do about really combating inflation. Hence, although the Conference bill is under at-



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tack on the alleged grounds that it goes too far, the simple fact is that it does very little more than give President Nixon the same powers which he has used so ineffectually up to now, in combating inflation. There are no rollbacks in any prices or rents, despite the disasters of phase III.

So, in effect, the House limited us to giving Mr. Nixon a vote of confidence in his handling of phase III. If we can believe the public opinion polls, about the only people in the United States who feel that the President has done a good job in combating inflation are Members of the House of Representatives who voted for the Republican substitute on April 16.

We are told never to mention the word rope in the house of a man who has been hanged as a horse thief, but I am reminded by the consumer tragedy which occurred in the House 2 weeks ago today of what happened in the Banking and Currency Committee last fall when we tried to get subpena power to get to the bottom of the clear violations of banking and other laws, in connection with the Watergate situation. We lost an opportunity to prevent 6 long months of national uncertainty as to what had happened, and who was responsible, for the vast flow of campaign dollars into the Committee for the Reelection of the President and the peculiar manner in which those funds were being used. And as a result, the Government is now in a state of crisis—there is no other word for it.

The White House twisted arms last fall and the Banking and Currency Committee was denied the opportunity to question Mr. Stans, Mr. Mitchell, and others who, under oath, could have shed light on one of the most unbelievable chapters in American political history, leading to the termination today of the employment of the President's three top White House officials and of the Attorney General.

The scandals in connection with price and wage controls are just as visible to the country as Watergate and they are at least equally serious. We have let our economy disintegrate in the worst inflation we have had since the start of the Korean war—an inflation which was stopped in 1951 by the firm and effective use of controls, but which is not being stopped today even though President Nixon has more powers to deal with the problem than Harry Truman ever had, and even more power to fight inflation, than Franklin D. Roosevelt had during any time in World War II.

President Nixon has full, unlimited power, to regulate any price, any wage, any salary, any rent, any raw agricultural product, any industrial commodity, and any form of credit. Think of the magnitude of this power, and then compare it with the results he has achieved in terms of fighting inflation.

Imagine we will pass this conference report so that existing programs can continue—for whatever good they do. But this bill is the consumer's Waterloo, if not his Watergate.

I hope that during the coming months the Committee on Banking and Currency and appropriate subcommittees will be able to pinpoint the extent of the Nation's economic disaster in the manner in which the controls have been operated. We see in every story on the financial pages of the newspapers every day, the consequences of the economic policies Mr. Nixon has been following and which the Congress through this weak bill is in effect endorsing. In the meantime we have little choice but to pass what could be salvaged in conference. But I hope none of the Members tries to convince consumer-constituents that this is any bill worth celebrating. It is an economic Watergate.

Mr. PATMAN. Mr. Speaker I yield 3 minutes to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker before we vote on this tonight, I want to tell the Members that I am opposed to the rule. I want the Members to know the truth when they vote upon it.

The first thing that this bill does, now that we have it here in this conference report, is to abandon the idea that the House is going to assume any responsibility for helping curb prices and wages. We have left it entirely up to the executive branch of the Government. The public has been expecting us to do something about it.

The second thing is that in this conference report, as it came out, we have a provision that conference report, and I read a small portion of it in which it says:

> A business enterprise may exclude from any report made public public pursuant to paragraph 1 any information or data reported to the Cost of Living Council, proprietary in nature . . .

It has been reported to the Members that there have been amendments made which would alleviate this question as to what is proprietary in nature.

Mr. Speaker, the Members can bet their bottom dollars that the final decision as to what is proprietary in nature and what is a trade secret is going to be made, as it says here, by the President or his delegate, who shall issue regulations.

Mr. Speaker, those regulations are going to be made by someone who is not responsible to any elected person. That is going to be the determining factor.

Business people have said that they cannot live with this. They say it is just helpful to big business. Why should we discriminate against one business or another, big or little business?

The third thing is that when interpretations which are made or reported, we are asking people to go into a multiplicity of lawsuits. People say that the regulations which deal with trade secrets, someone has said that one has to reveal, and being revealed, one gets a lawsuit.

The fourth item I want to point out to the Members is what they are doing with respect to this provision here that deals with public disclosure, which was voted down by the Committee on Banking and Currency. When this bill left the House the wish of the House was that it not be in here, because the Members voted for a bill which did not have it in here.

When it went to conference, the conferees on the Democratic side were nine in number and not a single one had voted for this. Now they come back with what the committee refused to put in, and what the House did not put in.

I do not believe we ought to support that kind of a measure when it comes to the floor of the House. They have abandoned the position of the House, and I believe it deserves a vote against this particular conference report, to let us get this measure out of here.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. REES).

Mr. REES. Mr. Speaker, I appreciate the remarks of my colleague from Georgia (Mr. STEPHENS). Let me analyze this one section which deals with public disclosure.

No. 1. The section, as I said before, only deals with major corporations, not small business. It is defined in section 130.21(b) of the regulations of the Cost of Living Council to be a corporation that has sales or revenues of over $250 million a year. That would catch around 800 corporations in the country.

As to the information that can be excluded, let me read from the Senate bill, that has the amendment in it which said that the company can exclude information "proprietary in nature, which concerns or relates to the amount or sources of its income, profits, losses, costs, or expenditures."

In the amendment that was accepted by all the conferees in the conference committee there is an expansion of this, and the language is that such regulations shall define as excludable any information or data which concerns or relates to "trade secrets, processes, operations, style of work, or apparatus" of the business enterprise.

So if we take these two sections that are now in the bill and put them together we can see that really this does not force any company, any of these 800 major corporations, to give away information that would hurt its competitive information, trade secrets, source of profits, and so forth.

The main reason for this amendment, which was sponsored by Senator HATHAWAY, was that we have to have some way to analyze administered prices. Those are prices that are not reached by competition in the marketplace but are more or less agreed to generally; prices of gasoline at the gas pump, prices of steel, prices of automobiles. These are administered prices; they are not competitive prices.

That was the purpose of this amendment.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I thank the gentleman for yielding.

It is my understanding, then, that the provision in the conference report, as the gentleman in the well understands it, does not attempt to amend section 1905 of the Freedom of Information Act; is that correct?

Mr. REES. It does not, because if we take section 1905, all of section 1905 is now included as an exemption in the bill.

Mr. BROWN of Michigan. If the gentleman will yield further, the problem is that the amendment takes the first part of the language in section 1905, that language I refer to being "trade secrets, processes, operations, style of work, or apparatus," but does not specifically continue the protection to include—and I quote from section 1905—"or to the identity, confidential statistical data, amount or source of income, profits, losses, or expenditures of any person, firm, partnership, corporation or association."

As I understand it, it is the understanding of the gentleman in the well and of the House that in effect the language of section 1905 is by implication included in the conference report.

Mr. REES. Yes.

The SPEAKER. The time of the gentleman from California has expired.

Mr. PATMAN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. REES. That is in section 2 of the Senate language.

Mr. BROWN of Michigan. I know that. Here we speak of "proprietary information." I ask the gentleman if he agrees that the amendment does not amend the Freedom of Information Act and all the language of section 1905 is by implication included in the exclusion; is that correct?

Mr. REES. It is specifically included in the conference report. Section 1905 of the Freedom of Information Act is one section.

But two amendments to the Hathaway amendments have included all of section 1905.

Mr. BROWN of Michigan. So section 1905 is included by these two sections?

Mr. REES. Yes; section 1905 is included in the final report of the conferees.

Mr. BROWN of Michigan. In its entirety?

Mr. REES. In its entirety.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Speaker, the conference report on S. 398, amendments to the Economic Stabilization Act of 1970, does not represent any attempt by the Congress to address itself to the inflationary situation which this country finds itself in today.

Our constituents are demanding action to keep the costs of the basic necessities of life, their food and shelter, from going beyond the reach of their ability to pay. I believe that the House of Representatives is providing a disservice for the American people in rejecting rollbacks on prices and rents acting as a totally subservient tool to the utter failure of President Nixon's economic policy. I cannot understand how the Members can go back to their constituents and justify the do-nothing economic policy of the administration which the Congress today is being asked to reaffirm. Whether this conference report is adopted or not, the costs of the basic necessities of life, our food and shelter, are going to continue to rise. And as we have seen over the past 6 months, the administration will do nothing to keep them from going higher.

As I have stated already, the conference report, if adopted, will do nothing more than endorse a do-nothing economic stabilization policy of the Nixon administration.

Mr. Speaker, there was precious little to be discussed by the conferees. The rent control provision that was contained in the Senate-passed bill, in my opinion, would do very little to keep rents from continually increasing, but it was something more than what the House of Representatives passed. My constituents continually come to me with their horror stories of rent gouging, so I could not in good conscience sign this conference report which contains no authority upon which the administration could address itself to the problem of skyrocketing rent increases.

I am saddened by the action of the conferees in which the good of the American people was sold down the river to special-interest groups and an administration who cares nothing for those who depend on their nonincreasing wages to meet the everincreasing cost of living.

Mr. Speaker, this conference report does nothing to help the American citizen in this time of galloping inflation. I feel that the Congress is just wasting its time in considering such a price of useless legislation.

Mr. WIDNALL. Mr. Speaker, I now yield 5 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Speaker, I appreciate the gentleman's yielding to me at this time so I can make a few observations to the House before we vote on this bill.

The only reason I rise today is to speak in defense of the House of Representatives as an independent agency in Government. I have been in this body for 6 years now, going on 7, and I have seen it happen time after time after time that bills that are necessary, bills that are desired by the executive branch of Government, are delayed in presentation before the House until the 11th hour, and it seems to be a pattern of operation out of the Committee on Banking and Currency.

Perhaps in the first few years I was here I did not understand why that was the pattern of operation, but now the message is becoming quite clear.

Gentlemen, I do ask that the Members consider that on Monday a week ago, by overwhelming votes—in one instance a vote of 3 to 1—we rejected anything having to do with rent control. Not one of the House conferees, except one—there was one—voted with the Members on the rent control provision.

Mr. Speaker, there was not even a vote on public disclosure. We never even discussed it in the House of Representatives. We did discuss it in the Committee on Banking and Currency, and it was rejected in the Committee on Banking and Currency.

Then we got to gasoline and petroleum. The amount of it was never even discussed in the Committee on Banking and Currency, never even discussed on the floor of the House of Representatives.

And what did we see happen? We saw time after time the House conferees recede and concur with the Senate.

Now, let me tell the Members one thing that does really outrage me about the performance of our House conferees. When we started in the conference, the Senator from Alabama, who is the chairman of the Senate counterpart of our Committee on Banking and Currency, started the discussion to suggest that perhaps the Senate should recede and concur with the House because the bill was necessary, there were controversial provisions in the Senate bill, and it would simplify matters to accept the House version.

Now, mark me, gentlemen, it was the chairman of the Committee on Banking and Currency who was our chief spokesman who said:

> No, Senator, you are out of order. You Senators have an obligation to uphold the Senate provisions.

The Senate has an obligation, but what about you conferees? I can assure you that on motion after motion made for the House to recede and concur with the Senate the chairman of your committee, the one who was charged with the primary responsibility to defend your position voted against your position—against the House position—time after time.

Now, somebody is going to get up here in a few minutes and say, "Well, the Senate receded on six items and the House receded on six items or on five items, and therefore we balanced it out about even." Gentlemen, do not buy that argument. It is like you being told that if two men sat down to a chicken dinner and one gets the drumsticks while the other gets the head and feathers, yes, they both got chicken, but one ate a great deal better than the other.

I say, if you have any sense of dignity, the House should uphold its position. Do not allow yourselves to be used, do not allow yourselves to be manipulated. It is not a Republican or a Democrat issue.

Mr. Speaker, I saw many of my colleagues on both sides of the aisle vote differently than I on many of the items that we voted on the floor of the House but the House was working its will. The House worked its will and did so decisively in a number of instances. The will of the House was made a mockery of in conference.

I plead with you do not eat feathers. Stand up and let the Senate know that we are going to maintain the dignity of this institution.

I hear people lament the concentration of power in the White House. Yes, I agree it is a terrible thing. Yet this bill proposes to give an even greater power to the White House and create a virtual czar in the petroleum industry in the White House. Yet the same people lamenting the delegations of authority are today proposing that we pass this bill. I say that if we are going to exercise responsibility we will give the same strong indication of our independence as a body as we did a week ago last Monday and





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vote down this conference report and insist that the House conferees take that position.

It is time to demonstrate some of the backbone we can expect of them.

Mr. WIDNALL. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. LONG of Maryland. Will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman.

Mr. LONG of Maryland. Mr. Speaker, the conference report being debated would impose wage, price, and rent controls on the literally billions of economic transactions taking place every day. With these controls, the Federal Government hopes to slow down inflation. Yet—let us face it—the Federal Government is the chief cause of the current inflation.

Quite aside from the fact that the Federal Government indirectly causes inflation by its spending policies; quite aside from the fact that the last two devaluations—which greatly raised import prices—were a result of scores of billions of dollars of foreign aid giveaways and tax breaks for U.S. capital invested overseas, the Federal Government directly causes high prices all the while it claims to want to halt inflation.

Present jumps in food prices have their roots in agricultural policies of years past. In fiscal 1971, during the phase I and II periods, the Federal Government paid farmers $3.14 billion not to grow food. An additional $54 million went to potential growers of a single crop—sugarbeets—to block production of sugar. The Government withheld 37.2 million farm acres from production. By fiscal 1972, the figure had jumped to 61.2 million acres. Yet in that same fiscal year, the United States sold $1.2 billion worth of grain to the Soviet Union—that same fiscal year in which wheat acreage "retired" was at an all-time high. Little wonder that the high cost of food is with us today, considering that the cattle we are now eating had to spend several years feeding off price-supported grain in artificially limited supply.

Direct price supports have a more obvious impact on consumers' costs. The Federal Government now artificially boosts prices for cotton, wheat, corn, milk, tobacco, rice, grain sorghum, soybeans, peanuts, oats, barley, dry beans, rye, honey, corn and wheat products, and rolled oats. This program is not new. It has been contributing to inflationary pressure for years.

The United States participates in international agreements jacking up the world prices of cotton, coffee, sugar, and wheat. This boost, too, is passed on to the consumer.

American import quotas unnaturally reduce the supply of foodstuffs coming into this country. We still have quotas on cattle, fish, butter, milk, cheese, potatoes, cotton, peanuts, wheat, ice cream, animal feeds, wheat products, and sugar. Simple economics show that this sort of restriction can only act to increase prices.

The Federal program of stockpiling items from aluminum to zinc—including billions of dollars worth of foodstuffs—has added fuel to the fires of inflation. Each time the Federal Government makes a purchase for its stockpile, it reduces supply, thereby raising prices. It has always been claimed that stockpiles of critical materials are necessary to national defense, but all of a sudden the President has revealed that these stockpiles have not been needed by announcing that he will sell 90 percent of them. So far, however, he has sold off only a little more than a quarter of 1 percent of the stockpile; 99¾ percent still remains in warehouses and, therefore, unavailable to help bring prices down.

Mr. Speaker, we cannot expect spending cuts, spending ceilings, tight money, high interest rates, or any combination of freezes and phases to work unless the Federal Government stops boosting prices in the face of deep-seated inflation. A noted economist recently observed:

> We need to examine afresh all of the governmental legislation, rules and regulations which interfere with competition, unduly raise prices, or otherwise give the economy an inflationary bias. (Murray Weidenbaum, Review of Economics and Statistics, August 1972).

The truth is, the Federal Government is acting like an individual who keeps taking pep pills to stimulate himself at the same time he takes tranquilizers to calm himself. Commonsense would argue that if he stopped taking the pep pills, he would not need the tranquilizers.

I propose, Mr. Speaker, that if the Federal Government got out of the business of pushing prices up, it would not need an expensive, almost unworkable system of price-wage-rent controls.

Mr. BROWN of Michigan. Mr. Speaker, I shall attempt to be most brief.

I would suggest that under almost any analysis of this piece of legislation this conference report should not be adopted.

To those Members who are very concerned about food prices there is nothing in this legislation that satisfies that need; to those who have great concern about rent controls, there is nothing in this conference report that satisfies that need; to those who are concerned about the usurpation of power by a President, one cannot make that argument any more if we pass the petroleum provision in this conference report, because it is not usurpation but it is a willing and voluntary delegation to the President of the very authority Members have criticized in the past. To those who feel that the President should have somewhat unfettered authority to return to phase I, return to phase II, or do what he cares to, I suggest that there are so many complicating provisions in this conference report that we cannot accept it.

Let me assure those who have great concern that we are passing this conference report at the 9th hour or at the 11th hour, so called, that defeat of this conference report is not going to create chaos in our economy.

If we did not pass an extension of the Economic Stabilization Act for 2 weeks no great harm would result, because once we pass this extension the authority of the President to stabilize prices as of May 1970, will be still there. He can still roll back. He in effect can nullify.

So, Mr. Speaker, it is not essential that this conference report be adopted tonight since it does not do the things that many of the Members think it should do. I would suggest to the Members that for their constituents they will be doing a great favor if we defeat this conference report.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from California.

Mr. REES. Mr. Speaker, the gentleman mentioned rent controls, the gentleman mentioned food prices, and the gentleman mentioned petroleum controls. Is it not true that the gentleman opposed rent controls and the gentleman opposed any limitation on food prices?

Mr. BROWN of Michigan. Absolutely.

Mr. REES. Did not the gentleman do it in the committee and did not the gentleman do it on the floor?

Mr. BROWN of Michigan. The gentleman is absolutely correct. I am not saying that I support those controls on food prices and I am not saying that I support rent controls, but what I am saying is that this conference report satisfies no one; it is a bad report and it should be defeated.

Mr. REES. If the gentleman will yield further, did not the Committee on Banking and Currency give standby authority on allocating petroleum supplies and did not the Committee on Banking and Currency vote on substandard wages? Those were voted on by the Committee on Banking and Currency, is that not correct?

Mr. BROWN of Michigan. Does not the gentleman from California also know—

Mr. REES. And the reason they did not come up on the floor was, because we were sandbagged with a vote on the previous question.

Mr. BROWN of Michigan. As a practical matter those amendments did not come up on the floor, because there was not enough support for them to bring them up on the floor and the gentleman from California knows that.

Mr. Speaker, I yield back the balance of my time.

Mr. WIDNALL. Mr. Speaker, I now yield 3 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, on April 18 I suggested that we sustain the position of the House and vote against the adoption of this conference report. But, since that time, I have thought it over and I have switched. I have switched because I do not believe there is sufficient time to do otherwise. I think we need to have an extension of the Economic Stabilization Act before it expires at midnight tonight.

Mr. Speaker, my real objection went to the way in which the minority Members were effectively shut out in the consideration and deliberations before the conference committee.

We observed Members from the other body, first of all Senator TOWER, who asked that the Senate Members recede and concur in the House amendments because of the urgency for the adoption of



an extension of the Economic Stabilization Act. The chairman of the conference committee, the gentleman from Texas (Mr. PATMAN) objected to that procedure.

We proceeded on and a little later Senator SPARKMAN, the ranking Member from the other body, suggested that the Senate recede and concur in the House amendments and be on about our business. Again the same procedure was followed, this was objected to by the gentleman from Texas. Maybe the reason I objected to this procedure was because I was a stampedee and not a stampedor. But I must say, Mr. Speaker, that this was unusual procedure where the Members of the House were attempting to recede and concur with the position of the Senate and the Members of the Senate were attempting to recede and concur in the position of the House.

Mr. Speaker, there are three objectionable provisions in this conference report. One would provide for petroleum controls which, as the gentleman from Georgia (Mr. BLACKBURN) mentioned would make the President a virtual czar. This was adopted on a motion not to reject the Senate amendment by a vote of 7 to 7, and one of the 7 no votes was a proxy vote which is against the rules of the House.

Another provision would require public disclosure of business operations of a company before a price increase. Another amendment that I object to is the exemption from wage controls of anyone making less than $3.50 per hour. These are all side issues and not germane if they originate in the House, in my judgment.

But the alternative of voting against these amendments is to vote for no extension of the Economic Stabilization Act. The President has tried to back away from controls. He instituted phase 3 and that has not worked very well so far so he has instituted controls on oil and on meat.

In my judgment if the lid goes off today, prices are bound to go up, and unless we put a ceiling on Government spending and until we do that, I think the President needs the flexibility of the extension of this act, and I will reluctantly vote to sustain the conference report.

Mr. WIDNALL. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Speaker, I come to this well very seldom for the simple reason that I think that in honoring my colleagues and recognizing their ability to arrive at decisions themselves, there are very few times in which somebody stands in the well and actually influences someone. However, I do think it is important at this particular time, within a minute, to realize the full implications if this Stabilization Act is not continued for 1 year, and the implications of what would lie down the road tomorrow and in the near future. I simply wish to say that as one Member who did not sign the conference report, I have come to the full realization at this ninth hour that we really basically and fundamentally, for the good of our country, do not have any choice and I hope that the Members will join me in supporting the conference report, no matter how reluctantly, this particular Member will do so.

I also want to compliment the gentleman from Georgia (Mr. BLACKBURN) for pointing out that the leadership provided by the Chairman of our committee was, and I hope all of the Members realize, a tragedy, not only to our Committee on Banking and Currency, but to the entire House, and in that I join Mr. BLACKBURN.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. J. WILLIAM STANTON. I yield to the gentleman from Pennsylvania.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I would like to explain the action of the conference on section 5 of the bill.

The Stabilization Act currently provides that employer contributions to certain fringe benefit programs may be controlled if the contributions are determined to be unreasonably inconsistent with the general wage and salary standards.

The bill as passed by the House would have changed current law to provide that contributions made by employers necessary to maintain reasonable benefit provisions could not be controlled. It thus would have shifted the criterion of control from the level of contributions to the level of resulting benefits. However, as he stated on the House floor, the sponsor, Mr. REES intended to make sure that building trades employees who are under the jurisdiction of the Construction Industry Stabilization Committee are treated equitably with respect to fringe benefit programs.

In order to clarify that no change was to be made as to the authority currently being exercised by agencies of the Economic Stabilization Program to regulate employer contributions to various fringe benefit plans, the conference deleted this amendment and substituted an amendment which provides that the rules with respect to fringe benefits shall be administered equitably with respect to employees in all the industries subject to Economic Stabilization Program controls. Obviously, we do not mean everyone has to get the same benefits. But all must be treated fairly and be given equal protection.

Mr. WIDNALL. Mr. Speaker, I have one more request for time, and I yield to the gentleman from Minnesota (Mr. FRENZEL) 2 minutes.

Mr. FRENZEL. Mr. Speaker, every Member can find many things wrong with this conference report. Personally, I find the business disclosure section most repugnant, and in most situations, that section alone would cause me to vote "No." I share my colleague from Georgia's objection to actions of House conferees caving in to the Senate positions.

However, because of senseless procrastination in the Banking Committee, and because of sloppy committee work that produced the frivolous bill this House previously rejected, we have now run out of time and alternatives.

The control authority expires tonight. Our economy requires that uncertainties be dispelled today. The Administration wants and needs this bill. The country needs this bill. Our producers need to know what to expect of control programs this year. If we do not extend this authority today we will have chaos in the market place tomorrow. How many price increases are ready for promulgation tomorrow? I hope we will never know. I do not want the Congress to have the responsibility for those increases.

Unfortunately, there is only one bill now. It is not perfect, but it can do the job. Even the disclosure section has been softened by the "trade secrets" exemption. Perhaps a skilled regulation writer can save our American firms from unfair foreign competition.

In any case we have run out of time and alternatives. I hope the House will understand the urgent need for this legislation and adopt this report.

Mr. MINISH. Mr. Speaker, I rise in opposition to the conference report on the Economic Stabilization Act. The conference report represents an abdication of authority by the Congress to the executive branch.

Despite inflation currently running rampant in all sectors of our national economy, the report does not deal with rents, it does not deal with prices in general, and it does not deal with food prices.

The conference report amounts to an endorsement of phase 3 of the administration's wage-price policy. We are asked to allow the administration to continue its misguided policy of "voluntarism," even though it is clear by now, particularly to consumers and tenants, that the "voluntarism" of phase 3 has failed completely to dampen the fires of inflation which beset the economy.

In recent months, prices, particularly for food, have risen at the highest rates in nearly three decades. For example, wholesale prices were up 2.2 percent in March. Food prices alone soared by an unparalleled 4.6 percent.

Moreover, tenants in areas with housing shortages have been subjected to exorbitant rent increases of up to 60 percent in some instances, with boosts of 10 to 15 percent not uncommon.

Mr. Speaker, I cannot agree that we should simply wait out these price increases. The American people want decisive action now to roll back and to hold the line on price rises. The Congress should take the initiative to restore stability to our damaged economy.

Mr. HARRINGTON. Mr. Speaker, I rise in support of S. 398, the conference committee report to amend and extend the Economic Stabilization Act of 1970. Extension of the President's authority is central to any hope we have of curbing inflation.

The basic fact we must recognize and with which we must deal today is that inflation is still a very real problem in this country—and it is getting worse. The wholesale price index rose 2.2 percent in March, or 24.6 percent on an annual basis. Wholesale prices rose 9.6 percent in the first 3 months of this year. Industrial prices—usually more sluggish than other prices—rose 10.4 percent in the first quarter. And food prices gouged the pocketbooks of all Americans by climb-

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ing 4.6 percent in March alone. It should be clear to any reasonable person that inflation remains a grave problem, that the inflationary psychology has not been broken, and that we need realistic wage and price controls to deal with the situation.

On April 19, the House passed a straight extension of the Economic Stabilization Act. I supported final passage of the measure because, at the very least, we must extend the President's authority to control wages and prices.

Inflation is being fueled by monetary pressures and an inflationary psychology that must be stemmed. Otherwise, inflation will remain a fact of life for years to come. Workers have seen their real wages unfairly eroded by inflation for 3 years. They will demand that the major contracts—to be negotiated in the coming months—reflect future price increases if Government has not lived up to its responsibility to control prices and wages. This is only fair, but it means that the time to act is now.

For this reason, I supported the bill reported out of the Banking and Currency Committee and have supported measures to mandate controls on the prices of any sector of our economy that rises at an annual rate of 3 percent or more in any consecutive 3-month period. I hope that the House will still consider such proposals seriously, and I hope that the President will implement them through instruction to the Cost of Living Council.

I am disappointed that these measures have not been adopted by the Congress, but that is no reason to rise up like spoiled children and oppose the only measure we can pass promptly. If we fail to pass this conference committee report, it will mean that no one will have the necessary power to do anything about controlling inflation. That would be a wholesale retreat from responsibility. The President has thus far demonstrated an unwillingness to impose effective wage and price controls. There is no reason for the Congress to show the same disregard for the needs of workers, consumers, and small businessmen.

An amendment will be offered by Congressman STEVENS to recommit the legislation with instructions to the conference committee to add provisions for Federal rent control. I intend to oppose any such motion because I believe that it will effectively preclude effective legislation from being reported out of the committee. Once the conferees meet as a result of such a recommittal motion, it is not only possible, but probable, that the committee will act to delete necessary sections of the conference or to add other sections which might very well lead to a Presidential veto.

It is imperative at this time that the President have his authority to control wages and prices extended. Without such authority from the Congress, no branch of our Government will be able to act to stop inflation. The existing authority expires at midnight tonight, and I believe that it is incumbent upon all of us as responsible legislators not to jeopardize the continuation of that authority. Therefore, I must vote against recommittal and for passage of the legislation before us now.

Mr. FRASER. Mr. Speaker, I rise in support of section 2(a) of the Economic Stabilization Act Amendments of 1973. This section of the act would give the President authority to provide "for the establishment of priorities of use and for systematic allocation of supplies of petroleum products including crude oil in order to meet the essential needs of various sections of the Nation and to prevent anticompetitive effects resulting from shortages of such products."

Mr. Speaker, the Nation is faced with an increasingly tight situation as far as oil and gasoline supplies are concerned. Unemployment is beginning to be felt in the trucking industry in Minnesota. Five oil companies—Gulf, Sun, Clark, Bell, and Triangle Refineries—have either discontinued operations or marketing in Minnesota, or are about to do so. What is happening in Minnesota is occurring throughout the country. The Civil Aviation Board has indicated that flights nationwide may have to be curtailed because of fuel shortages.

The President, in his long overdue energy message of April 18, failed to deal with the problem of distribution of scarce oil and gasoline supplies. In fact, Mr. Di Bona, special consultant to the President on energy matters, has declared that there is "really nothing at all we can do over the next 2 or 3 years" to ease the shortage in fuel and heating oil.

I disagree. We cannot eliminate the shortage in that time, but we can keep inconveniences and irritations to a minimum by spreading fairly and rationally what supplies we have. Section 2(a) of this act would do that by authorizing the President to "set priorities of use and systematic allocation of petroleum products."

We cannot rely on private initiative and voluntary restraints to alleviate the serious scarcity of petroleum and petroleum products facing us all in the immediate future. All sources of energy in this country are stringently controlled by the same 20-odd companies. The public interest requires that Government play a key role in determining how oil is distributed and to whom. Government regulation is really the only way we can lessen the hardships that current shortages will otherwise mean.

I have called upon the President to establish a national oil allocation system immediately after enactment of the Economic Stabilization Act Amendments of 1973. The purpose of this allocation system would be to minimize adverse impacts of fuel dislocations on the American economy and on the American people. Such a system would insure the continued, competitive existence of the independent distributor, refiner, marketer and producer. It would also insure that all regions of the country would receive an equitable share of scarce supplies. These supplies would be allotted on a priority basis, according to need.

I include at this point in the RECORD the text of my letter to President Nixon:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., April 24, 1973.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I urge you to establish a national oil allocation system immediately after enactment of the Economic Stabilization Act Amendments of 1973 by the Congress on Monday, April 30th. This legislation will authorize you to set priorities of use and systematic allocation of petroleum products. We need this kind of system to assure equitable and rational distribution of petroleum products.

While I welcome the phasing out of oil import quotas and encouragement of domestic production of oil and natural gas outlined in your energy message of April 18, I take issue with Mr. Di Bona's statement that there is "really nothing at all we can do over the next two or three years" to ease the crunch in fuel and heating oil. National allocation of these scarce resources can minimize inconveniences and hardships to the consumer.

Reliance on the free market will not solve the oil distribution problem. Only through government regulation can we break the tight grip that the big oil companies have on this essential natural resource. The public interest requires that government play a key role in determining how oil is distributed and to whom. Government regulation is really the only way we can minimize inconveniences and hardships to the consumer.

It is intolerable for powerful industrial combines to profit from the energy crisis. But this is exactly what will happen if government controls are not imposed. Exxon, the world's largest oil company, has just announced a 43.1% increase in profits for the first quarter of 1973.

The situation in Minnesota is already acute. One hundred four gasoline stations have closed because of lack of supplies. The State Civil Defense Division reports that almost another 200 will probably have to shut down as well.

Unemployment is beginning to be felt in the trucking industry in Minnesota. Five oil companies—Gulf, Sun, Clark, Bell, and Triangle Refineries—have either discontinued operations or marketing in Minnesota, or are about to do so. The Civil Aviation Board has indicated that flights throughout the country may have to be curtailed because of fuel shortage.

The shortages we are experiencing are the direct result of our failure to plan adequately in the past. The three-quarters of a billion dollars budgeted in 1974 for energy research and development is totally inadequate. We need an all-out effort like the one that put us on the moon if we are to develop new kinds of energy for the future.

We also need to curb consumption. We cannot leave this to voluntary efforts. Two of the steps we will have to take to encourage efficient use of gasoline and electric power are to put a tax on automobile weight or horsepower and to insist on standards of efficiency for electrical appliances.

We cannot rely on individual or local initiative to solve our momentous energy problems. Nor can we rely on the philosophy that what is good for the big oil companies is good for the country. I hope you will join with Congress in establishing an effective national energy policy that will meet the Nation's energy needs, not only in the long-term future, but over the next few years as well.

As a first essential step, I urge that immediately after enactment of the Economic Stabilization Act on Monday, April 30th, you begin to implement a petroleum products allocation system.

With best wishes.

Sincerely,

DONALD M. FRASER.



Mr. ANNUNZIO. Mr. Speaker, the conference-reported bill on economic stabilization will do more good than harm in controlling inflation, and for that reason I support this legislation. Although this bill is pitifully short of requiring affirmative relief to the public in halting rampant prices, it does contain certain provisions which are necessary if we are to have a stabilization program.

The first of these provisions relates to exclusion of low-income workers from pay controls. The Congress, when it passed the 1971 amendments to the basic stabilization authority, for reasons of equity and fairness, insisted that low-income workers should not bear the burden of poverty or near poverty and that of having their wages controlled. Accordingly, the Congress prohibited the control of wages of those workers who were among the working poor. The Congress by this, meant very simply that people who made less than $7,000 a year should not come under wage controls. In spite of this, the President ignored the legislative directive and proceeded to place millions of low-income workers under controls. This amendment is designed to make absolutely clear that the President may not control workers' wages unless those workers make more than $3.50 an hour.

A second provision relates to pension payments and other fringe benefits and is designed to correct the President's illegal handling of certain wage contracts. In the 1971 amendments, the Congress agreed that contributions to pension, profit-sharing annuity and savings plans, group insurance plans and disability and health benefit plans should be excluded from wages and salaries in determining the validity of wage and salary increases. During phase II the Pay Board generally understood and adhered to the spirit and letter of the law. But the Construction Industry Stabilization Committee for no good reason ignored this provision. This amendment simply insures that this wanton and cavalier attitude on the part of the Construction Committee will not be tolerated.

A third provision insures that the millions of workers who are now under wage controls and others who might come under controls in the future will have their contracts treated fairly by the Cost of Living Council. During phase II, the old Pay Board time and time again refused to give workers, whose wages had been reduced by it, the opportunity of a hearing on that wage reduction. Furthermore, wages were often reduced by the Board without stating the reasons for its actions. As a result, workers' pay increases were arbitrarily decreased in secrecy and without good reason. This was especially true of workers who were unorganized and who could not afford to pay high-priced Washington attorneys to represent them before the Board.

This amendment will assure that all workers, regardless of status and financial well being, will be served honestly and fairly. In a sense, it is a shame that a provision like this is even necessary for Congress to enact into law because this is something that any agency with an ounce of sense would do anyway. But unfortunately, the Cost of Living Council does not fall into that category and for that reason the Congress must step in and assure fairness to workers in their relationship with the Cost of Living Council.

And a fourth provision has to do with public disclosure of price increases. Throughout phases II and III, prices have been going up at an alarming rate. The people responsible for controlling those prices have continuously told the Congress and the public that prices that have gone up are fully justified. They have refused to show, through cost increases and otherwise, that rising prices were, in fact, justifiable on real economic grounds. This amendment will compel companies to now prove that their price increases are needed by requiring that companies which do increase their prices make public the full economic justification for doing so without disclosing trade secrets.

It will also give the Congress and the public a standard with which to measure the performance of the President's phase III machinery. For too long the administration has simply assured us that all these price increases are necessary. The administration insists that the public and the Congress simply should take my word for it, but, unfortunately, we have come to learn the worth of this administration's word, not only in stabilization matters but others as well. Therefore, it is necessary that we have this provision in the Stabilization Act to enable us to look beyond false promises and examine the substance of economic controls. This provision will allow us to do that.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 267, nays 115, not voting 51, as follows:

[Roll No. 114]

YEAS—267

| | | |
|---|---|---|
| Abzug | Burke, Fla. | Downing |
| Adams | Burke, Mass. | Drinan |
| Addabbo | Burlison, Mo. | Dulski |
| Alexander | Butler | Duncan |
| Anderson, Ill. | Carey, N.Y. | du Pont |
| Andrews, N.C. | Carney, Ohio | Edwards, Ala. |
| Andrews, N. Dak. | Carter | Eilberg |
| Annunzio | Casey, Tex. | Esch |
| Arends | Cederberg | Eshleman |
| Ashley | Chamberlain | Evans, Colo. |
| Aspin | Clancy | Fascell |
| Bell | Clausen, Don H. | Findley |
| Bennett | Clay | Flood |
| Bergland | Cleveland | Flowers |
| Biaggi | Cohen | Foley |
| Biester | Collier | Ford, Gerald R. |
| Bingham | Conable | Forsythe |
| Blatnik | Conte | Fountain |
| Bogga | Corman | Fraser |
| Boland | Cotter | Frelinghuysen |
| Bolling | Coughlin | Frenzel |
| Brademas | Cronin | Frey |
| Brasco | Daniel, Robert W., Jr. | Fuqua |
| Breaux | Daniels, Dominick V. | Gaydos |
| Breckinridge | Danielson | Gettys |
| Brooks | Davis, Ga | Giaimo |
| Broomfield | Dellenback | Gibbons |
| Brotzman | Dent | Gilman |
| Brown, Ohio | Diggs | Grasso |
| Broyhill, N.C. | Dingell | Green, Pa. |
| Buchanan | Donohue | Griffiths |
| Burgener | | Gubser |
| Burke, Calif. | | Gude |
| | | Gunter |
| Guyer | Mizell | Shuster |
| Haley | Moakley | Sisk |
| Hanley | Mollohan | Skubitz |
| Hansen, Idaho | Moorhead, Calif. | Smith, N.Y. |
| Harrington | Moorhead, Pa. | Snyder |
| Harsha | Morgan | Staggers |
| Harvey | Mosher | Stanton, J. William |
| Hastings | Murphy, Ill. | Stanton, James V. |
| Hawkins | Murphy, N.Y. | Stark |
| Hechler, W. Va. | Natcher | Steed |
| Heckler, Mass. | Nedzi | Steele |
| Henderson | Nelsen | Stokes |
| Hillis | Nix | Stratton |
| Hinshaw | O'Brien | Stubblefield |
| Hollfield | O'Neill | Stuckey |
| Holt | Owens | Studds |
| Holtzman | Parris | Sullivan |
| Horton | Patman | Symington |
| Hosmer | Patten | Taylor, N.C. |
| Hunt | Pepper | Teague, Calif. |
| Ichord | Perkins | Thompson, N.J. |
| Johnson, Pa. | Peyser | Thomson, Wis. |
| Jones, N.C. | Pike | Thornton |
| Karth | Podell | Tiernan |
| Keating | Preyer | Towell, Nev. |
| Kluczynski | Price, Ill. | Udall |
| Koch | Quie | Ullman |
| Kyros | Quillen | Vander Jagt |
| Latta | Randall | Vanik |
| Leggett | Rangel | Vigorito |
| Lehman | Rees | Walsh |
| Lent | Regula | Wampler |
| Litton | Reid | Ware |
| Long, La. | Reuss | White |
| McCollister | Rinaldo | Whitehurst |
| McCormack | Robison, N.Y. | Widnall |
| McDade | Rodino | Wiggins |
| McEwen | Roe | Wilson, Bob |
| McFall | Rogers | Wilson, Charles H., Calif. |
| McKinney | Roncallo, N.Y. | Winn |
| Macdonald | Rooney, Pa. | Wolff |
| Madden | Rose | Wright |
| Madigan | Rosenthal | Wyatt |
| Mahon | Roush | Wydler |
| Mailliard | Roy | Wylie |
| Mallary | Ruth | Wyman |
| Martin, Nebr. | St Germain | Yates |
| Mathias, Calif. | Sandman | Yatron |
| Matsunaga | Sarasin | Young, Fla. |
| Mazzoli | Sarbanes | Young, Ga. |
| Meeds | Saylor | Young, Tex. |
| Melcher | Scherle | Zablocki |
| Metcalfe | Schneebeli | Zion |
| Mills, Ark. | Schroeder | Zwach |
| Mills, Md. | Selberling | |
| Minshall, Ohio | Shipley | |
| Mitchell, Md. | Shriver | |
| Mitchell, N.Y. | | |

NAYS—115

| | | |
|---|---|---|
| Anderson, Calif. | Froehlich | Obey |
| Archer | Fulton | Pettis |
| Armstrong | Ginn | Pickle |
| Ashbrook | Goldwater | Poage |
| Bafalis | Gonzalez | Powell, Ohio |
| Baker | Goodling | Price, Tex. |
| Barrett | Gross | Rarick |
| Beard | Hammer-schmidt | Riegle |
| Bevill | Hanrahan | Roberts |
| Blackburn | Hays | Robinson, Va. |
| Bray | Helstoski | Roncallo, Wyo. |
| Brinkley | Hicks | Rousselot |
| Brown, Calif. | Hogan | Roybal |
| Brown, Mich. | Howard | Runnels |
| Burleson, Tex. | Hudnut | Ruppe |
| Burton | Hungate | Satterfield |
| Byron | Hutchinson | Sebelius |
| Camp | Jones, Okla. | Shoup |
| Chappell | Jordan | Slack |
| Chisholm | Kastenmeier | Smith, Iowa |
| Clawson, Del | Kazen | Spence |
| Cochran | Kemp | Steelman |
| Collins | Ketchum | Steiger, Ariz. |
| Conlan | Landgrebe | Steiger, Wis. |
| Crane | Landrum | Stephens |
| Daniel, Dan | Long, Md. | Symms |
| Davis, S.C. | Lott | Taylor, Mo. |
| Davis, Wis. | McClory | Thone |
| de la Garza | McCloskey | Treen |
| Dellums | Mann | Van Deerlin |
| Dennis | Mathis, Ga. | Waggonner |
| Derwinski | Mayne | Weicker |
| Devine | Mezvinsky | Williams |
| Dickinson | Michel | Wilson, Charles, Tex. |
| Dorn | Miller | Young, Alaska |
| Eckhardt | Minish | Young, S.C. |
| Fisher | Mink | |
| Flynt | Montgomery | |
| Ford, William D. | Moss | |
| | Nichols | |

NOT VOTING—51

| | | |
|---|---|---|
| Abdnor | Bowen | Clark |
| Badillo | Broyhill, Va. | Conyers |

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| | | |
|---|---|---|
| Culver | Huber | O'Hara |
| Delaney | Jarman | Passman |
| Denholm | Johnson, Calif. | Pritchard |
| Edwards, Calif. | Johnson, Colo. | Railsback |
| Erlenborn | Jones, Ala. | Rhodes |
| Evins, Tenn. | Jones, Tenn. | Rooney, N.Y. |
| Fish | King | Rostenkowski |
| Gray | Kuykendall | Ryan |
| Green, Oreg. | Lujan | Sikes |
| Grover | McKay | Talcott |
| Hamilton | McSpadden | Teague, Tex. |
| Hanna | Maraziti | Veysey |
| Hansen, Wash. | Martin, N.C | Whalen |
| Hébert | Milford | Whitten |
| Heinz | Myers | Young, Ill. |

So the conference report was agreed to.

The clerk announced the following pairs:

On this vote:

Mr. Rhodes for, with Mr. Johnson of California against.

Mr. Maraziti for, with Mr. Badillo against.

Mr. Rooney of New York for, with Mr. Johnson of Colorado against.

Mr. Edwards of California for, with Mr. Heinz against.

Mr. Hanna for, with Mr. Teague of Texas against.

Until further notice:

Mr. Hébert with Mr. King.

Mr. Passman with Mr. Abdnor.

Mr. Clark with Mr. Martin of North Carolina.

Mr. Rostenkowski with Mr. Erlenborn.

Mr. Delaney with Mr. Fish.

Mr. Sikes with Mr. Lujan.

Mr. O'Hara with Mr. Huber.

Mr. Whitten with Mr. Jones of Alabama.

Mr. Culver with Mr. Ryan.

Mr. Conyers with Mr. Hamilton.

Mr. Bowen with Mr. Jones of Tennessee.

Mr. Evins of Tennessee with Mr. Kuykendall.

Mr. Gray with Mr. Grover.

Mrs. Green of Oregon with Mr. Broyhill of Virginia.

Mr. Myers with Mr. Milford.

Mr. Denholm with Mr. Pritchard.

Mr. Jarman with Mr. Railsback.

Mr. McKay with Mr. Talcott.

Mrs. Hansen of Washington with Mr. Whalen.

Mr. McSpadden with Mr. Young of Illinois.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## THE PRESIDENT AND WATERGATE

(Ms. ABZUG asked and was given permission to address the House for 1 minute, and to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, in the ever-widening Watergate case, one would hope out of respect for the office that the President would be above suspicion. In fact, he is not.

As the New York Times pointed out yesterday—April 29:

> The instances of infamous behavior accumulate day by day, each more appalling than the one before. Their still incomplete sum is a picture of men in the highest offices of the Government engaged in lawless and ruthless actions and utterly contemptuous of the restraints which apply to ordinary citizens.

And the Times continues:

> The scandals breaking almost daily extend to the very door of the President's office and involve his most trusted and powerful associates.

It is time to open that door and to determine what part the President himself played in this pattern of illegal actions which goes far beyond the actual break-in at Watergate and involve the subversion of the democratic process itself.

At the very least, it is now evident that the President's closest advisers were involved in wrong-doing, and he must accept responsibility for the actions of his surrogates. At most, common sense would lead to the belief that the President knew what was going on, at least in broad terms, and condoned efforts to suppress the facts. As the polls indicate, millions of Americans already believe the latter to be the case.

With congressional compliance and voluntary erosion of this body's responsibilities under the Constitution, we have seen over the years an alarming flow of power to the White House. We are now witnessing the corruption that such unchecked power brings and, most threatening of all to our institutions, the use of power to maintain power by unlawful means.

There are two aspects of the Watergate situation to which Congress and the American people must address themselves. First, the investigation into the acts of the President's subordinates and others involved in the matter must be carried on by an authority wholly separate and apart from the Executive branch. In effect, the people at the Department of Justice have been working for those under suspicion for over 4 years, and the investigation should not be carried on there. The President's closest advisers are under suspicion, so it would not be appropriate for him to have any role in the appointment of a special prosecutor or any other aspect of the investigation. An acceptable solution would be to have an independent prosecutor selected by the American Bar Association.

The second aspect is that of the President himself. Traditionally, our Chief Executive has been regarded as beyond the reach of the law with the exception of the authority of Congress under the Constitution to impeach, to try, and to remove the President from office for "treason, bribery, or other high crimes and misdemeanors." We in the House should launch an investigation to determine whether there are grounds for impeaching the President.

If ever Congress had a responsibility to act to restore our confidence in democratic government, it is now.

We have heard this afternon that Messrs. Haldeman, Ehrlichman, Dean and Kleindienst have resigned and that President Nixon will make a televised address at 9 this evening on the subject of Watergate. In listening to him, we should not forget that he told us solemnly last year that no one at the White House was involved in the sordid business. In light of that, it is difficult to believe anything he tells us now.

There was a fire raging in his kitchen, and the American people are not going to believe that he did not smell the smoke. Let us have no further lies, but instead a full disclosure of the President's involvement in and knowledge of the Watergate scandal. The people, and the institution of the Presidency, deserve no less.

## FEDERAL DEFICIT SPENDING—INFLATION

The SPEAKER pro tempore (Mr. DANIELSON). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, in the early part of March of this year, the U.S. House considered the Vocational Rehabilitation Act and the Older Americans Act. Both of these acts provided for expenditures far over the budget, duplicated existing programs and provided for setting up separate bureaus for their administration, rather than using the present social security system to deliver aid to the aged, and the Department of Education. Due to these deficiencies, I voted against both acts.

The ultra-liberal editorial writers for our area newspapers promptly printed adverse editorials about my votes. The fact is that these writers had not bothered to read the bills and knew little or nothing about their content. The editorial writers implied that I was against the handicapped and the aged. No mention was made of the fact that these bills would set up new bureaucracies which would absorb most of the funds appropriated by the acts.

President Nixon vetoed the Vocational Rehabilitation Act and the Senate upheld his veto by a vote of 60 to 36. The Senate and House conferees struck the objectionable features from the Older Americans Act and reduced the expenditures so that it was within the budget. The House then passed the revised bill by a vote of 348 to 0.

Federal deficit spending is the major cause of inflation. To continue spending, as would have been the case under the two above-mentioned acts, would have simply accelerated inflation. Less than 2 years ago, an ounce of gold was worth $35 as compared to the present $90 per ounce. No one wants additional Federal bureaucracies and no one wants a worthless U.S. dollar. For these reasons, we must stop deficit spending.

### REVENUE SHARING FUNDS

On April 6, Delaware County and its various municipalities received checks totaling $1,614,793 in general revenue sharing funds for the 1st quarter of 1973. The amounts of money received by the various municipalities are determined by the population and the median income of each municipality.

This general revenue sharing fund has been of great assistance to the various municipalities and to the county, and the payment of these funds will continue. An effort is being made to pass some special Federal revenue sharing bills which will give money directly to municipalities and counties for other purposes, such as housing and education.



### VIETNAM WAR—POW'S

The cease-fire which ended the U.S. participation in the ground war of South Vietnam, Laos and Cambodia, was welcomed by every American, and it resulted in all U.S. ground troops being withdrawn from Southeast Asia. It is unfortunate that the Communists have not abided by all of the terms of the cease fire. They have continued Communist aggression in Laos and Cambodia, which has required the U.S. Air Force to resume the bombing in those countries.

In fact, in South Vietnam, the Vietcong and/or the North Vietnamese have shot down two plainly marked helicopters carrying members of the International Commission of Control and Supervision, which is supervising the ceasefire. All the Commission members in one of the helicopters were killed and several of those in the second helicopter were seriously injured.

It has been a most welcome sight to see the U.S. POW's returning home. Legislation is being considered which would be beneficial to those POW's, who have given so much to their country, and to the families of those missing in action—MIA's. We must make certain that all U.S. POW's and MIA's, who are alive, and those who may be held in Cambodia and Laos, are returned.

I will never vote for legislation which would give any assistance to North Vietnam. Such money could better be used right here at home in helping the veterans and the families of those who did not return.

### ECONOMIC STABILIZATION ACT EXTENSION

The Economic Stabilization Act was designed to curb inflation and stabilize the economy of the United States. After the administration invoked this act, its provisions were amended in 1971 and phase II was placed in operation.

Phase II was operating reasonably well, when, on January 11, 1973, the President, by Executive order, invoked phase III, abolishing the Wage Board, the Price Commission and rent controls.

Under phase III, the prices of food, including meat, rents, lumber and other commodities, skyrocketed to all time highs. Inflation during the first 3 months of this year sharply exceeded 6 percent. No satisfactory explanation has been given as to why phase III was put into effect when phase II was working well and the Economic Stabilization Act expires on April 30, 1973.

The House Banking and Currency Committee, on which I serve, reported out a complicated bill, H.R. 6168, an extension of the Economic Stabilization Act. This bill contained a number of unsound provisions and my efforts to produce a reasonable bill were largely unsuccessful.

When H.R. 6168 came to the floor of the House, it was defeated, and a simple 1-year extension of the present act was approved. The present act gives the President full discretionary authority in all areas of economic stabilization. I offered two amendments which would have mandated the reestablishment of the Wage Board and Price Commission to hold the annual rate of inflation to 2½ percent and which would have placed reasonable controls on rents. Both of these amendments were defeated.

The Senate and House conferees have agreed on a poor compromise bill which does not contain any provisions for rent controls or adequate provisions for wage and price controls. It will certainly be a happy day for this country when Federal deficit spending is stopped and we can do away with controls and return to our system of free enterprise.

### FEDERAL HIGHWAY AID ACT—1973

The Federal Highway Aid Act of 1973, S. 502, was passed by the House on Thursday, April 19. The Anderson amendment, which would have taken $700 million out of the Federal highway trust fund was defeated and I voted against it. The highway trust fund is maintained by the Federal taxes you pay on gasoline and tires and by the taxes on heavy trucks.

The Federal Government has borrowed billions of dollars from the Federal highway trust fund, and every other Federal trust fund, including social security, to pay for Federal deficit spending so there is now only $5.7 billion in the Federal highway trust fund. The U.S. taxpayer pays the interest on the Treasury notes that are used to borrow the money from the trust funds, and the Federal obligation for improving and maintaining our primary and secondary systems of highways, and the Interstate Highway System, is $7 billion.

Title III of S. 502 authorizes $3 billion for mass transit improvements over the next 3 years and any approved mass transit project will be financed 80 percent by Federal funds. This title of the bill was not publicized and I did not receive any visits from highway lobbyists. I did receive visits, telephone calls and letters from those favoring the Anderson amendment, who did not understand how extensively the Federal Government has borrowed from the trust funds.

### MEDIA GIRL WINS NATIONAL HONOR

Renee Jeanne Conroy, a senior at Marple-Newton Senior High School, was a winner in the 32d Annual Westinghouse Science Search, held in cooperation with the National Science Foundation.

Renee was selected from 13,385 contestants in 49 States and the District of Columbia. Her grandfather, Upper Darby Police Superintendent Ed Conroy, and all of us in Delaware County are very proud of her great accomplishment. She intends to continue her education at Muhlenberg College and become a doctor.

## WHAT ABOUT THE DRAFT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, yesterday's Washington Post carried a story by William Claiborne entitled, "New Army: Magnet for Poor." Mr. Claiborne seeks to create the impression that an all-volunteer force would somehow differ in composition from a military raised through conscription. Yet the article's only reference to the impact of the draft upon the same concerns is the incredible statement:

> In years past, when the draft was in effect, the Army reflected, to a considerable extent, the full range of diversity in American society. It took the rich and the poor, college graduates and high school dropouts—18 million men in all in this country.

Nothing could be further from the truth than this assertion that the draft has operated in a representative fashion. Mr. Claiborne apparently missed the major debate over the draft in recent years, in which one of the chief contentions against compulsory military service was its inequitable impact upon the poor and disadvantaged.

### SOCIOECONOMIC CONSIDERATIONS

Some of the most vigorous support for the all-volunteer force has come from groups such as the Southern Christian Leadership Conference, the National Welfare Rights Organization, and members of the Congressional Black Caucus. As the gentleman from Maryland (Mr. MITCHELL) has noted:

> The great majority of black leaders have spoken out in support of the Volunteer Army. It is personally irritating to me that there as those who would oppose this Volunteer Army on the basis of what it does to black people without consulting the very people about whom they are speaking. We are past the stage of noblesse oblige.

Had Mr. Claiborne engaged in such consultation, he would have discovered the impact the draft had upon the poor and minority groups. The following table is particularly instructive, because it illustrates that conscription, not voluntarism, disproportionately draws upon minorities: the percentage of blacks among draftees has been consistently higher than the percentage among enlistees:

| Army | Enlistees | Inductees |
|---|---|---|
| Fiscal year: | | |
| 1969 | 12.2 | 14.9 |
| 1970 | 12.3 | 15.1 |
| 1971 | 13.9 | 15.9 |
| 1972 | 15.9 | 18.1 |

Moreover, while major steps have been taken toward draft reform, it must be noted that medical, hardship, and conscientious objector deferments remain more readily available to the individual who has an educational or financial background which enables him to fully use the opportunities to avoid service provided in law. A graphic example can be found in the disparity between black and white medical exemptions. Although no one would argue that blacks receive better medical care than whites, the white medical rejection rate was twice as high as that for blacks:

| Army | Medical disqualification only (percent of those examined) | |
|---|---|---|
| | White | Black |
| Calendar year: | | |
| 1972 (1st half) | 44.1 | 19.3 |
| 1971 | 42.9 | 22.5 |
| 1970 | 39.3 | 22.7 |
| 1969 | 34.9 | 19.3 |

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CONSCRIPTION AND EDUCATION

The discriminatory aspects of conscription, of course, have hurt the less educated and less affluent of all races. During the period from June 1969 to June 1972, a total of 1,507,377 men entered the Armed Forces: 383,152 draftees, and thousands of draft motivated volunteers. Yet in spite of this significant use of compulsory military service, those with the most education served the least. Of the males who recently passed through draft vulnerability, about 20 percent are college graduates—yet only 11 percent of those who entered the military during the past 3 years were in that category:

| Education | Officer, enlisted, and inducted entrants to the Active Forces (percent) | Civilian males aged 25 to 29, as of March 1971 (percent) |
|---|---|---|
| Total | 100.0 | 100.0 |
| Nonhigh school graduates | 26.2 | 22.0 |
| High school graduates | 62.4 | 58.0 |
| College graduates | 11.4 | 20.0 |

In this regard, it is important to note that decreasing draft pressure has actually seen an increase in the proportion of those with advanced education entering the officer corps. This phenomenon will appear even stronger during the absence of the draft as a result of ROTC programs authorized by the 92d Congress.

COMPOSITION OF THE VOLUNTEER FORCE

Secretary Richardson's recent report on the all-volunteer force demonstrated that despite declining draft pressure, the qualitative aspects of the Armed Forces—measured by intelligence tests and high school education—have remained stable. Where problems have appeared, they have been easily dealt with by increasing standards for enlistment. I include the relevant sections of that report in the RECORD immediately following my remarks.

It is important that the Armed Forces continue to attract and retain individuals of the quality and quantity to maintain our national security. I am hopeful that writers who seek to address this question in terms of the "volunteer" force will also consider the question: "What About the Draft?"

The excerpts follow:

SPECIAL REPORT OF SECRETARY OF DEFENSE ELLIOT L. RICHARDSON, MARCH 1973; THE ALL-VOLUNTEER FORCE AND THE END OF THE DRAFT

QUALITY OF ENLISTMENTS

There have been some dire predictions that ending the draft would produce an organization of substandard volunteers. Our experience does not support this claim. The quality objectives for military enlistments are being met as well or better than during earlier periods of high draft calls. These objectives are:

To enlist people whose learning capacities match the requirements of military jobs.

To enlist people who display self-discipline and control.

To maintain efficiency and effectiveness of the Armed Forces.

To minimize military manpower costs.

Because of the importance of maintaining the fine balance among the quality of the force, its mission requirements, and its costs, we monitor quality factors closely. Mental ability of people entering military service is one of these factors.

IS QUALITY OF PERSONNEL ADEQUATE

*Mental ability of new entries—DOD*

[In percent]

| | |
|---|---|
| Above average I and II: | |
| 1969 | 38 |
| 1970 | 36 |
| 1971 | 35 |
| 1972 | 34 |
| 1973 (1st half) | 33 |
| Average III: | |
| 1969 | 38 |
| 1970 | 41 |
| 1971 | 43 |
| 1972 | 48 |
| 1973 (1st half) | 49 |
| Below average IV: | |
| 1969 | 24 |
| 1970 | 23 |
| 1971 | 22 |
| 1972 | 18 |
| 1973 (1st half) | 18 |
| Lowest V: [1] | |

[1] Personnel not accepted from this group.

Trends in mental ability of new entries by fiscal year show a modest decline in men coming into military service having above average mental ability. However, the number is adequate to fill jobs requiring complex technical training and the ability to complete such training successfully. There has been a steady increase in the proportion of men entering service with average mental ability, which is adequate for most military jobs. The declining trend in Mental Group IV personnel is the result of emphasis placed on recruiting people with greater mental ability. Overall, the learning capacity of new entries is adequate in meeting job requirements when the proportion of Mental Group IV personnel does not exceed about 22 percent. Conversely, when the overall proportion of Mental Group IV personnel falls below 15 percent, there is a tendency toward many people being under-challenged by their job assignments.

High school graduates have consistently performed better in their military jobs, and have had fewer disciplinary problems, than those who have not graduated. Hence, special emphasis is placed on attracting a high proportion of young men who have completed high school.

*Percent of high school graduates*

| | |
|---|---|
| Army: | |
| 1971 | 55 |
| 1972 | 70 |
| 1973 (1st half) | 52 |
| Navy: | |
| 1971 | 78 |
| 1972 | 76 |
| 1973 (1st half) | 68 |
| Marine Corps: | |
| 1971 | 51 |
| 1972 | 47 |
| 1973 (1st half) | 49 |
| Air Force: | |
| 1971 | 87 |
| 1972 | 83 |
| 1973 (1st half) | 88 |
| DOD: | |
| 1971 | 67 |
| 1972 | 71 |
| 1973 (1st half) | 63 |

Because of a sharp decline in the percentage of high school graduates among Army enlistees during the first half of FY 1973, the overall percentage of high school graduates among enlistees for all of the Armed Services combined dropped from 71 percent in FY 1972 to 63 percent in the first half of FY 1973. Starting February 1, 1973, the Army placed a ceiling of 30 percent non-high school graduate enlistments each month. Army recruiters will direct more attention toward high school graduates and this shift in emphasis should increase the Army percentage of high school graduates to the 70 percent level which is desirable.

Because of the very significant increase in total enlistments during the first seven months of FY 1973 compared to the same period in FY 1972, the total number of high school graduates actually increased from 167,000 during July 1971-January 1972 to 172,000 during July 1972-January 1973.

The overall goal is to obtain people who have the capacity and will to perform the required jobs in a completely satisfactory manner. It may be necessary to offer bonuses to attract people in sufficient numbers for the more difficult jobs, or to use reenlistment bonuses to selectively retain them. Authority for the payment of such bonuses is contained in the Uniformed Services Special Pay Act which awaits action by Congress.

## CONFIRMATION OF OMB DIRECTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 15 minutes.

Mr. HORTON. Mr. Speaker, tomorrow the House will take up H.R. 3932, a bill requiring Senate confirmation of the OMB Director. I am opposed to this legislation because I believe it to be unconstitutional in its attempt to force the removal of duly appointed incumbent executive officers. This removal is inherent in any attempt to impose qualifications for an office retroactively. The arguments on the constitutionality of the bill are spelled out in the dissenting views to the committee report—House Report 93-109.

But there is, as well, an important policy question that should be aired: Would it be wise to require Senate confirmation of the OMB Director prospectively? In our now-published hearings on the legislation, many important points were raised which argued against the wisdom of such a move. I would like to put these points in the RECORD for the information of my colleagues because I believe they clearly establish the lack of wisdom in this legislative proposal.

The House succeeded in 1921 in forcing the Senate to accept its version of a budgetary system. That budgetary system was based upon the concept of focusing responsibility for the development of budget estimates and the control over expenditures on the President. Responsibility for appropriating funds rested, of course, with the Congress, and for audits with the General Accounting Office. As a condition of this focusing of responsibility, the House insisted that the President have direct and complete control over the Budget Director and his office, and that the Senate not be involved in the selection of the "President's assistant."

The arguments that won the day for the House concept were:

That the President, under the Constitution, was directly responsible for administrative management, and in view of the constitutional principle of separation of powers should have personal staff to carry out these personal responsibilities;

That these responsibilities, if shouldered by the President and if he were given adequate staff assistance, would greatly increase the economy and efficiency of the executive branch; and

That this clear assignment of responsibilities to the President for the preparation and implementation of the budget, to the Congress for appropriations, and to the General Accounting Office for audits must not be diluted by involving any one unit in the activities and responsibilities of the others.



As Prof. Harvey Mansfield, of Columbia University, one of the leading scholars in the field of public administration, said in our hearings:

The Budget and Accounting Act of 1921, which fixed a duty upon the President to present an annual budget and established the Bureau of the Budget to assist him in preparing and monitoring it, is one of the great constructive landmarks in the development of our governmental organization and processes. It was mainly the handiwork of the House of Representatives. The framers of that Act, and the House managers in conference on it, confronted and rejected a Senate claim to a requirement of confirmation for the Budget Director—a claim they accepted in respect of the office of Comptroller General, established in the same act. The distinction was drawn, and the House managers persisted in their stand, deliberately, because they saw something at stake for the House as well as for the President. The Senate then conceded.

The Budget Director's role has not changed in any important way since 1921, so that the arguments that were valid then are equally applicable now. Since his role or function remains the same, the House should again refuse to grant the Senate the right to confirm the Budget Director.

If the Office has grown in power, it is only because the Congress has given the President more to do, and the OMB is frequently the vehicle used for meeting his responsibilities. If one studies the lists of new functions assigned to OMB, one notes they mostly deal with further clarifications and augmentations of the President's budgetary and management responsibilities. These assignments do not change the fundamental role of the Budget Director as conceived in 1921.

Some argue that Reorganization Plan No. 2 of 1970, which set up the Office of Management and Budget, was a major change, picking up what the President claimed in his message accompanying the plan:

• • • creation of the Office of Management and Budget represents far more than a mere change of name for the Bureau of the Budget. It represents a basic change in concept and emphasis, reflecting the broader management needs of the Office of the President.

However, it must be remembered that reorganization plans cannot confer new authority, they can only transfer or abolish existing authority.

The "newness" of OMB was really only in its changed emphasis. As the BOB Director explained in a letter to the committee answering questions on the plan:

Strictly speaking, the functions of the OMB are not "new," but its overall perspective will place new emphasis on certain important management tools the President must have in managing the executive branch.

At a later point he explained why there was so much emphasis on "newness" when in fact no new authority was involved.

Most of the objectives of Part I of the Plan could be achieved by strengthening the resources of the Bureau. In fact, it is possible to try to achieve almost any set of objectives through an existing organization in the Executive Branch. The question, we believe, is rather how to best encourage the development of the new focus, skills, attitudes and perceptions required to help the President to manage more effectively.

In the past, there have been many efforts and recommendations made to strengthen the non-budgetary functions of the Bureau of the Budget. There has been some progress, but results have not been forthcoming fast enough to keep up with the demands made upon the Presidency. The Bureau has had to continue to concentrate heavily on the budget job for a long time and devotes at least three-fourths of its professional personnel to the budget task.

Changing the emphasis and pervading atmosphere of an organization is a difficult and subtle task. . . .

Worthy of note is that at no time in the past when legislation was being considered affecting the Bureau of the Budget or the Office of Management and Budget was the issue of Senate confirmation raised.

As Dr. Mansfield pointed out in our hearings:

The present Senate view, as expressed in its recent passage of S. 518, and reflected in the Committee Report No. 93-7 thereon, is that OMB's functions and responsibilities have grown so, over the years, that the 1921 decision as to confirmation should be reversed. It invokes the need to balance "the President's requirement for an institutional aid . . . with the Constitutional role of the Congress (*sic*) in the formulation and finalization of national policy." This assumes that what is good for the Senate is necessarily good for the Congress and for the House.

Congressman JOHN RHODES of Arizona was no doubt correct when he pointed out in his testimony before the committee, that this legislation is being pushed in a "fit of pique." The Senate never bothered to hold hearings on their bill. The House must take an objective, hard look at this legislation because it would be permanent.

What must be considered is the extent to which the process of Senate confirmation can properly and usefully be applied to the job of the OMB Director. The Constitution cannot be interpreted to require Senate confirmation of these officers on the grounds that their great power no longer allows them to be considered inferior. The courts have held that in the Constitution,

The word "inferior" is not here used in . . . the sense of petty or unimportant; but it means subordinate or inferior to those officers in whom respectively the power of appointment may be vested." (Collins vs. U.S., 14 C. Cl. 568, 574 (1878).

Major differences exist between officials who should be subject to Senate confirmation, and the OMB Director, who I believe should not. Fixed, public responsibilities for political policy define jobs where the Senate might play a useful role in consenting to the appointment of the President's nominee. Executive officers who are subject to Senate confirmation usually have direct statutory responsibilities for programs; must consider their obligations as going, beyond the President, to the Congress and the Nation as a whole; and must work with the Congress and outside interests as part of their political responsibilities. These public officers have the responsibility for decisions made, and the Senate can properly and usefully consent to their assumption of these legal duties.

But staff assistants to men who hold these jobs should not be subject to confirmation, even if the position is staff assistant to the President. For instance, we do not require confirmation of law clerks to Supreme Court Justices even though they may be very influential. As Roger Jones said in our hearings:

The [Office of Management and Budget] and its incumbents are parts of the Presidency. It is the people at large who pass upon the qualifications of the President. I can find no express or implied authority for requiring the Senate, in effect, to pass upon the wisdom of the President in choosing his direct staff or in making assignments to them to assist him in discharging various legal and constitutional responsibilities.

Proponents of the legislation frequently point out that there are officers in the Executive Office of the President who are subject to Senate confirmation, and that this proves that it is possible and appropriate to require the same of the OMB Director.

But the distinctions drawn above hold in these cases as well, since the Executive Office does include operating programs as well as staff to the President. The Office of Emergency Preparedness, the Central Intelligence Agency, the Office of Economic Opportunity, are all examples of operating programs, the heads of which meet the above-mentioned criteria for Senate confirmation. Some units do seem to perform only staff functions and in these cases it can only be said that the confirmation requirement does not appear particularly wise. It should be noted that two of them, the National Aeronautics and Space Council and the Office of Science and Technology, will soon disappear, abolished by Reorganization Plan No. 1 of 1973. Also relevant is the fact that if the President were to feel his relationship to the OMB Director were in any way compromised, he would simply turn elsewhere for his budget advice. If such were the case, Senate confirmation would backfire and have a negative effect.

Confirmation would not make the OMB Director more accountable to the Congress; would not limit use of executive privilege; would not allow the Senate to gain policy commitments from the Director prior to his confirmation, and would not guarantee that only good men are appointed to the position.

Finally, the immediate short-term effects of this legislation appear to be mischievous. Approval of this legislation could be interpreted as either condoning Senate behavior amounting to political extortion, or walking into a legal swamp because of the unconstitutionality of this legislation in search of some short-term political gain.

Of utmost concern is that this legislation will have a deleterious effect on the budget system. First, it will further dilute the leadership of the House in matters of fiscal policy, fragmenting congressional budgetary machinery. In 1921 the House insisted that the President

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should have clear executive responsibility for the budget estimates and, thus, did not permit the Senate the right to confirm the Budget Director. This position buttressed the leadership of the House in acting upon the President's budget requests. But over the years, the Senate has developed into an "appellate court" for House appropriations and various devices have been created to get around the appropriation process, such as creating obligational authority in advance of appropriations. The strong relationship between the President, the OMB Director, and the House in fiscal matters has been weakened, and this bill would further weaken those ties. As Congressman RHODES of Arizona said in testimony before our committee:

The Office of Management and Budget and its Director have been peculiarly oriented toward the House, because of the fact that we still have this vestige of appropriations power. If now, we acquiesce in the request of the other body to subject the Director of the Office of Management and Budget to confirmation, I can see that the attention of the person who holds that office will shift from the House to the Senate. The power of the House in appropriations and fiscal matters will have been further diluted. I, for one, do not favor any legislation which might cause this to happen.

This fear of diluting House leadership in fiscal matters is not merely a parochial concern. The Congress cannot effectively wield its appropriations power unless it speaks with a unified voice. This has been recognized by the Joint Study Committee on Budget Control in its report. According to newspaper reports, it is also a tenet adhered to by majority party as they seek to reform the Congress. One cannot fragment responsibility for congressional action on the budget and still expect to play the important budgetary role expected of the House and the Congress.

Second, over time this might tend to weaken the close and beneficial relationship between the President and his budget director. This would not result in better budgets, in firmer control over agency expenditures, nor will it properly reflect the responsibility for budget estimates and expenditures which must be placed on the President's shoulders. I agree with the conclusion reached by Don Price, dean of the Kennedy School of Government at Harvard University:

I have no doubt that the Congress, by tightening up its procedures and increasing the ability of its own leadership to coordinate their legislative and financial decisions, can exercise more responsible control over our national policies. I believe that it would be more useful to undertake that difficult task than to make a symbolic gesture which, to the extent it might have practical consequences, would lead us in the direction of less clear responsibility within our financial system.

In short, this bill will not give the Congres any better control over the budget and expenditures; indeed, it will probably weaken the congressional budget machinery. You should note that this is not one of the recommendations listed in the report of the Joint Study Committee on Budget Control.

This legislation is not reform legislation; it does not strengthen the Congress. It has not resulted from any study of the budget process or congressional weaknesses. Indeed, there were not even any hearings on this legislation in the Senate. The points that were made above should indicate there are few, if any, desirable benefits to be derived from this legislation, and there are some major disadvantages.

It is to be hoped that the Congress will not adopt this legislation, but rather will move on proposals which will truly strengthen itself, allowing it as an institution to play its proper role in the National Government. The Congress must hasten its own reform, but to approve this legislation would be a step backwards from the reforms made at the insistence of the House in 1921.

The House knew what it was doing in 1921 when it refused to grant to the Senate the right to confirm the Budget Director. The House felt that he should be "the President's staff, the President's force," realizing full well that he might become the "second largest man" in the Government. They felt this would allow the President to develop a more effective and efficient administration. They also realized that it would protect the integrity of the congressional appropriations process and the leadership role of the House in fiscal policy. These fundamental reforms should not be overturned for short-run political considerations. Approving this legislation would be most unwise.

## THE MIRAGE OF WAGE-PRICE CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP), is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I voted against the extension of the Economic Stabilization Act today, because the U.S. Government can no longer afford to deal with the deleterious effects of inflation; it must begin to deal with the causes. It is incongruous to me that certain elements of Congress and certain segments of the economic community can really believe that wage-price controls stem inflation. As Alan Greenspan said in this morning's Wall Street Journal, "Controls can't stem inflation, only fiscal and monetary policy can." What we are clearly confronted with is the choice of coping with the consequences of past policy mistakes and restoring the economy to a sound monetary and fiscal policy, or continue pursuing the course of contriving controls which suppress inflationary pressures over the short run, but leave the economy in a state of chronic imbalance.

What seems to have escaped the purview of so many who are supposed to understand the cause-and-effect relationships within the U.S. economy is that free markets are exceptionally sensitive. As Alan Greenspan put it:

Any attempt to intervene in the normal wage-price process of necessity leads to offsetting imbalances elsewhere in the market system. These require further government intervention to correct and the correction process in turn generates a need for still greater intervention. It is a process which, if not aborted, leads to full control of the economy by government edict.

It is that possibility which deeply disturbs me. As Greenspan concluded:

In a free society, controls cannot supersede the law of supply and demand. In a society in which they can, justice cannot prevail.

It is my contention that the free market can best bring justice to the marketplace. Certainly that is the fundamental goal of our economic system. To pretend that an artificial system of controls can bring justice to the marketplace disregards the experiences of the recent past. For the sake of the working man—those who have justifiable wage demands—as well as for the sake of a more stable free market, stripped of the contrivances of controls, I oppose the extension of the Economic Stabilization Act.

The text of Alan Greenspan's article, "The Mirage of Wage-Price Controls," follows:

THE MIRAGE OF WAGE-PRICE CONTROLS

(By Alan Greenspan)

With the economy running flat out and caught in a classic demand-pull inflation, the cry to do something has become politically overpowering. That politicians advocate a legalized freeze on prices and think that it will solve the problem, I find disturbing. That the majority of economists, in a state of despair, acquiesce, I find inconceivable.

The choice is often stated as between stemming the upsurge in prices through price controls or allowing inflationary pressures to run unimpeded. Controls can't stem inflation, only fiscal and monetary policy can. The real choice is between riding out the consequences of past policy mistakes and focusing on returning the American economy to a stable noninflationary growth path by 1975, or alternatively, employing controls to bottle up the underlying inflationary pressures and therefore a state of chronic imbalance and slow growth for the indefinite future. While I have not always agreed with the policies of this administration, I have no doubt that, if they can withstand the extraordinary political pressures urging them to ad hoc solutions, they will keep on the path of the long-term disinflationary policies which were initiated last year.

Ironically, the pressure on the administration is all the stronger because it appears to many that Phases 1 and 2 did indeed suppress the rate of inflation. But controls were imposed on an economy which was already disinflating and this made them appear effective in restraining inflationary pressures at little apparent cost to business, labor, or the general public. Until the closing days of Phase 2, price controls rested very lightly on the economy and hence were largely inoperative.

Since most companies were unable to get anywhere near their price ceilings in the marketplace, few price or marketing decisions were affected. The huge union settlements of 1970 and early 1971 reflected catch-ups for unions locked into the pre-inflation agreements of 1967. By 1969, union agreements were already quite generous. Little catch-up was required when these contracts were renewed in 1972. Consequently, only a small segment of union labor was subject to the heavy hand of Pay Board rollbacks last year.

Underlying pressure on wages and prices, however, began to mount in late 1972. The gap between product pricing and Term Limit Price ceilings, once close to 1%, was narrowing and it appeared that Phase 2 price controls would soon start to grip. Business' tranquil experience with price controls would have come to an end.

UNFORTUNATE COMPARISON

The move toward a more free-market oriented Phase 3 rested on the recognition that the Phase 2 structure could not withstand the demand-pull pressures which were rapidly emerging. The recent sharp price increases coincident with the shift to Phase 3 had little to do with the change in the control mechanism. Unfortunately, superficial comparisons of price index behavior before and after January 11 have reinforced the public's view that Phase 2 controls worked. It might have been better to have stood pat with Phase 2 and suffered the consequences of a rupture of the control mechanism. The price of education comes high these days but in this case it might have been worth it.

I used to hear that controls cause grave distortions in an economy, that they are not a solution to inflation and that they always break down eventually, leaving chaos in their wake. The new view, as I read it, is that such consequences need not occur if controls are used to defuse inflation psychology. This thesis presumes that collective psychology, while admittedly having been triggered by real economic forces, somehow takes on a life of its own and independently perpetuates price increases even after the underlying economic causes are brought under control. If controls can alter this psychology, it is argued, inflationary pressures could dissipate without the distortions previously ascribed to controls. The wage guideline is particularly singled out as being critical and is an often cited reason for the alleged success of Phases 1 and 2.

Why not then set the wage guideline at, say, 2½%, a figure more consistent with zero inflation, rather than 5.5%. Yet almost any defender of wage guidelines will immediately point out that a 2½% figure would be unworkable. This suggests, of course, that in their view there are other, more fundamental factors involved in wage determinations. The issue, obviously, is not one of guidelines nor of the psychology of business, labor or consumers, but of basic underlying economic forces.

I do not deny that consumer and business psychology exist and that they affect business activity and prices. What I deny is that psychology or confidence is an essentially irrational collective neurosis capable of being manipulated by government policy. On the contrary, such psychological reactions are almost invariably a response to fundamental economic forces. Consumers or businessmen may temporarily misread the environment to which they are attempting to adjust, but ultimately their actions are a rational response to economic realities.

I know of no evidence which sustains the thesis of an independent inflation psychology. All history tells us that massive government deficits, accommodated by the monetary authority, lead to inflation. Even though the present administration is making an impressive attack on federal spending growth, our fiscal conduct in recent years has scarcely been commendable. Although I, too, was surprised by the size of price increases of the past few months, in the context of the budget deficits of recent years, I probably shouldn't have been. In any event, I do not need to advert to an inflation psychology thesis to explain what is happening.

Inflation psychology is a very convenient term for explaining why consumers and businessmen behave in a certain way. The presumption that their behavior can be successfully manipulated by governmental action via wage-price guidelines or controls is an illusion to which policy-makers and molders like to cling. It is the only semiplausible concept which can explain how a wage and price control structure can subdue inflationary pressures without creating gross distortions in the economy. It is a concept which removes the burdens of pursuing politically unpopular truly disinflationary measures. The progression toward controls results from the very nature of political decision-making.

When a businessman perceives a potential risk to his operation, he is more than willing to expend some "insurance" money to hedge its consequences. Thus, steel users invariably build inventories prior to the termination of a United Steelworkers' agreement as a hedge against their running short of steel and seeing their production schedules severely disrupted. The inventory process is costly and in the event of a settlement, appears in retrospect, unnecessary.

NOT A GUIDING PRINCIPLE

This, however, is not a principle guiding government policy. Government regulators and policy-makers rarely expend funds on insurance or risk-diminishing activities. Whereas the businessman would consider it appropriate to build steel inventories even if the probabilities of a strike were no more than 1 in 10, a government official, especially an elected one, cannot afford to be accused of having spent the taxpayers' money to hedge against a contingency which never arose. In an equivalent situation, his odds would have to be 10 to 1, not 1 in 10, to initiate a hedge. He cannot, for example, risk fiscal and monetary overkill to stem inflation for fear of being accused of unnecessarily engendering increased unemployment.

This seemingly innocuous principle is self-evident to anyone who has worked near the political decision-making process, but it has profound implications. It is this principle that explains why President Johnson delayed so long in asking for a tax increase to finance the Vietnam war. There was a remote possibility that guns and social programs could somehow be fitted into the economy without the inflation we subsequently experienced. It is also the principle that explains why, when confronted with an eroding balance-of-payments, the possibility that long-term trends would somehow save the situation led policymakers to procrastinate until there was a massive deterioration in the value of the dollar in international exchange. If one were to infer a set of cost/benefit tradeoffs to explain these actions, the factor of hope would have to receive significant weight.

The combination of the principle that the government is now responsible for the detail of all economic activity plus this warped approach to cost/benefit tradeoffs with its emphasis on short-run benefits leads inevitably to action by crises only.

Invariably, crisis solutions engender secondary crises with a time lag. A general price freeze, for example, bottles up inflationary forces to be released at a later date. A price ceiling discourages supply expansion, which eventually leads to much higher prices. Even when the political decision-makers are aware of these later adverse consequences (and it is incredible that so many are not), they implicitly place an exceptionally high rate of time discount on the longer-term adverse effects.

RETARDING ECONOMIC GROWTH

Activist economic policy-makers soon build a large backlog of "bridge-crossings when we get to it." Soon even the alleged short-term benefits fade as the formerly longer-term costs, with the inexorable turn of the calendar, also become short-term. Costs become unsupportably large as the time frame for secondary distortions shrinks. An advanced industrial economy simply can't effectively function with a high rate of future discount. It, too soon, leads to sharply lower savings rates and capital investment, and as a result, retarded economic growth.

Free markets are exceptionally sensitive. Any attempt to intervene in the normal wage-price process of necessity leads to offsetting imbalances elsewhere in the market system. These require further government intervention to correct and the correction process in turn generates a need for still greater intervention. It is a process which, if not aborted, leads to full control of the economy by government edict.

One of the great advantages of income and product distributions based on market forces is that there is no political figure who is known to be in control of any particular portion of the distribution. The creators of free market prices and incomes are anonymous. Any public figure with the job of setting prices and wages finds himself constantly confronted with claims from conflicting groups that invariably sum to far more than the total of available resources. Not unexpectedly, each group will argue that equity dictates that its demands be met. This is a script for chronic economic instability and social dissension.

In a free society, controls cannot supersede the law of supply and demand. In a society in which they can, justice cannot prevail.

In addition, I include for the benefit of my colleagues, a July 1972, article by Leland B. Yeager of the American Enterprise Institute entitled, "Controls: For and Against":

CONTROLS: FOR AND AGAINST

Experience with temporary controls in these special circumstances may be misread, unfortunately, as evidence in favor of controls maintained permanently and in other circumstances. For several reasons they may appear to succeed. First and most obviously, price indexes will not rise as fast under controls, and especially during a freeze, as they had risen before. When a surveyor from the Bureau of Labor Statistics visists a store to gather current prices, he will hardly be told that they have risen to an illegal degree. If prices spurt after a freeze is thawed or controls lifted, the controls will look deceptively good in comparison. In future years, some econometricians' equations will no doubt include a dummy variable representing controls "on" or "off" and will suggest to naive readers that controls significantly improved economic performance. Actually, controls should be appraised by their total consequences, not just their most superficially measurable consequences or the consequences observed only during the periods of control.

Secondly, some improvement on the price front might have appeared, anyway, for reasons other than the controls. Unemployment and productive slack during 1970 and 1971 were already working against the momentum of wage and price inflation. For a time, in fact, close scrutiny of price indexes could even yield some encouragement. The renewed acceleration of money-supply growth in the first half of 1971, on the other hand, tended to support this momentum.

Thirdly, output and employment were already recovering from the recession. Besides the controls, fiscal stimulus, including the import surcharge, was part of Nixon's new package. It is a usual feature of recovery from recession, furthermore, for businessmen to make fuller use of their productive plant in combination with their labor forces and so to spread their overhead costs over increased volumes of output. Showing up as improvements in productivity, these developments (the reverse of those suffered on the way down into recession) help check cost-and-price increases.

To some extent, the controls may even have genuine, and not just apparent, good results. The announcement of August 15 bred some sheer unreasoning and temporary optimism, presumably tending to spur purchases and production of consumer and investment goods. Secondly, the freeze presumably tempered inflationary expectations. The ensuing decline in interest rates also makes it



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easier for the Federal Reserve—given the indicators and targets it employs and the political pressures it feels—to hold the line on the money supply.

Because the NEP imposed controls as a temporary expedient in the exceptional circumstances of inflationary recession, it is an experiment that appeals to the intellectual curiosity of economists. It furnishes material for future doctoral dissertations. On the other hand, economists have reasons to regret the NEP. It may well sap the meaning of econometrically fitted functions by changing the underlying behavioral relations. It impairs the meaning of economic statistics themselves, particularly prices and price indexes.

And there are other, more substantive, grounds for regretting the policy. (Mentioning them is not necessarily to condemn it totally, or even on balance, after all. I have been trying to figure out what a respectable rationale for the policy might be.) It hampers adjustments of relative prices, threatening shortages of items whose prices are held most too low. It causes inequities of familiar kinds; and it accustoms people to look to the government to upset, in their favor, contracts voluntarily made. Remembering it, wage and price setters will have an incentive, in future episodes of inflation, to rush increases into effect before a new freeze is imposed, as well as to avoid price cuts they might otherwise have made. (In this respect, a current improvement in the unemployment-or-inflation tradeoff comes at the expense of a worsened tradeoff in the future.)

Controls reward invention of increasingly ingenious evasions as time goes on; and in this respect, the most conscientious and public-spirited people suffer to the advantage of evaders. Particularly after relaxation into being "voluntary," controls tend to waste the scarce and precious spirit of voluntary decency. Far from giving the American people healthy exercise for their moral muscles, such controls tend to undermine morality by breeding confusion about the supposed wickedness of seeking profit or of adjusting particular wages or prices upwards. Actually, such actions are essential in a market economy.

"Voluntary" controls help blur the distinction between what is voluntary and what is compulsory, sabotaging the English language. Legal and social philosophers have cause for alarm when extra-legal sanctions are held in reserve and are sometimes employed and when the executive branch of government can obtain the effects of legislation or constitutional amendments by bypassing legislative or constitutional processes. It is ominous when supposedly patriotic appeals can blackmail potential critics of a policy into silence and when businessmen find it advisable to give an incumbent administration free political publicity, as by posting sign reading "We fight inflation. We support the U.S. economic program." The considerations relevant to appraising economic policies go far beyond narrowly economic ones.

Over the long run, especially, the case is weak for controls to improve the unemployment-or-inflation tradeoff. Steadiness in monetary growth offers a healthier contribution. To the ways suggested in the Stresa paper, I would now add that steadiness would avoid the unnecessary obsolescence of knowledge of market conditions and the resulting inefficiency caused by spurts and slumps of aggregate demand.[1]

Another thing to add is that steadiness would reduce the appearance of power that labor unions enjoy when an inflationary environment makes winning wage increases easy. Insofar as apparent power helps unions to enlist the support of workers and to intimidate employers, monetary steadiness would do something to impair even their actual power.

Recommending monetary steadiness does not imply rejecting all measures that might be recommended under the name of incomes policy. Various structural reforms, unlike wage and price controls, could join in reinforcing rather than undermining the character of our price and market system.

[1] For comment on how monetary disorders wastefully disrupt communication of market information, see Karl Brunner, "The Monetarist View of Keynesian Ideas," *Lloyds Bank Review*, October 1971, especially p. 40.

## MAJORITY WHIP JOHN J. McFALL COMMENDS HERBERT ROBACK UPON HIS SELECTION FOR A PUBLIC SERVICE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, I take this opportunity to congratulate one of our most capable committee staff directors, Herbert Roback, who has been selected by the National Civil Service League to receive its career service award for sustained excellence.

Mr. Roback, the staff director of the Government Operations Committee, will be one of 10 recipients at the National Civil Service League's 19th career service awards banquet this Friday, May 4, at the Washington Hilton Hotel.

Our colleague, CHET HOLIFIELD, chairman of the Government Operations Committee, will be presenting the award.

Specifically, Herb Roback is being cited for his long record of Government service, his perceptive studies and knowledgeable reports, his vast legislative expertise in Government reorganization, and his invaluable contributions toward the creation of the Commission on Government Procurement.

The last is a particularly important achievement in behalf of Government economy. The Commission on Government Procurement recognizes the Government's need to maintain effective supervision of its mammoth purchasing activities.

I can personally attest to the high quality of Herb Roback's work. Like many other Members, both on and off the Government Operations Committee, I have had occasion to avail myself to Herb's expertise and advice. He has always been courteous, willing and extremely capable and professional.

He has devoted himself to a career of public service well within the meaning of the award criteria of the National Civil Service League. In the past few years the league has extended eligibility to congressional staffers, although they are not part of the classified civil service.

And I take particular pleasure in noting that Herb Roback is one of the first congressional staffers to be chosen for the award. Herb's career in Government service began more than 30 years ago when he joined the staff of a congressional committee. He served in the military, becoming a Purple Heart veteran of World War II, and then worked with committee staffs in both Houses of Congress. He first came to the Government Operations Committee in 1949, served as a staffer for the second Hoover Commission in 1953–55, became staff director for the Military Operations Subcommittee in 1955, and then staff director of the full Government Operations Committee in 1970.

I want to join with other Members and friends who have commended Herbert Roback for his dedicated service to the House and for his commitment to excellence. The award of the National Civil Service League is well deserved.

## OIL COMPANIES BENEFICIARIES OF ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the only beneficiary of the so-called energy crisis thus far is the major oil companies. Major oil companies' profits are skyrocketing, while American consumers face shortages and increased prices.

Profit increases range from 10.1 percent for Mobil to 52 percent for Atlantic Richfield, according to recent oil companies' first quarter reports. The percentages compare the companies' first quarter profits in 1972 to their first quarter profits in 1973.

Clearly the giant oil monopoly is making out like a bandit, scooping up huge windfall profits as a result of recent fuel oil and gasoline shortages. Frankly, I believe that the major companies hope to drive out independent dealers and virtually eliminate competition in gasoline sales. As many of my colleagues know, hundreds of independent gasoline stations which sell cut-rate gas are open fewer hours and some have even been forced to close. Once the majors drive the independent dealers out of business, they will have a free hand to jack up prices.

Since every 1-cent increase in gasoline costs consumers a billion dollars, the loss of competition will be a disaster for American consumers.

Mr. Speaker, these huge profit increases are occurring despite mandatory controls imposed March 6 by the Cost of Living Council. The Cost of Living Council regulations limit price increases for oil companies to 1 percent.

But the oil companies are allowed to increase the price of individual products an unlimited amount as long as the total weighted average of increases does not exceed 1 percent, according to Cost of Living Council regulations. The companies must justify increases between 1 to 1.5 percent, and must prenotify the Cost of Living Council of any changes exceeding 1.5 percent.

Obviously, the so-called price controls are so full of loopholes that they are totally ineffective. While a 1 percent limit product by product might be effective in holding down gasoline prices, the Cost of Living Council's so-called weighted aggregate annual increase is nothing less than a convenient device allowing huge cost increases for consumers in certain product areas.

It is also important to remember that much of the information concerning the oil companies' costs, prices, and markets is considered secret by the Cost of Living Council. Hence, any serious investigation of abuse or misuse of the so-called 1-percent price increase is impossible.

According to the Cost of Living Council, the oil companies are required to file monthly reports so that the Council can check for compliance with its rules. To date, none of the oil companies have filed a monthly report. But, they are expected to file shortly.

Mr. Speaker, I am publicly calling upon Cost of Living Council Chairman John Dunlop to be particularly vigilant in studying the oil companies' reports. With gasoline prices rising and the regulations so full of loopholes, the opportunity for excess profits are all too apparent.

The oil companies are exploiting the energy crisis to line their own pockets with huge windfall profits and eventually raise prices paid by the average American consumer.

The following are announced first quarter profit increases from the first quarter of 1972:

| | *Percent* |
|---|---|
| Atlantic Richfield | +52.0 |
| Ashland | +25.0 |
| City Service | +17.4 |
| Continental | +11.5 |
| Crown Central | +34.4 |
| Exxon | +43.1 |
| Gulf Oil | +18.7 |
| Mobil | +10.1 |
| Penzoil | +23.9 |
| Phillips Petroleum | +22.0 |
| Shell Oil | +49.0 |
| Ohio Standard | +48.3 |
| Tenneco | +14.4 |
| Texaco | +14.8 |

## ROBERT BRUCE SATTERTHWAIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, it is with deep sorrow that I announce the death of Robert Bruce Satterthwait, a member of my staff, in a skin diving accident off Grand Cayman Island, British West Indies, on April 25, 1973.

Bruce Satterthwait was only 26 years old, but he had already accomplished much and gave every indication of achieving even more. He was a young man committed to making this a society in which a fair share of our great national resources is available to every individual and no individual is subjected to arbitrary discrimination because of sex, race, religion, or age.

Bruce was a member of the National Organization for Women, and was active in organizing National Working Mothers' Day, a series of demonstrations protesting the social services regulations recently proposed by the Department of Health, Education, and Welfare. Between the time this proposal was made in mid-February and his death, he devoted much of his time to becoming an expert on its many complexities, working with people active in the child-care movement and officials of HEW, checking on all aspects of the fight, down to the most minute details, and finally putting together a set of comprehensive and well-reasoned arguments against the many pernicious aspects of the regulations. The final version of the regulations was released the day after Bruce died, and it constituted a victory on almost all of the points which he had so ably researched and argued.

His diligence in this endeavor was just one example of how he dedicated his efforts to the solution of problems of our society. He was a retired marine sergeant who became active in Vietnam Veterans Against the War. While a student in the University of California at Irvine, he was active in peace activities and union organizing, and served as vice-chairperson of the chancellor's commission on the status of women. He had completed the requirements for his bachelor's degree and was scheduled to graduate from Irvine this June. He also did some of his undergraduate work at the University of Wisconsin, where he was again active in the women's movement, particularly with regard to affirmative action programs.

Bruce Satterthwait was a bright, sensitive young man who was working to make this world a better place for all of us. I and my staff extend our deepest sympathy to his friends and family.

## DOES JUSTINIAN STILL LIVE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY), is recognized for 15 minutes.

Mr. BRINKLEY. Mr. Speaker, it is a sad commentary on the responsibility of the Columbus, Ga., newspapers when the issue of best qualification is relegated to a backseat in a campaign, be it local, State, or national. During the recent city council race in my hometown of Columbus, Ga., the Democratic candidate, Milton Hirsch, was a distinguished lawyer who happened to be Jewish. Unfortunately, during the campaign anti-Jewish feelings were expressed to the Hirsch telephone solicitors and, at this point, I would like to quote from an editorial appearing in the Columbus Ledger on April 26, 1973, titled, "Viewing the Vote: And an Ugly Incident":

> We have no doubt that there might have been some isolated incidents in which anti-Jewish feelings were expressed.
>
> Those who publicly injected this issue with a sly innuendo did a terrible disservice to Columbus—one which this community does not deserve. For it has over many years developed a reputation for being able to work together no matter a person's religion or race.
>
> How strange it was that the condemnation was for those of us who spoke out against unfair malignment—not one word of censure over those "isolated incidents in which anti-Jewish feelings were expressed."

This point was further magnified in a subsequent column which appeared in the Columbus Ledger-Enquirer of April 28, 1973:

> I'll be the first to admit that I took the so-called whispering campaign against Mr. Hirsch with a grain of salt and felt that the whole thing had been blown out of proportion as a purely political expedient.
>
> As the election results poured in and telephone callers asked results, my mind was changed.
>
> Some of the language used by what started out to be nice old ladies and little old gentlemen turned almost obscene. In more than one case I hung up in disgust.
>
> I wish I had the names of the anonymous callers. Some of them surely must have been wearing the hood of the KKK.
>
> Strange! On the surface Columbus appears to be a city fortunately devoid of widespread or deep rooted bigotry. Underneath the veneer of the city, however, (and I shed a tear because of it) there is a discrimination that is almost unbelievable.
>
> Woe be unto us if this insidious germ of hatred spreads any further. Better it be rooted out and banished forever.
>
> A lot of wars have been fought to this end, but there are those who insist on being maggots in the meat of humanity.

The following personal letters had been written by me on April 16, 1973, to Mr. W. R. Jordan and Mr. and Mrs. G. L. Bone:

> Mr. W. RICHARD JORDAN,
> *Midland, Ga.*
>
> DEAR RICHARD: Why am I for Milton Hirsch? It is not enough that he is a Democrat, although he and I are Democrats; it is not enough that he has been unfairly maligned, although he has been unfairly maligned.
>
> I am for Milton because Columbus is too big, too complicated and too important for me to remain silent on what I consider to be an important issue. The men and women who are in charge of the operation of our city have enormous responsibilities. Their decisions can affect our future for the rest of our lives.
>
> The issue here is one of *ability* not only to make decisions but to make correct decisions, and that IS enough. Enough to make us stop and think what this election is all about. We are filling a job requiring all the competence, all the experience and all the capacity we can muster.
>
> Won't you please consider Milton Hirsch—on his own merit?
>
> Sincerely,
>
> JACK BRINKLEY.

> COLUMBUS, GA., *April 16, 1973.*
> Mr. and Mrs. G. L. BONE,
> *Columbus, Ga.*
>
> DEAR GUY AND LUCY: Why am I for Milton Hirsch?
>
> It is not enough that he is a Democrat, although he and I are Democrats; it is not enough that he has been unfairly maligned, although he has been unfairly maligned.
>
> I am for Milton because Columbus is too big, too complicated and too important for me to remain silent on what I consider to be an important issue. The men and women who are in charge of the operation of our city have enormous responsibilities. Their decisions can affect our future for the rest of our lives.
>
> The issue here is one of *ability* not only to make decisions but to make correct decisions, and *THAT IS* enough. Enough to make us stop and think what this election is all about. We are filling a job requiring all the competence, all the experience and all the capacity we can muster.
>
> Won't you please consider Milton Hirsch—on his own merit?
>
> Sincerely,
>
> JACK BRINKLEY.

That same day, as a private citizen, I authorized reproduction of my letter to be mailed in behalf of Mr. Hirsch to every home in Columbus. There was favorable and unfavorable response to my letter. Here is one which provides perspective:

> UNITED SYNAGOGUE YOUTH,
> *North Miami Beach, Fla., April 23, 1973.*
>
> DEAR MR. BRINKLEY: I just finished watching the 11:00 news and felt compelled to write to you thanking and commending you on your broadcast re: the controversy involving the various letters in the campaign for the Columbus Metro-Post Council #5.



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As a serious-minded government student, I have noticed flagrant bigotry and prejudice in this campaign. (Not only in the political parties, but in the news media as well.) It was very inspiring to me to see you, a Congressman, and non-Jew stand with your moral convictions.

Mr. Brinkley, the political scene lately in our city and nation has made me very disenchanted, but tonight you made me proud to be an American.

On behalf of Southeast Region, United Synagogue Youth, I'd like to offer you my sincere appreciation.

Please forgive the informality of this note.

Most sincerely,

MICHELLE (MITZI) KRAVTIN,
*President, Southeast Region.*

Miss Kravtin's letter was the subject of the news article below:

VOTING STAND IS DEFENDED BY BRINKLEY

A letter from a Columbus teen-ager that praised the moral character and political ethics of U.S. Rep. Jack Brinkley was used Thursday night to explain his stand in the recent city council race.

Speaking before members of the Columbus Jaycees, Brinkley heatedly supported his manner of endorsing Democrat Milton Hirsch for the Post 5 seat.

Asked why he brought up the question of "malignment" when the two candidates Hirsch and Republican Joan Mize, were carrying out such a clean campaign, Brinkley pulled a letter from his pocket and told the questioner, Bobby Ledford, he would be glad for him to see why he took such a stand.

"I'm not going to read this," the congressman told the group, "but I'll be glad to let you read this letter," he told Ledford, "and you can do with it what you like."

Brinkley did say the letter was from a local Columbus girl, Mitzi Kravtin, who is the president of the Southeast Region of United Synagogue Youth, an international Jewish youth organization.

Contacted in Ocala, Fla., where she is presiding over the annual convention of the regional group, Miss Kravtin told The Enquirer she wrote Brinkley after seeing him on television the night before the election, last Tuesday.

"I told him he had reaffirmed my belief in our political system . . . and that I was moved by the stand he was taking," Miss Kravtin said.

She added that she was astonished that a politician, in Georgia, and a non-Jew, "would take such a stand . . . supporting a candidate she felt was being unfairly maligned and was receiving biased treatment in the mass media."

Although Brinkley did not reveal the contents of the letter before the Jaycee group, they applauded him wildly when he placed the letter on the dais for Ledford.

Mr. Speaker, around the hallowed walls of this House Chamber there are relief portraits of the great law givers of history. Perhaps the greatest of these is the one of Moses, directly in front of you on the far wall.

On the left wall, at the back of the Chamber, is Justinian and to your right is Blackstone, Napoleon, and Jefferson; to your immediate left is Mason.

Moses gave us the Ten Commandments; Blackstone, the common law; Jefferson, the Declaration of Independence; Mason, the Bill of Rights.

Justinian is remembered in history as codifier of Roman law and Napoleon is remembered as the author of civil law.

The bigotry of a Justinian and the crimes of a Bonaparte are forgotten, because at their bidding, the rough places of the ways of justice were made plain.

Almost forgotten.

Bigotry in any form and in any degree is wrong. Whether it is cloaked in the voice of sophistication or in reverse discrimination, it is deserving of eradication by any who find it.

May we heed the urging of a former President who said:

With a good conscience our only sure reward, with history the final judge of our deeds let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

## TAX REFORM THROUGH "INCOME AVERAGING"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, on behalf of myself and the Honorable DAN ROSTENKOWSKI of Illinois, I would like to explain to our colleagues the so-called "income averaging" legislation that Mr. ROSTENKOWSKI and I are cosponsoring. As you know, we are urgently recommending two bills—H.R. 2416 and H.R. 3860.

This legislation seeks to correct a gross inequity in the tax laws. It does this by extending the benefits of "income averaging" to those who most need this special tax break—families whose income falls off precipitously in a given year. For example, the legislation would help taxpayers who are thrown out of work when a manufacturing plant closes down, or who are laid off for other reasons relating to the economy, beyond their personal control. It would help, too, to cite another example, families where a wife must quit work to give birth to a child, thereby sharply reducing the income of the household.

In other words, H.R. 2416 would impart a reverse twist to "income averaging." This tax-saving device has long been ensconced in the Internal Revenue Code, but heretofore it has had a thrust solely in one direction. It is available exclusively to those fortunate enough suddenly to enjoy a very good year—for example, movie stars and athletes who make it big, and ordinary persons whose income soars upward in a given year, because of promotion to a much higher paying job.

What we are trying to do here, Mr. Speaker, is to achieve a measure of symmetry in the laws dealing with "income averaging." The underlying principle of a progressive tax system is that the more a person earns, the more he pays. The obvious corollary is that the less a person earns, the less he should pay. It does not make sense to Congressman ROSTENKOWSKI, or to me, that all the benefits of "averaging" should go to people who really ought to be paying a higher—not a lower—tax. They have had a good year, and they can well afford to do this. At the same time, others who have had a disastrous year financially get no consideration at all from the Internal Revenue Service.

Mr. Speaker, so far as we know, H.R. 2416 is the first legislative proposal submitted to the Congress that would authorize what we might term "downside averaging." As to "upside averaging," Congress, in the Tax Reform Act of 1969, took action to greatly increase the number of taxpayers who could take advantage of this provision in the law. It is time now to show some consideration for less fortunate persons.

The rationale for both "upside" and "downside" averaging has been succinctly stated by Prof. Roger F. Miller, a tax expert who is well known to Members of the House who have dealt with such legislation. Mr. Miller has written:

The purpose of averaging is to provide relief for persons with unusual fluctuations in income that are taxed at progressive rates. For an upward fluctuation averaging treats an excessive rise in income as if it were spread over a number of years and taxes it at a lower marginal rate than would apply without averaging. It is relief from excessive taxation in the current year. We believe this reasoning applies equally to negative fluctuations. An excessive fall in income implies that income in prior years was taxed at an excessive rate, and that some rebate of the prior years' taxes should be allowed to offset the current year's tax. This also provides relief when it is most needed, in the current year. Given a sufficient income decline it might result in a net refund, operating as an income supplement.

Unfortunately, Mr. Speaker—obviously, I take no pleasure in saying this—"downside averaging" would come as a boon to many of my constituents if it were made part of the tax law. In 1971, the average annual unemployment rate in Cleveland, Ohio, was 11.8 percent—the highest among the 20 largest cities. Since 1963, 69 major manufacturing firms have closed down or have moved from the city. These plants had employed more than 21,000 persons, many of whom had a difficult time securing alternative employment before their savings—if they had any—ran out. Moreover, Mr. Speaker, one-third of this job loss has occurred only within the last 2 years. And, further, the Regional Planning Commission in Cleveland estimates conservatively that an additional 5,000 jobs will be lost by 1976. I think you can see, then, why I feel so strongly that "downside averaging" should occupy a high place on your agenda as you proceed to consider proposals for tax reform.

H.R. 2416, if enacted, would result in a revenue loss of $355 million a year, according to an estimate made for us by the staff of the Joint Committee on Internal Revenue Taxation. While this might seem like a large sum, we ask you to take into account the fact that "upside averaging" already is costing the Treasury in excess of $650 million a year.

Therefore, we have submitted, in addition to H.R. 2416, the alternative bill H.R. 3860, which simply repeals the "upside averaging" provisions of the tax code. Members of Congress whose primary concern is revenue loss, and who decide against H.R. 2416 for this reason alone, perhaps will want to give favorable consideration to H.R. 3860, since it provides an opportunity not only to head off new losses to the Treasury but also to retrieve revenues that already are being waived. We sincerely believe, Mr. Speaker, that if we are to continue to have "upside averaging," we should provide also for "downside averaging"—and that, if we cannot afford the latter, then there is no good reason, in all fairness, to retain the former in the tax code. Therefore, we are asking the Ways and Means Committee to report H.R. 2416 favorably or, in the alternative, to report H.R. 3860 favorably.

Mr. Speaker, what follows is a technical summary of H.R. 2416 showing how, in many respects, this proposal runs parallel to "upside averaging" provisions extant in the tax code:

H.R. 2416 would permit a taxpayer who suffers a reduction of income to, in effect, average his income for that year with his income from a four-year base period. Such a taxpayer may be said to have overpaid his taxes during the four-year base period. Under the bill, he would recover this "overpayment" through reduced taxes in the current year, and in some instances he might even be entitled to a refund. It is estimated that, if this bill had been in effect for calendar year 1971, Federal individual income tax liabilities would have been decreased by about $335 million, assuming everyone eligible for downside averaging under the bill would have elected to use this procedure.

The tax is computed by (1) determining the average income for the base period; (2) computing the tax on 80 percent of that amount; (3) subtracting the current year's income from 80 percent of the average base period income to determine the amount of the reduction in income; (4) computing the marginal tax on one-fifth of the reduction in income and multiplying that tax by 5; and (5) subtracting the final figure in step (4) from the tax computed in step (2).

To be eligible to use these averaging provisions, the taxpayer would have to suffer a reduction in income of at least $3,000, as compared to 80 percent of the four-year base period average. Also, he would have to include in income unemployment benefits not otherwise taxable.

For example, if a worker with an average base period income of $18,000 were laid off for part of the year and his taxable income plus unemployment compensation amounted to $10,000, his savings under the bill would be $60. If he had no income (and no unemployment compensation), his tax savings under the bill would rise to $668.

The following table illustrates the effect of the bill:

ASSUME TAXPAYER, FILING JOINT RETURN, WITH $18,000 AVERAGE BASE PERIOD INCOME

| Current year taxable income plus unemployment compensation: | Tax under the bill | Regular tax | Tax saving from the bill |
|---|---|---|---|
| $10,000 | $1,760 | $1,820 | $60 |
| $8,000 | 1,260 | 1,380 | 120 |
| $6,000 | 760 | 1,000 | 240 |
| $4,000 | 260 | 620 | 360 |
| $2,000 | [1] 228 | 290 | 518 |
| 0 | [1] 668 | 0 | 668 |

[1] Credit.

Persons who have a reduction in income due to retirement would not be eligible to use these provisions. Retired persons already receive a number of substantial tax breaks under the revenue laws, such as the exclusion of social security benefits and the retirement income credit. Also, retired persons generally have diminished family responsibilities and an opportunity to plan for retirement.

The primary purpose of this bill is to help persons who have no opportunity to plan—for example; those persons out of work because of a plant shutdown; workers who are laid off; and families where a wife quits work in a given year to give birth to a child.

Persons who elect to take advantage of downside averaging would have to forego certain other tax benefits, for example, the alternative gains tax and the exclusion of tax exempt interest on bonds. In most cases these provisions will not effect persons whose primary source of income is wages from employment.

On the whole, the result of this bill would be to allow individuals who suffer a reduction in income to receive credit for taxes paid in years in which income was higher, thus lowering their taxes in the current year.



## CHARLES LITTLE, A MAN WITH TWO CAREERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BARRETT) is recognized for 10 minutes.

Mr. BARRETT. Mr. Speaker, the Philadelphia Tribune recently carried a story entitled "Mayor Honors Retired Police Clerk."

It is a story of a man, Charles Little, who retired at the age of 86 after serving 11 years in the Philadelphia Police Department as a clerk, a position he took upon retirement from the Philadelphia Navy Yard at the age of 75.

Charles Little is truly a remarkable man, who can look back with pride over a lifetime of two careers.

I include the newspaper article at this point in the RECORD:

MAYOR HONORS RETIRED POLICE CLERK

Charles Little, 1239 S. 19th Street, was a little bit concerned when a Police Squad Car rolled up to his home and the officer rang the bell and informed him Mayor Frank Rizzo wanted to speak to him in his office.

Little, who retired after working 11 years in the Police Department as a clerk, had no idea why Mayor Rizzo wanted to see him—and in his swanky office, too.

"I wanted to congratulate you upon reaching your 86th birthday" Mayor Rizzo greeted him when finally he reached the office. "We don't have many retired people from the Police Department who celebrate their 86th birthday. I want to have your picture taken with me and I'll send you one" the Mayor informed the surprised Charles Little. He also gave Little a $10 birthday present.

STARTED IN 1948

Mr. Little told the Tribune that he had been a clerk at 323 Race Street beginning in 1948. He had been sent to Philadelphia General Hospital on his first clerical assignment after having retired from the Philadelphia Navy Yard.

The Policemen of the 17th District, especially Patrolman John R. Badea No. 2379, made Mr. Little's visit to Mayor Rizzo's office possible. He is one of the favorite visitors at that Station House.

Mr. Little said he has been married to Carrie, his wife, for 55 years and they have been happy ones even if they were not blest with children.

He was born in Tarboro, N.C. near Rocky Mount, N.C. and has been a member of Union Baptist Church for 50 years. He is a 50-year member of Widow's Son Prince Hall Masonic Lodge No. 4 and proudly wears a gold emblem awarded him.

## HEARINGS ANNOUNCED BY FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE ON LEGISLATION TO STRENGTHEN THE FREEDOM OF INFORMATION ACT

(Mr. MOORHEAD of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I call to the attention of our colleagues the scheduling of hearings by the Foreign Operations and Government Information Subcommittee on bills to strengthen the Freedom of Information Act of (5 U.S.C. 552). These measures—H.R. 5425 and H.R. 4960—are sponsored by myself and the gentleman from New York (Mr. HORTON) and are cosponsored by several score of our colleagues in the House. They are designed to improve the administration of the act and to plug numerous loopholes discovered during the subcommittee's investigative hearings last year and discussed in detail in the unanimous Government Operations Committee report based on these hearings (H. Rept. 92–1419).

The legislative hearings will begin on Wednesday, May 2, at 10 a.m. in room 2154, Rayburn House Office Building, and will continue through Thursday, May 16. The first day of hearings will consist of a panel of distinguished members of the news media, all of whom testified many years ago at hearings of the subcommittee on freedom of information matters when the gentleman from California (Mr. Moss) was its chairman. They include:

Mr. J. R. Wiggins, former editor of the Washington Post and former president of the American Society of Newspaper Editors. He is presently publisher of the Ellsworth American, Ellsworth, Maine;

Mr. Clark Mollenhoff, Washington Bureau Chief of the Des Moines Register-Tribune and former special assistant to President Nixon until 1970;

Mr. Herbert Brucker, former editor of the Hartford Courant and a former president of the American Society of Newspaper Editors;

Mr. Creed Black, now editor of the Philadelphia Inquirer, who most recently served as HEW's Assistant Secretary for Legislation; and

Mr. Richard Smyser, editor of the Oak Ridger, Oak Ridge, Tenn. and a vice president of the Associated Press Managing Editors.

Members of Congress will be heard on Monday, May 7, beginning at 10 a.m. in room 2203, Rayburn House Office Building. Those wishing to testify should contact the subcommittee office—Extension 5–3741 by Thursday, May 3. The hearing record will be open for statements until Friday, May 25.

Witnesses from the Justice and Defense Departments and from the administrative conference of the United States will be heard on Tuesday, May 8, beginning at 10 a.m. in room 2154, Rayburn House Office Building.

Outside organizations and individual witnesses will be heard on Thursday, May 10, beginning at 10 a.m. in room 2154, Wednesday, May 16, beginning at 10 a.m. Rayburn House Office Building; and on in room 2247, Rayburn House Office Building.

Mr. Speaker, the subcommittee began its inquiries into the "people's right to know" back in 1955. Eleven years later, Congress enacted the Nation's first Freedom of Information Act (5 USC 552), which was intended to provide the widest possible citizen access to information and records of the Federal Government—subject only to nine limited areas of exemption that could be claimed by Gov-

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ernment officials in denying requested information.

Since the law took effect on July 4, 1967, there have been nearly 200 freedom of information court cases and many thousands of other cases when the law has been successfully used to obtain information or records from Federal agencies without going to court. But vast numbers of examples of unnecessary Government secrecy still remain entrenched within the Federal bureaucracy. Thus, we are nowhere near the goal of a fully-informed public in a democratic society which was the hope of those who launched the freedom of information fight almost two decades ago.

Moreover, the law did not become the weapon the free press needed to fight against Government secrecy. We may have fallen short of our goal of open Government largely because the statutory weapon was inadequate to do the job. One of the major conclusions reached after some 41 days of the subcommittee's investigative hearings during the last Congress, at which more than 140 witnesses testified, was that bureaucratic foot dragging—5 years of it in both Democratic and Republican administrations—made the law a dull weapon in the hands of reporters and editors.

The press has made little use of the law that they had a large part in helping to enact. Too few reporters and editors know how to use the freedom of information law and the agency regulations implementing it.

A large share of the blame lies with the administrators of the law. Not one executive branch witness testified in favor of the bill during the subcommittee's hearings prior to its passage in 1966. When it was enacted over their opposition, they reluctantly administered the letter, but ignored the spirit of the law.

Congress must also share part of the blame. The law was the product of legislative compromise and, therefore, is not a perfect instrument that is fully usable by representatives of the free and responsible press and the public. Legislation to be considered at our May hearings is designed to clarify, strengthen, and to thus make the Freedom of Information Act a much more effective tool in prying loose the tightly held secrets of the Federal bureaucracy—very often kept from the public to hide waste, inefficiency, scandal, or to protect the political careers of individual Government officials.

Mr. Speaker, I am confident that the broad bipartisan support for strengthening amendments to the Freedom of Information Act that exists within our committee will result in favorable House action on the bill which emerges from these hearings. I solicit the support and assistance of all Members in this effort.

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## THE RIDDLE OF THE WHITE HOUSE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I include the following statement from an English paper, the Observer Review of April 22, 1973:

THE RIDDLE OF THE WHITE HOUSE

(By Michael Davie)

WASHINGTON, *April 21.*

When President Nixon stepped up to the microphones in the White House this week to make his electrifying "major developments" statement about the Watergate scandal he wore a small American flag in his buttonhole, his tie was in a Windsor knot, and his sideburns came down to the midpoint of his ear—the very length, as it happens, permitted by the police department of Oakland, California.

Norman Mailer once described Nixon as looking like an undertaker; but as he took to the rostrum to make his historic announcement, it seemed to me that he resembled less an undertaker than the manager of a medium-price motel who had emerged from his office to quieten complaints from the guests. The President almost entirely lacks presence; he is the most powerful man in the world, but the power does not show. By comparison with his predecessor, President Johnson, whose slow, watchful entrance into a room instantly heightened the tension of everyone in it, Nixon seemed quite ingratiating and nervous.

He was not assisted, it seemed to me, by the nature of the environment that his aides have arranged for him. In the old days, Presidents called reporters round their desk when they had something to say. When Nixon came to office, the White House Press room was simply the lobby of the west wing, which is where the acton is. Now, however, consistent with this administration's concern for orderliness, a special Press room containing decorous high-backed chairs and prints of riverboats has been built over the old White House swimming pool, where President Johnson used to invite visitors to swim with him naked. President Nixon this week spoke for eight minutes, reading every word from a text, and then left. Some newspapers referred to the event as a Press conference.

The facilities in this refined motel lobby are a great improvement on the facilities in the old lobby with the battered green armchairs. There is even a candy dispensing machine, which modern White House correspondents have been known to use. But the place is antiseptic, and separate.

OVAL OFFICE EMPTY

Perhaps the formal centre of power, the Oval Office, has more of the reek of politics? The answer is: not under President Nixon. It is hard to imagine that anyone ever works in the Oval Office now; the desk top, when the President is elsewhere, is entirely empty, its surface polished like glass. There is no sign of books or papers. The Oval Office used to be a beautiful room; Mr. Nixon's preferred decor features a royal blue carpet, with large gold stars round the edge, and sofas, and chairs of a violent canary yellow. The room dazzles, but shows no trace of the only man who uses it.

The President sometimes works in another office in an adjacent building and does his thinking still further away, out of Washington altogether, at Camp David. His strength as an administrator is the speed with which he absorbs information; "It may sound a bit uncomplimentary," says an old associate, "but he is a blotter. I've never seen anyone who can absorb information as fast as he can." He likes the information to be written down, and to be full of facts. He has built his method of government on this strength. He runs the country very privately, seeing few people, except on ceremonial occasions, and relying on a tight circle of advisers.

ORDERLINESS AND PRIVACY

The system, one is told, makes for orderliness: early morning meetings, agendas, regular channels, memos, action. No disruptive private lines out from the President to private sources of information, as under Roosevelt. No idleness and golf shoe studmarks on the White House floors, as under Eisenhower. No telephone calls direct from the Oval Office to humble members of the bureaucracy, as under Kennedy. No interminable sessions with barbecue cronies, while the President drank root beer and scratched his crotch, as under Johnson. It is an odd fact that Nixon, alone among recent Presidents, has no political cronies; though not himself abnormally interested in money, he admires rich men, and his only associate who might be called a crony is the rich and discreet bachelor Bebe Rebozo, who is not political.

After the much talked-about orderliness and privacy, the characteristic of this administration that even the politest visitor cannot help noticing is the strong smell of corruption, which goes far beyond the Watergate scandal and seems to be an important part of its hinterland. If it is true that Mr. John Mitchell, the former Attorney-General, is indeed deeply implicated in the Watergate conspiracy, the performance of the Justice Department as a whole while he was the nation's chief law enforcement officer will be in question.

ARTHUR KROCK COMMENT

I sought the opinion of a man universally respected both for his judgment and for his breadth of experience, Arthur Krock, formerly of the *New York Times*, who has been watching politics at close quarters in Washington since 1910, and who continues to do so. He opined that this was the third most corrupt administration in American history. "Nixon looks about number three to Grant and Harding, but trailing a fair way back," he said.

Mr. Krock mentioned the Vesco case, which features a friend of Mitchell's, Robert L. Vesco. The Securities and Exchange Commission says that Vesco is the principal figure in an enormous securities fraud ($224 million, to be precise). He also secretly contributed $200,000 to the Nixon Campaign Fund a year ago. Packed in a suitcase, the cash was delivered direct to Maurice Stans, the President's campaign finance chairman and his former Secretary of Commerce, three days after a federal law came into force requiring the identification of contributors to federal campaign funds. This particular contribution was not reported.

Mr. Vesco, who is 37, and who has employed the President's nephew, Donald Nixon, Jr., as an aide, is now in Costa Rica, where he has been investing in firms run by the President of Costa Rica, another successful financier. Vesco told the television viewers down there the other day that he fell in love with Costa Rica the moment he saw it, and at once decided to start a new life there. This is not Vesco's first foreign adventure. When, in December 1971, he was in jail in Geneva, Mr. Mitchell was in the Justice Department, and he personally made the telephone calls that got him released. None of this would have been known had not a former associate of Vesco's revealed it.

Mr. Krock also had in mind the Wheat Deal Scandal and the Milk Scandal, which reach into the White House, and the ITT Scandal, which again involved the Justice Department. He may have been thinking, too, of another heavy contributor to the Nixon camapign chest (not Vesco) who very soon afterwards received, unusually, permission from the Federal Government to start a private bank.

I was uncertain whether Mr. Krock had noticed, besides, that Mr. Nixon's osteopath, who accompanied the President to Russia last year, had just been indicted for failing to declare many thousands of dollars of income to the federal tax authorities. Being a man who concentrates on esesentials, Mr. Krock may have missed, as well, a comic episode in Maryland, when a Baltimore Senator led the support for a Bill to stop liquor stores being undercut by discount stores. It then emerged that he owned a liquor store.



Surely, he was asked in the Senate, he should have declared a conflict of interest? "Conflict of interest?", the Senator exclaimed. "How does this conflict with my interest?"

SECRET FUNDS

Money from Vesco, the milk producers and the enterprising banker helped to swell the huge Republican campaign fund of $50 million and a subsidiary, secret fund that financed the criminal conspiracy to bug the Watergate headquarters of the Democratic Party, for which five men are now in jail under heavy sentences. Despite the leaks and rumours, and despite the Watergate trial, very little has been incontrovertibly established about the extent and ramifications of conspiracy. Everyone is guessing.

An attempt was certainly made to disrupt the political process of electing a President. How extensive was it? How many operatives were involved? What precisely were they hired to do? Why were Nixon campaign funds laundered through foreign countries? What exactly were the Watergate conspirators looking for? Who master-minded the operation, and how close was he to the President? Who lied to whom in the White House? Was someone lying to the Press Secretary before he made his repeated denials about White House involvement, an involvement that has now been virtually admitted by the President? Why else does a Presidential Press Secretary sandbag himself?

Thus the orderliness of the White House begins to look less orderly. The same is true of some of those known to have been deeply involved. Dwight Chapin was personally recruited to the White House staff by Bob Haldeman, the President's right-hand man. I happened to meet Chapin in the White House in 1969, an alert, pleasant, cool young Southern Californian who was the President's Appointments Secretary, a post he held until he abruptly left to join United Airlines. He looked as clean and efficient as the White House interior, which always appears freshly painted.

Chapin was the White House contact of a young attorney, also from Southern California, named Donald Segretti, who was allegedly one of more than 50 undercover operators recruited to assist Nixon's re-election by infiltrating rival campaigns or feeding misleading information to voters. Segretti at first denied that he knew anything about such operations; 'ridiculous,' he called them. Last week, however, after he had testified behind closed doors to a Federal Grand Jury in Washington, he did not deny anything. In fact, he declined to speak at all.

From these two, the thread of Watergate involvement evidently leads, whatever Mitchell's role, higher up the White House staff, to Chapin's equally orderly colleagues. Several of these are Southern Californians, too, notably Bob Haldeman, an esthetic crewcut Christian Scientist, who has been the President's hatchetman since he took power.

CALIFORNIA SYNDROME

The character of the White House staff has been determined by the peculiarities of life on the West Coast, and it is in Southern California that the roots of this Administration may be found. Perhaps one may look there for a generalised explanation of the Watergate conspiracy.

Californians are often thought of as open-minded, relaxed, experimental people, but these White House Californians belong to a different strain. They exemplify instead the spirit of Orange County, Los Angeles, which is one of the most conservative regions of the US: suburban, prosperous, new, fast-growing, white, intensely orthodox, patriotic, church-going, often puritanical, often rootless, often heavily mortgaged, and often fearful that something unpredictable may happen—factory closures, space agency cutback, tax increases—to put the citizens on a slide that will put them back into the ranks of the poor from which many of their parents escaped.

The White House staff do not all come from Orange County in fact, but they do so in spirit. A new generic term is needed to describe them, as "Ivy League" is applied to well-off, privately educated, Europeanised products of the East Coast. These Orange County Boys are proud of being Californian, yet they also often feel inferior to and suspicious of eastern Americans, especially Ivy Leaguers. Nixon, in his youth, used to stand on the railway line at home in Whittier, outside Los Angeles, and gaze longingly down the tracks, towards the east; Californians often feel that they need to go east to prove themselves.

SWING TO THE RIGHT

The White House staff had their first political experiences as part of the swing to the hard right in California—provoked by black riots, students rebelliousness, and high taxes—that made Reagan Governor. "It is time to get big government off your back and out of your pocket," said Nixon in his budget address last January. Here is a theme of the Administration that might have come straight out of Reagan's 1966 Campaign Handbook. Caspar Weinberger, a principal architect of Nixon's new budget, which cuts social welfare provision, used to be budget director for Reagan. Nixon has always liked fresh blood. His present aides joined him some 10 years ago and have come up with him very fast, recruiting friends on the way.

"Their view is professional, managerial. California is the first suburban State and I don't think Haldeman and Co. are aware of what real social problems are," a southern California Congressman told me. "They still have a kind of Puritan ethic—my father made it, I made it, so if I can do it why can't others? They have a very tough ideological approach. They have preconceptions. And they are defensive. They don't trust the people in government, the Civil Service, and they're filling more and more slots with people in their own mould."

They move around very little in Washington. 'You never see them at private functions,' a girl who moves around a great deal told me. 'If there's not a head table, there won't be any Administration people. They don't like it. Nixon doesn't like it. They socialise only in the way of business. They have very few social graces, and they are not good at small talk.' A sociable politician remarked: 'It's the damndest thing. They're all cut from the same cookie-cutter, there's not a laugh in a car-load.'

The one important Administration figure with a light social side is Dr. Kissinger, but the contrast between him and most of his White House colleagues is more than purely social. Gossiping the other evening to Mrs. Alice Roosevelt Longworth, a fine old lady who is President Theodore Roosevelt's daughter, now 89, the pair of them seemed to belong to another world, as, indeed, they do.

KISSINGER APART

Kissinger is the only White House person whose socialising is tolerated; and the only one who has dared to make jokes about Haldeman. 'When I handed in my work-sheet to Bob Haldeman before coming out . . .' In a speech last week he seemed to be making public signs that he is uneasy about the Administration's aims. After some jokes, he became serious. He called for a national debate on national priorities, following the end of the Vietnam War. 'Without knowing where you are going,' he said in his deep lecturer's voice, 'you can administer a country but you cannot govern it,' a remark that some of those present took to be a comment on the President's domestic posture.

The Californians make enemies, which Kissinger tries to avoid. At the time of the election, he dined happily with Frank Mankiewicz, who was McGovern's campaign manager, in company with several fierce critics of the Vietnam War. Haldeman, by contrast, described critics of the war as 'consciously aiding and abetting the enemy of the United States,' which was very close to accusing them of treason. He repeated his view after it was pointed out to him that the critics included many US Senators.

Abroad, Nixon still uses members of the old East Coast foreign policy establishment; their symbol, David Bruce, former US Ambassador in London, now en route to China, attended the Kissinger speech the other evening and laughed so much that he had to mop his eyes with a handkerchief. But on the home front, which does not greatly interest the President, and which has been more open to the influence of Haldeman and John Ehrlichman, the President's closest domestic policy adviser, the liberal Republicans of Nixon's first Administration have now almost to a man, either removed themselves or have been removed.

Congressmen complain that the White House has no idea of the effect of its policies, or that if it does it does not care. An Englishman who has just traveled 9,000 miles around the country told me that he was astonished by the way the Federal Government could simply stop welfare programmes overnight. 'In England the Government might make people pay more for prescriptions, but this Government is simply closing welfare schemes down.' In Lowndes County, Missouri, he had come across a black woman, Mrs. Clara Brown, with eight children, who used to get free treatment for her high blood-pressure at a new local, medical centre, the only building in Lowndes County with a lift. Now the centre is bolted and barred. My friend asekd Mrs. Brown what she would do if they were ill. "Just remain ill," she said.

For 40 years, the Federal Government has been gradually becoming an instrument of public welfare, especially the welfare of minorities. Now this Administration has had a glimpse of the obvious. The majority—unblack, unpoor, over-taxed—has more votes than the minority. The Administration's evident lack of concern with the Mrs. Browns may be why the adjective "ruthless" applied to them may not be inappropriate. They tend to see the world in Orange County terms; people are either regular, striving Americans, or bums, or enemies.

WHITE HOUSE INTEMPERANCE

Their intemperance, illustrated by Haldeman's description of the Vietnam critics, may be further illustrated by their attitude to the *Washington Post*, which, alone, kept digging into Watergate and which now has been fully vindicated: one of the finest hours of American journalism. It will soon be announced that the Watergate coverage has won the paper Pulitzer prizes. In October last year, the White House Press Secretary called the *Post* reporting "a blatant effort at character assassination that has not been witnessed for some time." Another White House aide publicly described the Executive Editor as "infecting the healthy mainstream of American journalism."

MURRAY CHOTINER COMMENTS

Among older politicians around town, one can discern a certain disdain, perhaps contempt would not be too strong a word, for the new White House breed. Murray Chotiner is Nixon's oldest political associate in Washington; he managed Nixon's campaign for the Congress in 1946, and has worked with him off and on ever since. In his time, Chotiner has been accused of practically every form of political chicanery, and I went to see him to hear his view of the Watergate.

He is a California lawyer in origin, now in his early sixties, but he looks like a Pittsburgh cab-driver, with a battered face and a nice big gold wristwatch. He has had four wives. In 1966 a Malibu land developer was jailed for threatening to kill him. In 1957, an estranged husband, on bail on a charge of raping his 15-year-old stepdaughter, shot both his wife and his stepdaughter in Chotiner's West Coast office. As long ago as the mid-fifties, President Eisenhower was being

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asked questions publicly about Chotiner's political activities.

'First, the Watergate is stupid,' he said. 'Second, it's horrible. And third, they weren't going to find out anything anyway before the Democratic convention. Besides, it's ridiculous. It's the easiest thing in the world to find out what your opponents are doing in a political campaign. No disrespect to your profession, Mr. Davie, but you simply get hold of a friendly newspaper reporter to find out. Or you just put someone on their payroll. It's that simple.'

Then he gave me his view of the men who have recently been giving political advice to Mr. Nixon. 'They reached the top too fast,' he said, 'without seasoning or training. When Mr. Nixon became President in 1968, and the Press were calling for him, Ziegler came to me and said, "Murray, what shall I tell them?" He didn't have the experience.

'Ehrlichman was a tour director. Mitchell was only on the 1968 campaign. Haldeman was an advance man, chief of staff for the campaign workers, dealing with details, not judgments. When he became a campaign manager in 1962, he lost. There aren't the people in there who've had the political experience.' Still, I said, they did win by a landslide in 1972.

Chotiner grinned. 'When I was in the White House I used to send notes round saying that the President would win in '72 in spite of the campaign. I predicted that he would win by an historical sweep. Haldeman hated me for those notes.'

Mr. Chotiner looked out of the window in the direction of the White House. 'Nothing is more arrogant than youth,' he said.

Arrogance, too much money pouring in from suspect sources, a lack of any tradition to fall back on, amateurism, and an Orange County-style belief that any methods were justified in order to defeat enemies and Democrats: these may turn out to be the links between the orderliness of the Administration and the disorderliness of the conspiracy.

One may hope that the President feels the shame of it, though he has not yet shown much sign of it. Perhaps the President and his aides, should spend a few nights sitting up late with Mrs. Alice Roosevelt Longworth, Arthur Krock and Ambassador Bruce, their feet on those pristine yellow sofas, talking about Benjamin Franklin and Mark Twain and Henry Adams.

## OUR NEW COMPTROLLER FOR DEFENSE—HON. TERENCE McCLARY

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WYMAN. Mr. Speaker, it was with great pleasure that I learned of the nomination of Mr. Terence E. McClary to the position of Assistant Secretary of Defense—Comptroller.

I want to share with my colleagues, some personal knowledge of Terence McClary.

One of the vexing problems facing this Congress is to balance the critical need for an adequate national defense with other national priorities in the context of limited revenues. The objective is to receive the highest return for the tax dollar.

As we review the operations of executive departments, we have all become aware that effective budgeting and control of expenditures are essential to assure a high return.

In the case of defense spending, which involves large sums of money and a wide diversity of programs, the Assistant Secretary—Comptroller—plays a key role in carrying out administration programs and congressional insistence on cost-effectiveness.

Throughout his career Terence McClary has been involved at responsible decisionmaking levels in large-scale financial management, in contracting with the Federal Government, and in managing of comprehensive data management systems.

He is vice president—controller and contracts, and a director of Sanders Associates, Inc., a New Hampshire company that is a major manufacturer of advanced defense electronics systems, and commercial data management terminal systems.

His broad background in financial management began in 1949, following his graduation from the University of Nebraska, when he joined General Electric's financial management program. He rose steadily through increasingly responsible positions to become a group manager of finance before assuming his present position at Sanders in 1969.

Mr. Speaker, Terence McClary has the type of experience and dedication we in the Congress, and the American people, hope persons in high office will have. I want to commend the administration and our President for nominating him to be Assistant Secretary. I am confident that the Senate of the United States will consider his nomination favorably.

## STAND FAST ON JACKSON-VANIK

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, there are now efforts underway to undermine the Jackson-Vanik bill which would prohibit most-favored-nation treatment to any country which denies its citizens the right to emigrate or which imposes more than nominal exit fees on emigrating citizens. These efforts should be repulsed. Those of us who have announced support for Jackson-Vanik should stand fast.

While many believe that Jackson-Vanik is a bill solely to aid Jewish emigration from the U.S.S.R., the truth is that it would help many other groups similarly affected and afflicted by Soviet discrimination. In today's Washington Post there is a report that the U.S.S.R. has imprisoned four Evangelical Baptists "in the latest of a series of moves against small religious groups in the Soviet Union." That same news item goes on to report the persecution of Jehovah's Witnesses in Lithuania, Latvia, and northwestern Russia as well as Buddhists sects in Leningrad and Vilnius. Similarly, yesterday's New York Times described the continued harassment to which Jewish activists who wish to emigrate are subjected.

The Jackson-Vanik bill is ecumenical in scope, however, and does not simply relate to the ransom tax for Jews but specifically calls for open emigration policies by a country desiring most-favored-nation status from our country. There have been attempts by the leaders of the U.S.S.R. to deceive those of us who support Jackson-Vanik by reporting that the ransom tax, while on the books, has, in fact, been rescinded. Even if no tax is applied, the situation effectively remains the same because the Soviet Union continues to bar emigration through other means. Many have been refused exit visas without any reason at all. In some instances, Soviet officials raised the issue of national security; but clearly many have been rejected who have never participated in any kind of activity that the U.S.S.R. could by any definition describe as secret.

It is not easy to be religious in the Soviet Union no matter what one's religion, but the state has made some accommodation for some major religious groups. Attention has been paid by world opinion to the persecution directed against the Jews because they are the 12th largest minority in the Soviet Union, approximately 3 million in number, and the actions taken against that group have been widespread and especially brutal.

While we cannot compel the Soviet Union to do justice to its own citizens, and to comply with the United Nations agreement to which it is a party, which guarantees the right to emigrate, we can refuse to accept these policies by acceding to its request for trade agreements. We must stand firm in our support of the Jackson-Vanik bill. May I add at this time that our distinguished colleague in the Senate (Mr. JACKSON) in particular, should be commended for his unstinting efforts and steadfastness in this issue.

The articles which detail the persecution of religious sects in the Soviet Union are appended:

[From the Washington Post, Apr. 30, 1973]

SOVIETS JAIL SECT LEADERS

Moscow, April 29.—A Byelorussian court has imprisoned four Evangelical Baptists in the latest of a series of moves against small religious groups in the Soviet Union.

Other persons sentenced in recent months have been a Buddhist scholar who had followers from the Mongolian border to the Baltic and an underground group of Jehovah's Witnesses in Lithuania, Latvia and northwestern Russia.

The sentencing of the Baptists to varying terms of imprisonment was reported in the Friday issue of Sovietskaya Byelorussia, the newspaper of the Byelorussian Communist Party. It reached Moscow today from the Byelorussian capital of Minsk.

The newspaper said two men and two women were tried and sentenced recently in the town of Soligorsk. It gave no dates.

The four were members of a Baptist splinter group called the *Initsiativniki*, "Initiativists," which split in 1961 from the official church leadership, the All-Union Council of Evangelical Christians and Baptists.

STATE CONTROL

The splinter group said church leaders had betrayed the faith by allowing state authorities to exercise full control over the church and its activities.

The four Byelorussian "Initiativists" were accused at their trial of not registering their congregations with the authorities, giving religious instruction to minors and forcing them to attend services, and urging disobedience of Soviet laws.

Sovietskaya Byelorussia said the four preached "the sinful character and depravity of Soviet reality and hurled mud at everything created by the Soviet people."

The charges were almost identical to those against nine Jehovah's Witnesses sent to labor camps earlier this month after a trial in the Lithuanian port city of Klaipeda.

They were also similar to the accusations made by the state against the Buddhist scholar, Bidya Dandaron. He was sentenced to five years in a labor camp after a December trial in the south Siberian city of Ulan Ude.

Dandaron, 58, was accused of forming Buddhist sects in Ulan Ude, Leningrad, and the Lithuanian capital of Vilnius. The prosecution said the sects performed ritual sacrifices, engaged in "sexual mysticism," and beat up people who left the groups.

The state also alleged that Dandaron corrupted young people and preached "a cult of violence" and his own idolization as a demigod.

Friends of Dandaron called the charges absurd and said he had primarily an academic interest in Buddhism and the Sanskrit language, which he taught at an Ulan Ude institute under the Siberian branch of the Academy of Sciences.

Four associates of Dandaron were declared insane and incarcerated. Seven others, mostly teachers, lost their jobs. Another was expelled from graduate study at Leningrad State University.

On Friday, the Central Trade Union newspaper, Trud, said Dandaron had been depicted in the West as a martyr for his convictions but that he was really a criminal and chronic alcoholic.

Sensational criminal charges are often used to discredit religious leaders. The head of the Jehovah's Witnesses, for example, was accused in a long press attack of black marketing and collaboration with Nazi occupiers.

Recent articles have also charged that religious groups send agents to the Soviet Union as tourists to make contact with religious dissenters.

Soviet customs agents were on a special alert this weekend for Bible-carrying tourists. A report from Copenhagen Thursday said 200 Christian youths from the United States and Western Europe would visit the Soviet Union during the May Day holiday and distribute Bibles in Red Square.

[From the New York Times, Apr. 29, 1973]

SOVIET EMIGRATION CURBS SAID TO CONTINUE

(By Theodore Shabad)

Moscow, April 28.—Item: Denis A. Pekarev, a Moscow geometry instructor, is being denied permission to emigrate to Israel on the ground that his parents will not give written permission. Mr. Pekarev is 35 years old and married.

Item: Garry D. Tabachnik, a 40-year-old disk jockey on the Moscow radio, obtains permission to emigrate and presents his luggage at customs. Inspectors find the manuscript of a short novel he has written about a Soviet Jew who wants to leave for Israel. The manuscript is judged anti-Soviet, Mr. Tabachnik is arrested and he is not heard from afterward.

Item: Yevgeny V. Levich, 24-year-old astrophysicist who has been forbidden to leave the Soviet Union, is ordered to report for a tour of military service. He refuses on the ground that he is under treatment for possible cancer.

These are only some of the dozens of cases that Jewish activists are likely to recite when asked about the state of the emigration controversy. As far as they are concerned, now that the widely opposed education fee has been lifted, education fee has been lifted, Soviet practices are back to where they were before last August, when it was imposed.

EMPLOYMENT IS LOST

Emigration from the Soviet Union has always been viewed here as a step virtually approaching treason.

Under the pressure of Jews wanting to emigrate to Israel, permission to leave has been granted in recent years to a selected number of persons in a highly bureaucratic process that also involves loss of employment and social ostracism for those who declare their intention to leave and outright refusals to most persons of prominence.

The head tax, designed to recover the costs of a free higher education, was evidently intended to discourage the departure of Jews who not only accounted for most of the emigration but also represented the most highly trained segment of Soviet society. Although the high fees received publicity abroad, they did not really represent an insuperable obstacle to emigration, in the view of militant Moscow Jews.

They contend that the head tax, running into the thousands of dollars, with credit for length of employment, affects only a relatively few educated and skilled persons who were getting permission to emigrate.

MOST ARE REFUSED

Most persons with advanced training, the informants contend, are being refused exit visas on the ground of state interests—a concept that can be stretched widely in a country where the Government controls virtually all economic activities as well as science and the arts.

According to this analysis, educated Jews who were allowed to leave the country often managed to collect the tax money, either by selling their belongings or through help from abroad. Some refused to pay the tax as a matter of principle, but relatively few stayed solely because of inability to produce the required fee.

The lifting of the tax, which became apparent in early April, was evidently intended to overcome Congressional opposition in the United States to trade concessions to a country that inhibits the right of its citizens to emigrate or levies more than nominal exit fees.

The Soviet authorities, in their attempt to placate Congress, chose to focus on the head-tax aspect of emigration. They were evidently encouraged in this approach by the Nixon Administration, which opposes linking East-West trade and Soviet emigration practices.

It appears that no education fees have been levied in recent weeks, although the head-tax law remains on the books. It has been reported that the authorities have revoked a charge of 500 rubles, or $660, for renunciation of Soviet citizenship, required of all emigrants to Israel. This leaves only a fee of 400 rubles, or $530, for a visa good for travel outside the Soviet bloc.

There have been unconfirmed reports that an internal directive of the Soviet Government in late March ordered that anyone who had completed his education by the end of 1972 would be exempt from the education tax. This raised the question whether the suspension of head-tax payments would also apply to those receiving a free higher education in the future.

Tax or no tax, the Jewish activists in Moscow insist that nothing has basically changed in emigration procedures. According to these informants, the application process remains a • • • affidavits, ranging from a • • • who has by that time usually dismissed the applicant—to a statement that one's parents do not object, regardless of the applicant's age.

Soviet officials seek to justify barring the departure of trained scientists and others on the ground that no country can permit its best brains to leave indefinitely without some limitations. But applicants for emigration are deprived of their basic employment in most cases anyway so that the state derives little if any benefit from their talents.

## LAW AND ORDER: WHOSE LAW? WHOSE ORDER?

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the recent alleged wrongful break-in by Federal law enforcement officers into the homes of citizens in Collinsville, Ill., must cause all of us great concern. These actions by law enforcement officers appear on their face to be gross violations of the constitutional rights of the citizens involved. What must give great pause to even the most extreme exponent of law enforcement advocating almost any police action is the fact that the citizens whose homes were broken into were the victims not only of illegal actions by law enforcement officers but were not even the intended victims of those enforcement officers. What those innocent families went through before those so-called law enforcement officers determined that they had made an error in identification is near unbelievable.

The fright involved, particularly because of the lethal threats made by the law enforcement officers at the time of the alleged illegal break-in, will undoubtedly leave its mark on those people for the rest of their lives.

Mr. Speaker, there is a breakdown of law and order in this country but it is not limited to the street criminal; it has its roots in the apparent criminal activities now charged to men holding the highest positions in the White House as advisers to the President: Is it any wonder that some law enforcement officers looking to the White House for leadership followed a lawless course of action. If we are not careful, Mr. Speaker, and if we fail to hold those in high places responsible for their lawless acts we run the risks of becoming a "banana republic." In Haiti Mr. Speaker, they had the "Tonton Macoute" to enforce law and order. Their counterparts apparently exist in our country and that is intolerable. The article in today's Washington Post describing the break-in follows:

THE NIGHT OF TERROR: "WE MADE A MISTAKE"

(By Dennis Montgomery)

COLLINSVILLE, ILLINOIS, April 29.—Herbert Giglotto, 29, and his wife, Louise, 28, had gone to bed at about 8 p.m.

"At about 9:30 we hear this crash. We hear this screaming. I take about three steps out of my bed and I see these hippies with guns," Giglotto recalled today. I told my wife, "My God, we're dead."

Across town at another home Donald Askew, 40, had just sat down to dinner with his wife, Virginia, 37, and their 16-year-old son, Michael. He looked out the window, he remembered, and saw several armed men in the yard.

Seconds later, he said, the men were at the door, trying to kick it in. Askew called to his wife to phone the police. She fainted. Askew told his son to run for his life.

The armed men who forced their way into the Askew and Giglotto homes last Monday were conducting narcotics raids. They came on the raids with no warning and apparently no warrant. They left when the raids turned out to be a mistake.

Myles J. Ambrose, director of the federal Drug Abuse Enforcement Program and a special assistant attorney general, said today it is his "understanding" that the men were agents from the program's St. Louis office.

Paul Cigliana, Collinsville police chief, confirmed that the raids were conducted by a "strike force" of federal narcotics agents from the St. Louis office.

Cigliana said he believed that policemen from some municipal police forces in the area also participated, but he added, "I don't think there were too many of them."

Cigliana said no policemen from his de-



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partment were involved. A spokesman from the Madison County sheriff's office said, "As far as I know there was no cooperation from this department."

Federal narcotics officials from the St. Louis office could not be reached Sunday but had declined comment earlier. Askew said the men gave him the telephone number of the office to verify their identities.

Two days after the raids, Ambrose issued a statement: "I have directed an inspection team to thoroughly investigate this matter. If any federal agents have acted improperly, appropriate action will be taken. Under no circumstances will I permit my agents to violate anyone's constitutional rights."

Contacted at his Chevy Chase, Md., home, Ambrose said today, "The investigation is being conducted. When I have all the facts I will take appropriate action."

Ambrose, asked whether the investigation is top priority, said, "You bet your sweet life it is."

Before the raiders left without apologies, Giglotto said he and his wife had been threatened, bound, insulted and their apartment left in shambles.

"I've never had anything to do with narcotics," Giglotto, a boilermaker, said, "I hate it. I've never had anything to do with drugs and my wife never has."

The men did not identify themselves, he said, and showed no warrant. "They knocked me down across the bed and handcuffed me and my wife. They had our hands behind our backs. I was in my underwear and she was in her negligee."

"Just shut your mouth or I'll kill you," Giglotto quoted one agent as saying after he was asked to identify himself. The man reportedly told Mrs. Giglotto he would kill her husband if she did not tell him where the drugs they sought were hidden.

With 15 raiders in the room and more downstairs, Giglotto said his wife was pleading for his life. Giglotto asked, "Please look at my identification before you kill me."

None did, he said. He added the only identification the Giglottos were shown was a gold badge flashed by one of the intruders. Only Mrs. Giglotto caught a glimpse of it.

As they lay trussed across the bed, Giglotto said, another raider walked up the stairs and announced, "Oh, I think we made a mistake."

They had torn the house apart and found nothing. The front room was a shambles, littered with hooks, overturned furniture and a smashed television set. Released from his handcuffs, Giglotto tried to put on his pants, he said, but a raider ripped them out of his hands.

"They were as rude leaving as they were coming," Giglotto said. He said he followed them downstairs, demanding an explanation, shouting: "My God, you just kicked in my door, threatened to kill me and my wife, can you tell me what's happening?"

Giglotto said one of the armed men turned and replied, "Shut your mouth, boy."

Askew said the raid on his home began as they were beginning a late dinner after he had stayed overtime at the service station he runs in East St. Louis.

Askew thought his son had been in a fight with some other teen-agers and the men he saw in the yard were coming to kill him.

As he held the front door, Askew said Sunday, two men knocked down the back door and leveled two riot guns at him. A man at the front door flashed a gold badge and Askew let them in.

Five men, all dressed as hippies, searched the house, looking for a suspect, Askew said.

Mrs. Askew, lying on the couch, revived. She saw the men with the guns and fainted again. When she revived again one of the raiders told her, "Take it easy, lady. We're really federal officers."

Askew said the men were polite. "Outside of kicking the door and scaring the ---- out of us, they were all right."

Satisfied the man they sought was not in the Askew home, one of the intruders said, "We just got a wrong tip." The men refused, however, to let Mrs. Askew call the police, and showed no other identification.

The Askews have filed a $100,000 damage suit in U.S. District Court at Springfield. The Giglottos are to meet with their lawyer Monday morning to determine what course to take.

## NATURAL DISASTERS REQUIRE DISASTER INSURANCE

(Mr. DANIELSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, during the past few weeks we have all watched, with awe and with sympathy, as tens of thousands of our fellow Americans have seen their homes and the product of their lifetimes of effort washed away by the great floods along the Mississippi and its tributaries. Earlier this year we witnessed great destruction from other floods in other parts of our country, from tornadoes, and severe snow and ice storms. And just last week the State of Hawaii suffered an earthquake.

Our hearts go out to all of those who suffer, but what are we going to do to help them meet their new burdens?

Under existing laws, and if our past performance is a guide, we will use general tax revenues to provide some help, but the relief will be inadequate, inefficiently and ineffectively administered, and the general taxpayer will bear the entire burden.

When disaster strikes, the chances are that the property owner who suffers damages will not have insurance. This is due in part to public apathy, but it is also due to the many obstacles an individual encounters in attempting to secure insurance. In order to protect himself the property owner will probably have to purchase a different policy for each type of disaster. In some areas, insurance against certain types of disasters is not available. If the property owner is insured, the policy may have substantial deductibles.

To compensate property owners for their disaster losses, we have been relying up to now upon a patchwork of private plans and Federal programs such as grants, loans and tax deductions. In dramatic cases we use tax-subsidized low-interest loans from the Small Business Administration. These usually include a forgiveness feature, which is actually a grant of tax revenues from the general fund. And then we also have a few outright grants—also from our tax revenues. And of course, there is always the casualty loss deduction on our income tax returns. But none of these, I submit, nor all of them taken together, is an effective, efficient, businesslike program for protecting the American people from losses due to natural disasters.

In the past it has been, and in the present it is, our practice to provide disaster assistance in instances of widespread and severe disasters such as we experienced last year when tropical storm Agnes hit the eastern United States. The amount, the terms, and the promptness of this charitable relief has usually been in direct proportion to the emotions generated, and the numbers of articulate people directly affected, by the disaster. Relief has been granted when the disaster has been dramatic and has affected a large area; there has been no relief when an identical loss is suffered by an individual or only a few. Yet, the loss to the individual citizen is just as great, and just as devastating, whether he suffers alone or is one of a multitude. It makes no difference to the individual homeowner that his home was the only one swept away in a flood, rather than being one of 10,000 homes that were destroyed. We must protect the multitude, and we must protect the individual as well.

The net effect of our existing disaster relief programs is to turn the general tax fund into an insurance pool, and the premiums are paid every year in the form of taxes. Unfortunately, the payment of these "premiums" is no guarantee that the individual will be covered if and when disaster strikes; he is rarely, if ever, covered if the loss which he experiences is not part of a very large, and dramatic, disaster.

We recognize that property owners have an obligation to protect themselves against losses due to disasters, but we must also recognize that self-protection is very difficult since adequate disaster insurance is not generally available on acceptable terms with a minimum of complication. This is a grave and unmet need.

In order to meet this need I recently introduced H.R. 4920, a bill to create a Federal Disaster Insurance Corporation which would broaden the risk base and make available to all the people of the United States the opportunity to purchase low-cost insurance against every type of natural disaster. More than 40 of my colleagues have now joined me as coauthors of this bill. Participation in the insurance plan would be voluntary, but I hope that the rate structures and the fact that one policy would cover every type of disaster, would make the program attractive enough to bring about widespread participation. Additionally, if Congress were to establish this program, we might consider requiring disaster insurance as a prerequisite for loans from savings and loan associations which are insured by the Federal Government, or for loans and mortgages which are guaranteed by the Federal Government.

The premiums would be based upon a portion of the fair market value of the property insured, the value to be determined by local assessment rolls wherever possible. The premiums should be actuarially sound.

Finally, the legislation requires the Corporation to undertake steps to publicize the availability of disaster insurance.

My legislation also contains a provision allowing the Corporation to impose higher rates, or deny insurance altogether, to property located in States or localities which refuse to adopt a plan for hazard reduction such as through good zoning or land use planning techniques.

The program I am proposing is to be self-sufficient. The Federal Government would be the sole subscriber to the Corporation's stock, but beyond this initial outlay, insurance payments would be financed by premiums. There is a provision in my bill to allow the Corporation to repurchase its stock from the Federal Government.

Many of us think of disasters as random events which may never effect us personally, yet disaster can strike anywhere, anytime. In 1972 alone, there were 48 presidentially declared disasters affecting 29 States, to say nothing of a host of smaller disasters. The legislation I propose would give all individuals an opportunity to protect themselves without looking to an appropriation by Congress and the general revenue fund to bail them out of a catastrophe.

Mr. Speaker, in order to make the need for disaster insurance more apparent, more understandable, I have compiled a listing of disasters which have struck the United States since 1959. In doing so I have consulted the handbook, "Insurance Facts, 1971;" a list of presidentially declared disasters since 1964 which was supplied by the Office of Emergency Preparedness; and a Library of Congress Legislative Reference Service survey entitled, "Major Natural Disasters in the United States: 1959–1969."

I made every effort to be accurate but I apologize if I have visited a disaster upon a State which did not have it, or if I have neglected to include a disaster that a State, in fact, did experience. I also want to point out that this list is limited to major disasters. The many natural calamities which caused damage on a localized basis are not included.

The list of major natural disasters in the United States since 1959 is as follows:

SUMMARY OF MAJOR NATURAL DISASTERS, 1959–MARCH 9, 1973

[(*) denotes disaster which crossed State lines; figure reflects total deaths or damages for all affected States. (**) denotes that State was declared a disaster area by the President]

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| **ALABAMA** | | | |
| May 30, 1959 | Hurricane Arlene: Texas, Louisiana and Alabama. | 0 | $600,000 |
| Mar. 1, 1960 | Ice Storm: eight Southern States, including Alabama. | *5 | 15,000,000 |
| Dec. 31, 1963 | Two-sixteen inches of snow: four Southern States. | *Several | *7,000,000+ |
| Sept. 9, 1964 | Hurricane Dora: five Southern States and New England. | *4 | *230,000,000 |
| September 1965 | Hurricane Betsy: six Southern States | *75 | *1,420,000,000 |
| September 1965 | Hurricane Debbie: Alabama and Mississippi | NA | *2,500,000 |
| May 15, 1967 | Hail, tornadoes and winds: Ala., Ark., Miss., Ill., Iowa, Ind., Mo., Kan., and Neb. | NA | *36,000,000+ |
| Aug. 17, 1969 | Hurricane Camille: Mississippi to Virginia** | *258 | *1,420,000,000 |
| April 1970 | Flooding in Alabama; tornadoes, hail and winds hit Alabama and six other Southern and Border States.** | *22 | *14,500,000 |
| June 19, 1970 | Wind and hail: South Central and Eastern States. | NA | *2,805,000+ |
| **ALASKA** | | | |
| March 1964 | Earthquake** | NA | $500,000,000 |
| September 1967 | Severe storms and flooding** | 7 | 98,600,000 |
| December 1969 | Heavy rains and a landslide** | NA | NA |
| **ARIZONA** | | | |
| Dec. 12, 1964 | Up to 33 inches of snow: Arizona, New Mexico, Colorado and Utah. | *11 | *"Great" |
| April 1966 | Flooding** | NA | NA |
| December 1966 | Flooding in Arizona, Utah and California | *4 | *$11,712,000 |
| September 1970 | Colorado Basin flooding: Central Arizona, Four-Corners area. | *23 | *5,000,000 |
| June 21, 1972 | Severe storms and flooding** | NA | NA |
| Oct. 18, 1972 | Heavy rains and flooding** | 0 | 21,850,000 |
| **ARKANSAS** | | | |
| Mar. 1, 1960 | Ice Storm: Texas, La., Ark., Tenn., Ala., Ga., N.C., and S.C. | *5 | *$15,000,000 |
| March 1964 | Severe storms and flooding** | NA | NA |
| June 1965 | Floods: Arkansas River Basin | *16 | *58,340,000 |
| Sept. 8, 1965 | Hurricane Betsy: Fla., Ala., Miss., La., Tex., and Ark. | *75 | *1,420,000,000 |
| April 1966 | Flood: Ouachita River and tributaries | NA | 2,500,000 |
| Apr. 27, 1968 | Hail and winds: Pine Bluff, Southern Arkansas and Dallas, Texas. | NA | *21,700,000+ |
| May 15, 1968 | Tornadoes, severe storms and flooding** | 35 | 5,000,000 |
| June 23, 1968 | Hurricane Candy Hits from Texas to Illinois | 0 | *2,800,000 |
| February 1969 | Severe storms and flooding** | NA | NA |
| Apr. 17, 1970 | Tornadoes: Tex., Ark., Miss., Tenn., Ky., Ill., Okla., and Alabama. | *22 | *14,500,000 |
| June 11, 1970 | Tornado, wind and hail: Ark., Kan., and Okla. | NA | *3,200,000+ |
| June 19, 1970 | Wind and hail: South, Central and Eastern | NA | *2,805,000+ |
| Dec. 6, 1971 | Severe storms and flooding | NA | NA |
| **CALIFORNIA** | | | |
| May 22, 1960 | Tsunami Damage: Hawaii and West Coast of United States. | NA | NA |
| Aug. 21, 1960 | Forest Fire (35,000 acres) | NA | |
| 1961 | Earthquake: Terminal Island off-shore oil wells. | NA | $4,500,000 |
| Oct. 11, 1962 | Windstorm: Northern California Oregon and Washington. | *50 | *250,000,000 |
| February 1963 | Flooding: Pacific Coast States | NA | *14,000,000 |
| April 1964 | Seismic Sea Waves | NA | NA |
| December 1964 | Severe storms, heavy rains and flooding: California, Oregon and Washington**. | *42 | *415,000,000 |
| December 1965 | Heavy rains and flooding** | NA | NA |
| January 1966 | Severe storms and flooding** | NA | 6,850,000 |
| December 1966 | Flooding: Arizona, Utah, Nevada and California**. | *4 | *11,712,000 |
| January 1969 | Severe storms, flooding and mudslides** | 45 | 125,000,000 |
| August 1969 | Flooding** | NA | NA |
| 1969 | Earthquake (Santa Rosa) | NA | 6,300,000 |
| January 1970 | Severe storms and flooding** | 18 | 38,000,000 |
| February 1971 | Earthquake (San Fernando)** | 64 | 553,000,000 |
| December 1971 | Heavy winds, rains, flooding, and runoff of mud and silt**. | NA | NA |
| Jan. 20, 1972 | Severe storms and flooding** | NA | NA |
| June 21, 1972 | Levee break (Sacramento)** | NA | NA |
| Jan. 12, 1973 | Severe storms, high tides** and flooding | NA | NA |

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| **COLORADO** | | | |
| Dec. 12, 1964 | Up to 83 inches of snow: Ariz., N. Mex., Colo., and Utah. | *11 | *"Large" |
| June 1965 | Tornadoes, severe storms and flooding: Arkansas River Basin, S. Platte and Rio Grande.** | *16 | *$415,000,000 |
| Jan. 7, 1969 | Windstorm: Boulder area | NA | 1,000,000+ |
| May 1969 | Severe storms and flooding** | NA | NA |
| June 10, 1969 | Hail and wind: Texas Panhandle: Okla., Colo., Kans., and Nebr. | NA | *$5,820,000+ |
| Sept. 1970 | Flooding: Colorado River Basin, Four-Corners area. | *23 | *5,000,000 |
| **CONNECTICUT** | | | |
| Dec. 30, 1962 | Windstorm: Conn., Mass., N.J. and N.Y. | NA | *$17,500,000+ |
| May 24, 1962 | Tornado: Waterbury | 1 | 3,500,000 |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and District of Columbia. | NA | *7,921,000+ |
| June 1972 | Tropical Storm Agnes | *118 | *3,000,000,000 |
| **DELAWARE** | | | |
| Sept. 21, 1961 | Hurricane Esther: N.C. to New England | 0 | *$7,000,000 |
| Feb. 3, 1961 | Snowstorm: N.C. to New England | *73 | *Millions |
| Mar. 5, 1962 | Severe Atlantic Coastal Storm | *33 | *2,000,000 |
| August 1965 | Water shortage** | NA | NA |
| Nov. 12, 1968 | Atlantic Coastal Storm: S.C. to Maine | NA | *20,000,000 |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and District of Columbia. | NA | *7,921,000 |
| June 18, 1970 | Tornado, wind and hail: Pa., Md., Del., N.J., N.Y., and Mass. | NA | *2,140,000+ |
| June 1972 | Tropical Storm Agnes | *118 | *3,000,000,000 |
| **FLORIDA** | | | |
| June 17, 1959 | Tornado: Miami | NA | $2,000,000 |
| July 28, 1960 | Hurricane Brenda hits Fla., S.C., Va., N.J. and New England. | 0 | *5,000,000 |
| Sept. 9, 1960 | Hurricane Donna hits Fla., Ga., S.C., N.C., Va., and New England. | *44 | *91,000,000 |
| May 26, 1961 | Tornado: Ft. Lauderdale | NA | 2,000,000 |
| January 1962 | Freezing weather: La., Miss., Fla. and Texas | 0 | *21,000,000 |
| March 1962 | Severe Atlantic Coastal Storm | *33 | *200,000,000 |
| Mar. 31, 1962 | Tornado: Milton | 17 | 1,500,000 |
| Aug. 26, 1964 | Hurricane Cleo: Fla., Ga., S.C., N.C. and Va.** | 3 | *128,500,000 |
| Sept. 9, 1964 | Hurricane Dora: Fla., Ga., Ala., S.C., N.C. and New England.** | *4 | *230,000,000 |
| Oct. 14, 1964 | Hurricane Isabell: Fla. and N.C. | *3 | *10,000,000 |
| Sept. 8, 1965 | Hurricane Betsy: Fla., La., Ala., Miss., Tex. and Ark.** | *75 | *1,420,000,000 |
| Apr. 4, 1966 | Tornado: Tampa | 11 | NA |
| June 1966 | Hurricane Alma: Fla., Ga., S.C., N.C., and Va. | *6 | *10,050,000 |
| October 1966 | Hurricane Inez: Fla., Tex | *48 | *5,000,000 |
| Feb. 19, 1967 | Tornado: Miami Beach | 0 | 2,000,000 |
| October 1968 | Hurricane Gladys: Fla., N.C. and S.C.** | *5 | *6,700,000 |
| July 1970 | Heavy rains and flooding (indirect effect of Hurricane Celia).** | NA | NA |
| March 1971 | Severe freeze** | NA | NA |
| June 1972 | Hurricane Agnes | NA | NA |
| **GEORGIA** | | | |
| Sept. 29, 1959 | Hurricane Gracie: S.C., N.C., Va., Ga., W. Va., Pa., N.W., N.Y., and Vt. | *22 | *$14,000,000 |
| Sept. 9, 1960 | Hurricane Donna: Fla., Ga., S.C., N.C., Va. and New England. | *44 | *60,000,000 |
| March 1960 | Ice Storm: Tex., La., Ark., Tenn., Ala., Ga., N.C. and S.C. | *5 | *15,000,000 |
| October 1962 | Atlantic Costal Storm | *33 | *200,000,000 |
| August 1964 | Hurricane Cleo: Fla., Ga., S.C., N.C. and Va. | *3 | *128,500,000 |
| Sept. 9, 1964 | Hurricane Dora: Fla., Ga., Ala., S.C., N.C. and New England.** | *4 | *230,000,000 |
| November 1964 | Flooding** | NA | NA |
| March 1966 | Flooding** | NA | NA |
| June 1966 | Hurricane Alma: Fla., Ga., S.C., N.C. and Va. | *6 | *10,050,000 |
| Apr. 1, 1970 | Tornadoes and Wind: 22 States and the District of Columbia. | NA | *+7,921,000 |
| June 1972 | Agnes | NA | NA |

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SUMMARY OF MAJOR NATURAL DISASTERS: 1959-MARCH 9, 1973—Continued

[(*) denotes disaster which crossed State lines; figure reflects total deaths or damages for all affected States. (**) denotes that State was declared a disaster area by the President]

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| **HAWAII** | | | |
| Aug. 6, 1959 | Hurricane Dot | 0 | $6,100,000 |
| May 13, 1960 | Severe storm | NA | NA |
| May 22, 1960 | Tsunami | 61 | 25,500,000 |
| April 1963 | Flooding | 0 | 2,300,000 |
| Dec. 18, 1967 | Tornado: Kauai | NA | 1,000,000 |
| Jan. 5, 1968 | Floods | NA | 2,500,000 |
| September 1968 | Heavy rains and flooding** | NA | NA |
| Jan. 13, 1970 | Windstorm | NA | 1,200,000 |
| **IDAHO** | | | |
| February 1962 | Floods | 0 | $7,500,000 |
| December 1964 | Severe storms, heavy rains and flooding** | NA | NA |
| August 1967 | Forest Fires** | NA | NA |
| Jan. 18, 1972 | Severe storms and flooding** | NA | NA |
| **ILLINOIS** | | | |
| March 1960 | Floods: Upper Mississippi, Lower Missouri River Basins. | NA | *$35,000,000 |
| March 1961 | Floods: Upper Mississippi River Basin | NA | *7,500,000 |
| Apr. 4, 1961 | Tornado: Chicago area | 1 | 7,000,000 |
| Apr. 23, 1961 | Hailstorm: Joliet and Peotone | NA | 11,000,000+ |
| Apr. 30, 1962 | Wind and hailstorm: Ill., Ind., and St. Louis Mo. | NA | *23,300,000+ |
| Apr. 2, 1964 | Wind and hailstorm: St. Louis Mo., and Southern Illinois. | NA | *30,000,000+ |
| Apr. 1965 | 47 tornadoes, severe storms, and flooding: Upper Miss., Valley, Missouri River Basin and Red River of the North**. | *273 | *300,000,000+ |
| Aug. 26, 1965 | Wind and hailstorm: Indiana and Illinois | NA | *14,000,000 |
| Feb. 15, 1967 | Windstorm: Ill., Mich., Ind., Ohio, Pa., N.Y., and N.J. | NA | *12,000,000+ |
| Apr. 21, 1967 | Tornadoes, hail and wind: Iowa, Ill., parts of Ind., and Mich.** | NA | *40,000,000 |
| May 1967 | Flooding: Lower Ohio River Basin | NA | *5,000,000 |
| May 15, 1968 | Tornadoes, hail and wind: Ala., Ark., Miss., Ill., Iowa, Ind., Mo., Kans. and Nebr. | NA | *36,000,000+ |
| June 1968 | Tornadoes, severe storms and flooding: Wabash River Basin.** | NA | *12,000,000 |
| April 1969 | Flooding: Red River of the North, Upper Mississippi and Missouri River Basins** | *8 | *175,000,000 |
| June 21, 1969 | Wind, hail and tornado: Kans., Mo., and Ill. | NA | *7,000,000+ |
| July 9, 1969 | Tornado, wind and hail: Mo., Kans., and Ill. | NA | *4,100,000+ |
| Aug. 1969 | Heavy rains and flooding** | NA | NA |
| Apr. 17, 1970 | Tornadoes, wind and hail: Tex., Ark., Miss. Tenn., Ky., Ill., Okla. and Ala. | *22 | *14,500,000 |
| Apr. 29, 1970 | Hail, wind and tornado: Tex., Okla., Mo., Ind., Iowa and Illinois. | NA | *7,730,000+ |
| Sept. 9, 1970 | Windstorm and tornado: Iowa, Ill., and Wis. | NA | *3,100,000+ |
| Aug. 25, 1972 | Severe storms and flooding** | NA | NA |
| **INDIANA** | | | |
| Jan. 1, 1959 | Flooding: Ohio River Basin | *8 | *$81,921,000 |
| Apr. 30, 1962 | Hailstorm and wind: Ill., Ind., and St. Louis, Mo. | NA | *23,300,000+ |
| March 1963 | Flooding: Ohio River Basin | *26 | *97,600,000 |
| Mar. 5, 1964 | Windstorm: Indiana and Ohio | NA | *15,000,000+ |
| March 1964 | Severe Storms and Flooding: Ohio River Basin.** | *18 | *94,000,000 |
| Apr. 11, 1965 | 47 tornadoes, and severe storms: Ind., Ill., Ohio, Mich. and Wis.** | *257 | *200,000,000 |
| Aug. 26, 1965 | Wind and hailstorm: Ill. and Ind. | NA | *14,000,000+ |
| Feb. 15, 1967 | Windstorm: Ill., Mich., Ind., Ohio, Pa., N.J. and N.Y. | NA | *12,000,000+ |
| Apr. 21, 1967 | Tornadoes, hail and wind: Iowa, Ill., and parts of Indiana and Michigan. | NA | *40,000,000+ |
| May 15, 1967 | Hail, tornadoes and wind: Ala., Ark., Miss., Ill., Iowa, Ind., Mo., and Kans. | NA | *36,000,000+ |
| August 1967 | Flooding: Ohio River Basin | NA | *3,000,000 |
| June 1968 | Heavy rains and flooding ** | NA | NA |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and the District of Columbia. | NA | *7,921,000+ |
| Apr. 29, 1970 | Hail, wind and tornado: Tex., Okla., Mo., Ind., Iowa and Illinois. | NA | *7,730,000+ |
| **IOWA** | | | |
| Mar. 1960 | Floods: Upper Mississippi and Lower Missouri River Basins. | NA | *$35,000,000 |
| Mar. 1961 | Flooding: Upper Mississippi River Basin | *22 | *7,500,000 |
| June 22, 1962 | Tornado: Dubuque | NA | 2,500,000 |
| Apr. 1964 | Flooding: Upper Mississippi Valley, Missouri and Red River of the North.** | *16 | *181,325,000 |
| Mar. 2, 1966 | Blizzard: Great Plains to Minnesota (100,000 head of livestock). | *15 | |
| Oct. 10, 1966 | Tornado: Belmond | 6 | 7,500,000 to 11,000,000 |
| Apr. 1967 | Eight tornadoes, hail and wind: Southern Minnesota, Northern Iowa, Ill., Ind. and Mich. | NA | *40,000,000 |
| May 15, 1968 | Tornadoes: Charles City, Elma, Oelwein and Maynard** | 18 | $52,500,000 |
| Apr. 1969 | Floodings: Red River of the North, Mississippi and Missouri River Basins** | *8 | *175,000,000 |
| Aug. 1969 | Flooding, heavy rains and severe storms** | NA | NA |
| Apr. 29, 1970 | Hail, wind and tornados: Tex., Okla., Mo., Ind., Iowa, and Ill. | NA | *7,730,000+ |
| Aug. 2, 1970 | Windstorm: Southeast Kansas, and Western Iowa. | NA | *1,200,000+ |
| Sept. 9, 1970 | Windstorm and tornado: Iowa, Ill., and Wis. | NA | *3,100,000+ |
| July 11, 1972 | Severe storms and flooding** | NA | NA |
| Sept. 9, 1972 | Severe storms and flooding** | NA | NA |
| **KANSAS** | | | |
| September 1961 | Floods: Kansas and Missouri | NA | *$23,557,000 |
| May 25, 1963 | Wind and hailstorm | NA | 11,000,000+ |
| June 1965 | Flooding: Arkansas River Basin** | *16 | *58,340,000 |
| June 8, 1966 | Tornadoes and wind: Topeka area | 16 | 100,000,000 |
| Mar. 2, 1966 | Blizzard: Great Plains to Minnesota (100,000 head of livestock).* | *15 | |
| June 1967 | Flooding: Lower Missouri River Basin** | *2 | *80,000,000 |
| Do | Tornado: Garden City | 2 | 5,000,000 |
| May 15, 1968 | Hail, tornadoes and wind: Ala., Ark., Miss., Ill., Iowa, Ind., Mo., Kans., and Nebr. | NA | *36,000,000+ |
| March-May 1969 | Flooding: Red River of the North, Upper Mississippi and Missouri River Basins. | *8 | *175,000,000 |
| Apr. 16, 1969 | Hail and wind: Kans., Mo., and Okla | NA | *7,000,000+ |
| May 1969 | Hail and wind: Texas Panhandle and Kansas. | NA | *6,000,000+ |
| June 10, 1969 | Hail and wind: Texas Panhandle, Okla., Colo., Kans., and Nebr. | NA | *5,820,000+ |
| June 21, 1969 | Wind, hail and tornado: Kans., Mo., and Ill. | NA | *7,000,000+ |
| June 26, 1969 | Windstorm; Kansas and Missouri | NA | *2,500,000+ |
| July 1969 | Tornadoes, severe storms and flooding** | NA | NA |
| Aug. 1, 1969 | Hail and wind: Scott City | NA | *1,000,000+ |
| Apr. 25, 1970 | Wind, tornado and hail: Tex., Kans., and Okla. | NA | *2,500,000+ |
| May 9, 1970 | Winds and hail: Northeast Kansas and adjacent areas of Missouri. | NA | *6,250,000+ |
| June 11, 1970 | Wind, hail and tornado: Ark., Kans., and Okla. | NA | *3,200,000+ |
| June 19, 1970 | Wind and hail: South Central and Eastern States. | NA | *2,805,000+ |
| Sept. 30, 1970 | Wind and hail: Nebr., Kans., Okla., and Mo. | NA | *1,750,000+ |
| **KENTUCKY** | | | |
| January 1959 | Flooding: Ohio River Basin | *8 | *$81,921,000 |
| February 1962 | Floods | 2 | 16,067,000 |
| March 1963 | Flooding: Ohio River Basin | *26 | *97,600,000 |
| March 1964 | Severe storms and flooding: Ohio River Basin.** | *18 | *94,000,000 |
| March 1967 | Ohio River Basin Flooding** | *3 | *40,000,000 |
| August 1967 | Ohio River Basin Flooding | NA | *3,500,000 |
| May 1969 | Tornadoes, severe storms and flooding: Ohio River Basin.** | NA | *48,000,000 |
| Apr. 18, 1969 | Hail and wind: Bowling Green | NA | +2,170,000 |
| July 1969 | Severe storms and flooding** | NA | NA |
| Feb. 2, 1970 | Heavy snow, rains and flooding** | NA | NA |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and the District of Columbia. | NA | *7,921,000+ |
| Apr. 17, 1970 | Tornadoes, hail and wind: Tex., Ark., Miss., Tenn., Ky., Ill., Okla, and Ala. | *22 | *14,500,000 |
| June 5, 1970 | Severe storms and flooding** | NA | NA |
| May 1971 | Tornadoes** | 8 | NA |
| Apr. 12, 1972 | Severe storms and flooding** | | |
| **LOUISIANA** | | | |
| May 30, 1959 | Hurricane Arlene: Tex., La., and Ala. | 0 | *$600,000 |
| Sept. 14, 1960 | Hurricane Ethel: Miss. & La | 0 | *1,050,000 |
| Mar. 1, 1960 | Ice Storm: Tex., La., Ark., Tenn., Ala., Ga., N.C. and S.C. | *5 | *15,000,000 |
| Mar. 27, 1961 | Hailstorm | NA | 13,000,000+ |
| Sept. 11, 1961 | Hurricane Carla: Tex., La., Mississippi Valley | *46 | *408,000,000 |
| January 1962 | Freezing weather: La., Miss., Fla., and Tex. | 0 | *21,000,000 |
| Sept. 16, 1963 | Hurricane Cindy: Tex., & La. | *3 | *12,560,000 |
| Dec. 31, 1963 | Two-sixteen inches of snow: La., Ala., Miss. and Tenn. | *Several | *7,000,000+ |
| Oct. 3, 1964 | Tornado: Larose | 22 | NA |
| Oct. 3, 1964 | Hurricane Hilda and accompanying Tornadoes: La. and Miss.** | *37 | *100,000,000+ |
| Sept. 8, 1965 | Hurricane Betsy: La., Tex., Miss., Ark., Fla. and Ala.** | *75 | *1,420,000,000 |
| Aug. 17, 1969 | Hurricane Camille: Miss., Ala. La. to Va.** | *258 | *1,420,000,000 |
| Feb. 21, 1971 | Tornadoes: La. and Miss. | *121 | *20,000,000 |
| October 1971 | Hurricane Edith** | NA | NA |
| **MAINE** | | | |
| June 28, 1960 | Hurricane Brenda: Fla., S.C., Va., N.J. and New England. | *0 | *$5,000,000 |
| Sept. 21, 1961 | Hurricane Esther: N.C. to New England | *0 | *7,000,000 |



| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Feb. 3, 1961 | Snowstorm: N.C. to New England | *73 | *Millions |
| Mar. 5, 1962 | Severe Atlantic Coastal Storm: Maine to Florida. | NA | $750,000 |
| Oct. 5, 1962 | Severe Northeastern, New England Coastal storm. | *11 | *Millions |
| Aug. 26, 1962 | Hurricane Alma: N.C., S.C. and New England | *0 | *1,000,000 |
| Oct. 16, 1963 | Hurricane Ginny: New England | *4 | *400,000 |
| Sept. 9, 1964 | Hurricane Dora: Fla., Ga., S.C., N.C. and New England. | *4 | *230,000,000 |
| Nov. 12, 1968 | Severe S.C. to Maine Coastal Storm | NA | *20,000,000 |
| Mar. 17, 1968 | New England flooding | *2 | *50,000,000 |
| Feb. 1970 | Severe storms, ice jams and flooding** | NA | NA |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and the District of Columbia. | NA | *7,921,000 |
| Feb. 18, 1972 | Severe storms and flooding** | NA | NA |
| Sept. 14, 1972 | Toxic Algae (Red Tide)** | NA | NA |
| **MARYLAND** | | | |
| Jan. 19, 1961 | Snowstorm: Virginia to N.Y. | *37 | NA |
| Feb. 3, 1961 | Snowstorm: North Carolina to New England | *73 | *Millions |
| Sept. 21, 1961 | Hurricane Esther: North Carolina to New England. | *0 | *$7,000,000 |
| Mar. 5, 1962 | Severe Atlantic Coastal Storm: Maine to Florida. | *33 | *200,000,000 |
| Jan. 23, 1966 | Snowstorm: Virginia to Eastern Canada | *50 | NA |
| Dec. 12, 1968 | Severe Atlantic Coastal Storm: S.C. to Maine | NA | *20,000,000 |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and the District of Columbia. | NA | *7,921,000+ |
| June 18, 1970 | Torando, wind and hail: Pa., Md., Del., N.J., N.Y. and Mass. | NA | *2,140,000+ |
| August 1971 | Severe storms and flooding** | NA | NA |
| June 22, 1972 | Severe storms and flooding: Tropical Storm Agnes.** | *118 | *3,000,000,000 |
| **MASSACHUSETTS** | | | |
| July 28, 1960 | Hurricane Brenda: Fla., S.C., Va., N.J. and New England. | *0 | *$5,000,000 |
| Sept. 9, 1960 | Hurricane Donna: Fla., Ga., S.C., N.C., Va. and New England. | *44 | *91,000,000 |
| Sept. 21, 1961 | Hurricane Esther: North Carolina to New England. | *0 | *7,000,000 |
| Feb. 3, 1961 | Snowstorm: North Carolina to New England | *73 | *Millions |
| Mar. 5, 1962 | Severe Atlantic Coastal Storm: Maine to Florida. | NA | *750,000 |
| Oct. 5, 1962 | Severe Northeastern, New England Coastal Storm. | *11 | *Millions |
| Aug. 26, 1962 | Hurricane Alma: N.C., S.C. and New England | *0 | *1,000,000 |
| Sept. 29, 1962 | Hurricane Daisy: New England | *2 | *1,000,000 |
| Dec. 29, 1962 | Windstorm: Conn., Mass., N.J. and N.Y. | NA | *17,500,000+ |
| Oct. 16, 1963 | Hurricane Ginny: New England | *4 | *400,000 |
| Sept. 9, 1964 | Hurricane Cleo: Fla., Ga., N.C., S.C., Ala. and New England. | *4 | *230,000,000 |
| Dec. 12, 1968 | Severe Coastal Storm | NA | *20,000,000 |
| Mar. 17, 1968 | Floods: New England | *2 | *50,000,000 |
| Apr. 1, 1970 | Wind and tornadoes: 22 States and the District of Columbia. | NA | *7,921,000+ |
| June 18, 1970 | Tornado, wind and hail: Mass., Pa., Md., Del., N.J. and N.Y. | NA | *2,140,000+ |
| Feb. 18, 1972 | Severe storms and flooding ** | NA | 22,400,000 |
| Sept. 14, 1972 | Toxic Algae (Red Tide) ** | NA | NA |
| **MICHIGAN** | | | |
| May 8, 1964 | Several tornadoes | 11 | $3,000,000 |
| Apr. 11, 1965 | Tornadoes and severe storms: Ind., Ohio, Mich., Wisc. and Ill.** | 257 | *200,000,000 |
| Feb. 15, 1967 | Windstorm: Ill., Mich., Ind., Ohio, Pa., N.J. and N.Y. | NA | *+12,000,000 |
| Apr. 21, 1967 | Hail, tornadoes and wind: Iowa, Ill. and parts of Mich. and Ind. | NA | *+40,000,000 |
| July 4, 1969 | Wind, hail and tornado: Southeast Michigan, and Northern Ohio. | NA | *+6,280,000 |
| Mar. 13, 1972 | Severe storm and freezing** | NA | NA |
| Nov 14, 1972 | Severe storms and flooding** | NA | NA |
| **MINNESOTA** | | | |
| March 1961 | Floods: Upper Mississippi River Basin | NA | *$7,500,000 |
| April 1965 | Floods Upper Mississippi River Basin ** | *15 | *181,325,000 |
| May 6, 1965 | Tornadoes and hail: East Central Minnesota | NA | 30,000,000+ |
| April 1966 | Floods: Red River of the North ** | NA | *12,500,000 |
| March 1966 | Blizzard: Great Plains to Minnesota (100,000 head of livestock) | *15 | |
| April 1967 | Eight tornadoes: Southern Minnestoa and Northern Iowa. | NA | *9,000,000 |
| September 1968 | Floods: Minnesota River Basin ** | NA | *16,500,000 |
| April 1969 | Floods: Red River of the North, Upper Mississippi and Missouri River Basins** | *8 | *175,000,000 |
| August 1969 | Heavy rains and flooding ** | NA | NA |
| June 1970 | Heavy rains and flooding ** | NA | NA |
| July 21, 1972 | Severe storms and flooding ** | NA | NA |
| Aug. 16, 1972 | Severe storms and flooding** | NA | NA |
| Sept. 20, 1972 | Severe storms and flooding** | NA | NA |
| **MISSISSIPPI** | | | |
| Feb. 23, 1960 | Hurricane: Texas, Middle Mississippi Valley | *15 | *$3,600,000 |
| Sept. 14, 1960 | Hurricane Ethel: Mississippi and Louisiana | *0 | *1,050,000 |
| Sept. 11, 1961 | Hurricane Carla: Texas, Louisiana and Mississippi Valley. | *46 | *408,000,000 |
| Jan. 9, 1962 | Freezing weather: La., Miss., Fla., and Tex. | *0 | *21,000,000 |
| Dec. 31, 1963 | 2-16 inches of snow: La., Ala., Miss., and Tenn. | *Several | *7,000,000+ |
| Oct. 3, 1964 | Hurricane Hilda: La. and Miss. | *37 | *100,000,000+ |
| Sept. 8, 1965 | Hurricane Betsy: Fla., Ala., Miss., La., Tex., and Ark.** | *75 | *1,420,000,000 |
| Mar. 3, 1966 | Tornado: Jackson area | 58 | 18,500,000 |
| May 15, 1968 | Tornadoes, Hail and wind: Ala., Ark., Miss., Ill., Ind., Mo., Kans., and Nebr. | NA | *36,000,000+ |
| Mar. 17, 1969 | Hurricane Camille: Miss., La., Ala., to Va.** | *258 | *1,420,000,000 |
| Apr. 1, 1970 | Wind and tornadoes: 22 States and the District of Columbia. | NA | *7,921,000+ |
| Apr. 19, 1970 | Tornado | 4 | 1,800,000 |
| June 19, 1970 | Wind and Hail: South, Central and Eastern States. | NA | *2,805,000+ |
| Feb. 21, 1971 | Storms and tornadoes: Miss. and La.** | *121 | *20,000,000 |
| Dec. 3, 1971 | Heavy rains and flooding** | NA | NA |
| **MISSOURI** | | | |
| Feb. 10, 1959 | Tornado: St. Louis | 21 | $13,100,000 |
| March 1960 | Floods: Upper Mississippi and Lower Missouri River Basins. | NA | *35,000,000 |
| September 1961 | Floods: Kansas and Missouri | NA | *23,557,000 |
| Apr. 30, 1962 | Wind and hailstorm: Ill., Ind., and St. Louis | NA | *23,300,000+ |
| Apr. 2, 1964 | Hailstorm: St. Louis and So. Ill. | NA | *30,000,000 |
| July 1964 | Severe storms and flooding ** | NA | NA |
| June 1965 | Flooding ** | NA | NA |
| July 1965 | Flooding ** | NA | NA |
| Jan. 24, 1967 | Tornado and Hailstorm: Western and Eastern Missouri. | 3 | 15,000,000 |
| June 1967 | Floods: Lower Missouri River Basin | *2 | *80,000,000 |
| May 15, 1968 | Hail, tornadoes and wind: Ala., Ark., Miss., Ill., Iowa, Ind., Mo., Kans. and Nebr. | NA | *36,000,000+ |
| June 23, 1968 | Hurricane Candy: Texas to Illinois | *0 | *2,800,000 |
| Apr. 16, 1969 | Hail and wind: Kans., Mo., and Okla | NA | *7,000,000+ |
| April 1969 | Floods: Red River of the North, Upper Mississippi and Lower Missouri River Basins. | *8 | *175,000,000 |
| June 21, 1969 | Wind, hail and tornado: Ill., Kans., and Mo. | NA | *7,000,000+ |
| June 26, 1969 | Windstorm: Kans. and Mo. | NA | *2,500,000+ |
| July 9, 1969 | Hail, wind and tornado: Mo., Kans and Ill. | NA | *4,100,000+ |
| Apr. 29, 1970 | Hail, wind and tornado: Tex., Okla., Mo., Ind., Iowa, and Ill. | NA | *7,730,000+ |
| May 9, 1970 | Winds and hail: N.E. Kans., and adjacent areas of Mo. | NA | *6,250,000+ |
| Sept. 3, 1970 | Wind and hail: Nebr., Kans., Okla. and Mo. | NA | *1,750,000+ |
| **MONTANA** | | | |
| August 1959 | Earthquake: Hebgen Lake (damage to timber and roads). | 38 | $11,000,000 |
| June 1964 | Excessive raintall and flooding: Upper Missouri River Basin.** | *30 | *600,000,000 |
| December 1964 | Severe winter storm** | NA | NA |
| **NEBRASKA** | | | |
| June 1959 | Hailstorm | NA | Millions |
| May 5, 1964 | Tornado: Hastings area | 4 | $15,000,000 |
| July 1964 | Severe storms and flooding** | NA | NA |
| June 1965 | Floods: South Platte, Rio Grande River Basins | *16 | *415,000,000 |
| August 1966 | Heavy rains and flooding: East Central Nebraska.** | 0 | 2,200,000 |
| Mar. 2, 1966 | Blizzard: Great Plains to Minnesota (100,000 head of livestock).* | *15 | |
| June 1967 | Severe storms and flooding: Lower Missouri River Basin.** | *2 | *80,000,000 |
| May 15, 1968 | Tornadoes, hail and wind: Ala., Ark., Miss., Ill., Iowa, Ind., Mo., Kan. and Neb. | NA | *36,000,000+ |
| April 1969 | Floods: Red River of the North, Upper Mississippi and Lower Missouri River Basins. | *8 | *175,000,000 |
| June 10, 1969 | Hail and wind: Texas panhandle, Okla., Colo., Kan. and Neb. | NA | *5,820,000+ |
| Oct. 3, 1970 | Wind and hail: S.E. Neb., and Western Iowa | NA | *1,750,000+ |
| February 1971 | Severe storms and flooding** | NA | NA |
| July 1971 | Severe storms and flooding** | NA | NA |
| **NEVADA** | | | |
| December 1964 | Severe storms, heavy rains, and flooding: Oreg., Wash., Calif., Idaho and Nevada.** | *45 | *$500,000,000 |
| December 1965 | Floods: Arizona, Utah, Nevada and California | *4 | *11,712,000 |
| April 1969 | Flooding** | NA | NA |
| **NEW HAMPSHIRE** | | | |
| Sept. 29, 1959 | Hurricane Gracie: S.C., N.C., Ga., Va., W. Va., Pa., N.Y., N.H. and Vt. | *22 | *$14,000,000 |
| June 28, 1960 | Hurricane Brenda: Fla., S.C., Va., N.J. and New England. | *0 | *5,000,000 |
| Sept. 9, 1960 | Hurricane Donna: Fla., Ga., S.C., N.C., Va., and New England. | *44 | *60,000,000 |
| Sept. 21, 1961 | Hurricane Esther: N.C. to New England | *44 | *60,000,000 |
| Feb. 3, 1961 | Snowstorm: N.C. to New England | *73 | *Millions |
| Aug. 26, 1962 | Hurricane Alma: S.C., N.C. and New England | *0 | *1,000,000 |
| Sept. 29, 1962 | Hurricane Daisy: New England | *2 | *1,000,000 |

XUM

SUMMARY OF MAJOR NATURAL DISASTERS: 1959-MARCH 9, 1973—Continued

[(*) denotes disaster which crossed State lines; figure reflects total deaths or damages for all affected States. (**) denotes that State was declared a disaster area by the President]

### NEW HAMPSHIRE—Continued

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Oct. 16, 1963 | Hurricane Ginny: New England | *4 | *$400, 000 |
| Sept. 9, 1964 | Hurricane Dora: Fla., Ga., Ala., S.C., N.C., and New England. | *4 | *230, 000, 000 |
| Mar. 17, 1968 | Floods: New England | *2 | *50, 000, 000 |
| Apr. 1, 1970 | Tornadoes and Wind: 22 states and the District of Columbia. | NA | *7, 921, 000+ |
| Feb. 18, 1972 | Severe storms and flooding** | NA | NA |

### NEW JERSEY

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Feb. 28, 1960 | Hurricane Brenda: Fla., S.C., Va., N.J. and New England. | *0 | *$5, 000, 000 |
| Sept. 9, 1960 | Hurricane Dora: East Coast | *44 | *91, 000, 000 |
| Feb. 3, 1961 | Snowstorm: N.C. to New England | *73 | *Millions |
| Jan. 19, 1961 | Snowstorm: Virginia to N.Y. | *37 | NA |
| Sept. 21, 1961 | Hurricane Esther: N.C. to New England | *0 | *7, 000, 000 |
| Mar. 5, 1962 | Severe Atlantic Coastal Storm: Maine to Florida. | *33 | *200, 000, 000 |
| Dec. 29, 1962 | Windstorm: Conn., Mass., N.J. and N.Y. | NA | *17, 500, 000+ |
| August 1965 | Water shortage** | NA | NA |
| Feb. 15, 1967 | Windstorm: Ill., Mich., Ind., Ohio, Pa., N.J. and N.Y. | NA | *17, 500, 000+ |
| Sept. 29, 1968 | Heavy rains, high winds, and flooding** | NA | 133, 000, 000 |
| Nov. 12, 1968 | Severe Atlantic Coastal Storm: Maine to S.C. | NA | *20, 000, 000 |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and the District of Columbia. | NA | *7, 921, 000+ |
| June 18, 1970 | Tornado, wind and hail: Pa., Md., Del., N.J., N.Y. and Mass. | NA | *2, 140, 000+ |
| August 1971 | Tropical Storm Dora: heavy rains and flooding.** | 3 | 138, 500, 000 |
| September 1971 | Floods, unusually heavy rains: N.J. and S.E. Pa. | *14 | *90, 000, 000 |
| June 1972 | Hurricane Agnes: Eastern United States | *118 | *3, 000, 000, 000 |

### NEW MEXICO

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Dec. 12, 1964 | Up to 83" of snow: Ariz., N.M., Colo. and Utah. | 11* | * Large |
| June 19, 1965 | Severe storms and flooding: S. Platte and Rio Grande River Basins ** | 16* | *$415, 000, 000 |
| 1966 | Earthquake | 0 | 200, 000 |
| June 15, 1969 | Wind and hail: Las Cruces and Albuquerque | NA | 4, 000, 000+ |
| September 1970 | Flooding: Colorado River Basin; 4-corners area. | 23* | *5, 000, 000 |
| July 17, 1972 | Severe storms and flooding ** | NA | NA |
| Aug. 31, 1972 | Heavy rains and flooding ** | NA | NA |
| Oct. 19, 1972 | Heavy rains and flooding ** | NA | NA |

### NEW YORK

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| January 1959 | Floods: Lake Erie Drainage Basin | NA | *$11, 265, 000 |
| Sept. 29, 1959 | Hurricane Gracie: S.C., N.C., Ga., Va., W. Va., Pa., N.Y., N.H. and Vt. | *22 | *14, 000, 000 |
| June 24, 1960 | Tornado: Schenectady area | 0 | 5, 000, 000 |
| Sept. 11, 1960 | Hurricane Donna: East Coast | *44 | *91, 000, 000 |
| Sept. 21, 1961 | Hurricane Esther: N.C. to New England | *0 | *7, 000, 000 |
| Jan. 19, 1961 | Snowstorm: Va. to New York | *37 | NA |
| Feb. 3, 1961 | Snowstorm: N.C. to New England | *73 | *Millions |
| Mar. 5, 1962 | Windstorm: Conn., Mass., N.J., and N.Y. | NA | *17, 500, 000+ |
| Jan. 23, 1963 | Blizzard: Buffalo area | 11 | NA |
| August 1965 | Water Shortage** | NA | NA |
| Feb. 15, 1967 | Windstorm: Ill, Mich, to NY | NA | *12, 000, 000+ |
| October 1967 | Severe storms and flooding** | NA | NA |
| Nov. 12, 1968 | Severe Atlantic Coastal Storm: S.C. to Maine | NA | *20, 000, 000 |
| August 1969 | Heavy rains and flooding** | NA | NA |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and the District of Columbia | NA | *7, 921, 000+ |
| June 18, 1970 | Tornado, wind and hail: Pa., Md., Del., N.J., N.Y., and Mass. | NA | *2, 140, 000+ |
| July 1970 | Heavy rains and flooding** | NA | NA |
| September 1971 | Severe storms and flooding** | NA | NA |
| June 18, 1972 | Hurricane Agnes: severe storms and flooding** | *118 | *3, 000, 000, 000 |

### NORTH CAROLINA

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Sept. 29, 1959 | Hurricane Gracie: S.C., N.C., Ga., Va., W. Va., Pa., N.Y., N.H. and Vt. | *22 | $14, 000, 000 |
| Sept. 9, 1960 | Hurricane Donna: Fla., Ga., S.C., N.C., Va. and New England. | *44 | *91, 000, 000 |
| Mar. 1, 1960 | Icestorm: Tex., La., Ark., Tenn., Ala., Ga., N.C. and S.C. | *5 | *15, 000, 000 |
| Sept. 21, 1961 | Hurricane Esther: North Carolina to New England. | *0 | *7, 000, 000 |
| Feb. 3, 1961 | Snowstorm: North Carolina to New England | *73 | *Millions |
| Mar. 5, 1962 | Severe Atlantic Coastal Storm: Maine to Florida. | *33 | *200, 000, 000 |
| Aug. 26, 1962 | Hurricane Alma: S.C., N.C. and New England | *0 | *1, 000, 000 |
| Oct. 14, 1964 | Hurricane Isabell: Fla. and N.C.** | *3 | *10, 000, 000 |
| Aug. 26, 1964 | Hurricane Cleo: Fla., Ga., S.C., N.C., and Va. | *3 | *2, 000, 000 |
| Sept. 9, 1964 | Hurricane Dora: Fla., Ga., Ala., S.C., N.C. and New England. | *4 | *230, 000, 000 |
| June 8, 1966 | Hurricane Alma: Fla., Ga., S.C., N.C. and Va. | *6 | *10, 050, 000 |
| February 1968 | Ice Storm** | NA | NA |
| Oct. 16, 1968 | Hurricane Gladys: Fla., N.C. and S.C. | *5 | *6, 700, 000 |
| Nov. 12, 1968 | Severe Atlantic Coastal Storm: S.C. to Maine | NA | *20, 000, 000 |
| Apr. 1, 1970 | Wind and Tornadoes: 22 States and the District of Columbia. | NA | *+$7, 921, 000 |
| June 19, 1970 | Wind and hail: South, Central and Eastern States. | NA | *+2. 805, 000 |

### NORTH DAKOTA

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| June 1964 | Floods: Upper Missouri River Basin | *24 | *$600, 000, 000 |
| April 1965 | Floods: Upper Mississippi Valley, Missouri and Red River of the North Basins.** | *16 | *181, 325, 000 |
| Dec. 11, 1965 | Ice storm: N.D., S.D. and Minn. | NA | *2, 000, 000+ |
| April 1966 | Floods: Red River of the North** | NA | *12, 500, 000 |
| July 1966 | Severe storms and flooding** | NA | NA |
| April 1969 | Floods: Red River of the North, Upper Mississippi Missouri River Basins.** | *8 | *175, 000, 000 |
| June 1970 | Severe storms and flooding** | NA | NA |
| May 10, 1972 | Severe storms and flooding** | NA | NA |

### OHIO

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| January 1959 | Floods: Ohio River Basin, Lake Erie Drainage Basin. | *8 | *$90, 000, 000+ |
| March 1963 | Flooding: Ohio River Basin | *26 | *97, 600, 000 |
| Mar. 5, 1964 | Severe Storms, wind and flooding: Ohio River Basin.** | *18 | *94, 000, 000 |
| Apr. 11, 1965 | 47 Tornadoes and severe Storms: Ind., Ohio, Mich., Wis., and Ill.** | *257 | *200, 000, 000 |
| Feb. 15, 1967 | Windstorms: Ill., Ind., Mich., Ohio, Pa., N.J. and N.Y. | NA | *12, 000, 000+ |
| March 1967 | Floods: Upper Ohio River Basin | *3 | *40, 000, 000 |
| May 1968 | Flooding: Ohio River Basin: Tornadoes and Severe storms.** | NA | *48, 000, 000 |
| July 1968 | Flooding: Wabash River Basin; heavy rains** | NA | *12, 000, 000 |
| May 8, 1969 | Hail, wind and tornado | NA | 2, 500, 000+ |
| July 1969 | Tornadoes, severe storms and flooding** | NA | NA |
| Aug. 9, 1969 | Tornado and wind: Cincinnati area | NA | 8, 000, 000+ |
| Apr. 1, 1970 | Wind and tornadoes: 22 States and D.C. | NA | *7, 921, 000+ |
| June 23, 1972 | Severe storms and flooding** | NA | NA |
| Nov. 14, 1972 | Heavy rains and flooding** | 1 | 21, 800, 000 |

### OKLAHOMA

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Mar. 5, 1961 | Tornado: Le Flore County | 16 | $50, 000+ |
| June 1965 | Flooding: Arkansas River Basin** | *16 | *58, 349, 000 |
| May 23, 1968 | Heavy rains, hail and flooding: Oklahoma City** | NA | 20, 000, 000 |
| Apr. 16, 1969 | Hail and Wind: Kan, Mo., and Okla | NA | *7, 000, 000+ |
| June 10, 1969 | Wind and Hail: Texas Panhandle, Okla, Colo., Kan. and Neb. | NA | *5, 820, 000+ |
| June 17, 1969 | Wind and hail: Texas Panhandle and Western Okla. | NA | *20, 000, 000+ |
| Apr. 17, 1970 | Tornadoes, wind and Hail: Tex., Ark., Miss., Tenn., Ky., Ill., Okla. and Ala. | NA | *6, 000, 000+ |
| Apr. 25, 1970 | Wind, tornado and hail: Tex., Okla. and Kan | NA | *2, 500, 000+ |
| Apr. 29, 1970 | Hail, wind and tornado; Tex., Okla., Mo., Ind., Iowa and Ill. | NA | *7, 730, 000+ |
| June 19, 1970 | Wind and hail; South, Central and Eastern States. | NA | *2, 805, 000+ |
| June 24, 1970 | Wind and hail: El Reno area | NA | *2, 000, 000+ |
| Sept. 3, 1970 | Wind and Hail: Neb., Kan., Okla., and Mo. | NA | *1, 750, 000 |
| Oct. 5, 1970 | Tornado: Shawnee | 4 | 3, 000, 000 |
| eptember 1971 | Heavy rains and flooding** | NA | 16, 000, 000 |
| Dec. 9, 1971 | Severe storms and flooding** | NA | NA |

### OREGON

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Oct. 11, 1962 | Severe North Pacific Coastal Storm | *50 | *$250, 000, 000 |
| February 1963 | Floods: Pacific Coast States | NA | *14, 000, 000 |
| December 1964 | Severe storms, heavy rains, and flooding: Pacific Coast States.** | *42 | *415, 832, 000 |
| January 1965 | Floods: West Coast States | *45 | *500, 000, 000 |
| February 1971 | Storms and flooding** | NA | NA |
| Jan. 11, 1972 | Severe storms and flooding** | NA | NA |

### PENNSYLVANIA

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| January 1959 | Floods: Lake Erie Drainage Basin | NA | *$11, 265, 000 |
| Sept. 29, 1959 | Hurricane Gracie: S.C., N.C., Ga., Va., W. Va., Pa., N.Y., N.H., and Vt. | *22 | *14, 000, 000 |
| August 1965 | Water Shortage** | NA | NA |
| March 1967 | Floods: Upper Ohio River Basin | NA | *3, 500, 000 |
| Feb. 15, 1967 | Windstorm: Ill., Ind., Mich., Ohio., Pa., N.J., N.Y. | NA | *12, 000, 000+ |
| August 1969 | Severe storms and flooding** | NA | NA |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and D.C. | NA | *7, 921, 000+ |
| June 18, 1970 | Tornado, wind and hail: Pa., Md., Del., N.J., N.Y., and Mass. | NA | *2, 140, 000+ |
| September 1971 | Unusually heavy rains and flooding: N.J. and S.E. Pennsylvania.** | *14 | *90, 000, 000 |
| June 17, 1972 | Severe storms and flooding** (Tropical Storm Agnes). | *118 | *3, 000, 000, 000 |
| Sept. 11, 1972 | Heavy rains and flooding** | NA | NA |



### RHODE ISLAND

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| July 28, 1960 | Hurricane Brenda: Fla., S.C. Va., N.J. and New England. | *0 | *$5, 000, 000 |
| Sept. 9, 1960 | Hurricane Donna: Fla., Ga., S.C., N.C., Va. and New England. | *44 | *91, 000, 000 |
| Sept. 21, 1961 | Hurricane Esther: N.C. to New England | *0 | *7, 000, 000 |
| Feb. 3, 1961 | Snowstorm: North Carolina to New England | *73 | *Millions |
| Mar. 5, 1962 | Severe Atlantic Coastal Storm: Maine to Florida. | *33 | *200, 000, 000 |
| Oct. 5, 1962 | Severe New England Coastal Storm | *11 | *Millions |
| Aug. 26, 1962 | Hurricane Alma: N.C., S.C., and New England | *0 | *1, 000, 000 |
| Sept. 29, 1962 | Hurricane Daisy: New England | *2 | *1, 000, 000 |
| Oct. 16, 1963 | Hurricane Ginny: New England | *4 | *400, 000 |
| Sept. 9, 1964 | Hurricane Dora: Fla., Ga., Ala., S.C., N.C., and New England. | *4 | *230, 000, 000 |
| Mar. 17, 1968 | Floods: New England | *2 | *50, 000, 000 |
| Nov. 12, 1968 | Severe Atlantic Coastal Storm: S.C. to Maine | NA | *20, 000, 000 |
| Apr. 1, 1970 | Tornadoes and Wind: 22 States and District of Columbia. | NA | *7, 921, 000 |

### SOUTH CAROLINA

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Sept. 29, 1959 | Hurricane Gracie: S.C., N.C., Ga., Va., W. Va., Pa., N.Y., N.H., and Vt. | *22 | *$14, 000, 000 |
| July 28, 1960 | Hurricane Brenda: Fla., S.C. Va., N.J. and New England. | *0 | *5, 000, 000 |
| Sept. 9, 1960 | Hurricane Donna: Fla., Ga., S.C., N.C., Va. and New England. | *44 | *60, 000, 000 |
| Mar. 1, 1960 | Ice Storm: Tex., La., Ark., Tenn., Ala., Ga., N.C. & S.C. | *5 | *15, 000, 000 |
| Oct. 14, 1962 | Hurricane Ella: S.C., and Atlantic Coast (shipping). | *2 | NA |
| Aug. 26, 1964 | Hurricane Alma: S.C., N.C. and New England | *0 | *1, 000, 000 |
| June 8, 1966 | Hurricane: Fla., Ga., S.C., N.C., and Va | *6 | 10. 050, 000 |
| Jan. 16, 1968 | Hurricane Gladys: Fla., S.C. and N.C. | *5 | *6, 700, 000 |
| Nov. 12, 1968 | Severe Atlantic Coastal Storm: South Carolina to Maine. | NA | *20, 000, 000 |
| Feb. 15, 1969 | Ice Storm | NA | 65, 000, 000 |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and D.C | NA | *7, 921, 000+ |

### SOUTH DAKOTA

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| June 1964 | Floods: Upper Missouri River Basin | *24 | *$600, 000, 000 |
| April 1965 | Flooding: Upper Mississippi Valley, Missouri and Red River of the North** | *16 | *181, 000, 000 |
| Dec. 11, 1965 | Ice Storm: N.D., S.D., and Minn | NA | *2, 000, 000+ |
| April 1966 | Flooding: Red River of the North | NA | *12, 500, 000 |
| Mar. 2, 1966 | Blizzard: Great Plains to Minnesota (100,000 head of livestock). | *15 | |
| June 21, 1968 | Tornadoes, thunderstorms and hail | NA | 15, 000, 000 |
| April 1969 | Flooding: Red River of the North, Upper Mississippi River and Missouri River Basins** | *8 | *175, 000, 000 |
| June 9, 1972 | Severe storms and flooding: Rapid City** | 230 | 150, 000, 000 |

### TENNESSEE

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Mar. 1, 1960 | Ice Storm: Tex., La., Ark., Tenn., Ala., Ga., N.C. & S.C. | *5 | *$15, 000, 000 |
| Dec. 31, 1963 | Snow Storm: La., Ala., Miss. and Tenn | *Several | *7, 000, 000+ |
| July 1969 | Severe storms and flooding** | NA | NA |
| Apr. 1, 1970 | Wind and tornadoes: 22 States and District of Columbia. | NA | *7, 921, 000+ |
| Apr. 27, 1970 | Tornado | 2 | 1, 500, 000 |
| June 19, 1970 | Wind and Hail: South, Central and Eastern States. | NA | *2, 805, 000+ |
| May 7, 1971 | Tornadoes** | 3 | 5, 700, 000 |
| Apr. 12, 1972 | Flooding** | NA | NA |

### TEXAS

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| July 25, 1959 | Hurricane Debra | 0 | $7, 000, 000 |
| June 1960 | Flood: S.E. Texas | 15 | NA |
| June 23, 1960 | Hurricane: Texas, Middle Mississippi Valley | *15 | *5, 000, 000 |
| Apr. 26, 1960 | Hailstorm: San Angelo | 0 | 4, 000, 000 |
| Mar. 1, 1960 | Ice Storm: Tex., La., Ark., Tenn., Ala., Ga., N.C., and S.C. | *5 | *15, 000, 000 |
| July 15, 1960 | Severe storm: Tex. and Okla | NA | NA |
| Sept. 11, 1961 | Hurricane Carla: Tex., La., and Miss. Valley | *46 | *408, 000, 000 |
| Jan. 9, 1962 | Freezing weather: La., Miss., Fla., and Tex | 0 | *21, 000, 000 |
| Sept. 5, 1962 | Severe Storm: El Paso | NA | 750, 000 |
| June 1, 1962 | Tornado: Panhandle | NA | 6, 000, 000 |
| SepL 16, 1963 | Hurricane Cindy: Tex. and La | *3 | *12, 560, 000 |
| June 1963 | Tornadoes, hail and wind (500,000 acres of cotton). | NA | |
| Apr. 3, 1964 | Hurricane Abby | 0 | 750, 000 |
| May 1965 | Flood: Brazos River | 0 | 30, 802, 000 |
| June 11, 1965 | Flash flood: Sanderson; tornadoes** | 26 | 2, 715, 000 |
| Sept. 8, 1965 | Hurricane Betsy: Fla., Ala., Miss., La., Tex., and Ark. | *75 | *1, 420, 000, 000 |
| April 1966 | Flash flood: Dallas area | 27 | 15, 000, 000 |
| May 1966 | Flooding: Sabine and Trinity River Basins** | 14 | 20, 100, 000 |
| September 1966 | Heavy rains and flooding** | NA | NA |



### UTAH

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Dec. 12, 1964 | Up to 83" of snow: Ariz., N. Mex., Colo. and Utah. | *11 | *Large |
| December 1966 | Flood: Ariz., Nevada., Utah and Calif | *4 | *$11, 712, 000 |
| September 1970 | Colorado River Basin Flooding: Four-Corners area. | *23 | *5, 000, 000 |

### VERMONT

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Sept. 29, 1959 | Hurricane Gracie: S.C., N.C., Ga., Va., W.Va., Pa., N.Y., N.H. and Vt. | *22 | *$14, 000, 000 |
| Feb. 3, 1961 | Snowstorm: N.C. to New England | *73 | *Millions |
| November 1963 | Drought | NA | NA |
| March 1964 | Flooding** | NA | NA |
| March 1968 | Flooding: New England | *2 | *50, 000, 000 |
| August 1969 | Severe storms and flooding** | NA | NA |
| Apr. 1, 1970 | Tornadoes and wind: 22 states and D.C. | NA | *7, 921, 000+ |

### VIRGINIA

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Sept. 29, 1959 | Hurricane Gracie: S.C., N.C., Ga., Va., W. Va., Pa., N.Y., N.H. and Vt. | *22 | *$14, 000, 000 |
| July 28, 1960 | Hurricane Brenda: Fla., S.C., Va., N.J. and New England. | *0 | *5, 000, 000 |
| Sept. 9, 1960 | Hurricane Donna: Fla., Ga., S.C., N.C., Va. and New England. | *44 | *91, 000, 000 |
| Sept. 21, 1961 | Hurricane Esther: North Carolina to New England. | *0 | *7, 000, 000 |
| Jan. 19, 1961 | Snowstorm: Va. to N.Y. | *37 | NA |
| Feb. 3, 1961 | Snowstorm: N.C. to New England | *73 | *Millions |
| Mar. 5, 1962 | Severe Atlantic coastal storm: Maine to Fla | *33 | *200, 000, 000 |
| March 1963 | Ohio River Basin Flooding: Va., W. Va. and Ky. | *26 | *97, 600, 000 |
| Aug. 26, 1964 | Hurricane Cleo: Fla., Ga., S.C., N.C. and Va. | *3 | *128, 500, 000 |
| January 1966 | Snowstorm: Va. to New England | *50 | NA |
| Aug. 19, 1969 | Flooding: Upper James River Basin | 153 | 140, 000, 000 |
| Aug. 17, 1969 | Hurricane Camille: Miss., Ala., La. to Virginia | *258 | *1, 420, 000, 000 |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and D.C. | NA | *7, 921, 000+ |
| June 19, 1970 | Wind and hail: S. Central and Eastern States | NA | *2, 805, 000+ |
| June 21, 1972 | Hurricane Agnes** | *118 | *3, 000, 000, 000 |
| Sept. 20, 1972 | Severe storms and flooding** | NA | NA |
| Oct. 15, 1972 | Severe storms and flooding** | 8 | 23, 700, 000 |

### WASHINGTON (STATE)

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| Oct. 11, 1962 | No. Pacific Coastal Storm | *50 | *$250, 000, 000 |
| February 1963 | Floods: Pacific Coast States | NA | *14, 000, 000 |
| December 1964 | Floods: Calif., Oregon, and Washington** | *42 | *415, 000, 000 |
| May 11, 1965 | Earthquake: Seattle, Puget Sound area** | 7 | 12, 500, 000 |
| February 1971 | Heavy rains, melting snow and flooding** | NA | NA |
| Jan. 19, 1972 | Severe storms and flooding** | NA | NA |
| Feb. 13, 1972 | Severe storms and flooding** | NA | NA |
| May 28, 1972 | Flooding** | NA | NA |

### WEST VIRGINIA

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| January 1959 | Floods: Ohio River Basin | *8 | *$81, 921, 000 |
| Sept. 29, 1959 | Hurricane Gracie: Ga., Va., W. Va., Pa., N.Y., N.H. and Vt. | *22 | *14, 000, 000 |
| July 1961 | Flash Flood: Charleston | 22 | 3, 238, 000 |
| March 1963 | Floods: Ohio River Basin | *26 | *97, 600, 000 |
| March 1964 | Floods: Ohio River Basin** | *18 | *94, 000, 000 |
| March 1967 | Floods: Ohio River Basin** | 3 | *40, 000, 000 |
| August 1967 | Floods: Ohio River Basin | NA | 3, 500, 000 |
| May 1968 | Floods: Ohio River Basin | NA | *48, 000, 000 |
| August 1969 | Severe storms and flooding** | NA | NA |
| September 1969 | Severe storms and flooding** | NA | NA |
| Apr. 1, 1970 | Tornadoes and wind: 22 States and D.C. | NA | *7, 921, 000+ |
| June 21, 1972 | Hurricane Agnes: Eastern U.S.** | *118 | *3, 000, 000, 000 |
| Aug. 18, 1972 | Heavy rains and flooding** | NA | NA |

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SUMMARY OF MAJOR NATURAL DISASTERS: 1959 MARCH 9, 1973—Continued

[(*) denotes disaster which crossed State lines; figure reflects total deaths or damages for all affected States. (**) denotes that State was declared a disaster area by the President]

| Date | Type of disaster | Deaths | Estimated damage |
|---|---|---|---|
| **WISCONSIN** | | | |
| March 1961 | Flooding: Upper Mississippi River Basin | NA | *$7,500,000 |
| Aug. 22, 1964 | Tornado: Port Washington | 3 | 2,000,000 |
| March 1965 | Floods: Upper Mississippi River Valley, Missouri and Red River of the North. | *16 | *181,325,000 |
| Apr. 11, 1965 | 47 tornadoes: Ind., Ohio, Mich., Wis. and Ill.** | *257 | *200,000,000 |
| April 1969 | Flooding: Red River of the North, Upper Mississippi and Missouri River Basins.** | *8 | *175,000,000 |
| July 1969 | Severe storms and flooding** | NA | NA |
| Sept. 9, 1970 | Windstorm and tornado: Iowa, Ill. and Wis. | NA | *3,100,000+ |
| Aug. 15, 1972 | Heavy rains and flooding** | NA | NA |
| **WYOMING** | | | |
| None | | | |

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TEAGUE of Texas (at the request of Mr. BURLESON of Texas), for an indefinite period, on account of sickness.

Mr. JOHNSON of California (at the request of Mr. MCFALL) for this week, on account of illness.

Mr. MCSPADDEN (at the request of Mr. MCFALL), for today, on account of death in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKINNEY) to revise and extend their remarks and include extraneous material:)

Mr. WILLIAMS, for 15 minutes, today.

Mr. STEIGER of Wisconsin, for 10 minutes, today.

Mr. HORTON, for 15 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of Oklahoma) and to include extraneous matter and to revise and extend their remarks:)

Mr. MCFALL, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. ABZUG, for 5 minutes, today.

Mr. BRINKLEY, for 15 minutes, today.

Mr. JAMES V. STANTON, for 15 minutes, today.

Mr. BARRETT, for 10 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DANIELSON notwithstanding an estimated cost of $1,020, to revise and extend his remarks at this point and include extraneous matter.

(The following Members (at the request of Mr. MCKINNEY) and to include extraneous matter:)

Mr. PRICE of Texas.

Mr. STEELMAN in three instances.

Mr. QUIE in two instances.

Mr. DERWINSKI in four instances.

Mr. BIESTER.

Mr. ZWACH.

Mr. CEDERBERG in two instances.

Mr. JOHNSON of Pennsylvania.

Mr. HOSMER in three instances.

Mr. MATHIAS of California.

Mr. CRANE in five instances.

Mr. SANDMAN.

Mr. YOUNG of Alaska.

Mr. COCHRAN.

Mr. FISH.

Mr. FREY.

Mr. FINDLEY.

Mr. HORTON.

Mr. MCCLORY.

Mr. ARMSTRONG.

Mr. NELSEN.

Mr. MILLS of Maryland.

Mr. GERALD R. FORD.

Mr. GUDE in five instances.

Mr. FRENZEL in two instances.

Mr. WHITEHURST.

Mr. ASHBROOK in three instances.

Mr. ANDERSON of Illinois in three instances.

Mr. BAKER.

Mrs. HECKLER of Massachusetts.

(The following Members (at the request of Mr. JONES of Oklahoma) and to include extraneous material:)

Mr. DRINAN.

Mr. BRADEMAS in five instances.

Mr. ROSENTHAL in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. WILLIAM D. FORD in four instances.

Mr. SARBANES in five instances.

Ms. ABZUG in five instances.

Mr. COTTER in seven instances.

Mr. HAMILTON.

Mr. ASPIN in 10 instances.

Mr. STARK in 10 instances.

Mr. BRECKINRIDGE.

Mr. WALDIE in six instances.

Mr. LITTON.

Mr. JAMES V. STANTON.

Mr. THOMPSON of New Jersey in 10 instances.

Mr. KOCH in three instances.

Mr. CARNEY of Ohio in four instances.

Mr. HARRINGTON in two instances.

Mr. RANGEL in 10 instances.

Mr. ROSE in two instances.

Mr. DANIELSON in two instances.

Mr. NIX.

Mr. ANDERSON of California in four instances.

Mr. LEGGETT.

Mr. MOSS in three instances.

Mr. CAREY of New York.

Mr. ST GERMAIN in two instances.

Mr. FULTON.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

An act to extend and amend the Economic Stabilization Act of 1970.

## BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on April 19, 1973, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

**H.R. 1975. An act to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes;**

**H.R. 6883. An act to amend the Agricultural Adjustment Act of 1938 with respect to rice; and**

**H.J. Res. 496. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics board and the Veterans' Administration, and for other purposes.**

## ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 1, 1973, at 12 o'clock noon.



## REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS INCURRED IN TRAVEL OUTSIDE THE UNITED STATES DURING 1972 AS REQUIRED BY THE MUTUAL SECURITY ACT OF 1954, AS AMENDED BY PUBLIC LAW 86-472 AND BY PUBLIC LAW 86-628

Mr. HAYS. Mr. Speaker, section 502(b) of the Mutual Security Act of 1954, as amended by section 401(a) of Public Law 86-472, approved May 14, 1960, and section 105 of Public Law 86-628, approved July 12, 1960, require the reporting of expenses incurred in connection with travel, including both foreign currencies expended and dollar expenditures made from appropriated funds.

The required reports for travel during 1972 are submitted herewith:

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL AUTHORIZED BY H. RES. 22, 1ST SESS., 92D CONG., COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN 1, AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. W. R. Poage: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | $50.00 | 54.50 | $6.10 | 54.60 | $6.13 | 109.10 | $12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | B dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 2 | 396.00 | 50.00 | 412.00 | 51.95 | 44.00 | 5.55 | 456.00 | 57.50 |
| | | 11/25 | 11/26 | | | | | | | | | |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| Pakistan | Rupees | 11/26 | 11/27 | 1 | 550.00 | 50.00 | 290.02 | 20.00 | | | 290.02 | 20.00 |
| Kuwait | Dinar | 11/27 | 11/28 | 1 | 16.325 | 50.00 | 7.512 | 24.52 | | | 7.512 | 24.52 |
| Italy | Lire | 11/28 | 11/29 | 1 | 29,250 | 50.00 | 29,250 | 50.00 | | | 29,250 | 50.00 |
| Spain | Pesetas | 11/29 | 11/30 | 1 | 3,175 | 50.00 | 1,762 | 27.71 | 1,041 | 16.40 | 2,803 | 44.11 |
| Hon. Thomas G. Abernethy: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | 50.00 | 54.50 | 6.10 | 54.60 | 6.13 | 109.10 | 12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | Dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 2 | 396.00 | 50.00 | 412.00 | 51.95 | 44.00 | 5.55 | 456.00 | 57.50 |
| | | 11/25 | 11/26 | | | | | | | | | |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| Pakistan | Rupees | 11/26 | 11/27 | 1 | 550.00 | 50.00 | 290.02 | 20.00 | | | 290.02 | 20.00 |
| Kuwait | Dinar | 11/27 | 11/28 | 1 | 16.325 | 50.00 | 7.512 | 24.52 | | | 7.512 | 24.52 |
| Italy | Lire | 11/28 | 11/30 | 2 | 29,250 | 50.00 | 58,500 | 100.00 | 11,298 | 19.31 | 67,798 | 119.31 |
| Hon. Bill Alexander: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | 50.00 | 54.50 | 6.10 | 54.60 | 6.13 | 109.10 | 12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | Dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 2 | 396.00 | 50.00 | 412.00 | 51.95 | 44.00 | 5.55 | 456.00 | 57.50 |
| | | 11/25 | 11/26 | | | | | | | | | |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | 125.15 | 15.84 | | | 125.15 | 15.84 |
| Pakistan | Rupees | 11/26 | 11/27 | 1 | 550.00 | 50.00 | 290.02 | 20.00 | | | 290.02 | 20.00 |
| Kuwait | Dinar | 11/27 | 11/28 | 1 | 16.325 | 50.00 | 7.512 | 24.52 | | | 7.512 | 24.52 |
| Hon. E de la Garza: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | 50.00 | 54.50 | 6.10 | 54.60 | 6.13 | 109.10 | 12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | Dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 1 | 396.00 | 50.00 | 186.35 | 23.50 | | | 186.35 | 23.50 |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| India | Rupees | 11/25 | 11/28 | 4 | 396.00 | 50.00 | 250.50 | 31.59 | | | 250.50 | 31.59 |
| Greece | Drachmas | 11/29 | 12/2 | 4 | 1,500 | 50.00 | 5,000 | 166.67 | 330 | 11.00 | 5,330 | 177.67 |
| Hon. Frank Denholm: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | 50.00 | 54.50 | 6.10 | 54.60 | 6.13 | 109.10 | 12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | Dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 2 | 396.00 | 50.00 | 412.00 | 51.95 | 44.00 | 5.55 | 456.00 | 57.50 |
| | | 11/25 | 11/26 | | | | | | | | | |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| Pakistan | Rupees | 11/26 | 11/27 | 1 | 550.00 | 50.00 | 290.02 | 30.00 | | | 290.02 | 20.00 |
| Kuwait | Dinar | 11/27 | 11/28 | 1 | 16.325 | 50.00 | 7.512 | 24.52 | | | 7.512 | 24.52 |
| Italy | Lire | 11/28 | 11/29 | 1 | 29,250 | 50.00 | 29,250 | 50.00 | | | 29,250 | 50.00 |
| Spain | Pesetas | 11/29 | 11/30 | 1 | 3,175 | 50.00 | 1,762 | 27.71 | 1,041 | 16.40 | 2,803 | 44.11 |
| Hon. Tom Foley: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | 50.00 | 54.50 | 6.10 | 54.60 | 6.13 | 109.10 | 12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | Dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 1 | 396.00 | 50.00 | 186.35 | 23.50 | | | 186.35 | 23.50 |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| India | Rupees | 11/25 | 11/28 | 4 | 396.00 | 50.00 | 389.50 | 49.12 | | | 389.50 | 49.12 |
| United Kingdom | Pounds | 11/29 | 12/2 | 5 | 21.20 | 50.00 | 84.80 | 200.00 | | | 84.80 | 200.00 |
| Hon. George A. Goodling: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | 50.00 | 54.50 | $6.10 | 54.60 | 6.13 | 109.10 | 12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | Dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 19.947 | 43.75 | | | 19.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1,750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 1 | 396.00 | 50.00 | 186.35 | 23.50 | | | 186.35 | 23.50 |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| India | Rupees | 11/25 | 11/28 | 4 | 396.00 | 50.00 | 321.25 | 50.51 | | | 321.25 | 50.51 |
| Greece | Drachmas | 11/29 | 12/2 | 4 | 1,500 | 50.00 | 4,500 | 150.00 | | | 4,500 | 150.00 |

Footnotes at end of table.

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REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL AUTHORIZED BY H. RES. 22, 1ST SESS., 92D CONG., COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Wiley Mayne: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | $50.00 | 54.50 | $6.10 | 54.60 | $6.13 | 109.10 | $12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | Dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 2 | 396.00 | 50.00 | 412.00 | 51.95 | 44.00 | 5.55 | 456.00 | 57.50 |
| | | 11/25 | 11/26 | | | | | | | | | |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| Pakistan | Rupees | 11/26 | 11/27 | 1 | 550.00 | 50.00 | 290.02 | 20.00 | | | 290.02 | 20.00 |
| Kuwait | Dinar | 11/27 | 11/28 | 1 | 16.325 | 50.00 | 7.512 | 24.52 | | | 7.512 | 24.52 |
| Italy | Lire | 11/28 | 11/29 | 1 | 29,250 | 50.00 | 29,250 | 50.00 | | | 29,250 | 50.00 |
| Spain | Pesetas | 11/29 | 11/30 | 1 | 3,175 | 50.00 | 1,762 | 27.71 | 1,041 | 16.40 | 2,803 | 44.11 |
| Hon. Keith Sebelius: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | 50.00 | 54.50 | 6.10 | 54.60 | 6.13 | 109.10 | 12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 15.313 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | B dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 2 | 396.00 | 50.00 | 412.00 | 51.95 | 44.00 | 5.55 | 456.00 | 57.50 |
| | | 11/25 | 11/26 | | | | | | | | | |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| Pakistan | Rupees | 11/26 | 11/27 | 1 | 550.00 | 50.00 | 290.02 | 20.00 | | | 290.02 | 20.00 |
| Kuwait | Dinar | 11/27 | 11/28 | 1 | 16.325 | 50.00 | 7.592 | 24.52 | | | 7.512 | 24.52 |
| Italy | Lire | 11/28 | 11/29 | 1 | 29,250 | 50.00 | 29,250 | 50.00 | | | 29,250 | 50.00 |
| Spain | Pesetas | 11/29 | 11/30 | 1 | 3,175 | 50.00 | 1,762 | 27.71 | 1,041 | 16.40 | 2,803 | 44.11 |
| Hon. Charles M. Teague: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | 50.00 | 54.50 | 6.10 | 54.60 | 6.13 | 109.10 | 12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | B dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 2 | 396.00 | 50.00 | 412.00 | 51.95 | 44.00 | 5.55 | 456.00 | 57.50 |
| | | 11/25 | 11/25 | | | | | | | | | |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| Pakistan | Rupees | 11/26 | 11/27 | 1 | 550.00 | 50.00 | 290.02 | 20.00 | | | 290.02 | 20.00 |
| Kuwait | Dinar | 11/27 | 11/28 | 1 | 16.325 | 50.00 | 7.512 | 24.52 | | | 7.512 | 24.52 |
| Italy | Lire | 11/28 | 11/29 | 1 | 29,250 | 50.00 | 29,250 | 50.00 | | | 29,250 | 50.00 |
| Spain | Pesetas | 11/29 | 11/30 | 1 | 3,175 | 50.00 | 1,762 | 27.71 | 1,041 | 16.40 | 2,803 | 44.11 |
| Hon. William C. Wampler: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | 50.00 | 54.50 | 6.10 | 54.60 | 6.13 | 109.10 | 12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | B dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 2 | 396.00 | 50.00 | 412.00 | 51.95 | 44.00 | 5.55 | 456.00 | 57.50 |
| | | 11/25 | 11/26 | | | | | | | | | |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| Pakistan | Rupees | 11/26 | 11/27 | 1 | 550.00 | 50.00 | 290.02 | 20.00 | | | 290.02 | 20.00 |
| Kuwait | Dinar | 11/27 | 11/28 | 1 | 16.325 | 50.00 | 7.512 | 24.52 | | | 7.512 | 24.52 |
| Italy | Lire | 11/28 | 11/29 | 1 | 29,250 | 50.00 | 29,250 | 50.00 | | | 29,250 | 50.00 |
| Spain | Pesetas | 11/29 | 11/30 | 1 | 3,175 | 50.00 | 1,762 | 27.71 | 1,041 | 16.40 | 2,803 | 44.11 |
| Louis T. Easley: | | | | | | | | | | | | |
| Algeria | Dinar | 11/18 | 11/19 | 1 | 250.50 | 50.00 | 54.50 | 6.10 | 54.60 | 6.13 | 109.10 | 12.23 |
| Sudan | Pounds | 11/19 | 11/20 | 1 | 19.900 | 50.00 | 14.212 | 35.71 | | | 14.212 | 35.71 |
| Ethiopia | Dollar | 11/20 | 11/21 | 1 | 114.14 | 50.00 | 72.96 | 31.96 | | | 72.96 | 31.96 |
| Bahrain | B dinar | 11/21 | 11/22 | 1 | 21.700 | 50.00 | 14.947 | 43.75 | | | 14.947 | 43.75 |
| Muscat-Oman | Rials-saidi | 11/22 | 11/23 | 2 | 19.000 | 50.00 | 21.603 | 56.85 | 1.750 | 4.60 | 23.353 | 61.45 |
| India | Rupees | 11/23 | 11/24 | 2 | 396.00 | 50.00 | 412.00 | 51.95 | 44.00 | 5.55 | 456.00 | 57.50 |
| | | 11/25 | 11/26 | | | | | | | | | |
| Bangladesh | Taka | 11/24 | 11/25 | 1 | 395.07 | 50.00 | | | | | | |
| Pakistan | Rupees | 11/26 | 11/27 | 1 | 550.00 | 50.00 | 290.02 | 20.00 | | | 290.02 | 20.00 |
| Kuwait | Dinar | 11/27 | 11/28 | 1 | 16.325 | 50.00 | 7.512 | 24.52 | | | 7.512 | 24.52 |
| Italy | Lire | 11/28 | 11/29 | 1 | 29,250 | 50.00 | 29,250 | 50.00 | | | 29,250 | 50.00 |
| Spain | Pesetas | 11/29 | 11/30 | 1 | 3,175 | 50.00 | 1,762 | 27.71 | 1,041 | 16.40 | 2,803 | 44.11 |
| Christine S. Gallagher: Greece | Drachmas | 11/28 | 12/3 | 5 | 1,500 | 50.00 | 5,500 | 183.33 | | | 5,500 | 183.33 |
| *Hon. Thomas G. Abernethy, Rome-United States. | D. mark | | | | | | | | 2,034.50 | 626.00 | 2,034.50 | 626.00 |
| Hon. E de la Garza, India-Greece-United States. | D. mark | | | | | | | | 3,591.25 | 1,105.00 | 3,591.25 | 1,105.00 |
| Hon. Thomas Foley, India-United Kingdom-United States. | D. mark | | | | | | | | 3,591.25 | 1,105.00 | 3,591.25 | 1,105.00 |
| Hon. George A. Goodling, India-Greece-United States. | D. mark | | | | | | | | 3,591.25 | 1,105.00 | 3,591.25 | 1,105.00 |
| Christine Gallagher, United States-Greece and return. | Netherlands guilders | | | | | | | | 4,215.00 | 1,297.00 | 4,215.00 | 1,297.00 |
| Total | | | | | | | 4,532.20 | | 5,561.82 | | 10,084.38 | |

[1] If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.
* Note: All of the above travel was by military aircraft.

W. R. POAGE,
Chairman, Committee on Agriculture.

Mar. 2, 1973.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

RECAPITULATION

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Full committee | Dollar | | | | | | | $1,324.75 | | $3,033.25 | | 4,358.00 |
| Agriculture—Environmental and Consumer Protection Subcommittee. | Dollar | | | | | | | 1,124.00 | | 1,868.00 | | 2,992.00 |
| Defense Subcommittee | Dollar | | | | | | | 2,890.72 | | 4,041.00 | | 6,931.72 |
| Foreign Operations Subcommittee | Dollar | | | | | | | 5,645.50 | | 14,322.17 | | 19,967.67 |
| HUD-Space-Science-Veterans Subcommittee. | Dollar | | | | | | | 945.00 | | 1,064.00 | | 2,009.00 |
| Military Construction Subcommittee | Dollar | | | | | | | 1,336.82 | | 4,265.39 | | 5,602.21 |
| State, Justice, Commerce, and Judiciary Subcommittee. | Dollar | | | | | | | 4,351.00 | | 12,257.18 | | 16,608.18 |
| Treasury-Postal Service-General Government Subcommittee. | Dollar | | | | | | | 1,257.00 | | 109.50 | | 1,366.50 |
| Surveys and Investigations Staff | Dollar | | | | | | | 16,552.50 | | 36,043.54 | | 52,596.04 |
| Appropriations Committee, total | | | | | | | | 35,427.29 | | 77,004.03 | | 112,431.32 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE MAHON,
Chairman, Committee on Appropriations.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS (FULL COMMITTEE), U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total, amount per diem: Foreign currency | Total, amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Wendell Wyatt: | | | | | | | | | | | | |
| United States | Dollar | | 1/4 | 1½ | | $35.00 | | $17.50 | | | | $17.50 |
| Japan | Dollar | 1/5 | 1/6 | 2 | | 43.00 | | 86.00 | | $4.00 | | 90.00 |
| Hong Kong | Dollar | 1/6 | 1/9 | 3 | | 2 at 48.00<br>1 at 50.00 | | 146.00 | | 8.50 | | 154.50 |
| Vietnam | Dollar | 1/9 | 1/12 | 3 | | 36.00 | | 108.00 | | 7.00 | | 115.00 |
| Thailand | Dollar | 1/12 | 1/15 | 3 | | 31.00 | | 93.00 | | 3.50 | | 96.50 |
| Singapore/Indonesia | Dollar | 1/15 | 1/17 | 2 | | 34.00 | | 68.00 | | 35.00 | | 103.00 |
| China | Dollar | 1/17 | 1/18 | 1 | | 32.00 | | 32.00 | | | | 32.00 |
| Japan | Dollar | 1/18 | 1/20 | 2 | | 45.00 | | 90.00 | | 4.00 | | 94.00 |
| United States | Dollar | 1/20 | 1/23 | 2½ | | 35.00 | | 87.50 | | | | 87.50 |
| Air transportation | Dollar | | | | | | | | | 2,235.00 | | 2,235.00 |
| Subtotal | | | | | | | | 728.00 | | 2,297.00 | | 3,025.00 |
| Hon. Sidney R. Yates: | | | | | | | | | | | | |
| United States | Dollar | | 3/21 | ¼ | | 35.00 | | 8.75 | | 6.25 | | 15.00 |
| Germany | Dollar | 3/22 | 3/25 | 4 | | 39.00 | | 156.00 | | 4.00 | | 160.00 |
| Israel | Dollar | 3/25 | 4/4 | 10 | | | | 300.00 | | | | 300.00 |
| France | Dollar | 4/4 | 4/7 | 2¾ | | 48.00 | | 132.00 | | | | 132.00 |
| Air transportation | Dollar | | | | | | | | | 726.00 | | 726.00 |
| Subtotal | | | | | | | | 596.75 | | 736.25 | | 1,333.00 |
| Full Committee, total | | | | | | | | 1,324.75 | | 3,033.25 | | 4,358.00 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Robert H. Michel: | | | | | | | | | | | | |
| United States | Dollar | | 4/3 | 1/2 | | $35.00 | | $17.50 | | $64.00 | | $81.50 |
| Brazil | Dollar | 4/4 | 4/6 | 3 | | 2 at 34.00<br>1 at 42.00 | | 110.00 | | | | 110.00 |
| Argentina | Dollar | 4/6 | 4/9 | 3 | | 32.00 | | 96.00 | | | | 96.00 |
| United States | Dollar | 4/10 | | 1/2 | | 35.00 | | 17.50 | | | | 17.50 |
| Air transportation | Dollar | | | | | | | | | 810.00 | | 810.00 |
| Subtotal | | | | | | | | 241.00 | | 874.00 | | 1,115.00 |
| Mr. Charles W. Snodgrass: | | | | | | | | | | | | |
| Mexico | Dollar | 11/18 | 11/21 | 4 | | 36.00 | | 144.00 | | | | 144.00 |
| Venezuela | Dollar | 11/22 | 11/26 | 5 | | at 39.00<br>3 at 42.00 | | 195.00 | | | | 195.00 |
| Brazil | Dollar | 11/27 | 12/1 | 5 | | 2 at 34.00 | | 194.00 | | | | 194.00 |
| Argentina | Dollar | 12/2 | 12/6 | 5 | | 32.00 | | 160.00 | | | | 160.00 |
| Peru | Dollar | 12/7 | 12/11 | 5 | | 38.00 | | 190.00 | | | | 190.00 |
| Air transportation | Dollar | | | | | | | | | 994.00 | | 994.00 |
| Subtotal | | | | | | | | 883.00 | | 994.00 | | 1,877.00 |
| Agriculture-Environmental and Consumer Protection Subcommittee, total | | | | | | | | 1,124.00 | | 1,868.00 | | 2,992.00 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON DEFENSE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Joseph P. Addabbo: | | | | | | | | | | | | |
| Spain | Dollar | 1/5 | 1/7 | 3 | | $36.00 | | $108.00 | | | | $108.00 |
| Italy | Dollar | 1/8 | 1/10 | 3 | | 33.00 | | 99.00 | | | | 99.00 |
| Israel | Dollar | 1/11 | 1/14 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Greece | Dollar | 1/15 | 1/17 | 3 | | 35.00 | | 105.00 | | | | 105.00 |
| Air transportation | Dollar | | | | | | | | | [2] 996.00 | | 996.00 |
| Subtotal | | | | | | | | 512.00 | | 996.00 | | 1,508.00 |
| Mr. Austin G. Smith: | | | | | | | | | | | | |
| United States | Dollar | | 1/4 | ½ | | 35.00 | | 17.50 | | 61.00 | | 78.50 |
| Spain | Dollar | 1/5 | 1/7 | 3 | | 36.00 | | 108.00 | | | | 108.00 |
| Italy | Dollar | 1/8 | 1/10 | 3 | | 33.00 | | 99.00 | | | | 99.00 |
| Israel | Dollar | 1/11 | 1/14 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Greece | Dollar | 1/15 | 1/17 | 3 | | 35.00 | | 105.00 | | | | 105.00 |
| Air transportation | Dollar | | | | | | | | | [2] 996.00 | | 996.00 |
| Subtotal | | | | | | | | 529.50 | | 1,057.00 | | 1,586.50 |
| Hon. William E. Minshall: | | | | | | | | | | | | |
| Bahamas | Dollar | 2/13 | 2/15 | 3 | | | | 27.74 | | ([3]) | | 27.74 |
| Mr. Samuel R. Preston: | | | | | | | | | | | | |
| Bahamas | Dollar | 2/13 | 2/15 | 3 | | | | 27.74 | | ([3]) | | 27.74 |
| Mr. Peter J. Murphy, Jr.: | | | | | | | | | | | | |
| Bahamas | Dollar | 2/13 | 2/15 | 3 | | | | 27.74 | | ([3]) | | 27.74 |
| Hon. Robert L. F. Sikes: | | | | | | | | | | | | |
| Far East | Dollar | 4/6 | 4/16 | 9½ | | | | ([4]) | | ([5]) | | |
| Hon. Jamie L. Whitten: | | | | | | | | | | | | |
| Mexico | Dollar | 11/18 | 11/21 | 4 | | 36.00 | | 144.00 | | | | 144.00 |
| Venezuela | Dollar | 11/22 | 11/26 | 5 | | 39.00 | | 195.00 | | | | 195.00 |
| Brazil | Dollar | 11/27 | 12/1 | 5 | | 3 at 42.00<br>2 at 34.00 | | 194.00 | | | | 194.00 |
| Argentina | Dollar | 12/2 | 12/6 | 5 | | 32.00 | | 160.00 | | | | 160.00 |
| Peru | Dollar | 12/7 | 12/11 | 5 | | 38.00 | | 190.00 | | | | 190.00 |
| Air transportation | Dollar | | | | | | | | | 994.00 | | 994.00 |
| Subtotal | | | | | | | | 883.00 | | 994.00 | | 1,877.00 |
| Mr. Samuel R. Preston: | | | | | | | | | | | | |
| Mexico | Dollar | 11/18 | 11/21 | 5 | | 36.00 | | 144.00 | | | | 144.00 |
| Venezuela | Dollar | 11/22 | 11/26 | 5 | | 39.00 | | 195.00 | | | | 195.00 |
| Brazil | Dollar | 11/27 | 12/1 | 4 | | 3 at 42.00<br>2 at 34.00 | | 194.00 | | | | 194.00 |
| Argentina | Dollar | 12/2 | 12/6 | 5 | | 32.00 | | 160.00 | | | | 160.00 |
| Peru | Dollar | 12/7 | 12/11 | 5 | | 38.00 | | 190.00 | | | | 190.00 |
| Air transportation | Dollar | | | | | | | | | 994.00 | | 994.00 |
| Subtotal | | | | | | | | 883.00 | | 994.00 | | 1,877.00 |
| Defense Subcommittee, total | | | | | | | | 2,890.72 | | 4,041.00 | | 6,931.72 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Transportation partially furnished by Government-owned aircraft.
[3] Transportation furnished by Government-owned aircraft.
[4] No per diem claimed.
[5] Transportation partially furnished by Government-owned aircraft; remainder of travel cost at own expense.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON FOREIGN OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Otto E. Passman: | | | | | | | | | | | | |
| United States | Dollar | 12/28 | 12/31/71 | 4 | | $35.00 | | $140.00 | | | | $140.00 |
| Switzerland | Dollar | 1/5 | 1/9 | 4 | | 40.00 | | 160.00 | | | | 160.00 |
| Italy | Dollar | 1/9 | 1/11 | 3 | | 40.00 | | 120.00 | | | | 120.00 |
| Thailand | Dollar | 1/12 | 1/14 | 2 | | 31.00 | | 62.00 | | | | 62.00 |
| Hong Kong | Dollar | 1/14 | 1/19 | 5 | | 50.00 | | 250.00 | | | | 250.00 |
| Taiwan | Dollar | 1/19 | 1/20 | 1 | | 32.00 | | 32.00 | | | | 32.00 |
| Korea | Dollar | 1/20 | 1/22 | 2 | | 31.00 | | 62.00 | | | | 62.00 |
| United States | Dollar | 1/22 | | 1 | | 35.00 | | 35.00 | | | | 35.00 |
| Air transportation | Dollar | | | | | | | | | $2,567.67 | | 2,567.67 |
| Subtotal | | | | | | | | 861.00 | | 2,567.67 | | 3,428.67 |
| Mr. Donald E. Richbourg: | | | | | | | | | | | | |
| Switzerland | Dollar | 1/5 | 1/9 | 4 | | 40.00 | | 160.00 | | | | 160.00 |
| Italy | Dollar | 1/9 | 1/11 | 3 | | 40.00 | | 120.00 | | | | 120.00 |
| Thailand | Dollar | 1/12 | 1/14 | 2 | | 31.00 | | 62.00 | | | | 62.00 |
| Hong Kong | Dollar | 1/14 | 1/19 | 5 | | 50.00 | | 250.00 | | | | 250.00 |
| Taiwan | Dollar | 1/19 | 1/20 | 1 | | 32.00 | | 32.00 | | | | 32.00 |
| Korea | Dollar | 1/20 | 1/22 | 2 | | 31.00 | | 62.00 | | | | 62.00 |
| United States | Dollar | 1/22 | | 1 | | 35.00 | | 35.00 | | | | 35.00 |
| Air transportation | Dollar | | | | | | | | | 2,169.00 | | 2,169.00 |
| Subtotal | | | | | | | | 721.00 | | 2,169.00 | | 2,890.00 |

Footnote at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON FOREIGN OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mr. Eugene B. Wilhelm: | | | | | | | | | | | | |
| Switzerland | Dollar | 1/5 | 1/9 | 4 | | $40.00 | | $160.00 | | | | $160.00 |
| Italy | Dollar | 1/9 | 1/12 | 4 | | 40.00 | | 160.00 | | | | 160.00 |
| Air transportation | Dollar | | | | | | | | | $1,031.00 | | 1,031.00 |
| Subtotal | | | | | | | | 320.00 | | 1,031.00 | | 1,351.00 |
| Hon. Edward R. Roybal: | | | | | | | | | | | | |
| United States | Dollar | | 1/5 | ½ | | 35.00 | | 17.50 | | | | 17.50 |
| Denmark | Dollar | 1/6 | 1/8 | 2 | | 41.00 | | 82.00 | | | | 82.00 |
| Austria | Dollar | 1/8 | 1/11 | 3 | | 1 at 39.00<br>2 at 41.00 | | 121.00 | | | | 121.00 |
| Turkey | Dollar | 1/11 | 1/14 | 3 | | 32.00 | | 96.00 | | | | 96.00 |
| Spain | Dollar | 1/14 | 1/17 | 3 | | 37.00 | | 111.00 | | | | 111.00 |
| Luxembourg | Dollar | 1/17 | 1/19 | 2 | | 36.00 | | 72.00 | | | | 72.00 |
| Belgium | Dollar | 1/19 | 1/21 | 3 | | 43.00 | | 129.00 | | | | 129.00 |
| Transportation | Dollar | | | | | | | | | [2] 31.50 | | 31.50 |
| Subtotal | | | | | | | | 628.50 | | 31.50 | | 660.00 |
| Hon. Garner E. Shriver: | | | | | | | | | | | | |
| United States | Dollar | | 3/29 | 1 | | 35.00 | | 35.00 | | | | 35.00 |
| Denmark | Dollar | 3/30 | 4/2 | 3 | | 43.00 | | 129.00 | | | | 129.00 |
| Greece | Dollar | 4/2 | 4/4 | 2 | | 35.00 | | 70.00 | | | | 70.00 |
| Turkey | Dollar | 4/4 | 4/7 | 3 | | 32.00 | | 96.00 | | | | 96.00 |
| Switzerland | Dollar | 4/7 | 4/10 | 4 | | 41.00 | | 164.00 | | | | 164.00 |
| Air transportation | Dollar | | | | | | | | | 825.00 | | 825.00 |
| Subtotal | | | | | | | | 494.00 | | 825.00 | | 1,319.00 |
| Hon. Otto E. Passman: | | | | | | | | | | | | |
| United States | Dollar | | 11/26 | 1 | | 35.00 | | 35.00 | | | | 35.00 |
| France | Dollar | 11/27 | 11/29 | 2 | | 50.00 | | 100.00 | | | | 100.00 |
| Switzerland | Dollar | 11/29 | 12/1 | 2 | | 44.00 | | 88.00 | | | | 88.00 |
| Thailand | Dollar | 12/2 | 12/4 | 3 | | 31.00 | | 93.00 | | | | 93.00 |
| Indonesia | Dollar | 12/4 | 12/6 | 2 | | 48.00 | | 96.00 | | | | 96.00 |
| Hong Kong | Dollar | 12/6 | 12/13 | 7 | | 50.00 | | 350.00 | | | | 350.00 |
| Korea | Dollar | 12/13 | 12/16 | 4 | | 35.00 | | 140.00 | | | | 140.00 |
| United States | Dollar | 12/16 | 12/19 | 3 | | 35.00 | | 105.00 | | | | 105.00 |
| Air transportation | Dollar | | | | | | | | | 2,804.00 | | 2,804.00 |
| Subtotal | | | | | | | | 1,007.00 | | 2,804.00 | | 3,811.00 |
| Mr. Donald E. Richbourg: | | | | | | | | | | | | |
| United States | Dollar | | 11/26 | 1 | | 35.00 | | 35.00 | | | | 35.00 |
| France | Dollar | 11/27 | 11/29 | 2 | | 50.00 | | 100.00 | | | | 100.00 |
| Switzerland | Dollar | 11/29 | 12/1 | 2 | | 44.00 | | 88.00 | | | | 88.00 |
| Thailand | Dollar | 12/2 | 12/4 | 3 | | 31.00 | | 93.00 | | | | 93.00 |
| Indonesia | Dollar | 12/4 | 12/6 | 2 | | 48.00 | | 96.00 | | | | 96.00 |
| Hong Kong | Dollar | 12/6 | 12/13 | 7 | | 50.00 | | 350.00 | | | | 350.00 |
| Korea | Dollar | 12/13 | 12/16 | 4 | | 35.00 | | 140.00 | | | | 140.00 |
| Air transportation | Dollar | | | | | | | | | 2,442.00 | | 2,442.00 |
| Subtotal | | | | | | | | 902.00 | | 2,442.00 | | 3,344.00 |
| Mr. Eugene B. Wilhelm: | | | | | | | | | | | | |
| United States | Dollar | | 11/26 | 1 | | 35.00 | | 35.00 | | | | 35.00 |
| France | Dollar | 11/27 | 11/29 | 2 | | 50.00 | | 100.00 | | | | 100.00 |
| Switzerland | Dollar | 11/29 | 12/1 | 2 | | 44.00 | | 88.00 | | | | 88.00 |
| Thailand | Dollar | 12/2 | 12/4 | 3 | | 31.00 | | 93.00 | | | | 93.00 |
| Indonesia | Dollar | 12/4 | 12/6 | 2 | | 48.00 | | 96.00 | | | | 96.00 |
| Hong Kong | Dollar | 12/6 | 12/11 | 6 | | 50.00 | | 300.00 | | | | 300.00 |
| Air transportation | Dollar | | | | | | | | | 2,452.00 | | 2,452.00 |
| Subtotal | | | | | | | | 712.00 | | 2,452.00 | | 3,164.00 |
| Foreign Operations Subcommittee, total | | | | | | | | 5,645.50 | | 14,322.17 | | 19,967.67 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Air transportation furnished by Government-owned aircraft.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON HUD-SPACE-SCIENCE-VETERANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Joseph M. McDade: | | | | | | | | | | | | |
| United Kingdom | Dollar | 11/11 | 11/16 | 6 | | $50.00 | | $300.00 | | $19.00 | | $319.00 |
| France | Dollar | 11/16 | 11/19 | 3 | | 50.00 | | 150.00 | | | | 150.00 |
| Switzerland | Dollar | 11/19 | 11/22 | 3 | | 44.00 | | 132.00 | | | | 132.00 |
| Germany | Dollar | 11/22 | 11/25 | 3 | | 42.00 | | 126.00 | | | | 126.00 |
| Denmark | Dollar | 11/25 | 11/26 | 1 | | 43.00 | | 43.00 | | | | 43.00 |
| Sweden | Dollar | 11/26 | 11/28 | 2 | | 47.00 | | 94.00 | | | | 94.00 |
| United Kingdom | Dollar | 11/28 | 11/30 | 2 | | 50.00 | | 100.00 | | | | 100.00 |
| Air Transportation | Dollar | | | | | | | | | 1,045.00 | | 1,045.00 |
| HUD-Space-Science-Veterans Subcommittee, total | | | | | | | | 945.00 | | 1,064.00 | | 2,009.00 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON MILITARY CONSTRUCTION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mr. Robert C. Nicholas III: | | | | | | | | | | | | |
| United States | Dollar | | 11/1 | ½ | | $35.00 | | $17.50 | | | | $17.50 |
| Italy | Dollar | 11/2 | 11/4 | 3 | | 33.00 | | 99.00 | | $8.00 | | 107.00 |
| Greece | Dollar | 11/4 | 11/8 | 4 | | 35.00 | | 140.00 | | | | 140.00 |
| United Kingdom | Dollar | 11/8 | 11/10 | [2] 1 | | 50.00 | | 50.00 | | | | 50.00 |
| Air transportation | Dollar | | | | | | | | | 621.70 | | 621.70 |
| Subtotal | | | | | | | | 306.50 | | 629.70 | | 936.20 |
| Hon. Burt L. Talcott: | | | | | | | | | | | | |
| United States | Dollar | 12/1 | 12/5 | 5 | | | | 90.25 | | | | 90.25 |
| Guam | Dollar | 12/6 | 12/8 | 3 | | | | 1.50 | | | | 1.50 |
| Japan | Dollar | 12/8 | 12/14 | 6 | | | | 150.70 | | | | 150.70 |
| Hong Kong | Dollar | 12/14 | 12/18 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Okinawa | Dollar | 12/18 | 12/20 | 2 | | 22.00 | | 44.00 | | | | 44.00 |
| Taiwan | Dollar | 12/20 | 12/26 | [2] 3 | | 32.00 | | 96.00 | | | | 96.00 |
| Thailand | Dollar | 12/26 | 12/29 | 3 | | 31.00 | | 93.00 | | | | 93.00 |
| Greece | Dollar | 12/29 | 1/2 | 4 | | 35.00 | | 140.00 | | | | 140.00 |
| Air transportation | Dollar | | | | | | | | | 2,146.49 | | 2,146.49 |
| Subtotal | | | | | | | | 815.45 | | 2,146.49 | | 2,961.94 |
| Mr. Robert C. Nicholas III: | | | | | | | | | | | | |
| United States | Dollar | 12/1 | 12/5 | 5 | | | | 99.33 | | | | 99.33 |
| Guam | Dollar | 12/6 | 12/8 | 3 | | | | 7.39 | | | | 7.39 |
| Japan | Dollar | 12/8 | 12/14 | 6 | | | | 76.90 | | | | 76.90 |
| Korea | Dollar | 12/14 | 12/16 | 2 | | | | 9.38 | | | | 9.38 |
| Philippines | Dollar | 12/16 | 12/18 | 2 | | | | 10.00 | | | | 10.00 |
| United States | Dollar | 12/18 | 12/19 | 1 | | | | 11.87 | | 10.00 | | 21.87 |
| Air transportation | Dollar | | | | | | | | | 1,479.20 | | 1,479.20 |
| Subtotal | | | | | | | | 214.87 | | 1,489.20 | | 1,704.07 |
| Military Construction Subcommittee, Total | | | | | | | | 1,336.82 | | 4,265.39 | | 5,602.21 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Per diem not claimed for entire period.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE AND JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Frank T. Bow: | | | | | | | | | | | | |
| Brazil | Dollar | 12/28/71 | 1/3 | 7 | | $42.00 | | $294.00 | | | | $294.00 |
| South Africa | Dollar | 1/4 | 1/12 | 9 | | 33.00 | | 297.00 | | | | 297.00 |
| United Kingdom | Dollar | 1/13 | 1/15 | 3 | | 46.00 | | 138.00 | | | | 138.00 |
| Transportation | Dollar | | | | | | | | | $2,124.03 | | 2,124.03 |
| Subtotal | | | | | | | | 729.00 | | 2,124.03 | | 2,853.03 |
| Hon. John J. Flynt, Jr.: | | | | | | | | | | | | |
| England | Dollar | 12/30/71 | 1/4 | 6 | | $46.00 | | $276.00 | | | | $276.00 |
| Netherlands | Dollar | 1/4 | 1/6 | 2 | | 32.00 | | 64.00 | | | | 64.00 |
| Belgium | Dollar | 1/6 | 1/9 | 3 | | 41.00 | | 123.00 | | | | 123.00 |
| France | Dollar | 1/9 | 1/16 | 7 | | 4 at 48.00<br>3 at 35.00 | | 297.00 | | | | 297.00 |
| England | Dollar | 1/16 | 1/18 | 2 | | 46.00 | | 92.00 | | | | 92.00 |
| Transportation | Dollar | | | | | | | | | 694.60 | | 694.60 |
| Subtotal | | | | | | | | 852.00 | | 694.60 | | 1,546.60 |
| United Kingdom | Dollar | 10/18 | 10/31 | 14 | | 9 at 50.00<br>5 at 43.00 | | 665.00 | | | | 665.00 |
| Transportation | Dollar | | | | | | | | | 895.00 | | 895.00 |
| Subtotal | | | | | | | | 665.00 | | 895.00 | | 1,560.00 |
| England | Dollar | 11/14 | 11/15 | 2 | | 50.00 | | 100.00 | | | | 100.00 |
| South Africa | Dollar | 11/16 | 11/29 | 14 | | 33.00 | | 462.00 | | | | 462.00 |
| England | Dollar | 11/30 | 12/1 | 2 | | 50.00 | | 100.00 | | | | 100.00 |
| Transportation | Dollar | | | | | | | | | 2,090.00 | | 2,090.00 |
| Subtotal | | | | | | | | 662.00 | | 2,090.00 | | 2,752.00 |
| Hon. Elford A. Cederberg | | | | | | | | | | | | |
| Taiwan | Dollar | 11/19 | 11/21 | 3 | | 32.00 | | 96.00 | | | | 96.00 |
| Hong Kong | Dollar | 11/21 | 11/25 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Thailand | Dollar | 11/25 | 11/28 | 3 | | 31.00 | | 93.00 | | | | 93.00 |
| Singapore | Dollar | 11/28 | 12/1 | 3 | | 36.00 | | 108.00 | | | | 108.00 |
| Indonesia | Dollar | 12/1 | 12/3 | 2 | | 48.00 | | 96.00 | | | | 96.00 |
| Hong Kong | Dollar | 12/3 | 12/4 | 1 | | 50.00 | | 50.00 | | | | 50.00 |
| Transportation | Dollar | | | | | | | | | 2,315.15 | | 2,315.15 |
| Subtotal | | | | | | | | 643.00 | | 2,315.15 | | 2,958.15 |

Footnote at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE AND JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. John J. Rooney: | | | | | | | | | | | | |
| Hong Kong | Dollar | 11/30 | 12/11 | 12 | | $50.00 | | $600.00 | | | | $600.00 |
| Transportation | Dollar | | | | | | | | | $2,069.20 | | 2,069.20 |
| Subtotal | | | | | | | | 600.00 | | 2,069.20 | | 2,669.20 |
| Mr. Jay B. Howe: | | | | | | | | | | | | |
| Hong Kong | Dollar | 11/30 | 12/3 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Transportation | Dollar | | | | | | | | | 2,069.20 | | 2,069.20 |
| Subtotal | | | | | | | | 200.00 | | 2,069.20 | | 2,269.20 |
| State, Justice, Commerce, and Judiciary Subcommittee, total | | | | | | | | 4,351.00 | | 12,257.18 | | 16,608.18 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON TREASURY-POSTAL SERVICE-GENERAL GOVERNMENT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN 1, AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Jack Edwards: | | | | | | | | | | | | |
| United States | Dollar | | 1/5 | ½ | | $35.00 | | $17.50 | | | | $17.50 |
| Denmark | Dollar | 1/6 | 1/8 | 2 | | 41.00 | | 82.00 | | | | 82.00 |
| Austria | Dollar | 1/8 | 1/11 | 3 | | 1 at 39.00<br>2 at 41.00 | | 121.00 | | | | 121.00 |
| Turkey | Dollar | 1/11 | 1/14 | 3 | | 32.00 | | 96.00 | | | | 96.00 |
| Spain | Dollar | 1/14 | 1/17 | 3 | | 37.00 | | 111.00 | | | | 111.00 |
| Luxembourg | Dollar | 1/17 | 1/19 | 2 | | 36.00 | | 72.00 | | | | 72.00 |
| Belgium | Dollar | 1/19 | 1/21 | 3 | | 43.00 | | 129.00 | | | | 129.00 |
| Transportation | Dollar | | | | | | | | | [3] $78.00 | | 78.00 |
| Subtotal | | | | | | | | 628.50 | | 78.00 | | 706.50 |
| Mr. A. A. Gunnels | | | | | | | | | | | | |
| United States | Dollar | | 1/5 | ½ | | 35.00 | | 17.50 | | | | 17.50 |
| Denmark | Dollar | 1/6 | 1/8 | 2 | | 41.00 | | 82.00 | | | | 82.00 |
| Austria | Dollar | 1/8 | 1/11 | 3 | | 1 at 39.00<br>2 at 41.00 | | 121.00 | | | | 121.00 |
| Turkey | Dollar | 1/11 | 1/14 | 3 | | 32.00 | | 96.00 | | | | 96.00 |
| Spain | Dollar | 1/14 | 1/17 | 3 | | 37.00 | | 111.00 | | | | 111.00 |
| Luxembourg | Dollar | 1/17 | 1/19 | 2 | | 36.00 | | 72.00 | | | | 72.00 |
| Belgium | Dollar | 1/19 | 1/21 | 3 | | 43.00 | | 129.00 | | | | 129.00 |
| Transportation | Dollar | | | | | | | | | [3] 31.50 | | 31.50 |
| Subtotal | | | | | | | | 628.50 | | 31.50 | | 660.00 |
| Treasury-Postal Service-General Government Subcommittee, total | | | | | | | | 1,257.00 | | 109.50 | | 1,366.50 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. [3] Air transportation furnished by Government-owned aircraft.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cornelius R. Anderson: | | | | | | | | | | | | |
| Germany | Dollar | 4/27 | 5/11 | 14 | | 8¼ at $39.00<br>5¾ at 32.00 | | $505.75 | | | | $505.75 |
| Belgium | Dollar | 5/11 | 5/16 | 5¼ | | 48.00 | | 252.00 | | | | 252.00 |
| England | Dollar | 5/16 | 5/19 | 2¾ | | 50.00 | | 137.50 | | | | 137.50 |
| Round-trip transportation | Dollar | | | | | | | | | $991.00 | | 991.00 |
| Japan | Dollar | 9/29 | 10/7 | 8 | | 45.00 | | 360.00 | | | | 360.00 |
| Taiwan | Dollar | 10/7 | 10/13 | 6¼ | | 32.00 | | 200.00 | | | | 200.00 |
| Hong Kong | Dollar | 10/13 | 10/18 | 4¾ | | 50.00 | | 237.50 | | | | 237.50 |
| Round-trip transportation | Dollar | | | | | | | | | 2,076.98 | | 2,076.98 |
| Subtotal | | | | | | | | 1,692.75 | | 3,067.98 | | 4,760.73 |
| John R. Baber: | | | | | | | | | | | | |
| Hong Kong | Dollar | 5/5 | 5/8 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Thailand | Dollar | 5/9 | 5/12 | 4 | | 31.00 | | 124.00 | | | | 124.00 |
| Japan | Dollar | 6/13 | 5/18 | 6 | | 45.00 | | 270.00 | | | | 270.00 |
| Korea | Dollar | 5/19 | 5/23 | 5 | | 31.00 | | 155.00 | | | | 155.00 |
| Japan | Dollar | 5/24 | 5/24 | ¾ | | 45.00 | | 33.75 | | | | 33.75 |
| Round-trip transportation | Dollar | | | | | | | | | 2,414.32 | | 2,414.32 |
| Subtotal | | | | | | | | 782.75 | | 2,414.32 | | 3,197.07 |

Footnote at end of table.



XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Carl L. Bennett: | | | | | | | | | | | | |
| Italy | Dollar | 4/24 | 4/27 | 3 | | $33.00 | | $99.00 | | | | $99.00 |
| Germany | Dollar | 4/27 | 5/11 | 13¾ | | 6 at 39.00<br>7¾ at 32.00 | | 482.00 | | | | 482.00 |
| Belgium | Dollar | 5/11 | 5/16 | 5¼ | | 48.00 | | 252.00 | | | | 252.00 |
| England | Dollar | 5/16 | 5/19 | 3 | | 50.00 | | 150.00 | | | | 150.00 |
| Round-trip transportation | Dollar | | | | | | | | | $1,089.00 | | 1,089.00 |
| Subtotal | | | | | | | | 983.00 | | 1,089.00 | | 2,072.00 |
| Donald A. Brummitt: | | | | | | | | | | | | |
| Hong Kong | Dollar | 5/5 | 5/8 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Thailand | Dollar | 5/9 | 5/12 | 4 | | 31.00 | | 124.00 | | | | 124.00 |
| Japan | Dollar | 5/13 | 5/18 | 6 | | 45.00 | | 270.00 | | | | 270.00 |
| Korea | Dollar | 5/19 | 5/23 | 5 | | 31.00 | | 155.00 | | | | 155.00 |
| Japan | Dollar | 5/24 | 5/24 | ¾ | | 45.00 | | 33.75 | | | | 33.75 |
| Round-trip transportation | Dollar | | | | | | | | | 2,644.32 | | 2,644.32 |
| Subtotal | | | | | | | | 782.75 | | 2,644.32 | | 3,427.07 |
| Gerard C. Carroll: | | | | | | | | | | | | |
| England | Dollar | 2/12 | 2/15 | 3 | | 46.00 | | 138.00 | | | | 138.00 |
| Sicily | Dollar | 2/15 | 2/18 | 3 | | 33.00 | | 99.00 | | | | 99.00 |
| Greece | Dollar | 2/18 | 2/20 | 2 | | 35.00 | | 70.00 | | | | 70.00 |
| Italy | Dollar | 2/20 | 2/25 | 5 | | 5 at 40.00<br>2 at 33.00 | | 186.00 | | | | 186.00 |
| Round-trip transportation | Dollar | | | | | | | | | 1,125.58 | | 1,125.58 |
| Subtotal | | | | | | | | 493.00 | | 1,125.58 | | 1,618.58 |
| W. Dana Carson: | | | | | | | | | | | | |
| Hong Kong | Dollar | 5/5 | 5/8 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Thailand | Dollar | 5/9 | 5/12 | 4 | | 31.00 | | 124.00 | | | | 124.00 |
| Japan | Dollar | 5/13 | 5/18 | 6 | | 45.00 | | 270.00 | | | | 270.00 |
| Korea | Dollar | 5/19 | 5/23 | 5 | | 31.00 | | 155.00 | | | | 155.00 |
| Japan | Dollar | 5/24 | 5/24 | ¾ | | 45.00 | | 33.75 | | | | 33.75 |
| Round-trip transportation | Dollar | | | | | | | | | 2,414.32 | | 2,414.32 |
| Subtotal | | | | | | | | 782.75 | | 2,414.32 | | 3,197.07 |
| William P. Haynes, Jr.: | | | | | | | | | | | | |
| Japan | Dollar | 9/29 | 10/7 | 8 | | 45.00 | | 360.00 | | | | 360.00 |
| Taiwan | Dollar | 10/7 | 10/13 | 6 | | 32.00 | | 192.00 | | | | 192.00 |
| Hong Kong | Dollar | 10/13 | 10/17 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Philippines | Dollar | 10/17 | 10/21 | 4 | | 30.00 | | 120.00 | | | | 120.00 |
| Round-trip transportation | Dollar | | | | | | | | | 2,076.98 | | 2,076.98 |
| Subtotal | | | | | | | | 872.00 | | 2,076.98 | | 2,948.98 |
| Leroy R. Kirkpatrick: | | | | | | | | | | | | |
| England | Dollar | 2/12 | 2/15 | 3 | | 46.00 | | 138.00 | | | | 138.00 |
| Sicily | Dollar | 2/15 | 2/18 | 3 | | 33.00 | | 99.00 | | | | 99.00 |
| Greece | Dollar | 2/18 | 2/20 | 2 | | 35.00 | | 70.00 | | | | 70.00 |
| Italy | Dollar | 2/20 | 2/24 | 3¾ | | 2¾ at 40.00<br>1 at 33.00 | | 143.00 | | | | 143.00 |
| Round-trip transportation | Dollar | | | | | | | | | 1,125.58 | | 1,125.58 |
| Hong Kong | Dollar | 5/4 | 5/8 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Thailand | Dollar | 5/8 | 5/12 | 4 | | 31.00 | | 124.00 | | | | 124.00 |
| Japan | Dollar | 5/12 | 5/17 | 4¾ | | 45.00 | | 213.75 | | | | 213.75 |
| Round-trip transportation | Dollar | | | | | | | | | 2,198.42 | | 2,198.42 |
| Subtotal | | | | | | | | 987.75 | | 3,324.00 | | 4,311.75 |
| Willie C. Law: | | | | | | | | | | | | |
| England | Dollar | 2/12 | 2/18 | 6 | | 46.00 | | 276.00 | | | | 276.00 |
| Germany | Dollar | 2/18 | 2/23 | 4¾ | | 32.00 | | 152.00 | | | | 152.00 |
| Round-trip transportation | Dollar | | | | | | | | | 917.00 | | 917.00 |
| Japan | Dollar | 9/29 | 10/9 | 10 | | 45.00 | | 450.00 | | | | 450.00 |
| Okinawa | Dollar | 10/9 | 10/13 | 4 | | 32.00 | | 128.00 | | | | 128.00 |
| Hong Kong | Dollar | 10/13 | 10/17 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Philippines | Dollar | 10/17 | 10/21 | 4 | | 30.00 | | 120.00 | | | | 120.00 |
| Round-trip transportation | Dollar | | | | | | | | | 2,076.98 | | 2,076.98 |
| Subtotal | | | | | | | | 1,326.00 | | 2,993.98 | | 4,319.98 |
| Martin F. Maher: | | | | | | | | | | | | |
| England | Dollar | 2/12 | 2/15 | 3 | | $46.00 | | $138.00 | | | | $138.00 |
| Sicily | Dollar | 2/15 | 2/18 | 3 | | 33.00 | | 99.00 | | | | 99.00 |
| Greece | Dollar | 2/18 | 2/20 | 2 | | 35.00 | | 70.00 | | | | 70.00 |
| Italy | Dollar | 2/20 | 2/25 | 5 | | 3 at 40.00<br>2 at 33.00 | | 186.00 | | | | 186.00 |
| Round-trip transportation | Dollar | | | | | | | | | 1,120.92 | | 1,120.92 |
| Subtotal | | | | | | | | 493.00 | | 1,120.92 | | 1,613.92 |

Footnote at end of table.



| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Joseph Malyniak, Jr.: | | | | | | | | | | | | |
| Japan | Dollar | 9/29 | 10/7 | 8 | | 45.00 | | 360.00 | | | | 360.00 |
| Taiwan | Dollar | 10/7 | 10/13 | 6 | | 32.00 | | 192.00 | | | | 192.00 |
| Hong Kong | Dollar | 10/13 | 10/17 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Philippines | Dollar | 10/17 | 10/21 | 4 | | 30.00 | | 120.00 | | | | 120.00 |
| Round-trip transportation | Dollar | | | | | | | | | $2,076.98 | | 2,076.98 |
| Subtotal | | | | | | | | 872.00 | | 2,076.98 | | 2,948.98 |
| James P. Mansfield: | | | | | | | | | | | | |
| Japan | Dollar | 9/29 | 10/9 | 10 | | $45.00 | | $450.00 | | | | $450.00 |
| Okinawa | Dollar | 10/9 | 10/13 | 4 | | 32.00 | | 128.00 | | | | 128.00 |
| Hong Kong | Dollar | 10/13 | 10/17 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Korea | Dollar | 10/17 | 10/21 | 4 | | 31.00 | | 124.00 | | | | 124.00 |
| Round-trip transportation | Dollar | | | | | | | | | $2,072.92 | | 2,072.92 |
| Subtotal | | | | | | | | 902.00 | | 2,072.92 | | 2,974.92 |
| Edward J. Matthews: | | | | | | | | | | | | |
| England | Dollar | 2/12 | 2/18 | 6 | | 46.00 | | 276.00 | | | | 276.00 |
| Germany | Dollar | 2/18 | 2/23 | 4¾ | | 32.00 | | 152.00 | | | | 152.00 |
| Round-trip transportation | Dollar | | | | | | | | | 917.00 | | 917.00 |
| Subtotal | | | | | | | | 428.00 | | 917.00 | | 1,345.00 |
| Hugh B. McGahey: | | | | | | | | | | | | |
| Hong Kong | Dollar | 5/5 | 5/8 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Thailand | Dollar | 5/9 | 5/12 | 4 | | 31.00 | | 124.00 | | | | 124.00 |
| Japan | Dollar | 5/13 | 5/18 | 6 | | 45.00 | | 270.00 | | | | 270.00 |
| Korea | Dollar | 5/19 | 5/23 | 5 | | 31.00 | | 155.00 | | | | 155.00 |
| Japan | Dollar | 5/24 | 5/24 | ¾ | | 45.00 | | 33.75 | | | | 33.75 |
| Round-trip transportation | Dollar | | | | | | | | | 2,644.32 | | 2,644.32 |
| Subtotal | | | | | | | | 782.75 | | 2,644.32 | | 3,427.07 |
| Joseph E. Michalski: | | | | | | | | | | | | |
| Spain | Dollar | 4/24 | 4/27 | 4 | | 37.00 | | 148.00 | | | | 148.00 |
| Germany | Dollar | 4/28 | 5/11 | 14 | | 8 at 39.00<br>6 at 32.00 | | 504.00 | | | | 504.00 |
| Belgium | Dollar | 5/12 | 5/16 | 5 | | 48.00 | | 240.00 | | | | 240.00 |
| England | Dollar | 5/17 | 5/19 | 2¾ | | 50.00 | | 137.50 | | | | 137.50 |
| Round-trip transportation | Dollar | | | | | | | | | 991.00 | | 991.00 |
| Subtotal | | | | | | | | 1,029.50 | | 991.00 | | 2,020.50 |
| Earle J. Morris: | | | | | | | | | | | | |
| Spain | Dollar | 4/24 | 4/27 | 4 | | 37.00 | | 148.00 | | | | 148.00 |
| Germany | Dollar | 4/28 | 5/11 | 14 | | 8 at 39.00<br>6 at 32.00 | | 504.00 | | | | 504.00 |
| Belgium | Dollar | 5/12 | 5/16 | 5 | | 48.00 | | 240.00 | | | | 240.00 |
| England | Dollar | 5/17 | 5/19 | 2¾ | | 50.00 | | 137.50 | | | | 137.50 |
| Round-trip transportation | Dollar | | | | | | | | | 991.00 | | 991.00 |
| Subtotal | | | | | | | | 1,029.50 | | 991.00 | | 2,020.50 |
| Edward V. Schaum: | | | | | | | | | | | | |
| England | Dollar | 2/12 | 2/18 | 6 | | 46.00 | | 276.00 | | | | 276.00 |
| Germany | Dollar | 2/18 | 2/23 | 4¾ | | 32.00 | | 152.00 | | | | 152.00 |
| Round-trip transportation | Dollar | | | | | | | | | 917.00 | | 917.00 |
| Subtotal | | | | | | | | 428.00 | | 917.00 | | 1,345.00 |
| Andrew J. Shannon: | | | | | | | | | | | | |
| Italy | Dollar | 4/24 | 4/27 | 3 | | 33.00 | | 99.00 | | | | 99.00 |
| Germany | Dollar | 4/27 | 5/11 | 13¾ | | 6 at 39.00<br>7¾ at 32.00 | | 482.00 | | | | 482.00 |
| Belgium | Dollar | 5/11 | 5/16 | 5¼ | | 48.00 | | 252.00 | | | | 252.00 |
| England | Dollar | 5/16 | 5/19 | 3 | | 50.00 | | 150.00 | | | | 150.00 |
| Round-trip transportation | Dollar | | | | | | | | | 1,089.00 | | 1,089.00 |
| Subtotal | | | | | | | | 983.00 | | 1,089.00 | | 2,072.00 |
| Charles E. Szoka: | | | | | | | | | | | | |
| Japan | Dollar | 9/29 | 10/9 | 10 | | 45.00 | | 450.00 | | | | 450.00 |
| Okinawa | Dollar | 10/9 | 10/13 | 4 | | 32.00 | | 128.00 | | | | 128.00 |
| Hong Kong | Dollar | 10/13 | 10/17 | 4 | | 50.00 | | 200.00 | | | | 200.00 |
| Korea | Dollar | 10/17 | 10/21 | 4 | | 31.00 | | 124.00 | | | | 124.00 |
| Round-trip transportation | Dollar | | | | | | | | | 2,072.92 | | 2,072.92 |
| Subtotal | | | | | | | | 902.00 | | 2,072.92 | | 2,974.92 |
| Grand total | | | | | | | | 16,552.50 | | 36,043.54 | | 52,596.04 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S currency is used enter amount expended.
Feb. 24, 1973.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 202, 2D SESS., 92D CONG., COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MASTER COMPILATION | | | | | | | | | | | | |
| Subcommittee on NATO Commitments | | | | | | | | $2,523.62 | | $4,527.76 | | $7,051.38 |
| Subcommittee on Nonappropriated Fund Activities Within the Department of Defense | | | | | | | | 2,750.00 | | 10,050.03 | | 10,050.03 |
| Subcommittee on Defense Communications | | | | | | | | 1,198.78 | | 4,126.00 | | 5,324.78 |
| Subcommittee to Western Europe | | | | | | | | 6,206.56 | | 15,518.28 | | 21,724.84 |
| Full committee (travel by individual members) | | | | | | | | 3,021.53 | | 5,822.04 | | 8,843.57 |
| Grand total | | | | | | | | 15,700.49 | | 40,044.11 | | 55,744.60 |

If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $37,797.58 |
| Appropriated funds: | |
| Government Department: | |
| Air Force | 13,821.02 |
| Navy | 4,126.00 |
| Total | 55,744.60 |

Feb. 28, 1972

F. EDW. HÉBERT,
Chairman, Committee on Armed Services.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 202, 2D SESS., 92D CONG., COMMITTEE ON ARMED SERVICES, SUBCOMMITTEE ON NATO COMMITMENTS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. William J. Randall: | | | | | | | | | | | | |
| England | B. pound | 1/4 | 1/6 | 2 | 19.50 | $50.00 | 39.00 | $100.00 | 1.93 | $4.93 | 1.93 | $104.93 |
| Germany | D. marks | 1/6 | 1/9 | 3 | 163.50 | 50.00 | 314.00 | 95.71 | 576.92 | [2] 176.97 | 890.92 | 272.68 |
| Italy | Lire | 1/9 | 1/11 | 2 | 29,700 | 50.00 | 37,460 | 63.06 | | | 37,460 | 63.06 |
| Greece | Drachma | 1/11 | 1/12 | 1 | 1,500 | 50.00 | 1,500 | 50.00 | | | 1,500 | 50.00 |
| Turkey | Lira | 1/12 | 1/14 | 2 | 700 | 50.00 | 1,400 | 100.00 | | | 1,400 | 100.00 |
| Spain | Pesetas | 1/14 | 1/16 | 2 | 3,290 | 50.00 | 5,041 | 76.61 | | | 5,041 | 76.61 |
| Transportation (commercial aircraft) | Guilders | | | | | | | | 3,600.35 | 958.86 | 3,600.35 | 958.86 |
| Hon. Samuel S. Stratton: | | | | | | | | | | | | |
| Italy | Lire | 1/9 | 1/11 | 2 | 29,700 | 50.00 | 28,240 | 47.54 | | | 28,240 | 47.54 |
| Greece | Drachma | 1/11 | 1/12 | 1 | 1,500 | 50.00 | 1,349 | 44.97 | | | 1,349 | 44.97 |
| Turkey | Liras | 1/12 | 1/14 | 2 | 700 | 50.00 | 856.15 | 61.15 | | | 856.15 | 61.15 |
| Spain | Pesetas | 1/14 | 1/16 | 2 | 3,290 | 50.00 | 6,070 | 92.25 | | | 5,070 | 92.25 |
| Portugal | Escudos | 1/16 | 1/17 | 2 | 1,365.75 | 50.00 | 1,285.70 | 47.08 | | | 1,285.70 | 47.08 |
| Transportation (commercial aircraft) | Guilders | | | | | | | | 2,689.58 | 822.00 | 2,689.58 | 822.00 |
| Hon. Richard C. White: | | | | | | | | | | | | |
| England | B. pound | 1/4 | 1/6 | 2 | 19.50 | 50.00 | 39.00 | 100.00 | | | 39.00 | 100.00 |
| Germany | D. marks | 1/6 | 1/9 | 3 | 163.50 | 50.00 | 496.00 | 150.00 | | | 496.00 | 150.00 |
| Italy | Lire | 1/9 | 1/11 | 2 | 29,700 | 50.00 | 59,400 | 100.00 | | | 59,400 | 100.00 |
| Greece | Drachma | 1/11 | 1/12 | 1 | 1,500 | 50.00 | 1,500 | 50.00 | | | 1,500 | 50.00 |
| Turkey | Lira | 1/12 | 1/14 | 2 | 700 | 50.00 | 1,400 | 100.00 | | | 1,400 | 100.00 |
| Spain | Pesetas | 1/14 | 1/16 | 2 | 3,290 | 50.00 | 6,580 | 100.00 | | | 6,580 | 100.00 |
| Portugal | Escudos | 1/16 | 1/17 | 2 | 1,365.75 | 50.00 | 1,173.50 | 42.97 | | | 1,173.50 | 42.97 |
| Transportation (commercial aircraft) | Guilders | | | | | | | | 3,214.67 | 855.00 | 3,214.67 | 855.00 |
| Hon. Alexander Pirnie: | | | | | | | | | | | | |
| England | B. pounds | 1/3 | 1/6 | 3 | 19.50 | 50.00 | 58.50 | 150.00 | | | 58.50 | 150.00 |
| Germany | D. marks | 1/6 | 1/9 | 3 | 163.50 | 50.00 | 344.00 | 104.91 | | | 344.00 | 104.91 |
| Italy | Lira | 1/9 | 1/11 | 2 | 29,700 | 50.00 | 14,700 | 24.75 | | | 14,700 | 24.75 |
| Greece | Drachma | 1/11 | 1/12 | 1 | 1,500 | 50.00 | 1,096 | 36.53 | | | 1,096 | 36.53 |
| Turkey | Lira | 1/12 | 1/14 | 2 | 700 | 50.00 | 1,056.50 | 75.46 | | | 1,056.50 | 75.46 |
| Spain | Pesetas | 1/14 | 1/16 | 2 | 3,290 | 50.00 | 3,420 | 52.74 | | | 3,420 | 52.74 |
| Portugal | Escudos | 1/16 | 1/17 | 2 | 1,365.75 | 50.00 | 763.90 | 27.98 | | | 736.90 | 27.98 |
| Transportation (commercial aircraft) | Guilders | | | | | | | | 3,214.67 | 855.00 | 3,214.67 | 855.00 |
| Mr. John J. Ford: | | | | | | | | | | | | |
| England | B. pounds | 1/4 | 1/6 | 2 | 19.50 | 50.00 | 39.00 | 100.00 | | | 39.00 | 100.00 |
| Germany | D. marks | 1/6 | 1/9 | 3 | 163.50 | 50.00 | 490.50 | 150.00 | | | 490.50 | 150.00 |
| Italy | Lire | 1/9 | 1/11 | 2 | 29,700 | 50.00 | 45,700 | 76.94 | | | 45,700 | 76.94 |
| Greece | Drachma | 1/11 | 1/12 | 1 | 1,500 | 50.00 | 1,450 | 48.33 | | | 1,450 | 48.33 |
| Turkey | Lira | 1/12 | 1/14 | 2 | 700 | 50.00 | 1,400 | 100.00 | | | 1,400 | 100.00 |
| Spain | Pesetas | 1/14 | 1/16 | 2 | 3,290 | 50.00 | 5,570 | 84.65 | | | 5,570 | 84.65 |
| Portugal | Escudos | 1/16 | 1/17 | 2 | 1,365.75 | 50.00 | 1,911.50 | 69.99 | | | 1,911.50 | 69.99 |
| Transportation (commercial aircraft) | Guilders | | | | | | | | 3,214.67 | 855.00 | 3,214.67 | 855.00 |
| Total | | | | | | | | 2,523.62 | | 4,527.76 | | 7,051.38 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Transportation for entire group.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $7,051.38 |



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL AUTHORIZED BYH. RES. 202, 2D SESS., 92D CONG., COMMITTEE ON ARMED SERVICES, SUBCOMMITTEE ON NONAPPROPRIATED FUND ACTIVITIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Bill Nichols: | | | | | | | | | | | | |
| Philippines | Pesos | 1/9 | 1/12 | 4 | 319.00 | $50.00 | 1,276 | $200.00 | | | 1,276 | $200.00 |
| Vietnam | Piastres | 1/13 | 1/14 | 1 | 20,500 | 50.00 | 20,500 | 50.00 | | | 20,500 | 50.00 |
| Thailand | Baht | 1/14 | 1/16 | 3 | 1,041.25 | 50.00 | 3,123.75 | 150.00 | | | 3,123.75 | 150.00 |
| Hong Kong | H.K. dollar | 1/17 | 1/18 | 2 | 282.50 | 50.00 | 565.00 | 100.00 | | | 565.00 | 100.00 |
| Transportation (commercial aircraft) | Baht | | | | | | | | 38.40 | $6.75 | 593.40 | 106.75 |
| Transportation (commercial aircraft) | D. marks | | | | | | | | 21,240 | 1,021.00 | 21,240 | 1,021.00 |
| Transportation (military aircraft) | U.S. dollar | | | | | | | | 3,141.38 | 898.37 | 3,141.38 | 898.37 |
| Hon. Robert L. Leggett: | | | | | | | | | | 298.08 | | 298.08 |
| Philippines | Pesos | 1/9 | 1/12 | 4 | 319.00 | 50.00 | 1,276 | 200.00 | | | 1,276 | 200.00 |
| Vietnam | Piastres | 1/13 | 1/14 | 1 | 20,500 | 50.00 | 20,500 | 50.00 | | | 20,500 | 50.00 |
| Thailand | Baht | 1/14 | 1/16 | 3 | 1,041.25 | 50.00 | 3,123.75 | 150.00 | | | 3,123.75 | 150.00 |
| Hong Kong | H.K. dollar | 1/17 | 1/18 | 2 | 282.50 | 50.00 | 565.00 | 100.00 | | | 565.00 | 100.00 |
| Taiwan | N. T. dollar | 1/19 | 1/21 | 3 | 2,000 | 50.00 | 6,000 | 150.00 | | | 6,000 | 150.00 |
| Transportation (commercial aircraft) | Baht | | | | | | | | 21,240 | 1,021.00 | 21,240 | 1,021.00 |
| Transportation (commercial aircraft) | Guilders | | | | | | | | 3,404 | 786.75 | 3,404 | 786.75 |
| Transportation (military aircraft) | U.S. dollar | | | | | | | | | 298.08 | | 298.08 |
| Hon. William G. Bray: | | | | | | | | | | | | |
| Philippines | Pesos | 1/9 | 1/12 | 4 | 319.00 | 50.00 | 1,276 | 200.00 | | | 1,276 | 200.00 |
| Vietnam | Piastres | 1/13 | 1/14 | 1 | 20,500 | 50.00 | 20,500 | 50.00 | | | 20,500 | 50.00 |
| Thailand | Baht | 1/14 | 1/16 | 3 | 1,041.25 | 50.00 | 3,123.75 | 150.00 | | | 3,123.75 | 150.00 |
| Hong Kong | H.K. dollar | 1/17 | 1/19 | 3 | 282.50 | 50.00 | 847.50 | 150.00 | | | 847.50 | 150.00 |
| Transportation (commercial aircraft) | Baht | | | | | | | | 21,240 | 1,021.00 | 21,240 | 1,021.00 |
| Transportation (commercial aircraft) | D. marks | | | | | | | | 3,141.38 | 898.37 | 3,141.38 | 898.37 |
| Transportation (military aircraft) | U.S. dollar | | | | | | | | | 298.08 | | 298.08 |
| Hon. Charles S. Gubser: | | | | | | | | | | | | |
| New Zealand[2] | N.Z. dollar | 1/6 | 1/13 | 5 | 41.44 | 50.00 | 207.21 | 250.00 | | | 207.21 | 250.00 |
| Australia | A. dollar | 1/14 | 1/15 | 1 | 42.83 | 50.00 | 42.83 | 50.00 | 42.50 | 50.72 | 85.33 | 100.72 |
| Thailand | Baht | 1/15 | 1/16 | 1 | 1,041.25 | 50.00 | 1,041.25 | 50.00 | | | 1,041.25 | 50.00 |
| Hong Kong | H.K. dollar | 1/17 | 1/20 | 4 | 282.50 | 50.00 | 1,130.00 | 200.00 | | | 1,130.00 | 200.00 |
| Transportation (commercial aircraft) | D. Marks | | | | | | | | 3,141.38 | 898.37 | 3,141.38 | 898.37 |
| Transportation (commercial aircraft) | Guilders | | | | | | | | 1,857 | 336.01 | 1,857 | 336.01 |
| Mr. Ralph Marshall: | | | | | | | | | | | | |
| Philippines | Pesos | 1/9 | 1/12 | 4 | 319.00 | 50.00 | 1,276 | 200.00 | | | 1,276 | 200.00 |
| Vietnam | Piastres | 1/13 | 1/14 | 1 | 20,500 | 50.00 | 20,500 | 50.00 | | | 20,500 | 50.00 |
| Thailand | Baht | 1/14 | 1/16 | 3 | 1,041.25 | 50.00 | 3,123.75 | 150.00 | | | 3,123.75 | 150.00 |
| Hong Kong | H.K. dollar | 1/17 | 1/18 | 2 | 282.50 | 50.00 | 565.00 | 100.00 | | | 565.00 | 100.00 |
| Transportation (commercial aircraft) | Baht | | | | | | | | 21,240 | 1,021.00 | 21,240 | 1,021.00 |
| Transportation (commercial aircraft) | D. marks | | | | | | | | 3,141.38 | 898.37 | 3,141.38 | 898.37 |
| Transportation (military aircraft) | U.S. dollar | | | | | | | | | 298.08 | | 298.08 |
| Total | | | | | | | | 2,750.00 | | 10,050.03 | | 12,800.03 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Traveled as guest of Secretary of Navy to New Zealand.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $11,607.71 |
| Appropriated funds: | |
| Government Department: Air Force | 1,192.32 |
| Total | 12,800.03 |

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL AUTHORIZED BY H. RES. 202, 2D SESS., 92D CONG., COMMITTEE ON ARMED SERVICES (DEFENSE COMMUNICATIONS SUBCOMMITTEE), U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Robert H. Mollohan: | | | | | | | | | | | | |
| Japan | Yen | 3/30 | 3/31 | 2 | 15,175 | $50.00 | 30,350 | $100.00 | | | 30,350 | $100.00 |
| Vietnam | Piastre | 4/1 | 4/3 | 2 | 20,500 | 50.00 | 41,000 | 100.00 | | | 41,000 | 100.00 |
| Thailand | Bhat | 4/3 | 4/5 | 2 | 1,041.25 | 50.00 | 2,082.50 | 100.00 | | | 2,082.50 | 100.00 |
| Hong Kong | Dollar | 4/5 | 4/10 | 6 | 275 | 50.00 | 1,650 | 300.00 | | | 1,650 | 300.00 |
| Transportation (commercial transportation for entire trip) | U.S. dollar | | | | | | | | | $2,063.00 | | 2,063.00 |
| Mr. John F. Lally: | | | | | | | | | | | | |
| Japan | Yen | 3/30 | 3/31 | 2 | 15,175 | 50.00 | 30,350 | 100.00 | | | 30,350 | 100.00 |
| Vietnam | Piastre | 4/1 | 4/3 | 2 | 20,500 | 50.00 | 40,500 | 98.78 | | | 40,500 | 98.78 |
| Thailand | Bhat | 4/3 | 4/5 | 2 | 1,041.25 | 50.00 | 2,082.50 | 100.00 | | | 2,082.50 | 100.00 |
| Hong Kong | Dollar | 4/5 | 4/10 | 6 | 275 | 50.00 | 1,650 | 300.00 | | | 1,650 | 300.00 |
| Transportation (commercial transportation for entire trip) | U.S. dollar | | | | | | | | | 2,063.00 | | 2,063.00 |
| Total | | | | | | | | 1,198.78 | | 4,126.00 | | 5,324.78 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $1,198.78 |
| Appropriated funds: | |
| Department of the Navy | 4,126.00 |
| Total | 5,324.78 |

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL AUTHORIZED BY H. RES. 202, 2D SESS., 92D CONG., SUBCOMMITTEE TO WESTERN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Melvin Price: | | | | | | | | | | | | |
| Germany | D. marks | 8/25 | 9/2 | 9 | 159.50 | $50.00 | 1,435.50 | $450.00 | | | 1,435.50 | $450.00 |
| England | B. pounds | 9/2 | 9/6 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 1,340.00 | $335.21 | 1,420.00 | 535.21 |
| Transportation (military aircraft) | U.S. dollars | | | | | | | | | 1,007.13 | | 1,007.13 |
| Hon. Robert L. Leggett: | | | | | | | | | | | | |
| Ireland | I. pounds | 9/2 | 9/4 | 3 | 20.50 | 50.00 | 61.50 | 150.00 | | | 61.50 | 150.00 |
| England | B. pounds | 9/4 | 9/6 | 2 | 20.00 | 50.00 | 40.00 | 100.00 | 670.00 | 167.60 | 710.00 | 267.60 |
| Transportation (military aircraft) | U.S. dollars | | | | | | | | | 932.96 | | 932.96 |
| Hon. Robert H. Mollohan: | | | | | | | | | | | | |
| Germany | D. marks | 8/25 | 9/2 | 9 | 159.50 | 50.00 | 1,435.50 | 450.00 | | | 1,435.50 | 450.00 |
| England | B. pounds | 9/2 | 9/6 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 1,340.00 | 335.21 | 1,420.00 | 535.21 |
| Transportation (military aircraft) | U.S. dollars | | | | | | | | | 1,007.13 | | 1,007.13 |
| Hon. Richard C. White: | | | | | | | | | | | | |
| Germany | D. marks | 8/25 | 9/2 | 9 | 159.50 | 50.00 | 1,435.50 | 450.00 | | | 1,435.50 | 450.00 |
| England | B. pounds | 9/2 | 9/6 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 1,340.00 | 335.21 | 1,420.00 | 535.21 |
| Transportation (military aircraft) | U.S. dollars | | | | | | | | | 1,007.13 | | 1,007.13 |
| Hon. Bill Nichols: | | | | | | | | | | | | |
| Germany | D. marks | 8/25 | 9/1 | 7 | 159.50 | 50.00 | 1,116.50 | 349.53 | | | 1,116.50 | 349.53 |
| Transportation: | | | | | | | | | | | | |
| Commercial aircraft | D. marks | | | | | | | | 1,605.50 | 494.00 | 1,605.50 | 494.00 |
| Military aircraft | U.S. dollars | | | | | | | | | 754.12 | | 754.12 |
| Hon. W. C. (Dan) Daniel: | | | | | | | | | | | | |
| Germany | D. marks | 8/25 | 9/1 | 7 | 159.50 | 50.00 | 1,116.50 | 349.53 | | | 1,116.50 | 349.53 |
| Transportation: | | | | | | | | | | | | |
| Commercial aircraft | D. marks | | | | | | | | 1,605.50 | 494.00 | 1,605.50 | 494.00 |
| Military aircraft | U.S. dollars | | | | | | | | | 754.12 | | 754.12 |
| Hon. Alexander Pirnie: | | | | | | | | | | | | |
| Germany | D. marks | 8/25 | 9/2 | 9 | 159.50 | 50.00 | 895.00 | 275.00 | | | 895.00 | 275.00 |
| England | B. pounds | 9/2 | 9/6 | 4 | 20.00 | 50.00 | 73.00 | 182.50 | 1,340.00 | 335.21 | 1,413.00 | 517.71 |
| Transportation (military aircraft) | U.S. dollars | | | | | | | | | 1,007.13 | | 1,007.13 |
| Hon. William L. Dickinson: | | | | | | | | | | | | |
| Germany | D. marks | 8/25 | 9/2 | 9 | 159.50 | 50.00 | 1,435.50 | 450.00 | | | 1,435.50 | 450.00 |
| England | B. pounds | 9/2 | 9/6 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 1,340.00 | 335.21 | 1,420.00 | 535.21 |
| Transportation: | | | | | | | | | | | | |
| (Commercial aircraft) | Pesetas | | | | | | | | 5,220.00 | 82.20 | 5,220.00 | 82.20 |
| (Military aircraft) | U.S. dollars | | | | | | | | | 1,007.13 | | 1,007.13 |
| Hon. Floyd D. Spence: | | | | | | | | | | | | |
| Ireland | I. pounds | 9/2 | 9/4 | 3 | 20.50 | 50.00 | 61.50 | 150.00 | | | 61.50 | 150.00 |
| England | B. pounds | 9/4 | 9/6 | 2 | 20.00 | 50.00 | 40.00 | 100.00 | 670.00 | 167.60 | 710.00 | 267.60 |
| Transportation (military aircraft) | U.S. dollars | | | | | | | | | 932.96 | | 932.96 |
| Hon. William S. Conover II: | | | | | | | | | | | | |
| Germany | D. marks | 8/25 | 9/2 | 9 | 159.50 | 50.00 | 1,435.50 | 450.00 | | | 1,435.00 | 450.00 |
| England | B. pounds | 9/2 | 9/6 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 1,340.00 | 335.21 | 1,420.00 | 535.21 |
| Transportation (military aircraft) | U.S. dollars | | | | | | | | | 1,007.13 | | 1,007.13 |
| Mr. Ralph Marshall: | | | | | | | | | | | | |
| Germany | D. marks | 8/25 | 9/2 | 9 | 159.50 | 50.00 | 1,435.50 | 450.00 | | | 1,435.00 | 450.00 |
| England | B. pounds | 9/2 | 9/6 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 1,340.00 | 335.21 | 1,420.00 | 535.21 |
| Transportation (military aircraft) | U.S. dollars | | | | | | | | | 1,007.13 | | 1,007.13 |
| Mr. James F Shumate: | | | | | | | | | | | | |
| Germany | D. marks | 8/25 | 9/2 | 9 | 159.50 | 50.00 | 1,435.50 | 450.00 | | | 1,435.50 | 450.00 |
| England | B. pounds | 9/2 | 9/6 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 1,340.00 | 335.21 | 1,420.00 | 535.21 |
| Transportation (military aircraft) | U.S. dollars | | | | | | | | | 1,007.13 | | 1,007.13 |
| Total | | | | | | | | 6,206.56 | | 15,518.28 | | 21,724.84 |

[1] If foreign currency is used, enter U.S. dollar equivalent: If U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $10,293.64 |
| Appropriated funds: | |
| Government Department: Air Force | 11,431.20 |
| Total | 21,724.84 |

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL AUTHORIZED BY H. RES. 202, 2D SESS, 92D CONG., COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. O. C. Fisher: | | | | | | | | | | | | |
| New Zealand | N. Z. dollar | 11/11 | 11/17 | 7 | 41.51 | $50.00 | 290.60 | $350.00 | | | 290.60 | $350.00 |
| Australia | A. dollar | 11/18 | 11/30 | 13 | 40.91 | 50.00 | 544.83 | 650.00 | | | 544.83 | 650.00 |
| Indonesia | Rupiahs | 12/1 | 12/5 | 5 | 20,850 | 50.00 | 104,250 | 250.00 | | | 104,250 | 250.00 |
| Malaysia | M. dollar | 12/6 | 12/7 | 2 | 137.50 | 50.00 | 275.00 | 100.00 | 180.00 | $65.45 | 455.00 | 165.45 |
| Thailand | Baht | 12/8 | 12/10 | 3 | 1,041.25 | 50.00 | 3,065 | 147.18 | | | 3,065 | 147.18 |
| Vietnam | Piastres | 12/11 | 12/12 | 2 | 22,500 | 50.00 | 31,150 | 70.00 | | | 31,150 | 70.00 |
| Philippines | Pesos | 12/12 | 12/13 | 1 | 335.70 | 50.00 | 335.70 | 50.00 | | | 335.70 | 50.00 |
| Hong Kong | H. K. dollar | 12/14 | 12/18 | 5 | 280.00 | 50.00 | 1,120 | 200.00 | | | 1,120 | 200.00 |
| Taiwan | N. T. dollar | 12/18 | 12/19 | 1 | 2,000.00 | 50.00 | 1,100 | 27.50 | | | 1,100.00 | 27.50 |
| Japan | Yen | 12/20 | 12/21 | 2 | 15,055 | 50.00 | 12,855 | 42.70 | | | 12,855.00 | 42.70 |
| Transportation (commercial aircraft). | Guilders | | | | | | | | 7,962.45 | 2,429.80 | | 2,429.80 |
| Hon. Michael J. Harrington: | | | | | | | | | | | | |
| Vietna | Piastres | 3/28 | 3/31 | 4 | 20,500 | $50.00 | 55,000 | $134.15 | | | 55,000 | $134.15 |
| Thailand | Baht | 4/1 | 4/3 | 3 | 1,041.25 | 50.00 | 3,123.75 | 150.00 | | | 3,123.75 | 150.00 |
| Transportation (commercial aircraft). | D. marks | | | | | | | | 6,920.19 | 2,129.29 | 6,920.19 | 2,129.29 |

Footnote at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL AUTHORIZED BY H. RES. 202, 2D SESS., 92D CONG., COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mr. Frank M. Slatinshek: | | | | | | | | | | | | |
| Spain | Pesetas | 8/19 | 8/21 | 3 | 3,175.00 | $50.00 | 9,525 | $150.00 | | | 9,525 | $150.00 |
| Germany | D. marks | 8/21 | 8/24 | 3 | 159.50 | 50.00 | 319.00 | 100.00 | | | 319.00 | 100.00 |
| Greece | Drachmas | 8/24 | 8/28 | 4 | 1,500.00 | 50.00 | 6,000 | 200.00 | | | 6,000 | 200.00 |
| Germany | D. marks | 8/28 | 8/30 | 3 | 159.50 | 50.00 | 478.50 | 150.00 | | | 478.50 | 150.00 |
| England | B. pound | 8/30 | 9/5 | 6 | 20.33 | 50.00 | 101.65 | 250.00 | | | 101.65 | 250.00 |
| Transportation (military aircraft) | U.S. dollar | | | | | | | | | $1,197.50 | | 1,197.50 |
| Total | | | | | | | | 3,021.53 | | 5,822.04 | | 8,843.57 |

[1] If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $7,646.07 |
| Appropriated funds: | |
| Government department: Air Force | 1,197.50 |
| Total | 8,843.57 |

F. EDW. HÉBERT,
Chairman, Committee on Armed Services.

February 26, 1973.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 114, 2D SESS., 92D CONG., COMMITTEE ON BANKING AND CURRENCY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Thomas L. Ashley: | | | | | | | | | | | | |
| Germany | D. mark | 4/18 | 4/18 | 1 | 3.17 | $1.00 | 158.50 | $50.00 | 1,740.80 | $535.64 | 1,899.30 | $585.64 |
| Austria | Schilling | 4/19 | 4/23 | 5 | 23.05 | 1.00 | 5,762 | 250.00 | | | 5,762 | 250.00 |
| Portugal | Escudo | 4/24 | 4/25 | 2 | 27 | 1.00 | 2,700 | 100.00 | 232 | 85.93 | 5,020 | 185.93 |
| France | Franc | 8/23 | 8/25 | 3 | 5 | 1.00 | 268.75 | 53.75 | | | 268.75 | 53.75 |
| Finland | Markka | 8/26 | 8/28 | 3 | 4.12 | 1.00 | 589.16 | 143.00 | 157.84 | 38.31 | 747 | 181.31 |
| Sweden | Kronur | 8/29 | 8/31 | 3 | 4.72 | 1.00 | 312.85 | 66.25 | | | 312.85 | 66.25 |
| Poland | Zloty | 9/1 | 9/3 | 3 | 65 | 1.00 | 10,795 | 166.08 | 6,505.6 | 2,945.00 | 75,820 | 3,111.08 |
| Hungary | Forint | 9/4 | 9/4 | 1 | 27.6 | 1.00 | 1,352.4 | 49.00 | | | 1,352.4 | 49.00 |
| United Kingdom | Pound | | | 0 | .38 | 1.00 | | | 98 | 2.56 | 98 | 2.56 |
| Netherlands | Guilder | | | 0 | 3.28 | 1.00 | | | 3,561.11 | 1,095.71 | 8,561.1 | 1,095.71 |
| Finland | Markka | | | 0 | 4.12 | 1.00 | 1,321.8 | [2] 322.40 | 3,184.1 | [3] 776.60 | 4,506 | [2] 1,099.00 |
| Hon. William A. Barrett: | | | | | | | | | | | | |
| Japan | Yen | 1/4 | 1/8 | 5 | 314.8 | 1.00 | 78,700 | 250.00 | 222,950<br>46,488 | [3] 650.00<br>147.63 | 125,188 | 397.63 |
| Korea | Won | 1/9 | 1/11 | 3 | 371.85 | 1.00 | 55,778 | 150.00 | | | 35,778 | 150.00 |
| Taiwan | NT dollar | 1/12 | 1/13 | 2 | 40 | 1.00 | 4,000 | 100.00 | | | 4,000 | 100.00 |
| Hong Kong | HK dollar | 1/14 | 1/18 | 5 | 5.65 | 1.00 | 1,412.5 | 250.00 | 214.9 | 37.70 | 1,627.4 | 287.70 |
| Malaysia | M dollar | 1/19 | 1/21 | 3 | 2.84 | 1.00 | 426 | 150.00 | 202.8 | 69.17 | 628.8 | 219.17 |
| Thailand | Baht | 1/22 | 1/22 | 1 | 20.825 | 1.00 | 1,041.25 | 50.00 | | | 1,041.25 | 50.00 |
| United Kingdom | Pound | 11/9 | 11/12 | 4 | .42 | 1.00 | 84.65 | 200.00 | 154.23 | 364.39 | 238.88 | 564.39 |
| Germany | D. mark | 11/13 | 11/17 | 5 | 3.45 | 1.00 | 640 | 200.00 | 95 | 29.69 | 735 | 229.69 |
| Italy | Lire | 11/18 | 11/19 | 2 | 585 | 1.00 | 58,500 | 100.00 | 27,430 | 46.74 | 85,840 | 146.74 |
| Spain | Peseta | 11/20 | 11/21 | 2 | 63.5 | 1.00 | 6,350 | 100.00 | | | 6,350 | 100.00 |
| France | Franc | 11/22 | 11/25 | 4 | 5 | 1.00 | 1,000 | 200.00 | 1,323.54 | 264.71 | 2,323.54 | 464.71 |
| Germany | D. mark | | | 0 | 3.45 | 1.00 | | | 6,979.8 | 2,023.13 | 6,979.8 | 2,023.13 |
| Hon. Ben B. Blackburn: | | | | | | | | | | | | |
| Germany | D. mark | 4/18 | 4/18 | 1 | 3.17 | 1.00 | 158.50 | 50.00 | | | 158.50 | 50.00 |
| Austria | Schilling | 4/19 | 4/20 | 2 | 23.05 | 1.00 | 2,305 | 100.00 | | | 2,305 | 100.00 |
| Yugoslavia | Sinar | 4/21 | 4/23 | 3 | 16.6 | 1.00 | 833.33<br>1,666.67 | [3] 50.00<br>100.00 | 1,656.6 | 97.45 | 3,323.27 | 197.45 |
| Portugal | Escudo | 4/24 | 4/25 | 2 | 27 | 1.00 | 2,700 | 100.00 | 2,320 | 85.93 | 5,020 | 185.93 |
| U.S.S.R. | Ruble | 12/9 | 12/12 | 4 | .826 | 1.00 | 72.00<br>.69 | [3] 87.17<br>.83 | | | .59 | .83 |
| Finland | Markka | 12/13 | 12/14 | 2 | 4.15 | 1.00 | 415.60 | 100.00 | | | 415.60 | 100.00 |
| Sweden | Kronur | 12/15 | 12/16 | 2 | 4.72 | 1.00 | 237.00<br>474.00 | [3] 50.00<br>100.00 | | | 474.00 | 100.00 |
| Denmark | Kronur | 12/17 | 12/17 | 1 | 6.87 | 1.00 | 343.50 | [3] 50.00<br>50.00 | | | 343.50 | 50.00 |
| United Kingdom | Pound | | | 0 | .38 | 1.00 | 26.97 | [3] 63.60 | 37.40 | [2] 88.21 | 64.37 | [2] 151.81 |
| Torrence Boyle: | | | | | | | | | | | | |
| France | Franc | 8/23 | 8/25 | 3 | 5 | 1.00 | 268.75 | 53.75 | | | 268.75 | 53.75 |
| Finland | Markka | 8/26 | 8/28 | 3 | 4.12 | 1.00 | 589.16 | 143.00 | | | 589.16 | 143.00 |
| Sweden | Kronur | 8/29 | 8/31 | 3 | 4.72 | 1.00 | 312.85 | 66.25 | | | 312.85 | 66.25 |
| Poland | Zloty | 9/1 | 9/3 | 3 | 65 | 1.00 | 6,971.25 | 107.25 | | | 6,971.25 | 107.25 |
| Finland | Markka | | | 0 | 4.12 | 1.00 | 1,321.84 | [2] 322.40 | 3,184.16 | [3] 776.60 | 4,506 | [2] 1,099.00 |
| Germany | D. mark | | | 0 | 3.25 | 1.00 | | | 1,758.25 | 541.00 | 1,758.25 | 541.00 |
| Hon. Garry Brown: | | | | | | | | | | | | |
| Germany | D. mark | 4/18 | 4/18 | 1 | 3.17 | 1.00 | 158.50 | 50.00 | | | 158.50 | 50.00 |
| Austria | Schilling | 4/19 | 4/23 | 5 | 23.05 | 1.00 | 5,762.5 | 250.00 | | | 5,762.5 | 250.00 |
| Portugal | Escudo | 4/24 | 4/25 | 2 | 27 | 1.00 | 2,700 | 100.00 | 2,320 | 85.93 | 5,020 | 185.93 |
| Hon. William P. Curlin: | | | | | | | | | | | | |
| Germany | D. mark | 4/18 | 4/18 | 1 | 3.17 | 1.00 | 158.50 | 50.00 | | | 158.50 | 50.00 |
| Austria | Schilling | 4/19 | 4/23 | 5 | 23.05 | 1.00 | 5,762.50 | 250.00 | | | 5,762.50 | 250.00 |
| Portugal | Escudo | 4/24 | 4/25 | 2 | 27 | 1.00 | 2,700 | 100.00 | 2,320 | 85.93 | 5,020 | 185.93 |
| United Kingdom | Pound | 10/17 | 10/22 | 6 | .412 | 1.00 | 123.80 | 300.00 | 227.19 | 550.54 | 350.93 | 850.54 |
| France | Franc | 10/23 | 10/26 | 4 | 5 | 1.00 | 1,000 | 200.00 | 1,710.72 | 342.12 | 2,710.72 | 542.12 |
| Germany | D. mark | 10/27 | 10/27 | 1 | 23.05 | 1.00 | | | | | | |
| Switzerland | Franc | 10/28 | 11/1 | 5 | 3.79 | 1.00 | 948.40 | 250.00 | 1,588.10 | 418.18 | 2,536.50 | 668.18 |
| Italy | Lire | 11/2 | 11/4 | 3 | 583 | 1.00 | 87,450 | 150.00 | 5,300 | 9.09 | 92,750 | 159.09 |

Footnotes at end of table.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 114, 2D SESS., 92D CONG., COMMITTEE ON BANKING AND CURRENCY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Orman S. Fink: | | | | | | | | | | | | |
| Germany | D. mark | 4/18 | 4/18 | 1 | 3.17 | $1.00 | 158.50 | $50.00 | | | 158.50 | $50.00 |
| Austria | Schilling | 4/19 | 4/23 | 5 | 23.05 | 1.00 | 5,762.5 | 250.00 | | | 5,762.5 | 250.00 |
| Portugal | Escudo | 4/24 | 4/25 | 2 | 27 | 1.00 | 2,700 | 100.00 | 2,320 | $85.93 | 5,020 | 185.93 |
| Japan | Yen | 8/19 | 9/3 | 16 | 301.1 | 1.00 | 200,000 | [3]655.95 | 13,056 | 43.36 | 53,936 | 187.41 |
| | | | | | | | 40,880 | 144.05 | | | | |
| U.S.S.R | Ruble | 12/9 | 12/12 | 4 | .826 | 1.00 | 72.69 | 88.00 | | | 72.69 | 88.00 |
| Finland | Markka | 12/13 | 12/14 | 2 | 4.15 | 1.00 | 415.60 | 100.00 | | | 415.60 | 100.00 |
| Sweden | Kronur | 12/15 | 12/16 | 2 | 4.72 | 1.00 | 237 | [3]50.00 | | | 474 | 100.00 |
| | | | | | | | 474 | 100.00 | | | | |
| Denmark | Kronur | 12/17 | 12/17 | 1 | 6.87 | 1.00 | 343.5 | [3]50.00 | | | 343.50 | 50.00 |
| | | | | | | | 343.5 | 50.00 | | | | |
| United Kingdom | Pound | | | 0 | .38 | 1.00 | 26.97 | [3]63.60 | 37.40 | [3]88.21 | 64.37 | [2]151.81 |
| Hon. Tom S. Gettys: | | | | | | | | | | | | |
| Germany | D. mark | 4/18 | 4/18 | 1 | 3.17 | 1.00 | 158.50 | 50.00 | | | 158.50 | 50.00 |
| Austria | Schilling | 4/19 | 4/23 | 5 | 23.05 | 1.00 | 5,762.5 | 250.00 | | | 5,762.5 | 250.00 |
| Portugal | Escudo | 4/24 | 4/25 | 2 | 27 | 1.00 | 2,700 | 100.00 | 2,320 | 85.93 | 5,020 | 185.93 |
| Hon. Chas. H. Griffin: | | | | | | | | | | | | |
| Germany | D. Mark | 4/18 | 4/18 | 1 | 3.17 | 1.00 | 158.50 | 50.00 | | | 158.50 | 50.00 |
| Austria | Schilling | 4/19 | 4/23 | 5 | 23.05 | 1.00 | 5,762.50 | 250.00 | | | 5,762.50 | 250.00 |
| Portugal | Escudo | 4/24 | 4/25 | 2 | 27 | 1.00 | 2,700 | 100.00 | 2,320 | $85.93 | 5,020 | 185.93 |
| George Gross: | | | | | | | | | | | | |
| France | Franc | 8/23 | 8/25 | 3 | 5 | 1.00 | 268.75 | 53.75 | | | 268.75 | 53.75 |
| Finland | Markka | 8/26 | 8/28 | 3 | 4.12 | 1.00 | 589.16 | 143.00 | | | 589.16 | 143.00 |
| Sweden | Kronur | 8/29 | 8/31 | 3 | 4.72 | 1.00 | 312.85 | 66.25 | | | 312.85 | 66.25 |
| Poland | Zloty | 9/1 | 9/3 | 3 | 65 | 1.00 | 6,971.25 | 107.25 | | | 6,971.25 | 107.25 |
| Finland | Markka | | | 0 | 4.12 | 1.00 | 1,321.84 | [3]322.40 | 3,184.16 | [4]776.60 | 4,505 | [3]1,099.00 |
| Germany | D. mark | | | 0 | 3.25 | 1.00 | | | 1,758.25 | 541.00 | 1,758.25 | 541.00 |
| Hon. Richard T. Hanna: | | | | | | | | | | | | |
| Germany | D. mark | 4/18 | 4/18 | 1 | 3.17 | 1.00 | 158.50 | 50.00 | 1,706.25 | 525.00 | 1,864.75 | 575.00 |
| Austria | Schilling | 4/19 | 4/21 | 3 | 23.05 | 1.00 | 3,457.50 | 150.00 | | | 3,457.50 | 150.00 |
| Switzerland | Franc | 4/22 | 4/24 | 3 | 3.86 | 1.00 | 579.75 | 150.00 | 721 | 186.06 | 1,300.75 | 336.06 |
| United Kingdom | Pound | 4/25 | 4/27 | 3 | .38 | 1.00 | 57.31 | 150.00 | 250.81 | 654.69 | 308.13 | 804.69 |
| Brazil | Cruzeiro | 8/18 | 8/21 | 4 | 5.93 | 1.00 | 1,186 | 200.00 | | | 1,186 | 200.00 |
| Japan | Yen | 8/22 | 8/25 | 4 | 301 | 1.00 | 60,220 | 200.00 | | | 60,220 | 200.00 |
| Korea | Won | 8/26 | 8/28 | 3 | 397.4 | 1.00 | 59,610 | 150.00 | | | 59,610 | 150.00 |
| Japan | Yen | 8/29 | 9/4 | 7 | 301 | 1.00 | 90,330 | 300.00 | 49,467 | 164.29 | 139,797 | 464.29 |
| Japan | Yen | 11/25 | 11/26 | 2 | 301.10 | 1.00 | 30,110 | 100.00 | 5,255 | 17.45 | 35,365 | 117.45 |
| Korea | Won | 11/27 | 11/30 | 4 | 397.4 | 1.00 | 19,851 | [3]50.00 | | | 79,404 | 200.00 |
| | | | | | | | 79,404 | 200.00 | | | | |
| Hong Kong | HK dollar | 12/1 | 12/1 | 1 | 5.60 | 1.00 | 280 | [3]50.00 | | | 280 | 50.00 |
| | | | | | | | 280 | 50.00 | | | | |
| Singapore | M dollar | 12/2 | 12/2 | 1 | 2.75 | 1.00 | 237.50 | [3]50.00 | | | 237.50 | 50.00 |
| | | | | | | | 237.50 | 50.00 | | | | |
| Lebanon | £L | 12/3 | 12/8 | 6 | 3.02 | 1.00 | 900.60 | 300.00 | | | 900.60 | 300.00 |
| Egypt | £E | 12/9 | 12/15 | 7 | .55 | 1.00 | 194.435 | 350.00 | | | 194.435 | 350.00 |
| Lebanon | £L | 12/16 | 12/16 | 1 | 3.02 | 1.00 | 150 | 50.00 | | | 150 | 50.00 |
| Jordan | Dinar | 12/17 | 12/17 | 1 | .36 | 1.00 | 18 | 50.00 | | | 18 | 50.00 |
| Italy | Lire | 12/18 | 12/19 | 2 | 584 | 1.00 | 58,400 | 100.00 | 59,820 | 102.43 | 118,220 | 202.43 |
| Spain | Peseta | 12/20 | 12/21 | 2 | 63.5 | 1.00 | 6,350 | 100.00 | | | 6,350 | 100.00 |
| Germany | D. mark | | | 0 | 3.17 | 1.00 | | | 8,999.15 | 2,769.00 | 8,999.25 | 2,769.00 |
| Hon. Margaret M. Heckler: | | | | | | | | | | | | |
| U.S.S.R | Ruble | 12/9 | 12/12 | 4 | .826 | 1.00 | 72.69 | 88.00 | | | 72.69 | 88.00 |
| Finland | Markka | 12/13 | 12/14 | 2 | 4.15 | 1.00 | 415.60 | 100.00 | | | 415.60 | 100.00 |
| Sweden | Kronur | 12/15 | 12/15 | 1 | 4.72 | 1.00 | 237 | 50.00 | | | 237 | 50.00 |
| Germany | D. mark | 12/16 | 12/16 | 1 | 3.17 | 1.00 | 158.50 | 50.00 | | | 158.50 | 50.00 |
| United Kingdom | Pound | | | 0 | .38 | 1.00 | 26.97 | [3]63.60 | 37.40 | [3]88.21 | 64.37 | [3]151.81 |
| Joseph J. Jasinski: | | | | | | | | | | | | |
| Austria | Schilling | 4/18 | 4/20 | 3 | 23.05 | 1.00 | 3,457.5 | 150.00 | | | 3,457.5 | 150.00 |
| United Kingdom | Pound | 4/21 | 4/25 | 5 | .38 | 1.00 | 95.44 | 250.00 | 6.18 | 16.13 | 101.62 | 266.13 |
| France | Franc | 4/26 | 4/27 | 2 | 5.03 | 1.00 | 503.5 | 100.00 | 837.27 | 167.25 | 340.77 | 267.25 |
| Spain | Peseta | 6/28 | 6/30 | 3 | 64.4 | 1.00 | 6,440 | [3]100.00 | 9,700 | 150.62 | 19,360 | 300.62 |
| | | | | | | | 9,660 | 150.00 | | | | |
| Greece | Drachma | 5/1 | 5/4 | 4 | 30 | 1.00 | 6,000 | 200.00 | | | 6,000 | 200.00 |
| Germany | D. mark | 5/5 | 5/5 | 1 | 3.19 | 1.00 | 159.50 | 50.00 | 4,741.10 | 1,458.80 | 4,900.60 | 1,508.80 |
| France | Franc | 5/6 | 5/7 | 2 | 5.03 | 1.00 | 503.50 | 100.00 | 628.25 | 125.50 | 1,131.75 | 225.50 |
| Japan | Yen | 8/19 | 9/3 | 16 | 301.10 | 1.00 | 60,220 | [3]197.51 | | | 180.660 | 602.49 |
| | | | | | | | 180,660 | 602.49 | | | | |
| U.S.S.R | Ruble | 12/8 | 12/11 | 3 | .826 | 1.00 | 18.18 | [3]22.00 | | | 54.51 | 66.00 |
| | | | | | | | 54.51 | 66.00 | | | | |
| Sweden | Kronur | 12/12 | 12/16 | 5 | 4.72 | 1.00 | 1,185.00 | 250.00 | | | 1,185 | 250.00 |
| Denmark | Kronur | 12/17 | 12/19 | 3 | 6.87 | 1.00 | 1,030.5 | 150.00 | | | 1,030.5 | 150.00 |
| United Kingdom | Pound | | | 0 | .38 | 1.00 | 20.23 | [3]47.70 | 33.88 | [3]79.91 | 54.11 | [3]127.61 |
| Gerald R. McMurray: | | | | | | | | | | | | |
| Japan | Yen | 1/4 | 1/8 | 5 | 314.8 | 1.00 | 78,700 | 250.00 | 222,950 | 650.00 | 301.650 | 900.00 |
| Korea | Won | 1/9 | 1/11 | 3 | 371.85 | 1.00 | 55,778 | 150.00 | | | 55,778 | 150.00 |
| Taiwan | NT dollar | 1/12 | 1/13 | 2 | 40 | 1.00 | 4,000 | 100.00 | | | 4,000 | 100.00 |
| Hong Kong | HK dollar | 1/14 | 1/18 | 5 | 5.65 | 1.00 | 1,412.5 | 250.00 | | | 1,412.5 | 250.00 |
| Malaysia | M dollar | 1/19 | 1/21 | 3 | 2.84 | 1.00 | 426 | 150.00 | | | 426 | 150.00 |
| Thailand | Baht | 1/22 | 1/22 | 1 | 20.825 | 1.00 | 1,041.25 | 50.00 | | | 1,041.25 | 50.00 |
| United Kingdom | Pound | 11/9 | 11/12 | 4 | .42 | 1.00 | 84.65 | 200.00 | | | 84.65 | 200.00 |
| Germany | D. mark | 11/13 | 11/17 | 5 | 3.45 | 1.00 | 640 | 200.00 | 497.89 | 146.47 | 1,137.89 | 346.47 |
| Italy | Lire | 11/18 | 11/19 | 2 | 585 | 1.00 | 58,500 | 100.00 | | | 58,500 | 100.00 |
| Spain | Peseta | 11/20 | 11/21 | 2 | 63.5 | 1.00 | 6,350 | 100.00 | | | 6,350 | 100.00 |
| France | Franc | 11/22 | 11/25 | 4 | 5 | 1.00 | 1,000 | 200.00 | | | 1,000 | 200.00 |
| Germany | D. mark | | | 0 | | | | | 6,802.64 | 1,971.78 | 6,802.64 | 1,971.78 |
| Paul Nelson: | | | | | | | | | | | | |
| Germany | D. mark | 4/18 | 4/18 | 1 | 3.17 | 1.00 | 158.50 | 50.00 | | | 158.50 | 50.00 |
| Austria | Schilling | 4/19 | 4/23 | 5 | 23.05 | 1.00 | 5,762.5 | 250.00 | 80,338 | 3,471.82 | 86,100 | 3,721.82 |
| Portugal | Escudo | 4/24 | 4/25 | 2 | 27 | 1.00 | 2,700 | 100.00 | 2,320 | 85.93 | 5,020 | 185.93 |
| Hon. J. William Stanton: | | | | | | | | | | | | |
| Germany | D. mark | 4/18 | 4/18 | 1 | 3.17 | 1.00 | 158.50 | 50.00 | | | 158.50 | 50.00 |
| Austria | Schilling | 4/19 | 4/23 | 5 | 23.05 | 1.00 | 5,762.50 | 250.00 | | | 5,762.50 | 250.00 |
| Portugal | Escudo | 4/24 | 4/25 | 2 | 27 | 1.00 | 2,700 | 100.00 | 2,320 | 85.93 | 5,020 | 185.93 |
| Hon. Robert G. Stephens, Jr.: | | | | | | | | | | | | |
| Germany | D. mark | 4/18 | 4/18 | 1 | 3.17 | 1.00 | 158.50 | 50.00 | | | 158.50 | 50.00 |
| Austria | Schilling | 4/19 | 4/23 | 5 | 23.05 | 1.00 | 5,762.5 | 250.00 | 3,122.9 | 976.17 | 8,885.4 | 1,226.17 |
| Portugal | Escudo | 4/24 | 4/25 | 2 | 27 | 1.00 | 2,700 | 100.00 | 2,320 | 85.93 | 5,020 | 185.93 |
| United Kingdom | Pound | 10/17 | 10/22 | 6 | .412 | 1.00 | 123.80 | 300.00 | 227.20 | 550.55 | 351 | 850.55 |
| France | Franc | 10/23 | 10/26 | 4 | 5 | 1.00 | 1,000 | 200.00 | 1,677.2 | 335.45 | 2,677.2 | 535.45 |
| Germany | D. mark | 10/27 | 10/27 | 1 | 23.05 | 1.00 | | | | | | |
| Switzerland | Franc | 10/28 | 11/5 | 9 | 3.79 | 1.00 | 1,707.2 | 450.00 | 2,858.4 | 752.73 | 4,565.6 | 1,202.73 |

Footnotes at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 114, 2D SESS., 92D CONG., COMMITTEE ON BANKING AND CURRENCY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Chalmers P. Wylie: | | | | | | | | | | | | |
| Russia | Ruble | 12/9 | 12/12 | 4 | .826 | $1.00 | 72.69 | $88.00 | | | 72.69 | $88.00 |
| Finland | Markka | 12/1 | 12/14 | 2 | 4.15 | 1.00 | 415.60 | 100.00 | | | 415.60 | 100.00 |
| Sweden | Kronur | 12/15 | 12/16 | 2 | 4.72 | 1.00 | 237.00 | [3]50.00 | | | 474.00 | 100.00 |
| | | | | | | | 474.00 | 100.00 | | | | |
| Denmark | Kronur | 12/17 | 12/17 | 1 | 6.87 | 1.00 | 343.50 | [3]50.00 | | | 343.50 | 50.00 |
| | | | | | | | 343.50 | 50.00 | | | | |
| United Kingdom | Pound | | | 0 | .38 | 1.00 | 26.97 | [2]63.60 | 37.40 | [2]$88.21 | 64.37 | [2]151.81 |
| Total | | | | | | | 17,915.25 | | | 28,957.16 | | 46,872.41 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Prorata advance to Travel Service.
[3] Refund.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $46,872.41 |

WRIGHT PATMAN,
Chairman, Banking and Currency.

Mar. 2, 1973.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 434 OF 1ST SESS., 965 AND 1162 OF 2D SESS., 92D CONG., COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $21,426.63 |
| Appropriated funds: | |
| Government Department: Department of Army | 18,496.00 |
| Total | 39,922.63 |

CARL D. PERKINS,
Chairman, Committee on Education and Labor.

Mar. 1, 1973.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 965 AND 1162, 2D SESS., 92D CONG., COMMITTEE ON EDUCATION AND LABOR (FULL COMMITTEE), U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Frank Thompson: | | | | | | | | | | | | |
| Switzerland | Swiss franc | 6/15 | 6/19 | 5 | 190.63 | $50.00 | 953.15 | $250.00 | 1,334.00 | $346.31 | 2,287.15 | $596.31 |
| Germany | Deutsche mark | | | | | | | | 2,203.50 | 692.92 | 2,203.50 | 692.92 |
| France | Franc | 11/11 | 11/18 | 8 | 250.00 | 50.00 | 2,000.00 | 400.00 | 3,927.73 | 785.55 | 5,927.73 | 1,185.55 |
| Germany | D. mark | | | | | | | | 1,589.25 | 489.00 | 1,589.25 | 489.00 |
| Hon. John N. Erlenborn: | | | | | | | | | | | | |
| Switzerland | Swiss franc | 6/26 | 7/1 | 6 | | 50.00 | 1,140.00 | 300.00 | 1,311.40 | 340.45 | 2,451.40 | 640.45 |
| Germany | D. mark | | | | | | | | 2,187.25 | 687.81 | 2,187.25 | 687.81 |
| Hon. Marvin L. Esch: | | | | | | | | | | | | |
| Switzerland | Swiss franc | 6/19 | 6/28 | 9 | | 50.00 | 1,708.50 | 450.00 | 2,144.00 | 556.59 | 3,852.50 | 1,006.59 |
| Germany | D. mark | | | | | | | | 2,093.00 | 658.18 | 2,093.00 | 658.18 |
| Clifford D. Carlson: | | | | | | | | | | | | |
| France | Franc | 10/31 | 11/10 | 11 | | 50.00 | 2,750.00 | 550.00 | | | 2,750.00 | 550.00 |
| France | Franc | 11/11 | 11/18 | 9 | | 50.00 | 2,250.00 | 450.00 | | | 2,250.00 | 450.00 |
| Germany (local transport) | D. mark | | | | | | | | 8,339.86 | 1,667.97 | 8,339.86 | 1,667.97 |
| Germany | D. mark | | | | | | | | 3,220.75 | 991.10 | 3,220.75 | 991.10 |
| Less U.S. dollar refund | | | | | | | | | | | | (−600.00) |
| Total | | | | | | | 2,400.00 | | | 7,215.88 | | 9,015.88 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $9,015.88 |

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 434, 1ST SESS., 92D CONG., SPECIAL SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Frank Thompson: Italy | Lire | 6/10 | 6/14 | 5 | 29,100 | $50.00 | 145,500 | $250.00 | 490 | $12.78 | 152,990 | $262.78 |
| Total | | | | | | | | 250.00 | | 12.78 | | 262.78 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $262.78 |

CARL D. PERKINS,
Chairman, Committee on Education and Labor.

Mar. 1, 1973.

XUM

REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 434, 1st SESS., 92D CONG., GENERAL SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. John H. Dent: | | | | | | | | | | | | |
| Italy | Lire | 12/1 | 12/5 | 5 | 29,250 | $50.00 | 146,250 | $250.00 | | | 146,250 | $250.00 |
| Greece | Drachmas | 12/6 | 12/10 | 5 | 1,500 | 50.00 | 7,500 | 250.00 | | | 7,500 | 250.00 |
| Yugoslavia | Dinars | 12/11 | 12/13 | 3 | 837.50 | 50.00 | 2,512.50 | 150.00 | 30,239.50 | [2]$1,805.34 | 32,752 | 1,955.34 |
| Germany | Marks | 12/14 | 12/19 | 6 | 159.50 | 50.00 | 957 | 300.00 | 13,137.02 | [3]4,118.18 | 14,094.02 | 4,418.18 |
| Hon. William L. Clay: | | | | | | | | | | | | |
| Italy | Lire | 12/1 | 12/5 | 5 | 29,250 | 50.00 | 146,250 | 250.00 | | | 146,250 | 250.00 |
| Greece | Drachmas | 12/6 | 12/10 | 5 | 1,500 | 50.00 | 7,500 | 250.00 | | | 7,500 | 250.00 |
| Yugoslavia | Dinars | 12/11 | 12/13 | 3 | 837.50 | 50.00 | 2,512.50 | 150.00 | | | 2,512.50 | 150.00 |
| Germany | Marks | 12/14 | 12/19 | 6 | 159.50 | 50.00 | 957 | 300.00 | | | 957 | 300.00 |
| Hon. William D. Ford: | | | | | | | | | | | | |
| Italy | Lire | 12/1 | 12/5 | 5 | 29,250 | 50.00 | 146,250 | 250.00 | | | 146,250 | 250.00 |
| Greece | Drachmas | 12/6 | 12/10 | 5 | 1,500 | 50.00 | 7,500 | 250.00 | | | 7,500 | 250.00 |
| Yugoslavia | Dinars | 12/11 | 12/13 | 3 | 837.50 | 50.00 | 2,512.50 | 150.00 | | | 2,512.50 | 150.00 |
| Germany | Marks | 12/14 | 12/19 | 6 | 159.50 | 50.00 | 957 | 300.00 | | | 957 | 300.00 |
| Hon. Roman C. Pucinski: | | | | | | | | | | | | |
| Italy | Lire | 12/4 | 12/5 | 2 | 29,250 | 50.00 | 58,500 | 100.00 | | | 58,500 | 100.00 |
| Greece | Drachmas | 12/6 | 12/10 | 5 | 1,500 | 50.00 | 7,500 | 250.00 | | | 7,500 | 250.00 |
| Yugoslavia | Dinars | 12/11 | 12/13 | 3 | 837.50 | 50.00 | 2,512.50 | 150.00 | | | 2,512.50 | 150.00 |
| Germany | Marks | 12/14 | 12/16 | 2 | 159.50 | 50.00 | 957 | 300.00 | 875 | [4]274.29 | 1,832 | 574.29 |
| Germany (per diem refund) | Marks | | | | | | (797) | (249.84) | | | (797) | (249.84) |
| Hon. Lloyd Meeds: | | | | | | | | | | | | |
| Italy | Lire | 12/1 | 12/5 | 5 | 29,250 | 50.00 | 146,250 | 250.00 | | | 146,250 | 250.00 |
| Greece | Drachmas | 12/6 | 12/10 | 5 | 1,500 | 50.00 | 7,500 | 250.00 | | | 7,500 | 250.00 |
| Yugoslavia | Dinars | 12/11 | 12/13 | 3 | 837.50 | 50.00 | 2,512.50 | 150.00 | | | 2,512.50 | 150.00 |
| Germany | Marks | 12/14 | 12/19 | 6 | 159.50 | 50.00 | 957 | 300.00 | | | 957 | 300.00 |
| Robert E. Vagley: | | | | | | | | | | | | |
| Italy | Lire | 12/1 | 12/5 | 5 | 29,250 | 50.00 | 146,250 | 250.00 | | | 146,150 | 250.00 |
| Greece | Drachmas | 12/6 | 12/10 | 5 | 1,500 | 50.00 | 7,500 | 250.00 | | | 7,500 | 250.00 |
| Yugoslavia | Dinars | 12/11 | 12/13 | 3 | 837.50 | 50.00 | 2,512.50 | 150.00 | | | 2,512.50 | 150.00 |
| Adrienne Fields: | | | | | | | | | | | | |
| Italy | Lire | 12/1 | 12/5 | 5 | 29,250 | 50.00 | 146,250 | 250.00 | | | 146,250 | 250.00 |
| Greece | Drachmas | 12/6 | 12/10 | 5 | 1,500 | 50.00 | 7,500 | 250.00 | | | 7,500 | 250.00 |
| Yugoslavia | Dinars | 12/11 | 12/13 | 3 | 837.50 | 50.00 | 2,512.50 | 150.00 | | | 2,512.50 | 150.00 |
| Germany | Marks | 12/14 | 12/19 | 6 | 159.50 | 50.00 | 957 | 300.00 | | | 957 | 300.00 |
| Total | | | | | | | | 5,950.16 | | 6,197.81 | | 12,147.97 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Local transportation used by entire delegation, but charged to chairman for bookkeeping purposes.
[3] Local transportation and miscellaneous expenses incurred by entire delegation, but charged to chairman for bookkeeping purposes.
[4] 1-way air fare Germany to United States.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $12,147.97 |
| Appropriated funds: | |
| Government Department: Department of Army | 18,496.00 |
| Total | 30,642.97 |

Feb. 26, 1973.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 109, 1st SESS., 92d CONG., COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Melvin O. Benson: | | | | | | | | | | | | |
| United Kingdom | Pound | 1/8 | 1/11 | 3 | 19.50 | $50.00 | 58.50 | $150.00 | 3.11 | $7.94 | 61.91 | $157.94 |
| Sudan | Pound | 1/11 | 1/15 | 4 | 17.300 | 50.00 | 69.200 | 200.00 | | | 69.200 | 200.00 |
| Kenya | Schilling | 1/15 | 1/16 | 1 | 355.50 | 50.00 | 355.50 | 50.00 | 11.50 | 1.61 | 367 | 51.61 |
| Zambia | Kwacha | 1/16 | 1/22 | 7 | 35.95 | 50.00 | 251.62 | 350.00 | | | 251.62 | 350.00 |
| Belgium | B. franc | 1/23 | 1/26 | 3 | 2,200 | 50.00 | 6,600 | 150.00 | | | 6,600 | 150.00 |
| Transportation | N. guilder | | | | | | | | 6,300.55 | 1,713.00 | 6,300.55 | 1,713.00 |
| Ivory Coast | CFA franc | 1/15 | 11/18 | 3 | 12,550 | 50.00 | 37,650 | 150.00 | | | 37,650 | 150.00 |
| Nigeria | Pound | 11/18 | 11/22 | 4 | 16.265 | 50.00 | 65.06.4 | 200.00 | 16.33.0 | 50.01 | 81.39.4 | 250.01 |
| Kenya | Schilling | 11/22 | 11/23 | 1 | 355.5 | 50.00 | 355.5 | 50.00 | | | 355.5 | 50.00 |
| Seychelles | Schilling | 11/23 | 11/25 | 2 | 355.5 | 50.00 | 711 | 100.00 | | | 711 | 100.00 |
| Kenya | Schilling | 11/25 | 11/26 | 1 | 355.5 | 50.00 | 355.5 | 50.00 | | | 355.5 | 50.00 |
| Tanzania | Schilling | 11/26 | 11/28 | 2 | 355 | 50.00 | 710 | 100.00 | | | 710 | 100.00 |
| Ethiopia | E. dollars | 11/28 | 11/30 | 2 | 114.14 | 50.00 | 228.28 | 100.00 | | | 228.28 | 100.00 |
| Egypt | Pound | 11/30 | 12/2 | 2 | 27.7775 | 50.00 | 55.555 | 100.00 | 11.066 | 19.92 | 66.621 | 119.92 |
| Lebanon | Pound | 12/2 | 12/6 | 4 | 150 | 50.00 | 600.0 | 200.00 | | | 600.0 | 200.00 |
| U.S.S.R. | Ruble | 12/6 | 12/9 | 3 | 41.295 | 50.00 | 45.86 | 55.51 | | | 45.86 | 55.51 |
| U.S.S.R. | Br. pound | 12/6 | 12/9 | 3 | 21.23 | 50.00 | 13.06 | 30.76 | 39.86 | 94.02 | 52.92 | 124.78 |
| Yugoslavia | Dinar | 12/9 | 12/11 | 2 | 837.50 | 50.00 | 1,675 | 100.00 | 560.40 | 33.45 | 2,235.40 | 133.45 |
| Switzerland | Franc | 12/11 | 12/12 | 1 | 188.73 | 50.00 | 188.73 | 50.00 | | | 188.73 | 50.00 |
| Canada | C. dollar | 12/12 | 12/17 | 6 | 49.50 | 50.00 | 297.00 | 300.00 | 11.53 | 11.64 | 308.53 | 311.64 |
| Transportation | Y. dinar | | | | | | | | 38,060.35 | 2,272.26 | 38,060.35 | 2,272.26 |
| Hon. Jonathan B. Bingham: | | | | | | | | | | | | |
| Ireland | Pound | 3/29 | 3/30 | 2 | 19.155 | 50.00 | 38.31 | 100.00 | 36.10 | 94.25 | 74.41 | 194.25 |
| United Kingdom | Pound | 3/31 | 4/3 | 3 | 19.125 | 50.00 | 57.375 | 150.00 | 11.75 | 30.67 | 69.125 | 180.67 |
| Austria | Schilling | 4/3 | 4/5 | 3 | 1,148 | 50.00 | 3,444 | 150.00 | 4,619.67 | 199.67 | 8,063.67 | 349.67 |
| Israel | I. pound | 4/5 | 4/8 | 3 | 210 | 50.00 | 630 | 150.00 | 196.21 | 46.71 | 826.21 | 196.71 |
| Italy | Lira | 4/8 | 4/9 | 1 | 29,100 | 50.00 | 29,100 | 50.00 | 5,050 | 8.62 | 34,150 | 58.62 |
| Portugal | Escudo | 4/9 | 4/10 | | | | | | 433.10 | 16.05 | 433.10 | 16.05 |
| United Kingdom | Pound | 4/10 | 4/11 | 2 | 19.125 | 50.00 | 38.25 | 100.00 | | | 38.25 | 100.00 |
| Transportation | I. pound | | | | | | | | 5,451.22 | 1,297.91 | 5,451.22 | 1,297.91 |
| Transportation | D. mark | | | | | | | | 73.86 | 23.30 | 73.86 | 23.30 |

Footnotes at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 109, 1st SESS., 92d CONG., COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Robert B. Boettcher: | | | | | | | | | | | | |
| Denmark | Krone | 1/5 | 1/8 | 3 | 354 | $50.00 | 1,062.00 | $150.00 | | | 381.55 | $54.66 | 1,443.55 | $204.66 |
| Austria | Schilling | 1/8 | 1/11 | 4 | 1,180 | 50.00 | 4,720 | 200.00 | | | 3,143 | 133.08 | 7,863 | 333.08 |
| Turkey | Lira | 1/11 | 1/14 | 3 | 700 | 50.00 | 2,100 | 150.00 | | | 780.57 | 55.77 | 2,880.57 | 205.77 |
| Spain | Peseta | 1/14 | 1/17 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | | | 8,249.16 | 125.41 | 18,119.16 | 275.41 |
| Luxembourg | Franc | 1/17 | 1/19 | 2 | 2,217.5 | 50.00 | 4,435 | 100.00 | | | 3,270 | 71.86 | 7,705 | 171.86 |
| Belgium | Franc | 1/19 | 1/21 | 2 | 2,200 | 50.00 | 4,400 | 100.00 | | | 7,278.12 | 159.92 | 11,678.12 | 259.92 |
| United Kingdom | Pound | 3/2 | 3/6 | 5 | 19.125 | 50.00 | 95.625 | 250.00 | | | 15.38 | 39.27 | 111.005 | 289.27 |
| Transportation | D. mark | | | | | | | | | | 727.32 | 228.00 | 727.32 | 228.00 |
| Transportation | Br. pound | | | | | | | | | | 107.95 | 275.66 | 107.95 | 275.66 |
| Switzerland | S. franc | 8/4 | 8/13 | 10 | 188.628 | 50.00 | 1,697.65 | 450.00 | | | 173.15 | 44.95 | 1,870.80 | 494.95 |
| Transportation | D. mark | | | | | | | | | | 3,194.75 | 983.00 | 3,194.75 | 983.00 |
| United Kingdom | Pound | 12/4 | 12/5 | 1 | 21.23 | 50.00 | 21.23 | 50.00 | | | | | 21.23 | 50.00 |
| U.S.S.R. | Br. pound | 12/5 | 12/16 | 12 | 21.23 | 50.00 | 139.438 | 328.40 | | | 143.09 | 337.50 | 282.528 | 665.90 |
| U.S.S.R. | Ruble | 12/5 | 12/16 | 12 | 41.295 | 50.00 | 218.06 | 264.00 | | | | | 218.06 | 264.00 |
| United Kingdom | Pound | 12/16 | 12/18 | 1 | 21.23 | 50.00 | 21.23 | 50.00 | | | | | 21.23 | 50.00 |
| Transportation | Florin | | | | | | | | | | 2,345.01 | 1,313.00 | 2,345.01 | 1,313.00 |
| Robert K. Boyer: | | | | | | | | | | | | |
| Japan | Yen | 8/16 | 8/18 | 3 | 15,053 | 50.00 | 45,165 | 150.00 | | | 7,534 | 25.02 | 52,699 | 175.02 |
| Vietnam | Piastre | 8/18 | 8/20 | 1 | 24,000 | 50.00 | 24,000 | 50.00 | | | | | 24,000 | 50.00 |
| Thailand | Baht | 8/20 | 8/21 | 2 | 1,041.25 | 50.00 | 1,947.5 | 93.52 | | | | | 1,947.5 | 93.52 |
| Laos | Kip | 8/21 | 8/23 | 1 | 30,250 | 50.00 | 30,250 | 50.00 | | | 330,196.5 | 545.78 | 360,446.5 | 595.78 |
| Thailand | Baht | 8/23 | 9/1 | 9 | 1,041.25 | 50.00 | 9,371.25 | 450.00 | | | 835 | 40.75 | 10,206.25 | 490.75 |
| Hong Kong | HK dollar | 9/1 | 9/2 | 2 | 280.00 | 50.00 | 560.00 | 100.00 | | | | | 560.00 | 100.00 |
| Transportation | Kyats | | | | | | | | | | 78.05 | 14.66 | 78.05 | 14.66 |
| Transportation | D. mark | | | | | | | | | | 7,606.95 | 2,340.60 | 7,606.95 | 2,340.60 |
| John J. Brady, Jr.: | | | | | | | | | | | | |
| Japan | Yen | 8/16 | 8/18 | 3 | 15,053 | 50.00 | 45,165 | 150.00 | | | 7,534 | 25.02 | 52,699 | 175.02 |
| Vietnam | Piastre | 8/18 | 8/20 | 1 | 24,000 | 50.00 | 24,000 | 50.00 | | | | | 24,000 | 50.00 |
| Thailand | Baht | 8/20 | 8/21 | 2 | 1,041.25 | 50.00 | 1,947.5 | 93.52 | | | | | 1,947.5 | 93.52 |
| Laos | Kip | 8/21 | 8/23 | 1 | 30,250 | 50.00 | 30,250 | 50.00 | | | 330,196.5 | 545.77 | 360,446.5 | 595.77 |
| Thailand | Baht | 8/23 | 9/1 | 9 | 1,041.25 | 50.00 | 9,371.25 | 450.00 | | | 835 | 40.75 | 10,206.25 | 490.75 |
| Hong Kong | HK dollar | 9/1 | 9/2 | 2 | 280.00 | 50.00 | 560.00 | 100.00 | | | | | 560.00 | 100.00 |
| Transportation | Kyats | | | | | | | | | | 60.50 | 11.37 | 60.50 | 11.37 |
| Transportation | D. mark | | | | | | | | | | 7,606.95 | 2,340.60 | 7,606.95 | 2,340.60 |
| Hon. John H. Buchanan, Jr.: | | | | | | | | | | | | |
| Switzerland | Franc | 8/21 | 8/22 | 2 | 189 | 50.00 | 298.00 | 79.20 | | | | | 298.00 | 79.20 |
| Transportation | Guilder | | | | | | | | | | 3,222.80 | 983.00 | 3,222.80 | 983.00 |
| United Kingdom | Pound | 12/4 | 12/5 | 1 | 21.23 | 50.00 | 21.23 | 50.00 | | | | | 21.23 | 50.00 |
| U.S.S.R. | Br. pound | 12/5 | 12/11 | 7 | 21.23 | 50.00 | 83.54 | 197.04 | | | 66.23 | 156.20 | 149.77 | 353.24 |
| U.S.S.R. | Ruble | 12/5 | 12/11 | | 41.295 | 50.00 | 109.03 | 132.00 | | | | | 109.03 | 132.00 |
| Finland | Markka | 12/11 | 12/12 | 1 | 207.80 | 50.00 | 207.80 | 50.00 | | | | | 207.80 | 50.00 |
| United Kingdom | Pound | 12/12 | 12/13 | 1 | 21.23 | 50.00 | 21.23 | 50.00 | | | | | 21.23 | 50.00 |
| Transportation | Florin | | | | | | | | | | 2,363.21 | 1,256.00 | 2,363.21 | 1,256.00 |
| Hon. J. Herbert Burke: | | | | | | | | | | | | |
| Denmark | Krone | 1/5 | 1/8 | 3 | 354 | 50.00 | 1,062 | 150.00 | | | 381.55 | 54.66 | 1,443.55 | 204.66 |
| Austria | Schilling | 1/8 | 1/11 | 4 | 1,180 | 50.00 | 4,720 | 200.00 | | | 3,143 | 133.06 | 7,863 | 333.06 |
| Turkey | Lira | 1/11 | 1/14 | 3 | 700 | 50.00 | 2,100 | 150.00 | | | 780.57 | 55.75 | 2,880.57 | 205.75 |
| Spain | Peseta | 1/14 | 1/17 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | | | 8,249.12 | 125.36 | 18,119.12 | 275.36 |
| Luxembourg | Franc | 1/17 | 1/19 | 2 | 2,217.5 | 50.00 | 4,435 | 100.00 | | | 3,270 | 71.85 | 7,705 | 171.85 |
| Belgium | Franc | 1/19 | 1/21 | 2 | 2,200 | 50.00 | 4,400 | 100.00 | | | 7,278.12 | 159.92 | 11,678.12 | 259.92 |
| Goler T. Butcher: | | | | | | | | | | | | |
| United Kingdom | Pound | 1/8 | 1/11 | 3 | 19.50 | 50.00 | 58.50 | 150.00 | | | 3.11 | 7.94 | 61.91 | 157.94 |
| Sudan | Pound | 1/11 | 1/15 | 4 | 17.300 | 50.00 | 69.200 | 200.00 | | | | | 69.200 | 200.00 |
| Kenya | Schilling | 1/15 | 1/16 | 1 | 355.50 | 50.00 | 355.50 | 50.00 | | | 11.50 | 1.61 | 367.00 | 51.61 |
| Zambia | Kwacha | 1/16 | 1/22 | 7 | 35.95 | 50.00 | 251.62 | 350.00 | | | 416.22 | 582.71 | 667.84 | 932.71 |
| Belgium | B. franc | 1/23 | 1/26 | 3 | 2,200 | 50.00 | 6,600 | 150.00 | | | | | 6.600 | 150.00 |
| Transportation | Guilder | | | | | | | | | | 6,300.55 | 1,713.00 | 6,300.55 | 1,713.00 |
| United Kingdom | Pound | 5/2 | 5/8 | 7 | 19.085 | 50.00 | 133.595 | 350.00 | | | | | 133.595 | 350.00 |
| Transportation | D. mark | | | | | | | | | | 1,675 | 909.67 | 1.675 | 909.67 |
| Ivory Coast | CFA Franc | 11/15 | 11/18 | 3 | 12,550 | 50.00 | 37,650 | 150.00 | | | | | 37,650 | 150.00 |
| Nigeria | Pound | 11/18 | 11/22 | 4 | 16.265 | 50.00 | 65.06.4 | 200.00 | 16.33.0 | 50.01 | 81.39.4 | | 250.01 |
| Kenya | Schilling | 11/22 | 11/23 | 1 | 355.5 | 50.00 | 355.5 | 50.00 | | | | | 355.5 | 50.00 |
| Seychelles | Schilling | 11/23 | 11/25 | 2 | 355.5 | 50.00 | 711 | 100.00 | | | | | 711 | 100.00 |
| Kenya | Schilling | 11/25 | 11/26 | 1 | 355.5 | 50.00 | 355.5 | 50.00 | | | | | 355.5 | 50.00 |
| Tanzania | Schilling | 11/26 | 11/28 | 2 | 355 | 50.00 | 710 | 100.00 | | | | | 710 | 100.00 |
| Ethiopia | E. dollars | 11/28 | 11/30 | 2 | 114.14 | 50.00 | 228.28 | 100.00 | | | | | 228.28 | 100.00 |
| Egypt | Pound | 11/30 | 12/2 | 2 | 27.7775 | 50.00 | 55.555 | 100.00 | 11.066 | 19.92 | | | 66.621 | 119.92 |
| Lebanon | Pound | 12/2 | 12/6 | 4 | 150 | 50.00 | 600.0 | 200.00 | | | | | 600.0 | 200.00 |
| U.S.S.R. | Ruble | 12/6 | 12/9 | 3 | 41.295 | 50.00 | 45.86 | 55.51 | | | | | 45.86 | 55.51 |
| U.S.S.R. | Br. pound | 12/6 | 12/9 | 3 | 21.23 | 50.00 | 13.06 | 30.76 | 39.86 | 94.02 | | | 52.92 | 124.78 |
| Yugoslavia | Dinar | 12/9 | 12/11 | 2 | 837.50 | 50.00 | 1.675 | 100.00 | 560.40 | 33.45 | | | 2,235.40 | 133.45 |
| Switzerland | Franc | 12/11 | 12/12 | 1 | 188.73 | 50.00 | 188.73 | 50.00 | | | | | 188.73 | 50.00 |
| Canada | C. dollar | 12/12 | 12/17 | 6 | 49.50 | 50.00 | 297.00 | 300.00 | 11.53 | 11.63 | | | 308.53 | 311.63 |
| Transportation | Y. dinar | | | | | | | | | | 38,060.35 | 2,272.26 | 38,060.35 | 2,272.26 |
| John Chapman Chester: | | | | | | | | | | | | |
| Japan | Yen | 11/11 | 11/13 | 3 | 15,055 | 50.00 | 45,165 | 150.00 | | | 13,324.5 | 44.25 | 58,489.50 | 194.25 |
| Korea | Won | 11/13 | 11/17 | 4 | 19,846 | 50.00 | 79,384 | 200.00 | | | 4,433 | 11.17 | 83,817 | 211.17 |
| Philippines | Peso | 11/17 | 11/22 | 4 | 335.50 | 50.00 | 1,342 | 200.00 | | | 265.58 | 39.46 | 1,607.58 | 239.46 |
| Malaysia | M. dollar | 11/22 | 11/25 | 4 | 137.5 | 50.00 | 550 | 200.00 | | | | | 550 | 200.00 |
| Thailand | Baht | 11/26 | 12/1 | 6 | 1,041.25 | 50.00 | 6,247.50 | 300.00 | | | | | 6,247.50 | 300.00 |
| Transportation | Guilder | | | | | | | | | | 7,994.40 | 2,439.55 | 7,994.40 | 2,439.55 |
| Harry C. Cromer: | | | | | | | | | | | | |
| Argentina | Peso | 3/13 | 3/16 | 3 | 486 | 50.00 | 1,458 | 150.00 | | | | | 1,458 | 150.00 |
| Brazil | Cruzeiros | 3/16 | 3/20 | 5 | 290.5 | 50.00 | 1,452.5 | 250.00 | | | | | 1,452.5 | 250.00 |
| Transportation | D. mark | | | | | | | | | | 3,214.25 | 989.00 | 3,214.25 | 989.00 |
| Italy | Lira | 8/24 | 8/29 | 6 | 29,050 | 50.00 | 174,300 | 300.00 | | | 12,950 | 22.25 | 187,250 | 322.25 |
| Switzerland | Franc | 8/30 | 8/31 | 2 | 188.825 | 50.00 | 377.65 | 100.00 | | | 357.5 | 94.64 | 735.15 | 194.64 |
| Austria | Schilling | 8/31 | 9/6 | 5 | 1,146.5 | 50.00 | 5,732.50 | 250.00 | | | 4,450 | 194.07 | 10,182.5 | 444.07 |
| France | Franc | 9/6 | 9/8 | 3 | 250 | 50.00 | 750 | 150.00 | | | 626.01 | 125.20 | 1,376.01 | 275.20 |
| Transportation | Guilder | | | | | | | | | | 1,797.5 | 548.57 | 1,797.5 | 548.57 |
| Hon. John C. Culver: | | | | | | | | | | | | |
| France | Franc | 8/17 | 8/19 | 2 | 251 | 50.00 | 502 | 100.00 | | | 76.50 | 15.24 | 578.50 | 115.24 |
| Belgium | Franc | 8/19 | 8/23 | 5 | 2,200 | 50.00 | 11,000 | 250.00 | | | | | 11,000 | 250.00 |
| Transportation | D. mark | | | | | | | | | | 3,071.25 | 945.00 | 3,071.25 | 945.00 |

Footnotes at end of table.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 109, 1st SESS., 92d CONG., COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Marian A. Czarnecki: | | | | | | | | | | | | |
| Argentina | Peso | 3/13 | 3/16 | 3 | 486 | $50.00 | 1,458 | $150.00 | | | 1,458 | $150.00 |
| Brazil | Cruzeiro | 3/16 | 3/20 | 5 | 290.5 | 50.00 | 1,452.5 | 250.00 | | | 1,452.5 | 250.00 |
| Transportation | D. mark | | | | | | | | 3,214.25 | $989.00 | 3,214.25 | 989.00 |
| Italy | Lira | 8/24 | 8/29 | 6 | 29,050 | 50.00 | 174,300 | 300.00 | 12,950 | 22.25 | 187,250 | 322.25 |
| Switzerland | Franc | 8/30 | 8/31 | 2 | 188.825 | 50.00 | 377.65 | 100.00 | 357.5 | 94.64 | 735.15 | 194.64 |
| Austria | Schilling | 8/31 | 9/6 | 5 | 1,146.5 | 50.00 | 5,732.50 | 250.00 | 4,450 | 194.07 | 10,182.5 | 444.07 |
| France | Franc | 9/6 | 9/8 | 3 | 250 | 50.00 | 750 | 150.00 | 626.01 | 125.20 | 1,376.01 | 275.20 |
| Transportation | Guilder | | | | | | | | 1,797.5 | 548.57 | 1,797.5 | 548.57 |
| Hon. Charles C. Diggs, Jr.: | | | | | | | | | | | | |
| United Kingdom | Pound | 1/8 | 1/11 | 3 | 19.50 | 50.00 | 58.80 | 150.00 | 3.11 | 7.94 | 61.91 | 157.94 |
| Sudan | Pound | 1/11 | 1/15 | 4 | 17,300 | 50.00 | 69,200 | 200.00 | | | 69,200 | 200.00 |
| Kenya | Schilling | 1/15 | 1/16 | 1 | 355.50 | 50.00 | 355.50 | 50.00 | 11.50 | 1.61 | 367.00 | 51.61 |
| Zambia | Kwacha | 1/16 | 1/22 | 7 | 35.95 | 50.00 | 251.62 | 350.00 | 416.22 | 582.71 | 667.84 | 932.71 |
| Belgium | Franc | 1/23 | 1/26 | 3 | 2,200 | 50.00 | 6,600 | 150.00 | | | 6,600 | 150.00 |
| Transportation | Guilder | | | | | | | | 6,293.11 | 1,713.00 | 6,293.11 | 1,713.00 |
| Japan | Yen | 6/7 | 6/11 | 5 | 15,230 | 50.00 | 76,150 | 250.00 | 30,398 | 99.70 | 106,548 | 349.70 |
| Ivory Coast | CFA Franc | 11/15 | 11/18 | 3 | 12,550 | 50.00 | 37,650 | 150.00 | | | 37,650 | 150.00 |
| Nigeria | Pound | 11/18 | 11/22 | 4 | 16.265 | 50.00 | 65.06.4 | 200.00 | 16.34.0 | 50.02 | 81.40.4 | 250.02 |
| Kenya | Schilling | 11/22 | 11/23 | 1 | 355.5 | 50.00 | 355.5 | 50.00 | | | 355.5 | 50.00 |
| Seychelles | Schilling | 11/23 | 11/25 | 2 | 355.5 | 50.00 | 711 | 100.00 | | | 711 | 100.00 |
| Kenya | Schilling | 11/25 | 11/26 | 1 | 355.5 | 50.00 | 355.5 | 50.00 | | | 355.5 | 50.00 |
| Tanzania | Schilling | 11/26 | 11/28 | 2 | 355 | 50.00 | 710 | 100.00 | | | 710 | 100.00 |
| Ethiopia | E. dollar | 11/28 | 11/30 | 2 | 114.14 | 50.00 | 228.28 | 100.00 | | | 228.28 | 100.00 |
| Egypt | Pound | 11/30 | 12/2 | 2 | 27.7775 | 50.00 | 55.555 | 100.00 | 11.066 | 19.93 | 66.621 | 119.93 |
| Lebanon | Pound | 12/2 | 12/6 | 4 | 150 | 50.00 | 600 | 200.00 | | | 600 | 200.00 |
| U.S.S.R | Ruble | 12/6 | 12/9 | 3 | 41.295 | 50.00 | 45.86 | 55.51 | | | 45.86 | 55.51 |
| U.S.S.R | Br. pound | 12/6 | 12/9 | 3 | 21.23 | 50.00 | 13.06 | 30.76 | 39.86 | 94.02 | 52.92 | 124.78 |
| Yugoslavia | Dinar | 12/9 | 12/11 | 2 | 837.50 | 50.00 | 1,675 | 100.00 | 560.40 | 33.45 | 2,235.40 | 133.45 |
| Switzerland | Franc | 12/11 | 12/12 | 1 | 188.73 | 50.00 | 188.73 | 50.00 | | | 188.73 | 50.00 |
| Canada | C. dollar | 12/12 | 12/17 | 6 | 49.50 | 50.00 | 297 | 300.00 | 11.53 | 11.63 | 308.53 | 311.63 |
| Transportation | Y. dinar | | | | | | | | 37,533.07 | 2,240.78 | 37,533.07 | 2,240.78 |
| Hon. Dante B. Fascell: | | | | | | | | | | | | |
| Colombia | Peso | 8/4 | 8/6 | 3 | 1,100.50 | 50.00 | 3,301.50 | 150.00 | | | 3,301.50 | 150.00 |
| Transportation | D. mark | | | | | | | | 1,637.64 | 503.89 | 1,637.64 | 503.89 |
| Costa Rica | Colon | 11/18 | 11/22 | 5 | 428.50 | 50.00 | 633.31 | 73.90 | 200.35 | 23.38 | 833.66 | 97.28 |
| Transportation | D. mark | | | | | | | | 649.60 | 203.00 | 649.60 | 203.00 |
| Guatemala | Quetzals | 12/5 | 12/10 | 6 | 50.00 | 50.00 | | | | | | |
| Transportation | D. mark | | | | | | | | 828.80 | 259.00 | 828.80 | 259.00 |
| Hon. Paul Findley: | | | | | | | | | | | | |
| Denmark | Krone | 1/5 | 1/7 | 2 | 354 | 50.00 | 354 | 50.00 | | | 354 | 50.00 |
| U.S.S.R | Ruble | 1/7 | 1/9 | 2 | 41.450 | 50.00 | 53.749 | 65.44 | | | 53.749 | 65.44 |
| Austria | Schilling | 1/9 | 1/12 | 4 | 1,180 | 50.00 | 4,720 | 200.00 | | | 4,720 | 200.00 |
| Transportation | D. mark | | | | | | | | 1,013.27 | 293.70 | 1,013.27 | 293.70 |
| United Kingdom | Pound | 3/3 | 3/6 | 4 | 19.125 | 50.00 | 56.50 | 148.93 | | | 56.50 | 148.93 |
| Transportation | D. mark | | | | | | | | 2,707.25 | 833.00 | 2,707.25 | 833.00 |
| Italy | Lira | 6/30 | 7/2 | 3 | 28,950 | 50.00 | 86,850 | 150.00 | 167,220 | 287.32 | 254,070 | 437.32 |
| Egypt | Pound | 7/2 | 7/7 | 5 | 27.7775 | 50.00 | 138.885 | 250.00 | 110 | 197.98 | 248.885 | 447.98 |
| Israel | Pound | 7/7 | 7/9 | 2 | 210 | 50.00 | 420 | 100.00 | 812.74 | 193.51 | 1,232.74 | 293.51 |
| Romania | Lei | 7/9 | 7/14 | 4 | 792 | 50.00 | 3,168 | 200.00 | | | 3,168 | 200.00 |
| Greece | Drachma | 7/14 | 7/17 | 4 | 1,500 | 50.00 | 6,000 | 200.00 | | | 6,000 | 200.00 |
| Transportation | I. pound | | | | | | | | 3,166.80 | 754.00 | 3,166.80 | 754.00 |
| Robert Michael Finley: | | | | | | | | | | | | |
| Costa Rica | Colon | 11/18 | 11/22 | 5 | 428.50 | 50.00 | 447.8 | 52.27 | 200.35 | 23.38 | 648.33 | 75.65 |
| Transportation | D. mark | | | | | | | | 649.60 | 203.00 | 649.60 | 203.00 |
| Transportation | U.S. dollar | | | | | | | | | 132.12 | | 132.12 |
| Guatemala | Quetzal | 12/5 | 12/10 | 6 | 50.00 | 50.00 | 145.58 | 145.58 | | | 145.58 | 145.58 |
| Transportation | D. mark | | | | | | | | 1,396.20 | 435.36 | 1,396.20 | 435.36 |
| Hon. Donald M. Fraser: | | | | | | | | | | | | |
| Denmark | Krone | 1/5 | 1/8 | 3 | 354 | 50.00 | 1,062 | 150.00 | 381.55 | 54.66 | 1,443.55 | 204.66 |
| Austria | Schilling | 1/8 | 1/11 | 4 | 1,180 | 50.00 | 4,720 | 200.00 | 3,153 | 133.06 | 7,863 | 333.06 |
| Turkey | Lira | 1/11 | 1/14 | 3 | 700 | 50.00 | 2,100 | 150.00 | 780.57 | 55.75 | 2,880.57 | 205.75 |
| Spain | Peseta | 1/14 | 1/17 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | 8,249.12 | 125.36 | 18,119.12 | 275.36 |
| Luxembourg | Franc | 1/17 | 1/19 | 2 | 2,217.5 | 50.00 | 4,435 | 100.00 | 3,270 | 71.85 | 7,705 | 171.85 |
| Belgium | Franc | 1/19 | 1/21 | 2 | 2,200 | 50.00 | 2,065 | 48.69 | 7,278.12 | 159.92 | 9,343.12 | 208.61 |
| Transportation | B. franc | | | | | | | | 24,900 | 547.13 | 24,900 | 547.13 |
| United Kingdom | Pound | 3/3 | 3/6 | 4 | 19.125 | 50.00 | 61.34 | 161.29 | 3.12 | 7.97 | 64.46 | 169.26 |
| Transportation | D. mark | | | | | | | | 2,707.25 | 833.00 | 2,707.25 | 833.00 |
| United Kingdom | Pound | 12/4 | 12/5 | 1 | 21.23 | 50.00 | 21.23 | 50.00 | | | 21.23 | 50.00 |
| U.S.S.R | Br. pound | 12/5 | 12/16 | 12 | 21.23 | 50.00 | 139.438 | 328.40 | 143.09 | 337.50 | 282.528 | 665.90 |
| U.S.S.R | Ruble | 12/5 | 12/16 | | 41.295 | 50.00 | 218.06 | 264.00 | | | 218.06 | 264.00 |
| United Kingdom | Pound | 12/16 | 12/17 | 1 | 21.23 | 50.00 | 21.23 | 50.00 | | | 21.23 | 50.00 |
| Transportation | Florin | | | | | | | | 2,345.01 | 1,313.00 | 2,345.01 | 1,313.00 |
| Hon. Cornelius E. Gallagher: | | | | | | | | | | | | |
| Japan | Yen | 1/5 | 1/6 | 2 | 15,740 | 50.00 | 31,480 | 100.00 | | | 31,480 | 100.00 |
| Korea | Won | 1/6 | 1/9 | 3 | 18,587.66 | 50.00 | 55,763 | 150.00 | | | 55,763 | 150.00 |
| Taiwan | NT dollar | 1/9 | 1/13 | 4 | 2,000 | 50.00 | 8,000 | 200.00 | | | 8,000 | 200.00 |
| Hong Kong | HK Dollar | 1/13 | 1/17 | 4 | 282.5 | 50.00 | 1,130 | 200.00 | 147.60 | 25.89 | 1,277.60 | 225.89 |
| Transportation | Guilder | | | | | | | | 7,821.95 | 2,143.00 | 7,821.95 | 2,143.00 |
| Clifford P. Hackett: | | | | | | | | | | | | |
| Denmark | Krone | 1/5 | 1/8 | 3 | 354 | 50.00 | 1,062 | 150.00 | 381.55 | 54.69 | 1,443.55 | 204.69 |
| Austria | Schilling | 1/8 | 1/11 | 4 | 1,180 | 50.00 | 4,720 | 200.00 | 3,143 | 133.08 | 7,863 | 333.08 |
| Turkey | Lira | 1/11 | 1/14 | 3 | 700 | 50.00 | 2,100 | 150.00 | 780.57 | 55.78 | 2,880.57 | 205.78 |
| Spain | Peseta | 1/14 | 1/17 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | 8,249.12 | 125.36 | 18,119.12 | 275.36 |
| Luxembourg | Franc | 1/17 | 1/19 | 2 | 2,217.5 | 50.00 | 4,435 | 100.00 | 3,270 | 71.86 | 7,705 | 171.86 |
| Belgium | Franc | 1/19 | 1/21 | 2 | 2,200 | 50.00 | 4,400 | 100.00 | 7,279.0 | 159.95 | 11,679 | 259.95 |
| United Kingdom | Pound | 6/2 | 6/4 | 3 | 19.085 | 50.00 | 38.17 | 100.00 | | | 38.17 | 100.00 |
| Transportation | D. mark | | | | | | | | 1,865.50 | 586.64 | 1,865.50 | 586.64 |
| United Kingdom | Pound | 11/23 | 11/26 | 3 | 21.23 | 50.00 | 60.84 | 143.29 | | | 60.84 | 143.29 |
| Belgium | Franc | 11/26 | 11/28 | 2 | 2,200 | 50.00 | 4,350.28 | 98.87 | 510 | 11.59 | 4,860.28 | 110.46 |
| Luxembourg | Franc | 11/28 | 12/1 | 3 | 2,197 | 50.00 | 6,591 | 150.00 | | | 6,591 | 150.00 |
| Germany | D. mark | 12/1 | 12/2 | 2 | 160 | 50.00 | 320 | 100.00 | | | 320 | 100.00 |
| U.S.S.R | Br. pound | 12/2 | 12/16 | 14 | 21.23 | 50.00 | 166.45 | 392.00 | 153.65 | 362.40 | 320.10 | 754.40 |
| U.S.S.R | Ruble | 12/2 | 12/16 | 14 | 41.295 | 50.00 | 254.41 | 308.00 | | | 254.41 | 308.00 |
| Transportation | Y. dinar | | | | | | | | 21,511.80 | 1,292.00 | 21,511.80 | 1,292.00 |

Footnotes at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 109, 1st SESS., 92d CONG., COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Seymour Halpern: | | | | | | | | | | | | |
| Austria | Schilling | 4/3 | 4/5 | 3 | 1,148.00 | $50.00 | 3,444.00 | $150.00 | 4,619.67 | $199.67 | 8,063.67 | $349.67 |
| Israel | I. pound | 4/5 | 4/8 | 3 | 210.00 | 50.00 | 630.00 | 150.00 | 196.21 | 46.71 | 826.21 | 196.71 |
| Greece | Drachma | 4/8 | 4/12 | 4 | 1,500.00 | 50.00 | 6,000 | 200.00 | | | 6,000 | 200.00 |
| Transportation | I. pound | | | | | | | | 6,430.20 | 1,531.00 | 6,430.20 | 1,531.00 |
| Sweden | Krona | 6/4 | 6/17 | 13 | 236.624 | 50.00 | 3,076.12 | 650.00 | 7,543.00 | 1,573.75 | 10,619.12 | 2,223.75 |
| Transportation | D. mark | | | | | | | | 3,409.25 | 1,072.09 | 3,409.25 | 1,072.09 |
| Hon. Sherman P. Lloyd: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/4 | 12/5 | 1 | 21.23 | 50.00 | 21.23 | 50.00 | | | 21.23 | 50.00 |
| U.S.S.R | Br. pound | 12/5 | 12/11 | 7 | 21.23 | 50.00 | 83.54 | 197.04 | 66.23 | 156.20 | 149.77 | 353.24 |
| U.S.S.R | Ruble | 12/5 | 12/11 | 7 | 41.295 | 50.00 | 109.03 | 132.00 | | | 109.03 | 132.00 |
| Finland | Markka | 12/11 | 12/12 | 1 | 207.80 | 50.00 | 207.80 | 50.00 | | | 207.80 | 50.00 |
| United Kingdom | Pound | 12/12 | 12/14 | 2 | 21.23 | 50.00 | 21.23 | 50.00 | | | 21.23 | 50.00 |
| Hon. William S. Mailliard: | | | | | | | | | | | | |
| Israel | Pound | 4/9 | 4/15 | 7 | 210 | 50.00 | 1,470 | 350.00 | | | 1,470 | 350.00 |
| Transportation | I. pound | | | | | | | | 6,413.04 | 1,527.00 | 6,413.40 | 1,527.00 |
| Hon. Robert B. (Bob) Mathias: | | | | | | | | | | | | |
| Greece | Drachma | 12/3 | 12/7 | 5 | 1,500 | 50.00 | 7,500 | 250.00 | | | 7,500 | 250.00 |
| Transportation | Br. pound | | | | | | | | 229.75 | 542.20 | 229.75 | 542.20 |
| Hon. Morgan F. Murphy: | | | | | | | | | | | | |
| Denmark | Krone | 1/5 | 1/8 | 3 | 354 | 50.00 | 1,062 | 150.00 | 381.55 | 54.66 | 1,443.55 | 204.66 |
| Austria | Schilling | 1/8 | 1/11 | 4 | 1,180 | 50.00 | 4,720 | 200.00 | 3,143 | 133.06 | 7,863 | 333.06 |
| Turkey | Lira | 1/11 | 1/14 | 3 | 700 | 50.00 | 2,100 | 150.00 | 780.57 | 55.75 | 2,880.57 | 205.75 |
| Spain | Peseta | 1/14 | 1/17 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | 8,249.12 | 125.36 | 18,119.12 | 275.36 |
| Luxembourg | Franc | 1/17 | 1/19 | 2 | 2,217.5 | 50.00 | 4,435 | 100.00 | 3,270 | 71.85 | 7,705 | 171.85 |
| Belgium | Franc | 1/19 | 1/21 | 2 | 2,200 | 50.00 | 4,400 | 100.00 | 7,278.12 | 159.92 | 11,678.12 | 259.92 |
| France | Franc | 8/26 | 8/30 | 5 | 250 | 50.00 | 1,250 | 250.00 | 1,537 | 307.07 | 2,787 | 557.07 |
| United Kingdom | Pound | 8/30 | 9/6 | 7 | 19.295 | 50.00 | 111.35 | 287.84 | | | 111.35 | 287.84 |
| Transportation | D. mark | | | | | | | | 3,367 | 1,036.00 | 3,367 | 1,036.00 |
| Hon. Benjamin S. Rosenthal: | | | | | | | | | | | | |
| Denmark | Krone | 1/5 | 1/8 | 3 | 354 | 50.00 | 1,062 | 150.00 | 381.55 | 54.66 | 1,443.55 | 204.66 |
| Austria | Schilling | 1/8 | 1/11 | 4 | 1,180 | 50.00 | 4,720 | 200.00 | 3,143 | 133.06 | 7,863 | 333.06 |
| Turkey | Lira | 1/11 | 1/14 | 3 | 700 | 50.00 | 2,100 | 150.00 | 780.57 | 55.75 | 2,880.57 | 205.75 |
| Spain | Peseta | 1/14 | 1/17 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | 8,249.12 | 125.36 | 18,119.12 | 275.36 |
| Luxembourg | Franc | 1/17 | 1/19 | 2 | 2,217.5 | 50.00 | 4,435 | 100.00 | 3,270 | 71.85 | 7,705 | 171.85 |
| Belgium | Franc | 1/19 | 1/21 | 2 | 2,200 | 50.00 | 4,400 | 100.00 | 7,278.12 | 159.92 | 11,678.12 | 259.92 |
| United Kingdom | Pound | 12/4 | 12/5 | 1 | 21.23 | 50.00 | 21.23 | 50.00 | | | 21.23 | 50.00 |
| U.S.S.R | Pound | 12/5 | 12/11 | 7 | 21.23 | 50.00 | 83.54 | 197.04 | 66.23 | 156.20 | 149.77 | 353.24 |
| U.S.S.R | Ruble | 12/5 | 12/11 | | 41.295 | 50.00 | 109.03 | 132.00 | | | 109.03 | 132.00 |
| Finland | Markka | 12/11 | 12/12 | 1 | 207.80 | 50.00 | 207.80 | 50.00 | | | 207.80 | 50.00 |
| United Kingdom | Pound | 12/12 | 12/14 | 2 | 21.23 | 50.00 | 21.23 | 50.00 | | | 21.23 | 50.00 |
| Transportation | Florin | | | | | | | | 2,363.21 | 1,256.00 | 2,363.21 | 1,256.00 |
| John H. Sullivan: | | | | | | | | | | | | |
| Japan | Yen | 11/11 | 11/13 | 3 | 15,055 | 50.00 | 45,165 | 150.00 | 13,324.5 | 44.26 | 58,489.5 | 194.26 |
| Korea | Won | 11/13 | 11/17 | 4 | 19,846 | 50.00 | 79,384 | 200.00 | 4,433 | 11.16 | 83,817 | 211.16 |
| Philippines | Peso | 11/17 | 11/22 | 4 | 335.50 | 50.00 | 1,342 | 200.00 | 265.58 | 39.46 | 1,607.58 | 239.46 |
| Indonesia | Rupiah | 11/22 | 11/26 | 4 | 20,850 | 50.00 | 83,400 | 200.00 | | | 83,400 | 200.00 |
| Thailand | Baht | 11/26 | 12/1 | 6 | 1,041.25 | 50.00 | 6,247.50 | 300.00 | | | 6,247.5 | 300.00 |
| Transportation | Guilder | | | | | | | | 8,295.89 | 2,531.55 | 8,295.89 | 2,531.55 |
| Michael H. Van Dusen: | | | | | | | | | | | | |
| Austria | Schilling | 4/2 | 4/5 | 4 | 1,148 | 50.00 | 4,592 | 200.00 | 4,849.26 | 209.67 | 9,441.26 | 409.67 |
| Israel | Pound | 4/5 | 4/8 | 3 | 210 | 50.00 | 608.50 | 144.88 | 196.26 | 46.73 | 804.76 | 191.61 |
| Transportation | I. pound | | | | | | | | 6,413.50 | 1,527.00 | 6,413.50 | 1,527.00 |
| Hon. Guy Vander Jagt: | | | | | | | | | | | | |
| Denmark | Krone | 1/5 | 1/8 | 3 | 354 | 50.00 | 1,062 | 150.00 | 381.55 | 54.66 | 1,443.55 | 204.66 |
| Austria | Schilling | 1/8 | 1/11 | 4 | 1,180 | 50.00 | 4,720 | 200.00 | 3,143 | 133.06 | 7,863 | 333.06 |
| Turkey | Lira | 1/11 | 1/14 | 3 | 700 | 50.00 | 2,100 | 150.00 | 780.57 | 55.75 | 2,880.57 | 205.75 |
| Spain | Peseta | 1/14 | 1/17 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | 8,249.12 | 125.36 | 18,119.12 | 275.36 |
| Luxembourg | Franc | 1/17 | 1/19 | 2 | 2,217.5 | 50.00 | 4,435 | 100.00 | 3,270 | 71.85 | 7,705 | 171.85 |
| Belgium | Franc | 1/19 | 1/21 | 2 | 2,200 | 50.00 | 4,400 | 100.00 | 7,278.12 | 159.92 | 11,678.12 | 259.92 |
| Hon. J. Irving Whalley: | | | | | | | | | | | | |
| Ireland | Pound | 9/2 | 9/4 | 3 | 20.50 | 50.00 | 61.50 | 150.00 | | | 61.50 | 150.00 |
| United Kingdom | Pound | 9/4 | 9/8 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | | | 80.00 | 200.00 |
| Spain | Peseta | 9/8 | 9/9 | 1 | 3,175 | 50.00 | 3,175 | 50.00 | 9,895 | 155.83 | 13,070 | 205.83 |
| Morocco | Dirham | 9/9 | 9/12 | 3 | 230.5 | 50.00 | 691 | 150.00 | 761.61 | 167.38 | 1,452.61 | 317.38 |
| Spain | Peseta | 9/12 | 9/13 | 1 | 3,175 | 50.00 | 3,175 | 50.00 | | | 3,175 | 50.00 |
| Transportation[2] | U.S. dollar | | | | | | | | | 814.60 | | 814.60 |
| Hon. Lester L. Wolff: | | | | | | | | | | | | |
| Denmark | Krone | 1/5 | 1/8 | 3 | 354 | 50.00 | 1,062 | 150.00 | 381.55 | 54.66 | 1,443.55 | 204.66 |
| Austria | Schilling | 1/8 | 1/11 | 4 | 1,180 | 50.00 | 4,720 | 200.00 | 3,143 | 133.06 | 7,863 | 333.06 |
| Turkey | Lira | 1/11 | 1/14 | 3 | 700 | 50.00 | 2,100 | 150.00 | 780.57 | 55.75 | 2,880.57 | 205.75 |
| Spain | Peseta | 1/14 | 1/17 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | 8,249.12 | 125.36 | 18,119.12 | 275.36 |
| Luxembourg | Franc | 1/17 | 1/19 | 2 | 2,217.5 | 50.00 | 4,435 | 100.00 | 3,270 | 71.85 | 7,705 | 171.85 |
| Belgium | B. franc | 1/19 | 1/21 | 3 | 2,200 | 50.00 | 6,600 | 150.00 | 7,278.12 | 159.92 | 13,878.12 | 309.92 |
| Germany | | 1/21 | 1/22 | | | | | | | | | |
| Japan | Yen | 1/23 | 1/24 | 2 | 15,590 | 50.00 | 31,180 | 100.00 | 22,531 | 71.55 | 53,711 | 171.55 |
| Korea | Won | 1/24 | 1/27 | 3 | 18,687 | 50.00 | 55,248 | 147.82 | | | 55,248 | 147.82 |
| Taiwan | NT dollar | 1/27 | 1/30 | 3 | 2,000 | 50.00 | 6,000 | 150.00 | | | 6,000 | 150.00 |
| Hong Kong/Philippines | Peso | 1/30 | 2/2 | 3 | 319 | 50.00 | 638 | 100.00 | | | 638 | 100.00 |
| Transportation | D. mark | | | | | | | | 7,172.60 | 2,216.60 | 7,172.60 | 2,216.60 |
| Total | | | | | | | | | 33,415.77 | 69,308.53 | | 102,724.30 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Transportation furnished by Department of Air Force.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $101,777.58 |
| Appropriated funds: | |
| H. Res. 823, 92d Cong | 132.12 |
| Government department: | |
| Department of Defense | 814.60 |
| Total | 102,724.30 |

THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 304, 2D SESS., 92D CONG., COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **RECAPITULATION—COMMITTEE ON GOVERNMENT OPERATIONS** | | | | | | | | | | | | |
| Total, Standing Committee and all subcommittees. | | | | | | | | $8,300.00 | | $15,115.01 | | $23,415.01 |
| Standing Committee | | | | | | | | 700.00 | | 15.83 | | 715.83 |
| Conservation and Natural Resources Subcommittee. | | | | | | | | 1,400.00 | | 3,638.39 | | 5,038.39 |
| Foreign Operations and Government Information Subcommittee. | | | | | | | | 6,200.00 | | 11,460.79 | | 17,660.79 |
| **STANDING COMMITTEE** | | | | | | | | | | | | |
| Hon. Clarence J. Brown: | | | | | | | | | | | | |
| Italy | Lira | 5/17 | 5/18 | 1 | 29,200.00 | $50.00 | 29,200.00 | 50.00 | 9,276.00 | 15.83 | 3,8476.00 | 65.83 |
| Zaire | Zaires | 5/19 | 5/24 | 5 | 24.500 | 50.00 | 122.500 | 250.00 | 0 | 0 | 122.500 | 250.00 |
| Kenya | Shillings | 5/24 | 5/27 | 3 | 355.583 | 50.00 | 1,066.75 | 150.00 | 0 | 0 | 1,066.75 | 150.00 |
| Ethiopia | E dollar | 5/27 | 5/29 | 2 | 114.14 | 50.00 | 228.28 | 100.00 | 0 | 0 | 228.28 | 100.00 |
| Greece | Drachma | 5/29 | 5/31 | 3 | 1,500.00 | 50.00 | 4,500.00 | 150.00 | 0 | 0 | 4,500.00 | 150.00 |
| Total, Standing Committee | | | | | | | | 700.00 | | 15.83 | | 715.83 |
| **CONSERVATION AND NATURAL RESOURCES SUBCOMMITTEE** | | | | | | | | | | | | |
| Hon. Gilbert Gude: | | | | | | | | | | | | |
| Germany | D. mark | | | | | | | | 2,253.58 | 693.50 | 2,253.58 | 693.50 |
| Sweden | Krona | 6/5 | 6/10 | 6 | 235.625 | 50.00 | 1,419.75 | 300.00 | 2,355.60 | 500.65 | 3,775.35 | 800.65 |
| Subtotal | | | | | | | | 300.00 | | 1,194.15 | | 1,494.15 |
| John Philip Carlson: | | | | | | | | | | | | |
| Germany | D. mark | | | | | | | | 3,396.25 | 1,045.00 | 3,396.25 | 1,045.00 |
| Sweden | Krona | 6/5 | 6/17 | 13 | 236.625 | 50.00 | 3,076.13 | 650.00 | 834.70 | 177.12 | 3,910.83 | 827.12 |
| Subtotal | | | | | | | | 650.00 | | 1,222.12 | | 1,872.12 |
| David B. Finnegan: | | | | | | | | | | | | |
| Germany | D. mark | | | | | | | | 3,396.25 | 1,045.00 | 3,396.25 | 1,045.00 |
| Sweden | Krona | 6/5 | 6/13 | 9 | 236.625 | 50.00 | 2,129.75 | 450.00 | 834.70 | 177.12 | 2,964.45 | 627.12 |
| Subtotal | | | | | | | | 450.00 | | 1,222.12 | | 1,672.12 |
| Total, Conservation and Natural Resources Subcommittee | | | | | | | | 1,400.00 | | 3,638.39 | | 5,038.39 |
| **FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE** | | | | | | | | | | | | |
| Hon. William S. Moorhead: | | | | | | | | | | | | |
| Spain | Peseta | 11/29 | 12/1 | 2 | 3,175 | 50.00 | 6,350 | 100.00 | 5,070.33 | 79.85 | 11,420.33 | 179.85 |
| Italy | Lira | 12/1 | 12/4 | 4 | 29,250 | 50.00 | 117,000 | 200.00 | | | 117,000 | 200.00 |
| France | Franc | 12/8 | 12/8 | 1 | 250 | 50.00 | 250 | 50.00 | | | 250 | 50.00 |
| Morocco | Dirhams | | | | | | | | 4,941.30 | 1,086.00 | 4,941.30 | 1,086.00 |
| Subtotal | | | | | | | | 350.00 | | 1,165.85 | | 1,515.85 |
| Hon. Bill Alexander: | | | | | | | | | | | | |
| Spain | Peseta | 11/29 | 12/1 | 2 | 3,175 | 50.00 | 6,350 | 100.00 | 5,070.33 | 79.84 | 11,420.33 | 179.84 |
| Italy | Lira | 12/1 | 12/4 | 4 | 29,250 | 50.00 | 117,000 | 200.00 | | | 117,000 | 200.00 |
| Greece | Drachma | 12/4 | 12/6 | 2 | 1,500 | 50.00 | 3,000 | 100.00 | | | 3,000 | 100.00 |
| Turkey | Lira | 12/6 | 12/8 | 2 | 700 | 50.00 | 1,400 | 100.00 | | | 1,400 | 100.00 |
| Iran | Rial | 12/8 | 12/12 | 4 | 3,813 | 50.00 | 15,252 | 200.00 | | | 15,252 | 200.00 |
| Germany | D. mark | 12/12 | 12/14 | 3 | 159.50 | 50.00 | 478.50 | 150.00 | | | 478.50 | 150.00 |
| France | Franc | 12/14 | 12/17 | 3 | 250 | 50.00 | 750 | 150.00 | | | 750 | 150.00 |
| Morocco | Dirham | | | | | | | | 6,958.315 | 1,529.30 | 6,958.315 | 1,529.30 |
| Subtotal | | | | | | | | 1,000.00 | | 1,609.14 | | 2,609.14 |
| Hon. Guy Vander Jagt: | | | | | | | | | | | | |
| Greece | Drachma | 12/4 | 12/6 | 2 | 1,500 | 50.00 | 3,000 | 100.00 | | | 3,000 | 100.00 |
| Turkey | Lira | 12/6 | 12/8 | 2 | 700 | 50.00 | 1,400 | 100.00 | | | 1,400 | 100.00 |
| Iran | Rial | 12/8 | 12/12 | 4 | 3,813 | 50.00 | 15,252 | 200.00 | | | 15,252 | 200.00 |
| Germany | D. mark | 12/12 | 12/13 | 1 | 159.50 | 50.00 | 159.50 | 50.00 | | | 159.50 | 50.00 |
| Morocco | Dirham | | | | | | | | 7,725.90 | 1,698.00 | 7,725.90 | 1,698.00 |
| Subtotal | | | | | | | | 450.00 | | 1,698.00 | | 2,148.00 |
| Norman G. Cornish: | | | | | | | | | | | | |
| Morocco | Dirham | 11/27 | 11/29 | 2 | 227.50 | 50.00 | 455 | 100.00 | 7,585.305 | 1,667.10 | 8,040.305 | 1,767.10 |
| Spain | Peseta | 11/29 | 12/1 | 2 | 3,175 | 50.00 | 6,350 | 100.00 | 5,070.33 | 79.85 | 11,420.33 | 179.85 |
| Italy | Lira | 12/1 | 12/4 | 4 | 29,250 | 50.00 | 117,000 | 200.00 | | | 117,000 | 200.00 |
| Greece | Drachma | 12/4 | 12/6 | 2 | 1,500 | 50.00 | 3,000 | 100.00 | | | 3,000 | 100.00 |
| Turkey | Lira | 12/6 | 12/8 | 2 | 700 | 50.00 | 1,400 | 100.00 | | | 1,400 | 100.00 |
| Iran | Rial | 12/8 | 12/12 | 4 | 3,813 | 50.00 | 15,252 | 200.00 | | | 15,252 | 200.00 |
| Germany | D. mark | 12/12 | 12/14 | 3 | 159.50 | 50.00 | 478.50 | 150.00 | | | 478.50 | 150.00 |
| France | Franc | 12/14 | 12/17 | 3 | 250 | 50.00 | 750 | 150.00 | | | 750 | 150.00 |
| Subtotal | | | | | | | | 1,100.00 | | 1,746.95 | | 2,846.95 |

Footnote at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 304, 2D SESS., 92D CONG., COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE—Continued** | | | | | | | | | | | | |
| Joseph C. Luman: | | | | | | | | | | | | |
| Morocco | Dirham | 11/27 | 11/29 | 2 | 227.50 | 50.00 | 455 | 100.00 | 7,585.305 | 1,667.10 | 8,040.305 | 1,767.10 |
| Spain | Peseta | 11/29 | 12/1 | 2 | 3,175 | 50.00 | 6,350 | 100.00 | 5,070.335 | 79.85 | 11,420.33 | 179.85 |
| Italy | Lira | 12/1 | 12/4 | 4 | 29,250 | 50.00 | 117,000 | 200.00 | | | 117,000 | 200.00 |
| Greece | Drachma | 12/4 | 12/6 | 2 | 1,500 | 50.00 | 3,000 | 100.00 | | | 3,000 | 100.00 |
| Turkey | Lira | 12/6 | 12/8 | 2 | 700 | 50.00 | 1,400 | 100.00 | | | 1,400 | 100.00 |
| Iran | Rial | 12/8 | 12/12 | 4 | 3,813 | 50.00 | 15,252 | 200.00 | | | 15,252 | 200.00 |
| Germany | D. mark | 12/12 | 12/14 | 3 | 159.50 | 50.00 | 478.50 | 150.00 | | | 478.50 | 150.00 |
| France | Franc | 12/14 | 12/17 | 3 | 250 | 50.00 | 750 | 150.00 | | | 750 | 150.00 |
| Subtotal | | | | | | | | 1,100.00 | | 1,746.95 | | 2,846.95 |
| Alvin E. Mills (reporter): | | | | | | | | | | | | |
| Morocco | Dirham | 11/27 | 11/29 | 2 | 227.50 | $50.00 | 455 | $100.00 | 7,585.305 | $1,667.10 | 8,040.305 | $1,767.10 |
| Spain | Peseta | 11/29 | 12/1 | 2 | 3,175 | 50.00 | 6,350 | 100.00 | 5,070.33 | 79.85 | 11,420.33 | 179.85 |
| Italy | Lira | 12/1 | 12/4 | 4 | 29,250 | 50.00 | 117,000 | 200.00 | | | 117,000 | 200.00 |
| Greece | Drachma | 12/4 | 12/6 | 2 | 1,500 | 50.00 | 3,000 | 100.00 | | | 3,000 | 100.00 |
| Turkey | Lira | 12/6 | 12/8 | 2 | 700 | 50.00 | 1,400 | 100.00 | | | 1,400 | 100.00 |
| Iran | Rial | 12/8 | 12/12 | 4 | 3,813 | 50.00 | 15,252 | 200.00 | | | 15,252 | 200.00 |
| Germany | D. mark | 12/12 | 12/14 | 3 | 159.50 | 50.00 | 478.50 | 150.00 | | | 478.50 | 150.00 |
| France | Franc | 12/14 | 12/17 | 3 | 250 | 50.00 | 750 | 150.00 | | | 750 | 150.00 |
| Subtotal | | | | | | | | 1,100.00 | | 1,746.95 | | 2,846.95 |
| Harold F. Whittington: | | | | | | | | | | | | |
| Morocco | Dirham | 11/27 | 11/29 | 2 | 227.50 | 50.00 | 455 | 100.00 | 7,585.305 | 1,667.10 | 8,040.305 | 1,767.10 |
| Spain | Peseta | 11/29 | 12/1 | 2 | 3,175 | 50.00 | 6,350 | 100.00 | 5,070.33 | 79.85 | 11,310.22 | 179.85 |
| Italy | Lira | 12/1 | 12/4 | 4 | 29,250 | 50.00 | 117,000 | 200.00 | | | 117,000 | 200.00 |
| Greece | Drachma | 12/4 | 12/6 | 2 | 1,500 | 50.00 | 3,000 | 100.00 | | | 3,000 | 100.00 |
| Turkey | Lira | 12/6 | 12/8 | 2 | 700 | 50.00 | 1,400 | 100.00 | | | 1,400 | 100.00 |
| Iran | Rial | 12/8 | 12/12 | 4 | 3,813 | 50.00 | 15,252 | 200.00 | | | 15,252 | 200.00 |
| Germany | D. mark | 12/12 | 12/14 | 3 | 159.50 | 50.00 | 478.50 | 150.00 | | | 478.50 | 150.00 |
| France | Franc | 12/14 | 12/17 | 3 | 250 | 50.00 | 750 | 150.00 | | | 750 | 150.00 |
| Subtotal | | | | | | | | 1,100.00 | | 1,746.95 | | 2,846.95 |
| Total, Foreign Operations and Government Information Subcommittee | | | | | | | | 6,200.00 | | 11,460.79 | | 17,660.79 |
| Total, standing committee and all subcommittees | | | | | | | | 8,300.00 | | 15,115.01 | | 23,415.01 |

[1] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $23,415.01 |

CHET HOLIFIELD,
Chairman, Committee on Government Operations.

Mar. 6, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, FOR TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Haley, John F.: | | | | | | | | | | | | |
| Germany | D. mark | 6/1 | 6/7 | 7 | 159 | $50.00 | 1,113 | $350.00 | | | 1,113 | $350.00 |
| Italy | Lira | 6/7 | 6/12 | 5 | 29,100 | 50.00 | 145,500 | 250.00 | 87,950 | $151.05 | 233,450 | 401.05 |
| Spain | Peso | 6/12 | 6/14 | 2 | 3,225 | 50.00 | 9,675 | [2] 150.00 | | | 9,675 | [2] 150.00 |
| Great Britain | Pound | 6/14 | 6/17 | 3 | 19–10 | 50.00 | 76–40 | [3] 200.00 | 51–08 | 133.33 | 127–48 | [3] 333.33 |
| Air travel | D. mark | | | | | | | | 3,672.50 | 1,130.00 | 3,672.50 | 1,130.00 |
| Jennings, W. Pat: | | | | | | | | | | | | |
| Italy | Lira | 9/20 | 9/28 | 9 | 29,050 | 50.00 | 261,450 | 450.00 | 332,500 | 570.33 | 593,950 | 1,020.33 |
| Spain | Peseta | 9/29 | 10/1 | 3 | 3,175 | 50.00 | 9,525 | 150.00 | | | 9,525 | 150.00 |
| Total | | | | | | | | [2] 1,550.00 | | 1,984.71 | | [2] 3,534.71 |

[1] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.
[2] Returned $50.
[3] Returned $100.

WAYNE L. HAYS,
Chairman, Committee on House Administration.

Feb. 21, 1973.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 170, 2D SESS., 92D CONG., COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Torbert H. Macdonald: | | | | | | | | | | | | |
| Haiti | Gourdes | 1/3 | 1/12 | 10 | 250.00 | $50.00 | 2,500.00 | $500.00 | | | 2,500.00 | $500.00 |
| Dominican Republic | Pesos | 1/13 | 1/16 | 4 | 50.00 | 50.00 | 200.00 | 200.00 | | | 200.00 | 200.00 |
| Germany (round trip transportation). | D. Mark | | | | | | | | 1,102.21 | $324.70 | 1,102.21 | 324.70 |
| Subtotal | | | | | | | | 700.00 | | 324.70 | | 1,024.70 |
| Trinidad and Tobago | T.T | 11/28 | 12/2 | 5 | 100.00 | 50.00 | 500.00 | 250.00 | | | 500.00 | 250.00 |
| Venezuela | Bolivars | 12/3 | 12/6 | 4 | 220.00 | 50.00 | 880.00 | 200.00 | | | 880.00 | 200.00 |
| Curacao and Aruba | WI-F | 12/7 | 12/14 | 8 | 94.00 | 50.00 | 752.00 | 400.00 | | | 752.00 | 400.00 |
| Haiti | Gourdes | 12/15 | 12/24 | 10 | 250.00 | 50.00 | 2,500.00 | 500.00 | | | 2,500.00 | 500.00 |
| Round trip transportation | | | | | | | | | | 485.18 | | 485.18 |
| Subtotal | | | | | | | | 1,350.00 | | 485.18 | | 1,835.18 |
| Hon. William L. Springer: | | | | | | | | | | | | |
| Germany (round trip transportation). | D. Mark | | | | | | | | 3,913.00 | 1,204.00 | 3,913.00 | 1,204.00 |
| England | Pounds | 5/26 | 5/27 | 2 | 20.23 | 50.00 | 40.46 | 100.00 | 4.68 | 12.22 | 45.14 | 112.22 |
| U.S.S.R | Ruble | 5/27 | 6/6 | 10 | 450.28 | 50.00 | 280.50 | 340.83 | 38.78 | 47.29 | 319.28 | 388.12 |
| France | Franc | 8/16 | 8/17 | 1 | 250.00 | 50.00 | 500.00 | 100.00 | | | 500.00 | 100.00 |
| Austria | Schilling | 8/17 | 8/21 | 4 | 12,622.50 | 50.00 | 4,578.00 | 200.09 | 6,900.00 | 300.92 | 11,478.00 | 501.01 |
| Subtotal | | | | | | | | 740.92 | | 1,564.43 | | 2,305.35 |
| Hon. John Jarman: | | | | | | | | | | | | |
| Morocco | Dirhams | 3/30 | 4/1 | 2 | 250.00 | 50.00 | 500.00 | 100.00 | | | 500.00 | 100.00 |
| Zaire | Zaires | 4/1 | 4/3 | 3 | 25,000.00 | 50.00 | 75,000.00 | 150.00 | | | 75,000.00 | 150.00 |
| Camaroon | Francs | 4/3 | 4/9 | 6 | 12,575.00 | 50.00 | 75,450.00 | 300.00 | | | 75,450.00 | 300.00 |
| Spain | Pesetas | 4/9 | 4/10 | 1 | 3,220.00 | 50.00 | 3,220.00 | 50.00 | | | 3,220.00 | 50.00 |
| Subtotal | | | | | | | | 600.00 | | | | 600.00 |
| Hon. Ancher Nelsen: | | | | | | | | | | | | |
| Switzerland | Francs | 3/13 | 3/17 | 4 | 190.00 | 50.00 | 760.00 | 200.00 | | | 760.00 | 200.00 |
| United Kingdom | Pounds | 3/17 | 3/18 | 2 | 18.95 | 50.00 | 37.90 | 100.00 | 5.85 | 15.27 | 43.75 | 115.27 |
| Germany (round trip transportation). | D. mark | | | | | | | | 2,980.25 | 917.00 | 2,980.25 | 917.00 |
| Subtotal | | | | | | | | 300.00 | | 932.27 | | 1,232.27 |
| Hon. Hastings Keith: | | | | | | | | | | | | |
| United Kingdom | Pounds | 5/5 | 5/6 | 2 | 19.08 | 50.00 | 38.17 | 100.00 | 15.64 | 40.82 | 53.81 | 140.82 |
| France | Francs | 5/7 | 5/8 | 2 | 251.50 | 50.00 | 503.00 | 100.00 | | | 503.00 | 100.00 |
| Austria | Schillings | 5/9 | 5/11 | 3 | 1,153.00 | 50.00 | 3,459.00 | 150.00 | 2,880.00 | 125.60 | 6,339.00 | 275.60 |
| Algeria | Dinars | 5/12 | 5/13 | 2 | 224.00 | 50.00 | 448.00 | 100.00 | | | 448.00 | 100.00 |
| Subtotal | | | | | | | | 450.00 | | 166.42 | | 616.42 |
| Hon. Bertram L. Podell: | | | | | | | | | | | | |
| Venezuela | Bolivares | 3/30 | 4/1 | 3 | 219.00 | 50.00 | 657.00 | 150.00 | 400.00 | 91.32 | 1,057.00 | 241.32 |
| Brazil | Cruzeiros | 4/2 | 4/5 | 4 | 290.50 | 50.00 | 1,162.00 | 200.00 | | | 1,162.00 | 200.00 |
| Argentina | Pesos | 4/6 | 4/6 | 1 | 484.50 | 50.00 | 484.50 | 50.00 | 263.00 | 27.31 | 747.50 | 77.31 |
| Peru | Soles | 4/7 | 4/12 | 5 | 2,169.00 | 50.00 | 10,845.00 | 250.00 | 2,520.00 | 58.09 | 13,365.00 | 308.09 |
| Germany (round trip transportation) | D. mark | | | | | | | | 3,473.03 | 1,069.24 | 3,473.03 | 1,069.24 |
| Subtotal | | | | | | | | 650.00 | | 1,245.96 | | 1,895.96 |
| France | Francs | 10/16 | 10/21 | 6 | 249.33 | 50.00 | 1,496.00 | 300.00 | 519.00 | 503.80 | 4,015.00 | 803.87 |
| United Kingdom | Pounds | 10/22 | 10/24 | 3 | 20.23 | 50.00 | 62.70 | 150.00 | 134.98 | 324.47 | 191.68 | 474.40 |
| Netherlands (round trip transportation). | Guilders | | | | | | | | 4,686.50 | 1,442.00 | 4,686.50 | 1,442.00 |
| Subtotal | | | | | | | | 450.00 | | 2,270.27 | | 2,720.27 |
| Hon. Charles J. Carney: | | | | | | | | | | | | |
| Japan | Yen | 9/2 | 9/12 | 11 | 15,055 | 50.00 | 165,605 | 550.00 | 1,369.12 | 454.71 | 302,157 | 1,004.71 |
| Germany (round trip transportation). | D. mark | | | | | | | | 5,491.65 | 1,689.71 | 5,491.65 | 1,689.71 |
| Subtotal | | | | | | | | 550.00 | | 2,144.42 | | 2,694.42 |
| Hon. Richardson Preyer: | | | | | | | | | | | | |
| Switzerland | Francs | 5/9 | 5/13 | 5 | 192.87 | 50.00 | 954.35 | 250.00 | | | 954.35 | $250.00 |
| Switzerland | Francs | 5/23 | 5/29 | 7 | 192.87 | 50.00 | 954.35 | 250.00 | | | 954.35 | 250.00 |
| Netherlands (round trip transportation). | Guilders | | | | | | | | 3,227 | 985.00 | 3,227.00 | 985.00 |
| Subtotal | | | | | | | | 500.00 | | $985.00 | | 1,485.00 |
| Hon. James F. Hastings: | | | | | | | | | | | | |
| Brazil | Cruzeiros | 1/7 | 1/9 | 3 | 280.00 | 50.00 | 840.00 | 150.00 | | | 840.00 | 150.00 |
| Argentina | Pesos | 1/10 | 1/11 | 2 | 447.00 | 50.00 | 894.00 | 100.00 | | | 894.00 | 100.00 |
| Chile | Escudos | 1/12 | 1/15 | 4 | 1,400.00 | 50.00 | 5,600.00 | 200.00 | 1,134.00 | 40.50 | 6,734.00 | 240.50 |
| Germany (round trip transportation). | D. mark | | | | | | | | 3,481.43 | 1,088.07 | 3,481.43 | 1,088.07 |
| Subtotal | | | | | | | | 450.00 | | 1,128.57 | | 1,578.57 |
| Hon. Louis Frey, Jr.: | | | | | | | | | | | | |
| Brazil | Cruzeiros | 1/7 | 1/9 | 3 | 280.00 | 50.00 | 840.00 | 150.00 | | | 840.00 | 150.00 |
| Argentina | Pesos | 1/10 | 1/11 | 2 | 447.00 | 50.00 | 894.00 | 100.00 | | | 671.00 | 75.39 |
| Chile | Escudos | 1/12 | 1/15 | 4 | 1,400.00 | 50.00 | 5,600.00 | 200.00 | | | 5,600.00 | 200.00 |
| Sub otal | | | | | | | | [2] —24.61 425.39 | | | | 425.39 |

Footnotes at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 170, 2D SESS., 92D CONG., COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. William R. Roy: | | | | | | | | | | | | |
| U.S.S.R | Rubles | 12/2 | 12/9 | 7 | 27.16 | $34.10 | 197.17 | $238.70 | | | 197.17 | $238.70 |
| Germany | D. M | 12/9 | 12/14 | 6 | 160.00 | 50.00 | 960.00 | 300.00 | 358.35 | $111.98 | 1,318.35 | 411.98 |
| Switzerland | Francs | 12/14 | 12/16 | 2 | 188.50 | 50.00 | 377.70 | 100.00 | | | 377.70 | 100.00 |
| United Kingdom | Pounds | 12/16 | 12/23 | 7 | 6.74 | 15.90 | 47.19 | 111.30 | 121.73 | 287.11 | 168.92 | 398.41 |
| (Round trip transportation) | | | | | | | | | | 792.00 | | 792.00 |
| Subtotal | | | | | | | | 750.00 | | 1,191.09 | | 1,941.00 |
| Hon. Joe Skubitz: | | | | | | | | | | | | |
| United Kingdom | Pounds | 11/16 | 11/19 | 4 | 20.23 | 50.00 | 80.92 | 200.00 | 72.87 | 192.64 | 153.79 | 392.64 |
| France | Francs | 11/21 | 11/25 | 5 | 250.00 | 50.00 | 1,250.00 | 250.00 | 1,874.75 | 374.95 | 3,124.75 | 624.95 |
| Germany | D. M | 12/26 | 11/29 | 4 | 160.50 | 50.00 | 640.00 | 200.00 | 783.91 | 244.21 | 1,423.91 | 444.21 |
| Italy | Lira | 12/5 | 12/8 | 4 | 29,205.50 | 50.00 | 116,822.00 | 200.00 | | | 116,822.00 | 200.00 |
| Subtotal | | | | | | | | 850.00 | | 811.80 | | 1,661.80 |
| Kurt Borchardt: | | | | | | | | | | | | |
| Switzerland | Francs | 2/2 | 2/6 | 4 | 195.75 | 50.00 | 783.00 | 200.00 | | | 783.00 | 200.00 |
| United Kingdom | Pounds | 2/6 | 2/9 | 4 | 24.00 | 50.00 | 95.80 | 200.00 | 4.28 | 10.93 | 100.08 | 210.93 |
| Germany (round trip transp.) | D. Mark | | | | | | | | 2,980.25 | 917.00 | 2,980.25 | 917.00 |
| Subtotal | | | | | | | | 400.00 | | 927.93 | | 1,327.93 |
| James Menger: | | | | | | | | | | | | |
| Egypt | Pounds | 1/1 | 1/7 | 6 | 27.77 | 50.00 | 166.665 | 300.00 | 40.320 | 72.57 | 206.985 | 372.57 |
| Israel | Pounds | 1/7 | 1/13 | 6 | 210.00 | 50.00 | 1,260.00 | 300.00 | 370.00 | 88.10 | 1,630.00 | 388.10 |
| Israel (round trip transp.) | Pounds | | | | | | | | 6,027.00 | 1,435.00 | 6,027.00 | 1,435.00 |
| Subtotal | | | | | | | | 600.00 | | 1,595.67 | | 2,195.67 |
| Mexico | Peseta | 2/10 | 2/17 | 8 | 624.50 | 50.00 | 4,996.00 | 400.00 | | | 4,996.00 | 400.00 |
| Germany (round trip transp.) | D.M | | | | | | | | 1,101.75 | 339.00 | 1,101.75 | 339.00 |
| Subtotal | | | | | | | | 400.00 | | 339.00 | | 739.00 |
| W. E. Williamson: | | | | | | | | | | | | |
| Mexico | Peseta | 2/10 | 2/17 | 8 | 624.50 | 50.00 | 4,996.00 | 400.00 | | | 4,996.00 | 400.00 |
| Germany (round trip transp.) | D.M | | | | | | | | 1,101.75 | 339.00 | 1,101.75 | 339.00 |
| Subtotal | | | | | | | | 400.00 | | 339.00 | | 739.00 |
| Benjamin L. Brown: | | | | | | | | | | | | |
| United Kingdom | Pound | 11/15 | 11/20 | 6 | 20.00 | 50.00 | 126.70 | 300.00 | 16.80 | 41.00 | 143.50 | 341.00 |
| France | Franc | 11/20 | 11/25 | 5 | 250.00 | 50.00 | 1,250.00 | 250.00 | 637.15 | 127.43 | 1,887.15 | 377.43 |
| Belgium | Franc | 11/26 | 11/26 | 1 | 2,200.00 | 50.00 | 2,200.00 | 50.00 | | | 2,200.00 | 50.00 |
| Germany | D.M | 11/26 | 11/29 | 3 | 160.00 | 50.00 | 480.00 | 150.00 | 320.00 | 100.00 | 800.00 | 250.00 |
| (U.S. Government round trip transportation) | | | | | | | | | | 966.00 | | 966.00 |
| Subtotal | | | | | | | | 750.00 | | 1,234.43 | | 1,984.43 |
| Richard Kroik: | | | | | | | | | | | | |
| Trinidad and Tobago | TT | 11/28 | 12/2 | 5 | 100.00 | 50.00 | 500.00 | 250.00 | | | 500.00 | 250.00 |
| Venezuela | Bolivares | 12/3 | 12/6 | 4 | 220.00 | 50.00 | 880.00 | 200.00 | | | 880.00 | 200.00 |
| Curacao and Aruba | WI-F | 12/7 | 12/14 | 8 | 94.00 | 50.00 | 752.00 | 400.00 | | | 752.00 | 400.00 |
| Haiti | Gourdes | 12/15 | 12/24 | 10 | 250.00 | 50.00 | 2,500.00 | 500.00 | | | 2,500.00 | 500.00 |
| Netherlands (round trip transportation) | Guilders | | | | | | | | 1,589.93 | 485.18 | 1,589.93 | 485.18 |
| Subtotal | | | | | | | | 1,350.00 | | 485.18 | | 1,835.18 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used enter amount expended.
[2] Refund.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $30,837.63 |

HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce.

Mar. 2, 1973.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY PUBLIC LAW 91-510, 2D SESS., 92D CONG., JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. James O'Hara: | | | | | | | | | | | | |
| France | Franc | 12/11 | 12/14 | 3 | 250.00 | $50.00 | 750.00 | $150.00 | 48.00 | $9.60 | 798.00 | $159.60 |
| Belgium | Franc | 12/14 | 12/16 | 2 | 2,200.00 | 50.00 | 4,400.00 | 100.00 | | | 4,400.00 | 100.00 |
| England | Pound | 12/16 | 12/21 | 6 | 21.14 | 50.00 | 127.69 | 300.00 | | | 127.69 | 300.00 |
| Transportation furnished by State Department. | | | | | | | | | | 489.00 | | 489.00 |
| Eugene F. Peters: | | | | | | | | | | | | |
| France | Franc | 12/11 | 12/14 | 3 | 250.00 | $50.00 | 750.00 | $150.00 | 48.00 | $9.60 | 798.00 | $159.60 |
| Belgium | Franc | 12/14 | 12/16 | 2 | 2,200.00 | 50.00 | 4,400.00 | 100.00 | | | 4,400.00 | 100.00 |
| England | Pound | 12/16 | 12/21 | 6 | 21.14 | 50.00 | 127.69 | 300.00 | | | 127.69 | 300.00 |
| Transportation furnished by State Department. | | | | | | | | | | 489.00 | | 489.00 |
| Total | | | | | | | | (50.00) | | 1,100.00 | | 979.20 | | 2,097.20 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS,
Chairman, Joint Committee on Congressional Operations.

Jan. 2, 1973.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 161, 1ST SESS., 92D CONG., COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Depar-ture | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalen: or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. David W. Dennis: | | | | | | | | | | | | |
| Switzerland | Francs | 12/4 | 12/7 | 4 | 188 | $50.00 | 564.00 | $150.00 | | | 564 | $150.00 |
| Italy | Lire | | | | | | | | 269,685 | $461.00 | 269,685 | 461.00 |
| Netherlands | Guilders | | | | | | | | 1,710.59 | 522.00 | 1,710.59 | 522.00 |
| Total | | | | | | | | 150.00 | | 983.00 | | 1,133.00 |
| Hon. Don Edwards: | | | | | | | | | | | | |
| Sweden | Kronur | 12/10 | 12/13 | 3 | 237.12 | 50.00 | 711.35 | 150.00 | | | 711.35 | 150.00 |
| Switzerland | Franc | 12/15 | 12/24 | 3 | 188.82 | 50.00 | 566.45 | 150.00 | 88.00 | 23.33 | 654.45 | 173.33 |
| France | Franc | 12/13 | 12/15 | 2 | 250 | 50.00 | 500 | 100.00 | 981.25 | 196.25 | 1,481.25 | 296.25 |
| Netherlands | Guilder | | | | | | | | 3,647.79 | 1,113.15 | 3,647.79 | 1,113.15 |
| Total | | | | | | | | 400.00 | | 1,332.73 | | 1,732.73 |
| Hon. Hamilton Fish, Jr.: | | | | | | | | | | | | |
| Ireland | Pound | 5/11 | 5/13 | 3 | 19.10 | 50.00 | 57.31 | 150.00 | 39.30 | 102.61 | 96.61 | 252.61 |
| Switzerland | Francs | 5/16 | 5/22 | 6 | 193 | 50.00 | 1,158.00 | 300.00 | 1,442 | 374.35 | 2,600.00 | 674.35 |
| United Kingdom | Pound | 5/13 | 5/16 | 3 | 19.07 | 50.00 | 51.48 | 145.00 | | | 51.48 | 145.00 |
| Germany | Marks | | | | | | | | 3,298.75 | 1,037.34 | 3,298.75 | 1,037.34 |
| Total | | | | | | | | 595.00 | | 1,514.30 | | 2,109.30 |
| Hon. Edward Hutchinson: | | | | | | | | | | | | |
| Switzerland | Francs | 12/4 | 12/7 | 4 | 188 | 50.00 | 564.00 | 150.00 | | | 564.00 | 150.00 |
| Italy | Lire | | | | | | | | 269.685 | 461.00 | 269.685 | 461.00 |
| Netherlands | Guilders | | | | | | | | 1,710.59 | 522.00 | 1,710.59 | 522.00 |
| Total | | | | | | | | 150.00 | | 983.00 | | 1,133.00 |
| Hon. James R. Mann: | | | | | | | | | | | | |
| Brazil | Cruzeiros | 1/5 | 1/7 | 3 | 280.00 | 50.00 | 840.00 | 150.00 | | | 840.00 | 150.00 |
| Chile (and Panama) | Escudos | 1/10 | 1/15 | 6 | 1,400.00 | 50.00 | 8,400 | 300.00 | | | 8,400.00 | 300.00 |
| Argentina | Pesos | 1/8 | 1/9 | 2 | 447 | 50.00 | 894.00 | 100.00 | | | 894.00 | 100.00 |
| Germany | Marks | | | | | | | | 3,362.37 | 1,050.74 | 3,362.37 | 1,050.74 |
| Total | | | | | | | | 550.00 | | 1,050.74 | | 1,600.74 |
| Hon. Tom Railsback: | | | | | | | | | | | | |
| France | Franc | 12/6 | 12/8 | 3 | 250.00 | 50.00 | 750.00 | 150.00 | 1,572.65 | 307.34 | 2,322.65 | 457.34 |
| Switzerland | Franc | 12/4 | 12/6 | 2 | 188.00 | 50.00 | 376.00 | 100.00 | | | 376.00 | 100.00 |
| United Kingdom | Pound | 12/8 | 12/12 | 4 | 21.25 | 50.00 | 85.00 | 200.00 | 128.97 | 303.46 | 213.97 | 503.46 |
| Netherlands | Guilder | | | | | | | | 3,539.16 | 1,080.00 | 3,539.16 | 1,080.00 |
| Total | | | | | | | | 450.00 | | 1,690.80 | | 2,140.80 |
| Miss Frances Christy: | | | | | | | | | | | | |
| Italy | Lire | 11/21 | 11/30 | 10 | 29,250 | 50.00 | 292,500 | 500.00 | 498,686 | 853.31 | 791,186 | 1,353.31 |
| Austria | Shillings | 12/1 | 12/4 | 4 | 1,158 | 50.00 | 4,616 | 200.00 | 2,573 | 111.54 | 7,189 | 311.54 |
| Switzerland | Francs | 12/4 | 12/19 | 8 | 188 | 50.00 | 1,505.35 | 400.00 | 436 | 115.88 | 1,941.35 | 515.88 |
| Netherlands | Guilders | | | | | | | | 1,641.54 | 502.00 | 1,641.54 | 502.00 |
| United Kingdom | Pounds | 12/19 | 12/20 | 2 | 21.25 | 50.00 | 42.50 | 100.00 | 20.55 | 48.36 | 63.05 | 148.36 |
| Total | | | | | | | | 1,200.00 | | 1,631.09 | | 2,831.09 |
| Mr. Garner J. Cline: | | | | | | | | | | | | |
| Switzerland | Francs | 5/16 | 5/21 | 6 | | 50.00 | 1,157.50 | 300.00 | 222.00 | 57.29 | 1,379.50 | 357.29 |
| Netherlands | Guilders | | | | | | | | 3,215.00 | 983.00 | 3,215.00 | 983.00 |
| Total | | | | | | | | 300.00 | | 1,040.29 | | 1,340.29 |
| Mr. Garner J. Cline: | | | | | | | | | | | | |
| Italy | Lire | 11/21 | 12/1 | 11 | 29,250 | 50.00 | 321,750 | 550.00 | 498,686 | 853.31 | 820,436 | 1,403.31 |
| Switzerland | Francs | 12/1 | 12/19 | 12 | 188.30 | 50.00 | 2,259.70 | 600.00 | 436 | 115.88 | 2,695.70 | 715.88 |
| United Kingdom | Pounds | 12/19 | 12/20 | 2 | 21.25 | 50.00 | 42.50 | 100.00 | 20.55 | 48.36 | 63.05 | 148.36 |
| France | Francs | | | | | | | | 311.58 | 60.89 | 311.58 | 60.89 |
| Netherlands | Guilders | | | | | | | | 1,779.41 | 543.00 | 1,779.41 | 543.00 |
| Total | | | | | | | | 1,250.00 | | 1,621.44 | | 2,871.44 |
| Mr. Jerome Zeifman: | | | | | | | | | | | | |
| Norway | Krone | 12/9 | 12/10 | 1 | 328.00 | 50.00 | 328.00 | 50.00 | | | 328.00 | 50.00 |
| Sweden | Krona | 12/10 | 12/13 | | 237.12 | 50.00 | 711.35 | 150.00 | | | 711.35 | 150.00 |
| Switzerland | Francs | 12/15 | 12/20 | 5 | 188.82 | 50.00 | 944.10 | 250.00 | | | 944.10 | 250.00 |
| France | Francs | 12/13 | 12/15 | 2 | 250.00 | 50.00 | 500.00 | 100.00 | | | 500.00 | 100.00 |
| United Kingdom | Pounds | 12/20 | 12/24 | 5 | 21.28 | 50.00 | 106.41 | 250.00 | 135.35 | 318.47 | 241.76 | 568.47 |
| Netherlands | Guilders | | | | | | | | 3,562.43 | 1,087.10 | 3,562.43 | 1,087.10 |
| Total | | | | | | | | 800.00 | | 1,405.57 | | 2,205.57 |
| Mr. Benjamin L. Zelenko: | | | | | | | | | | | | |
| United Kingdom | Pounds | 3/27 | 4/2 | 7 | 19.10 | 50.00 | 133.70 | 350.00 | | | 133.70 | 350.00 |
| Germany | Marks | | | | | | | | 1,582.75 | 487.00 | 1,582.75 | 487.00 |
| Total | | | | | | | | 350.00 | | 487.00 | | 837.00 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $19,934.96 |

PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary.

Mar. 2, 1973.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 21, 1ST SESS., 92D CONG., COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Depar-ture | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Mario Biaggi: United Kingdom | Pound | 2/6 | 2/10 | 5 | 19.14 | $50.00 | 95.70 | $250.00 | | | 95.70 | $250.00 |
| | D. mark | | | | | | | | 2,551.25 | $785.00 | 2,551.25 | 785.00 |
| Hon. Frank M. Clark: | | | | | | | | | | | | |
| Hong Kong | HK dollar | 3/29 | 4/1 | 4 | 275 | 50.00 | 1,100 | 200.00 | | | 149.07 | 26.72 |
| Malaysia | M dollar | 4/2 | 4/4 | 3 | 139.50 | 50.00 | 418.50 | 150.00 | | | 58.13 | 20.68 |
| Thailand | Baht | 4/5 | 4/8 | 4 | 1,041.25 | 50.00 | 4,165 | 200.00 | | | 4,165.00 | 200.00 |
| | D. mark | | | | | | | | 6,827.54 | 2,132.66 | 6,827.54 | 2,132.66 |
| Ernest Corrado: Nicaragua | Cordoba | 2/24 | 2/27 | 4 | 350 | 50.00 | 1,400 | 200.00 | | | 1,400 | 200.00 |
| | D. mark | | | | | | | | 1,200 | 371.80 | 1,200 | 371.80 |
| Hon. John D. Dingell: Sweden | Kronor | 6/9 | 6/15 | 7 | 236.87 | 50.00 | 1,658.13 | 350.00 | 3,382 | 705.61 | 5,040.13 | 1,055.61 |
| | D. mark | | | | | | | | 3,444.85 | 1,072.09 | 344.85 | 1,072.09 |
| Ned P. Everett: Sweden | Kronor | 6/3 | 6/15 | 13 | 236.87 | 50.00 | 3,076.13 | 650.00 | | | 3,076.13 | 650.00 |
| | D. mark | | | | | | | | 3,305.25 | 1,017.00 | 3,305.25 | 1,017.00 |
| Hon. Edwin B. Forsythe: United Kingdom | Pound | 2/5 | 2/11 | 7 | 19.15 | 50.00 | 134.05 | 350.00 | 87.72 | 228.97 | 221.77 | 578.97 |
| | D. mark | | | | | | | | 2,707.25 | 833.00 | 2,707.25 | 833.00 |
| Francis D. Heyward: | | | | | | | | | | | | |
| Switzerland | Franc | 8/7 | 8/14 | 8 | 188.62 | 50.00 | 1,509 | 400.00 | 2,325 | 603.58 | 3,834 | 1,003.58 |
| United Kingdom | Pound | 8/15 | 8/17 | 3 | 20.30 | 50.00 | 60.90 | 150.00 | | | 60.90 | 150.00 |
| United Kingdom | Pound | 10/29 | 11/12 | 15 | 21.25 | 50.00 | 318.88 | 750.00 | | | 318.88 | 750.00 |
| | Guilder | | | | | | | | | | 2,053.02 | 631.70 |
| | Franc | | | | | | | | | | 4,493.02 | 877.75 |
| Julian E. Johansen: | | | | | | | | | | | | |
| Hong Kong | HK dollar | 3/29 | 4/1 | 4 | 275 | 50.00 | 1,100 | 200.00 | | | 149.06 | 26.72 |
| Malaysia | M dollar | 4/2 | 4/4 | 3 | 139.50 | 50.00 | 418.50 | 150.00 | | | 58.12 | 20.68 |
| Thailand | Baht | 4/5 | 4/8 | 4 | 1,041 | 50.00 | 4,165 | 200.00 | | | 4,165 | 200.00 |
| | D. mark | | | | | | | | 6,630.98 | 2,072.18 | 6,630.98 | 2,072.18 |
| Hon. Hastings Keith: Switzerland | Franc | 8/8 | 8/14 | 7 | 188.50 | 50.00 | 1,319.50 | 350.00 | | | 51.50 | 13.37 |
| | D. mark | | | | | | | | 3,095.13 | 951.72 | 3,095.13 | 951.72 |
| James L. Larocca: Nicaragua | Cordoba | 2/24 | 2/27 | 4 | 350 | 50.00 | 1,400 | 200.00 | | | 1,400 | 200.00 |
| | D. marks | | | | | | | | 1,200.76 | 371.80 | 1,200.76 | 371.80 |
| Hon. Alton Lennon: | | | | | | | | | | | | |
| Switzerland | Franc | 8/7 | 8/14 | 8 | 188.62 | 50.00 | 1,509 | 400.00 | | | 1,509 | 400.00 |
| United Kingdom | Pound | 8/15 | 8/17 | 3 | 20.30 | 50.00 | 60.90 | 150.00 | 13 | 33.93 | 73.90 | 183.93 |
| | Guilder | | | | | | | | 2,053 | 631.70 | 2,053 | 631.70 |
| | Franc | | | | | | | | 4,493 | 861.75 | 4,493 | 861.75 |
| Hon. Jack McDonald: United Kingdom | Pound | 10/29 | 11/12 | 15 | 21.25 | 50.00 | 318.88 | 750.00 | 258.54 | 610.15 | 573.42 | 1,360.15 |
| Hon. Ralph H. Metcalfe: Nicaragua | Cordoba | 2/24 | 2/27 | 4 | 350 | 50.00 | 1,400 | 200.00 | | | 1,400 | 200.00 |
| | D. mark | | | | | | | | 1,102.39 | 342.92 | 1,102.39 | 342.92 |
| Hon. John M. Murphy: Nicaragua | Cordoba | 2/24 | 2/27 | 4 | 350 | 50.00 | 1,400 | 200.00 | | | 1,400 | 200.00 |
| | D. mark | | | | | | | | 1,365.65 | 420.20 | 1,365.65 | 420.20 |
| Hon. Thomas M. Pelly: Switzerland | Franc | 8/8 | 8/9 | 2 | 188.62 | 50.00 | 377.25 | 100.00 | | | 377.25 | 100.00 |
| Frank M. Potter: United Kingdom | Pound | 2/3 | 2/11 | 9 | 19.14 | 50.00 | 172.33 | 450.00 | | | 172.33 | 450.00 |
| | D. mark | | | | | | | | 2,707.25 | 833.00 | 2,707.25 | 833.00 |
| William C. Rountree: United Kingdom | Pound | 10/29 | 11/12 | 15 | 21.25 | 50.00 | 318.88 | 750.00 | | | 318.88 | 750.00 |
| A. Ronald Santo: | | | | | | | | | | | | |
| Hong Kong | HK dollar | 3/29 | 4/1 | 4 | 275 | 50.00 | 1,100 | 200.00 | 149.07 | 26.72 | 1,249.07 | 226.72 |
| Malaysia | M. dollar | 4/2 | 4/4 | 3 | 139.50 | 50.00 | 418.50 | 150.00 | 58.12 | 20.68 | 476.62 | 170.68 |
| Thailand | Baht | 4/5 | 4/8 | 4 | 1,041 | 50.00 | 4,165 | 200.00 | | | 4,165 | 200.00 |
| | D. mark | | | | | | | | 6,827.54 | 2,132.66 | 6,827.54 | 2,132.66 |
| Richard N. Sharood: | | | | | | | | | | | | |
| Switzerland | Franc | 1/3 | 1/17 | 15 | 195.23 | 50.00 | 2,928.50 | 750.00 | 3,367.40 | 872.38 | 6,297.90 | 1,622.38 |
| Switzerland | Franc | 7/30 | 8/18 | 20 | 188.37 | 50.00 | 3,767.50 | 1,000.00 | 680.80 | 176.64 | 4,448.30 | 1,176.74 |
| | D. mark | | | | | | | | 3,163.25 | 917.00 | 3,163.25 | 917.00 |
| | Guilder | | | | | | | | 1,704.03 | 517.77 | 1,704.03 | 517.77 |
| H. C. Shepheard: United Kingdom | Pound | 3/19 | 3/25 | 7 | 18.98 | 50.00 | 132.90 | 350.00 | 122.89 | 320.78 | 255.79 | 670.78 |
| | D. mark | | | | | | | | 2,707.25 | 833.00 | 2,707.25 | 833.00 |
| Ronald Watt: United Kingdom | Pound | 10/29 | 11/12 | 15 | 21.25 | 50.00 | 318.88 | 750.00 | | | 318.88 | 750.00 |
| Total | | | | | | | | 11,150.00 | | 22,314.31 | | 33,464.31 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $33,464.31 |

EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries.

Mar. 1, 1973.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 415 AND 1039, 2D SESS., 92D CONG., COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Depar-ture | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Thaddeus J. Dulski: Germany | DOD funds, U.S. | 9/20 | 9/25 | 6 | | None | | None | None | $980.00 | None | $980.00 |
| Lawrence A. Marzetti: | | | | | | | | | | | | |
| Transportation to and from Europe | D. mark | | | | | | | | 4,781.22 | 1,496.00 | 4,781.22 | 1,496.00 |
| Italy | Lira | 11/25 | 11/30 | 6 | 2,925.00 | $50.00 | 175,500 | $300.00 | | | 175,500 | 300.00 |
| Italy | DOD funds | Same | Same | | | | | | None | 12.04 | | 12.04 |
| Turkey | Lira | 11/30 | 12/4 | 4 | 700.00 | 50.00 | 2,800 | 200.00 | | | 2,800 | 200.00 |
| Israel | Pound | 12/4 | 12/8 | 4 | 210.00 | 50.00 | 840 | 200.00 | | | 840 | 200.00 |
| Greece | DOD funds | 12/8 | 12/11 | 2 | | | None | 107.07 | None | 25.14 | | 132.21 |
| Spain | Peseta | 12/11 | 12/14 | 4 | 3,175 | 50.00 | 12,700 | 200.00 | | | 12,700 | 200.00 |
| Spain | DOD funds | Same | Same | | | | | | None | 5.00 | None | 5.00 |

Footnotes at end of table.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 415 AND 1039, 2D SESS., 92D CONG., COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| George B. Gould: | | | | | | | | | | | | |
| Transportation to and from Europe | D. mark | | | | | | | | 4,781.22 | $1,496.00 | 4,781.22 | $1,496.00 |
| Italy | Lira | 11/25 | 11/30 | 6 | 2,925.00 | $50.00 | 175,500 | $300.00 | 270,270 | [2] 462.00 | 445,770 | 762.00 |
| Italy | DOD funds | Same | Same | | | | | | None | 30.16 | None | 30.16 |
| Turkey | Lira | 11/30 | 12/4 | 4 | 700.00 | 50.00 | 2,800 | 200.00 | 85.00 | 6.07 | 2,885 | 206.07 |
| Israel | Pound | 12/4 | 12/8 | 4 | 210.00 | 50.00 | 840 | 200.00 | 3,716.35 | [2] 884.85 | 4,556.35 | 1,084.85 |
| Greece | DOD funds | 12/8 | 12/11 | 2 | | | None | 115.47 | None | 7.50 | | 122.97 |
| Spain | Peseta | 12/11 | 12/14 | 4 | 3,175 | 50.00 | 12,700 | 200.00 | 39,561 | [2] 623.01 | 52,261 | 823.01 |
| Spain | DOD funds | Same | Same | | | | | | None | 5.00 | None | 5.00 |
| Hon. Richard C. White: | | | | | | | | | | | | |
| Transportation to and from Europe | D. mark | | | | | | | | 4,781.22 | 1,496.00 | 4,781.22 | 1,496.00 |
| Italy | Lira | 11/25 | 11/30 | 6 | 2,925.00 | 50.00 | 175,500 | 300.00 | 10,000 | 17.19 | 185,000 | 317.19 |
| Italy | DOD funds | Same | Same | | | | | | None | 12.04 | | 12.04 |
| Turkey | Lira | 11/30 | 12/4 | 4 | 700.00 | 50.00 | 2,800 | 200.00 | | | 2,800 | 200.00 |
| Israel | Pound | 12/4 | 12/8 | 4 | 210.00 | 50.00 | 840 | 200.00 | | | 840 | 200.00 |
| Israel | DOD funds | Same | Same | | | | | | None | 1.30 | | 1.30 |
| Greece | DOD funds | 12/8 | 12/11 | 2 | | | None | 107.17 | None | 25.62 | | 132.79 |
| Spain | Peseta | 12/11 | 12/14 | 4 | 3,175 | 50.00 | 12,700 | 200.00 | | | 12,700 | 200.00 |
| Spain | DOD funds | Same | Same | | | | | | None | 5.00 | | 5.00 |
| Elizabeth Andrews: | | | | | | | | | | | | |
| Transportation to and from Europe | D. mark | | | | | | | | 4,781.22 | 1,496.00 | 4,781.22 | 1,496.00 |
| Italy | Lira | 11/25 | 11/30 | 6 | 2,925.00 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| Italy | DOD funds | Same | Same | | | | | | None | 12.04 | None | 12.04 |
| Turkey | Lira | 11/30 | 12/4 | 4 | 700.00 | 50.00 | 2,800 | 200.00 | | | 2,800 | 200.00 |
| Israel | Pounds | 12/4 | 12/8 | 4 | 210.00 | 50.00 | 840 | 200.00 | | | 840 | 200.00 |
| Israel | DOD funds | Same | Same | | | | | | None | 1.30 | None | 1.30 |
| Greece | DOD funds | 12/8 | 12/11 | 2 | | | None | 103.07 | None | 25.14 | None | 128.21 |
| Spain | Peseta | 12/11 | 12/14 | 4 | 3,175 | 50.00 | 12,700 | 200.00 | | | 12,700 | 200.00 |
| Spain | DOD funds | Same | Same | | | | | | None | 5.00 | | 5.00 |
| Hon. William O. Mills: | | | | | | | | | | | | |
| Transportation to Europe and return | D. mark | | | | | | | | 3,403.74 | 1,065.00 | 3,403.74 | 1,065.00 |
| Germany | D. mark | 11/28 | 12/1 | 3 | 160 | 50.00 | 480 | 150.00 | | | 480 | 150.00 |
| Germany | DOD funds | Same | Same | | | | | | None | 14.60 | None | 14.60 |
| Italy | Lira | 12/1 | 12/7 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| Italy | DOD funds | Same | Same | | | | | | None | 14.80 | None | 14.80 |
| Spain | Peseta | 12/7 | 12/10 | 3 | 3,175 | 50.00 | 9,525 | 150.00 | | | 9,525 | 150.00 |
| Spain | DOD funds | Same | Same | | | | | | None | 14.90 | None | 14.90 |
| United Kingdom | Pound | 12/10 | 12/14 | 5 | 21.25 | 50.00 | 106.25 | 250.00 | | | 106.25 | 250.00 |
| United Kingdom | DOD funds | Same | Same | | | | | | None | 15.20 | None | 15.20 |
| Hon. James M. Hanley: | | | | | | | | | | | | |
| Transportation to Europe and return | D. mark | | | | | | | | 3,403.74 | 1,065.00 | 3,403.74 | 1,065.00 |
| Germany | D. mark | 11/28 | 12/1 | 3 | 160 | 50.00 | 480 | 150.00 | | | 480 | 150.00 |
| Germany | DOD funds | Smae | Same | | | | | | None | 14.60 | None | 14.60 |
| Italy | Lira | 12/1 | 12/7 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | 97,994 | [2] 167.51 | 273,494 | 467.51 |
| Italy | DOD funds | Same | Same | | | | | | None | 14.80 | None | 14.80 |
| Spain | Peseta | 12/7 | 12/10 | 3 | 3,175 | 50.00 | 9,525 | 150.00 | 40,998 | [2] 645.64 | 50,523 | 795.64 |
| Spain | DOD funds | Same | Same | | | | | | None | 14.90 | None | 14.90 |
| United Kingdom | Pound | 12/10 | 12/14 | 5 | 21.25 | 50.00 | 106.25 | 250.00 | | | 106.25 | 250.00 |
| United Kingdom | DOD funds | Same | Same | | | | | | None | 15.20 | None | 15.20 |
| Ray Coultrap: | | | | | | | | | | | | |
| Transportation to Europe and return | D. mark | | | | | | | | 3,403.74 | 1,065.00 | 3,403.74 | 1,065.00 |
| Germany | D. mark | 11/28 | 12/1 | 3 | 160 | 50.00 | 480 | 150.00 | | | 480 | 150.00 |
| Germany | DOD funds U.S | Same | Same | | | | | | None | 14.60 | None | 14.60 |
| Italy | Lira | 12/1 | 12/7 | 6 | 29.250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| Italy | DOD funds | Same | Same | | | | | | None | 14.80 | None | 14.80 |
| Spain | Peseta | 12/7 | 12/10 | 3 | 3,175 | 50.00 | 9,525 | 150.00 | | | 9,525 | 150.00 |
| Spain | DOD funds | Same | Same | | | | | | None | 14.90 | None | 14.90 |
| United Kingdom | Pound | 12/10 | 12/14 | 5 | 21.25 | 50.00 | 106.25 | 250.00 | | | 106.25 | 250.00 |
| United Kingdom | DOD funds | Same | Same | | | | | | None | 15.20 | None | 15.20 |
| Richard Barton: | | | | | | | | | | | | |
| Transportation to Europe and return | D. mark | | | | | | | | 3,403.74 | 1,065.00 | 3,403.74 | 1,065.00 |
| Germany | D. mark | 11/28 | 12/1 | 3 | 160 | 50.00 | 480 | 150.00 | | | 480 | 150.00 |
| Germany | DOD funds | Same | Same | | | | | | None | 14.60 | None | 14.60 |
| Italy | Lira | 12/1 | 12/7 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | 324,465 | [2] 554.64 | 499,965 | 854.64 |
| Italy | DOD funds | Same | Same | | | | | | None | 14.80 | None | 14.80 |
| Spain | Peseta | 12/7 | 12/10 | 3 | 3,175 | 50.00 | 9,525 | 150.00 | | | 9,525 | 150.00 |
| Spain | DOD funds | Same | Same | | | | | | None | 14.90 | None | 14.90 |
| United Kingdom | Pounds | 12/10 | 12/14 | 5 | 21.25 | 50.00 | 106.25 | 250.00 | 596.67 | [2] 1,402.17 | 1,702.92 | 1,652.17 |
| United Kingdom | DOD funds | Same | Same | | | | | | None | 15.20 | None | 15.20 |
| Victor Smirnoldo: | | | | | | | | | | | | |
| Transportation to and from Far East | D. mark | | | | | | | | 4,813.62 | 2,379.45 | 4,813.62 | 2,379.45 |
| Lebanon | DOD funds | 11/25 | 11/27 | 2 | | | None | 100.00 | | 38.62 | None | 138.62 |
| Thailand | DOD funds | 11/27 | 12/2 | 6 | | | None | 300.00 | | | None | 300.00 |
| Vietnam | Piastre | 12/2 | 12/2 | 1 | 22,250 | 50.00 | 22,250 | 50.00 | | | 22,250 | 50.00 |
| Hong Kong | DOD funds | 12/3 | 12/5 | 2 | | | None | 100.00 | | | None | 100.00 |
| Philippines | DOD funds | 12/5 | 12/8 | 3 | | | None | 150.00 | | 23.99 | None | 173.99 |
| Taiwan | N.T. dollar | 12/8 | 12/10 | 3 | 2,000 | 50.00 | 6,000 | 150.00 | 1,480.00 | 37.00 | 7,480 | 187.00 |
| Korea | DOD funds | 12/10 | 12/12 | 1 | | | None | 50.00 | | | None | 50.00 |
| Japan | Yen | 12/12 | 12/19 | 8 | 15,055 | 50.00 | 120,440 | 400.00 | 77,924 | 257.69 | 208,364 | 657.69 |
| Robert E. Lockhart: | | | | | | | | | | | | |
| Transportation to and from Far East | D. mark | | | | | | | | 4,813.62 | 2,379.45 | 4,813.62 | 2,379.45 |
| Lebanon | DOD funds | 11/25 | 11/27 | 2 | | | None | 100.00 | | 38.62 | None | 138.62 |
| Thailand | DOD funds | 11/27 | 12/2 | 6 | | | None | 300.00 | | | None | 300.00 |
| Vietnam | Piastre | 12/2 | 12/2 | 1 | 22,250 | 50.00 | 22,250 | 50.00 | | | 22,250 | 50.00 |
| Hong Kong | DOD funds | 12/3 | 12/5 | 2 | | | None | 100.00 | | | None | 100.00 |
| Philippines | DOD funds | 12/5 | 12/8 | 3 | | | None | 150.00 | | 23.99 | None | 173.99 |
| Taiwan | N.T. dollar | 12/8 | 12/10 | 3 | 2,000 | 50.00 | 6,000 | 150.00 | 1,480.00 | 37.00 | 7,480 | 187.00 |
| Korea | DOD funds | 12/10 | 12/12 | 1 | | | None | 50.00 | | | None | 50.00 |
| Japan | Yen | 12/12 | 12/19 | 8 | 15,055 | 50.00 | 120,440 | 400.00 | 77,924 | 257.69 | 208,364 | 657.69 |

Footnotes at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 415 AND 1039, 2D SESS., 92D CONG., COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. David N. Henderson: | | | | | | | | | | | | |
| Transportation to and from Far East | Guilders | | | | | | | | | | 5,536 | $1,516.80 |
| Japan | Yen | 1/5 | 1/10 | 6 | 15,740 | $50.00 | 94,440 | $300.00 | 69,865 | [2] 221.86 | 164,305 | 521.80 |
| Japan (other local transportation provided by DOD) | DOD funds | Same | Same | | | | | | None | [2] 142.00 | None | 142.00 |
| Korea | DOD funds | 1/10 | 1/12 | 2 | | | None | 116.72 | | | None | 116.72 |
| Taiwan | N.T. dollar | 1/14 | 1/15 | 1 | 2,000 | 50.00 | 2,000 | 50.00 | | | 2,000 | 50.00 |
| Taiwan (local transportation provided by DOD) | DOD funds | Same | Same | | | | | | None | 7.50 | None | 7.50 |
| Hong Kong | DOD funds | 1/15 | 1/16 | 2 | | | None | 114.00 | None | [2] 136.94 | None | 250.94 |
| Philippines | DOD funds | 1/16 | 1/18 | 2 | | | None | 102.00 | None | [2] 110.00 | None | 212.00 |
| Transportation to and from Europe | DOD funds | | | | | | | | None | 449.00 | None | 449.00 |
| England | DOD funds | 8/27 | 8/29 | 7 | | | None | 238.69 | None | 104.53 | None | 343.22 |
| | | 9/1 | 9/6 | | | | | | | | | |
| Spain | DOD funds | 8/29 | 9/1 | 4 | | | None | 131.62 | | | None | 131.62 |
| Total | | | | | | | | 11,085.81 | | 24,559.32 | | 35,645.13 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Local transportation for delegation.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $30,643.85 |
| Appropriated funds: | |
| Government Department: | |
| Department of Defense | 5,001.28 |
| Total | 35,645.13 |

T. J. DULSKI,
Chairman, Committee on Post Office and Civil Service.

Mar. 2, 1973.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 985, 2D SESS., 92D CONG., COMMITTEE ON PUBLIC WORKS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Frank M. Clark: | | | | | | | | | | | | |
| Sweden | Krona | 6/4 | 6/17 | 14 | 236.50 | $50.00 | 3,312.75 | $700.00 | 7,230.00 | $1,508.45 | 10,542.75 | $2,208.45 |
| Germany | D. mark | | | | | | | | 3,396.25 | 1,068.00 | 3,396.25 | 1,068.00 |
| Paul S. Francis: | | | | | | | | | | | | |
| Sweden | Krona | 6/4 | 6/15 | 12 | 236.50 | 50.00 | 3,312.75 | 700.00 | | | 3,312.75 | 700.00 |
| Refund | | | | | | | (473.00) | (98.69) | | | (473.00) | (98.69) |
| Germany | D. mark | | | | | | | | 3,396.25 | 1,068.00 | 3,396.25 | 1,068.00 |
| Total | | | | | | | | 1,301.31 | | 3,644.45 | | 4,945.76 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $4,945.76 |

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 1147, 2D SESS., 92D CONG., COMMITTEE ON PUBLIC WORKS U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Robert E. Jones: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | $50.00 | 105.95 | $250.00 | 143.28 | $341.03 | 249.23 | $591.03 |
| U.S.S.R. | Ruble | 12/6 | 12/10 | 3 | 41.32 | 50.00 | 123.96 | 150.00 | 12.50 | 15.30 | 136.46 | 165.30 |
| Germany | D. mark | 12/10 | 12/13 | 3 | 160.00 | 50.00 | 480.00 | 150.00 | | | 480.00 | 150.00 |
| Greece | Drachma | 12/13 | 12/16 | 4 | 1500.00 | 50.00 | 6,000.00 | 200.00 | 3,701.00 | 123.36 | 9,701.00 | 323.36 |
| Italy | Lira | 12/16 | 12/19 | 3 | 29,200.00 | 50.00 | 87,600.00 | 150.00 | | | 87,600.00 | 150.00 |
| Hon. Jim Wright: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | 50.00 | 105.95 | 250.00 | 143.28 | 341.03 | 249.23 | 591.03 |
| U.S.S.R. | Ruble | 12/6 | 12/10 | 3 | 42.32 | 50.00 | 123.96 | 150.00 | 12.50 | 15.30 | 136.46 | 165.30 |
| Germany | D. mark | 12/10 | 12/13 | 3 | 160.00 | 50.00 | 480.00 | 150.00 | | | 480.00 | 150.00 |
| Greece | Drachma | 12/13 | 12/16 | 4 | 1,500.00 | 50.00 | 6,000.00 | 200.00 | 3,701.00 | 123.36 | 9,701.00 | 323.36 |
| Italy | Lira | 12/16 | 12/19 | 3 | 29,200.00 | 50.00 | 87,600.00 | 150.00 | | | 87,600.00 | 150.00 |
| France | Franc | 12/19 | 12/21 | 2 | 250.00 | 50.00 | 500.00 | 100.00 | 677.61 | 135.53 | 1,177.61 | 235.53 |
| Hon. Kenneth Gray: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/5 | 12/6 | 2 | 21.19 | 50.00 | 42.38 | 100.00 | 143.28 | 341.03 | 185.66 | 441.03 |
| U.S.S.R. | Ruble | 12/6 | 12/10 | 3 | 41.32 | 50.00 | 123.92 | 150.00 | 12.50 | 15.30 | 136.42 | 165.30 |
| Germany | D. mark | 12/10 | 12/13 | 3 | 160.00 | 50.00 | 480.00 | 150.00 | | | 480.00 | 150.00 |
| Greece | Drachma | 12/13 | 12/16 | 4 | 1,500.00 | 50.00 | 6,000.00 | 200.00 | 3,701.00 | 123.37 | 9,701.00 | 323.37 |
| Hon. James Howard: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/5 | 12/6 | 2 | 21.19 | 50.00 | 42.38 | 100.00 | 143.28 | 341.03 | 185.66 | 441.03 |
| U.S.S.R. | Ruble | 12/6 | 12/10 | 4 | 41.32 | 50.00 | 165.28 | 200.00 | | | 165.28 | 200.00 |
| Thailand | Baht | 12/11 | 12/13 | 3 | 1,041.25 | 50.00 | 3,123.75 | 150.00 | | | 3,123.75 | 150.00 |
| Japan | Yen | 12/13 | 12/17 | 4 | 15,055.00 | 50.00 | 60,220.00 | 200.00 | | | 60,220.00 | 200.00 |
| Hon. Wm. H. Harsha: United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | 50.00 | 105.95 | 250.00 | 143.28 | 341.03 | 249.23 | 591.03 |

Footnote at end of table.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 1147, 2D SESS., 92D CONG., COMMITTEE ON PUBLIC WORKS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. James R. Grover, Jr.: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | $50.00 | 105.95 | $250.00 | 143.28 | $341.03 | 249.23 | $591.03 |
| Sweden | Krona | 12/6 | 12/9 | 3 | 237.12 | 50.00 | 711.35 | 150.00 | | | 711.35 | 150.00 |
| France | Franc | 12/9 | 12/13 | 4 | 250.00 | 50.00 | 1,000.00 | 200.00 | 914.53 | 178.72 | 1,914.53 | 378.72 |
| Hon. John Paul Hammerschmidt: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | 50.00 | 105.95 | 250.00 | 143.28 | 341.03 | 249.23 | 591.03 |
| U.S.S.R. | Ruble | 12/6 | 12/10 | 4 | 41.32 | 50.00 | 165.28 | 200.00 | | | 165.38 | 200.00 |
| India | Rupee | 12/11 | 12/12 | 1 | 398.00 | 50.00 | 398.00 | 50.00 | 333.75 | 41.93 | 731.75 | 91.93 |
| Thailand | Baht | 12/12 | 12/14 | 3 | 1,041.25 | 50.00 | 3,123.75 | 150.00 | | | 3,123.75 | 150.00 |
| Japan | Yen | 12/14 | 12/19 | 5 | 15,055.00 | 50.00 | 90,330.00 | 300.00 | | | 90,330.00 | 300.00 |
| Refund Japan | Yen | | | | | | (17,800.00) | (59.12) | | | (17,800.00) | (59.12) |
| Hon. Clarence E. Miller: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | 50.00 | 105.95 | 250.00 | 143.28 | 341.03 | 249.23 | 591.03 |
| Germany | D. mark | 12/6 | 12/8 | 2 | 160.00 | 50.00 | 320.00 | 100.00 | | | 320.00 | 100.00 |
| Greece | Drachma | 12/8 | 12/12 | 4 | 1,500.00 | 50.00 | 6,000.00 | 200.00 | 5,674.00 | 189.34 | 11,674.00 | 389.34 |
| Italy | Lira | 12/12 | 12/14 | 2 | 29,200.00 | 50.00 | 58,400.00 | 100.00 | | | 58,400.00 | 100.00 |
| France | Franc | 12/14 | 12/15 | 1 | 250.00 | 50.00 | 250.00 | 50.00 | 526.24 | 105.25 | 776.24 | 155.25 |
| Richard J. Sullivan: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/1 | 12/6 | 6 | 21.19 | 50.00 | 127.14 | 300.00 | 143.28 | 341.03 | 270.42 | 641.03 |
| U.S.S.R. | Ruble | 12/8 | 12/10 | 3 | 41.32 | 50.00 | 123.96 | 150.00 | 12.50 | 15.30 | 136.45 | 165.30 |
| Germany | D. mark | 12/10 | 12/13 | 3 | 160.00 | 50.00 | 480.00 | 150.00 | | | 480.00 | 150.00 |
| Greece | Drachma | 12/13 | 12/16 | 3 | 1,500.00 | 50.00 | 4,500.00 | 150.00 | 3,701.00 | 123.62 | 8,201.00 | 273.62 |
| Italy | Lira | 12/16 | 12/19 | 4 | 29,200.00 | 50.00 | 116,800 | 200.00 | | | 116,800 | 200.00 |
| France | Franc | 12/19 | 12/21 | 2 | 250.00 | 50.00 | 500.00 | 100.00 | 677.61 | 135.53 | 1,177.61 | 235.53 |
| Dorothy A. Beam: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | 50.00 | 105.95 | 250.00 | 143.28 | 341.03 | 249.23 | 591.03 |
| U.S.S.R. | Ruble | 12/6 | 12/10 | 3 | 41.32 | 50.00 | 123.96 | 150.00 | 10.00 | 12.18 | 133.96 | 162.18 |
| Germany | D. mark | 12/10 | 12/13 | 3 | 160.00 | 50.00 | 480.00 | 150.00 | | | 480.00 | 150.00 |
| Greece | Drachma | 12/13 | 12/16 | 3 | 1,500.00 | 50.00 | 4,500.00 | 150.00 | 3,701.00 | 123.62 | 8,201.00 | 273.62 |
| Italy | Lira | 12/16 | 12/19 | 4 | 29,200.00 | 50.00 | 116,800 | 200.00 | | | 116,800 | 200.00 |
| France | Franc | 12/19 | 12/21 | 2 | 250.00 | 50.00 | 500.00 | 100.00 | 677.61 | 135.53 | 1,177.61 | 235.53 |
| Lester Edelman: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | 50.00 | 105.95 | 250.00 | 143.28 | 341.03 | 249.23 | 591.03 |
| U.S.S.R. | Ruble | 12/6 | 12/10 | 4 | 41.32 | 50.00 | 151.95 | 183.97 | | | 151.95 | 183.97 |
| Thailand | Baht | 12/11 | 12/13 | 3 | 1,041.25 | 50.00 | 3,123.75 | 150.00 | | | 3,123.75 | 150.00 |
| Japan | Yen | 12/13 | 12/21 | 8 | 15,055.00 | 50.00 | 120,440 | 400.00 | | | 120,440 | 400.00 |
| Robt. F. Spence: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | 50.00 | 105.95 | 250.00 | 143.28 | 341.03 | 249.23 | 591.03 |
| U.S.S.R. | Ruble | 12/6 | 12/10 | 4 | 41.32 | 50.00 | 165.28 | 200.00 | | | 165.28 | 200.00 |
| Thailand | Baht | 12/11 | 12/13 | 3 | 1,041.25 | 50.00 | 3,123.75 | 150.00 | | | 3,123.75 | 150.00 |
| Japan | Yen | 12/13 | 12/21 | 8 | 15,055.00 | 50.00 | 120,440 | 400.00 | | | 120,440 | 400.00 |
| Clifton W. Enfield: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | 50.00 | 105.95 | 250.00 | 143.28 | 341.03 | 249.23 | 591.03 |
| Germany | D mark | 12/6 | 12/8 | 2 | 160.00 | 50.00 | 320.00 | 100.00 | | | 320.00 | 100.00 |
| Greece | Drachma | 12/8 | 12/12 | 4 | 1,500.00 | 50.00 | 6,000.00 | 200.00 | 5,574.00 | 189.33 | 11,574 | 389.33 |
| Italy | Lira | 12/12 | 12/14 | 2 | 29,200 | 50.00 | 58,400 | 100.00 | | | 58,400 | 100.00 |
| France | Franc | 12/14 | 12/15 | 1 | 250.00 | 50.00 | 250.00 | 50.00 | 460.14 | 92.03 | 710.14 | 142.03 |
| Richard C. Peet: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | 50.00 | 105.95 | 250.00 | 143.28 | 341.03 | 249.23 | 591.03 |
| Sweden | Krona | 12/6 | 12/8 | 2 | 237.12 | 50.00 | 474.25 | 100.00 | | | 474.25 | 100.00 |
| Greece | Drachma | 12/8 | 12/13 | 5 | 1,500.00 | 50.00 | 7,500.00 | 250.00 | 14,085 | 219.49 | 21,585 | 469.49 |
| Italy | Lira | 12/13 | 12/19 | 6 | 29,200 | 50.00 | 175,200 | 300.00 | | | 172,200 | 300.00 |
| France | Franc | 12/19 | 12/21 | 2 | 250.00 | 50.00 | 500.00 | 100.00 | 1,771.20 | 354.24 | 2,271.20 | 454.24 |
| Sheldon S. Gilbert: | | | | | | | | | | | | |
| United Kingdom | Pound | 12/2 | 12/6 | 5 | 21.19 | 50.00 | 105.95 | 250.00 | 143.28 | 341.03 | 249.23 | 591.03 |
| U.S.S.R. | Ruble | 12/6 | 12/10 | 4 | 41.38 | 50.00 | 151.96 | 183.97 | | | 151.96 | 183.97 |
| India | Rupee | 12/11 | 12/12 | 1 | 398.00 | 50.00 | 398.00 | 50.00 | 353.75 | 41.93 | 731.75 | 91.93 |
| Thailand | Baht | 12/12 | 12/14 | 3 | 1,041.25 | 50.00 | 3,123.75 | 150.00 | | | 3,123.75 | 150.00 |
| Japan | Yen | 12/14 | 12/21 | 7 | 15,055 | 50.00 | 105,385 | 350.00 | | | 105,385 | 350.00 |
| Total | | | | | | | | 12,308.82 | | 7,624.99 | | 19,933.81 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $19,933.81 |

JOHN A. BLATNIK,
Chairman, Committee on Public Works.

Feb. 29, 1973.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 243, 2D SESS. 92D CONG., COMMITTEE ON SCIENCE AND ASTRONAUTICS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. O. E. Teague: | | | | | | | | | | | | |
| Netherlands | Guilders | 8/19 | 8/20 | 2 | 160 | $50.00 | 320 | $100.00 | 119 | $37.00 | 439 | $137.00 |
| Finland | Markka | 8/20 | 8/21 | 2 | 205.8 | 50.00 | 411.6 | 100.00 | 156.3 | 38.00 | 568 | 138.00 |
| U.S.S.R. | Rubles | 8/22 | 8/27 | 6 | 41.00 | 50.00 | 223 | 272.35 | 97.3 | 118.70 | 320.3 | 310.05 |
| Hungary | Forints | 8/28 | 8/29 | 2 | 1,380 | 50.00 | 2,760 | 100.00 | 1,304 | 47.24 | 4,064 | 147.24 |
| France | Francs | 8/30 | 8/31 | 2 | 250 | 50.00 | 500 | 100.00 | 208.80 [3] 4,704.4 | 41.70 1,435.60 | 708.8 4,704.4 | 147.70 1,435.60 |
| Total | | | | | | | | | | | | 2,315.59 |

Footnotes at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 243, 2D SESS., 92D CONG., COMMITTEE ON SCIENCE AND ASTRONAUTICS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar [1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar [1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar [1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar [1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Larry Winn, Jr.: | | | | | | | | | | | | |
| Netherlands | Guilders | 8/19 | 8/20 | 2 | 130 | $50.00 | 320 | $100.00 | 119 | $37.00 | 439 | $137.00 |
| Finland | Markka | 8/20 | 8/21 | 2 | 205.8 | 50.00 | 411.6 | 100.00 | 156.3 | 38.00 | 568 | 138.00 |
| U.S.S.R. | Rubles | 8/22 | 8/27 | 7 | 41 | 50.00 | 223 | 272.35 | 97.3 | 118.70 | 320.3 | 310.05 |
| Hungary | Forints | 8/28 | 8/29 | 2 | 1,380 | 50.00 | 2,760 | 100.00 | 1,304 | 47.24 | 4,064 | 147.24 |
| France | Francs | 8/30 | 9/2 | 4 | 250 | 50.00 | 1,000 | 200.00 | 2,085 | 416.69 | 2,085 | 616.69 |
| Ireland | Pounds | 9/3 | 9/5 | 3 | 20.50 | 50.00 | 61.50 | 150.00 | 24.00 | 60.00 | 85.50 | 210.00 |
| United Kingdom | Pounds | 9/6 | 9/7 | 2 | 20 | 50.00 | 40 | 100.00 | 66.05 | 160.00 | 106.50 | 260.00 |
| Netherlands | Guilders | | | | | | | | [3] 3,252 | 992.60 | 3,252 | 992.60 |
| Total | | | | | | | | | | | | 2,811.58 |
| J. E. Wilson: | | | | | | | | | | | | |
| Netherlands | Guilders | 8/18 | 8/20 | 2 | 160 | 50.00 | 320 | 100.00 | 119 | 37.00 | 439 | 137.00 |
| Finland | Markka | 8/20 | 8/21 | 2 | 205.8 | 50.00 | 411.6 | 100.00 | 156.3 | 38.00 | 568 | 138.00 |
| U.S.S.R. | Rubles | 8/22 | 8/27 | 6 | 41 | 50.00 | 223 | 272.35 | 97.3 | 118.70 | 320.3 | 310.05 |
| Hungary | Forints | 8/28 | 8/29 | 2 | 1,380 | 50.00 | 2,760 | 100.00 | 1,304 | 47.24 | 4,064 | 147.24 |
| France | Francs | 8/30 | 8/31 | 2 | 250 | 50.00 | 500 | 100.00 | 208.80 | 41.70 | 708.8 | 147.70 |
| Netherlands | Guilders | | | | | | | | [3] 4,363 | 1,331.60 | 4,363 | 1,331.60 |
| Total | | | | | | | | | | | | 2,211.59 |
| Hon. Chas. Rangel: | | | | | | | | | | | | |
| Denmark | Kroner | 1/5 | 1/6 | 1 | 354 | 50.00 | 354 | 50.00 | | | 354 | 50.00 |
| France | Francs | 1/6 | 1/10 | 5 | 260 | 50.00 | 1,305 | 250.00 | 748 | 145.38 | 2,053 | 395.38 |
| Spain | Pesetas | 1/10 | 1/13 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | | | 9,870 | 150.00 |
| Italy | Lira | 1/13 | 1/16 | 3 | 29,730 | 50.00 | 89,190 | 150.00 | 17,563 | 29.59 | 106,750 | 179.59 |
| Netherlands | Guilders | | | | | | | | [3] 1,298.9 | 329.78 | 1,298.9 | 329.78 |
| Switzerland | Francs | 3/17 | 3/22 | 5 | 191 | 50.00 | 956 | 250.00 | | | 956 | 250.00 |
| Germany | Deutsche marks | | | | | | | | [3] 2,824 | 869.00 | 2,824 | 869.00 |
| Total | | | | | | | | | | | | 2,233.75 |
| Hon. C. A. Mosher: | | | | | | | | | | | | |
| United Kingdom | Pounds | 6/23 | 6/26 | 4 | 20 | 50.00 | 81.88 | 189.68 | 23.00 | 60.04 | 144.88 | 249.72 |
| Austria | Schillings | 6/27 | 7/4 | 8 | 1,151 | 50.00 | 4,606 | 200.00 | 6,123 | 265.23 | 10,729 | 465.23 |
| Germany | Marks | 7/15 | 7/17 | 2 | 158.5 | 50.00 | 158.5 | 50.00 | | | 158.5 | 50.00 |
| Germany | Marks | | | | | | | | [2] 1,754 | 551.78 | 1,754 | 551.78 |
| Switzerland | Francs | | | | | | | | [2] 104.60 | 27.15 | 104.60 | 27.15 |
| France | Francs | 7/17 | 7/23 | 7 | 250 | 50.00 | 1,250 | 250.00 | 670.85 | 134.00 | 1,920.85 | 384.00 |
| Netherlands | Guilders | | | | | | | | [3] 4,709.05 | 1,464.26 | 4,709.05 | 1,464.26 |
| Total | | | | | | | | | | | | 3,192.14 |
| Hon. G. P. Miller: | | | | | | | | | | | | |
| Ireland | Pounds | 9/2 | 9/4 | 3 | 20.50 | 50.00 | 61.50 | 150.00 | 24.00 | 60.00 | 85.50 | 210.00 |
| United Kingdom | Pounds | 9/5 | 9/8 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 66.05 | 160.00 | 146.05 | 360.00 |
| Spain | Pesetas | 9/9 | 9/13 | 5 | 3,291 | 50.00 | 15,875 | 250.00 | 11,162 | 175.78 | 27,037 | 425.78 |
| | | | | | | | | | | [3] 814.60 | | 814.60 |
| Total | | | | | | | | | | | | 1,810.38 |
| Hon. J. N. Happy Camp: | | | | | | | | | | | | |
| Ireland | Pounds | 9/2 | 9/4 | 3 | 20.50 | 50.00 | 61.50 | 150.00 | 24.00 | 60.00 | 85.50 | 210.00 |
| United Kingdom | Pounds | 9/5 | 9/8 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 66.05 | 160.00 | 146.05 | 360.00 |
| Spain | Pesetas | 9/9 | 9/13 | 5 | 3,291 | 50.00 | 15,875 | 250.00 | 11,162 | 175.78 | 27,037 | 425.78 |
| | | | | | | | | | | [3] 814.60 | | 814.60 |
| Total | | | | | | | | | | | | 1,810.38 |
| Hon. John W. Davis: | | | | | | | | | | | | |
| Ireland | Pounds | 9/2 | 9/4 | 3 | 20.50 | 50.00 | 61.50 | 150.00 | 35.00 | 82.21 | 55.50 | 232.21 |
| Ireland | Pounds | 9/6 | 9/10 | 5 | 20.50 | 50.00 | 102.50 | 250.00 | | | 102.50 | 250.00 |
| United Kingdom | Pounds | 9/5 | 9/6 | 1 | 20.00 | 50.00 | 20.00 | 50.00 | 35.80 | 85.48 | 55.80 | 135.48 |
| | | | | | | | | | | [3] 385.25 | | 385.25 |
| Total | | | | | | | | | | | | 1,002.94 |
| Philip Dickinson: | | | | | | | | | | | | |
| Ireland | Pounds | 9/2 | 9/4 | 3 | 20.50 | 50.00 | 61.50 | 150.00 | 24.00 | 60.00 | 85.50 | 210.00 |
| United Kingdom | Pounds | 9/5 | 9/8 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 66.05 | 160.00 | 146.05 | 360.00 |
| Spain | Pesetas | 9/9 | 9/13 | 5 | 3,291 | 50.00 | 15,875 | 250.00 | 11,162 | 175.78 | 27,037 | 425.78 |
| | | | | | | | | | | [3] 814.60 | | 814.60 |
| Total | | | | | | | | | | | | 1,810.38 |
| W. G. Wells, Jr.: | | | | | | | | | | | | |
| Ireland | Pounds | 9/2 | 9/4 | 3 | 20.50 | 50.00 | 61.50 | 150.00 | 24.00 | 60.00 | 85.50 | 210.00 |
| United Kingdom | Pounds | 9/5 | 9/8 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 66.05 | 160.00 | 146.05 | 360.00 |
| Spain | Pesetas | 9/9 | 9/13 | 5 | 3,291 | 50.00 | 15,875 | 250.00 | 11,161 | 175.78 | 27,037 | 425.78 |
| | | | | | | | | | | [3] 814.60 | | 814.60 |
| Total | | | | | | | | | | | | 1,810.38 |
| Jos. Del Riego: | | | | | | | | | | | | |
| Ireland | Pounds | 9/2 | 9/4 | 3 | 20.50 | 50.00 | 61.50 | 150.00 | 24.00 | 60.00 | 85.50 | 210.00 |
| United Kingdom | Pounds | 9/5 | 9/8 | 4 | 20.00 | 50.00 | 80.00 | 200.00 | 66.05 | 160.00 | 146.05 | 360.00 |
| Spain | Pesetas | 9/9 | 9/13 | 5 | 3,291 | 50.00 | 15,875 | 250.00 | 11,162 | 175.78 | 27,037 | 425.78 |
| | | | | | | | | | | [3] 814.60 | | 814.60 |
| Total | | | | | | | | | | | | 1,810.38 |

Footnotes at end of table.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 243, 2D SESS., 92D CONG., COMMITTEE ON SCIENCE AND ASTRONAUTICS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. J. W. Symington: | | | | | | | | | | | | |
| Switzerland | Francs | 4/10 | 4/13 | 4 | 191 | $50.00 | 767 | $200.00 | 1,570 | $405.16 | 2,337 | $605.16 |
| France | Francs | 4/14 | 4/16 | 2 | 250 | 50.00 | 502 | 100.00 | 904.18 | 180.62 | 1,406.18 | 280.62 |
| Germany | Deutsche marks | | | | | | | | [2] 3,194.75 | 983.00 | 3,194.75 | 983.00 |
| Total | | | | | | | | | | | | 1,868.78 |
| Hon. Barry M. Goldwater, Jr.: | | | | | | | | | | | | |
| New Zealand | N.Z. dollars | 1/4 | 1/9 | 5 | 41.44 | 50.00 | 207.21 | 250.00 | | | 207.21 | 250.00 |
| Philippines | Pesos | 1/11 | 1/12 | 1 | 319 | 50.00 | 319 | 50.00 | | | 319 | 50.00 |
| Netherlands | Guilders | | | | | | | | [2] 7,302.04 | 2,000.56 | 7,302.04 | 2,000.56 |
| Total | | | | | | | | | | | | 2,300.56 |
| J. T. Ratchford: Japan | Yen | 8/19 | 9/3 | 16 | 15,270 | 50.00 | 50,880 | 176.84 | | | 50,880 | 176.84 |
| Fernando de Mendonca: [4] Brazil | Cruzeiros | | | | | | | | 5,508 | 958.00 | 5,508 | 958.00 |
| Norman Fisher: [4] Australia | Dollars | | | | | | | | 1,659 | 1,937.00 | 1,659 | 1,937.00 |
| Armin Spaeth: [4] Germany | Deutsche marks | | | | | | | | 3,164 | 917.00 | 3,164 | 917.00 |
| Rene Montjoie: [4] France | Francs | | | | | | | | 4,791 | 936.00 | 4,791 | 936.00 |
| Keiichi Oshima: [4] Japan | Yen | | | | | | | | 527,480 | 1,712.00 | 527,480 | 1,712.00 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Cost of overseas transportation.
[3] Cost of transportation furnished by the Department of Defense.
[4] Special consultant to committee per authority House Administration Committee, Dec. 13, 1971
Special consultant to committee per authority House Administration Committee, Mar. 1, 1972

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $29,167.42 |
| Appropriated funds: | |
| Government Department: | |
| Department of Defense | 4,458.25 |
| Total | 33,625.67 |

DLIN E. TEAGUE,
Chairman, Committee on Science and Astronautics.

Mar. 1, 1973

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL AUTHORIZED BY H. RES. 20 AND 538, 2D SESS., 92D CONG., COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Olin E. Teague: | | | | | | | | | | | | |
| United Kingdom | Pound | 11/8 | 11/11 | 4 | 21.16 | $50.00 | 84.65 | $200.00 | 156.00 | $240.65 | 240.65 | $568.16 |
| France | Franc | 11/11 | 11/19 | 8 | 250.00 | 50.00 | 2,000 | 400.00 | 3,520.22 | 704.04 | 5,520.22 | 1,104.04 |
| Germany (transportation only) | D. mark | | | | | | | | 3,058.25 | 941.00 | 3,058.25 | 941.00 |
| Total | | | | | | | | 600.00 | | 2,013.20 | | 2,613.20 |
| Hon. G. V. Montgomery: | | | | | | | | | | | | |
| Japan | Yen | 12/17 | 12/18 | 2 | 15,055 | 50.00 | 24,331 | 80.81 | | | 24,331 | 80.81 |
| Hong Kong | HK dollar | 12/18 | 12/30 | 4 | 280.00 | 50.00 | 925.85 | 165.33 | 38.95 | 6.96 | 964.80 | 172.29 |
| | | 12/28 | 12/29 | | | | | | | | | |
| South Vietnam | Piastre | 12/20 | 12/21 | 3 | 22,750 | 50.00 | 60,110 | 134.31 | | | 60,110 | 134.31 |
| | | 12/26 | 12/27 | | | | | | | | | |
| Thailand | Baht | 12/21 | 12/24 | 3 | 1,041 | 50.00 | 2,930 | 140.70 | | | 2,930 | 140.70 |
| Laos | Kip | 12/25 | 12/25 | 1 | 30,250 | 50.00 | 27,500 | 45.45 | | | 27,500 | 45.45 |
| Netherlands (transportation only) | Guilder | | | | | | | | 8,000 | 2,400.00 | 8,000 | 2,400.00 |
| Total | | | | | | | | 566.60 | | 2,406.96 | | 2,973.56 |
| Hon. John P. Saylor: | | | | | | | | | | | | |
| United Kingdom | Pound | 11/19 | 11/22 | 3 | 21.21 | 50.00 | 42.42 | 100.00 | | | 42.42 | 100.00 |
| Belgium | Franc | 11/22 | 11/24 | 3 | 2,200 | 50.00 | 6,600 | 150.00 | | | 6,600 | 150.00 |
| Luxembourg | Franc | 11/25 | 11/25 | 1 | 2,149 | 50.00 | 4,398 | 100.00 | | | 4,398 | 100.00 |
| France | Franc | 11/26 | 12/1 | 6 | 250.00 | 50.00 | 1,500 | 300.00 | | | 1,500 | 300.00 |
| Italy | Lire | 12/1 | 12/5 | 4 | 29,250 | 50.00 | 117,000 | 200.00 | | | 117,000 | 200.00 |
| Germany (transportation only) | D. mark | | | | | | | | 1,997.50 | 625.00 | 1,997.50 | 625.00 |
| Total | | | | | | | | 850.00 | | 625.00 | | 1,475.00 |
| Total | | | | | | | | 2,016.60 | | 5,045.16 | | 7,061.76 |

If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $7,061.76 |

OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs.

Feb. 28, 1973



REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 597, 1ST SESS., 92D CONG., COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Jackson Betts: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | $50.00 | 1,044 | $200.00 | 75.00 | $14.38 | 1,119 | $214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Hon. Donald G. Brotzman: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Italy | Lire | 1/14 | 1/17 | 4 | 29,950 | 50.00 | 119,800 | 200.00 | 12,950 | 21.80 | 132,750 | 221.80 |
| | D. mark | | | | | | | | 1,340.67 | 388.60 | 1,340.67 | 388.60 |
| Hon. John W. Byrnes: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Hon. Hugh L. Carey: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/14 | 6 | 2,240.4 | 50.00 | 13,443 | 300.00 | | | 13,443 | 300.00 |
| Israel | Pound | 1/15 | 1/18 | 4 | 210.0 | 50.00 | 1,050 | 250.00 | 462.5 | 110.12 | 1,512.5 | 360.12 |
| Refund | | | | | | | | (350) | (83.33) | | (350) | (83.33) |
| Israel | Pound | | | | | | | | | | 39.06 | 9.30 |
| Israel | Pound | | | | | | | | 3,011.4 | 717.00 | 3,011.4 | 717.00 |
| Italy | Lire | 1/19 | 1/20 | 2 | 29,700 | 50.00 | 59,400 | 100.00 | 10,972.5 | 18.47 | 70,372.5 | 118.47 |
| Spain | Peseta | 1/21 | 1/23 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | 9,551 | 145.15 | 19,421 | 295.15 |
| Hon. Barber Conable: | | | | | | | | | | | | |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 13,443 | 300.00 | | | 13,443 | 300.00 |
| Refund | | | | | | | | (5,700) | (125.25) | | (5,700) | (125.25) |
| United Kingdom | Pound | 1/14 | 1/15 | 2 | | | | | 53.56 | 136.77 | 53.56 | 136.77 |
| Austria | Schilling | 1/16 | | | | | | | 1,208 | 51.14 | 1,208 | 51.14 |
| | D. mark | | | | | | | | 921.15 | 267.00 | 921.15 | 267.00 |
| | D. mark | | | | | | | | 1,380.35 | 400.10 | 1,380.35 | 400.10 |
| Refund | | | | | | | | | | (667.10) | | (667.10) |
| Hon. James C. Corman: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/14 | 6 | 2,240.4 | 50.00 | 13,443 | 300.00 | | | 13,443 | 300.00 |
| Germany | D. mark | 1/15 | 1/15 | 1 | 163 | 50.00 | 163 | 50.00 | 311.63 | 95.59 | 474.63 | 145.59 |
| Refund | | | | | | | | (20) | (6.13) | | (20) | (6.13) |
| | D. mark | | | | | | | | 6,824.79 | 1,978.20 | 6,824.79 | 1,978.20 |
| India | Rupee | 1/16 | 2/3 | 14 | 380 | 50.00 | 5,320 | 700.00 | | | 5,320 | 700.00 |
| Refund | | | | | | | | (83) | (10.92) | | (83) | (10.92) |
| Malaysia | M dollar | 2/4 | 2/6 | 3 | 140.5 | 50.00 | 421.5 | 150.00 | 184 | 65.71 | 605.5 | 215.71 |
| Indonesia | Rupiah | 2/7 | 2/9 | 3 | 20,850 | 50.00 | 62,550 | 150.00 | 12,772 | 30.63 | 75,322 | 180.63 |
| Australia | A dollar | 2/10 | 2/12 | 3 | 42.83 | 50.00 | 128.49 | 150.00 | 4.00 | 4.77 | 132.49 | 154.77 |
| New Zealand | NZ dollar | 2/13 | 2/14 | 2 | 41.65 | 50.00 | 83.3 | 100.00 | 60.66 | 72.25 | 149.96 | 172.25 |
| Fiji Islands | Fiji dollar | 2/15 | 2/15 | 1 | 40.80 | 50.00 | 40.80 | 50.00 | | | 40.80 | 50.00 |
| Hon. Richard Fulton: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/14 | 6 | 2,240.4 | 50.00 | 13,443 | 300.00 | | | 13,443 | 300.00 |
| Israel | Pound | 1/15 | 1/18 | 4 | 210.0 | 50.00 | 1,050 | 250.00 | 462.5 | 110.12 | 1,512.5 | 360.12 |
| Refund | | | | | | | | (350) | (83.33) | | (350) | (83.33) |
| Israel | Pound | | | | | | | | 3,011.4 | 717.00 | 3,011.4 | 717.00 |
| Israel | Pound | | | | | | | | 39.06 | 9.30 | 39.06 | 9.30 |
| Italy | Lire | 1/19 | 1/20 | 2 | 29,700 | 50.00 | 59,400 | 100.00 | 10,972.5 | 18.47 | 70,372.5 | 118.47 |
| Spain | Peseta | 1/21 | 1/23 | 3 | 3,290 | 50.00 | 9,870 | 150.00 | 9,551 | 145.15 | 19,421 | 295.15 |
| Hon. Sam Gibbons: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Hon. Joseph Karth: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Hon. Phil Landrum: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Hon. Jerry Pettis: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Chile | Escudo | 4/11 | 4/14 | 5 | 1,400 | 50.00 | 4,200 | 150.00 | | | 4,200 | 150.00 |
| Hon. Herman T. Schneebeli: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Austria | Schilling | 1/14 | 1/17 | 4 | 1,175.0 | 50.00 | 4,700 | 200.00 | 40.00 | 1.69 | 4,740 | 201.69 |
| Austria | Schilling | | | | | | | | 9,506 | 402.46 | 9,506 | 402.46 |
| Austria | Schilling | | | | | | | | 206 | 8.81 | 206 | 8.81 |
| Hungary | Forint | 1/18 | 1/19 | 2 | 1,500 | 50.00 | 3,000 | 100.00 | | | 3,000 | 100.00 |
| Refund | | | | | | | | (1,100) | (36.67) | | (1,100) | (36.67) |
| Czechoslovakia | Koruna | 1/20 | 1/21 | 2 | 654.5 | 50.00 | 1,309 | 100.00 | | | 1,309 | 100.00 |
| Refund | | | | | | | | (251) | (19.16) | | (251) | (19.16) |
| France | Franc | 1/22 | 1/22 | 1 | 261.0 | 50.00 | 261.0 | 50.00 | | | 261 | 50.00 |
| | D. mark | | | | | | | | 1,328.25 | 385.00 | 1,328.25 | 385.00 |
| Hon. Al Ullman: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Hon. Charles A. Vanik: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.0 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Hon. Joe D. Waggonner: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| John P. Baker: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Harold T. Lamar: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Richard C. Wilbur: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | 50.00 | 1,044 | 200.00 | 75.00 | 14.38 | 1,119 | 214.38 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |

Footnotes at end of table.



XUM

REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 597, 1ST SESS., 92D CONG., COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date: Arrival | Date: Departure | Date: Total days | Per diem rate: Foreign currency | Per diem rate: U.S. dollar[1] equivalent or U.S. currency | Total amount per diem: Foreign currency | Total amount per diem: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| John M. Martin, Jr.: | | | | | | | | | | | | |
| France | Franc | 1/5 | 1/8 | 4 | 261.0 | $50.00 | 1,044 | $200.00 | 75.00 | $14.38 | 1,119 | $214.38 |
| Transportation for entire group | | | | | | | | | 2,764.8 | 527.53 | 2,764.8 | 527.53 |
| Local transportation for group | | | | | | | | | 10,128.38 | 1,940.30 | 10,128.38 | 1,940.30 |
| Belgium | Franc | 1/9 | 1/13 | 5 | 2,240.4 | 50.00 | 11,202 | 250.00 | | | 11,202 | 250.00 |
| Local transportation for group | | | | | | | | | 200,000 | 4,394.64 | 200,000 | 4,394.64 |
| Total | | | | | | | | 11,335.21 | | 12,764.81 | | 24,100.02 |

[1] If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.

NOTE: The transportation charges listed for the entire group include cost of train fare from Paris to Brussels in addition to local transportation.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $24,100.02 |

W. D. MILLS,
Chairman, Committee on Ways and Means.

Mar. 1, 1972.

REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROVED FUNDS, COMMITTEE ON CANADA-UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Lodging: Foreign currency | Lodging: U.S. dollar[1] equivalent or U.S. currency | Meals: Foreign currency | Meals: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Miscellaneous: Foreign currency | Miscellaneous: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. C. E. Gallagher: Canada | Dollar | | $267.90 | | $34.65 | | | | $18.58 | | $321.13 |
| Hon. James Harvey: Canada | Dollar | | 127.80 | | 7.90 | | | | 11.25 | | 146.95 |
| Hon. Frank Horton: Canada | Dollar | | 94.50 | | 8.00 | | | | .25 | | 102.75 |
| Hon. Harold T. Johnson: Canada | Dollar | | 127.80 | | 8.85 | | | | 11.50 | | 148.15 |
| Hon. Peter N. Kyros: Canada | Dollar | | 127.80 | | 29.70 | | | | 13.50 | | 171.00 |
| Hon. Robert C. McEwen: Canada | Dollar | | 98.53 | | 4.60 | | | | 11.25 | | 114.38 |
| Hon. Lloyd Meeds: Canada | Dollar | | 96.30 | | 5.55 | | | | 15.70 | | 117.55 |
| Hon. F. Bradford Morse: Canada | Dollar | | 75.60 | | 34.11 | | | | 8.62 | | 118.33 |
| Hon. Claude Pepper: Canada | Dollar | | 75.60 | | 12.31 | | | | 11.00 | | 98.91 |
| Hon. J. J. Pickle: Canada | Dollar | | 129.90 | | 9.56 | | | | 12.00 | | 151.46 |
| Hon. William J. Randall: Canada | Dollar | | 123.60 | | 5.95 | | | | 11.25 | | 140.80 |
| Hon. Henry P. Smith III: Canada | Dollar | | 129.90 | | 8.99 | | | | 11.38 | | 150.27 |
| Subtotal | | | 1,475.23 | | 170.17 | | | | 136.28 | | 1,781.68 |
| Hon. Samuel S. Stratton | Dollar | | 50.40 | | 1.05 | | | | 3.00 | | 54.45 |
| Louise O'Brien | Dollar | | 94.18 | | 2.50 | | | | 9.54 | | 106.22 |
| Albert C. F. Westphal | Dollar | | 127.80 | | 7.60 | | | | 11.25 | | 146.65 |
| Delegation expenses | Dollar | | | | | | | | 1,211.76 | | 1,211.76 |
| Total | | | 1,747.61 | | 181.32 | | | | 1,371.83 | | 3,300.76 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent): Appropriated funds: Other (Public Law 86-42) | $3,300.76 |

C. E. GALLAGHER,
Chairman, House Delegation, Canada-United States Interparliamentary Group.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1972

| Individual | Country | Name of currency | Lodging and meals: Foreign currency | Lodging and meals: U.S. dollar equivalent | Transportation: Foreign currency | Transportation: U.S. dollar equivalent | Total: Foreign currency | Total: U.S. dollar equivalent |
|---|---|---|---|---|---|---|---|---|
| Hon. Jim Wright, Acting Chairman | United States | U.S. dollar | | $457.93 | | | | $457.93 |
| Hon. Eligio de la Garza | United States | U.S. dollar | | 249.49 | | | | 249.49 |
| Hon. Abraham Kazen, Jr. | United States | U.S. dollar | | 269.53 | | | | 269.53 |
| Hon. Hale Boggs | United States | U.S. dollar | | 22.80 | | $198.00 | | 220.80 |
| Hon. Peter H. B. Frelinghuysen | United States | U.S. dollar | | 258.80 | | | | 258.80 |
| Hon. Charles E. Wiggins | United States | U.S. dollar | | 270.46 | | | | 270.46 |
| Hon. Manuel Lujan, Jr. | United States | U.S. dollar | | 251.31 | | | | 251.31 |
| Hon. Charles Thone | United States | U.S. dollar | | 283.82 | | | | 283.82 |
| Hon. J. Herbert Burke | United States | U.S. dollar | | 190.57 | | | | 190.57 |
| Albert C. F. Westphal | United States | U.S. dollar | | 230.75 | | | | 230.75 |
| Paula Peak | United States | U.S. dollar | | 176.00 | | | | 176.00 |
| Delegation expenses | | | | | | | | 11,966.45 |

RECAPITULATION

| | Amount |
|---|---|
| Appropriated funds: Public Law 86-420 | $14,825.91 |

ROBERT N. C. NIX,
Chairman, U.S. House of Representatives Delegation, Mexico-United States Interparliamentary Group.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, DELEGATIONS, U.S. GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Lodging: Foreign currency | Lodging: U.S. dollar[1] equivalent or U.S. currency | Meals: Foreign currency | Meals: U.S. dollar[1] equivalent or U.S. currency | Transportation: Foreign currency | Transportation: U.S. dollar[1] equivalent or U.S. currency | Miscellaneous: Foreign currency | Miscellaneous: U.S. dollar[1] equivalent or U.S. currency | Total: Foreign currency | Total: U.S. dollar[1] equivalent or U.S. currency |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Hon. Edward J. Derwinski: | | | | | | | | | | | |
| Switzerland | Franc | 69.00 | $18.00 | | | | | | | 69.00 | $18.00 |
| Switzerland | U.S. dollar | | | | | | $664.00 | | | | 664.00 |
| Germany | D. marks | 120.10 | 38.40 | | | | | | | 120.10 | 38.40 |
| Morocco | Dirham | 235.36 | 51.06 | 557.50 | $112.47 | | | | | 792.86 | 163.53 |
| Zaire | Zs | 31.64 | 63.28 | 97.51 | 195.02 | | | 1.00 | $2.00 | 130.15 | 260.30 |
| Cameroon | CFA franc | 73,790 | 294.16 | 65,890 | 261.48 | | | 825 | 3.27 | 140,505 | [3] 558.91 |
| Spain | Peseta | 5,120 | 80.47 | 14,685 | 230.15 | | | | | 19,805 | 310.62 |
| Italy | Lira | 261,800 | 450.60 | 307,500 | 529.26 | | | 45,025 | 77.49 | 614,325 | [3] 1,057.35 |
| Hon. Jackson E. Betts: | | | | | | | | | | | |
| Italy | Lira | 281,500 | 484.52 | 45,430 | 78.19 | 380,160 | 652.08 | 265,930 | 457.73 | 973,020 | 1,672.52 |
| Spain | Peseta | 2,800 | 44.45 | 585 | 9.29 | | | 4,725 | 74.41 | 8,110 | 128.15 |
| Hon. John W. Byrnes: | | | | | | | | | | | |
| Italy | Lira | 281,500 | 484.52 | 46,005 | 79.17 | 380,730 | 653.05 | 264,750 | 455.68 | 972,985 | 1,672.42 |
| Spain | Peseta | 2,800 | 44.45 | 340 | 5.40 | | | 9,525 | 150.00 | 12,665 | 199.85 |
| Hon. Lee Hamilton: | | | | | | | | | | | |
| Morocco | Dirham | 235.36 | 51.06 | 290.00 | 58.78 | | | | | 525.36 | 109.84 |
| Zaire | Zs | 31.64 | 63.28 | 38.25 | 74.76 | | | | | 69.87 | 138.04 |
| Cameroon | CFA franc | 55,650 | 222.15 | 408.50 | 162.44 | | | 1,950 | 7.68 | 98,450 | 392.27 |
| Spain | Peseta | 1,295 | 20.10 | 3,395 | 52.73 | | | | | 4,690 | 72.83 |
| Hon. John Jarman: | | | | | | | | | | | |
| Morocco | Dirham | 235.36 | 51.06 | 107.00 | 23.20 | | | | | 342.36 | 74.26 |
| Zaire | Zs | 31.64 | 63.28 | 8.14 | 16.28 | | | .15 | .30 | 39.93 | 79.86 |
| Cameroon | CFA franc | 55,650 | 222.15 | 3,310 | 13.12 | | | 1,765 | 7.02 | 60,725 | [4] 242.29 |
| Spain | Peseta | 1,295 | 20.10 | 530 | 8.23 | | | | | 1,825 | 28.33 |
| Hon. Robert McClory: | | | | | | | | | | | |
| Morocco | Dirham | 235.36 | 51.06 | 563.30 | 113.73 | | | | | 798.66 | 164.79 |
| Zaire | Zs | 31.64 | 63.28 | 90.03 | 180.06 | | | | | 121.67 | 243.34 |
| Cameroon | CFA franc | 30,100 | 119.60 | 80,920 | 321.83 | | | 2,520 | 10.24 | 113,540 | 451.67 |
| Spain | Peseta | 3,430 | 54.04 | 13,453 | 211.17 | | | 10 | .16 | 16,893 | 265.37 |
| Italy | Lira | 238,000 | 409.65 | 304,845 | 524.69 | | | 15,215 | 26.33 | 558,060 | [3] 960.67 |
| Germany | D. mark | | | | | 3,396.25 | 1,045.00 | | | 3,396.25 | 1,953.52 |
| Sweden | Krona | 1,592 | 335.66 | 1,010.50 | 214.80 | 6,640 | 1,403.06 | | | 9,242.50 | 1,045.00 |
| Hon. John S. Monagan: | | | | | | | | | | | |
| Italy | Lira | 60,600 | 104.30 | 155,300 | 267.30 | | | | | 215,900 | 371.60 |
| Germany | D. mark | | | | | 3,539.25 | 1,089.00 | | | 3,539.25 | 1,089.00 |
| Hon. Edward J. Patten: | | | | | | | | | | | |
| Morocco | Dirham | 235.36 | 51.06 | 78.50 | 17.32 | | | | | 313.86 | 68.38 |
| Zaire | Zs | 31.64 | 63.28 | 4.90 | 9.80 | | | .15 | .30 | 36.69 | 73.38 |
| Cameroon | CFA franc | 30,100 | 119.60 | 3,370 | 13.42 | | | 4,350 | 17.29 | 37,820 | 150.31 |
| Spain | Peseta | 4,095 | 64.55 | 1,672 | 26.01 | | | | | 5,767 | 90.56 |
| Italy | Lira | 281,500 | 484.52 | 62,045 | 106.79 | | | 9,830 | 16.96 | 353,375 | 608.27 |
| Hon. Alexander Pirnie: | | | | | | | | | | | |
| Morocco | Dirham | 274.10 | 59.45 | 45.50 | 9.87 | | | | | 319.60 | 69.32 |
| Zaire | Zs | 25.10 | 50.20 | 9.53 | 19.06 | | | | | 34.63 | 69.26 |
| Cameroon | CFA franc | 55,650 | 222.15 | 5,150 | 20.56 | | | | | 60,800 | 242.71 |
| Spain | Peseta | 3,275 | 51.60 | 1,010 | 16.01 | | | | | 4,285 | 67.61 |
| Italy | Lira | 207,000 | 356.29 | 40,050 | 68.93 | | | 1,350 | 2.32 | 248,400 | 427.54 |
| Hon. Paul G. Rogers: | | | | | | | | | | | |
| Morocco | Dirham | 235.36 | 51.06 | 23.00 | 4.99 | | | | | 258.36 | 56.05 |
| Zaire | Zs | 31.64 | 63.28 | 13.32 | 26.64 | | | .15 | .30 | 45.11 | 90.22 |
| Cameroon | CFA franc | 30,100 | 119.60 | 16,995 | 67.66 | | | | | 47,095 | 187.26 |
| Spain | Peseta | 1,295 | 20.10 | 90 | 1.39 | | | | | 1,490 | 21.49 |
| Ann Bolton: | | | | | | | | | | | |
| Italy | Lira | 151,500 | 260.76 | 6,350 | 10.93 | | | 1,400 | 2.41 | 159,250 | 274.10 |
| Spain | Peseta | 2,240 | 35.56 | 170 | 2.78 | | | | | 2,410 | 38.34 |
| W. Pat Jennings: | | | | | | | | | | | |
| Morocco | Dirham | 235.36 | 51.06 | 159.00 | 34.66 | | | 8.00 | 1.73 | 402.36 | 87.45 |
| Zaire | Zs | 31.64 | 63.28 | 11.00 | 22.00 | | | | | 42.64 | 85.28 |
| Cameroon | CFA franc | 30,100 | 119.62 | 6,920 | 27.59 | | | | | 37,020 | 147.21 |
| Spain | Peseta | 4,095 | 64.55 | 1,990 | 31.24 | | | | | 6,085 | 95.79 |
| Italy | Lira | 238,000 | 409.48 | 70,510 | 121.36 | | | 7,465 | 12.85 | 315,975 | 543.69 |
| Morris Rothenberg: | | | | | | | | | | | |
| Morocco | Dirham | 182.34 | 39.52 | 50.00 | 10.85 | | | | | 233.34 | 50.37 |
| Zaire | Zs | 25.10 | 50.20 | 3.75 | 7.50 | | | | | 28.85 | 57.70 |
| Cameroon | CFA franc | 26,600 | 105.80 | 1,450 | 5.80 | | | 5,455 | 21.81 | 33,505 | 133.41 |
| Spain | Peseta | 3,190 | 50.27 | 316 | 4.92 | | | | | 3,506 | 55.19 |
| Italy | Lira | 151,500 | 260.76 | 38,310 | 65.94 | | | | | 189,810 | 326.70 |
| Mary Sweet: | | | | | | | | | | | |
| Morocco | Dirham | 182.34 | 39.52 | 7.50 | 1.73 | | | | | 189.84 | 41.25 |
| Zaire | Zs | 25.10 | 50.20 | .55 | 1.10 | | | | | 25.65 | 51.30 |
| Cameroon | CFA franc | 26,600 | 105.80 | | | | | 3,640 | 14.52 | 30,240 | 120.32 |
| Spain | Peseta | 995 | 15.54 | | | | | | | 995 | 15.54 |
| Delegation expenses: | | | | | | | | | | | |
| Morocco: | | | | | | | | | | | |
| Hotel office | Dirham | 725.78 | 157.44 | | | | | | | 725.78 | 157.44 |
| Delegation meals | Dirham | | | 411.00 | 91.11 | | | | | 411.00 | 91.11 |
| Embassy reception | U.S. dollar | | | | 300.00 | | | | | | 300.00 |
| Transportation | Dirham | | | | | 6,486.28 | 1,392.91 | | | 6,486.28 | 1,392.91 |
| Communications | U.S. dollar | | | | | | | | 10.48 | | 10.48 |
| Zaire: | | | | | | | | | | | |
| Delegation meals, Embassy reception. | U.S. dollar | | | | 640.22 | | | | | | 640.22 |
| Delegation meals | Dirham | | | 112.45 | 224.90 | | | | | 112.45 | 224.90 |
| Transportation | Dirham | | | | | 883.47 | 1,759.74 | | | 883.47 | 1,759.74 |
| Miscellaneous | Dirham | | | | | | | 2.00 | 4.00 | 2.00 | 4.00 |
| Cameroon: | | | | | | | | | | | |
| Hotel office | U.S. dollar | | 17.00 | | | | | | | | 17.00 |
| Hotel office | CFA franc | 112,950 | 450.00 | | | | | | | 112,950 | 450.00 |
| Embassy reception, delegation meals. | CFA franc | | | 127,300 | 506.00 | | | | | 127,300 | 506.00 |
| Embassy reception, delegation meals | U.S. dollar | | | | 3,104.78 | | | | | | [6] 3,104.78 |
| Transportation | U.S. dollar | | | | | | 42.12 | | | | 42.12 |
| Transportation | Dirham | | | | | 4,366,267 | 17,306.71 | | | 4,366,267 | 17,306.71 |
| Spain: | | | | | | | | | | | |
| Delegation meals | U.S. dollar | | | | 205.71 | | | | | | 205.71 |
| Transportation | U.S. dollar | | | | | | 44.00 | | | | 44.00 |
| Transportation | Peseta | | | | | 35,068 | 532.14 | | | 35,068 | 532.14 |
| Miscellaneous | Peseta | | | | | | | 480 | 8.32 | 480 | 8.32 |

Footnotes at end of table.

XUM

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, DELEGATIONS, U.S. GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Lodging | | Meals | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency |
| Delegation expenses—Continued | | | | | | | | | | | |
| Italy: | | | | | | | | | | | |
| Hotel office | U.S. dollar | | $97.94 | | | | | | | | $97.94 |
| Hotel office | Lira | 1,922,550 | 3,309.04 | | | | | | | 1,922,550 | 3,309.04 |
| Embassy reception, delegation meals | U.S. dollar | | | | $2,450.00 | | | | | | 2,450.00 |
| Printing, fees, communications, embassy overtime | U.S. dollar | | | | | | | | $632.00 | | 632.00 |
| Transportation | Lira | | | | | 2,436,830 | $4,179.81 | | | 2,436,830 | 4,179.81 |
| Air fares | Lira | | | | | 187,485 | 322.69 | | | 187,485 | 322.69 |
| Total | | | 11,434.76 | | 12,023.12 | | 31,086.31 | | 2,017.60 | | 56,561.79 |

If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] $434.88 of this amount reimbursed by personal check.
[3] $191.40 of this amount reimbursed by personal check.
[4] $127.50 of this amount reimbursed in cash.
[5] $218.08 of this amount reimbursed in cash.
[6] $515.52 of this amount reimbursed in cash and personal check.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $44,125.85 |
| Appropriated funds: Other (22 U.S.C. 276) | 12,435.94 |
| Total | 56,561.79 |

EDWARD J. DERWINSKI,
Chairman, U.S. Group, Interparliamentary Union.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, BRITISH-AMERICAN PARLIAMENTARY CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date | | | Per diem rate | | Total amount per diem | | Transportation | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Arrival | Departure | Total days | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency |
| Hon. Carl Albert: Bermuda | Bermuda dollar | 2/10 | 2/14 | 5 | 45.80+ | $50.00 | 229.04 | $250.00 | | | 229.04 | $250.00 |
| Hon. Hale Boggs: Bermuda | Bermuda dollar | 2/10 | 2/14 | 5 | 45.80+ | 50.00 | 229.04 | 250.00 | | | 229.04 | 250.00 |
| Hon. Peter H. B. Frelinghuysen: Bermuda | Bermuda dollar | 2/10 | 2/14 | 5 | 45.80+ | 50.00 | 229.04 | 250.00 | | | 229.04 | 250.00 |
| Hon. Wayne L. Hays: Bermuda | Bermuda dollar | 2/10 | 2/14 | 5 | 45.80+ | 50.00 | 229.04 | 250.00 | | | 229.04 | 250.00 |
| Hon. F. Bradford Morse: Bermuda | Bermuda dollar | 2/10 | 2/14 | 5 | 45.80+ | 50.00 | 229.04 | 250.00 | | | 229.04 | 250.00 |
| Hon. John J. Rhodes: Bermuda | Bermuda dollar | 2/10 | 2/14 | 5 | 45.80+ | 50.00 | 229.04 | 250.00 | | | 229.04 | 250.00 |
| Paula Peak: Bermuda | Bermuda dollar | 2/10 | 2/14 | 5 | 45.80+ | 50.00 | 229.04 | 250.00 | | | 229.04 | 250.00 |
| Total | | | | | | | | 1,750.00 | | | | 1,750.00 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) total | $1,750.00 |

WAYNE L. HAYS,
Chairman, U.S. House of Representatives Delegation to the British-American Parliamentary Conference.

Mar. 1, 1973.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 551, 1ST SESS., 88TH CONG., HOUSE DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

| Name and country | Name of currency | Date | | | Per diem rate | | Total amount per diem | | Transportation | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Arrival | Departure | Total days | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency |
| Hon. Frank Annunzio: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | $50.00 | 1,120 | $350.00 | | | 1,120 | $350.00 |
| Italy | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/4 | 5 | 21.18+ | 50.00 | 105.90+ | 250.00 | | | 105.90+ | 250.00 |
| Hon. Jack Brooks: | | | | | | | | | | | | |
| Belgium | B. franc | 5/9 | 5/12 | 4 | 2,200 | 50.00 | 8,800 | 200.00 | | | 8,800 | 200.00 |
| United Kingdom | Pound | 5/12 | 5/14 | 2 | 19.06+ | 50.00 | 38.12+ | 100.00 | | | 38.12+ | 100.00 |
| Germany | D. mark | 11/17 | 11/25 | 9 | 160 | 50.00 | 1,420 | 450.00 | | | 1,420 | 450.00 |
| France | | 11/25 | 11/26 | | | | | | | | | |
| Hon. Phillip Burton: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,120 | 350.00 | | | 1,120 | 350.00 |
| Italy | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/4 | 5 | 21.18+ | 50.00 | 105.90+ | 250.00 | | | 105.90+ | 250.00 |
| Hon. Frank Clark: | | | | | | | | | | | | |
| Belgium | B. franc | 5/11 | 5/13 | 3 | 2,200 | 50.00 | 6,600 | 150.00 | | | 6,600 | 150.00 |
| United Kingdom | Pound | 5/13 | 5/14 | 1 | 19.07+ | 50.00 | 19.07+ | 50.00 | | | 19.07+ | 50.00 |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,120 | 350.00 | | | 1,120 | 350.00 |
| Rome | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/4 | 5 | 21.18+ | 50.00 | 105.90+ | 250.00 | | | 105.90+ | 250.00 |

Footnote at end of table.



REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 551, 1ST SESS., 88TH CONG., HOUSE DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972—Continued

| Name and country | Name of currency | Date | | | Per diem rate | | Total amount per diem | | Transportation | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Arrival | Departure | Total days | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency | Foreign currency | U.S. dollar [1] equivalent or U.S. currency |
| Hon. Samuel L. Devine: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | $50.00 | 1,120 | $350.00 | | | 1,120 | $350.00 |
| United Kingdom | Pound | 12/3 | 12/4 | 2 | 21.21+ | 50.00 | 42.42+ | 100.00 | | | 42.42+ | 100.00 |
| Hon. Paul Findley: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,440 | 450.00 | | | 1,440 | 450.00 |
| France | | 11/24 | 11/26 | 2 | | | | | | | | |
| Hon. Wayne L. Hays: | | | | | | | | | | | | |
| United Kingdom | Pound | 5/10 | 5/12 | 2 | 19.07 | 50.00 | 38.14 | 100.00 | | | 38.14 | 100.00 |
| Belgium | B. franc | 5/12 | 5/13 | 2 | 2,200 | 50.00 | 4,400 | 100.00 | | | 4,400 | 100.00 |
| United Kingdom | Pound | 5/13 | 5/14 | 1 | 19.07 | 50.00 | 19.07 | 50.00 | | | 19.07 | 50.00 |
| United Kingdom | Pound | 6/30 | 7/4 | 5 | 20.03+ | 50.00 | 100.15+ | 250.00 | | | 100.15+ | 250.00 |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,120 | 350.00 | | | 1,120 | 350.00 |
| Italy | Lira | 11/24 | 11/28 | 5 | 29,250 | 50.00 | 146,250 | 250.00 | | | 146,250 | 250.00 |
| United Kingdom | Pound | 11/28 | 12/4 | 6 | 21.19+ | 50.00 | 127.15+ | 300.00 | | | 127.15+ | 300.00 |
| Hon. Dave Martin: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,120 | 350.00 | | | 1,120 | 350.00 |
| Italy | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/4 | 5 | 21.18+ | 50.00 | 105.90+ | 250.00 | | | 105.90+ | 250.00 |
| Hon. Robert B. Mathias: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,120 | 350.00 | | | 1,120 | 350.00 |
| Italy | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/3 | 3 | 21.18+ | 50.00 | 63.54+ | 150.00 | | | 63.54+ | 150.00 |
| Hon. Bertram Podell: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,120 | 350.00 | | | 1,120 | 350.00 |
| Italy | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/4 | 5 | 21.18+ | 50.00 | 105.90+ | 250.00 | | | 105.90+ | 250.00 |
| Hon. Peter W. Rodino: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,120 | 350.00 | | | 1,120 | 350.00 |
| Italy | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/4 | 5 | 21.18+ | 50.00 | 105.90+ | 250.00 | | | 105.90+ | 250.00 |
| Hon. Vernon Thomson: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,200 | 350.00 | | | 1,200 | 350.00 |
| Italy | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/4 | 5 | 21.18+ | 50.00 | 105.90+ | 250.00 | | | 105.90+ | 250.00 |
| Hon. J. Irving Whalley: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,120 | 350.00 | | | 1,120 | 350.00 |
| Italy | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/4 | 5 | 21.18+ | 50.00 | 105.90+ | 250.00 | | | 105.90+ | 250.00 |
| Peter A. Abbruzzese: | | | | | | | | | | | | |
| Belgium | B. franc | 5/8 | 5/13 | 6 | 2,200 | 50.00 | 13,200 | 300.00 | | | 13,200 | 300.00 |
| United Kingdom | Pound | 5/13 | 5/14 | 1 | 19.10 | 50.00 | 19.10 | 50.00 | | | 19.10 | 50.00 |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,120 | 350.00 | | | 1,120 | 350.00 |
| Italy | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/4 | 5 | 21.18+ | 50.00 | 105.90+ | 250.00 | | | 105.90+ | 250.00 |
| Paula Peak: | | | | | | | | | | | | |
| Germany | D. mark | 11/17 | 11/24 | 7 | 160 | 50.00 | 1,120 | 350.00 | | | 1,120 | 350.00 |
| Italy | Lira | 11/24 | 11/29 | 6 | 29,250 | 50.00 | 175,500 | 300.00 | | | 175,500 | 300.00 |
| United Kingdom | Pound | 11/29 | 12/4 | 5 | 21.18+ | 50.00 | 105.90+ | 250.00 | | | 105.90+ | 250.00 |
| Delegation expenses including office rental, telephone, transportation, and official representation | | | | | | | | | | | | 12,722.03 |
| Total | | | | | | | | 13,400.00 | | | | 26,122.03 |

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

| | Amount |
|---|---|
| Foreign currency (U.S. dollar equivalent) | $26,122.03 |

WAYNE L. HAYS,
Chairman, U.S. House of Representatives Delegation to the North Atlantic Assembly.

Mar. 1, 1973.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

803. A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay claims and judgments rendered against the United States (H.R. Doc. No. 93–89); to the Committee on Appropriations and ordered to be printed.

804. A communication from the President of the United States, transmitting requests for amendments in the legislative and judicial branch appropriations for fiscal year 1974 (H. Doc. No. 93–90); to the Committee on Appropriations and ordered to be printed.

805. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1973 for the legislative branch (H. Doc. No. 93–91); to the Committee on Appropriations and ordered to be printed.

806. A letter from the Assistant Administrator, Agency for International Development, Department of State, transmitting a report covering the 6 months ended June 30, 1972, on architectural and engineering fees in excess of $25,000, pursuant to section 102 of the Foreign Assistance and Related Programs Appropriation Act; to the Committee on Appropriations.

807. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

808. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Air National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

809. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff on March 31, 1973, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

810. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the proposed donation of certain surplus property to the city of Coronado, Calif., pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

811. A letter from the Acting Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a report covering the 6 months ended December 31, 1972, on the strategic and critical materials stockpiling program, pursuant to 50 U.S.C. 98c; to the Committee on Armed Services.

812. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 507 of the Housing Act of 1949 to make the veterans' preference applicable to veterans of the post-Korean era, and for other purposes; to the Committee on Banking and Currency.

813. A letter from the Commissioner of the District of Columbia, transmitting a report on a study of the feasibility, cost, and morale impact of basing police and fire retirement annuities on average pay, requested in the conference report on H.R. 15580 (92d

XUM

Congress), a bill to amend the D.C. Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

814. A letter from the Director, District Unemployment Compensation Board, Government of the District of Columbia, transmitting the annual report of the Board for 1972, pursuant to 46 D.C. Code 313(c); to the Committee on the District of Columbia.

815. A letter from the Acting Secretary of the Interior, transmitting the annual report of the Interim Compliance Panel for calendar year 1972, pursuant to section 5 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173); to the Committee on Education and Labor.

816. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on actions taken by the administration in response to the recommendations of the 1971 White House Conference on Aging, pursuant to Public Law 90-526; to the Committee on Education and Labor.

817. A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Bilingual Education Act, for the Dropout Prevention Program, and for section 309 of the Adult Education Act; to the Committee on Education and Labor.

818. A letter from the Chairman, National Advisory Council on the Education of Disadvantaged Children, transmitting the 1973 annual report of the Council, entitled "America's Educationally Neglected: A Progress Report on Compensatory Education"; to the Committee on Education and Labor.

819. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting the texts of International Labor Organization Recommendation No. 137, concerning vocational training of seafarers, and International Labor Organization Recommendation No. 139, concerning employment problems arising from technical development on board ship (H. Doc. 93-92); to the Committee on Foreign Affairs and ordered to be printed.

820. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes; to the Committee on Foreign Affairs.

821. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on budgetary reserves as of April 14, 1973, pursuant to the Federal Impoundment and Information Act, as amended; to the Committee on Government Operations.

822. A letter from the Acting Secretary of the Interior, transmitting a report covering calendar year 1972 on the activities of, expenditures by, and donations to the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, N. Dak., pursuant to 62 Stat. 85; to the Committee on Interior and Insular Affairs.

823. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with General Electric Co., Pleasanton, Calif., for a research project entitled "Track Etch Dosimeters", pursuant to 42 U.S.C. 1900(d); to the Committee on Interior and Insular Affairs.

824. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Arthur D. Little, Inc., Cambridge, Mass., for a research project entitled "Advanced Techniques for Radon Gas Removal", pursuant to 42 U.S.C. 1900(d); to the Committee on Interior and Insular Affairs.

825. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

826. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the act of June 21, 1940, as amended, to remove the 90 day requirement for the submission of general plans and specifications for altering a bridge in accordance with an order of the Secretary of Transportation; to the Committee on Interstate and Foreign Commerce.

827. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Rail Passenger Service Act of 1970, as amended, to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

828. A letter from the Secretary of Transportation, transmitting the second annual report on the financial condition of the Penn Central Transportation Co., pursuant to section 10 of the Emergency Rail Services Act of 1970 (Public Law 91-663); to the Committee on Interstate and Foreign Commerce.

829. A letter from the Administrator, Environmental Protection Agency, transmitting the second annual report on the development of systems necessary to implement the motor vehicle emission standards promulgated under section 202(b)(4) of the Clean Air Act, as amended; to the Committee on Interstate and Foreign Commerce.

830. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of March 1973, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

831. A letter from the Chief Justice of the United States, transmitting the Bankruptcy Rules and Official Forms covering General Bankruptcy cases (Chapters I-VII of the Bankruptcy Act) and the Chapter XIII Rules and Official Forms prescribed pursuant to 28 U.S.C. 2075, together with an excerpt from the Report of the Judicial Conference of the United States containing the Advisory Committee Notes which were submitted to the Court (H. Doc. 93-87); to the Committee on the Judiciary and ordered to be printed.

832. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Trademark Act of 1946 and title 35 of the United States Code to change the name of the Patent Office to the "Patent and Trademark Office"; to the Committee on the Judiciary.

833. A letter from the Director, Administrative Office of the United States Courts, transmitting the annual report for calendar year 1972 on applications for court orders made to Federal and State courts to permit the interception of wire or oral communications, pursuant to 18 U.S.C. 2519; to the Committee on the Judiciary.

834. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend section 5031 of title 18, United States Code, with respect to the applicability of juvenile delinquency proceedings in petty offense cases; to the Committee on the Judiciary.

835. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to authorize the position of crier-clerk within the Judicial Branch of the Government of the United States and for other purposes; to the Committee on the Judiciary.

836. A letter from the Director, Administrative Office of United States Courts, transmitting a draft of proposed legislation to provide for a within-grade salary increase plan for secretaries to circuit and district judges of the courts of the United States, and for other purposes; to the Committee on the Judiciary.

837. A letter from the Director, National Development and Finance Services, Boys' Clubs of America, transmitting the annual report and audited financial statement of the organization for 1972, pursuant to section 17 of Public Law 84-988; to the Committee on the Judiciary.

838. A letter from the Secretary of Commerce, transmitting a report on the effects of pollution abatement on international trade, pursuant to section 6 of Public Law 92-500; to the Committee on Public Works.

839. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the construction of a Courthouse and Federal Office Building and parking facility at Topeka, Kans., pursuant to Public Law 92-313 (86 Stat. 216); to the Committee on Public Works.

840. A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act to provide for the control of sediment from construction activities; to the Committee on Public Works.

841. A letter from the Adjutant General, United Spanish War Veterans, transmitting the proceedings of the stated convention of the 74th National Encampment, United Spanish War Veterans, pursuant to Public Law 77-249 (H. Doc. 93-86); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

842. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the deduction for moving expenses; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

843. A letter from the Comptroller General of the United States, transmitting a report on the need for more effective efforts by the Department of Transportation to insure compliance with Federal motor vehicle safety standards; to the Committee on Government Operations.

844. A letter from the Comptroller General of the United States, transmitting a report on Environmental Protection Agency efforts to remove hazardous pesticides from the channels of trade; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee of conference. A conference report to accompany House Joint Resolution 393 (Rept. No. 93-158). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5777. A bill to protect hobbyists against the reproduction or manufacture of certain imitation hobby items and to provide additional protections for American hobbyists; with amendment (Rept. No. 93-159). Referred to the Committee of the Whole House on the State of the Union.



## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 7283. A bill to provide for grants to local educational agencies to plan, develop, and conduct courses dealing with the constitutional rights of individuals, judicial procedure, and police and other law enforcement procedures and problems; to the Committee on Education and Labor.

By Mr. ALEXANDER:

H.R. 7284. A bill to amend the Agricultural Adjustment Act of 1938 with respect to peanuts; to the Committee on Agriculture.

By Mr. ANDERSON of Illinois:

H.R. 7285. A bill to amend section 4940 of the Internal Revenue Code of 1954 to change the name of the amount imposed thereby on certain investment income from "excise tax" to "service charge", and to reduce such amount from 4 percent to 1½ percent; to the Committee on Ways and Means.

H.R. 7286. A bill to amend the Internal Revenue Code of 1954 to allow individuals an income tax credit for gifts or contributions made to any institution of higher education; to the Committee on Ways and Means.

H.R. 7287. A bill relating to the income tax treatment of charitable contributions of inventory and certain other ordinary income property; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 7288. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7289. A bill to amend the Flammable Fabrics Act to extend the provisions of that act to construction materials used in the interiors of homes, offices, and other places of assembly or accommodation, and to authorize the establishment of toxicity standards; to the Committee on Interstate and Foreign Commerce.

H.R. 7290. A bill to amend the Coastal Zone Management Act of 1972 for the purpose of determining the causes and means of preventing shoreline erosion; to the Committee on Merchant Marine and Fisheries.

H.R. 7291. A bill to amend the Disaster Relief Act of 1970 for the purpose of making clear that disaster assistance is available to those communities affected by extraordinary shoreline erosion damage; to the Committee on Public Works.

H.R. 7292. A bill to amend section 426 of title 33, United States Code, for the purpose of providing the right of reimbursement to local interests for undertaking repair of shore damages attributable to Federal navigation works pursuant to section 4261; to the Committee on Public Works.

H.R. 7293. A bill to authorize the State of Illinois and the Metropolitan Sanitary District of Greater Chicago, under the direction of the Secretary of the Army, to increase the diversion of water from Lake Michigan into the Illinois Waterway in order to control and eliminate water erosion on the shoreline of Lake Michigan and to improve the quality of the water in the Illinois Waterway; to the Committee on Public Works.

H.R. 7294. A bill to amend section 426 of title 33, United States Code, for the purposes of authorizing the Army Corps of Engineers to undertake emergency erosion control projects; to the Committee on Public Works.

H.R. 7295. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the cost of fire science programs; to the Committee on Science and Astronautics.

H.R. 7296. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half the costs of training programs for firemen; to the Committee on Science and Astronautics.

H.R. 7297. A bill to provide financial aid to local fire departments in the purchase of of training programs for firemen; to the Committee on Science and Astronautics.

H.R. 7298. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and self-contained breathing apparatus; to the Committee on Science and Astronautics.

H.R. 7299. A bill to extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs; to the Committee on Science and Astronautics.

H.R. 7300. A bill to establish a National Fire Data and Information Clearinghouse, and for other purposes; to the Committee on Science and Astronautics.

H.R. 7301. A bill to provide for the creation of the National Fire Academy, and for other purposes; to the Committee on Science and Astronautics.

By Mr. ASPIN (for himself and Mr. COUGHLIN):

H.R. 7302. A bill to authorize the Secretary of the Interior to issue rights-of-way and special land use permits for the construction of pipelines in the State of Alaska under certain circumstances, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BADILLO:

H.R. 7303. A bill making appropriations for the Office of Economic Opportunity for the fiscal year ending June 30, 1974; to the Committee on Appropriations.

By Mr. BARRETT:

H.R. 7304. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. BLATNIK:

H.R. 7305. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may disapprove the President's action and require him to cease such impounding; to the Committee on Rules.

By Mr. BURGENER:

H.R. 7306. A bill appropriating funds for the San Luis Rey River project, California; to the Committee on Appropriations.

By Mr. CLARK:

H.R. 7307. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

H.R. 7308. A bill to amend the Great Lakes Pilotage Act of 1960 (46 U.S.C. section 216) to limit the liability of Great Lakes pilots, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 7309. A bill to amend title II of the Social Security Act to provide that full old-age, survivors, and disability insurance benefits (when based upon the attainment of retirement age), and medicare benefits, will be payable at age 60 (with such insurance benefits being payable in reduced amounts at age 57), to provide a minimum primary benefit of $100 a month, and to liberalize the earnings test; and to amend title XVIII of such act to provide coverage for prescription drugs under the medicare program; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 7310. A bill to establish the National Commission for the Preservation of Foreign Language Resources; to the Committee on Education and Labor.

H.R. 7311. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. GRASSO:

H.R. 7312. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 7313. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 7314. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials and elected town and township officials; to the Committee on Government Operations.

H.R. 7315. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H.R. 7316. A bill to authorize appropriations for the Department of State, and for other purposes; to the Committee on Foreign Affairs.

H.R. 7317. A bill to authorize the United States Postal Service to continue to receive the fee of $2 for execution of an application for a passport; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL (for himself, Mr. ROSENTHAL, Mr. BEVILL, Mr. DIGGS, Mr. WON PAT, Mr. BENITEZ, Mr. ROE, Mr. ARCHER, Mr. ROYBAL, Mr. BLACKBURN, Mr. MCCORMACK, Mr. EILBERG, Mr. MARTIN of North Carolina, Mr. MCDADE, Mr. MURPHY of New York, Mr. YOUNG of Alaska, Ms. CHISHOLM, Mr. HINSHAW, Mr. TOWELL of Nevada, and Mr. BUCHANAN):

H.R. 7318. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for young people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHMAN:

H.R. 7319. A bill to amend the Federal Cigarette Labeling and Advertising Act to require cigarette packages to disclose the quantity of tar and nicotine contained in the cigarettes in the packages; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN:

H.R. 7320. A bill to amend the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. OBEY:

H.R. 7321. A bill to authorize the Secretary of the Interior to issue rights-of-way and special land use permits for the construction of pipelines in the State of Alaska under certain circumstances, and for other purposes;

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to the Committee on Interior and Insular Affairs.

By Mr. PATMAN:

H.R. 7322. A bill to amend the Bank Holding Company Act Amendments of 1970 to authorize grants to Eisenhower College, Seneca Falls, N.Y.; to the Committee on Banking and Currency.

By Mr. QUIE:

H.R. 7323. A bill to amend section 3 of the Child Nutrition Act of 1966 to permit the participation of nonprofit institutions for handicapped persons in the special milk program; to the Committee on Education and Labor.

H.R. 7324. A bill to amend the Federal Unemployment Tax Act with respect to the definition of "employer"; to the Committee on Ways and Means.

By Mr. REID:

H.R. 7325. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. SMITH of New York:

H.R. 7326. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 7327. A bill to provide for the establishment and carrying out of a child advocacy program; to the Committee on Education and Labor.

By Mr. WALDIE (for himself, Ms. ABZUG, Ms. CHISHOLM, Mr. EDWARDS of California, Mr. EILBERG, Mr. NIX, and Mr. RODINO):

H.R. 7328. A bill to discourage experimentation on animals by elementary and secondary schoolchildren; to the Committee on Education and Labor.

By Mr. WALDIE:

H.R. 7329. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. WALDIE (for himself, Mr. KOCH, Mr. RYAN, Mr. MCCLOSKEY, Mr. BROWN of California, Mr. HAWKINS, Mr. STARK, Mr. LEGGETT, Mr. EDWARDS of California, Mr. ROYBAL, Mr. REES, Mr. CORMAN, Mr. PRICE of Illinois, Mr. PODELL, Mrs. BURKE of California, Mr. CONYERS, Mrs. CHISHOLM, and Mr. MITCHELL of Maryland):

H.R. 7330. A bill to insure the free flow of information and news to the public; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 7331. A bill amending title 47 of the United States Code, Telegraphs, Telephones and Radio Telegraphs; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 7332. A bill to amend the Food Stamp Act of 1964, to allow elderly persons who are members of eligible households to use food stamps to purchase meals in restaurants; to the Committee on Agriculture.

By Ms. ABZUG:

H.R. 7333. A bill to provide for equitable rents under the economic stabilization program; to the Committee on Banking and Currency.

By Mr. BIESTER:

H.R. 7334. A bill to amend the Internal Revenue Code of 1954 to disregard children's benefits received by an individual under the Social Security Act in determining whether that individual is a dependent of a taxpayer; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 7335. A bill to provide for more certainty and expedience in the Federal budgetary process, to limit Presidential impoundment authority, and for other purposes; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. BEVILL, Mr. EILBERG, Mr. HANSEN of Idaho, Mr. HOWARD, Mr. JOHNSON of Pennsylvania, Mr. MOAKLEY, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. SCHNEEBELI, Mr. TAYLOR of North Carolina, Mr. THONE, Mr. WALDIE, Mr. BOB WILSON, Mr. WINN, Mr. WON PAT, Mr. DERWINSKI, Mr. FISH, Mr. GOLDWATER, Mr. HARRINGTON, and Mr. MITCHELL of Maryland):

H.R. 7336. A bill to establish an Environment Quality Corps; to the Committee on Education and Labor.

By Mr. BURLISON of Missouri:

H.R. 7337. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus supplies and equipment to certain sheltered workshop programs; to the Committee on Government Operations.

By Mr. CAREY of New York:

H.R. 7338. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Ms. ABZUG, Ms. CHISHOLM, Mr. CONYERS, Mr. DIGGS, Mr. LEGGETT, Mr. MOAKLEY, Mr. PODELL, Mr. ROSENTHAL, and Mr. STARK):

H.R. 7339. A bill to enforce the provisions of the 14th amendment to assure the proper conduct of elections; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts (for herself, Mr. MADIGAN, Mrs. CHISHOLM, Mr. MCKAY, Mr. PRITCHARD, Mr. SISK, Mr. WHITEHURST, Mr. MOAKLEY, Mr. O'BRIEN, Mr. HUBER, Mr. FRENZEL, Mr. MCCOLLISTER, Mrs. GRASSO, Mr. STUDDS, Mr. BOLAND, and Mr. BURKE of Massachusetts):

H.R. 7340. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON:

H.R. 7341. A bill to amend the act of September 27, 1944 (58 Stat. 746), an act "To authorize the Secretary of the Interior to accept property for the Moores Creek National Military Park, and for other purposes"; to the Committee on Interior and Insular Affairs.

By Mrs. HOLT:

H.R. 7342. A bill to promote the foreign policy of the United States by prohibiting travel in a restricted area; to the Committee on the Judiciary.

H.R. 7343. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. LITTON:

H.R. 7344. A bill to amend the Legislative Reorganization Act of 1970 to provide seminars to freshmen Members of the Congress, and for other purposes; to the Committee on House Administration.

By Mr. QUILLEN:

H.R. 7345. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938; to the Committee on Agriculture.

By Mr. RINALDO:

H.R. 7346. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

H.R. 7347. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7348. A bill to designate certain lands as wilderness for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7349. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 7350. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes on an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. RINALDO (for himself and Mr. HARRINGTON):

H.R. 7351. A bill to amend the Internal Revenue Code of 1954 to provide for the licensing of and for certain other regulations with respect to, persons in the business of preparing tax returns; to the Committee on Ways and Means.

By Mr. RODINO (for himself and Mr. HUTCHINSON):

H.R. 7352. A bill to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 7353. A bill to amend title II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program, medicare; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 7354. A bill relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the construction, alteration, and acquisition of hospitals and domiciliary facilities; to the closing of hospital and domiciliary facilities and regional offices; and to the transfer of real property under the jurisdiction or control of the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

H.R. 7355. A bill to amend section 5034 of title 38, United States Code, to increase the number of nursing home beds in each State for war veterans in need of nursing home care; to the Committee on Veterans' Affairs.

By Mr. SANDMAN:

H.R. 7356. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 7357. A bill to amend section 5(1)(1) of the Railroad Retirement Act of 1937 to simplify administration of the Act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK (for himself and Mr. BURTON):

H.R. 7358. A bill to provide for the striking of medals commemorating the 100th anniversary of the invention of the cable car; to the Committee on Banking and Currency.

By Mr. TIERNAN:

H.R. 7359. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself and Mr. PREYER):

H.R. 7360. A bill to amend section 9 of the Military Selective Service Act relating to reemployment rights of members and former members of the Armed Forces of the United States; to the Committee on Armed Services.

By Mr. WILLIAMS (for himself, Mr. BROYHILL of Virginia, Mr. DERWINSKI, Mr. DORN, Mr. HALEY, Mr. LUJAN, Mr. MOAKLEY, Mr. MOSS, Mr. ROBINSON of Virginia, Mr. ROBISON of New York, Mr. ROONEY of Pennsylvania, Mr. WON PAT, and Mr. MELCHER):

H.R. 7361. A bill to establish the American Revolution Bicentennial Administration and for other purposes; to the Committee on the Judiciary.

By Mr. BADILLO:

H.J. Res. 528, A resolution making continuing appropriations for the Office of Economic Opportunity; to the Committee on Appropriations.

By Mr. DEVINE:

H.J. Res. 529. Joint resolution to provide for the settlement of the labor disputes between the trustees of the Penn Central Transportation Co., Debtor, in reorganization under section 77 of the Bankruptcy Act, and certain of its employees; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.J. Res. 530. Joint resolution providing for the designation of the fourth week of April of each year as Police Officers Wives Association Week; to the Committee on the Judiciary.

By Mr. ROGERS (for himself and Mr. NELSEN):

H.J. Res. 531. Joint resolution providing for designation of the week inclusive of May 12, 1973, as "National Hospital Week"; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H. Con. Res. 206. Concurrent resolution expressing the support of Congress on behalf of the principle of free emigration for all people; to the Committee on Foreign Affairs.

By Mr. GUBSER:

H. Con. Res. 207. Concurrent resolution expressing the sense of the Congress that the San Jose Invitational Track and Field Meet is recognized as a contribution to the nationwide program of physical fitness; to the Committee on the Judiciary.

By Mr. OWENS:

H. Con. Res. 208. A resolution expressing the sense of Congress that a special prosecutor should be appointed with a purpose of conducting prosecutions arising out of the grand jury investigation of matters relating to the Watergate case; to the Committee on the Judiciary.

By Mr. DICKINSON:

H. Res. 366. A resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.





## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

164. By the SPEAKER: A memorial of the Senate of the State of Hawaii, relative to abolishing the selective service system; to the Committee on Armed Services.

165. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to relocation of the Naval Frigate Constitution; to the Committee on Armed Services.

166. Also, memorial of the Legislature of the State of Washington, relative to the designation of the 9th Infantry Division as "The Northwest's Own"; to the Committee on Armed Services.

167. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the construction of housing along interstate highways; to the Committee on Banking and Currency.

168. Also, memorial of the Senate of the State of Hawaii, relative to protection for Hawaii from maritime strikes, to the Committee on Education and Labor.

169. Also, memorial of the House of Representatives of the State of Missouri, relative to Federal aid to public schools; to the Committee on Education and Labor.

170. Also, memorial of the Legislature of the State of Oklahoma, relative to designation of the Maple Ridge area of Tulsa, Okla., as a national historic site; to the Committee on Interior and Insular Affairs.

171. Also, memorial of the Legislature of the State of Indiana, relative to the community comprehensive mental health center program; to the Committee on Interstate and Foreign Commerce.

172. Also, memorial of the Senate of the State of Hawaii, relative to amnesty; to the Committee on the Judiciary.

173. Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to observance of the birthday of Martin Luther King, Jr., as a national holiday; to the Committee on the Judiciary.

174. Also, memorial of the Legislature of the State of Montana, relative to Federal highway construction funds; to the Committee on Public Works.

175. Also, memorial of the Legislature of the State of Colorado, relative to a national energy policy; to the Committee on Ways and Means.

176. Also, memorial of the Legislature of the State of Colorado, relative to the income tax treatment of married and unmarried persons; to the Committee on Ways and Means.

177. Also, memorial of the Legislature of the State of Hawaii, relative to more equitable treatment for Hawaiian pineapple in the world market; to the Committee on Ways and Means.

178. Also, memorial of the Legislature of the State of Hawaii, relative to the establishment of adequate duties and quotas of foreign pineapple imports to protect Hawaiian pineapple production; to the Committee on Ways and Means.

179. Also, memorial of the Legislature of the State of Hawaii, relative to banning foreign importation of fresh or processed pineapple and other fruit under certain conditions; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEHMAN:

H.R. 7362. A bill for the relief of Theresa E. Boney; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 7363. A bill for the relief of Rito E. Judilio; to the Committee on the Judiciary.

H.R. 7364. A bill for the relief of Virna J. Pasicaran; to the Committee on the Judiciary.

H.R. 7365. A bill for the relief of Matsu Tengan and his wife, Kama Tengan; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 7366. A bill for the relief of Giovanni D'Aloisio; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 7367. A bill for the relief of Maria Sofkov; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

185. By the SPEAKER: Petition of the county council, County of Maui, Hawaii, relative to retirement benefits for members of reserve components of the Armed Forces who served in Vietnam; to the Committee on Armed Services.

186. Also, petition of Vera Kelly, Dubuque, Iowa, relative to an accounting of men missing in action in Indochina; to the Committee on Foreign Affairs.

187. Also, petition of William H. Weber and others, Jacksonville, Ala., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

188. Also, petition of D. M. Stafford, Savannah, Ga., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

189. Also, petition of Alfred J. Pena, Chicago, Ill., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

190. Also, petition of Gary Asperger, Vassar, Mich., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

191. Also, petition of Herman J. Capelli, Princeton Junction, N.J., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

192. Also, petition of Robert D. Gaines, Delaware, Ohio, and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

193. Also, petition of Leonard J. Villoni, Bridgeville, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

194. Also, petition of Melvin E. Makimon and others, Sioux Falls, S. Dak., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

195. Also, petition for Ronald E. Hansen, Racine, Wis., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

196. Also, petition of the city council, Torrance, Calif., relative to the Highway Trust Fund; to the Committee on Public Works.

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# EXTENSIONS OF REMARKS

## PROPOSED AMENDMENT TO CONSTITUTION—ANTI-SCHOOL BUSING

### HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

*Monday, April 30, 1973*

Mr. TALMADGE. Mr. President, I was privileged recently to have been called as a witness in one of the most significant series of hearings in Senate history. As you know, the Judiciary Committee has at last been looking into the matter of anti-schoolbusing legislation in the form of proposed constitutional amendments. I, myself, have authored one such amendment, and was grateful to have the opportunity to testify on the matter. I ask unanimous consent that my testimony be printed in the Extensions of Remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF U.S. SENATOR HERMAN E. TALMADGE BEFORE THE SENATE COMMITTEE ON THE JUDICIARY, TESTIFYING IN BEHALF OF AN ANTI-FORCED SCHOOL BUSING AMENDMENT TO THE U.S. CONSTITUTION, TUESDAY, APRIL 10, 1973

Mr. Chairman, these hearings mark a significant point in our history, and I am indeed happy to be here today to testify.

For the first time, Congress is holding hearings on Constitutional amendments to prohibit the forced busing of children for the purpose of achieving a racial balance in our schools. The voice of the people is finally being heard, Mr. Chairman, and this is a sign that our democratic process is still healthy.

For years, this voice has been suppressed and muffled beneath the weight of platitudes voiced by liberal theorists, scholars, newsmen, commentators and politicians.

With their own children tucked safely away in private schools, they have presided over the dismantling of the public school system in the South. Even today, Mr. Chairman, when southern schools make up the most unitary and desegregated school system in the nation, they proclaim in pious tones that the effort must still be concentrated in the South, because of a few laws which were taken off the books years ago.

Whenever these men begin to detect the sounds of public protest against forced school busing, they plunge their heads into the sand like so many ostriches, to blot out the sounds which are offensive to them.

The latest example of this is a report put out by the Civil Rights Commission in which they announced the results of a poll they recently conducted on busing. They admitted in this report that 70 percent of the people they interviewed were opposed to busing. This figure was also reflected in a Gallup Poll taken in 1971, which measured opposition to busing at 77 percent on a national level.

Instead of interpreting these results in the obvious manner, the Commission was apparently blinded by the light of day. When confronted with the obvious fact that their pet project was unpopular, it never occurred to them that this might be because busing was ill-conceived or ill-advised.

On the contrary, they decided that it must be because the public was poorly informed. This is a perfect example of the ostrich-like attitude to which I referred earlier, Mr. Chairman.

If what the Civil Rights Commission says is true, it would logically follow that forced busing would be most popular in the areas in which it has been most practiced—yet precisely the opposite is true.

Why is forced school busing so unpopular, Mr. Chairman? In Bibb County, Georgia, some 4,000 children have fled from the public school system during the last 10 years, rather than subject themselves to the arbitrary student shuffling dictated by the federal judges and bureaucrats. During that period, private school enrollment in Bibb County has increased by approximately the same amount. This means that the Bibb County School System lost 13 percent of their students over that period. The office of the superintendent of schools down there told me that they are afraid they are going to have to move into a staggered system of opening and closing the schools so that they will have enough buses to go around.

In Richmond County, Georgia, Mr. Chairman, some 7,000 extra children are now being transported as a result of court-ordered busing to achieve a racial balance. This total represents 21 percent of the students in the Richmond County School System. Some children are being bused more than 6 miles through congested traffic—a journey which takes more than an hour to complete. This additional busing will add some $325,000 to the cost of operating the Richmond County school system this year. It is tragic, indeed, Mr. Chairman, to consider how many new teachers could be employed, and how much school facilities could be improved if this money could have been spent for constructive purposes.

Furthermore, Mr. Chairman, school officials in Richmond County tell me that many of their students no longer feel any real ties to the schools they are attending. Certainly, this is not hard to understand when you consider that they are being shuttled around like so many cattle. By the same token, how can a mother like the one in LaGrange, Georgia, who has 5 children scattered throughout 4 schools have any real attachment to any of these schools?

Anyone who is remotely familiar with the public school system realizes what a vital role the support of parents has played in its development. This support has been seriously and perhaps permanently eroded by the judicial and bureaucratic meddling which we in the South have been forced to endure over the past ten years. Tangible evidence of the damage which is being done to the public school system in Richmond County, Mr. Chairman, is the fact that they have lost some 5,000 students during the past two years—about 15 percent of the total enrollment.

In Chatham County, Georgia, some 7,000 students are being bused in order to comply with a court order. This figure represents 20 percent of their total enrollment. The average distance involved in this transportation is eight miles. This busing will require the expenditure of $197,540 in school funds. The total would be much higher except for the fact that some of the buses make as many as five trips per day.

Finally, Mr. Chairman, I would like to acquaint the Committee with the current situation regarding the public schools in Atlanta, Georgia.

A desegregation controversy of long standing was recently settled there. The settlement does involve some busing, Mr. Chairman, so I have mixed feelings about it. But I do think there were some significant dvelopments in this controversy.

The Atlanta school system is currently composed of approximately 104,000 students. Several months ago, an attorney named Howard Moore appeared on the scene and unveiled a plan drawn up by a gentleman named Stolee from Jacksonville, Florida. This plan would have bused about 30,000 students. The cost of putting such an operation into effect would have been about $5 million for the first year, with a yearly operating cost of about $2 million. Mr. Moore hailed this plan as the answer to Atlanta's desegregation problems. Of course, Mr. Moore had no children in the Atlanta school system—he lives in New York. But that fact notwithstanding, he was still convinced that he knew what was best for the children of Atlanta.

But then strange things began to happen, Mr. Chairman. The Chairman of the West Fulton High PTA made an appeal to the NAACP from which I quote: "Please, for the sake of our children, drop this suit which is forcing such a change that nobody seems to want. Integration has its place, but we have open schools now—each child is free to attend the school of his choice."

Then the minister of the Mount Pleasant Baptist Church, who is also the President of the South Atlanta Coordinating Council made the following statement in a newspaper interview: "In talking with many blacks, they seem to feel that they could accept any plan that would save community schools and yet give quality education. Many of them lean strongly toward freedom of choice. They feel that a person ought to be free to attend whatever school he wants to attend within a certain district. They have been forced practically all of their lives, and they don't feel that they should be forced to attend a school anymore than they should be forced to attend a certain church. If you're in a school because you're forced there, rather than wanting to be there, then it sort of takes some of the enthusiasm out of learning."

I am sure that most of my liberal friends would nod wisely upon hearing such statements and say, "Well what would you expect from Georgia?" But the interesting thing, Mr. Chairman, is that the people who made these statements, Mrs. Annette Teasley and the Reverend O. L. Blackshear are both concerned black citizens of Atlanta.

Yes, Mr. Chairman, substantial opposition to this massive busing plan developed in Atlanta. Both black and white parents made it very clear that they wanted no part of this plan submitted by the New York attorney. They adopted, instead, a compromise plan which called for busing only about 2,700 additional students, and sent Mr. Moore packing back to New York.

It is clear, Mr. Chairman, that something must be done about busing. There are those who urge that we follow the legislative route. President Nixon himself has said that a Constitutional amendment would take too much time.

I submit, Mr. Chairman, that we have no other choice. Time and again the Congress has passed anti-busing legislation. On June 23, 1972, the President signed into law P.L. 92-318, the most comprehensive anti-busing legislation yet enacted. It provided, among other things, that federal education funds could not be used for busing to overcome a racial imbalance, or to desegregate schools except at the express, written voluntary request of public school officials.

With this law clearly on the books, Mr. Justice Lewis F. Powell ruled that the provisions did not apply to the busing employed in Augusta, Georgia because that busing had been ordered to end segregation, not to overcome a racial imbalance.

It is precisely this type of tortured and distorted reasoning which literally cries out for a Constitutional amendment. I have such an amendment pending before the Committee, Mr. Chairman, but I am not insisting, or even urging that it should be the particular one reported to the Senate.

But on behalf of all the Americans who oppose busing—on behalf of the tens of thousands of parents who have written me—I implore this Committee to report out an anti-busing amendment, and let us have done with this nonsense.

The judges and bureaucrats have had their fling at it. For ten long years they have been inflicting this nonsense on our school children. Can anyone say that our school system is better off now than it was ten years ago? I doubt it.

If a Constitutional amendment is reported and passed, we can wrench this problem from the bosom of arm-chair liberals—where it has languished for so long—and return it to the people. At long last, Mr. Chairman, let us seek the will of the people and their judgment on this matter, and abide by their wishes. After all, in the last analysis, we are supposed to be public servants and not all-powerful social planners.



## CONGRESSIONAL QUESTIONNAIRE

### HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. JOHNSON of Pennsylvania. Mr. Speaker, according to my usual custom, I have prepared a questionnaire on the key issues of the day to send to the people of the 23d District of Pennsylvania. For the information of the Members, and in order to make the questionnaire a part of the official RECORD of this session, I am presenting my questionnaire in detail. The questionnaire on its face will have a picture of myself at my office desk. On the back of the questionnaire is a picture of the Capitol building. The inside of the questionnaire has a picture of myself at the door to my office, wherein I state that my office is open to the people and their suggestions. The remainder of the questionnaire is as follows:

CONGRESSMAN ALBERT W. JOHNSON AND HIS OFFICE ARE OPEN TO YOU AND YOUR SUGGESTIONS . . .

APRIL 1973.

DEAR FRIENDS: The 93rd Congress already shows signs of being a productive one with many domestic, international and economic questions to be resolved.

Will you please take a minute or two to answer the attached questionnaire? I welcome knowing your views and would appreciate your mailing them to me.

In the last few weeks the following subjects have developed into key issues. Your advice on these key issues will help me to represent you more effectively. The numerical results will be tabulated and sent to you, and I plan to make your ideas known to the Congress and the President.

Sincerely yours,

ALBERT W. JOHNSON,
*23d Congressional District.*

CONGRESSIONAL QUESTIONNAIRE

(Answer Yes or No)

1. The President has impounded some $10 billion in appropriations, stating that to spend this money will require new federal taxes or a raise in the debt ceiling. Would you vote to compel the President to spend this money?

2. Do you want me to vote to sustain a Presidential veto on bills which would substantially exceed the federal budget?

3. With respect to wage and price controls, do you favor: check (a) or (b).

a. Congress freezing all prices for one year.

b. Continuing to allow the President the power to impose controls?

4. Would you vote to include wages and salaries in a price freeze?

5. Should the United States relinquish its jurisdictional powers over the Panama Canal Zone?

6. Do you favor the phasing out of the Office of Economic Opportunity (anti-poverty program)?

7. Should Postal Workers be allowed to strike?

8. Should Congress repeal the law which turned the Post Office Department over to an independent corporation?

9. Do you feel that the United Nations contributes to world peace?

10. Would you vote for the proposed Trade Bill which grants power to the President to eliminate, reduce or raise tariffs?

11. Do you favor U.S. financial aid to North Vietnam to aid rebuilding destroyed areas?

12. Congress must vote to expand the allowable right of way before the Alaskan pipeline can be built. Would you vote for this expansion?

13. Should allowable tree cutting in the National Forests be increased as one way to lower prices?

14. Now that the U.S. has signed an anti-hijacking accord with Cuba, do you favor beginning negotiations to normalize relations with Cuba?

Comments:

## CAN NUCLEAR POWER COMPETE WITH THE WIND?

### HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

*Monday, April 30, 1973*

Mr. GRAVEL. Mr. President, on April 3 and again on April 4, power failures blacked out southern Florida's "gold coast" and its 2.5 million residents and visitors. Problems originating at the Turkey Point nuclear powerplant somehow took five nonnuclear plants off the line, too.

When it comes to reliability, as well as safety, there is a lot to recommend power from the wind. If a system's power comes from hundreds of small windmills instead of a few giant plants, the failure of one small unit is unlikely to black out 2.5 million people, or anyone at all.

In September 1972, William E. Heronemus, civil engineering professor at the University of Massachusetts, Amherst, presented a remarkable 35-page paper entitled "Poliution-Free Energy From Off-Shore Winds." In that paper, published by the Marine Technology Society in Washington, D.C., he proposed an offshore windpower system (OWPS):

capable of taking over the entire electricity generation task for the six New England states, capable of meeting the entire predicted year 2000 demand, and capable of competing economically with [nuclear] reactor plants.

NOT ONLY FOR NEW ENGLAND

The windpower is used to electrolyze seawater into hydrogen gas, which is piped to shore and inland to make electricity in fuel cells, which require no cooling water, cooling towers, or high-voltage wires.

The natural variation in the winds creates no power problem because the hydrogen can be safely stored in underwater concrete hulls. The deep water storage system:

Takes from the collection trunk at 300 psi the excess of hydrogen over immediate load requirement, compresses it to 3000 psi, and delivers it to pressure-balanced deep water storage tanks. When excess hydrogen is available, it is sent to store; when there is insufficient wind unit production to supply the immediate hydrogen demand, hydrogen is drawn out of store.

Professor Heronemus conceived the offshore wind power system for New England, but he says:

It is clearly apparent that similar systems afloat in the Great Lakes, or ashore in our extensive regions of moderate to strong winds, are worthy of consideration.

Alaska may be one of those areas.

A DETAILED RESEARCH PROPOSAL

In December 1972, Professor Heronemus submitted a windpower research proposal to the National Science Foundation entitled "A Proposal To Investigate Windpower as a Natural, Clean, Solar-Driven Energy Resource With Potential for Significant Impact on the U.S. Energy Market."

This proposal would involve a 2-year effort conducted jointly by the University of Massachusetts, Oklahoma State University, Rennselaer Polytechnic Institute, University of Sherbrooke, Technological University Delft, Tuskegee Institute, University of Wisconsin, Grumman Aerospace Corp., General Electric, and ITT-Cable Hydrospace Division.

This group is asking for only half a million dollars per year for a system which could make commercial power before 1980; the AEC is asking for $320 million this year for work on the breeder reactor which could make almost no commercial impact before 1985.

FACING THE TRUE COSTS OF NUCLEAR ELECTRICITY

On January 5, 1973, at AEC licensing hearings for the Shoreham nuclear powerplant, Professor Heronemus proposed an operating windpower system for Long Island by 1977. In his testimony, he discussed the actual costs of nuclear electricity, and the competitive nature of windpower. In addition, he submitted a 43-page proposal for a "Two-Increment Wind Power System for the Production of Electricity for Long Island." Such a system could start producing revenue after as little as $43 million had been invested.

A table which compares the probable cost of nuclear electricity from the Vermont Yankee system—including pumped storage—with the probable cost of doing the same job with windpower, appears as appendix I in another paper which Professor Heronemus presented February 1, 1973, to a meeting of the American Society of Civil Engineers.

He estimates that the total average revenue required per kilowatt-hour for Yankee's nuclear electricity plus pumped storage will be 33.45 mills, compared with

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27.65 mills per kilowatt-hour if a windpower system were built.

Mr. President, I ask unanimous consent that major excerpts from the testimony of Professor Heronemus before the AEC Licensing Board, plus the table from his ASCE paper, be printed in the RECORD.

There being no objection, the exhibits were ordered to be printed in the RECORD, as follows:

EXHIBIT I

TESTIMONY PREPARED FOR THE ATOMIC SAFETY AND LICENSING BOARD HEARINGS IN THE MATTER OF LONG ISLAND LIGHTING COMPANY PROPOSED SHOREHAM NUCLEAR POWER STATION. AEC DOCKET NO. 50-322

(By William E. Heronemus)

My name is William E. Heronemus. I am currently a professor of civil engineering in the University of Massachusetts, Amherst, devoting the preponderance of my time to graduate instruction in ocean engineering subjects, and to research in pollution-free energy resources. Prior to being named professor of civil engineering I was a manager in United Aircraft Corp. for two years, and had served in the United States Navy from 1938 to 1965.

During the last 17 years of Naval service, I was associated primarily with the design, construction and repair of submarines, including nuclear submarines. I was not directly involved in the design and fabrication of nuclear power plants, but was very much involved in the industrial and technical aspects of those power plants and their impact within shipyards.

While I have not studied the proposed Shoreham power plant in detail, I am generally familiar with nuclear plants of its type, and have also reviewed portions of the Draft Environmental Impact Statement describing the plant.

REASONS FOR TESTIFYING

My interest in the case derives from several factors:

(1) I have become convinced that proliferation of nuclear power plants on our coastline or in our heartland will present a thermal pollution problem whose real magnitude is just becoming apparent, and

(2) Because I am convinced that there are excellent alternatives which do not present a thermal pollution problem at all, and

(3) Because I am convinced that the emerging true cost of nuclear generated electricity is a luxury this country cannot afford. If the current plan for construction of several hundreds of very large nuclear power plants can be reversed at Shoreham, I would feel that the opposition would have done the country and the World a great service. I therefore am appearing here today on behalf of the Lloyd Harbor Study Group.

THE MYTH OF CHEAP NUCLEAR POWER

Three years ago I began a study of nonpolluting energy resources which culminated at the end of the first year with an R & D Proposal in which 32 colleagues and I asked for the opportunity to investigate a National Network of Non-Polluting Energy Resources. Very little of our proposal work was new or basic. We proposed that some rather old, low-technology processes be looked at in the light of 1970 scientific knowledge and technology.

We included the study of offshore moored nuclear power plants, because we were convinced that we could at least ameliorate the heat-sink problem and maintain our coastal zone amenities if the thermal polluters were moved to deep, cold water, many miles off our coasts.

We also included the offshore nuclear plant because every piece of literature we could find insisted that the total installed cost per KWe for LWR power plants would lie in the $125 to $200 range, and that the production cost of electricity would never exceed 4 mills per KWH. Only one of our other concepts showed real promise of meeting that competition; the others were various solar energy, tidal power or ocean current processes whose least cost for generated electricity lay in the range of 15 to 18 mills per KWH.

Our initial research proposal met with little success; we sought almost 2.8 million dollars and we were awarded 145 thousand. I do not know the details of the reviews to which that proposal was subjected, but I have gathered the following inferences:

(a) a major factor cited against funding our work was the obvious inability of electricity produced by most of our processes to compete with the projected 4 mil per KWH electricity for nuclear plants.

(b) one of the two portions of our proposal recommended for funding is the investigation of the offshore moored nuclear plant. Someone in the Federal Power Commission, convinced that the vast majority of our power plants 40 years hence should be nuclear power plants, producing electricity at 4 mills or less per KWH, was in favor of funding that project.

ACTUAL FIGURES FROM VERMONT YANKEE AND INDIAN POINT

In the ensuing two years I have watched the cost of these nuclear power plants already rise to $389 per KWe in one instance, and have seen Vermont Yankee delivered to its mortgagees with *no chance of producing electricity at the busbar for less that 13.5 mills per KWH* for so long as it may operate. And to achieve that cost the plant must:

(a) operate at such a power density that it exceeds the upper limits agreed for cooling water discharge pool temperature (the Connecticut River) even in winter time,

(b) operate its mechanical draft cooling towers during icing months as well as during summer months, and at a level that the fog and mist plume violate the agreed boundary,

(c) and achieve a reactor plant availability of 80 percent. The recent publication of CON EDISON experience with 60.9 percent average is significant here. And I know of nothing in the Vernon plant that is better than or more reliable than the corresponding items in CON EDISON's large collection of nuclear hardware. At 60.9 percent reactor availability, Vermont Yankee electricity will cost almost *18 mills per WKH at the busbar!*

We have also experienced claims and counterclaims as to the quality of the workmanship in the power plant itself. I have visited all portions of the plant: I am not impressed. For example, I would never accept for the U.S. Navy the piping and wiring in the rod drive-mechanism enclosure. The complexity of the instrumentation and its cabling between reactor and control room is such that I have not been at all surprised at the recent set of spurious alarm incidents which they have experienced.

NUCLEAR CAPITAL COSTS

As a result of our desire to develop our concept for a credible and useful offshore moored nuclear plant, I have taken a greater interest during the past two years in the shoreside nuclear power plant program. As a result of my rather extensive reading, I have been greatly perplexed by the published data from the nuclear industry which continues to quote nuclear capital costs of $200 per KWe or less.

Even three years ago, projections of Vernon plant costs indicated at least $300 per KWe. And I understand that at plants like Nine Mile Point, some people have known for years that delivered costs would reach $400 per KWe. I also understand that LILCO now agrees that a Shoreham plant, if built, will cost more than $400 per KWe.

Yet, in the face of all that, the highest management within AEC published and defended, as late as February, 1972, an official updated "Cost-Benefited Analysis of the LMFBR" which starts its entire debate from a plot which shows LWR plants costing $125 per KWe and *steadily decreasing over the next decade!*

I thus find myself confronted by some kind of credibility gap. The growth of electrical generating plant projected for the U.S. for the next 40 years represents a huge capital investment, possibly the largest single capital investment program facing our nation. And those on whose advice we are leaning the most heavily have already demonstrated their incompetence in the ratio of 400 to 125. How can we have much respect for such demonstrated managerial incompetence? How many genuinely capitalistic free-enterprise corporations could sustain themselves while making such managerial misjudgments?

NUCLEAR SUBMARINES VS. COMMERCIAL POWER-PLANTS

The above is based on fact. Now I venture into opinion, and in a field in which I do not claim competence. But it may be the crucial point in this discussion. I have never known how or why the shoreside nuclear plants could be estimated by the STRAUSS group to cost of the order of $125 per KWe shortly after HAFSTAD published an estimate of $1400 per KWe (1950).

Nor do I understand why Rickover reactor plants consistently cost much more than $2400 per KWe, each new plant costing more than its predecessor. There is not that much difference between efficiencies of the BWR versus the PWR.

The idea of great economy of scale that featured earlier discussions has been shown to be the trap which any clever man should have suspected: i.e. there is essentially *no* economy of scale for the hardware portions of highly stressed pressure-vessel devices unless more competent materials and processes can be used at the larger scale. It would appear that just the opposite is true; the larger the pieces of these plants, the more expensive per pound many of the parts become. There is certainly no savings in welding costs as a function of pipe size.

So, how could the STRAUSS plants cost one tenth that of the Rickover plants? I don't know, but I suspect that the answer lies partially in the thermal energy-density accepted by the STRAUSS group and always rejected by RICKOVER.

And I think I know why Rickover refuses to build even $400 per KWe reactor plants; he equates the increase in thermal energy-density to achieve the reduced cost with a corresponding reduction in safety. I am told that a RICKOVER plant would never suffer a malfunction of the Emergency Cooling System, for example, because his Emergency Cooling System is adequate to match his thermal energy-density.

INVESTORS GETTING INCOMPETENT ADVICE

We thus have an interesting situation. A bureau bearing one of the heaviest managerial burdens in the U.S. has demonstrated its economic-forecast incompetence by missing a fundamental number by a factor of 3 to 4.

The same bureau, bearing perhaps an even heavier responsibility insofar as public safety is concerned, has chosen to divide another successful manager's factor of safety by, perhaps, a factor of 10.

I am concerned. If I could find today any literature like we used to find back in the mid-fifties when men could still debate, as honestly as they could, whether or not there was a place for nuclear power as a competitor with gas, oil or coal fired central stations, I would feel less concerned. The last of those papers faded away in the late 50's. Babcock and Wilcox "went nuclear." Combustion Engineering "went nuclear," etc., etc.

The debate *stopped* when the notion that nuclear power plants would cost only $125 per KWe, and electricity would cost 3 to 4 mills per KWH prevailed.

Should not that debate be reopened? Are there any men left to carry on the debate?

NO NUCLEAR LEARNING CURVE

Returning to facts, I have also become aware of many allegations (and some facts) surrounding the "quality" of these plants. Mr. Louis Roddis of Consolidated Edison, N.Y., has suggested quite bluntly that they are not the quality that they should be. I know this from my own experience:

There is no "learning curve" for the construction of nuclear power plants in shipyards; I doubt that there could be one for the shoreside program where very few men actually work on a succession of power plants. The shipyard experience showed that the last plant completed always cost more than the preceeding plant. Why?

(1) Practically nothing in a nuclear power plant is susceptible to automated or production-line fabrication.

(2) The skills required of the mechanics who build them are primarily motor skills (welders are crucial to the construction of a nuclear plant). No welder improves with experience or age; he simply becomes more tired, and his eyesight deteriorates steadily from his first day on the job.

(3) *Nothing can ever be done as well as it might be!* There is never any sense of finality in building a nuclear plant. It is unsatisfied technology. The more one applies Quality Assurance practices, the more he knows he should apply even more. There is that semi-conscious awareness within management at all levels that they are dealing with what can be a death trap.

Consequently, the Q.A. requirements grow and grow, and *cost* grows exponentially with Quality Assurance requirements. A Rickover can justify those escalating costs within a DOD frame of reference; the civilian economy cannot unless it is a matter of necessity.

ECONOMICALLY COMPETITIVE SOLAR POWER SYSTEMS

To sum up, I started work on alternatives to energy conversion plants which pollute the air and water, and found it almost impossible to compete with the nuclear cost myth. In 1972–1973, I find it very easy to complete, except for the offshore moored nuclear plant which looks like a loser solely because of the cost of the nuclear plant itself.

The alternatives which I find competitive are all solar energy processes, requiring application of rather low technology but at the same time readily susceptible to improvement through application of the *best* modern technology. The two most promising processes for near term applications are:

(a) Windpower and,

(b) The Ocean Thermal Differences Process

Submitted herewith is a copy of "Power From the Offshore Winds," a paper presented to the Marine Technology Society in September 1972. In that paper I summarize a system capable of taking over the entire electricity generation task for the six New England states, capable of meeting the entire predicted year 2000 demand, and capable of competing economically with LWR reactor plants.

And since no one has claimed that LMFBR will ever cost less than 110 percent of the comparable LWR plant, I believe that the Offshore Wind Power System could preclude there ever being a need for a breeder reactor in New England.

The Offshore Windpower System is set out in detail in the above paper. Any one of our large corporations, if properly motivated, could start to deliver OWPS hardware within 24 months of a program start. Delivery would best be planned to extend over a 20 or 30 year period, using career employees in a number of constantly improved highly automated factories. There is genuine opportunity there for "learning curve" cost-reduction with high volume long-duration production.

RELIABILITY THROUGH REDUNDANCY

The OWPS concept places a large number of wind generating stations offshore of New England where the Westerlies are fresh and strong most of the year. The OWPS concept is readily adaptable to Long Island's needs. Wind generators feed electricity into electrolyzer stations. The hydrogen gas produced by electrolysis is piped ashore, thus capitalizing on a very inexpensive method to transport energy, and at the same time creating a "storable", part of which can be stored against the times when the winds don't blow.

That same storage feature becomes the means of coping, efficiently, with the daily, weekly, seasonal demand curve of the customer. That same storable and its in-pipeline transmissionability becomes the means of coping with the lack of new land for expanded overhead electricity transmission lines.

The entire system has the tremendous advantage of reliability through redundancy. When Vermont Yankee reacts to a spurious signal, 537 MW in a total of about 11,000 MW of NEPEX generating capacity drops off the line; with OWPS, one wind station disabled would mean one thirteen-thousandth of the system capacity would be lost.

WIND-POWER ENVIRONMENTAL IMPACT STATEMENT

The Environmental Impact Statement for OWPS would include the following entries:

(a) Thermal Pollution: zero.
(b) $SO_2$ effluent: zero.
(c) $NO_x$ effluent: zero.
(d) CO effluent: zero.
(e) $CO_2$ effluent: zero.
(f) Hydrocarbon effluent: zero.
(g) Maximum radioactivity discharge: zero.
(h) Number of casks of high level wastes per year: zero.
(i) Probability of a Loss of Coolant Incident: zero.
(j) Probability of an Emergency Core Cooling failure: zero.

NINETEEN BILLION KWH FOR NEW YORK BY 1978

The winds over New York Shoals are ideally suited to an Offshore Wind Power System. Capacity in excess of the projected LILCO and CON EDISON requirements can be found there. In this connection, I have been devoting some time to a preliminary design for a two-increment windpower system for LILCO, which is submitted herewith. *Construction could begin in 1975. At least 19 billion KWH per year could be flowing out the system by late 1977*, if its creation were given enthusiastic endorsement and enlightened leadership.

Long Island lies adjacent to one of the best of the U.S. wind channels. Those winds can do for Long Island what the nuclear plants can not do: provide sure, safe, reliable, reasonably-priced electricity, in abundance.

EXHIBIT II

APPENDIX TO THE PAPER "ALTERNATIVES TO THE HEATING AND EVAPORATION OF GROUNDWATER WHILE STILL SATISFYING THE ENGERY APPETITE"

(By William E. Heronemus)

Since the 19th of November 1972, we have seen some factual light shed on the question of demonstrated reactor plant availability. For the Con Edison system, at least, Mr. Louis Roddis reports that actual availability has been 60.9 percent.

This comes as a bit of a shock to those who have based their policy decisions on data in WASH–1203–71, "Operating History of U.S. Nuclear Power Reactors, 1971" by the U.S.A.E.C. It isn't too much of a shock, though, for those who have realized that down-periods of fewer than 5 consecutive days were ignored by the U.E.A.E.C. in compiling that very useful document.

The following comparison takes plant availability into account.

COMPARISON VERMONT YANKEE AND WINDPOWER COSTS

| *Vermont Yankee & Northfield Pumped Storage* | *Proposed Offshore Windpower System* |
|---|---|
| (a) Enough nuclear plant to deliver 8760 base load kWhrs per year, assuming that Vermont Yankee reactor performance will be as good as that of Con Ed reactor plant: 1 kWe/0.609=1.65 Kwe plus 39.1 percent of another base load plant capable of taking over base load duty when the plant reactor is not available: (0.391) (1 kWe)/(0.609) = *0.64 kWe* Total required: = *2.29 kWe* | (a) Enough wind units, distillers, electrolyzers, compressor-reducer station, offshore pipeline and storage system, ashore hydrogen distribution system and fuel-cells to deliver 8769 kWhrs @ a rate as high as 1.3 kW: =2.50 kWe, wind units, 1.30 kWe fuel cells |
| (b) Cost of base load plant @ $389 kWe= (2.29) (389) = $891 | (b) Cost of all the above: $1000 |
| (c) Enough pumped storage plant to provide 0.3 kW peak on top of 1.0 kW base: @ $140/kWe = $52 | (c) included in (a) and (b) |
| (d) Enough typical New England transmission plant to transmit 1.3 kW = $43 | (d) included in (a) and (b) |
| (e) Total capital investment required: $996 | (e) $1000 |
| (f) Fixed costs, per kWh @ 15.5% = 17.65 mills per kWh | (f) =17.70 mills per kWh |
| (g) Fuel costs, per kWh, including cost of long-term fuel investment: =3.0 mills per kWh | (g) =0.0 |
| (h) O & M, Production, reflecting the very expensive repairs required in actual nuclear plant compared against those in typical coal and oil fired plants: (an average of 1969 experience at Yankee Atomic, Connecticut Yankee, Indian Point, Peach Bottom, Dresden, San Onofre, Humboldt Bay) 2.7 mills per kWh | (h) 0.3 mills per kWh |
| (i) O & M, Transmission 0.1 mills per kWh | (i) 0.0 |
| (j) Charge for evaporating water from the Connecticut River: per kWh | (j) 0.0 |
| (k) Charge for obscuring the sun (additional "fog days") from the adjacent Connecticut Valley Farm land: per kWh | (k) 0.0 |



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COMPABISON VERMONT YANKEE AND WINDPOWER COSTS—continued

| *Vermont Yankee & Northfield Pumped Storage* | *Proposed Offshore Windpower System* |
|---|---|
| (l) A proper share of the annual cost of running the non-defense portion of the AEC: per kWh | (l) 0.0 |
| (m) A proper share for the amortization of the taxpayer investment in the uranium enrichment plants: per kWh | (m) 0.0 |
| (n) A proper share of the cost of the high level nuclear waste management, now borne at the federal level by all taxpayers: per kWh | (n) 0.0 |
| (o) A proper share of the revenue lost to federal taxpayers by the funneling of dump power, TVA, Bonneville and Bu Rec Systems, into uranium enrichment instead of selling it to power-hungry markets: per kWh | (o) 0.0 |
| (p) Total Production and Transmission Costs: 23.45 per kWh | (p) 18.65 mills per kWe |
| (q) All other costs: distribution, customer service, profit, G&A: 10.0 mills per kWh | (q) 9.0 mills per kWe |
| (r) Total average revenue required per kWh: 33.45 mills per kWh | (r) 27.65 mills per kWh |

## WILLIAM B. BENTON

### HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. COTTER. Mr. Speaker on the death of William Benton, Connecticut and the Nation lost a truly unique man. Bill Benton was both a successful and a courageous person, yet he went beyond conventional courage and success. He was always willing to take a risk, and it almost always paid off. At an early age, he turned down the comfortable security of a Rhodes scholarship in order to enter the very competitive advertising field. He became one of the major innovators in this ever changing field and eventually founded his own firm with Chester Bowles. In turn, Bill Benton also achieved great successes with the Muzak Corp. and the Encyclopaedia Britannica.

The finest example of his courage during his term as Senator from Connecticut. William Benton rose on the Senate floor and called for the resignation or censure of Senator Joe McCarthy. He was the first Senator to take the political risk of public and open denunciation of the demagog from Wisconsin. Many have said that Bill Benton was defeated for reelection because of this, but I am sure that he knew that it was one of those risks that had to be taken.

Bill Benton was also a man of sincere dedication. He contributed to education as vice president of the University of Chicago and as trustee for the University of Connecticut, which now houses his valuable art collection in the Benton Museum of Art. He helped the people of the world as an Assistant Secretary of State, where he helped establish the United Nations Educational, Scientific, and Cultural Organization—UNESCO. During the early 1960's Bill served as Ambassador to UNESCO.

In his lifetime he was a businessman, a publisher, a Senator, an educator, and a public official. We have no adequate word to describe such a man, and in the future anyone like him will be known as "another Bill Benton." I cannot think of any greater words of praise.

## WORLD WAR I PENSION ACT

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. GONZALEZ. Mr. Speaker, I am introducing a bill today which would amend the law to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes.

As my colleagues know, in January 1972 we enacted a comprehensive piece of legislation liberalizing the nonservice-connected pension rates and income limitations. But shortly thereafter the then-chairman of the Veterans' Affairs Committee, the Honorable OLIN TEAGUE, and a number of others introduced special legislation covering the World War I veterans receiving pensions. Those of us who sponsored the bill were particularly concerned about those veterans from that distant war who are now well into their seventies and eighties who must be poverty-stricken before their pensions are allowed. Since these men and women and their families are in such advanced ages, in more cases than not the alternatives are not very good—either they receive their pensions, if their combined income from all sources is under $2,600—or $3,800 for pensioners with dependents—or other sources of income brings them above the income limitation, and they wind up with absolutely no pension, and probably an income not very far above the $2,600. This group of veterans and their spouses find themselves in a uniquely pitiful situation, often, since their capacities and their resources are quite limited because of their age. And even if they are able to work, the labor market is practically closed to them, but for a few low-paying jobs; and other pension systems are usually inadequate. So, in my estimation, particular attention should be given in this session of Congress to change the laws to provide some relief.

We are farsighted enough in the 92d Congress to at long last remove the income limitations for the social security recipient who is above 72 years of age, because we recognized the frailties and difficulties of these older Americans and because of various other reasons, including the fact that we do not want to shut these persons behind closed doors. If they can work at something constructive, so much the better. Or, if they have more than one pension, great. Well, that was a beginning, but I was quite pleased.

I have likewise sponsored legislation which would completely remove any income limitations for World War I veterans and widows. Unfortunately, no action was ever given my proposal—so I looked for a compromise which might be a good alternative. I believe the bill I am again sponsoring today is such a compromise which goes a long way toward recognizing the special needs of these older veterans.

The bill would increase the income limitations to $3,000 for single veterans and widows, and $4,200 for a veteran and widows with dependents—from the present levels of $2,600 and $3,800. And, in addition, it provides that the increases in social security benefits, Railroad Retirement annuities or pensions, or Federal Government employee annuities be exempt from the determination of annual income.

The bill also details other provisions establishing a slight increase in the monthly pension, and establishes a priority for hospital care to the veterans receiving a pension under the act.

The numbers of World War I veterans and widows are not many; they are advancing in age; and the increase in the cost of living has a significant impact upon their small revenues. I trust that you will feel, as I do, that this bill should be enacted into law, so that we can assist them in "making ends meet." They deserve your support.

## THE WARSAW GHETTO UPRISING: A SYMBOL FOR ALL TIME

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. RANGEL. Mr. Speaker, it is now 30 years since a small band of Jews in the ghetto of Warsaw, Poland, rebelled and fought against their deportation to Nazi concentration camps. The Jews' numbers were small and their resistance was but a minor annoyance to the Nazi war machine.

But today, we remember the Warsaw Jews. And it is imperative that we remember them tomorrow and the next day and for as long as man inflicts violence upon other men. For although their cause was futile, they fought back. Although the rest of humanity sat back and watched, the Warsaw Jews resisted.

Let us always remember and revere the downtrodden, the tortured, and the oppressed. Those who resisted, until death, for freedom and for justice. Theirs is a cause and an act for all seasons.



## THE CRITICAL NEED FOR INCREASED NONFOOD ASSISTANCE

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. FRENZEL. Mr. Speaker, Mr. Bob Benedict, a constituent of mine is the National Director of the U.S. Jaycees Center for Improved Child Nutrition. The program which he advocates in the following testimony has been carefully researched and developed by the jaycees in cooperation with both our Federal agencies and many other interested parties. However, much yet remains to be done. The nutrition program is the keystone upon which good health and good education must be based. The most logical and convenient vehicle to administer this program is our educational system.

Bob is also the founder of a rather remarkable project known as the Teen Corps of America which began in my district several years ago.

His testimony follows:

THE CRITICAL NEED FOR INCREASED NONFOOD ASSISTANCE

(By Robert M. Benedict)

The United States Jaycees is not an organization that automatically supports every social cause. Quite the opposite. We research, debate, and go through an elaborate vote procedure before lending our name to anything. The Jaycees believe strongly in the term "fiscal responsibility," and look with great favor on the concept of "cost-accountability." But, gentlemen, we are greatly concerned about saving a little in the short run, only to lose heavily in the long run. And that's why I'm here today—to talk about a program that is both highly humane and one of the finest investment possibilities the Jaycees have researched in a long while—the National School Food Program.

After exhaustive research, the U.S. Jaycees have found that where the School Food Program has been introduced, it has had an incredible impact on:

1. Decreasing the drop out rate, absenteeism and tardiness
2. Increasing academic achievement
3. Substantially reducing health care problems and health care costs

In essence, it is producing a far healthier, far more educated citizenry that is better able to break the poverty cycle. (And our records will so verify)

U.S. JAYCEES CENTER FOR IMPROVED CHILD NUTRITION

As a result, the Jaycees have established a National Center for Improved Child Nutrition in Minneapolis, Minnesota, to organize "investment seminars" throughout the nation, which will demonstrate the impact of the School Food Program to over 18,000 "no program" schools with a population of over 5 million children. We have already had impact in Phoenix, Chicago, Minneapolis and Philadelphia, and presently have a statewide seminar planned for Michigan on May 5.

Our seminar philosophy is to bring together the local Jaycees chapter with the local chairman of the school board or superintendant and outline:

1. The value of the program to the child and community in investment terms
2. The numerous methods available for establishing a food program

BOTTLENECK

Beginning in September, the Jaycees will be holding one statewide seminar per month. We feel we can be successful—except for those schools that need the program most.

In those schools where the investment will pay off most handsomely in the long run, because the school lunch or breakfast is the only square meal a child may get (and in many cases his only reason for staying in school), the allotment of non-food assistance money is woefully inadequate, and looms as the prime obstacle and bottleneck to feeding American children.

In a recent survey of state school food service directors, sponsored by the American School Food Service Association and conducted by the Food Research and Action Center, it was found that an additional $28,232,196 was required to cover the immediate non-food assistance needs of 43 states responding.

The Jaycees Center spent hundreds of hours cross checking this survey and not only found it to be correct, but by surveying each state school food service director, found a tragic and vicious circle at work.

THE VICIOUS CIRCLE

Presently, the requests for non-food assistance funds are based partially on the number of application requests that a state has on hand. The catch is that schools are discouraged from applying until the state has the money on hand. So, since the state has fewer requests, it gets less money, thus discouraging more schools from applying—and so it goes in a downward spiral.

This is borne out in the response to a Jaycees survey of state school lunch directors conducted in March of this year.

IDAHO

"We purposely have not requested applications from all eligible school districts because the need is great and we know that we don't have the money on hand to meet the demand."

GEORGIA

"Superintendents are not encouraged to actually submit applications until funds are available. The applications are complex, require bids, and therefore we do not ask for applications beyond funding capability. . . . Schools desperately need equipment if we are to reach all young people."

OHIO

"Since our funds this year were so limited and schools knew this, most of them did not make any request after knowing that our funds were exhausted January 1, 1973."

SOUTH CAROLINA

"In the program schools, we could use at least $300,000 additional funding to take care of current applications which we have not been able to process due to limited funding."

MICHIGAN

"We are certain, as we have been very selective about soliciting applications to this point, that many more applications could have been received."

KENTUCKY

"Funds for fiscal year 1973 were not sufficient to do the job we were called on to do and most of the claims had to be funded partially. No doubt, if the amount of funds had been tripled, the requests could have been met in full."

MAINE

"We had originally requested an additional $500,000 for this fiscal year. However, as our funds were so limited, many interested communities did not follow through on their plans to seek matching funds required at the time of their annual town meetings in March. . . . Several communities must provide buildings to house the food service facility. Assurance that funding will be forthcoming is necessary to provide the incentive to build these structures."

ALABAMA

"Requirements for participation have been restrictive. Therefore, there is no possible way to determine the actual need for schools that could conceivably qualify for non-food assistance."

IOWA

"This year because of the fact that our allocation was less, that more schools applied, and that applications must be completely processed by June 30 and paid by December 31st, we: 1) Established a cutoff date for applications of December 15; 2) Had to reduce the percentage of federal assistance to an extremely low figure to accommodate a maximum number of applications. As a result, 25 schoools either withdrew their applications or did not fill out an application form but decided to wait until next fiscal year. In addition to these 25 schools, many other schools indicated a need but did not consider filling out an application because they considered the percentage of federal assistance to be too low and could not come up with enough money from their budgets to provide the school's share of the cost . . . My plea under our circumstances, is to urge the Congress to make the appropriation adequate for fiscal year 1974, since the authorization is now $40,000,000."

In summary, the Jaycees feel that proper nutrition is the imperative prerequisite for improved education and health, and that the School Food Program is perhaps the only nutrition program where we can be assured that food is getting directly to the child.

Secondly, we feel that the expansion of this program is being curtailed in the very areas where it is needed most by grossly inadequate non-food assistance, and that the number of applications a state has on hand is a terribly misleading criteria with which to gauge funding needs.

Finally, the Jaycees feel that it is far less costly and far more humane to deal with a child nutritionally during his formative years, than to have to pay for him medically and on welfare in later years. America can make no greater investment than to feed her children.

Therefore, the United States Jaycees wholeheartedly support the raising of the non-food assistance appropriation to its full $40 million dollar authorization.

## GOD BLESS AMERICA

### HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. CEDERBERG. Mr. Speaker, as we have all watched several hundred Americans, prisoners of war in Southeast Asia, have returned to their homeland. The overriding characteristic of these men has been the faith which they have expressed upon their return to their God, their fellow man, and their country. Too often we become insensitive, by the quality of our lives, to the principles and faith which make that quality possible. It is especially fitting as we return from our Easter holiday to take note of a heritage made rich by our Christian background and the holidays of salvation which both religions have just celebrated.

I would like to bring to my colleagues' attention the remarks of Mr. Richard Capen, a vice president of Copley Newspapers and a man versed in the ways of Government, a few weeks ago, on the oc-

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casion of a prayer service for our brave men. I think that Mr. Capen points out well the foundations of our faith and the depth of meaning it gives to the special occasion of our prisoners' return.

A SERVICE OF THANKSGIVING AND PRAYER FOR OUR PRISONERS OF WAR AND THOSE MISSING IN ACTION

(By Richard G. Capen, Jr.)

Today, all America is bursting with pride, gratitude and thankfulness for the almost indescribable dedication and courage of our prisoners of war in Southeast Asia.

We respect them—not just for their service to country—but for their inspiring ability to survive, relying only on the most basic principles of our American way of life: Faith in God, Dedication to country, Devotion to family and Dependence upon each other.

How many times we have heard those phrases repeated by our returnees in recent weeks. And, how forcefully, their example has reminded each of us that the precepts upon which our nation was founded are as valid today as they were 200 years ago.

For too long a handful of destructive critics have gone unchallenged in their false contentions that such principles were no longer relevant to America.

These irresponsible purveyors of doom take on a pathetic tone when matched against the example of any ONE of our American prisoners of war.

This morning we offer special prayers and thanksgiving to these brave men and their families. We do so with a certain humility, knowing something of their long suffering. We also do so with caution and concern, fully mindful that some 300 American captives have yet to be returned and more than 1300 have yet to be accounted for.

Our thoughts are also tempered by the sobering realization that these men have yet to describe the conditions of their captivity and will not do so until all prisoners have been released.

Only then can we truly appreciate the depth of the abiding faith which sustained them through prolonged periods of torture, isolation, lack of medical care and inadequate diets.

As we offer prayers for these men, let us reflect for a few moments on why it is that so much has been focused on this particular group of Americans. Why our prisoners of war? Why our missing men? After all, they represent less than one-tenth of one percent of all those who have served in Southeast Asia.

Certainly, our prayers and thanksgiving go to those Americans who have served and particularly to those who gave their lives or were wounded in Southeast Asia.

But there is an overpowering justification for special attention to our prisoners of war. After all, our dedication to human life and freedom is both clear and consistent with every value of American society.

During the long war in Vietnam, American prisoners of war were set apart, not by the United States, but by our adversaries. It was they, not us, who disregarded every minimum standard of humanity.

Deeply concerned by those intolerable prison camp conditions, Americans spoke out with one voice, demanding the humane treatment of our men who were completely at the mercy of their captors.

Our men deserved nothing less from us.

Yes, we prayed, we spoke out, we negotiated, we launched rescue missions. In short, we assisted wherever possible so that we could face our men when they returned with a personal conviction that all had been done to obtain their humane treatment and eventual release.

Through this determination our prisoners of war became a national issue. Whatever success we achieved in their behalf is small indeed compared to their service in our behalf. Whether in combat or captivity, these men have served with courage and determination.

Faith in God. Dedication to country. Devotion to family. Dependence on each other.

What vigor our men have given to those beliefs today. What pride we can have for these men and our country. And, what better time for all Americans to pull together, raising the flag instead of burning it as one returnee has suggested.

The cynics and agitators may have difficulty understanding this dynamic patriotic phenomenon of recent weeks, but I can assure you that most Americans have no trouble understanding it at all.

"God Bless America" will never again be sung in our country with casualness or complacency for our returnees have brought new meaning to those powerful words.

Today, their accomplishments take on a new meaning at a time when America is seeking to heal the wounds of a long and devisive decade of the sixties.

I deeply respect our prisoners today, not just for surviving captivity, but more so for the example they have set for others to follow. Faith in God. Dedication to country. Devotion to family. Dependence on each other.

For some time Americans have needed a reaffirmation of those fundamental values. Our returning men, through their example, have provided that reaffirmation.

Captivity forced them to look inward for strength to survive. Their record should force us likewise to look inward for our own strengths as we seek meaningful priorities in our own lives.

Irving Berlin wrote "God Bless America" in 1918, but the song was a flop. In 1938 he dusted the tune off for a Kate Smith show, and it became an instant hit.

Once again "God Bless America" has been dusted off, this time by our returning prisoners of war.

Yes, America has been blessed by God and blessed to have among us such men as these.

May all Americans go forward this day with a faith renewed sufficiently to sustain us as it sustained these brave men for so many, many months.

We can truly build our future in the image of God's will if we can restore our Faith in God, Dedication to country, Devotion to family and Dependence on each other.

In closing, may I share with you a contemporary prayer which sums up our confidence in today and hope for tomorrow. Its message is particularly appropriate as we honor those who were sustained by the memories of yesterday and the hopes of tomorrow. For those who have returned, tomorrow has at long last become today:

It's time!
time to believe and hope again!
make it spring in my wintered body,
bring me out of hibernation,
see the sun, Lord, see that new sun,
breaking its own record for smiling,
feel its warmth and you smile, too,
and I'll smile with you.

Hey, look at that new world stirring,
cracking loose from the ice,
surfacing in yellow, violet, and pure gold.
listen to all those crazy birds,
fantastic orchestra without a conductor!
I'm eager for the return of the robin,
stretching to be surprised
by a dream or even a duty.
You're calling me out
of my cold prison
into your warming world,
and I'm hearing
and I'm coming out,
for it's time,
time to believe and hope again!

May God bless these men and their families.

May God always bless our country.

And may God bless all of us who have benefited so much from the example of those whom we remember in our prayers today.

## FAIR TRIAL VERSUS FREE PRESS

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. WALDIE. Mr. Speaker, the raison d'être of a free press is to provide information to the public. We have heard much in the last few months of the withholding of information through closed meetings or overuse of the secrecy classification by both the legislative and executive branches. However, it appears that courts, too, seek to silence reporting through the use of a "gag" rule. I hope all Members will realize the seriousness of this problem as demonstrated by R. D. "Ron" Funk, editor of the Santa Monica Evening Outlook, in a hearing before Judge Oliver Feifer, on February 18, 1973:

GAG ORDER IS INDEFENSIBLE

(By R. D. Funk)

(On Feb. 17, a Santa Monica Municipal Court judge issued a temporary gag order in a case of four men accused of slaying Los Angeles corporate executive Alan Scott MacFarlane. The order by Judge Rex Minter prohibited police, attorneys and witnesses from disclosing information about the case pending trial. Following a hearing on Feb. 18, Judge Oliver Feifer refused to impose a permanent order to control the proceedings. In denying the defense attorney's motion for a gag order, Judge Feifer said he would rely on the good discretion of court and police officers in releasing information on the case. The judge also asked for fairness to be exercised on the part of the news media. Opposing the gag order during the hearing before Judge Feifer was Santa Monica Evening Outlook Editor R. D. (Ron) Funk. For your edification, we offer portions of his statement to the court.)

The court has asked me, as a professional newspaper editor to present a generalized statement on the motion before the court to impose on all parties to the instant case an order we in the news business describe as a "gag" order.

I am not an expert in the field of Constitutional law, which is what we are dealing with here. I am, however, versed in some of the arguments developed by press organizations opposing "gag" orders in general.

Before continuing, I would state that I am unalterably opposed to "gag" orders.

I state also, however, that I consider myself to be as much interested in the rights of defendants to a fair trial as is this court and the respective parties in this case.

The issue before us is what has become known as the "Fair Trial vs. Free Press" issue. But I disagree with that title . . . It implies an inherent conflict between the First Amendment, guaranteeing freedom of speech and press, and the Sixth Amendment, guaranteeing that "the accused shall enjoy the right to a speedy and public trial, by an impartial jury . . ."

I do not believe there is a conflict between these rights. On the contrary, I firmly believe—as do my colleagues in both the newspaper and broadcast industries—that these rights embodied in the First and Sixth Amendments, are mutually supportive.

I add that a great many judges and lawyers find no conflict, either.

What must be borne in mind is that we are all agreed in trying to maintain both the fundamental rights of free speech and press, and the rights of the individual to a fair trial.

I will acknowledge that there have been instances when newspapers, taking spoon-fed information from police officials and prosecutors, have helped create situations where the defendant rights to a fair trial have been compromised.

But these instances have been very few, and they certainly do not call for strictures that actually impede the public's right to know, or endanger the defendant's right to a fair trial.

Here we must consider the stake we all have in the continued vigor of our concept of freedom of the press.

Freedom of the press is part of the broader right of free speech. The core of the freedom of the press idea is that there should be no "prior restraint" on speech or on what a newspaper publishes.

The First Amendment specifically prohibits any licensing requirement to publish or speak.

In the United States, the right of freedom of the press is guaranteed so that the public may know whether its governmental agencies are functioning properly—the press serves as a check upon abuses by those in power, upon those who have vested that power.

This has always been recognized as one of the "preferred" rights under our Constitution and one which is entitled to special protection from government impingement or interference.

Recently we have seen the U.S. Supreme Court broaden and extend the right.

The reason for our high court's concern in strengthening the freedom of the press is that in our increasingly complex society, with an ever-enlarging range of government control in our daily lives, freedom of the press becomes that much more important as a means of deterring tyranny and corruption.

It seems to me that "gag" orders—which are relatively new court procedure, and which I believe are an unreasonable extension of the Reardon committee findings of the ABA—are a dangerous example of the increasing tendency of our government—on all levels—to control the flow of information to the public.

It seems to me ironic that while the Supreme Court has been extending freedom of the press, lower courts are showing tendencies to try to curb that freedom.

Now let me discuss briefly the particular case we have here, and why I think a "gag" order would be indefensible.

We have a case that has created no widespread public interest on the level of Sirhan and Manson. Nor will it.

The case, on the facts as presented so far, involves four individuals charged with murdering a man in a Sunset Boulevard motel. The man himself was not particularly prominent—his only prominence was in the business world, and in this narrow world, he was not widely known.

There is no hint so far that this case involves material, facts or personalities in which the public would take particular interest.

It appears that the story, as it unfolds in this court, will be a sordid one.

It is not the kind of story my newspaper, the Evening Outlook, or any other newspaper, will pay much attention to. It was a brief page one news story on the day the body of the deceased was found.

It has not been a page one story since—not when the suspects were first identified, not when arrests were made.

In conclusion, your honor, I strongly urge that the motion be denied. There is no need—real or imagined—for a "gag" order in this case.



## PHANTOM PLAINTIFFS SUIT AGAINST CONGRESSIONAL RESERVES

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. HOSMER. Mr. Speaker, the military analyst for the Detroit News recently developed information of interest relating to the lawsuit now carried to the Supreme Court concerning Members of Congress who hold reserve commissions. Colonel Heinl's article in the News follows:

[From the Detroit News, Mar. 16, 1973]

ANTIWAR RESERVIST SUIT RAISES CONSTITUTIONAL ISSUES

(By Col. R. H. Heinl, Jr., Retired, USMC)

WASHINGTON.—The war is stopped but the case goes on.

The case is a lawsuit started three years ago by a California anti-war group (Reservists Committee to Stop the War) aimed at excluding members of Congress from membership in armed forces reserve components.

How this suit—which lawyers say presents important constitutional questions—reached the threshold of the Supreme Court, where it now is, presents a striking picture of radical exploitation of the judicial process and discloses intriguing glimpses of the tactics and shifting operations of the anti-war movement. It also shows that movement adjusting its operations and goals and aiming at new post-Vietnam objectives.

Originally filed as a class action in May, 1970, by the reservists committee—then a Berkeley, Calif., group mainly composed of unenthusiastic Army reservists—as well as by a slate of five individual plaintiffs put together so as to represent officer and enlisted ranks in all reserve components, the suit:

Will be argued before the Supreme Court by a radical lawyer associated with the American Civil Liberties Union, William A. Dobrovir of Washington, D.C., who says he is unaware of the whereabouts or present military status (if any) of his plaintiffs save one (who is and has throughout the case been a civilian). Dobrovir also refuses to disclose who is paying for the costly legal action.

Was and is being pursued by Dobrovir on behalf of clients he has never met. When questioned on this point, the lawyer replied (speaking of the one civilian plaintiff who appears to have been the moving force in the case), "I dealt only with Adam Hochschild, and not the others."

Goes to the Supreme Court with the whereabouts and status of plaintiffs unknown to the reservist committee which originally recruited them. A spokesman for the organization, Cris Myers of Boston, said, "I don't honestly know where the original plaintiffs are or can be reached." Later he added that he thought Hochschild was "in Washington."

Appears to have involved the use of "straw" plaintiffs solicited by telephone in the San Francisco Bay area. According to Hochschild, a former reporter for Ramparts magazine, Bill (Dobrovir) wanted a representative cross section, "so we hustled around and got these guys. They weren't particularly close with our group." Four of the five plaintiffs located confirmed this version, said they had never attended meetings, and didn't know if the committee still existed.

"As far as the lawsuit is concerned, I really don't know much about it," said one plaintiff, Ernest Nolar of Berkeley, 'I got into it by a phone call from Adam."

Confronts the court with a class action in which the allegedly representative reservist plaintiffs (excluding Hochschild, who is and was at the time of filing, a civilian) appear to have little if any present connection with the case, only proforma association with it at the outset, and only tenuous links to the Reserve.

On its face, the suit (which all sources agree was the brainchild of Hochschild, at one time an Army Reserve Specialist 4 in San Francisco) challenges the military reserve status of 108 U.S. senators and representatives, composing one-fifth of the total membership of the 93d Congress and, in the words of Dobrovir's original pleading, "a dominant minority" on key defense and foreign policy committees, as well as those providing related appropriations.

The nub of the case lies in two constitutional conflicts, one asserted by the reservist committee, the other by the government.

The committee contends that membership by congressmen in any military reserve component or status (even if retired or inactive) violates Article I, Section 6, of the Constitution, which prohibits persons "holding any office under the United States" from being "a member of either house" of Congress.

Solicitor General Erwin N. Griswold, on the other hand, argues that the suit raises what constitutional lawyers call a "political question" (in this case the right of Congress—Article I, Section 5—to be sole judge of members' qualifications) and is therefore not triable in the courts.

Behind these two visible and clear-cut constitutional conflicts, lawyers point out an issue that transcends the military questions involved. That is whether the reservists originally enjoyed legal standing to bring suit at all—a standing which the 1970 trial judge, Gerhard A. Gesell, U.S. district Court, Washington, D.C. upheld with reserve.

If the reservists' right to sue as finally affirmed by the Supreme Court, lawyers say it will open federal courts to innumerable political cases and afford "almost limitless" opportunity for litigatory harassment of the government and other large organizations.

(Judge Gesell—while denying any other standing to the suit ruled that the plaintiff's were entitled to sue solely by virtue of status as citizens, without showing damage or injury. On the other hand, existing decisions expressly bar actions—apparently like this one—seeking "to employ a federal court as a forum in which to air generalized grievances about the conduct of government.")

Against the foregoing constitutional and legal background, the suit—apparently conceived by Hochschild and masterminded by Dobrovir—won Gesell's affirmation insofar as the constitutional question was concerned.

Gesell, declined, however to grant the reservists injunctive action he asked, and also blocked a "fishing expedition" they sought into Pentagon files.

Last September, without opinion, the U.S. Circuit Court of Appeals for the District of Columbia upheld Gesell, Dobrovir and the committee, who freely admitted that the suit was a wartime attempt to harass a predominantly hawkish segment of Congress on the Vietnam War and related national security issues.

Hochschild said, however, that the suit was actually "aimed at the whole Reserve bureaucracy," explaining that, since "future Vietnams" are more likely to be fought with reservists than draftees, the Reserve was now the most important target.

Ron Ainspan of Boston described as "coordinator" of present operations, said frankly, "Our long-term goal in this is really to eliminate the Guard and the Reserve."

What has happened since 1970 to the Reservists Committee to Stop the War and

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how it operated, has been reconstructed as follows:

Originally founded in Berkeley by Hochschild and apparently composed mainly of disgruntled fellow anti-war reserve soldiers, the committee—in the words of plaintiff Notar—"never had meetings, just put out a newsletter occasionally."

In signing up plaintiffs (besides Notar mentioned above) procedures were casual, to say the least.

David L. Kranz. another Berkeley reservist plaintiff, described his recruitment as follows: "Someone called me up and said, 'We want to start a lawsuit,' and they put my name on it."

When asked who the caller was, Kranz replied, "I have no idea."

In mid-1972, an Eastern antiwar group of similar membership and objectives—Reservists Against the War—based in Cambridge, Mass., made contact with Hochschild and offered to take over the Berkeley operation, which apparently had become moribund.

After conferences between Hochschild and Ernie Thurston, head of the New England reservists, the Cambridge organization took over active conduct of the anti-congressional litigation, although Hochschild continued to advise and appears to have been the sole contact with lawyer Dobrovir at his various Washington addresses.

("Adam is still handling our relationship with Bill Dobrovir," Thurston explained, adding—on a question as where the money for the suit was coming from—"I don't know any more than you do.")

The committee now operates out of quarters at 355 Boylston Street, Boston, also headquarters of the Legal In-Service Project which offers "counseling and other help . . . for both active-duty military people and reservists."

Cris Myers, of Legal In-Service Project, explained that the reservists committee operated from "the same office, with overlapping personnel." He said that the project put out the committee's newsletter and kept their files, describing Legal In-Service as "a kind of receiver" for the Berkeley reservist committee.

Myers said he had no idea who was retaining or paying Dobrovir.

Hochschild was reticent on this point. He simply replied, "A couple of guys in the group chipped in," but would not identify them.

Dobrovir's fees to date, Hochschild estimated, had been about $2,000 ("at very generous rates," he added). Washington lawyers, however, said a fair estimate of legal and other costs on a case of this kind should more nearly approximate $5,000.

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## THE THIRD AVENUE TERMINAL

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. KOCH. Mr. Speaker, a controversy is currently underway in New York City over whether a new terminal for the Long Island Rail Road should be constructed in mid-Manhattan just three blocks away from an existing terminal, Grand Central Station. The Metropolitan Transportation Authority proposes to construct the new terminal with the assistance of $227 million from the Federal Government.

This project for the city's heartland has grown with few realizing that it was in the making and consequently with little input from sources outside the MTA on possible alternatives for its location. The genesis of the Third Avenue terminal proposal occurred sometime in the late 1960's, and presently the MTA has an application for Federal funding pending at UMTA.

The question is whether Grand Central Station, which is presently underutilized, might provide a better alternative to the construction of the proposed Third Avenue terminal to be situated at the fringes of a high density commercial area of the city and in the midst of the Turtle Bay community.

Grand Central Station is an existing facility. It has the potential of providing the means for the efficient coordination of the various forms of rapid transit coming into mid-Manhattan: The commuter railroads, the city subways, and the proposed Long Island Rail Road and Kennedy Airport line. As it is today, a substantial portion of Grand Central Station, because it is underutilized, has effectively become one of the fanciest train yards in the country for the storage of railroad cars.

Grand Central Station would have to be modified to accommodate the Long Island Railroad tracks and passengers. And undoubtedly there would be some problems in using Grand Central Station; there are problems within every location. Furthermore, the possibilities of Grand Central are sufficient to warrant a thorough and objective study before any Federal funds are provided for the proposed Third Avenue Terminal. In my judgment, the environmental impact statement on this project is deficient in not fully exploring the Grand Central alternative.

On March 133, 1973, I wrote to Frank C. Herringer, the Administrator of the Urban Mass Transportation Administration, criticizing the impact statement in this respect and urging the Federal Government's insistence that the potential of Grand Central be thoroughly studied. On April 16, Mr. Herringer replied that he had reviewed the issue and that—

> Before any UMTA funds would be provided for this project we (UMTA) will require that a complete analysis be prepared of alternative sites for the mid-town terminal.

He went on to give me his assurances that before proceeding with UMTA funding, the option of a location at Grand Central Terminal "will be fully explored."

I am now in communication with UMTA in an effort to get the Administration to commission the study directly so that we can be assured that it is thorough and unbiased.

The mass transit demands of New York City are great and the amount of Federal funding available to the city is limited. New York City must use its resources—both local and Federal—as effectively as possible. It is for this reason that we must be assured that all potential alternatives, especially those that would be less injurious to the surrounding area, are explored. Before one spends some $342 million of the taxpayers' money, public officials must make certain that it is being spent wisely.

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## RARICK REPORTS TO HIS PEOPLE: THE MYTH OF RISING FOOD PRICES

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. RARICK. Mr. Speaker, many of the farmers I have talked to recently from the sixth district and other areas of the country have expressed to me concern that their side of the food price increase story is not fully understood by the general public. Most city housewives, who have seen food costs take a larger share of their household budgets in recent weeks, know very little about farming or food production. But the American farmer has been accused by some groups of making huge profits at the expense of the city consumer. Such is simply not the case. Food prices have risen, partly in response to higher prices at the farm level, and partly due to increased marketing costs. But also because the "printing press dollar" just is not worth what it used to be before devaluation and deficit financing.

I am not a farmer. I do not own any cattle or other livestock. But I do understand the problems the farmers of our State face in this time of inflation. To see the full picture of why food prices are on the upswing, the city consumer must understand the position of the farmer in our modern food chain. A number of myths have sprung up lately about the role played by the farmer in higher food prices.

Compared to other industrialized countries of the world, we Americans have long enjoyed readily available, inexpensive food for many years. This has been so true that most people have almost assumed that cheap, plentiful food is an American right. But availability of good food is a result of our efficient agriculture production system, and just plain hard work by our farmers.

Perhaps our great food production system is almost too good. It has lulled many Americans into believing that food and meat production is almost automatic—taken for granted like air and water. Incomes should rise, that is progress, but the price of farm products should not has been the attitude of many American consumers. Until the last few months, this has been the case. Grocery bills have accounted for an ever-decreasing share of the family take-home pay. Since the end of World War II, when one-fourth of the paycheck went to pay for food, this percentage has continually decreased. By 1972 food expenses took just over 16 percent of the average American's paycheck. This is amazing progress. Especially so, when you consider that in many areas of the world people spend up to half or more of their money just on food.

Efficient farming methods, the use of pesticides, food additives for livestock diets, and mechanization of equipment have all combined to keep food costs at relatively low levels. But our inflation prone economy has driven up the costs of production to the farmer, while his income has not followed. Higher food prices are not the cause of inflation—they are the logical result.

Price ceilings on farm products, or as many groups have suggested—price rollbacks, would do little to reduce costs to the housewife. Farmers now get just about a third of each food dollar. The other two-thirds represents the cost of getting food from the farm into the hands of the consumer. Labor costs account for half of that total. So while farm prices move up and down in response to supply and demand, labor and transportation costs move only upward. If farm product prices never again advanced by a single dollar at the farm level, food prices would continue to rise.

Toward the middle of last year prices in the supermarket began to rise more sharply than they had in quite a while. This is particularly true of prices at the meat counter. While beef prices have finally climbed back to levels of 20 years ago, the farmer's profit margin is smaller than it was 20 years ago. Farmers are now paying two to three times more for help, machinery is nearly twice as high, and production costs have doubled over the same period.

Last year saw the first major increase in prices at the farm level in many years. But anyway you look at the Government statistics, our farmers are not getting rich at the expense of the city folks. In Louisiana last year, farm net income reached just over $7,500 on the average. When you consider that the farmer's investment in land, machinery, et cetera, averages between $90,000 and $100,000, this is a poor return for the money from a business standpoint. But when you realize that only one-half of the farmer's income pays for his labor, the $3,700 the average Louisiana farmer made, is shockingly low. This figure is well below the national poverty level. But still the farmers of this country are singled out when prices rise.

Many consumers are confusing affluent living standards with inflation. While people are complaining in general of prices, what is actually putting the most strain on the family budget are the luxuries that we have become accustomed to—the things that many never thought of buying until recently. The typical family income in the United States last year was about $11,200. Compare this to the farmer's income. Half of all families earned more than this amount. Even after historically high State, Federal, and local taxes, most people have more spendable income now than ever before. Even though people are grumbling about prices, inflationary spending and installment buying continue at a record pace.

Purchases of new cars this year are expected to reach a record high of nearly 11½ million. Color television set sales are at an alltime high. Leisure spending, including hobbies, and vacation travel—much of it in foreign countries—is expected to push above its record high of $105 billion last year. Almost a quarter of a million pleasure boats are scheduled to come off the production lines during 1973. There is no doubt that the American standard of living is moving onward and upward. Yet, since food is such a visible and daily expense, any increase is viewed with alarm. We live in an inflation-ridden society that will likely continue to grow more so for some time to come.

Looking at the longer and longer cash register tapes from the supermarket as an indication of increased food prices is misleading. One reason, often overlooked, for an increase in the grocery bill is a change in retail merchandising techniques in recent years. Today's supermarket offers the housewife a wide range of products for her consideration. Toothpaste, baby powder, nylons, light bulbs, and scores of other products have greatly increased the tab at the checkout counter. Almost 30 percent of the "grocery bill" is not groceries at all, but products that in past years the consumer would have normally purchased at the drug, hardware, or variety store.

The American housewife values her time today, and spends more of her household budget for "convenience foods" which add greatly to the food bill. USDA home economists estimate that the built-in "maid service" of precooked, freeze-dried, readymade preparations, and packaged dinners have run up the cost of feeding a family by 25 percent. And we must not forget that the farmer does not share in the profit of this extra preparation.

On numerous occasions I have pointed to the effect of the massive sale of grain and livestock food to the Soviet Union, which has resulted in rising food costs to the consumer in this country. Last year the Russians imported more than one-quarter of the entire American wheat crop. Much of the wheat crop had already been marketed by the farmers before the sale of 400 million bushels to the Soviets sent prices soaring. So the large international grain traders reaped the profits, subsidized by the U.S. taxpayer, while the farmers only caught the expense of higher prices for livestock feed. In some areas of the country, the price of soybean meal, used in beef and hog feed, rose from a price last year of $75 a ton, to a whopping $170 a ton. Soybeans were included in the Russian grain deal.

Even the economists and politicians who last fall hailed the trade with the Russians as an historic breakthrough, are beginning to backtrack now that food prices at home are rising. Last week one of the national news magazines listed a "bright note" in the price crunch. It said:

> Pressure on U.S. Food stock—and prices—could ease if Russia's grain needs decline . . . from 1972's massive levels. The impact of that deal helped to drive up grain prices in the United States.

It does not take a degree in economics to realize that when you sell a quarter of your production of any product, it will drive up the cost of the remainder. That is the law of supply and demand in action. The Soviets have already given indications that they expect their grain crop this year to be poor, and plan to look again to the United States and Canada to bolster their lagging production.

If we do not learn from this past trade mistake and take action to cut off the pending sale to the Russians, the American consumer can expect another hike in food costs next year too. For this reason I have called on the Agriculture Committee to hold a hearing to look into this depletion of our grain stock before another 500 million bushels of wheat are loaded up and sent to Russia. This is not a complete solution to food increases. But it is a start toward curbing prices in one area. We must consider the pocketbook of Americans before we allow the big combines to make a quick buck by shipping our needed food supplies overseas.

No one likes to pay high prices for the products they buy—especially food to feed our families. Inflation hurts every segment of the population, but the people who suffer most are those on fixed income, such as retired people.

Blaming the farmer for higher food prices cannot solve the problem. Neither can wage and price controls. Political solutions cannot solve economic problems—in most instances the problems are only worsened by governmental control. There can be no real relief from the problems of high prices, high taxes, and inflation, until we attack the root causes—too much waste, deficit spending and excessive foreign giveaways. The wage and price control powers Congress recently extended another year for the President did not freeze your taxes or limit Federal spending.

Economic freedom, like individual freedom, cannot perform and solve American economic problems when handcuffed. The free enterprise system, if allowed to function without more Government imposed and controlled socialism will solve the inflation problem in this country.

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## SENATOR HUMPHREY SAYS ADMINISTRATION'S SPENDING POLICIES ARE DECEPTIVE

### HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. GERALD R. FORD. Mr. Speaker, on Friday the 13th of April the distinguished junior Senator from Minnesota, made public a staff study of the Joint Economic Committee which he said shows that the administration's spending policies are "a combination of deception and incompetence." It seems to me that if deception has taken place, it is Senator HUMPHREY and the public who may have been deceived by this highly



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misleading and inaccurate staff report—a report which appears to have been quickly thrown together more as partisan propaganda than as meaningful economic analysis.

For example, the study states that the President's original proposal of a $246 billion budget for fiscal 1973 "was increased to $250 billion by the administration itself." In fact, the $250 billion figure first appeared in the administration's mid-year review of the 1973 budget last year, and that review showed that the Democratic 92d Congress added virtually all of the $4 billion increase.

Likewise, the joint committee staff study suggested that the administration requested that fiscal 1972 revenue sharing be shifted to fiscal 1973, whereas, in fact, the administration sought to have revenue sharing begun in 1972, and it was the Democratic 92d Congress delay which caused payments to be made in 1973.

I enclose for the RECORD other comments on the Humphrey staff study:

COMMENTS ON JEC PAPER ON THE ADMINISTRATION'S SPENDING REFORM PROPOSALS

WHO SPENT THE MONEY?

*Staff study*

". . . the President originally proposed $246 billion for the fiscal 1973 budget. That was increased to $250 billion by the Administration itself. . . ."

*Comment*

The $250 billion estimate appeared first in the Mid-Session Review of the 1973 Budget sent to Congress by the Director of OMB on June 5, 1972. The report showed that the increase over $246 billion resulted from Congressional additions as follows (billions):

| | |
|---|---|
| Congressional enactment of coal miner benefits | +1.0 |
| Congressional delay in enacting general revenue sharing | +2.2 |
| Interest on the debt | +.4 |
| Other | +.1 |
| Total increase | +3.7 |

*Staff study*

"(The Administration) apparently felt that additional outlays of $1.2 billion for Vietnam . . . were necessary."

*Comment*

After the June 1972 estimate of $250 billion was made the Administration did request an increase for Defense which added $1.2 billion to spending. Subsequently, the Congress made cuts which reduced Defense spending by $1.6 billion. However, the current estimate of Defense spending is $1.2 billion *below* the initial 1973 estimate, thus negating much of the $1.2 billion increase.

*Staff study*

. . . an administration request to shift fiscal 1972 revenue sharing into fiscal 1973.

*Comment*

The Administration wanted revenue sharing started in 1972; it was Congressional delay that caused the payments to be made in 1973.

*Staff study*

"Most of the remaining 'unconstrained' spending growth is a projection of what the social services grant program would have cost if Congress had not put a $2.5 billion ceiling on it during the last session."

*Comment*

Since 1970 this Administration has proposed a limit on the social services program because it was clear that that program would grow out of control. It was only when an astronomical rise in payments had already occurred (from $354 million in 1969 to $1.6 billion in 1972) that Congress acted.

*Staff study*

"Thus the potential $15 billion increase in fiscal 1973 spending over the President's original budget propcsals consisted of roughly $6½ billion in Presidential spending initiatives, 1½ billion in uncontrollable spending increases, 5 billion in Congressional spending initiatives. . . ."

*Comment*

The figures of Congress' own scorekeeping reports differ. The end-of-session report of the Joint Committee on Reduction of Federal Expenditures shows (on p. 2 of Staff Report No. 9–Revised):

*Outlay estimate in millions*

| | |
|---|---|
| Congressional action to date | +$6,305 |
| Amendments to the 1973 budget estimates transmitted to date | +2,896 |

WHAT ARE REAL BUDGET SAVINGS?

*Staff study*

"With these standards in mind (as set forth above) a substantial part of the Administration's claimed savings for fiscal 1973 are not real budget savings. It is not a real saving to shift $1.5 billion of general revenue sharing payments a few days . . . to sell off $1.5 billion in Federal credit and stockpile assets . . . to have a ($242 million) windfall increase from the terminated European Fund. . . ."

*Comment*

The budget document is forthright concerning these actions. Under the heading, "Avenues to outlay reductions" the following statement is made: "To minimize as much as possible the need for sharp cuts in ongoing Federal programs, the first effort was directed at seeking possible reductions in net outlays that could be obtained through such means as the disposal of additional materials from the Government stockpile and the development of non-Federal financing for various credit programs (through the sale of loan and mortgage paper) . . . Deferrals of certain Federal payments beyond the dates that had originally been planned . . . also were considered. . . . The largest of these was a relatively short delay . . . for . . . General Revenue Sharing."

Many of the actions the JEC characterizes as a "windfall" or "automatic" required deliberate action (e.g. considerable negotiation was required to obtain a return of funds from the European Fund). Surely the Congress would agree that actions such as these to reduce budget totals are more desirable than direct program reductions.

The budget clearly distinguishes program reductions and terminations from other savings. All of the program reductions and terminations included in the list of "Cosmetic Budget Cuts" on page 9 required positive action, including resistance to those proposing the spending.

*Staff study*

"Budgetary savings are of course desirable only if they eliminate ineffective programs."

*Comment*

Clearly not valid. It is essential that budget savings be made, if necessary, even in relatively effective programs if the budget total is such that wholly undesirable inflation or other economic effects would result. The JEC statement misses the fundamental point.

(We can agree with the later statement—p. 10—that ". . . the necessary reduction in government spending should consist of the set of government programs that are lowest priority and most ineffective.")

*Staff study*

"It should be emphasized that the reduction of inflation is not a valid economic criteria for eliminating an *individual* government program."

*Comment*

While there is logic in this statement, given the statement quoted above, there are some programs that can create their own inflated costs, e.g. Water Quality Control and highway programs at maximum levels.

WHERE ARE THE ADMINISTRATION'S EVALUATIONS?

*Staff study*

"In response to these requests (for detailed explanation, justification of cost-benefit impact, cost-benefit relationship . . .), on March 19, 1973 the Office of Management and Budget sent the Committee . . . their formal justifications for cutting 108 programs . . ."

*Comment*

The material sent to the Committee on March 19 was not the "formal justifications." Justifications for budget actions are (and have been for the applicable programs) provided to the Congress in many ways. Requests for lower appropriations or legislative actions were set forth in detail in the budget. Justifications are furnished in much greater detail to the Committees which will act on the proposals. The JEC is not an action Committee.

The material sent to the Committee was not intended to provide analytical assessments or cost-benefit analyses. Such analytical material should be obtained from agencies responsible for justifying budget requests. Materials used in connection with Presidential determinations is privileged. The budget proposals represent the President's judgments, based on thorough assessments, beginning at the agency level.

DEFENSE

*Staff study*

"The most incredible case of cosmetic budget cuts is national defense, which in fact increases by $4.7 billion."

*Comment*

The Administration took deliberate steps to reduce military and civilian end strengths not only from proposed levels but also from previous levels. The civilian and military strength level planned for June 30, 1974 is over 140,000 less than for June 30, 1972 and 80,000 less than planned in the budget for June 30, 1973.

*Staff study*

". . . . a budget savings (for 106,000 reduction in military and civilian end strengths) is claimed because the Secretary of Defense cut the in-house wish list from the military departments."

*Comment*

Defense spending rises primarily because of increases necessary to maintain military and civilian pay levels comparable to those in the private sector, to achieve an All Volunteer Force, to meet normal price increases and to pay for military retirement.

CONCLUSION

*Staff study*

". . . this preliminary analysis would seem to indicate that the information provided to Congress as formal justification for the budget cuts is of such low quality that Congress cannot rely upon it in formulating spending reform and setting national priorities."

*Comment*

Again, this material was not provided as a formal justification. Congress can make its decisions through appropriation and legislative Committees on the basis of detailed hearings and justifications by agencies.



## JOHN CATES VIEWS U.S.-LATIN RELATIONS

### HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. FASCELL. Mr. Speaker, in recent months a great amount of attention has been given to the deteriorating state of relations between the United States and Latin America. In Journal of Commerce of April 13, 1973, one of our Nation's foremost observers of the inter-American scene, Mr. John M. Cates, Jr., voiced his own concern over the present trend in hemisphere relations and issued a clear call for all those interested in improving relationships between the Americas to speak out.

Mr. Cates, whose personal credentials as an inter-American statesman are widely known, is president of New York's prestigious Center for Inter-American Relations, which through a variety of programs seeks to strengthen understanding between the peoples of the United States and the other nations of the hemisphere. I am sure that Mr. Cates, experienced views will be of great interest to my colleagues.

UNITED STATES CALLED TURNED OFF TO NEEDS

(By John M. Cates, Jr.)

Pan American Week in 1973 is an appropriate time to take a general look at United States relationships with Latin America. In contrast to the halcyon days of the Good Neighbor policy and of the Alliance for Progress, we find today that people in the United States insofar as Latin America is concerned are generally turned off.

Whether this grows out of a deliberate government policy of low profile or whether the low profile follows naturally from a general disinterest in the area is not particularly relevant. The fact is that it is difficult to arouse interest in the United States in anything affecting the hemisphere.

U.S. WITHDRAWAL SEEN

Reports of the nationalizing of American businesses, the solid Latin American front in favor of Panama's position on the canal at the recent Security Council meeting, the impression of isolation of the U.S. delegation at the recent Economic Commission for Latin America meeting in Quito, all are symptoms of a general withdrawal of the United States from the concerns of the Western Hemisphere.

On the other hand there are so many things drawing us together—the long-lasting ties between the U.S. and various individual countries in the hemisphere; the security considerations implicit in our geographic location; and our common political and cultural heritage deriving from western European and African immigration and Indianism.

Strange it is, therefore, that organizations interested in the inter-American concept must make such a self-conscious effort to point out their mutual interests.

Unique among the institutions established to advance inter-American understanding and personal interchange is the Center for Inter-American Relations. Taking a multiple approach to the area, the center seeks to point up to North Americans not only the problems but the achievements as well of our southern neighbors. Not only their needs but also their many contributions.

To accomplish its purposes, the center engages in a wide variety of projects. These range from such diverse subjects as an explanation by the Foreign Minister of Mexico of its position on the 200-mile sea limit to aid in protecting Mayan monuments in the Guatemala jungle from vandalism.

Roundtables and seminars have put before concerned Americans the Panamanian position on the Canal negotiations; the constitutional basis for Chile's program of nationalizing industries; and the interest of Japan in expanding its investments and contacts in Latin America.

Equally important to an understanding and appreciation of our Latin American neighbors is a knowledge of their important contributions in the fields of literature, art and music.

Through this varied approach the center seeks to combat what can only seem as an aggressive disinterest on the part of the United States toward the area, a situation which not only can result in a matching apathy toward the United States on the part of our neighbors but has already had serious repercussions.

At a time of U.S. disengagement from Asia, at a time of aggressive economic competition from Europe, Latin America should be assuming greater, not lesser, importance in terms of markets, development and source of energy. Certainly, the business community here should not lose sight of the stake it has in Latin America. The U.S. exchanged $12.25 billion worth of goods with 20 Latin American republics last year; U.S. investment in Latin America and the Caribbean had accumulated $15.8 billion as of the end of 1971.

Pan American Week should be a time when we dispassionately appraise our South-of-the-border relationships. It is worth taking a minute to consider a not unlikely possibility that the entire continent might turn elsewhere for friendship.

Our slightly patronizing assumption that the Latin American countries have no choice except to remain wedded to us must be seriously questioned. The United States can disregard only at its peril our natural ties and mutual interdependence. There is still time to adopt a different posture which can demonstrate to our vital neighbors our good will and our interest. It is interesting that concern for our relations with Latin America is also currently expressed in the prestigious Foreign Affairs Quarterly—not generally noted for its interest in our neighbors. An article on "Latin America: Benign Neglect is Not Enough," states that, although no policy is better than a wrong one, "There is not much time left to develop new ideas and make a new approach before events will overtake and 'surprise' the State Department."

A recent comment in the English Newsletter "Latin America" refers to the "stark public revelation of the incompatibility of interests between the United States and Latin America," as revealed in recent meetings by the Security Council and Economic Commission for Latin America and current Organization of American States meetings in Washington.

Our neglect is showing. Those of us concerned with improving the relationships between the Americas must, more than ever, speak out at this time. The Center for Inter-American Relations is intensifying its efforts. But we cannot do it alone.

## RESTORING VETERANS' DAY TO NOVEMBER 11

### HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. ST GERMAIN. Mr. Speaker, one of the bills which I have introduced this year that has vigorous support from the veterans in my district is House Joint Resolution 495. The bill would restore Veterans' Day to November 11—the date which has both history and tradition to recommend it.

Many veterans have written to me or spoken with me personally to urge that the Congress change the date back to November 11.

I would like to share with my colleagues a poem I received recently by J. Bernard Hurl entitled "Give it Back," that calls for a return of this commemoration to its former date:

GIVE IT BACK

(By J. Bernard Hurl)

In the past not long ago
Then we read of friend and foe
How our boys fought and bled that we might live;
Then on high the Prince of Peace
Bade the sound of battle cease
And we welcomed home the heroes of the free.
But now lest we forget
There are those remaining yet
Who call Iwo Jima and Corrigidor a past
But I know that in their minds
They still think of those behind
And for endless time those memories will last.

The eleventh of November
To every veteran's member
Of all wars is a ne'er forgotten day;
But one day someone changed it
Entirely disarranged it
"Give it back" is what we hear the veteran say.

Remember—veterans earned it
Memories have forever burned it
Into their minds and to their hearts as well;
So remember to remember
The eleventh of November
A day of peace which followed days of Hell.

## THE VALLEY REGISTER: AN EDITORIAL

### HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. BYRON. Mr. Speaker, over the past several months we have heard much of the "energy crisis" and the effect it will have on our Nation. It was refreshing, therefore, to note a recent editorial in the Valley Register urging an end to the talking and a positive call for action.

I think this frank and forthright editorial best expresses the view of many people throughout our land and I share it with you now:

WHY PERMIT THIS "ENERGY CRISIS"?

Papers are being filled these days and radios and television sets are blaring forth the dire warnings concerning the fast-approaching crisis in the supply of energy-producing fuels available to see us through the next decade or so. But the truth is that there is no need to sit on our hands and permit such a far-reaching paralyzing of our economy to creep up on us. There is no doubt whatever that we are fast depleting our available supply of fossil fuels (coal and oil, as well as gas reserves in the earth). Already this nation is becoming partially dependent upon foreign sources for our oil and this threatens us with a "sword of Damocles" hanging over our heads and puts us at the mercy of not

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altogether friendly nations which are in a position to corner the world supply. This is not only unwise but it is unnecessary. The United States should not be dependent upon any other spot on the face of the earth for our energy-producing supplies. There is evidence that there is a great amount of "skulduggery" at work designed not only to hold down the available supply of oil that we need even now but to create artificial scarcities which result in skyrocketing prices. Oil companies do not have the refineries necessary to produce the gasoline the country needs and they are not building others to remedy the deficiency. The attempt of the President to alleviate the squeeze by permitting freer importation of foreign crude oil and extending the limits for off-shore drilling will not in itself produce more refinery capacity. So long as the oil barons hold this capacity for monopolizing the supply, there is little hope for improvement.

But other sources of energy are available—sources which are practically inexhaustible. Three of these are thermal energy from deep down in the earth, solar energy from the sun's rays and the more promising source of nuclear energy. If the nation put one fourth the expense and effort into the development of one or all of these energy sources, our worries about the future insofar as our future energy needs would be over. Of course such exploration and experimentation would be fought by mining interests and oil cartels, but such pressures have been overcome before when real danger threatened, and they can be overcome again. Some day our present sources of energy will be obsolete. It could be soon if we wake up.

## NATIONAL HOSPITAL WEEK

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. NELSEN. Mr. Speaker, I am today joining with my distinguished colleague and chairman of the Public Health and Environment Subcommittee, Mr. ROGERS, in introducing a joint resolution requesting the President to designate the week of May 6 through May 12, 1973 as "National Hospital Week."

In a time when we are so vitally concerned about our health care delivery system it is easy to overlook the dedicated care given in our Nation's 7,000 hospitals. Each day better than 3 million people go to work in these institutions. Their responsibilities evidence a wide range of skills and services—everything from housekeeping and maintenance work to nursing and surgery.

Though care and comfort for the sick and injured have been the traditional responsibility of our hospitals, many of these facilities are now deeply involved in conducting research for the diagnosis, prevention, and cure of crippling and killing diseases. Some are even experimenting with new and, hopefully, improved methods of delivering health care within the institutional setting.

It is also interesting to note the increased importance that hospitals have attached to outpatient services. Increased expenses and improved technology have escalated the cost of providing hospital beds. For this reason, outpatient care must be provided as quickly and as thoroughly as possible—this in an effort to reduce the need for hospital stays. Today, six times as many people are treated on an outpatient basis as are required to remain in the hospital. In calendar year 1971, 200 million people received outpatient services. Such an emphasis on outpatient care is an important element in our fight to contain medical costs.

It is often easy for us to be critical of the people and the institutions charged with the responsibility for providing health care—indeed there are times when we should be critical. Yet, we must not lose sight of the marvelous, and at times miraculous, work being done in our hospitals. They deserve our appreciation and I am proud to cosponsor a resolution toward this end.

Thank you.

## A TRIBUTE TO ART PETERS

### HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. NIX. Mr. Speaker, few of my colleagues will have heard of Chester Arthur Peters, but I rise to pay tribute to him today for his was a major writing talent. Had he lived. I am certain he would have gone on to being published in news media throughout the land. His growing career and influence, I am deeply saddened to report, were foreshortened April 11 by a strange viral disease diagnosed as meningitis.

Though only 44, Art Peters, in the words of Gene Roberts, executive editor of the Philadelphia Inquirer, for which Art wrote an eloquent and compassionate column, was a man who, "despite the short-lived nature of his career, accomplished more than most of us will accomplish in our lifetimes."

Mr. Speaker, I often find columnists and reporters who prosper through use of the contentious or excessively flamboyant statement. But Art Peters rather used a gifted talent for painting social problems in colorful words of compelling humanity. His was not a world of blackness or witnesses, but he was, as he said, everybody's columnist.

Mr. Peters often pondered his choice of professions. As a qualified lawyer, he felt he could represent the oppressed, the downtrodden, the poor working people, who, he said, are "frequently ground to bits."

But, as a journalist, he sought the opportunity to influence thousands of people and "to sway the thinking of the 'silent majority,' the vast number of readers who are indifferent to the plight of the underdog."

I believe it fortunate he made the choice in recent years and forsook the bar to devote full time to journalistic endeavors.

A fellow writer, Jack Sanders, editor of the Philadelphia Tribune, professionally assessed Mr. Peters by recalling that he "had an uncanny way of expressing himself to the point where he would make you believe what he was writing. He could convince you."

Mr. Sanders believes that Art Peters made a greater contribution to the white community through columns that were chiefly devoted to black people. Sanders said:

> It was a greater contribution, because he enlightened the White people about the Black community.

Mr. Speaker, I feel it most appropriate that the life and work of Art Peters be recognized in the official pages of our proceedings of the U.S. House of Representatives. His was not the radical, headline-seeking approach, but rather one whose shaping of ideas assures him a place of remembrance in the hearts of those who knew him and a special niche in the journalistic annals of our great city of Philadelphia.

## REEMPLOYMENT RIGHTS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES

### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. WHITEHURST. Mr. Speaker, today, I am joining Congressman PREYER in introducing a bill to amend section 9 of the Military Selective Service Act relating to reemployment rights of members and former members of the Armed Forces of the United States. Senator RANDOLPH has introduced a companion bill, S. 1635, in the Senate.

Under existing law, veterans who were employed by the Federal Government or private industry prior to their service have mandatory reemployment rights to reinstatement in the jobs they left or in a job of similar status, if they are job qualified and request reinstatement within 90 days after release from service. In the case of a private employer who fails or refuses to comply with the law, the veteran is assisted by the Veterans Reemployment Rights Office in the Department of Labor in pursuing his case. In addition, he is provided free legal counsel, and can be represented by a U.S. attorney in Federal district court. The district court is empowered to order reinstatement. Veterans who were employed by the Federal Government are assisted by Veterans Federal Employment Representatives, are provided free legal counsel, and the Civil Service Commission has authority to reinstate the veteran within a Federal agency.

Veterans who were employed by State and local governments enjoy no such benefits. The existing law contains only a sense of the Congress statement which merely encourages States and localities to reemploy veterans, but does not make the veterans' reemployment mandatory. Most States now have laws concerning reemployment rights, but the coverage, the rights provided, and the availability of enforcement machines vary considerably. No States have mandatory reemployment rights for veterans and only one State provides free legal counsel to the veterans. Furthermore, because reemployment rights are not mandatory upon State and local governments, the veterans often lose all benefits which would have accrued to them had they not entered military service.

There is substantial evidence to indicate that many States and localities are unwilling to rehire veterans. In fiscal year 1972, the Department of Labor's Office of Veterans' Reemployment Rights received well over 700 complaints from veterans formerly employed in State and local governments. Both Congressman PREYER and I have received complaints of this nature from constituents, and it is my understanding that many of our colleagues have received similar complaints. Passage of this legislation will rectify this very unfair situation.

The bill will also insure that the Civil Service Commission maintains and meets its responsibility for the reemployment rights of veterans who were employed by the U.S. Postal Service, just as the Commission has this responsibility for employees of Federal agencies.

The President has asked every American employer to make the recruiting and hiring of Vietnam veterans a top priority. I am sure that we all agree that these veterans deserve our support. Those who have left their jobs to serve in the Armed Forces should have the opportunity to return to these jobs. Employees of private industry and the Federal Government are now guaranteed such an opportunity, and the school teachers, policemen, firemen, and other State and local employees deserve no less. I urge the Congress to approve this measure as expeditiously as possible.



## THE 30TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. KOCH. Mr. Speaker, we recently marked the celebration of Passover, one of mankind's oldest independence days. as well as the 30th anniversary of the Warsaw ghetto uprising and the 25th anniversary of the independence of the State of Israel. The central theme of these holidays is a universal one: The will of a people and nation to survive and flourish in the face of bitter oppression and their determination to live and worship as free men.

Just as the message of Passover, in light of current events, cannot be viewed as a musty and ancient tale, so too, the significance of the Warsaw ghetto uprising, especially as it related to the subsequent creation of the State of Israel, must always be remembered and commemorated. Never again can we allow a nation, a group of people, even a single individual to be subjected to the kind of atrocities which marked the holocaust period. Nor should we permit the enormity of the catastrophe to diminish in any way the personal obligation that all of us must bear when it comes to dealing with other dehumanizing situations.

I would like to quote a short statement from the Talmud which, I believe, makes this point quite eloquently:

> Man was created as a single individual to teach you that he who destroys one human life, it is accounted to him by Scripture as though he had destroyed a whole universe; and he who saves one human life, it is accounted to him by Scripture as though he had preserved a whole universe.

Mr. Speaker, while it is true that the horror and silence which characterized the Warsaw atrocities and those in the rest of Europe have since subsided, they may not and must not be forgotten. The resisters of Warsaw recalled the heroism and strength of their forebears. They demonstrated the courage which has enabled a nation to survive against overwhelming odds and prosper throughout the millennia.

After 30 years one would hope that the kind of bravery and sacrifice so astoundingly personified by the fighters of the Warsaw ghetto should no longer be required to insure man's quest for freedom. But let us remember that even today, millions of men and women everywhere are still fighting for their freedoms. Nowhere is this more evident than in the case of those Soviet and Iraqi Jews who are struggling to maintain their identity and dignity against a regime which will not even allow them the basic human right to emigrate to the country of their choice.

The commemoration of the 30th anniversary of the Warsaw ghetto uprising provides us with that measure of courage and dignity that is required of all men who continue to fight for the freedom of oppressed people everywhere. It is with this feeling that I am proud to be a sponsor of House Joint Resolution 303, proclaming April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising.

## OCCUPATIONAL INFORMATION FOR HIGH SCHOOL SENIORS

### HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. BRECKINRIDGE. Mr. Speaker, at this time when our young people are graduating from high school and must decide about their future, I believe it is essential that they consider not only those jobs that are available today, but what the prospects are in various fields of employment in the years to come. The U.S. Department of Labor maintains a careful scrutiny of the job situation and labor trends, and from time to time publishes a forecast of employment opportunities.

I would like to enter in the RECORD a brief outline of some job categories from the latest Labor Department Occupational Outlook Handbook. I call attention to the number of job opportunities in fields which do not require a college degree, but do call for specialized training.

According to the Labor Department, young people with vocational education beyond high school will be in the best position to compete for openings, while some traditionally attractive fields, such as teaching, will become more competitive. I list the jobs by category:

OCCUPATIONAL OPPORTUNITIES

CLERICAL OCCUPATIONS

*Bank Tellers*—1970 Employment, 153,000; Annual Openings, 14,700. Very rapid employment increase, especially for part-time workers to serve during peak banking hours. Employment growth also due to expansion of banking services

*Bookkeeping Workers*—1970 Employment, 1,340,000; Annual Openings, 74,000. Because of the increasing use of laborsaving business machines, employment will increase only slowly.

*Cashiers*—1970 Employment, 847,000; Annual Openings, 64,000. Rapid employment increase. Demand greatest for those having special skills such as typing. Excellent opportunities for part-time work.

*Electronic Computer Operating Personnel*—1970 Employment, 200,000; Annual Openings, 34,200. Employment is expected to increase very rapidly as computers are adapted to new uses.

*Receptionists*—1970 Employment, 298,000; Annual Openings, 23,500. Moderate increase in employment. Young applicants probably will face competition from more experienced workers.

*Secretaries and Stenographers*—1970 Employment, 2,833,000; Annual Openings, 247,000. Very rapid employment growth due to increasing amounts of paperwork that will accompany continued expansion in size and complexity of businesses.

*Typists*—1970 Employment, 671,000; Annual Openings, 61,000. Very good employment opportunities. Demand strongest for those who have other office skills.

SALES OCCUPATIONS

*Manufacturers' Salesmen*—1970 Employment, 510,000; Annual Openings, 25,000. Rapid employment growth. Best prospects for those trained to sell technical products.

*Retail Trade Salesworkers*—1970 Employment, 2,540,000; Annual Openings, 131,000. Slow increase in employment Many opportunities for part-time workers, as well as temporary workers to sell during peak periods.

*Wholesale Trades Sales Workers*—1970 Employment, 539,000; Annual Openings, 27,700. Employment will be stimulated by an increase in business activity and the growth of specialized services offered by wholesale houses.

SERVICE OCCUPATIONS

*Cosmetologists*—1970 Employment, 484,000; Annual Openings, 43,000. Very good employment opportunities. Employment will rise rapidly as population and incomes increase, and as more women take jobs outside the home.

*Police Officers (Municipal)*—1970 Employment, 332,000; Annual Openings, 17,000. Very good employment opportunities for qualified applicants. Trained specialists in electronic data processing, engineering, and social work are becoming essential.

*Waiters and Waitresses*—1970 Employment, 1,040,000; Annual Openings, 67,000. Moderate increase in employment as new restaurants and hotels open.

CRAFTSMEN

*Carpenter*—1970 Employment, 830,000; Annual Openings, 46,000. Rapid increase in employment resulting from rise in construction activity.

*Plumber and Pipefitter*—1970 Employment, 350,000; Annual Openings, 20,000. Rapid increase in employment resulting from rise in construction activity.

*Automobile Mechanics*—1970 Employment, 610,000; Annual Openings, 23,300. Moderate increase in employment because of the increasing numbers of automobiles and added features requiring repairwork such as airconditioning.

*Television and Radio Service Technicians*—1970 Employment, 132,000; Annual Openings, 4,500. Rapid increase in employment related to growing number of television, radios, phonographs, and other consumer electronic products.

*Business Machine Servicemen*—1970 Em-

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ployment, 80,000; Annual Openings, 6,000. Very rapid increase in employment. Outlook particularly favorable for those trained to service computers and associated equipment.

*Foremen*—1970 Employment, 1,488,000; Annual Openings, 56,500. Moderate increase in employment due to industrial expansion and the need for increased supervision as industrial production processes become more technical.

OPERATIVES

*Local Truckdrivers*—1970 Employment, 1,200,000; Annual Openings, 35,000. Moderate increase in employment as a result of rising activity and growth of suburban areas.

*Over-the-road Truckdrivers*—1970 Employment, 655,000; Annual Openings, 21,000. Moderate increase in employment. Economic growth of the Nation and continued decentralization of industry will increase demand for these workers.

*Assemblers*—1970 Employment, 865,000; Annual Openings, 34,000. Moderate long-run increase in employment despite continuing automation of assembly processes. Employment sensitive to changes in business conditions and defense needs.

*Gasoline Service Station Attendants*—1970 Employment, 410,000; Annual Openings, 13,300. Moderate increase in employment resulting from growing consumption of gasoline and other service station products.

*Welders and Oxygen Arc Cutters*—1970 Employment, 535,000; Annual Openings, 22,000. Rauid increase in welder employment related to growth in metalworking industries and wider use of welding. Growth in cutter employment, on the other hand, will be restricted by greater use of mechanized cutting equipment.

PROFESSIONAL AND MANAGERIAL OCCUPATIONS

*Scientific and Technical Occupations*

*Engineers*—1970 Employment, 1.1 million; Annual Openings, 58,000. Generally favorable employment opportunities through the 1970's in this, the largest field of professional employment for men. However, rapidly changing technology and shifts in national priorities may affect adversely those who are overly specialized or not well grounded in fundamentals.

*Chemists*—1970 Employment, 137,000; Annual Openings, 9,400. Favorable employment prospects, especially for those with the Ph.D. to teach and do research and development work. Growth in demand stemming from an increase in research and development work and rising demand for industrial products such as plastics, manmade fibers, drugs, fertilizers, and high energy nuclear fuels.

*Physicists*—1970 Employment, 48,000; Annual Openings, 3,500. Favorable opportunities, especially for those having advanced degrees to conduct research and teach.

*Life Scientists*—1970 Employment, 180,000; Annual Openings, 9,900. Rapid increase in employment, especially in research related to health and environmental problems, through the 1970's. However, the number of life science graduates is expected to increase rapidly, resulting in keen competition for the more desirable positions.

*Mathematicians* — 1970 Employment, 75,000; Annual Openings, 4,600. Best opportunities for those with the Ph.D. to teach and do research. Because of the large number of degrees projected to be awarded in mathematics, competition for entry positions will be keen, especially at the bachelor's level.

*Environmental Scientists*—1970 Employment, 40,800 (geologists, 23,000; geophysicists, 8,000; meteorologists, 4,400; oceanographers, 5,400); Annual Openings, 1,500. Favorable opportunities, especially for Ph.D. degree holders for research work. Opportunities will be most favorable for geophysicists.

*Engineering and Science Technicians*—1970 Employment, 650,000; Annual Openings, 33,000. Favorable opportunities. Demand strongest for graduates of post-secondary technician training schools to fill more responsible jobs. Industrial expansion and complexity of products and manufacturing processes will increase demand.

*Health services occupations*

*Physicians*—1970 Employment, 305,000; Annual Openings, 22,000. Excellent employment opportunities. Employment expected to grow only moderately as limited capacity of medical schools continues to restrict supply.

*Dentists*—1970 Employment, 103,000; Annual Openings, 5,400. Very good employment opportunities. Limited capacity of dental schools will continue to restrict employment growth.

*Dental Assistants*—1970 Employment, 91,000; Annual Openings, 9,200. Excellent employment opportunities especially for graduates of academic programs for dental assistants.

*Medical Laboratory Workers*—1970 Employment, 110,000; Annual Openings, 13,500. New graduates having a bachelor's degree in medical technology will be sought for entry technologist positions in hospitals. Also very favorable employment opportunities for medical laboratory technicians and assistants.

*Registered Nurses*—1970 Employment, 700,000; Annual Openings, 69,000. Very good employment opportunities. Those with graduate education should expect excellent outlook for obtaining positions in administration, teaching, public health, and research.

*Radiologic Technologists*—1970 Employment, 80,000; Annual Openings, 7,700. Very good full-time and part-time employment opportunities as use of X-ray equipment in the diagnosis and treatment of disease expands.

*Other professional occupations*

*Accountants*—1970 Employment, 491,000; Annual Openings, 31,200. Excellent employment opportunities, especially for those having a bachelor's degree with a major in accounting or a related field. Employment will expand very rapidly as accounting information is used more by business management, as the number of required reports to stockholders increases, and as accounting services are used more by small businesses.

*Bank Officers*—1970 Employment, 174,000; Annual Openings, 11,000. Employment is expected to grow rapidly as increased use of computers enables banks to expand their services.

*Counselors*—1970 Employment, 75,000; Annual Openings, 7,900 (school, rehabilitation, and employment counselors). Good-to-excellent employment opportunities depending upon educational backgrounds and experience. A very rapid increase in requirements is expected, reflecting the continued strengthening of counseling services.

*College and University Teachers*—1970 Employment, 335,000; Annual Openings, 10,800. Good employment prospects at 4-year colleges for those who have Ph.D. degrees and at 2- year colleges for those who have master's degrees. Persons may face some competition in obtaining positions of their choice since a smaller proportion of each year's doctor's degree recipients will be needed to meet the demand for college teachers.

*Elementary and Secondary School Teachers*—1970 Employment, 1,275,000; Annual Openings, 90,000. If patterns of entry and reentry to the teaching profession continue in line with past trends, the number of persons qualified to teach in elementary and secondary schools will significantly exceed the number of openings. As a result, young persons seeking their first teaching assignment may find keen competition for jobs, with schools placing great emphasis on their academic work and the quality of their training; many will likely have to find employment outside of teaching.

*Lawyers*—1970 Employment, 280,000; Annual Openings, 14,000. Good employment prospects for those seeking salaried positions with well-known law firms and for graduates of outstanding law schools or those who rank high in their class. Growth in demand will stem from business expansion, growing complexity of government legal activities, and the increased use of legal services by low and middle income groups.

*Librarians*—1970 Employment, 125,000; Annual Openings, 11,500. Good employment opportunities, especially in school libraries for those who have advanced degrees.

*Programers*—1970 Employment, 200,000; Annual Openings, 34,700. Very rapid increase in employment to meet demand for data processing services and as computers are put to new uses.

*Purchasing Agents*—1970 Employment, 167,000; Annual Openings, 5,400. Good employment prospects. Demand strong for business administration graduates who have taken courses in purchasing. Demand also strong for graduates with backgrounds in engineering or science to work in firms manufacturing technical products.

*Social Workers*—1970 Employment, 170,000; Annual Openings, 18,000. Very good employment opportunities. Despite the anticipated increase in the number of graduates of master's degree programs in social work, the demand is expected to continue to exceed the supply.

## "OLD IRONSIDES"

### HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mrs. HECHLER of Massachusetts. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues an editorial from the Boston Herald American of Wednesday, April 5, and a recent communication to me from John F. X. Davoren, secretary of the Commonwealth of Massachusetts. This article and resolution by the Massachusetts House of Representatives explain well the feelings of the people of Massachusetts relative to the historic U.S.S. *Constitution*, and it is my belief that it is fitting and proper that she remain moored in her present location. With this purpose in mind, I submit this editorial and resolution for publication in the RECORD:

"OLD IRONSIDES"

The possibility that the USS Constitution could still be transferred to a permanent mooring at Philadelphia or even at South Carolina's new historical museum, should neither be ignored nor underestimated.

Unreal as the prospect may seem, political influences with great power are covetous of the nation's first great warship and now the oldest commissioned vessel in the world. But Old Ironsides, the scourge of the Barbary pirates, in such an integral part of Boston's past, her departure to another port would leave a gaping hole in our historical heritage.

The 176-year-old frigate has been as often threatened in peacetime as in war, and there is no lack of precedent for the outcry now being raised to rally public support to her aid.

More than a century ago it was Oliver Wendell Holmes' inspired poem which frustrated the Navy's intent to have her broken up. At the end of the last century, the Massachusetts Society of the Daughters of 1812 saved her from the scrap heap a second time.

As every student of early American history knows, it was the children's turn in the late 1920's, and their contribution of pennies inspired a nationwide campaign that led to her restoration and a triumphant cruise up and down the Atlantic and Pacific Coasts.

The Navy has given assurances that Old Ironsides, now undergoing major repairs will remain at the Boston Naval Shipyard at least through 1975–76 when it is expected 2,000,000 visitors will once more attest to her unique allure as one of the nation's most popular Bicentennial attractions.

But that is not enough. The ship has always been identified with New England and here she should remain forever. She was launched just across the harbor from where she is presently drydocked, at Hartt's Shipyard in October, 1771; her masts were of white pine felled in Unity, Me.; and her spikes, castings and copper bolts were supplied by Paul Revere.

That is why the founding of a permanent Constitution Museum here by a group of patriotic citizens deserves universal public support. The stout wooden ship, with sides like iron, is part of our proud heritage. She deserves to ride out the rest of her days in a snug harbor under the shadow of Bunker Hill, where an even earlier chapter of our history was written. The Freedom Trail would not be the same without the sight of her "banner in the sky."

RESOLUTION

Resolutions memorializing the Congress of the United States to take such action as may be necessary to prevent the relocating of the mooring of the naval frigate *Constitution* from Massachusetts

*Whereas*, The citizens of Massachusetts are rightly disturbed over the alleged plans of the Department of Defense to relocate the famous Naval Frigate the Constitution from its mooring in Boston to a mooring in another state; and

*Whereas*, Built at a Boston Shipyard in 1797 and one of the most famous vessels in the United States Navy, the Constitution has been moored at the Boston Naval Shipyard as a naval relic since May 7, 1934; and

*Whereas*, In 1976, the year of the bicentennial of our country, millions of people will be visiting the Commonwealth especially Boston, the Cradle of Liberty, and it is only right and fitting that the Constitution should be moored in Boston or someplace nearby along the Massachusetts coast, the state where she was built; therefore, be it

*Resolved*, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to take such action as may be necessary to prevent the relocation of the mooring of the Constitution from Massachusetts and insure that the mooring of this vessel will remain in Massachusetts; and be it further

*Resolved*, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of Defense, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

House of Representatives, adopted, April 23, 1973.

## JAL AND THE ARAB BOYCOTT

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. ROSENTHAL. Mr. Speaker, for more than 5 years Israel's major airline, El Al, and the Israeli Government have been trying to secure mutual landing rights with Japan Air Lines. Every attempt to negotiate with JAL and the Japanese Government has been rebuffed by the Japanese. Israel's last attempt to set up a meeting between the countries to discuss mutual landing rights, in early 1972, has remained unanswered for over a year.

To placate those who would complain about the apparent submission of the Japanese airline to the Arab boycott, JAL has repeatedly directed a public relations program toward Israel to mask their unfriendly intentions until public interest has died out.

I feel that the continuing boycott of Israel by the flag carrier of the Japanese Government, Japan Air Lines, is unacceptable, and should be brought to public attention.

If it is true that JAL is submitting to the Arab boycott, which as it stands now appears to be a reality, then not only is this an unforgivable breech of international relations, but in direct violation of the General Agreements on Tariffs and Trade—GATT—of which not only Japan but Israel and the United States are members.

## NONBOYCOTTERS VOICE THEIR OPINIONS ON MEAT

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. ZWACH. Mr. Speaker, I have been speaking from time to time about high food prices. I have tried to point out that it was not the American producer who was profiteering and so he should not be penalized by having to compete against increased imports.

In an effort to hold down food prices, we have increased import quotas of meats and cheeses but that hasn't lowered the prices in the food markets.

One of my aides reported to me today that he purchased a 2-pound can of coffee in a well-known Washington market this weekend and the price was 15 percent higher than when he purchased a similar can 2 weeks earlier. Certainly the American producer had nothing to do with this price increase.

James M. Dagar, new managing editor of the Marshall Messenger, in our Minnesota Sixth Congressional District, recently wrote an editorial on food prices that contained so much good commonsense that I would like to share it with my colleagues and the many other readers by inserting it in the CONGRESSIONAL RECORD:

NONBOYCOTTERS VOICE THEIR OPINIONS ON MEAT

(By James M. Dagar)

While the headlines continue to be dominated by those who are participating in the meat boycott, the comments of special note are being made by those who have not joined the effort. Protesting the payouts—whether the doctor's bill, the newspaper's price, the rental fee or the builder's cost, the tariff for a pound of hamburger or a head of lettuce—is an old American custom, just as is the lament about how low wages are in relation to prices. It ranks with booing the referee as a treasured tradition—and there is sometimes about as much logic.

American consumers still have the ability to set prices by their demands. The competitive system does work. And they have an ability to influence their wage rates through the level of their own work as much as through any collective bargaining arrangements. So their power remains great. That of the government to fix ceilings, to influence supply and demand to the point of setting prices is highly over-advertised.

In the recent controversy the true newsmaker in my estimation was presented by a Dallas, Tex., construction worker who said he believed the meat boycott was unfair to other working men. He had in mind the farmers. "We get good wages, why shouldn't the farmer get good wages?" he asked. Then there was the man interviewed in a Minneapolis store who said, "No I don't think I'm paying too much for meat. Everything else has gone up and the farmer isn't making enough from his investment."

Throughout the country, a few—but very similar quotes were picked up by the news media. If Diogenes thought he had a difficult time in his lantern-lit search for an honest man in Athens, it was nothing compared to that of today for the citizen who will admit that he is fairly treated in the market place in comparison to his wage rates. Yet the fact that Americans have to spend less of their waking hours working to pay for the basic necessities of life than any people at any time in recorded history gets little attention.

The United States is not a Utopian state yet, but it is as near as anyone has devised. And it has been built by producers, not boycotters and chronic complainers.

## ORIENTATION OF FRESHMAN MEMBERS-ELECT

### HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. LITTON. Mr. Speaker, today I have introduced legislation which, hopefully, will become a bipartisan legacy from Members of the 93d Congress to all future freshmen Members. My bill seeks to accelerate the scheduling of seminars, and to render the orientation of freshmen Members-elect an easier, more expeditious process.

As a freshman Member of the House of Representatives, I have spent a considerable amount of time discussing the role of new Members with my freshmen peers. Retrospectively, the "first one hundred days" of some—if not all of us—have been replete with trials, tribulations, and frustrations which might have been avoided. Thus, many of my freshmen colleagues share my sentiments that one of life's richest blessings may well be that we are cast in the role of unitiated freshman only once.

Mr. Speaker, when you and our other senior colleagues reflect upon your own freshmen years in the Congress, doubtlessly, many of you will concur that noteworthy early achievement, by the typical freshman Member, has been the exception rather than the rule. If you concede the truth of this assertion, I earnestly hope that time, acquired expertise, and experience in the legislative



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process have not dimmed the memory of your orientation and adjustment to the awesome trust of fulfilling your responsibilities as Representatives. Hopefully, your compassion for freshmen, born of your own experience—for once all senior Members were indeed freshmen—will elicit the support needed to enact my bill.

I am convinced, as are other freshmen Members who are evolving toward the goal of senior status, that had the seminars and briefings provided since our swearing-in taken place prior to January 3, our roadmaps on the journey toward becoming effective legislators would have been more clearly defined. How many valuable hours did we lose just ferreting out bits of information which now seem elementary? How many misjudgments might we averted had there not existed an ignorance of unique administrative and legislative processes? We will never really know. We have kept no tally of lost hours, nor have we catalogued our misjudgments. We would like to forget them. Nevertheless, in all honesty, I believe that every freshman Congressman on this floor today would concur in the thought that at times the going was rougher than it need have been.

The legislation which I have introduced will not redound to the benefit of any of us here—provided, of course, no Member in this session is defeated and subsequently reelected. Its sole purpose, then, is to smooth the path for those who come after us to take their place in this august body to which many are called, but only 435 are chosen.

Mr. Speaker, the legislation which I am seeking to have enacted would provide funding for two seminars to be conducted under the auspices of the Library of Congress in November, following general election, and again in December, for newly elected Members of Congress and two aides designated by each Member-elect. The aides would be given a choice of attending either seminar. Members-elect would have the option to attend either, or both.

The bill also seeks to provide transportation costs to and from the seminars, in addition to meals and hotel expenses for the Members-elect and their two designated aides. It is my thought that Members might seize the opportunity, during the second trip, to interview applicants for staff-assembly purposes. The second seminar might also be timed to coincide with the date designated to draw for office space. Under ideal circumstances, provided a sufficient number of Congressmen are at hand, perhaps, too, during the interval of the second seminar, it might also be feasible to consider holding party caucuses. Such caucuses would serve to shorten the time usually spent in organizing the House.

Further, the bill would provide for partial staffing. As we are well aware, the day after election, a retiree—or one who has been defeated, acquires the unenviable position of what is commonly known as a "lame duck." The day after election, a Member-elect has approximately a half-million people who considers him, or her, to be their Representative. This places the Member-elect in a most untenable position. Presumptively, such newly elected Member has spent months telling everyone in his district how expeditiously he plans to respond to their needs. Yet, during the 60 days between the election, and January 3, he has no authority to do so. Further, unless he is exceedingly fortunate, he has no staff and, ofttimes, no money. He starts out on January 3 with much to learn, a new office without equipment, and two months' accumulation of mail.

This bill would provide the freshman Member-elect with funding for an interim period to staff at a level not to exceed one-half the clerk hire allowance to which the Member-elect would be entitled by law if already sworn in. This funding would be apportioned on a per-day basis—between the date designated as winner in the campaign, until the date duly sworn. With access to such funding, the Member-elect would be able to cope with the heavy flow of mail that inevitably arrives during that difficult period. Thus, Members-elect would not be forced to start 60 days behind his senior colleagues whose offices are already established to function in an efficient manner the very first day of a new session.

Additionally, the bill provides that the Member-elect would not have to wait until after January 3 to assemble the many items needed to equip a newly established office. There would be access to the stationery account, in an amount not to exceed one-tenth of the total, prior to January 3. This would not mean that freshmen Members-elect would have a larger stationery allowance than senior Members. It means access would commence upon the date of designation as victor in the campaign for office, rather than date of swearing-in.

My bill was not designed to be all-encompassing to meet every need during the interim period. It does not provide for temporary office space, telephones, or other conveniences which would be helpful. It seeks primary, rather than secondary, needs of a Member-elect in the battle against time, needless frustration, and deterrents. While it does not provide ideal optimum benefits, it is felt that this legislation is a foundation upon which to build. It could be the first step in the right direction toward objectives which, I hope, all my colleagues—both freshmen and senior, deem worthy of support. It is a legacy within our purview and power to bequeath, and one for which conceivably we might be remembered, with gratitude, by those freshman who will follow in our footsteps.

## STATEMENT BY DR. ELVIS J. STAHR, PRESIDENT, NATIONAL AUDUBON SOCIETY

### HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. MATHIAS of California. Mr. Speaker, I am pleased to present the statement of Dr. Elvis J. Stahr, president of the National Audubon Society, concerning the participation of the United States in the United Nations Environment Program:

STATEMENT BY DR. ELVIS J. STAHR, PRESIDENT, NATIONAL AUDUBON SOCIETY

I am Elvis J. Stahr, President of the National Audubon Society. National Audubon was one of the non-governmental organizations formally represented in Stockholm at the historic United Nations Conference on the Human Environment last year, and I personally was privileged to serve as a member of the official United States Delegation to that Conference.

We appreciate this occasion to offer our views on H.R. 5696, a bill to provide for participation by the United States in the United Nations Environment Program.

The National Audubon Society has warmly welcomed the initiative of President Nixon in proposing a $100 million Environment Fund over five years to support the United Nations Environment Program recommended by the Stockholm Conference and subsequently approved by the General Assembly. And from my personal experience as a member of our country's delegation, I can attest the importance which delegates of other countries, and in particular of the developing nations, attached to his dramatic pledge to seek $40 million for that Fund from the U.S. Congress as tangible evidence of the commitment of our country to a sustained worldwide follow-through on the immensely important purposes of the Stockholm Conference.

The National Audubon Society, which is in the process of establishing an Office of International Environmental Activities, is fully committed to the view that solutions to our global environmental problems are almost certainly not to be achieved without the ongoing, constant catalysis provided by a global agency such as the Environment Secretariat. We believe further that the developed nations, which bear an especially heavy responsibility for global environmental problems, have a special responsibility for contributing generously to the support of the Secretariat and its programs. I might note that the report of the Secretary of State's Advisory Committee on Stockholm, chaired by your colleague, Senator Baker, commented that the sum now proposed for five years could be profitably spent in just one year, so great are the needs. We believe in fact that the $100 million Fund proposed is a rock bottom minimum, and with that *caveat* we support the flexible approach of H.R. 5696 to provide "such amounts as may be necessary".

As members of this distinguished Subcommittee know, the Environment Fund will not provide for the core expenses of the new Environment Secretariat; these are provided for by the regular United Nations budget. Nor should the American contribution be regarded as a foreign aid commitment. The monies for which we seek authorization are to benefit all of us, through the specific projects included in the United Nations Environment Program: global monitoring and assessment; information exchange and assessment; improvement of environmental quality management; assistance for national, regional and global environmental institutions and studies for the development of industrial and other technologies best suited to a policy of economic growth compatible with adequate environmental safeguards.

It is my view and that of National Audubon that the programs to be supported by the Environment Fund are at the heart of the United Nations initiative to deal effectively with our global environment. They are the key to furthering and bringing to fruition the work so well begun at Stockholm, work in which many people in many nations, including millions of Americans, place great hope.

I respectfully urge favorable action on the bill before you.



## LESHER NEWSPAPERS ON CONFIDENTIALITY OF NEWS SOURCES

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. WALDIE. Mr. Speaker, in the current hearings on bills to reestablish an unhampered right to the confidentiality of news sources, many people have expressed doubt about how absolute the privilege should be. I urge everyone with such doubts to pay close attention to the testimony of Dean S. Lesher, publisher of the Lesher Newspapers, a chain of six dailies and eight weeklies in northern California, given before the Senate Committee on Constitutional Rights, chaired by Senator ERVIN, on February 1, 1973. I hope Mr. Lesher's logic will convince all that an absolute guarantee is needed.

The article follows:

FIRST AMENDMENT: "ABSOLUTE GRANT OF RIGHTS TO THE PRESS"

Mr. Chairman, on behalf of this growing, vibrant, challenging segment of the American press, I come before you to respectfully challenge you and your Sub-Committee to move forward on two closely related legislative fronts to shore up the tottering pillars of our representative form of democracy. In order for representative democracy to survive and serve well the needs of the people, the public must know fully how the government functions and the public must be free to express its individual and collective opinions with respect to such functioning. Both of these activities are closely related and involve freedom of speech and freedom of the press.

Suburban Newspapers of America sincerely support Senate Bill 1311 introduced March 23, 1971 by U.S. Senator Pearson from the State of Kansas. We agree with the purpose and intent of the bill, with the language used in the bill and with the statement made by Senator Pearson upon the introduction of the bill on March 23, 1971 in Volume 117, at Page 41, of the Congressional Record.

Nineteen States now have similar bills granting to newsmen the privilege of sanctity of confidential information received or obtained in their capacities as newsmen engaged actively in the gathering or presentation of news for any newspaper, periodical, press association, newspaper syndicate, wire service or radio or television station.

Protection of this confidential relationship is vital to the gathering and dissemination of news. It is high time that the United States of America recognizes this by an act of Congress protecting said privilege.

In the recent Pentagon Papers Decision by the U.S. Supreme Court, both the public's right to know and the freedom of the press were major issues. A study of the various opinions by the Supreme Court Justices in this case shows the need for legislative expression upon the two related subjects of the public's right to know and freedom of speech tied in with freedom of the press.

My extended remarks, a copy of which you have before you for your record, emphasize the need for an enactment by the Congress proclaiming that Freedom of the Press under the First Amendment is an absolute right, subject only to such restrictions as are deemed absolutely necessary where the security of the nation is clearly and immediately threatened. In such event, the burden of proof would be upon the government to establish by a clear preponderance of the evidence (a burden much greater than the mere preponderance of the evidence) that such security is so clearly and imminently threatened that such restriction, even of a limited nature, should be placed upon freedom to publish in writing or orally.

It is the First Amendment that deals with the relationship between the individual and the government on a broad group basis. The First Amendment thus is of primary importance to the continued success of our representative form of democracy, yes, even to the continued existence of our nation in its present form.

The language used has no reservation of any kind, either expressed or implied, and therefore, must have been intended to be an absolute grant of rights and privileges to the press of America. That grant is for the benefit of the public and the welfare of the nation.

We base this position upon the language used in the First Amendment, upon the cardinal rule for construction of documents, and upon the historical background surrounding the enactment of this amendment.

That the First Amendment was intended to grant an absolute right evolves from the general principle of how to construe documents. Whenever an amendment or an addition is made to a document after it has originally been executed, the amendment or addition controls in the event it is in conflict with, or in derogation of, any part of the original document.

This follows from the very nature of the word amend or amendment. To amend means "to change or modify for the better; to improve". Thus, the very purpose to be served by an amendment is to change or alter the document or to explain the document in clear and understandable language.

The same principle applies to the First Amendment. The framers of the Constitution obviously intended it to be interpreted as written—as a full and complete guarantee of freedom of speech and freedom of press except only in the unusual situation where the national security is immediately and clearly threatened.

While this seems clear to students of law and students of the history of the formation of our nation, it would be well for Congress to spell this out in clear and unmistakable language. This Sub-Committee has now an opportunity to do so and thus perform a worthwhile service to this nation and its people. This could be a great contribution to Constitutional dialogue and to the preservation of the freedoms we enjoy under the U.S. Constitution.

We come then to the second segment of these two closely related subjects. That second segment is the public's right to know what is taking place in the government. It is on this phase that we strongly urge you to strengthen the Freedom of Information statute of 1966 proclaiming the public's right to know about the operation of their government. That right should be circumscribed ordinarily only by clear and immediate threat to the security of the nation and also with respect to matters of diplomacy where a certain degree of secrecy would necessarily be involved. Aside from these limitations, the public would have a right to check, to observe, to hear, to record and to report upon the operation of their government at its various levels and in its many phases.

Many States of the nation have statutes known under the general heading of "The Public's Right to Know." California is probably the leader. I am proud that I was the Legislative Chairman of the California Newspaper Publishers Association when it sponsored the first enactment upon this subject.

That Act was introduced by Assembly Speaker Ralph M. Brown of Modesto in 1953, was passed by both Houses of the legislature and signed by the Governor. The scope of that Act has been expanded to cover the activities of the various commissions and legislative bodies of the State at various political sub-division levels.

Mr. Chairman and distinguished members of this Sub-Committee, I would like to read to you the first section of this Act (California Laws 1953, Chapter 1588, Page 3279, Paragraph One):—

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

"The people insist on remaining informed so that they may retain control over the instruments they have created."

This clear and unequivocal statement and the enactments since made thereunder have had a salutary effect in California upon deliberations of commissions and legislative bodies at all levels of government and upon the opening of public records to inspection by the public and the press. They are now accepted as a beacon shining upon government activities to keep the public better informed of what their government is doing.

Every member of this committee is aware that our forefathers considered the people to be the government. This philosophy is expressed in every major document they drew. We cannot urge upon you too strongly the enactment of Federal statutes proclaiming this philosophy of government and asserting further the right of the public to know and of the press to keep the public informed.

What are the areas where information is not disclosed to the public or even available to the public? They are many and time permits only of a broad reference to two general categories.

The first is executive privilege, the right proclaimed by the executive department to keep secret too many documents at its own unsupervised discretion. It compounds this by refusing to permit key officials and employees to be questioned on issues either by the public or by the public's representatives, the Congress. This area needs extensive research, study and action. Congressional action to test and limit this privilege is imperative.

This is a sensitive area in view of the historical and constitutional separation of powers between the executive and legislative branches of the government. The issue is critical, however, in view of the growing credibility gap between the government and the public. This gap could produce an atmosphere that would seriously threaten the continuation of our form of government and the nation itself.

Another area applies to the deliberations of Congress itself. Too many matters are heard in executive sessions, too few committee decisions and votes are recorded in detail and too many actions are not available to the press and public. This area involves the always difficult task of self-analysis and self-criticism. It is, however, an area where the public welfare calls for action.

Everyone who has enjoyed this land of opportunity yearns for a chance to make one small contribution toward the continuance of this great form of government. I hope that our small contribution will be to motivate this great Sub-Committee to take a step in each of these directions by expanding the right of the public to know about the operations of its government and by stating that freedom of the press and freedom of speech are absolute except where the security of the nation is clearly and immediately endangered. If you do so, your hearings will have contributed mightily toward shoring up the foundation upon which his government rests.

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Our form of representative democracy is under attack at all levels from within and without. Many attacks are fanatical and emotional without any basis whatsoever. The best defense against them and the best way to preserve what we have and enjoy is to insure that the people know the facts, that the people are well informed.

Knowledge is a necessary keystone in the functioning of a representative democracy. Without such knowledge and without full freedom of expression that the First Amendment guarantees, this form of government may begin to totter and shake at its very foundation. You have a great opportunity to shore up this democracy we so dearly love by taking steps in these two proposed legislative fields that will assure to our generation and to future generations a knowledge of what is taking place and an opportunity to express themselves in the light of this knowledge.

It is hoped by the suburban press that you will place this nation upon the pathway to a better understanding by its citizens of how government functions. It is hoped that you will take the steps suggested to eliminate the credibility gap that has grown up with respect to that functioning. Only by the elimination of this credibility gap can our representative democracy have a full and fair opportunity to succeed and to continue.

## A SPECIAL PROSECUTOR NEEDED FOR WATERGATE PROBE

### HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. FULTON. Mr. Speaker, before leaving my office for committee this morning I had prepared remarks today to the effect that the need is greater at this hour for a special prosecutor for the Watergate affair than it was a week ago when I first urged the President to take this action.

Just moments ago I learned that Presidential aides Haldeman, Ehrlichman, and Dean as well as Attorney General Kleindienst have resigned. It was announced also that Defense Secretary Richardson will serve as acting Attorney General. Whether or not he will serve in a dual capacity at this time is not known to me. However, it makes little difference.

Despite the very high professional regard and warm personal liking I have for Mr. Richardson, he is a "member of the team" being investigated in the Watergate. While there has never been even a wisp of an idea raised that he in any way had any knowledge or nothing to do with this affair he is, nonetheless, from a number of points of view, simply not the man to head the investigation because he is a member of the team against whom all suspicion, to date, has been directed.

To serve justice in this matter public confidence must be maintained and, Mr. Speaker, I submit today that because of these developments and those over the recent weeks, the people simply have no confidence at all in the Government to probe this case fully.

It is obvious that the Department of Justice has not come to grips effectively with the matter. First the Attorney General excused himself because he feared conflict of interest; now he has resigned. First the acting director of the Federal Bureau of Investigation admitted that a White House aide may have lied to him about Watergate and then last Friday the acting director resigned after admitting he had destroyed important documents relating to the case.

Now we have the resignation of a suspected conspirator in the Watergate case from the White House plus two men in Government closer to the President of the United States than any two men on Earth.

Mr. Speaker, how can this administration expect the American people to have confidence in any investigation of any team by a member of that same team when it is publicly known and admitted that at least some members of this team are guilty? Not even a man of the high integrity and character such as Secretary Richardson can instill this kind of confidence in the American people. Confidence has been destroyed and, once destroyed, like Humpty Dumpty, "all the King's horses and all the King's men" cannot put it together again.

The choice, of course, is up to the President and his choice apparently has been made. However, in view of the need to protect the interest of truth and justice, to protect the integrity of the Constitution and to instill confidence in the American people I believe the decision should be reviewed and that the investigation and subsequent prosecution of the persons charged in this case should be removed, as far as humanly possible, from the hands of this administration or those officials, particularly appointed officials, responsible for it.

## NEWINGTON MASONS — SEQUIN LODGE—CELEBRATE 25TH ANNIVERSARY

### HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. COTTER. Mr. Speaker, on January 28, 1948, a group of dedicated Masons joined together to form a lodge in this small town of Newington, population of 9,000. During 1948, the Newington Chapter of Eastern Star and the Sequin Lodge were to function both as a social club and a civic organization.

By literally working and building together, the Sequin Lodge constructed their new headquarters, replacing the old Newington Town Hall which had up to that time served as their meeting place. By 1956 the cornerstone had been set in place and by 1958 the building was formally dedicated.

Events celebrating the 25th year of both Sequin Lodge and Newington Chapter O.E.S. No. 115 will be highlighted by an anniversary dinner-dance to be held at the Knights of Columbus Hall on May 5. Sequin Lodge will also host a Degree Team from Toronto, Canada, on Saturday, October 20, who will portray a Masonic Degree.

One of the most rewarding accomplishments for Sequin Lodge in the Newington community has been the opportunity to work in close fellowship with Father Edward Shaughnessy Council No. 3884, Knights of Columbus, in exchanging visits and sharing community involvement with them. Plans are being formulated for a mass on St. John's Day to be held at the Church of the Holy Spirit and attended jointly by members of the Masons and the Knights on December 30.

The first master of Sequin Lodge was Martin Johnson, who remains active today.

Sequin Lodge is one of 135 Masonic Lodges in Connecticut. Its membership totals 350 men, a small part of the 40,000-plus Masons in Connecticut. Masonry in its present form can be traced back to 1717, and was chartered in Connecticut in 1789.

## HAM RADIO OPERATORS ASSIST IN FLOOD, FIRE EMERGENCIES

### HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. BAKER. Mr. Speaker, I am constantly reminded of the invaluable service which volunteer groups render in countless communities across our country. One such group, the Chattanooga Tri-State FM Association, was active during two recent periods of disaster in Chattanooga. The Chattanooga Tri-State FM Association is a ham radio network. According to Jim Carmical, CTS secretary whose call letters are WA4YHG, the club provided 58 continuous hours of communications service during floods which hit Chattanooga during the latter part of March of this year. The club also performed valuable service in assisting with communications during an emergency which arose when a gasoline tank caught fire. Mr. Carmical has given the following account of activities of Tri-State FM Club during this period. Other officers of the club are president, Horace Forstner, Wooten Road, Ringgold, Ga., vice president, Phil Lytle, Notre Dame Avenue, Chattanooga, and treasurer, James Cox, Valley Lane, Hixson, Tenn. It is this kind of community spirit and desire to serve which makes Tennessee and the Third District such a fine place to live. I ask that Mr. Carmical's account be included in the RECORD at this point:

CHATTANOOGA TRI STATE FM ASSOCIATION PARTICIPATES IN FLOOD EMERGENCY

On top of nearly a week of heavy rainfall in the Tennessee Valley, seven and a half inches of rain fell on the Chattanooga area the weekend of March sixteen to eighteen. Over an inch fell in one hour between seven and eight a.m. of the sixteenth at which time W4WHG, President, called the Chattanooga Tri-State FM Association Emergency net. After fifty eight consecutive hours of operation the net was secured at five o'clock Sunday afternoon the eighteenth.

The net control station WB4UDX, is located in the American Red Cross Building in downtown Chattanooga. Repeater WB4KLO performed flawlessly from its location on Signal Mountain. At various times W4WHG, K4TND, K4KTC, K4YET, K4EPM, K4RJW, K4JAF and WA4MVR acted as net control.

The Tri-State FM Association provided communications from the Radio Control Center permanently located in the ARC Building. Over thirty stations were used during the flood emergency including mobiles, fixed and portables.

During the height of the flood the club provided communications from disaster relief centers set up by Red Cross, to Headquarters, as all the ARC personnel were tied up manning the centers, phones were out part of the time and overloaded the rest. Seven centers were manned in Chattanooga plus two in nearby Jasper and South Pittsburg, Tennessee, where K4KTC, K4YET and WA4MVR set up communications for disaster relief. K4BPE was active in helping with disaster communications from Catoosa County Georgia, also through WB4KLO repeater. Simultaneously, mobiles were reporting water levels as the water rose in the Tennessee River to its crest of 36.9 feet. Flood level is thirty feet. Additional flooding in other parts of the city was caused by Chickamauga Creek which normally flows into the Tennessee River, but was backed up by the highest river level since before the TVA systems of dams was formed.

Damage from the flood to businesses and homes has now been conservatively assessed at sixty million dollars. Club reports of water levels were used to assist local police, Red Cross, and other agencies in the evacuation of sections threatened or already flooded. On Sunday the club made a street by street survey of flooded sections for the Red Cross to provide street names and house numbers affected. This report was later used to verify damage when claims were filed with the ARC totalling over $300,000 and were paid to over 1,600 people who received immediate disaster relief in food, food stamps, clothing and household goods. The mobiles stationed at the ARC shelters not only provided communications for ARC but handled many health and welfare messages while the phones were out or overloaded with traffic.

As always after an emergency, we look back and see how we could have improved the overall operation, but in general it was a huge success. The local ARC director told the club later that they simply could not have accomplished what they did without the club assistance. He stated our club excelled all other disaster units in communications, both in reliability and speed. We had ironed out some of the kinks in disaster work at a local gasoline tank farm fire last July, so we feel we're now ready for anything.

## POLE SPACE RENTAL TO CABLE TV

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. WALDIE. Mr. Speaker, I am introducing today a bill which will place the renting of space on utility-owned poles by cable television operators under the control of the Federal Communications Commission. Under the provisions of the bill the FCC will have the power to regulate the rates charged for such use.

The monopolies granted to power and telephone companies to place their poles over public streets, highways and rights-of-way, have given companies who recognize cable television systems as possible competitors the power to charge the cable companies as much as they wish for rental of pole space.

Cable television is assuming an important role in the communications system of this country. It presently provides the public with locally originating programming in addition to television and FM radio signals received off-the-air. Cable television reaches approximately 7 million subscriber homes across the Nation, with roughly 1 million of these subscribers located in California.

Because State Public Utilities Commissions have abdicated responsibility, pole rental rates have soared. The FCC is presently holding hearings to determine if it should assume jurisdiction over the pole attachment practices. However, because the time element is becoming crucial, due to the disastrous effects that unregulated and unwarranted increases in pole rental rates could have on the cable television industry, I am introducing the following bill in the Congress:

AMENDMENT TO TITLE 47 OF THE UNITED STATES CODE, TELEGRAPHS, TELEPHONES, AND RADIO TELEGRAPHS

SECTION 1. Section 47 U.S.C.A. 201. (a) shall be added to title 47 of the United States Code, Telegraphs, Telephones, and Radio Telegraphs as follows:

The provision of space to a cable television system on or in any pole, conduit, or other support structure by any corporation or person is a public utility activity in interstate commerce and is an integral portion of interstate communications by wire and radio. All charges made for and in connection with said use shall be fixed by the Commission after hearing, and shall not exceed the additional costs incurred by said provider of space by and in connection with such use, plus a reasonable profit thereon.

## JAYCEES CENTER FOR CHILD NUTRITION

### HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. CEDERBERG. Mr. Speaker, it is with great pleasure that I take this opportunity to bring to the attention of my colleagues a national project of the U.S. Jaycees which I believe will make a substantial contribution to their goal of service to humanity and which will, in turn, help to solve one of the pressing social problems we face.

We are all aware of the need for providing the most adequate possible atmosphere for the education of our children. This means, of course, good teachers in adequate physical surroundings utilizing the best available educational techniques. But, to reach back to an old adage, it means further that we must work to create "a sound mind in a sound body." All of the educational expertise which we have available in this great country will have little effect on children who come to school too ill or hungry to learn.

On March 21, 1973, U.S. Jaycee President Sam Winer formally opened the offices of the U.S. Jaycees Center for Improved Child Nutrition in Bloomington, Minn. Under the direction of Robert Benedict and his associate, David Jones, President Winer pointed out:

The feeding of American children has become a number one concern of the U.S. Jaycees.

In cooperation with other groups interested in the problem of nutrition for our school population, the Jaycees are moving forward with an effort to make certain that all of our children have available to them a sound nutritional program with which to meet the day.

I am particularly pleased to make note here of the fact that planning is rapidly being completed on a seminar which will be held on May 5 in my own State of Michigan. The Jaycees will attempt to outline a wide range of involvement methods to officials of the various school districts, and to local Jaycees, to assist in bringing the one thousand plus "no program" schools in Michigan into some kind of food service assistance.

In bringing this effort to the attention of the House I wish to associate myself with my good friend and colleague, the minority leader, who stated that he was "most pleased to learn that the Jaycees are currently directing their energies toward the area of child nutrition. I heartily concur with the Jaycees statement that, 'It just makes common sense to feed children.' " I wish the Michigan Jaycees, the national organization, and its new Office of Child Nutrition every success in their efforts.

## THE LENNON CASE

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. KOCH. Mr. Speaker, I am sure our colleagues are aware of the immigration case involving John Lennon and his wife, Yoko Ono. Mr. Lennon is being ordered to leave the United States because the law automatically bars from permanent residence anyone who has ever been convicted of a drug violation. His record shows a conviction for "possession of marihuana" in a British court in 1968.

Clearly, there are reasons why the immigration statute would be strict with aliens involved in drugs. But to treat an alien convicted for possession of marihuana the same way a dealer in heroin is treated is certainly unjust.

To deal with such cases in a compassionate manner, I have introduced a bill with 12 cosponsors to amend the Immigration and Nationality Act to allow the Attorney General, at his discretion, to waive the now automatic bar to immigration of aliens who have been convicted, at any time in their lives, of marihuana possession. This bill has been introduced in the Senate by Senator ALAN CRANSTON.

The inclusion in section 212(a)23 and 214(a)(11) of marihuana as an "excludable offense" for the purposes of admission to the United States and as a "deportable offense" occurred in 1960 when



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marihuana was a felony under both Federal and State law.

Since that time a number of changes have been made in both Federal and State laws with the National Commission of Marihuana recommending that penalties for the simple possession of marihuana be removed entirely. Only two States classify possession of marihuana as a felony. This offense, now recognized as a misdemeanor under Federal law, continues to prevent desirable aliens from being admitted to the United States.

I urge our colleagues to support this legislation.

## TAXATION WITHOUT REPRESENTATION

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. DERWINSKI. Mr. Speaker, a development, which I believe has escaped the attention of the Members is the imposition of what amounts to a tax upon a tax, is very clearly described by Radio Station WGN, Chicago, Ill., in an editorial of April 8. I insert this editorial into the RECORD and direct it to the special attention of the members of the House Ways and Means Committee trusting that they will recognize the legitimacy of the point contained in the editorial.

The editorial follows:

TAXATION WITHOUT REPRESENTATION

Two hundred years ago, Americans were complaining about taxation without representation. Now, we feel, there's new reason for complaint.

The federal government has ordered the airlines to enforce tight security measures at airport boarding areas . . . to discourage would-be hijackers. Metal detecting devices, people to operate them, other people to search hand luggage . . . all of these things cost the airlines money. So, the government has allowed the airlines to pass along the cost.

The domestic airlines of the nation and the government settled on the figure of $57 million as the estimated cost of these security measures. Further estimating, on the number of passengers to be carried this year, brought the cost down to 34 cents per passenger. The airlines were told they could add this charge for each portion of an airline trip.

While no one likes having the price of anything go up, the 34 cents on a $100- or $200-ticket is not unreasonable. But, said the government, add the 34 cents into the ticket price *before* you compute the tax.

There is an eight percent federal tax on airline tickets. So, the 34-cent charge becomes 37 cents . . . those other three pennies going to Uncle Sam. It's not a lot of money . . in relation to tax revenue and government spending we guesstimate it will bring four and a half to five million dollars into the federal treasury in the next year. But, the Constitution says *Congress* should levy taxes, not some administrative agency which, in effect, orders an increase in costs, permits the cost to be passed along to the general public, and then taxes the increase.

The surcharge, to defray security costs, is reasonable. But, the tax isn't. The airlines should be permitted to add the extra 34 cents after computing the tax.

## THE ENERGY CRISIS

### HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. ARMSTRONG. Mr. Speaker, the United States is on the verge of an energy disaster.

Our country has been so rich in natural resources and productivity for so long that we have been isolated from any real resource sacrifices. Famine and shortages of other kinds almost seem un-American as if our country were immune to the problems plaguing other nations.

But the energy crisis is real and its effect will be felt in every household across the country. Americans will have to face skyrocketing fuel prices, rationing, restrictions on travel as well as on the ownership of automobiles and home appliances. We will probably have an energy czar with regional administrators and a typical costly governmental bureaucracy as well as an increa ing dependence on foreign suppliers which will inevitably subject the United States to international blackmail by oil-rich potentates of the Middle East—unless we act quickly and decisively to close the energy gap.

It may not be too late to avert the worst consequences if Congress formulates energy policies based upon the realization that—

The United States has only 6 percent of the world's population but consumes 35 percent of the world's energy, more than the combined usage of the U.S.S.R., Germany, Japan, and Great Britain.

Domestic energy production has not kept pace; in fact, production of domestic crude oil and natural gas liquids peaked in November 1970 and has decreased by about 5 percent since that time. Even more ominous is the oil drilling rate—the drilling footage—which stands now only about half the rate of 1955. Significantly, the finding rate—volume of oil and gas found per unit of drilling effort—is also declining, a factor heavily influencing the supply and cost of production.

With gasoline consumption rising dramatically it is no wonder shortages are developing all over the country and gas rationing is just around the corner.

As a result of these trends in petroleum supply and usage we have become heavily dependent on imported oil; about one-quarter of America's oil comes from abroad today. It is estimated that within 12 years 50 to 65 percent of U.S. oil consumption will depend on overseas sources.

Obviously this has tremendous foreign policy implications as well as staggering financial consequences. The net cost of imported fuels already results in a sizable dollar drain, approximately $2.1 billion in 1970. This deficit is expected to range between $9 and $13 billion in 1975 and may reach $32 billion in 1985, if present trends are not reversed.

The magnitude of this problem is highlighted by the fact we already have the worst balance of trade in 70 years and by noting our total annual export of all goods and services is only about $65 billion at present.

An even more imminent crisis is developing in natural gas, as probably anybody whose children were sent home from school this winter already knows. School and factory closings due to fuel shortages have been rare in the past but will occur with monotonous regularity in the future unless the present trend is reversed. In the last 6 years natural gas consumption has increased 37 percent while our proven reserves of gas have decreased 21 percent.

It is no exaggeration to describe the present situation as an "energy crisis." I therefore recommend the adoption of energy policies based on these considerations:

First. Energy policy and environment policy must be coordinated. In the last few years there has been an enormous outpouring of public interest in the environment. After decades of neglect we have awakened to the realization that we cannot go on squandering our great natural heritage of clean air, clean water, wilderness and natural areas and the other environmental resources with which our country is so richly endowed.

But somehow a lot of people have gotten the idea that environmental concerns can be measured in money; or, in short, if we are willing to spend enough money we can solve any environmental problem. This is not true.

For example, we all want to clean up air pollution. And certainly there is no problem that is more visible or of greater concern to Colorado than air pollution. So we all want to support the most rigid feasible air pollution control standards for automobiles. But here is the rub.

Implementing the 1975–76 Environmental Protection Agency—EPA—standards, which require a 96-percent reduction in emission levels from those allowed in 1970, has a huge environmental cost. I am not talking about the economic cost of higher priced automobiles and lowered engine efficiency. I am talking about fuel consumption. The difference in fuel efficiency from a 90-percent reduction to a 96-percent reduction will cost 3 million barrels of oil per day, 50 percent more than the expected flow from the Alaska pipeline which may never be built due to other environmental concerns. Here are two valid environmental concerns that clash head on.

Unfortunately, most Americans have no idea this kind of environmental tradeoff is involved in decisions now being studied.

Second. Let us recognize that ill-conceived Federal policies have actually fostered the energy gap. The Government ought to be doing everything it can to solve the problem instead of continuing price controls which are certain to make the situation worse.

The present shortage of natural gas is a logical result of the Government-decreed wellhead price of natural gas. At 25 cents per million Btu's it is far below the energy equivalent of crude oil at 60 cents, and heating oil at 80 cents. Even coal has risen to 35 cents. These artificially low natural gas prices discourage exploration and development to provide new supplies while encouraging consumption of the cheap natural gas by many industrial users and utilities which might otherwise be using other fuels.

The same situation applies to the Government ceiling price on gasoline; this is the opposite of sound policy. Instead of encouraging further production and letting prices rise to reflect true cost, thereby discouraging unnecessary and wasteful use of gasoline products, this policy does just the opposite. At a time when a shortage already exists, the price ceiling discourages production and encourages consumption—a sort of Alice-in-Wonderland approach to the problem.

Third. Congress should support the President's recommended appropriation for Government energy research and encourage private research, particularly the development of oil shale and coal gasification which appear to be the only two promising sources for large-scale energy development.

Research in oil shale is particularly meaningful to Colorado. And it is essential that this research proceed at a measured pace now so shale can be turned into oil on a basis that is consistent with sound environmental standards. If this research is not given high priority now, at some later time oil shale development may be pushed through on a panic basis and environmental concerns could be left in the lurch.

Fourth. Congress should seriously consider an antitrust exemption for energy companies which wish to enter joint ventures for research and development of these projects. The economics of coal gasification and oil shale are so huge that it is unlikely any private enterprise, even the gigantic companies, will undertake these projects on thier own. Since joint efforts could run afoul of the antitrust laws, the only alternative to Government research and development seems to be some kind of narrowly defined antitrust exemption, or, as a further alternative, a Government-industry joint venture.

Fifth. Congress should enact tax incentives, including investment credits advocated by the President, to encourage exploration, research and development of energy resources.

Energy policy should be coordinated by a single department of the executive branch and a similar coordinating effort should be undertaken by Congress. At present, energy policymaking in Congress is fragmented among many committees and administration is scattered throughout the executive branch. The delays, confusion and counter-productive efforts which result can be tolerated no longer.

I hope that my colleagues in Congress share the sense of urgency I feel about meeting the energy needs of America. It is an irony this energy-rich Nation of ours should be so close to disaster. Even the most decisive action will not head off some consequences of our past policies. Anything less than our strongest and best efforts is certain to end in disaster.



## PENNSYLVANIA LEGAL PROFESSION SUPPORTS LEGAL SERVICES

### HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. BIESTER. Mr. Speaker, the merit of legal services activities and performance in past years is an active topic of discussion in Congress at the present time. Much evidence and testimony is being submitted for and against continuance of the legal services program—and, if it is to be continued, the exact manner in which it should be structured.

In my estimation, legal services has done a commendable job in helping the poor realize that lack of money need not be a barrier to the exercise of their basic rights. Critics of the program have tried to picture legal services as a politicized operation fighting causes at the expense of the simple and fundamental legal needs of the indigent. The General Accounting Office study and report of legal services performance issued March 21, refuted these charges and demonstrated how legal services attorneys have effectively and admirably represented the poor on behalf of those commonplace legal problems so many other persons—who know their rights and can afford the necessary legal fees—take for granted.

I am pleased to note that the Pennsylvania Bar Association, in its recent board of governors meeting, has passed a resolution strongly in favor of continuing the legal services program as an independent corporation.

Mr. Speaker, I would like to submit for the RECORD the Pennsylvania Bar Association resolution regarding the legal services program:

PENNSYLVANIA BAR ASSOCIATION RESOLUTION

Whereas, the ideal of equal justice is dependent upon a viable system of legal services available to the poor; and

Whereas, since 1965 the federal government has committed many millions of dollars through the Office of Economic Opportunity and the Department of Health, Education and Welfare to funding local programs to provide such legal services; and

Whereas, proposed regulations promulgated by HEW would eliminate legal services as an optional social service permitted to be provided by states to poor; and

Whereas, it is proposed that OEO be discontinued before July of this year and there is no present provision for transfer and continuation of the OEO-funded local legal services programs; and

Whereas, in Pennsylvania the substantial utilization of available federal resources, resulting in the sponsorship of HEW and OEO-funded programs in 26 counties—with 13 more soon to be started—is now threatened by the federal proposals; and

Whereas, the President of the United States has repeatedly committed his Administration to the creation of an independent national legal services corporation designed to continue providing the poor with access to the courts for redress of grievances;

Now, therefore, it is resolved that the Pennsylvania Bar Association urges:

(1) The Secretary of the Department of Health, Education and Welfare to adopt regulations which include legal services as an optional service to be provided by states under social and rehabilitation services.

(2) The President of the United States to direct that existing OEO legal services programs be fully supported, and contract obligations be honored, until an independent corporation has been formed and is capable of assuming administrative responsibility for the legal services programs.

(3) The President and the Congress of the United States to move with dispatch to enact and adequately fund an independent legal services corporation capable of providing a full range of legal services to the poor.

(4) All federal programs providing legal services for the poor be designed to insure that the professional judgment of legal services lawyers be preserved free of restrictions inconsistent with the Code of Professional Responsibility.

## SMITHVILLE, N.J.

### HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. SANDMAN. Mr. Speaker, on May 1 the historic town of Smithville, N.J., will celebrate its 21st anniversary. It has become one of New Jersey's leading attractions, providing employment to 549 persons on an annual basis, and over 600 during the summer months. The town is visited by millions of people annually, and it is an inspiration to all who believe opportunity has not vanished in our country.

Fred and Ethel Noyes, whose love for south Jersey has been their prime motivation, acquired a neglected, forsaken, forlorn building that had been a stagecoach stop in 1787, and with an initial investment of only $3,600 have developed the town to the point where it now occupies some 2,300 acres, three great inns, scores of restored buildings and village shops, a working farm, FAA and VA approved airfield, and a modest motel.

The current project is the restoration of a typical south Jersey crossroads village of the early 1800's. This restoration will occupy 1 square mile with more than 36 main buildings and other structures. Craftsmen will be working in many of the buildings just as they did over a century ago.

To Fred and Ethel Noyes, the historic town of Smithville is a lifelong dream come true for they are absorbed in preserving the historical significance of the area, and to remind people of their great heritage.

Mrs. Noyes is chairman of the Atlantic County Cultural and Heritage Commission, served on the Governor's Commission to Study the Status of Women in New Jersey, and is a member of the Lafayette Chapter of the Daughters of the American Revolution. She is also a member of the New Jersey Trust established by the State. She was named one of the top 10 businesswomen in New Jersey by the New Jersey Manufacturers Association, and Woman of the Year by the New Jersey Travel and Resort Association. She is a member of the board of directors of South Jersey Industries, and Atlantic City Hospital. Last month Mrs. Noyes

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was named the Nation's Best Dressed Woman Executive by a New York Fashion group.

Mr. Noyes, an artist of national repute, is also active in many business and cultural organizations.

It is interesting to note that the Noyeses have maintained a fair employment policy since the inception of Smithville, long before the Government felt it necessary to legislate such a policy.

Now a publicly owned corporation, with Mr. and Mrs. Fred W. Noyes, Jr., as major shareholders—Mr. Noyes is president director, and Mrs. Noyes is executive vice president director—the progress and expansion of the town continues. In the "Old Village" restoration scheduled for completion in 1974, visitors will see a community that was but never will be again. Educators agree that this ambitious restoration merits study by young and old alike. The story of what Fred and Ethel Noyes have accomplished in just two decades should serve as an inspiration to us all.

## THE NIGHT TERROR CAME KNOCKING

### HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. MOSS. Mr. Speaker, it used to be in America that a man's home was his castle and protected from unwarranted government intrusion under the fourth amendment to the Constitution.

It appears now that certain people in the executive branch of our Government need a history lesson plus severe penalties to remind them of that fact.

I am referring to the recent invasion by Federal narcotics agents or goons—I am not sure what they are—of two private homes in Collinsville, Ill. The raids were made on the wrong houses and it turned out to be a night of terror for the innocent, law abiding families involved. They were beaten, cursed, and otherwise abused.

The conduct of the Federal agents was absolutely barbaric and could only remind one of the Gestapo tactics of Hitler's Nazi Germany.

I am today requesting a full and immediate investigation of this deplorable incident by the Special Studies Subcommittee of the House Committee on Government Operations.

Outrages of this sort must be stopped now. They are occurring much too often. I demand, as a Member of Congress, that all those involved in this injustice be brought to account for their actions.

Following is the text of an article which appeared in the Washington Evening Star and Daily News on April 29 describing this travesty:

THE NIGHT TERROR CAME KNOCKING

(By Andrew H. Malcolm)

COLLINSVILLE, ILL.—Herbert Giglotto was asleep with his wife in their townhouse apartment here the other night. He heard a crash by the front door. He stumbled from bed.

"One more step, you (obscenity) and you're dead," said a voice in the darkness. And Giglotto felt a gun barrel against his forehead.

One half hour later across town Don Askew, his wife Virginia and their son Michael were sitting down to a late fish supper.

Their dog Charlie barked. Mrs. Askew went to the living room, then gasped. "My God, Don, there's a man at the window."

There was, in fact, a man at every window. Each pointed a pistol inside. And three men stood by the door with shotguns.

Thus began a night of terror for two families here last Monday. Their doors were kicked in; their homes damaged, their arms shackled. And the screaming bearded men told some they were to die.

The long-haired, unshaven, poorly dressed armed men who burst into the homes shouting obscenities were federal narcotics agents hunting, with no known warrants, for something or someone.

They went, however, to the wrong houses. And when they realized their error, the men disappeared with no apologies.

"I think people should know," said Mrs. Giglotto, "that this sort of thing can happen in America now. God only knows how many families this has happened to."

The agents' actions here prompted charges of "Gestapo tactics," a $100,000 lawsuit, some angry editorials, a federal investigation and a good deal of fear in this quiet southern Illinois community of 19,600, 15 miles east of St. Louis.

Except to confirm that the men involved were, in fact, narcotics agents, no one in the federal government would explain the incidents.

Herbert Giglotto is a 29-year-old boilermaker who lives with his wife, Evelyn, in a tri-level apartment. They have no children.

The had retired at 9:30 p.m. Monday because Giglotto arises for work at 5 a.m.

At 9:30 p.m. there was a crash. That was the storm door being ripped out. A second crash followed. That was the inside door buckling off its hinges.

Giglotto reached the top of the stairs when a man put a gun to his head.

The boilermaker turned to his wife. "Honey, we're dead."

"That's right, you (obscenity)," said the man.

He threw Giglotto face down on the bed and handcuffed his arms behind his back and said: "You move and you're dead. Who's that bitch?"

The room had filled with 15 men. They were tearing down shelves and ripping clothes out of closets and drawers.

"That's my wife," said Giglotto, "and this is our bedroom."

"Don't get smart," said the man. He cocked his pistol. "I'm gonna kill you."

Mrs. Giglotto pleaded hysterically for her husband's life.

"Shut up," the man said.

He ordered Mrs. Giglotto, who was clad only in a short green negligee, to lie on the floor. Another man threw a sheet across part of her exposed body.

The man had ripped open a screen and kicked in a back door that Askew had nailed shut eight years ago.

The men searched the home. "Do you know John Coleman?" they asked.

"No," replied Askew.

"I can't breathe," Mrs. Askew said.

"Take it easy, lady," one man responded. "We're federal agents and we've gotten a bum tip." They began to leave.

"Wait until the police get here," Askew said.

"We can't," the man said. "We've got four more places to go tonight. Here's a phone number. Call and they'll pay any damages."

The number was for the Bureau of Narcotics and Dangerous Drugs in St. Louis.

In his stocking feet Askew followed the 25 men to the Collinsville police station, where the agents identified themselves to Chief Paul Cigliana and reportedly admitted they had no warrants.

On Wednesday the Askews sued the federal government for $100,000 for violation of their civil rights. The Giglottos also retained an attorney. "I can't compete with a government like this," said Giglotto.

In Washington, Myles J. Ambrose, special assistant attorney general in charge of drug abuse law enforcement, ordered a "thorough investigation" and said "appropriate action" would be taken against any federal agents who acted "improperly."

"Every day I get madder," Giglotto said. "They acted like those German Gestapos. If they were representatives of the federal government, we're all in trouble."

There were crashes elsewhere. A television set, among other things, was thrown across a room. An antique plaster dragon was shattered. Cameras were bashed on the floor. Papers were strewn about.

Then one man flashed a small gold badge for an instant, but not long enough to read. And he rattled off a list of names that Giglotto did not recognize.

"You're going to die if you don't tell us where the drugs are," said the man.

"Please, please, before you shoot, check my wallet," screamed Giglotto, who says aspirin is the strongest drug he takes. Just then there was a voice on the stairs.

"We've made a mistake," it said.

Giglotto was released and the room emptied.

"Why, why did you do this?" Giglotto asked as he struggled to put on some pants.

"Boy, you shut your mouth," said one man. And he knocked Giglotto over, ripping his trousers.

Outside, a man was modeling one of Giglotto's construction hardhats. The Giglotto's pets—three dogs and a cat—had been thrown outdoors.

"(Obscenity) your animals," one man said, "I don't care about your goddamned pets."

And the men walked off down the street.

About that time 40-year-old Don Askew was returning from his East St. Louis gas station to his modest, six-room home in Collinsville's north side.

The dead-end street, a one-lane curving affair, is little-traveled.

So Arnold Blass, a 66-year-old next-door neighbor, was puzzled by the car that cruised back and forth. He had just cleaned a .22-caliber pistol and put it in the house.

Now Blass was in his backyard chatting with Jack Freiburg, a friend, and cleaning some freshly-caught carp.

Suddenly, they saw about 25 "raggedy-looking hippies" running across the vacant lot toward them. One pushed Freiburg, who knocked him down instead against an old ice-box. Another seized Blass' knife.

Then, a man produced a badge for a second. "Is that all the identification you've got?" asked Freiburg, "I can buy one of those in any dime store."

By then Mrs. Askew was screaming for the police. As Blass turned toward his house, three men barred his way, shaking their heads slowly.

"It's a good thing I didn't have my gun," Blass said later.

Askew thought the strangers were a motorcycle gang after his 16-year-old son. Then he saw the armed trio at the door.

"You kids go on home now before I call the police," he said, holding the door shut. Then, slowly, without a word, one of the men leaned back and kicked the foot just below the glass. The muddy footprint is still there.

Mrs. Askew ran screaming toward a bedroom. She fainted and hit her head on a table. Her son went for the phone. "Hold it, boy," said the voice in the window.



Then one man at the door waved a badge briefly. Askew opened the door promptly and stepped back. Only then did he see a pistol pointed at his back through the kitchen window and a man standing quietly by the bathroom with a shotgun in his hands.

## TAX WITHHOLDING LAWS UNFAIR TO SCHOOLS

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. FINDLEY. Mr. Speaker, this is the year when, hopefully, Congress will give consideration to reforming our Nation's tax structure. The inequities are legion, and the need for action is urgent. Section 403(b) of the Internal Revenue Code is one bothersome provision in the tax laws which imposes a significant burden upon the Nation's public schools. Last year I introduced H.R. 1380 to amend the Code to deal with the problem. Just before the Easter recess, I reintroduced the bill and requested the chairman of the House Ways and Means Committee to seek the administration's views upon it.

Section 403(b) of the Internal Revenue Code exempts from income tax of employees of section 501(c) organizations or public schools payments made by the employer to acquire certain annuities for its employees, within specified limitations. In Revenue Ruling 70–453, IRB 1970–35, 18, issued in September 1970, the Internal Revenue Service ruled that withholding of income taxes was required on the costs of life insurance protection under such section 403(b) annuities.

In order to administer a withholding tax system, the schools will have to: first, revise their payroll systems, whether they be by computer or by hand, so as to provide for the additional deduction of withholding taxes from the salary payments; second, incorporate the amount withheld in the receipt to each employee; and third, explain each change in the amount of taxes withheld.

According to one of my Illinois constituents, who has surveyed a representative sample taken from section 403(b) annuities, the annual premium for 173 annuities varied from $50 to $2,772. The average annual cost of life insurance was $40.65. About one-half of the 173 annuities involved annualized premiums ranging from $50 to less than $400 with annual cost of life insurance ranging from $3.05 to $32.12. Based upon withholding at a 14 percent rate from monthly payments of a salary over a 12-month school period, this would amount to withholding of taxes on the cost of life insurance protection of 3½ cents to 37 cents, per month. Based upon an average annual payment $40.65, the withholding tax per month would be about 47 cents.

If the withholding is done once on an annual basis, the amount of tax withheld at a 14-percent rate would vary from $.43 to $6.59 on annual costs of life insurance protection varying from $3.05 to $40.65.

All of this will impose a substantial burden during the year if the withholding must be on a periodic basis, or at the end of the year if the withholding is on a one-short basis at the end of the year. A similar burden would be encountered if a less exact method were allowed of withholding on the basis of the cost for the previous year.

I am told that although the cost of life insurance protection in these cases is almost nominal in amount, it is not static. Since the life insurance element changes each year with a change in risk at the anniversary date of the policy, at least one change would be required each year. Moreover, the anniversary dates of the policies vary—depending on the date the policy was issued—so that changes are required throughout the year. Also, it is estimated that about 25 percent of the policyholders made other changes in life insurance component of the annuities during the year. The changes occur for a variety of reasons, including sabbatical leave, pregnancy, sick leave, financial inability, or greater financial ability. The annuitant can also discontinue the plan at any time, temporarily or permanently, requiring additional changes. Furthermore, since the employee's contract year may run from September 1 to August 31, there may be two contract years during each calendar year.

Each change in the cost of life insurance would require the school to change its payroll reporting to reflect the revised deduction of the amount of income taxes withheld and to report the change in the W–2 forms to the employees. There is also a complication in that there is a lag, which may amount to as long as 2 months, between the application for a change in the coverage and the time when it is approved. If the risk applied for differs from that determined, the amount of coverage for the cost of the life insurance would have to be revised. Any such change would require further adjustments to be made by the school in the amount of taxes already withheld and to be withheld.

It does not seem reasonable to me that the Treasury should require withholding under these circumstances. The costs and administrative burdens in reflecting these changes through withholding can hardly be justified. This is particularly true since it is very unlikely that there is any tax escape. The amount of compensation by way of life insurance costs is reported on the W–2 forms given to each school employee.

Moreover, the additional expense to State and local government agencies, as the employers, runs counter to the policy of the Federal Government to improve their fiscal situations.

In similar instances, tax withholding has not been required. For example, income tax withholding is not required with respect to payments made on behalf of an employee or his beneficiary to a qualified section 401(a) employee trust, and under a qualified employee annuity plan. Payments made under a qualified bond purchase plan described in section 405(a) of the Internal Revenue Code are also exempt from withholding under section 3402(a)(12)(c) of the code by a provision adopted in section 7 of the Self-Employed Individuals Tax Retirement Act of 1962.

When the present statutory provision for section 403(b) annuities was adopted in 1958, the Congress provided "that the other major benefits accorded in the case of industrial plans should also be made available to the educational, charitable, and religious organizations whose pension payments qualify under the 20 percent rule—or to the extent they qualify under the 20 percent rule." Therefore, it extended three provisions to these annuities: the $5,000 income tax exclusion for amounts paid with respect to an employee's death; an exclusion from the estate tax base of a decedent employee with respect to an employer's contributions; and an exclusion from the gift tax base with respect to an employer's contribution provided in the case of exercise by an employee of an election as to survivor benefits.

The overall congressional intention substantially to equalize the tax benefits of an annuitant of a section 403(b) annuity with those of annuitants under qualified plans should be applied equally to exempt from withholding payments under section 403(b) annuity plans to employees of schools and school districts.

The amount of tax involved in section 403(b) annuities is much smaller than that for qualified annuities, the administrative burdens of withholding under section 403(b) plans are inordinately great, and they fall for the most part on State and local government agencies.

The withholding tax system has its practical limitations. Withholding of income taxes is clearly an important device by which the Government insures that taxes are collected. However, where such assurance is otherwise available, withholding should not be required if the administrative burdens of withholding do not yield better tax collection results commensurate with the added burden of withholding. For example, the law does not require withholding on dividends and interest because it was felt that the reporting of such income was adequate and, therefore, that the administrative burden of withholding would not be justified.

Similarly, "unnecessary" withholding burdens have been taken into account by excepting from withholding group term life insurance premiums paid on behalf of employees which would otherwise be subject to withholding because they are in excess of the applicable limitations. Instead, the employer is required to file information returns as to the income element with the Government, and provide a copy to the employee. Again, the insurance component of 403(b) annuities is reflected as other compensation on the W–2 forms to be filed with the Government, with a copy to the employee.

Exemption from withholding on the life insurance component of section 403(b) annuities would be consistent with past practice and would recognize that administrative burdens far outweigh the



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miniscule protection of the revenue, if any, involved.

For that reason, Mr. Speaker, I have introduced H.R. 7257 to amend section 3401 of the Internal Revenue Code to exempt section 403(b) annuities from withholding. I hope that the House Ways and Means Committee will act quickly to bring this measure to the floor, and that the Congress will enact it into law.

## TRIBUTE TO BILL BENTON

### HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. CAREY of New York. Mr. Speaker, Bill Benton, the late publisher and owner of the Encyclopaedia Britannica, was not only a great man in his business capacity, but also in other respects. He was a humanitarian; he served on the board of an adoption agency, the Cradle, in Illinois. In fact, the Bentons adopted children from the agency by the handful. It was my pleasure to have met and talked with Mr. Benton a number of times. More often, I read and pondered his opinions and views. The combination of personal contact and study of his work lead to a lasting impression that here was a good man, a gifted man, a fine American—a very human being who gave a way to a better life through his own. The following story illustrates the humanness of this man, who passed away recently:

William Benton was memorable in a variety of ways, and one that I like to recall reflects an aspect of the man that is not widely known. Bill and Helen Benton had their first child, Charles, in 1931. (In fact, Benton's biographer Sidney Hyman tells us that Charles was not actually named for several days after his birth. He wrote to his mother that his wife "Helen seems to favor the name Charles William, partly because it was his [the baby's] father's name. I have absolutely put my foot down on having any juniors in the family. In fact, I have decided that there about 15 good names, all of which are perfectly all right and none of which makes much difference. George, Ralph, Robert, Thomas, Henry—what difference do the names make anyway")

Subsequently, the Bentons learned that they would be unable to have more children of their own, although they wanted more youngsters. They concluded that they would adopt an infant girl. At this stage of their lives, the Bentons were living in Chicago, where Bill was the "part-time vice president" of the University of Chicago, having retired at age 36 from the advertising business, a self-made millionaire, Robert M. Hutchins, then president of the University, and Benton's Yale classmate, told Bill about a pioneering adoption agency in nearby Evanston, and Bill and Helen Benton contacted the agency, The Cradle.

A distinguished physician, Dr. Frederick Schultz [sic], head of pediatrics at the University of Chicago Medical School looked into the prospects of adoption for the Bentons. Dr. Schlutz had himself adopted three children from The Cradle. He reported to Benton that there were two baby girls at the Cradle that he had examined. One was ten weeks old, the other six, and both were healthy; the Bentons could adopt either with confidence.

Bill Benton gave way to the impulsiveness and generosity that so often characterized him. He suggested adopting both. Dr. Schultz concurred: it was a good idea. When Helen Benton saw the two infants, so did she, and that is how Louise Hemingway Benton and Helen Orr Benton joined the family of the great man we mourn.

Five years later in 1942, Bill and Helen Benton returned to The Cradle for a second son, John Benton. And repeatedly, throughout the years, the Bentons referred friends and business associates desiring to adopt babies to The Cradle. Both Bill and Helen served on its board, contributed to it, and often urged friends to do so. Indeed upon Bill Benton's death a number of his friends and associates marked his death by making contributions to the adoption agency that had meant so much to him in his lifetime.

Mr. Speaker, to me this story tells much about Bill Benton. He was a great man in the world of great affairs, and tough in political and business matters, but open-hearted before the little babies to whom he gave heart and home.

## TAX INCENTIVES FOR CHARITABLE GIVING

### HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing three bills to further encourage charitable giving in our country. The first bill is "the Higher Education Gift Incentive Act of 1973." This bill would permit taxpayers a 50-percent tax credit on contributions up to $200 to institutions of higher learning. It is specifically designed to encourage more people to make small contributions to the college or university of their choice. Many people who would otherwise make such contributions do not now do so because they do not itemize and therefore cannot take advantage of the existing charitable deduction. My bill would thus give such people this new incentive for giving. Those who do itemize could still take the tax credit on their first $200 and then claim the deduction on the remainder of their contributions.

The second bill I am introducing would reduce the existing 4-percent excise tax on foundation investment income to 1½ percent. When the 4-percent tax was included in the 1969 Tax Reform Act, it was with the thought in mind of producing revenues for auditing all charitable contributions. As it turns out this tax is bringing in far in excess of what is needed for such auditing, and foundations are proportionately limited in what they can pay out for charitable purposes. This bill would thus insure that adequate revenues from the excise tax are generating for the necessary auditing and at the same time make is possible for foundations to plow more of their money into worthwhile social projects.

The third bill I am introducing would also alter a provision contained in the 1969 Tax Act. Prior to that act, corporations making donations of inventory for charitable purposes were permitted a deduction based on the retail value of the goods. The 1969 act changed this deduction so that it is now based simply on the cost of producing the goods. This has had a significant impact on drying up such contributions. The bill I am introducing today is offered as a compromise between the existing deduction and that permitted prior to the 1969 act. It would permit corporations which donate medical, surgical, and hospital supplies and equipment to recognized charitable organizations—other than foundations—for the care of the ill, needy, and infants, a deduction based on cost plus half the appreciated value of the goods, provided this amount does not exceed twice the cost of the goods. This latter provision or ceiling is aimed at preventing excessive deductions in the case of goods which have a high markup value.

It is my hope that when the House Ways and Means Committee resumes its consideration of tax reform legislation, it will not only preserve existing tax incentives for charitable giving, but that it will give serious consideration to the three bills I am introducing today.

## THOSE WHO KNEW

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. GUDE. Mr. Speaker, too often we tend to overlook the mentally retarded, or far worse, purposely ignore their situation because it may cause us some uneasiness or discomfort. In so doing, we fail to realize that the retarded have every right to live as normally as possible, and should be responded to naturally and openly.

Last month, I had the pleasure of attending the luncheon-fashion show of the Montgomery County Association for Retarded Citizens. I was particularly moved by the eloquent remarks of Mrs. Lou Chapman, MCARC president, on the need for each of us to be, in effect, an advocate for the mentally retarded.

Regardless of what public or private sector programs we may devise, none will succeed without an element of compassion and advocacy.

I would like to share her remarks with my colleagues at this time, and urge that we all take a brief moment to reflect upon society's past attitudes toward the retarded and the need to insure that ongoing efforts to end the isolation of these individuals have this human element to which Mrs. Chapman speaks:

MCARC LUNCHEON-FASHION SHOW SPEECH BY LOU CHAPMAN, MARCH 24, 1973

On behalf of the Montgomery County Association for Retarded Citizens, I would like to add my very warm welcome to each of you. We are delighted that you are sharing this special day with us.

Many of you may know that MCARC is a parent association—formed twenty-one years ago by a group of parents who were concerned about the lack of services for their mentally retarded sons and daughters. What you may not realize is the basic function of MCARC is that of advocacy—advocacy on behalf of every mentally retarded individual in the county and state, regardless of age or functioning level. Advocacy takes many forms, at many levels. Whether it involves a class action suit to secure the right to education for those individuals who have been denied this opportunity or whether it involves a word of encouragement and support to an individual who is experiencing difficulties in a job-training program, advocacy is action.

MCARC is committed to insuring for each of our mentally retarded citizens a life of dignity, an opportunity to develop to his fullest potential, an opportunity to experience joie de vivre, joy in living. We are committed to creating a climate of understanding within the county so that mentally retarded individuals can remain in the community, as opposed to the traditional approach of isolation in large, dehumanizing institutions.

Because the mentally retarded *have been* isolated in the past, many people feel uncomfortable around them, do not understand them—they do not understand that mentally retarded individuals are more like us than they are different, that they experience the same feelings and emotions as we all do. That they respond, as each of us does, to kindness, respect, and love.

"Hate-filled," those who knew said. And he climbed sleepily into my lap . . . He buried his tousled head in my cool green sweatshirt and wrapped his grubby arms around my neck . . .

"Uncontrollable," Those who knew said. And he lay quietly beside me listening to my fairy tales and lullabyes . . .

"Refuses to participate," Those who knew said. And he took my hands and let himself be led into the midst of dancing and singing . . .

"Will not cooperate," Those who knew said. And he stood beside me drying the dishes I had washed . . .

"Will not speak," Those who knew said. And we walked through the forest, talking of birds and squirrels and flowers . . .

"Incabable of love," Those who knew said. And he planted a slobbery little boy kiss on my cheek . . .

"Hopeless," Those who knew said . . . and he sang with me of stars and happiness . . . He smiled with me at silly jokes . . .

*Those who knew forgot about love*•

•"Those Who Knew . . ." by Julie Parsons, TORCH (Idaho YARC) State President 1970–1971.

Each of us can be an advocate for the mentally retarded. It's really very simple. We can be an advocate by responding naturally when meeting a mentally retarded person, by extending the hand of friendship to him if we see a mother in the grocery store having a very difficult time with her mentally retarded son or daughter (and by the way, this always seems to be the place that the frustrations of living in a world that does not understand builds to the point of release for mentally retarded individuals), a warm smile of understanding to that mother, rather than a disapproving frown will furnish great support to her; we can be an advocate by accepting a group home in our neighborhood, by saying "Yes, the mentally retarded have a right to live as normally as possible."

It is really very exciting at this time to be involved with the mental retardation movement. Barriers that have stood for hundreds of years are coming down; slowly, but significant progress is finally being made. It is a time of great social reform.

I would like to extend an invitation to each of you to join us in becoming advocates for the mentally retarded. In becoming advocates, each of us truly will be experiencing joy in living.

Thank you very much.



## HUNGARIANS STILL FIGHTING FOR FREEDOM

### HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. PRICE of Texas. Mr. Speaker, on April 14 and 15 the Hungarian Freedom Fighter's World Federation held its 10th World Congress in Connecticut and reminded us of our obligation to honor those Hungarians, and people everywhere, who continue to resist in whatever way they can, the tyranny of communism. Today, when there is talk of détente, warming relations, and an end to the cold war, we too easily think in the larger terms of state relations, and ignore what a Communist dictatorship means to the individuals that must suffer under it. Moreover, some of us seem willing to forget that communism is not only the enemy of the Hungarians, who must bear with and brave its despotism, but is the enemy of all mankind that desires to enjoy freedom and live without fear of persecution and psychological depredation for believing in justice and human dignity.

In Hungary, a cold war is fought daily by people who long to be free. We need only recall the 1956 revolution that was mercilessly crushed by Soviet-Russian troops to understand that Hungarians long for freedom so much that they have been willing to die for it.

On October 23, 1956, a Hungarian student demonstration in sympathy with those oppressed in Poland was the catalyst for a countrywide uprising against the Communist regime of Erno Gero.

For 13 days, Hungarians enjoyed the exhilaration of new-found freedom and the pace of life quickened as everyone marveled at the direction Hungary was taking. Then the heavy hand of the Soviet Union reentered the picture, and crushed the revived Hungarian freedom in favor of tyranny and oppression once again. The 13 days of freedom retreated into memory, replaced by months of embittered struggle that witnessed the worst of horrors. It was in this period that the real fight for freedom took place as the Hungarians used whatever was at hand to combat the Russian tanks that infested their cities like a plaque. As the Russians reasserted control over their shaken empire, the Hungarians again experienced the humiliation of Russian intervention, bringing to mind that in 1848, it was the Russians who crushed the first Hungarian revolution and helped return the country to Hapsburg rule, and that after World War II, it was the Russians who imposed a Communist regime on Hungary.

When a nation finds itself unequal in physical strength to its adversary in a life or death battle, there is no glory, only tales of heroism and appalling stories about the cost in human life and misery. Once the revolution in Hungary was crushed, the Moscow-installed government began a reactionary purge of those who had resisted continued slavery. Thousands were jailed, many were executed, including some of the highest leaders of the revolutionary government, and over 200,000 Hungarians fled their homeland to seek refuge from the nightmare they saw reconstituting itself.

The fate of the Hungarians has been less than pleasant; although their own personal resistance may be courageous and constant, they still live under a system that holds above them a meaningless ideology that is irrelevant and counterproductive, and still leaves them without any means to participate in the governing of their country. One senses that here is one of the greatest tragedies that can be perpetrated against any people, existence without purpose, and subsequent creation of a national psychosis of futility and dismay that makes an entire country apathetic.

This then is what has been wrought by communism, communism that some in this country are ready to overlook and discount as they seek accommodation for political and economic reasons. As the Freedom Fighter's Congress must be a ray of encouragement to the millions of Hungarians, prisoners in their own land; let its continued existence be a warning of what lies in store to all those who fall under the oppression of Communist regimes. The Communists have never abandoned their expressed goal of world conquest. We may scoff at that idea, but they do not.

## GOLDEN ANNIVERSARY OF ST. CHARLES PARISH

### HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. JAMES V. STANTON. Mr. Speaker, yesterday, St. Charles Parish in Cleveland, Ohio, celebrated its golden anniversary. For 50 years, this fine parish has been serving the spiritual and social needs of our community, and on this occasion I extend Monsignor Corrigan and the members of the parish my warmest congratulations. May God continue to bless this group, and may it continue to prosper.

In honor of the St. Charles Parish, I would now like to insert into the RECORD a history of the parish which describes its activities from its founding in 1923:

HISTORY OF ST. CHARLES PARISH

The parish of St. Charles Borromeo was established in April 23 of 1923 with Father Nicholas F. Monaghan as its founding pastor. Father Monaghan, later Monsignor Monaghan remained pastor until his death in 1967. The second and present pastor, Monsignor Thomas C. Corrigan, was appointed in 1968.

In 1923, the infant congregation of thirteen families purchased land at Ridge Road and Wilber Avenue. A frame church was begun in 1923 and served the congregation until post war growth demanded a larger house of worship. The present beautiful basilica type structure was begun during the Marian Year of 1954. St. Charles Church has a seating capacity of 1100 and is the mother-Church of the Parma area. With Monsignor Corrigan as pastor, the parish is

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also serviced by three associate pastors, Father Lawrence J. Bayer, Father Francis R. Sterk, and Father Ned Weist.

Children are important to St. Charles Parish. The parish school opened its doors in December of 1923 with three Ursuline Nuns as its faculty and sixty-seven students as its total enrollment. Classes began in two rooms in back of the old church with a potbellied stove for heat. The school has expanded significantly from those early days. Additions were added in 1927 and again in 1958. The latter addition included twenty-six classrooms; washroom facilities on each of three floors; a clinic; a lay teachers' lounge; a nuns' lounge; and a modern and adequately equipped kitchen. By 1966, the enrollment of St. Charles School had soared to 2,305 pupils. Its present enrollment totals 1,270 students, including seventy-eight kindergarten children. Twenty Ursuline Nuns, nineteen lay teachers, and ten teachers in special education compose the present faculty. Aside from regular classrooms, the school has a fully equipped library, Instructional Materials Center, art room, physical education program for both boys and girls and and extensively developed music program, both vocal and instrumental. The extracurricular sports programs are outstanding in their variety and overall involvement of students.

The St. Charles Religious Education Program for students attending public schools has an enrollment of 1002 pupils from grades one through twelve. The programs are staffed by a total of fifty-two teachers. Nine secretaries; seventeen home visitors; and six administrators operate the program.

In 1960, the present Parish Hall, the site of liturgical experiences, organizational, and social activities, was constructed to meet growing parish needs. In 1964, the present Convent was built. The sanctuary of St. Charles Church was renovated in 1971 to conform to the liturgical spirit of Vatican II.

St. Charles provides a host of activities to suit a variety of personal interests. The parish sponsors an adult choir, adult servers organization; adult lectors and commentators; adult ushers organization; a Holy Name Society; a Men's Sodality; a Senior Citizens organization; the St. Charles Ladies' Guild; the St. Charles Mens' Club; the Borromean Club for married couples; the Canisius Club for young adults; the Monaghan Club for teenagers; and a variety of sports programs open to children and adults alike. St. Charles Parish also has its own Federal Credit Union with full banking services. Boy and girl scout programs are also part of the parish activities.

The Religious Education Program of St. Charles Parish is the purpose of this parish's existence. The life of the parish revolves around the Liturgy, the Holy Sacrifice of the Mass. Masses are offered daily in the Church with ten Masses offered each weekend to accommodate the worshiping community. Along with provisions for reception of the other Sacraments of the Church, the parish involves itself in providing various means of communicating the message of Jesus Christ. Adult Education Series are offered twice yearly; Inquiry classes for those interested in learning about the Faith are offered in group or individual instructions; classes in Theology are offered during the morning hours for women of the parish; sacramental preparation programs are held for parents and other interested parishioners concerned with the Holy Eucharist, the Sacrament of Penance, and the Sacrament of Confirmation; Baptism classes are held monthly for prospective parents; a Spiritual Renewal Program is currently being established. The parish has a developing Liturgical Commission. Each of the parish organizations has a spiritual orientation, the purpose of which is to bring each of its members through community sharing, to a deeper knowledge and love of the Lord Jesus.

Thomas C. Corrigan, Rt. Rev. Monsignor, Native of Cleveland. Father, Chief Peter J. Corrigan, Cleveland Fire Department. Mother, Coletta (nee Gibbons) Brothers, Judge John V. Corrigan, Court of Appeals 8th District. Dr. Peter J. Corrigan, Doctor of Medicine.

St. Ignatius Elementary School, St. Ignatius High School, Honor Student, Athletics, Class and Organization Officer. John Carroll University 1939 A.B., Member Alpha Sigma Nu, National Honor Society. St. Mary Seminary, ordained priest 1945.

Social worker Men's Bureau, Department of Public Health and Welfare. Assigned as assistant pastor Our Lady of Mt. Carmel Church (East) 1945–50; Diocesan Director of Catholic Youth 1950–68. Pastor, St. Charles Borromeo, Parma 1968 to present.

Alpha Sigma Nu, Newman Honor Key Society, Silver Beaver, Boy Scouts of America, Papal Chamberlain 1955, Domestic Prelate 1960.

Representative Assembly, Welfare Federation of Cleveland, Board Member Greater Cleveland Council Boy Scouts of America, Board of Trustees of Catholic Charities, Board Cleveland Safety Council, Alumni Board, John Carroll University; Regional Director, Youth Department, National Catholic Welfare Conference, Chaplain State Council, Knights of Columbus, Chaplain Parma Fire Department. Board Ridgewood YMCA, Friends of Library Parma Regional. Parma Board of Education, Citizens Committee.

## TRIBUTE TO JOHN E. FOGARTY

### HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. ST GERMAIN. Mr. Speaker, I would like to share a tribute to the late Congressman John E. Fogarty, which I received recently from a mutual friend.

It is more than 6 years now since the death of Congressman Fogarty. There are many Members on both sides of the aisle here today who served in this body with John, and who knew and admired him. To me he was a close friend and my mentor in my early days in Congress.

What J. Bernard Hurl says in his poem is true—that those who knew John Fogarty will never forget him.

The poem follows:

MARCH MEMORIES OF JOHN E. FOGARTY

(By J. Bernard Hurl)

March will soon be gone but memories linger on—
Memories of those we are not likely to forget;
Those whom we loved and admired in days now gone
And the month of births are in our memories yet.

Oh, yes, we still recall and continue to remember
Him who left us just six short years ago.
We missed the little green bow tie on last St. Patrick's Day
And the Irish smile we all had grown to know.

Your birthday on this 23rd would have marked your 60th year,
You left without a last goodbye.
But one thing you can be sure of, let there never be a doubt,
Memories and thoughts of you will never die.
I have no desire to continue to recall and recollect,
The sadness felt by so many when you left.
But neither do I hesitate to keep those memories green
And likewise your loving family left bereft.

Another past President has joined you there,
Which means two under whom you served;
Two great men whom we shall not forget
And our thoughts shall never swerve.

Yes, another March is going and the recollections are not kind
But the great God's ways are strange we often find:
But "His will be done" as it is in Heaven, and John, Remember in your prayers
Those not likely to forget you and whom you have left behind.

Requiescat in pace.

## "ABETTING" IS A CRIME, TOO

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. DERWINSKI. Mr. Speaker, Life Newspapers, an outstanding chain of publications, has as one of its special features a column in which various staff members contribute their own individual viewpoints. In their April 15 issue, Mr. Sean O'Gara, a member of the Life staff, commented in what I believe to be an especially effective fashion on the basic question raised by the seizure of Wounded Knee by the radical Indian movement.

The article follows:

"ABETTING" IS A CRIME, TOO

(By Sean O'Gara)

Out of the welter of truths, half-truths, rumors and speculation emanating from Wounded Knee, S.D., have come substantiated reports that the self-styled "leaders" of that Indian Insurrection circa 1973 are being abetted (if not controlled) by radical would-be heirs apparent to Tom Hayden, Jerry Rubin and Abbie What's-His-Name.

This revelation comes as no surprise; it was suspected all along because the modus operandi was apparent. (Radicals don't use particularly new techniques, only new terrain.)

What is surprising is that the Federal government has pussyfooted so long, bending over backwards when bending is neither justified nor feasible.

The radicals imposing their will on the embattled Indians calling for redress of past wrongs (whether or not the wrongs are real or redress justified) should never have been allowed to infiltrate the Pine Ridge reservation; they should have been arrested on the spot.

To acknowledge their whimpers that they are acting within their Constitutional rights as Americans is sheer poppycock; the Wounded Knee fiasco began with the kidnaping of innocent hostages (a crime once punishable by death), escalated to the wounding of a peace officer, and is continuing as an armed defiance of the law.

Aiding and abetting these crimes is and should be as punishable as the crimes, themselves; in truth, the radicals slopping up beer and cheap wine at Wounded Knee are guilty not only of the aforesaid crimes, but of compounding them further.

With the all-out assistance of the drama-conscious television cameras and fuzzy-minded, scoop-conscious national news pundits, they have been engaged in a field day in South Dakota, chiefly because the lawful agencies at the scene no longer have the charisma to maintain public support nor the courage to fulfill their obligations.

The radicals have boasted that they have taught the Indians to plant the barricades with dynamite to blow up attacking Federal armor; if this is so, and any deaths (Federal or Indian) result, the radicals, red, white or black, should be charged with Murder One.

But that eventuality is as remote as the Great Manitou sharing a pipe with George Armstrong Custer.

There is a whale of a difference between honest dissent or protest and the armed insurrection at Wounded Knee, but radicals apparently are immune to justice under the law.

It is the time that our governmental agencies were again instilled with the intestinal fortitude of the men who wrote the U.S. Constitution behind which the radicals are hiding—and Wounded Knee, S.D., is as good a place as any to start.



## HON. GERALD R. FORD'S 1973 QUESTIONNAIRE

### HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. GERALD R. FORD. Mr. Speaker, each year I send a questionnaire to my constituents in the Fifth Congressional District of Michigan in order to better inform myself regarding their views and opinions.

This year my questionnaire deals with a variety of subjects including a proposed congressional spending ceiling, Federal tax credits to defray part of the cost of tuition paid by parents to send their children to nonprofit, nonpublic elementary and secondary schools, restoration of the death penalty, abortion, and amnesty.

For the information of my colleagues, my questionnaire is as follows:

JERRY FORD 1973 QUESTIONNAIRE

1. Do you favor having Congress adopt an annual spending ceiling even if it means cutting existing programs?

2. Should Congress give the President the power to raise or lower tariffs as a weapon in trade negotiations with other countries?

3. Congress now appropriates nearly $1 billion annually for mass transit. Should Congress, in addition, allow the use of Highway Trust Fund monies for mass transit?

4. Should Congress pass a law protecting the claimed right of newsmen not to reveal the identity of news sources?

5. Do you favor Federal tax credits to defray part of the cost of tuition paid by parents to send their children to nonprofit nonpublic elementary and secondary schools?

6. Should the death penalty be restored nationally for such crimes as premeditated murder, wartime treason, and skyjacking and kidnapping which result in death?

7. According to the recently signed peace agreement, the United States agreed to contribute to the post-war reconstruction of North Vietnam. Do you agree with this provision?

8. On abortion, which do you favor?

A. A constitutional amendment to prohibit abortion in all but extreme circumstances.

B. A constitutional amendment restoring to the states the power to regulate abortions.

C. Allowing the Supreme Court decision on abortion to stand.

9. How do you feel about amnesty for deserters and draft-dodgers?

A. I am opposed to amnesty.

B. I favor amnesty.

C. I favor amnesty for those willing to serve two or three years in some sort of government service.

(Note.—Spaces were provided for "his," "her," and "18–20 year old choices.)

## BAIL: EQUAL JUSTICE FOR ALL?

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. RANGEL. Mr. Speaker, the bail system in New York State could be considered typical of State bail procedures all over the country. The accused is granted pretrial release after he posts a certain amount of money with the court. The purpose of this procedure is to insure the defendant's appearance at all court proceedings.

The appellate division of the New York State Supreme Court recently upheld the contitutionality of the State's bail system. The Legal Aid Society, which filed the brief, contended that when a defendant was unable to raise bail money and was detained, his chance of being convicted and of receiving a longer sentence after conviction was substantially higher than for the defendant who was able to post bail.

The court replied:

It is not because bail is required that the defendant is later convicted. It is because he is likely to be convicted that bail may be required . . . The factors for allowing bail, when properly applied, generally lead to a conclusion that those denied bail are more likely to be convicted [and this] shows the system is working.

In other words, if the defendants who cannot raise bail and are detained before trial are convicted more often and do receive longer sentences, it is not because of the effect of detention, but rather that the judge had correctly predetermined their guilt when he was setting bail.

This type of reasoning is extremely fallacious and ignores all of the disadvantages that are imposed by the present system of monetary bail on an indigent defendant when he is detained.

But I feel a basic question concerning the use of money bail still has not been raised. If two men are accused of the same crime, why should the rich man be released on bail while the poor man remains in jail only because of lack of money? As Justice William Douglas once said:

We have held that an indigent defendant is denied equal protection of the laws if he is denied an appeal on equal terms with other defendants, solely because of his indigence. Can an indigent be denied his freedom, where a wealthy man would not, because he does not have enough property to pledge his freedom?

Apparently in New York, and most of the other States, this is exactly what happens.

Indigents are detained, because of their indigence. The States spend exorbitant amounts of money to house and feed these detainees. They are then forced to remain in jail for months awaiting a trial and are convicted more often and receive longer sentences than their freed counterparts.

It is difficult to say what should be done about these inadequacies, but as the following New York Voice editorial points out, the Appellate Court took a step in the wrong direction:

THE BAIL SYSTEM

The Appellate Division, in upholding the State's bail system, disappointed many of us who had hoped for a more serious questioning of why poor people must languish in jail while others can purchase their freedom. Although being poor imposes hardships in every aspect of life, the penalty of imprisonment due to poverty is an especially hard cross to bear.

The suit, which was brought by the Legal Aid Society, tried to show that people that have trials following pre-trial imprisonment are more likely to receive harsh sentences. Legal Aid Society interprets this to mean that the defendant is at a great disadvantage going from the cell to the courtroom. The court interpreted the same statistics to mean that "those denied bail are more likely to be convicted," hence that is why the judges set a high bail or denied bail in the first place. This shows "the system is working," the court said.

According to this reasoning, the judges would predict whether a defendant is going to be convicted in considering how to set bail. But we think there is something wrong with a system where the judiciary pre-judges the evidence, predicts the outcome and sets bail accordingly. Even if judges were shrewd in guessing correctly, how could anyone defend such a system? Besides, regardless of the judges' actions and reasoning, there are still some prisoners that can afford to meet any bail that is set, and some that can meet no bail. The superior wisdom of judges cannot explain why the former fare relatively well in court, while the latter do not. In our view, it is a simple case of the poor suffering from a triple disadvantage: incarceration, poor legal counsel, and less ability to muster a proper defense following pre-trial imprisonment.

The court cannot deny the connection between indigence and long jail terms. Nor should it so lightly dismiss the Legal Aid Society's data showing the role that the bail system plays in this chain of events. It would have been more understandable if the court had argued (apologetically) that there is nothing as yet to replace bail, rather than to pretend that "the system is working" the way it should.

Surely no bail procedures should endanger the safety of the community, but if adequate bail reform could be enacted with speedy trial provisions, the problems that now exist could be eliminated. Most of the indigents that the Legal Aid Society is referring to could have been released on some form of supervised personal recognizance. If these defendants could then be tried within 60 days, there would be virtually no chance of recidivism, since it has been demonstrated that the great majority of recidivist crime takes place between 90 and 240 days after arrest.

New York State, like most of the other States, is responsible for its present situation, and only swift action can remedy the situation. Hopefully, if this case is appealed, the New York State Court of Appeals will lead the way.

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WASHINGTON NEWS NOTES

## HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. HOSMER. Mr. Speaker, each month I release to various individuals and organizations within my district an informal newsletter called "Washington News Notes." The May issue follows:

WASHINGTON NEWS NOTES, MAY 1973

Child abuse prevention bill.—Have you ever seen the sad pictures of children who have been beaten, burned or poisoned by parents who lost their self-control and took it out on the child? "More children die each year at the lands of neglectful or abusive parents or guardians than from any known childhood disease." Congressman Hosmer expressed these thoughts in introducing the National Child Abuse Prevention Act of 1973 to authorize a $60 million Federal grant toward new programs for treatment and prevention of child abuse. "Nationwide" thousands are beaten, burned, and poisoned and an estimated 700–800 die each year. "It's a national disgrace," he added.

Long Beach girl wins national VFW Democracy Speech Contest.—Miss Cindy Pridy daughter of Mr. and Mrs. Kenneth Pridy of Long Beach recently won the 26th Annual National Speech Contest of the Veterans of Foreign Wars for her talk, "My Responsibility to Freedom." It has been reprinted in the Congressional Record, the official document of Congressional activity. Congratulations Cindy!

Summer intern.—Each year every member of Congress is authorized a college student from his district for summer employment as a "Congressional Intern." Miss Judy Johnson of Long Beach, an American History student at Stanford, is Congressman Hosmer's nominee this year.

Budget cuts prevent 15% increase in taxes.—President Nixon is on the side of the average taxpayer. Since taking office, he has brought the individual taxes down by $19 billion; corporate taxes on the other hand have increased by $4.9 billion. His actions to cut Federal spending will produce savings to the American's taxpayers of $35 billion over the three year period 1973–1975. Without these savings maintaining a balanced budget at full employment would require a 15% increase in personal income taxes.

Flood insurance.—Since December, the danger of floods from the Santa Ana River has been greatly publicized. The Federal Insurance Administrator lists two types of flood insurance which are available. The program is a cooperative effort between the Federal Government and the insurance industry. For more information write: Federal Insurance Administrator, U.S. Department of Housing and Urban Development (541 7th Street, S.W., Washington, D.C. 20410), or simply contact Congressman Hosmer.

Governmentese.—Just to keep you up-to-date on governmentese or government gobbledegook if your prefer, the *Wall Street Journal* has corralled some recent coinage. An appointee will "office" across the street from the White House. Briefing reports have become a "verbal information opportunity." Statisticians now "annualize" figures instead of putting them on a yearly basis. President Nixon must wonder whatever became of his request for clear, simple governmental communication.

Cutting the budget.—According to *Water Desalination Report*, Congressman Craig Hosmer's "knife edge with words has earned him the reputation as one of the best orators in the House." Here's a sample from his extremporaneous arguments against two amendments proposed to boost a spending item:

"The basic issue is whether these functions should be carried on in light of the fiscal situation of the United States government. . . . I want to compliment the authors of this amendment. They have raised the bureaucratic art to its finest hour. This is the quintessence of the legislative double shuffle. The two amendments in combination illustrate a delicate maneuver by the staff of bureaucrats. In that interplay they rival the artistic delicacy of the minuet. They deserve our highest commendation. Condemnation, that is, not commendation . . ."

Heroin legislation.—President Nixon has proposed tough legislation to assure the jailing of heroin pushers. Under the legislation those arrested with less than four ounces would be sentenced to 5–15 years in jail. If the pusher is arrested with over four ounces he would face 10 years to life. Four ounces of heroin is enough to supply 180 addicts for a 24 hour period. The street value of four ounces is from twelve to fifteen thousand dollars.

A second conviction of felony involving heroin would require a sentence of life without parole.

BLACK LUNG CLINIC

## HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. BYRON. Mr. Speaker, last Wednesday, in Lonaconing, Md., a "black lung clinic" was held at the VFW Hall. It was my pleasure to sponsor this clinic, which had as its purpose, aid, advice, and assistance to miners and their dependents who had already filed claims under Public Law 92–303 or who wished to file for the first time. Mr. James Robertson and Mr. Thomas Armbruster from the social security office in Cumberland assisted at the clinic as well as Mrs. Helen L. Harvey, Mr. Larry Ageloff, and Mr. Harold G. Wancer from the Social Security Administration in Baltimore. This clinic would not have been possible without their assistance and that of Mr. Hugh Johnson and Mr. Vince Rini in the Social Security Administration.

I would like to share with my colleagues an account from the Cumberland News describing the clinic and its participants. The article follows:

[From the Cumberland (Md.) News, Apr. 26, 1973]

FOUR HUNDRED FORMER MINERS, WIDOWS ATTEND FIRST BLACK LUNG "CLINIC"

(By Jan P. Alderton)

Some 400 strong, miners and widows of miners shook off the steady rain of yesterday and streamed into the Lonaconing VFW home to lay claim to black lung benefits.

A handful had toiled in Western Maryland deep mines for as long as 50 years. Others said they labored in the mines only two or three years, but they wanted to come "just to see" if they are eligible for a monthly government check.

The occasion was Sixth District Congressman Goodloe E. Byron's black lung clinic and its results were unexpected. Billed as the first of its kind ("It's the first one we've heard of that a Congressman has arranged," a Byron aide said), the clinic was scheduled to last from 9 a.m. to noon. Instead if stretched into the afternoon hours and when it ended more than 400 persons had been interviewed.

Most of the claimants went away confident that their applications will be accepted: "If my lungs are all right, then they've gotta be made out of iron," Chester Green, a 35-year veteran of mining said.

"How long did your husband work in the mines? . . . Have you been examined by a doctor yet? . . . When did you first file for black lung benefits?" The questions were repeated time and again by the team of Baltimore-Cumberland social security workers conducting the interviews.

The clinic location was appropriate. The fortress-like VFW Home was for years used as a horse stable for the Jackson Coal Mining Company.

The people milling around in the upper-floor barroom had for the most part not traveled far, for most were residents of the Georges Creek and the Tri-Towns area. But there were others; most notably a resident of Leesburg, Va., and another from Towson and one from New Kensington, Pa.

To be eligible for black lung benefits, they were told, the miner must have contracted the disease as a result of his mining. There is no age limit for eligibility, nor is there a minimum on the number of years worked in the mines to be able to draw benefits.

To get the benefits, the miner must also be disabled. If he worked in the mines for 10 years or more and has the disease, then the Social Security Administration automatically assumes that mining was the culprit. However, miners working less than 10 years and having black lung can still get benefits.

Black lung isn't pretty, the old miners were telling a reporter. Your breath is short, they said, and you cough a lot if you've got a bad case. You also have to heave up the coal-black sputum.

The federal benefits, which Congress extended and expanded in 1972, have eased some of the pain. The checks can go from $169.80 to $339.60 a month, depending on several factors, including family size.

Allegany and Garrett counties are the only Maryland areas to have the black lung problem. In neighboring Washington only two black lung claimants.

Deep mining in this area stopped about five years ago when the Consolidation Fuel Company closed up the last underground tunnel. Stripping still abounds, producing a yearly average of over one million tons of coal.

FIFTY TWO NEW SIGNERS

Of the 400 claimants yesterday, 52 signed up for the first time. James E. Robertson, manager of the local Social Security office, believes many if not all of those people would never have tried for benefits if Rep. Byron's clinic had not been held.

The others who were not "first timers" were much like Chester Green, who relates that he signed up three years ago and is still waiting. Now 67 years old, Mr. Green said his first X-ray turned out all right and the black lung benefits were rejected. But he insists that he is ill and he says he made his mistake by not blowing hard enough when he took the breath test that is also required for the benefits.

Mr. Green said he spent all of his 35 years in deep mines. "I worked in some of the toughest there ever was in their time," with most of his mining career spent in Western-port mines, he recalled.

Perhaps because of his three years' efforts to get benefits, Mr. Green has come to believe that all is not perfect with Congress' Coal Mine Health and Safety Act which makes black lung benefits possible.

His theory is: "I believe they're cutting welfare out for some of them and putting them in black lung. Some of them didn't fire enough coal to be eligible for anything."



"That may be," Democratic Rep. Byron said, but he added that he is inclined to think otherwise and overall the black lung program has been of immense help to his Allegany and Garrett constituents.

Mr. Byron said he feels the miners in bygone days were ignored even though they "provided the basis for the industrial society we have today." In that light he believes the country owes the miners assistance.

COULDN'T KEEP UP

James W. Blubaugh believes something is owed to him. Mr. Blubaugh says he's been plagued with black lung ever since he was in the Army when "I couldn't keep up with the rest of the men in calisthenics." The Midland resident said he first began his coal career working as a boy at the tipples, later moving into deep mines for 3½ years.

Walter Smith, 76, of Midland, also wants benefits. From the time he was 18 years old he worked, on and off, in mines. The doctor has now told him he has a pulmonary lung condition but his benefit claim is pending in the Baltimore Social Security office.

James W. Alexander, another Midlander, has been turned down for the benefits, but he is trying again. Seventy years old, Mr. Alexander spent 44 years in deep mines, much of the time at Ocean Number 1, and he said "dust as thick as smoke" was the rule rather than the exception. He's due to report to Sacred Heart Hospital May 10 for another breathing test.

Rep. Byron said yesterday it may be necessary to conduct another clinic. "We'll have to assess the results of this one," he said.

The people said the clinic is a good idea and they spent much of the day pumping Mr. Byron's hand in appreciation.

SCHOOLBUS SAFETY GAINS SUPPORT IN PENNSYLVANIA

## HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. ASPIN. Mr. Speaker, the problem of building safe schoolbuses is gaining wider and wider attention throughout the Nation.

Recently the schoolbus division of the Bureau of Traffic Safety in Pennsylvania announced its intention to adopt parts of the VESC–6 standard.

VESC, the Vehicle Equipment Safety Commission is a compact of States which develops various safety standards. VESC–6 is the proposed schoolbus safety rule.

Various forms of VESC–6 have already been adopted in the State of Maryland and Illinois. Presently, the State of Wisconsin is considering adoption of regulations very similar and possibly identical to VESC–6.

While I commend the efforts of various States to develop safe schoolbuses, clearly Federal legislation is needed. I have introduced the School Bus Safety Act of 1973 which would provide for the introduction of comprehensive schoolbus safety standards within 6 months after passage of the bill.

A recent newspaper article detailing Pennsylvania's action follows:

PENN DOT GETS TOUGH ON SAFETY

Pennsylvania Department of Transportation has taken the initiative in the field of traffic safety.

Julius A. Trombetta, director of Penn DOT's Bureau of Traffic Safety, announces the School Bus Section has notified all school bus manufacturers that the state plans to adopt three additional safety regulations to go into effect Jan. 1, 1974.

Most important of the three would set minimum metal thickness and body strength of structural joints for steel components of school bus bodies.

Pennsylvania is the first state in the nation to adopt rigid guidelines as set forth by the Vehicle Equipment Safety Commission last year The VESC, a group made up of safety representatives from all states, is charged with establishing vehicle safety standards.

The new regulation is intended to insure that all metal sheets used to manufacture school bus bodies for use in Pennsylvania are of uniform thickness and are attached to the underlying framework by fasteners to better protect passengers.

The regulation would require greater strength at the joints of the inner and outer sheet metal panels of the bus to reduce the possibility of separation in an accident.

THE REVISED SOCIAL SERVICE REGULATIONS

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. FRASER. Mr. Speaker, on April 26, HEW Secretary Caspar Weinberger released a revised version of the new regulations for the social services program.

Several private organizations have already prepared summaries of the new regulations that House Members might find helpful.

At this point in the RECORD, I would like to insert memos prepared by the National Governors Conference and the Washington Research Project Action Council:

MEMO FROM NATIONAL GOVERNORS' CONFERENCE

New social services regulations were announced today by HEW. Primary changes from February proposed regulations include:

1. Regulations to be effective July 1, 1973, with the following exceptions:

(a) requirement that 25% non-federal matching for new purchase of service agreements be funds over and above fiscal year 1972 non-federal funds expended for social services is to be effective February 15, 1973. However, such new money requirement changes for July 1, 1973-June 30, 1974 period to require that three fourths of the 25% matching be funds in addition to fiscal year 1973 expenditures.

(b) All mentally retarded who under the old regulations have been eligible for services will be grandfathered-in to continue to be eligible until January 1, 1974 when new program standards for cash aid to disabled become effective.

(c) All migrant children who under the old regulations have been eligible for day care services will be grandfathered-in to continue to be eligible until January 1, 1974

2. States will be allowed to set an income eligibility standard for free social services for families, aged, blind, and disabled at a level which does not exceed 150 percent of a States welfare payment standard. In addition child day care also can be provided on a sliding fee basis for families whose income is between 150 an 233 percent of a States welfare payment standard.

3. Day care services for children which may be provided now also include day care for mentally retarded children or because of the death or continued absence of a parent, in addition to child care related to the employment or training of the parent.

4. Required redetermination for eligibility for current recipients is changed from every three months to every six months.

5. Private donated funds may be used for non-federal matching but with strengthened safeguards against reversion to donor.

6. Relaxes requirement for development of service plan for individuals by not requiring specific procedures for prior authorization before provision of social services

7. Those eligible for foster care to also include, at the option of the State, those placed in foster care at the request of the legal guardian, in addition to those placed by judicial determination.

8. Legal services to be eligible for federal reimbursement primarily related to the extent necessary to obtain or retain employment.

WASHINGTON RESEARCH PROJECT ACTION COUNCIL,
*Washington, D.C., April 27, 1973.*

To: Persons interested in social services.
From: Judy Assmus.
Subject: Final regulations on social services to be issued May 1, 1973.

The final regulations on social services will be published in the Federal Register on May 1, to be *effective July 1, 1973*. The major changes from the February 16 draft are:

An increase in income eligibility to 150% of the state's payment *standard;*

Allowance of private donated funds, with strict controls;

Expansion of optional services to include day care for the mentally retarded and some very narrowly defined legal services.

The following is a summary of provisions of the new regulations of particular concern.

1. *Eligibility for Services*—The income criteria for eligibility for services as a potential recipient has been changed to *150%* of the state's payment *standard*. The February 16 draft limited eligibility to *133⅓%* of the state's payment *level*. (The payment standard, in some states, is significantly higher than the payment level. See HEW chart attached.) In addition to the income criteria, however, a potential recipient's resources may not exceed permissible levels for financial assistance under the state's welfare plan.

In the case of day care, services may be provided until a recipient's income reaches 233⅓% of the payment standard, if the state establishes a sliding fee schedule for participation of those with income between 150% and 233⅓%.

Former recipients continue to be eligible for services they were receiving while on assistance for three months after they leave the rolls, regardless of their income. After that three month period, they could be recertified as eligible as potential recipients if their income does not exceed the 150% figure (or 233⅓% in states that opt for expanded day care services).

2. *Recertification*—The final regulations require recertification of eligibility for services once every six months, for both current and potential recipients.

3. *Types of Services*—The final regulations still require only three mandatory services for families and children—family planning, foster care, and child protective services. For adults, states are required to provide only one of a list of services.

The list of optional services is still exclusive (*i.e.*, states no longer have the authority to provide additional services not listed in the regulations), but it has been expanded slightly, to include day care for mentally retarded children and some very narrowly defined legal services. (Legal services are de-

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fined as services of a lawyer in solving legal problems "to the extent necessary to obtain or retain employment." All other legal services, including class actions, community organization, lobbying, political action, criminal cases, and fee generating cases, are specifically excluded.)

4. *Child Care*—All child care is an optional rather than a mandatory service; and is still limited almost totally to care "for the purpose of enabling the caretaker relatives to participate in employment or training." The definition has been expanded slightly to include cases of death, continued absence from the home, or incapacity of the child's mother and the inability of any member of the child's family to provide adequate care (as provided in the revenue sharing act which established the spending ceiling for social services). Day care may also be provided for eligible children who are mentally retarded.

Federal matching funds will be available for day care for families whose income does not exceed 233⅓ of the state's payment standard. Such services would be provided, however, at the option of the state, with the state establishing a sliding fee schedule for participation of families with incomes between 150% and 233⅓% of the standard. (The language of the regulations leaves open to question whether a state may establish fees below 150%, but SRS officials stated that program guides will clarify this.) Outgoing SRS Acting Administrator Phil Rutledge said in a briefing on April 26 that SRS will issue "guidelines around the fee schedule," but would not "dictate" what the fee would be. He said that each state would establish its own fee schedule, subject to SRS approval. The fees could not be used to make up the state's 25% matching share.

The final regulations require that day care facilities and services must comply with "such standards as may be prescribed by the Secretary." SRS officials said that the 1968 Federal Interagency Requirements will continue to apply, until new federal standards are issued—which they predict will be three or four months away.

There is still no requirement for parent participation on the state's day care advisory committee, nor any provisions for parent participation in the choice of day care services for the child or determination of the adequacy of such services.

The language of the draft regulations prohibiting use of social services funds for subsistence has been changed in such a manner that SRS officials assure that funds will be available to pay food costs of day care programs. In addition, the new regulations allow federal match for the costs of medical examinations reqiured for a child to enter a day care program, if such costs are not covered by Medicaid.

Federal financial participation is still not allowed for licensing or enforcement of licensing standards.

5. *Private donated funds*—Private donated funds, but not in-kind contributions, can be used as the state's share. The new regulations retain the language of the current regulations on the use of private funds, with one additional restriction. Under current regulations, a donating organization may not be the sponsor or operator of *the activity* being funded. Under the new regulations, a donating organization may not be the sponsor or operator of *the type of activity* being funded. Rutledge emphasized that, while the regulations governing the use of private funds are essentially the same as the existing ones, SRS intends to begin enforcing them "tightly," and that there will be additional issuances in program guides controlling the use of such funds.

6. *Recipients Rights*—The final regulations do not restore the old fair hearings requirements, but merely call for a "grievance system." There is no language in the regulations indicating any recipient participation in the choice of services, although families and individuals are "free to accept or reject services," and acceptance of a service may not be a prerequisite for receipt of any other service or aid, except with regard to WIN.

## DR. ROBERT FENTON CRAIG, AN OUTSTANDING COMMUNITY LEADER

### HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. DANIELSON. Mr. Speaker, I would like to take this opportunity to call the attention of our colleagues to the illustrious career of Dr. Robert Fenton Craig, who will be honored this week by a testimonial banquet at the Century Plaza Hotel in Los Angeles.

For several decades, Dr. Craig has been exteremely active on behalf of many outstanding causes in our country. Lawyer, journalist, chautauqua circuiteer, businessman, pioneer broadcaster, investment counsellor, national guardsman, political worker, and eminent educator, but first of all a great American; the list of his activities and accomplishments over the years is truly impressive.

Born and raised in Wymore, Nebr., Dr. Craig was graduated from the University of Nebraska and the University of Nebraska College of Law. He is married and devoted to Elaine Adams Craig; they have three children.

It was during the depression that Dr. Craig decided to move to California, where he was admitted to the Bar of the State of California and began the practice of law in 1932 in Hollywood. When he joined the faculty of the University of Southern California in the 1940's, he continued his law practice as well as the operation of two commercial enterprises.

During the 1950's, Dr. Craig served as legal counsel, officer, director, and business adviser to no less than 20 corporations. He was also the executive director and general counsel of the California Landscape and Irrigation Foundation. From 1961 to 1963 he was chairman of the University of Southern California Faculty Senate and, at the same time, he became general counsel and director of the Quality Water Committee of the Pacific Water Conditioning Association, Inc., and director of the Water Quality Education Program.

So many professional activities—and the above list is only partial—would absorb the energy and exhaust the capabilities of most people. But Dr. Craig's involvement in civic and philanthropic endeavors is equally as impressive as his professional achievements.

In 1938 he handled Chinese-American Community relocation in Los Angeles. He was chosen adviser to the Trojan Knights of the University of Southern California, in which capacity he served for 15 years. He has been a director of the Legal Aid Foundation of Los Angeles, and was a member of the Los Angeles Committee of the Committee for Better Schools. He was appointed to the Board of Building and Safety of the city of Los Angeles in 1963 and to the Board of Harbor Commissioners of the Port of Los Angeles in 1968. He served as President of both boards. After serving as a trustee of the Hear Foundation, Dr. Craig was elected to a 2-year term as president in 1971. Recently, he celebrated his 50th year as a DeMolay and as a "Past Master Councilor" of the Lincoln Chapter of the Order of DeMolay. In 1971 he was elected "Fellow" of the Society for Advancement of Management. He has also been a member of the Panel of Civil Arbitrators of the American Arbitration Association, and a member of the Advisory Board of the Harbor Occupational Center operated by the Los Angeles Unified School District. He served as president of the University of Southern California Faculty Club and was on the President's Council of Pitzer College. He was also the founder and first president of the Trojan Shrine Club.

In addition, Dr. Craig is a member of the American Management Society, the American Bar Association, the American Judicature Society, the American Economic Association, the American Society of Political and Social Science, the American Society of Political Science, the Los Angeles Philanthropic Society, the Academy of Management, the American Association of University Professors, and the Los Angeles World Affairs Council.

His biography is included in Who's Who in the West, Who's Who in Commerce and Industry, and Who's Who in Education.

Many honors have been bestowed on Dr. Craig over the years. He was chosen to be master of ceremonies and host at the University of Southern California Songfest of 1958, the only faculty member so honored by the students of U.S.C. He received the Honorary Tommy Trojan Award and, in 1968, the Dean's Award of the School of Business and Graduate School of Business Administration of the University of Southern California.

Chosen a "Master" by the University of Nebraska in 1970, he was honored at the Nebraska campus. He was also the recipient of the Alph Kappa Psi Faculty Award from the Alpha Zeta Chapter "in recognition of and in appreciation for Dr. Craig's 27 years of faithful service to U.S.C. and for his untiring efforts during that time to enrich the lives of his students, to develop their character and to inspire them to high endeavor."

In 1971, the Blue Key Honor Fraternity honored him through the creation of annual awards designated as the "Dr. Robert Fenton Craig Achievement Awards," which are bestowed by students on a number of people "who have made the greatest contribution to student life and the University of Southern California" each year.

Dr. Robert Fenton Craig has made invaluable contributions to our Nation as well as to his own community. Many of his friends will be present at the banquet in his honor this week to say "thank you." I would like to join them in thanking this truly outstanding American.



## WORLD WITHOUT BORDERS

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. DRINAN. Mr. Speaker, recently I read in Commonweal a review by Peter J. Henriot of a book, "World Without Borders," written by Lester R. Brown and published by Random House. This review so heightened my interest that I secured a copy of the book. I consider this book "must" reading for all important decision makers in our society, certainly all of my colleagues in the Congress. I insert Father Henriot's stimulating review of this book at this point in the RECORD:

[From the Commonweal, Jan. 19, 1973]

WORLD WITHOUT BORDERS

(Reviewed by Peter J. Henriot)

One of the most significant books of the decade—in terms of debate stirred and policy affected—was published last spring. *The Limits to Growth*, by Donella H. Meadows *et al.* This "Club of Rome" study raised profound questions of technical, political and ethical nature about the future of our globe. Given the inescapable fact that we live in a finite world, how do we adjust to an equilibrium society which is also an equitable society?

Unfortunately the implications of the "Club of Rome" study were not readily available to a large general audience because the book tended to be long on complex equations and short on concrete examples. For this reason, *World Without Borders* will be especially welcome. Lester Brown, a Senior Fellow at the Overseas Development Council in Washington, fills his study with one example after another of the unified global society in which we live today. Brown's framework is similar to that put forth in *The Limits to Growth:* either we recognize our interdependence and accommodate ourselves to a finite earth, or we perish.

With lucid style Brown sketches an overview of the late 20th century—marked by per capita increase in income, per capita decrease in natural amenities, and the increase of indirect effects (mostly negative) of economic growth. At every point he emphasizes the inter-relationship of problems. This is especially true in his discussion of the environmental crisis and its integral link to the widening rich-poor gap in the world: ". . . global cooperation on the scale needed to preserve the eco-system on which the quality of life in the rich countries depends must await a much more serious effort by the rich to reduce the widening rich-poor economic gap."

The U.S. citizen might tend to see life in a "world without borders" as influenced most strongly in the years ahead by population growth. At the present world growth rate of two per cent, there will be twice as many people on earth at the start of the 21st century as there are now. Serious—in terms not just of quantity of people but of quality of life—as the growth rate is, it is not seen as the *most* serious problem by the nations of the Third World. Rather, these nations feel most keenly their economic dependence on the rich countries, a dependence maintained and fostered by the structures of a global economy which clearly favors the haves over the have-nots.

The author presents a startling picture of the impact of U.S. business throughout the world when he compares the gross national products of nation-states with the gross annual sales of multinational corporations. General Motors is eighteenth on a list of 100, beating out East Germany, Belgium, Switzerland, Argentina, and Czechoslovakia in the top twenty-five. Standard Oil of New Jersey, Ford, General Electric, Chrysler and IBM are all in the top fifty. Terms of trade, industrial development plans, employment policies, and other key economic decisions—these are made in board rooms in the U.S. and have a powerful influence around the world, especially in the poor countries. If we look honestly at the business scene, it is clearly unrealistic to think of the U.S. in any "isolationist" sense.

One key issue which does emerge dramatically in Brown's study is the issue of distribution of wealth. The challenges of the remainder of this century—environmental deterioration population growth, the increasing rich/poor gap, rising unemployment, widespread hunger, intense urbanization—are all challenges which are not going to be met without a reordering of priorities that will of necessity mean a more sparing lifestyle for the rich nations. This basic issue of social justice will be a special challenge for Americans. Six percent of the world's population, we Americans have no right—nor do we have promise of continued tolerance—to consume forty percent of the world's resources.

One element in Brown's study I would like to have seen more fully developed is the political emphasis. In his discussion of "a new social ethic" for a global society, he does say that a political person is required, a woman or man who takes political steps to see that the public interest is assured in the pursuit of quality of life. But Brown's political analysis is limited and his practical suggestions sparse. We are all talking these days about "changing structures," but not enough of us are putting that goal into concrete action-terms, especially at a global level.

It would be difficult to recommend this book too highly. It is precisely the right book at the right time. When we Americans are currently feeling some inclination to turn in on ourselves and our domestic woes, we need this kind of shock-treatment to oblige us to realize our need for a global vision. We are not going to solve the problems in the U.S. by looking at them solely in U.S. terms. In a "world without borders," interdependence is a keen fact of life—or death.



## EDITORIAL SUPPORT FOR PERIPHERAL CANAL

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. HOSMER. Mr. Speaker, on April 25 and April 27 KHJ–TV serving the Los Angeles-Long Beach metropolitan area of southern California aired an excellent editorial supporting the legislation cosponsored by several Californians in the Congress to construct the Peripheral Canal. The editorial follows:

PERIPHERAL CANAL

The State of California has made commitments to supply water to southern California, with its millions of people. It has been voted by the people, and more than five billion dollars approved for the vital State water project. However, a handful of opponents, some quite vocal, some misguided, and others plainly interested only in flushing their own industrial wastes into San Francisco Bay, are threatening to block the project. They wish to eliminate the important Peripheral Canal, which will not only transport water to the millions south of the Tehachapi, but will improve the environment of the great Delta area, preserving the land, bringing better water, and saving the great bass and salmon fisheries of that bay Delta area. Water agencies at all levels, fish and wildlife groups, cities, counties, and Federal wildlife and reclamation authorities all favor the canal. It will actually enhance the environment of great areas of the State of California. But the diehards are still fighting to sink this vital project. Both Governor Reagan and former Governor Brown agree on this one, along with most authorities on water problems. Let your Congressman and State legislators know we want the canal built, before inflation gets to the canal fund.

## WOMEN'S RIGHTS AND WOMEN'S LIB

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. McCLORY. Mr. Speaker, for those of us who have been vigorous proponents of the so-called equal rights amendment, it would seem well to pause and reflect on the wisdom of this measure—and to reject the extremists' positions which have been advanced by so-called women's lib militants on the one hand, and those who advocate a subordinate role for women, as members of the "weaker sex" on the other.

In a recent editorial appearing in the April 16 issue of the Christian Science Monitor, the current status of the equal rights amendment, as it struggles for final ratification as the 27th amendment to the U.S. Constitution, deserves our thoughtful attention.

Mr. Speaker, I am pleased to attach this editorial for the edification of my colleagues in the Congress, as well as our counterparts in the various State legislatures:

WOMEN'S RIGHTS AND WOMEN'S LIB

When discussing the feminist movement of the '70's, we must be clear what we are talking about.

The terms "women's rights" and "women's liberation" are not identical but have gotten confused in the public mind. And the confusion, we believe, is to a large extent responsible for the current opposition to ratification of the equal rights amendment, adopted by Congress a year ago. (To become law the ERA must be ratified by 38 states. So far 28 states have ratified it; nine have turned it down.)

The recent series in this newspaper on "Today's feminism" pointed out the need to straighten ourselves out on this matter of terminology. Our reporter quoted from a speech by Catherine East, executive secretary of the presidential Citizens' Advisory Council on the Status of Women.

In her analysis, which we recommend to all those who have doubts about the ERA, Mrs. East said: "The term, women's liberation, can be appropriately applied only to a small segment of the women's rights movement . . . the branch of the movement that

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had its origin in the student activities of the early '60's. These women, primarily radical feminists, have thus far been mainly concerned with analyzing the origins, nature, and extent of women's subservient role in society, with an emphasis on the psychology of oppression. . . ."

She went on: "The women's rights movement is largely composed of the kind of women that are in the National Association of Women Lawyers, the General Federation of Women's Clubs, the National Federation of Business and Professional Women's Clubs, the Women's Equity Action League, the YWCA, and the League of Women Voters, and they are, by and large, pretty conservative as a group. It's these organizations that have secured passage of the Equal Rights Amendment by Congress and are lobbying for state ratification. It is these groups that are working for reforms in education and in other areas of society. They are not trying to overthrow the government, abolish the family or force all women into employment. They are seeking . . . to make the family a real partnership and to make freedom of choice for women a reality."

NOW, the National Organization for Women, one of the most active of the new feminist groups, operates as a kind of bridge between the more radical women's liberation groups and the older organizations. It is playing a useful role in calling attention to the inferior status of women and the rationale for reform.

The fundamental demand of the women's rights movement, then, is for equality under the Constitution and under the law, and for freedom of choice for a woman to decide what she does with her life.

It is important to realize that this does not mean an attack on the institution of marriage and family or on the essential qualities of womanhood. Instead as Catherine East says, the emphasis is on making the family a "real partnership," in other words on strengthening the institution of family by broadening and equalizing its basis.

Some of the women's liberationists carry their pursuit of egalitarianism and their drive to wipe out the feminine stereotype to extremes, and it is this radical approach which would endanger the family and threaten the nobility and dignity of woman. But the extremists, as our reporter pointed out, represents only a small minority.

Back of the new feminist movement is a yearning of women for fulfillment and for the full expression of their potential in society. It is part of a ferment taking place in human thinking—an impulsion for progress which fundamentally is a force for good. The pity is that the term "women's lib" is being so loosely and inaccurately used.

In our view the equal rights amendment deserves early ratification. For this it is essential that the issues be clearly understood.

## WHAT IT MEANS TO BE AN AMERICAN

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. FREY. Mr. Speaker, I was privileged last Friday night to be a guest on the Alan Courtney radio show, a program which has been broadcast nightly from Miami for 24 years.

Mr. Courtney, as moderator of "America's Original Open Phone Forum," has just completed two essay contests: "What It Means To Be An American," and "Our Flag."

Responses to both these essay contests ran into the hundreds as listeners from Jacksonville to Key West told what the American flag meant to them and about how proud they are to be Americans.

I would like to share with you one of the winning poems read by Mr. Courtney. It is by 10-year-old Gregory Stephen Deptuch, a fifth-grade student at St. Thomas Apostle School in Miami:

*What It Means To Be An American*

(By Gregory Stephen Deptuch)

I'm just a boy
But I know I'm free.
That's what America means to me.

I'm proud of our men
Who have had to fight
For what our country knows is right.

So I could go
To church and pray.
That I might go to school each day.

And one day soon,
A man I'll be.
I'll make my country proud of me.

## SKIP BAFALIS' QUESTIONNAIRE

### HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. BAFALIS. Mr. Speaker, from time to time I plan to send out a comprehensive questionnaire to the residents of my congressional district to ask their opinions on various issues which Congress must resolve. I am certain that their answers to these controversial questions will be a great help to me in the important decisionmaking process. I am planning to send out the following questionnaire in the near future:

WHERE DO YOU STAND?

My Fellow Floridian:

As your Congressman, I have the responsibility to represent you and your views. But, in order to follow that mandate, I need to know how you and your neighbors and friends stand on the important issues facing the 93rd Congress.

As a favor to me, would you take the few minutes necessary to fill out the attached questionnaire and return it to me?

As the Congressman for the 10th District of Florida, I will be called upon daily to make critical decisions affecting you and your future. I want to make those decisions with your opinions, your interests and your needs in mind.

I regret that the press of time precludes individual acknowledgement of each questionnaire received. However, rest assured that once the responses are tabulated, I will report to you with the results. I also will submit the results to the Congress and the President.

Also, if you wish to receive my free newsletter, "Washington Report", on a regular basis, be sure to check the box on the return portion and include your name and address.

Sincerely,

SKIP BAFALIS,
*Your Congressman.*

1. Of the issues listed below, which three do you consider most important and deserving of top Congressional priority? (circle three)

a. Education; b. Crime; c. Welfare reform; d. Drug abuse; e. Tax reform; f. Consumer protection; g. Military defense; h. Rural development; i. Mass transit; j. Environmental protection; and k. Space exploration.

2. Would you be willing to pay more for products if their use and manufacture could be made pollution-free? (circle answer) Yes, No, undecided.

3. Do you favor removal of the earnings limitation for Social Security recipients? (circle answer) Yes, no, undecided.

4. Do you oppose amnesty for those persons who left the United States to avoid military service during the Vietnam war? (circle answer) Yes, no, undecided.

5. Do you believe the President should refuse to spend all of the money appropriated by the Congress when such expenditures would increase the national debt? (circle answer) Yes, no, undecided.

6. Would you be in favor of a constitutional ceiling on federal spending to limit appropriations to expected revenues? (circle answer) Yes, no, undecided.

7. Now that the U.S. and Cuba have reached an anti-skyjacking accord, do you favor steps toward reestablishing diplomatic ties with the Castro regime? (circle answer) Yes, no, undecided.

8. Would you favor federal programs to curb air, water and noise pollution if it meant higher taxes? (circle answer) Yes, no, undecided.

9. Federal farm controls and supports should be: (circle one) a. Phased out within five years; b. Continued substantially as is; c. Made permanent with increased supports; d. Made permanent with reduced supports; and e. Continued, but with a limit on supports to any one farm.

10. In its efforts to rebuild war-ravaged Indochina, should the United States provide funds for reconstruction of North Vietnam? (circle one) Yes, no, undecided.

## THE 200TH ANNIVERSARY OF HARFORD COUNTY'S BIRTHDAY

### HON. WILLIAM O. MILLS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. MILLS of Maryland. Mr. Speaker, I wish to respectfully submit for the RECORD a resolution introduced by Councilman John W. Hardwicke of Harford County, Md., honoring the 200th birthday of that county. It is indeed a great honor for me to bring to the attention of this Nation this grand occasion. I include at this point resolution No. 5 in recognition of all Harford Countians:

COUNTY COUNCIL OF HARFORD COUNTY, MD.—RESOLUTION NO. 5

Be it resolved, that the celebration of the 200th anniversary of Harford County's birthday is an historic occasion and is worthy of National recognition; and

Be it further resolved, that Harford County is deserving of special recognition as the nation's Bicentennial approaches, since the first declaration of independence in America was signed at Bush; and

Be it further resolved, that on numerous occasions in times past the United States has issued commemorative coins to celebrate important anniversaries for cities, counties and states;

Be it further resolved, that the County Council of Harford County hereby respectfully requests the Congress of the United States to order that a commemorative half dollar symbolizing Harford County's Bicentennial be struck; and

Be it further resolved, that the government and people of Harford County will be grateful to Congress for such recognition of Harford County's Bicentennial;

Be it further resolved, that a copy of this resolution be sent to First District Congressman William Mills and that he be requested to introduce into the House of Representatives appropriate legislation to effectuate the purposes of this resolution.



## FEDERAL LANDS IN ALASKA

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. YOUNG of Alaska. Mr. Speaker, during my recent visit to Alaska, I had the opportunity to testify before the Federal-State Land Use Planning Commission which is just beginning a series of 45 public hearings in Alaska and the "Lower 48" concerning the status and future use of Federal lands in Alaska.

These hearings, concerning Interior Secretary Morton's withdrawals of more than 127 million acres of land in the public interest and for possible inclusion of as many as 80 million acres in the national conservation system of forests, parks, wildlife refuges and wild and scenic rivers, mark a unique and commendable departure from established patterns.

The Commission, an advisory agency established by the passage of the Alaska Native Claims Settlement Act of 1971, is taking the question of land use to the people and asking them their views before, and I stress the word "before," the Federal Government makes its decisions. The Commission is involving people in its difficult and important planning job. The hearings will be held in Washington on May 29 and 30, affording my colleagues and other interested citizens the opportunity to offer their views on land use and the national interest in Alaska.

It is with this in mind that I here offer my recent testimony:

TESTIMONY OF THE HONORABLE DON YOUNG, CONGRESSMAN FOR ALL ALASKA BEFORE THE FEDERAL-STATE LAND USE PLANNING COMMISSION IN ANCHORAGE, ALASKA, APRIL 23, 1973

Mr. Josephson, members of the commission, Mr. Bingham, ladies and gentlemen: It is both an honor and a privilege for me to be here today, to address the Commission on this, the first in its series of 45 public hearings on the future of Alaska. I thank you for affording me that opportunity.

Ostensibly, you have convened to hear testimony on lands withdrawn by Secretary of the Interior Rogers C. B. Morton under section 17(d)2 of the Alaska Native Claims Settlement Act of 1971.

But in reality, these Commission hearings, like the Commission's recommendations, will have enormous effect on the future of Alaska. The decisions that will be made by this body, the decision-making that will begin here, today, by and large will shape the course of history for Alaska's development in the next 100 years.

That is the subject this body is addressing now. It is the subject Secretary Morton will keep in mind this summer when he weighs the Commission's recommendations. And, it is the subject I will bring before the Congress when the Secretary makes his formal proposals regarding the D–2 lands this December.

And so, with Alaska's future in mind, and the Commission's ability to help shape that future in the interests of all Alaskans at hand, I would like to offer my views.

Just having returned from the nation's capital, I feel as though I have made a journey back in time. There, I found crowds and congestion, and evidence of that uniquely American ability to replace fields with freeways in the name of immediate convenience. Planning is not apparent, only reaction to change, to growth. A planning commission such as yours no doubt could have alleviated some of the urban problems that now plague our major cities.

But here in Alaska, the opportunity still exists to plan wisely for the future rather than just blunder into it. So let us think, if we will, about Alaska's future—what the Great Land means to Alaska and the nation now, and also what it will mean, what we want it to mean, 100 years from now.

Some general projections are clear.

Already, Alaska is a provider.

Her fisheries have produced as much as one-fifth of the entire North American salmon catch.

The vast forests of Southeast Alaska have only recently begun to yield sustainable harvests of timber, and to provide employment for Alaskans.

Of gold and cooper and oil, you are already familiar. So I need not remind you that Alaska is perhaps America's richest storehouse.

The tundra deserts that cap our biggest oil fields provide nesting grounds for millions of birds, many of which fly to Alaska each spring from as far away as South America.

The same forests that make possible a $100 million a year timber industry also give Alaska some of its most spectacular scenery. They also provide habitat for the state's abundance of wildlife.

This is Alaskas' past and its present.

Together with our knowledge of the things around us, the ways in which other nations, cities and states have planned their futures or mis-managed them, we can see that Alaska's role as a producer can only increase. In the Congress, for example, where the battle for the Trans-Alaska pipeline is beginning to take shape, the Representatives of the other states are coming to realize that the nation desparately needs Alaska's oil.

And, as we all know, there are other ways of producing besides pumping oil.

Alaska's burgeoning tourist industry has shown that producing can also mean sharing our spectacular mountains and fiords and forests with visitors who take with them only memories and snapshots.

So, we can begin to think of Alaska's future as a provider of natural resources, and then subdivide those resources, like Mt. McKinley, into those like timber and fish and oil, and also those whose value stems simply from their existance.

No one can sell the mountain, but everyone can profit from the view.

Our renewed awareness of ecology has shown us how all things are mutually dependant on each other. But as you sit to consider, say, the need to protect caribou calving grounds, or the seasonal effects of wind and rain and fire and ice upon the land, I ask you to remember one element of the ecological cycle that too often is forgotten: man.

As much, no, even more than we need to consider wildlife or mineral production, we need to give thought to man and his needs.

And while I commend the Commission for its innovative step in planning of going to the people to hear their views before—rather than after—making decisions and recommendations, I want to make it clear that our planning is for men, not for muskrats or mountains or money, but for men.

Considering the 79 million acres now classified as D–2 lands, and the additional 48 million acres classed D–1 in the national interest, I ask that you use restraint in your recommendations.

Since the Commission was formed, nearly a year ago, you have heard request after request for land: land for wilderness, land for forests, land for Native selections, land for parks, land for mines, land for wildlife.

I ask you to consider land for people.

Alaska is not a pie to be sliced and apportioned according to the appetites of different federal agencies.

First and foremost, Alaska belongs to Alaskans.

Second, it belongs to the nation.

Of the 79 million acres now classified as D–2 lands, the U.S. Forest Service has already identified 39 million acres its specialists consider suitable for new national forests. Presently, 22 million acres are already set aside as federal forest in the Panhandle and along Prince William Sound.

The Interior Department agencies, the Bureau of Sport Fisheries and Wildlife, the National Park Service and the Bureau of Outdoor Recreation, have yet to unveil their plans for new refuges, new parks and wild and scenic rivers.

Park Service planners have already proposed doubling the size of Mt. McKinley National Park to protect the animals, but after half a century of Park Service management, McKinley's single road still does not meet even the Park Service's minimum requirements.

No one, it seems, is looking out for the interests of the people the agencies are constitutionally sworn to protect.

In the area of the Yukon Flats, the drainage that surrounds my home at Fort Yukon, planners have identified 11 million acres as being suitable for protection as a wildlife refuge for birds.

If this Commission recommends that 11 million acres be set aside as a nesting ground, other users of the land and of the Yukon River which historically has been Interior Alaska's major artery of commerce and transportation, will be neglected. If, at some future date, Alaska and the nation need that land for some other purpose, it will be nearly impossible to do if the Congress has already locked the lands away for a single purpose.

Look at the other states. Texas, California and Louisiana have all found it possible to protect nesting grounds with refuges. But those refuges were selected on the basis of specific need in specific locations. And they measure at most a few thousand acres. Here it has been proposed to lock away an area of 11 million acres for but a single use.

The birds can be protected. They must. But it is foolhardy to lock up an area half the size of the State of Kentucky for a single purpose to the exclusion of all others.

In the other states I mentioned, the birds and other forms of wildlife are protected. They co-exist and prosper under careful management in close proximity with such development as cities and even oil fields.

Has the Swanson River petroleum complex on the Kenai Peninsula endangered the moose population? Of course not.

With careful study and wise planning, the myriad demands for land in Alaska can be satisfied. That is the reason the Commission exists, not to see how much land it can put away.

The land is there. It always has been and always will be.

The Alaska Native Claims Settlement Act that established the Commission only gave the Secretary of the Interior the perogative to select lands in the national interest. It clearly did not order him to parcel it out to federal agencies whose management policies and overall goals are sometimes in conflict with each other and the needs of the nation.

I say set aside only the bare minimum of what's needed, if, and that's a big if, it must even be done now at all. There are many valid needs for Alaska's land. This we agree on.

There will be many more in the future. While you consider the needs of caribou and the needs of Alaska's own people. I ask that you consider also the needs of the nation for Alaska's resources.

Since I went to Washington a little over a month ago, I've heard a lot about wilderness.

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And, after a decade of living above the Arctic Circle, I think that I am entitled to a few thoughts of my own on the subject.

By definition, wilderness means wild place. It's wilderness only so long as there are no people. From the minute the first man sets foot in a wild place, it ceases to be wilderness. But if land is classified as a true wilderness, and set aside for that single purpose, there can be no room for man.

The Commission can perform a great service for the people of Alaska and the nation, I believe, if it leaves room for them and their human needs. And to do that, Alaska's lands must be managed to derive maximum benefit for every land user, no matter whether in the final analysis it is determined that the users are fish, trees, people or caribou.

With the multiplicity of valid demands for specific land uses, I recommend that the Commission embrace the multiple-use concept of land management to ensure Alaska and the nation equity in the wiseast possible use of Alaska's vast land resources. Thank you.

## PRIVATE PENSION PLANS SHOULD BE GOVERNMENT REGULATED

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. BROOMFIELD. Mr. Speaker, for too long private pension plans have been vulnerable to fraud, mismanagement, and unscrupulous eligibility requirements buried within pages of fine print. Too many Americans retire only to learn that they have not qualified for the hard-earned pension benefits that they reasonably felt they deserved.

Private pension plans throughout the United States now have assets in excess of $160 billion and they have enrolled more than 35 million people. Make no mistake about it, private pension plans are big business. Yet, incredibly there is no Federal regulation of the management and operation of these programs upon which so many people rely so heavily for economic security.

Studies have shown that despite these immense assets and the many well-intentioned and professionally operated funds, all too often retirement plans fail to deliver their promised benefits. Worse, there is very little that the cheated retiree can do to recoup his losses.

It is hard to believe, Mr. Speaker, that in this day and age a burgeoning multi-billion-dollar business can operate so freely outside the arm of Government inspection and review. This is especially true of an industry where so many documented examples of hardship and broken promises have been prevalent. Hardly a week goes by without some new story about the abuse of pension funds or the denial of pension benefits. We know of people who have been laid off or fired only months before they would have been eligible for their pensions. Firms go bankrupt, move, or merge leaving career employees with at best reduced pension payments.

In an effort to weed out the basic inequities recurrent throughout our private pension system I have introduced legislation which provides a wide range of necessary and prudent reforms.

My bill will plug the loopholes which make pension plans such easy victims of fraud and embezzlement. It would create uniform rules for pension eligibility and call for pension "portability" so that anyone can switch from one job to another without losing years of service to his pension.

By creating minimum vesting standards, my legislation would ensure that workers are not cheated out of their retirement pay by unnecessarily rigid eligibility requirement. I propose that after 8 years a person should be assured 30 percent of his pension. He would thereafter accrue an additional 10 percent for each extra year of work so that after 15 years he would be entitled to his full pension.

In order to allow pension participants to switch from one job to another without loss, a central clearinghouse would be created. Various pension programs would be able to register with this clearinghouse. Thus, as long as an individual takes a new job with a firm that has a registered pension plan he will not lose any of his previous time.

Surveys have demonstrated that 92 percent of the people enrolled in plans requiring 11 or more years of participation for benefits and 73 percent of those in plans requiring 10 years or less are not qualified to receive any benefits when they leave their jobs.

This portability provision is even more valuable for middle-aged and older workers who can become virtual prisoners on a particular job because they fear the loss of pension benefits.

By the same token, a major prejudice against the hiring of older workers would be eliminated. Employers are reluctant to hire people near retirement age because they do not wish to absorb the full cost of their retirement. Under this scheme, all former employers, not merely the last one, would share in the payments of pension benefits.

Lastly, Mr. Speaker, this legislation would require that all pension plans participate in a federally sponsored insurance program to insure their assets against fraud and mismanagement.

This program would work in much the same way that the Federal Deposit Insurance Corporation insures individual bank accounts. Since such a program would obviously require much more stringent auditing and reporting practices, the opportunity for embezzlement would be drastically reduced. Insurance costs would be relatively minimal and would act as a buffer against those few pension plans which might suffer from poor investment administration.

Mr. Speaker, it is fair to say that the lifetime savings of millions of Americans depend to a great extent upon the basic reforms outlined in my legislation. Congress has an opportunity to provide substantial security to the American worker in an area where he is most obviously vulnerable. Too many have already suffered the consequences of our haphazard and unregulated pension system. Before more meet the same fate, I hope Congress will give this measure careful and proper consideration.

## THE REAL CULPRIT

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. LONG of Maryland. Mr. Speaker, many have searched for simple causes and cures for the present inflation. Most Americans fear the complexities of economics—it is often termed the "dismal science." Yet, unless we are willing to face some harsh economic facts of life, a number of which I have pointed up in my own remarks on the floor, we will continue to be plagued with inflation. I bring to the attention of my colleagues a well-reasoned and direct letter by a thoughtful woman. The following letter by Mrs. Ellen R. Sauerbrey of Baldwin, Md., appeared in the April 19, 1973, Baltimore County weekly Jeffersonian:

THE REAL CULPRIT

*Editor, the Jeffersonian:*

Perhaps the most serious implication of the current uproar over food prices, is the total public confusion about who is to blame. The housewife pickets the supermarket, Congressmen cast about for unscrupulous "speculators, the business man blames union wage rates, while the union member looks suspiciously at the farmer or the entrepreneur.

The confusion reflects the general lack of understanding of basic economic principles and the total failure of our education system and our communications media to present the facts. This is a very dangerous shortcoming because the true causes will worsen until they are recognized.

The three obvious and direct contributors to the cost of food are the farmer, the "middleman" and the market place. Because they are readily identifiable they come in for the lion's share of criticism, yet in each case a study of the facts demonstrates the fallacy of blame.

Over the past 20 years, the price the farmer receives for food has climbed a total of six per cent while prices at the checkout counter have increased about 50 per cent. During these same twenty years, average wage rates throughout America have increased a total of 130 per cent. Through his costs have gone up sharply, the American farmer has increased productivity so greatly that he has been able to absorb the higher costs and farm prices have shown little increase. For example, in 1950 the farmer received about 32 cents a pound for prime beef. By 1971 his price was only a little over 33 cents a pound. By mid March of this year, the farmer was receiving about 48 cents a pound, an increase that reflects in part the higher feed grain prices caused by the Soviet wheat and corn deals. If the price of beef had risen at the same rate as wage increases, the farmer would today be getting about 74 cents per pound. Clearly the farmer is not the culprit. He is due credit for meeting increased costs with increased efficiency.

The supermarkets, which are targets of today's boycotts, may be driven out of business tomorrow if their profits are forced much lower. Chain store profits have declined steadily over the past decade. They now average one-half a cent profit on every dollar sold. Five of the 10 large chains lost money in 1972. The housewife expects plenty of free parking, air conditioned modern stores, shopping at all hours of the day and night, no line at the check out counter and an inventory of all her favorite brands. The chains must buy the food, warehouse it, distribute it to the local stores, price it, put it on the shelves and check it out at the cash register. And for all of its investment in modern stores and equipment, the chain store settles for less than a one cent profit. What housewife is willing to accept a one per cent profit on the money she puts in the bank?

The "middlemen" are the eight million workers in processing, warehousing, transporting and marketing agencies. The middleman accounts for about 76 per cent of the increase in food costs today as compared to 20 years ago. The big item which stands out in middleman costs is labor. Overall labor costs in the food trade have gone up 300 per cent in the past 20 years (over twice the national average). The largest single item in pricing food is labor, representing 44 per cent of the total food cost. Does that mean, then, that the middleman is the culprit? That is too superficial a conclusion. The root of the problem lies much deeper. High labor costs in the food industry are just a part of the overall wage price spiral of inflation.

Inflation has affected the price of all goods and services. Food costs, statistics show, have been less affected than most other areas of daily life. However, since food is a day-to-day necessity, not a luxury, those on a fixed income or those whose salaries have not kept pace with the average are caught in the squeeze. Rising food prices have thus become an emotional target for the victims of inflation.

Although it must be acknowledged that other factors such as weather, exports of feed grain, foreign demand of U.S. meat, and greatly increased per capita consumption of beef and poultry in this country have an effect, the main culprit in the long term rise in food prices is inflation.

As with the symptom—the rising price of food, few people know who to blame for the disease itself—inflation. Business blames unions, unions blame employers, the consumer blames both, and the culprit goes undetected.

The true culprit is chronic deficit spending by the federal government. Theoretically, the government finances its spending programs by taxation. But taxes are unpopular and do not win elections. The trick is how to spend more without taxing more. The government, it must be remembered, has nothing to spend that it has not first taken away from the people.

The government finances its deficits by "selling" bonds to the banking system. For every $1.00 worth of government debt financed through the Federal Reserve System, the system permits over $5.00 worth of credit expansion, which means over $5.00 worth of new money has been created out of thin air. The government has increased the paper money supply but has backed it with nothing of value. The result is that there are more paper dollars in circulation competing for the same amount of available goods and services (or beef and potatoes). The effect is the same as if another bidder arrives at an auction sale with an endless supply of dollars and drives up the prices of all that is put up for bids.

Whether through taxation or credit expansion (i.e. inflation) the taxpayer has surrendered his purchasing power to the government. As he surrenders more and more of his purchasing power, he is left with less freedom of choice as to how to spend his money. When purchasing power is lost through taxation, the housewife can see why she has less money to buy meat and potatoes. Inflation, however, is insidious. It also results in the housewife having less money to buy meat and potatoes, but the shopper who is unaware of basic economic principles is unable to identify what has robbed her of purchasing power.

Given the choice, how many American housewives would willingly trade their ability to buy meats, fresh produce and convenience foods regularly and steaks occasionally for the nebulous promises of a high priced government spending program that benefits some pressure group? Yet this is exactly the choice she must make. If she opts for a welfare state, she must be willing to pay for it. Instead of picketing the supermarket, the housewife should let her voice be heard by those who spend her money—the administration and Congress of the U.S.A.

Food is still a good buy for most of our citizens. Americans today spend a much smaller percentage of their after tax income for food than they did 20 years ago, and because of the productivity of our agricultural system, spend less than any other nation in the world. But as inflation pushes all prices upward, the clamor for controls grows ever louder. Ironically much of the noise comes from Washington from those who create the federal deficits, the resulting inflation, and price increases. Controls have never worked anywhere. They discourage productivity, destroy incentive, reduce supplies, encourage black markets and ultimately force prices even higher if goods are to remain available.

The lack of economic training in our educational institutions and by our news media is producing a citizenry that is so unaware of how our system works, that it may in ignorance demand the slaughter of the goose that lays the golden egg.

ELLEN R. SAUERBREY.



## COLTON HIGH SCHOOL BAND ACHIEVING INTERNATIONAL REPUTATION

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. BROWN of California. Mr. Speaker, I would like to take just a moment to pay tribute to one of the finest high school bands in the Nation—the Yellow Jacket Band of Colton High School. Since Colton is my hometown, I am particularly proud of the honors which this group has accumulated.

The Yellow Jacket Band began the 1972–73 marching season with the Ontario 500 parade and performance at the racetrack before an audience of 160,000 people.

The band received the Mayor's Trophy Award at the Colton Mexican Fiesta parade and the drum major received the first-place trophy for his performance.

At the San Bernardino Hire the Handicapped parade the Yellow Jacket Band took the sweepstakes trophy and the drum major received another first place trophy.

At the Azusa Golden Day's parade the band placed second, the drum major placed first, and the percussion section received a third place trophy.

The Yellow Jacket Band received a superior music award and a second place trophy at the Escondido half-time competition.

At the Santa Monica El Primo parade the band won the music sweepstakes award along with second place band, second place percussion, and fifth place drum major awards.

At the Hawthorne band review the Yellow Jacket Band won a second place trophy and a first place drum major award.

Riverside was the scene of the bands next win: a sweepstakes trophy plus a first place drum major award.

For the second consecutive year the band has been invited to the La Mesa Western States Band Tournament, where the top 10 bands from the Western United States are judged in concert, sight reading, parade marching and field show areas of entertainment.

INVITATIONS FROM ABROAD

As the Yellow Jacket Band's fame began to spread, more invitations came in. Dr. William Revelli asked the band to attend the International Music Tournament in Vienna, Austria. Colton's stars were asked to attend the Star Festival in Brussels, Belgium, and compete with 10 other top U.S. high school bands. The group received a telegram inviting them to the International Band Festival in Vienna. And the city of Geneva, Switzerland invited the band to participate in the 1973 Geneva Youth Festival this coming August.

The band considered all these, as well as other invitations they had received. All were tempting, but the time and money involved would not permit them to accept more than one of the major European invitations.

After much deliberations they chose the Geneva Youth Festival for the educational and cultural opportunities it offered the members of the band. The festival will be under the leadership of Dr. Clarence Sawhill, director of UCLA bands, and Mr. Jack Coleman, music education director for the Walt Disney Co.

The young participants in this festival, both Swiss and American, should find this a very broadening experience that will contribute to their intellectual, psychological, and spiritual development. Their social and artistic interaction will result in a better understanding of people from other nations, and lay a foundation for international friendship and cooperation in other areas in the future. These students will be prepared to lead the way in building a stronger and more peaceful future for generations yet to come.

I congratulate the Colton High School Band for the honors it has received and wish the members well on their European tour this summer.

## THE CLEAN WORLD CLASS

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. ROSENTHAL. Mr. Speaker, I would like to take this opportunity to commend the noteworthy efforts of the "Clean World Class," 5-309 of P.S. 24 in Flushing, Queens.

This group of fifth graders, led by Ms. Ruth Lerman, their teacher, is currently engaged in projects designed to educate themselves and others about the deteriorating quality of our environment.

XUM

Toward that goal, they have designed a song book, complete with illustrations depicting various themes in our fight against pollution. The students have written lyrics, set to popular melodies, which call the Nation's attention to growing air, water, land, and noise pollution, as well as to its sources. In addition, the class is in the process of making an ecology film to be shown during the latter part of May.

One can only be gratified by this display of social concern by those so young. A special tribute should be paid to those educators and parents for instilling in these young people a sense of awareness of the world around them.

As legislators we have clear responsibilities to insure that the Earth will indeed be inhabitable in the years to come, for these children and for the rest of society. Moreover, we must strive to guarantee a safe and healthful environment in which our progeny can flourish and enjoy those benefits from which we, ourselves, have profited. A perpetually rich and fruitful America is still salvageable if only we heed these voices.

I would like to insert the work of the "Clean World Class" in the RECORD, so that it may inspire others to a similar awakening:

SONGS OF REVOLUTION AGAINST POLLUTION

(By the Clean World Class)

TEACH THE WORLD

(Contributed by: Ronnie Porselli To the tune of: "I'd Like to Teach the World to Sing".)

I'd like to teach the world to stop
Polluting all the earth,
And see the meadows bright and clear
And give it a new birth.
It's the thing to do
Keep the water clean
That's the way it should be
For you and me.
I'd like to teach the world to be
Very very clear
And clean the air
So we can bear
With all these crazy things.

GARBAGE WALTZ

(By Helen Starrou, Tune "Clementine")

Oh Pollution, oh pollution
Why don't people really care?
We pollute the land we live on
And the water and the air.

With all this garbage, all this waste stuff
All these papers all around,
No one even makes an effort
To lift it off the ground.

DIRTY LAND LULLABY—TUNE: "TWINKLE"

(By Joanne Campisi)

Dirty, dirty polluted land
Can't you find a helping hand
Up above the world so high
Smoke 'll surround us by and by.

Dirty, dirty polluted land
Won't someone lend
A helping hand?

POLLUTION TANGO

(Contributed by Marra Schneider, From West Side Story's "America")

There is pollution in America!
Lots of pollution in America!
Loads of pollution in America!
Find a solution for America!
We started pollution in America!
Let's stop pollution in America!
If we don't find a way for America,
Soon there'll be nothing of America.
There are polluters on American land
A polluted America is not so grand!

YANKEE DODO?

(Lyrics: Earl Estwick. Tune: Yankee Doodle)

Stop polluting our good air
With fumes from all the autos
And keep the wastes and chemicals
Out of our good waters.
Let's all stop polluting now
We can do it somehow
Get to work, don't wait and see
Let's have a cleaner country.

ALL CHOKED UP

(Tune: Jimmy Crack Corn. Lyrics: Mark Kafalas)

When I was young I breathed
Fresh air from the trees
Then I got older
And started to cry
The birds, trees, fish
All would die.

*Chorus*

Pollution, pollution
Oh yes I care
Pollution, pollution
Oh yes I care
Oh please just go away.

The birds and bees all
Fly away
We hope they will return
one day
Smoke, smoke
Cough away
And hope you don't
Have to pray.

OH POLLUTION

(By Debra Crisci)

Oh pollution, oh pollution
Is there ever a solution?
It's a pity, it's a pity,
Dirt is ruining our city.

Oh pollution, oh pollution
Oh pollution, go away,
You just make our world all ugly
In all different sorts of ways.

PEOPLE, PEOPLE

(By Elizabeth Lieberman)

People, people, I've been thinking
About the soda we've been drinking
Throwing garbage in a can
Will help to make
A cleaner land.
All of us can find a solution
To rid us now of this pollution.
Get together, hand in hand
We can clean up all our land.
Someday we may all go under
From some polluter's stupid blunder
We can fight, fight everyday
For a cleaner world
In every way.

YANKEE DOODLE

(By Linda Jackson)

Yankee Doodle went to a city
That was very dirty
The smog and dirt were fighting to
Make him leave that city.
Yankee Doodle, fight right back
Fight to clean that city
Don't let smog and dirt and filth and muck
Take away our city.

POLLUTION NURSERY SONG

(Lyrics: David Wu. Tune: Mary's Lamb)

Oh yes we have a dirty land,
dirty land, dirty land
Yes we have a dirty land
With pollution all around.
And everywhere we walk, walk, walk
Yes everywhere we walk, walk, walk
Pollution's to be found.

BORN FREE

(Lyrics: Richard Baron)

Garbage—as far as your eye can see
The smoke from the chimneys
Pollutes our air.
Fresh air—no longer existing
Let's keep on insisting
Pollution must stop.
Pollution—we must find a solution
Or else life will end
One Day!

POLLUTION ROCK

(By Gary Clarke to the tune of Jeremiah)

Pollution is a horror
It's messin' up this world
Everywhere you go
You can see it being thrown
It's messin' up my world.

WHITE CHRISTMAS?

(Lyrics contributed by Steven Thompson)

I'm dreaming of a breath of clean air
With every dirty breath I breathe
May pollution get out of of our hair
May the rest of our days be fair.

MARY HAD A LITTER BAG

(By Linda West)

Mary had a litter bag, litter bag, litter bag
Mary had a litter bag
Wherever she would go!

ARE YOU SLEEPING?

(Lyrics: Jay Rabin)

Are you breathing? Are you breathing?
Listen now! Listen now!
Pollution's gonna get us.
Pollution's gonna get us.
Get it first! Get it first!

CLEAN WORLD CAROL

(Tune: Jingle Bells. Words: Joey Sevita)

Dirty streets, smelly air
Everywhere we go.
What will happen
To our country
Is what we want to know!

Waters muddy, fishes dying
In the world today
The time has come
To clean it up.
We'd better not delay!

POLLUTION, POLLUTION

(Tune: Reuben Reuben. Words: Cheryl Sussman)

Pollution, pollution, we don't need it.
Look around our dirty town.
There's garbage here
And litter there
A polluted city, everywhere!

MEMBERS OF THE CLEAN WORLD CLASS

David Wu, Marra Schneider, Sandra Leal, Joanne Campisi, Steven Thompson, Debra Gisa, Earl Esturck, Linda Jackson, Helen Stavrow, Linda West, Donna Hart, Lori Dembowitz, Dawn Dait, and Joseph Seveta.

Cheryl Sussman, Elizabeth Lieberman, Joseph A. Sena, Michael Cabezon, Mitali Bose, Susan Zaager, Richard Baron, Oronzo Porcelli, Marak Kafalas, Jamie Tannenbaum, Vincent McCoy, David Lee, Jay Rulin, and Gary Clarke.

## NAVY STUDY SUPPORTS CULEBRA CEASE-FIRE

### HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. LEGGETT. Mr. Speaker, in the debate over the shelling of the tiny island of Culebra, the Defense Department has continued to argue that the Puerto Rican Island is a vital element of the Navy's Atlantic Fleet Weapons Range.

Well, I visited the island and found that quite the contrary, the island contains no strategic qualities that could not be duplicated elsewhere—except perhaps the fact that Culebra is probably the only weapons range in the world where 1,000 inhabitants double as potential targets. A recent article by Richard D. Copaken in the Christian Science Monitor has echoed my assessment.

Mr. Copaken points out that a recently released Navy study concluded that a number of uninhabited island alternatives were "suitable for conduct of all of the required types of naval gunfire and aircraft-weapons exercises," and that at least one uninhabited site was admittedly superior to Culebra for Navy training. This finding clearly contradicts former Secretary Laird's evaluation that "the present Culebra complex is clearly superior in every regard to the alternatives considered," and mandates a cessation of the nearly 2,000 yearly hours of naval shelling of the island.

This shelling has gone on for 37 years. Miraculously, there have been very few casualties, but there have been some. One civilian has been killed, and one Culebran child has been disfigured while playing with a dud. Moreover, nine Navy personnel were killed when their observation post on Culebra was mistaken for the target, and numerous shells have landed throughout the town.

I say that it is high time that we put a stop to this carelessness. Puerto Rico's Resident Commissioner Jaime Benitez and Senator HOWARD BAKER have introduced bills which would force the Navy to stop all training activities on the island by July 1975. More importantly, Secretary of Defense, Elliot L. Richardson, agreed during his confirmation hearings to review the Laird decision. I would hope that in his review he takes cognizance of the Navy report, and ends 37 years of American insensitivity to the wishes of the Puerto Rican people.

At this point in the RECORD I insert for the benefit of my colleagues the April 11, 1973, Christian Science Monitor article entitled, "Culebrans Ask U.S. Navy for Cease-Fire":

CULEBRANS ASK U.S. NAVY FOR A CEASE-FIRE

(NOTE.—Mr. Copaken, a former White House Fellow, has served for the past several years as Culebra's Washington counsel. As such, he has been concerned with both the people and environment on this Puerto Rican island, which provides target areas for U.S. Navy training. The Navy maintains: "The Culebra complex offers such advantages over all other alternatives studied that none of these other alternatives can be considered reasonable.")

(By Richard D. Copaken)

CULEBRA, PUERTO RICO.—Some 726 Spanish-speaking, United States citizens reside on this tiny Puerto Rican island. For the most part, they fish or farm. Culebrans are poor, but they love their island home. Unfortunately, so does the U.S. Navy, which uses one-fourth of it as a convenient Caribbean training target.

Culebra has been bombed, shelled, and strafed continuously since 1936. Annually, the Navy invites navies from 20 nations to join in shelling the island.

Despite Defense Department promises that the Navy would find another training target, bombs and shells are still dropping on Culebra—and being opposed by Culebrans and Puerto Rican Government officials. The controversy may reach a climax in this Congress as the result of a bipartisan bill sponsored by 33 senators, including Majority Leader Mike Mansfield (D) of Montana and Minority Leader Hugh Scott (R) of Pennsylvania to terminate all Navy operations at Culebra by July 1, 1975.

Culebra is a magnificent volcanic outcropping in the Atlantic, halfway between the main island of Puerto Rico and the Virgin Islands. Less than three by seven miles, this municipality of Puerto Rico is blessed with perfect weather, abundant wildlife, and pink and white sand. Over the last thousand years, currents and geography conspired to produce some of the finest coral formations in the entire world just off Culebra's coast.

Culebra's northwest peninsula serves as the target for offshore naval shelling; keys off Culebra's west coast are bombarded in air-to-ground operations. Two towns, Dewey and Clark, are within two to three miles of the targets. Some families live even closer.

The Navy asserts it protects Culebra's environment because its maneuvers keep man's despoilment to a minimum. Culebrans don't accept the premise that continuous bombing and shelling is a necessary price of preservation, and they challenge the Navy's record as protector.

Approaching Culebra by plane, one is struck by its beauty. Blue-green waters spread from shore. Dark swathes cut through a remarkably transparent sea, signaling enormous beds of coral below. Lagoons and lush green mountains, dotted with thousands of soaring birds, complete the picture of an idyllic natural wonderland. But as the plane circles closer, the Navy's contribution comes into view. Amid nesting sooty terns and some rare and endangered species of birds, including the nearly extinct Bahamian pintail, lie target tanks and gaping craters—the pock-marked scars of naval shelling.

Culebrans experience constant anxiety. The Navy boasts of its safety record: Only one civilian killed, another child disfigured while playing with a dud, and nine Navy personnel killed when their observation post on Culebra was mistaken for the target. But, sporadically, shells have landed throughout the community. One hit a cistern less than 50 yards from the Town Hall in Dewey. A Defense Department report concluded that the gross error rate at Culebra is "unduly high . . . where there are nonparticipants within the weapons' delivery range." The Navy officer in charge of World War II training at Culebra observed: "It is a miracle that more Culebrans have not been killed."

Besides posing a continuing threat to an entire community, Navy shelling and bombing destroyed irreplaceable coral and fish, as well as birds in great numbers. Even though President Theodore Roosevelt set aside Culebra's keys as a National Fish and Wildlife Refuge in 1909, he authorized the use of these islands for "naval . . . purposes."

Surrounding Culebra are some of the oldest living corals in the world, still in a state of climatic growth. They are breathtaking, as is the rich marine life they nurture. Naval training has taken its toll on both.

Culebra suffered an ecological disaster in 1970. The Navy, carrying out orders to rid Culebran waters of more than 30 years of accumulated duds, stacked all shells it could find on one of the most magnificent coral reefs in the entire Caribbean and then began detonating this ordnance.

After several smaller explosions destroyed considerable coral and massacred thousands of fish, angy Culebrans complained to Rafael Hernandez Colon, then Senate President and now Governor of Puerto Rico. He secured local counsel who went to federal court in San Juan on behalf of the Culebrans, seeking a temporary restraining order pending completion of an environmental-impact statement by the Navy as required by the National Environmental Policy Act.

When the matter came before Federal Judge Hiram Cancio on Dec. 7, 1970, the U.S. attorney representing the Navy persuaded the judge that his client would not conduct further explosions pending full review by the court and, consequently, that there was no immediate threat of irreparable harm.

At the very moment the Navy's counsel was giving these assurances—and unknown to him—a Navy demolition team pulled the pin for another ordnance-removal operation on Culebra's coral. When the Judge learned of the explosions, he immediately issued a temporary restraining order. For Culebra it was unfortunately late. A Navy study conceded that this explosion "left a crater 15 feet deep and 100 feet in diameter."

ALTERNATIVES STUDIED

In October, 1970, President Nixon signed a law directing the Secretary of Defense to study all possible training alternatives to Culebra. Three months later, Navy Secretary John Chafee signed a "peace treaty" agreeing to reduce activities on Culebra and to seek an alternative site.

When the congressionally directed study was published in April, 1971, showing that Culebra could be replaced, Secretary of Defense Melvin R. Laird promised the Puerto Ricans that he would transfer all Navy operations away from Culebra by no later than June, 1975. Pending release of a second congressionally mandated study that sought more detailed information on alternatives to Culebra, Secretary Laird reaffirmed his commitment in a Nov. 4, 1972, telegram to then Governor Luis Ferre. This was made public in Puerto Rico.

But on Dec. 27, 1971, Mr. Laird abruptly reversed himself and announced that Navy shelling at Culebra would continue indefinitely and at least until 1985. He claimed his reversal was based on a secret Navy study.

SUITABLE SITES FOUND

At the time it was assumed that this study found no suitable alternative to Culebra and that this information came to the Secretary after his November telegram to the Governor. When this study was declassified last month, however, Culebrans learned it concluded that a number of uninhabited island alternatives were "suitable for conduct of all of the required types of naval gunfire and aircraft-weapons exercises," and that at least one uninhabited site was admittedly superior to Culebra for Navy training. The study was dated Oct. 16, 1972—several weeks before Mr. Laird reaffirmed his commitment to terminate Navy shelling at Culebra.

The Culebrans and Puerto Rico returned to Congress in their pursuit of the promised peace. Sen. Howard H. Baker Jr. (R) of Tennessee and Hubert H. Humphrey (D) of Minnesota introduced S. 156, a bill to terminate all Navy operations at Culebra by no later than July 1, 1975, by ending Navy funds for such operations beyond this date. Thirty-three Senators now cosponsor S. 156. And during his confirmation hearings, the new Secretary of Defense, Elliot L. Richardson, agreed to review Mr. Laird's reversal.

DETERMINATION VOICED

All four men elected Governor of Puerto Rico throughout its history, representing three political parties, and the Mayor of Culebra, strongly endorsed S. 156. Shortly before taking office, Puerto Rico's newly elected Governor, Rafael Hernandez Colon, reacted to Secretary Laird's reversal with unbowed determination:

"So now it is up to the United States Congress to make a decision. My intention and that of the people of Puerto Rico is to stop the Navy from its arbitrary use of Culebra as a target-practice range. We'll persist in that position."

Culebra and all Puerto Rico continue to hope that Congress or Secretary Richardson or President Nixon will make good on the promise of the United States Government to end the shelling, but the legislative and political process is slow. In the meantime, shells and bombs continue to fall on Culebra.



XUM

## DEDICATION TO MAYOR BRADLEY D. NASH

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. GUDE. Mr. Speaker, on April 14, 1973, the people of Harpers Ferry, W. Va., gathered to honor their mayor, Bradley D. Nash. A newly constructed flagpole with the American flag waving at its mast was dedicated to the mayor in recognition of the devoted service he has given the people of Harpers Ferry.

I was honored to have the opportunity to share in this ceremony at Harpers Ferry, where history, mountains and rivers flow together in majestic beauty. And I would like to call the attention of my colleagues to the generous gift Mayor Nash made to the National Park Service and to the people of America. Mayor Nash donated funds for the Park Service to sponsor an annual conference on the environment to be held at Harpers Ferry. Truly, Mayor Nash's gift is a reflection of his public awareness and service.

Mr. Speaker, I would like at this time to insert into the RECORD the comments made by the distinguished senior Senator from West Virginia, Jennings Randolph, at the dedication ceremony:

REMARKS BY SENATOR JENNINGS RANDOLPH (D.-W. VA.), CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS, U.S. SENATE, AT THE DEDICATION OF A FLAG STAFF IN HONOR OF MAYOR BRADLEY D. NASH AT HARPERS FERRY, W. VA., AT 11:00 A.M., ON SATURDAY, APRIL 14, 1973

The invitation for me to participate in the ceremony today was a welcome one for several reasons. It is a joy to return to our State, as spring skips across our mountain tops. As Helen Marshall said in a verse entitled, "April", "There is a feeling of promise in the Air."

In this instance, I am doubly pleased to be present because of my love for Harpers Ferry and the work that goes forward here.

A positive force in the development of this unique community is the man we honor today. I have known Bradley Nash for a long time. He is not only the chief elected official in Harpers Ferry, but he is a leader to whom people look with confidence.

Bradley combines the traits of intelligence, enthusiasm, energy and vision. Harpers Ferry has many historical and scenic assets to recommend it, but one of its greatest assets must surely be his Honor the Mayor, and the other good people who work together to strengthen this favored land.

My personal association with Harpers Ferry goes back many years. I am gratified to have been able to help in securing the recognition of the Federal government of its prominence as a historical site.

The history of Harpers Ferry goes deep into our Nation's past. Thomas Jefferson, the chief author of our Declaration of Independence, came here. George Washington, first President of our country, came here. General Robert E. Lee came here. Abraham Lincoln came here. I pause, as I feel we can almost hear their footsteps.

Harpers Ferry shared a vital role in the development of the United States, first as a frontier outpost and later as an important point on the trail west. Harpers Ferry is also remembered for the events that occurred here just over a century ago when social and political questions of that crucial time were focused in this community by John Brown.

Many of the dilemmas faced not only then but now can be more fully understood, if not solved, by a study of the history of this area.

There is, therefore, a historical heritage here, a heritage that we recognized must be preserved as an important part of the American past. Harpers Ferry not only has much to tell about the maturation of the American nation, but from it we may partly learn how to cope with contemporary problems.

We owe much to the people within the National Park Service for the skillful, sensitive and enthusiastic manner in which they have approached the preservation of Harpers Ferry.

But Harpers Ferry is not an isolated memorial to the events that took place here in the past, regardless of the impact they had on the course of history. Harpers Ferry today is a living park. It is a historical community but it is one in which people live and labor in the 20th Century. It is also a training center for the National Park Service personnel who go from here to many parts of the country. Harpers Ferry also is centrally located in an area of great historic significance and scenic beauty. To the south and to the West, in our State, are two of our great national forests. There are also numerous other areas which have played roles in the development of our country.

Abraham Lincoln said, "we cannot escape history." Fortunately, Harpers Ferry does not desire to escape its past. That past is the basis for the future of this community; a future dedicated not only to teaching our American heritage, but to providing a place for Americans to escape from the routines of every-day life.

Hundreds of thousands of work-weary people will exchange at Harpers Ferry this year, their tedious tasks for an exhilarating visit here to refresh their physical bodies and renew lagging spirits. Following their sojourn here, they will return to their homes, a host of happy travelers with minds and also souls restored.

With the support of the National Park Service and with the leadership of citizens like Bradley Nash, we are assured that Harpers Ferry has a future filled, with not only promise, but the realization of a better life.

## ELIMINATING POVERTY BY REDEFINITION

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. RANGEL. Mr. Speaker, the Nixon administration is presently involved in an effort to eliminate poverty, not by attacking its root causes, but by merely changing its definition.

Apparently, the present definition of what constitutes poverty will be modified by including in a family's total annual income all the noncash benefits they receive, such as food stamps, medicaid, and so forth.

By doing this, millions of people will suddenly be pushed above the income level now used to define poverty—$4,137 a year for a family of four.

The advantages that would be gained from this procedure are fairly obvious. The Nixon administration would like to be able to produce figures that demonstrate that the number of poor people in this country has dropped to a record low during the last 4 years.

The fallacy involved in defining poverty in this manner is pointed out in the following editorial that appeared in the Washington Evening Star. If noncash income is going to be counted as income for lower income Americans, then it should also be counted for middle- and upper-class Americans as well. If this was done, the administration would find the results to be quite embarrassing.

Poverty cannot be eliminated by redefinition—it can only be hidden by statistics to serve the interests of the Nixon administration.

The editorial follows:

JUGGLING POVERTY FIGURES

The federal definition of poverty, and the dollar statistics accompanying that definition, have never really been satisfactory. For one thing, they depend on rather arbitrary lines of demarcation. Today's official poverty definition applies to a family of four, not living on a farm, with an annual cash income of less than $4,137. It invites the question: Is the family with a $4,138 income not poor?

More is involved than that. As the Sixties progressed with sustained prosperity, the number of people classed as in poverty declined substantially, from nearly 40 million to 25 million. The decline might have been more dramatic, because the Sixties also saw the creation of a maze of federal subsidies for the poor, from food stamps and medicaid to manpower training and housing assistance. But these are non-cash subsidies, the Census Bureau only counts cash income in adding up the poor.

Now the word is out that the Nixon administration, through an interagency team, is quietly examining ways to recompute the income figures used to define poverty. No doubt the recomputations will include noncash income, with the result that several million more people will magically disappear from the poverty category.

Besides making everybody feel good at the White House, this analytical departure makes a certain amount of sense. As shown by a recent Congressional study of welfare disparities, there are plenty of families getting about $3,000 in cash each year and the equivalent of several thousand dollars more in multiple non-cash benefits. It seems strange to count these families as poor while exempting a $4,500 a year family that doesn't qualify for other programs.

But there is another side to all this. As pointed out by Mollie Orshansky, HEW's redoubtable expert on the statistics of poverty, we have a huge middle and upper-middle class in this country, many of whom benefit enormously from non-cash income. Start with the expense account. Move on to company-paid health insurance, pension premiums, vacations and continuing-education plans. And then to commodity discounts many employees enjoy, and all the on-base privileges and subsidies handed to the military.

To be consistent, the Census Bureau would have to count non-cash income for all Americans. If it were ever done, it might well show an even wider gap than now appears to exist between America's high, middle and low-income groups. And that wouldn't make the White House happy at all.

## FREEDOM OF INFORMATION

### HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. MOSS. Mr. Speaker, on April 12, our colleague the gentleman from Pennsylvania (Mr. MOORHEAD) testified before a joint hearing by three Senate subcommittees on needed amendments to the Freedom of Information Act.

I commend the remarks to all Members of the House of Representatives and urge that they give unanimous support to this effort to improve one of the most important laws of the United States.

The text of the testimony follows:



FREEDOM OF INFORMATION

(Statement of the Hon. William S. Moorhead, Chairman, Foreign Operations and Government Information Subcommittee of the House of Representatives Before the Subcommittee of Administrative Practice and Procedure of the Senate Committee on the Judiciary Jointly with the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary and the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations in support of S. 1142 and H.R. 5425 to Amend the Freedom of Information Act)

Mr. Chairman, I greatly appreciate the opportunity to testify at this joint meeting of these important subcommittees today on a subject which is central to the basic concept of democracy. At no time in recent years has the problem of government secrecy so pervaded our political process. The tug-and-pull between the Executive and Legislative branches which is built into our system serves a useful function if normal checks and balances are operational and unimpaired.

No matter what political party is in control, the free flow of information necessary in a democratic society is not an issue of political partisanship. Administrations have historically abused their power to control public and Congressional access to the facts of government. Administrations of both parties have claimed some form of an "executive privilege" to hide information. The conflict is not on partisan political grounds but on Constitutional grounds between the legislative and executive branches of government. An indication of this is the fact that eight Republican members of our committee have cosponsored legislation to limit or restrict the use of "executive privilege."

But this administration has reversed the trend away from the most blatant abuses of "executive privilege". This administration has turned our system of government backward, back down the path which leads to an all powerful political leader—call him president, dictator or king—who arrogates unto himself the right to know and against the elected representatives of the people whether in a Parliament or a Congress.

A recent Congressional Research Service study made for the House Foreign Operations and Government Information Subcommittee points out that the growth of the claim of "executive privilege" to hide the facts of government really began in 1954 during the Eisenhower Administration. I would like to submit a copy of this study for your record.

Congressman John E. Moss, the former chairman of my subcommittee, was responsible for convincing three presidents to limit the use of "executive privilege" to a personal claim of power, and the claim was used sparingly against the Congress by Presidents Kennedy and Johnson.

The CRS study reveals that President Nixon has, thus far, set an all-time record in utilizing the dubious doctrine of "executive privilege". It also shows that, despite his written assurance to our subcommittee in April, 1969 that he would adopt the same Kennedy-Johnson groundrules limiting its use, such rules have been violated by Administration subordinates at least 15 times.

I have always felt that, while the Executive has no inherent right to withhold anything from the Congress, a spirit of comity and recognition of the need for certain confidences and privacy between the branches has led the Congress to recognize privileged communications between the President and his closest advisors. This is the way it should be—but only if this spirit of cooperation is not abused by either branch.

Unfortunately, the present Administration has built a stone wall between itself and the Congress. This wall, much like the one in Berlin, has grown stone by stone until on March 12, 1973, Mr. Nixon capped it off with an amazing "blanket privilege" proclamation, extending to the entire Executive branch. As I understand the new theory, it applies to all past, present, and future White House aides who might be summoned to testify before Congressional committees. Thus, if a President wanted to keep secret the number of roses in the White House garden in the interests of national security, under the Nixon claim, he could invoke the privilege on behalf of his close "personal advisor", the White House gardener, and, according to a Justice Department witness before my subcommittee, this decision would not be subject to review by Congress or court. Such White House policies and claims are as ridiculous as their claims that "Executive privilege" is an historical doctrine that dates back 200 years.

Mr. Chairman, before turning to a discussion of freedom of information matters, I must comment on the amazingly arrogant performance by the Attorney General before this panel on Tuesday and on his exposition of the Administration's doctrine of the "divine right" of the Presidency. I submit that this is a doctrine of monarchial origin at best, or at worst, a totalitarian dogma espoused by "banana-Republic" dictatorships.

Our system of government places the ultimate power in the hands of the people. Congress is the people's representative in the exercise of that power for the public good. All of us have been elected by our constituencies and have taken an oath to carry out that solemn obligation. Unless they have changed the law school curriculum since my day, ours is still a government of laws, not men. I never thought the day would come when any Attorney General of the United States could have the audacity to proclaim that, in effect, Congress had no power to order any employee of the Executive branch to appear and testify before Congress if the President—in his almighty wisdom—barred such testimony.

Only two persons—the President and Vice President—of the millions who make up the vast bureaucracy of the Executive branch of our government are elected by the people of the United States. At that, they are elected indirectly through the Electoral College system and only once every four years. All other Executive branch officials are appointive—the result of Congressional action in the establishment and funding of Federal programs which they administer. This includes the countless number of faceless, politically-appointed bureaucrats as well as the faceless civil servants who exercise life-and-death power in administering Federal programs under authority delegated to the Executive by the Congress. They have always been and must always be responsible to Congress because they are the creatures of Congress—not the Executive. They are the servants of the people and the people's Representative—not their masters.

The Attorney General was the Administration spokesman chosen to assert the "divine right" of the Presidency. As we all recall, it was not too many months ago that many in this body raised serious questions during the hearings on his nomination concerning his qualifications for the office. It is ironic, in view of the sweeping claims he has enunciated here, that it was only after the President "permitted" his assistant, Mr. Peter Flanigan, to appear before the Judiciary Committee to discuss the Administration's handling of the ITT anti-trust case that the log-jam was broken and the Attorney General's nomination was finally cleared for floor action. If the "divine right" doctrine had been in effect last year, it might be that someone else might be warming the seat of the Attorney General's chair today.

As the chairman of an investigating subcommittee of the House Government Operations Committee, I submit that it is absolutely essential for the Congress to have full access to all information and all Executive branch employees if we are to be able to perform our vital role as a "watch-dog" (with teeth) to make certain that the Representatives of the people are able to carry out our oversight duties as well as to perform our legislative functions required under the Constitution.

While the thrust of these hearings is the right of Congress to receive information from the Executive, I am most pleased that this panel is also considering the public's "right to know" what its government is doing. In this regard, I wish to now turn to a discussion of S. 1142 and H.R. 5425, amendments to the Freedom of Information Act, which I have sponsored in the House with some 42 other Members of both parties and which the chairmen of these three Senate subcommittees and other distinguished Senators are sponsoring over here.

Just seven years ago, the Congress passed the Freedom of Information Act. In many ways this is an historic piece of legislation, because for the first time it was legally recognized that Government information is public information available to everybody without the need to show a special interest or need to know. This was a unique legislative proposition which, as far as I know, is not yet recognized anywhere else in the Western world. It is my understanding that Canada, Australia, and some Western European countries are now closely studying our Freedom of Information Act.

While the Freedom of Information Act presumed the public availability of *all* government information, it also recognized that some information must necessarily be withheld from the general public because its release could truly damage the national defense or foreign policy, or because release of the information could compromise individual privacy, abridge a property right, inhibit a law enforcement investigation, or seriously impede the orderly functioning of a government agency. In order to provide the fullest possible access to public records, however, the Congress clearly put the burden on the government to prove the necessity for withholding a document and clearly indicated that an exemption from public release of a document was permissive and not mandatory.

Some five years after the effective date of this act, the House Foreign Operations and Government Information Subcommittee held comprehensive investigatory hearings on the administration of the Freedom of Information Act. Our fourteen days of hearings and other investigative work showed conclusively that the administration of the Freedom of Information Act by the Executive branch fell seriously below the standard expected by the public and the Congress. The major problem areas fell into the following categories:

(1) the Executives's refusal to supply information by use of the exemptions in the Act was the rule rather than the exception;

(2) long delays in responding to requests often made the information useless once provided;

(3) delaying tactics during litigation extended both the time and the costs to the individual citizen beyond reason; and

(4) lack of technical compliance with the requirements of the Act, as interpreted by the agency, often led to a refusal to supply requested information.

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In sum, Mr. Chairman, the Congress mandated that the Government supply all requested information to the public except within certain limited areas of permissive exemption. The Executive branch has generally rejected this basic mandate and, instead, has relied in large part on bureaucratic subterfuge to defeat the purposes of the Act.

I should state, however, that the picture is not all black. The Government Operations report of last September (H. Rept. 92-1419), based on our hearings, recommended a number of remedial administrative reforms. I am pleased to note that many agencies have already adopted some of them. However, administrative reforms within the agencies are not enough. Experience with the Freedom of Information Act shows the need for substantive amendments to the Act itself to strengthen and clarify its provisions. They are contained in the legislation now before the subcommittee.

SECTION-BY-SECTION ANALYSIS OF S. 1142 AND H.R. 5425

Mr. Chairman, let me now turn to a discussion of the major provisions of this measure—S. 1142 and H.R. 5425.

Section 1 (a) provides that agencies must take the affirmative action of publishing and distributing their opinions made in the adjudication of cases, their policy statements and interpretations adopted, and the administrative staff manuals and instructions which are available to the public. The present requirement that this information be made available for inspection and copying has not been adequate inducement to most agencies to actually make this information available in useful form.

Section 1(b) provides that agencies will be required to respond to requests for records which "reasonably describes such records." This substitutes for the present term "identifiable records" which some agencies have interpreted as requiring specific identification by title or file number—generally unavailable to the person making the request. I feel that any request describing the material in a manner that a government official familiar with the area could understand is sufficient criteria for identification purposes.

Section 1(c) provides for a specific time period for agency action on freedom of information requests, The present act contains no such time limits for the government to respond. The hearings showed that many requests went unanswered for periods of thirty days to six months. This new section will require the agency to respond to original requests within 10 working days and appeals of denials within 20 working days. These time periods are based on portions of Recommendation No. 24, issued by the Administrative Conference of the United States after a study of the Act in 1971. Under our proposed new section the agency is not required to actually forward the information within the ten-day period, for we recognize that in many cases the requested information may legitimately take more time to obtain from regional offices. However, the agency will be required to respond within ten days—either by making the information available or indicating whether or not the information will be made available as of a certain date; if the determination is that it cannot be provided, the agency response must state the specific reasons. Administrative appeals must be acted upon within the twenty-day limit. Two agencies, the Departments of Health, Education, and Welfare and Justice, have already amended their regulations to require responses within the ten-day period, as recommended. I feel that other agencies will not be burdened by such a statutory requirement.

Section 1 (d) clarifies the present requirement that the District courts examine contested information *de novo*, by requiring that in *all* cases the *de novo* examination include an examination of the content of the records *in camera* to determine if the records must be withheld under the exemption or exemptions claimed by the agency. A second requirement specifically directed to the present section 552 (b)(1) of the Act directs the courts to look into the contents of documents considered exempt for reasons of national defense or foreign policy in order to determine if the contested documents should, in fact, be withheld under this exemption. This new section is made necessary by the Supreme Court decision in *EPA v. Mink* (410 U.S. ——) decided on January 22, 1973. In this case the Court held that judges may not examine *in camera* classified documents and thus exempt under section 552 (b)(1) and need not, at their discretion, examine the contents of documents claimed exempt under section 552 (b)(5).

The import of this decision is to allow the government to claim, merely by affidavit, that certain material is exempt from the public. This would effectively destroy the judicial oversight so necessary to the adequate functioning of the Freedom of Information Act. Original sponsors of the freedom of information legislation have always felt that the *de novo* requirement in the Act required a true examination of the records by the courts. This amendment will clearly spell out that original Congressional intent and requirement.

It has been argued that this requirement might put an excessive burden on the courts if they are forced to examine each contested document. I do not think this is the case. During five years of litigation under the Act, the District courts have evidenced no problems in examining the contested documents claimed exempt by Federal agencies under sections 552(b) (2) through (9). While there has been a reluctance to examine in camera those documents classified for alleged "national security" reasons, I do not feel that the requirement of judicial examination will place any unnecessary burden on the courts. As many of us in the Congress realize, the security classification system is a nightmare of inconsistency, over-classification and over-protection of many documents which, if made available to the public, would only expose official incompetence rather than official secrets. If the Freedom of Information Act is to achieve its desperately needed level of effectiveness, the judgments of the Federal agencies must be subject to meaningful oversight both by Congress and the courts.

Section 1(e) deals with foot-dragging by Federal agencies in freedom of information litigation. The problems encountered by administrative delays in response to requests has been compounded by delaying tactics during litigation. Under the Federal Rules of Civil Procedure the government is allowed 60 days to respond to complaints. However, a study made for our hearings of cases filed in the U.S. District Court for the District of Columbia showed that, in 20 out of 31 cases, the first responsive motion by the government was not filed even within the 60-day limitation, one case taking 137 days for the government to respond. Theoretically, the government should be able to respond to a complaint in very short time, for it should be assumed that if the administrative appeal denial was properly made, the defendant agency had already fully researched the law and developed a sound case for the denial.

Under a 1969 memorandum of the Attorney General, all administrative denials which could result in litigation, in the opinion of the agency, must be discussed with the Office of Legal Counsel of the Department of Justice prior to issuing the final denial. Thus, both the agency and the Department of Justice should be ready to defend an action by the time the administrative process is completed. For this reason, this legislation would require the government to respond to complaints within 20 days—the same time allotted private parties under the Federal Rules of Civil Procedure. The amendment would also allow the courts to award costs and attorneys' fees to successful private litigants. One of the bars to litigation under the Act is the high cost of carrying through a Federal court suit. There is ample precedent in civil rights cases for the award of costs and fees to prevailing parties, and I feel that this authority in the hands of the court would clearly be in the public interest.

As I have previously stated, Mr. Chairman, the tactics often employed to defeat the purposes of the Freedom of Information Act include delay, unreasonable fees, and unreasonable identification requirements under subsection (a) of the present act as well as overly restrictive and often incorrect interpretations of the exemption provisions in subsection (b) of the Act.

We are hopeful that the amendments to subsection (a) of the Act will correct most of the procedural abuses. The amendments to subsection (b) which I will now discuss are designed to clarify the original intent of the Act by limiting, as much as possible, the types of information which can properly be withheld by Federal agencies.

ANALYSIS OF SECTION 2

Section 2(a) of S. 1142 & H.R. 5425 amends present subsection (b)(2) by clarifying the original intent of Congress that only internal personnel rules and internal personnel practices are exempt from mandatory disclosure. Some agencies have interpreted the current language as exempting internal personnel rules and all agency practices. A new provision has also been added which further restricts the scope of the exemption by exempting only those internal personnel rules and internal personnel practices, the disclosure of which would "unduly impede the functioning of such agency." This additional language will further restrict the types of information that can be claimed by an agency as being exempt from disclosure.

Section 2(b) of the bill amends present subsection (b)(4) by clarifying the present vague language in the Act. Under the proposed new language, the exemption would apply only to trade secrets which are "privileged and confidential" and financial information which is "privileged and confidential." The present section in the Act has been interpreted by the Department of Justice to exempt information which may be considered trade secrets, confidential financial information, other types of nonconfidential financial information, and other information neither confidential nor financial but which was obtained from a person and considered "privileged."

Section 2(c) of the bill amends present section (b)(6) by limiting its application to medical and personnel "records" instead of "files" as in the present Act. This will close another loophole we have noted in our studies whereby releaseable information is often co-mingled with confidential information in a single "file" and therefore all information contained in that "file" has been withheld.

Section 2 (d) of the measure amends present section (b)(7) of the Act by substituting "records" for "files" as in the prior amendment. The new section would also narrow the exemption to require that such records be compiled for a "specific law enforcement purpose, the disclosure of which is not in the public interest." It also enumerates certain categories of information that cannot be withheld under this exemption such as scientific reports, test, or data; inspection reports relating to health, safety or environmental protection, or records serving as a basis for a public policy statement of an agency, officer or employee of the United States, or which serve as a basis for rulemaking by an agency.

The present investigatory file exemption is often used as a "catch-all" exemption by some Federal agencies to exempt information which may otherwise be available for public inspection, but which is held within a "file" considered to be investigatory. The new language will protect that information necessary to be kept confidential for legitimate investigatory purposes, while requiring the release of that information which, in itself, has no investigatory status other than its inclusion within a so-called investigatory file.

Subsection (c) of the present Act would also be strengthened by language in S. 1142 and H.R. 5425. The present section merely states that ". . . This section is not authority to withhold information from Congress." Additional language has been added in these amendments to clarify the position that Congress, upon written request to an agency, be furnished all information or records by the Executive that is necessary for Congress to carry out its functions.

Finally, a new subsection (d) would be added to the present Act. Section 4 of the bill establishes a mechanism for Congressional oversight of the Freedom of Information Act by requiring annual reports from each agency on their record of administration of the Act, requiring the submission of certain types of statistical data, changes in regulations, and other information by Federal agencies that will indicate the quality of administration of their information programs.

Mr. Chairman, I am convinced that these amendments can help reverse the dangerous trend toward "closed government" that threatens our free press, our free society, and the efficient operation of hundreds of important programs enacted and funded by Congress. It will help restore the confidence of the American people in their government and its elected leadership by removing the veil of unnecessary secrecy that shrouds vast amounts of government policy and action.

We must eliminate, to the maximum extent possible, government preoccupation with secrecy because it cripples the degree of participation of our citizens in governmental affairs that is so essential under our political system. Government secrecy is the enemy of democracy. Secrecy subverts, and will eventually destroy any representative system.

The enactment of this legislation in this Congress will make it far more difficult for the Federal bureaucrat to withhold vital information from the Congress and the public.

## NEWSMEN, NOT GOVERNMENT, LIFTED THE WATERGATE

### HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. THOMPSON of New Jersey. Mr. Speaker, we have all been astonished and dismayed at that series of events which have collectively become to be known as the Watergate scandal. I have refrained from making any public commentary on these events in the knowledge that the facts are being brought to light by some of the most distinguished investigative reporting we have witnessed in modern times.

The importance of the press in this case cannot be over estimated. Therefore, I think it appropriate to place before the House commentaries that appeared in the Burlington County Times and the Camden Courier Post. These commentaries need no other introduction from me:

NEWSMEN, NOT GOVERNMENT, LIFTED THE WATERGATE

(By Thomas P. Flynn, Jr.)

There is mounting pressure in every statehouse and in the nation's capital these days for some type of shield law for newsmen. And, hand-in-hand with that, there is a growing concern that the principles embodied in the First Amendment of the U.S. Constitution are being undermined.

This week the national news magazines, the television and the daily newspapers are focusing on an event of such magnitude that the case for a shield law for newsmen must be brought home forcefully to the nation's citizens.

Watergate is a dirty word in the Republican lexicon these days. And rightfully so.

It demonstrates clearly that the bugging of Democratic headquarters in Washington last year was known in the White House and permitted to continue.

More important, when it first came to light it was denied vigorously by White House spokesmen.

Just take some of the statements coming out of the White House. Nixon, himself, back in August denied that anyone "Presently employed was involved in this very bizarre incident."

His press secretary, Ron Ziegler, accused the press of "shabby journalism" two months later. And again in March of this year denied anyone in the White House had any "involvement or prior knowledge" of Watergate.

As everyone knows by now, these statements are simply not true. Ziegler now calls these statements "non-operative," which has to be a fancy way of saying the White House lied.

What is important in this sordid mess is that it has only come to light through the efforts of the Washington Post which refused to believe Ziegler and other White House spokesmen.

The Post reporters persisted in digging into the circumstances surrounding the Watergate bugging and kept the story alive.

Eventually a tough federal judge put some pressure on the seven defendants and it now begins to look like the entire story will become public knowledge.

The significance of the Washington Post's contribution should not be overlooked.

Sen. Lowell Weicker, R-Conn., speaking on another issue, claims that every major scandal of the past 30 years has come to public attention through the efforts of the press, rather than through the efforts of governmental law enforcement agencies.

The First Amendment was drafted by men who had lived during the days of tyranny and they knew the value of freedom of information.

Thomas Jefferson, for example, said given a choice of "government without newspapers or newspapers without government, I'd prefer the latter."

Some people in the present administration in Washington would disagree violently with Jefferson.

There are many well known cases of federal prosecutors moving against reporters who are attempting to perform their duties.

Their duties may not be as dramatic nor as well publicized as the Watergate case, but they are fulfilling the same function of providing a free nation with vital information.

Watergate is a classic case in favor of freedom of the press.

Without the news media, the actions of some of the highest officials in the nation would have gone unnoticed and the atmosphere of fraud and deceit, which already is so pervasive in this country, would have spread still further.

Any lawmaker, state or federal, who takes the trouble to study the Watergate case and still doesn't believe in a strong shield law is deluding himself.

And any prosecutor or judge, federal or state, who is mindful of the Watergate case and still attempts to stifle the press, is doing his office a disservice and is dealing Democracy a serious setback.

## U.S. ASSISTANCE TO ISRAEL

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues attention some information regarding U.S. assistance to Israel and Israel's debt to this country resulting from purchase of military materiel. This information was supplied by the Agency for International Development and the Department of Defense was made available to the Subcommittee on the Near East and South Asia. It should be noted that the debt repayment schedule listed covers only the repayment of principal on military items sold. This table would be classified if interest repayment was added:

U.S. ASSISTANCE TO ISRAEL IN FISCAL YEAR 1973

1. *Supporting Assistance:*

Congress authorized and appropriated $50 million from Supporting Assistance funds in the FY 1973 foreign assistance legislation. These funds are programed for general economic development support to meet Israel's budget resources gap so that economic growth and increasing requirements for social services can continue despite heavy defense expenditures. Counterpart Israeli pounds generated by the FY 1973 grant will be used to help finance programs through the ministries of Education, Health, and Labor.

2. *Housing Guarantee Program:*

In FY 1973 A.I.D. has made available $25 million in private loans for middle and low-income housing construction in Israel. Much of the additional housing will be used to house arriving immigrants, a critical requirement.

3. *PL 480:*

PL 480 Title I sales programs on concessional terms (loans) during FY 1973 totaled $56.7 million, and food commodities for Voluntary Relief Agency Title II (grants) programs will total about $400,000.

4. *Resettlement of Refugees Program:*

In FY 1973 Congress provided $50 million to assist Israel with the costs of settling European Jews who wish to emigrate. The Department of State is responsible for this activity.

5. *Section 214 of the Foreign Assistance Act—American-Sponsored Schools:*



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Assistance to American-sponsored schools and hospitals in Israel in FY 1973 was $5.5 million. The assistance for FY 1973 is as yet undetermined. Estimated at $5 million.

*6. Military Assistance:*

In addition to economic and immigration assistance, the U.S. also provides substantial credits for military items to Israel in support of its defense program. ($300 million total of which $150 million DOD Direct and $150 million DOD Guaranty).

*7. Export-Import Bank Credits:*

U.S. assistance to Israel also includes long-term loans and financial guarantees from the Export-Import Bank. As of December 31, 1972, $18.5 million was authorized. Estimated total to be $25 million.

Summary Total Assistance for FY 1973:

(In thousand dollars)

| | |
|---|---|
| Supporting Assistance | $50 |
| Housing Guarantee | 25 |
| PL 480 | 57.1 |
| Refugees Resettlement | 50 |
| American Sponsored Schools (Estimate) | 5. |
| Military Assistance | 300. |
| Export-Import Bank | 25. |
| Total Assistance | $512.1 |

ISRAELI DEBT TO THE UNITED STATES GOVERNMENT FROM MILITARY EQUIPMENT PURCHASES

As of 15 February 1973 the total debt to U.S. financing sources (USG and commercial) for arms purchases, FY 1953–1973 was $1,145.8 million. This is the principal amount only, interest on outstanding amount of indebtedness is additive thereto.

CREDIT EXTENDED BY 1959—FISCAL YEAR 1973

[In millions of dollars]

| | Total | U.S. DOD direct | Private/U.S. guaranty |
|---|---|---|---|
| Total credit program | $1,322.3 | $1,032.3 | $290.0 |
| Less: Downpayments | 13.7 | 13.7 | |
| Net credit extended | 1,308.6 | 1,018.6 | 290.0 |
| Less: Payments by Israel | 162.8 | 152.2 | 10.6 |
| Net amount due (principal program value only interest additive) | 1,145.8 | 866.4 | 279.4 |

ESTIMATED PAYMENTS OF PRINCIPAL TO BE MADE BY ISRAEL

| | Net Amount due | Fiscal year— | | | | | | | | Fiscal year 1981 and beyond |
|---|---|---|---|---|---|---|---|---|---|---|
| | | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | |
| Total | 1,145.8 | 42.4 | 78.3 | 87.5 | 94.0 | 101.6 | 102.5 | 101.3 | 102.5 | 435.7 |
| USG | 866.4 | 39.2 | 36.9 | 36.1 | 42.6 | 54.6 | 55.5 | 64.3 | 101.5 | 435.7 |
| Commercial (USG guaranty) | 279.4 | 3.2 | 41.4 | 51.4 | 51.4 | 47.0 | 47.0 | 37.0 | 1.0 | |

Note.—Israeli military supply debt repayments.

## WOMEN ARE VITAL IN DEFENSE CENTER MANAGEMENT

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. EILBERG. Mr. Speaker, there have been a great many complaints lately about discrimination against women in employment both in private industry and the Government.

Unfortunately, in most cases these criticisms have been justified, but I would like to call attention to an installation in my northeast Philadelphia district where this problem does not exist.

In a recent article in the Philadelphia Inquirer it was noted that more than half of the professional buyers of heavy-duty industrial equipment at the Defense Industrial Supply Center are women and that they were chosen solely for their ability.

At this time I enter this article in the RECORD:

WOMEN ARE VITAL IN DEFENSE CENTER MANAGEMENT

(By Trudy Prokop)

If women make up almost 40 percent of the labor force, as the Bureau of Labor Statistics says they do, then, one wonders, where *are* they?

They are typing (12 percent), cooking, cleaning and working in private homes (6 percent), clerking in stores (5 percent) and teaching school (4 percent). In jobs where visibility is greatest—such as corporate management—women are seldom seen.

Yet, more than half of the professional buyers at the Defense Industrial Supply Center are women—a field usually dominated by men. Of 133 procurement buyers at DISC, 85 are women who buy bearings, steel, chains, rope and other hardware used by the United States Armed Forces.

DISC buys $150 million worth of industrial type items a year from industry and has an inventory of 600,000 items or an inventory valued at $267 million. Sales total more than $193 million a year, according to Brigadier General E. P. Braucher, commander at the Northeast Philadelphia-based center.

"These ladies are professionals who apply the same basic techniques to thrift and value-hunting to their jobs that they intuitively use while shopping for food and clothing," said Gen. Braucher.

When Mary Sopko buys a sophisticated bearing, for instance, she must insure that it will withstand rugged and constant use on land, in engine and generator components exposed to dust, mud, shock and vibrations as a vital part in helicopter rotors.

Several desks away sits Mrs. Ida Dinerstein, who buys metal screening. It is a heavy gauge and must be strong enough to deflect a mortar shell. Other screens are made with very close mesh to keep out the smallest insect at military installations. Current purchases of screening by Mr. Dinerstein and others in DISC, if unrolled and laid end to end, would reach from New York to Detroit or 750 miles.

Dorothy Cornelious, Mrs. Belle Slotnick and Mrs. Mary D'Agostino and others buy screws, nuts and bolts. Most of these items, although seemingly of the ordinary type, are manufactured under rigid military specifications for use in delicate systems of sophisticated weapons.

Mrs. Miriam Kall and Mrs. Julia Kornfeld purchase electric and telephone cable which must be able to withstand the elements. Underground and underwater applications for the procured wire requires pressure testing and sealing to insure the reliability of the wire in vital communications applications.

Substantial savings have resulted from the thrifty buying techniques. Mrs. Edith Birch, another buyer, recently bought a large quantity of lead-plated washers for the Air Force. She had saved the taxpayers a total of $32,970 by applying her feminine sense of frugality.

When the government runs its own company store, it takes on the posture of what every businessman strives for—an efficient, well-run profitable operation.

"From the capital account, merchandise is bought and then 'sold' to the Army, Navy, Air Force and Marine Corps. They pay us in dollars. Those dollars are used to buy new merchandise to continue sales. If the merchandise purchased doesn't sell, we have markdowns and dollars are lost from the capital fund."

"In that respect, as any merchant dealing in profit and loss, DISC must assure that only items purchased sell and we do this with a minimum of investment," said Gen. Braucher.

How does a person get a job as a procurement buyer?

All promotions are competitive. Personnel must appear before a promotion panel and are selected on their knowledge of buying, experience, training and education.

DISC also have a trainee program for college graduates.

## FURTHER INFORMATION ON THE ACCURACY OF THE 1970 CENSUS AND HOW IT RELATES TO EDUCATION PROGRAMS

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. QUIE. Mr. Speaker, on April 17 I inserted into the RECORD some remarks reflecting my concern over the accuracy of census data, particularly as it relates to the distribution of funds under title I of the Elementary and Secondary Education Act of 1965. In that insertion I noted the fact that in 1960 the census missed 2.7 percent of the population. At that time information on the accuracy of the 1970 census had not yet become available. Since then the Census Bureau has released that information, and I am inserting into the RECORD the New York Times story of April 26 reporting on that new study.

Although the problem is in general rather serious, I am particularly concerned that the error rate for black children under age 10 has increased so substantially since 1960. The rate now stands at 8.6 percent of that age group, compared with 5.3 percent in 1960. Since a large number of minority children benefit from title I, I am particularly concerned that the continued use of census data may serve to prevent needed funds from reaching areas where those children are enrolled. This latest story only serves to support my conviction that the only accurate way to reach children with educational needs is to find out who they and where they are and then to assist the school district in meeting those special needs. My bill to amend title I, H.R. 5163, accomplishes those purposes.

The article follows:

CENSUS SAYS IT OVERLOOKED 5,300,000

(By Bill Kovach)

WASHINGTON, April 25. The Census Bureau estimated today after a new analysis that it had overlooked 5,300,000 Americans in the Census of 1970.

Bureau statisticians pointed out that the estimated error—approximately 2.5 per cent of the previously reported total of 203,235,000 people counted—was significantly smaller than errors in the two previous national head counts. But it acknowledged the increased importance of accurate figures now that they are the basis for distribution of millions of Federal dollars through revenue-sharing programs.

Despite the acknowledgement of an undercount today, Census officials say the new figures will not be used to change the population figures upon which revenue shares are allocated or the apportionment of population in designing districts for elected offices.

The reanalysis was done primarily as a check on the techniques used in an effort to refine them for a more accurate count in 1980.

Because the bureau is allowed by law only to report people counted, the final 1970 total population figure will not be revised on the basis of today's estimate of undercounting.

Even though census data are the basic tools used in hundreds of governmental decisions—ranging from allocations of revenue sharing funds to apportionment of election districts—the bureau says it is not possible on the basis of the reanalysis to readjust the population figures.

Reliable figures in internal migration and other factors that have changed since the 1970 Census are such, they say, that an adjustment of specific city, county or state figures is not possible without having an entirely new Census.

Although an analysis of the undercount by the bureau disclosed that two-thirds of the number missed were whites, those blacks missed in the counting amounted to a much higher rate (7.7 per cent of the total) because of the smaller size of the total black population.

The unusual announcement of the analysis, unrequested, of its own work by a Government agency was made today by the acting director, Robert L. Hagan.

"The 1970 Census was probably the best ever taken," Mr. Hagan said, "but, like its predecessors it was imperfect."

Because of better counting techniques, such as integrating postal data, introduced since the 1960 Census, he added, it is estimated—based on the 1960 experience—that about 2.3 million people who would have been missed were included in the original 1970 Census and helped reduce the final margin of error.

The 5.3 million estimate of the number of persons missed in the count is not a fixed figure but what the bureau calls "the best estimate" within a range of error that extends from 4.8 to 5.8 million people.

The undercounting rates for the 1960 and 1950 censuses—the only others subjected to detailed analysis—were 3.3 percent and 2.7 per cent respectively.

Key elements in the re-analysis of the 1970 Census included the following:

The undercount for whites was 3.45 million (1.9 per cent)) and 1.88 million for blacks (7.7 per cent).

The only large segment of the black population in which the undercounting in 1970 was worse than in 1960 was in the coverage of black children under 10 years of age. The omission rate there was 8.6 per cent, compared with 5.3 per cent in 1960.

The bureau was unable, because of no reliable data, to make any estimate on the number of Spanish-speaking Americans missed in the 1970 Census.

Because of the composition of the undercounted population—largely black and presumably urban—statisticians conceded that some areas were "more undercounted than others." But, they add, their information indicates that the most undercounted area could not be more than 3 or 4 per cent of the total reported figure.

The estimate of undercounting was arrived at by Census statisticians by calculating the "expected" total population as of April 1, 1970, from other sources.

Such sources included checking birth records, Medicare and Social Security applications, immigration and death statistics. By a series of such analysis, the bureau was able to come up with total population figures that could be checked against those produced by the actual census.

PROBLEM FACTORS

The actual count figures are always questionable, these officials point out, because of certain factors that have always hidden people from Census takers.

Among the factors that made the 1970 Census vulnerable to an undercount, they say, are the following:

Increased resistance to Census takers because of changing life styles and more alienation and distrust of authority.

The existence of a number of organized attempts to protest the Census as an invasion of privacy.

The reluctance of some Census takers to work, especially at night, in some urban areas.

Although Census officials declined to discuss details of such things as "resistance to Census takers," it was clear they were talking about families who wished to avoid the inclusion in the count of draft-age sons and of welfare recipients reporting male residents.

They were at a complete loss to understand the wide margin of error in reporting the number of black children under 10 years of age.

"As far as we can determine," one official said, "there is no reason whatsoever not to report such children and the only theory we have now is that something in the way the questionnaires were made out prevented an accurate count."

The reanalysis of the census did not give an estimate of the undercount of Spanish-speaking Americans because of unreliable basic data. Birth records kept by the states usually indicate a white or black birth, but in many cases do not identify parents as Spanish-speaking. Birth records are a basic tool in the reanalysis of census data.

## CASE STUDY OF PENTAGON OBFUSCATION

### HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 18, 1973*

Mr. REES. Mr. Speaker, at a time when the administration is bemoaning so-called excesses in the domestic budget, and is acting on those excesses by cutting the life out of programs which are essential to millions of lower income Americans, I think it is fitting that we also examine waste in our defense budget.

The administration's facilities realinement announced April 16 by the Department of Defense confirms the conclusions reached in an article appearing in the April 1 issue of the Americans for Democratic Action Legislative Newsletter. The study points out that the Defense Department has employed nearly 10 times as many civilians as the Department of Health, Education, and Welfare.

While I applaud the reduction in nonessential personnel, I fear that the President's deep cutbacks in domestic programs will prevent the easy transference of manpower from a wartime to a socially oriented peacetime economy. The article which I am inserting in the CONGRESSIONAL RECORD supports the intentions of those who attempt to tell the American people that a lowering of the defense budget is not synonymous with an endangering of national security.

The newsletter follows:

A CASE STUDY OF PENTAGON OBFUSCATION—DOD MANPOWER COSTS

One of the main reasons the Pentagon gives for an increasing defense budget is high manpower costs. Manpower assures 56 percent of the FY 1974 defense budget, or $43.9 billion of the total $79 billion in outlays.[1]

Yet the Pentagon is never quite clear about what constitutes that high figure. In reality, while a large proportion of the $43.9 billion goes for men and women in the armed forces, another large part is spent on civilian bureaucrats.

It is estimated that by June 30, 1973, there will be 1,012,000 DOD full-time permanent civilians. The Pentagon sees no further decrease in FY 1974; in fact, it projects a slight *net increase*.[2] While 1,012,000 civilians represent a substantial decline from the Vietnam highpoint, there is much room for further reductions of DOD bureaucrats.

EVEN NIXON AGREES

Even President Nixon agrees that the number of DOD civilians can be reduced. In his Nov. 9, 1972, interview with the Washington Star-News, Nixon was very clear on the subject:

Footnotes at end of article.

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When I speak of Defense, in terms of the hardware of Defense, in terms of the military personnel in Defense, the cuts that can be made certainly are minimal, except when we get mutual agreement with other countries. But in terms of the masses of civilian employees who are getting in the way of each other over in the Pentagon and around the country, they are going to have to take a thinning down.

But the Pentagon has no such thinning-down plans for FY 1974. The overall level of DOD civilians will remain the same despite a reduction of more than 30,000 civilians, because their places will be taken by 31,000 soldiers becoming civilian.[3]

CONFUSION OVER MANPOWER COSTS

When the Pentagon discusses the high manpower costs consuming 56 percent of its budget, it leaves thet inaccurate impression that this money goes to pay the poor grunt a decent wage, and not to pay bureaucrats. This implies that manpower costs can't be cut without cutting the number of men in uniform.

The resulting confusion of politicians is understandable. Note the statement of Senate Majority Whip Robert Byrd (D-W. Va.) on the Senate floor Feb. 22, 1973, while defending the high military budget: "What I am saying is that 56 percent of this budget is to pay people, and yet we are going to have a lower overall manpower level—2.2 million—than we have had at any time since the Korean war." [4]

However, that 56 percent figure, as previously noted, includes those 2.2 million military personnel *plus* another million civilians—and other categories.

Or follow a subsequent dialogue that same day between Byrd and Senate Appropriations Committee Chairman John McClellan (D-Ark.) on manpower costs:

Mr. ROBERT C. BYRD. Yes. And the military pay increases and increases in military retirement result from laws which we ourselves have passed.

Mr. MCCLELLAN. Yes. There was a substantial increase in legislation Congress passed last year, and it was a deserved increase in my judgment. Now we have to make additional appropriations for it. This necessarily increases the cost of Government

Mr. ROBERT C. BYRD. Yes. And the only way to cut that is to cut down the manpower level which has already been cut to 2.2 million in the 1974 budget.

Mr. MCCLELLAN. Whether that can be further reduced is a matter of opinion. I am not prepared to say, but as long as we have the present level of forces, it takes this amount, 56 percent, of the total budget to meet this cost.

Mr. ROBERT. C. BYRD. To pay people.

Mr. MCCLELLAN. To pay the people; to pay servicemen.[5]

WHAT THE 56 PERCENT FIGURE INCLUDES

Actually, Byrd and McClellan are mistaken. The tremendous manpower costs can be cut without touching the 2.2 million men in uniform (although that amount would appear to be ripe for cutbacks as well). It can be cut by slicing away the fat among the civilians.

In reality, of the $43.9 billion slated for FY 1974 manpower outlays, $13.5 billion will be paid for DOD civilians. In other words, more than $1,000,000,000 a month will be paid to these civilians. And when the Pentagon uses its 56 percent manpower cost figure, it is including 17 percent of the entire defense budget for civilians.

The following is a chart which breaks manpower costs into various components:

*Estimated DOD Manpower Outlays for FY 1974* [6]

$13,512,344,000, 17%, Civilian personnel payroll.

$24,384,300,000, 31%, Military personnel payroll.

$5,271,900,000, 7%, Retired pay.

$763,216,000, 1%, Family housing.

$43,931,760,000, 56%, Total estimated manpower outlays.

DOD IN COMPARISON WITH OTHER AGENCIES

The Department of Defense employs many more civilians than any other federal agency. As of January 1973, DOD employed 1,080,782 full-time and part-time civilians. The next largest is the quasi-federal postal service, which employed 677,746 civilians in January. Next came the Veteran's Administration with 193,072, HEW with 118,950, Treasury with 111,615 and Agriculture with 109,200. No other federal department or agency employed more than 100,000 civilians.[7]

As these figures show, the Pentagon dominates the civilian bureaucracy in the U.S. government. Even HEW, with its supposed swollen bureaucracy, has about one-tenth as many civilians in its employ as does DOD.

Of its million plus civilians in January 1973, the DOD employed 976,838 inside the U.S. and 101,944 abroad. Thus the Pentagon employs almost two-thirds of the 158,429 U.S. federal personnel working in other countries.[8] And this figure does not include more than 100,000 foreign nationals working for DOD under contract or under agreement with a foreign power in support of U.S. military forces.

As for Congressional oversight of the Pentagon's activities, the legislative branch employed 32,787 people in January 1973 to monitor the activities of the million DOD civilians and the 2.2 million military, in addition to Congress' other legislative, investigative and oversight functions.[9] A total of 55 staff members work for the Senate and House Armed Services committees. It is little wonder that Congress performs so little oversight of the DOD.

A PROPOSAL TO REDUCE THE CIVILIAN PERSONNEL LEVEL

While DOD civilian personnel have been cut from their Vietnam war high, this group has avoided its fair share of cuts in the Pentagon pruning process. At a minimum, the civilians should be reduced in the same proportion as the military.

To use a mathematical formula, the military level will have declined from an end strength high of 3,547,000 during the Vietnam war to 2,233,000 by the end of FY 1974.[10] This is a decrease of 37 percent in military personnel.

The civilian personnel, which reached a wartime end-strength high of 1,287,000[11] should be similarly reduced by 37 percent. Thus a 37 percent reduction of the previously high level of 1,287,000 would bring the civilian personnel level to 811,000—and into line with the military cutbacks. The new level will mean a further reduction of the FY 1974 civilian level by 202,000, or a potential savings of $2.7 billion in outlays. And a cutback of 202,000 just about matches the normal DOD attrition rate, which totaled 201,183 for the last complete fiscal year, 1972.

If President Nixon follows through with his words of November 9, $2.7 billion can be saved with little hardship.

FOOTNOTES

[1] The Budget of the United States Government—Fiscal Year 1974.

[2] Pentagon statistics supplies at Congressional Staff Briefing on FY 1974 Department of Defense Budget.

[3] Former Asst. Secretary of Defense Robert Moot's budget briefing of January 27, 1973.

[4] Congressional Record, February 22, 1973, p. 5099.

[5] Congressional Record, February 22, 1973, p. 5100.

[6] Entire chart from statistics supplied by DOD Comptroller's office on March 14, 1973, by phone.

[7] Additional Report of the Joint Committee on Reduction of Federal Expenditures, Joint Committee Print No. 348, January 1973, p. 17.

[8] *Ibid.*, p. 7.

[9] *Ibid.*, p. 1.

[10] Pentagon statistics supplied at Congressional Staff Briefing on FY 1974 Department of Defense Budget.

[11] *Ibid.*

## FIRE PREVENTION AND SAFETY REGULATION

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. ASPIN. Mr. Speaker, I am introducing today a comprehensive package of fire prevention and safety legislation. The same legislation has been cosponsored by 65 Members of the House led by our distinguished colleague from Connecticut (Mr. STEELE).

Every day over 6,600 fires occur taking the lives of more than 12,000 men, women, and children and causing an estimated $3 billion of property damage annually.

Last year alone 210 firefighters died in the line of duty. During the 10-year period of 1960 to 1970, 795 firefighters died—83 more than policemen killed in the line of duty. In 1970 38,000 firefighters in New York City alone were injured or burned.

The time is now to enact legislation that will improve our ability to fight fires and help save lives, particularly the lives of firemen—who do one of the toughest and most dangerous jobs in the world.

We are asking our Nation's 2,175,000 firefighters in more than 40,000 departments to combat the immense and increasing firefighting problem with technology and equipment that is decades old. We are not providing our firefighters with sufficient funds for training and education. Since we ask our firefighters to engage in the Nation's most dangerous profession, we must give them the adequate equipment and training.

As a result I have introduced nine separate pieces of legislation that will help us improve our ability to combat fires.

One bill, provides for the creation of a national fire academy. We need in our Nation an institution which can centralize training and education in the prevention and fighting of fires.

A second bill provides the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay up to one-half of the cost of training programs for firemen. Just as the LEAA has paid for further education and training of our policemen, this legislation will allow the Federal Government to pay half of any tuition or fees connected with a fireman's training.

A third bill allows the Secretary of Commerce to make grants to accredited institutions of higher education to pay up to one-half the cost of fire science programs. At present there are only two colleges in the entire Nation offering a 4-year course in fire protection engineering and last year a total of only 12 men were graduated with degrees in this science. Clearly, there is a need to expand research and education at the college level that will improve our ability to stop fires.

The fourth bill provides financial aid to local fire departments for the purchase of advanced fire fighting equipment. A fifth bill provides funds for purchasing conventional firefighting equipment and for the purchase of self-contained breathing apparatus that could save the lives of many firefighters.

The sixth bill would extend for 3 years the authority of the Secretary of Commerce to carry out fire research and safety programs. We are simply doing too little research in finding ways to prevent fires. Prevention should be our No. 1 priority.

While I have cited some statistics concerning fires, unfortunately comprehensive detailed information on the problem of fires and fire prevention is not available. Another bill I have introduced would establish a national fire data and information clearinghouse. In addition to gathering data on the problem of fires, it would make information available to local fire departments, individual firemen, students, and associations concerning fire prevention.

Finally, two bills which I am introducing take dramatic steps forward in fire prevention itself. One would extend the provisions of current law concerning flammable fabrics to cover construction materials used in the interiors of homes, offices, and other places. Simply put, extremely flammable material could no longer be used to build buildings or furniture. It is highly flammable material that can turn a minor fire into a deathly holocaust. The legislation would also authorize the Secretary of Transportation to set forth special regulations for the transportation of flammable, hazardous materials. We must take the greatest care in transporting flammable materials in order to prevent accidents that often lead to tragedies.

In sum, Mr. Speaker, these nine bills will allow this Nation to significantly slow down the rapid increase in the numbers of fires and their toll in human life.

## BANKERS TO REAP TAX-FREE PROFIT ON ARMS LOANS TO ISRAEL

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. RARICK. Mr. Speaker, while the banks of the Federal Reserve System are on orders from Washington to tighten money and credit to American businessmen, they are being invited to bid on providing the lowest possible interest rate on a $50 million military loan to Israel.

The purpose of the Federal Reserve's new role as financial broker for Israel is "to provide private financing for the purchase by the Government of Israel of defense articles and services from U.S. sources." There should be little difficulty finding bankers willing to extend the loan since income realized from the transaction will be free of income taxes and other U.S. taxes.

To make it easier, the loan "will not be subject to the lending limits of national banks" and will be backed by the full faith and credit of the United States.

All the stops have been pulled to see that the Israeli military gets the jets, tanks, guns, and other armaments it seeks.

The President's attempted justification for impounding funds for domestic programs was that if this were not done, an increase in income taxes already levied on U.S. citizens would be necessary.

It is strange that while threatening the American taxpayer with a bigger tax bite from his paycheck, the administration allows the big bankers and trust companies to reap a tax-free profit from military loans overseas.

I insert the following excerpted material from the Federal Register:

[From the Federal Register, Vol. 38, No. 81, Apr. 27, 1973]

LOAN TO GOVERNMENT OF ISRAEL GUARANTEED BY UNITED STATES UNDER FOREIGN MILITARY SALES ACT, AS AMENDED

(Public Notice of Invitation To Bid by Financial Institutions)

I. INVITATION TO BID—CLASSES OF BIDDERS

The Secretary of the Treasury, acting for the Secretary of Defense by this notice and under the terms and conditions hereof invites bids on the interest rate on a $50 million loan to the Government of Israel. The loan is described in section II hereof. Bidding hereunder shall be subject to the "Regulations Governing the Sales of Treasury Bonds Through Competitive Bidding" (31 CFR 340) insofar as applicable.

The purpose of the loan is to provide private financing for the purchase by the Government of Israel of defense articles and services from U.S. sources under the Foreign Military Sales Act, as amended, Public Law 90–626, October 22, 1968, 82 Stat. 1326; 22 U.S.C. 2571–2793 and Executive Order 11501, December 22, 1969, 34 FR 20169.

Bids will be received only from incorporated banks, trust companies, recognized dealers in investment securities, and other financial institutions doing business in the United States. Bids must be submitted to the Federal Reserve Bank of New York in accordance with the provisions of the last section hereof.

II. DESCRIPTION OF LOAN AGREEMENT—COMMITMENT FEE

(3) The principal is to be repayable in 10 equal consecutive semiannual installments commencing on April 30, 1974, as indicated in exhibit C attached to the loan agreement. Interest is payable on a fixed semiannual basis beginning on October 31, 1973, and thereafter on April 30 and October 31 of each year until the entire principal has been repaid. Interest is payable with the principal beginning on April 30, 1974.

III. UNITED STATES GOVERNMENT GUARANTY OF LOAN—GUARANTY FEE

The loan agreement provides that the obligation of the lender is to be conditioned upon the issuance by the United States of a guaranty of timely payment of principal and interest by the borrower. The guaranty will further provide that the United States agrees that any claim which it may now or hereafter have against any beneficiary for any reason whatsoever shall not affect in any way the right of any other beneficiary to receive full and prompt payment of any amount otherwise due under this guaranty.

The guaranty, which is authorized by the Foreign Military Sales Act, will be made by the Government of the United States acting through the Department of Defense. The act provides that "any guaranties issued hereunder shall be backed by the full faith and credit of the United States."

IV. TAX EXEMPTIONS

(a) There will be no—

(1) Federal income tax resulting from section 7.1 of the loan agreement which will provide that the borrower shall pay to the lender the guaranty fee charged to the latter by the Department of Defense; (The lender will be acting merely as a conduit).

(2) Federal stamp tax;

(3) Interest equalization tax; or

(4) Tax imposed by the Government of Israel.

(b) The interest paid on the loan by the Government of Israel will constitute income from sources without the United States in the hands of the lender or any holder of the promissory notes or participations in the loan. Since the interest is foreign source income, there will be no U.S. withholding under any circumstances.

V. THE LOAN, PROMISSORY NOTES, PARTICIPATION—ELIGIBILITY FOR PURCHASE BY NATIONAL BANK AS COLLATERAL FOR TREASURY TAX AND LOAN ACCOUNTS, ETC.

(a) Because of the guaranty, the loan, the promissory notes and the participations are deemed to be fully and unconditionally guaranteed obligations of the United States backed by its full faith and credit. Accordingly, they will not be subject to the lending limits of national banks or to the limitations and restrictions concerning dealing in, underwriting and purchase of investment securities.

## THE LINDENWOLD LINE—DOESN'T RELIEVE TRAFFIC CONGESTION

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. FRENZEL. Mr. Speaker, a recent article in Minnesota Motorist, the AAA magazine in my State, asked whether or not mass transit as we know it today really helps to relieve traffic congestion. The AAA is not known as a transit advocate, but it should interest all transit people. The article examines the performance of the famed Lindenwold Line connecting downtown Philadelphia with Lindenwold, N.J. They conclude that it has failed to solve the congestion problem it was designed to relieve. Apparently peak hour traffic on the Walt Whitman and Ben Franklin Bridges is now slightly heavier than when the line opened despite the fact that the train costs only 50 cents while bridge tolls have doubled.

Those of us who feel we need to encourage development of a more balanced transportation network may have cause to wonder whether we presently possess the kind of mass transit technology which will attract people away from their cars. Not just Philadelphia, but cities throughout the world are experiencing an increasing crush of automobile traffic despite the presence of traditional fixed rail systems. It begins to appear we are



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spending enormous sums of money on systems that may be able to solve the congestion problem. Before we proceed to pour billions more into these systems, we need some hard-headed thinking about what our transit objectives should be in terms of ridership and how we are going to meet them realistically.

The article follows:

THE LINDENWOLD LINE

Recently, the American Automobile Association (AAA) decided to examine the proposition that a good rapid transit system would reduce congestion and bring benefits to highway users, thus meriting a share of highway user taxes.

A study was conducted of the operations, financing and results of the Lindenwold rapid transit line in metropolitan Philadelphia.

The Lindenwold line is a relatively new rail rapid transit line connecting Lindenwold, N.J., with downtown Philadelphia. It is clean, fast, highly automated and passes through a densely populated travel corridor. It incorporates many of the newer features which are included in the new San Francisco BART and Washington, D.C. METRO lines.

Its first two years of operating experience in 1969 and 1970 provided a unique opportunity to measure actual performance, against the benefits which its promoters stated would accrue if the system were built.

High on the list of expected benefits was a reduction of traffic on Ben Franklin and Walt Whitman Bridges. Public claims were made that the new system would be economically self-sufficient . . . would reduce the need for highway facilities . . . and would provide better transit service.

Another reason offered for developing the line was that it was "essential for the orderly growth of the Southern New Jersey area," and that it would contribute to "the maintenance of a strong Philadelphia central business district."

The line was built with $25 million in accumulated reserves of bridge toll revenues, and bond funds backed by bridge tolls. The original plan was to have toll bridges support only the initial $25 million "seed" money, with fare revenues raising the operating expenses and other debt service.

What AAA found was this:

Peak-hour traffic on the two bridges is about the same, even a bit heavier than before the Lindenwold line opened. It has done little to reduce traffic congestion.

Revenues from the line have not met operating expenses and no income is available to meet debt service. All debt service and some of the operating expenses are being paid for by bridge revenues.

The Delaware River Port Authority does not have sufficient funds to continue work on two additional bridges which it has begun, and is increasing tolls again.

Bus transit service along the corridor has deteriorated because of competition of the Lindenwold Line.

Rather than reducing dependence on cars for the commuter trip, a Lindenwold station survey indicates just the opposite effect. Because 43 percent of the commuters using the Lindenwold Line also used cars for part or all of their commuter trip as well as the Lindenwold Line.

What has apparently happened is that the former transit user who used to walk to a bus stop now drives or is driven to the transit station. Although there are more than 8,000 cars parked daily in and around station parking lots, over one half of these are now driven daily by people who formerly used bus service.

The average Lindenwold Line rider pays 50 cents for his ride. The cost of that ride in 1970 was $1.30. So, each rider on the Lindenwold Line receives a subsidy of 82 cents per ride from those who are continuing to pay tolls on Walt Whitman and Ben Franklin bridges.

The motorist was treated rather badly. Congestion on the bridge has not been significantly relieved, but his tolls have doubled!

The study reveals that the Lindenwold rider receives a substantial benefit from the line. He gets a fast, inexpensive ride into downtown, paying much less than the actual cost of the transportation.

Regular users of previous public transit along the route who are able to avail themselves of the line receive better service.

Land owners and developers in downtown Philadelphia and along the New Jersey rail transit corridor are enjoying an increase in their market area in terms of time accessibility, and downtown employers have a larger potential labor market.

Roughly 4,000 commuters who formerly drove to Philadelphia and now take the line receive better transportation at one-third its actual cost.

But what are the real lessons we learn from the Lindenwold study?

The alleged benefits from diversion of motorists' tolls or highway user taxes are not unique to the Delaware River Port Authority. We hear the same glowing accounts of expected benefits wherever rail transit is suggested as a substitute for highways. Here are some:

1. Cost—Project costs were underestimated. The Lindenwold line was expected to cost only $44.6 million. Changes in the system, additional construction and land acquisition, plus inflation raised the eventual cost to $94.5 million.

2. Time available for service—The line was expected to be in operation two years after construction was authorized. Although construction was authorized in 1963, the line didn't open to its first customer until six years later.

3. Ridership—Patronage was highly overestimated. The revenue bond prospectus of 1969 estimated annual ridership of 16,000,000 by 1970. Actual ridership was 8,600,000, or about half the estimated figure.

4. Revenues—Income from the line was also greatly overestimated. Rather than being adequate to amortize capital expenses as projected, revenues have not even been sufficient to cover operating and maintenance expenses.

5. Requirements for subsidy—The deficit in revenues created a correspondingly large increase in the need for subsidy of the line.

6. Beneficiaries—Those who paid the most for the line, the motorists, and were expected to benefit the most, have actually received little or no benefit, while others have received substantial benefits at little or no cost to themselves.

If you have any reaction to the Lindenwold Line experiment, and this story, we'd like to hear from you.

## LANGUAGE BANK

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. GONZALEZ. Mr. Speaker, I am introducing a bill to establish a "Language Bank," under the auspices of a Presidential Commission which would have the function of preserving the non-English language resources of this Nation.

For some time now I have sponsored this proposal because I feel it is essential for us to focus attention on what should be one of the most important functions of a world which strives to live in peaceful coexistence—meaningful communication. Oftentimes it is difficult enough for us even to communicate with each other in a common language—and so the problem compounds when we cannot create a direct link with the other person's "code." Naturally, then, in my estimation, there is no question but that our country should have a goal of studying and preserving foreign languages. My bill would help establish a national policy to identify, preserve, and improve our country's foreign language resources.

Unfortunately, the focus of our country as a whole has been in trying to "Americanize" any person who reaches our shores as soon as possible, at any cost, and as a result of the pressures exerted, we find that the persons who have a rich linguistic and cultural background from another country soon lose it or suppress it. And, on the other hand, our school systems provide for the education of our schoolchildren in foreign languages. And even then, there is a question as to whether the foreign language studies are adequate enough.

What a waste, then, it seems to discourage the development of a second or third language of immigrants and of young children who have been fortunate enough to learn a language other than English. How much better it would be if we had an active and enthusiastic policy pervasive in our society to encourage foreign language development; and to effectively use the foreign language resources which we are squelching or letting wither away by not tapping its source.

Despite the fact that this country is rich with diverse peoples and cultures, to date there is no agency or branch of Government in charge of a full-scale incentive program to encourage social, educational, and political associations, educational institutions, and educational systems at the State and local level to develop programs to preserve foreign language resources.

Fortunately, we have taken some steps in the direction of moving our attention toward bilingual education, and stressing more and more the need for studying another language other than English. Under the Office of Education's Division of Foreign Studies, in particular, there have been two clearinghouses established dealing with "linguistics and uncommonly taught languages," and on the "teaching of foreign languages." This provides for accessibility of hard-to-get instructional materials and research for educators and researchers. But though the Office of Education and the Congress have provided some leadership, I believe we have to go a step forward.

Today, most secondary and college curricula offer French, German, and Spanish—and the other Western languages, and the Eastern languages such as Arabic and Chinese are left out altogether.

I hope you will agree with me that we should establish a language bank so that we can provide a good foundation for meaningful communication amongst the peoples of mixed cultures in our country, and with those across borders and oceans. Let us not allow our present policy to continue—allowing our foreign language resources to wither, with occasional crash courses offered to bridge the gap with our neighbors.



## PRESIDENT IS HURT BY "PALACE GUARD"

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. DERWINSKI. Mr. Speaker, as we return from our Easter recess, new developments in the Watergate are breaking and we all look forward to the President's address this evening. During the recess, news stories continued to break and editorial commentary properly grew. I insert into the RECORD at this point what I believe is an especially appropriate column by Frank van der Linden which appeared in the Star/Tribune publications of Sunday, April 22, 1973.

The article follows:

PRESIDENT IS HURT BY "PALACE GUARD"

(By Frank van der Linden)

WASHINGTON.—Republicans worrying over the political damage of the Watergate mess, see only one potential benefit arising from it—a possible shake-up in the rigid White House staff system that isolates President Nixon from his friends in Congress and the outside world.

Few voices are raised on Capitol Hill in defense of the presidential aides whose names have been dragged into the unsavory political spy case, through second-hand, third-hand and hearsay reports after closed sessions of Sen. Sam Ervin's select investigating committee.

Although Ervin—to the surprise of everyone who expected him to run a judicious inquiry—has permitted "Joe McCarthyism" of the worst sort, its victims are not being pitied by members of Congress. The reason is that practically every senator and representative, at one time or another, has been infuriated by the arrogance or rudeness of some official in the executive establishment.

The President does not know of these frustrating incidents, any more than he knew about the Junior G-Men who, in his name, dreamed up and carried out the juvenile cops-and-robbers burglary of the Democratic party's headquarters. He is kept in the dark by the very staff system which he set up for the laudable purpose of freeing himself from time-wasting trivia so that he could concentrate upon major problems, especially in foreign affairs.

One flat in this system is that its managers constantly screen the President from hearing government officials or members of Congress whose advice would be contrary to their own. Like the palace guard surrounding a king, they stay close to the throne and jealously shove any rivals away.

This is true in every administration, of course. Sherman Adams guarded the palace gate for President Eisenhower, and Presidents Kennedy and Johnson had their favorites around the throne. President Truman did not find out, until too late, about the income tax "fixes" which were so scandalous that both his own appointments secretary, Matt Connelly, and assistant attorney general, T. Lamar Caudle, went to prison after being convicted of implication therein.

"President Nixon," one Republican commented, "is being hurt because the same staff mentality that led to the Watergate incident in the first place still exists there in the closed-in, 'cover-up' attitude which goes from Bob Haldeman at the top all the way down to his underlings at the bottom.

"These are men from advertising, public relations and promotion backgrounds who have never been elected to office and don't know how to deal with Congress. They treat Congress as if it were merely one more agency, like the Agriculture department or the Labor department, to carry out their orders in the name of the President."

The few White House aides with Capitol Hill experience try to show the palace guardsmen how to woo the proud and often touchy moguls residing there. Sen. Ervin himself is one who should have been called in by the President several times and thanked for delivering Democratic votes crucially needed to beat down "end-the-war" amendments. But Ervin says he has never been invited to the White House, and it's too late for such courtesies now.

Republicans in Congress frequently complain they get no better treatment; and sometimes they seek revenge in little ways. The House Republicans recently elected Bob Michel of Illinois as chairman of their campaign committee by about a 2-to-1 margin over Clarence (Bud) Brown of Ohio. Brown was hurt by the repeated charge that "Bud is the candidate of the White House staff." By rejecting him, the congressmen struck one blow against Bob Haldeman and Company.

## LOCAL IMPACT OF THE NIXON BUDGET

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. HARRINGTON. Mr. Speaker, on Friday, April 6, I held hearings in Lowell, Mass., on the local impact of the Nixon budget on the Fifth Congressional District. I wanted the opportunity to explain to the voters there the effects the budget will have on their lives, and I wanted to be better informed myself about this effect. From both points of view, the hearings were a marked success.

I previously held hearings in Lynn, Mass., on the effect on the Sixth Congressional District. These hearings have been sufficiently successful that I will hold subsequent hearings across the State of Massachusetts, using the same techniques for gathering information that have proved so valuable to date. I urge other Members to hold similar hearings in their own congressional districts, and my office will offer any assistance we can provide to help make your hearings a success.

Witnesses from throughout the Fifth District, representing towns and cities, councils on aging, the labor movement, schools, hospitals, community action programs, housing programs, the police, and private interest groups testified before me on the serious consequences of the proposed curtailment of Federal programs. The Fifth District stands to lose $23 million.

Massive amounts of Federal aid come to every locality in the form of categorical grants. We seldom realize how much we are enabled to provide services to our citizens only because of this governmental help. Municipalities would either have to lose vital services or increase their tax rates by tremendous amounts.

In just one program, title I of the Elementary and Secondary Education Act, which provides funds to school districts for aid to disadvantaged children, almost $2 million has entered the Fifth Congressional District. If we were to lose that aid, the quality of education in our schools would suffer immeasurably. And this is only one program of dozens that the President intends to end or severely curtail.

This budget has been depicted as a reasonable document, but it is not. It is a thoughtless work that does not separate successful programs from those that need improvement, nor examine all the needs of the people of the United States. This budget merely ends Federal aid for many vital programs and throws the burdens and responsibilities back on the shoulders of States and municipalities, who have not the resources of the Federal Government. The costs for maintaining these programs will go to the already overburdened local taxpayers, or else we will settle for an inferior quality of education, health care, housing and a polluted environment. I do not think this is a real choice.

The effects of the budget cuts will be severely felt by local cities and towns, particularly in the area of education. The following programs, which exist in many cities and towns, are funded by the Federal Government. These will be terminated under the proposed Nixon budget for fiscal year 1974.

Title I—aid to the disadvantaged has provided moneys to improve educational programs to meet the needs of educationally disadvantaged children in low-income area.

Title II—library resources: Nearly all public school systems in the area and the State have received funds for library media resources every year since 1966.

Title III—aid to innovative education: This program is designed to create innovative models supplementing the regular school curricula, and has had a great deal of success throughout the State.

Title VIB—education for the handicapped includes two programs which are designed to provide handicapped children with special tools of learning so they can successfully participate in school programs.

Nutrition and health, drug abuse education, occupational, vocational, and adult education, aid to State departments of education, environmental education, and NDEA audio-visual equipment all receive "Zero" dollars in the Nixon budget, while bilingual education and dropout prevention, though not terminated, are severely cut.

Titles, I, II, and III of the Library Services and Construction Act provide extension of library services to areas without developed libraries, strengthen regional resource centers, provide for construction of new libraries or renovation or remodeling, and help provide in-

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terlibrary cooperation. Despite remarkable gains and benefits in all these areas, these programs are terminated in the Nixon budget.

Massachusetts received $3,582,471 under the special milk program in fiscal year 1973 to help pay the cost of milk for schoolchildren. The Nixon budget terminates this program in all schools except those not having hot lunch programs.

School assistance in federally impacted areas has been terminated for category "B" students whose parents do not live on Federal property, depriving local school districts of a substantial amount of money.

The following persons, representing many aspects of programs and funding affected by the proposed cutbacks and terminations participated in the hearing:

Mayor Ellen Sampson of Lowell.

Mayor John J. Buckley of Lawrence.

Ashton Smith, president, Lawrence General Hospital.

City Council Gail Dunfey, board of directors, Community Teamwork, Inc.

Frank O'Connor, chairman, board of directors, Greater Lawrence Community Action Council, Inc.

John Mullen, community services representative, Lowell Central Labor Council.

Archie Kenefick, chairman, Lowell Council on Aging.

Paul Tsongas, Middlesex County Commissioner and former chairman, Elderly Affairs Committee of Lowell City Council.

Frank Keefe, assistant director, Northern Middlesex Area Commission.

Sgt. George Costos, Office in Charge of Planning and Research, Lowell Police Department.

Joseph Roark, director of Federal and State programs; Dracut School System.

Kathleen Ahearn and Marianne Lariviere, students at Lowell State College.

Richard Williams, president, Greater Lowell CP-PAX.

The specific statistics released at the hearings are as follows:

STATISTICS RELEASED

ACTON

*ESEA, Title I*—Amount Available Under Federal Grant: $13,815. 45 children served under program. Four full-time, four part-time employees.

*ESEA, Title II*—$1,375.

*Vocational Education Part H Work-Study*—$5,798, loss of jobs for students.

*School Assistance in Federally Impacted Areas.*

Acton—Boxborough High School, $55,332.

Elementary Schools, $31,023.

*Education for Handicapped*—1972, $21,500.

*Open Space Grant*—Application filed and approved, $134,355. Grant has not been received by town.

ANDOVER

Total School Enrollment: 6,358.

*ESEA, Title I*—Amount Available Under Federal Grant: $30,986. 175 students served, 40 full-time employees.

*ESEA, Title II*—Amount Available Under Federal Grant: $4,343.

*School Assistance in Federally Impacted Areas*—$56,548.

*Special Milk Program*—$7,767, 1,800 Students served.

*Education for Handicapped*—Title B, $30,789, 400 students served. Five full-time employees.

*Vocational Education*, Title II—$37,914 for fiscal 1974.

ASHBY

*ESEA, Title I*—Amount Available under Federal Grant Fiscal Year 1973: $4,893.

*ESEA, Title II*—Amount Available under Federal Grant Fiscal Year 1973: $899.

*School Assistance in Federally Impacted Areas*—$6,900.

BEDFORD

School Enrollment: 3,988.

*ESEA, Title I*—Amount Available Under Federal Grant Fiscal Year 1973: $10,937. 50 students served, 8 full-time employees, 4 part-time.

*ESEA, Title II*—Amount Available Under Federal Grant Fiscal Year 1973: $2,477.

*School Assistance in Federally Impacted Areas*—$394,678.

*Special Milk Program*—$2,000.

BILLERICA

Total School Enrollment: 9566.

*ESEA, Title I*—Amount Available under Federal grant: $93,973. 135 students served. 40 full-time employees.

*ESEA, Title II*—Amount available under Federal grant: $5,465.

*Vocational Education Part II Work-Study*—$14,000. 35 students served.

*School Assistance in Federally Impacted Areas*—$130,416.

*Basic Water and Sewer Grant*—Applied for grant totaling $1,665,000 in fiscal 1973. Received $375,000. The rest of the grant is in doubt.

BOXBOROUGH

Population, 1500. Elementary School Enrollment: 270.

*ESEA, Title II*—Amount Available under Federal Grant: $177.

*School Assistance in Federally Impacted Areas*—$2488 in fiscal year 1972.

*Grants for Public Libraries, Title I*—$1,000 received fiscal year 1973. Same amount was anticipated for fiscal 1974.

CARLISLE

School Enrollment: 600.

*ESEA, Title II*—Amount Available under Federal grant in fiscal 1973: $443.

*School Assistance in Federally Impacted Areas*—$16,835 in fiscal year 1973.

*Education for the Handicapped*—10 students. $21,624 in fiscal year 1973.

*Open Space Grants*—Application filed and approved for $200,000. Money not received.

*Construction of Public Libraries, Title II*—Application filed for $52,000, waiting approval.

CHELMSFORD

School enrollment: 8,990.

*ESEA, Title I*—Amount available under federal grant $43,173 in fiscal 1973. 300 students served, 39 full-time employees, 35 part-time.

*ESEA, Title II*—Amount available under federal grant, $5,473.

*ESEA, Title III Aid to Innovative Education*—Amount available under Federal grant, $103,058 in fiscal year 1973.

*NDEA, Title III Audio-Visual Equipment*—$6844 in fiscal 1973.

*School Assistance in Federally Impacted Areas*—$196,810.

*Special Milk Program*—$9558.

CONCORD

*ESEA, Title I*—Amount Available under federal grant, $9,642 in fiscal 1973.

*ESEA, Title II*—Amount available under federal grant, $2,399 in fiscal year 1973.

*School Assistance in Federally Impacted Areas*—$72,000.

*Special Milk Program*—$2800.

*NDEA Title III Audio-Visual Equipment*—$5,000 in fiscal year 1973.



DRACUT

School Enrollment: 4,452.

*ESEA, Title I*—Amount Available under federal grant, $47,634 in fiscal 1973, 225 Students served. 49 Full-time employees, 1 part-time.

*ESEA, Title II*—Amount available under Federal grant, $3,118 in fiscal 1973.

*Drug Abuse Education*—$1,250 in fiscal year 1973.

*Vocational Education Special Needs*—$4,000. 80 to 90 people served. 1 full-time employee, 3 part-time employees.

*School Assistance in Federally Impacted Areas*—$50,000. Fiscal 1973.

*Special Milk Program*—$6,624. Fiscal 1973.

GROTON

School Enrollment: 1,325.

*ESEA, Title I*—Amount Available under federal grant, $6,764 in fiscal 1973. 85 students served, 11 full-time employees, 1 part-time.

*ESEA, Title II*—Amount Available under federal grant, $1,061 in fiscal 1973.

*Title III, Aid to Innovative Education*—$7,000, 420 students served. 35 teachers served by program in fiscal 1973.

*Environmental Education*—$1,500 in fiscal year 1973.

*Drug Abuse Education*—$2,510 in fiscal year 1973.

*School Assistance in Federally Impacted Areas*—$26,000 fiscal 1973.

*Special Milk Program*—$2,400 in fiscal year 1973.

LAWRENCE

School enrollment: 9,931.

*ESEA, Title I*—Amount available under federal grant, $465,362 in fiscal 1973. 2,000 students served. 125 Full-time employees.

*ESEA, Title II*—Amount available under federal grant, $7,623 in fiscal 1973.

*ESEA, Title VII Bilingual Education*—$100,000 in fiscal 1973. 180 students served, 22 full-time employees, 1 part-time.

*Nutrition and Health Education*—$65,000. 5,000 students served, 20 full-time employees, 25 part-time in fiscal 1973.

*School Assistance in Federally Impacted Areas*—$45,561 in fiscal 1973.

*Title III, Adult Education*—Grant to states, $15,000 in fiscal 1973. 10 full-time employees.

*Rent Supplements*—$200,000 in fiscal 1973, 250 people served.

*Low Rent Public Housing*—$300,000 in fiscal 1973, 4,500 people served.

*Basic Water and Sewer*—Applied for $155,000 turned down by HUD.

*Title II, Construction of Public Libraries*—$254,619 in fiscal 1973.

LEXINGTON

School enrollment: 9,081.

*ESEA, Title I*—Amount available under federal grant, $33,819 in fiscal 1973, 210 students served, 43 full-time employees.

*ESEA, Title II*—Amount available under federal grant, $16,000 in fiscal 1973.

*Title III, Aid to innovative education*—$95,000 in fiscal 1973.

*Occupational, Vocational and Adult Education—Consumer and Homemaking*—$14,000 in fiscal 1973, 30 students served, 3 full-time employees.

*School Assistance in Federally Impacted Areas*—$156,000 in fiscal 1973.

*Education for the Handicapped*—State and federal grant, $278,000 fiscal 1973.

*Open Space Grants*—$38,526 in 1973, applied for $67,250 in fiscal 1974. Funds have been impounded.

LITTLETON

School enrollment: 1,810.

*ESEA, Title I*—Amount available under federal grant, $13,240 in fiscal 1973, 60 students served, 13 full-time employees.

*ESEA, Title II*—Amount available under federal grant, $1,120 in fiscal 1973.

*ESEA, Title III Aid to innovative education*—$1,484 in fiscal 1973.

*School Assistance in federally Impacted Areas*—$13,500 in fiscal 1973.

*Special Milk Program*—$1,625 in fiscal 1973.

LOWELL

School enrollment; 16,900.

*ESEA, Title I*—Amount available under federal grant, $665,294 in fiscal 1973, 1,500 students served, 200 full-time employees, 15 part-time.

*ESEA, Title II*—Amount available under federal grant, $12,217 in fiscal 1973.

*ESEA, Title III Aid to innovative Education*—$94,000, 1,500 students served, 8 full-time employees in fiscal 1973.

*Occupational, Vocational and Adult Education Special Needs*—$20,000 in fiscal 1973. Application for fiscal 1974 filed for $30,000. 40 students served, 6 part-time employees.

*School Assistance in Federally Impacted Areas*—$109,300 in fiscal 1973.

*Title III Adult Education*—$15,000 in fiscal 1973, 150 students, 10 part-time employees.

*NDEA Title III Audio-Visual Equipment*—$10,000 in 1973.

*Rent Supplements*—$249,757 in fiscal 1973. 1,000 people served. Planning to have additional 150 leased units in 1974. $74,410 will be needed above the 1973 funding level to meet the needs of the community.

*Low rent Public Housing*—$1,200,000 for modernization. $1,400,000 will be needed in fiscal 1974.

*Community Development Programs-Urban Renewal*—$3,000,000 in fiscal 1973. An additional $3,000,000 will be needed in fiscal 1974.

*Open Space*—$445,933 in fiscal 1973. $150,000 will be needed in fiscal 1974.

METHUEN

School Enrollment: 6,112.

*ESEA, Title I*—Amount Available under federal grant, $65,271 in fiscal 1973. 180 Students served, 4 full-time employees.

*ESEA, Title II*—Amount Available under federal grant, $3,682 in 1973.

*ESEA, Title III—Aid to innovative education*—$6,383 in 1973. Requested $16,369 for fiscal 1974.

*Occupational, Vocational and Adult Education Special Needs*—Would like to apply for $37,483 in fiscal 1974.

*Occupational, Vocational and Adult Education Special Needs*—Would like to apply for $37,483 in fiscal 1974.

*Vocational Education Work-Study*—Would like $25,558 in fiscal 1974.

*Vocational Education Distributive*—Would apply for $30,053 in fiscal 1974. Received $11,515 in fiscal year 1973.

*School Assistance in Federally Impacted Areas*—$68,520 in fiscal 1973.

*Special Milk Program*—$9,704 in fiscal 1973.

*Education for the Handicapped*—Would apply for $24,691 in fiscal 1974.

*NDEA, Title III Audio-Visual*—$6,296 in fiscal 1973. Planned $7,500 fiscal 1974.

NORTH READING

*ESEA, Title I*—Amount available under federal grant, $30,220 fiscal 1973. 56 students served, 7 full-time employees, 5 part-time.

*ESEA, Title II*—Amount available under federal grant, $2060 in fiscal 1973.

*School Assistance in Federally Impacted Areas*—$37,500 in fiscal 1973.

PEPPERELL

*ESEA, Title I*—Amount Available under Federal Grant Fiscal Year 1973: $23,026. 35 students served. 2 Full time employees.

*ESEA, Title II*—Amount Available under Federal Grant Fiscal Year 1973: $1,717.

*School Assistance in Federally Impacted Areas*—$34,000, Fiscal Year 1973.

*Education for the Handicapped-Title VI-B*—$15,000, Fiscal Year 1973 for mobile speech lab.

*Basic Water and Sewer*—Preliminary stages were being developed for $1.8 million grant, although formal application to HUD was not made. Fiscal year 1973.

TEWKSBURY

*School Enrollment:* 6,846.

*ESEA, Title I*—Amount Available Under Federal Grant Fiscal Year 1973: $49,649. 120 students served. 6 full time employees. 1 part time employee.

*ESEA, Title II*—Amount Available Under Federal Grant Fiscal Year 1973, $3,896.

*NDEA, Title III Audio Visual Equipment*—$13,692, Fiscal Year 1973.

*School Assistance in Federally Impacted Areas*—$8,870, Fiscal Year 1973.

*Special Milk Program*—$9,182, Fiscal Year 1973.

*Basic Water and Sewer*—Application for $1,180,000 grant for a sewer system was in the initial planning stages.

TOWNSEND

*ESEA, Title I*—Amount Available Under Federal Grant Fiscal Year 1973: $11,801. 40 students served. 8 full time employees. 4 part time employees.

*ESEA, Title II*—Amount Available Under Federal Grant Fiscal Year 1973: $1,154.

*School Assistance in Federally Impacted Areas*—$3,705 in Fiscal Year 1972.

TYNGSBOROUGH

*ESEA, Title I*—Amount Available Under Federal Grant Fiscal Year 1973: $16,262.

*ESEA, Title II*—Amount Available Under Federal Grant Fiscal Year 1973: $769.

*School Assistance in Federally Impacted Areas*—$14,000, Fiscal Year 1973.

*Special Milk Program*—$3,200, Fiscal Year 1973.

School enrollment: 1,160.

WESTFORD

School Enrollment: 2,000.

*ESEA, Title I*—Amount Available Under Federal Grant Fiscal Year 1973: $21,586. 100 students served, 2 full time employees. 12 part time employees.

*ESEA, Title II*—Amount Available Under Federal Grant Fiscal Year 1973: $2,223.

*School Assistance in Federally Impacted Areas*—$53,000, Fiscal Year 1973.

WILMINGTON

School Enrollment: 5,208.

*ESEA, Title I*—Amount Available Under Federal Grant Fiscal Year 1973: $39,286. 80 students served. 3 full time employees. 1 part time employee.

*ESEA, Title II*—Amount Available Under Federal Grant Fiscal Year 1973: $4,360.

*ESEA, Title III Aid to Innovative Education*—$25,000 in Fiscal Year 1973.

*Nutrition and Health*—$13,000 in Fiscal Year 1973. 25 students served. 11 full time employees. 1 part time employee.

*School Assistance in Federally Impacted Areas*—$45,000 in Fiscal Year 1973.

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MANPOWER AND EMERGENCY EMPLOYMENT PROGRAMS

Federal programs including Manpower Development Training Assistance, the Neighborhood Youth Corps, and the Emergency Employment program have provided important and worthwhile work to many of the citizens of the 5th Congressional District. These programs are being terminated or severely cut back.

Not only will this mean an increase in the already too high unemployment rate of the area, but services that are necessary to cities and towns will be lost or municipalities will have to increase their budgets in order to continue these programs.

Under the Emergency Employment Program vital services were provided to towns and cities. In some areas this meant increased police protection, rehabilitation of public buildings, improvement of park areas. These are jobs that cities and towns had not been able to afford on their own.

During the month of July, 1972, the peak period under the Emergency Employment Program, 412 people were employed in 18 cities and towns in the 5th Congressional District. In some of the small towns this meant only one employee; in Lawrence, 135; in Lowell 120.

People employed under EEA were often those members of our society who have the most difficult time finding work; Vietnam veterans, people over 45, and those under 22.

*Peak period employment under EEA, July 1972, by city and town*

| | |
|---|---|
| Andover | 22 |
| Lawrence | 135 |
| Metheun | 29 |
| Dunstable | 2 |
| Bedford | 2 |
| Billerica | 18 |
| Chelmsford | 19 |
| Dracut | 19 |
| Westford | 3 |
| Groton | 1 |
| Lexington | 4 |
| Littleton | 2 |
| Lowell | 120 |
| North Reading | 7 |
| Pepperell | 1 |
| Tewksbury | 9 |
| Tynsborough | 1 |
| Wilmington | 18 |

The Emergency Employment Program has meant that in one month $304,100 was brought into the 5th District in the form of salaries.

ELDERLY

Programs that have been terminated that affect the elderly include many of the housing programs such as rent subsidies, nonprofit sponsor housing which allowed nonprofit organizations to build housing for low income groups including the elderly, and rent supplements. More important may be the loss of various social services provided by community action agencies and Model cities agencies; these include the Meals on Wheels programs, the Elderly Outreach program and the Satellite Feeding program.

One of the most severe changes that will increase the costs to the elderly is the proposed Nixon change in the deductible under Medicare. The amount the elderly will have to pay to supplement Medicare hospital and physician payments will rise appreciably.

*Hospital care*

*At present:*

For the first 60 days, $72 deductible.

61st to 90th hospital day, $18 per day deductible.

*Nixon plan:*

Full cost of 1st hospital day (average $90).

10% of *full* cost of each hospital day after the 1st (Average $15 per day).

A two-week hospitalization would cost an elderly person a minimum of $300.

*Physicians cost*

*At present:*

Physicians average, $600.

Medicare patient pays, $168.

*Nixon plan:*

Physicians average, $600.

Medicare patient pays, $124.

For those people on Medicaid, all dental care has been eliminated.

In the 5th Congressional District there are more than 40,000 people receiving Medicare.

HEALTH AND MENTAL HEALTH

*Advance funds for Medicare*

When Medicare was started, the federal government advanced operating funds to the hospitals on the basis of projected Medicare patients. This practice has continued so that the hospitals could operate.

The Nixon Administration is discontinuing this practice and demanding return of the funds advanced this year.

This will mean that district hospitals will have to return $435,000 to the Federal Government by July 1, 1973. Most of the hos-

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pitals will have to borrow these funds at a commercial interest rate to survive.

*Current financing to be returned*

| | |
|---|---|
| Nationally | $300,000,000 |
| Massachusetts | 7,000,000 |
| District: | 435,000 |
| St. Joseph's Hospital | 85,000 |
| Lowell General Hospital | 60,000 |
| Lawrence General Hospital | 150,000 |
| Emerson Hospital | 50,000 |
| Bon Secours Hospital | 90,000 |

*Hill-Burton construction*

The Hill Burton Hospital Construction Act is terminated as of June 30, 1973, and there is no money for it in the President's 1974 budget. This means that there will be no construction funds for much needed additions, improvement, or modernization of hospitals or long term care facilities.

This program has been very helpful to the hospitals in the district:

St. John's Hospital received $400,000 for outpatient and emergency room expansion in 1973.

Lawrence General Hospital received $66,000 for a major addition in 1973 and was planning on $400,000 for additional construction in 1974.

St. Joseph's Hospital received $300,000 for a new building in 1965.

Emerson Hospital had applied for a substantial amount under Hill-Burton and now has no chance of funding.

*Nursing capitation grants*

All capitation grants for nurse's training are cancelled in the proposed budget. This will raise tuitions at nursing schools throughout the state for thousands of students. Lowell State College received $42,000 for nursing capitation grants in 1973.

*Community mental health*

There will be no *new* program money for community mental health. This program has stimulated the establishment of some 30 federally funded centers throughout New England, helping to move care away from costly and ineffective long-term and custodial care in state mental institutions.

In Massachusetts, grants totaling some $4 million per annum have been made through the program. Merely to maintain existing and planned services will cost Massachusetts $7,986,000.

In the 5th District:

The Harry C. Solomon Mental Health Center in Lowell has a staffing grant for $500,000. This center will lose all federal support in 1974.

The Concord Area Comprehensive Mental Health Center has a $225,000 grant and will lose all federal support in 1976. It also had a $150,000 Children's Service's grant approved, but now it will not be funded because of impoundment.

Lawrence Hospital had applied for a $50,600 grant for mental health services and will now not be funded. A half-way home for mentally retarded adults is also in serious jeopardy.

There is no evidence that patient fees, third party payments, nor state and local governments can support existing centers at current levels of services, not to mention future needs, thus leaving community mental health emasculated.

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OEO PROGRAMS

Two community action agencies—Community Teamwork, Inc. (Lowell) and the Greater Lawrence Community Action Council (Lawrence)—serve a twelve community area in the 5th Congressional District. They have successfully dealt with the problems of low-income families.

Community Teamwork, Inc. received $2,474,993 in fiscal 1973 and was responsible for bringing a total of $3,934,000 in revenues into the community, serving 87,447 people in the process. Under the proposed fiscal '74 budget, CTI is in jeopardy of losing $651,566 various programs including the Merrimac Valley Housing Development Corporation and Emergency Food and Medical Services.

CTI also provided assistance in finding suitable housing, and counseling tenants, consumers, and others. The efforts of the Community Organizational Programs have resulted in the formation of some 25 community groups which are now functioning independently. These include special councils for the elderly, for the Spanish-speaking. In addition CTI was responsible for over 400 people in jobs. Jobs were also found for 900 youths during the summer months.

The Greater Lawrence Community Action Council received $1,390,922 in fiscal 1973 and served a total of 29,858 people in four cities and towns. The Neighborhood Youth Corps contracted employment for 710 teenagers with supportive counseling.

The Senior Citizens program included a reduced fare transportation system, development of hot lunch programs, and aid to councils on aging.

With the President's planned termination of all OEO programs, all the directly-funded anti-poverty programs will be lost, but also lost will be the administrative arm of many other manpower and counselling programs.

LOWELL MODEL CITIES

One of the most important programs begun under the Johnson Administration is the Model Cities Program. The goal of this project was to improve inner cities, to make them once again livable. Under the Nixon budget, the Model Cities Program will be terminated.

Model Cities was originally intended as a five year program that will be phased out after only four years of existence. The first three years were budgeted at $1.75 million each year.

In the fourth year the budget was reduced to $573,000, a cut of 66%. Most of the programs will either be eliminated out right or reduced. Approximately 40 to 45 people will lose their jobs.

The Model Cities Project was able to serve 12,000 people directly or indirectly in the city of Lowell. Now Model Cities will only be able to serve 7,000 people directly or indirectly.

EDUCATION PROGRAMS

Budgeted formerly at: $288,000.
Now: $148,000.

This program included a masters degree internship with Lowell State College. This will be eliminated. Twenty intern slots are eliminated along with the services the interns gave to the surrounding schools and teachers.

UPWARD BOUND

Model Cities working with Groton Prep School eliminated.

Six other programs of education are reduced.

SOCIAL PROGRAMS

*Day Care:*

This program serviced 45 children and adults. This will be terminated.

*Programs for the Elderly:*

Funded in the past at: $76,000.
Now: $58,000.
Programs Reduced will include:
Meals on Wheels.
Satellite Feeding.
Programs Eliminated Entirely:
Elderly Outreach.
Loss of 4 or 5 jobs.

HOUSING

Funded formerly at: $180,000.
Programs terminated:
Neighborhood Development.
Paint-Up Campaign.
Subsidized Development, 235–236.
Lead Paint Poisoning Program.

CONCENTRATED CODE ENFORCEMENT PROGRAM

Has planned on $600,000 in loans to improve housing, will receive nothing.

TRAFFIC IMPROVEMENTS

Will be cut for the fourth year.

ENVIRONMENTAL PROTECTION AND DEVELOPMENT

Funded formerly at: $380,000.
Now: $25,200.
Programs eliminated:
Old Canal Walk.
Open Space Program.
International Mall.
Faculty for Human Development.

EMPLOYMENT AND JOB TRAINING

Funded formerly at: $70,000.
Now: $18,200.
Programs eliminated:
Transportation to employment (jobs, work).
Youth Summer Employment Program.

RECREATION AND CULTURE

Funded formerly at: $103,000.
Now: $50,800.
Programs eliminated:
Summer Camp Project.
Cultural activities in music, drama, and ceramics.

CRIME PROGRAMS

Funded formerly at: $34,300.
Now: $5,600.
Programs eliminated:
Police Community Relations.
Academic Assistance.
In Service Training.

LOWELL MODEL CITIES

HEALTH

Formerly funded at: $175,000.
Now: $120,000.
Programs eliminated:
Alcoholism Outreach.
Preventive Dentistry.
Preventive Sanitation.
Family Planning.
However Model Cities will maintain the detoxification center for alcoholism.

CITIZENS PARTICIPATING PROGRAM

Funded Formerly at: $127,000.
Now: $65,000.
Field Services Project terminated—Six jobs lost.

HIGHER EDUCATION

Approximately 400 local students receive some form of federal financial aid while attending Lowell State College or Lowell Technological Institute. It is estimated that as many as half of these students would not be able to attend college without financial aid.

The three basic programs of financial aid are the Educational Opportunity Grants, the National Direct Student Loan (formerly National Defense Loans) and the Work-Study program. The Nixon budget terminates the first two programs and weakens the third.

242 students at the two colleges received $141,231 in Educational Opportunity Grants in 1973. This program would be ended and replaced by the Basic Opportunity Grant for which most students whose families earned between $7,000 and $12,000 a year would not be eligible. Lowell State had planned on receiving $70,000 in fiscal 1974 under the EOG program, Lowell Tech, $109,800.

The Direct Student Loan program is terminated in the Nixon budget. Through this program direct loans are made to students through their schools. The President proposes replacing this with the guaranteed loan program. However, past experience has shown that students with proven need have the most difficult time obtaining such loans from commercial banks. 108 students at Lowell State and 225 students at Lowell Tech now receive direct student loans.

More than 330 students at the two colleges participated in the work-study program. Approximately $120,000 were earned by the students during the year. Both colleges had hoped to expand their work-study programs. However, changes under the programs will mean that more students will be able to work fewer hours under the work-study program.



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## WATERGATE—IN NIXON TRADITION?

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**HON. JOHN E. MOSS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. MOSS. Mr. Speaker, I include the following article which represents careful and responsible research by a true and professional newsperson. I would like to call my colleagues' attention to this analysis by Richard Rodda, published in the Sacramento Bee on April 29, 1973:

WATERGATE—IN NIXON TRADITION?

(By Richard Rodda)

Was President Richard Nixon personally involved in the Watergate episode?

As the scandal builds to a crescendo, many Nixon followers cling to the belief the President is the victim of a massive betrayal by the White House staff and the Committee to Re-elect the President. Some are stunned, shocked and disillusioned.

But an army of Nixon detractors—grown from a minority on election day, to be sure—may be astounded at the magnitude of the scandal but they are not surprised. Watergate, to them, typifies the Nixon modus operandi.

Authors of "An American Melodrama," a story of the 1968 presidential campaign, sum up the anti-Nixonite attitude: "His opponents have usually found in him a special dishonesty, a deviousness, summed up in the indestructible nickname Tricky Dick. The same perception, no doubt, gave wing to that outrageously successful slogan: 'Would you buy a used car from this man?'"

Beginning with his first campaign for Congress in 1946, Nixon has been the man in charge of his political affairs, down to the minute details. He emphasizes this in his own book "Six Crises," published after his 1960 loss of the presidential race to John F. Kennedy.

Nixon recalls a meeting in the Waldorf-Astoria Hotel in New York in which his campaign staff asked him to deliver a speech on the religious issue, Kennedy, being the first Roman Catholic ever elected to the White House.

"Everyone in the room that night thought I should make such a speech," wrote Nixon, "In the end, I voted 'no'—and since I was the candidate, this was of course a 'majority' vote."

Just two years ago Nixon emphasized he was his own boss in his campaigns. Noting that the Republicans did not do so well in the 1970 congressional elections, Nixon said in a television interview that, had he run the campaigns, some of the crude attacks on dissenters would not have happened.

"Incidentally, when I am the candidate, I run the campaign," he remarked.

It was in his losing 1962 campaign for governor of California, however, that Nixon's involvement in shady aspects of the campaigning was exposed.

The Democratic State Central Committee obtained a court order prohibiting continued distribution of campaign postcard questionnaires by an organization calling itself "Committee for the Preservation of the Democratic Party." The questionnaire implied the Democratic party would "be destroyed" by the re-election of Gov. Edmund G. Brown. The results of the poll were publicized as reporting the "voice of the rank and file Democrat."

Nearly two years later the litigation was settled by a judgment of the Superior Court in San Francisco. This contained a stipulation that the questionnaire was paid for by the Nixon for governor committee and that the poll was distributed by the committee and its contents "revised, amended and finally approved by Mr. Nixon personally."

Cancelled checks by the Nixon committee totalling $70,000 were part of the record.

Among those with active roles in the Nixon campaign then were H. R. Haldeman, campaign chairman; Maurice Stans, Southern California finance chairman; Los Angeles attorney Herbert Kalmbach; Caspar W. Weinberger, Northern California finance chairman; Ronald Ziegler, public relations representative; and Herbert Klein, San Diego newspaperman. All have been associated with Nixon in his White House days.

Haldeman, Stans and Kalmbach are involved in the widespread charges of espionage, payoffs, and perjury surrounding the Watergate bugging and burglary of the Democratic national headquarters in Washington.

Nixon entered politics in 1946 when he challenged and defeated Rep. Jerry Voorhis, D-Los Angeles county. He used a strategy that was destined to carry him to victory in a number of political wars—pinning the "pro-Communist" label on his opponents.

He charged that Voorhis, a five-term respected member of the House of Representatives, had a voting record that was "more Socialistic and Communistic than Democratic."

"He might even have beaten me fairly, given all the circumstances of 1946," wrote Voorhis many years later.

RED BAITING STRATEGY

In 1950, when Nixon defeated Helen Gahagan Douglas for the U.S. Senate, his "red baiting" strategy was intensified.

As a congresswoman from Los Angeles County, Mrs. Douglas had an anti-Communist voting record as genuine as that of any House member. She supported the Marshall Plan, the Point IV program, Reciprocal Trade Agreements and aid to Korea.

But when Nixon got through with her she was being called the "pink lady." He used a distorted version of her voting record, which linked her as a fellow traveler with Rep. Vito Marcantonio of New York, well known for his Communist leanings. What was omitted from the record was that on many occasions Mrs. Douglas and Nixon himself voted together.

The Nixon campaign played hard on the "guilt by association" theme, referring frequently to "Mrs. Douglas and her Communist friends."

When Nixon jumped into national politics as the Republican nominee for vice president in 1952, he turned his wrath against President Harry S Truman, Secretary of State Dean Acheson and Adlai Stevenson, Democratic nominee for president.

According to Nixon, Acheson suffered "color blindness"—a form of pinkeye toward the Communist threat. He said Truman, Acheson and Stevenson were "traitors to the high principle in which many of the nation's Democrats believed."

WARREN CROSSED?

The maneuvering which led to the selection of Nixon as Dwight D. Eisenhower's running mate in 1952 is a lesson in deceit, according to Nixon critics. To this day supporters of Earl Warren, candidate for the GOP nomination, charge that Nixon "double-crossed" California's distinguished governor. As a member of the delegation pledged to Warren, Nixon was working behind the scenes on behalf of Eisenhower.

Nixon's love for political intrigue comes out forcefully in "Six Crises" when he discusses the Alger Hiss case. It is a cloak-and-dagger mystery, as Nixon tells it. It resembles some of the mysterious aspects of Watergate—secret slush funds, Mexican bank accounts, unexplained thousands of dollars in $10, $50 and $100 bills, and hidden records.

The Hiss investigation, which brought Nixon into the national limelight before he was nominated for vice president, featured concealed documents, a midnight rendezvous, the celebrated pumpkin papers, and clandestine meetings.

The outcome was that Hiss, a former State Department official, was convicted of perjury after he has been accused of once being a Communist by the late Whittaker Chambers, a confessed onetime Communist.

Another Nixon attribute in his earlier campaigning was the use of the Communist ploy also on the defensive.

FUND CRISIS

This is made abundantly clear as Nixon relates his second crisis—The Fund. The New York Post, in 1952, had published a story that a number of Nixon's wealthy friends had set up a special $18,000 fund for him while he was in the Senate.

The story broke when Nixon was campaigning on a whistle-stop train in the San Joaquin and Sacramento Valleys. At first he declined to comment. But when the train was about to pull out of Marysville a voice from the crowd shouted: "Tell us about the $18,000."

"That did it," wrote Nixon. "Despite all our plans to ignore the attack, I could not see myself running away from a bunch of hecklers. I wheeled around and shouted, 'Hold the train!'"

Nixon then explained to the crowd:

"You folks know the work that I did investigating Communists in the United States. Ever since I have done that work the Communists and the left wingers have been fighting me with every possible smear. When I received the nomination for the vice presidency I was warned that if I continued to attack the Communists in this government they would continue to smear me. And believe me, you can expect that they will continue to do so. They started it yesterday. They have tried to say that I had taken $18,000 for my personal use.

"What they didn't point out is that rather than charging the American taxpayer with the expenses of my office, which are in excess of the amounts which are allowed under the law, what I did was to have these expenses paid by the people back home who were interested in seeing that information concerning what was going on in Washington was spread among the people of this state . . ."

CHECKERS SPEECH

A few days later Nixon made his famous "Checkers" speech over a national radio-television network, giving his life story with its early hardships. The story appealed to the public and to Eisenhower, who rejected requests that Nixon be dropped from the ticket.

In 1962 Nixon closed his campaign for governor with a statewide television address charging he was the victim of a "malicious smear campaign."

But the Fair Campaign Practice Committee of California took a look at complaints filed during the campaign. It condemned the Republican campaign tactics on three counts: Distribution of a booklet entitled "Communist Dynasty in California", issuance of a leaflet by a "Citizen's Fact Finding Committee" on Gov. Brown and the mailing of the postcard questionnaire by the so-called "Committee for the Preservation of the Democratic Party."

The committee was composed of four Republicans and four Democrats. The late N. C. Templeton of Sacramento, a Republican, was cochairman.

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# SENATE—*Tuesday, May 1, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has made and preserved us a nation, we thank Thee for men of high vision and steadfast fidelity to Thy law who in every age have lifted high the banner of truth and righteousness which exalts a nation. We thank Thee for citizens who love and serve Thee, who abhor the wrong and disdain to do evil. We thank Thee too for every painful period of scrutiny which leads to cleansing and renewal. Purge us of all that blemishes, corrupts, or defiles our common life, and fill us with Thy grace that we may walk in paths of righteousness for Thy name's sake. Keep us under Thy transcendent rulership, that in the final judgment it may be said we have ever been a "nation under God."

In Thy holy name we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 1, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. CLARK thereupon took the chair as Acting President pro tempore.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Marks, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. CLARK) laid before the Senate a message from the President of the United States submitting the nomination of Elliot L. Richardson, of Massachusetts, to be Attorney General, which was referred to the Committee on the Judiciary.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 4682) to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile, in which it requested the concurrence of the Senate.

## ENROLLED BILL SIGNED

The message also announced that the Speaker has affixed his signature to the enrolled bill (S. 1494) to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. CLARK).

## HOUSE BILL REFERRED

The bill (H.R. 4682) to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile, was read twice by its title and referred to the Committee on Armed Services.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 30, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## REDUCTION OF U.S. FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, in the Christian Science Monitor, under date of Monday, April 30, 1973, there is published an article entitled "United States Wants Help Funding NATO," with a subtitle "Pay Fair Share,' Allies Told."

For the benefit of the Senate, I should like to read certain excerpts from the article written by Charlotte Saikowski:

Americans last year devoted about 7.5 percent of their gross national product to defense. West Germans contributed about 4 percent, Belgians 3.3 percent, Norwegians 3.8 percent, Italians 3.1 percent, and the British 5.8 percent.

Further on, again quoting:

There are two aspects of the problem. One is that the United States spends a larger proportion of its annual budget and GNP on defense than do its Atlantic partners. The other derives from the fact that the U.S. maintains some 300,000 troops in Europe, which creates a balance-of-payments drain larger than that of any West European country.

Last year the total American trade deficit amounted to $10.5 billion. Of that, $2.1 billion represented the balance-of-payments cost for NATO defense in Europe—the stark statistic that has given rise to congressional pressure for a withdrawal of American troops.

What troubles administration officials is a growing disinterest in defense on the part of some European nations. The Danes, for instance, have decided to reduce their armed forces by several thousand men. They also have a plan for reducing the period of conscription from 12 to nine months.

The Belgians, to cite another example, decided to withdraw a number of troops stationed in West Germany and bring them back to Belgium.

Further on, again quoting:

West Germany, where the bulk of American troops are stationed, alone helps share the U.S. defense cost. Since the 1960's the two countries have concluded "offset agreements" to neutralize the adverse impact on the U.S. balance of payments. Bonn helps stem the flow of U.S. dollars abroad by obtaining military equipment in the United States, renovating facilities used by American troops in Germany, and purchasing U.S. Government securities.

Under the current two-year accord, which expires June 30, the West Germans have purchased more than $1.2 billion worth of airplanes, helicopters, and other sophisticated hardware in the United States. They also have spent $186 million rehabilitating run-down barracks for American troops.

Total benefits to Washington come to more than $2 billion—about 80 percent of the cost of stationing the troops there.

The purchase of securities is only a temporary advantage, however. In the long run the loans must be paid back—

With interest, I might add—

so nothing is really gained. For this reason, say U.S. officials, there is a good chance this aspect of the offset agreement will not be renewed.

Mr. President, I ask unanimous consent that the complete article by Miss Saikowski be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES WANTS HELP FUNDING NATO

(By Charlotte Saikowski)

Americans last year devoted about 7.5 percent of their gross national product to defense. West Germans contributed about 4 percent, Belgians 3.3 percent, Norwegians 3.8 percent, Italians 3.1 percent, and the British 5.8 percent.

The average GNP defense outlay for NATO countries as a whole was 4.2 percent.

It is figures such as these that gave impetus to Henry A. Kissinger's blunt warning to West Europeans this week: The United States will not pull out its troops from Europe unilaterally, but it expects each Atlantic ally to bear "a fair share" of the defense burden.

While Mr. Kissinger boldly set the stage for the development of a new compact with Europe, various departments of government—State, Treasury, Defense, and others—were in the throes of working out a new defense burden-sharing plan as one component of that compact. The search goes on. A highly complex problem that relates also to trade and monetary questions, it is certain to be raised when President Nixon meets with West German Chancellor Willy Brandt next week.

There are two aspects of the problem. One is that the United States spends a larger proportion of its annual budget and GNP on defense than do its Atlantic partners. The other derives from the fact that the U.S. maintains some 300,000 troops in Europe, which creates a balance-of-payments drain larger than that of any West European country.



Last year the total American trade deficit amounted to $10.5 billion. Of that, $2.1 billion represented the balance-of-payments cost for NATO defense in Europe—the stark statistic that has given rise to congressional pressure for a withdrawal of American troops.

What troubles administration officials is a growing disinterest in defense on the part of some European nations. The Danes, for instance, have decided to reduce their armed forces by several thousand men. They also have a plan for reducing the period of conscription from 12 to nine months.

The Belgians, to cite another example, decided to withdraw a number of troops stationed in West Germany and bring them back to Belgium.

Militarily this is not viewed as significant. But U.S. officials voice concern that if countries like Denmark or Belgium take actions which suggest less determination to maintain their defense strength, this could have a contagious effect.

West Germany, where the bulk of American troops are stationed, alone helps share the U.S. defense cost. Since the 1960's the two countries have concluded "offset agreements" to neutralize the adverse impact on the U.S. balance of payments. Bonn helps stem the flow of U.S. dollars abroad by obtaining military equipment in the United States, renovating facilities used by American troops in Germany, and purchasing U.S. Government securities.

Under the current two-year accord, which expires June 30, the West Germans have purchased more than $1.2 billion worth of airplanes, helicopters, and other sophisticated hardware in the United States. They also have spent $186 million rehabilitating run-down barracks for American troops. And, lastly, they have purchased $612 million worth of U.S. Treasury securities.

Total benefits to Washington come to more than $2 billion—about 80 percent of the cost of stationing the troops there.

The purchase of securities is only a temporary advantage, however. In the long run the loans must be paid back, so nothing is really gained. For this reason, say U.S. officials, there is a good chance this aspect of the offset agreement will not be renewed.

What Mr. Kissinger has in mind by a "fair share" is yet far from clear, for proposals under discussion in the administration are only in the formative stage. The goal, say U.S. officials, is to achieve some arrangement where the cost of stationing troops in Europe would be no more than maintaining them at home. Besides the agreement with Germany, there could be similar agreements with other NATO countries, which provide no budgetary support to the U.S. at present, or possibly some form of multilateral burden-sharing.

In broad terms, too, the administration seeks greater equity not merely between the United States and Europe but between the European nations themselves. And, at a time when Washington is thinking about decreasing its forces vis-a-vis those of the Soviet Union, it is expected President Nixon will ask the Atlantic allies to devote more resources to their own defense.

At this stage the entire complex of defense, trade, and monetary matters is under review. High administration officials have denied that Mr. Nixon will link trade and defense—threatening to pull back on the U.S. military commitment if Europe does not come up with suitable arrangements in the GATT (General Agreement on Tariffs and Trade) talks.

## A TIME FOR RENEWAL

The ACTING PRESIDENT pro tempore. Does the minority leader desire recognition?

Mr. SCOTT of Pennsylvania. Yes, Mr. President.

It is written in the Great Book that where there is no vision, the people cast off restraint. We need, from time to time, to assess where we are, how we are doing, and where we are going.

The year 1972 was a good year for peace; 1973 is a year in which we can build upon the achievements of the peace so as to make the enjoyment of peace more widespread and more secure.

The people of this country, as they feel the need for a vision of the future, can look around and see that 25 years ago we were not speaking to 25 percent of the people of the world. Today we are. They can look back to a period of far less affluence than they enjoy today. They can look back to a period of class struggle, of class hatred, and of great and terrible labor conflicts and the oppression of the workingmen of the country.

They can look forward, it seems to me, to better relationships with the great powers of the world—to an emerging strong Europe, to a Soviet Union with whom we are in constant discussion and growing accord, to the People's Republic of China, where thoughts that could not even be thought a few years ago are turning, hopefully, into realities.

If the people had no vision, they would, of course, cast off restraint. But their vision needs to be a whole vision, a vision of all the Union and of all the elements on which we base our pride.

The Romans had a custom, every 5 years, of lustration, or cleansing. In our system of government, we have our lustrations every 6 years in this body, and in the other body every 2 years. But a time of cleansing comes, and we are going through one in this fifth year. This cleansing is salutary. This lustration is one which can only put behind us memories of when we have not always been as perfect in our system of governing ourselves as we would like. But we can look ahead of us to the fact that the system works, the democratic processes work, the government works, and the people have seen for themselves that a lustration has occurred and that it is working, too.

So I plead for a whole vision, a vision not only of those things which ought not to have happened but also a vision of things which have happened—and a greater vision, still, of all those things which can happen to this great Nation as it nears its 200th birthday.

I think we have much to be proud of. Above everything, we have the right to be proud of ourselves, that we are accommodating to a world in which change races apace and ahead of our footsteps.

So as I end, I praise the President of the United States for a quality which I admire in public men particularly, the quality of grace which can be defined as courage under pressure. The President exhibited that courage last night, and we have every reason to be proud of him for it.

Difficult situations require difficult remedies. I can only hope now that in a spirit of mutual tolerance, one to another, we will go ahead and build the future the better for the lessons of the past.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado is recognized for not to exceed 15 minutes.

## NUCLEAR TESTS IN COLORADO

Mr. HASKELL. Mr. President, I rise today to alert my colleagues of yet another encroachment on the prerogatives of this institution. To some, the issue may seem small, but I believe it is yet another example of the administration's arrogance in dealing with this body.

For some time now the Atomic Energy Commission and a private organization called Geonuclear Corp. have been making plans to detonate three 30-kiloton nuclear explosive devices in Colorado. The attempt will be to stimulate a flow of natural gas. The experiment, called project Rio Blanco, is part of the AEC's Plowshare program, designed to find peaceful uses for atomic weapons.

The test was first planned for March. It was then delayed, for unexplained reasons, until mid-May. I have been investigating the project since I was sworn in as a Member of the Senate. I announced my opposition to the project in March and have been continuing further investigation since that time.

I have written letters to Dr. Dixy Lee Ray, Chairman of the Atomic Energy Commission and to Rogers C. B. Morton, Secretary of the Department of the Interior. My most recent letter to Secretary Morton was sent on March 29. A copy of that letter was sent to Chairman Ray. I have not even had the courtesy of a reply to the detailed information I set forth in that letter.

I also wrote to the Department of the Interior, objecting to a transfer of 360 acres of public land from the Bureau of Land Management to the AEC. The land transfer was necessary before the blast could proceed. I did not receive a reply to that protest, either. The land transfer was carried out last Friday. I learned that from my Denver office, and I finally received a tardy notification from the Liaison Office of the Department of the Interior.

Mr. President, I asked Chairman Ray for detailed information concerning the radioactive elements resulting from the blast. Instead of a complete and straightforward answer, I was given a partial answer and was offered a classified briefing by the Atomic Energy Commission. This test affects the health and the welfare of the people of Colorado and our Nation, and the information about this test and its side effects must be made available to all of us.

Just a moment ago, at a hearing of the Interior Committee, I asked Dr. Ray why this information was not forthcoming as a public matter. I was told that, for some reasons not known to the chairman, it was prohibited by the Department of Defense.

In an attempt to get some answers to my many questions, a hearing on the project has been scheduled on May 11 before the Subcommittee on Public Lands of the Senate Interior Committee. I have

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the honor of chairing that subcommittee.

Just yesterday, another affront was added to the growing list of complaints. The AEC announced that the blast would take place on May 17. I was first told of this by a competent newspaper reporter from Colorado. The chronology of events, with the hearing on May 11 and the blast on May 17, might seem to indicate that nothing is wrong. But appearances, as usual, are deceiving. Due to the time it takes for final preparations, the nuclear devices will be lowered into the hole on May 9, 2 days before the hearing. The hole will be sealed and filled for the blast; and even if the hearing results, as I am sure it will, in new evidence coming to light, there will be no way to stop the device from being buried. Neither the Atomic Energy Commission nor the company conducting the test has made any plans for removing the device from the ground should there be a reason not to continue.

In short, we are ignored by an arrogant administration and bureaucracy. The AEC refuses to listen to outside comments, to answer outside questions, and the bureaucracy grinds on and on.

Mr. President, I ask unanimous consent that my letters addressed to Secretary Morton and Chairman Ray, a synopsis of the project prepared by my office, Dr. Ray's answer to my first letter, and the numerous protests lodged by citizens of Colorado be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HASKELL. Mr. President, I would be delighted to insert in the RECORD the answers to some of my letters directed to the Department of the Interior, but unfortunately I do not have any.

This project will not solve our critical national gas shortage. Literally hundreds of nuclear detonations would be required to develop the full field. The specter of hundreds of atomic bombs being detonated in Colorado is appalling and is unacceptable to me and to my fellow citizens in Colorado.

We must work toward developing alternate methods, such as hydrofracting, for developing this vital natural resource. The wellhead price of natural gas must rise to between 50 and 60 cents before the nuclear method will be economically feasible. Reliable estimates indicate that there would be sufficient inducement at this price level to find alternate measures of extracting this gas. In fact, expert testimony indicates that hydrofracting would be economically feasible at the same price; that is, between 50 and 60 cents. Such hydrofracting would not have the obvious problems associated with radioactive blasts, to say nothing of using radioactive gas in homes.

At the very least, the many unanswered questions can no longer be ignored. I have requested that the test be delayed until Congress has an opportunity to investigate the matter.

Mr. President, Project Rio Blanco does not make sense. The people of Colorado will not accept full field development using nuclear devices. An alternative must be found and used to make that vast resource of natural gas available but in an acceptable manner.

Mr. President, I yield back the remainder of my time.

EXHIBIT 1

SYNOPSIS OF PROJECT RIO BLANCO

Project Rio Blanco is an experiment sponsored by the Atomic Energy Commission designed to stimulate production of natural gas from tight gas reservoirs by detonating nuclear explosives. Unless the project is halted or delayed, three 30 kiloton nuclear explosives will be detonated simultaneously in a single well bore in Rio Blanco County in mid-May.

Project Rio Blanco is Phase I in a three part demonstration program designed to study the feasibility of producing natural gas for consumer use from underground reservoirs by means of nuclear stimulation. Phase II contemplates nuclear stimulation of four to six wells with three to five nuclear explosives per well for a total of 12 to 30 detonations. Its purpose is to provide the experimental, reservoir, and operational data necessary to justify the large investment required in Phase III. Phase III would be the last or pilot plant step in demonstrating that natural gas can be commercially produced by nuclear stimulation. Phase III contemplates stimulation of 20 to 60 wells and detonation of probably 60 to 300 nuclear explosives, the number necessary to justify construction of a major gas pipeline into the area. Full field development would follow Phase III and would require 140 to 280 wells and detonation of probably 420 to 1400 nuclear explosives. Gas produced by nuclear stimulation is radioactive and, if used commercially, would be brought into the homes and factories of persons living in Colorado.

Doctors, scientists, environmentalists, legislators, and interested citizens are concerned about the impact of Project Rio Blanco. Their concerns focus primarily on threats to public health and the environment which the Project poses. Another primary concern is the waste of money, resources and men which would occur if the Project were undertaken. Not only is it extremely unlikely that the federal government will permit, much less encourage, detonation of about a thousand nuclear devices to produce but a few percent of projected national energy needs, but it is extremely likely that tight gas reservoirs can be stimulated more economically, and without the attendant public health and environmental risks, by hydraulic fracturing. Finally, these people raise important questions about the overall concept of recovering natural gas by nuclear stimulation. A summary of the major objections and questions raised by the proposed Rio Blanco project follows.

Three documents will frequently be cited in this summary. They are the original Environmental Statement published by the United States Atomic Energy Commission in April, 1972, the Addendum to the Environmental Statement published by the AEC on March 12, 1973, and Project Rio Blanco, a fact booklet jointly published on March 1, 1973, by the AEC and CER Geonuclear Corporation, the industrial cosponsor of the project.

CONCERNS RAISED OVER THE INITIAL RIO BLANCO NUCLEAR GAS STIMULATION EXPERIMENT

1. Property Damage: Non-industrial property damage resulting from the ground movement caused by the detonation is estimated by the AEC to range from $38,000 to $64,000. Considering the sparsity of the population in the area, this damage cannot be considered negligible.

2. Rock Falls and Slides: The Environmental Statement and the Project Rio Blanco fact book both state, "Road and railroad cuts in the Western Slope region, frequently bordered by steep and sometimes perpendicular bluffs, are susceptible to rock falls and slides, especially during the spring thaw period." (ES 3–11, PRB 16) The Rio Blanco detonation is scheduled for spring.

3. Disposal of Tritiated Water: Rio Blanco gas must be dried before flaring. The AEC has proposed four methods of disposing of the tritiated water accumulated from the drying process. Injecting the water into the gas to be flared, evaporation from ponds, or release to nearby streams all allow the tritium to enter the biosphere. A highly preferable method of disposal involves injecting the tritiated water down the Fawn Creek Government No. 1 Well into low permeability gas sand at the same depth as the Rio Blanco chimney. According to the AEC, once the water is pumped into place, it is immobilized and isolated from any aquifer. While this method indeed sounds preferable to the others suggested, the AEC offers no guarantee that it will work. The Addendum to the Environmental Statement states that the feasibility of this approach will be investigated before the detonation, but, even now, only a few weeks before the detonation is scheduled, there appear to be no definite plans as to how or when these tests will occur. Prudence would suggest that feasibility experiments be carried out with tracer amounts of radioactivity in advance of Rio Blanco rather than using the much more radioactive tritiated water from the full scale project. Approval for Rio Blanco should certainly be delayed until the results of the preliminary experiments have been evaluated and feasibility determined.

4. Radioactive Materials Released into the Biosphere by the Flaring: The estimated radiation dosage from the planned flaring is small, but, as the AEC's Environmental Statement notes, "While the radiation exposure to man from dry deposition is estimated to be a very small fraction ($\ll 1\%$) of the natural annual background, there is the opinion held by some scientists that any exposure above annual background (approximately 140 mrem per year at this location) should be avoided." (ES 3–14) While the calculated radiation exposures which may result from the Rio Blanco experiment appear below normal standards, they must be viewed in the light of the recent report of the National Academy of Sciences—National Research Council Advisory Committee on the Biological Effects of Ionizing Radiation (BEIR Report). This report was released in the fall of 1972 after the original Rio Blanco Environmental Statement, and there is no evidence it was considered in preparing the Addendum. This report makes among others the following recommendation: "No exposure to ionizing radiation should be permitted without the expectation of a commensurate benefit." Thus, the exposures of the Rio Blanco Project must be evaluated in light of the direct benefits of the experiment, not of the full-field development. And the estimated benefits of full-field development must be evaluated in light of potential exposures which result from using gas produced by the 420 to 1400 nuclear explosives.

5. Release of Carbon 14: The most dangerous of the radioactive isotopes to be released by flaring is Carbon 14. Because carbon is a basic building block of life, there is a tendency for Carbon 14 to become part of the life chain. The mitigating factors are (1) a relatively small amount of Carbon 14 will be released, and (2) it will be in the form of $CO_2$ (carbon dioxide) with a high dilution factor.

6. Alternative Methods to Flaring: The AEC considered two alternative methods for disposing of the gas withdrawn during production testing: (1) storage of the produced gas, and (2) controlled combustion of the gas and storage of the combustion products.



Either of these procedures would more than double the cost of the Rio Blanco experiment. The process of flaring is the one point in the experiment, however, where it is certain that radioactive materials will be released into the biosphere. Since the Rio Blanco project is an experiment and full-field development may not occur, it seems reasonable that the extra expense might be justifiable to limit or prevent radioactive material from entering the biosphere.

7. Failure to Contain the Explosion: This is considered highly unlikely, but it is possible.

8. Accidental Venting: Accidental venting has occurred in more than 20 U.S. nuclear tests at the Nevada test site including those in the lower yield ranges. Despite precautions and a thorough knowledge of the Nevada test site, radioactive materials have been released into neighboring communities which are much more distant than those surrounding Rio Blanco. Even though the depth of the Rio Blanco explosions will be greater than normaly used in Nevada, the risk that venting will occur here cannot be disregarded, particularly since three simultaneous explosions in a single shaft have never been carried out before.

9. Non-detonation: This is very unlikely, but if it should occur, there is no plan to remedy the situation. The Environmental Statement states: "Should a Rio Blanco explosion fail to detonate upon command, it will not be in a condition where it can be inadvertently detonated at a subsequent time. It is not planned to attempt to retrieve any such explosive; the re-entry plan will be altered as necessary to compensate for the presence of the explosive." (E–66) This situation would result in large quantities of either Uranium 234 or Plutonium being left in the ground. The Handbook of Chemistry and Physics describes Uranium as "highly toxic, both from a chemical and radiological standpoint" and Plutonium as "one of the most dangerous poisons known."

10. Escape of Radioactive Debris from Wellcasings or Chimneys: In addition to the planned release of radioactivity due to flaring, there will be considerable amounts of radioactivity remaining in the well bore and chimney region. The exact isotopic composition of this radioactivity is not reported in the Environmental Statement, presumably because of security reasons. There is the risk that the radioactive debris will seep out of the wall casings of the chimneys created by the explosion into the water layers and eventually into some use points. The dangers of this occurring are hard to evaluate since the geologic situation in the Nevada desert is radically different from Colorado; subsurface ground water is known to be present, and the distance the materials must travel from the explosion site to uncontrolled human habitation is very much less. Very large quantities of the most dangerous long life fision products Sr 90 and Cs 137 will be left in chimneys in a form, according to the Environmental Statement, capable of being dissolved in any liquid water present. This hazard is disregarded without detailed analysis because no mechanism can be hypothesized whereby it can get into ground water. If Sr 90 accidentally leaches into the watertable, some mechanism will be hypothesized after the fact, but then it will be too late to prevent pollution of Colorado water supplies. It is worth noting that the Colorado River, which serves 27 million people, is about 10 miles from the Rio Blanco site.

11. Social, Economic and Environmental Costs: It is difficult to evaluate the cost-benefit from Rio Blanco without considering it a part of future development. Yet, *Project Rio Blanco* states that "Neither the AEC or CER is committed to planning or conducting any nuclear gas stimulation tests beyond this scheduled Rio Blanco test." (PRB 13) The experiment has definite social, economic and environmental costs. The principal benefit of the project against which these costs must be weighed is the acquisition of technical information concerning the feasibility of stimulating the gas reservoir in question by nuclear devices. The Environmental Statement mistakenly compares to a great extent the benefits to be gained from full-field development with the costs of this experiment instead of those of full-field development. In the Plowshare excavation program, premature experiments were carried out, spreading large amounts of radioactive material over large areas of the U.S. It was not until later that careful economic, technical, safety and public attitude analyses showed that the use of nuclear explosives to build a sea level Panama Canal was obviously impractical. Project Rio Blanco's only value lies in information it provides about the feasibility of the subsequent phases which may never be carried out in view of the large number of nuclear explosions required. Furthermore, the funds for the development of sequentially fired nuclear explosives which are considered to be superior to the type to be used in Rio Blanco have been removed from the AEC program with the indefinite postponement of Project Wagon Wheel. If the gas stimulation is important, then this development should precede the exposure of Colorado to environmental damage.

12 Dangers of Seismic Disturbances: The AEC states that the Rio Blanco test will result in a series of innocuous small aftershocks, none having an equivalent Richter magnitude greater than 3 (compared with equivalent Richter magnitude 5½—body wave—for the explosion itself). They also note that "... it is not impossible in principle that some future explosion, if fired in a region where high natural stress had built up, might trigger an earthquake with greater seismic energy and greater hazard potential than the explosion itself." (ES 3–13)

13. The Environmental Statement Addendum and Public Comment: The AEC Notice of Availability, published in the *Federal Register* of March 12, 1973, does not invite comments from interested members of the public on Project Rio Blanco and does not indicate that any comments which might be submitted would be considered prior to a decision to undertake the project. In addition, the Department of the Interior, which must formally transfer the land involved to the AEC for use during the test, has not furnished specific information as to the procedures to be followed if protests to this land withdrawal are filed. These two examples, from among many, raise questions as to whether the public has had adequate time and opportunity to make its views felt on the Rio Blanco project.

CONCERNS RAISED ABOUT PHASE II, PHASE III, AND FULL FIELD DEVELOPMENT

1. Lack of an Environmental Statement on Phase II, Phase III, and Full Field Development: The Environmental Statement and subsequent Addendum pertain almost exclusively to the initial Rio Blanco experiment. The Environmental Statement, when referring to the various effects of such testing on the environment, notes that more complete treatments of these questions would, of necessity, be contained in subsequent environmental statements. It has been suggested that failure to consider the environmental impact of subsequent testing and development violates the National Environmental Policy Act (P.L. 91–190) which requires a detailed statement by the responsible official which should include, among other things, (1) "the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity," and (2) "any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented." It should be noted that the three hundred explosions required for Phase II and Phase III are more than the AEC has conducted in the entire ten years since the Limited Test Ban Treaty came into effect in 1963. The entire program must be examined.

2. Property Damage: In order not to inconvenience the local residents, the AEC suggests that in the future phases, when more wells and detonations are involved, multiple well stimulations will occur within a single day: "A typical day might involve a number of well simulations, each consisting of two or more detonations. Thus, the number of such disruptive days would be minimized in the development of the entire unit." (ES 9–3) If non-industrial property damage from the single Rio Blanco test may run as high as $64,000, how much property damage and resulting inconvenience can be expected from multiple well simulations conducted on one day?

3. Rock Falls and Slides: If rock falls and slides are expected to result from the single test, what will be the result of multiple well stimulation.

4. Seismic Disturbances: Again, the AEC provides no adequate assessment of the effect of multiple well stimulations in this area. According to Thomas Ten Eyck, Colorado's Director of Natural Resources, quoted in *Time*, April 9, 1973, "I just don't know what would happen seismically after you've wracked the earth 140 times."

5. Escape of Radioactive Debris from Well-casings or Chimneys: According to *Time*, April 9, 1973, "Denver Geologist David Evans believes that the blasts would create subterranean radioactivity that would sooner or later seep into the Colorado River system—and contaminate the drinking water of 27 million people in seven states." Such a claim should be thoroughly investigated.

6. Environmental Hazards Resulting from Carelessness: Dangers to the environment posed by multiple well stimulations proposed for Phase II and Phase III will be greater than the simple multiple of the explosions conducted. Such a large number of explosions in a short time can never be carried out with the equivalent care of a single one.

7. Resident Response to Multiple On-Going Detonations: No research has been done to determine whether the population of the Rio Blanco area would be amenable to the idea of the construction of the rather substantial number of wells envisioned in the plans for Phases II and III and for full field development. In addition to resident feeling about disruption of their daily routines by continuing detonations and the constant threat of property damage, their reactions to having large amounts of radioactive materials stored in the chimneys of the wells in the area should be assessed. Although the population in the area is relatively sparse, the views of the community on the problems posed by the project cannot be overlooked.

8. Continuation of Flaring: Although the AEC expresses the hope that flaring of radioactive gas into the atmosphere for production testing will not normally be anticipated as time goes on, they admit that some flaring may still be necessary. The problem of disposing of the tritiated water, discussed above, reoccurs here as does the possibility of releasing other radioactive materials into the environment. Because of the number of wells involved in the latter phases of the experiment, the possibility of continued flaring poses increased problems. If the one flaring anticipated with the original Rio Blanco experiment adds about 1% to the yearly radiation background, what would multiple flaring do to the level of radioactivity in the biosphere?

9. Effect on Oil Shale Recovery: The natural gas deposit to be recovered in the Rio Blanco area lie under a vast reserve of oil shale. Though it is unlikely, there is a possibility that radioactive materials could penetrate the layer of oil shale. In addition,



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If the blasts continue, scientists predict that immense amounts of radioactive fission products left in the earth will pose a lingering danger to workers who may eventually mine the shale.

10. Possibility of Full Field Development: Many experts have expressed grave doubts about the likelihood of full field development. Colorado's Governor John Love has indicated that his approval of the initial Rio Blanco experiment does not in any way imply that he is in favor of full field development. From that perspective, the risks involved in the planned initial test are unacceptable, regardless of how minimal they may be assessed to be. Why accept any risk of radioactive contamination of air or water, or create a radioactive cavern demanding perpetual monitoring if the program will produce nothing of value.

11. Consumer Acceptance of Gas Procured by Nuclear Means: One would expect that before large amounts of money are spent developing the technology for retrieving natural gas by nuclear stimulation, the safety criteria for selling that gas would at least have been developed and approved. This has not been done. In addition, no studies have been undertaken to discover whether consumers would be willing to buy gas obtained in this way for use in their homes. The possibility exists that consumers would rather pay more for some other kind of fuel than risk the dangers, no matter how minimal, of using radioactive gas.

12. Experience with Project Rulison: The AEC contends that Project Rulison was successful. According to a recent study funded by the National Science Foundation, which examined the experiment from the financial, social, and environmental angles, the project was a failure on all counts. To quote from *Time*, April 9, 1973, "The researchers found that Rulison cost a total of $11 million but yielded gas that would be worth only $1.5 million—if it were uncontaminated and of high quality. Unfortunately the gas released by Rulison is chemically inferior to gas from conventional wells in the same field and contains excessive amounts of radioactive by-products like tritium."

CONCERNS RAISED REGARDING THE VALUE OF THE CONCEPT OF RECOVERING NATURAL GAS BY NUCLEAR STIMULATION

1. Inadequate Exploration of Alternative Methods of Procuring Natural Gas Trapped in Underground Reservoirs: The Addendum to the Environmental Statement refers to the use of hydraulic fracturing as an alternative to nuclear stimulation. This technique has shown increasing potential in recent years and is considered economically competitive with nuclear stimulation. This Addendum notes, "Preliminary estimates by experts in both fields indicate that the range of potential production costs per MSCF of gas is similar." (A-ES 6-2) On the other hand, hydraulic fracturing has none of the possible hazards involved in carrying out hundreds of nuclear explosions. The Addendum refers to its potentialities as "presently achievable but not yet demonstrated" (A-ES 6-2) which, after all, is not less advanced than nuclear gas stimulation. In fact, the purpose of the first 20 to 60 Rio Blanco nuclear explosions would be to determine whether economic nuclear gas stimulation can be achieved in Rio Blanco type reservoirs and to demonstrate its feasibility. In view of these similarities and the reduced risks from hydraulic fracturing, this technique should certainly be investigated thoroughly before entering a program involving hundreds of nuclear explosions. In this connection, the new FPC regulation, which was not considered in any of the Environmental Statements, allows higher prices for natural gas, and this should have a profound effect on the economics of conventional gas exploitation and the size of the supply.

2. The Nature of the Energy Crisis: Considerable questions have been raised as to how critical the short-term energy crisis really is. The Environmental Statement asserts, "A shortage of natural gas exists in the United States." (ES 2-1) According to the Lawrence Livermore Laboratory report, "An Analysis of Gas Stimulation Using Nuclear Explosives" (p. 15), there were about 13 years supply of proven U.S. natural gas reserves as of December 31, 1970. The report estimates that there is a potential supply for about 49 years at current usage without using nuclear stimulation. According to the Colorado Interstate Gas Company, "There is a general agreement that the current deficit in natural gas supply from conventional sources is the result of regulatory and economic conditions and is not due to a shortage of potential gas reserves. The Potential Gas Committee reports undiscovered natural gas reserves in the U.S. as of December 31, 1973, estimated to be 1,178 trillion feet. This figure compares with 679 trillion feet discovered to date (1973). These undiscovered potential reserves are defined by the Potential Gas Committee as "reserves that will be found by test wells which can be expected to be drilled in the future under assumed conditions of adequate but reasonable prices and normal improvements in technology." Assuming some of the gas goes undiscovered, and the rate of usage continues to climb, 25 years supply of natural gas within the boundaries of the U.S. is a very reasonable, conservative estimate. The estimates of recoverable gas from nuclear stimulation in the Rio Blanco Field range from 3.4 to 6 trillion feet or from about two to three months supply at current usage rates. The total Piceance Basin might provide an estimated 20 trillion feet and would require more than 600 nuclear events.

3. Inadequate Exploration of Other Energy Sources: In its Environmental Statement, the AEC discusses the progress of research being done on developing numerous other energy sources and modifying existing sources so as to make them conform to environmental standards. Many legislators and scientists feel strongly that money currently devoted to projects such as Rio Blanco should be diverted to more intensive investigation of other promising energy sources.

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U.S. SENATE,
*Washington, D.C., February 14, 1973.*

Hon. DIXIE LEE RAY,
*Chairman, U.S. Atomic Energy Commission, Washington, D.C.*

DEAR DR. RAY: I would appreciate it if you would have a member of your staff let me know as soon as possible two items concerning the proposed Rio Blanco shot in Colorado—

(1) The quantity of each radioactive element resulting from the shot; and

(2) The Commission's recommendations as to disposal or containment.

I realize the answer to my second question might take a little time but assume that the answer to my first question is immediately available and therefore would appreciate an answer to this as promptly as possible.

Thank you in advance for your courtesy.

Sincerely,

FLOYD K. HASKELL,
*U.S. Senator.*

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ATOMIC ENERGY COMMISSION,
*Washington, D.C., March 2, 1973.*

Hon. FLOYD K. HASKELL,
*U.S. Senate.*

DEAR SENATOR HASKELL: The following information is provided in reference to your letter to Chairman Ray of February 14, 1973. Enclosure 1 provides a description of what happens when a nuclear explosive is detonated underground and is included as background information.

The radioactive material resulting from a nuclear explosion is produced by three different processes. There is a certain amount of unfissioned fissionable material. In the case of the DIAMOND device which is planned to be used on the Rio Blanco project (three 30-kiloton devices), the amount and composition of this material is classified to protect nuclear explosive design information.

The second type of radioactive material is the fission products which are the new elements of lower atomic weight produced when a heavy fissionable nuclide is split or fissioned. The amounts of these materials per kiloton of fission yield are constant and the amounts for Rio Blanco are given in Table I, Enclosure 2.

The third source of radioactivity is neutron activation. During the fission process, some neutrons interact with the explosive parts and with the surrounding rock to produce radioisotopes. The amounts and types of neutron activation products will vary depending on the elemental makeup of the rock at the detonation point. The primary neutron activation products for Rio Blanco are listed below:

PRIMARY NEUTRON ACTIVATION PRODUCTS FOR RIO BLANCO

| | | |
|---|---|---|
| $^{42}K$ | $^{56}Mn$ | $^{46}Sc$ |
| $^{24}Na$ | $^{55}Fe$ | $^{45}Ca$ |
| $^{54}Mn$ | $^{59}Fe$ | $^{203}Hg$ |

The amounts are classified, again to protect nuclear explosive design information.

With the exception of the gaseous radioactive materials which I will describe in more detail, it is not expected that any of the radioactivity produced by the Project Rio Blanco detonations will be transported outside of the immediate cavity area. Most of this remaining radioactivity is nonvolatile and will be permanently incorporated either in three zones of resolidified molten rock (puddle glass) or on rock surfaces in the chimney region. It is estimated that the total amount of nonvolatile radioactivity one hour following the detention is $4 \times 10^{10}$ curies. One year after the detonation the total in the immediate chimney region will be about $10^6$ curies. The amount of radioactivity continues to decrease with time.

The only radionuclides which reach the surface are those gaseous products which are removed from the chimney with the natural gas. The total amounts produced and the quantities estimated to be released during flaring are given in Table 3-3 of the Rio Blanco Environmental Statement. The total amounts produced are given below in curies and grams. All these numbers except Kr-85 are maximum values since the actual values are classified to protect nuclear explosive design information.

INITIAL RADIOCHEMICAL COMPOSITION OF RIO BLANCO CHIMNEY GAS

[90 days after detonation]

| Nuclides | Half life | Total production (Ci) | Total production (g) |
|---|---|---|---|
| Tritium (H-3) | 12.3 years | 3,000.0 | 0.3 |
| C-14 | 5,730 years | 22.5 | 5.05 |
| Ar-37 | 35.1 days | 15,000.0 | .15 |
| Ar-39 | 270 years | 20.0 | .59 |
| Kr-85 | 10.76 years | 2,000.0 | 5.1 |

In addition, there may be trace amounts of Hg-203 (46.6 day half life). The concentration in the gas would be extremely low (estimated at less than 0.001 pci/cc) and there would be no health effects from this source.

With respect to your second question, the Commission's position as to disposal and containment are outlined in Sections 3, 4 and 5 of the Rio Blanco Environmental Statement (copy enclosed).

I hope this information will be of use to you. I regret that we cannot be more quantitative in an unclasified letter; however, we would be happy to provide you with a classified briefing on this subject if you desire.

Sincerely,

E. H. FLEMING,
*(For Gerald W. Johnson, Director, Division of Applied Technology).*

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TABLE I.—FISSION PRODUCT ACTIVITY IN CURIES AT VARIOUS TIMES AFTER DETONATION OF 330 KT NUCLEAR EXPLOSIVES

| Nuclide | Activity D+30 days | D+90 days | D+180 days |
|---|---|---|---|
| $^{85}Kr$ | $2.05\times10^{3}$ | $2.03\times10^{3}$ | $2.00\times10^{3}$ |
| $^{89}Sr$ | $1.6\times10^{6}$ | $6.8\times10^{5}$ | $2.0\times10^{5}$ |
| $^{90}Sr$ | $1.4\times10^{4}$ | $1.4\times10^{4}$ | $1.4\times10^{4}$ |
| $^{90}Y^{*}$ | $1.4\times10^{4}$ | $1.4\times10^{4}$ | $1.4\times10^{4}$ |
| $^{91}Y$ | $1.8\times10^{6}$ | $9.2\times10^{5}$ | $3.2\times10^{5}$ |
| $^{95}Zr$ | $2.0\times10^{6}$ | $1.1\times10^{6}$ | $4.0\times10^{5}$ |
| $^{95}Nb^{*}$ | $1.1\times10^{6}$ | $1.3\times10^{6}$ | $7.2\times10^{5}$ |
| $^{99}Mo$ | $3.6\times10^{6}$ | ---- | ---- |
| $^{99}Tc^{*}$ | $3.6\times10^{6}$ | ---- | ---- |
| $^{103}Ru$ | $1.2\times10^{6}$ | $4.3\times10^{5}$ | $9.2\times10^{4}$ |
| $^{103m}Rh^{*}$ | $1.2\times10^{6}$ | $4.3\times10^{5}$ | $9.2\times10^{4}$ |
| $^{106}Ru$ | $4.5\times10^{4}$ | $4.0\times10^{4}$ | $3.4\times10^{4}$ |
| $^{106}Rh^{*}$ | $4.5\times10^{4}$ | $4.0\times10^{4}$ | $3.4\times10^{4}$ |
| $^{111}Ag$ | $1.7\times10^{4}$ | $6.7\times10^{1}$ | ---- |
| $^{115m}Cd$ | $1.2\times10^{3}$ | $4.5\times10^{2}$ | $1.1\times10^{2}$ |
| $^{115}Cd$ | $5.8\times10^{1}$ | ---- | ---- |
| $^{115m}In^{*}$ | $6.1\times10^{1}$ | ---- | ---- |
| $^{123m}Sn$ | $1.3\times10^{3}$ | $9.2\times10^{2}$ | $5.6\times10^{2}$ |
| $^{124}Sb$ | $2.7\times10^{2}$ | $1.3\times10^{2}$ | $4.7\times10^{1}$ |
| $^{125}Sn$ | $4.9\times10^{4}$ | $5.8\times10^{2}$ | ---- |
| $^{125}Sb$ | $5.4\times10^{3}$ | $5.6\times10^{3}$ | $5.4\times10^{3}$ |
| $^{125m}Te^{*}$ | $2.9\times10^{2}$ | $7.4\times10^{2}$ | $9.9\times10^{2}$ |
| $^{126}Sb$ | $2.0\times10^{4}$ | $7.2\times10^{2}$ | ---- |
| $^{127}Sb$ | $1.6\times10^{4}$ | ---- | ---- |
| $^{127m}Te$ | $1.6\times10^{4}$ | $1.1\times10^{4}$ | $6.3\times10^{3}$ |
| $^{127}Te^{*}$ | $3.4\times10^{4}$ | $1.1\times10^{4}$ | $6.3\times10^{3}$ |
| $^{129m}Te$ | $3.2\times10^{4}$ | $9.4\times10^{3}$ | $1.5\times10^{3}$ |
| $^{129}Te^{*}$ | $2.0\times10^{3}$ | $5.9\times10^{3}$ | $9.5\times10^{2}$ |
| $^{131}I$ | $9.7\times10^{3}$ | $5.6\times10^{2}$ | 2.3 |
| $^{131m}Xe$ | $1.6\times10^{4}$ | $1.1\times10^{3}$ | ---- |
| $^{133m}Xe$ | $2.0\times10^{2}$ | ---- | ---- |
| $^{133}Xe$ | $5.8\times10^{3}$ | $2.2\times10^{2}$ | ---- |
| $^{136}Cs$ | $1.7\times10^{3}$ | $6.8\times10^{3}$ | $5.6\times10^{1}$ |
| $^{137}Cs$ | $1.7\times10^{6}$ | $1.7\times10^{6}$ | $1.6\times10^{6}$ |
| $^{137m}Ba^{*}$ | $1.6\times10^{4}$ | $1.6\times10^{4}$ | $1.5\times10^{4}$ |
| $^{140}Ba$ | $2.5\times10^{6}$ | $1.0\times10^{5}$ | $7.7\times10^{2}$ |
| $^{140}La^{*}$ | $3.1\times10^{6}$ | $1.2\times10^{5}$ | $8.8\times10^{2}$ |
| $^{141}Ce$ | $2.7\times10^{5}$ | $7.6\times10^{3}$ | $1.2\times10^{3}$ |
| $^{143}Pr$ | $2.5\times10^{5}$ | $1.2\times10^{3}$ | $1.3\times10^{3}$ |
| $^{144}Ce$ | $4.7\times10^{5}$ | $4.1\times10^{5}$ | $3.2\times10^{5}$ |
| $^{144}Pr^{*}$ | $4.7\times10^{5}$ | $4.1\times10^{5}$ | $3.2\times10^{5}$ |
| $^{147}Nd$ | $9.2\times10^{3}$ | $2.2\times10^{4}$ | $7.9\times10^{4}$ |
| $^{147}Pm$ | $5.6\times10^{4}$ | $6.5\times10^{4}$ | $6.1\times10^{4}$ |
| $^{149}Pm$ | $1.6\times10^{3}$ | ---- | ---- |
| $^{151}Sm$ | $4.7\times10^{2}$ | $4.7\times10^{2}$ | $4.7\times10^{2}$ |
| $^{153}Sm$ | $7.6\times10^{1}$ | ---- | ---- |
| $^{155}Eu$ | $3.2\times10^{3}$ | $2.9\times10^{3}$ | $2.7\times10^{3}$ |
| $^{156}Eu$ | $1.2\times10^{4}$ | $7.4\times10^{2}$ | ---- |
| Total | $2.3\times10^{7}$ | $7.0\times10^{6}$ | $2.9\times10^{6}$ |

*Nuclides in transient or secular equilibrium with the isotope listed immediately above.

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TABLE II.—PRIMARY NEUTRON ACTIVATION PRODUCTS FOR RIO BLANCO

| | | |
|---|---|---|
| $^{42}K$ | $^{56}Mn$ | $^{46}Sc$ |
| $^{24}Na$ | $^{55}Fe$ | $^{45}Ca$ |
| $^{54}Mn$ | $^{59}Fe$ | $^{203}Hg$ |

U.S. SENATE,
*Washington, D.C., March 2, 1973.*

Re Project Rio Blanco.

Hon. ROGERS C. B. MORTON,
*Secretary of the Interior, Department of the Interior, Washington, D.C.*

DEAR MR. MORTON: Since writing the attached letter to the Chairman of the Atomic Energy Commission—to which I have not received a reply—I have made a further investigation of the above project.

My conclusion, based upon available data and conferences with informed individuals, is that full field development of the project is out of the question. The number of atomic blasts involved would result in unacceptably high levels of radioactivity, and, of course, there are other obvious dangers endemic to nuclear explosions. Since full field development is out of the question, the above project, involving three nuclear blasts in one hole, seems unjustifiable.

The Atomic Energy Commission itself admits that very high levels of radioactive material—particularly remaining in the hole—will result from the three blasts. Its opinion, however, is that this radioactive matter can be safely contained or disbursed. Perhaps the Atomic Energy Commission is correct in this regard, but since full field development will not be undertaken, no reason exists to take the risk involved in creating this amount of radioactive matter.

Furthermore, Rio Blanco is but a single part of a program with significant environmental effects, and I am advised that Section 102(2)(c) of the National Environmental Policy Act requires your department to examine the project as a whole as one "significantly affecting the quality of the human environment." Therefore, as an additional reason, I request that unless and until this is done you suspend the permit for the three-blast experiment.

In light of the foregoing, I hope that you will reconsider your decision in the above matter.

Very truly yours,

FLOYD K. HASKELL,
*U.S. Senator.*

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MARCH 29, 1973.

Hon. ROGERS C. B. MORTON,
*Secretary, Department of the Interior, Washington, D.C.*

DEAR MR. SECRETARY: This is in further reference to my letter of March 2 urging reconsideration of your decision to proceed with the Rio Blanco test.

Since my March 2 letter, I have continued researching the Rio Blanco question. From that research I wish to comment further and to ask some additional questions. My comments and questions relate to three general categories: Full field development; procedural problems; events since publication of the AEC impact statement.

1. FULL FIELD DEVELOPMENT

Full field development at Rio Blanco is a dubious proposition. This view is shared by virtually every competent scientific, economic and governmental authority with whom I have discussed the proposal. From that perspective I find the risks involved in the planned test and unacceptable, regardless of how minimal the risks are assessed to be. Why accept any risk of radioactive contamination of air or water, or create a radioactive cavern demanding perpetual monitoring, if the program will produce nothing of value?

It would appear to me only reasonable that prior to exposing people to such a risk the government develop more information on these points:

A. *The development of technology on conventional fracturing to achieve similar results.* Most certainly, conventional fracturing should be attempted prior to nuclear fracturing. The AEC's March, 1973, addendum reflects the opinion that not enough information exists on conventional fracturing methods to sufficiently assess costs and capabilities.

B. *The economic value of the gas produced.* How does that value compare with alternative forms of energy? Considering the changing economic pattern related to energy, changes that have occurred since Rio Blanco was first conceived, does the program make economic sense? Related questions are those involving agreement between the government and commercial entrepreneurs. How much will the government charge for the nuclear service? How much will the government charge for perpetual monitoring? How much would be charged for future tests and further development? These questions have everything to do with the economic justification of the enterprise. Yet, to my knowledge, they remain unanswered. How can decisions be made among alternative sources of energy and potential government subsidies for these developments without a clear definition of costs and proposed cost sharing? Is it proper for the AEC to determine on its own initiative the extent of a subsidy for one form of energy? Should not that decision be made in concert with national energy considerations?

C. *Consumer acceptance.* If full field development were to be successful in technological terms, what assurance is there of consumer acceptance? What research or experience is there leading to a judgment that consumers would readily purchase natural gas developed by means of nuclear explosion and which would contain some measure of radioactive contamination?

These are some of the questions regarding full field development that remain after reviewing available data. It appears that the purpose for the first test would be that as a forerunner of full field development. Considering the widespread objections to full field development, it apears to me that the larger question needs a more complete hearing prior to the first test explosion.

2. PROCEDURAL PROBLEMS

Mr. Edward Strohbehn's March 14 letter to Assistant Secretary Larson raises some compelling procedural problems to which I am certain your department is addressing itself.

I am concerned, further, with the manner in which the department will meet its obligations to permit public review and comment on transactions that must be taken if the project is to proceed, i.e., the granting of special land use permits, granting of transmission line rights-of-way, and amendment of the existing contracts with the private companies involved.

3. EVENTS SINCE PUBLICATION OF THE AEC'S ENVIRONMENTAL IMPACT STATEMENT

Some events have occurred in recent months which would appear to me critical to decision-making with respect to Rio Blanco. Yet, I find no evidence that they have been considered by your department or the AEC.

On August 3, 1972, the Federal Power Commission issued a policy statement regarding the future price of natural gas, designed to significantly increase the value of the product.

This development would seem to be of direct consequence to the Rio Blanco project. It could mean that conventional fracturing methods would produce a supply of natural gas at a competitive price. As stated earlier, I believe that conventional fracturing methods should certainly have priority, since they carry with them none of the long-term environmental disadvantages that would result from a nuclear explosion.

Another major development since publication of the AEC's environmental impact statement was the National Academy of Sciences' publication last November of "The Effects on Population of Exposure to Low Levels of Ionized Radiation." The report warns that "No exposure to ionized radiation should be permitted without the expectation of a commensurate benefit." It declares that prior assumptions of a safe "threshold" level of radiation exposure were incorrect.

That finding is an important new element in any calculation as to potential risks from radioactive seepage or venting from the Rio Blanco test, and the acceptability of the product should the field be fully developed. I cannot find evidence that this new factor has been considered with respect to Rio Blanco, nor that public or expert comments have been solicited.



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I believe that full and careful evaluation of questions raised regarding the Rio Blanco test must lead to the conclusion that the test should be delayed until more information is available, and until the public has sufficient notice and opportunity to review and comment upon all aspects of the test and its relationship to public lands and public policy.

Sincerely,

FLOYD K. HASKELL,
*U.S. Senator,*

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U.S. DEPARTMENT OF THE INTERIOR,
*Washington, D.C., April 30, 1973.*

Hon. FLOYD K. HASKELL,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HASKELL: As requested by Miss Betsy Moler of your staff, we are enclosing copies of 86 protests received with regard to AEC's Rio Blanco Phase I experiment in the detonation of nuclear explosives to stimulate natural gas production in Colorado.

Responses to the protests are presently under consideration, and will be sent to the protestants when finalized.

Sincerely yours,

ED HASTEY, *Acting Director.*

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U.S. SENATE,
*Washington, D.C., April 9, 1973.*

Mr. BURTON W. SILCOCK,
*Director, Bureau of Land Management,*
*U.S. Department of the Interior,*
*Washington, D.C.*

DEAR DIRECTOR SILCOCK: With regard to your notice in the Federal Register of March 12, 1973 announcing the proposed withdrawal of certain lands currently administered by the Bureau of Land Management. The use of these lands is for a site for the first phase of the Rio Blanco project. I urge your deferral of this decision until a more appropriate time.

You are aware, undoubtedly, of the heated controversy which surrounds the economic viability of the nuclear stimulation program. Currently, the Federal Power Commission is in the final stage of preparing a report which analyzes the comparative benefits of the nuclear and the conventional gas recovery technologies. Furthermore, the Atomic Energy Commission itself is requesting money for Fiscal Year 1974 to more carefully study the comparable advantages of these technologies.

Therefore, in the interest of wise judgment and the spirit of unbiased inquiry, I urge your recommendation to the Secretary of the Interior that these lands not be withdrawn until such time as the pursuit of this technology can be recommended with more convincing data.

Sincerely,

GALE MCGEE,
*U.S. Senator.*

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CONGRESS OF THE UNITED STATES,
*Washington, D.C., April 9, 1973.*

Hon. ROGERS C. B. MORTON,
*Secretary, Department of the Interior,*
*Washington, D.C.*

DEAR MR. SECRETARY: In response to the proposed withdrawal of approximately 200 acres of public lands in Rio Blanco County for the use of the AEC Project Rio Blanco Phase I experiment, as published in the March 12 Federal Register, I object strongly.

Project Rio Blanco is the third nuclear explosive experiment in developing the technology for recovering natural gas. Its stated purpose is "to study the economic and technical feasibility of using multiple underground nuclear explosions to stimulate production of natural gas from deeply buried low productivity gas-bearing formations of the Piceance Basin in Northwestern Colorado" (Project Rio Blanco Joint Office of Information, March 1, 1973). However, I understand that full field development is quite improbable because of the risks involved in the perhaps thousands of nuclear events that would be required. Why, then, should we turn over public land for this test and run the risk, however small of contamination?

Even though an environmental impact statement was made on the Rio Blanco test, I understand than an environmental impact study has not been made on the entire project. This, in effect, leaves many important questions unanswered. What will be the consumer reaction to radioactive gas? What alternative methods are there that might extract the gas for about the same cost and not contaminate so much of it? Why not explore and develop technology for conventional fracturing?

This test involves public land and public policy. I feel deeply that it is essential that legislative bodies be responsive to the needs of the people, but there has been no full and rigorous public review of this project. The AEC has a built in conflict of interest, in that it is responsible for both promoting and regulating atomic energy projects. Promotion and regulation, however, are not always compatible functions.

Sincerely,

PATRICIA SCHROEDER,
*Congresswoman.*

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FEDERATION OF AMERICAN SCIENTISTS,
*Washington, D.C., April 4, 1973.*

Hon. FLOYD K. HASKELL,
*Washington, D.C.*

DEAR SENATOR HASKELL: We understand that the Rio Blanco Gas Stimulation Project is presently planned to occur in mid-May with the simultaneous detonation of three 30 KT nuclear explosives in a single well bore in western Colorado. According to the Environmental Statement (Wash. 1519) of April 1972 and its Addendum of March 1973, this Phase I experiment will, if successful, be followed by Phase II with 4 to 6 well stimulations using 3 to 5 explosives each, and this in turn will be followed by 20 to 60 well stimulations before it can be determined that this method is commercially feasible and the construction of a major pipeline justified. Thus, 300 nuclear explosives with yields of 30 KT are proposed to be detonated just to determine the feasibility of this technique. Full-field development may require firing about a thousand underground nuclear explosives.

A nuclear test program of this magnitude is a cause of great concern and should not even be started until all its potential ramifications have been carefully explored and balanced against its potential value. Unless a decision has been made that the benefits of a full program override its potential drawbacks and that one is prepared to proceed all the way, it would be foolhardy to undertake even the Phase I Rio Blanco test with its smaller risks. The value of the first experiment is zero if one does not exploit the full field. Yet, the Environmental Statement mistakenly fails to consider the consequences of the full program while justifying Phase I on its benefits. We should not repeat the mistakes made in the Plowshare excavation program in which premature experiments were carried out, spreading large amounts of radioactive material over extensive areas of the U.S. It wasn't until later that careful economic, technical, safety and public attitude analyses showed that the use of nuclear explosives to build a sea level Panama Canal was obviously impractical. Excavation with nuclear explosives has now been dropped from the U.S. Plowshare program.

First looking at Project Rio Blanco (Phase I): its only value lies in information it provides about the feasibility of the subsequent phases which may never be carried out in view of the large number of nuclear explosions required. Furthermore, the funds for the development of sequentially fired nuclear explosives which many consider to be superior to the type to be used in Rio Blanco have been removed from the AEC program with the indefinite postponement of gas stimulation experiment in Wyoming. The AEC budget for Plowshare has been cut from $6.8 to $3.8 million in FY 74. If the gas stimulation is really important, then the most effective methods should be available and this development should precede the exposure of Colorado to environmental damage. The proposed approach seems to be one of first, endanger the environment and, later, develop the operational techniques.

The risks to the environment are not negligible. The Environmental Statement describes some of the physical damage that is expected to occur from the explosions. In addition to this, there are significant hazards from the radioactive debris released in the explosion. These can occur shortly after the explosion, due to accidental venting, from the flaring of the gas during production testing two months later, or by the slower migration into subsurface water streams.

Accidental venting has occurred in more than 20 U.S. nuclear tests at the Nevada test site including those in the lower yield ranges. Despite extreme precautions and a thorough knowledge of that test site, radioactive materials have been released into neighboring communities which are much more distant than those surrounding Rio Blanco. Even though the depth of the Rio Blanco explosions will be greater than normally used in Nevada, the risk that venting will occur here cannot be disregarded, particularly since three simultaneous explosions in a single shaft have never been carried out before.

Flaring of the gas will automatically place large quantities of radioactive nuclides, particularly Tritium Carbon 14, Argon and Krypton, into the atmosphere. The Tritium hazard might be reduced by pumping the tritiated water into a neighborhood well and thence into a sand lens several thousand feet underground. But now, only a few weeks before the Rio Blanco test (and after the originally planned date), the AEC has not even carried out the tests to determine whether this is feasible. Safety is again being given second priority. Prudence would suggest that feasibility experiments be carried out with tracer amounts of radioactivity in advance of Rio Blanco rather than using the more radioactive water from the full scale project. Approval for Rio Blanco should certainly be delayed until the results of the preliminary experiments have been evaluated and feasibility determined.

Finally, there is the risk that the radioactive debris will seep out of the wall casings or of the chimneys created by the explosion into the water layers and eventually into some use points. The dangers of this occurring are hard to evaluate since the geologic situation in the Nevada desert is radically different from Colorado, subsurface ground water is known to be present, and the distance the materials must travel from the explosion site to uncontrolled human habitation is very much less. Very large quantities of the most dangerous long life fission products Sr 90 and Cs 137 will be left in chimneys in a form, according to the Environmental Statement, capable of being dissolved in any liquid water present. This hazard is disregarded without detailed analysis because the AEC has not been able to hypothesize any mechanism whereby it can get into ground water. If in the experiment Sr 90 accidentally leaches into the watertable, some mechanism will be hypothesized after the fact, but then it will be too late to prevent pollution of Colorado water supplies.

While the calculated radiation exposures which may result from the Rio Blanco experiment appear below normal standards, they must be viewed in the light of the recent report of the National Academy of Sciences-National Research Council (NAS–NRC) Advisory Committee on the Biological Effects of Ionizing Radiation (BEIR Report). This report was released in November 1972 after the original Rio Blanco environmental statement, and there is no evidence it was considered in preparing the Addendum. This report makes among others, the following recommendation: "*No* exposure to ionizing radiation should be permitted without the expectation of a commensurate benefit." Thus, the exposures resulting from the Rio Blanco Project must be evaluated in light of the direct benefits of that experiment, not of the full-field development which in turn should be evaluated in light of the potential exposures from a thousand explosions. The exposures to people, when the radioactive gas is used by the public, should also be reconsidered in light of the BEIR Report.



The Phase II and Phase III parts of the Rio Blanco Demonstration program, which must be carried out before commercial feasibility is determined, must be similarly evaluated before action is taken on Phase I. No Environmental Impact Statement has been issued, but the dangers will obviously be much enlarged in scale. The three hundred explosives proposed to be fired for these phases is more than the AEC has detonated for its whole weapons development program in the entire ten years since the Limited Test Ban Treaty came into effect in 1963. The public repercussions to such testing in a relatively uncontrolled area merely to determine the feasibility of gas stimulation are liable to be tremendous. Furthermore, no evaluation has been made of the amounts of radioactivity, if any, the public will tolerate in the gas in their homes. Rio Blanco should not be started until some estimate of these impacts has been made. Furthermore, the environmental hazards will be greater than the simple multiple of the explosions conducted. Such a large number of explosions in a short time can never be carried out with the equivalent care of a single one. The probability of running into some anomalous geologic or atmospheric situation will be much higher. Opening up fissures by one explosion can allow seepage of material from another into the water. Any single explosion out of the total can have very serious consequences if an accident occurs.

Finally, the risks of the full-field development will be even greater and public opposition to firing a thousand nuclear explosives in a small section of Colorado even louder. Yet, until this is done, Rio Blanco provides no benefits to the public. Even when fully developed, the Rio Blanco Stimulation will only produce approximately ⅓ trillion cubic feet per year, about 1½ of the U.S. estimated 1985 gas requirements, which in turn are only a small fraction of our overall energy needs. We can see no evidence that this benefit outweighs the consequences of firing 1000 nuclear explosives in Colorado.

The Addendum to the Environmental Statement (pp. 6–1 to 6–3) refers to the use of hydraulic fracturing as an alternative to nuclear explosion stimulation. This technique has shown increasing potential in recent years and may be tried first in place of the indefinitely postponed nuclear stimulation Project Wagon Wheel in Wyoming. It is now considered economically competitive with nuclear stimulation and, on the other hand, has none of the possible hazards involved in carrying out hundreds or thousands of nuclear explosions. The Environmental Statement refers to its potentialities as "presenting achievable but not yet demonstrated"; certainly this description does not place hydraulic fracturing behind nuclear gas stimulation. In fact, the purpose of the entire Rio Blanco Project is to determine whether nuclear gas stimulation can be economically achieved in Rio Blanco type reservoirs and to demonstrate its feasibility. In view of this, similarities and the negligible hazards from hydraulic fracturing, this technique should certainly be investigated thoroughly before entering a program involving hundreds of nuclear explosions. The inadequate consideration of the hydraulic fracturing alternative is underscored by the total failure of the AEC to consider in its Environmental Statement the new FPC regulation of August 3, 1972 which will allow higher prices for natural gas. The FPC stated that it seeks to produce incentives to domestic production and accelerated development of that portion of potential supply which is economically recoverable. The new FPC policy therefore should have a profound effect on the economics of conventional gas exploitation and the size of the supply, possibly making it unnecessary to pursue nuclear gas stimulation techniques.

In view of these facts, we support your efforts to seek cancellation—or at least postponement—of the Rio Blanco Project. Certainly it should be delayed until the AEC and the Department of the Interior have evaluated the impact of full-field development of Rio Blanco and until the public acceptance of a nuclear explosion program of this scale and of the use of radioactive gas in their homes has been investigated. Without full-field development, the Rio Blanco experiment has no value and even small risks cannot be justified. Before any decisions are made, the nuclear stimulation program should be looked at again in light of the recent NAS-NRC report on radiation hazards and in light of the potentialities of such alternate new methods of exploiting gas reservoirs as hydrofracturing.

Sincerely,

GORDON J. F. MACDONALD,
*Director, Environmental Studies Program, Dartmouth College, and former Member of President Nixon's Council on Environmental Quality.*

HERBERT SCOVILLE, JR.,
*Deputy Director for Science and Technology, Central Intelligence Agency (CIA) under Presidents Eisenhower and Kennedy; Secretary, Federation of American Scientists.*

EDWARD L. TATUM,
*Professor of Biochemistry, The Rockefeller University; Nobel Prize for Medicine and Physiology, 1958.*

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UNIVERSITY OF CALIFORNIA, BERKELEY,
*Berkeley, Calif., April 6, 1973.*

Dr. DIXIE LEE RAY,
*Chairman, U.S. Atomic Energy Commission,*
*Washington, D.C.*

Hon. C. ROGERS MORTON,
*Secretary, Department of Interior,*
*Washington, D.C.*

XC To Mr. Joseph Rothstein, Office of Senator Floyd Haskell, Old Senate Office Building, Washington, D.C.

In re (a) Department of Interior Regulation 43CFR 4.50.2. (b) In Response to Notice 38 in Federal Register 6697 (1973)—On the Land Transfer for the Purpose of Conduct of the Rio Blanco Test.

DEAR DR. RAY AND MR. MORTON: I should like to register my strong objection and urgent protest to the action of the Interior Department in transferring to the Atomic Energy Commission land for the purposes of conducting the Rio Blanco test.

It should be quite obvious, and will certainly be proven in the courts that such a transfer is illegal and in obvious violation of United States Laws as passed by the Congress of the United States.

Specifically, two laws are being flagrantly violated by both the transfer of land and the planning and conduct of this test.

The first law being violated is the Atomic Energy Act of 1954.

The second law being violated is the National Environmental Protection Act.

The violations are obvious to any rational person making rational considerations.

1. VIOLATION OF THE ATOMIC ENERGY ACT

This ACT requires that the AEC promote peaceful uses of atomic energy consistent with the health and welfare of the public of the United States.

The entire Plowshare gas stimulation program, and specifically the Rio Blanco test, is in violation of this Congressional mandate.

There is *no way to conduct* underground nuclear explosions without releasing some radioactivity to the biosphere. Furthermore, the use of gas stimulated by nuclear explosions *inevitably* means increasing the radiation dose to the public. It is a travesty upon rational thinking for anyone to hide behind the claim that the *amount* of radiation exposure will be "small". Particularly fraudulent is the effort to compare such ostensibly "small" exposures with natural background radiation. All this is fraudulent because all responsible authoritative bodies, including the BEIR Committee of the National Academy of Sciences *are on public record* as stating that there is no evidence for *any* safe threshold of ionizing radiation exposure. Therefore, the so-called "small" radiation exposures from Rio Blanco test and from the entire Plowshare gas stimulation program will undoubtedly cause increased leukemia and cancer deaths plus serious deaths and deformities by gene mutation. No authority will contest this statement.

I know of no Congressional authorization to either the Interior Department or the AEC to wilfully take action to cause the murder of *any* citizens of the United States or to any descendants of present citizens of the United States. Over and above the violation of the "consistent with public health and safety" features of the Atomic Energy Act, there is the very serious question concerning criminal charges that should be appropriately placed against any officials of the AEC and the Interior Department for wilfully participating in an act of human murder. Whether such charges should be filed in U.S. Courts or in International Courts can be decided later, but certainly criminal charges for aiding and abetting human murder are clearly in order.

2. VIOLATION OF NEPA

It is obvious nonsense for AEC, or any other agency, to claim that a meaningful compliance with NEPA has been made with respect to the Rio Blanco test or the entire gas stimulation program. No meaningful benefit-risk evaluation has been made, and only arrogance can suggest that sufficient information exists at this time to make one.

Any claim that gas and oil requirements, or an energy crisis, dictate the need for gas stimulation represent manifest nonsense—indefensible on any grounds whatever.

There exists a perfectly rational, guaranteed-to-work; method of making all the oil and gas needed for the U.S. future requirements by solar energy conversion to plants and then conversion to gas or oil. This is well-documented, and will not carry the certainty of murder that inheres in the Rio Blanco test and the program it supports.

The *entire* history of the Atomic Energy Commission *on public record*, proves beyond any doubt that its assurances on radiological danger have invariably been wrong. The experience with radioiodine in Utah, the entire strontium-90 fiasco, and the Marshall Islands are cases in point.

Moreover, numerous officials of the AEC are on public record in support of the existence of a fraudulent "safe threshold" of radiation exposure.

There has rarely been a case of more overtly illegal action than the transfer of land, planning, and conduct of the Rio Blanco test.

I urge that any idea of transferring land for this purpose be reconsidered, that the action be stopped or reversed because of its illegal violation of at least two laws of the United States.

Sincerely yours,

JOHN W. GOFMAN, M.D., Ph.D.,
*Professor, Medical Physics.*

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COMMITTEE FOR ENVIRONMENTAL INFORMATION,
*St. Louis, Mo., April 9, 1973.*

Subject: Project Rio Blanco.
Hon. ROGERS C. B. MORTON,
*Secretary of the Interior,*
*Department of the Interior,*
*Washington, D.C.*

DEAR SECRETARY MORTON: This letter is in response to the notice in the Federal Register, calling for comments to be submitted by 11 April 1973, in connection with Project Rio Blanco. As I understand it, the decisions that remain to be made are:

(i) by the Department of the Interior, in regard to the application by the Atomic Energy Commission for withdrawal of public lands for this project;

(ii) by the Department of the Interior, in regard to applications for special land use permits, a right of way for transmission, and a modification of the original lease of CER Geonuclear, and

(iii) by the Atomic Energy Commission, in regard to the final decision as to whether to proceed with this test explosion.

The burden of my letter to you is to request that, via the Department of the Interior and in regard to points (i) and (ii) above, no decision be made at this time, in order to permit further discussion of major points that have been avoided or inadequately discussed in the various Statements, Hearings, Comments and responses to date. I shall document some of this in this letter. It is my contention that Project Rio Blanco should not be continued, pending these discussions.

At the same time, a copy of this memorandum is being submitted to Chairwoman Ray at the Atomic Energy Commission, with the request that the AEC's decision (under (iii) above) be similarly delayed.

In subsequent paragraphs, I shall argue that the Environmental Statement (WASH–1519) for Rio Blanco is seriously deficient in that it does not contain adequate treatment of the anticipated consequences of full-field stimulation of the gas field in the adjacent states of Colorado, Utah, Wyoming, New Mexico and Arizona. In the Statement, it has been argued that no decision has yet been made for proceeding with any program beyond Rio Blanco and possibly Wagon Wheel: that these are exploratory shots and need to be evaluated on their own prospective merits and hazards; and that data from these tests are a necessary prerequisite for any full-field program. Consequently, it appears to have been decided that the environmental effects for only these two tests need to be considered.

In opposition to this position, I shall argue that enough is already known, both from earlier tests as well as from the general aspects of Plowshare Program tests and the general technology of the nature of underground nuclear explosions, so that certain major consequences of a full-field program can now be quite accurately predicted, and that these alone very strongly suggest that it will, in fact, be impossible to proceed with a full-field program, no matter what the results of Rio Blanco and Wagon Wheel turn out to be.

The basis of this argument will now be set out:

1. MAGNITUDE OF FULL-FIELD STIMULATION PROGRAM

Differing figures have been given for the total number of nuclear explosions that will be needed for full-field stimulation. The estimate of the Lawrence Livermore Laboratory is 5665 for the total number of wells, with the average number of shots per well being about 3, for an equivalent total of around 90 KT per well. (Rio Blanco Environmental Statement, WASH–1519, Addendum, March 1973, p. E–72). Independently, Dr. David M. Evans, of the Potential Gas Agency of the Colorado School of Mines has given a figure of about 13,000 shots. (See attached copy of a statement by Evans.)

For the present argument, I shall use a figure of 10,000 shots for a total of 10000x 30 Kt=3x10$^5$ KT, although it would seem that this figure might be raised by perhaps 50%.

This number of shots is the projected total through the year 2016 AD. The average number of shots to be fired then turns out to be one to two, every day for about 30 years. The requirements in skilled manpower would seem to be exorbitant and almost certainly impossible to meet. For the earlier test, Gasbuggy, re-entry drilling proceeded at about 300 ft/day. At this speed, it would seem to require about 1½–2 months to drill each well that will be needed (if they are as deep as Rio Blanco), and further time is needed for the emplacement of each nuclear device. At the very least, it should be shown that the manpower needs for the drilling and the highly specialized skill of nuclear device emplacement, could be met for a full-field program.

2. SEISMIC EFFECTS OF FULL-FIELD STIMULATION PROGRAM

The Environmental Statement WASH–1519 (p. 9–3) records some awareness of the problem:

"It would be annoying to the local residents to have their activities disrupted every few days because of detonations, so particular care would be taken with the scheduling. From this consideration has come a field development based on multiple well stimulations in a single day. The detonations could be fired a few minutes or more apart, and continue until all explosions are completed. A typical day might involve a number of well stimulations each consisting of two or more detonations. Thus, the number of such disruptive days would be minimized in the development of the entire unit."

I would submit that this is a major understatement of the probable annoyance of a full-field program. Quite apart from the total damage costs, the full-field program would impose on this area, *for a continuous period of about 30 years*, a burden that would "be annoying to the local residents." To be asked to put up with some inconvenience and to be compensated for damage due to a single test is one thing; to make an area possibly uninhabitable, is another.

3. RESIDUAL RADIOACTIVITY FROM FULL-FIELD PROGRAM

Full-field stimulation will require at least 10$^3$ shots, totalling around 3 x 10$^5$ kilotons. Each shot would produce radioactive debris underground, to a total of 10$^4$ Curies per shot one year later. (The radioactivity is, of course, much more intense at times sooner after the shot.) (See WASH–1519, April 1972, p. 3–23.)

The total quantity of radioactivity (measured as of 1 year after each shot) is thus 10$^{10}$ Curies.

For comparison, we can examine figures produced by the A.E.C. and the Oak Ridge National Laboratory for the radioactive wastes anticipated to be produced by a national program of electric power generation with a growing proportion of nuclear power stations. (I.A.E.A. Conference: Peaceful Uses of Atomic Energy; 1971 Conference: Vol. 11, p. 427.)

The total of 10$^{10}$ Ci. anticipated from full-field stimulation can now be compared with 2 x 10$^4$ Ci high-level wastes accumulated to 1970; with projected accumulations to 1980 of 2 × 10$^{10}$ Ci; to 1990 of 1.1 × 10$^{11}$ Ci; and to 2000 of 2.7 × 10$^{10}$ Ci.

In other words, full-field stimulation would produce half as much radioative wastes as that of the projected total national atomic power program through 1980, and still amount to around 5–10% of the accumulated totals of 1990–2000. This is an enormous quantity, and it must be pointed out that, as of this date, the A.E.C. does not yet have a final accepted program for the long-term storage of the anticipated wastes from a power program.

This immediately raises the question of the long-term containment of the radioactivity from a full-field program. WASH-1519 and its addendum do not adequately meet the objections that have been raised by Dr. Evans and by the Colorado Committee for Environmental Information. (See attached statement by Evans, and WASH-1519 Addendum p. E. 101–105.) The responses are simply inadequate.

In WASH-1519, p. 3–12 it is stated that:

"Underground nuclear explosions sometimes generate small aftershocks in the immediate vicinity. The specific mechanism for the generation of these small earthquakes is not known, but they are clearly related to residual stress changes produced by the explosion, *and it has been proposed that disturbance of the local groundwater regime may also play a role*." (Italic added.)

In the light of this comment, I do not see how there can be *any* concrete reassurance that groundwaters will not directly, later, penetrate to the shot cavity. Once there, the solubility of the radioactive wastes (discussed by Dr. Martell of the C.C.E.I.) becomes a major concern, and the figures for rate of gas seepage to aquifers then become moot. Aftershocks have been observed in many tests in the N.T.S. and in general these are at similar depths to the shot. If (according to the extract quoted above) local groundwaters may be disturbed, this must imply the presence of groundwaters at shot depth, i.e. at far greater depths than so far considered. (e.g. WASH-1519 p. 5–6.)

To sum up: the total radioactivity left behind after the shots, together with the question of access of water to the shot cavities, poses serious questions that have not been sufficiently addressed, if at all.

4. ALTERNATIVE TO NUCLEAR STIMULATION

At numerous places in the statements, etc., there has been a rapid traversal of this question: whether hydraulic or chemical explosive methods of stimulation could be considered competitive with the nuclear method. Here again, the responses are inadequate and evade the real question which is: if even a fraction of the investment in Plowshare projects were to be invested in these other technologies, would they become commercially viable? Neither of these has the long-term and adverse possibilities of nuclear methods, and Evans (attached statement) has comments that require a detailed reply.

5. ECONOMIC ASPECTS

It is by no means clear that these gas stimulation tests or a later full-field program are economically viable, nor that all of the real costs have been included in the estimates on which the anticipated gas prices have been based.

Mason Willrich ("Global Politics of Nuclear Energy", Praeger 1971; p. 145) states:

"The cost of developing such an advanced explosives technology is not economically justifiable on the basis of the conceivable benefits from Plowshare applications alone. A Plowshare program is possible; therefore, only as "spin-off" from a pre-existing, sophisticated weapons program."

It must therefore be asked just how the well-head price of 30–60c/MCF has been arrived at, and which developmental costs have been absorbed by the A.E.C. Further, is a continued weapons program for the next 30 years needed, in order to subsidize a Plowshare program for full-field development?

Brooks and Krutilla ("Peaceful Uses of Nuclear Explosives", Resources for the Future, 1969) have extensive discussion of the economic aspects, and point to the need for much more detailed analyses. Stern and Verdieck ("Natural Gas Production by Nuclear Stimulation"; paper presented at the Energy Conference at M.I.T., February 1973), point out that conventional drilling is economically competitive with the anticipated nuclear-method costs. Evans, too (attached statement) makes a similar point.

Overall, then, it would seem that the economic attractiveness of full-field nuclear stimulation needs to be much more carefully re-examined.

6. ACCEPTABLE LEVELS OF RADIOACTIVITY IN CONSUMER GAS

It is quite unacceptable (WASH–1519 p. E. 69) to "reserve for a later Environmental Statement which specifically deals with the potential impact of the use of nuclear stimulated gas" the discussion of possible exposure levels, and to thus "delete from the final Statement" this important topic.

Dr. Martell, for C.C.E.I. (WASH–1515 Addendum p. E. 101–105) has raised serious questions that require a better-documented answer than the brevity of the A.E.C.'s reply (WASH–1519 Addendum, p. E–106) which merely asserts that "we believe the questions raised by Dr. Martell are treated in the Statement". In fact, their treatment is inadequate.

To sum up, therefore: substantial arguments have been produced to show that a full-field program poses sufficient problems that it may well be impossible. Until these questions are answered, the viability of a full-field program is open to serious doubt. If these objections are sustained, then there is no reason to proceed with Project Rio Blanco, nor any other similar tests. None of the questions and objections set out above relies for its answer on results anticipated from Rio Blanco.

Accordingly, I request that the applications now pending before your Department be denied, to permit a more extended discussion of the problems that have been raised.

Yours sincerely,

MICHAEL W. FRIEDLANDER,
*Co-Chairman, Scientific Division, Committee for Environmental Information.*

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DAVID M. EVANS,
*Evergreen, Colo., April 9, 1973.*

Notice of Withdrawal: 38 Fed. Reg. 6697 (1973) Dept. Reg. 42 CFR 4.450.2.
Dr. BURTON W. SILCOCK,
*Director, Bureau of Land Management,*
*Washington, D.C.*

DEAR DR. SILCOCK: This letter constitutes my formal protest to the proposed actions granting withdrawal of lands pursuant to Department of the Interior regulations from the Bureau of Land Management to the Atomic Energy Commission for the firing of a nuclear blast in Rio Blanco County, Colorado, and known as PROJECT RIO BLANCO.

A detailed statement of my objections to Rio Blanco is enclosed. However, briefly, I have concluded that:

1. Seismic damage resulting from nuclear blasts would be unacceptable.

2. There is a very dangerous probability that radionuclides will migrate from nuclear blast cavities and into underground potable waters and the Colorado River.

3. Nuclear completion methods would be wasteful of the nation's energy resources.

4. Nuclear completion methods would be noncommercial at anything less than from three to six times the present wellhead price of natural gas.

5. Nuclear completion methods would be hazardous to the development of oil shale and future exploration for oil and gas in the areas subjected to bomb blasts.

Very truly yours,

DAVID M. EVANS.

LIST OF ADDRESSES

Copies to:

Dr. Rogers C. B. Morton, Secretary, U.S. Department of the Interior, Washington, D.C. 20240.

Dr. Dixie Lee Ray, Chairman, Atomic Energy Commission, Washington, D.C. 20545.

The Honorable Floyd K. Haskell, U.S. Senate, 204 Old Senate Office Building, Washington, D.C. 20510.

The Honorable Peter H. Dominick, U.S. Senate, 24 Old Senate Building, Washington, D.C. 20510.

The Honorable Donald G. Brotzman, Congress of the United States, House of Representatives, 403 Cannon House, Washington, D.C. 20510.

The Honorable James P. Johnson, Congress of the United States, House of Representatives, 514 Cannon House, Washington, D.C. 20515.

The Honorable Teno Roncallo, Congress of the United States, House of Representatives, 1314 Longworth Building, Washington, D.C. 20515.

Mrs. V. Crane Wright, President, Colorado Open Space Council, Inc., 1742 Pearl Street, Denver, Colorado 80203.

Miss Kay Collins, President, Denver Audubon Society, 1742 Pearl Street, Denver, Colorado 80203.

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[Cause No. 264—Application by CER Geonuclear Corp., Rio Blanco Unit Area, Rio Blanco County, Colorado.]

STATEMENT OF OPPOSITION

(By David M. Evans*)

CER Geonuclear Corporation has filed with the Oil and Gas Conservation Commission of the State of Colorado an application for an order approving a Unit Agreement and Unit Operating Agreement for the development and operation of the Rio Blancho Unit Area and requesting approval of the use of nuclear completion methods in the Rio Blanco Unit Well No. RB–E–01, located in the NW¼ of Section 14, Township 3 South, Range 98 West, 6th P.M., by the use of three (3) nuclear explosives of thirty (30) kilotons each.

I respectfully request that the Commission deny the applicant's request for the use of nuclear completion methods for the Rio Blanco Unit Well No. RB–E–01 and for the development of the Rio Blanco Unit Area. My reasons for requesting that CER Geonuclear's application be denied are:

1. Nuclear completion methods would be hazardous to the exploration for oil and gas in horizons below the formations being stimulated.

2. Nuclear completion methods would be wasteful of natural gas, and would involve a wasteful use of energy.

3. Nuclear completion methods would be noncommercial at anything less than three (3) times the present interstate price of natural gas, whereas other completion methods would be commercial at or very

* * * * * *

NUCLEAR COMPLETION METHODS WOULD BE HAZARDOUS

*Enormous seismic damage would result from nuclear full-field development*

In the Environmental Statement, Rio Blanco Gas Stimulation Project, Rio Blanco County, Colorado, which I will refer to as the Environmental Statement or Statement,[1] the Atomic Energy Commission says (p. 1–2) that Project Rio Blanco is the third experiment to develop nuclear gas stimulation technology and that the ultimate aim of this technology is the recovery of an estimated 200 trillion cubic feet (tcf) of natural gas. I have studied the report[2] which is the basis of this estimate and, using the figures cited as the basis for the 300 tcf estimate, I have determined that about 13,000 wells would have to be stimulated with from one to five nuclear bombs each in order to liberate the gas. The bombs would be from 30 to 100 kt in size.

Enclosed is a figure from the above report showing the area from which this gas would be recovered (Fig. 1).[3] This area is also known as the Upper Colorado River Basin (Fig. 2).

While the Director of the Commission has given me to understand that the Commission is not concerned with the problem of seismic damage resulting from nuclear completion methods, I would like to point out that Project Rulison, the second nuclear gas stimulation experiment, involved the use of one 40-kiloton nuclear bomb and seismic damage claims paid thus far have amounted to more than $135,000.

The AEC estimates that the seismic-damage resulting from each nuclear completion on the Rio Blanco Unit will amount to about $30,000. On page 1–2 of the Environmental Statement, the AEC says ". . . damage to some buildings within a radius of 36 miles may occur, with such damage estimated at approximately $50,000." And on page 1–5 of the Environmental Statement, the AEC says "The underground explosion effects for each detonation will be similar to that from Rio Blanco."

However, the reason for the AEC's estimating less damage from the Rio Blanco blasts is that fewer people live within the zone of expected seismic damage because the Rio Blanco blasts are expected to be equal to a seismic source more than three times the size of the single 40-kt bomb used at Rulison. The AEC says, on page 3–3, of the Environmental Statement, "The proposed Rio Blanco experiment involves the simultaneous detonation of three 30 kt. nuclear explosives in a single wellbore . . . The equivalent seismic source, as proposed by the Environmental Research Corporation, an AEC contractor, for Rio Blanco is postulated to be a single detonation with a yield of 123 kt."

The object of the Rio Blanco experiment is to develop a technology that will lead to full-field development. On page 2–13 of the Statement, the AEC says "Current speculation is that the total field may be developed with about 140–280 wells."

Using the AEC's estimates, it can be seen that if 280 wells are completed using nuclear bombs, the expected damge would be $14 million (280 × $50,000).

Since the seismic effects of three 30-kiloton bombs are much greater than a single 40-kiloton bomb, it can be seen that when nuclear development of the 300 tcf of gas in the Upper Colorado River Basin takes place that very extensive seismic damage will occur.

In addition to the seismic effects described above, the planned underground effects of the proposed nuclear blasts would be the creation of large underground chimneys partially filled with rubble. Many fractures would lead away from these chimneys. It is planned that natural gas will enter the chimney along these fractures. If mobile waters are present, they, too, will be free to migrate into and out of the blast chimneys along these fractures.

*Water soluble Strontium-90 and Cesium-137 will not be trapped in the puddle glass*

In its Draft Environmental Statement, the AEC went to great lengths to create the impression that "most of the radioactivity is nonvolatile and will be permanently incorporated in three zones of resolidified molten rock (puddle glass) and the chimney region

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*I am director of the potential Gas Agency of the Colorado School of Mines. I am a graduate geological engineer (Colorado School of Mines, 1936), and a Certified Professional Geologist. I am a member of the American Association of Petroleum Geologists, the American Institute of Professional Geologists, and a past president of the Rocky Mountain Association of Geologists. I am a member of the Audubon Society, and a director of the Denver Audubon Society. I am an associate member of the Colorado Open Space Council (COSC). (See attachment for COSC organizational memberships.)

Footnotes at end of article.



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(p. 35)."[4] After the falsity of these statements was pointed out at the 27 March 1972 Denver hearings, the AEC revised (without explanation) the Environmental Statement to properly read "Included in the fission products remaining one year and more after the detonation are the nuclides $90_{Sr}$ (Strontium-90) and $137_{Cs}$ (Cesium-137). A significant fraction of these isotopes are deposited on rock surfaces in the chimney region, and would be capable of being dissolved should these be exposed to any liquid water."

Specifically, the predicted fission activity, 180 days after detonation, is 13,300 curies of strontium-90 and 16,500 curies of cesium-137.[5] With half-lives of 28 years, these radionuclides are dangerous for hundreds of years. Considered two of the most biologically dangerous radionuclides, deadly doses are measured in millionths of a curie.

The proposed 300 tcf nuclear stimulation program involving 13,000 wells would result in hundreds-of-millions of curies of long-lived radioactivity deposited on rock surfaces in the blast chimneys. This $90_{Sr}$ and $137_{Cs}$ would be in water soluble form underground in the Upper Colorado River Basin.

Strontium-90 and Cesium-137 Will Move in Underground Water. It is clear from the Environmental Statement that water will be produced with the natural gas from all nuclear chimneys.

The AEC says (p. 3–15):

". . . The chimney gas will be partially dried and the resulting water collected. . . ."

However, the AEC says (p. 3–23) that:

"It should be emphasized that no liquid water is expected to either enter or leave the chimney region while some water is present in the pores of the tight formation within which the chimney will be created, this water is not mobile and will not migrate through the chimney as liquid. Thus, no mechanism can be hypothesized whereby the surface-deposited radioactivity can be incorporated into mobile groundwaters."

A translation of the above AEC statement is that after the nuclear blasts, the temperature in the cavities will be so hot that all water will be in the form of steam which will not dissolve the radionuclides. The water in the chimney is "pore-space water" and is not moving.

However, there is evidence that moving, or mobile, water has entered both of the first two nuclear gas stimulation cavities.

Water is entering the Gasbuggy chimney. It is my understanding from the technical staff of El Paso Natural Gas Company that it is believed this water is entering the chimney through a defective cement job which has not succeeded in obtaining a watertight bond between the casing and the formation. The mobile water is believed to be entering the blast cavity from a water-bearing formation above the cavity and migrating down the hole behind the casing.

Mobile water appears to be entering the Rulison blast cavity from the gas-bearing formation. Originally, it was calculated that the non-mobile "pore-water" in the Rulison blast cavity would total about 35,000 barrels (1.5 million gallons). When the well was shut in after the third, and last, test, it was estimated that 25,000 barrels of water had been produced. However, instead of tapering off, which would be expected as the pore-water exhausted, the water production was increasing.[6]

During the first test of the Rulison well (26 October–3 November 1970), flow rate was 11.3 to 12 million cubic feet per day. Of this, water production (steam) amounted to 200 to 225 barrels per day. This amounted to 19 barrels of water per million cubic feet of gas.

During the second test (1 December–20 December 1970), the Rulison well flowed 5.3 million cubic feet of gas per day and water production was estimated at 300 to 360 barrels per day. This amounted to 34 barrels of water per million cubic feet of gas.

During the third, and last test of the Rulison well, final gas production amounted to slightly less than one million cubic feet per day. Water production was 233 barrels per day, or 250 barrels of water per million cubic feet of gas.

*Water production was increasing at the end of the test*

All of the water produced from the Rulison cavity thus far has been in the form of steam. What will be done with this water when the blast cavity cools and liquid water dissolves the strontium–90 and cesium–137?

Contrary to what we are told by the AEC, there is evidence that water will enter nuclear blast cavities. And when these cavities cool, this water will dissolve the extremely dangerous radionuclides, $90_{Sr}$ and $137_{Cs}$.

*Contaminated water will leave the blast cavity*

Once contaminated water is in the blast cavities of nuclear stimulated wells, there are several ways it can leave—and find its way into man's biological environment:

1. As we have seen, the water can leave the blast cavities with the produced gas. After the cavities cool sufficiently, contaminated liquid water will leave the cavities with the produced gas.

2. The water will leave blast cavities via channels through corroded casing.

The National Academy of Sciences—National Research Council has recommended[7] that "wastes containing the long-lived isotopes strontium-90 and cesium-137, which have half lives of 28 and 30 years, be isolated at least 600, and possibly as long as 1,000 years, to render them biologically harmless."

After the natural gas has been produced from the tens-of-thousands of nuclear-stimulated wells and the wells have been abandoned sometime during the next 50 years, the radionuclides in the blast cavities will still have a dangerous life of from 550 to 950 years. The life of steel casing is estimated at about 25 years maximum. After the steel casing has corroded, these wells will be poor insurance for keeping hundreds-of-millions of curies of dangerous radioactivity trapped for another 975 years.

3. The contaminated water will leave the blast cavities through natural and induced fractures. As we have already seen, the purpose of nuclear stimulation is to produce underground cavities and fracture systems. In addition to showing extensive faulting and fracturing in the Rio Blanco Unit Area, the Environmental Statement of the AEC says (p. D–3)

"Interpretation of subsurface faulting in the basin is based heavily on geophysical studies. The relatively wide well spacing, the small fault displacement, the local variations in stratigraphic thickness, and the lenticular and discontinuous nature of the sandstone elements make it difficult to pick fault cuts from the well logs."

Notice that the location of faulting in the natural gas zones is based upon "interpretation" and geophysical studies. And notice, too, that the AEC says it is difficult to pick "fault cuts" from well logs. I agree. The effect of hundreds of blasts in the Rio Blanco Unit area and tens-of-thousands of blasts in the Upper Colorado River Basin would be to activate and extend known and unknown natural faults and fractures. These, in turn, would be connected with blast fractures extending from nuclear cavities. Along these known and unknown fracture systems, contaminated waters will be free to move between blast cavities and surface waters—and, ultimately, sometime in the next 600 to 1,000 years, the Colorado River.

*Exploration and development of deep horizons below nuclear stimulated zones would be hazardous*

Oil and gas, valued at hundreds of millions of dollars, have been produced from geologic formations underlying the Mesaverde formation in the Upper Colorado River Basin. Geologists agree that as much or more remains to be found.

The proposed nuclear stimulation program would hinder future exploration and development of these deep formations. Every hole drilled through the Mesaverde formation, in—or near—a nuclear stimulated area, will run the risk of lost circulation in nuclear fracture zones. And they will run the risk of poisonous blowouts.

Every well drilled through the Mesaverde formation near a nuclear stimulation area will increase the risk of releasing radionuclides from the fractured zones into surface waters.

Future oil and gas injection projects in nuclear stimulation areas will run the risk of breaking into nuclear zones and forcing contaminated water into surface water zones and the Colorado River.

NUCLEAR COMPLETION METHODS WOULD BE WASTEFUL OF THE NATION'S ENERGY

On March 27, 1972, Dr. E. A. Martell, President of the Colorado Committee for Environmental Information, presented testimony at the AEC's hearing on the Rio Blanco Draft Environmental Statement. Concerning Energy Waste, Dr. Martell said:

"A comprehensive evaluation of alternative methods of gas stimulation and the benefits and costs involved should include evaluation of the energy consumed in the process for each method. The AEC statement omits discussion of (1) the electrical energy consumed in the manufacture of the nuclear explosive devices to be used in nuclear gas stimulation applications, (2) the energy represented by the fissionable material of these devices, were it to be used in fission reactor for electric power production, (3) the natural gas consumed and wasted as the result of its disassociation and oxidation in the cavity under the influence of the intense heat and radiation from the explosion.

"The presence of a large excess of carbon dioxide, carbon monoxide and molecular hydrogen in nuclear explosion stimulated gas may be explained in large part by disassociation of methane (natural gas) by ionizing radiation and chemical reactions of the disassociation products.

"If nuclear gas stimulation consumes significant amounts of our dwindling energy and fuel resources this fact should weigh heavily in the cost assessment of alternative methods of gas stimulation. A quantitative estimate of such energy consumption and fuel waste is essential to the proper evaluation of nuclear gas stimulation versus alternatives.

*"To have omitted these vital estimates in the discussion of costs and alternatives reduces this aspect of the AEC environmental statement to mere promotional literature."* (Italic is mine.)

NUCLEAR COMPLETION METHODS WOULD BE NON-COMMERCIAL

A study of the Rulison nuclear stimulation experiment reveals that in order for this natural gas to be commercial it must sell for about $1.00 per thousand cubic feet. Estimates of the necessary price for gas from the proposed Rio Blanco Unit and the proposed Wagon Wheel gas stimulation project vary from 60¢ per thousand cubic feet to $1.20. The present interstate price for natural gas in the Upper Colorado River Basin ranges from less than 20¢ per mcf to slightly over 20¢. In other words, this gas will not be commercial until the price is three times the present price.

Footnotes at end of article.



In the meantime, contrary to the claim of the AEC that "there is no known economic alternative to nuclear gas stimulation for recovering the 300 trillion standard cubic feet of gas from tight formations" (Environmental Statement p. 1–4), it is a fact that the job is being done by hydraulic fracturing and at today's prices. Here are some examples:

In a paper entitled "Successful Stimulation of a Thick, Low Pressure, Water-Sensitive Gas Reservoir by Pseudolimited Entry," author J. Paul Mathias, Continental Oil Company,[8] describes the successful hydraulic fracturing of tight gas-bearing formations in an area originally proposed for nuclear stimulation—the Dragon Trail Unit, Rio Blanco County, northwestern Colorado.

On page 187, the author says "The average gas flow rate of these wells has been increased from 422 Mcf/D to 3,970 Mcf/D."

In a paper entitled "Successful Deep Well Stimulation Utilizing High Proppant Concentration," authors S. A. Holditch, Shell Oil Company, and John Ely, Halliburton Services,[9] state that "The second type of stimulation, which undergoing limited study today, is the use of both conventional and nuclear explosives. At this time, two nuclear explosive projects have been conducted. These tests were apparently successful in safely setting off a nuclear device and achieving some stimulation. *However, the economic feasibility of nuclear stimulation is still questioned by a large segment of the industry.*" (Italic mine.)

Let me cite two more technical papers: "A Staged Fracturing Treatment For Multi-Sand Intervals," by B. B. Williams, Esso Production Research Company; G. Nieto, Creole Petroleum Corporation; H. L. Graham, Exxon Company; and R. E. Leibach, General Consulting, S.R.L.;[10] and "Use of Liquified Gases as Fracture Fluids for Dry Gas Reservoirs," by R. E. Hurst, Dowell Division of the Dow Chemical Company.[11]

These papers are of interest because they show that tight, thick sandstone formations containing natural gas are successfully being stimulated by present hydraulic fracturing techniques at today's prices.

CONCLUSION

I would like to conclude this statement by paraphrasing my conclusion at the 27 March 1972 Rio Blanco hearing:

Tens-of-thousands of nuclear bombs would release hundreds-of-millions of curies of radioactivity in the underground circulating waters of the Upper Colorado River Basin. Who will inspect the tens-of-thousands of nuclear gas wells twenty * * *?

When corroded casings begin to leak radioactive water, and poisonous springs erupt some time during the next 1,000 years, who will clean up the mess? The answer is no one. Nothing man can do will keep the radioactivity out of the Colorado River. The damage will have been done, and it will be too late to do anything about it.

(Note.—Figures 1 and 2 are not shown here.)

FOOTNOTES

[1] United States Atomic Energy Commission, "Environmental Statement, Rio Blanco Gas Stimulation Project, Rio Blanco County, Colorado," WASH–1519, April 1972.

[2] Atkinson, Charles H., "The Concept and Testing of Formation Fracturing and Nuclear Explosives, and Thoughts on Future Application," SPE Paper 2061 presented at Symposium on Petroleum Economics and Evaluation, Dallas, Texas, March 4–5, 1968.

[3] "The Concept and Testing of Formation Fracturing and Nuclear Explosives, and Thoughts on Future Application," SPE Paper 2061 presented at Symposium on Petroleum Economics and Evaluation, Dallas, Texas, March 4–5.

[4] United States Atomic Energy Commission, "Draft Environmental Statement, Rio Blanco Gas Stimulation Project, Rio Blanco County, Colorado," WASH 1519, January 1972.

[5] A Compilation of Technical Studies Performed Prior to Design of the Wagon Wheel Experiment, "Project Wagon Wheel, Technical Studies Report," PNE–WW–1, December 31, 1971, Edited and Printed by El Paso Natural Gas Company.

[6] Telephone conversation with Mr. Reg Gotchy, U.S. Atomic Energy Commission, Las Vegas, Nevada, information quoted from Report TNE–4–52, Project Rulison—Post-Shot Well Test Data, Austral Oil Company.

[7] National Academy of Sciences—National Research Council, "Resources and Man, A Study and Recommendations," by the Committee on Resources: W. H. Freeman and Company, San Francisco, 1969.

[8] Mathias, J. Paul, "Successful Stimulation of a Thick, Low-Pressure, Water-Sensitive Gas Reservoir by Pseudolimited Entry," Journal of Petroleum Technology, February 1971.

[9] Holditch, S. A., and John Ely, "Successful Deep Well Stimulation Utilizing High Proppant Concentration," SPE Paper 4118, presented at Society of Petroleum Engineers 47th Annual Fall Meeting, San Antonio, Texas, October 8–11, 1972.

[10] Williams, B. B., G. Nieto, H. L. Graham and R. E. Leibach, "A Staged Fracturing Treatment for Multi-Sand Intervals," SPE Paper 4093, presented at Society of Petroleum Engineers 47th Annual Fall Meeting, San Antonio, Texas, October 8–11, 1972.

[11] Hurst, R. E., "Use of Liquified Gases as Fracture Fluids for Dry Gas Reservoirs," SPE Paper 4116, presented at Society of Petroleum Engineers 47th Annual Fall Meeting, San Antonio, Texas, October 8–11, 1972.

COSC—COLORADO OPEN SPACE COUNCIL, INC.

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Denver Botany Club.
Izaak Walton League of America, Colorado Division.
Nature Conservancy Plan—St. Vrain.
Planned Parenthood.
Thorne Ecological Institute.
Ex Officio (representatives from):
Bureau of Land Management.
Bureau of Outdoor Recreation.
Colorado Game, Fish and Parks.
Colorado Geological Survey.
Colorado State Forest Service.
National Park Service.
U.S. Forest Service.
Environmental Protection Agency.

ASPEN SCHOOL DISTRICT NO. 1,
*Aspen, Colo., April 14, 1973.*

Bureau of Land Management,
Washington, D.C.
Attn: Dr. Burton W. Silcock.

DEAR DR. SILCOCK: This is a letter of formal protest for the transfer or land withdrawal requests No. 17528 to the Atomic Energy Commission for the Rio Blanco project.

More and more facts and scientific data have been compiled by knowledgeable scientists exposing the risks and probable water contamination and increased amounts of radioactivity in the atmosphere which will result from this blast.

There have been no public hearings on the safety and security from lethal radiation or seismic damage the Rio Blanco Blast could cause; nor, has the Atomic Energy Commission taken any emergency measures in the event of a possible failure with this blast.

Failures have already been evidenced in the Rulison and Gasbuggy projects—failures to the degree of being questionable whether the cost and risk were worth the effort. It is apparent that far more economical and safer methods can be employed to tap the natural gas (such as the use of hydraulic pressure); yet, the Atomic Energy Commission deafly responds to these methods or alternatives.

When the risks mount up and the environment and lives by the thousands are endangered, it is time for the Bureau of Land Management to halt these hazardous tests by refusing sale of this land for the Rio Blanco project; to stop the sale before it is too late to prevent continued experiments and blasts augmenting eventual disasters; to stop the sale so that other alternatives may be considered, eliminating the threat to environment and security to life we are entitled to.

I am only one of hundreds who share in this protest.

Sincerely,

JUSTINE RODRIQUEZ,
*Aspen Middleschool teacher.*

CITIZENS FOR COLORADO'S FUTURE,
*April 10, 1973.*

Mr. GEORGE L. TURCOTT,
*Acting Director, Bureau of Land Management, Washington, D.C.*

DEAR MR. TURCOTT: Citizens for Colorado's Future is the group which spearheaded the successful opposition to the Winter Olympics in Colorado. Although we have avoided taking stands on any issue since then, we feel that Rio Blanco is a serious enough extension of an inappropriate technology so as to require comment.

Specifically and initially we ask that this letter be considered a formal objection to the Notice of Proposed Withdrawal, 38 Federal Register 6697, (1973).

Citizens for Colorado's Future opposes the withdrawal primarily because no hearings have been held. The project is obviously controversial, and thus public hearings are appropriate.

We also feel that the land, given for an indefinite period for essentially private use



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without charge, is a subsidy of significant size to warrant public discussion.

Sincerely,

DWIGHT FILLEY,
*Coordinator.*

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BOULDER, COLO.,
*April 7, 1973.*

Mr. BURTON W. SILCOCK,
*Director of the Bureau of Land Management, Department of Interior, Washington, D.C.*

DEAR SIR: I would like to state a formal protest, under Department Regulations Title 43, Code of Federal Regulations paragraph 4.450.2, to the proposed withdrawal of lands from the Bureau of Land Management to special use status by the Atomic Energy Commission and CER Geonuclear Corporation at the Rio Blanco test site near Meeker, Colorado as cited in Notice of Proposed Withdrawal, Vol. 38 Federal Register 6697 (1973).

Over the past 20 years evidence that irradiation, viruses and chemical mutagens cause cancer has accumulated. Because of the statistical link between increase in radioactive isotopes in the environment following atmospheric atomic bomb tests and the increase in leukemia in children (as one of several effects), biologists in the past have attacked atmospheric atomic bomb testing and have added to the world pressures that eventually forced cessation of above ground atomic bomb explosions.

Although the Rio Blanco project is to occur 6,000 feet underground, the three atomic bomb explosions of 30 kiloton capacity planned in the experiment will eventually release tritium into the environment. Tritium, a radioactive isotope of hydrogen, will be flared off the wellhead. There is also a possibility that underground waters may become contaminated. Since the half life of tritium is 12.26 years (in 12.26 years one half of the radioactivity will have disintegrated), this release represents a long term contamination of the Piceance Creek Basin. 20 to 60 times the original level of radioactivity will occur when the full Basin pilot program is complete and 300 times the original level of radioactivity will occur if the Rio Blanco gas field is developed for commercial purposes.

In view of the contamination of the Rio Blanco area as well as the environment into which radioactive isotopes may drift, of the probable infeasibility of using tritiated gas in homes and schools and of the difficulty of extracting oil from overlying shales if the region is completely developed by atomic blasting for gas, I would suggest that this project is both detrimental and inefficient.

I am enclosing an article from the British journal *Nature* on the Colorado Rio Blanco project which, with some impartiality, discusses our problem from an outsider's point of view.

Very truly yours,
ELIZABETH CAPLAN, M.A. (Biology).

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ENERGY CONSULTANT TO RALPH NADER,
*Washington, D.C., April 11, 1973.*

DIRECTOR,
*Bureau of Land Management,*
*Department of the Interior,*
*Washington, D.C.*

DEAR SIR: This is in comment on the "Notice of Proposed Withdrawal and Reservation of Lands", published in the Federal Register, Monday, March 12, 1973. We strongly object to the proposed transfer being actualized at this time. We find that there are many pressing problems which the BLM should investigate before cooperating in the execution of the proposed Rio Blanco Phase I gas stimulation project.

The problems which must at first be answered include:

1. Alternatives for storage of the tritiated water produced by the explosion. The large quantities of Tritulum, Carbon 14, Argon and Krypton that are planned to be released into the atmosphere through flaring of the radioactive gas represent an inacceptably large environmental and public health risk.

2. With the striking trend towards increasing of natural gas prices, it appears that conventional stimulation methods would be economically competitive, and given the lesser risks involved in the latter approach, this would be vastly preferable. Further BLM analysis on this point would seem warranted.

3. The National Academy of Science National Research Council Advisory Committee on the Biological Effects of Ionizing Radiation concluded in their report released November, 1972 (subsequent to the AEC NEPA statement), that "(n)o exposure to ionizing radiation should be permitted without the expectation of a commensurate benefit". The natural gas industry maintains that the present supply shortages are derived from problems related to the regulation of the price structure, and not with the scarcity of gas supplies. We therefore have extra time to consider alternatives to a large scale nuclear gas stimulation project.

At the very minimum, the BLM should delay transfer of the land until a full public review is held on a number of transactions which will occur with the Rio Blanco test, these include: granting of special land use permits; granting of transmission line rights-of-way; and amendment of the existing contracts with the private companies involved.

We believe that the test presents an unacceptably large risk to the environment, and to the health and safety of the public. Therefore, we urge the BLM not to accept the application of the U.S.A.E.C., Serial No. Colorado 17528.

Sincerely,

RICHARD H. SANDLER,
SAM LOVE,
*Environmental Action.*

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NATURAL RESOURCES DEFENSE COUNCIL, INC.,
*Washington, D.C., April 10, 1973.*

Hon. ROGERS C. B. MORTON,
*Secretary, Department of the Interior,*
*Washington, D.C.*

DEAR SECRETARY MORTON: The Natural Resources Defense Council (NRDC), National Wildlife Federation, Friends of the Earth, Sierra Club, and Environmental Policy Center protest[1] the Department's proposed actions to grant a land withdrawal application filed by the Atomic Energy Commission[2] and special land use permit and transmission line right-of-way applications filed by CER Geonuclear Corp.[3] in order to allow a proposed nuclear gas stimulation project—Project Rio Blanco—to be conducted on public lands.

These environmental organizations believe that the Department should deny the pending applications because granting them would not be in the public interest. Specifically, the Secretary is required by law "to find" prior to granting a right-of-way application that the grant "is not incompatible with the public interest." 43 U.S.C. 959, 961. *See also* 16 U.S.C. §§ 4, 5, 420, 523; 43 C.F.R. § 2920.3(b). First, on the basis of available information it appears that stimulation of the natural gas in question could be accomplished either by hydraulic or by nuclear fracturing. Nuclear fracturing, however, poses substantial threats of harm to the environment and to public health and welfare which hydraulic fracturing does not. (These facts are discussed in the comments attached to this letter as well as in the AEC's Environmental Statement on Project Rio Blanco (WASH–1519)). Therefore, since a reasonable alternative to nuclear stimulation is available which poses less severe threats to the environment and to public health and welfare, it would be "incompatible with the public interest" to permit use of the public lands for the Rio Blanco nuclear stimulation project.

Second, as discussed in greater detail below and in the attached comments, the Department has not complied with the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 *et seq.* This Act declares that environmental protection is in the public interest and that every federal agency is obligated to protect the environment "to the fullest extent possible," 42 U.S.C. § 4332. *See also* 42 U.S.C. §§ 4321, 4331. Therefore, it would be "incompatible with the public interest" to permit use of the public lands for Project Rio Blanco until the Department has complied with NEPA.

The Secretary must also find that detonating the Project Rio Blanco nuclear devices in mid-May, 1973, with flaring to follow in approximately three months, as is now planned, is "not incompatible with the public interest." This is not the case. First, as documented in the AEC Environmental Statement, this is a time, as compared with other times of the year, at which the risk of concentrating radioactive contamination from radioactive emissions such as venting or flaring is increased, particularly by "looping," an event which is most likely to occur during warm, sunny days which predominate during summer months. (Environmental Statement 3–20). Therefore, the Department should deny the pending land withdrawal and land use applications related to Project Rio Blanco at least until a safer time of year is proposed.

Second, no careful and current analysis has been made of the costs and benefits of hydraulic fracturing as compared with nuclear fracturing. The Addendum to the Environmental Statement reports that "[p]reliminary estimates by experts in both fields indicate that the range of potential production costs per MSCF of gas is similar" for the two stimulation techniques. (Addendum 6–2). And the Department itself recently stated: "Presumably recovery would be lower than after nuclear stimulation, but hydraulic fracturing might offer environmental and economic advantages." (Final Environmental Statement on OCS Lease Sale Offshore Louisiana, dtd. Oct. 13, 1972, at 405n.1). Therefore, the Department should deny the pending land withdrawal and land use applications related to Project Rio Blanco at least until a careful study and assessment of the total costs and benefits of these two stimulation techniques is completed.

Regarding the National Environmental Policy Act (NEPA), *supra*, the Department is required to comply with the requirements of the Act and implementing regulations such as CEQ Guidelines, 36 Fed. Reg. 7724 (1971), and Department of the Interior Manual, § 516.2, prior to acting on the pending applications for a land withdrawal, a transmission line right-of-way, and special land use permits related to Project Rio Blanco. As detailed in the attached comments, the AEC's Project Rio Blanco Environmental Statement, which the Department considers as meeting its NEPA obligations with respect to these proposed actions, is seriously deficient in several respects and inadequate under NEPA. The major deficiencies discussed in the comments are: (1) inadequate discussion of reasonable alternatives, and their environmental impacts, to the proposed actions; (2) omission of material information; and (3) noncompliance with NEPA procedures.

Attached, in addition, are the April 14, 1972, comments of NRDC on the AEC's April 1972 Project Rio Blanco Environmental Statement. Since many of the deficiencies identified in those comments were not remedied by the Addendum, these deficiencies are pertinent to the Environmental Statement which the Department now considers as being in fulfillment of its NEPA obligations. The Department should not act to permit Project Rio Blanco to proceed at least until it has complied with its NEPA obligations by preparing and circulating for comment an adequate environmental statement.

Sincerely yours,

EDWARD L. STROHBEHN, JR.

FOOTNOTES

[1] *See* 43 C.F.R. §§ 450.2, 2351.4(a); 38 Fed. Reg. 6697 (Mar. 12, 1973); ltr. fr. J. W. Larson, Asst. Scty. of Interior, to E. L. Strohbehn, dtd. Mar. 2, 1973.

The attached comments on the Project Rio Blancho Environmental Statement are submitted as part of this protest.

[2] "Notice of Proposed Land Withdrawal and Reservation of Lands," 38 Fed. Reg. 6697 (Mar. 12, 1973); C–17528, AEC Land Withdrawal Application, filed Jan. 10, 1973.

[3] C–12677, Weather & Microwave Station, filed Mar. 31, 1971; C–14154, Office Complex & Microwave Control Station, filed Sept. 23, 1971; C–14638, Radio & Telephone Control Station, filed Dec. 15, 1971; C–15095, Trailers, Offices, & Laboratory, filed Jan. 4, 1972; C–15116, Transmission Line Rights-of-Way, filed Jan. 12, 1972; C–15515, Installation of Radio Equipment on Existing Tower, filed Feb. 2, 1972.

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NATURAL RESOURCES DEFENSE COUNCIL, INC.,
*Washington, D.C., April 11, 1973.*

Hon. ROGERS C. B. MORTON,
*Secretary, Department of the Interior,*
*Washington, D.C.*

DEAR SECRETARY MORTON: I respectfully request that the time for submission of comments on the Department's proposal to grant an Atomic Energy Commission land withdrawal application (C–17528, filed January 10, 1973; published in the *Federal Register* on March 12, 1973, 38 Fed. Reg. 6697) be extended ten days from April 11, 1973 to April 21, 1973. The land withdrawal is requested by the AEC in order to allow a nuclear gas stimulation project—Project Rio Blanco—to proceed on public lands.

On March 14, 1973, four weeks ago, I wrote Mr. John Larson, Assistant Secretary of the Interior, to request information about Department actions relating to, among other things, the proposed land withdrawal application. Despite repeated requests during the last four weeks for a reply, I received an answer only last night about 5 p.m. (April 10, 1973). I noted in the comments which were prepared prior to receipt of this answer and which were submitted as part of the protest which I filed this morning on behalf of five environmental organizations against, *inter alia*, the proposed land withdrawal application that "Upon receipt of a reply to NRDC's March 14th letter to the Secretary of the Interior regarding, *inter alia*, compliance with NEPA procedures, NRDC will have further comments." (at p. 21)

The comments will be relevant to the proposed Department decision to grant the AEC land withdrawal request. In order to prepare these comments, I request that the time for submission of comments on the proposed land withdrawal be extended ten days.

In addition, with respect to the protest against the proposed land withdrawal application which I have filed on behalf of Natural Resources Defense Council, National Wildlife Federation, Friends of the Earth, Sierra Club, and Environmental Policy Center, pursuant to 43 C.F.R. § 2351.4(a)–(b) and the *Federal Register* notice, 38 Fed. Reg. 6697 (March 12, 1973), I request that public hearings be held on the proposed land withdrawal. I also request a conference with the Secretary prior to his deciding whether to grant the proposed Department land withdrawal and land use applications related to Project Rio Blanco.

I would appreciate hearing from you as soon as possible concerning these requests.

Sincerely yours,

EDWARD L. STROHBEHN, JR.

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COLORADO COMMITTEE FOR ENVIRONMENTAL INFORMATION,
*Denver, Colo., April 10, 1973.*

ROGERS C. B. MORTON,
*Secretary of the Interior, Department of the Interior, Washington, D.C.*

Regarding: Notice of Proposed Withdrawal 38 Federal Register 6697 (1973). Special Land Use Permit Application CER Geonuclear Lease Modification Application.

We respectfully request that this letter be considered a formal protest to these actions (reference Department of the Interior Regulation 43 C.F.R. Paragraph 4.450.2.) and that the proposed withdrawal and special land use permit be denied.

This request is based upon the fact that in our judgment the AEC Environmental Impact Statement for the Rio Blanco Gas Stimulation Project (Wash-1519) and its Addendum, both of which will be referred to herein as reference 1, are seriously deficient in the following areas:

1) Consideration of the environmental hazards involved in the full field development of the Upper Colorado River Basin.

2) Consideration of the radiation exposure hazards involved in the public distribution of gas resulting from this full field development and of the appropriate radiation exposure guidelines upon which such distribution must rest.

3) Technological and economic definition of what constitutes success of the Rio Blanco experiment.

Two previous underground nuclear gas stimulation experiments, Gasbuggy and Rulison, have demonstrated the technical feasibility of releasing natural gas from tight underground formations by means of nuclear explosions. The third of this series, Rio Blanco, can only be viewed as an experiment to demonstrate the *economic* feasibility of commercial gas production from vertically distributed lenticular gas bearing sands in the Upper Colorado River Basin. Indeed on page 1–1 of reference 1 the AEC indicates that the ultimate aim of the Rio Blanco series is the economic recovery of an estimated 300 trillion cubic feet of natural gas. With this aim in mind, it becomes absolutely imperative that project Rio Blanco be viewed in the light of the anticipated full field development. It must survive on its merit in this context or not at all.

To discuss project Rio Blanco in the smaller context of only the ecological, social, and radiation hazards involved with the experimental 90 kiloton, three bomb explosion is at best, self deception and at worst, intentional deception of the public at large. Viewed in the larger context of full field development, reference 1 falls seriously short in the three areas mentioned above which will be dealt with separately.

1. Environmental Hazards of Full Field Development.

The initial step of project Rio Blanco is to be the detonation of three 30 kiloton nuclear devices in a single emplacement well in Rio Blanco County Colorado. On page 2–13 of reference 1 the AEC says of the Piceance Basin development "current speculation is that the total field may be developed with about 140–280 wells". David Evans of the Colorado School of Mines, in his statement before the public hearing on Project Rio Blanco held in Denver March 9, 1972 estimated that about 13,000 wells would have to be stimulated to recover the estimated 300 trillion cubic feet of gas from the entire western basin four corners area. This breaks down to considerably more than the upper AEC limit of 280 well stimulations for the Rio Blanco Piceance Basin area. It seems apparent that a serious discussion of Project Rio Blanco must consider the effects, both desirable and undesirable, of the detonation of at least *1000* 30-kiloton devices.

1A. Strontium 90 and Cesium 137

In its Draft Environmental Statement, the AEC maintained that most of the radioactivity created by the blast would be nonvolatile and would be trapped in resolidified molten rock in the bottom the blast cavity. The incorrectness of this assumption was pointed out at the March 27, 1972 Denver hearings and the final Environmental Statement was revised to read "Included in the fission products remaining one year or more after the detonation are the nuclides $90_{Sr}$ (Strontium —90) and $137_{Cs}$ (Cesium —137). A significant fraction of these isotopes are deposited on rock surfaces in the chimney region, and would be capable of being dissolved should these be exposed to any liquid water". These are two of the most biologically dangerous radio nuclides known for which deadly doses are measured in millionths of a curie. At the anticipated production rate of some 10 to 20 thousand curies of both $90_{Sr}$ and $137_{Cs}$ per well stimulation, full field development would deposit literally millions of curies of these two radio isotopes in water soluble from in the Piceance Basin.

The AEC goes to great lengths to show that these water soluble radio isotopes present no hazard with regard to the first Rio Blanco shot. Page 3–23 states that "It should be emphasized that no liquid water is expected to either enter or leave the chimney region. . . . Thus no mechanism can be hypothesized whereby the surface-deposited radioactivity can be incorporated into mobile ground waters." Water is currently entering the Gasbuggy chimney presumably from a failure of the water tight bond between the installed casing and the penetrated rock formation. Based on the *increasing* percentage of water in the gas coming from the Rulison well, water appears to be entering the Rulison blast cavity, also. When this cavity cools and entering water will be in the form of liquid rather than steam and will thus be able to carry away soluble radio nuclides present. Once dissolved such radio nuclides will possibly find their way out of the blast cavity into underground waters, and thus into man's environment, by the cracks and fissures intentionally created by the initial blast to stimulate gas flow. How much more likely are unanticipated casing failures and deep inter-connecting fractures under the repeated seismic disturbance of many successive nuclear blasts? This question is entirely unaddressed.

1B. Economic Damage

In the process of full field development, a significant portion of the state of Colorado will be subject to recurring seismic shock. No consideration in the Environmental Impact Statement is given to the possible economic depression which is likely to result.

2. Radiation Hazards from Radioactive Natural Gas.

Since the ultimate aim of Project Rio Blanco is the economic recovery of natural gas for distribution for public consumption, it is appropriate that consideration be given to the current state of knowledge of the level of radioactivity to be anticipated from nuclear stimulation and to an assessment of the public hazard involved in its distribution and use. Both of these topics are notably absent from the Environmental Impact Statement.

Projects Gasbuggy and Rulison have both undoubtedly resulted in the amassing of considerable data concerning the level of radioactivity as a function of time after

Footnotes at end of article.



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detonation to be expected of gas produced by nuclear stimulation. A critical discussion of these radioactivity levels and their relationship to accepted criteria for public exposure must be presented in a satisfactory evaluation of Project Rio Blanco.

The question of what constitutes an acceptable level of exposure to the public in the distribution of radioactive gas to consumers has not been adequately resolved and is hardly a matter to be left to the discretion of the agency which is promoting the technology in question. It appears that such questions should be addressed by the National Council on Radiation Protection, the Department of Health, Education and Welfare and by the Environmental Protection Agency and resolved *prior* to the initiation of a production feasibility experiment. Certainly decisions regarding the public use of radioactive gas will significantly effect decisions related to Project Rio Blanco and *must* be included in a discussion of the environmental impact of this project. Such decisions must be based upon accurate and worst possible case assessments of the exposure risks involved and in doing so the question of exposures to citizens who are not beneficiaries or consumers should be separated from those who are.

3. Definition of Experiment Success.

Since Project Rio Blanco is essentially an economic feasibility study, it becomes germane to include, in its discussion, the criteria by which success or failure of the experiment is to be judged, and on what basis the further development of the gas field is to proceed. Minimum acceptable flow rates after detonation and maximum acceptable radiation levels as related to public exposure (discussed in 2 above) should be stated so that public judgments may be made as to whether continued development should proceed.

Summary and Conclusion.

In the welter of technical data which has been presented in the Environmental Impact Statement and its Addendum, the basic fact that Project Rio Blanco is an economic feasibility study for the commercial production of natural gas is often lost. When viewed in this light, it becomes immediately obvious that, not only must the hazards and environmental impact of the first 90 kiloton detonation be considered, but that a rational evaluation of Project Rio Blanco as a viable experiment requires the consideration of the full field development as well. The Environmental Impact Statement for Project Rio Blanco is almost entirely devoid of assessments of the ultimate effects of full field development and is therefore seriously inadequate.

We therefore feel that in the best interest of the public at large and the population of Colorado in particular, who must bear the brunt of the anticipated development, the special land use permit and land withdrawal request be denied; at least until such time as these serious questions have been satisfactorily resolved.

PAUL D. GOLDAN, Ph. D.,
(For the Colorado Committee for Environmental Information.)

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UNIVERSITY OF COLORADO,
*Boulder, Colo., March 22, 1973.*

The DIRECTOR,
*Bureau of Land Management,*
*Washington, D.C.*

DEAR SIR: I object to BLM's withdrawal of land for the Rio Blanco shot of the AEC, on the grounds that environmental effects have not been sufficiently studied. Evidence which is currently available on water pollution effects, both salinity and radioactivity, has been ignored.

I think it would be highly irresponsible for any Federal Agency to set aside public lands for the use of another Agency when it is widely acknowledged that environmental problems have not been adequately addressed.

Sincerely,

CHARLES W. HOWE,
*Chairman and Professor of Economics.*

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DENVER AUDUBON SOCIETY,
*Denver, Colo.*

Hon. ROGERS C. B. MORTON,
*Secretary of the Interior,*
*Interior Building,*
*Washington, D.C.*

DEAR MR. MORTON: We were dismayed to learn of the proposed land withdrawal of 360 acres on the Rio Blanco proposed site for management by the Atomic Energy Commission. This withdrawal is important to the citizens of Colorado and not to be done without consultation with them. As you know, Project Rio Blanco is very controversial and any procedure connected with it should allow for citizen in-put. Project Rio Blanco is for private purposes, not public ones and no compensation has been provided for. Other federal and state agencies should be involved and it is my understanding that this withdrawal would in many ways exclude them from this project. This pertains to the Bureau of Land Management in particular. Do you wish to give up any of your controls over this project?

It is with these points in mind that we are asking that public hearings on this withdrawal be held, not only in the Rio Blanco area but within other sections of the state as well. Denver should be one of these alternative sites.

We will be awaiting your action on this matter.

Sincerely,

MS. KAY COLLINS,
*Chairman, Conservation Committee.*

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BOARD OF COMMISSIONERS,
COUNTY OF PITKIN,
*Aspen, Colo., April 11, 1973.*

Secretary ROGERS C. B. MORTON,
*Department of the Interior,*
*Washington, D.C.*

DEAR SIR: This letter is formal protest under Department of the Interior Regulation 43CFR No. 4.450.2 to the Notice of Proposed Withdrawal 38-FR 6697 (4973). We understand that by the terms of this Withdrawal certain Bureau of Land Management (BLM) lands will be transferred to the Atomic Energy Commission (A.E.C.) to assist in implementing the purposes of the nuclear blast experiment in Rio Blanco, Colorado. We officially oppose such a transfer because no attempt has been made to satisfy us as local officials upon the following concerns:

1. Pitkin County is located approximatly 50 miles downwind of the sites proposed for extensive nuclear blasting. Virtually no effort has been made by the A.E.C. to assure our residents that their County is protected from all possibility of radiation contamination. Information is not available to the effect that anyone *has confident knowledge* about safe levels of radiation exposure especially the long term effects thereof. We do not know why it is assumed that natural gas sold commercially as a result of this project will not be harmful

2. The City of Aspen, in Pitkin County, Colorado is underlain with elaborate mine tunneling constructed approximately 100 years ago. Geological faulting is extreme on the Aspen, Shadow and Smuggler Mountains surrounding the town of Aspen. The Reudi Dam on the Frying Pan River is built on a serious geological fault and land behind the dam is unstable. Further danger exists to our residents from snowslides or avalanché which could be triggered by physical disturbances to our area. Again, no examination of these possibilities has been disclosed to our local residents or to their elected officials.

3. We are concerned about possible radiological contamination of the underground water systems engendered by hundreds of nuclear underground explosions. Where does this underground water flow? Will wells be contaminated: We have hot springs in our County which comes from deep in the earth much below the level of the nuclear testing.

4. Substantial investments have been made in our area to attract and maintain a tourist economy. In addition a high percentage of our government operating revenues are derived from a tourist based sales tax. We wish to be assured that these considerations have been evaluated and are not jeopardized by the A.E.C. project.

We strongly protest the transfer of B.L.M. land at this time and will continue to do so until our citizens and their elected officials have received adequate information concerning the risks and benefits, and have had an opportunity to make valid judgments thereon.

Sincerely,

DWIGHT SHELLMAN,
*Chairman, Pitkin County Commissioners.*

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ASPEN, COLO.

DALE ANDRUS,
*Director, Bureau of Land Management,*
*Washington, D.C.*

DEAR MR. ANDRUS: In response to your request for public comment on the proposed release of 360 acres of your land to the AEC for Project Rio Blanco, I am sending you the enclosed petitions.

The signatures total 333 and request that Governor Love use his veto power to stop the atomic explosion for the reasons listed. I think that this also indicates that a large number of people in Western Colorado (we petitioned for two days in the Aspen area) would hope that you do not release the proposed tract to the A.E.C.

Thank you for your attention to our concern.

Sincerely,

JOAN NICE.

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CITIZENS CONCERNED ABOUT
RADIATION POLLUTION,
*Denver, Colo., April 7, 1973.*

ROGERS C. B. MORTON,
*Department of the Interior,*
*Washington, D.C.*

DEAR MR. MORTON: Under the terms of 38 Federal Regulation 6697–1973, I am filing an official protest of the proposed nuclear detonation known as *Project Rio Blanco.* Despite the major radiation hazard represented by this operation the Atomic Energy Commission and its sub-contractor have begun their operations in the target area before giving the required "formal notice of proposed withdrawal" to the residents.

It is hoped that your office will intervene at this time to protect the public interest and see that the law is upheld. Perhaps the "shot" might be permanently cancelled in light of the growing evidence that it is both dangerous and a technical fiasco.

A prompt consideration and reply to this request would be greatly appreciated.

Sincerely,

Rev. WILLIAM SULZMAN.

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MARCH 23, 1973.

DEAR SIR: The allowal of atomic blasting in the earth ecosphere is something that must be stopped. It is madness to revert to such means to perpetuate the energy needs of this country. You people ought to be pushing for funds for clean energy research and development. Please consider our ecosphere. It is the only one we have, and it re-cycles w/air currents every one hundred any thirty eight days, and that is for everyone.

Sincerely,

WILLIAM W. SPAIN.



BOULDER, COLO., *April 10, 1973.*

BURTON W. SILCOCK,
*Director of the Bureau of Land Management,*
*Department of the Interior, Washington, D.C.*

DEAR MR. SILCOCK: I would like to make a formal protest in accordance with Department regulations 43 C.F.R. Paragraph 4.450.2 to the AEC's land withdrawal application, 38 Federal Regulation 6697 (1973).

I strongly oppose project Rio Blanco and the other proposed underground nuclear tests in Colorado. I also object to any act of Congress enabling the marketing of radioactive gases produced by nuclear stimulation.

Please consider the following points:

I. As a citizen I believe that I should be consulted and agree before radioactive gases are to be flared into my environment.

II. The argument that 'safe' levels of radiation only will be released is not valid.

A. There is no such amount of radiation which can be considered safe. There is only a benefit versus risk evaluation.

B. The point is often made that we don't know precisely what the biological results are of long term 'low level' radiation. I don't think that flaring radioactive gases on Coloradans is a suitable method for finding out.

C. We are getting so-called 'safe doses' of radiation from many other sources; medical X-rays, nuclear reactor pollution, fallout, Rulison flaring etc. These doses add up to quite a bit of cumulative exposure.

III. The AEC stands to lose a great deal if 'peaceful uses' for atomic energy are curtailed. It therefore would be difficult to expect an unbiased opinion about safety to the public when these projects are acted upon.

Thank you very much for registering my protest.

Sincerely,

BARBARA KENNEDY.

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ASPEN, COLO.

BUREAU OF LAND MANAGEMENT,
*Department of Interior,*
*Washington, D.C.*

GENTLEMEN: I urge you not to acceed to the demand of the A.E.C.—(whose forecasts of damage of many sorts have been since the beginning of that body's existence—been over optimistic and not reliable—to make the necessary land adjustment, for the explosion "Rio Blanco"—this is a national—not merely a Colorado problem.

Yours truly,

ELIZABETH ICKES.

H. L. Ickes did not sell helium to Germany!
APRIL 8, 1973.

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MARCH 19, 1973.

BUREAU OF LAND MANAGEMENT,
*Washington, D.C.*

GENTLEMEN: Please do not allow the AEC to withdraw the 360 acres of land surrounding Project Rio Blanco in Colorado.

Due to the threat of underground pollution plus air pollution plus who knows what and the plans of so many more underground shots, the AEC should not be allowed to proceed with any part of Rio Blanco.

Thank you.

Yours very truly,

Mrs. R. E. BLAINE.

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MARCH 22, 1973.

BUREAU OF LAND MANAGEMENT,
*Washington, D.C.*

GENTLEMEN: I am writing to object to BLM's withdrawal of 360 acres of land from public use for the A.E.C. to blast in its Rio Blanco nuclear oil shale search.

I urge a public hearing on the entire matter. I would like to hear testimony from public health experts on the radiation danger from Rio Blanco and the many subsequent nuclear blasts in our State which will be required to make the project economically feasible. I'd like also to hear from geologists and seismologists about earthquake reactions.

My husband and our two sons and I are permanent, taxpaying residents of Colorado. What good will the oil do us if our State (and our lives) are destroyed in the process of reclaiming it?

Sincerely,

ELLEN H. VANNESS.

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BOULDER, COLO.,
*March 16, 1973.*

DEAR SIR: I have just read in the newspaper that the AEC is asking withdrawal from the public domain of 360 acres of land surrounding the Project Rio Blanco site near Meeker.

I feel this is typical of the AEC's total lack of responsibility. They are saying, "If you don't want us to radioactively contaminate public land, turn the land over to us, and then the land we contaminate will not be public land". A frightful suggestion.

Please use all your influence to prevent radioactive contamination rather than to call it by another name. I ask you to prohibit the whole Rio Blanco project, and specifically at this time to prevent AEC management of land properly in your care.

Sincerely,

EDITH DE CHADENEDES.

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To the DIRECTOR,
BUREAU OF LAND MANAGEMENT,
*Washington, D.C.*

The local TV newscaster reported last night that the BLM had formally requested the removal of 360 square miles from the Public Domain in the Pieceance Basin of western Colorado to support and provide a site for the oil shale "development" known as Project Rio Blanco. He further indicated that the public had until 11 April to write to the Director, BLM Wash. D.C. to comment on this action.

My purpose in writing you is to protest in the strongest terms this high handed action on your part. How dare you to arbitrarily withdraw the public's land from the public domain to further your own, other governmental agencies and oil company interests at the expense of public interests and do it at public expense through expenditure of tax monies? Your proposal is an affront to your supposed mission to administer the public lands in the public interest.

This action and the whole Rio Blanco Project does not appear to be in the public interest, but rather seems to be another "make work" project to maintain and expand your operations at public expense regardless of benefit to the public. The only people who seem to be in favor of Rio Blanco are certain oil interests, your agency and the Atomic Energy Agency plus a few others all of whom stand to benefit from expanded operations and public financed oil explorations.

Project Rulison was a similar boondoggle that cost the public millions of dollars in agonizingly long planning, minimal execution operations and continuing evaluation costs, and hasn't benefitted the public in any fashion as yet.

As a matter of fact, project Rulison is a pretty typical example of your operations in recent years, little or no public benefits from extremely costly, frequently ill conceived and in some cases actually harmful projects that are carried out solely to "make work" for your agency at taxpayers expense and thereby get a bigger part of the public funds each year.

I sincerely believe the foregoing and reiterate that I am opposed to pouring more public monies into project Rio Blanco and specifically opposed to withdrawing 360 square miles, or any other amount of land from the Public Domain to provide a site for project Rio Blanco.

I doubt that this letter will be permitted by the maze of the bureaucracy to reach anyone in a position of authority, much less the director, or that it would get much, if any, consideration if it did get to the director, however I believe that I have performed my civic duty in writing my comments on this matter.

Sincerely,

CAMERON D. PATERSON.

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DENVER, COLO.
*March 21, 1973.*

DIRECTOR, BUREAU OF LAND MANAGEMENT,
*Washington, D.C.*

DEAR SIR: If some property owners in Rifle, Colorado (approximately 17 miles from the Rullson blast site) reported damage from one (1) 46-kiloton bomb, how can the Atomic Energy Commission feel that Rio Blanco is completely safe being only 20 miles away from a blast site which will blow up three (3) 30-kiloton bombs?

I am not well informed on Atomic blasting, however, I am sure that the atmosphere of the earth could do very well without the blast. What was gained by the blast at Rullson? What was gained by the blast up in Alaska about a year ago (besides a lot of dead wildlife along the coast)?

I am aware that the purpose of the blast is to make useable natural gases below the earth's surface. Why dcesn't the Atomic Energy Commission work on ways to *conserve* the energy which is available today? Instead, they keep on looking for new sources of energy which will be depleted in the same thoughtless way as before.

You might not be aware of how Denver so outrageously used its energy during the winter energy crisis. The newspapers were telling the Denver people to turn off lights when not in use and to try to cut down the use of electricity, etc. At the same time these statements were being issued, the Denver Civic Center was blazing away with millions and millions of Christmas lights. These lights burned every night until midnight—until the Stock Show (the Stock Show is for the cowboys who come to Denver for the Rodeo—with bundles of *money* in their hands) left town sometime around February 1, 1973.

Why must public lands be used for this test anyway? I'm sure it isn't the public that wants the blasting. Put the test on some government land. Let the government installations pay for cracked foundations and damages as a result of the blast. Let the government people slowly mutate from the effects of the radiation. They want the blast, let them have it!

NANCY HARRISON,
*1448 Humboldt Street.*

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*March 21, 1973.*

DIRECTOR, BUREAU OF LAND MANAGEMENT,

Subject: Rio Blanco 320 acre withdrawal protest.

This test might fracture the oil shale layers hence prevent all presently developed plans for mining the shale. The project Rulison test must be evaluated for this fracture effect by an independent geologist.

F. N. BOSCO.

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LAKEWOOD, COLO., *March 17, 1973.*

Re: Oil Shale tests and Piceance Basin AEC bomb Tests, delay for study.

Hon. FLOYD HASKELL,
*House Office Building,*
*Washington, D.C.*

DEAR SIR: You are truly on the right track, in criticizing the AEC tests in the Shale area, until the effect of the last test has been evaluated.

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I personally knew the bomb was going to to be put off under Piceance Basin, and was watching, and have a picture, taken from 70 miles East, near Vail, Colorado, showing the arc of rising dust which came up, highest over the bomb, into the sky. This was a result of the shaking of the ground in a large diameter, probably 40 miles, around the explosion. This rose to the freezing level, then leveled off, and made a cloud, and then a rain storm, that evening.

The main point is, this might have fractured the oil shale layers, like a fracture of glass plate, so that planned mining methods with wide roof space between pillars, may not be possible! This must be checked before another test is fired! A valid criticism. A reason for delay.

Cordially, yours for a better America!

FRANK BOSCO,
*Professional Engineer, Geologist.*

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LAKEWOOD, COLO., *March 22, 1973.*

DIRECTOR,
*Bureau of Land Management,*
*Washington, D.C.*

DEAR SIR: Please register my *objection* to the transfer of land to the Atomic Energy Commission for detonation tests on the Rio Blanco Project.

Sincerely,

JUDITH A. KAUFFMAN.

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BOULDER, COLO., *March 24, 1973.*

DIRECTOR,
*Bureau of Land Management,*
*Washington, D.C.*

SIR: I feel that your recent decision granting the Atomic Energy Commission use of land for the Rio Blanco project is a mistake and an incredible disservice to the public. Surely we can find a better use for this land than to make it into a radioactive rubbish heap.

Sincerely yours,

KEVIN PHILLIPS.

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DENVER, COLO., *March 25, 1973.*

DIRECTOR,
*Bureau of Land Management,*
*Washington, D.C.*

SIR: News has come to me that the Bureau of Land Management has recently approved the request of the Atomic Energy Commission for the use of land in Colorado for the purpose of conducting the Rio Blanco test, employing a nuclear device.

I implore you to reverse this regrettable decision. I am not expert concerning the use of nuclear explosives for peaceful purposes, but I do firmly believe that it is always a form of recklessness to employ a nuclear device for *any* purpose, regardless how "peaceful," and regardless of how harmless it seems. The sad fact is, radiation is radiation no matter in what sector or at what level it is released on this increasingly poisoned planet.

My argument, rather, concerns the attitude common to the majority of the producers and consumers of fuel and resultant power in our culture. It should be quite obvious to anyone who has really thought about it that, at some point in a country's history of natural resource exploitation, the idea of progress becomes meaningless. Our so called "progress" from this point on can only destroy. We must stop blindly consuming those things we can never replace. The outlook for the future is not as rosy and favorable as when this country had more than it needed, and we cannot put off our fuel crisis much longer.

Therefore, I ask you to reconsider. Wouldn't the funds needed for Rio Blanco be better spent in finding alternatives that will *have* to be found sooner or later?

Thank you.

Sincerely,

THEODORE W. MCCLARY.

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U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
*Denver, Colo., March 29, 1973.*

To: Director (322),
From: State Director, Colorado,
Subject: C–17528, Withdrawal, Atomic Energy Commission—Project Rio Blanco.

Attached please find a postcard from Josephine S. Mann to our Glenwood Springs District Office commenting adversely on Project Rio Blanco. Also attached are a brief reply from our Glenwood Springs office and an acknowledgment of the receipt of the protest which we sent to Mrs. Mann. As discussed between Robert Officer of your staff and Rod Roberts of this office on March 27, 1973, we have considered the postcard as an adverse comment on the withdrawal rather than as a protest to the issuance of special land use permits.

J. ELLIOTT HALL,
*Acting.*

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*March 22, 1973.*

JOSEPHINE S. MANN,
*Aspen, Colo.*

DEAR MS. MANN: This will acknowledge receipt of your card on which you state your opposition to the Rio Blanco Project.

Since the public lands involved in this project are not under the jurisdiction of this office, I am forwarding your card to our State Office in Denver, Colorado for consideration.

Sincerely yours,

STEWART A. WHEELER,
*Area Manager.*

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BOULDER, COLO., *March 31, 1973.*

DIRECTOR,
*Bureau of Land Management,*
*Washington, D.C.*

DEAR SIR: We would like to state our opposition to the AEC's detonation of nuclear devices in the Rio Blanco area at this time. We feel that the undoubted costs in terms of human health have not been adequately weighed, and that the unproven benefits to be accrued do not justify such a cost.

It is unclear to us whether your refusal to transfer the land you hold to the AEC would halt the project or not. Naturally, if your withholding the land meant that the AEC would go ahead with its plans while residents were still in the area, we are not asking you not to transfer the land. However, if you could halt the project by retaining the land, we would like to lend our voices to the request to do so. We realize the extreme seriousness of the energy shortages facing our country, and we realize that all means of deriving new sources of energy carry some dangers with them. But we feel convinced that no method is so potentially hazardous as one connected with radioactivity, and that any and every alternative should be sought until the public can be assured that such alternatives are less feasible, and that those in charge have enough knowledge to responsibly monitor such effects as radioactivity must have.

Thank you very much for your attention to this letter. We beg that you, and everyone with any power over our environment and the future health of our species, act responsibly in this matter.

Sincerely,

JEFFREY AND JEAN ROBINSON.

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THORNTON, COLO.

DEAR SIR: We object very strongly to your plans to give 360 acres to be used for Project Rio Blanco. We object to using nuclear explosions to free natural gas because we feel these blasts release unnecessary radiation into the atmosphere and we feel that we, the public, should not be exposed to radioactive gas used for cooking and heating.

Please reconsider Project Rio Blanco and all other projects like it.

Sincerely,

MICHAEL AND MOLLY KAYE.

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DENVER, COLO.

DEAR SIR: I am a taxpayer in the State of Colorado and am writing in regards to the matter of the proposed underground nuclear test known as the Rio Blanco Project.

From the information I've gathered reading the newspapers in Denver it seems the test is really not necessary. Not only not necessary, but carries with it a chance, however slight, of damage to the natural resources and environment (not to mention human life) of the areas surrounding the test.

The issue is one to which I wish my profound vote of dissent may be recorded at your office.

Yours truly,

DAVID HALL.

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DENVER, COLO.

DIRECTOR,
*Bureau of Land Management,*
*Washington, D.C.*

DEAR SIR: I read in the paper this morning you plan to close 360 Acres for use in the RIO BLANCO nuclear oil shale test area. I have also read your proposed rules for off the road vehicles on BLM land and it appears the standard government and big business verses the common man applies in these cases.

Why in the rules, do you state that you cannot use off the road vehicles unless you are in pursuit of mineral and or oil. This to me means if I am EXXON oil company, I can tear up the land with graders, bulldozers, etc. but if I am John Jones I can't take my four wheel drive thru the same land.

If I am an oil company, I can close large tracts of public land for oil shale exploration and if I am John Jones I cannot hunt in what at present is the largest deer herd in the nation.

Enclosed please find a copy of the official publication from the Colorado Division and Wildlife stating the lack of consideration given to the wildlife of the proposed area.

I think I understand the problem of the diminishing oil supply in this country but again I hear CBS news state that it is an artificial crisis, and I see pictures of natural gas escaping into the sea around the off shore rigs. The oil companies at one time complain they don't have the resources but on the other hand they allow them to escape.

I am opposed to the Rio Blanco project.

Thank you.

DALE D. MOSER.

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ROCK SPRINGS, WYO.

DIRECTOR,
*Bureau of Land Management,*
*Washington, D.C.*

No BLM lands should be transferred to the AEC for underground nuclear testing. The AEC wants 360 acres for project Rio Blanco only to short-cut adverse public reaction to this and future tests.

Sincerely,

LARRY EDWARDS.

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DENVER, COLO.

DEAR SIR: I am writing in opposition to Project Rio Blanco as a whole and specifically to their request of 360 acres of land surrounding the project. As a Colorado citizen who has experienced earthquakes caused by pumping radioactive contaminated water underground, I can only plead that we stop this entire project before we've created even worse disaster. I can see no sense in even the initial test when we know the entire series in the magnitude proposed by the AEC would never be acceptable. *Please,* let's quite ruining our environment. The mere fact they are



requesting this acreage because of unavoidable underground contamination should move us to act against the project. Let's learn from our past mistakes.

Sincerely,

Mr. and Mrs. JAMES CULHANE.

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BOULDER, COLO.,
*March 25, 1973.*

DIRECTOR OF LAND MANAGEMENT,
*Washington, D.C.*

DEAR SIR: I am writing to you both as a concerned United States citizen and as a long time resident of Colorado concerning the upcoming, proposed atomic-type test at the Rio Blanco site in my state. The very conception of using such atomic devices, even though used underground, is certainly against the best interests of all living things in the test area, the State of Colorado, the United States of America, and the World. Please understand that I am not a member of any specific group of individuals interested in any particular local issue. What is most critical to both my wife and I is the total lack of concern of government, state, and local peoples in proceeding with such unnecessary testing—no matter what the specific goals are designated!

Therefore, we would like to make ourselves perfectly clear that this Rio Blanco Test is not only a massive waste of money for the taxpayer, but also a total scourge of the entire natural surroundings. We will attempt to do whatever is within our power to stop any such test or other such type tests in the future. Further tests of this nature are not needed to try to gauge any levels of radiation in the environment around us! We can already see quite well that numerous types of pollutants are constantly threatening our future existence and this proposed test is just another source of contaminating the land, air, and water around us. No matter what kind of logic you may employ can change the fact any type of device used will in some way distribute waste materials of various sorts everywhere! Finally, I strongly feel that all types of explosive tests, atomic or other, should not be continued until the people of this nation have an opportunity to vote on such measures.

Sincerely yours,

Mr. and Mrs. JOHN A. DEGUTIS.

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DENVER, COLO.

DIRECTOR,
*Bureau of Land Management,*
*Washington, D.C.*

DEAR SIR: I'm sure its too late for my meager opinion to halt the transfer of the 360 acres of land from B.L.M. to the A.E.C. However I'm going to write this protest anyway.

If my only concern were the 360 acres I'd forget it. What really concerns me is how many square miles (not acres) of this country will suffer. Anyone familiar with this Mesa mountain type country knows how bad it erodes naturally. I can imagine what it will do with help. If the Rulison project shook Rifle, I wonder how Meeker, Rio Blanco and Rangely will suffer from twice the blast source of Rulison.

I'm also wondering how many square miles will erode indefinitely. Also what about ecology today or radiation tomorrow, then what about wildlife that depend on the underground water that feed the springs of the area (which become more scarce each year) which surely will be affected. Or worse I'm told by some of our Wildlife Officials they could become contaminated by oil or radiation. I'm sure our days of filling our canteens in the springs of Roan Creek are over.

Again I'll say the 360 acres are of little concern but if the A.E.C. can acquire this land, I'm sure there are many other agencies and private interests that would gobble up much more of *Our* land.

Lets think of Mother Earth for a change. It's the only one we'll ever have.

Sir I don't think we need the Rio Blanco nuclear blast.

Very truly,

BERT STAHL.

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APRIL 6, 1963.

DIRECTOR,
*Bureau of Land Management,*
*Washington, D.C.*

DEAR SIR: I, a concerned citizen of western Colorado am writing you to show my opposition to the Rio Blanco Project. I oppose this project on grounds both moral and scientific. There hasn't been enough scientific research on this project specifically or on use of Atomic Energy (in general). The AEC and Government thinks it can experiment on western Colorado to provide more ridiculous energy that will last only a short time. Why don't they concentrate on something lasting that won't completely disrupt the countryside and the inside, of the earth (solar energy). More research on the effects of radiation should be done not just going ahead with experiment projects in populated farm country. The AEC must involve the people in their decisions, not just big business. We are concerned for the country and future generations. We realize the need for more and better energy but the Rio Blanco project is not the answer.

MICHAEL JAMES KELLY.

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DENVER, COLO.

DEAR SIR: I am writing in protest to project Rio Blanco, underground nuclear blast. I feel there is great danger to underground water supplies, and the gas pockets that these projects create will be contaminated. There will be no way to undo the damage that will be caused by these blasts.

There are myriad reasons probably well known to you why this project is unwise. I hope you will listen to the voice of the people and refuse to allow these blasts to take place.

Sincerely yours,

MICHAEL STAHL.

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APRIL 7, 1973.

DIRECTOR,
*Bureau of Land Management,*
*Washington, D.C.*

DEAR SIRS: I would like to voice my opposition to the Rio Blanco project which is taking place in my area.

The lack of indepth research on the effects of the radiation on our future generations worries me and my family.

It seems to me that this project is not the answer to our energy problems. More of our money could be turned toward research in the solar energy field.

I feel that the people in my area must be heard on this issue and that a public hearing is most necessary.

I can see no economic benefit to this area by going through with this project. Please hear the people.

LEONARD G. HOLES.

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DEAR SIR: As a resident of Colorado, I must voice my disapproval at the withdrawal of the 360 acres from the Natural Resource Lands in Rio Blanco County for the AEC's Project Rio Blanco,

I request that you do all in your power not to let this happen.

MELINDA S. NOTON.

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LAKEWOOD, COLO.,
*April 7, 1973.*

BUREAU OF LAND MANAGEMENT,
*Washington, D.C.*

DEAR SIRS: I feel strongly about not going on with the Rio Blanco project for several reasons; some reasoning, some feeling. As has been pointed out by our Senator Haskell, if there is no intention of continued massive detonating of the whole field, why start.

The evidence seems incomplete as to safe levels of tritium exposure. I'm not satisfied that tritium *may* not concentrate in an organism. Since this is not the only poison bombarding us in our food, air, and water, it needs every consideration possible. Too often, in the hurry for financial gain, side effects are left to discover by chance in the future.

If natural gas is a lost commodity at the site of oil "mining", why not collect it then? Why must we all take the chances in nuclear stimulation of gas bearing fields, such as possible run-off of radioactive poisons seeping into the Colorado River, possible destruction of oil deposits, and other possibly unthought of destruction of our thin-skinned earth.

There are Alternatives. Expenses in the form of destruction may override the expenses of using a less dramatic, less efficient, less potentially dangerous and accident-prone medium for loosing our needed gas.

Sincerely,

KARA LANG.

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DENVER, COLO.

DEAR SIR: We don't need anymore atomic blasts in Colorado especially in the heart of the best and last good deer and rabbit area we have left. It will ruin the land and the underground water supply. Maybe I am only 14 years old but I'm not stupid enough to let people ruin our land without complaining about it.

MARK STAHL.

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BOULDER, COLO.,
*April 7, 1973.*

DIRECTOR,
*Bureau of Land Management, U.S. Department of Interior, Washington, D.C.*

DEAR SIR: I hereby file my *formal objection* to the proposed withdrawal of Federal land in Rio Blanco County, Colorado from BLM management and transfer to Atomic Energy Commission management. Notice of the proposed transfer was given in 38 *Federal Register* 6697 (1973).

My objection to the proposed transfer is based upon my opposition to the AEC's intended use of the land, i.e. Project Rio Blanco. My reasons for opposing Project Rio Blanco are described briefly in the enclosed statement.

Sincerely yours,

RONALD E. WEST, PE.

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STATEMENT OF REASONS FOR OPPOSING
PROJECT RIO BLANCO
(By Ronald E. West, PE)

It is my personal conviction that, because of the inherent hazards associated with their high explosive power and with their radioactive by-products, nuclear explosives should be considered for use for peaceful purposes only when certain conditions are met. These conditions are: (1) the particular application is generally agreed to as highly desirable, (2) there is either no other alternative technique or the nuclear explosive technique demonstrates clear, distinct advantages over any other, and (3) there is a public consensus on the use of nuclear explosives for the particular application. Given these conditions, nuclear explosives still should be used only with the utmost caution.

The proposed Project Rio Blanco is the third experiment in nuclear stimulation of natural gas. Based upon the results of the two previous experiments, Projects Gasbuggy and Rulison and on projections for the results of Rio Blanco and Project Wagon Wheel (a proposed fourth experiment), I

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conclude that, at best, nuclear stimulation is of marginal economic utility.[1]

Statement for Project Wagon Wheel (WASH–1524, April, 1972) *predicts* that the gas could probably be recovered economically at a well-head price in the range of 30 to 60¢ MSCF. This price should be compared with the prevailing well-head price of 20 to 25¢/MSCF.

Further, there is a stimulation technique alternative to the use of nuclear explosives.[2] Finally, there is substantial public opposition to the Rio Blanco and Wagon Wheel experiments as well as strong opposition to any use of this technique beyond a few experiments.[3]

I believe that Project Rio Blanco is unnecessary, because the potential of nuclear stimulation can be judged from the earlier experiments. Also, I believe that Project Rio Blanco is undesirable, because the side effects of seismic shock and the formation of radioactive materials will occur, even though it is virtually inconceivable that this technology will ever be used.

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ASPEN, COLO.,
*April 3, 1973.*

DALE R. ANDRUS,
*Director, Bureau of Land Management, Washington, D.C.*

DEAR MR. ANDRUS: I would like to express my opposition to your proposed releasing of 360 acres of National Resource Land for use by the AEC in Project Rio Blanco (withdrawal #17528).

The AEC has not proven that a single blast, much less full field development of the area, would not harm the health and property of citizens of the Western Slope of Colorado. Until they can prove that the operation is safe, I do not feel that National Resource lands should be allocated for this purpose.

I hope that you will consider this when making your decision about the proposed withdrawal. Thank you very much.

Sincerely,

JOAN NICE.

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DENVER, COLO.

DEAR SIR: Concerning the proposal to withdraw 300 acres of land from public use so that the AEC can make their oil shale blast. We don't want the AEC interrupting and destroying the ecology and the delicate cycle of life which sets north-western Colorado as some of the prettiest country in Colorado. As a concerned citizen I feel that the whole matter should be brought to public opinion and put on the ballot for the good of Colorado and the Nation.

Sincerely yours,

MALCOLM STAHL.

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[1] The Environmental Statement for Project Rio Blanco (WASH–1519, April, 1972) states that neither Gasbuggy nor Rulison were sufficient to ". . . determine the economic potential of this technology." I interpret that statement, along with the non-development of the Gasbuggy and Rulison fields, to mean that the results proved that nuclear stimulation was not economically feasible.

[2] In the March, 1973 Addendum to the Rio Blanco Environmental Statement, it is conceded that hydraulic fracturing stimulation, while not proven under all field conditions, is competitive with nuclear stimulation.

[3] Numerous examples of citizen opposition to Project Rio Blanco have been reported (cf., *Denver Post*, Feb. 15, 22, 25, March 2, 4, 18, 1973). Further, Gov. John Love and Sen. Floyd Haskell of Colorado have been reported as agreeing that full field development by nuclear stimulation is, ". . . out of the question", in Colorado (*Denver Post*, March 4, 1973)

ASPEN, COLO.,
*April 3, 1973.*

DIRECTOR,
*Bureau of Land Management, Washington, D.C.*

DEAR SIR: I am writing to express my belief that withdrawal request #17528 (the Atomic Energy Commission's proposed Project Rio Blanco) constitutes an improper use of public lands.

The dangers of this project are manifold. Contamination of the ground water which feeds into the Colorado River, which in turn is used for irrigation in five states, is one of many possibilities. Invasion of property rights of adjacent private landowners is an important legal objection.

Feeling against this project locally is strong. There will no doubt be court suits, injunctions, and possibly a public referendum. But all of this should be unnecessary if the BLM exercises proper jurisdiction over its lands. I hope you will see that withdrawal request #17528 is denied.

Sincerely,

BRUCE N. BERGER.

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NORTHGLEN, COLO.,
*April 5, 1973.*

MR. DIRECTOR: I am writing this letter to protest the withdrawal of 360 acres of public land so the Atomic Energy Commission can destroy it. Isn't that what it amounts to, total destruction by the A.E.C.

How can you allow this land, *our land*, to be used in a test that will contaminate, destroy, kill and ruin the wildlife, the underground water and the plantlife of the area?

According to the recent study by the National Science Foundation, the Project Rullison was examined from every angle—financial, social, environmental—their findings: the blast was a total failure.

The newspaper article, of which I have enclosed a copy, states that the B.L.M. may call a public hearing if circumstances warrant, but no such hearing has been scheduled. Why???

I certainly feel that the controversy generated over the project is warrant enough to hold a public hearing over the withdrawal of *our land. We want our hearing!*

I cannot understand how a man with your entrusted position can willingly agree to such fruitless waste of public lands. Reconsider and *give us our hearing.*

I am also enclosing a magazine article that has named the A.E.C. project as dubious. If you will read the article you will find that there are many concerned citizens who will fight these Atomic Blasts. We may lose the battle of Rio Blanco, but we will win the War of the Wagon Wheels Blast.

In closing I ask that you use the power and restraint of your office to help stop the A.E.C.'s growing plunder and pillage of *our public lands.*

A Concerned Citizen,

M. L. BOWMAN.

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CEDAREDGE, COLO.,
*April 6, 1973.*

DIRECTOR,
*Bureau of Land Management, Washington, D.C.*

DEAR SIRS: I'm writing you in regards to the Rio Blanco Project scheduled this spring in Western Colo. Being a resident near the proposed blast, I'm deeply concerned.

I don't feel there has been enough research done on the effects of radiation to the environment and people.

I don't believe nuclear explosions within the earth's crust is the answer to the energy crisis. Maybe more research on solar energy is needed.

I believe a public hearing is most necessary before we turn over the land to the A.E.C. Please help the people of Western Colo. and the whole U.S. put the money to better use.

Sincerely,

STEPHEN W. LEWIS.

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ASPEN, COLO.,
*April 3, 1973.*

DEAR SIR: The Aspen ETF kindly requests your consideration of the dangers of the Rio Blanco nuclear program to the ecology of the Piceance Basin and to the pepple of the surrounding area, and urges you to refuse to grant withdrawal request #17528 of 360 acres of National Resource Lands for the AEC's project Rio Blanco.

Sincerely,

RICHARD SCALES,
*Chairman, ETF.*

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Following public meeting, of Cosco-CER-AEC last night, we reaffirm objection to Rio Blanco withdrawal. Imperative BLM Act on hearings, plan.

COLORADO OPEN SPACES COUNCIL.

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DWIGHT FILLEY, COLO.,
*April 8, 1973.*

BURTON W. SILCOCK,
*Director of the Bureau of Land Management, Department of the Interior, Washington, D.C.*

DEAR MR. SILCOCK: I am strongly opposed to project Rio-Blanco. It seems to me wrong to accept the possible risks of nuclear stimulation when conventional fracturing is probably more economic. It seems strange that this blast is scheduled before the full data from Rulison is available.

So, I'm opposed to your granting the AEC land withdrawal application. Please consider the notice of proposed withdrawal, 38 Fed. Reg. 6697 (1973). Further, consider this letter a formal protest to these proposed actions pursuant to Dept. regulations 42 C.F.R. paragraph 4.450.2.

Thank you for your expected and urgently needed help.

Sincerely,

DWIGHT FILLEY.

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DENVER, COLO.,
*April 10, 1973.*

BURTON W. SILCOCK: I wish to register a formal protest against Project Rio Blanco and all nuclear gas stimulation blasts. It comes to my attention that there are many more desirable alternatives that have not yet been fully explored or financed in our search for energy. The risk of radio activity from all such testing could affect the entire population now and for future generations.

Specifically, now, I am objecting to the Notice of Proposed Withdrawal, 38 Federal Regulation 6697 (1973). I request this letter to be considered a formal protest to proposed actions pursuant to Department regulations 42 C.F.R. Paragraph 4.450.2.

DOROTHY FIEDELMAN.

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APRIL 9, 1973.

DEAR SIR: I am a concerned citizen writing to ask the Bureau of Land management please not to transfer Federal lands to the AEC. Projects Rio Blanco, Rullison, and the 200 proposed underground blasts in our fair state demonstrate the AEC's continuing failure to put the lives and safety of our unborn generations ahead of their own selfish interests. Transferring BLM lands to the AEC would be insanity. Please don't let it happen.

Sincerely yours,

DEBORAH S. STUCKLEN.

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CEDAREDGE, COLO.,
*April 9, 1973.*

BURTON W. SILCOCK,
*Bureau of Land Management, Washington, D.C.*

Re Notice of proposed withdrawal 38, Federal Regulation 6697.



DEAR SIR: In behalf of the Delta County Citizens Concerned about Pollution I would like to enter herewith a formal objection to the transfer of this land to the Atomic Energy Commission for the purpose of conducting an atomic experiment known as the Rio Blanco Project.

Yours truly,

CHARLES WORLEY,
*Chairman, Delta County Citizens Concerned About Pollution.*

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YOUNG DEMOCRATIC CLUB OF DENVER,
*Denver, Colo.*

BURTON W. SILCOCK,
*Director, Bureau of Land Management, Department of the Interior, Washington, D.C.*

DEAR MR. SILCOCK: As citizens of Colorado, the members of the Denver Young Democrats wish to lodge a formal protest (pursuant to Department Regulation 42 C.F.R., paragraph 4.450.2) against the transfer of 360 acres of Colorado land from the jurisdiction of the Bureau of Land Management to the Atomic Energy Commission. Your policy of allowing public comment on the transfer is commendable; we hope you will seriously consider such comment.

We are opposed to this transfer, Notice of Proposed Withdrawal, 38 Federal Regulation 6697 (1973), because we are opposed to Project Rio Blanco. According to CER Geonuclear and the Atomic Energy Commission, the Rio Blanco blast is only one of a series of blasts to be used to release natural gas trapped underground. Using their estimates, full-field development would require as many as 15,000 blasts, a number which is unacceptable to Colorado citizens and to Colorado leaders. Even our Governor, who was persuaded to allow Rio Blanco, has said that full-field development is untenable.

Then why, we ask, should even one blast be allowed? Any nuclear explosion, no matter what its purpose, produces radioactivity, and all radioactivity is cumulative. The results of Project Gasbuggy in New Mexico and Project Rulison in Colorado are quite disturbing. Flaring was used to dispose of radioactive gas from these blasts, thereby releasing radioactivity into the environment. After flaring at Gasbuggy, the Public Health Service found that radioactivity in vegetation downwind from the project was increased tenfold. Background radiation in Colorado is already much higher than the national average, thanks to activities of the AEC, and we do not wish to increase our statistical lead.

A study done at the University of Colorado and funded by the National Science Foundation was strongly critical of Project Rulison. The amount of gas stimulated was less than predicted; the amount paid for compensation for damages was greater than expected. Even so, there are unhappy people living near Rullison who were not compensated because their claims did not have documentary proof.

We ask you most urgently not to transfer the land to the AEC. The Bureau of Land Management has itself been critical of CER Geonuclear's handling of Project Rio Blanco. There are too many doubts and dangers in this project.

We believe it is time for the AEC to quit taking unknown risks with the health of the people of Colorado. No one is quite sure how much radiation the human body can tolerate with constant exposure over long periods of time. We do not intend to be the ones to find out.

The possible benefits that could be derived from Rio Blanco are dwarfed by the possible dangers. We, as citizens of Colorado, ask you to act in the best interests of all the people of this state.

Sincerely,

PATTI WELLS,
*Executive Committee Member, Young Democratic Club of Denver.*

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MONTROSE, COLO.,
*April 8, 1973.*

*Department of Interior, Washington, D.C.*

DEAR SIR: I am a mother, taxpayer and citizen and am *opposed* to *any* BLM land to be transferred to the AEC.

I am one of many in Montrose County, Colorado who feel very strongly on this subject. Please note my protest.

Thank you,

DOROTHY SAWVEL.

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MR. SILCOCK: I am writing this note to urge you to *refuse* to transfer 360 acres of public land in western Colorado to the AEC for project Rio Blanco. I do not believe that enough research has been done in areas such as possible effects on ground water and the water table, effects on geologic structures in the vicinity, the possibility of fissures opening up and releasing radioactive gas to the atmosphere, and the largely unanswered question of the overall radioactive effect of the blast. Colorado already has the highest background radiation of any State in the Union, and the AEC has done little to assure us that dangerous amounts of radioactive isotopes, all with long half-lives, will not be released by this blast. What is to be done with the first year's gas after stimulation has occurred; gas that is too radioactive to use and totals one-fifth of the total gas available from the project? The AEC has five "possible" solutions to this problem and anytime that a situation like that occurs, it means that the planning procedure has been very haphazard and slipshod indeed. Five "possible" solutions means no solution at all. Until this and other problems are solved, the AEC should not be allowed to proceed. And they cannot proceed without the 360 acres of BLM land being transferred to them. And that is your decision, Mr. Silcock. And I sincerely hope that you realize that there are thousands who feel as I do in the State of Colorado, and that you will listen to us and not transfer that 360 acres of our land to the AEC to be used as a stepping stone to full field development in western Colorado and a total ruination of the environment as well as the health of that State. I realize we are in an energy crisis, but nuclear stimulation has too many unknown as well as known problems and weaknesses to be a viable solution. Why is so little work being done on solar energy use, a clean, safe and abundant energy * * * not make. I realize this is not your concern directly. But by refusing to transfer these 360 acres to the AEC, you can prevent the AEC from gaining a foothold in Colorado from which full-field development is but a small step. And, in doing so, you could help save the Colorado environment from another onslaught of abuse, and likewise save her people from health hazards and help make Colorado a continued fit place in which to live. There are many people who feel as I do; don't ignore us.

Thank you for your time.

LANNY CONRAD.

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DENVER, COLO.,
*April 11, 1972.*

DEAR SIR: I am definitely protesting, that land of our Colorado Rocky Mountains be released to the Atomic Energy Commission for experimentation and further testing to release natural gas.

Sincerely,

DENATE YANKE.

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SNOWMASS, COLO.,
*April 9, 1973.*

DIRECTOR, BUREAU OF LAND MANAGEMENT,
*Washington, D.C.*

DEAR SIR: I am writing to you with deep concern regarding the proposed Rio Blanco nuclear test detonation. I am sure that you are aware of the very grave dangers involved—namely, radioactive pollution of our air and water due to leakage and venting, seismic damage, and production of radiated natural gas exposing the consumer to constant low-level radiation.

I urge that you do not release to the Atomic Energy Commission the 360 acres of national resource lands to use for the Rio Blanco blast.

Sincerely,

F. KAYE BURE.

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CSU ENVIRONMENTAL CORPS,
*Fort Collins, Colo., April 10, 1973.*

DIRECTOR, BUREAU OF LAND MANAGEMENT,
*Department of the Interior, Washington, D.C.*

DEAR SIR: This letter is a request to urge your department to postpone the transfer of 360 acres of land on Fawn Creek in the Piceance Basin of Colorado to the AEC for use in their Project Rio Blanco. Because of the controversial nature of this project, its potential impact on adjacent BLM lands, and the growing opposition to Rio Blanco among Colorado's citizens, we feel it would be only fitting to postpone the land transfer until after formal hearings are held on the consequences of the transfer. Many questions remain unanswered concerning the environmental impact of Rio Blanco and, until they are adequately answered, we feel it would be irresponsible to BLM to give AEC the go-ahead by granting them the right to use the Fawn Creek tract. Thank you for your thoughtful consideration.

Sincerely,

BRUCE HAMILTON.

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DENVER, COLO., *April 10, 1973.*

BURTON W. SILCOCK,
*Director of Bureau of Land Management, Department of Interior, Washington, D.C.*

MR. BURTON W. SILCOCK: In accordance to Department regulations 42 CFR Paragraph 4.450.2, I protest the withdrawal of land for the Rio Blanco Project (Notice of proposed withdrawal, 38 Federal Regulation 6697 (1973)).

The AEC is misleading us by not dealing with radiation from decaying tritium as particles *within body tissues* (incorporated from water vapor produced by combustion of tritiated cooking gas) in its estimates of radiation exposure.

Thank you,

JOHN CLAYDON.

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DENVER, COLO., *April 10, 1973.*

DIRECTOR, BUREAU OF LAND MANAGEMENT,
*Washington, D.C.*

DEAR SIR: My wife and I are environmentalists, and we have read of the underground nuclear explosions of the Rio Blanco Project near Meeker, Colorado.

As it is now, we have a limited amount of natural beauty left. With the growing population, and the expanding cities and industries in Colorado, we are very jealous of our Colorado mountains and their beauty. Therefore, we write this letter as a request for your aid in stopping and controlling this and future nuclear underground explosions not only in our state, but in other states as well.

I do not have to explain how beautiful Colorado is and how proud we and other residents are of our state. We are deeply hurt by the expanding population and the pollution that it is causing. We are in hopes that a solution will be found to this problem. At this point, all we can do is *stop* further pollution as will be caused by the Rio Blanco Project. I'm sure that if the general public in Colorado, Utah, and other neighboring states were more aware of this threat to our environment and our health,

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you would receive many more letters similar to this one, as well as an objecting petition. Again we beg you to aid us in our endeavor to keep Colorado beautiful.

We enjoy the resources that are developed from our land. However, given a choice, my wife and I, not mentioning many other people, would rather face the possibility of limited use of our automobile and heating fuels caused by underproduction of petroleum products than the disastrous results of an explosion of this kind. Perhaps the money saved can be directed toward other and safer means of claiming our underground resources.

We request a personal reply as to what you, the public, and we as individuals can do to avert this tragedy.

Sincerely,

FRANCIS SCHREFFLER.

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ASPEN, COLO., *April 10, 1973.*

Dr. BURTON W. SILCOCK,
*Director, Bureau of Land Management, Washington, D.C.*

DEAR DR. SILCOCK:

Notice of Withdrawal
38 Fed. Reg. 6697 (1973)
Dept. Reg. 42 CFR 4.450.2

This letter constitutes my formal protest to the proposed actions granting withdrawal of lands pursuant to the Department of the Interior regulations from the Bureau of Land Management to the Atomic Energy Commission for the firing of a nuclear blast in Rio Blanco County, Colorado, known as Project Rio Blanco.

I base my objection, in brief, on the following:

1. The dangerous possibility that Strontium-90 and Cesium-137 created in the blast cavity can migrate into underground, potable waters and into the Colorado River eventually.

2. Seismic damage is impossible to predict. Our Reudi Dam is built on the Bicelow thrust fault with another fault underlying the intake towers. The formations behind the dam are such that earthquake tremors could cause their slippage into the dam waters thus causing a disaster similar to the dam disaster in Italy. This site for the dam was heatedly fought on these grounds. There is also an earthquake zone of weakness from Glenwood towards the direction of the dam. An old water diversion tunnel up behind the dam collapsed after Rullson but was outside the specified hundred mile radius of accepted seismic damage from the Rullson shot. There is a town below the dam, about 11 miles at the mouth of the narrow canyon.

3. The produced gas would cost three times what we are now paying and would be radioactive, granted that it would be an "acceptable" low level.

4. As Dr. Theodore Puck, Head of the Eleanor Cancer Research Center in Denver, testified at the Rullson trial, that if one adds up the natural radiation background count, plus our medical x-rays, that we are already getting more than the so-called "safe" annual allowable radiation dosage. It was also put on the record at the trial that England takes into consideration the background radiation count when setting up standards of allowable radiations dosages. Why?

5. The estimated 300 trillion cubic feet of gas which is projected as obtainable would take, if they planned to get this in the ten to twelve year period that they sometimes state to placate the oil shale developers, five bombs every workday for twelve and a half years!

What do they plan to do with the first years gas production from each of the 1,300 to 2,400 wells (we get new figures every week out here)? The gas for the first year is too low in BTU's to be economically marketable and too highly radioactive and they wouldn't have enough high energy gas which is clean to mix it with even if the locals would accept the constant exposure its use would mean to extra low level radiation. Our City Council has already passed a resolution against sale of radiated gas in Pitkin County.

6. A major tunnel on the main East-West Highway into Denver collapsed about six months after Rullson. At the time of the detonation major tremors were recorded in the Denver area on the University's Richter Scale. Did these tremors loosen up the rock over the tunnel? This was the first time one of these tunnels had ever collapsed. No one can answer this.

Aspen was 58 miles down wind, the first town in the quadrant for the fall-out and any venting of Rullson. This time we won't be directly down wind but we are about 70 miles away. Would you want your family to be subjected to this potential low level radiation if they flare these thousands of projected future detonations? Would you want your home located in Basalt, the town down the canyon from Reudi Dam? Would you want to heat your home (and we heat practically year around here) and cook with radiated gas, however low level? Would you want the ground water in your backyard contaminated, even though it might not affect your generation?

Will the tremors from these shots cause avalanches on our ski slopes? Will our storms pick up the radiation from the first flaring and deposit it in a fluke storm in our valley or on some rancher? Will these bombs endanger our coal miners by canning up new and old faults?

Are you willing to enslave your grandchildren and theirs to the impossible job of containing all this proposed radioactive garbage of which Rio Blanco, admittedly, is only a small part?

We have been told that the possible benefit to the nation justifies the possible risk to us few (Rullson trial). We were also told that the burden of proof that the forthcoming radiation might be harmful lay on the shoulders of the people that it was not the responsibility of the Government, to prove beyond doubt, that more radiation was harmless. This is because no one can prove this since there is no proven threshold of safe doses of radiation. In other words we can be experimented upon for the good of the fatherland. Does this remind you of another government's philosophy?

We are the nation's guinea pigs in an insane experiment for a few dollars for a few corporate enterprises which includes the AEC.

Colorado Guinea Pig,
LEE DODGE,
*Ms Lee Dodge (mother, wife, fed-up voter and taxpayer).*

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FORT COLLINS, COLO.
*April 11, 1973.*

Secretary ROGERS MORTON,
*Department of the Interior, Washington, D.C.*

DEAR MR. SECRETARY, I am enclosing a copy of a letter I have sent to the Bureau of Land Management. The letter deals with my objection to Project Rio Blanco in northwestern Colorado.

Thank you.

Sincerely yours,

CYNTHA A. WARD.

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FORT COLLINS, COLO.,
*April 16, 1973.*

Mr. SILCOCK,
*Bureau of Land Management, Department of Interior, Washington, D.C.*

DEAR MR. SILCOCK: I am writing in regards to the proposed Rio Blanco natural gas stimulation project. In my opinion this project should be cancelled, or, at the very least, postponed indefinitely. I have tried to educate myself in the area of the energy crisis and in my own mind, and in the minds of many scientists and citizens, the safeness of the Rio Blanco project is not established to a satisfactory degree. There are secondary effects and possibilities not even explored by the Atomic Energy Commission (AEC). Furthermore, there are statements made by the AEC which are contradicted by scientists and other statements which have no factual basis. The result of my findings is that my opinion of the AEC's credibility has been lessened.

Because the statements by AEC are not totally accurate and because there is still a great controversy over the issue of nuclear tests, radiation and their effects, my position is that there should be a postponement of this project and future projects for an indefinite length of time.

However, it is my contention that the Rio Blanco project should be cancelled for further reaching reasons than the immediate danger. I feel that the answer to the energy crisis is not nuclear energy but alternate energies such as solar energy or energy derived from the moon's gravity. These types of energies have the advantages of being safe and nearly pollutant free, while these advantages are the two inherent problems of nuclear power. Therefore, I would like to see a greater emphasis laid upon clean, inexhaustible sources of energy such as solar energy rather than hazardous nuclear energy.

Although some may say that the ideas I have expressed are radical or impossible, there are even more who would agree that nuclear energy research is an undue risk to humanity. This risk weighs heavily when deciding from which source the energy of tomorrow should emanate.

I do not consider my opinions as radical, just as I do not consider myself as a radical. I have been a resident of Colorado for five years, am established in my community and in my chosen profession of accounting, and am a taxpayer and voter.

Please give consideration to these ideas. Thank you.

Sincerely,

DAVID BRERETON.

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COLORADO STUDENT LOBBY,
*Fort Collins, Colo.,*
*April 10, 1973.*

DIRECTOR,
*Bureau of Land Management, Department of the Interior, Washington, D.C.*

DEAR SIR: In light of the incomplete knowledge of the full ramifications of the proposed project Rio Blanco, I strongly urge you to postpone transfer of the 360 acres of land in Fawn Creek in the Piceance Creek Basin to the Atomic Energy Commission. Postponement would allow time for formal hearings to be held so that the citizens of Colorado who would be directly or indirectly affected by the blast could voice their opinions.

Sincerely,

S. A. BOND.

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FORT COLLINS, COLO.,
*April 10, 1973.*

U.S. BUREAU OF LAND MANAGEMENT,
*Washington, D.C.*

DEAR SIR: I want to protest the explosion of the nuclear device in the Rio Blanco project in Colorado. The effect on human health of the radio-active residues in the gas produced has not been adequately studied. Of course optimistic statements are made by the industry involved on health effects because they are only concerned with the profitability and growth of their business and they want to allay our fears so we will not resist.

The chance of radio-activity escaping into the ground water and contaminating household and irrigation water is unknown.

I do not believe expansion, growth, and profitability of industries should be allowed to jeopardize our health and safety, and that of future generations. Too often we are rushed into technological innovations to serve an economic system that does not have the well-being of humanity as a basic interest. We do not need to be stampeded into new technology for the extraction of energy sources whose side-effects are unknown by and alleged "energy crisis" that may be spurious. We can buy time by cutting down on the prodigious wastefulness of our style of living. It is insane and immoral that we, 6% of the world's population, are using 45% of a year's consumption of resources. I personally am willing to pay more for conservative use and forego comforts and conveniences that I don't need anyhow.

Sincerely yours,

PHILIP S. MILLER.

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APRIL 10, 1973.

Mr. SILCOCK,
*Bureau of Land Management, Department of the Interior, Washington, D.C.*

SIR: We are writing this letter to ask you to withhold the 360 acres of land desired by the Atomic Energy Commission and the fossil fuel industry for the Rio Blanco project in Colorado. After looking into the situation, it is quite evident that not enough is known about the consequences to the environment of such atomic blasts to safely go ahead with them. As happened with the Rullson blast, private homes and holdings will be damaged, but more important, are the severe dangers of radioactive contamination of air and water, and thus food. As serious students, we have observed that the research carried out in these areas has been minimal and in many cases fraudulent.

At the same time, very little research has gone into alternative techniques resulting in the same ends without the radioactive and seismic dangers of subterranean nuclear detonations. At this time only 4 million dollars have been put into the research of solar energy possibilities as compared to the 6 million already spent on Rio Blanco.

Finally, the industry involved has both stated recently and demonstrated to us after the Rullson blast, that it is unwilling to bear the risks involved.

We are confident that after looking into this, you will see that the transfer of this land to the Rio Blanco project could only be irresponsible.

Sincerely,

R. MICHAEL FIELD.

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ARVADA, COLO.,
*April 10, 1973.*

BURTON W. SILCOCK,
*Department of the Interior, Washington, D.C.*

SIR: I oppose the Rio Blanco Blast. The negative aspects for full field development is much too distressing. The economic viability of the gas and the consumer acceptance of irradiated gas is very questionable.

In objecting to the proposed granting by the Interior Department of the pending A.E.C. land withdrawal application, refer to notice of proposed withdrawal 38 Federal Regulation 6697 (1973). I request that this letter be considered a formal protest to these proposed actions pursuant to Department regulations 42 CFR Paragraph 4.450.2.

Sincerely,

MARJORIE KEIM.

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BOULDER COLO.,
*April 10, 1973.*

Re Notice of proposed withdrawal of land in western Colorado, 35 Fed. Reg. 6697 (1971).

BURTON W. SILCOCK,
*Director of Land Management, Department of Interior, Washington, D.C.*

DEAR MR. SILCOCK: As an attorney for the American Civil Liberties Union which represented the Plaintiffs in the lawsuit against the nuclear blast known as "Project Rullson", and as attorney for the Colorado Defense Council, Inc., I wish to protest the proposed withdrawal of land from the Bureau of Land Management to the Atomic Energy Commission for purposes of the detonation of an underground nuclear device.

Pursuant to 43 C.F.R. 4.450.2, by this letter I wish to formally protest the withdrawal of said land.

Very truly yours,

ROBERT BRUCE MILLER.

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HOUSE OF REPRESENTATIVES,
THE STATE OF COLORADO,
*Denver, April 2, 1973.*

Re Rio Blanco.

BUREAU OF LAND MANAGEMENT,
*Washington, D.C.*

DEAR SIRS: It is our understanding that B.L.M. is being asked to lease 360 acres of B.L.M. land for the purposes of a nuclear denotiation (Rio Blanco) without a public hearing.

We, undersigned Colorado Legislators, urge a public hearing be held on this important and controversial matter.

Yours truly,

THOMAS L. FARLEY,
(And 9 others).

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LAKEWOOD, COLO.,
*April 19, 1973.*

DIRECTOR,
*Bureau of Land Management, Washington, D.C.*

DEAR SIR: This month in Time Magazine I read of the Rio Blanco Project near Meeker, Colorado. I am writing in objection to the nuclear underground explosions.

Every person that is privileged to live in Colorado will be affected. Our environment is now so polluted from the by-products of our heavy population growth that it is endangering our existence. We now enjoy the natural beauty of Colorado and wish for it to remain that way.

I realize that in order to provide for our heating and transportation demand that there are certain compromises that must be made. However, must we sacrifice our lives?

I know that you may not have the answers but I do look to you and other representatives of our government to help stop blasting in our state and if possible in the entire United States. Help us keep our state beautiful.

Sincerely,

MARJORIE WIGGINS.

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ARVADA, COLO.,
*March 24, 1973.*

DIRECTOR,
*Bureau of Land Management, Washington, D.C.*

DEAR SIR: We, the members of Patrol 15 of the Mile Hi Jeep Club of Colorado, formally protest the withdrawal of 360 acres of land near Meeker, Colorado from public use for the Atomic Energy Commission to use in its Rio Blanco nuclear oil shale blast.

Colorado's population is growing at such a tremendous rate that public land which can be used for outdoor recreation (such as: jeeping, hunting, camping, and fishing) must be considered to be at a premium. There will be several four-wheel drive roads put out of commission for this project. Every time we turn around, there is some type of legislation taking away land from the public that was once used for recreational purposes.

We recognize the need for tapping our natural gas resources. We feel, however, that private land or other properties not at present open for public enjoyment could be purchased and used for this purpose without being seriously detrimental to outdoor activities.

Colorado has one of the largest deer herds in the nation near Meeker, the site of this proposed test. The development of this land will have a significant effect on the growth and development of big game in that area.

We are willing to work with you in finding a site which will serve your needs and protect our valued public lands as well.

Sincerely,

RUSSELL W. TRICKER,
*Chairman.*

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## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Nebraska is recognized for not to exceed 15 minutes.

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## WATERGATE

Mr. CURTIS. Mr. President, the Watergate affair has troubled all of us who believe in limited constitutional government and who have faith in the integrity of the U.S. Government.

The resignations of some top White House and administration officials appear to be the beginning of some constructive action to clear the air on this unprecedented scandal. In my opinion, the President made a fine statement last night. I am convinced that he intends to have this matter investigated thoroughly.

Unfortunately, the image of our Government has already been damaged in the eyes of the world. I just returned from a trip for the Department of Agriculture to Australia and New Zealand and I am sorry to report that I was able to keep up in Watergate matters just as if I had been here in Washington reading a local paper. This affair has damaged the credibility of the United States worldwide. What is more, the fact that White House aides were apparently involved in either the Watergate affair itself, or an attempted coverup of it later, has caused problems with the faith the American people have in their leadership. Even the most ardent Republican or administration supporter has come to the point where he is extremely uncomfortable, to say the least, with the way things have gone.

The time has come, in order to restore the integrity of our Government around the globe and to restore faith of the people in our leaders in the United States, to have an independent investigation of the Watergate mess.

The person who conducts the investigation should not come from the present ranks of government. The man's integrity should be above reproach. The man should have a proven record of courage. He should be able to withstand the inevitable scrutiny such an appointment would produce from the media. He should be willing to protect the innocent as well as expose the guilty.

Accordingly, I believe, and I have so informed the President by letter, that Mr. Nixon should consider the appointment of our former colleague Senator John Williams of Delaware as a special investigator for the purpose of once and for all getting to the bottom of Watergate.

With all due respect to my colleagues and their commendable efforts on the special Watergate Committee in the Sen-



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ate, I think the very nature of the committee will prevent its disclosures from satisfying the American people that the truth has been achieved. The Senate's report could be interpreted by some as having partial political motivations. The Senate's report may produce some kind of minority views and that would again create confusion.

I further do not think that anyone from the Justice Department, even if he is completely honest and has not been in any way involved in the case, could adequately convince the world that some facts were not hidden from view.

Senator Williams, on the other hand, would never turn such a probe into a grandstand play for his own political advantage. He would protect the innocent as well as expose any wrongdoing. He would conduct an investigation solely in the interest of good government and not for any partisan political gain.

The record of John Williams is unparalleled. He had the courage to stand up and be counted in the Sherman Adams affair when his own Republican administration was in office and he was fair to all concerned when he was investigating corruption in Democrat administrations.

He has received praise from newspapers like the Washington Post, the Naw York Times and the Milwaukee journal which, considering their early concern over the Watergate issue, will be very hard to convince. I believe Senator Williams could stand the test of the probing media and would have the courage to state the facts regardless of who is involved.

As Senators well know, John Williams conducted his own affairs while he was in the Senate in such a way that no possible questions could be raised about any "conflicts of interest."

The White House itself could be confident that Senator Williams would launch any investigation honestly, fairly and without any sort of vindictiveness.

I hope the President will consider this suggestion carefully. I welcome the support and endorsement of this idea of any of my colleagues.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Illinois is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, how much time remains which has not been used by the distinguished Senator from Nebraska under his order?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. ROBERT C. BYRD. Would the Senator allow me to reserve that time to myself for the purpose of quorum calls, and so forth?

Mr. CURTIS. Yes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to that effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I believe the distinguished Senator from New Mexico (Mr. DOMENICI) has an order to be recognized. Would the Senator like to proceed until such time as the Senator from Illinois reaches the Chamber?

Mr. DOMENICI. Mr. President, I request that before our time began we await the arrival of the Senator from Illinois, so that he may proceed first and I may proceed thereafter.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, without prejudice to the distinguished Senator from Illinois; and I ask unanimous consent that the time be charged against the time allotted to me under my order.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I may yield to the distinguished majority leader on the basis that what he says will appear at the end of my remarks in reference to former Senator John Williams.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I am speaking on the Senator's time; is that correct?

The ACTING PRESIDENT pro tempore. Yes.

Mr. MANSFIELD. Mr. President, may I say that I had an idea of what the distinguished Senator was going to say, but, unfortunately, I was not in the Chamber because I was meeting in the reception room with some very good friends from Missoula, Mont.; but it is my understanding that the distinguished Senator has indicated that, if there is to be an investigator of the Watergate affair, he recommended the name of our former colleague, John J. Williams of Delaware.

May I say that if there is to be an independent investigation. I can think of no one of greater integrity, greater standing, greater capability than former Senator Williams, who made such an outstanding record as a Member of this body and who left us, incidentally, voluntarily, because he believed that there should be an age limit of 65 for Senators, and, as always, what John Williams said, he meant, and therefore he is to be commended.

However, as far as I am concerned personally, it does not make any difference whether or not there is to be a special investigator. The Senate will recall that the President last night stated, without qualification, that he had given authority to the Attorney General-designate, Mr. Elliot Richardson, to name such a special investigator if he saw fit, and if he sees fit I can think of no better person than former Senator John J. Williams of Delaware.

May I say also, speaking of special investigators, that there has been a good deal of talk in the press and discussion on TV and radio to the effect that it was special investigators, men like Owen Roberts, a Philadelphia lawyer, later a Supreme Court justice, and Atlee Pomerene, a former Senator from the State of Ohio, who were responsible for uncovering the Teapot Dome scandal.

As a matter of fact, the Teapot Dome scandal facts were uncovered and the evidence was laid bare for all to see by a Senate committee, a committee on the order of the Ervin committee, and that committee was headed by one of the greatest Senators this Republic has ever produced, Thomas J. Walsh of Montana. It was on the basis of the job he did then, and not on the basis of special investigators—although I am sure they made a great contribution, but it was on the basis of a special Senate committee headed by the late Senator Thomas J. Walsh—that the facts were uncovered and the evidence laid bare, the guilty punished and sent to prison; and on that basis, that particular issue was resolved and that was the result of that particular case.

May I add that, in my opinion, while the Republic was in danger of crumbling until recently, now I think, as a result of what the President said, what the President has done, and what the courts, the grand jury, and the Ervin committee will do, that the rock on which this fragile democracy rests will be stronger.

Again I want to commend the distinguished Senator and to express to him, as I have so many times in public and in private, my extremely high regard for former Senator John Williams. If there is to be a special investigator, I can think of no better person to be it.

Mr. CURTIS. I thank the Senator.

Mr. PERCY. Mr. President, will the Senator yield? If the Senator has completed his remarks, I can speak on time under my own order.

Mr. CURTIS. If I have time, I am happy to yield.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska has 30 seconds.

Mr. CURTIS. I yield those 30 seconds to the Senator from Illinois.

Mr. PERCY. Just to comment on his remarks, because I am grateful that he has made them. I have publicly stated that if John Williams were appointed special investigator, I would hope the name would be sent to the Senate, so we could all join in what I hope would be overwhelming, if not unanimous, approval. We could then move forward with an investigation, and the legislative and executive branches of the Government would be joined together in this investigation. I will speak in greater detail on this matter. I think we indeed have a precedent for the Senate and the House acting in this matter in the Teapot Dome scandal.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PERCY. The majority leader was absolutely correct when he said Teapot Dome was uncovered by a Senate committee, but it was the President of the United States, responding to a resolution which passed the Senate and a resolution which passed the House that resulted in the appointment of a special prosecutor in that particular case, giving the special prosecutor all the powers necessary to bring all these matters out into the open and prosecute that particular case.

Mr. PERCY. I ask unanimous consent to have printed in the RECORD two brilliant editorials from the Christian Science Monitor entitled "The Constitutional Crisis" and "Watergate: Clean-Up Precedent."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:



WATERGATE: CLEAN-UP PRECEDENT

On this page earlier this week we said that the housecleaning at the White House should be "put in the hands of someone free of all personal connections with the White House, with the defendants in the case and even with the high command of the Republican Party."

History points the way to a formula which worked once before under similar circumstances. Soon after Calvin Coolidge succeeded to the presidency in August of 1923 he discovered that he had inherited a housecleaning job. A Senate investigation uncovered the fact that Albert B. Fall, when Secretary of the Interior under Warren Harding, had received $100,000 in cash in a "satchel" from oilman Edward L. Doheny. That was the beginning (Jan. 24, 1924) of the uncovering of the scandals of the Harding administration.

On Feb. 1 and 2 Senate and House passed a joint resolution calling on the President to appoint a special counsel independent of the Department of Justice. President Coolidge solved the selection problem by naming two men. One was a young Republican lawyer from Philadelphia, Owen J. Roberts, who later was elevated to the Supreme Court. The other was a retired former Democratic senator from Ohio, Atlee W. Pomerene.

The President gave the two men full authority and his support. They worked well together. Suits were immediately instituted to annul the Teapot Dome and Elk Hills oil leases which Fall had improperly granted to his benefactors. By June all concerned in the oil leases were under indictment and the leases had been voided.

The above does not necessarily mean that there should be a special two-man prosecutor. But it points the way we think might well be followed in the Watergate affair. As in the Teapot Dome case the prosecution should be taken out of the Department of Justice and put in hands which are either bipartisan or palpably nonpartisan. Above all, the prosecution must be divorced from the White House.

One of the worst things about the Watergate matter so far has been manipulation of the FBI by the White House in the effort to cover up what had happened. The main reason L. Patrick Gray III had to withdraw his candidacy for the directorship was because he had handed over all his material to White House counsel John Welsey Dean who is himself deeply involved in the affair. Now Gray is reported to have destroyed White House files of Watergate defendant E. Howard Hunt Jr.

The process of setting up a convincing and satisfying housecleaning might well start, as in the Teapot Dome case, with a joint resolution by the Congress.

THE CONSTITUTIONAL CRISIS

Watergate has long since become a political disaster for Richard Nixon and the Republican Party. It is now a constitutional crisis calling for drastic remedial measures. The issue is the capacity of the incumbent President to govern effectively during the remainder of his term of office. That capacity must be restored. There is no other practical way out of the crisis. The question is whether Mr. Nixon himself is yet ready to take the steps which he must take to restore the institution of the presidency to effectiveness.

To rescue the institution itself justice must be done, and seen to be done. This is a case where the housecleaning must be thorough, quick, and evident to all skeptics. Leaving the management of the housecleaning in the hands of anyone connected with the White House itself will not be good enough. There is a cloud of suspicion over everyone in the administration who has anything to do with domestic politics. That cloud can be lifted only if the housecleaning is put in the hands of someone free of all personal connections with the White House, with the defendants in the case and even with the high command of the Republican Party.

As we are writing the prosecution is under Henry F. Petersen, Assistant Attorney General in charge of the Criminal Division of the Department of Justice. The burden fell on him when Attorney General Richard Kleindienst disqualified himself on grounds of "personal and professional relationships" with persons involved in the case.

We have not the slightest reason to doubt Mr. Petersen's probity. But he has served under Mr. Kleindienst and he is a long time personal friend of the lawyer now acting on behalf of John Mitchell. That is too close a relationship to a main character in the case. Mr. Mitchell was Mr. Nixon's Attorney General during most of the first term. He resigned to run the re-election campaign. He repeatedly asserted that he had never heard of the Watergate business until the arrests at the Democratic National Committee Headquarters. Yet, before a grand jury he has now confessed that the break-in and bugging operation were discussed in his presence at least three times prior to the burglary. He stands guilty on his own testimony of concealing the truth and thus of helping to try to conceal information about a criminal act.

Many eminent lawyers are doubtful as to whether Mr. Nixon has yet sufficiently divested himself of control over the investigation to allow it to rise above suspicion. When he changed course and announced "major new developments" in the case he also expressed "my view that no individual holding, in the past or at present, a position of major importance in the administration should be given immunity from prosecution." According to some lawyers this has the legal effect of discouraging defendants from talking.

Sooner or later the whole truth in this most unseemly and sordid affair is coming out. The question now is whether it will be dragged out by bits and pieces through the Senate committee hearing proceeds and in various lawsuits, with the administration holding back at every turn and doing its best to limit the disclosures. If it comes that way it will continue to do harm to Mr. Nixon's capacity to serve out his term effectively. The other way is for him to do what must be done to raise the official government prosecution above suspicion.

The reason to put it above suspicion is, in our opinion, of first importance. As many have already pointed out, the criminal actions and, even more seriously, the long devious effort to conceal them, would, in a parliamentary democracy have already forced the resignation of the Prime Minister and Cabinet. In the United States the presidency is for a four-year term. Mr. Nixon has just been reelected by an enormous majority, the second largest in the history of the country. There is no evidence that even an important minority want anything other than a chance to regain confidence in the man they elected less than six months ago. No reasonable figure is calling for his resignation. All are calling for a quick, thorough, and credible housecleaning. Hence we urge Mr. Nixon to put the prosecution of the case in the hands of a person who is so free of White House connections that the results will be believable.

But one more thing is needed to restore the prestige and authority of the man elected last November to the presidency. There has been a tone about the White House which was detectable during the first term, but has become strident since election day. It is a tone of self-righteousness bordering often on arrogance. It has raised a formidable barrier between the White House and the Congress.

It has come out over foreign policy—the assertion of presidential power to bomb at will regardless of how contrary the sentiment might be in the Congress. It has come out in assertion of executive privilege—the alleged (now abandoned) claim of the White House to have the power to blanket the entire federal establishment under executive privilege. It has come out a thousand times in the cold contempt of the White House staff men toward those who disagree, including even high Republicans from Capitol Hill. It has come out above all, in the attitude toward Watergate—a bland assumption that whatever they do is right and moral and permissible.

Watergate will be purged and Mr. Nixon will be restored to the confidence of the country if and when the purging has been thorough, quick, and above suspicion and also when the White House itself acts with humility. Mr. Nixon must in the future be seen to consult the leaders of the Congress with respect, not give them orders in a manner too reminiscent of some imperial court.

The American people want, and need, a restoration to them of the ability to believe in the integrity and decency of the man they have chosen to be their President. But they also want a president, not a king-emperor.

Mr. Nixon can give them what they want and need. We urge him to do it—just as fast as possible.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Under the previous order, the Senator from Illinois (Mr. PERCY) is recognized for not to exceed 15 minutes.

## SPECIAL PROSECUTOR FOR WATERGATE INVESTIGATION—SENATE RESOLUTION 105

Mr. PERCY. Mr. President, yesterday was a day we shall not soon forget. In the words of the banner headlines in many of the newspapers around the country, "The President cleaned house." The Watergate scandal has rocked the administration and last night the President did what he had to: He accepted full responsibility for the actions which were taken by members of his administration and by members of his reelection committee. The reason he acted is clear—public faith in the Government had been badly eroded and the ability of the administration to govern was in jeopardy.

I had intended yesterday to submit a Senate resolution calling upon the President to appoint a special prosecutor in the Watergate matter. However, when I learned of the dramatic events of yesterday morning, and the announcement that the President would address the Nation last night, I decided to defer submission of the resolution until after the President's speech.

Now that the President has spoken, I remain convinced that the submission of this resolution is appropriate. A simple and very basic question is at issue: Should the executive branch investigate itself? I do not think so, and neither, I am convinced, do a majority of my colleagues.

In submitting this resolution, I am not attempting in any way to question the integrity or ability of Attorney General-designate Elliot Richardson, a distinguished public servant for whom I

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have the highest regard. But Mr. Richardson cannot be regarded as independent of the executive branch of the Government.

Mr. President, I am pleased to announce to the Senate that Congressman JOHN ANDERSON of Illinois, is submitting this same resolution today in the House. The preliminary indications of support by the Members of the House have been very encouraging, with 23 cosponsors.

In the resolution, the President is called upon to appoint immediately a special prosecutor, grant him all the authority necessary to effectively perform his duties, and submit the name of such designee to the Senate for approval. If the President were to appoint the type of person this resolution envisions—a person of high character and unimpeachable integrity, without association with the executive branch of Government—and I can think of no name that would be better suited for this than that of Senator John Williams—then I do not think that there would be any delay on the part of the Senate in going on record in support of the President's choice.

I am very pleased indeed to be joined in this resolution by so many of my distinguished colleagues who have taken such a forthright position, regardless of party affiliation, in this matter. Democrats and Republicans have disregarded party lines, insisting that this is a national problem involving our Government. I am pleased to have as cosponsors of the resolution Senators DOLE, GOLDWATER, MATHIAS, JAVITS, CASE, SCHWEIKER, DOMENICI, BUCKLEY, CRANSTON, CLARK, SPARKMAN, YOUNG, ROTH, GRAVEL, PACKWOOD, RANDOLPH, ABOUREZK, and HUGHES.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PERCY. At this time I am happy to yield to my distinguished colleague from Arizona, who has played such an important role in this matter.

Mr. GOLDWATER. Mr. President, I am very happy to support my colleague, Senator PERCY of Illinois. I have a very deep concern and interest in this matter. I think it goes far past what might be suffered by the Republican Party or by a man named Nixon. I think what we are talking about now—and it has been bipartisan, and I thank God for that—is to protect the Office of the Presidency. this is what we are concerned with—the most important office in the world, the one that has to be held in the highest respect if it is to be of any value to the world.

In supporting the Senator's resolution, I do not in any way disregard any of my high regard for the Senator from North Carolina (Mr. ERVIN). I cannot name a man in this world for whom I have greater respect. I know that the results of his investigation will be thorough. Likewise, I think it is natural that the President look to his Attorney General, because the Attorney General is the legal officer of the President.

I think that Mr. Richardson as Attorney General, a man for whom I have the highest regard, will find himself in the same position that former Attorney General Kleindienst found himself where, by virtue of the fact that he had clients so to speak in the executive branch, he found it impossible to act.

I think this Attorney General will want to conduct a complete investigation. However, I agree that it should not be done by the executive branch. As far as suggesting a name is concerned, I have no name to suggest, I think that former Senator Williams of Delaware, would be an excellent man. I am most happy that the Senator from Illinois has made this proposal.

I might say in conclusion that the President's speech last night confirmed exactly what I had felt all along. A number of years ago I sought this same office. During the course of my campaign, a security office was formed on my behalf. This new office of security started to do some things that I knew nothing about. Fortunately I found out about them the first weekend they were starting. So, I was able to stop them.

I believe implicitly that the President knew nothing at all about any matter in relation to the so-called Watergate affair. I believe that he is completely honest. He clearly stated that he was taking the blame. Anyone who has ever been in the corporate structure of this country or in the military knows that someone has to have the buck go no further. As Harry Truman said, "The buck stops here." And the buck stopped at the desk of the President last night, where the American people would like to see it stop, so that they can feel confident that within a relatively short period of time we can know the whole truth about this insane, stupid affair.

For the life of me, I cannot understand any person with an ounce of brains in his head ever doing anything like this. If we Republicans do not know what the Democrats are doing, or if the Democrats do not know what the Republicans are doing, we are wasting a hell of a lot of time.

Mr. MANSFIELD. Mr. President, may I say that we are wasting a lot of money, too.

Mr. GOLDWATER. The Senator is correct.

Mr. PERCY. Mr. President, I would say that the distinguished Senator from Arizona speaks with a great deal of strong feeling and intimate knowledge. I think that his counsel and advice to the President have been truly invaluable in this case.

I would hope that the appropriate Executive orders would be issued and signed by the President, as only he can do, so that full authority would be provided for the special prosecutor not only to issue subpenas but also to have access to the internal revenue material that would provide an insight, now that the tax returns have been filed by corporations and individuals for 1972, into where these contributions came from. But we ought to go back and, if the law does not provide for such reporting, we ought to see that it be done in the future so that we might trace every single contribution to determine from the individual if it came from his personal resources, or, if he is a member of a corporation or labor union, we ought to be able to find whether it somehow was tucked away in some place in that tax return.

Let us put an end to this sordid practice that has somehow grown up over the years of financing political contributions under the table instead of over the table and getting a quid pro quo or, as some term it, an investment that is made in a particular campaign or candidate.

The payoff comes out of the hide of the people. The people have a right to know what transpired in this particular case. We have a right to find out who was guilty and let the chips fall where they may. We can then cleanse this stain on this country.

Mr. President, in a moment I will be glad to yield to the Senator from New Mexico. However, before doing so I ask unanimous consent that material from the 68th Congress, 1st session, beginning with Senate Joint Resolution 54, together with other material dealing with the nomination of Atlee Pomerene and Owen J. Roberts as special counsel be printed in the RECORD at an appropriate point so that our colleagues in the Senate and House can have access to the precedent for the action we will be taking, I hope, today in this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[S.J. Res. 54 (86th Congress, 1st session) with amendments; reference to congressional request for the President to employ special counsel to investigate the Teapot Dome case]

S. J. RES. 54

Proposed by Mr. Walsh of Montana to the joint resolution (S.J. Res. 54) to procure the annulment of the lease to the Mammoth Oil Company

Whereas it appears from evidence taken by the Committee on Public Lands and Surveys of the United States Senate that certain lease of naval reserve numbered 3, in the State of Wyoming, bearing date April 7, 1922, made in form by the Government of the United States, through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Mammoth Oil Company, as lessee, and that contract between the Government of the United States and the Pan American Petroleum and Transport Company, dated April 25, 1922, signed by Edward C. Finney, Acting Secretary of the Interior, and Edwin Denby, Secretary of the Navy, concerning oil in naval petroleum reserve numbered 1, State of California, and that lease and contract between the Government of the United States and the Pan American Petroleum Company, dated December 11, 1922, signed by Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, concerning oil in naval petroleum reserve numbered 1, State of California, were executed under circumstances indicating fraud and corruption; and

Whereas the said leases and contract were entered, into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress; and

Whereas such leases and contract were made in defiance of the settled policy of the Government adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the said leases and contract are against the public interest and that the lands embraced therein should be recovered and held for the purpose to which they were dedicated; and

*Resolved further, That the President of* the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract, to enjoin the further extraction of oil from the said reserves under said leases or from the territory covered by the same, to secure any further appropriate incidental relief, and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of the said leases and contract.

And the President is further authorized and directed to appoint, by and with the advice and consent of the Senate, special counsel who shall have charge and control of the prosecution of such litigation, anything in the statutes touching the powers of the Attorney General of the Department of Justice to the contrary notwithstanding.

[Senate approval of Senate Joint Resolution 54 (68th Congress, 1st session) as amended]

The PRESIDENT pro tempore. The Chair suggests to the Senator from Nebraska that Senate Joint Resolution No. 54 is now before the Senate, and under the agreement just entered into no further amendment can be offered to it.

Mr. ASHURST. Mr. President, I think the Senator from Arkansas acted well and wisely; but I believe in fair play. I think the Chair was under a misapprehension. I have no interest in the amendment which the Senator from Nebraska has attempted to propose, but it was obvious to all fair and discerning men that he intended and attempted to offer an amendment before the unanimous-consent agreement was agreed to. Therefore this body ought to reconsider its action long enough to permit him to offer that amendment if he desires to do so, because he was on the floor, and held the floor, and claimed recognition, and undoubtedly had that intention. As one who believes in fair play, although I earnestly hope the proposed agreement will be entered into, I ask that we let him offer his amendment.

The PRESIDENT pro tempore. The Chair asked the Senator from Nebraska whether he desired to object to the unanimous-consent agreement——

Mr. ASHURST. I have said what I wished to say. The Senator from Nebraska is able to take care of himself.

The PRESIDENT pro tempore. And the Senator from Nebraska answered that he did not desire to object.

Mr. HOWELL. Mr. President, I misunderstood the Chair's question and its application. I had offered my amendment before the Chair asked that question; and, as I understood it, the question was whether I objected if this agreement went into effect following the offering of my amendment and its discussion.

Mr. FLETCHER. May I suggest to the Senate what would probably be a way out of the difficulty? When one of the amendments already pending is offered the Senator could move to amend the amendment in the way he desires.

Mr. HOWELL. I shall not be able to pursue that course in view of the character of this amendment. I ask unanimous consent for the consideration of the amendment.

Mr. ROBINSON. Let the amendment be read, and let us see what it is.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The READING CLERK. In the substitute for Senate Joint Resolution 54, to strike out lines 1 to 10, inclusive, on page 2, and lines 1 to 7, inclusive, on page 3, and insert in lieu thereof the following:

"*Resolved, etc.*, That the said leases and contract are against the public interest, and the same were and are hereby declared null and void from the beginning.

"*Resolved further*, That the President of the United States be, and he hereby is, authorized and directed immediately to seize and take possession of the lands included in said leases and to cause suit or suits to be instituted and prosecuted for the annulment and cancellation of said contract, and all contracts incidental or supplemental thereto, and to recover the value of the oil thus far extracted under the provisions of said leases, and to prosecute such other actions or proceedings, civil or criminal, as may be warranted by the facts in relation to the making of the said leases and contract."

Mr. HOWELL. Mr. President——

The PRESIDENT pro tempore. The Chair can only reiterate his former statement.

Mr. ROBINSON. Mr. President, if I may be indulged for just a moment, the amendment now presented, as I understand it, is substantially identical with the original joint resolution presented by my colleague, the junior Senator from Arkansas [Mr. CARAWAY]. We have been prosecuting upon consideration of the substitute resolution proposed by the Senator from Montana, and I had not anticipated that at this juncture of the debate this question would be again raised.

On this side of the Chamber we had agreed to accept the Walsh substitute for the Caraway resolution. There were a number of Senators on this side who expressed the feeling that the original resolution was a proper expression upon the part of the Senate, but upon informal consideration of the matter an understanding was reached, as set forth by statements made in the Senate by a number of Senators on this side, including the author of the original resolution, that the Walsh substitute was acceptable.

I do not want to preclude the Senate from an expression upon this amendment if it desires to give such expression. The object of the unanimous-consent request was to terminate debate and get a vote and to make certain that the Senate should proceed promptly to the consideration of a related resolution, which I will call the Denby resolution.

If there is no objection, I shall ask unanimous consent that the amendment offered by the Senator from Nebraska be considered as in order, and that a vote be taken on that amendment without any debate.

Mr. LENROOT. Will the Senator yield?

Mr. ROBINSON. I yield to the Senator.

Mr. LENROOT. I am very sure the Senator from Nebraska misunderstood the situation.

Mr. ROBINSON. I am sure he did.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the amendment to the amendment will be voted upon. The question now is upon the amendment to the amendment.

Mr. HOWELL. Mr. President——

Mr. LA FOLLETTE. May I ask the Senator from Arkansas to so modify his request as to permit the Senator from Nebraska to offer some observations regarding that amendment?

Mr. ROBINSON. My only reason for not doing that is that other Senators might feel constrained to state their views upon the subject and reopen the entire debate.

Mr. LA FOLLETTE. I feel very certain that the proposition has been so debated that it will not prolong debate. The Senator from Nebraska has had no opportunity, or at least——

Mr. ROBINSON. He has had opportunity.

Mr. LA FOLLETTE. He has not taken the opportunity to speak upon that question, and I think it would be a fair thing to permit him to do so.

Mr. ROBINSON. Then I ask that the Senator from Nebraska be allowed five minutes and the Senator from Montana five minutes, if they desire to use that time, and that the amendment to the amendment be considered as pending.

The PRESIDENT pro tempore. The Senator modifies his request for unanimous consent so that the Senator from Nebraska shall be permitted five minutes for discussion and the Senator from Montana five minutes for discussion upon the amendment offered by the Senator from Nebraska to the amendment offered by the Senator from Montana. Is there objection?

Mr. HOWELL. Mr. President——

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. HOWELL. I am perfectly willing that my time should be limited, but I would not like to have it limited to five minutes.

The PRESIDENT pro tempore. Objection is made.

Mr. HOWELL. This is an amendment of importance, and I think it is worthy of some consideration, and I would like to make a statement as to the reasons why I have offered it.

Mr. ROBINSON. Mr. President, my only object in suggesting the limitation was to carry the purpose of the unanimous-consent agreement which is already in force. So far as I am concerned, I have no objection to reopening the debate, if the Senate wants to do it. I thought the Senate had reached the time when it was ready to vote. I thought the consensus of the Senate was that a vote should be taken upon this resolution. The request was stated clearly and agreed to; but if the Senator wants additional time, I shall make no objection upon my part.

Mr. HOWELL. I suggest to the Senator that 10 minutes be allowed.

Mr. ROBINSON. Then I ask that the Senator from Nebraska and the Senator from Montana each be allowed 10 minutes.

The PRESIDENT pro tempore. Is there objection to the agreement as now proposed that 10 minutes shall be given?

Mr. FERNALD. Mr. President, let us have order during that 20 minutes so that we may hear.

The PRESIDENT pro tempore. The Chair repeats, is there objection to the 10 minutes limitation? The Chair hears none and recognizes the Senator from Nebraska.

Mr. HOWELL. Mr. President, I am in favor of the purpose of this joint resolution, but I do not think it goes far enough to protect the interests of the United States Government.

The Senate has seen fit to approve the following preamble of this resolution:

"Whereas the said leases and contracts were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress."

I was impressed with the arguments made here that such was the fact, and the Senate decided that such was the fact. Therefore, having so decided, the logical course to pursue is to assume that the leases were void from the beginning and there never was a lease. If void from the beginning, those who are upon the lands at the present time are merely trespassers. Such being the case, and as it is not usual for the United States Government to go to the courts to get a "sooner" off the public land, why should we do so in this case? If we go into court, we will be in the courts for years.

True, it will be insisted that one of the purposes is to bring an injunction proceeding to prevent further depletion of the land, but we have been told that in the midst of the No. 1 oil reserve section 36 is being pumped by the Standard Oil Co. at the present time. The longer the lease litigation can be maintained in the courts the longer will those who are adjacent to these properties have the opportunity of draining the oil that belongs to the United States Government. Therefore if we want to do something that will be effective and immediately effective, if we want to put teeth into this measure, we should provide that the President shall proceed just as the United States Government would proceed in connection with "sooners" upon public lands.



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Having declared these leases null and void, which the Senate has done by its action, the next thing to do is to seize the property immediately, stop further depletion of the properties by those who are now claiming under the leases, and, furthermore, take steps to go on with the pumping of the oil lands in order to prevent those adjacent thereto from securing the oil.

In a single instance, connected with public affairs, I have been in the courts for nine years and I know what it means. Here is an opportunity to do something that will be effective. What the people of the country want is not refined equity in this matter. They want raw equity, and I urge that we take the necessary steps at this time, irrespective of constitutional refinements and objections. Let us do in this case, with oil lands involved worth hundreds of millions of dollars, as the Government has done time and time again in connection with "sooners" who have gone upon the public lands and assumed to reside there.

I urge the adoption of this amendment, and I hope that it will not be defeated, because I know it would put teeth in the measure which is now before the Senate.

Mr. WALSH of Montana. Mr. President, the proposed substitute presents again a question which was considered at some length at an early stage in the debate, namely, as to whether the Congress of the United States could declare these leases to be void and canceled or whether they should ask the court to make a decree to that effect.

The amendment offered by the Senator from Nebraska goes further than that. It directs that possession of the property be taken and that those in possession be dispossessed of them. Touching the first part of the resolution, I desire to say that the procedure suggested is indeed pursued in some countries, notably some of the republics of America outside of the United States. A concession or grant is made by a government, either by the officers authorized by statute or the direct act or the legislature of the country. Some one comes along and gets a concession from the legislature. Then the legislature that comes into power the next time, or the executive, or whoever exercises the authority, cancels those concessions and gives them to some one else.

Now, the wise founders of our Government considered that that was contrary to the essentials of liberty, and away back in Magna Carta the principle was laid down that every man was entitled to a day in court to determine whether or not he has a right or he has not a right. We are satisfied that these leases were executed without authority and that they were executed corruptly. But tomorrow we may be confronted with a grant, the want of authority to execute which is not so plain, the evidence of corruption in connection with which is not so plain, and we will then be called upon to vacate that grant, and so on down through all the possible gradations. Now, it is a matter of doubt as to whether we have any right in the premises or not. Those are questions for the court to determine. We may urge the court to do it. We may declare our convictions that they were executed without authority, but that is as far as we can go under the American system of justice and liberty.

The principle is expressed in our Constitution in an amendment that no person shall be deprived of any property without due process of law. Now, he claims to own this property and we can not dispossess him of that property; we can not lawfully do it without the due process of law. The case of the "sooner" and the case of the janitor coming and taking possession of this body is a different thing. Some idiot or some child may take your horse away from you. You go and use the necessary force in that case to get back your horse. But if some one claiming he bought that horse from an agent of yours who was authorized to sell it has possession of the horse the best thing for you to do is to go into court to determine the question of the validity of the grant that he claims.

The resolution then directs that possession be taken of this property. Possession how? Who shall take possession? Who shall act for the United States in taking possession? The United States marshal? The United States marshal is powerless. He is a trespasser in taking possession unless he is armed with a writ from some court. Will you use the Army and Navy of the United States to take possession of this property? Why, Mr. President, that is one of the things that we complain of in these proceedings against the late Secretary Fall. As we were told yesterday by the Senator from New York [Mr. COPELAND] he sent from the city of Washington out to the State of Wyoming a squad of marines—and that is also one of the sins of the Secretary of the Navy—to put a company off of naval reserve No. 3 that was actually engaged there in drilling a well under a claim of right. All he had to do was to go into the United States District Court for the State of Wyoming and secure promptly and without hesitation at all an injunction restraining those people from conducting any further operations until the court should have determined the matter.

The Senator from Nebraska, whom I am advised is not a lawyer and familiar with these matters, is quite too apprehensive about delay in the matter. The very first step in the proceedings which are authorized by the resolution would be to file a bill of complaint and thereupon to go to the judge and ask an injunction restraining the extraction of any oil from any of the lands until the question was determined. The procedure is thoroughly well known to those of us who are familiar with mining litigation in the West. A man is in possession of mining property. He is taking out the ore or other mineral.

I file a complaint against him, and I go into court and ask that he be enjoined from extracting the ore or extracting the oil pending the proceedings and until the court shall determine whether or not he is entitled to the property or I. That is done at the outset, and it goes almost as a matter of course in a private case that the complainant must give a bond to protect the defendant against any loss or damage he may suffer. But in the case of the United States they do not even have to give a bond. None is required whatever. So the very first step would be to shut the wells or put in control a receiver who shall hold the proceeds of them until the matter is determined.

So I say the Senator from Nebraska is unduly apprehensive about the matter and I am certain that the amendment ought not to be adopted. The Senate of the United States ought not to go upon record as establishing even a precedent for the cancellation of a grant purporting to have been executed by an officer of the United States under a pretended right or under color of authority. That would stigmatize the Government of this country in a way, so far as title to property is concerned, more threatening in its character than any of us can conceive. It would upset the stability of titles to property in the country if the Congress of the United States should undertake to do anything of the kind. I trust the amendment will not be agreed to.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WALSH of Montana. I yield.

Mr. DIAL. I call the attention of the Senator to the fact that only last week the Senate passed a bill to compensate the owner of land who had been dispossessed by the Army. The Army wanted to use the land for camp purposes, and the Senate passed a bill compensating the owner of that property.

Mr. WALSH of Montana. That is true.

Mr. HOWELL. Mr. President, it will be readily understood, if one will consider that the proceeding to enjoin could be brought promptly and steps taken as suggested, but the proceedings to determine the validity of the leases may take years. They will begin in the district court and go to the court of appeals and then go to the United States Supreme Court, and then may go back again to the district court. In this case suppose the wells were shut down; then during all that period of time there would be an opportunity to drain the oil from those properties. We are assured, and it has been stated in connection with the Teapot Dome, that drainage is taking place.

Mr. WALSH of Montana. No; the Senator is in error there. If such a situation as that exists and it is necessary to continue operation of wells to prevent drainage, a receiver would be appointed to take the proceeds on both sides and await the determination of the matter by the court.

Mr. HOWELL. I have no purpose of depriving anyone of the right to go into court. My idea was simply to let them be the plaintiff and the United States be the defendant. Under the plan proposed by the Senator from Montana the United States would be the complainant.

Mr. WALSH of Montana. Will the Senator pardon a further interruption?

Mr. HOWELL. Certainly.

Mr. WALSH of Montana. That statement was made the other day, but it does not change the order at all. Suppose we pass the joint resolution with the Senator's amendment just as he wants it. Those people are in possession of the land. We would have to go into court to stop them from drilling in order to get them off the premises. It would not change the order a bit.

The PRESIDING OFFICER. The Senator from Nebraska has one minute more remaining.

Mr. HOWELL. But what this amendment will really do will be to put teeth in this measure. I have the greatest confidence in the efforts which the Senator from Montana (Mr. WALSH) is making to secure restitution for the people of this country, and I am very sorry to be in opposition to him in connection with this matter. I merely want to go a little further than the pending joint resolution goes, and I think, as I previously stated, what we need in a situation of this kind is a little raw equity.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. CARAWAY. Mr. President, I was not present when the unanimous-consent agreement was entered into and——

The PRESIDING OFFICER. The Chair can not now recognize the Senator from Arkansas, under the unanimous-consent agreement, unless further unanimous consent is granted.

Mr. CARAWAY. I am merely intending to make a parliamentary inquiry. I repeat I was not present when the unanimous consent was granted, and I desire to ask if all the time allotted has been consumed?

The PRESIDING OFFICER. The Senator from Montana (Mr. WALSH) has three minutes more, if he wishes to claim the floor.

Mr. WALSH of Montana. Mr. President, I have nothing further to submit.

The PRESIDING OFFICER. Under the supplementary unanimous-consent agreement just entered into, the question is upon agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL] to the amendment proposed as a substitute for the joint resolution.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. Under the original unanimous-consent agreement, the question now is upon agreeing to the amendment offered by the Senator from Montana [Mr. WALSH] in the nature of a substitute for the joint resolution introduced by the Senator from Arkansas [Mr. CARAWAY].

Mr. HARRISON and Mr. LODGE demanded the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll.

The result was announced—yeas 90, nays 0, as follows:

YEAS—90

Adams, Ashurst, Ball, Bayard, Borah, Brandegee, Brookhart, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Copeland, Couzens, Cummins, Curtis, Dale, Dial, Dill, Edge, Edwards, Elkins.

Ernst, Fernald, Ferris, Fess, Fletcher, Frazier, George, Gerry, Glass, Goodling, Greene, Hale, Harreld, Harris, Harrison, Heflin, Howell, Johnson, Calif., Johnson, Minn., Jones, N. Mex., Jones, Wash., Kendrick, Keyes.

King, Ladd, La Follette, Lenroot, Lodge, McKellar, McKinley, McLean, McNary, Mayfield, Moses, Neely, Norbeck, Norris, Oddie, Overman, Owen, Pepper, Phipps, Pittman, Ralston, Ransdell, Reed, Mo.

Robinson, Sheppard, Shields, Shipstead, Shortridge, Simmons, Smith, Smoot, Spencer, Stanfield, Stanley, Sterling, Swanson, Trammell, Underwood, Wadsworth, Walsh, Mass., Walsh, Mont., Warren, Watson, Wheeler.

NOT VOTING—6

Colt.
McCormick.
Reed, Pa.
Stephens.
Weller.
Willis.

So the amendment of Mr. WALSH of Montana in the nature of a substitute was agreed to.

The PRESIDING OFFICER. Under the unanimous-consent agreement, no further amendments being in order, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The result was announced—yeas 89, nays 0, as follows:

YEAS—89.

Adams, Ashhurst, Ball, Bayard, Borah, Brandegee, Brookhart, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Copeland, Couzens, Cummins, Curtis, Dale, Dial, Dill, Edge, Edwards, Elkins.

Ernst, Fernald, Ferris, Fess, Fletcher, Frazier, George, Gerry, Glass, Gooding, Greene, Hale, Harreld, Harris, Harrison, Heflin, Howell, Johnson, Calif., Johnson, Minn., Jones, N. Mex., Jones, Wash., Kendrick, Keyes.

King, Ladd, La Follette, Lenroot Lodge, McKellar, McKinley, McLean, McNary, Mayfield, Moses, Neely, Norbeck, Norris, Oddie, Overman, Owen, Pepper, Phipps, Pittman, Ralston, Ransdell, Reed, Mo.

Robinson, Sheppard, Shields, Shipstead, Shortridge, Simmons, Smith, Smoot, Spencer, Stanfield, Stanley, Sterling, Swanson, Trammell, Underwood Wadsworth, Walsh, Mass., Walsh, Mont., Watson, Wheeler.

NOT VOTING—7.

Colt, McCormick, Reed, Pa., Stephens, Warren, Weller, Willis.

So the joint resolution was passed.

The PRESIDING OFFICER. The question now recurs upon agreeing to the amended preamble proposed by the Senator from Montana.

The preamble as amended was agreed to.

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HOUSE APPROVAL OF SENATE JOINT RESOLUTION 54 (68TH CONG., 1ST SESS.) AS AMENDED

LEASES OF NAVAL OIL LANDS

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 54 and consider the same, and in that connection I ask unanimous consent that debate be limited to 30 minutes, one-half to be controlled by the gentleman from Tennessee [Mr. GARRETT] and one-half by myself.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table Senate Joint Resolution 54, of which the Clerk will report the title.

The Clerk read the title, as follows:

"Joint resolution directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes."

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the resolution, and that debate be limited to 30 minutes, one-half to be controlled by himself and one-half by the gentleman from Tennessee [Mr. GARRETT]. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, I want to object to the limit of debate only.

Mr. GARRETT of Tennessee. How much time does the gentleman from Nebraska desire on the matter?

Mr. HOWARD of Nebraska. I may not desire any time, but there are many here who may.

Mr. LONGWORTH. Mr. Speaker, it seems to me that under the circumstances there is no necessity for prolonged debate on this question. The resolution was passed unanimously by the Senate and I have no question in the world but that it will pass unanimously here. What I would like to avoid would be protracted debate, and particularly I would like to avoid today any question of partisanship coming into the consideration of this resolution. Most disquieting rumors have reached us of the grave condition of an ex-President of the United States. I think under the circumstances it would be, to say the least, extremely bad taste that any partisan question should be brought into the debate. It is a simple resolution, we are all for it, and let us get this thing behind us.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LONGWORTH. Certainly.

Mr. GARRETT of Tennessee. Were there any amendments put on the original resolution?

Mr. LONGWORTH. None except a technical amendment.

Mr. GARRETT of Tennessee. I would like to get some printed copies for Members. I have a Senate copy myself.

Mr. LONGWORTH. I will call the gentleman's attention to the fact that in the first line, after the word "institute," the words "and prosecute" have been inserted.

Mr. RAKER. Let me call the gentleman's attention to the fact that on page 1756 of the Record the resolution is printed as amended and passed.

Mr. GARRETT of Tennessee. Mr. Speaker, so far as I am personally concerned I have no objection to limiting the time as suggested by the gentleman from Ohio. I have conferred with some of the members of the Public Lands Committee who would have jurisdiction, and I suggest if it would be agreeable to the gentleman from Nebraska that we have 20 minutes on a side.

Mr. HOWARD of Nebraska. Mr. Speaker, in view of the great shadow that may fall upon this House within a few hours, as stated by the gentleman from Ohio, I am quite willing that there should be no debate at all, and I withdraw my objection.

Mr. LONGWORTH. I am perfectly willing that there should be no debate, Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 54 and consider the same, and I ask unanimous consent that the previous question be considered as ordered on the resolution.

The SPEAKER. The gentleman from Ohio asks unanimous consent that Senate Joint Resolution No. 54 be considered without debate and that the previous question be considered as ordered. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object, I observe that this resolution contains a number of whereases. What chance is there going to be for Members of the House to have the information that—"said leases and contracts were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress."

Mr. LONGWORTH. I will say to the gentleman that if I was considering the question ab initio I would not be quite satisfied with one or two of the whereases; but they have nothing to do with the resolution proper.

Mr. JOHNSON of Washington. I agree that if we undertake to debate this question we might be here for some time; but I beg to submit that the several "whereas" clauses are of the snap-judgment order.

Mr. LONGWORTH. Let me say that a number of amendments were introduced in another body and they all failed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. LINEBERGER. Reserving the right to object, there are several categorical statements of fact contained in the resolution the reasons for which many of us would like to have explained in order to vote intelligently. I realize that the nominal majority in the other body is in the minority the same as the nominal majority here is in the minority, but I do not think an important resolution like the one before us and upon which we are asked to vote should be put without some serious consideration. We certainly do not wish to commit ourselves to the various "whereas" statements in the resolution unless we believe them to be founded in fact. The mob psychology and partisan prejudice which seeks to condemn and punish without a fair hearing and trial is all too prevalent at this moment. I shall vote for the resolution, but in so doing I do not commit myself to any future action except as based on the facts and my conscientious convictions.

Mr. ABERNETHY. Mr. Speaker, if there is going to be any debate on it——

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

"Joint resolution (S. J. Res. 54) directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes.

"Whereas it appears from evidence taken by the Committee on Public Lands and Surveys of the United States Senate that certain lease of naval reserve No. 3, in the State of Wyoming, bearing date April 7, 1922, made in form by the Government of the United States through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Mammoth Oil Co., as lessee, and that certain contract between the Government of the United States and the Pan American Petroleum & Transport Co., dated April 25, 1922, signed by Edward C. Finney, Acting Secretary of the Interior, and Edwin Denby, Secretary of the Navy, relating, among other things, to the construction of oil tanks at Pearl Harbor, Territory of Hawaii, and that certain lease of naval reserve No. 1, in the State of California, bearing date December 11, 1922, made in form by the Government of the United States through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Pan American Petroleum Co., as lessee, were executed under circumstances indicating fraud and corruption; and

"Whereas the said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress; and

"Whereas such leases and contract were made in defiance of the settled policy of the

Government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security: Therefore be it

"*Resolved, etc.*, That the said leases and contract are against the public interest and that the lands embraced therein should be recovered and held for the purpose to which they were dedicated; and

"*Resolved further*, That the President of the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract and all contracts incidental or supplemental thereto, to enjoin the further extraction of oil from the said reserves under said leases or from the territory covered by the same, to secure any further appropriate incidental relief, and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of the said leases and contract.

"And the President is further authorized and directed to appoint, by and with the advice and consent of the Senate, special counsel, who shall have charge and control of the prosecution of such litigation, anything in the statutes touching the powers of the Attorney General of the Department of Justice to the contrary notwithstanding."

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were 120 ayes and 4 noes.

So the joint resolution was passed.

On motion of Mr. LONGWORTH, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

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Signing of Senate Joint Resolution 54 68th Congress, first session, as amended

ENROLLED JOINT RESOLUTION SIGNED

The Committee on Enrolled Bills reported that they had examined and found truly enrolled joint resoltuion of the following title when the Speaker signed the same:

S.J. Res. 54. Joint resolution directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were subsequently signed by the President pro tempore:

S. 794. An act to equip the United States penitentiary, Leavenworth, Kans., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes; and

S.J. Res. 54. Joint resolution directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes.

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PROCEEDINGS AND DEBATES OF THE 68TH CONGRESS, 1ST SESSION, SENATE FRIDAY, FEBRUARY 8, 1924

*(Legislative day of Thursday, February 7, 1924)*

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had signed the enrolled bill (H.R. 657) granting the consent of Congress to the boards of supervisors of Rankin and Madison Counties, Miss., to construct a bridge across the Pearl River in the State of Mississippi, and it was subsequently signed by the President pro tempore.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names.

Ashurst, Ball, Bayard, Borah, Brandegee, Brookhart, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Copeland, Couzens, Cummins, Curtis, Dale, Dial, Dill, Edge, Ernst.

Ferris, Fletcher, Frazier, George, Gerry, Glass, Gooding, Greene, Hale, Harreld, Harris, Harrison, Heflin, Howell, Johnson, Calif., Johnson, Minn., Jones, Wash., Kendrick, Keyes, King, Ladd.

La Follette, Lenroot, McCormick, McKellar, McKinley, McLean, McNary, Mayfield, Moses, Neely, Norbeck, Norris, Oddie, Overman, Pepper, Phipps, Ralston, Ransdell, Reed, Mo., Reed, Pa., Robinson.

Sheppard, Shields, Shipstead, Shortridge, Simmons, Smoot, Spencer, Stephens, Sterling, Swanson, Trammell, Underwood, Wadsworth, Walsh, Mass., Walsh, Mont., Warren, Wheeler, Willis.

Mr. DIAL. I desire to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is detained from the Senate to-day on official business. He is paired. I ask that this notice may continue throughout the day.

The PRESIDENT pro tempore. Eighty-one Senators have answered to their names. There is a quorum present. The unfinished business, Senate Resolution No. 134, is before the Senate, and the Senator from Montana [Mr. WALSH] is entitled to the floor.

PETITIONS AND MEMORIALS

Mr. CURTIS presented a memorial of sundry employees of the Atchison, Topeka & Sante Fe Railway System, of Wichita, Kans., demonstrating against any substantial change in the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

Mr. JONES of Washington presented a petition, numerously signed of sundry citizens of Tacoma, Wash., praying for the passage of legislation to reclassify and readjust compensation of employees in the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON of Minnesota presented the memorial of Carl M. Hansen and 105 other citizens of St. Louis County, Minn., demonstrating against the passage of legislation extending the Superior National Forest, and stating that the territory in question is better suited to agriculture than for forestry purposes, which was referred to the Committee on Public Lands and Surveys.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the passage of the so-called game refuge, public shooting grounds bill, which was referred to the Committee on Public Lands and Surveys.

He also presented a memorial of sundry citizens of Winthrop, Minn., remonstrating against the passage of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution of the Civic and Commerce Association, of Bemidji, Minn., favoring the passage of Senate bill 1597, creating a revolving loan of $50,000,000 for the benefit of the livestock industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Business and Professional Men's Association, of Minneapolis, Minn., favoring the making of an appropriation of $25,000,000 for the purchase of food and other relief for the suffering people of Germany, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by Italo-Americans at Buhl, Minn., and the Camillo Cavour Lodge, No. 1185, Order of the Sons of Italy, at Syracuse, N.Y., protesting against the passage of House bill 101, to limit the immigration of aliens into the United States, which were referred to the Committee on Immigration.

SAN CARLOS IRAIGATION PROJECT, ARIZONA

Mr. CAMERON, from the Committee on Indian Affairs, to which was referred the bill (S. 968) for the continuance of construction work on the San Carlos Federal irrigation project in Arizona, and for other purposes, reported it with an amendment and submitted a report (No. 129) thereon.

COMMISSION OF GOLD AND SILVER INQUIRY PROGRESS REPORT

Mr. ODDIE. Mr. President, pursuant to the provisions of Senate Resolution 469, Sixty-seventh Congress, fourth session, I herewith submit a progress report of the Commission of Gold and Silver Inquiry, which I ask may be printed.

The PRESIDENT pro tempore. The report will be printed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 2426) to amend section 202 of the Federal farm loan act, as amended; to the Committee on Agriculture and Forestry.

By Mr. DIAL:

A bill (S. 2427) to authorize the use of certain Federal prisoners on road construction and other public works; to the Committee on the Judiciary.

By Mr. MCNARY:

A bill (S. 2428) for the relief of M. Seller & Co.; to the Committee on Claims.

By Mr. BALL:

A bill (S. 2429) to amend an act of Congress approved March 1, 1920, entitled "An act to regulate the height, area, and use of buildings in the District of Columbia, and creating a zoning commission, and for other purposes"; and

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on February 8, 1924, the President had approved and signed the joint resolution (S.J. Res. 54) directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes.

NOMINATIONS OF ATLEE POMERENE AND OWEN J. ROBERTS

Pursuant to the unanimous-consent agreement, the vote by which it was decided that the Senate would consider in open executive session the nominations of Atlee Pomerene, of Ohio, and Owen J. Roberts, of Pennsylvania, to be special counsel to have charge and control of the prosecution of litigation in connection with certain leases of oil lands and incidental contracts, as provided in Senate Joint Resolution 54, approved February 8, 1924, was ordered to be printed in the RECORD.

The vote resulted—yeas 69, nays 2, not voting 25, as follows:

YEAS—69

Adams, Ashurst, Bayard, Borah, Brandegee, Brookhart, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Couzens, Cummins, Curtis, Dale, Dill, Edge.

Ferris, Fletcher, Frazier, George, Glass, Gooding, Hale, Harreld, Harris, Harrison, Heflin, Howell, Johnson, Minn., Jones, N. Mex., Jones, Wash., Kendrick, Keyes, Ladd.

Lenroot, Lodge, McKellar, McKinley, McNary, Mayfield, Moses, Norris, Oddie, Overman, Pepper, Phipps, Pittman, Ransdell, Reed, Mo., Reed, Pa., Robinson, Sheppard.

Shields, Shipstead, Smith, Spencer, Stanley, Stephens, Swanson, Trammell, Wadsworth, Walsh, Mass., Walsh, Mont., Warren, Weller, Wheeler, Willis.

NAYS—2

Fess, Norbeck.

NOT VOTING—25

Ball, Colt, Copeland, Dial, Edwards, Elkins, Ernst.

Fernald, Gerry, Greene, Johnson, Calif., King, La Follette, McCormick.

McLean, Neely, Owen, Ralston, Shortridge, Simmons, Smoot.

Stanfield, Sterling, Underwood, Watson.

So the Senate decided to consider the nominations in open executive session.

The reading clerk called the roll, and the following Senators answered to their names:

Adams, Ashurst, Bayard, Borah, Brandegee, Brookhart, Broussard, Bruce, Bursum, Cameron, Caraway, Couzenus, Cummins, Curtis, Dale, Dial, Dill, Edge, Ernst.

Ferris, Fess, Fletcher, George, Glass, Gooding, Hale, Harreld, Harris, Harrison, Heflin, Howell, Johnson, Minn., Jones, N. Mex., Jones, Wash., Kendrick, Keyes, King, Ladd.

La Follette, Lenroot, Lodge, McKellar, McKinley, McNary, Moses, Norbeck, Norris, Oddie, Overman, Pepper, Phipps, Pittman, Ransdell, Reed, Mo., Reed, Pa., Robinson, Mayfield.

Sheppard, Shields, Shipstead, Shortridge, Smith, Smoot, Spencer, Stanley, Stephens, Swanson, Trammell, Wadsworth, Walsh, Mass., Walsh, Mont., Warren, Weller, Wheeler, Willis.

Mr. CURTIS. I was requested to announce that the Senator from Delaware [Mr. BALL] is absent because of a death in his family.

The PRESIDENT pro tempore. Seventy-five Senators have answered to their names. There is a quorum present. The question is, Will the Senate advise and consent to the appointment of Atlee Pomerene?

The roll call resulted—yeas 59, nays 13, as follows:

YEAS—59

Bayard, Borah, Brandegee, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Couzens, Cummins, Curtis, Dale, Dial, Edge, Ernst, Fess, Fletcher, George, Glass, Gooding, Hale, Harreld, Harrison, Heflin, Howell, Jones, N. Mex., Jones, Wash., Kendrick, Keyes.

King, Lenroot, Lodge, McKellar, McKinley, McNary, Mayfield, Moses, Norbeck, Overman, Pepper, Phipps, Pittman, Ransdell, Reed, Mo. Reed, Pa., Robinson, Shields, Smoot, Spencer, Stephens, Swanson, Trammell, Wadsworth, Walsh, Mass., Warren, Watson, Weller, Willis.

NAYS—13

Adams, Ashurst, Brookhart, Dill, Frazier, Johnson, Minn., La Follette, Norris, Sheppard, Shipstead, Stanley, Walsh, Mont., Wheeler.

NOT VOTING—24

Ball, Colt, Copeland, Edwards, Elkins, Fernald.

Ferris, Gerry, Greene, Harris, Johnson, Calif., Ladd.

McCormick, McLean, Neely, Oddie, Owen, Ralston.

Shortridge, Simmons, Smith, Stanfield, Sterling, Underwood.

The PRESIDENT pro tempore. The yeas are 59, the nays 13. So the Senate advises and consents to the nomination of Atlee Pomerene as special counsel. The President will be notified of Mr. Pomerene's confirmation.

NOMINATION OF OWEN J. ROBERTS AS SPECIAL COUNSEL

The Senate in open executive session, pursuant to its order, proceeded to consider the nomination of Owen J. Roberts, of Pennsylvania, to be special counsel in the prosecution of litigation in connection with certain leases of oil lands and incidental contracts, as provided in Senate Joint Resolution 54, approved February 8, 1924.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the appointment of Owen J. Roberts of Pennsylvania, as special counsel?

The rollcall resulted—yeas 68, nays 8, as follows:

YEAS—68

Adams, Bayard, Borah Brandegee, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Couzens, Cummins, Curtis, Dale, Dial, Dill, Edge.

Edwards, Ernst, Ferris, Fletcher, George, Gerry, Glass, Gooding, Harreld, Harris, Harrison, Heflin, Howell, Jones, N. Mex., Jones, Wash., Kendrick, Keyes.

King, Ladd, Lenroot, Lodge, McKellar, McKinley, McNary, Mayfield, Moses, Neely, Norbeck, Norris, Oddie, Overman, Owen, Pepper, Phipps.

Pittman, Ransdell, Reed, Mo., Reed, Pa., Robinson, Shields, Shortridge, Simmons, Smith, Smoot, Stephens, Swanson, Trammell, Wadsworth, Watson, Weller, Willis.

NAYS—8

Ashurst, Brookhart, Frazier, Johnson, Minn., La Follette, Sheppard, Shipstead, Wheeler.

NOT VOTING—20

Ball, Colt, Copeland, Elkins, Fernald.

Fess, Greene, Hale, Johnson, Calif., McCormick.

McLean, Ralston, Spencer, Stanfield, Stanley.

Sterling, Underwood, Walsh, Mass., Walsh, Mont., Warren.

The PRESIDENT pro tempore. On this question the yeas are 68, the nays are 8. So the Senate advises and consents to the appointment of Mr. Roberts as special counsel. The President will be notified of Mr. Robert's confirmation.

Mr. PERCY. Mr. President, at this time I yield to the distinguished Senator from New Mexico (Mr. DOMENICI), who has provided leadership and guidance in this very important matter, for which I am deeply grateful.

Mr. DOMENICI. Mr. President, I thank the Senator from Illinois very much.

First, may I say that I associate myself with the remarks of the distinguished Senator from Arizona.

I might also say that I do not support this proposal merely because I want to add to the burdens of the President. Nor do I support it because I question in any way the honesty, integrity, or ability of Mr. Elliot Richardson. Nor, do I question the trial experience of Mr. Peterson.

Quite to the contrary, it seems to me that Richardson has a very difficult and onerous job and that our Assistant U.S. Attorney General Peterson is a distinguished trial attorney, and because that is so and because they know about the criminal process in America, the so-called judicial process, I urge that we favorably act on this proposal of the Senator from Illinois which would recognize that we want them to get the best job done for the United States of America.

Our President said last night that it was his desire that the judicial process take over and that the guilty be punished and that the innocent be cleared. Let me say that if that is the goal, then we must proceed quickly to remove this case from the auspices of the Attorney General of the United States.

The process in America whereby the Attorney General is appointed by the President and is thus a part of the Cabinet, works well most of the time. However, every now and then a situation arises in America in which it will not work. And this is one of those situations.

It is obvious to me that, as an attorney who had been at the other end of the table, defending people, the Federal attorneys have a very great deal to do with the details of a trial. They have a great deal to do with how investigations are conducted. And most certainly they have a great deal to do with whether someone is found guilty or not, because the process is one of adversary advocates, one of the United States of America represented by an attorney against a defendant represented by an attorney.

Certainly, if one had been engaged in that process, he would understand it. Yet the results are understood by everyone. I think we all know that today there is great confusion about the facts. Obviously in a few years some people will be tried and some people will plead guilty. And I am sure that Americans will pass judgment on whether they are all tried and on whether all the facts were presented and whether the United States and its interests were adequately represented. They will also decide that there was not one touch of partisanship and not one touch of consideration in the case because of the intimate knowledge or friendship of the attorneys involved.

It is because of these varying results and because I want to support the President and see that justice prevails that I seriously question whether this can be done with Elliot Richardson at the helm despite the great confidence I have in him.

People all over our country are concerned, and I might tell the distinguished Senator from Illinois that in New Mexico, this past Saturday, I talked with many of them, and then I discussed the matter with the press of New Mexico, and I concluded that the one thing we must do is get the investigating process out of partisanship, that we must get the Attorney General out of the case. I was delighted, upon my return, to find that the Senator from Illinois, too, was insisting that we should join together, not as Republicans but as Americans, to get this process off on the right foot, so that there will not be speculation but confidence, so that when it is finished there will not be a lack of credibility, but our people will be confident that justice, even under difficult circumstances, was served.

I also suggest there is a necessary matter of finality. The matter must end when the trials and appeals are completed; and unless this process is free from any taint of partisanship, it will never end; there will be no finality, but rather suggestions that had someone else done the job, there would have been a different set of facts developed, that had some other committee or someone other than an appointee of the President headed up the prosecution, the result would have been otherwise.

I would like to see the matter finalized, and this is one way.

One other matter that comes to mind, which I think is extremely important, is



XUM

that whoever undertakes this responsibility, it will be a fulltime job, and it will be a fulltime job for a substantial period of time, not for a week or a month. If I know Elliot Richardson, it would be a fulltime job for him; and that is not fair, because the Attorney General of the United States, in these critical times, has many jobs. When you add them together, they are supposed to amount to the fulltime job of representing the United States of America in the courts, and then being a member of the Cabinet of the President of the United States.

I do not think there is anyone in this country who can stand the test of that many hats, that many fulltime occupations, and do it properly, particularly with the added responsibility of handling the very difficult job of investigating and prosecuting this case. We have many crises before us, including the crisis of unemployment, the crisis of war, and the crisis of inflation, and we are entitled to have the Attorney General as counsel, sitting around the Cabinet table with all the others, discussing those problems; and we should not have them worried about, "What are people thinking about the Attorney General prosecuting our own friends, sitting as counsel with us and with the President?"

We should not have even that taint; and I do not think Elliot Richardson would like to be involved in that very difficult role, when America has many crises besides the crisis of Watergate.

All these things add up to but one conclusion, and that is that the Senate should be joined quickly by the House of Representatives, so that there will be no excuse that it is too late and the investigations are too far down the line. We should do this immediately, with the problems that surround the country. We ought to know in a day or two what will be done. I suggest to the Senator from Illinois that we ought to get together with the Executive on the problems of inflation, agriculture, war, and all our other problems, and know that someone outside the partisan family of the President is representing all America and representing us on these issues. Only if that happens does it seem to me that we will rid ourselves of this burden.

Pity, mercy, and forgiveness are all great virtues that should be practiced by all men in all countries, but in our country it is absolutely necessary that the quality of justice, which is fragile and delicate, and will always be, be meted out absolutely fairly; and justice, the cornerstone of democracy, and honesty in protecting our citizens' rights in this case are in serious jeopardy. I am pleased to join with the Senator from Illinois in this effort, and hope that our colleagues will consider it of sufficient importance to be expeditious in handling it.

Mr. PERCY. Mr. President, will the Senator yeld?

Mr. DOMENICI. I am happy to yield to my distinguished colleague from Illinois.

Mr. PERCY. I am deeply appreciative of the thoughtful analysis just presented to the Senate, and I think we can be very proud indeed of our freshman colleague from New Mexico, who has proved himself a seasoned legislator in so many ways, and has proved his ability to get right to the heart of the matter.

Mr. President, as the distinguished Senator from New Mexico has said, let us get on with this, and get the job done immediately. Let us get on with the important task of governing, but let us remember that we cannot govern unless we have the support of the people. The best way of insuring the faith and the trust of the people is to appoint a special prosecutor whose motives, actions, and conclusions cannot possibly be questioned.

The designee for the position of Attorney General has a vast department to oversee and tremendous responsibilities in connection with that department, including the drug abuse program and the problem of organized crime. If he is charged with the responsibility of investigating this matter, he will not be getting anything done on his other responsibilities for months to come. So I, too, feel that a special prosecutor is absolutely essential. I have advised the leadership on both sides of the aisle and other interested colleagues of my intention to ask immediate consideration of this resolution. I have also sent to every Member of the Senate a copy of the resolution and a note that it would be introduced and discussed at this particular time in our proceedings.

Mr. SCHWEIKER. Mr. President, I am privileged to join the distinguished Senator from Illinois (Mr. PERCY) in cosponsoring this important "sense of the Senate" resolution urging the President to appoint a special prosecutor from outside the executive branch to conduct all criminal investigations and actions relating to the Watergate incident and other acts of political espionage during the 1972 Presidential campaign.

From the time this incident was first reported by the media last June, I have expressed distress than any illegal and improper activities of surveillance would take place in our political process. I called at the time for full revelation of all the facts and for full prosecution of all wrong-doing. Subsequently I have been deeply alarmed by reports of "cover-ups" of the facts by members of the White House staff and the Committee to Re-elect the President.

The President has taken an important first step in getting to the bottom of the entire Watergate incident by accepting personal responsibility for the conduct of members of his staff, and by pledging his full cooperation to reveal all facts and to hold accountable all persons responsible.

However, a serious crisis of confidence in the integrity of the executive branch, and in our democratic process itself, exists because of the Watergate. To restore faith in our Government by the people, we must take all possible steps.

The criminal investigation must be conducted by someone of the highest integrity who has no connection whatsoever with this administration or with any of the parties who would be involved in the investigation. The public must have complete confidence in the thoroughness and completeness of the Watergate investigation. Only a special prosecutor, who is beyond reproach and who can immediately command the respect of the American public, can provide us with those assurances.

The resolution provides that the special political espionage prosecutor should be confirmed by the Senate. It is important, because of the seriousness of the crisis of confidence in our Government today, that the Senate, through the "advice and consent" powers created by the Constitution, have a voice to guarantee the selection of the highest caliber man or woman for the special prosecutor job.

In addition to the criminal prosecutions, I also fully support an active investigation into the 1972 political campaign by the Senate Select Committee To Investigate 1972 Presidential Campaign Activities. In February of this year, I voted in favor of setting up this committee, and voted against an amendment which would have broadened the committee's scope to include the 1964 and 1968 elections. I felt strongly that the seriousness of the allegations against the Committee To Re-Elect the President warranted an investigation focused exclusively on the 1972 campaign. I am confident that the distinguished members of the Senate committee will protect the legal and constitutional rights of all persons who may be subject to criminal indictments, while at the same time proceeding with a thorough investigation of all aspects of campaign activities. This is essential, because there have been reports of espionage activities which are not necessarily actual violations of law but which nevertheless are totally unacceptable in a free, democratic society. The public must have full knowledge of all espionage activities, whether they are criminally indictable or not. The Senate committee can provide an important role in this area.

Before the President addressed the Nation last night, I had publicly called upon him to dismiss White House staff members involved in the Watergate incident. I am pleased that the President has begun this process. I had also called for the President to appoint an outside person, beyond reproach, to help him structure a new White House staff with men of experience and integrity, and I am hopeful that this constructive step can be quickly taken.

In addition, I earlier called for the immediate termination of all activities of the Committee for the Re-Election of the President. Six months after the election, this committee, which is apparently responsible for many of the sordid activities surrounding the Watergate incident, is still in existence. The National Committee for the Re-Election of the President has been a blot on the name of the Republican Party, and should be immediately disbanded.

The Watergate incident also should spur our steps to create an independent Federal Bureau of Investigation. The serious lapses of independent integrity leading to the resignation of Acting FBI Director L. Patrick Gray point to the necessity of removing the FBI from any possibility of political influence. My own bill on this subject, by setting up a single 10-year term for the FBI Director, would guarantee that no President could ever appoint more than one FBI Director, and that no FBI Director would be subject to reappointment pressures that could undermine the authority of an independent F.B.I.

Considerable credit and praise must go to our Nation's media for the important role they played in bringing out the facts of the Watergate. The events of the last few weeks are a tribute to the vitality of the media in our country. The entire Watergate incident is also an example of how a free, vigorous, and independent press is a vital foundation of our democratic process. By subjecting all decisions and acts by public officials to the possible scrutiny of the press, and therefore the public, a free press provides an important "check and balance" to our Government.

Mr. President, the Watergate crisis will be with us for many months. The task of providing the complete story to the American public is just beginning. The facts surrounding how misguided members of the Committee To Re-Elect the President and the White House staff subverted our political process will continue to shock all of us who believe in integrity and good government.

However, with an independent prosecutor and with a full Senate investigation, I am hopeful we can quickly complete the task of providing all facts surrounding the Watergate espionage, so that we can move to the difficult task of restoring the faith of the American people in the integrity of Government. I am dedicated to this task, and will continue to do whatever possible in the U.S. Senate to achieve this goal.

SENATOR RANDOLPH ADVOCATES INDEPENDENT INVESTIGATION OF WATERGATE AFFAIR

Mr. RANDOLPH. Mr. President, with millions of other Americans, I listened intently, last night, as the President of the United States reported to the Nation and the world on actions which he has taken following the sordid and unhappy events which have come to be known as the "Watergate Affair."

I commend the President for acknowledging the gravity of the situation by instituting action to reestablish integrity in the executive branch, even though belatedly. In several speeches, last October and since, I declared publicly that the President should speak out and take affirmative action. Clearly, there are personal tragedies. The real tragedy, however, is the damage to the credibility and functioning of our Government at the very top.

The Watergate affair and its aftermath have shaken the foundation of our Federal system. These reprehensible acts have called into question the believability of government at all levels. They were carried out by individuals associated with an administration which proclaimed its goal to be to restore confidence in government. The repercussions of this tragic period will be with us for many years. The arrogance which led to the perpetration of these acts and their coverup have had their manifestations in the relations between the administration and the Congress. It has prevented us from properly joining in efforts to create the better America to which this President and all of his predecessors have dedicated their lives.

It is my sincere hope that the changes taking place in the executive branch will bring about a new spirit of cooperation between the administration and the Congress which will enable us to adopt forthright and effective solutions to the very difficult problems the country faces at home and abroad.

I urge the Acting Attorney General, Mr. Richardson, to exercise the authority given to him by the President to appoint a Special Prosecutor. The President himself should have taken this action, but, under any circumstances, it is essential. It is requisite to the restoration of the faith of the people of the United States in the honesty and integrity of this Government. A Special Prosecutor, operating independently, would be able to fairly and vigorously pursue the case against those who have done wrong and to clear the names of those who have been unjustly implicated. For these reasons I have joined as a cosponsor of the pending resolution introduced by the Senator from Illinois (Mr. PERCY). It is difficult to conceive of how someone who is a part of an ongoing administration can do the job without always being subject to question as to independence and freedom. This administration seems to have failed with its in-house efforts to ascertain the extent of the case and to fully identify all of the perpetrators.

Let those who have done wrong be subject to the application of the law. And let the rest of us go on with the important business of this Nation in a time of economic and social unrest.

There is no partisan benefit which should be sought from the Watergate affair. The benefit to accrue, if the case is properly handled, will be to the American people.

Mr. PERCY. Mr. President, I submit the resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 105

Resolution requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972

*Resolved*, that it is the sense of the Senate that:

1. the President immediately designate an individual of the highest character and integrity from outside the Executive Branch to serve as special prosecutor for the government of the United States in any and all criminal investigations, indictments, and actions arising from any illegal activity by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it;

2. the President should grant such special prosecutor all authority necessary and proper to the effective performance of his duties; and

3. the President should submit the name of such designee to the Senate, requesting a resolution of approval thereof.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution? The Chair hears none and it is so ordered.

Mr. PERCY. Mr. President, I move the adoption of the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution [putting the question].

The resolution (S. Res. 105) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a quorum call, and the time be charged against the time under the order allotted to Mr. Griffin, and if that is not sufficient, against the time allotted to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time, and I ask unanimous consent that all remaining time that may not have been used under the various orders be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes each.

Is there further morning business?

## SPECIAL PROSECUTOR NEEDED

Mr. ROBERT C. BYRD. Mr. President, following President Nixon's televised address to the people last night, I said I was pleased that he had given Mr. Elliot Richardson permission to appoint a special outside prosecutor for the Watergate investigation. However, I expressed disappointment that the President did not make such an appointment imperative.

I do not believe the administration can investigate itself and still hope to restore the faith of the people in the Government.

Therefore, immediately following the President's remarks, I sent Mr. Richardson a telegram, urging him to act quickly to appoint a special outside authority to investigate and prosecute the Watergate case.



XUM

I previously had urged the President to name a special prosecutor to handle the case. In that letter of April 26, I said the prosecutor should be secured from outside the Justice Department.

I ask unanimous consent that my April 26 letter to the President, and my April 30 telegram to Mr. Richardson be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

APRIL 26, 1973.

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I respectfully urge that a special prosecutor, secured outside the Justice Department, be assigned the Watergate case. I do not personally know Assistant Attorney General Henry Petersen, but I call your attention to his statement on September 16, 1972, with respect to the Watergate investigation in which he stated, in part, as follows:

"This investigation has been conducted under my supervision. In no instance has there been any limitation of any kind by anyone on its conduct.

"Indeed, the investigations by both the FBI and the Grand Jury have been among the most exhaustive and far-reaching that I have seen in my 25 years in the Department.

"All aspects of the break-in and bugging were studied in detail including questions about the source and distribution of any funds relating to the incident. * * *

"As the trial goes forward, the thoroughness of the Grand Jury investigation will become apparent."

Mr. President, it is clear that the investigation preceding the Watergate trial was not exhaustive, and it is also clear that the "thoroughness" of the investigation, rather than becoming "apparent," has been universally criticized as being less than thorough, less than exhaustive, and a source of disappointment to the trial judge.

I again urge that a special prosecutor be assigned this case, and I urge this because I think it is imperative that the people's confidence in the Administration's determination to develop the absolute truth and the full truth, be sustained. Moreover, in view of the tangled history of this affair, I feel that the Justice Department should welcome the appointment of a special prosecutor.

I have consistently stated that I do not want to believe and that I do not believe that you were aware of what was going on in the Watergate matter or that you had any prior information regarding it or that it in any way met with your approval. I still believe this and have so stated within recent days. I do view with great concern, however, the damage that may result to you, to the office of the presidency, and to our political system if the current investigation is less than thorough or far-reaching. The people's confidence can only be restored if the investigation is pursued with the utmost vigor and forcefulness.

With highest personal esteem.

Respectfully yours.

ROBERT C. BYRD,
*U.S. Senator.*

APRIL 30, 1973.

Hon. ELLIOT L. RICHARDSON,
*Secretary, Department of Defense,*
*Washington, D.C.*
Hon. ELLIOT L. RICHARDSON,
*Attorney General-Designate,*
*Department of Justice,*
*Washington, D.C.:*

To avoid any suspicion of whitewash, it is imperative that special outside authority be appointed to supervise investigation and prosecution in Watergate case. The people must be convinced that the investigation is exhaustive and conducted with absolute impartiality and without fear or favor. The Administration must not investigate itself.

ROBERT C. BYRD,
*U.S. Senator.*

## THE PRESIDENT SPEAKS

Mr. DOLE. Mr. President, for the past several weeks, and increasingly over the last few days, the Watergate case has been the almost sole preoccupation of this city and perhaps to a lesser degree it has been on the minds of citizens all over this country.

In part, this was due to the very nature of the case. In part, too, it was due to the fact that the President had not spoken out definitively on the matter and it was felt, understandably, that until he did, the constant speculation and certainly the public preoccupation with the case could not be expected to diminish.

BACK TO BUSINESS OF GOVERNMENT

I rise now to express the fervent hope that after the events of yesterday which culminated in the President's address of last night, we can get back to the business of Government. I am hopeful that now we can get away from the temptations to assign blame and for each to throw his bricks at those who have been involved or implicated, temptations to which many on both sides have yielded.

Mr. President, President Nixon quite properly accepted the responsibility for the overzealous actions of those under him. His was an act of high principle and courage, in my view. He has acknowledged that the actions of certain of his own White House aides and some of those at the Committee to Re-elect the President reflected poor judgment, whatever the motivation.

GOP ABSOLVED

I feel constrained to point out that while the illegal activities that occurred during the 1972 campaign may have been—in some degree—the responsibility of a certain few administration aides and CRP staff, no one has implicated the Republican Party as such, or the Republican National Committee in any wrongdoing. And I believe the President supported that distinction last night.

I say this for no other reason but that I feel it is important that this distinction be made. The Republican Party has been unfairly associated with the events of Watergate and with the illegal activities of a few who worked outside of the party's structure and who often ignored its counsel and eschewed its professional support.

The Republican Party's record in this entire matter is clear and unsullied. It cannot fairly be associated with any of the misdeeds represented by Watergate. The President himself has clearly laid the blame elsewhere.

MUST TRUST IN SYSTEM OF JUSTICE

Mr. President, the announcements of yesterday that key Presidential aides were resigning was, in my view, quite a necessary action, and I would be less than totally candid if I did not add that I welcomed the announcement. I had in fact, publicly stated my views in favor of such action earlier. But, as President Nixon said last night—and as I have been saying for months—it is crucially important that we now entrust the judicial system with our faith that the facts of the case—and an accurate assignment of guilt and innocence—can and will be determined through the workings of the governmental process.

"There will be no whitewash at the White House." With that assurance from the President, personally and forcefully and somewhat painfully asserted, there is little cause for any concern on the part of my colleagues that time and the processes of our system will not uncover the full story.

AVOID EXCESS

"It is indeed essential," as the President himself said, "that in reacting to the excesses of others, we not fall into excesses ourselves." When all is said and done, when the illegality of the Watergate affair has been fully explored and when guilt and innocence have been determined and justice has been done, no matter who is found responsible we must remember that there has been great personal tragedy involved.

HASTY DECISION AVOIDED

One other thing must be said in reference to the widespread expressions of dismay from many that the President did not speak out sooner on the Watergate case and that he did not take the actions much earlier than yesterday.

I cannot fault him for this. To have demanded the resignation of top White House aides, last summer, or last fall, or earlier this year before there was sufficient evidence would have been to risk a disservice to men whose counsel he valued. He has not prejudged their guilt or innocence. He has acted only in the interest of maintaining White House integrity. He quite properly waited until he could be sure of the facts before acting.

It is characteristic of this man to avoid hasty decisions. He was not panicked through the long and difficult course of his efforts to end our involvement in Vietnam. He was not panicked by the difficulties he faced in advance of the summit meetings of last year. And he was not forced—even by the most tragic and personally disturbing circumstances of Watergate—into precipitate action.

He waited for the facts to emerge—and only when the whole picture, insofar as it is now clear did emerge—did he take action.

Mr. President, it is always easy to condemn and to second guess from the perspective of hindsight. I would urge that such temptation be avoided.

President Nixon has spoken now. Much of the air has been cleared and what remains to be learned and decided about the whole affair can be done through the workings of the judicial system in concert with the full cooperation of the executive branch and the activities of the Senate Select Committee.

ONLY INTEREST NOW IS JUSTICE

Our interest now as lawmakers and as people committed to our political system is, and ought to be, justice—no more, no less. I have complete faith that justice—full and fair and undiluted—will be done



in this matter. That is my sole demand and my confident expectation.

I do not say—nor do I mean to imply by any of this—that now that the President has spoken the matter ought to be considered closed and that all discussion of it should cease. But I do perceive that the President's announcement has changed the context of the situation.

He has spoken on the subject.

He has taken steps to remove from the White House those whose continued presence there would—fairly or not—have threatened the integrity and the credibility of the administration.

He has properly accepted the responsibility for the actions of those under him.

No one who is not himself uncontrollably overzealous could ask for any more—save that full justice be done—and only time is needed for that, I am sure.

## ENROLLED BILL SIGNED

Under authority of the order of the Senate of April 30, 1973, the Acting President pro tempore (Mr. METCALF), on April 30, 1973, signed the enrolled bill (S. 398) to extend and amend the Economic Stabilization Act of 1970, which had previously been signed by the Speaker of the House of Representatives.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that, on April 30, 1973, he presented to the President of the United States the enrolled bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente (Rept. No. 93-133).

By Mr. TOWER, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 1264. A bill to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College, in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower (Rept. No. 93-134).

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CLARK) laid before the Senate the following letters, which were referred as indicated:

APPROVAL OF LOAN TO COLORADO-UTE ELECTRIC ASSOCIATION, INC., MONTROSE, COLO.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Colorado-Ute Electric Association, Inc., of Montrose, Colo. (with an accompanying paper). Referred to the Committee on Appropriations.

PROPOSED LEGISLATION FROM DEPARTMENT OF AGRICULTURE

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 507 of the Housing Act of 1949 to make the veterans' preference applicable to veterans of the post-Korean era, and for other purposes (with an accompanying paper). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF AMERICAN HISTORICAL ASSOCIATION

A letter from the Acting Executive Secretary, the American Historical Association, transmitting, pursuant to law, a report of that association, for the year 1971 (with an accompanying report). Referred to the Committee on the District of Columbia.

LIST OF REPORTS OF THE GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office, for the month of March 1973 (with an accompanying paper). Referred to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Environmental Protection Agency, Efforts To Remove Hazardous Pesticides From the Channels of Trade," dated April 26, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the Export-Import Bank of the U.S. Fiscal Year 1972," dated April 30, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, his report, for the calendar year 1972 (with an accompanying report). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for a within-grade salary increase plan for secretaries to circuit and district judges of the courts of the United States, and for other purposes (with an accompanying paper). Referred to the Committee on Post Office and Civil Service.

REPORT ON PROGRESS IN THE IMPLEMENTATION OF MOTOR VEHICLE EMISSION STANDARDS

A letter from the Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report on progress in the implementation of motor vehicle emission standards, through June 1972 (with an accompanying report). Referred to the Committee on Public Works.

PROPOSED LEGISLATION FROM ENVIRONMENTAL PROTECTION AGENCY

A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act to provide for the control of sediment from construction activities (with an accompanying paper). Referred to the Committee on Public Works.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. FONG:

S. 1674. A bill for the relief of Nina Raass;

S. 1675. A bill for the relief of Vilaketi Bicomfield;

S. 1676. A bill for the relief of Zosima T. Van Zanten; and

S. 1677. A bill for the relief of Talo Huahulu. Referred to the Committee on the Judiciary.

By Mr. HRUSKA (for himself and Mr. BURDICK):

S. 1678. A bill to amend Section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners. Referred to the Committee on the Judiciary.

By Mr. BELLMON (for himself and Mr. BARTLETT):

S. 1679. A bill to establish the Chickasaw National Recreation Area in the State of Oklahoma, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. LONG (for himself and Mr. JOHNSTON):

S. 1680. A bill to modify the project for flood control on the Mississippi River and tributaries with respect to the Atchafalaya River Basin in Louisiana. Referred to the Committee on Public Works.

By Mr. HATFIELD:

S. 1681. A bill to permit American citizens to hold gold. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HARTKE (for himself, Mr. CRANSTON, Mr. BIBLE, and Mr. MCINTYRE):

S. 1682. A bill to amend the Foreign Assistance Act of 1961 to prohibit foreign assistance to those countries listed, not taking adequate measures to end illicit opium production, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. BAYH:

S. 1683. A bill relating to payment for swine destroyed to prevent the spread of hog cholera and related swine diseases. Referred to the Committee on Agriculture and Forestry.

By Mr. ROTH (for himself and Mr. HATHAWAY):

S.J. Res. 100. Joint resolution proposing an amendment to the Constitution of the United States to establish maximum age limits for certain officers of the Government. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HRUSKA (for himself and Mr. BURDICK):

S. 1678. A bill to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I introduce on behalf of myself and the distinguished chairman of the Penitentiaries Subcomittee, Mr. BURDICK, a bill designed to give Federal prison officials greater latitude in temporarily releasing inmates from confinement in order that the inmates may better pave the way for their return to the community.

The bill would amend subsection (c) of the Prisoner Rehabilitation Act of 1965 (18 U.S.C. 4082) which now provides for temporary release of up to 30 days for certain limited purposes, such as family or medical emergencies, contacting prospective employers, or for any other "compelling reasons consistent with the public interest."

XUM

The Department of Justice believes that even this limited authority has been very useful in assisting prisoners in making the awkward transition from the institution to the community. The bill I am introducing would have the effect of making the transition less difficult in certain carefully chosen cases.

The proposal would expand the provisions of subsection (c) by permitting prison officials to release inmates temporarily for the additional purpose of reestablishing family and community ties. Furthermore, inmates could be released for any other significant correctional reason consistent with the public interest, rather than only for compelling reasons as in the present statute. It should be understood, of course, that release would be permitted only in selected cases where inmates have demonstrated their trustworthiness.

I think my colleagues will agree that it is very important in the rehabilitation process for the offender to be prepared to resume a meaningful life within his community after he has served his sentence. It is also important that members of the community be prepared for his return.

Since present authority does not permit temporary release to rebuild these ties, there is an obvious need for this legislation. I urge my colleagues to give the bill their full support.

I ask unanimous consent that the text of the bill and the Attorney General's letter of referral be printed in full at this point in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1678

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (1) of section 4082(c), Title 18, United States Code, is amended to read as follows:

"(1) visit a specifically designated place or places for a period not to exceed thirty days and return to the same or another institution or facility. An extension of limits may be granted to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services not otherwise available, the contacting of prospective employers, the reestablishment of family and community ties or for any other significant correctional reason consistent with the public interest; or".

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OFFICE OF THE ATTORNEY GENERAL,
*Washington, D.C.*

The VICE PRESIDENT,
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to extend the limits of confinement of prisoners committed to the custody of the Attorney General.

The Prisoner Rehabilitation Act of 1965, as amended, 18 U.S.C. 4082, provides for the release of Federal prison inmates for not more than thirty days for limited purposes. Generally, only emergency situations, work or training qualify a prisoner for release under this Act. Even so, we believe that this has been one of the best means of assisting a person in the adjustment from the institution to the community.

This proposal would expand the provisions of section 4082 by permitting release for the re-establishment of family and community ties or for any other significant correctional reason. As in the present law, release would be allowed only in carefully selected cases and for individuals who may be trusted. We assure you that release pursuant to this amendment will be utilized only for non-dangerous inmates.

From a correctional standpoint, emergencies are not the only times when a home visit can be justified. A broader-based furlough program would be extremely meaningful to some offenders and we strongly urge the early consideration and enactment of this proposal.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal and that its enactment would be in accord with the Program of the President.

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By Mr. BAYH:

S. 1683. A bill relating to payment for swine destroyed to prevent the spread of hog cholera and related swine diseases. Referred to the Committee on Agriculture and Forestry.

Mr. BAYH. Mr. President, in 1972 there was a rather severe outbreak of hog cholera in Indiana. As of December 6, 19,567 hogs had been killed to prevent the spread of the disease. The Federal Government paid a total of $631,192 in indemnities to affected Indiana hog producers, and a national emergency was declared for the area.

As a result of the epidemic and the personal difficulties of these farmers, I became very involved in the details of the cholera outbreak, meeting with farmers to discuss improved techniques of monitoring the interstate shipment of possible diseased animals, and corresponding with the Department of Agriculture to secure adequate financial assistance for those farmers whose herds had been wiped out due to an outbreak in the area.

As you may know, in 1969, the use of vaccinations for hog cholera was ceased because, according to the Department of Agriculture's studies, it was not possible to eradicate the disease while vaccines were being used, and because the vaccine was, in itself, a frequent cause of the disease. Therefore, swine producers rely entirely on the effectiveness of the regulation of interstate shipment, and upon Federal and State assistance in order to get back on their feet after eradication of their herds. The situation of these farmers is very insecure since they can take no precautions themselves to prevent catastrophes.

During the emergency last year, I was consistently impressed by the cooperative attitude of Indiana swine producers. These farmers, who rely completely on the actions of Federal and State governments have not made many requests or demands during a year of personal and professional trauma. However, some of the farmers did bring to my attention reports that poultry farmers in California whose flocks had been infected with exotic Newcastle disease had been paid indemnities which were much higher than those paid to hog producers. Investigation proved the reports to be true, despite official denials from the Department of Agriculture.

Basically, at the time of depopulation, poultry farmers are reimbursed for the replacement value of the depopulated flocks. Since the new flocks are raised to near maturity off the farm, this figure is close to the value of a mature laying hen. Then, when the farmer is ready to start with a new flock of mature hens, he is reimbursed again for the profit lost during the intervening 26 weeks as a result of the depopulation of his egg-producing machines. Hog farmers are only reimbursed for the replacement value of their depopulated hogs; in the interest of equity they, like poultry farmers, should be compensated for lost profits which result from depopulation of their meat producing machines.

Since the Department of Agriculture has argued that the situations between swine producers and egg producers is not parallel, an analysis of the indemnification system used in the case of Newcastle disease and a comparison between production methods for swine producers and egg producers is in order.

In the words of the Department of Agriculture:

On October 5, 1972, Secretary Butz announced a change in the indemnity schedule for exotic Newcastle disease for egg-laying flocks to properly reflect the actual value of those flocks. The schedule is in two phases. The first is to appraise the birds prior to depopulation, based on their market value at the time. The second phase involves a re-evaluation of the value of the birds as egg-laying machines, based on the 26 weeks following depopulation.

Flock owners must be paid for the replacement value of their birds immediately following depopulation in order that they will have the financial resources to negotiate for replacements. When the flock is declared infected, it will be appraised at its actual replacement value. When the owner orders replacements from the hatchery, it usually takes about a week to complete the contract for the production of birds, 3 weeks to hatch the eggs, and 26 weeks to raise the birds to full production age. The supplemental indemnity computations are based on a 26 week period following the date of appraisal by deducting the average cost of production from the actual average weekly price of the type of eggs which would have been produced by the birds had they lived. The variation in the cost of feed above or below the basic $80 per ton is built into the compensation formula. Variations in feed prices of $5 per ton will change the cost or production of eggs by one cent per dozen.

The formula evaluates the potential production of the flock, the price that the owner would have received had the birds remained alive, adjusted by the variation in feed prices, deducting the fixed production costs. Any increased value above production costs will be reevaluated and paid to the owner at the end of the 26-week period following depopulation.

Thus, during the quarantine and the period of inactivity of the poultry farm when the farmer has to continue paying overhead costs such as taxes on, and maintenance of, his buildings, and wages for the employees whose assistance he will need once the farm is again in full production, the poultry farmer can count on Federal financial assistance to replace the profits which he would have made if his farm were fully operating. At present a hog producer, who may have to operate a partially operating farm for even longer than the poultry producer, receives no financial assistance while getting back on his feet.

The Department explains the discrepancy between the two programs by arguing that there are no established markets or replacement values for laying hens, while both markets and values exist for hogs of all weights. Actually, there are market values for laying hens; the problem is that there are not sufficient market supplies to allow poultry farmers to immediately restock their farms. Compensation has been provided in recognition of the restocking delay. In my view, the swine producers face the exact same problem in that most of them are not able to immediately restock their farms without committing economic suicide.



The Department apparently believes most swine producers can restock their farms immediately since they have written me the following statement:

The existence of markets for swine of virtually any age not only assists the appraisers and the owners in arriving at fair market values, but also provides a source of swine for restocking premises following cleaning and disinfection. Assuming hog cholera outbreaks are confined to a comparatively small number of herds, it is possible, under existing Federal regulations, for the producer to repopulate the premises with swine of approximately the same weight class as those that were destroyed immediately after having completed the required supervised cleaning and disinfection of the infected or exposed premises.

In fact, the producer cannot "repopulate the premises with swine of approximately the same weight class as those that were destroyed, immediately after having completed the required supervised cleaning and disinfection." The Carroll County Pork Producers Board in Indiana recently met and sent me a number of advisory comments and recommendations. Among them was the statement that a person who has bred gilts or bred sows for sale will not sell their best ones to potential buyers. It is very unusual to buy good proven sows. General agreement was reached that those who had to buy replacement female animals did so by buying 6-month-old gilts from general fattening pens at the market price plus $10. Since it is recommended that a gilt not be bred until she is 9-months-old, she usually must be cared for and fed for 90 days before she is of breeding size, and for another 114 days before she had pigs. Thus, there is a delay of at least 6 months after the quarantine has been lifted before a farrow-to-finish farmer—one who raises baby gilts to mature sows, then breeds the sows and raises those baby feeders to maturity for slaughter—or a feeder producer farmer can even think about raising feeder pigs for market.

An apparently obvious solution to this 6-month delay is for the producer to buy feeder pigs on the market as well as sows to replace those which have been depopulated. The pork producers pointed out that such a purchase would be possible only if the producer can buy both the gilt and the feeder pigs from the same farm; it is very unwise to mix breeds of stock from different farms, because each group may be carrying diseases to which the other has not built up an immunity. In Indiana following the recent cholera outbreak, the earliest that any farrow-to-finish operator will have market animals for sale is 1 year from the date that the quarantine was lifted; despite farmers' obvious self-interest in getting back in business as quickly as possible, some producers face a delay of as much as 18 months.

For those farmers producing feeder pigs for sale, the delay would be similar to that for farrow-to-finish operators since sows would first have to be raised and bred. However, for farmers raising feeder pigs to a marketable age, the delay would consist only of the length of the quarantine, which in Indiana last year was as long as 3 months for some farms, plus the time needed to buy replacement pigs.

Under the proposed bill, the Department of Agriculture would draw up payment schedules based on the various requirements of the three types of swine operations. Following the formula used in the Newcastle indemnification program, the average cost of production would be deducted from the average price of the hogs or meat which would have been produced if depopulation had not occurred.

The following tentative table has been drawn up by my staff in cooperation with extension economists at Purdue University for computing of the probable profits and costs which would have occurred during the interim period while the farmer is restocking his farm. I want to emphasize that this is a tentative table; its purpose is to demonstrate that a reasonable formula can be established to compensate hog producers for their lost profits. I ask unanimous consent that the table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PROPOSED PROFIT-COST FORMULAS

I. PRODUCER OF PURCHASED PIGS

Period for second payment might be the time interval from depopulation to the end of the embargo plus 30 days as a period to locate replacement pigs. Volume could be established on the basis of the number of pigs on hand at the time of depopulation. If we define a unit of production as a pig, a normal production rate is 1.75 pounds of product (starting with a 40# pig) per unit per day.

The approximate requirements to produce a 220# market hog (currently worth $79.24 at Indianapolis) are:

| | |
|---|---|
| 1. A 40# pig [1] | $32.00 |
| 2. 11.5 bu. corn [1] | 17.25 |
| 3. 100# Supplement [1] | 14.60 |
| 4. Other variable costs | 5.00 |
| 5. Fixed costs (Overhead) | 2.00 |
| 6. Labor | 2.50 |
| Total | 73.75 |

II. PRODUCER OF FEEDER PIGS

Period for second payment might be the time interval from depopulation to end of embargo plus seven months. (Seven months made up of one month to locate breeding stock, two months to get new breeding stock to reproduction age plus four months gestation.) Volume might be established on the basis of the number of mature females on hand at the time of depopulation. If we define a unit of production as a mature female, a normal production rate is 1⅓ pigs (40# each) per unit per month.

The approximate requirements to produce a 40# pig (currently worth $32 at St. Joseph) Missouri, are:

| | |
|---|---|
| 1. 60# Supplement [1] | $8.76 |
| 2. 3 bu. corn [1] | 4.50 |
| 3. Other variable costs | 3.00 |
| 4. Fixed costs (Overhead) | 3.25 |
| 5. Labor | 3.75 |
| Total | 23.26 |

III. FARROW TO FINISH

Period for second payment might be the time interval from depopulation to end of embargo plus nine months. (Nine months made up of one month to locate breeding stock, two months to get new breeding stock to reproductive age plus four months gestation, plus two months to produce feeder pigs). Volume might be established on the basis of the number of mature females on hand at the time of depopulation. If we define a unit of production as a mature female, a normal production rate is 300# of slaughter animals per unit per month.

The approximate requirements to produce 100# of slaughter animal (currently worth $32.02 at Indianapolis) are:

| | |
|---|---|
| 1. 75# Supplement [1] | $10.95 |
| 2. 6 bu corn [1] | 9.00 |
| 3. Other variable costs | 2.00 |
| 4. Fixed costs (Overhead) | 2.50 |
| 5. Labor | 3.25 |
| Total | 27.70 |

Mr. BAYH. To take the example of the producer of feeder pigs in more detail, let us assume that the producer owned 20 sows which were all depopulated and that the second evaluation was made eight months after the depopulation—1 month of quarantine, 1 month to locate breeding stock, 2 months—plus—to raise the stocks to reproduction age, and 4 months for gestation. If we assume that a mature sow will usually produce 1⅓ pigs—at 40 pounds each—per month, the potential production from 20 sows over the 8-months period would have been 213 pigs—40 pounds each.

The market price of a 40-pound pig is now $32 at St. Joseph, Mo., so that the gross potential profit would have been $6,816. Approximate costs of producing one 40-pound pig have been estimated in the printed table as $23.26. The costs for producing 213 40-pound pigs would therefore have been $4,954, and the difference between the gross profit and cost, or the net potential profits over the 8-month period would have been about $1,863.

Of course, in a more normal year when hog prices are much lower, the profits would be lower; in 1971 the net return to management in a feeder pig production unit was $1 to $1.25 per feeder pig produced. Thus, in normal market years, the cost to the Government of this legislation would not be excessive—in the case examined, it would be about $213 to $263 rather than the current $1,863—but it would help farmers who had been counting on some profits with which to pay their bills.

I am planning to send my estimates to various extension stations in the hog belt to solicit local reactions to the fixed figures used in these computations, and

[1] Values vary (along with slaughter hog and feeder pig price) depending upon time and geographic location.

Footnote on following page



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I would welcome the comments of my colleagues.

I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1683

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 11 of the Act of May 29, 1884 (58 Stat. 734; 21 U.S.C. 114a) is amended by inserting "(a)" immediately after "Sec. 11." and by adding at the end of such section a new subsection as follows:

"(b)(1) Whenever swine are destroyed under authority of this Act, the amount of compensation to be paid to the owner of such swine shall be determined in two stages as follows:

"(A) The swine shall be appraised, at the time of their destruction, on the basis of their fair market value for meat, feeding, or breeding purposes, as appropriate.

"(B) At the end of an appropriate period following the date on which the swine were destroyed, a determination shall be made of the potential value of the swine as meat producers had such swine not been destroyed. In determining the potential value of any swine under this clause, the value shall be reduced by the amount that would have been expended for feed (adjusted for variation in price) and other production costs. The period between the destruction of swine and the appraisal of the potential value of the swine shall be determined on the basis of the average time required by (i) farrow to finish operators, (ii) feeder pig producers, and (iii) finishers of purchased pigs to raise new herds to full production capacity.

"(2) The owner of swine destroyed under authority of this Act shall be paid the amount determined under clause (A) of paragraph (1) as soon as practicable after the destruction of his swine. The owner of such swine shall be paid the amount of any increase in value determined under clause (B) of paragraph (1) as soon as practicable after the amount has been computed."

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By Mr. ROTH (for himself and Mr. HATHAWAY):

Senate Joint Resolution 100. Joint resolution proposing an amendment to the Constitution of the United States to establish maximum age limits for certain officers of the Government. Referred to the Committee on the Judiciary.

Mr. ROTH. Mr. President, I am again introducing for the Senate's consideration a joint resolution proposing an amendment to our Constitution for the purpose of establishing a mandatory retirement age for Federal judges and Members of Congress. I am grateful that the distinguished Senator from Maine (Mr. HATHAWAY) has joined me in sponsoring this proposal.

This proposal is similar in intent to a measure I first offered during the closing hours of the 91st Congress when I served as a Member of the House of Representatives. I reintroduced this measure last session and, with certain modifications, I am again asking the Senate to give consideration to legislation which, I believe, should contribute to making our system of government more responsive to the public's needs.

If adopted, this constitutional amendment would do the following: First, it will not allow the appointment to the Federal bench of anyone 70 years of age, and will require those already on the Federal bench to retire 30 days after reaching such age; second, it will not allow anyone 70 years of age to run for either the Senate or the House of Representatives.

I wish to emphasize, however, that this legislation grants immunity from its impact to certain persons already serving in the Federal judiciary and to those Members of Congress who are 60 years of age or older when this legislation is submitted to the States for ratification.

It is my belief that we must make special consideration for both of these groups in view of the past sacrifices they have made to enter public life, and without benefit of the knowledge that this be adopted. Accordingly, Federal judges who have not served the minimum number of years required by law to become eligible for their pension benefits, which is their salary for life, will be allowed to remain on the bench until that minimum time has been served.

Members of Congress, as well, have sacrificed much to enter public life. I believe that it would be unfair to require those now close to the ages at which retirement from the Congress would be required to be bound by its provisions. Thus, I have included in the language of this amendment a provision that will allow those 60 years of age when this legislation is submitted to the States for ratification to be exempt from the impact of this amendment. These individuals will be allowed to continue to hold office and to seek reelection to that office with no restrictions as to age. Of course, those Members so affected would remain free to choose not to utilize this special provision.

Mr. President, a mandatory retirement age is not unknown in America. In 1966, the Congress determined that civil service employees must retire at age 70. American business has long considered 65 as an appropriate age for the retirement of its executive employees. There is a trend today toward even a younger retirement age.

In the past, several Members of Congress have determined for themselves the age at which they deemed retirement appropriate. One gentleman who made this decision was my predecessor, the former Senator from Delaware, John Williams. It was, in fact, Senator Williams who first introduced legislation to set a mandatory retirement age for Members of Congress and I am proud to follow his lead by offering this proposal today.

My colleague, (Mr. HATHAWAY) joins me in the hope that this Congress will actively consider the enactment of this legislation. I believe, that the idea merits the thoughtful attention of all citizens who are interested in improving our Federal system of government.

Mr. President, I ask unanimous consent that the text of the proposed constitutional amendment be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 100

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. No person who has attained the age of seventy years shall be appointed to be a judge of the United States. Within thirty days after attaining seventy years of age, any judge of the United States shall retire from regular active service. Any such judge who holds a judgeship on the date this article is ratified may continue in regular active service after attaining seventy years of age for as long as may be necessary for him to qualify to receive the salary of his office upon resignation or retirement from regular active service.

"SEC. 2. No person who has attained the age of seventy years shall be a Senator, except that any Senator who attains such age while in such office may serve for the remainder of the term for which he was elected or appointed. This section shall not apply to any person who is a Senator on the date that this article is submitted to the States for ratification and who is sixty years of age or older as of such date.

"SEC. 3. No person who has attained the age of seventy years shall be a Representative, except that any Representative who attains such age while in such office may serve for the remainder of the term for which he was elected. This section shall not apply to any person who is a Representative on the date that this article is submitted to the States for ratification and who is sixty years of age or older as of such date."

Mr. HATHAWAY. Mr. President, I am honored to join the distinguished Senator from Delaware in the introduction of this resolution limiting the tenure in office of Representatives, Senators, and Federal judges. This is a matter with which I have been concerned since my entrance into the Congress more than 8 years ago. It is a matter of concern to the people of our Nation as I have learned, not only from my travels in Maine, but also from calls and letters my office has received on the subject from all sections of the country.

In introducing this legislation, I should make it clear that no disrespect is intended toward the contributions and abilities of our senior citizens. No one is more aware of the talents that this group offers our society than myself. I have consistently supported legislation aimed at helping our senior citizens to realize their maximum potential contribution to our national life. And yet, I feel strongly that a mandatory retirement age for these high Federal officials is very much in the National interest.

First, I should point out that this bill is not a radical step. The limitation it creates is that no Senator or Representative can run for reelection beyond the age of 70. A Federal judge could not serve beyond that same age. This action would not affect a large number of individuals—indeed, by its terms it would not apply to anyone now in the Congress who is over 60—but would provide an indication of congressional awareness of the scope of this problem.

Most would agree that Government, or any other institution, benefits from a



continuing cycle of change in leadership and control. This fact was recognized long ago in private industry and, in fact, was recognized by Congress itself in the mandatory retirement ages which have been applied to the Federal Civil Service and the military. There is a natural tendency toward stagnation in any institution when the same people stay on for an indefinite period. The performance of these individuals may not be affected by the ravages of age so much as simply being in the same job too long. All of us, Senators, Representatives, and judges included, inevitably develop over the years a kind of vested interest in our own ideas and ways of doing things. To allow this tendency to come to full flower, especially in a body where power is directly related to years in office, is an invitation to institutional lethargy. All of us know this from our own commonsense and personal experience; congressional acknowledgement of this fact would go a long way toward vestoring some of the confidence the public has lost in us over the years.

Second, the nature of these offices requires a high degree of physical, emotional, and mental stamina. The range and depth of the concerns now before the Congress is truly staggering. Added to this are the demands placed upon a Member by an expanding and increasingly articulate constituency. The inevitable slowing down which accompanies age must take its toll either in diminished performance or increased reliance on staff. When these events occur, the public is not receiving the level of service to which it is entitled.

I feel further, that an age limitation on public service is at least suggested in the constitutional provision which defines a minimum age for Senators and Representatives. A public recognition that advanced age, in most cases, limits the capacity of an individual is basically very similar to a recognition of the limitations of youth. Just as there are some below 30 who undoubtedly have the maturity and judgment to serve effectively in the Senate, there are those over 70 with the required celerity and stamina. But, I think the public is justified in making the overall judgment that in most cases it would be better served by a realistic limitation placed upon both ends of the age spectrum.

Some will argue that this proposal limits the right of the people of a State or congressional district to elect whoever they want as their Representative. There is no question that this is, in fact, the case. But we have long since recognized that some limitations of this nature are in the public interest. The minimum age requirement in the Constitution is one example. The two-term limitation on the Presidency is another, which is very similar, in principle, to the proposal we are submitting today.

Finally, it should be noted that the offices with which this proposal is concerned are national offices, and the holders of these offices have a profound effect beyond a single State or region. When viewed in this light, some limitation on behalf of the public as a whole on the rights of the residents of a single State or district, is justifiable.

I hope that the Senate will give serious consideration to this bill; the issues it raises are important and the public concerns it addresses are real. It is one opportunity for us to begin the task of creating a more vital and responsive governmental system.

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By Mr. HATFIELD:

S. 1681. A bill to permit American citizens to hold gold. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HATFIELD. Mr. President, today I have the unusual opportunity of both introducing legislation and testifying on it before the committee of jurisdiction. The Subcommittee on Production and Stabilization of the Senate Banking Committee is holding hearings on the several bills that have been introduced to allow Americans to buy, sell, and hold gold in any form. Among these bills is one (S. 413) which I introduced 2 years ago, and which I reintroduced at the beginning of this Congress. However, I believe that recent events in the monetary world dictate today a slightly different approach from that of S. 413; and for this reason I am introducing a new bill that will legalize gold buying, selling, and holding by U.S. citizens, order the Treasury to auction at least 10 million ounces of gold per year from the existing gold stockpile, and become effective as soon as the President orders—but not later than January 1, 1975. At this point in the RECORD I would ask unanimous consent that my prepared testimony for today's hearing of the Banking Subcommittee be printed, together with the text of the bill.

There being no objection, the testimony and bill were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MARK O. HATFIELD

SUMMARY

Explanation and advocacy of the Hatfield legislation, which would:

1. Legalize gold buying, selling, holding by Americans.

2. Order the Treasury to auction at least 10 million ounces of gold per year from existing gold stockpile.

3. Become effective January 1, 1975 (or any prior date on the option of the President).

Mr. Chairman, today I am introducing a bill that would give American citizens the right, enjoyed by citizens of more than seventy other countries, to buy, sell, and hold gold. This bill also orders the Treasury to begin an orderly disposal of its gold stockpile by auction sales. These provisions are to be effective as soon as the President orders, but no later than January 1, 1975.

Today I appear before you to ask your support for this bill.

Action is now both needed and timely. I was delighted by the recent overwhelming sentiment expressed by the Senate favoring legalization of gold holding by Americans, a move I had proposed in the previous Congress. However, with this overwhelming support of the Senate, it is the prerogative of this committee to bring forth a more carefully elaborated bill that considers both the demand and supply side of the gold market and which gives the President greater flexibility as to the timing of its implementation.

OBJECTIVES OF THE BILL

Let me first state the primary objectives of this bill.

First of all, it is the function of government to protect the liberty of the citizens from whom it derived its just power to govern. Its function is not to take away individual liberty except for over-riding social needs. Formerly, when gold was used as money, or as backing for money, or used by the government for international payments, one might argue for a social need to limit the liberty of the people. However, these arguments have been erased by the movement of recent events. Gold is no longer used in the U.S. as money, nor as backing for other money, nor, as of August 15, 1971, as international money by the U.S. The legal restriction against holding gold has now become a vestigial remain of a bygone era—a "blue law" that limits liberty without any social justification. The dollar is no longer on the gold standard and gold is no longer tied to a doller standard. It is high time for the Senate to take the leadership in signing the final divorce decree between gold and the dollar. It is also high time for the "land of the free" to catch up with the more than seventy countries that allow its citizens to hold gold.

Second, it is necessary to evaluate the economic benefits and costs of legalizing gold. To *only* legalize gold—to increase its demand without at the same time increasing the supply of gold—would result in needless costs to the consumer in higher prices, to the manufacturer and retailer in less volume and lower employment, and to the government in a billion dollars in balance-of-payments losses. It would result in an unwitting "foreign aid" program for the Soviet Union, South Africa, and international gold speculators. The Russians would end up giving us fewer ounces of gold for more tons of wheat. It has been estimated that the price of gold might soar to between $100 and $150 per ounce. This would threaten the "official price" of gold of $42.22 causing unsettling speculation as to the value of paper currencies and the current international monetary arrangements. Even gold producers would be threatened, in that long-term production plans would be subjected to the danger that the world's central bankers—who hold fifty times the annual production of gold—might suddenly begin to unload their monetary gold stocks and bust the market.

Thus, to provide an orderly market and eliminate speculative excesses, it is necessary to increase the supply as well as the demand for gold. At the "official price" of gold, the U.S gold stock is about $12 billion; at current market prices ($90 per ounce), it is worth more than $25 billion. As I stated in my speeches in the Senate (January 16 and March 28, 1973), I am proposing that the Treasury begin an orderly disposal of this surplus gold by a free market auction of no less than 10 million ounces per year. This is only about 3 per cent of the existing stock and will leave the Treasury enough gold for "emergencies" past the year 2000. This move on the supply side will keep a more stable price of gold at between $50 and $100 per ounce for the next decade—and insure both a healthy incentive for gold producers in the U.S. as well as a more stable price for gold users.

As I pointed out in my March 28th speech:

(1) This legislation will fight inflation for gold users and their customers, affecting such things as wedding bands and class rings, other jewelry uses, dental and electronic needs. The high school and college graduate will not have to pay nearly double the price for his class ring.

(2) It will provide jobs to the gold industry whose 1700 firms and 65,000 employees are affected by inflated gold values and the restricted volume of production.

(3) It will improve the U.S. balance of payments by anywhere from $500 million to one billion dollars. U.S. industry now im-

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ports about 6 to 8 million ounces of gold annually at a cost to the balance of payments of more than $500 million.

(4) It will increase government revenues and reduce the need for a tax increase. The government has already begun disposing of its stockpile of more than $10 billion in other "surplus commodities". But the biggest "stockpile" of them all—the $25 billion in gold—represents a lot of "tax savings" that should not be forgotten. I am sure the American citizen would rather use his money for gold instead of taxes. (I might add reference here to my bill for the issuance of a gold "American Revolution Commemorative Coin" that would honor the revolution, soak up inflationary purchasing power, and certainly be more popular than a tax increase.)

ANSWERING ANY OBJECTIONS TO THIS BILL

The arguments for this legislation appear to be so obvious and over-powering that one has to look hard to find any objections to it—the arguments for the bill embrace national goals ranging from freedom and employment to fighting inflation, improving the balance of payments and increasing Treasury revenues to head off tax increases.

One objection by the Treasury has been that an "understanding" with certain European governments prevents the Treasury from selling gold outside the "official tier" of the "two-tier" system set up in 1968. The basis of this understanding is a simple "communique of finance ministers" five years ago. This understanding has *no* legal status in international law: (1) As virtually every other paragraph in this communique has been altered by the signatories, the paragraph limiting gold sales may also be changed, having depended on the continuance of the other paragraphs; (2) under the doctrine of *clausula rebus sic stantibus*, the understanding is dead in international law—that is, the events of August 1971 and early 1973 have so changed the world of international finance, especially in the inconvertibility of the dollar, that any earlier agreement based on a different world of facts is no longer binding.

In a choice between risking the personal feelings of one or more European finance ministers and in reducing the freedom and finances of the American public, the choice should be perfectly clear.

The other objection, that of timing of the legislation, I think is answered by the implementation date being set at January 1, 1975—or earlier upon the option of the President. Instead of being a hindrance to the government in its negotiations this summer leading up to the September meetings of the World Bank and International Monetary Fund in Nairobi, this legislation should give the President the tool that he needs. In this way it is analogous to the Administration's trade legislation, in that it enhances the Administration's bargaining power. Thus the Administration can assert the Congress has given it only to December 31, 1974—the end of the 93d Congress—to resolve the international monetary issues. Thus, this generous date should help, not hinder, the bargaining process. Above all, it gives the Administration and world the clear "sense of the Senate" as to its wishes.

ALTERNATIVE PROPOSALS BEFORE THE COMMITTEE

Other proposals before this Committee are not necessarily inconsistent with the purposes of my bill but are from a different perspective and fall within a different time frame. The distinguished Senator from Rhode Island has advocated the viewpoint that the Treasury should immediately begin to sell 8 million ounces of gold annually to the industrial users of gold by the auction method that prevailed before March 1968. I have no objection to this as a first step within the context of the passage of my bill to insure the right of all Americans to hold gold and to participate in Treasury auctions of gold. As the distinguished Senator from Rhode Island has already cast his vote for eventual legalization of gold holding by Americans, I believe he would join in this view.

There need be no dispute between the gold producers, the gold users, or for that matter, the Treasury and the American public. We all believe that gold is too beautiful to be left in the ground or in vaults where it no longer functions as money. Squirrels may prefer to dig up nuggets in one place and bury them in other places; but people should be smarter than squirrels. Now it is our time to prove it.

S. 1681

IN THE SENATE OF THE UNITED STATES

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Section 1. (a) Sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442 and 443) are repealed.

(b) No provision of any law in effect on the date of enactment of this Act, and no rule, regulation, or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold.

(c) The Secretary of the Treasury is authorized and directed to sell each year, from reserves held by the United States, not less than ten million ounces of gold by auction to bidders who are citizens of the United States.

Sec. 2. This Act shall become effective on January 1, 1975, or on the effective date prior to January 1, 1975, established therefore by the President and published in the FEDERAL REGISTER.

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By Mr. HARTKE (for himself, Mr. CRANSTON, Mr. BIBLE, and Mr. MCINTYRE):

S. 1682. A bill to amend the Foreign Assistance Act of 1961 to prohibit foreign assistance to those countries listed, not taking adequate measures to end illicit opium production, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. HARTKE. Mr. President, I am today introducing legislation to prohibit foreign assistance to those countries which refuse to take adequate measures to end illicit opium production.

Mr. President, section 481 of the Foreign Assistance Act authorizes the President to suspend military and economic assistance to those nations which he determines have not taken adequate steps to suppress dangerous drugs. The President fully embraced this responsibility on September 18, 1972, when he proclaimed, "Any government whose leaders participate in or protect the activities of those who contribute to our drug problem should know that the President of the United States is required by statute to suspend all American economic and military assistance to such a regime. I shall not hesitate to comply fully and promptly with that statute."

Apparently the President feels that there are no nations which continue to be lax in their control of heroin and other related hard drugs. And he most certainly must not suspect that some governments are completely ignoring drug traffic. The Congress, however, knows better. The existing situation demands application of those sanctions outlined in the Foreign Assistance Act if we are to be conscientious in our effort to end the drug problem in America.

Congressional study and journalistic research have brought forth incontravertible evidence that a number of governments are simply not complying with the requests of the U.S. government to vigorously suppress drug traffic. Yet no action has been taken by the President. In fact, the White House denies that their program of piecemeal efforts is insufficient, claiming that there have been "important breakthroughs—and huge seizures." These huge seizures amount to confiscating 29 tons of opium in Laos, South Vietnam, and Thailand. In the face of the total production of illicit opium in this area, the seizures amount to only 3 or 4 percent.

Congress gave the power to terminate economic and military assistance to the President only because we know that Customs agents and border patrols cannot single-handedly reduce smuggling of heroin. A General Accounting Office report stated, in reference to Customs operations, that—

> Although these efforts may deter amateurs and small-scale smugglers, they have not had and probably cannot have any real impact on the organized groups engaged in large-scale heroin smuggling.

Customs does act as a strong deterrent, but it simply cannot stop the main bulk of heroin reaching the streets of America, addicting our citizens, filling the coffers of organized crime, and accounting for nearly half of the crimes committed in our cities. Profits in the drug trade are enormous. A $100,000 investment by stateside financiers can yield $2 million within 6 months. Ten or 15 tons of heroin, originally costing $5 million will make a turnover for American dealers of $9.8 billion. With profits as high as this, as long as there is a source and a reasonably safe route of transit, there will most assuredly be successful smuggling of heroin into the United States to feed the veins of American addicts.

The logic behind section 481 of the Foreign Assistance Act was to stop heroin at its source. Perhaps the flaw in our legislation has been that the President alone is left to decide whether or not a government's cooperation has been adequate. As we know many of the countries in violation, this amendment lists them as offenders and automatically removes American economic and military assistance from them. It leaves the President to bear the burden of proof—proof that these countries are not in violation of our foreign assistance guidelines before he can resume assistance to them.

Gen. Lewis W. Walt, USMC (retired), as head of Special Task Force on the World Drug Situation, stated that Southeast Asia is providing 10 or 15 percent of the total drug traffic coming into this country. Because of its tremendous potential, however, Southeast Asia could eventually replace Turkey as the largest producer of opium in Asia with approximately 400 tons. Laos, however, accounted for nearly 100 tons, and Thailand for almost 200 tons annually. According to the State Department, heroin imports from Southeast Asia's "golden triangle" to the United States doubled from 1969 to 1971. These countries not only produce opium, but are the homes for many of the laboratories which convert opium into that more valuable and much deadlier commodity—heroin.

General Walt went on to say that—

> We know as a certainty that a lot of opium entering the illicit market is grown in the 'golden triangle,' or in Turkey, Iran, Afghanistan, Pakistan, and Mexico.

Iran stopped opium production in 1955, but resumed in 1969. Iran has a large addict population and this action was taken to stop traffic from Afghanistan and Pakistan as well as other economic reasons. The Iranian representative to the United Nations Narcotics Commission said, "Our economic situation has been so alarming we have been forced to take a unilateral decision" to resume production. The Shah has stated that Iran will end production when its neighbors do.

Afghanistan, however, continues to supply Iran with large amounts of smuggled opium. Pakistan, too, is a major smuggler of illicit opium, feeding markets in India, and Iran. While these countries are involved in localized traffic, rather than international traffic to the United States; the Cabinet Committee on International Narcotics Control of July, 1972, voiced a warning that the trade is well organized, and—

> If illicit supplies of opium from other sources in the world are cut back, these channels have the potential for moving South Asian opium into the international market.

The Turkish Government has taken decisive action in banning all opium production after 1972. This should effectively dry up Turkish sources. Mexico is the source of approximately 10 percent of the heroin smuggled into the United States and is the route of transit for 15 percent. The Mexican Government has established penalties under the Agrarian Reform Law for those who plant or permit the planting of opium. Penalties include confiscation of land and livestock. In addition, they have mobilized 10,000 troops for anti-drug operations, destroying more than 2,500 hectares of poppy fields.

Michel Lamberti, coauthor of "Les Grandes Manoeuves de l'Opium," after 2 years of studying all opium producing countries has said:

> Any underdeveloped country with a large unemployed labor force may start production. This could be the case, say, for various South American countries.

If we are to deter these underdeveloped countries from realizing their potential as opium producers and distributors, we must act boldly and decisively. Some have suggested paying subsidies to those foreign farmers who agree not to grow opium as we have done in Turkey. But from the Washington Post of February 18, 1973:

> American financial contributions to Turkey as part of the considerable political pressure to stop the cultivation of the opium poppy after 1972, offers no encouragement to other opium producing countries. Turkish authorities had estimated that stopping opium production would cost the country $432 million; U.S. contributions have amounted to $35 million.

Obviously, the cost of such subsidies to fully pay for opium produced in all countries would become extreme. Threats to begin production by those countries not now engaged might also become commonplace. We would be paying a tribute to tyranny—the tyranny of drug traffickers. The only practical and honorable deterrent to illicit opium production and sales is the imposition of penalties on those nations which refuse to cooperate. And the only penalty we can impose on a sovereign nation is the removal of American assistance. This line of reasoning was accepted by Congress when it gave the power of suspending foreign aid to countries not taking adequate steps to end illicit drug traffic to the President last year. By enacting this amendment to the Foreign Assistance Act of 1961, we will be vastly improving the procedural processes of the act, and serving notice to organized crime and governments which have not taken vigorous action against drug traffic that we will no longer tolerate the financial, human, or social costs that illicit drugs have brought to our people.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1682

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Chapter 8 of Part I of the Foreign Assistance Act of 1961 is amended at the end thereof by adding the following section:

"SEC. 482. RESTRICTIONS ON ILLICIT OPIUM PRODUCERS.—No foreign assistance shall be furnished (other than chapter 8 of part I, relating to international narcotics control), to Iran, Afghanistan, Pakistan, Burma, Thailand, and Laos.

If the President finds that any of the foreign countries referred to above has taken adequate steps to prevent the production and sale of illicit opium, he may ask Congress to waive the foreign assistance restrictions, and if Congress concurs, the restrictions shall not apply to that country.

"Foreign assistance" means any tangible or intangible item provided by the United States Government (by means of gift, loan, credit sale, guaranty, or any other means) to a foreign country.

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## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 31

At the request of Mr. HOLLINGS, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 31, authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians.

S. 136

At the request of Mr. SCHWEIKER, the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of S. 136, to authorize financial assistance for opportunities industrialization centers.

S. 400

At the request of Mr. HANSEN, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 400, to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums.

S. 440

At the request of Mr. JAVITS, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 440, the War Powers Act.

S. 795

At the request of Mr. PELL, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 795, to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

S. 909

At the request of Mr. HOLLINGS, the Senator from Arizona (Mr. GOLDWATER), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Tennessee (Mr. BROCK) were added as cosponsors of S. 909, amending the Federal Property and Administrative Services Act of 1949 to permit donations of surplus Federal property to State and local public recreation agencies.

S. 1076

At the request of Mr. HARTKE, the Senator from South Dakota (Mr. MCGOVERN), was added as a cosponsor of S. 1076, a bill relating to the authortity of the Administrator of Veterans' Affairs to readjust the schedule of rating for the disabilities of veterans; to the construction, alteration, and acquisition of hospitals and domiciliary facilities; to the closing of hospitals and domiciliary facilities and regional offices; and to the transfer of real property under the jurisdiction or control of the Administration of Veterans' Affairs.

S. 1105

At the request of Mr. DOLE, the Senator from Nevada (Mr. BIBLE), was added as a cosponsor of S. 1105, to provide income tax incentives for the modification of certain buildings so as to remove architectural and transportational barriers to the handicapped and elderly.

S. 1271

At the request of Mr. HUMPHREY, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1271, to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local and State levels of government.

S. 1408

At the request of Mr. HARTKE the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 1408, a bill to provide social security coverage for Federal employees.

S. 1424

At the request of Mr. SCHWEIKER, the Senator from Colorado (Mr. DOMINICK), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1424, to provide certain benefits for members of the Armed Forces and civilian employees of the United States who were in a missing status for any period of time during the Vietnam conflict.

S. 1455

At the request of Mr. PASTORE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1455, to increase the duty on rubber filament.



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S. 1517

At the request of Mr. RANDOLPH, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1517, to establish a national adoption information exchange system.

S. 1535

At the request of Mr. BELLMON, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 1535, to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys fees as a part of court costs in civil cases involving the Internal Revenue laws.

S. 1548

At the request of the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1548, to establish a Commission to review the proposed closing of any military installation.

S. 1579

At the request of Mr. DOLE, the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 1579, to provide for the demonstration of models of living arrangements for severely handicapped adults as alternatives to institutionalization and to coordinate existing supportive services necessitated by such arrangements, to improve the coordination of housing programs with respect to handicapped persons.

S. 1655

At the request of Mr. JAVITS, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 1655, to provide an additional judgeship for the western district of New York.

## SENATE RESOLUTION 105—SUBMISSION OF A RESOLUTION RELATING TO APPOINTMENT OF A SPECIAL PROSEQUTOR IN CONNECTION WITH THE PRESIDENTIAL ELECTION OF 1972

Mr. PERCY (for himself, Mr. DOLE, Mr. GOLDWATER, Mr. MATHIAS, Mr. JAVITS, Mr. CASE, Mr. SCHWEIKER, Mr. DOMENICI, Mr. BUCKLEY, Mr. CRANSTON, Mr. YOUNG, Mr. ROTH, Mr. GRAVEL, Mr. SPARKMAN, Mr. CLARK, Mr. RANDOLPH, and Mr. PACKWOOD) submitted a resolution (S. Res. 105) requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972, which by unanimous consent was considered and agreed to.

## ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 99

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Senate Resolution 99, pertaining to Senate confirmation of public ministers.

## EXTENSION OF AUTHORIZATIONS OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965—AMENDMENT

AMENDMENT NO. 94

(Ordered to be printed and to lie on the table.)

Mr. DOMENICI submitted an amendment, intended to be proposed by him, to the bill (H.R. 2246) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period.

## ENERGY POLICY ACT OF 1973—AMENDMENT

AMENDMENT NO. 95

(Ordered to be printed, and to lie on the table.)

Mr. HOLLINGS. Mr. President, on Tuesday, March 27, the Commerce Committee reported S. 70, a bill to promote commerce and establish a Council on Energy Policy and for other purposes (Report No. 93–114). The function of the Council is to improve capabilities for the collection and analysis of energy information, to coordinate the energy activities of the Federal Government and to prepare a long-range, comprehensive plan for energy production, utilization and conservation. This proposal would provide a single place for Congress and the President to seek energy information and policy recommendations. It assures that a single body has responsibility for examining the overall energy picture. The proposed Council would be accountable to Congress and independent of operating agencies.

Pursuant to an earlier agreement among the chairmen of the committees which have jurisdiction in the energy policy area, the measure was held on the calendar for 30 days to provide an opportunity for review and comment by the other concerned committees. I am pleased to report that the members of the National Fuels and Energy Policy Study established by Senate Resolution 45 (92d Congress) have examined S. 70 as reported and they have recommended a minimum of changes. The intent of the proposed language changes is:

First. To clarify the intention of the bill that the Council on Energy Policy would be a policy advisory group to the President, using his authority to coordinate Federal agency functions.

Second. To clarify the intent of the bill that the Council would promulgate guidelines for the collection of energy information and would be a focal point for policy analysis of energy data, and

Third. To amend the intent of the bill to reinforce the advisory relationship between the Council and the President.

To avoid confusion during floor consideration of this measure, I am today submitting an amendment to S. 70 which incorporates these language changes. I request that this amendment be printed and ordered to lie on the table.

It is also my understanding that the distinguished Senator from Montana (Mr. METCALF) intends to propose later an amendment that increases the General Accounting Office's responsibilities for the collection and analysis of energy data.

## AMENDMENT OF NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965—AMENDMENTS

AMENDMENT NO. 96

(Ordered to be printed.)

Mr. PROXMIRE proposed amendments to the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

## ANNOUNCEMENT OF HEARINGS BY THE SUBCOMMITTEE ON PRIVATE PENSION PLANS

Mr. NELSON. Mr. President, as chairman of the Subcommittee on Private Pension Plans of the Senate Finance Committee, I announce the plans of the subcommittee to hold public hearings and panel discussions on the subject of taxation of qualified pension and profit sharing plans and other deferred compensation beginning at 1 o'clock, Monday afternoon, May 21, 1973. The hearings will continue at 10 o'clock Tuesday and Wednesday mornings, May 22 and 23.

These hearings will consider, but will not be limited to, the issues of vesting, eligibility requirements—age and services—and portability, funding and termination insurance, fiduciary responsibilities of plan administrators and trustees, deductions in the case of self-employed, closely held corporations, subchapter S corporations, and professional corporations, tax treatment of lump sum pension and profit sharing payments and deferred compensation plans of exempt organizations. Comments also may be directed to specific proposals included in Senator CURTIS' bill (S. 1631), Senator BENTSEN'S bill (S. 1179), and also on the principles and policies embodied in S. 4 which has been reported to the Senate by the Senate Labor and Public Welfare Committee. Comments will be received on the subject of which agency or agencies of the Government are best suited to administer the various provisions regulating private pension plans.

The schedule of witnesses will be set forth in a subsequent announcement.

Requests to Testify.—Witnesses desiring to testify during this hearing must make their request to testify to Tom Vail, Chief Counsel, committee on Finance, 2227 New Senate Office Building, Washington, D.C., not later than Thursday, May 10, 1973. If for some reason the witness is unable to appear on the date scheduled, he may file a written statement for the record of the hearing in lieu of a personal appearance.

Consolidated Testimony.—I urge all witnesses who have a common position or with the same general interest to consolidate their testimony and designate a single spokesman to present their common viewpoint orally to the subcommittee. This procedure will enable the subcommittee to receive a wider expression of views on the subject of this hearing than it might otherwise obtain. I strongly urge that all witnesses exert a maximum effort, taking into account the limited advance notice, to consolidate and coordinate their statements.

In light of the Legislative Reorganization Act and in view of the large number of witnesses who desire to appear before the subcommittee in the limited time available for the hearing, all witnesses who are scheduled to testify must comply with the following rules:

First. All statements must be filed with the subcommittee at least 1 day in advance of the day on which the witness is to appear. If a witness is scheduled to testify on a Monday or Tuesday, he must file his written statement with the subcommittee by the Friday preceding his appearance.

Second. All witnesses must include with their written statement a summary of the principal points included in the statement.

Third. The written statements must be typed on letter-size paper—not legal size—and at least 50 copies must be submitted to the subcommittee.

Fourth. Witnesses are not to read their written statements to the subcommittee, but are to confine their 10-minute oral presentations to a summary of the points included in the statement.

Fifth. Not more than 10 minutes will be allowed for the oral summary.

Written statements.—Witnesses who are not scheduled for oral presentation, and others who desire to present a statement to the subcommittee, are urged to prepare a written position of their views for submission and inclusion in the printed record of the hearings. These written statements should be submitted to Tom Vail, chief counsel, Committee on Finance, room 2227, New Senate Office Building, not later than Friday, June 22, 1973.

## ADDITIONAL STATEMENTS

### THE BOMBING IN CAMBODIA

Mr. FULBRIGHT. Mr. President, in recent days I have received a number of letters from airmen stationed in Thailand or on Guam protesting the President's current policy on bombing Cambodia. These letters constitute an eloquent indictment of U.S. military activities in Indochina, and I ask unanimous consent that they be printed in the RECORD. I have, of course, deleted the names and unit identification in order to protect the writers from retaliation from the Air Force.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APRIL 17, 1973.

Senator J. W. FULBRIGHT,
*Washington, D.C.*

DEAR SIR: I am a B–52 gunner on temporary duty with my crew at Anderson AFB, Guam. After listening to all of the reports of the war being over and the troops coming home, I, as a resident of Arkansas, decided to write this letter to you, because for the aircrews and the support troops of the B–52 force it is not over and we are not coming home!

In April of 1972, my unit, consisting of two B–52G bomb squadrons, was deployed to Guam. And we have been here continuously since then.

Our announced mission when we come over was to stop the invasion. As you know, this was accomplished. Then we were told we would not be going home until there was a cease-fire in Vietnam. After the raids of 18 to 29 December, the cease-fire was signed and our troops and P.O.W.'s started returning home. We were told it would be at least ninety days after the effective date before we could leave.

We bombed right up to the effective date and then shifted to bombing Laos without a pause. We were then informed we would not be leaving until there was a cease-fire in Laos. After the cease-fire in Laos, there was a short pause and then we started bombing Cambodia! Now, as of yesterday, we have started bombing Laos again!

It is hard to impart to you sir, the frustration of being on continuous temporary duty with no end in sight. We come to Guam for 147 to 179 days. Then we are home for 28 days and back for another 147 to 179 days on Guam. This totally disrupts any semblance of family life. Most crews from my unit, including my own, are on their third straight trip. And as things are now, we have nothing to look forward to but returning to Guam again and again for extended tours of temporary duty.

I am concerned about our increasing involvement in Cambodia and Laos. I fear that we will get into another situation like the one that lead to the ten years of Vietnam. I am also concerned for myself and my fellow crewmembers should we fall into enemy hands. There is no doubt in our minds what would happen to us. I for one, sir, do not wish to die as a mercenary for a foreign dictator!

Another point is the enormous expense of flying out of Guam. This money could do a lot more good if applied to some of our problems at home.

I wish to commend you, sir, for your current efforts to have a legal end to this war declared. My fellow crewmembers and I stand behind you 100%. I urge you to investigate this situation further; to introduce and press for legislation that will limit the President's power to commit American forces without just cause. In order to prevent us from becoming involved in another Vietnam, such action is necessary.

In closing, I feel that after the massive raids to stop the invasion, the bombing of North Vietnam during 18 to 29 December, and the return of our P.O.W.'s that we have done our duty, and should be allowed to return to our homes and families. Why should we, our wives and loved ones be forced to undergo further needless separation, financial hardships, and mental anguish? Simply to prop up the regimes in Cambodia and Laos? There is no justification for us to continue bombing there. Why are we prolonging our involvement now that we have a chance after ten years to finally get out?

Please hold my name in confidence, as there may be retaliation from those in charge here, if they discover I have written you this letter. Thank you for your valuable time and consideration.

Respectfully Yours,

—— ——,
*SSgt., USAF.*

APRIL 18, 1973.

SENATOR FULBRIGHT: I am a B–52 navigator currently on temporary duty at Anderson AFB, Guam. I am writting to you to urge you to do your utmost to end our involvement in the continuing war in Southeast Asia.

I am on my 4th tour of duty here now and have over 400 days fighting this war. I have over 120 combat missions, an air medal with 5 oak leaf clusters, and have been recommended for a Distinguished Flying Cross for heroism for action over North Vietnam. I am not unlike most of our servicemen still serving in Southeast Asia.

My question is when has a man done all that anyone has a right to expect from him. I have put my life on the line numerous times over the past two years. The constant strain on my wife of both constant danger to me and our prolonged separations have her close to a nervous breakdown. Yet, although the Strategic Air Command's own doctors acknowledge the risk to my wife of yet another prolonged separation, I was recently forced to return again to Southeast Asia, and now face the prospect of possible serious mental problems for my wife. My situation is similar to that of many other personnel who are serving tour after tour after tour here. Many wives have already divorced their husbands, unable to take pressure. And the situations at home worsen daily.

Is this the thanks we get from our country and Mr. Nixon for serving our country so unselfishly for so long. I myself have over 6 years on active duty. We are no more now than a mercenary army fighting on the whims and discretion of only one man. The people are being denied their voice thru Congress as provided for in our constitution. Under what justification do we bomb a population merely upon the request of another government. We have no money at home for needed social programs, but we spend millions daily to bomb thousands of innocent civilians who have never done anything to us. Many, if not most, of the B–52 crew members are tired of killing for no reason, but they do not have the means to make their voices heard. We think we deserve the chance to patch up the many personal problems we all have that were created by these many years of war. If Mr. Nixon will not stop this insanity, then the Congress and the people must. How many bodies must there be, ours and theirs, before we get out!

You have my permission to use all or any part of this letter as you see fit. Please, however, withhold my name to protect me from possible repercussions from the Air Force. Thank You!

Sincerely,

—— ——,
*Capt., USAF.*

MARCH 30, 1973.

DEAR SENATOR FULBRIGHT: Until I heard your justified criticism of the Administration's viewpoint on the bombing in Southeast Asia, namely Cambodia, my decision as to whether or not I would write was merely a confused debate. However now that I know where you stand I've decided to pour it all out.

Senator Fulbright, we are wrong for the continued slaughter but are afraid to admit it. Because of the amount of people who have their hands in the "profit pot" we have found ourselves unable to get out of our web.

The main concern for my writing is for the men who still remain on Guam flying and bombing daily as if the war were still in full swing. With the idea that we came here to help free our POWs we feel even more misused and abused now that they are home and we're still here. What purpose are we serving? Most of the men including myself have been here for ten months or more, away from our families for six months, home for thirty days and back again, only to see our efforts go wasted.



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What now? Ground crews no longer care whether or not their planes are safe and operational. Flights of crews do not wish to fly wasted missions and consequently abort when given the opportunity. If this operation is allowed to continue someone is going to lose his life needlessly.

To give you an idea of how ineffective our bombing is let me tell you about a mission I was on last week. I hope you will retain this in strict confidence. . . . This Senator Fulbright, is the kind of job we are doing over here.

I hope and pray you can do something to help relieve our situation.

Thank you for your time.

Sgt. —— ——.

Note.—POGs never have a nice day. Prisoners of Guam . . . Don't let them be forgotten!

——

DEAR SENATOR FULBRIGHT: I am writing to you because you seem to be one of the few men who realize that the Indochina war continues. I am not from Arkansas, but I feel you can best serve my interests as well as the interests of thousands still actively involved in this supposedly terminated conflict.

I am a B–52 crew member and have been overseas since Feb. '72. I have and will continue to fight when there is a purpose, but the current bombing of Cambodia is unwarranted and assinine. I have several specific complaints that I hope you will be sensitive to:

(1) We, here at Andersen AFB, were flying bombing missions to Cambodia when the entire job could easily have been done from Utapao, Thailand. The Utapao bombers were flying with partial loads of bombs when they have the capability to hit all assigned targets by flying *less* than our normal number of sorties. It is nearly 3 times as expensive to fly out of here. I didn't realize government funds were so expendable.

(2) What is the justification for bombing in Cambodia? Is there a written agreement to your knowledge? This could go on indefinitely!

(3) Why are there still 200+ bombers overseas now when this number was ample for Laos, Vietnam, and Cambodia at the height of the war? The expense of temporary duty on this large a scale must be phenomenal. Money spent through necessity is justified, but this approaches ridiculous.

(4) SAC has many crew members who have been home for the past 6–12 months for the purpose of upgrading to the next higher crew position. The fallacy with this is that there was and still isn't openings in school for many of these people. Those of us who have been gone (temporarily) for over a year have done the entire job while those at home have received little or no training to date. This group is a useless resource. This seems like a poor way to manage a team of professionals. This is not an assumption I know several examples personally.

The Air Force is losing a great many good people because of these and other injustices and inequities. Increased pay does not compensate for this type of treatment. This does not seem at all in line with the all volunteer force concept. I, like so many of my contemporaries have abandoned any thought to a service carcer as we had hoped for.

I found it very difficult to remove anger and contempt from this letter, so I didn't. I know you don't have solutions to all the problems mentioned, but I hope you have a picture of the present situation from a serviceman's point of view. I know you are a busy man, but I would truly appreciate a reply if time permits. I admire and respect your stand on events and situations that should be questioned. This is one of the reasons the United States is a world leader and why I'm so proud to be an American. I know total justice is not obtainable, but some things in this war must be justified. Thank you.

Sincerely,

—— ——,
*Capt., USAF.*

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APRIL, 1973.

SIR: This is the first time that I have felt it necessary to write a congressman, but I am soliciting your support to get we B–52 crew members back home.

I am a crew member who has been on temporary duty (TDY) on Guam for over a year now. During that time, I have seen my family for 57 days (30 days in July 72 and 27 days in Jan./Feb. 73), and there are many people who have been here longer than me. What is most discouraging is that we thought we were going home when the peace agreement was signed. If not, then surely when all the POW's were freed. Instead, we are bombing in Cambodia, just as we did in Viet Nam.

I would think that we learned our lesson for getting involved in Viet Nam. But here we go again in Cambodia, and I hear on the news that President Nixon is considering going back into Viet Nam, and maybe even North Viet Nam: Bombing Hanoi in December was one thing, but going back there, after our POW's have been freed, is something else.

I feel that we B–52 crew members have done the job this past year that we came to do and deserve to return home. A few months ago we began calling ourselves the P.O.G.'s (prisoners of Guam). It started as a joke, but with each passing day, it takes on more meaning.

Your help in getting the B–52's and crew back home and out of this useless involvement in Indochina would be greatly appreciated by me, my wife and girls, and my fellow "prisoners of Guam."

Sincerely,

—— ——,
*Major, USAF.*

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APRIL 10, 1973.

Hon. J. W. FULBRIGHT,
*Chairman, Foreign Relations Committee,*
*Washington, D.C.*

DEAR SIR: My name is —— —— and I am a co-pilot presently flying combat missions against Cambodia in the B–52D aircraft out of U-Tapao, Thailand. Daily, we are dropping between 42,000 and 55,000 pounds of bombs per bomber on something all over Cambodia; we are programmed against twenty targets a day, each target being hit by three B–52s. All of this heavy bombing (you will note that the above facts pertain to B–52s only—TAC air strikes are numbering 150+ a day) is going on at the specific request of the Lon Nol government of Cambodia.

I was very interested in reading in The Stars and Stripes where you were heading an investigation as to the legality of our bombing operations in Cambodia. For the past few days, however, I have been able to find nothing to report on your progress or your success. Sir, if there is one point that must be emphasized in this letter, it is expediency in curtailing this bombing blitz of Cambodians for Cambodians. For every day that your investigation does not push forward at the maximum rate, people are being killed and the possibility of new POWs is enhanced.

Saturday marks a bad day for all of us (7 April). The first U.S. Air Force pilot was killed in Cambodia; two ICCS helicopters lost over South Vietnam with 16 men missing or dead. If you can, sir, write to us who are still over here, wearing this senseless war around our necks daily, and provide us with the rationalization to continue to perform these circus acts on the whims of Washington.

One of the happiest and most meaningful days of my life was when the first load of POWs returned from Hanoi; the gladness returned every day another group stepped on to American soil. The morale of everyone was peaked during those days because with the return of the POWs and the removal of all U.S. forces from Vietnam, the war was OVER. What else was there to remain over here and fight for? The peace accords were signed, sealed and delivered. But here we are, still bombing, still carrying on these ridiculous TDY tours of five months on Guam or at U-Tapao, one at home in the states, and back again. Some crewmembers are on their FOURTH rotation! Why??

Believe it or not, sir, most crewmembers and supporting personnel have families. Families need fathers and husbands. Do you have any idea what this kind of separation is doing to those of us who do have wives, and children? An average of two months a year with your loved ones seems a little too much to ask, extra pay or no extra pay. Most commands operating over here have a limit to their SEA tour length—most have a duration of one year. When they are finished with their tour, they go home and stay home. SAC, of course, has their own way and sets up Indefinite TDY, interprets the regulations to fit their needs, and then wonders why the morale is not high. SAC is forcing many to bring their families over; I had to take out a $2000 loan to finance my (family) to come over, and now it looks like they will have to go home early or else we go to the poorhouse. This kind of predicament embitters deeply those subjected to it, and I'm afraid the exodus of talented AIR FORCE officers and young enlisted people out of the service might prove crippling. If not, and if this is some macabre ploy to drive officers from the service, I guarantee its success; the backlash will be evident, though, when many of the young officers the Air Force has counted on keeping quit also.

The avenues of escape from this travesty are extremely limited for us. The only sure way is to make final a date of separation, and then have been in the service long enough to leave within the coming weeks. To quit would mean suffering intolerable consequences. The opportunity of staying home while others come in your stay is still falling short of what is desperately needed: the complete withdrawal of all forces from Indochina and the abandonment of our present policies of "Dial-A-B-52-Strike-Whenever-And-Wherever-You-Want." You must know that this plea is not a one man show. The majority of the crew force presently engaged in these operations are tired and fed up with the entire affair; perhaps it is a numbness or maybe despair which keeps the situation less volatile. More likely it is the hopelessness of fighting city hall. We extend to you, a servant of the people, a petition of hope that you will work hard within your power to enlighten both the people of America and the leaders who represent them that further activity in Indochina is foolhardy and suicidal, and a damn waste of human life and dignity.

Sir, I leave you with the knowledge that you may call upon me and most of my fellow crewmembers to help you in any way to stop this bombing. It has come to the point where our consciences are weighing heavy. I await word that you at least received this letter. Thank you for your time.

Sincerely,

—— ——,
*Lt. USAF.*

## THE PRESIDENT'S MESSAGE

Mr. GOLDWATER. Mr. President, I am sure the Members of this body are fully aware of my belief that much of the trouble we are having today with high prices and inflation stems from actions taken by the Senate and the House while under the control of Democrat liberals who gave us 40 years of extravagance and higher taxes. This matter was touched on some weeks ago by President Nixon when he told the American people they would have to decide whether they wanted more Federal services with more taxes or more inflation.

One of the most cogent editorials I have yet seen on this subject was published March 30, 1973, in the Seymour, Ind., Daily Tribune. I ask unanimous consent that this editorial entitled "The President's Message" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S MESSAGE

Thursday night the President of the United States delivered a most unique message to the people. It dealt with the Vietnam situation, food prices and the importance of the United States in the world today. Following the talk the TV people were interested in only the Vietnam position and how this message would affect the U.S. in the world today.

In our opinion the TV critics missed the most important political first in our nation's history. Mr. Nixon's reference to increased prices directly placed the responsibility upon the federal government. He stated that the United States citizens had to make a decision of whether they wanted more services with more taxes or more inflation.

The President made it clear there was no choice. In our memory this has been the first time any political leader has stated this. Normally political figures find other scapegoats upon which to lay the blame—either business or labor—depending upon their political dependency.

Mr. Nixon, for the first time of any major political office holder, laid it on the line. What does the public want—increased taxes or increased inflation. He offered the correct alternative—sensible government spending. He has advocated this and incurred the ire of the Congress by vetoing major spending bills which will add to inflation. He has challenged Congress on this point and made it perfectly clear that the irresponsible spending of the Congress will not be tolerated.

Congress, mostly, has not seemed to have received the message. They still seem to think that we can spend, spend, spend, inflate, inflate, inflate ourselves out of any problem. They seem to refuse to accept Pres. Nixon's idea that programs which have at least 75 cents out of every tax dollar going to administrative costs and salaries, should be eliminated.

We are proud that the United States has achieved peace with honor and did not abandon our POW's and the free people of South Vietnam as the liberal doves of Congress urged. But we are more proud that Pres. Nixon has called a spade a spade and has said that inflation is permanently caused by the government spending more than the government takes in. In our recollection this is the first time a President of the United States has ever correctly blamed the federal government for inflation.

With a stable dollar, high prices by manufacturers and high rates by labor will soon be eliminated by competition. We urge you to write your Congressman and Senators very demanding letters asking that a sensible federal spending program be adopted—a program which will not add to taxes or inflation. There is no other solution.

It is your choice—you, the voters of the United States. Don't scream about the price of meat, the price of homes, the price of cars to each other—scream to the men who cause it. And the men who cause and can control it are those men you elect to the House and Senate of the United States. They are the ones who overspend and are the real villains of inflation—not the carpenter, not the auto worker, not the steelworker, not the farmer, not the manufacturer, but those in Washington who still think they can buy votes for re-election by spending more than they earn. Can you do it? Ask the collection bureaus.





## THE 58TH RECIPIENT OF THE SPINGARN MEDAL

Mr. CRANSTON. Mr. President, as Senator from California I am deeply pleased to note that our State Superintendent of Public Instruction, the Honorable Wilson Riles, has been selected as the 58th recipient of the Spingarn Medal, awarded annually by the National Association for the Advancement of Colored People.

He will receive the medal at the association's Indianapolis convention July 3.

I believe the NAACP, through this important award, has recognized a distinguished public servant with an outstanding record of service. He began his public career as a teacher. By 1970, he had become California's education chief, moving ahead rapidly to meet the problems facing education in our State and working hard for better education for all our young people.

His accomplishments are many. He has been successful in passing a sweeping new school finance law. He has spearheaded an early childhood education program, now law, which will revolutionize elementary education in the State. He has reordered the priorities of our State education department and has restored the nonpartisan atmosphere of the department.

The Senate will soon have before it the nomination of Dr. Riles to serve as a member of the National Council on Educational Research, the advisory body to the new National Institute of Education. In that connection, and for the general information of Senators, I ask unanimous consent that there be printed, at the conclusion of my remarks, the announcement from the National Association for the Advancement of Colored People concerning the award to Dr. Riles.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

RILES, CALIFORNIA EDUCATOR, TO RECEIVE SPINGARN MEDAL

NEW YORK.—Wilson C. Riles, state superintendent of public instruction in California, has been selected as the 58th recipient of the Spingarn Medal by the National Association for the Advancement of Colored People, Dr. Riles will be presented the medal on the second night of the NAACP annual convention in Indianapolis on July 3.

The announcement of Dr. Riles' selection was made by Bishop Stephan G. Spottswood, chairman of the NAACP Board of Directors. The medal was started in 1914 by the late Joel E. Spingarn, then chairman of the NAACP Board, and is given annually to an American of African descent who has achieved highly.

The selection of a winner is made by a committee which considers several nominations. The NAACP Annual Convention will be held July 2 through 5 in the Indiana Convention-Exposition Center.

Since his election as school superintendent in 1970, Dr. Riles has established a distinguished record. He boldly reordered priorities to make education of the state's children the most important function of his department.

He restored the non-partisan, non-political nature of his office and pulled together the diverse factions within the educational field with exceptional administrative skill.

Consequently, it is widely recognized that public education in California has been significantly improved. The most recent tribute to this achievement was the award of the Berkeley Citation to Dr. Riles by the University of California on March 29. The citation is the highest award that the university can bestow.

Dr. Riles was born on June 27, 1917, in a backwoods Louisiana saw mill camp where turpentine was distilled from resin. He was an only child and was orphaned at the age of 12. Thus, as a poor country boy, he had to start working early for a living in the camps.

He was raised in the African Methodist Episcopal Church. He survived a difficult childhood to attain distinction in life by learning early to discipline himself. An old bachelor with whom he lived, he recalled, counseled him that, "The test of a man is doing only what you should do."

Despite being raised in a segregated society, he further learned to "judge each individual, regardless of race, on his own." All his life, he said he found many whites who not only played fair, but also fought fair.

He was guided by this belief when he ran his first race for elective office in 1970 and proved again that whites would vote for a black candidate on merit only. His opponent then was arch-conservative Max Rafferty.

He began his professional career as a teacher and rose to administrator in the Arizona public school system. At the end of World War II he began a three-year career in the Army Air Corps. Upon his release, he began working on his master's degree in 1947.

In 1958 Dr. Riles joined the California Department of Education as a consultant. Seven years later, he was appointed to head the federal $100 million a year Compensatory Education Program, which was to aid poor children. At the same time, he was invited to serve national governmental committees and task forces.

Soon after accepting Mr. Rafferty's offer to become his deputy, Dr. Riles found that he was in the right place but on the wrong team. But he bided his time until the opportunity arose for him to make a bid for his boss' job.

He surprised himself by getting 25 per cent of the vote in a three-way primary compared to Rafferty's 48.6 per cent. He then went on to trounce Mr. Rafferty in the final elections by gaining 3,250,000 votes.

For the past 32 years, Dr. Riles' pillar of strength has been his wife, Louise. They have four adult children, three boys and a girl.

She has encouraged him to move on from positions, she explains, when she found that "It's time for you to move along." But when the time came for him to make his bid for the superintendency, the decision was his alone.

As head of the state's four-and-one-half million student system, Dr. Riles sees himself as an educator and not a politician. "Education is all I really know. This is a higher office than I could ever have thought of holding in my wildest dreams. It is more than enough for me."

But the greatest lesson he has for his race is that, "A black man really is a leader only when he leads all people."

XUM

## THE L. MENDEL RIVERS AWARD PRESENTATION TO REPRESENTATIVE F. EDWARD HÉBERT, OF LOUISIANA

Mr. THURMOND. Mr. President, it gives me great pleasure to announce to the Congress that F. EDWARD HÉBERT, chairman of the House Armed Services Committee, has been presented the L. Mendel Rivers Award by the Noncommissioned Officers Association of the United States of America.

Congressman HÉBERT was formally presented with the award last April 20 at the annual international meeting of the NCOA in San Antonio, Tex.

Mr. President, few men in the Congress have so distinguished themselves as has the great Representative fro mthe First District of Louisiana. He has served in the Congress longer than any individual from that State and is in his 33d consecutive year having been elected successively to the 77th through the 93d Congress.

Through this period of service he has stood firm for all the high ideals that our forefathers held sacred. He has provided sound advice to his colleagues and outstanding leadership to his constituents, his State and Nation.

While he has distinguished himself in many ways his great career has been highlighted in recent years through his service as chairman of the powerful House Armed Services Committee.

As a successor to my late friend, L. Mendel Rivers, it is fitting that Congressman HÉBERT be presented with the award established by the NCOA to memorialize the late chairman of the House committee. Certainly Mendel Rivers trusted EDDIE HÉBERT with the tough tasks that fell to that committee during his chairmanship. Today, Congressman HÉBERT is providing for the Nation the same strong leadership in the area of national defense. All of our citizens will benefit in the years to come because of the solid stand taken by Congressman HÉBERT in insisting that this country maintain a national defense second to no nation. I personally salute him as a patriot and leader of the first order and extend to him my heartfelt congratulations upon his selection for the NCOA award.

The NCOA has grown rapidly in membership since its early years. In just the past year the membership has more than doubled from 60,000 to 134,000. In that year, the NCOA has also steadily increased its active participation in legislative matters and I had the privilege, on April 24, of officially opening its National Capital office located in Arlington, Va. So it is with added experience and on-the-spot evaluation that the NCOA presented its second annual L. Mendel Rivers Award to my friend and colleague, the Honorable F. EDWARD HÉBERT.

Offering the introduction to the presentation of the award was Sgt. Maj. Mack McKinney, U.S. Marine Corps, retired, the association's director of legislative affairs. Sergeant Major McKinney's remarks were as follows:

### A GREAT AMERICAN

Mr. President, members of the International Board of Directors, distinguished guests, fellow non-commissioned and petty officers of this great Association, members of the auxiliary, ladies and gentlemen.

This evening I am honored and privileged to offer the introduction to the presentation of the Non-Commissioned Officers Association's most prestigious and coveted award, the L. Mendel Rivers Award for Legislative Action.

Two years ago the International Board of Directors voted to establish this annual award. It was to be an expression of gratitude to a member of Congress, who by his or her dedication, loyalty and patriotism, most closely followed the concept of our Association's purpose ". . . To uphold the high morals, the patriotic responsibilities and love of country, so vital to the success and growth of our great nation."

On May 25, 1971, The Honorable F. Edward Hébert, Chairman of the House Armed Services Committee introduced the award to Congress. The text of his remarks were as follows:

"Mr. Speaker, we are aware of the continuing interest shown by the Non-Commissioned Officers Association of the United States of America in matters legislative by their periodic correspondence with regards to various actions which affect the military services and indeed the general welfare of this great nation.

"They endeavor to keep their world-wide membership informed in these matters through the medium of their monthly publication, NCOA Journal, and they encourage their members to accept the challenge of an American citizen to cite his individual views to his Congressman.

"The attentiveness to legislative action by the NCOA is encouraging to me, as I am certain it is also to many of my colleagues. They have allowed us the opportunity of their collective thinking concerning such subjects as consumer protection and truth in lending statutes, dependents medical care, recomputation of military retired pay, the Hubble Pay Plan, retirement credit for enlisted Reservists, integrity of the American flag, social security versus veterans pensions, the Cold War GI Bill, servisemen's widows equity, various military pay bills, and many others.

"As an honorary member of the Noncommissioned Officers Association, it is my privilege to announce that this fine organization being acutely aware of our actions through their legislative committee, has initiated an annual award to be presented to the legislator who, in their opinion, is most worthy of recognition for his efforts in furthering the ideals of democracy, freedom, and patriotism on behalf of our beloved nation.

"The award will be known as the L. Mendel Rivers Award for Legislative Action, and I can think of no title more appropriate or meaningful, both as a coveted honor and memorial to a great legislator.

"In conclusion, I ask that each of you join in commending and extending thanks to the NCOA for their continued interest in the workings of the democratic process, and especially for their thoughtful, valuable, and honorable gesture in memory of our late colleague, L. Mendel Rivers."

Our recipient of the 1972 award was probably unaware that he was referring to his own qualifications in the contents of this introduction to Congress—for he is a legislator most worthy of recognition for his efforts in furthering the ideals of democracy, freedom and patriotism on behalf of our beloved nation.

Those of us who are acquainted with him are well aware that he encompasses the qualities of a great American. He is at times as expressive as John Hancock—who wrote his name in broad strokes upon the Declaration of Independence so that one and all could easily attest to his faith in our new Government. He is at other times as humble as President Abraham Lincoln. Still he can be as turbulent as President Harry S. Truman. In fact, he is a composite of many of our great statesmen: President Washington, Thomas Jefferson, Patrick Henry, Theodore Roosevelt, Benjamin Franklin, as well as those I have mentioned earlier.

He has stepped from a humble beginning in New Orleans to become a newspaperman, city editor, then on to the Congress of these United States. Elected to the 77th Congress he has continued to serve his Nation for many years, and upon the death of his colleague, the Honorable L. Mendel Rivers, moved into the chairmanship of the House Armed Services Committee.

Alike to his friend Mendel Rivers, the new chairman continued to bring greater glory to the committee. He was, however, his own man, and was forced to overcome the admiration and affection for his predecessor that constantly overshadowed him on Capitol Hill. Without discredit or dishonor to his friend, our distinguished Congressman proved to one and all that he was a separate entity, dedicated to the principles that were founded by his former colleague, but recognizable as a man who possessed equal qualifications; determination, dedication and a free spirit.

In doing this, he has been praised and cursed, idolized and deplored, congratulated, and censured. But through it all he has accomplished much for all of us—for every citizen of these United States.

He has at times thrown politics to the wind and programed many items of legislation benefitting the military, the service member, and most of all our great Nation.

Perhaps the philosophy of tonight's honored guest may be summed up in the words of General George Washington in an address to his troops before the Battle of Long Island in July, 1776. General Washington stated: The time is near at hand which must probably determine whether Americans are to be freemen or slaves; whether they are to have any property they can call their own; whether their houses and farms are to be pillaged and destroyed, and themselves consigned to a state of wretchedness from which no human effort will deliver them. The fate of unborn millions will now depend, under God, on the courage and conduct of this army. Our cruel and unrelenting enemy leaves us only the choice of brave resistance, or the most object submission. We have, therefore, to resolve to conquer or die."

How befiting these words are today in a world besieged by communism and the threat of a growing, ever-powerful Soviet strategic and conventional war machine. Our only hope is to provide an adequate and more powerful deterrent by maintaining an armed force second to none.

Tonight's recipient of the Non-Commissioned Officers Association's L. Mendel Rivers Award for Legislative Action, is constantly striving to fulfill that need. He continues to do all in his power to ward off those who cry we need not an adequate Army, Marine Corps, Navy, Air Force, or Coast Guard to defend our shores. He uses his ability to do what is good for this country—and God-willing, will carry on that battle for many years yet to come.

Our Nation needs men like him—we need the spirit and the courage he possesses—the determination to keep America strong and independent. Yes, my friends, we cannot do without men such as he who places the needs of the country above all material things.

Tonight the Non-Commissioned Officers Association salutes this great American. We are even more proud as he is one of the first of our distinguished honorary members. He has stood by our Association through its growing stages; he has been truly a dedicated and loyal supporter of the Non-Commissioned and Petty Officers Corps; he has further been an advocate of keeping our Armed Services strong and lean; but most of all, he has devoted himself to the preservation of our beloved nation.

Ladies and Gentlemen, I now have the further honor and privilege of calling upon our President, Mr. Jimmie L. Pfeffer, who will present the coveted L. Mendel Rivers Award to the most Distinguished Chairman of the House Armed Services Committee, the Honorable F. Edward Hébert of Louisiana, an honorary member of the Non-Commissioned Officers Association of the United States of America."

Mr. President, in closing I would like to add that many Americans join with the NCOA in recognizing the achievements of Congressmen Hébert. His life has been devoted to public service and he richly deserves this honor from the men who have defended our nation so well, the Non-Commissioned Officers of America.

## MORE SUPPORT FOR THE JACKSON AMENDMENT

Mr. CRANSTON. Mr. President, I would like to bring the attention of the Senate to a resolution adopted by the California Legislature.

The resolution calls on the President and the Congress to deny most-favored-nation status to countries "which prevent their citizens from emigrating freely by requiring the payment of ransom taxes".

Clearly, expressions of concern from Americans all across the country have contributed to the recent suspension of the odious emigration tax in the Soviet Union. Now is the time for the Soviet Government to demonstrate its good faith by going one step further—abandoning the practice of harassment and intimidation of those who seek to emigrate, whether or not they can afford to pay a tax.

Mr. President, I ask unanimous consent that California Assembly Joint Resolution No. 15, relative to East-West trade relations, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

ASSEMBLY JOINT RESOLUTION No. 15

*Relative to East-West trade relations*

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President to support, and the Congress of the United States to enact, legislation to amend the East-West Trade Relations Act of 1971, so as to deny most-favored-nation status to countries which prevent their citizens from emigrating freely by requiring the payment of ransom taxes; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Senator Henry M. Jackson and Congressmen Charles Vanik and Wilbur Mills, and to each Senator and Representative from California in the Congress of the United States.

## RESPONSIBILITIES OF THE NEWS MEDIA IN A FREE SOCIETY

Mr. GOLDWATER. Mr. President, contrary to the impression created by some segments of the news media, some of the responsibilities of the news media of the soundest thinking on the subject in a free society has been done by Vice President SPIRO AGNEW.

And in these days of instantaneous communication, I believe more and more attention needs to be given to this subject.

I wish to make it clear, Mr. President, that I am fully aware of the need to protect the freedom of the press. But, I also believe this freedom carries with it some very definite responsibility. And my experience has taught me that not all members of the news media live up to the responsibility bestowed on them by the U.S. Constitution.

Vice President AGNEW has ventured to voice criticism of the news media several times in the past. And each effort, regardless of how well-reasoned, has been greeted with cries of "repression" and "intimidation" on the part of some members of the media. Nevertheless, the Vice President has stuck to his guns and refused to be cowed into silence. Just recently—on April 12, 1973—for example, Mr. AGNEW addressed the April Freedom Forum at Harding College in Searcy, Ark., and repeated his contention that "advocacy journalism more than any other factor has caused the current ill-feeling between Government officials and the opinionmaking media." As the Vice President explained it:

What advocacy journalism ultimately causes is a dispute between a government position and a reporter's position. Traditional journalism positioned the reporter in the stance of an arbitrator—a referee whose only interest was in dredging the truth from two or more contesting political viewpoints. Advocacy journalism makes him a salesman for his point of view.

The Vice President believes that an awareness of their power has caused some newsmen to reinterpret their role in our society. He pointed out that where once journalists believed their job was to report what happened; today, the view increasingly means to be that the media should control the public reaction to what happens.

Because of its extreme importance, Mr. President, I ask unanimous consent that the Vice President's speech at Harding College be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

I am very pleased to have the opportunity to address this 36th Freedom Forum. In selecting "Responsibilities of the News Media in a Free Society" as this year's theme, the N.E.P. Board of Directors and the Forum Advisory Committee have locked horns with a volatile and controversial subject—one that frequently is treated with much heat and little light. And now that this enraged bull of a subject has been led into the arena, I will engage him with the caution of an experienced matador. I could not ask a better audience than you at Harding College, who have achieved national recognition for your serious and perceptive consideration of important issues. Now, I do not hope to be awarded the ears or the tail for this performance. I would be satisfied if, somehow, the bull became a little more tractable as the result of this venture.

Let me begin by emphasizing my conviction that free and unintimidated news media are essential to a free society. That is not only my conviction and my position, but the position of the Nixon Administration. I state that position with full knowledge that some well-known personalities in the opinion-making media believe and state flatly that the Nixon Administration is committed to their demise through a grand conspiracy to destroy their credibility. We are exerting, they are fond of saying, a "chilling effect on first amendment freedoms."

Now I am not challenging the sincerity of these individuals; I merely say that they are wrong in that conclusion. The idea of interference with the free flow of information to the American people, by Government or anyone else, is repugnant to me. In my speech in Des Moines about the networks. I suggested that greater diversity of opinion, not censorship, was needed in television news. We need to see more sides to a controversy, not black-out the matter entirely. We need to hear more commentators, not less commentary. And, above all, we need some method of assuring that the important events of the day make the network news. Such a small number of network news editors, having common interests and frequently common politics, cannot be aware of the broad interests of the American people. I do not accuse them of any conspiracy, but I do suggest that they are affected by the same peer group prejudices, business interests and loyalties that we are.

You may remember that I spoke a while back about "opinion-making media." I want to be sure you understand what I mean by that term. I do not refer to the typical newspaper or radio or television station. By "opinion-making media," I mean the media of more than local impact—the large newspapers and magazines which cover the Nation and the world with their own personnel—the networks—the wire services. Through their resources, multiple ownerships and wealth, they exert a clout far in excess of any combination of small media—even a combination with hundreds of times their circulation.

It is significant that most of the cries of "repression" and "conspiracy" which are being mounted today against the Nixon Administration come from the opinion-making media. Very few editors and station owners around the country share their fears. But, again, I do not doubt the genuine concern of these critics in the opinion-making media. They do not trust the Government to be fair to them, but we do not think they have yet diversified their undertaking sufficiently to fairly report the activities of Government to the American people.

At the base of their concern is the power of Government—the power to regulate or legislate them to impotence and ultimately to destruction. But is this a logical concern? Governmental power is already diversified; Government is already a conflict of interests in itself. Republican President vs. Democratic Congress. Executive Branch vs. Legislative or Judicial Branch. Liberal vs. Conservative. These diffusions are all safeguards against a monopoly of interest or power cartel in Government. Moreover, the incumbency of an elected leader in Government is limited by law. Power is limited to a term of office. So I would have to say that such fears of unabridged power are mainly fantasies. The media are protected by the Constitution and the American system. Their freedom to rage at us with accusations of censorship, repression and McCarthyism is adequate proof that the alleged "chilling effect" or threat to their freedom is fictional.

At the base of our concern lie several interrelated changes in media patterns and attitudes. These changes have occurred mainly during the past fifteen years and have led to the emergence of the opinion-making media as a formidable social force in our society.



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Consider this statement by one of the Nation's most famous TV anchor men. He says—"In a highly organized, crowded and complex society, freedom must be taught. Liberty must be learned." The natural questions are "taught" by whom? And "learned" by whom? The commentator makes it clear that it is the media's function to do the teaching, and the American people's role to do the learning. Yet it is about the same American people whom this commentator says: "What I worry about is that many Americans would accept Fascism and believe there is justice in it."

I submit that he can stop worrying now. The American people just aren't that naive. But what is troubling here, beyond this misreading of the American character, is the mind set which gives rise to it. And this mind set is the essence of advocacy journalism. Its practitioners, seeing a given result as right, act more in the style of lawyers developing a brief than as reporters. They ferret out and publicize principally those facts which support their own points of view—points of view which are considered by them to be revealed truth and the only ones that should be presented to the American people.

In recent years, many of these views have tended to be anti-Government. Recall for a moment the quality of the news we became accustomed to receiving from Vietnam and imagine that you are listening to a commentary on the war by CBS correspondent John Hart, who had this to say in an address given last summer: ". . . we, as a matter of course, refer to the North Vietnamese and the Communist guerrillas in South Vietnam as 'the enemy' when they are, in fact, the enemy of the Saigon government and the American executive branch."

Now just consider that statement and decide for yourself whether the man who made it could possibly remain objective in his reporting of the war news. And given a group of men with similar views in control of the news selection process, what chance is there of getting an accurate message across to the people?

And this brings us to the crux of the problem, a problem that is one of the most serious we face today. Note carefully the separation made by Mr. Hart between the Executive Branch and the American people. Then analyze the close relationship he suggests between the media and the American people, a relationship almost casually referred to in a recent article by two other distinguished journalists, in which they allude to "a representative of the public—in the person of the news media."

That quotation, I believe, reveals precisely what is wrong with the way the opinion-making news media view themselves. Their personnel have come routinely to think of themselves as representatives of the people, and just as routinely to view the Federal Government as the enemies of the people.

Now, something seems very out of joint about this. Does a man who works for CBS represent the people? Or does he primarily represent CBS? And isn't an elected official, depicted as an enemy of the people, really the person directly accountable to the people who put him in office?

What advocacy journalism ultimately causes is a dispute between a Government position and a reporter's position. Traditional journalism positioned the reporter in the stance of an arbiter—a referee whose only interest was in dredging the truth from two or more contesting political viewpoints. Advocacy journalism makes him a salesman for his point of view.

I submit that it is advocacy journalism more than any other factor that has caused the current ill feeling between Government officials and the opinion-making media. When Government officials defend themselves from what they consider unfair slanting of news stories, the partisan newsmen, outraged at unaccustomed criticism, too often hurls the counter-accusation of "repression" and "censorship." The news media really must learn to get over being so thin-skinned—particularly when they are so intolerant of thin-skinned officials.

Jerome Barron, Dean of the Syracuse University College of Law, has written knowledgeably and persuasively about freedom of the press. Referring to the subject, he had this to say:

"Our constitutional guarantee of freedom of press is equipped to deal with direct and crude governmental assaults on freedom of expression, but is incapable of responding to the more subtle challenge of securing admission for ideas to the dominant media. In general, it seems that ideas are denied media space and time unless they come in the carnival attire of the violent or the bizarre."

(And if you doubt the validity of that observation, you haven't contrasted the coverage of Wounded Knee with the non-coverage by two networks of the big parade for Vietnam Veterans in New York.)

Further commenting on this, Professor Barron states:

"The media owners and managers have astutely identified the constitutional guarantee of freedom of the press with themselves. They read freedom of the press as an immunity from accountability and any kind of legal responsibility."

Referring to the small number of network news selectors, Professor Barron had this to say:

"Even if that dozen were the equivalent in wisdom of Plato's guardians, it does not need a very profound political philosopher to wonder whether so few should have so much power."

And commenting on media receptivity to reform, Professor Barron said:

"What must be done is to build diversity into both the private and the public sector. The press has long maintained that everyone should be subject to criticism and oversight. At the 1969 national convention of the Radio Television News Directors Association, I suggested that the press also should be subject to oversight. Later the same day, Dr. Frank Stanton, Chairman of the Board of CBS, quoted what I had said and added: 'What a chilling thought.' But the reality which Agnew describes and the radical reaction to his remarks is also chilling."

There are, of course, other areas of current disagreement between the opinion-making media and the Government. I regret that there is not time to handle them in detail—that must await another speech—but I would like to bring them to your attention briefly.

First, there is the substantial disagreement about the right of the media to publish classified governmental documents which have been illegally obtained. The media defense is that the documents should never have been classified, that they are not essential to national security, and that the people have the right to be informed of what Government does behind closed doors.

The Government position is that media personnel are not equipped to judge whether or not a particular disclosure affects the national security. We take the position that intelligence gathering is a matter of accumulating bits and pieces and that a seemingly innocuous fact may provide just what an adversary power needs to discern our intentions—intentions which security dictates be kept from it.

While I agree that far too many documents are classified, we are moving with all possible speed to reduce the number. Meanwhile, in a genuine controversy about whether or not classification is necessary, it would be better to rely on the professional judgment of experts in the Government rather than the conclusions of a pioneering reporter that the revelation will not injure the United States.

Second, there is the difficult question of general or special privilege for reporters so that they will not have to reveal their sources during Grand Jury or court proceedings. I am sympathetic to the media position that investigative reporting would be inhibited should a reporter in the course of accumulating his data be required to identify the sources. Yet, it seems to me that, once the investigation is complete and the reporter has decided to make public his allegations of impropriety against an individual, that individual must retain his constitutional right to confront his accusers. A person accused of misdoing must not be prevented an adequate defense because he cannot confront his tormentors.

On this same subject, criminally actionable improprieties aside, many in public life are damaged irreparably by snide remarks and scandals published against them and attributed to "reliable sources." The danger here is that, given our trend toward advocacy journalism, the source may be nonexistent—a simple reenforcing tactic of the reporter himself. The press, not being a self-policing profession, gives us no assurances that the normal high standards of established organs may always be maintained.

Now, I don't know how to fairly handle this problem of unidentified sources, but a big help would be a requirement that an unidentified source be referred to simply as "an unidentified source" and not embellished with the indicia of credibility such as "a long-time State Department professional," or "a high level White House staff member," or "people with no ax to grind who are in a position to know."

As I conclude these remarks, I am not at all sure that I have engaged this enraged bull of a subject with proper caution. In some ways, the subject is too mercurial to permit careful handling. But I would like to conclude on an ameliorative note.

There is unquestionably wrong and right on both sides of this controversy. Only reasoned debate and communication between the parties can lead to a solution or even to an improvement. Because it is a matter of immense importance to the American public that information flow credibly and freely to them, the Government and the media must put aside their visceral reactions and engage in a productive, intelligent discussion of their differences. The Administration is prepared to participate in such a discussion.

## THE LATE SENATOR WILLIAM BENTON, OF CONNECTICUT

Mr. PELL. Mr. President, the death of William Benton last March 18, 2 weeks short of his 73d birthday, deprived our society of a fascinating man, who, while he had life, was in many ways, larger than life. I came to know him well when we were once both members of the Platform Committee for a Democratic Convention; in those trying hours, and in subsequent calmer situations, I came to respect him as a person and value him as a friend.

Bill Benton was, of course, a proper legend, but his contributions were so varied that it is possible some of them may, in this time of sadness and recollection, be overlooked.

I shall talk for a moment of one facet of his life not as well known as some of his others—and that is as a patron of the arts, a phrase he never used to describe himself; he would have considered it somewhat too grand; yet patron of the arts is what he was.



As a student at Yale he became the friend of Reginald Marsh, a year ahead of him and not yet inclined toward the world of painting, at which both of Marsh's parents had won distinction. A few years later, while the Benton and Bowles advertising agency was forging its stunning success during the Great Depression, and Marsh was just beginning to paint in earnest, Bill Benton became a benefactor and contributed significantly to his maintenance. At his friend's death, two decades later, Benton bought from Marsh's widow half of the paintings remaining in his estate; at the time of his own death last month, Bill Benton still owned hundreds of Marshes. And these constituted only a portion of the host of American canvasses in his collection.

Bill Benton was an unusual collector. His holdings were entirely of American painters in the first half of the 20th century. Yet this fact reflects neither chauvinism nor concentration upon any particular school. He once said:

I would like to own works by the French impressionists, but they have been so expensive that their purchase has become a kind of business, full of detective work to make sure they are actually the works of the artists whose names they bear. I have no time to spare for that kind of business. American art, by contrast, has been easy to buy. It has been undervalued; the prices are low for 20th century art and there are no forgeries.

This mixture of appreciation, sensitivity, impatience, and pragmatism was peculiarly and authentically William Benton.

Although he denied it, he was unpredictable. Not once, but on several occasions he discovered an artist previously unknown to himself in a gallery, and showed his admiration tangibly, indeed extravagantly. Thus, in a gallery where he "discovered" Jack Levine, he bought every unsold Levine in the place. In succeeding years he continued to buy the painter's work.

Reginald Marsh was Benton's friend before the one painted or the other bought. Levine also became his friend.

Ivan Albright was another artist who discovered the extraordinary qualities of William Benton. Benton became so taken with Albright's work that he made the artist a standing offer, to buy, sight unseen, every work he turned out. Late in his life Benton gave to the University of Chicago Medical School a unique collection of surgical illustrations by Albright as an Army medical illustrator in World War I.

Of George Bellows and others, Benton once wrote—

I'm crazy about Bellows, and I own a half dozen of his paintings. I own between 5 and 10 Tom Bentons, between 5 and 10 Childe Hassams, 3 Mabel Bishops—

And so on.

Bill Benton was consistently generous with his holdings. He owned five paintings by Robert Henri, and gave one of them to the White House. Another, I am happy to say, he gave to my alma mater, Princeton University; it was Henri's portrait of Woodrow Wilson, our former President, who also served as president of Princeton. This painting now hangs in the president's office at Princeton. Bill Benton gave many paintings—naturally and appropriately, by American artists—to the Department of State, to be hung in American Embassies around the world. He also loaned his own works freely; indeed, for Japan's Expo '70, he sent 70 of his paintings, selected to make the show as representative as possible, to hang in the American pavilion there.

Shortly after the beginning of his career as a collector, Bill Benton became involved with a quite different collection of American art. This collection was winning highly favorable attention in foreign capitals. Benton had just become Assistant Secretary of State, and it fell to his lot to explain to a House investigating committee certain nonrepresentational American paintings in the show, which was traveling in Europe just after World War II, and which had been assembled by the State Department—wholly unknown to Benton. It had been unknown, too, to Secretary of State George C. Marshall, whose comment was, "It must be very good art, because I cannot understand it," and to President Truman, who described it as "ham and egg art."

In that hysterical period many of the artists responsible for this collection appeared on the Attorney General's list of persons suspected of Communist affiliations. Benton, under grilling by the committee chairman, was repeatedly pressed to explain or interpret various abstractions. He repeatedly demurred, saying—

I would hate to pass judgment on any of these pictures, Mr. Chairman.

Of one particularly obscure canvas, the chairman demanded—

Aren't you horrified yourself?

Assistant Secretary Benton responded—

I would not use the word "horrified" . . . I would say "art."

Benton eventually and regretfully was forced to dismantle the show. He sent an assistant to the sale to bid on a number of the paintings, including a Pollack and a Kuniyoshi which he particularly craved. But the bids he authorized did not go high enough, and he was able to acquire neither. He was never able to satisfy his desire for a Pollack, but he later did own several Kuniyoshis.

Wholly coincidentally, a few years earlier, Benton had sponsored the assembly of a Britannica collection, of some 130 canvases built around several paintings which had been created to illustrate the Encyclopaedia Britannica articles, and this collection successfully toured the United States for a number of years.

All of these exhibitions were of contemporary American painters. Few of the paintings were abstract. Although he owned a number of abstractions, and craved a Pollack to the day he died, he preferred, in general, representational art. A few years ago he wrote to a friend—

When I look at my watercolor by Hopper, I then look with contempt at most of the paintings in the current galleries. This does not mean that I am wholly against . . . abstract art. I own a couple of Heikers and a couple of Rattners. . . .

Bill Benton's apartment at New York's Waldorf Towers, where he died, was a veritable gallery of American art, as were his homes in Southport, Conn., and Phoenix, Ariz. Indeed, the garden of the Southport home is a proper sculpture garden.

He was a great admirer of the ceramic works of Henry Varnum Poor, and often quoted with approval a passage from the New Yorker about Poor which began—

There is no one like him in America; perhaps there will not be his equal for several generations.

Bill Benton had a unique kind of openness to experience, a genuineness, and an all encompassing humanity about him. He was a man not afraid to enjoy what he did not understand, or to disdain what he neither understood nor enjoyed; yet, he was never afraid to completely endorse what he did understand and enjoy. Mr. President, I shall conclude my personal tribute to this outsize man, this giant in career after career, this public servant and patron of the arts, William Benton, by saying that I know of few men whose lives have been so filled with the sheer joy, exuberance, and adventure inherent in fully partaking of the essential life experience. But if few men's lives equaled Bill Benton's in this respect, even fewer equaled his willingness to share this experience and excellence in a spirit of complete generosity with all who were privileged to know him.

Mr. President, I ask unanimous consent to have printed in the RECORD a few of the many tributes and messages of sympathy which Mrs. Benton has received from friends around the world.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STONEWALL, TEX., *April 7, 1973.*

DEAR MRS. BENTON: You have been much in my thoughts these past days. Knowing your husband was one of life's happier experiences, and I will never forget all the good ways he touched our lives.

I will always remember him, his many-sided and colorful career, with so much warmth and affection. He was 'one of a kind' and I believe it not only reflected great credit on him, but on the country which produced him. He gave so much through his service and his contributions to education, and certainly all who knew him felt marvelous sense of vitality and purpose.

Lyndon and I treasured his friendship. His visit with us last Fall was pure delight. I am so glad they had that last time together . . . and so many other wonderful times through the years.

Although I had expressed my sorrow to you, I wanted to tell you, too, how glad I am that we shared a part of his life.

My very best to you and your family.

Sincerely,

LADY BIRD JOHNSON.

LUCI JOHNSON NUGENT,
*Austin, Tex., March 21, 1973.*

DEAREST MRS. BENTON: My heart goes out to you and your family for I know the pain of losing a great man and your most cherished loved one. I also recognized the yearning to say too soon why now there was so much we had left to do. But there is comfort in having shared life with someone like your beloved husband who lived life so fully that he encompassed several lifetimes in one. There is joy in knowing that in sharing him—maybe more often than you would have

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chosen—you radiated his magnificent benevolent spirit to the thousands of those lucky enough to pass his way. And there is hope in the belief that though he may be gone he lives on in the lives and memories of those who loved him—as we did—and in the realization that he is now truly free from the pain and sorrow of this world—that he helped to eradicate while living.

My father often said his greatest heritage were his father's friends. I know mine is and Senator Benton was a treasured part of that heritage. Life will never be the same without them—but how much richer are our lives because we were privileged to have loved them.

My children are thriving off the magnificent children's encyclopedias your husband sent them and as they relish the joy of learning from them, I will remind them that their Poppa's close friend was responsible for opening to them this new and phenomenal opportunity for learning with pleasure.

Your husband has a friend in heaven and you shall have our friendship always.

Sincerely,

LUCI JOHNSON NUGENT.

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HOUSE OF COMMONS,
*London, SW.*

From: The Rt. Hon. Harold Wilson, OBE, FRS, MP.

I should like to pay a tribute to Bill Benton as one of the great and most forward-looking men of our generation. A successful business-man in his 20s, university administrator, saviour of Encyclopaedia Britannica and creator of its new twentieth century standing, educationist, McCarthy-baiter, and world statesman.

Bill was a friend of mine for many years, a frequent visitor to Downing Street and Chequers in my tenure of office, and an equally loyal friend in the years that followed.

He had a vision and it centered round the widening of the educational opportunities he had won for himself by his own talents; in the United States; in the Atlantic Community when as Assistant Secretary of State he did the devilling for the Fulbright scheme; above all, in the Third World and in what he achieved for the spread of the English language in far-off countries.

I owed a great deal to a study I made in Chicago in 1963 of the visual teaching methods used by Encyclopaedia Britannica, when I was preparing the plans for what later became Britain's Open University. Bill took a lively interest in this when it was established; the last time I met him he exclaimed in characteristic language his regret that, Britain's Open University being the greatest development in education in any country in this century—a striking tribute from a great educator—his one regret was that it has been developed in Britain and not in the United States.

Tireless, voluble, but a dedicated enthusiast for all the right causes. Even in his last years of serious illness, and indeed right to the very end, Bill Benton's contribution to education, the English-speaking world and the vaster Third World will be his monuments.

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DEAR MRS. BENTON: Bill's life and mine were curiously intertwined, and for that very reason I valued his affection in a very particular way. He himself explained it in a letter of November 2 last fall about a conversation with Jimmy Byrnes. And he too gave it words more than once. I loved him for his works—he was always on the side of the angels. But more than that I cherish his memory for the generosity of his heart. He was more *alive* than anyone else I have known in public life. Ada and I send you our heartfelt sympathy.

ARCHIBALD MACLEISH.

NEW YORK, N.Y.
*March 20, 1973.*

DEAR MRS. BENTON:

May I express my deepest sympathy for your loss. William Benton was an extraordinary man. He will be missed by a multitude of people, myself among them.

Ruth joins me in these feelings and in wishing you all the best.

Very truly,

JACK LEVINE.

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A EULOGY TO SENATOR BENTON

(By S. Dillon Ripley)

I remember Bill Benton as a Renaissance man dedicated to improving the quality of life in modern times. He was a man of many interests, both academic and professional, a man who felt at home on the campus as well as in the board rooms, a man who was known among museologists, publishers, government leaders and the literati for his dynamism, innovations and enthusiastic endorsements of unpopular, as well as popular, enterprises.

I remember my first contacts with Senator Benton. They took place in the 1950's when I was at Yale. A relative of his worked for me as a bird taxidermist at the Peabody Museum. The Senator was intensely interested in this young man's work and we had a number of conversations about our efforts and the young man's future. Bill Benton was an accomplished and active alumnus of Yale and he took a deep and sincere interest in his alma mater's many activities. It was not unusual for any of us on the Yale faculty—from President Griswold on down—to receive lengthy memoranda from Bill Benton filled with suggestions on how we might improve or re-articulate our programs. They were welcomed communications and usually were positive, entertaining—challenging.

And then we moved to Washington. With pleasant nostalgia, I recall by discussions about obscure historical matters with the Senator at meetings of the White House Preservation Committee. Later, we both became involved in the months of intensive planning that went into development of the festive observance for the Encyclopedia Britannica's Bicentennial held at the Smithsonian's Museum of History and Technology on the Mall in Washington. It was a gala—intellectually as well as socially—which manifested the Senator's generosity, broad interests and an impressive invitation list of friends. And, in recent years, I have come to know his thoughtful and dedicated son, Charles.

Through the years, Mrs. Ripley and I always enjoyed the stimulating and provocative meetings and dinners we shared with the Bentons at their home in Southport, their apartment in New York City and at their winter home in Arizona. They were exciting events punctuated by ideas and observations that flowed from the Senator at the rate of almost one or two per minute. Bill Benton had varied lives that covered several worlds; he moved easily and assuredly from the worlds of economics and politics to the social and educational universe with a deep background of knowledge about many subjects and disciplines. He was an omnivorous reader with catholic tastes. And, he was a good listener, too!

In a period when there was great discussion about the need for the business community to become interested in art, Senator Benton was a pioneer as an advertising executive and publisher who assembled American paintings of the first half of our century. I recall Senator Benton saying: "My paintings represent my own taste, strict and unadulterated, without any advice from anybody. I have never sought any guidance on buying a picture nor have I concerned myself whether the price would go up or down, or whether I would be cheated. I buy recklessly and when I like an artist (like Tom Benton or Albright) I keep on buying his work."

Bill Benton helped to develop the frontier that now is American corporate involvement in the art world. He sponsored exhibitions of paintings in cities across the land as well as overseas. He sought out the advice of distinguished curators in planning these exhibits and his corporation, Encyclopedia Britannica, was one of the first to employ such a curator to take part in planning corporate development activties. It is said that Bill Benton was the first private collector ever to buy paintings by Reginald Marsh, the prominent American artist. That was in the 1930's. Which reminds me of another story about Benton and his art collections. It was in the Depression of the 1930's that Marsh, the artist, came to the Benton country home in Southport, Connecticut, to paint portraits of the Benton children. He remarked to Benton: "Do you know that the WPA is giving $100 a month to artists and that they can paint anything they want? Sometimes, I wish I could get a deal like that." To which Benton replied: "Go ahead, I'll be your WPA. Paint anything you want for me and bring it in, once a month and I'll give you $100 for it." On this basis, some twenty Marsh paintings were delivered to Benton in a three-year period.

Finally, I remember Bill Benton as an optimist . . . a leader who always seemed to be honest and direct, concerned with progress and hope. He was an inter-disciplinary man with Renaissance tastes and concerns.

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## THE FEASIBILITY OF STEAM POWER

Mr. GOLDWATER. Mr. President, in these days of fuel shortages and air pollution, much effort is being expended to find substitutes for the internal combustion engine. One of the most ambitious efforts has been directed at the possible use of steam power to propel motor vehicles. This study was directed by the California Legislature and partially financed by the Federal Government. And the final report on this effort concluded that steam propulsion has enormous potential for reducing urban air pollution but that huge technical problems are still to be overcome.

The 30-page report gave considerable praise to a steam propulsion design developed by William P. Lear, prominent in electronics and aviation, who has spent 5 years developing a feasible steam-powered car.

Mr. President, because of the importance of exploring all possible solutions to the problem of air pollution, I ask unanimous consent that a story on the California study published in the New York Times of April 8, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STEAM BUS CUTS SMOG

(By Robert Lindsey)

The final report of the nation's most ambitious effort in more than 40 years to use steam power to propel motor vehicles has concluded that steam propulsion has enormous potential for reducing urban air pollution. But the report adds that enormous technical problems must be solved if the potential is ever to be exploited.

The report reviewed the design and experimental service last year of three different "steam bus" concepts in three California cities—Los Angeles, San Francisco and Oakland. The $7.9-million project was directed by the California Legislature and partially financed by the Federal Government.

The steam engines were built by Steam Power Systems of San Diego, the Lear Motors Corporation of Reno, and William M. Brobeck Associates of Berkeley, Calif.

None performed completely satisfactorily, the report said, and none remained on regular passenger runs longer than 18 days before mechanical problems forced them out of service. Fuel consumption was inordinately high, and there were other problems.

Nevertheless, the California officials said the results were encouraging. Among other things, they said that, compared with a conventional diesel bus, the steam buses produced up to 30.5 per cent less carbon monoxide and up to 86 per cent less hydrocarbons and oxides of nitrogen. These three elements are the principal components of photochemical smog.

"Some years—perhaps less than a decade if funding is adequate—of progressive engineering work will be required before the E.C.E. (external combustion engine) is ready for general application and acceptance," the report said.

A steam engine is called an "external combustion" engine because fuel is burned outside of the engine itself. The fuel (such as kerosene or diesel oil) fires a burner, which heats water or other fluids and turns it into steam. The steam then drives a piston or turbine, and this energy is used to turn the wheels of the vehicle. The steam is later condensed, heated again, and the cycle is repeated. This is called a "Rankine" cycle engine.

In a conventional automobile engine, gasoline is burned "internally." A series of small, rapid-fire explosions of gasoline is harnessed to move pistons in cylinders rapidly back and forth. The reciprocating movement drives the wheels through a system of gears and a crank shaft.

Steam power proponents say external combustion of the fuel is much more efficient. This is because the fuel is more completely burned; thus, less drifts into the atmosphere. The result: much less emission of smog-creating pollutants.

Steam-powered cars and buses rivaled vehicles powered by internal combustion engines from about 1900 until the mid-nineteen-twenties. But "steamers" eventually lost out to the internal combustion engine because of lower cost and higher reliability.

The emergence of air pollution in many American cities—especially in California—led to a revival of interest in steam power in recent years.

In an effort to "prime the pump" of technology, the California Legislature's research staff urged companies to submit designs for a steam bus. The three companies responded. Conventional 40-passenger intracity buses were used; the conventional diesel engine was replaced with the steam engine.

In a 30-page report on the project, California officials said that, in addition to the data on low pollution, the design, construction and testing of the three buses had produced the following key findings:

Acceleration, speed and hill climbing are at least as good with steam power as they are with a conventional engine.

Exterior noise of the steam buses was less than a regular diesel bus, but interior sound levels were similar or higher.

Fuel consumption ran about three times that of a conventional bus.

Although the report gives comparative technical data for each of the three designs, it does not single out one as having the best performance. It does, however, give considerable praise to the design developed by William P. Lear, who made a fortune in electronics and aviation and has been trying to develop a feasible steam-powered car for more than five years.

The Lear engine was the only one of the three designs to use steam to power a turbine rather than a reciprocating piston. "It appears to be the first in history to be successfully propelled by a steam turbine," the report said of the Lear bus.

While the Lear bus had a few mechanical problems, the report said that it had relatively little trouble during 11 days of "revenue service" on a San Francisco bus route, one with steep hills. "During its brief exposure, the bus provided early indications of the potential for high system reliability," the report said.

Despite such encouraging results, the California Legislature research office stressed: "We caution that many years of progressive and persistent engineering will be needed to make [steam powerplants such as those used in the trials] technically feasible."

Among other areas, it said that research and development were needed to improve the reliability of steam engines, and to improve fuel economy.

"Exploration of both turbine and reciprocating expanders" should proceed, the report said, "because it is not yet clear which form is superior for heavy duty stop-and-go vehicles." At a minimum, the report said $20-million should be invested on further steam engine research over the next four years.

While the steam engines came off much "cleaner" than a conventional diesel engine regarding air pollution, the report said they could be refined to be even less polluting.

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## BILL BENTON

Mr. SPARKMAN. Mr. President, I was grieved recently when Bill Benton died. I first knew him when he entered the Senate. I enjoyed my service with him. I found him highly energetic, able, and always willing to carry his full part of the load. I enjoyed my association with him throughout his Senate career.

I recall that when I was made chairman of the newly established Senate Small Business Committee, I went to Bill Benton and asked if he would be willing to get one of his principal aides in his office to assist me in setting up the Small Business Committee and in getting it started. He not only willingly agreed but he gave me some good advice as to what in his opinion should be done.

Bill Benton's life history has always been an inspiring one from many standpoints. I recall the story that, when just a young man, he and a close friend, Chester Bowles, announced that when they finished college, they were going to form a partnership and go into the advertising world, stating at the same time that it was their determination each one to be a millionaire at 30 years of age. Many people must have thought of this as being empty talk, but Bill Benton and Chet Bowles really meant it and, if I recall correctly, each one was a millionaire before reaching the age of 30. They were highly successful in the advertising field.

Later, each of them went into other fields of activity. Chester Bowles became Governor of Massachusetts. Bill Benton became a U.S. Senator.

Bill Benton bought the Encyclopaedia Britannica and made an arrangement whereby the University of Chicago was to be the chief beneficiary. Through the years, Bill Benton has sent me at the beginning of each year the Britannica Book of the Year. Several days after his death, I received a letter that he had written but that he never lived to sign, telling me that he was sending me a copy again this year, as he had done over the years. He sent many of these copies to his friends.

Bill Benton was a great man, a man always with fresh ideas and with the energy to put them into effect.

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## ACCOMPLISHMENTS OF THE APOLLO MOON PROGRAM

Mr. GOLDWATER. Mr. President, in continuing debate over the importance of the Nation's space program at this point in history, it is vital for all of us to consider the accomplishments of the Apollo moon program. It behooves us, I believe, to consider what Apollo actually did, whether it was worth the cost and what its' legacy is to man on Earth.

I have read many papers on this and related subjects, but none as concise and provocative as that written by James J. Haggerty, one of the Nation's most authoritative and respected writers in the field of aeronautics and space, for the March 1973 issue of Aerospace Perspectives, a publication of the Aerospace Industries Association. In his article, "Apollo: End of a Beginning," Mr. Haggerty says the Apollo program definitely was worth the time and money spent on it and that the most important benefits might be 20 years or 50 years in the translation. He pointed out that through the Apollo program the United States has scored monumental advances in technological capability and scientific knowledge.

Mr. President, because of the vast importance of this question to the future of the space program and our standing among the nations of the world, I ask unanimous consent that Mr. Haggerty's article be published in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APOLLO: END OF A BEGINNING

(By James J. Haggerty)

(NOTE.—Why Apollo? What did it do, was it worth the cost, what is its legacy, and will man on Earth take advantage of his new treasure of knowledge? These questions are examined in this "Perspective" by James J. Haggerty, highly regarded journalist in the aeronautics and space fields who has authored three books on the Apollo program, has served as president of the Aviation/Space Writers Association and has been a long-time aerospace writer and consultant for numerous publications.—Editor).

On July 20, 1969, Apollo astronauts Neil Armstrong and Edwin E. Aldrin planted an American flag on the surface of the moon.

In no way was the flag-planting intended to be a territorial claim—it was a symbol of the fact that the United States was still, and would continue to be, the technological leader of the world, a status that had been very much in question a few years earlier. It was one of the proudest moments in



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American history, witnessed live or in delayed telecast by some two-thirds of Earth's people.

Forty-one months later, Apollo 17 splashed into the Pacific after man's sixth visit to the moon and the greatest exploration/engineering effort ever undertaken by man came to an end.

For the most part, Apollo was duly lauded as the magnificent accomplishment it was. Opinion was by no means unanimous, however; a substantial element of the populace questioned the value of Apollo. Was it really worth the time, effort and money that went into it?

The answer is an unequivocal yes, even though it is somewhat early for an assessment; the most important benefits from Apollo might be 20 years, 50 years or even more in the translation.

The identifiable gains include, first of all, the restoration of a once-tarnished national reputation, the primary reason behind the initiation of the Apollo program. In addition, the U.S. scored monumental advances in technological capability and scientific knowledge. By any yardstick, Apollo must be considered entirely successful and well worth the effort.

FAILURE TO IMPRESS

Unfortunately, Apollo's gains are not readily understood. Because they are largely benefits of a nebulous nature, not capable of measurement in concrete terms, they fail to impress a segment of the public.

One of the most influential newspapers in the country made this comment:

"There's little question that Apollo rubbed many people the wrong way, partly because the voyages to the moon were oversold to the public. One long-lived slogan said that 'space benefits all mankind' and while the program produced practical fall-outs, it certainly didn't benefit all mankind or even a large fraction of mankind."

This statement is of special interest because, in remarkably succinct fashion, it sums up most of the public misconception about Apollo.

First, there is the prematurity of the verdict. The item in question was written within hours of the Apollo 17 splashdown, and that, as far as the writer was concerned, wrote finis to Apollo's benefits.

In fact, however, the transfer of Apollo technology has barely begun because while the program was alive the participating companies were too busy with their primary responsibilities to probe for the spin-offs that they know exist.

Second, the comment is shallow in that it obviously judges benefits only in terms of material gain. All mankind has in fact already benefited. Scientific knowledge is perhaps the best legacy one generation can pass to another, and in the course of Apollo man learned more about the universe he inhabits than in all the previous centuries of history.

But the most disturbing thing about the newspaper comment is the fact that it no doubt exemplifies a general attitude on the part of "many people," an attitude that the success or worth of Apollo should be measured entirely in terms of hard, concrete, visible benefits. It is an attitude that suggests Apollo must justify itself in terms of a dollar's worth of benefit for a dollar's worth of expenditure. Advocates of this view often ask whether Apollo's money could not have been better spent on some pressing national problem.

The fact of the matter is that it was spent on a pressing national problem, Apollo was an attempt to controvert America's loss of stature in the view of the world. Of course the technological and scientific potentials of such a project were foreseen, but they were bonus advantages rather than *raisons d'etre*. Recovery of national prestige was the primary goal. To a younger generation which has inherited an entirely new range of national dilemmas, the prestige problem may not seem particularly important today. It was, however, extremely important at the time the United States made the decision to go to the moon. A thumbnail recollection of the events preceding that decision and the atmosphere of the time serve to put Apollo in proper perspective.

WHY APOLLO?

Apollo's roots reach back beyond 1961, when the decision to initiate the program was announced. They stretch to more than three years earlier, when the Space Age began.

At that time, the United States and the Soviet Union were locked in the bitter ideological struggle known as the Cold War. The forces of Communism led by the U.S.S.R., controlled one-third of the world's population and sought to control most of the remainder by influence or aggression. The United States, through a series of mutual defense pacts with non-Communist nations, became the acknowledged leader of the "free world."

The principal bulwark of democracy was the world's confidence that the United States could contain the threat by virtue of its vastly superior knowledge. The U.S. already had a formidable armada of military aircraft, to which would be added in the near future long-range intercontinental ballistic missiles. "Deterrence," the U.S. called its policy with regard to resisting aggression, a policy defined by one military leader as "being so obviously superior in our ability to carry the war to an enemy that he will not take the risk of starting one."

"STRUGGLE FOR THE MINDS OF MEN"

In that light, American technological capability was doubly important. It was the key to the policy of deterrence and it was a persuasive factor in the "struggle for the minds of men," to use a well-worn phrase of the day. It was, in other words, a major influence in the decisions of other nations as to whether to align themselves with the United States in opposition to the spread of Communism.

America's technological superiority, which had long been taken for granted, was dealt a crushing blow on October 4, 1957: the Soviet Union succeeded in sending into orbit a 184-pound man-made satellite called *Sputnik 1*. The U.S.—and the rest of the world—was stunned. More than two years earlier the United States had announced plans to launch "small, unmanned, earth-circling satellites as part of the U.S. participation in the International Geophysical Year." But nothing had happened; it had remained for another nation to become first in space.

IMPACT OF SPUTNIK

More than 15 years removed from the fact—and the world conditions that made it important—it is difficult to recall the full impact of *Sputnik*. But it was devastating. America's long-held reputation as No. 1 technological power was badly tarnished and free world confidence in the U.S. was shaken. There was more involved than lost prestige. To many, the Soviet accomplishment argued a clearly superior military posture as well, and the non-Communist world was frightened.

The U.S. recaptured a modicum of prestige by getting its own satellite into orbit less than four months after *Sputnik* 1, but from there on things went downhill. In 1959, the U.S.S.R. became first to impact the moon and, later, first to photograph the far side of the moon. In 1960, the Soviets began sending aloft five-ton payloads, several times the U.S. capability, and they scored another major "first" by successfully recovering a pair of dogs from orbit. Finally, on April 12, 1961, the U.S.S.R. capped a long string of space victories over the U.S. by sending Yuri Gagarin, the first man in space, on an 89-minute orbital flight 200 miles above the earth. That was the nadir of American technological prestige.

President John F. Kennedy had been inaugurated less than three months before the Gagarin flight and at the time of his assumption of the presidency the international scene was tense. The United States had just severed relations with Soviet-backed Cuba and there was trouble of one sort or another in Berlin, Laos, Vietnam, Algeria, Iraq, Kuwait and the Congo. In his inaugural address, Kennedy called upon the people of the U.S. to defend freedom "in its hour of maximum danger."

After Yuri Gagarin's history-making flight, it was clear that some step had to be taken to restore America's fading prestige. The Soviets had almost a year's lead in manned orbital flight and they had rocket launch vehicles of far superior thrust, broadening the range of their options for further space spectaculars. From all indications the "space gap" and the concomitant prestige gap would become wider.

RESTORING THE LUSTER

The United States was faced with a choice of settling for second place in the international technological sweepstakes or coming up with a technology demonstration so sweeping and so impressive that it would restore once and for all the lustre of America's image.

The effort did not have to be a space project. In fact, President Kennedy leaned toward an earth-type undertaking if one of requisite scope could be found. None appeared. Therefore, Kennedy asked Vice President Lyndon B. Johnson, statutory chairman of the National Aeronautics and Space Council, to study the space options and recommend a program.

Johnson held a series of meetings with space experts, government people and non-government advisors and reported the group's recommendations only two weeks after the flight of Gagarin's *Vostok 1*. The group had considered the possibility of a small, manned orbiting space station or a manned circumlunar mission without a landing on the moon. Either would be technically less demanding and considerably less expensive than a lunar landing program. However, because they were less difficult and because the Soviet Union was already farther along the road, there existed the chance that the U.S.S.R. might accomplish either of these objectives before the U.S. Its strongest challenge countered, the United States would then be in even worse prestigial shape.

There was, in the opinion of the Johnson group, only one answer, only one display of technological prowess of sufficient scope—sending a man to the moon. And, to forestall the possibility of a Soviet moon victory, it would be necessary to compress the developmental time period to the maximum extent feasible, so that the first lunar landing could be made "within the decade.'

"MORE IMPRESSIVE TO MANKIND"

President Kennedy accepted the recommendations and Apollo was born when he spoke these words to a joint session of Congress on May 25, 1961:

"I believe that the nation should commit itself to achieving the goal, before the decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important to the long-range exploration of space; and none so difficult or expensive to accomplish."

"More impressive to mankind"—those were the key words. Apollo completely erased any doubts as to America's technological competence and wiped out the Soviet Union's briefly-enjoyed seeming superiority.

The first major step in that direction came more than a year and a half before the first lunar landing. It was the flight of Apollo 4 on November 9, 1967, a mission now all but forgotten but an important one at the time.

Until that point, the Soviets had maintained their edge in launch vehicle thrust. The U.S. had at one time narrowed the gap by introducing boosters of 1.5 million pounds thrust, but the Soviets had leaped ahead once more, more than doubling that value by 1965. In the public view, booster thrust assumed great importance because there was a tendency to equate high rocket thrust with guided missile capability. At a time when the Cold War had not yet thawed, the continuing Soviet lead in launch vehicle thrust was a cause for uneasiness.

Apollo 4 changed that. This was an unmanned flight, the first all-systems test of the mammoth Saturn V moon-booster, whose 7.6 million pounds of thrust dwarfed the best estimate of Soviet rocket power. Apollo 4 was completely successful and it marked a high point in the turnaround of world opinion.

APOLLO 8 MISSION

A little more than a year later, Apollo 8 took three astronauts on man's first visit to the lunar environment, a mission in which the spacecraft made 10 orbits of the moon but attempted no landing. Coming at Christmastime, 1968, this was by far the most dramatic space flight up to that time and it convinced the many skeptics that the plan to put men on the moon—American men—was more than a pleasant fantasy.

The subsequent lunar landings are recent history and need no recounting. Apollo accomplished the principal goal set for it—reestablishment of the United States as technological leader of the world. This, perhaps, may not seem as critical a need as it was in the days of decision. In the current atmosphere of growing accord with the Soviet Union and Red China, the urgency of maintaining free world confidence in American capability has lessened. Nonetheless, a nation's posture in the eyes of the world is always important, in trade and at the diplomatic bargaining table as well as in defense.

APOLLO AND INTERNATIONAL HARMONY

One can only speculate as to what extent Apollo contributed to the Communist nations' new willingness to reach for harmony. No single factor, of course, brought about the easing of international tensions; it was no doubt a combination of military stalemate, economic considerations and other elements. But if a guided missile is a deterrent to a hostile nation's ambitions, is not a demonstrable technological superiority even more of a deterrent? Could not Apollo, exemplar of American technical excellence, have therefore been a contributing factor to the Communist nations' increasing agreeableness? Certainly Apollo can be credited with prompting one facet of improving international relations, the U.S./U.S.S.R. cooperative effort in space science and technology. It demonstated to the Soviets that they have something to gain by such cooperation. Had it been the other way around—the U.S.S.R. on the moon instead of the U.S.—it is unlikely that the Soviet Union would have been so receptive to the cooperation idea.

The international impact of Apollo is only one of three major areas of benefit accruing from the successful prosecution of the program. The others, even more abstruse, are the gains in science and technology.

To the average layman, the technology benefits mean only the already-identified "spin-off." The publicized score to date fails to impress many. The reason, perhaps, is that people learn of byproducts in tiny increments, they never learn of some of them at all. Piecemeal word of a new Apollo-inspired auto ignition harness or a long-wearing paint is hardly exciting. In a great many cases, new products appear on the market without any inkling that they stemmed from Apollo research. But whether or not it is fully recognized, spin-off in the *aggregate* represents a very real, concrete dividend in terms of employment and gross national product. Its value would probably be astounding if it were possible to compute it in dollars and cents. Although a break-out figure for Apollo alone is not available, the total space program has produced more than 30,000 new inventions—products, processes, techniques and services for the betterment of human life. In today's world an ever-forward thrust in technology is essential to everything from farming and medicine to transportation and leisure.

The visible spinoff, however, is just the fraction of the iceberg that juts above the waterline. The real benefit is less tangible, it is simply the vastly increased capability of American technology. To meet Apollo's demands for incredible performance and near-absolute reliability, an army of technical personnel attacked a tremendous array of developmental problems. They found new materials, invented tools and techniques to shape them and developed thousands of items of intricate equipment. In so doing, they improved man's skills and expanded his knowledge in practically every field of technology.

COMPRESSING TECHNOLOGICAL ADVANCE

Technology builds like an inverted pyramid, each level broader than the one below, each climb to a new plateau dictated by the demands of the period. The "within the decade" schedule to which Apollo was committed forced the climb of technology at a more rapid rate; the normal technological advance of two decades or more was compressed into less than a single decade. Thus, in this brief span American technology progressed through several levels of the pyramid.

The new plateau of capability is a vast library of technological knowledge and know-how. Some of it—the visible spin-off—has already found application; these were the more readily identifiable technology transfers. Most of it has not been exploited because its potential is less conspicuous. It must be sought out, and industry, preoccupied for year with the urgent matter of developing Apollo and its equipment, has only recently begun extensive probing of the mine.

In time a torrent of new byproducts will emerge. Some of them may be broad, lifestyle-changing developments we cannot even picture today. The new level of capability is a permanent thing, a national bank of knowledge which man can draw upon to improve his way of life. Often one hears the attitude expressed: "Instead of going to the moon, why can't we solve some of our problems here on earth?" It is entirely probable, that, in going to the moon, we provided the technological base to solve many of those earth-problems, although the manner of the solution has not yet emerged.

SCIENTIFIC BENEFITS

Most abstruse of all the Apollo benefits is the area of scientific gain. The scientific benefits from Apollo come in two forms. On the one hand, there are the advances stemming from the developmental effort. Science and technology worked hand in hand probing new frontiers and the effort involved just about every scientific discipline. This was applied science. Much of the result was applied to the development of Apollo equipment, hence it became part of the technological bank. Some investigations took scientists into avenues of research not applicable to Apollo nor immediately applicable to anything else. It is there, however, a part of the national resources bank, perhaps to be utilized some day, perhaps never, but an asset nonetheless, despite its lack of tangibility.

The other form of Apollo scientific advance is the study of the moon, the pure quest of knowledge for the sake of knowledge, the desire to add to man's storehouse of learning in the hope that distant future generations may unlock the mysteries of the universe. In this respect, it often has been said by reputable scientists that Apollo produced more information than all the prior accumulation.

Apollo astronauts spent 30 full days in lunar orbit, observing and photographing. They passed 12½ days on the lunar surface, on some occasions moonwalking for seven and a half hours at a time. They took motion pictures and literally thousands of still photographs. They obtained core samples from several feet beneath the moon's surface. They left on the moon two dozen scientific experiments which will be relaying data to earth for another three years or more. And they brought home, for examination by hundreds of scientists all over the world, 841 pounds of the moon itself.

This adds up to an enormous wealth of information, but it is not yet possible to define the extent to which Apollo contributed to man's understanding of the universe. The information must be processed, analyzed, sifted, refined and restudied. Each bit of information must be fitted with others, like tiles in a grand mosaic, until there emerges a new volume of knowledge about the moon, its relationship to the other planets in the solar system and, most importantly, its relationship to Earth.

A PRICELESS BENEFIT

To those who understand man's insatiable urge to explore, to roll back frontiers in the search for human origins, to elevate man's knowledge in general so that each succeeding generation can continue the quest from a more advanced departure point—to them the scientific benefit of Apollo is priceless. To those who recognize only such benefits as can be assigned a dollar value, Apollo's scientific gain is meaningless. It is no less valuable, however, for their inability to understand it.

There is one other potential benefit, which, for lack of survey data, is really nothing more than a vagrant thought, but such a far-reaching idea that it bears mention: Did Apollo, which provided man with the first photographs of the blue planet earth taken from hundreds of thousands of miles distant, launch a "one-world" trend? A Dutch magazine recently tossed out the idea:

"Looking out from the moon desert, our planet is no larger than an oasis which floats in the universe, where there is no room for war, hunger, poverty, jealousy and endless political bickering."

If those photos of lonely earth wandering through the black of endless space planted a seed, that earth is a tiny space ship whose supplies are not replenishable and whose crew must work together for survival, that could be the greatest benefit.

The seed will need time to germinate and it will remain for another generation or another century to determine Apollo's influence in that direction. But for now, there seems little question that Apollo was well worth the effort. The project accomplished in magnificent fashion the political/diplomatic objectives set for it, it produced a flow of concrete byproduct benefits which will continue and increase in volume and value for many years to come, and it left those priceless banks of knowledge, a legacy to tomorrow's peoples.

## PROPOSED DECLARATION OF CERTAIN AREAS AT FORT MEADE AS EXCESS

Mr. MATHIAS. Mr. President, I have long felt that the military budget and all defense-related programs should be examined regularly and carefully. The need for economy in all sectors of our national life has been widely recognized in recent years. Yet, in urging fiscal restraint, we



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have an obligation to determine not only the positive effects of cutbacks in Federal aid or land grants, but also to assess the effects of such policy in both human and economic terms.

The General Services Administration has concluded that certain training areas and gunnery ranges on Army Fort George C. Meade in Maryland to be in excess. The proposal to close these facilities is presently pending before the Real Estate Subcommittee of the House Armed Services Committee. Before acting on the GSA recommendations, I strongly urge my colleagues to review the following resolutions approved by the Maryland House of Delegates and the Maryland Senate Finance Committee. House Resolution 191, submitted by Delegate Wallace E. Hutton, and House Joint, Resolution 121, introduced by Delegates Hutton, Nichols, and Thomason, point out the adverse effects the GSA proposal would have on National Guard and Army Reserve units from Maryland, Delaware, the District of Columbia, and Pennsylvania who would be compelled to undergo long and costly travel to other training areas if those at Fort Meade were closed.

Mr. President, I ask unanimous consent that these two resolutions be included in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION No. 121

House Joint Resolution requesting that the Real Estate Sub-Committee of the House Armed Services Committee of Congress be requested to oppose the recommendations of the General Services Administration to declare the Fort George G. Meade training areas and ranges as excess, and to permit the U.S. Army to maintain the Fort Meade Reservation as it is presently constituted

Whereas, A recent study by the General Services Administration has declared 6,854 acres of Fort George G. Meade as excess; and

Whereas, This excess land includes the training and range portions of Fort Meade; and

Whereas, The Fort Meade Gunnery Ranges and training areas are in constant use by National Guard and Army Reserve units from Maryland, Delaware, the District of Columbia and Pennsylvania; and

Whereas, Closing of these facilities will require long and costly travel to other training areas as well as a loss and waste of many training hours and undue congestion of highways; and

Whereas, This decision will have an adverse impact on the military preparedness of this country; and

Whereas, The closing of these facilities will have an adverse effect on the Maryland economy; and

Whereas, The requirement to travel great distances for training adds unnecessarily to the risk of safety for thousands of Maryland residents; and

Whereas, The decision to close the Fort Meade ranges and training areas was not and is not concurred in by the military; now, therefore, be it

Resolved by the General Assembly of Maryland, That the Real Estate Sub-Committee of the House Armed Services Committee of Congress be requested to oppose the recommendation of the General Services Administration to declare the Fort George G. Meade training areas and ranges as excess, and to permit the U.S. Army to maintain the Fort Meade Reservation as it is presently constituted.

HOUSE RESOLUTION No. 191

House Resolution requesting that the Real Estate Sub-Committee of the House Armed Services Committee of Congress be requested to oppose the recommendations of the General Services Administration to declare the Fort George G. Meade training areas and ranges as excess, and to permit the U.S. Army to maintain the Fort Meade Reservation as it is presently constituted.

Whereas, A recent study by the General Services Administration has declared 6,354 acres of Fort George G. Meade as excess; and

Whereas, This excess land includes the training and range portions of Fort Meade; and

Whereas, The Fort Meade Gunnery Ranges and training areas are in constant use by National Guard and Army Reserve units from Maryland, Delaware, the District of Columbia and Pennsylvania; and

Whereas, Closing of these facilities will require long and costly travel to other training areas as well as a loss and waste of many training hours and undue congestion of highways; and

Whereas, This decision will have an adverse impact on the military preparedness of this country; and

Whereas, The closing of these facilities will have an adverse effect on the Maryland economy; and

Whereas, The requirement to travel great distances for training adds unnecessarily to the risk of safety for thousands of Maryland residents; and

Whereas, The decision to close the Fort Meade ranges and training areas was not and is not concurred in by the military; now, therefore, be it

Resolved by the House of Delegates of Maryland, That the Real Estate Sub-Committee of the House Armed Services Committee of Congress he requested to oppose the recommendation of the General Services Administration to declare the Fort George G. Meade training areas and ranges as excess, and to permit the U.S. Army to maintain the Fort Meade Reservation as it is presently constituted.

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## HUMPHREY BLAMES THE ENERGY CRISIS ON GOVERNMENT FAILURE TO PLAN

Mr. HUMPHREY. Mr. President, on April 18 I introduced Senate Joint Resolution 98, which could create an Emergency Fuels Allocation Board, to assure all sections of the Nation fair treatment in the allocation of increasingly scarce supplies of petroleum products.

The administration and the Congress can delay no longer in coping with the emergency fuel situation or in establishing a comprehensive national energy policy to protect us in the future.

The President's recent energy message, while describing some aspects of the energy crisis, does not go far enough in describing the nature of the crisis, or its solutions. It devotes inadequate attention to energy conservation and focuses instead almost wholly on measures to increase supplies. It fails to deal with the present emergencies in gasoline and fuel oil. It gives too little support for research to facilitate the use of presently available fuels and to develop new energy sources. While supplies must be increased, we also desperately need a new energy ethic.

In a speech to the annual meeting of National Petroleum Refiners, on April 2, 2 weeks before the President's long-awaited message, I outlined what I saw as the critical dimensions of the energy crisis. I believe this speech contains a useful framework for looking at solutions to this most critical of problems.

There being no objection, I ask unanimous consent that the text of my speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

I was surprised to hear your President refer to the Fair Trade Hearings back in the fifties. I thought everyone had forgotten about them.

You probably know that as a former druggist, I have always had a particular interest in the independent businessman.

Those price wars of the fifties, in gasoline marketing were ruining many of the dealers. I always felt that ending those price wars benefitted the dealers and the refiners—and the consumer as well.

Price wars that destroy the independent dealer do not promote real competition for a long period—and when competition is eliminated, the consumer is the one who pays.

Well, conditions have changed. At that time, the dealers and the refiners were faced with trouble because of surpluses. Everyone was trying to dispose of his surplus by "dumping" it somewhere else. Today, you should only have such problems.

Independent marketers are in trouble because there is a shortage of product.

Though the problem is different, the principle is the same—we must keep independent marketers and refiners in business.

One of the great strengths of the oil industry is that it is truly diversified with real marketing, and it is just as important to maintain the independent sector in times of shortage as it was in the times of surplus.

How did we all get into this fix—this shortage which is going to get worse before it gets better—this energy crisis?

Last winter, we got our first real taste of it:

Schools, factories closed in the Midwest due to lack of heating oil;

Grain shipments stranded on barges on the Ohio River;

Jet fuel so scarce that planes couldn't make nonstop flights to the West coast.

Now this summer we're about to face a gasoline shortage.

Why is this? You know the basic reason. As David Freeman of the Ford Foundation says, "The joy ride is over."

The happy era of low costs, low risks, and high benefits is over.

In terms of proven recoverable reserves;

We have 10 years of oil left and 11 years of natural gas.

On the other hand;

We have anywhere from 35 to 120 years of shale oil reserves,

And 500 years of coal.

The problem, of course, is that this nation has not bothered to develop the technology and know-how to use those resources with the greatest potential.

We are in the position of a man who is about to face starvation—who has a million dollars—but is in some foreign country that is unwilling to exchange his money for local currency. By the time he gets to another country that will cooperate, it may be too late.

How did he get in that situation?

He got there because he was off on a joy ride, not paying attention to where he was going.

There are two reasons why there has been inadequate planning in this area:

The first is that energy policy is a more complicated business than almost any other area of our economy or government.

It is an incredible mix of technology, economics, trade, political policy, foreign relations and consumer economics.

The second reason is that we in government and the people have not seemed to believe in long-range planning in the domestic area. The ideology of the free market-place is so pervasive that the idea of trying to plan for a balance of supply v. demand in energy resources cannot really get off the ground.

We direly need a national energy policy. But I am frankly skeptical that this Administration will give us one.

What should be the elements of such a policy? First, let's take a hard look at the factors which have conspired to change our nation's energy picture.

We are using up a finite resource at a geometric rate.

Between 1940 and 1965, the consumption of energy in the U.S. doubled.

If the present trends continue, consumption could double again by 1980. The rate of energy consumption increased twice as fast in 1972 as it did in 1971.

The result of all this is:

In 1962, we had 3 million oil barrels a day extra or spare producing capacity. In 1972 we had none.

In 1972 we imported some 30 percent of our oil. By 1980 it will be in the neighborhood of 60 percent.

We have been using twice as much natural gas as we can find. At that rate, we could be short ten trillion cubic feet of gas in 1980.

In the face of such galloping consumption, we are failing to develop new resources.

For the first time in many years, there is not one single new refinery under construction in the United States. Yet, they are sprouting like mushrooms in Canada and the Caribbean.

The number of natural gas wells drilled per year has declined from almost 5500 to less than 3300.

Less than two percent of the near-shore part of the Outer Continental Shelf has been leased for development.

All this adds up to a growing gap between supply and demand—a gap that is being met by imports.

No matter how many new energy resources we develop in the next few years, and no matter how much we conserve energy, we are going to have to import increasing amounts of oil and gas.

If there were ever a set of statistics that was calculated to scare us into action, this is it. I am firmly convinced that we must do some of the hardest thinking we have done since the Manhattan project about our energy situation. Such thinking should be predicated on the following conclusions of a Senate study on energy policy.

First, a heavy and growing dependency on imported fuels is inevitable until at least 1985 or 1990.

The growth of these imports presents real security issues. It is no longer to be regarded as a scare tactic invented by the oil industry and the State Department.

Where was the Nixon Administration in looking ahead to this danger? I'll quote you from the Cabinet Task Force in 1969: "The risks to security from interruptions of oil supply do not, in the main concern any danger to the functioning of the nation's armed forces."

Yet, today, the U.S. has no reserve supply of producing capacity as it did during earlier Mid-East crises of the 1950's—nor significant oil storage capacity. Isn't that relevant to the functioning of our armed forces?

The recent effectiveness of the cartel of petroleum exporting countries, and explicit threats by many of them, have raised the distinct possibility of a general or selective embargo by the Organization of Petroleum Exporting Countries (OPEC)—and a sharp rise in crude oil prices.

A second conclusion of this study is that the balance of payments burden of energy imports will be staggering. Respected economists project the net foreign exchange burden to the U.S. of energy imports as high as $10 billion per year in 1980.

The impact would be even greater if we were forced to import more costly energy than crude oil—such as refined products and liquified natural gas (LNG).

The tendency to import refined products—as opposed to crude oil—from foreign refineries—is therefore to be deplored, not only for the higher cost, but also because of the greater national vulnerability it creates.

The billions in dollar cash assets that would accrue to the sheiks of Arabia and other nations are most likely to be used for international political leverage than for meeting their nation's urgent domestic needs.

The fact is that the relatively low cost and vast supply of oil imports makes them increasingly appealing. Though the price of foreign crude has risen sharply, it is still cheaper than producing new domestic crude—excepting the Alaska pipeline, which would be cheaper. If our only concerns were consumer price and environmental impact, the complete decontrol of oil imports might be dictated.

However, the price of crude is not our only concern.

We are also concerned about the price of our national security.

Now the threat of an embargo is a relatively remote one. The economies of mideast countries are tremendously dependent on the western countries and Japan. More than half the GNP of Saudi Arabia and other countries depend on selling oil to us.

Nevertheless, we must integrate our energy needs into our foreign policy considerations. Some would advocate joining with other consuming nations, to present a consumer bloc that can stand up to OPEC. Let's face it, when it comes to oil, it's a sellers market. We pay or we go without.

Clearly, there are real complications in developing any such strategy to counter the power of the exporting nations' cartel. Oil companies are limited in what they can do. The benefits to an individual company from resisting OPEC demands are limited and uncertain, whereas the risks are large.

Therefore, we must examine alternatives and forge new strategies—a national strategy.

One thing is sure—the absence of clear legislative authority for the oil import program, the general practice of deciding import matters on an ad hoc basis, and the drift in administration of the existing program, all add up to uncertainties that deter investment in the energy economy, particularly in refineries.

A consistent and equitable import policy for all sectors of the energy industry and the consumer is badly needed.

The increasing difficulty with the import system is not only due to confused administration.

It is due to a lack of comprehensive planning for development of new energy resources.

It is this lack of alternative energy sources which is making the import-quota system crack under the pressure of demand.

If we had looked ahead 10 years ago, we would have seen this coming.

We still haven't learned our lesson.

I see no evidence from the President's proposed 1974 budget of an adequate expenditure for research and development of new energy sources.

The emphasis on pinning most of our hopes on a fast breeder nuclear reactor is dangerous. I hope it will turn out successfully. But penny-pinching on the other alternatives is disastrous.

We need more exploration and discovery of natural gas.

There is a real shortage of natural gas on the market despite rapidly increasing gas prices. Why? In part, because of the regulation of the price of gas at the wellhead.

But also because of the uncertainty of our policies. Will the FPC deregulate or won't it?

The Administration has been making us breathless with anticipation, waiting for an energy message which would lay out some consistent, equitable policies. Its continual delay has only added to the problem.

What about oil shale? Federal lands contain about 600 million barrels of recoverable oil in this form.

Yet we have spent almost nothing to develop the technology needed to make this oil economically available and environmentally acceptable. As a matter of fact, last year the Administration spent only $2.5 million on oil shale research.

We are fortunate in having enormous coal resources.

But we spend a tiny fraction of the federal budget developing coal gasification techniques.

And, only $2.5 million was spent last year for geothermal development. Compare this figure to the $25 billion the federal government has spent to develop nuclear reactors since World War II, which has produced less than 2 dozen working powerplants.

Solar energy is another great potential energy source that has been ignored in the federal R&D budget. Even the National Petroleum Council stated, "Had it not been for an abundance of fossil fuels—coal, oil, and natural gas—we might today have a 'Solar Energy Economy' just as effective and efficient as our 'Fossil Fuel Economy.'" Yet, only $4 million was devoted to solar energy in last year's budget.

This government has done little to develop a wide range of new energy sources.

It has done even less to promote energy conservation.

This nation must start thinking about a comprehensive energy-conservation program. About:

Mass transit—buses as well as rail. An average of four out of five seats on buses are empty.

Creating incentives to industry and individuals to conserve and share energy—such as higher tolls for single-passenger cars, special lanes for buses and car pools, computerized car-pool information exchanges. If we could put two people instead of one in each car, we could cut gasoline consumption, travel time and pollution in half.

Taxing giant gas-guzzling cars, or better yet, cutting back on horsepower.

Marginal cost pricing by utilities, so that larger users pay to reflect real cost; and so that peak-hour demand is priced higher.

Labeling of appliances to show their energy efficiency and consumption.

The urgency of formulating a national energy policy, and the many dimensions of such a policy—cutting across economic, international and social spheres—calls for the creation of a new entity to formulate policy in this area—and to assure action.

Energy policy is presently in a no-man's-land as far as the present bureaucracy of the federal government goes. We must immediately establish a National Energy Resources Agency, empowered to plan, to authorize research, to direct all energy development and conservation policies.

I will, in the near future, be proposing a Balanced National Growth and Development Act, which would create an Office of Balanced National Growth and Development in the Office of the President.

It would create a similar mechanism in the Congress. Such an Office would restructure the domestic policy activities of the executive and legislative branches around the key issues of national growth.

At present, there is no more pressing issue than that of balancing our growth in energy consumption with a quest for new energy resources.



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Yet, the various proposals I hear, for modifications of present regulations and laws are, frankly, inadequate to the monumental challenges we face.

A balanced growth policy for the nation would do more than balance off energy consumption against demand, although it would have that as a major goal.

Such a policy would also develop economic and social balance in other aspects of our lives. It would help us define goals, set priorities, direct our resources to:

Develop rural areas. Today, 70 percent of the people are crammed onto 2 percent of the land. This cannot and must not continue.

Rebuild our cities. Make them comfortable, safe, livable. Urban sprawl is ugly, wasteful, and costly. Urban decay is at the very center of our social problems of crime, slums, disease, welfare and congestion.

We spend increasing parts of our lives lurching back and forth—from downtown office to suburban home during the day.

If we had a balanced growth policy, which, aimed at creating livable communities where working and shopping and living and recreation were all reasonably nearby—we would conserve a lot of energy, and we might all lead less frazzled, fragmented lives.

Planning is no longer a dirty work, or an academic subject. It is survival. It is essential for an urbanized, industrialized, mechanized society. We can no longer ignore the facts of our national economy. We do face an immediate and long-term crisis in energy, in transportation, in resource conservation and development. We can't wish it away. It will get worse unless we act now.

And no one industry, company, bank, or conglomerate can save us. It will demand the best of government and the private sectors—working in partnership.

## DISASTROUS EFFECTS OF INFLEXIBLE "SPEEDY TRIAL" PROCEDURES

Mr. HRUSKA. Mr. President, the Subcommittee on Constitutional Rights held additional hearings shortly before the Easter recess on S. 754, the speedy-trial bill of 1973. All members of this subcommittee fully support the concept of speedy justice, but the witnesses heard raised serious questions concerning the mandatory-dismissal provisions and fixed time limits of the subject bill.

Testimony indicated that it would be impossible to predict the full extent of the tremendous burden which would be placed upon our system of law by these inflexible provisions of S. 754. It was urged by witnesses that action be deferred until sufficient time had passed to properly assess the impact of the more moderate new Federal court rule, rule 50(b) of the Federal Rules of Criminal Procedure, upon the judicial system. Rule 50(b), which directly addresses the problem of speedy trials, required each district court to formulate individual plans setting time limits for the pretrial, trial, and sentencing stages of a criminal proceeding. These plans have been in effect in the various districts since the beginning of this year.

Already some of the effects of 50(b) are becoming apparent.

It is ironic that today, as we celebrate the values and vitality of our system of law, that the interests of speedy trial have had an adverse effect upon the litigation of civil actions in one of the most populated Federal judicial districts in our country. It is a vivid reminder that, in our legislative deliberations of the speedy-trial issue, we must be mindful of our obligations to the interests of society as well as to that of the criminally accused.

Chief Judge Robson of the U. S. district court for the northern district of Illinois has declared that today all judges of his court will suspend the trial of civil cases until the disposition of criminal cases pending more than 90 days. This drastic action is necessary, he says, to meet the emergency created by the deadlines of the district's plan under rule 50(b). This action, taken in the interest of justice to the criminal defendant, means the sacrifice or at best the delay of justice to civil petitioners in Chicago, its suburbs, and the nearby counties.

The delay of civil justice in the Federal courts costs not only the corporate giants, but bears far more upon the individual petitioner—the victim of an automobile accident, the injured seaman, one deprived of civil rights, and others bringing actions under Federal statutes.

If the rule 50(b) plans—flexible, tailored to the needs of each district—can yield such calamitous results in Chicago, which ironically has led the Nation in the disposition of civil cases, what can we expect of an S. 754, which would reach into every district? This, the Speedy Trial Act, would impose uniform, inflexible time limitations, as if the criminal justice system were an abstraction. When reality intrudes, however, will we see the courtrooms closed to civil litigants throughout the Nation in response to this well-meaning measure? I daresay we would see it happen everywhere. Will we then suspend the trial of criminal cases to catch up with the civil backlog? I should think so. And what would we do next in the face of the paralysis and collapse of the system? Perhaps, then, Mr. President, we would face up to the need for fundamental reform of our system of justice: basic reform, not oversimplified, indeed procrustean devices aimed to reach easily a goal that is extremely difficult if not impossible to reach in the fullness of the ideal.

Mr. President, I ask unanimous consent that the text of Chief Judge Robson's statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

STATEMENT OF CHIEF JUDGE EDWIN A. ROBSON

Effective May 1, 1973, each judge of this District Court will suspend the trial of all civil cases on his calendar until all triable criminal cases pending for more than 90 days have been disposed of. This is an emergency measure and needed to meet the increase of indictments that have been returned since the opening of court in September of 1972.

In July of 1972, Rule 50(B) of the Federal Rules of Criminal Procedure went into effect. This rule required "each District Court to prepare a plan to minimize undue delay and further the prompt disposition of criminal cases." Each district was directed to provide time schedules governing the disposition of criminal cases. Each of the chief judges of the respective districts in this circuit met and formalized a plan to meet the requirements of the rule. The plans were submitted to the Judicial Council of the United States Court of Appeals for the Seventh Circuit and with revisions approved by them. They became effective on January 30, 1973, and in essence provide that where a defendant pleads not guilty he shall be brought to trial within 90 days when he is held in custody, or within 180 days when he is not in custody. The defendant shall ordinarily be sentenced within 45 days of his conviction or plea of guilty or nolo contendre. The judges of the United States District Court for the Northern District of Illinois have been working diligently to meet this schedule but because of the large number of indictments returned, we now find that this emergency measure is necessary to meet the requirements of the schedule.

We are all aware of the vital interest of the Chief Justice of the United States Supreme Court, Warren E. Burger, in the trial and disposition of criminal cases. He has often stated that unless there are extraordinary problems, the average criminal case should be tried within 90 days after the arraignment and plea. A further indicator of the concern for criminal justice is the bill introduced in the United States Senate in February of this year by Senator Sam J. Ervin. Among other things, it would require district courts to establish plans for trying criminal cases within 60 days of arrest or receipt of summons.

This court has led the nation for a number of years in the disposition of civil cases. For the fiscal year ending June 30, 1972, 10% of the civil cases were disposed of in one month or less after filing, 50% in six months or less, 75% in 18 months or less, and 90% in 22 months or less.

While we have not led the nation in the trial and disposition of criminal cases, we are above the average. It must be kept in mind that a very high percentage of the criminal indictments returned involve complex charges and numerous defendants. This is in sharp contrast to most of the other districts in the country where most indictments are simple. It should be obvious to all who follow the news media that a substantial proportion of the indictments that have been returned in the past year have dealt with corruption in government. We have had sitting at all times approximately eight regular grand juries and two or more special grand juries. At the present time, hearing evidence are four regular grand juries and four special grand juries. James R. Thompson, U. S. Attorney, has announced that he expects to have many more indictments returned in the near future which will involve governmental officials. Such indictments lead to long and extensive trials which use the time of judge and counsel at a higher rate than average. Even when they do not go to trial the time required to go through the initial motions is generally far longer than normal. This inevitably delays other criminal and civil cases on the docket.

There are now pending before the judges of this court 166 cases that are older than 120 days. The U. S. Attorney's office has agreed to cooperate with the judges in bringing these cases to immediate trial. As soon as any judge disposes of his backlog, he will be free to try civil cases. It will be our objective to minimize as much as possible the impact of this emergency measure on the disposition of civil cases—pretrials will continue, motions will be heard and disposed of. Approximately 90% of the civil calendar is settled before trial, 10% not disposed of will be affected by this measure.

Our judges have always been willing to meet any challenge to justice. The criminal docket is such a challenge. The rules require that criminal cases be given precedence, therefore, we must suspend the trial of civil cases until the emergency has been overcome.



## ADMINISTRATION'S FARM MAY COST MINNESOTA $800 MILLION IN ECONOMIC ACTIVITY

Mr. HUMPHREY. Mr. President, I have today released a Senate Agriculture and Forestry Committee staff study indicating that Minnesota could lose $800 million in economic activity if the administration's new farm program is enacted.

The study was prepared at my request to appraise the effect of the administration's farm program on my State. Agriculture Committee members, of which I am one, began mark-up hearings on the farm bill today.

The study indicates that wheat and feed grain producers would be most severely affected.

Of the more than 117,000 farms in the State during 1971, over 95,000 participated in the feed grains program and about 42,000 in the wheat program.

In 1972 total Federal payments to Minnesota wheat and feed grains producers amounted to $165.6 million and represented 33 percent of their total income from such crops—which was $496.7 million.

The administration's program calls for the total elimination of supplemental income payments under these programs.

The study also states that if the dairy price support laws were lowered below the minimum 75 percent of parity now in the law, as recommended by the Secretary of Agriculture, that "severe dislocations could occur" in the dairy industry.

The report states:

The phasing out of payments for feed grains and wheat and undesirable changes in the dairy program would have a very severe adverse effect on producers of these commodities and ultimately on the producers of other commodities.

Minnesota farms can be characterized as family-type farms with the operators depending largely upon farm income for most, if not all, of their income.

The economic dislocation and resource adjustments that necessarily would have to take place on these family farms would be of major magnitude.

Farm programs do provide some price and income protection to farmers. In addition, they also generate substantial economic activity in local communities.

Therefore, the loss of payments and other assurances now provided farmers would also have a very severe adverse impact on the many local communities which depend heavily on agriculture for their economic activity.

Further, the phasing out of bases and land allotments would have an adverse impact on land values.

Mr. President, I believe this report deserves careful study. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON AGRICULTURE
AND FORESTRY,
*Washington, D.C.*

To: Senator Humphrey.
From: Henry Casso.
Date: April 27, 1973.
Subject. Appraisal of the Administration's Farm Proposal As It Affects Minnesota.

This is in response to your request for an economic appraisal of the Administration's farm proposal as it may affect Minnesota.

In his appearance before the Senate Committee on Agriculture and Forestry on March 29, 1973, the Secretary of Agriculture made the following recommendations:

RECOMMENDATIONS

"First, income supplement payments, payments that exceed the amount necessary to achieve set-aside or production adjustment objectives, should be phased out over a 3-year period. The 3-year period would provide an orderly transition and give farmers a specific time in which to make their long-range plans as they shifted their income dependence to growing market demand.

"Set-aside payments for production adjustment would continue as needed to prevent surplus accumulations. However, the mandatory requirement for making payments regardless of the amount of land set-aside, should be modified.

"Second, as the income supplement payments are being phased out at the end of three years, we recommend a shift in the fourth year from the present outdated allotments and bases to a new cropland base. This would broaden the set-aside concept by basing production adjustment, as needed, on total crop acreage rather than limiting the adjustment to historical acreages of certain crops.

"The set-aside requirement in a given year would be a percentage of the cropland base established for each farm. The payment rate per acre would be set at a level needed to get the total set-aside acreage required to meet the production adjustment goal.

"Third, the basic payment limitation of $55,000 should apply to income supplement payments only during the 3-year phase-out. The payment limit . . . as it applies to income supplements . . . should be reduced over the 3-year period in proportion to the reduction in income supplement payments.

"To function, set-aside payments for production adjustment should be excluded from the $55,000 limitation. In the effort to rent land to adjust production, a payment limit would be counter productive in that acreage where payments are above the $55,000 level would be arbitrarily forced into production and excluded from the set-aside. We intend that this would be included in the legislation for set-aside production adjustment payment even during the 3-year phase out of income supplements.

"Fourth, with respect to the dairy program, we recommend that the 75 percent of parity minimum price support level be removed to give greater ability to respond to changing conditions. We also recommend that the 1970 Act provisions, which temporarily suspend the requirement for direct support on butterfat, be made permanent. However, we do not believe that a comparable case can be made for a permanent Class I Base Plan.

"Fifth, the Secretary should have discretionary authority to set payments for wool and mohair at levels he determines necessary to meet income and other program objectives.

"There are other provisions of the Act that can be improved from the standpoint of the future of agriculture and in the best interests of the program's operations.

"Though not included in the 1970 Act, the peanut, rice, extra long staple cotton and possibly the tobacco programs, are in need of careful review. These programs should be more in line with the other major commodity programs by allowing adjustments to meet changing conditions and by permitting farmers to capitalize on expanding markets. We are exploring alternatives to the present programs and hope to work with farmers and with this Committee in working out acceptable program changes."

The Secretary also indicated that rigid payments and price guarantees prevent the programs from being as effective as they should be to meet changing conditions and that these guarantees lessen the ability of farmers to make decisions based on changing markets.

Whether these price guarantees refer to loan levels is not made clear in the statement.

However, under existing law in the case of wheat, the loan level cannot be less than $1.25 per bushel; in the case of corn, not less than $1.00 per bushel and other feed grains in relation to corn; the support price for shorn wool shall be 72 cents per pound, grease basis; the support price for mohair shall be 80.2 cents per pound, grease basis; and price supports for the dairy program shall not be less than 75 percent of parity. Price supports for soybeans shall not be in excess of 90 percent of parity.

It is apparent, therefore, if the Administration's proposal were accepted that loan levels for commodities covered by the Agricultural Act of 1970 would be at existing levels or lower and that allotment and bases, as well as income supplement payments for feed grains, wheat and cotton would be phased out completely after three years. It appears further that price support levels for dairy products would be lowered below the minimum 75 percent of parity now in the law.

MINNESOTA AGRICULTURE

According to the United States Department of Agriculture, Minnesota in 1973 had a total of 117,000 farms with an average size of about 261 acres per farm (Table 1).

A breakdown of census data shows that about 64.5 percent of the farms in Minnesota were less than 260 acres in size and about 35.4 percent of the farms were in excess of 260 acres in size. Census data also show that 65.8 percent of the total land in farms in Minnesota were on those farms of more than 260 acres in size, while only 34.1 percent of the total land in farms were on those farms of less than 260 acres (Table 2).

Census data also show that 51.3 percent of the farms in Minnesota had gross sales of less than $10,000 per farm. About 42 percent of the farms had gross sales of from $10 to $40 thousand and only 6.6 percent of the farms had gross sales in excess of $40,000 per farm (Table 3).

From the census we also find that the 42 percent of the farms with sales of between $10 and $40 thousand accounted for 52.8 percent of the total value of agricultural products sold in Minnesota. The 51.3 percent of the farms with sales of less than $10,000 per farm accounted for 13.2 percent of the total value of agricultural products sold. On the other hand, the 6.6 percent of the farms with sales in excess of $40,000 per farm accounted for 34 percent of the total value of agricultural products sold in Minnesota (Table 4).

Measured on the basis of cash receipts from sales of principal farm products, agriculture in Minnesota is highly diversified although the importance of livestock and products far outweights that of crops. Of total farm cash receipts of about $2.4 billion from sales of farm products in 1972 all livestock and products accounted for about 68 percent, while crops accounted for about 32 percent. Cattle and calves are the principal commodities with sales in 1972 of about $673 million, dairy products is next with sales of about $481 million, followed by hogs with $324 million, and poultry and eggs with $133 million.

Total cash receipts from sales of crops in 1972 amounted to about $775 million. Soy-

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beans was the number one crop with cash receipts of about $253 million, followed closely by corn with $224 million. Cash receipts from sales of wheat accounted for about $82 million. Cash receipts from sales of crops included in the Agricultural Act of 1970 amounted to about $332 million or 43 percent total sales of all crops (Table 5).

In 1972 about 5.7 million acres of corn and barley were harvested in Minnesota. Also another 1.5 million acres of wheat were harvested. These crops are covered by the Act of 1970. Soybean acreage harvested in 1972 amounted to about 3.3 million acres, while oats accounted for about 2.4 million acres (Table 6).

According to the Statistical Reporting Service of the United States Department of Agriculture, there are now 117,000 farms in Minnesota. Utilizing data available from the Agricultural Stabilization and Conservation Service of the Department, we find that in 1971 over 95,000 farms participated in the feed grain program and about 42,000 farms participated in the wheat program. The 1971 programs did not include barley but the 1972 and 1973 programs did. In 1972 about 19.7 thousand farms with barley bases, totaling about 1 million acres did participate in the program. These are the crops covered by the Agricultural Act of 1970.

Of those farms participating in the program in 1971, about 65.5 percent had feed grain bases of from 30 to 200 acres and 30.3 percent had bases of less than 30 acres. In the case of wheat only 4.9 percent of the farms had bases in excess of 30 acres, while 95.1 percent of the farms had bases of less than 30 acres (Table 7).

IMPACT OF ADMINISTRATION'S PROPOSAL ON MINNESOTA'S FARMERS

In 1972 total payments to Minnesota's producers under the feed grains and wheat programs amounted to $165.6 million. Of this feed grains accounted for about $147.8 million and wheat for about $17.8 million (Table 8).

It is evident, therefore, that the payment requirements of the 1970 Act are extremely important to Minnesota farmers and the loss of this income would have a very severe adverse impact.

FEED GRAINS

The impact of the phase out of the program payments and bases for feed grains would have a very severe impact on the 95,350 producers who participated in the program. Last year Minnesota produced about 489 million bushels of corn and barley which are included in the 1970 Act. Although only part of this was marked as grain, cash receipts from the sale of feed grains amounted to $250 million. And government payments amounted to $147.8 million, and as a result, government payments to producers accounted for about 37 percent of the total cash income from sales of these feed grain crops.

It is evident that the present feed grain program is of substantial benefit to the farmers of Minnesota and the loss of this payment income would have a substantial adverse effect on these feed grain producers.

WHEAT

Wheat is also a major crop in Minnesota. Last year almost 1.5 million acres were harvested and production amounted to nearly 50 million bushels. Cash receipts from the sale of wheat amounted to $81.1 million and payments to wheat producers who participated in the program accounted for $17.8 million, or about 18 percent of the total cash income from sales of wheat. Loss of this payment income to the producers of wheat in Minnesota would also be especially difficult to overcome.

SIZE OF PAYMENTS PER FARM

Almost 96 percent of the farms in Minnesota participating in the 1972 feed grain program received payments of less than $5,000 per farm and about 54 percent received payments of less than $1,000 per farm.

In wheat, 99 percent of the farms received payments of less than $5,000 per farm and about 92 percent received payments of less than $1,000 per farm (Table 9).

It is evident that Minnesota bases and allotments upon which payments are made to producers are predominantly small, but it should also be noted that loss of the payment income to producers in Minnesota on even the largest of farms would be extremely difficult to overcome under existing cost-price relationships. For example, the average price received by farmers for corn in Minnesota in 1972 average $1.15 per bushel, and for barley 94 cents per bushel and for wheat $1.73 per bushel. But it should also be pointed out that with the exception of corn prices in the year of the 1970 blight the 1972 prices are higher for any of the commodities mentioned than in any recent year. (Table 9).

DAIRYING

The dairy industry is second to only cattle and calves as a source of cash receipts from sales of agricultural commodities in Minnesota and in 1972 accounted for $480.7 million. Existing price support programs for milk provide for a minimum of 75 percent of parity for manufacturing milk. This year 75 percent of parity amounts to $5.29 per hundredweight. If the dairy price support laws were changed to lower the level as recommended by the Secretary of Agriculture, it could have an adverse impact on the dairy industry in Minnesota. While at the present time market prices are higher than in recent years, the fact remains that production costs in dairying have increased materially. Last year Minnesota produced about 9.2 billion pounds of milk, about 90 percent of which goes into manufacturing purposes. Without some reasonable assurance of nationwide price guarantees, severe dislocations could occur in the dairy industry in Minnesota.

GENERAL

The phasing out of payments for feed grains and wheat and undesirable changes in the dairy program would have a very severe adverse effect on the producers of these commodities and ultimately on the producers of other commodities. Minnesota farms can be characterized as family-type farms with the operators depending largely upon farm income for most, if not all, of their income. The economic dislocations and resource adjustments that necessarily would have to take place on these family farms would be of a major magnitude. Farm programs do provide some price and income protection to farmers. In addition, they also generate substantial economic activity in local communities. Therefore, the loss of payments and other assurances now provided farmers would also have a very severe adverse impact on the many local communities which depend very heavily on agriculture for their economic activity.

Furthermore, the phasing out of bases and allotments would have an adverse impact on land values. Farmers have been able to use the increasing value of land as collateral for additional credit which is so sorely needed in today's farm operations. For example, on a nationwide basis in just the last decade the use of credit by farmers has increased by over 250 percent.

There are many estimates of the multiplier effect of dollars earned in farming. If a multiplier effect of 5 is used, the loss of payments in Minnesota alone could amount to losses of about $800 million in economic activity.

TABLE 1.—*Minnesota, 1973*

| | |
|---|---|
| Number of farms | 117,000 |
| Land in farms | 30,500,000 |
| Average size of farms | 261 |

SOURCE.—SRS, USDA, April 1973.

TABLE 2.—MINNESOTA, 1973 (117,000 FARMS) PERCENTAGE OF FARMS AND PERCENTAGE OF TOTAL LAND IN FARMS IN EACH SIZE CLASS OF FARMS [1]

| Size of farms (acres) | Percentage of farms | Percentage of total land in farms |
|---|---|---|
| 1 to 9 | 2.7 | (2) |
| 10 to 49 | 5.8 | 0.7 |
| 50 to 69 | 2.3 | .5 |
| 70 to 99 | 8.7 | 2.7 |
| 100 to 139 | 9.5 | 4.3 |
| 140 to 179 | 16.5 | 10.0 |
| 180 to 219 | 9.1 | 6.9 |
| 220 to 259 | 9.9 | 9.0 |
| 260 to 499 | 25.7 | 34.8 |
| 500 to 999 | 8.1 | 20.3 |
| 1,000 to 1,999 | 1.5 | 7.3 |
| 2,000 and over | .1 | 3.4 |
| Total | [3] 99.9 | [3] 99.9 |

[1] Census percentage applied to 1973 numbers.
[2] Less than .01 (actually 0.03).
[3] Does not add to 100 percent because of rounding.

TABLE 3.—*Minnesota,[1] percentage of farms by value of products sold*

| | |
|---|---|
| Value of sales: | |
| Under $2,500 | 20.4 |
| $2,500 to $4,999 | 12.0 |
| $5,000 to $9,999 | 18.9 |
| $10,000 to $19,999 | 24.5 |
| $20,000 to $39,999 | 17.6 |
| $40,000 to $99,999 | 5.5 |
| $100,000 and over | 1.1 |
| Total | 100.0 |

[1] From Census of Agriculture, 1969 April 1973.

TABLE 4.—*Minnesota,[1] percentage of total value of agricultural production sold by farms by category*

| | |
|---|---|
| Category—Value of agricultural products sold by farms having sale of: | |
| Under $2,500 | 1.6 |
| $2,500 to $4,999 | 2.8 |
| $5,000 to $9,999 | 8.8 |
| $10,000 to $19,999 | 22.4 |
| $20,000 to $39,999 | 30.4 |
| $40,000 to $99,999 | 20.0 |
| $100,000 and over | 14.0 |
| Total | 100.0 |

[1] From Census of Agriculture, 1969 April 1973.

TABLE 5.—*Minnesota farm cash receipts from sales of principal farm products, 1972*

| | |
|---|---|
| Crops: | |
| Included in the 1970 Act: | |
| Corn | $224,100,000 |
| Barley | 25,900,000 |
| Wheat | 81,900,000 |
| Other Principal Crops: | |
| Soybeans | 253,200,000 |
| Oats | 35,600,000 |
| Sugar Beets | 27,600,000 |
| Vegetables | 58,200,000 |
| Hay | 23,500,000 |
| Livestock and Products: | |
| Cattle and Calves | 672,900,000 |
| Hogs | 323,900,000 |
| Dairy Products | 480,700,000 |
| Poultry and Eggs | 133,200,000 |
| All Crops | 774,776,000 |
| All Livestock and Products | 1,634,977,000 |
| Total | 2,409,753,000 |

TABLE 6.—MINNESOTA, ACREAGE HARVESTED AND PRODUCTION OF PRINCIPAL CROPS, 1972

| Crops | Acreage harvested | Production |
|---|---|---|
| Corn (for grain) (bushel) | 4,899,000 | 455,607,000 |
| Barley (bushel) | 790,000 | 33,970,000 |
| Wheat (bushel) | 1,498,000 | 49,232,000 |
| Soybeans (bushel) | 3,325,000 | 93,100,000 |
| Oats (bushel) | 2,440,000 | 124,440,000 |
| Sugar beets (tons) | 111,700 | 1,559,000 |
| Hay (tons) | 3,020,000 | 8,163,000 |



TABLE 7.—MINNESOTA, PERCENTAGE OF FARMS PARTICIPATING IN THE 1971 FEED GRAIN AND WHEAT PROGRAMS BY SIZE OF BASES OR ALLOTMENTS [1]

| Size (acres) | Percentage of farms [2] Feed grains | Wheat |
|---|---|---|
| 0.1 to 10 | 7.82 | 84.26 |
| 10 to 15 | 5.62 | 5.55 |
| 15 to 30 | 16.87 | 5.28 |
| 30 to 50 | 18.44 | 2.92 |
| 50 to 200 | 47.06 | 1.88 |
| 200 to 500 | 3.91 | .10 |
| 500 to 1,000 | .25 | (3) |
| 1,000 and over | .02 | (4) |
| Total | 99.99 | 99.99 |
| Number of farms participating | 95,350 | 41,646 |

[1] The 1971 program did not include barley while the 1972 and 1973 programs do. In 1972 about 19.7 thousand farms with barley bases totaling about 1,000,000 acres participated. No frequency distribution as to base sizes available.
[2] Does not add to 100 percent because of rounding.
[3] Less than 0.01.
[4] None.

*Table 8.—Minnesota government payments on program crops, 1972*

| | |
|---|---|
| Feed Grains [1] | $147,822,897 |
| Wheat | 17,757,632 |
| Total | 165,580,529 |

[1] Includes corn, sorghum grain and barley.

TABLE 9.—MINNESOTA PROGRAM PAYMENTS, 1972, PERCENTAGE OF FARMS RECEIVING PAYMENTS BY SIZE OF PAYMENTS

| Size of payment (class) | Percentage of farms in each class [1] Feed grains | Wheat |
|---|---|---|
| 0 to $100 | 5.10 | 36.14 |
| $100 to $500 | 26.69 | 47.49 |
| $500 to $1,000 | 22.05 | 7.96 |
| $1,000 to $2,000 | 22.97 | 4.45 |
| $2,000 to $5,000 | 18.64 | 3.03 |
| $5,000 to $7,500 | 2.94 | .54 |
| $7,500 to $10,000 | .91 | .20 |
| $10,000 to $15,000 | .49 | .11 |
| $15,000 to $20,000 | .13 | .04 |
| $20,000 to $30,000 | .06 | .02 |
| $30,000 to $35,000 | .01 | (2) |
| $35,000 to $40,000 | (2) | (2) |
| $40,000 to $45,000 | (2) | (2) |
| $45,000 to $50,000 | (2) | (2) |
| $50,000 to $55,000 | (2) | (2) |
| Total | 99.99 | 99.98 |

[1] Does not add to 100 percent because of rounding.
[2] None.
[3] Less than 0.005.

TABLE 10.—MINNESOTA, AVERAGE PRICES RECEIVED BY FARMERS FOR SELECTED CROPS

[Dollars per bushel]

| Crop | 1968 | 1969 | 1970 | 1971 | 1972 |
|---|---|---|---|---|---|
| Corn (grain) (bushel) | 1.03 | 1.05 | 1.18 | 1.01 | 1.15 |
| Barley (bushel) | .82 | .80 | .93 | .84 | .94 |
| Wheat (all) (bushel) | 1.34 | 1.46 | 1.59 | 1.37 | 1.73 |
| Oats (bushel) | .55 | .61 | .59 | .52 | .64 |
| Soybeans (bushel) | 2.45 | 2.37 | 2.79 | 3.08 | 3.45 |
| Flaxseed (bushel) | 2.85 | 2.45 | 2.49 | 2.44 | 2.80 |

Source: SRS, USDA.

## WILLIAM BENTON

Mr. METCALF. Mr. President, I join with my colleagues in commemorating William Benton. His accomplishments are well known: former Senator from Connecticut, publisher, vice president and benefactor of a university, statesman. The list is a catalog of life lived to the fullest, of versatility, of diligence, and above all, of excellence.

His passion for education led him to the University of Chicago and the Encyclopaedia Britannica. His sense of duty took him to the State Department and the U.S. Senate. His love of country and its ideals gave us the Voice of America. His concern for humanity brought the establishment of UNESCO.

When I was a Member of the House of Representatives and assigned to the Committee on Education and Labor it was my good fortune to work closely with Mr. Benton on proposals for Federal aid to education. His knowledge of educational problems and his enthusiasm for Federal support of education contributed substantially to the early legislation. As a pioneer supporter of education from the Federal level he was responsible for much of the legislation in this area that eventually evolved.

I am proud to recall that Montana had some small part in the development of this remarkable man. Although he was born in the Midwest and lived in the East for most of his life, Bill Benton homesteaded in the rolling prairies of eastern Montana.

I am sure that his independent spirit was forged in that stern and precarious life and that he took the breadth of his vision from the vast horizons of the Big Sky Country.

## FOREIGN TRADE AND INVESTMENT ACT OF 1973

Mr. HARTKE. Mr. President, as sponsor of the Hartke-Burke Foreign Trade and Investment Act of 1973, I have consistently tried to keep the debate open on trade matters. The administration has finally sent us its recommendations for trade legislation, and I welcome this move because we may now discuss these questions in committee and hopefully pass a meaningful trade bill as soon as possible.

Mr. President, I am very pleased that the distinguished chairman of the Ways and Means Committee of the House, Mr. MILLS, will begin hearings on trade matters May 7. Because under our Federal system the House is charged with tax matters, it is correct for the Ways and Means Committee to first take up trade questions. We all know that a great deal of our trade problems are caused by an inequitable tax system which grossly favors our large multinational corporations.

Mr. President, I would remind my colleagues that trade legislation is a top priority in this current session of Congress, and with that in mind I think it is incumbent upon all of us to study the issues thoroughly in order that we may act wisely.

James L. Rowe, Jr., has written a timely and informative article in the Washington Post about the differences between the administration bill and my own. I ask unanimous consent that the article by Mr. Rowe be printed in the RECORD so that my colleagues may further understand the issues we face.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EFFECT OF NIXON'S FOREIGN INCOME TAX PROPOSALS DEBATED

(By James L. Rowe Jr.)

The President's proposed changes in the tax treatment of income earned by foreign subsidiaries of U.S. corporations represents, in the words of one Treasury expert, a "minimum position."

The President's proposals, contained as part of his broad trade legislation went to Congress last week, stopped far short of the sweeping revisions called for by organized labor and contained in the Burke-Hartke bill, reintroduced in January in both the House and the Senate.

Organized labor has contended that U.S. tax treatment of foreign-earned income encourages American companies to produce abroad rather than at home with the consequent "export" of jobs.

The President, in the message accompanying his proposed legislation, said, "Our income taxes are not the cause of our trade problems and tax changes will not solve them." However, he said, "In certain specialized cases, American investment abroad can be subject to abuse." To correct those abuses, the President proposed that:

American companies taking advantage of foreign offers of tax holidays should have their income taxed when the income is earned, rather than when the profits are returned to the U.S., as they are now.

Companies which build plants abroad expressly for the purpose of reexporting products back to the United States also should be subject to U.S. taxes when they earn the income rather than when they repatriate the profits.

The President also said there are "situations in which American companies so design their foreign operations that the United States Treasury bears the burden when they lose money. Yet, when that same company make money, a foreign treasury receives the benefit of taxes on its profits."

Treasury Secretary George P. Shultz told newsmen that such situations occur in oil exploration. When a company drills for wells, it runs up expenses without any incoming revenue and uses these expenses as an offset against its U.S. taxes. But when the wells begin producing and the company begins making profits, foreign governments get the taxes.

Shultz and the proposed changes would force that company to deduct some of the earlier losses from the foreign tax credit it gets during the profitable period.

The President's proposed tax changes do not deal with the two major tax provisions in the Burke-Hartke bill, however. That bill, which was introduced during the last session of Congress and reintroduced during the current one by Rep. James A. Burke (D-Mass.) and Sen. Vance Hartke (D-Ind.), among other things, would:

Repeal the tax credit which American companies may claim for taxes paid to foreign countries.

Eliminate the deferral of taxes on profits which have not yet been sent back to the parent company, instead taking that income when it is earned.

The Burke-Hartke bill would force an American company to treat foreign income taxes much the same way it treats state taxes—as a cost of doing business and, therefore, a tax deduction rather than a tax credit. A tax credit permits a company to reduce its U.S. income taxes within certain limits by the amount of taxes it paid to the foreign government. The credit cannot be a bigger portion of its U.S. tax than the foreign portion of its total income.

So, to use an example developed by Gerard M. Brannon of Tax Analysts and Advocates, a public interest tax law firm, suppose a U.S. firm has a plant in the U.S. and a plant in France, earning $1 million at each plant.

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It would have to report $1 million in income to France, and $2 million to the U.S.

With the U.S. tax rate at about 48 per cent, the taxes owed here would be $960,000. Suppose the French rate were the same: the company would owe $480,000 to France. Its foreign tax credit, therefore would be $480,000 and it would owe the U.S. government $480,000 ($960,000 minus the $480,000 tax credit).

If the French tax were $600,000, the most the company could take as a credit would be $480,000 (since half the income was from France, the company cannot use the credit to reduce its U.S. taxes by more than half). If the French tax were $400,000, then the company would owe $480,000 on the U.S. business and an additional $80,000 on the French business.

Under Burke-Hartke, the U.S. corporation would be forced to treat the French tax as an expense, and would subtract it from its profit on the French plant rather than from its U.S. taxes.

As a result, the profit the company would report would be $1 million from its U.S. plant and $520,000 from its French plant, paying taxes of about $250,000 on the French plant profits. Its total French and U.S. taxes on the plant would be $730,000.

In practice, most companies set up subsidiary corporations organized under the laws of the country in which they are doing business. The current law does not require a company to pay U.S. taxes on the profits of those subsidiaries until the company returns those profits to the parent corporation as dividends. The dividends still receive the foreign tax credit.

If a company reinvests the earnings of a foreign subsidiary, it pays no U.S. taxes on that subsidiary's earnings.

The proposals of President Nixon would revoke that privilege for two very specific situations—when the company sets up abroad to take advantage of foreign tax holidays or when it sets up abroad to re-export its products to the U.S.

The President said these holidays distort "the flow of capital" and produce "unnecessary hardship." According to one tax expert, most companies are not flexible enough to take advantage of tax holidays for the sake of the tax holiday itself. A byproduct of the proposal might be to hurt lesser-developed countries, who offer such holidays on a long-standing basis to attract capital.

The President's proposed legislation sets up a safeguard which would permit him to negotiate bilateral income tax treaties with the lesser-developed countries "which would make these rules inapplicable to specific incentives."

The kicker here, according to one tax expert, is that the Senate must approve these bilateral income tax treaties. The Senate, he said, has not approved a bilateral income tax treaty in decades.

To prevent the so-called runaway plant situation, where the company sets up a plant specifically for the purpose of re-exporting goods to the U.S., the President would tax income earned by these subsidiaries immediately.

The provision would apply, however, only where the subsidiary's receipts from exports "exceed 25 per cent" of its total receipts. The provision would apply to new investments, not to investments already in place.

The provision is weak, according to a number of tax experts, because it applies to total subsidiary receipts. "One plant may be a runaway plant," an expert said, while the rest of the subsidiary may not be. Unless that plant's receipts from re-export to the U.S. exceed one quarter of the total subsidiary's receipts, that plant would not be contained by the proposed provision.

## RECONFIRMATION OF FEDERAL JUDGES

Mr. HARRY F. BYRD, JR. Mr. President, the General Assembly of Virginia has approved a resolution calling for the reconfirmation of Federal judges by the U.S. Senate every 8 years.

This resolution is similar to the one which I proposed as an amendment to the U.S. Constitution. It is my feeling that as more and more power is concentrated in the Federal Government, it is increasingly important that Federal judges who now serve for life, be made more accountable. Today, these judges are accountable to no one.

Why should any public official in a democracy have life tenure?

The resolution approved by the Virginia General Assembly originated in the State Senate, where it was sponsored by State Senator Robert S. Burruss, of Lynchburg.

I know Senator Burruss well. I know his deep concern about this problem. It was therefore heartwarming to me to know that the legislature of Virginia, as a body, holds the same view.

I commend Senator Burruss for the resolution which he presented to the Virginia Senate and I commend the Virginia General Assembly for approving it.

Lifetime tenure for Federal judges is a practice that should be ended. Federal judges should have fixed terms as now provided for in 49 States. There is only one State out of 50 which provides for life tenure.

We should have fixed terms for the Supreme Court and the rest of the Federal judiciary.

I ask unanimous consent that the text of this resolution be included at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE JOINT RESOLUTION 130

Memorializing the Congress of the United States to propose an amendment to the Constitution of the United States, relating to tenure of federal justices and judges

Whereas, the justices of the Supreme Court and judges of the inferior courts of the United States are appointed for life, and are removable only by impeachment; and

Whereas, in forty-seven of the fifty states, including this Commonwealth, the judiciary has fixed tenure; and

Whereas, the experience in this Commonwealth reveals that although the judges may be removed from office at the end of their terms, the judiciary has remained independent; and

Whereas, the Congress of the United States should be granted the power parallel to that which this General Assembly now has, that is, to review the records of its federal justices and judges of inferior courts; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to adopt and offer to the States for ratification or rejection the following amendment to the Constitution of the United States:

"ARTICLE —

"Section 1. Notwithstanding the provisions of the second sentence of Section 1 of Article II of the Constitution, each justice of the Supreme Court and each judge of an inferior court established by Congress under Section 1 of Article III shall hold his office during good behavior for terms of eight years. During the eighth year of each term of office of any auch justice or judge, his nomination for an additional term of office for the judgeship which he holds shall be placed before the Senate in the manner provided by the law, for the advice and consent of the Senate to such additional term, unless that justice or judge requests that his nomination not be so placed. Any justice or judge whose nomination for an additional term of office is so placed before the Senate may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his prior term of office, whichever is later.

"Section 2. The terms of office established by Section 1 of this article shall apply to any individual whose nomination for a judgeship is submitted after the ratification of this article to the Senate for its advice and consent."

Resolved further, That the Clerk of the House of Delegates is hereby instructed to send copies of this Joint Resolution to the members of the Viriginia delegation in the Congress of the United States, and to the President and Vice President of the United States, and the Clerks of the Senate and the House of Representatives.

## SENATOR DOLE SPEAKS ON INTERNATIONAL TRADE

Mr. HANSEN. Mr. President, the subject of foreign trade and the U.S. position as a major partner in international commerce have assumed the greatest importance in recent years. With the vast changes of the past quarter century and especially the last 4 years, the policies which our country adopts to deal with the economic challenges confronting us abroad take on even larger significance than ever before.

This year, with the consideration of major trade legislation as one of the top priorities in Congress, these issues will command even greater attention and require the most careful consideration and thoughtful analysis from all who bear responsibility for shaping our Nation's policies.

Recently, at the Conference on International Trade and Diplomacy held at the University of North Carolina, the Senator from Kansas (Mr. DOLE) addressed the major issues facing the United States as we develop a policy toward our European and Japanese trade partners. These remarks provide a clear perspective on the issues and national interests involved as we approach the enactment of legislative authority for the trade negotiations which are expected to begin later this year.

My colleague from Kansas is a new member this year of the Finance Committee. This committee will have jurisdiction over trade legislation when it is received from the House, so the points made by the Senator are all the more valuable and instructive for those of us who are concerned with these important questions.

Therefore, I ask unanimous consent that the text of Senator DOLE's address be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:



REMARKS OF SENATOR BOB DOLE

I am pleased to be here as you take up the start of the University of North Carolina's first conference on international trade and diplomacy.

This is a most timely subject and a most important one—and as you are no doubt aware—it is a subject that will, in all likelihood be occupying an increasingly large share of the Congress' attention in this session and in sessions to come.

Allow me to say, at the outset, that though I am a member of the Senate Finance Committee, which is chiefly responsible for international trade legislation in the Senate, I am one of its newest members. So I am not going to pretend to any special expertise in this complex field involving international relations, macroeconomics, trade and monetary policy along with law and diplomacy.

I claim the right only to speak as an observer who has noted, with marked interest and fascination, the tremendous changes that have taken place on the world scene in the last 25 years and with increasing rapidity in the last ten.

The mere mention of a few cities—Tokyo, Bonn, Peking, Moscow—these alone are enough to evoke images of a world drastically changed from what we may remember from the immediate post-war era.

CHANGED ECONOMIC RELATIONSHIPS

The world has changed radically, and with it, the United States' international economic position.

In 1960, our trade balance on a "C.I.F." basis—that is, including freight and insurance costs for our imports, but excluding foreign aid giveaways—was still in the black by $1.8 billion.

By 1972—one year after our first dollar devaluation since the depression—it was in the red by over $10 billion.

We have been running trade deficits, on a "C.I.F." basis, since 1966.

We have been running over-all international balance of payments deficits since 1950.

During the late 1950's and all through the 1960's. The United States acted to "correct" the balance of payments. A variety of methods such as tied aid, military offset sales, the interest equalization tax, controls over bank lending and direct investment abroad, tightened "Buy American" requirements on defense purchases were utilized other "cosmetic" actions, such as debt prepayments were taken to make the numbers look better. But during this period—while the United States plugged along with business as usual—the forces of change were at work.

There are many technical terms, which could be applied to the international economic history of the past 15 or 20 years. But for shorthand purposes, we can just use two words; Europe and Japan. The reconstruction and succeeding growth of these two powers changed the whole world's economic and trade landscape—most of all, the United States' position as the giant of international commercial intercourse, in the process of their restoration and rebirth, we were outsold, out bargained, out-hustled and outmaneuvered, while the deficits grew and our trade balance declined. And, finally, all the chickens came home to roost, in the massive speculation against the dollar in 1971.

LIVING IN THE PAST

After a period of trumoil, new currency rates were set at the heralded "Smithsonian Agreement" in December, 1971. This realignment was viewed in optimistic terms, and everyone predicted a major swing in the United States' balance of trade and payments.

But 1972 did not witness any improvement. Rather, a further deterioration in the U.S. trade and payments position was experienced. The published "F.O.B." trade deficits shot up to $6.9 billion, while the "C.I.F" trade deficit exceeded $10 billion. And the second massive run against the dollar in fourteen months resulted in another dollar devaluation this past February.

As the President stated in his latest "international economic report:"

"Our major difficulties stem from relying too long upon outdated economic arrangements and institutions despite the rapid changes which have taken place in the world. Many countries were helped to rebuild after world War II are now our strongest competitors. Americans can no longer act as if these historic developments had not taken place."

That statement is a good, hard, realistic assessment of the perspective in which we must view trade policies. We have been living in the past. And we have been kidding ourselves with the "good news" announcements —which, until recently, so regularly issued from the Department of Commerce, telling us that we had a rosy trade surplus—when actually the trade balance of the United States has been in the red since 1966. And if imports are valued to include the cost of insurance and freight as 90 percent of other countries around the world do, and if we exclude from our export figures the foreign aid giveaways for which we earn no hard currencies—then it is startlingly clear that we have been running a trade deficit since 1966.

A CLEAR CHOICE

Economic theory would suggest that the recent unilateral devaluation of the dollar by 10 percent, and a float of certain other currencies, such as the Japanese yen, the British pound, and the Italian lira, should result, over time, in a significant improvement in the U.S. competitive position. Imports of foreign products should become more expensive, with U.S. exports being more attractive in foreign markets, yet, as the last devaluation showed, the short-term effects may well be negative. The problem lies, not in the tactics and strategy employed by the United States and other countries in meeting these situations. But in the basic rules which govern the entire game of international trade and finance. And without revision of these rules the international monetary system is likely to limp along from crisis to crisis, and the U.S. balance of payments deficit could persist and worsen for years to come.

The nations of the world face two simple alternatives. They can recognize the common dangers of the present system and sit down together to revamp the old Bretton Woods system in a cooperative way. Or they can let the law of the jungle take over in international trade and monetary matters.

But there is really only one course, for we cannot afford the second choice. Stability and order in the international system are essential to the strength and security of every national economy, regardless how large or how small. And economic conditions are basic elements in the overall prospect for lasting world peace.

NO SIMPLE ANSWERS

But what are we to do? How are we going to set about the task of facing up to reality and securing those basic revisions in the ground rules of international economics? I wish I had the simple answers to these questions. But there are no simple answers, and there will be no easy solutions. And to understand this point, we only have to turn a few pages of fairly recent history.

Since 1934, the Congress has delegated the authority for negotiating reciprocal trade agreements with foreign countries to the executive branch of Government. And in the intervening years, a variety of bilateral and multilateral reciprocal agreements have been concluded. The first, of course, was Breton Woods in 1944. Between 1944 and 1962, we had a series of trade negotiations which substantially reduced tariff barriers around the world. In 1962, the Congress authorized the so-called Kennedy Round which led to the largest tariff reductions in the post-war period.

But based on hard evidence in a number of important export sectors of our economy, it is clear that these trade agreements have neither been reciprocal nor fair. Indeed, most of them have been deliberately designed to transfer our resources to other countries. Now the motives for these agreements may have been of the highest and most praiseworthy nature, as we sought to rebuild and strengthen a worn-torn and depressed world economic order. But times have changed. As we have noted, the U.S. has large trade and balance of payments deficits, and the new round of trade negotiations set to begin this fall, will have to result in a different outcome than in the past.

A FAIR SHAKE FOR AMERICA

The present bargaining authority is expiring, and in preparation for the new negotiating sessions the President has proposed legislation which would give the executive branch authority to raise or lower all tariffs in the United States, and to deal with the difficult, but important non-tariff trade barriers which United States exporters face, particularly in the Japanese and European markets. He seeks maximum negotiating authority and flexibility to achieve, as he said "A fair shake" for America in our international trade relationships.

I believe the United States has more than a reasonable expectation of receiving that fair shake. We have a right to it. But having a right to it and getting it are two entirely separate matters.

NO ILLUSIONS

I certainly hope our trading partners will enter into these negotiations with the realization that the United States cannot trade horses for hares anymore. We are going to have to bargain hard, and our overall bargaining position is going to include the threat that the U.S. market will be free only to those who give our exporters reciprocal advantages in their markets.

The fun and games days of International Trade Agreements are over, and no one should harbor any illusions. For their part, our trading partners should neither expect unearned concessions, nor be upset when we refuse to offer them. The United States can no longer afford unjustifiable and unilateral trade giveaways and generosity, and when we sit down to the bargaining table from now on, everyone should be on notice that we are playing for keeps.

On our part, we cannot expect to furnish any undeserving shelter to American industries which cannot compete on an even basis—and I stress, on an even basis—with their counterparts in other countries. But we cannot afford another tariff-cutting exercise like the "Kennedy Round" which left United States markets over-exposed to foreign imports without providing corresponding benefits for U.S. exporters.

Since the end of the Kennedy Round, our trade and balance of payments deficits have grown by leaps and bounds, while industry after industry has complained of foreign non-tariff barriers which were neglected in

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those negotiations. More than 70 American industries requested import protection in 1970, and I doubt that their numbers have dwindled since then.

Organized labor has called for a sweeping change in foreign economic policies, including the imposition of across-the-board import quotas and the abolition of favorable tax treatment for U.S. investment abroad. While I do not agree with this view of our attitude toward foreign trade, there is no question but that we need a new approach to International Trade negotiations.

CARTOON CAPSULE

I don't know how many of you might have seen it, but Pat Oliphant, the editorial cartoonist of the Denver Post, put the basic question of International Trade Negotiations into crisp focus with one of his pictorial commentaries last January.

In it he shows the Members of the Common Market—dressed in World War I battle gear with muskets, cannon and a vat of boiling oil at the ready—awaiting President Nixon, atop the battlements. The Frenchman is leaning over to the German and muttering out the side of his mouth, "If he thinks Vietnam was a hardship, wait 'til he tries to sign a peace treaty with us."

Well, if Oliphant had added a Japanese to the picture and just labelled the fortress as "The Rest of the World," he would have had the whole picture. For that is just what we face when we negotiate in the International Economic field: the United States versus the rest of the world.

And the score over the past seven years, going on eight, is: rest of the world—40, United States—0. That is $40 billion dollars—the total amount of our trade deficit since 1956.

LOPSIDED ARITHMETIC OF GATT TALKS

So we are approaching the battlements of another Gatt round of negotiations. Participating in them will be more than 100 countries, half of them associated in one way or another with the European Bloc. And as a fundamental point of survival, as we view these talks, we must recognize that these countries are not interested in helping us solve our problems, by lowering their barriers. Their principal goal is to sell more to our markets.

In light of this attitude, the arithmetic of these talks makes for a sobering picture. With the one-country, one-vote rule in the GATT, we start out with nine full members of the European community against one—the United States. Then we add all their special commercial partners, and it shifts to thirty-four against one, throw in the less developed countries who want their own tariff preferences, and it's over eighty to one.

So it makes little difference how "tough" our negotiations are under the present system. If we have the deck stacked against us before the negotiations begin, we simply will not have the votes to get a good deal—or even a fair deal.

TWO PRIMART AREAS

But perhaps we are over-simplifying to picture the situation as the United States against everybody. Of course, our trade links to Communist nations and to the developing countries of Africa, Asia and Latin America are of growing importance. And I do not seek to minimize them. But more specifically, in discussing the really difficult questions of foreign trade, we are talking about conditions which exist between the United States and the two other economic giants of the free world, Japan and the European economic community. In our dealings with them lie the basic problems, and in negotiations with them, also rest our hopes for rewriting those basic ground rules which will enable the U.S. to achieve a realistic position in the GATT negotiations and establish the vitally-needed basis for stability in the international trade and monetary realm—which is so important to the structure of a lasting peace.

So let us turn for a moment to the two principal economic powers and see how the negotiations stack up.

UNITED STATES-JAPAN

Let us start with Japan, the source of our biggest trade deficit—$4.5 billion on an F.O.B. basis, and over $6 billion on a C.I.F. basis in 1972.

Of course, it is a fact that two devaluations have changed the relationship between the United States' dollar and the Japanese yen by over 35 percent in the past two years. If the laws of economics were able to operate freely, this would mean a rapid shift in our trade imbalance with Japan. U.S. exports from Japan would tend to slow down.

But the laws of economics are not operating freely. The Japanese government has cozy cartel arrangements with its great trading houses and industries. The net result has been that the dollar devaluation in regard to the yen has not and will not, in itself, bring about a corresponding degree of change in the trade imbalance between the two countries. In fact, the Japanese appear confident that they will continue to increase their surplus with us in the near future.

CLEAR MESSAGE

But sooner or later, we are going to have to tell our good friends in Japan that they cannot enjoy this advantageous situation for as long as they can sustain it, for, as much as we may be opposed in principal to doing so, we will be forced to impose restrictions on their exports to our market.

It is well known that Japan is a monolithic economic structure in which the government, banks, and business community set specific export targets on a sector-by-sector basis and adopt policies to insure that those targets are met. I am not critical of their system. It obviously works a lot better than ours, in some significant ways. But I am suggesting that either we are going to have to tell the Japanese that they can export to our market only to the extent that they import from us, or the Japanese are going to have to use their ingenious trading system to set targets on imports from us, which would be in balance with their targets on exports to the United States.

ARTIFICIAL OBSTACLES

This is not a matter of the Japanese being forced to pay a penalty in support of inefficient or uncompetitive American Industries. The ideal solution, of course, would be for United States firms to increase their exports to Japan to make up the difference. But frequently, American businessmen seeking to do business in Japan have encountered a system of official and non-official burdens which make doing business there a near impossibility.

There is no reason in the world why we could not be selling a lot more to Japan, both in industrial and agricultural commodities. Yet, in areas in which we are competitive in agriculture and industry, the Japanese have reserved many of those markets for their own producers. To be fair, I must say that the Japanese have liberalized their economy and their import structure to some extent. And they appear willing to change their priorities and give their consumers some of the benefits of living in a modern industrial economy. But, the progress has been painfully slow, and trade deficits of the United States with Japan will continue to grow as long as this progress remains at a leisurely pace.

LIMITATIONS OF MULTILATERAL AGREEMENTS

But how do we open up the Japanese economy to American products through a trade negotiation on a multilateral basis? And what are we in turn likely to have to give up in our own tariff and non-tariff barriers to achieve such a result? The Japanese have been liberalizing their import structure for years without any improvement in the United States' overall competitive position. Obviously, in such negotiations, the Japanese are going to ask for a reduction in U.S. tariffs and non-tariffs against them. I imagine textiles and steel will be on that list.

If the Japanese trading system were like ours, I would not fear reciprocal reductions in tariffs and non-tariff barriers. But it is not, and even if the Japanese eliminated all other tariffs, I don't think it would have a significant impact on the volume of U.S. exports going to Japan. And here another unique Japanese factor must be taken into account.

The Japanese distribution system is such that an American Pinto which lands in Japan costing about $3,000, ends up at the dealer with a $5,000 sticker on it. The problem is not the tariff at all, the problem is the mysterious distribution system in Japan, which marks up imported products by over 100 percent.

This example stresses the problem of dealing with factors other than tariffs—the so-called non-tariff barriers. It shows that these negotiations will have to break new ground if progress is to be achieved. We will simply have to get into such previously unexplored territory as foreign business practices and limitations on foreign investments and operations.

I certainly have no magic solution to these questions and doubt anyone else does either. But we must recognize the issues to be taken into account as we look ahead and attempt to establish our negotiating position with Japan.

UNITED STATES-EUROPEAN COMMUNITY

Now, let's look at the European Common Market. In 1972, the United States ran a trade deficit with the European community of $600 million on an "F.O.B." basis, and at least twice that on a "C.I.F." basis. Our military expenditures in the community were running at a net deficit of $1 billion—$1.8 billion gross, less $800 million in military sales. Our current account deficit (which includes trade, services, and income on investments) with the community was $3.4 billion last year, and our overall balance of payments deficit was $1.1 billion.

Now, obviously, the Europeans can't say they are not a major cause of our large deficits. And it is not only their bilateral balance with us that contributes to our problem—their third-country transactions must be counted in, too. In a real sense the Europeans and Japanese are both reaping the commercial fruits of our generosity in foreign aid and security payments, while complaining to us about our deficits.

COMMON MARKET TRADING PRACTICES

But let's examine the trading practices of the European community, and how sincere they are in trade negotiations—on anything but their terms.

The community has proliferated its discriminatory preference system to many countries. One might suggest the way to eliminate their discrimination is to end all tariffs—if you don't have any tariff you can't have a discriminatory one. But, there is no evidence from the European community that they are at all interested in ending their common external tariff. Indeed, reports have indicated that in the wake of the latest dollar devaluation, they may actually increase tariffs—to offset the effects of the devaluation on their imports.

AGRICULTURE—A KEY QUESTION

Agriculture is, of course, vitally important to the United States, both in terms of the food and fiber it supplies for our domestic economy and as a major contribution to our exports. It is, after all, one of the few areas in which we enjoy a real competitive advantage, and we must harness it to the greatest possible extent.

In approaching negotiations with Europe our negotiators have put at the top of their list the community's common agricultural policy.

And a very real and important test case for the success of future negotiations on all issues could be the Europeans' decision on paying us compensation for the agricultural trade we will surely lose as Britain adopts the common agricultural policy. Such compensation is called for under the GATT, and we are losing a big grain market in England because of British entry. But so far, the Europeans appear to be unwilling to pay us anything for that loss. They have, in effect, told us "we owe you nothing." And remember, they have the votes in the GATT, and we don't.

I certainly hope this attitude changes, but we must recognize their domestic problems. They have their farm constituents just as we do. But the facts of life dictate that we cannot afford to give their industries better access to our markets without receiving better access for our agricultural exports to their market.

I believe the President defined the issue as clearly as words can put it when he said in his international economic report:

"Indeed, if there is no commitment to meaningful and realistic negotiations in the agricultural sector, it would be difficult for the United States to proceed with multilateral trade negotiations in other sectors."

So, once again, we come down to a basic question, an uncertainty which we cannot answer at this time, but which is fundamental to the progress and shape of negotiations.

DIFFICULT NEGOTIATIONS

At this time, I believe the only legitimate conclusion we can draw is that very difficult negotiations with our European and Japanese friends lie in store.

We simply must receive equal treatment in their markets. Indeed, given the military burdens which the United States carries and which costs us billions of dollars a year to protect our European and Japanese friends and ourselves, I believe we should receive more than reciprocal treatment in their markets.

Our balance of trade and balance of payments deficits must end. Otherwise, the world will continue to suffer one monetary crisis after another, and the prosperity which we have all experienced since the end of World War II will be in jeopardy. But even more important, such economic dislocation and uncertainty would undermine political stability among the nations of the world and hazard the great dream of a lasting, just peace.

But I believe good will and a serious recognition of each nation's problems, expectations and the tremendous importance of these undertakings can bring about success. This success is not only desirable, it is essential.

## A BALANCE OF CONCEPTS

Mr. HANSEN. Mr. President, the distinguished Senator from Utah (Mr. BENNETT) spoke to the American Association of Museums recently.

In his speech, presented on April 26, 1973, Mr. BENNETT provided a clear look at tax legislation which will be coming before the Senate Finance Committee after the House Ways and Means Committee and the House of Representatives finishes action on the measure.



Senator BENNETT is the ranking minority member of the Senate Finance Committee and his remarks to the American Association of Museums about the Tax Reform Act of 1968 and the tax burden on foundations, including museums and galleries.

Because of the excellent points he makes in the speech which will be of interest to a number of our colleagues and others, I ask unanimous consent that Senator BENNETT's remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR WALLACE F. BENNETT TO THE AMERICAN ASSOCIATION OF MUSEUMS, APRIL 26, 1973

I appreciate this opportunity to be with you today to look at the tax problems of museums and galleries through the eyes of a legislator charged with the responsibility of fitting laws affecting your group into the whole tax system in the most practical and equitable way.

Before I address myself to the specific tax questions in which I think you are most interested, let me tell you about the timetable for any tax legislation this year as I see it. As you know, all tax legislation must originate in the Ways and Means Committee in the House and that Committee has been holding general hearings on tax problems since early January. These hearings will be ended next Monday with the appearance of the Secretary of the Treasury and at that point, all tax legislation will be laid aside in order that the Committee may turn to consider trade legislation and the President's recent recommendations for changes in that area. It expects to be thus occupied until the time the Congress takes its summer recess in August and it is assumed that when we return in September, the Finance Committee will take its turn again to consider suggested changes in the tax law. This means that if there is any tax legislation this year, it will be at the very end. My own guess is that there will be none until next Spring.

Having said this, let me return to the more specific tax problems in which you are interested. To open this subject, and by way of background, I think it is necessary that we turn our attention to the 1969 act and the very substantial changes that legislation made in the tax burden on foundations which, by definition, includes museums and galleries. Looking back, I am afraid I have to agree that some tax reforms in this area were necessary at that point in time. The public and the Congress had begun to lose faith in the conduct of charitable activities in general because of the abuses by a relatively few charitable organizations and their donors, and something had to be done to restore confidence in the basic concept of private philanthropy supported by tax incentives. At the same time, I recognize that in the first version of any broad-scale reform of this nature, there are bound to be some instances where the new rules are either inadequate or are more restrictive than necessary to achieve the designed objectives. Obviously most of the amendments being sought at this time by charitable organizations are based on the latter assumption.

Before commenting on the current proposals for change, let's look briefly at the basic philosophy behind the concept of tax advantages for private philanthropy. During the hearings on the 1969 Act, the Finance Committee heard many witnesses testify that the private charity dollar pays for social efforts which would otherwise be a burden to the Federal, State or local governments and for considerable less cost. However, this was opinion testimony; there were no hard facts to back it up. Mr. Peter Peterson, later to become a Presidential Assistant and Secretary of Commerce, testifying for the Commission on Foundations and Private Philanthropy, indicated that this Commission hoped to include such information in its final report, but unfortunately, this did not happen.

I know that value in dollars is not the only means of judging the worth of private philanthropy, since for many of us the existence of a pluralistic society, strongly supported by private philanthropy, is more highly valued than the dollar cost of present tax incentives. But it should be evident that the availability of hard facts would go far in protecting private philanthropy from attack by those who believe that Government could save tax dollars if it should undertake activities now carried on by private charity. And, of course, if an authoritative study of this question could be made it would be very relevant in any legislative deliberations aimed at encouraging private charity, by expanding the tax incentives or liberalizing the present regulations.

As a beginning, I would like to suggest that perhaps the Treasury or a private group should undertake a study of the effects of the charitable rules under the Tax Reform Act of 1969 on the support and operation of public and private charitable organizations. Since the Treasury Department is now receiving much more information from returns of charitable organizations, particularly the private foundations, it may be the appropriate agency to carry on this study.

As you are well aware, the 1969 Act established a whole new set of rules applicable to charitable contributions and to the operation of charitable organizations, the most significant feature of which is the new differentiation between public and private charitable organizations, as defined in the Act. Private foundations, as defined therein, are singled out for more stringent requirements in such matters as the percentage limitation on deductible contributions to such organizations, their investment policy, the type of self-dealing permitted, the required distribution of current income for charitable purposes with a minimum payout, and the special 4 percent audit tax on their net investment income. It was the intent of the Congress that these changes would insure that the tax exemption and tax reductions from charitable contributions would result in reasonably concurrent and commensurate public benefits.

While recognizing that the 1969 charitable reforms were the source of much concern to those involved in the administration of charitable organizations (which is always the case with a new law of such significance) I am pleased that both current and former officials of both the Treasury and Internal Revenue Service have recently stated that they have confidence that the Revenue Service can administer the 1969 charitable reforms in a manner which will carry out Congressional intent without seriously inhibiting the general expansion of philanthropic efforts. We all hope they are right!

Regardless of how well or poorly the sections of the 1969 Act affecting foundations may be administered, there is every reason for the Congress to take another look at them when it returns to tax legislation. There are several areas in which a reconsideration appears justified and I would like to go over some of them with you.

1. CLASSIFICATION OF MUSEUMS AS PRIVATE FOUNDATIONS

I understand that some museums are distributed because under the new Treasury Regulations they are classified as private operating foundations rather than as public charities. The difficulty apparently arises

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because these museums fail to meet the Treasury's construction of the statutory test requiring a public charity to receive a "substantial part of its support" from the general public, which Treasury construes as requiring the museum to receive at least 10 percent of its support from the public.

While most museums meet this 10 percent test, there is a significant number who don't, including some of our most outstanding art museums. These museums were created years ago, usually by a single donor, and were provided with sufficient endowment income to meet most if not all the anticipated operating costs of the museum with the objective of freeing it from the necessity of annual fund-raising drives.

This objective was consistent with tax policy in effect at that time. Since these institutions have public trustees, serve the public directly, and conduct all the programs and activities associated with successful museum operations, your association questions whether they should be treated as private foundations and subjected to the disadvantages of this classification, including the difficulty private operating foundations status presents in soliciting support from large donors and from private foundations of the grant-making type, and of being subjected to the 4 percent audit tax.

I believe this is a matter the tax-writing committees will want to review. Rather than to complicate the existing classifications with wonder if it wouldn't be wisest to try to create a completely new classification for museums and galleries, writing specifications that would apply to them only and preserve their opportunity to attract large contributions, at the same time possibly eliminating the 4 percent audit tax and other features that obviously should not apply to these institutions.

In my opinion, you will have the rest of this year, at least, in which to explore such a possibility with your own officials, the Treasury and staff of the tax-writing Committee.

2. POSSIBILE REDUCTION IN 4 PERCENT AUDIT TAX

If it is not possible to take museums out from under this tax by creating such a new classification you will still be interested in the possible reduction of the 4 percent audit tax for all charitable institutions. As you may remember, in 1969 the Administration recommended an annual supervision tax of 2 percent on the net investment income of private foundations which was estimated to raise annual revenue by about $25 million. This was considered to be enough to cover the cost of the Internal Revenue Service of administering the tax provisions relating to private foundations and other tax-exempt organizations. The Congress rejected the 2 percent rate as probably being inadequate and imposed a 4 percent tax.

Recent Treasury estimates show that the 4 percent tax raised about $56 million in fiscal 1972 while Internal Revenue Service auditing of the entire tax-exempt field cost only $19.3 million, of which auditing of the private foundations cost $12.9 million, and the cost is estimated to be less for fiscal 1973. This would appear to justify a reduction of the 4 percent tax to 2 percent as originally recommended although I must say it might be difficult for Congress to justify tax reduction for private foundations if individual taxes are not also trimmed. At the same time we cannot ignore the efforts of Congressman Wright Patman to enact legislation which would turn over one-half or more of the revenue raised by the 4 percent tax to Attorney General of the States to finance their efforts to beef up state regulation of charitable organizations in their respective States.

3. CHARITABLE GIFTS OF MANUSCRIPTS AND ART WORKS BY CREATOR

The 1969 Act contained an amendment actively supported by Senator Williams of Delaware, which took away the tax deductibility of the value of the contributions made by a person in government, of papers and manuscripts prepared and published while that individual was actively involved in government and which were created in the performance of his official duties. The amendment which limits the charitable deduction for gifts of ordinary income property to the donor's cost, was written in general terms and thus, affected not only persons in government, but also any deduction for charitable gifts by any creator of any work of art or original creation. As you know all too well, this amendment has had the unexpected effect of reducing the number of contributions or original manuscripts, musical scores, paintings and similar material produced by people outside of government where the creator was the donor.

Realizing that it would be a tragedy if, as a result of the operation of the tax law, important papers of Americans in public life and the significant production of artists, authors and musicians should become unavailable for study and enjoyment by future generations, I think we must seek to liberalize these provisions either by changes in the tax law such as have been proposed by Senator Church of Idaho last year and Senators Javits and Metcalf this year, or by finding some other non-tax-related incentives to accomplish this same purpose. I wonder if, out of your broad experience, you can give us some specific suggestions as to other ways in which we can encourage the producers of this valuable material to leave it in the public domain.

4. LOBBYING BY PUBLIC CHARITABLE ORGANIZATIONS

Another proposed change with some impetus behind it is the proposal to permit charitable organizations (other than private foundations) to carry on activities intended to influence legislation. In the last Congress, Senator Muskie introduced two bills (S. 1408 and S. 3063) to accomplish this result. Several similar bills were introduced in the House, including H.R. 13720, which was the subject of hearings held by Ways and Means Committee in May of last year.

Two basic arguments have been advanced in support of this general proposition. One is that since business is permitted to deduct lobbying expenses related to its trade or business, which is lobbying for a private interest, then charitable organizations should be allowed to carry on similar lobbying activities in order that the public interest in the same matters may be presented to legislative bodies. The second argument is merely that legislative bodies need the information available to charitable organizations concerning the impact of present laws or proposed legislation in areas of concern to such organizations in order to make better laws.

I think we can all agree that adoption of an amendment which would permit charitable organiaztions to engage in lobbying at the Federal, State and local levels, and to lobby their own members enlisting them to lobby, in turn, would constitute a basic change in public policy.

I have not reached any conclusion on this matter and will not do so until the Finance Committee, of which I am ranking minority member, has held hearings on the subject and there has been the fullest discussion.

However, as a long-time supporter of tax incentives for charity and private philanthropy, I have some reservations as to whether the proposed change is in the best interest of charity, unless it is severely limited to prevent abuse. We must remember that it was the evidence of abuse by some foundations that generated the changes made in the 1969 Act, and it might take only a few examples of abuse of any new lobbying privilege by a few overeager charitable organizations to turn large segments of the public against any tax support of private charity.

There are already many people today who are concerned with the tax support of many so-called action groups and public interest law firms. If an important charity should, by its lobbying, become actively in a controversial legislative area in which the public is sharply divided, it is not inconceivable that the reaction would be unfavorable to tax supported charity in general. We may be approaching such a case in church-based intervention in the contest between Mr. Chavez and the Teamster's Union.

I am also concerned with the problem of achieving a balance in the representation of our citizens' viewpoints to legislative bodies. Legislators today have a problem in ascertaining whether a letter-writing campaign on a particular issue represents a widespread viewpoint, or merely the concentrated efforts of a public pressure group. If suddenly we add two or three hundred thousand tax-supported charitable organizations, all using their total membership, as public pressure groups, the legislator's problem will obviously be made more difficult.

5. REQUIRED DISTAIBUTION OF INCOME OR MINIMUM PAYOUT PROVISION

Prior to the 1969 Act many charitable organizations invested in assets which produced little or no current income, while the donor received immediate tax benefits from his contribution. To correct this situation, the 1969 Act provides that a private foundation must distribute annually all of its income, but not less than 6 percent of net value of its investment assets. As you may remember, the Ways and Means and Finance Committees agreed with Treasury on a payout of 5 percent of net investment value; however, the Senate adopted the Percy amendment to raise this figure to 6 percent and that figure prevailed in Conference.

I believe there is general agreement by private foundations today that the principle of a required minimum current payout by private foundations is sound and should be retained. The problem appears to be with the statutory provision implementing this principle. There was no intention to require a level of payout which was inconsistent with the income produced by sound investment practices. Unfortunately, the approach of requiring an annual payout equal to 6 percent of the net investment value of a foundation's assets does not achieve this objective.

The choice of this figure was based on the assumption of the Peterson Commission—which underlay the Percy amendment—that balanced investment funds might be expected to earn annually 9 percent or 10 percent (including capital appreciation as well as interest and dividends). As we all know, the experience of balanced funds since 1968 does not support that assumption. And the present required payout provision looks at the income of each single year, rather than income over a period of years. Experience has demonstrated that some consideration should be given to modifying the required payout test to permit some form of averaging.

For example, the requirement could be for a payout over a five-year period of an amount equal to 30 percent (using the current 6 percent rate) of the net value of the investment assets as of the beginning of the period, with perhaps a minimum payout of 1 percent or 2 percent in each year. Since the Treasury has always maintained that the 6 percent rate is too high, it seems certain that the tax-writing committees will want to review the minimum payout provision.

6. OTHER PROPOSALS ADVERSELY AFFECTING CHARITABLE CONTRIBUTIONS

In this era of political consciousness of the growing impact of higher taxation at the various levels of government, it has become popular to blame this on the inequities of the Federal tax structure and to call for broad reform in the Federal tax laws. Without digressing into a discussion as to the validity of such suggestions, the fact is that several "reform" proposals have been advanced which would adversely affect the present tax incentives to support charitable organizations.

(a) Ceiling on Charitable Bequests and Tax of Appreciated Property at Death.

It has been suggested that the limitation of 20 percent on charitable deductions for contributions to private foundations and of 50 percent for contributions to other charitable organizations should be applied to estate and gift bequests. There is another proposal which has considerable support—this would impose a tax on unrealized appreciation of property passing at death. The threat of such legislation should spur those organizations who depend largely on charitable bequests or large endowments to develop information to substantiate the importance of the estate tax incentives to the continued life of charitable organizations. Since most of the donors of charitable bequests receive no personal income tax benefits while they live a strong argument can be made that limits on charitable bequests in effect impose a tax on the charity rather than the donor.

There are several other proposals which would indirectly weaken the incentive of potential donors. They are still in a rather nebulous state so it is impossible to measure their effect, but they should be mentioned. They include a proposal to tie the deductions for charitable bequests to the marital deduction with the intention of reducing both, also a suggestion to put a floor under charitable contributions and allow deductions only for the amount exceeding the floor. There are other proposals for reshaping the present treatment for capital gains including an idea that the treatment for gift and estate taxes should also be changed and some variations of the present capital gains program worked into such changes.

I realize that this must necessarily be a rather sketchy and inadequate discussion of the problems that concern you very much. I wish it were possible to be more definite but since, as I said at the beginning, there is little likelihood of any substantial tax legislation being enacted this year, it follows that at this point in time any new tax ideas are found to be vague and nebulous. Underlying all of this, however, is the basic issue of the relationship of tax policies to private philanthropy. On the one hand, experience shows us that some of the proposals in the 1969 Act are either too burdensome or too rigid and should be changed, while on the other hand, there is the continuing feeling that direct government programs may be more effective than the use of the tax mechanism to support private philanthropy. In the end, with this question, as with so many others, our problem is to find the point of balance between these two concepts if we are to preserve the greatest good for the greatest number.

## THE FALLACIES OF BOYCOTTS AND ROLLBACKS

Mr. HANSEN. Mr. President, a constituent of mine from Wheatland, Wyo., Mr. Alan Utter, said in a recent newspaper column that—



This is unquestionably the poorest time and place in history to boycott or roll back meat prices or even talk about it.

I could not agree more with Mr. Utter, and I was pleased to note in a letter to the editor of the Wall Street Journal of April 23, 1973, that the noted and often-quoted economist, Dr. John Kenneth Galbraith, appears to share Mr. Utter's views on meat price controls. Said Dr. Galbraith:

Controls should not be used where price increases are caused by an excess in aggregate demand or a shortage in the specific supply. If so used, some momentary effects apart, the result will be either random shortages in the retail stores, violations or, most likely, both. The present behavior of meat prices, as of numerous other prices, shows every indication of being caused not by wage and cost increases, but by the pull of demand.

Dr. Galbraith and I part ways on the question of what, in the absence of controls, is needed to deal with the situation. Dr. Galbraith says what is needed to deal with our economic problems is a tax increase. I say what is needed are sharp reductions in Federal spending, so a tax increase can be averted.

In the meantime, so long as inflation persists and prices continue to rise, consumers will continue to complain, and some Members of Congress will continue to push for price freezes or rollbacks on specific areas of the economy, even though such steps would only aggravate the problem and do nothing to address the cause.

In a column entitled, "Everybody's Business" which appeared in the April 13 Platte County Record Times, Mr. Utter pointed out, using facts and figures the fallacies of boycotts and rollbacks. He makes a very forceful and eloquently stated case against controls, and I agree with his conclusions.

In my opinion, housewives and consumers in general would serve themselves and the economy as well by opposing any action, such as a price rollback, that would discourage or reduce production at a time when exactly the opposite is needed. Further, if consumers would direct their anger over prices bloated by inflation at the source of that inflation—a free-spending and fiscally irresponsible Congress—a great deal might be accomplished toward balancing the Federal budget and thus stabilizing the economy.

Mr. President, I ask unanimous consent that Mr. Utter's column and Dr. Galbraith's letter to the editor be printed in the RECORD.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

[From the Platte County (Wyo.) Record Times, Apr. 13, 1973]

EVERYBODY'S BUSINESS

(By Alan Utter)

When Mrs. June Donavan, head of the National Meat Boycott, advocated strict export restrictions of meat, feed or food grains, Eshe exposed the consumer's complete ignorance of economics and displayed their personal selfishness.

We cannot export cadillacs or color televisions to Japan. We cannot sell sewing machines to Italy. We cannot sell cameras or cars to the Germans. We cannot dump watches on the Swiss. We cannot sell airplanes to the French or British.

We cannot export crude oil, natural gas or timber because we have depleted and wasted our own resources and threatened our own supply to the point that we are dependent on even Russia for these very vital supplies.

We have developed a balance of trade deficit that has rendered the American dollar unwanted and nearly unaccepted many places in the world. We have priced ourselves out of nearly all foreign markets and can scarcely afford to buy our own products.

The agricultural export of 9 billion dollars in 1972 and the projected 15 billion dollar export in the next few years are vitally necessary to maintain even a semblance of trade balance and to nourish the lavish standard of living, the American has become accustomed to.

U.S. News and World Report, April 9, 1973, lists average farm incomes at $3,179 annually. This is $19 above what is considered poverty level. But 47% of this poverty level income came from non-farm sources such as wages, dividends, interest, pension and other non-agricultural sources and included no government subsidies or assistance.

With soy bean meal—indispensible to hog production—selling at $340 dollars a ton, if you can find it; with corn at $3.00 per hundred; with labor scarce, reluctant and high priced; with feeder trucks priced at $18,000; with mixer grinders priced at $3,000; with construction costs, transportation, taxes, school bond issues, nuts, bolts, repairs, pickups and everything thinkable that is needed and necessary for the production of pork at unprecedented and prohibitable prices, how in the name of economics can we continue to produce this essential red meat protein at roll back prices or possibly even at present prices?

This is unquestionably the poorest time and place in history to boycott or roll back meat prices or even talk about it. With the agriculture industry faced with a devastating winter which in itself threatens a stable supply of meat, blasted with the full impact of inflation that is more inescapable than in any other segment of the economy. Faced with operating and production costs that have risen 30 to 250 per cent; saddled with an increasing share of the tax load; segregated politically, socially and economically, for some mysterious reason by the rest of the economy—how can agriculture continue to meet the increasing demand for red meat protein?

Mr. George Meany in his bitter denounciation of agriculture and his dire threat to further complicate the national and international monetary structure best should look to the cause of the past and present problems and also ponder what excessive demands by organized labor could and would do to our precarious and tottering economy.

Labor prices and policies, labor attitude and endeavor have created this situation, where textiles and clothing flow into this country from Taiwan; where products of every description flood in from Japan, Germany, Italy and every other industrial country in the world with new sources adding to the torrent every year. Where will this lead us and what has this already cost us in international prestige, and monetary stability, and where and how will it stop? Certainly not by the hamstring and harassment of agriculture which is emerging with the only desirable export commodity we have to offer and also the commodity we can best afford ourselves. In 1950 a full 24% of George Meany's men's income went for food. Last year, it was down to 15.7%. In no other industrial country is the percentage so low.

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Germans pay 22.5%, Italians 31.9%, the Japanese 33.2%. Now, just who is out of tune?
[From the Wall Street Journal, Apr. 23, 1973]

PROFESSOR GALBRAITH'S VIEW

EDITOR, THE WALL STREET JOURNAL:

Anyone who has urged the necessity of wage and price controls for effective economic management has, no doubt, a special obligation to draw attention to their frivolous or irresponsible use. Such is true of the controls imposed recently on meat.

The purpose of control is to arrest the interaction of wages on prices and prices on wages in that part of the economy characterized by strong unions. As such it is an essential supplement to fiscal and, in its more limited role, monetary policy. It is nowise a substitute for such action. Controls should not be used where price increases are caused by an excess in aggregate demand or a shortage in the specific supply. If so used, some momentary effects apart, the result will be either random shortages in the retail stores, violations or, most likely, both.

The present behavior of meat prices, as of numerous other prices, shows every indication of being caused not by wage and cost increases but by the pull of demand. For this the right remedy is to stop playing games with the Congress over who will be responsible for the next tax increase. The need, whatever the prospective level of spending, is now for a prompt increase in taxes.

JOHN KENNETH GALBRAITH.
*Cambridge, Mass.*

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## VOTER REGISTRATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the unfinished business, which is S. 352. The clerk will state the bill by title.

The legislative clerk read as follows:

S. 352, to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, may I ask what the parliamentary situation is?

The PRESIDING OFFICER. The unfinished business, S. 352, is before the Senate.

Mr. McGEE. Mr. President, may I inquire of my colleague whether he has any speaker who will be ready, or any remarks? I have a couple of speakers who are coming over. They are at lunch, and it will be another 10 or 15 minutes.

Mr. ALLEN. Well, before the bill goes to its third reading or before it comes up for a vote, the Senator from Alabama would like to discuss it further, but he understands there is to be a cloture motion filed, possibly by the majority leader later in the day, which would be voted on Thursday, which seems to indicate that it is anticipated that there will be some 2 days of debate. So the Senator from Alabama would feel it is his duty to use a portion of that time.

Mr. McGEE. Unless it was especially burdensome for us, I would be happy to proceed to third reading today, and we could avoid all that.

Mr. ALLEN. I would not want to deprive the majority leader of his privilege of filing the cloture motion.

Mr. McGEE. He feels very strongly about that, and I would agree that he ought to have that opportunity.

Mr. ALLEN. We ought to keep the discussion going until he has that opportunity.

Mr. McGEE. I suspect we will have no great difficulty in keeping this discussion going, and we will shed some more information on this very interesting matter.

I would like at this time to see what kind of time we probably ought to be aiming at, because I am sure later on there will be other business to come before the Senate, and we can perhaps work out an agreement on time.

Mr. ALLEN. I certainly would not object to taking up some other matter, because I would dislike to see this bill hold up the business of the Senate.

Mr. McGEE. I repeat, I would be willing to risk the disfavor of the majority leader, if we could just proceed to a third reading and then to a vote. I think he would, in the long view of history, approve my course.

Mr. ALLEN. The Senator from Wyoming has long years of seniority in the Senate, and the Senator from Alabama has only a very short period of service here, and he would not want to incur the ire of the majority leader by not giving him the opportunity to file his motion. So if the Senator from Wyoming would yield the floor to the Senator from Alabama, he will discuss the matter and possibly make a motion that might be of interest to the Senator from Wyoming.

Mr. McGEE. Would the Senator, in the preamble of his remarks, suggest what the motion might be?

Mr. ALLEN. It is a perfectly proper motion, I would assure the Senator from Wyoming, but if the Senator wishes to continue to discuss the bill, the Senator from Alabama has no objection.

Mr. McGEE. In view of the Senator's comments, in terms of his preparing to file a motion, he at once intrigues the Senator from Wyoming in terms of whether the Senator from Wyoming ought to discuss the bill a bit, himself.

Mr. ALLEN. That is the Senator's privilege.

Mr. McGEE. If we would have an agreement that we would have only speeches, without motions, this afternoon, in order to expedite matters in regard to the leadership and the like, and to keep open the majority leader's great opportunity to file a cloture motion, that might be well.

Mr. ALLEN. With the business before the Senate, the Senator is not likely to deprive any Senator of any opportunity to file any motion.

Mr. McGEE. I understand. I was trying to get a gentlemen's agreement on how we could proceed this afternoon. The Senator from Wyoming had enough steam last night to go until midnight. He did not have to exercise it, so he could draw upon some of that steam, but he would be perfectly willing, with the understanding that there would be no motions this afternoon, to exchange times, and that sort of thing, so we might ventilate all sides of this particular issue.

Mr. ALLEN. The Senator from Alabama insists that he has a right to file any motion—a motion to table, a motion to refer to the Judiciary Committee where the bill ought to have been sent to in the first place in the view of the Senator from Alabama, a motion to postpone to the next legislative day, a motion to refer back to the committee with instructions to report forthwith. Any number of motions are available to the Senator from Alabama, just as they are available to the distinguished Senator from Wyoming. The Senator from Alabama would like to discuss the bill briefly and possibly file a motion.

Mr. McGEE. In the interest of the Senator from Alabama, the Senator from Wyoming would like to honor his deep desire to protect the prerogatives of the majority leader to file a cloture motion. And, in the spirit of cooperating with the Senator from Alabama, I would then think it important that I hold the floor until that cloture motion is filled, unless we arrive at an agreement on discussion rather than motions inasmuch as apparently the majority leader does intend to file such a motion.

Mr. ALLEN. The Senator from Alabama would be unwilling to commit himself not to file any motion he is entitled to file under the rule. If the distinguished Senator from Wyoming wants to do that on his own bill, naturally the Senator from Alabama would be delighted to listen to the distinguished Senator from Wyoming in order that he might get an additional view on the bill.

At this time, the Senator does not feel that it is in the public interest to pass the bill. However, if I listen to the distinguished Senator from Wyoming for a few more hours, it might be that I would change my mind.

Mr. McGEE. That is a very interesting prospect, because the Senator from Alabama has devoted much time to this measure and has weighed the diversities very carefully.

Mr. ALLEN. Yes, indeed.

Mr. McGEE. With the understanding that the Senator from Alabama might join the Senator from Wyoming in voting for the bill, I think it would be wise for the Senator from Wyoming to proceed.

Mr. ALLEN. There is that possibility, though it is remote.

Mr. McGEE. That remoteness is worth a chance.

Mr. ALLEN. The Senator from Alabama calls the attention of the Senator from Wyoming to the fact that the Senator from Alabama was one of those who filed the cloture motion to try to get this bill to a head and decide whether the bill can be passed over the objection of a large number of Senators who are willing to discuss the measure. However, if the Senator from Wyoming is willing to discuss the matter further, it would relieve the Senator from Alabama from that task and duty.

Mr. McGEE. It was only with the prospect that the Senator from Alabama was here and had expressed a willingness to listen to the substance of the measure at hand that the Senator would be moved to air some of the obligations and the operations of this measure at this time.

I would be moved to inquire of the Senator from Alabama, since my memory fails me at this point, how he voted on the cloture motion on yesterday, which he initiated. And it is a very wise move and reflects his wisdom.

Mr. ALLEN. Mr. President, I stood on the principle that the Senate should be given an opportunity to decide whether it wants to invoke cloture on the question itself. The Senator from Alabama did not want to see cloture invoked. However, he did want to say that since the Senate has been spending time on this matter since April 6, it ought to have an opportunity to vote up or down on the question of cloture. That was the purpose of filing the cloture motion, to give the Senate a vehicle by which to determine whether it wanted to debate on the issue of cloture.

Mr. McGEE. Would it not be in the public interest, if, indeed, any case is to be made for majority vote, to give the people of the United States a chance to know where the Members of the Senate stand on the question and where they stand on the issue of voter registration? Would not the Senator agree that the forthright thing to do would be to have a straight up or down vote on the bill?

Mr. ALLEN. The Senator from Alabama believes that the vote on a cloture motion is a pretty good indication of the views of Senators with respect to the litigation.

Mr. McGEE. I think so, too. As I recall, on his cloture motion, the vote was 56 in favor of closing debate and 31 Senators in favor of continung the debate.

In my judgment, that is a rather substantial majority. And as I remember it, on each of the major test votes on amendments and modifications on the bill that have been held, with one or two exceptions, the result was the same. Therefore, the will of the Senate in terms of majority judgment has been very clearly indicated. That is the reason that I wonder what purpose we serve by delaying the Senate in having an up-or-down vote on the bill itself by hiding behind a two-thirds majority requirement on a cloture vote.

I would think that tends to obscure the issue or to lend some obfuscation in the central question being tested, and that is the matter of getting more people registered so that they might be able to vote.

Mr. ALLEN. The Senator realizes that wrapped up in the vote on the cloture motion was a pretty clear indication of how the Senate stood. So, there is no need of an up or down vote.

The Senator recalls that in the last Congress when we were seeking to cut off debate on the bill which would forbid the forced busing of schoolchildren, even though there were 49 Senators in favor of cloture and only 38 Senators against invoking cloture, yet the Senate in its wisdom saw fit not to cut off debate, even though a substantial majority were in favor of passing the bill.

Right at the moment, the Senator from Alabama does not recall how the Senator from Wyoming voted on that bill. Perhaps the Senator could enlighten the Senator from Alabama.

Mr. McGEE. Mr. President, inasmuch as I do not anticipate the busing of voters, I would be reluctant to plunge into that very serious question. I was very much concerned with the issue, but I do not want to digress from the subject matter.

Mr. ALLEN. Mr. President, was the Senator willing at that time to give the majority of the Senate an opportunity to express their views when he saw from the vote that a large majority of the Senators wanted an up or down vote and wanted an up or down vote on that measure?

Mr. McGEE. Mr. President, the point that the Senator is mentioning is something that the Senator from Wyoming has sought to protect, as has the Senator from Alabama, the limitation on procedure required in the two-thirds vote that can prolong debate. With the new national concern and public sense of responsibility, the Senate itself has become more and more determined that the time for prolonged debate has reached its ultimate point and it ought to be terminated, and the increasing tendency is to invoke cloture.

I think it is interesting to note that a great many in this body who used to automatically not approve of cloture have had a new look at the whole problem. That includes many of the Senators from the section of the country represented by the Senator from Alabama and those from the West. Some have voted for cloture, I think, as many as 10 times. The RECORD shows that one has voted 13 times and some only 2 or 3 times. However, it is a new change of perspective, I think, in the Senate, and the days when we could prolong debate indefinitely have pretty much had to give ground to the expediency of the times in which we live; namely, the importance of finally reaching a decision so that the people can determine precisely where their Senators stand.

I do not think that we achieve that after the kind of debate we have had since the 6th of April, as the Senator mentioned, and by continuing to prolong the debate.

That is the reason why I believe we ought to vote up or down on the voter registration. I think that all of the issues have been ventilated, and much as we listen to protests against it in this body, as we did yesterday, nothing has been added with respect to it by these protests.

Therefore, I believe that we are pretty much at the bottom of the well on all of the issues. Thus it is possible for mature men now, I would think, to sort those out and to render a judgment on the question of voter registration. So that would be the disposition of the Senator from Wyoming.

Mr. ALLEN. Mr. President, I call the attention of the distinguished Senator from Wyoming to the fact that he has the floor, and he is the one who is prolonging the discussion. He is engaging the Senator from Alabama in some measure of colloquy that the Senator from Alabama did not seek; and it would seem to the Senator from Alabama that it is the distinguished Senator from Wyoming who is prolonging the discussion.

Mr. McGEE. Only prolonging it because the Senator from Wyoming would not agree to go to third reading unless we vote. We can vote on this measure within the hour.

Mr. ALLEN. The Senator from Alabama wishes to file a motion, as he has told the Senator from Wyoming, but the Senator from Wyoming will not let the Senator from Alabama get the floor so that he can file a motion. It is as simple as that.

Mr. McGEE. On the track record of where we have been the last 2 or 3 weeks on this question, it is obvious that there is no intention of permitting the matter to come to a vote in its own right. With that approach very much present in this colloquy and this debate, the Senator from Wyoming feels that he has to preserve the prerogative esteemed equally by his colleague from Alabama in his desire to file a new cloture motion. It is with that thought in mind that this Senator has sought to retain the floor for the time being.

Mr. President, I would like at this time to yield to the distinguished Senator from Illinois for a question that he has posed to me privately, so that we might air it for the record here on the Senate floor; and, with the understanding that I do not lose my right to the floor, I turn to my colleague so that we might have that question aired in public.

Mr. ALLEN. Mr. President, I put the Senate on notice that if the colloquy extends beyond the asking of a question and the answer, the Senator from Alabama will have to call for the regular order.

The PRESIDING OFFICER. That would be the Senator's prerogative. The Senator from Illinois is recognized.

Mr. STEVENSON. I thank the Senator from Wyoming for yielding.

Mr. President, the United States was



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founded on the democratic principle of citizen participation. That was our purpose, as declared by our founders. It was the first time that any nation had declared such a purpose.

The purpose was to set people free. Up until that time, the purpose of every nation in the world had been to enslave its neighbors, and if possible the world. Our purpose was to set people free.

To fulfill that purpose in our laws and our Constitution, and afterward in our traditions, we gave people the right to govern their own affairs.

Those traditions have sustained Lincoln's suggestion that democracy is the "government of the people, by the people, and for the people." As one of this Nation's founders, James Madison, stated at the Constitutional Convention in 1787:

> It violates the principle of free government that those who are bound by the laws ought not to have a voice in making them.

Madison further defined his democratic intentions in his response to the question, "Who are the electors?". He said:

> Not the rich more than the poor, not the learned more than the ignorant, not the haughty heirs of distinguished names more than the humble sons of obscure and unpropitious fortune. The electors are to be the great body of the people of the United States.

Addressing himself to this question, Alfred Smith in 1933 said:

> All the ills of democracy can be cured by more democracy.

Mr. ALLEN. Mr. President, I call for the regular order. There has been no question asked.

The PRESIDING OFFICER (Mr. HUDDLESTON). The Chair feels that the Senators from Illinois is about to pose his question, and is merely setting the context on which that question might be based. While it might be somewhat lengthy, we will wait and see whether or not the question is forthcoming.

Mr. STEVENSON. Mr. President, I was just leading up to the first, if the Senator will continue to yield, of several questions.

The first question is a philosophical question that I would like to propound to the Senator from Wyoming: Is it not true that this Government has been, from the beginning, based on a sense of participation of the governed? We have seen the process of citizen participation evolve over a long period of time. It is a process continuing toward the ever greater enfranchisement of an ever greater number of the American people. Is not this proposal very much in that tradition, which has evolved over a long period of years? Is it true that the bill is no break with tradition, and that rather it is another step in the continuing effort to expand citizen participation in and support for the Government?

One of the most recent steps taken by the Government is the enfranchisement of 18-year-old voters. But we still find that whatever the age, whatever the color, whatever the economic background, many people are prevented from exercising the franchise because of archaic registration laws and other obstacles to citizen participation in the most fundamental way, in registering to vote.

Is not this measure a continuation of a long and difficult process, a step in that tradition?

Mr. McGEE. The Senator is precisely correct. He reflects a deep sense of history, as he refers to this as a part of a continuing process. His citation of the philosophy of Madison, one of the Founding Fathers and architects of the Constitution itself, is the epitome of the concept of government by the consent of the governed. While at our beginning the franchise was very limited—it was a government of gentlemen, landed gentlemen for the most part, with severe restrictions on the right of sufferage—systematically this right has been expanded, through the era of Jackson and the new democracy—"Jacksonian democracy," as we called it—through the aftermath of the Civil War, when there were some efforts to narrow the voting base, though the ultimate result turned out to be the opposite, after there was some bitterness at restraint of participation, with the enfranchisement of women right after World War I, and now with the enfranchisement of 18-year-olds.

The whole direction of the trend was to make sure that we did not select out some voters and eliminate others because we were afraid of how they would vote. We never dare let that come to pass. So the Senator is correct in his conclusion that voter registration, as exemplified in this bill, continues on the process of change and expansion of the basis of citizen participation in the Government. I think the Senator's statement is a great testimony to the necessity for this bill, or one like it.

Mr. STEVENSON. I thank the Senator, and I commend him, too, for presenting this proposal, very much, as he points out, on the basis of American political traditions. He has fought for it with industry, skill, and courage. He brings not only his qualities as an outstanding legislator, but also his background as a teacher and a scholar. He speaks with great authority on American political history.

Mr. President, addressing himself to this question, President Eisenhower in 1952 told a gathering in Wheeling, W. Va.:

> We must work for the abolition of restrictions remaining anywhere on the basic American right to vote.

One can conclude that this Government, which derives its just powers from the consent of the governed, must be able to hear the voice of the people.

Thus, if we really believe in democracy in this country, we must assure every citizen freedom to vote. If we really believe in citizen participation in this country, we must knock down the barriers which unreasonably and unnecessarily restrict the right of the individual to participate in the democratic process.

One of the brightest chapters in the history of America is the progress we have made toward achieving our goal of universal suffrage and full participation for every citizen in the political life of our Nation. The route we have traveled in the past 100 years since the Civil War is marked with national milestones of the efforts we have made to broaden our democracy. Indeed, 6 of the last 12 amendments to the Constitution have been concerned with extending the right to vote.

The 15th amendment adopted in 1870, guaranteed the vote to citizens regardless of their race or color.

The 17th amendment, adopted in 1913, provided for the direct popular election of Senators.

The 19th amendment, adopted in 1920, extended the franchise to women.

The 23d amendment, adopted in 1961, extended the franchise to citizens of the District of Columbia in Presidential elections.

The 24th amendment, adopted in 1964, abolished the poll tax as a condition of voting in Federal elections.

Most recently, the 26th amendment extended the franchise to 18-year-olds in all elections.

Hand in hand with these great constitutional amendments have come a series of landmark decisions by the Supreme Court and much congressional legislation, all concerned with insuring the broadest possible exercise of the right to vote. Within our recent memory, legislation like the Civil Rights Acts of the fifties and sixties, and the Voting Rights Acts of 1965 and 1970, and the one-man, one-vote decisions of the Supreme Court, stand as eloquent tributes to the Nation's continuing commitment to extend and secure the fundamental right to vote.

THE PROBLEM

Our country's current practice certainly does not coincide with the goal of full citizen participation. In 1972, only 55 percent of eligible Americans voted—62 million Americans who were qualified to vote did not vote. This figure of 62 million becomes more distressing when one realizes that only 31 million Americans voted for the man who was elected President. Our nonvoting adult population is greater than the entire population of England—children included.

This country's record of utilization of their democratic right to vote compares very poorly with the other democracies of the world. In Canada, 75 percent of the eligible people vote; in Great Britain, 80 percent vote; in Germany, 85 percent vote; and, in Australia, there has been up to 95 percent of the people turning out on election day. It is ironic that the country most widely recognized as the world's greatest democracy, in fact, does not practice its philosophy.

Mr. President, this proposal would make an imperfect institution less imperfect. It would not make democracy perfect, but then no form of government will ever be perfect.

I recall what George Bernard Shaw once said of democracy, that—It is only a device for giving the people what they deserve.

There are many who deserve far more of their Government than what they are receiving. There is truth in what George Bernard Shaw said.



We can even adopt perfect political institutions. We can reform our political procedures but, in the end, the quality of the men and women in public office and, in the end, the quality of their public policies, depend on the judgments and the decisions that they make.

Mr. President, I should like to conclude with a final question to the distinguished Senator from Wyoming (Mr. McGEE). Objections have been raised to the bill, a few of which, in my opinion, are meritorious. One provokes more concern in my mind than any other and has also been of some concern in the minds of many representatives from my State of Illinois.

The question raised is whether the bill would create the possibility of more irregularities in voting and whether, in fact, it could lead to corruption in our politics and a greater incidence of voting fraud.

I wonder whether the distinguished Senator from Wyoming would care to respond to that most serious concern that I have heard expressed about the bill.

Mr. McGEE. Mr. President, well, the question of fraud is an understandable one, and it should be raised. I am delighted to address myself to the question in specific terms.

We are all mindful of the threat of fraud in our kind of political society today. This is not the first time it has reared its ugly head in our history. What we have surely discovered by now is that we cannot write a Constitution or a code of legal statutes that will actually prevent fraud. If there are men who seek to be fraudulent in the public's business, they will find ways to get by with it.

It is to the credit of our system that it exposes those efforts and punishes them.

So what it comes down to in the instance of this particular bill is, namely, does it make the prospects for fraud any moe flagrant than already exist? I say, categorically, absolutely not. In fact, it may make it less than flagrant. The reason it may make it less than flagrant, as the distinguished Senator on the other side of the aisle, Mr. BROCK from Tennessee, has made perfectly clear in his experience in his State, the prospects of one party that is clearly dominant in its area refusing the right to registration to people of other political faiths, whatever they may be, who come in to register to vote, is so great in many parts of the country that post card registration tends to defuse that possibility, because it goes around those who would otherwise organize an effort to prevent registration.

With that in mind, I would say further to my distinguished colleague from Illinois that his interest in this subject has been deep and abiding, helpful and constructive to the committee, and I would hope he will have more to say later on the matter.

Mr. STEVENSON. I thank the Senator for his comments, and especially for his reassurance on that very important point. It is a convincing reassurance.

Mr. McGEE. I thank the Senator from Illinois for his comments.

I would add, in general, that on the whole question of fraud, the prospect of fraud, we have the repeated testimony of those who have been involved in the registration process, who have said again and again to the members of the committee as we held our hearing, and to others who have probed them in public ways, that the frauds occur at the ballot box, the frauds occur in the efforts of election officials at the time of voting, and there is no sustained evidence of fraud in the registration process.

All this bill does, Mr. President, is to make it possible for somebody to apply for registration by postcard. The same procedures of validation, the same processes of verification, still obtain in each of the States. The local State registrars have to perform their duties with respect to eligible registrants. The postcard is only a request. There is no new introduction of an element that might lend itself to the commission of fraud. In fact, a specific inducement is made that is otherwise; namely, the penalties attached: 5 years in jail and a $10,000 fine for anyone convicted of abusing this procedure.

With that thought in mind and with the reminder that obstacles to registration, in themselves, are fraud these days, that almost 62 million people did not vote the last time, something is wrong, and this is but a modest attempt to correct a little of that wrong.

Mr. President, I yield the floor.

## CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending bill (S. 352, a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.
>
> Mike Mansfield, Robert Byrd, Gale W. McGee, William Proxmire, Edmund S. Muskie, Thomas F. Eagleton, Dick Clark, William D. Hathaway, Daniel K. Inouye, Philip A. Hart, John O. Pastore, Stuart Symington, Walter D. Huddleston, Claiborne Pell, Vance Hartke, Adlai E. Stevenson III, Alan Cranston.

## ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, has an order been granted to the Senate for a time to convene tomorrow?

The PRESIDING OFFICER. No, the Senate does not have an order.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM TOMORROW TO THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday, it stand in adjournment until the hour of 12 o'clock noon on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. On that basis, is it correct to assume that the vote on the cloture motion will occur at approximately 1 p.m. on Thursday?

The PRESIDING OFFICER. After a quorum call; yes.

Mr. MANSFIELD. After a live quorum.

The PRESIDING OFFICER. After a live quorum.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that the President had approved and signed the following acts:

On April 20, 1973:

S. 1315. An act to extend diplomatic privileges and immunities to the Liaison Office of the People's Republic of China and to members thereof, and for other purposes.

On April 27, 1973:

S. 1493. An act to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status.

On April 30, 1973:

S. 398. An act to extend and amend the Economic Stabilization Act of 1970.

## PROPOSED FOREIGN ASSISTANCE ACT OF 1973—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. MATHIAS) laid before the Senate a message from the President of the United States, which, with an accompanying paper, was referred to the Committee on Foreign Relations. The message is as follows:

*To the Congress of the United States:*

One of the most important building blocks in erecting a durable structure of peace is the foreign assistance program of the United States. Today, in submitting my proposed Foreign Assistance Act of 1973, I urge the Congress to act on it with a special sense of urgency so that we may continue the important progress we have made toward achieving peace during the past year.

Perhaps the most persuasive reason for a strong foreign assistance program was set forth by President Roosevelt in the days shortly before World War II, when Britain needed help. "Suppose my neighbor's home catches fire," he said, "and I have a length of garden hose four or five hundred feet away. If he can take my garden hose and connect it up with his hydrant, I may help him to put out his fire."

Implicit in Roosevelt's analogy was the mutual benefit of giving assistance, for if the fire in question spread, both neighbors would be in danger. Those clear and simple assumptions underlaid our



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wartime assistance to our European allies and our post-war policy toward the nations of the Western Hemisphere.

Today, we see the wisdom of this policy on every hand. Western Europe is now a bulwark of freedom in the Atlantic Alliance. In the Pacific, Japan has emerged as a major economic power. The remarkable vigor and talents of her people and the dynamic efficiency of her industry are making significant and increasing contributions to other countries, so that Japan itself now plays an extremely important role in working toward a lasting peace in the Pacific.

In recent years, as we have sought a new definition of American leadership in the world, assistance to other nations has remained a key part of our foreign policy. Under the Nixon Doctrine of shared responsibilities, we have tried to stimulate greater efforts by others. We want them to take on an increasing commitment to provide for their own defenses, their security and their economic development. Most importantly, we hope they will assume greater responsibility for making the decisions which shape their future.

We must not, however, try to shift the full weight of these responsibilities too quickly. A balance must be struck between doing too much ourselves and thus discouraging self-reliance, and doing too little to help others make the most of their limited resources. The latter course would spell defeat for the promising progress of many developing nations, destroy their growing self-confidence, and increase the likelihood of international instability. Thus it is critical that we provide a level of foreign assistance that will help to assure our friends safe passage through this period of transition and development.

The sums I am requesting in the Foreign Assistance Act of 1973 represent the absolute minimum prudent investment which the United States can afford to make if we wish to help create a peaceful and prosperous world. Altogether, authorizations under this bill amount to $2.9 billion for economic and military assistance in the coming fiscal year. During the current fiscal year, some $2.6 billion has been appropriated for such purposes under the strictures of a continuing resolution passed by the Congress.

This new Foreign Assistance Act has several fundamental objectives:

—To help the developing countries achieve a greater measure of self-reliance in their struggle against hunger, disease and poverty;

—To respond swiftly to the ravages of natural disasters;

—To assist friendly governments in building and maintaining the military capability to protect their independence and security;

—And to help South Vietnam, Cambodia, and Laos begin the task of rehabilitating and reconstructing their war-torn countries.

Let us look more closely at each of these objectives.

DEVELOPMENT ASSISTANCE

Hunger, poverty and disease are still widespread among developing countries, despite their significant progress of recent years. Their economic growth—averaging some 5.5 percent a year over the last decade—as well as rapid improvements in agricultural methods and in health care have not yet overcome many deep-seated problems in their societies. Their current needs represent a moral challenge to all mankind.

In providing assistance, however, we should not mislead ourselves into thinking that we act out of pure altruism. Successful development by friendly nations is important to us both economically and politically. Economically, many of the developing countries have energy resources and raw materials which the world will need to share in coming years. They also could represent larger markets for our exports. Politically, we cannot achieve some of our goals without their support. Moreover, if essential needs of any people go entirely unsatisfied, their frustrations only breed violence and international instability. Thus we should recognize that we assist them out of self-interest as well as humanitarian motives.

While development progress as a result of our aid has been less visible than some would like, I believe it is essential for us to persevere in this effort. I am therefore asking the Congress to authorize some $1 billion for development assistance programs during fiscal year 1974 and approximately the same amount for fiscal year 1975.

EMERGENCY AID

America's fund of goodwill in the world is substantial, precisely because we have traditionally given substance to our concern and compassion for others. In times of major disaster, American assistance has frequently provided the margin of difference between life and death for thousands. Our aid to victims of disasters—such as the earthquake in Peru and floods in the Philippines—has earned us a reputation for caring about our fellowman.

No nation is more generous in such circumstances. And the American people respond with open hearts to those who suffer such hardship. I am therefore asking the Congress to authorize such amounts as may be needed to meet emergency requirements for relief assistance in the case of major disasters.

SECURITY ASSISTANCE

Security assistance has been a cornerstone of U.S. foreign policy throughout the last quarter century. Countries whose security we consider important to our own national interest frequently face military challenges, often prompted by third countries. In order to maintain a stable international order, it is important that these threatened countries not only be economically developed but also be able to defend themselves, primarily through their own resources.

The United States can rightly claim a number of successes in this regard during recent years. Our programs to help South Vietnam and South Korea build capable forces of their own, for instance, have permitted us to withdraw all of our forces—over 500,000 men—from South Vietnam and 20,000 men from South Korea.

It is unrealistic to think we can provide all of the money or manpower that might be needed for the security of friendly nations. Nor do our allies want such aid; they prefer to rely on their own resources.

We can and should, however, share our experience, counsel and technical resources to help them develop adequate strength of their own. It is for this reason that I ask the Congress to authorize $652 million in grant military assistance, $525 million in foreign military sales credits, and $100 million in supporting assistance funds for fiscal year 1974.

This year's foreign aid bill includes for the first time separate authority for a foreign military education and training program. We want to strengthen this program so that we can help friendly governments better understand our policies, while they develop a greater sense of self-reliance and professional capability in their own military services.

AID FOR INDOCHINA

The signing of cease-fire agreements in Vietnam and Laos marks the beginning of a trend toward a peaceful environment in Indochina. This change will permit us to turn our attention to the considerable post-war needs of Southeast Asia. To ignore these needs would be to risk the enormous investment we have made in the freedom and independence of the countries of Southeast Asia.

The legislation I am presenting today would authorize the continuation of our economic assistance to South Vietnam, Laos and Cambodia and would provide for a sound beginning in the process of rehabilitation and reconstruction there. I anticipate other nations will join in this effort, as they have elsewhere, to solidify the foundations for a new era of reconciliation and progress in Southeast Asia.

Relief assistance for refugees of the war in Southeast Asia is vital to this effort. These refugees number in the hundreds of thousands. In addition to their resettlement, this Administration proposes a major effort to help restore essential community services in areas which have suffered because of the war.

In this bill, I ask the Congress to authorize $632 million for the reconstruction effort in Indochina in fiscal year 1974.

My present request does not include any assistance for North Vietnam. It is my hope that all parties will soon adhere fully to the Paris agreements. If and when that occurs, I believe that American assistance for reconstruction and development of both South and North Vietnam would represent a sound investment in confirming the peace.

Representatives of the United States have recently been holding discussions with representatives of the Government of North Vietnam to assess economic conditions there and to consider possible forms of United States economic assistance. This assessment has now been suspended, pending clarification of North Vietnam's intentions regarding implementation of the cease-fire. Once Hanoi abandons its military efforts and the assessment is complete, the question of aid for North Vietnam will receive my personal review and will be a subject for Congressional approval.

For a quarter century, America has borne a great burden in the service of freedom in the world. As a result of our efforts, in which we have been joined by increasing numbers of free world nations, the foundation has been laid for a structure of world peace. Our military forces have left Vietnam with honor, our prisoners have returned to their families, and there is a cease-fire in Vietnam and Laos, although still imperfectly observed.

Our foreign assistance program responds to the needs of others as well as our own national needs—neither of which we can afford to ignore.

For our own sake—and for the sake of world peace—I ask the Congress to give these recommendations prompt and favorable consideration.

RICHARD NIXON.

THE WHITE HOUSE, *May 1, 1973.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. MATHIAS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. MANSFIELD. Would the distinguished Senator consider the possibility of laying aside the pending business temporarily, so that we can turn to the humanities bill, with the proviso that when that is completed, the pending business would again become the pending business and the Senator would have his right to the floor? I ask the Senator from Alabama if he would concur in that request.

Mr. ALLEN. Mr. President, reserving the right to object to the request, the Senator from Alabama, in the absence of the majority leader, has been seeking to get the floor with respect to the voter-registration-by-post-card bill; and he stated to the distinguished Senator from Wyoming that he desired to file a motion in connection with the bill. The Senator from Wyoming has seen fit to maintain and keep the floor during that time, even though the Senator from Alabama is anxious to get a vote on some phase of the bill.

So I will have to object until the motion that the Senator from Alabama has in mind has been made.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McGEE. I should like to suggest that, in the absence of the majority leader, the Senator from Alabama made a very eloquent plea, because of seniority and other matters, for the opportunity of the majority leader to file what he understood was the majority leader's cloture motion. Out of respect for the high esteem in which the Senator from Alabama holds the majority leader, I felt obligated to hold the floor until the cloture motion might be filed.

The motion has now been filed, and I have now protected the desires of the Senator from Alabama, who wanted to protect the majority leader; and in our mutual protection society we are now prepared to move in any direction the majority leader thinks is desirable. I do not seek the floor, so long as I have the right to the floor, by unanimous consent, at the conclusion of the vote on the cloture motion on Thursday.

Mr. MANSFIELD. The request will have to be renewed.

Mr. ALLEN. Has an order been made to that effect?

Mr. MANSFIELD. No; I would have to renew that request.

Mr. ALLEN. The Senator from Wyoming had the floor after the last cloture vote. I did not know an order had been entered, because the Senator from Montana just sent to the desk the cloture motion.

Mr. MANSFIELD. The request was made.

The PRESIDING OFFICER. And objection was heard.

Mr. ALLEN. Objection was heard, the Chair states.

Mr. MANSFIELD. That takes care of that until an appropriate time.

I yield the floor.

Mr. ALLEN. Mr. President, may I be recognized in my own right?

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I might state that at the time I conclude my remarks, I will make a motion that the Senate proceed to the consideration of S. 373, Order No. 115 on the calendar, a bill by Mr. ERVIN and others to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever the impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action.

The bill before the Senate, S. 352, the voter registration by post card bill, has been before the Senate since April 6. At the present time, a number of bills are on the calendar that, it would seem to the Senator from Alabama, are much more important than this voter registration bill, there being no need whatever for the voter registration bill.

Mr. President, the Senator from Wyoming, in advocating this bill, is seeking to set up a large additional Federal bureau, another entire echelon of the Federal bureaucracy. It is absolutely unnecessary. It would create many more problems than it would solve.

What does the bill provide? It provides that at least once every 2 years there shall be broadcast throughout the country, by a new bureau in the Bureau of the Census, millions of post cards—double post cards, the folded-over type of post cards, not addressed to any particular individual, but addressed merely to "postal patron," "boxholder," "RFD mail addressee." Every resident, every postal address in the country, is to receive what the bill says are "sufficient quantities" of post cards. Sufficient unto what? The bill does not say. They would be broadcast indiscriminately, without regard to whether the recipients are already qualified to vote, without regard to any system of elimination; and, in addition, they would be spread en masse among government offices throughout the country.

Why send all these cards through the post office in the first place? The cost is estimated to be anywhere from $50 million to $100 million a year. Why give the Committee on Post Office and Civil Service, headed by the distinguished Senator from Wyoming (Mr. MCGEE), jurisdiction of the bill?

Why not the Judiciary Committee, when passed on a tremendous change in the registration laws? Instead, the bill was referred to the Committee on Post Office and Civil Service.

At least one State, the State of Texas, for 30 years has had registration by post card, registration by coupon published in the newspapers, and registration in almost any way. Yet, in 1970, according to the figures of the Bureau of the Census, only 63 percent of the Texans of voting age were registered; and in the last Presidential election, fewer than 50 percent of the citizens of voting age voted in the general election. So post card registration has not helped in Texas.

Mr. FONG. Mr. President, will the distinguished Senator from Alabama yield?

Mr. ALLEN. I am glad to yield.

Mr. FONG. Does the Senator think that registration in the State of Texas will be increased by the adoption of a voter-registration post card system?

Mr. ALLEN. No, I do not. It would not. Texas already has a post card system for registration to vote in State elections. All that the post card system would do would be to register persons to vote in a Federal election. I point out that those who register under this bill would really be second-class citizens, because they would have just half a vote. The bill would not qualify them to vote in a State election. On the other hand, if they go into a registration office, present themselves to register, and say, "I am 18 years of age. I am already a citizen of this county," they are allowed to register. No educational qualifications are required.

Mr. FONG. In the State of Texas, he does not present himself personally.

Mr. ALLEN. No; he merely sends in the newspaper clipping.

Mr. FONG. It would be easier for him to register in Texas.

Mr. ALLEN. Possibly easier, with the coupon in the newspapers.

Mr. FONG. Therefore, in the State of Texas, even if we pass the voter mail registration bill, it is not going to increase the number of registrants.

Mr. ALLEN. There is no assurance whatsoever that those who register under the proposed law would get more



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privileges than they would get under the Texas law.

Mr. FONG. They would have to be placed in a separate category.

Mr. ALLEN. If a voter came in to vote under the Federal post card system, he would not be qualified to vote for the candidates for the State legislature, Governor, county commissioners, sheriff, or probate judge. There would have to be some system whereby the voting officials at the voting box could say, "You are qualified to vote only in Federal elections. Do not vote, or try to vote, for anybody except a Senator. You cannot drop down and vote for this."

How in the world could they manage a system like that, I will ask the Senator from Hawaii?

Mr. FONG. So if he signed and sent in a coupon appearing in the newspaper, he could vote in any election?

Mr. ALLEN. That is correct.

Mr. FONG. If we adopt the voter registration bill now before the Senate, a person who registered by that means would be eligible to vote only for the election of Federal officials?

Mr. ALLEN. That is correct.

Mr. FONG. If he wanted to vote for State officials, he would still have to sign a coupon?

Mr. ALLEN. Yes.

Mr. FONG. In the State of Utah, as I understand, about 98 percent of the eligible voters are registered.

Mr. ALLEN. 98.4 percent.

Mr. FONG. That leaves 1.6 percent who did not register.

Mr. ALLEN. That is right.

Mr. FONG. Would this post-card system increase the registration rolls of Utah?

Mr. ALLEN. I would say 98.4 percent is just about as many as we are going to get under any system. That comes from individual initiative and resourcefulness and public-spiritedness on the part of the citizens. What the distinguished Senator from Wyoming is overlooking is the need for the desire on the part of the people to discharge the rights and privileges of their citizenship, not just to bring everything to them on a silver platter, toss it into their lap, and say, "Mail it in."

Another thing I want to point out to the Senator from Wyoming is that it makes it just as easy as possible for these people to get the card and send it back. While I see nothing to indicate, stamped on the card, that the postage will be paid, the inference is there that it will be without cost to the recipient. So we will have millions of these cards throughout the country falling into the hands of people who have no need for them, with a postal stamp on them guaranteeing their postage. So we are going to have a lot of use of this by people unauthorized to do so.

Mr. FONG. As the distinguished Senator from Alabama reads the bill as it is now on the floor of the Senate, does he conceive that every voter or every addressee in the State of Utah will receive postal voter registration cards?

Mr. ALLEN. Yes, because they are to receive a sufficient number. Nobody knows for sure what a "sufficient number" is. Sufficient number to pay for every room in the house? Sufficient number to make a deck of cards out of? Sufficient number for what? It is assumed they feel it will be a sufficient number to allow every person 18 years of age to fill it in and send it to the registrar. That makes a subregistrar out of every postman in the country, because he has to ascertain who in the house might be old enough to vote. He has to go around making inquiries. From the best I can tell, the post office does not need that business.

I believe the Senator from Hawaii on more than one occasion said they would probably send out 240 million cards at a time.

Mr. FONG. There are 88 million addresses in the United States. If they were to send 4 cards to each address, to be sure all of the people residing at that address are registered—they would need to send 3 or 4 cards to each address—they would send 320 million cards out nationwide—98.4 percent of the people of Utah are registered. If these cards were to be sent throughout Utah, they would have to be sent to the 98.4 percent of the people who are already registered. Is that not a duplication of effort and a waste of money?

Mr. ALLEN. I have computed, roughly, what would be the size of a stack of mail of 100 million cards put in the postal system. Computing 25 of these double cards to an inch, that would be 300 cards to a foot. That would make around 166,500 cards in a stack as high as the Washington Monument. So it would make about 600 stacks of post cards, if they are stacked one on top of the other, each as high as the Washington Monument, that would be dumped into the Postal Service each time 100 million cards were sent out. I do not believe the post office needs this business. I believe they are having a hard enough time delivering the mail on time as it is, without going through this farce.

Mr. FONG. Under the bill, these cards must go out at least once every 2 years.

Mr. ALLEN. Every 2 years, but they are not limited to once in every 2 years. According to the bill, they could send them out every other day, if they wanted to, because the only limit is on the floor, not on the frequency, but on the fewness of the number.

Mr. FONG. In other words, the national postal registration agency would have the authority to send out post cards more than once every 2 years?

Mr. ALLEN. That is correct.

Mr. FONG. If they sent them out twice in every 2 years, that would double the cost?

Mr. ALLEN. Yes.

Mr. FONG. It is estimated that it would cost $100 million if they sent cards out once every 2 years. If they were sent out twice, in the same period of time, it would cost $200 million?

Mr. ALLEN. Yes.

Mr. FONG. Does the Senator think that cost justifies that end?

Mr. ALLEN. I certainly do not feel that it would justify the end. I really feel that this would increase the registration very little. It would get people relying on it, rather than having citizens' groups going out and urging people to register and putting some degree of responsibility on the people themselves.

Mr. FONG. What has the distinguished Senator from Alabama to say to the question that the proponents of the bill claim that many millions of Americans did not vote in the 1972 election because of the fact that it was so difficult for them to register? What is the distinguished Senator's answer to that?

Mr. ALLEN. I feel that the real trouble was that the people who were registered just did not bother to go out and vote. That is the real reason. There are no barriers to registration. Not once here on the floor has the suggestion been made that a person cannot go into the registration offices in Alabama and the South, present himself for registration, and become registered. I have heard that suggested in past years, but not once has anyone on either side of the aisle, on either side of this controversy, made the claim that it is impossible to get fair treatment at the registration offices in the South. That is an admitted and conceded fact, and I am proud that that is the case.

I might call the attention of the distinguished Senator from Hawaii to the fact that in my own State of Alabama, according to my census bureau's figures—in my State the Census Bureau is opposed to the bill; they do not want it—80 percent of those of voting age in Alabama are registered to vote, whereas in the great State of Wyoming, so ably represented by the distinguished Senators from Wyoming, Mr. McGEE, and Mr. HANSEN on the other side of the aisle, only 69 percent of the citizens of voting age are registered.

Mr. FONG. Does that mean that the barriers in Wyoming are more onerous than they are in Alabama?

Mr. ALLEN. I am not sure why. Maybe our people in Alabama regard with greater love their right to go in and vote. I do not know why, but I would say that if there are barriers existing, they are not existing at the Federal level.

Possibly a State has some hour requirement, and the office does not stay open every day in the year or something of that sort. However, that is something to be handled at the local level. We do not need to set up a whole new bureau or some new Federal bureaucracy to handle local problems. We should let the local people handle it.

Mr. FONG. Mr. President, I want to inform the Senator from Alabama that in the State of Hawaii we have no barriers to registration. For 3 or 4 months before an election, additional registrars are deputized within the Republican Party and the Democratic Party, to go out and register people. Deputy registrars go out door to door and are paid by the number of names they bring back.

These deputy registrars stay at the street corners at tables. They go into shopping centers and go from house to house looking for voters. Everyone is encouraged to register. The television and radio stations exhort the people to register. However, even with that kind of registration system, where it is very easy for a person to register and where a person need not go to the registration office but only has to stay at home and the registrar will come to him, it has not been easy to register voters. If a citizens' group says that they want the registrar to come and register their members, the registrar will come to register them.



Even in my State only 63 percent are registered. Thirty-seven percent of my people are not registered. And just a little over 50 percent of the eligible voters vote.

It is not a question of any registration barriers that have been put up against registering.

It is just that the people do not feel that they want to register or vote. Many people do not want to register because they feel that they will be called for jury duty. Therefore, they keep away from registering and do not vote. They think that they will then not be called for jury duty.

I believe that the Senator from Alabama knows about the poll that was taken in 1968 by the Bureau of the Census of 50,000 households, and not just 500 or 1,500 people like the Gallup poll, but 50,000 households. If we figure that there are about 3 people to a household, this is a poll of 150,000 people. That poll shows that over 50 percent of those households were not registered to vote. They were asked why they did not register. Of the 50 percent who said they did not register, 53.2 percent said that they were not interested in politics.

If we took, say, about 10 percent of the people who did not register because they were not citizens the number of eligibles who did not register and who said they were not interested in politics would amount to 60 percent.

That is the primary reason why people did not register. They were not interested in politics. The sending of cards, as envisioned in the pending bill, would not get these people to register.

Mr. ALLEN. Mr. President, I agree with the distinguished Senator.

Mr. FONG. Mr. President, why should we spend millions of dollars on such a proposal? We estimate that it will cost a hundred million dollars to send one mailing of cards. Why should we spend that money for nothing?

Mr. ALLEN. Mr. President, I do not think that we should. And I do not think that the Senate in its wisdom will say that we should. That is why I have been standing here shoulder to shoulder with the distinguished Senator from Hawaii and fighting the bill.

I think it is against the public interest. It will encourage fraud. I do not think that the bill will accomplish its purpose.

Mr. FONG. Now that the question of fraud has been brought up, may I ask the Senator whether the mere sending of a certificate by the registrar to the registrant saying that he is registered will entitle him to register and vote?

Mr. ALLEN. Mr. President, the Senator is correct. He would receive a certificate saying that he is entitled to vote under the provisions of the voter registration bill.

Mr. FONG. Mr. President, the man sends a card to the registrar. The registrar does not even see the man. He does not know his name. He does not know whether he is or is not John Doe. He does not know whether he lives at that address or not. He does not know whether it is a name from a tombstone.

He does not know whether it is someone who has not been born yet.

The man gets this certificate back in return. He then comes down to the voting booth and says, "This is my certificate." The pending bill would say that is prima facie evidence that he is registered and is qualified to vote.

Mr. ALLEN. The bill makes that provision.

Mr. FONG. In other words, if one wants to disprove that and prove that he is not the man listed in the certificate, he has to present evidence to rebut that prima facie evidence.

Mr. ALLEN. The Senator is correct.

Mr. FONG. And if John Doe came in and had signed the name of Mary Smith to the card, and received back a certificate showing that Mary Smith is a prima facie registrant, John Doe could take that card down and vote.

Mr. ALLEN. If John Doe were to bring the certificate of Mary Smith, it might raise some eyebrows.

Mr. McGEE. Mr. President, in this day and age, it is sometimes difficult to tell a John Doe from a Mary Smith.

Mr. ALLEN. Mr. President, that is another reason for not passing the pending bill.

Mr. FONG. Mr. President, if John Doe were to register as John Smith, Henry Adams, Philip Smith, or Daniel Boone, he would get in return a certificate saying that John Smith, Henry Adams, Philip Smith, or Daniel Boone was registered and qualified to vote.

Mr. ALLEN. The Senator is correct.

Mr. FONG. He could then take that certificate down and vote under the name of John Smith, Henry Adams, Philip Smith, or Daniel Boone and the registrar could not do anything about it.

Mr. ALLEN. It would be difficult.

Mr. FONG. Mr. President, does not the Senator think that this could really present situations involving a great deal of fraud through this type of registration?

Mr. ALLEN. There is no doubt about that.

Mr. FONG. Under the present State registration systems, a man presents himself personally.

Mr. ALLEN. The Senator is correct.

Mr. FONG. He swears that he is the man, and they can touch him and talk to him. However, in this kind of a registration procedure, they do not know who the man is.

Mr. ALLEN. The Senator is correct.

Mr. FONG. Mr. President, I thank the Senator.

Mr. ALLEN. Mr. President, I thank the distinguished Senator for his able comments and the colloquy in which we have engaged.

Mr. President, it is not my purpose to delay the consideration of the Arts and Humanities bill that is to be called up shortly according to the plans of the majority leader. However, before that is done, I would like to offer a motion to substitute for the pending business S. 373, the so-called Anti-Presidential Impoundment bill.

Mr. President, the Senate since April 6 has been engaged in the consideration of trivia, the trivia being S. 352, the voter registration by post card bill.

The Senate and many individual Members of the Senate have had a whole lot to say about the necessity of preventing the President of the United States from deciding the spending priorities of the country and the implementing of his decision on impoundment of funds appropriated by the Congress.

The distinguished Senator from North Carolina (Mr. ERVIN) is the author of S. 373, which is a bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds. It gives the Congress the right to veto that impoundment, not by affirmative action, but by the failure to act, because in order for the impoundment to be approved, Congress would have to take affirmative action.

So, Mr. President, it would be up to the Senate, then, in considering a motion which I shall file in a moment, at the time I get ready to yield the floor, to weigh these matters, to weigh the need for one piece of legislation over the other, to weigh the need for this voter registration by post card bill as against the bill providing for a way for Congress to assert its independence, and to discharge its duties and responsibilities as a coequal branch of the Government.

Which is the more important piece of legislation, that bill or this voter registration measure, which in the opinion of the Senator from Alabama will either be killed in the House of Representatives or be vetoed by the President, if it should be able to pass here in the Senate?

By agreeing to this motion, the Senate could lay aside this ridiculous post card registration bill and take up a bill that goes to the very roots and foundations of the principles upon which this Republic was founded. It would be up to the Senate to decide.

Mr. McGEE. Mr. President a number of times in recent weeks I have said on this floor—and I have probably said it today—that the failure of so many millions of Americans to participate in our American democratic process is a national disgrace. A national disgrace is just the term used by columnist Milton Viorst concerning the very actions of this body in its protracted and muddled consideration of this bill, S. 352, to provide a relatively simple system to help inspire that many of the 6.2 million eligible voters who failed to vote last November will at least have the opportunity to do so in the next Federal election.

Mr. Viorst, writing in the April 19 Washington Evening Star-News, also makes the point that the obstacles thrown in the faces of would-be voters by restrictive registration requirements do not just exist in the South. The Senator from Alabama (Mr. ALLEN) has already made the point on this floor today that proponents of this legislation have not gone out of their way to cite Southern States or to accuse Southern States of unnecessarily blocking the path to the

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voting booth. Indeed we have not because the problem is a national one, existing in other regions, my own included, and in the Middle West, as the Senator from Minnesota (Mr. HUMPHREY) told us earlier in today's discussion.

Mr. Viorst goes on to say that the real reason for opposition to S. 352 lies in the belief some have that only blacks, poor people, and Democrats will be enfranchised by it. That belief might be held in the minds of some of those who oppose the bill, but the hearing record of the Committee on Post Office and Civil Service gives us ample testimony that white-collar and college-educated Americans are unregistered in about the same proportion to blue-collar workers and whites in about the same proportion as other races.

Mr. President, the Evening Star-News columnist has made some other excellent points in the article I refer to, including the point that in the State of Missouri alone prospective voters encounter six different registration systems. Mr. Viorst's points are well worth bringing to the attention of all Senators, and I ask unanimous consent that the column entitled "Quiet Filibuster a Disgrace" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUIET FILIBUSTER A DISGRACE

(By Milton Viorst)

What's been happening on the floor of the Senate for the past 10 days—beneath the eyes of thousands of visitors in town for the cherry blossom season—is, I think, something of a national disgrace.

The visitors have seen Sen. James Allen, D-Ala., along with two colleagues, conducting a quiet filibuster against a bill designed to extend the franchise to millions more Americans by simplifying the cumbersome process of voter registration.

One of Allen's partners is Sen Hiram Fong, R-Hawaii, and the only Chinese-American ever to sit in the Senate. I don't understand how Fong can be so insensitive to a bill whose practical impact would be to encourage more members of minority groups to participate in the democratic process.

The other is Sen. Sam Ervin, D-N.C., the brilliant constitutionalist. At one time, Ervin confined his brilliance to rationalizations for the unconstitutionality of civil rights legislation. Lately, he has extended his concern to constitutional questions of greater national interest, like executive privilege and impoundment. It's a pity to see him reverting back to his regional myopia of an earlier day.

The filibuster the three are conducting seems rather like a sad anachronism. Many of us believed the principle was established in the 1960s that this device would not be used to keep Americans from exercising a right as fundamental as the vote.

Indeed, the Voting Rights Act of 1965—which removed many of the obstacles to voting by blacks in the South—was enacted without a filibuster. It was a landmark legislation, which most Southerners came to accept as both justified and inevitable.

To be sure, this bill was enacted at the insistence of President Johnson, after a major buildup of public pressure during Martin Luther King's confrontation with voting officials on the streets of Selma, Ala.

But does that mean the franchise will be extended only when American society reaches the brink of violence? I would like to think that Congress can enact a law—and the President will sign it—when the facts show it is needed.

And the facts show exactly that. In 1972, barely one out of two Americans of voting age went to the polls—compared to 80 percent in 1876, before the states' various registration laws were adopted.

No one can say for sure, of course, how many were prevented from voting by registration procedures. The figures, however, show that nine out of 10 *registered* Americans voted, but that a majority of Americans aren't registered at all.

The obstacles don't exist just in the South. In New York, for example, registration for a primary election is closed 11 months a year. In Cleveland, a citizen can register only at city hall. Missouri has six different registration systems. In most states, registration offices are open only during business hours, when most people work.

As Sen. Gale McGee, D. Mont., author of the new registration bill, has written: "At best, current registration laws in the various states are outmoded and simply inappropriate for a highly mobile population. At worst, registration laws can be construed as a deliberate effort to disenfranchise voters who desperately need entry into the decision-making processes of our country."

What McGee proposes, quite simply, is to allow every citizen to register by means of a postcard sent to him in the mail. The states still would register the voters and continue setting registration standards, as the Constitution provides.

Allen and Ervin, speaking for the South, and Fong, spokesman for the White House, have been raising questions about constitutionality and possible fraud. But the bill's real opposition, everyone agrees, lies in the belief that only blacks, poor people and Democrats will be enfranchised by it.

The facts, however, indicate otherwise. They show that white-collar and college-educated Americans are unregistered in about the same proportion as blue-collar Americans, and whites are unregistered in almost the same ratio as blacks.

That's what swung such normally conservative Republicans as William E. Brock of Tennessee and Henry L. Bellmon of Oklahoma to support the bill. It now has a solid bipartisan majority in the Senate.

But it's bitterly opposed by the White House and the South—and if they manage to filibuster it to death, I think that will be a disgrace to America.

## IMPOUNDMENT OF FUNDS

Mr. ALLEN. Mr. President, at this time I move that the Senate proceed to the consideration of Calendar Order No. 115, the bill (S. 373), introduced by Mr. ERVIN and others, to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impoundment of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to erase such action.

The PRESIDING OFFICER (Mr. HELMS). The question is on agreeing to the motion of the Senator from Alabama.

Mr. ROBERT C. BYRD. Mr. President, of course, if this motion were to prevail, it would have the effect of automatically displacing the unfinished business and placing that bill back on the calendar. I would be constrained, therefore, to move to lay the motion on the table, but I wonder if the distinguished Senator would allow me to ask unanimous consent and to obtain unanimous consent, insofar as he is able to assure me of that, that the Senate now proceed to the consideration of Calendar Order No. 94, a bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965.

May I say to the able Senator that the majority leader and I have contacted those Senators who are particularly interested in S. 795, including the author of the bill, the Senator from Rhode Island (Mr. PELL) and others, and we had indicated to them yesterday afternoon that that bill would be brought up today; and I think Senators on both sides of the aisle are anticipating that. It is hoped that the Senate could proceed to the consideration of that bill now, and hopefully complete it today, laying aside the unfinished business at any rate until the end of the day, or until the bill (S. 795) is disposed of, whichever is the earlier.

Mr. ALLEN. I will say to the distinguished Senator from West Virginia that in his absence a few moments ago, the Senator from Alabama did confer with the majority leader, and it was agreed that there would be no objection made to the request that the arts and humanities bill be brought up and voted upon, at which time we would return to the consideration of S. 352, with the motion of the Senator from Alabama then pending. I believe the majority leader will confirm the fact that that was the agreement.

Mr. MANSFIELD. Yes.

Mr. ROBERT C. BYRD. Very well, Mr. President, as long as that motion would not be pressed today, because, as I say, if it were to prevail it would have the effect of automatically placing the unfinished business back in limbo for the time being, or at least it would no longer be the unfinished business.

Mr. ALLEN. Mr. President, will the Senator yield long enough for me to request the yeas and nays on my motion?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. I ask for the yeas and nays on the motion I have just made.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. ALLEN. I suggest the absence of a quorum, then, if the Senator from West Virginia has no objection, since he had the floor.

Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

## VOTER REGISTRATION ACT—DIVISION OF TIME ON CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the hour of debate on the motion to invoke cloture begins running on Thursday next, the time be equally divided between



the distinguished Senator from Wyoming (Mr. MCGEE) and the distinguished Senator from Hawaii (Mr. FONG).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the time under rule XXII on the motion to invoke cloture begin running on Thursday next at 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, under the rule, this would mean that at the hour of 1 p.m. on Thursday next, the Chair would ask the clerk to call the roll to establish a quorum, and when such a quorum is established, the rollcall vote would occur. This would mean that at 1 p.m. on Thursday next, there would be an automatic quorum call, and at about 1:15 p.m.—as soon as a quorum is established—the vote to invoke cloture would occur.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed now to the consideration of S. 795, and that the unfinished business be laid aside temporarily, until the end of the day or until S. 795 is disposed of, whichever is the earlier.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Foundation on the Arts and the Humanities Amendments of 1973".

AMENDMENTS TO THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 2. (a) The National Foundation on the Arts and the Humanities Act of 1965 is amended in the following respects:

(1) Clause (7) of section 2 of such Act is amended by striking out all that appears after "a National Foundation on the Arts and the Humanities" and inserting in lieu thereof a period.

(2) Subsection (d) of section 3 of such Act is amended by striking out "renovation, or construction" and by adding at the end thereof the following new sentence: "Such term also includes—

"(1) the renovation of facilities if (A) the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed $250,000, or (B) two-thirds of the members of the National Council on the Arts (who are present and voting) approve of the grant or contract involving an expenditure for such purpose; and

"(2) the construction of facilities if (A) such construction is for demonstration purposes or under unusual circumstances where there is no other manner in which to accomplish an artistic purpose, and (B) two-thirds of the members of the National Council on the Arts (who are present and voting) approve of the grant or contract involving an expenditure for such purpose.".

(3)(A) That part of subsection (c) of section 5 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) In clauses (1) and (2) of such subsection (c) such Act is amended by striking out "production" each time it appears and inserting in lieu thereof "projects and productions"; and, in clause (3) of such subsection, such Act is amended by striking out "projects" and inserting in lieu thereof "projects and productions".

(C) Clause (5) of such subsection (c) is amended by striking out "and planning in the arts" and inserting in lieu thereof ", planning, and publications relating to the purposes of this subsection".

(D) Such subsection (c) is amended by adding at the end thereof the following new sentence: "In the case of publications under clause (5) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairman consults with the Joint Committee on Printing of the Congress and the Chairman submits to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501.".

(4)(A) Paragraph (1) of subsection (g) of section 5 of such Act is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) That part of paragraph (2) which precedes clause (A) of such subsection (g) is amended (i) by striking out "such assistance" and inserting in lieu thereof "assistance under this subsection" and (ii) by striking out "prior to the first day of such fiscal year" and inserting in lieu thereof "at such time as shall be specified by the Chairman".

(C) Such subsection (g) is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) The sums appropriated to carry out the purposes of this subsection shall be allotted among the States in equal amounts.

"(4)(A) The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State which has a plan approved by the Chairman to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1), except that the amount of any such allotment for any fiscal year which exceeds $125,000 shall be available, at the discretion of the State agency, to pay up to 100 per centum or such cost of projects and productions if such projects and productions would otherwise be unavailable to the residents of that State: *Provided*, That the total amount of any such allotment for any fiscal year which is excepted from such 50 per centum limitation shall not exceed 20 per centum of the total of such allotment for such fiscal year.

"(B) Funds made available under this subsection shall not be used to supplant non-Federal funds.".

(D) Subsection (j) of section 5 of such Act is amended to read as follows:

"(j) It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. 913) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).".

(5) Subsection (f) of section 6 of such Act is amended, in the third sentence thereof—

(A) by striking out "$10,000" and inserting in lieu thereof "$15,000"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided*, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sum appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 11(a).".

(6)(A) That part of subsection (c) of section 7 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) Clause (2) of such subsection is amended by adding at the end thereof the following: "any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;".

(C) Clause (6) of such subsection (c) is amended by striking out all that follows in lieu thereof a period.

(D) Such subsection (c) is amended by adding at the end thereof the following new sentence: "In the case of publications under clause (6) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairman consults with the Joint Committee on Printing of the Congress and the Chairman submits to the Committee on Labor and Public Welfare of the Senate and the Committee on Labor and Public Welfare of the House of Representatives a report justifying any exemption from such section 501.".

(7) Subsection (f) of section 8 of such Act is amended, in the third sentence thereof—

(A) by striking out "$10,000" and inserting in lieu thereof "$15,000,"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided*, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (B) of paragraph (1) of section 11(a).".

(8) Section 9(b) of such Act is amended to read as follows:

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior. The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization.".

(9) Clause (2) of subsection (a) of section 10 of such Act is amended by inserting after "purposes of the gift" the following: ", except that a Chairman may receive a gift without a recommendation from the Council to provide support for any applica-

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tion or project which can be approved without Council recommendation under the provisions of sections 6(f) and 8(f), and may receive a gift of $15,000, or less without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time".

(10) Section 11 of such Act is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"SEC. 11. (a) (1) (A) For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts, $59,000,000 for the fiscal year ending June 30, 1974, $105,750,000 for the fiscal year ending Jnne 30, 1975, and $152,500,000 for the fiscal year ending June 30, 1976.

"(B) For the purposes of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities $70,000,000 for the fiscal year ending June 30, 1974, $125,000,000 for the fiscal year ending June 30, 1975, and $180,000,000 for the fiscal year ending June 30, 1976.

"(C) For the purpose of carrying out section 5(g), there are authorized to be appropriated to the National Endowment for the Arts $11,000,000 for the fiscal year ending June 30, 1974, $19,250,000 for the fiscal year ending June 30, 1975, and $27,500,000 for the fiscal year ending June 30, 1976.

"(2) There are authorized to be appropriated for each fiscal year ending prior to July 1, 1976, to the National Endowment for the Arts and to the National Endowment for the Humanities, an amount equal to the total amounts received by each Endowment under section 10(a)(2), except that the amount so appropriated for any fiscal year shall not exceed the following limitations:

"(A) For the fiscal year ending June 30, 1974, $20,000,000.

"(B) For the fiscal year ending June 30, 1975, $30,000,000.

"(C) For the fiscal year ending June 30, 1976, $40,000,000.

"(b) (1) Sums appropriated pursuant to subsection (a) for any fiscal year shall, notwithstanding any other provision of law, unless such provision is enacted in express limitation of this subsection, remain available for obligation and expenditure until expended.

"(2) (A) Unless the Congress, during the period beginning July 1, 1974, and ending July 1, 1976, passes or formally rejects legislation extending the authorizations of appropriations in subsection (a), each of such authorizations of appropriations is hereby automatically extended for the fiscal year beginning on such latter date at the level provided for each of such authorizations for the preceding fiscal year.

"(B) For the purposes of subparagraph (A), legislation shall not be considered as having been passed by Congress until it has become law.

"(3) In order to afford adequate notice to interested persons of available assistance under this Act, appropriations authorized under subsection (a) are authorized to be included in the measure making appropriations for the fiscal year preceding the fiscal year for which such appropriations become available for obligation.".

(11) Sections 13 and 14 of such Act are repealed.

(b) The amendments made by subsection (a) shall be effective on and after July 1, 1973.

AMENDMENT TO THE LIBRARY SERVICES CONSTRUCTION ACT, INCLUDING RESEARCH LIBRARIES IN THE DEFINITION OF "PUBLIC LIBRARY"

SEC. 3. (a) Section 3(5) of the Library Services and Construction Act is amended by adding at the end thereof the following new sentence: "Such term also includes a research library, which, for the purposes of this sentence, means a library which—

"(A) makes its services available to the public free of charge;

"(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

"(C) engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities; and

"(D) is not an integral part of an institution of higher education.".

(b) The amendment made by subsection (a) shall be effective on June 30, 1973, and only with respect to appropriations for fiscal years beginning after such date.

ADDITIONAL COSPONSOR

Mr. PELL. Mr. President, I ask unanimous consent that at the next printing of this bill, the name of the Senator from Alaska (Mr. GRAVEL) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, the legislation before the Senate is the unanimous recommendation of the Senate Committee on Labor and Public Welfare. S. 795 extends the National Foundation on the Arts and the Humanities Act of 1965 for 3 years at an increased authorization amount.

The National Foundation on the Arts and the Humanities was established in 1965 by Public Law 89-209. The original act was thereafter amended in 1967 by Public Law 90-348 and in 1970 by Public Law 91-346. The 1965 legislation created the National Foundation on the Arts and Humanities and its two cooperating entities, the National Endowment for the Arts and the National Endowment for the Humanities. Each Endowment has a Presidentially appointed chairman and council who are responsible for program operation. The National Endowment for the Humanities. Each Endowment has dowment for the Arts have a joint administrative staff which reports to both chairmen.

Since enactment of the National Foundation on the Arts and the Humanities Act of 1965, the Federal involvement in, and support of cultural activities in both the arts and humanities areas, has broadened in scope and effectiveness.

The committee considered two bills, S. 795 and S. 916. S. 795 represents proposals introduced by Senator PELL and cosponsored by Senators EAGLETON, JAVITS, MONDALE, and TAFT.

S. 916 contained proposals made by the administration and introduced by Senator JAVITS, with Senators EAGLETON, MONDALE, PELL, and TAFT as cosponsors.

S. 795, as amended, contains the major features of the administration proposals and thus is an amalgam of the best features contained in the bills considered.

Extensive and comprehensive testimony was received from the chairmen of the two endowments and from leaders in the States involved in the development of State programs in the arts and humanities areas, as well as comprehensive testimony from leading representatives of independent research libraries. The testimony emphasized the progress made to date by both endowments and forms the basis for the increased levels of funding contained in the bill as approved by the committee.

The Committee on Labor and Public Welfare found that under the excellent leadership of Miss Nancy Hanks, Chairman of the National Endowment for the Arts, and Dr. Ronald Berman, Chairman, National Endowment for the Humanities, both Federal programs have grown in scope and quality. Indeed, the underlying theme during the hearings was the quality of the programs. It was also noted that in answer to congressional requests over the years, a wider geographical distribution of funds is being made. The mandatory State arts agencies, and the voluntary programs of State and local humanities organizations, presently in 40 States, are bringing the arts and humanities to individuals on a local level throughout the Nation.

Since the concept of the National Foundation on the Arts and the Humanities was first introduced, the matter of a Federal czar, or czars, for the cultural areas has been discussed. There was real and justified discussion in 1965 that in the establishment of this agency there could be created an individual who could dominate the future of Federal involvement, or bring to the programs of the arts and humanities a particular bias. I am pleased to report to the Senate that we have not heard of one allegation that the chairman of either endowment has made a conscious effort to exclude any school of thought or theory in art. What is interesting to note is that over the years when I have heard of possible criticism about the actions of the chairmen they seem to balance each other—one critic saying the endowments are too conservative and the other critic saying they are too liberal. What we are really talking about here is the courage of the endowments to fund the best possible qualified individuals, groups and institutions, and to have the forbearance not to censor the material which is provided. Perhaps one of the major factors to this independence and lack of interference is the procedure by which grantees are chosen—panels of experts in various disciplines, with a wide variety of viewpoints, review each grant before it is presented to the national councils themselves. This procedure ensures that all points of view are heard.

In addition, there are specific provisions in statute which allow for full participation by the private sectors of our cultural life in the operation of the arts and humanities programs and provide for the exclusion of Federal domination. These include the provision for the two private citizens councils of 26 members each which guide the endowments in their activities and the provision against nonintervention in the affairs of the groups and organizations which receive support from either endowment.

Mr. President, the bill before us recommends a marked increase in the total authorization for the endowments. It should be noted that the levels of funding for fiscal 1974 are consistent with proposals made by the administration, whose proposal did not specify total funding levels for subsequent years. Some



will ask why should we enact such a marked increase in authorizations for the National Foundation on the Arts and the Humanities when the administration is cutting back on all other social serving programs. This is a question which should be asked. First, I would say that we who bring this bill before the Senate also support continued funding of social serving programs. As chairman of the Education Subcommittee, I feel very strongly concerning funding of elementary and secondary education programs, impacted aid, higher education, education of the handicapped, and similar programs, and believe our Federal budget is large enough to include both those programs and the proposed increase for the arts and humanities. I believe all these programs should be financed and that this should be where our priorities are. The people who would cut these other important programs are in the White House and not in the Committee on Labor and Public Welfare. I personally believe that this increase is not a contradiction, but a continuation of our commitment to human beings, and the well-being of our Nation.

It should also be noted that this Federal money is, in truth, seed money. It is estimated that for every Federal dollar appropriated for the arts and humanities programs there has been generated from the private sector approximately $2 to $3. Actually, as the report on this legislation states, the funding for each endowment on a per capita basis amounts to approximately 40 cents per person a year in fiscal year 1974, 70 cents in fiscal year 1975, and $1 per year in fiscal year 1976.

I believe that we can well afford such relatively modest sums. They represent a sound investment in the future of our country. Throughout history leading civilizations have been judged by the values which they have placed on cultural achievements. Mr. President, we have the capability today of building toward a better future for all our people. The arts and humanities represent the abiding values of our civilization. They no longer apply to a limited audience. They have a central importance and meaning to our daily lives.

How will history eventually judge us as a Nation? Will some group of historians in the future say that somehow the United States faltered—that it became paramount in industry, preeminent in science, expert in the design of weaponry, a genius in mass communication—but that it neglected, or paid too little attention to, the diverse art forms which signal like beacons from generation to generation the lasting values of the human mind and spirit?

And I would also ask:

Do we remember ancient Egypt by its list of Pharoahs—or for its Pyramids?

Do we remember Greece for its phalanx of soldiers—or for its Parthenon—for Plato, for Aristotle, for Socrates?

Do we remember Rome for its catapult in battle—or for the orations of Cicero, the poetry of Ovid and Virgil which are continually refreshed for us by imaginative scholarship in the humanities?

Do we remember medieval times culminating in the Renaissance for the wars between the Guelphs and Ghibellines—or for those manuscripts which preserved man's knowledge for all future generations—and for Michelangelo—and, incidentally, the Medici without whose patronage there would have been far less Renaissance art?

Do we remember 17th century England for a civil war between England and Scotland and the battle of Marston Moor—or for John Milton?

And will we ourselves be remembered for our technological progress, our affluent society, and our nuclear weaponry—or for the abiding values of the arts and the humanities?

I believe we know how we would respond—and that we would like those future historians to say that we helped revive the Renaissance, or that we helped create a new Augustan Age, or that we produced a new Athens in America for cultural advancement.

And when I say Athens, I mean Athens, and not Sparta.

Athens with all its glories, including its sculptors and, yes, its vases, its philosophers, and its Parthenon, and not Sparta with its rather brutal society and its string of military victories. From a viewpoint in the amphitheatre of history, Athens has outstripped Sparta. And so I hope its values and standards and goals will be surpassed in America—and not those of Sparta.

For all of the reasons I have discussed, Mr. President, I strongly urge passage of this legislation.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. MANSFIELD. Mr. President, because of a pressing engagement at this time I would like to offer an amendment. On page 11, line 8, after the word "interior" to insert "a member designated by the Senate Chairman of the Committee on Arts and Antiquities and the Speaker of the House."

The PRESIDING OFFICER. The amendment is in order.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DOMENICI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be stated.

The legislative clerk read the amendment, as follows:

On page 11, line 8, after the word "Interior," insert:

A member designated by the Chairman of the Senate Committee on Art and Antiquities and the Speaker of the House.

Mr. MANSFIELD. Mr. President, I ask that that amendment be corrected so that it will read:

A member designated by the Chairman of the Senate Committee on Art and Antiquities, and a member designated by the Speaker of the House.

So that there will be two Members of Congress.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. The council to which these two Members would be named now seeks to be a composite of the highest authorities of government in respect of the arts and humanities.

I ask unanimous consent that section 9(b) of the statute with which we are dealing today may be made a part of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 9. (20 U.S.C. 958) (a) There is established within the Foundation a Federal Council on the Arts and the Humanities.

(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, and a member designated by the Secretary of State. The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization.

Mr. JAVITS. Mr. President, these include the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the U.S. Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, and a member designated by the Secretary of State.

It seems eminently fitting that the Congress should be directly represented in this group, and I thoroughly approve of the amendment offered by the majority leader.

Mr. MANSFIELD. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. PELL. I want to pay a word of tribute to the senior Senator from New York (Mr. JAVITS), because he was treading down this road long before I came to the Senate, pressing for Federal Government support for the arts, and was truly the pioneer and the original father of all these concepts and legislation, and without his help this bill could never have seen the light of day.



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Mr. JAVITS. Mr. President, I am very grateful to the Senator from Rhode Island.

Just by way of observation to the newer Members of the Senate, it took 16 years, from 1949 to 1965—I first introduced the bill in 1949, in the other body—to get the bill adopted as the law of the land. The United States is away behind in the parade, among all the countries of the world. That goes not only for industrial, allegedly affluent countries, but many, many countries that are very poor and are in what we call the third world.

The Senator from Rhode Island (Mr. PELL) has already made a distinguished argument for the bill. The Senator from Wisconsin (Mr. PROXMIRE), who is challenging the authorizations, I treat with the greatest respect. He will be challenging those authorizations, and that will give us what we consider a proper opportunity to go into the details of what the authorizations are to be spent for and why the rate of increase. I agree with the Senator from Wisconsin that they look steep and need to be justified. We should be put to our proof. Then whatever the Senate does will be acceptable. But the Senator from Wisconsin is correct to say, after examining the budget, that the authorizations look very steep. How do we justify them? I think we should do so after the Senator from Wisconsin has made his argument, with his usual skill and thorough preparation.

As to the general lineaments of the bill, it essentially underlines what we have done before, as well as takes account of the recommendations of the administration. There is a fine amalgam of the bill which the committee desired to report to the Senate and the recommendations of the administration. I ask unanimous consent that President Nixon's state of the Union message of March 1, on human resources, relating to the arts and humanities, be printed at this point in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

ARTS AND HUMANITIES

I know that many in the Congress share the concern I have often expressed that some Americans, particularly younger people, lost faith in their country during the 1960's. I believe this faith is now being reborn out of the knowledge that our country is moving toward an era of lasting peace in the world, toward a healthier environment, and toward a new era of progress and equality of opportunity for all our people.

But renewed faith in ourselves also arises from a deeper understanding of who we are, where we have come from, and where we are going—an understanding to which the arts and the humanities can make a great contribution.

Government has a limited but important function in encouraging the arts and the humanities—that of reinforcing local initiatives and helping key institutions to help themselves. With the approach of our Bicentennial, we have a special opportunity to draw on the enrichment and renewal which cultural activity can provide in our national life. With this in mind, my 1974 budget requests further expansion of the funds for the National Foundation on the Arts and the Humanities, to a new high of $168 million. I ask continued full support from the Congress for this funding.

Mr. JAVITS. Mr. President, I wish to note the interest and encouragement of the President, which has resulted in the orderly growth of this program and has contributed so much to its success. This was symbolized when Nancy Hanks, who has made such an outstanding success as Chairman of the Arts Endowment, and was similarly signalized when Dr. Ronald Berman, who came to us from quite a different discipline, with a reputation as a conservative, took over the National Endowment of the Humanities.

I wish to call special attention to what this program has done in respect of the States, where it has literally effected a revolution. We talk about States' rights and State opportunities; and we have had a big debate here about how much we should transfer to the States. When something outstanding happens, which shows promise of a stimulation of the States, it is worthwhile sitting up and taking notice, in order that we might learn from this experience how best to work in the Federal system. It has been virtually remarkable.

In 1960, before the passage of this Federal law, 14 States and State arts councils and State arts programs. They were pretty skimpily financed. But in 1973, every one of our States—all 50—has State arts councils and State arts programs. In the humanities, however, actually about 26 States have working programs. They are now in place and 24 States have programs in the planning stage for a total of 40 of the States. Only a few years ago, there were none whatever in the humanities. These State programs do not subsist on Federal grants. That is the big thing, and I wish that Senators would pay close attention to it.

There is rather an infinitesimal participation by the national arts and national humanities endowment in these ventures. Within the States the matching grants now run up to $150,000. But individual States, even small States, have now thought very highly of these programs and have put a great deal of money into them. My own State of New York, which quite properly should be the leader in this regard, now stands for $15 million of the program itself, as only one State. A number of other States, and some small States. Mr. President, have done absolutely remarkably well in regard to the contributions which they make. It is really an extraordinary and very exciting record. Every State, of course, realizes what there is in this matching.

Mr. President, I said a minute ago that one of the great virtues of this program is the fact that it stimulates rather than dominates the field. It is interesting that in the years this program has been in effect, since 1965, I have heard of no substantiated complaint—and I think that I am as exposed to the constituency which would be affected as anyone else—of the political domination of any arts and humanity program. I think that is a remarkable record. I doubt if there is any record comparable with it in any Federal aided program, especially when we consider that when they first started, the argument was made that Senators and Congressmen would be choosing their favorite opera singers. That has proven to be a lot of nonsense.

Mr. PELL. Mr. President, if the Senator will yield at that point, I can vouch for that statement, because I tried to get some of my own views implemented with regard to representational versed abstract art. And very properly they ignored my views. And I think they were absolutely correct.

Mr. JAVITS. Mr. President, that is an interesting observation. I congratulate the Senator from Rhode Island for making it. There is a certain cynicism which prevails in the country today with regard to politics and politicians. People should know that we ourselves often have made recommendations which may have been rejected. We may be disappointed at the time, but I think that demonstrates the validity of the process. It is important, as the Senator noted with regard to the action on the National Endowment for the Arts.

Another point which I wish to emphasize on this question is what proportion of the totality of aid to the arts and the humanities come from the Federal Government.

Our figures indicate that for a symphony orchestra it comes to 3.5 percent, notwithstanding the towering deficits of these symphony orchestras.

I have figures for New York which are quite detailed and were prepared by a group who have really worked very hard on this matter. This group is called the Associated Councils of the Arts. This particular group is headed by Amyas Ames and is called the Partnership for the Arts.

Mr. President, I ask unanimous consent that the tabulation may be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

THE MOUNTING CRISIS FOR THE PERFORMING ARTS AT LINCOLN CENTER

[In millions of dollars]

| | Costs | Loss (after operating income) | Government aid (State and Federal) | Private aid |
|---|---|---|---|---|
| 1970 to 1971 | $47.7 | $13.1 | $2.3 | $10.8 |
| 1971 to 1972 | 51.8 | 16.8 | 1.6 | 15.2 |
| 1972 to 1973 | 55.0 | 18.0 | 2.5 | 15.5 |

Note: The outrage of inflation, loss up $4.9; the inadequacy of government aid, up only $0.2; the unbearable increase in demand on the private sector, up $4.7.

Mr. JAVITS. Mr. President, the tabulation indicates that notwithstanding the fact that Lincoln Center, which is probably the principal performing arts center in the country, has a towering loss running up to $18 million in the current year—since it costs about $55 million, and the losses come to $18 million—Government aid amounts to two-tenths of 1 percent. That is the aggregate aid given to the activities going on in Lincoln Center. We can compare that with $15.5 million in private aid which is poured into Lincoln Center. Indeed, the figures show that on the average for every dollar put in by the National Endowment for the Arts there is a matching, not of dollar for dollar, but $3 to $1. That is the way it runs.

So, an extraordinary amount of artistic activity is developed in this program.

Just to indicate that the support for the work of the Arts Endowment is not a situation confined to New York, I would like to read a brief excerpt from a letter I have received from Terry Melton, executive director of the Oregon Arts Commission:

Within the structure of the National Endowment for the Arts and, subsequently, the State Arts Councils, I know of virtually no self-serving bureaucrats. Miss Nancy Hanks and the Endowment have delivered programs to people and continue to be responsive to the real, not imagined, needs of the American arts constituency and the public.

At the local level and because of financial and spiritual cooperation with the National Endowment, programs are being generated which contribute to the human condition of people here in Oregon—and elsewhere. Funding for the arts has proven to be efficient and straightforward with maximum funds being delivered to arts organizations and the creators of American art. The successes of the program could well act as a prototype for the majority of governmental agencies.

What Mr. Melton says is borne out by what I believe to be a very significant figure, and that is the overhead cost of these particular agencies of the Government which, according to the best estimate I have, is something like 6 percent.

Anyone who is acquainted with the operations of Government agencies certainly must respect that figure. And the present estimates for fiscal year 1974, based on administrative requests, would represent 4.6 percent. I think that is a most enviable record.

Finally, Mr. President, I am very interested, because I think this is a real challenge to the program which should be met, and again I am not a bit irritated or made unhappy by the challenge of the Senator from Wisconsin to this program. I think it is proper and almost his duty. I am glad that he has made it, although I hope very much that we will defeat it. However, that is neither here nor there.

I am interested in one thing which is essential to the education of the Senate, and that is the letter of the Senator from Wisconsin (Mr. PROXMIRE) under date of April 16, 1973, which was sent to all Senators. The letter deals with his feelings that these increases are too steep.

In the letter, the Senator from Wisconsin says:

Which go primarily for the enjoyment and the benefit of the upper middle class and the wealthy.

I wish to read that again, because I think it is so important. It reads:

Which go primarily for the enjoyment and the benefit of the upper middle class and the wealthy.

Mr. President, I think that ought to be tested out. Would one say that with over 171 million recorded museum visits to 5,000 museums that this goes to the upper middle class and the wealthy who are at the most 5 percent of the population?



Mr. President, would one say that with the 26 symphony orchestras reporting 11 million attendees in 1 year, that represents a crosscut of the upper middle class and the wealthy? Would one say, President, that in respect of the theater activities? For example, in my own State of New York we have a gifted fellow by the name of Joseph Papp, who has gotten some help in having a traveling Shakespeare company, an excellent company, go to high schools and to small centers never reached before by commercial endeavors. Indeed, this way my whole hope in the many years I spent on the National Endowment, that these developments of culture would be had where they had not been seen before.

With thousands upon thousands of high school students of every conceivable class and grade attending these performances, could one say that this was for the benefit and the privilege of the wealthy and upper middle class?

Mr. GOLDWATER, Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GOLDWATER. I am glad the Senator brought that point up, because I had noticed that statement in the Senator's letter. I could add certain information to what the Senator has been saying that might be of interest to more or less set aside the idea that this money goes only to the middle class and the wealthy. Just last week it was once again my pleasure to visit the Hopi Indian Reservation, and also the Navajo Indian Reservation.

By no stretch of the imagination can those people be called middle class. It is rather hard even to get them up into the lower class, as we think about incomes in this country. But ever since the coming of the Spaniards and the Mexicans, there has slowly been developing on those reservations a great interest in silver art. In fact, I can say to any colleague from New York that in his big city of New York, stores are selling Navajo Indian jewelry at prices far above anything we dreamed of a few years ago.

My point is that on the Hopi Reservation, there is a Hopi cultural center in part financed by these funds, at which young Hopi men or boys and girls are taught the art of silversmithing. Those people are enabled more and more, because of this help, to become more and more self-sufficient.

I can say the same thing about the young people of the Navaho Tribe, who, until this help came along and we were able by it to finance these centers, were drifting away from their culture.

To us in the Southwest, the Indian and Spanish cultures are the two big sources of our cultural life and inspiration. To go further with this argument against the middle-class people and the wealthy enjoying it, and they only, in Tucson, which can be considered the oldest settlement in the United States without too much argument, we have had, since the beginning of this program, a bilingual theater, El Teatro del Pueblo, which has been operating in Tucson as a Spanish-language theater for local residents who do not attend the English-speaking theater. The State Arts Commission has been instrumental in assisting the creation of this special cultural outlet, and the National Endowment has provided financial grants to this group for 3 consecutive years, including a $10,000 grant in fiscal 1972.

Mr. President, I do not want to prolong this argument, but I was quite disturbed by the statement that only the middle class and the wealthy enjoy these privileges. I have been, for a number of years, a director on several museums in my own State of Arizona, and by far the majority—I would say as high as 80 percent—of the people visiting those museums are young, and they are distinctly middle class or lower middle class. But these museums and orchestras have provided for the people of Arizona from all classes—and we do not like to think of ourselves in classes or groups out there; we promote everything that is good for everyone, and it has been, because of these funds that we have been able to do it.

I just wanted to let my friend from New York know that the friends in Arizona that this bill has created would very much resent the idea that it is sort of a rich man's hobby.

Mr. PROXMIRE. Mr. President, will the Senator from New York yield, so that I may ask the Senator from Arizona a question?

Mr. JAVITS. In a moment, after I respond briefly to the Senator from Arizona.

Mr. President, by way of reciprocity of information to my friend and colleague from Arizona, may I say that in the enormous crowds which literally flocked to the Metropolitan Museum in New York to see the great Rembrandt's Aristotle Contemplating the Bust of Homer, when it was acquired by the Metropolitan Museum, not only were the overwhelming majority of the people not rich or upper middle class but actually poor. This is the greatest New York City attraction on a Sunday. It is free, and people go there; it is a very lovely thing to do.

Of course, the Metropolitan is not supported by the endowment on the arts; its money just did not go that far. But the important thing is, we are directing our attention to the word "primarily." That is what I wish to emphasize to my colleague and the Senate. Senator PROXMIRE's representation, and, we must assume, the basis for his amendment, is that these funds go primarily for the enjoyment and benefit of the upper middle class and the wealthy. The truth is precisely the contrary; that is my point, and I am sure the point of the Senator from Arizona, that they go primarily for the benefit of the lower middle classes in economic terms. That is what this is all about. If I did not feel that were the case, Mr. President, I would not be here. I would be for the repeal of this act, instead of having devoted most of my legislative life to working for its implementation.

I yield now to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I ask the Senator from Arizona if he has any idea what proportion of these funds will go for any project purveying some cultural advantage to the disadvantaged

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like the Hopi Indians. And can he tell me how much went to the Hopi Indian Cultural Center?

Mr. GOLDWATER. The Senator is asking for a figure that I cannot give without getting into——

Mr. PELL. Mr. President, if the Senator will yield——

Mr. GOLDWATER. I am glad to. Perhaps the Senator from Rhode Island has the information.

Mr. PELL. The kind of program we would like to expand on and do not have the funds is, for example, Artists in Schools. Three percent of the children in schools are presently enjoying or benefiting from a certain exposure to the arts. I would like to see that 3 percent moved up to 100 percent. We cannot possibly do that, because the cost of that would go to some $75 million. But at least more children can be exposed to high quality in the arts, as they apply here specifically to education and the inspirational value they have for our young people.

There is another program for helping the handicapped in hospitals, some of whom may be rich or upper middle-class, or they may be poor. Certainly a hospital population is pretty much across the board. But we have here a program for the hospitalized, as well as programs for the disadvantaged, and these, too, are programs that would be benefited by expansion and most worthy of it. But in order to move ahead, we need more funds.

Mr. PROXMIRE. Let me say at this point to the Senator from Arizona that I made, as I thought——

Mr. GOLDWATER. If I might add, for the benefit of the Senator from Wisconsin——

Mr. PROXMIRE. Very well.

Mr. GOLDWATER. We had $182,000 of Federal funds available for the conduct of these events last year, and in addition we had $803,000 of local funds contributed. So the stimulation is important. I am not saying we would not have received some of the $803,000, but when we can start projects on Indian reservations, and we can get the young Mexican-Americans interested, once again, in preserving the cultural efforts of their ancestors, to the point that we obtain about seven times as much local money as we get from the Federal Government, that is the kind of money that this conservative is interested in.

Mr. PROXMIRE. Mr. President, I still stand by my statement that the primary enjoyment of a great deal yes the primary advantage of the museum culture, opera, music, and so forth, goes to the people of the upper- and middle-income classes.

I say that on the basis of having attended many of these functions, as all Senators have, and talking to other people who attend them, and having an opportunity to observe the customers.

I do not say the poor do not go. Many of the very poor go, as the Senator from New York has said, especially if there is some kind of free exhibition, and I am sure this authorization makes more of that possible. I think that is wonderful. But I do say, No. 1, that the primary beneficiaries are people who, fortunately, have better educations than most and who, by and large, have larger incomes than most. In the second place, this is the principal reason for my amendment. It does not cut the program. It permits the program to expand enormously, but it does not permit it to explode. The basis for the amendment is to hold increases in this field down to a reasonable amount.

I reserve the remainder of my remarks.

Mr. GOLDWATER. Let me comment on one point in the remarks just made by the Senator from Wisconsin. Western art is something that is relatively new, although we have had Western art, of course, going back for some time. If it had not been for the stimulation of this program in the Southwest and the Far West, we would not have the great outpouring today of Western art, much of it equaling Charlie Russell and the Remington type of thing, the kind of opportunity afforded countless thousands of young artists.

Who provided this? Not endowments, but the fact that the endowments made it possible for young artists to get started and then made it possible for the wealthier people to buy the works of these young artists and, thereby, stimulating our interest in art.

There must be some spark somewhere to get things going. Without such a spark—the money we are talking about—I am convinced that many of the smaller financing States, such as my own State of Arizona, would not have enjoyed the great increase in culture they have enjoyed since its inception.

Mr. PROXMIRE. May I say to my good friend from Arizona that my amendment would permit, next year, an increase in arts grants from $28 million to $44 million; an increase in the humanities from $35 million to $52 million; an increase in art States programs from $6.9 million to $8.25 million; an increase in arts and humanities matching, from $9 million to $15 million.

So I am not killing the programs. They are fine programs. The Senator from Arizona has made a superlative case for continuing with this kind of program. It is an excellent and much-needed service. Buy my amendment does not gut it. It would permit it to go ahead in a reasonable and orderly way.

Mr. JAVITS. Mr. President, if I may resume—and I shall shortly conclude my remarks—we will get on to the amendment of the Senator from Wisconsin.

Now, Mr. President, I mentioned when I made my remarks in chief that this country, for years and years and years, has lagged behind all the other major countries of the world. The fact is that even after we enact this particular bill and make the authorizations which we have provided for in this particular measure, we will still be dealing with 70 cents per person in fiscal 1975, and $1 per person in fiscal 1976 in terms of national stimulation of the arts.

Canada, a nation much like our own but with less material per capita annual income than ours, spends $1.40 annually per person. West Germany spends $2 per person. Sweden spends $2 per person. Austria spends $2 per person, and so forth.

Many countries in the third world, the so-called developing countries, do better than we do. The maximum under these authorizations, which are characterized as being so profligate, will come to $1 per person per endowment in 1976.

Mr. PROXMIRE. Mr. President, will the Senator from New York yield at that point?

Mr. JAVITS. I yield.

Mr. PROXMIRE. I think what we overlook is Federal spending through tax expenditure or incentives. Most of the money provided for the arts and humanities is not provided through appropriations but through tax expenditures. I have checked with the Internal Revenue Service to get the best estimates of what we provide now for arts and humanities through the tax expenditure route, through providing deductions for individuals who make contributions in this area.

The amount spent for support of arts and humanities by individuals is about $2½ billion, or $12 per person in this country, which is far more than in the other countries of the world. Those countries may have tax incentives, too, for contributing to the arts, but I would challenge the Senator to show me that in any of the free enterprise countries in the world comparisons are nearly as generous as in this country.

Mr. JAVITS. That is really stretching it. In the first place, the Senator does not know what the other countries give by way of deductions with respect to the arts. In the second place, if it were all that attractive, as the Senator from Wisconsin states, why would private aid be practically now frozen at the figure of what it has been in the past few years, and why are these various enterprises, which we are trying to stimulate, in grave danger of shutting down? I gave the example of the symphony orchestra situation. Museums all over the country are also in great danger of shutting down. Some museums now charge admission which never charged admission before. Is that going to help the poor or the lower middle classes? On the contrary, it will confine cultural activities to the very people the Senator is inveighing against—to wit, the upper middle classes and the wealthy.

Mr. President, by any standards, I still maintain that among the civilized countries, this country has been far behind the parade. We are trying to do something about it. We do not have to catch up, but to match our situation with respect to this field, which so many people feel is infinitely more important, even, than housing and shelter.

It is banal to say it, but it is true in this particular case, that the poor—certainly the poor—do not live by bread alone. If we are talking about ennobling and dignifying their lives, I would hazard the belief that they will tell us whether they have one more crust of bread or a little better bathroom, as much as they need it and as much as we want to supply it for them, it is not that, but really the satisfaction they get out of some cultural activity which warms their hearts and gives them the feeling that they are human beings living in dignity.

That is why I have found—and I think even the Senator from Wisconsin has found—that the most exciting part of the antipoverty program has turned out to be, what? The big things we were doing in day care, help for the elderly, and so forth? Not at all. The most exciting thing turned out to be the legal services program, the fact that the poor have a sense of dignity and well-being knowing that they, to, had a lawyer.



It is the same with us. This program should be infinitely more pervasive than it is, if we are really to fulfill the function which it should have, is improving the quality of life for all the people of the United States of America circa 1973.

That is what this argument is all about—improving the quality of life in this country, circa 1973, whether it is on a Hopi reservation, in the slums of Harlem, the slums of the Lower East Side, where I was born, the slums of Chicago, the slums of San Francisco, Philadelphia, St. Louis, or Boston—or any other city in the country.

That is what is at stake here.

Mr. President, a nation that can devote $80 billion a year to defense can, in its bicentennial year of 1976, spend $400 million to enhance and really enhance the quality of life in America.

Mr. President, I yield the floor.

Mr. TOWER. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from New York (Mr. JAVITS).

I have always been of the belief that without the arts, we would be little better than educated savages.

The arts are not only edifying to the mind but also lift the spirit.

I am amazed that there would be an assault upon such a modest expenditure for the arts in the most powerful, the richest, and the most highly industrial nation in the world.

What Senator JAVITS has said is so true, that the United States lags behind. Those of us who have had the opportunity to travel abroad and see the great works of art, the production of fine music, the dance, the theater, I think have cause to be a little ashamed that we are behind.

There is no danger, certainly, from the modest amount contemplated here, of Government or the State taking over the arts in this country. Rather, to me it represents a stimulus of something that should have been going on all along in the United States, and that is the decentralization of the arts.

The people of New York City are fortunate. But would it not be splendid if we could have resident theaters and resident symphonies in the modest-sized communities of this country? It happens in Europe. It happens in the United Kingdom.

My own community of Wichita Falls is a town of only a hundred thousand. Yet, we have a flourishing little theater, we have a sympathy orchestra, and we have a ballet theater.

But it is really a hand-to-mouth existence to keep these things going. They perform an important service not only for the community but also for several thousand airmen stationed at the Air Force base in our town. They attract people from the small villages and the hamlets and the agricultural area that surrounds it who would not have the opportunity to see the performance of artistic works if it were not for what we were able to maintain in Wichita Falls, Tex.

So I certainly hope that the amendment offered by the Senator from Wisconsin will be defeated. I think Senator JAVITS wrapped it up very nicely when he said that what we are talking about is the quality of life in the United States. What an enormous contribution the arts have made to our civilization. I submit that they are the most civilizing influence in our society.

I think this program has great merit, and I hope the attempts to dilute this program will be defeated. I think a majority of the American people, including those who are low on the socioeconomic scale, would agree with me.

Mr. PROXMIRE. Mr. President, will the Senator yield?

AMENDMENT NO. 80

Mr. BENTSEN. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question?

Mr. PELL. I would yield, but the Senator from Texas has been recognized.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment will be printed in the RECORD.

HUMANITIES GRANTS

SEC. 4. Section 7(d) of the National Foundation on the Arts and Humanities Act of 1965 is amended by adding after the phrase "Federal programs" a comma and then the words "designated State humanities agencies".

Mr. BENTSEN. I yield myself 10 minutes.

Mr. President, I have discussed this matter with the distinguished chairman of the Special Subcommittee on the Arts and Humanities, Mr. PELL.

Let me say first that I am an enthusiastic supporter of the legislation that created the arts and humanities endowment. Two years ago, in a floor speech I specifically commended the President for his support of the arts and humanities and I recorded my own approval of the appropriations measure substantially increasing Federal support of these programs.

I have supported this legislation ever since I came to the Senate.

The amendment I offer today is intended to strengthen that part of the legislation which has been used as the impetus to create State-based programs in the humanities.

Some years ago, the distinguished Senator from New York (Mr. JAVITS) was the father of legislation that created the State Arts Council programs. Those programs are now flourishing in all of the States, and they have proved to be very successful. In many instances, State legislatures have appropriated three or four times the amount of money required to match the Federal share to create State-based programs in the arts.

There is no comparable provision in the bill creating State agencies to supervise some of the State-based grants in the humanities, however, the humanities endowment, under direction from the Congress to expand its public humanities programs, has established State-based programs in some 40 States under the general authority of section 7(c)(5) of the act, which authorizes the endowment to foster public understanding and appreciation of the humanities.

Although there has been some discussion, particularly from the distinguished Senator from Rhode Island, (Mr. PELL) about creating State agencies in the humanities similar to the State arts councils, this has never been done. Indeed, this year's committee report notes that the committee found it unwise to mandate the creation of State humanities councils in view of the fact that some 40 State-based programs are now in operation and the programs are still in an experimental stage.

Mr. President, I have no quarrel with the conclusion reached in the committee report, and I have no wish now to mandate the creation of any State agency, for I can recognize that the program is relatively new and that the endowment wishes to experiment with a number of models before it recommends the establishment of State humanities councils similar to those in the arts.

What does concern me, however, is that in a number of States, including my own, State humanities councils have been in existence for some years. The Texas Committee on the Arts and the Humanities is such an agency, fully qualified to administer State-based programs in the humanities. However, the humanities endowment has not channeled any funds for its State-based programs through that agency.

Mr. President, I am fully aware of the arguments that have been raised on this point. Some have claimed that the State agencies will not be as free as private groups to administer the State program. Yet, as the Senator from New York (Mr. JAVITS) knows, similar arguments were raised when the State arts councils were established. However, I think he will agree that the early fears about State meddling in the affairs of artists and artistic organizations have proved to be largely unfounded. Today, even those who opposed the Javits concept at the beginning are hailing the State arts council programs as a success.

I would repeat that my amendment does not mandate the creation of any State humanities agency. It merely says that where such an agency exists, the national endowment must correlate its activities, insofar as practicable, with the State agency. In other words, it establishes a cooperative relationship between the national and the State officials. Hopefully, some of the Federal funds can be channeled through these existing agencies.

I believe this is a very modest step, Mr. President.

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At some point in the future, perhaps, the Congress will decide to set up State agencies in the humanities.

I am not ready to go that far at this time. But I do believe that this amendment can point us in a direction and can give us some guidance about whether we want to move that way later on.

I am hopeful that the manager of the bill can accept this amendment.

Mr. PELL. Mr. President, the Senator from Texas is absolutely correct. This matter has been discussed with the ranking minority member, the Senator from New York, and with me, and it is a most acceptable amendment. It is acceptable to the administration.

I ask unanimous consent to have printed in the RECORD—unless the Senator wishes to do so—the letter from Dr. Berman about indicating acceptance.

Mr. BENTSEN. I will be pleased to do that.

I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ENDOWMENT FOR THE HUMANITIES,
*Washington, D.C., April 10, 1973.*

Hon. LLOYD BENTSEN,
*U.S. Senate*
*Washington, D.C.*

DEAR SENATOR BENTSEN: Stephen Wexler of the Special Subcommittee on the Arts and Humanities has informed me of the proposed amendment to NEH legislation. I would like to say that I find this amendment not only entirely acceptable but indeed perceptive and helpful. You may rest assured that we will do our best to implement the letter and spirit of the proposed change, and I am personally most grateful to you for the attentive thought you have given to the Endowment's purposes and procedures.

Naturally we have discussed the pending legislation with many of the 26 members of our board, the National Council on the Humanities. Being simply private citizens, they are, as I'm sure you understand, deeply concerned about potential changes in programs which they have originated and to which they have deep personal commitments within their states. In the attempt to clarify the situation, some of them may, I think, have tried excessively to make themselves heard: this is certainly to be regretted and I assure you that we will try as hard as possible to keep their reactions from interfering with normal Congressional procedures.

May I take this occasion of making it a matter of record that we intend to review proposals emanating from state councils and indeed to stimulate them at all appropriate times. This confers upon us the obligation not only to cooperate with these designated groups but to take the best occasion of funding their justified proposals.

We would like to thank you for your patience in this matter, and for your continued interest in the Humanities.

Sincerely,

RONALD BERMAN,
*Chairman.*

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. PROXMIRE. I have a subsequent amendment which I would like to offer after the Senator from Texas finishes the disposition of his amendment, and I want to be sure that my amendment is not ruled out of order, because it may affect the same figure which the Senator from Texas may or may not be changing.

Does the Senator from Texas change the amounts in any way?

Mr. BENTSEN. The Senator from Texas does not change the amount in any way. All the amendment does is to say that, insofar as practicable, the National Foundation will cooperate with the State agencies on humanities.

Mr. PROXMIRE. I thank the Senator.

Then, my amendment would be in order.

Mr. PELL. Mr. President, I move that the amendment of the Senator from Texas be agreed to.

The PRESIDING OFFICER. Would the Senator from Texas indicate at what part of the bill his amendment can be found? Is it at the end of the bill?

Mr. BENTSEN. That section 4 be amended by adding after the phrase "Federal programs,"——

Mr. PELL. Page 29 of the report.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, before I call up my amendment, I should like to ask the senior Senator from Texas a question. He praised the statement by the Senator from New York (Mr. JAVITS). I must say that I found it very appealing and attractive too. But I ask the Senator if he would agree with the observation by the Senator from New York that the best part of the poverty program is legal services for the poor. That program gives them the dignity of having a lawyer, the dignity of belonging effectively to the legal system of the United States of America, so that they can feel that they can have protection in the courts, too.

I do not want to put the Senator on the spot, because I do not know where he stands on legal services and OEO, but I have a suspicion. I wonder how the Senator can argue, on the one hand, that the people in Wichita Falls ought to be allowed to have a ballet or little theater, or whatever this program assists, but the poor in Wichita Falls and in Madison and Milwaukee and Providence, R.I., should not be allowed to have the kind of lawyers which, as Senator JAVITS pointed out, are essential if they are going to have any part of this American system.

Mr. TOWER. I thank my good friend, the Senator from Wisconsin, for not wanting to embarrass me or put me on the spot. I know he has never wanted to do that.

However, my views on legal services are quite separable from my views on the arts. I do not see any point in getting into a debate on legal services at this moment. That is not the issue before the Senate. It is on the arts.

In my community, I think that the arts and the facilities we have there are very beneficial to the poor. As a matter of fact, when I was connected with the little theater there, we used to take our productions into the ghetto and put them on there, and do it for no charge, in an effort to bring some sense of appreciation and some accessibility of the arts to those who could not otherwise afford them.

I think it is a little phony to get into a debate on legal services at this time. I have certain philosophic reasons for perhaps failing to support some legal services concepts that have been advanced, but I am not going to debate those here now. I think it would be demeaning to the present debate to get sidetracked into a debate on legal services.

Mr. PROXMIRE. Let me say here that I think it is not demeaning. It is right on the button, right on the mark. The fact is that we have a ceiling on spending. The President has proposed and the Senate has passed a ceiling which may or may not become law, but we passed it sincerely. We passed a ceiling of $268 billion. If we spend money on this program in increased amounts, we are going to have to take dollars out of other programs. As we go along, we are going to have to make painful and difficult priority judgments.

This is a program that has a lot of appeal. The amendment I am going to offer is not a cutting amendment. It says in effect, "Go ahead, gung ho, with this." But do not go ahead with a program which will be so extravagant as to be self-defeating.

Mr. PELL. President, will the Senator yield for an observation?

Mr. PROXMIRE. I yield to the Senator from Rhode Island.

Mr. PELL. Actually, the amounts for the coming year, fiscal year 1974, have the support of the administration, and since it has the support of the administration presumably it would be within the administration budget.

Also, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from AFL–CIO indicating their support for S. 795. While they may have become upper middle class in some ways, I think they speak for labor and for all of our people, including poor people. I also ask that two other letters, from the council of AFL–CIO unions for scientific, professional, and cultural employees with a listing of their member organizations, and from the American Association of Retired Persons and the National Retired Teachers Association be similarly printed in the RECORD at this time.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
*Washington, D.C., May 1, 1973.*

Hon. CLAIBORNE PELL,
*Chairman, Arts and Humanities Subcommittee, Senate Labor and Public Welfare Committee, Washington, D.C.*

DEAR SENATOR PELL: The AFL–CIO, following principles established by the American labor movement in its earliest days, is committed to improving the quality of life for its members and all Americans by improving conditions on the job and increasing opportunities for every man and woman to enrich their leisure hours off the job. The arts and the humanities are essential to the fabric of our culture, the enjoyment of which adds meaning to a worker's toil.

For this reason, we are convinced that the opportunity to learn from the humanities and experience the arts must belong to all our citizens. It cannot, and must not, be the province of the wealthy alone.

The AFL–CIO consistently has called for greater public support of the arts and humanities. We endorse S. 795 which extends the authorization for the National Foundation on the Arts and the Humanities and provides it with funding that we believe is reasonable and necessary.

The AFL–CIO earnestly hopes that the Senate will give this measure the vote of approval it so richly deserves.

Sincerely,

ANDREW J. BIEMILLER,
*Director, Department of Legislation.*

COUNCIL OF AFL–CIO UNIONS FOR SCIENTIFIC, PROFESSIONAL AND CULTURAL EMPLOYEES,
*Washington, D.C., April 11, 1973.*

Hon. CLAIBORNE PELL,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR PELL: The Council of AFL–CIO Unions for Scientific, Professional and Cultural Employees warmly endorses S. 795, legislation that would extend the authorization period of the National Foundation on the Arts and the Humanities. This agency represents a small commitment by the national government to the quality of life in our nation today. Nevertheless, it is an important commitment and must be strengthened.

We respectfully request that you support this measure in the Senate with your voice and your vote and resist all amendments that may cut the amount of funds called for in this bill which already has been approved by your committee.

The affiliates of this Council represent nearly five million men and women, one million of whom are employed in the various professional fields. As leisure time increases and as the educational attainments of these working people grow, their search for meaningful enriching experiences intensify. The arts satisfy this quest.

This Council rejects the notion that the arts are, or ought to be the province of the wealthy. We believe that every American should have the opportunity to experience the arts in all their many forms. S. 795 helps to do this. We believe the nation would be pennywise and pound foolish if it were to curtail the development of this small program.

Sincerely,

JACK GOLODNER,
*Executive Secretary.*

NATIONAL AND INTERNATIONAL UNIONS AFFILIATED WITH THE COUNCIL OF AFL–CIO UNIONS FOR SCIENTIFIC, PROFESSIONAL, AND CULTURAL EMPLOYEES.

Actors Equity Association.
American Federation of Musicians.
American Federation of Teachers.
American Federation of Technical Engineers.
American Guild of Musical Artists.
Brotherhood of Railway, Airline and Steamship Clerks.
Communications Workers of America
Insurance Workers International Union.
International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators.
International Brotherhood of Electrical Workers.
International Union of Electrical, Radio and Machine Workers.
National Association of Broadcast Employees and Technicians.
Office and Professional Employees International Union.
Retail Clerks International Association.
Seafarers International Union of North America.
Service Employees International Union.



AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION,
*Washington, D.C. April 30, 1973.*

Hon. CLAIBORNE PELL,
*Russell Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR PELL: The American Association of Retired Persons and the National Retired Teachers Association, with a combined membership of more than five million older Americans, wish to express their strong support of S. 795, extending aid to arts and humanities through fiscal year 1976. We are most hopeful that the Senate will expedite passage of this legislation as reported by the Senate Labor and Public Welfare Committee.

As you may know, Senator Pell, our Associations' innovative continuing education program—the Institute of Lifetime Learning—has opened new doors to creativity and knowledge and has demonstrated the capacity of older Americans to enrich their lives through music, the arts, literature and the sciences. Based on our experiences, it is our Associations' firm belief that the involvement of older Americans as viewers and as participants in cultural activities has great potential. We see the expansion of the federal assistance to the arts and humanities as an important breakthrough in broadening the recreational and cultural opportunities for older Americans. Our endorsement of these programs has been strengthened by the recently published study entitled *Arts and the Elderly*, prepared by the National Council on the Aging. This interesting and informative study not only underscores the importance of cultural activities for older Americans, but it also offers numerous suggestions to state agencies on aging and to State Councils on the Arts for joint activities to enrich the lives of older Americans.

We are appreciative of your efforts to expand the arts and humanities programs, and we hope that the legislation which was reported by the Senate Labor and Public Welfare Committee will not be weakened during debate in the full Senate.

Your continued interest and action on behalf of all older Americans is most gratifying.

With warm regards,

Sincerely,

CYRIL F. BRICKFIELD,
*Legislative Counsel.*

Mr. PROXMIRE. Let us make the situation as clear as we can. In the committee report on this bill on page 9, at the bottom, the administration made it clear that they are not in favor of the Pell bill. In the event my amendment is rejected I intend to offer the administration amendment, which would reduce the amount.

They say, at the bottom of page 9:

In a report to your committee on the subject bills, the National Foundation on the Arts and the Humanities recommends against enactment of S. 795, favoring instead S. 916, the administration's proposal. We concur with these views and also recommend against enactment of S. 795.

What the administration proposes is an authorization for 1 year. Thereafter they propose an open authorization and under that authorization there would not be the same pressure on the Committee on Appropriations to provide the very large appropriation.

On page 128 of the budget, the administration states that the outlay for cultural activities will be $348 million in 1974 and of this $120 million will be provided for the National Foundation on the Arts and the Humanities.

The Proxmire provision for 1974 is in the amount of $120 million, which is exactly what the budget provides. This is an increase of $60 million for activities of the American Bicentennial Commission.

Mr. PELL. Mr. President, will the Senator yield at that point?

Mr. PROXMIRE. I yield.

Mr. PELL. I wish to read into the RECORD a letter from Miss Nancy Hanks, Chairman, National Endowment for the Arts, and Mr. Ronald Berman, Chairman, National Endowment for the Humanities. The letter is addressed to the distinguished Senator from Pennsylvania (Mr. SCOTT) and it states, in part:

You will remember, the President stated in the 1973 State of the Union Report on Human Resources (March 1, 1972): ". . . renewed faith in ourselves also arises from a deeper understanding of who we are, where we have come from, and where we are going—an understanding to which the arts and the humanities can make a great contribution. My 1974 budget requests further expansion of the funds for the National Foundation on the Arts and the Humanities, to a new high of $168 million. I ask continued full support from the Congress for this funding."

On behalf of the Administration, we wish to reaffirm the commitment to the level of funding proposed by the President for Fiscal 1974 and opposition to any action in regard to S. 795 pending before the Senate that would reduce appropriations from this level.

Mr. PROXMIRE. Mr. President, I think we now have a somewhat clearer picture. The administration changed its mind. In the budget they asked for a 50 percent increase in the arts, to $120 million in 1974, a very big increase. They changed their minds and decided to ask for a 100 percent increase but they limited their request to 1974 and they did not ask for the same increase that the Pell bill provides for 1975 and 1976.

Mr. PELL. That is what I was going to say. They are addressing themselves only to the coming fiscal year. They did not support that amount or any other amount. They would like to say, "such sums as may be necessary." I know the Senator and I both have objection to the phrase "such sums as may be necessary."

Mr. PROXMIRE. Is the Senator from Rhode Island prepared to accept an amendment to strike out the authorization for 1975 and 1976?

Mr. PELL. Absolutely not.

Mr. PROXMIRE. So the Senator is taking a position contrary to the administration on that point.

Mr. PELL. I would be compelled to oppose such an amendment.

Mr. PROXMIRE. But the Senator would admit that that is the administration position. Is that correct?

Mr. PELL. No. Its position, as it sometimes indicates, is no position.

Mr. PROXMIRE. Is the Senator really saying it is no position at all? The administration recommends against enactment of S. 795, favoring instead S. 916, the administration bill. If I submit the administration bill as an amendment it is clear I am submitting a position that the administration would support. It is stated in the report that they would support that.

Mr. PELL. If the Senator offers an amendment stating "such sums as may

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be necessary," which is the administration position, for 1975 and 1976, I would be compelled to oppose that.

Mr. PROXMIRE. I am certain the Senator would not oppose it on those grounds. I have served on the Committee on Appropriations for 10 years and we all know that in that committee we get pressure to meet the authorization level. We have great pressure to do so.

Mr. PELL. As the chairman of the Subcommittee on Education I wish they would even come up to only one-half of the authorization.

Mr. PROXMIRE. If we did, we would have to print an awful lot of money.

Mr. PELL. And spend less money somewhere else. This is again a question of priorities. S. 795 deals with the quality of our Nation's future life. I consider that of high priority.

Mr. PROXMIRE. Mr. President, the authorization bill for funds for the National Foundation on the Arts and the Humanities (S. 795) contains outrageous increases in funds for fiscal years 1974, 1975, 1976.

From very modest beginnings of about $20 million a year in its first 2 years of existence, funds for the Foundation have grown at a rate of roughly $20 million a year, reaching $80 million this year, or fiscal year 1973.

FUNDS EXPLODE

But under this bill, the funds are to explode.

In fiscal year 1974, the authorization is for $160 million. That is double fiscal year 1973. It is four times the fiscal year 1971 rate. It is eight times the amount authorized in the first 2 years. This is a 100-percent increase in 1 year.

I think many of us have been in the Senate long enough to realize that any program, whether it be a military program, a social program, an educational program, or a welfare program, that goes that fast, makes a whale of a lot of mistakes along the way and wastes extravagantly.

But in the words of the old song, "Baby, You Ain't Seen Nothin' Yet," in fiscal year 1975 it goes up again by $120 million over fiscal year 1974 and by $200 million over fiscal year 1973.

Finally in fiscal year 1976, the amount authorized is $400 million. And there is a provision in the bill that if no further action is taken, $400 million will be available again in fiscal year 1977.

SIGNIFICANCE OF INCREASES

These are not merely marginal yearly increases to take care of pay raises and inflationary factors. These increases are geometrical in their proportions. There is a 100-percent increase for fiscal year 1974. By the fiscal year 1975 funds increase by 3½ times. The funds increase by fivefold in fiscal year 1976 over 1973, or from $80 million to $400 million. The $400 million provided in fiscal year 1976 is five times the amount we now spend each year on the Peace Corps. It is 2⅓ times the $172.5 million we spend for REAP—the Rural Environmental Assistance Program—which the President cut from his budget this year. It is almost twice the $216 million in REA funds the President cut from the budget this year.

And the $400 million provided for the National Foundation on the Arts and Humanities in the third year of this authorization is almost as much as the $425 million the President cut outlays in the OEO budget from fiscal year 1973 to 1974.

Mr. President, in a year of budget cutting, belt tightening, freezes, and meat-ax approaches by the administration for funds for public housing, farm disaster loans, water and sewer grants, and rehabilitation of the handicapped, it is unconscionable to double the funds for the arts in this coming fiscal year and to authorize a fivefold increase 2 years from now.

I ask unanimous consent that a table showing the authorizations for funds for the National Foundation since its inception be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

The tabulation ordered to be printed in the RECORD is as follows:

TABLE 1.—*Authorizations for the National Foundation on the Arts and Humanities, fiscal year 1969–73*

[In millions]

| Fiscal year: | |
|---|---|
| 1969 | $22.75 |
| 1970 | 24.75 |
| 1971 | 40.00 |
| 1972 | 60.00 |
| 1973 | 80.00 |

Mr. PROXMIRE. I may say parenthetically that the authorizations and appropriations have been essentially the same.

I would like to read some of these.

In fiscal 1969 the amount was $22,750,000. In 1970 it was $24,750,000. In 1971 it was $40,000,000. In 1972 it was $60,000,000. In 1973 it was $80,000,000.

That is a very sharp increase—I think too sharp—but I think that is a case which can be defended.

In this proposal we would abandon that kind of regular increase of about $20,000,000 and really jump.

The proposal in this bill would increase that authorization in 1974 from $80,000,000 to $160,000,000; in 1975 to $280,000,000; and in 1976 to $400,000,000.

And, as I have said, $400,000,000 more is authorized for fiscal year 1977 if the Congress fails to act to extend the authorization authority.

Mr. PELL. Mr. President, if the Senator will yield, I am not a mathematician, but the percentage increase remains approximately the same. It does not go up in geometric progression; it is going up in arithmetic progression.

Mr. PROXMIRE. I think the Senator must have had a different kind of arithmetic teacher than I had. I think the percentage increase does go up much more than he says. In 1971 it was $40 million; in 1972 it was $60 million or 50 percent higher; in 1973 it was $80 million or 33⅓ percent higher. But in 1974 it would go up to $160 million, which is a 100-percent increase.

Mr. PELL. That is right, but that is what the administration supports.

Mr. PROXMIRE. The percentage increase from 1973 to 1974 is 3 times the percentage increase of what it was from 1972 to 1973 and twice what it was from 1971 to 1972.

Mr. PELL. But this is the administration-sponsored increase, which I agree with the Senator is more, but then we get back to the cycle, and we find the increase from 1974 to 1975 is from $160 million to $280 million, which is about 70 percent. Then it drops down to about 40 percent.

Mr. PROXMIRE. The increase is confused by the fact that the administration has supported the increase because they have a notion that it is for the bicentennial. That is why we have the contradictions between what the administration recommended in the budget, when they say outlays for this Agency should be $120 million for the National Foundation on the Arts and the Humanities, or an increase of $60 million in 1974.

Then why did they go on with that very sharp increase that is beyond $120 million that they have in the budget for this proposal? The reason is that we are moving on now to the bicentennial year, and it requires time to move ahead properly. However, the report of the Senator from Rhode Island, the position taken by his committee, and the position I understand which has been taken by other individuals, is that these sums would not be used by the Bicentennial Commission until the Bicentennial Commission wanted to ride along; that they would be used for the basic, regular purposes of the National Foundation for the Arts and the Humanities.

Mr. PELL. The language in the report says that they can be used for the Bicentennial. There is no discouragement of that, but the artistic levels of excellence have to be maintained. In others words, they could not be used to dress up parking lot attendants for the bicentennial celebration or for something of that sort. They could be used to help a ballet that was moving along, with its theme being the bicentennial.

Mr. PROXMIRE. It is quite obvious that the Pell committee adopted a sensible approach from their standpoint by saying that if the administration wants to use these funds for the bicentennial, fine. That is in accordance with tradition and it is a fine purpose. We are all proud of the bicentennial. But the fact is that there is still a 100-percent increase in this agency's money in the coming year at a time when we are trying to operate under a ceiling, when we are aware of the worst inflationary pressures in the last 20 years, when we are doing all we can to hold down spending. Yet in this area we are expected to throw caution to the winds and move ahead from $80 million to $160 million in 1 year.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. TUNNEY. Under the committee proposal, I calculate that the country would presently be spending 40 cents per capita for the arts and humanities increasing to approximately $1 or perhaps a little less nationwide by 1976.

I would point out to my distinguished friend, who has such a desire to trim this fund——

Mr. PROXMIRE. I have a desire to increase the fund, but not this way.

Mr. TUNNEY. Very well then, to trim the proposal of the committee. At the present time a country like Austria spends about $17 per capita for the arts and humanities, and there is no great country in the world today that spends less of a percentage of its gross national product on the arts and humanities than does the United States.

Mr. PROXMIRE. May I say to the Senator from California that if he had been here a little earlier he would have heard the discussion between the Senator from New York (Mr. JAVITS) and myself on that question. We are talking about only a small part of what this country spends, what the taxpayer spends, on the arts and humanities. In the first place, the Internal Revenue Service records indicate that about $2.5 billion goes into the arts and humanities, of which the taxpayer contributes about half, 40 percent to 50 percent, because of the tax expenditure route. In other words, individuals can make contributions to museums and to various art purposes and deduct them from their income taxes. When we compare that to other countries, it seems to me we have taken into account a part of the funding.

If the Senator is going to talk about Austria, which is a small country, and arts and humanities constitute a large part of the attraction of that country for tourists. That and the "Sound of Music" is a large part of the reason why people go to that country.

Mr. TUNNEY. Perhaps Austria has a better quality of life as far as the average citizen is concerned than we do in this country.

I have heard the Senator from Wisconsin stand on the floor and talk about technology gone wild, particularly as it related to the SST, and I have heard him talk about how there is too much concern for the gross national product, and not enough concern for the enchancement of the quality of life.

Mr. PROXMIRE. The Senator has me confused with somebody else.

Mr. TUNNEY. He may not have used those exact terms, but I have heard him refer, particularly with reference to the SST, to technology gone wild. I cannot think of an expenditure of money that could more be for the satisfaction of the human soul than an expenditure on the arts.

If I have understood the Senator from Wisconsin well, and I think I have, he is a humanist who believes in bettering things in this world here and now, and I think the Senator would be the kind of person who recognizes that there is no expenditure that would do more for the human spirit and for the quality of life than an expenditure in the arts.

Quite frankly, when we compare the committee proposal with the kind of money we are spending on defense to destroy people or to defend countries in Southeast Asia that do not want to be defended, and to destroy the kind of life we have destroyed in Vietnam, Cambodia, and Laos, we have before us in comparison a very small amount of money which, hopefully, if it is well spent, will create a climate in this country in which in the future we will not be so desirous of making war in underdeveloped countries and engaging in the kind of destruction of life in which we have engaged for the past 10 years.

It would just seem to me that a person who has been given the opportunity to expand his cultural interests, who has been given the opportunity to understand what the great traditions of culture are in the Western World, would be far less likely to be as interested in the development of technology for technology's sake.

I think this expenditure is completely consistent with everything I have heard the Senator from Wisconsin speak out on when he talks about the needs of the poor in this country and when he has talked about eliminating programs such as the SST. I think the Senator is out of step in this particular case with his overall philosophy, and I cannot understand why he is picking on the arts.

Mr. PROXMIRE. May I say to the Senator from California I am really astonished at how he thinks I can be out of step because I want to increase this item only by 50 percent. There are very few, if any, other programs that we are increasing by 50 percent.

It is easy to speak of these matters in generalities, however, I am not sure that I want the money to go to George Plimpton. I think that George Plimpton was very funny on a television show. However, I am not sure that he needs the money.

Robert Penn Warren was one of a number of people who received $1,000 from this program. He is a very wealthy author. There are all sorts of horror stories, which I intend to read later, on which this money was wasted.

If we go through the wasteful parts of the program and eliminate them, we can still leave ample funds for a better life in America. We can applaud that and still have a better program than if we made the sky the limit and shoveled the money out as long as we thought we were helping something that people call the arts.

Mr. TUNNEY. Mr. President, it is not the point at all, that they are shoveling it out and wasting the money. I do not know why Robert Penn Warren ought to be discriminated against because he has some money in the bank.

Mr. PROXMIRE. He ought not to be subsidized by the Federal Government. That is all I am saying.

Mr. TUNNEY. If we have a program in which certain people receive stipends based on the quality of their material, I do not see any reason why Robert Penn Warren should not get it. He is a very highly qualified author.

Mr. PROXMIRE. I hope we do not have to pay for it. And as far as giving him $1,000 that comes out of the pockets of the American people and out of the pockets of the average taxpayer in Wisconsin who makes $9,000 or $10,000 a year and works his heart out to make a living, I think that we should not give it to some author who makes perhaps $300,000 or $400,000 a year. It makes no sense.

Mr. TUNNEY. Mr. President, is the test going to be whether a man has a certain amount of money in the bank and therefore cannot get that stipend?

Mr. PROXMIRE. I certainly would not be willing to give thousands of dollars away to the people who have money. They would usually prefer to get a medal or some other reward anyway.

Mr. TUNNEY. We do not have discrimination in the tax structure. Many people have tax deductions irrespective of whether they have large bank accounts or not. If we have a program applying equally to all, why should we have a means test to determine whether a person should get a stipend for writing a poem or a play?

Mr. PROXMIRE. I think that we could reward people and recognize that they are tremendously competent in their field by giving them a medal or some other commendation. It is not necessary to give them money. It is something that does not even interest them a great deal. It is a waste of money. I think that if we give them a plaque or even a letter, it would be more worthwhile. If I might proceed, I have a whole series of examples that I would like to cite. However, I would be very happy to yield momentarily to the Senator from California.

Mr. TUNNEY. Mr. President, I have one further question. What was the $1,000 paid to Robert Penn Warren for?

Mr. PROXMIRE. For an essay, an article.

Mr. TUNNEY. That was money that was paid to Robert Penn Warren under contract so that he would write an essay, is that correct?

Mr. PROXMIRE. It is listed under essays and critics. I assume that might be it.

Mr. TUNNEY. If the money had not been paid, the essay would not have been written. Is that correct?

Mr. PROXMIRE. I am not sure. He may have come into a workshop or something. People like Robert Penn or John Tunney would be creative whether they were rewarded or not. I am sure that when the Senator makes one of his speeches—which we all like to hear—it is not necessary to pay him $1,000 or $500, or whatever the amount is. The Senator makes his speech out of his heart. He is speaking this afternoon. His imperishable words are going to be preserved and read by future generations. It is not necessary to pay him. I think if we were to get paid for everything we said, we would never finish a Senate session.

Mr. TUNNEY. Has the Senator ever written an article for a magazine for money?

Mr. PROXMIRE. I have. I do not know whether it was worth it.

Mr. TUNNEY. Almost every Senator who speaks has done some writing. In all probability, the Senator would not have written an article if he were not going to get paid.

Here we have an example of $1,000 to pay Robert Penn Warren. I think that is



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pretty cheap. I understand that Playboy published an article by him.

Mr. PROXMIRE. But not by this Senator.

Mr. TUNNEY. The point is that a thousand dollars is pretty cheap to get an essay from Robert Penn Warren.

Mr. PROXMIRE. The Senator from California could probably get more than that if he wrote an article.

Mr. TUNNEY. I am afraid I could not.

Mr. PROXMIRE. In fact, if it were not for the incredible increase, proposed increase, in the bill, I would be absolutely astonished at my own profligacy in proposing a 50 percent increase in the total funds for the Foundation next year and an annual increase which is double the annual increases of the past.

Mr. President, I ask unanimous consent that a table showing both the past authorizations and the proposed authorizations under the bill and under the Proxmire amendment be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—*Actual and proposed authorizations for the National Foundation on the Arts and Humanities for fiscal years 1969–76*

[In millions]

| Fiscal year: | Amount |
|---|---|
| 1969 | $22.75 |
| 1970 | 24.75 |
| 1971 | 40.00 |
| 1972 | 60.00 |
| 1973 | 80.00 |
| Proposed amounts: | |
| Under S. 795: | |
| 1974 | 160.00 |
| 1975 | 280.00 |
| 1976 | 400.00 |
| Under Proxmire amendment: | |
| 1974 | 120.00 |
| 1975 | 160.00 |
| 1976 | 200.00 |

Mr. PROXMIRE. Mr. President, one of the reasons—perhaps the only reason—why I think the sums provided in S. 795 are not even in the best interest of the artistic community is that I do not believe one can expand a program at the proposed rates under S. 795—a doubling this year, and a fivefold increase over 3 years—and still run a program efficiently.

Such an increase, in my view, will promote sterile and second-rate art. Funds will be provided for every crazy idea that comes forward. The Foundation will have to go recruiting for artists.

Great art and great artists are not universal commodities. They are unique and special people and works. There is no way a fivefold increase in the funds can be used efficiently and selectively and promote excellence in the arts. There is just no way in which that can be done.

DANGER OF CENSORSHIP—FILM INSTITUTE EXAMPLE

Second, there is a tremendous danger, if we expand the Foundation as proposed here, that we will promote middle class, mundane, establishment art.

We are treading on dangerous grounds. By its nature, art provides unique works and sensitive people. The artists' creative ability is often misunderstood by the generations in which they live. Examples are abundant. Think merely of the struggles of the French impressionists against the establishment, the ostracism of a Michelangelo at various times in his life, and the criticism and jeers that were aimed at Picasso when he revolutionized the art world at the turn of the century.

Yet we are told in the bill that the way to make art and the humanities flourish is to provide them with really fantastic sums from the public purse.

But that, I am confident in predicting, will bring censorship of the arts, sterility to the arts, and a second-rate artistic endeavor.

Apart from the fact that such gigantic amounts cannot be used productively, we have seen the dead hand of government and the dead hand of censorship operate in this field only this week.

The American Film Institute was scheduled to show the film "State of Siege" at the American Film Institute Theatre last week. The Film Institute, but not the theatre, is subsidized by the Federal Government through the Foundation on the Arts and the Humanities.

In fiscal year 1973 the American Film Institute received $1 million from the Foundation for the operation of the Institute. In addition, they received another $650,000 for such items as its own film preservation work, the administration of film makers grants, and for the preservation of the film at the Library of Congress and the Museum of Modern Art.

But "State of Siege" is a controversial film, and obviously, with one eye on their funding and the White House, the showing of the film was canceled. In the wake of that obvious censorship, numerous other filmmakers withdrew their films from the AFI's opening festival.

How can art flourish when the art is subsidized? Is it not better to have less money but more freedom?

A CZAR FOR THE ARTS

Let me discuss another obvious danger in the bill which provides such substantial subsidies for the arts. That danger is that the Foundation may well end up by creating Czars for the Arts.

Under sections 5(c) and 7(c) the Foundation makes grants to support the arts and the humanities. The law provides that the Chairmen of the Endowment for the Arts and the Endowment for the Humanities may make grants up to $10,000 without the prior approval of the respective councils of these organizations who ordinarily exercise this function. They did retain the right of review.

Under the bill as recommended by the Foundation, grants of up to $25,000 without prior approval were to be allowed to the Chairman of each endowment. Further, no limit was set on the proportion of funds which could be used in this way.

Sensing the very real danger that Chairman's grants of this size and without any limitation on the proportion of funds used in this way could make for the art council and their successor czars of the arts and czars of the humanities, the committee wisely limited their authority to grants of $15,000 or less and to a total of 10 percent of the funds. I welcome that limitation.

But there is no doubt whatsoever that the power over the arts which could be exercised by the Chairmen of these groups is potentially very dangerous. And it is more dangerous as a subsidy increases.

This is what happens when art is subsidized by governments and administered by individuals—any individual who has such great power over the artistic and intellectual activities of the Nation.

UPPER MIDDLE CLASS SUBSIDY

Let me make one other point. It is absolutely clear to anyone who knows anything about the arts, that the substantial bulk of the patrons of the arts are upper middle class and wealthy citizens. They are the ones who attend the concerts, buy tickets to the theater, and purchase paintings. That is a fact.

It is true that many people of modest incomes and some people of very low incomes have a great love of the arts; but the great majority who will benefit are the people who are better educated, and therefore more affluent.

What this bill does, therefore, is to subsidize those who need subsidies the least. While some of the funds go to the artistically talented from the poor or from minority groups, the overwhelming effect is to subsidize those in the top income classes in the country who would otherwise have to pay from their private incomes for the results of the arts. These are the people who can most effectively take care of themselves.

The language of the report brags as to how in fiscal year 1976 the per capita annual cost of this bill will be only $1 a year for the arts and $1 a year for the humanities and asks us to support it on the grounds of its relatively small amount. The Senator from California (Mr. TUNNEY) has just made that point. But if that is true, why not let the well-to-do and the affluent in our society support the arts on their own?

We already give a vast indirect subsidy to the arts and the humanities through the income tax laws. While only the most rudimentary estimates are available, probably about $15 billion a year is given to charitable groups of which charitable contributions to literature, museums, educational foundations, libraries, galleries, orchestras, and so forth, probably amount to $2 to $2.5 billion.

Since those funds are given mainly by those in the upper tax brackets, I judge that through the tax expenditure route as much as $1 billion a year in tax receipts which would otherwise come to the Government now go as a tax subsidy to the arts and humanities. The figure may be higher.

I think we have to take into account the fact that the taxes are higher for average families with incomes of $8,000 to $10,000 because we provide this subsidy for those with higher incomes in the income tax laws.

Why then should we add another $400 million a year in direct subsidies to the existing indirect but very real tax subsidy for the arts and humanities?

And the tax subsidy at least has the merit of keeping decisions and judgments in private rather than in Government hands. The advantage we have, without expanding this bill at a breakneck speed, is that with the tax subsidy the money comes from private sources, without a big brother government deciding whether a particular film, for example, should or should not be shown.



CONCLUSIONS

For all of these reasons I believe the authorization given by the committee should be cut back to some reasonable level. I propose an annual increase of $40 million, which is double the $20 million annual increase given heretofore.

But I think it is unconscionable to increase the total funds available by $80 million in the coming year and to provide $400 million or five times as much as is now authorized 2 years from now.

Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with. I think I have explained the amendment in some detail, and will be glad to expand on it further.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE's amendment is as follows:

On page 12, line 3, strike out "$59,000,000" and insert in lieu thereof "$44,250,000".

On page 12, line 4, strike out "$105,750,000", and insert in lieu thereof "$60,300,000".

On page 12, line 5, strike out "$152,500,000" and insert in lieu thereof "$76,250,000".

On page 12, line 9, strike out "$70,000,000" and insert in lieu thereof "$52,500,000".

On page 12, line 10, strike out "$125,000,000" and insert in lieu thereof "$72,000,000".

On page 12, line 11, strike out "$180,000,000" and insert in lieu thereof "$90,000,000".

On page 12, line 15, strike out "$11,000,000" and insert in lieu thereof "$8,250,000".

On page 12, line 16, strike out "$19,250,000" and insert in lieu thereof "$11,000,000".

On page 12, line 17, strike out "$27,500,000" and insert in lieu thereof "$13,750,000".

On page 13, line 2, strike out "$20,000,000" and insert in lieu thereof "$15,000,000".

On page 13, line 4, strike out "$30,000,000" and insert in lieu thereof "$17,000,000".

On page 13, line 6, strike out "$40,000,000" and insert in lieu thereof "$20,000,000".

The PRESIDING OFFICER. Does the Senator from Wisconsin wish that his amendments be considered en bloc?

Mr. PROXMIRE. Yes. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield to the Senator from California.

Mr. TUNNEY. Mr. President, as I have already made clear in some preliminary remarks, I strongly oppose the amendment of my good friend the Senator from Wisconsin.

I recognize that we have to live within our means in this overall budget, and that we must, each one of us, decide where our individual priorities are, but I compliment the committee for coming up with a recommendation for spending for the arts and humanities which I think is really a minimum of what is needed in this country.

As I have stated, there is no great country in the Western World that spends less as a percentage of its gross national product on the arts and humanities than does the United States. The Senator from Wisconsin says that we cannot have a fivefold increase and maintain excellence in the arts—this fivefold increase being over a period of several years. I could not disagree with any statement more strongly. It all depends upon the base from which you start; and the base, in the case of the arts, was very low.

There are many creative people in this country who are unable to support themselves and at the same time pursue the development of their talents. I for one do not find it an egregious example of wasteful spending to pay a person like Robert Penn Warren $1,000 to write an essay. As a matter of fact, I have not read the essay, but it was probably worth more than $1,000 insofar as the quality of thought that went into the piece and the impact that it would have upon the students who read it are concerned.

Today the arts, for the most part, depend upon the commercial value of the product. Unfortunately, commercial value does not always correlate with artistic value. The opera is in trouble in many parts of the country. We find that our orchestras in many cities are incapable of being sustained by the local communities. We find that the repertory theatre cannot pay decent living salaries to the actors and actresses who participate therein. Many painters in disadvantaged areas of the cities and rural areas have no outlet for their artistic production, and therefore they cannot sell it, because there is no way they can get their paintings to the potential buyers.

I feel that it is quite clear that the quality of any particular artistic effort, whether it is in the field of literature, music, or painting, may or may not have a relationship to its commercial value; but oftentimes those particular products which are of the greatest artistic value have no commercial value whatsoever.

How many Americans, for instance, have gone to see Nureyev dance in a ballet? How many have had the opportunity to see grand opera?

How many Americans, for instance, have read John Locke? There is probably no other man who had a greater influence on American philosophy or on forming the American life style than John Locke, simply because the Founders of this Republic, men like Thomas Jefferson, James Madison, and Alexander Hamilton, did read him and they wrote into the Constitution certain precepts that were borrowed, lock, stock and barrel, from John Locke. Yet I venture to say that the majority of the people of this country have never read a word that he wrote.

So it seems to me that when we consider the impact of his literary and philosophic efforts as against what it has meant to the cultural and philosophical thinking of this country, any fair-minded person would have to agree that a man like John Locke made a huge contribution to the culture of the United States.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I am delighted that he has brought up the work of John Locke. He was a great British philosopher who, if we read him, we will find that Thomas Jefferson took what he had said, wrote the Declaration of Independence, almost word for word, from Locke except where John Locke had written, "Life, liberty, and property," Thomas Jefferson wrote, "Life, liberty, and the pursuit of happiness." That declaration had a profound effect on America, as the Senator from California has so well stated.

However, it seems to me that John Locke could not possibly have been in a position to write if he had been writing based on a subsidy such as we are discussing today from the British Government—the monarchy. The fact is, John Locke was a revolutionary. He was a philosopher of freedom. He was a man who supported the ideals on which this country was formulated in breaking away from the British crown. If he had had to rely on the British Government to provide his funds in order to write, he would still be waiting to ghostwrite for Tom Jefferson. He would have had the same experience as the great film maker who made the movie "State of Siege," a film which was censored and cut and eliminated from the Kennedy Center recently because it was so controversial. He would have been placed in that same position.

If we are going to make that argument, this program will stifle the voice of freedom and the opportunity for the development of philosophical thought in this country.

The Senator has made a very good point on my side.

Mr. TUNNEY. In reading John Locke, we realize that the aristocracy loved him because he was talking about the importance of property. As a matter of fact, I believe that he put "property" ahead of "life" in the order of importance. There is nothing that was more important to the privileged few of those days than to have their own basic instincts as to the importance of property held up and sanctified by someone as eminent a philosopher as John Locke. As a matter of fact, the Lockeians in this country today are perhaps considered by far our most conservative element.

Mr. PROXMIRE. That may well be, but in terms of life first, liberty next, and property third.

Furthermore, it is true that John Locke enjoyed the esteem of the aristocracy because they were the ones best educated and able to understand him and to appreciate him. The fact is, however, we have that kind of situation now. The Lockes in this country are confined to some kind of support from the so-called aristocracy of this country today, but the pending bill provides support from the dead hand of government. When government steps in, we have a different kind of switch, a necessarily deadening effect on free philosophic expression, radical expression, the kind of radical expression contained in the film "State of Siege." We should proceed with that kind of program and recognize that it has its limitations. We should also recognize that we must continue to rely, in

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a free society, on funding our philosophers and our artists on the basis of private contributions as well as public contributions.

Mr. TUNNEY. Marcuse certainly has not had a tough time with his publications.

Mr. PROXMIRE. Who?

Mr. TUNNEY. Marcuse. He is the social philosopher—some would say the Marxist-Socialist philosopher who wrote for the University of California some time ago. Some say he was responsible for the new left "revolution" in this country a few years ago.

But I have had the opportunity—and I am sure that the Senator has probably had the opportunity also—to visit disadvantaged areas in the large cities where there is great artistic talent. I am personally familiar with one case of painting talent in south central Los Angeles, where there are talented young people with no opportunity to find a way to make a living so that they could express themselves through their art. The reason for that is they had no outlets from which to sell their art.

I had the opportunity last year to go to the Watts festival in Los Angeles to see the offerings of 10 to 15 young people in their late teens and early twenties who had great talent, yet they could not sell their works because there were no outlets.

Yet these people should have their artistic expressions enjoyed by a far greater number of people than was possible as a result of the constraints that were placed on them, coming from a disadvantaged area and not having the kind of money to enable them to support themselves by painting.

I had a chance to talk to several of them and they told me that they would have to give up the expressions of their talent, that they would have to stop painting, because they could not afford to feed their families and paint at the same time.

Mr. PROXMIRE. A number of people from my State have protested this amendment but when it was explained to them, they backed down and said, "That is fine. We did not realize that your amendment would permit expansion. We agree that we can go too far with anything."

The committee bill does go too far in this area. I am sure that the Senator would agree that these programs are going too fast.

Mr. TUNNEY. I think the programs are good, but how can they be going too fast with only 40 cents per capita in 1974? That is not going too fast, so far as I am concerned. It is not going too fast to ask for $1 per capita in 1976. That is not going too fast. It is less than any other country in the Western World, certainly any European country. I do not know what the European tax laws are but I dare say they have charitable deductions the same as we do. So we cannot mix apples and oranges. I think the Senator from Wisconsin is trying to suggest that because of the tax deductions allowed in this country for a charitable deduction to the arts, we were presuming this was not done overseas and that the only money that went to the arts in foreign countries, in European countries in particular, came from the federal treasury of the state. I do not know whether that is true or not, but I daresay they have charitable deductions in Europe as well.

I recall reading in the newspaper that in France, Picasso left many of his personal paintings in the collection that he had to a French museum and that no taxes would be paid on the estate, at least that portion of the estate that represented his personal collection fo paintings, worth about $50 million.

I may say it is a question of where to put the priorities, and I have to say that my very good friend from Wisconsin, a man whom I highly respect and whom I consider to be a true humanist but who certainly is demonstrating that he has got a flintlike soul this afternoon, is not acting the part of the humanist today, and that I strongly disagree with his amendment.

The PRESIDING OFFICER (Mr. JOHNSTON). The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I wish to express my concern about the extraordinary increase that is proposed in this bill, S. 795, for the future funding of the National Foundation on the Arts and Humanities.

S. 795 provides that funds for this program are to increase from $80 million in fiscal 1973 to $160 million in fiscal 1974, to $280 million in fiscal 1975, and to $400 million in fiscal 1976. This would be, within the next 3 years, an overall boost of five times what we are now spending in fiscal 1973. Such an exorbitant increase in funding at this time, when our fiscal affairs are already in disarray, is indeed excessive.

Undoubtedly, the work of the National Foundation on the Arts and Humanities is a valuable asset to our Nation's cultural life. It is a program that should be supported. But an increase in funds of the magnitude contemplated in the proposed legislation is clearly out of line. Certainly, it is out of line if we intend to make progress in our effort to limit spending.

This tremendous increase of five times what we are spending now within the next 3 years cannot be justified. It certainly cannot be justified at a time when we are being forced to cut back on programs vital to human wants and needs, programs in health, education, and housing, in aid for the handicapped and other programs. Certainly it cannot be justified at a time when we are incurring annual deficits of more than $20 billion.

Mr. President, in recent weeks I have pointed out on the floor of the Senate that we are authorizing expenditures far in excess of our abilities to fund. In every session of Congress we have proposed and continue to establish new programs and to expand old programs or existing programs, costly programs which are fueling the fires of inflation. I think everyone knows that we cannot support an authorization at the level proposed in S. 795 without fanning the flames of inflation.

I do not doubt that this is a good program, one that I think we should continue, and one that I want to continue. The proposed amendment would grant reasonable increases in the amount previously authorized. We are reducing the level of authorization. In fact we are increasing it to allow the opportunity not only for continuation but also for reasonable expansion.

There are other programs just as meritorious. There are other services of Government just as valuable that we are not increasing, that we feel we cannot increase, where an increase would simply exceed the limits of our current resources.

Mr. President, for these reasons I support the amendment introduced by the Senator from Wisconsin (Mr. PROXMIRE). It would provide an increase of $40 million in the next fiscal year, and for the following fiscal years. In other words, the bill before us would increase this program from $80 million during fiscal 1973 to $400 million in fiscal 1976. The amendment would increase the program by only $120 million over the next 3 years—or to $200 million in fiscal 1976.

I believe, Mr. President, under the circumstances, that this is adequate. In my opinion, the amendment is reasonable and generous. It will allow the National Foundation on the Arts and the Humanities to continue a reasonable expansion.

Mr. President, we are being forced to reduce a number of good programs. Let us be fair to them. This amendment is fair. It grants a substantial increase. But if we should take all comparable programs that the Government is funding today, and increase the authorizations in proportion to this, we would not have a $20 billion deficit next year; we would have a $40 billion deficit. This country cannot continue this kind of reckless spending. It is painful. Here is a program everybody wants. Everyone is for it. I know of no one who is against it. I know of no reason anyone should be against it. But what will we profit if we continue to authorize programs that will compel us, if we honor the authorization, to make appropriations that are excessive and destructive to the value of the dollar and which increase inflation. Inflation spurs measures in the cost of living and constitutes a burden on the poor people of this Nation, on those with fixed incomes, or those on retirement, or those living on social security. Who can barely make ends meet now.

There is no denying the merits of this program. There is no denying the desirability. While this amendment takes into account the realities of our fiscal situation, it provides a generous increase in the authorization. I think that generous increase should be accepted and I think we should support this amendment. Of course, in the future if our revenues will permit us to come nearer to a balanced budget, or bring us to a better balance between income and outgo we might again increase the authorization and make appropriations in accord or for a higher amount. But as I have said on the floor of the Senate, that if we pass these authorizations today, they become bills tomorrow. They are bills presented to the Committee on Appropriations for payment. We are not able to pay. We are not able to pay the bills that are being presented now except by borrowing money and running this country further in debt. We will never return a better balance in our fiscal affairs if we continue to authorize new programs and expand old programs excessively and say, "Oh, well, let us borrow the money and pay it." We have borrowed too much money now. The national debt is costing us some $25 billion a year in interest. It is increasing each year. It soon will be $30 billion. I would like to support the measure. There is no doubt it would be a wonderful thing to provide all the money which could be properly spent. But there are many other programs which are just as valuable and just as important to the welfare of our Nation as this program.

I would hope those who support this program would take these factors into account and be satisfied with the amounts proposed in this amendment. Hopefully, when the amounts proposed in the amendment are presented in the Appropriations Committee each year, we can appropriate the full amount of the authorization.

This is not the end of the problem. We can authorize funds, but there has to be an appropriation. I think we do wrong when we authorize large sums, building up the hopes of people who are interested in these programs, only to dash them to the ground when we make the appropriations. When we make these authorizations, those people who are interested in the programs anticipate and expect that appropriations will be made for them. I think now is the time to weigh the issue and settle it here.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. COTTON. I would like to say to the Senator that last week I was in a rural section of my State. As the Senator knows, for some years I have served on the Appropriations Subcommittee having to do with housing, education, and welfare, and I can remember during all those years that every year we have taken up the problem of the fact that doctors, or somebody, had to determine who should live and who should die because of the fact that we could not produce and furnish—at least deliver—dialysis or the aid of an artificial kidney throughout the country. Year by year we squeezed out all of the money we felt we could squeeze, but there was testimony that it would take such a sum of money to take care of everybody that it would take years to do it.

Only last week I was in a sparsely populated section of my State where people are still dying because of the fact that they cannot be taken to Boston, or even to the one largest center in the little State of New Hampshire, and because they do not have enough money in the community so they can bring the service to them. So they are still dying simply because we cannot deliver that health care to them.

When we also have before our committee those who want grants and loans so that every boy can get a college education in this country, to me my sense of the esthetic and my appreciation of the arts is not profound enough or deep enough so that there is any reduction that can be offered on the floor to this bill that I will not vote for.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McCLELLAN. Mr. President, I yield.

Mr. PROXMIRE. Mr. President, I congratulate the chairman of the Appropriations Committee for his very strong and overwhelmingly logical reasons for voting for a reduction in this enormous increase, and what the Senator from New Hampshire has said put the icing on the cake, in my view.

There were years in which I served in this body in which individudals said, "Well, we should go ahead with all of these programs. We should increase spending for the education program. We should go ahead with the space program. We should go ahead with military spending, all of them." We now realize we cannot do that. We have passed a ceiling of $268 billion. President Nixon has a similar ceiling. One way or the other, we are going to adopt a ceiling. If we move ahead with this immense expansion of the program, it means we are going to have to take the funds out of somewhere else. It is going to mean that in the area the Senator from New Hampshire talked about, a matter of life and death, perhaps that will have to be reduced. We cannot have everything.

I do think we have a different situation than we had before. As the Senator from Arkansas has said so well, this is not an amendment which would gut the program. Without the committee proposal, I would consider it much too profligate. It is a modest reduction in the immense increase the Senate committee would provide. If a 50-percent increase is permitted, that should be large enough, especially in a program which is as vague and intangible as this.

Mr. PELL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator.

Mr. PELL. I was interested in the exchange between the Senator from Arkansas and the Senator from New Hampshire and I share the sense of sadness in knowing that people are dying in his State, as they are in other States, because there are not enough kidney dialysis machines around and because there are not enough health resources available for the people, but the Senator put his finger right on the nub of the problem. We are spending too much money now wastefully in killing in other parts of the world.

I realize it is dangerous to compare apples and oranges, but we in the Government and those on the Appropriations Committee and in Congress are spending billions and billions of dollars in the killing of people with no relation to our national security, and we do it without any thought or any pangs of conscience sometimes. This is where we should cut expenditures. We should cut funds so the Air Force cannot engage in the bombing raids. We are spending as much money there as we would for providing enough kidney dialysis machines for everybody who needed them for a substantial time. This is where we should cut and cut now. Cut it out of the hardware systems. Cut it out of offensive weapons appropriations and offensive actions. Maybe we should take some out of the space program. Maybe we should take some out of the hardware sector.

Senators will never hear me deny an increase in the field of human welfare, education, health, or in raising the quality of life. Just because my education programs were cut does not mean that I, as chairman of that subcommittee, will want to reduce this program or that program. I want the programs in the human sector of life all expanded. If I do not fare very well in the educational forum, I am not going to vote against additional expenditures in the field of the arts and the humanities. What I will do is oppose programs that are wasteful and that result in killing and building up plutocracies. Our approach should be to provide people with needed kidney dialysis machines, the arts and the humanities, college educations, and not engage in expensive adventures around the world.

That is where the cuts should be made, and those of you on the Appropriations Committee have it in your hands—I will refer to you as the presidium—to make the decision of where the priorities will be. Let us cut, but let us cut where it does not hurt Americans or the quality of their lives. Let us cut where it reduces the killing of people and military dictatorships around the world.

Mr. President, in my opening remarks, I emphasized the reasons for my conviction that the funding levels contained in S. 795 are reasonable and that they provide a sound investment in the future well-being of our country. I do not consider them exorbitant. I believe they are fully in keeping with the progress the two endowments have made to date. We are discussing not only the quality of achievements to date, but the quality of life in our Nation. In 7 years, we have witnessed the thorough testing of this program from its most modest beginnings. It is now on the threshold of having a major impact on the quality of our life. We should not falter here. We should remember that the funding levels proposed in this bill represent the planning and the convictions of our most knowledgeable cultural leaders, those who know best the needs in the arts and humanities areas, which, until this legislation came into being, were virtually neglected at a Federal level. And, we should remember that for each Federal dollar spent on this program, three pri-



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vate dollars are engendered for cultural advancement.

I have always believed that Federal funding for the arts and humanities should serve to encourage private giving and support in these areas. Federal assistance should provide an incentive. It should help the private community to raise its sights toward better goals. Recently I spoke to the Business Committee for the Arts, representing the Nation's top leadership in major corporate support. I noted that this committee of more than 100 business leaders had helped to increase business support for the arts from $22 million 5 years ago to more than $140 million today on an annual basis. And, I challenged these leaders to more than match the sums contained in this bill; they responded to this challenge with great enthusiasm. I believe this is the proper thrust, the proper concept for incentive. Let us not set a limited example for these business leaders by curtailing this authorization. Let us keep our own sights on the goals the Committee on Labor and Public Welfare recommended to the Senate without a dissenting voice. And, let us remember that business assistance is but one important aspect of the need for increasing private support.

For example, when the Federal program for the arts and humanities was just beginning, the Ford Foundation provided almost $80 million to help our Nation's important orchestras on a matching formula basis. This was but one field where assistance was desperately needed. In many cases, it was a question of survival. The Ford grants provided temporary support, but the needs have not diminished. They remain, and they increase, and it is in partnership with such important foundations that the mission of Federal support can be fulfilled.

The Senator from Wisconsin has quoted figures regarding cuts and curtailments in other social serving programs. With him, I would deplore limitations on funding for programs which have proven their worth and value. But, I would remind the Senator that we did not make such cuts and curtailments in this Chamber. Two negatives do not add up to a positive. Two wrongs do not make a right. I am strongly in favor of a positive aproach—not a negative one.

And, let us also be concerned with consistency here. From its beginnings in 1966, the arts and humanities program has increased in authorized sums from $20 million to $80 million. That is a fourfold increase. In appropriated funding, the program has grown virtually tenfold to its present level. The bill we have before us maintains this kind of consistency.

The Senator from Wisconsin has mentioned in his statement in the RECORD of April 11, "the dead hand of Government" on the arts and humanities. Nothing could be further from the truth in my judgment. The leadership, as I have said many times, has been imaginative, and it has possessed the consistent hallmark of quality. In the comprehensive hearings we held, in 1146 pages of testimony and supporting material, these factors are abundantly evident. This leadership, as I have often repeated, stems not from a "cultural Czar" or from a combination of two, since there are two endowments. The two chairmen of the two endowments, arts and humanities, depend on the guidance of private citizens—on two councils consisting of a total of 52 private citizens selected for their broad knowledge and their accomplishments in their respective field of competence. These two private citizen councils, presidentially appointed, have produced an exceptional record of achievement. They are leading examples of the partnership between Government and the private community. My staff and I have attended as observers their meetings, along with other observers from the Congress and their staffs, and we have been impressed by the full flow of ideas, and by the absence of political pressures, as well as by the deserved respect accorded to the council members by their respective chairman.

In addition, each endowment is guided by panels of private citizen experts who most carefully review projects and applications for possible support before they reach the point of final council recommendation and review. I think it eminently fair to say that no other foundation in this country, private or public, receives greater cooperation from private citizen guidance, includes better procedures for the use of its funds, or has as far-reaching potentials, as this one. It works on a national level, and it works in every State.

Finally, in this regard, there is an explicit provision in the act against government interference in the private-citizen, nonprofit arts or educational areas with which the endowments are involved. And, this precludes the concept of governmental censorship or control. Each group receiving support is carefully reviewed as to its quality and ability, and, once the grant is approved, it proceeds with its own program. Grantees submit comprehensive reports to the endowments on the use of the sums received. If a grantee reapplies for support, if a grantee is eligible for a grant of more than 1 year, its record is again reviewed. If there is any problem, this is taken into careful consideration.

Under all of these circumstances, I see no threat of governmental domination or censorship. Neither apply to this act, and they never have.

Let me outline, first, some of the arts programs which I believe deserve expansion in keeping with the funding levels we have proposed. One is the artists in the schools program which permits leading artists in many fields to give our children enriched experiences, to develop their talents, to widen their horizons. This program has been immensely well received. It applies to just about 3 percent of the total number of schools which could be involved. If we were to reach all our 90,000 schools with this program the cost, which averages over $800 per school, would amount to close to $75 million a year.

Or let us look at the potentials of touring quality theater groups to areas which have never had the opportunity of seeing such live performances. In my own State, an educational theater project was established some years ago. Its initial cost was over $500,000, but it reached out to more than 500,000 schoolchildren, who saw free of charge, the very highest quality performances of the world's great dramatists, and who were instructed in the concept and content of these performances as part of their school curriculum. Let us think what this could mean to young people all over the country—in all cities. We have 40 resident professional theater groups in the United States. They have no funds yet to tour extensively, but the arts endowment is starting a new program to make that possible. Such a program benefits our country in many ways. It benefits the artists; and—let me note here that 75 percent of our professional actors and actresses are not employed on a year-round basis, and that only 36 percent of our college graduates who wish to act professionally can find jobs. Let me also add that 87 percent of our professional actors and actresses make less than $5,000 per year. And, in addition, it benefits our communities—it brings the arts out to the people who wish to enjoy them, and it can bring a new cultural dimension to communities hitherto deprived of the arts—as enrichment for life, as an attraction for industry, as an invitation to tourism. Recently, the famous Guthrie Theater based in Minnesota toured a number of nearby States, including Wisconsin and Nebraska. You can read samples of the tributes of that tour received on pages 93–101 of the record of our joint congressional hearings of this reauthorizing legislation.

Let us look at museums and their needs. One of the greatest immediate museum needs lies in the field of conservation and preservation of their collections. Proper climate control is an absolute must if those collections are to last. The arts endowment, knowing this is a most expensive program, is proceeding carefully in this area. But museum budgets are already stretched to their utmost. They are in critical financial difficulties. The traditional sources of private giving are simply not adequate any longer. If we say that out of 5,000 museums throughout the country, only 1,000 are in need of help to preserve what they have—which amounts to the treasures of our cultural heritage—we can see the magnitude of this task alone—and its importance.

Let us take orchestras and opera companies. Over the past 10 years orchestra attendance has risen by 76 percent, but labor and administrative costs have more than doubled. That is where "the income gap" is in the arts. Volumes of statistical information have been written about it, but talk to any orchestra trustee and he will tell you the same story of financial need, and the need to expand services instead of curtailing them—and the fact that ticket prices have reached the limit of reasonable increase. Remember there are 1,060 resident symphony orchestras in our cities—and the breadth of the task ahead is apparent.

Opera is the costliest of all the arts for it combines orchestral work, and



numbers of performers, and scenery. We have only a few leading opera companies in the United States, yet opera is one of the most traditional of all art forms. Its roots go back centuries into our European heritage. Our own Metropolitan Opera Co. in New York, or our San Francisco Opera Co. on the west coast are of the very highest quality—but suppose we could tour them into areas where citizens had only learned about opera in books or through recordings which contain only a portion of the excitement and enrichment of seeing a live performance. The arts endowment is embarking on a program to increase these experiences.

Let us consider the endowment's program of placing excellence in sculpture in public places—a relatively small program which could well be greatly expanded—or another new program to bring the arts to bear on beautifying larger ranges of our environment and meeting our need for better industrial design. Let us consider the endowment's expansion arts program to bring the values of the arts, the values of creative expression to the disadvantaged, the underprivileged, the handicapped, the ghettos, where the arts remarkably well communicate and where they provide special enrichment—and, indeed, a special sense of inspiration. Again, this is a relatively new program which has been tested and found worthy of great expansion.

Let us consider that it is estimated that it would cost $80 million alone to preserve our film collections, where we have made such major contributions to the world, from decay. Or the just-started program to bring the variety of the arts out to communities by Art Train, six railroad cars long, which in an exceptionally well-received pilot endeavor, has recently toured the States of Michigan, New Mexico, Arizona, Colorado, Utah, Idaho, Montana, Wyoming, and Nevada. The facility cost $850,000. In Michigan alone it has been visited by more than 300,000 people. Mobile traveling exhibits are but one way of bringing the values of the arts to widened audiences.

Finally, with respect to the arts, let us consider the great strides forward being made by the State arts councils or agencies. Testimony at our joint congressional hearings clearly demonstrated how they have grown, that they are now fully matching the amounts received this year, or $125,000 each, that they are ready to have the challenge of matching the sums we have approved. To me, and I am sure to many of you, the States arts program is a most important feature of this act, for its gets down to the "grass roots." It encourages the development of quality at the local level, and it provides for ever widening appreciation and participation.

The arts endowment reports that applications have increased from 1,383 in fiscal 1970 to 6,462 now—a fivefold increase—and that they are estimated to go to approximately 18,000 in fiscal 1974. That is an almost 14-fold increase from 1970. It shows the level of interest—and, most important of all, it shows that the funding we have proposed to you, far from being exorbitant, is realistic and reasonable.

The humanities are copartners with the arts. Long ago we decided that this alliance, this partnership, was appropriate, and that the two branches—arts and humanities—related each to each and served to bolster each other.

Thomas Jefferson, himself a humanist, put his faith in an enlightened people as the foundation of democracy. Enlightenment, in its best sense, requires wisdom. If I were to summarize the humanities in one brief sentence, I would say that they serve to translate knowledge into wisdom.

Let us look, then, at some of the accomplishments of the humanities endowment, especially in terms of future funding at the levels proposed.

Through the help of this endowment, the famous "Civilization" series of Lord Clark—a best seller in book form—as well as his new series on modern painting has reached out to hundreds of communities and to literally millions of viewers via television. It is obvious that similar programs would have a similar impact. For such programs the endowment plans to spend $8 million in fiscal 1974—and I would say this is a modest sum, if we think of the vast audiences to be reached and enlightened.

By the end of the present fiscal year the endowment will see in operation or in planning State humanities programs in every State. In this respect, this endowment has followed procedures pioneered by the arts program. Planning grants of $10,000 each begin the State humanities program. When planning is satisfactorily completed, the State group receives its funding—now at a level of $6.1 million in total. The endowment plans to spend, in fiscal 1974, $11 million for its State-based programs—equivalent to $200,000 per State, a figure identical to the $11 million proposed for State arts agencies. This figure would increase to approximately $1 million per State to meet future needs and in accord with funding levels proposed in this bill. Again, let me say—as in the case of the arts—that I applaud this State concept. State committees for the humanities are organized so that approximately one-third of the members are professional educators and humanists, one-third are gifted in administration and administrative practices, and one-third are laymen—without Ph. D.'s or the like. They are the leavening force, the catalysts who provide a common touch, if you will, who serve as bridges between scholarship and lay opinions. And in these committees and groups, both sides are finding themselves enlightened.

Let me quote a statement made to our joint congressional hearings by William H. Masterson, chancellor of the University of Tennessee at Chattanooga:

> The great value of the NEH state-based program consists of two features. The first is a free and frank interchange among the laymen of geographical areas in the presence of and with contributions from professional humanists. Secondly, this interchange of the concerns and values of laymen has a feedback effect on the campus where historically the humanists have been too isolated from the daily problems and priorities of the lay citizenry.

This same theme of mutually beneficial interchange was repeated at the hearings, and I applaud it, and the imaginative leadership which created it; for it serves to invigorate and provide the quality of public dialog we desire—and hence to enhance wisdom.

And that is what these State humanities programs are all about. Each State selects its own particular theme. Each theme may have a number of related subheadings and variations. Some samples are: Indiana—"Government and the Family;" Minnesota—"Regionalism, Regional Government, and the Individual;" North Carolina—"Traditions in Transition: The Impact of Urbanization;" Washington—"Education: Changing Prospectives."

The humanities endowment is also deeply concerned with programs to assist our libraries and museums, as our great resources for research and education. As examples in the library field, the Folger Library here in Washington, D.C., and the Newberry Library in Chicago have been strongly assisted—by matching grants—as well as the New York Public Library. These grants have proved of enormous value. They have triggered the kind of private philanthropy which is essential to the maintenance of these institutions and their service to the public, as well as to scholars. They have prevented curtailment of service, which threatens the library field, especially in view of the stoppage of other Federal programs for library assistance. It is anticipated that the humanities endowment will be inundated with requests for library assistance. Obviously the humanities endowment cannot fulfill all library needs. The endowment's program is now concentrated on the so-called independent research libraries, relatively few in number but housing collections of inestimable value, in most cases original manuscripts or single editions which cannot be duplicated. For example, the Library Co. of Philadelphia, founded by Benjamin Franklin in 1731, contains the collected volumes of James Logan. This collection represents what is still considered the finest library in Colonial America. It is beyond price, and as was pointed out by Edwin Wolf, the librarian of the Library Co., "The imperative need is for the restoration and preservation of its books." Without such work, these books may well be lost to the writers and researchers and scholars of a next generation. Meanwhile the acids in the old bindings eat with slow but now inexorable progress into the pages.

In terms of its overall program, the endowment's projected allocations for sustaining research resource centers, whose collections and facilities constitute unique national resources, remains—in my judgment—modest. These allocations would grow to $2.4 milion under the authorizations proposed, and would encompass grants averaging $200,000 each to 12 such centers.

With respect to museums, the humanities endowment has begun a limited program of support to bolster and comple-

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ment in the humanities areas the work the arts endowment is doing in the arts areas. The program encompasses in fiscal 1974 approximately $2 million toward exhibitions, $1 million for community education grants, and $1 million for museum staff training programs and special workshops. These amounts would increase to $10 million under the proposed authorizations and would include 10 major traveling exhibits at $250,000 each to be viewed by an estimated 3 million people, 50 education grants at $50,000 each, and smaller grants averaging $5,000 each to assist up to 1,000 museums—out of a national total of 5,000—in museum training and the improvement of services.

The endowment's educational program brings together the museum and the institution of formal education—from school to college or university—so that the resources can be shared, and the museum's educational function emphasized.

Let me also mention a relatively new program undertaken by the humanities endowment which I believe has exceptional merit. It applies to special grants to young people without postgraduate training in the humanities and in some cases now at the high school level. These youth grants enable young students to explore fields of special interest and concern. They serve to enhance that young person's wisdom so that he or she may proceed to greater accomplishment. The youth grant program would support, under our proposed authorization amounts, one project at $6,000 in 10 percent of the nation's colleges and 50 special bicentennial-related historical research projects at $10,000 each for high school students. This program would be funded with $750,000 in fiscal 1974 as it develops, and it would expand to $2.5 million by fiscal 1976. I mention it, in particular, for I believe it shows that a modest program in amounts of dollars spent nationally can have a most significant impact—and, also, because I believe it shows the careful planning of the humanities endowment with respect to a most rational and reasonable rate of growth.

I would also emphasize a new program for the humanities endowment which includes 125 of our Nation's newspapers and 250 colleges and universities. This is a cooperative endeavor. The newspapers will publish lectures by our country's leading humanists.

The colleges and universities will offer credit in connection with the newspaper courses in each locale. Here is a unique extension of formal education, created by the humanities endowment. All of us, whether or not interested in formal educational advancement, will benefit.

Let me also stress a program which will provide each of our states with a fully documented, fully researched, carefully composed state history. This program is just beginning. It would be funded by $1 million in fiscal 1974, and by a total of $10 million for completion. It represents, I believe, a unique service to all our States—at a modest per State cost.

The thrust of the humanities program is to concentrate on activities which have a broad outreach to the 150 million Americans who do not have access to the humanities through institutions of formal education. It is obvious that this is an enormous task. Certainly, it cannot be accomplished by government alone—but only in terms of a partnership between government and the private community.

The programs I have outlined—and I have only mentioned a few—do not encompass anywhere near a point where all eligible institutions or individuals would find Federal assistance. There are more than 2,500 institutions of higher education, more than 5,000 museums, more than 1,000 major library systems, and 200 public television stations—and all these plus tens of thousands of individuals are possible and potential beneficiaries of aid from the humanities endowment. Dr. Ronald Berman, the endowment's chairman, gave us these figures during our hearings. He also estimated that by the end of this present fiscal year the endowment will have received over 5,000 applications seeking a total of $160 million. To date the endowment has been able to provide assistance for approximately one out of nine applications. Even with full funding for this endowment's work at the levels approved by the committee, we would be reaching—for example—only 10 percent of 4-year college teachers and 10 percent of 2-year college teachers in the endowment's fellowship program.

I use these examples to emphasize that these levels are not Nirvana. They are not Shangri-la. But they do provide the impetus; they do provide the impact we seek. In case after case, we have seen that the impetus for this program, both arts and humanities, which is unique in our history, engenders in the private sector two and three and four times the amounts invested by the Government.

Let me now give two examples of unique programs which apply to my own State. One deals with the arts and applies to providing low cost tickets for arts events for people of limited financial means. As Barnet Fain, the chairman of the Rhode Island State Council on the Arts, stated at the hearings: "This program is probably the single most innovative and successful undertaken by the Council." In 2 years this program has vastly increased opportunities for those it serves. For instance, the number of disadvantaged community groups aided to enjoy and appreciate the arts has grown from 658 to 2,250. Senior citizens aided have increased from 107 to 921—a ninefold increase. I would like to see such a program applied nationally, but then we would have to consider funding in excess of the amounts proposed.

The other program applies to the humanities endowment and is described in a letter to me, dated February 27, 1973, from Stansfield Turner, vice admiral, U.S. Navy, president of the Naval War College in Newport.

It says in part:

May I express my enthusiastic support for the legislation you entered on February 7th (S. 795) in support of the National Foundation on the Arts and Humanities.

I am writing because I would like to mention to you the considerable support that I have received here at the Naval War College from the National Endowment for the Humanities section of the Foundation. It has been my view that an understanding of the humanities is just as vital to national defense as is comprehension of the many technical fields in which we are involved. This is particularly the case in a military institution of higher education such as a Naval War College.

Military officers as a group are accustomed to a world in which there are right and wrong solutions to most problems. They are conditioned to this by their early education and by the exercise of responsibility in a highly technical atmosphere. You are as well aware of this as I from your experience in the Coast Guard. When officers begin to reach the more senior grades, it is important that we introduce them to the problem of understanding the uncertainties, the inexactness, and the approximations that must be faced in dealing with many of the broader issues they will confront as senior military officers. We have set the Naval War College on a course toward achieving just this.

Accordingly, I drew very specific assistance from the National Endowment for the Humanities in restructuring the curriculum here. . . . The National Endowment provided the inspiration for this and a great deal of the spade work in preparing this curriculum material.

Accordingly, I am most impressed that S. 795 would be a forward step beneficial to all segments of our society including the military. It is far too easy to lose sight of the broad objectives such as this under the press of everyday pressures. I do hope you will receive all the support necessary to carry this bill through to enactment.

I think this letter speaks eloquently for itself.

And it goes to the very roots of this legislation we are considering which declares, with reference to the humanities: "that democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education designed to make men masters of their technology and not its unthinking servants."

In the administration's budget for fiscal 1974, we see that $17.4 billion is requested for science and technology.

One of the original purposes of this act was to help correct the imbalance between Federal support for scientific and technological areas and Federal support for cultural advancement. Even with full funding for this bill for fiscal 1976—or a total of $400 million—we can see what a comparatively miniscule proportion, less than 2.5 percent, would be going to cultural areas.

The imbalance will continue, but we have the opportunity today of making an appropriate, a realistic, a reasonable commitment to cultural progress.

Mr. President, at this point I ask unanimous consent that the following table relative to the administration's budget request for the arts and humanities program be inserted in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PROGRAM AND FINANCING (IN THOUSANDS OF DOLLARS)

| | 1972 actual | 1973 estimate | 1974 estimate |
|---|---|---|---|
| Program by activities: | | | |
| 1. Promotion of the arts | 33,083 | 43,691 | 80,000 |
| 2. Promotion of the humanities | 31,939 | 45,905 | 80,000 |
| 3. Administration | 3,363 | 5,314 | 8,000 |
| Total obligations | 68,385 | 94,910 | 168,000 |



Mr. McCLELLAN. Mr. President, we are going to hear speeches of this type all during this session of Congress. There is and will be, in my judgment, an all-out assault on the defense budget.

It would be well, it would be utopia, if there were no war, no prospect of war, and no necessity to spend money for national defense. All war is wasteful. The money we spend for our defense is aimed at preserving our independence. We may make mistakes in judgment. I think we made a mistake when we got into the Vietnam war. I have never contended we belonged there. I have simply said that if we belonged there, the rest of the free world belonged there with us—and they were not there. I also said that if we are going to fight a war, we ought to fight it as a war, and we did not do that.

There have been a lot of mistakes, and we cannot lay all the responsibility on any one party.

This country faces a crisis with respect to its fiscal affairs. And I can say to my friend that I do not believe we can take enough money out of the defense budget to pay for all of the programs that we would like to have. I honestly do not think there is enough money in the defense budget unless we intend to disarm America.

Here is a program that is not being cut. It increases it by 50 percent during fiscal 1974.

There are other programs that are just as meritorious. The distinguished Senator from New Hampshire (Mr. COTTON) mentioned one. There are many others that could be mentioned, I am sure. However, when we increase a program like this by 50 percent in 1 year and under the conditions that now prevail, I think we are being rather generous. I can say that we could disarm America if we wanted to. However, I do not agree that we should do so. I do not think that we want to do so.

I favor cutting the budget. We will find ways to do it. I reported to the Senate that I would make an effort as chairman of the Defense Subcommittee to cut the defense budget by $3 billion. Last year we cut it by $5 billion. I hope that we can do the same this year. However, I am not willing, and I will not make any commitment here, to cut the defense budget to where I think it impairs America's defense, or runs a risk that would leave us exposed to the danger of another war.

Mr. PELL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. PELL. Mr. President, I would completely agree with the Senator with respect to defense. However, when we talk of the defense budget, I think we are using a misnomer. I think that a better word would be the word that used to be used, the War Department. We are engaged in really offense and warmaking and potential warmaking. We have some 2,000 bases around the world. And we have engaged in a civil war which even Henry Kissinger now calls a civil war in Southeast Asia. It is degrading for a Nation like ours with 200 million people and a huge gross national product to engage in such practices.

Yet, we have participated there on behalf of people who are engaged in their own civil war.

Mr. McCLELLAN. Mr. President, I simply hope that the Senator had the same anxiety about the people of South Vietnam who were murdered in cold blood by the invaders from the north. I hope that the Senator has the same compassion for them.

Mr. PELL. I do. However, it was a civil war. We usually let a civil war be fought out in the local areas. The money we are using now is being used to my mind to spread around the world in a warmaking way.

Mr. McCLELLAN. Does the Senator want to completely disarm this country?

Mr. PELL. I do not wish to disarm the country. I want to enable the United States to keep the enemy away.

Mr. McCLELLAN. In which category does the Senator place nuclear weapons and aircraft carriers. Should they be associated with defense or with warmaking?

Mr. PELL. Those would be defense. We have new bases around the world. I noticed in the press to my horror the other day that we are closing our bases at home.

Mr. McCLELLAN. Mr. President, I am not opposed to reducing the defense budget. I proposed that it be reduced. I asked the Defense Department to submit a list of all bases we have, together with the personnel and the cost of maintaining those bases and their priorities. I expect to get that information soon.

Mr. PELL. Mr. President, would that list be classified?

Mr. McCLELLAN. So far as I am concerned, it will not be classified. I have asked for the complete information. I want a list that will be of use to the Senate in its deliberations.

I agree with the Senator with respect to some of these commitments that we have. I want to reduce them. I want to make these cuts so that we can have more money for other purposes. I am for defense. I do not want to start a war. However, I am convinced that we have to be prepared. Otherwise we will be exposing ourselves to what might be the whims of an enemy who thinks he can take advantage of our lack of adequate defense. This is what happened to other countries that were defenseless, as the Senator well knows.

Mr. PROXMIRE. Mr. President, the Senator from Arkansas has agreed with the Senator from Rhode Island, he indicated that he favors cutting the defense budget. The Appropriations Committee did that last year and the year before. However, we cannot have a vast increase in expenditures in this program and other programs by just cutting defense.

I have been in the forefront of those who say that we have to hold down military expenditures. However, that is not enough. We cannot go on a spending spree elsewhere and take it all out of defense.

The Senator from Arkansas is dead right. That would mean that we would be irresponsible and would damage the defense of our country.

We cannot meet the ceiling and have an adequate defense and permit these programs to increase at this enormous rate.

Mr. McCLELLAN. Mr. President, if there were only a few programs of the type under consideration, we could forget about them. However, there will be increases proposed in one program after another as the session continues. S. 795, alone, provides for a 50-percent increase in authorization during the 1974 fiscal year and a 500-percent boost by fiscal 1976.

I go along with the amendment proposed by the senior Senator from Wisconsin. However, I hate to think that I must go along with every other 50-percent increase proposed, for the 1974 fiscal year. We have to strike a balance in these matters.

I will go along with this increase. However, I do say now that we cannot make equivalent funds available for other programs of equal or more merit. We cannot do it without fueling fires of inflation which may consume us.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. COTTON. Mr. President, first I would like to array myself squarely behind the distinguished chairman of the committee on which I serve in everything he has said. I would like to say regarding the remarks of my friend, the Senator from Rhode Island, that he has used two phrases—one is "warmaking" and the other is "defense."

With regard to his remarks about warmaking, the Senator from New Hampshire will stand squarely with him. For long years I have said publicly to my people that I repented in sackcloth and ashes for the vote I cast on the Gulf of Tonkin joint resolution. It is one of the votes I shall always remember. It is one of the votes that I wish I could take back. However, after we were engaged in conflict in Vietnam and all through the Johnson years and all through the Nixon years, as long as we had our troops there and as long as we had our boys there and as long as we had our prisoners of war there, I voted against the resolutions presented to the Senate concerning cutting off the financial support of our troops and always considered them as aiding and abetting the enemy.

I felt it was a vote either for America or to encourage Hanoi, and I went down the line. But I want to say that that is over as far as I am concerned. Our boys are home. Our prisoners, we hope, are home—all of them.

Mr. McCLELLAN. Mr. President, I find I must leave the Chamber. Therefore, I yield the floor to the Senator from New Hampshire.

Mr. COTTON. Now, why we are staying over there and bombing is beyond my comprehension; and even though I am, of course, in general support of the administration, if there is any way to avoid it, by any resolution, now that we are out of this war, let us not go back in. I will go with the distinguished Senator from Rhode Island all the way, or whoever offers a resolution in the Senate, to bring back all our people, assuming that our prisoners are back.

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Let us not wait until they take some more, shoot down some planes and get some more. Then we will be involved again.

To that extent, I say the Senator from Rhode Island is dead right. But when it comes to national defense, that is a different story. When it comes to national defense, I do not believe that we should permit ourselves to fall behind our certainly one and probably two great possible rivals in the world, because I think we must depend on ourselves for American security, and I simply wanted to draw a distinction between those two things:

Let us not confuse the question of warmaking with the question of national defense. I still feel that we could get along another year, in this particular program, for what we had last year, and increase it later. But I find myself voting with the distinguished Senator from Wisconsin, because we cannot have all these things and have any expectation of getting this budget under control this year.

Mr. PELL. Mr. President, if the Senator will yield on that one point——

Mr. COTTON. I yield the floor.

Mr. PELL. I would make one observation with regard to the budget for this year, not for 1974.

Mr. COTTON. I am talking about 1974.

Mr. PELL. Right. The figure that is in my basic bill is essentially the administration's figure for 1974, and the amendment would cut the proposed budget or administration figure for 1974. In 1975 and 1976, the administration suggests the phrase "such sums as may be necessary," and my figures are specific, and very much larger. But for this year the budget figure is in the basic bill, and not in the amendment.

Mr. COTTON. I understand that. I appreciate the Senator's calling it to my attention. He is perfectly correct. But I do not agree with the administration, and I do not have to go along with the administration in everything it recommends. Its recommendation for fiscal 1974 for this program, in my opinion, is too much, and the money is needed much more in more vital programs.

As for the future years, I would not agree with my friend from Rhode Island, because I like to meet each year as it comes along. This obligating ourselves ahead and forward funding is one of the things that have led us down the primrose path until less than 44 percent of public spending ever comes before the great Appropriations Committee that my friend from Rhode Island said were the arbiters.

Mr. PELL. The presidium.

Mr. COTTON. Or the presidium. I do not know if I accept that term, but it is a good term.

But we are the presidium over only less than half of our spending, because of the obligations we have incurred in advance, and to which we have tied ourselves and probably the generations to come.

So I would oppose the setting of any amount for fiscal 1975 or fiscal 1976; and for fiscal 1974, I cannot go along with the administration's figure; I prefer to go with the Senator from Wisconsin (Mr. PROXMIRE). I could even stand it if it were slightly less than the figure of the Senator from Wisconsin.

I yield the floor.

Mr. HRUSKA. Mr. President, I wish to address a few words on the subject of the National Endowment for the Arts and Humanities. It seems to me that any society which neglects the arts and humanities will, in the long run, feel the consequences of that neglect. Conversely, a society which recognizes the importance of the arts and humanities profits from improvement in the quality of its cultural life.

An example of the importance of the arts comes to mind. Recently, the Omaha-Council Bluffs Riverfront Development program received a grant from the Arts Endowment for $15,000. This grant is being used to establish guidelines for architectural style, park planning and zoning in the Riverfront Development area. It is part of the "City Edges" program of the National Endowment for the Arts. The concept of City Edges is new and interesting. It is an attempt to define areas within cities with regard to their own special characteristics. The riverfront area of a city, for example, has different geographic characteristics than the business or residential areas. What the City Edges program attempts to do is frame these areas so that they complement rather than detract from one another. I am confident that better buildings, better surroundings and better lives result from such grants.

As chairman of the Subcommittee on Federal Charters, Holidays, and Celebrations, I noted with interest the recent transfer of funds in the amount of $200,000 for the American Revolution Bicentennial Commission to the National Endowment for the Humanities. I understand that the National Endowment for the Arts and the National Science Foundation have received similar amounts for their respective bicentennial activities. Many of the projects currently funded by the endowments are in some way connected with Bicentennial activities. It is important to note that any bicentennial activity supported by the endowments will be an extension of the endowment's customary activity and will be conducted through the usual grant-making processes and in accordance with the endowment's recognized high standards. I also understand that it is anticipated that the number of bicentennial projects will increase as the Nation approaches 1976. The funds transferred from the American Revolution Bicentennial Commission to the Endowments for the Arts and Humanities will be used to support these projects.

Projects that are supported by these funds will have regional or national significance and should be operational by 1976. Projects which will be eligible for support include museum exhibits, seminars, and endeavors which will extend the public's knowledge of the role of arts and humanities in the growth of the Nation.

There are many positive aspects of the endowment's work. I want to mention one more: grants to State art councils. Endowment grants to State art councils have allowed those councils to better serve their respective communities. In Nebraska, endowment grants to the State Art Council have allowed the council to fund theatre and orchestra performances that otherwise might not have been seen and heard. They have helped communities begin work on centers for the arts that otherwise might not have been constructed. And they have helped scholars research subjects that otherwise might not have been investigated.

We are fortunate, Mr. President, that we as a Nation have recognized in the National Foundation Act of 1965 the importance of the arts and humanities to the quality of our national life. It is for this reason that I favor extending authorizations for the Arts and Humanities Endowments. I prefer an extension as proposed by the administration in S. 916, which calls for indefinite authorizations for fiscal years 1975 and 1976 rather than the fixed amounts proposed in S. 795. This, however, is a question of spending procedures and not a disagreement with the substantive goals of the 1965 act and the proposed amendments.

Mr. DOLE. Mr. President, clearly there is a national commitment for the arts and humanities, for they are central to our Nation's well being, to civilization and mankind. Today, there is a growing appreciation of the fact that our cultural resources are a national treasure, to be nurtured, much the same as our natural resources.

Since enactment of the National Foundation on the Arts and the Humanities Act of 1965, the Federal involvement in, and support of cultural activities in both the arts and humanities areas, has broadened in scope and effectiveness. In this the Federal Government has a vital role. The need for this kind of general public education is great, and should be sustained by the Government, although it entails a more than equal input from individuals and private organizations. As a public foundation spending public moneys, it is with the usefulness of the arts and humanities to the Nation's organic conditions of continuity and change of society, that we are concerned. The endowment seeks to follow Jefferson's plan that the wisdom of the Nation should increase with its power.

The Foundation has been at work only a short time, its funding, given the weight of great public issues, remains manistic knowledge, which should be general public outside the campuses and institutions are now coming into play on a significant scale. Continued funding will nurture activity in the arts and humanistic knowledge, which should be available to all citizens at every educational level. What has been done in creating the National Foundation on the Arts and Humanities is to set in motion a process that reaches deeply toward the roots of our culture, to insure its continued growth in a world acceptable to our children.

The time for work in the arts and humanities is not fixed at today or tomorrow, it is cumulative in its task of enhancing the Nation's health, its moral strength, and intellectual integrity. It may be one of the greatest achievements of the modern era in realization that all people gain security by sharing rather than by secreting knowledge. It seems evident that knowledge cannot be contained and that an inexorable elevating of intellectual capability is needed if we are to achieve social equilibrium in the form of peace.

There is in this bill a symbolic bringing together of the Federal Government and the States, in the arts and the humanities. Government has a limited but important function in encouraging the arts and humanities, and of reinforcing local initiatives and helping these institutions to help themselves.

In 1960, only 14 States had State arts councils and State art programs; today, all 50 States have such councils and programs. And there are 40 State-based programs in the humanities. The level of funding for fiscal 1974 is consistent with proposals made by the administration. It should be noted that, on a per capita basis these amounts for each endowment now represent approximately 40 cents per person per year in fiscal 1974, 70 cents per person per year in fiscal 1975, and $1 per person in fiscal 1976.

The nurturing of Federal encouragement of the arts and the humanities and the nurturing of such encouragement in all the States signals a Federal-State-local partnership in developing our cultural resources which must continue to be encouraged so that it might achieve its full and true growth. The legislation before us seeks to provide that nourishment and encouragement.

Mr. CRANSTON. Mr. President, the Senate is now debating a measure of great importance to the future of the arts and humanities in the United States.

If we approve S. 795, to extend the life of the National Endowments for the Arts and Humanities, Senators will once again make clear their belief that all Americans should share the rich resources of the arts and humanities, as audience and as participants.

My support of this legislation has been complete and unqualified. The measure is simply essential to the future of the arts and humanities and the role they can play in our lives.

On behalf of Californians, I thank the distinguished Senator from Rhode Island (Mr. PELL) whose leadership as chairman of the Senate Subcommittee on the Arts and Humanities has brought forth a measure that offers new horizons for the arts and the humanities in America.

I know that Senator PELL had the creative support of the ranking minority member of the subcommittee, the Senator from New York (Mr. JAVITS). Senator JAVITS's commitment to the arts and humanities is unquestioned. There is much in this measure that reflects his high ideals and considerable knowledge of the arts and humanities.

Mr. President, my reasons for supporting this measure are not complicated. I believe that creativity, the quality of ideas, and the open expression so essential to a free society need our careful nurturing now more than ever before. I also believe that the Federal Government has a responsibility to provide the leadership and the means to keep the arts and humanities from the growing list of societal "endangered species."

We are emerging from a destructive decade. We reached new levels of violence at home and we exported violence to Southeast Asia. We began paving over the countryside. We tore apart our great cities and we failed to put them back together. We built more machines and made more noise and deafened more Americans. We poisoned our water and polluted our air.

Mr. President, we must come to grips with what seems to be a new national pastime: The steady destruction of all that is beautiful, of all that is true, of all that is real and satisfying.

We need a national blueprint for esthetic education.

I believe the National Endowment for the Arts and Humanities is the way to get that blueprint and the way to achieve its realization.

Briefly, Mr. President, that is one of the reasons I so enthusiastically support this legislation.

But apart from rationale, there are some substantial and exciting things happening in the State of California—delightful, effervescent things that are engaging the minds, alerting the eyes, and quickening the senses of the people of my State.

To cite just a few of the activities the National Endowment for the Arts, alone, is making possible:

In Los Angeles, the endowment has funded the gallery operations of the Mechicano Arts Center, in the eastern sector of the city, which serves—in the words of the endowment—"students, school dropouts, and street people." The project is winning the hearts of a long-oppressed community.

In San Francisco, the endowment has gotten the private and public sectors together to fund a "neighborhood arts program" under aegis of the San Francisco Arts Commission with the cooperation of the Zellerbach Foundation.

Again, in Los Angeles, the endowment has helped mount a performing arts training program for talented persons of Mexican-American heritage who want to make the performing arts, particularly the film arts, their careers.

And, all over California, the endowment has aided my State's symphonies and orchestras, its museums and its galleries, and its struggling dance companies and its individual artists that have been so long without the encouragement and aid they so well deserve.

Mr. President, I am reminded of a statement made not too long ago by one of America's greatest philanthropists, John D. Rockefeller 3d. In a speech in St. Louis, Mr. Rockefeller stated the case for the arts—and, by implication, the humanities—as succinctly and as well as I have ever heard. He said:

> If we really care about the dignity of the individual, about his potential for self-fulfillment, then we must have a deep and rich sense of the place of the arts in our individual lives. We need the arts if we are to be whole human beings—fully alive and vital and in control of ourselves and our environment. We need the arts as the key to the higher order of things—our cultural heritage, our gift of expression, our creative faculty, our sense of beauty. We need the arts if we are to have discriminating taste, the ability to judge levels of quality in all the works of man. And we need the arts if we are to have the truth—if we are to understand ourselves.

Mr. President, William Saroyan certainly knew this when he wrote that—

> The purpose of art is to give the traveling human race an improved map that shows the way to itself.

At this stage in the American life, we need that roadmap; we need to find the way to ourselves.

Mr. President, we need the arts.

TO PROMOTE THE FREEDOM TO CREATE AND TO REFLECT

Mr. HUMPHREY. Mr. President, I rise in strong support of S. 795, a bill to amend the National Foundation on the Arts and Humanities Act of 1965 and to extend authorizations for highly important programs under the act for 3 years.

The "declaration of purpose" under this historic legislation includes formal recognition by Congress that a Nation's position in world leadership should include leadership in the realm of ideas and of the spirit. A vital new direction in national policy was established in the original enactment of this legislation, with the finding and declaration by Congress:

> That a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

The National Endowment for the Arts and the National Endowment for the Humanities, served by a joint administrative staff, have compiled an impressive record of accomplishment in carrying out this policy with very limited funds. Chaired respectively by Miss Nancy Hanks and Dr. Ronald S. Berman, and provided with excellent guidance by their 26-member private citizens councils, the endowments have made great progress in making the benefits of the arts and humanities available to all our citizens, in maintaining the criteria of quality and excellence, and in providing essential assistance for independent research and creativity. It is clear that Federal funds have been a major stimulus for State matching funds and for private support for these programs. But it is also clear that the higher authorizations provided for in this bill are fully merited, particularly in light of the great number of applications of high quality which the endowments are unable to support.

The Minnesota State Arts Council has effectively utilized grants received under the Endowment's Federal-State partnership program over the past 2 fiscal years to provide support for a tour by the Minnesota Orchestra in States of the Upper Midwest, for the Dance Coordinated Residency Touring program, and for various community arts programs. Promising



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writers have received fellowships; more audiences have been enabled to enjoy the annual Bach Festival; support has been given for an exhibition entitled "American Indian Art"; the Minneapolis Society of Fine Arts has been helped to take art collections to the people; the St. Paul Civic Philharmonic Society has launched a college residency program and carried through its concert opera project; notable opera productions in Minneapolis and St. Paul have been made possible; and the Children's Theater Co. in Minneapolis has received support for performances throughout the metropolitan area.

These are only some of the highlights of exceptional accomplishments in Minnesota as a result of Endowment grants. In addition, the Guthrie Theater Co., whose productions have achieved nationwide recognition, has received major support under this program. Recently, the company's traveling production of John Steinbeck's "Of Mice and Men" returned from a 10-week tour of the Upper Midwest that took it to 15 cities in six States. Its performances reached 66,000 people. And these performances were supplemented by educational programs, seminars between company members and students at local schools, and creative drama sessions.

The Minnesota Humanities Commission, chaired by Mr. Russell W. Fridley, director of the Minnesota Historical Society, has made more than 40 grants, on a matching basis, to colleges, libraries, educational television stations, museums, historical societies, and community organizations to share with the public at large the insights of humanists. These can include relating the humanities to public issues, encouraging open discussion about basic questions of social values, government and law, and so forth, where the philosopher, the historian—the humanist exercising his discipline—can make a vital contribution toward promoting voluntary joint decisions and collective action on current problems. It is my conviction that such programs must continue to be carried out in an atmosphere of independence and innovation if they are to be a catalyst for effective cooperation.

The National Endowment for the Humanities has taken imaginative steps to broaden public exposure to the vital importance of these disciplines. Beginning April 12, the Humanities Film Forum, made possible by a grant from the endowment, has been presenting 10 outstanding films to television viewers across the United States—some of which are cinematic translations of great literary works, and others providing new insights into major historical events and developments. This fall, newspaper readers in over 125 communities will be able to take a college-level course in American studies over a 20-week period under an extension program, called "Courses by Newspaper," launched by the University of California, San Diego.

The report from the Senate Committee on Labor and Public Welfare, accompanying S. 795, raises important questions with respect to the involvement of the respective endowments in the Nation's Bicentennial Celebration, and the principles enunciated by the committee should be regarded as constituting basic legislative history for guidance on this important matter. I also support the committee's recommendations respecting individual grants, the renovation and construction of facilities, council membership, matching fund requirements for State arts agencies, and compliance with basic labor provisions. And I am in accord with the recommendation that State humanities programs should continue to develop in a cooperative manner, rather than by mandating the designation of State agencies, and with the further recommendation for legislative steps to assure that adequate support is continued to independent research libraries throughout the Nation.

Mr. President, I urge the Senate to act favorably on this legislation to demonstrate our national commitment to promote the freedom to create and to reflect—to strengthen the esthetic and ethical values and the resources of basic knowledge that are vital to a better civilization.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 1, 1973, he presented to the President of the United States the enrolled bill (S. 1494) to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods.

## SPECIAL PROSECUTOR FOR WATERGATE INVESTIGATION—SENATE RESOLUTION 105

Mr. CURTIS. Mr. President, I ask unanimous consent that the vote by which Senate Resolution 105 was agreed to be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, will the Chair indulge us for a moment?

The PRESIDING OFFICER. Certainly.

Mr. CURTIS. Mr. President, I renew my request.

Mr. PELL. Will the Senator explain his request?

Mr. JAVITS. Mr. President, reserving the right to object—and if necessary, I shall object—I only wish to enable the author of the resolution, the Senator from Illinois (Mr. PERCY), to come to the floor of the Senate. Then he can take care of the matter himself. If the Senator from Nebraska insists upon pressing his request, we should have the Senator from Illinois here. Otherwise, if it is in order, I shall suggest the absence of a quorum.

Mr. CURTIS. I decline to yield.

Mr. President, I hold in my hand a letter from the Senator from Illinois, stating that he planned to submit a resolution calling upon the President to appoint a special prosecutor for the purposes of investigating and prosecuting any crime relating to illegal acts associated with the Presidential campaign of 1972.

This is a procedure that does not reflect credit on the U.S. Senate. The resolution was never printed. It was called up during the noon hour, when only five Senators were present.

Mr. AIKEN. Not over five.

Mr. CURTIS. The resolution purports to convey the sense of the Senate. The letter implies that the resolution would not be called up today. The letter reads in part:

> If you would like to join me as a cosponsor of this resolution, a copy of which is enclosed please call me or have some member of your staff contact John Childers (Ext. 57916) today, if possible.

The next sentence says that "between 12:30 and 1 p.m." there would be a discussion of the matter.

Mr. President, when one is invited to become a cosponsor and to get his answer back today, if possible, the implication is that the resolution would be submitted today. In the ordinary course of business, that implies that the resolution would be printed. But it was agreed to during the noon hour, without notice to Senators generally—I dare say without notice to the cosponsors.

My objection to the resolution is this: It expresses the sense of the Senate that the President appoint a special prosecutor with reference to the Watergate case. Judging by the use of the word "prosecutor" instead of "investigator," the resolution bars the appointment of former Senator John Williams. I submit that John Williams is better capable of investigating the Watergate incident than any other person in the country. Why? Because he is free from the accusation that he would use the investigation to advance himself politically. He has retired from politics. He is one of the most skillful and distinguished investigators ever in the Senate. His character is unimpeachable. The press has absolute confidence in John Williams.

This morning, when I made by statement suggesting this, several members of the majority party, not all those on the record because they could not get here, said it would meet with their approval, that they thought it would go unanimously—and I think it would, too, because he is a man who is well respected.

Now, it is true that we could go outside public life and pick many thousands of honest and dependable people to do the job, but they would be unknown to the public. If John Williams made this investigation and he said these men were guilty but this man was innocent, there would be no feeling that it was a coverup, no feeling that partisan politics had been played, and no feeling that someone was conducting an investigation to advance himself.

All I wanted was the chance to amend the resolution so that John Williams would not be barred. But here, without notice, an unprinted resolution is called up during the noon hour.

Mr. President, I renew my request, and ask unanimous consent that——

Mr. AIKEN. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. As soon as the Chair rules.

Mr. President, I ask unanimous consent that the vote by which Senate Resolution 105 was agreed to be reconsidered.

Mr. JAVITS. Mr. President, I object.



The PRESIDING OFFICER (Mr. JOHNSTON). Objection is heard.

Mr. CURTIS. Mr. President——

Mr. AIKEN. Mr. President, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, I have been informed that the principal sponsor of this resolution is on the way over here now and that it would be only an act of courtesy to withhold any statements or action on the motion of the Senator from Nebraska until he gets here.

Let me say for the record that at least 95 of us were not extended the courtesy of knowing when this resolution was to be submitted and when it was to be acted on by the Senate.

It is well known that both parties were having a luncheon conference at the time, and I do not know how many were left on the floor, between two and five people, and yet what they did was represented as the unanimous action of the Senate.

It is one of the most reprehensible operations that I have seen during my long period of service in the Senate.

I think that the Senate, the country, and the President deserve an apology from those responsible for doing this. I do not know what the motive was, but the effect is to harass and condemn the President of the United States—the same President who got our troops back from Vietnam, the same President who has done more to restore peace in the world than anyone has done for many years; yet, this unexpected action by two or three or not over five Members of this body has the effect of condemning him.

Mr. COTTON. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I did not know about this resolution until after the luncheon. I go to my office and there it is, inviting me to become a sponsor. It passed this body while most of the Members were at a preannounced luncheon. The motion was made to reconsider and that motion was laid on the table with nearly every Member of the Senate knowing nothing about it. That is pretty low politics in my book.

Mr. COTTON. Mr. President, will the Senator from Vermont yield?

Mr. JAVITS. Mr. President, will the Senator from Vermont yield to me?

Mr. AIKEN. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I should like to say to the Senator from Vermont that I must concur in what he has said—not quite with all of his expressions, but nearly all of them; but certainly in the sentiments that he has expressed in his characterization of the result of what happened.

Mr. AIKEN. It was known that virtually every Member of this body would be absent from the floor at the time this resolution was submitted and immediately acted on.

Mr. JAVITS. Mr. President, will the Senator from Vermont yield to me?

Mr. AIKEN. I yield to the Senator from New York, without losing my right to the floor.

Mr. JAVITS. Yes. The Senator from Vermont retains his right to the floor, of course.

Mr. President, it should be made clear, so far as I am concerned, that I was not on the floor either when this resolution was agreed to, although I am a cosponsor, as are others. But I protect the right of a Member to come here and defend himself.

Mr. AIKEN. I agree with that.

Mr. JAVITS. That goes, of course, for the two distinguished Senators from Vermont (Mr. AIKEN) and Nebraska (Mr. CURTIS).

Mr. President, now that the distinguished Senator from Illinois (Mr. PERCY) is in the Chamber, Senator CURTIS is at liberty to renew any motion that he wishes and I shall certainly not interfere.

Mr. AIKEN. Mr. President, it is well to give the principal sponsor of this resolution the courtesy which was not extended to 95 Members of the Senate earlier today.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. COTTON. Mr. President, reserving the right to object to the Senator's request, if the purpose——

The PRESIDING OFFICER (Mr. JOHNSTON). The Chair would inform the Senator from New Hampshire that debate is not in order during a quorum call. The Senator would have to object to the withdrawing of the quorum.

Mr. COTTON. The Senator from Illinois asked that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. AIKEN and Mr. COTTON objected.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The second assistant legislative clerk continued the calling of the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I should like to explain, for the benefit of my colleagues, exactly what I had in mind, to assure them that if there is any concern in their minds about this, I would be very anxious to take into account their feelings. I have a very high regard for their judgment; but in using the procedure we used today, I used a procedure for which there was precedent.

The question of Vietnam and the President was mentioned by the distinguished ranking member of the Committee on Foreign Relations. At the time the President addressed the Nation on October 7, 1970, and requested and offered negotiating terms that for the first time appeared as though a major breakthrough could be made in establishing a negotiating base for settling Vietnam, I talked to the President the night of the speech. He asked for help as quickly as he could have it in connection with the presentation he had made to the Nation.

That night, I prepared a resolution commending the President for the initiative he had taken. I discussed it with the majority and minority leaders and asked what was the fastest method we could use to see that the sense of the Senate resolution was put on the record by the Senate as early as possible. It was submitted that day, and that day it was unanimously adopted, by a unanimous consent agreement. I followed the procedure of contacting both sides of the aisle.

In this case, after hearing Secretary Rogers yesterday and his comments on a special prosecutor, and his express concern that delay might be the endangering factor in this kind of case, I assured him that the Senate could move with dispatch when it seemed appropriate and necessary.

For that reason, I prepared the letter. I delivered a speech on the floor of the Senate yesterday and indicated my intention to submit the resolution. I had discussed it with a number of my colleagues, but I indicated at that time that I would not submit the resolution until we had an opportunity—all of us—to hear the President last night.

I indicated that Representative JOHN ANDERSON, of Illinois, would submit a resolution in the House; but the House had also decided to withhold by 1 day the submission of the resolution.

After hearing the President describe last night that he had authorized Secretary Richardson, Attorney General-designate of the United States, to appoint a special prosecutor—I am not certain of the exact words he used, but he suggested that if he felt that it was necessary, he could go ahead and do so—it seemed that there was a community of thought now moving in generally the same direction.

This is not a new idea. The President of the American Bar Association has called for it; leading newspapers all over the country have called for it. It is not in any way implicating or showing a lack of confidence in the President of the United States. It simply follows a procedure which in 1924 President Coolidge followed, after both the House and the Senate passed a resolution at that time calling for an independent special prosecution in connection with the Teapot Dome affair.

There has been a correlation between these two matters, from the standpoint of the seriousness to the country, and the question is whether or not the executive branch properly should investigate itself in this matter, when every one in the Nation is concerned. It is to add credibility to the prosecution. It is to share responsibility. It is to fulfill our constitutional function of confirming the nominations of all officers of the United States who are appointed by the President, except those "inferior officers," as chapter 2, article II of the Constitution provides that Congress determines need not be confirmed by the Senate.

This is not an inferior office. This is a major office. If we confirm the nomination of a second lieutenant when he is

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promoted to first lieutenant, certainly tens of thousands of confirmations indicate that the Founding Fathers felt that officers of the United States should be subject to the check and balance of the legislative as well as the executive.

Taking into account that all of us want to move with dispatch in this matter, I prepared a letter last night, after hearing the President, had it delivered by hand to 100 Senate offices this morning, and invited my colleagues to join me. At the very time that the distinguished Senator from Nebraska was speaking this morning, I joined him in indicating that a man of the caliber of John Williams would add a great deal to this particular investigation or prosecution. It was my feeling at the time that John Williams was a lawyer. I had always thought that he was a lawyer. I now have determined that he is not a lawyer. For that reason, he would not be eligible, I do not presume, to assume a position of a prosecutor, but he certainly could be an investigator.

My own feeling is that the Senate has provided for an investigation. We have a bipartisan committee that has been established for that purpose, fully empowered by the Senate.

The President has conducted his own investigation. We probably do not need more investigations. But I have no objection to accepting the amendment of my distinguished colleague if he feels that the amendment would add something to this matter and if it would have his support rather than his opposition.

The Senator from Illinois did what he felt in his judgment was the right thing to do from the standpoint of finding out what the procedure would be to carry this matter forward at the earliest possible time. After checking with the Parliamentarian, I advised the majority and the minority leadership that at the time designated for my remarks, between 12:30 and 1 p.m., I would ask unanimous consent for immediate consideration. If that unanimous consent had not been offered, as I understand the parliamentary procedure, it would have been laid over until the next day but would have been taken up as business tomorrow. I have no objection to taking this matter up tomorrow or the next day. As the minority leader has said, this matter could be debated at any time, but it was his general feeling that it would be passed by the Senate.

I would accept the amendment if this would answer the questions in the mind of the distinguished Senator from Nebraska.

I have checked with one of the principal cosponsors, Senator JAVITS, who sees no objection. I would like, of course, to have been able to check with all 15 Senators who are now cosponsors of the resolution before accepting the amendment, but I will take upon myself the responsibility, because of the strong feelings that have been expressed by my distinguished colleagues, for accepting the amendment, because I feel that it does not in any way impair what we are attempting to accomplish.

We are simply saying that we have a responsibility to share in this matter, to give every appearance to the whole country that we are working with the President in assuming responsibility and standing behind the investigation or prosecution, whatever it may be, that would be carried on in what the President termed last night a sordid affair.

I would be happy to yield to my distinguished colleague.

Mr. CURTIS. Mr. President, my objection here is to the procedure of the Senate. I have no objection to the resolution in general. I am serving notice now that there is no one in the leadership that has authority to waive for me the clearance of the consideration of a resolution that is not printed, during a noon hour when both parties are having a caucus, and in connection with which I have a letter in my hand which reached my office at 11:30 this morning which clearly implies the matter would not be called up today. I read this paragraph from the letter:

> If you would like to join me as a cosponsor of this Resolution, a copy of which is enclosed, please call me or have a member of your staff contact John Childers (Ext. 57916) today, if possible.

If I know anything about the English language it means you have several days to do it. Then, the letter goes on to state:

> Senator Domenici and I have reserved 30 minutes on the floor this afternoon between 12:30 and 1:00 p.m. to discuss this matter. Should you wish to discuss this matter yourself, I will be happy to yield you time at any point.

Now, here is a letter that goes out that infers Senators have all day to become sponsors. That letter arrived at our offices after most of us had gone to committee meetings. I had gone to the Committee on Agriculture and Forestry where we are marking up an agriculture bill. I did not see this letter until late today, but that is probably my fault for not going back to my office. The letter arrived at 11:30 a.m.

Now, we are setting a precedent that will do this Senate no good: Pretend to the world that this is the sense of the Senate and the Senate does not even know it has been passed. What sort of procedure is that?

My objection to the resolution is this. What is it we want? We want to have the Watergate cleared up for all time. If a message is to be sent to the President to ask someone to do that, I do not want the name of John Williams barred from consideration, and the passage of this resolution does that. It calls for a special prosecutor, and to prosecute one would have to go into court and practice law and one cannot practice law without a license.

I believe that whoever is to go to the bottom of this and get all the facts should be outside of Government. John Williams meets that test. He should be someone who would not engage in partisan politics. Those who know John Williams know he would not do that. He has taken his place in this Chamber and investigated matters that were against his party, as well as against the interest of any other party. It should be a man who is a skilled investigator. I submit there is not a more skilled investigator in the country than John Williams. It calls for someone in whom the press has confidence. There never has been an investigator in connection with the Senate that has received higher acclaim from the press than John Williams.

Furthermore, when all is said and done, we want a job done by someone in whom all of the American people have confidence. John Williams meets that test. You do not want an investigator or prosecutor, even though his motives are pure and his conduct is pure, who is trying to build himself politically. John Williams has served his time on the track and he has retired and he has refused to run.

I have no right and this Congress has no right to force the President to do anything or to pick out a man for him. I have sent a letter to the President asking him to consider John Williams.

But I do object to the manner in which a resolution was passed in this Senate that would bar former Senator John Williams from taking a leading role in reference to this very important matter.

Mr. President, should I renew my request that this bill be reconsidered, I would not want it reconsidered tonight. I do not feel that this matter, having gone this far, should be considered unless the membership knows the time and place when it is going to be brought up. If it is reconsidered I expect to offer an amendment relating to section 1, in the first sentence, after the term "prosecutor" I would put "or investigator" and in section 2, after "prosecutor" I would put "or investigator."

This would leave it open so the President could consider the one man in the country who could do a better job than anyone else. But I will not make my request to reconsider if we are forced to do it tonight because here it is 6:30 in the evening and we would be indulging in the same procedure to which I object, and I believe most of the Senate would object to the procedure that has brought us to this point.

Mr. President, I ask unanimous consent that the vote by which Senate Resolution 105 was agreed to be reconsidered, and I ask further unanimous consent that after consent is granted and it is reconsidered, that the matter be made the pending business on a day later than this, upon due notice to all Members.

The PRESIDING OFFICER (Mr. PROXMIRE). Is there objection?

Mr. PERCY. Mr. President, reserving the right to object, would the distinguished Senator amend his unanimous-consent request so that we could have a vote at a time certain tomorrow?

Let me explain what literally happened here. In checking on the parliamentary procedure, one objection would have been sufficient today to set it aside. I fully expected there would be an objection and that this would be considered on the calendar the following day. That is what I wanted to protect and insure. I found no objection. In fact, I found support for it from the leadership. I did not check with every Senator. That is true. I would be perfectly willing to either accept the distinguished Senator's amendment now and ask for unanimous consent for that purpose, or I would not object if the amendment, if the unanimous-consent request were amended so that we could have a vote at a time certain tomorrow which would then give us adequate time to debate it, discuss it, and then vote.



Mr. CURTIS. Mr. President, is my understanding that if I correct my request merely to ask that it be considered, and if that were agreed to, then the matter could be called up at a later date as might be determined later? My parliamentary inquiry is: Is that correct?

The PRESIDING OFFICER. I am advised by the Parliamentarian that if the Senator asks unanimous consent he have permission to enter a motion to reconsider, that that would be in order, if that is granted, the motion would be entered on the Calendar. It could be called up at a future time.

Mr. CURTIS. Mr. President, in a moment I shall ask to restate my unanimous-consent request, and in so doing I will inform the Senate that if it is granted, I shall not call this matter up today.

Mr. President, I ask unanimous consent that the vote by which Senate Resolution 105 was agreed to be reconsidered.

Mr. COTTON. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. COTTON. Mr. President, two wrongs do not make a right. We have here a question of very delicate and far-reaching implications. Last night the President of the United States spoke to the American people and stated that he had named Elliot Richardson as Attorney General, having accepted the resignation of his predecessor, as a person of unquestioned integrity, to take the steps necessary to clear up the so-called Watergate matter, and that he had delegated to the Attorney General the privilege of naming a special prosecutor if he deemed it necessary.

This matter is a paramount matter in the press and in the public mind.

This morning—and I do not impute to the distinguished Senator, my friend from Illinois, who is a person of transcendent integrity, any intent to play grandstand politics, but the fact remains—within far less than 24 hours after the President of the United States had made a statement to the American people, action was taken on the floor of the Senate, with, I understand, only five Senators present, with the Republican Senators in their policy meeting, and I believe the Democrat Senators in their policy meeting, which could well be interpreted, and will, in my opinion, be interpreted in many quarters and in many segments of the press, as a vote of no confidence in the President of the United States, and it appears as a unanimous action of the Senate.

Now here we have, by my count, eight members on the floor, and it is suggested that we reverse that action and reopen it with only eight Senators.

This matter having been reopened, no matter how it comes out—I admire John Williams—I would like to have the opportunity to say a word for Elliot Richardson, whom I have known for many years and in whom I have great confidence. This should not be done without full debate.

I would like to see two things. I would like to see this unanimous-consent request made with a quorum of the Senate present, and I would like to see if there is a single United States Senator on either side of this aisle who will stand up and object to this matter being reopened—this action which was taken with only five Senators present. I do not think there is a Member of this body who would object, but I think it would be good to demonstrate the desire to have this matter aired thoroughly, and then, after the matter is reopened, that we have a full opportunity to debate it, because the action of the Senate, if it was not significant this morning, has become significant tonight. I hope that we will not take another step with only eight Members present. I would be disposed, unless it goes over to tomorrow, to insist on a live quorum before this unanimous-consent request is acted upon.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. COTTON. I do not have the floor.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The Senator will state his parliamentary inquiry.

Mr. PERCY. Who has the floor?

The ACTING PRESIDENT pro tempore. A unanimous-consent request is pending. In the regular order, it is not debatable. The Senator from Nebraska has the floor. The Chair is inclined to be lenient and have Senators address the Chair, but the Senator from Nebraska has the floor. If he asks for regular order, the unanimous-consent request will be propounded.

Mr. CURTIS. Mr. President, I am going to ask to restate the unanimous-consent request. In so doing, I want to inform the Senate that if this particular unanimous-consent request is granted, nothing would be done today and nothing could be done without a vote of the Senate, because this unanimous-consent request, instead of asking that it be reconsidered, would be—which I will propound in a moment—that it be in order to enter a motion to reconsider the vote by which the resolution was agreed to. Then, instead of a handful taking action tonight, we would merely preserve the right to do it by motion tomorrow, and then there can be a rollcall or any procedure they wanted to take.

So my request, instead of being as I first stated it, that the vote be reconsidered, is that it be in order—and I am informing the Senate that I do not mean today, but I mean at a later time—to offer a motion to reconsider the vote by which the resolution (S. Res. 105) was agreed to.

So with that explanation, I now make this request: I ask unanimous consent that it be in order to enter a motion to reconsider the vote by which the resolution (S. Res. 105) was agreed to.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. PERCY. Mr. President, reserving the right to object, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. PERCY. What would be the effect of this motion from the standpoint of this resolution being able to be taken up by the Senate, and would it be placed on the Calendar and would it be in order to take it up as the pending business tomorrow?

The ACTING PRESIDENT pro tempore. The Chair has been advised by the Parliamentarian that if the unanimous-consent request is agreed to, then the motion goes on the calendar under "Motions for reconsideration," and can be taken up at any time. The Senator from Nebraska has not named a time certain in his unanimous-consent request, and so it would just go on the calendar and be a part of the motions to reconsider.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. AIKEN. If a motion to reconsider is made, then is debate on the resolution itself permissible without any time limit?

The ACTING PRESIDENT pro tempore. The Senator is correct. If a motion to reconsider is made, that is a debatable motion.

Mr. AIKEN. Then debate can be had on the resolution itself, as to its merits if any and the demerits also.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is correct.

Mr. AIKEN. That is what I meant.

The ACTING PRESIDENT pro tempore. It is debatable on its merits or demerits.

Mr. AIKEN. Mr. President, I wanted to be sure that a live quorum was available at the time.

Mr. ROBERT C. BYRD. Mr. President, if the unanimous-consent request which has been read by the distinguished Senator from Nebraska is agreed to, the entry of the motion to reconsider would go on a special calendar and at such time as the Senator or some Senator wished to proceed thereon, would the following not be the situation? There would first be a motion to proceed to consider the motion to reconsider.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is correct. There would have to be the motion that the Senator suggests.

Mr. ROBERT C. BYRD. Mr. President, there would really be two steps. First there would be a motion to proceed to consider the motion to reconsider. That motion to proceed to consider the motion to reconsider is debatable.

The ACTING PRESIDENT pro tempore. The motion is debatable.

Mr. ROBERT C. BYRD. And once the motion to proceed is agreed to, then the motion to reconsider is debatable.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is correct on both counts.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

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Mr. PERCY. Mr. President, if the Senator from Illinois objects to the pending motion, as I understand it, on the resolution that was agreed to by the Senate this morning by a voice vote, if a motion were made to reconsider and that motion was tabled, with the objection of one Senator, the motion that is now offered would fail and the resolution agreed to by the Senate would in effect prevail.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is correct. A single objection would prevent a motion for reconsideration.

Mr. PERCY. Mr. President, I have a great desire to accommodate the Senator. However, having participated in endless debates that had no objective other than to delay and frustrate the Senate from coming to a vote—bills such as the consumer protection agency bill, which died because of a filibuster such as we are now experiencing with the voter registration bill—I do not feel, in light of the fact that we had a wide spectrum of support for the resolution today, 15 Senators including Senators CASE, JAVITS, MATHIAS, METCALF, GOLDWATER, BUCKLEY, and many other distinguished Senators, and in view of the fact that they, as cosponsors, had the feeling that this matter had been agreed to and they probably are not available to consult with at this time, I would not feel that I could undertake the responsibility to them to have this resolution put in such a position that it might never be acted upon.

Mr. President, I am quite willing to subject this resolution to full and thorough debate. However, the principle is an established principle that has precedent in the action of the Senate, and I had printed in the RECORD today all of the proceedings from 1924 in which the Senate acted in a similar manner.

The matter has been discussed at great length over many months.

Mr. CURTIS. Mr. President, I call for the regular order.

The ACTING PRESIDENT pro tempore. Regular order has been called for. Is there objection?

Mr. PERCY. I object.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Illinois yield for a question?

Mr. PERCY. I am happy to yield for a question.

The ACTING PRESIDENT pro tempore. The floor is open. The Senator from Virginia has the floor if he will address the Chair.

Mr. PERCY. Mr. President, if the distinguished Senator from Virginia would permit a short comment, I would then be happy to yield the floor.

The Senator from Illinois would be quite willing—although I do have an engagement in Baltimore, Md., with one of our colleagues tonight—to stay on the floor until the matter is equitably, amicably, and fairly resolved. There is no attempt to try to railroad something through the Senate.

I am trying to protect the sponsors of the measure. It is my own deep conviction that what we did was right, proper, and fair.

Many times the Senator from Illinois indicated that there is no impugning of the Secretary Elliot Richardson as Attorney General or any lack of confidence in him. However, we wish to share the responsibility for the prosecution that will be underway, and we would want to assume that responsibility through the normal confirmation proceedings, with the consent of the Senate.

I would be happy to stay here and work this out. I do not mean to shut this off, although I realize that one Senator can do so, as we have learned. However, I would be happy to yield at this point, making that point clear, that the Senator from Illinois will stay here until we can have the matter resolved.

Mr. HARRY F. BYRD, JR. Mr. President, I would like to get an understanding from the Senator from Illinois as to exactly what the resolution would do.

Mr. PERCY. Mr. President, the resolution is in three parts. It is a sense-of-the-Senate. resolution. Part one indicates that the President should immediately designate an individual of the highest character and integrity from outside of the executive branch to serve as a special prosecutor.

Mr. HARRY F. BYRD, JR. Mr. President, would that special prosecutor serve as an official at the Department of Justice? Would he be a subordinate of the Attorney General? Would he be independent of the Attorney General?

Mr. PERCY. This would be something that would have to be determined by the confirmation process. There is a great deal of leeway in the resolution. The resolution provides that someone outside of the executive branch of the Government should be appointed by the President.

Mr. HARRY F. BYRD, JR. Mr. President, I am inclined to favor the resolution. However, I want to understand it. It seems to me that before we adopt the resolution—although I understand that it has already been adopted—we ought to determine whether such a man would be subordinate to the Attorney General, would be independent of the Attorney General, or exactly how he is going to operate and to whom he will report.

Mr. PERCY. Mr. President, I think the answer to the questions posed by the Senator from Virginia will be found in paragraph 3 which provides that the President shall submit the name of such designee to the Senate and request approval thereof. That is the time for the Senate to determine what procedures will be followed by the special prosecutor.

Mr. HARRY F. BYRD, JR. Mr. President, if I vote in favor of the resolution, if I have an opportunity to vote for it, am I voting for an individual who will be independent of the Justice Department and can act on his own or am I voting for someone who will be a subordinate of the Attorney General? Both of those questions are questions that should be answered.

Mr. PERCY. In the judgment of the Senator from Illinois the former presumption is correct, that the Senator from Virginia would not be voting for a resolution that would provide for an individual to be appointed who would be a subordinate of the Attorney General, as is the case now with the Assistant Attorney General who is prosecuting the case. He is subordinate to the Attorney General.

Mr. HARRY F. BYRD, JR. Mr. President, as of last night, the President said that Mr. Richardson will have the responsibility for the investigation.

Mr. PERCY. I think this is the shading of difference that I would have, respectfully, with the President. I do not feel, so long as the special prosecutor is subordinated to a politically appointed Attorney General, that the investigation could have the appearance, no matter how impeccable the credentials of the individual, of being free from the influence of the Justice Department and the Attorney General.

Mr. HARRY F. BYRD, JR. I do not disagree with that at all. As a matter of fact, I am inclined to the same view as expressed by the Senator from Illinois; but I am just trying to understand. If the Senate does adopt this resolution, then does the prosecutor call on the personnel of the Justice Department, and operate through that independent of the Attorney General? If so, is that a feasible way to operate?

Mr. PERCY. Paragraph 2 provides broad authority. It simply states that the President shall grant such special prosecutor all authority necessary and proper to the effective performance of his duties.

What I would envision is that the President would provide that the special prosecutor could call upon all agencies of Government for personnel, for assistance, for help, for physical facilities, for clerical assistance, for lawyers—whatever that special prosecutor might need. There should be no bounds; if we have confidence in the man who is appointed and confirmed, we should have no bounds to keep that man from being free in any way to move ahead with what the American public would consider to be untainted, unpolitically influenced investigation that would, once and for all, convince everyone in their minds, as they are not convinced today, that this investigation is thorough, complete, and final, and will end up in whatever indictments the facts may prove and bring forth.

Mr. HARRY F. BYRD, JR. It is very important, I think, that the American people do reach that conclusion.

Mr. PERCY. I think it is essential.

Mr. HARRY F. BYRD, JR. We must restore confidence in Government. And in order to do that, as I see it, the American people must be convinced that whatever investigation is undertaken, it is thorough, impartial, and objective, and that it goes to the bottom of all the problems connected with the main problem, and that all the facts are disclosed. It is vitally important that the American people have confidence that that is being done when such an investigation takes place——

The ACTING PRESIDENT pro tempore. Will Senators use their microphones? The Chair cannot hear.

Mr. HARRY F. BYRD, JR. (continuing). When such an investigation is undertaken. I have been in Virgina today, and I have been asked many time, "Was it wise for the President to appoint Mr. Elliot Richardson full authority to handle this matter?"

My reply was, "Frankly, I don't know. I do not know whether it was wise or not."

Mr. Richardson is a very able individual, in my judgment, though I do not know him too well. He is very smart. He is an able lawyer. He is a man of the highest integrity.

On the other hand, he has handled three top positions prior to this for this administration in the last 4 years. In the public mind, is he going to be an objective prosecutor? That is the point that concerns me about the appointment of Mr. Richardson as Attorney General, and giving him the authority and the direction to get to the bottom of the case.

Mr. PERCY. If the distinguished Senator will yield, this is exactly what the Senator from Illinois and all of the cosponsors of the resolution have in mind.

Mr. HARRY F. BYRD, JR. That is what I thought the Senator had in mind.

Mr. PERCY. We are attempting to protect the President.

Mr. HARRY F. BYRD, JR. I want to understand now, though, how it will work and what the mechanics are to make it work, because I am inclined to the same view the Senator has.

Mr. PERCY. The mechanics, of course, will have to be worked out. The President suggested in his address to the Nation last night that Mr. Elliott Richardson as the Attorney General designee would have his authority to appoint—I am not sure of the term he used, but let us say a special prosecutor.

Mr. HARRY F. BYRD, JR. Yes. That raises this point: If he does that, here is what we will have: We will have the President saying, in effect, "This is out of my hands, I am turning it over to Mr. Richardson," and Mr. Richardson saying, "This is out of my hands, I am turning it over to Mr. So and So." Mr. So and So may turn it over to a committee, and then what do we have?

Mr. PERCY. All the resolution asks of the President—it does not have the force of law, for the simple reason that I did not want it to have the force of law. I simply wanted the Senate to express its feelings, as eloquently expressed by the Senator from Virginia, and expressed to me from all over the country as the feelings of the American people, that this matter should be investigated.

The President has not disagreed at all in principle. All we have here is a procedure to say that the President, last evening, made it very clear indeed that he assumes the responsibility for this matter, and thus assumes the responsibility for selecting and designating a public prosecutor.

I say that it is impossible, within the Justice Department, to find anyone to be assigned and connected with this matter who did not in some manner have some relationship with some of the personalities who may have been involved, so that the President should designate someone outside the executive branch of the Government and submit that name to the Senate. The Senate could accept that name or reject it, but once we accept it, we have assumed the responsibility and put our stamp of approval behind the investigation.

I think that is paramount. It is recognized so widely now by the fourth estate that the President is to be commended, last night, for bringing this matter to a head, that I feel it is in the best interests of the country, and I know it is in the best interests of the electoral process, that the confidence of the people be restored.

The procedure is very simple, and the details of it can be brought out at the time the name is sent to the Senate, because under the procedures the Senate would follow, we could then question the special prosecutor as to how he would carry out his responsibilities.

Would he feel that he had to report to anyone? Would he feel that he had to destroy, on orders from anyone, any evidence that might be brought to his attention? Does he feel that he may be intimidated, or politically motivated? All of those questions would be questions that should be brought out in proceedings such as we have followed in this country for 200 years now, and wisely so.

Mr. HARRY F. BYRD, JR. Yes, but the matter the Senator from Virginia wanted to establish is that it is the view and the intent of the several sponsors of the resolution that this prosecutor should be separate and aside from the Justice Department and not subordinated or responsible to the Attorney General.

Mr. PERCY. That is correct.

Mr. HARRY F. BYRD, JR. And that he be completely separate from the Attorney General and from the Justice Department.

Mr. PERCY. Would the Senator yield for just a brief explanation as to why I feel this is so crucial?

Mr. HARRY F. BYRD, JR. I yield.

Mr. PERCY. We have a grave problem in this country now involving law and order. We had a tremendous problem in Collinsville, Ill., a few days ago, when narcotics agents broke into family homes by mistake and terrorized Illinois families. A grand jury will be called and convened by the United States attorney in Springfield on that particular incident, which strikes at the heart of what America is all about. These are Gestapo tactics that are being used. Certainly that case should have the attention of the Attorney General of the United States.

We have problems of drug abuse that are tearing this country apart from the standpoint of the crime it motivates. We have the problem of organized crime, of morale in the FBI and morale in the whole Justice Department, and the distinguished Attorney General-designee should spend his full time on those matters.

Mr. HARRY F. BYRD, JR. But this will not help the morale of the Justice Department or the morale of the FBI to say, in effect, that the Justice Department cannot handle the matter but we have to get an outside investigator.

Mr. PERCY. The precedent for that is clear. It is not impugning any of the integrity or the capability of any individual there. What is simply says is that everyone that has touched this problem has become consumed by it. We are consumed by it. It is impossible for any of us to engage in any activity—even Willy Brandt this afternoon—without being asked a question on Watergate.

The President said last night that we must get about the business of the Nation. Let us set this investigation up separate and give the prosecutor all the power he needs and designate that power from the President himself. But let us not bog down the Attorney General, who has just been designated and who will be going through his confirmation proceedings, with this particular problem.

Mr. HARRY F. BYRD, JR. He has got to go through the confirmation proceedings so it will not save any time. My concern about Mr. Richardson, and I give him high marks for being a clever and an able individual, but my concern about him is that it just appears to me it is not going to suggest to the public, rightly or wrongly—and I do not say it is correct—but rightly or wrongly, it might not suggest to the public that the investigation will be as objective as it should be.

The other thing that concerns me about the Richardson appointment is that he has only been Secretary of Defense for 4 months and the Armed Services Committee had to delay its proceedings for 3 months until he could familiarize himself with what was being in his Department so that he could come before the committee and discuss it. Now he is being taken away from that job and put into another job under circumstances that perhaps leave something to be desired.

Mr. PERCY. Will the Senator from Virginia yield for a question?

Mr. HARRY F. BYRD, JR. I yield.

Mr. PERCY. Because I would be guided by the distinguished Senator's judgment, who has been in the Senate a great deal longer than I have. My judgment is that if this matter is left as it now is pending, the Secretary-designate Richardson would have the authority to appoint the special prosecutor if he so chose, and that question would consume a tremendous amount of time in his confirmation proceedings.

If the question were removed and the issue were removed from the Justice Department and an independent prosecutor set up, it is my judgment that he would be confirmed with due deliberation by this distinguished body, but with considerable speed, in contrast to the proceedings that would be undertaken if he is left with the responsibility for investigating Watergate. Is that the judgment of the distinguished Senator from Virginia?

Mr. HARRY F. BYRD, JR. The Senator from Illinois is probably correct in that view. As a matter of fact, I do not see how it is practical for him to set up a special investigator because then we do not have any responsibility. The President says that Richardson is responsible and Richardson says that so-and-so is responsible, so where does the responsibility lie? That is what concerns me about that aspect of it. That is why I





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am inclined to support the proposal of the Senator from Illinois.

Mr. COTTON. Mr. President, I have listened to the colloquy here with some amazement and, I must confess, with some apprehension. If there was anything needed to confirm the fact that hastily, without more than 5 Members of the Senate being on the floor in this Chamber, an act has been performed and formal action taken by the Senate which is, indeed, a vote of no confidence, not only in the President of the United States but also in Elliot Richardson who has been designated by the President as Attorney General, without any opportunity for careful debate and careful consideration, all we needed was to listen to the colloquy of the last few moments to know that that is true.

In the first place, the able questioning by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) brought out that this resolution that was so hastily adopted with 5 Senators present, is very loosely drawn.

It is not for the Senator from Illinois, able and sincere as he is, to interpret his resolutions. His resolution is now passed. It is now a fact. There is nothing he can do about it because it has been agreed to, the motion to reconsider has been laid on the table, and the Senator has objected to a unanimous-consent request that would vitiate it. So it is a fait accompli.

But that does not end the debate or the discussion of the matter, I can assure the Senator from Illinois, because I do not know that it is not a good idea to vote first and debate afterward. Then we cannot be accused of filibustering. But much will be said on the floor of the Senate in the next few days concerning this action by the Senate.

When we talk about restoring the confidence of the people of the United States in their Government, it is not going to restore their confidence by an expression of no confidence by the Senate.

I was interested in the comments made by my friend from Illinois, for whom I have the highest regard, concerning what he unconsciously revealed. He seemed to indicate that the resolution which has been adopted by the Senate, and irrevocably adopted, unless a unanimous-consent request changes it, was loosely drawn, but he also indicated that it would be interpreted—by what? By the questions that would be asked of the designated special prosecutor by a committee of the Senate.

Then the Senator named some other questions. One of the questions was this: that the special prosecutor would be asked whether it was his intention to destroy any evidence. If that remark was not about the worst slap in the face of the President of the United States and of the Honorable Elliot Richardson that could possibly be made, I cannot conceive of anything more ridiculous.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. COTTON. I will yield in just a moment. I am sure the distinguished Senator did not mean to say that. It might be called a Freudian slip. I will yield in just a moment. The time is late. Reconsideration has been objected to, and the action is over.

I have known Elliot Richardson since he was the administrative assistant to former Senator Leverett Saltonstall. That was when I first came to the Senate. I have known him as U.S. district attorney in Massachusetts. I have known of his enforcement, his prosecutions, and his investigations in that capacity.

But I know of his thoroughness and of his rugged, unflinching honesty. I have known him more recently as Secretary of Health, Education, and Welfare, dealing with the Subcommittee on Appropriations for that department. I know of his fearlessness and of his forthrightness in his service in that capacity.

I want to say here and now that all this suggestion that Mr. Richardson is contaminated because he was appointed to two Cabinet positions by a man who has been twice elected President of the United States is so far-fetched that I cannot sit silent under such insinuation.

I do not know who this paragon of virtue would be. It might be John Williams. He is honest, I am told, because he is not a member of the bar; so undoubtedly he is more honest than lawyers. But I do not know who this great paragon of virtue would be who would be selected and would prove satisfactory to the Senate.

I am not sure that anybody the President should name would be satisfactory to the Senate in its present mood, or that any filibuster that ever took place in this body would last as long as the interrogation of whoever this independent agent would be.

But I do know one thing: The President was elected by the American people. I regret some of the developments. I think that he was guilty of misplaced confidence and perhaps delay. I do not claim that he is not human and subject to error. But he was elected by the people of the United States.

Mr. Richardson was named by the President as Attorney General of the United States. As Attorney General, under the Constitution, he is the chief prosecutor and the chief investigator of the Federal Government. I can testify, as one Member of the Senate, that there may be many other men in this country as honest and as forthright and as conscientious as Elliot Richardson, but there are none who exceed his honesty, his integrity, and his forthrightness.

This act has been done. We have adopted a loosely drawn resolution, with five Senators on the floor; and when we tried to reopen the matter, the Senator from Illinois objected to it, and that stands in the RECORD. The deed is done, but the repercussions are not over. Nobody in the Senate, except perhaps five Senators on the floor at the time, ever had an opportunity to debate this matter. Nobody in the Senate had an opportunity to answer the questions that the distinguished Senator from Virginia has been asking. Nobody had a chance to analyze just what was being done. The fact that 15 Senators, some of whom may be described as on the extreme left and others on the extreme right, cosponsored the resolution does not indicate that it should not be subjected to the scrutiny of the Senate and that the rest of us should not have opportunity to examine it.

Here we are. It is time to adjourn. The resolution was brought up; and it was adopted, as the record will show, by voice vote, which means unanimously, with five Members of the Senate here and 95 elsewhere upon their duties. We tried to reopen it. We tried for an opportunity to debate it. We tried for an opportunity to examine it. We tried to see that the Senate should not act hastily in this matter or that what was done without the careful consideration of the entire Senate could go out as a vote of no confidence in the President or in the Attorney General-designate.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. AIKEN. I might add that it appears to me to be a vote of no confidence in our Federal court system, which has already convicted seven persons for breaking into the Watergate and has under investigation and in the courts nobody knows how many others. I think we should have a little more confidence in our Federal court system and the Department of Justice than this resolution would indicate.

Mr. COTTON. If we have as little confidence in our courts and in our Department of Justice and in our elected Chief Executive as this resolution would indicate, then God save the United States of America.

I now yield to the distinguished Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. COTTON. I did not yield the floor.

Mr. PERCY. I appreciate the distinguished Senator yielding for two purposes.

The first purpose is to explain fully what the Senator from Illinois had in mind in response to a question by the Senator from Virginia, when he asked about certain details as to how this job would be set up and what would happen in the confirmation proceedings.

The Senator from Illinois is not a member of the Committee on the Judiciary. The Senator from Illinois, therefore, is not proposing or propounding any question that it was his intention to ask.

What the Senator from Illinois had in mind was proposing the kind of questions the Senator from Illinois presumed would be asked by members of the Judiciary Committee when the designee for the position of Attorney General was before them for confirmation or the designee or the special prosecutor was before them, if the President acted in accordance with the spirit of this resolution.

I mentioned this particular point simply because there has been tremendous public discussion about the fact that certain evidence was destroyed on the suggestion of or with the approval of—some have indicated by the order of, but I have no evidence that orders were given for that—but evidence was destroyed. It is only logical to assume that questions of that type, then, which have adequate precedent in the sordid matters



that have occurred in the recent days and weeks, would occur.

So that this is an attempt to explain what the Senator from Illinois had in mind, though it would not be his intention to offer such questions, because the Senator from Illinois would not even be engaging in the confirmation proceedings.

I ask the Senator to consider this possibility: The Senator from Illinois is very anxious to let this matter stand on its own merits; but the Senator from Illinois is unwilling to undo and request by unanimous consent that the prior action of the Senate be undone—it was supported by 15 distinguished colleagues on both sides of the aisle—when by so doing it might frustrate the ability of this matter to be brought to a vote by the Senate at any foreseeable time in the future.

For the record, it is perfectly clear that when the vote was taken at approximately 1:05 p.m. today, the Senator from Illinois did not ask, considering that there was no objection heard from any quarter at any time to the resolution, for a reconsideration of the vote. It was a cosponsor of the amendment, the acting majority leader at the time, the distinguished Senator from Alabama (Mr. SPARKMAN), who suggested to the Senator from Illinois that it would be in the best interests of the resolution to have a request for reconsideration made. That request was made, and the acting majority leader asked that the motion be tabled, which was the action of finality. It was the thinking of the Senator from Illinois that this settled the question.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. COTTON. I have the floor.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a correction only?

Mr. COTTON. Certainly.

Mr. ROBERT C. BYRD. I believe it was the Senator from Alabama (Mr. SPARKMAN) who moved to lay on the table the motion to reconsider.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. COTTON. Mr. President, may I say to my friend from Illinois that the Senator from New Hampshire did not in any way even suggest that his motives were not of the highest or that he consciously tried to what we ordinarily refer to as "put something over." But the effect was exactly that and the fact remains, and I am sure the Senator from Illinois realizes this, that whoever was designated under this resolution as the special prosecutor would not be the supreme arbiter in determining his authority. The courts might have something to say about that and members of the Committee on the Judiciary could ask him questions until Judgment Day about what he conceives to be his duties, how he plans to carry them out, what authority he thought he had, whether he should report to somebody or whether he should not report to somebody, whether he was below or above the President or the Attorney General, and it would not change the facts one iota.

The facts would be in the resolution and it would be for the courts to interpret it if there was any question.

I am sure the Senator from Illinois realizes that, and that is the reason I say it is, as indicated by the questions of the Senator from Virginia, a loosely drawn resolution which simply says, "No, let's not do it. Let's take this away from the President and away from the Department of Justice, and away from the courts, if necessary, and put it in the hands of some independent holy soul who will be the arbiter of this whole matter."

Mr. President, I yield the floor.

Mr. PERCY. Mr. President, I appreciate very much the comments made by my distinguished colleague, the Senator from New Hampshire.

The Senator from Illinois once again would like to state that it would be his intention to see that this resolution was judged on the basis of its own merit. It was his feeling based on inquiry and following customary procedure, when this was not a bill creating a law, establishing a statutory position; it was simply a resolution, a sense of the Senate resolution asking the President to do something—that following those procedures, there being no objection, that the matter could be resolved without further delay today.

However, because the Senator from Illinois has high regard for his colleagues who are engaged in this colloquy in the Senate this evening I would like to say that I would consider making a unanimous-consent request now to reconsider this resolution at 1 p.m. tomorrow. I ask my colleagues if there would be objection to that unanimous-consent request.

Mr. AIKEN. Yes. Six of us are on the floor now. We have done enough legislating with five Senators on the floor. I do not think that six Senators would qualify us. I think we should have a quorum before taking action.

Mr. PERCY. The Senator from Illinois is anxious to see that there be full opportunity for debate of every aspect of this sense of the Senate resolution.

Mr. COTTON. Mr. President, will the Senator yield for a quick question?

Mr. PERCY. I yield.

Mr. COTTON. This could well determine the action of the Senator from New Hampshire, whose mind is not closed on this matter. Does the Senator from Illinois or does he not have confidence in the integrity of the President?

Mr. PERCY. The Senator from Illinois has expressed himself publicly time after time with respect to this matter—that I have full confidence in the integrity of the President of the United States.

Mr. COTTON. Today?

Mr. PERCY. Today and every day.

Mr. COTTON. I thank the Senator.

Mr. PERCY. And I deeply appreciate the actions taken by the President. But when the Founders of the Republic provided in the Constitution that all officers appointed by the President should be confirmed by the Senate, they were not expressing a lack of confidence in the President of the United States but simply saying that this is a government of checks and balances. As the distinguished Senator from New Hampshire well knows, the process that has worked so well through the years has insured people of high quality, greater integrity, greater character and ability than any other procedure that could be adopted or by providing that they should be appointed solely by the executive branch of Government.

It is for this reason, following that procedure and the procedure established in the same kind of unusual circumstances the country found itself in in 1924, that this body on February 1, 1924, passed a resolution and as I recall the date, on February 2, 1924, the House passed a comparable resolution, and President Coolidge followed the advice of the Senate and the House in this respect and appointed two distinguished special prosecutors in that matter.

The Senator from Illinois has no doubt that the purpose of making the resolution general is to provide the greatest leeway for the President to establish the necessary procedures for following this action. But if 1 day's consideration would be enough, Mr. President, I would like to simply indicate that the Senator from Illinois would consider making a unanimous consent request to reconsider the resolution at 1 p.m., or at any other designated time on Thursday of this week, if that would be satisfactory to my colleagues remaining on the floor of the Senate. Would there be objection to this request or any counter suggestion so that the Senator from Illinois could simply protect the action taken by the Senate in accordance with the procedures of the Senate and embody the express wishes of 15 distinguished colleagues of the Senator?

Mr. AIKEN. I say that inasmuch as the Senator from Nebraska is absent and he is the one who first recommended undoing the work of the five Senators earlier in the day, I think the only courtesy to him is not to take any further action until he is on the floor. Further than that, we should have more Senators present. We have eight Senators present now. We are gaining. It would take a greater number of Senators present.

Mr. PERCY. As the Senator knows, that is far more Senators than we have on the floor to do business many times and it is unusual for this particularly late hour.

The Senator from Illinois has the floor and I am happy to yield to the Senator from Alabama.

Mr. ALLEN. I thank the Senator. I wonder if it would not be a better course, and a course I feel the Senator from Nebraska would agree, to agree at this time that the resolution, the passage of the resolution be reconsidered, but in order that the distinguished Senator from Illinois would be assured of a vote, an expression of the Senate on this resolution, to set it for a vote at a time certain on the next legislative day, or the following legislative day. Then that would not leave the passage of the resolution under the circumstances that have been alluded to outstanding over the evening.

Mr. PERCY. The suggestion of the Senator from Alabama is perfectly acceptable to the Senator from Illinois.

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Mr. AIKEN. Does the Senator from Alabama feel it might be sacrificing the voter registration bill?

Mr. ALLEN. That would not worry the Senator from Alabama.

Mr. AIKEN. There may be other Senators who are not here who might be worried about it. I think this should go over until tomorrow so we may take rational action.

Mr. COTTON. Mr. President, I am amazed that the Senator from Alabama has now joined the Senator from Illinois in this horrible fear of what used to be known as the filibuster. That is what the Senator from Illinois is afraid of—that if it is reopened, it will be talked to death. I do not have that fear. I do not think any Senator has. But before we take that step, before we listen to the appeals and to the eulogies in behalf of our beloved former colleague, John Williams, and before we listen to a defense—and there would have to be a defense—of Elliot Richardson, and before we listen to the attacks and defense of the President of the United States—and there would be attacks and a defense of the President of the United States—I think that if we tried to crowd that into an hour, we would not be getting anywhere.

As far as the Senator from New Hampshire is concerned, this thing was done. It was done this noon when almost every Senator in this body was closeted in his party caucus. It was done with five Members on the floor. The motion to reconsider was laid on the table. It is a fact. It has gone out to the country. It was an ill-considered action. Nobody in this country with any sense, when he knows the facts, will attach any great moral significance to it.

The effort was made to reopen it. It was objected to by the Senator from Illinois. I am sure he would like to cooperate if he could be sure we could crowd it into a limited period of time. I think, let the chips fall and let it lay where it has—a shining example of what the Senate ought not to do.

Mr. PERCY. Mr. President, I hope that is not an implication that Senators should never have lunch. The distinguished Senator from Nebraska was well aware of the fact, and every other Senator was well aware of the fact, that this matter was going to be discussed. The leadership on both sides were well aware of the fact, as was the chairman of the Policy Committee. As I recall my conversation with him, I had cleared it with both the majority and minority leadership. There was no objection, and because there was no objection, I said I intended to ask for immediate consideration, in accordance with the rules of the Senate. Now, the Senator——

Mr. COTTON. Not one word was said——

The ACTING PRESIDENT pro tempore. The Senator from Illinois has the floor.

Mr. COTTON. I am sorry.

Mr. PERCY. I will be happy to yield to the Senator when I finish this one comment. The Senator from New Hampshire has said this action has been taken. It is gone. It is finished. The Senator from New Hampshire very well knows that by unanimous consent the Senate now can vitiate this action.

To be certain that the Senator from Illinois still protects the rights of the cosponsors of the resolution who are not here tonight and were not notified that this matter would be brought up for reconsideration, but to be certain that every last mile has been gone to try to find a way to equitably and fairly resolve this matter, having accepted the proposition of the Senator from Alabama, the Senator from Illinois has one further thought: The Senator from Illinois would consider asking unanimous consent to vitiate the action of the Senate that has been taken today and would ask unanimous consent that this matter be brought to the Senate at a time certain that would provide reasonable time for debate and discussion, but a time certain to insure that a vote would be taken, so that this matter would not, like so many other matters the Senate has been engaged in in this Senator's experience in the Senate, be filibustered to death. The Senator from Illinois would feel he had protected the interests of those who had solemnly resolved that, in their judgment, this resolution represented the best thing for the United States of America, for the President, the loyalty of the distinguished Senator from Arizona (Mr. GOLDWATER), the chairman of the Republican National Committee, Senator DOLE, the distinguished Senators from New York (Mr. BUCKLEY and Mr. JAVITS), men of that caliber and quality, whose intentions could not be impugned at all. Nor would they feel that the Senator from Illinois had not protected their interest so long as they would be assured that a time certain could be taken to have this matter reconsidered. The Senator from Illinois would consider requesting unanimous consent to vitiate the action of the Senate today if that would in any way resolve this matter and enable the Senate to get about with its business, and have the feeling that every effort had been made to find a proper resolution of this matter.

Mr. SCOTT of Virginia. Mr. President, will the Senator yield?

Mr. PERCY. I am glad to yield for a question.

Mr. SCOTT of Virginia. I appreciate the Senator yielding to me. I would hope he would request unanimous consent to rescind the action of the Senate. Speaking only as one Senator, I had no idea this resolution was going to be voted on today. I did receive the distinguished Senator's letter to all of his colleagues indicating he was going to bring this matter up. I was aware, from the television program yesterday, that he was interested in bringing the matter up, but I just assumed it was something that would be referred to the appropriate committee and that hearings would be had.

I am not in agreement with the resolution and have no hesitancy in saying so, but that is immaterial. I believe that every Member of the Senate should have been aware of the action that was going to be taken and have had an opportunity to vote on it and express his opinion, because I do not believe the will of the Senate has been expressed today, and I believe the distinguished Senator would want the will of the Senate to be expressed on that resolution.

I appreciate the Senator yielding.

Mr. PERCY. I very much appreciate the comments of our colleague, who has expressed them very forthrightly.

Mr. AIKEN. Mr. President, there should not be the slightest objection to the Senator from Illinois' making that request at the beginning of the session tomorrow, but I do think, so long as all of us agreed to extend the courtesy to the Senator from Illinois not to take any action at all until he came on the floor, that we should give the same courtesy to the Senator from Nebraska (Mr. CURTIS).

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. COTTON. I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS BELLMON, GRIFFIN, AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Senators BELLMON, GRIFFIN, and ROBERT C. BYRD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the special orders for the recognition of Senators on tomorrow, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond the hour of 1 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR LIMITATION OF TIME ON PENDING AMENDMENT TO NATIONAL FOUNDATION ON ARTS BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 1 p.m. tomorrow, the Senate resume its consideration of the amendment which is now pending to the bill with reference to the National Foundation on the Arts and Humanities, that there be a limitation of 1 hour for debate on that amendment, the time to be equally divided between the mover of the amendment and the manager of the bill, and that a vote occur on that amendment no later than 2 p.m. tomorrow.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

## ORDER TO TEMPORARILY LAY ASIDE THE UNFINISHED BUSINESS UNTIL DISPOSITION OF PENDING AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business on tomorrow be laid aside temporarily and remain in a temporarily laid aside status until the vote on the disposition of the amendment to the now pending measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SPECIAL PROSECUTOR FOR WATERGATE INVESTIGATION

Mr. PERCY. Mr. President, taking into account the schedule on the calendar on tomorrow, it would be the intention of the Senator from Illinois to be on the floor of the Senate at the beginning of the morning hour. If my calculations are correct, that would be approximately between 12:30 and 12:45.

Mr. ROBERT C. BYRD. Mr. President, the Senator is talking about morning business.

Mr. PERCY. I am talking about morning business; the Senator is correct.

It would be the intention of the Senator from Illinois at that time to ask for unanimous consent that the vote of the Senate taken on Senate Resolution 105 today be vitiated and that the resolution be made the pending business of the Senate at some designated time that would fit into the calendar of the Senate, taking into account that such unanimous consent would provide for adequate time for discussion, but a time certain for a vote.

The Senator from Illinois would be willing to have a voice vote or a rollcall vote. I so serve notice.

The Senator from Illinois is extremely sorry that this matter could not be resolved this evening. The Senator from Illinois is willing to stay on the floor of the Senate until a solution can be found that would be equitable and fair to all of the various interests represented. This procedure I have enunciated seems to be the only procedure now remaining to the Senator from Illinois, taking into account the rights of the cosponsors of the resolution and also the desires of distinguished colleagues to have an adequate opportunity to express their opinions on the sense of the Senate resolution.

Mr. COTTON. Mr. President, I am surprised at the remarks of the Senator from Illinois because the Senator from New Hampshire insisted on a live quorum. At the request of the distinguished acting majority leader, the Senator from New Hampshire agreed to withdraw his insistence on a live quorum at this time on the agreement, as the Senator from New Hampshire understood it, that there would be no more discussion of the matter we have been discussing—namely the resolution of the Senator from Illinois—tonight. It was understood that it would not be kicked around any further.

I do not blame the Senator from Illinois for not wanting to go to bed tonight without getting himself out from under the situation of not having this thing settled, and objecting to reconsideration. However, he did not do this. He is perfectly right in doing it in the future. However, it was with the distinct understanding, and it was my understanding, that the Senator from Illinois agreed that I would withdraw my insistence on a live quorum if this matter was not going to be discussed or kicked around any more.

It so happens that the Senator from New Hampshire may not be able to be present. However, if he can be present when this request is made on tomorrow, there will be an objection because there are engagements this week that make it necessary if this thing is going to be thrashed out that it should be done next week, rather than this week.

Furthermore, in view of the fact that the Senator from Illinois has seen fit after our understanding to take the floor and give notice of his intention, I will give notice of my intention. My intention is that this thing stay where it is, passed, and a motion to reconsider laid on the table and an effort to resurrect it objected to by the Senator from Illinois. It will stay where it is or we are going to have full freedom to discuss this matter.

And there will be no agreement—the Senator from New Hampshire can be present or have someone represent him—for limited time. So if the Senator from Illinois thinks he is going to resurrect this matter and get out from under the situation as it now lies, and give us an hour to discuss a reflection on the integrity of the President of the United States and the Attorney General designee, I will not disillusion him, there will be an objection. We are either going to bring this thing to life fully, just as it was formed, with no abortion, or we are going to let it lie where it is in its grave, and let the world read the tombstone.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes under the order stated: Senators BELLMON, GRIFFIN, and ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business with statements limited therein to 3 minutes, the period not to extend beyond the hour of 1 p.m.

At 1 p.m. the Senate will resume its consideration of the Proxmire amendment presently pending to the bill on the National Arts and Humanities.

There will be a 1-hour limitation of debate thereon and at no later than the hour of 2 p.m. a vote will occur on that amendment.

Immediately upon the disposition of the pending amendment, the Senate will resume consideration of the unfinished business.

Yea-and-nay votes may occur in the course of the afternoon.

## ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in adjournment, in accordance with the previous order, until 12 o'clock noon tomorrow.

The motion was agreed to; and at 7:51 p.m. the Senate adjourned until tomorrow, Wednesday, May 2, 1973, at 12 o'clock noon.

## NOMINATIONS

Executive nominations received by the Senate May 1, 1973:

DEPARTMENT OF JUSTICE

Elliot L. Richardson, of Massachusetts, to be Attorney General, vice Richard G. Kleindienst.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Robert L. DuPont, of Maryland, to be Deputy Director of the Special Action Office for Drug Abuse Prevention, vice Paul Louis Perito, resigned.

IN THE NAVY

The following-named Naval Reserve officers for temporary promotion to the grade of captain in the line subject to qualification therefor as provided by law:

Acosta, William
Acton, James Barnes
Adams, Henry R.
Adams, William Harry
Albertson, Richard C.
Allmon, William B.
Anderson, Emmitt Edwin, Jr.
Andes, Paul Gowdy
Anzilotti, Vincent J., Jr.
Arado, Joseph E.
Arment, Duane R.
Asmus, Rodger W.
Baker, Sidney J.
Ball, Robert O.
Balo, Harold A.
Bell, Lawrence D.
Benson, Harold Wesley
Berg, Richard Conrad
Berwick, Robert L.
Beskind, Robert Letaw
Billerbeck, Frederick W., Jr.
Blethen, Lawrence P.
Bonnett, John S.
Boone, Wilkerson
Bouldin, James A.
Boyland, Jack I.
Brenner, Joseph C.
Bridges, Glee E.
Brooks, William Earl
Brown, Gordon V.
Brown, Wilbur A.
Bulger, William W.
Burgess, Robert Edward
Burton, James D.
Butcher, Richard E.
Callo, Joseph F., Jr.
Campbell, Joseph Evan, Jr.
Campbell, John F.
Carney, John F.
Chakmakian, Carl
Clark, Frank Taylor
Clark, John F.
Clingenpeel, William Arnold
Cobern, James C.
Cohen, Marvin H.
Cone, Charles N., Jr.



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Conger, Clayton Ned
Connor, Thomas C.
Conover, James A., Jr.
Cooper, Jack
Coussons, John Stanford
Couture, Raymond R.
Cox, Herbert W.
Curran, John F., Jr.
Danaher, James William
Davan, Clarence F., Jr.
Davidson, Harry H.
Davies, Edward T.
Davis, Ozro L., Jr.
Deacon, Benjamin Harold, Jr.
Decordova, Noel, Jr.
Delling, Leonard Verne
DeSoto, Leroy Edwin
Dixon, Thomas Monroe
Dosland, William B.
Drehoff, John J., Jr.
Duff, Joseph W.
Dugal, Gordon E., Jr.
Dunne, James Robert
Earl, George S.
Ebbert, Donald G.
Eilers, Robert D.
Ellexson, Stanley Edgar, Jr.
Elliott, Buddy
Espeseth, Robert D.
Fairbanks, John W.
Finlay, John D., Jr.
Fischer, G. Jack
Fiscus, William S.
Flynn, Gordon L.
Frainier, Richard J.
Frankel, Donald D.
Frith, Robert L.
Frudden, Carl R.
Gall, Edward E.
Gallagher, Daniel D.
Gallagher, John E., Jr.
Galvin, Timothy F., Jr.
Garcia, Andrew Lawrence
Garner, Welford E., Jr.
Garrison, Richard L.
Gasche, Arnold C.
Gaudette, Roland E.
Gibbons, Floyd E.
Golden, Roger F.
Goldy, Donald C.
Goloway, Edward D.
Gorham, Alden B., Jr.
Gorman, Irving X.
Gray, Donald R.
Greenwald, Marvin
Grogan, Robert F.
Grubb, John R.
Gunwall, Gordon L.
Haest, Martin Jerome
Hagan, Harold T., Jr.
Hagelin, Ronald M.
Hahn, William B.
Hall, James R.
Hazel, Isadore
Hamre, Roger A.
Hanley, Terence
Hansen, Robert C.
Hansen, Whitney
Hanson, Mario W.
Harris, Edwin F.
Harris, Richard N.
Harvill, Robert W., Jr.
Hatley, Pearl O., Jr.
Hazel, Gerald V.
Henry, Lee Leverne
Hess, Jacob F., Jr.
Hilke, James L.
Hill, Edmond H.
Hinnant, Wallace P.
Hobbs, James Norman
Hodge, David M.
Hugghins, Gordon L.
Hurt, Alfred B., Jr.
Ingraham, John H.
Inman, Wayne Dewald
Iverson, Shelmer O.
Jackson, Oris F.
Jahnke, Fred R.
Jamison, Robert E.
Jenkins, William C.
Jensen Arthur M. I.
Johnson, Don N.
Jolley, John M.
Jones, Arthur Daniel, Jr.
Jones, Rolland R.
Karnes, Robert D.
Kenney, John Joseph
Keyes, Samuel W.
Kiernan, Peter L.
Kline, James Willard
Knight, Peter L.
Koch, Edgar J.
Kost, Don O.
Kraft, Edwin E.
Kuhn, Richard A.
Kullman, Thomas B.
Kulp, Darlington R., Jr.
Laffoon, Louis M.
Lavan, Robert E.
Leber, William S.
Leonhardt, John J.
Levy, Ted
Lewis, Robert E.
Lindquist, John R.
Littleton, Vance Crockett J.
Locke, Kenneth L.
Lotz, Jack C
Lowry, Robert C.
Lutts, Raymond J.
Malone, James E., Jr.
Marsden, Norman H., Jr.
Marsh, Frank E., II
Marshall, Roderick
Maynard, James H., Jr.
McBee, James L., Jr.
McCoy, Thomas W.
McGervey, John T.
McGinn, Frank L.
McGuckin, Benjamin Floyd, Jr.
McQuinn, Jack H.
McSally, Bernard J.
Meeker, Harmon S., Jr.
Melton, Chancellor G., Jr.
Merritt, Croft S.
Michie, Harold W.
Mighell, Kenneth J.
Miller, William J. D.
Moeller, John W.
Moran, Joseph M.
Morgan, Arthur F.
Morris, John F.
Morrisey, John D.
Mueller, Robert Leon, Jr.
Murphy, Garrison Edmund
Murphy, Richard T., Jr.
Myers, Edwin L., Jr.
Nelson, Donald
Nelson, Roy E.
Nicholas, John Robert
Noble, James Kendrick, Jr.
Nordmeyer, Philip James
Norris, John C.
Oberholtzer, Nelson C., Jr.
O'Brian, Henry J.
O'Connor, Dennis Edward W.
Olson, Maurice A.
Pappas, Sophocles G.
Parker, James W., Jr.
Patterson, George Jr.
Patterson, Don L.
Paule, Philip A.
Paylor, John W., Jr.
Payne, George Patrick
Peterson, Harry J.
Petzinger, Thomas V.
Pflugheber, Edward G.
Phillips, Wendal Lee, Jr.
Phipizy, Robert B.
Piscitelli, Peter A.
Plessas, Gus P.
Poelstra, Ray E.
Pruessner, Robert D.
Punzelt, David Lum
Purcell, Robert C.
Pyron, John E., Jr.
Rabun, James Rudolph
Radford, Robert J.
Ramsey, Selwyn P.
Rankin, Charles A.
Ream, James W.
Reap, James B.
Regan, James F.
Reynolds, David A.
Rindin, James A.
Roberts, John E.
Robinson, William H.
Rodgers, Vernon P.
Rolka, Harry
Rose, Guy P., Jr.
Rosnes, Bruce H.
Rouse, Robert G., Jr.
Ruppel, Robert W.
Ryals, Willard G.
Sandberg, John Einar
Sands, Richard E.
Sayer, George C.
Schaaf, Alfred Norman
Schwendeman, Joseph Raymond
Scott, Sumner T., Jr.
Semcken, John Henry, Jr.
Shafer, Mark L.
Shaver, Henry M., Jr.
Shaw, Ray M.
Shields, John D.
Shupp, Raymond W., Jr.
Siebert, John Carey
Simmons, Glenn B., Jr.
Sims, Lloyd Hampton, Jr.
Sims, Thomas S.
Smith, Francis N.
Smith, Howard Woodruff
Smith, Paul W.
Smith, Selden K.
Smith, William E.
Snyder, William C.
Spillis, James P.
Stacey, James W.
Standiford, David Millard
Stehr, William F.
Steinmann, Bruce B.
Stern, Philip H.
Stoffer, Maurice H.
Straub, James S.
Sullivan, Robert G.
Sutherland, Carl F.
Sweeney, John J.
Taylor, Robert Hayward
Taylor, William N.
Teaford, Richard L.
Thalman, Robert N.
Thomas, Carl H., Jr.
Thomson, Peter W.
Thoria, Arlin E.
Tiernan, Robert P.
Tigert, Marion A.
Tillman, Temple H.
Tremant, Robert A.
Tyler, Warner W.
Utt, James W.
Vadnais, Henry A., Jr.
Vandenheuvel, Robert E.
VanHouten, James F.
Vincent, Dwight Harold
Vogler, William H.
Wahler, Joseph Leo
Walker, James Lafayette
Wallace, Thomas C.
Walmsley, George W.
Wanamaker, Warren A.
Warhola, Joseph G.
Wasserman, David B.
Watson, Warren R.
West, Frederick Power, Jr.
Whisler, William C.
White, Charles E.
White, Joseph Murray
Wilcox, Leonard A.
Williams, Earle A., Jr.
Williams, Gerald P.
Williams, Tyler E., Jr.
Wilson, David A., Jr.
Wood, Fred M.
Wyllys, Donald E.
Yarborough, Gordon T.
Yohe, John M.
York, Avin Huey
Youngstrom, George A.
Zerda, Kenneth V.
Zeithaml, Donald Paul
Zimmerman, James Arthur

The following-named Naval Reserve officers for temporary promotion to the grade of commander in the line subject to qualification therefor as provided by law:



Anderson, Harold Eugene
Anderson, Robert Michael
Augenstein, John E.
Avery, Francis Albert
Barrett, Curtis Leo, Jr.
Baynes, Gerald Taylor
Beavins, Robert Cornell
Best, John Wesley, Jr.
Bingham, Tad Howard
Blanton, Eugene W.
Bowles, Howard Anderson, Jr.
Boyle, Thomas Joseph
Brakke, Bernhard Alf
Brewer, James J.
Brooke, James Franklin, III
Browne, Henry William, Jr.
Bruce, Marian Levi
Bunn, Gerald Andrew
Burch, Jesse Cleo
Burger, Francis Joseph, III
Burroughs, Robert Peters
Carlo, James N.
Carter, Jere Singleton
Cecere, Anthony Michael
Christie, Duane Lester
Clark, James F.
Coyle, Francis Xavier
Cushing, Robert Peter
Dabbs, Sidney Charles
Damm, Bruce A.
Daniels, Richard Owen
Diehl, Russell Claire, Jr.
Dittrick, Alfred Sadler
Doolittle, John Beecher
Doughty, Arthur R., Jr.
Draney, Jerald Lee
Duxbury, Richard B.
Eade, Robert McElroy
Ellis, Howard Boynton, III
Emmons, Francis A.
Evatt, Harmon P.
Finerty, Gary Thomas
Foley, Carl Owen
Ford, John William
Fox, John Francis
Gallo, John J., Jr.
Gauld, Edwin S.
Gillespie, Richard I.
Goodwin, Don Fielding
Gordon, James Allen, Jr.
Greer, Charles Roller
Grevstad, Bennard Ingvald
Gustaveson, Robert E.
Hager, Robert Marshall
Hargadon, Edward Wade
Hathorne, John Edward, Jr.
Haynes, Terry Kay
Heisel, Lawrence Leonard
Henkel, Elmer T.
Hensley, George L., Jr.
Howell, Lembhard Goldstone
Hutchinson, Samuel F.
Janes, Gregory Henry
Joslin, Ivan Lumsden
Kadingo, Edward Patrick
Kalil, Charles Jeffrey
Kelly, William C.
Kerrebrock, Robert A.
Keske, Carl David
King, Michael James
Knox, Ronald Warren
Lagueux, Paul Bernard
Larson, Glenn Allyn
Leslie, William Hunt
Lockett, Tyler Charles
London, J. Phillip
Longton, Joseph Nelson
Lyons, Richard Broderick
Malcolm, Lawrence D.
Martella, Alex Anthony, Jr.
McGlasson, Bruce
Mentzer, Ray Galen
Mihaly, Donald George
Mills, Michael T.
Miner, Theodore R., Jr.
Mitchell, Owen N.
Moberger, William Harold
Myers, George Dalton, II
Nicholas, Jack Robinson, Jr.
O'Neil, Jay Richard
Osborne, Jerry Clay
Palermo, Norman Anthony
Pettit, John Thorpe, Jr.
Polutnik, Francis Leonard
Purring, George Albert, Jr.
Rasmussen, John Peter
Rasor, Eugene Latimer
Reeves, Donald Joseph
Regan, James Dennis
Reutter, Walter Edward
Ricker, Charles T., Jr.
Rieger, Jon H.
Rimbach, David G.
Ritmire, Kenneth Dwain
Roberts, Michael Merritt
Rogness, Ronald Melvin
Rufe, Robert William
Rynerson, John W.
Sage, Clarence Eugene
Sanchez, William A.
Schlang, Lawrence Harold
Sciacqua, Robert Vincent
Shanahan, Vincent Joseph
Shannon, James Otto
Sharp, Stanley Edward
Simonson, Gerald Leroy
Smith, Canie B.
Smith, Carl T.
Sommer, Robert W.
Spence, Stuart Breary
Spilios, George Bill
Stroud, Lisle Arthur, Jr.
Taylor, Donald S.
Thompson, Bobby Camp
Tye, Clifford Franklin
Vogel, James M.
Vunkannon, James Carl, Jr.
Webster, Richard Gill
Welch, Kenneth John
Wilner, Arthur Ira
Wobds, David Lyndon
Zanin, Norman Roy
Zickrick, Jerome Leon

The following-named Medical Corps officers of the U.S. Navy for temporary promotion to the grade of commander in the Medical Corps subject to qualification therefor as provided by law:

Addison, Robert Graham
Aucoin, Edsel Joseph
Balch, Steven Aggeler
Billings, Kenneth Josep
Buedingen, Richard Paul
Carlson, Richard Edward
Casey, John Michael
Cloutier, Charles Theod
Criswell, Francis Mario
Cupples, Howard Palmer
Donnell, Robert Leslie
English, Roger Wesley
Evans, Earl Foster, Jr.
Fassett, Richard Lee
Folkerth, Theodore Leon
Gay, Charles Curtis
Graham, Gary Clifford
Heffner, Dennis Knight
Henrichs, Walter Dean
Jones, Merwood Morris
Jurczak, Dennis Michael
Kaminsky, Howard Hugh
Kandler, Paul Alfred
Korbelak, Robert Mitchel
Lench, Joel Barry
Majewski, Paul Louis
Mannarino, Francis Gene
McAllister, Clyde Hamilton
McDonald, Bruce Michael
McGinn, James Sylvester
Miller, Douglas Allen
Murphy, William Martin
Nelson, Norman Dorr
Nelson, Ralph Arthur
Newman, Cyril
Peterson, Douglas Wayne
Rubel, Lawrence Richard
Sanford, Harold Woodlif
Scutero, James Vincent
Slocum, Carl W.
Stetson, Robert Ellsworth
Stout, Rex Allen
Tredway, Donald Ray
Tuten, Carroll Stewart
Utterback, Thomas Duncan
Vogt, Philip John Walter
Warden, James Richard
Welham, Richard Thomas
White, Marshall William
Zorn, Dale Tisdale

The following-named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Aasen, Roy Vernon
Able, Guy H., III
Achenbach, Dale A.
Acton, Richard L., Jr.
Acuff Lucian Mark
Adams, Charles Robert
Adams, Janice H.
Adams, John H.
Adams, Michael E.
Adams, Robert Ellison
Adams, Roger Clinton
Adams, Ronald Eugene
Addison, Christopher L.
Adkins, Harvey John
Adkins, Joseph Harold
Adkins, William Kenneth, Jr.
Agnew, William Mar
Ahern, Lawrence Raphael
Ahern, Thomas Joseph, Jr.
Ahern, Timothy Michael
Aichele, Stephen Sadler
Aiken, Joel W.
Airgood, Robert P.
Akerson, Daniel Francis
Albright, George Ernest, III
Albright, James Clifford
Albus, Johnny Patrick
Alden, Robert Keith
Alesso, Harry Peter
Alexander, James Charles, Jr.
Alexander, David J.
Alexander, Douglas Baker
Alexander, Steven R.
Alfieri, Paul A.
Algiers, Michael Anthony
Algoso, Donna Jean
Allen, Barbara H.
Allen, Charles Edward
Allen, Corson Lee
Allen, James Stanford, Jr.
Allen, Michael Anthony
Allen, Phillip Kenneth, Jr.
Aller, Charles C.
Allphin, James A.
Allsopp, Ralph Stanley, Jr.
Almony, Joseph Robert
Altman, David Harvey
Altmann, Raphael Jerome, III
Amidon, Robert B.
Ammerman, Larry R.
Ammons, Andrew Everett
Amundson, Robert J.
Andersen, Harold
Andersen, Richard F.
Anderson, Craig Griffith
Anderson, Dennis J.
Anderson, Ferdinand A. S., Jr.
Anderson, James Douglas
Anderson, Jay Wendell
Anderson, Jonathan Lee
Anderson, Leroy
Anderson, Lyle Allen, III
Anderson, Marc Eric
Anderson, Richard Earl
Anderson, Terence L.
Anderson, Thomas Edward
Anderson, Thomas F.
Anderson, William J., Jr.
Anderson, William R., Jr.
Anderton, James Dorsey
Angstead, Donald E.
Anton, William Max
Anzelon, Judy M.
Arbiter, Jerome L.
Archambo, Hubert E., Jr.

XUM

Archer, Dennis Lee
Arcuri, Louis Edward
Arfman, John Frederick, Jr.
Armstrong, David John
Armstrong, Keith Stuart
Armstrong, Andrew Adams, III
Arndt, Stephen Alan
Arneson, Dennis Calvin
Arnette, Clyde E., Jr.
Arnold, Andrew J.
Arnold, James Clyde
Arnold, Raymon Dykes
Arthur, Marvin L., Jr.
Arthur, William Charles
Artis, Herbert
Artus, Stephen Charles
Arwood, Patrick E.
Ashby, Donald A.
Ashton, Richard Arthur
Atkinson, Byron Craig
Atwell, Robert William
Auckland, John Stacy
Augustine, Sullivan
Auriemma, John C.
Averett, Gregg H.
Averill, Jeffrey Briggs
Avery, Robert Bruce
Ayers, Richard Francis
Axtell, Robert D.
Ayres, Steven E.
Baarson, Robert Fulton
Babb, James A.
Babetz, Jeffrey Dale
Babington, William R., Jr.
Babyak, Edward Eugene, Jr.
Bachtell, Charles Ray
Backes, Douglas Allan
Backlund, Bruce E.
Bacon, William Redding
Baeder, Robert Arthur
Bafus, Guy Raymond
Bagley, David Worth, II
Bahnmiller, Michael Patrick
Bahr, Walter Elliot
Bailey, Hubert Vaden
Bailey, Robert John
Baker, Kenneth James
Baker, Larry Alan
Baker, Norman E.
Baker, Robert Donald
Baldridge, Craig J.
Ballsle, Phillip Monroe
Ball, Jeffrey St. John
Ballard, David Lee
Ballard, Robert C.
Ballew, Robert W.
Ballew, William T.
Ballock, Roman Roger
Bane, Purvis W., Jr.
Bangert, Michael Jon
Banks, Jerome R.
Bannat, Edward G.
Bannat, Steven John
Barber, Charles Harry, III
Barker, John Philip
Barrett, Frank O., III
Barrett, James Martin
Barrett, Margaret Doris
Barrows, Richard Douglas
Barry, Phillip A.
Barry, William Patrick
Bartscher, John Keenan
Basilio, Anthony C., Jr.
Baskerville, James E.
Bass, George L.
Bastedo, Wayne Webster
Batchellor, Mary Pamela
Bateman, Douglas Allen
Bates, Marshall Edward
Battell, James J., Jr.
Batten, Hugh N., Jr.
Battles, Duane P.
Baucom, Larry Clifford
Bauer, Louis William
Bauman, James Lawrence
Baumgartner, William Edward
Baxla, Robert E.
Beall, Bradley S.
Beall, William L.
Beam, Kathleeen Sullivan
Beamgard, Richard Stuart
Beard, Michael Roane
Beason, Richard Edwards
Beatrice, Albert Joseph, Jr.
Beattie, Aaron Joseph, III
Beatty, Larry Vernon
Beck, Richard Alan
Becker, Dennly R.
Becker, Stephen Edward
Beckett, Thomas Horton
Beckman, Charles Barry
Beckwith, Donald C.
Beduhn, Jerry R.
Bell, Edison Lee
Bell, James M.
Belli, Lawrence Alan
Bellinoff, Alan E.
Bellotti, Joseph Peter, Jr.
Belrose, Benjamin George
Bemis, Larry Ray
Bender, Gene Paul
Bender, John Frederick
Bender, Thomas Joseph, Jr.
Benfell, Sharolyn
Bengtson, Loren David
Benjes, Christopher
Bensing, Donald Ray
Berck, Henry F., Jr.
Berg, Jeffrey Michael
Berger, Janellyn Lu
Berger, Robert Floyd
Bergstrom, Alan Lee
Berke, Barry Lewis
Berkheimer, Linden Lee
Berman, Michael R. P.
Bermudes, Eulogio Conceptio
Bernard, Paul L.
Bernia, Douglas James
Bernsen, Thomas Jerome, Jr.
Berry, Colin Michael
Bertelson, James A.
Besser, Robert Sloane
Best, David R.
Bethke, Gary Walter
Bettcher, Thomas E.
Beuerlein, Alan F.
Beuerlein, Susan Cooly
Bevers, Richard E.
Beyatte, William Edward
Blanco, Barron Bruce
Blanco, Ralph Dominic
Biber, Reginald Eugene
Bickel, Robert Michael
Bieda, George E.
Bier, Gary L.
Biggers, Edward M.
Biola, John Alfred
Birch, Howard L., Jr.
Birnbaum, Peter Allen
Bishop, Douglas S.
Bishop, Edward L., III
Bishop, Grover C.
Bissell, Robert Edward
Bisset, Andrew Everly
Bjorlo, Philip Andrew
Blackstock, James F.
Blackwell, Theodore I., Jr.
Blackwood, Elizabeth Anne
Blake, Clifford Dale
Blank, David Alan
Blankenship, Robert Merle
Blankenstein, Glen Alan
Blaue, John W.
Bleecker, James M.
Blewett, Jay Alan
Blish, Nelson Adrian
Bliss, Donald Herbert
Bloom, Wade Douglas
Blount, Wilburn Mac
Bloxom, Richard R.
Bloyer, Stanley F.
Blythe, Kent Lee
Bodie William Timothy
Bodnar, John William
Bodner, Stephen William
Boerner, Michael Curtis
Boger, Robert Michael
Boger, Samuel Paull
Bogosian, David E.
Bohannon, Edward L.
Boley, Morris Victor, Jr.
Bolser, William Charles
Bomkamp, Gary William
Bond, Douglas Marsh
Bone, John F.
Bonnett, David E.
Bonwit, Christopher Call
Booth, David H.
Borer, Paul Joseph.
Borns, Michael Oscar
Borries, William Glenn
Boston, Bruce Dennis
Bouchoux, Donald R.
Boutz, Allen Ray
Bowen, Daniel John
Bowers, John F., Jr.
Bowland, Craig Charles
Bowler, Daniel Richards
Bowlin, James Franklin, Jr.
Bowman, Marvin Edward
Bowman, Neil Okane
Boyd, Garland Atkinson, Jr.
Bozin, William George
Brabenec, John J., III
Brace, Timothy Barron
Bradfield, Robert W., II
Bradford, Gregory Copeland
Bradley, Theron Michael, Jr.
Bradley, William Frederick
Brady, Robert Merritt
Bramlett, William T., II
Bramley, William A., III
Branan, Phillip Howard
Brandon, William Richard
Brannan, Lee Roy, Jr.
Branum, Jerome S.
Braschel, Grant O.
Brashear, John Edward
Brasher, Stephen J.
Brattain Herbert K.
Brawn, Michael Duane
Breckinridge, William L., VI
Breede, Matthew John
Breen, Dennis Francis
Brehm, Dale Eugene
Brelsford, Edward M.
Brenman, Robert A.
Brennan, Samuel Harley, Jr.
Brenneman, Cynthia Angel
Brenner, Lawrence Joseph
Brenner, Robert Charles
Brewer, Douglas Bacon, Jr.
Bricken, Thomas Llewellyn
Bridwell, Sharon F.
Bried, William Paul
Bries, Eric D.
Brigance, Sharon E.
Briggs, Thomas P.
Britt, James Frederick
Broberg, Carl Ralph
Brodsky, Larry Stephen
Bronson, Robert William, II
Brooks, Randolph M.
Brooks, William E., III
Broome, John C.
Broome, Michael Clarke
Brophy, James M., III
Brotherton, Gene Michael
Broun, Charles Wood, III
Brown, Charles Albert
Brown, Donald Collins
Brown, Gerald A.
Brown, Henry Pell, Jr.
Brown, John A.
Brown, Lynn E.
Brown, Melvin Hugh
Brown, Michael Corbett, Jr.
Brown, Orville Kenneth, Jr.
Brown, Paul M.
Brown, Randall Ray
Brown, Richard F., Jr.
Brown, Richard M., III
Brown, Stanley M., III
Brown, Tommy Raymond
Brown, Wendell Earl
Brown, William H., Jr.
Browning, Dural Wesley
Bruerton, Charles Jan
Brunet, Gerard J.
Bruninga, Robert Ervin
Bryan, Carroll Littleton, II
Bryant, Richard E.
Bryant, Stanley W.



Brydon, Wayne Robert
Brzezinski, Walter Adam, Jr.
Bucchi, Toney Michael
Buce Jack McKinley, III
Buck, Louis Eugene, Jr.
Buckingham, John S.
Budzik, Dennis Michael
Buergey, William Calvin
Buescher, Joseph Henry, Jr.
Buff, Richard Cole
Bulfinch, Scott Robert
Bunce, James Standish
Bundschu, Lawrence Michael
Burdick Thomas J.
Burger, James C.
Burger, Jerome Paul
Burger, Robert Jay
Burgess, David Ross
Burke, Clifford Michael
Burke, Robert D.
Burkhard, Thomas Kinsman
Burnett, Lewis E.
Burnham, Johnny W., Jr.
Burns, Gerald Thomas
Burns, William Edward
Burr, Frederic Worthington
Burroughs, Niles Philip P.
Burrows, David Reid
Burtchell, Steven Gerard
Burton, Robert Norman, Jr.
Busching, William
Bush, William Frederick
Bushby, John Melbourne
Bushore, Robin Paul
Butcher, Kenneth W.
Butler, Craig Lindley
Butler, Gregory Clinton
Butler, Lonnie David
Butler, Thomas Alva
Butler, William Robert
Butorac, George Edward
Butterworth, Bruce V.
Butterworth, Wiliam J., Jr.
Butyn, Rene Francois
Buxton, John Armstrong
Buzas, Michael Charles
Byers, Bernarr Melton, Jr.
Byles, Robert W.
Byrne, Neil Francis
Byrne, Thomas M.
Byron, Bruce Bernhardt
Cable, Robert L.
Cadden, Charles James
Cahill, Philip Thomas
Cain, William Anderson
Caldwell, Barry Thomas
Caldwell, William E.
Callaham, Thomas E.
Callahan, Daniel James
Callaway, Dwight Moody
Callaway, Michael Alan
Callison, Claude O.
Cameron, John Stanley, III
Campbell, Bruce Alan
Campbell, Darrell W.
Campbell, Fred P.
Campbell, Gerald E.
Campbell, Phillip Wayne
Campbell, Thomas John
Campbell, William R.
Canaday, Craig Holycross
Canty, Benjamin Keith
Capri, Randolph Steven
Carden, Carl E.
Cardoza, Rodney Wayne
Carey, Charles Daniel, III
Carley, Norman John
Carlson, David Robert
Carlson, James R.
Carlson, William Garrett
Carlton, Kenneth M.
Carmichael, Hubert M.
Carney, James Mann
Carr, Roger Wesley, Jr.
Carrig, Michael F.
Carroll, Joseph David
Carroll, Patrick William
Carson, Robert Lee, Jr.
Carson Steven Alma
Carter, Frank Saulsbury, III
Carter, James Butler, Jr.
Carter, John Byrd, Jr.
Carter, John C.
Carter, William Joseph
Casey, Rodney Len
Cash, Paul David
Casko, John David
Cassidy, Edward T., Jr.
Cassidy, Richard Michael, Jr.
Cast, Frederick A., Jr.
Casteel, Robert Blake, II
Caster Gary Don
Castle, Kristopher Lee
Cathcart, George Robert
Caudill, Gary Patrick
Cauthen, George Barry
Cavanaugh, Thomas J.
Cavender, John Benjamin, III
Cavender, William K.
Cebulski, Raymond J.
Ceglio, Natale M.
Cerra, Joseph Michael
Chacon, Gerald Michael
Chaffee, Edmund John
Challain, Eric J.
Challberg, Edward Carl
Chambers, Kenneth William J.
Chamowitz, Michael J.
Champney, Robert K.
Chandler, John Stephen
Chaplin Robert Charles
Chapman, Steven Elliot
Charbonnet, Pierre Numa, III
Charley, Michael Bryan
Chatham, Ralph Ernest
Cheney, Martin J.
Cheney, Ricky Dennis
Chepenik, Stanley B.
Chernesky, John J., Jr.
Cherota, Frederick W., Jr.
Cheshire, Lehman Franklin, I
Chidoni, Rocco Anthony
Childers, Gary Neil
Christenson, Larry Ray
Christian, Richard L.
Christianson, Robert Neal
Christman, John Howard
Christopher, Angelus D.
Church, Charlotte Marie
Church, Larry Nathan
Chwastyk, Thomas Frank
Cioffi, Gerald Alfred
Ciabaugh, Duane Lance
Clancy, Kevin S.
Clark, Gerald Wayne
Clark, James
Clark, James Edward
Clark, John F.
Clark, Reed Owen
Clark, Richard Earl
Clark, Robert A.
Clark, Robert Allen
Clausen, Charles P.
Clayton, Frederick W., III
Clayton, Richard E.
Clayton, William Todd
Cleghorn, Larry Everett
Clements, Frederick Roger
Clemons, David Malcolm
Click, Alan Richard
Clifton, Guy D.
Cloud, Caryl Lee
Cochran, Larry Lamont
Cochran, Mark Dennis
Cochran, Paul Reginald, III
Cochran, Samuel Davis
Cocowitch, John H.
Cocozza, Timothy Robert
Coffer, Joe Ralph
Coffin, Robert Peter
Cohen, Joseph Jeffrey
Coker, Barbara K.
Colcock, Marshall Gleason
Cole, Anthony L.
Cole, James D.
Coleman, Stephen Tredway
Coleridge, David Theodore J.
Collins, David Oliver
Collins, John George
Collins, Robert Samuel
Collins, Wendell R.
Colombino, Ralph Frank, Jr.
Colquhoun, Richard Bruce
Colt, Stockton B., Jr.
Colucci, Robert Joseph
Comerford, Susan J.
Connell, John Clay, Jr.
Connell, Royal William, Jr.
Conner, Barbara Ann
Connolly, Hubert Charles
Conrad, Emerson S.
Conrad, James Harold
Conway, Patrick Michael
Cook, Dennis Albert
Cook, Norman Ervin
Cooke, George A., Jr.
Cooley, John Eugene
Cooley, Pemberton, III
Coons, William Eric
Cooper, Kenneth Charles
Cooper, Marshall G.
Coppins, Michael Frank
Cordier, Richard Joseph
Corn, Richard, III
Corneliussen, Steven Thomas
Corner, Malcolm D., Jr.
Cornwell, Joseph Henry
Coronado, Tomas
Corrado, John David
Corsey, John William, Jr.
Cortner, Cara Ann
Cosgrove, Michael Alfred
Cote, Joseph John, Jr.
Councilor, Terrance Allen
Counihan, Thomas
Cowan, Daniel Giger
Cowell, David Eden
Cox, Harold L., Jr.
Cox, Lyle Ashton, Jr.
Cox, Onida Lavonne
Cox, Raymond Webster
Crace, Jesse Allen
Crane, Allan Douglas
Cranney, Steven Joseph
Crawford, Judith Shirline
Creamer, Chadwick, Graham
Creighton, Richard Alexande
Creighton, Robert Thomas, Jr.
Crim, George N., Jr.
Crisp, John Patrick
Crisson, Phillip Mark Steve
Crites, Don Michael
Cronin, Timothy Gerard
Crosby, Robert Carl
Crosby, William Oscar, III
Crossland, Roger Lee
Crounse, Carole Heath, J.
Crump, Mark Woodward
Cruser, Thomas P.
Cruzan, Gary Lee Edward
Crysler, Ronald P.
Crystal, Pete Atsushi
Cuccias, Robert F., Jr.
Culp, Lowell Ronald
Culverson, Kenneth J.
Culwell, Clarence William J.
Cumming, John Charles
Cummings, Kevin Peter
Cunningham, Curtiss Brent
Curran, Donald Joseph, Jr.
Currer, William Robert
Currier, James Whittet
Curtis, Keith Paul
Custer, Lawrence D. L.
Cutcher, John McCormick
Cyboron, Robert Edward
Czech, Gregory Jacob
Dalley, Eugene Terrence
Dally, James Leon, II
Dale, John L.
Dallara, Charles Harry
Dam, Allan Scott
Dampier, Craig Richard
Dandalides, William J.
Daniel, Dale Franklin
Daniel, James Mikell
Daniel, John H., III
Daniels, James N., Jr.
Darden, Welborn O., Jr.
Darnell, Donald L.
Darrow, Edward Eells, Jr.
Davey, Douglas Harry
Davies, Carl Robert



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Davies, William E.
Davis, Charles Carver
Davis, David Lee
Davis, Earl Ronald, Jr.
Davis, Ernest Graham
Davis, John Charles
Davis, Larry Thomas
Davis, Mark Eugene
Davis, Norman Frederick
Davison, Glenn Charles
Davolio, Joseph Francis
Dawson, Howard Wesley, Jr.
Dawson, James Cutler, Jr.
Day, Jeffrey John
Day, Marvin Gorman
Day, Thomas R.
Dean, Thomas E.
Dean, Thomas R.
Dearth, Lawrence C.
Deaver, William Nelson, Jr.
Debien, Margaret Suzanne
Decker, Geoffrey Foster
Deese, David Allen
Deets, Clifford L.
Defliese, Philip Leroy, Jr.
Deininger, David G.
Deitch, Harry Edward, Jr.
Dejohn, Charles A.
Dejong, John Calvin
Delano, Kenneth Hatsil
Delappa, John Edward
Delorey, Michael Walter
Deltete, Clement Paul
Demal, Nicholas Lee
Demlein, John Joseph, Jr.
Denny, Donald Jefferson
Densley, Richard Lavern, Jr.
Denson, Dwight Ellis
Dent, Michael Wayne
Denton, Kenneth William
Denton, Larry Gene
Denton, Walter Raymond
Denzien, James Robert, Sr.
Depoy, Lloyd Evan
Dete, Leo Joseph, III
Detweiler, Jack Alan
Detwiler, Richard M.
Devane, John Murphy, III
Devaney, James Francis
Devine, Isabel Margaret
Devlin, Charlotte T.
Dewey, Roger Scott
Dibello, Michael Frank
Didier, Henry N.
Diehl, George Francis, Jr.
Diel, Harry A.
Dieter, Kenneth Albert
Dietz, Douglas Warren
Digiacomo, Raymond Vincent
Dill, William Edward, Jr.
Dilloff, Neil Joel
Dillon, Hall Stanton, II
Dinger, John Parr
Dinwiddie, David O.
Dipadova, Arthur Anthony
Dixon, Kathleen Janet
Dixon, Lewis Randolph
Dobbins, Dennis G.
Dobson, Wilbur Joel
Dockstader, Bruce L.
Dodd, Gerald Allan
Dodd, Jack David
Dodd, Richard Patrick
Dodson, David Crockett
Dolan, James E., Jr.
Donahue, Edward Joseph
Donnelly, Robert J.
Donohue, Edwin A.
Donohue, Philip Vincent, Jr.
Dooley, Lawrence Joseph, Jr.
Doolin, Robert Michael
Doryland, Adrian T.
Doty, Michael Giles
Doud, William Edward, Jr.
Douglas, Terry J.
Douglas, Terry Scott
Douglass, Gene A.
Dove, Roy Edward
Doyle, Barry Wilson
Doyle, John J.
Doyle, Martin Edward, Jr.
Dozier, Thomas Cader, Jr.
Drew, David O.
Duff, Vaughn Wayne
Duffy, Eugene O'Donnell
Duffy, Raymond Andrew
Duke, Daniel Fitzgerald, III
Duke, Jonathan B.
Dumbauld, Jerry Ray
Dunbar, Terry Frank
Dunlap, Thomas Rough
Dunn, Franklin Thomas
Dunn, Paul Owen
Dunnington, Robert Alan
Durazo, Manuel Ygnacio, Jr.
Durham, James Leighton
Duval, David Alan
Dwyer, Dennis E.
Dykstra, David Albert
Dzikowski, Marc Anthony
Eadie, Lloyd Davis, Jr.
Eason, William Ralph, Jr.
Eberhardt, Thomas Frank
Eckert, John Morris
Eckert, Warren Raye
Eckhardt, Bruce K.
Edson, James Marshall
Edwards, Jesse Daniel
Egan, John Robert
Egart, George Michael, Jr.
Eggleston, Lyman A.
Ehret, Philip Harold
Eick, Ira J.
Eisert, John Michael
Eklof, Sven Peter
Ekstrom, George Walfred
Ekstrom, Robert H.
Ellis, Thomas C.
Eliel, Frederick John
Ellingwood, Gerald Vincent
Elliott, Charles Dewey, III
Elliott, Thomas John, Jr.
Ellis, Franklin William
Ellis, James Manning
Ellison, Curtis Joseph
Ellison, David Roy
Ellison, Daniel A.
Ellsworth, Gary George
Elsen, Morris Eugene
Elsner, Diane Dion
Emery, William David
Engelhardt, Robert Granger
Engelhardt, Sandra L.
England, Don R.
Engstrom, George H.
Enslow, Larry Dean
Erbe, Herbert Carl, Jr.
Erickson, Geoffrey Dell
Erickson, Phillip Alan
Ermentrout, Gerald George
Ertel, Gregory William
Erwin, Robert Ashley
Eslinger, Philip David
Estabrooks, Joseph Orlando
Esterl, Charles Thomas
Evans, John O., Jr.
Evans, Michael Frank
Evans, Michael Allen
Evans, Robert Bruce, Jr.
Evansin, David Paul
Ewan, Lawrence K.
Ewers, Michael Edward
Fages, Malcolm I.
Fahrenkrog, Steven Lock
Fahy, Edward Joseph, Jr.
Fahy, Thomas E.
Falkner, James Raymond
Falstreau, Ronald Harold
Falten, Paul J., Jr.
Fare, Freddie E.
Fargo, Thomas Boulton
Farkas, Francis Stephen, Jr.
Farley, Richard Lee
Farrell, Charles Stephen, Jr.
Farrell, Gerard Michael
Farrell, Michael Dennis
Farris, Marc
Farver, Jean J.
Farver, Richard K.
Fedor, John Stephen
Fedoryszyn, Robert J.
Feeney, James L.
Feichtinger, Mark Rudolph
Felgate, George
Felten, John A.
Fenneman, Leigh Raymond
Ferguson, Jeffrey Edward
Ferranti, John Peter, Jr.
Ferrill, Chris Allan
Ferry, John James, Jr.
Fessenden, Steven Howard
Fessenden, Richard Randall
Fetzer, William Woodrow, Jr.
Fidler, Walter Charles
Fillmon, Louis Jason
Fink, Jeffrey Jon
Finn, Neil Charles
Finnegan, Edward James
Finnegan, Gerard Richard, Jr.
Finney, Robert Terry
Fiordaliso, Dennis Michael
Fischer, William George
Fish, David Allen Terryl
Fisher, Charles Steven
Fisher, Douglas Frank
Fisher, Jack Alan
Fisher, Kelly Martin
Fisk, Stephen W.
Fiske, Richard Paul
Fitch, Kevin Ferguson
Fitchet, Charles Baxter
Fitzgerald, William Robert
Fitzgerald, Douglas
Fitzgerald, Robert Lee
Fitzgibbons, Paul Edwin
Fitzhugh, John E., II.
Fitzpatrick, Richard Stephen
Flaherty, James Jr.
Flaherty, Mark Ostrom
Flaherty, Thomas John
Fletcher, Gregory G.
Fleischer, David Nathan
Flocken, Erick Michael
Flondarina, Melchor N.
Flores, Roberto Jr.
Floyd, Stephen Donald
Fogerty, Thomas Joseph
Folga, Richard Michael
Foote, Herbert Whittier
Foote, Randall Edward
Forbes, Ray Thomas
Ford, Alexander Lawton, III
Ford, Anthony Ellsworth
Ford, Johnnie Edward
Ford, Robert Enright
Forness, John Francis
Forrester, John Walter
Forsht, Deborah Ann
Fortik, Donald Floyd
Fortino, Anthony M.
Foster, Michael Edward
Foster, Michael Stephen
Foster, William Kim
Fought, Earl Jay
Foust, Gary Lee
Fouts, James Ward
Fowler, Paul Lightle Jr.
Fowler, Thomas James
Fox, John Richard
Fox, John Williams Jr.
Fox, Mark
Fox, William Leo Jr.
Fraley, Randall Martin
Francis, John William
Francis, William P.
Frank, David Elvin
Franklin, Gary Wayne
Franklin, Marvin A., III
Franklin, Ronald James
Franzia, Mary I.
Frasher, Steven John
Frederick, George R.
Fredland, Kurt Roger
Freeburger, Thomas Oliver
Freed, Donald E.
Freed, John W.
Freedman, Robert Norman
Freeman, Bruce D.
Freiheit, Richard Otto
French, Ronny Wade
Freybe, Harald
Frick, Michael Glenn
Frick, Willis Gilbert, Jr.



Frieden, David Ralph
Frisch, Dennis Robert
Frith, Benjamin Newton, III
Froelich, Clifford Anthony
Frydenlund, Douglas Timothy
Fulbright, Joseph J., Jr.
Fuller, Daniel Richard
Fuller, Daniel W.
Funke, David J.
Fuson, William A.
Fye, Robert Floyd
Gaal, Gabriel
Gable, Morrison Leslie
Gabriel, Daniel Webster, Jr.
Gaddie, Paul Ray
Gaden, Michael Dean
Gagliardi, Dennis L.
Galbraith, Donald E., II
Galdorisi, George Victor
Gallagher, Gerald L.
Galloway, Harold L.
Galus, Albert J. R.
Gange, Dale Edward
Gant, Virgil Fitzhugh
Ganthner, Raymond William
Garcia, Larkin E.
Garden, Bruce William
Gardner, Dale Allan
Garey, Alan William
Garland, Gary William
Garman, James Marshall
Garman, Robert Bruce
Garnett, Robert R., Jr.
Garrett, William S., Jr.
Garrett, Margaret Patrick
Garrison, Charles Figgis
Garrison, Richard C.
Garvin, David Elgin
Gasink, Robert Ray
Gaudi, Robert D.
Gauss, John A.
Gautreaux, Terrence Michael
Gavin, Joseph William
Gavin, William John
Gaw, Richard Allan
Gayler, Ralph
Geb, John Leonard
Gebhardt, Robert Edward, Jr.
Gebhart, John William
Gede, Thomas Frederick
Geisler, Fred A.
Gelzer, Gary
Gendreau, John Robb
Gengler, Patrick Lee
George, Caroline Wharton
George, Danny L.
George, Frederick I.
Gettig, Roger Lynn
Geyton, James Michael Jr.
Giambastiani, Edmund P., Jr.
Giancola, Charles A.
Gibbons, Peter Wickes
Gibson, Robert L.
Giesemann, Frank T.
Giffen, Robert Carlisle III
Gifford, Mary Suzanne
Gilbert, George B.
Gilchrist, Stanley Frederic
Giles, Blaine Richard
Gilcrist, John Anthony, Jr.
Gilmer, Franklin B.
Gimbel, Charles Robert
Glass, Dennis W.
Glasser, Donald Julius
Glisson, Daniel B., Jr.
Goen, Lewis Willis
Goforth, Michael Gerard
Golle, Stephen Joseph
Gongaware, William R.
Gonzales, Gilbert Manuel
Gonzalezdilan, Daniel
Good, Layne Walter
Goodman, Joe Anderson
Goodrow, Everett Eugene, Jr.
Goodwin, Donna Marie
Goodwin, Robert Archer III
Gordon, Vernon C.
Gourley, James E., II
Gorman, Daniel Edward, Jr.
Goswick, George Ralph
Gotha, William Francis
Gould, Dexter Vernon
Gouslin, William A.
Gouveia, Ronald Stanley
Grace, Paul Lyons
Gradisnik, Gary Anthony
Graef, Stephen Robert
Graham, Bryce Lowell
Graham, David Lee
Graham, Richard Keagy
Gramprie, Gail Lynn
Grant, George Michael
Grasham, Michael Wayne
Graul, Joseph Francis
Graves, Edward Preston
Gravitt, Patrick D.
Greaves, Thomas William, Jr.
Green, Albert Allen
Green, Leon C., Jr.
Green, Thomas James, Jr.
Green, Everett Lewiks
Greene, Joseph M., Jr.
Greenlee, William E.
Gregor, Bruce John
Gresham, William Bacon, III
Gretzinger, Larry Crutis
Griffin, David C.
Griffin, William Robert
Griffith, Russell Lee
Griffiths, Lee Edward
Grimm, William R.
Grimmer, George Kimboro
Gronemann, Bruce W.
Gronewold, David Allen
Gross, Ronald Thomas
Grossenbacher, John Joseph
Groves, Linda Katherine
Grubb, Francis Bunyan, Jr.
Gruner, William K.
Grunge, Lance C.
Grussendorf, Mark James
Guardiano, Jerry John
Guarneri, James Michael
Guertin, Stanley Douglas
Guest, Kenneth Wayne
Guilfoil, Thomas P.
Gumkowski, Edward Michael
Gunkel, William A.
Gunkelman, Ralph Frank, III
Gunn, Robert Johnstone
Gunter, Wallace Eugene, Jr.
Guppy, Gerald Franklin
Gurnon, Richard Gerard
Gutelius, Paul P.
Guter, Donald Joseph
Gutierrez, Pauline Dolores
Gutridge, Wallace G.
Haas, Frank Armen
Habermeyer, Kent Leigh
Hackenburg, John Ray
Hacker, John Michael
Hackman, Rhodric Cina
Hagan, Charles Tilden, III
Hageman, Nancy C.
Hagen, Paul Wendell
Hagerman, Jon Graham
Haggerty, Jerry Michael
Hagood, James Timmons
Hahn, Richard A.
Haigis, John
Hails, Alan Robert
Haines, Frank David
Halgren, Robert Gustaf, Jr.
Hall, Evelyn
Hall, Fred Martin
Hall, Howard Robert
Hall, Mark Glover
Hall, William Burke, Jr.
Halvorson, George Henry
Hamlin, Kent Williams
Hamm, Marvin Joseph, Jr.
Hammar, Jonathan Albert
Hammond, Russel Edwin
Handlers, Robert G.
Haney, James Michael
Hansell, William Richard, Jr.
Hansen, Donnel E.
Hansen, Frederick D.
Hansen, Kirk Christian
Hanson, Robert Thomas
Hansson, John Noel
Harding, Steven Leslie
Hardy, Charles T.
Haring, Peter Alan, Jr.
Harkness, George C.
Harleston, William, Jr.
Harmon, Gerald Robert
Harmon, Robert Louis
Harper, John Franklin, III
Harrell, John Peter, Jr.
Harris, Clinton Page, II
Harris, Dale Cooper
Harris, Edwin Jon
Harris, James Daniel
Harris, John Kenneth
Harris, Ronald Robinson
Harrison, Bruce Rodney
Harrison, John G., Jr.
Harrison, Mark Morgan
Harry, Dennis Jackson
Harsch, Steven Merrill
Hart, John Bernard
Hart, Terry Curtis
Hart, William G.
Hartje, Lynn Allen
Hartle, Christopher Richard
Hartman, Jeffrey Everard
Harvey, Frederick W., III
Harvey, Raymond Frank
Hasbach, Robert Raymond
Haser, Gerald D.
Hash, Steven Peder
Hastings, Richard G., III
Hatch, William Lee
Hauck, Russell Eric
Havey, Patrick Joseph
Havlik, Charles Earle
Hawkes, Nancy Jean
Hawkins, Bruce Wayne
Hawkins, Jeffrey Bert
Hawkins, Stephen George
Hayes, Jeffrey Thomas
Hayes, Thomas Mather
Hazelrigg, Steven Adolph
Head, Thomas Edgar
Healy, Robert Jay
Hearn, Judith
Hearn, Lawrence Paul
Heaton, John Frederick
Heckmueller, John Howard
Heilman, Stephen Craig
Heinen, Jerry Joseph
Heinz, Stephen George
Heitz, William Edward
Held, John Michael
Helfen, William
Helin, William Gary
Helkey, John George
Heller, Stephen Louis
Helm, Robert Mark
Helmkamp, James Crum
Henderson, Harold Allen
Henderson, Breck Wenger
Henry, Dean
Henry, Douglas Davies
Henry, Gary R.
Henry, Joseph Gerard
Henry, Ted Allan
Henry, William David
Herb, Robert Donald
Herbert, Garry Lynn
Herbert, Thomas George
Herda, Raymond John, Jr.
Herdrich, Harry Anthony, Jr.
Hereford, Robert Butler
Herman, Paul Irving
Herrick, Glenn Wiley
Herrick, John B.
Herrman, Larry Virgil
Hersh, Joel Randolph
Hess, Nathan Martin
Heustis, Robert L.
Heyworth, Lawrence, III
Hickman, Charles Ryan
Higgins, James Raymond
Higgins, Robert Arthur
Hill, Charles Stuart
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Hilton, Jarvis G.
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Hingson, Robert Henry, Jr.
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Hinman, David Arthur
Hinson, David Eugene
Hinton, James Reid
Hintz, Beth M.
Hinz, Donald Eugene
Hitchings, William Lee
Hitchcock, James R.
Hoag, Trudy Lynne
Hobbs, Harold T.
Hobbs, Terry David
Hoblitzell, Timothy Allen
Hodges, James Edward
Hoefer, Albert, III
Hoffman, Richard Bernard
Hogan, Daniel Timothy
Hogan, John Edward
Hogan, Patrick Michael
Hokanson, Charles P.
Hoke, Mark Allan
Houcombe, Edwin Frank, Jr.
Holden, Hollis W.
Holdt, Bruce E.
Holewa, John Gregory
Hollenbach, Paul Douglas
Hollenbach, James Warren
Hollett, Kenneth J.
Hollinger, Wayne Melvin
Hollowell, Christopher W., I
Holm, Dwight Patrick
Holmes, Ronald E.
Holsten, William Peter
Holt, Benjamin Lewis, Jr.
Hook, James David
Hooper, Charles Cortland
Hooper, James A., IV
Hooper, James Ernest
Hoople, Douglas D.
Hopper, Geoffrey Victor
Horn, Paul B., Jr.
Horner, Richard Lee
Horsley, Russell Dewey
Horton, Daniel Winston
Horvath, Anthony Arthur
Houck, Andrew William
Houck, Oran Lee
Houde, Paul Leo
Houk, William Alvah
Houle, Normand Arthur
House, Frederick A.
House, Michael E.
House, Prentice L.
Hoverson, John D., Jr.
Howard, John Finley
Howard, Thomas Leslie, Jr.
Howd, Robert F.
Howdyshell, Walter Steven
Howe, David P.
Howick, James F.
Hubbard, Van Richard
Huddleston, Ronald Duane
Hudgins, Thomas Eugene
Hudspeth, Barry Edward
Huff, Terry Richard
Hughes, David Gerard
Hughes, John George
Hughes, Michael David
Humberd, Calvin C., Jr.
Hume, Richard L.
Humphreys, Mary Margaret
Hunka, John Frank
Hunt, John Allen
Hunter, David Tait
Hunnter, Edward Echerd
Hunter, John Mack
Hunter, Peter G.
Hurd, Paul Merrill
Hurl, Linda Lou
Hurley, Douglas Edward
Hussey, Anthony John, Jr.
Hutcherson, George Irvin
Hutchins, Albert McConnell
Hutchison, Guy Stuart
Huth, Douglas P.
Hyjek, Michael Lester
Ice, Daniel Rawley
Ide, Warren Harper, Jr.
Ihrig, Clyde James
Ilgen, John Larson
Ilgenfritz, Kenneth W.
Infinger, Jasper Milford
Inverso, Francis Carlo
Iselin, Robert A.
Jackaon, Charles Patrick
Jackson, Douglas L.
Jackson, Gordon Campbell
Jackson, Richard Kenneth
Jackson, Robert Warren
Jacobs, John Carl
Jacobs, Roger Patrick
Jacobson, John Frank
Jacobson, Stephen E.
Jacovelli, Paul Bernard
Jacques, Harry Augustine, Jr.
James, Jimmy Dwayne
James, Robert A.
James, Roger Dean
Jamison Earl Joseph
Jans, Jay Bennett
Janssens, Carol Jean
Jaques, James A., III
Jarman, Roger C.
Jarrell, James R., IV
Jarrell, John A.
Jeffcoat, John Phillip
Jeffries, Charlie L.
Jemison, Thomas Charles
Jenkins, Jean Ann
Jenkins, Walter William
Jenkins, William Frost
Jenners, Joseph Anthony
Jennings, Edward Payson, II
Jennings, Olin Henry, III
Jensen, Jon Robert
Jewell, Glenn Albert
Jinks, John Bradley
Johannessen, Per Sven
Johanson, Donald William
Johnson, Christopher Harry
Johnson, David Patrick
Johnson, Dale Raleigh
Johnson, Donald Howard
Johnson, Gary Fredric
Johnson, Gary Lee
Johnson, Gary Quentin
Johnson, Geoffrey Nicoll
Johnson, Gilbert Leon
Johnson, Gregory G.
Johnson, Ingrid Ann
Johnson, Jack Arthur
Johnson, Jon Robert
Johnson, Linda Kay
Johnson, Philip Lee
Johnson, Richard Gray
Johnson, Robert Alan
Johnson, Stephen Mansell
Johnson, Steven Willard
Johnson, Thomas Everett, Jr.
Johnson, Thomas Perry
Johnson, William Roy
Johnston, Michael McLeod
Johnston, Paul S.
Jones, Bobby D.
Jones, Darrell Wayne
Jones, Gordon Lee
Jones, James D.
Jones, Steven Edward, Jr.
Jordan, James Abel, Jr.
Judnich, Francis Andrew
Justiss, Ronnie Lynn
Kaahanui, Melvin
Kacer, Joanne Alice Camille
Kaider, Donald Keith
Kain, George Hay, III
Kain, Michael Richard
Kaiser, Charles Ellis
Kaiser, Michael John
Kaiser, Wayne Gordon
Kampen, Roy William
Kane, Jerry Allen
Kane, John Edward, II
Kane, Mary Anthony
Kanupka, George Joseph, III
Kapololu, John Akahele
Karch, George William
Katz, Alan William
Kauffman, Jack Emerson
Kavale, Joseph J.
Kaylor, Jefferson Daniel, Jr.
Kearley, John J.
Kearney, James Philip
Keating, Margaret F.
Keefer, Marc Martell
Keefer, Thomas Brian
Keen, James David
Keesling, William Dale
Kellas, John Calvin
Keller, Joseph F.
Keller, Terrence Kenneth
Keller, William Joseph, Jr.
Kelley, Archie Parmelee, Jr.
Kelley, John David
Kellner, David Herman
Kemp, Bruce Raymond
Kemp, William McIver
Kendall, Charles Wilson
Kengla, Donald C.
Kennedy, John J., Jr.
Kenney, Daniel Francis, III
Kenney, James Bradley
Kenney, James Francis
Kent, Robert Harold
Kenyon, Michael H.
Kenyon, Ralph Edward, Jr.
Keperling, Robert Edwin
Kern, Charles Michael
Kerr, Ann Elizabeth
Kerr, George Victor
Kestly, Daniel Ralph
Ketring Michael E.
Keymer, Kenneth Lee
Keyser, Stephen Allen
Kidd, John Desta
Kidd, Raymond C.
Kidder, John L.
Kidder, Marvin W.
Kidder, Paul Alfred
Kidney, Jay Kimball
Kilmer, Milo J., II
Kimble, Gerald A., Jr.
Kincheloe, Everet Vernon
Kindstrom, Earl E.
King, Franklin Gary
King, Peter Charles
King, Robert Crippen
King, William Anderson
Kingsbury, Robert Lee
Kingseed, Jeb Bernard
Kinnie, Robert Thomas, Jr.
Kinslow, James L.
Kipp, Terence Lynn
Kirby, James Edward
Kirk, Douglas C.
Kirk, Robert Wayne
Kirner, Thomas Charles
Kissinger, Robert John
Kissmann Ronald Martin
Kistler, Jay Ross, Jr.
Kitzman, Jerry Matson
Kjellander, Jon P.
Kleehammer, Thomas
Klein, William Carl
Klementik, David Charles
Kline, Bruce Gregory
Klingelberger, Carl Ervin
Klink, Stephen Colby
Klotz, Stephen Paul
Klotz, Steven Irving
Kluxen, David Stewart, Jr.
Knechtel, Glenn Karl
Knieriem, Guy Robert
Kniering, John Hovell, Jr.
Knock, Gary Lloyd
Knoll, John Christian
Knudsen, Michael Barry
Knull, William Harlough, III
Knuth, Dean Leslie
Koch, John E.
Koehler, David Livingston
Koffend, Paul Francis, Jr.
Kok, Timothy Alan
Kokstein, Robert Glenn
Koller, Paul Stuart
Komelasky, Michael Charles
Kondrick, Harry Paul
Koneman, Norman Albert, III
Koning, Jack A.
Kopicko, Henry Donald



Kopinitz, Seigmond G.
Koster, Thomas Wayne
Kovar, Michael
Kraemer, Thomas Edward
Krafft, Frederick W., Jr.
Kraft, James Edwin
Kraft, Robert Allen
Kramer, Kevin James
Kraska, Kenneth Wayne
Krattli, Gene M.
Krattli, Robert Walter
Krause, Charles Frederick
Krstich, Jeffrey John
Kruger, Paul M.
Krumbholz, Karl O.
Krupp, Thomas Michael
Kuhlman, Henry Fredrick, Jr.
Kuhlmann, John Arthur
Kuhn, Richard C.
Kuhne, Michael David
Kunigonis, Michael Paul
Kuttner, Daniel Gideon
Kyle, William Carl
Labreche, John William
Lachance, Norvel Wayne
Lackey, Herman E., Jr.
Lafleur, Timothy William
Lagerman, Peter Michael
Lagrone, James Marvin
Laird, Mary Alice
Lamartin, Douglass Hugh
Lamb, Mark Edwin
Lambert, William Robert
Lamhert, John P.
Lampert, Bruce Andrew
Lampert, Brian John
Lampert, Jerry Jack
Lancaster, Emmett John II
Land, William Bost
Landon Philip C.
Langdon, Bruce Arnold
Langell, James Floyd
Langford, William K.
Langland, Rodger A.
Lantz, James Scott
Largent, Dianabeth
Largent, William Dayton, II
Laricks, James Richard
Larsen, Larry Morris
Larson, David Allyn
Larue, James L.
Lashbrook, Daniel Floyd
Laska, Andrew John
Latham, Rodney Guy, III
Lathrop, Barbara Ann
Launey, Scott Riordan
Lautenschlager, Jack Allen
Lawless, Patrick Hubert
Lawrence, Wilfred Paul
Lawson, Jeffrey Eugene
Lawton, Robert C.
Leach, Frederick John
Leary, John James, Jr.
Leath, Dudley Wade
Leatherman, Kathleen Maria
Ledwith, Ronald William, Jr.
Lee, Robert Edward
Lehman, Jeffrey Allen
Lehtonen, Harold, II
Leighty, William Eric
Leinster, William L.
Leionis, Donald Andrew
Lemrow, Craig M.
Leopardi, William Donald
Lessel, John Charles
Letts, John Francis, Jr.
Levy, James Malcolm
Lewis, Barry Brooks
Lewis, Charles Samuel
Lewis, Gary L.
Lewis, Laird William, Jr.
Lewis, Lowell Grant
Lewis, Robert Earl
Libbey, Herbert Eugene
Liberatore, Mary Ann
Lieurance, John Robert
Ligon, Edward Campfield, IV
Lilliendahl, Alfred S.
Lilly, Dale R.
Lindstedt, Russel J., II
Lingan, James Nickey
Lingo, Michael A.
Linkous, Harry Abraham, III
Lindquist, James Earl
Lins, Roderick William
Linsley, Pauline J.
Linville, James Calder, Jr.
Lipeles, David Michael
Lipscomb, Jeffrey Ray
Little, Robert Ernest
Llewellyn, Jonathan Frame
Llewellyn, Timothy W.
Lobalbo, Benedetto R.
Locke, Gerald Francis
Locke, Stephen Allan
Lofgren, Norman A.
Logan, Kathleen V.
Logan, Solon Eugene, Jr.
Logan, William John
Lohrmann, Walter Richard
Lomax, Tarrant H.
Long, Sandra Kay
Longa, William Christopher
Loomis, Karl French
Lopez, Delio, Jr.
Lord, Francis Buffum
Losh, Dennis Michael
Lounge, John M.
Love, Jack Wilson, Jr.
Love, Robert Creekmore, Jr.
Lowe, Allan Ford
Loynes, James Lewis
Luczak, Daniel William
Ludwig, Bruce B.
Ludwig, Donald Ralph
Luebbecke, Donald S.
Luhr, Monte K.
Lummen, Michael Wyman
Lumsden, David M.
Lundy, Robert Franklin
Lunghofer, Dennis Michael
Lunsford, Hollis Eugene
Lupton, Stephen Charles
Lydiard, Jeffrey Robert
Lynch, Robert F.
Lynch, Robert Porter
Lynch, Valentine Dillon, Jr.
Lyon, George Henry, Jr.
Macbain, Richard Dennis
Macevoy, John Anthony
Machtley, Ronald Keith
Mack, Lawrence John, Jr.
Mackensen, Warren John
Mackenzie, Thomas Lyle
Mackey, Robert Jemison
Mackin, Patrick Charles
Mackpherson, Glenn Eldon
Madden, Donna M.
Mader, Thomas Walter
Madey, Stephen Laurance, Jr.
Madren, Samuel T.
Madruga, Robert Joseph
Mady, Clemens James, Jr.
Magaletti, Philip Joseph, Jr.
Maggi, John Carlin
Magnan, William James
Magoun, Peter Robertson
Magruder, Joseph Hull, Jr.
Maguire, David Paul
Magyar, David J.
Mahon, John Francis
Mahoney, Dennis Michael
Mahoney, John Stanley
Maki, Albert Stephen, Jr.
Mallek, Robert Anthony, Jr.
Malone, Laurence James
Malone, Michael Dennis
Maloney, Patrick James
Mancini, Anthony Joseph
Mandsager, Dennis Lee
Manes, Ezra Earl, Jr.
Mangapit, Conrado, Jr.
Mangan, John Livingston
Manis, John Jay
Mann, Craig Raymond
Manning, Robert James
Manson, Terrance Lynn
Marcell, Frederick C., Jr.
Marino, John Theodore, Jr.
Marlitt, Marlene
Marsh, Michael Thomas
Marshall, Harold E.
Marshall, Thomas George
Martel, Reginald Timothy
Martell, Jeffrey Robert
Martella, Michael Baker
Martin, Daniel Joseph
Martin, David Alfred
Martin, Jay Harry
Martin, John Thomas Oliver
Martin, Margaret Heim
Martin, Peter W.
Martin, Robert Stanley
Martin, Roy L., Jr.
Martino, Michael Fred
Marvin, Gary Dillon
Maslin, George William, Jr.
Mason, James Thomas
Mason, John Clyde
Mason, Melinda Ann
Mason, Richard Edwin
Mason, Robert D.
Mast, Raymond Lee
Mastrangelo, Robert Joseph
Masucci, Ann Theresa
Matarese, Marcia Dorothy
Mathers, David R.
Mathison, Neil G.
Matthews, Robert Brodnax, Jr.
Mattison, Dennis Lee
Mattox, John Allen
Mauldin, Hugh Dubose, Jr.
Maxey, James Robert, II
Maxwell, Clarke Alvin
Maxwell, Stephen H.
May, Clarke D., Jr.
May, Michael Dale
Mayer, Scott, H.
Mayes, Joseph Ray
Mayfield, Michael John
Mayfield, Paul K.
Mazour, Thomas Joseph
McAfee, John David
McAuley, Janet M.
McCampbell, David Perry
McCarthy, Joseph Bruce
McCauley, Alan Roger
McClain, Tim Scott
McClanahan, Joseph Edward
McClane, James Lenus
McClave, Wilkes, III
McClelland, Susan Irene
McCleskey, Dale Leif
McClure, Cecil Alan
McClure, David Gwin
McCombie, Ryan Joseph
McConaughy, Steven Craig
McCord, William Kirkland
McCormick, Keith Joseph
McCoy, Rex Calvin
McCracken, James Russell
McCreary, Steven Alfred
McCue, Sharon Elizabeth
McCulley, Michael James
McCullough, Francis H., III
McCurry, Robert A.
McDougal, Willard Boyd
McElroy, Oliver Robert, Jr.
McEntee, William John
McEwen, Gary B.
McEwen, Randall James
McFalls, Tommy Ray
McFarland, Stuart Edwin
McGaha, John Robert, Jr.
McGahan, Michael Patrick
McGann, Barbara Elizabeth
McGinnis, William Perry
McGoey, Richard John
McGonigle, Paul W.
McGovern, James F.
McGovern, William J., III
McGrane, Myles Thomas
McGrath, Francis Dennis
McGugin, Leonard Fite, Jr.
McGuire, John F., Jr.
McGurk, Michael Edward
McHale, James William
McHale, Robert V.
McHugh, Donald, Jr.
McIntosh, Richard Cameron
McIntyre, Lewis Frank
McKean, Thomas A.
McKenny, Edward Russell, Jr.
McKenzie, Donald Richard, Jr.

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McKessy, Daniel Thomas
McKim, John Harvey, Jr.
McLaughlin, David Earl
McManus, Beverly A.
McManus, Vivian Marie
McMenamin, William Francis
McMunn, Brock Allen
McMurray, Michael Thomas
McNall, Lynn T.
McNamara, Brian John
McNamee, John Robert, Jr.
McNeeley, Steven Wayne
McNeil, Oscar N., Jr.
McPhail, Robert Bruce
McPheeters, James Henry, Jr.
McPherron, Charles Arthur
McReynolds, Michaels Joseph
McSorley, William Joseph, II
Meacham, George Edward, II
Meacham, John Monroe
Meadowcroft, Robert Allen
Meadows, Gregory Dea
Medford, William R.
Melchiodris, Charles J., Jr.
Mello, Gerald Charles
Meliott, Paul Lloyd, Jr.
Melson, Frank Baker, Jr.
Melson, Leslie
Merrick, Walter Forrest, II
Merring, Robert Louis
Merrit, Thomas Brook
Messersmith, Ronald Edward
Messier, Dorothy Leda
Metter, Josel Jay
Mettin, Verner Edward, Jr.
Meyer, Gary Charles
Meyer, Glenn Warren
Meyer, Rober Alan
Meyer, Sephen Dennis
Meyers, James Vaughan
Meyerholen, Joseph A., Jr.
Michael, Timothy Arthur
Michaels, James Richard
Michelsen, Gary Anthony
Middle, James Leonard
Midkiff, George Neil
Mihalcik, Joseph Andrew
Mikusi, Frank Charles
Milano, Patrick Daniel
Miles, Donald James
Miles, Wilson Ashley, Jr.
Milewski, Robert Francis
Miller, Barbara Jean
Miller, David Damien
Miller, Donald Dean
Miller, Hubert John
Miller, James Phelan
Miller, John Barrett
Miller, Joseph Gordon
Miller, Paul Lee
Miller, Robert Peter, Jr.
Miller, Robert Wesley, Jr.
Miller, Steven W.
Miller, Stuart James
Miller, William Harvey
Miller, William Garett, Jr.
Miller, William Alan
Milner, Daniel Dewitt
Milner, Nora Payne
Missimer, Jack Rutherford
Mitchell, Billie Eugene
Mitchell, Josephine Glenda
Mitchell, Larry Joseph
Mitchell, Tom Eugene
Mitchum, Kenneth Ray
Modzelewski, Daniel Michael
Moe, George Lars
Moffett, Edward Page
Molineaux, Ian Joseph
Moll, Kathleen Margaret
Monaghan, Charles E.
Montgomery, John Bernard
Montoya, Anthony James
Moody, Jack Owen
Moomy, David H.
Moon, Raymond Lawrence
Moore, Edmund Eugene
Moore, George Elwick
Moore, Hollis Andrew, III
Moore, Larry Ichabod, III
Moore, Richard Alan
Moore, Richard Stewart, Jr.
Moore, Shirley Lee
Moore, Thomas James, III
Moore, Thomas R.
Moran, Joseph John
Moran, Matthew Francis, Jr.
Mordaunt, Kathleen Anne
Morgan, Newton Henry, Jr.
Morgan, William Randall
Morgenfeld, Robert John
Morris, Charles Robert
Morris, Fredricke McNeil
Morris, Stephen G.
Morrison, David Joseph
Morrison, David Ian
Morrow, Roy E.
Morse, John Prescott
Morton, Janice Clare
Mosby, David Cottrell
Mosher, John Carpenter
Motten, Alexander Fewell
Moulder, Edward Daniel
Moussette, David K.
Moye, William Michael
Mozingo, Thomas Phillip
Mrowczynski, Ronald M.
Muetzel, Michael Paul
Mugg, William Allan
Muhlhauser, Steven
Mulkeen, John Joseph, Jr.
Mullen, Kathleen Ann
Mullen, Michael Charles
Mullin, Dale Edward
Mulvey, David Richard
Mulvey, Gerald Kevin
Murchie, Gates Skiffington
Murchison, Grover R.
Murphy, Charles Vincent
Murphy, Daniel Joseph, Jr.
Murphy, Dennis George
Murphy, Kenneth M.
Murphy, Michael James
Murray, Craig Harland
Murray, Michael Thomas
Murray, Ronald Jay
Murray, Steven Allen
Mussett, Gerald T.
Myers, Albert Clinton
Myers, Terry Ray
Nadeau, Walter Henry, Jr.
Naile, Thomas C.
Nann, Peter A.
Napior, Dennis Arthur
Nathan, Rooney Scott
Nathman, John Bernard
Nation, Arthur Raymond, Jr.
Nation, Charles W., Jr.
Neale, James Henry
Needham, Lester Dow
Neel, Frederick Heard
Neff, Jeffrey Cannon
Neilsen, Michael Peter
Nelson, Christian Charles
Nelson, Kenneth Lawrence
Nelson, Neal James
Nelson, Richard N.
Nelson, Robert Terry
Nelson, Terry Lee
Nemeth, Bradley William
Ness, Frank G., Jr.
Ness, Robert William
Neuffer, Judith Ann
Nevins, Linda Gail
Nevins, Michael Francis
Neberry, John Granville
Newberry, Scott Fletcher
Newman, Vernon L.
Newton, Christopher Edward
Newton, Joseph Stanaland
Nickens, Donnell Jerome
Nicol, Henry Otto, III
Niedenthal, William Jeffrey
Nintzel, Christopher Alan
Nisbet, Peter Allen
Nixon, Henry, Jr.
Nolan, James Emmett, Jr.
Nolin, Bruce Edmund
Noll, John Byard
Noonan, Robert Minton
Noonan, Thomas Francis
Norman, Richard Michael
Norris, Rick Joseph
Northrop, Thomas Wright, Jr.
Nottingham, James H., Jr.
Novak, Michael John
Nunlist, Mark Moora
Nurthen, William Augustine
Nusom, Frank Allen, Jr.
Nute, John Packard
Nutter, Robert W.
Nye, Geoffrey Robert
Nye, Richmond Roderick
Oakes, John Reid
O'Bannon, Kenneth Leroy
Oberholtzer, David Beardsle
O'Brien, William Patrick
Ochsner, Steven Lewis
O'Connell, Michael Alexander
O'Connor, Theodore, John
O'Dell, James Michael
O'Dell, Paul, Jr.
Offerdahl, David Carlyle
Ogle, Russell W.
O'Hara, Charles Gabriel
O'Keefe, Michael J.
Olavessen, Leonard Robert
Oldfield, Baird Dewes
O'Leary, Thomas Joseph
Olin, Alan Charles
Oliver, Michael Patrick
Olmstead, David Edward
O'Loughlin Joseph William
Olsen, Charles Clifford, Jr.
Olson, Dennis Dean
Olson, John Stephen
Olson, Larry Stephen
Olson, Michael D.
Olson, Russell Clark
O'Neil, Harry F., Jr.
O'Neil, Patrick Warren
O'Neill, John Patrick, Jr.
Onorato, James R.
Oosterman, Carl H.
Othic, Francis E.
Otterbein, Thomas Gordon
Otto, Richard A. F.
Otto, Sheldton Carter
Overbeck, Gary Joseph
Overbeck, Gregg R.
Overson, William Patrick
Owen, Richard Lee
Owen, Thomas Barron, Jr.
Owens, Ricky Lynn
Pacenta, Robert Joseph
Pacheck, Edward Richard, Jr.
Packard, Michael J.
Paddock, Charles Guy
Paddock, James Robert
Paine, Maurice Terrell, III
Paine, Stephen Robert
Pairan, Craig Erik
Palacheck, Daniel Lee
Palla, Richard Warren
Pallesen, David Conrad
Palmer, James Duane
Panico, John Russell
Panowicz, Robert John
Para, Alan Edward
Pardee, James Dennis
Pardee, William McKnight, Jr.
Parish, Richard Joseph
Parr, Patrick Joseph
Parker, S. Dupree
Parkin, Ernest Richard
Parkin, Michael Caveney
Parks, Steven Greg
Parks, William Hutchinson J.
Parra, Milton H., Jr.
Parsons, Dennis I.
Partin, Thomas Lawrence
Paskewitz, Donald Peter
Patch, Gregory Richard
Pate, Michael Bence
Patrick, John Walter, Jr.
Patrick, Peter Devalangin
Patterson, Carol Anne
Patterson, Donald Jay, Jr.
Patterson, Philip Duane
Patterson, Shonnie Jean
Patterson, Thomas Gibson, Jr.
Patterson, Thomas L.
Paulk, Ralph Caldwell



Paulsen, Kent Allen
Paulson, Lael James
Payne, Gary E.
Peacock, Frank Charles, Jr.
Pearson, Robert Thomas
Pedrotty, John Richard, Jr.
Pelter, Virginia E.
Pence, Daniel M.
Penhollow, Robert Henry
Penman, Richard Lee
Perch. Robert Leon
Perez, Ernest Joseph
Perin, Steven
Perkins, Kevin Patrick
Perkins, Thomas Arcade, III
Perrault, Thomas James
Perrin, Robert Warren
Perry, James Elmer
Perry, James Smith
Perry, Oliver Hazard, III
Perry, Roger Arpad
Peters, John Kenneth
Peterson, Charles Cooper
Peterson, Elden Eugene
Peterson, William Murray
Pfahler, David Lee
Pfahler, Timothy G.
Philcox, John Ellis
Phillips, Charles D.
Phillips, David Shelby, III
Phillips, Kenneth K.
Pickelsimer, Billy Murel
Picquet, Roger T.
Piech, Richard Frank
Pieragostini, Karl K.
Pierson, David Alexander
Pietschker, Donald Alan
Pike, Daniel Lee
Pike, Edward Desloge, III
Pilnick, Steven Earle
Pinz, Bradley A.
Pisz, Robert J.
Pitkin, Richard Cochran
Pittman, Alan R.
Pittman, Charles Wesley, III
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Plante, Kenneth Joseph
Plunkett, John Cornelius
Plyer, Bruce Arnold
Poehlman, Philip James
Pohl, John Sherman
Pohl, William Charles
Poirier, William Peter
Pola, Gary Lee
Pollock, Richard Herbert
Pompey, Charles Stanley
Pool, James A.
Pope, Nicholas Albert
Poro, Edward Kenneth
Porter, David George
Porzio, Raymond
Potter, Charles Darrell
Pounds, John William, Jr.
Powell, David L.
Powell, George Alva
Powers, John M.
Powrie, Stuart Robinson
Prairie, John E.
Pratt, James Wally
Preis, Perry Stanley
Prell, Richard Edwin
Prescott, Leonard F., III
Preston, Noel Gary
Preston, Ralph William
Prevette, Henry Slater, Jr.
Prevost, John J.
Price, Richard Marion
Priester, John Allison
Prince, Robert Erskine
Pritchard, Kenneth Wayne
Prucha, Robert Stephen
Puffer, David Brackett
Puhlman, Robert L.
Purcell, Richard Lynn
Purdue, Alexander William J.
Purkrabek, David James
Purnell, Erl G.
Quigley, Michael D.
Quinn, John Hartley, Jr.
Quinn, Kathleen A.
Rackiewicz, David William
Radack, James Paul
Radd, John David
Radeackar, Randy James
Raftery, Mary Theresa
Raines, Thomas Steven
Ralph, Russell Loomis
Ralston, Gary G.
Ramirez, Jorge Rafael
Rammelkamp, Trudi Ratz
Rankin, Randy Dale
Rankin, Thomas Prater
Ranney, Bruce William
Rantschler, John Franklin
Rasmussen, Sam Eric
Rathburn, Curtis Stanley
Rawlings, David G.
Rawlinson, Linda Carranza
Raymond, Terry Alan
Read, Thomas Sears
Reading, Leslie James
Reager, William Reardon
Reed, James E.
Reed, William C.
Reed, William Keeler
Reed, William Scott, Jr.
Reese, Michael James
Reeve, Thomas Burnell, Jr.
Regan, Francis Patrick
Regan, William Anthony
Regener, Donald Francis
Register, Stephen Thomas
Regnier, Peter Allan
Reich, Robert William
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Reid, Joseph Bagley
Reifsnyder, Frank William J.
Reigner, Charles Buchanan H.
Reilly, Michael Francis
Reinhardt, Charles Barnes J.
Reish, Margaret Ann
Reitz, Richard Patton
Renfroe, John M. Jr.
Rentschler, Donald R.
Renuart, Robert F.
Revenaugh, John T.
Reynerson, Donald M.
Reynolds, Felix M.
Reynolds, Richard B.
Reynolds, Danny Wayne
Rhedin, David Victor
Rhodes, Harley Leroy
Rhodes, Robert S.
Ribalta, Lorraine Dubois
Richardson, Frederick K.
Richardson, Jack
Richardson, Rebecca Marie
Richmond John Walker, III
Richter, Paul Norman
Rickabaugh, Frederick Lee
Ricker, Margaret Ann
Riddile, Andrew Spencer
Riebe, Donald Elmer
Riedy, John Alvin
Riegel, Michael Glenn
Ries, Robert Randall
Rigg, Gary Lynn
Rigler, Ross A.
Riley, Benjamin Price, III
Ringer, Charles Edward, Jr.
Riolo, Robert Alan
Rios, Trinidad, Jr.
Rish, Robert David
Rist, Donald F.
Riva, Robert Edmund
Rivenes, Iver John III
Rivera, Jaime
Robbins, Brian Arthur
Robbins, John R.,
Robertson, William Henry, III
Roberts, Francis A.
Roberts, Crichton Carver
Roberts, Karyl Kaye
Roberts, Michael Charles
Roberts, Peter Garety
Robertson, Donald Joseph
Robertson, Andrew Coxe
Robillard, Ronald Walter
Robinson, Charles L.
Robinson, John Daniel, Jr.
Robinson, John Gregory
Robinson, Lawrence Kerr
Robinson, Sherry Lee
Roderick, Richard Michael
Roddy, Charles P.
Roeder, Paul Raymond
Rogers, Herman A.
Rogers, John Daniel
Rogers, Mark Allen
Rogers, Norman Lionel
Rogers, Stephen England
Rogers, Susan Elaine
Rolek, Leo Stanley, Jr.
Romano, Henry Schuberth, Jr.
Romberg, Wayne D.
Roope, George Winfield, III
Root, Stephen Lloyd
Rose, Marilyn Ruth
Rose, Stephen Anthony
Rosemergy, James George
Ross, David Charles
Ross, Jessie Clarence, Jr.
Ross, Michael Charles
Rosselle, Michael Francis
Rothrock, Ronald Lloyd
Rothstein, Michael Philip
Rotzler, Frederic
Roundtree, Ronald Terrance
Roux, Anne Pauline
Roy, Allan Harold
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Rufner, Richard K.
Rugen, Sanford Longstreet
Rugg, Daniel Maltby, III
Ruhe, Barnaby Seiger
Rundall, David Glen
Runnerstrom, Eric
Runstrom, Karl J.
Rusch, Preston Godfred
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Rutherford, Louise Margot
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Ryan, Franklin T.
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Samuel, Gary Bright
Samuels, Arthur Michael
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Sanders, James T.
Sanders, John Russell
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Sanders, Thomas William
Sandknop, John Benjamin
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Sassen, Grant William
Satoris, Frank K.
Sauer, George Emery, III
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Savidge, Patrick John
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Schepman, Dennis Wayne
Schilhabel, Larry A.
Schilling, John Harding, Jr.
Schimmers, John N.
Schlosser, Helen Ann
Schmermund, William Henry
Schmidt, Donald Roger
Schmidt, Dorothy Jean
Schmidt, Edwin Alexander
Schmidt, George Michael
Schmidt, Hubert Francis
Schmidt, Joseph Dunn, Jr.
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Schnaars, Carolyn James
Schneider, James Eugene

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Schobert, Frederick G., Jr.
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Schrader, Frederick Denis
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Schreck, Harley Carl, Jr.
Schreiber, Willard C., Jr.
Schrobo, Stephen Michael
Schrock, Joseph A.
Schroeder, Milton David
Schroeder, Philip Michael
Schrot, John Robert
Schukis, Francis J.
Schultz, James Calvin
Schwab, John Borden
Schwab, Stephen Taylor
Schwaller, Gregory Anthony
Schwartz, Harold Wayne
Schwartz, Robert Wendell
Schwechten, Robert J., II
Scott, Gary H.
Scott, Jeff Charles
Scott, Lawrence W.
Scott, William Andrew
Scott, William B., Jr.
Scott, William R.
Seaman, Richard Curzon, Jr.
Sedgwick, Gordon Lee
Seekins, Steven Selden
Seeley, John Richard, Jr.
Segur, Gregory Vincent
Seitz, Thomas Alan
Sellers, Ronald Edward
Sellman, Robert Lee
Seltzer, David Stephen
Semko, Paul Scott
Serhan, Marvin Thomas
Serotta, Michael David
Serwich, Thomas Gregory, II
Seski, John Edward
Sessler, Gregg Frederick
Setzekorn, Robert Ray
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Sexton, James Stanley
Sexton, Ralph John
Shaddy, Martin Andrew, Jr.
Shaffer, John Nevin, Jr.
Shannon, John Timothy
Shapiro, Alan J.
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Shaughnessy, Daniel
Shaughnessy, Ruth C.
Shaw, David Reginald
Shaw, Robert Edward
Shaw, William Royal
Sheehan, Timothy O'Grady
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Sheller, Lawrence Edward, Jr.
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Shelton, John R.
Shelton, Randolph W.
Shepard, David Bruce
Shepard, Scott Holman
Shepherd, Richard Dewitt
Shepherd, Wilbur French
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Sher, Thomas Stewart
Sherer, Charles Thaddeus, II
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Shickle, David Lester
Shields, John Thomas, III
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Shirely, Edwin R.
Shonk, Merwyn Roop
Shorts, Chester Arnold
Shoudy, Peter N.
Shower, William A., Jr.
Shown, Ronald Jay
Shrock, Steven D.
Shuff, Allen Ray
Shultz, John A., III
Shumaker, Karl C.
Shumlas, Stephen Stanly
Shutt, Michael David
Siegel, Dan Allen
Siemon, Douglas Henry
Sigler, William F.
Siler, Virgil R.
Silverthorne, Craig William
Simmons, Edward J.
Simmons, John Wallace, II
Simmons, Michael Leroy
Simpson, Gary Michael
Siple, Roy Crane
Sitz, William Wynn
Skahan, Michael William
Skaling, Kathleen Dell
Skerbec, Joseph Frank, Jr.
Skiles, Rolland W.
Skille, Alan James
Skinner, Howard Arthur
Skolds, Charles Richard
Skrief, John N.
Slaght, Kenneth Duncan
Slaton, Steven Gregory
Slattery, Patrick John
Sledge, Loyd D.
Slonecker, Michael L.
Slowik, Robert Louis
Smedberg, James Eric
Smethers, James R.
Smith, Audrey Lorraine
Smith, Barry Lee
Smith, Carl Chester, Jr.
Smith, Carl Macon, Jr.
Smith, Dallas T.
Smith, Donald S.
Smith, Douglas Vaughn
Smith, Earl Ramon
Smith, Gordon K.
Smith, John V., Jr.
Smith, John Walter
Smith, Kenneth Larry
Smith, Kenneth Warren
Smith, Paul Donald
Smith, Phillips Guy
Smith, Randal E.
Smith, Richard Charles
Smith Richard T.
Smith, Robert Emmett, Jr.
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Smith, Roy C.
Smith Sandra Ruth
Smith, Stanley Harold
Smith, Thomas Holton, Jr.
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Smith, William G.
Smitherman, Robert Emerson
Smoot, Arthur Eugene, Jr.
Snapp, Paul Thornton
Snell, Dean Allan
Snell, Dennis Arthur
Sneller, Milton L.
Snelson, Jack Alvin
Snowden, Ernest Maynard, II
Snyder, Ronald John
Snyder, Thomas Frederick
Songer, Steven Michael
Soo, Robert L.
Spangler, Gary Gilbert
Sparks, Carroll Bennett
Sparks, Mary Christine
Spaulding, Robert Parish, Jr.
Specht, Robert David
Spencer Jerome F.
Spenser, Kenneth Vaughn
Spong, Mark Edward
Sprague, Perry Edward
Springer, Richard Samuel
Sprinkles, Leonard Daniel
Sproule, Robert Harvey
Staeheli, Bruce W.
Staehli, Christopher Paul
Stahl, Dale Edward
Stahl, Lawrence O.
Stampelos, John George
Standish, Leslie Clement
Stanfield, Kenneth R.
Stanga, Robert D.
Stankowski, Barbara J.
Stanley, Jeffrey Dean
Starnes, Kathleen Maria
Stasi, Frank Anthony, Jr.
Stasiowski, James Michael
Statuto, Mark Arthur
Staudt, Gilbert Mark
Stolair, Kenneth Halcom, Jr.
Stearns, Richard Charles
Stearns, Richard A., III
Steelman, Barry Lee
Stefkovich, Daniel Stephen
Steiner, Gerard Royal
Stender, Robert G.
Stentz, Robert Gail
Stephens, Ben Franklin, Jr.
Stephens, Grant Schneider
Stephens, William B., Jr.
Steussy, William Howard
Stevens, James Douglas
Stevens, Robert Frederick
Stevenson, Robert W.
Stevinson, Floyd Samuel, Jr.
Stewart, John Merlin
Stewart, Michael McAlister
Stiles, Gregory Allen
Stites, Robert Thomas
Stockhaus, Daniel Quen
Stockho, William Louis
Stoddard, David Victor
Stone, John L.
Storer, David Gene
Stott, John Joseph
Stout, Charles Minor
Strait, Chester Edwin
Stratton, Larry Rodger
Streeter, Bruce Allen
Stribling, Ronald Anthony
Strickland, Leroy Hickman
Strohaker, John G.
Strong, David George
Stroud, Charles Glayton
Strzemienski, Stephan Josep
Stubbs, Gary W.
Subalusky, William Thomas J.
Suhr, James William
Sullivan, John James, Jr.
Sullivan, Martin Dennis
Sullivan, Paul Francis
Sullivan, Timothy Finbar
Sullivan, Walter Francis
Sullivan, William Daniel
Sulzner, Bruce Elliott
Summerlin, Michael Don
Summers, Jack McConnell, Jr.
Sutter, Ellis Dee, III
Sutton, Harry W.
Sutton, William Glenn
Svoboda, John Michael
Swah, Samuel Ryan
Swartzell, Robert Dale
Swenson, Carl F.
Swigart, John Jacob
Swofford, Mark Dudley
Swoope, James Paige
Symington, Donald L.
Synowiez, Peter Mortimer
Tabb, Henry Edmund, III
Tabing, Mark Dana
Talipsky, Richard William
Tallardy, Thomas John
Tamburini, Robert
Tauber, Richard J.
Taylor, Allen Griffith, Jr.
Taylor, Arch Edward
Taylor, Eugene Warren
Taylor, James Langdon
Taylor, John McClellan
Taylor, Jonathan F.
Taylor, Richard H.
Tazewell, John Parks, Jr.
Teel, Jesse E., Jr.
Teetz, William R.
Teller, Thomas Lee
Tempero, Thomas Lucas
Tennant, Douglas Melville
Tente, Dennis Joseph
Terrible, Joseph Anthony
Tettelbach, Gary John
Thacker, Richard L.
Thaeler, Leigh MacQueen, Jr.
Thayer, Paul Luke
Thomas, Danny Ray
Thomas, David William
Thomas, Mark Alan
Thomas, Michael Charles
Thomas, Nauman Scott
Thomas, Richard Howard
Thomas, Steven Edward
Thompson, Benny Edward
Thompson, Charles Edward



Thompson, Clayton Herbert J.
Thompson, Douglas Scott
Thompson, George Albert
Thompson, James Jay
Thompson, Robert Bennett, Jr.
Thompson, Richard Allen
Thompson, Sharon Kay
Thomson, James Stuart
Thornhill, Arthur Nelson
Thornhill, Daniel Bruce
Thornton, Sydney D.
Tierney, Glenn Patrick
Timberlake, William Archer
Timmester, Terry Wayne
Todorich, Charles Martin
Townsend, Ronald David
Tracey, Patricia Ann
Tracey, William Patrick
Treichler, John Robert
Trenka, Harold Norman
Trenker, Gary Carl
Tripp, Mark Steven
Trytten, Dean Orville
Tsaggaris, Alexis
Tuck, James Allen
Tucker, Benjamin William, Jr.
Tucker, Eugene Frank
Tucker, Malcom Richard
Turbeville, Anthony Michael
Turner, Prescott K., Jr.
Turville, William Charles J.
Twyman, William Earl
Tyer, Joseph E.
Tyler, Bobby Dale
Tyler, Gary L.
Tyler, Robert Jeffrey
Tyson, Robert Karl
Uffenorde, George D.
Ulmer, Lynne Ellen
Unruh, Howard Kirk, Jr.
Unser, Theresa Anne
Urbanek, Thomas Ray
Ustick, Theodore M., III
Uthe, David Harley
Uttich, Richard Michael
Uzenoff, Ronald James
Valdivia, Richard Stephen
Valeche, Hal Robert
Vanamringe, Jon Eric
Vance, Thomas Coates
Vanderbosch, Steven William
Vandusen, Peter
Vanhoften, James D. A.
Vantassel, Paul Franklin
Vantine, Kirk Kelso
Vantrease, Cameron Kent
Vaughn, David Joseph
Vechinski, Gregory Joseph
Venes. John William, Jr.
Vercher, John Buford
Vessey, Robert Douglas
Vetsch, William Joseph
Vine, Gary Lee
Vines, Geran C.
Vines, Larry Paul, Sr.
Viney, Robert Michael
Vining, Raymond D.
Vinson, James W., Jr.,
Vinson, Rebecca Gurley
Visco, Dominick Wayne
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Vizzini, Frank Alfonso, Jr.
Vogel, Paul H.
Voight, Thomas C.
Volkart, Bruce Ray
Vonlintig, Richard David
Waddell, James Barry
Waddle, James Michael
Wade, James Michael
Wahl, Frank Bernard, Jr.
Waicker, George Joseph, III
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Walker, David Russell
Walker, Jon B.
Walker, Mary Anne
Walkky, Kenneth James
Wallace, David Kitts
Wallace, Harold Boyette
Walling, Kenneth E.
Walmsley, Stephen Earl
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Walters, Ronald Wayne
Walton, Jerry Eugene
Ward, Robert Earl Eugene
Waterman, Marc Norris
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Watkins, Kenneth Stratte, Jr.
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Watkins, William Allen
Watson, Anthony John
Wavle, Gordon Radford
Weaver, Lloyd Rollin
Webb, Stephen Eugene
Webb, Wayne Patrick
Webb, William Jennings, Jr.
Webb, William Francis
Weber, Betty J.
Weber, Douglas E.
Weber, William Lloyd, III
Weborg, Gene M.
Webster, Edward Mullender J.
Webster, Kirwin S.
Webster, Michael Thomas
Weeks, John Linton, III
Weeks, Stanley Byron
Weeks, Stephen B.
Weigel, Jay Ellis
Weil, Thomas Eliot, Jr.
Weinewith, Mary A.
Weir, Marshall R.
Weiscopf, Carl Eugene
Welch, Benjamin Harrison, II
Wellborn, Richard Bowen
Welling, Ronald L.
Wells, Carl Stanley
Wells, John Timothy
Wenchel, George F.
West, Edward M.
West, James Clyde, Jr.
West, John G.
West, Linda Lou
Westcott, Gerald Michael
Westcott, Richard Elliott
Westfield, Donovan Earle
Westfall, John C.
Wharton, Roger L.
Wheaton, Martha Jane
Wheeler, Harold Nelson
Whilden, Francis Covington
Whitaker, Charles Henry, Jr.
Whitaker, Clayton Edmund
White, Bradley Thomas
White, John Thomas
White, Oakley Francis
White, Richard Dehaven
White, Robert D.
White, Stephen McConnell
Whitman, David Robert
Whitmire, Dewey Laland
Whitney, Darrell Emerson
White, Ervin Bishop, Jr.
Whitten, George Brine, III
Whitworth, John Burton, III
Wick, Carl Eric
Widener, Lynn Harbour
Wiedeman, David Blair
Wiens, Leonard Arnold
Wierzbicki, Gregory Thomas
Wiggins, Bryan Douglas, Jr.
Wilder, Hubert Boone, III
Wilkins, Thomas William
Williams, Arrena Sue
Williams, Bruce Warren
Williams, Charles Baxter
Williams, Charles Leroy
Williams, David M.
Williams, Douglas Henry
Williams, Elmer Eugene
Williams, Galbraith Denny J.
Williams, James S.
Williams, Lillian Ann
Williams, Pharis E.
Williamson, Edward Hughes
Willis, Thurman Lamar
Wilson, Bryan Paul
Wilson, Charles Howard
Wilson, Dennis Alan
Wilson, Paul Abernathy
Wilson, Phillip Robinson
Wilson, William Burton
Wing, Edward Grant, Jr.
Winge, Donald E.
Winger, Philip Gray
Winowicz, Stanley Joseph, Jr.
Winslow, Robert Michael
Winston, Bruce Howard
Winterstein, Willard J., Jr.
Wirkkala, Richard Earl
Wise, John Roy
Withaker, Dwight V., III
Witte, Thomas Michael
Wittkamp, Thomas Michael
Wittmann, William Warren
Wlodarczyk, Edward
Wojtkowiak, Daniel L.
Wolf, Peter Thomas
Wolf, Terry Lee
Wolfe, Daniel Thomas
Wolfe, Theodore Sheffer
Wolfe, Wayne Leonard
Wolpert, William Lee
Woo, Robert Anthony
Wood, Don Alan
Wood, Nancy Elizabeth
Wood, Stephen Murray
Wood, Susan Crosby
Woodall, Jonathan Hill
Woodard, John Houghton
Wozniak, John F.
Wright, Brian Earle
Wright, David Neil
Wright, Gerrit Lee
Wright, Herbert Rawson, III
Wright, John Thomas
Wright, Jon Robert
Wright, Larry Clinton
Wuest, Mary E.
Wurst, Frank Leonard
Wurzel, David Lawrence
Yash, Charles Joseph
Yerick, Martin Rudolph
York, William Joe
Young, Charles Bruce
Young, Gregory Carl
Young, Kerry Alan
Young, Thomas R.
Young, Wendell Richard
Young, William Fielding
Yunker, John M.
Zaborowski, James Joseph
Zackary, Fort Arthur, Jr.
Zahner, Carl John
Zambernardi, Paul Anthony
Zasadni, Veronica
Zavadil, Stephen Wayne
Zboyan, Roy Warren
Zell, William Beigler, Jr.
Zeola, John Patrick
Zetes, John Arthur
Zgolinski, Albert George
Ziebel, Donald Robert
Zielinski, Leon John
Zielinski, Margaret Mary
Zimmerman, Paul Lawrence
Zimmerman, William Lee
Zins, Michael James
Zitzelman, Philip Wayne
Zmich, Arlene Sharon
Zogby, Reagan J.
Zweerink, James E.
Zysk, Thomas Stephen

SUPPLY CORPS

Anastasi, Richard
Andrew, Michael R.
Asselin, Andre S.
Beckett, John C.
Bishopp, Weller Stephen
Bleier, Frederick Leo
Blood, Roger John
Bohannon, Donald Clyde
Bollman, Terry Lee
Bolt, Steven Douglas
Bradley, Richard Edward
Brian, James Sanford
Brooks, Ted Edward
Brunderle, Peter Patrick
Burdett, James Randall
Burgess, Roy H.
Burke, Dennis P.
Bush, Stephen Alan
Byard, Robert D.

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Camp, Robert Thomas
Campbell, Thomas A.
Cardinali, Henry Albert, Jr.
Carlson, Cary Paul
Carlson, James Henry
Carter, David Maxon
Cascone, Carl Vincent
Casey, Michael Wayne
Chitty, Frederick C.
Conklin, Michael Douglas
Cook, David Michael
Cornelison, Gary Alan
Cote, James Raymond
Cotton, Robert Lee
Davis, Peter McCoy
Davis, Thomas, III
Denning, Steven Aaron
Dickey, Thomas Edward
Dickson, Robert Monroe
DiFranco, Steven Joseph
Elder, Jeffrey J.
English, David Floyd
Evanoff, Richard A.
Faubell, Paul David
Faucher, David Paul
Felle, Robert Eugene
Ferris, William Michael
Finnell, John Kinsella
Fitzsimmons, Joseph James
Flanagan, John Edward, Jr.
Flick, Arthur B.
Foerster, John Michael
Frary, Charles Marmon
Fulton, Daniel Stuart
Gaither, Roderick
Gallagher, Stephen B.
Garner, Darrell William
Gilbart, Gordon J.
Gilbert, Dale Alton
Gillette, Robert Corcoran
Gillum, Virgil David
Greene, Alan Robert
Griffin, James Howard, III
Gronifein, Jerome Bruce
Grove, Jerome Paul
Hanson, Ryan Lewis
Harder, Larry D.
Harris, Richard A., Jr.
Hartman, John M.
Hassenplug, John Keith
Hauxhurst, Jack M.
Hawkins, Paul Russell
Heimlich, Ralph Edward
Hemmy, Victor H. J.
Hinson, Kenneth Earl
Hirsch, Arthur F.
Hodges, James V.
Hodgkins, Henry A., Jr.
Holbach, James Henry
Huber, David Lee
Hudock, Steven A.
Huefner, James Howard
Jackson, William Andrew
Jenkins, Michael Lynn
Johnson, Earl Winslow, Jr.
Johnson, Jay Carter
Johnson, Mark Scott
Johnson, Terrence Bateman
Jones, Samuel Lynn
Jordan, Larry J.
Joyce, Robert Joseph
Kamel, Mohsen
Kawakami, Clarke Kiyoshi
Kelley, Kevin P.
Kimmel, Charles Bryan, Jr.
Klase, Kenneth Allen
Krey, Russell Warren
Kwiatkowski, William, Jr.
Lafauci, Roger John
Lamb, James H.
Law, Robert F.
Lawton, James Patrick
Lee, Burton J.
Leenstra, Richard B.
Lombardi, John Ray
Lydolph, Paul Newcomb
Lynch, John Francis
Lyness, James Douglas
Machado, Bruce Mervin
Madaio, Paul Frank
March, Earle Bovell, Jr.
Marchetti, Ronald Andrew
Marini, Michael Adair
Marquez, Ernest B., II
Martin, Walter Francis, Jr.
Masters, Merlyn M.
McCarthy, Justin D.
McCray, James Elburn, II
McCulloch, John William
McDermott, Thomas Ward
McGowan, James Hewitt
McNaughton, Paul Thomas
McQueen, Thomas W.
Meredith, Clarke Henry
Merrell, Thomas Orin
Merritt, Karl William
Miner, Kenneth Harold, Jr.
Mitchell, Colonus, Jr.
Moeller, William Griswold
Morgan, David
Morgan, Steven Robert
Morrell, Dennis Lee
Morton, George Henry E., III
Mumma, Donald Charles
Murphy, Robert Emmet
Murray, William M.
Noble, Mark Raftrey
Nolan, Richard T.
Nyland, Stephen Carel
Paul, Robert
Pearce, John Frederick, III
Peck, Robert Winsby
Pendarvis, Daniel, III
Perry, Keith M.
Peterson, Carl Raymond, Jr.
Pew, Curtis Ernst
Phelps, Richard P.
Pilcher, James Robert
Pollock, William J.
Pope, Michael Stanley
Post, Stephen Edward
Price, Samuel Russell Dow
Pulliam, Stephen C.
Purdy, Kenneth Coburn
Ramsey, Phillip Grayson
Randall, Thomas Edward
Reese, James M.
Reisinger, Steven Andres
Reutemann, Edward Charles J.
Rich, Lyle Vernon
Rinaldo, John Charles
Robinson, Scott
Rodenbarger, Syd W.
Ryan, Robert Joseph
Schimpf, Barry J.
Schneider, Larry James
Schreiber, Thomas Joseph
Scott, Douglas Thompson, Jr.
Sellers, Benjamin R.
Shaw, Mark C.
Shelton, Billy R.
Shock, Richard William
Simmers, Walter William
Smith, Charles S.
Smith, Emmett Wilson
Smith, Kerry Jon
Smith, Robert Coleman
Snyder, Michael John
Spratlen, Nicholas Lynn
Stanger, Thomas Joseph
Stankeivicz, David F.
Stephens, Jan Braven
Stokes, David Vose
Strolle, John Richard
Tarver, James Edward
Sugermeyer, Robert Storck
Tempesta, Edward Carlo
Thomas, Michael
Thorpe, Grant William
Tinker, William M.
Tissier, Robert Joseph
Trainor, Michael B.
Treado, Leroy Michael
Turple, James Alasair G.
Vogelsang, James Edwin
Walker, Allen Warren
Walsh, Robert Arthur, II
Walsh, Thomas Michael
Warner, Paul G.
Watkinson, Lyle Patrick
Webb, James Arrington, III
Wells, Robert Stanley
Wieczorek, Richard Joseph
Wilhite, Bernard Lee
Willis, Roger Allen
Wilson, Richmond D.
Winslow, Dennis Maurice
Wood, Stephen Joseph
Young, Jeffrey A.
Young, Robert Wright

CIVIL ENGINEER CORPS

Bleakley, Robert Lockwood J.
Borowski, Casimir Jan, Jr.
Braddock, Robert L.
Burke, William F., III
Bussey, Dennis R.
Butler, Jerry B.
Cahill, Patrick Joseph
Cambron, George Keith
Carpenter, Ronald Gary
Ching, Clayton Y. K.
Christensen, Thomas Holm
Collins, John P.
Congdon, Douglas E.
Corsano, Arthur
Crouch, Charles Edgar
Dalton, Howard Griffin
Deluca, John, Jr.
Delunas, Leonard James
Erickson, Stephen F.
Ferch, Robert Edmund
Ferguson, John Owens
Filson, James V.
Fincher, Thomas O.
Gnerlich, Robert Russell
Green, Gerald L.
Gregory, Ronnie Rae
Hanley, John Timothy
Johnson, Michael Ray
Key, Thomas Scott
MacCaferri, Don A.
Marsh, Donald Robert
Mondoux, William Joseph, III
Nettesheim, Richard David
Newton, Willis Gerald
Pille, Joseph Maurice, Jr.
Rabold, Bernard Louis, Jr.
Rockwood, Thomson Whitin
Rowett, Henry Matthew
Samuelson, Gene Roy
Schramer, Mathias C., III
Shern, John William
Smith, Earl Lee, Jr.
Smith, Louis M.
Spore, James Sutherland, III
St. Peter, Harold Bruce
Teater, Richard Michael
Thomas, Kenneth Wilson, Jr.
Thompson, Stephen Ray
Tomiak, Walter W.
Vogt, John Fredric
Wade, Richard Louis
Walley, James Marvin, Jr.
Walsh, David Frank
Wenck, Stanley Erlin
Williams, James Randolph
Wright, James Christopher
Yankoupe, George W.

JUDGE ADVOCATE GENERAL'S CORPS

Martin, Thomas L.
Wells, Lisalee Anne

MEDICAL SERVICE CORPS

Arnold, Anthony Ray
Bowman, Jeffry Stephen
Crafton, Lonnie Dale
Dotto, Kenneth Michael
Fendler, Kermit James
Girod, Walter Allen
Grimes, Thomas Abner
Hanrahan, James Edward
Lamar, Steven R.
Lobaugh, Larry Gene
McClintock, Thomas W., Jr.
Mitchell, Michael L.
Mitchell, Troy Gene
Seible, Lawrence George
Smith, Richard Lee
Spillane, Dennis
Swales, George Aloysius
VanRollins, Michael
Yacovissi, Robert



NURSE CORPS

Ames, Ervin Lyle
Breeding, Patricia Ann
Brown, Donald William
Carey, Susan Ann
Chick, Carole L.
Cox, Robert Leroy, Jr.
Derney, Ann M.
Devries, Christine Ruth
Fitzsimmons, James W., III
Garrison, Richard Allen
Guy, Bruce David
Head, Walter Weller, Jr.
Hohon, Henry Pete
Jung, James Wyland
Lefort, David Michael
Mainous, Paul David
Marostica, Marilyn K.
McBurney, Richard Ellwood
McPherson, Robert Carter
Monahan, Jeanne S.
Peske, Lorelei Sue
Phillips, Martha Marshall
Pickens, Connie Lynn

The following named Naval Reserve officers for permanent promotion to the grade of captain in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Allen, Alfred H.
Arndt, Edward K.
Aydelotte, Charles W., Jr.
Belleville, Robert C., IV
Blake, Robert H.
Boydston, Edward A.
Bub, Laurence M., Jr.
Cohen, Harvey R.
Cook, John F.
Cuculiu, Irwin L.
Dangler, Edward
Dotson, Bennie F.
Dunbar, Bruce R.
Ehrlich, Clarence L.
Eidemiller, Donald I.
Fellows, Dean R.
Fernandez, Joseph
Francis, George H.
Friel, James T.
Gerdes, Ronald M.
Giusini, Arnold V.
Gray, James W., Jr.
Gregg, William Alford, IV
Hamlin, Charles R.
Hepp, Donald Frederick
Hoppe, Harold W.
Howery, Norman K.
Hubacker, Earle F.
Jackson, Franklin P.
Jones, Talmadge C.
Kelly, Joseph T.
Laidlaw, William Robert
Lamere, James R.
Long, James D.
Ludi, Leroy H.
Maloy, William L.
Marsh, Albert B.
McNamara, Richard W.
Meyer, Robert H.
Miller, Everett L.
Miller, Robert D.
Milleson, William W.
Montgomery, John D.
Muller, Richard F., Jr.
Niesse, John E.
Oprea, George W., Jr.
Palmatier, Philip F.
Peacock, Charles A.
Pechulis, John J.
Powell, Samuel Franklin, III
Reticker, Edward D.
Roop, Howard
Russell, Edgar F., Jr.
Stout, Harry R.
Swenson, Eric H., Jr.
Udovin, Bertram A. C.
Walsh, Thomas Raymond
Wiedmaier, Harry O.

MEDICAL CORPS

Bailey, William T., Jr.
Barsoum, Adib Hanna
Brooks, Benjy F.
Curreri, Gino Anthony
Duncan, Richard G.
Farrell, George R.
Fountain, Freeman Percival
Griggs, Walter C.
Kirk, Thomas A., Jr.
Lawton, Alton Clinton, Jr.
Mitchell, Shelby W.
Murphy, Stephen Paul
Perry, Harold O.
Ryskamp, James Jay, Jr.
Rosborough, James Fears, Jr.
Savarese, Charles Joseph, Jr.
Spratt, John S., Jr.
Weeth, John B.
York, Elihu

SUPPLY CORPS

Bleck, Robert G.
Edson, Bruce W.
Harper, Robert A.
Hogan, John E.
Kemper, John G.
Kopotic, Robert P.
Negri, Robert J.
Waffle, Gareth R.

CHAPLAIN CORPS

Cansler, James O.
Collin, Thomas L. H.
Kuhn, Gerald E.

CIVIL ENGINEER CORPS

Brockway, George R.
Costello, Robert B.
Jones, Paul H.
Weinberg, Norbert W.

JUDGE ADVOCATE GENERAL'S CORPS

Foster, Robert Watson
Mur, Raphael
Schlegel, E. Bernard

DENTAL CORPS

Anderson, Frank H.
Bailey, Robert M.
Friedenberg, Frederick Floyd
Geiges, Charles K.
Kovacs, William Beriti
Lamermayer, Richard Nickolas
Lawrence, Vernie Clyde, Jr.
Lewandowski, Anthony
Trowbridge, Henry O.

MEDICAL SERVICE CORPS

Gibbs, Clarence J., Jr.
Lang, Gideon L., Jr.

The following-named Naval Reserve officers for permanent promotion to the grade of commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Allen, Alfred H.
Arndt, Edward K.
Aydelotte, Charles W., Jr.,
Belleville, Robert C., IV
Blake, Robert H.
Boydston, Edward A.
Bub, Laurence M., Jr.
Cohen, Harvey R.
Cuculiu, Irwin L.
Dangler, Edward
Dotson, Bennie F.
Dunbar, Bruce R.
Ehrlich, Clarence L.
Eidemiller, Donald I.
Fellows, Dean R.
Fernandez, Joseph
Francis, George H.
Gerdes, Ronald M.
Gregg, William Alford, IV
Gray, James W., Jr.
Hepp, Donald Fredrick
Howery, Norman K.
Hubacker, Earle F.
Jackson, Franklin P.
Jones, Talmadge C.
Kelly, Joseph T.
Lamere, James R.
Long, James D.
Ludi, Leroy H.
Maloy, William L.
Marsh, Albert B.
Meyer, Robert H.
Miller, Everett L.
Miller, Robert D.
Milleson, William W.
Montgomery, John D.
Muller, Richard F., Jr.
Niesse, John E.
Opera, George W., Jr.
Palmatier, Philip F.
Peacock, Charles A.
Pechulis, John J.
Powell, Samuel Franklin, III
Reticker, Edward D.
Roop, Howard
Stout, Harry R.
Swenson, Eric H., Jr.
Udovin, Bertram A. C.
Walsh, Thomas Raymond
Wiedmaier, Harry O.

MEDICAL CORPS

Duncan, Richard G.
Fountain, Freeman Percival
Griggs, Walter C.
Mitchell, Shelby W.
Spratt, John S., Jr.
Weeth, John B.

SUPPLY CORPS

Edson, Bruce W.
Hogan, John E.
Negri, Robert J.
Waffle, Gareth R.

CHAPLAIN CORPS

Cansler, James O.
Collin, Thomas L. H.

CIVIL ENGINEER CORPS

Brockway, George R.
Weinberg, Norbert W.

JUDGE ADVOCATE GENERAL'S CORPS

Schlegel, E. Bernard

DENTAL CORPS

Anderson, Frank H.
Geiges, Charles K.
Lamermayer, Richard Nickolas
Lewandowski, Anthony
Trowbridge, Henry O.

MEDICAL SERVICE CORPS

Gibbs, Clarence J., Jr.
Lang, Gideon L., Jr.

The following named officers of the U.S. Navy for temporary promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Ahlers, Norbert Anthony
Akins, Olen Charles
Anderson, J. Quinton
Arion, Ellsworth Eugene
Ashworth, Robert Arthur
Aversano, Anthony Joseph
Bailey, Defort
Baldwin, Robert Lee
Barclay, Ray Franklin, Jr.
Barker, Harvey Ward
Bartholomew, David Lynn
Bartke, Harrold Lincoln
Benning, Vale Jean
Billick, Dan Richard
Binion, John Isaac, Jr.
Black, James Douglas
Blanchard, Gary Franklin
Bobo, Harold
Bobo, Billy Joe
Bobo, Jerry Lyn
Boon, John Edward
Borgmann, Frederick William
Boyle, David John
Braswell, Wallace Edwin
Brattain, Herbert Keith
Brooks, Edgar Tearl

XUM

Brown, Richard Arnold
Brown, Robert Edward
Butler, Robert Edmund
Campbell, Donald Leo
Carey, John Dale
Caton, Robert Nelson
Chandler, Frank Lee
Chitwood, Orvis Hugh, Jr.
Clabaugh, Ronald Stephen
Cloutier, Lawrence Paul, Jr.
Cooper, William Jackson
Crain, Robert Levan, Jr.
Crowder, James Dunn
Cudia, David Timothy
Daniel, Jess Michael
Davis, Robert Lee
Deinhardt, John Joseph
Dekart, Donald Frank
Delancey, James Douglas
Delaney, Donald James
Deutsch, Joseph King
Doehring, Robert Franklin
Donnellan, David Francis
Dougherty, Thomas James
Drier, Melvin Franklin
Driscoll, Richard Francis
Driver, John Edward
Edwards, Bernard Darriel
Edwards, Raymond Lewis
Emswiler, Robert Byers
Enevoldsen, Jack
Eney, Neilson, Eugene, Jr.
Etten, Gary Albert
Fetter, Norman Leonard
Fisher, Glen Andrew
Foss, Harry Carson, Jr.
Frizell, Robert Allen
Fuller, Emil Andrew
Gates, Richard Wesley
Gepford, Richard Donald
Germany, Charles Joseph
Goerg, Frederick Clarence
Gordon, Harold Leroy
Goss, Marlin Earl
Graff, Clinton George, Jr.
Gregory, Thomas
Grimes, David Allen
Haffner, Guy Allen
Hagensick, John Richard
Hale, Douglas Alma
Hall, Richard Wendell
Haller, Bernard Joseph
Hambley, James Gilbert
Harris, Thomas Eugene
Harry, Robert Meade
Haupt, Lloyd
Havenstein, Gene Leon
Held, Rene
Heuchert, Richard Herman
Hill, Robert Wallace
Hine, Jerry Gordon
Hobbs, Hurshell Benton, Jr.
Hollon, Maurice Calvin
Horsfall, William Edward
Howard, Donald Reed
Howard, James Elijah, Jr.
Hoyt, William Henry
Huffman, Karl Howard
Husted, George Gerald
Irby, Eldon Elmore
Jackson, Robert Burns
James, Bobby Campbell
Jensen, Gordon Mark
John Paul Maret
Johnson, Thomas Scott, Jr.
Johnston, Darrell Edwin
Johnston, James Edward
Johnston, Wilford Paul
Jones, Carlos
Jordan, Boykin Bristow
Kellum, William Clayton Jr.
Kenyon, Larry Lee
Lawrence, James Ross
Lechtenberg, Richard Clem
Lentz, Joe Blane
Lighthart, Lloyd William
Locke, Gary Winfred, Jr.
Long, Homer Richard
Lopez, Clyde Cecil
Loranger, Richard George
Lormor, Eugene Harold
Lovejoy, Jay Edward
Lowe, Walter Robert
Lucero, Seferino
Lyon, Scott Roler
Majchrowicz, Edward John
Malone, Robert Grant
Markle, Donald Franklin
Marsh, Robert Dean
Marshall, Leo Roy
Massetti, Ennio
Mathews, Carl Leon
McCleer, James Lawrence
McElroy, Fred Carl
McGuire, David Nelson
Michielson, Dennis Clark
Miller, Paul Howard
Miller, Roy Allan
Milligan, Donald Ray
Mitchell, Elmer Ray
Nassar, Albert Nicholas
Nechvatal, Charles James
Neste, Carl Alfred
New, Melvin Roger
Nichols, Paul Malcolm
Oehler, James Christ
Olsen, Frederick Lee
Olson, John Theodore, Jr.
Page, Alfred Leonard
Palmer, Charles Frank
Parker, James Arren
Parsons, James Franklin
Partesius, John Scott
Pelletier, Ronald Wilbrod
Peters, John Wesley
Phillips, William Joseph, Jr.
Puhl, Matthew John
Popkas, Charles Frederick
Rakfeldt, Harry Ottomar
Rand, Verl Allen
Rawls, Robert Sherwood
Reed Frank Guy
Reindehl, Phillip Wells
Richardson, Billy Earl
Robertson, Bernard Lee, III
Robinson, Frank Jeffrey
Rodgers, Carl Todd
Rogge, John Arthur
Ross, Albert James, Jr.
Rudden, Francis Arthur
Ruth, Herbert Merton
Salter, Jesse Earl
Schaffer, Lawrence Carl, Jr.
Scheierman, Robert Leroy
Scheine, Murray
Scherzer, James David
Schmidt, Curtis John
Shaul, Michael C.
Skipper, John William
Smith, Herbert Merrill
Smith, Kenneth Fiesco
Smith, Kenton Leroy
Smith, Robert Emmet
Snyder, Ralph Oscar
Sparks, Howard Frank
Spear, Earl Jay
Spears, Tommie Edward
Speh, Warren Glenn
Spronce, Frank Thomas
Stanek, David Monroe
Stewart, Lowell Thomas
Stiffler, James William
Streng, Franklin Eugene
Stuck, James Roland
Swanson, Raymond Peter
Talbot, Ronald Eugene
Tanner, William Earl
Tarter, Arlan Gilmore
Terry, Robert Joseph
Thomason, William Rex
Thompson, Robert Miller
Tibbs, John William
Treadway, Alton Glen
Tudor, Tommy Neal
Tuttle, Donald Eugene
Uptegrove, Edwin Wayne
Vanhee, Richard Charles
Vanhoose, Ronald
Vettese, Anthony
Vick, Don Allen
Villemaire, Albert Joseph
Vsetecka, Leonard John
Walker, Arthur Thomas
Watson, Donald Reed, Jr.
Weaver, Sterrie Leon, Jr.
Weeks, Bill Frank
Welch, Leslie Corley, Jr.
Wenter, Gary Earl
Wertz, Bruce Neal
Whalen, Regis Emmett
Whiteley, William Burton
Will, George Frederick
Williams, Thomas Yeaman
Wilson, James Orville
Wood, Ronal Dewey
Woods, Gerald Bishop
Wyatt, Thomas Verden
Zoglmann, Paul Samuel

SUPPLY CORPS

Black, James Leroy
Bothe, James John
Burbridge, Robert Lee
Coats, Daniel Michael
Cormier, Edward Norris, Jr.
Cubbedge, Carlon Eugene
Dowell, Billy Ray
Farlow, Roger Kent
Flahiff, Daniel Edward
Loney, James Eldredge
Lowdermilk, Richard Francis
Pearrell, Larry William
Ritzel, Charles James
Siemers, Uwe
Walter, Frederick Sebastian
White, John Philip

CIVIL ENGINEER CORPS

Becker, Raymond Herbert
Headrick, Jay Clark
Hisey, Howard Alan
Martin, Norman Richard
Schraud, Henry Frank

MEDICAL SERVICE CORPS

Berkley, Roy Lee
Criscitiello, Joseph John
Donohue, Edwin Allen
Dumais, Gary Wayne
Dunaway, Floyd James
Enright, Charles Allen
Ferda, Robert
Hardy, Frederick Charles
Hora, Charles Donald
Kraft, John Edward
Marolf, Walter Keithley
Mitchell, Michael Lenard
Mumford, William Maxwell
Surratt, Colonel Ogburn
Terry, Lynn Marion
Williams, Ralph Thomas

The following-named women Naval Reserve officers for permanent promotion to the grade of captain in the line subject to qualification therefor as provided by law:

Grant, Margaret E.
Holmes, Melanie A.
Holmes, Peggy R.
Jewett, Ann E.
McCabe, Ellen C.

The following-named Naval Reserve officers for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Dollinger, Armand L.
Haslup, Allen L.
Heggie, Alfred Dineley, Jr.
Jofko, John
Kleh, Thomas Robert
Lesock, William John
Mauroner, Norman Lee
Moore, Charles Leslie
Oleinick, Samuel R.
Parkinson, Leonard Spencer C.
Scott, Daniel Joyner, Jr.
Smith, Gardner W.
Tierney, Ralph Charles
Vanorden, Lucas S.
Wintrich, Herman Peter

SUPPLY CORPS

Broz, John J.
Butler, William B.
Carney, Thomas R.
Cunningham, Joseph C.
Dawkins, Samuel D., Jr.
Fogle, Grover D.
Haidet, Walter R.



Jones, Maximilian B.
Nardi, Francesco P.
Paden, David L.
Potts, William E.
Ranieri, Walter R.
Snipes, Wilson C.
Sullivan, Gerald C.
Whiteman, Ralph E.
Winslow, John A.

CHAPLAIN CORPS

Angus, Robert C.
Bergsma, Derke P.
Cooper, William David
Floyd, Emmett Owen
Kloner, William

CIVIL ENGINEER CORPS

Barber, Ralph Edward, Jr.
Bentley, Donald R.
Hickey, Leo Alfred, Jr.
Johnson, Wendell P.
Maddock, Thomas S.
Martin, Arthur H.
Nutter, John M.

JUDGE ADVOCATE GENERAL'S CORPS

Banks, Myron C.
Benjamin, Julian R.
Chazen, Bernard
Cristol, A. Jay
Jones, Robert E.
Kennedy, William H.
Kenney, William J.
Kitchings, Atley Asher, Jr.
Lamere, Robert K.
Law, John M.
Redd, Gordon L.
Sams, Marion A.
Stich, Frank J., Jr.

DENTAL CORPS

Armen, George Krikor, Jr.
Jackson, Clyde Raymond
Kornblue, Edwin B.
Miller, Barry G.
Perlitsh, Max Joseph
Vanort, David Paul
Williams, Claude R.
Yamanouchi, Haruto W.

MEDICAL SERVICE CORPS

Brownson, Robert Henry
Capps, Daniel William

NURSE CORPS

Shanks, Mary D.

The following named Naval Reserve officers for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Boyd, Gerald E.
Downing, John Edward
Duren, Craddock Paul
Ewing, Charles William
Felsoory, Attila
France, Thomas Douglas
Gansa, Alexander Nicholas
Gondring, William Henry, III
Greene, Charles Abraham
Holder, James Bartley, III
Kayye, Paul Thomas
Kendall, Harry Ovid
Klenk, Eugene Leslie
Mitchell, James C., III
Robinson, Ralph Gaylord
Rowe, Stephen W.
Stewart, Edgar B.
Swan, David Stephen
Thomas, Jerry Lynn
Tucker, Samuel Hopper

SUPPLY CORPS

Birnbaum, Leonard G.
Doddridge, Benjamin F.
Farmer, David R.
Russell, Sanford H.
Soine, Jon C.
Uhlhorn, Carl W.

CHAPLAIN CORPS

Dwyer, Martin James
Pickrell, John W.

CIVIL ENGINEER CORPS

Gaal, Philip L.
Harris, John R.
Hensgen, Oscar Eugene
Meisner, Walter Theodore, Jr.
Papineau, Daniel Armand
Paradies, Gilbert Ernst

JUDGE ADVOCATE GENERAL'S CORPS

Began, William D.
Carnes, Conrad Dew
Erit, Bartholomew
Falbo, Gerald Anthony
Hoge, William R., Jr.

DENTAL CORPS

Bass, Ernest Brevard, Jr.
Belinski, Edward J.
Brown, Will M.
Cunningham, Peter Richard II.
Donoho, Donald Hugh
Eng, Wellington Raymond L.
Foley, James Patrick
George, Chester Leroy
Girolami, John James, Jr.
Hall, Daniel Lee
Hera, James David
Hohlt, William Frederick
Marsalek, Daniel E.
Morrison, George Clement
Nickelsen, Dale Charles
Niebuhr, Robert M.
O'Malley, George Charles
Ronning, George Arnold
Stende, Gregory W.
Thomas, John Philip
Triftyshauser, Roger Wayne
Uveges, Alfred Charles
Williams, Terry Charles

MEDICAL SERVICE CORPS

Ginn, Robert William
Knisely, Ralph F.

NURSE CORPS

Stevens, Peggy J.
Wolford, Helen Gurley

Comdr. Wilma H. Bangert, Supply Corps, U.S. Naval Reserve, for permanent promotion to the grade of captain in the Supply Corps subject to qualification therefor as provided by law.

Comdr. John A. Looby, Jr., Judge Advocate General's Corps, U.S. Naval Reserve for permanent promotion to the grade of commander in the Judge Advocate General's Corps subject to qualification therefor as provided by law.

Comdr. Stephen L. Maxwell, U.S. Naval Reserve for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of commander.

Comdr. David F. Fitzgerald, U.S. Naval Reserve for transfer to and appointment in the Judge Advocate General's Corps in the temporary grade of commander.

Lt. Comdr. George A. Lussier, Medical Corps, U.S. Naval Reserve for temporary promotion to the grade of commander in the Medical Corps subject to qualification therefor as provided by law.

Lt. Comdr. Nancy H. Baker, U.S. Naval Reserve for permanent promotion to the grade of commander subject to qualification therefor as provided by law.

Lts. Robert L. Chenery and Hazen C. Russell, U.S. Navy for temporary promotion to the grade of lieutenant subject to qualification therefor as provided by law.

Lt. Comdr. James F. Harris, Chaplain Corps, U.S. Navy for transfer to and appointment in the line of the Navy in the permanent grade of lieutenant commander.

The following named officers of the U.S. Navy for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Riedel, Charles T.
Shea, John P., III

Ensign Henry J. Turowski, U.S. Navy for transfer to and appointment in the Civil Engineer Corps in the permanent grade of ensign.

The following named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of ensign:

Bent, Randal T.
Johnson, Jack A.

The following named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Hargrove, James E.
Miller, David L.

The following named officers of the Judge Advocate General's Corps of the Navy for transfer to and appointment in the line in the permanent grade of ensign:

Martin, Thomas L.
Mattson, Michael V.
Wells, Lisalee A.

Joseph R. Headricks, Supply Corps, U.S. Navy for transfer to and appointment in the line of the Navy in the permanent grade of ensign.

The following named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Francis, Robert M.
Gardner, Daniel E.
Hallenbeck, Amos E., Jr.
Jackson, Timothy H.
Marvin, Richard B.
Merkl, Richard L.
Muller, David G., Jr.
Oehler, Michael W.
Wood, Nancy E.

SUPPLY CORPS

Robertson, James M., III

CIVIL ENGINEER CORPS

Micheau, Terry W.

Benedetto R. Lobalbo, U.S. Navy, for temporary promotion to the grade of lieutenant subject to qualification therefor as provided by law.

## HOUSE OF REPRESENTATIVES—*Tuesday, May 1, 1973*

The House met at 12 o'clock noon.

The Reverend David A. Winslow, Trinity United Methodist Church, Jersey City, N.J., offered the following prayer:

Isaiah wrote these treasured words:

*"Listen to Me, My people, and give ear to Me, My nation; for a law will go forth from Me, and My justice for a light to the peoples."*—Isaiah 51: 4.

Almighty God, You have taught us through example to love one another as You have already loved us. You have entrusted to us not only the ethics of perfection, but also the ethic of responsibility. Inform our minds, through Your love, so that we can engage in enlightened debate which yields statutes relevant to our needs.

Heavenly Father, bless these Members of the House of Representatives who labor for the welfare of the Nation. Draw them in faith to Your eternal design.

XUM

Grant that they may protect and uphold our national heritage of "One Nation under God."

Merciful Father, grant a compassionate spirit to the leadership of our Nation. Give our legislators the wisdom to act above the clamor of self-interest. Let justice and opportunity prevail for all our citizens. We pray in the name of the Father, the Son, and the Holy Spirit.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1165. An act to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar," and for other purposes; and

S. 1379. An act to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 86-420, appointed Mr. MANSFIELD, Mr. MONTOYA, Mr. HUMPHREY, Mr. BENTSEN, Mr. NUNN, Mr. HASKELL, Mr. BIDEN, Mr. COTTON, Mr. GRIFFIN, Mr. PERCY, and Mr. COOK, on the part of the Senate, to the Mexico-United States Interparliamentary meetings to be held in Mexico, May 24 to May 29, 1973.

## REV. DAVID A. WINSLOW

(Mr. DOMINICK V. DANIELS asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, we have just heard an excellent opening prayer by our visiting Chaplain, Rev. David A. Winslow of the Trinity United Methodist Church of Jersey City, N.J. Reverend Winslow, at age 28, only 2 years in our community has made a reputation for himself as one of the most dynamic religious leaders in Hudson County. I am proud to welcome him here today to the floor of the House of Representatives.

Reverend Winslow is a native of Michigan who received his bachelor's degree at Bethany College in Oklahoma City and his master of divinity degree at Drew University in New Jersey. He is presently completing his master of sacred theology degree at the same university.

Reverend Winslow is accompanied here today in Washington by his lovely wife, Frances, who is herself a scholar of some considerable importance. Mrs. Winslow has earned two master's degrees and is completing her doctorate at New York University. She is a singularly able young woman.

Mr. Speaker, I am proud and happy to welcome the Winslows to the House of Representatives. These two bright, dedicated young people prove my contention that America's future can be entrusted to the younger Americans who are just beginning to assume leadership in government, in industry, with the labor unions, and in doing God's work.

Certainly the people of the 14th District of New Jersey are honored to have the Reverend and Mrs. Winslow working among them. Hudson County is a better place for it.

## PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE A REPORT ON H.R. 6646

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture have until midnight tonight to file a report on the bill, H.R. 6646.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## WASHINGTON POST ARTICLE ON FARM PRICES DROP

(Mr. POAGE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. POAGE. Mr. Speaker, I want to call the attention of my colleagues to an article on page A7 of today's Washington Post.

The one-column headline says, and I quote: "Farm Prices Drop 1.5 Percent in Month." That is at an annual rate of 18 percent.

Now I cannot help but wonder whether, if that had been an increase in farm prices, it would not have been on the front page—notwithstanding the flood of important Watergate stories to be found there this morning.

I think it is only fair to point out that this newsstory also says Agriculture Department officials suggest the decline may be temporary—not because of any avariciousness on the part of farmers but because of extremely adverse weather conditions over much of the country which may drastically cut crop production this year. It should be borne in mind that the flooding of millions of acres of fertile farmlands these past few days means not only short crops and probable higher prices to consumers, it means higher production costs and to a great many individual farmers financial disaster.

## THE PRESIDENT'S FORTHRIGHT ACTION

(Mr. FISH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, I congratulate the President for taking a forthright and forceful position on Watergate.

The President deserves praise for cleansing the White House, a job that had to be done.

The Nation has been reassured that no man is above the law; that the guilty will be vigorously prosecuted. There will be, in the President's words, "no whitewash" of this scandal.

We also as a people have seen that our system does work. We have witnessed the force of a free press and of an impartial system of justice.

There are many matters of vital importance facing our Nation. While pressing relentlessly for the whole truth, we must get about other business.

A great nation cannot be governed in the midst of a crisis of confidence. This is no time for a weakened Presidency, but rather a time for trust and support. The President has taken a long step toward restoring trust and confidence in Government.

## PROVIDING FOR CONSIDERATION OF H.R. 3932, REQUIRING CONFIRMATION OF THE DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 351

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9332) to provide that appointments to the Offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Government Operations now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 3932, the Committee on Government Operations shall be discharged from the further consideration of the bill S. 518, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 3932 as passed by the House.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Those who listened to the reading of the resolution know it provides for 1 hour of general debate for the consideration of the amendment in the nature of a substitute recommended by the Committee on Government Operations to be considered as an original bill. The resolution waives points of order against that substitute for failure to comply with the provisions of clause 7, rule XVI, the provision on germaneness. The substitute is not considered to be germane because it goes so much further than the original bill. It goes further in that it abolishes and reestablishes the Office of Management and Budget, I presume in order to preserve the constitutionality of the matter that would then be before the House.

As far as I have heard there is not any great controversy over this resolution but I would have to admit that I have become a little gun shy on resolutions, so I am not prepared to say that there is no controversy, but to the best of my knowledge there is no great controversy over this particular resolution. There is great controversy over the legislation which it makes in order so I will reserve the balance of my time to see how things develop.

Mr. LATTA. Mr. Speaker, House Resolution 351 is an open rule, providing 1 hour of general debate for the consideration of H.R. 3932, a bill to require Senate confirmation of the OMB Director and Deputy Director. The rule makes the committee substitute in order as an original bill for purposes of amendment, and waives points of order against the substitute for failure to comply with clause 7, rule XVI, which is the germaneness provision. The rule also provides for insertion of the House-passed language in the Senate bill.

Mr. Speaker, the purpose of H.R. 3932, the bill made in order under this rule, is to require Senate confirmation of the Director and Deputy Director of the Office of Management and Budget.

The bill was amended in subcommittee in an attempt to avoid the constitutional issue that is raised when the Congress attempts to remove a duly appointed executive officer. The amended bill would abolish and then immediately reestablish the offices of Director and Deputy Director of OMB, and then require Senate confirmation of the men filling the new offices.

The bill also transfers to the Director the old Bureau of the Budget functions which were transferred to the President by section 101 of Reorganization Plan No. 2 of 1970.

The Committee on Government Operations estimates that there will be no additional costs as a result of the enactment of this legislation.

The Office of Management and Budget is opposed to this legislation on the grounds that it is constitutionally defective as it proposes to accomplish by indirection that which cannot constitutionally be achieved directly—namely, the legislative removal of executive branch officials. OMB is also opposed to this bill on the ground that the OMB Director serves as a personal agent of the President in the performance of Presidential duties. Traditionally officers who serve primarily as advisers and assistants to the President have been appointed by the President without Senate confirmation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am not quite sure I understand why the waiver is in this bill on the basis on which it has been explained.

Mr. LATTA. The gentleman from Missouri, I thought, adequately explained that, but I will mention to the gentleman again the points that the gentleman from Missouri mentioned.

There are in this bill as reported by the committee certain features which were not in the original bill. For example, on page 3, section 3, there is a completely new section which reads as follows:

SEC. 3. (a) The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970, and all functions vested by law in the Office of Management and Budget or the Director of the Office of Management and Budget are transferred to the office of Director, Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

It is my understanding that this was not in the original bill and it does expand the provisions of the original bill. For that reason we need the waiver of the points of order.

Mr. GROSS. If my friend, the gentleman from Ohio, would yield further, would it not be much more in order and in conformity with orderly procedure to have a bill before the House on which it would not be necessary to waive a point of order or points of order as to germaneness?

Mr. LATTA. I could not agree more with the gentleman from Iowa but we do not have such a bill and we did not have such a bill before the Rules Committee. If we could rewrite some of the bills which come before the Rules Committee, I believe we would have better legislation, but we cannot do that.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. LATTA. Mr. Speaker, I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SEBELIUS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 56, present 5, not voting 54, as follows:

[Roll No. 115]

YEAS—318

| | | |
|---|---|---|
| Abzug | Anderson, Ill. | Archer |
| Adams | Andrews, | Armstrong |
| Addabbo | N. Dak. | Ashley |
| Alexander | Annunzio | Aspin |
| Beard | Haley | Preyer |
| Bennett | Hamilton | Price, Ill. |
| Bergland | Hammer- | Price, Tex. |
| Bevill | schmidt | Pritchard |
| Biester | Hanley | Quie |
| Bingham | Harrington | Rangel |
| Blackburn | Harsha | Rarick |
| Boggs | Harvey | Rees |
| Boland | Hastings | Regula |
| Boiling | Hawkins | Reid |
| Brademas | Hays | Reuss |
| Bray | Hébert | Riegle |
| Breaux | Hechler, W. Va. | Rinaldo |
| Breckinridge | Heckler, Mass. | Roberts |
| Brinkley | Helstoski | Robinson, Va. |
| Brooks | Henderson | Robison, N.Y. |
| Broomfield | Hicks | Rodino |
| Brotzman | Hillis | Roe |
| Brown, Mich. | Hinshaw | Rogers |
| Brown, Ohio | Hollfield | Roncallo, Wyo. |
| Broyhill, N.C. | Holtzman | Roncallo, N.Y. |
| Broyhill, Va. | Horton | Rooney, Pa. |
| Buchanan | Howard | Rose |
| Burgener | Hudnut | Rosenthal |
| Burke, Mass. | Hungate | Roush |
| Burleson, Tex. | Hutchinson | Rousselot |
| Burlison, Mo. | Ichord | Roybal |
| Burton | Jarman | Runnels |
| Butler | Jones, N.C. | Ruppe |
| Byron | Jones, Okla. | Ruth |
| Carey, N.Y. | Jordan | St Germain |
| Carney, Ohio | Karth | Sarasin |
| Carter | Kastenmeier | Sarbanes |
| Casey, Tex. | Kazen | Satterfield |
| Cederberg | Keating | Saylor |
| Chamberlain | Kemp | Schroeder |
| Chappell | Ketchum | Sebelius |
| Chisholm | Kluczynski | Seiberling |
| Clancy | Koch | Shipley |
| Clausen, | Kyros | Shriver |
| Don H. | Landrum | Shuster |
| Clay | Leggett | Sikes |
| Cochran | Lehman | Sisk |
| Cohen | Lent | Skubitz |
| Collier | Long, La. | Slack |
| Conte | Long, Md. | Smith, Iowa |
| Conyers | Lott | Staggers |
| Corman | Lujan | Stanton, |
| Cotter | McCollister | J. William |
| Cronin | McCormack | Stanton, |
| Daniel, Dan | McDade | James V. |
| Daniels, | McEwen | Stark |
| Dominick V. | McFall | Steele |
| Danielson | McKay | Steelman |
| Davis, Ga. | McKinney | Steiger, Ariz. |
| Davis, S.C. | McSpadden | Stephens |
| de la Garza | Macdonald | Stokes |
| Delaney | Madden | Stubblefield |
| Dellenback | Mahon | Stuckey |
| Dellums | Mailliard | Studds |
| Dennis | Mann | Sullivan |
| Dent | Martin, N.C. | Symington |
| Derwinski | Mathias, Calif. | Taylor, N.C. |
| Dickinson | Mathis, Ga. | Teague, Calif. |
| Dingell | Matsunaga | Thompson, N.J. |
| Donohue | Mayne | Thone |
| Dorn | Mazzoli | Thornton |
| Downing | Meeds | Tiernan |
| Drinan | Metcalfe | Towell, Nev. |
| Dulski | Mezvinsky | Udall |
| du Pont | Milford | Ullman |
| Eckhardt | Miller | Van Deerlin |
| Edwards, Ala. | Mills, Ark. | Vander Jagt |
| Edwards, Calif. | Mills, Md. | Vanik |
| Ellberg | Minish | Veysey |
| Erlenborn | Mink | Waggonner |
| Esch | Minshall, Ohio | Waldie |
| Eshleman | Mitchell, Md. | Walsh |
| Evans, Colo. | Mitchell, N.Y. | Wampler |
| Evins, Tenn. | Moakley | Ware |
| Fascell | Mollohan | White |
| Findley | Moorhead, Pa. | Whitehurst |
| Fish | Morgan | Widnall |
| Flood | Mosher | Wiggins |
| Flowers | Moss | Williams |
| Flynt | Murphy, Ill. | Wilson, |
| Ford, Gerald R. | Natcher | Charles H., |
| Fountain | Nedzi | Calif. |
| Frelinghuysen | Nichols | Wilson, |
| Frenzel | Nix | Charles, Tex. |
| Fulton | Obey | Winn |
| Fuqua | O'Hara | Wolff |
| Gaydos | O'Neill | Wright |
| Gettys | Owens | Wyatt |
| Gibbons | Parris | Wydler |
| Gilman | Patman | Wyman |
| Ginn | Patten | Yates |
| Goldwater | Pepper | Yatron |
| Gonzalez | Perkins | Young, Alaska |
| Grasso | Peyser | Young, Fla. |
| Green, Pa. | Pickle | Young, Ga. |
| Griffiths | Pike | Young, S.C. |
| Grover | Poage | Young, Tex. |
| Gubser | Podell | Zablocki |
| Gude | Powell, Ohio | Zion |



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NAYS—56

| | | |
|---|---|---|
| Arends | Goodling | Passman |
| Ashbrook | Gross | Pettis |
| Bafalis | Guyer | Quillen |
| Baker | Hansen, Idaho | Rhodes |
| Bell | Hogan | Scherle |
| Camp | Holt | Schneebeli |
| Clawson, Del | Hosmer | Shoup |
| Collins | Huber | Snyder |
| Conable | Hunt | Spence |
| Conlan | Johnson, Pa. | Steed |
| Crane | Landgrebe | Steiger, Wis. |
| Daniel, Robert W., Jr. | Latta | Symms |
| | McClory | Talcott |
| Davis, Wis. | McCloskey | Taylor, Mo. |
| Devine | Madigan | Thomson, Wis. |
| Duncan | Maraziti | Treen |
| Fisher | Martin, Nebr. | Wilson, Bob |
| Forsythe | Michel | Wylie |
| Froehlich | Nelsen | Zwach |

PRESENT—5

| | | |
|---|---|---|
| Cleveland | Hanrahan | Mallary |
| Frey | Litton | |

NOT VOTING—54

| | | |
|---|---|---|
| Abdnor | Ford, William D. | Moorhead, Calif. |
| Anderson, Calif. | Fraser | Murphy, N.Y. |
| Andrews, N.C. | Gialmo | Myers |
| Badillo | Gray | O'Brien |
| Barrett | Green, Oreg. | Railsback |
| Blaggi | Gunter | Randall |
| Blatnik | Hanna | Rooney, N.Y. |
| Bowen | Hansen, Wash. | Rostenkowski |
| Brasco | Heinz | Roy |
| Brown, Calif. | Johnson, Calif. | Ryan |
| Burke, Calif. | Johnson, Colo. | Sandman |
| Burke, Fla. | Jones, Ala. | Smith, N.Y. |
| Clark | Jones, Tenn. | Stratton |
| Coughlin | King | Teague, Tex. |
| Culver | Kuykendall | Vigorito |
| Denholm | Melcher | Whalen |
| Diggs | Mizell | Whitten |
| Foley | Montgomery | Young, Ill. |

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Smith of New York.
Mr. Rostenkowski with Mr. Young of Illinois.
Mr. Blatnik with Mr. Abdnor.
Mr. Brasco with Mr. King.
Mrs. Green of Oregon with Mr. Myers.
Mr. Gialmo with Mr. Coughlin.
Mr. Johnson of California with Mr. Railsback.
Mr. Clark with Mr. Bowen.
Mr. Culver with Mr. Johnson of Colorado.
Mr. Foley with Mr. Brown of California.
Mr. Montgomery with Mr. Gunter.
Mr. Whitten with Mr. Burke of Florida.
Mr. Teague of Texas with Mr. Kuykendall.
Mr. Vigorito with Mrs. Burke of California.
Mr. Stratton with Mr. Melcher.
Mr. Hanna with Mr. Moorhead of California.
Mrs. Hansen of Washington with Mr. Jones of Tennessee.
Mr. Gray with Mr. O'Brien.
Mr. William D. Ford with Mr. Fraser.
Mr. Barrett with Mr. Heinz.
Mr. Blaggi with Mr. Randall.
Mr. Badillo with Mr. Diggs.
Mr. Denholm with Mr. Roy.
Mr. Jones of Alabama with Mr. Mizell.
Mr. Murphy of New York with Mr. Sandman.
Mr. Ryan with Mr. Whalen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

## REQUIRING CONFIRMATION OF DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3932) to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3932, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. HOLIFIELD) will be recognized for 30 minutes, and the gentleman from New York (Mr. HORTON) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California (Mr. HOLIFIED).

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3932, as amended, the bill under consideration today, has two primary and related purposes: First, to require that appointments to the offices of Director and Deputy Director of the Office of Management and Budget—OMB—be made by and with the advice and consent of the Senate; and second, to restore to the OMB and its Director those statutory powers which were taken away by Reorganization Plan No. 2 of 1970 and placed in the President's own hands.

The requirement for Senate confirmation of appointments to the offices of Director and Deputy Director of OMB is fully justified by the realities of governmental life and is long overdue. The Director has vast power and importance in the Federal Government; he is not one of the "faceless" confidential advisers to the President. The Director stands in his own right as a policymaker and administrator. He directs an organization of 660 employees. His circulars and bulletins regulate, control, and limit Government performance in a variety of ways. They have an impact on State and local governments and on the private sector. Congress has enacted more than 60 statutory provisions relating to the duties of the Director or his office.

More than a half century ago, when the Bureau of the Budget was established by law, the Director was represented as the President's man, a kind of clerical assistant to assemble and collate budget estimates. Even then, the Senate proposed that the Director be appointed with its advice and consent. The House bill did not carry such a requirement, and the Senate provision was struck out in conference. There is not much legislative history on this subject; only passing references were made to it in the extensive floor debates on the budget and accounting legislation.

Whatever the legislative situation was at the beginning, it is clear as crystal that the OMB Director in the 1970's is not the BOB Director of the 1920's. Government has grown a hundredfold. The President's powers have increased enormously. The OMB Director supervises the vast Federal Establishment, which makes him second to none but the President in power and authority.

Why should the OMB Director, with such vast power and authority, be exempted from Senate confirmation? Other officials in the Executive Office of the President, with far less power and authority, are confirmed by the Senate. In fact, as the committee report points out—House Report No. 93–109, page 13—29 officers in 10 Executive Office components now are subject to Senate confirmation. So are the heads of departments and agencies, and hundreds of their deputies and assistants.

The OMB Director serves the Congress as well as the President. The Budget and Accounting Act specifically directs the OMB to furnish to any committee of the House or Senate dealing with revenue or appropriations "such aid and information as it may require." And even more significant, as we point out in the committee report, page 8, Congress conceived of the whole executive budget process as a means of assisting and improving its own decisions on appropriations.

There is a big argument now whether the Congress has abdicated certain of its responsibilities in controlling the national purse when the President sets his own spending ceilings and impounds funds as he sees fit. Those who believe that the Congress should take firm steps to regain its authority and properly discharge its own constitutional responsibilities should welcome this legislation. It is not the answer to our fiscal and impounding problems, but it is a step in the right direction.

This bill also makes an organizational adjustment. Through the years the Congress has enacted numerous laws vesting in the BOB/OMB or their directors various functions of Government which are technical and administrative as well as policymaking in nature. Reorganization Plan No. 2 of 1970 took those statutory powers away from the OMB and the Director and placed them in the hands of the President, where they now remain—with a few exceptions reflecting subsequent enactments. Our committee opposed Reorganization Plan No. 2 of 1970, but unfortunately it was accepted by the Congress.

One of our main objections to the 1970 plan was that the transfer would place in the President's hands a wide array of powers, which he could then delegate at will throughout the Government, without referring the matter back to the Congress. In other words, it was a blank check for reorganization, going beyond the purposes of the Reorganization Act, which requires that reorganization plans



lay before the Congress 60 days before taking effect.

In this measure, we are restoring to the OMB Director the statutory responsibilities Congress gave to him, thereby nullifying section 101 of Reorganization Plan No. 2 of 1970. In part, this is a protective measure. If the functions are not returned to the OMB Director, then the President could make an empty shell of the OMB and defeat the objective of Senate confirmation by delegating these functions elsewhere in the Government. The possibility is not an idle one. The incumbent OMB Director, Roy L. Ash, in a letter to the committee commenting adversely on pending bills to require Senate confirmation of the OMB Director and Deputy Director, pointed out that—

If any President so desired, he could transfer any or all of these [budget] functions to other officials of the Government (see page 32 of House Report No. 93–109).

We are not contending that every OMB function must remain forever in OMB. In his process of "thinning out" the Executive Office, the President may indeed transfer some OMB functions to other agencies. The point we make is that such transfers should be subject to congressional review, as they would be under this legislation, which restores the statutory functions to the OMB Director. In other words, to transfer statutory functions from OMB, the President would have to submit a reorganization plan to the Congress. At present, holding these powers in his own hands, he makes these transfers at will, without any opportunity for the Congress to review and, if necessary, to reject.

Several differences should be noted between H.R. 3932 as amended and S. 518, the bill which passed the Senate on February 5, 1973. The Senate bill would permit the incumbent OMB Director and Deputy Director to hold their positions for 30 days following enactment of the bill, after which time, to continue in office, they would have to be confirmed by the Senate. Also, the Senate bill fixes definite terms for the Director and Deputy Director, coinciding with the Presidential terms, in effect requiring reconfirmation if a President were reelected and wanted to retain the same two officers.

H.R. 3932, as introduced by the gentleman from Texas (Mr. BROOKS) and approximately 100 cosponsors, including myself, was substantially the same as S. 518 which passed the Senate. However, Mr. BROOKS offered an amendment, in the nature of a substitute, which our committee decided would best meet the essential purposes of the legislation. The amendment would abolish the offices of OMB Director and Deputy Director, and then establish new offices requiring confirmation by the Senate. The law would take effect 30 days after enactment, giving the President that time to submit his nominations to the Senate. The amendment omits the provision fixing terms for these officers in the belief that it would add complicating factors to the legislation.

The committee decision to abolish and reestablish the offices of OMB Director and Deputy Director accords with a procedure suggested during the Senate debate on S. 518. Senator GRIFFIN, who favored the general purpose of the legislation, stated—CONGRESSIONAL RECORD, daily edition, February 2, 1973, page S1977, quoted in House Report No. 93–109, page 6:

I believe it would be more appropriate to abolish the Office of OMB for a short period of time and then re-establish it. That, it seems to me, would be a constitutional way to require appointment and reconfirmation of the incumbent OMB Director, if that is the purpose here.

Our committee report makes it clear that we do not question the constitutional validity of the bill as passed by the Senate. In our judgment, however, the alternative procedure of abolishing the present offices and establishing new ones with the requirement for Senate confirmation is the better approach. As discussed in detail in the committee report, abolishing and creating offices within the confines of a single bill has ample statutory precedents, including legislation recommended by the present administration, and judicial endorsement.

We point out also that our amended bill is broader in scope and purpose than the one passed by the Senate, particularly because it provides for retransfer of statutory authorities from the President to the OMB Director.

Opponents will argue that we are trying to oust the incumbent OMB Director. Speaking for myself, and I am sure for the majority of the committee, I completely disavow any such intention. This legislation is directed at the office and not at the man. This committee has legislative jurisdiction over the Office and is discharging its responsibility in reporting the legislation.

This legislation, as I said at the outset, is fully justified and long overdue. The Office of Management and Budget is powerful and pervasive. It is not only a key Government center for policymaking, but it is, in many ways, an administrative and regulatory Agency with respect to all other agencies of the Government. Its decisions and directives also impinge on State and local governments and the private sector.

The committee bill, by providing for Senate confirmation, recognizes the reality of the power reposing in that Office. Also it provides for placing statutory responsibilities in the Director, which was the case prior to Reorganization Plan No. 2 of 1970. In this way, authority and responsibility are closely joined.

I urge the Members to support this legislation.

Mr. McCLOSKEY. Will the gentleman yield for a question?

Mr. HOLIFIELD. I yield to the gentleman from California.

Mr. McCLOSKEY. Will the gentleman tell me what differences there are in the Director—comma—Office of Management and Budget and his functions, from the office that is being abolished, Director of the Office of Management and Budget? Are there any substantive changes in the responsibilities of that office other than the change in merely the title?

Mr. HOLIFIELD. No. If the gentleman listened to my statement, I said that we are transferring back to the Office of the Bureau of the Budget, those statutory powers which were transferred from him to the President, putting them into the President's hands. We are bringing the authority back to the Director as it has been for many, many years, up until May 13, 1970, when Reorganization Plan No. 2 was adopted in this House by a margin of 19 votes.

Mr. McCLOSKEY. I thank the gentleman.

Mr. HORTON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in opposition to the bill (H.R. 3932) and to the committee amendment in the nature of the substitute. I do so because I am concerned about congressional reform. The Congress must reform itself if it is to play its constitutional role in the Federal Government. At the same time, we must not be carried away by proposals which masquerade as reform. In fact, these proposals to require Senate confirmation of the OMB Director are an invitation to a legal battle. They are a reaction to the difficult relations which exist between the Congress and the Presidency; but they do not resolve any outstanding issues between these two branches. I think it would be a mistake for the House to approve this legislation.

Seventeen members of the Committee on Government Operations voted against reporting this bill and signed dissenting views to the committee report which outline why this legislation would be unconstitutional. Yesterday I put in the CONGRESSIONAL RECORD, at page 13588, a statement on the question of whether or not the OMB Director ought to be subject to Senate confirmation.

Time does not permit a complete review of all the arguments surrounding this issue, so I will limit myself to a discussion of three points which, to my mind, summarize the principal reasons why we should not accept either the original bill or the committee amendment.

The first point is that both the bill and the committee amendment are unconstitutional.

The second point is that this legislation would not result in any meaningful reform of the House or the Congress; it does not do anything for us.

The third point is that this legislation would give the other body powers the House had earlier refused to grant for reasons which are still valid today.

The constitutional issue, my first point, is that this legislation amounts to an unconstitutional encroachment by the Congress on the power of the Chief Executive to remove executive officers. It is inherent in any effort by the Congress to add a qualification for this office and then apply it to incumbent officers. Such an action of necessity forces the termination of appointments of officers who, under our Constitution, serve at the pleasure of the President.

There have been previous attempts by the Congress to force the removal of officers in the executive branch, but they have never been successful. On several occasions the Supreme Court has specifically recognized the exclusive right of the President to remove executive of-

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ficers. The Congress recently has avoided overstepping its constitutional bounds. In 1965, the House refused to pass a bill which would have removed Sargent Shriver from one of the two appointments he then held. In 1968, legislation to make the FBI Director subject to Senate confirmation was consciously worded so as to take effect only after the termination of the service of the incumbent.

An important principle is at stake here—whether the Congress may at any time and by means other than are to be found in the Constitution, act so as to remove an executive officer. In 1965, Attorney General Katzenbach wrote an opinion for President Johnson which clearly makes this point:

> Congress may impose reasonable qualifications, applicable prospectively, upon those who would hold executive posts it has created. But if Congress could impose qualifications retroactively, thereby ousting the incumbent, it could remove any officer whose performance, however satisfactory to the President, was unsatisfactory to it. The Constitution is certainly not susceptible to any such interpretation.

I think members from both parties should carefully consider the advisability of establishing a precedent whereby Congress is able to remove executive officers by means other than impeachment and conviction.

The committee amendment, of course, is an attempt to get around this constitutional problem. But the attempt fails. The Supreme Court has held that where there is an "essential inevitable effect" which is unconstitutional, the law must be considered unconstitutional. This legislation is designed to have the effect of removing incumbent officers which is unconstitutional. And we cannot color our action by claiming the exercise of a normally constitutional power. The Supreme Court has also held the Congress may not use—

> (a) Constitutional power . . . by way of condition to attain an unconstitutional result.

It is worth noting here that legislation which abolishes and then immediately reestablishes offices has an inglorious history at the State level, where it is known by the name of "ripper legislation."

Proponents have cited cases of supposed ripper legislation at the Federal level to support their contention that such action is permissible. An analysis done for me by the Justice Department of the cases cited shows they do not support this contention. In three of the cases, the legislation was worded so that the President could choose the time of removal for the appointees. In two of the cases, the abolishment was part of a major reorganization, which is certainly not the case here. In only one case does the proposition appear to hold. But it should be noted that two subsequent statutes of the same nature were modified to avoid the constitutional problems. In all of the cases cited, the proposals either emanated from or were supported by the President and thus did not constitute a congressional attempt to remove an executive officer against the will of the Chief Executive.

I should also add that to the extent this legislation is aimed at the incumbent OMB Director, Roy Ash, it becomes a bill of attainder. There were several statements made on the floor of the other body which might well be interpreted as placing the bill in this constitutionally prohibited category.

In short, I believe, along with 16 other members of the Government Operations Committee, that this legislation has the effect and is designed to have the effect of removing duly appointed executive officers by legislative means, and therefore, is unconstitutional.

The second major point is that this legislation would not produce any reform of value for the House or for the Congress. This bill does not permit the Congress to establish spending ceilings, control impoundments, or develop a budget office to help us analyze the President's proposals. It does not limit executive privilege. All it does, in the words of our colleague, JACK BROOKS, is "give the Congress an opportunity to evaluate and have some slight input, just by examination, interrogation, and a public examination of his—the Budget Director's—background and character, his attitudes, and so forth." Of course, he does not mean the Congress here, he means the Senate. And, of course, he does not imply that there would be any attempt to obtain advance commitments from the nominee as to how he would handle the job and what policy positions he would take. No nominee for a Presidential staff position could do that.

Since there is no reform value in this legislation, I find it unwarranted.

My third point is that I find the legislation unwise because it would have an adverse effect on the budgetary system which the House so carefully contructed in the Budget and Accounting Act of 1921. As a careful reading of the legislative history of that landmark legislation makes clear, the House did not agree to the Senate's request to advise and consent to the appointment of the Budget Director because it felt that would not be in keeping with the establishment of an effective budget system. At the time, they felt that the President, under the Constitution, was directly responsible for administrative management, and in view of the constitutional principle of separation of powers, should have personal staff to carry out these constitutional responsibilities. They felt that if these responsibilities were shouldered by the President, and if he was given adequate staff assistance, it would be possible to achieve far greater economy and efficiency in the executive branch. And finally, they believed the President's ability to meet their responsibility should not be diluted by involving the Senate in the confirmation of the Budget Director.

All of these points are equally valid today. The quantitative increase in the power of the Budget Director must not be confused with the stable relationship of the budget director to the President, the House, and the Congress. As was pointed out in our hearings on this legislation, if we act so as to weaken the bonds between the President and the Budget Director, and fragment the relationships between the Congress and the President and his Budget Director, we will have lost much of the clear focus, of responsibility—created under the Budget and Accounting Act of 1921—which provides the basic strength in our budgetary system.

Undoing the reforms in the Budget and Accounting Act for which the House fought so hard is not what is required now.

To summarize my position, then, I believe the original bill and the committee amendment to be unconstitutional. Furthermore, I believe requiring Senate confirmation of the OMB Director to be unwarranted and unwise because of its effects on the budget system. I urge the House not to pass this legislation.

Mr. HOLIFIELD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, the Office of Management and Budget is undoubtedly one of the most powerful agencies in the Federal Government at this time.

OMB virtually controls every move the Federal Government makes. It determines what programs will be funded, what programs will be cut, and what programs will be abolished. It dictates the position of every agency in the Government on legislative proposals pending before the Congress.

In a reorganization announced just this past week, OMB has assumed a direct role in managing and operating programs which they consider to be of "Presidential level importance." In short, OMB is taking over the Federal Government, and, in doing so, no mention has been made of statutory responsibilities or of congressional priorities and directives.

I introduced the legislation before us today because I think it is important that Congress have some role in determining the qualifications of the people that are to head such an important and powerful Government agency. Some 134 of my colleagues in the House have joined in sponsoring similar legislation. All of us are concerned about the preservation of our constitutional system of Government.

This legislation would accomplish two primary objectives. First, it would vest directly in the Director, Office of Management and Budget, those functions which Congress had previously vested in that office but which were removed from him and vested in the President as the result of a reorganization plan in 1970. From time to time since 1921, when Congress first created the old Bureau of the Budget as a part of the Treasury Department, we have passed statutes giving certain responsibilities to the Director of, first, the BOB, and now the OMB. These statutory responsibilities were removed from OMB in Reorganization Plan No. 2 of 1970 and were vested directly in the President, who then delegated them back to OMB.

However, at this time, the President can redelegate those functions to any other Federal government agency without even going through the minimum requirements of a reorganization plan. This is not what Congress intended when it passed those bills. The legislation before us today would restore those functions to the office in which Congress originally placed them and where they should be today.



The second provision of this legislation requires Senate confirmation of nominees to be Director and Deputy Director, Office of Management and Budget. One classic means provided in the Constitution for balancing power between the executive, legislative, and judiciary branches requires the participation of Congress in the appointment of officers of the United States. The only exception to this occurs when Congress voluntarily by law relinquishes its role to participate in the confirmation of "inferior" officers.

There is no question that Congress can, under the Constitution, require confirmation of these two appointments in OMB. The fact that we have not done so in the past is of no consequence. The nature of the positions is now such that we are neglecting our duty if we do not require Senate confirmation.

The Senate confirms hundreds of presidential appointments each year. These confirmations include such important positions as Cabinet-rank secretaries, most members of regulatory boards and commissions, and such lesser positions as officials in the Overseas Private Investment Corporation, the National Commission on Materials Policy, National Credit Union Administration, Director of Geological Survey, Director of the Bureau of the Census, U.S. Parole Board members, and dozens of other such position. Surely, the Director and Deputy Director of OMB deserve equal consideration.

While it is true that the Office of Management and Budget is a part of the Executive Office of the President, it is also true that 29 other appointees to positions within the Executive Office of the President are required to obtain Senate confirmation. The Director and Deputy Director of the Office of Management and Budget can no longer be considered the kind of officers that Congress should permit to be appointed solely by the President. Congress must reclaim its rightful role in evaluating the qualifications of the people who occupy these important positions.

Mr. Chairman, this legislation is similar to legislation that passed the Senate on February 5 by a vote of 63 to 17, providing for confirmation of appointees to occupy the top two positions in this agency.

I urge my colleagues in the House to act favorably upon this bill today as a move toward restoring some degree of balance between the executive and legislative branches of the Government and to remind the executive, once again, that the Congress—as the representatives of the people of this Nation—has the responsibility for determining the priorities of our Government, and that it is incumbent upon the President and the OMB to respect and carry out those priorities.

Mr. WYLIE. Mr. Chairman, will the gentleman yield for a question?

Mr. BROOKS. I am delighted to yield to my friend from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

As I understand it, the bill on this subject which passed the Senate would require confirmation of the present incumbent in the office of the Director of the Office of Management and Budget; is that correct?

Mr. BROOKS. That is correct.

Mr. WYLIE. Mr. Chairman, will the gentleman yield for an additional question?

Mr. BROOKS. Surely.

Mr. WYLIE. The House bill also provides for confirmation of the incumbent; is that correct?

Mr. BROOKS. The gentleman is correct.

Mr. WYLIE. Now, on page 46 of the report some of the minority members of the committee cite a case which holds that if a law is passed requiring confirmation of an incumbent to an office—and I think there is no mistake that in this case it is to prevent or to nullify the appointment of Roy Ash or at least to require him to appear before the Senate for confirmation—it is unconstitutional. Then is not this bill unconstitutional?

Mr. BROOKS. Mr. Chairman, in reply to my friend, the gentleman from Ohio (Mr. WYLIE), I would say that on page 4 of the report we point out very clearly that such action is clearly within the power and the prerogative of the Congress; that is, the power to create one office and abolish another.

On page 14 of the report, a section begins:

> Statutory Precedents Simultaneously Abolishing and Creating Offices—

Which is what this legislation does. It has been done before, and there are ample precedents for it.

On page 16 the report continues:

> Judicial Ruling supporting simultaneous abolition and creation of new offices:

This discussion runs on through page 19, page 20, and including page 21.

Mr. Chairman, it is quite obvious that the Congress has the full authority to abolish any office that we have created. That is perfectly clear to everybody.

It is equally clear that Congress has the full authority to create another body or another agency. In this instance this bill is not directed to any individual. It might well be that the President in his good judgment may appoint someone else; he may reappoint these people whom he had in the offices that are abolished; he may keep them and reappoint them.

Mr. Chairman, I would say that were I interested in such a job, I would, certainly not hesitate to have Senate confirmation. The Senate is a very generous body, and they have been very kind to Presidential appointees. I do not think either one of them would have any problem in being confirmed if the President selected them as the heads of these two new jobs.

Mr. WYLIE. Mr. Chairman, I appreciate the gentleman's answer.

Would the gentleman yield for another question?

Mr. BROOKS. Certainly, I will yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, the language to which the gentleman referred on page 4, of course, is a matter of opinion. There is no case citation to support it, but in this particular case we are not abolishing the Office of Budget and Management as such, are we?

We are simply saying, in effect, that Mr. Ash, who is the incumbent in the office, shall be confirmed?

Mr. BROOKS. No, Mr. Chairman, let me make that clear. No, we are not. I am sorry that I did not make that clear to the gentleman.

This bill will abolish the existing office. It will create another office with virtually the same name, but we will assign to that office statutory functions which its predecessor had prior to 1970. In that new office with new statutory functions there will be a Director and an Assistant Director appointed at the pleasure of the President, but with the advice and consent of the U.S. Senate.

Mr. WYLIE. May I ask the gentleman further, will the duties not be the same?

Mr. BROOKS. Their duties will be considerably different statutorily. The statutory duties of the existing OMB are very, very meager; they are very, very small. OMB has been delegated considerable authority by the President of the United States. This legislation would create a new office with statutory functions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas (Mr. BROOKS).

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I would be delighted to yield to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, I am completely and unalterably opposed to this legislation at this point. Let me direct a question to the gentleman.

Why should the Senate confirm this man? This is the Office of Management and Budget and the action on all appropriation bills is taken in the House.

Why should the House abdicate its authority to the Senate?

Mr. BROOKS. Well, that is the way the U.S. Constitution suggested that it be done.

Mr. CEDERBERG. But it does not have to be done that way?

Mr. BROOKS. No; we could pass a constitutional amendment that would require the OMB Director, the new one, and the Assistant Director to be confirmed by the House, but it would take a constitutional amendment. That might be very controversial, I can assure the gentleman.

Mr. CEDERBERG. Why would you need a constitutional amendment in that case?

Mr. BROOKS. Yes, because the Constitution provides that the President shall appoint by and with the advice and consent of the Senate certain of these officials.

Mr. CEDERBERG. Certain of them. Certain of them. But this law was created long after those provisions described in the Constitution.

Mr. BROOKS. That is right.

Mr. CEDERBERG. But I am opposed to the House abdicating its authority. We appropriate and not the Senate.

Mr. HORTON. Mr. Chairman, I yield

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5 minutes to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, I would like to direct two questions to the esteemed chairman of the committee that presents this bill.

The first question I would like to ask my colleague from California, who was interrupted when his time expired earlier, is this:

This bill in title I changes the title of the Director of the Office of Management and Budget to the title Director, Office of Management and Budget. The only other change that I can ascertain in the powers of this office are under section 3 where the chairman pointed out that the functions transferred to the President by section 101 of the Reorganization Plan No. 2 of 1970 and all functions vested by law in the OMB are transferred to the Office of Director of the Office of Management and Budget.

Can the gentleman tell me any single such function that is not presently being exercised by the Director of the Office of Management and Budget by delegation from the President?

Mr. HOLIFIELD. They are delegated to the Director by the President, but we transferred those functions, including the statutory functions, about 60 of them, into the hands of the President, and by Reorganization Plan No. 2 of 1970 we gave the President the right to delegate them anywhere in the executive branch of the Government. Now we are placing the statutory authority back where it has been for many years, in the Office of the Director and making that office responsible to us.

The return of statutory authority to the Director means that if there is any change in the delegation of all these different functions by the President, then it would have to come up before the Congress for review under a reorganization plan, which brings the power back to the Congress.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. I appreciate the technicalities of what the bill accomplishes, but as a practical matter all some 60 of the functions transferred to the President under the Reorganization Act are now presently delegated to the Director, are they not?

Mr. HOLIFIELD. There may have been a few designated elsewhere, but in a general way the gentleman is correct.

Mr. McCLOSKEY. That is my understanding. Not only in a general way am I correct, but in every respect the functions delegated in 1970 to the President have now been delegated to the OMB, have they not?

I notice the gentleman from Texas shaking his head. Is there a single function the gentleman knows of that is not presently delegated to the Director of OMB?

Mr. BROOKS. If the gentleman will yield, there are several plans of which I am aware that will transfer some of them.

Mr. McCLOSKEY. But those plans would be subject to the approval of the Congress under the Reorganization Act, would they not?

Mr. BROOKS. No.

Mr. McCLOSKEY. It seems to me, if those functions are presently being exercised by the Director of the OMB, it is a sham to suggest that we must establish by law that those powers be in his Office. I have heard of no threat that he is going to transfer these powers without congressional approval elsewhere.

Mr. BROOKS. If the gentleman will yield, there are some proposals now with which I am familiar to transfer certain management functions and delegate the authority of the OMB to another Government agency by Presidential approval and directive alone. They are now in the process of transferring some of these management functions to another Government agency. It is not necessarily a bad transfer, in my judgment. It may be desirable. But I know that all of the functions of the OMB which were originally statutorily assigned to them will not necessarily remain in OMB. Exactly how many will be transferred, I do not know, but in a couple of instances I have definite proof of intentions to delegate them elsewhere.

I say to my colleague, I just want him to know that, if an office has a statutory function, we know where it is. If you leave them as a delegated function, there is no telling to what agency they might be assigned and what their fate may become.

Mr. McCLOSKEY. But the gentleman will concede that, if they might be assigned to any other agency, it would require the approval of the Congress.

Mr. BROOKS. Not at all, not at all, that is absolutely not the case. Power in the hands of the President of the United States can be delegated to the OMB, it can be delegated to the GSA, it can be delegated to the FBI, and it can be delegated to the Civil Service Commission—they can and they have been so delegated and will be in the future. That is a power of the President that we are not attempting to stop. But, under these circumstances, he does not need a reorganization plan or a plan approved by the Congress to redelegate from one agency to another. That authority that now exists in the President—in any President.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to H.R. 3932 as amended, a bill to make the Director and Deputy Director of the Office of Management and Budget subject to Senate confirmation.

My conclusion about this proposal is based on three observations generated from extensive participation in the hearings held before the Subcommittee on Legislation and Military Operations.

During the testimony offered by a distinguished group of witnesses, it became abundantly clear that the motivation for approval of this legislation was punitive and political rather than productive.

Second, the proposal is unconstitutional, as the minority views in the report so clearly indicate.

Finally, there is the impoundment question which has been the central issue. The right of the President, no matter who occupies the White House, to restrict expenditures has been utilized in the past to control the flood of Federal dollars into the economy, and should be utilized in the future.

If there has been an excessive restriction of funds under the current administration then the Congress should respond to that problem through appropriate legislation regulating expenditures, rather than by this legislation.

Rather than improving the budgetary procedures of the administration, this bill will weaken them. It seeks to disrupt the administration of the Office of Management and Budget by removing the current Director and Deputy Director through abolishing the agency and then immediately reconstituting it. Can anyone with even a modicum of common sense categorize this proposal as constructive?

I have long supported efforts to streamline the bureaucracy and strengthen the hand of the Congress in its relationship with the executive branch. The proposal before us today will accomplish neither. Instead, it will politicize the staffing of the President's budgetary-supervising organization to an extent which would make it impossible for the President to do his duty as the Nation's Chief Executive, that is developing his own independent, cohesive and balanced national spending policy.

It is not the job of the Director of OMB to independently develop a budget and supervise its management. That is the President's job; and the Director of OMB does it as the President's man, not as a Cabinet Secretary carries out various laws passed by Congress and signed by the President. That was the purpose of Reorganization Plan No. 2 of 1970. If the Congress feels it should have its own Office of Management and Budget because it has lost faith in the Appropriations Committee or for whatever reason, then it can create such a budgetary oversight function for the legislature. But if it takes over the Budget Office of the executive branch, then the President will surely find his own staff man to do what is still the President's job under the separation of powers principle.

The CHAIRMAN. The time for the gentleman from Ohio has expired.

Mr. BROWN of Ohio. Mr. Chairman, I would ask the gentleman from New York (Mr. HORTON) if I might have 1 additional minute.

Mr. HORTON. I yield 1 additional minute to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for this additional time.

The other choice, of course is for the President to have no budget preparation function independent of the Congress. Is that what the sponsors of this legislation would accomplish? God forbid! Then we would have no single-minded effort to help the country live within its income. The Congress in recent years clearly has not fulfilled that function.

This is a bill of attainder—however thinly disguised—a ripper bill, to get at the current incumbent of the office, and then to take the functions of the President which are being currently fulfilled for him by his OMB Director and have those functions reside not in the President, but in the Director, Office of Management and Budget.



Mr. HOLIFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I rise in support of this bill. During the 19 years of my service to Congress I have seen the gradual accretion of more and more power into the hands of the Director of the Office of Management and Budget. Today that office has reached a pinnacle of power which in real practice exceeds the authority of Cabinet officers who are subject to Senate confirmation. In the preparation of the budget, Cabinet officers are foreclosed from even making a public statement as to how much money they have individually requested for the operations of their respective departments until, first, the Director of the Office of Management and Budget has reviewed their requests. It makes little sense to require confirmation for Cabinet officers but none for this appointee before whom they in turn must plead and to whom they must answer.

The functions of this office more and more have outgrown those strictly budgetary functions which initially were assigned to it. Increasingly the Office has assumed very basic policymaking functions which override the functions performed by Cabinet-level officers. The Office of Management and Budget reviews the comments and remarks of Cabinet members on proposed legislation, and insists upon approving those comments before they may be transmitted to Congress.

If anyone is going to assume the wisdom to sit in judgment over the Cabinet officers themselves, then that must be somebody who not only knows the price of everything but somebody who knows the value of at least some things. I get the distinct impression that Management and Budget personnel know the price of everything but the value of nothing. Most of them have had no legislative experience.

Most of them are not answerable to the legislative branch. They sit in an ivory tower, unknown to the public and unapproachable by the public, aloof and inaccessible to the real needs of real people. They have no way of understanding the impelling needs of the country which have been made known to the Congress by the people and, as a result of which, the Congress has enacted legislation. All the budget personnel know is how much it costs. The Director of OMB is clearly one of the most powerful men in our Government. So I should think that anyone sitting in a position of such authority as this should at the very least be subject to Senate confirmation.

Mr. HORTON. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. STEELMAN).

Mr. STEELMAN. Mr. Chairman, I voted for the amendment in committee, and it is my intention, should the amendment which I intend to offer during the 5-minute rule fail, to once again support this and, if necessary, vote to override the Presidential veto, should that become a fact.

However, it seems to me that the bill as proposed, the so-called Brooks amendment, has several defects which my amendment is intended to cure. I think it is an attractive alternative, or should be, to Members on both sides of the aisle. My amendment, very simply, will subject all future nominees to the posts of Director and Deputy Director of the Office of Management and Budget to confirmation, but it would exempt the incumbents, those currently holding those posts.

It seems to me that the principle here is an overriding principle, and that is why I voted in committee the way I did and why I will vote, should my amendment fail, to support the so-called Brooks amendment.

However, a number of my colleagues have mentioned that it causes them problems, it causes a partisan problem, and there is a potential constitutional problem. The partisan problem is that some Members on the other side have a personal vendetta against the incumbents and are seeking to vent that by this bill. I want to disassociate myself from any motivation of that sort. I think the amendment I will offer by exempting the incumbents deals with that problem.

The second problem being the constitutional question which has been raised, my amendment deals with the issue raised by the distinguished ranking minority member, the gentleman from New York (Mr. HORTON), saying that it is unconstitutional to remove a member of the executive branch except by impeachment. This would by exempting the incumbent deal with that constitutional problem which has caused problems for many of my colleagues on both sides.

The principle involved as I see it here is an overriding one. I had the privilege and, indeed, the fortunate experience of having worked on the executive side for 2½ years prior to being elected to this body, and I had a day-to-day working relationship with the Office of Management and Budget during budget preparation time. It is clear to me that it is no longer the case that the Director or the Deputy Director is simply another staff member preparing policy options and recommendations in the same manner as other officials develop policy options for the President's consideration, such as those prepared by the foreign affairs adviser, but rather because of the increasing concentration of power there a qualitative change has taken place in this post and the day-to-day decisions affecting bills passed by Congress and the impoundment of funds are being made. Decisions are being made without the knowledge of the President and in some cases without the consent of the President. This is good management on the part of the President, delegating authority on a day-to-day basis, because obviously he cannot deal with all the questions on a day-to-day basis that the Office of Management and Budget has to deal with, but the fact is that the Director and the Deputy Director are no longer just developing policy options for his consideration but a qualitative change has taken place there and they are managing a large portion of the executive branch.

I would submit we should subject the Director and Deputy Director to the same standards as other Cabinet members. The Cabinet officers are becoming, if I may use the word, the weak sisters in the executive branch, and the Director and Deputy Director of the Office of Management and Budget are becoming, next to the President of the United States, the most important and strongest actors in the executive branch, so I would maintain we should apply the same standards to them as we do to the other members of the executive branch.

I think, having applied that principle, it is important to take a practical view of the politics of this question. If the bill is passed in its present form, it will undoubtedly be vetoed, and there are not enough votes to override that Presidential veto.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HORTON. I yield the gentleman from Texas (Mr. STEELMAN) 2 additional minutes.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. STEELMAN. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman is making a real contribution to the consideration of this bill. The gentleman is a member of this committee. I ask him: Is there any question in the gentleman's mind that this is a continuation of the present office?

Mr. STEELMAN. No, there is no doubt in my mind. I discussed that with the members of the committee, and my amendment is designed to deal with that.

Mr. WYLIE. And there is no question in the gentleman's mind that this is an effort to get the present incumbent before the Senate for confirmation hearings?

Mr. STEELMAN. I beg the gentleman's pardon. The charge has been made with some credence that the existing bill, the so-called Brooks bill is an attempt by certain Members of Congress to get at the incumbent. My amendment would cure that.

I wish to disassociate myself from any effort of that sort, and my amendment will give Members on my side an opportunity which they need to go ahead and vote for the principle involved.

Mr. WYLIE. I thank the gentleman, and I associate myself with his remarks.

Mr. STEELMAN. As I said, if the bill is passed in its present form there is no doubt that it will be vetoed and there are not sufficient votes to override a Presidential veto. I think my amendment which I will offer deals with the overriding questions which Members have with respect to the constitutionality of this question and with the partisan attempt by some to get at the incumbents, so I would like to take this occasion to inform the body I will offer my amendment under the 5-minute rule.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 2 minutes.

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I would like to have the attention of the gentleman from Texas (Mr. STEELMAN). On the back page of the committee report are additional views of the gentleman and they are very persuasive. He did vote, as he said, for this bill in the committee.

I would like to say this: If the Members will turn to pages 14 and 15 of the report, they will see four instances where public laws have abolished the positions. For instance, the position of Assistant Secretary of the Treasury for Administration, appointed without Senate confirmation, was abolished, and the same law created an additional Secretary of the Treasury to be appointed with Senate confirmation.

There are four instances such as that, so that there is no constitutional question involved here.

Mr. Chairman, I point also to page 15, where Reorganization Plan No. 2 of 1962 abolished the Office of Director of the National Science Foundation and established "a new office with the title of Director of the National Science Foundation." That title remained unchanged. The salary was not changed.

Mr. STEELMAN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Texas.

Mr. STEELMAN. Mr. Chairman, I have not had a constitutional question in my own mind. I am simply addressing a question raised by many of my colleagues.

Mr. HOLIFIELD. Mr. Chairman, the constitutional question has been brought up by the gentleman from New York (Mr. HORTON). I thought that I would answer that.

On page 22, in the Katzenbach memorandum quoted in the center of the page, it says:

> The only constitutional way in which Congress can bring about the removal of an executive officer, without abolishing his office, is by way of impeachment—a process which involves a trial by the Senate and conviction by two-thirds of the Senators present.

Attorney General Katzenbach recognized two ways that Congress could act to remove officers; by abolishing the office, and by impeachment.

There has never been any question of impeachment of the present incumbent. Mr. Ash appeared before our committee on a number of occasions and conducted himself with absolute decorum. There is no doubt in my mind of his ability, although I have not always agreed with him, but he is a man of ability, and he has conducted himself before our committee in a very salutary way.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, if this bill is passed and becomes law, of course the President can reappoint Mr. Ash, and then he would go to the Senate for confirmation just as any other appointment would be handled.

Mr. Chairman, I would like to address myself to a statement made by the gentleman from Michigan (Mr. CEDERBERG). He said that this would in effect injure the budgetary process. This does not change in any way the budgetary functions of the Director of the Office of Management and Budget, nor does it in any way take away from the House any of its prerogatives. The prerogatives of confirmation is under the Constitution, a Senate prerogative.

At the present time, with regard to any appointment of the President which does not require Senate confirmation, the House has nothing to say about it. But, the legislative branch does have something to say about which officers are subject to Senate confirmation. As has been brought out in the report, statutes passed by the Congress require that in many instances, even in the Executive Office of the President, officers are to be confirmed by the Senate. The House participates in this process.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. HOLIFIELD. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, there is no thought on our part of taking something away from the House. There was thought on our part of giving an additional legislative branch survey of the qualifications for appointees to the offices in question. I might say that some appointees of the President, as recent events have shown, would have been better off if subject to some senatorial questions.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, by this legislation, is Congress not imposing qualifications retroactively?

Mr. HOLIFIELD. No. As pointed out in the report, we have done this time and time again. On pages 14 and 15, if the gentleman will read those, he will find four statutory positions, prospective in nature, endorsed by the administration.

Mr. WYLIE. I read that language on page 14. This bill provides a change of a couple of words in the title, and only a change in the title, to add the two words "of the."

A rose by any other name would smell as sweet. It is still the same office, and this bill would simply impose qualifications retroactively.

Mr. HOLIFIELD. We are proceeding in a constitutional way, in the way the Congress has proceeded many times when it felt a certain officer should be confirmed. This is nothing new and nothing radical in any way.

Mr. BRECKINRIDGE. Mr. Chairman, today the measure before us, H.R. 3932, would require that the Director and the Deputy Director of OMB be subjected to Senate confirmation hearings. I support the measure. The U.S. Constitution is clear about the right of Congress to impose this condition upon Presidential appointees. Article II, section 2 provides, in part:

> The President • • • shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The question is raised, by the minority position in report No. 93–109 which accompanied H.R. 3932, whether or not this bill would constitute a bill of attainder, as prohibited by the Constitution, aimed specifically at the present incumbent of the Directorship, Mr. Roy Ash.

In my opinion, the answer to this question, both legally and factually, is a flat "No"; H.R. 3932 names no one, prejudges no one and disqualifies no one; in short, is aimed at no one. It is, therefore, not analogous to that act of Congress which the Supreme Court struck down (*United States* v. *Lovett*, 328 U.S. 303, 194), which did in fact name certain individuals as being henceforth disqualified for Federal civil service because of their alleged subversiveness.

The only question before us today is whether or not senatorial confirmation of the Director and Deputy Director is a sound and beneficent policy. My own study of this matter has led me to conclude that the answer must be in the affirmative, and that a number of advantages can only result from a vote in favor thereof:

First. Passage of H.R. 3932 will in part redress the imbalance between the Congress and the executive branches in the budgetary process. Let us remember that the budgetmaking power is a Presidential responsibility only as prescribed by law, and that it is not an inherent or exclusive power of that Office; the Congress receives the President's legislative proposals, including his budget, as recommendations—not flat. Through the legislative process such proposals are submitted to critical analysis and evaluation—and, as a matter of historical ukase, to modification. It is quite obvious, therefore, that the Congress has both a legitimate and proper interest as well as a duty to authorize senatorial advice and consent in connection with the qualification of Presidential appointees to the OMB.

Second. Passage of H.R. 3932 would do no more than codify what is a recognized fact: viz, that the Director of the OMB holds an office of superior rank, for which the requirement of Senate confirmation is long overdue. The Congress should no longer allow the Director to remain in that category of Federal officers whose appointment is left solely to Executive discretion, as he is neither an inferior officer nor a purely confidential adviser to the President. That the Director of OMB is a policymaker and an administrator whose influence transcends the narrow focus of mere advisory matters cannot be argued by the 93d Congress, whose constitutionally assigned duties and responsibilities he has usurped. We have all seen statements from various executive agencies citing as reasons for the dismantlement and curtailment of legally adopted and enacted programs, as well as for nonsupport of proposed congressional measures, the fact that they are "opposed" by OMB.



Are we to require Senate confirmation of bureaucrats who would carry out such programs while not requiring it of those decisionmakers who, during this Congress, have arrogated unto themselves the very decisionmaking process of the legislative branch? Such a decision by this body would be neither good policy nor in the public interest.

Positive action on H.R. 3932 today will correct the anomaly of a Director and Deputy Director of OMB—appointed without benefit of the advice and consent of the Senate—to direct and determine the content of the programs administered by the upper echelon of officers in other and lesser components of the Executive Office of the President who must now be confirmed by the Senate. Twenty-nine such officers are now subject to Senate confirmation, working in relatively limited areas or on specific subjects. They look today to the OMB for the very existence of the programs which they by law are to execute. Why should these lesser officers be subject to confirmation, leaving the most important officers exempt from scrutiny?

For these reasons, and more particularly for the purpose of laying the predicate for restoration of congressional control over the conduct of its business and the budget process, I support the passage of H.R. 3932.

Mr. HARRINGTON. Mr. Chairman, I rise in support of H.R. 2237, a bill to amend the Budget and Accounting Act of 1921 to require Senate confirmation of the appointment of the Director of the Office of Management and Budget. This is not a simple issue, but it is clear that Senate confirmation is mandatory in this case.

The Office of Management and Budget is no longer a mere advisory board on the budget as it was first conceived, but a superagency with the power to formulate the Federal budget, set program priorities and standards, make administrative guidelines, and determine the levels of funding for all Federal programs. Such an agency plays a major role in formulating the policies of the Federal Government, and its Director should be subject to Senate confirmation as are other major policymakers.

The President has enlarged the power and responsibility of the directorship to the point where it has the full prestige and power of a Cabinet position. The Director of OMB should be subject to the same confirmation procedures as other Cabinet members.

While there may be some questions regarding the personal qualifications of Roy Ash himself stemming from his dismal management of Litton Industries, this is not an issue of a single man or a single appointment. The question is how we are going to run our Government, how much power the Congress will exercise, and how much say the representatives of the people will have over the policies of the Government. Ultimately, Congress' constitutional responsibility of overseeing the executive branch is at stake.

BACKGROUND

The initial and basic statutory authority of the Bureau of the Budget—BOB—predecessor of the present Office of Management and Budget—OMB—was the Budget and Accounting Act of 1921 (42 Stat. 20). The original version of the proposed act, S. 1084, called for Senate confirmation of the Director of the Bureau, which was to be an agency of the Treasury Department. This provision was amended in the House by striking the confirmation requirement.

The conference report on S. 1084 failed to include the confirmation requirement. No discussion or debate took place on this subject because, since BOB was to be only an advisory agency, Congress felt there was no real need for strong controls over it.

In order to strengthen the Bureau's role vis-a-vis the other agencies and to bring it closer to the Office of the President, BOB became one of the five original divisions created by President Roosevelt's reorganization plan in 1939. Obviously, the executive branch knew of the power the agency was receiving because the President's Committee on Administrative Management, which recommended much of the 1934 reorganzation, said:

> The Director is, for all practical purposes, a member of the President's Cabinet. If he is a person of ability and strong personality, he may even overshadow the Secretary of the Treasury.

Since the inception of this agency, there was never any doubt as to congressional involvement in, and responsibility for, our national budget. The Director of BOB and OMB have traditionally appeared before congressional committees. As Director Harold D. Smith commented in 1945:

> It is my conception that . . . the Budget is the joint effort of the Executive and Congress, and I have never seen any reason why there should not be closer working relations.

In 1970, President Nixon proposed, via Reorganization Plan No. 2 of that year, renaming and restructuring the Bureau of the Budget. After abolishing the BOB, the proposal, according to a House Government Operations Committee report, "would transfer all the existing statutory functions of the Bureau of the Budget to the President."

The report continues:

> The Plan does not specifically authorize the President to delegate these functions. In these circumstances, the McCormack Act (3 U.S.C. 301) would generally apply. This Act authorizes the President to delegate his statutory functions only to agency heads and to officers appointed by the President with the consent of the Senate.

The U.S. Government Organization Manuals for 1970–71, 1971–72, and 1972–73, all credit Reorganization Plan No. 2 of 1970 as being the operating authority for OMB. Until 1970, the authority of the Bureau was recognized to be statutory—congressionally specified—in nature. The reorganization, however, appears to make OMB an exclusive instrument of the executive branch. No questions have been raised since the establishment of OMB regarding the McCormack Act authority for a President to delegate statutory functions only to agency heads or officers appointed with Senate confirmation.

CONCLUSION

OMB has evolved into a superagency. It sets line-by-line budget limits for every Federal agency; develops impoundment actions; limits the expenditures of funds for programs approved by law to those falling within the President's priorities rather than those established by Congress; imposes uniform accounting systems; coordinates grants-in-aid, special technical services, and various Federal programs for the States. It even controls the nature of questionnaires sent out by Government agencies.

The problem of setting national expenditures transcends a discussion of OMB alone. Clearly, Congress has let go of most of its budget authority, with OMB taking up the slack. Discussion of the role of Congress in setting budget priorities is not really appropriate in the context of the legislation before us today. But it is perhaps the key question facing us as a body this year and one which I hope we all will address in the very near future.

In the narrower context, Congress obviously must have some control over an agency which has the power of life and death over so many aspects of our Federal Government. The place to begin is with Senate confirmation of the Director of OMB.

Senator ERVIN summed up the whole issue when he said:

> It is simply ironic to require Senate confirmation of the appointment of a second lieutenant in the Army and deny the Senate the power and the duty to pass on the fitness of individuals to serve as Directors or Deputy Directors of the Office of Management and Budget, individuals whose powers are second only to those of the President of the United States.

Mr. PICKLE. Mr. Chairman, I rise in support of H.R. 3932.

I am one of the sponsors of a similar bill, H.R. 3290.

The Members of this body may know of the effort on my part to make the Office of Management and Budget more responsive to the people.

I have called the OMB the "Invisible Government." I have pointed out that our constituents cannot rely on us when the OMB strikes. I do not recommend that the OMB handle the problems of the American people.

My support for H.R. 3932 stems from my firm belief that if the Director and Deputy Director of OMB have to be confirmed by the Senate, the agency will become more accountable to the American people through their elected representatives.

Mr. Chairman, this bill should not be regarded as a partisan matter, nor as a struggle between the executive and congressional branches of our Government.

From a partisan standpoint, the Director of the OMB and the Deputy can just as easily be a Democrat in a Democratic administration as a Republican.

H.R. 3932 protects all views, all parties. Because it does, this is a bill that in the final analysis protects the people.

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The framers of the Constitution knew of no Office of Management and Budget. But they did know that there would be people designated by the President to carry out Executive duties. The Constitution, in article II, section 2, calls for Senate confirmation of public ministers and consuls. I feel that the Director of the OMB and the Deputy are "public consuls."

I do not think that these positions are the "inferior officers," that the Constitution states Congress can exempt from Senate confirmation.

With the constitutional background in mind, I do not view H.R. 3932 as a move by Congress to lessen the Executive's powers.

To label H.R. 3932 as such a bill is to say that confirming members of the Cabinet, judges, and others, is an unneeded interference by Congress in the President's selection of members of the executive branch.

Such a position would be ridiculous.

Mr. Chairman, I say that H.R. 3932 is good government. I urge its passage.

Mr. RARICK. Mr. Chairman, I would like to report to our colleagues my recent experience involving the Office of Management and Budget as an example of the expanded role OMB is playing and the decisions it is making in the running of our Government.

Last month, following the vote on the President's veto of the sewage and water grant bill, I wrote a letter to the President explaining that I supported his announced policy of fiscal responsibility, but could not understand his curtailing domestic programs while remaining committed to aid to North Vietnam. I was joined in the letter by seven colleagues.

Our letter was acknowledged by one of the President's assistants and thereafter was answered by a congressional relations employee of the OMB.

Not only is the OMB now answering letters from Members of Congress directed to the President, but, in the letter, which first denies any commitments made in aid to North Vietnam, is this statement:

> Second, such assistance would be within the budgetary levels we have proposed for national security purposes. The money will not be taken from domestic programs in the budget.

It is certainly clear to me that the people at OMB who are now answering Members' letters to the President are making top-level policy decisions on the fiscal operations of our country.

As such, the Director is more than a mere political appointee of the President. He should and must be confirmed by the Senate under our constitutional system.

Mr. HORTON. Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the offices of Director of the Office of Management and Budget, and Deputy Director of the Office of Management and Budget, established in section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16), and as designated in section 102(b) of Reorganization Plan Numbered 2 of 1970, are abolished.

SEC. 2. The offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget, are established in the Office of Management and Budget and shall be filled by appointment by the President, by and with the advice and consent of the Senate.

SEC. 3. (a) The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970, and all functions vested by law in the Office of Management and Budget or the Director of the Office of Management and Budget are transferred to the office of Director, Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

(b) The Director may, from time to time, assign to the office of Deputy Director, such functions as he may deem necessary.

SEC. 4. Nothing in this Act shall impair the power of the President to remove the occupants of the offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget.

SEC. 5. (a) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

(1) Paragraph (11) of section 5313 is amended by striking out "of the Bureau of the Budget," and inserting in lieu thereof ", Office of Management and Budget.".

(2) Paragraph (34) of section 5314 is amended by striking out "of the Bureau of the Budget." and inserting in lieu thereof ", Office of Management and Budget.".

SEC. 6. This Act shall take effect upon the expiration of the thirty-day period which begins on the date of its enactment.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STEELMAN

Mr. STEELMAN. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment in the nature of a substitute offered by Mr. STEELMAN; In lieu of the matter proposed to be inserted by the committee amendment, insert the following:
>
> That the second sentence of section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16), is amended by inserting before the period at the end thereof the following: ", by and with the advice and consent of the Senate".
>
> SEC. 2. The amendment made by the first section of this Act shall apply to appointments of the Director and the Deputy Director of the Office of Management and Budget made after the date of enactment of this Act.

Mr. STEELMAN. Mr. Chairman, the amendment which I am offering will cure, I believe, the objections many Members of this body on both sides of the aisle have had to this legislation.

First, it deals with the partisan problem, which many Members on my side of the aisle are concerned about, in that as amended the bill would not subject the incumbents, the current holders of the offices, to confirmation, but would subject all future nominees for these positions to confirmation. I believe that deals with one overriding consideration many Members on our side of the aisle have.

The second point, which has been raised by the distinguished ranking minority Member of the committee, the gentleman from New York (Mr. HORTON) is the constitutional issue. I believe this cures that possible defect. I do not find that argument overriding, but many Members have expressed concern.

This amendment, by exempting incumbents, would deal with that constitutional question.

I believe it is important for us, since we have to give some new thought to this whole question, to give thought to the qualitative change which has taken place in the Office of Management and Budget, a portion of it due to the Reorganization Plan of 1970.

The events of the past 18 months have especially given rise to concern on the part of many Members that Cabinet members, who traditionally have had the day-to-day decisionmaking power in the executive branch, are now becoming secondary to the Office of Management and Budget, where these day-to-day management and budget decisions are made.

The objections cited in many cases to confirming the Director and Deputy Director have been that they, just like the foreign affairs advisers, the head of the National Security Council, and the head of the Domestic Council, are developing policy options for the President; they are Presidential staff members, and he is entitled to private counsel on these sorts of things, and they should not have to come to the Hill and subject themselves to questioning and subject themselves to the same kinds of questions Cabinet officers do, because there is a qualitative difference.

Mr. Chairman, it is clear to me, having worked for 2½ years on the executive side and having dealt with the Office of Management and Budget, that a change has taken place and that the traditional argument against confirmation no longer applies, because the institution is not the same institution it was. The institutional question here is: Will we subject the Director of the Office of Management and Budget to the same standards that we apply to the other members of the executive branch?

It is a very important part of the whole system of checks and balances between the executive branch and the legislative branch of Government, and I would maintain that, given recent events, it makes less sense to confirm the Cabinet officers and more sense to confirm the Director of OMB if we are trying to establish or maintain the traditional system of checks and balances.

But I, for one, will say that I am not about to undertake to introduce any



legislation that would exempt the Cabinet officials; so, I would say let us apply the same standards to all, including the Director and Deputy Director of the Office of Management and Budget.

Mr. Chairman, what would this do for us? What do we get when we subject someone to Senate confirmation?

Well, Mr. Chairman, we get the same thing as we do when we subject nominees to the Cabinet to Senate confirmation: We get an idea of their fitness and qualification for the job.

I think it is very important that any man giving himself to public office should have to stand before the public screen, if you will. It is inherent in the cross-examination by Members of Congress. It is one of the best features of the traditions of the checks-and-balances system.

So we establish first his fitness for the job: What has this man done that qualifies himself to aspire to this great office?

Mr. Chairman, the second thing is: What are our general philosophies toward these kinds of decisions? As far as the Members on my side of the aisle are concerned, it so happens that the administration of the Office of Management and Budget during this administration generally has accorded with our general philosophical views toward the operations of the budget. The spending priorities established by the Office of Management and Budget have been generally consistent with the views of Members on my side of the aisle. That has not been the case of those Members on the other side of the aisle, and it may be true that, when the administration changes, the spending priorities of the Office of Management and Budget will be contrary to what the Members on my side of the aisle would think wise.

So what I am saying is that we need to have some mechanism whereby we can get at the philosophy of the Director of the Office of Management and Budget, because he is no longer only carrying out the views of the President, but he is carrying out his own viewpoints. We need to have this kind of mechanism, and I think it is a compelling argument for Members on both sides of the aisle that we must be sure that the question of fitness for the job is dealt with by the Congress, as well as the philosophical feelings of the nominees for these posts of Director and Deputy Director.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am opposed to the amendment offered by the gentleman from Texas.

The amendment would single out two specific individuals to be given special consideration under the provisions of this act. This legislation is not directed at individuals now holding Federal office nor to specific individuals who might be appointed. It is simply a straight-forward exercise of the acknowledged right of Congress to abolish and create Federal Government offices, specifying such terms, conditions, and qualifications as we deem appropriate.

Mr. Chairman, to deny for an indefinite period of time the right of Congress to change the qualifications for holding an office of the Federal Government is an unacceptable limitation on our congressional responsibilities.

No individual has a vested or possessory right to a Federal Government appointment.

Furthermore, we should not include in this legislation any language infringing upon the President's right to appoint any individual he wishes, free from outside influence, however subtle. Special consideration given to certain individuals by this legislation would not leave the President absolutely free to choose appointees for the new office under equal conditions.

The amendment, as offered, would also do away with the revesting of statutory functions in the Director, OMB. This is an equally important part of the legislation.

The gentleman from Texas who offered this amendment supported this legislation when it was before the Committee on Government Operations. I want to commend him for that and for his courageous and honest stand on it and particularly for the statement in his additional views that appeals to me so much, when he said there is nothing to be lost and much to be gained by confirmation.

I say that immediate confirmation of the new officers is essential if we are going to maintain equality within the branches of this Government.

I believe the amendment would weaken this bill and represents an unnecessary concession on the part of the Congress. I urge my colleagues to vote against this amendment and to support this bill. I believe we can pass it. I would not prejudge what the President would do by way of signing or vetoing it. I still have some confidence in the President, and I think he might well approve this legislation.

Mr. STEELMAN. Will the gentleman yield?

Mr. BROOKS. I yield to my distinguished friend from Texas.

Mr. STEELMAN. I would like to say to my colleague and to my other colleagues that it is clear to me what the political future of this bill is. I believe it important we take note that if our concern, as the gentleman so eloquently stated, is to get confirmation, preferably immediately, but, if not immediately, if a veto is cast, then we should be concerned about passing a plan which is more palatable to the Executive or, in the absence of that, which will have a good chance of getting an override of a Presidential veto.

Mr. BROOKS. I would say to my good friend from Texas that I appreciate his feelings on this matter, but I believe Congress should do immediately that which they know and concede is right and proper and then have enough faith in the President to believe that he will concur in that judgment. We should not prejudge him as vetoing a bill which we by a large majority feel is desirable and helpful for this Nation.

Mr. McCLOSKEY. Mr. Chairman, I rise in favor of the amendment.

It seems to me the comment of the gentleman from Texas (Mr. BROOKS) lays out carefully and clearly what is the purpose of this legislation; namely, it is to subject the present incumbents of the office, Messrs. Malek and Ash, to Senate confirmation. If that is, indeed, the true purpose of it, then this is an improper and unconstitutional act of the Congress of the United States, because only by impeachment can a President's appointments properly made be removed.

It is true, as stated in the earlier debate, that there are several substantive changes in the powers of the Director of the Office of Management and Budget, but he is presently carrying out those same powers by delegation from the President. The only action of the bill, then, is to place in him by statute the powers which he now exercises anyway. In effect, a subterfuge has been used in order to give the bill some substantive meaning, to subject Mr. Ash and Mr. Malek to congressional confirmation.

There are those of us who will agree that the Director of the Office of Management and Budget should be subject to confirmation, if only to enable us in the House of Representatives to insure that they be asked the question at their confirmation hearings if they will be responsive clearly and forthrightly to inquiries from Members of Congress as to the policies which the Office of Management and Budget now conducts. We should not vote, however, to make this retroactive in an unconstitutional manner to do something that Congress cannot do.

Therefore, I suggest to my Democratic colleagues, if the Steelman amendment is adopted and if we make future Directors of the Office of Management and Budget subject to the confirmation of the Senate, the support of sufficient numbers on our side of the aisle, not only to enact it into law but even to override a veto will probably be available. If not, and if you insist on resisting the amendment, as was done in the committee, on a partisan basis, then, of course, you make it impossible for us to support the action of enacting a wise law. You make us do today an idle act in passing a bill in the House of Representatives which cannot survive a Presidential veto.

I suggest that the merits of this go beyond partisanship. Democrats and Republicans alike ought to pass a bill about which there is no question of constitutionality and a bill which will make the future Director of the Office of Management and Budget subject to congressional confirmation.

Otherwise we lose the point entirely if this amendment is defeated. I hope that we will agree to the amendment.

Mr. BROOKS. Mr. Chairman, would the gentleman yield?

Mr. McCLOSKEY. Certainly.

Mr. BROOKS. To my friend, the gentleman from California, I would like to say that I specifically mentioned that we did not want to pass a bill that would name two individuals because to do so would prejudice those individuals in the Senate and the right of the President to appoint whoever he pleases as a new Director and a new Assistant Director. If we exempt the existing Director and the ex-



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isting Assistant Director, create a new agency, give it statutory functions and then give the President the option of appointing somebody then he has the option of appointing somebody, he has this option only if he appoints the two that he has in the present office, those two would be exempt from Senate confirmation. If the President wants to appoint someone else, they would have to be confirmed. I think this is a subtle pressure on the President which we should not incur. I think we should leave the President a free hand to appoint anybody he pleases to the new Office of Management and Budget. The President may well want to appoint the incumbents, and he has this option, but again the President may not. The President has made some very significant changes in the last couple of days.

Mr. McCLOSKEY. Mr. Chairman, I respect the rhetoric that comes to us from the State of Texas, but I would point out that the true meaning of this bill is quite clear when we note that the change in this great office is accomplished by changing the name from Director of the Office of Management and Budget to the new office of Director [c-o-m-m-a] Office of Management and Budget. And to try to accomplish this great substantive change by adding a comma in place of two words. It seems to me that we demean the dignity of the House by such an action.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I feel very strongly that this amendment should be defeated. At the outset I would like to point out that we can prospectively require confirmation of these two positions, the Director and the Deputy Director of the OMB, constitutionally.

Because they are "inferior officers" under the Constitution, the Congress does have the power to require that they be subject to Senate confirmation. In other words, this amendment would remove the constitutional question that is involved with the proposal that is now before us.

But this legislation really is an attempt to grab some supposed short-range political advantage, and is not part of an effort to come to grips with the deeper, more complex issues involved. I made a statement yesterday for the RECORD, to be found at page 13588, on the policy issues.

Now I would like to mention just three reasons why we should not require confirmation.

First of all, this issue was debated very heatedly in 1921 when the Bureau of the Budget was created. At that time the Senate enacted a bill to create the Bureau of the Budget and required that the Director and Deputy Director be confirmed by the Senate. The House felt very strongly about that and, in conference prevailed. The House conferees insisted that the budget director not be subject to Senate confirmation. I think that the arguments that were propounded in 1921 are just as important now.

Second, I think it is important that we recognize that the budget director—the Director of OMB is the President's man and should be treated that way and should not be required to be confirmed by the Senate.

And the third point I would like to make is that by requiring confirmation by the Senate we would be giving up some of the prerogatives of the House.

In 1921 when this issue was proposed before the House, it was argued that the President under the Constitution was the Chief Executive and he should have the responsibility and staff to carry out the administrative aspects of the budget. At that time they realized that the budget director would be a strong man and a powerful man. I would like to quote Congressman Garner, who was a conference manager of the bill and later Vice President:

> It has been said by the gentleman from Illinois [Mr. Denison] that the executive budgetary man probably is an inferior officer; but let me say to you, gentlemen; he is the President's man.
>
> The President does not even have to consult the Senate about him. He pays him $10,000 a year, and he is immediately under the direction of the President of the United States. It may be an inferior office, but if he will appoint a man with courage, a man who will do his duty, he will be the second largest man in the executive department of the Government.

They also debated whether he should be solely the President's man, and decided he should. The importance of this is spelled out in the following exchange:

> Mr. MADDEN. And everytime he speaks it will be the President who will be speaking.
>
> Mr. GARNER. He will be able to look at the Secretary of the Treasury and say, "You will cut out this expenditure. This is what I am going to abolish." Who is this that is speaking to me?" "It is the representative of the President of the United States himself." And when the Secretary of the Treasury sits down at the Cabinet table and says, "This budgetary man is destroying my department," who defends him? The President himself, and if there is a controversy to be fought out, he sends for his budgetary man and they fight it out around that Cabinet table."

The House also recognized that if they involved the Senate in the selection of the President's budget advisors, they would be weakening their own position of leadership in fiscal matters.

Proponents of this amendment and the bill argue that times have changed and that the budget director now is such a powerful man that he should be subject to Senate confirmation. But why is it that at no time over the past 52 years has this proposal been made? It was never made when new responsibilities were assigned to the Bureau of the Budget or when the Bureau of the Budget was transformed into the Office of Management and Budget. This proposal was not made previously because we recognized that the needs of the President for budgetary and management staff were increasing and that the Bureau of the Budget or Office of Management and Budget was the necessary vehicle for exercising these expanding Presidential responsibilities. We recognized that while the quantity of power of the budget director was increasing, the role of the budget director vis-a-vis the President and vis-a-vis the Congress was not changing in any fundamental manner. Thus, it would be inappropriate now to require Senate confirmation of the budget director just as it was inappropriate in 1921.

The President needs his own confidential Budget Director. Without such a person, he will simply turn elsewhere for budget advice; to someone who does not have the organization to support his decisionmaking. If the Budget Director were in any way considered independent of the President, it would seriously damage his ability to issue orders for the President. This House may be forgetting how important it was in 1921, and how important it remains today, to provide the President with the capability for strong management and budget authority. Giving the President this capability does not adversely affect the power of the Congress. Without this capability, the whole Government would be weakened. If we want to strengthen the systems of checks and balances, let us do so in a meaningful way by improving congressional procedures. It is the wrong approach to weaken the President in order to strengthen the Congress.

I also want to point out to the House that this bill would weaken the leadership position of the House in matters of fiscal policy. Our budgetary procedures are already too fragmented, as pointed out by the Joint Study Committee on Budgetary Control. Without doubt, over time the Senate would become the more important body to the Budget Director. Is this what we want? And let me add that this would not be a parochial concern for the House. Everyone realizes that the Congress must speak with a more unified voice if it is to exercise its policy responsibilities. The Senate has policy areas where it takes the lead, as does the House. Do we want to dilute our leadership in matters of fiscal policy by passing this bill? This amendment does not really solve the policy issue involved in this legislation. Therefore, I urge my colleagues to vote against this amendment.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from New York yield?

Mr. HORTON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I wish to compliment the gentleman from New York on the thoroughness of his research in justifying his position in opposition to the amendment. I wish to compliment the gentleman also on the fine job he has done in the total consideration of this bill. I support the gentleman in his opposition to the amendment, and I support his position vis-a-vis the bill itself.

Mr. HORTON. I thank the gentleman from Michigan.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Arizona.

Mr. RHODES. I thank my good friend, the gentleman from New York, for yielding.

I wish to compliment him on the very fine statement which he has made and on the work and research which he has done which led up to the statement. I wonder if the gentleman would agree with me that the ancestry of this bill is a little suspect. For 50 years nobody seemed to care whether the Director of the Office of Management and Budget was confirmed by anyone or not, but now, all of a sudden this becomes some sort of a burning issue that we must handle today.

To me it must boil down to the pique of certain Democrat Members of the House and Senate over impoundments of funds.

May I suggest if this is the situation that the way Congress should cure the impoundments is to immediately enact the recommendations which have been published by the Joint Committee on the Budget, which was created for the purpose of trying to make some fiscal sense out of what we in the Congress do. The whole reason for impoundments is that Congress never makes decisions as to whether we are going to live within our budget or not, and have an inflationary budget or not. If we do not make those decisions any President at some point is going to have to make impoundments in order to save the economy.

I was impressed with the statement of the gentleman from New York concerning the relationship of the Office of Management and Budget and the President. Every President is going to have a budget expert. We should have our own budget man and should not impinge on the President's budget expert. If this bill passes and by some misadventure becomes law, the President of the United States, whoever he may be, will not again use the Director of the Office of Management and Budget as his budget man. He will find somebody else who is his man. I think it is much better to have a Director of the Office of Management and Budget, who is a highly visible individual, to be the President's adviser on budgetary matters than to have an obscure staff, in some backroom of the White House, advise the President.

I thank the gentleman for yielding and I congratulate him again on his statement.

Mr. HORTON. Mr. Chairman, I thank the gentleman from Arizona for his contribution.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by my colleague from Texas (Mr. STEELMAN) to exempt the present Director and Deputy Director of the Office of Management and Budget from the Senate confirmation requirement. I am in full agreement with the Government Operations Committee that these positions are of such great importance as to subject them to a Senate confirmation requirement. As the committee report points out on page 13, some 29 officers of the Executive Office are already subject to confirmation. These include the Director and Deputy Director of the Office of Telecommunications Policy, the Director and Deputy Director of the Special Action Office on Drug Abuse, the Chairman and two members of the Council of Economic Advisers, and the Chairman and two members of the Council on Environmental Quality. Anyone with any familiarity with the powers and responsibilities of the Office of Management and Budget knows that this office is far more important and powerful than any of the others in the Executive Office which are already subject to confirmation proceedings, and in fact, I think it is safe to say that OMB is second only to the President in the powers it has been delegated and exerts with respect to all facets and activities of the Federal Government.

At the same time, I am greatly troubled by several aspects of the committee bill. As it is now designed, it would abolish the offices of Director and Deputy Director of OMB 30 days after enactment and then recreate them and make them subject to confirmation. To me, this is a political slap at the President and a vote of no-confidence in the present Director and Deputy Director of OMB. As it is now drawn, this bill could be termed the ax Ash bill.

Opponents of this bill claim it is unconstitutional—that it is "ripper legislation." I think the Senate version which does not abolish and recreate the offices might be more open to such a charge, but this bill at least attempts to address itself to such a constitutional question by first abolishing the offices before recreating the offices and making them subject to confirmation. Nevertheless, this constitutional safeguard is transparent at best in attempting to cloak its retroactive impact in the guise of legality.

On pages 14 through 16 of the committee report, some six examples are cited in which the Congress has already abolished an office in the executive branch and recreated it with a confirmation requirement. And yet, in questioning the gentleman from Texas (Mr. BROOKS) in the Rules Committee, I learned that in each of these instances, this was at the request of the President. In fact, the only case where the Congress unilaterally took the initiative to make a nonconfirmation office subject to future confirmation was with the FBI Director, and in that case, the existing Director, Mr. Hoover, was grandfathered.

So what we are being asked to do today in the committee bill is certainly unprecedented, if not unconstitutional. I am greatly disturbed that the committee has taken what is an important and worthwhile idea and deliberately built-in a confrontation trigger which makes this bill little more than veto bait. No matter how well-intentioned the committee may have been in bringing this bill before us, the bill in its present form can only be viewed as being politically motivated; in its present form it is malicious, pernicious and capricious. We are being asked to kill a horse in midstream—a highly political act. In being asked to abolish and immediately recreate these offices, we are being asked to commit chicanery and a charade. I will have no part of it.

I think my views on the need for the Congress to reassert itself and strike a more proper balance between the coequal branches of our Government are well known. But there is a right way and a wrong way to go about this, and in my considered judgment, the committee bill is the wrong way. If we are to reassert ourselves in a responsible manner, as I think we must if we are to be taken seriously and if we are to be successful, we must make every effort to avoid opening ourselves to charges that our actions are politically motivated or that we are simply attempting to provoke a confrontation with the Executive. I think the Steelman amendment which would grandfather the existing director and deputy director of OMB is the responsible way to achieve the end of recognizing the status and the importance of the Office of Management and Budget. I certainly cannot guarantee that even with the Steelman amendment this bill would not be vetoed; but I think I can say with some confidence that we would be on much sounder and more responsible grounds on this matter when it comes to overriding a veto if we adopt the Steelman approach rather than the committee approach. I therefore urge adoption of the Steelman substitute.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. Mr. Chairman, I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I have not always agreed with the gentleman from Illinois on some of the issues which have come before the House, but I want to endorse and associate myself with the excellent remarks which he has just made in behalf of this amendment.

Mr. Chairman, I will support the amendment. If the amendment is defeated, I will vote against the bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I am always gratified when the distinguished gentleman from Iowa takes my point of view.

Mr. SCHERLE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we, in this body, will make a vital decision today: whether the people of this Nation, through their elected officials, should have the opportunity to scrutinize and approve or reject the man appointed by the President to one of the most important posts in the administration, Director of the Office of Management and Budget.

This position has grown in power until it now equals or exceeds that of any Cabinet officer. At a social function recently, the Deputy Director of OMB, Frederick Malek, was asked if his position is less important since he left the White House staff. Answered Malek:

> I'm more important than those Cabinet finks.

Indeed. Cabinet officials, who must win the consent of the Senate, must have their budgets approved by the Office of Management and Budget—OMB. OMB's power now even infringes upon the Con-



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gress. Almost daily we witness new intrusions by executive branch budgeteers into legislative prerogatives. The unbridled and unprecedented use of the power of impoundment has already maimed the administration of many congressionally mandated programs and threatens to kill others outright.

OMB's meat ax chopped more than a billion dollars from the farm program. One-half billion dollars was lopped off the housing and urban development program. Hundreds of millions have been pared from conservation programs, including the rural environmental assistance program. Billions of highway trust funds have been impounded. Over $6 billion approved by Congress for water and sewage treatment facilities will never see the light of day. Untold millions of dollars approved for education programs will never be made available.

Not even the amputee veterans of Vietnam escaped. Had it not been for the public uproar which followed its announcement, OMB would have docked their benefits as well.

The hatchetmen at OMB, in short, have usurped and contravened our duties and responsibilities under the Constitution. Mr. Chairman, Congress must act now to reverse this trend which subverts the democratic process.

To begin with, we must have the fundamental right to advise and consent to the appointment of OMB's director, particularly in view of the present officeholder. Roy Ash's past record is cause enough to question his ability. It is well known that Mr. Ash, as president of Litton Industries, was involved in huge and questionable cost overruns on Navy contracts for shipbuilding. The Navy charges that Litton collected excess overhead at the shipyard. Yet then president Ash attempted to get an additional $400 million from the Navy to bail the conglomerate out of financial difficulty. According to a Navy admiral present at the time, he threatened to take his problem to the White House. Now this man can withhold approval of the Navy's budget.

Nor is Mr. Ash a newcomer to controversy in his dealings with the Federal Govenment. When he was an executive with Hughes Aircraft Co., he was again at the storm center of a disagreement over a large Government contract. Mr. Ash was accused of juggling Hughes' books so that the company could collect an extra $43 million from the Air Force. Hughes had to repay over the objections of Mr. Ash who saw nothing wrong with over-crediting certain inventory accounts, a practice which resulted in the overcharge.

Since assuming his present position, Mr. Ash and his former business associate and cofounder of Litton Industries have been charged with fraud in a civil suit. The Securities and Exchange Commission is also investigating Mr. Ash for violating its regulations on stock trading by "insiders." In addition, his "land swap" deal involving the Department of Interior has left some unanswered questions.

Congress would be very ill-advised to ignore this man's background and qualifications. Yet, that is exactly what we are asked to do. The President has let it be known that, should the House approve this legislation which has already passed the Senate by a vote of 64 to 17, he will veto it.

Mr. Chairman, Congress is continually blamed for the country's ills. I submit that if we are to be blamed, then we should have real responsibility. We should see to it that OMB gives full consideration to congressional intent; we should see to it that 1 man cannot contravene the judgment of 535 Members of Congress; we should see to it that impoundment no longer substitutes for legislation. And we should see to it that the Director of OMB, and his successors submit to the same confirmation process required of Cabinet Secretaries.

I urge all the Members of this body to accept this amendment and, by so doing, prove to the American people that Congress can be and will be responsible.

Mr. WYLIE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. STEELMAN).

I believe the Director of the Office of Management and Budget should be confirmed, because I agree that the Office now holds vast importance and power, but I believe this bill before us is unconstitutional because it is an obvious attempt to nullify the appointment of incumbents in office. I believe this has been developed during the course of the debate.

This bill before us does not change the duties or responsibilities now being carried out by Mr. Ash or Mr. Malek. I do feel future appointments should be confirmed and I will, therefore, support the amendment offered by the gentleman from Texas (Mr. STEELMAN), which in my judgment is a valid approach.

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the purposes of this amendment are laudable, to the extent that the sponsors might wish better congressional budgetary procedures and oversight. I would like that myself, and believe that we ought to take some action to accomplish that, if we can, during this Congress.

But does this amendment accomplish that end? The OMB Director is given the budget preparation and oversight responsibility, instead of the President, under this amendment, but it is still the President who nominates him and the Senate which confirms his nomination. That is the other body, not the body in the Congress from which spending legislation springs under the Constitution. That does not accomplish better House control of the Budget Director or the budgetary procedure or management, in my opinion.

And what of the President's responsibility to prepare his own budget, as our Chief Executive? This amendment provides for Senate confirmation of a Budget Director, who would be, under the basic bill we are considering, preparing a budget not for the President to finally approve and to present, but for himself as Budget Director, because he would now not be precisely the President's man, as is the case currently.

What if the President finds differences, and presents a different budget, or disapproves of some oversight decision by the Director of the Office of Management and Budget?

The President will surely have, no matter what happens to this legislation, then, his own man, under whatever legislation we have, or he will have a separate trusted staffer second guessing the OMB Director. What, then, is the sense of this amendment and the basic legislation?

Is the OMB Director to be the President's man? If he is, it is not he who is doing the job, but the President who is making the decisions, no matter who does the detailed staff work. And if he is the President's man, Congress can alter his recommendations and actions if it has the votes to do so.

If, on the other hand, the OMB Director is to be a function of congressional research and detail work, then there are a lot of better ways to have him selected and to have his functions defined than in this legislation.

But if the amendment passes and the bill passes, for whom does the Director of the Office of Management and Budget make his budgetary decisions or manage the spending of Federal funds? For the President? No; the President will have his own man. For the Congress? Well, who is he second guessing? Is the independent, confirmed Budget Director second guessing the Appropriations Committee or the Congress itself?

The answer is, under this amendment and this legislation, the Director of the Office of Management and Budget would be speaking for himself and precious few others in the process of setting up a budget and managing it.

The amendment should be defeated, and so should the bill.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the amendment.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I rise in support of the Steelman amendment, because, first, the bill as it is today is of questionable constitutionality.

No. 2, I believe that the bill as it is, is an attempt on the part of some Members to place in question the selection of one of the very outstanding public servants of this Nation, Mr. Roy Ash—who happens also to be one of my constituents. I believe that Roy Ash has already proven himself as having outstanding ability and should continue to be Director of the Office of Management and Budget.

In view of his vast contributions and indepth expertise resulting from the Commission he headed to develop a streamlined reorganization of the Federal Government, I can think of no one better qualified to hold the position he presently occupies.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from California.



Mr. ROUSSELOT. I thank the gentleman for yielding.

I know the gentleman in the well is a supporter of this amendment. I believe he is correct in his position, along with the gentleman from Texas (Mr. STEELMAN), and the gentleman from Illinois (Mr. ANDERSON).

It has been a basic tradition in our country that, after the fact, we do not pass laws to attack somebody because we happen to disagree as to how he handles that particular position in the executive branch, unless we believe an executive action is bad enough to require impeachment.

If this amendment is not passed, this particular legislation will be a blow to the basic ideas and ideals of our ex post facto concepts. I support the amendment of the gentleman from Texas (Mr. STEELMAN), and will be constrained to oppose the legislation unless this change prevails.

Mr. Chairman, I thank the gentleman from Alabama (Mr. BUCHANAN), the gentleman from Texas (Mr. STEELMAN) and the gentleman from Illinois (Mr. ANDERSON) and others; they are to be complimented on their efforts to try to correct this obvious defect in the law.

Mr. BUCHANAN. Mr. Chairman, I thank the gentleman from California (Mr. ROUSSELOT) for his remarks and for his contribution, and I concur in what he has said.

Without this amendment, this bill, without impugning the motives of its sponsors, becomes a piece of legislative gimmickry to get at the incumbent Director and Deputy Director, and I think there is reason to question its wisdom as a precedent and its constitutionality. But with the amendment, we are providing a means whereby a man who holds a very powerful and responsible office shall receive confirmation, as do a number of others in his basic classification.

Mr. Chairman, I cannot see that he is any more independent than the cabinet officers or the others for whom this is already required, or that he will be made so by this legislation, but I would say, particularly in this positon, having to do, as it does, with budgetary matters, this Congress, which is supposed to control the purse strings of the Nation, should at least have the power of advice and consent of confirmation.

Now, I would say that if we want to play a more responsible role in fiscal affairs in this country, I think the most important thing we have to do is to be responsible. If we are going to appropriate beyond the budget in every area but one, year after year, I see no alternative but that somebody must hold down the Federal spending. I see no reason why we cannot devise a means whereby we can look at the entire budget in Congress in the light of the revenue as expected and deal with the budget as an entity.

Mr. Chairman, I can see a place for an OMB in the Congress, as a matter of fact, and I would say the first thing we must do, if we want to exercise our constitutional power in this field of controlling the purse strings, is to be responsible and to conduct our business in a more orderly way.

But I think we ought to have the right to require that the Senate confirm this man, a man who holds such great power in fiscal policy. Certainly it is as logical as it is that the cabinet officers be confirmed.

Hence I would support this legislation if this amendment carries. Without this amendment, I feel it to be mischievous and of doubtful constitutionality; with it, it appears to me to be a logical and meritorious action for this House to take. Therefore, I urge the adoption of the Steelman amendment.

Mr. ERLENBORN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. STEELMAN).

As has been pointed out very eloquently by my colleague the gentleman from Illinois (Mr. ANDERSON), the passage of this bill in its present form is nothing more than gimmickry, which attempts to do something which is probably unconstitutional. In my opinion, if the amendment is adopted, the bill would make sense; if the amendment is not adopted, the bill makes no sense whatsoever except from a political standpoint.

Yes, maybe our Democratic colleagues will try in this way to embarrass the administration and try to get to Mr. Roy Ash. But that is all that can be accomplished. It does not really make any sense from a governmental standpoint.

Mr. Chairman, we are told that the purpose of this bill is to give Congress some control over this very important agency. Now, if this were true, I think my friends, the gentlemen on the subcommittee, would have voted for the amendment which I offered in subcommittee. The bill in its present form does away with the Office of Management and Budget and then recreates it in the same place, with the same functions that it had before. In subcommittee I offered an amendment that would have changed the character of the Office of Management and Budget.

Once it was recreated it would be as an independent agency, much as the General Accounting Office, one that would be subject to congressional control.

So really, if this is what our friends who support this bill want to do, that is, to give Congress some real control over the Office of Management and Budget, then I think they would have supported the amendment I offered in the subcommittee. Since they did not do so, it is not control of the agency they want but only an attempt to embarrass the administration. It makes no sense and is a waste of our time to spend our time in the House of Representatives in foolish endeavors such as this.

Mr. Chairman, I hope the amendment is adopted so the bill makes sense. If it is not, I hope the bill is defeated.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I rise in support of the Steelman amendment. Without it, this bill, H.R. 3932, is a transparent political ploy to attack a single Administrator, Mr. Roy Ash, in a manner that has been charitably discussed as unconstitutional.

The Steelman amendment gives sense to a bill that is otherwise pure political vindictiveness. No bill that abolishes an agency of Government, and then recreates it 30 days later, just to get rid of its Director, should be passed by this Congress.

The Steelman amendment provides for confirmation of the Director of OMB, but it does so on a constitutional basis, rather than on a "Bill of Attainder" basis. Whether the Director's position should be confirmed or not, is a debatable question. I think he should be confirmed because I see little difference between the Director and other Cabinet officers who are able to be confirmed and still be "the President's men."

I urge support of this amendment.

Mr. HOLIFIELD. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. STEELMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEELMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device: and there were—ayes 130, noes 263, not voting 40, as follows:

[Roll No. 116]

AYES—130

| | | |
|---|---|---|
| Anderson, Ill. | Froehlich | Parris |
| Archer | Gilman | Pettis |
| Armstrong | Goldwater | Peyser |
| Ashbrook | Goodling | Powell, Ohio |
| Baker | Gross | Price, Tex |
| Beard | Grover | Pritchard |
| Bell | Gubser | Quie |
| Biester | Gude | Quillen |
| Blackburn | Hansen, Idaho | Railsback |
| Broomfield | Harsha | Rinaldo |
| Brotzman | Harvey | Robinson, Va |
| Brown, Mich. | Hastings | Rousselot |
| Broyhill, N.C. | Heckler, Mass. | Ruppe |
| Broyhill, Va. | Hillis | Ruth |
| Buchanan | Hinshaw | Sarasin |
| Burgener | Huber | Satterfield |
| Butler | Hudnut | Scherle |
| Chamberlain | Hutchinson | Schneebeli |
| Clancy | Johnson, Pa. | Sebelius |
| Clausen, Don H. | Keating | Shriver |
| Clawson, Del | Kemp | Shuster |
| Cleveland | Ketchum | Skubitz |
| Cohen | Latta | Spence |
| Collier | Lott | Stanton, J. William |
| Collins | McCloskey | Steed |
| Conte | McCollister | Steelman |
| Coughlin | McDade | Steiger, Wis. |
| Crane | McEwen | Symms |
| Cronin | McKinney | Taylor, Mo. |
| Daniel, Dan | Madigan | Teague, Calif |
| Dellenback | Maillliard | Thomson, Wis. |
| Dennis | Mallary | Vander Jagt |
| Devine | Mann | Veysey |
| Dickinson | Martin, Nebr. | Wampler |
| du Pont | Martin, N.C. | Widnall |
| Erlenborn | Mathias, Calif. | Wilson, Bob |
| Eshleman | Mayne | Winn |
| Findley | Miller | Wyatt |
| Fish | Mills, Ark. | Wylie |
| Fisher | Mitchell, N.Y. | Young, Ill |
| Forsythe | Mizell | Zion |
| Frelinghuysen | Moorhead, Calif. | Zwach |
| Frenzel | Mosher | |
| Frey | | |

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NOES—263

| | | |
|---|---|---|
| Abzug | Ginn | Pickle |
| Adams | Gonzalez | Pike |
| Addabbo | Grasso | Poage |
| Alexander | Green, Pa. | Podell |
| Andrews, N.C. | Griffiths | Preyer |
| Andrews, N. Dak. | Guyer | Price, Ill. |
| Annunzio | Haley | Rangel |
| Arends | Hamilton | Rarick |
| Ashley | Hammer-schmidt | Rees |
| Aspin | Hanley | Regula |
| Bafalis | Hanrahan | Reid |
| Bennett | Harrington | Reuss |
| Bergland | Hawkins | Rhodes |
| Bevill | Hays | Riegle |
| Bingham | Hébert | Roberts |
| Blatnik | Heohler, W. Va. | Robison, N.Y. |
| Boggs | Hemz | Rodino |
| Boland | Helstoski | Roe |
| Boiling | Henderson | Rogers |
| Brademas | Hicks | Roncalio, Wyo. |
| Bray | Hogan | Roncallo, N.Y. |
| Breaux | Holifield | Rooney, Pa. |
| Breckinridge | Holt | Rose |
| Brinkley | Holtzman | Rosenthal |
| Brooks | Horton | Roush |
| Brown, Calif. | Hosmer | Roy |
| Brown, Ohio | Howard | Roybal |
| Burke, Calif. | Hungate | Runnels |
| Burke, Mass. | Hunt | St Germain |
| Burleson, Tex. | Ichord | Sandman |
| Burlison, Mo. | Jarman | Sarbanes |
| Burton | Jones, N.C. | Schroeder |
| Byron | Jones, Okla. | Seiberling |
| Camp | Jordan | Shipley |
| Carney, Ohio | Karth | Shoup |
| Carter | Kastenmeier | Sikes |
| Casey, Tex. | Kazen | Sisk |
| Cederberg | Kluczynski | Slack |
| Chappell | Koch | Smith, Iowa |
| Chisholm | Kyros | Snyder |
| Clay | Landgrebe | Staggers |
| Conable | Landrum | Stanton, James V. |
| Conlan | Leggett | Stark |
| Conyers | Lehman | Steele |
| Corman | Lent | Steiger, Ariz. |
| Cotter | Litton | Stephens |
| Culver | Long, La. | Stokes |
| Daniel, Robert W., Jr. | Long, Md. | Stubblefield |
| Daniels, Dominick V. | Lujan | Stuckey |
| Danielson | McCormack | Studds |
| Davis, Ga. | McFall | Sullivan |
| Davis, S.C. | McKay | Symington |
| de la Garza | Macdonald | Talcott |
| Delaney | Madden | Taylor, N.C. |
| Davis, Wis. | Mahon | Thompson, N.J. |
| Dellums | Mann | Thone |
| Delaney | Marazziti | Thornton |
| Dellums | Mathis, Ga. | Tiernan |
| Dent | Matsunaga | Towell, Nev. |
| Derwinski | Mazzoli | Treen |
| Diggs | Meeds | Udall |
| Dingell | Melcher | Ullman |
| Donohue | Metcalfe | Van Deerlin |
| Dorn | Mezvinsky | Vanik |
| Downing | Michel | Waggonner |
| Drinan | Milford | Waldie |
| Dulski | Mills, Md. | Walsh |
| Duncan | Minish | Ware |
| Eckhardt | Minshall, Ohio | White |
| Edwards, Ala. | Mitchell, Md. | Whitehurst |
| Edwards, Calif. | Moakley | Whitten |
| Eilberg | Mollohan | Wiggins |
| Esch | Moorhead, Pa. | Williams |
| Evans, Colo. | Morgan | Wilson, Charles H., Calif. |
| Evins, Tenn. | Moss | Wilson, Charles, Tex. |
| Fascell | Murphy, Ill. | Wolff |
| Flood | Murphy, N.Y. | Wright |
| Flowers | Natcher | Wydler |
| Flynt | Nedzi | Wyman |
| Ford, Gerald R. | Nelsen | Yates |
| Ford, William D. | Nichols | Yatron |
| Fountain | Nix | Young, Alaska |
| Fraser | Obey | Young, Fla. |
| Fulton | O'Hara | Young, Ga. |
| Fuqua | O'Neill | Young, S.C. |
| Gaydos | Owens | Young, Tex. |
| Gettys | Passman | Zablocki |
| Giaimo | Patman | |
| Gibbons | Patten | |
| | Pepper | |
| | Perkins | |

NOT VOTING—40

| | | |
|---|---|---|
| Abdnor | Denholm | Kuykendall |
| Anderson, Calif. | Foley | Madden |
| Badillo | Gray | Mink |
| Barrett | Green, Oreg. | Montgomery |
| Biaggi | Gunter | Myers |
| Bowen | Hanna | O'Brien |
| Brasco | Hansen, Wash. | Randall |
| Burke, Fla. | Johnson, Calif. | Rooney, N.Y. |
| Carey, N.Y. | Johnson, Colo. | Rostenkowski |
| Clark | Jones, Ala. | Ryan |
| Cochran | Jones, Tenn | Saylor |
| | King | Smith, N.Y. |
| Stratton | Vigorito | Whitten |
| Teague, Tex. | Whalen | |

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. O'NEILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this I believe to be a rational and deserving piece of legislation. Here we strike at the core of the problem of imbalance between the Congress and the White House. Here is the focal point of impoundments and the subtle vetoes that we do not have an opportunity to override. Here we have an opportunity to get back some of our eroding power.

Members ask where does the power in the Government lie? It lies in the decisions that are made to support a program or to kill it, to fund an agency, or to starve it to death. As long as the Congress has no say as to who heads the Office of Management and Budget and what his qualifications may be, that is how long we will be handicapped in exercising our proper role as a coequal branch of the Government.

Mr. Chairman, we authorize, we appropriate, the Senate does the same, and then the President signs. Yet by a whim of the Director of the Office of Management and Budget a program may be struck from existence.

I am not impressed at all with the argument that the Director of the Office of Management and Budget is so different in the work he performs that the Congress should ignore his appointment and have no part of it. The Members and I know that he fashions the nearly $300 billion budget with life and death power over programs enacted by this Congress.

Is there anything more important than the function that Cabinet officers do? All of the Cabinet officers are confirmed.

The Members know that his carrying out of some 70 or more statutes and Executive orders is similar to what most Cabinet officers and agency heads, all confirmed by the Senate, are required to do. These are operating functions.

Neither am I impressed with the argument that there is some special confidentiality between the Office of Management and Budget Director and the President in shaping the budget and impounding funds that Congress should not disturb. Surely, there is no distinction in the President's relationship with the Secretary of the Treasury, George Shultz, who is confirmed by the Senate, but also is a counselor to the President, or with the Secretary of Health, Education, and Welfare, Mr. Caspar Weinberger, who is confirmed, but similarly is a counselor to the President. How about the Secretary of Agriculture, Earl Butz? He is confirmed, and he also is a consultant and counselor to the President. They all hold backroom, closed-door consultations with the President.

The impact on the Congress and the public of the decisions of the Office of Management and Budget Director is no less than any of these other counselors to the President. They have all laid their qualifications on the line.

Mr. Chairman, I do not want to bring up the issue of Roy Ash, but if we really believe that Roy Ash could not be confirmed, then he should not be there. If we think he can be confirmed, then his name should go before the Senate. We should give to him, in my opinion, the same prestige that we gave to the Cabinet members. We gave it to them and we should give it to the Office of Management and Budget.

Mr. Chairman, agencies of the executive branch were established by a congressional act, and all of them must be confirmed by the Senate. I think this position must be subject to confirmation.

Now, we have a chance to strike a blow for the equality of the legislative branch of Government. I hope all the Members on both sides of the aisle will give this serious consideration. The power of the Congress has been eroding. This is an opportunity to get back some of our power.

Mr. HOLIFIELD. Mr. Chairman, it appears to me that this matter has been adequately debated.

Many of the Members have come to me and asked for a vote on this bill. I trust now that we can have a vote on H.R. 3932.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 3932) to provide that appointments to the Offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, and for other purposes, pursuant to House Resolution 351, he reported the bill back to the House with an amendment in the nature of a substitute adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HORTON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HORTON moves to recommit the bill, H.R. 3932, to the Committee on Government Operations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.



The SPEAKER. The question is on the passage of the bill.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 229, nays 171, not voting 33, as follows:

[Roll No. 117]

YEAS—229

| | | |
|---|---|---|
| Abzug | Ginn | Perkins |
| Adams | Gonzalez | Peyser |
| Addabbo | Grasso | Pickle |
| Alexander | Green, Pa. | Pike |
| Andrews, N.C. | Griffiths | Poage |
| Annunzio | Haley | Podell |
| Archer | Hamilton | Powell, Ohio |
| Ashley | Hanley | Preyer |
| Aspin | Harrington | Price, Ill. |
| Bennett | Hawkins | Rangel |
| Bergland | Hays | Rarick |
| Bevill | Hébert | Rees |
| Bingham | Hechler, W. Va. | Reid |
| Blatnik | Heckler, Mass. | Reuss |
| Boggs | Heinz | Riegle |
| Boland | Helstoski | Roberts |
| Boiling | Henderson | Rodino |
| Brademas | Hicks | Roe |
| Breaux | Hillis | Rogers |
| Breckinridge | Holifield | Roncalio, Wyo. |
| Brinkley | Holtzman | Rooney, Pa. |
| Brooks | Howard | Rose |
| Brown, Calif. | Hungate | Rosenthal |
| Burke, Calif. | Ichord | Roush |
| Burke, Mass. | Jones, N.C. | Roy |
| Burleson, Tex. | Jones, Okla. | Roybal |
| Burlison, Mo. | Jordan | Runnels |
| Burton | Karth | St Germain |
| Byron | Kastenmeier | Sarbanes |
| Carey, N.Y. | Kazen | Satterfield |
| Carney, Ohio | Keating | Schroeder |
| Casey, Tex. | Kluczynski | Selberling |
| Chappell | Koch | Shipley |
| Chisholm | Kyros | Shoup |
| Clay | Landrum | Sikes |
| Cleveland | Leggett | Sisk |
| Conte | Lehman | Slack |
| Conyers | Litton | Smith, Iowa |
| Corman | Long, La. | Staggers |
| Cotter | Long, Md. | Stanton, James V. |
| Cronin | Lujan | Stark |
| Culver | McCollister | Steele |
| Daniel, Dan | McCormack | Steelman |
| Daniels, Dominick V. | McFall | Stephens |
| Danielson | McKay | Stokes |
| Davis, Ga. | Macdonald | Stubblefield |
| Davis, S.C. | Madden | Stuckey |
| de la Garza | Mahon | Studds |
| Delaney | Mann | Sullivan |
| Dellums | Mathis, Ga. | Symington |
| Dent | Matsunaga | Taylor, N.C. |
| Derwinski | Mazzoli | Thompson, N.J. |
| Diggs | Meeds | Thornton |
| Dingell | Melcher | Tiernan |
| Donohue | Metcalfe | Udall |
| Dorn | Mezvinsky | Ullman |
| Downing | Milford | Van Deerlin |
| Drinan | Mills, Ark. | Vanik |
| Eckhardt | Minish | Waldie |
| Edwards, Calif. | Mink | White |
| Eilberg | Mitchell, Md. | Whitehurst |
| Evans, Colo. | Moakley | Whitten |
| Evins, Tenn. | Mollohan | Williams |
| Fascell | Moorhead, Pa. | Wilson, Charles H., Calif. |
| Findley | Morgan | Wilson, Charles, Tex. |
| Flood | Moss | Wolff |
| Flowers | Murphy, Ill. | Wright |
| Flynt | Murphy, N.Y. | Yates |
| Ford, William D. | Natcher | Yatron |
| Fountain | Nedzi | Young, Fla. |
| Fraser | Nichols | Young, Ga. |
| Fulton | Nix | Young, Tex. |
| Fuqua | Obey | Zablocki |
| Gaydos | O'Hara | |
| Gettys | O'Neill | |
| Giaimo | Owens | |
| Gibbons | Patman | |
| | Patten | |
| | Pepper | |

NAYS—171

| | | |
|---|---|---|
| Anderson, Ill. | Blackburn | Camp |
| Andrews, N. Dak. | Bray | Carter |
| Arends | Broomfield | Cederberg |
| Armstrong | Brotzman | Chamberlain |
| Ashbrook | Brown, Mich. | Clancy |
| Bafalis | Brown, Ohio | Clausen, Don H. |
| Baker | Broyhill, N.C. | Clawson, Del |
| Beard | Broyhill, Va. | Cochran |
| Bell | Buchanan | Cohen |
| Biester | Burgener | Collier |
| | Butler | |
| Collins | Hudnut | Robison, N.Y. |
| Conable | Hunt | Roncallo, N.Y. |
| Conlan | Hutchinson | Rousselot |
| Coughlin | Jarman | Ruppe |
| Crane | Johnson, Pa. | Ruth |
| Daniel, Robert W., Jr. | Kemp | Sandman |
| Davis, Wis. | Ketchum | Sarasin |
| Dellenback | Landgrebe | Scherle |
| Dennis | Latta | Schneebeli |
| Devine | Lent | Sebelius |
| Dickinson | Lott | Shriver |
| Duiski | McClory | Shuster |
| Duncan | McCloskey | Skubitz |
| du Pont | McDade | Smith, N.Y. |
| Edwards, Ala. | McEwen | Snyder |
| Erlenborn | McKinney | Spence |
| Esch | McSpadden | Stanton, J. William |
| Eshleman | Madigan | Steed |
| Fish | Maillliard | Steiger, Ariz. |
| Fisher | Mallary | Steiger, Wis. |
| Ford, Gerald R. | Marazziti | Symms |
| Forsythe | Martin, Nebr. | Talcott |
| Frelinghuysen | Martin, N.C. | Taylor, Mo. |
| Frenzel | Mathias, Calif. | Teague, Calif. |
| Frey | Mayne | Thomson, Wis. |
| Froehlich | Michel | Thone |
| Gilman | Miller | Towell, Nev. |
| Goldwater | Mills, Md. | Treen |
| Gooding | Minshall, Ohio | Vander Jagt |
| Gross | Mitchell, N.Y. | Veysey |
| Grover | Mizell | Wagconner |
| Gubser | Moorhead, Calif. | Walsh |
| Gude | Mosher | Wampler |
| Guyer | Nelsen | Ware |
| Hammer-schmidt | O'Brien | Widnall |
| Hanrahan | Parris | Wiggins |
| Hansen, Idaho | Passman | Wilson, Bob |
| Harsha | Pettis | Winn |
| Harvey | Price, Tex. | Wyatt |
| Hastings | Pritchard | Wydler |
| Hinshaw | Quie | Wylie |
| Hogan | Quillen | Wyman |
| Holt | Railsback | Young, Alaska |
| Horton | Regula | Young, Ill. |
| Hosmer | Rhodes | Young, S.C. |
| Huber | Rinaldo | Zion |
| | Robinson, Va. | Zwach |

NOT VOTING—33

| | | |
|---|---|---|
| Abdnor | Gray | Myers |
| Anderson, Calif. | Green, Oreg. | Randall |
| Badillo | Gunter | Rooney, N.Y |
| Barrett | Hanna | Rostenkowski |
| Biaggi | Hansen, Wash. | Ryan |
| Bowen | Johnson, Calif. | Saylor |
| Brasco | Johnson, Colo. | Stratton |
| Burke, Fla. | Jones, Ala. | Teague, Tex. |
| Clark | Jones, Tenn. | Vigorito |
| Denholm | King | Whalen |
| Foley | Kuykendall | |
| | Montgomery | |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Whalen.

Mr. Teague of Texas with Mr. Johnson of Colorado.

Mr. Barrett with Mr. Saylor.

Mr. Brasco with Mr. King.

Mr. Gray with Mr. Myers.

Mr. Johnson of California with Mr. Abdnor.

Mr. Jones of Alabama with Mr. Kuykendall.

Mr. Montgomery with Mr. Burke of Florida.

Mr. Rostenkowski with Mr. Ryan.

Mr. Vigorito with Mrs. Green of Oregon.

Mr. Stratton with Mr. Clark.

Mr. Biaggi with Mr. Foley.

Mr. Jones of Tennessee with Mr. Randall.

Mr. Badillo with Mr. Bowen.

Mr. Anderson of California with Mr. Hanna.

Mr. Gunter with Mrs. Hansen of Washington.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to abolish the offices of Director and Deputy Director of the Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget."

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 351, the Committee on Government Operations is discharged from the further consideration of the Senate bill (S. 518) to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. HOLIFIELD

Mr. HOLIFIELD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HOLIFIELD moves to strike out all after the enacting clause of the bill S. 518 and to insert in lieu thereof the provisions of H.R. 3932, as passed, as follows:

That the offices of Director of the Office of Management and Budget, and Deputy Director of the Office of Management and Budget, established in section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16), and as designated in section 102(b) of Reorganization Plan Numbered 2 of 1970, are abolished.

SEC. 2 The offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget, are established in the Office of Management and Budget and shall be filled by appointment by the President, by and with the advice and consent of the Senate.

SEC. 3. (a) The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970, and all functions vested by law in the Office of Management and Budget or the Director of the Office of Management and Budget are transferred to the office of Director, Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

(b) The Director may, from time to time, assign to the office of Deputy Director, such functions as he may deem necessary.

SEC. 4. Nothing in this Act shall impair the power of the President to remove the occupants of the offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget.

SEC. 5. (a) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

(1) Paragraph (11) of section 5313 is amended by striking out "of the Bureau of the Budget." and inserting in lieu thereof ", Office of Management and Budget.".

(2) Paragraph (34) of section 5314 is amended by striking out "of the Bureau of the Budget." and inserting in lieu thereof ", Office of Management and Budget.".

SEC. 6. This Act shall take effect upon the expiration of the thirty-day period which begins on the date of its enactment.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget."

A motion to reconsider was laid on the table.

XUM

A similar House bill (H.R. 3932) was laid on the table.

## GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## REQUEST TO CONSIDER SENATE JOINT RESOLUTION 93, TEMPORARY EXTENSION OF AUTHORIZATION FOR PRESIDENT'S NATIONAL COMMISSION ON PRODUCTIVITY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 93) to provide a temporary extension of the authorization for the President's National Commission on Productivity.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I would like to ask my distinguished chairman the gentleman from Texas (Mr. PATMAN) why we have had to wait until this hour when actually this matter expired last night, why is it that we are asked to do this in this manner? And, further, I would ask if all of the minority members have been properly advised of this proposed action?

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I will be glad to yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, in reply to the inquiry of the gentleman from California, let me say that this is to extend the Commission for 60 days so that it will expire on June 30th. It does not require any funding, no expenses, and the Commission goes out of existence on June 30, 1973.

Mr. ROUSSELOT. I still do not understand why we have waited until this hour. Why was this not brought up before so that there would be opportunity to consider it fully. Why are we doing it in this manner?

Mr. PATMAN. If the gentleman will yield further, it was of major importance as I understand the way it was supported by those who have considered it. If the gentleman wishes to delay this, of course it can be done. However, I might add that I believe the leaders on the gentleman's side of the aisle are in agreement on this, so I was told that they were, and that there is no objection to it, otherwise I would not have brought the matter up.

Mr. McKINNEY. Mr. Speaker, would the gentleman yield?

Mr. ROUSSELOT. I will be glad to yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I believe that there is no objection on this side, but I personally deeply resent the fact that this Commission went out of existence, in law, at 12 o'clock midnight last night and here we are today on unanimous-consent request extending this legislation after the fact, and in view of the clear fact that this Commission has not known until now whether it was going to continue with its work. I believe this is inexcusable, and yet I am sure the fact of the matter is that the Chairman knew when the date of the expiration came forward. I believe the House really should be given more of a chance to debate the issue and more of a chance to work its will than after the fact, without having this last minute rush in order to protect the work of the Commission.

Mr. PATMAN. Mr. Speaker, will the gentleman yield further?

Mr. ROUSSELOT. I will be glad to yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, the resolution was only introduced on April 17, 1973, by Senator JOHNSTON from the Senate Banking, Housing and Urban Affairs Committee who reported the following joint resolution which, of course, extends the Commission—and I will read the language of the Senate joint resolution:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4(f) of Public Law 92-210, approved December 22, 1971, is amended by striking out "April 30, 1973" and inserting in lieu thereof "June 30 1973."

No funding, no expense, no nothing. It is an extension for 60 days.

Mr. ROUSSELOT. If my chairman will yield further, I think the point we are trying to make is that we do not understand why this was not more appropriately brought before the full committee, discussed, and brought out with better notification given.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Iowa.

Mr. GROSS. What is the mission of this Commission?

Mr. PATMAN. I do not know too much about it. It is Senator JAVITS' organization that is handling it in the Senate.

Mr. GROSS. Why should its life be extended for 30 days?

Mr. PATMAN. The administration has requested that the Commission's authority be extended to June 30, 1973.

Mr. GROSS. For what reason?

Mr. PATMAN. I will read it:

It is most unlikely that the Administration's request for an extension of the Commission's authority will be acted upon as separate legislation in either body before the expiration date. Therefore, it is essential that this joint resolution be enacted if the Commission's fine work is to continue.

Higher productivity growth is an important national objective. We all gain when productivity goes up. Productivity is a measure of how well we use our material and human resources. It is a measure of how much real value is produced by human services and by the contribution of capital goods and other factors of production. Productivity growth is the way new wealth, new jobs and an increasing standard of living comes about.

Achieving price stability and a healthy level of economic growth depends over a period of years on productivity growth. That is why the President in 1970 established the National Commission on Productivity.

The Commission's role is to address itself to the long-term economic problems that made the economic stabilization program necessary in the first instance. Whereas the Cost-of-Living Council is dealing with the present effects of those problems, the Commission has the job of recommending more durable contributions and solutions. It is also the Commission's task to improve the quality of working experience as those solutions are achieved.

The Commission approached its task on an industry-by-industry, sector-by-sector basis. It recently completed an important survey of productivity improvement opportunities in the food industry that could well provide some ultimate answers to the food price spiral about which all of us are concerned. It has also initiated projects in the health services industry, construction and municipal government—all of which have constituted inflationary sectors of the economy.

Mr. GROSS. Is there any question about what has caused the increased costs of living?

Mr. PATMAN. Among some people there is a difference of opinion.

Mr. GROSS. There might be a difference of opinion.

Mr. PATMAN. I mean an honest difference of opinion.

Mr. GROSS. I would doubt whether this Commission could resolve the differences of opinion. Tell me, has this Commission rendered any reports of any kind?

Mr. PATMAN. I am not questioning this at all, sir, but I think that they are sincere in wanting this done.

Mr. GROSS. That may be, but has the Commission come forth with any reports of any kind?

Mr. PATMAN. Of course, they have not filed their report, I do not suppose, because the expiration—

Mr. GROSS. Will this action extend it for 60 days? Is June 30 the expiration date?

Mr. PATMAN. That is right, June 30.

Mr. GROSS. The gentleman says this is without cost to the Federal Government. On what will this Commission subsist until June 30?

Mr. PATMAN. I do not know.

Mr. GROSS. Mr. Speaker, in view of the fact that the gentleman has so little information to impart to the House on this subject, I suggest that perhaps tomorrow or some other day would be a better time to pursue this matter. Therefore, I object.

The SPEAKER. Objection is heard. Unless the gentleman from Iowa withdraws his objection the Chair is powerless to recognize any other Members on this matter.

## CHANGE IN LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I take this time to announce the change in the legislative program for this week. On Wednesday we will take up H.R. 6388, the Airport Development Acceleration Act of 1973, which has an open rule with 1 hour of debate, instead of H.R. 6452, the Urban Mass Transportation Assistance Act of 1973, which is being postponed indefinitely.



## BILL OFFERED TO TEST YEAR-ROUND DAYLIGHT SAVING TIME

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, I am today introducing legislation providing a 2-year test of year-round daylight saving time. My bill is similar to proposals offered earlier in this session by our colleagues, Congressman LENT and HOSMER, but with one important difference: The temporary nature of my plan which would cause it to expire after the trial period unless Congress took specific action to continue it, on either a temporary or permanent basis.

I believe we should give ourselves the opportunity to examine carefully the double daylight system before locking it in as the law of the land. We need to know whether double daylight can live up to its promise. For example, will all-year daylight saving accomplish the things we all want, such as materially reducing consumption of electricity? Only time will tell the full extent of the benefits to flow from adoption of the plan.

On the surface, year-round daylight saving would seem a distinct convenience for most people. During the season of standard time, just ended, those of us following a normal schedule started each day with an hour of largely wasted daylight. And at the end of the day we were forced to turn on our lights 60 minutes earlier than otherwise might be necessary.

It would seem that at the very least, daylight saving time during the winter months would relieve some of the pressure on generating capacity, particularly in our urban areas. I am advised that yearly peaks of demand for electric power are reached with the falling of darkness in early December. Generators hum to produce the power then needed to light and heat homes and offices. Perhaps if we could "postpone" the setting of the sun for 60 minutes, by keeping daylight saving in effect all year round most people could get home before dark on even the shortest days of the year, and the pressure on our generating capacity would be alleviated in a substantial way.

Double daylight has been tried before, of course, and proven successful. The wonder is that we ever reverted to our present on-again, off-again procedures.

From February 1942, to October 1945, year-round daylight saving was observed, as a wartime fuel conservation measure. More recently, for a 3-year period ending in 1971, Great Britain conducted a similar test. Studies indicated a dramatic leveling off of peak period demands for electricity, but following the trial Parliament did in fact reject any further extension of the year-round daylight saving concept. Part of the problem was that the states to the north and west of England proper—Scotland, Wales, and Northern Ireland—were genuinely inconvenienced; because of their geographic location, the sun simply did not appear until too late in the day for them.

Here in Congress, we need not be confronted by regional difficulties. The statute which my bill would amend—the Uniform Time Act of 1966—already provides exemptions for States which decide that compliance with the act would be impractical for them. My legislation would do nothing to alter the existing provisions for freedom of choice by the individual States, so no State could be forced to observe double daylight if its legislature said no to the plan.

So that we would have the fullest possible guidance, the bill would require the Department of Transportation to submit a complete report to Congress on the effects of double daylight no later than 6 months before the proposed law was due to expire. That way the House and Senate would be assured ample time to decide whether to establish double daylight saving as our permanent national standard. I have designated DOT to make the study, paying particular attention to the energy aspects, because it is the agency responsible for administering the Uniform Time Act. There would be a grace period of at least 180 days between enactment of the bill and the start of the 2-year experiment in daylight saving around the calendar.

## SOME FIGURES ON MILES PER GALLON OF GASOLINE

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, yesterday I urged the American automotive industry to take the lead in working together to develop an American engine that will get up to 50 miles per gallon of gasoline. Less gross weight, shorter car lengths and more efficient and economical automotive engines are a must for the U.S.A. in the current energy crunch.

Similarly it is ridiculous for U.S. law to require emissions standards beyond those necessary to protect public health. Present Clean Air Act requirements for 1975 are way too high. They are pegged at 96 percent pollution-free. Ninety percent is high enough to protect public health anywhere in the country and more than enough in most of the United States.

If they stay at 96 percent, the gadgetry that must be bought and maintained will see cars getting as low as 5 miles per gallon—upping daily U.S. consumption of gasoline by millions more barrels.

An indication of the present wasteful loss from emissions controls appears in a current box from U.S. News and World Report. Read it and weep:

THE MILES-PER-GALLON RACE

A government study confirmed last week what many automobile owners have suspected for years: small foreign cars get slightly better mileage per gallon of gasoline than their American competitors. And big cars, regardless of where they are made, eat up more than twice as much gasoline as small ones.

Of the 364 models tested by the Environmental Protection Agency, the Japanese-built Datsun 1200 scored highest with 28.7 miles a gallon. The Italian-made Ferrari was lowest with 6.3 miles a gallon. The 1973 models were tested on a dynamometer that simulated urban driving conditions, and EPA warned that consumers might get different mileage, depending on driving conditions. Nevertheless, the tests do offer a basis for comparing mileage among different models. Here are more EPA results:

| | *Miles per gallon* |
|---|---|
| Honda Sedan | 25.8 |
| Buick Opel | 23.8 |
| Dodge Colt | 22.7 |
| Volkswagen Sedan | 21.7 |
| Ford Pinto Wagon | 21.2 |
| Fiat Sedan | 20.4 |
| Mazda Sedan | 19.6 |
| Chevrolet Vega 2300 | 18.9 |
| American Motors Gremlin | 18.0 |
| Plymouth Valiant Duster | 17.9 |
| Volvo 183 | 17.0 |
| Ford Maverick | 15.1 |
| American Motors Javelin | 14.3 |
| Mercedes-Benz 220 | 13.2 |
| Chevrolet Nova | 12.7 |
| Chevrolet Chevelle | 11.8 |
| Dodge Dart | 10.6 |
| Plymouth Fury | 9.7 |
| Rolls-Royce Silver Shadow | 9.2 |
| Chrysler Imperial | 9.2 |
| Cadillac Eldorado | 8.1 |
| Ford Station Wagon | 7.6 |

## THE UNITED STATES IN SPACE—A SURVEY

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, within a very few weeks, my colleagues will be asked to consider the NASA Authorization bill for fiscal year 1974. The Science and Astronautics Committee, in drawing up this bill, has based its final recommendation upon testimony delivered by many expert witnesses in addition to field trips by Members and staff.

Past hearings of the committee have revealed that this country enjoyed a superiority in space which dates back almost to the very initiation of our space program. The many firsts the United States has recorded have so far outpaced the accomplishments of the other members of the international space community that this Nation has virtually taken for granted our preeminence in the field. I sometimes fear that we have progressed so far so fast that we will lose interest in the challenge and dedication to the cause. An injection of reality might be the precise solution—an injection similar to that which the foremost experts in space provided the committee this year.

For the past month, the committee heard a story of far different substance than the stunning successes of our lunar exploits. The testimony we were presented told of a public disenchanted with space, a space agency with a minimal and declining budget, and a Nation headed for the day in which it will no longer be first. The emphasis was no longer a story of achievement; the message was more an indication of an intended retreat.

I, for one, cannot minimize the tragic shortsightedness in reducing the pace of our space activity. We now appear to be turning our back on a field of endeavor which has contributed as much to the economic growth, progress and welfare of our Nation as any other single element of activity. The space program is a positive program and can and should exist side by side with other positive programs aimed at curing the country's ills. I respect the opinion of those who want to further cut or totally abandon the space program. However, I feel that their opin-



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ion is based on a lack of information and understanding.

My hope, therefore, is to provide the other Members of this Congress the unique insight afforded me by my participation on the Science and Astronautics Committee. I do this as a means not only to express my concern to my colleagues, but as one measure by which to reverse this downturn in our space effort. What I intend to do is to include a series of articles in the RECORD over the next few weeks which will examine and explore our U.S. space program in order to provide a backdrop for the fiscal year 1974 NASA Authorization bill. As an integral part of the discussion, the various aspects of international cooperation in space as well as the technological benefits which we have enjoyed from our expenditures on space programs will be emphasized. Finally, I will offer my thoughts as to the status of our space program today and tomorrow and the nature of the support which must be provided in order to insure this country's continued leadership.

By way of brief introduction, my primary concern over this Nation's budget reduction for space stems from two causes. The first is the $52 billion this country has invested in space over the 15 years. The experiments we have performed, the technology and techniques we have perfected can now be transformed into operational cost-saving, labor-saving, in fact, life-saving systems. In essence, we have the opportunity to turn from the experimental and exploratory use of space to the everyday, operational use of space. Within the framework of our space program, this Nation's taxpayers have funded the development of over 2,000 new patented inventions—a number which is growing exponentially with each passing day. Yet, this is only the most meager indication of the ultimate benefits of our work in this field. While the benefits of today are measured in terms of microminiaturized television sets and sharper dental X-rays, the dimensions of the next generation of benefits are telephone communications at one-tenth today's cost, the elimination of the mid-air aircraft crash, the accurate prediction of weather days in advance, the location of valuable earth resources and the detection of pollution sources. My concern is thus one of the American people failing to capitalize on technology more than a decade in the development—technology leading to a better tomorrow.

Finally, I am troubled by the many exploits and the sharply increased activity in space by our many international neighbors. The Soviet Union is the most obvious example.

Whether the race in space is contrived or real, meaningful comparisons can be made. The United States has enjoyed approximately 64 space "firsts;" the Soviet Union 31. Such numbers are important because they provide a measure of the relative state of technology in each country. But there are other comparisons. While we contemplate a domestic United States communication satellite system, the Russians have been offering such service for eight years. While our Viking project is expected to land an unmanned capsule on the surface of Mars in 1976, the Russians accomplished this feat in 1971. While we intend to orbit our Skylab manned laboratory this year, the Russians orbited a similar station, Soyuz 11, 2 years ago.

Although the achievements of the Soviets tend to be less publicized and less dramatic to the public, our experts on space spare no compliments at the duration of Russian manned flights and the sophistication of their space hardware. But my distress is not the result of present status—rather the developing trend.

Our space program reached a peak in 1966 in terms of both dollars spent and manpower engaged. Since then the United States budget has been halved. The manpower has been cut from 420,000 to less than 135,000. In contrast, the Russians program has yet to peak. Russia now spends more than 2 percent of its GNP on space compared to a U.S. rate of one-third of 1 percent. In 1972, the Soviets launched 89 spacecraft, manned and unmanned. The United States launched 36. This country launched twice the Russian rate in the mid-1960's. The Nation's decreasing emphasis; the Soviet's increasing emphasis will lead inevitably to a decline in U.S. influence in space. If permitted to continue, the world can anticipate no less than a major shift in the balance of global power.

The same Congress which dedicated itself to placing a man on the moon in the 1960's now faces the challenge of redefining the role of the space program for the 1970's. It is our decision—a decision calling for our most thorough and knowledgeable judgment. To proceed too fast is to waste dollars we urgently need elsewhere. To proceed too slow is to waste our fiscal, human, and technological resources and to throw away the opportunity to improve the quality of life on earth.

I look forward to your joining with me during the next few weeks in gaining a fuller understanding and appreciation of the United States in space.

## CRIME COMPENSATION

The SPEAKER pro tempore (Mr. MCKAY). Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 30 minutes.

Mr. OWENS. Mr. Speaker, recognizing that today is national "law day," I am introducing for myself and Mr. BINGHAM, Mr. BROWN of California, Mr. HARRINGTON, Mr. JONES of North Carolina, Mr. MAZZOLI, Mr. MOAKLEY, Mr. PEPPER, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. STARK and Mr. WARE, a bill to establish a National Crime Compensation program for innocent victims of violent crimes.

As a preface to the details contained in the proposed legislation, I would like to reflect a few aspects of our process of criminal justice.

Throughout the Nation there is unprecedented alarm and concern over growing violent crime rates. All of us are aware of someone close in our circle of friends or relatives who has been victimized.

Daily newspaper headlines about crime become increasingly distressing not alone because of the act of the criminal and the cruelty perpetrated upon the victim, but disturbing because the effect of increasing crime on citizens generally is to make us insensitive to the resultant pain and suffering. And, as Rousseau observed "one loses one's humanity when one fails to respond to human suffering."

The alarming trend, particularly in the cities, is towards an unwillingness to become involuntarily involved. The American "good samaritan" is disappearing from the streets. The cry for help now frequently falls on deaf ears. Probably the most infamous example of this alarming fact is the tragedy of Kitty Genovese, who in 1964 was brutally stabbed to death in front of her apartment in New York City while at least 38 of her neighbors passively looked on. None even called the police.

But this problem is not new. It has happened before. When societies have become cosmopolitan, they have lost the mutual concern which motivates one man to risk injury or discomfort to help another.

The first codified body of laws of which I am aware was assembled in ancient Babylonian times by Hammurabi. These writings reflected a need for a sense of social responsibility, and suggest a solution, a compromise with misery. "If the brigand has not been caught," Hammurabi wrote:

> The man who has been despoiled shall recount before God what he has lost, and the cities and Governor in whose land and district the brigandage took place shall render back to him whatever of his was lost.

The idea that a criminal act gives rise to a triangular relationship serves as the philosophical proposition for the code. The criminal, the victim and the Government were considered together. Then, through the course of history, the role of the State has grown, representing as it has "all the people." Initially, this trend was justified to stop revenge seeking by the victim's kin against the criminal or his relatives. As law enforcement technology has grown, attention focused on apprehending the suspect and meting out "justice" has grown, and concern for the innocent victim has been eclipsed. The State's interest has been to deter further acts of violence and less and less concern has been shown for the victim.

Injustice, both in the action of the crime itself, and the inaction, which follows, in ignoring the innocent victims after, only breeds more injustice. Apathy develops, then, outright tolerance for criminal action. Concern for the victim has been completely lost as a legitimate role of the State.

How can we reintroduce concern for the victim into the process of criminal justice? First, we can provide the mechanism to compensate the innocent victims of crime to the extent that money can offset the traumatic and painful experience. The words of Mr. Justice Brandeis, writing on compensation in general and the then recently enacted workmen's compensation act, apply with equal force to compensation for victims of crime.

> The conviction became widespread that our individualistic conception of rights and liability no longer furnished an adequate basis for dealing with accidents in industries.

It was urged that:

> Attention should be directed not to the employer's fault, but to the employee's misfortune. Compensation should be general, not sporadic; certain not conjectural; speedy, not delayed; definite as to the amount and time of payment and so distributed over long periods as to insure the actual protection against loss or lessened earning capacities.

Just as rapid industrialization increased the hazards for the industrial workers, modern urban society has increased the pain of being the victim of a violent crime. Extending the workmen's analogy, just as the worker was frequently frustrated in his attempt to recover for his injuries because of his employer's financial limitation, so too is the innocent victim often barred from making himself financially whole again because the criminal tort-feasor goes undetected or is without funds.

It is appropriate, on law day, to introduce legislation to establish a National Crime Compensation Board to provide for innocent victims.

The main features of the bill that we introduce today are:

First, the bill would create a three person Violent Crime Compensation Commission. The Commission would compensate innocent victims for injuries or death resulting from any one of 18 offenses. The 18 offenses could be grouped generally under the heading of homicide, assault, sexual offenses, all occurring within the Federal criminal jurisdiction. There would be a maximum limit of $25,000 for each award. It would be the Commission's duty to examine the evidence presented, both to determine what level of compensation should be granted and whether, in fact, the person making the claim is an innocent victim.

With some limitation, the Commission could order the payment of compensation, on behalf of the injured victim, to the person responsible for his maintenance, to his dependents, or closely related survivors. The authority of the Commission to award compensation would not be dependent on prosecution or conviction of the accused for the offense, but would be based on the fact of the injury itself.

As far as what type of losses are covered, the proposal would provide compensation for expenses incurred as a result of the victim's injury or death, for the loss of his earning power, for pain and suffering and for any other pecuniary losses which the Commission deems reasonable, under guidelines provided.

Compensation would be denied where the victim was, at the time of the injury or death, living with the offender or in any case where the Commission finds that compensation would result to the offender. Decisions and orders of the Commission would be reviewed by the appropriate court of appeals.

A most important provision would allow the Commission, where possible, to recover from a convicted assailant the amount of any award granted as a result of his crime.

There is also provided a grant program which would encourage States to establish crime compensation systems within their individual criminal jurisdiction.

Because of its nature, legislation of this kind can only become reality as the aftermath of a public revulsion against violent crime. Whether we are yet concerned enough about the innocent victim is not clear, but we should be. His protection is an indispensable component of any system of justice. This legislation proposes to address the problem directly. I urge the House's favorable consideration of our legislative proposal.



## WATERGATE AND OUR RESPONSIBILITY FOR CAMPAIGN REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, last night the President pledged to do everything in his power to insure that those involved in illegal events connected with Watergate are brought to justice and that such abuses are "purged from our political processes in the years to come." The President said he, the man at the top, must bear the responsibility for actions of subordinates.

While the President and all Americans exercise introspection into moral values applied to the conduct of political campaigns, I believe we in Congress also must bear the responsibility to help avoid future Watergates.

Even as we ask ourselves how high a price America and the world must pay for Watergate and related misdeeds, and while we contemplate the Nation's domestic and international goals, we must take corrective action.

While we struggle to carry out the mandate the people have given the President and Congress, we must be determined to set a course for our still sturdy Ship of State which will avoid troublesome storms.

Like our President, we have the responsibility to set a true course—worthy of public trust, worthy of continuing world leadership and worthy of the traditional, high esteem for public office.

I recommend that the Congress consider amending legislation to the Federal Election Campaign Act of 1971 to provide for a permanent, nonpartisan Federal Election Campaign Commission and commission staff.

I propose that this Commission not only conduct continuing oversight on the provisions of the existing act but on additional provisions which would forbid certain illegal acts in connection with intelligence gathering by a campaign organization, subversion of other candidates' campaign activities and other acts which Congress would deem unethical within the Commission's jurisdiction.

I believe remedial legislation should strictly regulate the use and accounting of all Federal candidates' campaign moneys beyond current law relating to receipts, expenditures and spending for communications and media. I believe there should be a limit on the total amount any one person can contribute in the aggregate to a candidate's campaign.

I propose that all campaign organization funds deposits, transfer of deposits and withdrawals be reported, with regard to locations and purposes, at regular intervals and in a manner prescribed by the Comptroller General. In no case, I believe, should campaign funds or contributions be deposited to the care of an individual or in any banking institution outside the limits of the United States.

Further, I propose that the Commission provide the Congress with a report on its responsibilities within 90 days after any Federal election, along with recommendations for perfecting legislation and administrative procedures.

Finally, it is my belief that the Commission be provided with enforcement powers, complimentary to those existing under law and exercised by various government bodies.

It would, it seems to me, be appropriate for the distinguished chairmen and ranking minority members of the Senate and House Judiciary Committees to appoint a Joint Committee to study such amending legislation and to report to the Congress at the earliest practical date.

To implement reform such as I have suggested, I am introducing a concurrent resolution for the formation of the Joint Study Committee.

Mr. Speaker, the current storm called "Watergate" still troubles us. The traumas of convictions, expectations of more indictments, adjudications, congressional hearings and the cascade of reports dealing with alleged illegal misconduct or unethical acts threaten to blur our national vision.

But as we seek the truth with dedication and the best skills available in our legal and legislative systems, we must keep a clear perspective on our Nation's goals and historical destiny.

We must ask the fundamental questions regarding the achievement of lasting world peace, in Indochina, the Mideast, through more arms pacts and building bridges with the Soviets, Chinese, and other nations of the world.

Republicans and Democrats, who share the President's conviction that we must place a ceiling on annual spending of taxpayers' dollars, cannot abandon our battle against more taxes and more inflation.

We must cope with the energy crisis, restore the environment, provide housing, transportation, education, health care and help meet the other needs of our people.

America cannot stand still.

By our deeds we can help all Americans to see and feel the real, and enduring strength of the American political system.

We seek truth and objective justice for the accused, regardless of consequences to individuals, party, or particular office.

Moreover, we have the responsibility to help restore the confidence of those Americans who labored long and hard for their chosen candidates in the 1972 election.

At the national, State, and local levels, they worked magnificently, with honest devotion to their candidates, to their Party, and to their country.

It is important to remember, as did

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the distinguished Senator from Kansas, BOB DOLE, that "the Republican Party was not involved and ought not to be implicated in the Watergate incident."

Much is being speculated about the motivations and the rationale for the maleficence of those involved in Watergate.

I believe, and I sense my belief is shared by others, that those involved in Watergate believed that the American people could be manipulated. We must reaffirm the fundamental tenet that the American people need only be informed in order to vote. They do not need to be manipulated.

The honest, dedicated people in the White House, in the party, and across the land are appalled at wrongdoing. The issues on which the President campaigned mandated overwhelming support for his reelection. Watergate has performed a grave disservice to that mandate.

Today, as at the time of election, the fundamental issues before Congress and the Nation remain the same.

They have not been diminished because of Watergate.

Mr. Speaker, we cannot afford to hesitate to exercise our responsibilities dealing with the great issues before us.

Clearly, our congressional responsibilities are enlarged because of Watergate.

At this point, Mr. Speaker, I include my concurrent resolution in the RECORD:

CONCURRENT RESOLUTION

Whereas the Congress and the Nation are deeply concerned about the implications which the Watergate affair holds for the future of the American political process;

Whereas the law is inadequate to regulate Federal campaign practices;

Whereas the law is inadequate to regulate the use and accounting of all Federal candidates' campaign moneys; and

Whereas it is necessary to restore confidence in our political system: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That (a) there is established a select joint committee to be composed of ten members as follows:

(1) Five Members of the House of Representatives appointed jointly by the chairman of the Committee on the Judiciary of the House of Representatives and the ranking minority member of such Committee; and

(2) Five Members of the Senate appointed jointly by the chairman of the Committee on the Judiciary of the Senate and the ranking minority member of such Committee.

A vacancy in the Select joint committee shall be filled in the same manner in which the original appointment was made.

(b) The members of the select joint committee shall elect one of the members as chairman.

SEC. 2. (a) The select joint committee shall review existing Federal campaign spending law and shall study the possibility of establishing a independent Federal campaign practices commission.

(b) The select joint committee shall transmit a report to Congress containing a detailed statement of the findings and conclusions of the committee, together with its recommendations for such legislation as it deems appropriate in order to adequately regulate Federal campaign practices, including the use and accounting of all Federal candidates compaign moneys.

SEC. 3 The select joint committee shall cease to exits ten days after submitting its report to Congress pursuant to section 2(b).

Mr. Speaker, I also include an editorial from the April 30, 1973, issue of the Buffalo Evening News and my joint resolution on a special prosecutor:

EXPLORE 1964 BUGGING, TOO

Sen. Goldwater's charge that "the other side" bugged his Republican presidential campaign in 1964 doesn't seem to bother him very much, but it does worry us and it should concern the public and the special Senate committee probing the Watergate scandal.

Such invasions of personal and political privacy, whether they're labeled Watergate 1972 or Goldwater 1964, intolerably debase the free election processes designed to fill this nation's highest public office. The best way to cleanse the system of such espionage techniques as electronic TV monitors, hidden bugs, tapped telephones, faked documents and the like is to treat them consistently as indefensible breaches of political fair play.

So we would like to see the Senate committee probing Watergate broaden its scope and invite its Arizona colleague to explain his case in more detail. Some Democratic Party leaders of that '64 campaign might also welcome equal time to rebut him. But for a Democratic Senate to focus on last year's Republican bugging without paying attention to allegations of similar Democratic activities raised by a former GOP presidential contender could invite charges of partisanship.

One chief legislative purpose of the Senate probe is to determine the need, or lack of it, for new laws to protect the country against another Watergate. Sen. Goldwater's first-hand experience with earlier monitoring in 1964 has obvious relevance in making that determination.

H.J. RES. 541

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

Whereas allegation of misconduct, illegal activities and attempts to delay or obstruct justice in connection with the presidential election of 1972 have gravely undermined the confidence of the American people in the Government and the electoral process of the United States;

And whereas the President has appointed Elliot Richardson Attorney General designate and has granted him authority to appoint a special prosecutor on the Watergate matter;

Therefore, be it resolved that it is the sense of the House of Representatives that the Attorney General designate immediately appoint an individual of the highest character and integrity from outside the executive branch to serve as special prosecutor for the Government of the United States in any and all criminal investigations, indictments and acts arising from any illegal activities by any person acting individually or in combination with others in the presidential election of 1972 or any campaign canvass or other activities related to it; and that the Attorney General designate grant such special prosecutor all authority necessary and proper to the effective performance of his duties.

## WATER POLLUTION CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, the water pollution control measure we passed last year was a major landmark in our continuing effort to reclaim the environment in which we live.

We set ambitious goals for cleaning up our waters within a relatively few years, and we authorized a sizable amount of money to help the States and the Nation achieve these goals.

But the formula we adopted for distribution of these funds has left us, and more importantly, left the States facing the prospect of having less money to spend for these purposes than they had prior to enactment of this massive authorization bill.

In my own State of North Carolina, for example, we stand to lose more than $52 million in water pollution control funds over the next 2 years, using as a base the amount of such funds we received in fiscal 1972.

In that fiscal year, North Carolina received $49,155,750 for water pollution control. The proposed figure for fiscal 1973 is $18,458,000, and for fiscal 1974, the figure is $27,687,000.

This disparity in funding distribution stems from a change in formula which substituted a "needs" criterion for the old "population" formula.

But the spending paradox is inescapable and unacceptable. To give States less money than they had previously been receiving for water pollution was clearly not the intent of the legislation we passed last year, and that course of action would defeat, rather than advance the purposes for which this legislation was approved.

I am proposing today, therefore, a bill to require that no State shall receive less money for water pollution control in fiscal years 1973 and 1974 than it received in fiscal 1972.

My bill is simply designed to guarantee that the intent of last year's legislation is fulfilled, and that its purposes and its ambitious goals are achieved.

I urge my colleagues careful consideration of this proposal, and I hope to see swift action taken on my legislation.

## A BILL TO AMEND PORTIONS OF THE MERCHANT MARINE ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 10 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, today I introduce on behalf of myself and the Congressman from Washington (Mr. PRITCHARD) a bill amending portions of the Merchant Marine Act of 1970.

The purpose of the bill is to clarify an ambiguity which could have the unfortunate effect of denying the citizens of Alaska the full benefit of certain provisions of the Merchant Marine Act of 1970. As Congressmen will recall, in the 91st Congress we enacted a historic new maritime program to revitalize our merchant marine. The Merchant Marine Act of 1970, amended the Merchant Marine Act of 1936, to, among other things, extend the coverage of certain tax deferral privileges previously available only to one small segment of our fleet.

The act also recognized the unique dependence of the citizens of Alaska, Hawaii, Puerto Rico and the noncontiguous territories and possessions on marine transport, and provided tax incentives decreasing the cost of building vessels for these trades, and thus the cost of marine transportation.

This provision was intended to provide long overdue relief to the people of our noncontiguous States and territories. Unfortunately, the definition of "noncontiguous trade" in section 607(k)(8) is ambiguous with respect to whether incidental intrastate carriage between ports in Alaska would qualify for this benefit, even though it clearly provides that similar carriage between the Islands of Hawaii does. Also, the privileges apply to similar carriage on the Great Lakes. Given the clear public policy of these provisions of the act, it seems to me that incidental intrastate carriage between ports in Alaska could be permitted by administrative interpretation. However, there has been an understandable reluctance to so interpret the literal words of section 607(k)(8), even though such an interpretation would be clearly consistent with the objectives of the act. Consequently, I am introducing this legislation to remedy the situation.

The bill would amend the Merchant Marine Act of 1936, to clarify the meaning of the term "noncontiguous trade," in section 607(k)(8), so that trade between points wholly within an offshore State or possession can qualify as a permissible trade in which to operate vessels which are built with capital construction funds. Enactment of this bill will enable offshore operators of vessels built with such funds to deploy these vessels in the most efficient manner without contravening the act.

Section 607(a) of the Merchant Marine Act of 1936, as amended by the Merchant Marine Act of 1970, allows a shipping company to establish a capital construction fund consisting primarily of tax deferred earnings for the purpose of constructing or reconstructing "qualified vessels." In order to be considered "qualified," a vessel must be operated in the U.S. foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States—section 607(k)(2). If a vessel built or purchased with capital construtcion funds is operated outside one of the enumerated trades, substantial penalties would ensue.

"Noncontiguous trade" is presently defined in section 607(k)(8) to mean:

First, trade between the contiguous 48 States on the one hand and Alaska, Hawaii, Puerto Rico, and the insular territories and possessions of the United States on the other hand, and second, trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions and third, trade between the islands of Hawaii.

As now structured, this definition of "noncontiguous trade" is susceptible to uncertainty regarding the status of ocean shipping wholly within Alaska, Puerto Rico, or the insular territories and possessions of the United States.

Although trade between the islands of Hawaii is clearly noncontiguous—clause (iii) of section 607(k)(8), it is not altogether clear that trade between points in Alaska, for instance, can similarly be regarded as "noncontiguous trade" as that term is presently defined. Alaska's reliance on water transportation and its need to obtain such transportation as economically as possible dictates that section 607(k)(8) be amended to explicitly include intra-Alaska trade within the meaning of "noncontiguous trade."

For example, a few carriers—mostly tug and barge operators—serve the offshore domestic trade between the contiguous 48 States and Alaska. In the course of a voyage between Seattle and Alaska, cargo may be carried to a number of Alaskan ports. In serving these ports, incidental cargoes may also be carried from one Alaskan port to another Alaskan port. From the carrier's point of view, the carriage of these incidental intrastate cargoes represents the most efficient use of its equipment. Although these cargoes are minor in volume compared to the major intrastate trade, they are also very important to Alaska shippers since there is no regular privately owned service operating only between ports in Alaska. The interstate movement is clearly within the scope of section 607(k)(8), but the incidental intrastate movement is arguably outside the definition of "noncontiguous trade."

If this intrastate movement is not considered "noncontiguous trade," a carrier could not in good faith contract with the Secretary of Commerce for the construction of vessels which would be regularly used in such a trade, albeit incidentally. If Alaskan operators, for example, were forced to abandon incidental intrastate carriage in order to benefit from the capital construction fund program, the intrastate shippers dependent on water transportation would obviously be injured; and since there would be an irreplaceable loss of freight from this movement, the interstate shipper might have to pay increased rates in order to offset the loss of intrastate revenue. The proposed amendment would relieve the carrier from having to choose between the benefits of the act and the efficient use of its equipment.

Another compelling reason for specifically including intra-Alaska, also intra-Puerto Rico, intra-Guam, and so forth—trade within the scope of the act arises from Congress inclusion of interisland Hawaiian trade—wholly intrastate—in the definition of "noncontiguous trade." It was aparently recognized that Hawaii's dependence on ocean shipping, even for intrastate movement, dictated that Hawaiian carriers, shpipers, and consumers should benefit from the construction of water transport equipment with capital construction funds.

The conditions which impelled Congress to extend the benefits of the act to the interisland Hawaiian trade are equally present in the case of Alaska and the insular territories. For instance, there are 6,640 miles of general coastline in Alaska and 33,904 miles of coastline if all if its islands are included. There are more islands in Alaska than in any other State. Alaska and the insular territories are just as heavily dependent on water transportation as is Hawaii.

The legislative history of the Merchant Marine Act of 1970 sheds no light on the omission of the intra-Alaska trade as opposed to the inclusion of the interisland Hawaiian trade. The failure to include Alaska and the other offshore territories and possessions may well have been a legislative oversight which should be corrected by the adoption of the proposed amendment. This amendment would assure Alaskan citizens the same treatment that the act confers upon Hawaiian citizens. The benefits of the act, in terms of better, more efficient, and more modern water transportation service in intrastate trade should accrue not only to Hawaii but to Alaska as well. At the same time, Puerto Rico and the other insular territories and possessions of the United States should be accorded the same treatment.

A third and equally important reason is to encourage the growth of the boat building industry in Alaska. With its wealth of natural materials, particularly timber, so close to so many potential customers, Alaska is a State particularly advantageously situated for the development of a boat building industry. The largest accessible stands of good lumber are in southeastern Alaska, close to many potential customers. This bill will incidentally encourage the growth of the shipbuilding industry in Alaska. Of course, it will also encourage the domestic Alaska shipping industry which is, as I have indicated, still, like Alaska shipyards, relatively small and in need of assistance.

The proposed legislation accomplishes the objectives set forth above. In addition, the wording of the bill also encompasses the meaning of original clause (ii) to section 607(k)(8): "trade between Alaska, Hawaii, and Puerto Rico and such territories and possessions."

I include the bill at this point:

S. 902

To amend section 607(k)(8) of the Merchant Marine Act, 1936, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 607(k)(8) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177(k)(8)), is amended by striking that entire portion of section 607(k)(8) which follows the lower case roman numeral "(ii)", and inserting in lieu thereof "trade from any point in Alaska, Hawaii, Puerto Rico, and such territories and possessions to any other point in Alaska Hawaii, Puerto Rico, and such territories and possessions."

## PROVIDING A RULE FOR THE USE OF THE POCKET VETO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I am introducing today a bill to implement section 7 of article I of the Constitution, by providing a rule for the use of the pocket veto. This measure would prevent at-



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tempts by the President to pocket veto bills during a session of Congress. As a result, this would protect the legislative powers of the House and Senate from encroachment by the Executive.

The Committee on the Judiciary held hearings during the 92d Congress on a pocket veto bill, H.R. 6225, introduced at that time by my distinguished predecessor as chairman of the Committee on the Judiciary, the Honorable Emanuel Celler. The purpose of this bill is the same as that proposal, but has been modified in view of the problems and objections that those hearings brought to light.

The need for legislation of this type was emphasized dramatically when President Nixon allegedly pocket vetoed the Family Practice of Medicine Act during the 4-day Christmas recess of the Congress in 1970. This act was passed overwhelmingly by both Houses of Congress and a veto by the President probably would not have been sustained.

The alleged pocket veto of the Family Practice of Medicine Act currently is being challenged by Senator KENNEDY in a Federal district court. While we all can hope for an outcome favorable to the Congress, it is unlikely that a decision in this suit will settle the pocket veto controversy even if it gets to the Supreme Court. The Supreme Court has already had two opportunities to rule on the so-called pocket veto clause, but both times declined to lay down clear guidelines. This legislation is consistent with both decisions.

The application of the separation of powers principle by the Constitution with respect to the Congress is very clear. The very first section of the Constitution vests—

(a)11 legislative power . . . in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The only veto power thereafter granted to the President by the Constitution is contingent on a subsequent vote of the Congress to override the veto.

Erosion of the separation of powers principle by the improper assertion of "pocket veto" power cannot be tolerated, because it impedes the democratic lawmaking process established by the Constitution. There is great peril to the country if the ultimate disposition of legislation, even in a single case, is left to one individual—the President—rather than placed where that duty constitutionally belongs—in the collective wisdom of 535 elected representatives of the people.

Clearly, the orderly passage of legislation is crucial to the business of the Congress. Nothing is more disruptive to legislation by doubtful assertions of pocket veto power just at the end of its journey to become law. The presentation of a bill to the President is the culmination of months of work in committee and debate on the floors of both Houses. Improper attempts to pocket veto perhaps can be thwarted by legal action, such as that taken by Senator KENNEDY or by introducing and passing a bill again, as both Houses are doing this session. However, both these steps entail a great deal of time, and when repassing a bill is involved, there is duplication of work. It goes without saying that this effort could be devoted much better to the carrying out of our legislative tasks.

This bill seeks to solve the pocket veto problem by spelling out the meaning of the language in the Constitution critical to the exercise of this power. It is apparent to me that such clarification and definition of terms to remove ambiguities in the Constitution is a necessary and proper legislative function of the Congress.

An adjournment which prevents the return of a bill, which is the language in the Constitution that permits a pocket veto, is defined to be an adjournment sine die by the Congress or by either the House or the Senate. It is apparent that when either House has adjourned sine die, an act which terminates its legislative life for a session, there is no opportunity to reconsider a bill that has been vetoed by the President. The same is true of an adjournment sine die by the whole Congress. The legislation that I am introducing today makes it clear that it is only under these circumstances that a bill can be considered to be "pocket vetoed."

## A PROPOSAL FOR IMPROVING THE MANAGEMENT OF THE GREAT LAKES OF THE UNITED STATES AND CANADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, today, the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs held hearings on a series of proposals to improve the management of the Great Lakes of the United States and Canada. This hearing, part of a continuing effort by our distinguished colleague, the Honorable DANTE FASCELL, is a welcome development to all of us in the Great Lakes States.

For almost three-quarters of a year now, residents of the lake shorelines have been suffering almost constant damage and injury from the high water levels now existing on the lakes. While there is little that can be done immediately to lower the water levels on the lakes, the present disaster situation has focused attention on the problems of the lakes. Hopefully today's crisis will enable us to prepare for the future so that the problems we are experiencing this year can be avoided in the years to come.

Previous hearings before Chairman FASCELL's subcommittee have highlighted some of the many organizational, planning, and managerial weaknesses of the various Government agencies which currently have partial authority over aspects of the economy and environment of the lakes. Even the 1909 treaty, which set up the Canadian-American International Joint Commission, is so fragmented and out-dated, that it excludes Lake Michigan from coverage under the treaty. The original reason for this exclusion was that the IJC was formed just to resolve boundary water problems.

Lake Michigan, of course, lies wholly within the United States. But hydrologically it is one with Lake Huron and a major and integral part of the entire Great Lakes system. Pollution in Lake Michigan becomes pollution throughout the Great Lakes. Diversion of water from Lake Michigan, rather than being subject to the flexible negotiating and arbitrating process provided by the IJC, becomes a matter of inflexible court decisions. As a result, the Chicago Sanitary and Ship Canal, which could be used flexibly to permit varying amounts of water out of the Great Lakes, depending on the water level situation on the Great Lakes and on the Mississippi is controlled by an inflexible court order.

Studying the governmental jurisdictions on the lakes, the Inter-American Affairs Subcommittee today received testimony from Dr. Leonard B. Dworsky of the Water Resources and Marine Sciences Center of Cornell University and from Dr. George R. Francis, Department of Man-Environment Studies, of the University of Waterloo in Ontario, Canada.

The two professors served as cochairmen in developing a report by the Canada-United States University Seminar entitled, "A Proposal for Improving the Management of the Great Lakes of the United States and Canada." It is my understanding that the full text of this thorough and excellent report will be printed in the subcommittee's hearing record, thus providing an invaluable reference work for all us who are working on the problems of the Great Lakes.

### CANADIAN-UNITED STATES COOPERATION IN DEVELOPING THE REPOAT

Using some of the language of the report, I would like to describe some of the background and highlights of the seminar:

During the period December 1971 to June 1972, faculty members from some twenty universities and colleges in Canada and in the United States joined in a dialogue to explore ways in which the institutional structures for the management of the water and land resources in the Great Lakes Basin might be strengthened to the mutual advantage of both countries. Some thirty persons were invited to participate, with roughly one-half from each country. An equal number of government representatives were also invited to attend the Seminar meetings. The Seminar participants carried out their tasks in three plenary meetings and in working sessions of a planning group between the regular sessions. The first plenary meeting was held in December 1971, at York University, Toronto, Ontario; the second in March 1972, at Cornell University, Ithaca, New York; and the third at York University in June 1972.

The undertaking of this Canada-United States University Seminar in a sense reaffirmed the growing cooperation between Canada and the United States on Great Lakes problems. Participants recognized the progress and positive contributions being made in biophysical research on the Lakes, as exemplified by the International Field Year on the Great Lakes which became operational in the Spring of 1972.

The Seminar participants were also cognizant of the negotiations then taking place between the two countries to strengthen the hand of the International Joint Commission in controlling transboundary water pollution. Those negotiations resulted in the 1972 Agreement on Great Lakes Water Quality which established for the first time common and specific water quality objectives for the Great Lakes and provided for joint programs to achieve the objectives.

While acknowledging these accomplishments, the Seminar at the same time felt it was necessary to ask what else had to be done. The rates of population growth, urbanization and industrialization in the Great Lakes Basin, especially in the lower lakes, are leading to even more intensive use of the water and associated land resources, and the generation of even more problems and conflicts of interest among resource uses and users. Above all, they reveal the desirability of exploring how some of these problems might be anticipated and acted upon before they reach crisis proportions. The scope of attention would then have to go beyond cooperation on controlling transboundary water pollution and joint efforts on water research. But how far, and in what way? These were the central questions posed to the Seminar.

The Seminar approached the question through a series of steps which involved: (1) identification of the resource management problems of the Great Lakes Basin; (2) examination of existing organizational forms; (3) review of previous research efforts on institutional arrangements; (4) identification of criteria applied to resource management organizations; (5) analysis of the International Joint Commission; (6) review of the current limits of joint authority with respect to the management of the international Great Lakes; (7) development of the general features of a new joint institutional arrangement and finally; (8) development, as a general framework, of some alternative directions for improving the management of the water and related land resources of the Great Lakes Basin.

After such an examination of some of the issues on the Great Lakes confronting the population of the Great Lakes basin, the seminar found in many cases that lack of coordination and proper governmental jurisdictions, both on the United States and Canadian sides of the boundary waters, constituted one of the the major problems. For example, in the area of water quality, the seminar reported:

The heart of the problem appears to lie in institutional inadequacies on both sides of the international border. While in recent years policymakers in Canada and in the United States have made visible progress in improving the management of water, land and environmental quality in the Great Lakes Basin, unfortunately, the effect of this effort is something less than it could have been simply because of the dampening effects of the existing fragmented institutional structure.

In conclusion, the seminar made four recommendations:

### RECOMMENDATIONS

A. The Governments of the United States and Canada should initiate, on a joint basis, a comprehensive examination of the problems associated with multiple purpose management of the Great Lakes in order to conserve, develop and use that unique resource for the mutual benefit of the people of both countries.

B. The alternative proposals formulated by the Canada-United States University Seminar should be used by the two Governments as a basis for initiating discussion and debate on the modernization of the management of the Great Lakes.

C. In the United States, a study bill should be introduced early in the 93rd Congress for the purpose of opening the doors to serious public debate on the question of the joint management of the Geat Lakes Basin by local, state, regional and federal officials and private persons and nongovernmental organizations concerned with the public interest.

D. In Canada, the findings of the Seminar should be discussed with officials in the federal government, the Ontario provincial government, and selected regional and local governments in Ontario. The purpose would be to encourage informal federal-provincial-regional-local consultations on the new steps and responsibilities needed for the Great Lakes Basin, with a view to developing more detailed proposals for consideration at the Cabinet level of the two senior governments and providing material for bilateral consultations.

Yet this is hardly the conclusion. This binational university seminar effort can be part of the beginning of a new effort in the Great Lakes basin to meet the problems of the future and to provide a better quality of life for the people of this region.

It would be my hope that the ideas and issues raised by the seminar will be just the beginning of a renewed and intense discussion throughout the area on how we can better conserve and utilize the lakes.

Again, I would like to commend the committee and Chairman FASCELL for his efforts in this area.

## DEFERRED DEPORTATION OF CERTAIN WESTERN HEMISPHERE ALIENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, I wish to bring to the attention of the House a significant development regarding aliens in the United States.

Since the Subcommittee on Immigration and Nationality has commenced extensive hearings on legislation affecting immigration from the Western Hemisphere, the chairman of the Committee on the Judiciary, the Honorable PETER W. RODINO, JR., has requested the Immigration and Naturalization Service to defer deportation of natives of the Western Hemisphere who are the parents, spouses, and children of citizens of the United States, the unmarried sons and daughters of U.S. citizens, and the spouses and unmarried sons and daughters of aliens lawfully admitted to the United States for permanent residence. This action which was brought about by an exchange of letters between Chairman RODINO and the Acting Commissioner of the Immigration and Naturalization Service will eliminate the separation of families and alleviate much hardship.

Many of these people will be eligible to have their status adjusted to that of lawfully resident aliens when H.R. 982, which is scheduled for floor action this week, becomes law. The remainder of them will likewise be able to adjust their status when legislation is enacted providing the same treatment for aliens from the Western Hemisphere as is presently available to those from the Eastern Hemisphere. I am hopeful that that legislation will also be enacted in the current session of the Congress.

The exchange of correspondence and the operating instructions are printed below and you will note that these persons will be authorized by the Immigration and Naturalization Service to accept employment.

APRIL 27, 1973.

Regional Commissioner: Burlington, Vermont; Richmond, Virginia; St. Paul, Minnesota; San Pedro, California.

James F. Greene, Associate Commissioner, Operations.

Granting of Voluntary Departure to Certain Western Hemisphere Natives: CO 242.-1-P; April 10, 1973.

Attention: Associate Deputy Regional Commissioner, Operations.

Attached for your information are copies of self-explanatory correspondence with Honorable Peter W. Rodino, Jr., Chairman, Committee on the Judiciary, House of Representatives, relating to the above-cited teletype which was addressed to all regional offices and file control offices in the United States.

Aliens who fall within the criteria set forth therein and who are granted extended voluntary departure, should also, upon their request, be granted authorization for employment pursuant to 01 243.5.

(S) JAMES F. GREENE.

MARCH 28, 1973.

HON. RAYMOND F. FARRELL,
*Commissioner, Immigration and Naturalization Service, Washington, D.C.*

DEAR MR. COMMISSIONER: I am sure you are aware that the Members of Subcommittee No. 1 of this Committee are commencing extensive hearings on legislation designated to establish a preference system for the Western Hemisphere.

My bill, H.R. 981, to amend the Immigration and Nationality Act in that respect is under active consideration by the Subcommittee. Knowing of their diligence and their awareness of the need for such legislation, it is my firm belief that legislation equalizing the two hemispheres will be favorably acted upon by the Committee during the current session of the Congress.

With that in mind, coupled with the fact that legislation permitting the adjustment of status of certain natives of the Western Hemisphere has already been ordered favorably reported to the House of Representatives, I believe that you should consider issuing instructions to your Field Offices to delay enforcing departure of natives of the Western Hemisphere who are immediate relatives as defined in section 201(b) of the Immigration and Nationality Act; the unmarried sons or daughters of United States citizens; and the spouse of unmarried son or daughter of an alien who has been lawfully admitted to the United States for permanent residence.

I feel certain that you will agree that this course of action will alleviate much hardship and that the interest of humanity will be better served. The uniting of families has been paramount in all consideration of legislation in the field of immigration.

Kindest regards.

Sincerely,

PETER W. RODINO, JR.,
*Chairman.*



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IMMIGRATION AND NATURALIZATION SERVICE,
*Washington, D.C., April 2, 1973.*

Hon. PETER W. RODINO, Jr.,
*Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Reference is made to your letter of March 28, 1973, regarding the granting of voluntary departure to certain Western Hemisphere natives.

You will be pleased to learn that it has been decided that certain changes will be made in the Service policy relating to this matter, based upon the representatives contained in your letter.

Effective immediately, under the changed policy, a Western Hemisphere native will, as a matter of discretion, be granted extended voluntary departure if he is admissible to the United States as an immigrant and he is an immediate relative of a United States citizen as defined in section 201(b) of the Immigration and Nationality Act, as amended, or is the unmarried son or unmarried daughter of a United States citizen, or is the spouse or unmarried son or unmarried daughter of an alien who has been lawfully admitted to the United States for permanent residence.

Sincerely,

JAMES F. GREENE,
*Associate Commissioner.*

## THE ONEITA STRIKE AND BOYCOTT

(Mr. DENT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DENT. Mr. Speaker, it is time national attention was focused upon a struggle against discrimination and poverty which involves nearly 1,000 South Carolina textile workers.

That struggle is now in its fourth month at the plants of the Oneita Knitting Co. in Andrews and Lane, S.C. It was provoked by the company last January 15 after 14 months of stalling and other unfair labor practices during negotiations for an initial agreement with the Textile Workers Union of America, AFL–CIO. This organization was chosen by these workers to represent them in collective bargaining in an election held by the National Labor Relations Board November 19, 1971.

Approximately 85 percent of these workers are women and 75 percent of them are black. They live and toil in one of the Nation's most poverty-stricken areas. The average wage at Oneita Knitting is only slightly more than $2 an hour, with many workers earning between $1.60, the Federal minimum, and $1.80 an hour.

Typical of them is Mary Lee Middleton, whose ancestors toiled as slaves in the rice fields that dotted the area during the 19th century. After 4 years as an Oneita employee, her 1972 earnings totaled $3,379.16. Even though her oldest daughter is also an Oneita worker, she can hardly make ends meet for the 11 members of her family. So she and many of her coworkers have to rely on Federal food stamps even though they are working full time.

The 11 Middletons live in a three-room shack heated by a pot-bellied stove, with plastic sheeting serving as window panes. Because the unemployment rate in Williamsburg County is high, Mary Lee has no alternate job opportunities.

The company was founded by the Devereaux family in 1874. Privately owned, it is a relative newcomer to the South, having run away from a New York State location in search of cheap labor and similar inducements.

In dealing with the Textile Workers Union of America, the company has scrupulously followed a union-busting formula long used by the southern textile industry. It is tailored to the anti-union provisions of the Taft-Hartley Act.

Briefly, it calls for all-out resistance to the right of workers to form a union and the use of intimidation and coercion to produce an antiunion vote in an NLRB representation election. If the vote goes against the company, as it did at Oneita, the company then exploits loopholes in the law to avoid signing a contract. It goes through the motions of bargaining, as Oneita did for 14 long months, insisting upon contract terms which, if accepted, would deny workers the right to strike or even arbitrate their grievances. If workers, frustrated by these limitations, resorted to a wildcat strike, this would leave their union wide open for heavy damage suits and possibly bankruptcy.

Oneita pursued this union-busting formula so vigorously that, only last February 21, a Federal administrative judge found the company guilty of unfair labor practices and refusal to bargain in good faith. He ordered the company to "cease and desist." However, in the absence of stringent penalties, the company persists in avoiding genuine collective bargaining with the obvious aim of starving the Oneita workers into submission.

To guard against such a development, and in line with TWUA practice in all of its strikes, the union's defense fund is providing the Oneita workers with the essentials of livelihood. In addition, the union has launched a nationwide boycott of Oneita products which has the endorsement and active support of the AFL–CIO and all of its affiliated unions.

Oneita's major products are men's and boys' knitted underwear. Its top customers are K-Mart (Kresge), J. C. Penney, Sears, and Montgomery Ward, with hundreds of stores all over the country. They sell Oneita products under their own store labels.

As I said at the start of this statement, Mr. Speaker, this is not merely another strike. It is a struggle for decency in labor-management relations and against poverty and discrimination.

People like Mary Lee Middleton originally voted for a union because they wanted to break the cycle of poverty and misery that has trapped them ever since their forebears were brought to America as slaves. They went out on strike rather than be perpetually denied the American dream of a decent living. They deserve the support of every American who believes in industrial democracy and justice for all who work for a living.

## REMARKS ON INTRODUCTION OF BILL RELATING TO THE 1973 FEED GRAIN PROGRAM

(Mr. CULVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CULVER. Mr. Speaker, on Thursday, May 3, the House Agriculture Subcommittee on Livestock and Grains will conduct public hearings on bills designed to eliminate inequities between feed grain farmers in connection with the operation of the 1973 set-aside program.

I am today introducing a bill for consideration during these hearings which will correct the inequities which resulted from the recently announced decision of the Secretary of Agriculture to change the acreage set-aside requirement of the 1973 feed grain program.

Under the feed grain program, farmers are encouraged to set-aside acreage from crop production under one of two options: Option A, setting aside 25 percent of their feed grain base and receiving a payment of 32 cents per bushel; or option B, setting aside no acres and receiving 15 cents per bushel. In 1973, farmers were required to sign up for one of the options before March 16.

On March 26 the administration announced that the A option acreage set-aside requirement was reduced from 25 percent to 10 percent, while the payment would remain the same. As this announcement was made some 10 days after the completion of the sign-up period, this change was grossly unfair to those farmers who had signed up under option B and now had no opportunity to change their option. In effect, the administration had changed the rules after the game had been played. This clearly was not fair.

On April 6, 1973, I wrote to Agriculture Secretary Earl Butz protesting this unfair action and urging a new signup period be authorized by the Department of Agriculture. On April 23, a reply by the ASCS Acting Administrator indicated that the Department did not intend to allow a new signup period.

The bill I introduce today does not require reopening the 1973 feed grain program signup period. It does, however, require the Secretary of Agriculture to extend the same price support guarantees to option B cooperators as option A cooperators now have.

Mr. Speaker, this bill eliminates the inequitable and discriminatory treatment of a large number of the Nation's farmers who rightly believe that the administration of Federal programs ought to be fair and impartial to all participants. I urge the members of the Agriculture Subcommittee on Livestock and Grains to restore these citi-



zens' faith in their Government by giving favorable consideration to this bill.

## NEED FOR A TOTAL PROHIBITION AGAINST RESEARCH INVOLVING LIVE HUMAN FETUSES

(Mr. MAZZOLI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAZZOLI. Mr. Speaker, apparently in response to the glare of publicity, the National Institutes of Health has recently promulgated a policy statement indicating that it knows of no circumstances which would justify NIH support for research involving a live human fetus.

I would like to contend that this statement is wholly inadequate since it clearly leaves the door wide open for the future discovery of circumstances, which in NIH's opinion might justify such morally repugnant research.

It is my personal opinion—and also my reading of public sentiment—that there can be no circumstances which would justify the use of public moneys in support of practices so disrespectful of human life. Nor do I feel that such research should even receive verbal support from a public agency.

Accordingly, Mr. Speaker, I want to call upon my colleagues in the Congress to join me in requesting that the National Institutes of Health adopt a policy of absolute prohibition against any form of support for research involving live human fetuses.

Additionally, I insert in the RECORD the following two articles by Mr. Victor Cohn, which appeared in the Washington Post on April 10, 1973 and April 13, 1973, respectively:

NIH CONSIDERING ETHICS—LIVE-FETUS RESEARCH DEBATED
(By Victor Cohn)

The possibility of using newly-delivered human fetuses—products of abortions—for medical research before they die is being strenuously debated by federal health officials.

So is the question of whether or not federal funds ought to be used to support such research in a country where abortion is considered immoral by millions.

A proposal to permit such studies was recommended to the National Institutes of Health 13 months ago, it was disclosed yesterday by a doctors' newspaper, Ob.-Gyn. (Obstetrician-Gynecologist) News.

Officials at NIH, prime source of funds for American research laboratories, differed yesterday on whether the recommendation had at least temporarily become "NIH policy."

But they agreed that NIH is considering the ethics of the matter afresh in the light of last year's revelation of an Alabama syphilis study in which the human subjects were neither informed about their disease nor treated for it.

They also agreed that most scientists feel that it is both moral and important to health progress to use some intact, living fetuses—fetuses too young and too small to live for any amount of time—for medical study.

Most such scientists would apparently agree with the recommendations of still another NIH advisory body—made in September, 1971, but again not disclosed until yesterday—that a fetus used in research must meet at least two out of three criteria: (1) it be no older than 20 weeks: (2) no more than 500 grams (1.1 pounds) in weight; and (3) no longer than 25 centimeters (9.8 inches) from crown to heel.

Such tiny infants if delivered intact may often live for an hour or so with beating heart after abortion.

They cannot live longer without aid, primarily because their lungs are still unexpanded. But artificial aid—fresh blood and fresh oxygen—might keep them alive for three or four hours.

Scientists in Great Britain and several other countries are regularly doing studies in this way, medical sources said yesterday.

British scientists generally work under a set of strict though unofficial guidelines set last year by a government commission named to end what virtually everyone agreed was an abuse—obtaining months-old fetuses for research and keeping them alive for up to three or four days.

Before permitting research on fetuses said the British commission, a hospital ethics committee must satisfy itself "that the required information cannot be obtained in any other way."

This is often the case, one well-known genetics researcher, Dr. Kurt Hirschhorn of New York's Mount Sinai Hospital and Medical School, said in an interview yesterday. Indeed, he added, some U.S. scientists are going to Sweden or Japan or other countries to do such research and doing so with the help of their NIH funds.

Using the fetus, Hirschhorn said, it may be possible "to learn how differentiation occurs"—the way cells develop into different parts of the body. "We could learn more about inborn anomalies," or birth defects.

"I don't think it's unethical," he said. "It's is not possible to make this fetus into a child, therefore we can consider it as nothing more than a piece of tissue. It is the same principle as taking a beating heart from someone and making use of it in another-person."

Dr. Andrew Hellegers, professor of obstetrics at Georgetown University and director of the Kennedy Institute for the Study of Human Reproduction and Bioethics, argued with this view at one NIH advisory meeting. "It appears," he said, "that we want to make the chance for survival the reason for the experiment."

"Isn't that the British approach?" another member asked him.

"It was the German approach. 'If it is going to die, you might as well use it,'" Hellegers replied, referring to Nazi experiments on doomed concentration camp inmates during World War II.

Despite some views like his, an NIH Human Embryology and Development Study Section decided in September, 1971, that: "Planned scientific studies of the human fetus must be encouraged if the outlook for maternal and fetal patients is to be improved. Acceptable formats for the conduct of . . . carefully safeguarded, well controlled investigations must be found."

For example, this group warned, "under no circumstances" should attempts be made to keep a fetus alive indefinitely for research.

The study section's recommendations were greatly modified by the National Advisory Child Health and Human Development Council—the advisory group to NIH's National Institute of Child Health and Human Development—in March, 1972.

"It was my understanding that the advisory councils recommendations were accepted last year," Dr. Philip Corfman, acting director of the Child Health Institute, said yesterday. "But everyone knew they would require more work on specific guidelines."

However, Dr. Charles U. Lowe, the institute's scientific director—who was asked last year to head a group to help develop such guidelines—said: "The council statement was sent to the director of NIH, but it is not at the present time policy. It has no standing except as a council expression."

The Child Health Institute is supporting no research using live, intact fetuses, he said. Other sources said they know of no such projects supported by any NIH institute, though one added, "we'd have to survey some 12,000 projects to be sure."

Lowe said he personally agrees with the British commission's feeling that such research is proper and ethical if properly controlled.

"But I haven't decided in my own mind yet," he added, "whether we can go along with Great Britain, using federal dollars. First, we have an articulate Catholic minority which disagrees. Second, we have a substantial and articulate black minority" sensitive on issues of human life.

Hirschhorn for his part argued: "How do we know what drugs do to the fetus unless we find out?" A position is needed, he maintained, between those "who say we're not doing any harm to a fetus that's going to die anyway" and those who would require "highly complex forms" before a medical scientist can do anything.

STATEMENT ON RESEARCH

NOTE.—This statement backing the regulated use of human fetuses in medical research was approved in March, 1972, by the National Advisory Child Health and Human Development Council but not made public. The council is an advisory body to the National Institute of Child Health and Human Development, part of the National Institutes of Health.

Scientific studies of the human fetus are an integral and necessary part of research concerned with the health of women and children. Because of the unique problems involved and a growing competence and interest in this field, ethically and scientifically acceptable guidelines for the conduct of such investigation must be developed.

In all cases, applicable state and/or national laws shall be binding.

Guidelines for human investigation used to protect the rights of minors and other helpless subjects are applicable.

The study protocol must be reviewed and approved by the appropriate institutional review committee to insure that the rights of the mother and fetus will be fully considered.

It is the duty of these committees to insure that the investigator shall not be involved in the decision to terminate a pregnancy, the product of which is intended for study within his own research grant or authority.

Continuing review by the institutional committee must be undertaken in approved projects.

Informed consent must be obtained from the appropriate party(ies).

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NIH VOWS NOT TO FUND FETUS WORK
(By Victor Cohn)

The National Instiutes of Health will not fund research on live aborted human fetuses anyplace in the world it promised yesterday in a policy statement that is likely to become government-wide practice soon and probably a guide for most American scientists.

NIH, from its headquarters in Bethesda,

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finances nearly half of all U.S. medical research, and the federal government finances nearly two-thirds of the country's $3.5 billion a year total.

NIH "does not now support" any such research, said Dr. Robert Berliner, deputy director for science, and "we know of no circumstances at present or in the foreseeable future which would justify NIH support."

Some scientists have said that at least a few research programs involving study of live aborted fetuses in the short time before they die have been supported with NIH funds, some of them performed by U.S. scientists abroad.

Dr. Charles U. Lowe, scientific director of NIH's National Institute for Child Health and Human Development, qualified Berliner's statement slightly by commenting, "You know we're dealing with 14,000 grants," and "we are not insofar as we know" financing any such work.

Berliner's statement was read to nearly 200 Roman Catholic high school students gathered in an NIH auditorium for questions and protest. The students were organized by a group from the Stone Ridge Country Day School of the Sacred Heart led by Renee Meier, Theo Tuomey and Maria Shriver, 17, daughter of Sargeant Shriver.

The students got together after a Washington Post story Tuesday reported that federal health officials were debating the advisability of such studies and were considering issuing federal guidelines for anyone doing them.

"Why are they drawing up guidelines if they don't intend to use live fetuses?" one skeptical questioner asked Dr. Lowe, referring to federal advisory groups who have in fact supported the idea of some such research.

"Any organization develops policy through review," Lowe replied. The advisory groups were made up of non-federal, university scientists, and "they can say anything they want," Lowe said, but "policy is made by NIH."

Research involving the fetus has been going on in many countries with liberal abortion policies. Many medical scientists are eager to study fetal development as a guide to prevention and treatment of many diseases and abnormalities.

Such research has focused on two main kinds of procedures: some studies during the minutes or hours while some fetuses still live or can be kept alive, and operations on fetuses to get cells or organs that can be kept alive in the laboratory.

It is only the first kind that NIH said yesterday that it would not support. Merely taking tissues for study "is about the same thing as taking kidneys or a heart for a heart transplant," said Dr. Berliner in an interview.

Lowe told the students that "I see no need at this point" for studies of the live fetus, though he admitted that many scientists in the Scandinavian nations, Britain and the United States feel differently.

As to reports that some U.S. scientists have done such research in trips abroad, some of them with NIH funds, Lowe said, "I can't agree" that this has happened. Also, he said, "I object strongly to professional scientists doing in other countries what ethics here would not permit."

In a series of statements preceding this week's meeting, officials of the United States Catholic Conference called for a constitutional amendment "protecting the life of the unborn," for a national commission of theologians, scientists, lawyers and citizens to monitor scientific advances and recommend ethical guidelines, and for congressional study and regulation of experiments on human beings.

John Cardinal Krol of Philadelphia, speaking for the conference's executive committee, expressed "shock" at the possibility of federal support of studies on live, aborted babies. "If there is a more unspeakable crime than abortion itself," he said, "it is using victims of abortion as living human guinea pigs."

In other statements:

The Catholic Bishops' Ad Hoc Committee on Population and Pro-Life Affairs termed the matter "cause for moral outrage."

The Washington area's St. Luke's Guild of Catholic Physicians stated unequivocal opposition to experimental use of living fetuses "at any time and under any circumstances."

Maryland Right to Life, an anti-abortion group, pointed out that the Maryland General Assembly this year passed a joint resolution calling on Congress to propose a constitutional amendment to protect unborn human beings—intended to upset the recent Supreme Court decision on abortion.

## A WAY OUT OF THE POVERTY MESS: A FULL DAY'S WAGE FOR A FULL DAY'S LABOR

(Mrs. CHISHOLM asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. CHISHOLM. Mr. Speaker, the other day when Secretary Brennan came up to testify before the House Education and Labor Committee on the minimum wage bill there was a series of articles in the newspapers around the country concerning the hardening of positions between Labor and the President, Brennan's position with the President, Brennan's position with the labor movement and the like.

Unfortunately amid all the fireworks and inside-dopester analysis the discussion of the real issues was buried.

What happened was that once again the administration which has spoken so much and so eloquently about the work ethic indicated that they are opposed to any extension of minimum wage coverage. In effect they told the 6 million people who would benefit from the proposed extension of coverage, "we don't think your full day's work is worth a full day's wage."

This opposition to the extensions of coverage is interesting in light of the support for the provision raising the minimum for those workers already covered. The administration recognized that there had not been any raise in the minimum wage for 7 years and that equity, justice, and fairness made it necessary to raise the basic minimum wage for those 45.5 million workers who are already covered, but of the 16 million not currently covered by the Fair Labor Standard Act no provision is to be made.

These are hard-working Americans, too. The 34-percent increase in prices since 1966 has had an even more cruel effect on their budgets than that of the rest of the population because they do not enjoy minimum-wage protection.

Listed below is a table of those persons covered by the act and those which are not.

TABLE 3.—ESTIMATED NUMBER OF NONSUPERVISORY EMPLOYEES COVERED UNDER THE FAIR LABOR STANDARDS ACT, BY INDUSTRY

[In thousands]

| Industry | Total number of employees in industry | Number of employees covered | Number of employees not covered or exempt |
|---|---|---|---|
| Agriculture | 1,190 | 535 | 655 |
| Mining | 559 | 554 | 5 |
| Contract construction | 3,219 | 3,202 | 17 |
| Manufacturing | 17,549 | 16,987 | 562 |
| Transportation, communications, utilities | 4,092 | 4,018 | 74 |
| Wholesale trade | 3,307 | 2,513 | 794 |
| Retail trade | 10,054 | 5,886 | 4,168 |
| Finance, insurance, real estate | 3,170 | 2,400 | 770 |
| Services (excluding domestic service) | 8,542 | 6,068 | 2,474 |
| Domestic service | 2,125 | | 2,125 |
| Federal Government | 2,365 | 693 | 1,672 |
| State and local government | 5,732 | 2,655 | 3,077 |
| Total | 61,904 | 45,511 | 16,393 |

Under the proposed Education and Labor Committee bill we did not provide for the extension of minimum wage protection to all 16 million of these workers. I personally would like to have seen this, but H.R. 4757 provides for the extension of benefits to only 6 million new workers. These include certain Federal, State and local government employees, day care employees, and domestic workers. The bill would also provide overtime coverage to these groups as well as agricultural processing employees, transit system workers, nursing home employees and the maids and custodial workers of hotels and motels.

These are the working poor. They are not on welfare or asking for handouts. They are working hard, skimping and scrapping, to keep their families together. I think it is high time we rewarded them for their efforts and provided at least the basic minimum wage.

I would like to illustrate the problem of the working poor and their need for minimum wage protection by speaking about one of the groups which would benefit from this bill, the domestic workers.

According to the 1970 census there are still some 25.5 million families in the Nation with incomes under the poverty line. Only 21.5 percent of these families are on welfare. The other 80 percent of the poor are working full time for subminimum wages, doing seasonal work, part-time work, piecework and whatever else they can to feed their families.

A very large portion, 40 percent of these poverty families are headed by women. Among poor black families the figure is even higher. Over 50 percent are headed by women.

Most of these women have few marketable job skills, so many go into domestic work. Unfortunately it is very hard to make it in the job world as a domestic. The work is long and hard. There are no vacations with pay, health benefits, or retirement benefits which most American workers take for granted. If the family for which she works moves, or takes a vacation or just decides they do not need her services for that week she has no severance pay, she must simply make do any way she can.



The median income for a domestic worker is $1,800. And as you can see from the State by State analysis of census data which I am introducing into the RECORD today, even those women working 50 to 52 weeks a year can earn well under the poverty line. In my own State of New York a woman working 50 to 52 weeks a year has a median income of $2,689. The comparable figures for other States range from a low of $803 in Alaska to $2,602 in Connecticut, which is the highest median income for a woman working full time as a household worker.

It has been argued that if the minimum wage is raised for domestic workers it will result in a diminution of jobs because families who might once have employed a domestic will simply not be able to afford to hire the household worker. To that I would offer the counter argument that the drop in the number of household workers, which the Labor Department puts at 70,000 from 1960 to 1970 has resulted chiefly from the fact that it is an undesirable job precisely because the pay is so low.

In fact, due to the tremendous increase in the number of working women the need for domestic help has increased rather than decreased. If the job is made more attractive and more rewarding financially a larger number of women would be interested in household work.

Traditionally "Miss Ann" and her maid have been viewed as coming from different worlds with different interests and concerns. But women have taken a leaf from the labor movement. They have learned the importance of solidarity. The extension of the minimum wage to domestic workers has the support of a broad coalition of women's groups, consumer groups, church, civil rights and labor groups. A partial list of those supporting the amendment follows below:

Amalgamated Clothing Workers.
Amalgamated Meat Cutters Union.
American Association of University Women.
American Ethical Union.
AFL–CIO.
American Federation of State, County and Municipal Employees.
American Humanist Association.
American Nurses Association.
American Veterans Committee.
Americans for Democratic Action.
Church Women United.
Day Care and Child Development Council.
Environmental Action.
Friends Committee on National Legislation.
Household Technicians of America.
International Ladies Garment and Workers Union.
Interstate Association of Commissions on the Status of Women.
Leadership Conference on Civil Rights.
Migrant Legal Action Program.
National Association for the Advancement of Colored People.
National Association of Colored Women's Clubs.
National Conference of Catholic Laity.
National Consumers League.
National Council of Churches.
National Council of Jewish Women.
National Council of Negro Women.
National Council of Senior Citizens.
National Education Association.
National Farmers Union.
National Federation of Business and Professional Women's Clubs.
National Organization for Women.
National Student Lobby.
National Welfare Rights Organization.
National Women's Political Caucus.
National Urban League.
Unitarian Universalist Association.
Unitarian Universalist Women's Federation.
United Auto Workers.
United Church of Christ, Council for Christian Social Action.
U.S. Catholic Conference.
Women's Equity Action League.
Women's Lobby.
Women's Service Club of Boston.
YWCA National Board.

Other groups within Congress have also expressed their interest and concern. In the appendix following my remarks are copies of letters from both the Members of the Black Caucus and the women of this House expressing their interest in having the minimum wage extended to domestic workers.

Everyone here in Congress is acutely aware of the fact that the American taxpayer does not feel that at this time he is getting full value for his or her dollars. Some people are opposed to the huge expenditures for the military, others would like to cut foreign aid, others feel that those on public assistance are getting a free ride and others are opposed to our agricultural support programs. But none of these citizens however hard-nosed they are about government spending, are opposed to people receiving a fair wage for their work.

Indeed everything I have seen or heard, or read indicates that our citizens want to encourage and help people to work.

If this is to be done, we are going to have to expend moneys on job training, job development, and child care and we are going to have to work to extend the minimum wage to all workers.

In view of the desire of both the administration and the Congress to hold down spending the extension of minimum wage coverage offers one of the most equitable and painless ways to assist the working poor because enactment of minimum wage legislation would not require any funds to be appropriated by Congress.

There are those who say that the increase in wages would be passed along to the consumer in the form of higher costs for goods and services. This cry has been heard ever since the passage of the original minimum wage legislation in 1938 and for the most part has been proven unfounded. While there will be some increase in costs to the consumer, it is not excessive and is far more acceptable to the taxpayer than are programs which utilize tax moneys for direct income payments.

Another criticism of minimum wage legislation is that it would help to fuel inflation. It is interesting to note that even the U.S. Chamber of Commerce disagrees with this charge.

In testimony before the Senate Subcommittee on Labor, Dr. Richard S. Landry, administrative director of the Economic Analysis and Study Group of the Chamber of Commerce stated:

We do not contend, unlike some witness that appeared before you, that the minimum wage is inflationary, quite the opposite. Inflation is not caused by minimum wages.

In fact, inflation affects the lowest income worker, including minimum wage earners—more harshly than many others. What is not understood by most Americans and most Members of Congress is that a large proportion of our citizens are working for subminimum wages.

The Senate Subcommittee on Employment, Manpower and Poverty, in its analysis of the Census Employment Survey conducted as part of the 1970 Census of Population and Housing, pointed out that subemployment is a serious national problem, especially in innercity areas.

In this study it was found that approximately 20 percent of the population are working for subemployment wages—that is $80 a week or less. In some cities the subemployment index was even worse. The rates for Atlanta, Ga., San Diego, Calif., New Orleans, La., and San Antonio, Tex., were 38.2 percent, 39.9 percent, 41.1 percent, and 45.9 percent, respectively. Table and analysis included in appendix following remarks.

A recent article in the Washington Post on April 9, 1973, by Lawrence Feinberg pointed out that the same pattern exhibited itself here in Washington, D.C., an area with a stable work force and the lowest rate of unemployment of any major American city. According to an analysis of the 1970 census data by the Washington Center for Metropolitan Studies, about a third of Washington's 347,000 workers are among the working poor earning under $4,000 a year. The article stated:

According to the report, 110,000 D.C. residents who held jobs in 1969 earned less than $4,000. About 80,000 were black, about 67,500 were women. Among the women in low paying jobs, 17,673 worked in clerical jobs such as office machine operations, typists and file clerks, 16,220 worked in services jobs in hotels, hospitals and restaurants or as cleaners in offices and 10,750 worked as domestic servants.

These are the very people who would benefit from the extension of minimum wage. They need and deserve this protection. They need our help and support.

I include—

State-by-State analysis of number, sex, and income of domestic workers.

Letter to Chairman JOHN DENT from Black Caucus Members.

Letter to Chairman JOHN DENT from Congresswomen.

Copy of Senate Subcommittee on Employment, Manpower, and Poverty Memo on Subemployment Index.

Article from Washington Post, April 9, 1973, by Lawrence Feinberg, "110,000 Here Work Below Poverty Level."

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BUREAU OF THE CENSUS—STATISTICS ON PRIVATE HOUSEHOLD WORKERS

## ALABAMA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 208 | 7,783 |
| Black | 999 | 35,609 |
| Spanish speaking | 0 | 48 |
| Total | 1,207 | 43,440 |
| Total number of live-in workers | 34 | 511 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,366 | 1,696 |
| Women | 832 | 1,124 |
| Live-in | 1,175 | 1,277 |
| Live-out | 828 | 1,121 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 48.8 |
| Women | 48.0 |
| Live-in | 54.8 |
| Live-out | 47.9 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 236 | 305 | 553 | 50.8 |
| Women | 8,690 | 11,445 | 19,224 | 49.0 |
| Live-in | 54 | 138 | 305 | |
| Live-out | 8,636 | 11,307 | 18,919 | |

## ALASKA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 15 | 721 |
| Black | 0 | 61 |
| Spanish speaking | 0 | 42 |
| Total | 15 | 1,110 |
| Total number of live-in workers | 0 | 49 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | | |
| Women | 578 | 803 |
| Live-in | | |
| Live-out | 556 | 800 |

[1] Eskimo or Indian.

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | |
| Women | |
| Live-in | |
| Live-out | |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 5 | 5 | | 19.9 |
| Women | 478 | 238 | 175 | |
| Live-in | 9 | 16 | 15 | |
| Live-out | 469 | 222 | 160 | |

## ARKANSAS

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 148 | 5,908 |
| Black | 332 | 10,589 |
| Spanish speaking | 0 | 22 |
| Total | 480 | 16,519 |
| Total number of live-in workers | 10 | 332 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,342 | 1,436 |
| Women | 759 | 1,124 |
| Live-in | 1,078 | 1,321 |
| Live-out | 753 | 1,117 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 47.7 |
| Women | 51.4 |
| Live-in | 60.6 |
| Live-out | 51.2 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 106 | 106 | 224 | 51.4 |
| Women | 4,065 | 4,354 | 6,450 | 43.6 |
| Live-in | 35 | 76 | 191 | |
| Live-out | 4,030 | 4,278 | 6,259 | |

## ARIZONA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 199 | 4,989 |
| Black | 37 | 1,596 |
| Spanish speaking | 79 | 1,781 |
| Total | 315 | 8,366 |
| Total number of live-in workers | 45 | 684 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 2,253 | 2,818 |
| Women | 979 | 1,655 |
| Live-in | 1,703 | 1,866 |
| Live-out | 914 | 1,625 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 46.1 |
| Women | 47.4 |
| Live-in | 53.4 |
| Live-out | 46.9 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 65 | 100 | 131 | 44.3 |
| Women | 2,146 | 2,187 | 2,560 | 35.6 |
| Live-in | 103 | 204 | 343 | |
| Live-out | 2,313 | 1,983 | 2,217 | |

## CALIFORNIA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 2,535 | 51,819 |
| Black | 809 | 21,782 |
| Spanish speaking | 519 | 12,491 |
| Total | 3,863 | 86,092 |
| Total number of live-in workers | 672 | 10,422 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 2,383 | 4,339 |
| Women | 1,141 | 1,931 |
| Liv-in | | |
| Live-out | | |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 44.1 |
| Women | 47.5 |
| Live-in | |
| Live-out | |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | | | | |
| Women | | | | |
| Live-in | | | | |
| Live-out | | | | |

## COLORADO

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 221 | 6,572 |
| Black | 47 | 1,035 |
| Spanish speaking | 16 | 1,160 |
| Total | 284 | 8,767 |
| Total number of live-in workers | 0 | 491 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earning of household workers (16 and over): | | |
| Men | 1,608 | 4,889 |
| Women | 755 | 1,597 |
| Live-in | 1,555 | 1,855 |
| Live-out | 713 | 1,548 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 32.5 |
| Women | 45.5 |
| Live-in | 59.6 |
| Live-out | 44.9 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 86 | 62 | 102 | 41.5 |
| Women | 3,055 | 2,181 | 2,578 | 33.0 |
| Live-in | 83 | 84 | 297 | |
| Live-out | 2,972 | 2,037 | 2,281 | |



## CONNECTICUT

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 320 | 7,167 |
| Black | 118 | 4,138 |
| Spanish speaking | 26 | 374 |
| Total | 464 | 11,679 |
| Total number of live-in workers | 1,355 | 1,955 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 3,478 | 4,419 |
| Women | 1,807 | 2,602 |
| Live-in | 2,913 | 3,237 |
| Live-out | 1,594 | 2,301 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 56.9 |
| Women | 53.1 |
| Live-in | 52.7 |
| Live-out | 53.1 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 78 | 121 | 252 | 56.5 |
| Women | 2,316 | 3,707 | 4,969 | 45.3 |
| Live-in | 152 | 484 | 1,247 | |
| Live-out | 2,164 | 3,223 | 3,722 | |

## DELAWARE

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 104 | 1,290 |
| Black | 94 | 2,451 |
| Spanish speaking | 0 | 6 |
| Total | 198 | 3,747 |
| Total number of live-in workers | 23 | 180 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 3,512 | 5,111 |
| Women | 1,484 | 2,225 |
| Live-in | 3,167 | 3,367 |
| Live-out | 1,434 | 2,149 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 53.7 |
| Women | 49.6 |
| Live-in | 57.1 |
| Live-out | 49.2 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 31 | 36 | 99 | 64.2 |
| Women | 834 | 966 | 1,743 | 49.4 |
| Live-in | 9 | 15 | 138 | |
| Live-out | 825 | 951 | 1,605 | |

## FLORIDA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 769 | 12,454 |
| Black | 1,340 | 46,796 |
| Spanish speaking | 73 | 1,494 |
| Total | 2,148 | 59,543 |
| Total number of live-in workers | 252 | |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 2,258 | 3,341 |
| Women | 1,296 | 1,741 |
| Live-in | 1,855 | 2,208 |
| Live-out | 1,270 | 1,716 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 47.1 |
| Women | 47.6 |
| Live-in | 56.9 |
| Live-out | 47.1 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 400 | 566 | 1,053 | 52.4 |
| Women | 12,767 | 21,301 | 21,257 | 38.5 |
| Live-in | 271 | 644 | 1,488 | |
| Live-out | 12,496 | 20,657 | 19,769 | |

## GEORGIA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 299 | 8,369 |
| Black | 1,267 | 49,719 |
| Spanish speaking | 0 | 36 |
| Total | 1,566 | 58,124 |
| Total number of live-in workers | 35 | 49,719 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,480 | 1,855 |
| Women | 905 | 1,211 |
| Live-in | 1,364 | 1,493 |
| Live-out | 901 | 1,206 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 46.7 |
| Women | 48.1 |
| Live-in | 55.6 |
| Live-out | 48.0 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 279 | 332 | 820 | 57.3 |
| Women | 10,744 | 15,210 | 27,019 | 51.2 |
| Live-in | 54 | 138 | 524 | |
| Live-out | 10,690 | 15,072 | 26,495 | |

## HAWAII

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 33 | 540 |
| Black | 0 | 11 |
| Spanish speaking | 5 | 55 |
| Total | 73 | 2,081 |
| Total number of live-in workers | 16 | 152 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | | |
| Women | 1,428 | 1,897 |
| Live-in | 2,420 | 2,525 |
| Live-out | 1,365 | 1,820 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | |
| Women | 51.4 |
| Live-in | 51.4 |
| Live-out | 51.4 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 10 | 15 | 42 | 62.8 |
| Women | 428 | 341 | 1,106 | 59.0 |
| Live-in | 18 | 18 | 106 | |
| Live-out | 410 | 323 | 1,000 | |

## IDAHO

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 82 | 2,747 |
| Black | 0 | 16 |
| Spanish speaking | 0 | 69 |
| Total | 82 | 2,832 |
| Total number of live-in workers | 4 | 125 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | | |
| Women | 492 | 1,087 |
| Live-in | 1,544 | |
| Live-out | 477 | 986 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | |
| Women | |
| Live-in | |
| Live-out | |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 34 | 10 | 29 | 40.3 |
| Women | 1,108 | 561 | 766 | 31.7 |
| Live-in | 26 | 5 | 84 | |
| Live-out | 1,082 | 556 | 682 | |

XUM

### ILLINOIS

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 665 | 23,558 |
| Black | 716 | 12,448 |
| Spanish speaking | 32 | 467 |
| Total | 1,413 | 36,473 |
| Total number of live-in workers | 93 | 3,183 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 3,132 | 5,224 |
| Women | 1,164 | 1,804 |
| Live-in | 2,259 | 2,648 |
| Live-out | 1,066 | 1,712 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 49.4 |
| Women | 53.2 |
| Live-in | 57.6 |
| Live-out | 52.7 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 351 | 350 | 637 | 47.6 |
| Women | 3,845 | 6,106 | 7,355 | 40.7 |
| Live-in | 200 | 556 | 1,471 | |
| Live-out | 3,645 | 5,550 | 5,884 | |

### INDIANA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 410 | 16,054 |
| Black | 111 | 4,104 |
| Spanish speaking | 6 | 980 |
| Total | 532 | 21,138 |
| Total number of live-in workers | 43 | 1,076 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,594 | 3,223 |
| Women | 873 | 1,482 |
| Live-in | 1,365 | 1,560 |
| Live-out | 850 | 1,473 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 47.8 |
| Women | 50.9 |
| Live-in | 60.5 |
| Live-out | 50.3 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 114 | 166 | 219 | 43.9 |
| Women | 6,441 | 6,516 | 7,261 | 36.0 |
| Live-in | 112 | 256 | 659 | |
| Live-out | 6,329 | 6,260 | 6,602 | |

### IOWA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 333 | 15,991 |
| Black | 4 | 457 |
| Spanish speaking | 0 | 81 |
| Total | 337 | 16,529 |
| Total number of live-in workers | 8 | 938 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,397 | 2,684 |
| Women | 613 | 1,016 |
| Live-in | 1,284 | 1,398 |
| Live-out | 575 | 967 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 42.1 |
| Women | 50.4 |
| Live-in | 61.4 |
| Live-out | 49.4 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 129 | 88 | 101 | 32.3 |
| Women | 5,174 | 4,022 | 5,632 | 38.1 |
| Live-in | 80 | 121 | 706 | |
| Live-out | 5,094 | 3,901 | 4,926 | |

### KANSAS

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 259 | 9,441 |
| Black | 60 | 1,725 |
| Spanish speaking | 7 | 270 |
| Total | 329 | 11,358 |
| Total number of live-in workers | 9 | 495 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,667 | 4,333 |
| Women | 761 | 1,326 |
| Live-in | 1,500 | 1,540 |
| Live-out | 729 | 1,299 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 44.5 |
| Women | 50.8 |
| Live-in | 62.0 |
| Live-out | 50.0 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 85 | 77 | 138 | 46.0 |
| Women | 3,441 | 3,059 | 3,784 | 36.9 |
| Live-in | 42 | 126 | 134 | |
| Live-out | 3,399 | 2,933 | 3,470 | |

### KENTUCKY

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 293 | 9,711 |
| Black | 375 | 9,144 |
| Spanish speaking | 0 | 32 |
| Total | 668 | 18,887 |
| Total number of live-in workers | 39 | 904 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,495 | 2,402 |
| Women | 829 | 1,202 |
| Live-in | 960 | 1,100 |
| Live-out | 820 | 1,211 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 53.4 |
| Women | 50.7 |
| Live-in | 55.6 |
| Live-out | 50.3 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 158 | 178 | 283 | 45.7 |
| Women | 4,460 | 4,649 | 7,645 | 45.6 |
| Live-in | 116 | 160 | 593 | |
| Live-out | 4,344 | 4,489 | 7,052 | |

### LOUISIANA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 220 | 8,027 |
| Black | 948 | 37,825 |
| Spanish speaking | 23 | 254 |
| Total | 1,191 | 46,106 |
| Total number of live-in workers | 18 | 497 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,466 | 1,768 |
| Women | 840 | 1,165 |
| Live-in | 1,165 | 1,308 |
| Live-out | 837 | 1,163 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 43.3 |
| Women | 46.1 |
| Live-in | 50.6 |
| Live-out | 46.1 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 214 | 267 | 617 | 56.2 |
| Women | 9,221 | 10,992 | 20,147 | 50.1 |
| Live-in | 65 | 96 | 322 | |
| Live-out | 9,156 | 10,896 | 19,825 | |



### MAINE

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 101 | 5,671 |
| Black | 0 | 50 |
| Spanish speaking | 0 | 15 |
| Total | 101 | 5,736 |
| Total number of live-in workers | 4 | 623 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,707 | |
| Women | 801 | 1,349 |
| Live-in | 1,295 | 1,489 |
| Live-out | 746 | 1,308 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 29.4 |
| Women | 50.4 |
| Live-in | 62.1 |
| Live-out | 48.4 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 1,860 | 1,364 | 1,830 | 36.3 |
| Women | 62 | 123 | 394 | |
| Live-in | 1,789 | 1,241 | 1,436 | |

### MARYLAND

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 287 | 6,055 |
| Black | 350 | 15,082 |
| Spanish speaking | 23 | 742 |
| Total | 660 | 21,879 |
| Total number of live-in workers | 66 | 1,826 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,836 | 2,912 |
| Women | 1,330 | 1,723 |
| Live-in | 1,648 | 1,966 |
| Live-out | 1,300 | 1,698 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 49.5 |
| Women | 50.1 |
| Live-in | 47.2 |
| Live-out | 50.3 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 120 | 155 | 120 | 53.8 |
| Women | 4,129 | 6,319 | 10,095 | 49.3 |
| Live-in | 209 | 503 | 1,058 | |
| Live-out | 3,920 | 5,816 | 9,037 | |

### MASSACHUSETTS

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 782 | 12,580 |
| Black | 99 | 1,963 |
| Spanish speaking | 5 | 281 |
| Total | 886 | 14,824 |
| Total number of live-in workers | 89 | 2,502 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 2,428 | 4,261 |
| Women | 1,432 | 2,027 |
| Live-in | 2,415 | 2,679 |
| Live-out | 1,236 | 1,840 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 46.1 |
| Women | 54.9 |
| Live-in | 57.6 |
| Live-out | 54.0 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 209 | 231 | 405 | 47.6 |
| Women | 3,566 | 4,606 | 5,833 | 41.8 |
| Live-in | 170 | 715 | 1,524 | |
| Live-out | 3,396 | 3,891 | 4,309 | |

### MICHIGAN

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 621 | 20,826 |
| Black | 260 | 11,495 |
| Spanish speaking | 6 | 225 |
| Total | 887 | 32,572 |
| Total number of live-in workers | 67 | 2,527 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,710 | 3,800 |
| Women | 903 | 1,583 |
| Live-in | 1,586 | 1,828 |
| Live-out | 855 | 1,531 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 41.1 |
| Women | 50.0 |
| Live-in | 58.4 |
| Live-out | 49.2 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 284 | 186 | 344 | 42.5 |
| Women | 10,083 | 9,677 | 9,686 | 33.1 |
| Live-in | 326 | 578 | 1,535 | |
| Live-out | 9,757 | 9,099 | 8,151 | |

### MINNESOTA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 279 | 15,187 |
| Black | 7 | 187 |
| Spanish speaking | 0 | 72 |
| Total | 272 | 15,446 |
| Total number of live-in workers | 29 | 187 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,448 | 2,371 |
| Women | 634 | 1,125 |
| Live-in | 1,381 | 1,547 |
| Live-out | 576 | 1,004 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 46.1 |
| Women | 48.7 |
| Live-in | 61.7 |
| Live-out | 46.8 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 112 | 57 | 101 | 38.1 |
| Women | 5,225 | 3,984 | 4,737 | 34.0 |
| Live-in | 145 | 227 | 887 | |
| Live-out | 5,080 | 3,757 | 3,861 | |

### MISSISSIPPI

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 152 | 4,550 |
| Black | 678 | 26,662 |
| Spanish speaking | 0 | 51 |
| Total | 830 | 31,263 |
| Total number of live-in workers | 6 | 214 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,261 | 1,343 |
| Women | 760 | 988 |
| Live-in | 701 | 696 |
| Live-out | 760 | 991 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 45.6 |
| Women | 48.5 |
| Live-in | 56.8 |
| Live-out | 48.4 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 152 | 225 | 382 | 49.9 |
| Women | 30 | | | 48.8 |
| Live-in | | | | |
| Live-out | | | | |

XUM

### MISSOURI

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 317 | 13,252 |
| Black | 266 | 10,448 |
| Spanish speaking | 8 | 90 |
| Total | 591 | 23,790 |
| Total number of live-in workers | 45 | 1,156 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 2,052 | 3,200 |
| Women | 1,005 | 1,534 |
| Live-in | 1,482 | 1,517 |
| Live-out | 980 | 1,536 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 50.3 |
| Women | 52.0 |
| Live-in | 59.9 |
| Live-out | 51.4 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 147 | 145 | 252 | 46.3 |
| Women | 5,813 | 6,829 | 8,896 | 41.4 |
| Live-in | 110 | 242 | 771 | |
| Live-out | 5,703 | 6,587 | 8,125 | |

### MONTANA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 55 | 2,946 |
| Black | 0 | 11 |
| Spanish speaking | 0 | 35 |
| Total | 55 | 3,197 |
| Total number of live-in workers | 0 | 132 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | | |
| Women | 486 | 979 |
| Live-in | 1,034 | |
| Live-out | 473 | 967 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | |
| Women | 42.6 |
| Live-in | 61.3 |
| Live-out | 41.8 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 51 | 14 | 16 | 63.6 |
| Women | 1,352 | 670 | 765 | 27.7 |
| Live-in | 7 | 35 | 75 | |
| Live-out | 1,345 | 635 | 690 | |

### NEBRASKA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 129 | 7,034 |
| Black | 9 | 616 |
| Spanish Speaking | 9 | 119 |
| Total | 147 | 7,769 |
| Total number of live-in workers | 81 | 333 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,634 | |
| Women | 656 | 995 |
| Live-in | 1,344 | 1,417 |
| Live-out | 624 | 953 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 46.0 |
| Women | 48.7 |
| Live-in | 62.6 |
| Live-out | 47.7 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 47 | 33 | 54 | 40.3 |
| Women | 2,456 | 1,888 | 2,648 | 37.9 |
| Live-in | 19 | 56 | 253 | |
| Live-out | 2,437 | 1,812 | 2,395 | |

### NEVADA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 69 | 1,143 |
| Black | 5 | 387 |
| Spanish speaking | 11 | 82 |
| Total | 85 | 1,612 |
| Total number of live-in workers | 11 | 139 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | | |
| Women | 1,227 | 1,910 |
| Live-in | 2,079 | |
| Live-out | 1,182 | 1,187 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | |
| Women | 45.8 |
| Live-in | 49.5 |
| Live-out | 45.3 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 10 | 20 | 45 | 60.0 |
| Women | 423 | 333 | 624 | 45.2 |
| Live-in | 12 | 21 | 93 | |
| Live-out | 411 | 312 | 531 | |

### NEW HAMPSHIRE

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 124 | 2,983 |
| Black | 0 | 9 |
| Spanish speaking | 0 | 14 |
| Total | 124 | 3,006 |
| Total number of live-in workers | 9 | 312 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 3,852 | |
| Women | 981 | 1,384 |
| Live-in | 1,354 | 1,559 |
| Live-out | 940 | 1,337 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 47.2 |
| Women | 52.7 |
| Live-in | 59.7 |
| Live-out | 51.0 |

| | 1–16 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 13 | 30 | 81 | 65.3 |
| Women | 879 | 682 | 1,218 | 53.9 |
| Live-in | 39 | 39 | 222 | |
| Live-out | 840 | 643 | 998 | |

### NEW JERSEY

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 533 | 10,902 |
| Black | 395 | 15,057 |
| Spanish speaking | 0 | 122 |
| Total | 928 | 26,081 |
| Total number of live-in workers | 84 | 3,169 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 2,979 | 4,724 |
| Women | 1,613 | 2,304 |
| Live-in | 2,542 | 2,848 |
| Live-out | 1,486 | 2,149 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 50.9 |
| Women | 52.2 |
| Live-in | 50.0 |
| Live-out | 52.4 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 178 | 228 | 461 | 53.6 |
| Women | 5,514 | 8,239 | 10,662 | 43.8 |
| Live-in | 350 | 780 | 1,914 | |
| Live-out | 5,164 | 7,459 | 8,748 | |



### NEW MEXICO

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 104 | 2,317 |
| Black | 9 | 644 |
| Spanish speaking | 103 | 2,627 |
| Total | 216 | 5,588 |
| Total number of live-in workers | 8 | 167 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,513 | |
| Women | 868 | 1,360 |
| Live-in | 1,342 | 1,444 |
| Live-out | 844 | 1,351 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 39.5 |
| Women | 44.9 |
| Live-in | 48.5 |
| Live-out | 44.9 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 46 | 35 | 90 | 52.6 |
| Women | 1,485 | 1,216 | 2,119 | 44.3 |
| Live-in | 9 | 31 | 123 | |
| Live-out | 1,476 | 1,185 | 1,996 | |

### NEW YORK

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 1,985 | 39,346 |
| Black | 1,543 | 40,017 |
| Spanish speaking | 219 | 667 |
| Total | 3,747 | 80,030 |
| Total number of live-in workers | 494 | 12,578 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 3,533 | 4,479 |
| Women | 1,944 | 2,689 |
| Live-in | 2,827 | 3,163 |
| Live-out | 1,771 | 2,528 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 50.9 |
| Women | 51.1 |
| Live-in | 49.2 |
| Live-out | 51.4 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 15,278 | 25,445 | 33,713 | 44.6 |
| Women | 1,166 | 3,496 | 7,505 | |
| Live-in | 14,112 | 21,949 | 26,208 | |
| Live-out | | | | |

### NORTH CAROLINA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 345 | 9,899 |
| Black | 1,045 | 37,540 |
| Spanish speaking | 0 | 63 |
| Total | 1,390 | 47,502 |
| Total number of live-in workers | 48 | 1,011 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,526 | 1,786 |
| Women | 929 | 1,313 |
| Live-in | 1,136 | 1,132 |
| Live-out | 925 | 1,312 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 49.8 |
| Women | 50.3 |
| Live-in | 57.6 |
| Live-out | 50.1 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 268 | 432 | 610 | 47.0 |
| Women | 10,509 | 13,953 | 19,498 | 44.5 |
| Live-in | 82 | 241 | 647 | |
| Live-out | 10,427 | 13,712 | 18,851 | |

### NORTH DAKOTA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 55 | 3,209 |
| Black | 0 | 0 |
| Spanish speaking | 0 | 0 |
| Total | 66 | 3,267 |
| Total number of live-in workers | 0 | 210 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 501 | 918 |
| Women | 1,080 | 1,077 |
| Live-in | 472 | 881 |
| Live-out | | |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | |
| Women | 43.3 |
| Live-in | 60.0 |
| Live-out | 42.2 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 31 | 11 | 9 | |
| Women | 1,101 | 759 | 904 | 32.8 |
| Live-in | 14 | 28 | 162 | |
| Live-out | 1,087 | 731 | 742 | |

### OHIO

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 689 | 26,539 |
| Black | 719 | 18,027 |
| Spanish speaking | 8 | 229 |
| Total | 1,416 | 44,794 |
| Total number of live-in workers | 72 | 2,916 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,921 | 3,697 |
| Women | 973 | 1,603 |
| Live-in | 1,501 | 1,718 |
| Live-out | 941 | 1,588 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 46.7 |
| Women | 51.2 |
| Live-in | 57.4 |
| Live-out | 50.7 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 375 | 351 | 595 | 44.7 |
| Women | 11,731 | 12,548 | 16,102 | 40.0 |
| Live-in | 348 | 644 | 1,802 | |
| Live-out | 11,383 | 11,904 | 14,300 | |

### OKLAHOMA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 262 | 8,942 |
| Black | 148 | 5,349 |
| Spanish speaking | 5 | 42 |
| Total | 415 | |
| Total number of live-in workers | 35 | 498 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,591 | 2,794 |
| Women | 868 | 1,384 |
| Live-in | 1,451 | 1,524 |
| Live-out | 843 | 1,372 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 48.4 |
| Women | 51.5 |
| Live-in | 59.6 |
| Live-out | 51.1 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 123 | 121 | 149 | 37.9 |
| Women | 3,699 | 3,627 | 5,293 | 42.0 |
| Live-in | 40 | 120 | 319 | |
| Live-out | 3,659 | 3,507 | 4,974 | |

XUM

### OREGON

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 263 | 8,443 |
| Black | 4 | 330 |
| Spanish speaking | 0 | 0 |
| Total | 267 | 8,763 |
| Total number of live-in workers | 23 | 678 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,953 | |
| Women | 638 | 1,397 |
| Live-in | 1,316 | 1,568 |
| Live-out | 591 | 1,357 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 52.5 |
| Women | 47.0 |
| Live-in | 56.9 |
| Live-out | 45.9 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 112 | 49 | 89 | 35.6 |
| Women | 3,528 | 2,379 | 2,043 | 25.7 |
| Live-in | 114 | 221 | 294 | |
| Live-out | 3,414 | 2,158 | 1,749 | |

### PENNSYLVANIA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 784 | 27,884 |
| Black | 680 | 20,101 |
| Spanish speaking | 8 | 31 |
| Total | 1,472 | 48,016 |
| Total number of live-in workers | 171 | 3,581 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 2,537 | 3,670 |
| Women | 1,235 | 1,712 |
| Live-in | 1,815 | 1,934 |
| Live-out | 1,185 | 1,684 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 53.4 |
| Women | 53.7 |
| Live-in | 57.8 |
| Live-out | 53.4 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 326 | 339 | 768 | 53.6 |
| Women | 20,251 | 13,914 | 10,243 | 23.0 |
| Live-in | 2,434 | 760 | 261 | |
| Live-out | 17,917 | 13,154 | 9,982 | |

### RHODE ISLAND

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 124 | 2,006 |
| Black | 11 | 378 |
| Spanish speaking | 0 | 5 |
| Total | 135 | 2,389 |
| Total number of live-in workers | 9 | 229 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,875 | |
| Women | 1,446 | 2,049 |
| Live-in | 2,180 | 2,056 |
| Live-out | 1,381 | 2,048 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 43.2 |
| Women | 54.2 |
| Live-in | 58.2 |
| Live-out | 53.4 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 37 | 21 | 77 | 57.0 |
| Women | 509 | 828 | 953 | 42.1 |
| Live-in | 16 | 39 | 166 | |
| Live-out | 493 | 789 | 787 | |

### SOUTH CAROLINA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 157 | 4,748 |
| Black | 718 | 29,978 |
| Spanish speaking | 0 | 14 |
| Total | 875 | 34,740 |
| Total number of live-in workers | 5 | 301 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,565 | 2,061 |
| Women | 881 | 1,187 |
| Live-in | 902 | 968 |
| Live-out | 880 | 1,190 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 45.8 |
| Women | 47.9 |
| Live-in | 57.3 |
| Live-out | 47.8 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 117 | 285 | 385 | 48.9 |
| Women | 6,574 | 8,579 | 16,660 | 52.4 |
| Live-in | 21 | 27 | 228 | |
| Live-out | 6,553 | 8,552 | 16,432 | |

### SOUTH DAKOTA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 45 | 4,064 |
| Black | 0 | 17 |
| Spanish speaking | 5 | 12 |
| Total | 49 | 4,347 |
| Total number of live-in workers | 5 | 232 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Men | | |
| Women | 524 | 930 |
| Live-in | 1,132 | 1,161 |
| Live-out | 496 | 911 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | |
| Women | 46.0 |
| Live-in | 61.2 |
| Live-out | 45.1 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 23 | 4 | 18 | |
| Women | 1,439 | 1,001 | 1,436 | 37.0 |
| Live-in | 24 | 53 | 146 | |
| Live-out | 1,415 | 948 | 1,290 | |

### TENNESSEE

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 343 | 10,482 |
| Black | 810 | 23,017 |
| Spanish speaking | 4 | 56 |
| Total | 1,157 | 33,555 |
| Total number of live-in workers | 58 | 821 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,622 | 1,964 |
| Women | 898 | 1,237 |
| Live-in | 1,166 | 1,313 |
| Live-out | 892 | 1,234 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 50.2 |
| Women | 50.8 |
| Live-in | 56.8 |
| Live-out | 50.8 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 212 | 313 | 552 | 51.5 |
| Women | 6,763 | 9,692 | 13,803 | 45.8 |
| Live-in | 94 | 166 | 524 | |
| Live-out | 6,669 | 9,526 | 13,279 | |



### TEXAS

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 667 | 22,129 |
| Black | 1,498 | 55,856 |
| Spanish speaking | 494 | 14,221 |
| Total | 2,659 | 92,206 |
| Total number of live-in workers | 44 | 10,631 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,715 | 2,476 |
| Women | 974 | 1,390 |
| Live-in | 1,325 | 1,505 |
| Live-out | 963 | 1,383 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 47.3 |
| Women | 38.3 |
| Live-in | 51.0 |
| Live-out | 48.2 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 570 | 604 | 1,322 | 53.5 |
| Women | 19,118 | 24,976 | 39,297 | 47.3 |
| Live-in | 418 | 782 | 2,113 | |
| Live-out | 18,700 | 24,194 | 37,184 | |

### UTAH

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 78 | 2,442 |
| Black | 5 | 25 |
| Spanish speaking | 6 | 173 |
| Total | 89 | 2,640 |
| Total number of live-in workers | 0 | 64 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | | |
| Women | 528 | 1,146 |
| Live-in | | |
| Live-out | 506 | 1,179 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | |
| Women | 35.6 |
| Live-in | |
| Live-out | 35.1 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 56 | 9 | 24 | 26.9 |
| Women | 1,020 | 756 | 532 | 23.0 |
| Live-in | 21 | 8 | 31 | |
| Live-out | 999 | 748 | 501 | |

### VERMONT

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 53 | 3,196 |
| Black | 4 | 10 |
| Spanish speaking | 0 | 12 |
| Total | 57 | 3,218 |
| Total number of live-in workers | 0 | 299 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | | |
| Women | $816 | $1,278 |
| Live-in | 1,190 | 1,303 |
| Live-out | 774 | 1,269 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | |
| Women | 47.3 |
| Live-in | 57.1 |
| Live-out | 46.0 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 14 | 14 | 22 | 44.0 |
| Women | 928 | 693 | 1,160 | 41.9 |
| Live-in | | | | |
| Live-out | | | | |

### VIRGINIA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 399 | 11,549 |
| Black | 898 | 26,423 |
| Spanish-speaking | 0 | 194 |
| Total | 1,297 | 38,166 |
| Total number of live-in workers | 66 | 1,855 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,691 | 2,379 |
| Women | 942 | 1,345 |
| Live-in | 1,317 | 1,404 |
| Live-out | 926 | 1,340 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 47.9 |
| Women | 49.2 |
| Live-in | 53.6 |
| Live-out | 49.0 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 236 | 287 | 700 | 57.2 |
| Women | 8,852 | 10,234 | 16,193 | 46.1 |
| Live-in | 1,175 | 450 | 1,146 | |
| Live-out | 8,677 | 9,784 | 15,047 | |

### WASHINGTON

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 368 | 13,968 |
| Black | 19 | 717 |
| Spanish speaking | 8 | 174 |
| Total | 395 | 14,859 |
| Total number of live-in workers | 21 | 963 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,745 | |
| Women | 607 | 1,317 |
| Live-in | 1,455 | 1,651 |
| Live-out | 552 | 1,307 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 30.9 |
| Women | 40.4 |
| Live-in | 58.1 |
| Live-out | 38.6 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 174 | 97 | 85 | 26.5 |
| Women | 5,857 | 3,807 | 3,466 | 22.3 |
| Live-in | 174 | 230 | 483 | |
| Live-out | 5,683 | 3,577 | 2,993 | |

### WASHINGTON, D.C.

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 124 | 941 |
| Black | 393 | 11,405 |
| Spanish speaking | 46 | 479 |
| Total | 563 | 12,825 |
| Total number of live-in workers | 79 | 934 |

| | Median income for all workers | Median income for workers working 50–52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 3,278 | 3,542 |
| Women | 1,985 | 2,387 |
| Live-in | 2,454 | 2,638 |
| Live-out | 1,932 | 2,362 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 47.9 |
| Women | 50.6 |
| Live-in | 44.5 |
| Live-out | 50.9 |

| | 1–26 | 27–49 | 50–52 | Percent who worked 50–52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 48 | 151 | 331 | 60.2 |
| Women | 1,640 | 3,723 | 6,656 | 55.4 |
| Live-in | 33 | 267 | 615 | |
| Live-out | 1,607 | 3,456 | 6,041 | |

XUM

WEST VIRGINIA

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 208 | 7,456 |
| Black | 48 | 1,803 |
| Spanish speaking | 0 | 11 |
| Total | 256 | 9,270 |
| Total number of live-in workers | 9 | 661 |

| | Median income for all workers | Median income for workers working 50-52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,183 | |
| Women | 817 | 1,263 |
| Live-in | 1,237 | 1,318 |
| Live-out | 779 | 1,252 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 52.6 |
| Women | 51.6 |
| Live-in | 58.0 |
| Live-out | 51.1 |

| | 1-26 | 27-49 | 50-52 | Percent who worked 50-52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 70 | 70 | 102 | 39.9 |
| Women | 2,550 | 2,157 | 3,312 | 41.4 |
| Live-in | 65 | 117 | 424 | |
| Live-out | 2,493 | 2,040 | 2,888 | |

WISCONSIN

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 342 | 15,258 |
| Black | 31 | 1,029 |
| Spanish speaking | 11 | 72 |
| Total | 384 | 16,359 |
| Total number of live-in workers | 16 | 1,283 |

| | Median income for all workers | Median income for workers working 50-52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | 1,607 | 3,519 |
| Women | 712 | 1,116 |
| Live-in | 1,293 | 1,402 |
| Live-out | 671 | 1,050 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | 28.1 |
| Women | 51.7 |
| Live-in | 60.2 |
| Live-out | 50.5 |

| | 1-26 | 27-49 | 50-52 | Percent who worked 50-52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 127 | 78 | 150 | 41.8 |
| Women | 5,075 | 4,423 | 5,404 | 36.3 |
| Live-in | 148 | 225 | 872 | |
| Live-out | 4,927 | 4,198 | 4,532 | |

WYOMING

| | Men | Women |
|---|---|---|
| Total number of household workers (16 and over): | | |
| White | 20 | 1,779 |
| Black | 0 | 49 |
| Spanish speaking | 0 | 133 |
| Total | 20 | 1,859 |
| Total number of live-in workers | 0 | 56 |

| | Median income for all workers | Median income for workers working 50-52 weeks |
|---|---|---|
| Annual earnings of household workers (16 and over): | | |
| Men | | |
| Women | 595 | 1,248 |
| Live-in | | |
| Live-out | 595 | 1,214 |

| | Age |
|---|---|
| Median ages of private household workers: | |
| Men | |
| Women | 45.1 |
| Live-in | |
| Live-out | 44.0 |

| | 1-26 | 27-49 | 50-52 | Percent who worked 50-52 weeks |
|---|---|---|---|---|
| Weeks worked a year (16 and over): | | | | |
| Men | 2 | 0 | 18 | |
| Women | 652 | 501 | 456 | 28.5 |
| Live-in | 5 | 7 | 40 | |
| Live-out | 647 | 494 | 416 | |

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., March 27, 1973.*

Honorable JOHN DENT,
*Chairman, General Subcommittee on Labor, Washington, D.C.*

DEAR MR. CHAIRMAN: As Members of the Black Caucus, we are deeply concerned about the need to mount a successful campaign to secure passage of the Minimum Wage bill this year.

During this time of skyrocketing inflation, the raising of the Minimum Wage and especially the extension of coverage, are important to all Americans, particularly minority citizens because they are more likely to be employed in jobs which are not currently covered.

Groups such as the Household Workers, desperately need the protection which this bill would provide. For this reason we are deeply disturbed about the rumors that some groups are suggesting that the extension of Minimum Wage to domestics should be dropped from the House Version of the bill in an effort to secure the necessary votes for passage here in the House.

In our view, this would do very little in the way of securing additional votes. Indeed, the most controversial sections of the bill last year were not those concerning domestics but those centering around agricultural workers and the proposed youth subminimum.

We know of and appreciate your own staunch personal support for the provisions for Domestics and are only sending this letter to you to affirm our particular interest in this provision.

Sincerely,

Shirley Chisholm, Yvonne Burke, John Conyers, Ronald Dellums, Charles Diggs, Walter Fauntroy, Augustus Hawkins, Barbara Jordan, Ralph Metcalfe, Parren Mitchell, Charles Rangel, Louis Stokes, Andrew Young, Members of Congress.

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C., April 17, 1973.*

The Honorable JOHN H. DENT
*Chairman, General Subcommittee on Labor, Rayburn House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: We have heard rumors that your Subcommittee is under pressure to drop the extension of minimum wage coverage to domestic workers. As women legislators, this is of great concern to us. Although we represent a variety of political attitudes and approaches and do not normally votes as a bloc, we are all very disturbed about this measure.

As you know, women are at the bottom of the economic ladder. According to the H.E.W. Report "Work in America," December, 1972, (p. 42), the income profile for American workers is as follows:

*Median Income 1969*

| | |
|---|---|
| All Males | $6,429 |
| Minority Males | 3,891 |
| All Females | 2,132 |
| Minority Females | 1,084 |

Contrary to popular opinion, women work not for "pin money" but because they have to. They are either the head of the household or contribute substantially to their family's income.

For example:

According to the 1970 Census, 11% of all American households are headed by women.

Among Black families, 28% are headed by women.

Further, female headed households are growing. In 1960, 25% of all marriages ended in divorce or annulment. By 1970, the figure was up to 35%.

Among married women in 1970, 8 million earned between $4,000 and $7,000.

In addition, the proportion of women and female headed families with incomes under the poverty line, is a clear reflection of their economic plight.

According to the 1970 Census, there were still some $25.5 million poor in the nation (e.g. incomes under $3,969).

Only 21.5% of these families are on welfare.

Of these female heads of household who work, over half worked as maids in 1970 and had incomes under the federal poverty line.

The median income for domestics is $1,800.

These women are struggling to make ends meet and keep their families together. They are proud hard workers who are doing their darndest to stay off the welfare rolls and are getting precious little help for their efforts. Let's provide some help for those who are trying to help themselves.

The average American voter is indeed fed up with anyone they perceive to be "loafing" or "getting something for nothing", but they do support an honest day's wage for an honest day's labor.

We ask that you do everything in your power to see to it that the extension of minimum wage to domestic workers is not eliminated. It is time that these hard working women got some help and protection.

Very truly yours,

Shirley Chisholm, Marjorie S. Holt, Leonor K. Sullivan, Yvonne Brathwaite Burke, Patsy T. Mink, Julia Butler Hansen, Edith Green, Martha W. Griffiths, Ella T. Grasso, Bella S. Abzug, Elizabeth Holtzman, Barbara Jordan, Patricia Schroeder, Members of Congress.

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SOME 110,000 HERE WORK BELOW POVERTY LEVEL

(By Lawrence Feinberg)

About a third of Washington's 347,000 workers are among the "working poor," employed in low-paying jobs and out of work part of the year, according to a new analysis of census data by the Washington Center for Metropolitan Studies.

Almost a majority of these low-paid workers are black women employed as clerks and cleaning help in offices, stores and homes.

About a quarter of the city's male wage earners also earned less than $4,000 during 1969, the year for which the figures were gathered.

"These are not people who have opted out of the labor force permanently," commented George Grier, vice president of the center, a nonprofit research group.

"They are people who are working a good deal of the time, and are not just sitting at home collecting welfare. They really are the working poor, and the city's general prosperity has passed them by."

In other reports the center has charted the increases in average income in D.C., and the rising income of black families, which averaged $9,600 here in the 1970 census—the highest for blacks in any big American city.

"Most people here are doing fairly well," Grier said in an interview, "including most blacks, and their situation is getting better. But there still are a substantial number who have a problem getting by. They're struggling, and they are getting hit particularly hard by the current inflation."

The figures in the Washington Centers new report are derived from a computer analysis of 1970 census data released several months ago. Most of the work was financed by a $100,000 contract with the D.C. manpower administration, the city's job training agency.

According to the report, 110,000 D.C. residents who held jobs in 1969 earned less than $4,000. About 80,000 were black; about 67,500 were women.

Among the women in low-paying jobs, 17,673 worked in clerical jobs such as office machine operators, typists and file clerks; 16,220 worked in service jobs in hotels, hospitals and restaurants, or as cleaners in offices; and 10,750 worked as domestic servants.

Among the 42,500 men who earned less than $4,000 during 1969, the largest groups—about 10,000—worked in service jobs, such as waiters, security guards, hospital orderlies, office cleaners and dishwashers. Another 4,100 were laborers.

The center report said this large number of low-paid workers indicates that even though the unemployment rate in D.C. is the lowest for any major American city, the District has a huge problem of subemployment.

Another measure of the problem, the report said, is that 158,000 D.C. workers were employed less than 50 weeks during 1969, including 131,000 who worked less than 47 weeks.

About 55 per cent of these workers with substantial spells of unemployment were women, 64 per cent were black and 26 per cent were under 22 years old. The largest groups were in clerical, service, sales and laboring jobs.

In addition, the center reported there were 49,000 D.C. residents who were not counted as looking for work in 1970, even though they were between ages 16 and 64, were not disabled and were not in school or prison. The category does not include women with children under age 6.

Grier said these dropouts from the labor force include about 13,000 men, and most of whom, he said, "have been knocked out of jobs-seeking by discouragement." Of the 36,000 women included, Grier said, many would like to work but do not do so because they have no one except themselves to care for their families.

Overall, about 40 per cent of D.C. women working in 1969 earned less than $4,000 a year.

About 29 per cent of all D.C. families headed by a woman were below the federal poverty line ($4,000 for a family of four), compared to 7 percent of all families headed by a man. Among blacks, 32 per cent of the families headed by women were below the poverty line, compared to 8 percent of the families headed by men.

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SUBEMPLOYMENT INDEX

NOVEMBER 1972.

The figures below are derived from the Census Employment Survey (CES) conducted as part of the 1970 Census of Population and Housing. Detailed survey information was taken in 60 poverty areas of 51 cities. The results of the surveys have been published by the Census Bureau in the Series PHC (3), Vols. 1-68.

The CES follows directly on the work of Labor Secretary Willard Wirtz. In seeking adequate understanding and funding for manpower programs, Wirtz needed an easily understood scale to express the relationship between the job market and poverty in the ghettos. The conventional unemployment rate was inadequate. It ignored discouraged workers entirely and lumped all jobs—including those paying below poverty wages—together. Beginning with a survey of ten slum areas in eight cities in November of 1966, Wirtz developed a "subemployment" index that showed subemployment varying from 24.2 percent in Boston to 47.4 percent in San Antonio poverty areas. For the ten areas it averaged 33.9 percent. In 1967 the Bureau of Labor Statistics set up an Urban Employment Survey task force that carried on more detailed studies in six cities. Before he left office Wirtz managed to program the Urban Employment Survey questionnaire into the 1970 census. In June 1970 the Urban Employment Survey task force was broken up. And when the CES data became available it was decided to publish the volumes, but not to publish any analysis.

The following indices are based on the Wirtz criteria, but are more conservative in several respects. No estimate is made of "missing males" and people are counted as "discouraged workers" only if they have "looked but could not find" jobs.

Further, it should be noted that the areas included in the CES are much larger than the usual poverty areas—in some cases including more than half the population of the central city.

The subemployment indices include persons who are:

Unemployed;

Working part time, but seeking full-time work;

Discouraged workers (who have dropped out because they looked but could not find work);

Full-time workers paid less than $80 a week (enough, if work is available full-time, year around, to earn $4,000 a year, the official poverty level for a family of four) and those paid less than $3.50 an hour (enough, again assuming steady work, to earn $7,000 a year, the B.L.S. lower family budget).

In the spring of 1970, the Bureau of Labor Statistics reported that it costs $6,960 to maintain a family of four at a lower level budget in an urban area.

| Vol. No. | City | Percent of city in CES survey area | Survey area unemployment (percent) | Labor market (SMSA) rate for 1970 | Subemployment index ($80 at week) (percent) | Subemployment index (percent) ($3.50 at hour) | BLS lower family budget spring 1970 |
|---|---|---|---|---|---|---|---|
| 1 | Nation as a whole, all cities surveyed | 33.5 | 9.6 | 4.9-15.0 | 16.9-30.5 | 35.1-61.2 | |
| 2 | New York, N.Y., all survey areas | 31.2 | 8.1 | 4.4 | 22.1 | 59.4 | 17,83 |
| 4 | Manhattan Borough | | 8.4 | | 23.3 | 56.3 | |
| 5 | Area I | | 8.1 | | 24.5 | 63.5 | |
| 6 | Area II | | 8.6 | | 22.7 | 39.9 | |
| 7 | Brooklyn Borough, NYC | | 7.6 | | 19.3 | 59.5 | |
| 11 | Bronx Borough, NYC | | 8.5 | | 25.9 | 66.0 | |
| 12 | Queens Borough, NYC | | 9.6 | | 20.0 | 53.2 | |
| 13 | Los Angeles, Calif | 26.3 | 12.5 | 7.2 | 33.1 | 61.6 | 7,507 |
| 14 | Area I | | 10.9 | | 29.4 | 58.6 | |
| 15 | Area II | | 13.1 | | 34.6 | 62.9 | |
| 16 | Chicago, Ill | 27.2 | 10.6 | 3.6 | 27.7 | 62.4 | 7,273 |
| 17 | Area I | | 11.0 | | 28.2 | 67.0 | |
| 18 | Area II | | | | 27.0 | 56.5 | |
| 19 | Philadelphia, Pa | 40.4 | 8.7 | 4.3 | 27.0 | 55.2 | 6,958 |
| 20 | Area I | | 8.2 | | 25.5 | 52.5 | |
| 21 | Area II | | 9.2 | | 28.5 | 58.2 | |
| 22 | Detroit, Mich | 35.3 | 14.0 | 7.0 | 34.7 | 57.5 | 6,931 |
| 23 | San Francisco, Calif | 35.4 | 12.5 | 6.7 | 27.0 | 54.8 | 7,686 |
| 24 | Washington, D.C | 51.9 | 4.8 | 3.2 | 21.6 | 59.8 | 7,242 |
| 25 | Boston, Mass | 56.7 | 8.5 | 3.9 | 22.0 | 52.2 | 7,351 |
| 26 | Pittsburgh, Pa | 41.6 | 9.8 | 5.2 | 29.4 | 59.6 | 6,701 |
| 27 | St. Louis, Mo | 50.2 | 10.5 | 4.6 | 34.2 | 62.0 | 6,987 |
| 28 | Baltimore, Md | 58.7 | 8.5 | 4.0 | 30.9 | 62.0 | 7,018 |
| 29 | Cleveland, Ohio | 43.0 | 8.9 | 4.7 | 28.8 | 58.8 | 7,080 |
| 30 | Houston, Tex | 39.8 | 5.9 | 4.0 | 31.8 | 61.7 | 6,481 |
| 31 | Newark, N.J | 58.6 | 10.7 | 4.3 | 30.0 | 63.5 | |

Footnotes at end of table.

XUM

| Vol. No. | City | Percent of city in CES survey area | Survey area unemployment (percent) | Labor market (SMSA) rate for 1970 | Subemployment index ($80 at week) (percent) | Subemployment index (percent) ($3.50 at hour) | BLS lower family budget spring 1970 |
|---|---|---|---|---|---|---|---|
| 32 | Dallas, Tex | 25.7 | 9.0 | 3.8 | 37.3 | 69.3 | 6,683 |
| 33 | Minneapolis, Minn | 36.4 | 7.1 | 5.2 | 25.6 | 56.9 | 7,140 |
| 34 | St. Paul, Minn | 36.8 | 8.1 | 5.2 | 22.4 | 49.5 | 7,140 |
| 35 | Milwaukee, Wis | 25.6 | 11.8 | 4.6 | 22.5 | 57.7 | 7,079 |
| 36 | Atlanta, Ga | 40.5 | 8.2 | 3.7 | 38.2 | 68.6 | 6,424 |
| 37 | Cincinnati, Ohio | 36.0 | 8.4 | 4.3 | 32.2 | 61.6 | 6,611 |
| 38 | Buffalo, N.Y | 29.0 | 9.7 | 8.8 | 30.0 | 56.7 | 7,022 |
| 39 | San Diego, Calif | 9.0 | 15.9 | 6.4 | 39.9 | 65.0 | 7,166 |
| 40 | Miami, Fla | 57.2 | 10.3 | 5.1 | 38.2 | 68.1 | |
| 41 | Kansas City, Mo | 27.0 | 10.0 | 5.7 | 35.2 | 66.1 | 6,981 |
| 42 | Denver, Colo | 25.5 | 8.5 | 3.5 | 32.5 | 64.0 | 6,697 |
| 43 | Indianapolis, Ind | 22.5 | 9.0 | 4.8 | 32.3 | 64.8 | 7,101 |
| 44 | New Orleans, La | 59.4 | 12.5 | 6.2 | 41.1 | 65.2 | |
| 45 | Oakland, Calif | 37.8 | 17.6 | 5.4 | 35.0 | 59.0 | 7,686 |
| 46 | Tampa, Fla | 39.6 | 7.7 | 3.2 | 40.6 | 69.4 | |
| 47 | Portland, Oreg | 18.1 | 11.9 | 5.8 | 32.8 | 59.8 | |
| 48 | Phoenix, Ariz | 24.7 | 9.6 | 4.7 | 33.1 | 61.8 | |
| 49 | Columbus, Ohio | 18.7 | 8.3 | 3.3 | 28.5 | 63.9 | |
| 50 | San Antonio, Tex | 43.7 | 9.6 | 5.4 | 45.9 | 72.6 | |
| 51 | Dayton, Ohio | 25.1 | 12.9 | 4.6 | 36.0 | 59.6 | 6,712 |
| 52 | Rochester | 26.2 | 11.3 | 5.3 | 30.3 | 62.5 | |
| 53 | Louisville, Ky | 37.3 | 11.6 | 4.3 | 39.2 | 66.0 | |
| 54 | Memphis, Tenn | 38.3 | 11.3 | 3.9 | 44.1 | 70.9 | |
| 55 | Fort Worth, Tex | 27.3 | 10.6 | 4.5 | 39.0 | 67.2 | |
| 56 | Birmingham, Ala | 51.2 | 10.1 | 4.8 | 41.0 | 65.9 | |
| 57 | Toledo, Ohio | 22.9 | 9.2 | 5.4 | 30.0 | 57.7 | |
| 58 | Akron, Ohio | 33.7 | 10.0 | 4.4 | 29.4 | 55.5 | |
| 59 | Norfolk, Va | 27.2 | 8.7 | 3.9 | 42.7 | 67.0 | |
| 60 | Oklahoma City, Okla | 16.2 | 8.1 | 3.8 | 34.8 | 61.2 | |
| 61 | Jersey City, N.J | 46.6 | 7.2 | 6.2 | 22.6 | 61.5 | |
| 62 | Providence, R.I | 53.4 | 7.0 | 6.0 | 21.9 | 57.7 | |
| 63 | Omaha, Nebr | 20.5 | 7.9 | 3.6 | 29.9 | 58.8 | |
| 64 | Youngstown, Ohio | 30.7 | 11.7 | 6.5 | 34.6 | 57.1 | |
| 65 | Tulsa, Okla | 15.1 | 10.0 | 4.9 | 37.5 | 64.2 | |
| 66 | Charlotte, N.C | 30.4 | 8.3 | 3.2 | 39.2 | 70.5 | |
| 67 | Wichita, Kans | 21.5 | 13.9 | 10.1 | 37.0 | 65.0 | 6,722 |
| 68 | Bridgeport, Conn | 39.3 | 13.7 | 8.2 | 29.9 | 66.7 | |

[1] Average.

WORK SHEET FOR CALCULATING SUBEMPLOYMENT INDEX FROM CENSUS EMPLOYMENT SURVEY (C.E.S.) VOLUMES

City U.S. Summary—Urban: Unemployment rate 9.6%.

Vol. No. PHC(3)—1: Subemployment rate 30.5% (under $80 wk. $4,000 yr.).

Population of area 13,247,000: Subemployment rate 61.2% (under $3.50 hr. $7,000 yr.).

From page X: Black, 49.5%; white, 47.9%; Spanish, 11.8%; other, 2.6%.

Percent of city population in sample, 33.5%.

From Table 1, page 13: labor force, 4,975; unemployed, 478; unemployment rate, 9.6%.

From Table 3, page 19: part-time employed for economic reasons, 197.

From Table 15, page 64: discouraged workers (because of inability to find work) main reason, 32; secondary reason, 158; total, 190.

From table E, page 4: earnings to $79 wk.: 711; to $3.49 hr.: 2,296.

From page X in introduction: 13,247,000/39,460,115=33.5%; pop. of sample area/pop. of city X 100=% of city pop. in sample.

CALCULATIONS

1. Labor force, 4,975; discouraged, 190; total labor force, 5,165.

2. Unemployed, 478; part time, 197; discouraged, 190; earn to $79, 711; total 2, 1,576.

3. Unemployed, 478; part time 197; discouraged, 190; to $3.49, 2,296; total 3, 3,161.

Total 2 ÷ TLF=subemployment rate at $2.00 hr. 1,576÷5,165=30.51%.

Total 3 ÷ TLF=subemployment rate at $3.50 hr. 3,161÷5,165=61.2%.

## PRESIDENT NIXON'S MOST SIGNIFICANT WORDS DIRECTED TOWARD THE FUTURE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, in his courageous and candid speech to the American people last night about the Watergate affair, President NIXON's most significant words were directed not at the past but toward the future. He assumed responsibility for past mistakes and promised that the whole truth will be revealed, both as to guilt and innocence, through the judicial process. I believe that Secretary Richardson, whom he has nominated to be Attorney General, will pursue this investigation without fear or favor. But the President also reminded us that there is vital work to be done toward our goal of a lasting structure of peace in the world and to set in motion new and better ways of ensuring progress toward a better life for all Americans.

These responsibilities and concerns of the President are also ours. The Congress shares them with him and he cannot accept them alone, nor can he accomplish much of this vital work without our help. It is therefore my earnest hope that we will now turn our attention to these matters of urgent concern to our countrymen and work together with our President for a better future. Whether the next 3½ years will be years of progress and prosperity or years of political recrimination and partisan power struggles now depends primarily upon us, not the President. He has demonstrated he is a big enough man to shoulder his responsibilities and press forward and we should do the same.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRENZEL (at the request of Mr. GERALD R. FORD), for May 2, on account of official business.

Mr. BURKE of Florida (at the request of Mr. ARENDS), for today and the balance of the week, on account of death in family.

Mr. FOLEY (at the request of Mr. MCFALL), for today, on account of official business.

Mrs. HANSEN of Washington (at the request of Mr. MCFALL), for today, on account of illness.

Mr. JOHNSON of Colorado (at the request of Mr. GERALD R. FORD), for May 1 and the balance of the week, on account of official business.

Mr. RANDALL (at the request of Mr. SISK), for today and the balance of the week, on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COCHRAN) and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 15 minutes, today.

Mr. MIZELL, for 5 minutes, today.

Mr. YOUNG of Alaska, for 10 minutes, today.

(The following Members (at the request of Mr. OWENS) and to revise and extend their remarks and include extraneous matter:)

Mr. RODINO, for 5 minutes, today.

Mr. VANIK, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. WOLFF, for 15 minutes, today.

Ms. ABZUG, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. DULSKI, for 15 minutes, on May 2.



## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. CHISHOLM and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,402.50.

(The following Members (at the request of Mr. COCHRAN) and to include extraneous matter:)

Mr. ZION.

Mr. KEATING.

Mr. BLACKBURN.

Mr. YOUNG of Florida in five instances.

Mr. DERWINSKI in three instances.

Mr. WYMAN in two instances.

Mr. HUDNUT.

Mr. FISH.

Mr. VEYSEY in two instances.

Mr. SARASIN in two instances.

Mr. COCHRAN.

Mr. ZWACH.

Mr. BRAY in two instances.

Mr. MCCLOSKEY.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. ANNUNZIO in 10 instances.

Mr. MOAKLEY.

Mr. BADILLO in two instances.

Mr. GAYDOS in 10 instances.

Mr. RARICK in three instances.

Mr. BURTON.

Mr. REUSS in five instances.

Mr. GONZALEZ in three instances.

Mr. WALDIE in eight instances.

Mr. DRINAN.

Mr. GIBBONS.

Mr. YATRON.

Mrs. GRASSO in 10 instances.

Mr. HARRINGTON in 10 instances.

Mr. NICHOLS.

Mr. HELSTOSKI in 10 instances.

Mr. CORMAN.

Mr. RONCALIO of Wyoming in 10 instances.

Mr. LITTON.

Mr. DOMINICK V. DANIELS.

Mr. MOSS.

Mr. BRECKINRIDGE.

Mr. FASCELL in three instances.

Mr. MATSUNAGA in six instances.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1165. An act to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar", and for other purposes; to the Committee on Interstate and Foreign Commerce.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1494. An act to amend section 236m of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees to limit the number of employees that may be retired under such Act during specified periods.

## ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 11 minutes p.m), the House adjourned until tomorrow, Wednesday, May 2, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

845. A letter from the Director, Defense Civil Preparedness Agency, transmitting a report on Federal civil defense contributions to States for equipment and facilities during the quarter ended March 31, 1973, pursuant to section 201(i) of the Federal Civil Defense Act of 1950, as amended [50 U.S.C. App. 2281(i)]; to the Committee on Armed Services.

846. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Age Discrimination in Employment Act of 1967 to extend the Act to State and local governments; to the Committee on Education and Labor.

847. A letter from the Director, National Science Foundation, transmitting a report on Federal support or universities, colleges, and selected nonprofit institutions during fiscal year 1971, pursuant to the National Science Foundation Act, as amended; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

848. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during March, 1973, pursuant to U.S.C. 1174; to the Committee on Government Operations.

849. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Export-Import Bank of the United States for fiscal year 1972 (H. Doc. 93–94); to the Committee on Government Operations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCSPADDEN: Committee on Rules. House Resolution 370. Resolution for the consideration of H.R. 6388. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes; (Rept. No. 93–160). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 371. Resolution to provide for the consideration of H.R. 6370. A bill to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes; (Rept. No. 93–161). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 372. Resolution providing for the consideration of H.R. 6452. A bill to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes; (Rept. No. 93–162). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. H.R. 6646. A bill to provide that certain changes in the loan and purchase program for the 1973 peanut crop which the Department of Agriculture is contemplating shall not be made; (Rept. No. 93–163). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 7368. A bill to provide for the disposition of funds appropriated to pay a judgment entered by the Indian Claims Commission in favor of the Three Affiliated Tribes of Fort Berthold Reservation in dockets numbered 350–A, E, and H, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BADILLO:

H.R. 7369. A bill to repeal subsection (c) of section 245 of the Immigration and Nationality Act, to permit adjustment of status of persons from the Western Hemisphere on the same basis as other aliens; to the Committee on the Judiciary.

H.R. 7370. A bill authorizing the entry or parole into the United States of Cuban refugees; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts (for himself, Mr. KLUCZYNSKI, Mr. METCALFE, and Mr. PRICE of Illinois):

H.R. 7371. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of the U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. CULVER:

H.R. 7372. A bill relating to payments to producers for participation in the 1973 feed grain program; to the Committee on Agriculture.

By Mr. PODELL:

H.R. 7373. A bill to preserve and insure the continued operation of transportation properties owned or operated by carriers by railroad in reorganization and confronted with liquidation; to protect the security interests of the United States in such properties; to provide for the payment of just and reasonable compensation for said properties; and, to provide for the national defense; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD:

H.R. 7374. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

XUM

By Mr. FUQUA:

H.R. 7375. A bill to amend section 210 of receiving benefits thereunder; to the Committee on Public Works.

By Mr. GOLDWATER:

H.R. 7376. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 7377. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the armed forces; to the Committee on Armed Services.

By Mr. HOSMER (for himself, Mr. ANDERSON of California, Mr. BELL, Mr. BROWN of California, Mrs. BURKE of California, Mr. DEL CLAWSON, Mr. CORMAN, Mr. DANIELSON, Mr. GOLDWATER, Mr. HANNA, Mr. HAWKINS, Mr. HINSHAW, Mr. HOLIFIELD, Mr. KETCHUM, Mr. MOORHEAD of California, Mr. PETTIS, Mr. REES, Mr. ROUSSELOT, Mr. ROYBAL, Mr. TEAGUE of California, Mr. WIGGINS, and Mr. CHARLES H. WILSON of California):

H.R. 7378. A bill to amend title 10 of the United States Code in order to combine the 11th and 12th Naval Districts; to the Committee on Armed Services.

By Mr. KING:

H.R. 7379. A bill to amend the National Labor Relations Act to further secure and protect the constitutional guarantee of free speech belonging to employers and employees; to the Committee on Education and Labor.

H.R. 7380. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

By Mr. MILLS of Arkansas (for himself, Mr. VANIK, Mr. BIESTER, Mr. MANN, and Mr. MARAZITI):

H.R. 7381. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 7382. A bill to authorize a program of research and development of alternative propulsion systems for automotive vehicles in commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. NICHOLS:

H.R. 7383. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

By Mr. OWENS (for himself, Mr. BINGHAM, Mr. BROWN of California, Mr. HARRINGTON, Mr. JONES of North Carolina, Mr. MAZZOLI, Mr. MOAKLEY, Mr. PEPPER, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. STARK, and Mr. WARE):

H.R. 7384. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7385. A bill to provide for repayment of certain sums advanced to providers of services under title XVIII of the Social Security Act; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 7386. A bill to provide a rule in cases of the "pocket veto" for the implementation of section 7 of article I of the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 7387. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania (for himself and Mr. HARRINGTON):

H.R. 7388. A bill exempting State lotteries from certain Federal prohibitions; to the Committee on the Judiciary.

H.R. 7389. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RUPPE:

H.R. 7390. A bill to amend the National Flood Insurance Act of 1968 to extend coverage under the flood insurance program to include losses from the erosion and undermining of shorelines by waves or currents of water; to the Committee on Banking and Currency.

By Mr. STEIGER of Arizona:

H.R. 7391. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Navajo Tribe of Indians in court of claims case No. 49692, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California:

H.R. 7392. A bill to authorize a study of the feasibility and desirability of establishing a Channel Island National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VAN DEERLIN:

H.R. 7393. A bill to extend daylight saving time to the entire calendar year for an experimental 2-year period, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 7394. A bill to restore to certain Government employees the right to participate, as private citizens, in the political life of the Nation, and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska (for himself and Mr. PRITCHARD):

H.R. 7395. A bill to amend section 607(k)(8) of the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. ZWACH.

H.J. Res. 532. Joint resolution designating the composition known as The Stars and Stripes Forever as the national march of the United States; to the Committee on the Judiciary.

By Mr. DIGGS:

H. Con. Res. 209. Concurrent resolution expressing the sense of Congress that additional copies of hearings be printed; to the Committee on House Administration.

By Mr. ANDERSON of Illinois (for himself, Mr. MICHEL, Mr. TEAGUE of California, Mr. SMITH of New York, Mr. GUBSER, Mr. WIDNALL, Mr. WYATT, Mr. MCCLORY, Mr. BUCHANAN, Mr. CONTE, Mr. HEINZ, Mr. MCCLOSKEY, Mr. HANSEN of Idaho, Mr. ESCH, Mr. BIESTER, Mr. BELL, Mr. COUGHLIN, Mr. GUDE, Mr. HANRAHAN, and Mr. HORTON):

H. Res. 367. Resolution to appoint a Special Prosecutor; to the Committee on the Judiciary.

By Mr. LITTON:

H. Res. 368. Resolution requesting that six living former Supreme Court Justices serve as a panel to select a special prosecutor to investigate the Watergate affair; to the Committee on the Judiciary.

By Mr. REUSS (for himself and Mr. HECHLER of West Virginia):

H. Res. 369. Resolution requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: 180. A memorial of the Legislature of the Commonwealth of Massachusetts, relative to the United States allowing greater immigration to the people of Ireland; to the Committee on the Judiciary.

181. Also, memorial of the Legislature of the State of Montana, relative to Federal block grant assistance to upgrade law enforcement and criminal justice; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 7396. A bill for the relief of Arthur Rike; to the Committee on the Judiciary.

By Mr. FORSYTHE:

H.R. 7397. A bill for the relief of Viola Burroughs; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 7398. A bill for the relief of Mrs. Alice T. Beacon; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 7399. A bill for the relief of Ramon Z. Echeveste; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 7400. A bill for the relief of Harold L. Rutherford; to the Committee on the Judiciary.

H.R. 7401. A bill for the relief of Harold L. Rutherford; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 7402. A bill for the relief of Dale Z. Brown; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

197. By the SPEAKER: Petition of the Inter-Tribal Council of Arizona, Scottsdale, Ariz., relative to the status of Indian tribal governments; to the Committee on Interior and Insular Affairs.

198. Also, Petition of D. O. Watson, Pelham, Ala., and other, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.



# EXTENSIONS OF REMARKS

## CABRILLO EXPLORER

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. WALDIE. Mr. Speaker, at this time I would like to place in the RECORD a joint resolution passed by the California State Legislature, and an article from the Los Angeles Times dated December 21, 1972, by Philip Hager. The resolution and the article honor a great explorer and the discoverer of California Juan Rodriquez Cabrillo.

The resolution and article follows:

ASSEMBLY JOINT RESOLUTION No. 23—RELATIVE TO THE ISSUING OF A COMMEMORATIVE POSTAGE STAMP REGARDING JUAN RODRIGUEZ CABRILLO, "THE DISCOVERER OF CALIFORNIA"

Whereas, On September 28, 1542, Juan Rodriguez Cabrillo, a Portuguese explorer in the service of Spain, discovered California by entering San Diego Bay and proceeding with further explorations along the coast of California; and

Whereas, It was the discovery of California by Cabrillo which led to the early Mexican and Spanish settlement of California and the establishment of the Franciscan missions along the coastal area of California; and

Whereas, The influence of the Mexican and Spanish settlement has been a pervasive factor down through the history of California and has contributed to a large extent in making California one of the most historically and presently fascinating and colorful states of our Union; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California recommend that the Post Office Department of the United States of America print a commemorative stamp honoring the discovery of California by Juan Rodriguez Cabrillo; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit a copy of this resolution to the Postmaster General of the United States.

LEGISLATIVE COUNSEL'S DIGEST

AJR 23, as introduced, Gonsalves (Rls.). Juan Rodriguez Cabrillo.

Recommends that the United States Post Office issue a commemorative stamp honoring the discovery of California by Juan Rodriguez Cabrillo.

Fiscal Committee—No.

Compliments of

JOE A. GONSALVES,
*Assemblyman 60th District.*

CALIFORNIA'S DISCOVERER—GRAVESTONE BELIEVED TO BE CABRILLO'S DISPLAYED AT UC

(By Philip Hager)

BERKELEY.—The discovery of what may be the gravestone of Juan Rodriguez Cabrillo, the European discoverer of California, was reported Wednesday by a UC Berkeley anthropologist.

If the crudely inscribed, 13½-inch by 4½-inch slab of sandstone is authentic—which he said is "highly probable"—the marker would be California's oldest known historical relic of European civilization.

Robert F. Heizer, professor of anthropology, disclosed his findings in a booklet to be published today by the Lowie Museum of Anthropology on the Berkeley campus, where the stone is on display.

Cabrillo, sailing under the Spanish flag but believed to have been Portuguese, was exploring the California coast when he died on Jan. 3, 1543. He was buried on one of the Channel Islands off Santa Barbara.

His entry into San Diego Bay on Sept. 28, 1542, establishing a claim of Spanish sovereignty, came 50 years after the voyage of Columbus, 37 years before the English explorer Sir Francis Drake sailed along the California coast and more than two centuries before the Spanish settled California.

In 1579, Drake left a brass plate marking his landing on the shore north of San Francisco, which has been believed to be the earliest European relic in California. It was found in 1936. But Heizer said its authenticity has not been proved to complete satisfaction.

"It's very much the same with what appears to be Cabrillo's gravestone," Heizer said in an interview. "In the end, you can only receive what evidence there is and make up your mind. It's largely a matter of faith."

The marker carries what seems to be the letters "J R"—the back of the "R" joined to the "J" in a manner often seen on cattle brands. At the bottom of the "R" is an inscription that could be a "C" or an "S." Above the initials is a roughly carved cross and beneath them a crudely drawn stick figure of a man.

The initials, Heizer suggested, could stand for Juan Rodriguez, as the explorer was known and as he signed his name. The other letter, he said, could be a "C" for Cabrillo or the "S" in Rodrigues, as the name might have appeared in Portuguese.

The stone was found by archeologist Philip Mills Jones on Santa Rosa Island in 1901, but was given no particular attention.

Last June, as Heizer was examining an archeological report for illustrations of flint implements, a photograph of the stone caught his eyes and it occurred to him the initials might be Cabrillo's.

Dr. Albert B. Elsasser of the Lowie Museum noted Wednesday as he put the stone on display that the marker probably had been overlooked because it was generally assumed Cabrillo had been buried on San Miguel Island, not Santa Rosa.

Heizer pointed out, however, that existing records of Cabrillo's voyage are not clear on the site of the explorer's burial and that, further, there is no reason the stone could not have been carried at some time from San Miguel to Santa Rosa.

Attempts to find the burial site have been unsuccessful, he said.

Could the marker be a hoax?

Heizer doubted it. He consulted Spanish historians who said the initials were consistent with lettering used in 16th Century Spain. Prof. Claudio Esteva-Fabregat of the University of Barcelona wrote Heizer that the absence of a date on the marker was not unusual for that time, when there was little concern for chronology. "The important thing," wrote the Spanish professor, "was to bury him with symbols to indicate the name, surname and religion of the deceased."

Finally, Heizer said, the fact that Jones drew no attention to the stone made a hoax unlikely. Jones' record refers to the stone as a "sandstone slab that has been used for mealing or grinding stone, bearing on one side incised design." The stone, Jones wrote, was found on the surface of an eroded camp site.

Accounts vary as to how Cabrillo died. One says he died of illness after he broke his leg falling between some rocks while going ashore.

In the spring after his death, the expedition continued as far north as Point Arena in Mendocino County before returning to Mexico.

## FUNDS FOR PODIATRY EDUCATION

### HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 1, 1973*

Mr. HARTKE. Mr. President, in the budget for fiscal year 1974, the administration proposes to eliminate completely capitation funding for podiatric health profession schools while increasing capitation funds for medicine, osteopathy and dentistry. This loss of financial support would reverse the significant advances made in podiatric education in recent years and would have a devastating effect on the quality of service the podiatry profession provides to the public.

Mr. President, it is a fact that podiatric education is similar in terms of costs and curriculum to that of medicine, osteopathy and dentistry. Podiatrists, like M.D.'s, D.D.S.'s, and D.O.'s are licensed as physicians and surgeons and are also qualified and trained to treat humain ailments both medically and surgically. In addition, podiatry graduates serve in residency programs in M.D. and D.O. hospitals.

In other words, Mr. President, podiatric medical education identifies closely with medicine, osteopathy and dentistry, yet these latter three professions have in the past received capitation grants for their students in the amount of $2,500 while podiatry has received grants of only $800. The result is an inadequate number of podiatrists to meet the health care needs of the Nation. Rather than correct this deficiency, the administration proposes to cut the capitation grants from podiatry in half for fiscal year 1974 and then eliminate them entirely the following year.

Mr. President, I urge my colleagues to consider the need for podiatric education in their own States, and ask unanimous consent that two articles on podiatry reprinted from the Journal of Podiatric Education, March 1973, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PODIATRIC MEDICINE: FUNCTION AND EDUCATION

I. THE PROFESSION

*A. Definition*

The podiatrist is a health professional who, in the scope of his practice and independence of judgment, is very similar to the medical doctor.[1]

Podiatric medicine is that health service specifically concerned with the examination, diagnosis, treatment, prevention and care of conditions and functions of the human foot by medical and surgical means.

Podiatrists are the only health professionals who share with doctors of medicine, osteopathy and dentistry the legal authority to make independent professional judgments,

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and in their own discretion to administer medical and surgical treatment.

*B. Licensure*

The first Board to control the licensing of podiatrists was established in 1895 in the State of New York. Today in all states, the Commonwealth of Puerto Rico, and the District of Columbia, the practice of podiatric medicine is regulated by state law. Practitioners are licensed by the State Board of Podiatry Examiners or State Boards of Medical Examiners which usually include one or more podiatrists; in one state the agency is a board of health. These groups are organized as the Federation of Podiatry Boards.

There is also a National Board of Podiatry Examiners which administers examinations to licensure applicants. Successful examinees are accepted in whole or in part by more than 40 states and three Provinces of Canada. The examinations given by this board are recognized by the U.S. Army, Navy and Air Force as prerequisite for commissioning in lieu of state licensure.

*C. Podiatry as an integral part of the practice of medicine*

A reasonable analogy of the functions and responsibilities of the podiatrist is found within such medical specialties as otolaryngology and ophthalmology. Although the method used for becoming a qualified provider of health services by the ophthalmologist and otolaryngologist may be through the traditional route of first receiving the degree of doctor of medicine, the way these specialists function and are actually qualified is almost identical to that of podiatric medicine.

The concept of qualifying the medical degree as well as limiting the area of licensure is beginning to receive attention by the medical community. Changes in medical education in the program leading to the M.D. degree, in some medical schools, now permit the medical student to pursue a specialty-oriented curriculum track without taking all the traditional clinical clerkships. Stanford University School of Medicine, for example, has initiated an M.D. program permitting a student to specialize in psychiatry without taking clinical clerkships in areas considered irrelevant, such as obstetrics, gynecology and surgery.[3]

The curriculum at the colleges of podiatric medicine is today really that of a single track medical school leading to the practice of the medical specialty of podiatry. Indeed the basic science component of the curriculum in podiatric medical colleges is equivalent in quality and quantity to the average basic science component provided in schools of medicine as shown in the outline of Part 1 of the National Board of Medical Examiners.[3] Colleges of podiatric medicine will accept students from medical schools and give them equivalent credit for the basic sciences.

Thus the doctor of podiatric medicine differs from the M.D. specialist only in that the D.P.M. is really a physician with a limited license. While the M.D., regardless of specialty, is a physician with unlimited license, in effect this is not functionally true. Although legally qualified, the M.D. psychiatrists, for example, would be quite irresponsible and vulnerable to malpractice judgments if he performed eye surgery.

This does not make the practitioner who is trained as a physician with a limited license and/or degree (e.g., podiatrist or psychiatrist) less valuable in the care of patients. As a matter of fact, trends in medical education now encourage this even more because of the vast body of medical knowledge which can no longer be mastered by any single practitioner.[4 5 6 7]

Podiatric medicine is now demonstrating that it is possible to educate and train a physician specializing in one important area of health care. Present day medical education does not prepare one to be qualified in all areas of health care even if long standing laws place no limits upon the extent of practice for the doctor of medicine. Public protection, however, is implicit in the laws governing the practice of the podiatrist in restricting his activities to his specialty and area of expertise.

*D. Scope of practice*

The podiatrist is licensed to "diagnose, treat, operate, and prescribe for any disease, injury, deformity or other conditions of the foot, including surgery on the bones, muscles, or tendons of the feet for the correction of deficiencies and deformities of a mechanical and functional nature." [8] The doctor of podiatric medicine provides high-quality diagnostic service and because of education and training he is a source of referral to other specialists. Examination by a podiatrist is the point where many patients enter a medical care system. By the nature of the specialty, many patients tend to seek out the podiatrists on their own initiative. Therefore, the podiatrist, to protect the patient, must make a medical appraisal of the patient's physical condition and need for treatment.

The podiatrist performs many types of medical and surgical treatment comparable to the physician. For example: podiatrists induce trauma to the body through surgery; they perform surgery under general and local anesthetics; they administer drugs, including narcotics, to the patient.

Podiatrists reconstruct deformed and painful joints of the feet, replace destroyed arthritic joints with prosthetic joint implants, excise painful nerve tumors, perform plastic surgery on painful scars and graft burn cases involving the feet and legs. In essence, the podiatrist provides, in a specialized fashion, those medical and surgical services appropriate to the maintenance of or the reconstruction for a normal functional human foot.

Podiatry patients range from the very young to the aged. A significantly high percentage of older persons seek professional care for foot disorders. There is now general recognition that older people, especially those suffering from physical or mental disabilities, are most responsive to health care when they are kept ambulatory. A high frequency of foot ailments among persons over 65 years of age limit ambulation and promote accidents.[9] Fred H. Steininger, former Director of the Bureau of Family Services of the Department of Health, Education and Welfare, reports that it is unfortunate that scant attention to the podiatric needs of the elderly has been given. *"Proper foot care," he stated, "is regarded as an essential service to foster mobility and independence among older persons and to protect their general health and well-being."*

The podiatric services needed by the aged fall into several categories:

(1) *Preventive.* The podiatrist is in a peculiarly enviable position to recognize deformities of the foot which will result in the development of arthritic changes due to strain and to prevent such development by the use of biomechanical accommodation. Orthotic devices can frequently arrest or completely prevent the development of the types of arthritis of the food which are due to abnormal strain resulting from a foot with improper bony architecture.

(2) *Reconstructive Services.* Podiatrists realign deformed toes that are responsible for painful disabilities, particularly prevalent in the older population.

(3) *Medical Treatment.* This is a daily function of the podiatrist in the care of the aging population. It includes the treatment of arthritis by injectable medication; the treatment of the various skin diseases; the shielding of diabetic and vascular ulcers from further trauma following appropriate surgical debridement and appropriate medical treatment to effect the healing of such problems.

(4) *Prophylactic Treatment.* The podiatrist is a professional who is trained to provide prophylactic and palliative services of the type required by the older population. This serves to reduce suffering and save millions of dollars of damages annually which might otherwise result from personal injury, primarily from falls. The older person who limps because of a painful callus or corn is quite susceptible to falls. There is no other similarly trained physician capable of rendering this type of service.

Podiatric care in the young is equally important. That food problems in young persons is a serious problem is corroborated by studies conducted by the District of Columbia Health Department. Out of a total of 456 new patients in 1966, 13 percent were under age 18, while 47 percent where under age 60. One fifth were under age 40. In a group of 8,995 children who were screened, 997 or more than 11 percent required treatment which 838 were referred for further study. Most of the children (57 percent) were under 6 years of age.[22 23]

Many of the foot problems of the adult begin as foot problems in the young.[9] The genetic predisposition to certain foot type and structure is well documented. It has also been established that feet which are poorly aligned structurally suffer from abnormal pressures at the joint surfaces, which if left in this abnormal state would cause permanent deformities.

*E. Role in quality health care*

In a system of comprehensive health care, the podiatrist can relieve other health manpower by performing those services for which he is adequately trained and uniquely qualified. Furthermore, he is concerned about foot problems which other health practitioners many times ignore. He brings certain knowledge and skills which are not found in any other health profession and which improve the quality of patient care. The podiatrist also employs methods and skills found in other medical and surgical fields. Insofar as the foot is concerned the podiatrist is in a better position to apply these same skills more effectively and efficiently. Because many manifestations of diseases such as diabetes mellitus, arthritis, and peripheral vascular disease occur in the foot, their early diagnosis is essential to proper treatment and establishment of programs to reduce complications. For example, the diabetic ulcer is managed with a combination of shielding, surgical debridement and medical treatment to expedite the healing process. Shielding, accommodation and surgical reconstruction are also employed on the deformed and dislocated painful toes of the patient with rheumatoid or osteoarthritis.

Like those in other surgical specialties, the podiatrist performs an important public health function in identifying previously undetected systemic diseases and disorders with or without manifestations in the lower extremity. His background and training allow him to refer such patients to appropriate medical specialists for concurrent care. This education includes instruction at the first professional degree and postgraduate level in physical diagnosis and medicine. It becomes particularly invaluable to those patients who may have serious systemic diseases and who enter the health care system through a visit to the podiatrist. The ability of currently trained podiatrists to provide such services is partially in response to the Report of the National Commission on Health Manpower completed in 1967 which stipulated that the podiatrist should be trained to have a high index of suspicion for systemic disease by receiving training at the patient's bedside.[10]

The importance of the podiatrist is more apparent with the significant increase in the numbers of aging and aged persons in the nation. This group suffers a high incidence

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of those diseases identified as the major causes of death and disability in our nation; namely, heart disease, cancer and stroke. Each of these categories of disease present direct or indirect manifestations in the foot (Table 1).

Obviously, unless major breakthroughs in research occur, the number of people with vascular diseases and degenerative joint disorders as well as diabetes mellitus, will increase in proportion to the increase in the population of older Americans. Individuals with such conditions almost always develop lower extremity disorders, [11 12 13] which may present such problems as mild to severe pain, difficult or inability to ambulate, severe foot infection or gangrene with eventual amputation of all or part of the lower extremity. Each of these sequellae, to a varying degree, as well as economic dependency on families often results in not only disability but social as well as economic dependency on families and the community.[14] In addition, the inability to ambulate, especially in the older individual, often results in rapid deterioration and premature death. What is most important, however, is that these sequellae often may be prevented or treated. This may be as basic as providing patient education about the importance of foot care to peripheral vascular and diabetic citizens as well as periodic screening examinations of such groups. Prompt medical, surgical and rehabilitative treatment provided by the podiatrist can prevent further damage to the foot and improve basic foot function.

Table 1—Relationship of Heart Disease, Cancer and Stroke to Podiatric Medical Disorders

Heart Disease

1. Ankle edema.
2. Occlusive vascular disease of small and large vessels of the lower extremity resulting in pain, infection, ulceration, gangrene and amputation.
3. Hypertensive ulcers of the foot and ankle.
4. Clubbing of the toes.
5. Dry skin.
6. Decubitus ulcers—due to long periods of bed rest.

Cancer

1. Malignant Melanoma.
2. Kaposis Sarcoma.
3. Lymphomas.
4. Junctional nevi (pre-malignant)
5. X-ray burns (pre-malignant)
6. Bone tumors.

Stroke

1. Deformity of the foot.
2. Decubitus ulcers.
3. Ulcers due to the pressure of braces, shoes.
4. Atrophy of foot and leg muscles due to disuse.

*F. Need for Podiatric Medical Manpower*

The need for podiatrists is growing because of the increased demand for better health care, expanded government payment plans, and increases in those populations needing podiatric care. At the same time, the ratio of podiatrists to population has been decreasing, from 4.2 per 100,000 to 3.5 per 100,000 in 1970. Federal government studies show that there were 7,045 active podiatrists in 1970, and there will be a projected need for nearly 8,000 additional podiatrists beyond those in practice in 1980, or a total of 15,000. A more detailed analysis of manpower requirements is contained in the Appendix.

II. EDUCATION

Podiatrists receive their professional education in five independent, non-profit colleges of podiatric medicine. The first of these colleges was founded in 1911. The colleges have recently increased their student capacities, and additional increases are under way or planned. In 1972–73 there were 1,419 students enrolled in the colleges with fourth-year classes totalling 258. Because of recent increases of first-year clases, the number of graduates will increase rapidly. Of the 477 first-year students in 1972–73, it is estimated that 429 will be graduated in 1976.

Until recently, these colleges were supported by podiatrists with little assistance from non-podiatry sources. Presently, the colleges receive limited federal grants for carrying on various aspects of their programs in education. Several also receive financial aid from their respective states.

The colleges of podiatric medicine serve the same functions for the profession of podiatric medicine as other professional colleges do for their respective professions. They provide the basic education for the graduates and continuing education for the practitioners. Through research and other forms of study they increase the knowledge of the profession and contribute to its growth. Through employment of members of other professions on their respective staffs, the colleges promote cooperative relationships of podiatric medicine with these professions.

The colleges are a major influence in promoting increasingly higher professional standards. Indeed, they are probably the greatest single factor in the continuing evaluation of the profession in role, function, and standards.

The colleges are dedicated to train medical specialists in foot health care. The colleges are striving to become affiliated with even more major hospitals than is now the case to provide a broad range of podiatric as well as general medical experiences, didactically and clinically, for their students. Each college is also seeking an affiliation with developing Health Science Centers.

*A. Requirements for entrance*

The minimum requirement for entrance to a college of podiatric medicine is at least two years of premedical study at an accredited university or college. At present, more than 75% of the entering students have baccalaureate degrees or higher. In cooperation with Educational Testing Service, a Colleges of Podiatry Admission Test (CPAT) has been developed. All applicants for admission to podiatry colleges are required to take the test and attain scores indicating a satisfactory level of achievement.

*B. College locations*

The five colleges of podiatric medicine are located in San Francisco, California; Chicago, Illinois; Cleveland, Ohio; New York, New York and Philadelphia, Pennsylvania. The curriculum offered by these individual colleges includes over 4,000 hours of instruction distributed over a period of four academic years. Some of the courses offered are: Anatomy, Physiology, Biochemistry, Pharmacology, Microbiology, Pathology, General and Podiatric Surgery and General and Podiatric Medicine. In addition, there are many courses which relate to clinical practice which are offered by all colleges and are an important part of the curriculum. All of the colleges award the degree of Doctor of Podiatric Medicine (D.P.M.).

*C. College faculties*

The faculty membership among the five colleges of podiatric medicine in the United States totals approximately 400. Each college shares a similar profile in terms of the following faculty statistics: approximately 1/3 of the faculty are fulltime; approximately 50% of the faculty are doctors of podiatric medicine; 20% Ph.D.'s; 20% M.D.'s; and the remaining 10%, D.D.S.'s; D.V.M.'s; R.N.'s; and other graduate academic degrees. The basic medical sciences are taught primarily by fulltime Ph.D.'s The clinical medical sciences are taught primarily by M.D.'s with Board certification in the appropriate medical specialty being taught.

The clinical and didactic podiatric medical courses are taught almost exclusively by doctors of podiatric medicine who have experience in the appropriate podiatric specialty and who have completed postgraduate training programs in specialty areas. All colleges of podiatric medicine share faculties with local colleges of medicine and dentistry.

*D. Postgraduate education*

Approximately 50% of all graduates from the five colleges of podiatric medicine continue their education by entering one- and two-year postgraduate residency training programs. As of early 1973 there were approximately 110 first-year residency training programs available. These programs in most instances are identical in scope and content to internship programs provided to graduates from schools of medicine.

Residency programs are carried out in teaching hospitals approved by the Joint Commission on Accreditation of Hospitals, the Committee on Hospital Accreditation of the American Osteopathic Association, and the Council on Podiatry Education of the American Podiatry Association. The resident receives advanced training in podiatric medicine and surgery and serves rotations in emergency room service, anesthesiology, general medicine, pathology, and general surgery. Other rotations may be available to the resident as an elective, such as pediatrics, dermatology, neurology, and orthopedics.

There are 26 second-year residency training programs available to those individuals who complete approved first-year programs. The second-year program in most cases is by design a highly specialized program in podiatric surgery and medicine. Some of these programs are combined with graduate training programs leading to the Master of Science degree in podiatric surgery. Those graduates who do not wish to pursue a formal residency program may elect a preceptorship program now offered by many colleges or local podiatry associations.

Continuing education for the practicing podiatrist, as in medicine, dentistry, and other health professions, is essential in maintaining and increasing the professional knowledge and skills of the practitioner. Colleges of podiatric medicine, recognizing this need, jointly sponsor programs of continuing education with local, state, and national podiatry associations. This effort in continuing education represents an awareness of the vital need for both the educational and practicing branches of the profession to coordinate educational activities. The delivery of podiatric and medical care, changing concepts of public health, and the ever-increasing role of the podiatrist in the total health care planning of the nation mandate this approach.

The major contributors to this paper were: *Council of Deans*—Charles Gibley, Ph.D., Chairman; Richard Baerg, D.P.M.; Leonard Levy, D.P.M. and Dave Rubenstein, D.P.M. *College Presidents*—Higgins D. Bailey, Ed.D.; James E. Bates, D.P.M.; Philip Brachman, D.P.M. and Abe Rubin, D.P.M. *American Podiatry Association*—E. Dalton McGlamry, D.P.M., President. *American Association of Colleges of Podiatric Medicine*—Robert A. Heil, Executive Director.

APPENDIX

The National Center for Health Statistics has indicated that there were 8,000 podiatrists in active practice in the United States as of December 1967.[15] A survey by the same agency in 1970 showed a total of 7,045 actively practicing podiatrists. In relation to the expanding population, the ratio has dropped from an initially low 4.2 active doctors of

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podiatric medicine per 100,000 population to an even more critical low of 3.5.[16]

Maryland Pennell of the United States Public Health Service, Bureal of Health Professions Education and Manpower Training, has predicted that this ratio of podiatrists to population will only increase to 4.2 per 100,000 by 1980, the ratio that existed 30 years before in 1950. This is in spite of an anticipated 275 percent increase in graduates from the existing colleges of podiatric medicine from 1960 to 1980.[17]

It is important to note that although in 1972–73 there were 259 fourth-year students in the colleges of podiatric medicine, slightly below the 284 graduates for that year projected by Pennell,[17] the college enrollments total 1,419, slightly above Pennell's estimate of 1.357. This is explained by the marked increase experienced in recent first-year enrollments as a result of Federal aid under the Comprehensive Health Manpower Training Act of 1971. First-year students numbered 477 in 1972–73. Assuming a liberal 10% attrition rate, approximately 429 graduate podiatrists will be produced by the colleges in 1976, slightly above the Pennell projection of 358.

According to these data, colleges are approximately on the target projected by Pennell. Continued enrollment increases and, indeed, maintenance of current enrollment levels, however, appear to be heavily dependent upon federal financial assistance. Failing that, the ratio of podiatrists to population may fall even below that of 1950. In the face of these podiatry manpower trends, furthermore, is the greater demand for health services, especially as generated through new and expanded government health programs.

If Pennell's projections for podiatry manpower prove accurate, by 1980 there would be 9,900 active podiatrists in the country. A study to be released in early 1973, however, projects a podiatry manpower need by 1980 of 15,000. Pennell's projected number of graduates for the six-year period 1974–75 through 1979–80 would have to be quadrupled to meet the anticipated demand projected for podiatry manpower for 1980. That degree of college expansion clearly is not attainable nor desirable, for the college capacity thus generated could not be justified for podiatry manpower needs beyond 1980. It is apparent, however, that substantial increases in the colleges' capacities to produce podiatrists beyond those already achieved are both needed and desirable.

Nationally, in 1970, there were 20,049,592 people 65 years of age or older comprising 9.9% of the total population, according to the Bureau of the Census.[18] Not only is the population over 65 growing, so also is the percentage of the over 65 group to the total population. In 1900 only 4.1% of the population was over 65; by 1960 it was 9.3%; in 1970, 9.9%. This situation will have a pronounced effect on the practices of the health professions, especially podiatric medicine.

A National Health Survey conducted by the United States Public Health Service in 1963–64 reported that 4.5 percent of the population over age 65 visited a podiatrist while 1.4 percent under age 65 made such a visit. Patients over 65 who see podiatrists had an average of 3.7 visits per year while those under 65 made 3.5 visits during the same period. In addition, it was found that 3.2 percent of the population in the age group of 45 to 64 also used podiatric services. The study also revealed that 0.4 percent of children under 6 years of age received podiatric care. The survey concluded that the greatest percentage of the population consulting podiatrists were the working population 17 years of age or older, females keeping house, and retired persons.[19]

This survey is even more significant when it is realized that it was compiled prior to the enactment of legislation initiating Titles XVIII and XIX of the Social Security Act (P.L. 89–97, Medicare and Medicaid). It is quite obvious that many patients are now receiving podiatric and other medical services who previously were barred from such essential care because of financial barriers.

The Queensbridge Health Maintenance Service for Elderly is a program sponsored by the City of New York and conducted in a low income housing project. In addition to 5 internists, a proctologist, psychiatrist, nutritionist and optometrist, a podiatrist has been shown to be an important member of this health service. The podiatrist was called upon to give 6 percent of all services rendered in the study group selected from this population. In addition, 36.1 percent of all patients in this group utilized the services of the podiatrist the first year and 40.3 percent in the second year of the program.[20, 21]

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* In a recent survey involving the Harlem community, several thousand children, selected on a statistically valid random sample basis, were examined in the clinics of the New York College of Podiatric Medicine. Two cases of sickle-cell anemia were detected. Sickle-cell anemia has a propensity to produce ankle ulcers, which are often first detected during podiatric examinations. (The podiatrist, therefore, is often the first practitioner to recognize undetected sickle-cell anemia, by the presence of these ulcers.) Thirteen children were found to have secondary syphilis. (Similarly, secondary syphilis is often first recognized by the podiatrist by the presence of small cornlike lesions on the soles or the palms.) These patients were immediately referred to the Department of Health for proper treatment. This early recognition of syphilis by the podiatric physician often prevents serious sequelae of blindness, neurological damage, or death.

Over 250 children were found to have congential abnormalities of their feet which could lead to serious permanent joint dysfunction. Over 150 children were found to have diseases of the secondary growth centers of the bones of the feet. A thousand children were in-toe walkers. One thousand six hundred twenty-four were found to have overlapping toes. Each of these children was treated properly and at little cost in the college clinics. Left to live as cripples, they would have suffered great emotional stress and physical pain and discomfort because of foot and leg deformities, as well as the poor posture that would result. Additionally, society would have lost the economic productivity of these persons, and their illnesses would have cost taxpayers millions of dollars.

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CRISIS FOR THE PODIATRIC EDUCATION: THE FEDERAL BUDGET

(By Robert A. Heil, Executive Director, American Association of Colleges of Podiatric Medicine)

On January 29, 1973 President Nixon sent his proposed 1974 budget up to Capitol Hill for Congressional consideration. Although this fiscal year is more than half over, no appropriation bill for the Department of Health, Education and Welfare has been enacted. Last year, Congress passed appropriations bills twice, but both bills suffered presidential vetoes. The President, as part of this request, revised portions of his budget for 1973 relating to HEW from his initial request made last year.

The revisions were downward. Not only were the two appropriations bills vetoed on the basis that they far exceeded the budget request, but now the budget has been lowered. Drastic reductions were proposed for the HEW Budget. Of particular concern to the Podiatric Medical profession is a proposal for 1973 to reduce capitation for Podiatry to about 50% of the 1972 level, and further, in 1974, to completely eliminate capitation grants for colleges of podiatric medicine.

Congress has appropriated funds to finish 1973 at the previous levels but as of this writing, it appears the Administration will spend only what is in the budget.

Capitation grants, financial distress grants and special project grants have contributed to the Podiatric Medical colleges' incomes for general operations.

From the viewpoint of Podiatric Medicine and its role in the National Health authorizations of $2,500, and even Veterinary Medicine is authorized to a maximum basic capitation of $1,750 per student per year, whereas Podiatry is authorized at $800. It should be noted that basic capitation for Podiatry (*although authorized at $800*), this year amounted to less than $600.

The proposed budget reduction could result in about $400 per student for total capitation grants next year for podiatric colleges. Furthermore, the administration proposes to terminate funding in this category completely for school year 1974–75. The Administration feels that capitation funding for the podiatry profession is no longer important.

A portion of the budget message reads: *"There is evidence of continuing national need for increased numbers of professionals in medicine, dentistry and osteopathy. The same urgency is not evident in other health professional fields."*

*This statement appears to be in conflict* with the government's own figures which indicate the following percentage increases in health manpower between 1960 and 1970: *

| | Percent |
|---|---|
| Registered nurses | 37 |
| Veterinarians | 29 |
| Physicians (M.D. & D.O.) | 28 |
| Dentists | 14 |
| Optometrists | 13 |
| Pharmacists | 10 |
| Podiatrists | 2 |

A current study indicates a need to double the 1970 podiatric manpower by 1980, a need much greater in proportion to that of other health professions.

STUDENT ASSISTANCE

The President's budget proposed to phase-out scholarship funding, with a 35% reduction in those funds for the 1973–74 school year. Sufficient funds are proposed so as to continue scholarships for those students to whom commitments already have been made, but not to fund any new scholarships.

SPECIAL EDUCATIONAL PROGRAMS

Educational initiative awards are to be increased for 1974 under the proposed budget. Although this category customarily has been used to encourage training for physicians assistants and other paramedical personnel, an opportunity might develop for some funding for podiatric colleges from this source, although prospects for substantial funding of podiatric education are slim. If made available, these funds would not provide the broad institutional support for podiatric colleges which they so desperately need, since these funds must be for specific projects not necessarily involved in basic podiatric education.

EFFECT OF BUDGET PROPOSALS ON PODIATRY

Colleges of podiatric medicine now are heavily committed to programs of improvement encouraged by, and, as a condition for, participation in the Comprehensive Health Manpower Training Act of 1971. How much can the colleges retrench? Podiatric colleges are free-standing institutions which have no parent universities to supply emergency funding. They have virtually no endowments or reserves. Federal financial support for several years has constituted a substantial portion of their total incomes which have permitted expansion and improvement.

Tuitions already are high, averaging well over $2,000 per year. The proposed Federal budget cut of $2,000,000 annually creates an extremely serious situation for podiatric education, so serious indeed that the very survival of the colleges and the profession of Podiatry is uncertain.

* *The Supply of Health Manpower: 1970 Profiles and Projections to 1990*, Division of Manpower Education, NIH, HEW, October 1972, p. 23.



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WATERGATE AFFAIR AND BRITISH VIEWPOINT

## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. BRADEMAS. Mr. Speaker, the repercussions of the Watergate affair and the other misdeeds of persons associated with President Nixon are being felt beyond the boundaries of our country. On a visit to England last week, I found great attention being given by the most respected British journals to the present crisis of confidence in the President and much speculation that the crisis will adversely affect his ability to conduct the foreign affairs of the United States.

In its April 28, 1973 edition, the highly respected magazine, The Economist, summarizes the dilemma of other countries in their present relations with the United States:

What does seem obvious is that the pursuit of . . . international policies implies, indeed requires, a faith in the continuity of the other fellow's system which will not be easy to generate so long as the questions raised by the malpractices of last year's American political campaign are not cleared up.

Yesterday, by removing four of his principal assistants, the President acted to clear up some of those questions. But many other crucial questions remain unanswered. President Nixon has the solemn responsibility to assist Congress, the courts and law enforcement agencies to determine the truth about this matter.

At this point, Mr. Speaker, I include in the RECORD the remarks of The Economist, concerning the Watergate affair:

[From the Economist, Apr. 28, 1973]

A QUESTION OF AUTHORITY

Things have come to a strange pass in Washington when a Vice President, standing even lower than is usual in the Administration's hierarchy, publicly affirms his faith in the President's integrity, as Mr. Agnew did on Wednesday. The Vice President even felt it necessary to deny that he had ever told his associates that he was "appalled" by the handling of the Watergate affair. Mr. Agnew's declaration of faith capped a week in which two former officials, both once highly placed in the administration—the Secretary of Commerce, Mr. Stans, and the unhappy Attorney General, Mr. John Mitchell—had been summoned to appear before a grand jury in New York to explain the acceptance (and subsequent return) of a large contribution to the President's campaign funds from a financier in trouble with the law. Mr. Mitchell had already been questioned at length about the Watergate break-in before a grand jury in Washington. Even more serious for the Administration's morale, White House aides close to the President and campaign officials have been disputing in public the extent of their responsibility for a scandal which has few, if any, parallels in White House history.

When Mr. Henry Kissinger went to New York on Monday to deliver an important foreign policy speech to an audience of American newspaper publishers and editors, he was naturally asked about the Watergate scandal. His answer, couched in language of some nobility, was a plea not to let a passing domestic crisis get in the way of foreign policy: put the durable before the ephemeral, he said in effect.

This is a proper point for the President's chief foreign policy architect to make, but obviously enough it does not dispose of the matter. The people who are demanding a full exposure of all the methods by which Mr. Nixon's re-election was obtained last year are asking whether their present government is legitimate. They believe the result of the inquisitiveness may also decide whether the next Administration, to be elected in 1976, is or is not to be a legitimate government chosen under the laws and carried on in conformity with the institutions of the United States.

To the American public such a question is of primary concern, even if it is only secondary to foreign governments. What diplomatists want to know is whether the other fellow's master is in control of his country. If he is, you can do business with him, within prudent limits. Mr. Kissinger uttered a warning that foreign countries would be assessing "the degree of authority in this country," that is, President Nixon's authority in the light of the Watergate upheaval. No doubt they will, and what they see will be less than shipshape, with his lawyers hiring lawyers to protect themselves against one another and some of his great potentates elbowing one another aside in a rush for the lifeboats. But nothing has happened yet to impair his ability to make the ordinary run of foreign policy decisions or to see that they are carried out.

His difficulties in Vietnam are inherent in the circumstances of the ceasefire and will continue, but if a quick solution were in sight there would be nothing in his domestic situation to prevent him grasping it. The bombing policy in Cambodia would probably run into an eventual congressional roadblock of some kind if it were to go on long enough, and it is true that the repercussions of the Watergate scandal might put him at a disadvantage in a major struggle with Congress. But such a struggle, if it comes at all, is rather far down the road. To suppose that a domestic political scandal, however malodorous, would get in the way of his Russian and Chinese policies is farfetched. It could, however, force him to start his trade negotiations with Europe and Japan without adequate powers, just as it could rob him of moral authority to ask wage restraint from the trade unions.

WHAT'S THAT ABOUT A GRAND DESIGN?

Mr. Kissinger's New York speech raises subject-matter of a different kind to which different considerations may apply. Mr. Kissinger spoke explicitly for President Nixon. He proposed a "new Atlantic Charter" to be worked out by the time Mr. Nixon visits Europe in the autumn. He took up the triangular concept of a relationship in which North America, western Europe and Japan would be equally joined. He pleaded for a reconciliation of attitudes in trade, money and defense by a "fresh act of creation" comparable to that achieved in the years of the Marshall plan, and above all for the formulation of common objectives, common purposes and a unifying philosophy of international life in the framework of which the expanded Atlantic relationship would develop.

Fragments of this grand design will provide the agenda for many a meeting between the United States and its European and Japanese allies during the spring and summer, but a long pause may be needed before the allies, and indeed the Americans themselves, can figure out what the design itself amounts to. The governments of western Europe have naturally welcomed the opportunity that Mr. Nixon is giving them to get their relationship with the United States on a new, and sounder,

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footing, although there has been a little skepticism—and disarray in Brussels. What does seem obvious is that the pursuit of unifying philosophical concepts in international politics implies, indeed requires a faith in the continuity of the other fellow's system which will not be easy to generate so long as the questions raised by the malpractices of last year's American political campaign are not cleared up.

Probably they will be cleared up. Probably it is within President Nixon's power to clear them up, and what has held him back so long, beyond a certain moral obtuseness often noticeable in habitual moralists, is a reluctance to suffer the administrative inconvenience that would come from sacrificing his most trusted group of associates.

A SENSE OF BETRAYAL

What happened last year was that certain of President Nixon's associates used the authority and power of the federal government to extort huge sums of money from economic interests and private persons who either hoped for favours or feared penalties; they hid some of it and used the hidden part to disrupt the opposing party and ensure the re-election of the President. The power of the government was then used to prevent the exposure of what had happened and the President, whether or not he knew about the original operation, complacently lent his authority to the concealment. The list of serious offences against the criminal law committed in the course of all these operations is very long. Some of the President's associates, beginning with his first Attorney General and campaign director, dropped off the vine at an early stage, but the central group is still in being and in power.

By and large the group that engineered last year's political operation also had a large say in the reshuffle of the Administration that followed, so that many respectable men departed to be replaced by new officials mostly lacking a base of power or of independence of their own. Some able, strong and untainted men (like Mr. Kissinger, Mr. Shultz, Mr. Elliot Richardson and Mr. Weinberger) remain, but what is most notably lacking in a supposedly Republican Administration is any solid representation of the Republican party in the country.

The men who have rendered good party service by holding seats and filling positions in Congress and in the state governments feel, perhaps, the most betrayed and the most excluded. They are pressing for a house-cleaning even more vehemently than are the Democrats. The first demand for the resignation of the President's chief assistant, Mr. H. R. Haldeman, came from a Republican, Senator Weicker of Connecticut. It was another Republican Senator, Mr. Schweiker of Pennsylvania, who this week urged that the Committee for the Re-election of the President, still in being and busy sweeping stuff under the carpet, should disband itself.

Among the congressional and state Republicans there are enough men of public spirit that their rebellion against the present White House need not be explained merely by fears of disaster in future elections. Still, they have to prepare for the congressional elections next year and it is none too early to be thinking about the next presidential election in 1976. Mr. Nixon, who cannot be re-elected again, will be above the battle then, but the powerful staff men who supervised the running of his campaign last year, who managed the Administration's reconstruction that followed and who have since been running the government with an iron hand have a quite separate interest in selecting the next President if they can. What does all this mean now for Mr. Agnew, whom Mr. Nixon thought good enough to be renominated last year? Since then he has been virtually deprived of anything to do, and alternative presidential candidates (most prominently Mr. John Connally, not even as yet an open convert to the Republican party) have been trotted round the paddock in his place. Was this Mr. Nixon's own idea?

Virtually nobody believes that the outcome of the 1972 presidential campaign would have been different if the whole campaign had been fairly and honestly conducted. It is the next campaign that matters. President Nixon's public conversion to full disclosure on April 17th was followed by, along with the general sigh of relief, a plain impulse in the political community to close ranks around the theory that the President was misled and kept in the dark by ambitious or bigoted assistants. This is understandable, but the investigations are still in the hands of government lawyers and other officials who have been toiling to keep things dark since the five underlings were caught red-handed in the Watergate building last June. It was their parody of the duties of a prosecutor, benignly supervised by the Attorney General Mr. Kleindienst, and his assistant, Mr. Peterson, that fatally infuriated the trial judge. Their view of their duty was not changed.

THE TEST IN 1976

Perhaps as a consequence, perhaps because Mr. Nixon can still not bring himself to face life in a White House run by people chosen not for their past service to himself but for their competence and their political or administrative credentials, a conclusive outcome to the Watergate business is yet to be discerned. The decent man's distaste for vindictiveness to which Mr. Kissinger gave expression is neither here nor there. What matters is whether the presidential election of 1976 is to be permitted to be rigged and bought as the election of 1972 was: for by that the legitimacy, and therefore the continuity, of future American government may be decided.

## PINCH MUST HURT TO HELP

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. DERWINSKI. Mr. Speaker, I have been somewhat amused that many of the critics of the Pentagon base-trimming decision are Representatives who for years harangued against the military industrial complex and suddenly joined in protesting against reduction of or base closings when it affected their home communities or States. The senior Senator from Massachusetts comes to mind in this regard.

The Chicago Daily News, in a very objective and succinct editorial of Wednesday, April 18, properly supports the Pentagon's economy moves. I insert the editorial into the RECORD, and, in so doing, indicate my complete agreement with the points made in this excellent editorial:

PINCH MUST HURT TO HELP

As inevitably as night follows day, the Pentagon's announcement of the closing or trimming back of 274 military bases met with howls of pain.

The pain is genuine. As Mayor Alioto said, the closing of the big Hunter's Point shipyard, for example, will have "a devastating economic impact on the San Francisco bay area." Alioto might have an additional beef in the fact that while San Francisco, which is not strong Nixon territory, is being slashed, the naval center in staunchly Nixonian San Diego gets a windfall of jobs transferred from other California stations. By a similar token, Boston's Mayor Kevin White may have had a valid squawk in relating the closing of Boston's historic Navy Yard to the fact that Massachusetts alone resisted the landslide of states for Mr. Nixon last November.

But none of this alters the central fact that the most direct way to reduce military spending in peacetime is to close out activities where the money is being spent. Illinois will make its modest sacrifice, losing 1,000 civilian and military jobs at the Great Lakes Naval Base for an estimated saving of $2.2 million. All told, the nationwide program calls for eliminating 21,172 civilian and 16,640 military jobs in the coming year, to save $1 billion. And $1 billion saved is $1 billion earned—unless it is merely diverted to some other military spending program in the next budget.

## THE INTERNATIONAL INSTITUTE OF ADVANCED CRIMINAL SCIENCES IN SIRACUSE, ITALY

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues that Dr. M. Cherif Bassiouni, professor of law at De Paul University in Chicago has been appointed a member of the board of directors of the International Institute of Advanced Criminal Sciences which was established by the Italian Government in Siracuse, Sicily. This is the first postgraduate legal institute in Italy.

Professor Bassiouni, the holder of a distinguished record of leadership in the field of international law, cochaired an international conference in Siracuse last month on the role of the judge in a modern society and will shortly chair another conference concerned with terrorism and political crimes.

The International Institute for Advanced Criminal Sciences was created pursuant to a "convention" between the International Penal Law Association and the city of Siracuse and other Sicilian governmental authorities and agreed upon by the IPLA Conseil de Direction at its meeting of February 4 and 5, 1972 in Paris and signed in Siracuse on October 20, 1972. The city of Siracuse provided the building and financing for the Institute and the IPLA is to provide the expertise, manpower, general administration of the Institute, and its international recognition.

The Institute is to provide post-graduate advanced education in the criminal sciences on a multidisciplinary and international basis. The faculty and students are to be drawn from all over the world, irrespective of their discipline. Study plans are to be formulated each year focusing on the choice of a topic or subject matter of contemporary relevance. The courses will be conducted as graduate seminars.

In addition to the two seminars mentioned above, the Institute also conducted a seminar in February on the psychopathology of vehicular homicides, chaired by Justice Erra of Italy. Each seminar consists of 30 to 40 participants and a number of invited auditors.

The first academic program for graduate students will commence in January 1974, and will consist of two trimesters. The first will be on organized crime and the second on dangerous drugs. The schedule will be from January to July 1974. Diplomas will be issued to the graduates of the Institute. Several scholarships have been promised by the city of Siracuse and other Italian authorities.

The Institute is now operating on a budget of 25 million liras provided by the city and the regional administration. It is anticipated that an appropriation law will be passed by the Sicilian Parliament granting the Institute 75 million liras per year to finance its operation.

The financial support of the Institute will depend on the passage of the special legislation now before the Sicilian Parliament, and in its absence, on the continued support of the city and region which would be on an annual basis.

I congratulate Professor Bassiouni and wish him and the members of the Institute success in their continued efforts to promote world understanding through international law.



## EAST BATON ROUGE PARISH COUNCIL OPPOSES AID TO NORTH VIETNAM

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. RARICK. Mr. Speaker, the Parish Council of East Baton Rouge, governing body of Baton Rouge, the capital city of my State and the largest city in my district, recently went on record in the form of a resolution as "unalterably opposed to the use of American dollars to rebuild or otherwise financially aid the country of North Vietnam."

The council called on the President and Congress to "abandon the proposed legislation to provide such financial support."

I am in complete agreement with the position taken by the East Baton Rouge Parish Council in this matter.

This position is representative of the feelings of a vast majority of the people I represent. I stand with them in their opposition to any legislation proposing aid to North Vietnam, and shall cast our people's vote in Congress against any such proposal to come before this body.

I insert in the RECORD the full text of the resolution adopted by the parish council of the parish of east Baton Rouge on April 11, 1973:

RESOLUTION OPPOSING THE PROPOSED LEGISLATION TO PROVIDE FINANCIAL SUPPORT BY THE UNITED STATES FOR THE REBUILDING OF NORTH VIETNAM

Whereas, the President of the United States has proposed that untold millions of dollars of this country's taxpayers' funds be utilized to rebuild the country of North Vietnam; and

Whereas, the United States presently faces the greatest financial crisis in the history of this country due in large measure to the constant siphoning of billions of dollars from this country for foreign aid, which practice continues to weaken the financial stability of this country; and

Whereas, the expenditure of large sums of money to rebuild a Communist country is contrary to our national welfare and the best interest of the people of this country; and

Whereas, unless we discontinue the practice of deficit financing, this practice will continue to destroy the financial fibre of this country and may ultimately result in the destruction of the greatest nation in the history of the world; and

Whereas, in spite of the temporary showing of good will and friendship on the part of the Communists, the goal and avowed purpose of Communism is the ultimate control and domination of all the nations of the world; and

Whereas, the rebuilding of North Vietnam with U.S. dollars would directly aid in strengthening the mortal enemy of this country, international Communism:

Now, therefore, be it resolved by the Parish Council of the Parish of East Baton Rouge:

Section 1. That this Council is unalterably opposed to the use of American dollars to rebuild or otherwise financially aid the country of North Vietnam, and hereby calls upon the President and the Congress of the United States to abandon the proposed legislation to provide such financial support.

Section 2. That copies of this resolution be sent to President Nixon, Vice-President Agnew, and our United States Congressional Delegates, urging that they not support any such legislation.

## WALL STREET JOURNAL REPORTS ON OSHA

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, as we all know, when the Occupational Safety and Health Act of 1970 was enacted the panic button was pushed in businesses—both large and small—across our land. Fear spread like wildfire—fear of Federal Government encroachment on the free enterprise system; fear of Gestapo tactics by enforcement officers; fear that businesses would be closed down by the Government; fear that "Mom and Pop" stores would be forced out of business due to unreasonable compliance costs; fear that the law was designed to be punitive to business, instead of to protect the safety and health of the millions of workers under its coverage.

These cries of fear seem to have diminished somewhat as a result of 2 years' experience under the act, which I think is well illustrated in an article in the April 24 edition of the Wall Street Journal.

I would like to insert this article at this point in the RECORD and commend it to the attention of my colleagues:

JOB-SAFETY INSPECTIONS PROVE MILDER THAN FIRMS EXPECTED, A SURVEY CONCLUDES

Companies inspected by the Occupational Safety and Health Administration concede the experience "differed vastly" from their "fears and expectations," asserts the Research Institute of America. A survey of inspected firms finds 10% complaining of unfair treatment; only 6% felt their inspector was unqualified. Still, more than half of the inspections resulted in fines, another 35% in warnings.

"Business has taken OSHA is stride," the private research firm asserts. "The law has been less troublesome to small businesses than was feared." Four out of ten firms say cost is their biggest compliance problem; another 30% call "lack of information" on federal requirements the biggest hurdle. "OSHA agrees the information process is a mess," the report says.

## ALASKAN FISHERMEN OPPOSE PIPELINE

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. ASPIN. Mr. Speaker, the United Fishermen of Alaska recently adopted a resolution urging that "serious attention be given to alternative pipeline routes as well as to improve tanker facilities and regulations" in Alaska.

During the current debate concerning the Alaskan versus Canadian pipeline the fate of Alaska's fishing industry is often ignored. If, as the Interior Department has predicted, 140,000 barrels of crude oil are dumped into the northeastern Pacific Ocean every year, the effects on the fishing industry in Alaska and throughout the region could be catastrophic.

For my colleagues' information, I include at this point in the RECORD an article entitled "Will Fish and Oil Mix?" which recently appeared in the Alaskan Fishermen:

WILL FISH AND OIL MIX?

It seems clear that the general public, including many fishermen, are not aware of the information made available in the Trans-Alaska Pipeline impact statement.

The impact statement indicates that, due to the volume of oil that would be moved through the pipeline, even incidental spills under adverse conditions could amount to 140,000 barrels per year. This is five times the amount of oil involved in the Santa Barbara spill.

It is further estimated that 13 barrels of oil per day would be pumped into Valdez Arm via the proposed ballast treatment facilities at Port Valdez.

According to the impact statement, the oily ballast discharged on the high seas could reach the fishing grounds of Kodiak Island and the Alaska Peninsula.

In consequence the fisheries would be adversely affected through the destruction of base organisms in the marine food chain, through destruction of harvestable products such as crab, salmon, and clams, and finally, contamination could adversely affect the market for fisheries products.

"Fisheries products harvested in Alaska and similar pollution-free waters enjoy a record of sustained high quality that could be compromised by even minor pollution incidents. Even though tainting of a fishery product might occur infrequently and affect only a localized area, a single bad experience could adversely affect marketing of similar fishing products from adjacent areas over an extended period of time.

"This indirect effect, resulting in loss of market advantage, may be more damaging to the fishermen and processors than extensive direct mortality of a resource."

In consequence of these and other facts taken from the impact statement, the United Fishermen of Alaska adopted the following resolution January 29, 1973:

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"The United Fishermen of Alaska give our full moral support to the problems of the Cordova fishermen concerning the proposed pipeline terminal and tanker route. We feel the Cordova fishermen haven't been given a chance to be heard, and that potential oil problems could seriously affect all fishermen and fisheries. We urge that more serious attention be given to alternative pipeline routes as well as to improved tanker facilities and regulations in the proposed Prince William Sound terminal area and the Gulf of Alaska."

## ECONOMIC FACT VERSUS PROPAGANDA

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. EILBERG. Mr. Speaker, last Friday the president of the AFL–CIO issued a statement on the present condition of the Nation's economy which should be of great interest to all who are concerned about rising prices, soaring inflation, and continued unacceptable levels of unemployment. Mr. Meany's points are made clearly and concisely. He counters instance after instance of the kind of propaganda which has become all too common from certain quarters in recent days with "fact" as it confronts the average working people of this country.

His words are few, his points well made, thus I insert the text of his statement in the RECORD and commend it to the attention of my colleagues:

STATEMENT BY GEORGE MEANY

The Nixon Administration has embarked on a new propaganda campaign designed to hide the facts of soaring inflation, continued high unemployment, mounting budget deficits and a shocking drop in public confidence. It is trying to convince the American public that "You're all right, Jack."

This is a 1973 version of the big lie technique.

The latest example is an April 25 article in the New York Times (page 39), signed by Roy Ash, director of the President's Office of Management and Budget. Following is a compilation of lies by Ash and the facts:

*Lie No. 1*—"By most of the usual statistics, the second Nixon Administration is off to an excellent start . . . Unemployment is down from 6 percent to 5.1 percent."

*Fact No. 1*—It was the policies of the Nixon Administration that pushed unemployment up to 6 percent.

In February 1969, right after Mr. Nixon took office, there were 2.7 million Americans reported as unemployed—3.3 percent of the labor force. In February 1973, after four years of Nixon economic game plans, 4.4 million Americans were unemployed—5.1 percent of the work force.

More Americans were forced to work part-time in February 1973, than in 1969 because full-time jobs were not available. The Labor Department reports 2.3 million workers were working part-time in February 1973 compared with 1.7 million in February 1969.

Unemployment among married men—the breadwinners—was 1.4 percent in February 1969. In February 1973, unemployment among married men was 2.4 percent.

*Lie No. 2*—"The Nixon policies have succeeded in reducing the rate of inflation from 6.7 percent when the President took office to 2.9 percent today."

*Fact No. 2*—According to Labor Department statistics for February 1969, the Consumer Price Index showed living costs during that three-month period had risen at an annual rate of 4.5 percent. For the same three-month period in 1972–73, the CPI went up at a 6.3 percent yearly rate.

On April 20, the Labor Department reported that living costs jumped eight-tenths of 1 percent in March—the second consecutive month in which consumer prices went up faster than at any time in the past 22 years. The Bureau of Labor Statistics stated: "In the calendar quarter ended in March, the Consumer Price Index rose at a seasonally adjusted annual rate of 8.8 percent."

The truth is that inflation is nearly twice as bad now as it was when Mr. Nixon took office.

*Lie No. 3*—"Confidence for the future is high. America's morale is also high."

*Fact No. 3*—On April 24, the day before Ash's article in the Times, the Survey of Consumer Attitudes, conducted by the Survey Research Center of the University of Michigan's Institute for Social Research, reported:

"Rapidly rising food prices shattered consumer confidence and induced many people, with both high and low incomes, to become pessimistic. Because of the increase in living costs, the proportion of families saying that they were worse off than before and expecting to be worse off increased substantially. . . . Fully two-thirds of respondents in the latest survey said that prices had gone up 'substantially' during the last 12 months. Even so, 44 percent of all respondents expected the rate of inflation to accelerate during the next 12 months."

Stock market prices, despite record-breaking profits, have plummeted in recent days with experts citing a lack of investor confidence in Administration policies for the decline.

*Lie No. 4*—"When the President pledged to hold the Federal spending line at $250 billion in fiscal 1973 and $268 billion in fiscal 1974, he was greeted by howling cries of sour grapes by some members of Congress and in segments of the media."

*Fact No. 4*—The whole budget story must include deficits.

From fiscal 1970—the first full years of a Nixon budget—through the fiscal year ending this June 30, the Administration has accumulated budget deficits of $73.8 billion. This era of the greatest budget deficits since World War II is expected to continue through fiscal 1974 with an Administration forecasted deficit of $12.7 billion.

These budget deficits are essentially the result of huge tax giveaways to big business and wealthy families designed by the Administration and to the impact of the recession of 1969–70 engineered by the Administration.

*Lie No. 5*—"The route that the big spenders in the Congress threaten to take would mean a 15 percent surcharge on every American's income tax. . . ."

*Fact No. 5*—The federal government could raise an additional $29 billion in tax revenues simply by closing some major tax loopholes that permit the wealthy and big corporations to avoid paying their fair share of federal income tax. Closing these loopholes would eliminate any need for an across-the-board tax surcharge.

Expenditure of vast federal funds never bothered Ash when they were spent on major cost overruns for government contracts with Litton Industries when he headed that corporation.

*Lie No. 6*—Finally, Ash argues that the Nixon Administration is doing more for the poor, the sick, aging, and the hungry than President Johnson.

*Fact No. 6*—It is the Nixon Administration that is cruelly dismantling social programs, terminating federal health programs, forcing the elderly to pay more out of their own pockets for health care thus flouting the promise of Medicare, and halting starts of public housing for low- and middle-income families.

The Nixon Administration opposed a 20 percent Social Security increase, sought to slash the school lunch program for needy children and seeks to cut federal help to schools and libraries.

By inference and innuendo, Ash claims the 1972 election was a referendum on social programs and that these programs were repudiated. The choice in the 1972 election was between two political personalities and not a carte blanche rejection of important social programs. The President won the votes of millions of Americans who were dissatisfied with his economic and domestic policies but who were even more dissatisfied with his opponent.

Obviously, American consumers and workers can have no faith in an Administration that practices public deception. How could they?

## PRESIDENT NIXON'S ADDRESS TO THE NATION

### HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. HUDNUT. Mr. Speaker, Scripture speaks of hope as being "the anchor of the soul." A nation without hope, which is faith's derivative, faith directed toward the future, is an anchorless nation. Today, some people are saying America has lost her anchor.

As a result of the Watergate issue, they say, America is suffering great anguish of soul. Watergate has called into question the credibility of the White House and damaged the bridge of trust and confidence between the public and public officials which is so essential to the successful functioning of our democracy. As such, it has created—albeit unintentionally—a spiritual crisis in our Nation.

Many of us sympathize with the President in the anguish he has had to endure this past month and more. Many of us share his heaviness of heart. All of us hope the guilty will be punished, and the innocent vindicated. And all of us want to shore up faith in our Government and our way of life.

Now is the time, I think, to keep faith, not lose it. Bruce Catton, the great historian of the Civil War, once said of the Confederate soldiers:

Though night was coming down around them, they lived as though they stood at the edge of dawn.

Part of the greatness of the American soul lies in its resilience, its courage, its determination to reach the stars through difficulty as frontiers are pushed back, mountains climbed, emergencies met, problems solved, and crises overcome. Now is a time to keep faith with the dawn. When some doubt, it is time to believe; when some give in to cynicism, it is time to hope; when some give up, it is time to gird up; when some curse the darkness, it is time to light a candle.

As our President said in his remarks about Watergate on national TV, we should view this matter of such grave concern to us all as an occasion for reaffirming our faith in the system, not repudiating it. It was the system that brought the truth to light, and the system that will handle the problem. Now is no time to give up on the system—a free press that serves as a gadfly for the public conscience, a court system where innocence and guilt can be fairly established, a Congress that responds to and is open to the will of the people, an Executive that searches diligently for the facts. Now is the time to concentrate on building up, not tearing down; on moving ahead, not looking backward; and on solving problems, not ignoring them.

It is a time when Americans should renew their faith in the ideals and institutions which supply our country with its lifeblood. Lincoln long ago called America "the last best hope of earth." It is still that way. Now is no time to forget it, or deny it.



## GOVERNMENT EMPLOYEES POLITICAL ACTIVITY ACT OF 1973

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. WALDIE. Mr. Speaker, I am today introducing a bill which would free State, local, and Federal Government employees from overly restrictive provisions of the Hatch Act governing their political activity.

While it is mandatory that public employees continue to be prohibited from using their official authority or influence to affect elections, as American citizens, government employees have an inherent right to take an active part in political management and political campaigns so long as this activity takes place strictly in their roles as private citizens.

The Hatch Act has already been found to be impermissibly vague, and in violation of the first amendment's guarantees of freedom of speech and association. Now is the time for Congress to clarify this important matter by drafting specific legislation to define the parameters of permissible political activity, and thereby remove public employees from their status as "second class citizens."

Among other provisions, my bill would allow States, local, and Federal, employees covered by the Hatch Act to serve as delegates to political conventions, to address political meetings, to distribute campaign literature, and to be a member of a political club—all of course during nonduty hours.

Mr. Speaker, it is time that we enacted this legislation. The full text of the bill follows:

H.R. 7394

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Government Employees' Political Activities Act of 1973".

SEC. 2. (a) Chapter 15 (relating to political activities of certain State and local employees) of title 5, United States Code, is amended as follows:

(1) Paragraph (5) of section 1501 is amended to read as follows:

"(5) the phrase 'an active part in political management or in political campaigns' includes—

"(A) candidacy for, or service as a delegate, alternate, or proxy in any political convention, or service as an officer or employee thereof;

"(B) participation in the deliberations of any primary meeting, mass convention, or caucus, or addressing such meeting, making motions, preparing or assisting in preparing resolutions before such meeting, or taking a prominent part therein;

"(C) preparing for, organizing or conducting political meeting or rally, or addressing such a meeting on any partisan political matter, or taking any part therein;

"(D) membership in a political club or organizing such a club, so long as such membership does not involve holding any office in, or receiving any compensation from such club;

"(E) distributing campaign literature, or distributing or wearing campaign badges and buttons;

"(F) publishing, editing, or managing a newspaper, including a newspaper which is generally known to be politically partisan, and writing for publication, or publishing any editorial, letter, or article, signed or unsigned, for the purpose of soliciting votes either in favor of or against any political party, candidate, or faction, so long as the official employment or authority of the author is not referred to in any such editorial, article, or letter;

"(G) organizing or participating in any political parade;

"(H) initiating or signing a nominating petition on behalf of a partisan candidate, and canvassing for signatures of other persons for such petition; and

"(I) candidacy for nomination or election to any National, State, county, or municipal office.".

(2) Section 1502 is amended to read as follows:

"§ 1502. Use of official authority or influence to affect elections prohibited; political activities permitted.

"(a) A State or local officer or employee may not use his official authority or influence for the purpose of interfering with or affecting the result of an election.

"(b) Each person to whom the provisions of subsection (a) of this section apply retains the right—

"(1) to vote as he chooses,

"(2) to express his opinion on political subjects and candidates, and

"(3) to take an active part in political mangement or in political campaigns—

"(A) in his role as a private citizen,

"(B) without involving his official authority or influence, and

"(C) while out of uniform or during nonduty hours.".

(3) Section 1503 is repealed.

(4) The table of sections at the beginning of such chapter is amended—

(A) by striking out the heading relating to section 1502 and inserting in lieu thereof the following:

"1502. Use of official authority or influence to affect elections prohibited; political activities permitted."; and

(B) by striking out the heading relating to section 1503.

(b) Subchapter III (relating to political activities of certain Federal employees) of chapter 73 of title 5, United States Code, is amended as follows:

(1) Sections 7323, 7326, and 7327 are repealed.

(2) Section 7324 is amended to read as follows:

"§7324. Use of official authority or influence to affect elections prohibited; political activities permitted.

"(a) An employee in an executive agency or an individual employed by the government of the District of Columbia may not use his official authority or influence for the purpose of interfering with or affecting the result of an election.

"(b) Each person to whom the provisions of subsection (a) of this section apply retains the right—

"(1) to vote as he chooses,

"(2) to express his opinion on political subjects and candidates, and

"(3) to take an active part in political management or in political campaigns—

"(A) in his role as a private citizen,

"(B) without involving his official authority or influence, and

"(C) while out of uniform or during nonduty hours.".

(3) The table of sections for such subchapter at the beginning of chapter 73 is amended—

(A) by striking out the headings relating to sections 7323, 7326, and 7327; and

(B) by striking out the heading relating to section 7324 and inserting in lieu thereof the following:

"7324. Use of official authority or influence to affect elections prohibited; political activities permitted."

SEC. 3. The provisions of this Act shall become effective upon the date of enactment of this Act.

## HAL BORLAND RECIPIENT OF AWARD

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mrs. GRASSO. Mr. Speaker, the Association of Interpretive Naturalists recently made an excellent decision when it selected columnist and writer Hal Borland a sthe recipient of their annual award.

Mr. Borland's columns in the Torring-



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ton Register and elsewhere provide residents of the Sixth District with a most perceptive and entertaining view of the world of nature. His writings reflect a profound knowledge, understanding and appreciation of the natural wonders which abound, as well as the need to conserve and protect these treasures.

Although the people of the Sixth District are far from being the only beneficiaries of his insight, we take special pride in paying tribute to this resident of Salisbury who has enriched all our lives.

## OUR NATION SALUTES THE NEW JERSEY CHAPTERS OF SCORE, THE SERVICE CORPS OF RETIRED EXECUTIVES

### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. ROE. Mr. Speaker, the wealth, destiny, and foundation of our representative democracy depend upon people and the very fiber of our society are the people—the people who work at it and continue to make it work are the core of our well being and progress. People—purpose—progress.

But what of the scores of people who have labored in the vineyards of America's greatness and have reached what we call our retirement years? It would be so easy then to sit back and say my job is finished.

Today I ask you and my colleagues here in the Congress to join with me in applauding the volunteer retired executives who have organized with their peers under the sponsorship of the Small Business Administration and the Government agency, known as "ACTION," to provide their knowledge, good counsel, judgment and lifetime of experience to help the small businessman to avoid the pitfalls and achieve success in the business world.

As you know, SCORE—Service Corps of Retired Executives—has had the wholehearted endorsement of Congress as a nationwide organization sponsored by the Small Business Administration and affiliated with ACTION, the U.S. Government agency which embraces all volunteer groups such as SCORE, VISTA, the Peace Corps and the foster grandparents program.

On May 9, 1973, the New Jersey Chapters of SCORE will hold its sixth statewide conference at King's Grant Inn, Point Pleasant, N.J., to explore and discuss the needs of the small business community and how their membership can do a better job and help more people. During the past year, more than 1,000 cases were handled by the New Jersey SCORE chapters. May I respectfully request you and my colleagues here in the Congress to join with me today in extending a message of deep appreciation to them in national recognition of their unselfish efforts and continued good works.

This year's all day conference has been organized by the following committees:

COMMITTEE MEMBERS

General Chairman: William C. O'Brien, Piscataway, formerly Vice-President, Ruberoid Company, New York.

Vice Chairman: John D. Long, Chatham, formerly Assistant Manager, Esso Standard Eastern.

Secretary-Treasurer: Joseph A. Dowling, Nutley, formerly Controller, Johns-Manville Corp., New York City.

Program: Theodore J. Ignall, Teaneck, formerly Co-owner, Master Etching Co., Lodi.

Arrangements: Thomas Jones, Sr., Lakewood, formerly Vice-President, Paul Klemptner & Co., Inc., New York City.

Registration: Mary S. Huber, Lakewood, formerly buyer for Mercantile Store Co., Inc., New York City and William Kerchof, Lakewood, former owner Selden Parts Corp., Long Island City, New York.

Attendance: Benjamin M. Van Cleve, Short Hills, formerly Vice-President and Director Sherwin-Williams Paint Co.

Publicity: William L. Rech, Maplewood, formerly Vice-President, D'Arcy Advertising Company, New York City.

Advisory: Henry L. Hurwitz, Fair Haven, formerly Sales Executive with L. Grief & Bro., Baltimore; Joseph M. Price, Marlton, Attorney; Lawrence E. Ruf, Lakewood, formerly supervisor of general accounting, Humble Oil and Refining Co.; and Radcliff Kilbourne, Ocean City, formerly with E. I. Dupont De Nemours.

A special feature of the session will be the presentation of an award to the New Jersey small businessman of the year by Andrew P. Lynch, District Director of the Small Business Administration, who is highly respected throughout our State of New Jersey and the Nation for his most outstanding career and distinguished service to our business community. The recipient of the award will be H. Stewart Warner, president of Warner Woven Label Co., Paterson, N.J., and a highly esteemed member of my Eighth Congressional District of New Jersey. Mr. Lynch will also present service certificates to the following SCORE members:

AWARDS

SIX-YEAR SERVICE AWARDS

William R. Kelty, Bound Brook.
Roy Bellis, Dunellen.
W. S. Lienhardt, Springfield.
Charles Ross, Westfield.
Benjamin Van Cleve, Short Hills.
John Dizer, Upper Montclair.
Harry C. Hahn, Montclair.
James F. Kearns, Montclair.
Nelson Lyon, Whippany.
Frederic E. Sutter, West Caldwell.
Duncan D. Williams, Montclair.
William Friedman, Trenton.
Palmer B. Williams, Lakewood.
Sterling E. Apgar, Bound Brook.
Charles A. Berghoff, Bound Brook.
John H. Nolan, Summit.
Jules F. Valois, Jersey City.
Hugo A. Galligan, Short Hills.
Joseph G. Dorfman, Paterson.
John G. Jewett, South Orange.
Victor Kurbywait, Upper Montclair.
J. W. Stoner, Paterson.
Joseph Wenick, Caldwell.
Victor Leiker, Atlantic Highlands.
Donald K. Mirrielees, Lakewood.

THREE TO SIX YEARS SERVICE AWARDS

Alex Katchen, East Brunswick.
Kenneth Grant, Maplewood.
John D. Long, Chatham.
F. Morse Smith, Upper Montclair.
Wm. C. Heidelberger, Edgewater.
Howard W. Levy, Maple Shade.
Louis Frigarsky, East Orange.
Mayer S. Lederer, South Orange.
W. L. Rech, Maplewood.
Frank B. Heiser, Red Bank.
Thomas H. Jones, Sr., Lakewood.

Mr. Speaker, thank you for the opportunity to call this noble endeavor to your attention today and for the unanimous support of you and my colleagues in joining in this national recognition of these dedicated, industrious members of SCORE, all successful retired executives themselves, who continue to participate in the mainstream of our Nation's commerce, industry, finance and banking services through volunteer counseling services to the small businessman and people who contemplate a small business enterprise. We do indeed salute the New Jersey chapters of SCORE.

## PROBE ORDERED AT LEXINGTON DRUG CENTER

### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. CARTER. Mr. Speaker, when a heroin addict is asked, "If you had all the heroin you would ever need, would you ever break the habit?" the universal answer is "No." My authority for this is Dr. Moe Sievers, Department of Pharmacology, University of Michigan.

For this reason, employment of ex-addicts in any treatment program for drug addiction is fraught with danger. Unless it is positively known that an addict has been completely cured, it is unwise for this ex-addict to be in any program where addicting drugs are available.

I enclose a news article from the Louisville Courier-Journal, by Maria Braden, concerning an investigation of the Government's clinical research center in Lexington, Ky., and the so-called Matrix House at the research center. I trust better direction, supervision, and administration will be conducted by NIMH in the future. If adequate direction, supervision, and administration had been executed by the National Institute of Mental Health, the sordid affair at Matrix House would not have been possible.

The article follows:

JUDGE ORDERS PROBE OF U.S. DRUG CENTER IN LEXINGTON

(By Maria Braden)

LEXINGTON, KY.—A U.S. District Court judge yesterday ordered a complete investigation of the government's Clinical Research Center here for drug addiction and said any judge who has sent people there should be ashamed.

Judge H. David Hermansdorfer issued his order in connection with the sentencing of the former director of one of the units at the center, who was to be given a psychiatric exam before he enters prison.

After a trial lasting almost two weeks, Jon Staten Wildes, 27, former director of Matrix House at the research center was convicted Wednesday of 10 federal law violations.

The judge sentenced him to 36½ years in prison, but noted that he gave the maximum sentence only to provide for psychiatric examination. He said he would reduce the sentence later.

"Earlier in this trial, I signed an order committing a man to the center and I am ashamed that I did it," the judge said in a statement from the bench.

He ordered U.S. Atty. Eugene Siler to conduct an investigation of the center to cover the period that began Jan. 1, 1969, and continuing to the present. He promised court orders for use of any federal agency that is needed.

"Mr. Siler, if you have ever conducted a complete investigation in your life, this had better be one," the judge said.

Hermansdorfer also said he is going to arange for any patient now at the center to be able to contact him or any other federal judge by telephone if they had something to say.

The research center is the National Institute of Mental Health's sole drug research center for the nation. It formerly was operated by the U.S. Public Health Service and was commonly known as "NARCO."

It became famous years ago when entertainment personalities reportedly were treated there for drug addiction.

Witnesses at the trial told of sex, brutality and bizarre rites that went on in Matrix House, an unguarded halfway house for ex-addicts who were not yet ready to live in society.

Many of those at the research center's Matrix House were sent there by the courts, mostly from east of the Mississippi River.

"Upon accepting these persons, the administrator (Dr. Harold S. Conrad) assumed the responsibility for their care and treatment," the judge said.

"The record suggests that Dr. Conrad permitted ex-addict staff to subject patients at Matrix to traumatic so-called therapeutic abuses approaching a clear disregard for the dignity of the individual patients and their civil rights."

Hermansdorfer vowed that his court would never send anyone to the center as a patient as long as Dr. Conrad was its administrator.

Matrix House was patterned after an experimental program begun in California. It involved various kinds of therapy, freedom of the patients to come and go and a rigid schedule of work for the patients.

However, one patient told of physical and sexual abuse there and the government tried to show that firearms and explosives were on the property.

Wildes was convicted of, among other things, owning guns while a convicted felon, but the government was unable to prove that explosives existed on Matrix House premises.

USE OF "CROSS" CRITICIZED

"Even so, I have no doubt that explosives existed there," the judge said. And he criticized Dr. Conrad for saying he visited the home daily and did not know of the use of the "cross" to abuse patients or nude dancing or the practice of patients dressing in the clothes of the opposite sex.

The nudity and odd clothing were referred to in testimony during the trial. The "cross" was a sort of torture device. Patients were allegedly forced to stand against it while being scoffed at—or worse.

Wildes is to undergo 75 days of psychiatric examination at a federal facility at Springfield, Mo., then reappear before the court here for resentencing.

In a statement issued at trial's end, he said he didn't receive a fair hearing because "Judge Hermansdorfer was obviously biased during the entire trial.

"In my opinion, the jury had specific instructions outside of the courtroom from both judge and prosecutor," he added.



## STUDENT AID APPROPRIATIONS

### HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. KEATING. Mr. Speaker, on April 26 the President signed into law House Joint Resolution 496, a supplemental appropriation measure which includes $872 million for postsecondary student aid for the 1973–74 academic year. The House-passed version of student aid appropriations was accepted by the House-Senate conference committee.

The supplemental appropriation was desperately needed by postsecondary institutions and students now receiving financial aid. I was pleased to see the support of my colleagues and the President in allowing for the funding of existing programs, supplemental opportunity grants, college-work study, and the national direct student loans, in addition to the new basic opportunity grants.

This law will provide $122.1 million for BOG, $210.3 million for SEOG, $270.2 million for Work-Study, and $269.4 million for the NDSL program. Carryover funds, available for NDSL in the next academic year, bring that total up to $293 million.

The amount earmarked for the new basic opportunity grants may be added to the $210.3 million available for the supplementary educational opportunity grants if it is too late to put the BOG program into operation by this fall.

This swift action by Congress will mitigate the confusion that has been experienced by postsecondary institutions, students, and parents as to the direction of student loans in the coming academic year. It also provides for the introduction of the basic opportunity grants to reach a greater breadth of students.

## PHASE III—A DISAPPOINTING FAILURE

### HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. STEELMAN. Mr. Speaker, the President's phase III economic policy is a disappointing failure as evidenced by the performance of prices across a broad range of goods and services. Food is the most obvious area of failure because it is a goods bought daily by consumers. However, the failure extends to most products bought and sold in the marketplace.

The current policy is a halfway policy, one that flirts with both a free market economy and no controls on the one hand; and, on the other hand, seeks to selectively impose controls without going all the way. This is a disastrous policy. The current situation demands either no controls at all, the course which I prefer, or very strong controls for a short period of time prior to returning to a free market economy as a long-range policy.

The action of the Congress approving a 1-year extension of the President's wage-price controls authority is a mistake and I voted against renewing the authority because I feel that the imposition of wage and price controls is justified in only very special circumstances. And, when imposed, they should be strong and for a limited period of time.

The effect of keeping a "lid" on for a sustained period of time is that the pressure builds to a boiling point and boils over in the form of exorbitant wage and price demands once the lid is taken off. Business and labor take the attitude that "it is now time to make up for lost time and catch up." The main cause of inflation is deficit spending on the part of Government and this is where our efforts should rest in trying to establish a congressionally authorized budget ceiling and learning to establish our spending priorities in line with our receipts of revenue.

## PENN STATE'S AGRICULTURAL AND EXTENSION PROGRAMS AID FLOOD VICTIMS

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. EILBERG. Mr. Speaker, the Pennsylvania congressional delegation met on April 3, 1973, with representatives of the Pennsylvania State University. Dr. Russell Larson, provost of the university, presented a paper on behalf of Penn State's College of Agriculture. Dr. Larson expressed concern about the impact on the Commonwealth of Pennsylvania of proposals in the executive budget to reduce Federal appropriations for agricultural research and extension. I was deeply impressed with Dr. Larson's presentation and at this time I enter it in the RECORD:

A REPORT TO THE PENNSYLVANIA DELEGATION, APRIL 3, 1973

I am pleased to have the privilege of talking with you again about the programs of the Pennsylvania Agricultural Experiment Station and the Pennsylvania Cooperative Extension Service, both of which are responsibilities of the College of Agriculture of The Pennsylvania State University.

Much has happened since I reported to you more than two years ago regarding our programs under the Hatch and Smith-Lever Acts.

The current budgetary problems are, of course, a serious concern to all of us in this room. The impact of proposed reductions in both state and federal support has been felt by the entire University and the College of Agriculture in particular.

It is not my intention today to give you an "instant replay" of the budgetary hearings and the pressures I know you have all been under.

I will, instead, take a "positive approach" and briefly describe some examples of the real breakthroughs and encouraging results we have had from a number of our research and educational programs.

If I slip in a few commercials for continued public support of these programs, please forgive me. I think I have much justification for so doing.

Our Extension programs in the areas of nutrition, youth work, and rural leadership have made real progress. And we have charted an ambitious course in program designed to protect and enhance the quality of the environment for all our Commonwealth citizens.

I do not intend to imply that we have succeeded in solving all of the problems—economic and societal—that beset our Commonwealth. Only that we may have alleviated some of them and are working on others on the extent that our resources and abilities will allow.

XUM

Extension's response to the disastrous June 1972 floods which struck Pennsylvania was a prime example of this organization's ability and true desire to help people in time of need.

The flood waters drastically changed the lives and living conditions of thousands of people—in cities, in rural areas, and in suburbia.

Entire communities were seriously crippled; homes destroyed; businesses ruined; roads and bridges heavily damaged; crops lost; jobs and savings wiped out.

Extension's response was both immediate and long-lasting. The effort is still going on today and will continue as long as rehabilitation work is needed.

We mobilized our state-wide network to get practical information to the people who needed it. Some of the work continued around-the-clock during the flood.

Extension's mass information activities during the crisis included direct telephone flood information reports to radio stations on water purification and flood protection; how to cope with electrical disruptions and avoid hazards when power was restored; and possible salvage of damaged household belonging and appliances.

Three Penn Statte emergency flood information vans, manned by Extension personnel, toured the hardest hit areas of the Wyoming Valley dispensing valuable information on water and flood protection; mildew problems on clothing, bedding and furniture; and care of homes once the flood waters subsided.

The rehabilitation work continues as thousands of flood victims learn to adjust to a new life in temporary housing and trailer parks; or seek to restore damaged farm land, buildings, and small businesses.

The "toll" taken by poverty and the lack of adequate diets is a continuing national concern.

I would like to report on the progress in a program with which you are quite familiar—*Extension's Expanded Nutrition Education Program.*

Nutrition Aides, trained and supervised by Penn State's Cooperative Extension Service, are reaching families from center city to mountain shacks.

The Aides help families to manage better in shopping for, preparing, and storing foods. Families are also encouraged to use the Food Stamp program or commodity foods.

Today in Pennsylvania there are 320 Nutrition Aides working with more than 15,000 families in 53 of the Commonwealth's 67 counties. They are working on a "one to one" basis and in group meetings.

They are succeeding because they "know" the people, and, more importantly, they can identify with the problems and communicate with the people who they serve.

Forty professional Nutrition Assistants have been added, through continued Federal support, to work with disadvantaged youth in low-income rural and urban communities.

The total number of young people reached by this program since the youth phase began is more than 30,000. Nearly 1,000 volunteers were recruited from the neighborhood where they live and work to help with this successful effort.

Through our current TV series called "Mulligan Stew," started in January 1973, the message of good nutrition has reached more than 125,000 children from all income levels in the 9–12 age group.

This "Sesame Street" approach through the television media is a USDA sponsored series utilizing professional actors and coordinated learning materials mailed to the viewers.

Pennsylvania, through cooperative efforts of the 4-H program and the elementary schools, is one of the first states in the nation to use this educational series.

After four years of work and growth with the Extension Nutrition Education program, we can report substantial service as measured by the improved dietary habits of low income people.

There has also been marked success in family money management; improvements in living conditions; and a notable stimulation of personal pride and achievement among these disadvantaged people.

*Rural Development*—Pennsylvania has the highest rural population in the nation—more than three million people according to the 1970 census.

This represents a large number of people with many critical needs.

Despite these large numbers, rural Pennsylvania is losing its population in a steady stream. Between 1960 and 1970, more than 400,000 people out-migrated from Pennsylvania. (The highest rate in the nation.) All but 50,000 of these people came from rural areas of the Commonwealth.

Many of the young, talented and potential leaders have joined in this migration—out of the rural areas and out of the Commonwealth. And in an urbanized nation whose rural and urban problems are so directly related, the revitalization of our rural areas is becoming increasingly critical.

Extension is assisting communities and entire regions to evaluate their situations and to take stock of both their human and natural resources.

This rural development effort includes working with local government officials, planning and zoning commissions, authorities, and groups of concerned citizens seeking solutions to land-use problems, municipal waste disposal, needed community services, and the dangers of environmental pollution.

The "grassroots" public affairs educational program designed to train rural Pennsylvanians in effective community leadership was launched in 1970. The W. K. Kellogg Foundation provided a grant of approximately $500,000 to expand this activity during a five-year period.

Nearly 300 rural adults, approximately 25 to 40 years of age, have participated in this unique program. The training is open to anyone, regardless of completed formal education. Participants must have the potential for leadership and a desire to take an active part in tackling rural problems.

From three groups of first-year program participants, a smaller number is selected for a second and third year of training. Each group receives 20 days of intensive training per year.

Second year groups travel to Washington for first-hand exposure to governmental operations at the Federal level.

A number of you visited with these young rural leaders two weeks ago. They came back quite impressed and "said" they had discussed a number of issues with Senator Dick Schweiker, Congressmen Dan Flood, Joe McDade, Joe Vigorito and E. G. "Bud" Shuster.

Participants in our Public Affairs Leadership program have returned to their communities armed with additional knowledge in areas of economic development, governmental structure, communications, the provisions of human services, and rural-urban interdependencies.

They are putting this knowledge to good use in helping to solve the complex problems faced in rural Pennsylvania.

Training under the Kellogg Grant terminates in 1975. A leadership packet, being developed from the training and experiences of this five-year program, will be made available to our County Extension offices, for the continuation of the basic aspects of this program.

More than 1.3 million Pennsylvanians had direct contact with the Extension Service in the fiscal period ending June 30, 1972. Individual assistance was offered to 960,000 persons—an increase of 28% over the previous year.

The 4–H youth program alone attracted 600,000 young people to meetings and provided individual assistance to 170,000 youngsters. Twenty-five percent of our total Extension staff time is devoted to youth work.

Extension has changed as the needs of the people have changed. But we believe Extension's "sense of purpose" remains the same as it was more than 50 years ago.

AGRICULTURAL EXPERIMENT STATION

The Pennsylvania Agricultural Experiment Station is actively engaged in a large number of problem-oriented research projects.

Many of these projects would be seriously reduced or eliminated if the proposed Executive Budget decreases materialize. (I will comment on this situation at the conclusion of this presentation.)

I would like to report now on some recent and substantial accomplishmenst from our research efforts.

*Corn Leaf Blight*—Some of our research resources were diverted from other problem areas in response to the corn blight emergency in 1970. Penn State scientists strongly advocated in 1971 that the Deep South be planted only to resistant hybrids to avoid another epidemic. The South was virtually devoid of sterile susceptible materials in 1971 . . . and as you know . . . the blight epidemic did not materialize in 1971 or 1972.

If corn blight taught us anything, it should be that curtailment of the research effort could have disastrous consequences when we are called upon to cope with future problems of an exceedingly critical nature.

*Stone Fruit Disease*—Since 1967, Pennsylvania fruit growers have lost an estimated 90,000 peach trees as a result of prunus stem pitting. This represents a dollar loss in excess of $600,000.

At the same time, losses of other stone fruits, including cherries, plums, nectarines and apricots, have been in excess of $220,000; and fruit tree nurseries report a five-year loss of nearly $225,000. This disease has cost the Commonwealth well over one million dollars . . . and this loss would have continued to multiply had it not been for Penn State fruit research efforts.

Intensive research on this problem has been underway at our new Fruit Research Laboratory in (Biglerville) Adams County. The results of these studies, some so current they are as yet unpublished, indicate a real breakthrough.

The casual agent of stem pitting has been definitely identified as tomato ringspot virus. The vector carriers of tomato ringspot virus which are present in Pennsylvania orchards and fruit tree nurseries have been identified as nematodes.

Armed with this new knowledge, our staff, in cooperation with the Pennsylvania Department of Agriculture, has developed a workable control program aimed at reducing losses due to stem pitting.

Peach nursery stock grown under the guidance of this control program lost only two-tenths of a percent of the trees to stem pitting as compared to the average yearly loss since 1967 of 31 percent.

Since the few trees which had stem pitting were discarded, the control program essentially elliminates stem pitting in Pennsylvania peach nurseries. With continued research and control efforts, this disease should become a thing of the past.

Our total investment in stem pitting research amounts to $154,000 over a five-year period. We believe the return on this investment will amount to several millions of dollars in savings to fruit growers, nursery stock producers, and ultimately to the consumers of Pennsylvania fruit products.

*Dairying* is still, by far, the leading agricultural industry in Pennsylvania. Cash farm income from milk produced by Commonwealth dairymen in 1971 totaled nearly 466 million dollars . . . or approximately 43.6 percent of total raw product farm income in the state.

*Bovine Ketosis* is a "disease of progress" which afflicts only the better cows. Basic Penn State research probed the disturbed metabolism of dairy cows afflicted with this disease. It was shown that there was a defect in fat metabolism in ketotic cows.

Our scientists found that those animals with the genetic potential for high milk production responded to dietary supplementation with *methionine* by producing more fat and total pounds of milk. Milk increases of 800 to 1,000 pounds per cow during a lactation were recorded in a number of herds using this supplement.

The use of methionine offers a $5 to $6 return for every $1 spent. This represents a potential benefit to Pennsylvania dairymen of 20 million dollars per year.

Several large chemical companies have field trials underway to further test the milk production increase. The results of these field trials are also excellent.

The research leading to the discovery of methionine as an effective response to bovine ketosis spanned a four-year period and represents a $54,000 investment. To my mind, when 20 million dollars for Pennsylvania alone can be realized from $54,000 investment, the returns are good.

*Mushrooms Research*—Can our research and educational programs save an industry? We think so.

Pennsylvania produced 61 percent of the total United States mushrooms crop during 1971–72. The cash-value of this production was 64.4 million dollars. Those who represent the southeastern Pennsylvania mushroom production areas are fully aware of the importance of this industry.

Mushroom growing and processing have been and continue to be a labor-intensive industry which today employs close to 10,000 people.

Although there are only about 500 mushroom growers in Pennsylvania, the industry represents an important segment of our agricultural economy.

During the past decade, countries with an inexpensive labor supply—in particular Taiwan and Korean—began to grow and process mushrooms for export. As of the end of 1972, imports accounted for 58.8 percent of the total supply of processed mushrooms.

It was obvious that Pennsylvania growers had to meet this competition with more efficient production methods or go out of business.

This is what Penn State has done to assist the mushroom industry in Pennsylvania:

1. In 1965–66, an engineer and two biologists on our Penn State staff developed a forced-air ventilation system for mushroom growing.

2. An original Penn State proto-type machine to spawn beds of mushroom compost was introduced in 1966–67.

Commercial models of both the ventilation system and the spawn machine are now available and are being used by the mushroom industry.

3. An agricultural engineer is currently working on a proto-type mechanical mushroom harvester. Time will tell if it will become commercially feasible and available. It looks promising.

4. Processing research at Penn State has demonstrated that on a commercial basis, loss due to mushroom shrinkage during processing can be reduced at least 10 percent.

5. It has been found that fruiting stimulators (vegetable oils) to compost will increase production a *minimum* of 16 percent, a fact verified by commercial use.

6. Our plant pathologists announced early this year the discovery that a new fungicide named benomyl is capable of increasing mushroom yields by as much as 48 percent. By controlling a disease known as verticillium spot, or "dry bubble," benomyl could add more than 100 million pounds to Pennsylvania's annual harvest of mushrooms.

Such increased production would mean four million additional man hours of work and an increase of at least 15 million dollars to the economy of the Commonwealth.

7. To meet the critical international competition of which I spoke, a Penn State scientific team composed of an engineer, a biologist, an economist, and an entomologist worked for two years to design, construct, and plan the maintenance and operation of a mushroom test demonstration facility.

This small-sized pilot plant combines all of the advances in technology which have been developed over the past ten years, it has already offered answers to questions asked for years by growers and processors.

Using this pilot plant as a model, one large commercial plant has been built and is in production in Pennsylvania. Two other plants are in the final design stages, incorporating many of the features demonstrated in the Penn State facility.

We believe this total effort has contributed significantly to the saving of an important Pennsylvania industry.

CONCLUSION

Many significant research programs are now in jeopardy. The severity of the proposed executive budget reductions for agricultural research and development will make it necessary to reduce some projects, abandon many, and to postpone initiation of others. As you may know, the President projects a 1974 budget for research and development which reduces the amount to state stations from $75 million to less than $60 million—a cut of 21 percent. For Pennsylvania, it would mean a reduction of $631,885 of what has been continuing support since first initiated by the Hatch, Smith-Lever, and related Acts.

I have requested that our Experiment Station and Extension Administrators provide a brief summary of specific reseach programs where they will need to program budget decreases which will result in the termination, or serious curtailment, of significant research projects.

A copy of this summary will be provided for you, along with a copy of my comments today.

We strongly believe the Agricultural Experiment Station and Cooperative Extension Service at Penn State contribute to many segments of Pennsylvania's economy and the Commonwealth's citizens as a whole. Every dollar invested returns hundreds in dividends—both in economic and social benefits.

I listened to the President's message last week, urging that his executive budget be approved, and expressing concern about increased government spending. He justified military budget increases based on the need to negotiate world peace from a position of strength. I agree with this philosophy, but wish to point out that one of the greatest weapons in the U.S. arsenal is its ability to produce an abundance of food. The trouble is—it is taken for granted, which we simply cannot do.

1. It isn't only a matter of fortuitous circumstances that the U.S. farmer can produce—

over 100 bushels of corn per acre;

16,000 pounds of milk per cow in ten months;

275 eggs per hen; and

8 to 12 tons of concord grapes per acre.

Or that the average family, even today, needs only spend 17 percent of income for food.

2. But, it took 35 years from the inception of the idea for hybrid corn to farm adoption.

It took 25 years for Dr. Borlaug to develop his miracle wheats—and that with excellent support.

It has taken 50 years to develop cattle and management practices to obtain the high production and efficiency we now expect.

3. These developments require know-how, hard work, patience, and continuing effort.

4. If they had not been done, we would be like other nations of the world where man spends 40 percent or more of income for food.

5. In my opinion, no expenditure of federal dollars has returned as much on the investment made, unless it was the Alaska purchase.

6. We are no longer in a food surplus situation in the U.S.

7. If we do not sustain at least the level of present effort, we could indeed be performing a hysterectomy on the goose that lays the golden egg.

We hope we can count on you, as our representatives at the federal level and as fellow Pennsylvanians, to make every effort to restore these essential funds and keep future funds from impoundments that will disrupt our ongoing programs.

Thank you for listening.

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## KAISER STEEL COMMENDED FOR WATER CONSERVATION SYSTEM

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. BROWN of California. Mr. Speaker, a mild tempest recently erupted when Mr. William Ruckelshaus, Administrator of the Environmental Protection Agency, implied that the Chrysler Corp. had not made good faith efforts to meet exhaust emission control standards in the design of its automobiles. Frankly, I do not believe that any of the big three—GM, Ford, or Chrysler—are making truly exhaustive efforts in this area, but that is another matter.

Industry spokesmen complain bitterly that their efforts to clean up the environment generally go unrecognized, that we only talk about their efforts—deliberate or otherwise—to pollute our planet.

Therefore, I take pleasure in reporting that I have been informed of an effort by industry to conserve natural resources, and I would like to share the knowledge with our colleagues. The San Bernardino Sun-Telegram, in an editorial which ran on April 3, pointed out that the Sports Foundation, an organization of water sportsmen, complemented Kaiser Steel for Kaiser's water conservation efforts. The text of the editorial is as follows:

GOOD FOR KAISER

It is pleasing to give Kaiser Steel Corporation in Fontana, whose operations are often the target of criticism by environmentalists, a pat on the back for its efforts toward resource conservation.

Here it is.

The Sports Foundation, an organization of water sportsmen, annually presents an award to honor companies who have made significant contributions in water pollution control and related water conservation and development.

For 1972, Kaiser Steel was among the finalists. Of the firm the foundation said:

"Kaiser Steel has developed a system which gets more use out of a gallon of water than has ever before been achieved in the history of the steel industry.

"One gallon of water is used up to 42 times.



XUM

Only 1,100 gallons of make-up water are used per ton of steel—as compared with an industry average of 40,000 to 50,000 gallons per ton of steel produced.

"Ecologists point out that effective water conservation is as important as pollution abatement in contributing to a better environment, and companies which have made strides in this direction deserve special commendation."

This, for Kaiser Steel, is well earned.

## HEALTH CARE

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. WALDIE. Mr. Speaker, I was most impressed with a letter sent to me by Dr. Herbert Dörken, chairman-elect, Committee on Health Insurance, American Psychological Association.

In his letter, Dr. Dörken gives a clear comprehensive yet concisely written description of the emerging problems facing the health system in our country:

AMERICAN PSYCHOLOGICAL ASSOCIATION,
*Washington, D.C., March 26, 1973.*

Hon. JEROME R. WALDIE,
*The House of Representatives, Cannon House Office Building, Washington, D.C.*

MY DEAR REPRESENTATIVE WALDIE: Since our discussion regarding federal employee direct access to psychologists for health service, I have given considerable thought to the emerging problems facing health manpower training, health research and the delivery and distribution of comprehensive health (including mental health and rehabilitative) services on a national basis.

There are a variety of interlocking problems together with the fact that needs and resources vary considerably among states and locally, that increased support and availability of health services is publically wanted and that there is a mounting sentiment for local determinism. To channel all health funding to states will not, in my view, solve the situation. Dealing with fifty small bureaucracies is very unlikely to be better than dealing with the federal bureaucracy. There will be a problem of establishing effective minimal standards; there is pragmatically the consequence that the more hands money must pass through to its program objective, the less will filter through; there continues to be a need for new knowledge in the health field which knows no local boundaries; finally, there is the reality that the major health professions are characterized by high mobility.

How best to accommodate to all these exigencies? A national health insurance plan would seem to be the only realistic basis, but only if program implementation, that is, the delivery of health services, meets certain criteria:

(1) Given minimal standards, there must be a choice for beneficiaries, *a pluralism of service delivery models*. I have in mind a healthy competition, avoidance of monopoly, and respect for individual preference.

(2) Local resources and health needs vary widely across the country and will only be addressed if there is opportunity for local determinism with *consumer representation*. While I favor a private non-corporate model for service delivery under the administration (not simply the advice) or a broadly representative public board, I am convinced that special incentives, contracts and local determination of need will be required to effect some redistribution of manpower and perhaps more important, to secure new services and staffing for underserved areas.

(3) Knowledge knows no geographic boundaries, on the one hand, and our knowledge of the etiology and effective treatment of all health disabilities, on the other hand, is quite incomplete. *Research* support whether basic or applied should be accorded on a basis of merit. Clearly the quality will be better in a national than an intra-state competition. Thus it makes no sense to dismantle a federal review panel basis for according priority support to health research proposals of merit. Rather than retaining the present categorical funding for research, I believe funding should be allocated in blocks to designated major health problems (including mental disorder) according to their frequency, with only limited funding for studies of rare or esoteric problems.

(4) The training and continuing education of all health professions must be provided for and can be done far more effectively under an embrella provision than the many separate provisions now extant (Health Manpower Training Act of 1971, Uniformed Services Health Professions Revitalization Act of 1972, the Veterans Administration Medical School Assistance and Health Manpower Training Act of 1972, the Education Amendments of 1972 (higher education) and segments in a variety of other legislation, e.g., as proposed in the Rehabilitation Act of 1972. While state input is essential, realistic indices of national manpower need must be developed, the level of existing manpower resources determined and provisions established to influence future redistribution and coordination.

(5) The biological aspects of health and disability have too often been the exclusive focus or have preempted attention from the frequently concurrent or primary *psycho-social factors*. Published studies whether of pediatric practice, surveys of working adults, studies of the elderly or studies of the economically or medically indigent usually show that in over 50% of the cases the critical presenting health problem is of psycho-social origin. Neglect of the emotional, mental, nervous, behavioral or social competence of the individual results in a neglect of serious health problems, on the one hand, and their being misconstrued in terms that limited health benefit policies will honor, on the other (the program follows the dollar, so to say).

Thus any national health plan which does not provide sound coverage for mental disorder is grossly short sighted and bound to be a cost-benefit failure from the start. Another purpose in emphasizing the psychosocial factors is to stress ambulatory rather than hospital or institutional care, facilitate early intervention rather than waiting for disabilities to reach the point of being grossly disabling and provide incentive and funding for health education prevention and control rather than over-reliance on chronic public care.

(6) Ongoing *utilization review and program evaluation* should be accepted as an integral component (and cost) of any health service. Cost benefit and quality control determination, peer review of practice and utilization, provider assumption of risk and prepaid support of a designated comprehensive health benefits package are all means for achieving greater efficiency and effectiveness.

Bringing it all together then would be a national health insurance plan which would support a plurality of health delivery system models (provided they are competitive and maintain quality) such as the closed panel salaried group practice model, a federation of fee for service practitioners (both with interlocking access to ambulatory care and residential facilities), or a comprehensive HMO with its own resources and staff whether publically administered or as a private partnership or on contract. Portability of benefits must also be a feature.

But the premium or funds generated to support national health insurance must not simply support the health services per se, but the manpower training, research and public health approach that is an essential base for any health care. In effect, each enrollee's premium would include the cost of health services and inherent training, research planning and education This would intend that health services, broadly conceived, become both integrated and fully supported by their activity. This is in contrast to the current categorical approach and such practices as in Medicare of auditing out costs of training and research from patient care. For those employed, the premium could be paid in whole or part by the employer; for those retired, through Social Security, and for the indigent, through social welfare. Nationally, 34% of personal health care was paid by public funds, 41% by fees and private funds, 24% by insurance benefits.

The type of broad support base I am suggesting would enable sound national planning, yet preserve individual choice and be responsive to local consideration. No less important it ought to enable a more effective cost-benefit yield In 1972, the country spent 83.4 billion on health care or 7.6% of the GNP (*Newsweek*). This is enough to pretty nearly buy two premiums to Kaiser or like comprehensive health service for each citizen! Such a situation suggests there is room—and long overdue—to reconceptualize, revitalize and reorganize the entire health care delivery system.

Inclosing, and for some of the points raised above, I believe it is important that the profession of psychology (together with the other major and nationally established health professions) ought to be an integral component of any broad health program and in all its ramifications. I would appreciate your reaction to this proposal.

Sincerely yours,

HERBERT DÖRKEN, Ph. D.,
*Chairman-Elect, Committee on Health Insurance, American Psychological Association.*

## A COMMENDATION FOR A JOB WELL DONE

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. ANNUNZIO. Mr. Speaker, for their service in drug abuse prevention in our community, the 11th Congressional District of Illinois, which I am proud to represent, I wish to commend Mr. Steven Busch, area drug abuse program coordinator; Mr. Joseph Manak, director of the North River Mental Health Center; Mrs. Eleanor Nemcek, president of the United Independent Community Associations—UNICA; and its health chairman, Mrs. Eleanor Rosenberg, who is also the drug abuse program chairman to the Community Mental Health Advisory Board of Chicago.

These four dedicated people have devoted their abundant energy to drug abuse education and prevention in our schools and in the community. The strength of this program has been the sensitivity of the workers to the needs of the community and their close contact with our school-age young people.

This program has been a success and both students and teachers would like to see an expansion of this effort. It is most deplorable that the National Institute of Mental Health has denied funds to the Chicago Board of Health for a continuation of this program.



## PHILIPPINE GOVERNMENT'S PROPOSED TRADE BARRIER

### HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. BURTON. Mr. Speaker, I have long and consistently been a free trader. However, a recent development will intensify the problems of those of us who favor free and fair trade in the legislation under consideration in the Congress.

It has been called to my attention that the Philippine Government is proposing to drastically increase the preference given to processors of copra in the Philippines through a significant increase in the export tax on copra. Presently Philippine Islands processors enjoy a tax preference of approximately $3.25 per ton. The proposed tax would increase their advantage over U.S. processors by a $16 per ton tax preference. That would raise the preference from 2 to 8 percent in favor of the Philippine Island processors over U.S. processors.

The purpose of this proposed Philippine legislation is to insulate Philippine processors from outside competition. I am advised that the processing plant in my district in San Francisco will close if the new tax is enacted. The San Francisco facility employs directly 70 people, 30 of whom are minorities. In addition, there are approximately 50 indirect jobs affected such as longshoremen, teamsters, clerks, et cetera.

The income to the Port of San Francisco from wharfage and dockage on 150,000 tons of copra imports is $115,000 annually. This loss of revenue in addition to the loss of wages and salaries will drastically affect an important segment of the economy of San Francisco.

Mr. Speaker, you are aware of the recent decision by the Department of Defense to close the Hunter's Point Naval Shipyard eliminating over 5,000 jobs in the Hunter's Point area. The San Francisco copra processing plant is located in the Hunter's Point area.

The present export tax on copra and byproducts has brought about an increase in the processing of copra in the Philippines from 594,864 tons in 1969 to 1,013,548 tons in 1972, an increase of 70 percent in 2 years.

By forcing all importers to import only coconut oil and coconut meal from the Philippines, a monopoly by the Philippine processors would be developed and when monopolies exist prices increase and efficiencies are reduced.

It is in the best interest of the United States to have competing processing plants in the United States in order to insure efficiencies and economies in production with resulting competition in price for users of copra byproducts. I understand that the European Economic Community is similarly concerned about the discriminatory and unfair tax and like our State Department, has actively resisted the increase that is proposed.

Mr. Speaker, it seems to me that the Philippine Government is being very shortsighted in this matter particularly in view of the forthcoming treaty negotiations which involve many concerns of much larger magnitude than this single product.

Mr. Speaker, for these reasons I am calling this matter to the attention of the Congress with the sincere hope that the Philippine Government can be made adequately aware of our concern so that reason can prevail and this discriminatory and highly damaging tax proposal will be abandoned.

## POSTAL SERVICE

### HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. CORMAN. Mr. Speaker, during current hearings by the Postal Service Subcommittee of the House Post Office and Civil Service Committee I testified concerning Postal Service in my congressional district. With your permission I would like these remarks submitted for inclusion in today's RECORD:

TESTIMONY BEFORE HOUSE POSTAL SERVICE SUBCOMMITTEE BY THE HONORABLE JAMES C. CORMAN, OF CALIFORNIA

Mr. Chairman: I appreciate this opportunity to speak about the dissatisfaction with mail delivery in my Congressional district. My district covers a large part of the San Fernando Valley in Los Angeles, California. I know that I have much the same thing to say as so many of my colleagues. Yet I must voice the frustration and anger of my constituents to emphasize a need to scrutinize and improve present Postal Service operations.

The most common theme of my many letters on this subject is, of course, tardy mail delivery. One constituent wrote that a bank deposit destined for a four and one half mile trip between Reseda and Tarzana took seven days.

A businessman wrote that after nine days an important business letter from Van Nuys to Burbank, a distance of ten miles as the crow flies, had not yet arrived. Meanwhile, he had to duplicate the letter's contents and deliver it by hand.

Perhaps those most hurt by poor delivery of the mail are the elderly. Many of our senior citizens are somewhat housebound due to fixed incomes and inadequate public transportation. They may also not have family or friends nearby to visit. Thus, much of their communication with the world is by mail—mail to and from loved ones and mail telling them about the course of events played out beyond their doors.

One lady in my district who is seventy-one years old and paralyzed by a stroke wrote that she sits very day, all day waiting for her mail. Letters from her family in Pennsylvania take over eight days on the average to reach her. She wonders whether such service is worth eight cents. I tend to wonder myself.

Besides tardy mail delivery I have received increasing numbers of complaints about lost packages. I can understand a package being lost once in a while with even the most ideal postal system. But surely it should be rare.

The Postal Service Postmaster General, E. T. Klassen, said recently that he has worked hard during the last two years to cut his organization's expenditures. In accomplishing this goal he reduced the Postal Service by 100,000 or fourteen percent of its employees. Now the American people pay the price of inadequate service.

It costs a bank patron to pay late charges on a loan deposit that should have arrived on time. And it certainly costs a businessman to duplicate his mail. The price of poor mail service for the elderly is incalculable.

Mr. Chairman, I hope my comments today will encourage you and other committee members to press for solutions to the critical problems of mail service at the earliest possible time.

## POINTING THE WAY

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. GAYDOS. Mr. Speaker, an event which could prove to be of monumental importance to the American people now and in the future took place in Pittsburgh the other day when the United Steel Workers Union and the so-called Big 10 steel companies agreed on a plan to end nationwide steel strikes.

I feel this agreement has failed to gain the national attention it merits and would like, therefore, to bring it in some detail to the eyes of the Members of Congress. It could open the way to a new era of industrial peace and progress.

Under the agreement, worked out principally by I. W. Abel, president of USW, and R. Heath Larry, chief negotiator for the steel firms, all issues, if any, remaining in dispute in next year's contract negotiations will be submitted after a set date to binding arbitration. The arbitration board would be made up of one member from the union, one from the companies and three selected by both sides.

In other words, there will be no nationwide steel strike. And the corollary of this is that, in advance of the 1974 negotiations, there will be no steel stockpiling in fear of a strike or a further turn of buyers to foreign producers to assure a continuing supply. Neither will there be a steel business turndown that usually follows periods of heavy "hedge" buying—that is, the "boom-bust" cycle which has cursed the industry in the past.

This is the crux of what Mr. Abel and Mr. Larry have entitled the "experimental negotiating agreement" and, if it works, the plan could become the pattern for other unions and companies and thus remove from the industrial scene those costly strikes which hurt everybody.

The new Pittsburgh agreement could turn out to be the new method of reaching contracts. We can hope so. The men who worked it out to mutual satisfaction acted in the highest sense of labor and industrial statesmanship and they deserve public commendation. It is gratifying that their pact was approved with marked enthusiasm by 600 union dele-

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gates, representing the 400,000 basic steel employees, at the meeting in Pittsburgh.

What are the main provisions? A specific timetable is set for the 1974 negotiations. The talks must start by next February 1. Any issues unsettled by April 15 must go to arbitration. All issues must be disposed of and arbitration decisions handed down before July 31 when the agreement expires. Future agreements will be determined by next year's experience. If the plan succeeds, then hopefully it will be continued in the contract years ahead.

There are other provisions, including at the outset an agreement on a 3-percent wage increase each year of the 3-year contract and a $150 bonus for each worker to be paid at the beginning of the 1974 contract. The pay boost is to be considered merely as a floor and not as any indication of what the union may ask next year. The bonus is explained as a way of sharing with employees the economic advantages which the companies will gain by eliminating the hedge buying by strike-fearing customers.

The historic nature of the overall agreement is best told perhaps in statements given the news media by Mr. Abel and Mr. Larry following ratification by the union representatives. The companies had previously given their assent.

Said Mr. Abel:

We have today embarked on an unprecedented experiment that we think will prove there is a better way for labor and management to negotiate contracts.

Added Mr. Larry:

This experimental agreement should work for the union, the corporations, the customers and the nation.

It could also, I might add, lead to industrial stability generally, the kind we need to meet in part the foreign competition which has claimed far too large a share of our markets and, in the case of steel, taken one-fifth of the business and cost scores of thousands of plant jobs.

My hope is that other industries will follow steel's lead so that American industry as a whole may begin a new chapter of labor-management affairs with national strikes as things of the past. The steel pact, it needs to be noted, does provide for individual plant strikes but only after secret ballet and with Mr. Abel's approval. A damaging nationwide strike is banned.

What will the other major unions do? This of course is today's big question. Mr. Abel said in Pittsburgh that he is sure others have been watching the steel agreement and also that George Meany, AFL–CIO president, has expressed keen interest. These could be signs of a better future for all of us.

## LAW DAY: A NATIONAL IRONY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. RANGEL. Mr. Speaker, it is ironic that today, amid the scandal of Watergate, we celebrate National Law Day.

Let us dedicate this day to the residents of the White House and the members of the executive staff who thought they were above the law. Let us remind the departed advisers of the President, the former head of the FBI, and the former Attorney General that they, like all citizens in this country, must be subject to the judgment of the law.

The Nixon administration has destroyed the hope and confidence that so many Americans had heretofore placed in the political process. It is the uncompromising judicial procedures followed by Judge John Sinca and the grand jury investigating Watergate that are beginning to restore that faith.

Let us, today, renew a pledge to stand firm on the side of equal justice under law and hope that someday soon we can become a law-abiding and peace-loving people, from the President on down.

## FIRE CHIEF "MANNY" RODRIGUEZ

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. STARK. Mr. Speaker, I want to recognize an outstanding public servant from my district in California on the occasion of his retirement.

Few persons in fire protection work deserve higher praise and admiration for their professional efforts than the fire chief of San Leandro, Manual "Manny" Rodriguez.

For more than 30 years—the last 19 as chief—Manny Rodriguez was instrumental in guiding the San Leandro department from a small, one-station service with six paid firemen and 30 volunteers to a modern, efficient five-station department with 85 paid firemen.

Chief Rodriguez was faced with the responsibility of providing fire protection to a city that more than doubled its size practically overnight through annexations.

When he started as a fireman in 1942, the department had three wooden-spoked fire engines to protect 6 square miles. Today, it protects 15 square miles with nine pieces of the most modern equipment available.

Chief Rodriguez entered the department as a fireman in 1942. He was promoted to lieutenant in 1948, assistant chief in April 1954, and chief in June 1954.

He has been an active member of numerous fire service organizations both internationally and locally for many years. Some of the positions he has held are: president, fire chief section, League of California Cities; president, California Fire Chiefs Association, northern division; president, California Fire Chiefs Association; president, Alameda County Association of Firemen; member, board of directors of the San Leandro Boy's Club; member, Fire Science Advisory Committee, Chabot College.

He presently holds the position of secretary-treasurer, Western Fire Chiefs Association which is a division of the International Association of Fire Chiefs. He intends to retain this position after retirement just to keep "involved."

Chief Rodriguez was a leader in overcoming the problems faced with phenomenal growth, including relocation of stations, centralized communications, construction of a training center, adding personnel, equipment, and apparatus. Not only were these problems solved but through his successful administration the city's insurance classification was reduced from a four to a three in 1971, which means better fire protection at lower insurance rates.

In addition to his leadership qualities, Chief Rodriguez has a warm, friendly manner which has made him one of the most popular servants in San Leandro history.

## COMMUNITY EFFORT PAYS OFF

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. WILLIAM D. FORD. Mr. Speaker, as we prepare to mark the observance of National Hospital Week—May 6–12—I would like to take this opportunity to pay public tribute to the Peoples Community Hospital Authority, which serves most of the communities in my congressional district, and several others in both Wayne and Washtenaw Counties.

The authority—known as the PCHA—was formed by 22 communities in 1945, to provide hospital facilities in an area which then suffered a dangerous shortage of hospital beds.

In the intervening 28 years, the PCHA has constructed four modern hospitals, is planning a fifth, and has set an outstanding example of how small communities, working together, can build health care facilities that none could individually afford.

Served by the authority's hospitals today are some nearly 1,000,000 persons in the communities of Allen Park, Dearborn Heights, Ecorse, Flat Rock, Garden City, Inkster, Lincoln Park, Melvindale, River Rouge, Rockwood, Romulus, Southgate, Taylor, Trenton, Wayne, Westland, Woodhaven, Ypsilanti and the townships of Huron, Sumpter, Superior, Van Buren and Ypsilanti.

The hospitals are Annapolis Hospital, in Wayne, with 294 beds; Beyer Memorial Hospital, Ypsilanti, 170 beds; Outer Drive Hospital, Lincoln Park, 297 beds, and Seaway Hospital, Trenton, with 233 beds. A new hospital with 232 beds is to be built in Taylor.

During fiscal year 1971, these hospitals provided more than 300,000 days of patient care, and delivered nearly 6,000 babies. More than 100,000 persons received care in emergency wards, which are open 24 hours a day, 7 days a week.

Although rising health care costs are becoming a national problem, room service charges and costs for other services in PCHA hospitals are among the lowest in the entire Detroit metropolitan area.

The PCHA was formed under the Michigan Hospital Authority Act of 1945, which specifically permits communities to band together for the construction, operation and improving of community hospitals. Under the provisions of the act, the PCHA collects an assessment equal to 40 cents for each $1,000 of assessed valuation in each member community. This assessment has enabled the authority to issue bonds for construction of the hospitals.

The PCHA operations are conducted by a board of directors consisting of 39 delegates named by the member communities on the basis of their population, and seven at-large delegates named by the other board members. Today, Mr. Speaker, the PCHA is one of the largest multi-unit health-care delivery systems in the United States. It is also one of my area's largest industries, with 2,700 employees whose annual salaries exceed $21 million. There are about 500 physicians and surgeons on the four hospital staffs.

I am very proud of this record of accomplishment, and on behalf of my constituents who are served by the PCHA, I am proud to bring the PCHA story to the attention of my colleagues.

## THE NEED FOR PRISON REFORM

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. WALDIE. Mr. Speaker, in the past several years we have seen a new recognition of the need to reform our basic institutions. Our schools, legislatures, our churches, have felt the effects of this reform movement.

One institution that is sadly lagging behind in this reform effort is the prison system of this Nation.

Mr. Speaker, the tragedy of Attica horrified and angered the Nation—and rightly so. However, with the passing of time, the lesson we should have learned from Attica is becoming dim in the public's consciousness.

Hearings held by the Select Committee on Crime revealed some of the sources of the situation, not only at Attica but at many, many of the prisons and penal facilities in every State of the country.

Mr. Speaker, I reintroduced yesterday legislation designed to improve Federal, State, and local correctional facilities by setting minimum standards and by providing increased Federal assistance in the form of correction centers to be built, operated, and eventually turned over to the States.

The correctional center to be constructed under the provisions of this bill will bring about a dramatic and vitally necessary shift in correctional attitudes. The huge prisons with overworked and underpaid staff personnel and insufficient training and rehabilitation facilities are dangerously outmoded and unsatisfactory to the needs of our society.

Mr. Speaker, we must do something to bring about prison reform. I am hopeful that Congress will give this legislation its full consideration.



## RECONSTRUCTION AID TO NORTH VIETNAM

### HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. YATRON. Mr. Speaker, Richard Nixon, in his second inaugural address, January 1973, said:

Let us encourage individuals at home and nations abroad to do more for themselves. . . . In the challenges we face together, let each of us ask, not just how can government help, but how can I help?

We are now starting along the arduous and difficult road leading toward reconciliation in Vietnam. The many years of war have created bitterness and wounds which will take a long time to heal. But we hope that the killing and destruction will cease; that the children of Vietnam will be able to grow without fear; that the nights will no longer mean terror and anguish, but rest and quiet; that the days will no longer be filled with the clamor of war and the fleeing of refugees, but with work in the rice fields and the rebuilding of devastated towns and villages.

The war has been going on for many years and its aftermath is terrible. Eight million tons of bombs have been dropped since 1965—three times more than the Allied forces dropped on all fronts throughout the Second World War. We do not know with certainty the exact number of individuals who have been killed or wounded. However, according to American sources, the number of dead and wounded combatants is 2.8 million. The number of civilians killed in South Vietnam alone is estimated at 400,000; the number of wounded at 900,000; and the number of refugees at 8 million which is nearly half of South Vietnam's population.

It is not often realized that most of this incredible bombardment, destruction, and loss of life fell not on North Vietnam but on the South; on the territory of our ally, and the greatest destructive impact of the war has been on the land and people we sought to defend.

We are now engaged in debate on the propriety of helping rebuild North Vietnam and not, as the above discussion indicates, aid to the South Vietnamese who have so severely suffered. Arguments for aid to the North are being made on both moral and pragmatic grounds: Should we feel morally obligated to rebuild the North just as we did the Axis countries after World War II; or should we do it in order to cement the agreement in hopes that it may lead to a more durable peace?

Seldom, if ever in the Nation's history, have the American people been as adamantly against a major foreign policy proposal as they are to reconstruction assistance to North Vietnam. This opposition is with good reason, for this Nation has toiled for 10 long years in search of an elusive goal which cost us thousands of lives and billions of dollars.

Nevertheless, the wounds of Vietnam remain and it is no wonder that many find the thought of aiding our former enemy totally incomprehensible. After years of protracted fighting, we perhaps hoped to end our involvement in Vietnam once and for all with the stroke of a pen. But as we have so often found in the past, nothing in Indochina is quite that simple.

The settlement in Paris assures, if not a totally secure peace, at least a foundation upon which a lasting peace can be built. However, the question remains: Can this fragile agreement be transformed into a permanent settlement or will the Paris accords meet the same fate as those negotiated in Geneva just 20 years ago?

Certainly, massive aid to the North will not assure the longevity of the Paris accords and I completely reject the idea that the United States is morally bound to assist in rebuilding North Vietnam. As we weigh the merits of aid to the North, therefore, we must not have our decision distorted by irrelevant facts. Some are saying that aid to North Vietnam would be consistent with our policy in the past which resulted in massive infusions of American dollars into Germany and Japan after World War II.

Comparing aid to Hanoi with aid to Germany and Japan calls attention not to the soothing similarities, but to disturbing differences. Germany and Japan surrendered unconditionally after we had destroyed the highly developed industrial bases of their economies. In addition, by surrendering, the Germans and the Japanese dissolved their aggressive governments. Thus, it seemed sensible to restore their industrial economies which alone could generate conditions of contentment and stable government.

The theory was that contented Germans and Japanese, insulated from ideologically lean and hungry leaders, would not go lusting for lebensraum or coprosperity spheres. Additionally, because we were occupying their countries, we could be reasonably sure that our aid would be used for the purposes we favored.

The case of North Vietnam is different in every relevant particular. We cannot restore the North's industrial base and, thus, assure contentment, because it does not have one. Since the 1950's, North Vietnam has been waging war upon its neighbors, so the idea of prewar North Vietnam is totally incomprehensible. Most significant, however, is the Hanoi Government itself; as the government which has been the cause of all this trouble, it is still alive, well and holding out its bloody hands for our aid.

Also, the argument that aid will help cement the Paris agreement is very difficult to accept. For example, when President Johnson proposed aid to North Vietnam for rehabilitation in April 1965, his offer was publicly rejected by the North who labeled Americans "stupid pirates." Perhaps the North Vietnamese rejected President Johnson's offer of aid because they surmised that if, through the use of terror, the war could be escalated and prolonged, and the American offer of aid might be multiplied by billions later. With dishonest accounts of military damage, the North

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could extract from us a tremendous sum in "reparations."

Certainly, we will all agree that President Nixon is correct in seeking a dialog with other nations, friend and foe alike, so that the chances of misunderstandings are reduced. But to ask working men and women in the United States to send $2.5 billion to those who have caused so much anguish cannot be justified and must not be permitted. A peace that can be secured by an input of American dollars is tenuous at best and is likely to last only as long as the input of dollars continues.

There are international agencies equipped to provide aid to North Vietnam such as: the World Bank; the Asian Development Bank; the United Nations; and many voluntary relief organizations. It is completely incomprehensible, therefore, that the 93d Congress would approve American aid, be it economic, monetary, military, or otherwise, for North Vietnam—an outlaw nation guilty of aggression, terrorism, and the utter disregard for international law and the value of human life.

The idea of aiding the North Vietnamese is an insult to conscience and common sense especially at the time when U.S. domestic programs are being reduced and when this Nation is faced with an internationally critical financial structure and burgeoning balance-of-payments deficit.

If we must spend, let us use our resources for the benefit of the American people. Why should our people always receive the last consideration when aid programs are designed? Let us use this money for new classrooms. Let us use this money for research and development to find a cure for cancer. Let us help the American Indian. Let us spend this money to aid the elderly to make their retirement years more comfortable.

For a decade, we have been deeply concerned with the effect of the war on our domestic efforts and our international image. now, with the end at hand, we must not let this war again drain us; we must not let this war again divide us; we must not let Indochina again taunt us. My commitment to the American people far outweighs the questionable return which may be realized through aid to North Vietnam.

## CAPITAL PUNISHMENT FOR UNBORN BABIES

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. ZWACH. Mr. Speaker, following the Supreme Court decision on abortion, I introduced a "Right to Life" proposed constitutional amendment which is getting widespread support in our Minnesota Sixth Congressional District.

Many editorials also have been written supporting my position on this matter.

I would like, at this time, to insert one such editorial in the CONGRESSIONAL RECORD where it can be read by my colleagues and the many other readers.

This excellent editorial by Carroll W. Fey of the Edgerton Enterprise, expresses well the sentiment of many of our people.

CAPITAL PUNISHMENT FOR UNBORN BABIES

The ruling by the U.S. Supreme Court allowing abortions during the first six months of pregnancy is another tragic step marking the moral decay of modern society.

A year ago these same men ruled that capital punishment—the killing of a person convicted of a heinous crime against society—was inhumane punishment.

Recently, seven of those nine men in black robes, gave their stamp of approval to the killing of innocent infants not yet ready to face the world outside their mother's womb. And what crime have these infants committed that the U.S. Supreme Court should have condemned them to death at the whim of their mother?

If the courts go along with this terrible permissive cancer eating at the lifestream of our country, we will soon find parents able to kill infants between six and nine months of pregnancy, kill a new-born deformed baby (after all the early Greeks left baby girls out to die and the Carthagenians offered first-born sons to one of their gods)—and last but not least, we will have unrestricted mercy killing. And won't that be a beautiful society—without faith, without hope, without love—without God.

## ARMENIAN MARTYRS WEEK

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. EILBERG. Mr. Speaker, Mayor Frank L. Rizzo, of Philadelphia, has recognized the contribution of the Armenian community to the city by proclaiming the week of April 24 to April 30 as Armenian Martyrs Week.

The official proclamation was accepted by John Tokmajian, chairman of the prelacy of the Armenian Apostolic Church of America.

The presentation preceded a mass blood donation drive by the Philadelphia Armenian-American community to commemorate the massacre and expulsion of Armenians from Turkey in the years 1915 through 1918.

At this time, I enter the proclamation in the RECORD:

CITY OF PHILADELPHIA—PROCLAMATION

Whereas, April 24th commemorates the forceful deportation of two and a half million Armenians and the massacre of one and a half million others by the Turkish government in 1915—the first episode of planned genocide in the twentieth century; and

Whereas, Americans of Armenian descent join other Americans scattered throughout the world in commemorating this 58th anniversary of those massacres, and in paying tribute to the memory of those who gave their lives in the cause of religious and political freedom; and

Whereas, the members of the Armenian community in Philadelphia will observe this occasion by donating blood to the American Red Cross in memory of this tragic event:

Now, Therefore, I, Frank L. Rizzo, Mayor of the City of Philadelphia, do hereby proclaim the week of April 24–30, 1973 as Armenian Martyrs Week in Philadelphia and do urge all citizens, who as Americans cherish the right of human beings to be free and to have the blessings of liberty, to join in prayer giving moral support to the just cause of the Armenian people.

## PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

### HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. FISH. Mr. Speaker, on June 15, 1972, Deputy Assistant Secretary of State for Educational and Cultural Affairs, Alan A. Reich, addressed a meeting of the Rotary Club of New York. The meeting included Rotarians from six continents. Mr. Reich discussed the Department's interest in furthering people to people interchange and the importance of service clubs in increasing international understanding.

I am inserting in the RECORD an article from the Department of State Bulletin dated September 4, 1972, by Mr. Reich entitled "People-to-People Diplomacy—Key to World Understanding." This article is based on the Secretary's important address before the Rotary Club of New York.

The material follows:

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

(Remarks of Deputy Assistant Secretary of State for Educational and Cultural Affairs Alan A. Reich)

Technological advances have made nuclear war a threat to mankind's existence Fortunately, new initiatives and agreements in the disarmament field offer hope that the deadly cycle of weapons build-up may be broken. Prospects for increased government-to-government cooperation look better now that at any time since World War II. The great powers are focusing on areas of common concern and not only on their differences. The results appear promising.

But while technology has made nuclear annihilation possible, it also has sparked a revolution in communication and transportation which brings increasing numbers of people in all walks of life into direct, open, and immediate contact. International diplomacy, traditionally the task of men behind closed doors, has become a public matter. Many foreign offices no longer confine themselves to speaking with other foreign offices for peoples; they help and encourage peoples to speak for themselves across national boundaries. People-to-people communication has become a dominant force in international relations throughout the world.

Many Americans ask why we should concern ourselves with international problems when we have so many serious domestic concerns demanding attention. There are several good reasons for our getting "involved with mankind": First of all there is common charity. Then there is a sense of common humanity. In addition, there is common sense. Modern transportation and communications, not to speak of modern weapons, have brought our neighbors' problems to our doorstep. We have no choice but to become involved, because if the problems next door are ignored, they soon become our problems.

Poverty, illiteracy, hunger and disease recognize no nation's borders and travel under no country's passport. It is not a matter of the world's poor getting poorer while the rich get richer. The poor are getting richer, too. But their lot is improving so slowly that the difference—the gap—between rich and poor is widening, not closing. Unless some way can be found to reverse this trend, those who are better off must one day suffer the horrible consequences. Neither we nor our children will have the luxury of working on our domestic problems if we do not succeed in bringing about a climate of peaceful cooperation throughout the world during the next few years. Whether we cooperate with our international neighbors because it is good, or right, or necessary, we must get on with it *while* we are improving the quality of life at home. We can also take some solace in knowing that the job is not ours to do alone. Many other nations share with us the desire and the capacity to help close this gap between the have and the have-not peoples of the world. The facts of international life today are that common sense and common survival dictate common action to solve common problems.

As societies and their problems have become more complex, more and more people are educated in international affairs and have become concerned citizens. Mass media reach and stimulate increasing numbers of people. The number of individuals and institutions that influence major decisions in every country is growing. This is true in international as well as in domestic matters.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

When people-to-people bonds and communications networks are more fully developed, there will be a greater readiness to communicate, to seek accommodation, and to negotiate. The likelihood of international confrontation will diminish, and prospects for peaceful solutions will be enhanced. This rationale governs the interest of the State Department in the furtherance of meaningful people-to-people exchange.

In the past few years, social scientists have increasingly studied the relevance of informal nongovernmental communications activities to matters of war and peace. Research scholars scuh as Dr. Herbert Kelman at Harvard University are attempting to develop a more scientific base for these transnational cross-cultural communications activities. Their research suggests that the existence of informal communications tends to reduce the level of tension when conflicts of interest occur; they contribute to a climate of opinion in which conflicts may be negotiated more effectively. Second, their research indicates that informal relationships create a greater openness in individual attitudes toward other nations, peoples, and cultures; these predispositions also lead to greater readiness to communicate and to resolve differences peaceably. Third, social scientists tell us that international cooperation and exchange contribute to world-mindedness and to an internationalist or global perspective on what otherwise might be viewed either as purely national or essentially alien problems. Finally, international people-to-people relationships help develop enduring networks of communication which cut across boundaries and reduce the likelihood of polarization along political or nationalist lines.

DEPARTMENT-SPONSORED EXCHANGES

When you think of the State Department's conduct of our international affairs, the exchange-of-persons program does not come immediately to mind. It is, nonetheless, a significant and important activity of the Department. The Bureau of Educational and Cultural Affairs works constantly and quietly to improve the climate for diplomacy and international cooperation. The exciting, challenging job of the Bureau is to utilize its modest funds and manpower to reinforce the work of American individuals and organizations who want to help construct, a little at a time, the foundation of better relationships with the rest of the world. It also coordinates, as necessary, the activities of other government agencies with international exchange programs in substantive fields such as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come not too long ago from the business world, I have a great appreciation for what is being done for an investment of $40 million annually. There are several major elements of the Department's exchange program:

The Fulbright-Hays exchange program over 25 years has engaged more than 100,000 people in academic exchanges. Annually, some 5,000 professors, lecturers, and scholars are exchanged to and from the United States.

The international visitor program brings to the United States about 1,500 foreign leaders and potential leaders annually for one- or two-month orientation programs. This includes nonacademic leaders and professionals, from Cabinet officers to journalists. One out of every 10 heads of state in the world today has been a State Department exchange visitor, as have some 250 Cabinet ministers of other nations.

The Department of State sends abroad annually several leading performing arts groups and athletic stars; for example, in the past year Duke Ellington toured the Soviet Union; several jazz groups performed in Eastern Europe; the New York City Ballet is currently on tour in the Soviet Union; and Kareem Jabbar (Lew Alcindor) and Oscar Robertson of the Milwaukee Bucks visited Africa. (Of course, the U.S. table-tennis team visit to China was totally a private effort.)

Some 150 prominent U.S. lecturers went abroad for six-week lecture tours in 1971.

Nearly 500 United Nations specialists selected by their home countries and funded by the U.N., are programed annually by the State Department through 30 other government agencies for six- to nine-month training programs in the United States.

The State Department's small but catalytic exchange-of-persons program with 126 countries stimulates constructive communication among leaders and future leaders in many fields here and abroad. It creates durable reservoirs of information, understanding, and empathy. It develops rewarding and lasting contacts of key people of other countries with their counterparts here.

PRIVATE SECTOR PARTICIPATION

These programs depend heavily on the willing cooperation of countless private individuals and organizations throughout the United States. Their response has been outstanding. The Department contracts with a number of organizations to assist in carrying out these activities. For instance, COSERV—the National Council for Community Services to International Visitors—is a network of 80 voluntary organizations throughout the United States which enlists some 100,000 Americans to provide hospitality and orientation for international visitors. They serve voluntarily because they believe in the importance of their work to strengthen international understanding. This makes an indelible impression on the foreign visitors they serve.

Another organization, the National Association for Foreign Student Affairs, counsels many of the 150,000 foreign students now studying in American colleges and universities. The Institute of International Education and several private programing agencies help carry out the Fulbright and international visitor programs.

We in the Department of State are aware that our programs represent only a portion of the total private-public participation in exchanges aimed at furthering international mutual understanding. In addition to service organizations, professional associations of doctors, lawyers, journalists, municipal administrators, and others link their members with counterparts throughout the world. More than 30 American sports organizations carry on international programs involving their athletes in competition, demonstrations, and coaching clinics here and abroad; several youth organizations conduct international exchanges involving nearly 5,000 Americans and foreign teenagers annually. Numerous foundations, businesses, and institutions throughout America facilitate the private studies of many of the nearly 150,000 foreign students who come to study in the United States annually and approximately half that number of Americans who study abroad each year. Private American performing arts groups tour other countries; reciprocal opportunities are offered to counterpart groups from abroad. The People-to-People Federation and its various committees actively promote and carry out meaningful exchanges; the sister city program of the Town Affiliation Association links 420 American cities with communities in 60 countries of the world.

Before we undertook to encourage new exchange activities in the private sector last year, we asked the cultural affairs officers in our Embassies around the world whether they wanted an increase in exchanges by private groups. They were also asked whether these activities further our long-term purpose of increasing mutual understanding with their respective countries. Almost without exception the posts replied that they want increased exchanges. They want them to occur both to and from the United States. They confirmed that these activities contribute to removing barriers to understanding and to forming durable cooperative relationships.

Last year the Bureau of Educational and Cultural Affairs set up a special office to respond to the needs of private organizations seeking to participate in international person-to-person program. This Office of Private Cooperation, on request, helps private organizations to become active internationally.

THE CONTRIBUTIONS OF SERVICE ORGANIZATIONS

In government and in the private sector, there is much to be done. Service organizations, such as Rotary International through its people-to-people programs, are doing an outstanding job. Rotary's international youth exchange, involving 700 youths throughout the world annually, is a model program with considerable impact.

The Rotary Club matching program, which links Rotary Clubs in 150 countries with counterpart clubs for direct Rotarian-to-Rotarian relationships and shared service projects, is equally impressive. Rotary's world community service program has helped people throughout the world. Through Rotary International's small business clinic program, many individuals in less developed countries have been helped to self-sufficiency and community contribution.

Two other elements of the overall Rotary International outreach are especially meaningful. First, the mere existence of some 15,000 Rotary Clubs joining 750,000 Rotarians in 150 countries is a potent force for mutual understanding. Rotary is made up of leaders from all segments of society; this fraternal relationship—professional to professional, businessman to businessman, and so on—generates good will among millions throughout the world.

Another service which Rotary Clubs perform is the furtherance of international per-



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son-to-person relationships by others in their communities. In visits throughout the United States, I have been impressed with the extent to which Rotary and other service clubs have initiated and developed sister city affiliations, people-to-people exchanges, international hospitality programs, and international activities of local performing arts and sports groups. These activities contribute to strengthened bonds between participating local groups and their counterparts in other nations.

I have been asked by leaders of private organizations what they might do to increase international understanding. Frankly, I cannot imagine a more significant organizational outreach, either in concept or in program, than that of Rotary International.

I would urge Rotary and other organizations to do more of the same—demonstrating so well the capacity for commitment of the American people in solving that most important of all human problems, the achievement of a sustained world peace, by sponsoring exchanges, providing community leadership in international programing, helping peoples of other nations to become less dependent, and strengthening international ties among key individuals and groups. Specifically, I urge you to undertake in whole or in part the following 12-point program:

1. Expand home hospitality and community programs for international visitors (including professional, business, diplomatic, military and government leaders).

2. Develop programs for the international alumni of area universities and colleges.

3. Strengthen the city's sister city program and affiliate with a new sister city.

4. Internationalize your community involvement by affiliating with an appropriate international organization in cooperation with the U.S. National Commission for UNESCO.

5. Expand youth exchanges and community programs for international students.

6. Participate directly in the international programs of the People-to-People Sports, Music, Handicapped and other exchange committees.

7. Internationalize your state and local American Revolution Bicentennial Commemoration programs as they are planned and implemented.

8. Invite foreign professional counterparts and students to conferences and seminars and generally strengthen the international organizational affiliations.

9. Form international institutional linkages affiliating universities, hospitals, schools, and museums for exchange relationships.

10. Strengthen the cultural exchange program throughout the Americas.

11. Maximize the goodwill generated by ensuring public visibility for these activities both here and abroad.

In addition, I hope you will continue your community-wide cooperative efforts, now underway, to further the city's contribution to world understanding. Many other organizations represented here today will find their place in such a program. You could, as you have in so many other areas of human concern, provide a model for the nation in expanding meaningful people-to-people relationships. As you move ahead, please do keep us informed; come down and share your ideas with us. We might be able to help.

On behalf of the Secretary of State and the official foreign affairs community of the United States, I extend my thanks to the New York Rotary Club, the other clubs of this Rotary International District and all of you here today, not only for improving the climate for diplomacy, but for your individual and collective leadership in helping to "build the human foundations of the structure of peace."

## OUR NATION DEEPLY MOURNS THE PASSING OF HON. RICHARD DRUKKER

### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. ROE. Mr. Speaker, on April 20, 1973, one of our most esteemed leading citizens of my Eighth Congressional District, the State of New Jersey, and the United States of America—the Honorable Richard Drukker—chairman-publisher and chief executive officer of the prestigious Herald News, entered into eternal rest after a lifetime of dedicated eminent service to his fellow man. I ask my colleagues here in the Congress to join with me in extending our most sincere condolences to his widow, the former Caroline Cleveland Crane; two sons, Austin C. of Little Falls, N.J., and Richard, Jr. of Waldoboro, Maine; four grandsons, Richard, III, Austin, Jr., David, and Andrew; a brother, Dow H. Drukker, Jr., of Palm Beach, Fla.; four sisters, Miss Winifred Drukker of Clifton, N.J.; Mrs. Eugene F. (Nella) Steketee of Grand Rapids, Mich.; Mrs. Amos N. (Marion) Prescott of Smoke Rise, N.J.; and Mrs. Ralph D. (Louise) Prescott of Montclair, N.J.; and his stepmother, Mrs. Dow H. Drukker of Lake Wales, Fla.

Dick Drukker was a good personal friend, deeply respected and admired by all of us who had the good fortune to know him. His compassion and benevolence for people and their needs placed him in the vanguard of America's crusaders who have made our country the greatest among all nations.

Born in Passaic, N.J., March 30, 1906, he was the fifth child and second son of our late former colleague, Congressman Dow H. Drukker and the former Helena Deunhauer. He was educated in Passaic schools, Lawrenceville School, and at Amherst College, graduating in 1929 with a bachelor of arts degree. Later he earned a law degree at the University of Newark Law School, where he was president of the student council and in 1943 president of the evening division. He belonged to Psi Upsilon, an undergraduate fraternity and to Delta Theta Phi, a law fraternity.

Dick's first postcollege job was outside the newspaper field. In 1929, on leaving Amherst, he became associated with the New York brokerage firm of Dominick & Dominick. He became a director of the Herald News in 1934. His father had acquired one of Passaic's historic dailies, the Passaic Daily Herald, in 1917, and he purchased the other, the Daily News, in 1928. The two papers were merged in 1932. Mr. Drukker filled executive positions in a number of other family enterprises, including Union Building & Investment Co., Union Building & Construction Co., Passaic Transit Concrete, and North Jersey Broadcasting Co. He became president of the Herald News in 1956 and succeeded his father as publisher after the latter's death at 90 in 1963. On April 13, 1972, he assumed the new title of chairman-publisher, and his son, Austin C. Drukker, became president.

As president and chairman of the Defense Orientation Conference Association—DOCA—an organization of businessmen who tour military installations and visit defense officials to keep abreast of the current U.S. defense posture. Dick made a number of visits to military installations all over the world. He met scores of ranking defense officials, and was in the international spotlight from time to time presenting diplomas to graduates of Navy and Marine Corps preflight schools and consulting with distinguished Americans including General Lyman Lemnitzer, then U.S. Supreme Commander in Europe, and U.S. Ambassador Charles E. "Chip" Bohlen. Mr. Drukker wrote a number of articles which appeared in the Herald News describing his experiences on trips to the Far East, including Saigon.

He was Treasurer of a citizens' committee which organized the Boys' Club of Clifton and later was the club's second president. The boys' club opened a Richard Drukker Library, named in his honor, in 1967. He was director, later an honorary director, of the Passaic Boys' Club. He served as president of the Clifton Kiwanis Club in 1946 and as president of the Pennington Club, Passaic, in 1950. As president of the New Jersey Press Association in 1968–1969, he spearheaded the formation of a training institute for new reporters at Rutgers the State University.

Dick was a long time director of the Passaic area Chamber of Commerce; executive vice-chairman for Passaic County of the Better Business Bureau of Bergen, Passaic and Rockland Counties; former cochairman of the Clifton Round Table of the National Conference of Christians and Jews; trustee of the New Jersey College of Medicine and Dentistry; director of the Bank of Passaic and Clifton; member, board of directors, National Union Bank of Dover—now a branch of the National Community Bank; and member, Palisades Interstate Park Commission. He received a community service award from the Passaic B'nai B'rith in 1967, and in 1971, he received the Prime Minister's Medal for "service in the cause of Israel's development" from the State of Israel. He served as chairman of a committee of Christian Friends of Israel. Also, among his many coveted awards was the Americanism award from Garfield's Benda-Roehrich Post, Veterans of Foreign Wars.

Mr. Speaker, the sudden and untimely departure of Richard Drukker is mourned by all of us. He was indeed a man of great destiny and a leader among mankind. The warmth of his friendship, the richness of his wisdom and the quality of his leadership are all lovingly and eloquently intertwined in the editorial of the staff of the Herald News of Passaic, N.J., which Mr. Drukker had helped to build into one of New Jersey's most eminent newspapers. I would like to insert this epitaph here in our CONGRESSIONAL RECORD to be forever lastingly etched in our historical journal of Congress in tribute to this great American.

RICHARD DRUKKER, 1906–1973

[From the Herald-News Apr. 23, 1973]

Richard Drukker was the public's newspaper publisher.

He had integrity. He was unashamedly patriotic and dedicated to the public interest. He was independent. He possessed the business acumen and the courage essential in a risky business which is littered with the wrecks of once-proud newspapers. And, although he presented a gruff exterior, he had compassion.

Mr. Drukker had his first taste of newspaper work in the late 1920's as a summer vacation reporter on the old Passaic Daily Herald, which is father, the late Congressman Dow H. Drukker, merged in 1932 with the Passaic Daily News. The combined circulation of the two dailies came to no more than 25,000. The merger enabled The Herald-News to weather the great depression and to begin a long period of growth.

Mr. Drukker took the helm of The Herald-News in 1956 when he became president. He embarked on a policy of expansion on two fronts—into the rapidly growing suburban areas and, with the cooperation of the newspaper's mechanical unions, into automation. In a sense, he brought about a rebirth of The Herald-News as a new newspaper serving a wider area in Bergen, Essex, Morris and Passaic Counties.

Mr. Drukker's political faith tended toward conservative Republicanism, but he placed the public's interest ahead of party. He supported Democrats and Republicans for office. He believed that decency and honesty were far more important than party labels. Govs. Meyner and Hughes, Democrats, were friends, as was Gov. Cahill, Republican. Four years ago Mr. Drukker supported Gov. Meyner's bid to become governor again. He admired Mr. Meyner personally and approved of his record in office. This year, Mr. Drukker was supporting Gov. Cahill because, as he said, Gov. Cahill is a fine human being and has the best interests of New Jersey at heart.

However, Mr. Drukker did not permit friendship or admiration to influence his views on issues. When Gov. Cahill presented his tax reform program which included a state income tax, Mr. Drukker told the governor that The Herald-News would fight it. Gov. Cahill understood.

The Stars and Stripes which flies in color on page one is a tradition of The Herald-News which told the world how Mr. Drukker felt. His concern for the well-being of the United States led him to become a member of the Defense Orientation Conference Association, comprised of business and professional men who, at their own expense, visit American defense installations around the world to gain understanding and to find out how they can help to keep the United States strong. He loved his country and offered no apologies for his patriotism.

It is an article of faith among some persons that newspaper publishers kowtow to advertisers. It did not work that way with Mr. Drukker. An important advertiser protested against articles in The Herald-News and threatened to withdraw his advertising unless they ceased. Mr. Drukker refused. He said the public had a right to the information.

For newspapermen who have an affection for the paper they help to create and from which they earn their living, he was a good boss. He had pride in the newspaper too.

His death revealed him as a gallant individual who continued to work and plan for the newspaper as usual even though he had death at his elbow.

Richard Drukker sought to serve the public and his state and country through The Herald-News. He has left an inspiration for those who follow him.

Mr. Speaker, I am deeply saddened by the loss of a personal friend. His passing leaves a void which can never be filled. Of his life on earth and exemplary service to our people, it can truly be said:

Well done thou good and faithful servant—enter now into thy eternal rest.

May I ask you and my colleagues to join with me in silent prayer to his memory. His achievements in today's world were outstanding and we do indeed salute him and all of his good works. We extend our heartfelt sympathy to his widow, Mrs. Drukker, and all of his family, and trust that they will soon find abiding comfort in the faith that God has given them and in the knowledge that the Honorable Richard Drukker is now under His eternal care. May he rest in peace.

## A LAW DAY TRIBUTE TO FRANK FELICETTA AND THE 100 CLUB OF BUFFALO

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. KEMP. Mr. Speaker, today we once again pause to commemorate Law Day. I believe at this time it is particularly appropriate that we recall the words that Abraham Lincoln spoke over 135 years ago:

Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of seventy-six did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property and his sacred honor—let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges: let it be written in primers, spelling-books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls and enforced in courts of justice. And in short, let it become the political religion of the nation; and let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions, sacrifice unceasingly upon its alters.

Although the theme of this 16th annual observance of Law Day, U.S.A. is "Help Your Courts—Assure Justice," I would also like to pay tribute on this special occasion to the law enforcement officers of our Nation and in particular to Frank Felicetta who recently retired as Police Commissioner of Buffalo, N.Y., after more than 40 years of dedicated public service.

A little more than a year ago I had the honor of presenting the Cystic Fibrosis Research Foundation's "Man of the Year" award to Frank Felicetta—a great American and an outstanding law officer. Frank's deep concern and devotion to duty and to the community had led him up through the ranks to become the first American of Italian extraction to achieve the post of Police Commissioner of Buffalo, N.Y.

On April 15, Frank Felicetta retired. But the things he stands for—the principles of law and justice he has fought to defend, will go on. Innovative and highly successful programs he initiated are living monuments to his imaginative leadership.

Numerous honors and awards from organizations all over the United States have been presented to Frank Felicetta for his many achievements in the community and for his law enforcement programs. He won a departmental medal for the capture of two gunmen and is credited with having made the first Buffalo arrest for drug abuse. Frank was also a member of the Lieutenant Connors' Flying Squad which became known nationwide for outstanding police work.

In 1954, at his insistence, receipts from a testimonial dinner—given in Frank's honor and attended by more than 600 well-wishers—went into a fund to provide scholarships for children of policemen and firemen. This was the beginning of the Felicetta Scholarships which are presently administered by the 100 Club of Buffalo, Inc.

Frank founded the 100 Club of Buffalo in 1957 with a group of 30 friends who called themselves "Felicetta's Fellows." It was Frank's idea that each person would pay $100 a year for membership and the funds collected would be used to give immediate aid to the children and families of policemen killed in the line of duty and to augment the moneys supplied for emergency immediacy by the Police Benevolent Association.

The 100 Club of Buffalo has increased to 180 members and is still growing. It has also expanded its policy of awarding scholarships to area law enforcement officers who are motivated to pursue courses in criminal science and technology at local colleges and at the National FBI Academy. In order to promote citizen understanding of law enforcement and of the police officer, the 100 Club has turned to television and several local stations have approved material for telecasts which have begun and will continue.

I was honored to participate on March 23 in the 100 Club dinner which paid tribute to its founder, Frank Felicetta, who has shown in his work the immense impact that one man can make in his community and in the Nation.

On this Law Day, I salute Frank Felicetta, the law enforcement officers of Erie County, N.Y., and the Nation and the officers and directors of the 100 Club of Buffalo, who have all sacrificed so much that we might live in better and safer communities.

Mr. Speaker, I include at this time Judge Raymond R. Niemer's excellent remarks for his presentation to Frank Felicetta at the 100 Club of Buffalo dinner on March 23. Judge Niemer is chief of the 100 Club of Buffalo and judge of the Family Court of Erie County, N.Y.; he will be succeeded as chief by my friend, James Hayes.

The remarks follow:

REMARKS FOR PRESENTATION TO FRANK N. FELICETTA AT THE 100 CLUB OF BUFFALO DINNER ON MARCH 23, 1973, BY JUDGE RAY NIEMER

The man of whom I speak took his oath as a patrolman in the Buffalo Police Depart-

ment on December 3, 1929. He was selected for tough assignments—his superiors knew he could handle them. In 1936, he and a handful of selected men were formed into the "Flying Squad" commanded by then Lt. Vincent Connors—a unit which drew national attention for its outstanding police work. This enhanced the reputation of this man as a tough police officer.

He served for many years as Captain of the 4th Precinct. In 1958, Mayor Frank Sedita appointed him as Commissioner of Police of the City of Buffalo. He retired on December 31, 1961 when the Mayor's 1st term ended but returned when Mayor Sedita returned on January 1, 1966.

The last several years of his leadership of the Police Department have required him to make some of the most difficult decisions of his career. In spite of massive changes in the very structure and philosophy of our society in recent years, accompanied by unrest and uncertainty, he has helped the City of Buffalo to "keep its cool". He has insisted on the firm enforcement of the laws and has often raised his voice for the passage of workable legislation for the protection of the rights not only of those accused, but also of the victim who is mugged, raped or shot.

His concern for his fellow law-enforcement officer has been shown in countless ways during his career. Uppermost in our minds is his founding of the 100 Club of Buffalo, formerly "Felicetta Fellows". For these reasons and for all he has done for so many, and because he is the fine American and friend that we know him to be, we honor him tonight.

He retires on April 15 as Commissioner of the Buffalo Police Department and thereby closes his public career in law enforcement. Not, however, to simply fade away. Nor can he ever retire from the respect, affection and gratitude that we and all of the residents of Western New York will continue to have for him.

No plaque or other token presented by the 100 Club of Buffalo can ever adequately express how we feel about you, Frank, and the esteem and friendship that goes with this presentation. I suppose all that we can say at this time is "Thanks" and wish to you and those dear to you, health and happiness for many years to come.

Gentlemen, a big man—Frank N. Felicetta.

## PHILADELPHIA CANCER EDUCATION PROGRAM

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. EILBERG. Mr. Speaker, a Philadelphia cancer education program has been recommended as a model for adoption by other communities, according to an article appearing in the latest edition of the International Journal of Health Education.

The article, entitled "Getting the Cancer Message to the Community" was written by William A. Allen, 13028 Richwood Road, Philadelphia, and Dr. Louis P. Mattucci, 11621 Bustleton Avenue, Philadelphia, of the city health department, and Donald E. MacFalls of the American Cancer Society. The Journal is the official organ of the International Union for Health Education and is published quarterly in Geneva, Switzerland.

The article describes a cancer education program for female employees in Philadelphia City government and outlines how it was expanded to the rest of the community. The authors point out that the program can be used as a model for almost any community and can be a significant factor in reducing the cancer toll which in the United States alone results in 650,000 new cases and 350,000 deaths annually.

Sponsored by the managing director's office, the city health department and the Cancer Society, the program involved 15 physician volunteers of the Cancer Society who spoke at some 60 1-hour sessions during the campaign.

Also listed by the authors in the article is a cross section of questions raised by women attending the sessions, the responses of the doctors, and a summary of the evaluation of the program. Allen and Dr. Mattucci are residents of northeast Philadelphia. MacFalls lives in Chester County.

## SELECTING A SPECIAL PROSECUTOR FOR THE WATERGATE AFFAIR

### HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. LITTON. Mr. Speaker, in view of the new developments surrounding the Watergate incident, this afternoon I have introduced a resolution in the House of Representaives calling for the six living former Supreme Court Justices of the United States to serve as a panel for the purpose of selecting a special prosecutor to supervise the Government's investigation of the Watergate affair.

I have the utmost confidence in Elliot Richardson, appointed by the President as Attorney General of the United States. Last night the President conferred upon the new Attorney General the power to appoint a special prosecutor if he saw fit. However, since it is past and present members, and associates of such members of the executive branch who are implicated in the Watergate incident, I feel it is imperative that the special prosecutor not be appointed by, or be responsible to, the President or anyone else connected with the executive branch.

Mr. Speaker, the credibility of more than just the administration is at stake. The credibility of the entire American political system—both at home and abroad—hangs in the balance.

In my judgment the American people, and people of other nations throughout the world, would be more likely to accept the findings of an investigation spearheaded by someone who is not responsible to the executive branch since it is the credibility of the executive branch which in a sense is in question. Thus, and inevitably, there will be people in this country and abroad who will reject the selection of anyone appointed by Attorney General Richardson, or any other member of the executive branch no matter how unimpeachable are their credentials.

Due to the strained relations which already exist between the President and the Congress of the United States, any findings resulting from investigations spearheaded by a Congress-appointed special prosecutor—or one responsible to the Congress—would be viewed by many as a "political" appointment.

Mr. Speaker, as you are aware, there are six living former U.S. Supreme Court Justices—Charles Whittaker, Stanley Reed, Tom Clark, Earl Warren, Abe Fortas, and Arthur Goldberg. Reed was appointed to the bench by Franklin Roosevelt. Harry Truman appointed Clark. Whittaker and Warren were both appointed by Dwight D. Eisenhower. Fortas was a Johnson appointee, and Goldberg was appointed by John F. Kennedy. These gentlemen were appointed by five different Presidents of the United States, and all were confirmed by the Senate. In most cases these gentlemen are not thought to have political ambitions.

Mr. Speaker, I can think of no other living group who have previously been accorded Senate confirmation—who have been passed upon by both the executive and legislative branches—who have that judicial background to reach decisions of such serious import, who would be more acceptable to the American people. This panel would be a logical choice. They would have the support and confidence of an overwhelming majority of the people in our country.

I do not believe the President had knowledge of the Watergate plans before the incidents, or that he would have permitted such despicable and illegal actions had be known. However, I do feel the President has known for some time that his close advisors within his administration—those wielding immense power within the executive branch—were implicated. I believe he knew that those working closely with him also had knowledge of the Watergate incident which they, too, were withholding. His reluctance to permit his staff to testify before Senate Committees—his unwillingness to admit that the Watergate affair was anything more than a third-rate burglary and his tardy efforts to bring this matter to a conclusion, so that those guilty, or implicated after the fact, could be removed from high-ranking, decisionmaking positions—all of these factors have coalesced into a situation of almost unbelievable proportion. The President's credibility is questioned on an unprecedented scale. The Watergate affair has also detracted from some of his many accomplishments—particularly in the area of foreign affairs.

The unvarnished truth can sometimes be painful—even to those who weather the storms of political arenas over decades and finally attain the lofty position of President of the United States. Therefore, I do commend the President for finally admitting the matter was of major importance. His action was the very minimum action the President could take, action forced upon him by a courageous press—by the persistant probings of Senator SAM ERVIN and his committee, and by Judge Sirica, who presided over the grand jury investigations.

It has bothered me a great deal that the President appeared to resent having to take time away from his day-to-day activities to take action. Apparently, he has also resented the inconvenience of losing his top aides, whom—he has indicated—he does not think had anything to do with the affair.



Mr. Speaker, if there is anything at all which we might consider as constructively emerging from a situation which brings shame to America in the eyes of the world—it is the undaunted courage of a free and responsible press. It has always been my conviction that a free and responsible press serves as the fourth check in our checks and balances system in this country. The work of the press in the Watergate affair is just another example of how vitally important a free press is to our democratic system.

Let us put this matter in the hands of someone who has the complete confidence of the American people so that both the executive and legislative branches of Government can once again direct their attention to other vital affairs such as the energy crisis, inflation, balance of trade, balance of payments, a balanced budget, correcting social ills and other such matters.

President Nixon's overzealous supporters and advisors who apparently have shielded him from not only the press, the people, and the Congress, should realize that achieving victory is important, but achieving a victory with honor and preserving the integrity and confidence of the American Government is more important.

## CHILD ADVOCACY ACT

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. WALDIE. Mr. Speaker, I have today introduced the Child Advocacy Act which would establish as a pilot program, neighborhood offices of child advocacy to constantly analyze the needs of children and to bring to the attention or responsible officials any gaps which might exist in our present child programs.

The child advocate would play an important role in bringing together the child with the existing program to meet his need. Too often, children do not receive care because their parents do not know there are programs designed to help them. The advocate will not only perform vital referral services, but will also see that those who provide these services are accountable.

The neighborhood office of child advocacy would be established as a demonstration project under the Department of Health, Education, and Welfare, it would be composed of child care professionals and there would be a small charge for their service based on a sliding scale according to family income.

I think it is important to note that the advocacy system is not intended to replace any existing delivery system, but to be a catalyst for making the present system responsive to the needs of our children.

There is an obvious necessity for this type of program and I am hopeful the Congress will act on it.

## HISTORY OF EGMONT KEY, FLA.

### HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. GIBBONS. Mr Speaker, recently, nearly all of my colleagues from the Florida delegation joined me in introducing legislation charging the Secretary of the Interior to preserve the historical, natural and recreational values of Egmont Key, located off the coast of Florida near Tampa Bay. Since then, many of my constituents have expressed enthusiastic support of the legislation, especially in light of the significant role the Key has played in Florida and U.S. history. Today I am entering into the RECORD a very informative letter which I received from Mr. Theodore Lesley, Hillsborough County historian and resident of Tampa, Fla.:

HILLSBOROUGH COUNTY
HISTORICAL COMMISSION,
*Tampa, Fla., April 15, 1973.*

Hon. SAM M. GIBBONS,
*U.S. Congressman, Florida,*
*Washington, D.C.*

DEAR SAM: Thanks for your letter of the 5th, and copy of bill you have introduced in Congress which calls for setting aside our historic Egmont Key as a National Park. I cannot express myself strong enough in terms of approval of this action of yours, joined with other representatives of the Florida delegation.

There are two examples of early Americana which fascinate me, both of which are fast disappearing from our skyline. They are the quaint "covered bridges", that formerly spanned the rivers of old, and the coastal lighthouses. As with many others, I go a good many miles out of my way to visit either of these whenever they are known to be along my route of travel. Florida, to my knowledge, has none of its covered bridges left, but we do have several lighthouses whose long frontier history are closely woven with the state's past maritime and commercial development.

No doubt you are aware from your sailing experiences in our coastal waters that Egmont Key is the first body of land one passes upon entering Tampa Bay. This little island of some 300 acres was the first strip of land sighted by the early Spanish explorers of the sixteenth and seventeenth centuries. The pro-Dominican Martyrs of America anchored off its shoreline, in 1549, and auffered death in an abortive attempt to establish an Indian mission on the Tampa Bay coast. This is but the first recorded touch that ties Egmont Key with the destiny of the Florida Indians, first with the Aborigines, the Timucuans and Caloosas, and later after their extension, with the Seminoles whose descendants we know today.

During the early years when the Floridas were owned by Spain, the rivers, keys and islands all bore Spanish names. However, when England came into possession of the two provinces, East and West Florida (1768–1783), she sent her own map-makers into these lands and the majority of the old Spanish names gave way to those of English derivation. Espiritu Santo became Tampa Bay, the river emptying into it and on whose banks Tampa was later to be established, became known as the Hillsborough, and the more important islands received like transformation. Among the latter, situated at the very entrance to the bay, was the one designated Egmont Key. It was evidently named in honor of the second Earl of Egmont, an Irish Peer, who served King George III as Lord High Admiral and Postmaster General.

Here on the shores of Tampa Bay, January 1824, the first permanent white settlement was made with the arrival of troops from Pensacola under command of Col. George Mercer Brooks. The encampment subsequently became known as Fort Brooke, and the small town of Tampa grew up next to its protecting walls.

A refuge from hostile Indians, it led a quiet existence until the outbreak of the Second Seminole Indian War. This conflict lasted from 1835–1842 and was the most costly of all the wars fought with the American Indians. Fort Brooke became the headquarters for the Army of the South, thus the residence of the commanders in the field, among them Gen. Zachary Taylor, later President of the United States.

With hundreds of transports, and supply vessels entering the harbor, the lighthouse was then erected on Egmont Key. At various times during this long struggle Egmont Key was used as a gathering spot, or depot, where the captured Indians were camped until vessels arrived to carry them West. The lighthouse remained in use for commercial ships after this war was over. Several years later, in 1848, it was partially destroyed by a severe hurricane and inundated by sea water. Immediately rebuilt, it has remained in continuous use until this day.

A distinguished American, Col. Robert E. Lee, later Confederate Commander in Chief, visited the coast and islands of Tampa Bay, in February 1849, on a survey mission for the U.S. Government. This group in their report to the Secretary of War recommended that Egmont Key, among others, be reserved by the Government as a key to the defense of the area.

The Third Seminole Indian War, 1855–1858, again found Egmont Key a depot for captured Indians and those who came in peacefully for transportation to Western lands. The Chieftan in this uprising, Billy Bowlegs, with his war leaders and families, bid a final farewell to their native land from here when the steamer, Grey Cloud, bore them away. This group of Indians which sailed from Egmont Key, May 7, 1858, was the last to be deported from the State.

More peaceful years existed there until 1861 when Florida withdrew from the Union and joined her sisters in the Confederate States. The local militia, knowing full well they could not defend Egmont Key from the forces of the Federal blockade, dismantled the light from its tower and secreted it at Fort Brooke whose guns defended Tampa from a bay invasion. Thrice the town was bombed but not occupied. When Tampa was finally occupied by Federal troops in May 1864, the Egmont Key lights were found safe and carried, with other booty, to Key West. They were returned in peace time and again mounted within the tower and continued in operation until replaced with more modern equipment years later.

During the war years of 1861–1865, a Federal detachment held Egmont Key. Small raids were made from there on the mainland, and it also served as a center for escaped slaves and Union sympathizers until a time they were able to be transported by ship to Key West. Lookouts were posted in its tall tower, with glasses, searching the bay for Confederate blockade runners operating out of the Hillsborough River.

A peaceful existance again came to Egmont Key from 1865–1898. The latter year brought us war with Spain following the sinking of the American warship Maine in the Havana harbor. No less than three of the Tampa Bay keys were fortified against possible attack. Today on Egmont Key are to be seen the historic ruins of its fortifications, cannon, sandbagged dugout, munition magazine,

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post-hospital and long strips of paved roads, all dwarfed by the tall lighthouse on its isolated end of the key.

Peace finally reigns there as king. May it ever be so, free from commercialism, a wild-life refuge and a retreat for all the weary from the work-a-day world.

Sincerely,

THEODORE LESLEY,
*County Historian.*

## NEEDED: AN ATTORNEY GENERAL OF THE CONGRESS

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. ANNUNZIO. Mr. Speaker, a novel suggestion has come to my attention with regard to the current debate among the three branches of government over the proper division of power. Mr. Ernest Cuneo, president of the North American Newspaper Alliance, writes of the need for an attorney general of the Congress.

Mr. Cuneo is a distinguished lawyer and publisher. A graduate of Columbia University, he was admitted to the New York bar in 1932. He was a law assistant to Fiorello H. La Guardia in 1931 and 1932, and associate counsel for the Democratic National Committee from 1936 to 1940.

During World War II, Mr. Cuneo was an officer with the OSS, chief liaison with British Intelligence and the FBI for General Donovan, and was decorated by both the British and the Italian governments for his services. He has written two books, Life with Fiorello and Science and History. His remarks follow:

[From the National Whirligig, Mar. 19, 1973]

NEEDED: AN ATTORNEY GENERAL OF THE CONGRESS

(By Ernest Cuneo)

WASHINGTON, March 7 (NANA).—The tiresome confrontation between the Executive and the Congress over the refusal of the President to spend appropriated funds illuminates a flaw in Constitutional procedure far more than it defines a Constitutional crisis between the Executive and Legislative Branches. A real Constitutional crisis between the Congress and the Executive would be about as unequal as a contest between the Atlantic Fleet and a ferry boat. The mechanics of the action would be deadly simple. The same Congress which could marshal the two thirds vote in House and Senate to override any Presidential veto could, in a real showdown, marshal the same two thirds vote in both Houses to impeach him. It being perfectly obvious that the Houses are not united enough to effect this, it becomes tiresome to hear the Hill constantly advertising its divisive paralysis. The next best remedy is to cut the White House budget to the bone, or eliminate it, a device used in Great Britain. In fact, it is practiced within the Executive Department itself. A man who refuses to resign and can't be fired is assigned to a room empty except for a chair and a desk and assigned no work. Few stand up for very long under the pressure of no pressure at all.

But a much more serious breach in the ramparts of the legislative superiority designed by the Founders has grown up by custom. The usurpation of power by the Supreme Court in assuming it had the right to declare Acts of Congress unconstitutional went unchallenged, though it is without exception, the Mount Everest of gall as the history of the English-speaking nations goes.

But even more puzzling in a century when the Hill produced the great Constitutional lawyers of the country—Webster and Calhoun, for example—is the fact that the Hill never demanded its own Attorney General.

It is the President who appoints his Attorney General, who after confirmation, magically becomes Attorney General of the United States. Actually, he is nothing of the kind. He is primarily House Counsel to the President, the Executive Department. This dual function is now recognized. In the past 25 years, supplanting the Postmaster General, the office of the Attorney General has become the most sensitive political office in the land, as for example, the appointments and activities of Robert F. Kennedy and John Mitchell in that office indicate. But the primary duty of the Attorney General is to the President.

It follows, thereore, that in any Constitutional test between Hill and Executive, the Attorney General of the U.S. will represent the President, as indeed, he should. But since the Attorney General has the initiative of how, when and upon what issue a case may be submitted to the Courts, or, indeed, of avoiding any issue at all, the advantage to the Executive is tremendous.

It is even more accentuated when it is considered that neither House, nor Senate, nor Congress as a whole has its own Attorney General. Thus, it traditionally is a bystander when the Constitutionality of its own acts are in contention in the Courts.

This does not suggest that an Attorney General of the Congress go before the Courts to argue the merits of an Act of Congress. On the contrary, the function of such Attorney General would be to notify the Courts of the intent of Congress, and such notification would be binding upon them.

This would not be new law. As a matter of fact, the Courts already extend this privilege to the State Department. In any case involving status of foreign matters, the Court either refers to the State Department's ruling or asks the State Department for an opinion, which opinion by custom is regarded as the Law of the Case.

By contrast, the Supreme Court horses around for months deciding what the Congress intended, when the Congress is a short iron-shot across the park and could be asked its intent through its Attorney General, if it had one. The least that the Supreme Court could do is ask the opinion of the Chairmen of the relevant Committees, as the Congress itself does, but the Court doesn't. Obviously it was bold enough for the Supreme Court to assume the powers of declaring an Act of Congress unconstitutional; but to assume to interpret the intent of Congress when 535 duly elected and presumbaly sane men are sitting hard by is more fitting as part of a Gilbert & Sullivan operetta than the daily functions of the U.S. Government.

The Congress of the U.S. faces no Constitutional crisis with the Courts or with the Chief Executive. On the contrary, these Departments should face legislative and financial crises if they persist in defying that branch of the Government, the Congress, which clearly and unmistakably was designated by the founders as the final power, the ultimate voice of the people.

The Congress will continue to find itself choked with rage and frustration, until it establishes its own voice. That voice, about 186 years overdue, is an Attorney General of the Congress to match the Attorney General of the Chief Executive, with statutory power to enter any court in the land without submitting to its jurisdicion. No other free assembly in the world would consider for a moment letting another group decide what it intended, and it is time the Congress appointed its own Attorney General to so notify the Supreme Court and the Chief Executive.

## FACTS ABOUT BEEF PRICES

### HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. NICHOLS. Mr. Speaker, a great deal has been said in recent weeks about the sharp increase in meat prices. I share the concern of the millions of Americans who participated in the meat boycott several weeks ago. As is always the case, however, there is another side to the story—the cattleman's.

Their viewpoint was expressed very clearly in a recent publication distributed by the Alabama Cattleman's Association, an organization with over 15,000 members. Mr. Speaker, I believe the views espoused by this fine organization are valid and I wish to place them in the RECORD for the study of my colleagues:

FACTS ABOUT BEEF PRICES

The 15,158 members of the Alabama Cattlemen's Association have become increasingly alarmed and concerned over the attention that is being focused on beef prices. Alabama cattle leaders emphasize that they are just as alarmed and concerned over inflation, the increased cost of living and high prices as any other group of people in the state.

Cattlemen point out that the cost of everything has risen and that beef prices are in line with all other goods and services. They are concerned that their product—BEEF—has been singled out as the main cause of inflation by politicians and housewives. They deplore the threat of boycotts and meatless days throughout the nation by people who have no earthly idea what the increased costs, time, and problems are in producing livestock for the market.

Alabama cattlemen pointed out that the threat of boycotts and meatless days will actually short change the consumer by ultimately resulting in reduced meat supplies and higher prices. Any move such as boycotts and meatless days would be an economic signal to the cattlemen that consumer demand is diminishing and therefore cattlemen would be reluctant to increase their beef herds.

The issue today with reference to the housewives boycott of meat is the fact that beef has been too cheap too long. Now that beef has reached the point that cattlemen and farmers can realize a reasonable return on their labor and investment, the housewife is concerned.

After 20 years of struggling to make the beef cattle industry profitable the cattleman is now catching up with the rest of the economy whose wages and prices have been skyrocketing for the past several years.

Cattlemen agree that beef prices have risen sharply during the past several months and they insist that present beef prices are not out of line.

Present meat prices are not out of line by any measurements with the level of wage rates, salaries, personal incomes, cost of living, or prices of most consumer goods; and even the rather recent increases in meat prices fall short of matching the steady and consistent increases of all other items.

Alabama cattlemen state that while beef prices are up, an hour's wage still buys more than twice as much beef as in 1950. The Alabama housewife is spending about 15 percent of her disposable income for food, which is the lowest in the history of our country. In 1960 she spent approximately 20 percent of her disposable income for food.

Exploding demand and high incomes are part of the reason for rising beef prices. More people with more money to spend are eating more beef today than ever before.

Even though cattlemen have doubled production in the past 20 years, cattle producers can hardly produce enough to keep up with their remarkable increase in demand.

Alabama cattlemen point out that they do not set the prices. Practically all cattle are sold at auction with buyers bidding what the traffic will bear, and cattlemen having to take what the packer is willing to pay. The final price for meat is set at the retail level.

They also point out that there is no quick way to produce a T-bone steak. Actually it takes approximately two years to produce the steak or roasts that housewives will have for dinner this week.

Alabama cattle leaders state that the cattle numbers are on the increase and that cattlemen are beginning to cull their herds and will be selling more cattle this Spring and Summer.

Alabama officials predict live cattle prices will level off and this should result in reduced prices at the retail level.

Cattle leaders also oppose any effort to place price controls on raw agricultural products. They believe that controls on beef prices would be self defeating because controls on meat do not decrease demand or increase supply.

ALABAMA CATTLEMEN'S ASSOCIATION.



## NIXON YOUTH CUTS

### HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. MOAKLEY. Mr. Speaker, with each passing day it becomes more—if you will—perfectly clear that Mr. Nixon is totally isolated from the real needs of the American people.

This isolation is particularly tragic in light of Mr. Nixon's landslide victory in November last which he mistakenly interpreted to mean that he, as the President, is authorized to give the American people what he wants instead and in spite of what they need.

Today, Mr. Speaker, I am drawing specific reference to the administration's cutbacks which have resulted in the elimination of a most worthwhile program, the Neighborhood Youth Corps.

Mr. Speaker, as you well know, this program has proven to be an invaluable factor in both stimulating our young to share in the work ethic in addition to serving as a pragmatic device of keeping our young off the streets.

However, via the elimination of this program we may very well find ourselves and our cities engulfed by a flood of jobless youth who have no other alternative but to roam the streets.

And certainly everyone is aware that the streets have nothing to offer but crime, drugs, alcohol and so forth, as Mrs. Ann Stokes indicates in the following letter and accompanying petition.

Mr. Speaker, it is for this reason—if for no other—that we in the Congress must unite in order to prevent the Nixon youth cuts and thus save the Neighborhood Youth Corps.

The following letter of Mrs. Stokes is further testimony of the undue hardship precipitated by the President:

MODEL NEIGHBORHOOD BOARD,
*Dorchester, Mass., March 26, 1973.*

Representative JOSEPH MOAKLEY,
*Roxbury, Mass.*

DEAR CONG. MOAKLEY: As you probably are aware that hundreds of youth, between the ages of 13 through 22, will be looking for summer employment. Government cut backs, however, have changed the job situation and of course our own budget has been cut severely and we are unable to sponsor a program such as we have in the past. We have met with over 200 teen-agers during the past three weeks and explained the situation, they in turn organized themselves in groups of spokesmen, strategy committees, etc.

One part of their plans, has been to write letters to Mayor White, Senator Brooke and President Nixon, this also includes a petition from the original group which first met.

Staff in Area V office, can not understand how the President can talk about law and order and then take jobs away from the teen-agers, leaving them with nothing to do all summer. Certainly everyone is aware that the streets have nothing to offer but crime, drugs, alcohol, etc. These jobs are necessary and some way the leaders of this country should be planning with the teen-agers an action that will bring their plight to the attention of the President. No one yet has gone to the news media with a message for just the teen-agers, whose frustration is already being felt in the community. Must we wait until the summer, when school is out to take action in their behalf.

Please, do all you can to bring some summer jobs to the teen-agers in Mass. who badly need them.

Sincerely yours,

MRS. ANN E. STOKES,
*Supervisor.*

TEEN-AGERS OF AREA V PETITION FOR SUMMER JOBS

MARCH 14, 1973.

We the undersigned are requesting that Mrs. Marsha Barros, our elected area V representative, gain support from the Model Neighborhood Board to do everything possible to get us summer jobs:

Charles Dymond, Ulysses Williams, Alfred Lewis, Walter Furtado, Mandy Allen, Mary L. Stordivant, Norris Edgecombe, Jr., Maria Medina, Arthur Berry, Sammie Jean Holloway, Ledarnella Ragland, Maye Howard, Elizabeth Ross.

Celeste Allen, Mary Hall, Ulysses Williams, Adrison Herrisor, Maye Howard, Walter Robinson, Elizabeth Ross, Ledarnella Ragland, Arthur Yarborough, Maria Medina.

Sammie Jean Holloway, Telesa Daye, Angela Sloane, Almaria Reyes, Dede Reyes, David Solomon, Joseph Cox, Mary Stordloant, Lawrence Mosley, Michael Williams, Jacqueline Wright, Randy Jonts, Mrs. Lellium Rankin, Tanya Johnson.

Susan King, Michette Bell, Christine Cummings, Dorothy Brown, Patricia Young, Walter Furtaslo, Alfred Lewis, Joseph Furtado, Otis McCall, James Perryman.

Lisa Hinton, Jannette Mathis, Jane Williams, Tylanne Edwards, Cynthia Haliday, Sharon Reid, Brenda Lawson, Eric Jones, Barabar Owens, Keith Col, Gary Lee, Dede Reyes, Amos Wright, Celeste Allen, Amacia Reyes.

Alicia Monteiro, Janice Cherry, Doris Cherry, Theresa Shelton, David Montico, Lewis Johnson, Robert Cetchell, Richard Johnson, Terry Williams, Al Cooper.

Manly Allen, Helen Beverly, Sheryl Wolfe, John Campbell, Paulene Mathis Antomette Noffes, Arthur Berry, Nonnis Edgecombe Jr., Lyette St. John, Debbie Stokes, Andrea Monteipo, Arthur Davis.

## THE PLIGHT OF THE JEWISH COMMUNITIES IN THE ARAB STATES

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. DRINAN. Mr. Speaker, on Sunday, April 29, 1973, I attended and spoke to a very moving gathering of young people in Newton, Mass. Some 200 teen-agers with many of their parents came together under the auspices of the organization called Young Judea to call upon the leaders of the world to use every means of persuasion and pressure at their disposal for securing the release of the Jewish citizens in the Arab countries of the Middle East.

This very inspiring gathering of young people took place on the lawn of the city hall of Newton and was addressed by the mayor of that city the Honorable Theodore Mann.

The gathering also heard words of encouragement from Rabbi Samuel Kenner of the Jewish Community Council of Boston, an expert in all aspects of the problems of Jews living in the USSR and in Arab lands.

I related to the gathering the facts behind the introduction of a bill cosponsored by myself and many of my colleagues, H.R. 7229, which would provide up to 30,000 visas for the immigration of Jews from all Arab lands.

Mr. Speaker, the very moving meeting in Newton, Mass., considered the plight of the Jewish communities in the Arab States. In this connection I bring to the attention of my colleagues in the House the statement by the Minister for Foreign Affairs of Israel, Mr. Abba Eban, in the Knesset of April 29, 1973.

I attach also at the conclusion of the statement by Mr. Abba Eban the text of a resolution adopted by the Knesset on April 29, 1973:

THE PLIGHT OF THE JEWISH COMMUNITIES IN THE ARAB STATES

(Statement by the Minister for Foreign Affairs, Mr. Abba Eban, in the "Knesset", Israel's Parliament, on April 29, 1973)

Verification has most recently been received of the terrible report that a Jewish family in Baghdad—Reuven Kashkush, his wife, their two sons, Fuad and Samir, and their daughter, Joyce—had been murdered in broad daylight. This barbarous murder is the climax in a continuous chain of brutal persecution of Baghdad's Jewish community—revived in September 1972, when one Jew was discovered murdered in his home and word was received of the abduction and disappearance of eight others. Since then, eight further Jews have been abducted on various dates, bringing the total to sixteen:

Azouri Shemesh, Shaul Rajwan, Ya'acov Abdul Aziz, Ezra Abu Daoud, Dr. Ezra Khzam, Salim Sidka, Nagi Tzitiat, Shaul Shemesh.

Ezra Shemtove, Nagi Kashkush, Suad Kashkush (Wife and Nagi), Naim Patal, Ezra Kahtan, Salim Gahtan, Shua Uzeir.

Repeated appeals concerning their fate and whereabouts, addressed to the Iraqi authorities by members of the families and by representatives of friendly governments and international bodies, have met with contradictory and evasive replies. Confiscation of

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the property of the abducted persons, as well as further measures similar to those taken on the eve of the public hangings in 1969, give rise to the terrible thought that some—if not all—of them are no longer alive.

We mourn the murder of an innocent Jewish family, and grieve with the relatives of those abducted and with all the Jews still remaining in Iraq. We are with them in spirit in their various and courageous stand against the cruel oppressor, and in their struggle for their right to emerge into freedom, and address to them from here words of encouragement and hope.

The Iraqi authorities take upon themselves a grave responsibility in disregarding the constant and angry protest of world opinion, and in persisting with the brutal deeds of persecution and murder which endanger the very existence of the defenceless and helpless Jewish community remaining in Baghdad.

ISRAEL DEMANDS FREEDOM FOR THE JEWS TO LEAVE THE ARAB COUNTRIES

Sequent upon the multifarious and vigorous international action mounted to rescue the Jews in Arab Lands, particularly after the tragic events of January 1969—when the innocent Baghdad martyrs were executed, thousands of Egyptian and Iraqi Jews were enabled to depart, and even in Syria—which still bars her gates to the departure of Jews—dozens of Jews were released from prison. While this international pressure continues, we are well aware—as are also all those governments, international bodies and personages ceaselessly active in the effort to rescue Iraqi and Syrian Jewry—that in the unstable conditions prevailing in these countries, wherein their rulers seek scapegoats for the crises attending them every now and then, the defenseless Jewish communities may often expect to be the targets of trouble and oppression.

There is only one solution for the plight of Iraqi and Syrian Jewry—the exodus of all of them for their goal. This truth has been accepted by everyone engaged throughout the world in the cause of rescuing the Jews in Arab lands, and they are ceaselessly active towards its implementation. Here, too, international action has achieved results: Out of Iraq's Jewish community of 5,000 in recent years, only a few hundred remain. The figure I last quoted to the Knesset was 400, and since then the number has dropped considerably. There was reason to hope that this process would continue until the departure of the last Jew from this most ancient of the dispersions. Much to our regret, however, the oppressions and persecutions were revived in September 1972. Further grave misfortunes have descended upon the much tormented Baghdad community.

WORLD REACTION TO IRAQI ATROCITIES

Immediately upon receipt of the first reports of murder and abductions, governments, international organizations, personages and intellectuals—Jews and non-Jews alike—in dozens of countries throughout most continent were impelled to action, demanding an explicit and unequivocal reply from the Iraqi authorities concerning the fate of those abducted and whether they were still alive, and insisting that an authoritative international body be permitted to see them. As a result of the public and international pressure, the Iraqi authorities and their representatives in various capitals were forced into publishing—after a silence of a few months' duration—denials in vague and hazy terms, to the effect that Jews had not been detained on religious or political grounds, that the Jews were equal before the law, and so forth. In not one of the denials was it clearly designed to obliterate cruel deeds, responsibility for the perpetration of which is borne by the Iraqi authorities. We entertain no shadow of a doubt as to what might have been the fate of the entire Baghdad community but for the international awakening. The terrible deeds of which we hear represent further proof that not a single Jewish life is any longer secure in Iraq.

THE PERSECUTED JEWS OF SYRIA

On this occasion, let us not forget our brethren in another dolorous dispersion. The Jews of Syria, numbering some 4,000–5,000 souls, live in conditions of oppression and suppression. They are denied the basic rights of the freedom of man, and degrading restrictions are imposed on the community and its economic activity. They are forbidden to move more than four kilometres from their places of residence, not to mention leaving the borders of the state, and live in constant fear of the authorities and their neighbors. Three Jews are still in prison: Nissim Katri, Yosef Sued and Albert Elia. The latter the Secretary of the Beirut Jewish community, who was abducted in September 1971 and imprisoned in Damascus. We shall not desist, not even for a single moment, from the campaign to permit the immediate and total exodus of Syrian Jewry and for the release of the detainees in Syrian prisons.

ISRAELI POLICY

The Government of Israel intensifies its efforts and activities on the political plane at every possible level—including moves and contacts which I shall not enumerate here, expresses its gratitude to everyone throughout the world engaged in the cause of rescuing the Jews in Arab lands, and reiterates its appeal to all those to whom the human issue is of concern to intensify their efforts, to persist in the pressure and the struggle, and to raise their voice in vigorous protest and in demanding the immediate cessation of the murderous and cruel deeds perpetrated against Iraqi Jewry and the release of the detainees in Iraq and Syria, and insisting upon permission being granted for the immediate and total exodus of the small remnant of Iraqi Jewry and of Syrian Jewry.

"BY THE RIVERS OF BABYLON"

I commenced by speaking of Iraqi Jewry, and I shall conclude with them. Redemption of the last remnants of Iraqi Jewry will spell the end of a chapter of Jewish presence which has lasted continuously from the dawn of human history until the present. In Mesopotamia was born the father of the nation, in Babylon did the exiled prophet behold the vision of the dry bones into which the breath of life was infused, in the land between the rivers Gaonim (Jewish scholars) and poets emerged to light the path of the Jewish people in the Middle Ages—and it was among Iraqi Jewry that establishment of the State of Israel caused a ripple of yearning, until they arose and flowed to us in their multitudes in the early years of the state's existence, out of a sincere and deep spiritual awakening to the disregard of accounts of time and property. Even in the past two years the Iraqi authorities were unable to withstand the pressure of domestic and external demand, which resulted in the redemption of most of the Jewish remnant.

IRAQI JEWS—THE FIRST ZIONISTS

Do the Baghdad authorities really believe that the dastardly murder recently committed and all other overt and covert criminal deeds will deter Iraqi Jewry from joining their people? Was it then not there that Jews first wept in recalling Zion? Was it not there that exiled Jews for the first time held Jerusalem above their chiefest joy? And it was there that the wonderful and unprecedented revelation emerged of a people which even in its dispersions, never ceased yearning for its homeland.

The very concept of "the return to Zion" was born by the rivers of Babylon, and it is indeed the silenced harps hung on the willows that speak to us to this very day in a voice which cannot be stilled and knows no rest.

Therefore, we have but to intensify the sound of our demand and to maintain the full wrath of our protest and that of the entire enlightened world, until the last of the Babylonian exile shall have closed the circle of history—and emerge to freedom.

TEXT OF A RESOLUTION ADOPTED BY THE KNESSET, APRIL 29, 1973

1. The Knesset has heard with anguish and anger of the murder in Baghdad of all five members of the Kashkush family. This murder of an entire Jewish family and the disappearance of 16 other Jews prove that the Iraqi Jewish remnant numbering a few hundred souls is subject not only to abductions, arbitrary detention and torture, but to the very threat of annihilation.

2. The total exodus of the Jews still in Iraq has become the most urgent necessity and human requirement. This necessity applies also to our brethren in Syria, who are mercilessly oppressed by the authorities.

3. The Knesset appeals to governments, parliaments and international organizations to intercede immediately with the Iraqi authorities, and to demand that they permit the departure of all Jews from that country, that they may reach a safe haven.

## RETIREMENT OF MRS. ANNA-MAE SWITASKI

### HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. SARASIN. Mr. Speaker, at a time of ever increasing importance being placed on the role of women in politics, I wish to rise and note, for my colleagues' attention, with sadness the retirement of Mrs. Anna-Mae Switaski as the vice chairman of the Connecticut Republican State Central Committee.

Anna-Mae, as we from Connecticut refer to her, has been the vice chairman of our party for 23 years and has served in this post under five State chairmen. In those 23 years she has served her party well giving tirelessly of her time and knowledge.

Interested in politics since childhood, Anna-Mae has worked in every election since she was 14, although she has never sought public office herself.

In her career she has achieved a number of noteworthy firsts. Among them are: The first woman from her hometown, New Britain, to attend a national convention. The first president of Connecticut Council of Republican Women's Clubs, charter member, officer and founder of Hartford County YGOP, only person chosen seven times as a delegate from Connecticut to Republican National Conventions.

She leaves her position as State vice chairman to achieve another first. The first woman ever to serve on the liquor control board since its creation 40 years ago.

As a spokesman for her sex and her party, Anna-Mae is tireless in discussing the need of women to take part in politics, Republican politics in particular.

In moving to her new position, I can only say that we, the Republicans from Connecticut, are losing a truly devoted worker and leader. I wish her luck in her new endeavor, and know that I as well as all of us from Connecticut will miss this true and dear friend.

I would also like to include at this time the joint resolution passed unanimously by the Connecticut General Assembly in her honor:

HOUSE JOINT RESOLUTION

Resolution congratulating Anna-Mae Switaski

Resolved by this Assembly:

Whereas, Anna-Mae Switaski has been appointed a liquor commissioner by the Honorable Thomas J. Meskill, Governor of the state of Connecticut; and

Whereas, Anna-Mae Switaski has served as vice-chairman of the Republican State Central Committee for twenty-three years and previously as President of the Connecticut Council of Republican Women's Clubs for eighteen years; and

Whereas, Anna-Mae Switaski has been a Connecticut Delegate to seven Republican National Conventions where she has served with distinction on such important committees as Rules and Platform; and

Whereas, she is regarded and has served admirably as the spokesman for Republican women throughout the State, and is a walking encyclopedia of facts and names of Republican interests; and

Whereas, Anna-Mae Switaski has served five Republican State Chairmen during which time she has become one of the Republican party's most popular and best-known leaders;

Now, therefore, be it resolved, that we of the general assembly unite in extending to Anna-Mae Switaski our most sincere congratulations on her appointment to the Liquor Commission, and our best wishes for her success in this new field of endeavor.

Be it further resolved, that the clerks of the house and senate cause a copy of this resolution to be sent to Mrs. Anna-Mae Switaski at her most favorite address, 410 Asylum Street, Hartford, Connecticut.

## BUDGET PRIORITIES ASSESSED BY SACRAMENTO URBAN LEAGUE

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. WALDIE. Mr. Speaker, many of us have viewed with concern the absence of funds for important and valuable social programs in President Nixon's budget. A Federal court has mercifully stopped the dismantling of the OEO, for the time, but it is incumbent on Congress to take positive action.

The Sacramento Urban League addressed itself to the matter of proper budget priorities on February 20, 1973, and I offer the text of a resolution they enacted for the consideration of my colleagues. The resolution follows:

RESOLUTION OF THE SACRAMENTO URBAN LEAGUE MEMBERS

The National Urban League, founded in 1910, to assist Blacks migrating from the South to adjust to urban life in Northern cities, represents a history of leadership in providing services and creating opportunities in jobs, education, housing, and social welfare. These services have contributed to poor people and minorities opportunities to help solve many of their own problems.



The recent announcement of the Administration's intent to terminate such programs disturbs us, since such policies appear to be rooted into negative feelings about the domestic programs at a time when billions of dollars are being provided abroad. In view of the 7½ billion dollars being proposed for reconstruction in Vietnam, it is the profound concern of the Sacramento Urban League that the programs under the Office of Equal Opportunity not become victims of budget cutting to help finance the war in Vietnam, and that increased amounts of money be budgeted for a reconstruction of the United States.

Many of the programs developed by OEO to reach the roots and causes of social problems have been successful and should be retained.

As an affiliate of the National Urban League, whose tradition of concern has been to provide help to the downtrodden, the poor, and the minorities, the members of the Sacramento Urban League feel that the National Urban League's concerns, as so aptly stated by Vernon Jordan, "the end of the OEO will mean more than the loss of some programs and the redistribution of others. It will mean that the only institutionalized voice of poor people will have been abolished. And it will stand as a symbol of the Federal Government's indifference to minorities and to poor people," are clearly consistent with the purposes outlined. Therefore, the Membership of the Sacramento Urban League would like to go on record in support of the National Urban League's efforts to retain those domestic programs established to further Equal Opportunity for all Americans.

The scriptures refer to a fitting concept in this instance, that "charity begins at home, then spreads abroad." At a time when American cities are decaying, when American children are suffering from malnutrition, when education is being denied American children of all races, and when people are despairing due to unemployment and health programs it appears the ultimate in disregard for Americans, that its Government is apparently unwilling to provide a like amount of 7½ billion dollars for the reconstruction of American ghettos, barrios, appalachians, and assistance to returning Vietnam veterans.

The Sacramento Urban League urges you to continue your support of American domestic programs as the number one priority, to help us renew our nation.

## OEO END—A RATIONAL MOVE

### HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. ZION. Mr. Speaker, a recent editorial in the Boston Herald American points out that the house cleaning going on at OEO is not an incompassionate purge but rather a rational plan to give the poor more funds and services than they have received in the past. I ask unanimous consent that the following editorial be printed in the RECORD.

[From the Boston Herald American, Mar. 30, 1973]

A WAY OF SAYING "OUCH!"

(By John Chamberlain)

When the administration put Howard Phillips, a conservative, in as acting director of the Office of Economic Opportunity with a mandate to clean house and to abolish some 900 wasteful, ineffective and sometimes crooked agencies, there were anguished cries about a "Nixon compassion gap." But the wailing about a heartless "Buckleyite black mass" being celebrated at OEO obscures a number of things.

Actually, as M. Stanton Evans, the chairman of the American Conservative Union, points out, the Nixon budget is awash with welfarist hikes. Two billion dollars are provided for federal absorption of welfare function; community development and housing get an additional billion; Medicaid and Medicare are being expanded to the tune of an extra $3.7 billion, and so it goes. A "compassion gap" indeed! What the whole business amounts to is a simple displacement of bureaucracies. We are being asked to shed tears for bumbling officeholders who have actually let the poor down.

It is not even true that there is any particular brutality about the ending or revamp of OEO's own functions. There has been a lot of criticism of the Office of Legal Services, for example. But the poor are not about to be deprived of legal help. In Indianapolis the big-hearted "poverty lawyers," with government money to spend, thought it perfectly terrible that a group of counterculture high school editors of an underground publication, The Corn Cob Curtain, should be in trouble with the law. Some of the outraged Indianapolis parents insisted that the kid editors had been dealing more in porn than in corn. The poverty lawyers took the kids' side of the battle, offering them legal services for free.

Nobody quarreled with the right of any editor to have his day in court. But it seemed a little too much when it was discovered that the poverty lawyers had taken on some youthful clients whose families were in the $20,000-25,000-a-year income range. The specious defense of the poverty lawyers was that the kids didn't necessarily have access to the family bankrolls. Did this make them poor?

It seemed plain to a big part of the Indianapolis community that the OEO Legal Service representatives were more concerned about supporting their philosophic prejudices than they were about finding poor people who were really up against it. Laurie McCarty, the Boston lawyer who had come into OEO to clean up the legal services was jolted into second thoughts about the Indianapolis office when he discovered that it had apparently never bothered to consult with the local bar association. This, if it could be established beyond doubt, was a violation of the Economic Opportunity Act, which expressly requires Legal Service consultation with the local bar.

After talking with judges and attorneys in Indianapolis and in the overlapping area of Marion County, Robert Parker, another Bostonian who is one of the conservative OEO "receivers" in Washington, was convinced that there had been a communications gap between the bar association and the government's poverty lawyers. So there was a great deal of argument in Washington about renewing OEO funds for the Indianapolis operation. The time seemed ripe to put Indianapolis Bar Ass'n representatives on the free Legal Services directorate. A slate was actually drawn up.

It so happened, however, that the liberal Mayor Richard Lugar of Indianapolis, Republican, had enough influence at the White House to prevent any drastic change in local poverty lawyer agency personnel. The Indianapolis Bar Ass'n, after some hemming and hawing, went along with the mayor. Presumably Douglass Shortridge, the president-elect of the association, will be consulted from now on. Which is at least a slap-on-the-wrist victory for these who are trying to make local poverty lawyers live up to OEO rules.

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## WARREN COUNTY RED CROSS

### HON. THAD COCHRAN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. COCHRAN. Mr. Speaker, since its inception in this country over 100 years ago, the American Red Cross has provided its compassionate and humanitarian services to literally millions of people. In both natural and man-made disasters, and in peace and war, Red Cross workers and volunteers have been among the first on the scene, providing help and encouragement to the victims.

We are now enduring probably the worst flooding of the Lower Mississippi River Valley in recorded history. In the State of Mississippi alone, 3 million acres have been flooded causing catastrophic damage to homes and farm lands. Miraculously, there have been very few lives lost for which we are all thankful.

In the Fourth Congressional District which I represent, the city of Vicksburg and Warren County have sustained the greatest damage. Red Cross volunteers and staff personnel by their responsiveness and quick action have contributed immeasurably to the relief effort by providing a great variety of services to the people of the area. I am proud to acknowledge the excellent work of the Red Cross. Without the enormous effort of the local chapter in Vicksburg, under the splendid leadership of Mrs. C. R. Porter, our losses would be far greater.

As a part of my remarks, I include an editorial which appeared in the Vicksburg Evening Post of April 4, 1973. This tribute to the American Red Cross is very well deserved, and I commend it to the attention of my colleagues:

THE AMERICAN RED CROSS

When nature deals a serious blow, or a disaster strikes, the natural feeling on the part of all people, those affected and those not involved, is to look to the American Red Cross for quick relief. And it is always there. The Red Cross is geared to meet emergencies. The Disaster Relief Committee is kept abreast of new and meaningful actions in the face of disasters and moves in almost simultaneously with the advent of the trouble.

Such has been the case in our area following the flooding of low areas, from torrential rains and from rising waters. The Red Cross has gone about the job of bringing relief of a temporary nature to the people who lived in the stricken areas. Meals have been served, temporary housing has been provided and people whose homes were inundated, some to the rooftops, found the comforting arm of the Red Cross open for them.

It is a most satisfying feeling to know that there are people who care, when one meets with disaster. A home, with all of its furnishings, plus the sentiment attached, is more than a house. It is a real home and when that home is covered with water and the resulting silt which will remain when the water recedes, there is something taken out of the hearts of those who live there. Here is where the Red Cross performs its most wonderful service. Here is where solace and a certain amount of financial grant is available when that home can once again be entered.

What would people do if there were no Red Cross? The record of the Red Cross should be impressed in the hearts of all Americans, for this great organization, through the unselfish volunteers who carry on its programs, has written indelible chapters in the history of our nation. New chapters are always being written, such as the one now being written in Vicksburg and Warren County.

## IT IS TIME FOR THE PRESIDENT TO SPEAK OUT

### HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. McCLOSKEY. Mr. Speaker, I think it is time that the President speak out personally, directly and candidly on the subject of his own knowledge and involvement, if any, in the Segretti and other political sabotage operations of the 1972 campaign, and also that he now direct full disclosure of all campaign contributions for that campaign from all sources.

Three facts are now established from specific statements of the White House, Government Accounting Office, or Justice Department personnel:

First. The President's personal appointments' secretary, Dwight Chapin, hired a friend and college classmate, Donald Segretti, to conduct political sabotage efforts against opposing Presidential candidates. During the period of Mr. Segretti's employment, Mr. Chapin was accustomed to meet with the President on a daily basis.

Second. The President's personal lawyer, Herbert Kalmbach, paid Mr. Segretti at least $30,000 from a secret campaign fund.

Third. The names of the contributors to such fund and the names of the great bulk of the contributors to the President's campaign funds have not yet been disclosed.

It is reported in the press that Mr. Segretti has declined to answer grand jury questions about his activities, on the ground that he might incriminate himself.

If Mr. Segretti indeed committed any crimes, it is a matter of ordinary criminal law that persons who knowingly aided, abetted, encouraged or helped to conceal those crimes may have also been guilty of criminal conduct.

The President has as yet made no comment on these matters, save his public announcement in March that "We have nothing to hide." He did not choose to speak directly to these problems in his address to the Nation last evening. It seems incumbent upon the President, therefore, to make a full and complete statement in response to the logical questions raised by the facts thus far known:

First. Did the President know of the hiring of Segretti?

Second. If so, what was his understanding of the scope of the political sabotage activities Mr. Segretti was being hired to conduct?

Third. What does the President know now, as a result of his investigations, of the activities actually carried out by Mr. Segretti and in the name of the Committee to Reelect the President?

Fourth. When did the President learn of these facts?

Fifth. Whose money financed the political sabotage and espionage operations involved, and were any of such operations in violation of law?

These questions are not merely matters of campaign shenanigans or political capers, nor do they have any relationship to proper functions of government. They do, however, go to the very heart of the integrity of the Office of the President and American political system which the President recognized as so important in last night's speech. The strength of that system rests on the faith of our people in the integrity, truthfulness and candor of our highest elected leaders and upon the principle that those leaders are required to obey the same laws as are ordinary citizens.

The most recently retired Attorney General has told the Congress that if we object to the continuing refusal of the President and his assistants to lay these matters before the public and the Congress, our proper remedy is to institute impeachment proceedings.

Such an action seems an inappropriate step to even consider when the President has it within his power to resolve public doubts by a full, candid and explicit statement of his own personal involvement and knowledge or the lack of such involvement or knowledge.

I would, therefore, respectfully urge that the President should now make a full disclosure of everything he knows about political sabotage and its financing in the 1972 campaign; and that he do so forthwith before public faith is further shaken by the continuing piecemeal revelations of his subordinates. The Presidency is too important an institution to allow it to be tarnished by continuing silence on the part of the one individual who alone can clear up the increasingly ugly doubts shared throughout the Nation, and which were not resolved by the President's television address of yesterday evening.

## THE CONTINUED PERSECUTION OF MIDDLE EASTERN JEWS

### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. BADILLO. Mr. Speaker, on numerous occasions in the past I have called to our colleagues' attention the reign of terror which is being perpetrated against the dwindling yet extremely vibrant Jewish communities in Iraq, Syria, and various other Arab nations. I have reported that Jews in Middle Eastern countries are the victims of political, economic, social, and cultural oppression and are subjected to the cruelest forms of discrimination, restriction, and arbitrary arrest. Prevented from observing their religion or going about their daily lives in peace, these victims of bigotry and hatred are being denied basic human rights and liberties guaranteed by the Universal Declaration of Human Rights and other international agreements which most civilized nations observe.



Yesterday morning I was shocked to learn that the campaign of terror being mounted by Syrian, Iraqi, and other Arab authorities claimed some new victims. In Baghdad a Jewish family of five, the Kashkush family, was brutally murdered. Further, 1 week ago Ezra and Salim Kattan were arrested by Iraqi authorities and no word has been received from or about them. Immediately upon learning of these tragic events I appealed to the distinguished Secretary General of the United Nations to intervene on behalf of the Jewish communities in various Arab countries and, particularly, to use his good offices to prevent any untoward action being taken against the Kattans.

On Sunday the eminent Foreign Minister of Israel, Hon. Abban Eban, addressed the Knesset on the continued plight of Jews in Arab countries. As Mr. Eban has so aptly and forcefully observed, the criminal acts being committed against Jews in Iraq and elsewhere will not deter them from joining their people.

The very concept of "the return to Zion" was born by the rivers of Babylon.

The foreign minister stated.

Mr. Speaker, I very strongly believe that this grave situation warrants our deepest, continuing interest and I take this opportunity to present herewith, for inclusion in the RECORD, the full text of Foreign Minister Eban's speech and my letter to Secretary General Waldheim:

APRIL 30, 1973.

Hon. KURT WALDHEIM,
*Secretary General,*
*United Nations,*
*New York, N.Y.*

DEAR MR. SECRETARY GENERAL: I write to express my deep, continuing concern over the many difficulties being experienced by the small but vital Jewish communities in Iraq, Syria and various other Arab lands.

These people are being subjected to the cruelest forms of harrassment, discrimination, restriction and arbitrary arrest and imprisonment. They are denied those basic human rights and civil liberties protected by international conventions and observed by the majority of civilized nations.

I have just been informed, for example, that, on April 25, a Jewish family of five—the Kashkush Family—was murdered by Iraqui police in Baghdad. I have also been advised that about one week ago Ezra and Salim Kattan, Iraqui Jews, were taken into custody in Baghdad and no word has been received from them since that time.

I urge that you use the powers and great prestige of your office and intervene on behalf of the Jewish communities in the various Middle Eastern nations. Further, I urge that you use your good offices on behalf of the Kattans with a view toward preventing any untoward action being taken against them as well as doing whatever can be done to bring an end to this reign of terror. Certainly such action would be consistent with the U.S.'s commitment to support the basic rights and freedoms of oppressed persons.

I will appreciate your assistance and hope to have some word on this situation.

Sincerely,

HERMAN BADILLO,
*Member of Congress.*

THE PLIGHT OF THE JEWISH COMMUNITIES IN THE ARAB STATES

(Statement by the Minister for Foreign Affairs, Mr. Abba Eban, in the Knesset (Parliament) Jerusalem, April 29, 1973)

EMBASSY OF ISRAEL,
*Washington, D.C.*

Verification has most recently been received of the terrible report that a Jewish family in Baghdad—Reuven Kashkush, his wife, their two sons, Fuad and Samir, and their daughter, Joyce—had been murdered in broad daylight. This barbarous murder is the climax in a continuous chain of brutal persecution of Baghdad's Jewish community—revived in September 1972, when one Jew was discovered murdered in his home and word was received of the abduction and disappearance of eight others. Since then, eight further, Jews have been abducted on various dates, bringing the total to sixteen:

Azouri Shemesh, Shaul Rajwan, Ya'acov Abdul Aziz, Ezra Abu Daoud, Dr. Ezra Khzam, Salim Sidka, Nagi Tzitiat, Shaul Shemesh, Ezra Shemtove, Nagi Kashkush, Saud Kashkush (wife of Nagi), Naim Patal, Ezra Kahtan, Salim Gahtan, and Shua Uzeir.

Repeated appeals concerning their fate and whereabouts, addressed to the Iraqi authorities by members of the families and by representatives of friendly governments and international bodies, have met with contradictory and evasive replies. Confiscation of the property of the abducted persons, as well as further measures similar to those taken on the eve of the public hangings in 1969, give rise to the terrible thought that some—if not all—of them are no longer alive.

We mourn the murder of an innocent Jewish family, and grieve with the relatives of those abducted and with all the Jews still remaining in Iraq. We are with them in spirit in their valorous and courageous stand against the cruel oppressor, and in their struggle for their right to emerge into freedom, and address to them from here words of encouragement and hope.

The Iraqi authorities take upon themselves a grave responsibility in disregarding the constant and angry protest of world opinion, and in persisting with the brutal deeds of persecution and murder which endanger the very existence of the defenceless and helpless Jewish community remaining in Baghdad.

ISRAEL DEMANDS FREEDOM FOR THE JEWS TO LEAVE THE ARAB COUNTRIES

Sequent upon the multifarious and vigorous international action mounted to rescue the Jews in Arab Lands, particularly after the tragic events of January 1969—when the innocent Baghdad martyrs were executed, thousands of Egyptian and Iraqi Jews were enabled to depart, and even in Syria—which still bars her gates to the departure of Jews—dozens of Jews were released from prison. While this international pressure continues, we are well aware—as are also all those governments, international bodies and personages ceaselessly active in the effort to rescue Iraqi and Syrian Jewry—that in the unstable conditions prevailing in these countries, wherein their rulers seek scapegoats for the crises attending them every now and then, the defenseless Jewish communities may often expect to be the targets of trouble and oppression.

There is only one solution for the plight of Iraqi and Syrian Jewry—the exodus of all of them for their goal. This truth has been accepted by everyone engaged throughout the world in the cause of rescuing the Jews in Arab lands, and they are ceaselessly active towards its implementation. Here, too, international action has achieved results: Out of Iraq's Jewish community of 5,000 in recent years, only a few hundred remain. The figure I last quoted to the Knesset was 400, and since then the number has dropped considerably. There was reason to hope that this process would continue until the departure of the last Jew from this most ancient of the dispersions. Much to our regret, however, the oppressions and persecutions were revived in September 1972. Further grave misfortunes have descended upon the much tormented Baghdad community.

WORLD REACTION TO IRAQI ATROCITIES

Immediately upon receipt of the first reports of murder and abductions, governments, international organizations, personages and intellectuals—Jews and non-Jews alike—in dozens of countries throughout most continents were impelled to action, demanding an explicit and unequivocal reply from the Iraqi authorities concerning the fate of those abducted and whether they were still alive, and insisting that an authoritative international body be permitted to see them. As a result of the public and international pressure, the Iraqi authorities and their representatives in various capitals were forced into publishing—after a silence of a few months' duration—denials in vague and hazy terms, to the effect that Jews had not been detained on religious or political grounds, that the Jews were equal before the law, and so forth. In not one of the denials was it clearly designed to obliterate cruel deeds, responsibility for the perpetration of which is borne by the Iraqi authorities. We entertain no shadow of a doubt as to what might have been the fate of the entire Baghdad community but for the international awakening. The terrible deeds of which we hear represent further proof that not a single Jewish life is any longer secure in Iraq.

THE PERSECUTED JEWS OF SYRIA

On this occasion, let us not forget our brethren in another dolorous dispersion. The Jews of Syria, numbering some 4,000-5,000 souls, live in conditions of oppression and suppression. They are denied the basic rights of the freedom of man, and degrading restrictions are imposed on the community and its economic activity. They are forbidden to move more than four kilometres from their places of residence, not to mention leaving the borders of the state, and live in constant fear of the authorities and their neighbors. Three Jews are still in prison: Nissim Katri, Yosef Sued and Albert Elia. The latter the Secretary of the Beirut Jewish community, who was abducted in September 1971 and imprisoned in Damascus. We shall not desist, not even for a single moment, from the campaign to permit the immediate and total exodus of Syrian Jewry and for the release of the detainees in Syrian prisons.

ISRAELI POLICY

The Government of Israel intensifies its efforts and activities on the political plane at every possible level—including moves and contacts which I shall not enumerate here, expresses its gratitude to everyone throughout the world engaged in the cause of rescuing the Jews in Arab lands, and reiterates its appeal to all those to whom the human issue is of concern to intensify their efforts, to persist in the pressure and the struggle, and to raise their voice in vigorous protest and in demanding the immediate cessation of the murderous and cruel deeds perpetrated against Iraqi Jewry and the release of the detainees in Iraq and Syria, and insisting upon permission being granted for the immediate and total exodus of the small remnant of Iraqi Jewry and of Syrian Jewry.

"BY THE RIVERS OF BABYLON"

I commenced by speaking of Iraqi Jewry, and I shall conclude with them. Redemption of the last remnants of Iraqi Jewry will spell the end of a chapter of Jewish presence which has lasted continuously from the dawn of human history until the present. In Mesopotamia was born the father of the nation, in Babylon did the exiled prophet behold the vision of the dry bones into which the breath of life was infused, in the land be-

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tween the rivers Gaonim (Jewish scholars) and poets emerged to light the path of the Jewish people in the Middle Ages—and it was among Iraqi Jewry that establishment of the State of Israel caused a ripple of yearning, until they arose and flowed to us in their multitudes in the early years of the state's existence, out of a sincere and deep spiritual awakening to the disregard of accounts of time and property. Even in the past two years the Iraqi authorities were unable to withstand the pressure of domestic and external demand, which resulted in the redemption of most of the Jewish remnant.

IRAQI JEWS—THE FIRST ZIONISTS

Do the Baghdad authorities really believe that the dastardly murder recently committed and all other overt and covert criminal deeds will deter Iraqi Jewry from joining their people? Was it then not there that Jews first wept in recalling Zion? Was it not there that exiled Jews for the first time held Jerusalem above their chiefest joy? And it was there that the wonderful and unprecedented revelation emerged of a people which, even in its dispersions, never ceased yearning for its homeland.

The very concept of "the return to Zion" was born by the rivers of Babylon, and it is indeed the silenced harps hung on the willows that speak to us to this very day in a voice which cannot be stilled and knows no rest.

Therefore, we have but to intensify the sound of our demand and to maintain the full wrath of our protest and that of the entire enlightened world, until the last of the Babylonian exile shall have closed the circle of history—and emerge to freedom.

TEXT OF A RESOLUTION ADOPTED BY THE KNESSET, APRIL 29, 1973

1. The Knesset has heard with anguish and anger of the murder in Baghdad of all five members of the Kashkush family. This murder of an entire Jewish family and the disappearance of 18 other Jews prove that the Iraqi Jewish remnant numbering a few hundred souls is subject not only to abductions, arbitrary detentions and torture, but to the very threat of annihilation.

2. The total exodus of the Jews still in Iraq has become the most urgent necessity and human requirement. This necessity applies also to our brethren in Syria, who are mercilessly oppressed by the authorities.

3. The Knesset appeals to governments, parliaments and international organizations to intercede immediately with the Iraqi authorities, and to demand that they permit the departure of all Jews from that country, that they may reach a safe haven.

## INDIANA UNIVERSITY GRADUATE'S BATTLE WITH AIR FORCE OVER

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. ASPIN. Mr. Speaker, the Federal Government's bureaucracy has dealt unfairly with many men—A. E. Fitzgerald, James Hemway, and others. One man whose plight was known to many Members of this House and many of their aides was Kenneth Cook, a retired Air Force weapons analyst. He was forced out of his job and simply could not accept the injustice done to him.

Recently Mr. Cook died. He never won his reinstatement despite the best efforts of many Members of Congress.

Clark Mollenhoff, the Pulitzer Prize winning columnist, recently wrote an excellent piece on Cook. It should be read by Members of this House and we should all remember that no man should be destroyed by the bureaucracy as Mr. Cook was.

The article follows.

INDIANA UNIVERSITY GRADUATE'S BATTLE WITH AIR FORCE OVER

(By Clark Mollenhoff)

WASHINGTON, D.C.—A ragged and embittered little man dropped dead in the aisle of a local department store last month. The coroner's report records that Kenneth Cook, a retired Air Force weapons analyst, died of a heart attack.

But, those most familiar with the impoverished old man know he died of a broken heart in a dreary, futile struggle to get his government to give him a public hearing on the merits of his disputes with Air Force superiors.

The Civil Service Commission barred him from the full public hearing that the Federal courts recently have decreed must be allowed as an essential part of the "due process of law" guaranteed by the United States Constitution. For Cook, there was only the star chamber of closed hearings and unavailable public records.

Although he was only 59 when he died, Cook appeared 10 years older as he walked the miles from his small, bare apartment at Alexandria, Va., to Washington, D.C., to save bus fare. Even such forced economies of trudging from the Civil Service Commission offices to the Capitol and of eating one meal a day did not stretch the meager pension to cover the bare necessities.

In the more than a half dozen years he vainly had fought his case, his clothes became increasingly tattered and his health broke because he could not afford to see a doctor or a dentist. Obsessed by seeking to correct the injustice, he haunted the halls of Congress and the National Press Building.

In the end, few would listen to his story and most of those who did found it difficult to believe or too much trouble to investigate. The apologetic pleading of his manner came from those countless interviews with the disinterested and the skeptics.

Kenneth Cook was a senior air force weapons analyst who made the mistake of believing that his first responsibility was to write accurate and truthful reports on studies dealing with components of the anti-ballistic missile (ABM) programs without regard for the latest political currents or the personal opinions of his superiors.

Cook's ordeal started in 1966 when he complained that the commanding officer at Holloman Air Force Base in New Mexico was distorting scientific reports on the defense against ICBM missiles. Cook was neither pro ABM or anti-AMB, but believed that whatever decision was made should be made on honest scientific reports.

Cook, a physicist and a mathematician with a masters degree from Indiana University, was a $16,152-a-year government scientist with an outstanding record. He had been listed in American Men of Science since 1954. He was forced out of government and barely existed on a pension of less than $300 a month because of a questionable Air Force finding that he was mentally incapable of carrying out his government duties.

This ruling stood despite a subsequent finding by the top Air Force psychiatrist, Lt. Col. Paul Grisson. The Air Force and Civil Service Commission refused to restore Cook to duty despite Dr. Grisson's report stating:

"A review of all available reports of psychiatric evaluation and the medical board report rendered at Holloman Air Force Base disclose no evidence of a psychotic or severe chronic neurotic condition in Mr. Cook. (These reports) do not support the conclusion, on any sound medical basis, that Mr. Cook was incapacitated for performance of his duties."

Grisson did say that Cook, a perfectionist in his work and punctual in his work habits, was "relatively inflexible."

Cook's clash with an adamant commanding officer was similar in many aspects to those more publicized cases of Air Force cost analyst A. Ernest Fitzgerald and veteran Navy cost cutter Gordon Rule, who ran into high-level military opposition after they disclosed huge cost overruns in construction of weapons systems.

But, weapons expert Cook tried to solve his problem within the system as constantly is recommended by those with a naive confidence that provable scientific truths will prevail even in the bureaucracy.

Cook argued unsuccessfully that if the Air Force knowingly could falsify reports on any part of a weapons system, then Congress and the public could not depend upon the integrity of any "expert" reports or testimony based upon these reports. He felt so strongly about it and so confident of the rightness of his position that he went over the head of his commanding officer to the Air Force headquarters in the Pentagon.

As is too often the case, the weapons expert's letter of protest was sent back to the very men he was challenging, and a belligerent commanding officer ordered Cook to report for a physical examination to the base doctor, a close personal friend of the commanding officer.

As could have been predicted, the base doctor's report was used to force Cook's retirement on grounds of mental instability. Too late, Cook obtained medical reports from outside experts that challenged the accuracy of the reports by the base doctor and even challenged his qualifications to make such judgments on Cook.

Cook stubbornly defied the Air Force by appealing to the Civil Service Commission, with the misguided expectancy that the commission protects government employees who are right. An unconcerned Civil Service Commission backed the Air Force hierarchy against Cook, in much the same manner as it has in the Fitzgerald case.

Cost Analyst Fitzgerald, who has known Cook for years and had seen him as a talented weapons systems analyst, didn't learn of the death until last week. Commenting upon Cook's deterioration and death, Fitzgerald said: "The Air Force bureaucrats killed Kenneth, and there isn't any two ways about it.

"I knew Kenneth when he was an excellent weapons man, meticulous in his work, and insistent upon accuracy," Fitzgerald said. "He may have been a bit too stubborn, but it is a necessary quality to avoid turning scientific studies into valueless papers to justify preconceived political positions.

"The Air Force destroyed him," Fitzgerald said. "In his last months Kenneth was probably a little unbalanced in his judgments, and a little too obsessed with trying to correct the injustices. He was even irritable with his few friends who understood his problems and sympathized with him."

It was not necessary to judge the merits of Cook's engineering studies or even the value of any specific report to conclude that the manner in which the Air Force tried to stifle his reports was indefensible. Such actions undermine the integrity of the whole system of analyzing major weapons.

If the Kenneth Cooks, the Ernie Fitzgeralds and the Gordon Rules are inaccurate in their reports and judgments, certainly the Pentagon should be able to hire other experts to challenge them and prove them wrong before proceeding with contracts on billion-dollar projects.

When they are right, there should be some possibility that the message will get through regardless of the Pentagon power alliances with Lockheed, Litton Industries and Grumman Corporation. Otherwise, all standards



in military buying will be approved. That is really what is at stake in these controversies.

Although the Pentagon now may be able to record a final solution in the Kenneth Cook case because he died, the Fitzgerald and Rule cases against the military and the governmental bureaucracy are very much alive.

## OPPOSITION TO FUTURE SOVIET GRAIN SALES GROWS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. RARICK. Mr. Speaker, opposition to future grain sales to Russia because of the resultant rise in meat prices to the American consumer is continuing to grow. The direct cause and effect relationship between the two counts is becoming more obvious as food prices in the supermarket rise daily.

Recently, the Parish Council of East Baton Rouge, La. adopted a resolution that voices the opinions of the people in my district. The council pointed to the massive sale of 400 million bushels of feed grains to the Soviet Union last year as "a major factor in the high price of meat in this country," and urged the President and Congress "to take appropriate action to discontinue the sale of wheat to Russia."

I share their concern that future grain sales to the Soviets will result in a continued upward food-price spiral. For this reason, last month I requested hearings before the Agriculture Subcommittee on Livestock and Grains.

I have been informed that hearings to look into this depletion of our Nation's grain supplies will be held before the subcommittee May 3 at 10 a.m.

If we do not learn from our past trade mistakes and take action to cut off pending sales of U.S. grain stock to Russia, the American consumer can expect further hikes in meat and other food prices in the year ahead.

I insert the full text of the resolution opposing wheat sales to Russia adopted by the East Baton Rouge Parish Council on April 11, 1973:

RESOLUTION 10343

(By Mr. George Dabbs)

Opposing the sale of wheat by the United States to Russia because of the resultant rise in prices of meat in the United States

Whereas, the prices of meat and meat products have skyrocketed within the past few weeks; and

Whereas, despite the President's recent action placing a ceiling on meat prices at their current level, no appreciable drop in meat prices has materialized; and

Whereas, a major factor in the high price of meat in this country is the sale by the United States of a large proportion of this nation's production of wheat to Russia; and

Whereas, this Council feels that it would be to the best interest of our nation and its citizens that such agricultural products of this country be retained for its own use and consumption;

Now, therefore, be it resolved by the Parish Council of the Parish of East Baton Rouge:

Section 1. That this Council is unalterably opposed to the sale of wheat by the United States to Russia because of the resultant rise in prices of meat in the United States.

Section 2. That copies of this resolution be sent to President Nixon, Vice President Agnew, and our United States Congressional Delegates so that they may be urged to take appropriate action to discontinue the sale of wheat to Russia.

## RECOMPUTATION OF MILITARY PAY

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. GONZALEZ. Mr. Speaker, I am again introducing my bill which would provide for the recomputation of military pay for retired officers.

It is unfortunate that the special subcommittee on retired pay revisions of the House Committee on Armed Forces has issued an unfavorable report on the recomputation proposals.

I insert, for the Members attention, a copy of the statement which I submitted to the subcommittee when it held its hearings last session. I went before the subcommittee to state the reasons why I supported a return to the recomputation of retired military pay, as follows:

STATEMENT OF HENRY B. GONZALEZ, OCTOBER 4, 1972

Mr. Chairman, I have for many years supported the principle of recomputation of retired pay, and am grateful that you are considering my bill, H.R. 4725, and others which would restore the recomputation principle for retirees who entered the military services prior to May 31, 1958.

I know that objections have been raised to this legislation, principally on the grounds of cost. But we must examine the principles involved here as well as the numbers; we must consider equity and justice as well as the cost. And if the principle involved in this legislation is right and just, and if it restores equity to substantial numbers of people who have been denied it, then we ought to act favorably.

The people affected by this legislation served their country honorably, at great cost and sacrifice to themselves and their families, and more often than not at great risk to their very lives. Not a few of them bear the scars and hurts and illnesses brought about by their service. They did not ask what the cost of their service might be—they only responded to the needs of their country. I think that we have an equal responsibility to respond to their needs.

For a hundred years prior to 1958, military retirees received a retirement pay based on current active duty pay—50 per cent if they served twenty years, and 75 per cent if they served for thirty years. This was a principal attraction of military service, and indeed was an institution of service—so much a part of it that no one dreamed the retirement system would ever change drastically.

It is hard to imagine what kind of shock was felt by those who had served fifteen or twenty years, when in 1958 Congress changed the retirement system—a system that they had counted on, planned on, been promised would be theirs always. They had fulfilled their part of the deal, but Congress reneged.

I was in the Texas State Senate at that time, and we were shocked by the change. Our legislature joined fifteen others in requesting that Congress reconsider. I thought the decision to abandon recomputation was wrong then, and still believe so. Today, as then, I believed that Congress should allow recomputation.

It is impossible to explain the justice of a system which after only ten years of operation provides one man only half as much retirement pay as another—even though those men served the same length of time and retired in the same rank. Yet that is what this system has created. It is as if we paid only half as much social security to some retired workers as we did to others. The principle is the same, and it is wrong.

Aside from the question of simple justice, we have before us a question of real hardship. Every one of us knows what has happened to the cost of goods and services since 1958. In the last five years alone, the price of food has gone up by 25 per cent. Rent, interest and everything else has gone up immensely since 1958. That is why we have had to raise military pay so drastically, simply to prevent undue hardship to active duty members. And that is why retirement benefits have been improved—simply to prevent hardships to retired members. And what of those who retired prior to that magic date of May 31, 1958? Doesn't their food cost the same? Aren't their needs equal to those of everyone else? You and I know that they are. These people are not seeking any bonanza, but only what they expected to receive when they entered the service in the first place, and what they truthfully need now to provide the minimal comforts of life.

We are dealing here with a question of the full faith of this government. These people expected that their retirement system would operate as promised and as assured. Studies, commissions and recommendations have been made that recomputation should be provided. There is no reason that we can cite whereby Congress could justly deny recomputation. I believe that in simple justice, in simple fulfillment of our obligation, this legislation ought to be approved.

The hearings were held, and a very strong report weighing against full recomputation, partial recomputation—or for that matter a "one-time" recomputation in an effort to make it up to all those retired military personnel who didn't ask what it would cost them to serve their country.

It is no argument to say that the retirees would not be content with a "one-time" recomputation and, therefore, let's not give it to them. In my estimation, the costs would be well worthwhile.

It is no wonder that the cost estimates seem to scare off many would-be supporters of the recomputation principle. If you add together the estimates for the next 30 to 60 years—for any program—it would seem prohibitively high.

I say, let us look at what we have done. We have broken faith with the retirees who relied on a comfortable retirement after their many years of service—and the fact that one peson in the hearings did not actually know how the retirement is presently computed is no argument against the fact that he is getting less dollars.

I can well understand the frustrations of the retired military persons, and I shall keep hoping that one day the Congress will awaken to its responsibility to restore recomputation. At this point, it seems like a dim hope—but not one which is lost in my estimation, as long as we look at the equitable considerations. For, as one can see, even at a time when this administration keeps bellowing about budget cuts, it has at the very least provided for budget requests for a one-time recomputation. And, though,

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admittedly, it is not a far enough step toward an equitable remedy, I believe it signifies that a basic sense of obligation is paramount in this entire situation.

I continue to urge for support for my bill, which would provide for the recomputation of military retirees' pay for all those men who joined up before 1958.

## STATE-RUN LOTTERIES

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. HARRINGTON. Mr. Speaker, the operation of State-run lotteries in Massachusetts and in other States across the country is being hampered by anachronistic Federal laws which restrict the flow of lottery information.

Those laws ban radio and television stations from broadcasting lottery information and advertisements and prevent newspapers from sending lottery information through the mails.

Because of these laws, State lottery commissions have to resort to unnecessary and complicated measures to make lottery information public. The State of Michigan, for example, cannot advertise the lottery on local stations, and must instead publicize it on Canadian radio stations which are accessible to State residents.

The law also particularly hinders weekly newspapers, which depend largely on the mail to reach their subscribers. These newspapers cannot publish the winning lottery numbers nor advertise other lottery information.

The State Lottery Exemption Act, which I introduced today together with Congressman ROONEY of Pennsylvania, would remove those needless restrictions and permit the State lotteries to operate more effectively.

The bill would allow radio and television stations to broadcast lottery information and would permit newspapers to send lottery information through the mails without violating postal laws.

The bill would also:

Exempt State lotteries from the Federal 10-percent excise tax on all wagers;

Allow lottery advertisements in newspapers and on radio and television;

Allow the transportation of State lottery information and devices in interstate commerce; and

Exempt State lotteries using vending machines for the sale of lottery tickets from the special Federal tax on coin operated machines.

The Federal restrictions simply should not apply to a State-run lottery. They were originally intended to protect the public from gambling schemes such as the Louisiana Lottery, a private enterprise which amassed immense profits by selling lottery tickets all over the country in the late 19th century.

In 1890, President Benjamin Harrison was so angered by the pervasiveness of the lottery that he sent a special message to Congress. He said:

The people of all the states are debauched and defrauded. The national capital has become a subheadquarters of the Louisiana Lottery Company. Severe and effectual legislation should be enacted to enable the Post Office Department to purge the mail of all letters, newspapers and circulars related to that business.

Clearly, however, the public does not need to be protected from a lottery which is run by a State agency for the benefit of the people in the State. The lottery has been established as a legitimate and acceptable way to raise revenues for the State. In its first year of operation, the Massachusetts lottery raised $82 million, $30 million of which will be distributed to the 351 cities and towns in the Commonwealth.

The operation of the State lotteries should not be hindered by Federal laws which are no longer applicable, and I urge the passage of the State Lottery Exemption Act.

## COMMODITIES PROBE VEILED WITH SECRECY

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 1, 1973*

Mr. ASPIN. Mr. Speaker, the Des Moines, Iowa, Register has been investigating the possible abuses within the commodities market.

According to the results of their investigation, Boards of Trade which operate commodity markets are allowed to investigate themselves. The most recent example is an investigation prompted by the American Bakers Association that prices were manipulated at the time of last year's grain sales to Russia.

Rather than investigate the charges itself, the U.S. Commodity Exchange Authority has allowed the Kansas City Board of Trade to conduct the investigation. Frankly, Mr. Speaker, since prominent members of a Board of Trade are among the accused, it is nonsense for them to conduct the investigation. Either CEA should conduct the investigation or it should be turned over to the Inspector General's office for the Department of Agriculture.

We simply should not tolerate the value of secrecy that has been thrown around this investigation or the continuation of self-policing which is clearly ineffective.

I would like to include at this point in the RECORD an article by George Anthan and James Risser of the Des Moines Register's Washington Bureau which summarizes the present situation:

COMMODITIES PROBE VEILED WITH SECRECY—DOUBT SELF-POLICING IS EFFECTIVE

(By George Anthan and James Risser)

KANSAS CITY, MO.—Federal officials and professional grain traders have clamped a lid of secrecy on an investigation into complaints of price manipulations in the wheat futures market here at the time of last summer's grain sales to Russia.

Shortly after receiving a complaint from the American Bakers Association that the market was being rigged to boost federal subsidy payments to U.S. grain export firms, the federal government turned the matter over to the Kansas City Board of Trade for investigation.

THE PROBERS

The board assigned the task to a committee composed of professional commodities traders, some of them representing large grain exporters who sold wheat to the Soviets.

After what board officials call "a thorough investigation," the committee decided there was "no basis for complaint."

But officials of the Board of Trade, which was the scene of hectic wheat futures trading during the big Russian grain deal, refuse to make public their report on the alleged price rigging.

They will not discuss the procedures followed by the board in investigating the complaint, which was directed at its own members. Also, board officials refuse to make public the trading records upon which they based their decision that there was no price rigging.

At the same time, officials of the U.S. Commodity Exchange Authority (CEA), which turned the case over to the board, refuse to discuss the case or to reveal what the agency itself is doing to determine independently if there is merit to the bakers' association complaint.

POLICE THEMSELVES

The Kansas City case points up the CEA's long-standing practice of permitting the commodity exchanges to police themselves, a policy that has drawn severe criticism from the inspector general of the U.S. Department of Agriculture (USDA), parent agency of the CEA.

Inspector Gen. Nathaniel Kossack, in a 1971 internal report only recently made public, declared that the CEA no longer should rely primarily on professional traders at the exchanges to investigate alleged commodity market abuses.

He said there was no assurance that the exchanges were complying with the law and carrying out their responsibilities under the system.

Kossack also questioned whether the traders who make up the exchange regulatory committees "could render an objective decision."

This is disputed by Kansas City Board of Trade President Hearne Christopher, who said the wheat price-rigging charge resulted "in a very thorough investigation," but insisted the report is "highly confidential."

Christopher, who heads a brokerage firm that deals both in commodities and stocks, said the exchange's report was turned over to the CEA and that it would be up to that agency to make it public.

NO OUTSIDERS

On the question, generally, of whether the commodity exchanges should be allowed to investigate complaints against their members, Christopher said: "We are better qualified to judge that than outsiders."

Christopher, like many other top commodity market officials, emphasizes that professional traders have a major stake in insuring the markets operate legally and in the public interest.

"It means a lot more to us in the business because we want this futures market properly handled," he said. Stressing that the exchanges are vital to orderly marketing of commodities, he said: "We don't want anything to mar or disturb that in any way. Why wouldn't we want to regulate ourselves and punish those who are violators?"

But the man who made the original complaint to the CEA, Joseph Creed, general counsel of the American Bakers Association, expressed surprise later in Washington when he was told the matter had been referred to exchange officials for investigation.

"I had just assumed," said Creed, "that when you filed a complaint with the CEA, that they have the personnel to investigate it."

CEA PROBE?

Creed said the CEA informed him July 28, 1972—two days after he filed the complaint—that it was being turned over to Sam Gordon, director of the agency's regional office in Kansas City, for investigation.

Asked how he had handled the bakers' complaint, Gordon refused to answer, saying only: "You'll have to ask our administrator, Mr. Caldwell, in Washington."

Gordon was asked to provide some details on the handling of the case by the Kansas City Board of Trade, but gave the same response.

Alex C. Caldwell, the CEA's administrator, said in Washington that it has been "long-standing policy" not to reveal any details concerning complaints to the CEA. He would give no details on the current status of the case.

Creed of the bakers' association, said of this procedure: "I'm always finding out something new about my government.

"I suppose, in a sense, turning this over to the exchange is like if you allow a criminal, if such it is, to determine if he really violated the law. I was completely unaware they turned this over to the exchanges."

WORKED UPWARD

The bakers contend there are indications that during the period July 11 through July 23, 1972, wheat futures prices in Kansas City were manipulated upward to artificially raise the government export subsidy, which is paid to firms handling overseas grain shipments.

In his letter to CEA Administrator Caldwell July 26, Creed stated:

"Our office has received expressions of concern from some of our members concerning recent price movements in the Kansas City wheat market. Their concern is that, despite the large surplus of wheat, the domestic price level in the past few weeks has moved upward very strongly. They are aware, of course, of the agreement with the Russians to purchase substantial quantities of wheat and the impact that this obviously has had pricewise on commodity markets."

Creed continued: "However, they point out that on at least two days, specifically July 11th and 19th, final purchases of September futures were made at prices higher than levels which prevailed during the day.

"Since the export subsidy on wheat is based on the preceding day's market prices, these last-minute purchases on the 11th and 19th had the effect of raising the subsidy payment on exports for the following day, thereby benefiting wheat exporters. This, in turn, resulted in domestic futures moving to levels higher than warranted by supplies."

Some officials at the Board of Trade and one long-time observer of trading there contend the bakers complained because they had waited too long to buy wheat they needed for flour, and that they were upset at price advances that were only natural outgrowths of increased demand.

But Creed said that explanation is "too simplistic." He said: "This complaint was made by professional traders and buyers. We just said that if there was something going on, we wanted it stopped."

Walter Vernon III, secretary of the Board of Trade, insisted that the exchange's report on the bakers' complaint, though it found no price-rigging, "was not a whitewash." He said it involved "weeks and weeks" of investigation.

Vernon and board president Christopher did disclose that the investigation was conducted mainly by the board's Business Conduct Committee.

At that time, the committee was headed by an official of Christopher's company, and its members included a vice-president of Continental Grain Co. and an official of Garnac Grain Co., two major firms that were heavily involved in buying wheat for export to Russia.

This year, the committee includes officials of Far-Mar-Co. and of the Pillsbury Co., both major agribusiness companies. The current committee chairman is the Continental vice-president.

The board's Complaint and Investigations Committee is headed by an official of Garnac Grain Co. One of its members is with Cargill, Inc., and the other is with Louis Dreyfus Corp., both major grain exporting firms that handled substantial portions of the Russian grain deal.

Initially, Des Moines Register reporters were assured the Board of Trade would cooperate in revealing details of its investigatory procedures by explaining how its officials handled the American Bakers Association complaint.

Horace W. Johnston, vice-president of Simonds-Shields-Theis Grain Co. and Board of Trade president in 1972, indicated information on the investigation was available from Vernon, the secretary.

Johnston had offered to assist in examining the files if Vernon, who is new in the job, was unable to explain them fully.

Johnston's own view was that the Business Conduct Committee had made a thorough study and that there was no "rhyme or reason" for the price-rigging complaint. He said, however, that board officials act upon all complaints quickly to dispel any charges of favoritism.

Later, however, current board president Christopher refused to permit inspection of any records or reports dealing with the board's disciplinary actions and investigations, even if the names of individuals and companies were deleted from the documents.

Critics of the CEA's regulation of the commodity markets contend the reliance of the agency on the exchanges to police themselves gives little assurance to the public that charges of price-rigging and other abusive practices are adequately investigated.

USDA Inspector General Kossack expressed concern in his report that the CEA has no effective system of surveillance that would bring to its attention serious deficiencies in the self-regulatory functioning of an exchange.

And Kossack's report states the CEA "only rarely" questions actions taken by the exchanges in regard to a penalty imposed on a violator.

In the Kansas City case, Christopher said of the Board of Trade investigation: "We made our report to the CEA. If they come back to us, which I don't think they will, we'll give them any substantiation or back it up if they want."



## HOUSE OF REPRESENTATIVES—*Wednesday, May 2, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Commit thy way unto the Lord; trust also in Him; and He will bring it to pass.*—Psalms 37: 5.

O God and Father of us all, we come to Thee with humble hearts praying that in Thy wisdom Thou wilt guide and direct us in the work of this day. Make Thy presence real to us, for we need Thee, every hour we need Thee; temptations lose their power when Thou art nigh.

We are disturbed by the mood of our day, discouraged by our lack of unity and purpose, concerned about our failure to do what really needs to be done, and tempted to give up the struggle. Yet—

"Thou hast promised to receive us,
Poor and sinful, though we be;
Thou hast mercy to relieve us,
Grace to cleanse and power to free."

Grant us Thy grace and Thy power that we may have the courage to do what is best for our country and the confidence to leave the results with Thee.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PRESIDENT'S TAX PROPOSALS GO EASY ON BUSINESS AND WEALTHY INDIVIDUALS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, the proposal that President Nixon calls tax reform is hardly more than once over lightly.

His bill has a cosmetic touch—tax relief for the elderly which has already been recognized as long overdue. And I note that the administration has stopped trying to hide the $1 checkoff for Presidential campaign financing.

But Mr. Nixon's bill really would not take on those most sacred of Republican sacred cows—big business and wealthy individuals.

There is no mention of a more realistic tax on capital gains from sale of stock and other investment property. Nor does Mr. Nixon call for review of the business tax cut of 1971.

The function of genuine tax reform is to shift the tax burden more equitably from the common citizen to the corporate giant and the wealthy few. Until he faces this challenge, the President cannot say that he wants to undertake tax reform.

## EULOGIES TO THE LATE HONORABLE FRANK T. BOW, OF OHIO, AND GEORGE W. COLLINS, OF ILLINOIS

Mr. HAYS. Mr. Speaker, this announcement is to advise the membership that the closing date for printing the eulogies and encomiums to the late Congressmen Frank T. Bow, of Ohio, and George W. Collins, of Illinois, has been set for Tuesday, May 15, 1973. All copy



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for insertion must be submitted before this cutoff date so as to be included in the compendium of eulogies.

## STATEMENT BY HON. FLOYD V. HICKS ON INTRODUCTION OF AMENDMENTS TO PUBLIC LAW 92-28

(Mr. HICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HICKS. Mr. Speaker, I have today introduced a bill to amend Public Law 92-28, of June 23, 1971, which amended the Wagner-O'Day Act of 1938. The purpose of my amendment is to enlarge the annual appropriation limit for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped from $200,000 to $240,000 for fiscal year 1974. The committee, under the law, has the authority and responsibility to determine the products and services which are put on the list for Government procurement at specified prices from workshops certified as eligible to supply such items.

The need for this increase arises from the fact that the original limit in the 1971 act was based on little actual operating experience. It did not take into account space rental costs, travel requirements to inspect workshops for compliance, and salary increases. Since there will need to be a new authorization for fiscal year 1975 and thereafter, the funding procedure can then be put on a continuing and more realistic basis.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *May 1, 1973.*

Hon. CARL ALBERT,
*The Speaker, House of Representatives.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:00 p.m. on Tuesday, May 1, 1973, and said to contain a message from the President concerning proposed Foreign Assistance Act of 1973.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
*Clerk, House of Representatives.*

## FOREIGN ASSISTANCE ACT OF 1973—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-95)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

One of the most important building blocks in erecting a durable structure of peace is the foreign assistance program of the United States. Today, in submitting my proposed Foreign Assistance Act of 1973, I urge the Congress to act on it with a special sense of urgency so that we may continue the important progress we have made toward achieving peace during the past year.

Perhaps the most persuasive reason for a strong foreign assistance program was set forth by President Roosevelt in the days shortly before World War II, when Britain needed help. "Suppose my neighbor's home catches fire," he said, "and I have a length of garden hose four or five hundred feet away. If he can take my garden hose and connect it up with his hydrant, I may help him to put out his fire."

Implicit in Roosevelt's analogy was the mutual benefit of giving assistance, for if the fire in question spread, both neighbors would be in danger. Those clear and simple assumptions underlaid our wartime assistance to our European allies and our post-war policy toward the nations of the Western Hemisphere.

Today, we see the wisdom of this policy on every hand. Western Europe is now a bulwark of freedom in the Atlantic Alliance. In the Pacific, Japan has emerged as a major economic power. The remarkable vigor and talents of her people and the dynamic efficiency of her industry are making significant and increasing contributions to other countries, so that Japan itself now plays an extremely important role in working toward a lasting peace in the Pacific.

In recent years, as we have sought a new definition of American leadership in the world, assistance to other nations has remained a key part of our foreign policy. Under the Nixon Doctrine of shared responsibilities, we have tried to stimulate greater efforts by others. We want them to take on an increasing commitment to provide for their own defenses, their security and their economic development. Most importantly, we hope they will assume greater responsibility for making the decisions which shape their future.

We must not, however, try to shift the full weight of these responsibilities too quickly. A balance must be struck between doing too much ourselves and thus discouraging self-reliance, and doing too little to help others make the most of their limited resources. The latter course would spell defeat for the promising progress of many developing nations, destroy their growing self-confidence, and increase the likelihood of international instability. Thus it is critical that we provide a level of foreign assistance that will help to assure our friends safe passage through this period of transition and development.

The sums I am requesting in the Foreign Assistance Act of 1973 represent the absolute minimum prudent investment which the United States can afford to make if we wish to help create a peaceful and prosperous world. Altogether, authorizations under this bill amount to $2.9 billion for economic and military assistance in the coming fiscal year. During the current fiscal year, some $2.6 billion has been appropriated for such purposes under the strictures of a continuing resolution passed by the Congress.

This new Foreign Assistance Act has several fundamental objectives:

—To help the developing countries achieve a greater measure of self-reliance in their struggle against hunger, disease and poverty:
—To respond swiftly to the ravages of natural disasters;
—To assist friendly governments in building and maintaining the military capability to protect their independence and security;
—And to help South Vietnam, Cambodia, and Laos begin the task of rehabilitating and reconstructing their war-torn countries.

Let us look more closely at each of these objectives.

DEVELOPMENT ASSISTANCE

Hunger, poverty, and disease are still widespread among developing countries, despite their significant progress of recent years. Their economic growth—averaging some 5.5 percent a year over the last decade—as well as rapid improvements in agricultural methods and in health care have not yet overcome many deep-seated problems in their societies. Their current needs represent a moral challenge to all mankind.

In providing assistance, however, we should not mislead ourselves into thinking that we act out of pure altruism. Successful development by friendly nations is important to us both economically and politically. Economically, many of the developing countries have energy resources and raw materials which the world will need to share in coming years. They also could represent larger markets for our exports. Politically, we cannot achieve some of our goals without their support. Moreover, if essential needs of any people go entirely unsatisfied, their frustrations only breed violence and international instability. Thus we should recognize that we assist them out of self-interest as well as humanitarian motives.

While development progress as a result of our aid has been less visible than some would like, I believe it is essential for us to persevere in this effort. I am therefore asking the Congress to authorize some $1 billion for development assistance programs during fiscal year 1974 and approximately the same amount for fiscal year 1975.

EMERGENCY AID

America's fund of goodwill in the world is substantial, precisely because we have traditionally given substance to our concern and compassion for others. In times of major disaster, American assistance has frequently provided the margin of difference between life and death for thousands. Our aid to victims of disasters—such as the earthquake in Peru and floods in the Philippines—has earned us a reputation for caring about our fellowman.

No nation is more generous in such circumstances. And the American people respond with open hearts to those who suffer such hardship. I am therefore asking the Congress to authorize such amounts as may be needed to meet emergency requirements for relief assistance in the case of major disasters.

SECURITY ASSISTANCE

Security assistance has been a cornerstone of U.S. foreign policy throughout the last quarter century. Countries whose security we consider important to our own national interest frequently face military challenges, often prompted by third countries. In order to maintain a stable international order, it is important that these threatened countries not only be economically developed but also be able to defend themselves, primarily through their own resources.

The United States can rightly claim a number of successes in this regard during recent years. Our programs to help South Vietnam and South Korea build capable forces of their own, for instance, have permitted us to withdraw all of our forces—over 500,000 men—from South Vietnam and 20,000 men from South Korea.

It is unrealistic to think we can provide all of the money or manpower that might be needed for the security of friendly nations. Nor do our allies want such aid; they prefer to rely on their own resources.

We can and should, however, share our experience, counsel, and technical resources to help them develop adequate strength of their own. It is for this reason that I ask the Congress to authorize $652 million in grant military assistance, $525 million in foreign military sales credits, and $100 million in supporting assistance funds for fiscal year 1974.

This year's foreign aid bill includes for the first time separate authority for a foreign military education and training program. We want to strengthen this program so that we can help friendly governments better understand our policies, while they develop a greater sense of self-reliance and professional capability in their own military services.

AID FOR INDOCHINA

The signing of cease-fire agreements in Vietnam and Laos marks the beginning of a trend toward a peaceful environment in Indochina. This change will permit us to turn our attention to the considerable post-war needs of Southeast Asia. To ignore these needs would be to risk the enormous investment we have made in the freedom and independence of the countries of Southeast Asia.

The legislation I am presenting today would authorize the continuation of our economic assistance to South Vietnam, Laos and Cambodia and would provide for a sound beginning in the process of rehabilitation and reconstruction there. I anticipate other nations will join in this effort, as they have elsewhere, to solidify the foundations for a new era of reconciliation and progress in Southeast Asia.

Relief assistance for refugees of the war in Southeast Asia is vital to this effort. These refugees number in the hundreds of thousands. In addition to their resettlement, this Administration proposes a major effort to help restore essential community services in areas which have suffered because of the war.

In this bill, I ask the Congress to authorize $632 million for the reconstruction effort in Indochina in fiscal year 1974.

My present request does not include any assistance for North Vietnam. It is my hope that all parties will soon adhere fully to the Paris agreements. If and when that occurs, I believe that American assistance for reconstruction and development of both South and North Vietnam would represent a sound investment in confirming the peace.

Representatives of the United States have recently been holding discussions with representatives of the Government of North Vietnam to assess economic conditions there and to consider possible forms of United States economic assistance. This assessment has now been suspended, pending clarification of North Vietnam's intentions regarding implementation of the cease-fire. Once Hanoi abandons its military efforts and the assessment is complete, the question of aid for North Vietnam will receive my personal review and will be a subject for Congressional approval.

For a quarter century, America has borne a great burden in the service of freedom in the world. As a result of our efforts, in which we have been joined by increasing numbers of free world nations, the foundation has been laid for a structure of world peace. Our military forces have left Vietnam with honor, our prisoners have returned to their families, and there is a cease-fire in Vietnam and Laos, although still imperfectly observed.

Our foreign assistance program responds to the needs of others as well as our own national needs—neither of which we can afford to ignore.

For our own sake—and for the sake of world peace—I ask the Congress to give these recommendations prompt and favorable consideration.

RICHARD NIXON.

THE WHITE HOUSE, *May 1, 1973.*

## FORMER SECRETARY OF THE TREASURY JOHN B. CONNALLY JOINS THE REPUBLICAN PARTY

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have noticed on the news ticker that a former very distinguished Secretary of the Navy to the former President Kennedy, a former very able and distinguished Governor of the State of Texas, and a former Secretary of the Treasury under this administration, has announced that he is joining the Republican Party. I would like to quote from the statement he made at a news conference this morning:

> I believe that in our time, the Republican Party best represents the broad views of most Americans, whatever their formal political affiliation. I believe it can best provide the strength and stability and unite our people to deal effectively with our problems.

As one Republican I warmly welcome John B. Connally to our ranks.

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, may I say that this is the first time I ever heard of a former Secretary of the Navy jumping onto a sinking ship.

## NATIONAL HISTORIC PRESERVATION WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 51) to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 51

Whereas the two hundredth anniversary of the founding of this Republic approaches; and

Whereas an indispensable element of the strength, the freedom, and the constructive world leadership of this Nation is the knowledge and appreciation of our origins and history, of who we are, where we are, and how we arrived there; and

Whereas the houses where we have lived, the buildings where we have worked, the streets we have walked for more than three hundred years are as much a part of our heritage as the wisdom of the Founding Fathers and the works of art which succeeding generations of Americans have bequeathed to us; and

Whereas these buildings and places, great and humble, not only are our roots, but are also sources of pride in our past achievements and enrich our lives today; and

Whereas historic preservation today involves much more than period rooms in house museums, but means, rather, that old homes, public buildings, hotels, taverns, theaters, industrial buildings, churches, and commercial structures can be saved and put to contemporary use as living history to be treated with respect and incorporated within our planning as our towns and cities grow to provide the citizens of this Nation with an environment of quality and enduring interest: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized and requested to issue a proclamation—

(1) designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week"; and

(2) urging Federal, State, and local government agencies, as well as citizens and private organizations, especially the preservation organizations, historical societies, and related groups, to observe that week with educational efforts, ceremonies, and other appropriate activities which—

(a) are designed to call public attention to the urgent need to have our historic landmarks for the enjoyment and edification of the citizens of this Nation, present and future; and

(b) will demonstrate lasting respect for this unique heritage.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On page 1 and 2, strike out the entire preamble.

The amendment was agreed to.

Mr. TAYLOR of North Carolina. Mr. Speaker, it is a pleasure for me to join my colleagues in support of the enactment of the resolution now before the House which requests the President to



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proclaim the week of May 6 as "National Historic Preservation Week."

Historic preservation plays an ever increasing role in the recognition of our cultural heritage. While this Nation is relatively young compared to others in the international community, we can take great pride in the accomplishments of those who came before us.

Not only does the preservation of historic structures, places and objects enable us to better understand the life and times of our forefathers, but it helps us to better appreciate the many benefits which we have inherited from their struggles and their ingenuity.

Greater attention than ever before is being given to historic preservation today. Organizations such as the National Park Service, the National Trust for Historic Preservation, and historic preservation agencies in virtually all of the States are making an aggressive effort to save those remnants of the past which can be meaningful to present and future generations.

Mr. Speaker, as we approach the 200th anniversary of the founding of this Republic, it is highly appropriate that the Congress and the President set aside a week for recognition of this nationwide program. Americans can be proud of their past. We can all learn from the past. All of us, and our children and our children's children can benefit and appreciate our heritage because we will better understand the sacrifices and struggles of those who have gone before us.

As a cosponsor of House Joint Resolution 410, I am pleased to rise in support of the enactment of this resolution, and I urge its favorable consideration by the Members of the House.

Mr. COUGHLIN. Mr. Speaker, I wish to express my support for Senate Joint Resolution 51, authorizing and requesting the President to issue a proclamation designating the week beginning May 6, 1973, as "National Historic Preservation Week." As sponsor of an identical resolution in the House, I am naturally gratified by the action of the Senate in passing this measure and I urge the House to add its approval today.

Preservation of our historic past is a deepening concern of Americans as evidenced by increased involvement of citizens in community preservation activities, preservation legislation enacted at the Federal and State levels, and both public and private support for restoration and preservation projects. President Nixon has expressed his personal interest in this area by directing Federal agencies to give special attention to historic properties within their respective jurisdictions.

These efforts reflect a growing recognition of the importance of timely action to save our precious national heritage for ourselves and for future generations. This spirit is heightened by anticipation of the American Revolution bicentennial less than 3 years away.

Representing a district which is richly endowed with historical treasure, I believe that designation of a special week would serve as an impetus for local preservation initiatives in addition to focusing national attention on the need for a continuing commitment to historic preservation.

Next week, the week of May 6, 1973, is especially appropriate for this designation because it corresponds to the annual awards presentation of the National Trust for Historic Preservation whose 1,300 member organizations have spearheaded the preservation movement across the country. These organizations and their members can be justly proud of their many accomplishments.

But "National Historic Preservation Week" can be meaningful to every American by underscoring an important point that must not be lost sight of: true progress toward a quality physical environment is not to be found in unrestrained development but in a harmonious blend of today's glass and steel with yesterday's brick and stone.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate joint resolution just passed by the House.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## PRESIDENT'S GIVEAWAY PROGRAM

(Mr. GROSS asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I have just listened to the reading of the President's message on what is called foreign aid—I call it the foreign giveaway program.

Despite cutoffs and cutbacks in many domestic programs, the President is requesting $2,900,000,000 for this program during the next fiscal year.

I was intrigued by one statement made by the President. He said:

> Suppose my neighbor's home catches fire, and I have a length of garden hose four or five hundred feet away. If he can take my garden hose and connect it up with his hydrant, I may help him to put out his fire.

Mr. Speaker, that is going to be the most expensive 400 or 500 feet of garden hose in the history of mankind in view of the $3 billion he is asking for.

I would remind the President that we have a pretty good fire burning in this country and that this would be an awfully good time to connect up some real firehose by way of drastically reducing this kind of spending in order to help put out the fire of inflation right here at home.

## AIRPORT DEVELOPMENT ACCELERATION OF 1973

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 370 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6388) to amend the Airport and Airway Development Act of 1970 to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and support the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 6388, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 38, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 6388 as passed by the House.

Mr. LONG of Louisiana. Mr. Speaker, on page 2, line 3, of House Resolution 370 as read there is a typographical error in that the word "support" was inserted rather than the word "report." I think it is obvious that it was a typographical error. I observed the resolution as it was passed by the Committee on Rules, and the word "report" appears there. I ask unanimous consent that the engrossed copy be amended to read "report" rather than "support" in that instance.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. DEL CLAWSON), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 370 provides for an open rule with 1 hour of general debate on H.R. 6388, making it in order to strike out all after the enacting clause of S. 38 and insert in lieu thereof the provisions contained in H.R. 6388 as passed by the House of Representatives.

H.R. 6388 increases Federal financial assistance for airport development projects throughout the United States. The increased share of Federal funds will come from the airport and airway trust fund. The primary money resources for the fund is derived from an 8-percent excise tax on domestic airline tickets; thus no new expenditures of general Federal funds will be required. H.R. 6388 authorizes expenditures for fiscal years 1974 and 1975 at $280 million for each year, making a total authorization of $560 million.

H.R. 6388 also prohibits the levying and collecting, by State and local governments, of passenger use taxes—commonly known as "head taxes"—on persons traveling in air commerce.

Mr. Speaker, this legislation is needed because of the serious financial difficulties now being experienced by many local governmental agencies who bear the responsibility to build, operate, and maintain our system of publicly owned airports. I urge the adoption of House Resolution 370 in order that we may discuss and debate H.R. 6388.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 370, the rule under which we will consider H.R. 6388, Airport Development Acceleration Act of 1973, is an open rule providing for 1 hour of general debate. This rule also makes it in order to insert the House-passed language in the Senate bill.

The primary purposes of H.R. 6388 are to increase Federal financial assistance for airport development and to prohibit State and local governments from collecting airport head taxes on passengers.

In the 92d Congress the House passed a bill providing an 18-month moratorium on head taxes and a study of airport needs. The Senate passed a different version. The conference report was agreed to near the end of the session, and on October 27, 1972, the President vetoed the bill S. 3755 for budgetary reasons.

The present bill, H.R. 6388, extends the authority of the Secretary of Transportation to enter into grant agreements for airport development grants for the fiscal years 1974 and 1975 at $280,000,000 for each year. By way of comparison, the authority to enter into airport grant agreements has been $280,000,000 per year for fiscal years 1971, 1972, and 1973. The Committee on Interstate and Foreign Commerce anticipates that no general tax revenue will be required to pay for the 1974 and 1975 additional spending authority, because the funds will come entirely from the airport and airway trust fund. This fund is derived primarily from an 8-percent excise tax on domestic tickets.

This bill increases the Federal share of allowable project costs from 50 to 75 percent for medium and small size airports. The Federal share of project costs will remain at 50 percent for large hub airports.

The Federal share for safety certification and security equipment is increased from 50 to 82 percent for all airports.

H.R. 6388 also provides a permanent prohibition against the levy and collection of local and State airport head taxes. However, many State and local taxing authorities which have been collecting airport head taxes will be exempt from this prohibition until December 31, 1973.

Mr. Speaker, I urge the adoption of this rule.

Mr. Speaker, I have no further request for time and I yield back the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I have no further request for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.



The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CEDERBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 385, nays 2, answered "present" 1, not voting 45, as follows:

[Roll No. 118]

YEAS—385

| | | |
|---|---|---|
| Abzug | Danielson | Helstoski |
| Adams | Davis, S.C. | Henderson |
| Addabbo | Davis, Wis. | Hicks |
| Alexander | de la Garza | Hillis |
| Andrews, N. Dak. | Delaney | Hinshaw |
| Annunzio | Dellenback | Hogan |
| Archer | Dellums | Holifield |
| Arends | Denholm | Holt |
| Armstrong | Dennis | Holtzman |
| Ashbrook | Derwinski | Horton |
| Aspin | Devine | Hosmer |
| Bafalis | Dickinson | Howard |
| Baker | Dingell | Huber |
| Barrett | Donohue | Hudnut |
| Beard | Dorn | Hungate |
| Bennett | Downing | Hunt |
| Bergland | Drinan | Hutchinson |
| Bevill | Dulski | Ichord |
| Biester | Duncan | Jarman |
| Bingham | du Pont | Johnson, Pa. |
| Blackburn | Eckhardt | Jones, N.C. |
| Boggs | Edwards, Ala. | Jones, Okla. |
| Boland | Edwards, Calif. | Jordan |
| Bolling | Eilberg | Kastenmeier |
| Bowen | Erlenborn | Kazen |
| Brademas | Esch | Keating |
| Brasco | Eshleman | Kemp |
| Bray | Evins, Tenn. | Ketchum |
| Breaux | Fascell | Kluczynski |
| Breckinridge | Findley | Koch |
| Brinkley | Fish | Kuykendall |
| Brooks | Fisher | Kyros |
| Broomfield | Flood | Landgrebe |
| Brotzman | Flowers | Landrum |
| Brown, Calif. | Flynt | Latta |
| Brown, Mich. | Foley | Leggett |
| Brown, Ohio | Ford, Gerald R. | Lehman |
| Broyhill, N.C. | Forsythe | Lent |
| Broyhill, Va. | Fountain | Litton |
| Buchanan | Fraser | Long, La. |
| Burgener | Frelinghuysen | Long, Md. |
| Burke, Calif. | Frey | Lott |
| Burke, Mass. | Froehlich | Lujan |
| Burleson, Tex. | Fulton | McClory |
| Burlison, Mo. | Fuqua | McCloskey |
| Burton | Gaydos | McCollister |
| Butler | Giaimo | McCormack |
| Byron | Gibbons | McDade |
| Carey, N.Y. | Gilman | McEwen |
| Carney, Ohio | Ginn | McKay |
| Carter | Goldwater | McKinney |
| Casey, Tex. | Gonzalez | McSpadden |
| Cederberg | Goodling | Macdonald |
| Chamberlain | Grasso | Madden |
| Clancy | Green, Oreg. | Madigan |
| Clark | Green, Pa. | Mahon |
| Clausen, Don H. | Griffiths | Mailliard |
| Clawson, Del | Gross | Mallary |
| Clay | Grover | Mann |
| Cleveland | Gubser | Maraziti |
| Cochran | Gude | Martin, Nebr. |
| Cohen | Gunter | Martin, N.C. |
| Collier | Guyer | Mathias, Calif. |
| Collins | Haley | Mathis, Ga. |
| Conable | Hamilton | Matsunaga |
| Conlan | Hammer-schmidt | Mayne |
| Conte | Hanley | Mazzoli |
| Conyers | Hanrahan | Meeds |
| Corman | Hansen, Idaho | Melcher |
| Cotter | Hansen, Wash. | Metcalfe |
| Coughlin | Harrington | Mezvinsky |
| Crane | Harsha | Michel |
| Cronin | Harvey | Milford |
| Culver | Hastings | Miller |
| Daniel, Dan | Hawkins | Mills, Ark. |
| Daniel, Robert W., Jr. | Hays | Mills, Md. |
| Daniels, Dominick V. | Hébert | Minish |
| | Hechler, W. Va. | Mink |
| | Heckler, Mass. | Minshall, Ohio |
| | Heinz | Mitchell, Md. |
| | | Mitchell, N.Y. |
| Mizell | Rodino | Sullivan |
| Montgomery | Roe | Symington |
| Moorhead, Calif. | Rogers | Symms |
| Moorhead, Pa. | Roncallo, N.Y. | Talcott |
| Morgan | Rooney, Pa. | Taylor, Mo. |
| Mosher | Rose | Taylor, N.C. |
| Moss | Rosenthal | Teague, Calif. |
| Murphy, Ill. | Roush | Thomson, Wis. |
| Murphy, N.Y. | Rousselot | Thone |
| Natcher | Roybal | Thornton |
| Nedzi | Runnels | Tiernan |
| Nelsen | Ruppe | Towell, Nev. |
| Nichols | Ruth | Treen |
| Nix | St Germain | Van Deerlin |
| Obey | Sandman | Vander Jagt |
| O'Brien | Sarasin | Vanik |
| O'Hara | Sarbanes | Veysey |
| O'Neill | Satterfield | Vigorito |
| Owens | Saylor | Waggonner |
| Parris | Scherle | Walsh |
| Passman | Schneebeli | Wampler |
| Patman | Schroeder | Ware |
| Patten | Sebelius | White |
| Pepper | Seiberling | Whitehurst |
| Perkins | Shipley | Whitten |
| Pettis | Shoup | Widnall |
| Peyser | Shriver | Wiggins |
| Pickle | Shuster | Williams |
| Pike | Sikes | Wilson, Bob |
| Poage | Sisk | Wilson, Charles H., Calif. |
| Podell | Skubitz | Wilson, Charles, Tex. |
| Powell, Ohio | Slack | Winn |
| Preyer | Smith, Iowa | Wolff |
| Price, Ill. | Smith, N.Y. | Wright |
| Price, Tex. | Snyder | Wyatt |
| Pritchard | Spence | Wydler |
| Quie | Staggers | Wylie |
| Quillen | Stanton, J. William | Yates |
| Railsback | Stanton, James V. | Yatron |
| Rangel | Stark | Young, Alaska |
| Rarick | Steed | Young, Fla. |
| Rees | Steele | Young, Ga. |
| Regula | Steelman | Young, Ill. |
| Reuss | Steiger, Ariz. | Young, S.C. |
| Rhodes | Steiger, Wis. | Young, Tex. |
| Riegle | Stratton | Zablocki |
| Rinaldo | Stubblefield | Zion |
| Roberts | Stuckey | Zwach |
| Robinson, Va. | Studds | |
| Robison, N.Y. | | |

NAYS—2

Andrews, N.C. Wyman

ANSWERED "PRESENT"—1

Evans, Colo.

NOT VOTING—45

| | | |
|---|---|---|
| Abdnor | Ford, William D. | Randall |
| Anderson, Calif | Frenzel | Reid |
| Anderson, Ill. | Gettys | Roncallo, Wyo. |
| Ashley | Gray | Rooney, N.Y. |
| Badillo | Hanna | Rostenkowski |
| Bell | Johnson, Calif. | Roy |
| Biaggi | Johnson, Colo. | Ryan |
| Blatnik | Jones, Ala. | Stephens |
| Burke, Fla. | Jones, Tenn. | Stokes |
| Camp | Karth | Teague, Tex. |
| Chappell | King | Thompson, N.J. |
| Chisholm | McFall | Udall |
| Davis, Ga. | Moakley | Ullman |
| Dent | Mollohan | Waldie |
| Diggs | Myers | Whalen |

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. King.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Blatnik with Mr. Abdnor.

Mr. Dent with Mr. Frenzel.

Mr. Gray with Mr. Ashley.

Mr. Johnson of Colorado with Mr. Bell.

Mr. Jones of Alabama with Mr. William D. Ford.

Mr. McFall with Mr. Burke of Florida.

Mr. Thompson of New Jersey with Mr. Roncallo of Wyoming.

Mr. Waldie with Mr. Whalen.

Mr. Biaggi with Mr. Myers.

Mr. Anderson of California with Mr. Mollohan.

Mr. Gettys with Mr. Camp.

Mr. Hanna with Mr. Roy.

Mr. Jones of Tennessee with Mr. Udall.

Mrs. Chisholm with Mr. Ryan.

Mr. Diggs with Mr. Badillo.

Mr. Chappell with Mr. Karth.

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Mr. Davis of Georgia with Mr. Randall.
Mr. Teague of Texas with Mr. Stephens.
Mr. Stokes with Mr. Moakley.
Mr. Reid with Mr. Ullman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6388) to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6388) with Mr. BURLESON of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Tennessee (Mr. KUYKENDALL) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I may require. I hope it will not take too long. I would just like to give a brief explanation of the bill.

The bill passed the House last year on a voice vote. We went to the Senate in conference and came back and passed by a unanimous vote the conference report. The bill was sent to the President, and he pocket vetoed the bill on the grounds that we had raised the amount of money that could be expended out of the fund from $280 million to $350 million.

When the bill was reintroduced this year it carried that amount of money. It was reduced to the original amount of money it has been carrying for the past 2 years, $280 million a year, and that is what it carries today. I feel sure the objections from the administration have been taken away.

We bring it back to the floor in almost the identical form it was in when it passed the House previously. I do not think we ought to have too much controversy about the bill in any way.

I may say to those who were not here last year that it does up the amount of funds that can be given to all of the airports in the country except the 22 large hubs. According to the testimony, the 22 large hubs have sufficient money, but a lot of the smaller airports and proposed airports and communities just do not have the money to build their airports or to expand them, so we upped the amount from 50 percent to 75 percent to all of the airports throughout the Nation and also upped the amount for security and certification from 50 percent matching funds to 82 percent. That will help to get the crash, fire, and rescue equipment and other means of safety for all of the airports throughout the United States.

Another important feature of the bill, as you remember, is it suspends the "head tax" which is being collected at different airports.

In anticipation of some of the questions that may be asked, I will say that we do have an antihijacking bill that has had expensive hearings before our committee. I am hopeful we will have it up in the subcommittee and before the full committee by the week after next. If it is, I hope we can then pass it when we have an executive session and bring it to the floor as soon as possible, knowing that it is a good bill.

In that bill we are attempting to take care of or help in the security matters that will arise in all of the airports and which have already arisen across the Nation.

Now, I think this gives an explanation of the bill. I also might say that the funds we are going to use were authorized in 1970. At the present time there is a surplus in that fund of $248 million. So we believe we can go ahead and help these other airports that need expansion and communities that need to improve their airports through a greater amount of money in matching funds.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Virginia.

Mr. DOWNING. As I understood the chairman, the gentlemen stated that if this bill passes it would delete the head tax.

Mr. STAGGERS. The gentleman is correct.

Mr. DOWNING. Mr. Chairman, if the gentleman will yield further, I have an airport in my district known as the Patrick Henry Airport whch now is charging a $1 head tax to cover the cost of the security which the FAA has required of them.

Do I understand that this bill would pay up to 80 percent of that cost?

Mr. STAGGERS. No, this bill really does not take care of that kind of security. The portion that I am talking about, the 82 percent is for the safety and security of the flying public in landing and taking off, and so forth. What the gentleman from Virginia is referring to insofar as security measures are concerned will come up in the antihijacking bill which, as I stated earlier, we hope to have before the full committee the week after next and then bring it to the floor immediately following that. We will have moneys in that bill which will help to take care of the airport expenses and airline expenses insofar as security is concerned.

Mr. DOWNING. The gentleman says that the antihijacking bill will be coming up early?

Mr. STAGGERS. The gentleman is correct, it will be coming up right away because we believe it is one of the important bills—one of the really important bills of this session of the Congress.

It was one of the first bills that we started holding hearings on and we have held hearings on it for a considerable length of time. There have been some questions that have not as yet been resolved but I am hopeful that they will be resolved by next week so that we can take them up in the full committee and pass it out of the full committee.

Mr. ROONEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I will be glad to yield to the gentleman from Pennsylvania.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I would like to ask the distinguished chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS) whether or not any of the airports who are presently collecting head taxes—and there are something like 46, I believe, throughout the country, whether or not the gentleman can tell me whether this bill includes any of those airports that are collecting head taxes.

Mr. STAGGERS. Any of them who are presently collecting head taxes, their time for terminating that will be as of December 31 of this year.

Mr. ROONEY of Pennsylvania. Mr. Chairman, if the gentleman will yield further, how many airports are involved.

Mr. STAGGERS. There are two exemptions—I want to correct myself—the two that had been enacted before 1970, I believe.

Mr. ROONEY of Pennsylvania. Mr. Chairman, if the gentleman will yield further, I think there is a gross inequity here and I therefore plan to introduce an amendment at the proper time. There are some 44 other airports throughout the country who are collecting the same type of head tax as they are in New Hampshire and Sarasota. I also understand there is another amendment over on the Senate side to exclude Evansville, Ind. I think if they exclude these three cities in the bill then I think the Allentown-Bethlehem Airport and the other 43 airports throughout this country should be allowed to collect this tax for the next 7 or 8 months.

The CHAIRMAN. The gentleman from West Virginia has consumed 8 minutes.

Mr. KUYKENDALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chariman, when the Airport and Airways Development Act was under discussion here in 1970 it was considered right and proper that users of airport facilities should bear the burden of building and maintaining them. Up to that time airport projects were helped along with Federal funds taken from general appropriations. There was always a shortage of money compared to the need and desire of communities to upgrade their air facilities for both safety and convenience. By enacting the 1970 law we made a commitment to the traveling public that for those rather stiff fees included in the bill it could expect far more Federal support to be available for airport construction and also for improvement of airways management. Revenues from the user fees have been even more than predicted. About $600 million per year, of the total $750 million taken in, comes directly from ticket taxes.



Now the money is there for airport projects. But now many communities are having difficulty coming up with the local share. Airport projects are often very expensive. Also the Federal scheme of assistance has for many years excluded terminal facilities. The theory behind this exclusion has been that terminal facilities are not essential and also are capable of turning a profit if well managed. The airlines do not share this view and would like to see terminals included in projects for Federal grant support. Perhaps for this reason, or perhaps for many different reasons, communities have been looking for ways to extract more revenue from airport operations than landing fees and concessions. The enplaning tax, or head tax, is appealing. It has been the bane of European travelers for years but it does promise substantial sums.

Wherever enplaning taxes have been suggested or tried the airlines have fought them vigorously. Until recently they had been successful in routing them in State courts. Recently, however, Evansville, Ind., and all of New Hampshire's airports gave it a whirl. This time it got to the Supreme Court of the United States which decided, in effect, that unless Congress specifically said no to head taxes, communities could levy them. With that go-ahead, 15 other cities moved quickly to enact such taxes last year.

The question as to whether or not it is proper or fair to add further user taxes to those imposed by the 1970 act is certainly open to debate. Many feel that it is grossly unfair. Airlines think that being forced to collect a whole array of different taxes at the many places they service is entirely unreasonable. The administrative burden is undoubtedly very onerous. It may cost more than the revenue to be derived. On the other hand, communities very likely do need more revenue for airport purposes. And perhaps there are ways in which these taxes or some variation of them could be made to work with a minimum of inconvenience. But we do not know whether this is so or not. All of which pretty well explains why the committee bill of last year provided for a moratorium rather than a ban on head taxes.

The other body, however, took a quite different tack. It made a basic decision that head taxes were an impediment to interstate air travel and banned them. Recognizing at the same time the need for increased funds at the local level, the Senate bill made some fairly substantial changes in the Federal share to be offered for airport construction projects in the future. The conference committee reported back a bill which was essentially that passed by the Senate, prohibiting head taxes and adjusting the Federal share of airport grants. The bill as finally approved raised the minimum yearly figure to be spent from the trust fund for airport projects on the theory that the larger Federal share would require the outlay of larger sums if the number of projects to be funded were to remain constant. The Senate bill has projected a yearly minimum of $420 million and the conference version arrived at a figure of $350 million.

When the agreed upon bill reached the White House it was held without signature and a memorandum returned to Congress indicating that the increase in obligational authority was the basic reason for not accepting it. The memorandum also mentioned program difficulties but without specificity.

In the 93d Congress it was the feeling within our Subcommittee on Transportation that a bill tracking the previous bill but with an acceptable obligation figure should have the best chance of making the grade. Apparently the feeling had also grown that head taxes should be prohibited without further study.

The committee brings to you a bill which will prohibit the imposition of head taxes or gross receipts taxes by airport operators or States. There are some slight adjustments for communities which have made commitments or which started collecting taxes prior to the original congressional action. These are tailored to the specific situations and are of very short duration, ending at the end of 1973.

Recognizing the almost universal need for greater revenue if airports are to be built, and as some compensation for the loss of the potential revenue from head taxes, the bill provides an increase in the Federal share of airport projects from 50 percent to a possible 75 percent in the case of medium hub and smaller cities. Very large airports will remain at the present 50 percent maximum. As to equipment required for safety and to meet the requirements for airport certification, such as fire equipment, the Federal share has been increased to 82 percent.

By holding the obligational authority to the present statutory minimum of $250 million for carrier airports and $30 million for general aviation airports we feel that we have a bill which can and will be approved by the executive. Testimony by the representative of the administration did not enthusiastically endorse outright prohibition of head taxes and had some misgiving about matching for certification equipment. Despite this, as near as we can tell, the bill we have here would be signed. Much, if any, upward change in the obligational authority could change that and therein will be a problem when meeting in conference with the other body. We feel that we should pass a bill that can become law and will try our best to keep intact its major provisions.

One figure included in the bill may be misleading. It is the frightening amount of $1.4 billion. Actually this does not add anything to the budget now or later. Under the law as it stands the obligational authority is set at minimum of $280 million per year. As I have already pointed out, this has not been changed. To keep the authority alive for a total of 3 years it is necesary to extend the final figure to include 2 additional years at $280 million each. No less is anticipated by anyone.

Some things this bill does not do. It does not include terminal buildings as eligible items in airport projects. That is the present situation and has been thus for over 10 years. There is considerable debate on this point, and it is possible that some change may be in order soon, but it should be handled as a separate item and settled on its own merits. The bill does not include an anti-impoundment provision for the same sensible reason that it can only jeopardize an otherwise desirable piece of legislation.

Contact was made with the committee when the matter was before the full committee for markup to exempt the territories from the prohibition. The Virgin Islands made the pitch on the basis that it not only needed the funds but that other islands nearby all had enplanement taxes. It was pointed out by members of the subcommittee that some of the affected airports were obtained as surplus to begin with. In addition, the present law provides a special fund for territorial airports in addition to which they may apply for assistance from the discretionary fund controlled by the Secretary of Transportation. The status of nearby airports which do not have access to the trust fund and are operated under the laws of other countries is hardly germane.

All in all, the committee has tried to do a thorough and responsible job in bringing you a bill which will accomplish a worthwhile purpose while being fair to all parties concerned with it. I recommend approval of H.R. 6388 by the House.

Mr. Chairman, I reserve the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, last year we enacted a bill into law, Public Law 92–592 creating the Gateway National Park which provides in part as follows:

(e) The authority of the Secretary of Transportation to maintain and operate existing airway facilities and to install necessary new facilities within the recreation area shall be exercised in accordance with plans which are mutually acceptable to the Secretary of the Interior and the Secretary of Transportation and which are consistent with both the purpose of this Act and the purpose of existing statutes dealing with the establishment, maintenance, and operation of airway facilities: *Provided*, That nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field.

It is my understanding that H.R. 6388 would permit for the first time local governments in cosponsorship with the Federal Government to develop airport facilities.

I would like to know whether H.R. 6388 would in any way contravene the purposes of Public Law 92–592 or section (e) thereof or in any way authorize expansion or redevelopment of Floyd Bennett Field for civil aviation purposes.

Mr. STAGGERS. Mr. Chairman, I would like to assure the gentlewoman from New York that our bill does not contravene in any way the language which she just read to the House. We certainly do not have anything before us today which will take away or add anything to the language which she has just read.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman from West Virginia. I am very pleased by his assurances. The creation of the Gateway National Park was a matter of great importance to the

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residents of my district and the city of New York. The creation of civilian aviation facilities at Floyd Bennett Field would not only undermine the benefits of that park, but would also create noise, air pollution, and safety hazards to those who reside near Floyd Bennett Field.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN), the chairman of the subcommittee.

Mr. Chairman, I might add that I believe the subcommittee has done a very able job.

Mr. JARMAN. Mr. Chairman, this legislation would increase the U.S. share of allowable project costs for airport development and improvements for all but the Nation's largest hub airports. It would also prohibit the so-called head tax imposed by more than 40 jurisdictions in the Nation on persons in air commerce.

As the Members will recall, the House passed the conference committee bill similar to H.R. 6388 last October 11, and the Senate gave its approval to the legislation on October 13. The President pocket vetoed the measure on October 27, and in a memorandum stated that the legislation was not in accordance with his administration's fiscal plans.

The most important difference between this legislation and the one vetoed last fall is that H.R. 6388 does not change the $280 million minimum annual authorization contained in existing law. The vetoed bill had increased the minimum annual authorization to $350 million.

Perhaps one of the most controversial aspects of the legislation last year was the feature dealing with passenger user taxes imposed by different jurisdictions across the country. When we considered this legislation last fall, only 17 jursdictions utilized the so-called head tax. Today, there are 44 such taxes, and many other jurisdictions have planned to impose such a fee. This matter has been litigated in the courts. In April of last year, the Supreme Court of the United States upheld the constitutionality of the New Hampshire and Evansville, Ind., head taxes, stating that until Congress adopted a position on the matter, such taxes could be imposed by local jurisdictions.

The Interstate and Foreign Commerce Committee feels that the head tax is discriminatory and constitutes a burden on our national transportation system. The taxes vary from jurisdiction to jurisdiction, with no regard to the length of the journey of the passenger. The passenger is already paying an 8 percent Federal tax on his ticket in order to finance the airport and airway trust fund.

Our committee made three substantive changes in the legislation reported to us by the Subcommittee on Transportation and Aeronautics.

The first change increased from $480 million to $1.4 billion the authority of the Secretary of Transportation to incur obligations to make airport development grants until June 30, 1975. The total amount of such obligations liquidated before June 30, 1974, cannot exceed $1.12 billion and the total amount liquidated before June 30, 1975, cannot exceed $1.4 billion.

The second change modified the language of the bill relating to the Federal share allowable on account of any approved project to make clear that the amount of the Federal share will be determined by the number of passengers enplaned at the airport with respect to which the grant is made.

The third change extends until December 31, 1973, the time for several State and local taxing authorities—already levying and collecting the head tax—to be exempt from the prohibition against such taxes provided by the reported bill.

Mr. Chairman, I urge the passage of H.R. 6388.

Mr. KUYKENDALL. Mr. Chairman, I yield 5 minutes to the gentleman from Montana (Mr. SHOUP).

Mr. SHOUP. Mr. Chairman, I do not intend to dwell on the merits of this bill. I believe it has been well covered by the chairman of the committee, the chairman of the subcommittee and my colleague from Tennessee.

However, I do wish to inform my colleagues at this time that I intend to offer an amendment at the proper time.

In the past I have criticized various Members of various committees for appearing on the floor of the House and offering amendments to bills which have not been discussed within the committee. However, in this particular case I feel we have extenuating circumstances. The action by the Federal Aviation Administrator since this bill was marked up, since the House went into its Easter recess, necessitates an amendment.

This would not be a change in the wording of the bill; it would be an addition of a new section, a clarifying amendment to the existing law.

In 1970 a section of the 1970 act amended the 1958 Federal Aviation Act. It included for the first time the authority for safety certification of airports.

Since 1970 the Federal Aviation Administrator has, I feel, followed the dictates of this House and of the conference committee as to the intent of the safety certification. Unfortunately, on April 20, 1973, the Administrator of the Federal Aviation Administration came out with a new interpretation that I feel is in direct conflict with the intent of the original act. May I quote from Federal Aviation Administrator Butterfield:

> The Federal Aviation Administration of the Department of Transportation will broaden safety standards by expanding its airport certification regulation to include airports serving supplemental air carriers and other CAB certificated carriers operating charter flights, small aircraft and helicopters. Also included are airports serving as refueling stops for these operators.

The Administrator is saying that a chartered CAB certificated air carrier, if it were to touch down only one time at a small airport, one time a year, if that airport were to allow it to land, if the chartered air flight were not to risk losing its charter, this small airport would have to provide 24-hour fire protection service 365 days of the year.

At the present time under the FAA airport safety regulations 99 percent of the total personnel carried by air service are covered. One percent of the total personnel carried by air carriers are not. These passengers go into the small airports that cannot afford 24-hour manned fire engines 365 days of the year.

I should like to read from the conference report on the 1970 act that was presented to the House and adopted. I read from the report of the managers:

> Section 51(b) of the conference agreement follows the House version with a clarifying change to make it clear that the term "air carrier airports" means airports serving air carriers "certificated by the Civil Aeronautics Board." This clarification will make it unnecessary to require certification of a small airport that may be served by an air taxi but not by a scheduled air carrier certificated by the Civil Aeronautics Board.

May I repeat that: "Scheduled air carrier certification by the Civil Aeronautics Board."

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I yield the gentleman from Montana (Mr. SHOUP) 2 additional minutes.

Mr. SHOUP. Mr. Chairman, the opinion of the Civil Aeronautics Board indicates that their understanding of the intent of Congress refers only to those airports which are served by scheduled air carrier service.

It will be my intent at the proper time to offer an amendment to clarify the intent of Congress and to direct the Federal Aviation Administrator to so comply.

Mr. KUYKENDALL. Mr. Chariman, I yield 5 minutes to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, I wish to thank the chairman of the committee for allowing me these few minutes. I commend the comittee for its action on this bill.

Certainly I think it is timely to make more effective the Airport Airway Development Act passed in 1970. It is especially commendable with regard to increasing the Federal share in relationship to smaller airports and their development.

Mr. Chairman, if I may indulge the committee's time, I would like to discuss a point which is not particular to this bill, but a matter concerning aviation safety, which should be of consideration not only by this committee but the House as a whole.

It is a subject which, as the congestion problem increases and the use of aircraft increases, becomes more and more of a threat to the lives of the traveling passengers. I am speaking of mid-air collisions.

The recent mid-air collision between the NASA research plane and the Navy P–3 at Moffett Field in California, with the loss of 16 lives, demonstrated once again that Congress must enact legislation to require the installation of collision avoidance systems on most civilian and military aircraft. There is no doubt that the danger of mid-air collision is increasing, and on the basis of personal studies which I have undertaken, unless we do something immediately, hundreds and perhaps thousands of persons will die in such collisions in the next 10 years.

In fact, the National Transportation



and Safety Board has projected 972 fatalities from 335 collisions between 1970 and 1979.

Mr. Chairman, it is a fact that air traffic will increase more than 400 percent in the next decade. Projected growth of air traffic in the next 10 years is set at 40 percent for airlines and more than 73 percent for general aviation.

In 1950 there were approximately 8 billion revenue passenger miles; in 1982 the projection is that there will be more than 307 billion revenue passenger miles—a further indication of the urgency of the implementation of collision avoidance systems.

Now, certainly aviation is one of the safest modes of travel we have. However, when there are collisions in the air, it becomes traumatic and it becomes tragic, because of the large number of lives which are lost in any one collision. Certainly I do not have to remind my colleagues of the 1956 mid-air collision over the Grand Canyon where 128 lives were lost.

The separation of aircraft has been left primarily up to the air traffic control system. Our controllers who man these radar scopes do yeoman service under very hard and difficult conditions. I can only express praise for their efforts. They have been able to maintain a good record. However, the men who man these radar scopes are only human. They are subject, just as every one of us is, to error. I think the point is made quite clear by the recent accident at Moffett Field, where two aircraft on approach to landing collided while under the control of the air traffic controller.

Together with my colleague in the other body, Senator Moss, I have introduced legislation recently that would set a target date of March 1974, for the completion of the testing of mid-air collison avoidance systems. The bill, H.R. 7125, requires all airliners and military aircraft must have these mid-air collision avoidance systems by June 1976. Additionally, by June 1977 all business and other commercial aircraft will be required to have the system operative, and by June 1978 all aircraft will have to comply.

That would exclude certain types of aircraft that operate away from congested areas, such as specialized sport and antique and agricultural planes and gliders.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. GOLDWATER. Mr. Chairman and colleagues, we have a serious obligation to do everything possible to reduce the chances of mid-air collisions. I am very hopeful that we can get some hearings on this in the very near future.

Mr. KUYKENDALL. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I take this time very briefly to develop a colloquy, if I may, with the chairman of the committee (Mr. STAGGERS).

First of all, I want to compliment you, the subcommittee chairman and the committee members for having recognized what I think is a very serious situation in the country in that there is definite need to accelerate the construction timetable and improve the financing formula for some of the smaller communities which simply do not have a financial base with which to construct an adequate airport facility.

You know of my great interest in the development of an integrated airport system for the major metropolitan areas and in providing general aviation reliever airports to minimize congestion in those areas.

Do you believe in your own judgment that this change in the formula based on the testimony presented to the committee from 50 to 50 to 75 to 25 will permit those political subdivisions to accelerate the construction timetable on the reliever airports in order to minimize congestion, improve safety and provide more general aviation airport access to the metropolitan areas, as well as access to more of our smaller communities?

Mr. STAGGERS. I do, and that is the reason why I cite as a classic example the airports that are being built now.

Mr. DON H. CLAUSEN. Will the gentleman, the ranking minority member, comment on that?

Mr. KUYKENDALL. I would like to comment on the depth in which we got into this and in which we have shown concern, even in these cases where you have an integrated system where one authority has either the owenrship or the supervision of an airport that is a hub and an airport that is not a hub. We have language in the legislation to allow the higher percentage to apply to the nonhub even though it is a part of a totally integrated system.

Mr. DON H. CLAUSEN. I feel very reassured by that, because it is one of the principal reasons we moved on this legislation initially. That being to provide the opportunity for relief in the heavily congested areas. I was not sure we were making the kind of progress that we should have been making.

One other question I would like to ask of the chairman is this: Recently there has been a fair amount of mail coming to me and I am sure to others which relates to the cost allocation study and its impact on general aviation type aircraft that supposedly eminated from the Office of Management and Budget or the FAA.

As I understand it, there is nothing in this legislation that would put into effect or implement the proposed recommendations of this cost allocation study as it relates to general aviation; is that correct?

Mr. STAGGERS. The gentleman is correct.

Mr. KUYKENDALL. That is absolutely correct.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the two gentlemen very much for answering these questions and I want to compliment the gentlemen on their work. I am particularly appreciative for the time and consideration the members of this committee have extended to me in advancing suggestions and recommendations for inclusion in this legislation.

I also want to commend the committee for its recognition of the financial plight of smaller communities with their limited tax base in meeting the matching fund requiremens under the 50/50 cost-sharing formula. The 75 to 25 ratio will make it possible for more communities to provide airport access to their respective areas and to enhance their overall economic potential. Increasing to 82 percent the Federal share for safety and security equipment at airports is particularly noteworthy and will, in my judgment, contribute greatly to airport security.

Mr. KUYKENDALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 6388, a most important act to amend the Airport and Airway Development Act of 1970. All available statistics show a dramatic increase in the use of our Nation's airways particularly in the field of general aviation. Congress has responded to this problem previously when they created the Federal aviation trust fund in the enactment of the original Airport and Airways Revenue Act of 1970. Many of the smaller communities have been extremely hard pressed to participate and modernize and update their airport facilities because they are unable to match or meet their 50 percent of the cost. This act would be increasing the Federal share to 75 percent and will enable these much needed improvements to be made. All of the communities of our Nation will benefit from this legislation because aviation is becoming more and more to be used, not only for the general public but also by commerce and industry. Usually a safe and modern airport is one of the things an industry surveys about a community before it will decide to locate a plant or facility there. Again, I congratulate the committee on its farsighted action in developing this important piece of legislation.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume in order to answer some questions to be posed by the distinguished delegate from the Virgin Islands (Mr. DE LUGO).

Mr. DE LUGO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I had hoped to offer an amendment to section 17(c) of the Airport and Airway Development Act of 1970 to increase the U.S. share payable on account of any approved project for airport development in the Virgin Islands, Guam, and American Samoa to 90 percent. After discussing this matter with my colleagues, I feel this issue is so important to these areas that I am requesting that hearings be held on this amendment at the earliest possible date.

Mr. Chairman, I wish to direct a question to the distinguished chairman of the Interstate and Foreign Commerce Committee.

As you know, the Virgin Islands, because of their isolated position, are uniquely dependent upon air traffic for their economic survival. The lack of fuel



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resources and raw material makes the islands particularly dependent upon the money generated by the tourist trade, much of which arrives by air. The small economic base in comparison with that of the individual States makes it necessary for the Virgin Islands to look to Federal aid in the maintenance of its airport facilities. H.R. 6388 would prohibit the Islands from collecting a head tax from passengers using its airports thus further diminishing the ability to maintain this vital segment of their economy. Therefore, Mr. Chairman, I would ask the distinguished gentleman from West Virginia (Mr. STAGGERS) as to whether he would look with favor upon the possibility of holding hearings on my amendment?

Mr. STAGGERS. Mr. Chairman, I certainly can respond in the affirmative to the inquiry of the distinguished delegate from the Virgin Islands, and I can assure the gentleman that he can certainly expect sympathy towards the situation in the Virgin Islands.

Let me add further, Mr. Chairman, that the gentleman who represents these islands has been very faithful in his attempts to look out for their interests before our committee, and I again assure the gentleman that at the first opportunity we will certainly try to have hearings upon this subject.

Mr. DE LUGO. Mr. Chairman, I thank the gentleman for his very kind remarks.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I would like to commend our distinguished colleague, the gentleman from the Virgin Islands, and I wish to associate myself with the remarks made by the gentleman, and also the remarks of our distinguished chairman, the gentleman from West Virginia (Mr. STAGGERS) and to express my own hope that in the event the Senate sees fit in its wisdom to add an amendment to this legislation that achieves the objective stated by the delegate from the Virgin Islands, that I would hope that the House conferees will take a kindly look at such a proposal.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I too want to express myself as being in full support of the position just taken. I might add that I have had conversations with the FAA, as well as Governor Evans himself. I make this point simply because I am the ranking minority member on the Subcommittee on Territorial and Insular Affairs, and I know that the Trust Territories do have a unique problem and I realize that it will be very difficult for the committee to come up with anything in the way of essential assistance in that matter according to the present testimony. But I believe that they have a unique situation down there in the Virgin Islands in particular because, as an example, the islands that are under British rule do have a specific head tax that does apply, and that may make it somewhat difficult for the Virgin Islands.

I also understand the complexity of attempting to rule someone out of this under the purposes of this bill, so I would hope that we could provide something in the way of a change in the formula, or possibly other legislation.

Mr. DE LUGO. Mr. Chairman, the United States Virgin Islands Port Authority was created by Legislative Act 2375 in 1969. As such, the Harry S. Truman and Alexander Hamilton Airports came under the Port Authority's jurisdiction and control. Included in this enabling legislation is the power to establish rates and charges for the use of the airport facilities. The Authority, however, was not granted any powers of taxation on personal or real property nor authorized to participate in the sharing of taxes levied and collected by the Virgin Islands Government.

Through the end of June 1972 the Port Authority was operating on a deficit of roughly four and one-third thousand dollars per day. In July of 1972, after public hearings had been held, the Governing Board of the Port Authority passed and adopted new rates effective July 1, 1972, and also established a passenger use fee of $1 for each for hire passenger departing the United States Virgin Islands, this income being for the use of the airport facilities. The implementation of the passenger use fee is anticipated to generate over $800,000 for this fiscal year, which amount represents 40 percent of our aviation revenue. We are now able to participate with ADAP assistance in the upgrading and improvement of the airports.

The Virgin Islands have been receiving ADAP aid on the 75–25 percentage formula as compared to stateside airports receiving assistance on a 50–50 percentage formula. During 1969, two projects in St. Croix requiring aid were authorized and subsequently cancelled due to unavailability of Port Authority funds. During the last 3 calendar years in St. Thomas, only one project requiring less than $11,000 of Port Authority funds was undertaken. Hundreds of thousands of dollars under the airport aid program have been available for improving the airports but the Port Authority was unable to provide its 25 percent share. At present, our aviation income is making it possible for us to provide our share of approximately $2 million worth of improvements between both airports; improvements that will greatly increase safety, particularly at Truman Airport. The passage of H.R. 6388 would prohibit the levying or collecting of a tax, fee, head charge or other charge directly or indirectly to passengers traveling in air commerce. This change will reduce our aviation income by 40 percent and return us to the previous financial position where the Authority was unable to properly expand and improve the Virgin Islands airports for the public's convenience and in their interest.

The financial dilemma that the Government of the Virgin Islands is experiencing due to the rapid change and increase in population, precludes its ability to adequately assist the Authority financially in meeting this responsibility.

Of course it is not the intent of this legislation to be detrimental to airport development. In fact, it proposes to change the mainland airports' matching formula from the 50–50 percentage to the 75–25 percentage so what the mainland airports may lose on the one hand by not charging the airport users' fee would be made up on the other hand by the 75–25 percentage formula which roughly triples the ADAP aid. In our case, we would receive no more than we are presently receiving in exchange for the loss of 40 percent of our aviation income. Again, we would be back to the situation in which Federal aid would be offered but we would find ourselves unable to fund our required 25 percent.

It should also be noted that the Virgin Islands face increasing competition with the other tourist islands of the Caribbean which have been able to improve and modernize their airport facilities, and thus attract more commercial and private aircraft activity.

It cannot be too strongly emphasized that with passage today of H.R. 6388 the Virgin Islands will no longer be able to impose a head tax on departing air passengers, and therefore will be unable to generate the revenue to meet their required share of funding under the present Federal/State formula. For this reason I am proposing my amendment to change the existing formula by increasing the Federal share of total financing to 90 percent. This would be in keeping with the Virgin Islands ability to match the overall costs of new projects. The present law recognizes the distinct needs of the Virgin Islands by giving them a greater share of Federal aid, and now that income from the head tax is no longer available there is all the more reason to continue this precedent, and increase the proportion of Federal participation.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Chairman, I thank the gentleman from West Virginia (Mr. STAGGERS) for giving me this opportunity to speak on a subject that is near and dear to my heart.

I rise in support of this bill. I have throughout my adult life been associated with aviation; for the past 23 years in a professional capacity. Prior to coming to this Congress, I worked as a nationally recognized aviation consultant. This work brought me into contact with most of the major airlines, all segments of general aviation and the leading aviation manufacturers throughout the Nation. I have been an active pilot since 1950 and, to date, I have logged over 6,000 hours flying time. My past profession has enabled me to make in-depth studies into the needs of all phases of the aviation industry.

In the fall of this year the world's largest airport will open to traffic in my district—the $700 million Dallas/Fort Worth Airport. Sprawling across the north Texas plains, this facility will be the most sophisticated and largest in the world. Excluding passengers, this jetport will be capable of handling more cargo by air then the entire port of New York moves by ship.

Mr. Chairman, I cite these statistics to emphasize the impact this Texas giant and other large hub airports are going to have on the entire Nation. One massive impact often overlooked as we develop these large hub airports, is the effect on general aviation and small airport operations. Over 100 smaller airports are located in our north Texas area, within 100 miles of the Dallas-Fort Worth metropolitan area. These smaller facilities are just as vital as the big hubs. The small feeder airlines collect passengers from the small out-lying communities and bring them to the truck carriers. The small fields are home for the general aviation aircraft that support our industries. In the busy hub terminals, air space has become saturated, with too many airplanes trying to use the same field. In some cases, this saturation is approaching a dangerous condition. Small towns are unable to attract industries for lack of usable airports.

These massive air-hubs to which I have referred saturate the available air space and make it difficult for the smaller business craft to utilize all but the most modern with proper efficiency. In our own metropolitan complex the smaller airfields are vital to maintain safety in the air and to expedite the flow of private aircraft throughout the entire north Texas area. This is true of these major air-hub areas throughout the Nation. In my district alone we have several already over-crowded smaller air-hubs and airports that desperately need the assistance that this legislation will provide. They need it for safety equipment, improvement of repair facilities, extension of runways and many other vital projects. Arlington Municipal Airport, Grand Prairie Municipal Airport, Denton Municipal Airport, fields in Oak Cliff, Irving, and other surrounding communities need this assistance and they need it now before their problems are compounded by the massive new airneighbor in their area.

I have carefully read the committee report provided for H.R. 6452 and, as an individual deeply involved in aviation, wholeheartedly agree with their findings and their recommendations. The committee's call for an increase in Federal funding for this type of activity, especially those provisions which will directly affect our much strained smaller air-facilities is long overdue. Finally, as one constantly concerned with our fiscal problems since taking office in January, I especially endorse this type of funding through user-tax which, as the committee notes,

> No general tax revenues will be required to pay for the 1974 and 1975 additional spending authority, since the cost of the authority should be funded entirely from the airport and air-way trust fund.

This to me, is sound fiscal consideration aimed at resolution of a much aggravated problem. Again, I commend the committee for their foresight and judgment and wholeheartedly urge passage of this measure.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I rise in support of this measure. I should also like to ask the chairman if he feels that the bill that the committee has recommended to us today would meet the objections which might have been the cause for the veto last year. The bill has exceeded the funds that the administration requested. If we pass this bill with the funds in it, $280 million, does the gentleman think that that will meet the objection that was raised previously, and thus allow the bill to become law?

Mr. STAGGERS. This, in my opinion, meets completely the objections of the President and the administration when the bill was vetoed.

Mr. PICKLE. I thank the gentleman.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the Airport Development Acceleration Act of 1973, though with strong reservations about one provision. In general, I welcome the recognition by the Committee on Interstate and Foreign Commerce of the need to increase the Federal share of matching funds from the current 50 percent to 75 percent. This is consistent with the approach followed by the Committee on Public Works, on which I am privileged to serve, in increasing Federal matching for projects financed by the Environmental Protection Agency and for the Federal-aid highway system.

Moreover, I also strongly approve the increase in authority to obligate funds from the trust fund through June 30, 1975, from $840 million to $1.4 billion.

I regret, however, the provision eliminating the system of head taxes on which so many publicly owned facilities have been forced to rely for operating revenues. Therefore, I intend to support the amendment to be offered by my colleague from New Hampshire (Mr. WYMAN) to delete this prohibition on the use of head taxes. While those authorities making use of such a tax have until next December to develop alternate sources of revenue, I do feel that this represents a severe burden.

I urge Members to join in support of the Wyman amendment and the bill on final vote for passage.

Mr. BINGHAM. Mr. Chairman, I intend to vote against this legislation, the Airport Development Acceleration Act of 1973, for a number of reasons. I have long argued that the level of Federal expenditures for transportation, like Federal expenditures in every other area, should be based on a continuing and up-to-date assessment and comparison by the Congress of all our national needs. I have particularly made this case with respect to the highway trust fund. I have stated repeatedly that Federal expenditures for highways ought to be made from general revenues, or at least that the trust fund now reserved for highways should be broadened to include all forms of ground transportation, so that expenditures for highways would be made to compete for scarce Federal funds and could be determined and justified in relation to other transportation needs.

The airport trust fund, like the highway trust fund and trust funds generally, prohibits a rational determination of expenditure levels based on the priority of airport development in relation to other needs.

In my judgment, Mr. Chairman, the greatest problem we face in the transportation field in this country is the problem of enabling every American to travel quickly, conveniently, cheaply, and comfortably on a daily basis from his home to his job, and from home to nearby shops and recreational facilities. The major transportation problem we face, in short, is one of efficient short-distance travel, rather than long-distance travel. Levels of Federal spending in the transportation field should reflect that overriding need and give highest priority to expenditures to solve that problem.

There is certainly need and justification for Federal expenditures and aid for airport development. But the levels of expenditure for that purpose contained in this bill have not been determined on the basis of need for airport development in relation to other needs. Since funds accruing to the airport trust fund can be used only for airport development, the tendency is to go ahead and spend those funds for that purpose simply because they are available and can not be used for any other purpose. I cannot support funding decisions made on that basis. I have opposed them with respect to highways, and I must oppose them with respect to airports.

This legislation also contains provisions that would prevent State and local governments from obtaining their matching funds for airport development through the use of "head taxes" on airline passengers. The Federal airport trust fund itself, of course, consists of proceeds from user taxes. So, in effect, this legislation endorses and perpetuates user taxes in the aviation field by the Federal Government, but prohibits them as a revenue device for State and local governments. This is an inconsistency which seems to me unfair to State and local governments. If anything, the formula should be reversed. It is the State and local governments that are hardest pressed for sources of revenue and should thus be given maximum flexibility for raising specific revenues for specific purposes. It is the Federal Government, on the other hand, that has the greater revenue-sharing capability and the responsibility for setting broad funding priorities, arguing for use of general revenues rather than earmarked user taxes for Federal aid to airports.

Finally, Mr. Chairman, this legislation is discriminatory toward larger, primarily urban airports. The legislation proposes to increase the ratio of Federal to local funds to 75–25 for smaller airports, but would retain only 50–50 funding for the larger urban "hub" airports. The stated reason for this discrimination is that the larger airports have greater access to local funding. Yet the bill would remove one of the major means of raising local matching revenues employed by many larger airports—the airline passenger head tax. I see no justification for imposing this kind of inequity upon the larger airports. As I understand this legislation, Mr. Chairman, the following airports would be restricted to 50–50 matching funds rather than 75–25: Denver, Colo., Los Angeles, San Francisco, and San Diego, Calif., District of Columbia—Washington National—Miami, Fla., Atlanta, Ga., Honolulu, Hawaii, Chicago, Ill.—O'Hare— New Orleans, La., Detroit,



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Mich., Minneapolis, St. Paul, Minn., Kansas City, St. Louis, Mo., Las Vegas, Nev., Newark, N.J., New York City—John F. Kennedy and LaGuardia airports—Cleveland, Ohio, Philadelphia and Pittsburgh, Pa., Dallas and Houston, Tex., Seattle-Tacoma, Wash.—International.

Many of us in this Congress, and the public, who frequently fly in and out of these airports, know that many of them can use all the help they can get consistent with other national needs for improvements in safety and other aspects of their operations. In fact, more than 80 percent of each day's airline passengers pass through one or more of these airports. Yet this legislation would relegate such critical terminals to secondary status with respect to Federal aid.

For these reasons, I cannot support this legislation and I urge Members who may find these arguments persuasive to join me in voting against it.

Mr. CULVER. Mr. Chairman, I want to express my support for H.R. 6388, the Airport Development Acceleration Act of 1973. By increasing to 75 percent the Federal share of allowable project costs for airport development, this legislation would allow medium and small airports to expand as necessary to continue serving their communities and the Nation. By increasing to 82 percent the allowable Federal share for purchase of safety and security equipment required by Federal law, this legislation will allow airports serving smaller communities with corresponding smaller revenues to meet the rigorous safety and security standards that have been imposed.

A clear example of the benefits of this bill can be seen in the city of Cedar Rapids. A medium-sized city without a huge tax base, Cedar Rapids has and needs an airport adequate to handle both commercial and private flights. The costs of maintaining such an airport are tremendous, however, and just this morning the city council approved a referendum for a bond issue which is required to meet the local share of a federally assisted airport development project. Two additional applications for Cedar Rapids are pending—one for their rescue program and to meet certification requirements and one for a necessary overlay of concrete on the runway surfaces. Both are necessary and both will benefit the entire region as well as travelers and shippers all over the Nation who have occasion to use the airport.

Dubuque will also benefit from this legislation. The Dubuque Municipal Airport is experiencing difficulties in funding the crash and fire services which are required by Federal regulations. The allowance of up to 82 percent of the costs from Federal funds will greatly assist the airport there to serve the people in conformance with Federal safety standards.

The city of Clinton also needs additional development of its airport. Longer, wider, and thicker runways are necessary within the next few years to handle the DC-9's which Ozark Air Lines plans to use exclusively. Without the help of a bill such as this, cities like Clinton may soon find themselves without commercial air service. Other general aviation airports in Iowa's Second District have similar problems and will benefit from this legislation.

The final point I would like to make is that the money authorized by this bill will not come from general revenues. The money will derive from the user-supported airport and airway trust fund. Therefore, it will not result in increased taxes or an increase in the Federal deficit, and in many instances it may prevent increases in property taxes or other State and local levies.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. KUYDENDALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Airport Development Acceleration Act of 1973".

SEC. 2. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended by inserting immediately after "Federal Aviation Act of 1958," the following: "and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport,".

SEC. 3. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 4. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part may not exceed—

"(1) 50 per centum for sponsors whose airports enplane not less than 1.00 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for sponsors whose airports enplane less than 1.00 per centum of the total annual number of passengers enplaned by air carriers certificated by the Civil Aeronautics Board."; and

(2) by adding at the end thereof the following new subsection:

"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.".

SEC. 5. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(a)) is amended by striking out "two years" and inserting in lieu thereof "three years".

SEC. 6. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom; except that any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until July 1, 1973.

"(b) Nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans.

the provisions of subsection (a) shall not apply to such authority until July 1, 1973."

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. STAGGERS. Mr. Chairman, in view of the fact that we have eight committee amendments, I ask unanimous consent that they be considered en bloc and be voted upon en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read as follows:

Committee amendments: Page 2, immediately after line 5, insert the following:

"SEC. 3. Section 14(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(b)) is amended—

"(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,400,000,000"; and

"(2) by striking out 'hand' in the last sentence thereof and inserting immediately before the period ', an aggregate amount exceeding $1,120,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,400,000,000 prior to June 30, 1975'."

Page 2, line 17, strike out "SEC. 3." and insert in lieu thereof "SEC. 4.".

Page 2, line 21, strike out "SEC. 4." and insert in lieu thereof "SEC. 5.".

Page 3, strike out lines 6 through 13 and insert in lieu thereof the following:

"(1) 50 per centum for the sponsor of any airport which enplanes not less than 1 per centum of the total annual passengers enplaned by air carriers certified by the Civil Aeronautics Board; and

"(2) 75 per centum for the sponsor of any airport which enplanes less than 1 per centum of the total annual passengers enplaned by air carriers certified by the Civil Aeronautics Board"; and

Page 4, line 16, strike out "SEC. 5." and insert in lieu thereof "SEC. 6.".

Page 4, line 20, strike out "SEC. 6." and insert in lieu thereof "SEC. 7.".

Page 5, lines 17 and 18, strike out "July 1, 1973." and insert in lieu thereof "December 31, 1973.".

Page 6, line 22, strike out "July 1, 1973" and insert in lieu thereof "December 31, 1973".

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. ROONEY OF PENNSYLVANIA

Mr. ROONEY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY of Pennsylvania: On page 5, strike lines 7 through 18 and insert in lieu thereof the following: "or on the gross receipts derived therefrom after December 31, 1973."

On page 6, strike lines 11 through 22.

Mr. ROONEY of Pennsylvania. Mr. Chairman, first of all I want to commend the chairman of the subcommittee and the chairman of the full committee for the great work they did in reporting this bill before the House today.

I intend to support this bill with or without my amendment, but my amendment, I think is a fair one. It would give the 42 other airports that are presently collecting taxes that would not otherwise be exempted from this bill the opportunity to be treated fairly with the exemption of the New Hampshire and Sarasota, Fla., airports. These two airports will be exempt from the prohibition against collecting head tax, and all the other 42 cities in this country that are relying on this money and that have projected of this money for this calendar year will be eliminated from this bill. I do not think it is fair. My bill will merely make sure the other 42 airports throughout this country will be fairly treated. The airports in the districts of many Members are involved in this, and this amendment will permit the continuing collection of the head tax until December 31.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, do I understand if this amendment is passed all the airports currently collecting head taxes will be able to do so indefinitely?

Mr. ROONEY of Pennsylvania. No, only until December 31. In this bill two airports, one in New Hampshire and one in Sarasota, will be permitted to continue collection of head taxes until December 31. This will give the other 42 airports the same prerogative that this bill is providing for 2 airports.

Mr. WYDLER. In any case, if the gentleman will yield further, no airport will be allowed to collect head tax after December 31?

Mr. ROONEY of Pennsylvania. None after December 31, 1973.

Mr. WYDLER. Mr. Chairman, I thank the gentleman for yielding, and I support the gentleman's amendment.

Mr. ROONEY of Pennsylvania. I thank the gentleman from New York.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I yield to the gentleman from Pennsylvania (Mr. GREEN).

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in support of the amendment offered by the gentleman.

Mr. Chairman, I would like to make a plea for my own city. I think there is something onerous about taxes to begin with and something even more onerous about taxes on travel of any kind in this country, but there are areas all over the country, and the city of Philadelphia is one of them, which have been collecting head taxes at the airport. The city does certainly need the revenue because of its serious financial condition, and this amendment will allow that revenue to continue to be collected until the cities such as my own city will have some time to figure out how to raise revenues from an alternate source.

Mr. Chairman, I ask my colleagues to consider the amendment very seriously, and I support the amendment offered by my friend, the gentleman from Pennsylvania (Mr. ROONEY).

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, my city also collects a head tax at the airport, but if they are to do away with that, then they must have some time within which to work out some alternate means of raising revenue, so I do support the amendment offered by the gentleman from Pennsylvania.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I support the gentleman's amendment.

Obviously the overwhelming majority on both sides of the aisle, do not like the idea of a head tax, but I understood there would be some kind of attempt to work out a way to give some of the cities some operating costs from the Federal tax on tickets, but that has not been done. It seems to me the very least we can do is to give the balance of this year to these cities to work out their problems. They have included a dependence upon these funds in other budgets and the bill does not provide an alternate source of operating funds. The many millions of dollars in the bill is largely for development costs.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I thank the gentleman for his statement.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of Pennsylvania. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania.

Mr. Chairman, as a former mayor I am in sympathy with the plight of these 42 cities who have already budgeted this money. They are entitled to this aid.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I am glad the gentleman brought up that point. I would like to add that this bill has been endorsed by the National League of Cities and the U.S. Conference of Mayors.

Mr. ADAMS. Mr. Chairman, I certainly regret having to oppose the amendment of my very good friends from cities which have this head tax. I must oppose it, however. This bill was carefully tailored to exempt from the head tax until the end of the year only those two cities which had gone to the Supreme Court and had received authorization for the tax and had started collecting it before the Congress had actually moved to work on and prohibit the head tax.

The rest of the cities came in, in the face of the fact that the Senate and the House were working on it. As the Members will remember, the anti-head-tax bill was passed by this body the last time, and was also passed by the Senate, but was later pocket-vetoed by the President for reasons which had nothing to do with the head tax, but had to do with the granting of money out of the trust fund to these cities to make up for the moneys which they were receiving from the head tax.

The head tax is a very onerous thing. On page 4 of the report, the Members will see that there are now 44 cities with this tax. This is what we warned Members of the House about the last time, both at the time of the conference and at the time of the passage of the bill, that if we did not pass the bill promptly a number of cities would lay on this tax.

That is precisely what has happened. Those that have the tax on now put it on knowing full well that it was a tax in jeopardy.

One of the problems we had with the situation in Pennsylvania was that the tax has gone up very substantially there between two airports where, on a $14 ticket we may be involved with as much as $2 to $4 head tax, which means a per-



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son is paying about 30 to 40 percent to travel intrastate on one of the connecting airlines.

These funds were not allocated to airport use, but could be used for general revenues. We have tried in the bill to eliminate that, and be certain that we would also help these airports around the country by allocating more funds out of the trust fund. That is how we got into trouble with the administration the last time, when we allocated too much money.

We want to stop this. I am sympathetic with the problems of those who are involved in this, but I feel that I must reveal to the House the reasons for the committee being against this, and why it was that the committee did not extend the moratorium.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, the question I would like to ask is, that many of the airports and cities involved in this head tax have calculated this in their budgets; in other words, they are budgeting for that head tax in the coming year, this fiscal year, using the calendar year.

It seems on the surface that we would be doing a grave injustice to them if we cut them off by the end of this calendar year. There is no thought, I am sure, of compensating them for the loss of this revenue, or is there?

Mr. ADAMS. Mr. Chairman, that was why the other provision was in the bill which changed the formula, and also changed the amount of money that can be granted to the various individuals and groups and cities that are operating airports. It was to compensate them for this out of the trust fund.

This could have been avoided the last time if we had not put too much money into that. The President considered it was too much being spent out of the trust fund. So, I think these cities were on notice that any head tax was in jeopardy.

I am greatly sympathetic to the Members whose local communities levy this tax and I certainly understand their reasons for submitting the amendment.

I am trying to indicate why the committee does not approve of it, and why it is that we feel that we should not extend the moratorium.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, is there anything, either in the bill itself or in the proposed amendment, that would estop an increase in the head taxes of the airports that would levy them for the remainder of this year?

Mr. ADAMS. No; the bill in general contains only a prohibition that they shall stop. I do not know whether the amendment, which is what is being considered, would extend these taxes or allow them to go on until December 1974.

Whether that amendment contains such a prohibition or not, I would have to yield to the gentleman from Pennsylvania, because he has not sent me a copy of the amendment.

Mr. ROONEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Pennsylvania (Mr. ROONEY). I have not seen the amendment.

Mr. ROONEY of Pennsylvania. I missed the question.

Mr. ADAMS. The question was whether or not if the gentleman's amendment is adopted, which grants, in effect, an extension until December 31, 1974, it would prohibit increased taxes, and whether those authorized to do it could simply increase the taxes.

Mr. ROONEY of Pennsylvania. December 31, 1973.

Mr. ADAMS. The question was, could there be an increase between now and then in those taxes under the gentleman's amendment? I simply do not know the answer.

Mr. ROONEY of Pennsylvania. No; my amendment has nothing to do with that, concerning the local fee, whether it is 50 cents or $2. They can raise it.

Mr. ADAMS. That is what his question is.

Mr. KUYKENDALL. Mr. Chairman, I rise in opposition to the amendment.

I should like to concur in the remarks of the gentleman from Washington (Mr. ADAMS) and to point out that both the Senate and the House have acted and passed legislation. The Senate acted first last year, I believe. In the case of the Senate, they absolutely banned the head tax. In the case of the House, it was an 18 months suspension.

The operators, the Airport Operators Council here in Washington, knew full well that legislation had passed both Houses though the veto came rather late in the year. The Airport Operators Council asked me, and my own local airport people asked me, "Do you expect the bill to be reintroduced?" I said, "Certainly. Yes."

They had a warning that the bill banning head taxes would be reintroduced.

Surely they had the right to do whatever they did, but they can hardly plead ignorance in this case.

I am opposed to the amendment.

Mr. DOWNING. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is a good bill and a much needed bill, but without this amendment it could be a most unfair bill.

My own local airport, Patrick Henry, is a typical example, I believe. To meet the cost of providing the security required by the FAA that airport had to impose a head tax of $1. There were no other funds available to meet this cost, so they imposed it effective January 1, 1973. Their budget for the entire year is predicated on receipt of these head taxes.

If we deprive them of this now I do not know where the money will come from.

This amendment does not change the direction of the bill. It just extends it until December 31, 1973, before these airports will be forced to give up this source of income.

Mr. KUYKENDALL. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Let me ask the chairman of the committee also to listen to the colloquy. I should like to mention something he touched on briefly moments ago.

This applies specifically to the question asked by the gentleman from Virginia, regarding hijacking. We are expecting—and I am sure the chairman of the subcommittee will concur—to get the hijacking bill out of the committee shortly. I can assure the gentleman it is the present plan, which is written into the draft of the bill, as it was the last time, to give complete coverage for those costs, not only to cover them but also to cover them retroactively, that the airport has generally been engaged in, in the sense of buying equipment and hiring guards.

That is in the hijacking bill, and I give the gentleman my word on it. It will be in it unless an amendment takes it out in the committee or on the floor. It is in the bill.

Mr. DOWNING. I thank the gentleman. Of course, the chairman has assured me of that.

We do not know for sure whether we will get a hijacking bill, or when we will get it. To be on the safe side I believe this amendment is called for. It does not alter the bill at all, but just gives these local airports an opportunity to phase out gradually in providing for funds, thereafter to take advantage of the hijacking bill, when that becomes law.

I hope my colleagues will go along with this amendment. It will help the small airports.

Mr. DINGELL. Mr. Chairman, I rise reluctantly to oppose this amendment, because of the high regard I have for the distinguished and able author of the amendment, a gentleman who is one of the most valuable members of the Committee on Interstate and Foreign Commerce. He is a highly respected Member of this body.

Mr. Chairman, I think the House should consider this amendment in the light of the legislation that we have before us. As my colleagues know, the problem of head taxes at airports has been one which has grown with increasing rapidity over the years.

One major city—and I will not mention it unless my colleagues demand that I name it—actually utilizes the head tax for the purpose of making a profit on its airports and for the purpose of raising revenue for general municipal purposes from air travelers who come from the area and indeed from the entire United States. These head taxes are levied on persons who change planes. In my own State it is proposed that they will levy head taxes at the municipal airport in the Detroit area to build airports in other parts of the State.

So, Mr. Chairman, if one travels to the Detroit Metropolitin Airport, as almost every traveler by air in the State of Michigan does, he would be compelled to pay a head tax at that time which would be levied to construct airports and to pay the general operating expenses of the State Aviation Authority in the State of Michigan.



Mr. Chairman, this has only recently and only very narrowly been headed off.

But in addition to this, it must be recognized that head taxes are not limited as to amount, and they have grown from a very nominal figure, something like 50 cents per head, to something on the order of $2 or $4, and I think that the magnitude of growth under this set of circumstances is something which should well be borne in mind by the membership of this body.

As my colleague, the gentleman from Tennessee, has indicated, the problem of hijacking costs is being met through proceedings before the CAB and will be met specifically by providing Federal funding assistance and authority in the hijacking bill. So we ought not confuse the hijacking problem and the cost of sustaining antihijacking endeavors with the legislation that is now before us. That legislation is well advanced and should be on the floor by the first day of July of this year.

Mr. Chairman, there is something else I think the membership ought to know, and that is the rapid increase in the number of communities which levy head taxes at their airports. It started out with two; at the time the bill was passed last year the number had grown to 17; today the number is 44. Under the amendment which is before us, any community in the country could levy a head tax in any amount for any purposes. The amendment does not limit either the amount, nor does it limit the purposes for which a head tax might be imposed by the community, and my colleagues should bear that thought well in mind in considering the legislation before us.

Mr. Chairman, the committee is keenly aware of the problems of the local communities in meeting their financial needs to accomplish this end or, rather, to accomplish the end of meeting the concerns of the smaller communities, for the smaller communities we shall increase from 50 to 75 percent the amount of the Federal matching share authorized under the airport and airways development fund program.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Chairman, I thank the gentleman for yielding.

I would like to join with the gentleman in his opposition to this amendment.

I have heard the problem mentioned before about the smaller airports, and I think we will find when this head tax is levied at the larger airports, these airports normally can make their own way without the use of this tax and it is not needed.

Second, it is a tremendous imposition on our airlines, and it creates tremendous problems in attracting foreign carriers. It is a real problem, and, therefore, I would urge defeat of the amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, did I understand the gentleman to say that in a situation where one is flying from point A to point B, but he has to stop at point C in order to transfer to another airport, the airport where he first gets on can levy a tax on him, and then the airport where he transfers can levy a tax on him on that very same plane?

Mr. DINGELL. Under the amendment that is before us, and under the existing practice, if I were going from point A to point B by way of point C, which would be the transferring point, I could be charged a head tax at point A, a head tax when I got off the plane at point C, a head tax when I got back on at point C, and a head tax when I got off the plane finally at point B.

Mr. KAZEN. And this is what this amendment would allow?

Mr. DINGELL. Well, the amendment would allow a continuation of that practice in all instances until December 31 of this year. The thrust of the bill is to eliminate that kind of burdensome taxation on our citizens.

Mr. KAZEN. I commend my colleague for the position he has taken.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. Moss, Mr. DINGELL was allowed to proceed for 1 additional minute.)

Mr. MOSS. Will the gentleman yield?

Mr. DINGELL. I am happy to yield to my good friend from California.

Mr. MOSS. I commend my friend and distinguished colleague, the gentleman from Tennessee, for voicing their opposition to this amendment. I can certainly understand why it has been proposed, but there is no justification for continuing this burden upon the Congress and this Nation. It establishes very dangerous precedents. I hope we will defeat this amendment. I fully endorse the comments of the gentleman from Michigan.

Mr. DINGELL. I thank my good friend from California.

SUBSTITUTE AMENDMENT OFFERED BY MR. SMITH OF IOWA FOR THE AMENDMENT OFFERED BY MR. ROONEY OF PENNSYLVANIA

Mr. SMITH of Iowa. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa as a substitute for the amendment offered by Mr. ROONEY of Pennsylvania: "on page 5 in line 16, strike "May 21, 1970" and insert in lieu thereof "May 2, 1973".

Mr. SMITH of Iowa. Mr. Chairman, I think there is a lot to be said for eliminating the practice of local airports levying head taxes, but on the other hand this bill would apply a rule ex post facto and not even give them the balance of the year to work themselves out of the problem that has been created.

The committee could have done this, and it was discussed all last year. They could have provided that part of the revenue that one pays upon purchase of a ticket be distributed to the local airports to help them to pay the operating costs. They did not do that, so they did not leave the 42 airports which have levied such a tax since 1970 an opportunity to alleviate their problem.

This amendment of mine as a substitute would freeze as of today the tax and the number of cities involved and for the balance of the year only. When December 31 arrives, the exemption would no longer apply. By that time they could have made some alternate moves to resolve their problem.

Under this amendment or substitute they would not be permitted to increase the levies and the number of cities could not be increased either.

Mr. PEYSER. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. PEYSER. I want to commend the gentleman on this. He has offered an amendment that would do exactly the same thing that I would like to do. In other words, not to allow any other cities to come into the head tax situation nor to allow any cities to increase their present rate of tax. My understanding is that what you are offering in the substitute does that.

Mr. SMITH of Iowa. That is right.

Mr. PEYSER. I want to compliment the gentleman and support that position completely. I think this is a very serious situation.

Mr. DELLENBACK. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. DELLENBACK. May I join also in commending the gentleman in the well on the amendment he has offered.

The cities involved, the names of which have been set forth in the report, show that two of them fall in my district. I know both of them are in a very serious position and we would cut it short by this.

I recognize what has been said about advance warning, but there is nothing being done on that. The present situation in both of these communities in my district would be very serious if some such amendment as that proposed by the gentleman in the well is not adopted.

Mr. SMITH of Iowa. If this amendment is not agreed to, I will support the amendment offered by the gentleman from Pennsylvania. I realize those opposed to his amendment do not want objections removed and will vote against both but I hope it may be a better amendment and I hope the gentleman from Pennsylvania will accept it.

Mr. GROSS. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. GROSS. Did the gentleman not use the date May 1974?

Mr. SMITH of Iowa. May 2 of 1973.

Mr. GROSS. Of 1973?

Mr. SMITH of Iowa. Yes.

As of today the list of the cities and the fees are frozen.

Mr. GROSS. But that would be more discriminatory than is presently the case, would it not? That would prohibit any others that might want to come in under that type of an arrangement?

Mr. SMITH of Iowa. There would not be any new ones who could come in under it but at least those that have it in their city budget and who are depending upon that money would not find in the middle of the fiscal year or the cal-

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endar year that they do not have the money that they budgeted for.

Mr. GROSS. It would be a prohibition against others levying a head tax and that would be highly discriminatory, I should think.

Mr. SMITH of Iowa. I would say it is less discriminatory than in the bill.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I would like to commend the gentleman from Iowa on his amendment because I believe that his amendment perfects the amendment that was offered by the gentleman from Pennsylvania (Mr. ROONEY) and I therefore would hope that my colleagues would vote in favor of the substitute amendment.

Mr. JARMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the only thing I would add to the argument that has been presented so far is that I believe the House should bear in mind that this body and the other body acted in August of last year on this subject declaring its clear intent against the continuation of head taxes. Other cities then came in and levied head taxes when the intent of the Congress was very clear against this practice. I think there was every reason for the cities to know that the Congress would take action to prohibit these taxes.

Mr. Chairman, I urge a vote against the substitute amendment offered by the gentleman from Iowa (Mr. SMITH) and a vote against the amendment offered by the gentleman from Pennsylvania (Mr. ROONEY).

Mr. KUYKENDALL. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the substitute amendment. I would like to thank the gentleman from Iowa (Mr. GROSS) for pointing out that sometimes when one attempts to correct an injustice that others are created. I notice that some of the cities on the list initiated head taxes in the spring of this year. If a city council or a county government or whatever it may be, decides to put in a head tax, at the same time we are removing that right, I do not believe they should be allowed to collect it for 7 or 8 months. If we are going to allow it for some, then why should we penalize the other cities that asked what was the wise thing to do. We asked them not to pass a head tax. They said we want to do the wise thing. Now they cannot collect it for the 8 months.

What we are doing is putting a premium on people who went ahead with the head tax even though they knew that Congress was in the process of holding hearings and would presently pass legislation against such a practice. We would be penalizing the cities who asked us for recommendations and used discretion in delaying such action.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Chairman, the gentleman from Tennessee is talking about the wise thing to do, and I think it would probably be a wise thing for most of the large cities in this country to do this because each time they attempt to raise taxes again, each and every time the cities do so they are forcing the taxpayers to move out of the city. Our cities are in a desperate condition. Let us give the cities notice in a proper manner; let us give the cities room in which to move. They have been depending on that money through these taxes; let us give them time to regroup, a chance to get together again, and a chance to have time to determine where they are going to go for additional money. It is not a question of wisdom in this situation, it is a question of financial survival, it is a question of whether or not our cities can continue to exist, and let us look at the situation in the light of the plight of the cities, and let us consider this whole situation in that manner.

Mr. KUYKENDALL. Mr. Chairman, may I point out that the Supreme Court decision said that such taxes may be passed if they are used only for airport purposes.

And a city that is going to be unnamed is clearly using these funds for general revenues. That is unconscionable.

Mr. GREEN of Pennsylvania. Mr. Chairman, if the gentleman will yield further, I believe the city that has been referred to is my own city of Philadelphia, but be that as it may, the argument against this tax on the part of some people is that it is not being used for airport purposes, but that it is being used in general revenues, and again I say that the cities are in such desperate shape that they need revenue from the general revenues and from whatever other revenues they can secure. Most of the cities are depending upon that money for the balance of this year and I do not believe they should be deprived of that opportunity by the passage of this bill.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the substitute and the amendment.

Mr. Chairman, I hope we can vote on the amendments very quickly. I just wish to voice my objection to these amendments and I do so with reluctance because the author of the amendment, Mr. ROONEY of Pennsylvania, is one of my very best friends and a very capable member of the Committee on Interstate and Foreign Commerce.

I know that he offered the amendment. I should just like to say this, that if it does pass, as the gentleman from Iowa (Mr. GROSS) said, it would be discriminatory against those cities who wanted to be in this. We advised them not to, because on October 11 of last year this House passed a conference report and the Senate this year passed a corresponding bill on February 11. In that interim so many cities have put in their tax. They were warned. They knew it on October 11 when we passed the bill, and the Senate passed the bill on October 13, and the President vetoed it on October 27. Most of these new taxes have been put in during the year 1973, so for that reason I say we cannot discriminate against the cities in this land, and I would ask that the amendment in the nature of a substitute and the amendment be voted down.

Mr. WYMAN. Mr. Chairman, I move to strike the requisite number of words.

I will not take the 5 minutes, but I do want to simply say, in reference to the statement of the gentleman from Oklahoma, that we voted on this last year. At the appropriate time I will have an amendment to strike this section entirely from the bill. I do not think that it is wise, with all due respect to the author of the pending substitute to freeze the actions that have been taken to date in the manner which has been suggested. Rather, I think we should strike the prohibition of the per capita levy from the bill and thus approach the problem of local self-help on an entirely new basis that will be fair to the position taken by the gentleman from Pennsylvania and fair to the position that is taken by the sponsor of the substitute and to all concerned.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I accept the substitute.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Iowa (Mr. SMITH) for the amendment offered by the gentleman from Pennsylvania (Mr. ROONEY).

The question was taken; and on a division (demanded by Mr. SMITH of Iowa) there were—ayes 18, noes 77.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ROONEY).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. DOWNING. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. WYMAN: Page 4, strike out line 20 and all that follows down through Page 7, line 3 and the matter that follows line 3.

Mr. WYMAN. Mr. Chairman, my amendment would strike out language in H.R. 6388 which would prohibit collection of State and local airport head taxes. This is a matter of urgency for the Nation's 2,400 small air terminals not served by certified air carriers.

Such airports find it extremely difficult, if not impossible, to compete for available funds to take advantage of Federal matching grants without the airline landing fees and space rental revenues available to the larger hub airports. As a result, vitally needed improvements—including long overdue modernization of safety facilities—have had to be deferred.

To merely increase the Federal matching portion to 75 percent is to continue to ignore the plight of the smaller airports. Without an accompanying substantial increase in obligational authority—which the Federal Government can ill afford at this time—fewer projects will receive approval. A head tax would generate at the local level and



would allow participation in Federal matching grants on a 50-percent basis, at the same time encouraging local solutions to an essentially local problem.

It is also the fairest funding solution. Only airport users, in direct proportion to their use, would pay for the needed improvements. State and local revenues which come primarily from nonairport users would not have to be tapped. The Supreme Court on April 19, 1972, declared such a tax to be constitutional.

To those who claim it would be an unfair burden to require the airlines to collect a head tax I would only point out that State and local sales taxes have been collected by businesses for years with few, if any, hitches.

Mr. Chairman, I urge the adoption of this amendment. It is generally agreed that the Federal Government cannot singlehandedly meet the need for airport development and modernization. Let us give State and local governments the tools they need to fill the gap.

Mr. JARMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think most of the arguments have been made on this subject. If the House will refer to page 4 of the committee report, there is an indication of what the trend is: 44 cities levying this type tax.

I hope the House will bear in mind in voting on this amendment that the Congress itself established a uniform national program for the funding of aviation needs. Bear in mind that we now have an 8-percent charge on domestic passengers and a $3 per person charge on international travelers.

There is no question that the head taxes levied by the cities have made for confusion and resentment on the part of travelers. It is essential that we maintain a uniform national system.

Mr. Chairman, I urge defeat of the amendment.

Mr. KUYKENDALL. Mr. Chairman, I concur with the gentleman from Oklahoma, the chairman of the subcommittee. I understand the position of the distinguished gentleman from New Hampshire (Mr. WYMAN), but I must oppose the amendment.

I believe the arguments have been made for the elimination of the head tax.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. WYMAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SHOUP

Mr. SHOUP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHOUP: Page 4, immediately after line 19, insert the following:

SEC. 7. Section 612 of the Federal Aviation Act of 1958, relating to airport operating certificates, is amended—

(1) by striking out "airports serving air carriers certificated by the Civil Aeronautics Board" in subsection (a) and inserting in lieu thereof "airports served on a regularly scheduled basis operated by air carriers certificated by the Civil Aeronautics Board"; and

(2) by striking out "an airport serving air carriers certificated by the Civil Aeronautics Board" in the first sentence of subsection (b) and inserting in lieu thereof "an airport served on a regularly scheduled basis operated by air carriers certificated by the Civil Aeronautics Board".

And renumber the following section accordingly.

Mr. DINGELL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Michigan reserves a point of order.

Mr. SHOUP. Mr. Chairman, I am offering this amendment as I indicated during the general debate. I have explained that it is not a change of the legislation which is before the House, but rather is a clarification of the Airport and Airways Development Act of 1970; a clarification of the language which has been misinterpreted as of April 20 of this year by the Federal Aviation Administrator.

Despite what the conferees felt was a clear understanding, the General Counsel of the Department of Transportation has ruled that the language of the bill requires DOT to certify every airport having any remote connection with a certificated carrier. FAA has promulgated a rule to carry out this interpretation.

There are about 500 airports where scheduled airlines operating on a regularly scheduled basis handle 99 percent of all operations by scheduled carriers. To pick up the other 1 percent requires the certification of 400 small, some remote, airports.

Most of these 400 small airports cannot meet the requirements for certification even if given time. The FAA regulation as it finally came down requires only a plan at this time. This is a copout because FAA knows that most of these airports can never realistically comply. In addition, FAA readily admits that it does not have and will not have the personnel to inspect for compliance as the law or their regulations requires it to do. My amendment merely makes more clear and explicit what the conference and the conferees intended to do in 1970.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

I would say to the gentleman from Montana that I respect his motive, and I understand what he is trying to get at here—that is, to assure that we do not impose upon the small airports burdens which are appropriate only at some large airports.

I would say that the intent of the law as it was passed in 1970 is that each airport operating has certificates which prescribe terms, conditions and limitations which are reasonable.

I want the gentleman to note the word "reasonably." The law says "reasonably necessary to assure safety."

I am sure the gentleman will agree with me that we do need safety at every airport. We would not want it to be the type of safety we use at the big hubs or at the 531 airports used by the certificated airlines today.

I believe that every airport into which we put money, ought to be certificated, and also ought to provide safety.

I can assure the gentleman from Montana that was not the intent of the committee and would not be the intent of this legislation or of any other legislation, to say that a small airport would have to have a fire department on duty 24 hours a day. This would be unreasonable and would present a terrific burden.

I would say it is the intent of the committee to have the FAA carry out the intent of what the law says, which is to be reasonable. I believe we can rely on those words "reasonably necessary."

I will do everything in my power to see that they do carry this out without putting an undue burden on the other 400 some airports across the country.

I am sure the gentleman believes, along with me, that when the Federal Government puts in 75 percent—which it will do from now on—it should say to the airport, "You must live up to certain standards."

There is also to be considered the 82 percent on safety we are going to put in.

I would hope that the gentleman would withdraw his amendment with the assurance that with oversight we will see the FAA is reasonable. If they are not, we can then come back in with legislation. I am sure they will be, after consultation.

Mr. SHOUP. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Montana.

Mr. SHOUP. Will my chairman agree with me that the interpretation as now enforced by the FAA is unreasonable?

Mr. STAGGERS. I would not say it has not been enforced, but their intention, as I interpret it may be unreasonable. I cannot say that they intend to overburden all the small airports. If they do, that would be unreasonable. That would not be consistent with the law as passed by the Congress and would not be the intent of the Congress. If they required these 400 some small airports to live up to what we expect of the 531, I would say they would have to use reason.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from California.

Mr. MOSS. I want to endorse the comments the chairman has made. I fully endorse the intent of the committee at the time of the original enactment.

Mr. STAGGERS Fine, indeed. The committee will keep an eye on the FAA to see that the intent is carried out.

Mr. SHOUP. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Montana.

Mr. SHOUP. Mr. Chairman, with the understanding that the debate and the discussion we have had here clearly indicates that the original intent of the Congress was the reasonable application of safety rules and that such intent is made very clear to the Federal Aviation Administrator, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BURLESON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that

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Committee having had under consideration the bill (H.R. 6388) to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air commerce; and for other purposes, pursuant to House Resolution 370, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. KUYKENDALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device; and there were—yeas 386, nays 16, not voting 31, as follows:

[Roll No. 119]

YEAS—386

| | | |
|---|---|---|
| Abzug | Cochran | Forsythe |
| Adams | Cohen | Fountain |
| Alexander | Collier | Fraser |
| Andrews, N. Dak. | Collins | Frelinghuysen |
| Annunzio | Conlan | Frey |
| Archer | Conte | Froehlich |
| Arends | Conyers | Fulton |
| Armstrong | Corman | Fuqua |
| Ashley | Cotter | Gaydos |
| Aspin | Coughlin | Gettys |
| Asplin | Crane | Gialmo |
| Bafalis | Cronin | Gibbons |
| Baker | Culver | Gilman |
| Barrett | Daniel, Dan | Ginn |
| Beard | Daniel, Robert W., Jr. | Goldwater |
| Bergland | Daniels, Dominick V. | Gonzalez |
| Bevill | Danielson | Goodling |
| Biester | Davis, Ga. | Grasso |
| Blackburn | Davis, S.C. | Gray |
| Boggs | Davis, Wis. | Green, Oreg. |
| Boland | de la Garza | Green, Pa. |
| Bolling | Delaney | Griffiths |
| Bowen | Dellenback | Gross |
| Brademas | Dellums | Grover |
| Brasco | Denholm | Gubser |
| Bray | Dennis | Gude |
| Breaux | Dent | Gunter |
| Breckinridge | Derwinski | Guyer |
| Brinkley | Devine | Haley |
| Brooks | Dickinson | Hamilton |
| Broomfield | Diggs | Hammer-schmidt |
| Brotzman | Dingell | Hanley |
| Brown, Calif. | Donohue | Hanrahan |
| Brown, Ohio | Dorn | Hansen, Idaho |
| Broyhill, N.C. | Downing | Hansen, Wash. |
| Broyhill, Va. | Drinan | Harrington |
| Buchanan | Duncan | Harsha |
| Burgener | du Pont | Harvey |
| Burke, Calif. | Eckhardt | Hastings |
| Burke, Mass. | Edwards, Ala. | Hays |
| Burleson, Tex. | Edwards, Calif. | Hébert |
| Burlison, Mo. | Eilberg | Hechler, W. Va. |
| Burton | Erlenborn | Heckler, Mass. |
| Butler | Esch | Heinz |
| Byron | Eshleman | Helstoski |
| Carey, N.Y. | Evans, Colo. | Henderson |
| Carney, Ohio | Evins, Tenn. | Hinshaw |
| Carter | Fascell | Hogan |
| Casey, Tex. | Findley | Holifield |
| Cederberg | Fish | Holt |
| Chamberlain | Flood | Holtzman |
| Chappell | Flowers | Horton |
| Chisholm | Flynt | Hosmer |
| Clancy | Foley | Howard |
| Clark | Ford, Gerald R. | Huber |
| Clausen, Don H. | Ford, William D. | Hudnut |
| Clawson, Del | Forsythe | Hungate |
| Clay | Fountain | Hunt |
| Cleveland | Fraser | Hutchinson |
| | Frelinghuysen | Ichord |
| | Frey | |
| | Froehlich | |
| | Fulton | |
| | Fuqua | |
| | Gaydos | |
| | Gettys | |
| | Gialmo | |
| | Gibbons | |
| | Gilman | |
| | Ginn | |
| | Goldwater | |
| | Gonzalez | |
| | Goodling | |
| | Grasso | |
| | Gray | |
| | Green, Oreg. | |
| | Green, Pa. | |
| | Griffiths | |
| | Gross | |
| | Grover | |
| | Gubser | |
| | Gude | |
| | Gunter | |
| | Guyer | |
| | Haley | |
| | Hamilton | |
| | Hammer-schmidt | |
| | Hanley | |
| | Hanrahan | |
| | Hansen, Idaho | |
| | Hansen, Wash. | |
| | Harrington | |
| | Harsha | |
| | Harvey | |
| | Hastings | |
| | Hays | |
| | Hébert | |
| | Hechler, W. Va. | |
| | Heckler, Mass. | |
| | Heinz | |
| | Helstoski | |
| | Henderson | |
| | Hinshaw | |
| | Hogan | |
| | Holifield | |
| | Holt | |
| | Holtzman | |
| | Horton | |
| | Hosmer | |
| | Howard | |
| | Huber | |
| | Hudnut | |
| | Hungate | |
| | Hunt | |
| | Hutchinson | |
| | Ichord | |
| Jarman | Natcher | Smith, N.Y. |
| Johnson, Pa. | Nedzi | Snyder |
| Jones, N.C. | Nelsen | Spence |
| Jones, Okla. | Nichols | Staggers |
| Jordan | Nix | Stanton, J. William |
| Karth | Obey | Stanton, James V. |
| Kastenmeier | O'Brien | Stark |
| Kazen | O'Hara | Steed |
| Keating | O'Neill | Steele |
| Kemp | Owens | Steelman |
| Kluczynski | Parris | Steiger, Ariz. |
| Koch | Passman | Steiger, Wis. |
| Kuykendall | Patman | Stephens |
| Kyros | Patten | Stratton |
| Landrum | Pepper | Stubblefield |
| Latta | Perkins | Stuckey |
| Leggett | Pettis | Studds |
| Lehman | Peyser | Sullivan |
| Lent | Pickle | Symington |
| Litton | Pike | Symms |
| Long, La. | Poage | Talcott |
| Lott | Podell | Taylor, Mo. |
| Lujan | Powell, Ohio | Taylor, N.C. |
| McClory | Preyer | Teague, Calif. |
| McCloskey | Price, Ill. | Thompson, N.J. |
| McCollister | Price, Tex. | Thomson, Wis. |
| McCormack | Pritchard | Thone |
| McDade | Quie | Thornton |
| McEwen | Quillen | Tiernan |
| McFall | Railsback | Towell, Nev. |
| McKay | Rangel | Treen |
| McKinney | Rarick | Udall |
| McSpadden | Rees | Ullman |
| Macdonald | Regula | Vander Jagt |
| Madden | Reuss | Vanik |
| Madigan | Rhodes | Veysey |
| Mahon | Riegle | Vigorito |
| Mailliard | Rinaldo | Waggonner |
| Mallary | Roberts | Walsh |
| Mann | Robinson, Va. | Wampler |
| Maraziti | Robison, N.Y. | Ware |
| Martin, Nebr. | Rodino | White |
| Martin, N.C. | Roe | Whitehurst |
| Mathias, Calif. | Rogers | Whitten |
| Mathis, Ga. | Roncallo, Wyo. | Widnall |
| Matsunaga | Roncallo, N.Y. | Wiggins |
| Mayne | Rooney, Pa. | Williams |
| Mazzoli | Rose | Wilson, Bob |
| Meeds | Roush | Wilson, Charles H., Calif. |
| Melcher | Rousselot | Winn |
| Metcalfe | Roybal | Wolff |
| Mezvinsky | Runnels | Wright |
| Michel | Ruppe | Wyatt |
| Milford | Ruth | Wydler |
| Miller | St Germain | Wylie |
| Mills, Md. | Sandman | Wyman |
| Minish | Sarasin | Yatron |
| Mink | Sarbanes | Young, Alaska |
| Minshall, Ohio | Satterfield | Young, Fla. |
| Mitchell, Md. | Saylor | Young, Ga. |
| Mitchell, N.Y. | Scherle | Young, Ill. |
| Mizell | Schneebeli | Young, S.C. |
| Moakley | Schroeder | Young, Tex. |
| Mollohan | Sebelius | Zablocki |
| Montgomery | Seiberling | Zion |
| Moorhead, Calif. | Shipley | Zwach |
| Moorhead, Pa. | Shoup | |
| Morgan | Shriver | |
| Mosher | Shuster | |
| Moss | Sikes | |
| Murphy, Ill. | Sisk | |
| Murphy, N.Y. | Skubitz | |
| | Slack | |

NAYS—16

| | | |
|---|---|---|
| Addabbo | Conable | Rosenthal |
| Andrews, N.C. | Hicks | Smith, Iowa |
| Ashbrook | Horton | Wilson, Charles, Tex. |
| Bennett | Ketchum | Yates |
| Bingham | Long, Md. | |
| Brown, Mich. | Mills, Ark. | |

NOT VOTING—31

| | | |
|---|---|---|
| Abdnor | Frenzel | Randall |
| Anderson, Calif. | Hanna | Reid |
| Anderson, Ill. | Hawkins | Rooney, N.Y. |
| Badillo | Hillis | Rostenkowski |
| Bell | Johnson, Calif. | Roy |
| Blaggi | Johnson, Colo. | Ryan |
| Blatnik | Jones, Ala. | Stokes |
| Burke, Fla. | Jones, Tenn. | Teague, Tex. |
| Camp | King | Waldie |
| Dulski | Landgrebe | Whalen |
| | Myers | |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Abdnor.
Mr. Teague of Texas with Mr. Frenzel.
Mr. Rostenkowski with Mr. Bell.
Mr. Johnson of California with Mr. King.
Mr. Blatnik with Mr. Anderson of Illinois.
Mr. Dulski with Mr. Myers.
Mr. Hawkins with Mr. Camp.
Mr. Jones of Alabama with Mr. Landgrebe.
Mr. Reid with Mr. Hillis.
Mr. Jones of Tennessee with Mr. Whalen.
Mr. Waldie with Mr. Burke of Florida.
Mr. Stokes with Mr. Ryan.
Mr. Roy with Mr. Hanna.
Mr. Anderson of California with Mr. Blaggi.
Mr. Randall with Mr. Badillo.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 370, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill, S. 38, to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the bill S. 38 and insert in lieu thereof the provisions of H.R. 6388, as passed, as follows:

That this Act may be cited as the "Airport Development Acceleration Act of 1973".

SEC. 2. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711 ) is amended by inserting immediately after "Federal Aviation Act of 1958," the following: "and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport.".

SEC. 3. Section 14(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(b)) is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,400,000,000"; and

(2) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,120,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,400,000,000 prior to June 30, 1975".

SEC. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part may not exceed—

"(1) 50 per centum for the sponsor of any airport which enplanes not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board; and

"(2) 75 per centum for the sponsor of any airport which enplanes less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board."; and

(2) by adding at the end thereof the following new subsection:



"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.".

SEC. 6. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(a)) is amended by striking out "two years" and inserting in lieu thereof "three years".

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom; except that any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until December 31, 1973.

"(b) Nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans.

the provisions of subsection (a) shall not apply to such authority until December 31, 1973.".

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"SEC. 1113. State taxation of air commerce."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6388) was laid on the table.

## GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

## TEMPORARY EXTENSION OF THE AUTHORIZATION FOR THE PRESIDENT'S NATIONAL COMMISSION ON PRODUCTIVITY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 93) to provide a temporary extension of the authorization for the President's National Commission on Productivity.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I should like to ask the distinguished chairman of the Committee on Banking and Currency if he has had an opportunity to find out where the funding for this Commission will originate.

Mr. PATMAN. I was told that there is no funding at all. There is only a 60-day extension, and there are no funds involved.

Mr. ROUSSELOT. Where will the funding for the staff originate during this interim period?

Mr. PATMAN. I am not familiar with that, because I was only making a unanimous-consent request, and I was doing it for the Members of the gentleman's party in the Senate who felt that it should be extended at least 60 days to wind up their work; that is all. It would go out automatically June 30.

Mr. ROUSSELOT. I know the gentleman, on the basis of our conversations yesterday, has made an effort to determine a little more about this particular temporary legislation. My understanding is that some funding for staff will be required, even for the 60-day period.

Mr. Speaker, can the gentleman tell us from whence the money will come?

Mr. PATMAN. No, I do not understand that. I understand there is no funding required. It is not necessary.

Mr. BARRETT. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Speaker, it is my understanding that it will be financed by the executive branch for 60 days out of their present funds.

Mr. ROUSSELOT. Can the gentleman tell me what the present level of expenditure is for this operation?

Mr. BARRETT. Approximately, I am informed, about $10 million a year.

Mr. ROUSSELOT. It is $10 million a year. Can the gentleman from Pennsylvania or the gentleman from Texas tell me if this Commission has produced any reports?

Mr. PATMAN. It has produced one report on the food industry.

Mr. ROUSSELOT. And on the basis of the gentleman's review of this report is he satisfied that they will produce work that can be helpful to the Banking and Currency people and to the other interested parties in this particular area of productivity?

Mr. PATMAN. It has a reputation of producing work that is worthwhile.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, unless the gentleman from Texas, the chairman of the Committee on Banking and Currency, can come up with a better evaluation of what this Commission has accomplished and what it proposes to accomplish, I hope the gentleman will not come before the House of Representatives with legislation to give it a longer period of life than the next 60 days. The explanations the gentleman has given the House thus far, yesterday and today, are an entirely inadequate justification for continuing this Commission more than a 60-day period to wind up its affairs and go out of business. I say again that I would hope the gentleman, if he is going to bring in legislation, will have a better basis for it than he has demonstrated either yesterday evening or this afternoon.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, I accept that the gentleman's explanation is not satisfactory to me, but an effort was made to put it in the extension we had up and we did not have a meeting and we could not do it. It was left out. Many of the Senators who were on the committee were very unhappy about it and they requested me to make this unanimous-consent request. I felt it was very reasonable since it was just for 60 days, and the Commission had a reputation for doing a good job, so why should we not let them have until June 30, when it will not cost anything?

Mr. ROUSSELOT. I want to be sure I understand the gentleman from Texas. He says this Commission has done a good job?

Mr. PATMAN. They have the reputation of doing a good job and they have produced that report on food.

XUM

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I would like to ask the gentleman from Texas, the chairman of the Committee on Banking and Currency, if he is acting on the request of the administration on this point?

Mr. PATMAN. Yes.

Mr. BROWN of Michigan. Mr. Speaker, if that is true then I take some issue with my counterparts from this side of the aisle. It seems to me if this administration wants this proposal, then someone on this side of the aisle should be making the explanation that the chairman is being asked to make.

Mr. GROSS. Mr. Speaker, if the gentleman from California will yield, I never heard a phonier argument than that. If the gentleman from Michigan is directing his remarks in my direction, I think it is incumbent on somebody to say whether this Commission has done a good job. Is the gentleman prepared to say that? How many reports have they issued? What use is made of them?

Mr. BROWN of Michigan. Mr. Speaker, I am not taking issue with the contention being made by the gentleman from Iowa. I think he is quite correct. But it seems to me someone on this side of the aisle should be familiar with this proposal and should be able to explain the value of it if the chairman is unable to do it. If this is an administration request and if the administration wishes to have this Commission extended, as has been represented on this floor, then someone on this side of the aisle should be able to provide the explanation.

Mr. GROSS. Mr. Speaker, let me say to the gentleman from Michigan that it is incumbent upon the administration, if it wants to continue this Commission, to come up with the justification for it. It is up to them, not up to Members of the House.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I see nothing in what the gentleman from Iowa has said which is contradictory to that which I have said. The administration should have discussed the matter with someone on this side of the aisle, so that such Member was prepared to provide the explanation the administration had furnished.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, may I say that if it were a year, or any length of time longer than 60 days, I would not be making the request. However, it is only for 60 days, and will not cost any money.

If there is an attempt made to extend it, all this information will be vital which has been suggested here, and would then be furnished. However, so far as I know they are not going to make an effort to extend it. I do not know. I am speaking now without knowledge of that subject.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

S.J. RES. 93

Joint resolution to provide a temporary extension of the authorization for the President's National Commission on Productivity

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 4(f) of Public Law 92-210, approved December 22, 1971, is amended by striking out "April 30, 1973" and inserting in lieu thereof "June 30, 1973".

Mr. PATMAN. Mr. Speaker, yesterday I asked unanimous consent to bring before the House a joint resolution (S.J. Res. 93) to extend the present National Commission on Productivity until June 30, 1973. At that time there was an objection raised against the motion. It is my understanding that those objections are now resolved. In view of this and the fact that the administration regards the committee's work as a critical element of its program to bring inflation under control, I ask once again unanimous consent for the immediate consideration of this legislation.

While the purpose of the resolution was discussed yesterday, I shall reiterate those remarks today to refresh your memories.

Higher productivity growth is an important national objective. We all gain when productivity goes up. Productivity is a measure of how well we use our material and human resources. It is a measure of how much real value is produced by human services and by the contribution of capital goods and other factors of production. Productivity growth is the way new wealth, new jobs, and an increasing standard of living comes about.

Achieving price stability and a healthy level of economic growth depends over a period of years on productivity growth. That is why the President in 1970 established the National Commission on Productivity.

The Commission's role is to address itself to the long-term economic problems that made the economic stabilization program necessary in the first instance. Whereas the Cost of Living Council is dealing with the present effects of those problems, the Commission has the job of recommending more durable contributions and solutions. It is also the Commission's task to improve the quality of working experience as those solutions are achieved.

The Commission approached its task on an industry by industry, sector by sector basis. It recently completed an important survey of productivity improvement opportunities in the food industry that could well provide some ultimate answers to the food price spiral about which all of us are concerned. It has also initiated projects in the health services industry, construction and municipal government—all of which have constituted inflationary sectors of the economy.

The administration is firmly committed to pursuing productivity improvement not only as a long-term answer to price stabilization, but also as one answer to our balance-of-trade problems. I, therefore, urge the adoption of this amendment.

Mr. Speaker, I include the following:

FACT SHEET ON SENATE JOINT RESOLUTION 93

(A Resolution extending the authority of the National Commission on Productivity to June 30, 1973)

Question 1: How long is the extension?

Answer: 60 days from May 1, 1973 through June 30, 1973. This extension is to enable Congress to consider S. 891, a bill to extend the authority of the Commission through June 30, 1974. That bill has been reported out of the Senate Committee on Banking, Housing and Urban Affairs. It has not yet been considered by the House Banking Committee.

Question 2: What will staff do during the extension?

Answer: The staff will continue the existing programs while awaiting an indication from the Congress on their intent in regard to S. 891, the Commission's extension of authority through June 30, 1974 and our appropriations request to cover that period. Concurrently, the staff will make plans for the termination of the Commission on June 30, 1973 in the event Congress has not acted to extend the Commission's life.

Question 3: What will happen during the 60-day extension?

Answer: It is anticipated that the Senate will act favorably on S. 891, which has been reported out of the Senate Banking, Housing and Urban Affairs Committee. It is also anticipated that the House Banking and Currency Committee will consider S. 891 or some version thereof. We further anticipate that consideration will be completed on our supplemental appropriations request by the Appropriations Committees in both the House and Senate during this 60-day period.

Question 4: Where will the funding come from during the extension?

Answer: Emergency funding will be provided from the Executive Branch until the Congress acts on our appropriations request. In the event Congress does not act favorably, the Executive Branch will bear the cost of the Commission's phase-out.

Question 5: What happens after June 30?

Answer: In the event Congress acts favorably on both our authorization extension through fiscal 1974 and appropriations request, the Commission will continue its program as planned. In the absence of such action the Commission will be prepared to terminate on June 30.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MENOMINEE RESTORATION ACT

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, I am today introducing with Congressman HAROLD FROEHLICH and other colleagues a bill which would restore the Menominee Tribe of Wisconsin as a federally recognized tribe, make all Menominees eligible for the Federal services and benefits to which all Indians are entitled, and put into trust status all Menominee owned lands.

This is the second Congress in which "restoration" legislation has been introduced. Just over a year ago I introduced similar legislation. At that time I represented Menominee County in the Congress. With congressional reapportionment, that county is now a part of Wisconsin's Eighth Congressional District, now represented by Congressman FROEHLICH.



Nonetheless, Mr. Speaker, I am happy to introduce this legislation today, because while the Menominees are no longer my constituents, my responsibility and commitment to them lingers. I told the Menominees long before reapportionment that I would continue to support their quest for restoration even if I no longer represented them, and I have attempted to keep that commitment.

The legislation that Congressman FROEHLICH and I and others are introducing today, and which Senators PROXMIRE and NELSON are introducing in the Senate, was put into final form after months of discussion, debate, and research—by the Indians, by Congressman FROEHLICH, by myself and by others. During these discussions, every effort was made to protect the rights and interests of all persons involved.

This is a bill which does several things, but two of the most important would be to: first, give this Congress the opportunity to review how Menominee County has fared since termination, and second, give Congress the opportunity to review the whole question of termination in dealing with American Indians throughout the country.

In 1953, when Congress passed a bill to terminate the Menominees as a tribe, many thought termination of tribal status for Indians was the final solution to the Indian problem in this country. Terminate the tribes it was thought, and Indian lands, culture, and identity would slowly fade away, and with it a national responsibility to a people who occupied our land before most of our ancestors ever arrived here.

Now I think the country knows better. We know that Indians want and deserve a measure of self-determination, a voice in their own affairs, and an opportunity to manage the natural and human resources of their people. But self-determination is a far cry from termination. Hopefully the fact that we now recognize the failure of termination as a policy will help all those tribes which did not terminate over the past 20 years. They will be able to avoid a great mistake.

But unfortunately this is not true of the Menominees. By an act of Congress, their tribal status was terminated and Federal protection of their lands ended. Today they need a different kind of help from the Federal Government, and I believe that help is contained in the legislation which I am introducing in the House today.

In my judgment termination for the Menominees was a grave mistake. I felt so when I served in the Wisconsin Legislature, and my judgment has not changed on that matter since I came to Congress 4 years ago.

My feelings, shared by many others, were confirmed several weeks ago with the release of a study by the Bureau of Indian Affairs of the economic conditions of the Menominee people. Menominee Enterprises, Inc., a corporation established after termination to handle the Menominee's economic affairs, and Menominee County, a county created by the State of Wisconsin in 1961 which was comprised of the lands which formerly made up the Reservation.

That 75-page report is sprinkled liberally with words such as "serious," "ominous," "critical" and "precarious."

It shows an unemployment rate in Menominee County of 26 percent, compared with Wisconsin's 5 percent, a Menominee school dropout rate of 75 percent, a county and its people with hardly any medical facilities and per capita income less than a third of the State's average.

It points out in a number of instances the importance of the land to the Menominees. They were one of the few tribes who did not allot their land, and, in fact, went to great lengths to keep it. Yet, since termination thousands of acres of land have been sold, in an effort to expand the county tax base.

It is instructive, I think, to quote a few paragraphs of that report:

. . . It is now estimated that without massive support, MEI will be out of operation within 2 years. The restoration of the trust status and extension of BIA services would eliminate the tax burden and make MEI a viable economic unit. The profits from the mill could be devoted to providing services and bringing about economic development of the Tribe rather than be consumed by taxes. In addition, outlays of public monies would decrease by some $0.6 million in the first year alone and as the situation improves the reduction will be even greater.

The economic instability of MEI combined with the elimination of public funds to the county (since 1971) make the situation perilous. Unless relief is made immediately available in the form of either a massive infusion of public funds or restoration, MEI will no longer be economically viable and Menominee County will go under.

THE MENOMINEE INDIANS

Mr. Speaker, at one time the Menominees occupied 9½ million acres in northeastern Wisconsin and the Upper Peninsula in Michigan. In 1854 the tribe agreed to move to a reservation on the Wolf River. In exchange for their land, the Federal Government promised to protect their land to provide services available to Indians through the Bureau of Indian Affairs.

By 1953, the Menominees as a tribe were relatively prosperous—certainly not rich—but better off than most other tribes. Their forest lands were valued at $36 million. They had a hospital of their own on the reservation, run with the help of a Roman Catholic mission. They paid for most of the services which they received from the BIA. And, in 1951 they won a judgment for $7.6 million as a result of a U.S. Court of Claims case against the BIA for mismanagement of their forest resources.

The tribe requested that approximately $5 million of that judgment be divided among all members of the tribe, $1,500 going to each member. An act of Congress was needed to release that money. A bill was introduced in the House to give the Menominees their money. That legislation passed the House, but unfortunately the Menominees soon learned that they had to pay a price to get their money from the Government. That price was termination as a tribe, for when the House bill reached the Senate, it was amended to require the Menominees to terminate in order to get their per capita payments.

To be sure, consent is needed before a tribe can be terminated, and it is true that the Menominees "consented' to such action. But serious questions remain as to whether the Menominees really knew what they were being asked to ratify.

When a vote of the people was taken, they favored the "principle of termination" by a vote of 169 to 5. That vote reflected the views of less than 10 percent of the Menominee people, and many Menominees thought they were voting only in favor of getting their $1,500 cash payment. There was no ratification of a specific termination plan, and in fact, the policy of termination itself was later rejected by the Indians by a unanimous 197 to 0 vote.

When termination became final, it was clear that the termination act was not a measure for distributing aid to the Menominee people, but a vehicle for potential destruction of the tribe as a whole.

The Menominee Reservation became Menominee County, and its people, with a limited amount of experience, were expected, with little help, to govern it. A corporation, Menominee Enterprises, Inc.—MEI—was established to manage the tribal assets. But those assets had dwindled badly. Because the Menominees had to pay many of the costs of termination themselves, the tribal treasury was virtually empty.

Menominee childen born after 1954 were no longer regarded as Indians. Health, education and medical services from the BIA ceased. Menominee Enterprises, Inc., was left with a deteriorating and obsolete sawmill which was in violation of many of Wisconsin's pollution abatement regulations. The hospital on the reservation was closed and there was not a doctor in the county. The Menominee land became subject to taxation and the only way the Menominees could meet that new tax burden was to begin to sell their land.

To the extent that the Menominees have kept their heads above water, as the BIA report indicates, they have done so only with the help of Federal and State governments which have provided them with $20 million in aid since their experiment with termination began, and all this was needed, I might add, by a tribe which was relatively self-sufficient before termination.

The Congress has tried to help the Menominees with stop-gap measures in the past. So-called Nelson-Laird funds had been available to them for health, education, and economic development purposes. But these funds are exhausted, and what the Menominees need are not more short-term measures, but long-term solutions to their problems.

That solution, I believe, is a reversal of the mistake which was made in 1954 when the Menominees were terminated as a tribe.

XUM

MENOMINEE RESTORATION LEGISLATION

Mr. Speaker, the legislation we are introducing today would repeal the termination act of 1954 and once again make the Menominees a federally recognized tribe. It would restore the Federal Government's status as trustee of Menominee lands and restore to the Menominee people the Federal services which were taken from them by termination.

With the passage of the legislation, the Shawano school district would be eligible to receive increased Federal funds because it would have substantial numbers of now federally recognized Indian children. The tribe would be eligible to apply for housing loans and economic development assistance, and individual tribal members would be eligible for Indian health benefits.

After 2 years, the assets of Menominee Enterprises, Inc., subject to all valid existing rights, including, but not limited to liens, outstanding taxes, mortgages, outstanding corporate indebtedness of all types, would be transferred to the Secretary of Interior to be held in trust for the tribe, and the land transferred would become a federally recognized Indian reservation.

The bill establishes a Menominee Restoration Committee to represent the tribe in bringing about restoration. It establishes a governing body for the tribe, as well as a constitution and by-laws.

The ownership of lands formerly part of the reservation but since purchased by non-Menominees would not be affected by this legislation. Property rights are conveyed neither to the Indians nor to non-Indian owners. If persons who now own such land decided to give or sell their land to the tribe, to be held in trust by the Secretary of Interior, they could do so.

Frankly, Mr. Speaker, although this legislation does not permit the transfer of the assets for 2 years, I believe that transfer can occur sooner, and I hope the Interior Committee will give particular attention to this matter.

Congressman FROEHLICH sponsored hearings on restoration legislation in Shawano County in February 1973. State and local officials who testified there about the effects of such legislation gave no indication that any irreconcilable hardships would develop if the legislation were passed and the land put into trust status well before 2 years passed.

The legislation itself states that the "Secretary of Interior and the Menominee Restoration Committee shall consult with appropriate State and local government officials to assure that the provision of necessary governmental services are not impaired as the result of the transfer of assets."

Mr. Speaker, this truly is important legislation, not only for the Menominee people who want, and in my judgment need it, but for all Indians in this country. Its passage would show a recognition of the fact that termination has been a mistake as a policy and a disaster in practice.

I know this legislation is controversial. It raises many questions, many hopes, and in some cases, many fears. But I do not think anyone can say it is not important legislation, and I am hopeful that this Congress will give it the careful attention it deserves. And I am hopeful that congressional attention will increase the attention given to many associated questions and problems by the State and local groups involved.

The text of the bill follows:

H.R.—

A bill to repeal the Act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian Tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their atatus as American Indians; and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That thia Act may be cited as the "Menominee Restoration Act."

SEC. 2. For the purpose of this Act—

(1) The term "tribe" means the Menominee Tribe of Wisconsin.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Menominee Restoration Committee" means that committee of nine Menominee Indians who shall be elected at a general council meeting called by the Secretary pursuant to section 4(a) of this Act.

SEC. 3. (a) Effective on the date of enactment of this Act Federal recognition is hereby extended to the Menominee Indian Tribe of Wisconsin.

(b) The Act of June 17, 1954 (25 U.S.C. 891–902) is hereby repealed. There are hereby reinstated all rights and privileges of the tribe or its members under Federal treaty or otherwise which may have been diminished or lost pursuant to the Act of June 17, 1954 (25 U.S.C. 891–902).

(c) Nothing contained in this Act shall diminish any rights or privileges enjoyed by the tribe or its members now or prior to June 17, 1954, under Federal treaty or otherwise. Except as specifically provided in this Act, nothing contained in this Act shall alter any property rights or obligations, any contractual rights or obligations, or any obligations for taxes already levied.

SEC. 4. (a) Within fifteen days after the date of enactment of this Act the Secretary shall announce the date of a general council meeting of the tribe to elect the Menominee Restoration Committee. Such general council meeting shall be held within 60 days after the date of enactment of this Act. All living persons on the final roll of the tribe published under section 3 of the Act of June 17, 1954 (25 U.S.C. 893) and all descendants, who are at least 18 years of age, of persons on such roll shall be entitled to attend, participate, and vote at such general council meeting. The Secretary shall approve the Menominee Restoration Committee if he is satisfied the requirements of this section relating to the general council meeting have been met. The Menominee Restoration Committee shall represent the Menominee people in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(b) The membership roll of the Menominee Tribe of Wisconsin which was closed as of June 17, 1954, is hereby declared open. The Menominee Restoration Committee, under contract with the Secretary, shall proceed to make current that roll in accordance with the terms of this Act. The names of all enrollees who are deceased as of the date of enactment of this Act shall be stricken. The names of any descendant of a person who is or was enrolled shall be added to the roll provided such descendant possesses at least one-quarter degree Menominee Indian blood. Upon the installation of elected constitutional officers of the Menominee Indian Tribe of Wisconsin, the Secretary and the Menominee Restoration Committee shall deliver their records, files, and any other material relating to enrollment matters to the tribal governing body. All further work in bringing and maintaining current the tribal roll shall be performed in such manner as may be prescribed in accordance with the tribal governing documents. Until responsibility for the tribal roll is assumed by the tribal governing body, appeals from the omission or inclusion of any name upon the tribal roll shall lie with the Secretary and his determination thereon shall be final. The Secretary shall make the final determination of each such appeal within 60 days after an appeal is initiated.

SEC. 5. (a) The Menominee Restoration Committee, under contract with the Secretary, shall conduct an election by secret ballot for the purpose of determining the tribe's constitution and by-laws. The Secretary shall enter into such contract with the Menominee Restoration Committee within 90 days after the enactment of this Act. The election shall be held within 180 days after the enactment of this Act.

(b) The Menominee Restoration Committee shall distribute to all enrolled persons who are entitled to vote in the election, at least thirty days before the election, a copy of the constitution and by-laws as drafted by the Menominee Restoration Committee which will be presented at the election, along with a brief impartial description of the constitution and by-laws. The Menominee Restoration Committee shall freely consult with persons entitled to vote in the election concerning the text and description of the constitution and by-laws. Such consultations shall not be carried on within fifty feet of the polling places on the date of the election.

(c) The Menominee Restoration Committee, under contract with the Secretary, shall conduct an election by secret ballot for the purpose of determining the individuals who will serve as members of the tribe's governing body. The Secretary shall enter into such contract with the Menominee Restoration Committee within 60 days after the tribe adopts a constitution and by-laws pursuant to subsection (a) of this section. The election shall be held within 120 days after the tribe adopts a constitution and by-laws.

(d) In any elections held pursuant to subsections (a) and (c) of this section, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate the adoption of a tribal constitution and by-laws and the election of the tribe's governing body, so long as, in each such election the total vote cast is at least 30 per centum of those entitled to vote.

(e) The Act of June 18, 1934 (25 U.S.C. 461 et seq.) shall not apply to any election under this Act.

SEC. 6. (a) Subsections (c) and (d) of this section shall not become effective until two years following the enactment of this Act.

(b) The Secretary shall negotiate with the elected members of the Menominee Common Stock and Voting Trust and the board of directors of Menominee Enterprises, Incorporated, or their authorized representatives, to develop a plan for the assumption of the assets of the corporation.

(c) The Secretary shall, subject to the terms and conditions of the plan negotiated pursuant to subsection (b) of this section, accept the assets (excluding any real property not located in or adjacent to Menominee County, Wisconsin) of Menominee Enterprises, Incorporated, but only if transferred to him by the board of directors of Menominee Enterprises, Incorporated, subject to the approval of the shareholders as required by the laws of Wisconsin. Such assets shall be subject to all valid existing rights including, but not limited to liens, outstanding taxes (local, State, and Federal), mortgages, outstanding corporate indebtedness of all types, and any other obligation. The land and other assets transferred to the Secretary pursuant to this section shall be subject to foreclosure or sale pursuant to the terms of any obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in Trust for the Menominee Tribe of Wisconsin and shall be their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(d) The Secretary shall accept the real property (excluding any real property not located in or adjacent to Menominee County, Wisconsin) of members of the Menominee Tribe, but only if transferred to him by the Menominee owner or owners. Such property shall be subject to all valid existing rights including, but not limited to liens, outstanding taxes (local, State, and Federal), mortgages and any other obligation. The land transferred to the Secretary pursuant to this section shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the Menominee Tribe of Wisconsin and shall be part of their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(e) The Secretary and the Menominee Restoration Committee shall consult with appropriate State and local government officials to assure that the provision of necessary governmental services are not impaired as the result of the transfer of assets provided for in this section.

SEC. 7. The tribe's constitution shall provide that the governing body of the tribe, after full consultation with the Secretary, (1) shall make rules and regulations for the operation and management of the tribal forestry units on the principle of sustained-yield management, (2) may make such other rules and regulations as may be necessary to protect the assets of the tribe from deterioration, and (3) may regulate hunting, fishing, and trapping on the reservation. Fishing by non-Menominees on Legend Lakes, LaMotte Lake, Moshawquit Lake, and Round Lake shall be regulated by the State of Wisconsin, and the State shall stock these lakes in the same manner as other lakes regulated by the State of Wisconsin.

SEC. 8. In recognition of the special educational needs of Menominee students and of the responsibility of the United States for the impact that members of the Menominee tribe have on local educational agencies, Congress declares it to be the policy of the United States to provide full financial assistance for Menominee students to those local educational agencies which enroll two or more members of the tribe who reside on the reservation or within the boundaries of Menominee County.

SEC. 9. The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

## AMERICAN VERSUS JAPANESE GOLF CARTS

(Mr. GAYDOS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, it does not take an Arnold Palmer to note that the motorized golf cart has become an ubiquitous and profitable item in our rapidly growing recreation economy.

The carts are everywhere these days—humming along the edges of fairways from coast to coast while adding significantly to the incomes of the private clubs and commercial golf course proprietors who make them available.

What is more, the handy carts have brought a new dimension of well-being to scores of American companies engaged in producing them. Some are old-line firms such as AMF's Harley-Davidson, once exclusively a motorcycle maker, Cushman, Westinghouse, and Otis Elevator. New ones have scooted into the field, too.

The parts suppliers, also, have found golf carts a brisk and developing market—Akron's tire companies, the engine assemblers, the fabricators of the batteries and chargers for the electric-powered models.

But wait!

The Japanese are coming and, according to golf writers, are showing signs of being as intent of penetrating as deeply this now strictly U.S. business as they have our TV and radio sets market and as effectively as they are competing with Detroit with increasing sales here of Toyotas, Datsuns, and Mazdas.

In the April 1973 edition of Golfdom, "the business magazine of golf," columnist Herb Graffis tells of the presence of "studious" Japanese at the Professional Golfers' Association and Golf Course Superintendents' Association equipment and supply show in Boston.

Writes Mr. Graffis:

At Boston the Japanese visitors were busy photographing machinery from all angles. At Palm Beach Gardens, where PGA officials banned picture taking, golf carts received close attention (from the Japanese on hand there). Naturally American golf cart makers wonder if the Japanese delegation wasn't interested in making golf carts to compete in the American market.

Why else, I might add to Mr. Graffis' report, would they be so interested in the carts? Mr. Graffis says the things are little used in Japan itself where the courses generally are too hilly for them and where girl and women caddies are "cheap, swift, vigilant, sturdy, and satisfactory." The money these caddies earn, Mr. Graffis explains, compensates in Japanese thinking for the taking of golf course land out of much-needed agricultural and livestock productivity.

So it is as sure as a 6-inch putt that the Japanese mean to come into our market with a low labor cost and perhaps government-subsidized golf machine to undersell our own. Obviously, they have sensed a new competitive opportunity to tap further our growing recreation business while, at the same time, getting around the quotas which they accepted on raw steel shipped here with another nonquota steel-made product. They are clever people indeed.

And what are we going to do about it? My hope is the Nixon administration will act to protect the U.S. cart makers before it is too late. We are not on a two-way street with Japan on competing products. The golf cart matter brings up the fact that, although our long-experienced companies turn out much better clubs than do Japanese come-latelies to the craft, U.S. woods and irons are charged such high import duties in Japan that they sell there for twice the price of homemade sets.

Some of us remember when, as youngsters, we played baseball with Spalding and other American-made gloves, mitts and bats, many bearing names which have passed away entirely. Check the sporting goods departments in our stores today and see what has happened. The label "Made in Japan" is everywhere because the Japanese, unchecked by us, have taken over the mass baseball equipment market here. Are we going to yield to them our golf business also and allow more American jobs to fade away with U.S.-made golf carts? I insist that we must get as tough on competitive Japanese imports as Japan is tough on ours.

## HIGHER BEEF PRICES IN EASTERN CITIES

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, for several months I have kept a running account of the difference in retail price of round steak, rump roast, and hamburger at five northeastern metropolitan areas compared to Chicago. They are New York, Washington, Baltimore, Philadelphia, and Boston. With all of the concern expressed by consumers throughout the country on the price of meat, the difference as reflected in these retail prices should be weighed carefully if consumers are anxious for better beef buys. Differences up to 53 cents per pound are not justified by legitimate costs.

Transportation charges from Chicago to any of these five cities represents about 3 cents of the retail price for a pound of meat. Labor costs in the Chicago and the northeastern cities are comparable. So the additional retail prices for these cuts of beef cannot be explained away easily.

Some of the difference involved has been uncovered by a grand jury investigation in Manhattan which is seeking indictments of a number of people believed guilty of rakeoffs. While the amounts involved in the payoffs in two indictments so far reported by the Manhattan grand jury do not represent a large part of the retail price differences it is encouraging to know that District Attorney Hogan's office with its racket busting record, and with this investigation, under the specific direction of Alfred Scotti, assisted by Federal Strike Force, is continuing the grand jury inquiry into the operations of racketeers who gouge up the price of meat in the New York metropolitan area.

Until we know the extent of racketeering in meats in New York City we



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shall not be able to account for the vast difference in retail prices of beef cuts there as compared to Chicago.

We cannot determine the reasons for the extra high retail prices of beef cuts in the other eastern metropolitan areas that I have listed until we know whether racketeering rakeoffs are being reflected there and being paid for by consumers.

The substantial differences in prices have existed for several years in these metropolitan areas as compared to Chicago. The consumers in these metropolitan areas are entitled to a full explanation for the continually high prices they are having to pay at retail levels.

The table of differences in meat prices in the five cities, compared to Chicago, now calculated on the basis of the average price in the first quarter of the year, January through March, follows:

1ST QUARTER 1973 AVERAGE RETAIL BEEF PRICES

[Per pound]

| | Chicago | Baltimore | Washington | New York | Philadelphia | Boston | National average |
|---|---|---|---|---|---|---|---|
| Round steak: | | | | | | | |
| January | $1.32 | $1.69 | $1.72 | $1.82 | $1.74 | $1.83 | $1.56 |
| February | 1.45 | 1.81 | 1.81 | 1.94 | 1.87 | 1.94 | 1.68 |
| March | 1.51 | 1.88 | 1.86 | 2.03 | 1.93 | 2.04 | 1.75 |
| Rump roast: | | | | | | | |
| January | 1.36 | 1.60 | 1.68 | 1.65 | 1.66 | 1.51 | 1.54 |
| February | 1.45 | 1.72 | 1.81 | 1.74 | 1.78 | 1.62 | 1.64 |
| March | 1.51 | 1.77 | 1.84 | 1.77 | 1.86 | 1.65 | 1.70 |
| Hamburger: | | | | | | | |
| January | .79 | .79 | .78 | .99 | .80 | .92 | .78 |
| February | .85 | .86 | .86 | 1.06 | .88 | .95 | .84 |
| March | .87 | .91 | .94 | 1.11 | .92 | 1.01 | .91 |

Source: Compiled by the Bureau of Labor Statistics.

## ROSWELL PARK CANCER CENTER IN BUFFALO MARKS 75 YEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 15 minutes.

Mr. DULSKI. Mr. Speaker, today marks the 75th anniversary of the oldest and one of the largest cancer research centers in the world, Roswell Park Memorial Institute in Buffalo, N.Y.

Internationally known cancer specialists—incidentally, all but one an alumnus of Roswell Park—are participating in a scientific symposium on "Perspectives in Cancer Research" at the institute today.

This evening, there will be a formal banquet celebration by the community with our colleague from Florida, the distinguished chairman of the Subcommittee on Public Health and Environment, the Honorable PAUL G. ROGERS, as the main speaker.

Mr. Speaker, we in Buffalo and western New York are very proud of the outstanding contributions to cancer research which have been made over the years—And are being made every day—at the institute in downtown Buffalo.

MODEST BEGINNING

Roswell Park's beginning was modest, especially in terms of comparable ventures today. Dr. Roswell Park asked the New York State Legislature in 1897 for $7,500 to start an institute for the exclusive study of cancer. The legislature agreed, but the bill was vetoed by Gov. Frank S. Black.

Undaunted by the temporary rebuff and in close cooperation with Edward H. Butler, Sr., then publisher of the Buffalo Evening News, Dr. Park tried again the following year—75 years ago—and came up with a $10,000 grant from the State which the Governor was persuaded to sign.

This initial evidence of persistence has been repeated over and over by Dr. Park and his successors in the long effort to find an answer to the scourge of cancer.

The highly dedicated team of physicians, surgeons, scientists, and technical assistants has made great strides and major scientific discoveries. Innovative treatment has been developed and utilized so that literally hundreds of thousands of individuals have benefited from Roswell Park Memorial Institute research.

Medical research and treatment are combined at Roswell Park Memorial Institute. When medical discoveries become acceptable for use, they are tested on patients under carefully controlled and supervised conditions.

CURE IS ULTIMATE AIM

Roswell Park Memorial Institute researchers work closely with their counterparts in other centers elsewhere in the United States and abroad. Indeed, exchange visits of key staff personnel are encouraged.

The end result of a cancer cure is the ultimate aim, and no avenue of potential is left unexplored.

Mr. Speaker, I have had the opportunity to come to know well and work closely with the present outstanding director, Dr. Gerald P. Murphy, and his two immediate predecessors, Dr. George E. Moore and the late Dr. James T. Grace, Jr.

These men, each in his personal and separate way, personify dedication to the nth degree and their leadership is contagious throughout the institute.

Roswell Park has been the proving grounds for many distinguished specialists. As I mentioned earlier, today's international symposium at the institute features nine outstanding scientists, eight of them RPMI alumni.

Dr. Morton L. Levin and Dr. Abraham M. Lilienfeld, of the Johns Hopkins University at Baltimore, Md., are discussing cancer epidemiology, with Dr. Levin giving the current status and Dr. Lilienfeld the future prospects.

WELL-KNOWN RESEARCHERS

Dr. Joseph A. DiPaolo, of the National Cancer Institute at Bethesda, Md., is discussing "Chemical Carcinogenesis, 1761–1973."

Dr. Ross H. Hall, of McMaster University, Hamilton, Ontario, is discussing "Molecular Biology in the Electric Age."

Dr. Donald P. Pinkel, medical director of St. Jude Children's Research Hospital, Memphis, Tenn., is discussing "Treatment of Acute Lymphocytic Leukemia in Children."

Dr. D. Bernard Amos, of Duke University, Durham, N.C., is discussing "Immunological Reactions to Ascites Tumors."

Dr. Donald Metcalf, of the Walter and Eliza Hall Institute of Medical Research, Melbourne, Australia, is discussing "Tissue Culture Monitoring Systems in the Management of Granulocytic Leukemia."

The final discussion is being led by Dr. David S. Yohn, of Ohio State University, Columbus, Ohio, on the subject "Oncogenic Viruses: Fact, Fantasy and Future."

The only nonalumnus of RPMI participating in the program is Dr. R. Lee Clark, of M. D. Anderson Hospital and Tumor Institute, Houston, Tex., whose discussion concerns "Surgical Oncology—A Perspective for Improved Care of Medical Patients."

THREE GIVEN CITATIONS

In connection with today's anniversary observations, three key individuals in the institute's history are being cited for their work, one of them posthumously. Citations will be presented tonight by Dr. Murphy. They are:

To Dr. William H. Wehr, acting institute director from 1943 to 1945. The citation reads:

To William H. Wehr, M.D., in celebration of the 75th Anniversary of the founding of Roswell Park Memorial Institute, the institute staff would like to express their appreciation for your many years' dedication to the goals of the Institute and its employees, winning the confidence and admiration of your associates in Roswell Park and elsewhere in the State of New York.

To the late Dr. James T. Grace, Jr., immediate former institute director. The citation reads:

The 75th Anniversary Committee and the Institute Director wish to extend, posthumously, to James T. Grace, Jr., M.D., 6th Institute Director of Roswell Park Memorial Institute from 1967 to 1970, their appreciation for his devoted service to the Institute in behalf of cancer treatment and research.

To Dr. George E. Moore, institute director form 1952 to 1967. There are two citations: one from the institute and the other from the board. The texts follow:

To George E. Moore, M.D., Ph. D., in celebration of the 75th Anniversary of the founding of Roswell Park Memorial Institute, the institute staff would like to express their appreciation for your prodigious contributions toward the growth of the institute through your continual efforts to expand its physical facilities and its scientific and clinical programs.

The Board of Visitors hereby acknowledge the manifold contributions of George E. Moore, M.D., Ph. D., to the development of Roswell Park Memorial Institute in his capacity as Institute Director from 1952 to 1967. Without his dedication in attracting prominent physicians and scientists to the staff, initiating innovative cancer programs and expanding the physical plant, the Institute would not have attained the significant position it holds in the national and international scene.



Mr. Speaker, the quest for a cancer cure continues, and nowhere is the effort more dedicated, sincere, and effective than at Roswell Park Memorial Institute.

The institute is one of our city's—and our Nation's—great assets. Its work is vital.

PLAUDITS TO DR. MURPHY

I extend personal congratulations to Dr. Murphy for his leadership, both as an administrator and as a physician and cancer research specialist. His outstanding work has been recognized, and appropriately, at all levels of government and his profession, here and abroad.

Roswell Park Memorial Institute is a team operation which only personal contact can truly appreciate. I have had this opportunity on many occasions since its facilities are located in my congressional district.

It is a great pleasure for me to be able to pay tribute to both the institute and to each and every member of the staff on this 75th anniversary.

May the work of Roswell Park Memorial Institute continue without interruption toward the common goal sought by all.

Mr. KEMP. Mr. Speaker, I am happy and honored to join my distinguished colleague, Mr. DULSKI, today in this tribute to Roswell Park.

Mr. Speaker, 75 years ago in three small rooms in the University of Buffalo Medical School, Dr. Roswell Park began his research laboratory. Today, the institute which bears Dr. Park's name, Roswell Park Memorial Institute, has become a multimillion-dollar institute that includes a modern 316-bed hospital, as well as some of the best-equipped cancer research laboratories in the world.

Among all of the cancer research institutes in the world, the Roswell Park Memorial Institute is not only the oldest, but also one of the largest. From Dr. Park and his original colleague in 1898, the total staff of the institute has grown to more than 2,500.

Although Roswell Park is not in my district, the institute and its director, Dr. Gerald P. Murphy, my very good friend, have served many of my constituents through the institute's services to cancer patients and through programs in cancer research and education. I am very proud of Roswell Park, its outstanding programs and its fine staff.

Mr. Speaker, an example of this outstanding staff is a leading cancer immunologist, Dr. Ed Klein, who I am also very proud to call a close personal friend. As a matter of fact, the March 19 issue of Time magazine cites Dr. Klein's work, and at this point I include that paragraph from the Time article entitled: "Toward Cancer Control."

Dr. Edmund Klein of Roswell Park Memorial Institute in Buffalo has used BCG to stimulate an immune reaction against malignant melanoma, mycosis fungoides and other cancers that originate on the skin, as well as against such deep-seated tumors as breast cancer. He has also experimented with vaccines made from tumors similar to those of the patient, injecting the substance into cancer victims in the hope of triggering not a general immune reaction but one that is specifically directed against the cancer. Of those patients who responded immunologically, most showed marked improvement.

Roswell Park Memorial Institute is composed of several campuses including the extensive main facility in Buffalo. Six major research laboratories are located in or near the main installation. Three are in the suburban communities of West Seneca, Orchard Park, and Springville.

Research at Roswell Park is being pursued in new aspects of immunology, viral oncology, molecular and cellular biology, membrane structure growth control, molecular structure, and molecular interaction. Among its educational activities, the institute offers lectures, seminars, and other activities of interest not only to those in medical and related fields, but also to the general public as well. Also included are residency programs for medical school graduates, specialized programs in cancer nursing, and a research participation program in science for high school and college teachers.

Construction of the long-awaited research studies center was completed in November 1972, to give Roswell its first comprehensive, fully coordinated education building.

The center houses Roswell Park's departments of graduate education, nursing education, biostatistics, epidemiology, medical illustration, and photography. Also located in the center are the research participation program, the computer center as well as an expanded library and an auditorium for an audience of 600. The center has 6 stores plus basement, containing about 100,000 square feet of floor space.

The research studies center reflects on the educational role of the institute, which has been granting masters' and doctors' degrees for many years. There has been a rapid increase in the number of graduate programs, as well as in postgraduate training, nursing programs, and summer programs for talented high school and college students.

The Roswell Park Cancer Drug Center, which will serve as a coordinating site for the development of new cancer drugs, will be completed in September 1973.

Chemotherapy, treatment with drugs, can go beyond the limitations of surgery and radiotherapy. The immense potential in this field of therapy should bear fruit much sooner than otherwise, nurtured as it now will be with well-equipped laboratories, proximity to clinical facilities and the critical mass of intellect. Roswell Park's Cancer Drug Center will greatly increase the opportunity to develop drugs which can act selectively to destroy cancer cells without harming healthy tissue.

A Federal construction grant of $5.5 million was approved for a cancer cell center at Roswell Park and completion of the center is expected in 1975.

The facility, which would house two research projects, biochemistry and experimental pathology, is needed for "an expanded cooperative and coordinated program involving study of the cancer cell and its interaction with the host." The new center will provide cooperating investigators with adequate and contiguous laboratory facilities so that effective communications and collaboration will be nurtured to yield the maximum useful information.

Dr. Gerald P. Murphy, the present director of Roswell Park Memorial Institute, has a distinguished record of achievements. Before coming to Roswell Park, he was research associate and chief in the Department of Surgical Physiology at the Walter Reed Army Institute of Research in Washington, D.C., and assistant professor of urology at the Johns Hopkins Medical School. Since 1968 Dr. Murphy has established important programs of research, particularly involving kidney physiology and transplantation, at the institute. After becoming Director in 1971, he has been largely responsible for the major expansion of the institute's clinical and research facilities. On March 7, 1972, President Nixon announced the appointment of Dr. Murphy to the newly created 18-member National Cancer Advisory Board.

Mr. Speaker, I have just cited many impressive facts about Roswell Park Memorial Institute and its outstanding director, Dr. Gerald P. Murphy. But the most important facts about Roswell—the countless lives which have been saved by the work of its dedicated staff, the suffering which has been eased, the untiring work and devoted efforts of the institute's many professionals—these cannot be sufficiently expressed.

It is both an honor and a pleasure to pay tribute today to Roswell Park Memorial Institute, and to Dr. Gerald P. Murphy and his staff on the occasion of the 75th anniversary of Roswell Park.

I know that when the war against cancer is won, much of the credit will be due to the untiring spirit and dedicated efforts of the outstanding professionals at Roswell Park Memorial Institute at Buffalo, N.Y.

Mr. Speaker, as an example of the innovative work being accomplished at Roswell Park, I include at this time an article from the Buffalo Evening News which describes new techniques being used by Roswell Park scientists. A publisher of the Buffalo Evening News, Mr. Edward H. Butler, Sr., greatly aided Dr. Roswell Park in his efforts to begin the institute:

[From the Buffalo Evening News, Apr. 25, 1973]

ROSWELL PARK SCIENTISTS USE SOUND WAVES TO DIAGNOSE TUMORS WITHOUT SURGERY

(By Arthur Page)

Using a method similar to that believed used by bats and dolphins for navigation,

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work is being done at Roswell Park Memorial Institute to monitor the progress of kidney transplants and to diagnose tumors within the body.

The technique, known as ultrasonography, involves the sending of a sound wave and the reception of the echoes when that sound reflects off organs and tissues in a person's body.

It's believed that bats and dolphins use a similar method for navigation—transmitting sounds and locating obstacles in their paths through the echoes they receive.

Dr. Alan R. Winterberger, associate chief of diagnostic radiology at Roswell Park, explained that ultrasonography allows him to "view" the contents of a person's body within a matter of seconds and without incisions.

"And it can be repeated time and time again without any hazard to the patient or physician," he added.

There also is no danger from radiation which may be present in using X-rays, he said, and no distortion of the reading which often occurs when X-rays are used.

The equipment includes a microphone-like transducer which acts as noise-transmitter and echo-receiver. It's attached to a movable arm so it can be passed across a patient's body.

The transducer feeds the echoes into an oscilloscope which converts them to lines or shadows on a television-like screen.

Both the sound transmitted and echo received are beyond human audible range.

Compound scanning ultrasonography, a more complex method often used by Dr. Winterberger, results in shadows and bright areas on the screen which the doctor can interpret because "most organs have characteristic shapes when seen by ultrasound," he said.

Dr. Winterberger explained that each substance within a person's body—including fluids, tissues and organs—has a specific property called acoustic density.

The transducer receives an echo from all substances encountered by the transmitted sound wave.

While some of the sound wave penetrates each substance, some is reflected. How much is reflected as an echo depends on each substances' acoustic density.

And each time the sound encounters an acoustic interface—the boundary between two substances of different acoustic densities—it sends back a report in the form of a new echo.

"Wherever you have different acoustic densities you're going to get an echo, a reflection," Dr. Winterberger said. "And each time an echo comes back, it's recorded on the oscilloscope screen as a light beam."

The device also is sensitive to the minute spans of time between echo changes and translates them into measures of distance on the oscilloscope screen.

In other words, the larger the time span between echo changes, the larger the shaded space between bright spots on the screen.

The picture created as the transducer is moved across a patient's body thus shows bright and shadowed areas.

Depending on the region of the body over which the transducer is passed, the larger shadowed areas usually represent specific organs.

By comparing over a period of time the size and shape of the shadowed area representing a kidney, Dr. Winterberger can monitor the success of a kidney transplant. If the transplant is being rejected, the kidney will enlarge. Conversely, if rejection is being fought successfully, the size will decrease.

Ultrasound also has been used to check for multiple pregnancies and shifts in the location of the midline of the brain which usually denote a tumor or blood clot in the brain area.

By transmitting sound along the blood flowing through a vessel and then receiving it a short distance later doctors also have checked blood velocity. Abnormal velocity may denote obstructions and constrictions in arteries and veins.

Dr. Winterberger also said ultrasonography is the "preferred method" for checking for fluid around the heart.

He said he has used the technique in the initial detection of tumors and in following the growth or regression of tumors during therapy.

In the initial diagnosis, ultrasound might show a mysterious mass in the body or a change in the shape of an organ which might denote the presence of a tumor.

By merely turning up the power, much as a scientist increases the magnification power of a microscope, Dr. Winterberger can receive additional echoes from the interior of the suspicious mass.

By studying the "picture" produced by those echoes on the oscilloscope screen, he can get a good idea of whether the mass is a tumor or cyst.

Although ultrasound has been around since the 1940s when it was used in physical therapy as a heat source, the use of ultrasonography as a diagnostic and monitoring tool "has gained popularity only in the last four or five years," Dr. Winterberger said.

He said it is "no panacea," adding that "anything suspected by ultrasound usually is verified using more standard tests."

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## AMNESTY—AND VINDICTIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 15 minutes.

Mr. ROBISON of New York. Mr. Speaker, on three prior occasions I have suggested to my colleagues that our discussion of amnesty needs less emotion and more objectivity; and I have particularly emphasized that we in Congress should set the tone for that discussion, so that, whatever its resolution, all citizens understand the full implications of a post-Vietnam amnesty through the perspective of past amnesties in this country's history.

Yet, amnesty is so provocative a subject that on several occasions it has been suggested that even a low-key discussion of the topic is undesirable, regardless of the substance of that discussion. Recently, I received a thoughtful presentation of this point of view from Prof. George Anastaplo of the University of Chicago. His remarks, which appeared in the Chicago Tribune, carefully explain why he feels amnesty is not a fit topic for national discussion at this time, and I insert them at this point in the RECORD.

AN AMNESTY ON DISCUSSIONS OF AMNESTY?

(By George Anastaplo)

Several legislative proposals have been made on behalf of Americans who illegally avoided military service during the Vietnam War.

The proposals range from complete amnesty for all offenders to amnesty with alternative service for all good-faith offenders.

On the other hand, there are many (the President, for the moment, among them) who have declared themselves opposed to any wholesale "forgiveness" of men who evaded military service during the war. These evaders, it is insisted, should "take their medicine" in the courts and prisons of their country if they should choose to return home. For, it is added, the service which they evaded had to be performed by someone else in their place.

But, it will be answered, it was service which no one should have been called upon to perform, because it was immoral and even criminal.

And so the debate goes.

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There may be something rather artificial about this entire debate at this time. For do we not have, in effect, a substantial amnesty already at work among us? That is, is it not highly unlikely that anything serious will happen in the years ahead to most of the people who do return from their flights abroad or who "surface" after having "gone underground" to avoid service in Indochina? Is this not the kind of issue which the community will tend to answer one way (rather harshly) if it is asked to pass judgment on all cases together and quite another way (rather generously) if left to make judgments on a case by case basis? Indeed, our most pressing question may not be whether we should have amnesty, but whether we should have extensive, and hence divisive, discussions of amnesty.

The war does seem to be mostly over for us. Interest in the war will taper off. Young men will drift home from their illegal refuges. Who will press to make the effort necessary to imprison them, especially if there are as many of them as the advocates of amnesty claim there are? Federal prosecutors will be inclined not to notice them, especially since there are more than enough other kinds of criminal cases to occupy the time of all available legal personnel, cases which now have a more compelling interest for the public.

Thus, it will become—it may already be—obviously impolitic, with the war over, to prosecute draft evasion cases in a young man's own community. He is strongest there, while this kind of case is weakest in Washington, where sensationalism and posturing are more likely to be resorted to, especially if a television camera should be watching. Indeed, national publicity about such cases could make it harder for local prosecutors to look the other way when fugitives do return home.

Even so, most prosecutors will find themselves reluctant to allocate scarce resources to the effort to punish the "misguided" children of local taxpayers and voters. When they do prosecute, deals will usually be made: a liberal use will probably be made of probation. Otherwise, alleged draft offenders would clog the courts and their indignant relatives would have to be reckoned with. Furthermore, any government which puts thousands of unusually articulate young men into our already overcrowded prisons will have to reckon with the agitation and disruption which its imprudence will have made inevitable.

Of course, fugitives from military service may want, before they dare return home, more reassurance than the tacit amnesty I anticipate. Are they entitled to more than this? Is it good that they get it? What is the likely cost to the national community of a bitter debate over the amnesty issue at this time? Would such a debate serve any useful purpose if, as seems likely at the moment, no significant legislation resulted? Does, for instance, the war need further discussion at this time?

Our recent Indochinese role has already been repudiated by most sensible men. Even most of those Americans who once supported the war now believe that it went on far too long or that it was too costly at home or that it was conducted the wrong way. No matter what is said now about peace with honor, the war appears to have been a dubious venture for the United States: it has raised serious questions abroad about our political morality and undermined respect at home for legitimate authority.

What might be gained, as we disengage ourselves from this misconceived war, by



showing up the war even more than it has been already? Now that our role in the killing and destruction has been curtailed, is it not appropriate to make allowances for a certain kind of patriotism? That is, amnesty legislation at this time is apt to be understood by many as an official repudiation of the war. I have suggested that people who would accept such repudiation implicitly cannot, or will not, for a variety of reasons, accept it explicitly. Indeed, they can be expected to "fight back."

The "hardliners", it should be added, do not seem to realize that their fierce opposition to "alternate service" amnesty legislation makes it even more likely that busy prosecutors and judge will be obliged to rely upon the tacit amnesty I have described here.

The President's recent remarks about amnesty, however intemperate they might have been, reflect the passions of a significant portion, perhaps even a majority, of the country. What are these people concerned about? May not some of their concerns be legitimate? They can be understood as not wanting to permit selfishness to take precedence over sacrifice. Is there not something salutary in this concern The men who fled the country or went underground may have done so primarily to serve their own interests. (By acting as they did, it can be further argued, they relieved pressure on the vulnerable Selective Service system and the courts and hence did not question the morality of the war as effectively as they and their families could have done by standing up against the draft in this country.)

That is, it is hard for most people to consider life in so civilized a country as Canada to be much of a witness against American misconduct in Indochina. It is much easier for them to interpret flight as serving mere self-interest. Indeed, most people today (including many who are against amnesty) may even be willing to grant that the real American heroes of the Indochina war may turn out to have been neither the soldiers who went to Vietnam nor the men who took refuge abroad but rather the men and women who attempted to instruct public opinion by challenging their government in the courts and in the political arena.

I am reminded, for instance, of the "Four of Us" group which has been found guilty here in Chicago of conspiracy to destroy draft records. These two young men and two young women, by all accounts decent people who felt obliged to testify in this manner against what they considered a grossly immoral war, have been sentenced to a year in prison. This hardly seems a sensible use of federal penitentiaries.

V

Thus, the dampening down of the amnesty issue advocated here does not mean that we should ignore how the government behaves in the cases that do reach the courts. We should insist upon the common sense point that no public interest would really be served by jailing most of our draft evaders. Such show of "firmness" probably would not even help us to raise an army next time we go to war. (It is folly to believe that there may not be a "next time," again with plausible demands upon our national power, however misdirected our power may come to be recognized to have been on this occasion.) The real problem "next time" will be to make *that* war credible: putting people in jail *now* is not likely to help us mobilize ourselves *then*, and may even make matters worse, in that it will have made the government seem even lesa worthy of support than all too many youngsters now regard it to be.

Both intense amnesty debates and extensive jailings are apt to impede the quiet reconciliation which the country needs. Those who have been against the war should go easy on amnesty legislation; those who have been for the war should go easy on criminal prosecutions.

The better instincts of the country—what Lincoln called "the better angels of our nature"—will be inclined to let bygones be bygones. I'd be happy with that.

VI

What opponents of the war should be particularly wary of at this time is divisive passion.

Our domestic civil liberties are now, despite various protests to the contrary, in far better shape than during any post-war period in this century. (This, too, may reflect our fundamental uneasiness about what we did in Vietnam: we were never sure enough of ourselves to suppress dissent effectively.) These liberties have meant that significant dissent could be mounted against the war—dissent which affected for the better our conduct and perhaps the length of the war.

But we should take care. When one *has* "won," as those against the war can well recognize themselves to have done in large measure, it is prudent to allow one's "defeated" opponent to escape with at least the appearance of a compromise. One should take care, for instance, not to press too far and, in effect, threaten the millions of families who supported the war and who did sacrifice for what they conceived to be the cause of freedom and of national security.

Whatever may have been true in recent years, agitation of the amnesty issue is no longer needed to force the American people to clarify its thinking about the Indochina war. We should all know by now what we think of that war and of those responsible for our role in it.

There are for us today far more important things than provocative debates about matters which are already in the course of being quietly settled in a more or less reasonable manner.

VII

We should not allow ourselves to be diverted from the genuine tasks before us.

What, for example, are we as a people prepared to do to help repair the devastation we have brought in Indochina to "allie" and "enemy" alike? And, even more important for the future of this republic and for the rule of law, what should we do now to restore to our Congress its vital constitutional authority to declare war, to determine how our money should be spent, and to ratify treaties?

That is, the concern to which our deepest passions and our most serious thought as a political community should be directed is that of the perpetuation of American constitutionalism.

It may well be that amnesty, and the reconciliation it can foster, are best left as the singular work of the local community, as Professor Anastaplo suggests, and that this work can best be handled by that community, rather than turning amnesty into a national issue which may further inflame already divided citizen opinions. Although difficult to substantiate from available information, it is—I suppose—possible that such de facto amnesty did indeed take place immediately after World War I and after the Korean war—two periods during this century which are to be noted for their absence of Presidentially or congressionally declared amnesty.

In fact, de facto amnesty may be underway now. The following Washington Post article of March 11, 1973, indicates that during the year ending June 30, 1972, draft violators were frequently given probation or their cases were dismissed upon acceptance of induction:

FEW JAILED FOR DRAFT VIOLATIONS

(By Harrison Humphries)

Only a third of the accused draft evaders prosecuted in federal court are being convicted, and nearly three-fourths of the convicted are being put on probation.

Many of those under indictment who appear for arraignment are having their cases dismissed by accepting induction into the armed forces for two years.

The statistics from Selective Service headquarters tend to support a suggestion yesterday by Sen. Charles H. Percy (R-Ill) that self-exiled draft dodgers and those in hiding might consider surrendering rather than waiting years for an uncertain possibility of amnesty.

Percy said in a recorded radio interview that he had done some checking on his own and was told by one U.S. attorney—not in Illinois—that "in case after case when they are voluntarily turning themselves in, they go before the judge, the judge gives them a year, puts them on probation, and gives them a choice of taking a year of service in a local hospital or some local type of public service work."

Walter H. Morse, general counsel of the Selective Service System, supplied some figures in an interview, confirming many instances of probation. But he said:

"It is anybody's guess what penalty will be imposed by an individual judge in an individual case."

In the 12 months ended June 30, 1972, there were 4,906 accused draft violators prosecuted; 3,264 were not convicted and 327 of these were acquitted, and nearly all the rest of the nonconvicted accepted induction into the armed forces, 1,642 were convicted.

Of the 1,642 convicted, 1,178 were placed on probation, some on good behavior, others on the condition of performing alternative public service for one, two, or three years.

Of those sentenced to prison, 53 were for one year, 120 one to three years, 123 for three to five years, and 16 for five years. The remainder, 152, got less than a year. Sentences averaged 22 months.

In January, there were 337 cases disposed of in federal courts; 225 were dismissed upon military induction; 25 were acquitted; 87 were convicted.

Currently there are 292 convicted Selective Service violators in prisons; 5,656 under indictment including 4,600 listed as fugitives; 6,069 cases under FBI investigation, and 2,513 under Selective Service review before reference to a U.S. attorney.

Of the fugitives (those indicted who failed to appear for arraignment) Morse said it is estimated that 2,600 are in Canada, 550 in other countries, and 1,250 in hiding.

Percy said he is "almost ready to recommend" that the parents, neighbors, or attorneys of those who have fled the country talk to the U.S. attorney in their own district about what the judges are doing about penalties.

"If a young man wants to get back in American society, he'd better go before the court," Percy said. "The law is right there. He has broken the law.

"He should go in and say: 'I did break the law, Judge, these are the reasons I broke the law. I'm willing to take the penalty.'

"Many times he'd find that probably the penalty he'd be required to take is substantially less than if he'd wait around for a couple of years and maybe, maybe there would be a presidential amnesty and maybe the Congress might get around to legislating on it."

Percy said he could not support even a conditional amnesty bill right now, with American prisoners of war not yet all returned and the missing in action not yet accounted for.

Congressional sentiment against amnesty would be very strong right now, Percy said, adding: "I don't see it in the near future."

XUM

President Nixon has declared his opposition to amnesty several times recently.

Such reports strengthen the possibility that draft evaders who now return to their communities might anticipate a sympathetic reaction or, at least, that "most prosecutors will find themselves reluctant to allocate scarce resources to the effort to punish the 'misguided' children of local taxpayers and voters," as Professor Anastaplo states. But, I am not sure that will be the case.

To a considerable degree, my recent statements on amnesty were presented because of my concern that widely heard public statements may have already prejudiced the judgments of local prosecutors. Had we been distracted from public discussion of amnesty by more pressing events, de facto amnesty could, indeed, have offered the most practical—and most comfortable—solution. But strong statements have been made on one side of the issue and, for no other reason, Congress is duty-bound to take up the question of amnesty in a responsible and objective manner, so that those who may be asked to determine the penalties for Vietnam-era draft evaders are aware of the fact of amnesty in this country's history. I will continue these statements and encourage my colleagues to participate to the end that, when judgment comes for those who left the United States or "went underground," such judgment will consider all of the implications of amnesty and not just the emotional climate of the moment.

Mr. Speaker, among the many historical precedents that exist, the Presidential and congressional amnesties following the Civil War provide probably the best illustration of a troubled country coming to grips with amnesty. Within a few days of the Union's victory over the Confederacy, and at a time when the burdens of the office could not have been greater, Andrew Johnson took the oath of Presidential office. In the midst of the North's celebration of victory over General Lee's surrender, the people of the Republic learned of the death of their leader and the new President quickly addressed the country to assure that the Federal Government had Presidential leadership:

> Your words of countenance and encouragement sink deep into my heart, and were I even a coward, I would not but gather from them strength to carry out my convictions of right. Thus feeling, I shall enter upon the discharge of my great duty firmly, steadfastly, if not with the singular ability exhibited by my predecessor, which is still fresh in our sorrowing minds.

His task was unquestionably great. The largest part of his "great duty," the reconstruction of the South and the reconciliation of the Nation, lay ahead. If the Civil War had been largely fought over the constitutional principle of the unity of the States, that question was now resolved. Still, there remained the physical devastation of the South. Most of its land and crops had been destroyed; the capital and credit of southern businessmen were gone; its industrial system lay in waste; southern commerce and trade had ground to a halt; and, besides the loss of so many southern men, those who remained fought the painful emotional and psychological scars of the war. It was apparent that, somehow, this physical and human damage had to be repaired; yet, feelings were deeply divided over the role which the Government should take in sealing the victory.

Some believed that a retaliatory, or revengeful, policy of ostracizing and disenfranchising the rebels and confiscating their property could only hinder reconstruction and make reconciliation a long-distant hope. Lincoln had said that the shortest route should be taken to bring the people of the South into concord with the rest of the Nation. Vindictiveness could only seriously injure and repress popular energies, as well as stifle industry and enterprise. Many Americans rightly questioned President Johnson's "convictions of right" on these issues and asked if he would continue Lincoln's course or establish his own direction on these matters. Andrew Johnson held in his power the destiny of those men who had violently resisted the authority of the Government in the past. As Lincoln had often been publicly reminded, Johnson had sufficient grounds to exercise personal and public revenge against the leaders and soldiers of the Confederacy. The so-called radicals of the time were also ready to convince Johnson that the slaves should be freed as a prelude to thoroughgoing punishment of the leaders of the Confederacy, including confiscation of their property. And, early on, it looked as if President Johnson might follow these lights when, speaking to a nation still in shock over the assassination of Lincoln, he stated:

> One thing I must say: every era teaches its lesson. The American people must be taught, if they do not already feel, that treason is a crime, and must be punished; and that the Government will not always bear with its enemies; that it is strong, not only to protect, but to punish.

But in a short space of time, on May 29, 1865, Johnson began to build his own policy in an official act which extended amnesty to a limited group of southern rebels. The President's mood at the time may have been that of his Attorney General, James Speed, who commented that restoration of order in the South was important and could be accomplished through proclamations of amnesty, but then added:

> Some of the great leaders and offenders only must be made to feel the extreme rigors of the law . . . not in revenge but to put the seal of infamy upon their conduct . . .

In contrast to Lincoln's clemency, Johnson's proclamation contained 14 excepted classes, in what appeared to be a much reduced definition of amnesty. President Johnson did not, however, rule out individual applications for pardon from those in the excepted classes. He later appeared to be generous in granting individual clemency and devoted a great deal of his time to the study of such requests. Whether these personal applications of principle affected Johnson, or whether he had simply not had the previous opportunity to demonstrate the depths of his own thinking, can only be speculated upon by historians. Little more than a year after his first, restrained proclamation of amnesty on July 3, 1866, Johnson pardoned all deserters who returned to duty within 60 days and forfeited their pay.

In later months, the President proceeded to expand his own definition of amnesty. Subsequent proclamations of September 7, 1867, and July 4, 1868, broadened the scope of his clemency actions to include most of the rebels, previously excepted. In his final amnesty proclamation on December 25, 1868, President Johnson declared a universal and unconditional amnesty to all remaining rebels of the Confederate States. Johnson had said to the country several months prior to that action:

> Deep wounds have been inflicted; our country has been scarred all over. Then why can not we approach each other upon the principles which are right in themselves, and which will be productive to the good of all? The day is not distant when we shall feel like some family that has a deep and desperate feud, the various members of which have come together and compared the evils and the sufferings they have inflicted upon each other. They have seen their error and its results and, governed by a generous spirit of reconciliation, they have become mutually forbearing and forgiving, and have returned to their old habits of fraternal kindness, and become better friends than ever.

During a tour of the country to measure support for his policies, which were hotly challenged by conservative Members of Congress, Johnson expressed his feelings about the defeated rebels and deserters, and his reasons for his upcoming, unrestricted pardon:

> They are not fit to be a part of this great American family if they are degraded and treated with ignominy and contempt. I want them when they come back to become part of this great country, an honored portion of the American people. I want them to come back with all their manhood; then they are fit, and not without that, to be part of these United States. . . . I fought those in the South who commenced the Rebellion, and now I oppose those in the North who are trying to break up the Union. . . . I am for the Union, and for the whole Union, and nothing but the Union.

Horace Greely of the New York Tribune wrote shortly after the December 25 amnesty:

> We rejoice that the very man who was most vehement in proclaiming that "treason is a crime, and traitors must be punished," when Mr. Lincoln's murder had set the country's will for vengeance, now fathers the most sweeping amnesty ever pronounced by man.

President Andrew Johnson had moved from a somewhat vindictive stance to "the most sweeping amnesty ever pronounced by man," in the eyes of at least one influential newspaper editor. In the end, he gave his own phrases to the sentiments previously stressed by Lincoln by counseling that the only way to move forward was to build from these "disorganized and discordant elements" by welcoming them back into the Union.

And, Johnson's statements in explanation of his final Christmas amnesty were singular invocations of the need for a speedy reconstruction, which brought his public acts into accord with Lincoln's wish that reconstruction be—

> . . . least humiliating to the people who had rebelled against their government . . . being the mildest, it is also the wisest policy. The people who had been in rebellion . . . surely would not make good citizens if they felt that they had a yoke around their necks.



All this, of course, Mr. Speaker, occurred a hundred and more years ago—and, as some will say, in a very different context. The lessons of the past may not, indeed, fit the problems of today. Such latter problems are different, and produce widely different reactions. One such reaction—that, in some ways, I hesitate to use since, though always provocative, she is not, to my mind, always equally objective—is the following Mary McGrory column from a recent Washington Star edition. Ms. McGrory's work is not universally admired by my colleagues, as I know, but I have determined in this series to present all points of view as far as possible and, certainly, some of the points she makes about certain aspects of today's problems with amnesty are most worthy of our consideration.

VINDICTIVENESS IN FASHION

(By Mary McGrory)

Three years ago at Easter, the late Richard Cardinal Cushing, Boston's great-hearted prelate, posed a question:

"Would it be too much to suggest that we empty our jails of all the protesters . . . without judging them; that we call back from over the border and around the world the young men who are called deserters?"

The answer most recently given to that noble question by the President is: No amnesty.

". . . Let us," Richard Nixon said, the night he proclaimed the end of the war, "not dishonor those who served their country by granting amnesty to those who deserted America."

The President, as he so often does, has cast the matter in an iron equation. The country is asked to choose between the tortured prisoners of war and the draft-dodgers and deserters who refused to participate. It is no contest. He sets the tone of Middle American thinking. Vindictiveness is this year's Easter fashion.

By every indicator, the country has turned thumbs down on the exiles. Dispossessed as many of them are, the young resisters pose a threat. Better to keep them in jail or in foreign lands than to examine the reasons why they are there. Open the heart to them and you open the mind to the moral horrors of the last 10 years.

Richard Nixon has declared a spiritual victory in Vietnam. The returning prisoners are proof of the American character and, by extension, the justice of the war.

If the exiles come home, they bring the awful dilemma with them. Were they right, or was he? The war is still going on, the bombs are still falling. The question is still there.

The country is fleeing it. Public opinion polls, mail to Congress and letters to the editor echo the President: Never.

A World War II veteran from Vancouver, Wash., writes that the deserters and resisters are "gutless, sniveling babies, who whimpered and crawled on their bellies and now whine to come home."

From the opposite pole comes a letter from a Washington, D.C., mother. Her son failed to persuade his draft board that he was a conscientious objector, was inducted and, on the eve of being shipped to Vietnam, fled to Canada.

"The war is over for many, many people. It's not over for our son or the thousands like him. We go to Canada to see him, but he can't come home, and that's hard," she writes.

Only a handful of the homecoming POWs have entertained any notion of amnesty. One of those who spoke out unequivocally in favour was Capt. Guy D. Gruters of the Air Force, who told a Maxwell Field press conference:

"I believe that our Christian heritage says that peacemakers are very good people. Amnesty will unite the U.S., if nothing else."

The POWS, despite their celebrity are not the only veterans of Vietnam. There are 2 million others who also are entitled to speak. Unlike the captured pilots, who were mostly career officers, they do not all share the POWs' enthusiasm for the war or "peace with honor."

From one of them, an Indianian, comes an entirely new note in the stalled discussion. Terence DeShone, 27, is a veteran, a Navy E–4 who served for 19 months on three aircraft carriers. He has taken it upon himself to write letters to half a dozen newspapers in behalf of unconditonal amnesty.

"For every draft-dodger or deserter in Canada or Sweden," he writes, "there are thousands of young men between the ages of 22 and 35 . . . who evaded military service by means of parental, student, occupational or physical deferments. They're not being punished or ostracized and they should not be.

"It would be impractical to punish these millions who dodged the draft through so-called 'legal' means, but yet it is not fair to punish only those who emigrated, if they ever return to America."

Reached by telephone in Elkhart, where he is now a student at Indiana University, DeShone said, "I don't hold anything against anybody who got out of it, because it was disgusting."

If the premise of the discussion could be changed from the rightness and the wrongness of the war to its undisputed unpopularity, which even Richard Nixon concedes, the veterans might come forward in defense of their brothers and turn the country around.

A National Conference on Amnesty will be held in Washington the weekend of May 4. The sponsors are the American Civil Liberties Union, the National Council of Churches and the National Conference of Black Lawyers.

One of the sponsors said, "The Vietnam veterans are going to have to get amnesty for us."

Incidentally, Mr. Speaker, Ms. McGrory notes the fact of a pro-amnesty rally of some sort being held here in Washington this week and advises us of some of its sponsors. For what it may be worth, my colleagues should know that I intend to take no part therein—in fact, have not been invited to do so; nor do I wish to become associated with any such formal or informal movement for the simple reason that what I am doing I am doing on my own—for reasons I believe to be valid and responsible—and that any such association on my part could tend to diminish my own ability to keep this discussion as thoroughly objective as humanly possible.

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## DOES JUSTINIAN STILL LIVE? PART II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 15 minutes.

Mr. BRINKLEY. Mr. Speaker, the following excerpt appeared in a column from The Columbus Enquirer on April 28, 1973:

DEMOCRATS RAN SCARED IN POST 5 ELECTION

(By Paul Timm)

I'll be the first to admit that I took the whispering campaign against Mr. Hirsch with a grain of salt and felt that the whole thing had been blown out of proportion as a purely political expedient.

As the election results poured in and telephone callers asked results, my mind was changed.

Some of the language used by what started out to be nice old ladies and little old gentlemen turned almost obscene. In more than one case I hung up in disgust.

I wish I had the names of the anonymous callers. Some of them surely must have been wearing the hood of the KKK.

Strange! On the surface Columbus appears to be a city fortunately devoid of widespread or deep rooted bigotry. Underneath the veneer of the city, however (and I shed a tear because of it) there is a discrimination that is almost unbelievable.

Woe be unto us if this insidious germ of hatred spreads any further. Better it be rooted out and banished forever.

A lot of wars have been fought to this end, but there are those who insist on being maggots in the meat of humanity.

Mr. Speaker, the following news article appeared in that same newspaper, The Columbus Enquirer, on April 27, 1973:

VOTING STAND IS DEFENDED BY BRINKLEY

(By Ron Feinberg)

A letter from a Columbus teen-ager that praised the moral character and political ethics of U.S. Rep. Jack Brinkley was used Thursday night to explain his stand in the recent city council race.

Speaking before members of the Columbus Jaycees, Brinkley heatedly supported his manner of endorsing Democrat Milton Hirsch for the Post 5 seat.

Asked why he brought up the question of "malignment" when the two candidates, Hirsch and Republican Joan Mize, were carrying out such a clean campaign, Brinkley pulled a letter from his pocket and told the questioner, Bobby Ledford, he would be glad for him to see why he took such a stand.

"I'm not going to read this," the congressman told the group, "but I'll be glad to let you read this letter," he told Ledford, "and you can do with it what you like."

Brinkley did say the letter was from a local Columbus girl, Mitzi Kravtin, who is the president of the Southeast Region of United Synagogue Youth, an international Jewish youth organization.

Contacted in Ocala, Fla., where she is presiding over the annual convention of the regional group, Miss Kravtin told The Enquirer she wrote Brinkley after seeing him on television the night before the election, last Tuesday.

"I told him he had reaffirmed my belief in our political system . . . and that I was moved by the stand he was taking," Miss Kravtin said.

She added that she was astonished that a politician, in Georgia, and a non-Jew, "would take such a stand . . . supporting a candidate she felt was being unfairly maligned and was receiving biased treatment in the mass media."

Although Brinkley did not reveal the contents of the letter before the Jaycee group, they applauded him wildly when he placed the letter on the dais for Ledford.

Mr. Speaker, I have now received permission from Miss Kravtin to make her letter dated April 23, 1973, public and it reads as follows:

HANEGEV REGION,
*North Miami Beach, Fla., April 23, 1973.*

UNITED SYNAGOGUE YOUTH

DEAR MR. BRINKLEY: I just finished watching the 11:00 news and felt compelled to write to you thanking and commending you on your broadcast re: the controversy involving the various letters in the campaign for the Columbus Metro-Post Council #5.

XUM

As a serious-minded government student, I have noticed flagrant bigotry and prejudice in this campaign. (Not only in the political parties, but in the news media as well.) It was very inspiring to me to see you, a Congressman, and non-Jew stand with your moral convictions.

Mr. Brinkley, the political scene lately in our city and nation has made me very disenchanted, but tonight you made me proud to be an American.

On behalf of Southeast Region, United Synagogue Youth, I'd like to offer you my sincere appreciation.

Please forgive the informality of this note.

Most sincerely,

MICHELLE "MITZIE" KRAVTIN,
*President, Southeast Region..*

This same newspaper in an unsigned editorial today says:

It was the opening statement of a letter mailed to some 40,000 Columbus voters which set off a furor. Mr. Brinkley stated that Milton Hirsch, who happens to be of the Jewish faith had been "unfairly maligned" . . . Whether he intended it or not Mr. Brinkley's charge had the effect of being a scattergun blast of ugly innuendo.

Please compare what my letter actually says:

THE JACK BRINKLEYS,
*Columbus, Ga., April 16, 1973.*

DEAR FRIEND AND FELLOW COLUMBUS CITIZEN:

Why am I for Milton Hirsch?

It is not enough that he is a Democrat, although he and I are Democrats; it is not enough that he has been unfairly maligned, although he has been unfairly maligned.

I am for Milton because Columbus is too big, too complicated and too important for me to remain silent on what I consider to be an important issue. The men and women who are in charge of the operation of our city have enormous responsibilities. Their decisions can affect our future for the rest of our lives.

The issue here is one of *ability* not only to make decisions but to make correct decisions, and that IS enough. Enough to make us stop and think what this election is all about. We are filling a job requiring all the competence, all the experience and all the capacity we can muster.

Won't you please consider Milton Hirsch—on his own merit?

Sincerely,

JACK BRINKLEY.

P.S. I would personally appreciate it very much if you would make it a point to vote Tuesday.

Please notice the difference. The newspaper leaves the impression that my letter used the words: "who happens to be of the Jewish faith" although it did not.

Almost everyone in Columbus knows the role of the publisher, Mr. Maynard Ashworth, in the publication of the Ledger and the Enquirer. As was told King David, "Thou are the man." So, please Mr. Ashworth do not give me credit for something you did. You, sir, developed the so-called inferences, and you know it; you, sir, channeled them to your candidate. You, sir, have done the terrible injustice with your massive distortions. To me personally, to my family and to my fellow citizens.

I call upon you now to publicly disclose whether or not you read the Paul Timm article quoted above and, if so, to explain it. I will be glad to join you in a public discussion and will share the cost of live television coverage.

As I have said many times during my public service, the most persuasive advocates in my decisions are the people and it is to them that I am accountable.

Because I do not own a newspaper, I will attempt to purchase space in Sunday's paper in order that I may try to correct the wrong created by the ugly innuendo of your editorials.

Mr. Speaker, around the hallowed walls of this House Chamber there are relief portraits of the great law givers of history. Perhaps the greatest of these is the one of Moses, directly in front of you on the far wall.

On the left wall, at the back of the Chamber, is Justinian and to your right is Blackstone, Napoleon, and Jefferson; to your immediate left is Mason.

Moses gave us the Ten Commandments; Blackstone, the common law; Jefferson, the Declaration of Independence; Mason, the Bill of Rights.

Justinian is remembered in history as codifier of Roman law and Napoleon is remembered as the author of civil law.

The bigotry of a Justinian and the crimes of a Bonaparte are forgotten, because at their bidding, the rough places of the ways of justice were made plain.

Almost forgotten.

Bigotry in any form and in any degree is wrong. Whether it is cloaked in the voice of sophistication or in reverse discrimination, it is deserving of eradication by any who find it.

May we heed the urging of a former President who said:

With a good conscience our only sure reward, with history the final judge of our deeds let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

## WHO SHALL GOVERN? PRESIDENT VERSUS CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, on Friday, April 27, I was the speaker at a political forum program on the Texas A. & M. University campus at College Station, Tex.

I would like to share with you and other Members of this body the text of my remarks on this occasion:

WHO SHALL GOVERN? PRESIDENT VERSUS CONGRESS

I doubt that we have had any period in history, save the time when Congress impeached Andrew Johnson, when there was such tension and discord between the President and Congress. The President has made it clear that he believes Congress ought to be his servant and not his equal. The Congress has said that it has a right to be heard, to make laws, and to see its will carried out. The President, by refusing to spend appropriated funds, by vetoes, and even by a huge public relations campaign, seeks to subvert and destroy the capacity of Congress to enforce its will or even to form an independent judgment on national policy. Congress is angry and in disarray; its powers are in danger of being swept away; and if it loses these powers, the nature of our government will have changed in a fundamental and dangerous way. If the President wins, the government of this country in the future will be one-man rule.

This contest for power is more than just a political struggle between ambitious men. It is a struggle for survival—survival of our national institutions, and survival of constitutional government itself.

To understand this struggle, you must understand the nature of our government, and understand how that government was intended to operate.

I

The Constitution of the United States did not spring full grown out of the Revolution. The revolutionary government was the Continental Congress, and it was the Congress that governed the United States for its first ten years of existence.

Under the Continental Congress, there was no President, no Executive in the sense that we know it today. There was no Federal judiciary, and not even a unified currency. In fact, the central government was so weak that it could not effectively govern commerce, and had no clear powers of its own in any other field, save what it could persuade the states to give it—and that was very little.

Even under the primitive conditions of the time, it soon became clear that the United States could never grow and prosper—might not even be able to maintain its independence—without some kind of effective central government. There had to be some means of settling quarrels between the states, of regulating commerce, and of establishing a national currency. Without any effective money, the states could not trade among themselves, let along with anybody else; using English money was not a satisfactory answer, and besides the states had a nasty habit of trying to discriminate against each other's products by setting up their own tariffs. There was no central government that could provide the money to run the economy, or stop the internal bickering, or build roads to the west or anywhere else. Congress was a floating opera, and the government had neither head nor tail.

The revolutionaries had to resolve a difficult problem—to find an effective government, but not one that restored the evils of all-powerful central government.

The question that the framers of the Constitution had was this: how do you give enough power to the central government to enable the federation to work, but not so much power that the government is uncontrollable? It is easy to grant power to government, but not easy to keep a leash on it. The problem was to do exactly that and retain the aims of the revolution, but how?

The Continental Congress did not work because there had been no clearly defined powers of central government. What was worse, there had been no executive authority to carry out the will of Congress. The answer to that was simple enough—define the powers of government and create an executive, who would see that the laws were enforced. And that is what was done.

The problem of how to keep the government on a leash was solved neatly enough: first, by listing just what powers the central government had; second by splitting the power between President and Congress—and further, by splitting the Congress itself into two bodies. The idea was that Congress would represent the people—in the House—and the states, in the Senate. Laws would be passed if the states and the people could get together. (Senators, you should remember, were originally elected by the states. not the people.)

The Founders had in mind a Congressional government. That is why the powers of Congress are so clearly spelled out, and why the organization of Congress is also so detailed by the Constitution. By contrast, the President's office is not so clearly organized in the Constitution. He was a sort of magistrate, the fellow who would be caretaker of matters while Congress was not in session.



He'd see that the money was printed, set up some kind of taxing authority, principally the Coast Guard, because tariffs were the principal source of government revenue, and be Commander-in-Chief, when and if Congress gave him an army.

The role of the Federal courts was even less clear—and it was only later that the courts emerged as a powerful element of the federal government.

By delineating what the federal government could and could not do—and restricting it even further by throwing in the bill of rights—and splitting the powers between President and Congress, and dividing the Congress itself, the Founders created a central government that could govern enough to make the federation work, but not so much that it would destroy the aims of the Revolution. It was a Congressional government in concept.

II

But this system of government did not work automatically. It depended on the minds and wills of men to run it. How it actually developed was the result of the early actions of a few men, and later on the result of the gravitation of power from the states to the central government.

Those who pushed through the Constitution did not necessarily agree on how it would work. You had Jefferson, the gentleman farmer and Renaissance man, who believed that the best government was the least government. He feared giving the government power. That's why he helped push through the bill of rights—to be certain that everybody knew that the Revolution was not for nothing. On the other hand, you had Alexander Hamilton, George Washington's right-hand man, who believed that the central government had to be strong and vigorous. Hamilton wanted big government—at least by the standards of the day. As the first Treasury Secretary, it was Hamilton who set up the decimal money system and financed operations of the government; he conceived and carried out the key policies of the first Washington administration.

Congress did not trust Hamilton and his Federalist friends, so a considerable amount of tension developed between the President and the Congress. There was a contest for power—Hamilton, who aimed to print money, and did, and Congress, which thought he was excessive in his claims of power. Hamilton, who thought the President was entitled to special courtesies and consideration from Congress, and the Congress, which argued bitterly about whether to even let Washington come down to the Capitol, let alone be given some special title, or be addressed as something other than an ordinary fellow.

The tension between the Federalists and the anti-federalists—between the forces favoring a strong executive and those wanting Congressional government—led to the creation of political parties. It also set off the political feud that created a strong Judiciary—the case of *Marbury vs. Madison* involved a straight political issue, but allowed Justice Marshall to establish the doctrine of judicial review, and made the Supreme Court an equal branch of government. After that, the referee between Congress and President was the court.

The first Federal government was essentially a Congressional government. Presidents might once in a while do something spectacular—Jefferson buying up the West, Jackson tearing down Hamilton's Bank of the United States—but the Federal government was small and Congress maintained firm control. Not many early Presidents are well remembered: you probably remember more readily the Congressional names like Clay, Calhoun and Webster than names like Buchanan, Van Buren or Harrison.

The Civil War brought a strong President forth, but that was an extraordinary situation to say the least. Congress reclaimed its power by impeaching Johnson, and Grant fumbled his chances away in scandals not unlike the Watergate and ITT controversies in their impact. Congress remained ascendant until the turn of the century. After that, we had the beginnings of Presidential government.

III

What happened?

Congress could dominate the government as long as the needs of the country required no really strong central government. The business of opening the West, expanding our borders, and otherwise developing a relatively empty land, took only a policy of benign neglect to carry out. Congress provided the key—the Northwest Ordinance—and a few other necessary ingredients, but on the whole, the country could develop without big government. It was an agrarian society, not industrial, rural rather than urban, and did not face any powerful external enemies. There was no need of a big military force—let alone a military draft—, no need of big taxing powers to take care of urban needs, and no requirement for regulating big industry.

Our development might have been smoother if the federal government had been somewhat more potent. Some of the financial panics might have been avoided with a central banking system like Hamilton had set up, but Congress never restored it, nor did anybody except Lincoln try to do much about it. The government might have been wiser to offer money instead of land to the railroads, but that would have required higher taxes. It did not take big government to enforce the tariffs or hand out public lands. Congress could set a few basic policies and the country would run well enough.

But as the country matured, the need for a strong central government grew. With the industrial age, something had to be done to keep the financial wheels turning; with our emergence as a world power, something had to be done about foreign affairs; and with growing cities, somebody had to do something about urban problems. All of this required a continual exercise of greater powers—not just a grant of powers to the central government, but a continual exercise of those powers. Since Congress itself cannot be the executive, that meant the Presidency had to grow stronger.

Thus, with the need for stronger central government, and the need for constant executive action by that government, the era of Congressional government came to an end. The Garfields, the Arthurs, and other obscure presidents were no more. Republicans, fond of the old days, tried to dismantle Federal government, but after Warren Harding, never got very far.

IV

Theodore Roosevelt was one of the earliest to recognize the potential powers of the Presidency. He also came into conflict with Congress over this—but he established presidential government.

Roosevelt built the Great White Fleet and engaged in an aggressive foreign policy, taking over the Panama Canal project from the French and pushing it through, for instance—but not without struggles with Congress.

Legend has it that when Roosevelt wanted to send his Great White Fleet around the world, Congress would not give him the money for the project. It cost too much, they said, and who needed a display of naval power anyhow? Roosevelt did have enough money to send the fleet out as far as Tokyo, where the money ran out. Congress had the choice of giving him the money to buy enough coal to get the fleet back, or leave it in Japan. So the fleet went around the world.

Legend or not, this story illustrates the dilemma of Congress in confronting a strong executive. The President has a great number of powers, and by judicious use of his powers, can leave the Congress with little or no choice but to follow his lead. This is especially true in foreign policy. How can Congress stop the bombing of Cambodia, for instance? Only by grounding the whole air fleet—we have the same kind of choice here that the stranding of the White Fleet gave our predecessors decades ago.

The presidency by its nature cerries strong powers in foreign policy, which explains why the first powerful forces of presidential government developed in that area—Roosevelt's big stick, Wilson's gunboat diplomacy all over Latin America, Wilson's policies leading to World War I, Roosevelt's policies before and during World War II, Truman's undeclared war in Korea, Kennedy's Cuban adventure, Eisenhower's intervention in Lebanon, Johnson in Vietnam and the Dominican Republic, Nixon in Laos and Cambodia, established almost unlimited executive authority in foreign policy.

So Congress is left with domestic policy, and now the President seeks to take that away, too.

V

Presidential government in the domestic field had its modern beginnings in urban and industrial problems. The Sherman Anti-Trust Act of 1890 started things off; then there were the pure food and drug laws; and then there were the Wilsonian programs that really gave birth to big government—including, at last, a central bank in the form of the Federal Reserve. Congress could grant these powers, but only the President could carry them out.

The Republicans attempted to do away with Presidential government by torpedoing the League of Nations, passing the neutrality acts and getting us back to normalcy with Harding and Coolidge, but Hoover and the Depression finished that—and almost finished off the Republicans, too. Franklin Roosevelt established big government—and completed the domestic ascendancy of the Presidency as well.

Under Roosevelt, the neutrality acts did not prevent his following his chosen foreign policy; and the exigencies of world depression gave him unlimited powers over the domestic life of this country. That completed the building of the modern Presidency, and set into full motion the decline of Congress as the dominant branch of government. After Roosevelt, the only real role Congress had in foreign policy was to approve treaties and fork over the money required to do the President's bidding. In domestic affairs, Congress might say no to Presidential proposals, but never developed the capacity to do more than to frustrate the President—Truman for a while, Kennedy, and Nixon, sometimes. But whenever the President has had a majority of Congress in his party, as Johnson did, the President dominates domestic policy just as thoroughly as foreign policy. Nixon's frustration stems from his inability to win a Republican majority in Congress, so he is seeking to dismantle even the power that Congress has to frustrate him. He wants to see the final demise of Congress as a part of this government, and create Presidential government in its fullest glory, which is to say that he wants one-man rule.

Up until now, Presidents have given Congress domestic legislation and we have passed it, modified it, or not acted at all. Mr. Nixon began in this way, but very little of his domestic program got enacted, save for revenue sharing. One of his problems was that he never tried very hard—welfare reform was abandoned, and finally torpedoed by the White House, itself, when it could have been enacted by engineering a simple compromise. The Administration never had much of a domestic program beyond welfare reform,

XUM

and what it did have, the President's men were not enthusiastic about, so not much of it was passed.

Mr. Nixon wants to dismantle a great deal of the Federal machinery that has been erected to deal with social problems. He realizes that Congress will not repeal these programs, and so has hatched revenue sharing. He would simply give the states huge amounts of money to do with as they please. This would achieve the objective of eliminating social programs, without Congress having to repeal them, or Nixon taking the responsibility for the action. The dissolution of the programs would come about because the money would be sent to a great many places that don't need it—his new communities program gives more money to the two richest counties in the country than they can conceivably get now, for instance—and put money in the hands of governments that don't necessarily know how to deal with complex urban problems, or care very much, either. And revenue sharing, in general, makes less Federal money available anyway. So the object of revenue sharing is this: start with less money, slice it up a little thinner, and give it to the people who don't really have the same ideas in mind that Congress does on what ails the country and what to do about it.

Needless to say, Congress has not taken to this idea very enthusiastically. In the first place, we do have a commitment to social programs—they are needed, most of them work well enough, and we know that the money is going where it will do the most good. In the second place, Congress is very reluctant to take its only important power—domestic legislation—and turn it over to the states and the mayors. If we do that, we might as well go out of business altogether. And finally, the President does not do a very good job of salesmanship. Few in Congress have real trust in him; even Republicans wonder why he didn't use that Watergate slush fund to help elect a few more Republicans.

The President, unlike his predecessors, is not content to let Congress work its will. He has told us that if we don't do things his way, they will not be done at all. In education, he says that we can enact his education revenue sharing, or he will kill all existing programs. He's giving us that kind of choice—do it his way, or destroy the whole system.

But if we do it his way, we will be destroying our last important realm of power in government, and effectively destroy ourselves and the government as we know it. And so the fight is on.

The test is this: who will set the basic policy of our government. I concede that the President, rightly or wrongly, sets the course of events in foreign affairs. But Congress has the right, the responsibility, and the authority, to set our basic domestic policy, and to influence foreign policy as far as we can. Unless the Congress remains as a part of the policy-making machinery, we will have a wholly different kind of government—one in which the President alone decides what, and how will be done, and when. That is not what the Founders of this country intended, and it is not consistent with the Constitution. The President may wish for a parliamentary system—but if he does, he is going to have to share the power with his parliament. He may wish for one-man rule—but if he does, it will be the end of George Washington's revolution and the coronation of Richard the First.

VI

The Congress is at a great disadvantage in this struggle. It is divided into two houses and subdivided into conflicting parties, loyalties and interests. It has no way to enforce its will—what do you do if you pass a law and the cops don't enforce it? The law is on the books, but nothing has changed.

The President has an enormous advantage. While Congress may have diverse ideas on a given issue, he has only one, and can enforce that idea throughout the Executive. He has access to vast public relations resources—the legions of government speakers and speechwriters, and complete domination over the mass media (because nobody else can command TV time like the President). The Congress tends to diffuse issues, but the President can focus on them.

And because the President has such powerful access to the press and the media, he can usually state the case in his own terms. That is, he can fight all his political battles on his chosen ground; he can control the issues that are debated in the public eye, and can by manipulating the facts and figures, sharpen or distort the case in any way he sees fit. And Presidents do not hesitate to do this.

But the inequality of the contest does not mean that it is over, or never will take place. God forbid.

The framers of the Constitution never intended that the powers of President and Congress would ever be fully defined. The Constitution is full of gray areas, natural lines of tension. This was done because the framers wanted the powers to be diffused enough that the government could be held on a leash, and never exceed the powers granted it. To the extent that one branch gets unlimited power, the ability of government to overreach its authority increases—because there's nobody to stop it. When the President obtained complete domination of foreign policy, and Congress lost its role in that field, the Presidents could—and have—involved us in undeclared wars—Korea and Viet Nam. Even some of our actions in the prewar period amounted to undeclared war. That was never intended by the framers of the Constitution.

If the President has unlimited foreign powers, and has thus been able to destroy the protections against unwanted wars envisioned by the writers of the Constitution, can we safely sit back and let him take over all domestic authority? If that happens, what remains to keep the government from assuming all power, in the name of one man? The answer is sadly, that keeping power in check requires that power be shared. The President may not like this, but if we want this government to survive, that is the way it has to be.

If the President wins his court fights, his legislative fights, and his political fights all the gray areas, the contested zones of power, will be defined. When that happens, the flexibility and suppleness of the Constitution will be gone; and since power would no longer be divided, the revolution would be over, and the king restored to his throne. The only difference would be that the king's throne would have moved across the Atlantic, and his name would be Richard, rather than George.

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## MR. NIXON WAVES THE FLAG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 30 minutes.

Ms. ABZUG. Mr. Speaker, on Monday night we were treated to the 1973 version of Mr. Nixon's pathetic "Checkers" speech. Age has not improved his rhetoric or weaned him from reliance on the cliché and Old Glory. He started his address posing between an American flag and a bust of "Honest Abe" Lincoln and wound up by invoking Tiny Tim's prayer to God to bless us "each and every one." Neither Lincoln, Dickens, nor the refuge of superpatriotism can substitute for the truth, and it is difficult to believe that we were hearing anything approaching the whole truth in President Nixon's TV speech.

I have too much respect for the Office of the President to be deceived by the man who now holds that position or to accept his pious disclaimers of any knowledge of the political espionage, wiretapping, conspiracy, lawbreaking, and subversion of the democratic process that we now refer to as Watergate.

The Nixon speech represents the beginning of a concerted effort to portray the President as above this whole sorry mess. It will not wash. The Watergate scandal is all about him, and it has been so since last June 17. It involves his closest advisers, whom he still praises, his Cabinet officers, his personal attorney, the White House attorney, the head of the FBI, and the man he chose as Attorney General and later as head of the Committee To Reelect the President.

Mr. Nixon would have us believe that he was so wrapped up in affairs of state that he paid no attention to his campaign for reelection. I doubt that any President in the history of our country was indifferent to his own reelection, and certainly not this President.

Americans do not accept Mr. Nixon's denial of knowledge of Watergate, for the history of the case as it has unfolded in the press belies it. It is well known that Mr. Nixon does not read newspapers, only summaries prepared by his staff, but even in his insulated White House cocoon he must have heard enough of what was being disclosed in the press at least to arouse his suspicions of wrongdoing by men he saw every day. Yet Mr. Nixon apparently expects us to accept his statement that between June 17, 1972, and March of this year, he remained convinced that charges of involvement by members of the White House staff were false.

As others have pointed out, if the President did know about the illegal activities of his reelection committee—and he had any number of illegal actions to get wind of—then he is now lying to us. If he did not know what his closest advisers and appointees were up to, then he was more naive than any President can reasonably be expected to be, particularly when one considers that he was the beneficiary of these unlawful deeds.

In a speech that abounded in hypocritical statements, several passages stand out as presumptuous almost beyond belief.

Skirting the obvious fact that a conspiracy existed, Mr. Nixon tells us that—

Watergate represented a series of illegal acts and bad judgments by a number of individuals—

And then praises the system that brought the facts to light—

a system that included a determined grand jury, honest prosecutors, a courageous judge and a vigorous free press.

Does not Mr. Nixon know that Judge John Sirica repeatedly had to reprimand the Federal prosecutors from Mr. Nixon's Justice Department for failing to ask the obvious follow-up questions of the Watergate defendants that would have led to the involvement of high administration officials?

Does he think that with one phrase he can wipe out his vendetta against such great independent newspapers as the Washington Post and the New York Times or undo the malicious and false attacks on the media by his own press secretary and members of his administration?

If Mr. Nixon is now an overnight convert to freedom of the press, let him prove it by withdrawing his infamous Official Secrets Act (S. 1400), which would imprison Government officials, journalists, editors, publishers, and TV executives for disclosing almost any kind of defense and foreign policy information, whether or not its disclosure would endanger national security.

Let him call off the "Pentagon papers" trial of Daniel Ellsberg and Anthony Russo, in which the dirty hand of the Watergate lawbreakers was at work—at Mr. Nixon's personal behest, which represented a preview of the "official secrets" approach, and which has been irrevocably tainted by the attempt on the part of the White House to offer the judge a high Federal position.

Let him withdraw his so-called anti-obscenity legislation, which would impose unprecedented censorship on newspapers, magazines, books, TV, and films.

Let him halt his administration's campaign of intimidation against public television broadcasting which is intended to suppress controversial programs or material critical of his administration.

Equally presumptuous was Mr. Nixon's attempt to insinuate that Democratic Party campaign "excesses" were comparable to those "shady tactics" used by his reelection committee. Having implied that Watergate was "a response" to some vaguely described actions by the "other side" Mr. Nixon says piously, "Two wrongs do not make a right."

Does Mr. Nixon know of any campaign action by the Democratic Party that can be classed with the criminal deeds of "Creep" and the abuse of Government power to extract millions of dollars—lots of it in cash—from corporations for the sole purpose of getting Mr. Nixon back into the White House? If he does, then he has a responsibility to make these facts public.

Let us not forget that the campaign to reelect President Nixon has been revealed to encompass not a "caper" but a host of criminal acts: wiretapping, conspiracy, perjury, obstruction of justice, criminal campaign financing, mail fraud, interference with the electoral process, criminal tax violations, and misuse of Government resources.

Let us not forget either that Mr. Nixon's pet corporation, ITT, won favorable disposition of an antitrust suit from Attorney General John Mitchell in exchange for money to underwrite the GOP convention and that milk price supports were suddenly raised by the Agriculture Department after dairy farmers came through with sizable campaign contributions. What "wrongs" committed by the Democrats does Mr. Nixon equate with these shocking and unlawful activities by his representatives or with the evidence that false letters and other phony data planted by Creep may actually have manipulated the selection of the Democratic Party's Presidential candidate?

One can only marvel at the audacity of Mr. Nixon in reciting his goals for America: "to make this country a land—of equal opportunity for every American; to provide jobs for all who can work and generous help for those who cannot; to establish a climate of decency and civility," et cetera. This from the President who made "busing" a code word for concealed racism in his reelection campaign, opposed public service employment, eliminated thousands of summer jobs, mercilessly cut social services, denied vocational rehabilitation to the handicapped, tried to illegally shut down the Office of Economic Opportunity, proposed a budget that cripples a broad range of socially necessary programs and unconstitutionally impounded funds specifically appropriated for these programs by Congress and signed into law by him.

And finally, Mr. Nixon tells us of his "terrible personal ordeal" on Christmas Eve during the renewed bombing of North Vietnam which he ordered to bring us "peace with honor." Does he expect us to sympathize with him as he sat in the safety of his vacation home while Vietnamese men, women, and children were killed and wounded by the savage bombing he unleashed?

Can he still talk about "peace with honor" when his insistence on ending the war without a viable political settlement protracted the fighting for the 4 years of his first term, when the fighting continues in Vietnam and his peace settlement is falling apart, and while he continues massive bombing of Cambodia without the slightest constitutional justification?

Just 2 years ago, on the orders of Mr. Nixon's Attorney General, 14,500 persons were arrested here in Washington during the antiwar May Day demonstrations. The scale of those mass dragnet arrests was unprecedented in the history of our Nation. John Mitchell boasted about them at the time as thousands of American citizens, many of them not even demonstrators, were dragged off to detention pens and held under miserable conditions without formal charges or any semblance of legality. The vast majority of these cases were dropped in subsequent court actions and just a week or so ago the District of Columbia Circuit Court of Appeals ruled that the arrests were indiscriminate and unjustified, and suggested that the Government pay back the bonds of those illegally jailed.

I recall the May Day arrests because they are typical of the Nixon administration's contempt for the law and its long record of illegal and unconstitutional actions culminating in the Watergate break-in. Watergate was not an isolated incident. It was the ugly soul of this administration.

There are understandable efforts now to have us accept Mr. Nixon's plea of innocence at face value. We in Congress must not go along with this charade or make ourselves accomplices to further deception.

We have a responsibility to join the Senate in demanding that a special prosecutor, totally independent of the President or his appointees, be named to pursue this investigation.

And insofar as the personal involvement of the President is concerned, we have a responsibility in the House to launch an investigation to determine whether Richard Nixon's conduct requires the exercise of the power granted to us under the Constitution.

I am pleased to note that my colleague from California (Mr. Moss) who is a distinguished constitutional scholar and legislator, is planning to introduce a resolution to provide for such an inquiry, and I shall join with him in introducing it and seeking its adoption by the House.

At this point, I wish to insert in the RECORD a relevant article on this subject:

[From the New York Post, May 1, 1973]

WATERGATE SCANDAL—THE TWO VERSIONS

(By Andrew Porte)

Throughout the history of the Watergate affair the public has been given two versions—the Nixon Administration's and the one pieced together by reporters and investigators.

Here are the two versions. The Administration's—along with events known to the public—is in standard type. A composite of the reporters' version is in italics.

1971

President Nixon drops behind Sen. Muskie, the Democratic front-runner in the polls. In April, Nixon trails by eight percentage points 47–39.

*Nixon, according to columnist Jack Anderson, orders an espionage-sabotage effort aimed at undercutting Muskie and pushing Alabama Gov. George Wallace and Sen. George McGovern, whom Nixon thinks would be his easiest rivals. The instructions for setting up the mission are issued through chief of staff H. R. Haldeman.*

In July, after the release of the Pentagon Papers, ex-FBI agent G. Gordon Liddy and ex-CIA agent E. Howard Hunt go to work for the White House, ostensibly as part of a task force formed to plug news leaks.

*The work goes beyond that. Liddy suggests bugging the New York Times to see who leaked the papers. Hunt travels to Cape Cod, trying to find information that might be damaging to Sen. Edward Kennedy, still believed to be a Democratic Presidential contender. He tries to hire a government worker to spy on Kennedy. He tells his former boss that he wants to break into a Las Vegas publisher's safe because he might find information that might be "very damaging" to Muskie. On Sept. 3 Hunt and Liddy are involved in a break-in in the Los Angeles office of Daniel Ellsberg's psychiatrist.*

*At some point Hunt either obtains or forges phony cables showing Kennedy Administration complicity in the assassination of South Vietnamese President Diem.*

*In September White House appointments secretary Dwight Chapin, with Haldeman's approval, hires Donald Segretti to spy on and sabotage Democratic candidates. He directs President Nixon's personal lawyer, Herbert Kalmbach, to pay Segretti out of a secret fund that eventually reaches $500,000. The money comes from contributions to the reelection effort.*

*Segretti travels cross-country and approaches at least 18 persons to try to recruit them for his spy campaign. He remains in constant touch with Chapin and Hunt.*





XUM

Late in the year the Committee to Reelect the President (CRP) is formed, with Jeb Stuart Magruder as temporary director. On December 10 Magruder hires Liddy as the committee's general counsel.

JANUARY, 1972

*On Jan. 24, Attorney General Mitchell meets in his office with Magruder, Liddy and White House counsel John Dean. Preliminary plans for bugging Democratic National Headquarters in the Watergate are discussed.*

FEBRUARY

*On Feb. 4 a second meeting is held in Mitchell's office, with the same people attending. Liddy brings with him elaborate charts detailing his plans for bugging the Watergate.*

Feb. 15—Mitchell resigns as Attorney General effective March 1, to become chairman of CRP.

Feb. 24—A letter, alleging that Muskie had used the word "Canuck," a slur on French-Canadians, is printed in the Manchester (N. H.) Union-Leader, while Muskie is campaigning in New Hampshire. Later Muskie breaks down and cries, and his campaign is downhill from then on.

*A White House staff member admits to a Washington Post reporter months later that he wrote the letter.*

MARCH

*On March 4–5 a third planning meeting is held, this time at the Florida White House at Key Biscayne, Mitchell, Magruder and Liddy are present, and so is Fred LaRue, a Mitchell aide. (Magruder says Mitchell approved the wiretap plans at this meeting; Mitchell claims he gave a final veto and says he wants to know who went over his head to have them approved.)*

*(One report has White House counselor Charles Colson calling Magruder after the meeting to ask why the wiretap plans have been delayed. He allegedly expresses dissatisfaction with the delay in getting the plan rolling. Colson denies this.)*

*Later in the month, wearing a red wig, Hunt visits the ill ITT lobbyist Dita Beard. The purpose of his mission has never been made clear.*

APRIL

On April 7 the new campaign financing law goes into effect. *A day earlier campaign treasurer Hugh Sloan gives $350,000 in unreported cash to White House aide Gordon Strachan, who places it in Haldeman's safe, where much of it remains throughout the campaign. Liddy also gets about $300,000 in cash, most of it in $100 bills.*

MAY

On May 2 Ellsberg is disrupted while speaking at an antiwar rally. *Some of those who participated in the incident are the same ones arrested in the Watergate. They say they were told the Ellsberg incident was a CIA mission.*

*On May 8 Miami realtor Bernard Barker withdraws most of the $114,000 in Republican campaign funds that had been deposited in his bank account. Barker is later arrested inside the Watergate.*

White House press secretary Ronald Ziegler says the President's mail is running 5-to-1 in favor of his decision to mine Haiphong harbor. *Almost a year later it is learned that CRP paid for and mailed many of the letters.*

An ad in the New York Times May 17 supports the mining decision. *The ad has been secretly paid for by CRP.*

*On the Memorial Day weekend, a team of raiders breaks into the Watergate, photographs some Democratic files and places a tap on the phone of Spencer Oliver, the party's liasion with state chairmen. From a listening post in a motel across the street, monitoring of the conversations begins.*

JUNE

*Logs of the wiretapped conversations are delivered regularly to CRP. Liddy's secretary, Sally Harmony, types summaries and sends them to Magruder. Liddy assures his fellow conspirators that everything has been approved by Mitchell.*

At 2 a.m. on June 17 five-men are arrested inside the Watergate. One of them is James W. McCord Jr., security director for CRP. *Hunt and Liddy escape. Hunt's name, phone number, and the notation "W. House" are found in a notebook carried by one of the men.*

*Later that day, District of Columbia police call White House domestic adviser John Ehrlichman to tell him about the notebook reference to Hunt, Ehrlichman calls Colson, a friend of Hunt, to ask if Hunt still worked at the White House.*

*Liddy confronts Attorney General Kleindienst on the golf course, but Kleindienst refuses to intervene.*

*On the next day there is a "housecleaning" at CRP, with Liddy and other officials putting incriminating documents through a shredder. Liddy tells Sloan: "My boys got caught last night. I made a mistake by using somebody from here, which I told them I would never do."*

*Eight cardboard boxes filled with documents are removed from the Executive Office Building. Some of the documents come from Hunt's desk. Included are plans for bugging the Watergate. The boxes are stored at the home of a CRP employe, still unidentified.*

Mitchell says: "McCord was not operating either in our behalf or with our consent . . . I am surprised and dismayed at these reports."

*On June 19, Dean, directed by Nixon to investigate, orders two aides to open Hunt's safe. The contents are taken to Dean's office.* Press secretary Ziegler refuses to comment on what he calls a "third-rate burglary attempt."

*On June 20 Dean goes through the contents of Hunt's safe, removes classified material and an attache case. Six more days go by before any of the material is turned over to the FBI.*

On June 22, Nixon says: "This kind of action has no place whatever in our governmental process . . . The White House had no involvement whatever in this particular incident." *That same day, FBI agents interviewing Colson ask if Hunt still had an office in the White House. Dean, sitting in on the interview, says he'd have to check." (Months later, testifying before the Senate, acting FBI director L. Patrick Gray said Dean "probably lied.")*

That night, Martha Mitchell calls a reporter to say "I've given John an ultimatum. I'm going to leave him unless he gets out of the campaign . . . Politics is a dirty business."

*At about this time Hunt, who has dropped from sight, calls a friend, asking him to contact Dean for help.*

Three days later, Martha Mitchell calls again, saying: "I'm leaving him until he decides to leave the campaign. It's horrible to me . . . I'm not going to stand for the dirty things that go on."

*She has been kept a virtual prisoner by security agents for the three days.*

*On June 28 Gray is summoned to Ehrlichman's office. There Dean give him two files of papers, saying they were "political dynamite." He suggests they "should never see the light of day." Gray takes the files, places them in a closet at home and has them burned a week later when he returns from vacation. He never knew the contents, but apparently they contained the forged documents linking the Kennedy Administration to the Diem overthrow, as well as other spurious documents. On the same day Liddy is fired by CRP for refusing to answer FBI questions.*

JULY

Mitchell quits July 1, citing his wife's demands.

*He authorizes payment of the "legal expenses" of those arrested but when this authorization was granted is not clear. On July Gray gives the FBI files on the Watergate case to Dean, without clearing it first with Kleindienst.*

AUGUST

On Aug. 19, Dade County, Fla., State's Attorney Richard Gerstein, who has been conducting his own investigation into the questionable financial transactions, says several "prominent people" may be involved. On Aug. 26, the General Accounting Office reports that $114,000 in Nixon campaign funds had been deposited in Barker's account. Nixon finance chairman Maurice Stans replies, "it should be noted that the GAO report asserts no connection whatever between the finance committee and the so-called Watergate affair."

On Aug. 28 Kleindienst pledges that the Justice Dept. investigation of the Watergate affair would be "the most extensive, thorough and comprehensive investigation since the assassination of President Kennedy . . . No credible fair-minded person is going to be able to say we whitewashed or dragged our feet on it." The next day, Nixon says his own investigation, conducted by Dean, Lets him say "categorically . . . that no one in the White House staff, no one in this Administration, presently employed, was involved in this very bizarre incident . . . We're doing all we can to investigate the incident, not cover it up."

SEPTEMBER

On Sept. 1 Mitchell, in a deposition, denies prior knowledge of the bugging plans. He denies he was present at any meeting where bugging was discussed. "I'll swear to that," he says.

*McCord receives $18,000 in $100 bills from Hunt to cover his "salary" for six months. The others involved—and their lawyers—are paid, too. Hunt advises McCord to plead guilty and remain silent and he will receive executive clemency.*

On Sept. 15 indictments are handed up. Accused are Hunt, Liddy, and the five arrested inside the Watergate. Eight days later Asst. Attorney General Henry E. Petersen predicts, in a speech, that the seven will be convicted and go to jail without talking.

On Sept. 26 Kleindienst says he can state "categorically that no one of responsibility in the White House or campaign committee had any knowledge of the bugging. You can't get career FBI agents to dust something like this under the rug."

OCTOBER

On Oct. 10 the Washington Post reveals details of Segretti's espionage operation. A CRP spokesman calls the story "not only fiction, but a collection of absurd lies." The paper also calls Watergate part of a "massive campaign of political spying and sabotage."

On Oct. 18 Ziegler says no one then employed in the White House had "directed activities of sabotage, spying or espionage . . . If anyone had been involved they would no longer be at the White House because this is activity that we do not condone." The Los Angeles Times revealed details of former FBI agents Alfred Baldwin's statement of involvement in the plot. "I believed we were working for the former Attorney General." Magruder says: "When this is all over, you'll know that there were only seven people who knew about Watergate, and they are the seven indicted by the grand jury."

On Oct. 27, campaign manager Clark MacGregor admits Liddy had access to a secret fund. Other campaign officials had repeatedly denied the existence of any secret fund.

NOVEMBER

On Nov. 1, Barker is convicted in Florida of falsely notarizing a signature on a campaign check. A week later, Nixon is reelected in a landslide.

On Nov. 25, Colson tells friends he will soon leave the White House to join a Washington law firm.

DECEMBER

On Dec. 8 Hunt's wife is killed in a plane crash in Chicago. In her purse is $10,000 in $100 bills. She is repeatedly named as a conduit for the payoffs to the defendants.)

JANUARY, 1973

On Jan. 8 the CRP pleads no contest to eight violations of the campaign financing law in regard to payments to Liddy and is fined $8000. On the same day, the Watergate trial begins. Within a week, five of the defendants have pleaded guilty to all charges against them. The other two—Liddy and McCord—are convicted on Jan. 30. Judge John J. Sirica accuses the prosecution lawyers of not asking probing questions, of not attempting to find out who else had prior knowledge of the bugging scheme.

On Jan. 29 Chapin quits the White House to become an airline executive.

*During the month, several aides go to Nixon several times to recommend that he "get rid of" some people who have covered up White House involvement in the bugging. Nixon asks them for evidence.*

FEBRUARY

On Feb. 7 the Senate votes an investigation. On Feb. 8 Asst. U.S. Attorney Earl Silbert announces that the grand jury has resumed its investigation. The Justice Dept. begins an investigation into Segretti's espionage activities.

MARCH

On March 7 Gray tells the Senate Judiciary Committee, holding hearings on his nomination to be permanent FBI director, that Dean had been questioned about whether everything in Hunt's safe had been turned over to the FBI. Gray added that he was "unalterable convinced" there was no effort to conceal anything.

*On March 20 McCord, in jail, writes to Sirica that pressure had been applied to him to remain silent, that perjury was committed at the trial. On the same day Dean goes to Nixon and tells him that he, Haldeman and Ehrlichman must tell all they know "to save the Presidency." Nixon begins his new investigation.*

On March 22 Gray tells the Judiciary Committee that Dean "probably lied" in June when he said he would have to check to see if Hunt had an office in the White House. The next day Sirica reads McCord's letter in open court. Liddy gets a 20-year jail term.

On March 28 Ziegler "flatly" denies "any prior knowledge on the part of Mr. Dean regarding Watergate."

*On March 28, Haldeman tells the Wednesday Group of GOP Congressmen that he had personally ordered "surveillance" of the Democrats, but "it got out of hand."*

APRIL

On April 3 Liddy is sentenced to an additional eight months in jail for refusing to answer questions. On April 5, Nixon withdraws Gray's nomination. McCord begins telling his story to the grand jury.

*On April 6 Dean tells his story to the federal prosecutors. On April 11 Magruder's assistant, Robert Reisnor, tells the grand jury that Magruder was receiving transcripts of the bugged conversations. Two days later Magruder meets with the prosecutors and tells them that Mitchell and Dean had approved the bugging plans, Mitchell is summoned to the White House.*

Martha Mitchell says: "They want to hang something on him . . . I can tell you a story that will flabbergast you . . . I'll embarrass everyone around."

*On April 15 Ehrlichman learns "new facts" about the documents from Hunt's office he had given to Gray. Gray tells him the files were destroyed.*

Kleindienst and Petersen meet with Nixon apprise him of the situation.

The next evening Nixon sails on the Potomac with his trusted friend Secretary of State Rogers. On Tuesday, April 17, Nixon makes his dramatic TV statement that he has begun a new inquiry. Ziegler say his previous statements on Watergate are "inoperative."



## SURVIVOR'S BENEFITS FOR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. McKAY) is recognized for 5 minutes.

Mr. McKAY. Mr. Speaker, today I am introducing legislation to correct an inequity in that section of the Social Security Act dealing with survivor's benefits for children. It is my observation that some students, due to special circumstances beyond their control, are denied access to the full measure of student benefits to which they are entitled, because they are unable to complete their education in the prescribed 4 years between the ages of 18 and 22. My bill would extend to age 24 the time limit during which students in these special circumstances may enjoy entitlement to social security benefits.

The purpose of dependents benefits under the Social Security Act is to provide insurance protection against the loss of support which occurs when the breadwinner in a family dies, becomes disabled, or retires. When the Social Security Act was amended in 1965 to extend the period during which children could continue to receive benefits, it was in recognition of the fact that children under age 22 and attending school are usually dependent upon their parents for financial support.

There are some circumstances under which the intent of the act is not carried out because of the age 22 limitation. If a child becomes ill and loses his student status during some time between his 18th and 22d birthdays, he will forfeit the benefits for the education he was unable to complete during that time. The same holds true for the young man who fulfills military service during those years.

Of special concern to me is the effect which the rigid age limit of this portion of the Social Security Act has on young men who leave school to do missionary work. As you know, I represent a State with a large Mormon population. You may also know that most male members of the Mormon Church are called upon at some time in their lives to serve for 2 years as missionaries. Normally this mission service is given sometime between the ages of 18 and 22. It is usual for a young man to go to college for 1 or 2 years, leave to serve a 2-year mission, and then return to college to complete his education. The support of the young missionary during his term of service is almost always borne by his family or church group. The returned Mormon missionary is no less dependent on his family for support while he is in school, than other students. But he loses his benefits because his religious heritage requires 2 years of service at that particular time in his life.

My legislation will restore benefits forfeited by students who, because of health, religious service, or military service, lose their full-time student status for one or more months before age 22. The bill provides that no student may receive more than 48 months of benefits after he turns 18.

My bill will affect a relatively small number of people. But these people have a just claim to the benefits it will provide. I urge my colleagues to lend their support.

## SETTING THE RECORD STRAIGHT ON WOUNDED KNEE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, with violence, gunfire, bloodshed, and death prevailing at Wounded Knee, S. Dak., on the Oglala Sioux Indian Reservation, it is extremely important that the public be well informed as to the facts and background of this deplorable situation.

The House Interior and Insular Affairs Committee's Subcommittee on Indian Affairs conducted indepth hearings early this month on the takeover of Wounded Knee and on last year's destruction of the Bureau of Indian Affairs headquarters in Washington, D.C., both of which are the work of the organization known as the American Indian Movement—AIM.

The facts disclosed by these hearings are in many instances in sharp conflict with the general impression left by the media in the news coverage of both Wounded Knee and the BIA takeover. It is time to set the record straight.

Testimony during our 3 days of hearings brought out the following facts regarding the Wounded Knee occupation:

First. Immediately following his participation in the occupation and destruction of the BIA building in Washington during November 1972, Russell Means, an Oglala Sioux Indian and leader of AIM, was ordered by the Oglala Sioux Tribal Council to refrain from holding meetings on the reservation in South Dakota. The tribal resolution pointed out that Means had been responsible for threats against the life of the elected tribal president, Richard Wilson.

Second. Five days later, Means was charged by the tribal court with violating this order and posted a $75 cash bail bond. Means left the reservation.

Third. Two months later, in February 1973, Means returned to the reservation with about 200 armed AIM followers, seized the Pine Ridge Trading Post at gunpoint and held 11 non-Indians hostage. He demanded that a number of Members of Congress and the President of the United States go to Pine Ridge to meet with him.

Fourth. U.S. marshals arrived at the scene and ordered the AIM group to lay down their arms, release the hostages, and surrender. Means refused, and from February 27 to date, there have been numerous exchanges of gunfire between the AIM group and the U.S. marshals.

XUM

Fifth. The legal and elected tribal government of the Oglala Sioux repeatedly demanded that the marshals remove the AIM group from the reservation or stand aside while the tribe itself removed them. The tribal secretary, Lloyd Eaglebull, spoke for the council in labeling the AIM group as outsiders, invaders, and armed hippies.

Sixth. Over the strong protests of the tribal government, the Justice Department entered into a long series of negotiations with the AIM group, culminated by an April 6 agreement signed by the Justice Department and the AIM leaders.

Seventh. The Justice Department lived up to its end of the agreement, but Russell Means refused to honor the commitments he had made for AIM. The agreement proved worthless and the Wounded Knee occupation continues to this day.

From these facts, I am convinced that the AIM group occupying the Pine Ridge Trading Post is nothing but an armed band of brigands who do not represent the Oglala Sioux nor any other Indian tribe. They are using this violent tactic only as a means of gaining publicity and to raise funds from a sympathetic but misinformed public. Means told our committee he hopes to receive $2 million in contributions by continuing his illegal activities at Wounded Knee.

It is clear that the Justice Department should cease its negotiations with this group of outlaws and cooperate with the elected leadership of the Oglala Sioux Tribe in immediately removing the AIM gang of thugs from the reservation by whatever means are necessary.

In the meantime, the House Subcommittee on Indian Affairs has scheduled a series of hearings extending well into the summer for a complete review of Federal Indian policies and programs. We intend to study each problem area of concern to our Indian citizens and to develop whatever remedial legislation is necessary to clarify and improve this Nation's relations with Indian tribes.

But in so doing, we will call only on the legal and responsible representatives of the tribes to assist us. There is no place in the operation of this Republic for self-appointed hoodlums like the AIM group who represent no tribes and who, by their violent and disruptive revolutionary tactics, do more harm than good for the Indians they falsely claim to represent.

## AMERICANIZATION DAY

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, one of the sure harbingers of spring in Hudson County, N.J., is the annual Americanization Day Celebration sponsored by the Captain Clinton E. Fisk Post, No. 132 of the Veterans of Foreign Wars in cooperation with the city of Jersey City. The event took place on April 29, 1973.

This year for the 42d time, tribute was paid at Pershing Field, Jersey City, to the principles which have made this Nation great. Under the leadership of Sam Bardach, general chairman, an outstanding program was arranged.

Mr. Speaker, I would like to include at this point in the RECORD three very outstanding speeches by Vice Adm. Benjamin F. Engel, USCG, John J. Stang, junior vice commander in chief of the Veterans of Foreign Wars, and Comdr. Albert Dewson, USN, representing the 33d Naval District. I am proud to associate myself with these distinguished Americans.

The speeches follow:

SPEECH OF JOHN J. STANG, JUNIOR VICE COMMANDER IN CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

The Veterans of Foreign Wars of the United States is made up of men who demonstrated their loyalty to the United States of America on foreign battlefields in many wars. Thereafter, they banded together to perpetuate their loyalty and their service here at home.

For nearly seventy-five years, we have stood steadfast in our loyalty to the one nation we all love.

In 1931, the Veterans of Jersey City, in cooperation with many other organizations saw fit to establish "Americanization Day". We owe much to these fine citizens.

Some years later, the V.F.W. and other Veterans organizations conceived, and caused to be established a National Loyalty Day, on May the first. It was originally conceived as an antidote to the saber-rattling May Day of the Russian Communists. It has survived to become the companion of National Law Day. Both are celebrated on the first of May, and each is compatible with the other. This is true, because ours is indeed a "Government of Laws", and he who will not respect and obey our laws cannot lay claim to loyalty toward the nation those laws protect and preserve.

During the Vietnam War, we have seen disloyalty in many forms. Young men have abandoned their own country rather than oppose the evils of Communism on the battlefields of Southeast Asia.

Members of the active military forces have deserted. Men, women, and public officials, both passive and active, have openly practiced disloyalty through treachery at home and abroad. Some of them engaged in outright treason.

But the loyal citizens of this great, enduring nation have far more than these few incidents to talk about. It is not upon disloyalty that history is made. We have a greater number of American men and women who have loved this country, and served it through the changing years.

We, in the Veterans of Foreign Wars, are proud of these men and women. They have shared with us that one great common goal—total devotion to the land we love. And right now, the most inspiring examples of this devotion are the returning veterans from Vietnam.

These young patriots have demonstrated their own loyalty under the most trying circumstances. Thousands of them gave their lives. Thousands more were maimed and wounded. Hundreds suffered the degradation and torture of incarceration in prisons.

Perhaps the greatest exhibition of loyalty to this country and it's President we shall ever see, was the attitude and comments of our returning P.O.W.'s, after their release.

It is now our turn and our sacred duty to demonstrate our loyalty to them. It is our fervent hope that all of them who survived their service in Southeast Asia are now home from the wars.

So let us all join on this great day—this "Americanization Day"—and pay honor to those Vietnam veterans, the Veterans of all wars, and to all who have kept the faith, and loved and served the greatest country the world has ever known—The United States of America.

SPEECH OF VICE ADM. BENJAMIN F. ENGEL, U.S. COAST GUARD COMMANDER, ATLANTIC AREA

Mr. Chairman, Congressman Daniels, Mayor Jordan, Congressional Medal of Honor recipients, Gold Star Mothers, Veterans of Foreign Wars, Commander Stuhr, ladies and gentlemen.

For the past forty-two years, the good people of Jersey City have demonstrated their faith in the ideals of our Nation and what it means to be an American citizen on Americanization Day. Many fine, distinguished Americans have preceded me here as guest speaker, and I am indeed proud to join their ranks by being here with you today.

In another three years, America will be officially celebrating its 200th anniversary. I could not help but think of that on my way over here today—not just from the standpoint of what our Founding Fathers fought for—but how well they shaped and molded our young Nation and thus enabled it to endure these many years. Few countries in the world today can claim such government longevity . . . and especially in basically the same form it was founded, the guarantees and personal freedoms fought for and secured by those valiant patriots in the War of Independence remain with all of us today.

I think it quite remarkable, for instance, that we can regularly change the composition of our Government, without causing chaos. Or . . . create or amend a law to fit new circumstances without major unrest. Or . . . legally stop any actions which the majority of citizens are against. Citizenship is indeed a very precious commodity. Unfortunately, however, it is sometimes taken too much for granted.

As free men living in a free society, we Americans have the opportunity to pursue our individual destinities and live our lives in human dignity. Yet . . . an integral aspect of this freedom is the American citizen and his strong, unwavering support of American ideals. This is really what Americanization Day is all about . . . as you folks here today know well and continue to demonstrate year after year . . . for your Americanization Day observances are the oldest ones in the Nation.

But then I am not really surprised to see such support in New Jersey . . . a State which started to form itself more than three hundred years ago, when it was known as the province of Nova Cesaria. Your State history, I have learned, is far too complex to review here. Suffice to say that your forefathers certainly lost none of their craving for individual freedom, as evidenced by the fact that New Jersey was the third State to ratify the Union's Constitution in December of 1787.

I am particularly proud of the Coast Guard's long association with the State of New Jersey, which began at Sandy Hook almost a century and a quarter ago. The Hook was the site of the first lifesaving station built, and supported by Federal funds.

And what a station it was!

The station building measured 23 feet long and 16 feet wide . . . a somewhat spartan structure by today's standards. The facility itself was manned by five or six dedicated men, who set out on coastal rescue missions in a 27-foot surfboat. Two other buildings were constructed later at Sandy Hook, with additional facilities going up at Long Branch, Shark River, and Ship Bottom. Then, of course, no mention of our growth in New Jersey could be complete without calling attention to the Sandy Hook Lighthouse. Placed into operation in June of 1764, the structure is the oldest original light tower still standing and in use in the United States.

Today, our commitment in New Jersey is appreciably larger. More than twelve hundred coast guardsmen are assigned from Sandy Hook to Cape May and north to Gloucester City serving aboard 24 vessels and shore units, including an air station and a large recruit training center at Cape May. For example, Coast Guard units throughout the State responded to more than three thousand search and rescue cases off the coast and in State waterways, and assisted over seven thousand people.

And, I am pleased to state that the Coast Guard is continuing to increase its efforts in New Jersey to meet the challenge of new and expanding missions.

At Barnegat Light, we're building a new search and rescue complex, which will cost some 1.3 million dollars before it is completed late this year or early in 1974.

At Sandy Hook, we will be building virtually a new station, and that will cost around three million dollars to complete.

Then, at our other units around the State, we will continue to improve our operational techniques, communications systems, waterfront facilities, and the living accommodations for our men.

All of these facilities are committed to the very thing we are here today to honor:

America . . . freedom . . . and individual support and responsibility.

Each of us must put aside differences . . . avoid indifference . . . show concern for the future, and recognize the need to accept and understand our fellow man.

These qualities, tempered with mercy and compassion, have made America the great Nation that it is today.

Celebrations such as this Jersey City Americanization Day parade will help keep patriotism in the minds of all the citizens. Congratulations to all of you members of the VFW and citizens of Jersey City who have worked so hard to put it together.

SPEECH OF COMDR. ALBERT DEWSON, 33D NAVAL DISTRICT, U.S. NAVY

In an age when protest is in vogue, anti-military sentiments are popular and many accepted beliefs and traditions are shaken, I believe one thing stands out—ringing as clear today as the Liberty Bell resounded one hundred and ninety-five years ago. That one outstanding point is: that America is still having growing pains, which means progress and progress is good.

The protests of the few, can never shatter the memory that you and I have of the many thousands of young men and women who have; who continue and who *will* continue to take their places in our history.

From Bunker Hill to Flanders Fields; from the battle of the bulge to the jungles of Vietnam, Americans have opposed the yoke of oppression. In every case, the young—Airmen, sailor, and marine citizen soldier have brought credit to America.

On this, the 42nd Annual Americanization Day—we, all of us, must reflect the ideals and principles of our founders and those who came after them. We must keep and preserve these ideals for those who will come after we are gone. We must renew our "Pledge of Allegiance". We must make every day, "Americanization Day".

## SPECIAL WATERGATE PROSECUTOR

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, the incredible outgrowth of the Watergate burglary, an act many of us originally thought merely a stupid criminal blunder perpetrated by foolish incompetents, has developed into a major scandal threatening as the President admitted, the very integrity of the Federal Government.

In spite of the President's remarks of the resignation of Patrick Gray, the Acting Director of the FBI; of H. R. Haldeman, the President's Chief of Staff; of John Ehrlichman, the President's Chief Domestic Policy Adviser; of Attorney General Richard Kleindienst who had the lawful responsibility to investigate and bring to trial those connected with the case; and John Dean, the President's White House Counsel, rumors abound of others' involvement. But most important, the entire process of criminal justice has been put in doubt by a double standard based upon one's relationship with the Government and how much one is willing to pay for that relationship.

We are no longer dealing with a petty criminal act with political overtones. We are dealing with a plethora of criminal acts reaching deep into the heart of the Office of the President of the United States, touching it in ways we do not know, forcing us to think what we had hitherto believed unthinkable; of the possibility that the President himself may somehow have been involved. White House integrity can only be restored by an independent judicial process unsullied by partisanship or special dealing.

While the President is to be commended for taking upon himself the ultimate moral responsibility for the acts of his closest advisers, it is only right and proper that he should do so. However, "ultimate moral responsibility" is not at issue. Nor is the integrity of the White House exclusively at issue as the President had stated. This case strikes at the heart of our system of government.

Mr. Nixon has recognized the need for a special prosecutor but regrettably has not taken the necessary action. Rather he has left it to the mere discretion of his nominee for Attorney General, Mr. Elliot Richardson. I am familiar with Mr. Richardson's record and he enjoys a fine unblemished reputation. But this is an extraordinary case calling for extraordinary precautions in order that the faith of the American people in their Government might be restored.

Mr. Richardson and the Director-Designate of the Federal Bureau of Investigation, Mr. Ruckelshaus, have been long connected with this administration. They have, in return for their loyalty, been the recipient of the President's favor and regard. I have no criticism of their work. They have performed their duties and are untouched by scandal. Yet they have been appointed by the President and, like those recently resigned, are dependent upon him for their careers.

Certainly the President could, and indeed, ought to follow the example of past Presidents. President Coolidge, for example, named Harlan Fiske Stone, then dean of the Columbia Law School and a future Supreme Court Justice, as Attorney General and named two independent special counsels to serve with him to bring to justice those involved in the infamous "Teapot Dome" scandal.

We are faced today with an ugly situation in which men responsible for the execution of the laws of the United States have possibly bribed witnesses, violated Federal statutes prohibiting wiretapping, conspired to violate Federal laws, destroyed evidence, obstructed criminal justice statutes, civil rights statutes prohibiting interference with a Federal election, criminal tax laws, and misused Federal Government resources.

The case now extends beyond what the Republican hierarchy originally downplayed as a "caper."

The investigation has turned up instances wherein persons paid from political contributions have provoked and initiated fights at opposition political rallies, have impersonated members of the Gay Liberation Front in order to make it appear that opposition candidates were courting homosexual support, and planted spies to report on and disrupt American citizens engaged in lawful political activities. All this and maybe more was done in the name of the effort to reelect the President.

Mr. Speaker, no one to date has been given responsibility for investigating the Watergate affair and the ensuing coverup who does not in some way either owe the President a personal loyalty or who is not connected with one or more of the participants, however innocent that connection may seem to be. In order to clear the air of suspicion and doubt and in order to restore the integrity the President rightfully desires, it is absolutely essential that the person given responsibility for the investigation and ultimate prosecution be totally independent from even the suggestion of control from the White House or the administration.

The Department of Justice attorneys responsible for the investigation and prosecution of the case already indicated in the first Watergate prosecution that they are incapable or unwilling to aggressively pursue their duties. Indeed, Chief Federal District Judge John Sirica, himself a long time Republican, severely admonished the U.S. attorneys in open court for failing to pursue the prosecution.

Assistant Attorney General Henry Peterson, in the face of former Attorney General Kleindienst's unwillingness to take part in an investigation involving his friends and persons with whom he was otherwise personally acquainted, was directed by the President to take over responsibility for the investigation. Yet even he owes his career to John Mitchell, one of the President's closest advisers and who is also under suspicion for engaging in criminal activity and upon whom the President relied. Indeed, if the President was aware of the activities of his staff before March, then possibly he was made aware of it by Mr. Mitchell. In light of these circumstances, a cloud hangs over Mr. Petersen's ability to pursue independently the investigation not only of his former employer and benefactor in the Department of Justice, but possibly of his more immediate former employer, Mr. Kleindienst, who resigned yesterday.



XUM

Moreover, the executive branch of Government seems paralyzed by Watergate. It is incapable of dealing with any other matter and will continue to be disabled until every person involved has been either cleared or convicted by an independent judicial process.

I do not contend as some do although they may well be right that the very foundation of our democracy rest upon the outcome of this case. We have experienced such tawdry and sordid affairs in our past before and the good judgment and the honesty of the American people have prevailed to oust those responsible. But I do contend that if we are to get on with the business of governing and the general welfare of the Nation, of assuring jobs, education, shelter, and food for those we represent; if we are to get on with and not lose sight of world affairs, then we must see to it that our credibility with the American people as well as the world are intact.

There are also many persons, some past supporters of the President, who by their own statements apparently are considering a move for impeachment of the President. I believe such extraordinary action should be avoided lest the country be torn apart and important matters left to founder for many years. The only way to forestall such a move is by a credible investigation by an independent prosecutor.

I believe that we should accept the advice of former Special Assistant for Domestic Affairs under President Johnson, Attorney Joseph A. Califano, Jr., who proposed that the President, with the concurrence of the Speaker of the House of Representatives and the majority leader of the Senate, appoint an independent special prosecutor to investigate and bring to justice those who have violated the law. If he fails to do so, there will hang over the White House and the Government the suspicion of a whitewash and the paralysis of Government will continue.

I have today introduced a House resolution calling upon the President to appoint, with the concurrence of the Speaker of the House and the majority leader of the Senate, as well as the consent of the Senate, a special independent prosecutor to investigate and bring to trial persons who engaged in criminal activity as part of the Presidential election of 1972 or any activity related to the election or the campaign.

This resolution is advisory and I am hopeful that the President will see its wisdom even before the House can take it up.

The House resolution follows:

H. RES. 373

Resolution requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972

*Resolved*, That it is the sense of the House that:

1. the President shall immediately designate an individual of the highest character and integrity from outside the Executive Branch to serve as special prosecutor for the government of the United States in any and all criminal investigations, indictments, and actions arising from any illegal activity by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass or other activity related thereto.

2. the President shall grant such special prosecutor all authority necessary and proper to the effective performance of his duties; and

3. the President shall, after consultation with the Speaker of the House and the Majority Leader of the Senate, submit the name of such designee to the Senate, requesting a resolution of approval thereof.

## WILL THE FBI INVESTIGATE THE PRESIDENT?

(Mr. McCLOSKEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLOSKEY. Mr. Speaker, in this morning's Washington Post there appears what is apparently the complete text of an FBI report on the interview of ex-Presidential Counselor John Ehrlichman by an FBI agent on April 27, 1973. It was read into the court record by Judge W. Matt Byrne who is presiding over the Ellsberg trial.

The FBI report discloses the disquieting fact that the FBI agent apparently did not ask Mr. Ehrlichman the crucial question:

When Mr. Ehrlichman learned of the burglary of Daniel Ellsberg's psychiatrist's office by White House personnel, did he advise the President of this fact, and if so, when?

If we are to restore public confidence in the integrity and freedom of our law enforcement agencies from political influence, then the FBI and Justice Department must be willing to ask the hard questions as to the personal knowledge and involvement of the highest officials of Government, including the President, in matters of criminal conduct.

The question that is being asked around the country is whether or not the FBI and Justice Department can, and will, impartially inquire into the conduct of the President himself. If the FBI does not ask the hard questions, then the doubts will continue to grow that we are not really a nation of laws rather than of men when the Presidency is involved. It also poses the question: If the FBI and Justice Department will not fully investigate the conduct of the President's high office, is not the House of Representatives required to do so as part of its specific constitutional responsibility with respect to the executive branch?

The Washington Post article follows:

FBI'S REPORT ON EHRLICHMAN INTERVIEW

Following is the text of an FBI report on an interview on April 27 with presidential adviser John D. Ehrlichman in connection with the alleged burglary of the offices of Daniel Ellsberg's psychiatrist:

John D. Ehrlichman, adviser to the President, was contacted in his office at the executive office of the President.

It was explained to Mr. Ehrlichman that this interview was being conducted at the specific request of the Justice Department. He was told that information had been received alleging that on an unspecified date the offices of an unnamed psychiatrist retained by Daniel Ellsberg had been burglarized, apparently to secure information relating to Ellsberg. Mr. Ehrlichman was advised that the purpose of this interview was to learn what knowledge he might have concerning this alleged burglary.

Mr. Ehrlichman recalled that sometime in 1971 the President had expressed interest in the problem of unauthorized disclosure of classified government information and asked him to make inquiries independent of concurrent FBI investigation which had been made relating to the leak of the Pentagon papers. Mr. Ehrlichman assumed this responsibility and was assisted in this endeavor by Egil Krogh, a White House assistant, and David Young of the National Security Agency. A decision was made by them to conduct some investigation in the Pentagon Papers leak matter "directly out of the White House." G. Gordon Liddy and E. Howard Hunt were "designated to conduct this investigation."

Mr. Ehrlichman knew that Liddy and Hunt conducted investigation in the Washington, D.C., area and during the inquiries were going to the West Coast to follow up on leads. There was information available that Ellsberg had emotional and moral problems and Liddy and Hunt sought to determine full facts relating to these conduct traits. Hunt endeavored to prepare a "psychiatric profile" relating to Ellsberg. The efforts of Liddy and Hunt were directed toward an "in-depth investigation of Ellsberg to determine his habits, mental attitudes, motives, etc."

Although Mr. Ehrlichman knew that Liddy and Hunt had gone to California in connection with the above inquiries being made by them, he was not told that these two individuals had broken into the premises of the psychiatrist for Ellsberg until after this incident had taken place. Such activity was not authorized by him, he did not know about this burglary until after it had happened. He did "not agree with this method of investigation" and when he learned about the burglary he instructed them "not to do this again."

Mr. Ehrlichman does not recall who specifically reported to him about the above mentioned burglary but it was verbally mentioned to him. He does not know the name of the psychiatrist involved nor the location of this individual. He does not know whose idea it was to commit this burglary. Mr. Ehrlichman has no knowledge whether anything was obtained as a result of this activity.

## GENERAL LEAVE

Mr. LITTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the subject of the special order delivered today by the gentleman from New York (Mr. DULSKI).

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Missouri?

There was no objection.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BUCHANAN) to revise and extend their remarks and include extraneous material:)



Mr. ROBISON of New York, for 15 minutes, today.

Mr. KEMP, for 15 minutes, today.

(The following Members (at the request of Mr. LITTON) and to revise and extend their remarks and include extraneous matter:)

Mr. BRINKLEY, for 15 minutes, today.
Mr. CULVER, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Ms. ABZUG, for 30 minutes, today.
Mr. MCKAY, for 5 minutes, today.
Mr. WOLFF, for 15 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PATMAN in six instances.

(The following Members (at the request of Mr. BUCHANAN) and to include extraneous material:)

Mr. QUIE.
Mr. BLACKBURN.
Mr. CRANE in five instances.
Mr. YOUNG of Alaska in two instances.
Mr. ZWACH.
Mr. KEMP in two instances.
Mr. RAILSBACK.
Mr. MCCLORY.
Mr. PRITCHARD.
Mr. MARAZITI in three instances.
Mr. HANRAHAN in two instances.
Mr. ARMSTRONG.
Mr. LANDGREBE in 10 instances.
Mr. SARASIN.
Mr. FROEHLICH.
Mr. HOSMER in three instances.
Mr. COCHRAN.
Mr. BROYHILL of Virginia.
Mr. MCCLOSKEY.
Mr. BOB WILSON.
Mr. VEYSEY.
Mr. SCHNEEBELI.
Mr. HUBER.
Mr. WHITEHURST.
Mr. BUCHANAN in two instances.
Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. LITTON) and to include extraneous matter:)

Mr. LONG of Maryland in 10 instances.
Mr. WILLIAM D. FORD.
Mr. REUSS.
Mr. HAMILTON in 10 instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. CHARLES H. WILSON of California.
Mr. MOSS.
Mr. WALDIE in three instances.
Mr. DE LA GARZA in 10 instances.
Mr. LEHMAN in 10 instances.
Mr. FULTON in two instances.
Mr. ROONEY of New York in two instances.
Mr. MCCORMACK.
Mr. THOMPSON of New Jersey.
Mr. YATES in two instances.
Mr. SARBANES in five instances.

## ADJOURNMENT

Mr. LITTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 56 minutes p.m.) the House adjourned until tomorrow, Thursday, May 3, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

850. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

851. A letter from the Comptroller General of the United States, transmitting a report on the need to control discharges from sewers carrying both sewage and storm runoff; to the Committee on Government Operations.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERGLAND:

H.R. 7403. A bill to amend the education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

H.R. 7404. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7405. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing the duties in a civilian status; to the Committee on Armed Services.

By Mr. BIAGGI (for himself and Mr. RINALDO):

H.R. 7406. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BIESTER:

H.R. 7407. A bill to amend title 38 of the United States Code in order to remove all limitations on the aggregate period for which a person may receive assistance under two or more of the veterans' educational assistance laws; to the Committee on Veterans' Affairs.

By Mr. BROOMFIELD:

H.R. 7408. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 7409. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON:

H.R. 7410. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

H.R. 7411. A bill to amend title 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DIGGS:

H.R. 7412. A bill to create a Law Review Commission for the District of Columbia; to the Committee on the District of Columbia.

H.R. 7413. A bill to authorize certain programs and activities of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.R. 7414. A bill to establish a District of Columbia Development Bank to mobilize the capital and the expertise of the private community to provide for an organized approach to the problems of economic development in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DONOHUE:

H.R. 7415. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

By Mr. DULSKI (for himself, Mr. DOMINICK V. DANIELS, Mr. WILLIAM D. FORD, Mr. ROUSSELOT, and Mr. HILLIS):

H.R. 7416. A bill to amend title 5, United States Code, to establish the entitlement to pay and travel expenses for certain individuals designated for service on boards of review of certain decisions of the Secretary of Transportation concerning air traffic controllers; to the Committee on Post Office and Civil Service.

H.R. 7417. A bill to amend title 5, United States Code, to establish the special basic pay entitlement of air traffic controllers designated to perform on a temporary or intermittent basis the duties of supervisory positions; to the Committee on Post Office and Civil Service.

By Mr. ESCH:

H.R. 7418. A bill to amend the Public Health Service Act to establish a national program of health research fellowships and traineeships to assure the continued excellence of biomedical research in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7419. A bill to amend the Internal Revenue Code of 1954 to designate the home of a State legislator for income tax purposes; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 7420. A bill delegating the power of local self-government to the people of Washington, D.C., and establishing a Home Rule Charter Commission; to the Committee on District of Columbia.

By Mr. FROEHLICH (for himself, Mr. OBEY, Ms. ABZUG, Mr. ANDERSON of Illinois, Mr. ASPIN, Mr. BINGHAM, Mr. BLATNIK, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. CLEVELAND, Mr. DERWINSKI, Mr. FRASER, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. KASTENMEIER, Mr. MEEDS, Mr. REUSS, Mr. ROYBAL, Mr. RUPPE, Mr. SARBANES, Mr. THOMSON of Wisconsin, Mr. WALDIE, Mr. YOUNG of Georgia, Mr. YOUNG of Alaska, and Mr. ZABLOCKI):

H.R. 7421. A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of

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their status as American Indians; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself, Mr. BADILLO, Mrs. CHISHOLM, Mr. HECHLER of West Virginia, and Mr. NIX):

H.R. 7422. A bill to provide adequate mental health care and psychiatric care to all Americans; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS:

H.R. 7423. A bill to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped; to the Committee on Government Operations.

By Mr. HORTON:

H.R. 7424. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. LONG of Louisiana:

H.R. 7425. A bill to modify the project for flood control on the Mississippi River and tributaries with respect to the Atchafalaya River Basin in Louisiana; to the Committee on Public Works.

By Mr. LUJAN:

H.R. 7426. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. McKAY (for himself, Mr. MILLS of Arkansas, Mr. HANNA, Mr. ULLMAN, Mr. UDALL, Mr. FOLEY, and Mr. OWENS):

H.R. 7427. A bill to amend title II of the Social Security Act to extend beyond age 22 the period during which an individual may be entitled to child's insurance benefits on the basis of full time student status where such individual was prevented by reason of health, religious service, or service in the Armed Forces (after attaining age 18) from attending school during one or more months prior to attaining age 22; to the Committee on Ways and Means.

By Mr. MARAZITI:

H.R. 7428. A bill to amend the Internal Revenue Code to provide tax deductions for expenses of higher and vocational education; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 7429. A bill to repeal certain provisions, which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct commodity distribution program; to the Committee on Agriculture.

H.R. 7430. A bill to amend section 318 of the Communications Act of 1934; to the Committee on Interstate and Foreign Commerce.

By Mr. MIZELL:

H.R. 7431. A bill concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974; to the Committee on Public Works.

By Mr. PEPPER:

H.R. 7432. A bill to amend section 103 of the Flood Control Act of August 13, 1968 (Public Law 90-483) to provide for beach erosion control and hurricane protection, Bal Harbour Village, Dade County, Fla.; to the Committee on Public Works.

By Mr. REES:

H.R. 7433. A bill to establish a national program of Federal insurance against catastrophic disasters; to the Committee on Banking and Currency.

By Mr. ROYBAL:

H.R. 7434. A bill to amend the Internal Revenue Code of 1954 to eliminate the excise tax on local telephone service, toll telephone service, and teletypewriter exchange service, effective September 1, 1973; to the Committee on Ways and Means.

By Mr. SAYLOR (for himself, Mrs. HANSEN of Washington, Mr. BLATNIK, Mr. GRAY, Mr. GROVER, Mr. MCDADE, Mr. VEYSEY, and Mr. WYATT):

H.R. 7435. A bill to amend the National Visitor Center Facilities Act of 1968 to authorize certain interpretive transportation services, and for other purposes; to the Committee on Public Works.

By Mr. SMITH of Iowa:

H.R. 7436. A bill to provide an equal opportunity to all feed grain producers who desire to participate in the 1973 feed grains program; to the Committee on Agriculture.

By Mr. SYMMS:

H.R. 7437. A bill to repeal the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 7438. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. VANDER JAGT:

H.R. 7439. A bill to direct the National Academy of Sciences to conduct a study to determine if the requirements of the Federal Food, Drug, and Cosmetic Act respecting residues in meat and other foods may safely be revised because of technological advances in the measurement of such residues in meat or other food; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT (for himself, Mr. GERALD R. FORD, Mr. BIESTER, Mr. DENT, Mr. CHARLES H. WILSON of California, Mr. COUGHLIN, Mr. STOKES, Mr. HINSHAW, Mr. JOHNSON of Pennsylvania, Mr. RODINO, Mr. WILLIAM D. FORD, Mr. COTTER, Mr. NIX, Mr. YOUNG of Florida, Mr. KEMP, Mr. BURGENER, Mr. RHODES, Mr. EDWARDS of California, Mr. J. WILLIAM STANTON, Mr. MADIGAN, Ms. ABZUG, Mr. MINISH, Mr. DELANEY, Mr. BEARD, and Mr. BROWN of California):

H.R. 7440. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT (for himself, Mr. HAWKINS, Mr. MCCOLLISTER, Mr. THOMPSON of New Jersey, Mr. STARK, Mr. TOWELL of Nevada Mr. RONCALLO of New York, Mr. FRASER, Mr. ADDABBO, Mr. COHEN, and Mrs. GRIFFITHS):

H.R. 7441. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 7442. A bill to establish the Channel Islands National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES H. WILSON of California:

H.R. 7443. A bill to repeal the bread tax on 1973 wheat crop; to the Committee on Agriculture.

By Mr. YOUNG of Georgia:

H.R. 7444. A bill to authorize the coinage of silver dollar coins to commemorate the life of Dr. Martin Luther King, Jr. and to assist in the continuation of his nonviolent message by the designation of the Martin Luther King Center for Social Change to distribute said silver dollar coins; to the Committee on Banking and Currency.

By Mr. CULVER (for himself, Mr. THOMSON of Wisconsin, Mrs. SULLIVAN, Mr. ROSTENKOWSKI, Mr. ANNUNZIO, Mr. BOWEN, Mr. BLATNIK, Mr. MICHEL, Mr. DERWINSKI, Mr. STEIGER of Wisconsin, Mr. QUIE, Mr. ZWACH, Mr. FRASER, Mr. FRENZEL, Mr. ANDERSON of Illinois, Mr. ALEXANDER, Mr. O'BRIEN, Mr. GRAY, Mr. OBEY, Mr. FROEHLICH, Mr. CRANE, Mr. MEZVINSKY, Mr. WHITTEN, Mr. SYMINGTON, and Mr. BERGLAND):

H.J. Res. 533. Joint resolution authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. MONTGOMERY, and Mrs. BOGGS):

H.J. Res. 534. Joint resolution authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673; to the Committee on the Judiciary.

By Mr. MILLS of Arkansas (for himself and Mr. BURKE of Massachusetts):

H.J. Res. 535. Joint resolution authorizing the President to proclaim June 3, 1973, as "National MIA-POW Day"; to the Committee on the Judiciary.

By Mr. NIX:

H.J. Res. 536. Joint resolution to end the bombing in Cambodia and Laos; to the Committee on Foreign Affairs.

By Mr. O'BRIEN (for himself, Mr. BURGENER, Mr. HANRAHAN, Mr. HUBER, and Mr. MAZZOLI):

H.J. Res. 537. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing to the States the power to enact laws respecting the life of an unborn child from the time of conception; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.J. Res. 538. Joint resolution requesting the President of the United States to appoint a special commission to investigate and to prosecute all crimes in connection with the presidential election of 1972, and appointments shall be subject to confirmation by the Senate; to the Committee on the Judiciary.

By Mr. COHEN (by request):

H. Con. Res. 210. Concurrent resolution expressing the sense of the Congress that the United States should become an Oceanus Congressional Nation; to the Committee on Foreign Affairs.

By Mr. DOMINICK V. DANIELS:

H. Res. 373. Resolution requesting the President to appoint a special prosecutor; to the Committee on the Judiciary.

By Mr. RIEGLE:

H. Res. 374. Resolution to appoint a special prosecutor; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

199. The SPEAKER presented a petition of Larry Gabor, Huntington, N.Y., and others, relative to the price of meat, which was referred to the Committee on Banking and Currency.



# SENATE—*Wednesday, May 2, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, our Creator, Redeemer, and Judge, we thank Thee for a Nation in whose people abides an enduring sense of what is right and what is wrong, wherein the exposure of the wrong is also a revelation of the right. We thank Thee for a people down deep in whose heart is a dedication to the elemental virtues of honesty, industry, and sobriety—whose composite conscience is aggrieved when the right is violated and Thy laws transgressed. Direct the Nation in ways of righteousness and truth. Grant to all the people an eager disposition to follow the apostolic injunction:

*"Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are of good report, if there be any virtue, and if there be any praise, think on these things."*—Philippians 4: 8.

Guide us through the duties and difficulties of these days until the brighter day of Thy kingdom comes.

In the Redeemer's name. Amen.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Marks, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 518) to provide that appointments to the office of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, with amendments, in which it requests the concurrence of the Senate.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 1, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 124 and 125.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## MEDALS IN COMMEMORATION OF ROBERTO WALKER CLEMENTE

The bill (H.R. 3841) to provide for the striking of medals in commemoration of Roberto Walker Clemente, was considered, ordered to a third reading, read the third time, and passed.

Mr. SCOTT of Pennsylvania. Mr. President, before we move to the consideration of the next bill on the calendar, I should like to say how glad I am, and how proud I am personally that the famous, honored, compassionate, and fine American who formerly was a great star of the Pittsburgh Pirates, Roberto Walker Clemente, has been honored by this act to provide for the striking of medals in commemoration of his service as an American.

Mr. MANSFIELD. I join the distinguished minority leader in the expressions just enunciated and say that this man, who was a great athlete, was a greater man because of the efforts he made to try to bring relief to the victims of the earthquake in Managua, Nicaragua.

As the Senate knows, it was because of that effort that he was lost at sea in a plane off the shores of Puerto Rico.

Mr. SCHWEIKER. Mr. President, as a sponsor of S. 478, the bill to provide for the striking of medals in commemoration of Roberto Clemente, the late Pittsburgh Pirate baseball star, I am gratified that the Senate has acted today to approve this measure. Proceeds from the public sale of these medals will go to the Roberto Clemente Memorial Fund in Pittsburgh, and in turn toward construction of a sports complex for Puerto Rican youths. Funds will also be used for relief efforts in Managua, Nicaragua. As my colleagues will recall, Roberto Clemente died New Year's Eve in a plane crash on a mercy mission carrying relief supplies to victims of the Central American earthquake.

Roberto Clemente was a symbol of pride and accomplishment to the Puerto Rican people and people everywhere. It is my hope that the Roberto Clemente medals will serve as everlasting memorials to the man and his deeds.

## GRANTS TO EISENHOWER COLLEGE

The Senate proceeded to consider the bill (S. 1264) to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States Dwight David Eisenhower.

Mr. JAVITS. Mr. President, this bill is similar to S. 2987 which passed the Senate last year on June 8 following hearings by the Committee on Banking, Housing and Urban Affairs. Among individuals who submitted testimony at that time in support of the bill were Dr. Milton Eisenhower, Mrs. Mamie Eisenhower, and John Eisenhower of the family, and such close personal friends as Gen. Alfred M. Gruenther, and Gen. Lauris Norstad. Organization support came from such distinguished sources as the Veterans of Foreign Wars and the AFL-CIO. This testimony gave emphasis to the fact that Eisenhower College is the Nation's memorial to the late Dwight D. Eisenhower and is not to be confused in any way with legislation to aid an individual institution of higher education which, like so many others, is in financial need.

Some $46 million in Federal funds has been expended on construction, bonds, and land acquisition for the Kennedy Center, for example.

In 1963, the late President Eisenhower agreed to the establishment of Eisenhower College as a living, permanent memorial to his years of service to the Nation in war and in peace. In subsequent years, the Eisenhower family and close friends have actively supported the establishment of the school, its development, and the funds necessary for its success. They have been joined by some

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93-133), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

The bill authorizes the Secretary of the Treasury to strike and furnish to the Chamber of Commerce of Greater Pittsburgh, Pittsburgh, Pa., (1) one gold medal to be awarded at the discretion of that organization, and with suitable emblems and devices and inscriptions to be determined by such organization with the approval of the Secretary of the Treasury, and (2) not more than 200,000 duplicate medals of such sizes and metals to be determined by such organization with the approval of the Secretary of the Treasury, to commemorate the outstanding athletic, civic, charitable and humanitarian contributions of Roberto Walker Clemente. The medals will be furnished at no cost to the United States. No medals may be minted after December 31, 1974. Any profit from the sale of the duplicate medals are to be contributed by the Chamber of Commerce of Greater Pittsburgh to the Roberto Clemente Memorial Fund, Pittsburgh, Pa.

The bill was voted out of the committee unanimously.



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12,000 donors who have contributed more than $7 million to the college.

In 1968, Congress enacted Public Law 90–563 providing $5 million for the Eisenhower College on a matching basis. This amount has been matched by foundation, corporate, and individual gifts and pledges.

This measure, S. 1264, which would authorize the Secretary of the Treasury to make a grant to the Eisenhower College in Seneca Falls, N.Y., of $1 from the proceeds received from the sale of each "proof" Eisenhower silver dollar being sold for $10 to collectors. The $20 million anticipated from this bill for the sale of "proof" Eisenhower silver dollar coins would supplement the $5 million appropriated in 1968.

The Bank Holding Company Act Amendments of 1970, Public Law 91–607, authorizes the minting of Eisenhower silver dollars. Twenty million "proof" coins are being sold to the public—coin collectors and collectors of Eisenhower memorabilia—at $10 each. One dollar of this $10 would go as the Secretary of the Treasury may direct, to the Eisenhower College up to a maximum amount of $20 million.

In addition to the "proof" Eisenhower silver dollar coins being sold for $10 each, the Treasury is also selling 130 million "uncirculated" Eisenhower silver dollar coins, each in a plastic case, for $3 apiece. The $390 million proceeds from this sale would not be affected by my bill, the entire amount going to the Treasury.

Eisenhower College is a living memorial to the great American who led the people of his Nation in war and in peace. A former college president himself, President Eisenhower saw Eisenhower College, an institution of higher learning, as a proper memorial. At the groundbreaking ceremony in September of 1965, he said:

> This is an honor that will be prized by me every day of my life, for I can think of no greater monument to any man than a college bearing his name; an institution which will be a vital, vigorous champion of freedom through proper education.

This bill would help translate the will into the deed, the dream into reality. I urge its approval.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–134), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

HISTORY OF LEGISLATION

S. 1264 was introduced by Senators Javits, Tower, Bentsen, and Pastore on March 15, 1973. Hearings were held on a similar bill, S. 2987, 92d Congress, 2d session, on May 19, 1972. At those hearings the committee received testimony from Senator Javits; Congressman Samuel S. Stratton; Gen. Lauris Norstad, chairman, board of trustees of Eisenhower College; Gen. Alfred M. Gruenther; and Dr. John Rosencrans, president of Eisenhower College.

The committee received letters of support for S. 2987 from members of former President Eisenhower's family and from others. S. 2987 was reported (S. Rept. 92–837) to the Senate on June 6, 1972 and passed the Senate on June 8, 1972. S. 1264 was unanimously reported by the committee on April 17, 1973.

GENERAL STATEMENT

Public Law 91–607 authorized the minting of 150 million dollar coins bearing the likeness of former President Dwight D. Eisenhower and containing 40 percent silver. The Treasury is selling an estimated 20 million of these as proof coins to the public for $10 each. The treasury will receive $200 million from the sale of these coins. This bill provides that $1 of the proceeds of the sale of each of these proof coins be granted to Eisenhower College. This amount will be made available to the college in yearly amounts to be determined by the sale of the coins by the Treasury. These funds will be made available through the appropriation process of the Congress.

Eisenhower College is the only institutional memorial planned for the late President Eisenhower. The committee would like to make abundantly clear that this bill is not intended to provide special aid to a particular college but is a means of making a contribution to this memorial to a past President of the United States. This contribution on the part of the United States will be in addition to gifts to the college from many private individuals. The funds will be used to provide additional endowment and to provide for additional facilities and equipment for the college.

The committee notes that the Federal contributions contemplated under this measure, in addition to a previous $5 million grant to the college would make the Federal support for this Eisenhower Memorial comparable to the level of support provided to the Kennedy Center for the Performing Arts in Washington, D.C., the institutional memorial to the late President John F. Kennedy.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized to make grants to Eisenhower College, Seneca Falls, New York, in an aggregate amount equal to $1 multiplied by the total number of $1 proof coins which have been and are hereafter minted and issued under section 101(d) of the Coinage Act of 1965 (31 U.S.C. 391(d)) and section 203 of the Bank Holding Company Act Amendments of 1970 (31 U.S.C. 324b) which bear the likeness of the late President of the United States Dwght David Eisenhower.

## CONCERN ABOUT SITUATION IN CAMBODIA

The PRESIDING OFFICER (Mr. NUNN). The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I have received a letter from the grandson of an old friend of mine who now lives in Richboro, Pa. He expresses his concern about the situation in Cambodia and has sent me several newspaper articles pertaining to what is happening there.

I assure him that I share his dismay and disappointment at the events which are now occurring in Cambodia and that I deplore the bombing by B–52's and the fighter bombers and other types of aircraft which have now been conducting, with 1 day's exception, something on the order of 55 days of consecutive bombing, at great cost to us but, more important, at great cost to the people of that small and unhappy land.

I ask unanimous consent that the letter and the newspaper articles be printed in the RECORD.

There being no objection, the letter and articles were ordered to be printed in the RECORD, as follows:

RICHBORO, PA.,
*April 28, 1973.*

Senator MIKE MANSFIELD,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR MANSFIELD: Attached is a copy of an article from last Sunday's Philadelphia Inquirer on the Cambodian adventure. If true the government that Congress and the Administration seems so intent of saving would seem to represent not the Cambodian people but only themselves.

I would ask that you as a Congressional leader either use your influence to stop all aid including our "bombing" to this government or refute the information in the article. If our self interest is being served by the support of this government in spite of its "problems." I would hope this couldn't be true, then this ought to be explained to the American people.

I have written to you because my grandfather, Joseph Crumby, who was a Democratic Committeeman in Butte, Montana for many years always said that you were sincere and honest and that you would support what you felt was right even if it was unpopular. He was always in my eyes a very good judge of character and as a result I have watched your rise in Congress with great pleasure. Based on recent events he may not have realized that these qualities might be rarer than he thought in American politics.

Whatever position you take on my letter I will understand that it is the one you feel is best for the country and that you have considered all sides of the question.

Very truly yours,

ERNEST ONE.

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U.S. AID ENRICHES MILITARY, BLACK-MARKETEERS: WAR'S GOING BADLY FOR CAMBODIA, BUT GRAFT IS GOOD

(By Larry Green)

PHNOM PENH, CAMBODIA.—The Cambodian war, which is going badly for Cambodia, is going very well, thank you, for corrupt military officials—including the brother of President Lon Nol—and government rice distributors. They all are getting rich off American economic assistance.

Item: In the last two years, Cambodian colonels and generals have collected more than $50 million in American aid earmarked for soldier salaries by padding their payrolls with tens of thousands of phantom soldiers.

They are continuing to enrich themselves to the tune of more than $2 million a month, American sources confirmed.

Item: Most of the more than 130,000 tons of American and Thai rice imported with U.S. aid money is being sold on the black market after being sent out to Cambodian government-run distribution centers.

The rice import program, which was accelerated last fall, will cost U.S. taxpayers almost $27 million in the fiscal year ending June 30.

Item: Uncounted quantities of American-supplied ammunition and weapons are being taken from government warehouses and depots and sold to the Cambodian Communist insurgents, foreign diplomatic sources reported.

(American sources could not be questioned about the extent of the reported leakage of military equipment since they have refused to see reporters or answer inquiries.)

The longest-running scandal, and the one that the United States has had little visible success in curbing, involves salaries for Phantom soldiers.

It was discovered about two years ago that as many as 100,000 of Cambodia's 275,000 soldiers were nothing more than names on pieces of paper. Whole battalions (577 men) didn't exist, although their commanders were regularly collecting pay for the troops.

Pressure by the United States has forced the Cambodian Army to establish a central payroll system, which is now being formed. But there still is little optimism in American circles here that it will do much to curb the corruption.

Even as the system is being created, new forms of military payroll fraud are being uncovered. Large numbers of troops are reporting they go unpaid for months and then collect only a small portion of what is due them.

Wounded soldiers who spend several weeks in hospitals recovering are being declared AWOL and denied their back pay when they return to duty.

At least two instances of military corruption have been traced to Brig. Gen. Lon Non, younger brother of President Lon Nol.

In one case, about 200 of his soldiers assigned to provide security within Phnom Penh went on a rampage in the central market area, looting rice and food vendors. The soldiers, all members of one battalion, said they hadn't been paid in several months.

Investigation showed that Lon Non was collecting pay for a full battalion during the period the soldiers said they received no money. The soldiers also said the battalion had only slightly more than 200 men, not the 577 the President's brother was being paid for.

A second incident involved training of another Lon Nol battalion. He sent a full contingent of men over to a U.S. training camp for Cambodians in South Vietnam last year. After they had been paid, furnished weapons and returned to Cambodia, he sent the same men back for the same training.

The net effect of this, until he was caught, was that he was collecting pay for two battalions where only one existed and he wound up with almost 600 extra guns.

Sources who made this information available said they didn't know what action the United States or Cambodia took, if any, when the fraud was discovered.

The corruption in the military is not without its positive impact on the economy. There is a construction boom, and expensive foreign cars, like Mercedes and Jaguars, are in demand.

Literally hundreds of new villas have been built by colonels and generals throughout Phnom Penh in the last 24 months.

In one area alone, there are 30 under construction now.

American sources estimate the cost of the plush houses at between $20,000 and $40,000 each in a country where a colonel makes a maximum of $70 a month, and the average family lives on $600 a year.

The fancy cars cost between two and three times what they would in the United States.

The rice scandal, which is comparatively new, has a direct impact on the largely peasant population.

Last autumn the United States began massive shipments of rice to Cambodia to overcome a food shortage. The government created distribution centers, at the same time, throughout the country and set an official price for rice.

Despite the continuing flow of U.S. financed rice into the country, most government outlets have no rice for sale. Instead, consumers are forced to buy their basic food on the black market at several dollars more than the official price, which is about $13 per 220-pound bag.

The black market price of between $22 and $24 has a demoralizing impact on Cambodians, whose average income is about $50 a month.

"The black market price goes up every week but my income stays the same," said a woman shopper in the central market.

"The Americans know about all the graft and corruption," one foreign diplomat said, "but they are afraid to take any action to curb it other than warning Lon Nol. If they stopped aid for a few weeks, maybe the government would believe the United States means business."

Little information is available on the degree to which U.S.-supplied war materiels reach the insurgents. While some U.S. sources confirm such a problem exists, they are unwilling to discuss its extent or who is behind it.

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WAR HAS SHADOWED CAMBODIANS, LAOTIANS

(By Charles Yost)

Two more engaging and inoffensive peoples than the Cambodians and Laotians it would be hard to find anywhere in the world. During two years as ambassador to Laos, I came to know them well, and ever since have deeply deplored their unwilling involvement in the Vietnam War.

Neither has the slightest interest in the quarrels of their traditional enemies, the Vietnamese. Neither cares whether their social system is labeled "Communist" or "anti-Communist," as long as their Buddhist religion and their simple way of life are not too grossly interfered with. All they ask of the rest of the world is to be let alone.

Yet that is precisely what the world has persistently denied them. Ever since the early 1950s they have been dragged into the affairs of Vietnam, first in the war of liberation from the French, then in the Vietnamese civil war, in which the Ho Chi-Minh trail in Laos and the Cambodian staging areas near the Mekong Delta became essential to the conduct of Hanoi's war in the South.

The Paris agreements provided for withdrawal of "foreign" troops from both countries but in neither case has this occurred. In Laos there is a cease-fire but no political agreement among the contending Lao parties and no North Vietnamese withdrawal.

In unhappy Cambodia there is not even a cease-fire, but rather a closely besieged capital city, a shaky and incompetent government, an occupation of most of the country by warring factions with ill-defined ties to Hanoi and Peking, and an almost continuous bombardment by U.S. B'52's despite U.S. military withdrawal from Vietnam.

My belief is that it is high time that the U.S. left the Cambodians and the Laotians to their own devices.

The most we can do in Cambodia is to delay whatever the ultimate outcome may be, prolong the fighting, suffering and devastation, and enhance an "ugly American" image among the mass of the population, subjected to what must seem to most of them a meaningless terror from the skies.

There is every reason to believe that the best and quickest way to "stop Communism," that is, Vietnamese intervention, in Cambodia and Laos is to let the indigenous factions come to some accommodation as quickly as they can by either political or military means.

Once some accommodation, no matter how messy and unsatisfactory, takes place, two things are likely to happen:

First, since neither Laotian nor Cambodian society is easily adaptable to Communism in any real sense, a reassertion of traditional social and political patterns will occur, whatever the designation and composition of the governments.

Second, while Hanoi's influence in Vientiane and Phnom Penh will for a time be considerable, it will, since Laotians and Cambodians detest Vietnamese, tend to wither away as soon as more normal and peaceful conditions return. Prince Sihanouk's recent clandestine visit home and his subsequent honorific reception in Hanoi and Peking suggest that he will be the latter's chosen instrument in Cambodia. Yet his record for nationalism, wiliness and flexibility also suggest that he will extricate himself rather promptly from any coils that may initially envelop him.

Under these circumstances continued U.S. military intervention in Cambodia, even leaving aside the disputed question of its legitimacy under our Constitution, makes no sense at all. It is injurious to the Cambodian people and destructive of the American image there. It will not determine the eventual political outcome, which in any case will be a Cambodian and not a Vietnamese one. It could, if prolonged, serve as one more compulsion to draw the U.S. back into the Vietnam quagmire.

Its only justification would seem to be a misperceived need for the United States to assume responsibility for enforcing single-handed the Paris agreements, a visceral reaction to an imagined "humiliation" if events in Indochina call in question whether "peace with honor" has been achieved, and finally a reluctance to "lose" even a small pawn in the global chess game with the Soviet Union and China, which seems to continue despite detente.

These reasons have more to do with the psychology of leaders than with real national interests of either the United States or Cambodia. Indeed in the broader picture of the sought for "generation of peace," they almost certainly work contrary to those interests.



## HON. ELLIOT L. RICHARDSON

Mr. SCOTT of Pennsylvania. Mr. President, I have never known a finer man in or out of public life than Elliot Richardson. I know of no one who, in his service to his native State of Massachusetts, in many public and private capacities, and then to the United States of America as Secretary of Health, Education, and Welfare, as Secretary of Defense, and now as Attorney General-designate of the United States, who has given more selflessly of his great qualities—his qualities of the highest intelligence, the noblest type of humanity, the deepest compassion, who is level headed, considerate, articulate, and just.

When his name is acted upon by the Senate for confirmation, I would believe—with good reason to believe—that it would be acted upon favorably and expeditiously, as it has been acted on on three occasions in the past.

The Nation trusts Elliot Richardson, and the Members of Congress trust Elliot Richardson. I am certain that he will do an excellent job as Attorney General. I do not stand here to offer him advice as to what he should do in any particular case; but in no event should he be expected to begin to perform the full and entire responsibilities of the office, involving the determination of future policy, until after the Senate has had its opportunity, through hearings and action on the confirmation of his nomination, and then, in due time, in the performance of each and all of the many duties, to do the right and proper thing.

I am glad to be counted as a friend of Elliot Richardson and his admirer. I state again that I have complete trust and confidence in him.

XUM

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for not to exceed 15 minutes.

JOHN CONNALLY JOINS THE REPUBLICAN PARTY

Mr. BELLMON. Mr. President, before I begin the remarks I have prepared for this time, I invite the attention of the Senate to the fact that at this moment in Houston, Tex., an event that I feel will have considerable national significance on the political scene is taking place. I refer to the fact that John Connally is now holding a news conference in Houston and is announcing that he is joining the Republican Party.

In my opinion, John Connally is one of the ablest individuals that our system of government has ever produced. I served with then Governor Connally in the Governors' Conference, where I came to have great respect for him. I particularly admire his integrity in now making a formal change in his political philosophy, which I have watched occur over the years as the parties have gradually changed their alinements to some extent.

I feel that the action that Governor Connally is taking today in joining the Republican Party will make a great impact on the political balance of the country. I would like to welcome him formally, as best I can, to the Republican Party and to say that I feel this action is one that will be very beneficial to the Nation's political climate.

(The remarks Senator BELLMON made at this point on the introduction of Senate Joint Resolution 101, to reform the electoral system, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

Mr. BELLMON. Mr. President, I yield back the remainder of my time to the Senator from Connecticut.

Mr. WEICKER. Does the Senator from Ohio wish to be recognized?

Mr. TAFT. Mr. President, I would appreciate it if the Senator would request that I be recognized for 3 minutes.

Mr. WEICKER. Mr. President, I yield 3 minutes from the time of the Senator from Michigan (Mr. GRIFFIN) to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 3 minutes, the time to be deducted from the time allocated to the Senator from Michigan.

Mr. TAFT. I thank the Senator for yielding to me.

The PRESIDING OFFICER. The Senator may proceed.

(The remarks Senator TAFT made at this point on the submission of amendment No. 97 to the Small Business Act are printed in the RECORD under Amendment of Small Business Act)

ORDER OF BUSINESS

Mr. TAFT. Mr. President, I yield back the remainder of my time to the reserved time.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MANSFIELD. On the time of the Senator from Michigan (Mr. GRIFFIN).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, how much time remains under the order allotted to Mr. GRIFFIN?

The PRESIDING OFFICER. One minute.

Mr. ROBERT C. BYRD. I ask unanimous consent that that time be reserved to the distinguished Senator from Connecticut (Mr. WEICKER).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask now that I be recognized under my own order.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

THE FBI NEEDS A DIRECTOR

Mr. ROBERT C. BYRD. Mr. President, the resignation of L. Patrick Gray III, as Acting Director of the FBI, came belatedly and at a time when, according to news accounts, the morale of the Bureau is at an alltime low. And well it might be, for as of today, May 2, the FBI has been without a Director for 1 entire year.

I have spoken out several times calling for the President to name a Director, subject to Senate confirmation, so that the FBI can at last begin to reestablish its own self-confidence—as well as its former esteem in the eyes of the public.

The sordid circumstances surrounding the resignation of Mr. Gray constitute another sad chapter in the deterioration of this essential law enforcement agency, the professionalism and morale of which Mr. J. Edgar Hoover had spent a lifetime in building. The need for keeping the Bureau divorced from politics could never be more clear than it is now. That the Bureau should lack a firm hand at the helm at this particular time is all the more sad, because it comes at an hour when the past strengths and talents of this great agency are needed most—in the midst of the growing Watergate scandal.

The President was wise to have acted quickly upon the heels of Mr. Gray's resignation, to name a man who has had no connection with the squalid Watergate affair. I regret, however, that the President named another Acting Director—not a Director. The President did not solve the FBI's problem with the appointment of Mr. William D. Ruckelshaus to serve as Acting Director. Judging from his record as head of the Environmental Protection Agency for 2½ years, I think it is apparent that Mr. Ruckelshaus is a man of great personal integrity. He has built a reputation as a tough administrator, who has shown admirable qualities of judgment, courage, and independence. In enforcing Federal policies dealing with pollution, he has displayed impartiality and resoluteness.

As important as all of these qualities are, however, the appointment of Mr. Ruckelshaus does not meet the pressing need for immediate reconstruction and repair of the serious damage that has befallen the FBI. Mr. Ruckelshaus has indicated that he envisions only a brief stay, which, in itself, could indicate further drift and demoralization at a time when the Bureau ought to be operating at its maximum effectiveness. Moreover, Mr. Ruckelshaus comes, albeit indirectly, from the very Justice Department that has earned such disappointingly low marks heretofore in its conduct of the Watergate investigation. Additionally, his past political activities would not appear to be such as would quickly rebuild public confidence in the FBI's detachment from politics. This is not to say, however, that given the recent high performance by Mr. Ruckelshaus as EPA Administrator, he cannot sever his political loyalties from his higher constitutional and legal responsibilities. It is quite possible that he possesses the discipline to do just that.

There is another problem with this appointment that disturbs me. The Comptroller General of the United States, on February 22, 1973, stated the opinion that L. Patrick Gray's service as Acting Director of the FBI was subject to the provisions of 5 United States Code 3346–3348, and that his continued service was prohibited since he had performed the duties thereof in excess of 30 days. The Justice Department maintained, on the other hand, that Mr. Gray was not subject to those provisions of the code. The Department's arguments, nonetheless, were rejected, after consideration, by the Comptroller General. The temporary appointment of Mr. Ruckelshaus may well fall under the same provisions of the law and, if so, the President may very well lack the power even to make such an appointment, because, according to a previous Attorney General's opinion, when the vacancy is temporarily filled once for the prescribed period, the power conferred by the statute is exhausted and it is not competent for the President to appoint either the same or another officer to thereafter perform the duties of the vacant office for an additional period. I have asked the Comptroller General for an opinion in the matter.

It would seem that the wisest course for the President would be to promptly transmit to the Senate the name of a nominee to be Director of the FBI. For that agency to continue to drift helplessly, without a chief, could permanently impair its effectiveness and destroy public confidence in it.

I can understand the problems that the President may have with respect to selecting a nominee for the position of FBI Director and that the prompt naming of Mr. Ruckelshaus may have appeared to be the only action that the President could take at the time. But there has been ample time for this administration to select someone with the outstanding ability, impeccable integrity, courage, and independence needed to lead this organization of 20,000 people trained in law enforcement and domestic intelligence-gathering activities. Considering Mr. Ruckelshaus' own statements that his is a short tenure and that the position should go to someone with law enforcement experience; considering the questionable legality of the appointment; and considering, most importantly, the desperate need of the FBI to have a permanent Director, I earnestly hope that the President will act very quickly to name a nonpartisan, highly qualified. Director before the serious damage that has already been done to the Bureau in the last year becomes irreparable, irremediable, and irreversible.



AMERICA REDISCOVERED

Mr. ROBERT C. BYRD. Mr. President, though much of what is presented on commercial television as entertainment is abysmal, there come along occasionally programs that honor the medium and uplift the viewer. These kinds of programs are much more frequently seen on the public broadcasting media, and I have watched with much enjoyment such programs as "The Six Wives of Henry VII," "Elizabeth R," "Jude the Obscure," "The Golden Bowl," "The Gambler," "The Last of the Mohicans," and "Point Counterpoint."

In all of these I have noted that the mellifluous voice and educated mind of Alistair Cooke have lent themselves to the program's excellence. Next week, Mr. Cooke will offer the last of a series of hour-long programs. Entitled "America: A Personal View," these have appeared on every second Tuesday for the past 24 weeks, and on each of these evenings this highly articulate journalist, author, and commentator, who left his native England 37 years ago to make his home in America, has offered to Americans 1 hour of this Nation's history. These programs, which have covered the existence of our country from Jamestown to 1973, have been presented with refreshing objectivity, an impressive scholarliness, and underlying all, an obvious deep affection for America and the American people.

In his series, Mr. Cooke gives unstinted praise to the glorious chapters of our history, but is not reluctant to chide us for our failings. Not the least of Mr. Cooke's qualities as an observer is that he is wholly believable. He never is guilty of confusing facts and opinions, and when he is offering one or the other, his clarity and conciseness are matched only by his gift for gentle, yet penetrating humor.

This series was made by the British Broadcasting Co., and was originally intended for viewing only in the British Isles. Had this restriction been maintained, America would have been deprived of one of the truly great programs that the television medium has ever presented. The National Broadcasting Co., over whose network facilities "America" is broadcast, and the Xerox Corporation, which is sponsoring the series, deserve the gratitude and the congratulations of every American fortunate enough to enjoy it.

I have but one regret regarding Mr. Cooke's exceptional show, and that is the time slot in which it was shown. I am sure that it was unavoidable that it be placed from 10 p.m. to 11 p.m., but, at that hour, the majority of Americans who would have benefited most from seeing it—the young and middle teenagers—are probably in bed, or should be. It may be possible, and I sincerely hope it will be, that every junior high school and high school in the United States will be enabled to obtain a print of the entire 13-week series for showing in their history and sociological courses. I believe that such showings would be a tremendous contribution to our youngsters' understanding of the genesis and growth of this great Nation—and, as a corollary, a fillip to their appreciation of the breadth and beauty of the English language, as it is used by Alistair Cooke.

In a Sunday supplement to the Pittsburgh Press of March 25, 1973, Mr. William T. Noble wrote a most interesting profile of Mr. Cooke, and a brief description of "America." I believe that my colleagues would enjoy sharing this profile with me, and that they might find intriguing, as I did, Mr. Cooke's list of the six most impressive people he has met in his 64 varied years of life.

I ask unanimous consent that Mr. Noble's profile be printed in the RECORD. There being no objection, the profile was ordered to be printed in the RECORD, as follows:

THE MAN WHO REDISCOVERED AMERICA

(By William T. Noble)

A waning winter sun filtered through the windows that overlook New York's Park Avenue and the north end of Central Park, illuminating the vintage oak, dark leather chairs, statues, paintings and floor-to-ceiling books in Alistair Cooke's study.

Cooke's desk faces the east so he can write with the afternoon sun over his shoulder. By turning he can peer down on the monumental traffic or muse over the comparative but often deceptive serenity of Central Park.

The study is worn and well-used. There is an eclectic collection of British and American memorabilia befitting the ex-Englishman who has been giving the United States a fresh look at itself.

Cooke is fairly tall and spare with the elegant look of a fragile piece of Wedgwood, or a country squire who spent a lifetime breathing the damp winds sweeping off a moor. His hair is as white as birch bark and his dark inquisitive eyes beside a large aquline nose look younger than his 64 years.

His voice and choice of words make an ordinary conversation sound like the reading of a poem by Lord Byron. In his deep blue suit and vest with brass buttons he looks as British as Anthony Eden.

Cooke traveled to America to write about it, and his assignment became a love affair. For 37 years he has made a Fifth Avenue living interpreting America for the British.

RADIO BROADCASTS

He has worked for such newspapers as the London Times and Guardian of England—papers that eschewed scoops and scandals but rejoiced in long, perceptive pieces. He also sent weekly radio broadcasts about America through the BBC.

His current TV series ("America: A Personal View," which runs biweekly through May 8) is in many ways a visual account of the things Cooke has been telling the English about America. It is his interpretation of American history without hysterics, doomsday predictions or sycophancy.

With Cooke as their guide, the British crew that previously directed and photographed Sir Kenneth Clark's "Civilisation" was in no danger of falling into an embarrassing quagmire as it hopped, skipped and jumped from one end of the country to the other. Example:

Producer Michael Gill told Cooke: "We can't photograph Valley Forge without snow. It won't be right. But there's no snow or ice. And there wasn't any last winter either."

Cooke: "There's a place in Massachusetts that looks just like parts of Valley Forge. And there's snow there. But don't comb the landscape. And watch out for Massachusetts oaks in backgrounds. They can't be found in Valley Forge and someone will spot the deception."

How many native-born Americans would have known that?

Despite his culture, Cooke is as unstuffy as George Meany and moves as charmingly among a poor Deep South congregation as he does among the dons of Cambridge.

No pedant, he does not talk down to his audience but tells it as he sees it in clear, concise, English:

"When we first played around with the idea of themes for the 'America' series (the series was originally intended for exclusive British viewing), such things as 'America and Business,' 'American Idealism' and 'Women in America' were discussed. Since I am temperamentally not a 'Whither America?' man, I lapsed into a coma of boredom within the first half hour and we abandoned that.

"Two days later I came up with a simple, staggering proposal to try and tell the history of the United States on TV in 13 hours."

For the next two years Cooke plunged even deeper into American history, mining little-known facts, chiding his former countrymen. ("I regret to say the British army of occupation showed the crassness of all armies of occupation") and telling about the agony of Civil War soldiers who had to bite the bullet when doctors severed mangled limbs without anesthetics. (President Lincoln embargoed shipments of chloroform to the South.)

For relaxation he "mooched around" his beloved New York, or retreated to his piano to skillfully beat out New Orleans jazz.

AVOIDS DRIVING

Cooke, however, has not been Americanized to the extent that he understands football, or drives cars.

"American football is still as much of a mystery to me as the gymnastics of Zen Buddhism," he said, "and only doctors, cab drivers and maniacs drive cars in New York. I have not owned a car for 15 years and have never bought a new car in my life."

As a full-fledged American citizen, Cooke feels free to criticize his adopted land. And he does so, sometimes quite firmly.

In describing slavery in America, he says: "It was like a sore thumb sticking up through the Declaration of Independence." He also thought the country "got fat with pride" during the Wilson era.

"I always thought Americans were too obsessed with bathtubs," said Cooke changing subjects. "But during wars they crawled through mud without complaint.

"We are idealistic people and feel there are no limits to what can be done. It was common to hear years ago the expression that we lost China. Really we never had China to lose.

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"Now there is a great deal of disenchantment with American capabilities. There has been a massive mistrust of American institutions since Vietnam.

"There also is a great apathy toward governmental scandals that years ago would have caused an uproar of protest. Today I believe people are so concerned with their own safety and problems with crime in the streets they don't have time to think or do anything about such things."

Meanwhile, he is savoring American life to the fullest.

His second wife, Jane, a painter, a war widow he married in 1946, shares his interests. They play chess, enjoy Mozart, Handel, Gilbert and Sullivan and New Orleans jazz.

Cooke has one son by his first wife, John, 32, of San Francisco. "He writes film scripts and manages a rock band," said Cooke. Mr. and Mrs. Cooke have a daughter, Susie, 23, and Mrs. Cooke has two children, Stephen and Holly.

"I am an Aristotelian," said Cooke, explaining his philosophy. "I do not truckle to Plato."

(Simply, an Aristotelian believes among many other things, that God is pure actuality, being the unmoved mover and unchanging cause of all changes. Platoism is a belief that the ideal state is aristocratic and made up of only three classes, the artisans, soldiers and philosopher-leaders.)

"America," believes Cooke, fulfills his Aristotelian beliefs about God and democracy. Unlike many foreigners who come here to work but never become citizens, he settled in as an American, accepting all of the responsibilities and rewards, of which he believes there are many.

One of the rewards was binding friendship with H. L. Mencken—an American as diverse from him in tastes and philosophy as Winston Churchill was from George Wallace.

"I was taking an American language course at Harvard," Cooke said "and of course, Mencken was the great living expert. I started corresponding with him and he invited me down to eat crabs. That's how our friendship started.

"It was astonishing that he liked me. I was the embodiment of every thing he disliked. He distrusted Englishmen. He didn't like Methodists, and I was brought up a Methodist. He hated radio broadcasters, and that was to become my profession. As for golf, which is a passion with me, he said that everyone guilty of golf should be barred forever from holding any office in the United States."

Yet, for years and until his death, Mencken, the atheist, and Cooke, the Methodist, were the closest of friends.

"But one of my most exciting experiences was meeting Oliver Wendell Holmes (the Supreme Court justice who died in 1935 at 94). Here was a man who served in the Civil War and was wounded three times in some of the most classic battles of that event."

COLORFUL WRITING

When Cooke met his first American Indian he wrote: "I was as tense as high C." His writing often is a colorful as his voice is honey smooth. His TV commentary is without a script or teleprompter.

As a journalist Cooke "mooched around" to such places as cranberry bogs, dockyards, farms, plantations. He studies the flora and fauna indigenous to each place as diligently as a scholar.

He also came to love the delightful eccentricities of Vermonters (a favorite state) and enlightened the English who Cooke once said "were abysmally ignorant of the United States."

He also moved easily into the drawing rooms of the rich and famous. He has interviewed presidents (a book of his interview with President Eisenhower and his relationship with Winston Churchill was published some time ago), and fell in love with California when he was there interviewing movie stars.

"California is a favorite state," he said, "but it is like a mistress who turned into a crone."

Years ago he spent almost an entire evening lighting Greta Garbo's cigarettes.

"Who are your favorite people?" I asked. "Of all the people you have met, who sticks out in your mind as the most impressive?"

"That is easy," said Cooke, listing the following order:

1—Charlie Chaplin.
2—H. L. Mencken.
3—Adlai Stevenson.
4—Bertrand Russell.
5—Humphrey Bogart.
6—Frank Lloyd Wright.

Although they did not make his list, Cooke admires William Buckley, "a marvelous writer and a quality of logic," and Norman Mailer, "whose bloodshot writing has Shakespearean intensity."

The catholicity of his intellectual tastes and his almost complete Americanism is reflected in his list. The only true Englishman on it is Russell. Chaplin was an English citizen but lived most of his life in America.

Cooke told a story about the late Adlai Stevenson.

"When Stevenson was a guest at the White House and invited to sleep in the Lincoln room," said Cooke, "he paced the floor until the wee hours of the morning. He had such reverence for the memory of Lincoln he thought it would be a sacrilege to mess up the hallowed bed or disturb anything in it. Finally, he was overtaken by sleep and lay down on a small couch that would not show.

"But the joke was on Adlai. The couch was the only piece of furniture actually in the room when Lincoln was there. The bed had been brought in from elsewhere."

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains to me under the order?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I thank the Presiding Officer.

## CABINET OFFICIALS SHOULD BE RECONFIRMED

Mr. ROBERT C. BYRD. Mr. President, I introduced S. 755 on February 5 with the purpose of reasserting Congress role as a check on the powers of the executive branch. Under article II, section 2 of the Constitution, the heads of executive departments were made subject to confirmation by the Senate, a part of the body responsible for their creation. Since the department heads then serve at the pleasure of the President, once appointed they may disregard their responsibilities to the people's elected representatives and the people so long as they satisfy the President, since they will never have to face confirmation hearings or debate again. The irony of this present arrangement is that the head of the executive branch must face the voters every 4 years but his subordinates need face no one for a judgment as to how they are doing their jobs but the President. My bill would end the terms of all heads of executive departments at the same time as the President's. It would not prevent a President from reappointing his Cabinet at the beginning of his new term or prevent his successor from continuing his predecessors' Cabinet officers. It would not prevent a President from removing department heads prior to the end of his term but would provide a date certain at which the department heads would face an evaluation of their performance by Congress in the form of reconfirmation proceedings.

Over the years, we have seen how quickly this absence of responsibility toward Congress can turn to outright contempt.

If we fail to make the department heads subject to reconfirmation, we could create a royal family unresponsive to the will of Congress and the people they serve.

The Washington Post warned last Sunday of the possibly irreparable decline that faces the legislative branch when their editorial column declared:

Mr. Kleindienst's performance lays bare the hypocrisy of the administration's oft-professed desire to cooperate with Congress. Indeed, the Attorney General seemed to be spoiling for a fight. He declared several times that Congress could contest his view of executive privilege by cutting off funds for the executive branch or trying to impeach the President. For impeachment, he asserted—in the most astonishing statement of an astonishing day—Congress would not need "facts" or "evidence," but just the votes. Such gross pragmatism, in tune with other recent administration views, suggests a cold calculation that, no matter how extreme the provocation, Congress is too disorganized or too deferential to mount an effective institutional defense. It is ominous when the chief legal officer of the government displays such contempt for the basic principle of government by law. (Washington Post, April 15, 1973, p. C6)

The problem goes much deeper than partisan politics. Today it is the Democratic Party that has particularly felt the slidings of a Republican administration. But the problem will continue even with a Democratic President in the White House, no matter which party controls Congress. Through successive administrations, the legislative branch has shown a remarkable tendency to let the Executive do it—to forfeit powers to the President. Time magazine recognized how we reached our low current standing when it stated early this year:

The U.S. is facing a constitutional crisis. That branch of Government that most closely represents the people is not yet broken, but it is bent and in danger of snapping. A Congress intended by the framers of the Constitution to be the nation's supreme policy setter, lawmaker and reflector of the collective will has been forfeiting its powers for years. Now a President in the aftermath of a landslide seems intent upon the White House ever more firmly in the center of federal power. (Time Magazine, January 15, 1973, p. 12)

I am not here to deliver a eulogy to an ineffective Congress. I am here to work to restore Congress as a separate and equal branch. S. 755 is a step back to the balance of power between executive and legislative branches But it is a symbolically important step. By saying to Cabinet officers, "You have been appointed by the President and may be removed by him, but you are also responsible to the Legislature which must initially consider your qualifications before confirming or refusing to confirm you and which, at the end of the President's term, must consider you again if the President chooses to renominate you," we are going a long way to restoring responsible and responsive government to the people.

Our history has shown that the American people will usually return a President to office for a second term since they prefer a known entity rather than an untried possiblity. We have generally felt a desire to let a President finish the job. Only Grover Cleveland, Benjamin Harrison, and Herbert Hoover have been refused a second concurrent term when they sought it. It is ironic that the President must face the people after 4 years and respond to criticism over his policies and performance while the men who perform most of the work of the executive branch of Government do not. Even the President has too little contact with the officials who head the 11 departments which in 1972 employed 1,572,370 persons. Whether the administration is headed by a Republican or a Democrat, responsible Government demands that these officers be required to answer for their performance at more than appropriation hearings.

S. 755 is a step toward renewal of executive responsibility to Congress. S. 936 and S. 1500 are among other bills I have introduced which I hope the Senate will soon favorably consider to move toward a restoration of the delicate balance between the excutive and legislative branches of Government.

The framers of our Constitution wisely established a Government based on a delicate balance of power between three equal branches. Built into the system is the necessity of a certain degree of distrust between each of the branches as each attempts to check excessive power exercised by the other branches while maintaining its own powers. The functions of each overlap with the others. For example, enactments of policy by Congress in the form of laws may be subject to veto by the executive and review by the judiciary. The policy of Congress depends upon faithful administration by the executive. Programs undertaken by the executive are limited by approval of the budgets by Congress and, in the event of conflict, review by the judiciary. The overlapping of functions necessarily leads to frequent conflict. But by the tensions between the the State and Federal Governments, the freedom of the people from unbridled governmental power is protected. If the power of one branch exceeds another to the extent that the superior branch can treat the other with impunity, then the equality of the other branches and, ultimately, the power of the people are threatened.

The 93d Congress will earn a place in history if it acts to keep the exceutive branch—regardless of the party in power—responsive to the will of the people and their elected representatives. Approval of S. 755 is necessary if Congress is to be guaranteed equal status in the constitutional system of checks and balances.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. ROBERT C. BYRD. And the Senator from Connecticut has 1 minute?

The PRESIDING OFFICER. One minute.

Mr. ROBERT C. BYRD. May I impose upon the Senator to ask for his 1 minute?

Mr. WEICKER. I yield 1 minute to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the able Senator.

## UNANIMOUS-CONSENT REQUEST ON S. 755

Mr. ROBERT C. BYRD. Mr. President, S. 755 is now on the calendar and has been cleared on both sides for unanimous consent action. The distinguished Senator from Illinois (Mr. PERCY) is, I believe, the ranking Republican member of the committee that reported S. 755, and inasmuch as that bill has been cleared for unanimous consent action, I wonder if the Senator would agree that we could have a rollcall vote on the measure today, without further debate—inasmuch as we could pass the bill by unanimous consent anyway—and schedule that vote, say, immediately after the vote on the pending amendment by the Senator from Wisconsin (Mr. PROXMIRE).

Mr. PERCY. Which would make them end to end, back to back?

Mr. ROBERT C. BYRD. That is correct.

Mr. PERCY. That would be perfectly acceptable to me. I assume it is acceptable also to the chairman of the committee.

Mr. ROBERT C. BYRD. Yes; the bill has already been cleared on both sides of the aisle for unanimous and consent passage.

Mr. PERCY. I had advised the minority leadership yesterday that from my standpoint it would be agreeable to bring the matter up, and the leadership, I believe, was going to check with other members of the committee as well.

Mr. ROBERT C. BYRD. It has been cleared.

Mr. WEICKER. It has been cleared on this side.

Mr. ROBERT C. BYRD. So, if we could have a vote immediately after the vote on the Proxmire amendment, before the unfinished business is brought back before the Senate, and we could get unanimous consent at this time to limit that rollcall vote to 10 minutes, so that we would not delay the unfinished business beyond what we said yesterday by more than 10 minutes.

Mr. PERCY. That I would appreciate very much. The Senator from Illinois has an engagement in Illinois this afternoon, and the tighter we can make it the better.

Mr. ROBERT C. BYRD. Very well. Mr. President, I ask unanimous consent that the vote on S. 755 occur immediately after the vote on the Proxmire amendment today, that the time for such vote be limited to 10 minutes rather than the usual 15 minutes, and that rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. Mr. President, reserving the right to object, will the Senator state what this is about?

Mr. ROBERT C. BYRD. This has reference to S. 755, which is on the calendar and has been cleared on both sides of the aisle for passage by unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, would there be no opportunity to debate the measure?

Mr. ROBERT C. BYRD. There would be no opportunity to debate the measure. The bill has been on the calendar for 2 weeks, and could have been passed by unanimous consent on any morning.

Mr. ALLEN. That is, if no one wanted to discuss it.

Mr. ROBERT C. BYRD. Well, if anyone had wanted to discuss it, they surely would have notified the leadership that they had such intention in mind.

Mr. ALLEN. I have no objection to the passage of the bill. The only point that the Senator from Alabama would like to suggest is that we have right now a controversy surrounding the passage by unanimous consent of a sense of the Senate resolution yesterday, and some rank and file Members of the Senate would have desired to discuss that matter at length, but because of the unanimous-consent request and the fact that there were few Senators on the floor, unanimous consent was given.

So I am wondering if we should not think about some of the rank and file Members of the Senate, rather than just the leader's position.

Mr. ROBERT C. BYRD. Mr. President, the leadership is, of course, at the mercy of the rank and file of the Senate at all times. The lowest people in the Senate are the Members of the leadership on h-e-l-l. We have to clear everything H-E-L-L. We have to clear everything with everybody, and if the distinguished Senator is going to press this, then what he is really saying—with all due respect to the able Senator—is that we ought to stop passing any bills or any resolution, simple, concurrent, or joint, in the Senate by unanimous consent.

This bill has been on the calendar for 2 weeks. We could have passed it on any morning in 5 seconds by unanimous consent. It came out of the committee unanimously. The ranking Republican member of the committee is here, and I would hope the able Senator from Alabama would not interpose an objection to this request.

Mr. ALLEN. Would the Senator refrain from making the request at this time, and make his request a few minutes later? I would like to check with some Senators that I know have an interest in the matter.

Mr. ROBERT C. BYRD. Mr. President, I am glad to withdraw my request.

Mr. ALLEN. I thank the Senator.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. NUNN). Under the previous order, there



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will now be a period for the transaction of routine morning business not to extend beyond 1 p.m., with statements therein limited to 3 minutes.

## SPECIAL PROSECUTOR FOR WATERGATE INVESTIGATION

Mr. PERCY. Mr. President, I would like to make a statement in response to comments made on the floor yesterday evening regarding the passage of Senate Resolution 105, which I introduced.

I deeply regret any misunderstanding which may have occurred with respect to this resolution. Prior to introducing my resolution, I informed and counseled with the leadership on both sides of the aisle, as well as several other Senators, of my intention later in the day to ask for its immediate consideration. No objection was raised to my announcement of that procedure.

On Monday of this week, I had announced on the floor of the Senate my intention to introduce such a resolution, but decided to hold off its introduction until after the President's speech. The next morning, I sent a copy of the resolution to every Member of the Senate with a covering letter stating the time at which I would introduce it and inviting all interested Senators to join me on the floor to discuss it at that time.

Had I known that there would have been objection, I certainly would not have followed the procedure that I did. After the adoption of the resolution, I reported to my colleagues in the Senate Republican policy committee, and at that time there would have been ample time to have brought the matter forward for reconsideration.

The procedure that I used was very comparable to the procedure I used on October 8, 1970, after the President's peace proposal was made in a television address. The next morning, I drafted the resolution (S. Res. 474) which expressed the sense of the Senate that the President's peace initiative was fair and equitable, and would lead toward a just settlement of the Indochina war.

After the resolution was read, the Presiding Officer asked, "Is there objection to the immediate consideration of the resolution?" There was no objection. The resolution was agreed to, and no one ever objected to that procedure. As I understand it, it was the same procedure used by the distinguished majority leader on September 9 when the resolution regarding the killing at the Olympics was introduced in the Senate. So the same Senate procedure was used. However, as I reiterated many times last night in 3 hours of discussion, I wish to work this out amicably and fairly, and I tried at that time on several occasions to move for reconsideration myself.

The PRESIDING OFFICER (Mr. NUNN). All time for morning business has now expired.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in view of the fact that the time of the Senate is now under control, I will take the liberty of taking some of the time of the distinguished chairman of the Committee on Post Office and Civil Service and yield 3 more minutes to the Senator from Illinois.

Mr. PERCY. I thank the distinguished majority leader.

Mr. MANSFIELD. Mr. President, may I say, instead of the chairman of the Committee on Post Office and Civil Service, that the time should come from the chairman of the Subcommittee on Labor and Public Welfare, the Senator from Rhode Island (Mr. PELL).

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1973

The PRESIDING OFFICER (Mr. NUNN). The hour of 1 p.m. having arrived, under the previous unanimous-consent request, the Senate will now proceed to the consideration of S. 795, which the clerk will state.

The legislative clerk read as follows:

S. 795, to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 96—previously numbered 78—of the Senator from Wisconsin (Mr. PROXMIRE).

Under the unanimous-consent agreement of yesterday, there will be 1 hour of debate in total, to be equally divided and controlled by the mover of the amendment, the Senator from Wisconsin (Mr. PROXMIRE), and the manager of the bill, the Senator from Rhode Island (Mr. PELL), with the vote on the amendment to come no later than 2 p.m.

Mr. MANSFIELD. Mr. President, now I yield 3 minutes to the Senator from Illinois (Mr. PERCY).

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

## SPECIAL PROSECUTOR FOR WATERGATE INVESTIGATION

Mr. PERCY. Mr. President, I should like to make it very clear, indeed, that at no time was it intended by me or by any of the 18 cosponsors of the resolution to indicate any lack of confidence in the President, or Attorney General-designate Richardson, who is one of the most capable and competent men, of the highest integrity, that I have ever known in my personal and political life.

What I am certain of, though—and the other supporters of the resolution strongly believe—is that an independent special prosecutor is imperative to restore public confidence in our institutions of government.

I am sympathetic to the feelings expressed last evening by my colleagues, that there should be adequate time to debate this resolution and to give it careful consideration.

For that reason, Mr. President, as I indicated last night, I now ask unanimous consent that the Senate's action on agreeing to S. 105 on May 1, be reconsidered and that a vote on the reconsideration of the resolution occur on Tuesday, May 8, at 3 p.m.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. COTTON. Mr. President, reserving the right to object, as I stated last night, I can understand the desire of the distinguished Senator from Illinois, having gotten his measure through, that it be brought up again and that he does not want to run into a lengthy discussion. But I also served notice last night that while I would not object to his unanimous consent request to bring it back into the Senate, and while I certainly would not be a party to anything approaching a filibuster to hold it up, I think that the Senate, and most of us who had no notice of this whatsoever, should have the opportunity to discuss this resolution fully, because it has great significance, and without the pressure of a time limitation in advance. So, I would rather leave it where it is than have it brought up and then not be able to explore it thoroughly.

I am not necessarily opposed to it, but as long as the unanimous consent request is coupled with a time certain, I am compelled to object.

The PRESIDING OFFICER. Objection is heard.

Mr. PERCY. Mr. President, I would be ready and willing——

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. To go into any reasonable arrangement——

Mr. PELL. Mr. President, I yield to the Senator from Illinois 3 more minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 additional minutes.

Mr. PERCY. I thank my distinguished colleague from Rhode Island.

Mr. President, I would be ready, willing and able to make any reasonable arrangement to insure that there would not be a filibuster on this issue. The distinguished Senator from New Hampshire can speak for himself but he cannot speak for the other 99 Senators.

The Senator from Illinois, after counseling with a number of cosponsors of the resolution, some of whom would prefer to see the matter stand just as it is, has taken the position that even though there is adequate precedent for what was done on yesterday—and I know of no criticism of this same procedure when it was used on the two specific occasions I referred to—that because of the strong feelings of the distinguished Senator, I would be agreeable to any reasonable time as long as the Senator from Illinois can assure his cosponsors that we will have a vote at a time certain. If next Tuesday at 3 p.m. is not a reasonable length of time, then I would suggest that the distinguished Senator from New Hampshire suggest another time. The Senator from Illinois would agree to any limitation of debate for any reasonable period, but I would not agree to any proposal that would throw this wide open and leave it open for unlimited debate and discussion. We have exposed the Senate to that kind of procedure on too many occasions and the Senator from Illinois has seen the effect on certain legislation that he feels deeply about. Very simply, I feel that I cannot do that at this time.



Mr. COTTON. Mr. President, will the Senator from Montana yield me 1 minute to reply?

Mr. MANSFIELD. I yield 2 minutes to the Senator from New Hampshire on behalf of the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. COTTON. I thank the distinguished majority leader.

Mr. President, I have a counter-proposal to make. I am not authorized to make it in behalf of anyone but myself, but in order to prevent a filibuster and to give the Senate full opportunity to debate, amend, and otherwise consider the resolution, if cloture were voted on the measure, under the rules of cloture, as I understand, each Member of the Senate is then entitled to 1 hour and it cannot be transferred. He can use it only for himself. He cannot yield it to anyone else. Is that correct?

I would agree, speaking for myself, that this thing be brought up without a time certain to vote, but with a unanimous consent agreement that it would be treated—when it is brought up and when it reaches the floor—as though cloture had been voted and that any Senator who desired to use 1 hour of time may use it but cannot transfer it to anyone else. I would not object to that.

Mr. PERCY. If the Senator would like to suggest a time at which it would be appropriate to bring it up, the Senator from Illinois would agree to a limitation of 100 hours and let anyone assign it. Then there is no problem about assigning the time. One Senator could speak for 90 hours on it if he wanted to.

Mr. President, as I understand it now, my unanimous request is still pending; is that correct? Has an objection been raised to it?

Mr. ALLEN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Chair would advise the Senator from Illinois that there has been objection to the unanimous consent request of the Senator from Illinois.

Mr. ALLEN. Mr. President, I should like to call to the attention of the Senator from New Hampshire that, under the unanimous-consent request he is suggesting, that the matter be considered as though cloture had been invoked, that would prevent the filing of any amendments because only the amendments pending at the desk would be subject to it.

Mr. COTTON. I only meant my proposal to refer to the matter of a time limitation. I did not mean it to apply to the rules on cloture which refused any amendments.

Mr. President, I understand that this is not satisfactory to the minority leader or to the distinguished Senator from Connecticut, who would have to object to it; so there is no use making my unanimous-consent request, and I would have to renew my objection to the unanimous-consent request of the distinguished Senator from Illinois.

This thing was brought in here. It was killed—it was passed—it was then nailed down with only five Senators here. I would rather leave it in its grave and let the monument stand——

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. For the last time, I yield 1 minute from the time of the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. PERCY. Mr. President, the Senator from Illinois called the majority leader, he called the deputy majority leader and he called the minority leader, Mr. SCOTT, who said he had no objection—and then he called the distinguished Senator from Texas (Mr. TOWER), chairman of the Policy Committee, who said he would accept whatever decision the minority leader made. What more should the Senator from Illinois do—pick up the telephone and call all 99 Senators? There was no objection. How many bills have we passed by a voice vote in the Senate?

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. PERCY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a report on the number of bills that have been voted on by voice vote. We know there are not always 100 Senators on a voice vote.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT

In 1972, the Senate passed a total of 767 measures, of which 532 were disposed of by record votes. This leaves a remainder of 235 measures disposed of by voice vote, including bills, resolutions, amendments, motions to adjourn, etc. At least 74 of these (according to the vote analyses prepared by the Republican Policy Committee) were substantive measures, including authorizations and appropriations for billions of dollars—

Second supplemental appropriations, providing a total of $5 billion in new obligational authority.

NASA authorizations, approx. $3 billion for FY 73.

$1.6 billion appropriations for disaster relief.

Rivers and Harbors bill.

Veterans medical facilities and rehabilitation bills.

Establishment of Office of Technology Assessment.

THE SENATE ACTED FAVORABLY BY VOICE VOTE ON THE FOLLOWING IMPORTANT MATTERS

*(Does not include voice votes on amendments, motions, etc.)*

Agriculture Pest Control (S. 1794).—To authorize pilot field research programs for the control of agricultural pests; January 31, 1972; page 1746.

Water Pollution Control (S. 3122).—To authorize funds for the extension of activities under the Federal Water Pollution Control Act through June 30, 1972; February 3, 1972; page 2516.

Foreign Air Transportation Rates (S. 2423).—To regulate rates and practices of U.S. and foreign air carriers in foreign air transportation; February 24, 1972; page 5370.

Drug Addicts (S. 2713).—To authorize the Attorney General to provide care for narcotic addicts placed on probation; March 3, 1972; page 6775.

Indian Claims Commission (H.R. 10390).—To extend for 5 years, until April 10, 1977, life of Indian Claims Commission; March 8, 1972; page 7460.

Coffee Agreement Extension (H.R. 8293).—To extend until September 30, 1973, the International Coffee Agreement Act of 1968; March 13, 1972; page 7961.

Gulf Islands National Seashore (S. 3153).—To establish in Florida and Mississippi; March 23, 1972; page 9811.

Guam and Virgin Islands (H.R. 8787).—To provide for a non-voting delegate in the House of Representatives for each; March 28, 1972; page 10392.

Exports (S.J. Res. 218).—To extend from May 1, 1972, to August 1, 1972, authority to regulate exports; March 29, 1972; page 11020.

Waterways Safety (H.R. 8140).—To authorize establishment of Standards and regulations to promote safety of ports, harbors, and navigable waters of the United States; March 30, 1972; page 11059.

Saline Water (H.R. 12749).—To authorize $26.8 million for the saline water conversion program for fiscal year 1973; April 4, 1972; page 11424.

Missouri River Basin (S. 3284).—To increase by $14 million funds for completing work in the Missouri River Basin; April 4, 1972; page 11424.

Tobacco (H.R. 13361).—To amend the Agricultural Adjustment Act relating to lease of acreage allotments or market quotas on flue-cured tobacco; April 10, 1972; page 11886.

District of Columbia Law Enforcement (S. 2209).—Proposed D.C. Law Enforcement and Criminal Justice Act; April 12, 1972; page 12335.

Uniform Relocation Assistance (S. 1819).—To provide minimum Federal payments for relocation assistance made available under federally assisted programs; April 12, 1972; page 12345.

Secret Service Protection (S.J. Res. 222).—To furnish Secret Service protection to major presidential and vice-presidential candidates; April 19, 1972; page 13305.

Veterans' Housing (S. 3343).—To increase to $20,000 maximum amount of grant payable for specially adapted housing for disabled veterans; April 25, 1972; page 14093.

Veterans' Health Facilities (H.J. Res. 748).—To provide for utilization of Veterans' Administration hospitals to improve and expand education and training of health manpower; April 27, 1972; page 14633.

Second Supplemental Appropriations, fiscal year 1972 (H.R. 14582); May 1, 1972; page 15163; vote 577–A.

Bureau of Land Management (S. 2743).—To establish a working capital fund for the Bureau of Land Management, Department of the Interior; May 2, 1972; page 15228.

Passenger Vessels (H.R. 11589).—To authorize the foreign sale of certain U.S.-flag passenger vessels; May 2, 1972; page 15286: vote 579–A.

Veterans' Medical Facilities (S.R. 10880).—Proposed Veterans' Health Care Reform Act of 1972; May 4, 1972; page 15878.

Upper Colorado River Basin (H.R. 13435).—To authorize additional funds for work in the Upper Colorado River Basin; May 9, 1972; page 16358.

NASA Authorizations, fiscal year 1973 (H.R. 14070); May 11, 1972; page 17054; vote 584–A.

Fishermen's Protection (H.R. 7117).—To provide for reimbursement for expenses incurred as a result of unlawful seizure or attempted seizures of U.S.-flag vessels; May 25, 1972; page 18993.

Coast Guard Authorizations (H.R. 13188).—To authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establish-

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ments, and to authorize the average annual active duty personnel strength for the Coast Guard; June 1, 1972; page 19409.

Tinicum Environmental Center (H.R. 7088).—To establish in Pennsylvania: June 5, 1972; page 19683.

U.N. Voluntary Fund for the Environment (S. Con. Res. 82).—Calling for the establishment of a United Nations Voluntary Fund for the Environment; June 12, 1973; page 20431.

Disabled Veterans (S. 3338).—To increase the rates of compensation for disabled veterans: June 14, 1972; page 20753.

Juvenile Delinquency Control (S. 3443).—To extend for 2 years the Juvenile Delinquency Prevention and Control Act of 1968; June 19, 1972; page 21304.

Defense Production (S. 3715).—To extend the Defense Production Act for 2 additional years through fiscal year 1974; June 20, 1972; page 21555.

International Economic Policy (S. 3726).—To extend for 2 years, through June 30, 1974, continuation of authority to regulate imports; June 21, 1972; page 21913.

Federal Financing Bank (S. 3001).—To establish a Federal Financing Bank to facilitate Federal and federally assisted borrowing from the public; June 22, 1972; page 22018.

Federal Executive Service (S. 1682).—To establish a Federal Executive Service to administer manpower programs for supergrade personnel; June 23, 1972; page 22187.

National Science Foundation (H.R. 14108).—To authorize funds for activities of the National Science Foundation for fiscal year 1973; June 26, 1972; page 22341.

Drug Listing (H.R. 9936).—To amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act; June 30, 1972; page 23532.

Appropriations—Continuing, fiscal year 1973 (H.J. Res. 1234); June 30, 1972; page 23581.

San Luis Valley Project (S. 520).—To authorize construction of the closed basin division, San Luis Valley Project, Colorado; July 19, 1972; page 24315.

Cape Canaveral (S.J. Res. 193).—To redesignate the area in Florida presently known as Cape Kennedy to its original name of Cape Canaveral; July 21, 1972; page 24804.

Corporation for Public Broadcasting (S. 3824).—To authorize funds for the Corporation for Public Broadcasting for fiscal year 1973; July 21, 1972; page 24805.

Cumberland Island National Seashore (S. 2411).—To establish in Georgia; July 24, 1972; page 24923.

Maritime Programs (H.R. 13324).—To authorize funds for maritime programs under the Department of Commerce; July 26, 1972; page 25470.

District of Columbia Police and Firemen's Salary (H.R. 15580).—Proposed D.C. Firemen's and Policemen's Salary Act Amendments; July 31, 1972; page 26015.

Commission on Civil Rights (H.R. 12652).—To extend the life of the Commission on Civil Rights; August 4, 1972; page 26798.

Securities (S. 3876).—To provide for the regulation of securities clearance agencies and transfer agents, and to create a National Commission on Uniform Securities; August 4, 1972; page 26895.

Cooley's Anemia (H.R. 15474).—To provide assistance for programs for the diagnosis, prevention, treatment of, and research in, Cooley's Anemia; August 9, 1972; page 27431.

Secret Government Documents (S. Res. 299).—To establish a select committee to study questions related to secret and confidential Government documents; August 15, 1972; page 28250.

Health Personnel Training (S. 3441).—To extend traineeship program for professional public health personnel, and project grants for professional training in public health; August 16, 1972; page 28454.

Medical Libraries (S. 3752).—To extend medical library assistance programs; August 16, 1972; page 28455.

Appropriations—Supplemental, for Disaster Relief (H.R. 16254).—To make supplemental appropriations of approximately $1.6 billion for disaster relief for fiscal year 1973; August 16, 1972; page 28603.

Appropriations—Continuing (H.J. Res 1278).—To make continuing appropriations for fiscal year 1973; August 17, 1972; page 28738.

Agricultural Migrant Workers (S. 3762).—To extend program for health services for domestic agricultural migrant workers; August 17, 1972; page 28822.

Health Manpower Shortages (S. 3858).—To improve medical assistance programs in areas with health manpower shortages; August 18, 1972; page 29019.

Metric System (S. 2483).—To formulate plans and programs to convert the United States to the metric system of weights and measures; August 18, 1972; page 29022.

Aircraft Loan Guarantees (S. 2741).—To increase from $10 to $30 million limitation on federally guaranteed loans to air carriers; August 18, 1972; page 28088.

Veterans' Rehabilitation (H.R. 9265).—To provide treatment and rehabilitation for servicemen and veterans addicted to drugs or alcohol; September 7, 1972; page 29693.

Survivor Benefits (H.R. 10670).—To establish a survivor benefit plan for the Armed Services; September 8, 1972; page 29811.

Small business Investment Companies (S. 3337).—To encourage the formation and growth of minority enterprise small business investment companies; September 13, 1972; page 30458.

Office of Technology Assessment (H.R. 10243).—To establish an Office of Technology Assessment for Congress; September 14, 1972; page 30668.

Railroad Retirement (H.R. 15927).—To provide a temporary 20-percent increase in annuities, and to simplify administration of the act; September 19, 1972; page 31230.

Aging (H.R. 14424).—To establish a National Institute of Gerontology to study the aging process and health problems of the aged; September 21, 1972; page 31725.

Crimes Aboard Aircraft (S. 2567).—To facilitate prosecutions for certain crimes and offenses committed aboard aircraft; September 21, 1972; page 31769.

Appropriations—Continuing (H.J. Res. 1308).—To make continuing appropriations for fiscal year 1973 through October 14, 1972; September 27, 1972; page 32500.

Rivers and Harbors—Flood Control (S. 4018).—To authorize the construction of certain public works on rivers and harbors for navigation and flood control; September 27, 1972; page 32522.

Safe Drinking Water (S. 3994).—To assure that the public would be provided with an adequate quantity of safe drinking water; September 28, 1972; page 32738.

Railroad Facilities Repair (S. 3843).—To authorize loans to certain railroads for restoration or replacement of essential facilities and equipment damaged or destroyed as a result of recent floods; October 6, 1972; page 34206.

Motor Vehicle Safety (H.R. 15375).—To authorize funds to carry out the National Traffic and Motor Vehicle Safety Act; October 6, 1972; page 34208.

Housing Loans (H.J. Res. 1301).—To extend authority of the Secretary of Housing and Urban Development relative to insurance of loans and mortgages under the National Housing Act; October 6, 1972; page 34271.

Veterans (S. 4006).—To increase income limitations relating to payment of disability and death pension and dependency and indemnity compensation; October 11, 1972; page 34759.

Maritime Authorization (H.R. 16987).—To authorize funds for certain maritime programs of the Department of Commerce for fiscal year 1973; October 13, 1972; page 35863.

Alcohol Abuse (H.R. 16675).—To extend for 1 year the program of grants for State and local prevention, treatment, and rehabilitation for alcohol abuse and alcoholism; October 13, 1972; page 35992.

Appropriations—Continuing (H.J. Res. 1331).—To make further continuing appropriations for foreign assistance activities for fiscal year 1973; October 16, 1972; page 36646.

Taxation (H.R. 7577).—To amend the Internal Revenue Code with regard to payment of Federal excise tax under the Federal Unemployment Tax Act; October 16, 1972; page 36656.

Health Programs (H.R. 16676).—To amend the Community Mental Health Centers Act to extend for 1 year the programs of assistance for community mental health centers, alcoholism facilities, drug abuse facilities, and facilities for mental health of children; October 17, 1972; page 36740.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. CURTIS. I am sure the Senator is talking about printed bills that have been sent to a committee, and I am sure that many of those bills were private in nature.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. PELL. I yield 2 minutes—and I hope this may be the last 2 minutes—to the Senator from Illinois.

Mr. CURTIS. I am sure that the bills that are passed by unanimous consent are substantially all printed. They have been to a committee. They have been scrutinized by the committee. They have not been called up at a time when a communication from the author clearly indicated they would not be considered "yesterday."

Mr. PERCY. The distinguished Senator was not on the floor when I explained before that this is not a bill; this is a sense of the Senate resolution. The precedent was found on October 8, 1970, when the Senator from Illinois used exactly the same procedure. Then it took only 11 minutes from the time he submitted the resolution until it was adopted by the Senate. Yesterday afternoon there was far more time. The Senator, himself, was on the floor. We debated this matter for 35 minutes.

Furthermore, the distinguished majority leader used exactly the same procedure on September 9, 1972, when he had a sense of the Senate resolution regarding the killings at the Olympics.

This is not unprecedented. The whole idea for this resolution, as embodied in the RECORD as of this morning, was followed by the Senate in 1924, in a somewhat similar case.

I am extremely sorry to have this disagreement with my colleagues.

Mr. CURTIS. I do not think the situations are comparable at all. This is a controversial issue.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. PERCY. Mr. President, will the Senator yield me 1 minute?



Mr. PROXMIRE. I yield 1 minute to the Senator.

Mr. PERCY. Mr. President, I implore Senators to do exactly what they said they wanted to do—to have adequate time to debate this issue. The Senator from Illinois and all his cosponsors are perfectly willing and agreeable to this.

I renew my request, and I urge that it not be objected to.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. COTTON. For some unknown reason, the minority leader objects to that procedure.

Mr. PERCY. Not to the unanimous-consent request. As I understand it, the minority leader does not object to the unanimous-consent request the Senator from Illinois is putting forward, which would totally and completely answer every question that has been raised.

Mr. COTTON. He had no objection yesterday, but I understand that he suggested that the Senator from Illinois——

Mr. PERCY. Mr. President, I renew my unanimous-consent request——

Mr. COTTON. I renew my objection.

Mr. PERCY. I renew my unanimous-consent request that the Senate action agreed to on Senate Resolution 105 on May 1 be reconsidered and that a vote on the readoption of the resolution occur on Tuesday, May 8, at 3 p.m.

Mr. TOWER. Regular order, Mr. President.

Mr. COTTON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CURTIS. Will someone yield me 3 minutes?

[Laughter in the galleries.]

Mr. ROBERT C. BYRD. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. The galleries will be in order.

Mr. MANSFIELD. Mr. President, how much time remains and how is it allocated?

The PRESIDING OFFICER. The Senator from Wisconsin has 25 minutes. The Senator from Rhode Island has 21 minutes.

Mr. PROXMIRE. I yield 3 minutes to the Senator from Nebraska, but I wonder how long we are going to keep yielding our time.

Mr. MANSFIELD. This will be it.

Mr. PROXMIRE. I yield 3 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, inasmuch as I was the one who asked that this matter be reconsidered, I think it is in order that I make a brief statement.

My purpose in asking that the resolution be reconsidered was based upon the the fact that it had never been printed, it had never been to a committee, and, in my opinion, it precluded the consideration of former Senator John Williams to be called in and to find out all the facts in reference to Watergate. Therefore, I thought it should be reconsidered.

The fact is that the debate has shown that every Senator understands that the resolution is not the sense of the Senate. I am sure that every Senator realizes that. I am sure that the press gallery realizes it. I am sure that the President realizes that the resolution is the sense of five Senators. As such, I am willing to let it stand.

Mr. PERCY. Mr. President, 18 Senators cosponsored the resolution.

Mr. CURTIS. I have seen bills defeated that had more than 51 cosponsors.

Mr. PERCY. So far as the Senator from Illinois knows, every Senator whose name appears on the resolution today stands behind the resolution and believes in it.

The Senator from Arizona (Mr. GOLDWATER) reaffirmed to me this morning his belief that this is the right way to proceed. We are trying in every way possible to fulfill our responsibilities to the American public and to make certain that everything the President said on Monday night would be fulfilled. This is the way to provide that assurance. When the President of the American Bar Asosciation says we should have a special prosecutor——

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. CURTIS. I do not know what the excitement is about. The resolution has been agreed to. I am not asking that it be reconsidered. Let it stand as the sense of five Senators.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. PERCY. Mr. President, I should like to make a 30-second comment.

Mr. PROXMIRE. I yield 30 seconds to the Senator from Illinois.

Mr. PERCY. The Senate could not accept the amendment offered by the Senator from Nebraska. There is no way in which we can incorporate that amendment into the resolution unless we reconsider it. The Senator from Illinois said he was ready to accept the amendment last night, but there was no parliamentary procedure by which we could accept the amendment as long as there were objections to reconsideration of the resolution.

Mr. CURTIS. Was not the Senator the one who objected?

Mr. PERCY. If the distinguished Senator from Nebraska would agree to the unanimous-consent request and convince his colleague to do so, we could accept it forthwith.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order has been called for.

Mr. PELL. Mr. President, I suggest that we bring the arena of combat from the Republican side to the Democratic side and get on with the amendment before us concerning the arts and humanities endowments.

Mr. TOWER subsequently said: Mr. President, the Senator from Illinois (Mr. PERCY) mentioned today in the course of his discussion of the resolution agreed to by the Senate on yesterday that he had discussed the matter with me. The Senator is absolutely correct. He did discuss the matter with me.

I did say that I would certainly be willing to follow the leadership of the Senator from Pennsylvania (Mr. SCOTT) when the amendment was brought up.

Mr. President, it was my understanding that the matter would not be brought up until after the Republican policy committee meeting had discussed it.

I know that the Senator from Illinois would want the record to be clear. I had offered to discuss the matter during the Republican policy committee meeting and had assumed that it would not be taken up until after that meeting.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1973

The Senate continued with the consideration of the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

Mr. PELL. Mr. President, yesterday in this Chamber I urged the passage of S. 795 to provide increased funding levels for the National Endowment for the Arts and the National Endowment for the Humanities—levels which were reported favorably and without a dissenting voice by the Committee on Labor and Public Welfare.

I stressed in my remarks the fact that these endowments have reached a point of maturity, that they are now on the threshold of having the kind of major impact on the cultural well-being of our country which we who initiated this legislation 8 years ago hoped some day would come true.

I stressed the imaginative programs both endowments have undertaken in the past and are now prepared to expand in the future. Far from being the dead hand of government in these most important and significant cultural areas, these programs provide great incentives for quality—and I emphasize that word again; and they provide the incentives for private giving and private support at a ratio of 2, and 3, and 4 times the amount of the Federal investment. I stressed that through the two private citizen councils—52 in total membership—which guide the endowments in their work, through the panels of private citizen leaders, numbering in the hundreds, which also guide the work of the endowments by helping to screen applications and requests for support before these reach a point of final deliberation, a broad partnership between government and the private community is established.

In this regard, let me refer to the testimony of Dr. Ronald Berman, chairman of the National Endowment for the Humanities, before our joint congressional hearings. He pointed out that more than 3,000 individuals across the country, acting as volunteers and in addition to the formal panels, provide the humanities endowment with advice and help in the screening of applications each year.

I also emphasized that there is specific provision in this legislation we are debating which precludes Federal intervention or control or dominance over these who are supported by either endowment.

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Mr. President, as an outstanding example of the imaginative leadership I have mentioned, let me call attention to the Jefferson Lecture Series, which is supported by the humanities endowment. Last night I had the opportunity of sharing in this series. This year's lecturer is Dr. Erik Erikson, one of the leading humanists of this century.

I ask unanimous consent that the outline for this year's series, prepared by Dr. Erikson, be printed at this point in the RECORD.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

DIMENSIONS OF THE NEW IDENTITY—
JEFFERSON LECTURES, 1973
(By Professor Erik Erikson)

This summary outlines the scope of the lectures, and explains some of the concepts used. A summary, of course, is a mere skeleton; the lectures must provide the body of illustrative materials.

FIRST LECTURE

*The Founders: Jeffersonian Action and Faith*

Although these lectures are meant to be in the spirit of Thomas Jefferson and not necessarily about him, the lecturer found it impossible to "get around" this great figure, only to find that it is even more difficult to "get at" him.—as, indeed, all his biographers have complained. The lecturer decided to use selected well-known themes from Jefferson's life to illustrate some principles of "psycho-history," a new and somewhat fictitious "field" often associated with the lecturer's name.

The title of the lectures contains one of the lecturer's main concepts. "Identity" means, 1. a person's sense of being-at-one with himself, as he grows and develops (sameness, continuity, uniqueness, wholeness and 2. his sense of affinity with a group's (tribe's, nation's, creed's, profession's) sense of being-at-one with its culture and history. A New Identity is the result of radical historical change and here is, of course, meant to characterize the emerging American Identity as first expressed by and embodied in such men as Jefferson.

I. Introduction: Case History, Life History, History

Because of the origin of the so-called "Psycho-History" in psycho-analysis, the lecturer must first clarify some simple points which are being blurred in the literature. A Case-history gives an account of where and why a person fell apart, a Life-history, of how and why a person hangs together. The hero of a life-history may be having a neurosis but his neurosis, as it were, does not have him. The life-history of a historical figure furthermore must take account of a leader's superior competence in making his personal conflicts as well as his gifts representative of the conflicts and the promises of his time. The life history of a leader, therefore, must be seen in relation to the developing world view for which he becoms representative.

In sketching this development in Jefferson's life and time, the lecturer will, in the short time allotted to him, rely more on Jefferson's writings thau on his career as a statesman. In fact, the lecturer sees himself as a kind of consultant, representing the field of human development, to an "academy" of scholars studying Jefferson the statesman, the humanist, and the enigmatic personality.

II. The View From Monticello

Jefferson's famous home, "elevated" as it was geographically, socially, and philosophically, is pictured as a center of the developing world view of the New America. Jefferson, in his "Notes on the State of Virginia," written at the unlucky conclusion of his governorship of that state, gives a rare survey of "his country's" extension and statistical structure as well as of his own ideological and emotional place in it; and Surveyor, indeed, is one of the major elements in Jefferson's identity, as inherited from his father and characterizing his vision as a Statesman. His descriptions of nature, in turn, illustrate the wide-ranging Amateur, in the best sense of the word. Under the heading of "Manners" Jefferson reveals the Ideologue in an account of his passionate opposition to slavery. In a situation where nearly half of the population were slaves, he foresaw inevitable (if not undeserved) disaster; but interestingly enough, he was especially concerned with the impact of slavery on American children. Unhappily, but frankly, he expresses his conviction as a Naturalist, of the inferiority of the black race, and pictures White as more beautiful. Indeed, he suggests "colonization," which then meant a separate but free and equal state for all blacks.

The lecturer will return in the conclusion of the first lecture to Jefferson's personality.

III. Identity and "Pseudo Species"

The lecturer considers such conflicts between theological faith ("born equal"), political conviction and "naturalist" observation no cause for name-calling or for psychiatric diagnosis—and least of all for both. He discusses his concept of Pseudo-Speciation as a universal human trend deserving persistent analysis in all periods of history. The term suggests that groups of men sharing a tribal, national, religious, or economic world view, are apt to think of themselves as the exemplary human species, while considering others and especially some others as excluded from it "by nature" or the nature of things. For this conviction knowledge and logic are periodically dropped, and nation or class, race, creed, or indeed, occupation are glorified: therefore the "pseudo". In Jefferson's time, in fact, the emerging new American Identity had to live down an assumption by European naturalists that on the American continent neither animals nor men had a chance to reach the height (meaning both size and loftiness) of the North-European species. Illustrations are given for "scientific" views held by Europeans concerning the American Indians and "Colonials" and, in turn, views held by Americans such as Jefferson's friend Dr. Rush on faraway Turks—and close—by Tories. It is suggested that, seen from a psychoanalytic point of view, such prejudices are fed by a universal (and yet, of course, mostly unconscious) need to "project" onto others what is felt to be bad, sick, or made in oneself—that is, one's negative identity.

IV. New World, New Identity

Against this background, the New American Identity can be seen in its developing dimensions. The lecturer proposes that a new identity rests on the mastery of factuality, that is, new facts that prove verifiable by the best methods of investigation available, and by new work techniques; a new sense of reality embracing but transcending these facts and promising independence from outlived world images; and a new actuality, that is, new forms of social interaction setting free new productive and political energies. All these together provide an era's conviction about *Truth*, such as Jefferson was so extraordinarily able to put into words in the Declaration of Independence. Thus American thinkers and orators could develop and propagate a world-image which first of all freed America from being on the national, economic, and cultural fringe of Europe. The new continent offered an opportunity "to realize the possibilities of Creation" itself. Expansion and Experimentation, and, above all, Action and Work were the ways of the Lord, who Himself was remade in the American image as the world's "Maker" and "Fabricator." (The new uses of the word "make" in the emerging American language will be given some attention) .

The dimensions which every new world view must develop in order to meet the needs of the collective and of the individual identity are listed thus: in the past, a doom or a curse must be pictured as overcome, a special election as confirmed. In the future, a great chance must be clearly envisaged, a new type of man appear realizable. From above, Deity, Fate or History must be certain to sanction the Enterprise. But, alas, a new positive identity also demands a new negative one, personified by those who are below: inferior, dependent, or deviant.

V. The Perspective of the Mount

During his presidency and thus during the vigorous expansion of the country he led, Jefferson was privately pre-occupied with the Gospels, which he (literally) took apart, in order to extract his own gospel. His original "bible" was lost. The lecturer will use a compendium produced in Jefferson's old age to show the relation in his mind between the new American Identity and that religious part of any identity which deals with the awareness of death. There are two roads to a sense of immortal identity: one via one's earthly identity within a special species of man led by "immortal" leaders; and the other via the transcendence of that identity as exemplified (in our civilization) in the life and death of Jesus. It is interesting to see what to Jefferson, as the bearer of the New American Identity, appears to be the genuine presence of Jesus in the Gospels. His selections are reminiscent of Gandhi's remark that God appears to you only in action, and, incidentally, seem to be in general accord with modern Bible research.

VI. Conclusion: Protean President

Jefferson has been called a Protean man, because in different segments and periods of his life, he seemed to personify different appearances which most mortals would find it impossible to unify and make fruitful. He was down to earth and "elevated"; "wearing the character of a farmer," and yet aristocratic; activist and philosopher; bookman and politician. The lecturer concludes that this very freedom of choice and self-made unity of traits was just what the New American Identity called for. Like Goethe, he personified the classical facade of the Greco-Roman world (expressed also in his architecture) as well as the practical precept of Christianity and the political philosophy of English tradition. The lecturer will illustrate some of the aspects of Jefferson's personality which stand out on first study and to which certain broad psychoanalytic judgments could be applied. Concerning these, he himself showed an extraordinary awareness. Personal idiosyncrasy and conflict, however, also served Jefferson to become that public personality, on the unique Facade (in the classicist sense) of which he worked all his life—even when he wrote those thousands of letters which he wished to have preserved for their "warmth and presence of fact and feeling." The lecturer will suggest that the self-made Image in Jefferson's personality alternately arouses admiration and total acceptance, and incredulity, if not suspicion, and this especially in regard to such most intimate aspects of his life as he successfully sought to keep from the view of posterity.

The "academy" envisaged above, consisting of both women and men, would have to discuss such feelings before being able to weigh the data in the light of changing perspectives.



SECOND LECTURE

*The Inheritors: Modern Insight and Foresight*

I. Introduction: The Living Generation

Having to leave Jefferson behind, we will choose a few of his utterances as links between the first lecture and the second. The second lecture being roughly devoted to the development of a Living Generation, the lecturer suggests that "born equal," seen in the light of modern insight, must mean "born with an equal right to develop." Excerpts from a correspondence between Jefferson (then in his mid-forties and Minister to France) and his oldest daughter (then in her teens) will illustrate his ideas of maldevelopment.

II. Dimensions of the Political Vision

It will be necessary to repeat some of the formulations of the New Identity in Jefferson's time, as they deal with the immediate and the mythical past and future, the Deity above and inferior men below. Newness is shown again as invigorating in its beginnings and in American history always reemphasized in "New Deals." But, of course, newness as a condition for a sense of identity can also become obsessive oratory—and sensationalism. The question before us—to put it in the form of a slogan—is what inner deals a person may make with his conscience, his knowledge, and his memory when he is confronted with political deals. Here again, our (partial) answer must come from the psychology of development.

But if, as was said in the first lecture, a New Identity takes into account a period's factuality, supports a sense of reality, and mobilizes actuality, one brief look back on Monticello will convince us of the impossibility in our time of fathoming the macroscopic or microscopic facts of nature (now reaching to the "end of space" and the "beginning of life") or of technocracy; of accepting into our sense of reality such events as the Holocausts, the nuclear threat, the moonshots, or even the Vietnam war; or of maintaining the actuality of communal living in the network of mobility and mass communication. No wonder that, as never before, our young demand the right to an identity as "human beings." And, indeed, Developmental Psychology verifies that while the world image changes radically, every new infant must still be "grown" with built-in potentials and limitations. Also while man's techniques, self-images, and ideals may change radically, other (more unconscious) parts of him change extremely slowly, such as his primitive conscience and the deals he must make with it for the sake of self-assurance and righteousness. For this reason, psychoanalytic insight must always continue to explore such patterns of fundamental strength and of lasting weakness as remain at the basis of human motivation throughout life, and may re-emerge in crises of person or history.

III. The Basic Language of Bodily Existence

The lecturer will suggest certain roots in personal (ontogenetic) development of the need for a world image of the kind outlined in the first lecture. Here he comes to conclusions so simple as to appear banal, and yet fundamental to much that has already been or will yet be studied on the frontier of psychoanalysis and political science. He discusses the fateful evolutionary fact that man, in the long process of growing up, stands up, and develops space-time perspectives endowed with deep, conflicting and lasting meanings: upward and downward, forward and backward. Here the audience is asked to envisage something like a weathervane, the main arms of which would point not only upward and downward, but also in such space-time directions as ahead and in front, behind and in back. Smaller arms, in addition, would point starlike to such combinations as above and ahead, behind and below, etc. Every language is full of metaphors which seem to serve our sensory and social orientation in this business of growing up and looking ahead. But social life makes all directions ambiguous. For example, that somebody is "behind me" can mean that he is "backing me up," or is "lagging behind me," or is "after me."

Using the weathervane, one could go in many directions. Far from being "facons de parler," however, these metaphors express emotional connotations such as elation or depression, hope or fear, shame or guilt—the latter two, for example, signifying the danger of "standing out" as ridiculous, or being burdened with an irreversibly "bad" act in the past.

Psychoanalytic insight would add that each person, as he grows up, comes to develop within himself a corresponding space-time "map" signifying his relation to different aspects of himself—such as a higher and a lower self, a self visualized in the future and another left behind. How this inner world is projected on world events and vice-versa is a subject that can only be jointly studied by psychoanalysis and political science.

Many complex aspects of political psychology are under such study; but it is suggested that these simplest dilemmas of space-time existence must help explain the need not only for a firm sense of individual self-sameness and continuity (another formula for identity) but also for a political arrangement by which persons "back each other up" in the struggle for existence and power. In fact, only the study of such universal primitive needs persisting in the midst of the dangers of technological civilization can explain how people can be led and misled by certain simplistic visions and slogans.

IV. Liberation and Insight

In further pursuit of civilized man's primitive moralism, the lecturer returns to the negative identity suggested in Jefferson's lecture to his daughter (he warned her of sin, un-Americanism, hypochondria, and hysteria all on one page). The lecturer will briefly refer to the humanitarian progress in psychiatry made in Jefferson's time by Benjamin Rush who, in line with the new times, advocated an active life for those deemed mad or sick; and he will point to Sigmund Freud's liberation by insight of the repressed forces in man. But the lecturer will also reiterate the slow abandonment (and frequent reinstatement) of the age-old idea that the bad, the sick and the mad (whether they are children, or patients, or inmates) must be scared or punished, "purged" or "bled," chained or incarcerated in one form or another.

He will suggest that this is one area in which, through the ages, man's conscience, as acquired in childhood, permits and demands most primitive measures in the name of righteousness. In fact, the mere putting away of deviants (and especially of young ones) can be compared to inner repression: in both, spontaneous development is inactivated and (possibly) important recuperative powers lost both to the individual and his society. Permissiveness and punitiveness will always alternate, but the lecturer will suggest that developmental considerations concerning the reinduction into the Living Generation of those punished and isolated should outweigh psychiatric diagnoses as well as legal classifications.

The liberation movements of our time are seemingly in opposition to moralistic suppression. And yet, they often exhaust themselves in a moralistic blaming of the oppressor. Even if justified emotionally, such turning around in itself can defeat the liberating spirit. This tendency could be overcome only by the simultaneous attempt to gain insight into the inner deals which the complainants (youth, women, Blacks) have historically made with the special roles assigned to them. In the case of women, such insight would, in fact, help men, too, to see what potential self-development they sacrificed for the sake of a self-made masculinity marked by some obviously atavistic prejudices.

If time permits, the lecturer will also return once more to Jefferson's remarkable warning concerning the impact on children of their parents' cruel behavior toward slaves. He will suggest that the display of punitive and vindictive behavior, personally or nationally, may have deleterious effects on the expression of aggression in childhood and youth.

V. Crisis of the New Identity

The integration of the enormously expanded vision of human potentials with the insightful guidance of each developing person are the main tasks for an adult identity. Here the very "unlimited newness" which was shown to be so essential a feature in Revolution and Independence, may be leading to a "Protean" assumption that anything goes: any and all roles, any and all forms of association, any and all variations of sexuality—all hailed as signs of a new consciousness. However, where liberation ignores what a person can integrate and a society live by, it abandons both psychological and political actuality. Above all, it neglects the developmental rights of the living and to-be-living generations.

VI. Conclusion: A Century of the Adult?

The so-called Century of the Child has told us much about childhood and about the child in the adult, much about youth and its needs for identity, but little about the adult of today and of the future. The lecturer will recount some difficulties in facing adults with the question of adulthood. He proposes studies on the changing stature of adulthood in various civilizations; and in the meantime suggests that an adult is a person who takes care of whatever he cares to be and cares for—aud of whatever he cares to cause to be.

Mr. PELL. Mr. President, it is eloquent testimony to the kinds of imaginative programs which the endowment supports. Like programs in the arts—the artists in the schools program or the programs to aid the individual States—it relates to the dissemination of the arts and humanities to the broadest possible audience. The Jefferson Lectures are published and thus given wide circulation nationally and internationally. They become part of our cultural heritage. And in this case they serve to translate knowledge into wisdom, which as I said yesterday, is my brief definition of the service the humanities provide.

I also ask unanimous consent to have printed in the RECORD following these remarks two telegrams I have received endorsing S. 795 as it had been reported—one from the American Federation of Teachers, and one from the Authors League of America.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
*May 1, 1973.*

Hon. CLAIBORNE PELL,
*U.S. Senate,*
*Washington, D.C.:*

The American Federation of Teachers warmly endorses S. 795 to continue the programs of the National Foundation on the Arts and Humanities for the next three years. In terms of the need to support our cultural institutions we believe the funding levels called for are appropriate and necessary. Expanded opportunities to experience the arts

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and humanities are necessary if we are to have a well educated citizenry.

DAVID SELDEN,
*President.*

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NEW YORK, N.Y.,
*May 1, 1973.*

Hon. CLAIBORNE PELL,
*U.S. Senate,*
*Washington, D.C.:*

The Authors League of America urges that the Senate authorize the amount now provided in S. 795 for the National Foundation on the Arts and Humanities. Their programs have made invaluable contribution to performing arts and scholarship and the Nation has benefited greatly from this indispensable investment in our national culture. We realize that there is a shortage of funds for essential programs. However the amount allocated for the "arts and humanities" is not a "frivolous" expenditure. We trust that the foundation will devote a large portion of these funds to projects which serve the interests of low income groups and areas which otherwise would be deprived of these benefits.

JEROME WEIDMAN,
*President.*

Mr. PELL. Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, first I wish to summarize my position in connection wih my amendment. Somehow the Senator from Rhode Island and others who oppose my amendment have given the impression that my amendment would be harsh on the arts and humanities. As a matter of fact, my amendment would be extraordinarily generous. It provides for a very rapid increase in the program. It does indeed cut down on the terrific, enormous increase which the committee provided.

Under the bill, funds for the foundation explode. They rise by geometrical proportions.

The annual increase in funds for the foundation since its inception 5 years ago has been $20 million a year. In fiscal year 1973 they received $80 million.

But under S. 795 their funds would double from fiscal year 1973 to 1976, or from $80 to $160 million. This is a 100-percent rise.

In both fiscal years 1975 and 1976, the annual increase would be $120 million and the total funds would rise to $400 million by fiscal year 1976.

This is both unprecedented and unconscionable.

PROXMIRE AMENDMENT

My amendment No. 94 would limit the increase to $40 million a year in each of the next 3 fiscal years. That figure, far from being niggardly, is double the annual increase of $20 million which the foundation has received in the past.

I ask unanimous consent that a table showing the funds authorized in the past and those proposed under S. 795 and under the Proxmire amendment be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.— *Actual and proposed authorizations for the National Foundation on the Arts and the Humanities for fiscal years 1969–76*

[In millions]

| Fiscal year: | Amounts |
|---|---|
| 1969 | $22.75 |
| 1970 | 24.75 |
| 1971 | 40 |
| 1972 | 60 |
| 1973 | 80 |
| Proposed amounts under S. 795: | |
| 1974 | 160 |
| 1975 | 280 |
| 1976 | 400 |
| Proposed amounts under Proxmire amendment: | |
| 1974 | 120 |
| 1975 | 160 |
| 1976 | 200 |

WHY THE PROXMIRE AMENDMENT SHOULD PASS

Mr. PROXMIRE. Mr. President, there are any number of reasons why the provisions of S. 795 should be defeated and the Proxmire amendment should pass.

PROPOSED FUNDS ARE EXCESSIVE

First, the funds sought by the Foundation are excessive. It is almost as much money as the $425 million the President cut from the OEO funds for fiscal year 1974.

It is five times the amount we spend for the Peace Corps.

It is twice the amount the President cut from REA funds for next year.

It is a fivefold increase, not just an annual increase to overcome inflation and pay raises. This program explodes.

It is also excessive because funds just cannot be spent efficiently that fast. It is bound to bring waste if the grants to the arts and humanities rise fivefold in this short period of time.

As I am going to indicate in a moment, much of the money spent now is wasted. Mr. President, you can imagine what you will have with this unprecedented increase in spending.

WILL PROMOTE STALE, STERILE, AND SECOND RATE ART

Second, it will promote stale, sterile, and second rate art. Great art and artists are not universal commodities. They are unique people and unique works. There is no way to promote excellence in the arts by shoveling out the money. It cannot be done.

DANGER OF GOVERNMENT TAKEOVER OF THE ARTS

Third, there is a great danger if this expansion continues, that we will get a Government takeover of the arts in this country. That means the dead hand of Government and the dead hand of censorship over art.

Yesterday, in a very interesting statement, the Senator from California (Mr. TUNNEY) argued against my amendment on the grounds that John Locke, the great English philosopher and essayist, would not be able to write if he had not gotten support. The Senator could not have chosen a better example from my standpoint. John Locke was a philosophical radical and he deeply opposed the monarchy in England at the time he wrote. John Locke never could have gotten any kind of money from Government funds. The writing of John Locke, as the Senator from California agreed, was the basis for Thomas Jefferson's Declaration of Independence. It was the philosophical basis for our revolution, our fight against the Crown, for losing this valuable investment which the British Government had at that time.

We have just seen the censorship of the film "State of Siege" because the authorities had one eye on the Government and the funds they receive from the Government. This will happen time and time again if art in this country will come to depend mainly on Government support. Some Assistant Director of OMB or the chairman of a congressional appropriation committee will one day become our czar of the arts.

One of the arguments made was that we spend too little money in this country for the soul, the spirit, for the arts, and for artists. It was argued that the amount we spend on a per capita basis is less than the amount spent in many countries. What is overlooked is the fact that we have a private system to support the arts and that private system is only partly private, and it permits wealthy individuals to make enormous donations to museums, artists, and the humanities in all kinds of ways, and to deduct those donations from their taxes.

We have checked carefully with the Internal Revenue Service and our best estimates are that the amount donated by individuals is $2.5 billion, which is about 10 times as much as would be provided by this bill. Of the amount of $2.5 billion the sum of $1.250 billion of that roughly is the contribution of taxpayers presently in tax expenditures. Contributions are deductible from large incomes, and, of course, those with large incomes, in the 50 percent bracket, make those contributions. So we already make substantial contributions and it is my contention we should do our best to see that these contributions remain private, that they come primarily from the great foundations and from individuals, rather than primarily from government.

It is good to have a Government program and my amendment permits it, and it permits rapid expansion, but to have the program explode in this fashion means there will be less emphasis on private support, which provides for a freer, more innovative, more individualized art and I think art of higher excellence.

I would like to just give a few examples of waste we already have in the program. For example, $75,000 was given for college entrance examination board, New York City and Princeton, N.J., for the second phase of development of three innovative and high quality advanced placement courses; two in the individual arts and one in music. Why should that be done by these funds? If it is a sensible thing to do and if it is logical why should it not be done by experts in the education field from HEW or by private funds or by national science funds?

Everyone knows advanced placement courses are courses filled by upper middle class young students.

As another example, I refer to the $10,000 given for the foundation for interior design for the accreditation of interior design education curricular. That is marginal, at best. HUD or HEW might assist them if they found it was worthwhile. They are the experts to determine the matter, but not this foundation.

Thirty thousand dollars for Industrial Designers Society, New York City.

How can we justify arts and humanities money in this direction? These expenditures already being given. Can you imagine what kind of programs will be aided if we provide such a terrific explosion in expenditures as is being advocated in the committee bill?

Thirty-three thousand, two hundred sixty-three dollars was given to the New York State Council on Architecture for a program to develop public awareness of architecture and the quality of the manmade environment.

That may or may not be a useful project, but those who can best determine that question would be the officials in the Department of Housing and Urban Affairs.

Forty-five thousand, eight hundred fifty-six dollars was given to the Poets, Playwrights, Essayists, Editors, and Novelists, New York City, to continue and expand its program of various services to authors throughout the country.

Mr. President, this is a matter of administration, not a matter of subsidizing some impoverished writer or some essayist who has a good mind and something to say but needs the funding in order to be able to say it, but in order to keep this bureaucracy in operation.

Twenty thousand dollars was provided for the Volunteer Lawyers for the Arts, to expand the legal services program.

The administration killed the legal services program for the poor. Now it has been urged that we provide legal services to the arts for $20,000.

Mr. President, these are some items of a whole series which it would take me far more time than I have to list. It is an example of the kind of thing that would multiply very greatly if we expand this program too fast.

Mr. President, I reserve the remainder of my time.

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## UNANIMOUS-CONSENT AGREEMENT ON S. 755, TO PROVIDE 4-YEAR TERMS FOR THE HEADS OF THE EXECUTIVE DEPARTMENTS

Mr. MANSFIELD. Mr. President, will the Senator yield me 1 minute?

Mr. PELL. I yield 1 minute to the majority leader.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senators, a unanimous-consent request was made by the assistant majority leader around 5 minutes to 1, and it was objected to by the distinguished Senator from Alabama (Mr. ALLEN). Since that time, I have been informed that his objection has been removed, and I would like to repeat the unanimous-consent request of the distinguished assistant majority leader at this time:

Mr. President, I ask unanimous consent that the vote on S. 755 occur today immediately after the vote on the Proxmire amendment; that time for the rollcall vote on S. 755 be limited to 10 minutes; and that the unfinished business remain in a temporarily laid aside status until the vote is taken on S. 755.

Mr. JAVITS. Mr. President, what is S. 755?

Mr. MANSFIELD. It is a bill on the calendar which provides for 4-year terms for the heads of the executive departments, reported on April 17.



Mr. President, I also ask that rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, I shall not object, but, reserving the right to object, in the event my amendment should not succeed, I have an amendment I would like to offer as soon as that amendment is acted on, and I would be happy to agree to a limitation of time on it.

Mr. MANSFIELD. Mr. President, the leadership is in a box because the manager of the unfinished business (Mr. MCGEE) is to be recognized at that time, so we would have to work out another agreement.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the majority leader? The Chair hears none, and it is so ordered.

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1973

The Senate continued with the consideration of the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield myself such time as I may require.

I was struck by the remarks of the Senator from Wisconsin. He marshaled his arguments well. I shall not go into them point by point. However, I would just like to make reference to one matter at this time, and that is that I think the basic reason why "State of Siege" was removed as the opening motion picture—and I was there at the time—was that there was a question of taste involved, because there was present in the audience those who personally had been afflicted with assassinations. It was not a question of censorship, but one of taste.

With regard to the amount of funds that are generated by Federal funds, for every dollar of Federal funds to the arts, there is a general ratio of about $3 in private funds already being given. The total ratio of Government to private funds is difficult to determine. It may be 10; it may be 20; we do not know.

Yesterday the Senator from Wisconsin mentioned the figure of $1.2 billion that is given to the arts from private sources through the tax-exemption mechanism. This may be a figure which is substantially greater than that represented by Government funds, but the Government funds serve as very necessary seed money.

Mr. President, I yield the floor at this time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PELL. Mr. President, I yield as much time as he desires to the Senator from New York.

Mr. JAVITS. Mr. President, we come to the vote on the amendment of the Senator from Wisconsin. As I said yesterday, the Senator from Rhode Island and I respect what he is trying to do, but thoroughly disagree with him. I would like to refer again to the factor which has been raised by the Senator from Wisconsin respecting what provisions would be helpful to the program, rather than harmful to it, if his amendment should carry.

I would like to point out first that the amounts which we proposed in this bill simply represent the flowering of the program which has been developing over these past 8 years. The allegation which concerns me the most is the allegation that the endowments cannot effectively use the amount of money which we are seeking. That I challenge. The money will not be wasted. On the contrary, we are wasting tremendous opportunities today in both the arts and humanities fields.

We pointed out, for example, that there are 90,000 schools in the country, and only 2,700 of such schools have any artists-in-school programs at all. We pointed out that this year's pilot program for professional theater touring enabled only two companies in 18 weeks to reach 27 communities in 11 States. Let each Senator from every State consider what can be done in his own State.

Our view is that what would happen would ridiculously undermine the arts requirements, and I believe the evidence will show it when we vote on the Proxmire amendment.

Further facts, Mr. President, come from the demands which have been made on these respective agencies, and perhaps are best illustrated by the extent to which States which do not have a reputation for being very profligate, especially small States, are themselves putting up money in order to get matching funds from the Arts Foundation, thereby indicating the enormously productive values which these funds have.

I mentioned that in my own State of New York we had gotten up to about $15 million of Federal matching which comes out of State resources.

Small States, Mr. President, like the State of Maryland, or the State of Missouri, which is now, for example, appropriating three times what it gets from the Federal Government, illustrate again the vast interest which the States are taking in these programs.

Finally, Mr. President, there is the item of demand. That concerns the applications coming in to both endowments which are not now being satisfied by them due to the paucity of resources which are available.

Some figures have been submitted by the National Endowment on the Humanities. These show that they have received 4,113 applications; 1,844 of those were screened out as a high priority funding. And of these only 22 percent, or 908, could be approved. In money terms, the applications amounted to $101.3 million; those rated highly for funding asked $45.5 million; but limited funds permitted grants of only $28.4 million, 28 percent of the total of applications.

Mr. President, this is quite apart from the matter of State matching and so forth which I had discussed previously. These are simply direct applications to the Humanities Endowment that are rated highly for funding. However, the

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limited amount available allowed only $28.4 million or 28 percent of such applications to be realized.

I mention these facts and figures only by way of indicating that we are not seeking any padded authorization in this situation. We spoke yesterday of a signal example regarding the symphony orchestras of the country, in which there is so much interest in the Chamber. It is indicated that only 3.5 percent of the funding of those orchestras come from the National Endowment on the Arts.

Even if the Senator from Wisconsin (Mr. PROXMIRE) is right and we quintuple that support, that would mean only 15 to 17 percent of the funds for that particular art form would come from the National Endowment on the Arts. And that certainly is not going to represent their main support or make them a stale or sterile establishment as the Senator from Wisconsin asserts, or give the United States official control over the arts to accomplish any of the scare situations which the Senator from Wisconsin asks us to accept on faith.

Mr. President, I would like to close on that argument because no shred of evidence has been produced, even by the Senator from Wisconsin. The Senator from Wisconsin has promised to tell us a lot of horror stories concerning political influence which has suppressed or oppressed many of these programs.

The Senator from Rhode Island (Mr. PELL) and I are anxious to hear any evidence on that score because we pledge to the Senate—and I know that I speak for him as well as for myself—that we will be eternally vigilant in respect to the oversight responsibility of the U.S. Senate on such a matter. We consider that to be our main responsibility, to give a new vote of confidence in this program such as this vote would represent.

The Senator from Rhode Island and I have talked about the possibility of working out some compromise with the Senator from Wisconsin such as reducing the figures in the bill. On sounding out the Members, we have found that that would be a regressive move and that we would not receive support.

Normally people are interested in settling these things and getting them out of the way, and not having any controversy about them. On the contrary, however, in this situation we have been encouraged by Members of the Senate to stand fast.

This is a program for which the administration has given an item in the budget of $145 million in actual program authorizations and $8 million for administration. We are seeking $160 million in this bill as an authorization.

As we know, the growth of these programs has been such that Members generally feel that they should be—rather than should not be—accommodated by the action we take. Mr. President, we can always correct whatever action we take at the time of appropriations.

For the first year, which is the year we look forward to, we are taking the administration at its word. One program which is a popular people's program has represented in their budget estimate an amount that we believe meets the needs. Therefore, we have sought to obtain a figure very close to this based upon the testimony which we have.

Mr. President, for all of those reasons I hope that the Senate will reject the Proxmire amendment.

Mr. PELL. Mr. President, I thank the Senator from New York. I am prepared to yield back the remainder of my time. However, before doing so, I yield 4 minutes to the distinguished senior Senator from Minnesota.

Mr. MONDALE. Mr. President, I thank the distinguished manager of the bill.

I am pleased to join in urging Senators to support the pending legislation, S. 795, which would renew the authority of the National Foundations on the Arts and the Humanities. I hope that we are able to pass this measure without amendment.

Since the foundations were created in 1965, more Americans have been exposed to stimulating creative performances and ideas than ever before in our history. According to an article which appeared in Saturday Review magazine, "more than 600 million visits are paid to American museums each year, 12 million to symphony concerts."

There is a great upsurge of public interest in and commitment to the arts and humanities, and I see this nowhere more than in my own State of Minnesota.

Mr. President, the foundations have been extraordinarily helpful in the whole range of creative arts. We are delighted by the rule that has been played by this program.

With the added assistance of the Arts Endowment, fine Minnesota institutions like the Guthrie Theater, the Minnesota Orchestra, and Walker Art Center have been able to expand their programs and bring them to audiences throughout the State and even in other States. The Arts Endowment helped to support the creation and display of the historic exhibit "American Indian Art," in Minnesota and to bring performances by the Center Opera Co. and other cultural groups to areas of the Midwest which lack resident performing groups.

Mr. President, I understand that one of the arguments against a generous increase in funds is that it would be an inappropriate approach to increase the funds in this category while the President's budget proposes cuts in the poverty area. My answer is that I do not think he should be cutting funds in the poverty area. Second, many of these programs that are supported by the Foundation are for the purpose of opening up the arts to participation by the poor.

Mr. President, I do not have the figures because it never occurred to me to vote on these programs on that basis. However, I do know that the Guthrie Theater has had a longstanding program of free performances and reduced charges so that schoolchildren and others could have this magnificent opportunity to see and hear the great performances of that theater.

The same is true with respect to the Minnesota Orchestra and the Walker Act Center.

One of the reasons that I am so excited about the foundations is that they have had this trust of trying to open up the arts for the enjoyment and education of everyone.

We have Indian artists as fellows and students, youngsters who have practically no money. We brought them along and helped them to participate in the development of this field. We are helping them, and just as important we are learning from them.

Financial aid from the Humanities Foundation has spurred a statewide discussion of regional government, a timely topic of concern to many residents of Minnesota.

For many years there was in this country a debate about whether the Government should subsidize the arts. I think that the work of these foundations has proven that Government subsidies can be effective and that our national intellectual and cultural life is significantly enriched by them.

Mr. President, I am pleased to have served on the committee under the gifted leadership of the distinguished manager of the bill, the Senator from Rhode Island (Mr. PELL).

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

This is in response to the Senator from New York (Mr. JAVITS), who has challenged me repeatedly and said he wanted to hear one horror story, one example of censorship or political determination of the basis of this program.

Repeatedly, Mr. President, I have given the example of "State of Siege." Let me document it further.

There was a double-barreled reason given for not showing the movie "State of Siege" at the American Film Institute Festival at the Kennedy Center. One reason was that it rationalizes a political assassination. Of course, that same reason could have been given for not showing "Julius Caesar" or "Nicholas and Alexandra," a picture about the last days of the czarist regime in Russia.

The second reason was that it was an inappropriate choice for the opening of the AFI theater in the Kennedy Center.

I find this second reason even more disturbing, because, when followed to its logical conclusion, it means that because Congress built a cultural center as a memorial to the late President Kennedy with Federal tax dollars, material must be sanitized before it can be shown at that Center.

Of course, the third and unstated reason for showing extreme caution in screening certain material in the new AFI theater is that it depends upon Federal support, and the papers here in Washington were full of that. I have articles here from the Post and the Star which document it fully.

Furthermore, I have a letter here, Mr. President, from the Authors League of America, signed by Jerome Weidman, president. He said the following:

"Censorship" is not limited to acts which openly and directly restrain the distribution of motion pictures or books. Censorship can be imposed subtly or indirectly, and yet inflict serious restraints on freedom of expression. To censor means "to assess, estimate or judge". "Censure" means an "expression of blame or disapproval". The expulsion of State of Siege from the AFI festival, to which it had been invited, was an act of "disapproval"; and, in fact, was accompanied by a statement expressing criticism of the film. The expulsion cannot be defended as a mere expression of "taste"—censorship of literary works involves the substitution of the censor's "taste" for that of the artist and his audience.

Still reading from the letter from the Authors League of America:

The expulsion of State of Siege by the AFI has other nuances because the Institute derives a part of its support from the National Foundation. . . .

We believe that The American Film Institute's decision to expel State of Siege was extremely unfortunate; and that the Institute should move promptly to dispel all suspicion by inviting Mr. Constantin Costa-Gavras to exhibit State of Siege at the Kennedy Center.

If that is not an example of censorship, I do not know what is. I have offered it repeatedly, but neither Senator JAVITS nor Senator PELL seems to want to join me in argument.

In this case, an invitation to show the film at the AFI festival was followed by the film's cancellation. The censorship that occurs in these programs usually does not breach the surface, and we do not know about it. In this case, if Mr. Stevens had decided that the film was unsuitable before it had been scheduled, we would not have known about it. This raises the most disturbing question of all: How many films will not be shown because of precensorship, the type we never hear about? How many cases of precensorship will never be discovered?

Mr. President, I do not argue that for this reason we ought to kill the program. I say no, let us increase it at a rapid rate, by 50 percent this year, by another $40 million next year, but let us not go hog wild, and pour so much into it that a feeling develops throughout the country that the Government is providing assistance for the arts, and they do not have to rely on individuals.

As I have documented earlier, 90 percent of the support for the arts in this country now comes from individual giving, and that is the most wholesome kind in a free society. So I say we should follow the moderate course staked out by my amendment, not only to avoid Government censorship, but also because of the positive impact private individual donors can have upon free artistic expression.

If I have any time remaining, I reserve it.

Mr. PELL. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. The Senator from Rhode Island has 3 minutes. The Senator from Wisconsin has 2 minutes.

Mr. PELL. I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator from Rhode Island for allowing me to speak a few words in support of the committee and the administration position in respect to this bill.

Not long ago I had an experience which is a rather typical one for Americans these days: I submitted a project for the Bicentennial Commission on Revolutionary War History in Eastern Maryland, in the area of St. Michaels in Calvert County, which was an important area in our national history during the Revolutionary period. I was told this was a worthy project, and one very important to historians and scholars in the future, and just plain citizens today, but that as a matter of fact the Bicentennial Commission was virtually out of business during a period of reorganization.

One of the first areas at the Federal level that is expressing any interest or creativity to a meaningful commemoration of the national bicentennial is the National Endowment for the Arts. Nancy Hanks has made a very interesting exposition in the way of encouragement of programs developed by people to help the Nation commemorate the bicentennial in 1976 and during the intervening years.

It seems to me that when we are virtually striking out with the National Commission for the Bicentennial, we ought at least to be encouraging an effort to improve the Endowment for the Arts. It is for that reason that I am very reluctant to see any change in the committee bill. I think this function alone is an enormously important one, in addition to all the others that have been explained on the Senate floor during this debate.

The Endowment is providing leadership. It is providing a forum for discussion of what can be done for the commemoration of the bicentennial. I think this is the very kind of creativity that the Endowment ought to be encouraging, and for that reason I think the administration's position ought to be supported. and the amendment should be defeated.

I am disturbed at the lack of progress the Federal Government is making in other areas, and I speak as a member of the Bicentennial Commission and the author of the bill which created the Commission. It is a very unhappy admission for me to make, but it makes me all the more adamant that the Endowment, which is actually having success in promoting the projects associated with the Bicentennial, should be encouraged.

I would hope, for example, that in the bicentennial era we would have funds available to encourage installation of climate control and security systems in our Nation's museums to protect our cultural heritage; funds to help protect and restore historic sites from the wrecker's ball; to bring great performances of theater, music, dance to people around the country; to encourage the rich folk music heritage; to help encourage projects like Artrain—a train that is now touring the eight Rocky Mountain States, spending a month in each and bringing an exhibit of first-rate art and artist demonstrations to the people in remote areas.

The three goals of the Arts Endowment are—to make our cultural resources available to people throughout the country, to strengthen our cultural institutions so that they can more adequately serve the people, and to advance our cultural legacy by preserving our heritage and enhancing future creative development. These are goals worthy of our 200th birthday.

We as a nation are fortunate that we have the greatest cultural resources of the world to call upon for the bicentennial. We are indebted as a nation to the great generosity of private individuals who built the quality that we can now utilize to enrich the lives of all Americans.

Our visual artists have been in the forefront of the world in the postwar years. The world comes here to study. We have two of the world's greatest dance companies with the American Ballet Theatre and the New York City Ballet—and incidentally, the Endowment for the Arts, through its touring programs, has enabled these two great companies to bring their performances throughout our country, instead of limiting them to New York audiences. Our museums contain a great many of the great world masterpieces.

Our symphony orchestras are among the finest in the world; and it is unquestioned that some are the best in the world. I call your attention to the Time cover story this week on Georg Solti, the conductor of the Chicago Symphony. Jazz is an American idiom and one of the most vital forms of music, with imitators around the world. Our choreographers, our poets, theaters, actors—we are a Nation of diverse and rich culture.

And I am gratified to notice that it is often our young people who are the ones to discover and appreciate this fact. Even at the opera—that supposedly most arcane of arts—there are many young people, and enthusiastic ones too. Of course, I believe that the programs of outreach, often sponsored by the National Endowment for the Arts, have been responsible for this phenomenon—for example the recent "Look In" at the Metropolitan Opera with Danny Kaye.

To turn to my own State, the National Endowment for the Arts has assisted a number of fine programs in Maryland, and also ones that serve our region—and indeed the Nation. I cannot begin to name them all—just a few.

Baltimore's Center Stage was selected, along with the Guthrie Theatre in Minnesota, as part of a pilot program in theatre touring, that could serve as a model and be expanded to cover many theatres and many regions as part of a bicentennial project. Center Stage has embarked on an 8-week tour into five States—Maryland, Pennsylvania, New Jersey, Delaware, and West Virginia. Residencies will occur in 12 cities and towns—ranging from 3 days to 7 days in length. And these residencies consist of a variety of activities—such as school performances, and workshops—in addition to regular performances.

The Baltimore Museum of Art has just received a $270,000 Treasury Fund grant—one-half private funds—to assist the installation of climate control and security systems, which are desperately needed to protect such great resources as the Cone Collection, one of the finest collections of French impressionist and turn of the century art in the world. The Maryland Historical Society re-



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ceived a sorely needed $10,000 for conservation of approximately 30 paintings. The Art Museum has also received support for the continuation and expansion of Newseum—an extension of the Baltimore Museum of Art located in the inner city. And the Peabody Conservatory of Music, one of the great private music conservatories in this country, has received assistance from the Endowment for its scholarship program for talented young people.

We are proud of our Baltimore Symphony Orchestra—it received a rave review just this week from New York Times critic Harold Schonberg for its performance in New York. Our opera company, too, is making news and will travel to Washington this month to present its highly successful production of Nenotti's opera "The Saint of Bleecker Street" in the Kennedy Center. The Endowment has assisted both of these fine organizations—the Baltimore Symphony and the Baltimore opera.

And I want to mention, in closing, the artists-in-schools program, assisted by the Endowment for the Arts, in cooperation with the U.S. Office of Education. The Baltimore Sunday Sun on April 22 carried a front page feature in its spectator section on this project, entitled "They're Making Poetry More Fun Than Recess." If there is no objection, I ask unanimous consent that the entire article be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Maryland began a "trial year" for this endowment program in 1971–72; and this year more than 100 schools participated in the project. Maryland ranks among the top five States in terms of funding made available for the program, which is also funded by the Maryland Arts Council. Quoting from the article:

The poets seems to have a definite impact. Regular classroom teachers are amazed as "problem" and "slow" children shout, cheer, and beg to be the first to read their poems to the class.

The program has been so successful in terms of awakening children to the excitement of learning and of creating that Maryland hopes to expand it next year.

More money will make it possible to reach more schools, more children. This is true of virtually every single one of the endowment's programs. Each has been tested, is working; and the proposed level of funding is modest when one considers the great needs and potential.

Mr. President, I thank the Senator from Rhode Island again for yielding to me.

The exhibit follows:

EXHIBIT 1

THEY'RE MAKING POETRY MORE FUN THAN RECESS

(By Daniel F. Goldman)

"A Frito is Queen Victoria's chair in purgatory." A madcap metaphor tossed off by some effete young poet in a little magazine? Something muttered by Ginsberg or Corso when stoned? Would you believe a Maryland grade-school pupil who two weeks before had said scornfully that all poetry was "for sissies"?

It's all part of a new project that began in 1966, really got going in 1970 and 1971, and this year will reach over 600,000 students, from grade school through high school, in more than 3,000 school districts in 49 out of the 50 states, Guam, the Virgin Islands and American Samoa.

A thousand professional poets are doing the teaching, or perhaps priming would be a better word. These are not the poetry classes that many adult Americans dimly recall with a twinge and a shudder: scavenger hunts for images, relentless parsing of elusive allusions and scampering scansions. The children write the poetry, and have been known to cheer spontaneously after every line.

One of the poets in the Maryland program, Elizabeth Ayres, described a typical experience:

"It is my first day in one of the schools. I am walking down the hall toward my first class. There are four or five children already gathered around me. 'Are you the poetry lady?' 'Yes,' I smile. They smile. One little boy (sixth grade, I believe) confronts me. 'Are you the poetry lady?' This is said in a challenging tone. 'Yes.' Another challenge: 'Do you write poems?' 'Yes.' And then, a command: 'Write me a poem about basketball.'

"I mumble something about poems needing a bit more inspiration than that, and laugh, but I am amazed, thrilled, excited. In the high schools where I've been, the boys cared little for poetry. That was for girls. They were more interested in sports. But this little boy saw no incongruency in his request. If I was a poet, well and good. I could write poems about basketball. And if he was interested in sports, and wrote poems, he was going to write poems about sports."

A SURPRISE SUCCESS

A few years ago, poet Kenneth Koch had singular and (to many) surprising success inducing a fifth grade class in New York city to write poetry. Sponsored by the American Academy of Poets, the Teachers' and Writers' Collaborative, and the National Endowment for the Arts, Mr. Koch evolved many devices to get the children started. Sometimes he would ask them to begin each line with "I wish . . ." and go on from there; or to use other ready-made constructs such as "I seem to be . . . But I really am . . ." or "I used to . . . But now . . ." Or he would ask them to make every other line in their poems a lie, or to describe what color a certain sound reminded them of, or what it would be like to be a river.

The results confounded the experts, and brought fame and further grants to Mr. Koch. He published an anthology of his charges' work, called "Wishes, Lies, and Dreams." Getting children to write poetry was no longer the sole province of the creative writing "enrichment" courses, and soon became the darling of innovative educators.

Maryland began a "trial year" for the program in 1971–1972. This year more than 100 schools participated in a program sponsored by the National Endowment for the Arts and the Maryland Arts Council.

Maryland ranks among the top five states in terms of funding made available for the program. Expansion is planned for next year.

The official name is "Artists in the Schools," designed to "introduce practicing artists (of various disciplines) into existing curricula." Poets are in the overwhelming majority, in Maryland as in other states, perhaps because "they're so portable," according to Leonard Randolph, program director for literature at the National Endowment for the Arts.

Portability aside, the poets seem to have made a definite impact. Regular classroom teachers are amazed as "problem" and "slow" children shout, cheer and beg to be the first to read their poems to the class. High schoolers tend to be more inhibited, but enthusiasm is high at that level as well. The Maryland Arts Council intends to publish an anthology of the youngsters' work this year.

MUST BE CERTIFIED

Participating poets in Maryland, all of whom must be certified professionally competent by the Arts Council, range from Elizabeth Ayres, a 1972 honors graduate of the University of Maryland, to Sister Maura, a School Sister of Notre Dame who is an established Maryland poet, to Lucille Clifton, whose poetry about her ghetto childhood has recently brought her to national prominence. Some of the poets concentrate on specific areas, such as Gilbert Byron on the Eastern Shore, and Daniel Epstein in Western Maryland. They are paid a stipend by the Arts Council, but often make themselves available to students for more hours than their contracts specify.

Aside from amazement and pleasure at how readily the children embrace the idea of writing poetry, the teachers' most frequent observation concerns how surprised the students are to find that poets look pretty much like everyone else. "They are shocked to see that I'm not male, over 50, dressed in tatters, rolling my eyeballs wildly, or otherwise evidencing my insanity," says Miss Ayres. "They do tend to expect a poet to be instantly recognizable as such," agrees Carol Peck, whose students begged her to extend the class beyond its scheduled expiration date.

Techniques vary widely from poet to poet, and each school structures the program as it sees fit. In Rockville, all students are volunteers. They are excused from other classes to attend the poetry sessions, but must agree to make up all missed work. Other schools schedule poetry courses during several regular English periods.

"My aim is to be as helpful as possible to them," says Carol Peck, "to take them from where they are now and start guiding them to where each of them can go; and it's different for every student. This sort of thing leads to greater verbal awareness, even in students with no initial interest in writing and no particularly pronounced ability.

"There was a boy in one class who had a lot of discipline problems, couldn't settle down and study in his other courses. I didn't even think he was listening. We were discussing the concept of extended metaphor, and I regarded it almost as a desperation measure, hoping the kids would be amused by some of the examples, since they didn't seem to care much about my being there. This boy sat there writing the whole time. I just assumed he was doing some other homework. As he left, he sort of thrust this paper at me, and it was this marvelous, balanced extended metaphor that poured out everything he felt about the school—not very flattering, of course. But it was a great relief for him. These things happen often enough so you don't get discouraged."

PASSION FOR ANONYMITY

Honesty is stressed, and writing from one's own experience. This often leads to a passion for anonymity, because the children don't want others in the class to know what they wrote.

Elizabeth Ayres wonderingly contrasts the high schoolers with the younger children. "The older ones were terrifyingly inhibited. Those who managed to conquer these fears and write gave me their writing furtively. They didn't want the others to see that they'd written anything, and they most assuredly didn't want anyone to see what they'd written. The young children beg to be first reading their poems to the class. What has happened to them since the sixth grade?"

Miss Ayres still marvels about the "little boy who never says anything, always sits by himself, acts scared of everyone and everything; I try to talk to him, loosen him up; no response. After three visits, at the end of the class, he runs up to me and thrusts a poem in my hands. I read it, and it's great. I go and tell him how much I like it. At every successive visit, he writes another poem; he even begins to smile when I look at him."

CHILDREN'S POEMS

Insane magician
Give us some hokus pokus
Change the world for good.

*Being Dead*

I don't have to see
my stupid brother.
I don't have to pay
taxes anymore.
I get to see the worms and talk
to the other dead people.

---

A doll is like a soldier;
they do as they are made.

---

I hate the kids
Who hit you for nothing.
They talk nice
And then all of a sudden
For nothing
Wam!

---

*A Berserk Curse*

May your ears be chopped up
for mincemeat pie. I will cut your
guts out with a butcher knife
and have them made into gut pudding.
May your head be used as a
bowl for my cereal and your
eyes for grapes in my lunch.

---

If I was an osprey I would fly high over the water.
If I could fly, I would dive and pick up fish.
I would lay eggs and if they didn't hatch,
I would try again.



The PRESIDING OFFICER. All time of the Senator from Rhode Island has expired. The Senator from Wisconsin has 2 minutes remaining.

Mr. PROXMIRE. I yield my remaining time to the Senator from Maine.

Mr. HATHAWAY. I thank the Senator from Wisconsin for yielding to me. I have a question or two that I would like to address to the Senator from Rhode Island.

I am concerned about the extent to which money appropriated under the Arts and Humanities Act goes to the actual encouragement of participation by the poor; and although I doubt that anyone can give me a percentage figure on that, I would appreciate the Senator from Rhode Island giving me some examples of programs that are designed specifically for the poor, not just being made available to them but on a basis on which the poor are encouraged to participate.

Mr. PELL. Mr. President, anticipating the Senator's question, I made inquiry of the endowment, and was assured that better than a quarter—they do not have a computer run, but better than 25 percent, or a quarter of the people benefiting by these programs now would fall into the category of being of low income.

It is very hard to define quite what that would mean. The Senator from New York yesterday pointed out that the Metropolitan Museum of Art is now open on Sundays and it is the biggest attraction in New York City, so that many of its visitors would be those in the lower income level. It would be hard to define as to what the income is of each person who would benefit by the program. Other programs which are of interest in this regard would be, for instance, the art trains that have gone through six and eight States in the Midwest part of the country and in States like New Mexico, Michigan, Arizona, Colorado, Idaho, Montana, Wyoming, and Nevada. They have all benefited.

There are also touring theaters in the high schools and a touring theater which is actually going into the slums.

Mr. PERCY. Mr. President, the recent death of Pablo Picasso has focused the attention of people in all nations on the world of fine art. As we mourn his passing, it is inevitable that we contemplate the tremendous impact Picasso's work has had on all forms of art, on all members of the international art community, and on admirers of the arts everywhere. In viewing his life and accomplishments, we are made aware of the tremendous influence one person can have on his own and succeeding generations of men and of the uncountable benefits to mankind that can result from the latent of one individual.

Becoming a great artist in any art form is never easy. It requires unique talent, dedication, and, in too many cases, the ability to live and work at a subsistence level. No one can hope to replace Picasso, but we can hope to provide the cultural climate and financial assistance that will allow individuals or groups with unusual talent in the arts and humanities to nurture that talent.

I feel very strongly that the Federal Government has a responsibility to play a leading role in sponsorship of the arts and humanities. The National Endowment of the Arts and Humanities, established in 1965, has made great progress in providing assistance to promising individuals and groups in every State and in diverse arts and humanities media. However, I feel that Federal sponsorship has been so sadly lacking in the past, that we must now do all we can to bring financial support to a level commensurate with the worth of these excellent programs.

I believe that a growing Federal investment in the arts and humanities is a wise one. If there exists in the United States today one person with even half the talent and one-quarter the prolificacy of Pablo Picasso, the money spent on assisting that person will be returned a thousand times over in cultural benefits to the American people. I therefore urge acceptance of the authorization levels proposed by the committee. My support of this authorization in no way contradicts my intention to limit Federal expenditures and to adhere to the President's proposed spending ceiling. I am committed to that goal. However, I am confident that balancing cutbacks can be made in other areas.

Consequently, I support the funding levels recommended by the committee and urge prompt passage of S. 795, the National Foundation on the Arts and Humanities Amendments of 1973.

Mr. TUNNEY. Mr. President, what do we remember most about the Greeks? Not so much their wars as their arts and their literature and their letters.

Americans have no long history. They are compulsively futuristic. And, now, if the Government does not more amply support the arts, we will have no past. There will be nothing to chronicle and to elaborate our ideas through time.

Artists create things and give focus and meaning to ideas and the deeper feelings of mankind. If you give an artist enough money to plant one tree, you will get a forest in return.

That is why I urge passage of full funding for a 3-year extension of the National Endowments for the Arts and the Humanities.

The $840 million involved is a prudent investment in the creative yearnings of our Nation.

We spent billions more to send men to the moon and to develop our sophisticated technology. Yet we have gained no peace of mind. It is time to give ideas a chance.

Art not only provides inspiration and incentive to young artists, but it also is an avenue of employment for many.

One is through regional repertory theaters. In the beginning, there were very few. Now about 35 to 45 are booming at a time when Broadway is dying.

Additionally, in our big cities, mobile galleries and theaters bring life and hope to millions of young people in drab ghettos. They confirm that young persons can realize and be recognized for their talents and their creative self-expression.

Artists overgive. Whatever they receive from the Government, they will give back twentyfold in enjoyment, fulfillment and enlightenment for all America.

Mr. BELLMON. Mr. President, S. 795, the Authorization Bill for the National Foundation on the Arts and Humanities provides funding to encourage American advancement and participation in the Arts and Humanities. The United States currently spends proportionately less money in these areas than any other country in the Western World. The work of the National Foundation of the Arts and Humanities is a valuable asset to our Nation's cultural life. The President, 3½ years ago decided the program deserved greater funding in order that Arts and Humanities would become a greater part in the lives of all Americans.

Through the use of matching funds, the Federal Government in cooperation with the States and private institutions, has been able to significantly increase American access to the arts. This program provides $3 or $4 of revenue from States and private institutions for every dollar paid by the Federal Government. This is a program which has proven its value to the American citizens.

In a year of budget reform with increasing pressure on the Members of Congress to spend more and more money on various Federal programs, it is wise that the Congress question the efficacy of any increase in any program. Yet when we look at the relative amounts of money spent to preserve and expand our cultural heritage to other Federal programs, we have in the past spent sums which are insignificant. Because of this past failure the President's budget provides for an orderly but rapid increase in the effective spending level for the Arts and Humanities over a period of several years.

I support the President's initiative and

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will support his request with a vote for authorization of the amount requested in the President's budget proposal.

However, as a member of the Appropriations Subcommittee which appropriates the funds for the National Endowment of the Arts and Humanities, I will closely scrutinize their budget justifications and where appropriate, will recommend and will vote for decreases.

Therefore, I will vote to authorize the full amount requested in the President's budget and against the amendment to S. 795 sponsored by the distinguished Senator from Wisconsin, Mr. PROXMIRE. I will, however, as I said, closely scrutinize the budget request before the forum of the Appropriations Committee in the Senate.

SENATOR RANDOLPH SUPPORTS REALISTIC ARTS AND HUMANITIES FUNDING

Mr. RANDOLPH. Mr. President, since its enactment in 1965 the National Foundation on the Arts and Humanities Act has provided much needed support for the growth of these important activities. Federal involvement in the arts has broadened the scope of our programs bringing many more people into contact with our American heritage culture. I have witnessed the development of arts programs in our home State of West Virginia. I am confident that we can continue this effort.

I supported S. 795 in the Committee on Labor and Public Welfare, but I feel that the amendment offered by Senator PROXMIRE offers a more realistic approach to this issue. This is a time when many Federal programs are being reduced, often drastically, and many are facing elimination. When the Senate considers legislation, we often must put aside problems that many of us feel are of great urgency as we also consider budgetary restraints. I am aware that the administration is not opposed to the authorization level for 1974 in S. 795. However, in view of the Senate passed spending ceiling of $268 billion, we must reduce where possible in areas that are not so urgent to meet this ceiling.

I point out to my colleagues that the authorization level proposed in the fiscal 1974 budget and in S. 795 for arts and humanities is more than double the $61.6 million requested for all Government financed coal technology research. In fact the Senator from Wisconsin's amendment is only a little less than double this same figure. We are not facing a crisis in culture, but we are faced with a fuels and energy crisis.

We have also reduced authorizations for the Older Americans Act, the Public Works and Economic Act, the Federal Aid Highway Act, and the Rehabilitation Act. There are others.

The Proxmire amendment does not kill the program; it merely reduces the authorizations to a more realistic level in view of our many acute domestic needs. This amendment continues to raise the authorization level for 1974 through 1976. In 1974 it represents a $16 million increase in arts grants, a $17 million increase in humanities grant programs, a $1.3 million increase in art-State programs, and a $8 million increase in the arts and humanities matching funds. These figures are less than those proposed in the 1974 budget and in S. 795, but they are sufficient to permit the arts and humanities programs to continue to function in an effective and reasonable manner.

The PRESIDING OFFICER (Mr. COOK). All time has now expired on this amendment.

The hour of 2 p.m. having arrived, the question now is on agreeing——

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 96 (previously No. 78) of the Senator from Wisconsin (Mr. PROXMIRE).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Kansas (Mr. PEARSON) are absent on official business.

The Senator from Ohio (Mr. SAXBE) is necessarily absent.

The result was announced—yeas 30, nays 61, as follows:

[No. 110 Leg.]

YEAS—30

| | | |
|---|---|---|
| Bartlett | Gurney | McIntyre |
| Bible | Hart | Nunn |
| Biden | Haskell | Proxmire |
| Buckley | Helms | Randolph |
| Byrd, Harry F., Jr. | Hollings | Roth |
| Byrd, Robert C. | Huddleston | Scott, Va. |
| Cotton | Hughes | Symington |
| Curtis | Johnston | Talmadge |
| Eastland | Long | Thurmond |
| Ervin | McClellan | |
| | McClure | |

NAYS—61

| | | |
|---|---|---|
| Abourezk | Fong | Moss |
| Aiken | Fulbright | Muskie |
| Allen | Goldwater | Nelson |
| Baker | Gravel | Packwood |
| Bayh | Hansen | Pastore |
| Bellmon | Hartke | Pell |
| Bennett | Hatfield | Percy |
| Bentsen | Hathaway | Ribicoff |
| Brock | Hruska | Schweiker |
| Brooke | Humphrey | Scott, Pa. |
| Burdick | Inouye | Stafford |
| Case | Jackson | Stevens |
| Chiles | Javits | Stevenson |
| Church | Kennedy | Taft |
| Clark | Mansfield | Tower |
| Cook | Mathias | Tunney |
| Cranston | McGee | Weicker |
| Dole | McGovern | Williams |
| Domenici | Metcalf | Young |
| Dominick | Mondale | |
| Fannin | Montoya | |

NOT VOTING—9

| | | |
|---|---|---|
| Beall | Griffin | Saxbe |
| Cannon | Magnuson | Sparkman |
| Eagleton | Pearson | Stennis |

So Mr. PROXMIRE's amendment No. 96 (previously numbered 78) was rejected.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## FOUR-YEAR TERMS FOR THE HEADS OF THE EXECUTIVE DEPARTMENT

The PRESIDING OFFICER (Mr. DOMENICI). Under the previous order, the Chair lays before the Senate S. 755, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 755) to provide 4-year terms for the heads of the executive departments.

The Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with amendments on page 1, line 6, after the word "President", insert "appointing such department head"; and, on page 2, line 6, after the word "department", strike out "shall" and insert "may"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) notwithstanding any other provision of law, the head of any executive department shall serve for a term of four years beginning at noon on January 20 of the year in which the term of the President *appointing such department head* begins, except that (1) the term of the head of any executive department serving on the date of the enactment of this Act shall begin on such date and shall expire at noon on January 20, 1977, and (2) the head of any such department appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the unexpired portion of such term. Upon the expiration of his term, the head of any executive department *may* continue to serve until his successor has been appointed, been confirmed, and has qualified.

(b) Nothing in this Act shall be construed to affect the power of the President to remove the head of any executive department.

(c) For the purpose of this Act, the term "executive department" means any of the executive departments set forth in section 101 of title 5 of the United States Code.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished minority leader may be recognized for a minute or so.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. SCOTT of Pennsylvania. Mr. President, I ask the distinguished majority leader what the order of business is.

Mr. MANSFIELD. Mr. President, in response to the question raised, the yeas and nays have been ordered on S. 755, the pending business. There will be a 10-minute rollcall vote.

I ask unanimous consent that the amendment to be offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE) have a time limitation of 30 minutes, the time to be equally divided between the sponsor of the amendment and the manager of the bill, the Senator from Rhode Island, and that there be a time limitation of 5 minutes on a side with respect to amendments thereto, if there are any.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. It is anticipated that that may well be the last amendment—I am not certain—but it is our intention to go through with final passage of this bill this afternoon, if at all possible.

Mr. SCOTT of Pennsylvania. Mr. President, I should like to make the point that I have discussed with the distinguished Senator from North Carolina his proposal to bring up the House bill pertaining to the confirmation of the nomination of the Director of the Office of Management and Budget. He has agreed, in view of the request by the Senator from Michigan, who wishes to be heard tomorrow, that the bill will not come up before tomorrow. I make the statement for the benefit of Senators.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I just wish to suggest to the majority leader that as far as the Senator from Rhode Island (Mr. PELL) and I know there is only one other amendment, other than the amendment of the Senator from Wisconsin (Mr. PROXMIRE). We hope to be able to get together with the mover of that amendment. If the Senator from Montana would ask if there are other amendments, that might give Senators an indication of what time we are likely to be finished with the bill.

Mr. MANSFIELD. Are there amendments on the part of Senators?

There do not seem to be.

Mr. JAVITS. I thank the Senator.

Mr. MANSFIELD. I assume that after the disposition of the Proxmire amendment the vote will be on final passage. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MANSFIELD. In view of the fact that this statement has been made, with a time limitation on the Proxmire amendment, and very likely an agreement will be reached between the two parties on the basis of the amendment to be offered by the Senator from Maine (Mr. HATHAWAY), I ask unanimous consent that upon the disposition of those two amendments the vote be taken on final passage.

The PRESIDING OFFICER. Without objection, it is so ordered; rule XXII will be waived.

## FOUR-YEAR TERMS FOR THE HEADS OF THE EXECUTIVE DEPARTMENTS

The Senate continued with consideration of the bill (S. 755) to provide 4-year terms for the heads of the executive departments.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc. They are minor amendments, and they were reported unanimously by the committee.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Kansas (Mr. PEARSON) are absent on official business.

The Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

The result was announced—yeas 73, nays 17, as follows:

[No. 111 Leg.]

YEAS—73

| | | |
|---|---|---|
| Abourezk | Gurney | Moss |
| Allen | Hart | Muskie |
| Bayh | Hartke | Nelson |
| Bentsen | Haskell | Nunn |
| Bible | Hatfield | Pastore |
| Biden | Hathaway | Pell |
| Brock | Hollings | Percy |
| Brooke | Huddleston | Proxmire |
| Burdick | Hughes | Randolph |
| Byrd, Harry F., Jr. | Humphrey | Ribicoff |
| Byrd, Robert C. | Inouye | Roth |
| Case | Jackson | Schweiker |
| Chiles | Javits | Stafford |
| Church | Johnston | Stevens |
| Clark | Kennedy | Stevenson |
| Cook | Long | Symington |
| Cranston | Mansfield | Taft |
| Dole | Mathias | Talmadge |
| Dominick | McClellan | Thurmond |
| Eastland | McGee | Tower |
| Ervin | McGovern | Tunney |
| Fong | McIntyre | Weicker |
| Fulbright | Metcalf | Williams |
| Gravel | Mondale | Young |
| | Montoya | |

NAYS—17

| | | |
|---|---|---|
| Aiken | Cotton | Hruska |
| Baker | Curtis | McClure |
| Bartlett | Domenici | Packwood |
| Bellmon | Fannin | Scott, Pa. |
| Bennett | Hansen | Scott, Va. |
| Buckley | Helms | |

NOT VOTING—10

| | | |
|---|---|---|
| Beall | Griffin | Sparkman |
| Cannon | Magnuson | Stennis |
| Eagleton | Pearson | |
| Goldwater | Saxbe | |

So the bill (S. 755) was passed.



## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1973

The Senate continued with the consideration of the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for the purpose of offering an amendment.

Mr. PROXMIRE. Mr. President, I had intended to offer an amendment to the pending bill. I think that amendment is right, because it would accept the administration's budget figure for the arts and humanities program. It would provide a full authorization of a nice increase, from $80 to $153 million for 1974 and then no authorization in 1975 and in 1976, when the bill would provide an increase to $280 million in 1975 and $400 million in 1976. That is such a mammoth increase in a program increasing now that I strongly felt we should have a year to look at it and not have the Appropriations Committee under the gun and not increase the amount at breakneck speed.

However, I have talked with a number of Senators who voted with the committee on the last amendment, and I concluded there is no way I can win on that amendment. I might pick up two or three votes, but I would not win.

I congratulate the Senator from Rhode Island (Mr. PELL) and the Senator from New York (Mr. JAVITS). I hope the program is successful.

Mr. President, for the reasons I have stated, I will not call up my amendment, and I yield the floor.

Mr. PELL. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Pursuant to the previous order, the Chair recognizes the Senator from Maine (Mr. HATHAWAY) for the purpose of offering an amendment.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Maine has the floor. Does he yield for that purpose?

Mr. PROXMIRE. I beg the Senator's pardon. I did not see him.

Mr. HATHAWAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I call up my amendment, which is at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 13, strike out lines 7 through 11, and insert in lieu thereof "(b) (1) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended."

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Mr. TOWER. Mr. President, what my amendment does is simply strike from section (b) (1) on page 13 lines 8 through 10, "notwithstanding any other provision of law, unless such provision is enacted in express limitation of this subsection."

All this does is to make the accumulative availability of unexpended appropriations under the authority of this act available for obligation and expenditure. However, it does not mandate that it be available for obligation and expenditure.

I have discussed the amendment with the manager of the bill, and I understand that he is prepared to accept the amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. JAVITS. Mr. President, this is an amendment which deals with the anti-impoundment provision in the bill. The head of the Endowment of the Arts, Miss Nancy Hanks, does not feel that she wants this provision in the bill especially for her agency; hence, this amendment. I am prepared to yield to her views on that score and I am willing to accept the amendment.

Mr. PELL. Mr. President, I, too, am prepared to accept the amendment. However, I would not want this to be considered as a precedent. As a general rule I will endeavor to see that anti-impoundment provisions be included in all legislation with which I am associated. However, in this case I have agreed to accept the amendment and suggest that my colleagues agree to it.

Mr. TOWER. Mr. President, I thank the distinguished Senators.

I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. HATHAWAY. Mr. President, I call up an amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

Paragraph (2) of subsection (c) of section 5 is amended by striking out "in many areas of the country" and adding "for geographic or economic reasons;" add a new subsection to subsection (c) of section 7 as follows:

"(7) insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons."

Mr. HATHAWAY. Mr. President, my amendment, which amends section 5 and section 7 of the act, insures that the benefits of the program will be available not only to citizens in areas that are geographically dislocated, but also for economic reasons.

The purpose of the amendment is to make sure that the lower income people in our Nation become involved in programs in both the National Foundation of the Arts and the National Foundation of Humanities.

A lot has been said on the floor both today and yesterday in regard to where the money is being spent. I am sure that the author of the bill, the Senator from Rhode Island (Mr. PELL) will agree with me that one of the purposes is to make sure that those who are economically deprived have an opportunity to participate and are encouraged to participate in the programs.

Mr. PELL. Mr. President, that is very much the case. The main thrust of the legislation is to increase the quality in both the arts and the humanities in our Nation. However, a byproduct, and a very important one, is to open up the vistas or opportunities to bring the arts and humanities to all our people.

I believe that the thrust of the amendment is a good one. I am prepared, after consultation with my colleague, to accept the amendment.

Mr. JAVITS. Mr. President, if the Senator will yield. When we originally started in this, the whole idea was to extend the program to those who were not theretofore reached and who could be reached by Government help. That, in my mind, included not only geographic restrictions but also economic.

It is my belief that that has been the purpose and thrust and aim of both endowments, the Endowment for the Arts and the Endowment for the Humanities.

I thoroughly agree with the desire of the Senator from Maine (Mr. HATHAWAY) to have a new extension of the language so as to make that crystal clear by actually writing it in so many words in the law. I therefore join with the Senator from Rhode Island in recommending that we accept the amendment.

Mr. HATHAWAY. Mr. President, the Senator from Maine appreciates very much the remarks of both the Senator from Rhode Island and the Senator from New York. I am very happy that both Senators have agreed to accept the amendment.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute as amended.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, as we consider S. 795 today, the reauthorization legislation for the National Foundation on the Arts and the Humanities, I believe it is quite appropriate that we should give a portion of our attention to those enduring values that shape a country, and which will in time determine how our Nation will be remembered.

I want to give my strong support to the work of this very small and young governmental agency, the National Foundation on the Arts and the Humanities; and I would encourage this body to vote in favor of the full authorization figure called for in S. 795 so that the agency can continue and increase its contribution to the quality of life for all Americans.

Earlier this year my friend, Mr. Glynn Ross, the very able general director of the Seattle Opera Association, testified before the Brademas Select Committee on Education of the House Education and Labor Committee in support of additional funds for the arts and humanities. So that you might have the benefit of reading Mr. Ross' comments regarding the need to authorize additional funds for the National Foundation on the Arts and the Humanities, I ask unanimous consent that the entire text of his testimony before the House Education and Labor Committee be inserted in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JACKSON. Mr. President, in my own State, as has occurred all across the Nation, grants from the National Endowment for the Arts have brought poets, filmmakers, and other artists into the schools of our communities to teach and to work with the children—to help open their eyes to beauty and their lives to the joy of creativity.

The art endowment has made it possible for great dance companies like the American Ballet Theater to visit Washington State, and for the Joffrey Ballet to spend a week's residency in Seattle including open rehearsal for advanced dance students and local dance teachers. Also, the Seattle and Spokane Symphony Orchestras have been given assistance. This year, for example, the Seattle Symphony will receive $100,000 for support of their "human-art" concerts involving coordinated presentation of music, literature, architecture, sculpture, and painting at primary and secondary schools.

I could name many worthwhile projects the endowment has assisted in my State. The projects have been wide ranging, and the endowment programs have meant much to the citizens of Washington—as I am sure they have to other States.

Mr. President, we look to the future of this country and think about the kind of America we want for our children and theirs, and I think we should give our support to this agency which is doing so much to encourage what I consider to be the enduring values of our civilization.



EXHIBIT 1

TESTIMONY OF GLYNN ROSS

Culture, if it means anything, must mean the binding of the individual into the social fabric. And the social fabric of the United States is what I believe the National Endowment for the Arts and Humanities is all about.

If someone, earlier in my life, had told me that I would see the day when we have an ongoing program in the arts by the federal government, I would not have believed it. As a farmer and breadwinner in the depression years, I learned never to depend on the hopes of a crop until I'd cashed the check. Then, if and when I did find myself with something—to be grateful. Gentlemen of the government, let me extend my compliments and gratitude to you for your awareness of the arts in view of the many serious problems that compete for your time; problems which each of us face daily on the street and in the news and kick under the rug as an inevitable by-product of our fast-changing environment. In your wisdom, you have created a National Endowment for the Arts and Humanities.

This may not be the answer to the police blotters, to the alienated youth, to ecology, but it may reveal that the quality of our life is a nebulous and spiritual thing related to the arts as the prime ingredient and many of our troubles are the by-products. I thank you from the bottom of my heart.

As we are all in the situation of continually being sold something, we have had to become remote, removed, depersonalized. It is common usage to refer to ourselves in a mechanical term—"we turn off". We turn off from everything—from toothpaste to mass-murder. Nothing can reach us, let alone harm us. If our home burns down, it doesn't matter, it's insured. As we move from one community of working colleagues to another, from one city to another, from ones neighbors—nothing is missed because we're part of an unplanned conspiracy for isolation. We are not our neighbors' keeper because we hardly even *know* our neighbor—and it works vice versa.

I am here today to make the strongest statement I know how to make in praise of the National Endowment for the Arts and Humanities. To ask for your continued support on a Federal level and to recognize this seemingly minuscule portion of our national budget as a step in the right direction to bring people together.

You are dealing in an area critical to the quality of life in America and it is apt to be measured, by implication, in very small dollars and cents. I believe this is the small string that could bring us to the potential new lifeline for the United States as it moved toward its third century. No priority can be higher right now. Read the Wall Street Journal of March 6th. A documented story on an alienated people and the state of our union.

I am in the opera business—I am in public service—and when I say "public", I don't mean a super small elitist, idiosyncratic set of people I mean that almost two percent of Seattle goes to the opera. I mean that opera in Seattle is meaningful, available and known to every segment of our population. Opera in Seattle is a public service—like the library, the greater service we provide to the greater number of people—the greater are our costs.

The Arts inherently are a deficit operation because we present people, creative individuals who, as a group, are committed to their efforts and as a result present a memory-making experience, an experience, that gives greater meaning to life—an experience that is bigger than the daily sidewalk events of life—an ecumenical experience that relates beyond barriers of race, language, religion—events that give definition to living and create a human compassion.

To document this statement, let me give you immediate facts of the Seattle story. You all know that we have been through a 15% unemployment problem, the most disasterous of any area of the nation. You know of our Neighbors in Need program which actually distributed food from all over the United States (and also from a city in Japan) to waiting breadlines. Some wag put up a sign saying "Will the last person to leave Seattle turn out the light". Yet, in these winters of dire and deep discontent, people from all walks of life, rearranged their priorities, their budgets, their needs, to set the highest attendance record in Seattle Opera's history. Somebody needed us more than ever before as they lived through the experience of being part of a "depressed area". Moreover, at this time, I, the director of the opera, was honored as Seattle's "Man of the Year".

Possibly we gave them something else that I had not mentioned earlier—pride. To have national tears spilled on your behalf is not a pleasant sensation. Perhaps we were what the church bell was to the small Sicilian town in "A Bell for Adano". Perhaps this was why post-war Vienna placed the restoration of their opera house as the top priority post-war need.

As the United States has gone through our eras from Beatniks to Hippies, we've found a perceptible change in peoples' values—what people decide is important to their life.

Business, with decisions based on its quarterly reports, has been the first to adjust. Markets have changed. Needs for commodities have become smaller. And the public market for those experiences an individual cannot buy, such as clean air, a forest, a museum, a symphony, an opera house, a ballet, etc., have created a burgeoning new major trend, industry, and responsibility for those administering public funds.

Corporations, created for individual gain and the profit motive, have made major contributions to the arts, because they and their stockholders have decided this is a good business decision. The arts today create the quality of life in which they operate. As the private market shifts to the public market, the private slice of the pie is reduced and the public responsibility grows accordingly.

Seattle Opera's budget approximates one million and a quarter. Of that, about 60% comes from ticket sales, about 20% comes from private contributions, 5% is earned income other than ticket sales, and 15% is from city, county, state and federally funded programs.

Our expenses for production cost is about the same as our box office—60%, our administration cost is about equal to our contribution and earned incomes, 25%; and our special programs are direct expenses, 15%.

We represent a minority, but a substantial and very meaningful minority. Our public is incisive, decisive and adventurous; a new kind of pioneer looking for a meaningful life, for something more than the big sky. The nature of creating anything is that it takes time—we cannot mass produce and take operas "off the shelf", therefore, we plan and contract two and three years in advance. This means we must believe in what we are doing, we must believe in our audience and we must believe in you.

THE VALUE OF THE WORK OF THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. MOSS. Mr. President, the growth of the National Foundation on the Arts and the Humanities is the handiwork of this Congress, responding to national needs that we have identified and verified year after year.

Congress has authorized that growth and funded it, with strong bipartisan support and the full backing of two Presidents.

The two endowments have been subjected to unusually careful scrutiny. Because the Foundation is not a permanent agency, its existence must be extended through reauthorizing legislation. This was done in 1968, again in 1970, and it is the purpose of S. 795.

On each of these occasions—this year, in March—subcommittees of the Senate and House take testimony from the chairman of the two endowments and from the public. They question the chairman closely as to past performance and future plans. They have available extensive data and they call on witnesses from leading institutions; and, of course, they draw on their own knowledge of the state of the arts and the humanities, derived in part from reactions of their constituents.

The committee report summarizes this factual record, and the details can be found in the published record of the hearings.

The fact is that S. 795 represents a carefully considered and bipartisan compromise between the bills originally introduced by Senators PELL and JAVITS, S. 795 proposes authorized funding levels for fiscal year 1974 that fall between the original Pell bill and the President's budget request of $72.5 million for each endowment—$145 million for the foundation. The amendment proposed by Senator PROXMIRE would reduce the authorized funding levels to $60 million for each endowment, that is, $20 million below S. 795 and $12.5 million below the President's budget request, for fiscal year 1974.

Such drastic cuts would be a setback to the development of the endowments, that is, to the people of this country whose needs are served by arts and humanities programs.

Congress saw these needs in establishing the endowments. Congress has watched and monitored the public response, and decided on a steady increase in funding to meet it. This action has been conservative, staying well within the needs as they have become better defined.

The existence of the Humanities Endowment, for example, has uncovered a growing constituency all across the Nation, on campuses and off, through the mass media and small-town meetings. Every year, the number of applications has gone up; in the last fiscal year—1972—the endowment received some 4,500, an increase of 34 percent from the previous year. The number of grants it could make—to the successful competitors—was 1,100. In value, these grants totaled approximately $24.5 million in outright funding plus $7 million in gifts and matching funds. The increase in number of grants was 68 percent over the last year's figures. But of the 3,400 applications that had to be turned down, a substantial number deserved support that lack of funds made impossible.

The Congress has thus received constant encouragement, from public re-

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sponse, in support of the declaration of purpose stated in the act of 1965—which says in part that—

A high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

S. 795 does not determine what moneys will be available to the foundation—that is done through appropriations—but only establishes ceilings the Senate committee considers to be in keeping with progress already made and with unfilled needs which it has examined carefully.

It is clear that the Arts and the Humanities Endowments are still in a growth phase. A perspective on funding levels would have to take account of the fact that total Federal outlays for research and development—exclusive of physical plant—are at a level of $17 billion annually; or on a less cosmic level, that the National Science Foundation's annual budget is over $60 million, and the Office of Education's comes to several billions. The funding levels proposed for the National Foundation on the Arts and the Humanities are certainly not at a disproportionately high level; in fact, as the deeper needs of our society and Nation are becoming better understood, it is more likely that they are too low, even as stated in S. 795.

In that context, the authorized funding levels for fiscal years 1975 and 1976—as well as fiscal year 1974—in S. 795 are fully justified as a projection of what ought to be done. We should hold up those goals when we try to reorder the national priorities which are so much discussed in this body.

We are talking about programs that are still very new, but which have already proved themselves. What is remarkable is the evidence that these programs reach all the States, all social classes, all ethnic groups, and all ages—they reach the American people, democratically. But even more important, they are concerned with the health of the human spirit and with the very essence of the problems we face every day in this body—that is, with values and goals, with the right priorities for the Nation. These programs promote rationality in public discourse: We certainly need to support that. They enliven the use of our best instincts; they draw upon our great knowledge resources: they promise that national decisions on great issues will be increasingly well informed, in the interest of social justice.

It often helps to bring the abstract work of Federal agencies down to the level of specific examples of their activities. I know Utah better than any State, so I will draw my examples from there.

What have these programs meant to the citizens of my State? For the rural people of southern Utah, 250 miles away from Salt Lake City, it has meant that the Utah Repertory Dance Theater will come to give performances and then stay for a number of days giving demonstrations, lessons, lectures, and further performances. This group, functioning out of the University of Utah, gives students in the rural area of the State a chance to live with, and learn from, the best talent available in the area.

Support from the Endowment for the Arts also means that people in surrounding States in the entire intermountain region can benefit from performances of the Utah Symphony Orchestra and Ballet West. Grants enable these fine performing groups to tour the region and to maintain a stable base in Salt Lake City. The combined grants of $125,000 for these two organizations is a very small price to pay for the cultural opportunities of residents of the entire Western United States.

The effort of the endowment under its expansion arts program has already had impact in my State. The Utah Ballet Folklorico Co. has received $10,000 to help hire a director, organize and develop dance workshops in public schools, and enhance their general activity. Art is for all sectors of society, and this program is helping to make that promise come true.

The examples I have cited are State, regional, and national in scope. The same kind of outreach program represented by the activities of Utah Repertory Dance Theater is carried on by 50 other companies in the United States, reaching 150 communities nationally in 40 different States.

Programs of the foundation mean better life for America. They have been carefully nurtured and are now providing beneficial fruits for all America. To restrict this vision and narrow its scope would be shortsighted and unwise. Let us help the foundation go forward.

Mr. KENNEDY. Mr. President, I fully support S. 795 to extend and increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. Since 1965, when the National Endowment for the Arts was established, we have been privileged to have the commitment and dedication of Directors Roger Stevens and Nancy Hanks. Today, we have an opportunity with this legislation to assure that the growth and success of the endowments in which all Americans have shared will continue.

I ask unanimous consent to insert at this point in the RECORD lists of the programs supported by the Massachusetts Council on the Arts and Humanities under the matching grant funding by the national endowments.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

COUNCIL-SUPPORTED PROGRAMS IN FISCAL 1971

Since July 1, 1970 the Council has provided financial assistance to the following Massachusetts arts organizations for special projects:

Artists in Action, Inc., Boston, $5,000 to develop and tour a play for elderly people in Greater Boston.

Berkshire Theatre Festival, Stockbridge, $3,000 for a series of winter workshops for playwrights.

Black Harambee Holiday, Springfield, $2,500 for arts programs and performances in its summer festival.

Boston Ballet Company, $15,000 to produce and tour in the schools Carnival of the Animals.

Boston Committee of Young Audiences, $4,000 for a special series of musical experiences in several school systems.

Boston Philharmonic Society, $6,000 to enable the Society to repeat three of its concerts in communities outside Boston.

Busch-Reisinger Museum, Cambridge, $3,318 for a concert series of contemporary music performed by the Boston Musica Viva.

Caravan Theatre, Cambridge, $1,500 for the development of a new play, Jason/Medea.

Ethnic Dance Arts, Barnstable, $4,075 to tour a program of dance performances, lecture-demonstrations, and master classes in the various forms of ethnic dance.

Fine Arts Work Center, Provincetown, $5,000 for its winter program for artists and writers.

Leverett Craftsmen and Artists, Leverett Center, $4,000 to develop a year-round program for a regional arts center.

Library Creative Drama, Boston, $5,000 for its program of drama workshops for children in the public libraries.

Massachusetts Committee of Guild Music Schools, Boston, $1,500 for four inter-school concerts around the state.

Mount Holyoke College Choral Series, South Hadley, $4,000 for a special series for the Connecticut Valley region.

Museum of Fine Arts, Boston, $1,250 to present an "Air Event" as part of the exhibition Elements of Art: Earth, Air, Fire, Water.

New England Regional Opera, Middleboro, $2,320 to mount and tour to schools a production of The Little Sweep.

Pembroke Arts Festival, $500 for an exhibition, a glassmaking demonstration and music performances.

Pittsfield Afro-American Society, $3,500 for drama workshops and the mounting of a new play.

Theatre Workshop, Boston, $2,000 for a new work for environmental theatre.

COUNCIL ANNOUNCES PROGRAM SUPPORT FOR FISCAL 1972

The following list is the result of the Council vote on applications for support submitted by March 15, 1971. The funding for these projects is for the fiscal year 1972, starting July 1, 1971.

Alliance of Cambridge Settlement Houses, Cambridge—$1,000 for a theater workshop for children at the Cambridge Art Center.

Amherst Art Center, Amherst—$1,000 for Project Weaving: to provide instruction in contemporary developments of the art of weaving as well as the basic skills of the craft.

Associated Artists Opera Co. of New England, Boston—$2,500 to help continue and strengthen a local repertory opera company.

Berkshire Civic Ballet, Inc., Pittsfield—$500 to help stimulate audience development; the money will be used to underwrite free tickets for students.

Black Harambee Holiday, Springfield—$1,500 for Black Harambee Holiday Week, a Black culture and arts festival including an art show, dance, theater, and jazz.

Boston Center for the Arts, Boston—$3,000 for scholarships for South End children to all Center activities ($1,000); to hire a stage manager/technical administrator for the Center ($2,000).

Boston Committee of Young Audiences, Inc., Boston—$2,000 for expansion of the music-in-the-classroom program: to expand the kinds of programs as well as increase the number of communities reached outside the Boston area.

Boston Foundation, Inc., Boston—$3,000 for *Summerthing*, the neighborhood arts program in Boston.

The Boston Musica Viva, Newton Center—$2,000 for continuance of concerts of 20th century music.

Boston Negro Artists Association, Boston—$1,000 for a summer graphics workshop for young people.

Boston Public Library, Boston—$1,000 for conducting and taping interviews pertaining to the Sacco-Vanzetti case.

Cambridge Community Schools Program, Cambridge—$1,000 for music/drama workshops for children conducted by the Cambridge Opera Workshop.

The Camerata, Museum of Fine Arts, Boston—$3,500 to inaugurate a series of concerts to bring rarely-heard medieval and renaissance music to communities outside the Boston area.

Cantata Singers, Inc., Boston—$1,000 to embark on a 6-concert tour to towns outside the Boston area.

Children's Museum, Boston—$1,000 to make the materials in the Museum's Resource Center available to the public through a new classification and information dispersal system.

The Creative Center, Marshfield—$800 to continue arts classes for children and to expand the program to include introductory evening classes for adults and teenagers.

Fine Arts Work Center, Provincetown—$2,000 for support of a painters' and writers' internship program.

Freetown Elementary School, East Freetown—$500 for a series of informal programs by visiting professionals in music, drama, dance, and art.

Garrett Players, Inc., Methuen—$1,000 for support of a theatre program for children.

Institute of Contemporary Art, Boston—$1,500 for an exhibition in Boston by the faculty of the Art Department of the University of Massachusetts/Amherst.

Library Creative Drama, Boston—$2,000 to continue a program of drama workshops for children.

Museum of Afro-American History, Roxbury—$1,200 to introduce Lewis Middle School students to the resources of the Museum by training them as Junior Curators.

New England Regional Opera, Middleboro—$1,750 to continue the touring program for children.

Pembroke Arts Festival, Pembroke—$500 for a three-day outdoor arts festival.

Plymouth Chamber of Commerce, Plymouth—$500 for the Plymouth Outdoor Art Show 1971.

Plymouth Philharmonic Orchestra, Plymouth—$500 for an outdoor concert to be coordinated with Plymouth's 350th Anniversary celebration.

City of Somerville—$2,000 for "Somerfest," Somerville's neighborhood arts festival.

Springfield Dunbar Players, Springfield—$2,500 for professional theatre consultants to provide technical assistance and training for company members.

Store-Front Learning Center, Boston—$2,000 for an arts and Black/Puerto Rican studies project.

Technical Development Corporation, Bedford—$3,000 for an art instruction program at state prisons.

Theatre Company of Boston, Boston—$6,000 for a summer workshop program for young people in all phases of theatre production.

Urban Coalition, Pittsfield—$2,000 for summer workshops in theatre for young people: including Acting, Playwriting, Design, Photography and Cinemotography workshops.

WGBH Educational Foundation, Boston—$1,000 for continuation and expansion of "The Poet Speaks," the radio series in which poets read and discuss their own works.

Wheaton Trio, Norton—$3,000 for expansion of the existing program to present instrumental music to elementary school children and for day-long "Trio-in-residence" programs at high schools and colleges in Southeastern Massachusetts.

Williams College Concerts, Williamstown—$2,000 for a 3-day residence of the Detroit Symphony Orchestra in Williamstown.

Youth Concerts at Symphony Hall, Inc., Boston—$1,500 for expansion of its existing program, to provide concerts for grade six students from low-income areas of cities outside of Boston.





Mr. KENNEDY. Mr. President, several years ago during hearings on the establishment of the national foundation, I testified that I felt it was essential to encourage the development of culture, its expression of truth, and its broadening of all men. It is in the development of this wisdom that the humanities and the arts have such a vital role.

President Kennedy who cared so deeply that this Government should support the arts and humanities in our country said:

I am certain that, after the dust of centuries has passed over our cities, we will be remembered not for our victories or defeats in battle or politics, but for our contribution to the human spirit.

And it is in the interest of the human spirit that we act on this legislation today.

One gift separates all that is human from all that is not—and that is creativity. Creative energy has molded cultures and civilizations, developed and led nations, shaped philosophy and history, and brought us to the ends of the Earth and beyond.

One human quality survives and overcomes hunger and disease and war and desperation, and that is the knowledge that we have the opportunity to create a better moment for the human spirit today or tomorrow, in a small and unheralded way or in a broad and public way.

One bond unites all persons and makes them free—whether they are behind bars or sailing the seas, whether they are hungry or wealthy, whether they are lonely or well-loved—and that is the wisdom that to be human is to create and shape your own world.

There is a force that runs the length of history and the breadth of the human race, and it is the driving force of creative energy that awakens and rejuvenates the human spirit. Artistic creation or artistic appreciation are neither dulling nor tranquilizing. Both tell us the worst about ourselves as well as the best—illuminating the lost possibilities as well as outlining our power to shape the future.

We cannot measure the contribution we make today to the expansion of the human spirit in assuring adequate funds for the endowments for the next 3 years. But we can know with certainty that by supporting the National Endowments for the Arts and Humanities we have renewed our commitment to the best in ourselves and we have made slightly more possible the peace and happiness that only artistic and humanistic achievements will ultimately give us.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Kansas (Mr. PEARSON) are absent on official business.

The Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

The result was announced—yeas 76, nays 14, as follows:

[No. 112 Leg.]

YEAS—76

| | | |
|---|---|---|
| Abourezk | Fong | Montoya |
| Aiken | Fulbright | Moss |
| Allen | Gravel | Muskie |
| Baker | Gurney | Nelson |
| Bayh | Hansen | Nunn |
| Bellmon | Hart | Packwood |
| Bennett | Hartke | Pastore |
| Bentsen | Haskell | Pell |
| Bible | Hatfield | Percy |
| Biden | Hathaway | Randolph |
| Brock | Hruska | Ribicoff |
| Brooke | Huddleston | Schweiker |
| Buckley | Hughes | Scott, Pa. |
| Burdick | Humphrey | Stafford |
| Byrd, Robert C. | Inouye | Stevens |
| Case | Jackson | Stevenson |
| Chiles | Javits | Symington |
| Church | Kennedy | Taft |
| Clark | Long | Thurmond |
| Cook | Mansfield | Tower |
| Cranston | Mathias | Tunney |
| Curtis | McGee | Weicker |
| Dole | McGovern | Williams |
| Domenici | McIntyre | Young |
| Dominick | Metcalf | |
| Fannin | Mondale | |

NAYS—14

| | | |
|---|---|---|
| Bartlett | Ervin | McClure |
| Byrd, Harry F., Jr. | Helms | Proxmire |
| Cotton | Hollings | Roth |
| Eastland | Johnston | Scott, Va. |
| | McClellan | Talmadge |

NOT VOTING—10

| | | |
|---|---|---|
| Beall | Griffin | Sparkman |
| Cannon | Magnuson | Stennis |
| Eagleton | Pearson | |
| Goldwater | Saxbe | |

So the bill (S. 795) was passed, as follows:

S. 795

An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "National Foundation on the Arts and the Humanities Amendments of 1973".

AMENDMENTS TO THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 2. (a) The National Foundation on the Arts and the Humanities Act of 1965 is amended in the following respects:

(1) Clause (7) of section 2 of such Act is amended by striking out all that appears after "a National Foundation on the Arts and the Humanities" and inserting in lieu thereof a period.

(2) Subsection (d) of section 3 of such Act is amended by striking out "renovation, or construction" and by adding at the end thereof the following new sentence: "Such term also includes—

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"(1) the renovation of facilities if (A) the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed $250,000, or (B) two-thirds of the members of the National Council on the Arts (who are present and voting) approve of the grant or contract involving an expenditure for such purpose; and

"(2) the construction of facilities if (A) such construction is for demonstration purposes or under unusual circumstances where there is no other manner in which to accomplish an artistic purpose, and (B) two-thirds of the members of the National Council on the Arts (who are present and voting) approve of the grant or contract involving an expenditure for such purpose.".

(3) (A) That part of subsection (c) of section 5 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) In clauses (1) and (2) of such subsection (c) such Act is amended by striking out "production" each time it appears and inserting in lieu thereof "projects and productions"; and, in clause (3) of such subsection, such Act is amended by striking out "projects" and inserting in lieu thereof "projects and productions".

(C) Clause (5) of such subsection (c) is amended by striking out "and planning in the arts" and inserting in lieu thereof ", planning, and publications relating to the purposes of this subsection".

(D) Such subsection (c) is amended by adding at the end thereof the following new sentence: "In the case of publications under clause (5) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairman consults with the Joint Committee on Printing of the Congress and the Chairman submits to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501.".

(4) (A) Paragraph (1) of subsection (g) of section 5 of such Act is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) That part of paragraph (2) which precedes clause (A) of such subsection (g) is amended (i) by striking out "such assistance" and inserting in lieu thereof "assistance under this subsection" and (ii) by striking out "prior to the first day of such fiscal year" and inserting in lieu thereof "at such time as shall be specified by the Chairman".

(C) Such subsection (g) is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) The sums appropriated to carry out the purposes of this subsection shall be allotted among the States in equal amounts.

"(4) (A) The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State which has a plan approved by the Chairman to pay more than 50 per centum of the total cost of any project or production described in paragraph (1), except that the amount of any such allotment for any fiscal year which exceeds $125,000 shall be available, at the discretion of the State agency, to pay up to 100 per centum of such cost of projects and productions if such projects and productions would otherwise be unavailable to the residents of that State: *Provided*, That the total amount of any such allotment for any fiscal year which is excepted from such 50 per centum limitation shall not exceed 20 per centum of the total of such allotment for such fiscal year.

"(B) Funds made available under this subsection shall not be used to supplant non-Federal funds.".

(D) Subsection (j) of section 5 of such Act is amended to read as follows:

"(j) It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. 913) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).".

(5) Subsection (f) of section 6 of such Act is amended, in the third sentence thereof—

(A) by striking out "$10,000" and inserting in lieu thereof "$15,000"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided*, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 11(a).".

(6) (A) That part of subsection (c) of section 7 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) Clause (2) of such subsection is amended by adding at the end thereof the following: "any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury.".

(C) Clause (6) of such subsection (c) is amended by striking out all that follows "the humanities" and inserting in lieu thereof a period.

(D) Such subsection (c) is amended by adding at the end thereof the following new sentence: "In the case of publications under clause (6) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairman consults with the Joint Committee on Printing of the Congress and the Chairman submits to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501.".

(7) Subsection (f) of section 8 of such Act is amended, in the third sentence thereof—

(A) by striking out "$10,000" and inserting in lieu thereof "$15,000,"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ": Provided, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (B) of paragraph (1) of section 11(a).".

(8) Section 9(b) of such Act is amended to read as follows:

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House.

The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization.".

(9) Clause (2) of subsection (a) of section 10 of such Act is amended by inserting after "purposes of the gift" the following: ", except that a Chairman may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 6(f) and 8(f), and may receive a gift of $15,000, or less, without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time".

(10) Section 11 of such Act is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"SEC. 11. (a) (1) (A) For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts, $59,000,000 for the fiscal year ending June 30, 1974, $105,750,000 for the fiscal year ending June 30, 1975, and $152,500,000 for the fiscal year ending June 30, 1976.

"(B) For the purposes of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities $70,000,000 for the fiscal year ending June 30, 1974, $125,000,000 for the fiscal year ending June 30, 1975, and $180,000,000 for the fiscal year ending June 30, 1976.

"(C) For the purpose of carrying out section 5(g), there are authorized to be appropriated to the National Endowment for the Arts $11,000,000 for the fiscal year ending June 30, 1974, $19,250,000 for the fiscal year ending June 30, 1975, and $27,500,000 for the fiscal year ending June 30, 1976.

"(2) There are authorized to be appropriated for each fiscal year ending prior to July 1, 1976, to the National Endowment for the Arts and to the National Endowment for the Humanities, an amount equal to the total amounts received by each Endowment under section 10(a)(2), except that the amount so appropriated for any fiscal year shall not exceed the following limitations:

"(A) For the fiscal year ending June 30, 1974, $20,000,000.

"(B) For the fiscal year ending June 30, 1975, $30,000,000.

"(C) For the fiscal year ending June 30, 1976, $40,000,000.

"(b) (1) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

"(2) (A) Unless the Congress, during the period beginning July 1, 1975, and ending July 1, 1976, passes or formally rejects legislation extending the authorizations of appropriations in subsection (a), each of such authorizations of appropriations is hereby automatically extended for the fiscal year beginning on such latter date at the level provided for each of such authorizations for the preceding fiscal year.

"(B) For the purposes of subparagraph (A), legislation shall not be considered as having been passed by Congress until it has become law.

"(3) In order to afford adequate notice to interested persons of available assistance under this Act, appropriations authorized under subsection (a) are authorized to be included in the measure making appropriations for the fiscal year preceding the fiscal year for which such appropriations become available for obligation.".

(11) Sections 13 and 14 of such Act are repealed.

(b) The amendments made by subsection (a) shall be effective on and after July 1, 1973.

AMENDMENT TO THE LIBRARY SERVICES CONSTRUCTION ACT, INCLUDING RESEARCH LIBRARIES IN THE DEFINITION OF "PUBLIC LIBRARY"

SEC. 3. (a) Section 3(5) of the Library Services and Construction Act is amended by adding at the end thereof the following new sentence: "Such term also includes a research library, which, for the purposes of this sentence, means a library which—

"(A) makes its services available to the public free of charge;

"(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

"(C) engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities; and

"(D) is not an integral part of an institution of higher education.".

(b) The amendment made by subsection (a) shall be effective on June 30, 1973, and only with respect to appropriations for fiscal years beginning after such date.

HUMANITIES GRANTS

SEC. 4. Section 7(d) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by adding after the phrase "Federal programs" a comma and then the words "designated State humanities agencies".

AMENDMENTS WITH RESPECT TO EXPANDING ARTS AND HUMANITIES AUTHORITY

SEC. 5(a) Section 5(c)(2) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by striking out "in many areas of the country" and inserting in lieu thereof "for geographic or economic reasons".

(b) Section 7(c) of such Act is amended by striking out "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and by adding the following new paragraph:

"(7) insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons."

Mr. PELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and technical corrections in the engrossment of the text of S. 795.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VOTER REGISTRATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 352, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, may I inquire what the parliamentary situation is?

The PRESIDING OFFICER. The unfinished business, S. 352, is before the Senate. The question is on passage.

Mr. McGEE. Mr. President, we have had a conversation among those involved with the bill. As I understand it, the Senator from Alabama has a motion to make and some remarks to make, and I am glad to yield the floor.

Mr. ALLEN. I thank the distinguished Senator from Wyoming, the chief sponsor of the bill, for allowing me to speak at this time.

Mr. President, the bill under consideration, S. 352, a bill to provide for a system of registration of voters by post card, has been before the Senate as the pending business, and subsequently the unfinished business, since April 6. Since that time, however, other matters have been taken up on the call of the calendar prior to the unfinished business being laid before the Senate; and by unanimous consent of all those involved in the entire Senate, the Senate has been allowed to proceed to matters of considerable moment pending before the Senate.

For example, the arts and humanities bill was allowed to proceed to final passage by unanimous consent, despite the pendency of S. 352 as the unfinished business. Also, the bill of the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), to set 4-year terms for Cabinet officers, was allowed to proceed to a vote. All this was done by unanimous consent. But the fact remains that since the day following the original laying before the Senate of S. 352—that is, on April 7—this bill has been the unfinished business before the Senate.

Mr. President, yesterday the Senator from Alabama made a motion to displace S. 352 from its position as the unfinished business and to displace it with S. 373, Calendar No. 115, a bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action.

Under the Senate rules, since the bill was laid aside temporarily and the arts and humanities bill became the pending business before the Senate, the motion made yesterday by the Senator from Alabama died with the adjournment on yesterday evening. That, therefore, makes it imperative that the Senator from Alabama refile or reassert his motion, which I shall do toward the end of my remarks and before yielding the floor.

Why should the U.S. Senate occupy its time considering such trivia as S. 352, when many matters pending before the Nation and pending before the Senate should be occupying the time of the U.S. Senate? We have heard much talk in the Senate and in the media that Congress should assert or reassert itself so as not to allow further concentration of power in the executive departments, and that Congress should be the branch of Government that should set the spending priorities of the Nation.

Therefore, Mr. President, when the President of the United States impounded certain funds in certain areas of Government activity that had been appropriated by Congress, much is said about a need for a bill that would prevent such impoundment without the approval of Congress. Over in the House the matter was approached from the standpoint of requiring that in cases where the President impounded funds the President should have that right unless a majority of the House and the Senate by resolution within 60 days, I believe, should come in and say that the President should not have that power.

On the other hand, S. 373, the bill by the Senator from North Carolina (Mr. ERVIN) and other Senators, approaches this matter from just the reverse position, saying that impoundment should stop unless a majority of the House and the Senate authorizes the impoundment, which is exactly the opposite approach.

So, Mr. President, it seems to me that this bill is of much greater importance, and I refer to S. 373, than the so-called post card registration bill, and the purpose of the motion made yesterday by the Senator from Alabama was merely to say, "Let us lay aside the post card registration bill, let us send it back to the calendar, this bill that we have no need for, this bill that sets up an expensive echelon of Federal bureaucracy, let us send that back to the calendar. Do not necessarily kill it at this time, but wait until later to do that. But send it back to the calendar and take up something of real importance that the Senate is going to have to face some time."

This motion is a method by which Senators can say what they think is important to the Nation. Is it important to broadcast tens and even hundreds of millions of post cards through the Postal System throughout the country to induce people to register, when all they have to do now is to go down to the registration office, present themselves, and register? Is it more important to consider a bill of that sort than to consider a bill that goes to the very foundation of our Republic, the very foundation of the separation of powers on which our Constitution is based? Which of these bills should the



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Senate consider as more important? Should we continue on with the bill that we have been on since April 6, where the Senate on Monday said it did not want to stop debate, let the debate continue, a bill that was defeated by a rollcall vote in the Senate during the last Congress—should the time of the Senate be occupied with a bill of this sort when we have bills having to do with the most important subjects and the most important issues facing the Nation?

Mr. President, if debate should continue later in the afternoon I shall discuss the details of the bill at somewhat greater length and, of course, I am prepared to do so on short notice. But at this time, Mr. President, in order that this issue may be brought before the Senate, to let the Senate decide whether it is concerned with the separation of powers as between the executive branch and the legislative branch of our Government, or whether it wants to keep on considering a bill that already has been turned down by the Senate on one occasion and on another occasion the Senate stated it did not wish to end debate on the bill, I shall make a motion.

The effect of the motion that was made yesterday by the Senator from Alabama was merely to put S. 352 back on the calendar and to then put the Senate to work considering S. 373, which is on the first page of the calendar.

Mr. President, at this time, I move that the Senate proceed to the consideration of S. 373, Calendar Order No. 115 on today's calendar, a bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and the House of Representatives may approve the President's action or require the President to cease such action.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

Mr. McGEE. Does the Senator wish to do that now or does he wish me to discuss the matter?

Mr. ALLEN. I withdraw the suggestion of a quorum.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, I appreciate the cooperativeness of my colleague, the Senator from Alabama.

To set the record straight, while S. 352 has been before the Senate as the pending business since the 6th day of April, the only reason that it has been the pending business since the 6th day of April is that my colleague from Alabama has sought not to permit an up-and-down vote. The Senate has been ready to vote in terms of testing the issue itself. The Senator from Wyoming did not keep this as the pending business since April 6. The Senator from Wyoming offered to vote on April 7, on April 8, and whatever day one cares to mention between April 6 and this day. I renew that pledge now.

As a matter of fact, as a gesture of good will on my part, the Senator from Alabama is very much interested, as I am, in S. 373 on the impoundment question. It is a very critical matter. I am very much interested in S. 352 and a great many Senators think it is also an important issue. I would like to pledge myself with reference to both of those bills this afternoon. If the Senator from Alabama will help me pass my bill I will help him pass his bill.

If the Senator will help me pass my bill, I will help him pass his bill, and in this way we will get the best of both worlds. That is the simplest way to avoid problems. We will avoid the problems tomorrow. I do not know how to be more generous than that.

We pass many bills in the course of a session of Congress. We are going to have more than S. 373 this year. All I am offering is that we get rid of these two bills this afternoon. That would make quite a day in the U.S. Senate.

I appreciate the fact that the Senator from Alabama believes the bill to be trivia, although it did not sound like that when he told us of the horrendous things that were likely to happen under S. 352. I am not sure it is trivia when the Senate addresses the question why 62 million Americans of age did not vote last November. Is that trivia?

Mr. President, I submit there is something basically wrong in the system when that kind of nonperformance arises in what we loosely call the world's greatest democracy. When we remember that approximately 70 million people voted and 62 million did not vote, we can grasp the dimensions of the problem.

So I would submit that is hardly trivia; that, if anything, it is a serious indictment of something in a system that holds itself out to the rest of the world as the way to do, as the kind of government to encourage, as the sort of citizenship responsibility to uphold. And because of the difficulties that make up the mixed bag of explanations as to why the 62 million who were of age but did not vote, we have sought to approach one of those factors. One factor was at least to reduce the obstacles in registration.

Mr. President, merely registering will not guarantee that they will vote, but believe me, the record shows that it does make a significant and constructive step toward encouraging them to vote.

It just behooves us to try. We are required in this body, it seems to me, especially in this time of history and this day, to make it possible, to make it easier, for more people to vote.

All the post card system does is permit an individual to apply, to request, the chance to register by post card. That is all it does. And, given the obstacles which are quite variable, of limited hours in some registration places, some remaining open only from 9 to 5, some requiring that one register at the courthouse, some at city hall, some areas being rather far removed—in my own State some voters would have to go 100 miles to register; I am sure that is true in the State of Alaska and others of the Western States—there ought to be a way to facilitate registration, and this is one of those ways. That is hardly trivia, Mr. President. So I renew my offer. There were 56 Senators here Monday who thought this bill was important enough to move it along. There were 31 Members of this body who thought it was not important enough to move it along.

Let me remind Senators of that vote again. It was 56 to 31. That is a fair majority, I would say. That is why it is important that we permit the Senate to express its will; and that will dare not be cloaked behind the veil of a parliamentary device designed to prevent standing up and being counted on an issue that is of deep concern to most Americans. In these times, whatever else we do, we ought to avoid the shadows of covering up where a man stands on an issue of grave public concern.

All we ask is that there be a showing of the stature of the Senate, the posture of each spokesman here as he represents his State and his Nation on the question of extending the base and the procedures of the process of registration. That is all we ask.

The sentiment of this body has been made clear again and again on each of the many times we have been engaged in this procedure since April 6, including the vote in this body as recently as Monday of this week; 56 to 31, in my judgment, is a popular mandate for action, a popular mandate that the Senate of the United States move.

So we have in mind, I would say again to the distinguished Senator from Alabama, that it would be dramatic this afternoon in this body, at this relatively late hour, if we could walk down to the well of the Senate, arm in arm, and let this body know that we are going to pass two significant measures today—his and mine. I do not know whether he has the votes for his, because a vote has not been tried; but I am willing to help, and that is as fair as one can be, as I see it. I am not asking that he not call his up. I am not asking that he withdraw it from the calendar. I am not saying we are going to filibuster it or talk about it at great length to prevent action. I think it is an important bill. I think we ought to have had it up on the 7th of April, the day after the Senator permitted mine to pass. But that was not his decision. He chose otherwise. So I make the reciprocal offer that we do both. I think it would be a memorable day in the history of this body if the Senator from Alabama (Mr. ALLEN) and the Senator from Wyoming could join in a mutual effort to deliver both measures as an act of this body in the same afternoon.

I would be willing to agree to a time limitation on both bills. I think we could allow 15 minutes on each bill and vote on one at a quarter of 4, and on the other by 4:15. This, likewise, would demonstrate who is willing to move and who is willing to go into action.

Therefore, in the light of the pending business that is before this body, it is my understanding that the leadership—wherever it may be—intends to offer a motion to table the motion by the Senator from Alabama. I would suspect that the leadership is in the Democratic caucus, down the hall, right now, while we are holding the floor right here. And I would suppose that this may be an appropriate moment for the quorum call that was originally requested by my friend, the Senator from Alabama.

If it is agreeable, I suggest the absence of a quorum so that we can recruit leadership.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, I cannot let this occasion go by without answering some of the comments of the distinguished Senator from Wyoming who tells us that 62 million Americans did not vote in the election of 1972.

The Senator from Wyoming seems to conclude that the reason 62 million Americans did not vote in 1972 was because we have such onerous and obstructive State voter-registration laws.

Mr. President, we know very well that the primary reason why most of these 62 million Americans did not vote is because they were not interested in voting. I say that they were not interested in voting because the facts bear me out. The fact that they are registered does not mean that they will vote.

Many of them do not register because they do not care to vote. It is probably correct that a greater percentage of those who register will vote than is the case with those who do not register. If a man registers, there is greater possibility that he will vote.

However, Mr. President, a survey was made in 1968 of 50,000 households in the United States and, as I have said, 50,000 households represent probably 150,000 Americans. That poll, Mr. President, is much larger than the Harris poll or the Gallup poll which survey approximately 1,500 Americans in each poll. Here we have a survey that was made in 1968 of 50,000 households or approximately 150,000 Americans. These people were asked whether they registered to vote; 26,000 of the 50,000 households, or more than 50 percent, of the 50,000 households said that they had not registered to vote. The 50 percent that did not register to vote were then asked for the reasons why they had not registered to vote. Approximately 10 percent said they had not registered because they were not eligible to register, either because they were aliens or did not meet the requirements of residence or other standard requirements.

Mr. President, of the 26,000 households that responded that they had not registered to vote, 53.3 percent said they had not registered to vote because they were not interested in politics. When we eliminate the 10 percent who could not register because they did not meet the necessary citizen requirements, the 53.3 percent increases to 60 percent of those households that had not registered. They did say that they were not interested in politics.

Mr. President, I bring this fact up to show that it is not because of the present State voter registration laws that people do not register. It is because these people do not care to vote.

Mr. President, I go further to prove my statement. In the State of Texas, where one can register simply by clipping a coupon from an advertisement in the local newspaper and sending that coupon in to the registrar. That is the way the people of Texas have been registering to vote for 30 years. We find that 55 percent of the eligible voters in the State of Texas did not vote in the 1972 election.

Mr. President, let us go to the State of North Dakota where there is absolutely no preregistration. The citizens of North Dakota go to the voting booth on election day and vote. They have no preregistration whatsoever in that State. And what do we find there? We find that 31 percent of the people in North Dakota did not vote in the last election. That is not because they were barred by restrictive State voter registration laws. It is not because they could not get down to the registrar to register. It is not because they were impeded in registering. These people do not have any registration requirements. Yet, 31 percent of the citizenry of North Dakota who were eligible to vote did not vote.

Mr. President, I point to my State of Hawaii. In the State of Hawaii, everything is done during the election period to get out the votes, and to get the people registered. The citizen is exhorted by radio, television ads, newspaper ads, and by many of their friends to come out and register.

Registrars are deputized by the Republican Party, by the Democratic Party, and by the clerk of registration. They sit at street corners. They go into supermarkets and sit at tables. A citizen can register in the supermarket. One can register at a street corner. The registrars even go from house to house.

Mr. President, many of these registrars are paid by the number of registrants they can secure. The registration office is open until 12 o'clock at night. It is open on Saturdays. Still, what do we find in the State of Hawaii? We find that approximately one-half of the people of Hawaii who were eligible to vote did not vote. That is not because they were barred by restrictive State registration laws. It is because they did not care to vote, as shown by the 1968 survey conducted by the Bureau of the Census.

Mr. President, when we say that these people do not care to vote—and that this fact has been proven by a survey—it means that we are being called upon to expend great sums of money in this registration system which the proponents are trying to get the Senate to adopt. We will have to spend approximately $100 million every mailing. That means we are really using a cannon to shoot a fly. We are really wasting a lot of money, $100 million, and that is especially serious in these days when our Government is so deeply in debt. This money will go for a program, the value of which is very dubious.

Mr. President, I am quite sure that we will be able to get some more people to register if we pass this bill. However, we will not get them to register in substantial numbers. It has been proven that even where the laws are easy, and where there is no requirement for registration, that people have not come out as they should to register.

It is for these reasons that we are against this measure. We are saying that we would spend approximately $100 million at least every 2 years to distribute approximately 300 millions cards to 88 million addresses in the United States, and for what?

For what? When the registration laws are so lenient, when it is so easy for the citizen who wishes to register to register. There is no need for this law. If we had onerous laws, if we had laws which prohibited people from registering, if we had laws which prevent them from registering when they want to register, then I would say there is some argument for the passage of this bill. But we do not have such onerous laws; and, when we can show that in States where the laws are so easy for the voters to comply with that all they have to do is go to a registrar at the street corner, or stay at their homes when a registrar comes to ask them to register, or go down to the registrar's office and spend a few minutes, this expenditure of tremendous amounts of money to get a few of them to register when they are not interested in politics is just a waste of money.

That is the reason we are against this bill. Moreover, we are against it because it offers tremendous opportunities for fraud. A man can sign his name to a card, or a woman can sign a card, or any child can sign a card and send it in and say he is qualified to vote. The registrar returns to him a receipt showing he is registered, and that receipt, according to the terms of the bill, is prima facie evidence that he is a lawful, registered, and qualified voter.

He can send in any number of registration cards and receive any number of receipts. Whether he signs his name as John Doe, John Smith, or Henry Smith, he will receive as many receipts as he can send in cards, and can take those receipts and vote on each receipt, because the receipt will be prima facie evidence that he is a registered and lawful voter.

When we consider that this would provide tremendous opportunities for fraud, with a possibility of registering tombstones, people who are not of age, or people who are nonexistent, and of giving addresses where there are no people living, we will really give to those who want to commit fraud, under this kind of system, a great opportunity for fraud.

The proponents will tell you, "We have set up penalties for this type of fraudulent action." But I ask them, how are you going to catch the person? He only presents himself at the voting booth on election day, and on election day you do not have the time to question him.

I would say, Mr. President, that this



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is a very bad bill from the standpoint of fraud; and from the standpoint of expenditure. It would expend a great deal of money to do an almost useless task.

Mr. McGEE. Mr. President, I do not intend to proceed at any great length, but just for a very few moments I would like to respond to my colleague, the ranking minority member of the Post Office and Civil Service Committee which reported out this bill, to say that I applaud the State of Hawaii, his State, for the many innovative ways it uses to reach voters, though despite all those liberal efforts, only 50 percent of the people otherwise eligible bother to vote. That happens in many parts of the United States; it is not unique in Hawaii. It is more particularly true, of course, in some of the Western States, rather than the more heavily populated areas.

But what disturbs and continues to disturb me is that low-voter turnout is not true in any other country of the Western World. Does that mean that the people of Wyoming, or Hawaii, or Alaska are not well-motivated citizens? Does it mean that something is lacking in the American fiber that the French have, the Belgians have, the Canadians have, the British have, and the Germans have?

That would be one obvious conclusion, but I just do not happen to think it is true, Mr. President. I think our people are made of as tough and responsible a fiber as the citizens of any other country in the world, but if that is true, something is missing in the way we do it now. What is missing is what we are trying to determine. When only 50 or 55 percent of our otherwise eligible voters turn out to vote in a Presidential election, in which 62 million do not bother to vote, then there is something else that is wrong, if you are not willing to blame it on the caliber of the American people, and I do not place the blame there.

My colleague from Hawaii knows well, from the testimony in the hearings and from the correspondence we have had from individuals, that we have large cities in America where it is still required that you go down to the city hall to register, and that is a long way for some people. It is not easy. Likewise, there are some offices that stay open from 9 to 5—they are not all as liberal in this regard as they are in Hawaii—and a workingman cannot get off before 5 and, therefore, it is just plain complicated to get registered during those hours.

In other cities there were instances in which there were no offices open on Saturday, on Sunday, or on evenings during the week. These are the kinds of obstacles that already exist. Not every State is like Wyoming or Hawaii, where they make a genuine effort in that regard.

We are talking now about the great mass of otherwise eligible American voters. We are addressing ourselves to the 62 million. Why, of course, a lot of those people never will vote—never. They could care less. But many millions of them, we have reason to believe, would register if we made it a little less difficult, a little less complicated to get on the register.

That is precisely what this bill strikes at.

My friend from Hawaii continues to speak from the same figures that he used a year ago, the famous census figures of 1968. If I may remind him, there has been an election since then—in fact, a couple of them. We had an election in this country last November in which barely more than 50 percent of the American voters showed up to vote. We also know why many of them did not vote. There have been honest efforts—not by the Bureau of the Census; the Census Bureau has not done anything about studying that election in complete depth yet—but we have had concerned Americans so upset by that bad performance, by that exceptionally low track record, that they sought to find out why individuals did not vote in 1972—not away back in the dark ages of 1968.

What they found out, the League of Women Voters said in 1972, after they examined several hundred different American communities in all areas, was that a large percentage did not vote because of the variable obstacles to registration. The National League of Municipalities reached the same conclusion.

All we are saying in this bill, Mr. President, is that we ought to remove that as an excuse. We ought to remove it as an alibi. We ought to remove it as a barrier, as an inconvenience, and go to work on closing the rest of the gap through genuine efforts that motivate people to go to the polls, but we have no excuse—I repeat, no excuse—for the Senate to remain inattentive to the mechanical and physical obstacles to the chances of an individual's registering to vote.

That is the reason I hope that this body will decide to proceed to vote cloture on this measure tomorrow, or better that we have the general acceptance of the distinguished Senator from Alabama to my proposal, that I will help him pass his bill, if he will help me to pass mine, under the time limitation; but it is now my understanding that the leadership will offer a motion to table, and if it is agreeable, I will now yield the floor for that purpose.

Mr. ROBERT C. BYRD. Mr. President, I am about to offer a tabling motion. I do it with apologies to the distinguished Senator from Alabama (Mr. ALLEN) who is my friend and who knows that I am his friend. I support the bill which is involved in his motion, S. 373, and I intend to support and vote for it, and speak for it if necessary.

May I say that I regret that he and I are on different sides of the question with respect to the pending unfinished business, but at some future time he and I undoubtedly will be on the same side of some question. So I know that I have his understanding.

Mr. President, I move to table the motion which has been offered by the distinguished and able Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion of the Senator from Alabama (Mr. ALLEN). The motion is not debatable.

Mr. ALLEN. Mr. President, I call for the yeas and nays.

There was not a sufficient second.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I call for the yeas and nays on the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion of the Senator from Alabama (Mr. ALLEN).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Maine (Mr. HATHAWAY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from South Dakota (Mr. MCGOVERN) would each vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Kansas (Mr. PEARSON) are absent on official business.

The Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 59, nays 25, as follows:

[No. 113 Leg.]

YEAS—59

| | | |
|---|---|---|
| Abourezk | Fulbright | Montoya |
| Aiken | Gravel | Moss |
| Bayh | Hart | Muskie |
| Bellmon | Hartke | Nelson |
| Bennett | Haskell | Nunn |
| Bentsen | Hollings | Pastore |
| Bible | Huddleston | Pell |
| Biden | Hughes | Proxmire |
| Brock | Humphrey | Randolph |
| Brooke | Inouye | Ribicoff |
| Burdick | Jackson | Roth |
| Byrd, Robert C. | Javits | Schweiker |
| Case | Johnston | Scott, Pa. |
| Chiles | Kennedy | Stevenson |
| Church | Long | Symington |
| Clark | Mansfield | Taft |
| Cook | Mathias | Talmadge |
| Cranston | McGee | Tunney |
| Dole | McIntyre | Williams |
| Dominick | Mondale | |



NAYS—25

| | | |
|---|---|---|
| Allen | Eastland | McClure |
| Baker | Ervin | Metcalf |
| Bartlett | Fannin | Packwood |
| Buckley | Fong | Scott, Va. |
| Byrd, Harry F., Jr. | Gurney | Stafford |
| | Hansen | Tower |
| Cotton | Helms | Weicker |
| Curtis | Hruska | Young |
| Domenici | McClellan | |

NOT VOTING—16

| | | |
|---|---|---|
| Beall | Hathaway | Sparkman |
| Cannon | Magnuson | Stennis |
| Eagleton | McGovern | Stevens |
| Goldwater | Pearson | Thurmond |
| Griffin | Percy | |
| Hatfield | Saxbe | |

So the motion to table Mr. ALLEN's motion was agreed to.

Mr. ALLEN. Mr. President, I move that the bill be committed to the Committee on Rules and Administration. I would like to be heard on the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion to refer the bill to the Committee on Rules and Administration.

Mr. ALLEN. Mr. President, this bill remains before the Senate even though the motion that was just laid on the table would have provided that the Senate proceed to the consideration of S. 373 instead of the bill to register voters by post card.

It is interesting to note that there are 56 sponsors of S. 373, the bill dealing with preventing impoundment of funds by the President, or at least providing a method whereby Congress would have the right to review such impoundment. So the large majority, more than a two-thirds majority of the Senate, has voted to continue with its deliberations of the post card registration bill.

Now, Mr. President, of course, at any time prior to passage of the bill it can be committed to another committee, to the committee to which it should have been committed at the outset. One would wonder, it seems to the Senator from Alabama, why this bill dealing with registration of voters to participate in Federal elections should have gone in the first place to the Committee on Post Office and Civil Service. It seems a far-fetched committee to which to send this bill for consideration.

However, if one looks a little beneath the surface it would seem that the only reason that would justify the bill going to the Committee on Post Office and Civil Service is the fact that the chief sponsor of the bill is the distinguished Senator from Wyoming (Mr. MCGEE), who happens to be the chairman of that committee.

This bill provides for registration by post card. The post card does not have to go through the mails, but I assume or supposedly that is the justification for sending the bill to the Committee on Post Office and Civil Service. It would be just as easy to provide that these post cards would be in various public offices in addition to sending hundreds of millions of them through the mails. It seems to the Senator from Alabama that the Postal Service does not need this additional business.

This bill should have been sent to the Committee on the Judiciary or the Committee on Rules and Administration.

Mr. President, I ask unanimous consent to have printed in the RECORD section (p)(1) (A) through (F) of rule XXV.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

Committee on Rules and Administration, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

(B) Except as provided in paragraph (o)8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

(C) Except as provided in paragraph (o)8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Buildings and of the Senate wing of the Capitol; assignment of office space: and services to the Senate.

(F) Matters relating to printing and correction of the Congressional Record.

Mr. ALLEN. Mr. President, let us read in the rules what they say about this committee, the committee that should be considering this bill. It states:

Committee on Rules and Administration, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

Then, dropping down to subsection (D) states:

Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally, presidential succession.

That is what this is all about, the registration of voters. So anything having to do with the election of the President, the Vice President, or Members of Congress, corrupt practices, contested elections, credentials, and voter registration—Federal elections generally, anything having to do with credentials or qualifications—all those matters go to the Committee on Rules and Administration.

Let us see what the Committee on Post Office and Civil Service has to do. This is on page 37 of the rules and it is also under rule XXV, section (n). I ask unanimous consent that the entire section to which I have alluded be printed in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

(n) Committee on Post Office and Civil Service, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. The Federal civil service generally.
2. The status of officers and employees of the United States, including their compensation, classification, and retirement.
3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.
4. Postal-savings banks.
5. Census and the collection of statistics generally.
6. The National Archives.

Mr. ALLEN. Mr. President, these are the matters that go to the committee of which the distinguished Senator from Wyoming (Mr. MCGEE) is the very able chairman:

The Federal civil service generally.

The status of officers and employees of the United States, including their compensation, classification, and retirement.

Civil service, naturally; those matters would go to that committee.

The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic tube service; but excluding post roads.

So if they have anything dealing with pneumatic tube service, under the rules of the Senate that bill should go to the committee headed by the distinguished Senator from Wyoming. This bill does not say anything about pneumatic tube service. If it did, it probably should have gone to that committee.

Postal-Savings Banks.

Census and the Collection of Statistics Generally.

The National Archives.

That is the end of its jurisdiction. The word "election" is not mentioned. The words "Federal election" are not mentioned. The words "qualification of registration" are not mentioned.

I am sorry the distinguished Senator is leaving, because I wanted to analyze these matters of jurisdiction——

Mr. MCGEE. Mr. President, if the Senator will yield, the Senator from Wyoming will stay for that purpose. He was going to call his wife on the phone.

Mr. ALLEN. To see whether or not we could locate some reason why this bill had been sent to the distinguished Senator's committee. I have been unable to find it, though I report it sorrowfully to the distinguished Senator. However, I find the Rules Committee has jurisdiction of this express item of business, and I would certainly feel that it would be proper that, at this late date, under the rules with which all Senators are familiar, this bill could be sent at this time to the proper committee for its consideration.

What is the bill? A bill to provide for the registration of voters to vote in Federal elections. Mr. President, I submit that under three items of the Standing Rules, this bill should go to the Rules Committee, under the provisions stating that bills having to do with the following items should go to the Rules Committee:

Matters relating to the election of the President, Vice President, or Members of Congress . . . credentials and qualifications; Federal elections generally . . .

That is exactly what the bill is purported to cover. That is the real thrust of it. Going through the post office is something that was just put in there, at a cost

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of $50 million to $100 million, and the only useful purpose, it would seem to the Senator from Alabama, of putting it through the post office is to give some little measure of reason for sending it to the distinguished Senator's committee. I believe that is a pretty heavy cost for the taxpayers of this country to have to pay.

This bill could go back to the Rules Committee. The very same result the Senator states he seeks to accomplish by the bill could be accomplished by carving out of the bill this tremendous broadcast of post cards throughout the country, without regard to whether the recipients are voters or not, without regard to whether anybody lives at the place, or whether it is an office or factory. The cards would be sent just like junk mail, with no name attached to them. They would just be dumped throughout the country.

Hundreds of thousands would be sent out to Utah, which already has 98.4 percent of its people over 18 registered.

So it seems to the Senator from Alabama that the bill should be sent to the Rules Committee as the committee to which it should have been assigned originally, and the Rules Committee would work on this bill. We cannot rewrite the bill here on the floor. The distinguished Senator from Wyoming, having the votes marshaled against any amendment of substance, can defeat any amendment that is offered; but the Rules Committee, acting under the power given it under the rules themselves, not just something that I say about it, but what the rules say, could take out the offending sections about sending millions, and hundreds of millions, of these cards throughout the country, further overburdening an already overburdened postal system.

The Senator from Wyoming, being chairman of the Committee on Post Office and Civil Service, possibly gets a little better service in Wyoming than the Senator from Alabama, not being on that committee, is able to get from the Post Office Department or Postal Service in the State of Alabama, so he might not be worried about the hundreds of millions of additional items of business being handled by the Post Office Department. I dislike to see the Post Office Department overburdened.

Mr. President, they say this is a bill to provide registration by post card. Why coud not a post card be left at the mayor's office, the office of the chief of police, the tax collector's office, the corner grocery, the corner drugstore, the local whisky store which, I will say to the distinguished Senator from Wyoming, might be patronized by some who might want to get a post card? Cards could be kept at those places. They could be kept at the office of the registrar for automobile tags.

Mr. McGEE. Mr. President, will the Senator yield for a very brief comment?

Mr. ALLEN. I yield.

Mr. McGEE. The Senator has referred to the fact that my mail service may be better than his by virtue of the fact that I am chairman of the Committee on Civil Service and Post Office, but I can report to him that I do not even have mail service. I get no mail delivered to me whatever. I have to go 16 miles to the little town of Dubois to get my mail. So I hand-retrieve it or, if I can, get a neighbor to get it for me.

I would think that the distinguished Senator would have good mail service inasmuch as the first boss of the Postal Service was Mr. Blount of Alabama. I would have the feeling that he would get better service than I do.

I merely wanted the record to show that I get no preference. I do not even get the mail delivered to me.

Mr. ALLEN. I thank the Senator for that explanation, but when he goes 16 miles to retrieve the mail that goes to him, if this bill passes he will find with his official mail, his personal mail, and his junk mail a number of these post cards, because it is within the jurisdiction of the postmaster to leave a "sufficient number." That is what the bill says without further elaboration. He would have to leave it at every address. So I would think the postman would think that the Senator from Wyoming should get a sufficient number of post cards, so he would find a large number of them even though I assume the distinguished Senator is already registered. I know that he is.

I object to the broadcasting of these cards throughout the country as often as the Federal bureau would desire. There is no limitation whatsoever on the number of times they can send these cards out in a mass mailing, a junk mail approach. There is no limitation on the number of times they can have a national mailing. They can have one as often as they want.

I would feel that it would be a matter of economy and a matter of efficiency to leave supplies of these cards at various places frequented by those who are not now eligible to vote.

Mr. President, I do not care to discuss the merits of the bill a great deal more at this time, other than to make the point that it is quite clear that the Committee on Rules and Administration, with its jurisdiction as set forth in rule XXV, should have an opportunity to consider this bill.

That is the reason why the Senator from Alabama has filed this motion to recommit the bill at this time to the Committee on Rules and Administration.

Mr. President, I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President, I move to table the motion.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered. The question is on agreeing to the motion to table the motion to recommit. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Nevada (Mr. CANNON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN) and the Senator from Kansas (Mr. PEARSON) are absent on official business.

The Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 54, nays 32, as follows:

[No. 114 Leg.]

YEAS—54

| | | |
|---|---|---|
| Abourezk | Gravel | Mondale |
| Aiken | Hart | Montoya |
| Bayh | Hartke | Moss |
| Bellmon | Haskell | Muskie |
| Bennett | Hathaway | Nelson |
| Bentsen | Hollings | Packwood |
| Bible | Huddleston | Pastore |
| Biden | Hughes | Pell |
| Brock | Humphrey | Proxmire |
| Brooke | Inouye | Randolph |
| Burdick | Jackson | Ribicoff |
| Byrd, Robert C. | Javits | Roth |
| Case | Johnston | Saxbe |
| Chiles | Kennedy | Schweiker |
| Church | Mansfield | Stevenson |
| Clark | Mathias | Symington |
| Cranston | McGee | Tunney |
| Fulbright | McIntyre | Williams |

NAYS—32

| | | |
|---|---|---|
| Allen | Dominick | McClure |
| Baker | Eastland | Metcalf |
| Bartlett | Ervin | Nunn |
| Buckley | Fannin | Scott, Pa. |
| Byrd, Harry F., Jr. | Fong | Scott, Va. |
| | Gurney | Stafford |
| Cook | Hansen | Taft |
| Cotton | Helms | Talmadge |
| Curtis | Hruska | Tower |
| Dole | Long | Weicker |
| Domenici | McClellan | Young |

NOT VOTING—14

| | | |
|---|---|---|
| Beall | Hatfield | Sparkman |
| Cannon | Magnuson | Stennis |
| Eagleton | McGovern | Stevens |
| Goldwater | Pearson | Thurmond |
| Griffin | Percy | |

So Mr. MANSFIELD's motion to lay Mr. ALLEN's motion to refer on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BIDEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.



Mr. MONDALE. Mr. President, when 62 million otherwise eligible Americans fail to vote in a presidential election year, as happened in 1972, we have a problem.

It seems to me the problem can be largely described by the following facts:

First, in 1968, 47 million voting age Americans did not vote. The President received only 31 million votes.

Second, in 1972, 62 million voting age Americans did not vote. Nixon received 47 million votes out of 77,460,000 total votes cast. This means 55 percent of voting age Americans voted in 1972. It also means that President Nixon was elected by one-third of the voting age population.

Third, roughly only 60 percent of voting age Americans voted in the past four presidential elections, while 75 percent of Canada's voting age citizens cast their ballots; 80 percent of England's voting age citizens cast their ballots and 85 percent of Germany's voting age citizens cast their ballots.

It is my conviction that a large part of this dismal record has been caused by our prior voter registration system. For example:

First, 9 out of 10 registered Americans vote.

Second, only 6 out of 10 voting age Americans vote.

Third, 80 percent of voting age Americans voted in 1876, before registration laws were adopted.

Fourth, 48 percent of voting age Americans voted in 1924, after registration laws were adopted. In short, one-third of America in 1924 stopped voting.

Fifth, the Gallup poll concluded in December, 1969 that:

It was not a lack of interest, but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our Nation.

Not only has prior registration served to discourage full participation in the electoral processes, but as you all well know, most of our present registration system is expensive to the States and localities. Moreover, you also know it is cumbersome and frustrating for those of you who are in charge. I believe we can do something about those problems as well.

I am sure we can all agree that the problem is a grave one; indeed, a threatening one. It seems to me much of America's great strength and most promising capability has been our capacity to actively open up our system of participation. Of course, we have always tempered the changes we have made as a nation by balancing our hopes and expectations against our experience. For this reason, the changes we have made over the past decades have been largely workable.

If S. 352 is passed, there would be established in the Bureau of the Census a National Voter Registration Administration. The National Voter Registration Administration would be run by a bipartisan group of three administrators, each appointed for 4-year terms. The Postal Service will deliver postcard registration forms to every household in the country. If citizens wish to register through the card, they can fill out the appropriate blanks and return them to their local registration official.

S. 352 has a number of provisions to prevent fraud. The State laws concerning fraud will still be appropriate. The National Voter Registration Administration will give reasonable and expeditious assistance to local officials upon request. The National Voter Registration Administration may, upon determination, request the U.S. Attorney General to bring legal action. The penalties for fraud can amount to as much as $10,000 or imprisonment for not more than 5 years or both.

Perhaps the most important part of the voter registration bill is the assistance it offers to the States. The fact that national voter registration forms will be mailed to every household is not only a convenience for the unregistered voter, but should serve to shrink the time, energy, and money presently being spent by many States to secure new registrants. In addition, the bill provides assistance to State officials in terms of technical and manpower assistance for the registration-by-mail program and election problems generally.

The National Voter Registration Administration will pay the States a fair and reasonable cost for processing registration postcards. Roughly, that payment will be based on the cost of each card processed. Furthermore, the bill proposes to pay any State which adopts the national registration form and system for its own State elections, as contrasted with Federal elections, a grant or stipend up to and including 30 percent of the State's cost of processing the total number of national registration cards in that State.

The matter of voter fraud has been raised. Frankly, in my own mind, I do not see fraud as a serious problem. In the first place, fraud in our election system is infrequent. In the second place, when it does occur, it is most often at the election-day point—not at the prior registration point. In the third place, for a number of years, Texas has practiced printing registration forms in newspapers which can then be returned to the registrar. This system of registration has brought on no increase in fraud in the State of Texas. In the fourth place, North Dakota has no prior registration system. A study by the University of North Dakota in 1970 concluded:

Fraud-free elections are possible without voter registration.

And in the last place, S. 352 provides for Federal antifraud assistance to State and local officials. Our current system does not provide at all for such assistance.

Perhaps some foresee another problem based on the fear that the national voter registration bill will cause additional burdens for local registration agencies. I do not think so. For one thing, the postcard system should be much less cumbersome than the sworn affidavits, roving registrars, and, in some cases, duplicate lists for Federal and local elections that are currently used. It seems to me that the technical and personnel help from the Voter Registration Administration would help to relieve some of the pressures registrars currently experience. And certainly the financial assistance from the National Voter Registration should also be helpful.



## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY, AND DETAILED TO ARMY GENERAL STAFF

A letter from the Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, as of March 31, 1973 (with accompanying reports). Referred to the Committee on Armed Services.

REPORT ON STRATEGIC AND CRITICAL MATERIALS STOCKPILING PROGRAM

A letter from the Acting Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a report on the strategic and critical materials stockpiling program, for the 6-month period ended December 31, 1972 (with an accompanying report). Referred to the Committee on Armed Services.

REPORT ON FEDERAL CONTRIBUTIONS PROGRAM EQUIPMENT AND FACILITIES

A letter from the Director, Defense Civil Preparedness Agency, transmitting, pursuant to law, a report on Federal contributions program equipment and facilities, for the quarter ended March 31, 1973 (with an accompanying report). Referred to the Committee on Armed Services.

REPORT ON PENN CENTRAL TRANSPORTATION CO.

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on Penn Central Transportation Co. (with an accompanying report). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Rail Passenger Service Act of 1970, as amended, to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes (with an accompanying paper). Referred to the Committee on Commerce.

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the act of June 21, 1940, as amended, to remove the ninety day requirement for the submission of general plans and specifications for altering a bridge in accordance with an order of the Secretary of Transportation (with accompanying papers). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE DISTRICT OF COLUMBIA GOVERNMENT

A letter from the Mayor-Commissioner, the District of Columbia, Washington, D.C.,

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transmitting a draft of proposed legislation to amend the District of Columbia Income and Franchise Tax Act of 1947 to provide a property tax credit to certain senior citizens, and for other purposes (with an accompanying paper). Referred to the Committee on the District of Columbia.

REGULATIONS OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, regulations on social services of the Department of Health, Education, and Welfare (with accompanying papers). Referred to the Committee on Finance.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need For Improved Inspection and Enforcement in Regulating Transportation of Hazardous Materials", Department of Transportation, dated May 1, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

PROPOSED CONTRACT WITH GENERAL ELECTRIC CO., PLEASANTON, CALIF.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with General Electric Co., Pleasanton, Calif., for a research project entitled "Track Etch Dosimeters" (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION FROM ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend section 5031 of title 18, United States Code, with respect to the applicability of juvenile delinquency proceedings in petty offense cases (with an accompanying paper). Referred to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying reports). Referred to the Committee on the Judiciary.

REPORT ENTITLED "FEDERAL SUPPORT TO UNIVERSITIES, COLLEGES, AND SELECTED NONPROFIT INSTITUTIONS, FISCAL YEAR 1971"

A letter from the Director, National Science Foundation, transmitting, pursuant to law, a report entitled "Federal Support to Universities, Colleges, and Selected Nonprofit Institutions, fiscal year 1971" (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

INTERNATIONAL LABOR ORGANIZATION RECOMMENDATION

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, an International Labor Organization Recommendation, No. 137, (with an accompanying document). Referred to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION FROM DEPARTMENT OF LABOR

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Age Discrimination in Employment Act of 1967 to extend the act to State and local governments (with accompanying papers). Referred to the Committee on Labor and Public Welfare.

REPORT ON PURCHASE CONTRACTS FOR CERTAIN PROJECTS

A letter from the Acting Administrator, General Services Administration, reporting, pursuant to law, on certain purchase contracts in Arizona, Texas, and Washington (with accompanying papers). Referred to the Committee on Public Works.

PROSPECTUS RELATING TO CONSTRUCTION OF BUILDINGS AT TOPEKA, KANS.

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus relation to the proposed construction of a courthouse and Federal office building and parking facility at Topeka, Kans. (with accompanying papers). Referred to the Committee on Public Works.

REPORT OF VETERANS' ADMINISTRATION

A letter from the Administrator of Veteran's Affairs, transmitting, pursuant to law, a report of that administration, for the year 1972 (with an accompanying report). Referred to the Committee on Veterans' Affairs.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Montana. Referred to the Committee on Finance:

"SENATE JOINT RESOLUTION 14

"A joint resolution of the Senate and the House of Representatives of the State of Montana requesting and urging that the Congress of the United States take effective action to restore to the State of Montana the full amount of the funds which have been legally apportioned to the State but which have been improperly reduced and curtailed by the executive branch of the Federal Government through the device of 'contract controls' and 'limitations of obligation'

"Whereas, the several states are charged with the responsibility for highway construction within their borders, and

"Whereas, the United States secretary of transportation by law apportions amounts to the several states from the highway trust fund for reimbursement for the federal share of the cost of the system of interstate and defense highways, and

"Whereas, the executive branch of federal government has arbitrarily directed that the various apportionments be limited by 'contract controls' and 'limitations of obligations' thereby curtailing proper use of the apportioned funds by the several states, and

"Whereas, further reductions in federal moneys may be attempted, and

"Whereas, such reduction seriously curtails the highway construction program in the state of Montana, as well as in the nation, thereby seriously affecting employment and the production and sale of supplies, materials and equipment used for highway construction purposes, and

"Whereas, reduction in federal highway construction funds has resulted in an equivalent reduction of the current highway safety program for eliminaitng unsafe and hazardous sections of highway, thereby contributing to accidents involving serious injury, loss of life and property damage, and to a new traffic fatality toll in 1972, and

"Whereas, the state of Montana has developed long-range highway construction programs based on utilization of the full apportionment of federal funds to the states.

"Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana: That the President and the Congress of the United States is hereby respectfully requested and urged to take effective action to restore to the state of Montana for expenditure the full amount of federal funds authorized by congress and legally apportioned heretofore by the United States secretary of transportation, and

"Be it further resolved, that the secretary of state forward a duly certified copy of this resolution to the President of the United States and the Secretary of the United States Senate and the Speaker of the House of Representatives of the United States and to the Honorable Mike Mansfield and Lee Metcalf, Senators from the state of Montana, and the Honorable John Melcher and Richard Shoup, Congressmen from the State of Montana."

A joint resolution of the Legislature of the State of New York. Referred to the Committee on Commerce:

"JOINT RESOLUTION No. 12

"Joint Resolution of the Legislature of the State of New York requesting the Congress to exempt from interstate commerce provisions mass transit services operated wholly within the state by any state mandated transportation authority

"Whereas, Under existing judicial precedents as well as specific provisions of the Interstate Commerce Act, the Railway Labor Act of May 20, 1926 and other congressional enactments, it has been determined that urban and suburban transit systems whose operations are carried on exclusively within the geographical confines of New York State are nevertheless still to be construed as interstate in character and therefore subject to all the restrictive inhibitions of federal regulations, supervision and control with respect to operational procedures, labor practices and transit services generally; and

"Whereas, Presidential Emergency Boards No. 170 created May 12, 1967, No. 173 created April 21, 1969 and Special Board of Adjustment No. 756, created June 4, 1969 all found as a fact that passenger operations of the Long Island Railroad were a de facto integral part of the New York Metropolitan Transit System and the latter Board noted that such carrier was no more engaged in interstate commerce nor did its operations affect interstate commerce than the operations of the New York rapid transit system; and

"Whereas, All commuter bus and rail transit operations now or hereafter to be conducted by transportation authorities throughout the entire State of New York are of a nature totally dissimilar to and incompatible with the history, custom, tradition and usage of trunk line railroads which were originally intended to be subject to the jurisdiction of the Interstate Commerce Commission, the Railway Labor Board and other Federal regulatory agencies; and

"Whereas, Under recognized principles of the United States Constitution, the aforesaid transit operations will all continue to be subservient to already and hereafter enacted federal laws relating to interstate commerce with the result that bus and rail mass transit activities which continue to be operated by transportation authorities throughout New York State will be subject to federal statutes conflicting with state laws thus hampering efficient authority operation and being detrimental to the public welfare and incompatible with the best interests of those desiring to use such transit facilities as well as those employees and others engaged in their operation; now, therefore, be it

"Resolved, That the Congress of the United States be, and it hereby is requested to enact remedial legislation national in scope or in such other manner as to have the effect of entirely removing from the field of interstate commerce all bus and rail mass transit services operated wholly within the State of New York by any transportation authority created under the mandate of the New York State Legislature; and be it further

"Resolved, That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate, one copy to the Clerk of the House of Representatives and one copy to each member of the Congress from the State of New York."

A resolution adopted by the Board of Commissioners for the County of Allegan, Michigan, expressing appreciation for passage of the general revenue sharing bill. Ordered to lie on the table.



## NOTE

Senator KENNEDY submitted the following bill which will be numbered and referred tomorrow.

Mr. KENNEDY. Mr. President, I am presenting for introduction today a bill to provide emergency relief to those civilian workers who will lose their jobs as a result of the recent base closing decision by the Department of Defense affecting 274 facilities in 32 States. Senators PASTORE, PELL, HATHAWAY, CRANSTON, TUNNEY, MUSKIE and BROOKE join me in introduction.

These decisions will create serious economic and social problems for workers, particularly during a period of high unemployment.

In my own State, the potential economic loss to the State has been estimated as high as $1.7 billion. The cost to the more than 13,000 workers affected is more serious. They will lose their present jobs, jobs which in many cases they have held for their entire working lives. Although some will have the option to be transferred, 9,000 workers will be terminated.

In a State where the unemployment rate is 7.2 percent, the economic future for these men and women looks bleak indeed.

When 9,000 workers are added to the 185,000 jobless now searching the want ads and the employment office listings, the prospect for early relocation is not bright.

Across the country, whether in California, Georgia, or Texas or the other States where civilian jobs have been eliminated, the situation will be much the same. Ultimately the impact will be felt in all 32 States affected by these decisions.

In many States, this problem is compounded by the age of the workforce. Forty percent of the employees at the Boston Navy Yard are between the ages of 45 and 54. Another 28 percent are over 55. Their employment options are limited by their age and the reluctance of employers to hire older men and women.

Labor Department statistics demonstrate that it always has been the older worker who is unemployed the longest. And it is among this group that the largest portion of workforce dropouts occur.

The Defense Department states that some 41,350 civilian workers will be affected, including 28,363 civilian job eliminations. These cuts will occur in Alaska, California, District of Columbia, Florida, Georgia, Hawaii, Illinois, Kansas, Maryland, Massachusetts, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, and Puerto Rico. The Defense Department also estimates that their figures on job loss may be 5 to 8 percent shy of the actual number of jobs eliminated.

In addition to the jobs eliminated, many civilian employes given the option to transfer may be asked to accept lower grades and rates.

A study by the Arms Control and Disarmament Agency of base closings concluded:

> Displaced workers who decided to continue their careers as federal government employees experienced a marked change in their employment status . . . some had to accept lower grade positions in order to do so, and nearly all of the employees who continued to work for the federal government had to relocate outside the local labor market area.

This forced relocation carries with it obvious personal difficulties as individuals have to leave family, friends, and communities.

The workers at the 274 installations across the country are being asked to bear the burden of a decision that is believed to be in the national interest. For that reason, I believe that the nation has a responsibility to ease the burden as much as possible. In similar instances, for example, when it can be shown that tariff reductions have resulted in the closing of a domestic plant, both the plant owner and the workers are entitled to readjustment assistance.

The Trade Expansion Act of 1962 was designed to include readjustment assistance based on the view that individual workers should not have to absorb the economic and social impact of job loss as a result of a national free trade policy without some assistance from the government. I believe the provisions of that act were too narrowly interpreted in many cases to actually give effect to the underlying policy. However, the policy itself remains valid. When the Nation undertakes a policy which has a damaging impact on a small group of individuals, those individuals should receive all the help the Government can muster to ease their plight.

Therefore, I am introducing the Emergency Manpower and Defense Workers Assistance Act of 1973.

I am pleased to note that House Majority Leader THOMAS P. O'NEILL, JR., also will introduce this bill. It will do the following:

The Secretary of Labor will be authorized to establish an Defense Workers Manpower Assistance Agency in the Department of Labor;

Workers will be eligible to receive a readjustment allowance that will pay the difference between unemployment or pension benefits and 75 percent of their previous wage. This provision will essentially extend severance pay benefits up to one year for all workers;

Workers will be eligible for early retirement. Eligibility will be provided for workers 60 and older with 10 years of employment, workers 55 and older with 15 years, and workers 50 and older with 20 years. This will permit some 10 to 15 percent more workers than are now eligible to retire, raising this total to 40 percent;

The Secretary also will establish arrangements with the Civil Service Commission to insure that the health benefits these workers now have available will continue for 3 years following termination with the Federal Government providing at least 75 percent of the cost;

In addition, workers will be given relocation assistance for jobs in the private market comparable to the assistance they would receive if they were transferring to another Government post;

Workers also will be aided in obtaining jobs. First, communities will be eligible to receive public service employment funds to employ these workers in needed positions in hospitals, schools, police and fire departments, and city and State agencies. Second, the Secretary also will be responsible for expanding existing manpower programs and to establish special job bank and retraining programs aimed at the particular needs of these already skilled workers.

All of these programs of course relate to those individuals who are unable to acquire other suitable employment.

The estimated savings by the Defense Department as a result of the base closings is $3.5 billion over 10 years. On the basis of Defense Department statistics on the past experiences with base closing and average length of unemployment for workers, it is estimated that the total cost of this program would be less than $150 million—less than one-half the amount DOD estimates it will save in 1 year.

This legislative relief is being filed in the event that efforts fail to obtain a reassessment of specific base closings. Members of the Massachusetts and Rhode Island congressional delegations are awaiting an answer to a request for a meeting with President Nixon seeking his personal review of the decision. Senator PELL and I have already filed a bill asking for a special commission to examine the closings in the light of maintaining some 2,000 military bases overseas.

I believe this program is a justifiable short-term effort to ease the transition for individuals whose lives are being disrupted by a decision of the Federal Government.

I ask unanimous consent that the bill be printed in the RECORD, along with the DOD base-closing announcement.

There being no objection, the text of the bill and the statement were ordered to be printed in the RECORD, as follows:

S. ——

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Emergency Manpower and Defense Workers Assistance Act of 1973".

DECLARATION OF FINDINGS

SEC. 2. The Congress hereby finds that—

(1) reductions in defense facilities place heavy economic, social and health burdens on the individuals affected;

(2) many of the workers affected by recent defense base closings are older workers who have the greatest difficulty in acquiring new employment; and

(3) to reduce unemployment it is essential that the government provide adversely affected workers with short-term assistance.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "adversely affected worker" means an individual who has been totally or partially separated from employment by any department or agency of the Federal government at a facility of the Department of Defense on or after April 17, 1973 because of the transfer of activities from that facility or be-

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cause of the cessation of activities at that facility, and who has not obtained other suitable employment;

(2) "Agency" means the Defense Workers Manpower Assistance Agency;

(3) "average weekly wage" means one-thirteenth of the total wages paid to an individual in the high quarter; for purposes of this computation, the high quarter shall be that quarter in which the individual's total wages were highest among the first 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made. such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Secretary;

(4) "Director" means the Director of the Defense Workers Manpower Assistance Agency;

(5) "partial separation" means, with respect to an individual who has not been totally separated, that he has had his hours of work reduced to 85 percent or less of his average weekly hours in a defense facility subject to this Act and his wages reduced to 85 percent or less of his average weekly wage in any such facility;

(6) "total separation" means the layoff or severance of an individual from employment in a defense facility subject to this Act;

(7) "remuneration" means wages and net earnings derived from services performed as a self-employed individual;

(8) "Secretary" means the Secretary of Labor;

(9) "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(10) "State law" means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954;

(11) "unemployment insurance" means the unemployment insurance payable to an individual under any State law or Federal unemployment insurance law, including title XV of the Social Security Act and the Railroad Unemployment Insurance Act;

(12) "week" means a week as defined in the applicable State law; and

(13) "week of unemployment" means with respect to an individual any week for which his remuneration for services performed during such week is less than 75 percent of his average weekly wage and in which, because of lack of work—

(A) if he has been totally separated, he worked less than the full-time week (excluding overtime) in his current occupation, or

(B) if he has been partially separated, he worked 75 percent or less of his average weekly hours.

## TITLE I—ESTABLISHMENT OF DEFENSE WORKERS MANPOWER ASSISTANCE AGENCY

### AGENCY ESTABLISHED

SEC. 101. (a) The Secretary of Labor is authorized and directed to establish within the Department of Labor an agency, to be known as the Defense Workers Manpower Assistance Agency.

(b)(1) The Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The President shall appoint the first such Director as soon as possible but not later than 15 days after the date of enactment of this Act.

### ADMINISTRATION AND COORDINATION

SEC. 102. (a) The functions of the Secretary under this Act shall be administered through the Agency.

(b) The Secretary is authorized to establish procedures of cooperation with appropriate agencies in the Department of Defense and with the Civil Service Commission to facilitate implementing the provisions of this Act.

### ADMINISTRATIVE PROVISIONS

SEC. 103. In addition to any other authority vested in the Secretary by other provisions of this Act, in order to carry out his functions under this Act, the Secretary is authorized to—

(1) adopt, alter, and use a seal, which shall be judicially noticed;

(2) hold such hearings, sit and act at such times and places, and take such testimony, as he may deem advisable;

(3) request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics needed to carry out the purposes of this Act; and each department, bureau, agency, board, commission, office, establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary;

(4) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible) whenever necessary;

(5) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

(6) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate prescribed for GS–18 in the General Schedule under section 5332 of title 5, United States Code;

(7) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(8) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this Act, and such contracts or modifications thereof may, if necessary, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(9) provide for the making of such reports (including fund accounting reports) and the filing of such applications in such form and containing such information as the Secretary may reasonably require;

(10) make advances, progress, and other payments which the Secretary deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(11) establish such rules, regulations, and procedures as the Secretary deems necessary.

### COMPENSATION OF THE DIRECTOR

SEC. 104. Section 5315 of title 5, United States Code (relating to level V of the Executive Schedule) is amended by adding at the end thereof the following new item:

"(98) Director, the Defense Workers Manpower Assistance Agency."

## TITLE II—ECONOMIC AND MANPOWER ASSISTANCE TO WORKERS

### PART A—AUTHORITY

#### APPLICATIONS

SEC. 201. (a) Any adversely affected worker may file an application with the Secretary for one or more of the forms of economic adjustment assistance provided under this title.

(b) Economic adjustment assistance under this title consists of—

(1) readjustment allowances;

(2) training and counseling benefits;

(3) relocation allowances;

(4) early retirement benefits; and

(5) health benefits.

(c) The Secretary shall determine whether an applicant is entitled to receive the economic adjustment assistance for which application is made and shall furnish such assistance if the applicant is so entitled. Such determination shall be made as soon as possible after the date on which application is filed but in any event not later than 30 days after such date.

### PART B—READJUSTMENT ALLOWANCES

#### QUALIFYING REQUIREMENTS

SEC. 211. (a) Payment of a readjustment allowance shall be made to an adversely affected worker who applies for such allowance for any week of unemployment, subject to the requirements of subsections (b) and (c).

(b) Total or partial separation shall have occurred not more than 1 year prior to the date of the application for assistance under this title.

(c) Such worker shall have had—

(1) in the 156 weeks immediately preceding such total or partial separation, at least 78 weeks of employment at wages of $15 or more a week, or

(2) in the 52 weeks immediately preceding such total or partial separation, at least 26 weeks of employment at wages of $15 or more a week, or

if data with respect to weeks of employment are not available, equivalent amounts of employment computed under regulations prescribed by the Secretary.

#### WEEKLY AMOUNTS

SEC. 212. (a) Subject to the other provisions of this section, the readjustment allowance payable to an adversely affected worker for a week of unemployment shall be an amount equal to 75 percent of his average weekly wage, reduced by 50 percent of the amount of his remuneration for services performed during such week.

(b) Any adversely affected worker who is entitled to readjustment allowances and who is undergoing training approved by the Secretary, including on-the-job training, shall receive for each week in which he is undergoing any such training, a readjustment allowance in an amount (computed for such week) equal to the amount computed under subsection (a) or (if greater) the amount of any weekly allowance for such training to which he would be entitled under any other Federal law for the training of workers, if he applied for such allowance. Such readjustment allowance shall be paid in lieu of any training allowance to which the worker would be entitled under such other Federal law.

(c) The amount of readjustment allowance payable to an adversely affected worker under subsection (a) or (b) for any week shall be reduced by any amount of unemployment insurance which he has received or is seeking with respect to such week; but, if the appropriate State or Federal agency finally determines that the worker was not entitled to unemployment insurance with respect to such week, the reduction shall not apply with respect to such week.

(d) The amount of readjustment allowance payable to an adversely affected worker under subsection (a) or (b) for any week shall be reduced by any amount of retirement annuity which he has received.

(e) If unemployment insurance, a retirement annuity, or a training allowance under any other Federal law, is paid to an adversely affected worker for any week of unemployment with respect to which he would be entitled (determined without regard to subsection (c)) to a readjustment allowance if he applied for such allowance, each such week shall be deducted from the total number of weeks of readjustment allowance otherwise payable to him under section 213(a) when he applies for a readjustment allowance and is determined to be entitled to such allowance. If the unemployment insurance or the training allowance paid to such worker for any week of unemployment is less than the amount of the readjustment allowance to which he would be entitled if he applied for such allowance, he shall receive, when he applies for a readjustment allowance and is determined to be entitled to such allowance, a readjustment allowance for such week equal to such difference.

(f) Whenever, with respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services performed during such week, as unemployment insurance, as severance pay as a training allowance referred to in subsection (d), and as a readjustment allowance would exceed his average weekly wage, his trade readjustment allowance for such week shall be reduced by the amount of such excess.

(h) The amount of any weekly payment to be made under this section which is not a whole dollar amount shall be rounded upward to the next higher whole dollar amount.

#### TIME LIMITATIONS ON READJUSTMENT ALLOWANCES

SEC. 213. (a) Payment of readjustment allowances shall not be made to an adversely affected worker for more than 52 weeks.

(b) A readjustment allowance shall not be paid for a week of unemployment beginning more than 1 year after the beginning of the appropriate week. The appropriate week for a totally separated worker is the week of his most recent total separation. The appropriate week for a partially separated worker is the week in respect of which he first receives a readjustment allowance following his most recent partial separation.

#### APPLICATION OF STATE LAWS

SEC. 214. Except where inconsistent with the provisions of this part and subject to such regulations as the Secretary may prescribe, the availability and disqualification provisions of the State law—

(1) under which an adversely affected worker is entitled to unemployment insurance (whether or not he has filed a claim for such insurance), or

(2) if he is not so entitled to unemployment insurance, of the State in which he was totally or partially separated, shall apply to any such worker who files a claim for readjustment allowances. The State law so determined with respect to a separation of a worker shall remain applicable, for purposes of the preceding sentence, with respect to such separation until such worker becomes entitled to unemployment insurance under another State law (whether or not he has filed a claim for such insurance).

### PART C—JOB TRAINING AND COUNSELING

#### PURPOSE; APPLICATIONS

SEC. 221. (a) To assure that the readjustment of adversely affected workers shall occur as quickly and effectively as possible, with minimum reliance upon readjustment allowances under this title, every effort shall be made to prepare each such worker for full employment in accordance with his capabilities and prospective employment opportunities. To this end, and subject to this part, every adversely affected worker who applies for readjustment allowance under part B shall also apply for counseling, training, and placement assistance under this part. Any other adversely affected worker may apply for counseling, training, and placement assistance under this part. Each such applicant shall be furnished such counseling, training, and placement services as the Secretary determines to be appropriate.

(b) Insofar as possible, the Secretary shall provide assistance under subsection (a) through existing programs established by law. To the extent that assistance cannot be provided through any existing program, the Secretary is authorized to furnish such assistance through programs established by him for purposes of this part, including programs carried out through private nonprofit institutions and organizations.

(c) To the extent practicable, before adversely affected workers are furnished training, the Secretary shall consult with local governmental agencies, State agencies, unions, and private business organizations to develop a worker retraining plan which provides for training such workers to meet the areas's manpower needs. A worker retraining program shall, as far as practicable, include a list of jobs which will be available to the workers at the conclusion of the training program.

(d) To facilitate the provisions of this part, the Secretary shall require that businesses in the labor market affected by defense facility and activity realignments report job vacancies to the local employment service.

#### PAYMENTS RELATED TO TRAINING

SEC. 222. An adversely affected worker receiving training under section 221 shall be paid a travel allowance and a subsistence allowance, necessary to defray transportation expenses and subsistence expenses for separate maintenance, when the training is provided in facilities which are not within commuting distance of his regular place of residence. The Secretary shall by regulation prescribe the amount of such allowances for various areas of the United States.

### PART D—RELOCATION ALLOWANCES

#### RELOCATION ALLOWANCES AFFORDED

SEC. 231. Any adversely affected worker may file an application for a relocation allowance, subject to the terms and conditions of this part.

#### QUALIFYING REQUIREMENTS

SEC. 232. (a) A relocation allowance may be granted only to assist an adversely affected worker in relocating within the United States and only if the Secretary determines that such worker—

(1) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which he wishes to relocate, or

(2) has obtained a bona fide offer of such employment.

(b) A relocation allowance shall not be granted to such worker unless—

(1) for the week in which the application for such allowance is filed, he is entitled (determined without regard to section 212 (c) and (e)) to a readjustment allowance or would be so entitled (determined without regard to whether he filed application therefor) but for the fact that he has obtained the employment referred to in subsection (a)(1); and

(2) such relocation occurs within a reasonable period after the filing of such application or (in the case of a worker who is being provided training under part (C)) within a reasonable period after the conclusion of such training.

#### RELOCATION ALLOWANCE DEFINED

SEC. 233. For purposes of this part, the term "relocation allowance" means—

(1) the reasonable and necessary expenses, as specified in regulations prescribed by the Secretary, incurred in transporting a worker and his family and their household effects; and

(2) such allowance shall be comparable to the relocation allowance provided Government employees of similar experience.

### PART E—EARLY RETIREMENT

#### PROGRAM AUTHORIZED

SEC. 241. Notwithstanding any other provision of law, each adversely affected worker (1) who has attained 60 years of age and has 10 years of Government service; (2) who has attained 55 years of age and has 15 years of Government service; or (3) who has attained 50 years of age and has 20 years of Government service, is entitled to an annuity.

### PART F—HEALTH BENEFITS

#### PROGRAM AUTHORIZED

SEC. 251. (a) Notwithstanding any other provision of law, the Secretary shall, in accordance with the provisions of this part, make whatever arrangements are necessary for the continuation of health benefits, or for obtaining similar health benefits, on such terms and conditions as he deems necessary for adversely affected workers after the date of separation if that separation occurred after April 1, 1973.

(b) In any such arrangement, provisions shall be made to insure that—

(1) a contribution by an adversely affected worker who has not obtained new employment shall not exceed 25 percent of the cost of such benefits; and

(2) such benefits so far as practicable, will be equivalent to the health benefits to which an adversely affected worker was entitled to receive prior to his separation.

(c) No arrangement entered into under this part shall provide for health benefits to any adversely affected worker for a period of more than three years following the date of his separation or for any period after such worker obtains new employment, whichever occurs first.

## TITLE III—PUBLIC SERVICE EMPLOYMENT OPPORTUNITIES PROGRAM AUTHORIZED

SEC. 301. Notwithstanding any other provision of law, from sums appropriated pursuant to this Act, the Secretary is authorized to provide financial assistance to any State or locality for public service employment programs for adversely affected workers on terms and conditions as substantially similar to the provisions of sections 7, 8, and 12 of the Emergency Employment Act of 1971 as the Secretary determines to be consistent with the purposes of this Act.

## TITLE IV—GENERAL PROVISIONS

### LIABILITIES OF CERTIFYING AND DISBURSING OFFICERS

SEC. 401. (a) No person designated by the Secretary as a certifying officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to the payment of any allowance certified by him under this Act.

(b) No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this Act if it was based upon a voucher signed by a certifying officer designated as provided in subsection (a).

### PENALTIES

SEC. 402. Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for himself or for any other person any payment or assistance authorized to be furnished under this Act shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

### REVIEW

SEC. 403. Except as may be provided in regulations prescribed by the Secretary to carry out his functions under this Act, determinations under this Act as to the entitlement of individuals for assistance under this Act shall be final and conclusive for all purposes and not subject to review by any court or any other officer.

### APPROPRIATIONS AUTHORIZED

SEC. 404. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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## SECRETARY OF DEFENSE ELLIOT L. RICHARDSON ANNOUNCES 274 ACTIONS AFFECTING MILITARY INSTALLATIONS

Secretary of Defense Elliot L. Richardson today announced details of 274 specific



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actions to consolidate, reduce, realign or close military installations in the United States and Puerto Rico.

Secretary Richardson said these actions will result in a savings of approximately $3.5 billion over the next 10 years. Some 42,800 military and civilian positions will be eliminated. The actions affect 32 states, the District of Columbia and Puerto Rico.

These realignment actions are necessary in order to scale down the Department of Defense base structure commensurate with reduced force levels and training requirements resulting in large part from the end of the Vietnam conflict.

Army strength will be down from 1.6 million military personnel in 1968 to 804,000 in June 1974. Also, Army aviation training requirements will be reduced from 6,887 pilots in 1969 to 1,502 by June 1974.

The Navy's active fleet ship level will be down from 917 to 523 ships and active fleet aircraft from 5,014 to 3,956 between June 1964 and June 1974.

The number of active Air Force aircraft will be reduced from 12,535 during 1968 to 8,313 in 1974. Pilot training requirements will be down to a level of 3,425 from the peak 1972 requirement of 4,440.

In addition, these realignments are necessary to effect Defense economies in the future and to enable the use of scarce Defense resources to be devoted to high-priority areas, such as research and development, readiness and modernization of forces, and maintenance of strategic sufficiency.

Under the Department of Defense Program for Stability of Civilian Employment, every effort will be made to assist displaced civilian employees in obtaining other acceptable employment. Transportation and moving expenses will be paid for career employees who will be relocated to other Defense activities. Eligible career employees desiring placement assistance will be registered in the Department of Defense Priority Placement Program and the Civil Service Commissions' Displaced Employees Program for referral and consideration in other vacancies within the Department of Defense and by other federal departments and agencies.

Close liaison will also be maintained by the Department of Defense civilian personnel offices with the Department of Labor, state employment offices and private industry to help employees desiring placement assistance or retraining for positions in the private sector. Most career employees who do not elect to take other federal positions will be eligible for severance pay up to one year, based upon age and length of federal service, or for immediate retirement under one of the voluntary or involuntary options.

The President's Economic Adjustment Committee will bring the resources of the federal government to bear on alleviating problems of personnel and communities resulting from these realignments. Secretary Richardson chairs this inter-agency committee made up of 15 federal departments and agencies. The President has instructed all members of the committee to give "their full energies in this vital effort."

The committee works with state and local governments and the private sector to create new private-sector jobs to replace the Defense jobs that will be eliminated. Such economic adjustment efforts in the past have resulted in the creation of major new developments in such areas as industry, education, recreation, health and transportation.

Unless specifically indicated, the Department of Defense Reserve Component training activities are not significantly affected by the realignment actions.

The following is a summary of the principal actions to be taken by the three military departments in the United States and Puerto Rico:

DEPARTMENT OF THE ARMY

As part of the Army's Schools Realignment Plan, aviation pilot training activities will be realigned and consolidated at Fort Rucker, Ala., Fort Wolters, Tex., and Hunter Army Airfield, Ga., will be closed and placed in caretaker status.

Also under the Army's Schools Realignment Plan, signal training currently conducted at Fort Monmouth, N.J., will be relocated to Fort Gordon, Ga., and consolidated with the signal training activities conducted at that installation. In addition, military police training will be moved from Fort Gordon, Ga., to Fort McClellan, Ala.

Defense Language Institute activities, now conducted at various locations in the United States, will be consolidated at Fort Monmouth, N.J., except for the West Coast Branch of the Defense Language Institute at the Presidio of Monterey, Calif., which is not affected by this realignment.

Valley Forge General Hospital, Pa., will be closed.

Charleston Army Depot, S.C., will be placed in an inactive status.

Fort Story, Va., will be substantially reduced.

DEPARTMENT OF THE NAVY

Naval shipyards at Hunters Point, Calif., and Boston, Mass., will be closed.

The greater portion of the Naval complex at Long Beach, Calif., will be phased out by the reduction, realignment or disestablishment of activities. Scope of operations of the Naval Shipyard, Long Beach, will be increased.

The greater portion of the Naval complex at Boston, Mass., will be phased out by the reduction, realignment or disestablishment of activities.

Most of the Naval complex at Newport and Quonset Point, R.I., will be phased out by the reduction, realignment or disestablishment of activities. The Naval Construction Battalion Center, the Naval Schools Command and the Naval Underwater Systems Weapons Center in the complex will remain.

The Naval Station complex, Key West, Fla., will be disestablished. Scope of operations of the nearby Naval Air Station, Key West, will be substantially increased.

Significant reductions and realignments of activities will take place at the Naval complex, New York City, N.Y.

The Navy's Pacific Missile Range, Point Mugu, Calif., will be converted to a contractor operation.

Naval Air Station, Imperial Beach, Calif., will be closed.

Naval activities at the Naval Air Station, Alameda, Calif., will be reduced or realigned.

Naval Air Station, Albany, Ga., will be closed. Scope of operations of the nearby Marine Corps Supply Center will be increased.

Naval Air Station, Glynco, Ga., will be closed.

Naval Training Center, Bainbridge, Md., will be closed.

Naval Air Engineering Center at the Naval Shipyard, Philadelphia, Pa., will be disestablished and essential functions relocated to Naval activities. Marine Corps Supply Center, Philadelphia, Pa., will be closed and essential functions relocated to other Marine Corps supply facilities.

Naval Hospital, Portsmouth, N.H., will be closed.

Naval Hospital, St. Albans, N.Y., will be closed.

Naval Air Station, Lakehurst, N.J., will be substantially reduced. Scope of operations of the adjacent Naval Air Test Facility, Lakehurst, will be increased.

In addition, based upon the Fiscal Year 1974 Department of Defense budget, as currently constituted, a number of Naval ships homeported at some of the above Naval complexes will be inactivated. Announcement of these ship inactivations will be made as soon as plans are completed.

DEPARTMENT OF THE AIR FORCE

The Air Force will implement a new concept of depot repair within its Air Material Areas in order to improve management by reducing organization structure and overhead and increasing plant utilization. This new concept will apply to a broad range of aeronautical and support commodities but excludes aircraft and engine repair programs. The concept consolidates the repair of aeronautical hardware that requires like skills, facilities, tools and test equipment into specialized entities known as Technology Repair Centers.

The Air Force will realign its Air Material Areas by merging similar engineering, technical, management and repair resources and workloads. Ground Communications-Electronics-Meteorological (CEM) systems, equipment, and components currently managed primarily at Oklahoma Air Material Area, Tinker Air Force Base, Okla., and repaired primarily at Sacramento Air Material Area, McClellan Air Force Bases, Calif., will be consolidated at the Sacramento Air Material Area.

In addition, Airborne Generator and Components of the aircraft electrical systems, currently managed at San Antonio Air Material Area, Kelly Air Force Base, Tex., will be consolidated with the Ground Generator and Components systems equipment at that installation under a new generator management and repair center at the San Antonio Air Material Area, Kelly Air Force Base.

The Air Force will realign and consolidate its C–5 strategic aircraft operations at one location on each coast by relocating the 3rd Military Airlift Squadron with 13 C–5 aircraft from Charleston Air Force Base, S.C., to Dover Air Force Base, Del., and the remaining three C–5 aircraft from this squadron to Travis Air Force Base, Calif. In addition, the 20th Military Airlift Squadron at Dover Air Force Base with 18 C–141 aircraft will be relocated to Charleston Air Force Base.

Hamilton Air Force Base, Calif., will be closed, except for Air Force Reserve activities.

McCoy Air Force Base, Fla., will be closed.

Forbes Air Force Base, Kan., will be closed, except for the Strategic Air Command satellite mission and Air National Guard activities.

Westover Air Force Base, Mass., will be closed, except for a strategic communications and special production activity. Air Force Reserve activities will continue flying operations.

Laredo Air Force Base, Tex., will be closed.

Ramey Air Force Base, P.R., will be closed.

The Air Force will terminate flying operations at Hanscom Field, Mass.

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INDIVIDUAL DEPARTMENT OF DEFENSE INSTALLATION AND ACTIVITY REDUCTION, REALIGNMENT AND CLOSURE ACTIONS BY STATE

ALABAMA

*1. Anniston*

At the Anniston Army Deport, the contingency supply package and petroleum stock missions with 13 civilian positions will be relocated from the Charleston Army Depot, Charleston, South Carolina, by July 1974.

*2. Anniston*

At the Army's Fort McClellan, the U.S. Army Military Police School, the Military Police Advanced Individual Training Brigade and the Military Police Combat Developments Activity with 964 military positions and 297 civilian positions will be relocated from Fort Gordon, Georgia, by June 1974, as part of the Army's Schools Realignment Plan.

*3. Ozark*

All Army aviation training activities will be consolidated at Fort Rucker by July 1974, as part of the Army's Schools Realignment Plan. As a result of this action, the COBRA aircraft training activity at Hunter Army Airfield, Savannah, Georgia, and the primary helicopter training activity from Fort Walters, Texas, will be relocated to Fort Rucker, and the 72nd Aviation Company will be relocated to Fort Bragg, North Carolina, with a total of 68 military positions reduced and 23 civilian positions increased at Fort Rucker.



ALASKA

*4. Fairbanks*

The North portion of the Army's Fort Wainwright will be closed by July 1973, and reported to the General Services Administration for disposal—159 civilian positions will be reduced.

ARKANSAS

*5. Jacksonville*

At Little Rock Air Force Base, the 314th Tactical Airlift Wing will be increased by two C–130 squadrons—one from Forbes Air Force Base, Kansas, and one from a location in Southeast Asia—and manpower management adjustments will be made by June 1974—1,134 military positions and 124 civilian positions will be added.

CALIFORNIA

*6. Adelanto*

At George Air Force Base, the 561st Tactical Fighter Squadron with 24 F–105 aircraft will be relocated from McConnell Air Force Base, Kansas, and manpower management adjustments will be made by June 1974—915 military positions and 103 civilian positions will be added.

*7. Alameda Naval Complex*

The scope of operations at the Naval Air Station will be reduced by 233 military positions and 429 civilian positions by June 1974.

*8*

The Navy's Commander, Fleet Air, Alameda, organization will be disestablished by June 1974—19 military positions and two civilian position will be reduced.

*9*

The Navy's Flag Administrative Unit, Commander, Fleet Air, Alameda, will be disestablished by June 1974—60 military positions will be reduced.

*10*

The Navy's Detachment A, Flag Administrative Unit, Commander, Naval Air Forces, Pacific Fleet, will be disestablished by June 1974—10 military positions will be reduced.

*11*

Naval Construction Battalion Unit 409 will be disestablished by June 1974—46 military positions will be reduced.

*12*

The Naval Training Equipment Center Representative Office will be disestablished by June 1974—one military position will be reduced.

*13*

At the Naval Air Station, Aviation Squadron VR–30 and the Detachment of VR–21 with 323 military positions will be relocated to the Naval Air Station, Moffett Field, California, and VAQ–130 and required support personnel with 691 military positions will be relocated to the Naval Air Station, Lemoore, California, by June 1974. Naval Air Reserve activities are not affected.

*14*

Four Naval ships will be relocated from the Naval Base, Long Beach, California, with a new homeport at Alameda by June 1974—1,932 military positions will be added.

*15*

The scope of operations of the Naval Air Rework Facility at the Naval Air Station will be increased by June 1974—189 civilian positions will be added.

*16. Alwater*

At Castle Air Force Base, the 84th Fighter Interceptor Squadron with 18 F–106 aircraft and necessary support personnel will be relocated from Hamilton Air Force Base, California, the B–52 crew training authorizations will be adjusted and other manpower management adjustments will be made by June 1974—274 military positions and 173 civilian positions will be added.

*17. Concord*

The scope of operations of the Naval Weapons Station will be increased by the relocation of activities from the Naval Ammunition Depot, Oahu, Hawaii, by June 1974—111 civilian positions will be added.

*18. Fairfield*

At Travis Air Force Base, three C–5 aircraft will be relocated to the 60th Military Airlift Wing from Charleston Air Force Base, South Carolina; the 312th Military Airlift Squadron (associate), an Air Force Reserve unit, will be converted to C–5 aircraft from C–141 aircraft; the 710th Military Airlift Squadron (associate), an Air Force Reserve unit, will be activated under the 349th Military Airlift Wing (associate Air Force Reserve) as a C–141 aircraft unit and other manpower management adjustments will be made by June 1974—140 military positions will be reduced and 128 civilian personnel will be added.

*19. Imperial Beach*

At the Naval Air Station, the Naval Helicopter Squadrons and associated support elements with 3,013 military positions and 48 civilian positions will be relocated to the Naval Air Station, North Island, San Diego, California, and the Station closed by January 1975. In addition, support elements with 32 military positions and 45 civilian positions will be relocated to the Naval Air Station, Miramar, California. A total of 214 military positions and 33 civilian positions will be reduced. The Naval Air Reserve Helicopter units will also be relocated to the Naval Air Station, North Island, San Diego, California. The Air Station will be retained for Naval aviation training purposes.

*20. Lemoore*

The Naval Aviation Squadron VAQ–130 and required support elements with 691 military positions will be relocated to the Naval Air Station from the Naval Air Station, Alameda, California, by June 1974.

*21. Long Beach Naval Complex*

The Naval Base, Long Beach, will be disestablished by June 1974—22 military positions and 10 civilian positions will be reduced.

*22*

The Navy's Pacific Fleet Representative, Commander, Cruiser-Destroyer Force will be disestablished by June 1974—45 military positions will be reduced.

*23*

The Naval Ordnance Systems Command Support Office with one military position will be disestablished by June 1974.

*24*

The Naval Fleet Training Center will be disestablished by June 1974—41 military positions will be reduced.

*25*

The Navy's Mine Divisions 32, 33, 34 and 35 will be disestablished by June 1974—15 military poistions will be reduced.

*26*

The Navy's Food Management Team will be disestablished by June 1974—five military positions will be reduced.

*27*

The scope of operations of the Navy's Finance Center will be reduced by June 1974—three military positions and 12 civilian positions will be reduced.

*28*

The scope of operations of the Naval Communications Station will be reduced by June 1974—13 military positions and eight civilian positions will be reduced.

*29*

The scope of operations of the Naval Security Group will be reduced by June 1974—six military positions will be reduced.

*30*

The Navy Supply Center will be disestablished by June 1974—17 military positions and 535 civilian positions will be reduced.

*31*

The Naval Station will be disestablished by June 1974—109 military positions and 215 civilian positions will be reduced.

*32*

The Naval Hospital Annex (USS REPOSE) will be disestablished by June 1974—178 military positions will be reached.

*33*

The Navy's Cruiser-Destroyer Flotilla 3; Destroyer Squadrons 3, 9, 13, 19, 29, and 35; Mobile Technical Unit 11; and Amphibious Squadron 7 with 212 military positions will be relocated to the Naval Base, San Diego, California, by June 1974.

*34*

A total of 47 Naval ships with 16,616 military positions will be relocated by June 1974, to other homeports as follows: 31 ships to the Naval Base, San Diego, California; seven ships to the Naval Base, Pearl Harbor, Hawaii; four ships to the Naval Air Station, Alameda, California; one ship to the Naval Shipyard, Bremerton, Washington; three ships to the Naval Base, Charleston, South Carolina; and one ship to an as-yet-undetermined location.

*35*

At the Naval Shipyard, certain administrative elements with 220 civilian positions will be relocated from the Hunters Point Naval Shipyard, California, and the scope of operations will be increased by June 1974—1,040 civilian positions will be added.

*36. Monterey*

At the Army's Presidio of Monterey, the Defense Language Institute Systems Development Agency with five military positions and 75 civilian positions will be relocated to Fort Monmouth, New Jersey, by September 1974, as part of the Army's Schools Realignment Plan.

*37. Mountain View*

At the Naval Air Station, Moffett Field, Naval Aviation Squadrons VR–30 and a Detachment of VR–21 with 323 military positions will be relocated from the Naval Air Station, Alameda, California, by June 1974.

*38. Novato*

Hamilton Air Force Base will be closed by September 1973, except for Air Force Reserve activities. The 84th Fighter Interceptor Squadron with 18 F–106 aircraft and necessary support elements will be relocated to Castle Air Force Base, California, with 776 military positions and 102 civilian positions: the 41st Aerospace Rescue and Recovery Squadron and necessary support elements with 200 military positions and six civilian positions will be relocated to McClellan Air Force Base, California; and the 2nd Aircraft Delivery Group Detachment with 20 military positions will be relocated to Mather Air Force Base, California. Base support functions will be civilianized to the maximum extent; base responsibility will be transferred from the Air Defense Command to the 452nd Tactical Airlift Wing, an Air Force Reserve unit; and all military community support activities at the base terminated by the Air Force. Real property determined to be excess to Department of Defense requirements will be reported to the General

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Services Administration for disposal. A total of 990 military positions and 453 civilian positions will be reduced in addition to the above relocations.

*39. Pasadena*

The Naval Undersea Center, Pasadena Laboratory, will be considered with the Center at San Diego, California, and the Laboratory will be closed by June 1974. A total of six military positions and 491 civilian positions will be relocated to the Naval Undersea Center at San Diego and 99 civilian positions will be reduced. Continued use of some of the facilities at the Pasadena Laboratory is under review by the Navy. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*40. Point Mugu*

The Navy's Pacific Missile Range will be converted to a contractor operation by December 1974—225 military positions and 1,448 civilian positions will be reduced. The contractor receiving this contract will be encouraged to rehire as many of the civilian Defense employees as possible.

*41. Point Mugu*

At the Naval Air Station, Naval Aviation Squadron VXE–6 with 367 military positions will be relocated from the Naval Air Station, Quonset Point, Rhode Island, by June 1974.

*42. Port Hueneme*

The Naval Civil Engineering Laboratory will be disestablished and its vital functions consolidated with other Naval activities by December 1973. A total of one military position and 157 civilian positions will be transferred to the Construction Battalion Center, Port Hueneme; five military positions and 139 civilian positions will be relocated to the Naval Undersea Center, San Diego, California, and nine military positions and 15 civilian positions will be relocated to the Naval Coastal Systems Laboratory, Panama City, Florida—two military positions and 69 civilian positions will be reduced. The Environmental Data Base Program Office in Hawaii, a component of the Naval Civil Engineering Laboratory, will remain in place; however, command responsibility will be shifted to another Naval activity.

*43. Rosamond*

At Edwards Air Force Base, the 6514th Test Squadron will be relocated to Hill Air Force Base, Utah, and manpower management adjustments will be made by June 1974—196 military positions and 40 civilian positions will be reduced.

*44. Sacramento*

At Mather Air Force Base, a Detachment of the 2nd Aircraft Delivery Group will be relocated from Hamilton Air Force Base, California; adjustments will be made in navigation training aircraft and manning of the 323rd Flying Training Wing; and other manpower management adjustments will be made by June 1974—184 military positions and seven civilian positions will be reduced.

*45. Sacramento*

At McClellan Air Force Base, the 41st Aerospace Rescue and Recovery Squadron is relocated from Hamilton Air Force Base; the Communications-Electronics Meteorological (CEM) Management functions will be relocated from Oklahoma City Air Material Area, Tinker Air Force Base, Oklahoma, and selected Electrical Control and Distribution Equipment Management functions will be relocated from San Antonio Air Material Area, Kelly Air Force Base, Texas; four Technology Repair Centers in fluid-driven accessories, flight control instruments, electrical components and ground CEM equipment are to be established over the next two-year period; one of the functions of the 1155th Technical Operations Squadron of the Air Force Technical Applications Center will be relocated to Patrick Air Force Base; and other manpower management adjustments will be made by June 1974—102 military positions and 249 civilian positions are added.

*46. San Francisco*

The scope of operations of the Twelfth Naval District will be reduced and certain functions with 13 military positions and 23 civilian positions will be relocated to the Eleventh Naval District, San Diego, California, by January 1974—10 military positions and 49 civilian positions will be reduced.

*47. San Francisco*

The Naval Shipyard, Hunters Point, will be closed and placed in caretaker status by June 1974, except for Drydock Number 4. Certain administrative functions and personnel will be relocated as follows: 220 civilian positions to the Naval Shipyard, Long Beach, California; 244 civilian positions to the Naval Shipyard, Mare Island, California; 62 civilian positions to the Naval Support Activity, Vallejo, California; nine civilian positions to the Naval Shipyard, Norfolk, Virginia; and 46 military positions to other locations—78 military positions and 4,649 civilian positions will be reduced.

*48. San Diego Naval Complex*

The scope of operations of the Eleventh Naval District will be increased by the transfer of certain functions with 13 military positions and 23 civilian positions from the Twelfth Naval District, San Francisco, by June 1974.

*49*

The Navy's Cruiser-Destroyer Flotilla 3; Destroyer Squadrons 3, 9, 13, 19, 29 and 35; Mobile Technical Unit 11; and Amphibious Squadron 7 with 212 military positions will be relocated from the Naval Base, Long Beach, California, by June 1974.

*50*

A total of 31 Naval ships with 11,077 military positions will be relocated to the Naval Base, San Diego, California, from the Naval Base, Long Beach, California, with a new homeport in San Diego by June 1974.

*51*

The Navy's Underwater Swimmer's School with 41 military positions and six civilian positions will be relocated from the Naval Station, Key West, Florida, by March 1974.

*52*

At the Naval Personnel and Training Research Laboratory, the residual functions of the Naval Personnel Research and Development Laboratory at the Navy Yard, Washington, D.C., with nine military positions and 76 civilian positions will be relocated by February 1974.

*53*

At the Naval Undersea Center, Point Loma, certain portions of the Naval Civil Engineering Laboratory, Port Hueneme, California, and the Naval Undersea Center Annex, Pasadena, California, with 11 military positions and 630 civilian positions will be relocated by June 1974.

*54*

At the Naval Air Station, North Island, the Naval Helicopter Squadrons and associated support elements with 3,013 military positions and 48 civilian positions will be relocated from the Naval Air Station, Imperial Beach, California, and the Naval Carrier Airborne Early Warning Squadrons 111, 112, 113, 114, 115, 116 and Squadron RVAW–110 with 1,003 military positions will be relocated to the Naval Air Station, Miramar, San Diego, California, by December 1974. In addition, the Navy's Management Systems Development Office Detachment with 19 civilian positions will be relocated from the Naval Air Station, Quonset Point, Rhode Island, by June 1974.

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The scope of operations of the Naval Air Rework Facility at the Naval Air Station, North Island, will be increased by June 1974—756 civilian positions will be added.

*56*

At the Naval Air Station, Miramar, certain support elements with 32 military positions and 45 civilian positions will be relocated from the Naval Air Station, Imperial Beach, California, and the Naval Carrier Airborne Early Warning Squadrons 111, 112, 113, 114, 115, 116 and Squadron RVAW–110 with 1,003 military positions will be relocated from the Naval Air Station, North Island, San Diego, California, by December 1974.

*57*

At the Naval Electronics Laboratory Center, the vital functions from the Naval Electronics Systems Test and Evaluation Field, Webster Field, St. Inigoes, Maryland, with 16 military positions and 141 civilian positions will be relocated by December 1973.

*58. Seal Beach*

At the Naval Weapons Station, certain functions with 15 civilian positions will be relocated from the Naval Ammunition Depot, Oahu, Hawaii, by June 1974.

*59. Vallejo*

At the Naval Shipyard, Mare Island, certain administrative elements with 244 civilian positions will be relocated from the Naval Shipyard, Hunters Point, San Francisco, and the scope of operations will be increased by June 1974—1,769 civilian positions will be added.

*60. Vallejo*

The Navy's Mare Island Laboratories, Naval Shipyard, Mare Island, will be reduced and the rubber, paint and metallurgy and materials functions will be relocated with 80 civilian positions and consolidated with similar functions at the Naval Ship Research and Development Center, Annapolis, Maryland, by December 1973—100 civilian positions will be reduced.

*61. Vallejo*

At the Naval Support Activity, certain elements with 62 civilian positions will be relocated from the Naval Shipyard, Hunters Point, San Francisco, by June 1974.

DELAWARE

*62. Dover*

At Dover Air Force Base, the 4713th Defense Systems Evaluation Squadron with 18 EB–57 aircraft and necessary support elements will be relocated from Westover Air Force Base, Massachusetts; the 20th Military Airlift Squadron with 18 C–141 aircraft will be relocated to Charleston Air Force Base, South Carolina; the 3rd Military Airlift Squadron with 13 C–5A aircraft will be relocated from Charleston Air Force Base, South Carolina the 326th Military Airlift Squadron (Associate Air Force Reserve) will be converted from C–141 aircraft to C–5A aircraft; the 709th Military Airlift Squadron (Associate Air Force Reserve) will be activated and fly C–5A aircraft; and manpower management adjustments will be made by June 1974—643 military positions and 294 civilian positions will be added.

DISTRICT OF COLUMBIA

*63*

At the Naval Station, Anacostia, the Headquarters and East Coast Branch of the Defense Language Institute, for which the Army is the Executive Agent for the Department of Defense, with 53 military positions and 126 civilian positions will be relocated to the Army's Fort Monmouth, New Jersey, along with other elements of the Defense Language Institute from other locations in the United States by December 1974, as part of the Army's Schools Realignment Plan.



*64*

The Navy Personnel Research and Development Laboratory at the Navy Yard will be disestablished and residual functions with nine military positions and 76 civilians positions will be relocated to the Naval Personnel and Training Research Laboratory, San Diego, California, by February 1974—26 civilian positions will be reduced.

*65*

The Navy Experimental Diving Unit at the Navy Yard with 72 military positions and seven civilian positions will be relocated to the Naval Coastal Systems Laboratory, Panama City, Florida, by August 1974. A Detachment of the unit with 14 military positions and 40 civilian positions will remain at the Navy Yard.

*66*

The scope of operations of the Naval Training Publications Division at the Navy Yard will be reduced and 61 military positions and 106 civilian positions will be relocated to the new Naval Training Publications and Examining Center Naval Air Station, Pensacola, Florida, by March 1974—eight military positions and seven civilian positions will be reduced.

FLORIDA

*67. Fort Lauderdale*

The Navy's Atlantic Undersea Test and Evaluation Center, West Palm Beach Detachment, with two military positions and 45 civilian positions will be relocated to Fort Lauderdale from West Palm Beach, Florida, by December 1973.

*68. Fort Walton Beach*

At Eglin Air Force Base, a Tactical Air Command Weapons Systems Evaluation Program will be initiated; the aircraft equipment of the 33rd Tactical Fighter Wing will be increased by increasing the aircraft of the 58th and the 60th Tactical Fighter Squadrons from 18 to 24 F–4's each; the 55th Aerospace Rescue and Recovery Squadron will receive HH–53 and HH–3 helicopters. In addition, at Eglin Auxiliary Field Number 9, the manning of the United States Air Force Special Operations Force will be reduced; the 317th Special Operations Squadron will be phased out of C–123 aircraft and equipped with CH–3 aircraft; the 318th Special Operations Squadron with four C–130E aircraft will be relocated from Pope Air Force Base, North Carolina; the 603rd Special Operations Squadron with five C–47 aircraft will be activated; the 360th Tactical Electronic Warfare Squadron with six EC–47 aircraft will be activated, as will the 6994th Air Force Security Service Squadron. A total of 755 military positions and 26 civilian positions will be added to the Eglin Air Force Base complex by June 1974.

*69. Homestead*

At Homestead Air Force Base, the aircraft of the 307th and the 309th Tactical Fighter Squadrons will be increased from 18 to 24 F–4's each; a Detachment of the 552nd Airborne Early Warning and Control Squadron with EC–121 aircraft will be relocated from McCoy Air Force Base, Florida; and manpower management adjustments will be made by June 1974—417 military positions and 61 civilian positions will be added.

*70*

At the Naval Air Station, Cecil Field, Aviation Squadrons VS–22, 24, 30 and 31, along with necessary support elements, with 788 military positions and 49 civilian positions will be relocated from the Naval Air Station, Quonset Point, Rhode Island, and 29 military positions will be relocated from the Naval Air Station, Lakehurst, New Jersey, by June 1974—817 military positions and 49 civilian positions will be added.

*71*

At the Naval Air Station, Jacksonville, Helicopter Squadrons HS 1, 3, 7 and 11, along with necessary support elements, with 824 military positions and 48 civilian positions will be relocated from the Naval Air Station, Quonset Point, Rhode Island, and certain functions to include Helicopter Squadron HC–2 with 488 military positions and 14 civilian positions will be relocated from the Naval Air Station, Lakehurst, New Jersey, by June 1974—1,312 military positions and 62 civilian positions will be added.

*72*

The scope of operations of the Naval Air Rework Facility at the Naval Air Station, Jacksonville, will be increased by June 1974—33 civilian positions will be added.

*73*

The Naval Station will be disestablished and 101 military positions of the Naval Message Center will be relocated by March 1974, as follows: 84 military positions to the Naval Air Station, Key West, and 17 military positions to the Naval Communications Station, Puerto Rico—210 military positions and 359 civilian positions will be reduced.

*74*

The Naval Base will be disestablished by March 1974—11 military positions and six civilian positions will be reduced.

*75*

The Navy's Commander, Key West Force will be disestablished by March 1974—29 military positions will be reduced.

*76*

The Navy's Submarine Squadron 12 and Submarine Divisions 121 and 122 will be disestablished by March 1974—24 military positions will be reduced.

*77*

The Navy's Fleet Training Group will be disestablished by March 1974—one military position will be reduced.

*78*

The scope of operations of the Navy Commissary will be reduced by March 1974—six military positions will be reduced.

*79*

The scope of operations of the Navy Finance Office will be reduced by March 1974—10 civilian positions will be reduced.

*80*

The scope of operations of the Navy Publications and Printing Office will be reduced by March 1974—two civilian positions will be reduced.

*81*

The scope of operations of the Naval Hospital will be reduced by March 1974—64 military positions and 30 civilian positions will be reduced.

*82*

The scope of operations of the Naval Communications Station will be reduced by March 1974—46 military positions and two civilian positions will be reduced.

*83*

The Navy's Destroyer Squadron 18 with 15 military positions will be reloctated to the Naval Station, Mayport, Florida, by March 1974.

*84*

The Navy's Fleet Sonar School with 305 military positions and nine civilian positions will be relocated to the Naval Base, Norfolk, Virginia, by March 1974.

*85*

The Navy's Underwater Swimmer's School with 41 military positions and six civilian positions will be relocated to the Naval Base, San Diego, by March 1974.

*86*

One of the Navy's Submarine Rescue Detachments, along with other miscellaneous activities, Auxiliary Submarine Rescue Ship 16 and one submarine with 187 military positions will be relocated to the Naval Base, Norfolk, Virginia, by March 1974.

*87*

One of the Navy's Submarine Rescue Detachments, along with other miscellaneous activities, and one submarine with 103 military positions will be relocated to the Naval Base, Charleston, South Carolina, by March 1974.

*88*

At the Naval Air Station, aviation and support activities with 2,569 military positions and 71 civilian positions will be relocated from the Naval Air Station, Albany, Georgia; the Naval Air Test and Evaluation Squadron One with 348 military positions will be relocated to the Naval Air Station, Patuxent River, Maryland; and 84 military positions will be relocated from the Naval Station, Key West, by June 1974—2,305 military positions and 71 civilian positions will be added.

*89. Mayport*

The Navy's Destroyer Squadrons 10 and 12 and Service Squadron 2 and 10 Navy ships with 2,963 military positions will be relocated to the Naval Base, Mayport, from the Naval Base, Newport, Rhode Island, and Destroyer Squadron 18 with 15 military positions will be relocated from the Naval Base, Key West, Florida, by June 1974—2,978 military positions will be added.

*90. Orlando*

At the Naval Training Center, the Navy's Nuclear Power School with 118 military positions will be relocated from the Naval Training Center, Bainbridge, Maryland, by January 1975.

*91. Orlando*

McCoy Air Force Base, Taft, will be closed by June 1974. The 306th Bombardment Wing and the 36th Bombardment Squadron with a 15 B–52D aircraft will be inactivated; elementa of the 306th Air Refueling Squadron with 10 KC–135 aircraft and 283 military positions and nine civilian positions will be relocated to McConnell Air Force Base, Kansas, and elements with 10 KC–135 aircraft and 289 military positions and 10 civilian positions will be relocated to Lockbourne Air Force Base, Ohio; a Detachment of the 552nd Airborne Early Warning Control Squadron with EC–121 aircraft and necessary support personnel with 187 military positions and six civilian positions will be relocated to Homestead Air Force Base, Florida; and the 42nd Air Division with 13 military positions and one civilian position will be relocated to Blytheville Air Force Base, Arkansas. The family housing and other necessary support facilities will be transferred to the Naval Training Center, Orlando. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal. A caretaker force of 161 military positions and 160 civilian positions will remain until final disposal of the property. In addition to the personnel being relocated, a total of 1,086 military positions and 395 civilian positions will be eliminated upon completion of the action.

*92. Panama City*

At the Naval Coastal Systems Laboratory, certain functions of the Naval Civil Engineering Laboratory, Port Hueneme, California, with nine military positions and 15 civilian positions and the Navy Experimental Diving Unit, Navy Yard, Washington, D.C., with 72 military positions and seven civilian positions will be relocated by September 1974—81 military positions and 22 civilian positions will be added.

*93. Pensacola*

At the Naval Complex residual elements of the Naval Publications and Examining Center, Great Lakes, Illinois; Naval Correspondence Course Center, Scotia, New York; Naval Publications and Examining Center,

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Memphis, Tennessee; and the Naval Training Publications Division, Washington, D.C., with 271 military positions and 317 civilian positions will be relocated and consolidated into a new Naval Publications and Examining Center to be established by March 1974. In addition, 286 military positions and six civilian positions will be relocated from the Naval Air Station, Glynco, Georgia, by December 1974. A total of 557 military positions and 323 civilian positions will be added.

The scope of operations of the Naval Air Rework Facility at the Naval Air Station will be increased by June 1974—79 civilian positions will be added.

*95. Tampa*

At MacDill Air Force Base, the 21st Tactical Air Support Squadron with 12 OV–10 aircraft will be activated; the aircraft of the 1st Tactical Fighter Wing will be increased from 60 to 72 F–4 aircraft, and manpower management adjustments will be made by June 1974—208 military positions and 139 civilian positions will be added.

*96. West Palm Beach*

The Navy's Undersea Test and Evaluation Center, West Palm Beach Detachment will be reduced and the residual functions with two military positions and 45 civilian positions will be relocated to Fort Lauderdale, Florida, by December 1973—one military position and 10 civilian positions will be reduced.

GEORGIA

*97. Albany*

At the Marine Corps Supply Center, the residual functions of the Marine Corps Supply Activity, Philadelphia, Pennsylvania, with 381 military positions and 948 civilian positions will be relocated by July 1976.

*98. Albany*

The Naval Air Station will be closed and placed in caretaker status by June 1974. The aviation activities and selected support elements with 2,569 military positions and 71 civilian positions will be relocated to the Naval Air Station, Key West, Florida. The family housing and required support facilities will be made available for use by the Marine Corps Supply Center, Albany, Georgia. A total of 648 military positions and 273 civilian positions will be eliminated.

*99. Augusta*

At the Army's Fort Gordon, the scope of operations of the Military Police activities will be reduced and the United States Army Military Police School, the Military Police Advanced Individual Training Brigade and the Military Police Combat Developments Activity with 964 military positions and 297 civilian positions will be relocated to Fort McClellan, Alabama, 18 military positions will be eliminated, and the essential elements of the United States Army Signal Center and School and the Communications and Electronics Combat Developments Activity with 922 military positions and 591 civilian positions will be relocated from Fort Monmouth New Jersey, and consolidated with the Army's Southeastern Signal School at Fort Gordon by June 1974, as part of the Army's Schools Realignment Plan—60 military positions will be reduced and 294 civilian personnel will be added.

*100. Brunswick*

The Naval Air Station, Glynco, will be closed by December 1974. Residual functions with 286 military positions will be relocated to the Naval Air Station, Pensacola, Florida; 442 military positions will be relocated to Dam Neck, Virginia; and 439 military positions and 31 civilian positions will be relocated to the Naval Air Station, Memphis, Tennessee. A total of 661 military positions and 308 civilian positions will be eliminated. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*101. Columbus*

At the Army's Fort Benning, the Headquarters and Headquarters Company, 214th Aviation Battalion, with 98 military positions will be relocated from Fort Stewart, Georgia, by July 1973.

*102. Savannah*

Hunter Army Airfield will be closed and placed in caretaker status by July 1973. The COBRA aircraft training with 87 military positions and 12 civilian positions will be relocated to Fort Rucker, Alabama, where all future Army aviation training will be consolidated; the 102nd Quartermaster Company (Petroleum) with 200 military positions will be relocated to Fort Campbell, Kentucky; the 238th Aviation Company with 140 military positions along with 301 military positions and 70 civilian positions will be relocated to Fort Stewart, Georgia, as part of the Army's Schools Realignment Plan. A total of 478 military positions and 388 civilian positions will be eliminated.

*103. Savannah*

At the Army's Fort Stewart, the 238th Aviation Company with 140 military positions, along with 301 military positions and 70 civilian positions will be relocated from Hunter Army Airfield; the 530th Composite Service Company (Light Maintenance) with 135 military positions will be relocated from Fort Knox, Kentucky; and the Headquarters and Headquarters Company, 214th Aviation Company with 98 military positions will be relocated to Fort Benning, Georgia, by July 1973—478 military positions and 70 civilian positions will be added.

*104. Warner-Robins*

At Robins Air Force Base, the 19th Bombardment Wing will be equipped with SRAM missiles; five Technology Repair Centers in airborne electronics, life support equipment, propellers, portable buildings and gyro instruments will be established over the next two-year period; and manpower management adjustments will be made by June 1974—182 military positions will be added and 383 civilian positions will be reduced.

HAWAII

*105. Lualualei*

The Naval Ammunition Depot, Oahu, will be closed and 230 military positions and 248 civilian positions will be relocated to other Pacific Fleet activities in Hawaii; 111 civilian positions will be relocated to the Naval Weapons Station, Concord, California; 90 civilian positions will be relocated to the Naval Torpedo Station, Keyport, Washington; 52 civilian positions will be relocated to the Naval Ammunition Depot, Crane, Indiana; and 15 civilian positions will be relocated to the Naval Weapons Station, Seal Beach California, by June 1974—17 military positions and 240 civilian positions will be reduced. All real property will be retained to meet other Department of Defense requirements.

*106. Pearl Harbor*

At the Navy's Pacific Fleet Activities, 230 military positions and 248 civilian positions will be relocated from the Naval Ammunition Depot, Oahu, Hawaii, by June 1974.

*107. Pearl Harbor*

At the Naval Base, seven Naval ships with 2,559 military positions will be relocated from the Naval Base, Long Beach, California, with a new homeport at Pearl Harbor by June 1974.

ILLINOIS

*108. Great Lakes*

The Naval Publications and Examining Center will be disestablished and 158 military positions and 85 civilian positions will be relocated to the new consolidated Naval Publications and Examining Center to be established at Pensacola, Florida, by March 1974—21 military positions and five civilian positions will be reduced.

*109. Great Lakes*

The Navy's Electronics Supply Office will be disestablished and 27 military positions and 540 civilian positions will be relocated to the Naval Ship Parts Control Center, Mechanicsburg, Pennsylvania, by December 1974—seven military positions and 190 civilian positions will be eliminated.

INDIANA

*110. Crane*

At the Naval Ammunition Depot, 52 civilian positions will be relocated from the Naval Ammunition Depot, Oahu, Hawaii, by June 1974.

KANSAS

*111. Pauline*

Forbes Air Force Base will be closed, except for Air National Guard and Strategic Air Command satellite mission activities by September 1973. The 313th Tactical Airlift Wing will be inactivated with the two C–130 aircraft squadrons relocated—one C–130 squadron with 619 military positions and 19 civilian positions will be relocated to Dyess Air Force Base, Texas, and one C–130 squadron with 616 military positions and 19 civilian positions will be relocated to Little Rock Air Force Base, Arkansas. In addition, one C–130 squadron currently in Southeast Asia programmed to return to Forbes Air Force Base will return to Little Rock Air Force Base, Arkansas with 615 military positions and 18 civilian positions. Further, the Military Airlift Command's Aerial Cartographic and Geodetic Squadron will be relocated to Keesler Air Force Base, Mississippi, and the 3301st School Squadron United States Air Force Skill Center (Project Transition) will be relocated to Kirtland Air Force Base, New Mexico. The Strategic Air Command satellite mission with KC–135's remains in place. In addition, the Air National Guard Bombardment Squadron remains. A total of 298 civilian positions will be converted to Air National Guard technician positions in order to civilianize remaining missions to maximum extent possible and all military community support activities (PX, commissary, etc.) will then be terminated by the active Air Force. In addition to the above actions, 1,241 military positions and 83 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*112. Wichita*

At McConnell Air Force Base, elements of the 306th Air Refueling Squadron with 10 KC–135 aircraft will be relocated from McCoy Air Force Base, Florida; the 819th Air Force Civil Engineer Heavy Repair Squadron (RED HORSE) will be relocated from Westover Air Force Base, Massachusetts; the 56ist Tactical Fighter Squadron will be relocated to George Air Force Base, California; and manpower management adjustments will be made by June 1974—83 military positions will be reduced and 107 civilian positions will be added.

KENTUCKY

*113. Hopkinsville*

At the Army's Fort Campbell, the 102nd Quartermaster Company (Petroleum) with 200 military positions will be relocated from Hunter Army Airfield, Georgia, by July 1973.

*114. Louisville*

At the Army's Fort Knox, the 530th Composite Service Company (Light Maintenance) with 135 military positions will be relocated to Fort Stewart, Georgia, and the 13th Engineer Company (Construction) will be relocated from Fort George G. Meade, Maryland, and reorganized with 177 military positions by July 1973—42 military positions will be added.

LOUISIANA

*115. Alexandria*

At England Air Force Base, the 4410th Special Operations Training Group and the 548th Special Operations Training Squadron will be inactivated and manpower management adjustments will be made by June 1974—365 military positions will be reduced and 65 civilian positions will be added.



*116. Bossier City*

At Barksdale Air Force Base, the 3097th Aviation Depot Squadron will be relocated from Westover Air Force Base, Massachusetts, and manpower management adjustments will be made by June 1974—18 military positions will be reduced and 74 civilian positions will be added.

*117. New Orleans*

The scope of operations of the Eighth Naval District will be increased by the relocation of functions from the Fifth Naval District, Norfolk, Virginia, by January 1974—10 military positions and 10 civilian positions will be added.

MAINE

See Portsmouth, New Hampshire.

MARYLAND

*118. Annapolis*

At the Naval Ship Research and Development Center, the rubber, paint, metallurgy and materials functions of the Navy's Mare Island Laboratories, Naval Shipyard, Mare Island, California, with 80 civilian positions will be relocated and consolidated with similar functions by December 1973.

*119. Bainbridge*

The Naval Training Center will be disestablished by January 1975, except for the Naval Academy Preparatory School. A total of 113 military positions and seven civilian positions will be relocated to other Naval training activities in the United States; the Navy's Nuclear Power School with 118 military positions will be relocated to the Naval Training Center, Orlando, Florida; and 277 military positions and 551 civilian positions will be reduced.

*120. Frederick*

At the Army's Fort Detrick, the United States Army Medical Material Agency with 27 military positions and 98 civilian positions, including an associated Air Force unit, will be relocated from the Army's Valley Forge Hospital, Phoenixville, Pennsylvania, by June 1974.

*121. Indian Head*

The Naval Research and Development Office at the Naval Ordnance Station will be reduced and its project work assigned to the Naval Ordnance Laboratory, White Oak, Maryland, by December 1973—five civilian positions will be reduced. Residual functions of the office will remain at the Naval Ordnance Station.

*122. Odenton*

The Army's 13th Engineer Company (Construction) at Fort George G. Meade with 127 military positions will be relocated to Fort Knox, Kentucky, by July 1973, where it will be reorganized.

*123. Patuxent River*

At the Naval Air Test Center, the essential functions of the Naval Air Engineering Center, Philadelphia, Pennsylvania, with three military positions and 202 civilian positions will be relocated by December 1974.

*124. Patuxent River*

At the Naval Air Station, Naval Air Test and Evaluation Squadron One with 348 military positions will be relocated from the Naval Air Station, Key West, Florida, by June 1974.

*125. St. Inigoes*

The Naval Electronics Systems Test and Evaluation Facility, Webster Field, will be closed by December 1973. Essential functions with 16 military positions and 141 civilian positions will be relocated to the Naval Electronics Laboratory Center, San Diego, California, and 15 military positions and 14 civilians positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

MASSACHUSETTS

*126. Bedford*

The Air Force will terminate flying activities at Laurence G. Hanscom field and turnover complete maintenance and operations of the airfield to the Massachusetts Port Authority. The aircraft of the Air Force's Electronic Systems Division will be relocated to Kirkland Air Force Base, New Mexico; the 901st Tactical Airlift Group (Air Force Reserve) will be relocated to Westover Air Force Base, Massachusetts; the 3501st Recruiting Group will be relocated from Westover Air Force Base, Massachusetts; and other manpower management adjustments will be made by June 1974—237 military positions and 536 civilian positions will be reduced. These actions will not affect United States Army Reserve training activities at Laurence G. Hanscom Field.

*127. Boston Naval Complex*

The Naval Shipyard will be closed and placed in caretaker status by January 1975. Certain administrative functions and personnel will be relocated as follows: 392 civilian positions to the Naval Shipyard, Philadelphia, Pennsylvania; 191 civilian positions to the Naval Supply Center, Norfolk, Virginia; 25 civilian positions to the Naval Supply Center, Charleston, South Carolina: three civilian positions to the Naval Shipyard, Norfolk, Virginia; and 126 military to various other locations—13 military positions and 4,708 civilian positions will be reduced.

*128*

The Naval Support Activity will be disestablished by December 1974—80 military positions and 72 civilian positions will be reduced.

*129*

The Navy's Reserve Supplement Headquarters will be disestablished by January 1974. Certain functions with 222 military positions and 12 civilian positions will be relocated to the Third Naval District, New York, New York, and 10 military positions and 18 civilian positions will be reduced. The Naval Reserve training activities in the Boston area will not be significantly affected.

*130*

The Naval Hospital, Chelsea, will be disestablished by December 1974. Hospital activities with a total of 246 military positions and 129 civilian positions will be relocated to other Naval hospitals and 226 military positions and 195 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*131*

The Naval Area Audit Office will be disestablished by January 1975—four military positions and 49 civilian positions will be reduced.

*132*

The Naval Finance Office will be disestablished by January 1975—six military positions and 25 civilian positions will be reduced.

*133*

The Naval Electronics Office will be disestablished by January 1975—one military position and 61 civilian positions will be reduced.

*134*

The scope of operations of the First Naval District will be reduced and certain functions will be relocated to the Third Naval District, New York, New York, by January 1975—48 military positions and 53 civilian positions will be reduced.

*135*

The Navy's Supervisor of Shipbuilding Office will be disestablished by January 1975—two military positions and 46 civilian positions will be reduced.

*136*

The Naval Courier Service Detachment will be disestablished by January 1975—13 military positions will be reduced.

*137*

The Navy's Exchange will be disestablished by January 1975—two military positions will be reduced.

*138*

The Navy Band will be disestablished by January 1975—21 military positions will be reduced.

*139*

The Navy's Correctional Center will be disestablished by January 1975—32 military positions will be reduced.

*140*

The Navy's Fleet Supply Operations Assistance team and other miscellaneous activities will be disestablished by January 1975—three military positions and 14 civilian positions will be reduced.

*141*

The scope of operations of the Naval Investigative Office and Armed Forces Police Detachment will be reduced by January 1975—nine military positions and 23 civilian positions will be reduced.

*142*

The Marine Barracks will be disestablished by January 1974—82 military positions will be reduced.

*143. Chicopee Falls*

Westover Air Force Base will be closed by June 1974, except for Reserve activities and some limited active Air Force requirements. The 99th Bombardment Wing, its two squadrons of B–52D aircraft and support elements will be inactivated. The following activities will be relocated: elements of the 99th Air Refueling Squadron with 10 KC–135 aircraft and associated support, with 289 military positions and 10 civilian positions to Plattsburgh Air Force Base, New York; elements of the 99th Air Refueling Squadron with five KC–135 aircraft and 207 military positions and eight civilian positions to Pease Air Force Base, New Hampshire; the 4713th Defense Systems Evaluation Squadron and its 18 EB–57 aircraft and associated support elements with 432 military positions and 41 civilian positions to Dover Air Force Base, Delaware; the 819th Civil Engineer Heavy Repair Squadron (RED HORSE) with 459 military positions and 15 civilian positions to McConnell Air Force Base, Kansas; the 3501st Recruiting Group with 35 military positions and seven civilian positions to Laurence G. Hanscom Field, Massachusetts; the 590th Air Force Band with 51 military positions to McGuire Air Force Base, New Jersey; and the 3097th Aviation Depot with 116 military positions and five civilian positions to Barksdale Air Force Base, Louisiana. In addition, the 901st Tactical Airlift Group (Air Force Reserve) with five military positions and 149 Air Force Reserve civilian technicians will be relocated from Laurence G. Hanscom Field, Massachusetts, to Westover Air Force Base. The 18th Communications Squadron and the Air Force Special Project Production Activity will remain. The support elements will be civilianized to the maximum extent possible and the responsibility for the base transferred to the Air Force Reserves by June 1974. Upon completion of the civilianization, all military community support at Westover Air Force Base will be terminated by the Air Force. A total of 1,300 military positions and 163 civilian positions will be reduced in addition to the personnel relocated. Real property determined to be excess to Department

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of Defense requirements will be reported to the General Services Administration for disposal.

*144. Falmouth*

At Otis Air National Guard Base, the Strategic Air Comand activity will be inactivated; the support functions will be civilianized by the Air Force in order to make the Massachusetts Air National Guard unit self-sufficient; responsibility for the entire base will be transferred to the Massachusetts Air National Guard and all military community support will be terminated by the active Air Force by December 1973—377 military positions and 297 civilian positions will be reduced. United States Army Reserve Component training activities at adjacent Camp Edwards will not be affected by these actions.

*145. South Weymouth*

At the Naval Air Station, Naval Reserve Helicopter Squadron HS–74 with 51 military position; elements of the Naval Air Reserve Training Detachment with 18 military positions; and required support elements with four military positions and 14 civilian positions will be relocated from the Naval Air Station, Quonset Point, Rhode Island, by June 1974.

MISSISSIPPI

*146. Biloxi*

At Keesler Air Force Base, the First Aerial Cartographic and Geodetic Squadron with four RC–130A aircraft will be relocated from Forbes Air Force Base, Kansas; the 53rd Weather Reconnaissance Squadron with seven WC–130B aircraft will be relocated from Ramey Air Force Base, Puerto Rico; all foreign pilot training activities will be terminated; technical training activities will be reduced; and manpower management adjustments will be made by June 1974. These actions are not expected to change the current Department of Defense population at Keesler Air Force Base.

NEBRASKA

*147. Omaha*

The Naval Support Activity at Fort Omaha will be disestablished by January 1974—56 military positions and 49 civilian positions will be reduced. The Department of Defense Reserve Component training activities at Fort Omaha will not be significantly affected. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

NEW HAMPSHIRE

*148. Newington*

At Pease Air Force Base, elements of the 99th Air Refueling Squadron with five KC–135 aircraft will be relocated from Westover Air Force Base, Massachusetts, and other manpower management adjustments will be made by June 1974—127 military positions and 88 civilian positions will be added.

*149. Portsmouth Naval Complex*

The Naval Disciplinary Command will be disestablished by June 1974. A total of 10 military positions will be relocated to other Defense activities and 77 military positions and 41 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*150*

The Naval Hospital will be disestablished by December 1974. Hospital activities with a total of 53 military positions and 31 civilian positions will be relocated to other Naval hospitals and 85 military positions and 55 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*151*

The Navy Exchange will be disestablished by December 1974—four military positions will be reduced.

*152*

The Marine Barracks and Detachment will be disestablished by June 1974. A total of 83 military positions will be relocated to other Marine Corps activities and 236 military positions will be reduced.

NEW JERSEY

*153. Bayonne*

At the Naval Ammunition Depot, Earle, the Naval Ship USS NITRO (AE-23) with 310 military positions will be relocated from Newport/Quonset Point, Rhode Island by June 1974.

*154. Lakehurst*

The scope of operations of the Naval Air Station will be reduced by June 1974. A total of 233 military positions and 392 civilian positions will be relocated to the Naval Air Test Facility, Lakehurst, New Jersey; 735 military positions will be relocated to the Naval Air Station, Norfolk, Virginia, including Helicopter Squadrons HS–15 and HSL–30 and 32; 488 military positions and 14 civilian positions will be relocated to the Naval Air Station, Jacksonville, Florida, including Helicopter Squadron HC–2; 29 military positions will be relocated to the Naval Air Station, Cecil Field, Florida; and 94 military positions will be reduced. Flying operations will continue. The Army activities located at the Naval Air Station remain. Department of Defense Reserve Component activities will continue to use the facilities at the Naval Air Station.

*155. Lakehurst*

At the Naval Air Test Facility, support functions with 233 military positions and 392 civilian positions will be relocated from the Naval Air Station, Lakehurst, New Jersey, and essential elements with 16 military positions and 898 civilian positions will be relocated from the Naval Air Emergency Center, Philadelphia, Pennsylvania, by December 1974.

*156. Lakehurst*

The Marine Barracks at the Naval Air Station will be disestablished by January 1974—70 military positions will be reduced.

*157. Red Bank*

At the Army's Fort Monmouth, the United States Army Signal Center and School and the Communications and Electronics Combat Developments Activity with 922 military positions and 591 civilian positions will be relocated and consolidated with the United States Army Southeastern Signal School and 905 military positions and 470 civilian positions will be reduced by June 1974. In addition, Defense Language Institute activities, for which the Army is the Executive Agent for the Department of Defense, will be relocated to Fort Monmouth with 90 military positions and 424 civilian positions by September 1975, as follows: the Headquarters and East Coast Branch from the Naval Station, Anacostia, Washington, D.C.; the Systems Development Agency from the Presidio of Monterey, California; and the English Language Branch from Lackland Air Force Base, Texas. The West Coast Branch of the Defense Language Institute remains at the Presidio of Monterey, California. These actions are a part of the Army's Schools Realignment Plan.

*158. Wrightstown*

At McGuire Air Force Base, the 590th Air Force Band will be relocated from Westover Air Force Base and manpower management adjustments will be made by June 1974—294 military positions and 87 civilian positions will be reduced.

NEW MEXICO

*159. Alamogordo*

At Holloman Air Force Base, Bare Base Equipment sets, along with the required personnel, will be relocated from Shaw Air Force Base, South Carolina, and Seymour-Johnson Air Force Base, North Carolina, and manpower management adjustments will be made by June 1974—299 military positions and 110 civilian positions will be added.

*160. Albuquerque*

At Kirtland Air Force Base, the 3301st School Squadron United States Air Force Skill Center (Project Transition) will be relocated from Forbes Air Force Base, Kansas; the aircraft of the Air Force's Electronic Systems Division will be relocated from Laurence G. Hanscom Field, Massachusetts; the 188th Tactical Fighter Squadron, New Mexico Air National Guard, will be converted from 24 F–100 to 18 A–7D aircraft and manpower management adjustments will be made by June 1974—seven military positions will be added and 40 civilian positions will be reduced.

*161. Albuquerque*

The Naval Weapons Evaluation Facility will be reduced and become a component of the Naval Missile Center, Point Mugu, California, by August 1973—10 civilian positions will be reduced.

NEW YORK

*162. Bethpage*

The scope of operations of the Navy's Plant Representative, Bethpage, Long Island, will be reduced by four military positions by December 1974.

*163. New York Naval Complex*

The Naval Strategic Systems Navigation Facility, Brooklyn, will be disestablished by June 1974. Essential functions with 271 civilian positions will be relocated to the Naval Air Development Center, Warminster, Pennsylvania, and three military positions and 63 civilian positions will be reduced. The buildings housing this activity will be retained and used as the Naval Station Annex, Brooklyn, New York, to accommodate the consolidated Naval activities in New York City.

*164*

The Naval Support Activity will be reduced and relocated to the Naval Station Annex, Brooklyn, New York, with 111 military positions and 329 civilian positions and 42 military positions and 43 civilian positions will be reduced by December 1974.

*165*

The scope of operations of the Third Naval District will be reduced by 36 military and 15 civilian positions and certain functions with 22 military positions and 12 civilian positions will be relocated from the First Naval District and other activities in Boston, Massachusetts, by December 1974.

*166*

The scope of operations of the Military Sealift Command, Atlantic, will be reduced and the activity, with 57 military positions and 363 civilian positions, will be relocated to the Naval Station Annex, Brooklyn, New York, by December 1974—one military position and 42 civilian positions will be reduced.

*167*

The scope of operations of the Office of the Commander, Eastern Sea Frontier, will be reduced by 11 military positions by December 1974.

*168*

The Navy Exchange will be relocated with one military position and 109 civilian positions to the Naval Station Annex, Brooklyn, New York, by December 1974—one military position will be reduced.



*169*

The scope of operations of the Navy Finance Office will be reduced and the office, with one military position and 22 civilian positions, will be relocated to the Naval Station Annex, Brooklyn, New York, by December 1974—12 military positions and 20 civilian positions will be reduced.

*170*

The Navy Recruiting District Office with 51 military positions and nine civilian positions will be relocated to the Naval Station Annex, Brooklyn, New York, by December 1974.

*171*

The scope of operations of the Naval Investigative Service will be reduced by nine military positions by December 1974.

*172*

The Navy's Public Affairs Office, East Coast, will be disestablished by December 1974—six military positions and one civilian position will be reduced.

*173*

The Navy's Armed Forces Police Detachment will be disestablished by December 1974—18 military positions will be reduced.

*174*

The Navy's Office of the Assistant Supervisor of Salvage will be disestablished by December 1974—one military position and one civilian position will be reduced.

*175*

The Navy's New York Detachment of the Inactive Ships Maintenance Activity, Philadelphia, will be disestablished by December 1974—17 military positions will be reduced.

*176*

The Naval Audit Office will be disestablished by December 1974—five civilian positions will be reduced.

*177*

The Office of Naval Research, Area Representative in New York will be disestablished by December 1974—21 military positions will be reduced.

*178*

The Naval Oceanographic Office, New York Representative, will be disestablished by December 1974—three military positions and one civilian position will be reduced.

*179*

The Marine Barracks will be disestablished by January 1974—134 military positions will be reduced.

*180. Plattsburgh*

At Plattsburgh Air Force Base, elements of the 99th Air Refueling Squadron with 10 KC–135 aircraft and required support personnel will be relocated from Westover Air Force Base, Massachusetts; the F–111 aircraft at the Base will receive new missiles, and manpower management adjustments will be made by June 1974—264 military positions and 76 civilian positions will be added.

*181. St. Albans*

The Naval Hospital will be closed by March 1974. Hospital activities with 90 military positions and 59 civilian positions will be relocated to the Naval Hospital, Portsmouth, Virginia; 53 military positions and 35 civilian positions will be relocated to the Naval Hospital, Philadelphia, Pennsylvania; 25 military positions and 23 civilian positions will be relocated to the Naval Hospital, Charleston, South Carolina. In addition, 349 military positions and 269 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*182. Scotia*

The Naval Correspondence Course Center will be closed by March 1974. A total of 29 military positions and 99 civilian positions will be relocated to the Naval Training Publications and Examining Center, Pensacola, Florida, and six military positions and nine civilian positions will be reduced.

NORTH CAROLINA

*183. Cherry Point*

The scope of operations at the Naval Air Rework Facility, Marine Corps Air Station, will be increased by the relocation of certain elements with 84 civilian positions from the Naval Air Rework Facility, Naval Air Station, Quonset Point, Rhode Island, by June 1974.

*184. Fayetteville*

At the Army's Fort Bragg, the 72nd Aviation Company with 212 military positions will be relocated from Fort Rucker, Alabama, by July 1973.

*185. Goldsboro*

At Seymour-Johnson Air Force Base, the Bare Base Equipment sets will be relocated to Holloman Air Force Base, New Mexico, and manpower management adjustments will be made by June 1974—108 military positions will be reduced and 58 civilian positions will be added.

*186. Springlake*

At Pope Air Force Base, the 318th Special Operations Squadron with 4 C–130E aircraft will be relocated to the Air Force's Elgin Auxiliary Field Number 9, Florida, and manpower management adjustments will be made by June 1974—336 military positions will be reduced and 81 civilian positions will be added.

OHIO

*187. Lockbourne*

At Lockbourne Air Force Base, elements of the 306th Air Refueling Squadron with 10 KC–135 aircraft will be relocated from McCoy Air Force Base, Florida; the Air Force Reserve Special Operations Group will be converted to a Tactical Airlift Group equipped with 16 C–123 aircraft instead of C–119 aircraft; the Ohio Air National Guard Tactical Fighter Squadron will be converted from F–100 to A–7 aircraft and manpower management adjustments will be made by June 1974—203 military positions and 93 civilian positions will be added.

OKLAHOMA

*188. Oklahoma City*

At Tinker Air Force Base, selected Communications Electronics Meteorological (CEM) management functions will be relocated to the Sacramento Air Material Area, McClellan Air Force Base, California; three Technology Repair Centers in constant speed drives/pneumatics, oxygen equipment and automatic pilot control and engine instruments will be established over the next two-year period; and manpower management adjustments will be made by June 1974—25 military positions will be added and 1,671 civilian positions will be reduced.

PENNSYLVANIA

*189. Mechanicsburg*

At the Naval Ships Parts Control Center, the essential functions of the Naval Electronics Supply Office, Great Lakes, Illinois, with 27 military positions and 540 civilian positions will be relocated by December 1974.

*190. New Cumberland*

At the New Cumberland Army Depot, the rail stock storage mission of the Charleston Army Depot, South Carolina, with two civilian positions will be relocated by July 1974.

*191. Phoenixville*

The Army's Valley Forge Hospital will be closed by July 1974. The United States Army Medical Material Agency with 27 military positions and 98 civilian positions, including an associated Air Force unit, will be relocated to Fort Detrick, Maryland, and 298 military positions and 347 civilian positions will be relocated to other Army hospitals and activities. A total of 20 civilian personnel will remain as a caretaker force until December 1974, and 221 military positions and 490 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*192. Philadelphia Naval Complex*

The scope of operations of the Fourth Naval District will be reduced by 40 military positions and 66 civilian positions by January 1974.

*193*

The Naval Air Engineering Center at the Naval Shipyard, will be closed by December 1974. Certain functions in aircraft launch, recovery and landing aids with 16 military positions and 898 civilian positions will be relocated to the Naval Air Test Facility, Lakehurst, New Jersey, and other elements with three military positions and 202 civilian positions will be relocated to the Naval Air Test Center, Patuxent River, Maryland. A total of 15 military positions and 911 civilian positions will be reduced. Another 240 civilian personnel at the Naval Air Engineering Center will remain at the Naval Shipyard facility.

*194*

At the Naval Shipyard, certain elements with 392 civilian positions will be relocated from the Naval Shipyard, Boston, Massachusetts, and the scope of operations will be increased by December 1974—a total of 1,112 civilian positions will be added.

*195*

At the Naval Hospital, activities from the Naval Hospital, St. Albans, Long Island, New York, with 53 military positions and 35 civilian positions will be relocated by March 1974.

*196. Philadelphia*

The Marine Corps Supply Activity will be closed by July 1976. Certain functions, with 381 military positions and 948 civilian positions will be relocated to the Marine Corps Supply Center, Albany, Georgia. The Fourth Marine Corps District will be relocated elsewhere in Philadelphia. A total of 50 military positions and 184 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*197. Warminster*

At th Naval Air Development Center, certain functions from the Naval Strategic Systems Navigation Facility, Brooklyn, New York, with 271 civilian positions will be relocated by June 1974.

RHODE ISLAND

*198. Newport Naval Complex*

The Naval Supply Center will be disestablished by June 1974. A total of eight military positions and 188 civilian positions will be relocated to the Naval Schools Command, Newport, Rhode Island, and nine military positions and 335 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*199*

Th Naval Station will be disestablished by June 1974. A total of 386 military positions and 197 civilian positions will be relocated to the Naval Schools Command, Newport, Rhode Island, and 81 military positions and 144 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

XUM

200

The Naval Public Works Center will be disestablished by June 1974. A total of 11 military positions and 560 civilian positions will be relocated to the Naval Schools Command, Newport, Rhode Island, and two military positions and 85 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

201

The Naval Base will be disestablished by June 1974—26 military positions and 26 civilian positions will be reduced.

202

The Navy's Mobile Technical Unit 8 will be disestablished and 17 military positions will be relocated to the Naval Base, Charleston, South Carolina, by June 1974—eight military positions will be reduced.

203

The Navy's Fleet Training Group and Center will be disestablished and 30 military positions will be relocated to the Naval Base, Norfolk, Virginia, by June 1974—182 military positions and five civilian positions will be reduced.

204

The Naval Ordnance Systems Command Office, Atlantic, will be disestablished by June 1974—one military position and 20 civilian positions will be reduced.

205

Naval Construction Battalion Unit 408 will be disestablished by June 1974—36 military positions will be reduced.

206

The Navy's Atlantic Fleet Combat Camera Group Detachment will be disestablished by June 1974—23 military positions will be reduced.

207

The Navy's Food Management Team will be disestablished by June 1974—four military positions will be reduced.

208

The Navy's Laundry Team will be disestablished by June 1974—four military positions will be reduced.

209

The scope of operations of the Naval Hospital will be reduced by June 1974—175 military positions and 71 civilian positions will be reduced.

210

The scope of operations of the Naval Communications Station will be reduced and 124 military positions and 31 civilian positions will be relocated to the Naval Schools Command, Newport, Rhode Island, by June 1974—24 military positions and three civilian positions will be reduced.

211

The scope of operations of the Navy Correctional Center will be reduced by June 1974—13 military postions will be reduced.

212

The scope of operations of the Naval Finance Office will be reduced by June 1974—nine military positions will be reduced.

213

The scope of operations of the Naval Dental Clinic will be reduced by June 1974—36 military and six civilian positions will be reduced.

214

The scope of operations of the Navy Commissionary store will be reduced by June 1974—22 civilian positions will be reduced.

215

The scope of operations of the Navy Exchange will be reduced by June 1974—one military position will be reduced.

216

The scope of operations of the Naval Schools Command and the Naval Justice School will be reduced by June 1974—117 military positions and six civilian positions will be reduced. In addition, support responsibility for the remaining Naval activities in the area, along with required personnel, will be transferred to the Naval Schools Command from the Naval Station, Naval Supply Center, Public Works Center and Naval Communications Station, Newport, Rhode Island. A total of 529 military positions and 976 civilian positions will be transferred.

217

Seven Navy Fleet Unit Staffs and 39 Naval ships with 12,694 military positions will be relocated by June 1974, to other homeports as follows: Commander, Cruiser-Destroyer, Atlantic; Commander, Cruiser-Destroyer Flotilla 2; Commander, Destroyer Squadron 24; Commander, Destroyer Development Group and 18 ships to the Naval Base, Norfolk, Virginia; Commander, Destroyer Squadrons 10 and 12; Commander Service Squadron 2 and 10 ships to the Naval Base, Mayport, Florida; 10 ships to the Naval Base, Charleston, South Carolina; and one ship to the Naval Ammunition Depot, Earle, Bayonne, New Jersey.

*218. Quonset Point Naval Complex*

The Naval Air Station will be closed by June 1974. Certain support elements and personnel will be relocated as follows: four military positions and 14 civilian positions to the Naval Air Station, South Weymouth, Massachusetts; 42 military positions and 48 civilian positions to the Naval Air Station, Jacksonville, Florida; 42 military positions and 49 civilian positions to the Naval Air Station, Cecil Field, Florida; and 127 civilian positions to the Naval Construction Battalion Center Davisville, Rhode Island. A total of 800 military positions and 880 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

219

The Naval Air Rework Facility at the Naval Air Station will be disestablished by June 1974. Certain functions and personnel will be relocated as follows: 263 civilian positions to the Naval Air Rework Facility, Norfolk, Virginia; 84 civilian positions to the Naval Air Rework Facility, Cherry Point, North Carolina; 33 civilian positions to the Naval Air Rework Facility, Jacksonville, Florida; 79 civilian positions to the Naval Air Rework Facility, Pensacola, Florida; 189 civilian positions to the Naval Air Rework Facility, Alameda, California; 756 civilian positions to the Naval Air Rework Facility, San Diego, California; and five civilian positions to other locations. A total of nine military positions and 726 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

220

The Naval Weather Facility will be disestablished by June 1974—25 military positions and 14 civilian positions will be reduced.

221

The Naval Hospital will be disestablished by June 1974. Hospital activities with 80 military positions and 22 civilian positions will be relocated to other Naval hospitals. A total of 37 military positions and nine civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

222

The Navy's Advance Underwater Warfare Detachment will be disestablished by June 1974—30 military positions will be reduced.

223

The Navy's Carrier Anti-Submarine Warfare Air Group, Quonset Point, will be disestablished by June 1974—13 military positions will be reduced.

224

The Navy's Commander, Fleet Air, Quonset Point, organization will be disestablished by June 1974—31 military positions will be reduced.

225

The Navy's Flag Administrative Unit, Commander, Fleet Air, Quonset Point, will be disestablished by June 1974—57 military positions will be reduced.

226

The Naval Air Maintenance Training Detachment will be disestablished by June 1974—53 military positions will be reduced.

227

The Navy's Commander, Anti-Submarine Warfare Group Four, Quonset Point, will be disestablished by June 1974—37 military positions will be reduced.

228

The Naval Air Reserve Training Detachment will be disestablished and 18 military positions will be relocated to the Naval Air Station, South Weymouth, Massachusetts, by June 1974—39 military positions will be reduced.

229

The Navy's Composite Squadron 2 Detachment will be disestablished by June 1974—53 military positions will be reduced.

230

The Navy Commissary Store will be disestablished by June 1974—24 military positions and 72 civilian positions will be reduced.

231

The Navy's Air Engineering Support Unit will be disestablished by June 1974—two military positions will be reduced.

232

The Navy Exchange will be disestablished by June 1974—three military positions will be reduced.

233

The Navy's Explosive Ordnance Detachment will be disestablished by June 1974—three military positions will be reduced.

234

The Marine Barracks will be disestablished by June 1974—89 military positions will be reduced.

235

The Navy's Management Systems Development Office Detachment with 19 civilian positions will be relocated to the Naval Air Station, North Island, San Diego, California, by June 1974.

236

At the Naval Construction Battalion Center, Davisville, support elements with 127 civilian positions will be transferred from the Naval Air Station, Quonset Point, Rhode Island, by June 1974.

237

At the Naval Air Station, Aviation Squadrons VS–22, 24, 30 and 31 with 746 military positions will be relocated to the Naval Air Station, Cecil Field, Florida, by June 1974.

238

At the Naval Air Station, Helicopter Squadrons HS–1, 3, 7 and 11, with 782 military positions will be relocated to the Naval Air Station, Jacksonville, Florida, by June 1974.



239

At the Naval Air Station, Helicopter Naval Reserve Squadron HS–74, with 51 military positions, will be relocated to the Naval Air Station, South Weymouth, Massachusetts, by June 1974.

240

At the Naval Air Station, Aviation Squadron VXE–6 with 387 military positions will be relocated to the Naval Air Station, Point Mugu, California, by June 1974.

241

At the Naval Air Station, various Air Fleet Staffs and Detachments with 66 military positions will be relocated to Norfolk, Virginia, by June 1974.

SOUTH CAROLINA

*242. Charleston*

The Charleston Army Depot will be reduced to inactive status by July 1974. The contingency supply package and petroleum stock missions with 13 civilian positions will be relocated to the Anniston Army Depot, Alabama, and the rail stock storage mission with two civilian positions will be relocated to the New Cumberland Army Depot, Pennsylvania. A total of 148 civilian positions will be reduced. A caretaker force of one military and 35 civilian personnel will remain until disposition is made of the real property. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal. A total of five civilian positions will be located at the new Army Reserve Center currently under construction at the Depot. The Reserve Center will not be affected by the Depot inactivation.

*243. Charleston Naval Complex*

At the Naval Base, the following activities will be relocated by June 1974: Mobile Technical Unit 8 with 17 military positions from Newport, Rhode Island; a Submarine Rescue Detachment and other miscellaneous activities and one submarine with 103 military positions from Key West, Florida; 10 Naval ships with 2,821 military positions from Newport, Rhode Island; and three Naval ships with 205 military positions from Long Beach, California.

244

At the Naval Supply Center, certain functions with 25 civilian positions will be relocated from the Naval Shipyard, Boston, Massachusetts, by December 1974.

245

At the Naval Hospital, hospital activities with 25 military positions and 23 civilian positions will be relocated from the Naval Hospital, St. Albans, Long Island, New York, by March 1974.

246

At the Naval Shipyard, the scope of operations will be increased by December 1974—325 civilian positions will be added.

*247. Charleston*

At Charleston Air Force Base, the Third Military Airlift Squadron with 13 of its 16 C–5A aircraft will be relocated to Dover Air Force Base, Delaware, and the three remaining C–5A aircraft will be relocated to Travis Air Force Base, California; the 20th Military Airlift Squadron with 18 C–141 aircraft will be relocated from Dover Air Force Base, Delaware; the Air Force Reserve Associate Squadron at Charleston Air Force Base, will fly C–141 aircraft instead of being converted to C–5A aircraft and manpower management adjustments will be made by June 1974—684 military positions and 83 civilian positions will be reduced.

*243. Sumter*

At Shaw Air Force Base, the Bare Base Equipment sets, along with the required personnel, will be relocated to Holloman Air Force Base, New Mexico; the aircraft of the 704th Tactical Air Support Squadron will be decreased to 24 O–2 aircraft; the 703rd Tactical Air Support Squadron will be converted from eight CH–3 helicopters to four CH–3 and two CH–53 helicopters; and manpower management adjustments will be made by June 1974—259 military positions will be reduced and 13 civilian positions will be added.

TENNESSEE

*249. Memphis*

At the Naval Air Station, the Naval Publications and Examining Center will be disestablished and 23 military positions and 27 civilian positions will be relocated to Pensacola, Florida—one military position and two civilian positions will be reduced. In addition, certain functions with 439 military positions and 31 civilian positions will be relocated from the Naval Air Station, Glynco, Georgia, by December 1974.

TEXAS

*250. Abilene*

At Dyess Air Force Base, one C–130 Squadron will be relocated from Forbes Air Force Base, Kansas; the 337th Bombardment Squadron will be decreased by five B–52D aircraft; and manpower management adjustments will be made by June 1974—372 military positions and 81 civilian positions will be added.

*251. Austin*

At Bergstrom Air Force Base, the assigned aircraft of the 702nd Tactical Air Support Squadron will be increased to 34 O–2A aircraft; the 701st Tactical Air Support Squadron will be equipped with four CH–53 helicopters; and manpower management adjustments will be made by June 1974—164 military positions and 35 civilian positions will be added.

*252. Laredo*

At Laredo Air Force Base, all student pilot training activities will be terminated and the base closed by September 1973. The disposition of the 14th Missile Warning Squadron is under study by the Air Force. A caretaker force of 140 military and 180 civilian personnel will remain until disposition is made of the base. A total of 1,274 military positions and 343 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*253. Mineral Wells*

The Army's Fort Wolters will be closed and placed in a caretaker status by July 1974. The primary helicopter training activity with 57 military positions and 11 civilian positions will be relocated to Fort Rucker, Alabama, where all Army aviation training will be consolidated as part of the Army's Schools Realignment Plan. A total of 635 military positions and 558 civilian positions will be reduced in addition to the relocations. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*254. San Angelo*

At Goodfellow Air Force Base, the 6948th Air Force Security Service Squadron will be relocated to Kelly Air Force Base, Texas, and manpower management adjustments will be made by June 1974—283 military positions and 41 civilian positions will be reduced.

*255. San Antonio*

At Kelly Air Force Base, selected Electronic-Control and Distribution Management functions will be relocated to the Sacramento Air Material area, McClellan Air Force Base, California; three Technology Repair Centers in electronics aerospace ground equipment, electro/mechanical aerospace ground equipment and nuclear components will be established over the next two-year period; the 6948th Air Force Security Squadron will be relocated from Goodfellow Air Force Base, Texas; and manpower management adjustments will be made by June 1974—253 military positions will be added and 1,175 civilian positions will be reduced.

*256. San Antonio*

At Lackland Air Force Base, English Language Branch of the Defense Language Institute, for which the Army is Executive Agent for the Department of Defense, will be relocated with 32 military positions and 223 civilian positions to Fort Monmouth, New Jersey, by September 1975, as part of the Army's Schools Realignment Plan.

UTAH

*257. Ogden*

At Hill Air Force Base, the 6514th Test Squadron will be relocated from Edwards Air Force Base, California; the aircraft assigned to the 1550th Wing will be decreased; eight Technology Repair Centers in weapons, air munitions, missile components, ram air turbines, landing gears, photographics, training devices, and navigational, electrical/mechanical and environmental instruments will be made by June 1974—35 military positions will be added and 542 civilian positions will be reduced.

VIRGINIA

*258. Alexandria*

At the Army's Fort Belvoir, the 77th Engineer Company (Port Construction) with 186 military positions will be relocated to Fort Eustis, Virginia, by July 1973.

*259. Newport News*

At the Army's Fort Eustis, certain units with 929 military positions and 106 civilian positions will be relocated from Fort Story, Virginia, and the 77th Engineer Company (Port Construction) with 186 military positions will be relocated from Fort Belvoir, Virginia, by January 1974. A total of 1,115 military positions and 108 civilian positions will be added.

*260. Norfolk Naval Complex*

At the Naval Base, the Navy's Fleet Sonar School; a Submarine Rescue Detachment and miscellaneous activities; Auxiliary Submarine Rescue Ship 16 and one submarine will be relocated from the Naval Base, Key West, Florida, by March 1974—492 military positions and nine civilian positions will be added.

261

At the Naval Base, Commander, Cruiser-Destroyer, Atlantic; Commander, Cruiser-Destroyer Flotilla 2; Commander, Destroyer Squadron 24; Commander, Destroyer Development Group; other Naval Fleet Unit Staffs and 18 ships, with 6,696 military positions, will be relocated from the Naval Base, Newport/Quonset Point Naval Complex, Rhode Island, by June 1974.

262

The scope of operations of the Fifth Naval District will be reduced and certain functions with 10 military positions and 10 civilian positions will be relocated to the Eighth Naval District by January 1974—24 military positions and 45 civilian positions will be reduced.

*263. Norfolk Naval Complex*

At the Naval Supply Center, functions with 191 civilian positions will be relocated from the Naval Shipyard, Boston, Massachusetts, by December 1974.

264

At the Naval Air Station, Norfolk, Naval Helicopter Units HS–15, and HSL–30, and 32 with 735 military positions will be relocated from the Naval Air Station, Lakehurst, New Jersey, by June 1974.

XUM

*265*

The scope of operations of the Naval Air Rework Facility at the Naval Air Station, Norfolk, will be increased by the relocation of functions with 251 civilian positions from the Naval Air Rework Facility, Quonset Point, Rhode Island, by June 1974.

*266*

At the Naval Shipyard, Norfolk, in Portsmouth, Virginia, certain functions with nine civilian positions, will be relocated from the Naval Shipyard, Hunters Point, California; certain functions with three civilian positions will be relocated from the Naval Shipyard, Boston, Massachusetts, and the scope of operations will be increased by December 1974—332 civilian positions will be added.

*267*

At the Naval Hospital, Norfolk, in Portsmouth, Virginia, hospital activities with 90 military positions and 59 civilian positions will be relocated from the Naval Hospital, St. Albans, Long Island, New York, by March 1974.

*268. Virginia Beach*

At the Fleet Combat Direction Systems Training Center, Dam Neck, certain functions with 442 military positions will be relocated from the Naval Air Station, Glynco, Georgia, by December 1974.

*269. Virginia Beach*

The scope of operations of the Army's Fort Story will be reduced and units and activities with 929 military positions and 106 civilian positions will be relocated to Fort Eustis, Virginia; 147 military positions and four civilian positions will be relocated to other locations; and 78 military positions and 44 civilian positions will be reduced by January 1974.

WASHINGTON

*270. Bremerton*

At the Naval Shipyard, Puget Sound, one ship with 586 military positions will be relocated from Long Beach, California, and the scope of operations will be increased by June 1974—845 civilian positions will be added.

*271. Keyport*

At the Naval Torpedo Station, certain functions with 90 civilian positions will be relocated from the Naval Ammunition Depot, Oahu, Hawaii, by June 1974.

VARIOUS LOCATIONS

*272*

The scope of operations for Naval training activities will be reduced at various installations and complexes—2,520 military positions will be reduced.

PUERTO RICO

*273. Aguadilla*

Ramey Air Force Base will be closed by July 1973. The 53d Weather Reconnaissance Squadron with WC–130 aircraft will be relocated to Keesler Air Force Base, Mississippi. A caretaker force of 171 military and 136 civilian personnel will remain until disposition is made of the base. In addition to the relocations, 1,355 military positions and 623 civilian positions will be reduced. Real property determined to be excess to Department of Defense requirements will be reported to the General Services Administration for disposal.

*274. Ponce*

At the Naval Communications Station, certain functions with 17 military positions will be relocated from the Navy's Message Center, Naval Station, Key West, Florida, by March 1974.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT of Pennsylvania:

S. 1684. A bill to provide that a finding of permanent and total disability under title II or XVI of the Social Security Act, chapters 13 or 15 of title 38, United States Code, or the Railroad Retirement Act of 1937 will be considered as a finding of disability under any of such programs, and for other purposes. Referred to the Committee on Finance.

By Mr. JACKSON:

S. 1685. A bill for the relief of Chief Master Sergeant Donald E. Rudy, U.S. Air Force. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 1686. A bill to authorize the National Science Foundation to carry out a program to facilitate the application of science and technology to civilian needs, and to assist in establishing civilian research and development priorities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE (for himself and Mr. NELSON):

S. 1687. A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian Tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ERVIN (for himself, Mr. ABOUREZK, Mr. BAKER, Mr. BAYH, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. HARRY F. BYRD, Jr., Mr. CHURCH, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRAVEL, Mr. GURNEY, Mr. HANSEN, Mr. HASKELL, Mr. HATFIELD, Mr. HATHAWAY, Mr. HRUSKA, Mr. HUMPHREY, Mr. INOUYE, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. SCOTT of Pennsylvania, Mr. STAFFORD, Mr. TAFT, Mr. THURMOND, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1688. A bill to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 1689. A bill for the relief of Dr. Laurence T. Gayao, his wife, Edith Cabaus Gayao, and their daughter, Lorraine Gayao. Referred to the Committee on the Judiciary.

By Mr. GRAVEL (for himself, Mr. THURMOND, Mr. RANDOLPH, Mr. FANNIN, Mr. HUMPHREY, Mr. GOLDWATER, Mr. GURNEY, and Mr. SCOTT of Pennsylvania):

S. 1690. A bill to establish a National Amateur Sports Development Foundation. Referred to the Committee on Commerce.

By Mr. GRAVEL:

S. 1691. A bill for the relief of Wallace O. Craig, et al. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 1692. A bill to amend title II of the Social Security Act to extend certain benefits to individuals adopted by disability or old-age insurance beneficiaries. Referred to the Committee on Finance.

By Mr. BELLMON:

S.J. Res. 101. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States, and to the direct popular election of such officers. Referred to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. BROCK, Mr. BAKER, Mr. CLARK, Mr. FULBRIGHT, Mr. HUMPHREY, Mr. MONDALE, Mr. NELSON, Mr. STEVENSON, and Mr. SYMINGTON):

S.J. Res. 102. Joint resolution to authorize and request the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673. Referred to the Committee on the Judiciary.

By Mr HUMPHREY:

S.J. Res. 103. Joint resolution to direct the Secretary of Transportation to make an investigation and study of the condition and adequacy of farm-to-market roads, railroad beds, and availability of operational rail lines serving rural areas in the United States. Referred to the Committee on Commerce.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT of Pennsylvania:

S. 1684. A bill to provide that a finding of permanent and total disability under title II or XVI of the Social Security Act, chapters 13 or 15 of title 38, United States Code, or the Railroad Retirement Act of 1937 will be considered as a finding of disability under any of such programs, and for other purposes. Referred to the Committee on Finance.

Mr. SCOTT of Pennsylvania. Mr. President, I am introducing legislation today to correct a needless harassment now facing many of our Nation's veterans, social security beneficiaries, and railroad retirees.

As my colleagues know, there are many disabled individuals who are eligible to apply for benefits under more than one of these programs. Existing law, however, requires that they take one, and sometimes two, separate physical examinations to establish their physical eligibility for each program. It is cruel to require these disabled applicants to go through such a series of often unpleasant and painful examinations.

This problem was recently poignantly described to me in a letter from Mr. James Caldwell of American Legion Post III in Meadville, Pa. Mr. Caldwell wrote:

As service officer for the American Legion I am aware of a very bad problem that exists for veterans. As you know the social security, veteran's administration and railroad retirement all require separate physical examinations for any man seeking disability retirement or pensions. Because of this often times a veteran is put through much tedious and sometimes painful testing from each agency to determine disability qualifications. If a veteran happens to be a railroad employee seeking his retirement disability from the railroad and also from social security, he must face a battery of tests because neither agency will accept the other's medical records. I know of many cases where a veteran will take four to eight physicals to get one claim certified.

While there are varying classifications of disability under the railroad retirement, veteran's and social security programs, there is no reason why a determination of total and permanent disability under one should not qualify an individual physically for total and permanent disability status under the others.



The legislation I am introducing today does not change the definition of disability under any of these programs. It does, however, create a binding presumption that once a person is found physically qualified for total and permanent disability benefits under one of these Federal programs, he is automatically physically qualified for these same benefits under the others.

The agencies and disability programs affected by this legislation are:

First. Veterans' Administration—100 percent service-connected disability.

Second. Social Security Administration—social security disability—and beginning in January of 1974—aid to the permanently and totally disabled.

Third. Railroad Retirement Board—total and permanent disability.

An applicant would, of course, still have to meet other eligibility requirements for these programs, but once he has been determined physically qualified for one, he would be physically qualified for the others.

In addition, this legislation requires any Federal agency or office which has prepared or collected medical reports or records on an indivdual to make such records available to any other Federal agency, State or locality when so requested by the individual himself.

At this time, there are ten major Federal and State compensation and annuity programs for the disabled which require physical examinations. In addition to those I have already mentioned are: Civil service disability, black lung compensation, unemployment insurance for medical disability, workmen's compensation, temporary disability insurance and benefits for disabled State and municipal employees. While the varying physical disability criteria for each makes it impossible to allow eligibility for one to carry over to the others, under my bill an individual could request that medical records already prepared by one Federal agency be made available to others. I believe that this will allow a reduction in the number of duplicative medical tests and examinations now being performed.

I urge early consideration of this legisislation. It will be a humanitarian act on behalf of thousands of disabled individuals, and will go a long way toward reducing inefficiency and duplication in Government.

By Mr. DOMINICK:

S. 1686. A bill to authorize the National Science Foundation to carry out a program to facilitate the application of science and technology to civilian needs, and to assist in establishing civilian research and development priorities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, the main byproduct of America's social revolution is doubt, and this doubt has been cast on Government and business alike. Technology has fed this fire and has been characterized as an amoral polluter and dehumanizer. The allegation is made that the rate of change is too rapid to permit a sorting of the good and bad.

I do not subscribe to the indictment, but I do see a great need for improvement. The conflict between limited resources and burgeoning demand will increase rather than decrease our dependence on science and technology—and I am not fearful of that dependency. Science and technology can and must become a cornucopia of solutions to our most pressing problems in such areas as health care, housing, poverty, education, transportation, nutrition, and energy resources.

The bill which I am introducing today provides for the development of new capabilities to adapt and apply science and technology to the solution of public problems. Its provisions call for the structuring of new partnerships between the layers of our Federal Government system. These partnerships will encourage the formulation of new policy and the creation of new institutions to allow for the effective utilization of science and technology in meeting our domestic needs.

Last year, the President in his message on science and technology recognized this principle:

We must appreciate that the progress we seek requires a new partnership in science and technology—one which brings together the federal government, private enterprise, state and local governments, and our universities and research centers in a coordinated, cooperative effort to serve the national interest. Each member of that partnership must play the role it can play best; each must respect and reinforce the unique capabilities of the other members. Only if this happens, only if our new partnership thrives, can we be sure that our scientific and technological resources will be used as effectively as possible in meeting our priority national needs.

It is time now to ink our signatures on the partnership papers which will put up the money and assign the responsibility to the partners to effect the President's objective.

Today our Government structure is being challenged by new requirements which, in part, result from two recent trends. One of the trends to which I refer reflects the widespread realization that all of our domestic problems cannot be solved in Washington. Many of our most pressing problems fall within the jurisdiction of State and local governments, and it is at these levels where such problems must be handled. Increasingly, attention is being focused on means to enhance State and local capabilities to meet these needs.

The second trend stems from the shift in national priorities away from defense and aerospace developments and toward civilian concerns. With this shift has come the growing desire to bring our vast scientific and technical resources to bear on public problems. A new concept, that of "public technology"—connoting the civilian application of science and technology—has emerged. Because many of the domestic problems which concern us today are the responsibility of State and local governments, and because our scientific and technical resources offer great promise to assist in the solution of these problems, it is vital to concern ourselves with the integration of scientific and technological capabilities at the State and local government levels. The legislation which I present today proposes a means to do precisely this.

The importance of this legislation is underscored in a number of recent developments. A primary one is the cultivation of the new federalism concept which stresses the return of power to State and local governments. The passage of the revenue sharing legislation is a concrete indication of the desire to give the lower levels of government more responsibility. The concept of new federalism is accompanied by an implied mandate to strengthen State and local government organizations so that they are able to effectively assume new responsibilities. Certainly the time is right to foster the development of science and technology capabilities.

Mr. President, also significant is the attention which has recently been directed to intergovernmental science and technology policy and programs. Last year, two major reports and a national conference addressed issues pertinent to State and local science and technology policy. A general consensus emerged from these studies which purported that States and localities lack expertise and the institutions to handle decisions involving science and technology. It was generally concluded that such expertise and institutions must be developed because these governments are, and will continue to be, concerned with matters involving scientific or technical considerations. In addition, States and localities need appropriate capabilities to enable them to effectively participate in Federal programs designed to promote the application of science and technology to public problems.

In recent months, organizational developments in the Federal Government have brought a sense of urgency to the requirement for intergovernmental science and technology policy. I am referring specifically to the sweeping changes which have occurred in the White House science advisory organization. The position of the President's Science Adviser has been abolished. The White House Office of Science and Technology has been abolished and its functions transferred to the National Science Foundation, and the President's Science Advisory Council has been dissolved. The demise of the President's science advisory structure comes at a time of surging demand for the application of new technologies to meet domestic needs. In light of this, it is mandatory that State and local governments be given encouragement and assistance to build their own science advisory mechanisms. Capabilities must be cultivated at the regional, State and local levels to enable these units of government to apply public technology.

Mr. President, this bill has two primary objectives: First, to encourage the placement of a science and technology advisor in each Governor's office; and second, to give the States and localities an opportunity to participate, at the Federal level, in the setting of national R. & D. priorities.

Each State would, if it so desired, qualify on an 80–20 basis for a $100,000

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2-year grant to hire and utilize a State science and technology adviser. The adviser would broker technology from the Federal to the State and local levels, and assist in defining and applying science and technology to pressing public problems.

There is a twofold payoff in placing the adviser in the Governor's office. He can advise on new opportunities which hold some promise in efficiency or economy to the State, its agencies and citizens; and he can advise against actions which would have a negative payoff. He can also assist the Governor in establishing comprehensive State plans and policies, in monitoring national trends and in identifying issues and options.

This is not too ambitious an objective if care and attention is given in selecting a competent and dedicated scientist or engineer to staff the slot. His worth would be in translating technical input into understandable output for use at the State and local levels. The bill authorizes $5 million a year to accomplish this objective.

Mr. President, to give States and localities an input in the setting of civilian R. & D. priorities, an Intergovernment Science and Technology Advisory Council is established in the National Science Foundation. The country is broken down into 10 standard regions with two members from each region serving on the Council. In addition, the Directors of the National Science Foundation and the Office of Technology Assessment would bring the total membership to 22. The Council, with its State and local input, would assist the Director in the setting of national R. & D. priorities and in finding ways to facilitate the transfer and utilization of R. & D. results from the Federal to the local level.

The bill embodies a final program as incentive for the States to hire a State science and technology adviser. If a State has an adviser, the State is eligible, either individually or as part of a region, to apply for an intergovernmental science and technology grant. The Federal Government under this program would pay 80 percent of the cost of applying science and technology to such civilian needs in the State or region as health care, poverty, public services, public safety, pollution, housing, education, transportation, or energy resources. The bill authorizes $25 million for fiscal year 1974, and $50 million for fiscal year 1975. In addition, once an appropriation is enacted, the Director is encouraged to spread the grant over 3 years to insure continuity in the State and regional programs.

Mr. President, cities must join with technology rather than becoming its victim; and this legislation gives the State and local people who get their hands dirty dealing with such local day-to-day problems as traffic jams, sewage treatment, road repair and garbage collection to impact on the setting of Federal R. & D. priorities.

I realize that other more grandiose legislative proposals in this area dwarf this bill in comparison, but I believe that this is an absolutely necessary first step. Without a State and local capability, Federal R. & D. efforts will find themselves without a market. As the President observed in his science and technology message:

> We must always be aware that the mere act of scientific discovery alone is not enough. Even the most important breakthrough will have little impact on our lives unless it is put to use and putting an idea to use is a far more complex process than has often been appreciated.

Mr. President, this legislation is the mechanism to strengthen the transfer capability and bring State and local problems and needs more sharply into focus at the Federal level.

The effective channeling and application of scientific developments is a challenge which we cannot afford to let go unmet.

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By Mr. PROXMIRE (for himself and Mr. NELSON):

S. 1687. A bill to repeal the Act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian Tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

THE MENOMINEE RESTORATION ACT

Mr. PROXMIRE. Mr. President, on behalf of myself and Senator NELSON I am today introducing a bill to repeal the act terminating Federal supervision over the Menominee Indian Tribe of Wisconsin; to reinstate the Menominee as a federally recognized, sovereign Indian Tribe; and to make the tribe eligible for the services the Federal Government furnishes to Indians.

THE MENOMINEE INDIANS

Since time immemorial the Menominee Indians have lived in what is now the State of Wisconsin. In 1854 they entered into a treaty with the United States by which the Menominee ceded to the United States their claim to all their land except for 234,000 acres along the Wolf River. This acreage became the Menominee Indian Reservation.

By the early 1950's the Menominee had become, on paper at least, one of the most prosperous Indian tribes in the United States. This prosperity was in large part due to the excellent forest located on their reservation, which was valued at $36,000,000. In addition, the tribe had $10,000,000 on deposit in the Federal Treasury. Over three quarters of this money came from a lawsuit which the tribe won in 1951 against the Bureau of Indian Affairs for mismanagement of the forest. After this lawsuit was settled the Menominee decided that they wanted approximately $5,000,000 of their money distributed to each member of the tribe—$1,500 per capita. This money was to be used for improving housing conditions and for other necessities of life on the reservation. Because the Federal Government held as trusteeship over the Menominee an act of Congress was needed to release the money.

Appropriate legislation was introduced in the Congress in 1953 and soon passed by the House. When the bill reached the Senate it was amended to provide for termination of the Federal trusteeship. The Interior and Insular Affairs Committee recommended that termination be coupled with the provisions granting the Menominee access to their money because the committee felt the tribe had sufficient assets to exist without Federal support. There is some confusion as to whether or not the tribe gave its informed consent to this policy. On June 20, 1953, the principle of termination was approved at a tribal council meeting held on the reservation by a vote of 169–5. But it was later rejected at another council meeting by a vote of 197–0. It should be noted that these two votes represented only 5 percent of the membership of the tribe. Today there is resentment among the Menominee who feel that termination was forced on them as a condition for receiving their money.

In 1954 the Menominee Termination Act was passed. The tribal roll was closed and the Indians were ordered to produce a termination plan. Because of difficulties in drawing up this plan the final date for termination was extended from 1958 to 1961. With the implementation of termination the Federal trusteeship ended, BIA services were withdrawn, and the Menominee ceased to exist as a legal entity. A corporation, Menominee Enterprises, Inc.—MEI—was established to manage the tribal assets—the forest, sawmill, public utilities, and land. Each enrolled Menominee was given 100 shares of stock in this corporation.

EFFECTS OF TERMINATION

It was the intent of Congress that the Menominee should be able to develop on their own initiative free from the control of the Federal Government. By being placed on an equal legal footing with the general population, it was felt that the Indians would be able to expand their economy and to plan their future. But this has not happened. The Menominee have been unable to develop and prosper as it was hoped they would. The observable results of termination are far different from what was expected.

First, the Menominee have lost their liquid assets. The payment of the $1,500 per capita to the tribe and the payment of termination costs exhausted the $10 million which the tribe had. The pretermination assets of the Menominee proved to be insufficient to establish them on a sound economic footing. Although these assets appeared to be substantial on paper, in reality they were not. As a result the Menominee have been hard pressed to obtain the funds needed to survive.

Second, the ending of BIA services cost the Indians their school and hospital. Now most of the children must go to neighboring Shawano County for their education. The Indians are having difficulties obtaining adequate health and dental care.

Third, the Menominee Reservation became Menominee County, one of the smallest and poorest counties in Wisconsin. As a county the Indians now had to meet State standards in all the services they provided. This required large initial expenditures which the county was unable to raise through its taxing power. Since 1961 the Federal Government has spent over $12,000,000 and the State of Wisconsin over $7,000,000 to keep Menominee County functioning. It has cost the American taxpayer over $19 million to support a tribe that before termination was able to pay for its own support.

Menominee Enterprises, Inc., pays only $347,000 a year in property taxes and the individual Indians pay a meager amount. The dollars raised by the community in taxes have not been sufficient to finance adequate services. Part of this deficiency has been made up by State and Federal funds. But where this has not been done, the services have not been provided and the Menominee have suffered.

Fourth, in an attempt to expand the tax base of the county and raise needed money, the Indians have been forced to give up their ancestral land. Before termination, the Menominee successfully resisted all efforts to reduce their land holdings. In the years since the act was passed which terminated the Indian status of the tribe, more than 5,800 acres of land have been sold, and over 95 percent of the land was sold to the non-Menominee.

The present situation in Menominee County is bleak. Average unemployment is 26 percent, as opposed to 5 percent for the State of Wisconsin as a whole. According to the 1970 census the average per capita income for the Menominee County Indians was $1,028 as compared with the $3,158 figure for the State of Wisconsin as a whole. Almost 40 percent of Menominee families had incomes below the poverty level compared with Wisconsin's 7 percent, and 25 percent of those families reported receiving income from public assistance welfare as against 3 percent for the State.

The prospects for the future of Menominee County are even bleaker. The community does not have the funds necessary to expand their industry or to increase the tax base. Economic stagnation is probable. In order to preserve their heritage and cultural identity the Menominees have put an end to the sale of their land. At this time it is thus imperative that additional public funds be funnelled into Menominee County or its tax burden be lessened if the Menominees are to meet their financial obligations. Restoration of Indian status is their only hope for cultural survival.

PREVIOUS ASSISTANCE

The Menominees are not satisfied with the present conditions in their county. They do not want their future to be as I have outlined it. But there is little they can do because of their limited wealth and resources. The Federal Government, which by adopting the policy of termination helped to bring about the condition of the Menominees, is in a position to provide assistance to them so that the present problems can be alleviated and future problems avoided.

Both the Federal Government and the State of Wisconsin have attempted to provide monetary assistance to Menominee County. In 1965 the Nelson-Laird Act, which I was proud to cosponsor, authorized the Secretaries of Commerce, Interior, and Health, Education, and Welfare to make grants and loans available to the Menominee for economic development, health, and educational services. Those funds are no longer available.

While this money has saved the county from total disaster it has not solved the problems that plague the Menominee. Additional funding of this nature is not a long range solution. It would serve only to postpone such a solution. The Menominee do not need another stop-gap measure. They need a measure that will help them overcome their problems of poverty, their lack of adequate educational, health and community services, and their poor economic conditions.

RESTORATION OF INDIAN STATUS

Mr. President, the bill which I am introducing is such a measure. It seeks to provide the Menominee with the long-range assistance which they so desperately need. This legislation has the unified support of the Wisconsin congressional delegation. Representatives of Menominee Enterprises, Inc. and the group known as Drums—Determination of Rights and Unity of Menominee Stockholders—have agreed that it is imperative for the bill to be introduced at this time in its present form in order that hearings may begin and any final difficulties ironed out. They feel that if legislation is not enacted the Menominee will be unable to survive as a people.

The general intent of this bill is to restore the Menominee to trust status and put them in the same relationship to the Federal Government that all other federally recognized tribes are in. It will help solve their problems by removing them from their present disastrous status. The bill repeals the Menominee Termination Act of 1954 which was the beginning of the tribe's problems. As I have stated at length above, the 1954 act has been of no benefit to the tribe, but rather has created insoluble problems. Removing the act from the books is the first step in helping the Menominee.

The bill then reopens the rolls of the tribe that have been closed since 1954. All Menominee children who have been born in the interim will be legally recognized as members of the tribe. Opening the rolls is necessary to determine who is eligible to receive the services being made available. Provision is made to assure that all potential enrollees are considered.

The Menominee are to be made eligible to receive all the services and funding that the Federal Government makes available to Indians because of their status as Indians. In addition to funds they will be able to receive the technical assistance that they must have to adequately provide community services and to develop their economy. This should cost the Federal Government less in the long run than continual allocations of funds through legislative measures such as the Nelson-Laird Act. Before termination the Menominee were able to reimburse the Government for the costs of running the reservation. It is a possibility that given enough time they will be able to do so again.

The next sections of the bill enable the Menominee to establish their own tribal government and business organization. The provisions are similar to those of the Indian Reorganization Act. This will give the Menominee the control over their internal affairs that Congress intended all federally recognized Indian tribes to have.

The present form of this bill states that Federal services will commence on the date of the enactment of the act. However, the assumption of tribal assets by the Secretary of the Interior and the establishment of a trust relationship with the Federal Government will not become effective until 2 years following the enactment of this bill. Although I agree that ample time must be given to prepare for the transfer of land and the establishment of Federal trust, I feel that 2 years is longer than actually necessary. I hope that the committee will give careful consideration to this section 6(a) of the bill and the possibility of shortening the time before restoration shall become fully established.

The Secretary of the Interior is authorized to receive and hold in trust for the Menominee such assets as the present tribal corporation, Menominee Enterprises, Inc., or individual Menominee may wish to convey to him. Both MEI and the Menominee people have expressed a desire for their assets to be placed in such a trust.

Since termination MEI has sold some of the Menominee land to the non-Menominee. This bill will not adversely affect the ownership of this land in any way. The purchasers of this land bought it in good faith and it is theirs as long as they wish to retain it. If a person who now owns land in Menominee County wants to sell or give it to the tribe to be held in trust by the Secretary, he could do so. Property rights are conveyed neither to Indian nor non-Indian owners. Furthermore, after consultation with the Secretary of the Interior the tribe will make what rules and regulations it feels are necessary to protect the land which they own, including the forest land, so that it will not be destroyed or unwisely used.

The bill provides that all debts, including tax obligations of MEI, individual Menominee, and other people shall not be affected by the restoration legislation. MEI must pay all of its bills and individual Menominee will still be liable for taxes. Land transferred to the Secretary of the Interior by the Menominee owner or owners to be held in trust shall be subject to all valid existing rights including, but not limited to liens, outstanding taxes—local, State, and Federal—mortgages and any other obligation. This provision will protect people who may have loaned money to MEI or Menominee people. There will be no tax upon the transfer from MEI to the Secretary of the Interior. After the transfer the land will be completely nontaxable.

The U.S. Supreme Court in 1968 ruled that the Menominee Termination Act



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did not extinguish the hunting and fishing rights guaranteed by the Wolf River Treaty of 1854. The Restoration Act will maintain Indian rights and provide that the tribe's constitution may regulate hunting, fishing, and trapping on the reservation. Fishing by the non-Menominee will be regulated by the State of Wisconsin.

This legislation also declares it to be the policy of the U.S. to provide full financial assistance for Menominee students to those educational agencies which enroll two or more members of the tribe who reside on the reservation or within the boundaries of Menominee County.

The final sections of the bill authorize the appropriation of necessary funds and allow the Secretary of the Interior to make necessary rules and regulations.

Menominee County and its government were established by the Wisconsin State Legislature. This bill will not alter or abolish the county structure. The State Legislature will have to decide at a future date what action, if any, should be taken in this regard.

NEED FOR ACTION

It is my hope that this bill will soon be the subject of hearings in the Senate Interior Committee so that the Menominee will be able to tell their own story. The problems which they have had since termination are manifold. The facts when presented will speak for themselves. After the hearings I hope this bill will be able to receive speedy and sympathetic consideration by the full Senate. Each passing day increases the problems of the Menominee people. Assistance should be provided for them as soon as possible.

Mr. President, I send this bill to the desk and ask that it be appropriately referred. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1687

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Menominee Restoration Act."

SEC. 2. For the purpose of this Act—

(1) The term "tribe" means the Menominee Tribe of Wisconsin.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Menominee Restoration Committee" means that committee of nine Menominee Indians who shall be elected at a general council meeting called by the Secretary pursuant to section 4(a) of this Act.

SEC. 3. (a) Effective on the date of enactment of this Act, Federal recognition is hereby extended to the Menominee Indian Tribe of Wisconsin.

(b) The Act of June 17, 1954 (25 U.S.C. 891–902) is hereby repealed. There are hereby reinstated all rights and privileges of the tribe or its members under Federal treaty or otherwise which may have been diminished or lost pursuant to the Act of June 17, 1954 (25 U.S.C. 891–902).

(c) Nothing contained in this Act shall diminish any rights or privileges enjoyed by the tribe or its members now or prior to June 17, 1954, under Federal treaty or otherwise. Except as specifically provided in this Act, nothing contained in this Act shall alter any property rights or obligations, any contractual rights or obligations, or any obligations for taxes already levied.

SEC. 4. (a) Within fifteen days after the date of enactment of this Act the Secretary shall announce the date of a general council meeting of the tribe to elect the Menominee Restoration Committee. Such general council meeting shall be held within 60 days after the date of enactment of this Act. All living persons on the final roll of the tribe published under section 3 of the Act of June 17, 1954 (25 U.S.C. 893) and all descendants, who are at least 18 years of age, of persons on such roll shall be entitled to attend, participate, and vote at such general council meeting. The Secretary shall approve the Menominee Restoration Committee if he is satisfied the requirements of this section relating to the general council meeting have been met. The Menominee Restoration Committee shall represent the Menominee people in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(b) The membership roll of the Menominee Tribe of Wisconsin which was closed as of June 17, 1954, is hereby declared open. The Menominee Restoration Committee, under contract with the Secretary, shall proceed to make current that roll in accordance with the terms of this Act. The names of all enrollees who are deceased as of the date of enactment of this Act shall be stricken. The names of any descendant of a person who is or was enrolled shall be added to the roll provided such descendant possesses at least one-quarter degree Menominee Indian blood. Upon the installation of elected constitutional officers of the Menominee Indian Tribe of Wisconsin, the Secretary and the Menominee Restoration Committee shall deliver their records, files, and any other material relating to enrollment matters to the tribal governing body. All further work in bringing and maintaining current the tribal roll shall be performed in such manner as may be prescribed in accordance with the tribal governing documents. Until responsibility for the tribal roll is assumed by the tribal governing body, appeals from the omission or inclusion of any name upon the tribal roll shall lie with the Secretary and his determination thereon shall be final. The Secretary shall make the final determination of each such appeal within 60 days after and appeal is initiated.

SEC. 5. (a) The Menominee Restoration Committee, under contract with the Secretary, shall conduct an election by secret ballot for the purpose of determining the tribe's constitution and by-laws. The Secretary shall enter into such contract with the Menominee Restoration Committee within 90 days after the enactment of this Act. The election shall be held within 180 days after the enactment of this Act.

(b) The Menominee Restoration Committee shall distribute to all enrolled persons who are entitled to vote in the election, at least thirty days before the election, a copy of the constitution and by-laws as drafted by the Menominee Restoration Committee which will be presented at the election, along with a brief impartial description of the constitution and by-laws. The Menominee Restoration Committee shall freely consult with persons entitled to vote in the election concerning the text and description of the constitution and by-laws. Such consultations shall not be carried on within fifty feet of the polling places on the date of the election.

(c) The Menominee Restoration Committee, under contract with the Secretary, shall conduct an election by secret ballot for the purpose of determining the individuals who will serve as members of the tribe's governing body. The Secretary shall enter into such contract with the Menominee Restoration Committee within 60 days after the tribe adopts a constitution and by-laws pursuant to subsection (a) of this section. The election shall be held within 120 days after the tribe adopts a constitution and by-laws.

(d) In any elections held pursuant to subsections (a) and (c) of this section, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate the adoption of a tribal constitution and by-laws and the election of the tribe's governing body, so long as, in each such election the total vote cast is at least 30 per centum of those entitled to vote.

(e) The Act of June 18, 1934 (25 U.S.C. 461 et seq.) shall not apply to any election under this Act.

SEC. 6 (a) Subsections (c) and (d) of this section shall not become effective until two years following the enactment of this Act.

(b) The Secretary shall negotiate with the elected members of the Menominee Common Stock and Voting Trust and the board of directors of Menominee Enterprises, Incorporated, or their authorized representatives, to develop a plan for the assumption of the assets of the corporation.

(c) The Secretary shall, subject to the terms and conditions of the plan negotiated pursuant to subsection (b) of this section, accept the assets (excluding any real property not located in or adjacent to Menominee County, Wisconsin) of Menominee Enterprises, Incorporated, but only if transferred to him by the board of directors of Menominee Enterprises, Incorporated, subject to the approval of the shareholders as required by the laws of Wisconsin. Such assets shall be subject to all valid existing rights including, but not limited to liens, outstanding taxes (local, State, and Federal), mortgages, outstanding corporate indebtedness of all types, and any other obligation. The land and other assets transferred to the Secretary pursuant to this section shall be subject to foreclosure or sale pursuant to the terms of any obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in Trust for the Menominee Tribe of Wisconsin and shall be their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(d) The Secretary shall accept the real property (excluding any real property not located in or adjacent to Menominee County, Wisconsin) of members of the Menominee Tribe, but only if transferred to him by the Menominee owner or owners. Such property shall be subject to all valid existing rights including, but not limited to liens, outstanding taxes (local, State, and Federal), mortgages and any other obligation. The land transferred to the Secretary pursuant to this section shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the Menominee Tribe of Wisconsin and shall be part of their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(e) The Secretary and the Menominee Restoration Committee shall consult with appropriate State and local government officials to assure that the provision of necessary governmental services are not impaired as the result of the transfer of assets provided for in this section.

SEC. 7. The tribe's constitution shall provide that the governing body of the tribe, after full consultation with the Secretary, (1) shall make rules and regulations for the operation and management of the tribal forestry units on the principle of sustained-yield management, (2) may make such other rules and regulations as may be necessary to protect the assets of the tribe from deterioration, and (3) may regulate hunting, fishing, and trapping on the reservation. Fishing by non-Menominees on Legend Lakes, LaMotte Lake, Moshawquit Lake, and Round Lake shall be regulated by the State of Wisconsin, and the State shall stock these lakes in the same manner as other lakes regulated by the State of Wisconsin.

SEC. 8. In recognition of the special educational needs of Menominee students and of the responsibility of the United States for the impact that members of the Menominee Tribe have on local educational agencies. Congress declares it to be the policy of the United States to provide full financial assistance for Menominee students to those local educational agencies which enroll two or more members of the tribe who reside on the reservation or within the boundaries of Menominee County.

SEC. 9. The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.



Mr. NELSON. Mr. President, the bill introduced today, the Menominee Restoration Act, repeals the Menominee Termination Act of 1954 which terminated Federal jurisdiction over the Menominee Indian Tribe of Wisconsin. The bill is similar to that introduced in the 92d Congress.

As Governor of Wisconsin in 1961, it seemed to me that the policy of termination was unwise and unsound. I came to Washington at that time to oppose the policy on the grounds that it would not work. It is quite obvious now that it has not worked and will not work.

After termination it very soon became clear that Menominee County—which is what the Menominee Reservation became once termination was effected—was in desperate economic straits. Accordingly in 1966, the Nelson-Laird bill was introduced in the Senate; this bill resulted in an appropriation of over $1.8 million for Menominee County for the purposes of education, public welfare benefits, health and sanitation services, and the construction of sanitation facilities. The fact that such a measure was needed was an indication of the failure of the policy of termination.

The Menominee Termination Act was passed in 1954, even though the 197 members of the general council of the Menominee Tribe voted unanimously to oppose the bill. The measure required termination no later than December 31, 1958, but the act was amended several times and termination did not take effect until April 30, 1961. On that date, the Menominee Reservation became Menominee County.

In hearings on the Termination Act, the overwhelming majority of Indians testified in opposition to the legislation. The arguments presented touched on the following matters: First, financial concerns; second, loss of treaty rights and privileges; third, concern for the state of tribal preparedness; fourth procedural issues; and fifth, emotional ties to tribal lands.

Not only did the Menominee Tribe object to the policy of termination before the act was passed, but also after the passage of the act they tried in vain to prepare themselves for the withdrawal of Federal services. They were successful in extending the effective date until 1961, but as was evident then and has become increasingly evident since, this was not long enough to adequately prepare for termination.

In 1961, the Bureau of Indian Affairs terminated all education, health, and utility services which had been provided for years. But what the Menominee were left with is graphic testimony to the woeful inadequacy of the preparation for termination. They were saddled with a school and hospital both of which had to be closed, because they did not meet State standards. The sewerage system was also substandard and had to be renovated at Menominee expense. It was discovered that the sawmill had over 100 State violations of the safety code. In addition, the roads were substandard and required substantial repair work.

It was bad enough that the Menominee had to undergo termination at all. But not only were they forced to do so, but also as a result of a congressional decision, they had to pay for most of the costs of termination.

Mr. President, a recent report of the Bureau of Indian Affairs to the House Committee on Appropriations and the House Interior Committee reveal the vast evidence of the failure of termination to make the Menominee Indian Reservation self-sufficient.

That report, submitted on April 6, reported that "almost without exception, the economic and social indicators for the Menominees are considerably lower than those of any other population segment in the State of Wisconsin":

EMPLOYMENT

Only 46% of Menominee County Indians were reported in the labor force, compared to 59% for the State of Wisconsin. The low figure is caused by the fact that almost a fourth of those in the labor force were reported as disabled or handicapped. Of those in the labor force, 26% were unemployed, as opposed to 5% for the state.

INCOME

The average per capita income for Menominee County Indians was $1,028 compared to Wisconsin's $3,158 and the average family income for Menominee County Indians was one-half that of the State's. . . . Almost 40% of the Menominee County Indian families had income below the poverty level.

TAXES

In the 60's, the total taxes paid by the Menominees doubled. Even with this steady rise, the revenues obtained were not sufficient to meet the needs of the Menominees.

EDUCATION

The median grade completed by persons 25 years of age and order was 9.2 for the Menominee Indian, but 11.9 for the people of Wisconsin. More than 75% of the former have dropped out of school before graduating.

HEALTH

There are neither hospital facilities nor practicing physicians in Menominee County. Both services were available prior to termination.

HOUSING

Half of Indian occupied homes in Menominee County have complete plumbing and central heating . . . somewhat more than a third have telephones. All of these facilities are available to more than 90% of homes elsewhere in the State. The median value of Menominee County homes was a little over $5,100, which is less than a third of the State's average.

To a large extent, the 26-percent unemployment rate can be directly attributed to the Termination Act. After termination, Menominee Enterprises, Inc.—the corporation set up to run the affairs of the Menominee—was faced with the task of paying taxes and making profit enough to support all the costs and services related to running a county government. Thus, MEI was forced to maximize efficiency in the Indian-owned sawmill, which meant dismissing a large number of Menominee who worked in the mill. Since the mill is virtually the only source of employment in the area, the unemployment rate rose drastically.

Another major effect of termination was the end of tribal ownership of the land. Under the termination plan, the tribal land was transferred to MEI. The Menominee people were forced to buy, from MEI, the land which they had lived on for years and which they had always considered to be their own.

Not only were the Menominee forced to buy their land, but also as a result of termination they have been forced to sell part of their land to expand the tax base and provide money for all the badly needed services of the county. MEI, in cooperation with a recreation developer, sold more than 8,700 acres of land to non-Indians. In the words of one Menominee, this is roughly analogous to "burning down your house to keep warm in a blizzard."

To an Indian tribe, land is much more than just a material asset. It is a birthright, symbol of a proud cultural heritage, and the last refuge from an encroaching white society which has refused to leave the Indian tribes in peace.

Under termination, MEI held and managed all Menominee assets: forest, sawmill, utilities, and land. Each of the 3,270 Menominee received 100 $1 shares of stock in the corporation and an income bond guaranteed to mature at $3,000 in December, 2000, and bearing interest at the rate of 4 percent—$120—per year.

Many Menominee were forced to sell their bonds in order to buy the land which they had lived on for their whole lives. Menominee were also required to sell their bonds in order to qualify for welfare. Accordingly, the State of Wisconsin has accumulated over $1,200,000 worth of these bonds.

The Menominee voted to maintain the nonnegotiability of their stock until 1974. But it may be only a matter of time before the pressing economic demands on the tribe will force a vote for negotiability. And, of course, if this happens, the tribe will lose what little control it has over its own destiny.

The policy of termination has been rejected in deed, if not in words, by both the Bureau of Indian Affairs and the Congress. The President himself has

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come out quite strongly against the policy. In a 1968 address to the National Congress of American Indians, Richard Nixon stated:

Termination of tribal recognition will not be a policy objective, and in no case will it be imposed without Indian consent.

In 1970, President Nixon stated that—

Because termination is morally and legally unacceptable, because it produces bad practical results, and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking that the Congress pass a new Concurrent Resolution which would renounce, repudiate and repeal the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress (August, 1953.)

Mr. President, this legislation would do that which President Nixon has asked the Congress to do; namely, repeal the past policy of termination.

Certainly it would be indefensible to admit that Congress erred in its policy of termination, and then not to rectify that error by reversing termination. The experiment of termination was a failure. The very least we can do is come to the aid of one of the tribes upon which the experiment was tried.

One of the motives for passage of the termination was a desire for the Federal Government to save money when the Menominee became self-supporting. However, it can be shown that even on the basis of economics, it would be in the best interest of Congress and the Nation to repeal termination of the Menominee Tribe. Since 1961, when termination took effect, the Federal Government has spent more than $19 million in regular and special grants for health care, education, welfare, highways, housing, property tax relief, sewer and sanitation facilities, shared taxes and other purposes. In 1971, the Federal Government spent more than $2,444,000 in Menominee County. The Bureau of Indian Affairs has estimated that it would cost approximately $1,415,000 per year to restore BIA-authorized services to the Menominee. The Public Health Service estimates that it would cost approximately $638,000 annually to provide adequate health care for the Menominee.

Thus, the total amount of restoring the Menominee to their federally recognized status would be $2,053,000 or $391,000 less than the Federal Government spent in Menominee County in fiscal year 1971.

Not only have the Federal aids and grants been quite costly, but they have also been ineffective. This fact can be seen easily by considering the terrible economic and social plight of the Menominee people today—even after millions of Federal dollars have been spent.

Mr. President, the drive for restoration of the Menominee Indian tribe has also aided in the development of a coordinated and representative governing body of the Menominee, MEI. Over the past several years, an organization known as Determination of Rights and Unity of Menominee Stockholders, DRUMS, has worked long and hard to provide backing to the efforts for restoration. This organization, with the participation of a great many of the Menominee citizens, succeeded in totally changing MEI over to be a representative corporation. The supporters of DRUMS have a solid majority on the MEI voting trust, which represents the Menominee people, and on the MEI governing board, which is responsible for the day-to-day activities of the corporation. Through the efforts of the Menominee people, an office has been established here in Washington to aid in providing support for the Menominee Restoration Act. They have worked for many months toward this end, and are to be highly commended for their patience and diligence.

To illustrate the work of DRUMS and MEI, I ask unanimous consent that two articles concerning the Menominee Indians and one of their leaders, Ada Deer, be printed in the RECORD at this point.

There being no objection, the article were ordered to be printed in the RECORD, as follows:

[From the Wisconsin State Journal, Mar. 17, 1973]

TRIBE TRIES FOR A COMEBACK

(By W. L. Christofferson)

Wisconsin's Menominee Indians, facing legal extinction as a tribe, hope Congress will take them under its federal wing again.

They also want restoration of federal trusteeship of their lands, and the government services they formerly enjoyed.

All this could happen, Menominee leader Ada Deer said, through passage of the Menominee Restoration Act to be introduced soon by Wisconsin's two senators and most, if not all, of its U.S. representatives.

Passage of the act would undo many of the effects of termination, a federal policy which in 1961 created Menominee County from the tribe's 362-square mile reservation in northeast Wisconsin.

The area would remain a county and not revert to reservation status if the act wins approval. But many of the services now provided by county government would again be federally financed.

The late Sen. Arthur V. Watkins of Utah is seen by some Menominee leaders as the villain of the termination policy.

Watkins, who was chairman of the Senate's committee on Indian problems, was a supporter of termination and got Congress to adopt a basic policy of eventual termination for all native Americans.

He saw a chance to apply the principle to the Menominee in 1953, when a bill was introduced to distribute among members of the tribe $5-million of a $7.6-million judgment awarded the Menominee for mismanagement of their forest lands by the Bureau of Indian Affairs (BIA).

Watkins, using acceptance of termination as a condition of approving the money distribution, got the "principle of termination" adopted by a 169–5 vote of the Menominee. Only 5 per cent of the tribe participated, Miss Deer said, and many boycotted the vote to protest termination.

The action set in motion the machinery which finally brought about termination in 1961.

Termination has meant "complete disaster" for the tribe, said Miss Deer, who has been in the forefront of a three-year internal struggle among the Menominee which led to agreement to press for the restoration act.

Termination, she said, did much more than dissolve the Menominee reservation.

It took away most of the Menominees' century-old treaty rights, services, and protections. It stopped all services provided by the BIA, including education, health, utility, and medical services.

And it provided that no names would be added to the official Menominee tribal roll after 1954. That, Miss Deer charges, constitutes "cultural genocide" as the tribe slowly dwindles in number with no new members added.

Finally, termination set up Menominee Enterprises, Inc. (MEI), to handle the tribe's land holdings and promote economic development in the county.

MEI found itself with the sawmill it operated as the county's only real industry, with virtually no tax base to raise revenue, and with a demand for services discontinued by the federal government.

Since termination there has been no doctor or clinic in the country. The state has required the county to renovate a substandard sewage system which had been federally installed. And the tribe was ordered to pay the costs of termination.

By the time termination took effect in 1961 the tribe was operating at a $250,000 annual deficit, and that became worse.

Finally, MEI agreed to enter partnership with a private developer and sell off 5,000 acres of land to non-Indians for a recreational home development around an artificial lake. That was seen as a last-ditch attempt to broaden the tax base and improve the economic picture.

Against that backdrop, an organization called DRUMS (Determination of Rights and Unity of Menominee Stockholders) took up its fight three years ago. It challenged the sale of tribal land, claiming only a two-thirds vote of the tribe could authorize that, and went to court to halt the development.

DRUMS staged rallies and demonstrations, marched on the State Capitol—and organized to win political control of the tribe's economic interests held by MEI. The dissidents got four members including Miss Deer, elected to the 11-member Menominee Stock and Voting Trust in 1971, and Miss Deer was elected chairman.

She was reelected last year when DRUMS solidified its hold on the trust, which names the directors of MEI.

Now, Miss Deer said, Menominees are unified in their support of the restoration bill. "We've created a tide now," she said, and national Indian groups have pledged their support of the act.

Miss Deer, 37, who left the University of Wisconsin Law School to devote full-time to the Menominee cause, is now chief lobbyist in Washington for the restoration bill. She was in Madison this week to meet with legislators and officials to seek support of the bill.

The bill would again make the federal government the trustee of Menominee land.

It also provides for preparation of a new tribal roll, to include the descendants of those on the "final" roll in 1954. Miss Deer estimates more than 1,000 young Menominee born since 1954 have not been enrolled as members of the tribe.

Under the bill, any persons with one-fourth or more Menominee blood would be eligible for nearly the same benefits and services the tribe received from the BIA before termination.

Restoration would take place within 13 months of passage of the bill, under the direction of a committee to be elected by the tribe.

It would also allow—but not require—the tribe to buy back land sold for development.

Menominee County had a population of 2,600 in the 1970 census. Of that total, 300 were non-Indians.

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[From the Capital Times, Apr. 18, 1973]

UW WOMAN GRAD ACTIVIST CHIEF OF MENOMINEES

(By Patricia L. Raymer)

WASHINGTON.—In 1953, for one brief moment, Ada Deer was a Hollywood starlet.

Columbia Pictures had chosen the 17-year-old Menominee as one of the "most beautiful Indian girls in America." Yet makeup men spent two hours painting her face to make her look more like an Indian for the grade B western. She was the only female Indian allowed to do more than grunt, and the script went like this:

Deer: "Did you meet the soldiers?"

Actor: "I do not speak to mere woman. I speak only to the chief."

A few days later, "The Battle of Rogue River" began its long journey to the late-late show. But the world had not heard its last from Ada Deer.

Today, when people ask to speak to the chief, it's Ada Deer who answers.

Aggressive, tough, determined and optimistic, 37-year-old Ada Deer is the modern-day "chief" of northern Wisconsin's Menominee Indian tribe.

She's in Washington to lobby for federal "restoration" of her tribe. Before Congress recesses Friday, it is expected to consider a bill restoring federal aid and reservation status to the self-governing Menominees.

More than a decade ago, Congress decided the tribe was ready to move into the white man's world of sewer districts and depletion allowances, and closed out the federal books. Since becoming Wisconsin's newest (and poorest) county, the once-happy wild rice harvesters have fallen on hard times.

Although the call for Menominee restoration (included in the Indians' 20 demands during the Bureau of Indian Affairs take-over last fall) is a small part of the national Indian movement, Deer sees the bill as a possible landmark case.

"To the current Indian movement," says Deer, "the next few years are as important as the 1954 school desegregation decision was to blacks."

The tale of the Menominees says something about what has happened to many Indians. In a few years, they have gone from riches to rags. Indians and government officials alike now agree that termination was a real disaster.

Although the Menominee tribe is still intact, problems associated with self-government have been phenomenal. Land has been sold in bits and pieces to pay for services formerly provided by the government. Medical care is almost nonexistent and educational problems abound. About half the tribe is now on welfare.

"I don't know anyone who could have brought that bill so far so fast. The Menominees were a dead issue in Congress before she began working on it," says Rep. Lloyd Meeds (D-Wash.), chairman of the House Indian Affairs Subcommittee and co-sponsor of the Restoration Bill.

"Since I met Ada, life hasn't been the same," said Rep. Meeds. "Meeting her is like plugging into a switchboard with all lines full. When she's around, there's a charged atmosphere and you just get the feeling you want to do things."

She is not yet over the wonder of her sudden entry into the Washington political scene and is surprised by the number of invitations she receives to tell her story to Cabinet members, Senators and other government bigwigs. Yet, while her enthusiasm is childlike, her attitude is tough and serious.

For Deer, every social event is a business meeting and every business encounter is a social experience.

NCAI President Trimble sees Deer as "clearly one of today's Indian leaders. There are not too many Indians who don't know the name of Ada Deer."

He classifies her as a "unique tie between the radical and conservative Indians."

Deer's road to activism was a calculated one. She decided at an early age to involve herself with the Indian cause.

After being the first Menominee to graduate from the University of Wisconsin, she went on to the Columbia University School of Social Work in New York, from which, she believes, she was the first and only Indian to graduate.

Before taking on the Menominee cause full time, Deer spent 1½ years at the Wisconsin Law School, where she'll return when and if the Restoration Bill passes. Before law school she worked as a community organizer in New York's Bedford-Stuyvesant area, was program director of a Minneapolis Neighborhood House, served as a community service coordinator for the BIA, and directed a minority youth program in northern Wisconsin.

Ada Deer lived most of her first 18 years on the Menominee reservation in a one-room log cabin without electricity or running water. She is the oldest of nine children. Five lived beyond infancy.

Her father is a laborer still employed at the Menominee Lumber Mill, the tribe's only source of employment. Like a high percentage of male Indians past and present, he is an alcoholic. Her mother is white, a nurse who came to the reservation while working for the BIA.

Deer attributes her activism to her mother, who since 1954 "has been clubbing me on the head to save the Menominees from termination."

Deer lives on 500 dollar a month salary from the Menominee Common Stock and Voting Trust, of which she is elected chairman. The Menominees have no tribal council, but are organized as a corporation, the chairman is the equivalent of Indian or tribal chief.

She has no official Washington residence and camps out with local friends.

"I know I can't keep up this kind of life forever, but basically I'm doing this because I want to," she says.

"Mainly, I want to show people who say nothing can be done in this society that it just isn't so. You don't have to collapse just because there's federal law in your way. Change it!"

Mr. NELSON. It is important that the Menominee restoration bill be introduced and considered by committee as early as is possible. Thus, one section of the restoration bill is being included in the legislation introduced today even though there is not unanimous support of this provision from the delegation. This section provides that the transfer of the Menominee land held by MEI to the Department of the Interior not take place for 2 years from the date of enactment of the Restoration Act. Although I believe that it should be possible to complete the necessary arrangements between the tribe, the landowners, and the Interior Department in a much shorter period of time, the section is being included in the bill at the request of another Member of the Wisconsin delegation who, other than that section, is in complete agreement with the principle of restoration.

Mr. President, now is the time for Congress to act and move toward righting the wrongs perpetrated on the Menominee people. We must reassert and reassume our treaty obligations toward the Menominee. The proposed bill would do just that: Protect their assets, lands, resources, and rights and provide the basic and necessary community services to which the Menominee people are justly entitled.

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By Mr. ERVIN (for himself, Mr. ABOUREZK, Mr. BAKER, Mr. BAYH, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. HARRY F. BYRD, JR., Mr. CHURCH, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRAVEL, Mr. GURNEY, Mr. HANSEN, Mr. HASKELL, Mr. HATFIELD, Mr. HATHAWAY, Mr. HRUSKA, Mr. HUMPHREY, Mr. INOUYE, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. SCOTT of Pennsylvania, Mr. STAFFORD, Mr. TAFT, Mr. THURMOND, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1688. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy. Referred to the Committee on the Judiciary.

FEDERAL EMPLOYEE PRIVACY BILL

Mr. ERVIN. Mr. President, I introduce for appropriate reference a bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy.

I take this action on behalf of myself and the following cosponsors of this measure: Messrs. ABOUREZK, BAKER, BAYH, BEALL, BENNETT, BIBLE, BROOKE, BURDICK, HARRY F. BYRD, JR., CHUCH, FANNIN, FONG, GOLDWATER, GRAVEL, GURNEY, HANSEN, HASKELL, HATFIELD, HATHAWAY, HRUSKA, HUMPHREY, INOUYE, MANSFIELD, MCGEE, MCGOVERN, METCALF, MONDALE, MOSS, MUSKIE, NELSON, PACKWOOD, PELL, PERCY, RANDOLPH, SCOTT of Pennsylvania, STAFFORD, TAFT, THURMOND, TUNNEY, and WILLIAMS.

The need to protect the private lives of Federal employees from unwarranted Government intrusion is today even more critical than when I first introduced legislation to protect the individual liberties of Federal employees in 1966. Reductions-in-force, the administration's present scheme to cut down the number of positions in the Federal bureaucracy, has served to intensify the pressure on individuals to sacrifice their freedom of speech and action for the sake of Federal employment, job security, and promotion. At the same time, the apocalyptic vision of massive Government data banks monitoring the intimate details of the private lives of Federal employees has become more than just a nightmare. It is a reality.

The legislation I introduce today is identical to S. 1438 which passed the Senate by unanimous consent in the 92d Congress, only to die in the House Post Office and Civil Service Committee. Similar legislation has been approved by this body a total of four times in the past. Over the years this legislation has become known as the "Federal Employees' Bill of Rights." It is designed to assure minimal guarantees of individual privacy and freedom to present and potential employees of the Federal Government.

One aim of this legislation is to prohibit requirements that Federal employees and applicants for Government employment disclose their race, religion, or national origin; or submit to question-



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ing about their religion, personal relationships or sexual attitudes, through interviews, psychological tests, or polygraphs. It would prohibit requirements that employees attend government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; support political candidates or attend political meetings. It makes it illegal to coerce an employee to buy bonds or make charitable contributions. It prohibits requirements that he disclose his own personal assets, liabilities, or expenditures, or those of any member of his family, unless, in the case of certain specified employees, such items would tend to show a conflict of interest.

It provides a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings. It accords the rights to a civil action in a Federal court for violation or threatened violation of the act. Finally, it establishes a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

I have carefully considered possible modifications of this legislation which twice passed the Senate in the last Congress. The most frequently suggested of these changes are, first, dropping the Board on Employees' Rights, and, second, completely exempting the Central Intelligence Agency and the National Security Agency. However, upon reflection I have decided against such changes. It seems to me that the Board on Employees' Rights is a vitally needed, less expensive and less cumbersome vehicle for vindicating the rights protected by this legislation. Moreover, recent Central Intelligence Agency disciplinary proceedings, in which requests for the presence of counsel or even of colleagues from the Agency have been summarily turned down, make clear the need for the protections of this legislation subject only to certain partial exemptions accorded to these agencies. Therefore, I have decided to reintroduce the Federal Employees Bill of Rights exactly as the Senate passed it last year, and the year before that.

The reasons for enacting such legislative constraints or bureaucratic invasions of Federal employee privacy are threefold: First is the immediate need to establish some minimal statutory basis for the protection of the rights and liberties of those who work for the Federal Government now and in the future. Second is the need to attract and to retain the best qualified employees for an efficient and effective Federal career service. Third is the special leadership role which the Federal Government plays in the field of employment practices vis-a-vis State and local governments as well as private business and industry.

The compelling need for this legislation is apparent from the hundreds upon hundreds of complaints about bureaucratic invasions of employee privacy which have come to my attention as chairman of the Subcommittee on Constitutional Rights. Both the hearings on privacy and the rights of Federal employees held by the subcommittee and the many letters the subcommittee has received catalog the reality of continuing flagrant invasions of the privacy and individual liberties of present and potential Federal employees.

To illustrate the need for legislative safeguards for the individual privacy and liberty of Government employees, it may be helpful to note some of the specific kinds of complaints which this proposal is designed to redress.

One important area of widespread invasions of privacy and personal liberties involves questioning of present and potential Federal employees about their race, religion, and national origin through questionnaires and oral inquiries from supervisors. The legislation introduced today is designed to protect present and future Federal employees from the dilemma of the grandson of an American Indian who told the subcommittee that he had exercised his option not to complete a so-called voluntary minority status questionnaire. He did not know how to fill it out. Soon he received a personal memorandum from his supervisor "requesting" him to complete a new questionnaire and "return it immediately." He wrote:

> I personally feel that if I do not comply with this request (order), my job or any promotion which comes up could be in jeopardy.

Clearly there is a need to reaffirm the intent of Congress that a person's religion, race, and national or ethnic origin, or that of his forebears, have nothing to do with his ability or qualifications to perform the duties of a Federal position, or to qualify for a promotion. Such matters are none of the Government's business.

Other complaints focus on the need for direct legislative prohibition of both affirmative and negative constraints on employee opinions, behavior and outside activities. These complaints catalog infringements and threatened infringements on first amendment freedoms of employees: freedom to think for themselves free of Government indoctrination; freedom to choose their outside civic, social, and political activities free of official guidance; as well as the freedom to refuse to participate at all without reporting to supervisors. To my mind, a Federal employee's social and civic activities outside his employment responsibilities should be none of the Government's business.

Illustrative of the pervasive interference with the outside activities of Federal employees is a recent NASA directive forbidding all communications with the Congress and the White House:

> At no time, under no circumstances, will anyone . . . communicate directly with members of Congress and the White House, on any subject, without notifying me and obtaining my approval in advance.

Reportedly similar directives have been issued in other agencies.

On December 30, 1972, the Defense Department issued the following command:

> The White House has this morning made an announcement of international consequences concerning the resumption of peace negotiations and a suspension of some military activities in Southeast Asia.
>
> There must be absolutely no, repeat no, comment of any sort whatsoever from any D.O.D. personnel, civilian and military, of whatever rank.
>
> There is to be no comment, no speculation, no elaboration and no discussion on the subjects involved.

In a slightly different vein, a division chief demanded that his supervisors report "the names—of employees—who are participating in any activities including such things as PTA in integrated school, sports activities which are intersocial, and such things as Great Books discussion groups which have integrated memberships."

With one complaint of attempted indoctrination of employees at a Federal installation, a civil servant enclosed a memorandum taken from a bulletin board stating the time, place, and date of a lecture by a sociology professor on the subject of the importance of racial integration. Attendance was to be voluntary but the notice stated that a record would be made of those attending. Concerning such a practice, one witness at subcommittee hearings commented:

> If I had been a federal employee and I cared anything about my job, I would have been at that lecture.

Other witnesses agreed that taking notice of attendance at such meetings constituted a form of coercion to attend.

Some of the most shocking invasions of personal privacy arise out of interviews, interrogations, and personality tests to which many Federal employees and applicants for Federal employment are forced to submit. Many complaints focus on mass programs in which, as a matter of routine practice, agency officials pressure applicants or employees to reveal intimate details about their habits, thoughts, and attitudes on matters unrelated to their qualifications and ability to perform a job. Federal employees and applicants for Federal employment are routinely asked to comment on such matters as:

> My sex life is satisfactory.
>
> I have never been in trouble because of my sex behavior.
>
> Everything is turning out just like the prophets of the Bible said it would.
>
> I loved my father.
>
> I am very strongly attracted by members of my own sex.
>
> I go to church almost every week.
>
> I believe in the second coming of Christ.
>
> I believe in a life hereafter.
>
> I have never indulged in any unusual sex practices.
>
> I am worried about sex matters.
>
> I am very religious (more than most people).
>
> I loved my mother.
>
> I believe there is a Devil and a Hell in afterlife.
>
> I believe there is a God.
>
> Once in a while I feel hate toward members of my family whom I usually love.
>
> I wish I were not bothered by thoughts about sex.

Clearly there is a need to prohibit investigators, as well as personnel, security and medical specialists from indiscriminately asking individuals to supply, orally or through tests, data on religion, family, sex and other personal matters.



Even more unconscionable is the use of polygraphs, or so-called "lie detectors," on Federal employees. Congressional investigation has shown that there is no scientific validation for the effectiveness or accuracy of polygraphs. Yet despite this and the invasion of privacy involved in strapping an individual to a machine in order to elicit from him information concerning his personal relationships with persons connected with him by blood or marriage, or concerning his religious beliefs, practices or concerning his attitude or conduct with respect to sexual matters, lie detectors are being used in various agencies of the Federal Government for purposes of screening applicants or for pursuing investigations. It is time the Federal Government ceased this senseless outrage to personal privacy.

The hearing record and subcommittee complaint files also amply document the need for statutory protections against various forms of coercion of employees to buy bonds and contribute to causes. It seems to me that each Federal employee, like any other citizen in the United States, is the best judge of his capacity, in the light of his financial obligations, to participate or decide whether he will participate and the extent of his participation in a bond drive. That is a basic determination which he and he alone should make. I think there is an interference with fundamental rights when coercion of a psychological or economic nature is brought on a Federal employee, even to make him do right. I think a man has to have a choice of acting unwisely as well as wisely, if he is going to have any freedom at all.

And yet the subcommittee has received from employees and their organizations numerous reports of intimidation, threats of loss of job, and security clearances and of denial of promotion for employees who do not participate to the extent supervisors wish. Many of these complaints of intimidation come out of agencies which have policy statements and administrative rules against such coercion. It is clear that such policy statements and rules are not enough.

In addition, millions of present and potential Federal employees have been required to submit to comprehensive questionnaires designed to elicit detailed information on the employee's personal finances, debts and property ownership, and those of his family. I believe that the conflict-of-interest statutes, and the many other laws governing conduct of employees, together with appropriate implementing regulations, are sufficient to protect the Government from dishonest employees. This proposal is, therefore, designed to reduce to reasonable proportions questionnaires which now require Federal employees to list "all assets, or everything you and your immediate family own, including date acquired and cost or fair market value at acquisition. Cash in banks, cash anywhere else, due from others—loans, et cetera, automobiles, securities, real estate, cash surrender of life insurance; personal effects and household furnishings and other assets."

The subcommittee hearings and complaint files further document the need for having legal counsel, a friend or other person present when a Federal employee is subjected to an official interrogation or investigation that could lead to the loss of his job or disciplinary action. I have received numerous complaints from employees charged with no crime who have been subjected to intensive interrogations by Defense Department investigators who ask intimate questions, make sweeping allegations, and threaten dire consequences unless consent is given to polygraph tests. Employees have been ordered to confess orally or to write and sign statements. Such interviews have been conducted after denial of the employee's request for presence of supervisor, counsel or friend, and in several instances the interrogations have resulted in revocation of a security clearance, or denial of access to classified information by transfer or reassignment, with the resulting loss of promotion opportunities.

Several agencies contend that right to counsel is now granted in formal adverse action proceedings and that appeals procedures make this section unnecessary for informal questioning. Testimony and complaints from employees demonstrate that this machinery does not effectively secure the opportunity of the employee to defend himself early enough in the investigation to allow a meaningful defense.

As testimony at the subcommittee hearings as well as subsequent investigation of complaints have demonstrated, employee rights are only as secure as the means set up for their enforcement. There is overwhelming evidence that employees have heretofore frequently lacked appropriate remedies either in the courts or the Civil Service Commission for pursuing rights which belong to them as citizens. Clearly a Board on Employees' Rights is needed to provide an additional means by which violations of the privacy and liberty of present and potential Federal employees can be redressed and prevented.

No one pretends that this bill is going to cure everything that is wrong with the Federal service. But it is a beginning step toward the safeguarding of personal privacy and individual liberties. In the process it will set a valuable precedent for more comprehensive privacy legislation in the future.

Mr. President, I ask unanimous consent that the text of my proposed bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1688

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person seeking employment in the executive branch of the United States Government, to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the citizenship of any such employee or person if his citizenship is a statutory condition of his obtaining or retaining his employment: *Provided further,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin or citizenship of any such employee or person or of his forebears, when such inqury is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States.

(b) To state or intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the United States Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than the performance of official duties to which he is or may be assigned in the department or agency, or the development of skills, knowledge, or abilities which qualify him for the performance of such duties: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

(c) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(d) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to make any report concerning any of his activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or unless there is reason to believe that the civilian employee is engaged in outside activities or employment in conflict with his official duties.

(e) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to submit any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information



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or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the department or agency from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(f) To require or request, or attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

(g) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to support by personal endeavor or contribution of money or any other thing of value the nomination or the election of any person or group of persons to public office in the Government of the United States or of any State, district, Commonwealth, territory, or possession of the United States, or to attend any meeting held to promote or support the activities or undertakings of any political party of the United States or of any State, district, Commonwealth, territory, or possession of the United States.

(h) To coerce or attempt to coerce any civilian employee of the United States serving in the department or agency to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or to make donations to any institution or cause of any kind: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, from calling meetings and taking any action appropriate to afford any civilian employee of the United States the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or voluntarily to make donations to any institution or cause.

(i) To require or request, or attempt to require or request, any civilian employee of the United States serving in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household: *Provided, however,* That this subsection shall not apply to any civilian employee who has authority to make any final determination with respect to the tax or other liability of any person, corporation, or other legal entity to the United States, or claims which require expenditure of moneys of the United States: *Provided further, however,* That nothing contained in this subsection shall prohibit the Department of the Treasury or any other executive department or agency of the United States Government from requiring any civilian employee of the United States to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law.

(j) To require or request, or to attempt to require or request, any civilian employee of the United States embraced within the terms of the proviso in subsection (i) to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

(k) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he so requests: *Provided, however,* That a civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved.

(l) To discharge, discipline, demote, deny promotion to, relocate, reassign, or otherwise discriminate in regard to any term or condition of employment of, any civilian employee of the United States serving in the department or agency, or to threaten to commit any of such acts, by reason of the refusal or failure of such employee to submit to or comply with any requirement, request, or action made unlawful by this Act, or by reason of the exercise by such civilian employee of any right granted or secured by this Act.

SEC. 2. It shall be unlawful for any officer of the United States Civil Service Commission, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any executive department or any executive agency of the United States Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this Act.

(b) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided, further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the Civil Service Commission from advising any civilian employee or applicant on a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(c) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

SEC. 3. It shall be unlawful for any commissioned officer, as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, to require or request, or to attempt to require or request, any civilian employee of the executive branch of the United States Government under his authority or subject to his supervision to perform any of the acts or submit to any of the requirements made unlawful by section 1 of this Act.

SEC. 4. Whenever any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, or any commissioned officer as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, violates or threatens to violate any of the provisions of section 1, 2, or 3 of this Act, any civilian employee of the United States serving in any department or agency of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or person in the United States district court for the district in which the violation occurs or is threatened, or the district in which the offending officer or person is found, or in the United States District Court for the District of Columbia, to prevent the threatened violation or to obtain redress against the consequences of the violation. The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act. Such United States district court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation. With the written consent of any person affected or aggrieved by a violation or threatened violation of section 1, 2, or 3 of this Act, any employee organization may bring such action on behalf of such person, or may intervene in such action. For the purposes of this section, employee organizations shall be construed to include any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of civilian employees of the United States and which has as one of its purposes dealing with departments, agencies, commissions, and independent agencies of the United States concerning the condition and terms of employment of such employees.



SEC. 5. (a) There is hereby established a Board on Employees' Rights (hereinafter referred to as the "Board"). The Board shall be composed of three members, appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member as chairman. No more than two members of the Board may be of the same political party. No member of the Board shall be an officer or employee of the United States Government.

(b) The term of office of each member of the Board shall be five years, except that (1) of those members first appointed, one shall serve for five years, one for three years, and one for one year, respectively, from the date of enactment of this Act, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Members of the Board shall be compensated at the rate of $75 a day for each day spent in the work of the Board, and shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence, as authorized by section 5703 of title 5, United States Code.

(d) Two members shall constitute a quorum for the transaction of business.

(e) The Board may appoint and fix the compensation of such officers, attorneys, and employees, and make such expenditures, as may be necessary to carry out its functions.

(f) The Board shall make such rules and regulations as shall be necessary and proper to carry out its functions.

(g) The Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this Act and to conduct a hearing on each such complaint. Within ten days after the receipt of any such complaint, the Board shall furnish notice of the time, place, and nature of the hearing thereon to all interested parties. The Board shall render its final decision with respect to any complaint within thirty days after the conclusion of its hearings thereon.

(h) Officers or representatives of any Federal employee organization in any degree concerned with employment of the category in which any alleged violation of this Act occurred or is threatened shall be given an opportunity to participate in each hearing conducted under this section, through submission of written data, views, or arguments, and in the discretion of the Board, with opportunity for oral presentation. Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or suffering loss in leave or pay; and all such employees shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such participation shall be held and considered to be Federal employment for all purposes.

(i) Insofar as consistent with the purposes of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code, relating to the furnishing of notice and manner of conducting agency hearings, shall be applicable to hearings conducted by the Board under this section.

(j) If the Board shall determine after hearing that a violation of this Act has not occurred or is not threatened, the Board shall state its determination and notify all interested parties of such determination. Each such determination shall constitute a final decision of the Board for purposes of judicial review.

(k) If the Board shall determine that any violation of this Act has been committed or threatened by any civilian officer or employee of the United States, the Board shall immediately (1) issue and cause to be served on such officer or employe an order requiring such officer or employee to cease and desist from the unlawful act or practice which constitutes a violation, (2) endeavor to eliminate any such unlawful act or practice by informal methods of conference, conciliation, and persuasion, and (3) may—

(A) (i) in the case of the first offense by any civilian officer or employee of the United States, other than any officer appointed by the President, by and with the advice and consent of the Senate, issue an official reprimand against such officer or employee or order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed fifteen days, and (ii) in the case of a second or subsequent offense by any such officer or employee, order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed thirty days or order the removal of such officer or employee from such position or office; and

(B) in the case of any offense by any officer appointed by the President, by and with the advice and consent of the Senate, transmit a report concerning such violation to the President and the Congress.

(l) If the Board shall determine that any violation of this Act has been committed or threatened by any officer of any of the Armed Forces of the United States, or any person purporting to act under authority conferred by such officer, the Board shall (1) submit a report thereon to the President, the Congress, and the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice which constitutes such a violation by informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. Thereupon such person shall take immediate steps to dispose of the matter under chapter 47 of title 10, United States Code (Uniform Code of Military Justice).

(m) Any party aggrieved by any final determination or order of the Board may institute, in the district court of the United States for the judicial district wherein the violation or threatened violation of this Act occurred, or in the United States District Court for the District of Columbia, a civil action for the review of such determination or order. In any such action, the court shall have jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board which is under review, or (2) require the Board to make any determination or order which it is authorized to make under subsection (k), but which it has refused to make. The reviewing court shall set aside any finding, conclusion, determination, or order of the Board as to which complaint is made which is unsupported by substantial evidence on the record considered as a whole.

(n) The Board shall submit, not later than March 31 of each year, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year, including a statement concerning the nature of all complaints filed with it, its determinations and orders resulting from hearings thereon, and the names of all officers or employees of the United States with respect to whom any penalties have been imposed under this section.

(o) There are authorized to be appropriated sums necessary, not in excess of $100,000, to carry out the provisions of this section.

SEC. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security.

SEC. 7. No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency one hundred and twenty days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided, however,* That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under section 403(c). of title 50, United States Code, and any authorities available to the National Security Agency under section 833 of title 50, United States Code, to terminate the employment of any employee.

SEC. 8. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or Executive order shall be conclusive and no such information shall be admissible in evidence in any interrogation under section 1 (k) or in any civil action under section 4 or in any proceeding or civil action under section 5.

SEC. 9. This Act shall not be applicable to the Federal Bureau of Investigation.

SEC. 10. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however,* That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States district court or in proceedings before the Board on Employee Rights: *And provided further,* That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section.

SEC. 11. If any provision of this Act or the

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application of any provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected.

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By Mr. GRAVEL (for himself, Mr. THURMOND, Mr. RANDOLPH, Mr. FANNIN, Mr. HUMPHREY, Mr. GOLDWATER, Mr. GURNEY, and Mr. SCOTT of Pennsylvania):

S. 1690. A bill to establish a National Amateur Sports Development Foundation. Referred to the Committee on Commerce.

NATIONAL AMATEUR SPORTS DEVELOPMENT FOUNDATION

Mr. GRAVEL. Mr. President, last September I introduced legislation to establish a National Amateur Sports Development Foundation. At that time I pointed out that in the United States there exists no organization responsible for or concerned with the policy, planning, conduct, and development of all kinds of sports for individuals of all ages and socioeconomic status. The need for such an organization has become even more apparent over the past 7 months, and today I am again introducing legislation to create a Sports Foundation.

The bill I am introducing today for myself, Mr. THURMOND, Mr. GURNEY, Mr. SCOTT of Pennsylvania, Mr. RANDOLPH, Mr. FANNIN, Mr. HUMPHREY, and Mr. GOLDWATER is a significantly improved version of S. 4038, which I introduced in the 92d Congress. Many worthwhile modifications in that bill have been proposed by individuals and groups interested in sports development, and we have taken these into account in redrafting our legislation. We are particularly indebted to the members of our National Amateur Sports Development Foundation Advisory Committee, for the role they played in preparing this legislation for reintroduction. Members of that committee met with Senator THURMOND and me late last fall for a 2-day working symposium on this bill. Their advice, both at that meeting and during the months that have followed, have proved invaluable.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the names of the members of the National Amateur Sports Development Foundation Advisory Committee, and the reports of their subcommittees, issued at the conclusion of their symposium here in Washington, November 30, and December 1, 1972.

I also ask unanimous consent that the National Amateur Sports Development Foundation Act of 1973 be printed in the RECORD following the reports of the subcommittees.

There being no objeciton, the material and bill were ordered to be printed in the RECORD, as follows:

NATIONAL AMATEUR SPORTS DEVELOPMENT FOUNDATION ADVISORY COMMITTEE

Dr. Tenley Albright, 1956 Olympic Women's Figure Skating Gold Medalist.

Mr. Frank Bare, Executive Director, United States Collegiate Sports Council.

Mr. Bob Beattie, Executive Director, International Ski Racers Association.

Honorable H. A. (Red) Boucher, Lieutenant Governor, State of Alaska.

Ms. Suzanne S. Chaffee, Co-Executive Director, World Sports Foundation.

Dr. Walter Cooper, Assistant Dean, College of Education and Psychology, University of Southern Mississippi, Hattiesburg, Mississippi.

Dr. James E. Counsilman, Swimming Coach and Professor of Physical Education, Indiana University.

Dr. Albert B. Craig, Jr., President, American College of Sports Medicine.

Mr. Buck Dawson, Executive Director, International Swimming Hall of Fame, Inc.

Ms. Donna de Varona, 1964 Olympic Swimming Gold Medalist.

Mr. Frank Dolson, Columnist, *Philadelphia Inquirer*.

Mr. Lee P. Eilbracht, Secretary-Treasurer, American Association of College Baseball Coaches.

Dr. William Exum, Athletic Director, Kentucky State College.

Dr. Warren Giese, Chairman, Department of Physical Education for Men, University of South Carolina.

Mr. Richard E. Harkins, Executive Director, The International Supreme Council, Order of De Molay.

Dr. Jesse Hawthorne, Chairman, Department of Health and Physical Education, East Texas State University.

Mr. John E. Horton, Vice President, National Academy of Sport.

Mr. Edward Humberger, Director, Sports for People.

Mr. Rafer Johnson, 1960 Olympic Decathalon Gold Medalist.

Dr. Robert Kane, First Vice President, United States Olympic Committee.

Dr. Frances Koenig, Women's Physical Education Department, Central Michigan University.

Mr. C. Thomas McMillen, All-American Basketball Player, Olympic Team 1972.

Dr. Lucille Magnuson, Women's Physical Education Department, Pennsylvania State University.

Dr. Roswell D. Merrick, Assistant Executive Secretary, American Association for Health, Physical Education, and Recreation.

Mr. William Mills, Director, Office of Recreation, Physical Education, and Athletics, Bureau of Indian Affairs.

Dr. Henry W. Morton, Chairman, Department of Political Science, Queens College.

Dr. Bruce S. Old, Vice President, Arthur D. Little, Inc.

Mr. Peter L. Oliver, Consultant, Arthur D. Little, Inc.

Mr. Don E. Porter, Executive Secretary, Amateur Softball Assoc.

Mr. Glenn C. Randall, Executive Director, Special Olympics, Inc.

Mr. Marvin Sanderson, Senior Systems Analyst, System Development Corporation.

Mr. Donald Sawyer, Executive Vice President, Wilshire Newport, Inc.

Mr. Ross H. Smith, President, Eastern Collegiate Conference.

Mr. Marvin H. Sugarman, Sports Producer, President, Marvin H. Sugarman Productions, Inc.

Mr. H. B. Thompson, Athletic Director, Fisk University.

Mr. William A. Toomey, 1968 Olympic Decathalon Gold Medalist.

Dr. LeRoy Walker, Chairman, Department of Physical Education, North Carolina Central University.

Mr. William L. Wall, Executive Secretary, National Association of Basketball Coaches.

Mr. William Wallace, Sports Writer, *New York Times*.

Dr. Charlotte West, Women's Physical Education and Athletics Department, Southern Illinois University.

COMMITTEE I—INITIAL ORGANIZATION OF A NATIONAL AMATEUR SPORTS FOUNDATION

Committee Members: Bruce Old (Chairman), Suzanne Chaffee, John Horton, Robert Kane, Ross Merrick, Marvin Sugarman, and Judie Shaw (Recorder).

*1. Suggested word changes in the Bill*

a. The word "Development" should be added to the title of the Foundation to emphasize sports development as its essential goal.

b. Several modifications in the description of the purposes of the Foundation should be made to clarify the intent.

c. The Board of Trustees should be required to meet at least quarterly, rather than annually.

*2. Composition of the Board of Trustees*

a. The Board membership should attempt to include persons with skills or knowledge in such fields as management, finance, fund raising, sports medicine, sports education, research, sports facilities, public relations and communications, physical education, sports sociology and psychology, and recent participation in international sports.

b. The nomination of the members of the Board should be by peer groups. For example, the American Medical Association might nominate several physicians from whom one could be chosen as the sports medicine member.

c. The Board should not get itself boxed in to any rigid rules regarding representation by geographical location, sex, race, etc. For example, if a woman athlete from California is leaving the Board, she should not necessarily be replaced by another woman athlete from the West Coast.

d. Board terms should be limited to one four year term. The Committee was quite adamant on this point because most sports bodies seem to deteriorate because the same people stay on seemingly forever. Particularly valuable Board members can, after all, be placed in an advisory capacity to maintain their assistance

e. The Board members should receive fees for attending meetings—otherwise the less fortunate will not be able to afford membership.

*3. Miscellaneous*

a. The Foundation should emphasize the importance of the bottom of the athletic pyramid. Healthy bodies make healthy minds. The top athletes will emerge.

b. Any fund raising for the Foundation should be handled by a recognized professional group.

COMMITTEE II—RELATIONSHIP OF A NATIONAL AMATEUR SPORTS FOUNDATION TO EXISTING AMATEUR SPORTS ORGANIZATIONS

Committee Members: LeRoy Walker (Chairman), Warren Giese (Co-Chairman), Frank Dolson, William Exum, Frances Koenig, Peter Oliver, Ross Smith, Majorie Blanfarf (Recorder).

*Excerpts from the bill*

"To establish a National Amateur Sports Development Foundation"

"(3) to foster and support the interests and activities of organizations concerned with sports and to coordinate them by voluntary means with related educational and recreational programs of local, State, and Federal Government;

"(4) to strengthen and expand development of amateur sports in the United States by—

"(A) making available managerial, financial, technical, legal, informational, instructional, and promotional assistance to organizations concerned with sports; and

"(B) sponsoring and stimulating the establishment of advanced or improved coaching, physical training, and physical education programs;

"(5) to strengthen the position of United States competitors in significant international athletic events;

"(6) to extend knowledge and facilitate the practice of sports . . ."

*The Arthur D. Little, Inc. Report—1965*

(Under the direction of General James M. Gavin) revealed that:

"The administration of amateur sports in the United States is the responsibility of a multiplicity of independent, private, and largely voluntary associations known as the sports-governing bodies. . . .

"When students leave the educational system, however, the transition into post-school competitive programs is not always easily accomplished . . . If some means could be found for bridging this "gap" between school and post-school athletic programs, amateur sports activity among older age groups would be materially facilitated, and the quality of our performance at international competitions improved, since in most sports top proficiency is typically attained by post-school athletes. . . ."

For the most part, the amateur sports in which we as a nation seem to do best are those which are currently stressed in the secondary schools and colleges, such as football, baseball, basketball, track and field events and swimming. . . . "At the 1964 Olympic Games in Tokyo, where no fewer than 30 of the total 36 gold medals won by the U.S. Teams were gained in only two sports categories (swimming and track and field events). . . ."

"So far as we have been able to determine, the U.S. remains for the most part surprisingly indifferent to certain technical aspects of sports, particularly those relative to minor sports and to general sports functions, such as medicine, information gathering, equipment design, training methods, sports medicine. . . ."

The need to coordinate existing programs "arises from the co-existence of amateur sports activities conducted within and by educational institutions—from school through university—with amateur sports activities outside the educational system."

*Conclusions of Committee II*

Committee II was requested to study the relationship of a National Amateur Sports Foundation to existing sports organizations. Five questions were posed and a position was prepared on each one, as follows:

A. The feasibility of membership in the Sports Foundation.

*Position:* The Committee believes there should be no organizational membership. However, it recognizes that for communications purposes there is need for an identifiable list of any organizations interested in amateur sports. The organizations can be considered affiliates of the National Amateur Sports Foundation.

B. The Sports Foundation's allocation of resources as a force for restructuring amateur sports.

*Position:* The Sports Foundation will allocate resources to serve as a catalyst for the development of amateur sports programs at all levels. It is envisioned that at least 75% of the funds will go to program development when the Foundation reaches full operation.

C. The desirability of a sports development committee as advisor to the Sports Foundation.

*Position:* The Committee has discussed the scope and objectives of a Sports Advisory Committee as an advisor to the Foundation. It feels it is a prerogative of the Foundation to appoint an Advisory Committee after it is organized.

D. The Sports Foundation as arbiter of disputes.

*Position:* The National Amateur Sports Foundation should serve as a catalyst to bring together groups to solve problems. This does not imply that the Foundation cannot be used as arbiter in certain circumstances.

E. The Sports Foundation staff as consultants to existing sports organizations.

*Position:* The Role of the Sports Foundation staff is:

1. To serve as facilitator or consultant in the development of programs.

2. To assist in the formulation of proposals for developmental programs.

3. To make available the technical resources of the foundation such as: statistical research, communications service, sports medicine, coaching and training aids, facility planning, and financial services.

COMMITTEE III—DEVELOPMENT OF AMATEUR SPORTS BY A NATIONAL AMATEUR SPORTS FOUNDATION

Committee Members: Lucille Magnuson (Chairwoman), Jesse Hawthorne, Thomas McMillen, William Mills, Glenn Randall, H. B. Thompson, Charlotte West, and Elinore Darland (Recorder).

The Committee discussed definitions of the terms "development" and "sports" at its initial session. It appeared that there was some variation in focus and specific definitions but there was also much commonality in meaning of the terms. The Arthur D. Little report of 1965 was recognized as giving an excellent base for the charge to this committee.

In order to tackle the charge of development of amateur sports by the Foundation, it seemed necessary to highlight what appeared to the committee to be the primary objectives of the Foundation. These are:

1. Foster opportunities for increased participation in amateur sports among individuals of all ages and skill.

2. Develop and support imaginative ideas and strategies for further development of amateur sports programs.

3. Broaden existing services and foster new efforts supportive of amateur sports program development.

4. Assist existing organizations and institutions in reaching their goals concerned with amateur sports.

The above objectives would be met through—

1. Public relations programs which would promote participation.

2. Development of films, booklets and instructional materials.

3. Sending teams of experts to various regions of the United States to increase knowledge, teaching skills and performance skills in amateur sports.

4. Research in sports medicine, effect of participation, the most effective means of developing sports skills.

The National Amateur Sports Development Foundation will provide consultant services in a variety of specialized areas and it will facilitate, promote and fund programs which meet its stated objectives.

The committee suggests that priorities be given to amateur sports programs that—

1. Reduce inequalities due to socio-economic, sex, or geographic factors.

2. Are people-oriented as opposed to those that are facilities-oriented.

3. Increase variety of sports opportunities and enhance opportunities for participation.

4. Promote participation in sports that are not highly developed but hold the potential recreational participation.

5. Advance technological knowledge in specific sports.

6. Foster total development of the individual through participation.

7. Enhance growth of sports on an international scale.

The committee did not tackle the problem of criteria for funding proposals. It appeared that such guidelines would need more time than was available and that these criteria should be established by the individuals who would in effect be applying them.

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S. 1690

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "National Amateur Sports Development Foundation Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that, given the proper direction and support, amateur sports have the effect of performing a useful role in developing the individual and enriching the variety of his experience, contributing to fitness and physical well-being, alleviating some of the pressing social problems facing the Nation, and encouraging moral behavior and the pursuit of personal excellence. The Congress further finds and declares that, despite a history of important athletic accomplishments; the United States does not have a comprehensive national amateur sports program; that, because of multiplicity of private and largely voluntary organizations responsible for the administration of amateur sports activities, there is an immense variety of individual sports programs; in which imbalances, lack of coordination, and neglected functions are too often apparent.

(b) The Congress declares that in order—

(1) to create opportunities for and to encourage individual participation and excellence in the field of physical endeavor among all age groups;

(2) to reduce inequalities among social, economic, sexual, and geographic groups in opportunities to participate in sports;

(3) to foster and support the interests and activities of organizations concerned with sports and to coordinate them by voluntary means with related educational and recreational programs of local, State, and Federal Government;

(4) to strengthen and expand development of amateur sports in the United States by—

(A) making available managerial, financial, technical, legal, informational, instructional, and promotional assistance to organizations concerned with sports; and

(B) sponsoring and stimulating the establishment of advanced or improved coaching, physical training, and physical education programs;

(5) to strengthen the position of United States competitors in significant international athletic events;

(6) to extend knowledge and facilitate the practice of sports by—

(A) sponsoring or soliciting useful research in such areas as sports medicine, athletic safety and health, athletic facility and equipment design, and performance analysis;

(B) identifying specific sports facility requirements and arranging for provision of facilities by appropriate public or private groups; and

(C) establishing and maintaining a data oank for the compilation, analysis, and dissemination of information pertaining to all significant aspects of sports;

(7) to promote broadened cultural exchanges with foreign nations in the field of sports; and

(8) to study national needs relating to sports; it is the policy of the United States to establish a National Amateur Sports Development Foundation to plan, coordinate, promote, and support the conduct and development of amateur sports throughout the United States.

ESTABLISHMENT OF NATIONAL AMATEUR SPORTS DEVELOPMENT FOUNDATION

SEC. 3. There is hereby established in the District of Columbia a body corporate by the name of the National Amateur Sports Development Foundation (hereinafter referred to as the "foundation"), which shall not be an agency or establishment of the United States Government. The foundation shall be directed in accordance with the provisions of this Act by a board to be known as the Trustees of the National Amateur Sports Development Foundation (hereinafter referred to as the "board"), whose duty



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it shall be to maintain and administer the foundation and to execute such other functions as are vested in the board by this Act.

PROCESS OF ORGANIZATION

SEC. 4. The President of the United States shall appoint, in accordance with the provisions of section 5 of this Act, incorporators, by and with the advice and consent of the Senate, who shall serve as the initial board of trustees of the foundation, of whom the President shall designate four to serve for one year, four to serve for two years, four to serve for three years, and four to serve for four years. Such incorporators shall take whatever actions as may be necessary to establish the foundation, including the filing or articles of incorporation.

BOARD OF TRUSTEES

SEC. 5. (a) The board shall be composed of sixteen voting members, and the president of the foundation ex officio. Except for trustees first appointed (as provided in section 4 of this Act), the term of office of each voting member of the board shall be four years, and replacements shall be selected by a majority vote of the board, except that one of the four vacancies occurring each year after the fourth year shall be filled by the President of the United States, by and with the advice and consent of the Senate. A successor selected to fill a vacancy occurring on the board prior to the expiration of a term shall serve only for the remainder of such term. No person shall be appointed as a member of the board for more than one term.

(b) One member of the board (other than the president) shall be elected annually by the board to serve as chairman.

(c) Members of the board shall be selected from the private sector of American society from among persons distinguished for their dedication to the highest ideals of sports, for their freedom from bias in sports, and for their knowledge and experience in sports development in its broadest sense. Members of the board shall be selected from among individuals who shall have distinguished themselves and achieved recognition by their peers in their respective fields. Selection to the board shall be made in such a way that at no time shall there be less than two present or recent athletes serving on the board nor less than one individual serving on the board drawn from each of the following broad categories: financial management; business, corporate, or athletic management; research and development; the humanities; fund raising; communication and public relations; sports medicine; architectural engineering; sports education; sports sociology and sports psychology; and physical education. In selecting members of the board, due regard shall be given to reflecting the diversity of those engaged in amateur sports, with appropriate weight given to such factors as race, age, and sex.

(d) The board shall meet at least quarterly at such place and at such time as shall be determined by the chairman, but he shall also call a meeting whenever one-third of the members so request in writing. Each member shall be given notice, by registered mail mailed to his last-known address of record not less than fifteen days prior to any meeting, of the call of such meeting. A majority of the voting members of the board shall constitute a quorum. Members of the board, while serving on the business of the foundation, shall be entitled to receive compensation at a rate fixed by the board, but not in excess of $100 per day, including travel-time and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence.

(e) Minutes of each meeting of the board shall be kept and made available for public inspection at the District of Columbia office of the foundation and at such other offices as it may maintain. Such minutes also shall be available for copying by hand or by duplicating machine, as requested by any person, at the expense of such person.

POWERS OF THE BOARD

SEC. 6. (a) The board is authorized to solicit, accept, hold, and administer gifts, bequests, or devises of money, securities, or other property of whatever character for the benefit of the foundation. Unless otherwise restricted by the terms of the gift, bequest or devise, the board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the foundation. The income as and when collected shall be placed in such depositaries as the board shall determine and shall be subject to expenditure by the board.

(b) The board shall appoint a president of the foundation, who shall serve at the pleasure of the board, and who shall serve as the chief administrative officer of the foundation. The president shall, subject to the supervision of the board, manage and carry on the business of the foundation, including the appointment of such other officers and employees as he may deem necessary for the operation of the foundation. The board shall fix rates of compensation for officers and employees of the foundation.

(c) The actions of the board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

GENERAL AUTHORITY OF FOUNDATION

SEC. 7. The foundation shall have the authority to do all things necessary to carry out the provisions of this Act, including but without being limited thereto, the authority—

(1) to make such bylaws, rules, and regulations as may be necessary for the administration for its functions under this Act;

(2) to adopt an official seal which shall be judicially noticed;

(3) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(4) to contract and be contracted with; and

(5) to acquire, control, hold, lease, and dispose of such real, personal, or mixed property as may be necessary to carry out the purposes of the foundation.

OFFICES

SEC. 8. (a) The principal office of the foundation shall be in Washington, District of Columbia, or in such other place as may later be determined by the foundation, but the activities of the foundation shall not be confined to that place, but may be conducted throughout the United States and all other locations as may be necessary to carry out the purposes of the foundation.

(b) The foundation shall maintain at all times in the District of Columbia a designated agent authorized to accept services of process for the foundation. Service upon, or notice mailed to the business address of, such agent shall be deemed notice to or service upon the foundation.

USE OF FOUNDATION ASSETS OR INCOME

SEC. 9. (a) No part of the assets or income of the foundation shall inure to any officer, employee, or trustee or be distributable to any such person during the life of the foundation or upon its dissolution or final liquidation. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to trustees, officers, or employees of the foundation or reimbursements for actual necessary expenses in amounts approved by the board.

(b) The foundation shall not make loans to its officers, trustees, or employees.

PROHIBITION AGAINST THE ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 10. The foundation shall have no power to issue any shares of stock nor to declare or pay any dividends.

DISSOLUTION OR LIQUIDATION

SEC. 11. Upon dissolution of final liquidation of the foundation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the foundation may be distributed in accordance with the determination of the board and in compliance with this Act, its bylaws, and all other Federal and State laws applicable thereto.

RESERVATION OF THE RIGHT TO AMEND OR REPEAL CHARTER

SEC. 12. The right to alter, amend, or repeal this Act is expressly reserved.

REPORTS

SEC. 13. The board shall submit to the President of the United States for transmittal to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments of the foundation during the preceding calendar year, together wih an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this Act and any recommendations for additional legislative or other action which the board my consider necessary or desirable for attaining such objectives. The report shall be printed as a public document.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The accounts of the foundation shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by the government of the District of Columbia. The audit shall be conducted at the place or places where the accounts of the foundation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the foundation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the assets and liabilities of the foundation; its surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the foundation during the year; and the independent auditor's opinion of those statements. The report shall be printed as a public document.

APPROPRIATIONS

SEC. 15. (a) For the fiscal year ending June 30, 1974, there is authorized to be appropriated to the board the sum of $1,000,000 for use by it in carrying out the provisions of this Act.

(b) For each fiscal year following the fiscal year ending June 30, 1974, there is authorized to be appropriated to the board for use by it in carrying out the provisions of this Act an amount equal to the amount of donations, bequests, and devises of money, securities, and other property received by the board during the fiscal year preceding the fiscal year for which such appropriation is made, except that the total aggregate amount appropriated pursuant to this subsection shall not exceed $50,000,000.



Mr. THURMOND. I have become alarmed at the increasing apathy on the part of some of today's youth where sports are concerned. Amateur sports are an important part of individual development and the historic development of our Nation.

In noting the lack of a national amateur sports program I sponsored a bill to establish a National Amateur Sports Development Foundation. This foundation will be an overseeing organization to give the proper support and direction to amateur sports. By providing a vehicle for fundraising and coordination, this foundation will be a great step toward raising the health and well-being of our society. Several functions of the foundation are:

Work with existing organizations to develop greater cooperation;

Fund sports facilities and training programs;

Make sports available to all economic classes and in all parts of the country;

Provide a forum for resolving disputes;

Conduct research in sports related areas; and

Study national needs to develop a comprehensive policy for athletic development.

I feel that a program of this type will allow everybody, not just the elite, to participate in amateur sports; and will provide a much needed goal for some of our young people who have turned to drugs mistakenly in search of a meaning to their lives.

Mr. President, the National Amateur Sports Development Foundation will provide the necessary coordination between the various existing organizations who so often in the past have worked at cross purposes. With the development of amateur sports comes physical fitness and personal achievement which encourages moral behavior and provides a goal for our Nation's youth. This foundation will work with the present amateur athletic organizations but is in no way an attempt to supplant or assume control over these organizations. This foundation will be completely independent and is not an effort to involve the Federal Government in amateur sports.

Mr. President, I urge favorable consideration of this legislation.

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By Mr. GRAVEL:

S. 1691. A bill for the relief of Wallace O. Craig, et al. Referred to the Committee on the Judiciary.

Mr. GRAVEL. Mr. President, last Congress, and again earlier this session, I introduced a private bill for the relief of Mr. Wallace O. Craig, a citizen of Alaska and a dedicated public servant of the Federal Government. Mr. Craig suffered extensive property loss in Alaska's two recent major disasters—the earthquake of 1964 and the Chena River flood in Fairbanks in 1967.

The recent bill, S. 53, covers only Mr. Craig's losses. He has advised me that he was not the only public servant to suffer and has furnished me a list of others who suffered property losses.

Mr. President, I consider this a very meritorious bill, and introduce the more comprehensive measure to cover not only Mr. Craig but also his fellow workers.

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By Mr. RANDOLPH:

S. 1692. A bill to amend title II of the Social Security Act to extend certain benefits to individuals adopted by disability or old-age insurance beneficiaries. Referred to the Committee on Finance.

Mr. RANDOLPH. Mr. President, under the Social Security Act as it presently stands, a deserving group of children are denied child's insurance benefits. These are children who are adopted by disabled or old age social security beneficiaries. If a child enters the adoptive home after the wage earner has become entitled to benefits, the child can never qualify for child's benefits as part of the adopting wage earner's family. This is true even if the child is not born until after the wage earner has become eligible for benefits. And it is true even though natural children born to the wage earner after the wage earner has qualified for benefits are entitled to child's insurance benefits.

The Legal Aid Society of Charleston, W. Va., recently handled the case of Marion P. Morris, of Whitesville, W. Va., which challenged the validity of this provision. I will insert in the RECORD at the conclusion of my remarks a news story from the Raleigh Register, Beckley, W. Va., outlining the details concerning the Morris family's situation. The U.S. Supreme Court recently declined to review the constitutionality of the act's discrimination against adopted children, thereby leaving to Congress the burden of correcting this discriminatory provision.

The Charleston Legal Aid Society informs me that prior to, and in the course of litigating the Morris case, they have been contacted by numerous other West Virginia families who have suffered from the same provision. In addition, they have received inquiries from attorneys in other States who also represent clients discriminated against by the same gap in the law. It appears that in virtually all of these cases, the adopting parents are grandparents. Inquiries generally reveal that the grandparents adopted the child in order to provide him or her with a stable home environment after the child had been born out of wedlock, or into an extremely troubled or unstable home situation. Furthermore, in these cases the grandparents often become ineligible to receive public welfare for support of the child after adoption. Thus, in most cases, the only source of support for the child is the adopting parents' social security check.

It is my understanding that the key argument advanced in the course of congressional debate in defense of this discrimination is that providing benefits might encourage adoptions for the purpose of "abuse." However, in the court cases which have challenged the arbitrariness of this provision, very seldom, if ever, is a question raised as to the good faith and humane motivation of the families who have been denied benefits for their adopted children.

The Social Security Act Amendments of 1972 made very significant and progressive changes in the law covering the eligibility of a child adopted by an old-age or disability insurance beneficiary. The chairman and members of the Senate Finance Committee are to be commended for these important and needed modifications. However, the situation I have outlined still remains and, in my judgment, it should be corrected—particularly in the case of grandparents and relatives who adopt children within the family structure.

Today, I am introducing legislation to eliminate the provision of law which prevents a retired or disabled worker from securing benefits for an adopted child when the child is adopted after the workers' retirement or disability.

For the sake of adopted children—to insure their adequate care and upbringing—this legislation is needed.

Mr. President, I ask unanimous consent that the article from the Raleigh Register of Beckley, W. Va., to which I previously referred and the bill be printed at this point in the RECORD.

There being no objection, the article and bill were ordered to be printed in the RECORD, as follows:

COUNTY MAN LOSES LONG SOCIAL SECURITY BATTLE

(By Deborah Baker)

A Raleigh County man's efforts to get Social Security benefits for his adopted granddaughter—a battle which during the past six years has taken him from hearings at a local level all the way to the U.S. Supreme Court—have ended in disappointment.

The Supreme Court Thursday dismissed the case of Marion Prince Morris of Jarrolds Valley, outside of Whitesville. Morris attempted to have overturned Social Security provisions which blocked his adopted granddaughter's eligibility to be included in the disability benefits he receives.

One of the provisions he fought was repealed in amendments to the Social Security Act which went into effect Oct. 30 of last year, after the Supreme Court had accepted the case for review. Reportedly the repeal of that provision was the reason for the Court's dismissal of the case.

Morris's long struggle began when he and his wife Dora took their granddaughter Linda Gail into their home several months after her birth in March 1965. On Oct. 13, 1966, when Linda Gail was one and a half years old, the Morrises adopted her.

Morris has received Social Security disability benefits since 1957. He was injured in 1953 when a power pole he was working on as a lineman for the Princess Dorothy Coal Co. in Boone Co. snapped, falling across him and resulting in serious back and chest injuries.

When Morris applied after the adoption for child's benefits for Linda Gail, the application was denied.

Morris said he appealed the decision to Social Security twice, once in 1968 and again in 1969. The hearing examiner ruled in Morris's favor, but the decision was overturned by the Appeals Council of the Social Security Administration on the ground that the adoption of Linda Gail was not supervised by a child placement agency as defined by Social Security regulations.

(Under regulations at that time, Linda Gail as an adopted child would either have had to be living with the Morrises before he became disabled, or had her adoption supervised by a child placement agency, in order to be eligible.)

There is no licensed private child-placement agency in Raleigh County, nor is there any independent public child-placement

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agency. Linda Gail's adoption was decreed through the juvenile court, which has the statutory authority to supervise the placement of children in suitable homes. The Appeals Council, however, held that the court should not be considered a child-placement agency.

Morris then appealed the case to Federal District Court in Charleston, which ruled in his favor, saying that the regulations of Social Security as applied to the facts of Linda Gail's case were "arbitrary, restrictive, unjust and invalid."

The Secretary of Health, Education and Welfare, Elliot Richardson, (who is listed as the respondent in the Morris case) appealed that decision to the Fourth Circuit Court of Appeals, which reversed the decision of the District Court, concluding that the regulation was valid and the benefits should be denied Linda Gail.

"I just couldn't go any farther," Morris said, "and I only had 30 days to do something." Morris had been represented up to that point by former attorney P. W. Hendricks of Madison, and then by E. Lee Schlaegel Jr., also of Madison.

He was referred to the Legal Aid Society of Charleston and attorneys E. R. McClelland and Gail Falk, who appealed the decision to the U.S. Supreme Court, which agreed last year to hear the case. Their argument before the Court, which was presented last month, stated that Social Security regulations discriminated between adopted children and natural children, and discriminated against families in rural areas and other areas lacking child-placement facilities.

Social Security amendments which went into effect Oct. 30, 1972, dropped the placement agency requirement.

But under the new amendments, no adopted child can qualify for benefits as a dependent unless he or she was born and was living with the adoptive parents during the year before the wage-earner became disabled.

Since Linda Gail was not born until 1965—eight years after Morris began receiving benefits, and 12 years after he was injured—she is still not eligible.

Justice William O. Douglas was the lone dissenter from the Court's decision. He reportedly said he would have heard the argument of Morris because he could make claim to coverage under the old act.

"It's one of the most unfair things I've ever heard of," Morris said Friday. "I don't like it. I don't think I got a fair decision, but there's nobody else to rule on it."

The Morrises feel that the rules are aimed at persons who would adopt children for the additional benefits. "But we didn't take Linda Gail for the money involved," Morris added.

Morris feels that the decision "is against the Constitution—because everyone's guaranteed equal rights and that doesn't give her equal rights with other adopted children who are receiving benefits."

"I'd like to send every Senator and Congressman a letter about this" he said, "to see if they feel the law is justified. If I never got a penny out of it I'd rather like to see them change it, to help some other child."

The financing of Linda's education is the Morrises' chief concern. "I put her mother through school, 12 years, and she never missed a day," Dora Morris said. "I'm just hoping the Good Lord will let me live to put Linda Gail through high school."

Linda Gail, who will be eight in March, is a third-grader at Pettus Elementary School. A straight-A student, she is also learning to play the piano. She knew about the suit, Mrs. Morris said, but got "scared" when she was told in school Friday that a television news broadcast the night before had said she "wasn't eligible."

"I've learned to live with all the disappointments," Dora Morris concluded. "If the higher-ups can live with it, we can live without it."

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S. 1692

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) section 202(d) of the Social Security Act (as amended by section 111 of the Social Security Amendments of 1972) is amended by striking out all after paragraph (8)(C) and inserting in lieu thereof the following:

"(D)(i) was legally adopted by such individual in an adoption decreed by a court of competent jurisdiction within the United States, and

"(ii) had not attained the age of 18 before he began living with such individual."

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after December 1967 on the basis of an application filed in or after the month in which this Act is enacted except that such amendment shall not apply with respect to benefits for any month before the month in which this Act is enacted unless such application is filed before the close of the six-month period after the month in which this Act is enacted.

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By Mr. BELLMON:

S.J. Res. 101. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States, and to the direct popular election of such officers. Referred to the Committee on the Judiciary.

REFORM OF THE ELECTORAL SYSTEM

Mr. BELLMON. Mr. President, the shame of Watergate hangs heavily over the White House and the Republican Party. In a larger sense the weight of the Watergate affair should be felt by every American. For the roots of Watergate are firmly anchored in the chaotic, archaic, confusing, frustrating, expensive, exhausting, dangerous, and indirect processes by which we nominate and elect our President and Vice President.

The Watergate affair is a symptom of a greater sickness in this country's electoral system.

In a matter as serious and with such far-reaching impact as the selection of the leaders of this country, it is not just the symptom we have to treat, but the root cause.

The action of President Nixon in removing from his administration those individuals who have been implicated in the Watergate incident was, in my opinion, a courageous and perhaps overdue act that should help restore confidence of citizens of the country in their Government. Congress must move promptly to change the system which has produced not only Watergate but also unnumbered incidents of similar though lesser impact.

I regret that the President was slow in taking action, but I can understand his reluctance to move until he felt that he had the facts as to who had been involved. Congress has no excuse to delay action aimed at cleaning up our President election processes.

Apparently, the Watergate mess is about to be cleared up. However, we will not have fully lived up to our responsibilities as citizens unless we go farther and also eliminate the basic problem—a confused, complicated, and outdated system which encourages and rewards chicanery and manipulation.

Under the present system, unbearable pressures are placed on candidates and their campaign staffs to engage in the type of activity which the Watergate affair has dramatized.

The present Presidential election process is ridden with weaknesses in both the nomination and election procedures.

Let us look at the elements of the present system, beginning with the hodgepodge of State primaries.

In 1968, only 14 States held Presidential primaries. By 1972, the number had grown to 2 dozen. Each of these primaries is conducted by the State under its own set of laws and regulations. Conceivably, the day could come when not only half of the States but all 50 States would have primaries, and the result would be that our national politics would depend on 50 different and inconsistent State primary systems.

Not all State primaries produce bound delegates to the national nominating convention. In many States which do not have primaries, delegates are selected by a variety of procedures, all of which are highly vulnerable to manipulation.

In summary, I cite the following as weaknesses in our present system of nominating candidates for President:

First. One of the major ailments is the "hit and miss" method of selecting delegates to the national convention, where delegates are selected either by primaries, by the central committee, or at conventions, which gives no assurance that a candidate's true strength is adequately represented at the national convention.

Second. Since the name of the game is the search for delegates, a disproportionate amount of time is spent by the candidates in electing delegates instead of discussing and defining the issues.

Third. The present Presidential primary system magnifies the influence of some States to a disproportionate extent. For example, we are all aware of the undue influence of the New Hampshire primary because of its early date.

Fourth. But most important, there is a complete lack of uniformity in filing requirements, the significance of election results, and the proportionment of delegates in those States which have Presidential primaries.

Let me illustrate. In New Hampshire, Nebraska, and Pennsylvania, the delegates are only partially bound to the winner, usually for two convention ballots. In some of the larger and more important States—such as Ohio, Illinois, and New Jersey—the delegates are not bound at all. In the biggest State, California, a "winner take all" rule applies, wherein the winner gets all 271 delegates regardless of his margin of victory. Other States with the same provision are South Dakota, Oregon, Rhode Island, and Massachusetts. The most ludicrous practice of all occurs in Wisconsin, where there is an open primary. In that State the voters can, and often do, cross over to vote for the weakest candidate of the opposition party—the opponent they consider the easiest to defeat in the general election.



A victory in Illinois does not guarantee the candidate one delegate; whereas, a plurality in Indiana will assure a candidate that State's delegates for one ballot. A similar showing in Oregon will lock in delegates until victory or the bitter end.

Another element of our present system, the electoral college, needs to be relegated to the Smithsonian Institution along with other relics of our past.

The electoral college is a holdover from the early beginnings of representative government in this country when our national leaders were still not certain that government "by the people" would work. It came into being at a time when transportation and communications moved at mule speed; a time when educational levels were low; and a time when the bonds between Washington and the local community were all but nonexistent.

The electoral college has many faults. Here are my principal objections:

First. It has permitted the election of three Presidents who received less than their opponents in the national popular vote. In 1824, Andrew Jackson achieved a margin of more than 37,000 popular votes over John Quincy Adams, but not enough electoral votes to gain the Presidency. In 1876, Samuel J. Tilden won approximately 250,000 more popular votes than Rutherford B. Hayes, yet Mr. Hayes became President by a margin of one electoral vote. And in 1888, Grover Cleveland drew better than 90,000 more popular votes than Benjamin Harrison, yet Mr. Harrison became President. In addition, it has permitted the election of 14 "minority" Presidents, including Abraham Lincoln, James Garfield, Woodrow Wilson, Harry Truman, John Kennedy, and Richard Nixon, all of whom were elected with less than 50 percent of the vote.

The fact that these events occurred in the past is significant. But if we had an instance now in which the people of this country cast the majority of their votes for one candidate and another candidate was finally sworn in as President, I am of the opinion that that President could never function effectively, because the people of the country who voted for his opponent probably would not accept him. I feel that the situation is far more dangerous now than it was in the earlier days of our Nation's history, when there probably was less feeling and less concern on the part of our citizens about the way our Government is run.

Second. If an election is thrown into the House of Representatives because of the failure of a candidate to win a majority of electoral votes, an archaic and totally unrepresentative system gos into operation with each State having a single vote in total disregard of the population. In 1960, a shift of 4,480 popular votes from Kennedy to Nixon in Illinois and 4,491 in Missouri would have given neither man an electoral majority and would have thrown the decision into the House of Representatives. Who knows what chaos would have come as a result?

Third. There exists in the electoral system "independent" or "unpledged" electors who are not legally bound to cast their vote in the manner directed by the people. An incident of this kind occurred in my home State of Oklahoma in 1960. One of the Republican electors, who had been selected on the assumption he would cast his electoral vote for candidate Richard Nixon, actually cast his vote for Harry F. Byrd. At that time, I was serving as Republican State chairman and that was the point at which my interest in the electoral college system was first kindled. I have become more interested in this problem since that time, and especially after having served on the American Bar Association Commission which spent 2 years studying the electoral system and recommended the electoral college be abolished.

My interest in this matter was greatly furthered by the service I had as Richard Nixon's national campaign manager from August 1967 through the New Hampshire primary. The statements I am making today are partially based on that experience.

Fourth. The electoral college system tends to restrict campaign efforts to key pivotal States. With the population balance as it is today, a candidate need only to receive a simple majority of the vote in the 12 most populous States to win all the electoral votes in those States and thus, win the presidency. That means that one-third of the population can elect the President, even if the other two-thirds vote for another candidate.

Mr. President, in order to correct these and other weaknesses in our system of choosing our national leaders, drastic reforms are needed. Therefore, I am today introducing a constitutional amendment which would abolish the electoral college, and provide for a national primary and direct popular election of the President and Vice President.

This proposal is the same as one I introduced during the second session of the 92d Congress. It contains some of the same elements of Senate Joint Resolution 1 of the 91st Congress, which I cosponsored.

Briefly, here is what my proposal would do:

First. It recognizes the existence of political parties. In spite of their long and vital role, our present Constitution ignores these fundamental forces in our system.

Second. It provides for a uniform, direct, national primary election without the confusion of cross-over voting. For the first time, the voters will have direct control over party nominees. For the first time, the "one-man, one-vote" concept will apply to the presidential nominating procedures. For the first time, we would bring the presidential nominating system in line with the voting practices for most other elective offices.

Third. It creates a national runoff primary election between those two persons who receive the greatest number of votes in the primary. This insures that the presidential candidate of a political party truly represents the desires of the majority.

Fourth. It limits the presidential contest to candidates of the two political parties holding the most seats in Congress, thus eliminating the "spoiler" effect of splinter parties. The proposal does not outlaw third parties. Rather, it provides that they shall develop and mature through the capture of senatorial and congressional seats.

Fifth. Selection of the vice presidential candidate would be left to each political party after the presidential candidate has been nominated. Thus, the direct national primary would not do away with the need for a party's national convention. The convention would still be necessary for the purpose of selecting a vice presidential nominee and for writing a party platform.

But this would be done after the Presidential candidate had been chosen and he could have a choice in the procedure, which is now very difficult.

Sixth. It would require that each prospective candidate for the Presidential nomination of the party of his registered affiliation to file a petition with the seat of Government of the United States containing the signatures of qualified voters equal to one-tenth of 1 percent of the total vote cast for President in the most recent Presidential election in each of at least 30 States. This filing procedure would eliminate frivolous candidates while insuring that no serious candidate would be kept off the ballot.

Seventh. The election of the President and Vice President by direct popular vote, thus eliminating the electoral college, would be authorized. Voters in small States are given equal importance with voters in States with larger blocs of electoral votes. The direct popular election of the President from among the two nominees would guarantee that the President is elected by a true majority rule. It would give equal weight to every vote cast in the election and would encourage a candidate to give attention to every State.

Eighth. The proposal provides for the simultaneous conduct and simultaneous public announcement of election results, thus eliminating the psychological effect upon western voters who cast their votes after already knowing voting trends on the east coast.

Ninth. It provides flexibility to cope with changing conditions by authorizing Congress to establish necessary enabling legislation.

Mr. President, it is long past time for reform of our entire system of selecting our Nation's leaders. President Woodrow Wilson wrote in 1913:

> There ought never to be another presidential nominating convention; and there need never be another. Several of the states have successfully solved that difficulty with regard to the choice of their governors, and federal law can solve it in the same way with regard to the choice of presidents. The nominations should be made directly by the people at the polls.

President Nixon, in his address to the Nation Monday evening, remarked that—

> It can be very easy, under the intensive pressure of a campaign, for even well intentioned people to fall into shady tactics—to rationalize this on the grounds that what is at stake is of such importance to the nation that the end justifies the means.



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He pointed out that both of the country's major political parties have been guilty of "campaign excesses" and he urged party leaders and all citizens "to join in working toward a new set of standards, new rules, and procedures—to insure that future elections will be as nearly free of such abuses as they possibly can be made."

Mr. President, that is the purpose of the action I propose today.

Mr. President, while the attention of the country is focused on Watergate is the time for Congress to act to eliminate the complex, confusing, disorderly, destructive, easily manipulated, and excessively expensive Presidential election process. The resolution I am introducing today provides a workable method of achieving this goal. I urge that the Members of this body will give it immediate serious consideration.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 101

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after its submission to the State for ratification.

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years and, together with the Vice President, chosen for the same term, be elected as provided by this Constitution.

SEC. 2. There is hereby recognized the existence of political parties, whose membership consists of citizens voluntarily associated together for the purpose of selecting and electing candidates for political office in the United States. The two political parties with which the greatest number of Members of the Congress are affiliated are authorized to nominate candidates for President and Vice President as herein provided.

SEC. 3. The official candidates for President of political parties shall be nominated in a national primary election by direct popular vote of the qualified voters in each State who shall be eligible to vote only in the primary of the party of their registered affiliation.

SEC. 4. Congress shall provide by law the time, place, and manner for the certification of persons as candidates for nomination for President; Provided, That no person shall be a candidate for nomination for President except in the primary of the party of his registered affiliation, and his name shall be on that party's ballot in all the States if he shall have filed a petition at the seat of the Government of the United States, which petition shall be valid only if in each of thirty States he has obtained the signatures of qualified voters equal to one-tenth of 1 per centum of the total vote cast for President and Vice President in the most recent presidential election in each of those States.

SEC. 5. The person who shall have received a majority of the total number of votes cast by the voters of the party of his registered affiliation in the national primary election shall be the official candidate of such party for President throughout the United States.

SEC. 6. The Congress shall provide by law, uniform throughout the United States, for the conduct of a primary runoff election to be held in the event no person receives a majority in the primary election of his party. Such election shall be held between the two persons who received the greatest number of popular votes cast for candidates for the presidential nomination by voters of such political party in the primary election.

SEC. 7. Each political party, for which, in accordance with this article, a presidential candidate shall have been nominated, shall nominate a candidate for Vice President who shall be the official candidate of such party for Vice President throughout the United States.

SEC. 8. The President and Vice President of the United States shall be elected at a general election by direct popular vote of the qualified voters of each State. In the general election, each voter shall cost a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. The names of candidates officially nominated as herein provided, and only such names, shall appear upon the official ballot in every State for the offices of President and Vice President. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President.

SEC. 9. The places and manner of holding the primary, runoff, and general elections shall be prescribed in each State by the legislatures thereof; but the Congress may at any time by law make or alter such regulations. The time of holding and announcing the results of the primary, runoff, and general elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the time, place, and manner in which the results of the primary, runoff, and general elections shall be certified and declared. Voters in each State shall have the qualifications requisite for voters of the most numerous branch of the State legislature.

SEC. 10. In the event of the death or resignation or disqualification of the official candidate of any political party for President or Vice President, the national committee of such political party shall designate such candidate or candidates, who shall then be deemed the official candidate or candidates of such party.

SEC. 11. For the purposes of this article, the District of Columbia shall be considered as a State.

SEC. 12. The Congress shall have the power to implement and to enforce this article by appropriate legislation.

SEC. 13. This article shall take effect on the first day of January next following the date on which it is ratified.

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By Mr. HUGHES (for himself, Mr. BROCK, Mr. BAKER, Mr. CLARK, Mr. FULBRIGHT, Mr. HUMPHREY, Mr. MONDALE, Mr. NELSON, Mr. STEVENSON, and Mr. SYMINGTON):

S.J. Res. 102. Joint resolution to authorize and request the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673. Referred to the Committee on the Judiciary.

Mr. HUGHES. Mr. President, on behalf of the Senator from Tennessee (Mr. BROCK) and myself, I introduced for appropriate reference a joint resolution, which is a companion to a joint resolution being introduced in the other body by the gentleman from Iowa (Mr. CULVER), authorizing and requesting the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Father Jacques Marquette and Louis Jolliet 300 years ago.

We are pleased to be joined in sponsorship of this legislation by the Senator from Tennessee (Mr. BAKER), the Senator from Iowa (Mr. CLARK), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from Illinois (Mr. STEVENSON), and the Senator from Missouri (Mr. SYMINGTON).

Mr. President, the Mississippi River was discovered in 1673 by Marquette and Jolliet on an historic 3,000 mile journey by canoe. In order to suitably observe the 300th anniversary of the discovery, the exploration voyage is to be re-enacted in its entirety, with an eye toward explicit authenticity and historical accuracy.

Starting on May 17 at St. Ignace, Mich., eight participants in canoes will retrace the 4-month, 3,000-mile voyage across Wisconsin, down the Mississippi to the Arkansas River, back up the Illinois River to Lake Michigan, terminating at Green Bay on September 19. They will travel in replica canoes, sleep and eat on the riverbank, and wear canvas clothing and moccasins handcrafted by one of the crew members.

The voyage is being sponsored by the Mississippi River Tricentennial Committee of the Mississippi River Parkway Commission which was established by Congress to develop the Great River Road and stimulate travel along the Father of Waters.

The tricentennial observance is an extensive effort to reawaken appreciation for one of America's greatest natural resources and one of the most significant wellsprings of our cultural heritage.

Mr. President, those of us who come from the heartland of the Nation know and love this greatest of rivers—and fear it, too, at times like these when unprecedented flooding has produced such great destruction and despair. But as the waters recede, the assistance of the Federal Government and all of the State and private disaster relief agencies will help to rebuild and renew the ongoing development of the many historical, cultural, ecological, recreational, and commercial values of the Mississippi River.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 102

Whereas, June 17, 1973, marks the three-hundredth anniversary of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet; and

Whereas, the Mississippi River Tri-Centennial Committee, established by the Mississippi River Parkway Commission, is sponsoring a reenactment of the 3,000-mile voyage of Jacques Marquette and Louis Jolliet, which will take place beginning May 17, 1973, and ending September 19, 1973; and



Whereas, it is appropriate to emphasize the importance of the Mississippi River as a natural resource and as a significant source of the cultural heritage of the Nation: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized and requested to issue a proclamation designating June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet and calling upon the people of the United States to observe the tercentenary with appropriate ceremonies and activities.

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By Mr. HUMPHREY:

S.J. Res. 103. Joint resolution to direct the Secretary of Transportation to make an investigation and study of the condition and adequacy of farm-to-market roads, railroad beds, and availability of operational rail lines serving rural areas in the United States. Referred to the Committee on Commerce.

URGENT NEED FOR IMPROVED TRANSPORTATION IN AMERICA'S RURAL AREAS

Mr. HUMPHREY. Mr. President, I am today introducing legislation to direct the Secretary of Transportation to investigate the condition and adequacy of farm-to-market roads, railroad beds, and availability of operational rail lines serving rural areas in the United States.

Such a study is urgently needed because it is becoming increasingly clear that many of the roads and railroads in rural areas of the Nation are inadequate to carry the volume of produce necessary for the farmers' livelihood and for the Nation's well-being.

Let us look first at the situation of our rural roads. In the past decade production per section of land in the Middle West has shown a steady increase, but there has been no major upgrading of rural roads in this rich agricultural area. What has happened is that the roads have become woefully and totally inadequate in terms of present day tonnages that need to be hauled. Many country roads have weight restrictions—which all too often means that even empty trucks cannot be accommodated. This transportation problem is exacerbated during the spring months when the ground thaws and many country roads become too weak to stand heavy loads traversing them.

In the State of Minnesota alone, according to a recent study by the State Highway Department, thousands of miles of roads are embargoed during the critical spring months. The affected roads lead to and from 214 municipalities in my State—municipalities in the heart of the breadbasket of the world.

Right now we have signs posted on many of our country roads warning the farmers and the truckers that "this road will take only 5 tons, or 4 tons, or 6 tons."

Now, what does this mean in human terms? It means that many of our Midwestern farmers cannot load their trucks to capacity, cannot get necessary fertilizer and equipment needed for spring planting into their farms, or the heavy volume of produce out. The roads do not even begin to accommodate the size trucks in terms of either the harvested crops or the plant foods, fuel, and equipment needed to produce the crops.

What makes this problem especially urgent is that in many instances the only way we can move our commerce, particularly agriculture and rural industry products, is over roads, because our railroads have been abandoning lines either through Interstate Commerce Commission—ICC—order or by neglect. Today we have a rail service that no longer meets the requirements. We have antiquated trackage over which trains can move only at a snail's pace, or not at all. We also are faced with continuous requests of the railroads to abandon even more miles of track. There are repeated instances of this problem all throughout the Midwest. Let me give you just one example.

In Clements, Minn., the railroad was abandoned some 4 years ago. As of this date this town still does not have an all-weather road to service either the grain elevator or the fertilizer plant in the community.

Even if the railroad were still in operation, it would be physically impossible to give the kind of service necessary due to roadbed deterioration of the railroad line.

This kind of situation is not in the best public interest in terms of the security of the Nation or the economics involved—and yet it is a situation which is becoming the rule instead of the exception in the Middle West.

Due to technology we have achieved a high degree of agricultural productivity, which represents one of America's greatest strengths. Recognizing the importance of increased food production to domestic and world food needs, it is unfortunate that we are endeavoring to move this production, as well as to increase it, using a horse and buggy type transportation system.

America's midwest is the breadbasket of the world, it represents the greatest opportunity for peace and the greatest strength America has; and yet, there is no leadership being displayed, no plan, no program in terms of achieving a sound transportation system to move this ever-increasing production both economically and efficiently.

It is imperative that the Government move rapidly in terms of investigating this entire situation as well as in developing programs to correct it. Our farmers are hurting, are hurting at a time when commodities traders are prospering and food prices are reaching all time record levels.

For these reasons, I am introducing the following resolution to direct the Secretary of Transportation to investigate and study the condition and adequacy of farm to market roads and railroads serving rural areas in America. The Secretary shall report the result of the investigation to the President and to Congress no later than December 31 of this year.

Mr. President, I ask unanimous consent that the full text of my joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 103

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Secretary of Transportation shall make a full and complete investigation and study of farm to market roads, railroad beds and availability of operational rail lines serving rural areas in the United States for the purpose of determining the condition and adequacy of such roads and rail lines to carry the volume and weight of agricultural and other commodities from rural areas necessary for the Nation's economy.

(b) In carrying out such investigation and study the Secretary shall consult with appropriate State and local government officials and other appropriate experts.

SEC. 2. The Secretary shall make a report of the results of the investigation and study pursuant to this joint resolution, together with his recommendations, to the President and the Congress not later than December 31, 1973.

SEC. 3. There is authorized to be appropriated such amount as is necessary for the purpose of this joint resolution.

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## ADDITIONAL COSPONSORS OF BILLS

S. 978

At the request of Mr. EASTLAND, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 978, to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful.

S. 1123

At the request of Mr. Moss, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1123, to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes.

S. 1125

At the request of Mr. HUGHES, the Senator from Delaware (Mr. BIDEN), and the Sentor from Maine (Mr. MUSKIE) were added as cosponsors of S. 1125, to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

S. 1218

At the request of Mr. GRAVEL, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 1218, a bill to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing.

S. 1418

At the request of Mr. HATFIELD, the Senator from Missouri (Mr. SYMINGTON), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 1418, commemorating the 100th anniversary of the birth of Herbert Hoover by providing grants to the Hoover Institution on War, Revolution, and Peace.

S. 1665

At the request of Mr. GRAVEL, the Senators from Minnesota (Mr. HUMPHREY

and Mr. MONDALE) were added as cosponsors of S. 1665, a bill to terminate the Airlines Mutual Aid Agreement.

## SENATE CONCURRENT RESOLUTION 23—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT COMMITTEE ON INFORMATION AND INTELLIGENCE

(Referred to the Committee on Armed Services.)

Mr. HATHAWAY. Mr. President, I submit for appropriate reference a resolution to establish a Joint Committee on Information and Intelligence.

In advocating the establishment of a new 14-member committee, my purpose is to provide closer congressional oversight of the activities and expenditures of the CIA and all other intelligence organizations of the United States.

Those activities cost the American taxpayer whom we represent an estimated $6 to $8 billion dollars a year. Yet we know little of those expenditures or the operations they finance. We learned about the CIA, ITT, and Chile from Jack Anderson, and about CIA activities in Indochina from the "Pentagon Papers." We know more about the U.S. intelligence activities from reading the newspapers than from performing our duties as U.S. Senators. Even though we appropriate the money, we don't even know how much in public funds is spent to finance these activities since they are often hidden in the budget.

It is essential that the elected representatives of the people have the right—and perform the duty—of overseeing the activities and expenditures of the CIA and other intelligence agencies.

The joint committee I am advocating would have the power to obtain the necessary materials and testimony to allow it to make continuing studies of the activities of U.S. intelligence agencies, their expenditures and the purposes of those expenditures, problems relating to intelligence programs, and the relationship between U.S. intelligence agencies and U.S. based corporations and the impact of these relationships on U.S. foreign policy.

As the Senator from Wisconsin (Mr. PROXMIRE) has said—

> At the present time, the Congress only gives a "quick over-the-shoulder look" at intelligence activities.

Given that we are required to make detailed decisions regarding foreign policy and national security, including the commitment of material and human resources, an "over-the-shoulder look" is not enough.

It is time we maintained an effective surveillance over the surveillants we finance. I believe the committee I am advocating could provide that surveillance.

There is ample precedent for this kind of approach to congressional oversight of sensitive activities. The Atomic Energy Commission is charged with keeping the Joint Committee on Atomic Energy "fully and currently informed" with respect to activities in that highly sensitive area.

At the present time intelligence information developed by the CIA and other agencies is available only to the Executive. I believe we are entitled to share that information. We provide funds for worldwide intelligence-gathering and other undercover operations, and we should be kept informed of what this arm of our Government is doing.

At the same time, we will be strengthening our ability to discharge our constitutional responsibilities in the foreign policy field. We will not be faced again and again with the Executive saying, as was said in the ABM fight, "if you only knew what we know." We would know, and we would not be forever tagging onto Executive trains that have already left the station.

Mr. President, I ask unanimous consent that the concurrent resolution be printed in the RECORD at this point.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 23

*Resolved by the Senate (the House of Representatives concurring)*, That (a) there is hereby established a joint congressional committee to be known as the Joint Committee on Information and Intelligence (referred to in this joint resolution as the "joint committee"), to be composed of seven Members of the Senate appointed by the President of the Senate, and seven Members of the House of Representatives appointed by the Speaker of the House of Representatives. In each instance not more than four members shall be appointed from the same political party.

(b) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection.

(c) The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and the House of Representatives with each Congress, and the chairman shall be selected by the members of the joint committee from the House entitled to the chairmanship. The vice chairman shall be selected in the same manner as the chairman, except that the vice chairman shall be selected by the members of the joint committee from the House not entitled to the chairmanship.

(d) The joint committee may appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable.

(e) The joint committee is authorized to utilize the services, information, facilities, and personnel of the executive departments and establishments of the United States.

(f) The joint committee is authorized to classify information originating within the joint committee in accordance with standards used generally by the executive branch of the Federal Government for classifying restricted data or defense information.

(g) The joint committee shall keep a complete record of all committee actions, including a record of the votes on any question in which a record vote is demanded. All committee records, data, charts, and files shall be the property of the joint committee and shall be kept in the offices of the joint committee, or such other places as the joint committee may direct, under such security safeguards as the joint committee shall determine to be in the interest of national security.

(h) The joint committee may make such rules respecting its organization and procedures as it deems advisable, but no measure or recommendation shall be reported from the joint committee unless a majority of the members thereof assent.

SEC. 2. (a) The joint committee shall make continuing studies of—

(1) the activities of each information and intelligence agency of the United States,

(2) the relationships between information and intelligence agencies of the United States and United States-based corporations and the effect of such relationships on United States foreign policy and intelligence operations abroad,

(3) the problems relating to information and intelligence programs, and

(4) the problems relating to the gathering of information and intelligence affecting the national security, and its coordination and utilization by the various departments, agencies, and instrumentalities of the United States.

(b) Each information and intelligence agency of the United States shall give to the joint committee such information regarding its activities as the committee may require. Such information shall include data with respect to the amounts, purposes, and recipients of expenditures made by each such agency.

(c) As used in this joint resolution, the term "information and intelligence agency of the United States" means the United States Information Agency, the Central Intelligence Agency, and any unit within any of the executive departments or agencies of the United States conducting information or intelligence activities (including any unit within the Departments of State, Defense, Army, Navy, and Air Force, including the operation of the Federal Bureau of Investigation).

SEC. 3. (a) All bills, resolutions, and other matters in the Senate and House of Representatives relating primarily to any information and intelligence agency of the United States or its activities shall be referred to the joint committee. The joint committee shall make an annual report to both Houses of Congress and shall make such additional reports as it deems necessary in carrying out its duties. The annual report shall include recommendations with respect to matters within the jurisdiction of their respective Houses which are—

(1) referred to the joint committee, or

(2) otherwise within the jurisdiction of the joint committee.

(b) In carrying out its duties under this joint resolution, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. Subpenas may be issued over the signature of the chairman of the joint committee, or by any member designated by him, or by the joint committee, and may be served by any person designated by such chairman or member.

SEC. 4. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers signed by the chairman.



## ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 87

At the request of Mr. BARTLETT, the Senator from Nevada (Mr. BIBLE), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 87, requesting the President to begin a national program on car pooling.

## AMENDMENT OF SMALL BUSINESS ACT—AMENDMENT

AMENDMENT NO. 97

(Ordered to be printed, and to lie on the table.)

Mr. TAFT. Mr. President, today I am submitting an amendment to S. 1672, a bill to amend the Small Business Act, which would restore to a limited extent the grant through loan forgiveness program for victims of floods, hurricanes, tornadoes, and other natural disasters.

The disaster relief laws were recently amended to eliminate this assistance. As a result, the best Uncle Sam will presently do for a disaster victim whose home or business has been demolished is to give him a 5-percent loan. This is absolutely unconscionable. A 5-percent loan with no forgiveness provision is hardly adequate assistance for an elderly person trying to make ends meet on a fixed income and suddenly without adequate housing, or a low- or moderate-income family still responsible for mortgage payments on its silt-covered home.

I point this out particularly in view of the fact that I just read the message from the President of the United States on the subject of foreign aid and note that we are including in it the disaster relief assistance provisions that we have financed in the past, and which I feel sincerely we should continue to finance internationally.

It can certainly be argued that the disaster relief legislation which we passed last year to provide $5,000 grants and 1 percent loans for disaster victims, placed an excessive financial burden on the Government. I argued during the debate on that bill that these provisions were unwise, mainly because the $5,000 grants would be given irrespective of need. The same extensive Government assistance would be made available to millionaires for repairing their tennis courts, and people who were really made destitute by a disaster.

At that time, the Senate passed my amendment to base the grant amount on the recipient's last year's income. However, this amendment was not accepted by the House of Representatives. The resulting forgiveness grant program was certainly unwise; nevertheless, the answer to the inadequacies of this program is not to abolish disaster relief grants altogether.

The amendment which I am introducing today would provide a grant of 100 percent of the damage amount, up to $2,500, for those victims of Small Business Administration-declared or Presidentially declared disasters with last year's incomes of $10,000 or less. The percentage grant would drop by 4 percent for each additional $1,000 of income. Everyone could receive at least 20 percent of his damage amount, up to $2,500, as a grant. Any additional loan would be made at the present rate of 5 percent.

These provisions would apply to all disasters occurring on or after April 20, the date after which disaster grants would otherwise be unavailable.

The amendment also allows the Small Business Administration to retain its discretionary authority to refinance mortgages of substantially damaged homes for a loan amount greater than the amount of the physical loss sustained—provided that monthly mortgage payments are not lowered as a result of the refinancing—and to avoid hardship situations by suspending disaster loan payments for the lifetime of individuals and spouses who rely for support on survivor, disability, or retirement benefits. This authority is scheduled to expire on July 30, 1973. The refinancing provisions are essential to take care of low- and moderate-income disaster victims who have large outstanding mortgages or large repair bills.

My amendment would provide enough grant assistance to enable many low- and moderate-income citizens whose homes and businesses have been damaged to avoid serious hardships. Yet it would cost considerably less than the forgiveness arrangement passed last summer. The income-related forgiveness feature might also cost less than the forgiveness grant provisions of the Disaster Relief Act of 1970, which allowed up to $2,500 forgiveness, regardless of income, to victims of Presidentially declared disasters. I believe that it is both responsive to the needs of disaster victims and fiscally responsible. It should, therefore, be added by the Senate as an amendment to S. 1672.

I ask unanimous consent that the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 97

At the end of the bill add the following new section:

SEC. 4(a) The second paragraph following the numbered paragraphs of section 7(b) of the Small Business Act is amended by striking out the following:

"and prior to July 1, 1973,"

(b) Clause (D) of the second paragraph following the numbered paragraphs of section 7(b) of the Small Business Act is amended—

(1) by striking the "and" at the end of subclause (i);

(2) by striking out "July 1, 1973" in subclause (ii) and inserting in lieu thereof "April 20, 1973";

(3) by striking the period at the end of subclause (ii) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new subclause:

"(iii) with respect to a loan made in connection with a disaster occurring on or after April 20, 1973, notwithstanding the provisions of Public Law 93-24, the total amount so cancelled shall not exceed $2,500, and the per centum of the principal of the loan to be cancelled shall be reduced by four for each $1,000 by which the borrower's income exceeds $10,000, but in no case shall such per centum be less than 20. For the purpose of this subclause (iii), 'income' means—

(I) except in the case of a borrower who retires or becomes disabled in either the taxable year in which the loss or damage is sustained or the preceding taxable year, or in the case of a borrower which is a corporation, adjusted gross income, as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, for the taxable year preceding the taxable year in which the loss or damage is sustained,

(II) in the case of a borrower who retires or becomes disabled in the taxable year in which the loss or damage is sustained or in the previous taxable year, adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954, reduced by $300 for each deduction for personal exemptions allowable to the borrower under section 151 of such Code, as estimated by the Administrator for the taxable year after the taxable year in which the loss or damage is sustained, and

(III) in the case of a corporation, taxable income, as defined in section 63 of the Internal Revenue Code of 1954, for the taxable year preceding the taxable year in which the loss or damage is sustained."

## EXTENSION OF AUTHORIZATIONS OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965—AMENDMENT

AMENDMENT NO. 94

Mr. DOMENICI. Mr. President, yesterday I introduced amendment 94 to H.R. 2246, the Public Works and Economic Development Amendments of 1973. My reasons for doing so are as follows:

As reported by the Public Works Committee, H.R. 2246 extends the entire Public Works and Economic Development Act for another full year without significant modification of the basic law although the committee did reduce the authorization in the bill from $1.2 billion currently authorized to $362.5 million.

The administration proposes to terminate the Public Works and Economic Development Act and has indicated that the act's objectives can be continued under other existing or proposed programs such as the Rural Development Act and the Better Communities Act.

The amendment I intend to offer would extend all titles of the Public Works and Economic Development Act for an additional 4 months, through October 31, 1973, at the authorization level of $211 million, to give Congress time to appraise the new and proposed alternative programs—some of which are only now being received in detail by the Congress—and to do so without a gap in the authorities now vested in the EDA Act. My alternative proposal for less than a full 1-year extension would keep EDA in place during the remainder of this session of Congress but it would commit the Congress to examination without de-

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lay the new proposals for program reform, and for the return to the States and local communities of initiative and authority.

If the Senate is serious about program consolidation and eliminating duplication and waste, we ought to avoid annual extensions without change of the ongoing programs. For this reason, while I am sympathetic to the stated objectives of the committee bill and supported also the McClure substitute, I believe my proposal is superior in setting ourselves a schedule for action while preserving EDA authority during the transition.

As a member of the Public Works Economic Development Subcommittee, my position throughout consideration of this bill has been that the transition from the existing program be made in an orderly a manner as possible. This transition is crucial whether the program is eventually phased out, consolidated and relocated in other agencies or rewritten as is being proposed by the committee. The question remains, however, as to what functions of the act should be continued at this time, including those which cannot now be funded under other existing or realistically contemplated programs. Because I believe more time is needed to evaluate this transition, I think some extension of the existing law is needed beyond June 30, 1973, the cutoff date presented in the fiscal year 1974 budget.

When the committee undertook consideration of the extension bill, several of the alternative programs being proposed had not been received in detail by the Senate and implementation of the Rural Development Act of 1972—the act designated to assume the principal work of EDA—had not been completed. More information on these programs will be available to the Senate in the coming months and we can make a determination during this session as to which EDA functions need be modified, consolidated or continued. Programs which are duplicative and wasteful can be ended, those which need to coordinate more effectively with the newer programs can be modified and those which are useful and unique to the EDA Act can be continued.

In order to be consistent with the intent of this proposal as an interim measure, my amendment continues existing programs now in place without introducing new authorities as contained in the committee bill. Specifically, my amendment would retain the present 75-percent planning grants for Indians and maintain the status of eligible areas and districts as provided by current law. This is not to say that I disagree with the need for such provisions. I simply feel that changes in existing law would be difficult to implement in 4 months and in any case these measures can be made part of more permanent legislation developed in the period my amendment would provide.

The EDA authorities will end unless some extension of the act is agreed to by June 30, 1973. My amendment, while preserving EDA and the title V Regional Commissions through October 1973, would move us quickly to a study of the alternatives being proposed and enable a smooth transition to whatever future legislation is decided upon by the Congress.

I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 94

On page 3, beginning on line 16 strike the words "and not to exceed $200,000,000 for the fiscal year ending June 30, 1973." and insert in lieu thereof "and not to exceed $133,000,000 for the period from July 1, 1973, through October 31, 1973."

On page 3 beginning on line 23 strike the words "and not to exceed $50,000,000 for the fiscal year ending June 30, 1974." and insert in lieu thereof "and not to exceed $28,000,000 for the period from July 1, 1973, through October 31, 1973."

On page 4 delete Section 3 beginning on line 1, strike all through the end of line 7 and renumber succeeding sections accordingly.

On page 4, beginning on line 12, strike the words "and $12,500,000 for the fiscal year ending June 30, 1974." and insert in lieu thereof "and $8,000,000 for the period from July 1, 1973, through October 31, 1973."

On page 4, beginning on line 16, strike the words "and not to exceed $25,000,000 for the fiscal year ending June 30, 1974," and insert in lieu thereof "and not to exceed $17,000,000 for the period from July 1, 1973, through October 31, 1973."

On page 4, beginning on line 23, strike "and for the fiscal year ending June 30, 1974, to be available until expended, $75,000,000." and insert in lieu thereof "and for the period from July 1, 1973, through October 31, 1973, to be available until expended, $25,000,000."

On page 5 delete section 6 beginning on line 1 strike all through the end of line 17.

## NOTICE OF HEARINGS ON PETROLEUM PRODUCT SHORTAGES

Mr. McINTYRE. Mr. President, the Committee on Banking, Housing and Urban Affairs will commence a week of hearings on the impact of petroleum product shortages on the national economy beginning May 7 and ending May 11, 1973, at 10 a.m. each day, room 5302, Dirksen Office Building.

All persons wishing to testify should contact Mr. T. J. Oden, assistant counsel, room 5300, Dirksen Office Building: telephone 225–7391.

## NOTICE OF A HEARING ON A NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 9, 1973, at 10:30 a.m., in room 2228, Dirksen Office Building, on the following nomination:

Elliot L. Richardson, of Massachusetts, to be Attorney General.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

## ANNOUNCEMENT OF INDIAN AFFAIRS SUBCOMMITTEE HEARINGS

Mr. JACKSON. Mr. President, I would like to call attention to the fact that the Subcommittee on Indian Affairs will hold hearings on S. 1012 and S. 1339, to establish the Indian Trust Counsel Authority and for other purposes, on May 7 and 8, 1973.

The two bills are administration proposals whose major purpose is to establish an independent agency to fulfill more effectively the Federal trustee's role in the field of American Indian affairs. The Authority, in essence, will serve as a legal advocate to insure independent legal counsel and representation for the preservation and protection of the natural resource rights of the Indians.

Public and private witnesses have been invited to present testimony at the 2-day hearing.

The hearing will commence both days at 9 a.m. in room 3110 Dirksen Senate Office Building.

# ADDITIONAL STATEMENTS

## TAX RELIEF AND REFORM

Mr. PERCY. Mr. President, this morning at the opening of hearings on property tax relief and reform by the Intergovernmental Relations Subcommittee, I testified on a proposal prepared by Senator MUSKIE and me, and introduced with 10 cosponsors, to provide property tax relief to all low-income homeowners and renters. The program would operate through the State governments. Under it, the Federal Government would make grants to the States to pay half of the costs of qualifying property tax relief programs. The Federal grants would be conditional, however, on eventual reform of State and local property tax systems. States would have 4 years to implement reforms specifically stated in the bill, before losing Federal grants.

This program has many advantages. It extends to all needy homeowners and renters, regardless of age. It relies on the State governments, which have always been recognized as having the main responsibility for property taxation. It would specifically recognize and support efforts now being made by 14 States to provide programs known as circuit-breaker tax relief systems for low-income homeowners and renters. Finally, and most importantly, it links property tax relief with the requirement for reform. In my view it would be irresponsible to do otherwise. Corrupt, inefficient, antique property tax systems in the cities and States have had extremely harmful effects on land use and urban development, and can even be demonstrated to contribute in a major way to urban blight and decay. To permit these systems to remain unreformed, I believe, will weaken the objective of strengthening the fiscal responsibility of the States, which must be the keystone of any program of new federalism.

Mr. President, I ask unanimous consent that my statement on S. 1255 be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CHARLES H. PERCY

Mr. Chairman, Committee members: I am very pleased to be invited to open these hearings on S. 1255, the Property Tax Relief and Reform Act of 1973, which we introduced together on March 15, and which is now cosponsored by Senators Mathias, Bayh, Humphrey, Metcalf, Ribicoff, Tunney, Pastore, Brooke, McGovern, and Stafford.

The hearings are timely both because they address an important issue, and because we now have the benefit as well of the President's property tax relief proposal. It was presented by Secretary Shultz to the Ways and Means Committee on Monday in fulfillment of the President's promise on January 20, 1972, to recommend a program to meet the needs of homeowners and renters, and to fulfill the commitment in his speech accepting the Republican nomination "to reduce the property tax, which is such an unfair and heavy burden on the poor, the elderly, the wage earner, the farmer, and those on fixed incomes." As you know, the program announced by Secretary Shultz on Monday deals only with the needs of overburdened elderly homeowners, by providing a credit against their *Federal* taxes if property taxes exceed 5 percent of their household income. In the case of renters, real property taxes would be considered to constitute 15 percent of rent paid.

Mr. Chairman, I believe that the key issue that must be confronted squarely at the outset of our Committee's effort to create legislation providing incentives for relief and reform of local property taxes is whether or not the Federal Government does, in fact, have a role in helping change what for many, many decades has been exclusively a state and local form of taxation.

As you well know, the Advisory Commission on Intergovernmental Relations at its meetings last December voted to take the position that the Federal Government *has* no role—that the states must be entirely responsible for local tax reform. Mr. Chairman, you and I both filed dissents to that decision. I wrote that, while I believed that state and local governments must maintain primary responsibility for the administration of the property tax, the Federal Government most decidedly has a very proper role in encouraging local relief and reform.

Secretary Shultz based the Administration's program on the premise that the Federal Government had an obligation to provide relief from excessive local property taxes, at least for *some* citizens. Secretary Shultz said that "the imposition of excessive property taxes on the elderly undercuts social security and other Federal programs designed to provide retirement benefits, as well as a minimum of security for the aged."

I would go further. The imposition of excessive property taxes on *all* low-income Americans undercuts all Federal programs to provide income support for all groups in our society. But our approach to this critical problem differs from the President's in an even more important way. Our approach is based on a sharply different philosophy about the proper role of the Federal Government in the Federal/state tax structure.

Our bill makes these two key distinctions. First, we place the main burden for property tax relief for all low-income homeowners and renters on the individual *state* governments. We thus recognize that the property tax system in each state is unique and distinct from the system in any other state. We give proper recognition—and direct encouragement—to the programs of "circuit-breaker" relief *already* enacted by 14 states and those under consideration by other states. Thus, the Federal grants we provide to the states do *not* pre-empt state relief programs. Instead, I believe S. 1255 strengthens state responsibility by relying on the state governments to originate and administrate their own property tax relief and reform programs.

Second, we link the offer of relief with the *requirement* for property tax reform. I do not believe there is a more important or urgent need in local government finance today than property tax reform. The recent report of Arthur D. Little and Company commissioned by the Department of Housing and Urban Development demonstrated how shoddy property tax administration in 10 major American cities had contributed to urban blight and decay, provided disincentives to individual owners and investors to repair and restore deteriorating properties, and discouraged potential minority entrepreneurs from buying and upgrading properties in their own neighborhoods.

In brief, what A. D. Little found is that in most of the cities studied property assessments are not revised to reflect actual property values. As neighborhoods begin to decline, for many combinations of economic and social reasons, and property values and rents correspondingly drop, assessed valuations do not. Landlords receive lower and lower rents while property taxes may even increase. Soon property taxes take the lion's share of rents, leaving nothing to meet other expenses. Eventually, owners, who years earlier had brought what they considered solid investments, abandon their properties, hoping to sell them to public authorities for rights-of-way or public housing, rather than accept the huge capital losses they would realize were they to sell to potential minority buyers. At the same time, the A. D. Little study showed how property tax administration fails to reflect fully property values in the higher-income suburbs and neighborhoods. This is a tragic, needless process, and its fruits of blight and squalor mark every major American city.

Mr. Chairman, this demonstration of the urgent need for reform in major cities is echoed and confirmed by a recent report of your Intergovernmental Relations Subcommittee. The report attempted to assess, through a survey of each of the states, the extent to which states have reformed their property tax systems in the 10 years since the ACIR first recommended a series of badly needed reforms. The conclusion of the survey was that the majority of states have failed to take positive action and that the quality of property tax administration in most states is tragically bad.

Under our bill, Federal payments to the states to support their relief programs are made conditional on ultimate reform. States receiving Federal funds would lose half that support in the third year of the program and all of it in the fourth year if they failed to adopt the reforms required by the bill.

I think it would be irresponsible to provide property tax relief without at the same time requiring reform.

Providing relief without reform would simply permit the present tax systems to remain intact—systems that are at worst corrupt, at best inefficient, and usually antiquated. This would be a serious mistake. For one of the most important goals of the Federal Government in my opinion, is to encourage the development of strong local government tax-raising systems. A major goal of our bill is to encourage local fiscal self-support and responsibility by requiring reform. This is the essence of the spirit of "the New Federalism."

Mr. Chairman, it can be argued that property taxation is intrinsically a local matter and that local governments should be allowed to solve their problems for themselves. I deeply respect this viewpoint. However, I think it is possible to design, as we have tried to do, a Federal program that relies on the states to act as the agents of change and reform, with Federal encouragement and within Federal guidelines.

The property tax is under increasing attack from many quarters as costs of public services increase. Reforming the property tax can, in my view, do a great deal to reduce inequitably high rates for many property owners, and raise them for those who are unfairly exempted or underassessed.

Our bill encourages both objectives without removing basic responsibility from the states. Through a program of matching grants it provides adequate property tax relief programs for all low-income homeowners and renters. Yet it provides a strong incentive for reform by making these grants conditional on implementation—within four years—of specified property tax reforms. These reforms have been carefully considered and well studied. They are in large measure based on work of the Advisory Commission on Intergovernmental Relations, which has studied the property tax systems of the states for at least a decade. These reforms themselves should help people who are now so angry over glaringly unfair assessments, and the difficulty of obtaining access to information about their taxes and of appealing unfair assessments on their homes.

A major problem in most states is the failure of local governments to account for properties that have received, over time, exemptions from tax. The result is that many local governments do not even know the value of the property that is not being taxed. Many do not even know what those properties are. Our bill would require states to keep such records.

A recent development in Chicago relates directly to this issue. This week the City of Chicago Tax Assessor recommended to the State Legislature a bill that would place on the tax rolls properties which are owned by tax-exempt charitable organizations, but are leased to commercial enterprises. Currently, the commercial enterprise pays tax on the buildings on the property, but *not* on the value of the land. Under the proposed legislation lessees of tax-exempt land would have to pay taxes on the assessed valuation of the land as if they owned it.

Thus, for example, the Continential Illinois National Bank and Trust Company, one of the nation's great financial institutios, would, under the bill, have to pay taxes on the extremely valuable downtown land, owned by Northwestern University, on which its LaSalle Street building stands.

I strongly support this legislation. If passed, it will result in an estimated $10.3 million in additional tax revenue for Cook County. This is the kind of reform our bill would promote in all the states.

Finally, I believe that the program of grants and interest-free loans provided in titles IV and V of the bill represent an appropriate encouragement to the states to improve their property taxation systems whether they adopt relief programs or not. As the recent report of this Subcommittee on property taxation in the states showed, property tax administration in all states must be improved. In my own State of Illinois, important steps have been taken to upgrade assessment practices. And Illinois adopted last year a relief program that should do



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much to assist the poor homeowner and renter. Nonetheless, the property tax problem remains a serious one in my State and in the vast majority of other states. This bill is an effort to encourage both relief and reform in all the states, while relying on the states to achieve these goals. I think we have framed a responsible response to an extremely important problem.

## CITIES REPORT ON SOLID WASTE AND RECYCLING

Mr. MOSS. Mr. President, the National League of Cities/U.S. Conference of Mayors recently produced a very interesting document. At a time when the President has said that solid waste management is a local problem, the league was drafting a position paper—requested by the administration—which clearly shows that this problem is a national issue and that only national action will yield the kind of results needed to meet the mounting problems of solid waste.

The administration has obviously ignored the advice it sought.

Approximately 98 percent of the costs of solid waste management are borne by State and local government. The Federal Government simply is not carrying its share of the burden or encouraging general policies that would increase reuse of resources.

The report gives a clear call for action. It urges:

First. Use of solid waste as an energy source;

Second. Elimination of discrimination on freight rates for recycled materials;

Third. Elimination of tax discrimination against recycled materials;

Fourth. Requiring Federal procurement of recycled materials when possible;

Fifth. Packaging standards to decrease the volume of solid waste;

Sixth. Making resource recovery from solid waste profitable economically;

Seventh. Incorporating disposal costs into the price of products;

Eighth. Increased efforts in R. & D.

Ninth. Increased technical assistance from the Federal Government; and

Tenth. Better use of information from demonstration projects.

These are simply the highlights of the league/conference report. There are many more detailed suggestions listed in the full text.

The Resource Recycling and Conservation Act of 1973, which I introduced April 16, incorporates many of the suggestions brought forth in this report. Other legislation being drafted in Congress presently, particularly that of the chairman of the Environment Subcommittee of the Senate Commerce Committee, Senator HART, incorporates other suggestions mentioned by the cities. These are good ideas, and legislation is being developed in Congress to incorporate these ideas.

Will these legislative efforts have the help of the President? The answer appears to be "no." The refuse of society mounts as does administration rhetoric; yet on the subject of solid waste disposal, the President is virtually silent. National activities have brought about a massive problem that may be the most difficult of our pollution problems to control. What has the White House said? "This is a local problem." Therefore, Federal funds will be cut. The administration will not attempt to come up with innovative ideas by using the demonstration program grants authorized in the Resource Recovery Act of 1970. These grants, funded at a level of $30 million in fiscal year 1973, are scheduled to be cut back to $5.2 million in fiscal year 1974.

As in most environmental matters, Congress will have to take the lead. Years ago I began calling for the establishment of nondiscriminatory freight rates for recycled materials, for increased Government purchasing of recycled materials, and general policies to encourage recycling and better solid waste management practices. Earlier congressional action, particularly enactment of the Resource Recovery Act of 1970, established clear congressional leadership in this field. The people want this problem solved, and I am confident that Congress is going to be responsive to this desire.

I ask unanimous consent that the highlights of the report made by the National League of Cities/U.S. Conference of Mayors, dated May 15, 1973, be printed in the RECORD. It will be a useful reference for Congress and the public.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CITIES AND THE NATION'S DISPOSAL CRISIS

(A report of the National League of Cities and U.S. Conference of Mayors Solid Waste Management Task Force)

INTRODUCTION

The report that follows covers an intensive three-month study of solid waste issues by the National League of Cities and the United States Conference of Mayors. We have looked at municipal capability in the context of a basic Federal strategy toward comprehensive solid waste management. We have examined major issue areas, including collection and transportation, disposal and resource recovery, regulation and source reduction, financing and economic incentives, appropriate intergovernmental roles, and problems peculiar to municipal management. Within this tight time frame, we have also assessed the financial, management and technical assistance needs of the nation's cities in solid waste management.

The principle vehicle for our study has been a 14-member Task Force representing ten municipalities, three state municipal associations, and one regional council of government. This group of mayors and city administrators combine more than 150 years of direct experience with solid waste problems. The interest and participation of the Task Force were gratifying, attested by the fact that several cities sent additional representatives at their own expense to assist with the heavy work load.

HIGH PRIORITY RECOMMENDATIONS

The cities and counties of the nation are, and properly ought to be, the focal point for confronting the challenges of solid waste management. The Task Force study of municipal capability reveals a mixture of varying effort and capability levels in cities to meet those challenges. But the Task Force assessment also finds cities contending with solid waste problems which in scope and magnitude are not produced by local policies, problems whose solutions require: (1) resources and support functions that exceed the internal capability of all cities, (2) available land areas for disposal which many cities increasingly lack within their political boundaries, and (3) technology for resource recovery which has severe financing and marketing limitations on a large scale.

Furthermore, the Task Force review of solid waste issues finds direct relationships between solid waste management, especially current waste generation and disposal practices, and the larger issues of national resource conservation.

The Task Force, therefore, directs its attention to those policies and practices at the national, state and local levels which both contribute to and offer the best prospects for alleviating the following: (1) the magnitude of national solid waste problems, (2) the timing and complexity of the nation's disposal crisis, (3) the technological and economic limitations on large scale resource recovery, and (4) the cause and effect, push-pull relationships between current waste generation and disposal practices and the nation's natural resource limitations. Presented below are the steps that must be taken, at all levels of government, if we are to further upgrade municipal solid waste management, confront the nation's disposal crisis, and properly administer our natural resources.

The National League of Cities and United States Conference of Mayors Solid Waste Management Task Force specifically recommends the following:

1. Recognition that solid waste management transcends local jurisdictions and funding capabilities and that satisfactory progress toward adequate improvements will require continued Federal financial support.

The cities and counties of the nation constitute the front line for achieving effective solutions to solid waste pollutions problems and implementing a national program of resource recovery. But critical in this view is the corollary assertion that while local governments should be the focal point for optimum solid waste management, they cannot—by themselves—be the fulcrum. The Federal government has responsibility for policies that have compounded the waste disposal crisis and prevented large scale resource recovery. Federal funding levels should reflect the national dimensions of solid waste management and resource recovery.

We recommend below market interest Federal loans for resource recovery capital facilities meeting certain criteria, plus planning, training, demonstration grants. Full funding at previously authorized levels should be a minimum guideline for calculating Federal support.

2. Federal assistance to local governments to optimize productivity of collection systems.

Th fundamental fact that solid waste collection costs are—and will, :n the foreseeable future, continue to be—several times the cost of disposal, points up the critical importance of optimizing productivity of local collection. Looking at the country as a whole, improvements in municipal collection systems offer high immediate pay off. EPA's Major Technical Assistance program is demonstrating significant results in several cities and should be expanded.

Collection improvement mechanisms should include federally sponsored voluntary evaluations by interdisciplinary management teams comprised of personnel experienced and qualified in municipal solid waste management. Results of limited value derive from studies by personnel without practical experience at the municipal level.



Federal demonstration projects require better mechanisms for feedback to the cities and counties on an organized basis. R & D must be coupled with more effective means of technology transfer. A control reference library of actual performance and cost effectiveness of various methods is needed for municipal solid waste decision makers.

However, collection improvement is a short-term priority that will not deal with waste generation or ultimate disposal problems.

3. Development of major disposal, land reclamation, and resource recovery capabilities by removing barriers to interstate and intrastate transportation of municipal solid wastes.

Generation of solid waste does not recognize political boundaries, but the handling of solid waste does. Cities, particularly those whose disposal problems are affected by interstate and intrastate restrictions, stand in great need of State and Federal assistance in the reduction of solid waste transportation barriers. These barriers to interstate commerce are created by State law, are beyond local authority and jurisdiction, and are a Federal responsibility under the Constitution. There is an urgent necessity, therefore, for Federal action to remove interstate commerce barriers, to correct freight rate discrimination against solid waste and recycled materials, and to pre-empt non-importation laws.

We endorse interstate multi-jurisdictional and intrastate regional approaches to disposal and resource recovery and recommend additional State and Federal leadership in those cases where these strategies are constrained by State boundaries or regulations.

States, in consultation with local governments, must provide critically needed assistance in planning and establishing regional disposal sites.

4. Adjustment of Federal policies that negatively impact resource recovery and establishment of positive incentives to encourage maximum feasible recovery of resources from municipal and other solid waste systems.

Resource recovery will neither impact nor improve local solid waste management until it becomes profitable economically. The overriding consideration is for Federal action on policies and practices which discourage and impede the handling of solid waste or the processing, marketing, and reuse of recycled materials. These include depletion allowances and tax credits for virgin materials, higher rail freight and shipping rates for solid waste and recycled materials than for virgin materials, and procurement policies which primarily use virgin materials.

The Federal government should either reduce the negative impact of these policies with downward adjustment of depletion allowances and freight rates or it should establish subsidies in the form of investment and tax credits for increased recovery and utilization of resources. A higher priority for recycled materials in Federal, State and local government procurement policies—a multi-billion dollar market—will help initially. But in the long term, increased utilization of recycled materials in the private sector must follow.

The Federal government should sponsor an expanded demonstration program which focuses greater attention on market factors and demand pull issues for municipal resource recovery.

5. A national effort to decrease the volume of solid wastes generated in the U.S. including packaging standards.

The brunt of today's disposal costs are met neither in the market place nor in the Federal budget, but in city and county budgets. The sky-rocketing volume of solid waste is created by national economic forces that transcend local government. Unless we reduce the total volume of solid waste generated nationally, and unless market prices begin reflecting product disposal costs, local governments will continue to be over burdened with the flow and the financing of the nation's solid wastes.

A combination of government regulation and private cooperation must be used; dependance upon the latter alone has not shown enough results. Measures to restrict excessive waste production are in the national interest. Such measures need to address the recyclability and disposability of products and packaging. Packaging practices and product characteristics contributing to solid waste management or disposal problems should be regulated.

National legislation, with provision for both immediate Federal action and further study and evaluation of proposed strategies, is urgently needed. Emphasis should be given to both legislative and economic strategies that utilize positive incentives for reduced refuse growth.

6. Advancement of the state of the art on a continuing basis.

EPA demonstrations using solid waste as alternative and supplementary energy sources are important but limited step in moving toward solutions to the solid waste challenge. However, the need for further development of separation and recycling technology, and for further demonstration of new and improved solid waste management, disposal, and resource recovery systems still exists.

Economics is obviously a more critical roadblock to resource recovery than technology; nevertheless, additional technological improvements are needed. The view that a magical new process will be found to solve solid waste problems is recognized as illusory, yet we also are skeptical of the assertion that "the technology is here and it's now a matter of implementing it."

We, therefore, call for establishment of an R & D Advisory Board composed of state and local government and private sector representatives. Broader input to R & D decisions and improved communication of results are needed. But top priority for the Advisory Board would be an assessment of the focus and immediate technological impact of R & D projects, as well as overall applicability to municipal solid waste and resource recovery needs.

7. Integration of energy planning and studies to include energy recovery and transfer from solid waste.

Solid waste can and should be considered as a supplemental fuel. Recent technical breakthroughs sponsored by EPA have demonstrated some initial success in the partial replacement of coal and oil with mixed municipal refuse.

Previous Federal research on integrating solutions to the solid waste crisis with the energy crisis has not been funded at appropriate levels. Major commitments should be made to stimulate energy recovery from solid wastes.

## PRESIDENT NIXON'S ADDRESS ON THE WATERGATE SITUATION

Mr. BENNETT. Mr. President, President Nixon's address to the Nation Monday night on the Watergate situation was dramatic evidence of the seriousness of his commitment to insure that justice is served.

The President had the courage to assume ultimate responsibility for the actions of his staff, and has taken the forceful action necessary to reveal the truth and restore the confidence of the Nation in government and our political process. I fully agree with the President that this incident and the manner in which it has come to light is a demonstration of the strength of our democratic system, rather than a sign of its weakness.

Now we must get on with the business of governing and dealing with the serious domestic and international problems facing the Nation at this time. There is work to be done in the areas of foreign affairs, the economy, international trade, and other important business. These problems will not go away. The President must face them and deal with them, and it is my hope that he will now be free to carry on his awesome responsibilities in and atmosphere of trust and confidence.

## MEANY OPPOSES MFN FOR THE SOVIET UNION

Mr. RIBICOFF. Mr. President, last week President George Meany of the AFL–CIO, in his usual frank and forthright manner explained the reasons for his opposition to granting the Soviet Union most-favored-nation status and other trade concessions.

In making the case for congressional denial of MFN, Meany pointed to recent repressive Soviet actions and intensified persecution of Russian dissidents. At the same time he cited the great benefits the Soviet Union expects from the U.S.-U.S.S.R. Trade Agreement.

It is this extreme one-sidedness which has convinced so many of us in the Senate that the Soviet leadership must prove its good intentions with regard to fundamental human rights by more than mere words.

All Americans owe a debt of gratitude to Mr. Meany for describing those aspects of our trade relations with the Soviet Union which are too readily overlooked by some in their quest for quick profits. There is much more at stake here than exchanging vodka for Pepsi-Cola. The AFL–CIO and its courageous President deserve credit for making these important facts known.

I ask unanimous consent that excerpts from Mr. Meany's address of April 26, 1973, before the Congressional Medal of Honor Society's annual Patriot's Award dinner in New York City be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM GEORGE MEANY'S ADDRESS

President Nixon's visit to Moscow in May 1972 was not an innovation but a well-staged continuation of our country's historic policy of seeking friendly relations with Moscow in order to assure the maintenance of world peace. Towards this end, President Eisenhower met with Khrushchev (1955) in Geneva and had him visit the U.S. in 1959. President Kennedy's Nuclear Test Ban Treaty (1963) and President Johnson's Summit meeting with Premier Kosygin (Glassboro 1968) likewise reflected our country's earnest desire to achieve Soviet-American friendship as a foundation for lasting world peace.

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The Kremlin rulers were anxious to have President Nixon visit them last May, despite the stepped-up American bombing of North Vietnam and the mining of its principal port of Haiphong. Their strategy was to utilize the Brezhnev-Nixon Summit meeting especially for an agreement to expand Soviet-American credit and trade relations which would help the USSR overcome the inability of its collectivized agriculture to produce enough food; the failure of its boasted industrial growth to produce consumer goods in sufficient quantity or quality; and the dangerous economic imbalance resulting from technological backwardness—except in the realm of sophisticated military weapons and spacecraft.

The Soviet dictatorship can no longer hide the incapacity of its Communist system to alleviate the distressing social consequences of its faults and failings without massive help from the democratic countries—especially the U.S. This explains their present drive to secure from our country a considerable expansion of trade on a "most-favored-nation" (MFN) basis, generous credits and vast technological know-how. Soviet labor productivity was only about 40% of the U.S. level in 1971. Though the USSR has 50 million more people than the U.S. has, its consumers can get only about one-third of the goods and services available to the Americans. Furthermore, Soviet consumer goods are often shoddy and very high-priced—even when available. Refrigerators, automatic washers and dryers are practically unavailable, while radio and black and white TV sets of poor quality can be gotten only on credit terms. One has to wait 4–6 years for a car.

The Brezhnev-Nixon agreement of May 29, 1972, was a windfall for Moscow. It marked and paved the road to the USSR's securing enormous economic benefits from our country. Moreover, these gains are conducive to the development of an international atmosphere in which the Russians will find it easier to garner new political and military advantages. It provided for a Soviet-American Commercial Commission with power to negotiate an overall agreement for reciprocal most-favored-nation treatment and generous long-term credits. Thus, the USSR would enjoy the same tariff benefits as countries which now have the most-favored-nation trade agreements with the U.S. Furthermore, symbolically and politically, MFN treatment means very much for Moscow, because then even its considerable slave-labor products could enter the American market unhampered.

Our country's large-scale shipment of food and feed grains to Russia, since May 1972, have contributed largely to the big increase in the price of bread and meat for the American people. In addition, the Soviet Government has been receiving far more generous credit terms than those available to Americans trying to buy or build a home or expand a small business or medium-sized plant.

The failure of the Soviets to reciprocate for these invaluable American favors is gravely significant. The Russian government has refused to repeal its inhuman head tax against its citizens of Jewish origin seeking to emigrate. Moscow is now raising the barriers to its citizens' opportunities for freedom of contact with foreigners—a development which normally follows the expansion of trade. Since the Brezhnev-Nixon Summit, the Kremlin has tightened its repressive rule through intensified persecution of Soviet dissidents and stricter GB surveillance of the population as a whole. Despite all the trade benefits, the Soviet Government is still adamant in its opposition to any free exchange of ideas between the American and Soviet peoples.

Too many American businessmen and bankers are shortsighted when they forget that commercial relations with the USSR are not ordinary normal trade deals between buyers and sellers in the free world. The Soviet government has a total monopoly on the buying and selling of all goods and access to all raw material resources in the USSR. While American technological know-how turned over to Russia stays there and helps develop its resources, the Soviet rulers can shut off their market or natural resources at any time they see fit. The benefits of our technological help to the Russians are permanent and will sooner or later reduce Russia's need for buying from the U.S.

Expanded trade between countries does not guarantee their living in peace with each other. Britain and Germany were the top trading partners in 1914; yet, they were the principal opponents in World War I. Today, despite its eagerness to expand trade and credit relations with the U.S. and receive our technological know-how, the Soviet government forcefully and frequently stresses its determination to wage ideological and class warfare against our country and other democracies. It persists in its destructive role in Indo-China and the Middle East. Soviet warships have very recently been used for transporting Moroccan troops to bolster Syria's brazen hostility to Israel. Russia is working tirelessly—at the expense of its own consumers—to build ever stronger military and naval forces. In Europe, Asia, and everywhere else, the Kremlin seeks, by every means possible, to undermine or eliminate American influence. Last but not least,—from the days of Lenin down through Brezhnev—the Soviet Union has had a dismal record of dishonoring its international agreements.

Giving the USSR MFN treatment will not bring any real gains to the American people. There is no reason to believe that such treatment will lead the USSR to make earnest efforts for removing the causes of international tension and promoting equitable and lasting world peace.

Therefore, Congress should reject the proposed trade package (October 18, 1972) which provides for most-favored-nation status for Soviet exports to the U.S. and for the extension of large-scale credits for Russian purchase of American goods and technological know-how. Priority in granting such trade concessions should be accorded to friendly developing nations. What is more, it is most urgent that our country should, first of all, improve its economic, political, and military relations with friendly democracies and allies before even thinking of making new concessions to any aggressive dictatorship which is a potential threat to world peace and freedom.

Some of our corporations have developed a feverish interest in expanding trade with and extending credits—government guaranteed, of course—to the USSR and its satellites. These profit hungry businessmen have yet to learn that, in all Communist countries, all economic matters are completely controlled by the dictatorship. In these totalitarian countries, all economic relations are, first of all, political in character and aim.

American bankers and industrialists make a costly mistake when they think that they can do "business as usual" when they deal with Communist governments. It is false to think that in such deals "the only thing that matters is profit and competitive advantage." This practice of doing "business as usual" with the Nazi and Fascist dictatorships proved disastrous before World War II. "Business as usual" with Communist dictators will be no less disastrous. Our corporations would serve their country and even their own vital interests if they applied the following rule: The decisive consideration in commercial transactions with dictatorships is that such deals must serve the national interest of our country and its free society and not simply be concerned with making a fast buck by helping the Communist regimes bail out of their economic difficulties and thus strengthening them for further subversion and aggression.

Communist rulers never enter into any agreements on the basis of a mutuality of interests. Therefore, no credit or trade, concessions should be given to any Communist government without an adequate political quid pro quo like ceasing subversion, stop aiding and abetting the continuation of military aggression in Cambodia and Laos, dismantling the Wall of Shame in Berlin, and guaranteeing self-determination in freedom for the entire German people—as pledged by Khrushchev at the 1955 Geneva Summit Conference. Only under such conditions can trade and credits be a valuable weapon in the hands of the democracies in their dealings with the USSR and other Communist regimes, and in promoting human freedom and world peace.

There is no more monstrous myth than the notion that world peace, human well-being and freedom can be advanced by helping the Communist dictatorships overcome the severe hardships and difficulties which their policies and practices have inflicted on their people. Expanded trade with and the extension of long-term credits to Communist regimes will not help them "evolve towards democracy" or remove the sources of world tension. On the contrary, such help by the U.S. and other democracies might well enable the Communist regimes to emerge from their present difficulties strengthened for their next round of actions against the free world. This would only aggravate the cold war which they started with their seizure of Czechoslovakia in February 1948 and their fierce opposition to the Marshall Plan. And by the way, in spite of all their talk about detente they have never really stopped waging war against the democracies in one way or another.

It is in this sobering light that we must look at plans to export American technology and machinery for building a Soviet fertilizer complex and special piping to link it to seaports. It is heartening to note the strong resistance in Congress to granting unconditional most-favored-nation treatment to the Soviets. We can all be thankful to the General Accounting Office (GAO) for having brought to light the bungling of the U.S. Department of Agriculture, last summer, when it lavished approximately $300 million in needlessly subsidizing the export of wheat to the Soviet Union.

Obviously when super-politicians become super-financiers in our country, then stupidity takes over in our land. I am referring, of course, to the so-called "historic trade agreement" (October 18, 1972) between Washington and Moscow, when the latter agreed to signify its readiness to settle the $11.1 billion World War II Lend-Lease debt for a few pennies on the dollar, while our Export-Import Bank promised huge credits and most-favored-nation treatment to the USSR. This, of course, if Congress approves. But the U.S. Government Bank has already given its OK to $200 million in loans to the Soviets at a bargain rate—6%

In the face of it all, it is a great tribute to the intelligence of the American people that the euphoria, generated by politicians over the dreams of huge east-west trade and credit deals, has begun to yield to the American people's innate realism. They know that Soviet rhetoric—even when wrapped in rubles—doesn't spell detente or a good deal for America.

The American people now realize that the huge grain deal with the USSR is really only a bonanza for Moscow and a financial catastrophe for our taxpayers and consumers. All we have gotten out of this rotten deal for good American grain is the burden of subsidizing the sale and also paying for it through a jump in the cost of food. I am sure the American people will not tolerate for long their Export-Import Bank's "shovelling out loans" to the USSR at interest rates well below those prevailing in the market.



## THE ANNOUNCEMENT THAT JOHN B. CONNALLY IS JOINING THE REPUBLICAN PARTY

Mr. THURMOND. Mr. President, John B. Connally is a man of integrity and accomplishment and I want to welcome him into the Republican Party. As one who took the same step a few years ago, I can understand that he would feel more at home in the party more philosophically in keeping with his own beliefs. His record of public service at both the State and national levels is impressive and his counsel will be an asset in the Republican Party. I commend him for his decision today.

## ED WILLIAMS

Mr. CHURCH. Mr. President, on April 23, a tragic accident occurred in Hells Canyon—the deepest gorge on the American continent which separates Idaho and Oregon. A very good friend of mine, Ed Williams, was lost in a boating accident on the Snake River.

Ed ran for Congress last fall. Before that, he served as minority leader of the Idaho House of Representatives and administrative assistant to Idaho Governor Cecil Andrus, his closest friend.

Ed Williams was one of those plain-spoken individuals of whom there are not enough in government. He was never devious or deceptive.

One catches a glimpse of what Ed Williams was all about in a column which appeared recently in the Idaho Statesman, written by Bill Onweiler, a Republican representative in the Idaho Legislature.

Discussing a bill which Williams opposed, Representative Onweiler told what happened when it came to the floor:

> Eddy Williams rose and asked for the floor. He explained that he was just a stump-hopper from up north. Some of the people up there referred to him as just one of the ridge-running Williams boys. He then admitted he wasn't an expert at such matters, but he had a concern and he wanted to explain.
>
> Then, in simple American, he told it like it was. He was kind to me, but he dissected my proposition with uncanny expertise. Never once was there a four-bit word. Everybody understood him. Despite my education and municipal experience, I was being shown how little I understood the essence of the proposition before the House.

As Bill Onweiler said, Ed Williams "had the ability to cut through all the talk and voice the essence of the matter before us."

Mr. President, I will miss Ed Williams, and the people of Idaho will miss him. He was one of those individuals all too rare in these days of big government. Rather than asking the people to serve him, all he asked was to serve the people—honestly, simply, and effectively.

Before I close, I would add only one other personal note. Ed Williams was known in public life for his government service. But he had another side, that of a devoted father and family man. To his wonderful wife, Bobbie, and their three children, I can only extend my deepest sympathy.

Mr. President, I ask unanimous consent that Representative Onweiler's column from the Idaho Statesman be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

ONE OF IDAHO'S GREAT LEGISLATORS

How often we wait until a friend is gone before we confess our admiration for him. Let me tell you of a man whom I thought was one of Idaho's great legislators.

I first met Ed Williams when he was minority leader of the House and I was a freshman legislator. He was one of the leaders, and I watched him closely. He always seemed relaxed.

When one joins the legislature, it is a little like a giant billiard game with 70 balls. In the course of two-plus months, you will have several encounters with each of the other members—some make lasting impressions. If you're lucky, you even learn from the brushes and rebuffs.

My great admiration for Ed Williams grew out of two encounters with him on the floor. Of course, there were countless occasions I remember when he was part of the group, but his character, as I saw it, was indelibly impressed on me by the two following situations.

When I was a freshman legislator and filled with panaceas for urban problems, I had jockeyed one through the Local Government Committee and onto the floor. The friends I had made were patient and gave me my chance to sell it. I had worked hours developing just the argument necessary to pull the teeth of the opposition.

When the bill at last hit the floor, I rose and explained it as eloquently as I could. While my talk was too long and far too wordy, I really thought I had stopped all opposition debate.

After several other members added their comments for and against the proposition, Eddy Williams rose and asked for the floor. He explained that he was just a stump-hopper from up north. Some of the people up there referred to him as just one of the ridge-running Williams boys. He then admitted he wasn't an expert at such matters, but he had a concern and wanted to explain.

Then, in simple American, he told it like it was. He was kind to me, but he dissected my proposition with uncanny expertise. Never once, was there a four-bit word. Everyone understood him. Despite my education and municipal experience, I was being shown how little I understood the essence of the proposition before the House.

Needless to say, the bill went down. I don't remember if I received the "crow" (a sort of booby prize) or not, but I should have.

It was then I found that the minority leader had an uncanny legislative ability. He also had a deep and genuine concern for the average citizens (little people). But, most outstanding was his effectiveness as a legislator.

The second occasion was two years later. I had worked hard with other Ada County legislators to develop a bill that would allow the citizens of Ada County to form a single road and street district. Again, it was coddled through the Local Government Committee and to the floor. Paul Worthen floor-sponsored the bill.

The attack was just getting in motion. The main thrust of the opponents was that this was special legislation for just one area—Ada County. No matter what any of us from Ada County would say, we couldn't answer that accusation.

Eddy Williams rose and explained he was from Lewiston. The bill had no effect on his people or him. He was almost apologetic for having taken up our time.

Then he gave one of those unforgettable lessons in civics. He explained to the body of 70 that we were there to be concerned about the specific problems of a great number of areas in the state. One time it was the farmers—then the miners—this time it was the largest urban area in the state.

I think he even said Boise and Ada County weren't always the most loved of the cities and counties of the state, but they had a problem, and it was our (the House) duty to be concerned. As I remember, he didn't talk for or against the bill. It passed.

Eddy had the ability to cut through all the talk and voice the essence of the matter before us.

Even more important, in all the time I knew him and saw him occasionally, I never once saw him act in any way but as an ordinary person and just another legislator. In a short time, he had risen to be minority leader, but it never affected him.

My memory for the Bible isn't what it should be, but I remember somewhere it says that he who exalts himself shall be humbled, but he who is humble shall be exalted. Eddy Williams deserves to be exalted.

The river took a great toll from the Williams family, his friends and the Democratic party. It also took much from all Idahoans because Ed still had much to offer toward making this state a better place to live.

I wish I had said these things a long time ago.

## APPOINTMENT OF OUTSIDE PROSECUTOR TO HANDLE WATERGATE INVESTIGATION

Mr. BARTLETT. Mr. President, I am disappointed that the Senate yesterday passed a resolution to have the President appoint an outside prosecutor to handle the Watergate investigation. The resolution was passed by a voice vote while no more than five Senators were present to vote. In fact, the Republican Policy Committee was meeting at the time it was taken up for consideration.

The timing of the resolution was most inappropriate. The night before, the President had pledged to the American people a complete investigation of the Watergate and had authorized Secretary Elliot Richardson to hire outside counsel if he felt it was needed.

Prior to the President's speech, I expressed publicly my desire that the President use outside counsel in the investigation. I was pleased the President authorized Secretary Richardson to commission an independent investigation. I fully expect the Secretary to appoint an eminent prosecutor. But it is inappropriate and presumptuous for the legislative branch to tell him to do so.

The resolution amounts to a vote of no confidence in our judicial system, the President of the United States, and in the Attorney General.

I would have voted to oppose the resolution had there been a yes-no vote as was obviously called for under the circumstances.

## NATIONAL ADOPTION INFORMATION EXCHANGE SYSTEM

Mr. TOWER. Mr. President, yesterday, I became a cosponsor of S. 1517, which

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would establish a national adoption information exchange system.

The benefits of this bill are twofold. First, it would benefit the children who need to be placed by matching them with families who want them and are capable of caring for them. Particularly in the case of the handicapped child, the racially mixed child, and other "hard to place" children, a nationwide computer system could find loving parents for these children—parents who are capable of taking care of them and filling their special needs. Many qualified and potential parents in this country are unable, because of lack of information and a central source from which to receive it, to find children to adopt—although, in 1969, there were nearly a half million children in the United States living in child welfare institutions. If such an adoption information exchange system was available we could stop, or at least reduce, the growing black market in babies.

Second, it is possible that an adoption information exchange system would facilitate adoptions and thus give the American couple an alternative to bearing more than two children when they would like to have a larger family. It would encourage parents to adopt children instead of increasing the population.

I encourage support of this needed and worthy legislation.

## CROSS OF COAL

Mr. METCALF. Mr. President, I commend to the Senate a balanced and reasonable statement on surface mining by my colleague from Kentucky, Senator COOK.

In testimony before the Senate Interior Committee on April 30, Senator COOK argued that the deciding criterion for strip mining of coal should be whether the land can be reclaimed—and not whether the angle of slope for permissible mining should be a given degree. Paraphrasing the famous line of William Jennings Bryan, Senator COOK disputed the contention of some people that the health and welfare of the people of this Nation are being sacrificed on a "cross of coal." He asked that compassion for the plight of coal mining families in Appalachia play an important part in the deliberations of the committee on this vital issue.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MARLOW W. COOK AT HIS APPEARANCE BEFORE THE SENATE INTERIOR COMMITTEE CONCERNING THE STUDY PREPARED BY THE CEQ ON COAL SURFACE MINING AND RECLAMATION, APRIL 30, 1973

Mr. Chairman, thank you very much for the opportunity of appearing before you this morning so that I may comment on the study prepared by the Council on Environmental Quality concerning coal surface mining and reclamation. In reading the letter which the chairman of the Interior Committee forwarded to the chairman of the C.E.Q. on November 2, 1972, and in his response thereto, it is obvious that the thrust of this study is to consider the impact of surface mining on steep slopes. I have many facts and figures relating to this subject which I could include in the record, but I shall not do so as these data are in basic agreement with those contained in the report. I have no intention of clouding the facts with half truths or rhetoric.

As the study points out, mining on steep slopes is extensive in Appalachia, and it follows that the impact of slope angle prohibition on production and reserves, is greatest in that area. The report also concludes, and I concur, that in Appalachia forty-one percent and thirty percent of strippable reserves would be lost with fifteen degree and twenty degree slope angle prohibitions respectively. The report also recognizes that the loss of reserves from a slope angle prohibition represents only one percent of the Nation's total recoverable coal.

One might then easily draw the conclusion that the solution to the Nation's surface mining problem is to stop mining the coal in Appalachia. By so doing our problem would be solved with very little impact on the total energy fuel reserves of this Nation.

Such thinking would be fallacious and would lead us to a false conclusion. The one percent tonnage being denied the Nation would not be significant in overall volume. However, as this coal is low in sulphur content it is in greater demand than much of the other ninety-nine percent. In addition to the desirability of production there is the economic impact which must be considered. In some of these Appalachian areas, the people are one hundred percent dependent on mining this coal for their livelihood. There is no other industry and the only other immediate solution for these people is welfare. Even so, we must be prepared to accept this solution, if to continue to operate will result in the destruction of our land.

I have just recently overflown the coal fields in eastern and western Kentucky by helicopter and was again much distressed by the devastation of the landscape caused by uncontrolled and unregulated surface mining.

I submit that although we hear a great deal about the impact on the environment caused by surface mining areas having steep slopes, some of the greatest damage was done in relatively flat areas of my State where the slope was five degrees or less.

Mr. Chairman, I take the position that to ban the surface mining of coal on a particular piece of land because that land meets some textbook criteria concerning slope is absolutely wrong. I believe that we must prohibit the surface mining of coal in any area—flat land, moderate slope or steep slope—if that particular piece of land cannot be reclaimed. The key then is reclamation. We must insist upon adequate reclamation, and we must require the States to enforce this regulation. If the States cannot, will not, or prefer not to protect the land, then the Federal Government must take this responsibility.

Returning to the comment I made earlier concerning those people who are dependent on coal mining in Appalachia, if the land considered cannot be reclaimed, then surface mining must be prohibited and we must then provide an alternative livelihood for these people. If, on the other hand, through the diligent use of existing procedures and the application of some modern techniques which are now being developed at Berea College in Kentucky and other places throughout the Nation, we find that specific areas can be reclaimed then a permit for surface mining should be issued and these people should be permitted to earn their livelihood and preserve their dignity as American citizens.

In summary, Mr. Chairman, I believe that effective regulation of surface mining of coal is long overdue, and I intend to support any reasonable approach which will prohibit wanton and uncontrolled surface operations. On the other hand, coal is important to Kentucky, and it is also important to the Nation as an energy source of fuel, and I intend to see that the rights of the people of Kentucky and those of the Nation are protected.

I do not think it is fair to say that the health and welfare of the people of this Nation are being sacrificed on a cross of coal as some imply. It is true that in the past we have permitted our land to be destroyed by uncontrolled surface mining. It is true that until the EPA's primary emission standards are reached that the ambient air in some areas will be affected. However, it is equally true that coal has provided and can continue to provide this Nation with the energy required to reach and maintain our present standard of living with its many life saving and health giving benefits. So let's legislate wisely and be very careful not to prohibit the people of this Nation from enjoying the benefits of this natural resource. Let's solve the problems and produce our coal.

## THE WOMAN WHO MAKES "REHAB" GO

Mr. DOLE. Mr. President, I would like to express my appreciation and gratitude to a remarkable person and to the people working with her. Such a person is Mrs. Vivian Shephard, who is vitally interested in and committed to a group of very special people—the handicapped. I refer to the handicapped as special, because they have special needs, special problems, and a very special dedication to overcoming their handicaps and becoming increasingly self-reliant.

The handicapped have the dedication, the determination, and the will to do so. They rely on people like Mrs. Vivian Shephard and the extremely capable people on her staff to help give them the means to do so.

Mrs. Shephard is the executive director of the rehabilitation institute in Kansas City, Mo. The institute was formed in 1947 with its beginning in a loft above the McGee Trafficway in Kansas City, and it has developed into a national model. Vivian Shephard has been its only director.

The truly great aspect of the rehabilitation institute is its focus on people's abilities and talents, not on their handicaps. This positive focus fosters progress at its maximum.

The following article "The Woman Who Makes 'Rehab' Go" by Howard W. Turtle and Shirl Brenneke printed in the Star, March 18, 1973, describes what is taking place at the rehabilitation institute.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WOMAN WHO MAKES THE "REHAB" GO

(By Howard W. Turtle and Shirl Brenneke)

"Thelma," said the woman with the silver-gray hair, "how's the boy from Hays?"

"He's walking, he'll be home in a few weeks."

"Can he go back to school?"

"Yes, and he says he wants to. I think he will."

The questions came from Mrs. Vivian Shepherd, executive director of the Rehabilitation Institute, 3011 Baltimore Avenue. She was inquiring of Mrs. Thelma Wempe, supervisor of occupational therapy, about a young man who had suffered a broken neck.

"You have no idea," said Mrs. Shepherd, "how much it means to all of us when we hear someone's improving."

She hears it a lot these days. So do the other members of the institute's staff of 100. Of the 2,962 patients treated last year, 2,296 completed services and were dismissed and of these, 1,836 moved on to improved life situations—or an 80 per cent success record.

In job training of former unemployables, 60 per cent graduated into competitive employment. Among the others, some went into full-time homemaking.

The Institute has become one of the nation's most complete rehabilitation centers under one roof. It is regarded as a pilot in the field, visited by researchers from many parts of the world. Because of its rather formidable name, it has become known as "the Rehab" (REE-habb) or often simply "Rehab."

Mrs. Shepherd, director since the founding of the Institute in 1947, is a short, ample person approaching the time when most individuals begin to slow down. Her hair is more silver than gray, her frequent mood is laughter. She presides at a large, neat desk in sitting-room environment with airy light, a tall tropical plant, and yellow wall-to-wall carpet.

Her operation is the kind that makes sense to bankers, physicians, industrialists, sentimentalists, sociologists and philanthropists.

Last year her budget was $1,342,630. Of this, nearly two-thirds came from workshop contracts and fees paid by patients. One-third came from federal and state sources, the United Fund Campaign gift of $128,305 and private support. The tab came to an average of $472 per patient.

The woman who makes the Rehab go is seldom still for long.

"I want to show you something we're doing here," she said, and led the way out the door and through the buff-yellow corridors. We reached the therapy department and here was David Walters, the young man from Hays. Mrs. Shepherd introduced David's therapist, Miss Sue Goodwin. Miss Goodwin is like a good many others you see at the Rehab—the kind who'd make any young man want to get well. Her blonde hair falls in curls below her shoulders, and her red skirt's a mini. Sue, manipulating David's arm, was bringing a grimace to his face, and Mrs. Shepherd smiled.

"What's she doin', David, killin' you?"

"Nah," he said, "It's O.K."

Sue changed tactics. Kneeling on a raised mat, she partly opened a white plastic sleeve covering part of David's hand. David, a slender fellow in a blue sport shirt, showed how he could partly close his fist despite the sleeve that was custom-made by Sue.

"It gives him the support he needs right now,"—she explained, "but lets his fingers grip."

"Can you tell me what happened to you?" I asked David.

"I hit my head diving," he said.

"In a pool?"

"Well, in the Smoky Hill River."

"Skinny dipping?"

"No, I had my clothes on. My girl and I were out on the riverbank, and I wanted to go in. I tested and found the water wasn't deep enough for a straight-down dive, so I dived shallow. The basin was smaller than I thought, and I hit the other side. My girl pulled me out. I had been under about a minute, I guess, but I was conscious. I just couldn't move anything except my head."

After several weeks at St. Anthony's Hospital in Hays, David was brought to "Rehab."

"It took three people to lift me at that time," David said. "The only thing I could do was bend my arms at the elbow. Now I can walk, (with a crutch or a walker) and I can get out of bed, shave, brush my teeth, everything I need, and I go to the cafeteria for meals. I'll be a senior next fall at Fort Hays State—political science and economics major."

Did he get depressed?

"Gosh, they don't give you time to get depressed!"

Sue was pulling on David's fingers, spreading them farther apart. David was helping, his face reflecting the strain as he pulled to make the nerves and muscles work together.

"Does it hurt?"

"No."

"Does it make you tired?"

"Yeah, I get tired by the end of the day. But that's good. I like to feel that I'm tired. It makes you know that you've done something—it's a good feeling to see that you're making progress."

"Good luck David," we said in leaving, "you're on the right track," and David said so-long and Sue gave a little smile. We walked back to the office with Mrs. Shepherd, buoyed up a little ourselves.

Mrs. Shepherd guides the Rehab in a day that starts in her office at 7:30 a.m. and often continues to 10 p.m. She thinks her supermotivation may have started in early life, through a handicapped friend. She grew up in Jefferson City, where her father was district manager of the Singer Sewing Machine Company. One of her neighbors was Elmer Asel.

"Elmer was my age," Mrs. Shepherd explained. "We were friends. No romance, more like brother and sister—and Elmer, when he was a baby had an illness that left him deaf.

"Well, as kids growing up, I treated Elmer as just a friend, and the fact he was deaf didn't enter into it. His own parents didn't baby him, and neither did I. I refused to learn the sign language and Elmer did lip-reading. Elmer could tear apart a Model-T Ford and put it back together, and I used to watch, handing him a wrench when he needed it. He even got so he could talk a little—at least I could understand him—and I think maybe I just grew up thinking that handicapped people could do a lot of things and don't require babying. Anyway, when I grew up I wanted to help people help themselves. Maybe Elmer had something to do with it . . ."

Mrs. Shepherd (the former Vivian Davis) attended Central Missouri State College at Warrensburg and married James Shepherd, who was to become a teacher of physical education and world history until his retirement in 1970 at Paseo High School in Kansas City.

As a young wife and mother here, Mrs. Shepherd joined Mrs. George H. Gorton in the Women's Campaign to sweep the Machine out of City Hall. She was photographed with a broom on the sidewalk outside headquarters near 10th and Walnut.

"As you remember," she explained, "a school teacher's salary in those days wasn't everything that a family would want, and when my mother came to live with us, I looked for a job. I wanted a 'People' job and got some encouragement from the Missouri superintendent of schools. In 1953 I got my master's degree in counseling at the old Kansas City University, now U.M.K.C."

While she was still working toward her master's degree, Mrs. Shepherd suggested to the Health Council in Kansas City that a survey be made on rehabilitation needs. Such a program, she reasoned, would provide balanced facilities for patient care after the acute stage of illness in the hospital, and before return to active life. It ought to be cheaper, she argued, than prolonged hospital stay.

The survey, confirmed by the Jackson County Medical Society, showed a need. The Rehabilitation Institute was formed in 1947 with minimum equipment and $7,500 in the bank. Almost automatically, Vivian Shepherd was made director. Standing beside her were community leaders such as Mrs. Eleanor Jones Kemper, Oscar D. Nelson, Ray Joselyn, Nelle Dabney and others.

"Now," she smiles as she looks across her attractive office, "you know that with $7,500 you don't put on much of a posh front and you don't meet much of a payroll."

The Rehab started with a staff of four in a loft above 2700 McGee Street Trafficway. The first year 141 patients were treated at a cost of $24,000.

"I'll never forget," she laughed, "we had to do something about keeping the building clean, and at the time, I didn't know anything about maintenance, much less about janitorial supplies. So the late Searcy Ridge of Gateway Chemical came over, and I asked him some dumb questions (*I've found since that if you ask a dumb question you might get a lot of information, depending on who you ask.*) Anyway, Searcy took pity on me and he said, 'Well, Vivian, I'm going to send you over some stuff. It'll be about what you're going to need, and I'll charge you for some of it and the rest I'll just give to you.'

"And . . . well, he did, and that's about the way a lot of things have happened around here in 25 years."

Vivian Shepherd was under way, starting a warm, often humorous and virtually unstoppable account that could be used as part of a textbook on rehabilitation.

"This job," she continued, "is to bring people up to their highest level of functioning. Often it's to move them from dependence to independence—from unemployables to jobholders.

"Sometimes the job isn't the best life role for the person—maybe a return to homemaking is the goal. That homemaker, I tell you, is an important person. Now I ask you—how would you bathe a baby if you only had one arm? How would you peel an apple? That's the kind of thing we deal with. We show the mother how. We get the special gadgets she needs, sometimes make 'em ourselves, so she can function again.

"Often we help a person build his confidence. We teach him how to get out of bed . . . how to walk . . . how to talk . . . how to ask for a job . . . how to work at it . . . how to catch a bus . . .

"We are not a psychiatric center, but we *prevent* some things.

"For some individuals it's a very good level of success if we can help him maintain himself at home—dress himself, get around the house, go to the bathroom, feed himself. This releases the rest of the family to earn their own livelihood and have a good family life. I brings the handicapped person out of the back bedroom into the life of the family.

"I tell you it's a thrill when you help a little kid enter school and start to compete with the others. That's what Rehab's all about."

The director was just getting warmed up.

"We see a lot of people with a long history of failure. Many of our people are from the Inner City. Many are from elsewhere, but for some reason or another they're considered unemployable—maybe for physical reasons, emotional problems, some kind of handicap. Thank goodness all of us don't have to do the same thing. Now I ask you, how much of your entire capability do you use on your job? Not much, really. So, when we have a handicapped person, we let him know that we're going to help him find a job that he can do—a job that won't require the things that maybe he *can't* do.

"And then, we work with the family, in the patient's home. How's he going to handle the steps at work? If the job's in Kansas City, Kansas, how do you get there on a bus?

"Then we talk with the person before he goes on the job. Where's the washroom going to be? What if a couple of guys get in a



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fight? What do you do? How do you try to get along if you have a cranky supervisor? What if a guy gives you some sass? Do you sass back?"

Mrs. Shepherd and the staff have the opposite problem, involving a man who has seldom known failure but who has been stopped by a stroke.

"Now I'm telling you," she said seriously, "this is a toughie. The man wakes up in a hospital and he doesn't know how he got there. He realizes he can't move this arm, and he can't move this leg, and maybe he can't talk, and his wife is fluttering around, and the trauma is terrible, even if you have plenty of—uh—guts.

"By the time he gets out of the hospital and over to our place he may no longer be the breadwinner. Maybe his wife has had to take a job. The children have always turned to dad as invincible—but not any more.

"Listen, this does a lot of things to a man. Sometimes just being able to talk about it with some of our counselors helps him. Then, when he gets over here, he's out of the 'sick place,' into an environment where everybody's active. In a setting like ours, a patient becomes so busy, the gloom kind of gets crowded out. It's an inspiration, too, when you talk again . . . when you get out of bed by yourself . . . take the first step . . . it's progress and it feels good . . ."

We went down to Rehab's sheltered workshop. Mrs. Shepherd opened the door and we walked into a large factory-like room, well-lighted, apparently efficient. Men and women at tables and benches were busy with their hands, folding, sorting, piling. At a glance, there wasn't anything wrong with anybody.

"Well," smiled Eugene Livingston, manager, "you'll notice things after you've been here a while. See the girl out in the middle folding the big posters? Notice how she uses her hands?"

It then became apparent that the girl's finger movement was minimal. It seemed that she grasped the material with her left hand and used her right mostly as a pusher.

"How long do these people stay here?" we asked Livingston.

"Eight weeks, normally," he said. "By that time we can place a lot of them in employment. They've found out they can get to a job on time, and can work eight hours and do it every day."

We passed a young woman who was lifting olive drab strips of cloth out of a tangled bin, stacking the strips neatly. We asked what the strips were for.

"Bandoliers," she said, "for the Army. You know, out on the firing range? They wear these around their waists, for ammunition. I have to put 25 in each stack."

Livingston explained, as we moved along, that the young woman was working on a contract with Remington Arms for reconditioning the bandoliers. The work will continue for six months, involving more than a half-million bandoliers.

The Rehab's workshop has been involved with more than 100 firms in Kansas City. Jobs are bid at approximately break-even basis, and the work is usually accomplished at an expense no greater than the firm would have incurred otherwise. Handicapped trainees are paid a minimum of 40 cents an hour, $2 maximum.

"Of course," explained Livingston, "some of our people cannot actually earn their wages when they start, but the pay is part of the therapy."

"How would you like to have Gene Livingston's job?" asked Vivian Shepherd. "He doesn't know what his product's going to be, or what his work force will be, except they'll all have something wrong with them. The only thing he knows for sure is that when somebody gets any good he'll be gone!"

The workshop is a quarter-million-dollar project annually, involving something like 600 workers, 100 at a time. Those graduates who went to full-time jobs last year established an 81 percent job-retention record. The workshop, now a national model, is a development from the earliest small shop established 25 years ago at 2700 McGee Trafficway.

The Rehab has occupied two other principal locations since 2700 McGee Trafficway—31st Terrace and Robert Gillham Road and 3600 Troost—the building formerly occupied by Monkey Cleaners. The present red brick, 3-story building, a model of its kind, was occupied in 1939 at a cost of $3 million, including equipment.

We continued our tour past the electromyograph where Dr. Edward J. Novak, medical director, was testing responses of nerves and muscles . . . into the office of Mrs. Ruth Torp, administrative assistant, and Edward P. Wood, comptroller . . . past the speech and audiology department with a Ph.D. supervisor and three master's degree experts . . . to the psycho-social department with two master's degree psychologists and two social workers . . .

"You know," said Mrs. Shepherd, "I believe that the Good Lord meant for this service to become a reality, or it wouldn't have happened. Just think of the hundreds, yes, thousands, of people who've given their energies for this place. You couldn't have hired all those brains—they had to be available, free.

"Why, in the early days, we had to figure some percentages, and I wasn't so good on that, so John Miller of Spencer Chemical just figured the percentages on his slide rule . . . We've laughed about those old metal chairs we had over on Troost, but if Lynn Bauer of Crown Center hadn't given 'em to us I don't know what we'd have done—they were all we had . . . when we've had some mechanical problems, we've had advice from people like Dick Jackson of Western Electric or James Hughes of General Motors . . . you know, those are the kind of people nobody can go out and get unless you're in this kind of work . . . Steve Yeager's bulldog determination during his years as president resulted in this building we have today . . . Oscar Nelson came out of retirement and led the campaign to raise the money . . . I'll never forget the day Mrs. Russell Stover picked up the mortgage of about $3,500 on the old Monkey Cleaners building. That sure put a dramatic finish on *that* board meeting."

Mrs. Shepherd goes on with names of Kansas Citians, names of organizations, names of key individuals who are not so well known, but gives special attention to the present officers: Merrill A. Joslin, Jr , president; Robert E. Morgenthaler, George Korbelik, Robert S. O'Keefe, Mrs. Lois Cafiin, Mrs. Hilda C. Anderson, Miss Barbara Pendleton, Oscar W. Thomas, Jr., Mrs. John Manning, Ronald Youmans, M.D., past president, and chairmen, medical staff; Dr. Novak, medical director, and Dr. Richard H. Kiene, advisory board.

We asked Mrs. Shepherd if we could visit the floor where full-time patients such as David Walters stay. We found on this floor what appeared to be a model hospital, with carpeted rooms and TV sets. In one room, instruction was being given student nurses with a life-size doll. On the wall hung a poster that showed a kitten chinning itself on a bar. The kitten's eyes were popped out from the exertion and the caption read:

HANG IN THERE, BABY

Vivian Shepherd laughed as she looked at it. She's seen the poster many times, but it's meaningful. "Hang in there, Baby," is the spirit of the Rehab.

## THE BETTER COMMUNITIES ACT

Mr. HUMPHREY. Mr. President, yesterday on the floor of the Senate, I criticized the Nixon administration's 1973 versions of community development special revenue sharing—the Better Communities Act.

At that time, I noted two deficiences of the Better Communities Act. First, the lack of any meaningful Federal role in terms of policy setting or planning. And second, the reduced funding levels that would result from the legislation.

I suggested instead that the Congress should move ahead along the lines of the housing and urban development legislation that passed the Senate last year. This legislation, it seems to me, has the positive features of planning, program objectives, and funding that makes it immensely attractive communities.

Mr. President, an editorial in today's Washington Post—reinforces the points I made in my statement of April 30. Said the Post:

In this context of abdication and retreat, the Better Communities Act seems less a positive initiative than an attempt to pass the buck—to hand off to local and state officials full responsibility for the future of cities, aided by no federal standards or priorities, and no more dollars than it seems politically imperative to spend.

Mr. President, I ask unanimous consent that the Washington Post editorial, "Community Development: Reform or Retreat," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COMMUNITY DEVELOPMENT: REFORM OR RETREAT?

The administration's proposed Better Communities Act, just sent to Capitol Hill, illustrates the peculiar blend of reform and retreat which characterizes the "new federalism" propounded by President Nixon. The measure is intended to supplant such tangled programs as model cities and urban renewal, and to liberate local governments from the federal red tape, directives and delays which now confound so many community development programs. Such reforms already command wide support; indeed, a program of block grants for community development with similar aims sailed through the Senate last year, and stopped short of enactment primarily because it was incorporated in the controversial housing bill which perished en route to the House floor.

This time around, the atmosphere is less promising, for a mood of abandonment has come to dominate the administration's entire approach to urban affairs. First came the sudden suspension of housing programs and the arbitrary "termination" of a raft of categorical grant programs which the administration deemed ineffective or philosophically flawed. Then followed President Nixon's remarkable announcement that "the hour of crisis has passed" for the cities. In this context of abdication and retreat, the Better Communities Act seems less a positive initiative than an attempt to pass the buck—to hand off to local and state officials full responsibility for the future of the cities, aided by no federal standards or priorities, and no more dollars than it seems politically imperative to spend.

From the initial reaction of many mayors and governors, one might be pardoned for suspecting that the major difference between reform and retreat is the amount of federal money involved. There is some merit here, for the Better Communities Act would play two cheap tricks on the cities. First, the $2.3 billion in "special revenue-sharing" would not start to flow until July 1, 1974, requiring communities to finance their fiscal 1974 programs from funds already in the various pipelines. In some cases this would mean severe cutbacks in the interim; at best, it dictates few new starts during the coming year. Second, the administration's "needs" formula would spread the new funds so broadly that substantial grants would go to some cities and counties which have no current federal-aid programs and/or relatively little need, while some badly blighted cities would have their programs severely curtailed. The "hold harmless" guarantee offered by the administration is no real solution, for it would maintain current aid levels for only two years.

Congress will have the trying task of devising a fairer formula—and that is not the only change the legislators ought to make. In rebounding from the old approach of narrow, over-supervised grants, the administration has gone to the other extreme. The Better Communities Act contains no requirements for detailed local planning, real citizen involvement, regional coordination, or emphasis on the needs of poor people and neighborhoods. The bills advanced last year on Capitol Hill included prudent provisions which promoted local flexibility without forsaking federal safeguards or national goals. Such a middle ground should be found this year.

Overall, the absence of any federal housing policy is the most serious obstacle to the prompt reform of federal urban programs. Without housing, community development is heartless. Without knowing what federal aid for low-income and moderate-income housing might be available, cities can hardly be expected to make intelligent plans for neighborhood facilities, parks, commercial growth and the improvement of their existing housing stock. The administration has promised to produce its new housing recommendations by September, but that could effectively postpone enactment of any new urban legislation until 1974. For the cities, then, the "new federalism" seems to mean a long season of uncertainty, followed—perhaps—by some worthwhile reforms.

## OLDER AMERICANS AMENDMENTS

Mr. RIBICOFF. Mr. President, I urge the President to sign into law the older Americans comprehensive service amendments. The programs under this legislation provide valuable social services to older Americans and provide them with the opportunity to be of service to the community.

Older Americans do not want to be put on the shelf. They want a chance to be useful to themselves and others. This bill gives them that chance. It provides public service jobs to unemployed persons over age 65. It establishes a National Senior Service Corps to provide new job opportunities in a wide range of service activities for older Americans.

One of the major innovations in this legislation is the establishment of multipurpose senior centers to provide a focal point for a wide range of social and nutritional services. These services can enable senior citizens to remain active participants in their communities.

It is time to end the divisive bickering about this legislation which was vetoed in a different form by the President last year. We have worked out a compromise bill which should be acceptable to him. If we continue to argue, the only losers will be the older citizens in America.



## TRADE LEGISLATION

Mr. JAVITS. Mr. President, on May 1, Ambassador William D. Eberle, the President's Special Representative for Trade Negotiations made an outstanding address on America's policy regarding world trade before the National Press Club.

As we know, congressional consideration of the Trade Reform Act of 1973 will begin on May 9 when the House Ways and Means Committee open hearings on this bill. This legislation will be among the most important legislation before the Congress this year and its foreign policy implications are of enormous importance.

I would like to call my colleagues' attention to one section of Ambassador Eberle's speech which is of direct and immediate interest to the Congress. Ambassador Eberle pointed to President Nixon's remarks in forwarding the Trade Reform Act of 1973 where the President invited the Congress to "set up whatever mechanism it deems best for closer consultation and cooperation to insure that its views are properly represented as trade negotiations go forward."

Ambassador Eberle then stated that—

Somehow that placing of the ball on the Congressional side of the court has been largely overlooked.

It is my strong view that we should take the President up on his offer and take meaningful steps to insure that the Congress's participation in the entire range of trade policymaking is increased.

I ask unanimous consent that Ambassador Eberle's fine address entitled "World Trade: American Strategy," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WORLD TRADE: AMERICA'S STRATEGY

(Remarks of Ambassador William D. Eberle)

Mr. Lamotte, Distinguished Guests, Ladies and Gentlemen: It is a privilege to be asked to launch this new series of luncheons, and I hope you will indulge my offering congratulations on your selection of "world trade" as the first of eight major topics you will be reviewing over the coming weeks. It is a suitable subject, because trade policy and trade relations touch many people in many nations, with widespread political as well as economic ramifications.

Your chairman, the father of these "issue" luncheons discussions, has asked me to give you some news. This is not an easy assignment. As a trade policy man, I foresee changes in the world trading system which will take several years to negotiate. To accomplish these changes, as a negotiator, I see some of the hardest as well as most complicated international bargaining in which this country will have ever been involved. It is also difficult to make news when the fourth estate—at home and overseas—has already so fully analyzed what I believe to be the very foundation of the forthcoming multilateral trade talks: the President's proposed Trade Reform Act of 1973. The press has effectively illustrated a point I have long held—that trade issues always seem to have at least two sides, depending on one's perspective. If the trade bill can be accused of some ambivalence I cannot help but note the wide variety of press interpretations of it. I have read that it can and may be used as a vehicle of "brutal protectionist retaliation" to "provoke a disastrous new trade war." Yet others say it is a domestic "rip-off" in favor of the ideology of free trade. Some accounts describe it as "something to please—and displease—everyone," or "Jekyll and Hyde incarnate." A headline over the balanced and thoughtful column of one of the distinguished journalists at this table asked: "The Trade Bill: Peace with the Devil?"

Because there are so many different apprehensions, I thought I might try to take these few minutes with you to focus on some of the fundamental ideas we have and what we are trying to do.

First let me point out that at the heart of our policy is the twofold objective of trade expansion and trade reform.

We seek a more open world, because basically we believe this will provide more opportunities—in jobs and in economic well-being for more people at home and abroad than any other approach to the world economy. We seek reforms of the world trading rules and institutions, because greater opportunities cannot be realized if governments tamper indiscriminately with the forces of economic change, intervening too often to favor one interest over another, without regard to effects on third parties or on other nations' interests.

But our twofold trade objective is only part of a broader set of international objectives. We are in fact trying to reform the world economic system as a whole, with monetary reform a critical underpinning to progress in trade. And we are even beginning to explore internationally the nature of the problems in a third area of investment, and policies which affect where investment goes, and how it is used around the world.

We believe there is an overall logic to our approach to modernizing the way the world economy works. On the one hand, we have to insure that domestic economies may be managed effectively from a perspective of domestic social priorities, and yet be allowed, and indeed encouraged, to adapt on a continuing basis to the evolution of the global economy. On the other hand, we accept the need to restore order and introduce a greater degree of collective discipline in world economic relations.

The problem to be managed in seeking these objectives relates to the very high degree of economic interdependence which exists among nations today. Actions or policies in one country often have a direct effect on economic circumstances within other nations—often these effects are transmitted quickly, and sometimes disruptively to particular sectors, regions, or types of workers. In turn, this means that there are political consequences, as people feel themselves touched directly by policies or actions of other peoples in other places.

In trying to find a better system for managing this interdependence, while insuring a large degree of freedom for national governments to deal with their own social and economic problems, one cannot help but be reminded of the centuries-old philosophic debate about how to insure freedom to the individual citizen in a context of orderly communal relations. Can a citizen be free if his fellow citizens are not limited by laws from infringing upon his freedom? Is not a rule of law and the constraint of common custom the basis of individual freedom? The same kinds of questions arise in trade and one is drawn to the conclusion that real economic freedom for a nation can be found in this highly interdependent world only within a framework of international rules, procedures, and understandings which allow for alternative options by sovereign nations within acceptable guidelines.

This is important—because trade policy and world trade rules are a critical part of orderly relations among nations.

When President Nixon sent his Trade Reform Act of 1973 to Congress three weeks

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ago, he emphasized that the sweeping changes since the close of World War II had not been matched by sufficient change in the world's trading and monetary systems. The rigidity of national and international rules, practices, and institutions has put increasing stress on economic resource and financial flows. Political frictions have been generated among as well as within nations as a consequence of trade and investment distortions. This economic friction in turn threatens to pull nations apart at a time when we should be consolidating relationships and negotiating solutions to mutual political and economic difficulties.

So the President repeated in his trade message to the Congress what he had said in his address to the governors of the IMF last September, that "our common goal should be to set in place an economic structure that will help and not hinder the world's historic movement toward peace."

Even beyond these considerations, we have to recognize today that there is a growing interdependence among the policies of nations in the arenas of politics, security, and economics. To grasp the scope and degree of what is happening we need only look at the renaissance of "summitry". We need only remind ourselves of the tremendous range of issues coming to a head at the same time historically—the Strategic Arms Limitations Talks (SALT II); the discussions on Mutual and Balanced Force Reductions (MBFR); the Conference on Security and Cooperation in Europe (CSCE); the call for new forms of cooperation in dealing with the world energy crisis; international cooperation to bring stability and lasting peace to Indochina; and a string of conferences in the UN and elsewhere on law of the sea, the deep-sea bed, the use and control of natural resources and ecological balance.

The world economic talks—on monetary, trade, investment, development assistance, and other issues—are parallel efforts in this broad engagement of political forces to develop a more orderly means of resolving international problems on the basis of mutual advantage. The economic talks are a major element in this country's effort to develop an international order which serves the economic needs of nations while improving the arrangements and incentives for cooperation, so that economic relations can strengthen political ties and stabilize security relationships.

Henry Kissinger's historic speech last week on "The Year of Europe" emphasized this when he said, "It is the responsibility of national leaders to ensure that economic negotiations serve larger political purposes . . . Economic rivalry, if carried on without restraint, will in the end damage other relationships.

"The United States intends to adopt a broad political approach that does justice to our overriding political interest in an open and balanced trading order . . . We see these negotiations not as a test of strength, but as a test of joint statesmanship."

Thus, the Administration does not use lightly the phrase "era of negotiation." The President's openings to Moscow and Peking, his meetings with the Prime Minister of Japan and European leaders, his forthcoming European visits, indeed his message to Congress accompanying the trade bill, all leave little room for misinterpretation. In the words of the trade message:

"The world is embarked today on a profound and historic movement away from confrontation and toward negotiation in resolving international differences. Increasingly in recent years, countries have come to see that the best way of advancing their own interests is by expanding peaceful contacts with other peoples. We have thus begun to erect a durable structure of peace in the world from which all nations can benefit and in which all nations have a stake."

Movement on this historic course will have to be gained at the highest political levels. But that has already been recognized by leaders of many countries as is evidenced for example by the communique of the October 1972 Summit conference of European leaders. President Pompidou in particular, noted this need when he called, in December of last year, for political leadership to provide a framework within which the trade and monetary experts might conduct their negotiations. Thus, it is noteworthy that the themes stressing the broad international relationships and the role of economic talks in those broad relationships, are in sympathy with a mood felt at high levels in many capitals. They are responses to overtures from others, and not just shots in the dark. This overall recognition poses a surprise only for those who have not followed the evolution in this and other nations as evidenced by these international declarations in the last two years, and for those who prefer to believe that there is no policy, and no international mood of cooperation at the political level.

We need now, however, a further firm political commitment to the better world order we seek. We therefore must, at high levels of government, consider with our foreign partners what the framework of political commitment should be. What are the objectives and principles which should guide our political relations and our negotiators' efforts in particular fields? That is a big question—posing an historic challenge for the world's leaders. It is especially a challenge for the leaders of three great economic powers of the world who influence by their actions so much of what happens in the world today: the European Community, Japan and the United States.

Let me then turn to the specific problems of trade, in this broader framework. To build the better world economic structure which the President has called for, is not an easy task. Those who have special situations never like to have them altered. The political entrenchments are sometimes unbelievably resistant to change. However right the course we have chosen may be—and I think it is the right course—it will not always be easy to move ourselves and the world along this path.

The field of trade is especially characterized by political rigidities, ideologies, and pockets of special treatment. To achieve a more open and reformed world trade system, we have to have the ability to encourage change, and to prod it where the incentives to move are not enough. We need to create incentives for a more open and world marketplace and be able when necessary, to pose disincentives to unfair or illegal policies, and to practices which obstruct desired changes. This need to dislodge some of the most resistant forces—to negotiate in the hard core areas where change could never have been achieved in past international negotiations—is the reason why we have had to seek legislative authorities which create both incentives and penalties. It is only if you set aside our broad philosophic objectives that you can easily attack specific parts of our legislative proposals as too protectionist or too liberal. To give us the leverage we need to negotiate effectively we have asked Congress to pass legislation. Many of our trading partners already have negotiating power comparable to or more extensive than that which we are seeking. In fact we are at present much more constrained in what we can do internationally than other major trading nations—which is hardly a good basis from which to negotiate.

But negotiating authority is not enough. We also need the ability to manage effectively our day-to-day trade problems, and our domestic reactions to them, whether they be temporarily restrictive or liberalizing in effect. We need to be able to deal expeditiously with unfair or illegal practices—so that these are less likely to occur.

We also need to be able to open the international trading system on a global basis, to broaden the areas of economic opportunity, as well as to broaden the base of common economic interests in a stable world order. To bring more countries into the new world order, and to provide us with greater direct interests in the course of their economic evolution, we are requesting authorities to establish new trading relations with the Soviet Union and other non-market countries. We are also requesting authorities to provide new lower tariff incentives for developing nations to join in the process of growth of world trade.

But these three basic objectives—negotiating flexibility, management authority for day-to-day problems, and new openings for relations with more countries—have been described as a demand for "broad, sweeping, unprecedented authority without limit." Some accounts suggest that the President has asked the legislative branch of government not only to abdicate its trade powers, but guillotine itself as well.

We don't agree with that analysis and we don't agree for two reasons. First, compare the authorities granted by the Congress to the President in the Trade Expansion Act of 1962 (TEA) to those requested in the pending Trade Reform Act of 1973 (TRA). Let me highlight some points of that comparison. . . . The negotiating powers we seek to lower or restructure tariffs must be subject to negotiation and international agreement. Since tariffs are generally low in the U.S. (averaging 8 percent now), and often there is no tariff at all, the power to change drastically or affect trade through tariff reductions is already circumscribed by the point from where we start. We have emphasized that the results would be phased over five years or more. There will be Tariff Commission hearings. Executive Branch hearings, and extensive consultations with interested parties. How unlimited is all of that?

The TEA authorities were similar, except that then higher tariffs could be lowered by 50 percent in all cases, and to zero on any item for which the U.S. and the European Community combined accounted for 80 percent of world exports—and the phasing of reductions was just five years and no more.

Under the TEA we also had authority to increase tariffs; in fact to 50 percent over the 1934 rates—a level so high as to effectively be unlimited. In our bill we have not specified an upper limit, but there is no intent to increase many tariffs, or to increase any one if very much. Remember, our partners' agreement is necessary to any hikes under this authority.

The request to negotiate on non-tariff barriers does not change existing authority to negotiate and seek Senate treaty approval, Congressional passage of enabling statutes, or utilize existing Presidential authorities whatever they may be. But, we are seeking a new optional procedure which is designed not only to make our negotiating efforts more credible abroad, and less suspect at home, but also to give Congress an extensive and appropriate role. The new non-tariff barrier procedures we propose involve changes which require agreement of our trading partners, and advance notice to the Congress 90 days before concluding any agreements, so that Congress can express its views before commitments are made. We are also providing in many cases a subsequent period of time for Congress to overturn agreements if that should prove politically necessary to the Congress.

The import relief measures we are proposing are different in degree from what was in the TEA—but the approach is very similar, and is related to the nature of the injury or threat of injury involved in the specific case. There is greater flexibility to respond to disruptive problems—but more factors to be weighed and a greater stress on the need for change through limits on duration of relief and through the requirement that levels of special protection be phased down over the temporary period of relief. The President had in the TEA discretion to invoke measures he determined necessary in such cases.

The proposed powers to retaliate are a redrafted and simplified version of retaliatory powers in the TEA. True, there is more in the new proposals, but this is designed to meet problems of third country competition—not foreseen in past years, and to make the powers intended in the past more usable.

I repeat what I already said—our trading partners in most cases already have these or similar powers—and more. Their forms of government in fact provide far greater flexibility than ours ever can have—or needs. It is a matter for us of choosing the right balance of authority, from our own national interest point of view. We believe we have done that in our proposed legislation.

But there is a second reason why the characterizations of unprecedented, unlimited authority are off base. If there is a blank check somewhere, it is in the President's Trade Message, in his invitation to the Congress to increase its participation in the entire range of trade policy-making and negotiation. The President said, "Just as we have consulted closely with the Congress in shaping this legislation, so the Executive Branch will consult closely with the Congress in exercising any negotiating authorities it receives. I invite the Congress to set up whatever mechanism it deems best for closer consultation and cooperation to ensure that its views are properly represented as trade negotiations go forward."

Somehow that placing of the ball on the Congressional side of the court has been largely overlooked.

Taking all of this into account, and the central role international negotiation at many levels plays in our thinking, you can see how complex the task of coming months is going to be. We think we have the apparatus, and the people, and the ideas, and the will to manage it, to help set the world on a better course. We believe other nations accept that fact, at the political level. We have joined in written undertakings with the European Community and Japan, in the aftermath of the Smithsonian Agreement of December, 1971, to negotiate "on the basis of mutual advantage and mutual commitment with overall reciprocity," —Mutual advantage, so that all are winners. —Mutual commitment, so that all play by the same rules in the future. —Overall reciprocity, so that an overall balance of advantage can be struck for each country, enabling the political changes that are necessary.

I go back then to my main theme, which I believe is shared in other capitals, in spite of comments from those who do not see the painting of the big picture in recent months. That theme is that the forthcoming trade negotiations, along with and supported by the monetary reform talks, are key to a wider range of international harmony.

We are aiming at a truly global undertaking. Some of you have referred to it as the Nixon Round. I am not sure that is exactly what suits the process we envisage—for while President Nixon has put his weight behind it, so have other leaders of the world. It is necessarily a work of what Henry Kissinger describes as "joint statesmanship." We have been looking for a better, more creative name. I expect that the process will be started in September by a Tokyo Declaration, since that is the city where ministers of negotiating countries plan to meet for a few days to launch the global talks. It may be that a set of principles and objectives can be embodied in the so-called Atlantic Charter Dr. Kissinger has suggested. Beyond that, we have not come up with the right name for the negotiating process. In the bureaucracy, it is known simply as the MTN (Multilateral Trade Negotiations).

But whatever name we give this common undertaking, we must remember it is just that, a joint effort, in search of a better world order.

I conclude with the President's words, "This structure of peace cannot be strong . . . unless it encompasses international economic affairs. Our progress toward world peace and stability can be significantly undermined by economic conflicts which breed political tensions and weaken security ties. It is imperative, therefore, that we promptly turn our negotiating efforts to the task of resolving problems in the economic arena."



## TESTIMONY OF MINNESOTA GOVERNOR, WENDELL ANDERSON, ON PROPERTY TAX RELIEF

Mr. HUMPHREY. Mr. President, the Intergovernmental Relations Subcommittee of the Government Operations Committee today began hearings on the Property Tax Relief and Reform Act of 1973.

I am a cosponsor of that proposed legislation. The legislation would provide property tax relief for those persons suffering the heaviest burden from the property tax, it would strengthen the ability of State and local governments to raise their own revenues, and it would encourage the reform of property tax administration.

Mr. President, the bill now before Senate hearings is an outgrowth of efforts, by myself, the chairman of the Subcommittee on Intergovernmental Relations, (Mr. MUSKIE) and the Senator from Illinois (Mr. PERCY) during last year's Senate debate on revenue sharing to begin a Federal study of the property tax.

Mr. President, the Governor of my home State of Minnesota, Wendall Anderson, was the first witness before the Subcommittee on Intergovernmental Relations.

I believe that our State has an admirable record in the equalizing of the property tax burden. Governor Anderson is to be commended for his leadership on this front.

The Governor has directed a massive redesign of the property tax and school financing system in our State. Today, the State provides about 70 percent of the current operating cost of local schools. What we have done in Minnesota is to shift the financing of education from the property tax to revenues available to the State—the income and sales taxes.

At the same, the amount of funds going from the State to local communities was increased so that municipal property taxes on residents could be reduced. The results: Property taxes in Minnesota declined—that is right—declined by an average of 11.5 percent.

Mr. President, and, I am certain that all the cosponsors of the Property Tax Relief and Reform Act are proud to have Governor Anderson's endorsement of this legislation.

Said the Governor:

I support the basic approach . . . combining state and federal action to deal with the problems of property tax. The federal role is to encourage and aid state government.

The responsibility for action, however, is at the state and local level, where I believe it properly belongs.

Mr. President, I ask unanimous consent that Governor Anderson's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GOV. WENDELL R. ANDERSON, BEFORE THE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS, MAY 2, 1973

I appreciate the opportunity to testify today on the Property Tax Relief and Reform Act introduced by Senator Muskie and cosponsored by seven other Senators. I am pleased that one of those seven is Minnesota's Senator Humphrey.

I support the basic approach that Senator Muskie is taking in this bill—combined state and federal action to deal with the problems of the property tax. The federal role is to encourage and aid state governments. The responsibility for action, however, is at the state and local level, where I believe it properly belongs.

State governments must have such encouragement and assistance in order to correct a situation that has become almost a national scandal, our heavy reliance on the property tax to finance local government services, especially education.

First, the property tax places a shameful burden on low income individuals, especially the elderly. Second, the local nature of property taxes creates a great disparity in educational opportunity for our nation's children, both within states and among states, wherever there is heavy use of property taxation at the local level to support education. That is almost everywhere in the United States.

In Minnesota, as I will explain in a moment, we have taken action to begin to eliminate this disparity. Some other states have also begun to address it. But much more remains to be done.

Why is property tax relief and reform such a pressing issue? Mainly because the local property tax raises more public funds in the United States than any other tax except the Federal individual income tax.

Recently, I served as one of eight special advisors for an extensive study of school financing carried out at the President's request by the Advisory Commission on Intergovernmental Relations. This study shows that, nationally, property tax yields are estimated to be about $45 billion in 1973. This is second only to the Federal individual income tax as a source of revenue, bigger than the sales tax, bigger than the corporation income tax.

The property tax accounts for about two-fifths of all State and local tax collections. Nearly 85 percent of local tax dollars come from the property tax. School districts, for example, rely on the property tax for about 98 percent of their tax revenue. This requires a lot of money to be raised from a tax which has the faults of the property tax.

One of these faults, according to the ACIR's data, is the shameful way in which property taxes place their burden on those least able to pay. Nationally, property taxes on homes claim an average of 17 percent of the annual income of our poorest families. At an income of 3 to 4 thousand dollars per year, the tax takes nearly 8 percent. The highly regressive nature of this tax stands out in this survey. When your income reaches 10 to 15,000 dollars, the property tax falls to about 3.7 percent of your income; for incomes over $25 thousand, about 2.9 percent. This tax takes over five times as great a bite, percentagewise, from the lowest income individuals as from the highest. For those who haven't seen these figures in the ACIR report *Financing Schools and Property Tax Relief—A State Responsibility*, I have included some data from this report.

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REAL ESTATE TAXES AS A PERCENTAGE OF FAMILY INCOME, OWNER-OCCUPIED SINGLE-FAMILY HOMES, BY INCOME CLASS AND BY REGION, 1970

| Family income | United States total | Northeast region | North-central region | South region | West region | Percentage distribution: Number (thousands) | Percentage distribution: Percent district |
|---|---|---|---|---|---|---|---|
| Less than $2,000 | 16.6 | 30.8 | 18.0 | 8.2 | 22.9 | 1,718.8 | 5.5 |
| $2,000 to $2,500 | 9.7 | 15.7 | 9.8 | 5.2 | 12.5 | 1,288.7 | 9.7 |
| $3,000 to $3,500 | 7.7 | 13.1 | 7.7 | 4.3 | 8.7 | 1,397.8 | 14.1 |
| $4,000 to $4,999 | 6.4 | 9.8 | 6.7 | 3.4 | 8.0 | 1,342.8 | 13.5 |
| $5,000 to $5,999 | 5.5 | 9.3 | 5.7 | 2.9 | 6.5 | 1,365.1 | 22.8 |
| $6,000 to $6,999 | 4.7 | 7.1 | 4.9 | 2.5 | 5.9 | 1,530.1 | 27.8 |
| $7,000 to $7,999 | 4.2 | 6.2 | 4.2 | 2.2 | 5.0 | 5,377.4 | 45.0 |
| $10,000 to $14,999 | 3.7 | 5.3 | 3.6 | 2.0 | 4.0 | 8,910.3 | 73.6 |
| $15,000 to $24,999 | 3.3 | 4.6 | 3.1 | 2.0 | 3.4 | 6,365.6 | 94.0 |
| $25,000 or more | 2.9 | 3.9 | 2.7 | 1.7 | 2.9 | 1,876.9 | 106.0 |
| All incomes | 4.9 | 6.9 | 5.1 | 2.9 | 5.4 | 31,144.7 | |

Source: Advisory Commission on Intergovernmental Relations Financing Schools and Property Tax Relief—A State Responsibility, Washington, D.C. January 1973.

For the elderly, the picture is just as unfair. Nationally, real estate taxes on elderly homeowners take about 16 percent at the lowest income level. This is more shocking when you consider that, according to the same survey, one out of five homeowners over 65 are in this income class. The property tax takes about 8 percent of incomes of senior citizens between 3 and 4 thousand dollars, 6.2 percent for incomes of 5 to 6 thousand dollars. According to the same survey, nearly two-thirds of elderly homeowners had incomes under this level of 6 thousand dollars.

These figures understate the burden for some of our low income people. These figures are averages. Therefore, the burden is even higher for some even more unfortunate people, those above the average.

So the property tax does not raise revenues according to ability to pay. That is clearly a major weakness in the second largest tax source of public funds in the nation.

The second major fault of the property tax is the great disparity from one taxing district to another in the financial resources on which the property tax is based. The Rodriquez school finance case is a clear illustration. We're all familiar with this. Mr. Rodriquez is a Mexican-American from Texas. He has 3 or 4 children. They want to go to school and be doctors or lawyers or dentists. One wants to be a priest.

The problem is that Mr. Rodriquez lives in a predominantly Mexican-American district. They have very modest little homes where the property taxes are almost confiscatory. Yet they raised only $26 per year per student from those taxes. Across town in the affluent part of the area, real estate taxes are modest. But they could raise $500 or $600 per student. Mr. Rodriquez knew that unless he could do something to crack that system, his children would not get the education they need. The schools would not be good enough. His children could not become lawyers or doctors or dentists.

Well, Mr. Rodriguez went to court on grounds that this sort of unequal opportunity is unconstitutional. The Texas courts agreed with him. Unfortunately, the United States Supreme Court, in a close 5 to 4 decision, disagreed with Mr. Rodriguez. It therefore may be impossible to claim that this unequal opportunity goes against the U.S. Constitution. I will say, however, that it is clearly unfair to limit opportunity for young people because of local limitations in public resources. When you are well off, you can move or find an alternative school for your children. But Mr. Rodriguez and a lot of other people are poor. They can't afford to do either one.

No wonder that the local property tax is so unpopular. With this degree of regressiveness and inequity, it is rightly considered the most unfair of our major taxes.

There are other bad features of the property tax. Poor administration is one problem. Studies show significant variation in the valuation of property for tax purposes. Homes of equal market value are often assessed at quite different values. Thus, two individuals with the same income and the same value home in the same jurisdiction may pay considerably different valuations by the local assessors.

Property taxes also compound the problem of providing adequate housing for low and moderate income families. Communities want families and housing that they feel increase their tax base by more than expected costs. Zoning ordinances are used to keep out inexpensive housing and allow only the more affluent. This raises the cost of housing. It limits the range of alternative areas from which low and moderate income families can choose a place to live. The pressure increases the difference in resources between districts and therefore it also continues the disparities which exist in local government services, especially education.

Our property tax system also increases the difficulties in guiding development and land use. Industry wants to go where property taxes are already low. Municipalities want commercial and industrial development to contribute to their tax base. The result may be uneconomic from a larger view. But, businessmen can't be faulted for seeking to lessen their costs. And the competition for high value development by municipalities is understandable. Rich districts with lower taxes get more industries and become even richer. Poor districts become relatively poorer. And so we end up with tax enclaves, scattered development, industry where we really don't want it. For example, we have a coal burning power plant sitting along the St. Croix River, one of the most beautiful rivers in the country. It's done a lot for the tax base of one municipality. But what is it going to do to that magnificent river valley?

We faced all of these problems in Minnesota. Property taxes had grown steadily from $123 per capita in 1960 to $200 in 1970—an average annual percentage increase of 6 percent over the ten years. Total net property taxes in Minnesota increased 15 percent from 1969 to 1970 and 20 percent from 1970 to 1971, or well over a third in just two years.

We had a study done in 1970 on the whole property tax situation. It documented what we already knew about the level of the tax compared to incomes, and about the regressiveness of the property tax among homeowners.

The tax bite averaged over 3 percent of income in nearly a quarter of municipalities with over 2,500 population. And these figures are for 1968, prior to those 15 and 20 percent increases in total collections.

This study also showed that property taxes were four times as burdensome on incomes of $2,000 as on incomes of $20,000. The following tabel shows how regressive the taxes were in terms of percentage of income at different income levels.

Income group:

| Income group: | Property tax percent of income |
|---|---|
| $2,000 | 6.2 |
| $4,000 | 4.1 |
| $6,000 | 3.2 |
| $8,000 | 2.7 |
| $10,000 | 2.4 |
| $14,000 | 1.9 |
| $18,000 | 1.7 |
| $20,000 | 1.6 |

Source: Report to the Governor's Minnesota Property Tax Study Advisory Committee, November 1970.

The difference in burden is also documented by data prepared in 1971 by my Council of Economic Advisors. They used data from the 1968 study and compared housing values and incomes at different income levels.

| Income class | Mean housing value | Ratio, housing value to income |
|---|---|---|
| $2,000 | 12,900 | 6.45 |
| $4,000 | 12,900 | 3.23 |
| $6,000 | 13,000 | 2.17 |
| $8,000 | 13,500 | 1.69 |
| $10,000 | 15,500 | 1.55 |
| $14,000 | 18,300 | 1.31 |
| $18,000 | 22,000 | 1.22 |
| $20,000 | 23,000 | 1.15 |

Source: Unpublished data prepared by the Minnesota Council of Economic Advisers.

The poorer you are, the greater the value of your home when compared to your income. The poorer you are, the higher the proportion of your income that goea for property taxes. Our property tax classification system provides some protection. But the data show that the property tax remains regressive by its nature.

I would like to emphasize again that these figures are averages. This study found considerable variation in housing values at each income level, so that the burden is even higher for some.

Minnesota also had a school financing problem. Assessed value in our ten richest school districts averaged about $6,000 per pupil unit. The tax base per pupil unit in the ten poorest averaged about $2,600 or a little over 40 percent of the richest. Mill rates in the ten poorest were close to double that in the richest, 224 mills as against 126 mills. Yet the richest districts on the average were spending 20 percent more per pupil for education.

Minnesota, like many other states, has a foundation aid formula for state aid to school districts. In 1970, the foundation level was $404 per pupil unit. However, the average expenditure per pupil unit for operating costs was $722. State support of local schools amounted to only 43 percent of the operating costs statewide. These costs do not include capital outlay or debt redemption. School district spending in 1969–1970 varied from a low of $370 per pupil unit to $903. Mill levies ranged from 90 mills to roughly 360 mills, or 4 times as much in the high-levy districts as in the low-levy districts.

Taxpayer dissatisfaction with the property tax burdens of this school finance system showed in a number of ways. It could be demonstrated by the voting on school bond issues throughout the state. In 1967–68, voters passed 81 percent of the school bond issues. In 1969–70, 58 percent of the issues passed. The next year, 1970–71, only a third, 33 percent, passed.



Municipal tax bases showed the same sort of variation. Among municipalities over 2,500, tax base per capita ranged from $281 to $1,914, a ratio of 6 to 1. Municipal mill rates for these same municipalities showed a greater range, from 27 mills to 158 mills, nearly 8 to 1.

And, as I said before, property taxes continued to rise. In 1967, the Minnesota Legislature enacted a sales tax to provide for property tax relief. Homeowners received a partial state payment of their property taxes, renters received a refund, and business received partial exemption of personal property. By 1970, this property tax relief has disappeared.

In 1971, when I began my term as governor, I felt that the two biggest issues were property tax relief and reform of the school finance system. These two problems are closely intertwined and could best, and possibly only, be solved jointly. What we did in Minnesota was to shift the bulk of school finance from the local to the state level. We raised our foundation aid level to $750 per pupil unit in 1972–73. The state now provides about 70 percent of the current operating cost of local schools in Minnesota. This meant a shift from financing education primarily by the property tax to the revenue sources available on a statewide basis, primarily income and sales taxes.

We think this was a great stride in assuring that educational opportunity should be a function of the total resources of the state and not the taxing ability of the local school district. For example, in 1971, the Anoka school district had to levey a tax of $531 on a $20,000 home to spend $537 per pupil. A few miles away, the Golden Valley school district—with more affluent families and substantial commercial-industrial property—levied $438 on a $20,000 home and spent $940 per pupil. The tax was 18 percent lower in Golden Valley, but it raised 64 percent more per pupil.

A year later the Anoka school district could reduce the tax on the same value home $172 or 32 percent, yet spend $627 per pupil. The difference between the taxes on comparable homes was reduced by 60 percent.

This is a dramatic turnaround.

We also raised the volume of state funds going to local units of government, the municipalities and counties, by $111 million. We wanted to provide tax relief here also, and we wanted to help local governments. They are really the ones who have been faced with rising demands for services and funds. One result of our program is that cities and villages in Minnesota now get more dollars from aid—federal, state, and county—than they get from property taxes.

We also provided additional relief to renters by doubling the Rent Credit, so that a renter can get up to $90 of his rent refunded.

What did this achieve for Minnesotans in property tax relief? Property taxes declined an average of 11.5 percent statewide. Yes, an eleven and one half percent *decrease*. That's quite a change from the 20 percent per year increase of previous year.

Until we took action, the Iron Range communities in northern Minnesota had some of the highest property taxes in the state. In 1971, taxes on an $18,000 home in the community of Eveleth were $782. In 1972 the taxes on that same home fell to $389, a reduction of over *50* percent. In Cook and Meadowlands, property taxes on a $18,000 home went down by *60* percent.

This wasn't accomplished easily. We had an 86 day special legislative session in order to work this out. We had an 86 day special legislative session in order to work this out. We had to increase state taxes by a considerable amount. We raised the liquor tax by 25 percent and the cigarette tax 6 cents a pack. We raised corporation tax rates slightly and eliminated deductibility of federal taxes for corporation income taxes. We raised the individual income tax rates by a tenth of a percent in the lowest bracket and by 2½ percent in the highest. We added a penny to the sales tax. We made some changes in other taxes. Altogether we increased state revenues by nearly $600 million over the biennium. That's a lot of money.

But we were able to deal with two major problems, the rising burden of property taxes and the unfairness in our educational finance system.

That property tax reduction meant a great deal to homeowners, farmers, and businessmen in Minnesota.

Let me give you just one example.

Joe Pfaffinger has a farming operation, partly in Minnesota and partly across the border in Iowa.

His Minnesota Real Estate Taxes dropped 19 percent last year.

But, Joe Pfaffinger's Real Estate taxes did not go down in Iowa. Joe Pfaffinger is now paying almost twice the property tax on his Iowa farm as on his Minnesota farm.

We achieved another important result through the combined increase in our state taxes and the reduction in local property taxes. We increased the degree of progressivity of our total state and local tax system in Minnesota. The sum of property, sales, and income taxes actually fell by 8 percent for the average homeowner with an income of $4,000. Combined state and federal taxes decreased for incomes up to the $6,000, and increased only 3 percent in the $20,000 bracket.

We also took some steps to ensure that property tax relief wouldn't be eaten away by rising local expenditures. In the five years prior to 1971, education spending had averaged an increase in excess of 15 percent each year. During the same period, municipal spending had increased on the average five and a half percent per year. Along with the aid increase to education and local governments, we imposed limitations on the rate of increase of levies. These limitations are enforced primarily by partial losses of aid for increases in excess of the limitations. To account for special needs, we do allow school district increases in excess of the limitation without penalty when the voters choose to do so by referendum.

In Minnesota we also tried to deal in another way with property tax problems. We passed a Fiscal Disparities law covering the Seven County Minneapolis-St. Paul Metropolitan Area. This law provides for sharing 40 percent of the growth in commercial-industrial valuation among all jurisdictions in that Metropolitan area. Allocation of the shared base takes account of population and the tax base, so that poorer units get a proportionately larger share. This will help reduce disparities. Just as important, however, this sort of mechanism would help to guide development in that region. It should lessen the competition for development and the problems associated with this competition. I should add that this law was recently declared unconstitutional by a district court. The decision is being appealed to the State Supreme Court. But the law clearly shows the direction we want to go in providing a fair taxing system in Minnesota.

The rate increases of 1971 will bring in additional revenue during the next two years due to growth in the base. This growth, along with some of our revenue sharing money, will provide more property tax relief during the next two years. We're going to raise the education foundation level again to keep the state share at 70 percent. More important, we intend to further equalize education spending. We plan to bring the below average districts up to the average over the next six year period.

In addition, we'll increase the aid going directly to homeowners and renters. The state now pays 35 percent of the nondebt levy on homesteads up to a maximum of $250. We propose to increase that rate and extend it to cover the debt levy which averages about 15 percent of the total levy. We'll also raise the rent credit that refunds a portion of property taxes paid by renters. This will probably go up to 10 percent of rents.

Minnesota also has a type of circuit breaker for the elderly, both homeowners and renters. We pay a percentage of their property taxes, in addition to the other aid. For very low incomes, the state pays 90% of property taxes. We'll raise the income limit this year to aid another 35,000 people. The circuit breaker protects our senior citizens from too high a level of taxes.

But for many, a credit will not handle the whole problem. Their property taxes keep going up, even though their working years are over and their incomes are often fixed. We've proposed therefore, that their property taxes be just as fixed. That would mean no property tax increase, period, for a Minnesotan 65 or older. Under this proposal, when a homeowner reaches 65, his property taxes will never go up again as long as he stays in that home. State funds will reimburse the local government's income loss, so the cost won't fall on other property owners.

We have also discovered that in Minnesota the property tax is being paid more and more by residential property. Residential property is being reassessed upward more rapidly than commercial property. In 1968 urban homestead property accounted for 36 percent of the total taxable value. Only two years later, in 1970, this proportion had increased to 38.5 percent. Figures aren't complete for 1972 but the proportion seems to have risen again. This latest rise does not include an exemption granted in 1971 for business personal property. As a short term solution for this shift of property taxes onto homeowners, we've requested a two year moratorium on reassessments. This would halt shifting of the tax onto homeowners and give us some time to study this situation further. That's a controversial proposal, but we are determined to avoid the worst effects of our property taxation system.

In providing needed incentives for more equitable assessment and property taxation, this proposed legislation should carefully avoid creating a similar problem for other states.

Homes may be assessed, informally or formally, at lower rates than other types of property. Our property classification system in Minnesota directly recognizes this approach as justified social and economic policy. Without such formal recognition, one result of equalizing assessments may actually be to raise taxes proportionately on small homes in comparison to commercial property. This does not seem to me to be the intention of this reform legislation, and such an effect should be avoided.

This program of property tax relief and educational reform has been generally popular in Minnesota. A poll taken in Minnesota in November, 1971, found that generally the program was considered equitable. We do sometimes hear complaints that our tax climate is unfavorable to business. I don't know any governor who doesn't hear that about his state. We also hear that people don't like to transfer to Minnesota because of the taxes. However, once they're in Minnesota they don't want to leave.

I've spent some time talking about Minnesota's situation. I've done this, first, to show that Minnesota has essentially the same problems as other states. Second, I described what we have done to try to deal with these problems. I believe we are proving that these problems can be solved, and other states can learn from Minnesota's experience. And I think that what we've done can help to define the national government's

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role in approaching property tax problems as they really exist at the state level.

As I stated before, the national government's role should be generally indirect. Encourage our state governments to strengthen their own systems, to carry out necessary reforms. Provide financial assistance and technical aid in setting up state programs to improve assessment practices and other features of administration of the property tax.

I also support the use of federal funds to encourage states to adopt circuit breakers. This is an excellent means of protecting the poor of all ages from the regressiveness and the heavy burden of the property tax. As the information prepared by my Council of Economic Advisors showed, the regressiveness is not due solely to poor administration. Regressiveness follows from the different ratios of housing value to income. The state circuit breaker deals with this directly and effectively.

Encouraging state action can also take other forms than those in the proposed Property Tax Relief and Reform Act. The federal grant system could be used more to reward states with progressive tax systems. Minnesota's neighboring state of Wisconsin is generally recognized as a progressive state. In 1970 Wisconsin ranked second in the nation for income tax collections per $1,000 personal income and second in total state and local taxes per $1,000 of personal income. In fiscal 1971 Wisconsin ranked 47th in the nation in federal grants in aid per capita.

This proposed legislation also does too little to reward progressive states. I realize that it intends to provide relief where it is needed most. However, it should recognize the total state and local tax burden. This is partly a matter of equity. More than that, the best method of providing long-term property tax relief is to shift financing to non-property sources. The bill could encourage this by providing relatively more aid to states where a greater portion of the state and local taxes comes from non-property taxes. The $6 per capita aid limitation and the rate of federal participation could be varied to do this.

I think that it is important to recognize the total tax bill. Look at the states which rank as the top ten in property taxes per $1,000 personal income. Only two of them, Wisconsin and Massachusetts, also rank in the top ten in income taxes per $1,000 personal income. Four of them rank 25th or below. Also, only four of these ten rank in the top ten in total state and local taxes, and three rank 26th or lower. Those states making the greatest effort to use fair taxes, and those making the greatest effort to provide services at the state and local level should have their effort recognized.

Under the funding proposed by this bill, incentives to use non-property sources would be small. But where the chance exists, it should be used. The Revenue Sharing formula recognizes the need to some extent, but it is basically a per capita distribution. Minnesota receives its revenue share under the five factor formula, which does recognize income tax effort. But for most other states, the three-factor formula counts property taxes as much as non-property taxes. Hence there is no incentive for those states to adopt a fairer non-property tax system.

There are some things that I think the federal government ought not to do in the area of property tax relief. You should not enact a program of property tax relief directly from the federal government to the taxpayer. This is important for several reasons. First is the reform of education financing. Much remains to be done at the state level. Much will be done despite the Supreme Court's decision in the Rodriguez case. But property tax relief and reform provides a real handle on education financing for state governments. I think it works the other way around too. These two issues, I said before, can best be dealt with jointly. A large federal program direct to the local taxpayer would remove this state leverage.

Second, I think local government officials have some of the toughest problems and toughest jobs of any level of government. They're pressed for services and damned for tax increases to finance them. A direct federal program would aggravate this. Local officials would still be damned for raising property taxes, while federal officials would be thanked for their concern and kindness for the *income* tax reduction they provided.

Third, a federal program would cause some extra costs and perhaps hardships for people who must pay their property taxes now and then wait a year to receive a rebate from the federal government. Minnesota's major property tax relief goes through the local governments to the individual tax bill to avoid the problems I've just cited.

A direct federal program would also create inequities between states which rely primarily on the property tax and those who use non-property sources more heavily. And what is likely to happen to property tax rates if local officials feel that they can raise property taxes since the federal government will refund some of it? We will lose the opportunity for reducing inequities between taxing districts.

The federal government could provide a significant amount of tax relief directly in another way. Both equality of educational opportunity and income maintenance are national goals. The local share of the costs of these programs is financed heavily by the property tax. Expenditures for education and welfare and the tax burdens for support vary considerably within and among states. If the Federal government would assume the full costs of welfare, differences between taxing jurisdictions in levies for differing local welfare costs would be eliminated entirely. This would be especially effective in states with county participation in welfare costs, like Minnesota. The federal government now provides about 7 percent of the costs of elementary and secondary education in the United States. This could be raised to 30 percent, as the Education Commission of the States recommends, with an effect on local taxes similar to the effects of Minnesota's school finance reform.

That could cost a lot of money. Where would it come from? In the last ten years, the Congress has voted five tax cuts. Federal revenue could be $45 billion higher today without those tax cuts. That's about the same as total state and local property taxes today. At the state level, we've had to raise tax rates steadily over the last ten years.

I've spoken at some length supporting the goals and approach of the Property Tax Relief and Reform Act of 1973. There are a few comments on specifics of the bill that I'd like to make.

An important feature of the bill is the encouragement given to state circuit breakers. Circuit breakers are an excellent method, but not the only method of property relief. Minnesota has a circuit breaker of a slightly different form for our elderly. In 1972, it cost about $9 million. But, our major forms of relief direct to the homeowner and renter, the homestead credit and rent credit, cost $130 million in 1972 and will go up to over $160 million next year. We'd like to be sure that the bill provides some federal recognition of these forms of relief also. I would also like to point out that the bill as introduced, in section 302, D. (3) speaks of relief to families. Households composed of single persons ought to be eligible also.

Improving assessment practices as this bill aims to do is also important. Training is an important factor. Publication of assessment/sales ratios will probably do the most for removing inequities of this sort, since local taxpayers will demand better assessment when they recognize the effects of weaknesses of present methods. There may be some difficulties because of the work and expense of annual studies. Different classifications of property for tax purposes and small samples for some types of property might also cause some trouble.

The appeal procedure and automatic reassessment are powerful methods of dealing with assessment inequities. One slight change is needed here to achieve more uniformity in assessment. The bill would allow a 10 percent deviation each way around the average assessment/sales ratio. The 1966 average assessment/sales ratios ranged from 4.6 percent in South Carolina to 77 percent in Alaska and Kentucky. Allowable variation in South Carolina would be from Zero to 14.6 percent, but from 67 percent to 87 percent in Kentucky and Alaska. More uniformity could be achieved within states, along with more equal treatment among states, by basing the allowable variation on the mean ratio for that state. For instance, the allowable range may be 20 percent of the mean ratio. This would make the allowable variation in South Carolina roughly 3.5 percent to 5.5 percent and in Alaska and Kentucky 62 percent to 90 percent. This provides more uniformity in South Carolina and more even conditions imposed among states. You may also provide that automatic reassessment be at the mean ratio for the jurisdiction.

The federal aid for coordinating property taxation with land use policies is very important. We need to know much more about the effects of property taxation on land use and how to tie our tax policies into our planning.

To summarize my remarks, I support this bill. I think it can do something about the property tax situation in this country. It's just one step, but it's a step in the right direction.

I endorse the approach of working for property tax relief and reform through the state governments. State circuit breaker programs can provide the necessary protection against the awful burden of property taxes on low income people. At the same time, the approach followed by this bill leaves major property tax relief and reform as a lever for getting at the unfairness in our education financing system. The importance of this can't be overstated. Fairness in education finance is one of the major problems facing this country today, regardless of the current opinion of the Supreme Court.

The federal government should take a couple of other steps to provide property tax relief. Greater federal support for welfare costs and education costs can lift some of that property tax burden from local jurisdictions. In addition, the use of tax credits rather than deductions and extending credits to renters can lessen the regressive effect of the property tax. Also, more incentive for the use of non-property taxes at the state and local level could be provided in this bill and in other federal programs.

In Minnesota, we believe that we have accomplished a great deal in property tax relief and education finance. We propose to do more. We take a lot of pride in our program. There are many things unique about Minnesota. But reform of education financing and property tax relief is one area in which we would enjoy having a lot of company.

## WE MUST NOT FORGET THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, virtually every day the Senate was in session during the past 5 years, I have urged this body to take action on ratification of the genocide and other human rights conventions. With respect to the Genocide Convention, there has been widespread support for ratification in this administration, in previous administrations, among many of the most prominent members of the bar, among the press, and among many of my constituents.

In March of this year, a subcommittee of the Committee on Foreign Relations again reported favorably on ratification of the Genocide Convention. The hearings which were held in 1950, 1970, and 1971, and the subcommittee's continued attention and favorable reports, attest to the intense interest in the convention and the widespread support in our Nation for basic human rights. Indeed, much of the resistance to the Genocide Convention has abated in the 20 years since the original 1950 hearings.

I genuinely believe that this lessening of resistance is attributable to the broader and deeper understanding of the provisions of the convention. It is a tribute to our deliberations here in the Senate that an exhaustive analysis has been made of the many questions and issues raised by the convention. Eminent scholars, members of the bar, officials of the administration, and representatives from the United Nations have all demonstrated that those questions and issues can and should be resolved in favor of ratification of the Genocide Convention.

It is my sincere hope that the Senate will ratify this important document in the next few months.

## CITY OF EL SEGUNDO, TO HONOR URHO SAARI, GREAT COACH

Mr. TUNNEY. Mr. President, I am very happy to have the opportunity to join the proud people of El Segundo and the State of California in expressing our heartfelt thanks to Mr. Urho Saari for his enduring service and dedication in the field of athletics.

Mr. Saari's illustrious career as coach of winning swimming and water polo teams has brought credit and honor not only to the city of El Segundo, but also to the entire State of California. He has helped to shape and build the youths of today—the leaders of tomorrow's world.

The city of El Segundo, recognizing his leadership, has declared May 24, 1973, as Urho Saari Day—a fitting tribute to a great coach and citizen.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I recently received from Mr. Norm Barr, president of the El Segundo Chamber of Commerce.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EL SEGUNDO CHAMBER OF COMMERCE,
*March 21, 1973.*

Hon. JOHN V. TUNNEY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR TUNNEY: El Segundo's swimming coach, Mr. Urho Saari is retiring this year. Mr. Saari has represented El Segundo, Los Angeles, the State of California and the United States in many swimming events and brought home to us many trophies and awards.

Due to his outstanding service to El Segundo, the City of El Segundo has declared May 24, 1973 as Urho Saari Day and issued the following proclamation:

"Whereas, Urho Saari as a Coach at El Segundo High School has compiled one of the greatest records in California High School athletics with a water polo team record of 376 wins and 92 losses since 1946, twelve CIF water polo championships and six CIF swimming championships, and

"Whereas, the El Segundo Swim Club under Urho Saari's leadership since 1947 has produced 18 individuals who have represented the United States 34 times in swimming and water polo in the Olympic Games and Pan American Games and has earned more than 40 team and individual national titles in water polo and swimming, and

"Whereas, Urho Saari was the United States water polo coach for the 1951 Pan American Games, 1952 Olympic Games, 1964 Olympic Games and Maccabia Games, and was water polo manager for the United States 1960 Olympics, and

"Whereas, Urho Saari was selected "National Water Polo Coach of the Year" in 1964 by American Swim Coaches Association, and named "Water Polo Coach of the Year" in 1955 by the Southern California Swimming, Water Polo and Officials Associations, and

"Whereas, Urho Saari was the swimming and/or water polo coach for several hundred professional lifeguards, including more than one-third of the permanent lifeguard staff of the Los Angeles County Department of Beaches, and was a lifeguard himself for eleven years in New York and California, and

"Whereas, Urho Saari was born and raised in Buffalo, New York, where he was graduated from Buffalo State Teachers College, served in the United States Army, was a YMCA swim coach, and has been swimming director and coach for the El Segundo Unified School District since 1941, and

"Whereas, Urho Saari's dedicated service and accomplishments in the field of aquatics is deserving of high praise and commendation;

"Now, therefore, I E. L. Balmer, Mayor of the City of El Segundo do hereby officially proclaim May 24, 1973 as Urho Saari Day in the City of El Segundo, and all residents are urged to join in honoring Mr. Saari for his outstanding achievements and his dedication to building the character of youth and leaders of today and tomorrow."

## DR. KISSINGER'S ADDRESS ON EUROPE

Mr. HUMPHREY. Mr. President, although 1973 has been called by some "the year of Europe," the policy emphasis which this phrase implies was not evident until Dr. Henry Kissinger delivered an address to the Associated Press on April 23, 1973.

The President's national security adviser has delivered an eloquent and meaningful address on the future of relationships between countries facing the North Atlantic. Dr. Kissinger's remarks form a fitting opening statement for what must be a close examination of the various economic and security issues which both unite and divide nations on both sides of the Atlantic.

Since the end of the Second World War, our policy toward Europe has been guided by principles and philosophies, though relevant to the late 1940's and the early 1950's, lack a firm foundation in the realities of the 1970's and years beyond.

Henry Kissinger has endeavored to begin the process of policy reformulation which is so vitally necessary to keep alive a partnership in changing economic and political climates both in Europe and the United States.

Both the Congress and the executive branch have an obligation to carry through in the spirit of Dr. Kissinger's message. If there is to be a revitalized Atlantic partnership, then all of the partners must, in Dr. Kissinger's words:

Strike a new balance between self-interest and the common interest. We need a shared view of the world we seek to build.

Mr. President, I ask unanimous consent that Dr. Henry Kissinger's address to the Associated Press be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the New York Times, April 24, 1973]

TEXT OF KISSINGER'S TALK AT AP MEETING HERE ON U.S. RELATIONS WITH EUROPE

Following is the text of an address delivered at the Waldorf-Astoria yesterday by Henry Kissinger, President Nixon's assistant for national security, at a luncheon of The Associated Press:

This year has been called the Year of Europe, but not because Europe was less important in 1972 or in 1969. The alliance between the United States and Europe has been the cornerstone of all postwar foreign policy. It provided the political framework for American engagements in Europe and marked the definitive end of U.S. isolationism. It insured the sense of security that allowed Europe to recover from the devastation of the war. It reconciled former enemies. It was the stimulus for an unprecedented endeavor in European unity and the principal means to forge the common policies that safeguarded Western security in an era of prolonged tension and confrontation. Our values, our goals and our basic interests are most closely identified with those of Europe.

Nineteen Seventy Three is the Year of Europe because the era that was shaped by decisions of a generation ago is ending. The success of those policies has produced new realities that require new approaches:

The revival of Western Europe is an established fact as is the historic success of its movement toward economic unification.

The East-West strategic military balance has shifted from American preponderance to near equality, bringing with it the necessity for a new understanding of the requirements of our common security.

Other areas of the world have grown in importance. Japan has emerged as a major power center. In many fields "Atlantic" solutions to be viable must include Japan.

We are in a period of relaxation of tensions. But as the rigid divisions of the past two decades diminish, new assertions of national identity and national rivalry emerge.

Problems have arisen, unforeseen a generation ago, which require new types of cooperative action. Insuring the supply of energy for industrialized nations is an example.

'DRAMATIC TRANSFORMATION'

These factors have produced a dramatic transformation of the psychological climate in the West—a change which is the most profound current challenge to Western statesmanship. In Europe a new generation—to whom war and its dislocations are not personal experiences—takes stability for granted. But it is less committed to the unity that made peace possible and to the effort required to maintain it. In the United States decades of global burdens have fostered and the frustrations of the war in Southeast Asia have accentuated a reluctance to sustain global involvements on the basis of preponderant American responsibility.



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Inevitably this period of transition will have its strains. There have been complaints in America that Europe ignores its wider responsibilities in pursuing economic self interest too one-sidely and that Europe is not carrying its fair share of the burden of the common defense. There have been complaints in Europe that America is out to divide Europe economically or to desert Europe militarily or to bypass Europe diplomatically. Europeans appeal to the United States to accept their independence and their occasionally severe criticism of us in the name of Atlantic unity, while at the same time they ask for a veto on our independent policies—also in the name of Atlantic unity.

Our challenge is whether a unity forged by a common perception of danger can draw new purpose from shared positive aspirations.

If we permit the Atlantic partnership to atrophy, or to erode through neglect, careless or mistrust, we risk what has been achieved, and we shall miss our historic opportunity for even greater achievement.

In the Forties and Fifties the task was economic reconstruction and security against the danger of attack. The West responded with courage and imagination. Today the need is to make the Atlantic relationship as dynamic a force in building a new structure of peace, less geared to crisis and more conscious of opportunities, drawing its inspirations from its goals rather than its fears. The Atlantic nations must join in a fresh act of creation, equal to that undertaken by the post-war generation of leaders of Europe and America.

"NEW ERA OF CREATIVITY"

This is why the President is embarking on a personal and direct approach to the leaders of Western Europe. In his discussions with the heads of government of Britain, Italy, the Federal Republic of Germany and France, the Secretary General of NATO and other European leaders, it is the President's purpose to lay the basis for a new era of creativity in the West.

His approach will be to deal with Atlantic problems comprehensively. The political, military and economic issues in Atlantic relations are linked by reality, not by our choice nor for the tactical purpose of trading one off against the other. The solutions will not be worthy of the opportunity if left to technicians. They must be addressed at the highest level.

In 1972 the President transformed relations with our adversaries to lighten the burdens of fear and suspicion.

In 1973 we can gain the same sense of historical achievement by reinvigorating shared ideals and common purposes with our friends.

The United States proposes to its Atlantic partners that, by the time the President travels to Europe toward the end of the year, we will have worked out a new Atlantic charter setting the goals for the future—a blueprint that:

Builds on the past without becoming its prisoner.

Deals with the problems our success has created

Creates for the Atlantic nations a new relationship in whose progress Japan can share.

We ask our friends in Europe, Canada and ultimately Japan to join us in this effort. This is what we mean by the Year of Europe.

ATLANTIC RELATIONSHIPS

The problems in Atlantic relationships are real. They have arisen in part because during the Fifties and Sixties the Atlantic community organized itself in different ways in the many different dimensions of its common enterprise.

In economic relations, the European Community has increasingly stressed its regional personality, the United States, at the same time, must act as part of and be responsible for a wider international trade and monetary system. We must reconcile these two perspectives.

In our collective defense, we are still organized on the principle of unity and integration, but in radically different strategic conditions. The full implications of this change have yet to be faced.

Diplomacy is the subject of frequent consultations, but is essentially being conducted by traditional nation states. The U.S. has global interests and responsibilities. Our European allies have regional interests. These are not necessarily in conflict, but in the new era neither are they automatically identical.

AN ABSENCE OF HARMONY

In short, we deal with each other regionally and even competitively in economic matters, on an integrated basis in defense, and as nation-states in diplomacy. When the various collective institutions were rudimentary, the potential inconsistency in their modes of operation was not a problem. But after a generation of evolution and with the new weight and strength of our allies, the various parts of the construction are not always in harmony and sometimes obstruct each other.

If we want to foster unity, we can no longer ignore these problems. The Atlantic nations must find a solution for the management of their diversity, to serve the common objectives which underlie their unity. We can no longer afford to pursue national or regional self-interest without a unifying framework. We cannot hold together if each country or region asserts its autonomy whenever it is to its benefit and invokes unity to curtail the independence of others.

We must strike a new balance between self-interest and the common interest. We must identify interests and positive values beyond security in order to engage once again the commitment of peoples and parliaments. We need a shared view of the world we seek to build.

No element of American postwar policy has been more consistent than our support of European unity. We encouraged it at every turn. We knew that a united Europe would be a more independent partner. But assumed, perhaps too uncritically, that our common interests would be assured by our long history of cooperation. We expected that political unity would follow economic integration, and that unified Europe working cooperatively with us in an Atlantic partnership would ease many of our international burdens.

It is clear that many of these expectations are not being fulfilled.

We and Europe have benefited from European economic integration. Increased trade within Europe has stimulated the growth of European economies and the expansion of trade in both directions across the Atlantic.

But we cannot ignore the fact that Europe's economic success and its transformation from a recipient of our aid to a strong competitor has produced a certain amount of friction. There has been turbulence and a sense of rivalry in internatonal monetary relations.

FEAR OF TRADE OBSTACLES

In trade, the natural economc weight of a market of 250 million people has pressed other states to seek special arrangements to protect their access to it. The prospect of a closed trading system embracing the European Community and a growing number of other nations in Europe, the Mediterranean and Africa appears to be at the expense of the United States and other nations which are excluded. In agriculture where the United States has a comparative advantage we are particularly concerned that Community protective policies may be strict access for our products.

The divergence comes at a time when we are experiencing a chronic and growing deficit in our balance of payments and protectionist pressures of our own. Europeans in turn question our investment policies and doubt our continued commitment to their economic unity.

The gradual accumulation of sometimes petty, sometimes major economic disputes must be ended and be replaced by a determined commitment on both sides of the Atlantic to find cooperative solutions.

The United States will continue to support the unification of Europe. We have no intention of destroying what we worked so hard to help build. For us European unity is what it has always been—not an end in itself but a means to the strengthening of the West. We shall continue to support European unity as a component of a larger Atlantic partnership.

This year we begin comprehensive trade negotiations with Europe as well as with Japan. We shall also continue to press the effort to reform the monetary system so that it promotes stability rather than constant disruptions. A new equilibrium must be achieved in trade and monetary relations.

We see these negotiations as an historic opportunity for positive achievement. They must engage the top political leaders for they require above all a commitment of political will. If they are left solely to the experts, the inevitable competitiveness of economic interests will dominate the debate. The influence of pressure groups and special interests will become pervasive. There will be no overriding sense of direction. There will be no framework for the generous solutions or mutual concessions essential to preserve a vital Atlantic partnership.

LARGER POLITICAL PURPOSES

It is the responsibility of national leaders to insure that economic negotiations serve larger political purposes. They must recognize that economic rivalry, if carried on without restraint, will in the end damage other relationships.

The United States intends to adopt a broad political approach that does justice to our overriding political interest in an open and balanced trading order with both Europe and Japan. This is the spirit of the President's trade bill and of his speech to the International Monetary Fund last year. It will guide our strategy in the trade and monetary talks. We see these negotiations not as a test of strength but as a test of joint statesmanship.

Atlantic unity has always come most naturally in the field of defense. For many years the military threats to Europe were unambiguous, the requirements to meet them were generally agreed on both sides of the Atlantic and America's responsibility was pre-eminent and obvious. Today we remain united on the objective of collective defense, but we face the new challenge of maintaining it under radically changed strategic conditions and with the new opportunity of enhancing our security through negotiated reductions of forces.

The West no longer holds the nuclear predominance that permitted it in the fifty's and sixty's to rely almost solely on a strategy of massive nuclear retaliation. Because under conditions of nuclear parity such a strategy invites mutual suicide, the alliance must have other choices. The collective ability to resist attack in Western Europe by means of flexible responses has become central to a rational strategy and crucial to the maintenance of peace. For this reason, the United States has maintained substantial conventional forces in Europe, and our NATO allies have embarked on a significant effort to modernize and improve their own military establishments.

While the Atlantic alliance is committed to a strategy of flexible response in principle, the requirements of flexibility are complex and expensive. Flexibility by its nature requires sensitivity to new conditions and continual consultation among the allies to respond to changing circumstances. And we must give substance to the defense posture that our strategy defines. Flexible response cannot be simply a slogan wrapped around the defense structure that emerges from lowest-common-denominator compromises driven by domestic considerations. It must be seen by ourselves and by potential adversaries as a credible, substantial and rational posture of defense.

MUCH STILL TO BE DONE

A great deal remains to be accomplished to give reality to the goal of flexible response:

There are deficiencies in important areas of our conventional defense.

There are still unresolved issues in our doctrine, for example, on the crucial question of the role of tactical nuclear weapons.

There are anomalies in NATO deployments as well as in its logistics structure.

To maintain the military balance that has insured stability in Europe for 25 years, the alliance has no choice but to address these needs and to reach an agreement on our defense requirements. This task is all the more difficult because the lessening of tensions has given new impetus to arguments that it is safe to begin reducing forces unilaterally. And unbridled economic competition can sap the impulse for common defense. All governments of the Western Alliance face a major challenge in educating their peoples to the realities of security in the nineteen-seventy's.

The President has asked me to state that America remains committed to doing its fair share in Atlantic defense. He is adamantly opposed to unilateral withdrawals of U.S. forces from Europe. But we owe to our peoples a rational defense posture, at the safest minimum size and cost, with burdens equitably shared. This is what the President believes must result from the dialogue with our allies in 1973.

When this is achieved the necessary American forces will be maintained in Europe, not simply as a hostage to trigger our nuclear weapons but as an essential contribution to an agreed and intelligible structure of Western defense. This too will enable us to engage our adversaries intelligently in negotiations for mutual balanced reductions.

In the next few weeks, the United States will present to NATO the product of our own preparations for the negotiations on mutual balanced force reductions, which will begin this year. We hope that it will be a contribution to a broader dialogue on security. Our approach is designed not from the point of view of special American but of general alliance interests. Our position will reflect the President's view that these negotiations are not a subterfuge to withdraw U.S. forces regardless of consequences. No formula for reductions is defensible—whatever its domestic appeal or political rationale—if it undermines security.

Our objective in the dialogue on defense is a new consensus on security addressed to new conditions and to the hopeful new possibilities of effective arms limitations.

NEW PHASE OF DIPLOMACY

We have entered a truly remarkable period of East-West diplomacy. The last two years have produced an agreement on Berlin, a treaty between West Germany and the U.S.S.R., a SALT agreement, the beginning of negotiations on a European Security Conference and on mutual balanced force reductions, and a series of significant, practical bilateral agreements between Western and Eastern countries, including a dramatic change in bilateral relations between the U.S. and U.S.S.R. These were not isolated actions, but steps on a course charted in 1969 and carried forward as a collective effort. Our approach to détente stressed that negotiations had to be concrete, not atmospheric, and that concessions should be reciprocal. We expect to carry forward the policy of relaxation of tensions on this basis.

Yet this very success has created its own problems. There is an increasing uneasiness—all the more insidious for rarely being made explicit—that superpower diplomacy might sacrifice the interests of traditional allies and other friends. Where our allies' interests have been affected by our bilateral negotiations, as in the talks on the limitations of strategic arms, we have been scrupulous in consulting them; where our allies are directly involved, as in the negotiations on Mutual Balanced Force Reductions, our approach is to proceed jointly on the basis of agreed positions. Yet some of our friends in Europe have seemed unwilling to accord America the same trust in our motives as they received from us or to grant us the same tactical flexibility that they employed in pursuit of their own policies. The United States is now often taken to task for flexibility where we used to be criticized for rigidity.

All of this underlines the necessity to articulate a clear set of common objectives together with our allies. Once that is accomplished, it will be quite feasible, indeed desirable, for the several allies to pursue these goals with considerable tactical flexibility. If we agree on common objectives, it will become a technical question whether a particular measure is pursued in a particular forum or whether to proceed bilaterally or multilaterally. Then those allies who seek reassurance of America's commitment will find it is not in verbal reaffirmations of loyalty but in an agreed framework of purpose.

We do not agree on all policies. In many areas of the world our approaches will differ, especially outside of Europe. But we do require an understanding of what should be done jointly and of the limits we should impose on the scope of our autonomy.

THE CONTRIBUTION BY THE UNITED STATES

We have no intention of buying an illusory tranquility at the expense of our friends. The United States will never knowingly sacrifice the interest of others. But the perception of common interests is not automatic; it requires constant redefinition. The relaxation of tensions to which we are committed makes allied cohesion indispensable, yet more difficult. We must insure that the momentum of détente is maintained by common objectives rather than by drift, escapism or complacency.

The agenda I have outlined here is not an American prescription but an appeal for a joint effort of creativity. The historic opportunity for this generation is to build a new structure of international relations for the decades ahead. A revitalized Atlantic partnership is indispensable for it.

The United States is prepared to make its contribution:

We will continue to support European unity. Based on the principles of partnership, we will make concessions to its further growth. We will expect to be met in a spirit of reciprocity.

We will not disengage from our solemn commitments to our allies. We will maintain our forces and not withdraw from Europe unilaterally. In turn, we expect from each ally a fair share of the common effort for the common defense.

We shall continue to pursue the relaxation of tensions with our adversaries on the basis of concrete negotiations in the common interest. We welcome the participation of our friends in a constructive East-West dialogue.

We will never consciously injure the interests of our friends in Europe or in Asia. We expect in return that their policies will take seriously our interests and our responsibilities.

We are prepared to work cooperatively on new common problems we face. Energy, for example, raises the challenging issues of assurance of supply, impact of oil revenues on international currency stability, the nature of common political and strategic interests and long-range relations of oil-consuming to oil-producing countries. This could be an area of competition; it should be an area of collaboration.

Just as Europe's autonomy is not an end in itself, so the Atlantic community cannot be an exclusive club. Japan must be a principal partner in our common enterprise.

We hope that our friends in Europe will meet us in this spirit. We have before us the example of the great accomplishments of the past decades—and the opportunity to match and dwarf them. This is the task ahead. This is how in the nineteen-seventies the Atlantic nations can truly serve our peoples and the cause of peace.

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THE ROOSEVELT-CHURCHILL CHARTER

The original Atlantic Charter—the inspiration for the "new Atlantic Charter" outlined by Henry A. Kissinger yesterday—was the eight-point unofficial joint declaration of peace aims by President Roosevelt and Prime Minister Churchill, drawn up in a meeting at sea and made public on Aug. 14, 1941.

The declaration listed these principals and aims:

Renunciation of territorial and other aggrandizement.

Opposition to territorial changes not in accord with "the freely expressed wishes of the peoples concerned."

Respect for all peoples to choose their form of government and restoration of sovereign rights to those forcibly deprived of them.

A commitment to the easing of trade restrictions and equal access of all nations to raw materials.

Fullest collaboration to secure better economic and social conditions for all.

A commitment to peace and freedom from fear and want.

Freedom to travel on the high seas.

The abandonment of the use of force, the disarmament of aggressor nations and the endeavor to "lighten for peace-loving peoples the crushing burdens of armaments."

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## SUPPORT OF CONSTRUCTION OF TRANS-ALASKA PIPELINE

Mr. GRAVEL. Mr. President, on April 30, the Honorable William E. Simon, Deputy Secretary of the Treasury, testified before the Public Lands Subcommittee of the House Interior and Insular Affairs Committee in support of construction of the trans-Alaska pipeline, and the Nation's critical need for Alaska's North Slope oil.

Secretary Simon spoke at length of our growing energy demands. He also spoke of the dollar drain by the increasing of oil imports to meet those demands. The situation is of such magnitude that unless we turn this tide we could very well find ourselves in a major financial crisis abroad which would result in a major depression at home. It took this country almost two decades to recover from the crash of 1929. I would hope that the leaders of this Nation would take all necessary steps to relieve our precarious position. While the construction of the trans-Alaska pipeline would in no way resolve our total problem, it would afford a positive approach to reducing oil imports, which, in turn would ease the balance-of-payments problem.

Mr. President, I ask unanimous consent at this time to have printed in the



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RECORD the full text of Secretary Simon's testimony.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY THE HONORABLE WILLIAM E. SIMON

Mr. Chairman and Members of the Committee:

It is a privilege to appear before this Committee to present my views on a topic of intense national concern. The United States urgently needs Alaska's North Slope oil if we are to deal effectively with our emerging energy crisis. Further, it is critical that legislation be passed quickly to allow construction to commence on a trans-Alaska pipeline.

There is no question that this country critically needs its North Slope oil. Every barrel of that oil we can produce will reduce imports by a like amount. This Committee undoubtedly has heard many estimates of the rapidly increasing import levels we face if we don't reverse current trends. Estimates of oil imports in 1980 range between 10 and 15 million barrels per day. Imports of this magnitude could endanger our security and economic well-being.

These projections, however, assume that we do nothing and that present trends continue. Actually, we can take several steps to increase domestic supplies and decrease imports. The President has already moved decisively to increase energy supplies. The Congress can contribute substantially by passing legislation enabling us to initiate needed programs, such as the Alaska pipeline. The Alaska pipeline alone will not solve our energy problem. It will, however, materially ease our monetary and energy security problems. So let us begin with its construction now.

The United States faces serious economic and monetary problems today because of our rapidly deteriorating balance of payments. We cannot afford to permit these deficits to go on mounting unnecessarily by delaying the development of already proven domestic resources.

In the past this country has enjoyed energy security because of our shut-in production potential. This potential has now disappeared. Imports are soaring. And several countries upon which we may have to depend for future energy supplies have declared that they intend to use their oil as a political weapon. Can we afford to become increasingly dependent upon such countries by deliberately delaying the development of the largest find of oil in U.S. history?

The significance of our North Slope energy potential is not just the 2 million barrels per day that could someday be delivered through an Alaska pipeline. Nor is it the 10 billion barrel proven reserves in the Prudhoe Bay field. Alaska has far greater potential reserves. Projections indicate that the North Slope has potential reserves of as much as 80 billion barrels. Thus, we might someday achieve an Alaska production of 5 to 8 million barrels per day.

This, in turn, could possibly reduce our first round balance of trade outflows by $7 billion to $12 billion per year. Production at maximum rates would also materially strengthen our bargaining position with producing countries and increase our ability to meet any supply disruptions with minimum adverse economic consequences. It could, in short, go a long way toward solving our energy problems.

But to obtain the North Slope's full potential during the critical period of the 1980's, we must begin development now.

The question at this point is not whether we *should* develop our North Slope reserves. We should. We must. The question now being debated is how *best* to develop these reserves.

Some have contended that a pipeline route through Canada would be superior to an Alaska pipeline. Deliberations concerning the best pipeline route are necessary to make the right decision. All alternatives must be analyzed in terms of our overall national interest, not in terms of regional or private interests. Our analysis must consider economic and security interests as well as environmental interests. Timing is a crucial component of each of these factors. Given sufficient research and development, we can reasonably expect to develop our vast coal, oil shale, and nuclear resources so as to provide rapidly increasing portions of our energy needs by the late 1980's. Before this, however, we will face a critical period during the late 1970's and the 1980's. The long lead times for exploration and development, for constructing a transportation system, and for administrative approvals must be weighed against our rapidly increasing energy needs during this period, when our needs will be greatest.

There are many reasons why I believe that an Alaska pipeline is clearly superior to a pipeline through Canada. I will briefly mention several of these reasons and will then amplify my remarks concerning economics, security, and the balance of payments—areas in which I have the greatest interest because of my responsibilities as Deputy Secretary of the Treasury and Chairman of the Oil Policy Committee.

1. Building a Canadian pipeline instead of the Alaska pipeline would delay receipt of vitally needed Alaska crude oil by from three to five years and could significantly delay full development of our vital Alaska North Slope oil and gas reserves by as much as 10 years.

Both pipelines, as presently planned, could transport the same volume of oil. But they would not transport the same volume of Alaska oil. Canada would control the portion of any pipeline transversing Canada and would insist on reserving 50 percent of the throughput volume for Canadian oil.

The delayed starting date of a Canadian pipeline would defer further exploration and development of our North Slope resources at a time when security and international economic considerations dictate that we should be increasing exploration and development. Such delays would reduce this country's energy security and could have serious economic consequences in the event of a disruption of foreign supplies after 1978.

2. Our analysis indicates that the Alaska pipeline would provide substantially greater economic benefits to this country than a pipeline route through Canada. Assuming a delivery of 2 million barrels per day, the Alaska pipeline would result in increased benefits of up to $2.4 billion per year in 1980. By 1988, cumulative net benefits of the Alaska pipeline, over and above the Canadian pipeline, would approach $15 billion. This estimate will be elaborated later.

3. A Canadian pipeline would require a dollar outflow of several billion dollars during the construction period.

4. The Alaska pipeline would reduce our first round balance of trade outflows by about $2.3 billion per year over and above whatever balance of payments savings might be made possible by the Canadian pipeline. In view of our present and projected monetary problems, such a reduction of future cash drains could be vital to our economic health.

5. In the event of a major foreign supply disruption we can assume that emergency conservation procedures would be initiated to reduce demand. With the Alaska pipeline any surplus in District V (the West Coast) resulting from reduced demand could easily be transported through the Panama Canal and distributed through the existing pipeline network to points of need in the U.S. East and Midwest.

Conversely, with a trans-Canadian pipeline, any surplus in District II (the mid-Continent) resulting from reduced demand during an emergency could not be readily distributed to points of need in District I (the East Coast) and District V. Since pipeline flow is unidirectional, the existing transportation network would not allow the transporting of any surplus crude in District II to District I or District V.

6. Opponents of the Alaska pipeline contend that there is a greater need for Alaska oil in District II. This, of course, depends upon the definition of need. Without Alaska oil, the percentage of imports into District V would be as high, or higher than, into Districts I–IV. It is also argued that with an Alaska pipeline, the output of Alaska and California would exceed demand, resulting in a surplus in District V and a severe shortage in other areas of the country. This would have been true if construction of the Alaska pipeline had started in 1970 and been completed in 1973, as originally contemplated, but it is clearly not a valid argument today. The earliest we can now expect to complete an Alaska pipeline is mid-1977 or early 1978. By then, demand in District V will most likely exceed supply from California and southern Alaska by more than the capacity of the Alaska pipeline.

7. An Alaska pipeline would provide greater employment benefits to the United States.

8. An Alaska pipeline would produce earlier and substantially greater economic benefits to Alaska. It would allow a greater North Slope production, yielding large royalty payments. A Canadian pipeline would have to be looped to permit the same capacity for U.S. crude as an Alaska pipeline, and we have no assurance that the Canadians would permit looping of a line through Canada. Arguments that a trans-Canadian route would provide greater benefits to Alaska because it would allow a higher field price for crude oil are not valid. Our cost estimates indicate no significant difference in field price for North Slope crude, regardless of which route is selected.

9. With respect to the environmental matters, Secretary Morton has stated that the greater earthquake and water leg risks of the Alaska route are offset by larger unavoidable damage and increased risks to permafrost zones and at river crossings in the much longer Canadian route.

A Canadian pipeline route would cross over twice as much permafrost and muskeg area as the Alaska pipeline. Thus, about twice as much gravel would have to be mined and used for the berm to carry the pipeline over the frozen Arctic. The Canadian pipeline would also have to cross 12 rivers, each over one-half mile wide.

Largely as a result of environmental concerns reflected in the Interior Department's environmental impact statement, the Alaska pipeline has been redesigned, at a threefold increase in projected costs. As now contemplated, the Alaska pipeline is the most carefully designed pipeline, environmentally, ever conceived. In both routes, the lines would be constructed to prevent thawing of the soil in permafrost zones. In the seismic active areas along both routes, special designs would be utilized to withstand even the most severe earthquakes. Safety requirements that have been imposed in the maritime oil transport from Valdez to the West Coast—particularly double-bottom tankers—will significantly reduce the risk to the West Coast from accidental tanker spills. In fact, if we don't ship our oil from Alaska, in specially designed U.S. ships, foreign oil will enter the West Coast in foreign flag vessels that will not be subject to the same rigid standards.

I am not minimizing environmental risks. I do believe, however, that the past delays and resultant research have greatly reduced the magnitude of these risks, and that the overall hazards at this time are not sufficient to further delay construction of the Alaska pipeline.

The above considerations, in my opinion, demonstrate that the Alaska pipeline is clearly superior to the Canadian in terms of economic benefits, balance of payments, security, and employment opportunities. Only in the environmental area does the Canadian route appear comparable, and here the risks and possible damage from either line have been significantly reduced by research during the past few years. Eventually there may be a need for a Canadian line, but all evidence points out that we should move forward on the Alaska pipeline now.

In view of the urgent necessity for early Alaska production, I strongly recommend Congressional action to allow construction of the Alaska pipeline at the earliest possible date.

Now I should like to amplify some of the statements I have made.

TIMING

If Congress moves expeditiously to amend the existing law to allow a wider pipeline right-of-way across government lands, environmental hearings and administrative procedures could perhaps be completed so that construction of the Alaska pipeline could commence during late 1974 or shortly thereafter. The Alaska pipeline could then be completed by late 1977 or early 1978.

The earliest a Canadian pipeline could be completed is 1980. More likely, it would take several additional years. The need to prepare detailed design and route analyses, a longer construction period, and the logical desire of Canadian Federal and Provincial Governments to review carefully the pipeline proposals will cause inevitable delay.

United States governmental approval of a Canadian route would be required and would be subject to the same types of objections and delays as the Alaska pipeline. The major sequential steps that would be followed in obtaining Canadian permission, and constructing a Canadian pipeline are as follows:

1. Final denial of the Alaska pipeline.
2. Soil borings and mile-by-mile pipeline design, and preparation of the environmental impact statement, and completion of financial arrangements.
3. Application to the Department of Indian Affairs and Northern Development (DIAND) for a pipeline right-of-way. Public Hearings: Approval by DIAND.
4. Application to the National Energy Board (NEB). Public Hearings: Approval by NEB.
5. Approval by the Canadian Cabinet.
6. Procurement of pipe, tanks, communication equipment, work equipment, barges, and construction of necessary camps. Arrangements for contracts following bids and awards.
7. Construction.

Now let me develop these points. It is unlikely that any work will commence on a detailed design of a Canadian pipeline prior to final denial on the Alaska pipeline. This is because the North Slope reserves are needed to justify a Canadian line.

Detailed soil testing and mile-by-mile pipeline design took three years on the Alaska pipeline. This could hardly be completed in appreciably less time for the much longer Canadian line. The Mackenzie Valley Pipeline Research, Limited, has made a preliminary feasibility study of the Canadian pipeline but has not started detailed pipeline design studies. They estimate 2½ years for planning and engineering. It could be considerably longer.

The Territorial Lands Act requires that a detailed environmental impact statement be prepared before a right-of-way permit is issued or before easements are allowed for construction. Jean Chritian, Minister of the Department of Indian Affairs and Northern Development, stated on March 1, 1973, that public hearings will be held under the Territorial Lands Act at an appropriate time after the Department receives an application based on a viable project proposal, accompanied by a detailed documentation of research pertaining to areas of social and environmental concern.

D. S. MacDonald, Canadian Minister of Mines, on January 24, 1973, stated that the decision on the actual route to be followed must first be taken by DIAND in conjunction with the territorial governments. An application could then be made to the NEB for a permit. In other words, DIAND's approval must precede an application to the NEB. Presumably, a favorable ruling by DIAND would be contingent upon a prior native claims settlement. Other applications before either DIAND or the NEB could be delayed by law suits such as those brought in this country.

In view of the uncertainty concerning the timing of approvals by DIAND, the NEB, and the Canadian Cabinet, and the large interest costs on premature investments that resulted from delays in construction of the Alaska pipeline, the consortium building a Canadian line would be unlikely to order pipe, and risk large losses on interest payments, prior to the final approval of the pipeline. Lead times of 18 months to 2 years could be required for pipe procurement and construction of necessary camps and roads.

Actual construction time, after the pipe is available and roads and construction camps have been prepared, is uncertain. The Mackenzie Valley Pipeline Research, Limited, has indicated that construction could be completed in 2½ years if there were no other major competing pipeline projects in progress at that time. However, it seems unlikely that the much longer Canadian line could be completed in less time than the Alaska pipeline. A 3-to-4-year construction period seems probable.

I suspect, Gentlemen, that at this point your heads may be spinning, and with ample reason. This is the gauntlet we shall have to run if we choose to go the Canadian route. Indeed, if the Canadians follow the sequence of events they have publicly stated they will follow, then completion of a Canadian pipeline prior to 1983 is unlikely.

ECONOMIC COMPARISONS

Opponents of the Alaska pipeline have asserted that a Canadian route would provide greater economic benefits to the Nation. Our studies indicate the opposite. To avoid confusion we have adopted a methodology similar to that of Mr. Charles T. Cicchetti, an economist whose studies suggest that a Canadian pipeline route is economically superior. We have defined the benefits of an Alaska or Canadian line as the resource cost of the alternate sources of supply, less the resource cost of North Slope crude oil delivered to the same market. Resource costs are defined as the costs of goods and services required to bring North Slope or foreign oil to United States markets. Transfer payments to other Americans, royalty payments to the United States or Alaska, profits in excess of capital costs, and United States taxes are not included in resource costs. Royalty payments and taxes paid to foreign countries, capital costs, and operating expenses are included among the costs of goods and services.

Recent projections made at Treasury indicate that the delivered resource cost of Middle East crude oil in 1975 will be approximately $3.08 per barrel on the West Coast and approximately $3.38 per barrel in Chicago. By 1980, such costs will likely increase $1.50 per barrel, or more, although this is speculation. Bear in mind that these are resource costs, not total costs. United States profits and transfer payments have been excluded. Future market prices will be higher. Our projections indicate delivered resource costs of North Slope crude oil of $1.30 per barrel in Los Angeles and $1.60 per barrel in Chicago. The difference between the delivered resources cost of foreign crude and the delivered resource cost of North Slope crude represents the net benefit to the U.S. economy from producing North Slope crude oil. Our projections indicate a net benefit of $3.28 per barrel in 1980 for either the Alaska or Canadian pipeline route.

Our analysis differs from Mr. Cicchetti's analysis primarily in that we assumed that any North Slope production would displace foreign oil in either market whereas Mr. Cicchetti assumed that it would replace a 50/50 mixture of domestic crude and foreign crude on the U.S. West Coast, and an 83/17 mixture of domestic and foreign crude in the Chicago area. We have also assumed more up-to-date cost estimates. With the United States now producing at peak capacity and imports rising rapidly, it is unrealistic to assume that North Slope oil would displace domestic crude oil rather than imports.

Our analysis indicates that on a barrel per barrel basis, there is essentially no economic difference in the benefit accruing to the Nation from either pipeline route. What is significant is the indicated difference in net benefits, considering that a pipeline through Canada would deliver U.S. crude at a later date and, initially, at much lower volumes for whatever additional time period is required to loop the Canadian line and increase its throughput.

Completion of the Alaska pipeline should yield a net benefit to the economy starting at $1 billion per year, and increase to $2.4 billion annually by 1980, when we estimate that it will reach its full capacity of 2 million barrels per day. In contrast, a Canadian pipeline would yield yearly benefits of only $600 million initially, increasing to $1.4 billion when the line reaches full capacity. The difference is due to the Canadian Government reserving a portion of the pipeline's capacity to carry its own crude.

During the interval between completion of the Alaska pipeline and the earliest completion date of a Canadian pipeline, the average net benefit from the Alaska pipeline should be about $1.9 billion, assuming an average throughput rate of 1.6 million barrels per day for the period. Following the time when a Canadian pipeline could be completed, the Alaska pipeline would still yield net benefits of $1 billion more per year than would accrue from a Canadian pipeline with the same capacity.

If we assume that a Canadian line would not be completed for five years following the completion of the Alaska pipeline, and that it would not be looped to allow North Slope production equal to the capacity of the Alaska pipeline for another five years, then accumulated net benefits from the Alaska pipeline over and above those of a Canadian pipeline for the 10 years would be $14.5 billion.

In our analysis we have made assumptions regarding future oil prices, the cost of the Alaska pipeline and a Canadian pipeline, and the probable timing of completion of both routes. We have attempted to be realistic, but where there was uncertainty we have chosen to err in a manner to minimize the differences between the benefits of the two pipeline routes. For instance, we chose to utilize the cost estimates for a Canadian pipeline prepared by the Mackenzie Valley Pipeline Research, Limited, rather than the much higher estimates of the Interior Department, or others. Consequently, our projections are probably on the low side.

Actually the numbers used are not critical. It is really immaterial to the basic argument whether the net benefits from the Alaska pipeline would be $2.4 billion in 1980,





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or only one-third of that amount. It is immaterial whether we assume a two-year delay for completion of a Canadian pipeline compared to the Alaska pipeline, or a five-year delay. It is immaterial whether we assume a $3.00 price for foreign crude oil in 1980, or a $5.00 price. It is immaterial whether we assume that a pipeline through Canada would cost $4 billion, or $7 billion. *The point is that under any set of realistic assumptions* an analysis will indicate advantages for the Alaska pipeline over a Canadian pipeline amounting to hundreds of millions of dollars a year.

In fact, the only way that you can show an economic benefit for a Canadian pipeline comparable to the Alaska pipeline is to assume that each pipeline would carry equal volumes of North Slope crude oil (which is not a valid assumption), or to assume that the North Slope crude oil would displace domestic crude oil with appreciably different values in different markets, rather than foreign crude oil. This Committee should not be misled by analyses purporting to show an economic superiority for a Canadian pipeline when these analyses are based on *both* of the fallacious assumptions I have just mentioned.

The facts are that the Alaska pipeline will yield substantially greater economic benefits to this Nation than a pipeline through Canada with an equivalent capacity.

BALANCE OF TRADE BENEFITS

In addition to the economic benefits, the Alaska pipeline will provide substantial balance of trade benefits. During the period between the likely completion of the Alaska pipeline and the earliest completion of an alternative line through Canada, our foreign imports would be reduced by whatever throughput would be delivered through an Alaska pipeline. This would lower our first round balance of trade outflows by the tax paid cost of the foreign crude displaced *plus* the foreign component of shipping costs. By 1980 this would probably be about $4.00 per barrel, or higher. If we assume an average Alaska pipeline throughput of 1,600,000 barrels per day during this period, our yearly first round trade outflows would thus be reduced by approximately $2.3 billion, a not insignificant savings.

If a Canadian line were constructed, we estimate transportation charges of approximately $1.60 per barrel to the Chicago area. Approximately 60¢ per barrel of this would be for our portions of the line, and a return on our invested capital in the Canadian portion (assuming that we would contribute 49 percent of the investment in the Canadian portion). If we assume a capacity of 2,000,000 barrels per day (of which 1,200,000 barrels per day would be United States crude and 800,000 barrels per day Canadian arctic crude) our first round trade outflows from oil pumped through the Canadian line would be approximately $1.6 billion per year.

SECURITY BENEFITS OF THE ALASKA PIPELINE

More important than the economic and balance of trade benefits are the security advantages an Alaska pipeline would provide. During the critical period in the late 1970's and early 1980's, an Alaska pipeline would materially increase our ability to withstand a foreign supply disruption. Perhaps of even more significance than the 2,000,000 barrels per day, would be the stimulus an Alaska pipeline would give to exploration. The U.S. arctic has appreciably more potential than the 2,000,000 barrels per day capacity of an Alaska pipeline. The Prudhoe Bay field, alone, will supply this amount. For maximum security, the U.S. needs to develop additional potential.

Unfortunately, the delay in starting the Alaska pipeline has caused the oil companies to curtail and restrict their exploration efforts. This is a natural reaction since the companies cannot be expected to invest large sums of money for exploration and development until they have the prospects of selling within a reasonable period of time any crude which they may find.

Early initiation of the construction of the Alaska pipeline would stimulate exploration and development that could lead to an additional supply of several million barrels per day by the early 1980's. A Canadian line would not provide the same stimulation, both because of the later starting date and the lower initial U.S. throughput in a Canadian line.

I believe that an early start of the Alaska pipeline could contribute materially to our energy security. Not only would it provide the direct security of the initial Alaska pipeline throughput, it would lead to earlier exploration and development of other arctic reserves. Either of these factors could be critical to our economic well-being in the event of a serious supply disruption during the late 1970's or early 1980's.

LEGAL CONSIDERATIONS

The opponents of an Alaska pipeline have stated that alternative pipeline routes have not been extensively studied, as required by law. This is *not true*. Extensive investigations of a Canadian pipeline route have been made by the Department of the Interior, as well as by the State Department, the Defense Department, and the Office of Emergency Preparedness. Secretary Morton authorized construction of an Alaska pipeline in 1972 following consultations on the merits of various routes with the concerned Governmental Departments and Agencies. The Secretaries of Defense and State, and the Director of the Office of Emergency Preparedness all recommended immediate construction of the Alaska pipeline. I now repeat that recommendation.

In summary, I believe that the Alaska pipeline offers substantial economic, balance of payments, and security benefits to the United States compared to a Canadian pipeline route. It offers increased employment benefits and substantial economic advantages to Alaska. I believe that the environmental risks, while perhaps substantial initially, are now minimal, due to the stringent regulations that have been placed upon construction of the line and for the tanker shipments of the crude oil from Valdez to the West Coast markets.

I strongly urge the Congress to take immediate action to pass the necessary laws to allow us to proceed with the construction of this vital pipeline.

Thank you.

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## SENATOR LONG'S HEALTH INSURANCE PROPOSAL

Mr. RIBICOFF. Mr. President, on April 16, the distinguished chairman of the Senate Finance Committee, Senator RUSSELL LONG told the Louisiana State AFL–CIO Convention of his intention to introduce legislation providing uniform basic health benefits to low-income individuals throughout the Nation.

This measure, combined with his legislation to provide protection against the catastrophic costs arising from prolonged or expensive illnesses, is a major step forward in the legislative debate on national health insurance. Reform of our Nation's health care system will not be cheap. Major costs are involved in every health insurance bill which has been introduced in the Congress. One of the strengths of Senator LONG's measure is not only that it is relatively inexpensive compared to other health insurance bills, but that it provides coverage where it is needed most and reforms an open-ended program—medicaid—which grows in cost at an astronomical rate, but does not provide the health care that it should.

Medicaid now costs the States and Federal Government $10 billion. In Connecticut alone the State costs of medicaid exceeded $56 million in calendar 1972. The total medicaid cost for Connecticut when Federal matching money is included exceeds $112 million—almost double the cost to the State of Connecticut of all its other welfare programs.

The Long health plan for low-income persons would not only provide health benefits for those unable to work, but also for those who work but continue to be classified as poor, because of their low earnings.

The catastrophic element of Senator LONG's health strategy would protect all Americans against the danger of budget-breaking health expenses. Catastrophic illnesses and accidents strike at random and the specter of financial devastation accompanying these illnesses most be laid to rest.

I look forward to working with Senator LONG in the months ahead on the vitally important health insurance issue. His proposals deserve close attention.

I ask unanimous consent that the following statements describing Senator LONG's proposals be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

LONG ANNOUNCES NATIONAL HEALTH PLAN FOR LOW-INCOME FAMILIES

BATON ROUGE.—U.S. Senator Russell B. Long (D-La.), Chairman of the Senate Finance Committee, announced today he will introduce soon legislation to provide uniform basic health benefits to low-income individuals and families throughout the nation.

This new program not only would replace Medicaid but also would extend health benefits to millions of low-income working individuals and their families—including about one million migrant workers and dependents.

Long said the new program for low-income families, if enacted by Congress, would be coupled with catastrophic health-insurance protection covering virtually every American. Long reintroduced his catastrophic-illness proposal last month in the U.S. Senate.

Senator Long told the state convention of the Louisiana AFL–CIO today in Baton Rouge: "It is time to replace the existing inequities and uneven and uncertain coverage of the present welfare health plan, Medicaid, with a program providing uniform benefits and with uniform eligibility requirements throughout the country."

The estimated annual cost of the low-income plan is $5.3 billion in general revenues above present federal-state expenditures for Medicaid. The catastrophic-illness plan, financed from Social Security payroll taxes, will cost an additional $3.6 billion a year.

States would make a fixed contribution toward the cost of the low-income plan, based upon state spending for Medicaid and general-assistance health care in the year prior to the start of the new program.

Senator Long pointed out that the total federal cost of $8.9 billion for his program compares to an estimated $70 billion cost of the plan proposed by Sen. Edward Kennedy (D-Mass). Long's plan also is about $6 billion less in annual cost than legislation endorsed by the American Medical Association.

Both the low-income program and the catastrophic plan would be administered by the Social Security Administration, which now oversees Medicare.

Benefits under Long's plan would include 60 days of hospital care (the catastrophic plan would pick up from the 61st day) and also take care of the cost of all medically-necessary physicians' services, home health services, skilled nursing-facility care and services in an intermediate-care facility.

Under the low-income proposal, as outlined by the Louisiana Democrat, coverage would be extended to individuals with annual incomes of $2,400 or less and to two-person families with $3,600 or less. The limit would be increased by $600 for each additional family member.

Long noted that families with incomes above the eligibility levels could have medical expenses constituting a "spend-down" to the eligibility point.

The example he cited was a family of four with an income of $5,500. That family would receive help after it had incurred $700 in medical expenses which brought it to the eligibility level of $4,800 for a four-person family.

But, he also noted that such a family probably would have either some private health-insurance protection through employment or would purchase private coverage on its own at less cost than the $700 "spend-down."

Generally, families with incomes above $5,200 would find it advantageous to purchase private health insurance. He said that his legislation would contain provisions designed to stimulate and assure the availability to lower-income families of health insurance policies which had adequate benefits and reasonable premiums.

Without such assurances, Long said, the lower-income family would not be able to choose to insure itself, rather than "spend down" to the eligibility level.

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STATEMENT OF THE HONORABLE RUSSELL B. LONG BEFORE THE LOUISIANA AFL–CIO, BATON ROUGE, LA., APRIL 16, 1973

I really appreciate this opportunity to visit with so many old friends who have done so much to improve conditions for the working man.

But the Louisiana AFL–CIO's concern has always extended beyond the well-being of its members—you work, as I do, toward a better life for all Americans. We work toward that better life one step at a time.

Today, I want to tell you about legislation which I will shortly introduce in the Senate which, if enacted, would represent a major step forward for the American people.

This national health insurance proposal has two equally essential parts:

The first part consists of catastrophic insurance coverage for virtually all Americans. This plan, like Medicare, would be financed by Social Security payroll taxes and administered by the time-tested Social Security Administration. The plan would include nearly all employees covered under Social Security and their dependents, and all Social Security beneficiaries. It would make payment for the types of services covered by Medicare, after an individual had been hospitalized for sixty days or a family had incurred expenses of $2,000. The payments would cover expenses beyond those deductibles.

The second part of the bill will consist of an entirely new basic health benefits program for low-income individuals and families. While most middle-income families can afford and can obtain reasonably adequate private health insurance coverage toward the costs of their first sixty days of hospitalization and the first $2,000 of medical expenses, many millions of low-income individuals and families cannot afford or do not have such basic private health insurance protection available to them.

Let's face it. The poorest health insurance risk is the man who most needs the protection but is the least likely to get it.

The present Federal State program providing health benefits to the poor-Medicaid—does not generally cover low-income workers who are not on welfare. It is basically provided only to welfare families and, even then, benefit and eligibility levels vary all over the lot from State to State. In most States Medicaid is limited to poor aged, blind and disabled persons or fatherless families.

Today, for example, in one State a disabled person with $1,800 annual income might not be eligible for Medicaid whereas, in another State he would be. Further, that same disabled person might be covered for only fifteen days of hospitalization under Medicaid in one State while, in another, he would be eligible for unlimited hospitalization. Now, that just doesn't make sense, does it?

Aside from those obvious inequities in treatment of the poor, there is another inequity developing with implementation of the new Supplemental Security Income plan for aged, blind and disabled persons, where thousands of people in a State would be eligible for Medicaid and other thousands in the same State, and with the same income, would not. And in no State is Medicaid coverage available to a hard-working couple or small family with low income.

These general problems with the existing Medicaid program are best illustrated by specific cases, such as the man in Florida who recently had to divorce his wife of many years in an attempt to qualify her under Medicaid and thus obtain necessary medical care for her chronic illness.

The major new program which I am proposing would provide basic health benefits coverage with uniform national eligibility standards for all low-income individuals and families. It would be administered, as would catastrophic health insurance, by the Social Security Administration.

The basic benefits provided under the low-income plan are designed to mesh with the deductibles under the catastrophic program. This new proposal is directed primarily at providing necessary health benefits protection to the millions of working low-income families in the United States who receive no coverage at the present time, and eliminating the inequities and much of the red tape in the present Medicaid program.

Coverage under the new program would be available to all individuals and families with annual incomes at or below the following levels: (a) an individual with income at or under $2,400; (b) a two-person family with income at or under $3,600; and (c) a family of four with an income at or under $4,800. For each family member above the first two, the eligibility limit is increased by $600. In addition, families with incomes slightly above the eligibility levels would be eligible for benefits if their medical expenses reduced their income to these levels. For example, a family of four with an income of $5,200 would become eligible after they had expended $400 for medical expenses, including any health insurance premiums. However, since such a family could probably obtain reasonably adequate private health insurance coverage for $400, families with incomes above $5,200 would most probably seek to get such insurance, or often have at least some insurance through their employers. Of course, no person presently eligible for Medicaid would lose entitlement to benefits because of the new program.

The benefits covered by the plan would include sixty days of hospital care and all medically necessary physicians' services, laboratory and X-ray services, home health services and care in skilled nursing homes and intermediate care facilities without limitation. Nominal copayments would be required on patient-initiated elective services, such as the first one or two visits to a doctor's office.

The plan would also afford catastrophic insurance coverage to those few low-income families who are not covered under the catastrophic plan and would also pay for low-income families the coinsurance required under the catastrophic plan.

States would be free to provide additional benefits—such as drugs and optometric services—at their own expense.

Physicians and hospitals should be supportive of this proposal for it will authorize uniform reimbursement methods which for physicians will be generally somewhat higher than present Medicaid reimbursement and, in the case of hospitals, will virtually eliminate all bad debts. The plan would also cut red tape since doctors and hospitals would file claims with only one agency, instead of two or three as at present. No new bureaucracies would be created since the program would be administered by an existing and experienced agency of the Federal Government. Private insurance would have a substantially defined area in which to provide health insurance coverage. The Federal Government would have assumed responsibility for the population groups most in need of help—the aged, disabled, those with low incomes and those with catastrophic illnesses.

Parenthetically, you will note that the income levels for eligibility for this plan have been established at points somewhat above present definitions of poverty. There are two reasons for this: First is that the plan would not become effective until July 1, 1975 and, second, because we are, in a sense defining medical indigency rather than indigency.

I have noted that many individuals and families with incomes somewhat above the eligibility levels for the low-income plan would find it more advantageous to secure private health insurance than to "spend-down" to the eligibility levels. But, in order for them to make that choice, reasonably adequate and reasonably-priced private insurance must be readily available to them—and without a host of restrictions and exclusions.

For that reason, my bill would require the Secretary of Health, Education, and Welfare to report annually to the Congress as to whether good basic health insurance protection was actually and generally available to those of moderate means through private insurers at premiums which were reasonable in relation to benefits paid. If the Secretary of Health, Education, and Welfare found that basic private health insurance was not generally available at reasonable premiums, he would recommend to the Congress a mechanism and procedures for establishing a self-sustaining Federal insurance pool to assure general availability of basic health insurance to those individuals and families desiring to purchase such protection. I am confident, however, that private health insurers will meet the challenge without the necessity of a Federal insurance pool.

Now, how much does all of this cost? Well, very little that is worthwhile and does what needs to be done comes cheap.

The estimated cost of the low-income plan is $5.3 billion in general revenues above present Federal-State annual expenditures for Medicaid with an additional $3.6 billion for the catastrophic illness plan financed from Social Security payroll taxes.

States would make a fixed contribution toward the cost of the low-income plan based upon expenditures made by a State under Medicaid and general assistance for the types of benefits covered under the low-income



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plan in the year prior to the start of the new program.

This total additional Federal cost of $8.9 billion for this program represents only one-eighth of that of the plan advanced by Senator Kennedy and is some $6 billion less in annual cost than the legislation endorsed by the American Medical Association.

The astronomical costs of the Kennedy and AMA proposals make them highly unlikely of enactment in my opinion. And the cost alone of the proposal I am outlining to you today will make for an extremely tough fight in Washington. But, frankly, I don't believe we can really do a comprehensive job for less than the cost of the low-income and catastrophic plans.

Let me tell you for a moment what this plan would mean for us in Louisiana. In Louisiana about one-fourth of the population would be covered under the low-income proposal. A large proportion of these people are working poor who are not now covered by the Medicaid program. Although not covered by Medicaid, the large majority of the new people covered are presently eligible for care at State expense in the Charity Hospital system. Thus Louisiana, along with other States, would realize substantial savings and would be protected against continuing increases in State costs for medical care.

In summary, the low-income plan is designed to mesh with catastrophic health insurance and will provide assistance to many millions of working poor people not presently covered by Medicaid who are not able to adequately protect themselves against the basic costs of health care, let alone the costs of catastrophic illness.

This afternoon, I have stressed the new part of my national health insurance package. Now, I'd like to review with you the catastrophic health insurance plan which completes the package.

As you know, catastrophic illnesses and accidents strike at random, and the specter of such a disabling or even fatal occurrence is a part of all our lives. However, in this age of medical and scientific progress, families live not only with the specter of disabling or fatal illness, but also with a haunting fear of the financial devastation accompanying these illnesses.

Astonishing medical progress has gone hand in hand with a skyrocketing increase in the costs of medical care—particularly the costs of the new and sophisticated techniques employed in the treatment of catastrophic illnesses or accidents. The costs of the complex medical care necessary for spinal cord injury, strokes, severe burns and cancer, to name only a few conditions, can be staggering and can easily go beyond the reach of the resources of nearly any family in America. Families can and do work for a lifetime, only to lose everything at the time they are struck by a catastrophic illness.

Basically, my bill would provide protection to all those who are currently and fully insured under Social Security, their spouses and dependents, and to all Social Security beneficiaries.

This very broad coverage includes about 95 percent of all persons in the United States.

The types of services covered under the catastrophic plan would be similar to those currently covered under parts A and B of Medicare except that there would be no limitation on hospital days or home health visits. Present Medicare part A coverage includes 90 days of hospital care, 100 days of post-hospital extended care and 100 home health visits. Present part B coverage includes physicians' services, laboratory and X-ray services, physical therapy services and other medical and health items and services. Unlike Medicare, which provides basic insurance coverage, people would be responsible for payment for the first 60 days of hospital care and the first $2,000 in medical expenses in a year.

The heart of any catastrophic plan is the deductibles, as this basically defines what will be considered a catastrophe, and distinguishes catastrophic coverage from basic health insurance. My proposal contains deductibles of $2,000 per family for part B physicians' benefits and 60 days hospitalization deductible per individual for hospitalization benefits. In other words, benefits would be payable for a family's medical bills beyond $2,000 and hospitalization would be covered from the 61st day of an individual's hospitalization. After the deductibles have been met, benefits will be payable as under Medicare, which calls for a coinsurance payment of 20 percent on medical bills and $17.50 per day for hospital coverage. These coinsurance payments would be limited to a maximum of $1,000, at which point no further coinsurance would be charged.

Most families would insure themselves through the use of present private health insurance arrangements against their basic health care costs, including the first 60 days of hospitalization and the first $2,000 of medical bills.

Passage of the catastrophic health insurance plan and the health benefit plan for low-income individuals and families would, as I said, when coupled with Medicare virtually assure that no American was denied adequate health care for financial reasons.

When my father was Governor of this State, one of his major goals was to make good medical care available to the poor citizens of Louisiana The charity hospitals which flourished under his leadership were a great step in that direction. Today, I think it is time that we take another step, not just in Louisiana, but throughout the United States to assure that the less fortunate among us—the aged, the disabled, those with low income and those with catastrophic illnesses—receive Federal assistance toward the costs of health care, and to assure that all citizens have adequate health insurance coverage available to them at a reasonable cost.

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HEALTH BENEFITS COVERAGE FOR LOW-INCOME INDIVIDUALS AND FAMILIES

FACT SHEET

*I. General approach*

The plan would provide Federally-administered basic health coverage with uniform national eligibility standards for low income individuals and families. Basic benefits provided are designed to mesh with the catastrophic health insurance proposal. The plan is aimed predominately at providing coverage to low-income working individuals and families. In addition, the plan would eliminate the present inequity whereby people with the same incomes and needs are eligible for Medicaid in one State but ineligible in another, and would solve the inequity developing with implementation of the new aged, blind and disabled program where some recipients would be eligible for Medicaid and others—equally needy—would not. It would also provide substantial fiscal relief to States. Catastrophic coverage would atart July 1, 1974 and the low-income program July 1, 1976.

*II. Eligibility*

Coverage would be available to all individuals and families having annual incomes at or below the following levels:

| | |
|---|---|
| Individual | $2,400 |
| 2-person family | 3,600 |
| 4-person family | 4,800 |
| Each additional person | 600 |

To enhance administrative simplicity, eligibility could be certified on an annual or semi-annual basis. Additionally, to further simplify administration, and in view of the fact that this is not a welfare plan, there would be no assets test. Similarly, there would be no requirement of a categorical link or residency requirement as in welfare (aged, disabled, blind, etc.) benefits. Among other effects, this would solve the problem of covering one million migratory workers and dependents. A "spend-down" would be included so that a family of four with say $5,000 of income would be covered after it had spent $200 for medical care.

*III. Benefits*

The plan would cover sixty days of hospital care and medically-necessary physicians' services, skilled nursing facility care, home health services, plus intermediate care facility services. Nominal copayments would be required on patient-initiated elective services. The coinsurance amount under the catastrophic plan on medical expenses would be payable by the low-income plan, and those participants not otherwise eligible for regular catastrophic coverage would have catastrophic benefits provided under the basic low-income plan. States would be free to provide (at their expense) the optional and less costly services such as drugs and dental care.

*IV. Payments and administration*

The plan would use Medicare reimbursement bases and would apply all Medicare quality and cost controls. The Bureau of Health Insurance of the Social Security Administration, which administers Medicare, would also administer the low-income and catastrophic plans.

*V. Financing*

The low-income plan would be financed from general revenues, just as the Federal share of Medicaid is now financed, and also with State funds. States would pay a fixed amount equivalent to their total expenditures from State funds under Medicaid for the types of benefits covered under this plan during the year prior to the effective date of the program. Additionally, a State woud also pay 50 percent of the estimated amount that the State and local governments had expended in that same year for provision of these types of services to people not covered under Medicaid who would however be covered under the new plan. State contributions in future years would be limited to that initial contribution amount.

*VI. Cost*

The additional first full-year Federal cost above present Medicaid is estimated at $5.3 billion. Including the catastrophic plan, total additional first full year Federal costs are estimated at $8.9 billion.

*VII. Miscellaneous*

Many of the low-income working individuals and families will have some form of private insurance, adequate or inadequate. The low-income plan would be residual, paying on top of any other benefits. A provision would be included so that no group insurance plan could exclude an otherwise eligible individual on account of coverage under the low-income plan.

The program should mesh smoothly with private insurance. The individual or family should have good private health insurance available to them. For example, a family of four with $6,000 in income would have to expend $1,200 before it would be eligible for the low-income coverage. However, they would probably find it more advantageous to buy a private health insurance plan for $400 or $500 a year rather than run the risk of spending down. They must, however, be able to buy that alternative private insurance coverage. Therefore, the proposal would include various provisions requiring private insurers to make good basic coverage without a host of restrictions and exclusions available throughout the country at premiums reasonable in relation to benefits and pay-out.

The Secretary of HEW would report annually as to whether such coverage was in fact generally available and, if not, submit his recommendations for a self-sustaining Federal health insurance pool as a means of affording these people an opportunity to buy health insurance where it was not otherwise reasonably available to them.



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## CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I would like to report that, according to current Census Bureau approximations, the total population of the United States as of May 1 was 210,644,420. In spite of the widely publicized reduction in our fertility levels, which by the way I heartily applaud, this figure represents an increase of 1,587,909 since May 1, 1972. It also represents an increase of 135,653 in just the last month.

Over the year, therefore, we have added enough additional people to fill three cities the size of Seattle, and, in just the one short month, we have added the equivalent of New Haven, Conn.

Mr. President, I would also like to mention that, according to the Census Bureau, our population will be in the vicinity of 227 million by 1980. It is difficult to think of this many people in the abstract, but I might point out that the increase between today and 1980, about 17 million, would be like adding five new Chicagos in less than 7 years, or nearly one a year.

Mr. President, because the importance of having and understanding demographic data cannot be overemphasized, I ask unanimous consent to have printed at this point in the RECORD a chart prepared by the Population Reference Bureau. This chart provides a State-by-State breakdown of basic demographic information, and I draw the attention of my colleagues particularly to the projections of population in their States and in the entire United States by the year 1980, only 7 short years away.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

U.S. POPULATION DATA SHEET—THE PARTS OF THE WHOLE

As a nation grows, national statistics become both more significant and, sometimes, less useful. Small changes in the national growth rate, for instance, reflect changing behavior in a greater number of people; but for the planner, the businessman, the politician, such numbers often contain too little detail to help them with the problems they face. They need data on a smaller scale.

When the revolutionary string of ex-colonies called the United States held its first census in 1790, it counted a little less than 4 million people. By 1900, 4 of its individual states had exceeded that population, and in 1970 the number had risen to 16. One of them, California, had a 1970 population more than 5 times as large as that of the original 13 states when the union was formed.

So population statistics even on the state level have grown somewhat unwieldy, particularly for those in local communities who are concerned with uncontrolled growth and development. Nevertheless, many decisions guiding the future growth of the country, and its individual communities, will be made at the state level.

To help in understanding the parts that make up the whole of the United States, the Population Reference Bureau has brought together demographic information for each of the states, presented in the form of a U.S. Population Data Sheet. Modelled on the pattern of the annual *World Population Data Sheet*, the U.S. edition contains current data for each state, as well as record of each state's decade-by-decade population since 1900.

The 7 censuses since the beginning of this century showed a growth of 167 percent in the national population, from 76 million in 1900 to 203 million in 1970. The first decade saw the most rapid growth, 21 percent, but the 1950s ran a close second. Almost 30 million people were added to the population during that baby-boom period, an increase of 18.5 percent from 1950 to 1960. Growth was slowest in the 1930s; population increased only 7.2 percent between the 1930 and 1940 censuses.

The 20th century growth rates of individual states have varied tremendously. Some have increased considerably less than the national average. In the 1960s, as in several preceding decades, a few states have lost population; North Dakota hit its peak population of 681,000 in 1930.

Some states, on the other hand, have grown phenomenally. The outstanding examples are in the West Coast region, which in 1900 made up 3.1 percent of U.S. population and by 1970 contained 12.5 percent of all Americans. California itself ranked 22nd in population in 1900; by 1970 it was the nation's most populous state, to the growing dismay of a number of that state's citizens. Florida is the other example of extraordinary growth; its population in 1970, 6.8 million, was almost 13 times what it was in 1900.

Population loss in individual states, and much of the extraordinary growth of some others, resulted from migration. Another demographic trend in the 20th century, urbanization, also ceme about largely because of migration. Only 5 percent urban in 1790, the U.S. population was still more than half rural in 1900. By 1970, however, almost three-quarters of the population lived in urban areas, and some states had even higher proportions of urban dwellers. Here again, California led the list: More than 90 percent in that state lived in urban areas. New York, New Jersey, Massachusetts and Rhode Island were next: 85 percent or more of their population was urban.

For those concerned with planning for future growth, population projections are an important tool. This Data Sheet gives Census Bureau projections of 1980 population for each state.

The projections are based on the assumption that migration rates into or out of states will remain at the levels of the 1960s. They also assume that fertility will be the same as the Census Bureau's Series E national population projections—a completed national fertility of 2.1 children per woman—adjusted for fertility variations from state to state.

The Series E fertility assumptions are close to present levels. Migration patterns could change significantly, however, particularly in states which had large migration either in or out during the 1960s. Population projections in general are uncertain instruments; in a mobile society such as the United States they must be used with even greater caution than usual.

U.S. POPULATION DATA SHEET

[Population figures in thousands]

| | Area (square miles) | Date of admission | First census after admission [1] | 1900 | 1910 | 1920 | 1930 | 1940 | 1950 |
|---|---|---|---|---|---|---|---|---|---|
| United States | 3,615,122 | | 3,929 | 76,212 | 92,228 | 106,022 | 123,203 | 132,165 | 151,328 |
| Alabama | 51,609 | 1819 | 128 | 1,829 | 2,138 | 2,348 | 2,646 | 2,833 | 3,062 |
| Alaska | 586,412 | 1959 | 226 | 64 | 64 | 55 | 59 | 73 | 129 |
| Arizona | 113,909 | 1912 | 334 | 123 | 204 | 334 | 436 | 499 | 750 |
| Arkansas | 53,104 | 1836 | 98 | 1,312 | 1,574 | 1,752 | 1,854 | 1,949 | 1,909 |
| California | 158,693 | 1850 | 93 | 1,485 | 2,378 | 3,427 | 5,677 | 6,907 | 10,586 |
| Colorado | 104,247 | 1876 | 194 | 540 | 799 | 940 | 1,036 | 1,123 | 1,325 |
| Connecticut | 5,009 | 1788 | 238 | 908 | 1,115 | 1,381 | 1,607 | 1,709 | 2,007 |
| Delaware | 2,057 | 1787 | 59 | 185 | 202 | 223 | 238 | 267 | 318 |
| District of Columbia | 67 | | 8 | 279 | 331 | 438 | 487 | 663 | 802 |
| Florida | 58,560 | 1845 | 87 | 529 | 753 | 968 | 1,468 | 1,897 | 2,771 |
| Georgia | 58,876 | 1788 | 83 | 2,216 | 2,609 | 2,896 | 2,909 | 3,124 | 3,445 |
| Hawaii | 6,450 | 1959 | 633 | 154 | 192 | 256 | 368 | 423 | 500 |
| Idaho | 83,557 | 1890 | 89 | 162 | 326 | 432 | 445 | 525 | 589 |
| Illinois | 56,400 | 1818 | 55 | 4,822 | 5,639 | 6,485 | 7,631 | 7,897 | 8,712 |
| Indiana | 36,291 | 1816 | 147 | 2,516 | 2,701 | 2,930 | 3,239 | 3,428 | 3,934 |
| Iowa | 56,290 | 1846 | 192 | 2,232 | 2,225 | 2,404 | 2,471 | 2,538 | 2,621 |
| Kansas | 82,264 | 1861 | 364 | 1,470 | 1,691 | 1,769 | 1,881 | 1,801 | 1,905 |
| Kentucky | 40,395 | 1792 | 221 | 2,147 | 2,290 | 2,417 | 2,615 | 2,846 | 2,945 |
| Louisiana | 48,523 | 1812 | 153 | 1,382 | 1,656 | 1,799 | 2,102 | 2,364 | 2,684 |
| Maine | 33,215 | 1820 | 298 | 694 | 742 | 768 | 797 | 847 | 914 |
| Maryland | 10,577 | 1788 | 320 | 1,188 | 1,295 | 1,450 | 1,632 | 1,821 | 2,343 |
| Massachusetts | 8,257 | 1788 | 379 | 2,805 | 3,366 | 3,852 | 4,250 | 4,317 | 4,691 |
| Michigan | 58,216 | 1837 | 212 | 2,241 | 2,810 | 3,668 | 4,842 | 5,256 | 6,372 |
| Minnesota | 84,068 | 1858 | 172 | 1,751 | 2,076 | 2,387 | 2,564 | 2,792 | 2,982 |
| Mississippi | 47,716 | 1817 | 75 | 1,551 | 1,797 | 1,791 | 2,010 | 2,184 | 2,179 |
| Missouri | 69,686 | 1821 | 140 | 3,107 | 3,293 | 3,404 | 3,629 | 3,785 | 3,955 |
| Montana | 147,138 | 1889 | 143 | 243 | 376 | 549 | 538 | 559 | 591 |

Footnotes at end of table.

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U.S. POPULATION DATA SHEET—Continued

[Population figures in thousands]

| | Area (square miles) | Date of admission | First census after admission [1] | 1900 | 1910 | 1920 | 1930 | 1940 | 1950 |
|---|---|---|---|---|---|---|---|---|---|
| Nebraska | 77,227 | 1867 | 123 | 1,066 | 1,192 | 1,296 | 1,378 | 1,316 | 1,326 |
| Nevada | 110,540 | 1864 | 42 | 42 | 82 | 77 | 91 | 110 | 160 |
| New Hampshire | 9,304 | 1788 | 142 | 412 | 431 | 443 | 465 | 492 | 553 |
| New Jersey | 7,836 | 1787 | 184 | 1,884 | 2,537 | 3,156 | 4,041 | 4,160 | 4,835 |
| New Mexico | 121,666 | 1912 | 360 | 195 | 327 | 360 | 423 | 532 | 681 |
| New York | 49,576 | 1788 | 340 | 7,269 | 9,114 | 10,385 | 12,588 | 13,479 | 14,830 |
| North Carolina | 52,586 | 1789 | 394 | 1,894 | 2,206 | 2,559 | 3,170 | 3,572 | 4,062 |
| North Dakota | 70,665 | 1889 | 191 | 319 | 577 | 647 | 681 | 642 | 620 |
| Ohio | 41,222 | 1803 | 231 | 4,158 | 4,767 | 5,759 | 6,647 | 6,908 | 7,947 |
| Oklahoma | 69,919 | 1907 | 1,657 | 790 | 1,657 | 2,028 | 2,396 | 2,336 | 2,233 |
| Oregon | 96,981 | 1859 | 52 | 414 | 673 | 783 | 954 | 1,090 | 1,521 |
| Pennsylvania | 45,333 | 1787 | 434 | 6,302 | 7,665 | 8,720 | 9,631 | 9,900 | 10,498 |
| Rhode Island | 1,214 | 1790 | 69 | 429 | 543 | 604 | 687 | 713 | 792 |
| South Carolina | 31,055 | 1788 | 249 | 1,340 | 1,515 | 1,684 | 1,739 | 1,900 | 2,117 |
| South Dakota | 77,047 | 1889 | 349 | 402 | 584 | 637 | 693 | 643 | 653 |
| Tennessee | 42,244 | 1796 | 106 | 2,021 | 2,185 | 2,338 | 2,617 | 2,916 | 3,292 |
| Texas | 267,338 | 1845 | 213 | 3,049 | 3,897 | 4,663 | 5,825 | 6,415 | 7,711 |
| Utah | 84,916 | 1896 | 277 | 277 | 373 | 449 | 508 | 550 | 689 |
| Vermont | 9,609 | 1791 | 154 | 344 | 356 | 352 | 360 | 359 | 378 |
| Virginia | 40,817 | 1788 | 692 | 1,854 | 2,062 | 2,309 | 2,422 | 2,678 | 3,319 |
| Washington | 68,192 | 1889 | 357 | 518 | 1,142 | 1,357 | 1,563 | 1,736 | 2,379 |
| West Virginia | 24,181 | 1863 | 442 | 959 | 1,221 | 1,464 | 1,729 | 1,902 | 2,006 |
| Wisconsin | 56,154 | 1848 | 305 | 2,069 | 2,334 | 2,632 | 2,939 | 3,138 | 3,435 |
| Wyoming | 97,914 | 1890 | 63 | 93 | 146 | 194 | 226 | 251 | 291 |
| Puerto Rico | 3,435 | | | [2] 953 | 1,118 | 1,300 | 1,544 | 1,869 | 2,211 |

NOTES

[1] 1812 admission date would mean 1820 census population, etc., U.S. population is for 1790, the first National Census; District of Columbia data is for 1800; California, Idaho, Maine, Rhode Island, Wyoming population is the year of admission; Florida and Texas, 1850. Territorial population data for Alaska (1900–50), Arizona (1900), Hawaii (1900–50), New Mexico (1900), Oklahoma (1900).

[2] Population: 1899 figure; birth and death rates: 1970 figures.
Population totals to the nearest thousand.

1790 to 1970 data from U.S. Bureau of the Census, U.S. Census of Population: 1970 Number of inhabitants, Final Report PC(1)–A1 United States Summary, U.S. Government Printing Office, Washington, D.C. 1971. (1970 Official Counts as corrected.)
Provisional statistics for State and national birth, death, and total infant mortality rates for 1971 are from U.S. Department of Health, Education and Welfare, Public Health Service, Health Services and Mental Health Administration, National Center for Health Statistics, Rockville, Md. Monthly Vital Statistics Report, Provisional Statistics, Annual Summary for the United States, 1971 (HSM) 73–1121, vol. 20, No. 13, Aug. 30, 1972.

U.S. POPULATION DATA SHEET

| | 1960 | 1970 | Percent of change 1960–70 | Net migration 1960–70 (percent) [1] | Percent urban 1970 [2] | Annual births per 1,000 population 1971 | Annual deaths per 1,000 population 1971 | Total infant mortality 1971 [3] | Population estimates mid-1972 [4] | Population projections 1980 [5] |
|---|---|---|---|---|---|---|---|---|---|---|
| United States | 179,323 | 203,235 | 13.3 | 1.7 | 73.5 | 17.3 | 9.3 | 19.2 | 208,232 | 226,934 |
| Alabama | 3,267 | 3,444 | 5.4 | −7.1 | 58.4 | 19.1 | 9.7 | 23.6 | 3,510 | 3,565 |
| Alaska | 226 | 302 | 32.8 | 7.1 | 48.4 | 22.9 | 5.0 | 18.3 | 325 | 352 |
| Arizona | 1,302 | 1,772 | 36.0 | 17.5 | 79.6 | 21.0 | 8.6 | 18.3 | 1,945 | 2,164 |
| Arkansas | 1,786 | 1,923 | 7.7 | −4.0 | 50.0 | 18.1 | 10.6 | 19.9 | 1,978 | 2,052 |
| California | 15,717 | 19,953 | 27.0 | 13.4 | 90.9 | 16.8 | 8.5 | 16.8 | 20,468 | 24,226 |
| Colorado | 1,754 | 2,207 | 25.8 | 12.3 | 78.5 | 18.1 | 8.1 | 18.0 | 2,357 | 2,636 |
| Connecticut | 2,535 | 3,032 | 19.6 | 8.5 | 77.4 | 14.6 | 8.5 | 15.5 | 3,082 | 3,551 |
| Delaware | 446 | 548 | 22.8 | 8.5 | 72.2 | 17.7 | 9.0 | 14.4 | 565 | 655 |
| District of Columbia | 764 | 757 | −1.0 | −13.1 | 100.0 | 33.8 | 13.9 | 28.5 | 748 | |
| Florida | 4,952 | 6,789 | 37.1 | 26.8 | 80.5 | 16.5 | 11.2 | 20.7 | 7,259 | 8,289 |
| Georgia | 3,943 | 4,590 | 16.4 | 1.3 | 60.3 | 20.4 | 9.0 | 21.3 | 4,720 | 5,191 |
| Hawaii | 633 | 770 | 21.5 | 1.7 | 83.1 | 20.1 | 5.7 | 18.1 | 809 | 874 |
| Idaho | 667 | 713 | 6.8 | −6.2 | 54.1 | 19.1 | 8.4 | 16.6 | 756 | 761 |
| Illinois | 10,081 | 11,114 | 10.2 | −0.4 | 83.0 | 17.2 | 9.6 | 20.7 | 11,251 | 12,256 |
| Indiana | 4,662 | 5,194 | 11.4 | −0.3 | 64.9 | 18.3 | 9.3 | 18.0 | 5,291 | 5,782 |
| Iowa | 2,758 | 2,825 | 2.4 | −6.6 | 57.2 | 16.1 | 10.3 | 17.0 | 2,883 | 2,908 |
| Kansas | 2,179 | 2,249 | 3.1 | −6.0 | 66.1 | 15.1 | 9.6 | 19.8 | 2,258 | 2,334 |
| Kentucky | 3,038 | 3,219 | 5.9 | −5.0 | 52.3 | 18.1 | 10.3 | 20.4 | 3,299 | 3,372 |
| Louisiana | 3,257 | 3,643 | 11.8 | −4.0 | 66.1 | 20.1 | 9.2 | 22.1 | 3,720 | 3,975 |
| Maine | 969 | 994 | 2.4 | −7.2 | 50.8 | 14.3 | 10.7 | 16.3 | 1,029 | 1,016 |
| Maryland | 3,101 | 3,922 | 26.5 | 12.4 | 76.6 | 14.3 | 7.9 | 18.0 | 4,056 | 4,782 |
| Massachusetts | 5,119 | 5,689 | 10.5 | 1.4 | 84.6 | 15.7 | 9.9 | 17.1 | 5,787 | 6,277 |
| Michigan | 7,823 | 8,875 | 13.4 | 0.3 | 73.8 | 17.0 | 8.5 | 19.2 | 9,082 | 10,031 |
| Minnesota | 3,414 | 3,805 | 11.5 | −0.7 | 66.4 | 16.3 | 8.9 | 17.8 | 3,896 | 4,245 |
| Mississippi | 2,178 | 2,217 | 1.8 | −12.3 | 44.5 | 21.7 | 10.4 | 26.6 | 2,263 | 2,245 |
| Missouri | 4,320 | 4,677 | 8.3 | | 70.1 | 17.1 | 10.9 | 19.0 | 4,753 | 5,070 |
| Montana | 675 | 694 | 2.9 | −8.6 | 5.34 | 17.2 | 9.5 | 20.7 | 719 | 721 |
| Nebraska | 1,411 | 1,484 | 5.1 | −5.2 | 61.5 | 17.0 | 10.2 | 17.2 | 1,525 | 1,570 |
| Nevada | 285 | 489 | 71.3 | 50.4 | 80.9 | 18.9 | 8.3 | 22.9 | 527 | 673 |
| New Hampshire | 607 | 738 | 21.5 | 11.3 | 56.4 | 16.6 | 9.8 | 15.6 | 771 | 878 |
| New Jersey | 6,167 | 7,168 | 18.2 | 8.0 | 88.9 | 15.1 | 9.2 | 18.0 | 7,367 | 8,300 |
| New Mexico | 951 | 1,016 | 6.8 | −13.6 | 69.8 | 21.6 | 7.5 | 20.9 | 1,065 | 1,088 |
| New York | 16,782 | 18,241 | 8.7 | −0.6 | 85.6 | 15.5 | 10.1 | 18.6 | 18,366 | 19,789 |
| North Carolina | 4,556 | 5,082 | 11.5 | −2.1 | 45.0 | 18.6 | 8.8 | 22.2 | 5,214 | 5,482 |
| North Dakota | 632 | 618 | −2.3 | −14.9 | 44.3 | 17.5 | 9.2 | 15.3 | 632 | 600 |
| Ohio | 9,706 | 10,652 | 9.7 | −1.3 | 74.3 | 17.7 | 9.2 | 18.2 | 10,783 | 11,675 |
| Oklahoma | 2,328 | 2,559 | 9.9 | 0.6 | 68.0 | 17.2 | 9.6 | 18.4 | 2,634 | 2,787 |
| Oregon | 1,769 | 2,091 | 18.2 | 9.0 | 67.1 | 15.8 | 9.3 | 18.1 | 2,182 | 2,421 |
| Pennsylvania | 11,319 | 11,794 | 4.2 | −3.3 | 71.5 | 15.2 | 10.5 | 18.1 | 11,926 | 12,157 |
| Rhode Island | 859 | 950 | 10.1 | 1.5 | 87.1 | 15.8 | 9.8 | 18.9 | 968 | 1,027 |
| South Carolina | 2,383 | 2,591 | 8.7 | −6.3 | 47.6 | 20.2 | 8.8 | 22.5 | 2,665 | 2,731 |
| South Dakota | 681 | 666 | −2.2 | −13.9 | 44.6 | 17.0 | 9.9 | 17.1 | 679 | 658 |
| Tennessee | 3,567 | 3,924 | 10.0 | −1.3 | 58.8 | 19.1 | 10.0 | 21.6 | 4,031 | 4,259 |
| Texas | 9,580 | 11,197 | 16.9 | 1.5 | 79.7 | 20.1 | 8.1 | 19.5 | 11,649 | 12,812 |
| Utah | 891 | 1,059 | 18.9 | −1.2 | 80.4 | 25.8 | 6.8 | 14.1 | 1,126 | 1,234 |
| Vermont | 390 | 445 | 14.0 | 3.8 | 32.2 | 17.1 | 9.7 | 15.0 | 462 | 504 |
| Virginia | 3,967 | 4,648 | 17.2 | 3.6 | 63.1 | 16.9 | 8.2 | 20.8 | 4,764 | 5,229 |
| Washington | 2,853 | 3,409 | 19.5 | 8.7 | 72.6 | 15.7 | 8.8 | 18.6 | 3,443 | 3,958 |
| West Virginia | 1,860 | 1,744 | −6.2 | −14.2 | 39.0 | 18.0 | 11.5 | 21.9 | 1,781 | 1,634 |
| Wisconsin | 3,952 | 4,418 | 11.8 | 0.1 | 65.9 | 16.0 | 9.1 | 15.7 | 4,520 | 4,930 |
| Wyoming | 330 | 332 | 0.7 | −11.9 | 60.5 | 17.4 | 8.9 | 21.1 | 345 | 342 |
| Puerto Rico | 2,350 | 2,712 | 15.4 | | 58.1 | 25.4 | [6] 7.5 | [6] 24.5 | | |



NOTES

[1] Net inmigration and outmigration as a percentage of the 1960 population, U.S. Department of Commerce News, Release CB71–85, May 17, 1971.

[2] Urban population comprises all persons living in urbanized areas (usually containing at least one city of 50,000 or more and that portion of surrounding territory which meet specified criteria relating to population density) and places of 2,500 inhabitants or more outside urban areas. (1970 Census definition.) U.S. Bureau of the Census, U.S. Census of Population: 1970, Number of Inhabitants, Final Report PC(1)-A1 United States Summary, U.S. Government Printing Office, Washington, D.C. 1971.

[3] Annual deaths to infants under one year of age per 1,000 live births.

[4] July 1, 1972 population estimates from U.S. Bureau of the Census, Estimates of the Population of States: July 1, 1971 and 1972, Series P-25, No. 488, September 1972, U.S. Government Printing Office, Washington, D.C. 1972.

[5] 1980 population projections (Series I-E) from U.S. Bureau of the Census, Population Estimates and Projections, March 1972, Series P-25, No. 488, U.S. Government Printing Office, Washington D.C. 1972.

[6] Population: 1899 figure; birth and death rates: 1970 figures.
Population totals to the nearest thousand.
1790 to 1970 data from U.S. Bureau of the Census, U.S. Census of Population: 1970 Number of Inhabitants, Final Reoprt PC(1)-A1 United States Summary, U.S. Government Printing Office, Washington, D.C. 1971. (1970 Official Counts as corrected.)
Provisional statistics for state and national birth, death, and total infant mortality rates for 1971 are from U.S. Department of Health, Education and Welfare, Public Health Service, Health Services and Mental Health Administration, National Center for Health Statistics, Rockville, Md. Monthly Vital Statistics Report, Provisional Statistics, Annual Summary for the United States, 1971 (HSM) 72–1121, vol. 20, No. 13, Aug. 30, 1972.

## CIVILIAN SCIENCE AND TECHNOLOGY POLICY ACT OF 1973

Mr. KENNEDY. Mr. President, I welcome the initiative of the distinguished Senator from Colorado (Mr. DOMINICK) in introducing his Civilian Science and Technology Policy Act of 1973. I know this represents a serious effort on his part to help promote the more effective application of science and technology to our civilian problems.

I have had a longstanding interest in achieving this goal. On January 4, I reintroduced S. 32, the National Science Policy and Priorities Act, which had passed the Senate overwhelmingly last August. As chairman of the Subcommittee on the National Science Foundation, I intend to give careful study to the bill by the Senator from Colorado, and then to hold hearings on S. 32 and his bill at the same time. I am hopeful that through these efforts we will succeed in enacting legislation that focuses the Nation's technical talent on our mounting civilian problems.

## FAMILY FARM INHERITANCE ACT

Mr. BAYH. Mr. President, on May 2, I submitted testimony to the Ways and Means Committee of the House of Representatives urging that my bill, the Family Farm Inheritance Act, be attached to the tax reform bill which the Ways and Means Committee is now considering.

My testimony was based on new information which I have gathered since the initial introduction of S. 204 in January of this year. To assist my colleagues evaluate the merits of the bill, I want to reiterate some of my arguments in favor of the legislation.

First of all, it is my belief, in view of the disturbing decline in the number of farms and of families living on the farm, that Congress must give the most serious consideration to legislation designed to preserve the family farm and maintain a decentralized farm economy.

With this objective in mind, I have introduced a bill, S. 204, which would exclude the first $200,000 in the value of the family farm from the taxable estate of those farmers who have managed their own farms during their lives and have willed it to relatives who plan to carry on this tradition. All such family farms must be actively used to raise agricultural crops or livestock for profit rather than as a hobby. To be specific, in order to qualify for the exemption, the decedent must have owned the farm for at least 5 years and must have exercised substantial management and control over the farm before he died. Those who inherit must not only continue to exercise substantial management and control over the farm, but also must maintain ownership and live on the farm for at least 5 years. In the event that a farm is willed to several children, all inheritors are covered by the bill if one of them meets the residency and management qualifications set forth in the bill. Senators JAVITS and WILLIAMS are cosponsors of the bill.

I want to emphasize that this bill is not envisioned as a tax break for all farmers, but rather as a device to assist those farmers who are not likely to have sufficient liquid capital to meet the estate taxes. Presently, farmers usually have to sell part of their land to raise enough money to pay estate taxes; after one or two generations, so much of the farmland has been sold off that there is no longer a viable economic unit—particularly in these days when the average size of a farm is increasing, not decreasing. The result will probably be increased ownership of land by corporations despite the fact that research studies by USDA relating cost per unit to size have generally shown that all of the economies of size can be achieved by modern and fully mechanized one-man and two-man farms.

As everyone concerned about the rise of corporate farming knows, the individual farmer has been having a progressively harder time making ends meet. Fifty years ago there were about 32 million Americans—more than 30 percent of the entire population—living on the farm; today there are only about 9 million Americans—slightly more than 4 percent of our population—still on the farm. This number is decreasing steadily.

Moreover, it is the small farmer, the family farmer, who is being forced off the farm into our already overcrowded cities. In fact, every day about 300 family farms in this country have to be abandoned by their owners, because they are no longer viable. Cumulatively, a million family-sized farms were consolidated out of existence in the 1950's and another million in the 1960's.

The reasons for the demise of the family farmer are evident. While food prices in this country have gone up along with everything else, the farmer often has not shared in this increase. Food price increases have gone to retailers and middlemen, but too many farmers have seen their share of the retail food dollar remain constant, and at times, decline. At the same time, while the average American nonfarm worker labors an average of only 37 hours a week, the average farmer works 50 hours a week and earns less for his time. Farmers receive an average of only 5.4 percent return on their investment whereas there is a 10 to 12 percent average return on investment in industry.

One of the greatest problems faced by farm families is the estate tax—a tax which is uniquely burdensome for farmers because it is usually based on the inflated value of the land as a real estate parcel rather than on its fair value as a farming operation. Children who have spent years working the farm with their parents are suddenly confronted with a large tax when the owner of their operation dies. For a small farmer, estate taxes are particularly severe because most of his assets are generally nonliquid: his farm, his farmhouse, his livestock, his crops, and equipment comprise the bulk of his assets and they are all essential to the profitable operation of the farm. Nonfarmers, if only because their return on investment is usually greater, normally have a greater percentage of liquid assets with which they can meet estate taxes.

To illustrate the problem faced by family farmers, let us take the hypothetical case of a Mr. Jones, Jr., who is left a 300-acre farm valued at $700 an acre, plus farm equipment, crops, and farmhouse, for a total valuation of $280,000. At the prevailing tax rate, he would have to pay $56,700 in Federal estate taxes. An average small farmer, Mr. Jones makes only about $10,000 a year from his farm; the income is already stretched thin to cover new farm equipment and family expenses. Assuming that Mr. Jones does not have large savings, he would be forced either to take out a mortage on the farm—if it is not already mortgaged—or sell part of his land in order to pay the estate tax on his father's farm. Either way, he would decrease by a considerable margin the already small profit he is able to make from the farm. Furthermore, the burden of estate taxes could very possibly be so great that Mr. Jones, Jr., might find out that he can no longer make enough money on the farm to support his family. Thus he would be forced to sell the farm and look for work elsewhere.

Unless we want to see a continuing decline in the number of family farmers, and an eventual domination of the farm industry by large corporate farms, it is essential to help small farmers meet what are now unbearably high estate taxes.

Mr. President, there are two probable criticisms of this bill which I would like to address: First, small businesses would probably ask for similar tax breaks; and second, the cost could be high.

XUM

In response to the first consideration, I am certainly aware that small family businesses often have as difficult a time making ends meet as small family farms do, and that they need encouragement if they are to prosper. However, it seems to me that family farms differ from family businesses in significant respects which entitle farms to separate consideration with reference to estate taxes. The rapid technological changes, marginal profits, and the need for capital in farming encourage forced saving and reinvestment by all family members. Since farm households are relatively more self-sufficient than urban households and since the cost of rural living is generally lower than that of urban living, members of the family often are not remunerated for their contributions to the farm; rather, all wages and profits are pooled and reinvested in more land, new machinery or better fertilizer and seed. Members of the younger generation may be taxed on money which otherwise might have come to them in the form of a salary. Combined with the fact that most profits are plowed back into the farm is the fact that the return on investment is generally lower in farming—5.4 percent—than in business—10 to 12 percent. Thus, farmers tend to have less liquid capital saved with which to pay estate taxes.

Farmers also suffer most dramatically from the fact that their estates are taxed at the real estate value of the land, rather than on the basis of the farming value of the land. The current shortage of land is pushing up real estate values both for the farmer and for the small businessman located in a city; however, a far greater proportion of a farm's assets are tied up in land. The farmer who finds that suburban sprawl is forcing up the value of his main asset simply cannot absorb the increased costs of that particular item.

The second main argument against my proposal is likely to be one of cost. The Department of the Treasury has estimated that the revenue loss would be about $200 million annually. Unfortunately, I do not know the nature of their calculations leading to this estimate. However, the Department of Agricultural Economics at Purdue University has provided a second, tentative estimate of an annual revenue loss falling somewhere between $50 and $100 million—and probably closer to $50 million than to the higher figure. While the estimate is preliminary, the details of their computations should be helpful in evaluating possible assumptions behind the Department of Treasury's estimate. I ask unanimous consent that a copy of the preliminary computation table, a memorandum outlining some of the assumptions used in the extrapolations, and a copy of the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, I believe that some tax modifications are necessary to assist family farmers bear the burden of estate taxes; I intend also to present this proposal to the Senate Finance Committee at the appropriate time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATE OF REDUCTION IN FEDERAL ESTATE TAX PAID ON FARMS IN 5 CORN BELT STATES (INDIANA, ILLINOIS, IOWA, MISSOURI, AND OHIO) IN 1971 WHICH WOULD HAVE BEEN REALIZED IF THE FEDERAL EXEMPTION HAD BEEN $260,000 INSTEAD OF $60,000

| Net worth in 1966 [1] | Net worth in 1971 [2] | Average net worth in 1971 | Percent of farms in each size category [3] | Estimated number of farms in each size category in 1971 [4] (thousands) | 1 percent of estimated number of farms in 1971 | Estimated estate tax on average net worth in 1971 [5] | Total estate tax in 1971 (1 percent of farms times average) (thousands) | Estimated estate tax under S. 204 on average net worth | Estimated estate tax under S. 204 in 1971 (1 percent of farms times average) (thousands) |
|---|---|---|---|---|---|---|---|---|---|
| Under $10,000 | Under $12,050 | $6,025 | 12.6 | 75.0 | 750 | | | | |
| $10,000 to $15,000 | $12,050 to $18,075 | 15,063 | 5.8 | 34.5 | 345 | | | | |
| $15,000 to $20,000 | $18,075 to $24,100 | 21,088 | 9.2 | 54.8 | 548 | | | | |
| $20,000 to $30,000 | $24,100 to $36,150 | 30,125 | 16.8 | 100.0 | 1,000 | | | | |
| $30,000 to $40,000 | $36,150 to $48,200 | 42,175 | 12.0 | 71.5 | 715 | | | | |
| $40,000 to $50,000 | $48,200 to $60,250 | 54,225 | 8.1 | 48.2 | 482 | | | | |
| $50,000 to $60,000 | $60,250 to $72,300 | 66,275 | 7.2 | 42.9 | 429 | $239.25 | $102.6 | | |
| $60,000 to $75,000 | $72,300 to $90,375 | 81,338 | 7.5 | 44.7 | 447 | 1,787.32 | 798.9 | | |
| $75,000 to $100,000 | $90,375 to $120,500 | 105,438 | 8.2 | 48.8 | 488 | 5,952.86 | 2,905.0 | | |
| $100,000 to $150,000 | $120,500 to $180,750 | 150,625 | 7.7 | 45.9 | 459 | 17,665.00 | 8,108.2 | | |
| $150,000 to $200,000 | $180,750 to $241,000 | 210,875 | 2.5 | 14.9 | 149 | 34,501.50 | 5,140.7 | | |
| $200,000 to $400,000 | $241,000 to $482,000 | 361,500 | 2.1 | 12.5 | 125 | 79,812.00 | 9,976.5 | $20,566 | $2,570.8 |
| $400,000 and over | $482,000 and over | 700,000 | 0.3 | 1.8 | 18 | 176,700.00 | 3,180.6 | 116,500 | 2,097.0 |
| Total | | | 100.0 | 595.5 | | | 30,212.5 | | 4,667.8 |

[1] Net worth of farm operator families (census definition of farm) in the Corn Belt States, 1966, based on pesticide survey.

[2] Net worth size classes increased by 20.5 percent. This was the estimated increase in the total equity values in farm production assets in the United States between 1966 and 1971, based on the "Balance Sheet of the Farming Sector," Agriculture Information Bull. No. 359, ERS, USDA, January 1973, p. 27.

[3] The percentage shown is for 1966, based on the pesticides survey. The percentages were assumed the same in 1971.

[4] Derived by extrapolating the percentage decline (1.5 percent per year) in the total number of farms shown by the census between 1964 and 1969 to 1971. The number in each category was determined by multiplying the total number of farms by the proportion in each size category.

[5] In 1971, there were 6.6 administrator and executor farm sales per 1,000 farms. An additional 4.7 were inheritance and gifts. Thus 10 per 1,000 were assumed here.

[6] Computed from the Federal Estate Tax Schedule. The total was adjusted for the estimated credit for State death taxes.

Note: Estimated tax reduction: $30,212,500 minus $4,667,800 equals $25,500,000 annually. This figure may be too high, as indicated in the attached memorandum.

MEMORANDUM ON PROCEDURES FOR ESTIMATING ANNUAL REVENUE LOSS WHICH MIGHT BE EXPECTED UNDER S. 204, FAMILY FARM INHERITANCE ACT

FIVE CORN BELT STATES

The attached table shows the procedure employed in arriving at a preliminary estimate of the annual revenue loss which might be expected under S. 204 for five Corn Belt states (Indiana, Illinois, Iowa, Missouri and Ohio). The computation was made for these five states because of the availability of a size distribution of estimated net worth, which was not available for the U.S. as a whole.

The table indicates the various assumptions and adjustments which were made at various stages in the estimating procedure. Given the assumptions shown, the estimated revenue loss for the five states in 1971 was $25.5 million. This figure is probably too high for the following reasons:

1. The marital deduction, which it might have been applicable, was not made. No information is available as to how important it would have been, but it likely would have been applicable to a substantial number of estates.

2. Other expenses, such as lawyers fees and the like were not deducted from average net worth estimates.

3. Several estates, particularly the larger ones, were likely transferred at least partially by gift or in accordance with estate plans which reduced the estate tax liability. Moreover, in 1969 around one percent of U.S. farms were incorporated. These tended to be the larger farms. In Indiana, for example, the 1969 Census of Agriculture indicated that of the 1,162 farms having sales of $100,000 or more, 173 or about 15 percent were incorporated.

In future years, trends which would partially offset the above three factors would be (1) Further inflation, which would increase the dollar value of farm assets and move more and more farms into the higher tax brackets, and (2) The changing size structure of U.S. farms, whereby the number of farms in the larger size categories is expected to increase even though the total number of farms is likely to continue declining. In fact, to the extent that the proportions of farms in the largest categories rose between 1966 and 1971, this factor would offset part of the overestimation of revenue loss attributable to the three factors listed above. However, one might expect that as farm size increases, more farms likely become incorporated.

EXTRAPOLATION OF FIVE STATES ESTIMATES TO THE UNITED STATES AS A WHOLE

The five Corn Belt states account for about 22 percent of farm production assets in the U.S. Hence if the estimated revenue loss in the five states were raised proportionally according to the ratio of the production assets in the U.S. to the five states, the U.S. revenue loss, not taking into account the other qualifications mentioned above, would be over $100 million.

However, the size distribution of farms in the 5 states shows a higher percentage of farms in the largest size classes than the average for all other states.



For example, the 1969 Census of Agriculture showed that in the five Corn Belt states, 4.8 percent of the farms had gross sales of $60,000 or more, while for all other states, farms with gross sales of $60,000 or higher accounted for 4.3 percent of the total number of farms. This would significantly reduce the extrapolated U.S. revenue loss, in that the larger farms are subject to most of the estate tax. The largest three categories in the attached table accounted for 4.9 percent of the farms in the five states but 61 percent of the estimated tax.

CONCLUSIONS

Taking into account various assumptions, adjustments and considerations, the potential U.S. revenue loss from S. 204 might range between $50 million and $100 million annually. It is believed that the actual figure would be nearer to the lower range of the estimate than the higher.

However, this estimate should be considered tentative. It is based on several approximations and assumptions the reliability of which is not known.

S. 204

A bill to amend the Internal Revenue Code to encourage the continuation of small family farms, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Family Farm Inheritance Act".

SEC. 2. Part IV of chapter 11B of the Internal Revenue Code of 1954 (relating to deductions from the gross estate) is amended by adding at the end thereof the following new section:

"SEC. 2057. INTEREST IN FAMILY FARMING OPERATIONS.

"(a) GENERAL RULE.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the lesser of (1) $200,000, and (2) the value of the decedent's interest in a family farming operation continually owned by him or his spouse during the five years prior to the date of his death and which passes or has passed to an individual or individuals related to him or his spouse.

"(b) SUBSEQUENT DISQUALIFICATION RESULTS IN DEFICIENCY.—The difference between the tax actually paid under this chapter on the transfer of the estate and the tax which would have been paid on that transfer had the interest in a family farming operation not given rise to the deduction allowed by paragraph (a) shall be a deficiency in the payment of the tax assessed under this chapter on that estate unless, for at least 5 years after the decedent's death—

(1) the interest which gave rise to the deduction is retained by the individual or individuals to whom such interest passed, and

"(2) the individual or any of the individuals to whom the interest passed resides on such farm, and

"(3) such farm continues to qualify as a family farming operation.

"(c) DEATH OF SUBSEQUENT HOLDER.—In the case of the subsequent death of an individual to whom the interest in a family farming operation has passed, his successor shall be considered in his place for purposes of paragraph (b).

"(d) DEFINITIONS.—

"(1) FAMILY FARMING OPERATION.—A 'family farming operation' is a farm:

"(A) actively engaged in raising agricultural crops or livestock 'for profit', within the meaning of section 183, and

"(B) over which the owner or one of the owners exercises substantial personal control and supervision.

"(2) RELATIONS.—An individual is 'related' to the decedent or his spouse if he is that person's father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister."

## CONNECTICUT GENERAL'S PREPAID GROUP PRACTICE PLAN

Mr. RIBICOFF. Mr. President, in view of the continued national concern over health care delivery problems, I am especially pleased that private enterprise is taking an active and forward-looking role in trying to solve some of the basic problems of making health care available to as many Americans as possible at a low rate.

Recently Connecticut General Life Insurance Co., a leading insurer in the prepaid group practice field, announced that it is joining with a number of New York doctors in the establishment of a major prepaid group practice health plan, Healthcare.

Connecticut General is already participating in comprehensive prepaid plans in Phoenix, Ariz., and Columbia, Md. Connecticut General is providing more than $1 million in initial capital for Healthcare. I commend them for their initiative in this new medical field.

I ask unanimous consent that the following articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HEALTHCARE: A REASONABLE ALTERNATIVE

Healthcare, New York's first major prepaid insured health plan in more than a quarter century, will open its doors this fall in the heart of downtown Brooklyn. The new Plan offers major improvements on health care delivery while retaining the best aspects of personalized current medical practice.

The innovations and efficiencies of the Plan are designed to provide comprehensive health care at a cost no greater and possibly less than the consumer's present total out-patient and hospital expenses.

Healthcare will include in-hospital care, out-patient care, emergency service, home care and health maintenance features.

Healthcare has been co-developed by a group of 65 prominent Brooklyn physicians, called the First Downtown Brooklyn Medical Group, P. C. and Connecticut General Life Insurance Company, the leading insurer in the prepaid group practice field.

By joining in this unusual cooperative effort, the physicians' group and CG are creating a "reasonable alternative" to those federal legislative proposals that would radically alter the future of medical care delivery and financing in the United States.

Healthcare, without government assistance or new burdens on the taxpayers, will feature new efficiencies, modern facilities, the latest equipment and the expertise of established physicians to bring quality care on a personal basis.

The attitudes and ideas of enrollees will be solicited frequently in the sponsors' continuing evaluation of Plan performance.

Connecticut General, which is already participating in similar plans in Phoenix, Ariz., and Columbia, Md., will provide over $1 million in initial capital, handle marketing, and participate in a variety of administrative and management activities.

Care will be provided through the Plan's medical facility located at 333 Livingston Street in the center of downtown Brooklyn's redevelopment area. Among the site's advantages will be ready access to all subway lines and buses.

The 30,000 square foot facility will contain multiple reception, consultation, examination and minor surgery suites. There will be extensive x-ray and diagnostic facilities, a medical library and a spacious conference area for physician and patient use. Healthcare center will include separate areas for internal medicine, surgery, obstetrics and gynecology, pediatrics, emergency walk-in, rehabilitation medicine, radiology, isotope study, laboratory, pharmacy and administration.

A centralized file system with complete health records of each enrollee, will be a part of a "problem oriented" rapid retrieval and record analysis system. A Plan spokesman said the system "significantly reduces red tape for the patient and makes more 'doctor-patient time, less doctor-paper time.'" In addition, this minimizes the frustration of form-filling for enrollees, employers and doctors alike.

The central facility will emphasize the comfort and privacy of Plan enrollees. It will avoid traditional "clinic" waiting rooms and stark interiors, having instead a warmer, more cheerful atmosphere.

Enrollment will be initially available to persons living in Brooklyn and parts of Manhattan, Queens and Staten Island.

The geographic definition will place Plan Participants within about 30 minutes or less travel time to the medical facility.

Healthcare expects to have 5,000 participants initially. An enrollment level of 30,000 is projected for the end of its first operational year. Expansion of the Plan to include larger numbers of persons living in other areas of metropolitan New York and beyond is anticipated as the program grows.

The Plan will be offered as part of an employer's group health insurance program. Freedom of choice between modes of health care delivery will be preserved since employees will have the option of enrolling in Health-care or continuing their traditional indemnity health insurance. Enrollees can cancel their plan participation at any time without penalty.

Healthcare's monthly premium rates will be $69.75 for a family and $25.25 for a single person. This premium may be paid entirely by an employer or by a Plan enrollee, depending on the employer's benefit plan. A co-payment of $2 per visit for normal out-patient services and $7 per visit for house calls will help keep monthly premiums low.

HOW HEALTHCARE WILL WORK

Healthcare eliminates nearly all of the financial uncertainty which the typical consumer now faces for health care. Plan participants and their families will receive virtually all of their medical and hospital care by prepaying the monthly premium. Thus, enrollees will be able to budget ahead for family health costs without facing burdensome fluctuations or deficits.

In fact, with a few exceptions, such as long-term psychiatric treatment, participants and their families are covered for total costs, less the co-payment fee. This includes protection even for many "catastrophic" illnesses—the kind that can wipe out a family's financial resources.

Upon enrolling, a participant will be counseled on his choice of his own primary doctor from those available on the Healthcare staff thus preserving the personal doctor-patient relationship. When the services of other staff specialists are required, the Plan participant will be referred to them—all at the same location.

The Brooklyn Hospital, with a tradition of quality medical service for more than 125 years, is a university-affiliated institution which will serve as the in-hospital and emergency care facility for enrollees. It is



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located two-and-a-half blocks from the Healthcare center. In addition, The Caledonian Hospital and other conveniently located hospitals will provide additional sources of in-hospital and emergency care for Plan participants.

Emergency care will be provided through a special in-hospital facility available exclusively to Plan enrollees at The Brooklyn Hospital. Physician services and those of health professionals will be available to participants 24 hours a day. During regular daytime hours, services will be provided at the Plan's own facility. At night and on weekends it will be provided at the special hospital quarters. Twenty-four hour telephone service is also planned. When necessary, home-bound patients will be provided with care and tests at home.

A primary feature of the Plan will be its emphasis on caring for the healthy as well as the sick. Its health maintenance program is designed to encourage good health habits and reduce the necessity for hospitalization.

By eliminating economic considerations from the doctor-patient relationship and making the medical care delivery system accessible 24 hours a day, the Plan encourages participants to seek early medical care before a problem becomes serious. Early detection or prevention can reduce or eliminate the need for prolonged hospitalization, the most costly component of medical services today. The economic impact of loss of wages and the psychological trauma of being an in-hospital patient may thus be minimized or avoided completely.

Healthcare proposes to encompass the health needs of all enrollees. This will range from the well, the worried well, the asymptomatic sick and the sick.

The "well patient" feels healthy and has no symptoms of ill health. Systematic health evaluations and health counseling will help keep him well.

The "worried well patient" does not feel well, but evidences no findings of physical disease. If diagnostic tests are negative, this patient may be on continued surveillance to detect the development of disease or provide treatment for anxiety.

The asymptomatic sick enrollee feels healthy but is actually sick. Health evaluation may elicit disease and permit treatment before it becomes incurable, results in complications, or requires more costly treatment and care.

The sick patient feels sick and is sick. The Plan's 24-hour service permits early diagnosis and therapy thereby minimizing suffering and costly hospital confinement.

The Plan's formal maintenance programs will include mental health, nutrition programs, pre and postnatal counseling and rehabilitation following a coronary episode or after major surgery.

THE EVOLUTION OF THE MEDICAL CARE SYSTEM

Existing methods of delivery of medical care by physicians have evolved from the standard solo practitioner and solo specialist to associated practices, partnerships or two or more physicians, prepaid panel medical groups such as Health Insurance Plan of New York (HIP), Kaiser Permanente (KP), medical corporations and foundations for medical care. Voluntary health insurance plans and, in some instances, union-sponsored health plans have helped provide for the financing of the health care of a large segment of the United States population. The explosion of medical knowledge and know-how and the intricate demands and detail of subspecialty practices have led to the grouping or partnership of physicians with various backgrounds in order to provide comprehensive quality care.

Despite our national experience of over 40 years with prepaid plans of medical care, less than 5 percent of the United States population are so covered. Indeed, less than 10 percent are so covered in the heartlands of HIP and KP.

Yet, the call for change in present health delivery systems, with their ever-mounting costs, grows stronger.

The true needs are for comprehensive, personal, quality medical care with reasonable cost, efficiency, choice of physician and maintenance of the traditional physician-patient relationship.

The greatest factor in the increasing expense of medical services has been skyrocketing costs for in-patient hospital care. The price for hospital services rose 10.5 percent during 1972 and all indications are that this cost will continue to rise.

For Healthcare enrollees, a certified hospital admission program will eliminate many unnecessary and costly hospital admissions and reduce costs by providing many services in the out-patient facility.

Pressure is mounting in Congress and elsewhere for greater government involvement in health care delivery systems. Congressman Wilbur Mills, who has cautioned against radical federal solutions to health delivery problems, points out the federal government already plays a substantial financial role in health, and illustrates his point by two facts:

The first fact, he notes, is that "two government programs alone, Medicare and Medicaid, are paying out more money in this fiscal year for patient care than will all of private health insurance—Blue Cross, Blue Shield and commercial insurance companies."

The second fact, he says is that "out of a total of $75 billion in fiscal year 1971 spent for health, government at all levels paid $28.5 billion, or 38 percent."

Healthcare does not pretend to solve all health care problems but it does create a framework for future solutions by providing efficient, quality, cost-saving and prepaid comprehensive care. The Plan initially will concentrate on employer groups but it is expected that this enrollment base can eventually be broadened to cover individuals who are not in employer groups, and also those persons in Medicare and Medicaid.

Healthcare is a co-development of practicing physicians with one of the nation's leading health insurers. The medical group is independent of the insurer in medical policy. Non-medical decisions are made jointly by the medical group and the insurer. The physicians are university-affiliated and actively involved in teaching medical students, interns, residents, fellows, and physicians' associates.

In addition to highly trained, multi-specialty physicians rendering care to Plan enrollees, allied health personnel will augment the services provided. A corps of highly skilled nurse clinicians and trained physicians' associates will improve the quantity and reduce the cost of medical care. National experience has demonstrated the enthusiasm and effectiveness of such allied health professionals.

Healthcare can thus provide an opportunity to utilize increasing number of allied health personnel, thereby increasing job opportunities in the central city.

CONNECTICUT GENERAL

As the nation's sixth largest health insurer with annual group health premium volume of $550 million, Connecticut General is vitally concerned with the problems of soaring health care costs and resulting possibilities of federal health insurance. The company's leadership position in the development of prepaid group practice is perhaps the most important and visible expression of that concern.

By entering the insured prepaid group practice field in Columbia in 1969, Connecticut General altered the traditional role of an insurance company in the health services field by becoming involved in the total process of delivering and financing health care rather than remaining in the typical role of the insurance company as an overseer of the payment system.

Connecticut General's involvement with insured prepaid group practice has consisted of a combination of its abilities (financial evaluations, risk-taking capital, various insurance coverages, marketing expertise and administrative and management systems and abilities) and those of physicians' groups operating from a plan's own central facilities and utilizing area hospitals for in-patient care.

A CG spokesman recently elaborated on the potential of this direct medical group-insurance company relationship:

Each party has essential functions to make it work. Insurers know about risk-taking, actuarial measurements, financing and business administration.

The physicians, exclusively, have the medical skill. Separately, neither the insurers nor the physicians can hope to build a successful prepaid group practice. Working together, we will be an unbeatable combination.

The Columbia plan, co-developed with Johns Hopkins Medical Institutions, now has over 13,000 enrollees and will expand as the new city of Columbia grows. The Phoenix plan, which opened its doors in October, 1972, is being co-developed with a group of local physicians. Its enrollment now exceeds 5,000.

Insured prepaid group practice functions side-by-side with the traditional solo and group practice of medicine, foundations for medical care and other health care providers. Competition and freedom of choice for the consumer are necessary ingredients for Healthcare to be the "reasonable alternative" envisioned by both the physicians' group and Connecticut General and are encouraged by the Plan's "dual choice" enrollment features.

"Flaws recognized in health care reforms in countries like Great Britain have been eliminated from Healthcare," a spokesman said. "These include the lack of physician continuity for in-patient and out-patient care, the lack of consumer input, the problems of quality control and the excessive bureaucracy which have precipitated changes in their national health services. On the positive side, we believe that Healthcare's type of reform preserves some of the basic principles of the free enterprise system that historically have served our nation so well."

Healthcare will be subject to the tough disciplines of the marketplace as it strives to maintain high performance standards at competitive costs. Both the physician group, with its medical skills, and Connecticut General, with its business skills, will be strongly motivated to maintain a health plan which compares favorably with other options.

The Plan will be non-governmental, avoiding bureaucracy with its cost and inefficiency. It will avoid legal hamstrings and require no enabling legislation. It will have the strengths of the insurance industry as opposed to the federal government involvement and taxpayers' costs.

Healthcare will be consistent with the direction of proposed legislation, whether voluntary or compulsory. It will be attractive to management and labor and will return badly needed physicians to the urban scene.

Healthcare is a reasonable alternative for physicians, for patients, for Congress to help salvage the best of the current methods of health delivery and provide useful application of all the new techniques and knowledge currently available.

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SENSIBLE SURGERY FOR SWELLING MEDICAL COSTS

(By Michael B. Rothfeld)

(NOTE.—This article from the April 1973 issue of Fortune magazine describes the growing importance of privately developed prepaid group practice plans in the United States. It makes reference to Connecticut General Life Insurance Company's early entry into this field. CG was already a co-developer for plans in Columbia, Maryland and Phoenix, Arizona when First Downtown Brooklyn Medical Group, P. C., invited the company to join in forming Healthcare, a New York City plan.)



Early on a January evening in 1970, a half dozen physicians and officials of the Department of Health, Education, and Welfare held an urgent private meeting at Washington's Dupont Plaza Hotel. Their concern was the rapidly rising cost of medical care, which already had helped to cause an ominous $2-billion cost overrun in the medicare and medicaid programs. When the group broke up at 2:00 A.M., the seed had been planted for a whole new national health strategy, and a new term—Health Maintenance Organization (HMO)—had been coined to identify the key element in the plan. In essence, the idea was simple and sensible: why not give doctors more incentive to keep people well, and especially to treat illness before it requires costly hospitalization, instead of paying them mainly to cure the sick?

In the three years since the meeting, HMO's have expanded and proliferated throughout the nation at an unprecedented rate. They are beginning to introduce modern management methods into an $80-billion business that lacks them. And they are bringing some advantages of competitive enterprise to a field that has long restricted competition in the name of medical ethics. Most important of all, HMO's are demonstrating that they can help reduce the cost of medical care.

A $12.5 BILLION INDUSTRY

Three years ago some thirty medical organizations—basically prepaid medical-group practices—could be classified as HMO's. Today there are nearly sixty with an enrollment of about eight million clients; an additional eighty HMO's are in various stages of development. Provided that Congress and the states adopt favorable enabling legislation, government and private sources figure that as many as 50 million people could be enrolled by the mid-1980's. Blue Cross alone hopes to have 280 HMO's in operation by then—enough to give every policyholder the option to join one. With no allowance for inflation, all this expansion would create a $12.5-billion industry inside what is expected to be a $150-billion health market.

The HMO idea is winning support from a surprisingly wide variety of sources. Both the Committee for Economic Development and the A.F.L.–C.I.O. have strongly endorsed the concept. Major employers, including A.T. & T., and such unions as the United Auto Workers have begun offering employees and members the option to enroll in an HMO. Thirteen states now permit medicaid recipients to join. One of them is California, where HMO's expect to enroll nearly 500,000 medicaid patients by this autumn. In California, Arizona, and Minnesota, the organizations are vying with one another to sign up union, government, and employer groups.

Not only Blue Cross but several large commercial insurance companies, particularly Connecticut General Life Insurance Co. and the Equitable Life Assurance Society, have made significant commitments to HMO's. C. G. has established a subsidiary to help operate them in Maryland, New York, and Arizona. Equitable recently helped to organize and recruit clients for a new HMO at the prestigious Lovelace-Bataan medical complex in Albuquerque. Sensing a growing demand for large-scale health-care systems, a few industrial companies are exploring ways to put their financial, legal, and managerial talents to use in HMO's. Westinghouse, for example, is studying the possibility of atarting one in Florida.

Perhaps the strongest impetus to the expansion of HMO's has come from Washington. In both his 1971 and 1972 health messages, President Nixon not only endorsed the concept but said HMO's "ought to be everywhere available so that families will have a choice" about their health-care system. Reflecting Nixon's interest, the Department of HEW in 1971 established a Health Maintenance Organization Service. By the end of last year the service had distributed $26 million in planning and development grants or contracts to some eighty-five potential HMO sponsors. Service officials have also made considerable effort to promote the idea among banks, Wall Street investors, and physicians. Despite the current pressures to cut the federal budget, the Administration wants to increase its grants for HMO development to $60 million during the next fiscal year.

The Administration's enthusiasm is shared by many in Congress and the state legislatures. As a part of last year's big increase in social-security taxes and benefits, Congress voted to allow medicare patients to enroll in HMO's, beginning in July. Two bills now pending in Congress would expand the scope of federal aid to HMO's by providing large-scale loans and loan guarantees as well as grants. Four states—Florida, California, Pennsylvania, and Tennessee—have passed enabling laws during the past two years, and similar legislation has been introduced in at least ten others. The main effect of such laws is to override statutes that have restricted the growth of HMO's by prohibiting the advertising of medical services, the solicitation of patients, and, in some cases, even the creation of corporations to provide medical care.

Actually, health-maintenance organizations have been operating in the U.S. under various labels for forty-four years. For the most part, they have caught on slowly. In addition to legal restrictions, they have faced varying degrees of opposition from organized medicine. Some of their physicians have been expelled from local medical societies and hospital staffs. A number of state courts have now prohibited such practices, but the antipathy remains. For example, the Maryland Medical Association voiced angry objections to the HMO in the new town of Columbia while the plan was being formulated.

Another major problem has been the public's lack of understanding about what an HMO is and does. The largest and best known is the California-based Kaiser-Permanente health system, which serves 2,500,000 people from Cleveland to Honolulu (see "Better Care at Less Cost Without Miracles," Fortune, January, 1970). But comparatively few people seem to be aware of such smaller organizations as the twenty-seven-year-old Group Health Cooperative of Puget Sound in Seattle and the forty-four-year-old Ross-Loos Medical Group in Los Angeles, which have operated with great success.

One reason for the public's confusion may be that both old and new HMO's have a bewildering variety of sponsors and formats. Some are for profit, others are not; some are organized by consumers, others by physicians and insurance companies; some contract with hospitals, others own their own. But all have three fundamentals in common: (1) they are *formally organized businesses;* (2) they *arrange for and provide comprehensive care,* from simple checkups to complicated surgery; (3) they do so "at risk" because they operate each year within a fixed revenue pool that comes from *prepayment for services.*

By contrast, the traditional American health system is a "cafeteria of services." The patient is shuttled about between family doctors and diagnostic or treatment specialists, and between laboratories, hospitals, and the corner drugstore. The arrangement is inefficient because it involves piecemeal diagnosis, treatment, and record keeping. As a consequence, complains one New York City neurologist who has practiced medicine for fifty-five years, "the patient's left-toe specialist doesn't know what the right-toe specialist is up to."

The drawbacks of the conventional system have contributed greatly to the escalation of the nation's medical costs. These have increased by 66 percent per capita over the past five years, 2.7 times the inflation rate for the whole U.S. economy, and now account for roughly 7.6 percent of the gross national product. Despite health insurance, consumers last year paid 35 percent of the nation's $83.4-billion health bill out of their own pockets.

THE LURE OF A FREE CADILLAC

HMO's, as President Nixon has pointed out, "are motivated to function more efficiently." Patients save time because physicians, labs, and pharmacies are organized within a system, often under one roof. Clients choose a family physician, but most HMO's also have night office hours and at least one doctor on duty twenty-four hours a day. The fixed-price contract overcomes the consumer's reluctance to seek medical advice for minor ailments. The HMO also permits doctors to spend more time with patients because the administrative staff copes with much of the paper work that may consume as much as a quarter of a physician's time.

An HMO can be pretty attractive for doctors in other ways, too. Many physicians have a large gross income, but it must cover office rent, clerical and technicians' salaries, malpractice and other insurance, and payments to the bank that has financed expensive medical equipment. Additional money must be set aside to provide for retirement. After business expenses, the median pretax income of physicians is estimated to be about $42,000. Salaries in HMO's average $35,000 to $40,000. However, most HMO's offer $5,000 to $10,000 of fringe benefits such as liberal retirement plans, profit sharing, and life and malpractice insurance. To recruit new doctors, HMO International in Los Angeles even offers them the free use of a company-leased Mercedes or Cadillac.

SHIFTING THE EMPHASIS TO THE DOCTOR'S OFFICE

By far the most important advantage of HMO's is that their fixed annual fees hitch the profit motive toward a new goal in medicine: keeping the cost down. HMO's buy drugs and other supplies in bulk. They pare expenses by operating their own diagnostic labs, having specialists on their staffs and, often, facilities for minor surgery. HMO physicians have a personal incentive to cure ailments before the need arises for expensive hospital treatment. In addition to their salaries, many HMO doctors draw a year-end bonus that depends upon how much profit or surplus the organization earns. One HMO even assesses its doctors penalty payments if there is a deficit.

Under these conditions it is understandable that HMO's achieve their most significant cost savings by shifting the focal point of care from the hospital, with its spiraling costs, to the doctor's office. Hospital costs now constitute the largest single element, 39 percent, of the nation's medical bill, and they are rising faster than any other item for which patients pay.

One reason is that doctors often feel obliged to put patients who are not seriously ill in hospitals. They do so partly to protect themselves against the increasing risk of malpractice suits and partly because of the perverse pressure of health insurance. Ordinary health insurance frequently does not cover a substantial portion of the cost of diagnostic procedures or treatment performed outside hospitals. But such minor surgery as cutting out cysts or simple abortions can be done safely in a well-equipped HMO clinic.

The most respected figures on how HMO's reduce the use of hospitals were developed

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in a study of the Federal Employees Health Benefits Program, released in 1971. Researchers compared eight years of data covering federal employees and their dependents enrolled in the five most common types of health plans: Blue Cross–Blue Shield, commercial insurance, consumer organizations, medical-care foundations, and prepaid group practice (essentially HMO's). The prepaid group-practice plans showed the lowest yearly hospital utilization, 422 hospital days per 1,000 members, less than half the rates for Blue Cross (924 per 1,000) and commercial insurers (987 per 1,000). The rate compared closely with that for medical foundations (471 per 1,000), in which clients prepay an annual fee for the services of solo practitioners.

Economies in HMO's add up to substantial savings. According to officials of the California State Department of Health Care Services, when medicaid patients shift from fee-for-service practice to prepaid group-practice plans or HMO's, costs drop by 10 to 20 percent. In a seven-year study of 3,200 southern California families, Dr. Milton Roemer, a professor of public health at U.C.L.A., found that out-of-pocket medical expenses and total costs were much lower for families in HMO's than for those covered by Blue Cross–Blue Shield or commercial insurance plans even though average HMO fees were somewhat higher than the premiums for the other plans.

At FORTUNE's request, actuaries at two insurance companies calculated what the premium would have to be for traditional health insurance if it covered all the care provided by an HMO. Connecticut General found that a single person would pay about 27 percent more than the all-encompassing HMO annual fee. For an average family the cost would be 54 percent greater. Northwestern National, which is also involved in managing an HMO, reported that single persons would pay 33 percent more and families 41 percent more. Both companies attributed the lower cost of HMO plans to organizational efficiencies and fewer hospital admissions.

To get another perspective on the same subject, three separate comparisons were made between the cost of care actually received by the average family in an HMO and the same care if provided through the traditional fee-for-service system, including insurance. Connecticut General found that a family enrolled in the Columbia (Maryland) HMO could save 28 percent a year compared with the cost of a high-benefit insurance plan, and 32 percent compared with the type of health insurance actually carried by most families in the same area (see chart on page 116). The Harvard Community Health Plan found that, considering the increased probability of visits to a hospital, a family of two adults and 1.5 children in a fee-for-service system would pay $689 a year for care, compared with $434 at the Harvard plan. Using federal data on average health-care expenditures across the nation, Northwestern National figured that a typical HMO saves a family of two adults and three children $115 a year in out-of-pocket costs.

SKIMPY CARE DOESN'T PAY

The HMO physician's incentive to reduce hospital admissions raises a touchy question: at what point does cost cutting become corner cutting? Indeed, this is the favorite question asked by critics of the movement.

There is no sure-fire way to measure the quality of care that patients receive under any medical system. But HMO's have a number of safeguards built into their structure. It simply is not in the economic self-interest of HMO physicians to skimp on care. The longer most serious diseases go untreated, the more likely the ultimate expense of delayed therapy will rise. Much worse, any HMO that acquired a reputation for poor care might face a catastrophic loss of business. Clients generally enroll for one year at a time and in some HMO's an even quicker exit is possible. The study of federal employees found that when hospitalization *does* occur in an HMO, the patient usually stays for the same number of days as a patient in the fee-for-service system.

An important control, which affects both quality and cost, is regular review of each physician's work by other doctors in his HMO. At the Harvard Health Plan, for example, computers tabulate the procedures, drugs, and tests utilized by every physician. This information, plus some randomly selected diagnoses, is reviewed by a committee of physicians in each department. As a result, says Dr. H. Richard Nesson, the Harvard plan's medical director, the organization dropped some tests and drugs that were found to be ineffective. A number of other HMO's also use the review process to identify doctors who are putting an exceptionally high or low number of patients in the hospital, and the doctors are likely to be asked to justify their decisions.

There is considerable evidence that HMO's can perform minor surgery outside the hospital with no increased risk for the patient. Since 1941 the Ross-Loos Medical Group, which has 120,000 clients, has performed over 50,000 tonsillectomies and thousands of other minor operations requiring anesthesia in its own offices, without keeping the patient overnight. Even members of the medical establishment agree that outpatient surgical procedures are safe if performed under the proper conditions. Dr. John R. Kernodle, a gynecologist who is chairman of the American Medical Association's board of trustees, says he used to do dilations and curettages in his office when hospital space was scarce. "When there is an abundance of hospital beds," he says, "then doctors use them."

Consumers, at least, seem to feel that HMO care is adequate. Some HMO's have formal consumer-complaint mechanisms and, since subscribers can change physicians within the HMO at will, a doctor who has been losing too many patients could lose his job as well. U.C.L.A.'s Dr. Roemer found in his study that 20 percent of the families enrolled in the Blue Cross-Blue Shield plans and 17 percent of the families with commercial health insurance were dissatisfied with the care they received. But that figure dropped to only 8 percent for those enrolled in prepaid group-practice plans.

A $2 MILLION ENTRY FEE

While there are many advantages in an HMO once it is running, reaching that point is always a difficult and at times exasperating process. It often takes an investment of at least $2 million, an effort of two to four years, and an enrollment of at least 20,000 for a completley new HMO to break even. The sponsor usually must hire a staff, acquire facilities, and incur big selling costs before significant numbers will enroll.

The ability to raise large sums of money is crucial. In the past, most of the organizations have been funded initially by physicians, charities, consumer groups, bank loans, or private bond placements. But as a rule, an HMO cannot raise enough money by any of these means to permit quick expansion to an efficient size. Even worse, when borrowing saddles an HMO with big fixed payments, unexpected delays in starting up can lead to serious cash-flow problems. The new interest shown by insurance companies will help to overcome such difficulties, but if HMO's are to spread and grow as rapidly as Washington envisages, they will need to find some new sources of capital.

One possibility, so far used by only one major HMO, is the stock market. Dr. Donald K. Kelly's HMO International went public in 1969 through a merger with Medicalab Management Corp. of Los Angeles, whose shares were already traded over the counter. Having expanded rapidly since then, the company and its subsidiaries and affiliates now run twenty-one facilities in southern California, with 110,000 clients. Last fiscal year, consolidated revenues jumped to $8,800,000 from $3,200,000 in 1971, and profits nearly quadrupled to $500,807. In two years the bid price of HMO International shares has jumped from $1 to a recent high of $22.

To attract equity capital, an HMO obviously would have to be a profit-making corporation. Unfortunately, this idea becomes quite an emotional issue among otherwise rational people. Some think health care is contaminated by the very idea of profits. Others, such as the A.F.L.-C.I.O., like to belabor profit-making HMO's with examples of the corner cutting that has occurred in some nursing homes and hospitals run for profit. Critics contend that profit-seeking HMO's would be under pressure from shareholders too interested in making a fast buck. As a result, enacted or pending legislation in several states favors nonprofit HMO organizations, and the Pennsylvania law flatly limits the field to nonprofit corporations.

THE PITFALLS OF "NONPROFIT" MEDICINE

Strangely, these arguments overlook a central point: the lack of discipline in cost control that attends nonprofit or cost-plus enterprises throughout the economy. The U.S. medicalcare system has always been conducted chiefly on a profit-making basis. At least until recently, even nominally nonprofit hospitals amassed substantial surpluses. Their current fiscal problems might well be less severe if they were profit-making organizations with a strong incentive to control costs. Despite restrictive state laws, profits have played an important role in the rise of HMO's. Their sponsors set up a nonprofit marketing and administrative group, which then contracts with a for-profit medical partnership to deliver services. The arrangement is widely used, not only by Don Kelly but by the Columbia Medical Plan, and even the highly respected Kaiser Foundation Health Plan and its Permanente Medical Groups.

Provided that for-profit HMO's can avoid unreasonable legislative handicaps, the question remains whether they would be attractive to potential investors. The twenty-seven-year-old Kaiser plan provides an opportunity to see what a *mature* HMO might look like on a profit-making basis. In 1971 the nonprofit Kaiser plan reported a tax-free net income of $12,352,000. Adjusting that figure for accelerated depreciation plus other minor charges, and for corporate income taxes, the organization's return on its $105,815,000 net worth (or "equity") would have been 8.8 percent.

This is only 0.3 percent below the average return for the Fortune 500 that year and about equal to that of the oil industry (9 percent). If Kaiser leased its facilities, as many new HMO's do, that return could be considerably higher. Kaiser's financial strength enables it to borrow from the Bank of America at the prime rate. In January, Standard & Poor's awarded the Kaiser plan an "A" bond rating—its first to a private nonprofit corporation.

Despite the potential for private financing, one major new funding source for HMO development is likely to be the taxpayer. The $60 million for grants and contracts proposed in Nixon's new budget would help forty HMO's to begin operating and would finance feasibility studies and planning activities for eighty more. A much more costly measure sponsored by Senator Edward Kennedy, which passed the Senate last year, would authorize $1.4 billion in direct aid plus an unspecified amount for loan guarantees to help develop new HMO's over three years. A more modest bill cosponsored by Representatives Paul G. Rogers and Dr. William R. Roy would provide about $300 million for the same purposes. Action on these measures seems likely this year, though the probable outcome is far from clear. Such government aid would help many more HMO's to open. Moreover, all the major health-insurance bills before Congress would let the beneficiaries join HMO's. That could have an enormous impact on their growth.

HOW THE CUSTOMERS ARE RECRUITED

Whether funds for developing new HMO's come from the government or from private sources, it is clear that the industry must find a better way to sell itself to the public if it is to enjoy fast growth. In California, where the HMO concept is relatively well known and accepted, the problem is not too severe. But in other parts of the country, HMO's must buck their old enemies: ignorance and hostility. Not long ago, for example, the Cambridge Medical Improvement Society advertised in a local newspaper that Harvard's HMO, which is considering expanding into Cambridge, would deprive local residents of free choice in medical care.

The fastest way to sign on subscribers is through group-enrollment plans arranged with employers, unions, and consumer organizations. It is a difficult, two-step process. First, the HMO must persuade company officials to provide an HMO option to employees. That often requires some benevolent help from the company's insurance carrier. Once the "dual choice"—as the industry calls it—has been established, there is the even tougher problem of actually recruiting the customers. One frequent difficulty is persuading a mother to change her obstetrician-gynecologist and her children's pediatrician.

So far, HMO's have enrolled mostly government employees, members of consumer cooperatives and unions, and medicaid recipients. Whether they can attract more affluent subscribers, and achieve a more representative balance in their population mix, remains to be seen.

Another big obstacle for HMO's is their lack of national sales networks. If an HMO could offer benefits to an employee or union group spread all over the country, it would be easier to win a contract with an I.B.M. or a General Motors. The only health-industry companies that now have such networks are Blue Cross and the commercial insurers.

HMO's attract the insurance companies for several reasons. With the big debate about national health insurance approaching, involvement in a new and economical delivery system may win the companies some good marks in Congress. It also gives them another product to sell to employer and union groups. Perhaps most important, HMO's offer insurance companies a chance to collect a 2 or 3 percent fee for selling the service, and another fee for management, without exposing themselves to any risk of fluctuating claims.

HMO's prospects for growth will also be greatly affected by how they are regulated. Some state courts have ruled that organizations providing medical care are not insurers. So a tug-of-war has begun over whether state health or insurance authorities—or both—should exercise jurisdiction. Certainly, paid-up consumers ought to be protected against their HMO's going broke; they should be able to receive care in another organization or be permitted to obtain indemnity insurance without penalty. But if, like insurance companies, HMO's were required to maintain hefty reserves, or if they had to operate with the same restrictions as insurers on their real-estate holdings, their growth might be crippled.

A model HMO bill pushed by the National Association of Insurance Commissioners does not propose specific real-estate investment or reserve requirements, leaving that up to the individual commissioner. The clear intent, however, is that, except for health matters, the state insurance department would be the supreme authority. Given the wide variance in performance of state insurance departments, regulation of HMO's probably should not be left to the states. Even the tough New York State insurance department is questioning whether it ought to be heavily involved in HMO regulation, with the exception, perhaps, of making sure that consumers will be protected if an HMO becomes insolvent.

THE A.M.A. PUTS ON THE PRESSURE

In a move that is even more important than their funding provisions, the HMO bills before Congress (except for the Administration's) would remove such groups from the jurisdiction of state insurance departments and would override other restrictive state laws. Financial stability would be left to the marketplace, although periodic reports would be made to the Secretary of HEW. The legislation would also set up quality controls; the Kennedy bill goes so far as to establish a National Commission on Quality Health Care Assurance.

The passage of such federal legislation would open the way for a rapid expansion of HMO's. That legislation has received the endorsement of almost every interested group but organized medicine, which is trying to block or at least to delay passage of these bills. A House committee staff member says: "We've had more pressure from the A.M.A. on this issue than on anything since medicare."

The A.M.A. is certainly correct when it asserts that not all of the data on HMO's are in. HMO's will indeed be difficult to develop in areas with low population density. Some critics argue that their costs should come down, on the ground that they may provide *too much care*. And it's clear that even if HMO's can decrease hospital admissions, the underlying causes of cost inflation in hospitals would remain to be tamed.

Still, the trends in medicine these days is toward more organized systems, in group practices and in full-time hospital-staff practice. All the serious studies so far support the conclusion that when well managed and properly financed, HMO's can sharply reduce the cost of care at a level of quality at least equal to that of the fee-for-service system, while earning a decent return for lenders and investors. And HMO's will pay an important social dividend: they will provide access to better medical care for millions of Americans who have never had that opportunity.



## ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS HARRY F. BYRD, JR., AND GRIFFIN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders tomorrow under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Republican leader, Mr. GRIFFIN, for not to exceed whatever time remains prior to the hour of 12 o'clock noon.

The PRESIDING OFFICER (Mr. BIDEN). Without objection, it is so ordered.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11:30 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) will be recognized for not to exceed 15 minutes, following which the distinguished assistant Republican leader (Mr. GRIFFIN) will be recognized for not to exceed 15 minutes and, in any event, not to extend beyond the hour of 12 o'clock noon.

At 12 o'clock noon, the Senate will resume its consideration of the unfinished business, and the 1 hour for debate, under rule XXII on the motion to invoke cloture on the bill, S. 352, will begin running. At the conclusion of that hour, the Chair will ask the clerk to establish the presence of a quorum. Upon the establishment of this mandatory quorum, or around 1:10 p.m. or 1:15 p.m., the vote will occur on the motion to invoke cloture. That will be a yea-and-nay vote.

Subsequent to the vote on the motion to invoke cloture, there will quite likely be additional yea-and-nay votes. As to what those votes will invoke depends on the outcome of the vote on the motion to invoke cloture.

## ADJOURNMENT TO 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and at 5:03 p.m. the Senate adjourned until tomorrow, Thursday, May 3, 1973, at 11:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 2, 1973:

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

*To be lieutenant general*

Maj. Gen. Daniel James, Jr., 263-22-9872FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

XUM

*To be lieutenant general*

Lt. Gen. Otto J. Glasser, 160–14–0169FR (major general, Regular Air Force), U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

*To be lieutenant general*

Maj. Gen. William J. Evans, 037–18–2380FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

*To be general*

Lt. Gen. William Eugene DePuy, 503–16–0459, (Army of the United States), major general, U.S. Army.

*To be lieutenant general*

Maj. Gen. Donn Royce Pepke, 444–40–7556, (Army of the United States), brigadier general, U.S. Army.

Maj. Gen. Orwin Clark Talbott, 572–03–9875, U.S. Army.

IN THE ARMY

The following-named officers for promotion in the Army of the United States, under the provisions of Public Law 92–129.

ARMY PROMOTION LIST

*To be lieutenant colonel*

Abbuhl, Willmott, 115–28–7654.
Abernathy, Eugene B., 411–52–0219.
Ackiss, Ernest L., Jr., 559–30–4925.
Adams, Louis W., 162–28–0690.
Agostini, Victor M., 108–26–9438.
Akers, Jimmy D., 431–58–5567.
Akin, Jere H., 252–58–3705
Aldrich, Robert J., 575–28–7808.
Alexander, Joseph D., 220–36–4075.
Alhouse, Robert D., 106–28–0494.
Allen, Kenneth D., 055–30–8532.
Allen, Lee, 554–52–4900.
Allen, Richard H., 222–22–9644.
Allen, Sydna B., Jr., 414–42–7267.
Alley, Frank M., Jr., 524–44–6162.
Alt, Richard M., 315–32–3718.
Alvarez, Roy R., Jr., 462–58–1439.
Amos, John O., 429–60–4098.
Anderson, Douglas J., Jr., 459–36–5032.
Andre, David H., 299–28–9064.
Andrew, John K., 150–26–3717.
Andrews, John D., 294–30–0363.
Appel, Cyril H., 561–40–2170.
Apruzzese, Vincent, 041–28–2372.
Arndt, Terrence L., 506–42–1537.
Arnold, Wallace C., 227–48–9324.
Arrington, Edward W., 223–38–9963.
Arwood, Thomas B., 283–30–0658.
Atwood, John B., 467–38–5405.
Auyong, Stephen K., 575–34–8988.
Bacon, Donald D., 025–30–9977.
Bacon, Stanley, Jr., 103–28–7583.
Bair, Arthur H., Jr., 204–28–3668.
Baker, Larry A., 507–34–2236.
Baldwin, Roy G., 435–50–3923.
Balkovetz, Fred W., 516–34–1594.
Ball, James W., 425–76–0130.
Banks, John W., Jr., 070–28–5848.
Banning, Robert D., 488–40–6437.
Barksdale, Lewis B., 218–32–6204
Barnebey, Hoyt W., 534–32–6622.
Barnes, William R., 239–58–6969.
Barrett, Thomas E., 410–60–6043.
Barrow, John P., 160–30–1733.
Barrus, Rollin L., 520–60–4735.
Baxter, Thomas R., 145–28–9690.
Bayha, William T., 185–28–7212.
Beachem, Paul J., 226–42–9085.
Beaumont, Marion E., 426–66–6880.
Beavers, Leslie E., 233–56–8171.
Beckel, Charles E., 537–28–3801.
Beckett, Jack A., 232–54–8356.
Beebe, Donald J., 070–30–7393.
Behnke, James E., 495–34–1963.
Behrenhausen, Richard, 159–32–9677.
Belinsky, Howard M., 045–28–4465.
Benjamin, Donald C., 505–40–7073.
Bennett, Eugene W., 172–28–6230.
Bennett, Roger M., 510–32–3771.
Berman, Leo, 124–28–7822.
Berti, John R., 046–30–8363.
Best, James W., 458–52–5722.
Beyer, Kurt C., 385–32–7017.
Beyer, Lawrence F., 375–34–9271.
Bice, Burton C., 387–34–5562.
Bieber, John D., 156–24–3671.
Biemeck, John F., IV, 321–32–9661.
Bihn, Marvin A., 282–32–4167.
Bishop, Robert L., 232–54–4804.
Biskup, Robert L., 460–46–3622.
Blackburn, Frederick, 307–26–2545.
Blair, John D., IV, 237–60–6910.
Blakely, Clyde H., 459–48–6379.
Blanchard, Robert D., 525–74–9527.
Blankenship, Malcolm, 561–48–3818.
Bledsoe, Charles R., 259–38–1966.
Bloom, John D., 311–36–7498.
Boes, Richard W., 270–28–6964.
Bogart, William V., 211–28–1063.
Bogenrife, Richard, 290–32–5305.
Bohach, John L., Jr., 550–50–6354.
Boles, John L., 458–48–4588.
Boles, Wayne T., 458–48–4589.
Bolt, Richard R., 477–30–8108.
Boone, George F., 383–34–1637.
Boothe, Robert S., 426–62–5273.
Boren, Charles M., 460–62–3171.
Bosking, William H., 507–42–8976.
Boss, Jerry L., 304–36–9475.
Bowdan, Melvin R., Jr., 573–48–3035.
Bowers, Robert F., 366–34–8865.
Bowker, Charles A., 440–32–0320.
Bowling, Harold K., 244–42–8420.
Boyd, William J., 465–50–4988.
Boylan, Peter J., Jr., 391–30–2528.
Boyle, David J., 473–44–8919.
Boylston, Graves L., 251–52–1714.
Bradin, James W., IV, 258–48–2742.
Bradley, Holley D., 444–34–3543.
Bradley, William A., 265–48–9820.
Brashear, Hollis N., 457–40–8421.
Brasuell, Perry T., 441–32–0523.
Bratisax, Roland J., 080–30–6883.
Brenner, Donald R., 311–34–6127.
Brewer, James S., 070–26–7416.
Bridgewater, Tom W., 450–50–0649.
Briggs, Gaither E., 253–56–2410.
Brockwell, Daniel P., 226–40–5349.
Broocke, Nathan I., 525–72–3114.
Brosset, Lester R., 438–52–3440.
Brothwell, Richard, 041–26–4153.
Brown, Bruce L., 158–22–4684.
Brown, Donn W., 405–46–2340.
Brown, Larry D., 483–40–4986.
Brown, Noel L., 537–32–5149.
Brown, Richard L., 232–56–8701.
Browning, David B., 242–60–1758.
Brunelle, Pierre V., 012–26–8263.
Brunkow, Richard O., 506–34–2258.
Bruscas, Lawrence C., 552–40–6159.
Bruschette, Jerome, 031–24–8764.
Buczek, Richard C., 194–28–0954.
Bullard, Monte R., 560–44–4198.
Bunij, Edwin W., 353–30–9078.
Bunker, David L., 511–28–3116.
Bunting, Willis R., 221–24–0004.
Buono, Daniel P., 233–50–7048.
Burch, Walter M. 525–54–0740.
Burke, James A., 456–52–4438.
Burleson, Grady L., 261–50–5593.
Burnham, Charles A., 502–24–1795.
Burns, George K., 427–52–8464.
Burns, Walter L., 022–26–5803.
Burrell, Raymond E., 265–60–0068.
Butterfield, Jay T., 525–78–2148.
Byars, Harold W., 449–64–2203.
Caddigan, James L. 021–28–6323.
Caffrey, Eugene L., 169–26–8348.
Cain, Moses A., 219–28–9760.
Callender, William, 417–42–4379.
Campbell, George C., 173–32–3179.
Campbell, John G., 453–52–8796.
Campbell, Luther U., 255–50–4774.
Campbell, William R., 359–28–7857.
Cannon, Edwin E., Jr., 264–48–7354.
Cannon Robert S., 463–50–6976.
Carbone, Anthony J., 019–26–3901.
Carlson, Leonard A., 469–12–5400.
Carlton, Terry M., 461–58–0463.
Carmichael, Rex, Jr., 258–38–1467.
Carmichael, Roderick, 262–48–9609.
Carnanan, Ronald J., 478–36–8896.
Carpenter, William, 196–28–4948.
Carter, Bobby J., 461–46–9054.
Case, Ralph W., Jr., 537–32–6624.
Casey, Andrew H., 035–22–5882.
Cavezza, Carmen J., 061–30–0777.
Cavoli, Ivo J., 075–28–4845.
Cercy, James C., 143–28–3159.
Chambers, James A., 270–32–2313.
Chambers, Michael D., 234–52–5837.
Chancellor, Robert, 449–52–5276.
Chandler, Edward V., 493–38–5821.
Chase, Leigh F., 399–36–2951.
Chavis, Langley J., 240–44–6579.
Chelberg, Robert D., 366–36–5984.
Chesher, Phillip B., 456–48–7932.
Childs, Leo M., 031–28–6257.
Churchill, Carl L., 442–34–4733.
Clack, Fred C., 467–48–3071.
Claiborn, Max R., 448–30–7056.
Clark, Claude L., 281–34–9867.
Clark, Howard W., 036–24–5393.
Clark, Jack T., 415–54–9395.
Clark, Niles C., Jr., 250–60–9458.
Clark, Richard A., 277–32–7755.
Clark, Shannon D., 375–30–9494.
Clarke, Robert L., 236–54–7184.
Clough, William S., 046–28–8459.
Coble, Donald R., 542–36–9739.
Cochran, Pinckney C., 249–52–6122.
Coffman, Joe P., 236–56–9982.
Coker, James R.,143–28–8451.
Cole, John W., 219–32–7814.
Cole, Leslie W., 411–56–2572.
Coleman, Lynn F., 089–30–0167.
Connell, Frank M., 266–44–0999.
Connolly, John D., 134–28–6586.
Cook, Donald M., 438–50–1002.
Cook, Robert W., 449–56–0279.
Cooney, Terence P., 038–22–1533.
Cooper, William H., 450–52–4309.
Coppley, Johnny R., 237–42–0348.
Corliss, William D., 022–26–8268.
Cortelli, Richard J., 275–32–1930.
Cote, Joseph R., 003–26–1481.
Cote, Paul R., 034–28–5211.
Cotts, David G., 390–32–3576.
Covington, Dwight H., 264–46–9855.
Craig, Jack A., Jr., 254–50–1797.
Cralg, Joe F., 445–38–2924.
Cramer, Rockwell C., 567–42–3092.
Cramer, Ronald P., 143–26–9817.
Creasy, Calvin H., 409–52–3447.
Creel, William R., 267–48–2022.
Creighton, Francis, 093–30–3051.
Cremer, John C., 173–30–5488.
Cresci, Anthony B., 109–30–1716.
Crews, Roy A., 326–32–1224.
Crowle, James L., 276–26–2126.
Crysel, James W., 422–42–6710.
Curran, Francis P., 029–22–4581.
Curran, Joseph S., Jr., 034–26–5612.
Custer, Leslie L., 499–32–1586.
Daines, Guy E., 407–36–4887.
Damron, James K., 273–26–1291.
Dantzscher, David D., 064–30–0585.
Darby, Barney D., Jr., 250–50–6398.
Darden, Earl, 229–30–6120.
Dast, William A., 368–34–7883.
Davenport, Robert L., 562–40–2042.
David, Ronald C., 287–30–6472.
Davis, Alexander D., 456–48–1728.
Davis, Charley B., 431–56–1387.
Davis, George C., 439–46–7572.
Davis, Kenneth M., Jr., 525–58–0801.
Davis, Paul L., 153–26–6180.
Davis, Roy J., 538–32–8033.
Deasy, William T., 554–46–8858.
Delbuono, John A., 049–28–1244.
Dembinski, Mark L., 124–26–4757.
Dent, William P., 380–32–7280.



Denzler, Ancil L., 485–34–2213.
Depace, Anthony J., 069–28–2257.
Derocher, Robert F., 007–30–4877.
Dercuen, Dudley, 452–50–2689.
Dethlefsen, James D., 146–32–5613.
Devine, Earl M., 057–28–8160.
Dewar, John D., 028–30–6477.
Dice, Jack W., 227–48–2242.
Dickey, James R., 452–50–8014.
Dickson, Richard C., 390–30–7950.
Digiacinto, Joseph, 131–26–1416.
Dikes, Billie N., 459–48–5879.
Dilworth, Robert L., 264–52–0517.
Dishner, Wilbert J., 424–36–7296.
Doehle, Douglas A., 540–38–8254.
Doherty, Terence, 036–24–8986.
Donahue, John C., 398–30–1009.
Donlen, Roger H., 056–26–3687.
Dooly, Billy B., 430–62–9611.
Doster, David A., 263–50–8883.
Doyle, Bernard K., Jr., 381–34–8736.
Drago, James P., 135–28–4745.
Dreska, John P., 058–30–0456.
Drew, John B., 518–34–1259.
Drosdeck, John S., Jr., 047–28–3365.
Dublisky, Ernest B., 197–24–0730.
Dubois, Raymond E., 001–20–7421.
Duckloe, John H., 159–28–7019.
Duncan, Robert W., 564–32–2571.
Dunn, Earl N., 082–30–2519.
Durant, Henry L., 249–56–5269.
Durlan, Ronald S., 396–34–2313.
Dyer, Travis N., 411–58–5479.
Earl, Ronald A., 205–28–8688.
Earley, Neal E., 422–46–7183.
Easley, Michael F., 263–52–0610.
Eaton, Kenneth C., 004–34–1953.
Edmond, Holman, Jr., 259–50–2965.
Eldredge, Richard B., 145–26–5280.
Ellerthorpe, Donald, 056–26–3819.
Elliott, Charles R., 291–28–8962.
Elton, Robert G., 573–24–9935.
Endy, Clarence, Jr., 195–30–9012.
England, Willis R., 403–34–0140.
Enright, Joseph F., 577–50–1540.
Essex, Peter E., 038–22–1644.
Evans, Gerald C., 565–36–0789.
Evans, Robert D., 167–30–7699.
Fader, Wesley R., 033–20–3708.
Falkner, Joe S., Jr., 233–56–5676.
Farill, Trent G., 255–48–7213.
Farley, Dennis S., 377–34–1713.
Farquharson, William, 208–28–9621.
Ferguson, Michael L., 262–52–8446.
Ferrick, John F., 178–28–6628.
Fields, Harold T., Jr., 263–56–8708.
Filer, Robert E., 518–32–9469.
Finch, James T., 461–42–2790.
Fisher, Hugh M., 012–28–9208.
Fitzsimmons, John E., 510–32–6833.
Flanagan, Thomas P., 027–28–6477.
Fletcher, Michael J., 115–26–4150.
Flowers, Robert G., 305–32–1143.
Fogelquist, Kenneth, 542–32–7901.
Foote, Brian G., 466–54–0862.
Forbes, Maynard C., 016–28–1067.
Ford, Harold L., 433–46–7394.
Forsyth, Frank R., Jr., 452–48–8124.
Fournier, Albert L., 004–34–3145.
Fowler, Darrell V., 550–40–6447.
Fox, James H., 531–36–4818.
Foy, William H., 451–52–3262.
Francis, Joseph T., 438–38–3256.
Frank, Gordon B., 057–24–4879.
Frankoski, Joseph P., 058–30–6262.
Freeman, Lowell F., 234–50–3061.
Frentz, Austin D., Jr., 310–36–1718.
Frey, Heino J., 084–26–5742.
Fritts, William B., 473–38–6587.
Fritz, James E., 520–38–2856.
Frost, Robert W., 020–26–7153.
Fudge, Eugene E., 459–54–0684.
Funk, David L., 459–58–0828.
Galbreath, Carlton, 414–52–0960.
Galgano, Donald L., 058–30–0490.
Galiber, Leayle G., 580–01–0179.
Gammons, Vance S., 411–60–1620.
Gantt, John R., 413–50–6015.
Gardner, Lawrence A., 477–32–2615.
Gartman, Etric P., 427–52–5644.
Gaudreau, Ronald P., 001–26–8872.
Gay, Raymond D., 455–46–6086.
Gear, Edward R., 532–32–9519.
Gehler, William C., 323–28–2841.
Gelinas, Wilfrid E., 034–24–6711.
George, James T., 231–42–6101.
Gergulis, John G., 049–28–5006.
Gess, William D., Jr., 491–38–4282.
Ghidella, Edward R., 019–28–5046.
Gibson, Jefferson D., 238–52–9665.
Gilliam, Glen L., 405–48–3323.
Ginex, Thomas D., 265–46–3700.
Gingras, Ronald W., 015–28–9152.
Gladfelter, Terry T., 512–30–4795.
Good, Walter R., 080–30–3280.
Good, William K., Jr., 516–34–5820.
Goode, Roosevelt M., 227–40–4241.
Goodman, Donald W., 423–44–6799.
Gordon, Thomas R., 093–32–3969.
Grande, Alfred F., Jr., 156–26–9153.
Graves, Howard D., 466–48–4668.
Gravett, Ray A., 405–48–2176.
Gray, Michael K., 533–36–5625.
Gray, Peter A., 549–48–2379.
Gray, Ted J., 531–34–3912.
Greenberg, Paul L., 410–52–6776.
Greene, Therman R., 423–44–0103.
Greer, James A., 465–52–1226.
Griffith, Allen L., 305–42–0242.
Griffith, Jerry R., 442–36–9684.
Grim, Richard A., 215–30–5461.
Grimes, Charles T., 017–28–5874.
Griswold, Edward C., 524–40–2381.
Gross, Gerald D., 458–54–6923.
Guild, William B., 032–28–5329.
Guillory, Kenneth R., 433–52–3391.
Guinn, Ollie R., 547–44–7525.
Gustafson, Carl S., 040–28–5095.
Hackett, Robert T., 147–28–0984.
Hadjis, John, 232–54–6425.
Hagan, Craig A., 155–28–6011.
Hager, Robert H., Jr., 536–34–4957.
Hamby, Jerrell E., 559–40–6289.
Hancock, James B., 267–48–9365.
Hanson, Charles K., 516–38–1877.
Hardman, Richard W., 478–42–4672.
Hardwick, Willis C., 443–32–0832.
Hardy, John D., 139–26–4958.
Harmon, James J., 574–12–7084.
Harnett, Alvin H., 283–42–0763.
Harper, William E., 466–50–5130.
Harrington, David B., 010–28–5934.
Harris, Henry L., 267–44–2839.
Hart, Roxie R., 377–30–3974.
Harvey, Henry J., 364–30–3967.
Haskell, Charles T., 248–52–4018.
Haskins, Franklin C., 101–28–1789.
Hastings, Clark W., 488–32–6760.
Hatch, Alden E., 407–44–5376.
Hawkins, Eugene D., 556–42–8379.
Hawley, Gerald S., 272–30–8682.
Hawranick, Theodore, 191–28–6191.
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Tannenbaum, David L., 265–58–3498.
Taylor, Edward N., 348–18–1337.
Taylor, Harry, Jr., 045–28–5016.
Taylor, Paul W., 486–34–7140.
Tennis, Gayland L., 373–36–3010.
Terry, Robert L., 51–28–2384.
Thiessen, Derek J., 567–40–0585.
Thomas, Bruce A., 031–26–7840.
Thomas, Charles R., 509–34–7588.
Thomas, Golden L., 229–48–1329.
Thomas, James E., 565–42–8324.
Thomas, Joel F., 446–34–7132.
Thomas, Kenneth E., 577–46–5238.
Thompson, Billie F., 446–32–1542.
Thompson, John T., Jr., 376–34–6929.
Tilton, Robert C., 066–28–5284.
Tinseth, Frederick M., 469–32–1001.
Tipton, Carl W., 429–60–6581.
Tobin, Ernest H., 105–28–9415.
Todd, Alan R., 453–50–8759.
Todd, John J., 022–28–3733.
Tolcher, James A., 269–32–6994.
Tomberlin, John R., 264–46–7962.
Toner, Richard M., 144–26–2787.
Townley, Robert R., 435–50–3533.
Toye, Calvin O., 023–28–5301.
Tredinnick, Richard, 206–28–6408.
Trevino, Francisco, 457–52–0981.
Turner, Larry G., 463–46–7412.
Turner, Rex M., Jr., 254–54–0201.
Turpin, Robert P., 074–26–2297.
Udick, Ralph A., 518–40–4772.
Ulzheimer, Robert, 135–28–8902.
Unger, Curtis G., 409–56–9652.
Vanderels, Theodore, 093–32–3985.
Vandevender, Edward, 425–70–1012.
Vaneynde, Donald F., 330–30–7773.
Vanherpe, William H., 101–28–1105.
Vanhooser, David P., 403–46–8603.
Vanlandingham, Robert, 444–32–0383.
Vansteenbergen, Albert, 020–24–2147.
Varley, William L., 077–26–8346.
Vaughn, Arthur R., 424–48–3928.
Vazquezsamo, Jose, 058–28–3720.
Vermette, Robert E., 036–24–5406.
Vickery, Ellison B., 024–28–5222.
Wagner, Edward H., 561–42–5404.
Wagner, Robert C., 508–40–9667.
Wakefield, Samuel N., 249–58–7207.
Wakelin, John D., 563–44–5281.
Walker, Emmett L., 063–28–0523.
Walker, James M., 410–58–3147.
Wall, William J., Jr., 531–38–6838.
Wallace, Richard C., 268–34–4592.
Walsh, Richard J., 073–28–5099.
Walters, Charles C., 533–28–8834.
Walton, Joseph A., 180–30–1773.
Walton, Ronald A., 375–34–1732.
Wangsness, James C., 530–18–7418.
Warmath, Julius G., 411–64–9860.
Wasson, James V., 211–30–3774.
Watt, Robert, 013–26–5581.
Webb, Daniel J., 182–28–4992.
Webb, James R., 510–28–7927.
Weekly, Robert M., 624–44–7406.
Wels, James H., 327–30–4314.
Weiss, James J., 329–30–4151.
Welch, Elliot J., 294–28–4583.
Welch, Jack L., 429–60–7472.
Wheeler, Rock C., Jr., 023–28–4931.
White, Jerry A., 232–54–2156.
White, Lawrence L., 144–22–7218.
White, Lloyd C., 428–62–3268.
White, Willington E., 248–48–5075.
Whitmarsh, Donald B., 432–62–7058.
Wickliffe, Paul T., 378–34–5916.
Wieduwilt, Leslie R., 336–28–7306.
Wiersema, Kenneth E., 560–44–4038.
Wilbanks, Ronald H., 255–48–3490.
Wilbur Donald V., 123–16–7399.
Wilcox, Arthur M., Jr., 449–50–8590.
Wilfong, John F., 430–58–5500.
Wilhite, James A., 266–50–1252.
Wilkinson, Tary D., 444–34–7730.
Williams, David H., 499–22–4851.
Williams, David K., 226–42–6286.
Williams, Donald R., 443–30–7545.
Williams, Francis M., 070–30–0712.
Williams, John S., 409–56–3946.
Williams, Joshua O., 219–32–9377.
Williams, Phillip J., 008–24–6593.
Williams, Robert S., 237–56–8485.
Willies, Edward J. 569–46–6763.
Willis, Carlton R., 224–32–1062.
Willis, Edward C., Jr., 461–48–8981.
Wilson, Carroll R., 432–56–0137.
Wilson, David G., 481–38–3872.
Wilson, Gifford D., 431–64–7189.
Wilson, Oliver W., 433–48–5005.
Wilson, Richard A., 139–28–2991.
Wilson, Sanford H., 309–30–8647.
Winslow, Robert A., 390–34–0788.
Winter, Robert G., 043–28–3432.
Winzurk, William F., 223–42–9649.
Withington, Robert, 041–28–4880.
Witt, Jerry V., 451–52–0112.
Wittenberg, Kenneth, 388–30–0471.
Witter, Lee F., 399–30–8273.
Womack, Daniel, Jr., 241–50–1809.
Woods, Rex J., 446–28–8401.
Woodward, Vernon W., 196–28–0236.
Wooten, R. J., 430–68–9045.
Worsham, Kenneth P., 463–54–4731.
Wright, Dean W., 468–32–5622.
Wright, Willie F., 229–44–7044.
Xenos, Michael J., 535–32–6416.
Yamaguchi, Philip, 576–34–9948.
Yaugo, Edward C., 278–34–7169.
York, Edmond R., 467–38–7211.
Young, Leon A., 536–32–4103.
Youree, James F., 411–56–5109.
Zimmer, Gerald H., Jr., 533–46–9843.
Zouzalik, Ervan E., 454–52–9464.
Zumbro, Harold D., 441–38–0367.

CHAPLAIN CORPS

*To be lieutenant colonel*

Aiken, Clyde M. 251–40–8338.
Alexander, George W., 406–46–7419.
Andrews, Joel E., 424–40–9801.
Bagnal, William K., 249–38–2220.
Bowers, Curtis R., Jr., 201–24–4191.
Brough, Alfred E., 167–24–5537.
Brown, Charles J., 135–18–0637.
Buckner, Leland S., 408–54–4274.
Burttram, Danny W., 417–42–8369.
Carey, John C., 039–18–4013.
Chavarry, Richard E., 018–26–3142.
Compton, David D., 413–56–0811.
Cooley, Virgil T., 418–38–2279.
Crick, Robert D., 414–44–5377.
Darcy, Richard L., 565–22–4439.
David, Lawrence T., 250–40–1452.
Desnegher, John A., 572–34–6178.
Desantis, Michael M., 102–20–4668.
Deveaux, John A., Jr., 261–46–9492.
Ditadded, Alessand, 460–70–3665.
Easley, Paul H., 236–30–9186.
Einertson, Norris L., 470–32–4562.
Esco, Hugh R., Jr., 417–34–7109.
Evangelisto, Louis, 048–20–9897.

XUM

Felgar, Stanley G., 455–44–4015.
Fishburn, Ralph D., 298–22–3501.
Fleming, William A., 414–34–4783.
Forsberg, Paul O., 475–24–4132.
Galle, Joseph E., III, 433–42–1879.
Grenz, Clinton E., 501–30–1925.
Haefner, Paul F., 254–64–4070.
Hedrick, Richard M., 228–30–8343.
Hefty, Gerald N., 540–30–7305.
Hendricks, Louis D., 563–36–9798.
Hill, Charles F., 416–40–0677.
Hoh, David W., 395–26–0217.
Holley, Franklyn D., 490–28–3132.
Hughes, William J., 262–40–0741.
Huseth, Joseph L., 470–30–6225.
James, Leroy, 259–34–4276.
Johnson, Charles M., 263–38–4711.
Kuhn, Herbert, 522–26–2368.
Ligget, Francis A., 183–16–3713.
Linderman, James R., 452–48–9292.
Loud, Irwin C., Jr., 464–32–2757.
Lucky, Carl E., Jr., 475–28–2858.
Lukaszewski, Leonard, 316–14–9340.
Martin, Richard K., 227–40–2987.
McEuen, William R., 492–28–1676.
Merrill, Thomas R., 220–28–1022.
Miller, Ray E., 215–32–4221.
Ormsbee, George E., 566–44–0427.
Phillips, Walter L., 429–36–7361.
Roque, Francis X., 039–12–4892.
Sauer, Walter K., 535–24–8872.
Saunders, Robert E., 410–50–2932.
Schmidt, Charles H., 507–24–0475.
Schneider, Walter M., 111–24–7520.
Scott, John C., 038–16–5818.
Silliman, Edwin T., 454–38–2078.
Solem, Arthur E., 396–26–1687.
Speitel, Edmond J., 190–18–8230.
Staples, John H., 392–24–8535.
Todd, Ermine, Jr., 726–16–7842.
Tuller, Jerome D., 388–22–7927.
Tupy, Richard R., Jr., 376–30–8867.
Vanderburgh, Daryl, 475–34–3794.
Vanmeter, James W., 289–30–2883.
Walker, Norman G., Jr., 428–26–1211.
Whiteside, Billy M., 258–58–0507.
Zwiers, John C., 358–26–9393.

WOMEN'S ARMY CORPS

*To be lieutenant colonel*

Bodron, Margaret M., 427–58–6714.
Carroll, Sallie L., 561–44–3211.
Dicke, Diane, 340–26–1378.
Foote, Evelyn P., 579–36–3463.
Gibson, Gwen, 423–54–7010.
Hardy, Nancy J., 279–28–9878.
Heffren, Monica A., 060–30–5555.
Ingersoll, Hazel M., 244–32–9965.
Jorge, Marlene M., 575–30–9920.
Keil, Barbara J., 169–22–3289.
Kelly, Jacquelin J., 140–24–2311.
Kennedy, Elizabeth, 231–34–9894.
Knutsen, June E., 191–20–8821.
MacGregor, Regina H., 540–24–9383.
Maybin, Patricia J., 434–30–8498.
McCord, Patricia A., 457–52–4524.
Merrill, Pauline D., 543–34–2822.
Oclaire, Joyce W., 016–24–2982.
Phillips, Charlotte, 009–20–7826.
Pomeroy, Mae E., 544–34–1171.
Richard, Anne B., 312–24–7481.
Sanford, Barbara J., 225–42–6241.
Simmons, Ruth L., 029–22–3227.
Stockwell, Frances, 366–26–5603.
Wepner, Charlotte M., 392–20–0504.
Willis, Ellen R., 049–16–6897.
Wood, Rosemary R., 116–16–0341.

MEDICAL CORPS

*To be lieutenant colonel*

Alderson, Gerald L., 561–50–5596.
Allison, Stanley C., 569–50–9044.
Almquist, Howard T., 532–40–7633.
Alvarez, Johnny D., 098–44–2599.
Anderson, Daniel L., 370–40–1325.
Armitage, David T., 055–32–7956.
Babcock, William S., 374–34–5518.
Barcia, Peter J., 263–64–5331.
Barham, Ed Dalton, 426–82–0504.
Barlow, Matthew J., 228–52–2984.
Barry, Michael J., 115–30–5561.
Baur, Ogden T., 323–32–4771.
Beard, Graham E., 407–46–7552.
Benson, William L., 542–44–8864.
Besantmatthews, P. E., 534–50–7896.
Bianchi, Anthony, 328–30–1034.
Biggs, Richard D., Jr., 219–26–6356.
Bialock, James C., Sr., 383–28–7613.
Blount, Richard B., 451–52–6833.
Bobbitt, John R., 318–26–7525.
Bollman, Charles S., 445–38–0570.
Bonnin, Irvin R., Jr., 439–54–3859.
Boone, Stephen C., 451–54–6624.
Branch, Leslie B., 244–56–5944.
Brannon, Julian W., 419–46–9689.
Bridenbaugh, Robert, 543–48–9267.
Briggs, William A., 169–30–4554.
Bronshvag, Michael, 127–30–1543.
Brown, Ellis N., 506–42–4078.
Brown, Luther E., 257–54–3746.
Brundage, Bruce H., 113–30–2482.
Bunn, Simon M., Jr., 466–70–1033.
Buratto, Gregory J., 534–34–6581.
Burdick, George E., 570–48–6438.
Burleson, Richard L., 244–54–6170.
Burton, Francis C. J., 528–42–6320.
Butler, Melvin L., 418–50–5366.
Camp, Richard A., 575–38–9583.
Caporossi, Paul V., 149–30–2351.
Carmichael, Benjamin, 260–72–2568.
Carson, Gordon C. II, 253–58–5386.
Carvalho, Richard S., 035–24–8908.
Chamberlain, Terry, 519–36–9534.
Chin, Henry L., 562–50–6150.
Chojnacki, Richard, 135–28–2869.
Cipriano, Frank J., 355–30–3108.
Clark, Thomas H., 406–42–8601.
Claypool, Robert G., 348–32–3837.
Collin, Daniel B., 476–38–2784.
Collins, George J., 456–60–4923.
Corder, Michael P., 268–36–9697.
Coville, Frederick, 548–56–4419.
Cowan, George S., 115–30–8070.
Craig, David E., 244–58–2428.
Crowley, James R., 532–38–4550.
Cuetter, Albert C., 356–42–0249.
Daubek, Joseph L., 563–60–6180.
Deryuen, Douglas, 548–48–8065.
Deutsch, Fredrick, 850–30–6371.
Diaz, Jaime Alberto, 043–42–5976.
DiBella, Nicholas J., 553–54–9655.
Dixon, William L., 142–30–0793.
Drake, Frank R., Jr., 523–52–6275.
Dunn, Bruce E., 101–30–4986.
Dunnington, Glenn W., 522–52–6859.
Eichner, Harvey L., 380–42–9258.
Elelson, John A., 020–30–1272.
Evans, Roger W., 526–40–9150.
Farnsworth, Lynn S., 528–50–4284.
Firestone, Marvin H., 195–30–5298.
Flanagan, Clyde H., 408–60–6933.
Fleming, Arthur W., 413–50–6634.
Flores, George H. P., 496–44–1559.
Folanini, Jorge E., 264–92–7685.
Fossum, Dale R., 468–34–8921.
Fromm, David G., 550–50–4516.
Gallagher, Edgar G., 244–54–7728.
Gandara, Jose R., 583–07–0989.
Gardner, Horace B., 527–50–0914.
Garvis, Gary E., 475–38–3732.
Gay, James S., 427–70–2352.
Gehle, Don E., 356–30–8747.
Gerstenberger, Duane, 531–30–0108.
Geschke, Dietrich W., 484–38–2005.
Ghaed, Nasser, 112–40–2572.
Gillum, Ronald L., 344–30–3882.
Glasser, Stephen P., 263–56–3966.
Glick, Benjamin, 569–52–5993.
Gober, Lowman E., 452–58–4816.
Goette, Detlef K., 289–46–0116.
Goldberg, Michael J., 003–28–0157.
Golosow, Nikolas, 563–60–6217.
Grabhorn, Larry L., 315–36–0161.
Graven, Richard M., 360–32–0921.
Greene, Harry L., 255–56–7455.
Gross, Richard H., 093–32–9631.
Guerry, Roderick L., 256–56–2002.
Gunther, John S., 103–30–6418.
Gunther, Robert C., 111–30–0810.
Haines, Joe O., 511–42–2743.
Harner, Stephen G., 498–42–1035.
Hart, Michael N., 478–46–8164.
Harvey, John E., 514–30–8501.
Hayes, Thomas D., 518–44–9053.
Haynes, Richard J., 298–34–8663.
Hecht, Manfred H., 050–28–0899.
Hegstrom, George R., 544–38–6317.
Heitzman, Martin, 140–26–1189.
Henry, James M., 346–26–7884.
Hentz, Edwin C., 251–56–8902.
Herrell, Michael A., 306–38–5358.
Herzinger, Raymond, 519–46–3057.
Hilberman, Mark, 113–30–8638.
Hill, John C., 543–44–3146.
Hinckley, Marshall, 049–30–2209.
Hoell, Noel L., 516–42–0190.
Holloway, George A., 043–30–1179.
Hopkins, David G., Jr., 366–36–1896.
House, Homer C., 577–50–2743.
Howard, William J., 258–54–9951.
Husband, George G., 202–26–3586.
Husbands, Milton E., 455–58–4285.
Jackson, Stephen M., 572–50–9293.
Jacobs, James W., 456–52–4602.
Jenis, Edwin H., 086–32–6585.
Jirka, Anton J., 322–32–8515.
Keeports, Richard L., 207–30–6466.
Kelly, Charles S., 037–24–3859.
Kennedy, Charles W., 434–52–1636.
Kessler, Robert T., 328–32–7251.
Keys, David N., 231–48–3326.
Kichler, Jack, 261–44–6498.
Kimball, Daniel B., 229–44–9640.
Knapp, Don, 173–32–9690.
Kull, Donald H., 324–28–8651.
Lacey, John R., 225–50–9287.
Landes, Richard D., 233–58–3333.
Lauring, Lewis M., 098–30–7095.
Lawrence, Larry L., 526–48–1286.
Lefko, Andrew G., 210–28–0099.
Leman, Milton H., Jr., 433–40–4294.
Lemmon, Francis M., 251–58–5309.
Levister, Ernest C., 093–28–8154.
List, Robert M., 146–28–9156.
Lowell, George G., 452–44–4128.
Lull, Robert J., 097–30–4025.
Massa, Emilio, 282–36–9779.
Materson, Richard S., 267–60–6172.
Maybee, David A., 221–26–1690.
McAllister, Hugh A., 240–60–2046.
McAninch, Jack W., 450–56–1086.
McCormick, Wilbur S., 206–16–0722.
McCracken, Joseph D., 261–60–2136.
McEarchern, Walter, 255–62–7061.
McFarland, James C., 252–56–3380.
McKinley, Oscar B., 539–36–6435.
McLeod, David G., 245–50–7189.
McManus, William F., 506–40–9465.
Messersmith, John K., 180–32–1928.
Metz, Leon D., Jr., 435–50–7898.
Miles, Philip A., 058–30–0789.
Milke, Denis, 193–30–6166.
Mooney, John J., 334–30–7388.
Morris, Alan H., 092–30–0262.
Morris, Jerry L., 403–48–7027.
Morton, Arthur R., Jr., 525–54–7352.
Nagle, Raymond B., 535–34–7062.
Neal, Gary L., 541–40–5641.
Nettles, Harry H., 248–68–5302.
Newman, Philip H., 185–28–4031.
Ninos, Nicholas P., 356–30–5461.
O'Loughlin Edward P., 128–26–5583.
Paluay, Pedro G., 342–46–8458.
Parker, David N., 242–52–4144.
Pastore, Robert A., 158–28–6899.
Pawlak, Wallace U., 385–52–5110.
Payne, Ronald J., 528–40–7366.
Peck, Charles A., Jr., 290–34–7325.
Phyliky, Robert L., 148–28–0751.
Pierce, H. Irving, 542–38–5807.
Placer, Joseph W., 057–32–7209.
Post, Albert A., 345–32–2011.
Protzman, Robert R., 093–32–3943.
Rankin, Edward A., 425–78–3258.
Rau, Jerold M., 510–40–6308.
Roberson, Shedric H., 426–74–5321.
Robnett, Gary B., 489–46–9605.
Rodman, Orlando G., 317–36–4475.
Rodriguez–Garces F., 583–01–4315.
Rose, Roger A., 342–32–1518.
Rossiter, Francis P., 259–56–8637.
Ruark, Sylvan R., 531–36–7996.
Rumbaugh, James H., 196–30–7563.



Sanders, Harold L., 515–34–2073.
Sawyer, Robert, 089–32–7883.
Scotti, Michael J., 076–30–2133.
Servis, Hubert T., 579–46–3895.
Sewell, David H., 452–60–8906.
Shively, Harold H., 026–28–0066.
Sitter, Stephen C., 551–44–5956.
Slaughter, William, 419–50–2510.
Smith, Gerald E., 290–34–1511.
Smith, Gilbert A., 517–40–1312.
Smith, Robert K., 348–36–9768.
Snyder, Alexander B., 107–24–2292.
Spence, Crumpton R., 459–56–6462.
Stafford, Chester T., 419–46–2043.
Starke, William R., 499–42–9921.
Stefanik, Thomas J., 297–34–3088.
Stones, Carl, 519–36–9016.
Stout, John J., Jr., 097–28–6331.
Strait, Gail B., 536–32–2985.
Stroud, Michael B., 467–62–7673.
Sullivan, Dennis J., 547–48–9787.
Susac, John O., 272–36–8792.
Sutton, Richard O., 411–58–6217.
Swallow, Charles T., 528–46–5550.
Teske, Theodore K., 519–42–5703.
Tiongson, Genaro I., 150–42–6132.
Tippens, Jack K., 257–62–3013.
Torgerson, Leslie A., 476–42–3894.
Travis, Richard T., 142–30–6466.
Treanor, John J., 051–24–3441.
Tuerk, Jonathan D., 219–26–6669.
Turner, Clifford J., 059–32–0717.
Vansant, Thomas E. J., 418–56–1389.
Vargas, Carlos A., 321–44–3400.
Voges, Peter W., 155–40–0253.
Wagner, John R., 389–34–7695.
Wardlaw, Lee L., 428–82–1921.
Wartofsky, Leonard, 579–46–3368.
Werner, John L. 340–30–9759.
Wheeling, James R., 382–32–0397.
Whitcomb, Michael E., 295–34–4769.
Whitelaw, John M., Jr., 544–38–9821.
Whitmore, Paul V., 380–40–3791.
Wiese, George M., 220–40–3693.
Wiles, Peter J., 578–52–9572.
Williams, Troy H., 226–48–3569.
Wilson, Wayne H., 227–48–8470.
Wurster, John C., 519–38–4213.
Zimmerman, Robert A., 199–30–6427.
Zumbro, George L., 309–58–3084.

DENTAL CORPS

*To be lieutenant colonel*

Allor, John E., Jr., 413–78–6348.
Appleton, Isaac E., 439–60–6020.
Arroyo, Francisco, 582–80–7227.
Axinn, Sherman, 128–26–2250.
Baggs, Gary A., 526–46–1529.
Balserak, Robert J. 176–30–3093.
Barrett, Kay C., 529–42–7825.
Battle, Lucius W., Jr., 257–64–2842.
Beasley, Joe D., III, 412–58–9698.
Beatty, Edward J., Jr., 147–32–2361.
Bernier, William E., 368–38–6336.
Berringer, Ray D., 444–34–6289.
Biven, Glenn M., 576–32–3415.
Blaho, Daniel M., Jr., 152–28–7102.
Blahuta, George J., 209–22–0437.
Bole, Charles T., II, 301–28–5563.
Booth, Robert J., 423–26–1817.
Boyce, William A., 518–38–9260.
Boyer, Kenneth H., 199–20–8720.
Brady, Robert E., 040–30–9083.
Braun, Edward E., 203–28–6110.
Brown, George O., 389–38–9037.
Brown, Richard T., 395–34–7877.
Brunner, David S., 280–34–1326.
Bulken, James D., 084–24–5997.
Campbell, Larry D., 449–58–1339.
Campolio, Gerald R., 233–68–6164.
Carpenter, William, 182–32–6891.
Chretien, James, 462–68–3484.
Ciconte, Joseph A., 221–22–6908.
Clampit, William T., 429–72–0560.
Coleman, Alfred E., 402–46–5796.
Crutchfield, David, 448–30–3185.
Cupero, Hamil M., 437–50–7994.
Dalzell, Daniel P., 378–34–4307.
Davisson, Nelson M., 314–38–5996.
Dayoub, Michael B., 281–32–3881.
Dean, Richard J., 516–30–1990.
Dowdy, Thomas S., 429–54–7368.
Duet, William J., 436–56–8632.
Eaton, John D. III, 461–62–6526.
Eberhardt, John J., 188–28–6315.
Edington, Ernest M., 410–58–8263.
Edmonds, Peter P., 027–28–1703.
Ellinger, Harley A., 300–32–6446.
Ellis, Herman B., 429–66–5501.
Fagouri, Edward L., 105–28–7461.
Falenski, Richard E., 190–30–9487.
Fay, Joseph T., 036–22–3467.
Fox, Lonald J., 331–30–6551.
Goldberg, Joel R., 040–30–6887.
Gott, Frank K. Jr., 525–90–3646.
Gower, Gerald W., 460–58–8287.
Griswold, William H., 152–26–9928.
Guess, Kenneth D., 410–64–7712.
Hagerman, Jerry T., 527–42–7599.
Hahn, Eitel H., 459–48–6656.
Hansen, Carl A., 327–30–4575.
Hatch, Edward A., 404–50–2292.
Hennig, Guenther H., 392–40–7208.
Henry, Samuel W., 451–54–3922.
Herrmann, John W., 052–34–8299.
Hickman, William B., 287–32–2989.
Hicks, John L., 347–32–4469.
High, Roy S., 239–54–9371.
Hillis, Robert E., 488–38–8577.
Hipp, Benny R., 431–60–4772.
Hobaugh, Don C., 170–30–0168.
Hoeksema, Gordon J., 385–36–2975.
Holden, Richard C., 569–34–3914.
Ishimura, Samuel M., 575–34–2111.
Jacobs, Richard C., 131–28–8779.
Jastrzembski, Steve, 172–30–7455.
Johnson, Baxter E., 191–28–9049.
Johnson, Timothy M., 065–30–8590.
Kazlusky, Joseph B., 386–34–2065.
Kempf, Kenneth K., 505–44–5696.
Kenigsberg, Herbert, 131–30–2284.
Keoleian, Diran A., 100–28–5141.
Kern, Robert W., 174–30–3891.
Kirchoff, Rodney M., 458–58–6753.
Kotwal, Keki R., 423–58–3625.
Krakowiak, Francis, 086–26–0594.
Krier, Paul W., 398–34–9061.
Laduzenski, Eugene, 017–30–6894.
Larr, Edwin T., Jr., 248–60–2083.
Latta, George H., Jr., 493–34–0925.
Leahy, Robert E., 096–30–8668.
Lebeau, Paul, Jr., 437–52–6856.
Lorio, Gary P., 434–60–7239.
Luther, Wallace W., 235–56–5077.
Lyon, Robert E., 194–28–0759.
Marshall, Keith J., 529–40–1814.
Martin, Robert L., 415–58–4324.
Masterson, Martin P., 283–32–9087.
Matich, Joseph A., 539–32–2951.
Maupin, Clay C., Jr., 351–30–3279.
McDonald, Frederick, 432–62–9470.
McFatridge, John J., 381–32–1363.
Merritt, Ezra A., 259–44–4442.
Merten, Robert L., 511–30–8858.
Metzger, Floyd D., 510–28–8762.
Miklik, David K., 384–32–1970.
Moore, Henry B., 374–32–5473.
Moss, James L., III, 249–64–2728.
O'Connor, Randolph, 418–40–0203.
Olive, Kenneth A., 426–62–8961.
Overton, Eugene E., 571–38–7948.
Pagan, William J., 580–46–8182.
Pare, Henri A., 015–28–8252.
Perry, Joseph L., 147–24–2986.
Pickett, Alan B., 016–30–7956.
Pommert, Charles J., 281–30–5350.
Pompura, John P., 271–28–8598.
Porst, Edward A., 018–30–1898.
Provant, Delbert R., 519–36–3979.
Reddin, James B., 290–30–2507.
Redmond, Hight S., 242–52–3370.
Rigdon, Walter F., 308–30–2532.
Ritchie, Gary M., 453–52–1663.
Roth, Neal A., 173–30–1298.
Santa, Edward A., 263–50–6611.
Schackel, William A., 352–32–0651.
Schreck, Gerald G., 485–26–7468.
Schurr, David B., 105–28–4528.
Schwab, Joel I., 107–30–0371.
Shaffer, Edward L., 236–52–5785.
Shimer, Tommy W., 314–38–5902.
Shulski, Fred P., 159–32–6904.
Simes, Thomas A., 298–28–9797.
Simkins, Benjamin R., 531–34–2095.
Spano, Donald M., 126–30–9498.
Stanton, Gary A., 300–32–9230.
Suson, Morris A., 524–36–2205.
Swintak, Edward F., 018–28–8735.
Tabor, Herman S., 415–52–6314.
Theisen, Frank C., 271–36–1032.
Thompson, David A., 426–84–9324.
Tisot, Frederick J., 160–30–5465.
Todd, Robert A., 541–34–7243.
Torresnadal, Jorge, 581–28–4062.
Tortorelli, Alfred, 095–30–5823.
Traweek, Frank C., 450–58–6765.
Trawick, Jack S., 442–34–9253.
Tromly, Robert R., 517–30–6487.
Tsoknis, Peter J., 292–30–0066.
Walker, Kahn K., 251–64–1235.
Ward, James P., 402–48–8714.
Webster, Robert C., 573–52–1576.
Wehmeyer, Thomas E., 396–34–7238.
Wentz, Clarence E., 303–32–3487.
Whitbeck, Peter, 026–28–7820.
White, John C., 399–26–9662.
Wilson, Roy L., 457–54–1748.
Woody, Ronald D., 385–34–1927.
Yearwood, Lionel L., 106–28–1683.
Zehngraff, Paul E., 475–44–4469.
Ziesmer, Dale W., 230–44–2671.
Zocchi, Mario, 275–28–9251.
Zurek, Dennis J., 341–34–2060.

MEDICAL SERVICE COAPS

*To be lieutenant colonel*

Anderson, Richard K., 506–34–9042.
Baker, Harlan R., Jr., 467–46–9050.
Bardill, Donald R., 412–56–3034.
Bishop, Garland G., 252–50–9538.
Black, Baxter F., III, 241–54–6422.
Bonner, Harry E., 184–28–9936.
Brekhus, Dennis A., 470–36–8213.
Brewer, Jerry R., 455–48–7633.
Burton, Nelson L., 246–42–3371.
Butler, Roosevelt D., 449–42–9147.
Carter, William A., 430–54–7397.
Casasanta, John J., 188–26–9625.
Cobbs, John R. 195–30–0162.
Corn, Poe R., 525–68–6033.
Covell, Bruce W., Jr., 363–30–5574.
Coyle, George B., 458–40–0912.
Crocker, Alvin E., Jr., 015–28–2326.
Davenport, Jerry B., 440–34–5313.
Dixon, Thomas, Jr., 264–38–1799.
Dryden, David D., 505–36–8168.
Early, Ralph T., 524–38–6099.
Ellingson, Mayo K., 502–30–9926.
Evans, Billy W., 459–38–4204.
Fain, Ronald A., 300–22–3626.
Fechner, Ruben F., Jr., 455–52–0459.
Gordon, Gerald C., 229–32–2643.
Gossage, Donald R., 430–58–0090.
Hanson, Robert L., 482–36–6115.
Harris, Cecil B., 104–30–2256.
Hawkins, Robert O., 579–38–7563.
Hayes, John D., 281–30–5703.
Hoke, Mark L., 216–30–2947.
Hubbart, James A., 331–28–0692.
Jackson, Thomas C., 277–30–6775.
Jenkins, Irvin E., 219–28–0199.
Jenkins, William N., 484–34–1535.
Jones, John P., Jr., 449–42–0356.
Jones, Ronald C., 530–20–2084.
Korte, Thomas H., 156–26–8686.
Laluzerne, Ronald J., 391–30–5918.
Lamb, William "O" 497–32–1309.
Lamport, James E., 183–26–7525.
Leach, William D., 404–44–7162.
Leddy, John T., 426–32–7434.
Logan, Robert F., Jr., 412–54–8146.
Martinka, Gerald R., 475–34–3193.
McLeod, William R., 473–34–2070.
Milske, Thomas R., 471–40–4676.
Murphy, Robert J., 525–64–5438.
Ney, Leland E., 178–22–3701.
O'Donnell, Frank P., 350–28–7053.
Picha, Norbert O., 387–30–1386.
Rengstorff, Roy H., 148–26–2766.
Roberts, John E., 074–28–2542.
Roles, Robert H., 224–38–9075.

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Schiefer, Donald O., 501–28–2407.
Short, Edward A., 432–64–7473.
Sites, William G., 201–24–8210.
Slyman, George L., 448–30–3962.
Sobocinski, Philip, 010–28–3749.
Summary, Robert J., 353–26–5342.
Taylor, Edward J., Jr., 115–28–5967.
Tuten, William R. II, 263–44–0276.
Walker, Marvin E., 289–30–9811.
Wallace, Norman G., 009–20–4520.
Williams, Ernest S., 456–62–0340.

ARMY NURSE CORPS

*To be lieutenant colonel*

Albanesi, Mary E., 510–34–8456.
Aycock, Erline T., 453–42–1199.
Balkema, Sarah A., 384–34–4024.
Beadles Robert J., 039–18–2099.
Berry, Dorothy M., 037–20–9946.
Bradley, George P., 113–26–0777.
Brink, Betty L., 135–26–1541.
Burton, Robert W., 381–28–3367.
Campman, Keith L., 188–22–8178.
Castleman, Glynna K., 465–46–7613.
Clark, Anna M., 166–24–4773.
Colon, Leticia M., 103–22–8907.
David, Erich W. P., 127–14–3332.
Daytner, Nadine, 210–20–9497.
Dew, Herbert W., Jr., 025–26–3090.
Dunn, J. C., 453–48–2857.
Elledge, Dorcas J., 247–46–4102.
Ellerman, Miriam M., 394–30–1805.
Farrell, John D., 083–18–7153.
Franklin, Charlene, 247–50–9492.
Frederico, Anna K., 031–22–8890.
Garbett, Jean A., 005–30–7272.
Golden, Thomas J., 189–26–2326.
Gonzales, Luis J., 522–30–1804.
Gray, Jeanette M., 223–42–8416.
Hammer, Joyce A., 329–32–5067.
Haupert, Irene T., 482–34–4918.
Hickman, Joan J., 524–48–1995.
Higa, Hanako, 575–22–2731.
Hill, Perry J., 522–46–2356.
Horsley, Norma P., 268–28–7086.
Isley, Frederick W., 053–26–6382.
Johnson, Calaifra E., 261–62–9896.
Jones, Addie B. L., 069–26–0752.
Kaiser, Russell, 173–18–2324.
Kamensky, Richard J., 015–28–9177.
Keller, Larue S., 529–34–9730.
Kizer, Eleanor M., 170–28–0036.
Laughlin, Mary P., 508–20–7777.
Laurence, Charles H., 424–30–2754.
Lee, Carolyn M., 579–20–8789.
Lee, Linda, 530–20–1432.
Lewis, Viola M., 251–28–1750.
Lutz, John M., 194–22–5996.
Majewski, Mary T., 193–20–9671.
Marsino, Edward J., 130–16–9426.
McDowell, Patricia, 376–20–7628.
McIntosh, Hazel F., 552–40–6742.
McKeone, William J., 086–18–1445.
McKinzie, Daniel G., 495–30–5074.
Melvin, Doris O., 228–18–1026.
Metz, Martha L., 301–28–2521.
Nakama, Shizuko, 575–26–5187.
Nellis, Virginia M., 133–28–1905.
Nixon, George A., 551–48–6855.
Nolfe, Vera A., 207–24–7875.
Odell, Shirley J., 537–24–3718.
Petrocelli, Shirley, 569–20–5019.
Pheil, Margaret L., 201–18–3009.
Pica, Alfred, 081–24–5513.
Powell, Eugene T., 200–26–8822.
Rando, Joseph T., 082–28–3267.
Rausch, Francis M., 474–34–2904.
Reumann, Albert D., 090–26–7644.
Richardson, Joyce R., 047–30–1268.
Sachs, Ruth S., 141–20–1460.
Segura, Maria, 140–32–9107.
Seufert, Helen J., 006–34–0083.
Shoman, Ernest A., Jr., 429–34–6962.
Soltys, Anthony W., 020–28–6403.
Souza, Mavis G., 246–38–1909.
Swenson, James W., 473–36–9582.
Tracy, Joseph M., 168–24–5943.
Trafford, Alfred F., 154–20–9064.
Tweito, Thelma W., 258–54–5688.
Ware, Jean M., 144–18–6498.
Wargo, Vincent J., 191–22–2611.
West, Nina, 419–46–7736.
Wilson, Anne M., 378–20–8768.
Woods, Francis X., 166–26–2857.
Yoder, Delores E., 165–22–7346.
Zilonka, Bernice M., 184–24–0951.

VETERINARY CORPS

*To be lieutenant colonel*

Bellamy, Albert D., 291–24–5689.
Bixby, Howard H., 511–30–8008.
Blanchard, Decatur, 243–36–2603.
Carraway, Claude W., 249–46–1781.
Depaoli, Alexander, 139–28–1906.
Ferguson, James A., 256–58–4501.
Freel, Marvin E., 506–32–3904.
Keefe, Thomas J., 040–30–6375.
Keel, James E., 364–32–2311.
Morris, James M., 525–84–1283.
Ottenberg, John C., 508–40–5685.

ARMY MEDICAL SPECIALIST CORPS

*To be lieutenant colonel*

Appleby, Howard A., 021–22–6576.
Carmona, Louis S., 119–24–1218.
Day, Donna J., 555–38–2472.
Dobbs, Eunice R., 253–48–0594.
Durey, Doris J., 415–52–8168.
Fisk, Mary L., 392–22–3103.
Fritsch, Ann D., 395–20–4179.
Gross, Marie L., 536–16–3187.
Hall, Wilma F., 271–26–7054.
Hansen, Nancy P., 176–28–9862.
Hyde, Patricia L., 325–24–5500.
Latimer, Estill V., 529–22–2721.
Miller, Clara L., 266–40–8114.
Minogue, Rita C., 474–16–5410.
Mount, Dorothy M., 264–52–8413.
Pavlis, Patricia M., 320–26–3885.
Sanchez, Aida N., 580–72–0516.
Strayer, Eleanor J., 541–32–2917.
Thompson, Margaret, 260–60–1312.
Williams, Bertha C., 519–36–9109.

The following named officers for promotion in the Regular Army of the United States under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

*To be captain*

Buys, Albert P., 142–34–7167.
Canfield, William J., 446–36–4981.
Cardell, Larry E., 257–56–5557.
Dismukes, William F., 308–38–8095.
Ewart, Loel A., 262–54–6257.
Fontenot, Russell J., 434–58–5402.
Gary, William C., 490–40–1136.
Koehler, Walter L., 131–30–3114.
Kulhavy, Bill J., 503–36–5454.
Long, Donald W., 452–64–3978.
McLaughlin, Gary D., 460–54–5540.
Mitrook, Ronald, 002–28–8023.
Moyer, Raymond, Jr., 155–30–4779.
Morris, Roger H., Jr., 213–40–2843.
Offineer, Gary W., 448–40–9214.
Riddle, Stephen S., 239–56–8614.
Smith, Gordon R., 260–64–7742.
Stokes, John J., 379–44–8208.
Sweeney, Robert T., 013–52–7289.
Taylor, Warren P., 447–32–0808.
Webb, Hershel B., 450–60–7875.

DEPARTMENT OF DEFENSE

Howard H. Callaway, of Georgia, to be Secretary of the Army, vice Robert F. Froehlke, resigned.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

William A. Morrill, of Virginia, to be an Assistant Secretary of Health, Education, and Welfare, vice Laurence E. Lynn, Jr.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The following-named persons to be Assistant Directors of the U.S. Arms Control and Disarmament Agency:

Amrom H. Katz, of California, vice Spurgeon M. Keeny, Jr., resigned.

Robert M. Behr, of Michigan, vice Vice Adm. John Marshall Lee, U.S. Navy, resigned.

# EXTENSIONS OF REMARKS

## BESS MYERSON: CONSUMER CRUSADER

### HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

*Wednesday, May 2, 1973*

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have an article which originally appeared in the Minneapolis Tribune and reprinted in the April 25 issue of The Washington Post, printed in the Extensions of Remarks.

The article dealing with the resignation of Ms. Bess Myerson as New York City's director of consumer affairs, was written by Geri Joseph, a contributing editor of the Minneapolis Tribune, a distinguished journalist and a dear personal friend. Her article on Bess Myerson is a tribute to one of our country's most illustrious citizens and public servants from whom much is still to be heard.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BESS MYERSON: BEAUTY QUEEN TO CRUSADER

(By Geri Joseph)

Nobody handed Bess Myerson a medal when she resigned as New York City's chief of consumer affairs. But judging from letters and phone calls, a lot of people think she deserves one. Including a few dozen friends who gathered recently to bombard her with compliments, kisses and endless good wishes.

There were Mrs. Herbert Lehman, white-haired and dignified widow of the late New York senator, and Theodore Kheel, the skillful settler of strikes. Louis Stuhlberg, chief of the big Ladies Garment Workers' Union, came, and so did Eleanor Holmes Norton, chairman of the Human Rights Commission.

Alex Rose, head of the Liberal Party, was there, too, looking none the worse for trauma after his unsuccessful venture with Gov. Rockefeller. (The two men tried to make former Mayor Robert Wagner the 1973 mayoralty choice of Republicans and Liberals.)

"You got liberated without a movement," Rose told Miss Myerson, referring to her lifestyle, not her resignation. His whispered remark as he gave her a hug was not for publication, but it could have been a bit of political advice. Other Myerson fans have been urging, even pleading with her, to run for public office. Try for president of the New York City Council, they suggest. Or better still mayor.

Only in America, as the saying goes, could a former beauty queen from the Bronx be among those mentioned for one of the nation's hardest jobs: mayor of New York city. But then Miss Myerson is no ordinary ex-Miss America, and unlike most of her sister winners, she has not faded into quick oblivion.

Her standing with New Yorkers was proven recently when Gov. Rockefeller commissioned a poll to determine the popularity of possible mayoralty candidates. Miss Myerson's name led all the rest. It was flattering, she admitted, but it also inspired considerable pressure, including some from the governor himself.

"I have made a decision not to run for public office, she keeps saying.

Her success comes as a surprise to some people who with a jaundiced notion of Miss Americas, assumed she was "whipped cream" or "window dressing." There was nothing in her earlier career, they thought, to produce an effective crusader for consumers. True, she won the beauty prize not only for face and form, but for considerable talent as a classical flutist and pianist. True, too, her performance on a number of prominent TV panel shows was canny and appealing and at one time reportedly earned for her $125,000 a year.

Still, girls who win beauty contests have a harder time than the rest of us to prove they are serious-minded. It is fair to say, however, that early skeptics have been convinced. And for her part, Miss Myerson never doubted that good looks are nice, but brains are more durable.

Appointed by Mayor John Lindsay in the days he was still a Republican, Miss Myerson, a devoted Democrat, occupied the city's second most visible office for four action-packed years. It meant long hours, meals eaten at her desk and a social life considerably more limited than most beautiful women experience. But the building of a brand new department was just the kind of challenge Miss Myerson prefers.

Surrounded by young Ivy League lawyers, she became a familiar sight as she walked unannounced (and uninvited) into supermarkets to check meat scales or unit-price labels. She spoke at innumerable local meetings, testified at congressional hearings and carried the consumer banner on television programs.

During her administration, New York City adopted some of the strongest consumer laws in the nation. The department, which now will be run by another woman, Betty Furness, has a budget of $4 million a year, 325 employees and five neighborhood offices. It makes use of 100 volunteers a month and handles a stunning 200,000 complaints annually.

(By contrast, Virginia Knauer, President Nixon's consumer adviser, had $810,000 for fiscal year 1971 and 35 employees. The Chicago consumer office had an annual budget of $925,000 and 93 employees.)

If you ask Miss Myerson how it happens that she made the unlikely leap from beauty pageant to possible candidate, her answer is simple. Maybe too simple. "I am a worker," she said. "I have to work because it creates a healthy balance in my life. I've worked since I was 13."

She has revealed only a few of her immediate plans. A vacation. A visit with her only child, Barbara, 24, an actress with a Los Angeles theater group. She intends to write a book.

And she plans to have her piano tuned. But for neighbors who may be anticipating one long, classical concert, forget it. Whether she runs for office or returns to television or strikes out in a new direction, the admirable Miss Myerson is going to be busy. You can count on it.



## ST. CHARLES WELCOMES HOME CAPT. ROBERT T. WHITE

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. McCLORY. Mr. Speaker, the city of St. Charles, Ill., is honoring Capt. Robert T. White, who was the last American prisoner of war released by the Vietcong. The citywide civic welcome celebration will take place Saturday, May 5, according to an announcement by St. Charles Mayor C. V. Amenoff. In addition to Steven W. Fitzsimmons, who has been named chairman of the homecoming committee, the members of the American Legion Post 342 and of the Veterans of Foreign Wars Post 5036 are cooperating in preparing this community tribute to a beloved native son of the St. Charles community who served with honor and courage during two tours of duty in Vietnam.

Mr. Speaker, Captain White was shot down on a reconnaissance mission over the Mekong Delta area on November 15, 1969. Although seen by an observer while walking away from his damaged plane, he was listed nevertheless as missing in action until quite recently.

A graduate of St. Charles High School, after which he attended DePauw University in Greencastle, Ind., Bob White enlisted in the Air Force and became a helicopter pilot, in which capacity he served in Vietnam. Following a year back in the United States, Captain White was reassigned to duty in Vietnam in 1969, as a reconnaissance plane pilot. It was during this second tour of duty that his plane was shot down, and he was taken prisoner by the Vietcong.

Bob White's release on March 28, took place in the Mekong Delta south of Saigon. From there, he was returned to Clark Air Force Base in the Philippines, after which he was returned to the Valley Forge Hospital in Pennsylvania. Bob's wife, Judith, of Alexandria, Va., and his mother, Mrs. Betty White of St. Charles, have kept a steadfast vigil during the years of his captivity. The family has been temporarily reunited at a cottage on the grounds of the Valley Forge Military Hospital. It is expected that Captain White and his wife, Judith, will establish their new home in Alexandria, Va.

Mr. Speaker, in joining with my counterpart in the Illinois General Assembly, Representative John Grotberg, as well as with other public officials and civic leaders and longtime friends of Capt. Bob White at his homecoming on Saturday, I will convey the affection and appreciation of a grateful Nation in whose behalf Capt. Bob White served and suffered.

Mr. Speaker, homecoming day for Capt. Robert T. White of St. Charles, Ill., is an occasion for rejoicing that he and the other prisoners of war have been released by the North Vietnamese and the Vietcong. The occasion is also one for prayerful reflection on the sacrifices of those who have not returned or who have suffered the wounds and agonies of war and separation.

Mr. Speaker, in behalf of all of us here in this Chamber, I salute Robert T. White of St. Charles. We honor him as a returned prisoner of war—and we welcome him home.

## PROPOSED ASSISTANCE TO NORTH VIETNAM

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Wednesday, May 2, 1973*

Mr. HARRY F. BYRD, JR. Mr. President, the April 11 edition of the Staunton Leader included an excellent editorial on the subject of proposed assistance to North Vietnam. The editorial praises the action of the Senate in voting by 88–3 to prohibit assistance to North Vietnam "unless specifically authorized hereafter by the Congress." Fourteen members of the Senate joined me in sponsoring the amendment.

The cosponsors of my amendment are:
Senator Allen of Alabama.
Senator Bayh of Indiana.
Senator Biden of Delaware.
Senator Buckley of New York.
Senator Robert C. Byrd of West Virginia.
Senator Case of New Jersey.
Senator Church of Idaho.
Senator Hollings of South Carolina.
Senator Nunn of Georgia.
Senator Proxmire of Wisconsin.
Senator Randolph of West Virginia.
Senator Helms of North Carolina.
Senator Domenici of New Mexico.
Senator Chiles of Florida.

The Staunton Leader correctly points out that the argument for assistance to North Vietnam based on our aid to Japan, Germany, and Italy after World War II is without foundation. The circumstances are totally different.

The editor of the Staunton Leader is Gen. E. Walton Opie. I feel sure that in the editorial of April 11, General Opie accurately reflects the thinking of his readers, most Virginians, and indeed most Americans.

I ask unanimous consent that the editorial, "Did U.S. Submit to Blackmail?", be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DID UNITED STATES SUBMIT TO BLACKMAIL

Sen. Harry F. Byrd Jr., I-Va., made a major address to the Senate in advocacy of his amendment to the appropriation bill to inhibit aid to North Vietnam unless specifically authorized by Congress. With 14 cosponsors and speeches on the floor in support, the Senate voted approval, 88 to 3.

The amendment text says: "No funds made available by the Congress to any department or agency of the government may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress."

Sen. Byrd told the Senate convincingly that the argument for aid to the Communist aggressor in Southeast Asia was justified by our aid to Japan, Germany and Italy after World War II was without logic. He pointed out: "The governments of the Axis Powers had been destroyed, they were absolutely defeated, and they had surrendered unconditionally. We had responsibilities, as occupying powers, to see that those countries that needed to get on their feet had a chance to do so."

He reminded the Senate, accurately and

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forcefully, that North Vietnam aggression, adamancy against persistent U.S. efforts for a peaceful settlement, its butcheries, its bad faith in not observing and enforcing the cease-fire and its continuation of the aggression against all three Southeast Asian countries, made the idea of aid to it repugnant to the American people.

Sen. James B. Allen, D-Ala., a co-sponsor of the amendment and among those speaking for it, said in reference to the proposal for a $2.5 billion "contribution" to North Vietnam: "The payment of this bribe, for that is what it would be, will have my strong opposition. In the words of a famous toast, usually attributed to Charles Pinckney of South Carolina, at the time when the Barbary pirates were demanding tribute from the United States to refrain from attacking our ships in the Mediterranean and in the Atlantic, 'Millions for defense, but not one cent for tribute'."

There has been uneasiness that the Paris Agreement finally hammered out as a result of the Nixon Administration's efforts, was supplemented with a secret promise to the Hanoi Communists of U.S. assistance for reconstruction, in return for the cease-fire agreement with peace negotiations to follow. There has been no verification of any such commitment, and it is to be hoped that the President has never agreed to what Sen. Allen termed blackmail. This nation should never submit to it in any form.

## HOWARD DRAKE

### HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

*Wednesday, May 2, 1973*

Mr. CHURCH. Mr. President, one of the elder statesmen of Idaho's Democratic Party, Howard Drake, died recently in Missoula, Mont., following an automobile accident.

Howard Drake became known in his home area of Kootenai County as "Mr. Democrat"—a title richly deserved. Several generations of aspiring politicians came to rely on his advice and counsel, which was always generously given.

In addition to his active involvement in the Democratic Party, Howard Drake also devoted years of his earlier life to the U.S. Forest Service. He was one of the earliest organizers of the Coeur d'Alene National Forest.

Mr. President, I ask unanimous consent that an article from the Coeur d'Alene Press of April 13 concerning Howard Drake be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"MR. DEMOCRAT," DRAKE, DIES

A man known as Kootenai County's "Mr. Democrat"—Howard Drake, 90, 115 N. First St.—died today in a Missoula, Mont. hospital.

Mr. Drake was seriously injured in an automobile accident last month.

Mr. Drake first voted in a presidential election in 1908 when William Howard Taft was elected. But Taft was a Republican so Mr. Drake didn't vote for him. In his 69 years of voting, he usually voted the Democratic ticket.

In later years, he became more active in politics following his retirement from the forest service. Active participation in party politics while a federal employe was prohibited by the Hatch Act.

Mr. Drake was one of the earliest organizers of the Coeur d'Alene National Forest He joined the U.S. Forest Service in 1909 and fought the fire of 1910 on the McGee Ranger District of the Coeur d'Alene National Forest.

He worked for the Forest Service until 1945 and was working in the division of timber management in the Northeastern Region office in Missoula, Mont., upon retirement.

Mr. Drake worked for two years, 1945–47, as an assistant state forester for the State of Idaho.

He was born at Yellville, Ark., Nov. 14, 1882, and came to Coeur d'Alene July 1, 1909 from Bellingham, Wash.

Mr. Drake married the former Retta Farley Jan. 9, 1913 in Siloam Springs, Ark. Mrs. Drake preceded him in death Aug. 3, 1970.

Mr. Drake was a member of the First Christian Church, the Knights of Phythias for 70 years; the Masonic Lodge in Bellingham for 58 years; the Shrine Calam Temple in Lewiston for 52 years; and the Elks in Coeur d'Alene since 1942.

Mr. Drake is survived by two sisters, Mrs. Mabel Biglow, Aberdeen, Wash., and Mrs. Mamie Olen, Seattle, Wash.

Funeral arrangements are pending at English Funeral Chapel.

## A FORTUNATE CRISIS

### HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. YATES. Mr. Speaker, one of the most timely and perceptive analysis of the Watergate mess appeared in yesterday's New York Times written by its distinguished editorial writer, William V. Shannon. I think the Members of the House would want to read it, and I attach it to my remarks as follows:

A FORTUNATE CRISIS

(By William V. Shannon)

WASHINGTON, April 30.—The discovery of the Watergate scandal so early in the second Administration of President Nixon is a fortunate circumstance for the nation. It is likely to slow down and may reverse related and equally ominous developments.

The Watergate affair is a most unusual scandal rivalled only by the stealing of the election of 1876. It does not involve outsiders trying to corrupt members of the Government with valuable gifts or money. Instead, it is a conspiracy by insiders to crush their political opposition and maintain themselves in power.

In the Teapot Dome case, an oil man paid Secretary of the Interior A. B. Fall a bribe of $100,000 to obtain a valuable oil lease on public land. In the Truman Administration, certain White House aides did favors for shady people and accepted mink coats, deep freezers, suits of clothes, and other comparatively trivial gifts in exchange.

President Eisenhower was deeply embarrassed when Sherman Adams, his chief assistant, intervened with Federal regulatory agencies in behalf of a businessman who had over the years given Adams a vicuna coat and free hotel rooms.

Those earlier scandals were different in kind from Watergate. It threatens not the integrity of the Government's policymaking process, although that is involved, but the freedom of ordinary Americans.

This kind of threat is so unusual in this country's experience, so alien to its traditions, that most Americans have difficulty taking it seriously. The Times last week carried a report from Muncie, Indiana, telling of the reaction in that typical American city. The local paper carried a letter from a reader who pointed out: "No lives were lost, no one harmed, no bank robbed, or large amount of money lost. And so far as we can detect, no one in particular was harmed. It is indeed getting boring."

It is boring only if the defense of freedom is boring. Watergate was a calculated attempt to tip the scales of power which already weigh in favor of an incumbent Administration.

When those in office not only make use of their inherent advantages but also engage in a systematic effort to wiretap and "bug" their political opponents, to sabotage their opponents' meetings, to put spies in their offices, to steal material from their files and to forge incriminating letters, then the whole procedure by which a free people elect their rulers is gravely compromised.

The power at the disposal of any modern govenment to manipulate opinion and to coerce the ordinary citizen is fearsome. Long before electronic bugs, closed-circuit television, and other modern devices for surveillance and control had been invented, thoughtful men worried about governments becoming too powerful and making themselves into the masters rather than the servants of citizens. That is why the Fourth Amendment to the Constitution states: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated."

President Nixon and his closest associates have repeatedly shown themselves to be insensitive to constitutional retraints upon the exercise of executive power. The Constitution clearly intended that the President should share the war power with the Senate but Mr. Nixon conducted the Vietnam war for four years in defiance of the Senate and is now bombing in Cambodia without any visible constitutional sanction.

In dismantling the Office of Economic Opportunity, the Administration is violating a law passed by Congress last year. In impounding funds—not in part or for a limited time—but to kill who programs permanently, the White House seeks to usurp the most fundamental power of Congress, the power to determine public spending.

President Nixon and his associates have also evinced deep hostility tinged with contempt for various public and private institutions. They have gagged public television and tried to undermine the public's confidence in commercial television and in leading newspapers. On great public controversies, they have ignored or disparaged the opinions of religious leaders, college presidents, student groups, and Negro organizations.

Yet independent centers of power which a Government has to take into account are the essential feature of an open, free society, as distinguished from a closed, monolithic one. Whether consciously or otherwise, President Nixon has given the country a kind of slow-motion dress rehearsal of how political authoritarianism would begin to consolidate its power.

The Watergate scandal, a secret and lawless effort to rig the election and then to conceal the guilty higher-ups, is the characteristic, almost inevitable, scandal of this Administration. If its exposure causes the President to back away from his other ominous attempts at lawless manipulation and control, then the Republic—which is far greater and more precious than the Presidency or any other particular office—will have been well served.



## OPPOSITION TO AID FOR NORTH VIETNAM

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Wednesday, May 2, 1973*

Mr. HARRY F. BYRD, JR. Mr. President, on April 5 the Senate, by a vote of 88 to 3, approved an amendment which I sponsored prohibiting assistance to North Vietnam without the prior approval of the Congress.

Excellent editorials on the action of the Senate appeared in two Georgia newspapers during the week following the vote.

I feel that these editorials, which strongly oppose a new program of assistance to North Vietnam, represent the thinking of the vast majority of the people. I can see no justification for undertaking a program of assistance to Hanoi.

I ask unanimous consent that the editorials, "The First Responsibility Is to American People", published in the Moultrie Observer, dated April 12, 1973, and "Senate Says No!", published in the Brunswick News, dated April 10, 1973, be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

THE FIRST RESPONSIBILITY IS TO AMERICAN PEOPLE

As compassionate as the American people are, the great majority of them are certain to support the members of Congress who are unalterably opposed to financing the rebuilding of North Vietnam in the wake of a ten-year conflict in South Vietnam.

When Presidential Aide Henry Kissinger was negotiating a cease-fire and prisoner-release program, there was talk of aiding North Vietnam to rehabilitate those areas destroyed or badly damaged by U.S. bombings. The only reason that American people did not speak out vigorously and angrily was because nearly 600 of our young men were being held prisoner. Everybody wanted them back, so the public voice was muted for a good purpose.

Now that the prisoners are home and beginning to tell the true story of torture and abuse while in prison camps, the public ire is beginning to demonstrate itself.

The fact that the Senate recently voted 88–3 for an amendment to the dollar-devaluation bill which would prohibit expenditure of funds to North Vietnam is evidence of public attitude—as well as that within Congress.

Both of Georgia's senators—Herman Talmadge and Sam Nunn—are outspokenly against rebuilding North Vietnam at U.S. expense, and we feel sure most Georgians support them 100 per cent in their backing of the measure introduced by Senator Harry Byrd of Virgnia which would assure a prohibition against such use of funds.

North Vietnam, in reality, has been lucky. The U.S. participated for ten years in a stalemate-type war which we could have wound up in short order with massive bombing. It was only in the latter stages of that conflict our bombers mined North Vietnam's harbors and systematically began bombing industrial and military targets.

Germany, Italy and Japan felt the real weight of America's aerial might, and they were forced to surrender. Old governments toppled and new ones were established. Hanoi's regime experienced only a taste of devastation.

We have domestic and financial problems in the United States. We need to develop our business and industry further to absorb the returning thousands of servicemen. We need to wipe out poverty and disease, help deteriorating cities, and build hospitals, sewerage systems and badly-needed public buildings such as schools and auditoriums. We need to stabilize the value of the dollar and wipe out a federal deficit which exceeds $100 billion.

The American government's first responsibility is to the American people and their needs—not to rehabilitating a communist country which spent ten years trying to force its will upon a South Vietnam population which wished to determine their own future.

SENATE SAYS NO!

All things considered, chances of Congress approving funds for rehabilitation of North Vietnam are about as remote as the good intentions of Hanoi toward South Vietnam. There was scant support for the proposal in Congress to begin with, but the scars and reports brought back from years of captivity by the POWs clinch the rejection of reparations.

To be certain funds are not diverted to that purpose through other authorizations the Senate voted 88–3 in favor of a proposal by Sen. Harry F. Byrd of Virginia to bar aid to North Vietnam unless Congress specifically approves.

The administration has not requested congressional approval of aid to Hanoi, but the overwhelming support given the Byrd restriction means no funds can be diverted from authorizations already granted to the Defense Department and other agencies for other purposes.

Had Hanoi been a humane captor and had its leaders worked to implement the cease-fire they signed, aid might have received greater favor. They were not, and it most certainly has not.

## CONFERENCE REPORT ON S. 398, TO EXTEND AND AMEND THE ECONOMIC STABILIZATION ACT OF 1970

### HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. PRITCHARD. Mr. Speaker, because I was unavoidably detained in my district on Monday I was unable to be present for the vote on H. Rept. 93–148. Because of my absence I was able to spend the day with members of the Northwest Trade Symposium discussing issues of local and national importance. Had I been present, I would have voted for swift passage of the conference report.

When the House originally passed S. 398, I appealed to the President in a letter to take "strong and decisive action in restoring stability to the Nation's economy."

I am still concerned over the intensity of the inflationary pressures still rampant throughout our economy because of the apparent lack of public confidence in the phase III economic stabilization effort.

I share the President's desire to move as rapidly as possible back to a control-free economy, but I do not see progress toward that goal as practical at this moment. I urge the President to use his continuing authority to demonstrate, in a positive and forceful manner, his commitment to win the war against inflation. I pledge my ongoing support in that effort.

The passage of the conference report on S. 398 represents a clear mandate from Congress for restoring stability to the Nation's economy, and there should be no reluctance on the part of the administration to take whatever steps may be necessary to halt our galloping inflation.

## MILITARY JUSTICE IS BEST BUT IT CAN BE BETTER

### HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. BLACKBURN. Mr. Speaker, Capt. Richard J. Selman, Appellate Judge on the U.S. Navy Court of Military Review, recently addressed the Special Committee on Military Justice of the American Bar Association in San Francisco.

Captain Selman is a well-known authority and has done a terrific job at continuing to keep military law at it's high standing.

At this time, I would like to insert Captain Selman's speech, "Military Justice Is Best But It Can Be Better," in the CONGRESSIONAL RECORD inasmuch as this is a matter of national interest:

MILITARY JUSTICE IS BEST BUT IT CAN BE BETTER

(By Capt. Richard J. Selman, JAGC, USN)

The remarks and opinions here expressed are the personal ones of Captain Selman and do not necessarily represent those of the Judge Advocate General of the Navy, Navy Department or Department of Defense. Captain Selman is an Appellate Judge on the U.S. Navy Court of Military Review. His previous duty assignment was as Assistant Judge Advocate General of the Navy (Military Law) for which performance he was awarded the Legion of Merit. He holds LLB and JD degrees from Drake University and is a member of the Iowa Bar, American Bar and Federal Bar associations. He is Chairman of the Council on Law Observance and Administration of Justice of the Federal Bar Association.

The Armed Forces are indeed fortunate to have Hugh Howell, Jr., of Atlanta, Georgia, chair this Committee. He is fully knowledgeable of the problems of Military Commanders having had extensive combat experience as a line officer during World War II. Since then he has kept current in Military Justice through active duty and as a member and Commanding Officer, U.S. Navy Reserve Law Company, Atlanta. He is a Captain in the Judge Advocate General's Corps and is in the Ready Naval Reserve.

Captain Howell will see to it that what the armed forces want in Military Justice is forcefully presented to the right people and at the right time and place. However, he can't do the job alone. He will need help. He will need information on a continuing basis which will describe the problems as

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they are with complete candor. He will need recommended solutions from the Judge Advocates General and Chief Counsel of the Coast Guard which I am confident will be forthcoming in timely manner.

My remarks represent my personal observations and opinions and are presented for your consideration. I assure you that any criticism which I express is intended to be constructive, and hopefully, will assist you in formulating your recommendations for any changes to the Uniform Code of Military Justice (UCMJ) and to the Manual for Courts-Martial (MCM).

The Annual Report of the U. S. Court of Military Appeals (USCMA), the Judge Advocates General and the General Counsel of the Department of Transportation, known as the Code Committee, contains recommendations which are to me, heartwarming indeed. Formulization of the Charter for the Joint Service Committee on Military Justice will provide a working level forum for development of Code and Manual changes reflecting Court decisions, improvement in Judicial Administration, and the changing needs of the Armed Forces.

The Annual Report reflects that the Manual Committee's work on Manual changes has been approved for inclusion in an Executive Order. However, I must observe that many months have gone by since the Manual Committee completed its recommended changes and the Executive Order has not yet been signed and promulgated.

This year's report of the Code Committee includes four recommendations for legislative changes and three of these have been included in legislation which has been before the Congress for over a year without any hearings having been held.

I predict that during FY 1973 we will see considerable activity in the Courts and in the Congress which will have a great impact on our society in general and the armed forces in particular. While I am not here attempting to preach to the choir, I have reference to the issue of retroactivity of *O'Callahan* and, hopefully, a clarification of that decision, which is now pending before the U.S. Supreme Court in the cases of *Flemings, Gosa,* and *Schlomann*. The right to counsel or intelligent waiver thereof rule laid down in *Argersinger* raises the question of its application, or not, to personnel in the Armed Forces whose offenses are disposed of by summary court-martial or under Article 15 and the awarded punishment includes confinement or some other type of restraint. Will "Cake and Wine" be determined to no longer be an authorized punishment?

In the legislative hopper there is pending HR 10422, the Administrative Discharge bill, supported by the Department of Defense which has cleared the House and is now before the Senate Armed Services Committee. This bill, in my opinion, is probably the only bill affecting the rights of military personnel which has much chance of enactment in this Congress. If you will recall the speed with which Senator Ervin cranked out the Military Justice Act of 1968, don't be too surprised if he acts in like fashion on the Administrative Discharge Bill. However, I have no inside information on this.

The Omnibus Military Justice Act of 1971 introduced by Senator Bayh and HR 579 introduced by Congressman Bennett contain sweeping changes to the Military Justice system. While the earlier Bayh bill was referred by DOD to the Armed Services for comment and recommendation, I am not aware that his latest bill, which differs somewhat, has been so referred. I am not aware that the Armed Forces have been requested to comment on HR 579.

If there has been one facet of the Military Justice System that has provided succulent grist for UCMJ critics, it has been the judicial and quasi-judicial powers invested by the Code in the Military Commander. To legislators like Senators Bayh and Hatfield and Congressman Bennett, and to law school professors such as Ed Sherman of Indiana, the vesting of so much power in one individual is an anachronism—a throwback to the days of Drum Head Justice.

The Code as presently constituted permits the Military Commander, an individual most probably not schooled in the law, to:

(A) Determine what incidents will be investigated;

(B) Select and appoint a Pretrial Investigation Officer;

(C) Approve or disapprove the recommendations of the Pretrial Investigation Officer;

(D) Select and appoint the Judge, members of the Court, Trial Counsel and Defense Counsel;

(E) Overrule the Judge on matters of law and direct the Judge to accede to his wishes;

(F) Review the case and act on the findings and the sentence; and finally,

(G) Fill out the Fitness Reports of all Court personnel under his command except the Military Judge.

As you well know, the power to appoint court personnel has been overly berated by Code critics. All General Court-Martial Military Judges are responsible only to their Judge Advocate General who reports on their performance, and these Judges are assigned a geographical area in which to sit. Thus, the Convening Authority is compelled to appoint the Military Judge assigned by the Judge Advocate General to his area. In addition, the actual selection of counsel for a case is usually left to the Staff Judge Advocate or one of his subordinates in the Law Center or SJA office. Finally, the Convening Authority rarely personally selects the Court members, since they are usually nominated by local commands to serve for a given period of time rather than for specific cases.

With regard to Fitness Reports, the Commander is forbidden from commenting adversely about the Court members or the Military Judge because of their actions while on the Court. One can readily recognize the similarities between what Bennett and Bayh propose and how the system actually works.

I personally feel that present day UCMJ critics who charge command influence are forced to dust off pre-military Justice Act of 1968 cases; further, that in those cases in which command influence is alleged to have occurred, the critics fail to tell the public that the present appeals procedures provide a forum for full and fair consideration of the allegations.

Many of the legislative proposals would, I fear, add to the height of the present paper giant who direly needs a good cathartic. The so-called Trial Command Proposal would, I believe, exacerbate the grist in the present paper mill.

I do think the name of the Convening Authority should be changed to the Referral Authority. A Flag or General Officer would have authority to refer a case to a Military Judge to be tried as a General or as a Special Court-Martial. Under my concept no lawyer would, as in Senator Bayh's proposal, second guess the Referral Authority as to whether or not the case would be tried or as to the level of court that would try it. A Commanding Officer as we know him in the Navy, could refer cases to the Military Judge to be tried as a Special or as a Summary Court-Martial.

The Military Judge would constitute the Court. Court members would be called the Military Jury. The Judge would be certified by a Judge Advocate General who would assign him to a specific geographic area in which to function, much as is presently done with Federal District Judges. Upon receipt of the charges, the Judge would either try the case himself or refer it to another Judge for trial. Additionally, if the accused desired to be tried by members, the Military Judge would be responsible for obtaining and selecting a panel from which the Military Jury would be selected. The only signature required of the Military Commander would be on the Charge Sheet referring the case to a Military Judge for trial. Upon completion of the trial the record would be returned to the Referral Authority for review by his Staff Judge Advocate for legality and for any action by the Referral Authority on the sentence.

I think my Referral Authority Concept would admirably serve both to eliminate from Military Justice any vestige of command influence and, perhaps just as important, to eradicate the *appearance* of command influence. At the same time, one of the most desirable features of the present system is that the sentence review at the local level would be preserved. The Bayh and the Bennett Bills fail to consider this very desirable aspect of the present system and, to that extent, I find those bills deficient.

I fully support Recommendation 3 of the Code Committee which would relieve the Convening Authority of responsibility of a legal review of the findings but retain his power to act on the sentence. However, I recommend that his Staff Judge Advocate be empowered and required by a Code change to review the case for legality but without any requirement for a summary of the evidence or rationalization thereof. Further, a Code change should provide that, except when the accused appeals, all special courts-martial will be final upon action by the Staff Judge Advocate of the Supervisory Authority on the findings and by the supervisory authority on the sentence. I would retain present appeal rights for a new trial.

Legislation that would amend Article 25 to require that not less than half the membership of courts-martial be composed of enlisted men when enlisted personnel are requested has been introduced by Senator Hatfield and others. While I favor enlisted men on the courts of all enlisted men, I do not favor this proposal as introduced in Congress.

Prior to the UCMJ and the *Manual for Courts-Martial* the Navy conducted its courts-martial in accordance with *Articles For the Government of the Navy and Naval Courts and Boards*. In accordance with *Courts and Boards*, if a Staff or Marine officer were tried by court-martial, then at least one-third of the court was composed of the same corps as the accused and all were senior to him.

I think it is time to proclaim the same trust and confidence we place in our enlisted personnel in the performance of their military duties by recognizing their ability to serve as responsible members of courts-martial in the trials of enlisted personnel.

Men and women are enlisted in the services at age 17 or 18. The Marines give the men a rifle and train them how to use it to kill the enemy and protect themselves and their shipmates. At eighteen, one is now old enough to vote in Federal and many State elections. We permit these young people to operate one of the most dangerous instrumentalities of them all, the automobile. Since we trust eighteen year olds with these critical responsibilities, then I submit we can also trust them in the courtroom to determine responsibly whether a shipmate has been proven guilty beyond a reasonable doubt of committing a criminal act. I see no reason why the ⅓ corps membership criteria we formerly applied to the composition of courts-martial under *Courts and Boards* should not be successfully applied to courts-martial of enlisted personnel.

I would not merely *permit* an enlisted accused to request enlisted personnel as court members, as is currently provided by the Code. Rather, I would *require* that in every case at least ⅓ of the court membera be enlisted if the accused is enlisted. In addition, I would require that these enlisted court members be senior to the accused by not more than one grade, and selected on a true random basis such as through a computer readout. This procedure would foreclose the oft-voiced complaint that when enlisted personnel now request enlisted members the court is always stacked with senior NCO's and petty officers. Random selection would ameliorate the distrust of courts-martial by black and other minority races since they would have the opportunity to serve as court members not because they are of a minority race but through the random selection process.

Under the present procedure, if enlisted men are requested, they must all come from a unit other than that of the accused. I would not object to a requirement that court members come from a different department than the accused. For example, if the accused works in the engineroom, the enlisted members should be drawn from other departments aboard ship, such as the deck force or supply department. To require that they come from a different ship altogether simply does not make sense. Logically, enlisted members should be subject to the right of challenge by prosecution or defense for the same reasons as officer members.

I strongly recommend that immediate steps be taken to increase the authority and responsibility of the Trial Military Judge. A Navy commanding officer is reputed to have said, "This ship is an island and I am the King." In the civilian courtroom the Judge is the King and so he should be in the Military unless he is to function as a second class Judge. All military Trial Judges when performing judicial functions should be required to wear judicial robes except when the Judge determines this is not feasible due to the exigencies then existing. Our senior sea service, the U.S. Coast Guard and the Army now require their military trial judges to wear robes. Upon Admiral Staring's recommendation, judicial robes have been approved for Appellate Judges of the Navy and Marine Corps who sit on the Navy Court of Military Review. Judicial robes have not been approved for the Trial Military Judges in the Navy and Marine Corps and, to my knowledge, no Judges in the Air Force are permitted to wear judicial robes. While my remarks will be regarded by some as heresy, it is the Special Court-Martial Military Judge who is a Navy Lieutenant or Captain in the other services, and who sits with Court members senior to him in rank, who would be greatly assisted in the professional performance of his judicial functions if he wore judicial robes. Should our Trial Military Judges continue to be denied the professional attire befitting them while on the bench which is now afforded to our chaplains, doctors and dentists while in the pulpit, hospitals and clinics?

Do our courtrooms in the military provide a professional environment appropriate to and commensurate with the serious crimes tried by and the sentences adjudged therefore by courts-martial? What about the place of the Military Judge in the courtroom? I submit that all military courtrooms, whether in an imposing edifice or a field tent in a combat situation, should have the Trial Military Judge in the same place of honor as is his civilian counterpart.

I would hope that as our body of military law emerges changes will be made to the Code and to the Manual which will permit our appellate courts to regard our Military Trial Judges as first class judges instead of being required by the Code and the Manual to second guess their decisions.

Code and Manual changes should, I submit, have some consideration for the price tag involved in present procedures and any modifications thereto. One area which I submit should be viewed with a gimlet eye is the availability of individual military counsel at government expense. An accused is entitled to, and is provided free of charge, a military counsel certified by a Judge Advocate General as competent to perform his duties. This should be continued. He can hire civilian counsel of his choice at his own expense and there is no question about his right to do so. However, I submit that the decision on availability of individual military counsel should be placed solely within the province of a Military Judge whose determination, after a show cause hearing, would be final and not subject to review except upon a clear and convincing showing of a gross abuse of discretion. The right to individual military counsel should be identical for both officer and enlisted accuseds.

The Code Committee in its annual report to the Committees on Armed Services of the Senate and of the House has expressed its concern over the delay in the processing of disciplinary actions. Recent decisions by the U.S. Court of Military Appeals ring crystal clear and with clarity of tone the disapprobation of that Court over inordinate delay in courts-martial processing. To say that USCMA is in the vanguard amongst other courts in ordering charges dismissed when the governnment does not proceed in timely manner is an understatement.

The concern expressed by the Code Committee in its annual report over the shortage of experienced military lawyers gives rise to some questions which might be posed here amongst friends, with full realization that elsewhere, only a fool would rush in where angels fear to tread.

To what extent have budgetary and personnel assignment and control limitations of Judge Advocates and legal clerical personnel hamstrung the Judge Advocates General and Chief Counsel of the Coast Guard in meeting the legal needs of the Army, Navy, Marine Corps, Air Force and Coast Guard? Are the present and foreseeable future promotion opportunities for Judge Advocates conducive for their retention? Is there a need for accelerated promotion for qualified Navy and Coast Guard Lieutenants and Captains in the other services? How do the opportunities for Flag and General rank for Judge Advocates compare in each of the armed services including the Reserve Forces of each? Do Judge Advocates in the Ready Reserve of each of the Armed Forces have the same opportunity for drill pay and pay for active duty training and, if not, should they? How does the take home pay of a Judge Advocate General and Chief Counsel of the Coast Guard compare with that of their chief civilian counsel? How does it compare with that of a General Counsel of a military department? How much does each day's delay in the processing by courts-martial, of unauthorized absence offenses alone, cost the services through pay and allowances to accused personnel from the time they return to military control until the time the convening authority applies to forfeitures adjudged by the Court? Have the overall requirements for legal services enabled the Judge Advocates General and the Chief Counsel of the Coast Guard to utilize solely in military justice matters all of the increased numbers of Judge Advocates authorized for implementation of the Military Justice Act of 1968?

The law like the sea is never still and while I am personally convinced that the criminal procedures under the UCMJ are the best in the land they can be better.

Although favorable comparisons between military and civilian systems may be relevant they are relative assessments only. Many members of our society, I think, tend to overlook that, despite its basic commitment to the preservation of as much personal freedom as possible for our citizens in the Armed Forces, the military alone has the organizational responsibility for preparing and managing war and combat. That responsibility is carried out through the command structure which, in turn, holds the commanding officer responsible not only for the efficiency of his command but also for the morale, discipline, well being and safety of everyone within his command.

That indefinable relationship of loyalty, loyalty up, loyalty down and loyalty sidewise is terminated when the umbilical cord which connects the man with his division officer and his commander is severed through non-conformance with established standards of conduct and performance. When mutual loyalty and respect no longer exist between a commander and his personnel the Commander's ability to maintain discipline through obedience to his orders and those of his superiors is seriously threatened and offenses occur which must be resolved by judicial process.

Justice delayed is justice denied. Responsibility for delays in the administration of military justice is not difficult to fix. Too often, I think, Judge Advocates are content to wait in their offices until the clients walk in. Too often, I think, the commander doesn't realize that he has a legal problem until he finds that the delay in bringing the offender to trial is so long a time that the accused has a USCMA established cloak of immunity which insulates him from punishment for his offenses.

Military Justice is not perfect. No system of justice is perfect. We must always be able to distinguish between responsible and irresponsible criticism, rejecting the latter and welcoming the former. Those of us involved in the judicial process must, of course, base our decisions on the trestleboard of *what the law is* and yet not be hoodwinked in our thinking as to *what we think the law ought to be*.

I sincerely hope that some of the ideas, theories, notions and suggestions that I have expressed here today will see eventual fruition and the comments I have made will assist in improvement in Military Justice. Our responsibility to our country and to the citizen in uniform requires that we continually seek to identify areas in need of reform and to initiate appropriate changes. Surely we must do no less.



## DADE COUNTY CONSUMERS OUTRAGED BY FOOD PRICES

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. LEHMAN. Mr. Speaker, during the congressional recess last week, I held a food price forum in my district in order to bring together Dade County's consumers and representatives of the food industry in a discussion about today's food prices.

One of the speakers at the forum was Ms. Eileen Campion, an attorney in Miami. I thought her statement particularly interesting and would like to commend the attention of my colleagues to it:

OUR ENEMY, THE CONSUMER

"It costs a lot to run a cow," reads the facetious ad of the dairy industry in our local newspapers.

"Buy more milk; it's a bargain," advises another ad.

"It costs a lot to run a cow." Has the dairy

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industry heard how much it costs to run a home today?

Milk is a bargain, is it? Let's look at some statistics. In early January 1973 the price of whole milk in Dade County supermarkets was $1.21 per gallon. It rose to $1.27, then to $1.31, and this week to $1.39. This is a bargain?

Just this week we were informed that milk would henceforth cost the consumer 8 cents more per gallon.

This is merely another incident in a long series which points up two major abuses to the consumer today: (1) the complete lack of communication between business and the consumer; and (2) the defenseless position of the consumer in today's market.

The first abuse—lack of communication—appears almost ludicrous at times. Millions of dollars are spent by supermarkets in our country on advertising—TV commercials and newspaper ads which tell us to come shop with the People Pleasers, or another, Where Shopping Is A Pleasure.

Yet when the consumer, feeling completely frustrated about food abuses, attempts to help himself by seeking corrective legislation, the same supermarkets join forces to fight him. To the People Pleasers and the Shopping Is A Pleasure folks, he has now become Our Enemy, The Consumer.

The same dairies who today beg the consumer to buy milk because it's a bargain last year fought the consumers of Dade County with all the force their combined wealth could command, when the consumers, tired of bad food, sought relief from local government, and among other remedies asked for a 5-day shelf life for milk. They fought the consumer at the local government level, through the state courts, and finally through the Florida Legislature.

For years the consumer in Dade County, as well as in many other areas, was defrauded through having to pay for waste material in meat packages, in the old cardboard or styfofoam trays, hidden beneath the meat, not visible to the housewife until she opened the package on arriving home—after she had paid for it.

The people of Dade County fought for the right to see what was in that package of meat *before* they paid for it. Again they were successful in having the law passed, but before its effective date, makers of another tray providing much less visibility pleaded with our County Commission for modification. The 100% clear-packaging law was wiped off the books before it ever had a chance to be tested.

The issue as the consumer saw it was simple: does the consumer have a right to see what he's buying? Of course, the answer must be yes—unless there is a serious reason why clear-packaging should not be used. There are no reasons left; we have answered all their arguments, through an extensive research project. The last we heard from the County Commission, they were afraid that a 100% clear-packaging requirement would create a monopoly. But the last time we looked, all supermarkets in the county were using the new, grid-type tray which is supposed to provide 70% visibility but, under the complaint filed in two lawsuits in Dade County, provides much closer to 40%. Some consumers complain the visibility is no better now than it was with the old-type solid cardboard tray.

In both of these instances, business has won the battle. They have succeeded in defeating their Enemy, the Consumer.

It is a battle in which the consumer is outnumbered by the opponents many times over. Appearing before local government bodies business can—and does—produce legal assistants, professionals from every field, expert witnesses. And who appears for the consumer? An elderly senior citizen, a housewife, women's organizations' representatives, sometimes two or three citizens from a civic group. Volunteers all—not organized—costing them money just to make an appearance—while speakers for the opponent are being paid for every hour they spend—fighting the consumer. Yes, the consumer today is defenseless.

Think of the consumer in the battle over the price of milk. As you probably know, the federal government supports the price of milk, but this week, according to our local papers, the farmer said he wanted more than the minimum set by the government, and the processor said, "All right, we'll pay you more and we'll pass the cost on to the consumer." The farmer passes the cost on to the processor, the processor passes the cost on to the consumer, but to whom does the consumer pass the cost? Farmers are subsidized; business is frequently subsidized—all at the cost of the consumer.

Under our form of government it cannot continue. If business does not realize that in fighting the consumer they are fighting their own bread and butter, then government must step in. Consumer advocates at every level of government have become a necessity—advocates who have recognized legal status as representing the consumers of that community—advocates in continuous communication with the consumer and with the consumer only—studying and analyzing consumer problems—taking aggressive action in a continuing program to remedy those problems.

A frequent response to a plea for consumers is, "But we're all consumers!" True; we are all consumers. But when an individual is receiving a substantial income from industry, I have noticed that his concern for consumers is tempered somewhat by the sight of that industry paycheck. So the consumer advocate must be completely divorced from other interests, his sole concern that of the consumer as a consumer.

The consumer is weary of skyrocketing prices—in meat and milk and other foodstuffs—in clothing—in utilities—in rents. Consideration for the consumer must be part of every subsidy granted by government, must be part of all our agreements with other nations involving foodstuffs and other necessities, must be involved in all special privileges afforded special groups in our society where the interests of the average consumer will eventually be affected. Consideration for the consumer must become a primary rule at all levels of government.

The Day of the Consumer has arrived. No longer is he passively submitting to abuse after abuse. He is saying, "Count me in!" The consumer is demanding relief!

## OVERTON—A CENTURY OF PROGRESS

### HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. PATMAN. Mr. Speaker, it gives me great pleasure to call to the attention of the House the fact that the city of Overton in Rusk County, Tex., is this year celebrating 100 years of good living. From 1873 to 1973 generations of sturdy, forward looking, energetic, and enterprising folk have lived and worked in the Overton community, adding greatly to the growth and development of east Texas. They have given to the world a wonderful picture of balanced family life in the best tradition of our American pioneering heritage.

The interesting history of Overton is well recounted in the following statement commemorating the Overton Centennial. I recommend it as wholesome and inspiring reading for all Americans:

THE OVERTON STORY

Engineers for the International and Great Northern Railroad (now the Missouri Pacific) laid out a small township in Rusk County in 1872 and today's city of Overton stands as a result of their effort. With the coming of the first tracks, business firms in the settlement of Jim Town, four miles away, came to join area residents in building a city.

Named in honor of a pioneer doctor, Frank Overton, the city immediately began starting industry, building churches, schools and homes. Hubbard College, boarding students from a wide area, was the first educational plant for higher learning after the public schools were installed on the lower floor of the Masonic building. Both the Methodist and Baptist congregations used the same facilities for worship. The college burned in 1905 but the new school system continued to serve the needs of the community.

King cotton was the basis industry in the early days of Overton's development, with a huge cotton compress and gins located in the area. With the arrival of the boll weevil and a market price of 10 cents a pound for the crop the bugs missed, a general diversification of crops was made by area farmers. Peanuts, potatoes, peas and ribbon cane were planted, harvested and marketed. Raising of livestock received more attention. Already a center of active lumbering activities, the city continued as an important shipping point for industrial products.

In 1931 many Overton citizens joined financial hands with "Dad" Joiner in a search for oil in southern Rusk County and many continued to support the pioneer oilman after four successive dry holes were drilled. When the hard working crew finally struck black gold, the results brought real prosperity to the hardy farmers and ranchers in the area. The ultimate development of the discovery well grew into a proved oil pool that was the largest in the world.

With the oil boom of the 30's came fine school systems throughout the entire area, along with churches, road systems and medical facilities.

Prosperity brought in with the oil wells continued for fully 28 years before production began to decline in some sections around Overton. But with introduction of new methods of producing oil, conservation and proration came the promise of a steady, dependable industry for another 30 years.

Through grants from the Bruce McMillan Jr. Foundation, the Texas A. & M. University Agricultural Research & Extension Center was established in Overton and the 1970's opened a new era of residential building and business expansion.

Overton has always been very progressive and civic minded. The citizens have worked together to have a beautiful Community Building, Park Area, travel trailer facilities, a nine hole golf course, twin lakes, a swimming pool, and Kilgore College Ranger Arena. With the local and area people donating money, volunteering labor and materials, each project was paid for as it was completed. Overton is a proud town and will continue to better itself.

Overton today has a promising future, entering its second century with the theme "100 More Years of Progress."

## THE WESTSIDER

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. RANGEL. Mr. Speaker, we, in Congress, know the important role that local newspapers play in the workings of a community.

The West Side of New York City, part of which I represent in this body, has had, for the past year, its own journal, "The Westsider." This community publication has done an extraordinary job in covering and recording life on the West Side.

I congratulate the staff of "The Westsider" on its first anniversary and join with fellow New Yorkers in hoping for many more years of distinguished journalism.



## KATHY BORELLO

### HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. COTTER. Mr. Speaker, every so often one reads about an individual who has been struck a cruel blow only to overcome the adversity. Such an example of courage was recently described in a story appearing in the April 30 edition of the Hartford Courant. It was a story of a young schoolteacher, Kathy Borello, who suddenly went blind last fall yet is continuing to teach fifth grade in Manchester.

I want to share this inspirational story with my colleagues, who I am sure will join with me in saluting Kathy and the Manchester school system for their joint display of courage.

BLINDNESS DIDN'T STOP TEACHER

(By William A. Johnson)

MANCHESTER.—For the past six months Kathy Borello has been trying harder than ever and both she and her fifth grade pupils think she is a better teacher for it.

A visitor to her Bowers School classroom might not realize at first the young, blonde teacher with a ready smile has a handicap.

The room with its bulletin board displays, charts and student projects really isn't much different from other classrooms.

So it might take the visitor a few minutes to notice the white cane behind her desk.

Mrs. Borello is one of two totally blind teachers in the state.

For the 27-year-old teacher, blindness occurred "almost instantly" one day last October. A diabetic since age 7, she says she expected to lose her sight. "I knew it would happen but I didn't expect it for a few years . . . and a few years seemed like a long time then," she said.

For some people it might have meant the "end of the world." But Kathy Borello wasn't ready to end her five-year teaching career so abruptly.

She returned to the classroom a month later because "I always knew I was a good teacher and I believed I could be again."

Outwardly she exuded confidence but deep inside she says she was "afraid I would fail the class."

"What if things don't go smoothly . . . if the students fall behind? I would be responsible," she worried.

Living and coping with a severe handicap isn't easy and she says sometimes she asks, "Why me?"

"Then I realize I just have to work harder . . . I'm probably doing more for my students now than ever before."

She just received the "strongest recommendation ever" from her principal and you can tell its made her very happy.

But not everyone, including Principal Ray E. Gardiner, expected things to go so smoothly.

"When I told Mr. Gardiner I wanted to come back he was a little hesitant . . . he wasn't sure I could do the job," she said.

She laughs now when she says her classroom was like a fishbowl. "Everyone was watching," she remembers.

"The teachers across town would ask themselves, 'How can she handle a classroom . . . the kids must be hanging from the lights.' This really burned me up," she said.

She describea her pupils' parents as "really tremendous." "They were great to me . . . they were really willing to give me a chance," she said.

Bowers School has an "open classroom" method which allows more personal and academic freedom for its students. For some the challenge would be too great but for Kathy Borello "It wouldn't be any other way."

She says she gave up the more orthodox classroom approach and doesn't intend to go back.

"Dickie, got your 'Keys to Good Language' out yet?" she asks, as if she can see the boy away from his desk and his blue-green workbook.

She looks up from helping Matthew with a math problem and tells Christine, "If you haven't finished your science then you haven't time to be discussing."

During this individual study period most are going over their assignment but one boy is shopping in a catalog and two girls play with "Smuggles," a pet guinea pig.

But most are working because "Mrs. Borello expects it."

Shirley tells a visitor, "Sometimes I don't think Mrs. Borello is blind . . . the way she knows what everyone is doing."

Paul says having a blind teacher means having to employ more self control: "You can do a lot of bad things . . . like cheating."

"Mrs. Borello really isn't any different . . . she gets around all right. I think she does a great job," says Donna, a pert, darkhaired girl.

Kathy isn't worried about discipline: "Sighted teachers are sometimes picky . . . they get bogged down in policing a classroom."

She proudly says her class is the best behaved of all fifth and sixth grades at Bowers.

Her students have an extremely wide range of intelligence, though. The assignment would be a difficult one for any teacher but Mrs. Borello says the students have shown a "marked" improvement" academically.

She has been "too busy" to learn Braille and says it might be months before she can get a Seeing Eye dog.

It means her husband, Robert, also a teacher at Bowers, has to read to her and it means maybe he has to do some extra work around the couple's 107 Eldridge St. home.

Kathy is careful about her appearance: "I don't want my husband to have a dumpy wife." She says he helps her apply eye makeup in the morning. "Sometimes he teases and says he's done only one eye."

He, too, was a bit skeptical about her returning to the classroom, but now says, "It's amazing how well she can teach."

Kathy says the pupils were the easiest to convince: "They don't realize my blindness is a handicap. Sometimes one will forget and yell to me to look at something outside."

Her students use words like courage and respect to describe her. They describe the class as a family.

And you know Kathy Borello is an important member of that family.

## NATIONAL EARTH AND WILDLIFE MONTH

### HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. FULTON. Mr. Speaker, one of the most positive signs I have seen recently showing the deep-rooted vitality of the ecology movement was a letter I received from Mr. Lonzo Mayfield's sixth grade science class at Buena Vista School in Nashville. They informed me of a special project which they are undertaking in conjunction with their study of ecology, a project which deals with the saving of small wild life. They have entered the President's environmental awards program and plan to set up a small game preserve on Mr. Mayfield's farm.

As part of their project, the class asked me to write a resolution to promote earthkeeping and the saving of wildlife. However, since so much of the real value of their program derives from their own commitment and their own participation, I suggested that they determine what they considered to be the points of most critical importance to them and write a resolution themselves. I sent a sample copy of a resolution for the purposes of form, which they modified slightly to suit this particular situation. The result is a truly gratifying piece of legislation that I would like to present to you as it was presented to me, with a few technical revisions, as it was introduced in the House on April 19. And I suggest that all of us would do well to pay careful attention to what our young people are proposing for their future and the future of our planet.

I hereby submit to you this joint resolution on behalf of Mr. Lonzo Mayfield, Robert Green, Henry C. Jones, Tony McCullers, Tony Rogers, Wendell Quarles, Cordelia Osborne, Cindy Thompson, Buddy Blake, Sandi Zumbro, Stephany Looney, Teresa Lawrence, Dale Simmons, Debbie Stratton, Lisa Lawrence, Fred Parrish, Steven Ray Martin, Brad Rowlette, Theo Garner, Jerry Morton, Karen Schmutz, Zachary Ridley, James Mitchell, Peggy Mangrum, Lytres Taylor, Eileen Tschan, Dexter Lee, and Clarence Johnson, Jr.

H.J. RES. 524

Joint resolution authorizing the President to proclaim May of each year as "National Earth and Wildlife Month".

Whereas there is an urgent need to promote broader awareness and understanding of the national environmental crisis, including the abuse of energy resources, the pollution of air, land, and water, and the loss of wildlife; and

Whereas there is a compelling need to encourage a continuing commitment by educational, agricultural, business, labor, and civic groups to solve environmental and wildlife problems; and

Whereas education of the public regarding environmental issues is necessary in order to solve complex environmental problems; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States is authorized and re-

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quested to issue a proclamation designating May of each year as "National Earth and Wildlife Month", and calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

## ZOO CONDITIONS

### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. WHITEHURST. Mr. Speaker, I want to share with my colleagues a recent editorial in the Washington Post noting some of the problems that face the National Zoo in the Nation's Capitol. It reveals what can happen when budgets that are stretched to the breaking point are forced to stretch even further to accommodate additions.

I do not believe the National Zoo to be in a unique position regarding budget and personnel problems. Those problems afflict nearly every zoo in this country. The agony and suffering caused animals trapped in such unfortunate environments is an exceedingly unpleasant thought.

Such thoughts, I believe, are reflected in the additional meaning the word "zoo" has come to have in recent years. Referring to a location as a "zoo" implies indignity, humiliation, ill treatment, severe restriction, and similar unpalatable conditions common to most zoos in this country. An additional definition might be "treated little better than an animal." I wonder if such words are not more revealing of another attitude that mistreatment of animals is to some degree acceptable because they are animals.

Congress is not the proper forum to attempt change in words and attitudes, but it can take action to change the conditions giving rise to these beliefs.

I have introduced a bill, H.R. 1266, which would provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation.

The Corporation is authorized to set standards for the accreditation of zoos and aquariums, and is further authorized to provide technical assistance and grants to meet those standards.

The funds can be used to train a professional staff, establish a pilot project for a model zoo or aquarium, insure mortgages during construction projects, carry out needed construction or modernization of the zoo or aquarium, and similar upgrading and expansion project assistance.

The bill provides a legislative vehicle to achieve the improvement of our zoos, and through the revolving fund established by the bill, without undue drain on the Treasury.

H.R. 1266 has been referred to the Committee on House Administration. I urge those favoring the bill to voice their support to the committee at H326 Capitol, Washington, D.C. 20515.

Mr. Speaker, I insert the editorial from the April 27, 1973, edition of the Washington Post to be printed at this point in the RECORD.

ELITISM AT THE NATIONAL ZOO

One of the greater pastimes in our town—for resident Washingtonians as well as the swelling numbers of widespread visitors to the Nation's Capitol—is the zoo. It is, after all, the National Zoo, supposedly a unique showcase of animal life. Certainly the diversity of its inhabitants ranks it among the world's fine zoos, especially since the arrival last year of those two furry, elitists from China, the pandas.

But according to reports by Washington Post staff writer John Saar, the pandas have put quite a crimp in the zoo's modest budget, and many of the park's older inhabitants have been feeling the pinch. It turns out that some $550,000 of the zoo's federal funds for the current fiscal year were spent on the two pandas, amid strong complaints from some of the keepers that the rest of the zoo's 1,800 occupants have been neglected as a consequence.

Neither Ling-Ling nor Hsing-Hsing has yet been declared persona non grata. But there is beginning to be talk about the size of their expense accounts. Specifically, the critics charge that the pandas have been allocated unnecessarily large quarters, displacing other rare and important residents. As a result, the employees say, a quite rare antelope miscarried, and two white rhinos—ranked among the world's rarest animals—were sent on indefinite loan to the San Diego Zoo. Furthermore, say the critics, more emphasis ought to be placed on other financial needs at the zoo; there is overcrowding, there are dilapidated animal living quarters and there is a serious soil erosion problem.

Not all of the zoo's troubles can be laid at the pawa of the pandas, however. More serious than the budget problems, in our view, is the complaint of an investigator for the Washington Humane Society that there has been a recurrent pattern of neglect of animals. "It is not deliberate cruelty," said field investigator Mark Kimbrell, "but neglect, and there is something about the way in which the zoo is now operated which allows these things to happen."

Mr. Kimbrell emphasized that the zoo has "tremendous institutional problems over funding and skilled help," but he charged that conditions there are causing animal deaths. Indeed, he stated that justified complaints of animal neglect at the zoo average one a month. In view of the fact that Mr. Kimbrell's organization is specifically chartered by Congress to investigate allegations of neglect or cruelty to animals—and to initiate prosecution when necessary—his charges ought not be taken lightly.

The Humane Society should continue to monitor conditions at the zoo on a regular basis, and should make its findings public. In addition, Congress ought to take into account the heavy budget strain caused by the arrival of the pandas, as well as the urgent need for improvements in living conditions generally at the zoo. Otherwise, it is pointless for zoo officials to keep on acquiring new animals. The capital city of the United States ought to be able to afford a first-class zoo not only for the sake of the people from Washington and around the world who visit it regularly—but for the welfare of the animals who must live there year around.

## WE KNOW WHERE KETCHIKAN IS, BUT WHERE'S MA BELL?

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. YOUNG of Alaska. Mr. Speaker, it has recently come to my attention that Alaska, the Great Land, is still being mistakenly represented as a land of eternal ice and snow.

Nothing could be further from the truth.

Admittedly, the ice has not yet broken up on Tanana River, and the temperature has yet to see the warmer side of 30 degrees above on the North Slope, but Alaska is still being misunderstood by many people in the United States.

The most recent example of this is an advertisement that appeared in the April 23 issue of Sports Illustrated magazine under the sponsorship of the American Telephone & Telegraph Co. Under a headline that read "When your phone bill says you made a call to Ketchikan, and you don't even know where it is, call us," the company portrayed Ketchikan, the logging and fishing capital of southeast Alaska, as a desolate plain with only a long line of telephone poles and an igloo to break the dreary monotony of the white panorama.

Ketchikan Daily News Staff Writer Gerry Bruder, in his story about the advertisement, did an excellent job of letting both Sports Illustrated and American Tel & Tel know where Ketchikan is. And so, in the interest of informing my colleagues, I hereby submit Mr. Bruder's account of the incident for the RECORD:

WE KNOW WHERE KETCHIKAN IS, BUT WHERE'S MA BELL?

(By Gerry Bruder)

Ketchikan residents were both outraged and amused this week by an advertisement in the April 23 edition of Sports Illustrated magazine.

The advertisement, featured on one-third of page 66 and all of page 67, is sponsored by the AT&T Corp. and Bell Telephone Co.

"When your phone bill says you made a call to Ketchikan, and you don't even know where it is, call us," the headline reads.

The text of the ad discusses what Bell Telephone customers should do if they dial the wrong long distance number or receive a phone bill listing erroneous calls.

At the bottom of the ad is a 5 x 7 inch black and white photo which, by inference, portrays Ketchikan as a desolate, treeless wasteland of ice and snow. A lonely igloo is positioned next to a string of telephone poles.

Ketchikan residents, asked for comment on the ad said it was a classic example of the misconceptions many people have about Alaska. Sen. Robert H. Ziegler Sr. called the ad "totally irresponsible advertising," and district Judge Henry C. Kenne Jr. said "We're about as close to an igloo as we are to Chicago. Ma Bell doesn't know anything about Alaska."

"I think it's funny," said Len Laurance, president of the Alaska Visitors Assoc. and Alaska World Travel. "It is, however, a shame that a company with the posture of AT&T has chosen this misleading format. I think we should ask AT&T to run additional advertising correctly portraying Ketchikan."

"It's a shocking thing to realize we're making this kind of impression on people," said Walt Bolling of Tongass Realty, and Dick Axelson, president of the Ketchikan chamber of commerce, added, "Obviously, the larger corporations aren't aware of what Alaska is like; we'll write them a letter and include a picture of Ketchikan."

The April 23 edition of Sports Illustrated hadn't reached Juneau yet when the Daily News contacted Guy Russo, director of the state division of tourism, for his comments. However, Russo said the division has many beautiful color photos of Alaska and "we'll make them all available" if AT&T chooses to sponsor a correction.

Russo noted that people in the South 48 states are often incredibly ignorant about Alaska. Recently, he said, a New Jersey travel agent asked a travel division official what sort of currency Alaskans use. And last week another New Jersey citizen phoned Juneau to find out what language Alaskans speak.

Sen. Ziegler said as a state senator he has discovered that misconceptions about Alaska are widespread. The photo in Sports Illustrated will certainly not correct those misconceptions.

There is some question, however, about the effect the photo will have on tourism. Axelson said it's hard to predict the effect and noted that some prospective visitors might actually want to see igloos. Bolling said he has "mixed emotions;" on the one hand, he said, he approves of the nationwide publicity the name Ketchikan will enjoy. On the other, he regrets that the photo is so completely misleading.

Both Axelson and Bolling noted that Ketchikan lacks sufficient hotel facilities to accommodate tourists anyway.

According to Sen. Ziegler, a suit for libel would be difficult to win because it would be practically impossible to prove how many people decided not to come to Ketchikan or Southeast Alaska as a result of the ad.

Also, Ziegler noted that "if we get into a big flap, we'll just call attention to the photo, you have to treat these things with a little sense of humor."

A preferable course of action, he said, would be to secure an apology and a correction.

The photo will probably have a favorable effect on the proposed trans-Alaska pipeline, since Congressmen who see it will not be excessively leery of "protecting" the wilderness from a pipeline if they believe the Alaskan environment is correctly depicted in the photo.

While Ketchikan's image may be a little the worse (or better) for wear, as one reader pointed out "at least they spelled it right."



## BOMBING OF CAMBODIA

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. EILBERG. Mr. Speaker, the administration's continued bombing of Cambodia is of great concern to me and the people of my district.

Neither the President nor any of his spokesmen have consulted the Congress or its leadership about this policy nor have they been able to cite any statute or portion of the Constitution which makes this bombing a legal act. There are no American troops on the ground to protect and there are no treaty commitments to lend even quasi-legality to the situation.

This policy is the first step down the long and bloody road we followed in Vietnam.

As the bombing continues it becomes more likely that planes will be shot down and the crews captured or killed. If that happens, it is almost certain that more troops will have to be used to destroy the antiaircraft sites and then more troops will be needed to protect those men and we will once again be confronted with a full-scale, undeclared, illegal war in Southeast Asia.

If the President will not stop the bombing voluntarily, it will be up to Congress to stop it by cutting off the funds he needs to continue this policy.

## AP SURVEY: 1 OF EVERY 6 LETTERS "SLOW"

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. ZWACH. Mr. Speaker, while the Subcommittee on Postal Service continues hearings on the general oversight of the U.S. Postal Service, I continue to receive complaints daily about the poor service rendered.

I noticed the results of a AP survey in the Worthington Globe, a daily in my Sixth Congressional District. The April 28, 1973, article is indeed interesting, and deserves the attention of all Members. The article follows:

AP SURVEY: 1 OF EVERY 6 LETTERS "SLOW"

The Daily Globe has rarely quarrelled publicly with postal service. Rather, this newspaper's quarrel has been with postal charges. Three basic arguments have been outlined from time to time:

(1) The postal service should not be required to "pay its own way" any more than the Department of State, the Department of Defense or the Department of Agriculture are required to pay their own way. It is desirable to require only a rather minimal charge for postage; the inevitable deficit should be paid from general revenues. Postal service is a basic service which taxpayers demand and expect of any government.

(2) Postal service should never be permitted to become a service for only an affluent part of a population. The only way to assure that there is full postal service for those who are "least among us" economically is to keep postal rates low.

(3) In a free society it is urgent that there be an unrestricted flow of information and ideas at all times. This requires that postal rates for books, newspapers, magazines and all publications be kept low. It is deeply disturbing that, as postal rates have climbed, subscription rates necessarily have climbed as well. The consequence has been that significant numbers of citizens are receiving fewer newspapers, fewer magazines—fewer opinions and less information.

The government itself is forcing this newspaper and (at least) several others into a broadened attack, however. Americans are being forced to pay rather dear rates specifically for service by this date. It becomes reasonable then to lodge complaints against service itself, as well as against rates.

On Friday The Associated Press released through all of its newspaper, radio and television members across the nation the results of an AP survey which concludes:

". . . there is no surefire way to beat the odds. The survey shows that air mail, zip coding, or a morning trip to the mailbox won't guarantee your letter an earlier—or even predictable—arrival."

The Daily Globe did not publish the AP survey on Friday. But on second thought: How in good conscience can information be kept from Daily Globe readers which is available to other Americans?

Following are highlights of the AP survey which reports "about 16 per cent of the time—roughly one out of every six letters—the U.S. Postal Service remains unable to lick problems that appear to be growing worse."

For the survey 792 letters were mailed from six cities through five days. Participants in the survey were the AP bureaus at New York, Washington, Chicago, St. Louis, Houston and Los Angeles. A staff member in each bureau went to an outside mailbox six times—Monday, Wednesday and Friday at 10 a.m. and the same three days at 4 p.m. Each time 22 letters were deposited. Two letters were addressed to the bureau itself, one without a zip code and one with a zip code. Each of the five bureaus was sent four letters—one first class without a zip code, one first class with a zip code, one air mail with a zip code, and one air mail without a zip code. Each letter was coded to indicate the time of mailing. Each bureau promptly sorted its mail deliveries to assure an accurate recording of the letters' arrival times.

Following are the findings:

(1) One out of every 10 times first class mail arrives more quickly than air mail. Three out of every 10 times air mail and first class mail arrive at the same time. Air mail, for which there is extra charge, arrives ahead of first class mail 60 per cent of the time, six times out of 10.

(2) One out of 12 times mail without a zip code arrives ahead of mail with a zip code. Eight out of 12 times mail without a zip code arrives at the same time as mail with a zip code. Three out of 12 times mail with a zip code arrives ahead of mail without a zip code—zip codes assure more speedily delivery 25 per cent of the time. One the average, zip-coded letters spent 2¾ hours less in the mail—49¼ hours vs. 52 hours.

(3) The AP bureaus had twice-a-day delivery which is not available in residential sections. Nineteen per cent—one in every five—of the letters arrived in the second (afternoon) delivery. Letters mailed in the morning moved more slowly, however. The morning mail reached its destination in 52 hours. The afternoon mail reached its destination in 49 hours.

But:

"About one time in every six that you put a letter in a U.S. Postal Service mailbox . . . you run the risk that its delivery will be delayed several days."

A quasi-independent U.S. Postal Service replaced the U.S. Post Office Department approximately 36 months ago. The result has been that America is paying more and getting less when it comes to postal service.

The Daily Globe is satisfied its own mail, incoming and outgoing, generally arrives "soon enough." If it is urgent that a message be delivered within hours there is recourse to telephones and telegrams. But the Daily Globe believes postal rates are already steep and the promise, not prospect, is that the rates will go still higher.

## LITTER-ALLY DISCOURAGING

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. DERWINSKI. Mr. Speaker, too often solutions to problems involve grandiose plans and impressive schemes that never make it beyond the blueprint stage. This observation is directly applicable to the battle we must wage to maintain the cleanliness and neatness of our communities and our country as a whole. A very stimulating commentary against littering is the subject of an article by Fran Zuiker in the Calumet Index, a publication serving the far south side and immediate suburbs of Chicago, in the April 4 edition. I am pleased to insert this very practical observation into the RECORD:

XUM

LITTER-ALLY DISCOURAGING

(By Fran Zulker)

In a few weeks the streets of most enlightened communities will swarm with little kids with bags picking up papers, bottles, tin cans and rubbish, in order to make their little part of town a little brighter. They will be encouraged and supervised by taxpayers who live in the community and want to see their part of town the bright place they hoped it would be when they moved in. All of these people will be doing this on a volunteer basis and for a few days their community will be a bright place to live in.

Meanwhile, around every chicken and hamburger drive-in, around every liquor store in the community, big brothers and sisters, fathers and mothers are dumping paper bags, napkins, pop bottles, wine bottles, whiskey bottles and beer cans onto the streets and sidewalks and curbs of their little part of town.

The Indians used to have a phrase for that kind of action but it used to refer to white people and it meant they said one thing while they did something else. If you live in a community and want it to be a special kind of a place you must do your part to make sure that at least you are doing what you can to see that it will be the nice place you want it to be.

The other day I walked through the parking lot of a liquor store and a black man and myself joined in a common cause of kicking away broken bottles that littered the lot and could cause damaged tires. But this was nothing compared to what it could cause the homeowners in the community as the years roll by.

Nothing stands still. The Grand Canyon, the Mississippi River, even metropolitan Chicago is changing every day. In Indiana, people who lived on a sandy shore now find their homes in Lake Michigan because they ignored vital signs of erosion. Litter is erosion that can drain the equity from your home investment and the only thing you can do about it is putting an end to litter no matter what the initial cost might be.

In Chicago there are ordinances prohibiting litter but like so many other laws that might be annoying they are completely ignored and there are not even token shows of enforcement. It has been said that education builds pride and pride gives confidence and confident people become interested in the little things that make for a better life.

People who litter are sloppy people without pride and without interest in their own future or investment in society and the only way you can correct the situation is to impress them with the necessity to help themselves by helping others. When one person discards an item it is invisible but when hundreds do it the situation develops a garbage dump and property littered with debris becomes unsalable and useless, and the sweat and labor of years goes into oblivion.

In a few weeks the kids will go out with their bags to collect debris, but meanwhile the owners of property in a community should ask themselves what they are doing. The obvious answer would be—Discover what your community association is doing on the long range. Discover what the police department is doing or what they can do about litter. Then Do your own part—Don't Litter!

## INCREASING THE BUDGET FOR FUSION RESEARCH

### HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. McCORMACK. Mr. Speaker, I want to take this opportunity to announce that I will propose an increase of $11.4 million in the 1974 Atomic Energy Commission budget for controlled thermonuclear fusion research.

Nuclear fusion, the reaction that powers the Sun, the stars, and hydrogen bombs, offers the promise of limitless, economically feasible and virtually clean energy for all time. The fuel, heavy hydrogen, is available to all nations, because it is present in minute quantities in all the waters of the Earth. Heavy hydrogen, known to the scientific world as "deuterium" can be extracted from any sample of water for a tiny fraction of the cost of its value as a fuel in future fusion power reactors. There is enough deuterium available on Earth for boundless supplies of energy for all people for millions of years.

Our challenge today is to develop methods and equipment to produce the fusion reaction in a controlled manner, and to convert the energy of the reaction to usable electricity.

Fusion research has been progressing steadily for several years, but it has been, and still is, in its infancy. It is still basic research, and even if all theories work out as predicted, the production of economically competitive fusion electricity is still 20 to 30 years away.

During recent months, however, extremely encouraging progress has been made at three laboratories in the United States: Oak Ridge, Tenn.; Los Alamos, N. Mex.; and at Princeton Plasma Physics Laboratory. Conservative scientists in the field now believe that, because of these advances, the basic characteristics and behavior of the thermonuclear plasma—the hundred-million degree state at which fusion occurs—are understood and can be controlled. This is a major and exciting accomplishment after 20 years of frustration, and brings us within striking distance of proving scientific feasibility, and demonstrating that the fusion reaction will actually occur under the controlled conditions of a confined plasma.

Now that we have reached this point, we must at once move forward more aggressively with fusion research. We have always followed the wise course of spending only as much money for fusion research as an orderly program demanded. On the other hand, we must never allow the fusion research and development program to be budget-limited. Having fusion electric power even 1 year nearer vastly strengthens our bargaining position with the oil-producing nations of the Middle East, and even one fusion reactor on the line for 1 year could reduce oil imports by about 120 million barrels/year, costing about $500 million at today's prices. In addition, generation of fusion electricity will present fewer environmental problems than encountered with electric generation using today's methods.

It is of critical importance that this Nation's fusion R. & D. program never be limited by budgetary restraints. The recent successes in this area have outdated the original 1974 budget recommendations for fusion research. My proposal to increase the funding for this work from $47.3 to $58.7 million for fiscal year 1974 is not just a "blue-sky" guess at some acceptable appropriation level. The additional $11.4 million is designed to fund 10 specific projects employing the services of the AEC national laboratories, and several universities and research institutes.

Mr. Speaker, during recent months, I have visited the major fusion research sites funded by the Atomic Energy Commission. I have discussed the various fusion research programs with many of the leading experts in the field. I can assure the Members of the House that the research programs which will be funded by the increase I will propose are in order at this time, and that they will keep the fusion R. & D. program moving forward in an organized way, thus avoiding some unnecessary future delays.

## BLOODBATH IN BURUNDI

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. HUBER. Mr. Speaker, a feature in the April 16 Detroit News comments on one of the saddest behaviors of peoples and nations—their tendency to ignore an action at one time or place that would bring down the wrath of world censure if it had happened at even a slightly different location or period.

The case in point is the bloodbath in the virtually all-black central African republic of 4 million souls called Burundi. Here the Hutu tribe outnumbers the Tutsi tribe 6 to 1, but the latter firmly controls the government. Last year the ruling class systematically exterminated the leaders, the educated, and the wealthy among the Hutu, probably about 100,000 in all.

First one influential voice and then another—from the dominant Catholic Church to major foreign powers including the United States—chose publicly to ignore the massacre. Only tiny Belgium seems to have stood up in protest, and this is particularly ironic in view of the abuse Belgium was subjected to during the agonies attendant upon the Belgian Congo—now Zaire—gaining independence during the early 1960's.

The article follows:

BLOODBATH IN BURUNDI: WORLD IGNORES SLAUGHTER OF 100,000

(By Stanley Meisler)

BUJUMBURA, BURUNDI.—One of the strangest aspects of the slaughter of 100,000 or more people in Burundi last year was the feeble reaction of the rest of the world.

Missionaries kept quiet or muted their concern. Most foreign governments, including the United States, refused to protest in public. Two African countries even rushed military help to the government that was doing the killing.

Almost all foreign aid continued to flow into Burundi. European businessmen kept playing golf here in Bujumbura.

It is clear now that the Burundi government, in a chilling and calculated way, tried last year to kill all members of the majority Hutu tribe who had some education, wealth or potential for leadership. The killing came out of fear.

The ruling Tutsi tribe—tall, slender, Hamitic people—are frightened because the short, Negroid Hutu people outnumber them almost 6–1. After a Hutu uprising in late April the government decided to make sure that the Hutus would be powerless to rise again.

It is not difficult to imagine the outcry in the rest of the world today if the whites who run the government of South Africa had decided to put down a rebellion and guarantee their continued control by killing all black South Africans who had some education, wealth or potential for leadership.

Yet the events in Burundi, roughly analogous, provoked only a few whimpers of protest. It was almost as if all foreigners had banded together in a conspiracy of silence about what was going on in a little-known African country of almost four million people.

Actually there was no conspiracy. For a variety of reasons, all institutions that might have protested—church groups, governments, international organizations—made individual decisions to look the other way.

Each decision seemed logical and right to those who made it. But the net result was that the Burundi government escaped any punishment or even condemnation for the horror it inflicted on so many of its people.

Missionaries and other religious leaders showed the most surprising restraint, for in the past they have been in the forefront of those exposing injustice in Africa. During the Nigerian and Sudanese civil wars, for example, church groups played a major role in publicizing the pains of Biafra and the southern Sudan.

Burundi is one of the most predominantly Christian countries in Africa. More than half its people are Christian, mostly Catholic. It might seem that this strength would make the churches forthright in their condemnation of the killing.

But it actually made most missionaries hesitant. They were afraid that if they spoke out they might lose their hold on Burundi.

The reaction of the U.S. government to the events was typical of most foreign governments. Thomas P. Melady, who was then U.S. ambassador, believed that his first responsibility was protection of the 150 Americans in Burundi, mostly missionaries.

When the massacres began the U.S. embassy in Nairobi, Kenya, which was receiving reports from Melady, began briefing American correspondents on what was going on. The correspondents, based in Nairobi, had been unable to obtain visas to enter Burundi.

The U.S. government never has publicly expressed any disapproval of the killings in Burundi. Sometime during the past year, however, David D. Newsom, assistant secretary of state for African affairs, privately called the Burundi ambassador to the State Department in Washington and reportedly expressed U.S. concern about the troubles.

Officials decided that the killings were an African problem. If African governments chose to ignore it, they reasoned, why should the U.S. government make an issue of it?

Burundi never has received much U.S. aid. The ambassador has a fund of $25,000 a year for small projects around the country. But this has been discontinued for the present.

Belgium was the only Western country to react differently from the United States. The former colonial power in Burundi, Belgium is the largest donor of foreign aid to Burundi and has the most nationals living there, about 3,000.

In May, Premier Gaston Eyskens of Belgium denounced the massacres as "veritable genocide" and his government announced that it would review the continuation of Belgium aid, which amounts to $4.5 million a year. This set off a storm of anti-Belgium invective from the Burundi government, which even accused the Belgians of starting all the trouble in the first place.

Despite the premier's strong statement, Belgium has not carried out its threat.

Almost all African governments reacted in a predictable way. As usual in cases of African disorder, the governments either ignored the massacre or pledged support to the Micombero government.

African leaders do not want to break their facade of black African unity. It's as if all leaders of Europe had refrained from criticizing Hitler or Stalin in the name of white unity.

Deluded by President Micombero's claim that the original Hutu uprising had been led by former Congolese rebels now exiled in Tanzania, President Mobutu Sese Seko of Zaire (the former Belgian Congo) even sent troops to Bujumbura and President Julius K. Nyerere of Tanzania sent ammunition.



## WHAT IS A "SOLDIER"?

### HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. CHARLES H. WILSON of California, Mr. Speaker, the great Mahatma Gandhi wrote:

A true soldier does not argue, as he marches, how success is going to be ultimately achieved. But he is confident that if he only plays the humble part well, somehow or other the battle will be won.

Such a "true soldier" is 1st Lt. Robert C. Brand whom I had the privilege of appointing to West Point in 1966. I was very proud to read a letter Lieutenant Brand wrote recently to the Army Times wherein he demonstrates the dedication of one young man to his military career. It is due to the integrity, courage, and commitment of soldiers such as Lieutenant Brand that our Armed Forces remain strong, and I would like to take this opportunity to commend his letter to my colleagues:

I am compelled to write this letter because of my deep love for the Army and my deepest admiration for the real soldiers who serve in it. Mr. Ewing's story about Maj. [Josiah] Bunting in "Army Dropout" [January 3] is the cause of this letter.

Major Bunting is only one of the good grunts, cannon cockers, tankers, bridge builders and communicators to leave the Army because of that plague called "careerism." I know several such individuals myself. One used the excuse that he was ready to command a battalion and was not going to wait for the Army. Another left because he no longer wanted to be subjected to the horrors of working for and being rated by an idiot. Both of these young captains had excellent records as infantrymen as did Major Bunting. Yet what I want to discuss is the one thing they and many others lacked.

They were not soldiers. A soldier is a person who is a soldier first, last and always, regardless of the consequences. A soldier does what is asked of him until such time when he must make a moral or ethical decision. He must choose to either acquiesce or stand up and be counted. If he stands up, he may, as Major Bunting so aptly hinted at, jeopardize his career. If he acquiesces, he ceases to be a soldier. A soldier must stand up, be counted, take the chance, and then, regardless of the outcome, continue to march forward. Major Bunting and the others I mentioned stood up, but instead of marching forward, they left the Army.

A soldier must be willing to accept and handle the consequences of his actions within the system. For those who have read Anton Myrer's *Once an Eagle*, Sam Damon's actions "for the good of the service" are more than appropriate in today's Army.

Some, as Major Bunting claims, think the system is too inflexible. They say the real soldier is doomed and cannot survive in the system. My boss is a soldier and won't make general because of it, but he continues to soldier. There are many colonels who aren't generals because they were too busy soldiering. Yet I maintain there are more than 2500 colonels and only 500 some generals, and simple math dictates some good soldiers won't be generals. I further claim that most generals were and continue to be soldiers. Finally, I assert that the Army will not only survive, but also prosper because there are plenty of soldiers who are willing to perform their duty in the same manner as Sam Damon performed his. For proof and substantiation, I will use one real example of what I am getting at.

The finest general I know has been a soldier his entire career. Maj. Gen. Sidney M. Marks has done nothing but soldier from his first day of OCS until now. For those of us willing to hang in there, we need only look to General Marks' career as an inspiration to follow the cliche, "When the going gets tough, the tough get going."

1st Lt. ROBERT C. BRAND, USA.

## ST. ANTHONY EAST, AN URBAN RENEWAL SUCCESS STORY

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. FRASER. Mr. Speaker, St. Anthony East, an older residential neighborhood in Minneapolis, is making a real comeback due to the wise use of urban renewal. Area residents together with the Minneapolis Housing and Redevelopment Authority have developed a renewal plan that is succeeding in drawing suburbanites back into the city.

The St. Anthony project, I think, points up the harmful impact of the Nixon administration's "meat ax" approach to community development. Many of us agree that improvements can be made in the operation of the urban renewal program. But to shut the program down completely, as the administration intends to do, will only threaten the success of projects like St. Anthony that are doing so much to strengthen urban communities.

At this point in the RECORD, I would like to insert a Minneapolis Star article that tells about the St. Anthony East urban renewal project:

COUPLE FLEES SUBURB TO CITY RENEWAL AREA—ST. ANTHONY EAST WINS FRIENDS

(By Peter Blankman)

Like many commuters, George and Bernice Gorski don't like to drive through miles of congested streets to work.

Unlike many commuters, the Gorskis are doing something about it by moving back into one of the oldest neighborhoods in Minneapolis from New Brighton.

"I love to drive, but that 9-mile trip is getting longer and longer," he says.

Their new home will be at 604 NE. Quincy St., in the heart of the St. Anthony East urban renewal area.

XUM

Urban renewal? Isn't that where they tear down everything—a sort of urban removal?

That may be in some cases, but for many St. Anthony residents urban renewal has been just what the name says.

There are dozens of new homes, a 221-unit high rise for the elderly and new commercial space.

There are old homes with new paint jobs. More than 150 families have received grants and low-interest loans for more than $500,000 of rehabilitation.

There are plans for a new elementary school and a park.

Add the money spent on public improvements rehabilitation and new construction and the total is more than $7 million for the two-dozen-block renewal area.

Money spent doesn't make a neighborhood, of course. But many residents and Housing and Redevelopment Authority (HRA) officials agree that the commitment of funds and energy probably have saved the neighborhood.

Before the renewal, says Jeannette May, a resident, the deteriorating buildings "meant that the apartment developers went around the area like vultures, seeking vacant lots next door to beat-up houses."

A few 2½-story apartments were built. But, says John Hessel, HRA land disposition officer, "We caught it just in time. Two more years and it would have gone to apartments."

Mrs. May, a 30-year resident of the area and secretary of the Project Area Committee (PAC), the citizens' group that works with the HRA, is an enthusiastic fan of the renewal project.

"The HRA staff was viewed as a sort of conquering occupational army when they arrived, but they'll leave as friends," she says.

It's that kind of feeling about the area that has drawn the Gorskis and others back from the suburbs and other parts of the city.

Part of St. Anthony's attraction is the ethnic solidarity of much of the northeastern part of the city. Church names give a clue—St. Constantine Ukrainian Catholic Church, St. George's Ukrainian Greek Orthodox Church, St. Mary's Russian Orthodox Greek Catholic Church.

Time after time, people interviewed said there was an earlier connection to Northeast—"My wife was from here" or "I was raised here" or "Our parents lived here."

But there's something more than neighborhood ties that brings people back.

The Gorskis left the city in 1954 when they built a house in Coon Rapids. The open spaces looked good at first, but within a few years the couple was dissatisfied. They then bought an 80-year-old house in Minneapolis on 26th Av. NE.

"But no matter what you did, it needed more work," Gorski says. Unable to find land to build on in the city in an area they liked, the family moved to New Brighton seven years ago.

But when renewal came to St. Anthony East, land became available where old houses had been demolished and the Gorskis decided to come back. A 60- by 130-foot lot, for sale by the HRA for $3,300, caught their eye. They're now building a three-bedroom split-level and hope to move in June 1.

The best thing about coming back, they say, will be less dependence on the two family cars. They even look forward to selling one of them, since both will be close to their jobs.

Convenience was the attraction for others as well.

John Wilhelm says, "My wife works downtown and can catch the bus four doors down." Mrs. May says, "I don't drive and my husband doesn't want to commute."

Kathy Kittelson says, "My husband hates to commute and now he's close enough to walk." Judy Honigschmidt, a 26-year-old mother of three, says, "I don't drive and now I'm close to school, doctors, shopping, everything."

Not everyone is happy with urban renewal, of course. The St. Anthony West project, which came before the east, caused great uproar.

St. Anthony East had its opponents, too, but generally things were much quieter. John Wakiriak, one of the early members of the east citizens' committee, says the main item was that people wanted to know what was going on. Good cooperation from the HRA ensured that, he says.

Another reason for the project's general acceptance may have been the emphasis on rehabilitation rather than demolition. Philip Handy of the HRA's northeast office said 285 buildings with 539 housing units have been rehabilitated while 197 buildings with 354 units have been torn down.

There's still empty land in St. Anthony East. There's still no end in sight of a long wait for the school board and the Park Board to build a new school and park.

But many say the neighborhood will make it. The PAC has a substantial say in how the area is redeveloped and the group is determined to retain the residential atmosphere. As Mrs. Honigschmidt says, "We've just come to feel it's better to fight for things than to just move out."

## RESTORATION OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN

### HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. FROEHLICH. Mr. Speaker, on June 17, 1954, the United States by act of Congress terminated the Menominee Tribe of Wisconsin, depriving them of recognition as Indians under Federal law, closing their tribal roll, and withdrawing from them the services and assistance accorded to American Indians because of their unique status.

Whatever its motivation and objective, this Termination Act has proved in the ensuing years to be a misconceived and tragic experiment. It was an involuntary experiment that has produced cultural shock and severe economic hardship for the Menominee people. It has led to disorientation, disunity, and despair in the tribe. And it has written a sad and regrettable chapter in American social history.

Today, I am introducing legislation to restore Federal recognition to the Menominee Tribe and to reestablish their reservation. My bill, among other things, will repeal the Menominee Termination Act of 1954. This will not only improve the economic situation for the Menominee people but also provide a signal to Indian tribes across America that termination as a policy has been repudiated. Because of the symbolism inherent in the restoration of a terminated tribe, the Menominee Restoration Act could well be the most significant Indian legislation to come before the 93d Congress. When it is enacted, its impact will be felt on every Federal reservation in the United States.

I am proud to be joined in this important and historic legislation by my friend and colleague from Wisconsin, DAVID OBEY, who introduced the first Menominee Restoration Act last spring, and by Representatives ABZUG, ANDERSON of Illinois, ASPIN, BINGHAM, BLATNIK, BURKE of California, CHISHOLM, CLEVELAND, DERWINSKI, FRASER, HANSEN of Washington, HARRINGTON, KASTENMEIER, MEEDS, REUSS, ROYBAL, RUPPE, SARBANES, THOMSON of Wisconsin, WALDIE, YOUNG of Georgia, YOUNG of Alaska, and ZABLOCKI.

I am deeply grateful to all these distinguished Members of the Congress for the invaluable support they have given to this bill.

Mr. Speaker, permit me to explain briefly the background and the consequences of the termination policy, as applied to the Menominee Tribe.

In 1951, the Menominees won a judgment of $8.5 million against the United States for mismanaging the assets of the tribe. According to law, this judgment was deposited for the tribe in the U.S. Treasury. A decision was then made by the tribe to seek legislation authorizing the distribution of part of this judgment to individual tribal members. Such legislation was introduced by former Representative Melvin R. Laird, and was passed by the House.

In the Senate, however, this per capita distribution bill was radically altered to embody and implement the policy of termination established in House Concurrent Resolution 108, passed by the 83d Congress in 1953. The prime mover in this effort was Senator Arthur Watkins, who fervently believed that the U.S. Government, notwithstanding its treaty obligations to various Indian tribes, should "get out of the Indian business."

"Uncle Sam . . . cannot possibly do the job—

Watkins told the Menominees during a brief appearance on their reservation—

> Congress has gotten to the point where it wants to put these people on their own feet and let them have full control of their affairs just as rapidly as it can be done.

For various reasons the Watkins version of the bill was enacted, and the tribe was terminated. Although Federal supervision was extended until 1961, the decline in the fortunes of the Menominee Tribe began the day the Termination Act became law.

It is sometimes contended now that the Menominees wanted the termination of their trust relationship. This is not borne out by the record. While it is undoubtedly true that most of the few Menominees who participated in the tribal council meetings at that time desired legislation to authorize a partial distribution of their recently-won judgment, there is scant indication that there was ever much sentiment for termination. The only vote that could be construed as supporting termination came on the heels of Senator Watkins' visit to the reservation, amid great confusion and misunderstanding. At stake in the vote was the carrot of a $1,500 per capita distribution that was tied, apparently inextricably, to something vague called termination, which Senator Watkins had said was inevitable. It was hardly an election with clear cut issues, held under laboratory conditions.

At a later date, when the meaning of termination became more clear, the tribe voted unanimously to reject termination.

There was even less confusion among officials of the State government and the Board of Supervisors of Shawano County. They were against termination, said so repeatedly, and tried first to prevent it and then to repeal it. These efforts were discontinued only after termination became an accomplished fact that was seemingly irreversible.

After a period of delay ending in 1961, Menominee County was created by the State of Wisconsin to provide civil government for the former reservation. Menominee Enterprises, Inc., was established as the entity to control and manage the tribe's assets—primarily a sawmill and the forest land within the county.

Since 1961, Menominee Enterprises has been pushed to the brink of bankruptcy by business conditions, operating restrictions, and, most important, the mounting tax burden of local government. Over a period of years virtually all the corporation's profits have gone into property taxes for education and other local services in the poorest county in Wisconsin.

In order to stave off financial disaster, a decision was made in the mid-1960's to begin selling Menominee land to non-Menominees. This course was designed to secure new income for the corporation and a new tax base for the county. In time, however, the decision generated great controversy.

It was highly unpopular among many Menominees, who have a deep feeling for their ancestral land; and it led eventually not only to an upheaval in the tribal leadership but also to strained relations and frictions with the new property owners. The legitimacy of some of the land sales and of the hunting and fishing rights that were purportedly conveyed in some of these sales, is now being tested in the courts.

Regrettably, the sale of Menominee land created new problems, but it did not lift the corporation or the county out from under their serious economic difficulties. These acute problems remain.

In 1970, in his Recommendations for Indian Policy, President Nixon rejected the policy of termination, citing its "bad practical results" in the few instances in which it had been tried. Writing with the Menominees in mind, the President declared:

> The removal of Federal trusteeship responsibility has produced considerable disorientation among the affected Indians and has left them unable to relate to a myriad of Federal, State, and local assistance efforts. *Their economic and social condition has often been worse after termination than it was before.*" [Italic supplied.]

Last month, in a special report, the Bureau of Indian Affairs rendered an even more sobering assessment of the crisis in Menominee County:

> The economic instability of MEI combined with the elimination of public funds to the county make the situation perilous. Unless relief is made immediately available in the form of either a massive infusion of public funds or restoration, MEI will no longer be economically viable and Menominee County will go under.





These are some of the serious considerations that have prompted me to introduce and strongly support the Menominee Restoration Act.

These are some of the considerations that require the prompt enactment of this legislation by the House and Senate.

Termination of the Menominee Tribe was a monumental mistake. It must be corrected, and it must be corrected now.

It is imperative to recognize, however, that the correction of this mistake will not be uncomplicated. Restoration of the reservation will have widespread ramifications affecting many interests. In the push for restoration, these competing interests cannot be ignored. They must be considered and, if possible, accommodated, without losing sight of ultimate objectives. That is what I have tried to accomplish in this bill.

The bill in its present form:

Repeals the Termination Act of 1954 and reinstates all rights and privileges lost on account of that act;

Extends immediate Federal recognition to the Menominee Tribe of Wisconsin, making them eligible immediately for Federal services and assistance;

Opens the tribal roll and eventually gives to the tribe complete control of the enrollment process;

Calls for the election of a 9-member Menominee Restoration Committee within 60 days of enactment;

Provides for an election to determine the tribe's constitution within 180 days of enactment;

Sets an election of constitutional officers within 120 days after the approval of a tribal constitution;

Gives to the tribe broad discretion to fashion a tribal constitution; and

Authorizes to be appropriated such sums as are necessary to carry out the provisions of the Restoration Act.

Nothing in the Restoration Act diminishes the treaty rights of the Menominee people.

Nothing in the Restoration Act disturbs, diminishes, or prejudices the property rights of non-Menominee people who own land in Menominee County.

In all these provisions, the substance of the draft bill that was submitted to me last December has not been changed.

There are, however four major changes in the bill that should be mentioned.

The first and most important change is contained in section 6(a). This section provides that the land controlled by Menominee Enterprises and the land owned by individual Menominees shall not be accepted into trust by the Secretary of the Interior until 2 years after the enactment of the bill.

The purpose of this provision is to permit an orderly period of transition from the time of enactment to the time when the vast majority of land in Menominee County is stricken from the property tax rolls of local government. During this transition period all concerned parties will be able to assess the desirability of preserving or restructuring local government, and all concerned parties will be able to gage the impact of Federal financial assistance for the tribe on the budgets of the town and county governments. The more Federal assistance that is received, the more the cost of local government should go down. Should Federal financial assistance be substantially less than anticipated, however, the burden of financing local government will not fall immediately and unfairly upon the non-Menominee property owners in Menominee County.

This provision is a compromise between those who would like all sections of the Restoration Act to take effect immediately and those who would prefer to make the effective date contingent upon total restoration of the local government structure that existed prior to termination.

My able colleague, Mr. OBEY, believes that a 2-year delay before the trust relationship is established is unnecessary and that the problems with which non-Menominee property owners are concerned are largely illusory. I do not share this view.

To my mind, the ultimate solution to the problem of uncertain Federal revenues and the inevitable friction that will result from a nontaxpaying Menominee majority assessing and taxing a largely nonvoting but taxpaying non-Menominee minority, is a restoration of the town and county lines that existed before termination.

Because I believe the vital interests of all concerned parties will best be served by discontinuing the life of Menominee County, I will attempt to persuade the Interior Committee to reflect this view in the committee's final bill.

A second major change is the addition of section 8. This section recognizes the special educational needs of Menominee young people and the responsibility, not of local taxpayers, but of the U.S. Government to meet these needs. Hence, this section declares it to be "the policy of the United States to provide full financial assistance for Menominee students to those local educational agencies which enroll two or more members of the tribe who reside on the reservation or within the boundaries of Menominee County."

This provision is designed to promote high quality education for Menominee students without unfairly burdening local taxpayers. I am determined to see that restoration is a benefit, not a burden. This provision will go a long way toward achieving that end.

A third significant change is contained in the last sentence of section 7. This sentence declares that fishing by non-Menominees on the Legend Lakes, La Motte Lake, Moshawquit Lake, and Round Lake shall be regulated by the State of Wisconsin. The sentence also imposes a duty upon the State of Wisconsin to treat property owners on these lakes in the same manner as it treats other property owners by periodically stocking these lakes with fish "in the same manner as other lakes are regulated by the State of Wisconsin."

The State's recognition of the treaty rights of Menominee Indians to fish without regulation in all the lakes in Menominee County should not and must not give rise to any deprivation of the rights of non-Menominee property owners. This section asserts the determina-

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tion of the Congress that this shall not happen.

The final important change is the elimination from section 5 of the draft bill a clause that required the tribe's constitution to contain a provision prohibiting the sale of all land within the limits of the tribe's reservation.

The tribe is authorized by my bill to include in its constitution a clause prohibiting the sale of reservation land, but I do not believe that Congress should require them to do so. To my mind, such a clause is not in keeping with the new spirit of self-determination that should apply to Indian tribes in the governance of their internal affairs.

I do not advocate the sale of tribal land, but I can conceive of situations in which a majority of the tribal members might wish to sell a small part of their reservation. To require an Act of Congress in order to sell a small piece of land is to say, in effect, that the Menominees, having been through so much, cannot be trusted to decide the most important of their own affairs. That is a proposition to which I cannot subscribe.

The bill introduced today is a forthright attempt to correct a national mistake, and to promote self-determination and self-sufficiency within the context of a trust relationship.

It is an important and vital bill that I hope will touch the conscience of America.

The bill follows:

H.R. 7421

A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian Tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Menominee Restoration Act".

SEC. 2. For the purpose of this Act—

(1) The term "tribe" means the Menominee Tribe of Wisconsin.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Menominee Restoration Committee" means that committee of nine Menominee Indians who shall be elected at a general council meeting called by the Secretary pursuant to section 4(a) of this Act.

SEC. 3. (a) Effective on the date of enactment of this Act Federal recognition is hereby extended to the Menominee Indian Tribe of Wisconsin.

(b) The Act of June 17, 1954 (25 U.S.C. 891-902) is hereby repealed. There are hereby reinstated all rights and privileges of the tribe or its members under Federal treaty or otherwise which may have been diminished or lost pursuant to the Act of June 17, 1954 (25 U.S.C. 891-902).

(c) Nothing contained in this Act shall diminish any rights or privileges enjoyed by the tribe or its members now or prior to June 17, 1954, under Federal treaty or otherwise. Except as specifically provided in this Act, nothing contained in this Act shall alter any property rights or obligations, any contractual rights or obligations, or any obligations for taxes already levied.

SEC. 4 (a) Within fifteen days after the date of enactment of this Act the Secretary shall announce the date of a general council meeting of the tribe to elect the Menominee Restoration Committee. Such general council meeting shall be held within 60 days after the date of enactment of this Act. All living persons on the final roll of the tribe published under section 3 of the Act of June 17, 1954 (25 U.S.C. 893) and all descendants, who are at least 18 years of age, of persons on such roll shall be entitled to attend, participate, and vote at such general council meeting. The Secretary shall approve the Menominee Restoration Committee if he is satisfied the requirements of this section relating to the general council meeting have been met. The Menominee Restoration Committee shall represent the Menominee people in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(b) The membership roll of the Menominee Tribe of Wisconsin which was closed as of June 17, 1954, is hereby declared open. The Menominee Restoration Committee, under contract with the Secretary, shall proceed to make current that roll in accordance with the terms of this Act. The names of all enrollees who are deceased as of the date of enactment of this Act shall be stricken. The names of any descendant of a person who is or was enrolled shall be added to the roll provided such descendant possesses at least one-quarter degree Menominee Indian blood. Upon the installation of elected constitutional officers of the Menominee Indian Tribe of Wisconsin, the Secretary and the Menominee Restoration Committee shall deliver their records, files, and any other material relating to enrollment matters to the tribal governing body. All further work in bringing and maintaining current the tribal roll shall be performed in such manner as may be prescribed in accordance with the tribal governing documents. Until responsibility for the tribal roll is assumed by the tribal governing body, appeals from the omission or inclusion of any name upon the tribal role shall lie with the Secretary and his determination thereon shall be final. The Secretary shall make the final determination of each such appeal within 60 days after an appeal is initiated.

SEC. 5. (a) The Menominee Restoration Committee, under contract with the Secretary, shall conduct an election by secret ballot for the purpose of determining the tribe's constitution and by-laws. The Secretary shall enter into such contract with the Menominee Restoration Committee within 90 days after the enactment of this Act. The election shall be held within 180 days after the enactment of this Act.

(b) The Menominee Restoration Committee shall distribute to all enrolled persons who are entitled to vote in the election, at least thirty days before the election, a copy of the constitution and by-laws as drafted by the Menominee Restoration Committtee which will be presented at the election, along with a brief impartial description of the constitution and by-laws. The Menominee Restoration Committee shall freely consult with persons entitled to vote in the election concerning the text and description of the constitution and by-laws. Such consultations shall not be carried on within fifty feet of the polling places on the date of the election.

(c) The Menominee Restoration Committee, under contract with the Secretary, shall conduct an election by secret ballot for the purpose of determining the individuals who will serve as members of the tribe's governing body. The Secretary shall enter into such contract with the Menominee Restoration Committee within 60 days after the tribe adopts a constitution and bylaws pursuant to subsection (a) of this section. The election shall be held within 120 days after the tribe adopts a constitution and bylaws.

(d) In any elections held pursuant to subsections (a) and (c) of this section, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate the adoption of a tribal constitution and by-laws and the election of the tribe's governing body, so long as, in each such election the total vote cast is at least 30 per centum of those entitled to vote.

(e) The Act of June 18, 1934 (25 U.S.C. 461 et seq.) shall not apply to any election under this Act.

SEC. 6. (a) Subsections (c) and (d) of this section shall not become effective until two years following the enactment of this Act.

(b) The Secretary shall negotiate with the elected members of the Menominee Common Stock and Voting Trust and the board of directors of Menominee Enterprises, Incorporated, or their authorized representatives, to develop a plan for the assumption of the assets of the corporation.

(c) The Secretary shall, subject to the terms and conditions of the plan negotiated pursuant to subsection (b) of this section, accept the assets (excluding any real property not located in or adjacent to Menominee County, Wisconsin) of Menominee Enterprises, Incorporated, but only if transferred to him by the board of directors of Menominee Enterprises, Incorporated, subject to the approval of the shareholders as required by the laws of Wisconsin. Such assets shall be subject to all valid existing rights including, but not limited to liens, outstanding taxes (local, State, and Federal), mortgages, outstanding corporate indebtedness of all types, and any other obligation. The land and other assets transferred to the Secretary pursuant to this section shall be subject to foreclosure or sale pursuant to the terms of any obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the Menominee Tribe of Wisconsin and shall be their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(d) The Secretary shall accept the real property (excluding any real property not located in or adjacent to Menominee County, Wisconsin) of members of the Menominee Tribe, but only if transferred to him by the Menominee owner or owners. Such property shall be subject to all valid existing rights including, but not limited to liens, outstanding taxes (local, State, and Federal), mortgages and any other obligation. The land transferred to the Secretary pursuant to this section shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the Menominee Tribe of Wisconsin and shall be part of their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(e) The Secretary and the Menominee Restoration Committee shall consult with appropriate State and local government officials to assure that the provision of necessary governmental services is not impaired as the result of the transfer of assets provided for in this section.

SEC. 7. The tribe's constitution shall provide that the governing body of the tribe, after full consultation with the Secretary, (1) shall make rules and regulations for the operation and management of the tribal forestry units on the principle of sustained-yield management, (2) may make such other rules and regulations as may be necessary to protect the assets of the tribe from deterioration, and (3) may regulate hunting, fishing, and trapping on the reservation. Fishing by non-Menominees on Legend Lakes, LaMotte Lake, Moshawquit Lake, and Round Lake shall be regulated by the State of Wisconsin, and the State shall stock these lakes in the same manner as other lakes regulated by the State of Wisconsin.

SEC. 8. In recognition of the special educational needs of Menominee students and of the responsibility of the United States for the impact that members of the Minominee tribe have on local educational agencies, Congress declares it to be the policy of the United States to provide full financial assistance for Menominee students to those local educational agencies which enroll two or more members of the tribe who reside on the reservation or within the boundaries of Menominee County.

SEC. 9. The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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## REMARKABLE PROGRESS OF BLACK AMERICANS IN THE PAST DECADE

**HON. ALBERT H. QUIE**
OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, April 30, 1973*

Mr. QUIE. Mr. Speaker, I should like to bring to the attention of my colleagues a most interesting article which was printed in the April 29 issue of the Sunday Star. It contains heartening evidence that remarkable progress has been made in the past decade in the economic life of black Americans, and it gives me hope that the legislative process has been accomplishing its purpose of broadening the base of our democracy.

We need a return to hope in this country and increased faith in the democratic process. I for one am increasingly weary of the negativists among us who do not see beyond their noses. I agree with the Star that Messrs. Ben J. Wattenberg and Richard M. Scammon, in the April issue of Commentary, are, with their statistical analysis proving that "black progress has been real progress and a mammoth achievement."

To me, one of the most heartening statistical evidences of progress is the contention by the analysts that labor unions are opening their doors:

> . . . Of particular interest are the apprenticeship figures . . . Today 13 percent of the apprentices in the construction trades, and 20 percent of those enrolled in the first half of 1972, are non-white . . . blacks are somewhat more likely—not less likely—to belong to unions than are whites.

Wattenberg and Scammon also point to the breakthrough in the area of education:

> . . . in 1960 only 36 percent of young black males finished four years of high school . . . By 1970 the rate was more than half—54 percent . . .

Part of the successful climb by blacks into the middle class—52 percent of the Nation's blacks were economically in the middle class—is attributed by the analysts to some of the social programs passed by Congress in the 1960s: civil rights laws, education measures, manpower programs, and so forth.

We still have a great distance to travel before we have an integrated society, but America is making progress, and I am grateful to Wattenberg and Scammon for their report.

Excerpts of the Wattenberg/Scammon report follow:

BLACK PROGRESS IS REAL—WHY IGNORE IT?

(By Ben J. Wattenberg and Richard M. Scammon)

A remarkable development has taken place in America over the last dozen years: for the first time in the history of the republic, truly large and growing numbers of American blacks have been moving into the middle class, so that by now these numbers can reasonably be said to add up to a *majority* of black Americans—a slender majority, but a majority nevertheless.

This development, which has occurred against a historical backdrop of social and economic discrimination, is nothing short of revolutionary. Despite the fact that Southern blacks are economically still significantly worse off than Northern, and older blacks than younger, and despite the fact too that the economic and social gap separating whites and blacks is still a national disgrace, "middle class" has now become an accurate term to describe the social and economic conditions of somewhat more than half of black Americans.

This movement of blacks into the middle class is a phenomenon of enormous portent for the future of American society. That it should have come about, as it has, at a time when many civil-rights leaders and liberals alike have insisted that conditions for American blacks are not improving at all, but actually deteriorating, is not the least astonishing aspect of the entire episode. It will be a great and tragic irony if this insistence on failure should in the end prove a hindrance to the continued upward progress of American blacks.

The first and most basic index of status in American life is money, and it therefore to comparative income statistics that we must turn first to show the broad outlines of black upward mobility in the 1960's. According to the 1970 census figures, income for white families in America went up by 69 percent in the 1960's, while income for black families went up by 99.6 percent. If we round off the 99.6 percent figure it can be stated that black family income actually doubled during a single decade!

(The statement, however, would be accurate only if inflation had not eroded everyone's income. Taking inflation into account we find that the actual income increases come out to 34 percent for whites and 59 percent for blacks.)

The ratio of black family income to white family income also changed dramatically in the period, climbing from 53 percent in 1961 to 63 percent in 1971. It might be argued—and rightly—that 63 percent is a long way from 100 percent and still scandalously low, but what is open to little argument is that there has been sharp progress—a catching up—during recent years which was not at all apparent during the previous decade (the ration of black to white family incomes was the same in 1961 as it had been in 1951). And the changing percentage of black families earning above $10,000 is even more startling, jumping from 13 percent in 1961 to 30 percent in 1971, (from 1951 to 1961 the percentage had increased from 3 to 13); these figures are in 1971 constant dollars, the effects of inflation having been factored out.

The median family income in the United States in 1971 was $10,285; today it can be estimated at $11,000. This figure represents the middle-of-the-middle of family income distribution. Some lower figure—say $8,000 outside the South—may be said to represent the bottom-of-the-middle or the beginning of middle-income status in America. In the South, where median income averages almost $2,000 lower, and where a disproportionate number of blacks still lives, the bottom-of-the middle line may be drawn at $6,000.

By these criteria, and again adjusting for recent income increases, just over half of black families in the United States are by now economically in the middle class (about 52 percent).

But perhaps the most encouraging, and most significant, cross-tabulation of the income data concerns the economic status of young blacks. These young men and women have made striking educational gains in recent years; they have made gains in "occupation" as well, i.e., in the sorts of jobs they hold; and they have made gains in the amounts of money they earn. Black males aged 25-34, for example, earn 80 percent of white levels of income on a national basis.

When one combines all these factors—youth, non-Southern residence, and an unbroken family—a truly striking statistic emerges. The median income of black husband-wife families, in the North and West, with the head of family under 35 years of age, rose from 78 percent of white income in 1959 to 96 percent in 1970. There is a word to describe that figure: parity. And if we add a fourth variable to the equation, and examine families in which both the husband and wife work, the figures come out to 85 percent in 1959, and in 1970—104 percent.

(Some, but by no means all, of these remarkable husband-wife family gains are due to the fact that young black wives outside of the South are somewhat more likely to work year 'round than young white wives—52 percent versus 36 percent. However, it is important to note that in those same families the husbands were also making progress. They earned 76 percent of comparable white husbands in 1959—and 90 percent of comparable white husbands in 1970.)

If income statistics are the most basic index of economic mobility in the United States, employment patterns follow closely behind. For the last two decades the reality of the black-white employment situation can be summed up bleakly, as follows: black unemployment rates have been twice as high as white rates. But in recent years a massive shift has occurred in the identity of the black unemployed. A cross-tabulation of married men over age 20 reveals a far sharper drop in unemployment among blacks than for the population as a whole, as is shown by this comparison of two early years of the 60's with two early years of the 70's.

UNEMPLOYMENT RATE AND BLACK-TO-WHITE RATIO FOR MARRIED MEN, 20 YEARS AND OVER, WITH SPOUSE PRESENT, 1962-72

| | Negro and other races percent | White percent | Ratio |
|---|---|---|---|
| 1962 | 7.9 | 3.1 | 2.5-1 |
| 1963 | 6.8 | 3.0 | 2.3 1 |
| 1971 | 4.9 | 3.0 | 1.6-1 |
| 1972 | 4.4 | 2.6 | 1.7 1 |

The drop in the ratio from 1962 to 1972 is 53 percent (from 2.5 to 1, to 1.7 to 1—with 1 to 1 representing parity). Here, too, then, we see a steady and powerful movement into the middle class. Black family men are, like white family men, "at work," that is, at least 95 out of 100 of them are, even during recessionary times.



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At the same time, teen-age unemployment has gone up. Among the 1.9 million black teen-agers (age 16-19), unemployment rates in 1960 were 24 percent; by 1970, the rate had climbed to 29 percent, and by 1971 to 32 percent. The rate for white teen-agers fluctuated between 13 and 15 percent in the same years.

These comparative data are discouraging, but there is something to be said about them that is not generally understood. In 1971, of the 1.9 million black teenagers, 1.25 million were "not in the labor force" at all (about a million were students, most of the rest housewives). They were neither "at work" nor "looking for work," and thus not tabulated in unemployment statistics. Of the 650,000 remaining black teen-agers, that is those actually "in the labor force," more than two-thirds—about 450,000—were "at work." That left about 200,000 actually unemployed, i.e., "looking for work." The fraction 200,000 over 650,000 is what yielded the high "unemployment" rate—the percentage without jobs actually looking for work.

But the fact is that even of these 200,000 unemployed black teen-agers, more than half—about 110,000—were in school, and about 90 percent of these were looking for part-time work. That left about 100,000 black teen-agers—male and female—who were both out of work and out of school; this element represented not much more than 5 percent of the total number of black teen-agers.

On balance, then: teen-age unemployment rates are up, adult male rates are down, particularly among married males. Black teen-agers are mostly in school, adults are mostly supporting families. The net result would seem to be an important social and economic plus, despite the unfortunately large and continuing disproportion in black-white unemployment rates.

The overall employment pattern, of course, is made up more than the statistics of who is at work and who is without work. Of equal significance is what kinds of jobs people hold. And here gain we see major progress by blacks in gaining access to middle-class occupations, especially in the categories of "white-collar workers," "craftsmen," and "operatives":

NUMBERS OF WHITE-COLLAR WORKERS, CRAFTSMEN AND OPERATIVES

[In millions]

| | Negro | White |
|---|---|---|
| 1960 | 2.9 | 46.1 |
| 1970 | 5.1 | 57.0 |
| Percentage increase | 76 | 24 |

Over the same decade the numbers of Negroes in "other" work—primarily low-paying jobs in private households, as service workers, farm workers, and laborers—decreased from 4 million to 3.5 million. Comparing, then, the balance of occupational status for blacks in America in 1960 and 1970, we find that in 1960 blacks in "good" jobs totaled 2.9 million while blacks in "not good" jobs totaled 4 million; by 1970 the number of blacks with "good" jobs totaled 5.1 million, while those with "not good" jobs totaled 3.4 million—in short, a reversal, and then some. In 1960, 42 percent of blacks held "good" (i.e., middle-class) jobs—less than half. By 1970 the rate had climbed to 64 percent—almost two-thirds.

Although final and detailed comparative figures on jobs are not at this writing available from the Census Bureau, the specific data we do have are enough to give a flavor of changes that have transpired over the decade. Thus, the 1960 Census reported 143,000 non-white teachers (other than college); the 1970 Census gave 223,000 Negro teachers. In 1960 there were 16,000 non-white social workers; in 1970 there were 41,000 black social workers. There were 12,600 male "plumbers and pipe-fitters" in 1960, 18,000 in 1970. The figures for machinists were 15,000 versus 23,600; for welders, 24,700 versus 44,200.

Many of the new and better jobs held by blacks are union jobs, and many of these are in the much-discussed construction trades, including the most highly skilled of these trades. Of particular interest are the apprenticeship figures—for these signal the way of the future. Today 13 percent of the apprentices in the construction trades, and 20 percent of those enrolled in the first half of 1972, are non-white. Curiously, despite all the talk about blacks and unions, one central fact is generally ignored: blacks are somewhat more likely—not less likely—to belong to unions than are whites. In 1970, black workers were 12 per cent of all union members. (Blacks are 11 per cent of the total population.)

Along with higher incomes and better jobs the 1960's also saw a great breakthrough in the area of education. Thus in 1960 only 36 percent of young black males finished four years of high school, the educational level that seems to separate Americans into "middle class" and "non-middle class." By 1970 the rate was more than half—54 percent. Among young black women the increase was even greater—from 41 percent in 1960 to 61 percent in 1971. If we take a longer range view, say over the last thirty years, the great educational leap forward of young American blacks becomes even more impressive:

*Median School Years Completed, Negroes, Aged 25–29*

| | |
|---|---|
| 1940 | 7.0 |
| 1950 | 8.6 |
| 1960 | 10.8 |
| 1970 | 12.2 |

In 1940 the young black was typically an elementary school dropout; a decade later he could be described only as an elementary-school graduate. Not until 1960 did the young American black typically reach even the level of high-school dropout, and not until 1970 did he typically become a high-school graduate—a bona-fide member of the educational middle class.

The significance of these data cannot be discounted by arguments, however valid, that blacks are behind whites in reading levels, or by the view that education has little to do with economic success. In the real world, a young man cannot even get interviewed for a job as a bus driver unless he has a high-school diploma.

Finally, the leap into the educational middle class can be seen in college-enrollment statistics. In 1970, there were over half a million young blacks in college, slightly more than 9 percent of the total. Over a short six-year period—from 1965 to 1971—the comparative figures are as follows:

PERCENT OF PERSONS, AGED 18 TO 24 ENROLLED IN COLLEGE 1965–71

[In percent]

| | 1965 | 1971 |
|---|---|---|
| Negro | 10 | 18 |
| White | 26 | 27 |
| Gap | 16 | 9 |

Again, there is a gap and it is still large—but it has narrowed considerably.

By most of the standards by which Americans measure middle-class status, then, blacks in the last decade have made mighty strides—both absolutely and relative to whites—and the time has come for this fact to be recognized.

But to say this, while indeed correct, is not to say that the situation is uniformly good; that all blacks are in the middle class; that blacks as a whole have achieved parity with whites; that poverty is largely a thing of the past; or, last but not least, that there is cause for complacency in the realm of social and economic policy. None of these conclusions, in fact, is valid.

What do the figures on poverty and dependency tell us? First of all, there are fewer blacks in poverty. Secondly, those blacks in poverty are far more likely to be receiving help than was formerly the case. And finally, it should be noted, poor blacks are rising to levels closer to the line dividing poverty from non-poverty than before. Now, however, two additional factors must be considered which bear upon the current situation, and these are the changing demographic characteristics of the black poor and the problem of crime.

By and large over the last decade, people engaged in full-time work have left the poverty class. Thus the poor today are disproportionately the elderly and those in female-headed families; this holds true for whites and blacks alike.

It has been said that this change in the characteristics of the black poor amounts only to exchanging male poverty for female-poverty-plus-dependency, and that its net effect has thus been an increase, not a decrease, in dependency, as well as the creation of a vicious circle—what has been called the "welfare mess"—that drives more and more men away from home.

But there is another side to the picture as well. As long as the poor are to remain with us—a notion that has outlived necessity but not, unfortunately, fact—it can surely be argued that it is better, all things considered, that their numbers be made up of those unable to work. Such a situation may be—is—a social tragedy of the first order; but an alternative situation—in which a husband-wife family, with the husband fully employed, was still on welfare—would be intolerable, both for the recipients and for the body politic as a whole.

What of the future? Two scenarios seem plausible to us; a third—an unpleasont one—seems unlikely.

The first scenario envisages continued progress for American blacks, not only absolutely as the rest of the nation progresses, but 1960's-style, in the form of the continued march toward statistical parity with whites.

At least two good sets of reasons can be adduced to confirm the likelihood of this taking place. There are, first, the structural reasons. Black income levels are lowest in the South, yet rising relatively fastest there (up 113 percent from 1960 to 1970, versus rates of from 70 to 80 percent in other regions). A majority of all blacks still live in the South (compared with 31 percent of all Americans), yet out-migration has been substantial and seems to be continuing. Blacks outside the South make more money than blacks in the South. There is no basis for supposing that any of these trends will change: blacks will continue to live disproportionately in the South where black earnings are climbing fastest, and they will continue to leave the South, thus getting an automatic boost toward income parity.

Another structural consideration is the status of young blacks. As noted earlier, the sharpest relative gains in the last decade were made by black families under 35. If this pattern continues—and there is no reason to believe it will not—it will of its own weight continue to move the total black-white numbers closer to parity. Elderly blacks will leave the labor force and ultimately die, and will be replaced by the new cohorts of young blacks (who happen to be a disproportionately large group today). These new young black families will enter at the present close-to-parity rates now held by young black families as a whole. Further, it seems likely that the now-young but soom-to-be-middle-aged blacks will continue to retain some, most, or all of their present relatively high standing as they reach their last 30s and early 40s.

A black who enters the civil service, or a labor union, at age 25—because he had suitable education or apprentice training—will not only not lose ground as he ages, but will gain all the normal advantages of seniority. What this means, in effect, is that the progress that is now discernible is due not to the sheer youth of young blacks, but to the fact that something happened in America that opened up paths of mobility for young blacks. As the proportion of those able to take advantage of this new situation becomes an ever-greater share of the total black population, the black-white statistics will look better and better as the years go on.

In the second—less optimistic—scenario of the future, the broad structural factors just mentioned are taken into account, the broad political-cultural factors are minimized, and two other factors are introduced.

First, insofar as it can be measured sketchily over a short period of time, progress in the Nixon years of 1969, 1970, and 1971 was less dramatic than in the Kennedy-Johnson years. True, the slowdown was not aimed at blacks; there was a national economic recession, and if the sinking rate of blacks in poverty stopped sinking, so, roughly, did the rate for whites.

No one really knows how much good (or bad, for that matter) was accomplished by the Great Society programs of the 60s, and debate, over the question is likely to go on indefinitely. Our own view—which owes something to political considerations, something to statistical ones—is that the programs accomplished a good deal; their sharp curtailment would probably be sufficient to prevent the future of steady progress envisaged in the first scenario, yet probably not sufficient to insure the future of total stasis envisaged in the second.

The third and final scenario of the future course of events asserts confidently that the Great Society programs were in fact so important that their partial demise will not only eliminate the projected structural gains, but insure an absolute retrogression. Things for blacks will get relatively worse in the 70s according to this scenario.

In our judgment this is an improbable prognosis. President Nixon neither wants to, nor could, undo all the progress of the 60's. No one, for instance, has proposed repealing the Voting Rights Act, which wields enormous political clout. No one has proposed repealing the Public Accommodations Law. Nor the New minimum wages. Nor Medicaid. Nor aid to higher education.

In addition, while no one can accurately quantify the impact of the New Frontier and Great Society, we believe it a mistaken analysis that the programs alone were responsible for the progress of the 60's. A key anti-poverty remedy in the past, and one likely to remain so in the future, is a steadily strong economy. The Great Society programs were a central ingredient of progress, but not so central that repeal of some of them now would actually reverse the tide.

We noted early in this essay that a blanket of silence seems to envelop the liberal community on this point of black progress, so that the economic and social advances made by blacks, far from being trumpeted or even acknowledged, are simply ignored when they are not actually denied. In the face of all the evidence to the contrary, not a few liberal spokesmen and civil-rights activists have claimed that blacks are in fact worse off now than they were 10 years ago.

In December of last year the Lyndon Baines Johnson Library in Austin was host to a Civil Rights Symposium on the occasion of the opening of the monumental collection of papers and documents concerned with civil rights during the LBJ era. It was a major event at an institution that had already become known as a first-rate center of scholarship, and it was attended by many of the great and the near-great, the famous and the near-famous, of the civil-rights movement. Among those on hand were Roy Wilkins, Earl Warren, Vernon Jordan, Burke Marshall, Julian Bond, Richard Hatcher, Barbara Jordan, Yvonne Braithwaite Burke, plus a host of panelists. Each had his moment before the microphones, each participated in this most recent collective attempt to evaluate the past, present, and future of the black man's struggle for equality in our time.

All this legislation, it was correctly noted, broke the back of legalized discrimination in America. For the first time blacks could vote everywhere in the nation, could eat at a lunch counter, could legally buy a house in any neighborhood. For this great formal progress, LBJ and the civil-rights movement were to be awarded accolades.

Yet curiously the talk was exclusively of new rights gained by blacks in this period, not of any achievements made by them as a consequence.

Why have the data of black advancement been kept secret by those who presumably have an interest in making them known? After all, the black man-in-the-street is perfectly aware of the gains that have been made. A Potomac Associates/Gallup Poll taken in 1972, for instance, revealed that whereas whites on the whole said life in America had gotten worse in recent years, blacks said things were getting better (they were the only group of 31 sub-categories who thought so).

The answer is of course that civil rights leaders do know what has happened, and even acknowledge it in private; but they have elected as a matter of policy to mute any public acknowledgment or celebration of black accomplishments in order to maintain moral and political pressure on the administration and on public opinion.

This strategy, we submit, is a mistaken one counterproductive of its goal; the only people who have been kept under pressure by it are liberals themselves. As has been the case with many aspects of the liberal agenda in the last half-century, civil-rights leaders who refuse to claim credit for the successes they have earned only lend themselves to the purposes of those who declare the bankruptcy of liberalism altogether as a political strategy.

Here is the dilemma in which liberals find themselves. Forty years have passed since they became the driving force of American politics, frequently occupying the White House, always influential in the Congress. In this period of time a remarkable body of legislation has been placed on the statute books, as a result of which great economic and social progress has been made in the country at large, from which all Americans have benefited.

And this progress liberals now deny, claiming that the programs for which they fought and lobbied have not worked (but at the same time denouncing Richard Nixon when he says they haven't worked).

In short, the liberal battle-cry has become, "We have failed; let us continue!"

Now let us suppose that, instead of the institutionalized gloom pervading liberal thought today, a different analysis—an accurate analysis—were substituted, and a different rhetoric adopted to conform to it. Of what would it consist? It would begin, first of all, in the recognition that in 1960 and in 1964, the nation elected Presidents who were pledged to get America moving again, to give a better deal to the poor and the black, to break a decades-old legal, political, and social logjam. Thanks to these Presidents, thanks to a liberal impulse in the Congress in the mid-1960s, thanks to the tireless efforts of liberals all over America, the legislation was passed to fulfill that pledge: manpower programs, poverty programs, and a stunning array of health education and legal services.

Now, more than a decade later, we can look back and see—results. The census and the other statistical indices of our time show success in many crucial areas; in particular, a better deal has been given to the poor and the black to the point where many of them are now in the middle class, just as the Presidential pledges and the legislation promised. The confirming data have been presented above. To be sure, we cannot say absolutely that the legislation was totally responsible for the progress made, but we can say absolutely that it was crucial. Liberalism worked.

Normally, given a situation such as the one we have described, the political burden of proof would be on him who wished to deny it, in this case a Republican President with an analysis and a strategy of his own to promote. He would be the one forced to show that life in America has deteriorated, or at least that liberal programs had failed.

Instead—at a moment when history and data show victory for their ideas—liberals loudly compete with each other to do his work. Instead of proclaiming success, liberals can only assert that America is a failure, that things aré as bad as ever and maybe worse. And President Nixon smiles in agreement.

The problem is more than just political in the narrow, partisan sense, at issue finally is the possibility of achieving a rational and peaceful resolution of the enduring racial problems of this country.

By refusing to acknowledge the facts of success, liberals give further currency to the old stereotypes of black poverty—slums, rat-infested dwellings, a self-perpetuating welfare culture—and thereby help to confer legitimacy on the policies of those who would shirk the hard task of social and economic integration.

Integration, still the only realistic solution to the race problem, will proceed only as economic class gaps narrow, and are publicly acknowledged to be narrowing. Trumpeting failure, the best deal liberals are likely to get, from this or any other administration, is one that amounts to standpatism. Acknowledging those successes that have in fact been achieved, demanding the means and the money for the completion of the job, liberals might legitimately hope for action, and an extension of their political writ.



## TAXPAYERS INDEPENDENCE DAY

### HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. ARMSTRONG. Mr. Speaker, today is May 2, 1973. It might also be called Taxpayers' Independence Day.

It is Taxpayers' Independence Day because today the average American taxpaying citizen has earned enough money to pay his taxes for the year and begin working for himself. He is at last free and independent of the burden of financially supporting his Government. Free and independent, that is, until next January 1 when he must work another 4 or more months to earn enough money for another year's governmental support through taxation.

I call this to the attention of the House for two reasons:

XUM

First, to point out how ridiculous it is to have to work 4 months out of the year to pay taxes. Our country was born in a revolution sparked by unjust and excessive taxation. The fight against excessive taxation is symbolized by the Boston Tea Party. Today we are very close to taxation so excessive it often threatens to create a similar revolutionary spark.

But Congress must have forgotten the meaning of the Tea Party symbol or surely it would not have created the overblown and fat-laden programs which have necessitated excessive Federal spending, spending on a scale unknown throughout the history of mankind:

The Federal Government is spending $10,000 per second—actually every 1.1 seconds. And the total continues to go up every year. As a consequence citizens must work longer each year to support a profligate government and Taxpayer's Independence Day arrives later each year Last year the magic date was April 27. A few short years ago it was in March.

Second, I want to dispel some of the myths that are so glibly spun by those who want to foster even bigger Federal spending.

Over and over again we are told that tax reform and loophole closing can provide funds to finance vast new spending schemes. If only we are willing to create tax equity, the story goes, we can balance the budget and spend more; in other words, have our cake and eat it, too.

This talk has the ring of demagoguery about it.

Under the guise of shifting the burden through a tax reform that soaks the rich or allegedly restores equity to taxation or under some other name, we are told all will be better for the average taxpayer. The truth is the average man or woman will get it in the neck again if Federal spending is not brought under control.

Why?

Because in this country the wealth is in the hands of the average people. They are the economic backbone of the Nation. Middle America, if you will. They do the work and they have got the income. So new taxes are bound to hit them the hardest.

We are told taxes could be shifted from the average breadwinner to the huge corporations. Corporations have the big money and could solve our problems, the story goes.

Well, what about the big corporations?

I presume we are not going to tax corporations out of existence. Even if we did we could not pay the Government's bill very long. For the sake of illustration let me point out that if we taxed all of the corporate income in the United States not at 50 percent or 60 percent or even 70 percent, but at a full 100 percent—that is, if we ignore all considerations of equity and commsense and confiscate the profits of all corporations in the country—by the way how would State governments replace the lost tax on corporate income—it would raise only about enough money to keep the Federal budget going for about 10 weeks.

Obviously this would wreck our economy, send the stock market plummeting to zero, precipitate a depression, throw millions of workers out of jobs, and deal harshly and unfairly with millions of Americans who have invested their savings in business enterprises.

Well then, what about closing some loopholes and getting it from the high income individuals?

Again the facts contradict the demagogues.

It is true, of course, that some people in our system earn huge incomes. But as long as it is honestly acquired in a free, competitive market we should not punish people for being successful. To do so would remove the fundamental incentive that makes the free enterprise system function.

But, even if we did not wish to be fair to upper income people, even if we wished to tax the incentives out of our system completely, there just are not enough of these high-income persons to raise a significant amount of tax revenue. Let me give you some more examples:

If we taxed the income of everyone in the $100,000 and up bracket at the rate of 100 percent it would not keep the Federal Government going for 3 weeks.

With Federal spending running at the rate of $5 billion per week, confiscation of all incomes above $50,000 would barely cover Federal expenditures for 7 weeks. Even if we seized every penny of income above $30,000, it would provide less than 3 months running expenses of the Federal Government. And on and on and on.

Additionally, there is the problem of determining what constitutes a high income. To the man earning $5,000 a year, $20,000 is high. To the $20,000 a year man, $50,000 looks high. That, too, goes on and on. Thus, even if we could support the Government by "soaking the rich," we would be hard pressed to find an equitable place to draw the line.

So any attempt to increase Federal income tax revenues significantly in order to pay for greater Federal spending is bound to hurt the people who can afford it the least: The wage earners, men and women who are trying to make ends meet, educate their children, support their churches, and charitable organizations, and even to save a little for their old age—all of which are getting harder and harder to do as the burden of taxation grows heavier.

So today, May 2, is really not a day of celebration. For Taxpayers' Independence Day to come so late in the year is a sad thing. I hope Congress will take the steps necessary to make it earlier not later, in the years ahead.

## CREDIBILITY RUNS OUT

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. CRANE. Mr. Speaker, the May issue of Trains magazine carries an editorial piece by a professional engineer, John G. Kneiling, entitled "Credibility Runs out."

This article is perhaps the most striking—no pun intended—commentary on current problems in the transportation industry I have ever seen in print. Mr. Kneiling's commentary gets to the heart of the problem which everybody is afraid to discuss, namely, organized labor. We can pour billions of devalued Federal dollars into the Nation's transportation systems and we can purchase rail rights-of-way and we can form new reorganized corporations out of the ashes of the old bankrupt corporations, but we will never come to grips with what ails our transportation industry until we begin to look at the questions of organized labor, productivity, wages, and others.

Because Mr. Kneiling's commentary provides much needed insight into this current dilemma, I included it in the RECORD at this point:

CREDIBILITY RUNS OUT

(By John G. Kneiling)

As this column is written in February, some 1972 end-of-year events can be viewed with detachment. Most were simply current episodes in long-running cliff-hangers, but so many of these events occurred so close together that the scene has become overpowering.

The Long Island Rail Road was on strike for nearly two months—this time the strikers were the shopmen. Commuters recall them as the group who couldn't maintain new cars. The railroad contracted with the builder for work that LIRR men couldn't do. Then these men struck—the work was "theirs" even if they could not do it.

The beef this time was that train jockeys got big raises, allegedly (opinions differ) for less featherbedding. Nonoperating forces wanted the same arrangement, and didn't want to talk about productivity. Eventually the union admitted to 600 excess employees, but would allow their elimination only on two conditions: wage increases twice the amount of the saving; and full pay and overtime (!) for the 600 excess employees for the rest of their lives.

Highway jams did not materialize as a result of the strike—perhaps few commuters missed the LIRR this time. Reportedly, 20 to 30 per cent (depending on whom you believe) of the riders did not return to the trains—even before the inevitable fare increase came.

The State of New Jersey finally told the Central of New Jersey to drop its commuters. The subsidy demanded was $80 per month per commuter—plus the fares. No one claimed the account was padded. Eight thousand riders on the main line and 7000 on the New York & Long Branch will "find other means." The 7000 on the Long Branch will ride the Penn Central—while PC lasts.

I recall when trains ran like trolley cars on the Long Branch—and with cafe cars and bar cars and commuters' clubs. The trains ran from Penn Station, Exchange Place, and the CNJ ferry. Now commuters use the Garden State Parkway—in their autos. The highway is not subsidized and it makes a profit; New Jersey Governor William T. Cahill commented publicly on spending the profit in his January message to the Legislature.

Commuters who started driving gave up the club cars to push a piece of iron over the road—and paid tolls too. Besides, a commuter using a car he would not otherwise need (the second car, for instance) must assign to it the first $250 earnings each month—and drive it too. This choice seldom (despite Detroit myths) is made voluntarily; it results from perceived necessity.

Then the subway shops appeared in the news again. Two inspectors, fed up with goof-offs, presented on TV a film they had made at a subway barn. The municipal management filed charges against them for making the film. Nothing was said about the goof-offs. Riders find the story credible. Trains don't work or they break down in service. Doors don't work. Lights don't work. These failures mean that repairmen did not do their jobs. The two inspectors were very, very credible. (Riders recall the last time shopmen showed up on the TV screen. During a strike a union boss appeared on TV and tore up an injunction, saying the judge should drop dead.)

Authority hearings were going nowhere, so a mayor's committee held a public session to hear the two inspectors. The meeting was invaded and disrupted by a union delegation, Union civil-service police did not maintain order. That very day an empty parked train rolled into a standing train. Twelve hours later torch men still were cutting apart the wreckage, and the district's State Assemblyman who was inquiring on behalf of his constituents was brushed off.

A driver was too lazy or too stupid to apply brakes; or a mechanic did not do his work, so the brakes did not do theirs. Either theory is believable. Riders recall when the Transit Authority stopped the "key by" system after some accidents. Eliminating the system admitted that drivers can't be trusted with judgment, and that the line must be run as if it were completely automated.

Two major Connecticut Valley bus lines struck last fall, and few cared if they ever came back. (The region is settled at a sparse 1000-per-square-mile population with small cities and no big center.) Both once were trolley lines, and one was railroad owned. Areas dense enough to support bus lines were taken over by people who don't work. People who do work scattered to areas which require every adult to have a car. Industry started to leave—often for lack of help. Factory wages don't support "scatteration," and convenient living areas became uninhabitable for anyone who cares how he lives. The lines were down to one round trip each weekday for every 40 residents. The region became a mini-Los Angeles where common carriage is just a phrase. One line surrendered its franchise when labor demanded security and wage raises. The proposal now has been made that the State run empty buses so that drivers can be hired.

A major airline (American) canceled hundreds of flights last December when pilots ran out of hours. Reportedly plane drivers put in 80 hours a month, and when driver time runs out, the customers are not given consideration. A patron does not like being stranded because some plane jockey had completed his half-time for more income than most riders get for a full-time job.

Commuters were threatened by a strike on PATH—the Port Authority train service which runs to New Jersey bus and rail connections from Manhattan. PATH has the usual problems of poor service and overmanning, and it's losing customers as people find that the connections are useless.

Penn Central's long-overdue cutting of crews produced another strike threat until the Government ordered the PC to give the union all it asked. Apparently brakemen can't get jobs even in labor-short New York, so they *need* protection. That's believable—they have no work experience.

PC's one-day strike further harassed the riders—then Congress again awarded the union all it demanded. You know at whose ultimate expense.

This, incidentally, is how CNJ got into trouble. It kept acquiring help to do less work until the working taxpayers cut them off. A passenger-train employee "bumps" when he should get fired; he loses the customers and someone else gets canned.

Credibility problems are not unique to the big city or to the railroads or to passenger carriers. For instance, a big freight shipper is conducting accident studies to determine which rail route is apt to get his cargo there at all.

I commented in a service conference that a ship line noted in the trade press for a shoestring operation with cheap boats achieves 350 miles a day—nautical miles, at that—including port time. This is seven times the performance of the U.S. rail car. The fastest freighters so far (the SL–7's) make only 40 mph top. A railroader noted that the rail industry as a whole has fallen apart to the point where few trains can be sure of 40 mph even when they run.

Back to commuters. You must understand the customers if you're going to be interested in carrying them. You need not agree with them or approve of them or like them or even care what happens to them, but in any business you must understand what makes the customers tick.

Once it was axiomatic that rails were the way to carry a lot of people or a lot of goods easily, cheaply, with minimum space demands and minimum fuss. That axiom no longer is readily accepted. The practicality of running a railroad at all is being doubted. The practicality of running any labor-intensive common carrier is being doubted by commuters and shippers.

We may be past the point of no return. The day may be past when users of any facility can rely on anything that depends on organized, low-grade labor.



## LEE HAMILTON'S WASHINGTON REPORT OF APRIL 25, 1973, ENTITLED "EUROPE'S FOOD AND THE AMERICAN FARMER"

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. HAMILTON. Mr. Speaker, my Washington report dated April 25, 1973, entitled "Europe's Food and the American Farmer," follows:

EUROPE'S FOOD AND THE AMERICAN FARMER

The United States, and especially the American farmer, have a large stake in the agricultural policy of the European Community, and the debate over who should buy what food products from whom and at what prices promises to get hotter.

The U.S., grappling with a huge trade deficit of $6.4 billion, simply does not have much choice on what to sell the rest of the world except food and high technology products. Agricultural products make up one-fifth of all American exports. The European Community's restrictive agricultural policy hinders the expansion of U.S. agricultural products with its high import levies and subsidies of exports. Hoosier farmers, who sell abroad the produce from 1 acre out of every 4, feel the impact of that policy, too.

Elimination of these trade barriers in Europe and Japan would expand U.S. agricultural exports by $3 to $5 billion a year. As it is, U.S. exports to the European Community of commodities covered by the policy have declined by 15 percent since the policy became effective in 1966, while exports of agricultural products not covered by the policy, e.g. soybeans, have increased by 70 percent.

At the heart of the European Community's Common Agricultural Policy (CAP) is the belief of European leaders that they must protect agriculture to obtain the political support of the farmers, in spite of the enormous cost to the consumer in higher food prices. They have tried to keep prices high to give the relatively inefficient European farmer adequate income. The European farmer remains a potent political force.

The Europeans argue that in the zeal of the Americans to find a market for farm products, Americans do not consider the political and social turbulence which would come if huge new quantities of American food arrived. So, removing the trade barriers which prop up agricultural prices in Europe is not just a political issue, but also a social question. Without the barriers many of Europe's farmers would have to be trained for new jobs or end up on welfare.

Much of the farming in Europe is small-scale, old-fashioned and inefficient. The European Community, with a population about the same as the U.S., has twice as many farms as the U.S., with an average farm size of only 30 acres (compared with 390 acres per farm in the U.S.) and 10 million agricultural workers, who make up 13 percent of the total labor force. In the U.S., 3.5 million farmers constitute less than 4 percent of the total labor force.

The U.S., of course, is not without its own restrictive measures. U.S. average tariff rates are 7.5 percent as compared to 7.9 percent for the European Community. U.S. imports of agricultural items and petroleum are regulated by quotas, high tariffs are placed on certain chemicals, and voluntary agreements exist to limit steel, and woolen and synthetic textiles.

In the coming trade negotiations the U.S. objective is to have market forces play a greater role in supplying the needs of consumers of farm products. So far, the principal barriers to trade in agriculture have been intractable as European countries act to preserve the home market for the domestic farmer.

A major aim of the U.S. must be to open European Community markets to American agricultural products by the gradual reduction or elimination of both tariff and non-tariff barriers, and to encourage the European Community to move toward structural reform by more efficient land use and the retirement of farmers from very small farms.

The U.S. has several good arguments in the trade negotiations. With all the currencies of the EEC bloc floating now, the already complicated CAP has become almost unworkable. Also, the countries of Western Europe, with their widely differing soils, climates, percentages of farmers and economic philosophies, are not united on exactly what the agricultural policy ought to be, and the U.S., as the most efficient producer, can sell the grain at lower prices in countries already fighting rampant inflation.

The U.S. must adopt a tough stance in negotiations on farm products, viewing them as a crucial part of world trade. Unless there is meaningful negotiations in the agricultural sector, the U.S. should not proceed with further negotiations.

## MARAZITI OFFERS $1,000 TAX DEDUCTIONS TO OFFSET HIGHER EDUCATION COSTS

### HON. JOSEPH J. MARAZITI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. MARAZITI. Mr. Speaker, the rapidly escalating costs of a higher education prompt me to introduce legislation today to amend the Internal Revenue Code of 1954 to provide up to a $1,500 tax deduction for part of the expenses incurred by a taxpayer putting himself or a parent putting his children through college or a vocational school.

XUM

A quality education is rapidly becoming prohibitively expensive for the middle-income family in America. In 1971 U.S. Office of Education estimates showed that the charges for tuition, fees, room and board for a full-time resident, undergraduate student in a public, 4-year university averaged $1,313 per year. The cost was estimated to be $2,857 at private institutions.

Since then, these costs have gone up another 5 to 7 percent. And, they are exclusive of such necessary incidentals as travel, recreation, laundry, and clothing.

Middle-income families are not likely to get Federal assistance and they are already caught in the bitter squeeze of inflation and taxes. Students trying to get student aid assistance have been frustrated by a Congress that has been dragging its feet on funding the programs in time to let the financial aid officers award the grants in time for the fall term, and summer jobs are tight.

For all these reasons I have introduced this bill to provide what I consider to be substantial assistance to families supporting college students, and to college students supporting themselves.

I do not think that the rewards of a higher education can be measured. To me it makes good sense on a purely economic basis to expand financial assistance to those who want to go to college, or vocational school, by providing them with tax deductions.

Census Bureau statistics show that the lifetime difference between a college degree and a high school education is worth about $245,205. The taxes paid on this income would more than offset earlier losses in tax revenues due to the tax deductions for a higher education.

## QUEEN ISABELLA DAY

### HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. PEYSER. Mr. Speaker, on February 20, of this year I introduced House Joint Resolution 349 to proclaim Monday, April 23, as Queen Isabella Day. I was delighted when Mayor Lindsay recently proclaimed this day in New York City:

PROCLAMATION

The enthusiasm and support of a single ruler led to the discovery of America and the resounding effect this discovery had upon the history of the world.

This great ruler, Queen Isabella of Castile, wife of Ferdinand of Aragon, was the sole backer of Christopher Columbus, whose proposed expedition to the New World was contrary to the 15th century concept of the world.

The shrewd intuition of Queen Isabella, as well as the financial support and risk taken by Her Majesty on behalf of Spain, was responsible for uncovering the unknown riches of the Western Hemisphere.

The history of America has direct linkage to the birth of Queen Isabella on April 22, 1451.

Now, therefore, I, John V. Lindsay, mayor of the city of New York, do hereby proclaim Monday, April 23, 1973, as "Queen Isabella Day" in New York City.

## YOUTH CONFERENCE

### HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. VEYSEY. Mr. Speaker, on March 30, 1973, representatives of all the high school located in the 43d Congressional District of California took part in our second annual 43d District Youth Congress at the University of California at Riverside. Participating in the simulated "Congress-for-a-day" activities were 15 teacher-advisers, a number of law enforcement officers and school officials, and more than 125 high school students.

Each school chose its delegates, and they selected issues which they considered important. Committees of students were formed with the assistance of the Junior Chamber of Commerce and school advisers; and all facets of the conference were coordinated by youth leaders.

Issues were discussed and two were identified as having the most importance; drug abuse prevention, and special revenue sharing for education. Bills on these issues were introduced and testimony was heard from law enforcement officers and school officials. The issues were debated, amendments were offered and action taken on them, and approved versions of the bills were reported.

The University of California, Riverside, played a major role in providing facilities, and coordinating and counseling on the conference, as did school and community leaders throughout our district. I am deeply grateful to all who helped.

Following are the bills on drug prevention abuse and special revenue sharing for education as they were reported from the conference:

A BILL FOR DRUG ABUSE PREVENTION

A bill to direct the Special Action Office for Drug Abuse Prevention to hire additional personnel to serve as public relations and interagency referral officers, working with local agencies and drug abuse prevention programs

*Be it enacted by the 43rd Congressional District Youth Conference,* That this act may be cited as the "Drug Education and Communication Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) We find that although there is an adequate amount of money already allocated through the Special Action Office for Drug Abuse Prevention, there is an inadequate means of communication between Federal Drug programs and community and educational groups working in the field of drug prevention.

SEC. 2. (b) Further noting that there is a lack of public awareness and interest in the drug problems in most communities.

SEC. 2. (c) It is the purpose of this Act to provide for the employment of personnel to serve in a dual role of public relations and inter-agency referral.

SEC. 3. (a) Therefore the Special Action Office on Drug Abuse Prevention is authorized to hire two additional public relations personnel for each congressional district to work with local agencies.

SEC. 3. (b) The SAODAP is to communicate through these personnel with the local agencies on all matters of available funds and materials for drug education and abuse prevention programs.

SEC. 3. (c) These personnel are to work within the structure of established local governmental agencies county or state established offices) and work with other groups or agencies within their areas to establish new drug abuse prevention programs.

FINANCIAL

SEC. 4. (a) The new personnel hired under this act are to be paid from the funds already available to the Special Action Office for Drug Abuse Prevention under HR 9264.

A BILL ON SPECIAL REVENUE SHARING FOR EDUCATION

A bill to provide a share of the revenues of the United States to give assistance to the states elementary and secondary education programs. This will be accomplished by the creation of an Educational Voucher Agency, funded and designed by the Federal Government and administered by the states

*Be it enacted by the General Assembly of the 43rd Congressional District Youth Conference,* That this Act may be known as the "Federal Educational Assistance Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) The General Assembly finds that in order to insure quality equal education throughout the United States the Federal government must take on a larger role in the financial assistance to Elementary and Secondary Education. And we also find that the cause of quality education for all and the freedom of parents to choose the method of that education would best be served by the establishment of an Education Voucher Agency, that will distribute the major part of the federal share of educational assistance directly to the parents of each student to be used at the school of their choice.

(b) Therefore, it is the intent of the Act to appropriate federal funds to the states with instructions to establish an Educational Voucher Agency, directly administered by the states, and funded by the Federal Government. These vouchers would be only representative of the federal share of elementary and secondary education funding. The states will remain responsible for the major portion of the expense involved in the operation of the public schools. Private sources will retain the major responsibility for the financial operation of Private and Parochial schools. And federal government will maintain operation of special use educational grants and other programs that have been on the federal level.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the fiscal year ending June 30, 1975 and for each fiscal year thereafter appropriations are authorized in the amounts necessary to implement this act.

(b) During the period between enactment and implementation of this act the Secretary is authorized to make payments to the states in proportion to the size of their share of the revenues in this act for the purpose of planning and establishing their state administered Educational Voucher Agency.

ALLOTMENT OF REVENUES TO THE STATES

SEC. 4. (a) General use funds. Each state shall be required to report to the secretary the number of students enrolled in the elementary and secondary schools in the state. The Secretary shall then allot to the states an amount equal to 20 per centum of the average expenditure per student multiplied times the number of students in the state. These funds are to be distributed through the Educational Voucher Agency in the form of Educational Vouchers that will be distributed to the parents of each pupil. These vouchers will constitute the major role of the federal government only. The states may supplement these federal funds to increase the size of the vouchers, but their primary responsibility will be to operate the public schools and pay that portion of their expenses that will not be covered by the vouchers. These vouchers are not designed to be any school's sole source of revenues. In public schools the state retains its responsibility for 80% of the funds and in Private schools the parents or other source will still be responsible for 80% of the financial operation of these schools.

(b) Also, various federal programs which are designed to benefit educationally and economically disadvantaged pupils will be maintained. Funds now going to training of the handicapped, improvement of ghetto schools, establishment of vocational and supplementary educational centers and services will remain in these areas.

(c) New special use funds will be established through the voucher program in addition to the general use vouchers students in need of special training will be given supplementary vouchers to assist in the formation of special programs. The states must report to the Secretary the number of students eligible for special use vouchers and he will allot sufficient funds to the states to equal 20 per centum of the cost of special education in the states, this is in addition to the 20 percent vouchers given to all students, so the federal government will be responsible for 40% of the cost of special education for the handicapped, mentally retarded, and otherwise educationally disadvantaged through language barriers, etc. . . .

DISTRIBUTION AND USE OF VOUCHERS

SEC. 5 (a) Each state's Educational Voucher Agency shall provide one voucher for each student from the general use funds.

(b) Special use vouchers are to be made available to all physically or mentally handicapped children as according to Section 4 (c) above from special use funds wherever special education is available and deemed necessary by the students' parents and teachers.

(c) The general use vouchers may be used at any accredited school in the state provided that:

1. The school meets the state's requirements for curriculum and safety.

2. The admissions policy of the school is designed in a way that will not segregate the students along sectarian, racial, or ethnic lines.

3. Students that meet the academic standards of the school must be accepted in the order they apply, no group may receive preferential admissions standing.

4. The school must have other sources of revenue besides the general use vouchers. Private and Parochial schools may charge tuition, but only within reasonable amounts in excess of the state per pupil expenditure. Scholarships must be made available to the economically disadvantaged of these schools.

5. Public schools must accept any student or refer them for special education.

(d) After the children have enrolled in the schools and given their voucher to the school of their choice, the schools report to the Educational Voucher Agency to receive their allotment of funds.

(e) The funds distributed to the schools through this act must be used to improve and maintain the scope and quality of their educational programs. These revenues are not to replace monies coming presently from other programs, the states or private sources in the case of private and parochial schools.

(f) Parochial schools are hereby barred from use of these funds to establish religious instruction or exercises. This money is to be used only for secular instruction.

(g) The attorney Generals Office is authorized to proceed through civil action to cut off aid to any parochial school found to be using these funds to finance sectarian instruction. We are not intending to discourage religious instruction of any form, only the use of these funds to finance it.





STATE ADMINISTRATION

SEC. 6. (a) The state legislature in any state that wishes to receive funds under this act must set up an Educational Voucher Agency according to the specifications of advisory council in 5b.

(b) The Educational Voucher Agency shall be designed by an educational advisory council that reflects the composition of the educational community within the state including at least one member representing the public school system in the state.

(c) The State Educational Advisory Council must:

1. Report activities under this act to the secretary in an annual report.

2. Evaluate change made by this act and progress made by various schools.

3. Advise the Educational Voucher Agency of their state and manage its general policies under the state laws and this act.

DEFINITIONS OF TERMS

For the purpose of this act:

SEC. 7 (a) "Average expenditure per pupil" is the total expenses of all elementary and secondary schools, including special education programs under this act, divided by the total number of students enrolled in these schools.

(b) "General Use Funds" are those monies distributed through this act to all schools, excluding the special use funds used for the handicapped. The purpose of these funds is contained in Section 1b and further defined in 3a, 4c, and 4d restrictions on use in Sections 4c, d, e, and f.

(c) "Special Use Funds" means those funds which under this act are intended for special education projects in the areas of physical and mentally handicapped children, children who must have special education because of a language barrier, and children who need special tutoring aid due to their impoverished background.

(d) The terms "Elementary School" and "Secondary School" apply to those institutions which under state law are accredited to provide elementary and secondary education.

(e) The "Secretary" is the Secretary of Health, Education and Welfare.

(f) The term "Voucher" under this act is a certificate of enrollment to be signed by the parent and given to the school for the school to give to the State Educational Voucher Agency to qualify for one share in the alloted funds of this act.

## TO ESTABLISH THE CHANNEL ISLANDS NATIONAL PARK IN CALIFORNIA

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. WALDIE. Mr. Speaker, the Channel Islands, a group of five islands off the coast of southern California, present a unique collection of marine, botanical, geological, zoological, and historical attractions.

These islands have been recognized for some time as a coastal area which should be preserved. The National Park Service, in 1963, made this statement about the island:

The superb qualifications of the northern five-island group became apparent during the Pacific Coast Recreation Survey completed by the National Park Service in 1959. This and subsequent studies found a combined array of park values not included in the National Park System and unmatched in any other similar area of park potential.

Yet, even with this glowing recommendation, little action has been taken to preserve this area.

Of the five islands—Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa—the two smallest—Anacapa and Santa Barbara—were established several decades ago as the Channel Islands National Monument; San Miguel is owned by the Federal Government and administered by the Navy Department; Santa Rosa and Santa Cruz are privately owned.

Besides the unique array of wildlife that populates these islands—six species of seals, including the Alaskan fur seal, the island fox and a variety of seabirds—the islands offer geological and archeological attractions to scientists and conservationists.

Together the islands offer a panorama of natural resources which, thus far, have not been degraded or destroyed by society. In the past their isolation has provided some degree of security and protection. However, civilization is fast encroaching and there does not remain much time to preserve these islands. Housing developers, although stymied in past attempts, will undoubtedly try again to subdivide this land. Oil companies have discovered Santa Cruz island and its attractions, and airport developers would like to open up the area for sports flying.

Mr. Speaker, we have a responsibility to future generations to preserve intact such valuable and irreplacable natural beauty and resources. It will soon be too late unless a concerted effort is made by Congress. I urge every Member seriously consider supporting this legislation.

The bill follows:

H.R. 7442

A bill to establish the Channel Islands National Park, in the State of California and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in order to preserve for the benefit of the people certain property in the State of California possessing unique scenic, scientific, and other natural values, there is hereby established the Channel Islands National Park. The national park, subject to valid existing rights, shall comprise the islands of Anacapa, Santa Barbara, San Miguel, Santa Cruz, and Santa Rosa in the Channel Islands group, together with the lands, submerged lands, and waters within one nautical mile of the shoreline of such islands.

SEC. 2. Within the Channel Islands National Park the Secretary of the Interior is hereby authorized to procure lands and interests in lands, including submerged lands, by purchase, donation, purchase with donated funds, or otherwise. Lands and submerged lands owned by the State of California or any of its political subdivisions within the park may be acquired only with the consent of such owner. Notwithstanding any other provision of law, federally owned lands or waters lying within the park may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration as part of the park.

SEC. 3. Lands and submerged lands acquired by the Secretary of the Interior and

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those transferred to his administrative jurisdiction pursuant to section 2, together with the former Channel Islands National Monument, shall be preserved and administered by the Secretary of the Interior as the Channel Islands National Park in accordance with the provisions of the Act entitled "An act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented, with special consideration for the conservation and protection of their existing marine fauna, bird life, and archeologic heritage.

SEC. 4. Any funds that may be available for the purposes of the Channel Islands National Monument shall hereafter be available to the Secretary for the purposes of the Channel Islands National Park.

SEC. 5. There are hereby authorized to be appropriated such funds as are necessary to accomplish the purposes of this Act.

## AN ULTIMATE CONTEMPT

### HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Ms. HOLTZMAN. Mr. Speaker, the events that have been disclosed in connection with the Watergate matter and the Ellsburg trial are of great concern to every American. The issues that are raised affect the credibility of our basic political institutions. I would like to draw the attention of my colleagues to some of the questions that have been raised about the conduct of the White House in connection with these matters that appeared in the following editorial in the New York Post today.

AN ULTIMATE CONTEMPT

During a recess in the Pentagon Papers trial about a month ago, presiding Federal Judge Matt Byrne was suddenly called on to exercise his personal judgment in another matter. He felt obliged—understandably enough in the circumstances—to reserve decision. A disturbing mystery remains as to why the issue came before him.

As the judge has just confirmed, he was summoned to a brief secret meeting with President Nixon and White House domestic aide John D. Ehrlichman. The judge, who has been previously identified as a prospective new FBI director, was offered a "possible appointment" to a government post. He has not said which one, declaring he would have to withhold further consideration of the offer, until the proceedings before him are over.

The story, even in the elements so far revealed, is astonishing. Was the White House utterly unaware of the appearance of impropriety that would be created by such a meeting between the President and the judge in an extraordinarily sensitive case so directly involving the government? Did it believe such a rendezvous could remain secret? Could there be any more flagrant example of contempt for the concept of an independent, untainted judiciary?

The disclosures of moral delinquency in high places multiply each day. Yet this episode in some ways is more revealing than many others because Mr. Nixon was a personal participant in the transgression.

## DISCUSSION OF TRANS-ALASKA VERSUS TRANS-CANADA PIPELINE ISSUE

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. HOSMER. Mr. Speaker, there follows the testimony I delivered to the Public Lands Subcommittee of the House Interior and Insular Affairs Committee on May 1 on the Alaska pipeline issue:

ALASKA PIPELINE STATEMENT BY CONGRESSMAN CRAIG HOSMER

Mr. Chairman, plagued as this nation is by chronic energy shortages and chronic balance of payment deficits due to petroleum imports, the idea of postponing the availability of domestic Alaskan oil to the lower 48 states is, to me, sheer madness.

TRANS-CANADA PIPELINE—A DEFECTIVE CONCEPT

Yet, that is the exact proposal which has been deposited here on the doorstep of the U.S. Capitol by the perpetrators of that fabulous humbuggism, euphemistically called the Trans Canada Pipeline. The TCP has a lot of bad features about which many witnesses will tell you much. And, they will be right, too, when, for instance, they say that:

TCP would cost at least $5.6 billion even in terms of unshrunken 1971 dollars, not the $3.5 billion its supporters mistakenly claim. It would be able to move oil only at a truly wasteful delivery cost.

TCP would dig a hole in Canada's debt capacity equal to 51% of that $5.6 million and thus may be fiscally unbalancing and unacceptable to that nation's monetary leaders.

TCP also would dig a mammoth hole—half a continent wide—in Canada's real estate—which may be environmentally unacceptable to that sovereign nation, or unacceptable to its indigenous natives with whom no claims settlement has been reached, or obnoxious to Canada's own petroleum exporting potential which needs its market south of the border pre-empted by Midwestern oil and gas barons like it needs a proverbial hole in the head.

Critics of TCP also will be hitting the nail on the head when they tell you:

That the other pipeline, the Trans Alaska Pipeline, can start tapping 25% of the proven oil reserves of the U.S., and send them flowing down from Prudhoe Bay at the rate of 2 million barrels per day, as soon as 1977 if, that is, Congress does not halt or delay the Administration's legislation recommended for this purpose. And,—That the minute this happens:

(a) The U.S. will be relieved of the need to import upwards from $2.5 to $3 billion per year of Mideast oil—which need it has already suffered unnecessarily, to the tune of more than $10 billion during the last 4 years while TAP has been stalled; and,

(b) The Alaska natives will start getting the revenues they bargained for and were promised out of oil royalties by the Settlement Act—which also they have been denied during these same four years.

Further, until this oil starts to flow:

(a) The Alaska natives will continue to go hungry;

(b) The United States energy crisis will keep on getting worse and worse; and,

(c) Uncle Sam will continue to play sucker to the Arab Oil exporters in the same way and to an extent continually increasing to an estimated $17 billion annually by 1985. I remind you that foreign trade deficits such as these precipitated our latest monetary crisis and our two recent dollar devaluations.

There is just no way—no way—that a Trans Canada line can be started from scratch at this late date and consume any less than 5 to 7 years beyond the 4 years needed for prompt completion of the Trans Alaska line. And, in addition to all other costs, the TCP alternative would involve many unnecessary billions of annual trade deficits during those extra years—just multiply $3 or $4 or $5 billion times each year of delay to get an order of magnitude estimate of how unnecessarily costly this misguided proposition could be.

But supposing by some tragedy of errors we actually got TCP—what then would we have? The answer is a hindrance, not a help. Canada is no Lybia. But, on the other hand, there is no assurance whatever that in some future fit of xenophobia Ottawa's politicians won't shut in the line—or continually hold it for ransom with repeated threats to do so. None of us vote in Canada, not even the U.S. deserters and draft dodgers who fled there and are not returned by a sympathetic Canadian government. We can't control future events in Canada any more than we controlled past events in Cuba. History teaches one that the nation which leaves itself to the mercy of another will likely find prophesy in these words of an ancient philosopher: "Nothing emboldens sin so much as mercy."

The question, then, is not just can we wait many extra years for TCP. It is also whether a complicated, energy dependent society such as ours can, or should, assume the indefinite politico/military risk of dependence upon a neighbor's goodwill for a vital fraction of its prime energy requirements.

No leader of a nation in his right mind would voluntarily submit his country to that risk. And, the leader of our nation certainly doesn't want to do so. He is desperately seeking to avoid it by his request to you for legislation to permit construction of the Trans Alaska pipeline. I urge your respectful consideration for his concern.

THE GUT ISSUE—WHETHER TO DISPLACE IMPORTS ON WEST COAST OR MIDWEST

Now, to get to the gut issue. Above and beyond all the oil we can get down from Alaska to someplace in the lower 48, there will still be a need for many years for substantial foreign imports. To the extent of its capacity, the Alaska line would replace, and thus diminish, the need for these imports at West Coast locations. Alternatively, the Canada line would replace, and thus diminish, the need for these imports at Middle West locations. So that's the issue:

Should foreign oil imports be displaced by TCP in the Midwest or by TAP on the West Coast? The issue actually is just as simple as that!

LOCATING OIL IMPORTS DISPLACEMENT IN MIDDLE WEST WOULD GAIN NOTHING

Accomplishing this displacement in the Midwest would involve no advantage to that region or to the nation since, in any event, the Midwest's needs for crude imports will be satisfied without price disadvantage to the full extent foreign imports are permitted anywhere. However, just the talk about TCP already threatens shortages of petroleum products and supply disruption in the Middle West because it is uneconomic to invest in interim petroleum supply facilities to satisfy increasing demands during, *but only for*, the period of about a decade while TCP facilities to take over the job would be under construction. Any decision actually to go ahead with TCP would severely aggravate this kind of distress. The intelligent thing to do is to bury the TCP idea quickly, along with all its disagreeable side effects.

There simply is no good reason for selecting the Midwest as the location for displacing foreign imports by Alaskan crude. Somebody has been sold a bill of goods. That is why I earlier characterized the proposal as pure humbug. The best that can be said of it is that it is some kind of a gasoline station political hoax dreamed up by economic Mao-Mao's and packaged for strictly regional consumption by paranoid super-booster chamber-of-commerce types in and around Chicago. In no context does TCP make any economic or military sense whatever.

LOCATING OIL IMPORT DISPLACEMENT ON WEST COAST WILL ADVANTAGE THE NATION

On the other hand, electing to displace foreign oil imports at West Coast locations by a decision to go ahead with the Trans Alaska Pipeline will accrue many benefits and advantages to the nation. Amongst the reasons this issue should be resolved quickly in favor of TAP are the following:

(A) The price of crude delivered to the Midwest by pipeline would be controlled by the larger volume of oil still coming there from overseas. Thus TCP would not involve price benefits for Midwest consumers. On the other hand, the unit transportation costs for moving Alaskan oil to the West Coast via TAP are less than for moving Mideast oil either to the Midwest or to the West Coast. Therefore, displacing Mideast imports by TAP on the West Coast will accrue net savings to the nation and the alternative will not.

(B) With prompt approval of TAP, displacement of 2 million barrels per day of foreign imports involving upwards from $5 million per day in foreign exchange deficits can commence by 1977. To delay this displacement a decade or more while waiting for TCP would be grossly uneconomic and unconscionable.

(C) TAP serves the national defense. TCP would imperil the national defense.

(D) TAP will strengthen the United States shipbuilding industry and merchant marine. TCP is devoid of these substantial peripheral benefits.

(E) West Coast demand for crude is increasing at a 6% annual rate rather than the predicted 5.4%, thus TAP's full capacity will be utilized there. But, should demand ever temporarily slacken for any reason, advantageous spot sales could be made to Japan. The relatively miniscule amount of crude which might be involved is totally inconsequential. And, in any event, the resultant foreign exchange benefits would totally offset any hypothetical non-displacement of imports under the TCP alternative.

(F) TAP can and will be built in accordance with high U.S. environmental standards imposed by law. Canada has no NEPA. The quality of environmental standards which might be imposed on the much longer TCP alternative cannot even be predicted. Canadian environmentalists could be expected to go to the courts, to Parliament and to public opinion on the issue. For this reason, ominous delays in the project can be anticipated, but in no way estimated.

(G) Rejection of the TCP proposal and passage of the TAP bill before you will spare the United States government the difficult, embarrassing, undiplomatic and insulting task of attempting, in effect, to export to Canada what, if any environmental consequences are inherent in getting U.S. Alaskan oil south to the lower 48.

(H) Moving ahead with TAP will ameliorate our energy supply problem to some extent and operate to remove a negotiating gun from the heads of U.S. negotiators and businessmen. Thereafter we will cease to be disadvantaged in our discussions with Canada on fair and reasonable ways to bring Alaskan gas, more Alaskan oil, plus Canadian gas and oil, south to market under sensible arrangements in the mutual self-interest of both countries.

CONCLUSION

Mr. Chairman, authority to proceed with the Trans Alaska Pipeline will provide an oil delivery system completely within the jurisdiction of the United States—one which is regulated by U.S. government agencies and U.S. standards. This is an essential first step toward moving this country in the direction of the self-sufficiency it once had in energy resources. There are other necessary steps, of course, but this is one we can take now, and I urge upon the subcommittee the wisdom of doing so.



## ACHIEVEMENTS OF JOHN E. MEYERS

### HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. HANRAHAN. Mr. Speaker, I should like to bring to the attention of my colleagues the achievements of John E. Meyers, of Chicago Heights, Ill.

Mr. Meyers, whose column has been a fixture on the port side of the Star sports pages for more than a quarter of a century, has become a charter member of the new "Hall of Fame" established by the Illinois basketball coaches association.

Meyers was one of the select group of media representatives who were honored by the IBCA in ceremonies held last Saturday at Normal, Ill., on the Illinois State University campus.

Only 28 members of the press were singled out for the honors, which also were bestowed upon famous coaches, players, and officials who played major roles in the history of Illinois basketball.

Mr. Meyers, the senior sports editor of Star-Tribune publications, has won many awards for sportswriting. Largely because of his efforts, the Star sports section is one of the most prestigious and prosperous community newspapers in the State.

Meyers is a native of Chicago Heights.

The column "The Hot Corner" first appeared in the Star, April 8, 1947. Before that Meyers covered sports events and authored a column on bowling—Maple Lane. He also worked on other assignments for the newspaper including the police beat.

The subject of the original "Hot Corner" was baseball, although Meyers footnoted an item about Maurino Richton who rolled a 557 series in the Kiwanis bowling league just after a long successful campaign for Mayor of Chicago Heights.

In his second column, Meyers argued the case of promoting baseball's Jackie Robinson to the major leagues, setting a precedent for many columns to come wherein Meyers championed a minority cause.

Shortly thereafter, of course, Robinson was called up from the minors to the Brooklyn Dodgers thus breaking the major league color barrier.

One of the columnist's most celebrated accomplishments was a story that lead to the discovery of pitcher Jim Bouton, who went on to world's series fame and later became a successful author and TV sportscaster.

Mr. Meyers has many other achievements, all to his credit. He was the only sportswriter from the area to be honored by the Illinois Basketball Coaches Association at its "Hall of Fame" night.

He is indeed a credit to journalism and to the State of Illinois.

## REMEMBER RON ZIEGLER

### HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. THOMPSON of New Jersey. Mr. Speaker, I sought to call attention in the April 30 edition of the CONGRESSIONAL RECORD to the role which the press has played in uncovering the Watergate scandal by bringing to the attention of our colleagues two commentaries which appeared in newspapers which circulate in my district. Unhappily, one of the articles was inadvertently omitted. It was an editorial which appeared in the Burlington County Times. I am pleased now to bring this article to the attention of our colleagues:

REMEMBER RON ZIEGLER

As the charges and counter-charges begin to pour out regarding the incredible series of events before and after the Watergate bugging affair, there is one institution that has indisputably come out ahead.

That is the press.

For months on end, The Washington Post, the Los Angeles Times, the New York Times and other newspapers persevered with their slow, methodical uncovering of the myriad of details that were involved in the Watergate affair, against hails of criticism from the White House and the Congress, and a bored indifference from the public.

The Washington Post, especially, deserves our thanks. That paper was subjected to the most severe pressures. Its society editor was barred from White House functions, its parent corporation's TV and radio outlets were investigated by the Federal Communications Commission, and it was repeatedly charged with "unfounded rumors" and "character assassination" by White House spokesmen.

In the past couple of weeks, its efforts have been vindicated. Federal grand juries are now investigating—and indicting—on the basis of what the Post and other papers printed.

The rush is now on, in Congress and among academic experts, all to say that this must be done, or that must be cleared up, so that all the facts can be uncovered and future Watergates be prevented.

Well and good. But it seems pretty clear to us that the main lesson of Watergate is that the key to a free government is a free press.

The Founding fathers knew what they were doing when they wrote into the First amendment that "Congress shall make no law . . . abridging freedom of the press."

And the next time somebody suggests that it would be a good idea to force reporters to disclose this or that, or how something ought to be done to make newspapers more objective, or why don't they print more good news and less bad, remember this: that without a free press, you would still be seeing Ron Ziegler on your TV screens in the evening denying that anyone in the White House was involved in this "third rate burglary."

When Thomas Jefferson suggested he would rather see newspapers without government, rather than governments without newspapers, he probably didn't have Ron Ziegler in mind. But that's certainly what he meant.

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## INDIANA GENERAL ASSEMBLY URGES SUPPORT OF COMMUNITY MENTAL HEALTH CENTERS

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD a digest of a Concurrent Resolution approved this year by the Indiana General Assembly memorializing Congress to continue its support of community comprehensive mental health centers.

The text of the digest follows:

DIGEST—MEMORIALIZES CONGRESS TO CONTINUE ITS SUPPORT OF COMMUNITY HEALTH CENTERS

A Concurrent Resolution memorializing Congress to continue its support of the community comprehensive mental health centers program in order that Indiana's network of thirty-two community comprehensive mental health centers may be completed.

Whereas, In 1955 President Dwight David Eisenhower appointed the Joint Commission on Mental Illness and Health to study the problems of this nation's mentally ill; and

Whereas, The Joint Commission of Mental Illness and Health in its report to the President in 1961 recommended, among other things, the creation of community comprehensive mental health centers to provide treatment facilities for this nation's mentally ill in close-to-home treatment facilities; and

Whereas, In 1963 Congress passed the Community Mental Health Centers Act implementing the Joint Commission of Mental Illness and Health report and authorized federal dollars to assist the several states in providing its network of community comprehensive mental health centers; and

Whereas, Congress committed itself to becoming a full partner with the several states and local communities in the initial construction cost and staffing cost; and

Whereas, The Indiana General Assembly and the several counties of this state enacted legislation and provided the state's and local government share to create a network of thirty-two community comprehensive mental health centers for the citizens of the state of Indiana; and

Whereas, Ten centers are presently in operation in Indiana, five more will be operational within the next two-year period and the remaining seventeen centers will be operational by 1980; and

Whereas, The state of Indiana and local county governments have kept their pledge to the mentally ill of this state by enacting the necessary legislation and providing funds to complete the network of thirty-two community comprehensive mental health centers: Therefore,

Be it resolved by the Senate of the general assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the General Assembly hereby memorializes the Indiana Congressional delegation, the Federal administration and the Congress to renew the Community Mental Health Centers Act to permit the continuation and completion of the plan to provide community comprehensive mental health centers for all this nation's mentally ill and to authorize and appropriate the federal funds necessary to keep the national commitment as a full partner in combating mental illness.

SEC. 2. The Secretary of the Senate is hereby directed to forward copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to all the members of Congress from the state of Indiana.

## SUN-TELEGRAM RECOGNIZES POTENTIAL OF SOLAR ENERGY

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. BROWN of California. Mr. Speaker, throughout the years I served on the Science and Astronautics Committee as a Representative of California's 29th District, and even prior to that period, I developed a strong interest in and optimism toward the possibility of using solar power to meet our energy needs here on earth. I maintained that interest and optimism during the 2 years I was out of this distinguished body, and I expect to have a good deal to say regarding this subject in the future, especially since I am now on the newly-formed Energy Subcommittee of Science and Astronautics.

I do not, however, wish to go into the subject at length today, but rather would merely like to call our colleagues' attention to recent comments by the editors of the San Bernardino Sun-Telegram regarding this matter. Their editorial deserves the broadest possible circulation and I am pleased to be able to provide it the additional exposure which will receive by being placed in the RECORD. The editorial, printed on April 11, reads as follows:

PROGRAM TO MEET ENERGY CRISIS

"Crash program" has become probably the most overworked cliche in the American language.

It usually means that lack of foresight and planning has resulted in the need for doing something in a big rush—and just as usually at big expense. The fears today over an impending energy crisis in the nation could not be a better example.

A House task force recommends a $1 billion a year crash program in research to meet the crisis. Cooperation financially by industry could increase this amount to between $2.5 billion and $3 billion annually.

Granted the research is needed. But there might have been some shaving of costs if research along several lines had been conducted long before this. Blessed—or as it now seems, cursed—with an abundance of fossil fuels for power production, other forms were largely neglected by industry.

Among them, and toward which the research will be directed, are:

Development of synthetic gas from coal.

Controlled nuclear fusion and fast breeder reactors.

Geothermal energy, a tremendous reservoir of which exists in the Salton Sea area.

Solar energy which is continuous and virtually inexhaustible.

It is the latter which holds much promise for Southern California, is non-polluting and has enormous potential already proven to be practical.

Most of the technology is at hand. According to a Solar Energy Panel of top federal scientists, this timetable can be met:

In five years solar energy could be heating many private homes and office buildings.

In less than 10 years, the sun's power could be running air-conditioning systems.

In five to 10 years solar heat could be used to convert organic materials into fuel oil and methane gas, and there is the capability to provide the U.S. with a third of its gaseous fuels by shortly after the turn of the century.

Within 15 years the rays from the sun could be producing substantial amounts of electricity for consumers.

An example of the sun's power now going to waste is that one day of sunlight on Lake Erie is equal to all the energy consumed by Americans in a year.

Of course, there are sunless days. So any use of solar rays to produce energy requires some type of storage. But scientists feel sure that if demand is great enough this problem would take care of itself.

Looking farther ahead, orbiting of solar cells in space about the earth, where sunlight is constant, and beaming the electricity from them back to ground is within modern technology's capacity.

On a small scale, it is possible to meet all the energy needs of a home if an inexpensive solar cell is developed for rooftops, along with a storage battery.

The Solar Energy Panel is entirely optimistic, concluding:

"There are no technical barriers to wide application of solar energy to meet U.S. needs. For most applications, the cost of converting solar energy to useful forms of energy is now higher than conventional sources, but with increasing constraints on their use, it will become competitive in the near future.

It is a pity that research has lagged as far as the production of energy from sources alternative to fossil fuels. But today—through pure necessity—it has become imperative, not only because of the growing demands for power but also environmental considerations.

"Crash program," cliche though it is, expresses the immediacy of the problem which the House task force and industry now recognize must be solved.

## LACK OF RENT OR AGRICULTURE PRICE CONTROLS HURT THOSE ON FIXED INCOMES

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. LEHMAN. Mr. Speaker, yesterday I voted to accept the conference report on the Economic Stabilization Act. I was not happy with the bill, as I believe that any measure intended to bring about some control of our inflated economy is very ineffective without any provisions to control rents or agricultural prices.

I have received many letters from constituents who are faced with rent increases of as much as 31 percent. Most of these people are retired and are trying to live on a fixed income that cannot expand as the cost of living goes up. Without any limitations placed on the amount by which rents can be increased, how will these people continue to pay for the roof over their heads? It is obvious that the increase will have to be paid, because the vacancy rate in my district is exceptionally low. In fact, one-third of the population in the 13th District lives in rental units. Shelter is one of the necessities of life. There is really no choice left for these people except to pare their spending in other essential areas.

Nonetheless, I voted for the extension, realizing that it was the 11th hour and without any kind of controls authorized, prices could skyrocket. I only regret that I will be unable to offer my constituents much hope for immediate relief in this area.



## RAY LAWLEY RETIRES

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. KEMP. Mr. Speaker, at a time when the integrity of the political process and politicians has, once again, been thrown into question, those of us in Erie County and New York State will particularly miss the presence of my friend Ray Lawley, recently retired Erie County Republican elections commissioner and former chairman of Erie County Republican Party. Integrity and dedication had become synonymous with Ray, and it is sad to see the retirement of one for whom such principles meant so much. George Borrelli recently talked about Ray's contribution to the political process in an article in the Buffalo Evening News. I include it at this point:

RAY LAWLEY WILL LEAVE BIG VOID IN AREA POLITICS

One of the most colorful and controversial political leaders in the history of Erie County retires today.

James R. (Ray) Lawley, Republican elections commissioner, is leaving the county post and the arena of active political combat.

For Mr. Lawley, who will be 66 on April 16, retirement will mean more time with his wife, their children and grandchildren and more frequent visits to the Lawley condominium in Ft. Lauderdale, Fla.

But it won't diminish his appetite for politics.

Ray Lawley is a consummate politician, and his interest in government and matters partisan will never wane.

Mr. Lawley served as GOP elections commissioner here more than 32 years, longer than any commissioner in recent history.

He was Erie County Republican chairman from Jan. 26, 1966, until he resigned May 20, 1968, for reasons of health.

A portly, gregarious man, Ray Lawley is one of the last of the old breed of politicians.

His political philosophy has been imbedded on organizational integrity, known in the trade as party loyalty.

It's a philosophy that has been shredded in recent years by the new politics and the growing resistance of young people to the established methods of operating a political organization.

In the political community, Ray Lawley's name evokes a variety of responses.

"He's a kind, compassionate human being who would give you the shirt off his back," says an attorney whose career was helped by Mr. Lawley.

"He was forever doing favors, not just for the privileged, but for the working man," comments another acquaintance.

Stories of Mr. Lawley digging into his own pocket to help a needy friend are legend.

Others who have locked political horns with Mr. Lawley over the years are not as kind in their assessments of his career.

But virtually all who have met and dealt with him acknowledge his friendly manner, his ability to devote full energies to a task and the legendary Lawleyisms.

The Lawleyisms—quips—are topics that are discussed frequently whenever politicians gather.

"He'd need a compass to find his way to Republican Headquarters," commented Mr. Lawley recently of a prospective candidate for GOP county chairman.

During the heat of one campaign for a major local office, Mr. Lawley remarked of the opposition:

"If he's elected, I'll pack my bags and move to Ft. Erie."

Mr. Lawley almost always prefaced the name of a junior political colleague with the word "young," even if the subject were in his 50s.

A favorite Lawley tool in the political trade was the telephone, which he used incessantly, sometimes juggling two or three calls simultaneously.

An early riser, Mr. Lawley never hesitated to rouse an employe or political colleague from bed with a 6 AM call.

And more often than not, his telephoning continued well beyond midnight.

Mr. Lawley's climb up the political ladder started at the bottom at age 24 when he became a district committeeman in South Buffalo.

He rose to Second Ward Chairman, served as a GOP state committeeman from the old Fourth Assembly District and was secretary to the Republican County Committee under former Chairman Edwin F. Jaeckle.

GOP state leaders named Mr. Lawley Western New York regional co-ordinator for the party in 1967.

During his 42 years in politics, Mr. Lawley served in most of the major national, state and local campaigns and played a leading role in many of them.

He's a close friend and political crony of Sen. Jacob K. Javits, the state's senior U. S. senator.

Mr. Lawley's career has been spiced with variety. He served briefly as a Buffalo policeman and firefighter, entered law school, then quit to become an investment counselor.

In 1931 he organized his own insurance agency, which he operated with his wife, Edna, and their son, William.

Mr. Lawley resigned as GOP county leader on advice of his physician because of a heart condition. In recent months, he has been troubled by a nagging back problem.

"There'll never be another Ray Lawley," says one long-time friend. "He had his own style, his own way of doing things."

Both admirers and detractors agree that Ray Lawley has indeed been a unique personality in Erie County and state politics.

## SAVE THE OEO LEGAL SERVICES

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. RANGEL. Mr. Speaker, the legal services program, which is a part of the dismantled Office of Economic Opportunity, has been providing essential legal services for the poor people of this country since 1965. In 1972 alone, over 1.2 million cases were handled by this program—98 percent of these were routine civil matters.

However, this invaluable legal assistance may no longer be available to the poor as a result of the efforts of the Nixon administration. In its attempt to destroy the Office of Economic Opportunity, the administration is also destroying the legal services program. Many local offices have already been forced to close due to a lack of funds.

However, since the President included over $70 million in this year's budget for a legal services program, it would appear that he does realize the necessity of having the Federal Government provide some type of legal aid to the poor.

But the administration has still failed to introduce its promised enabling legislation and unless some legislation is passed by June 30, the legal services program will no longer exist.

Unfortunately, there is even some doubt as to whether the President's legislation will call for the creation of a truly independent legal services program, one that would be free from political pressures; or an agency that would merely be a puppet of the Federal or State governments and would not adequately serve the needs of the poor.

Many people across the country have organized to insure the continuation of the legal services program. One group that has been leading the fight is the Lawyers Committee To Save Legal Services. The efforts of this committee have prompted many individuals within the legal profession into action.

I would like to place in the RECORD the following New York Law Journal editorial which sets forth the goals of the Lawyers Committee and explains the need for legal services in general. As its author, Mr. Jerry Finkelstein, points out, a failure to continue legal services for the poor will only lead to a disruption of our democratic process.

The editorial follows:

SAVE THE OEO LEGAL SERVICES

(By Jerry Finkelstein)

The drive spearheaded by the ad hoc Lawyers Committee to Save Legal Services to prevent the dismantling of legal services programs funded by the federal Office of Economic Opportunity deserves the unstinting support of bar associations, lawyers and all others dedicated to the true administration of justice.

"The law, in its majestic equality," Anatole France wrote, "forbids all men to sleep under bridges, to beg in the streets, and to steal bread—the rich as well as the poor." The imperative corollary to that aphorism is that the law requires that all have equal access to the courts and to counsel—rich and poor alike. The OEO legal services programs helped to make the principles of justice and equality a reality to thousands of poor people, especially those in ghetto areas. It would be tragic to again bar the doors to justice for those in need.

The urgent needs to preserve and expand these legal services programs has been recognized in a resolution adopted by the House of Delegates of the American Bar Association and by many other bar associations. We urge the legal profession here to participate in the program organized by the Lawyers Committee to Save Legal Services by communicating with the committee, in care of James J. Fishman, treasurer, Room 500, 36 West Forty-fourth Street, New York 10036.

We are rapidly approaching Law Day on May 1, with its theme, "Help The Courts—Assure Justice." We can help the courts in assuring justice in many ways. One way is to strengthen the legal process and to encourage the rights and responsibilities of citizenship by maintaining access to the courts. For those in poverty, their search for justice has become as critical as their need for food, clothing and shelter.

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The legal services programs have contributed immeasurably towards promoting greater understanding of the legal process and of the rule of law. These programs have opened countless avenues for justice for those who have for too long been denied justice. Our failure to keep those avenues open can only lead to the disruption of our democratic way of life. Continuation of these programs will permit society to respond creatively and constructively to the needs of our time.

## HONOR THOSE WHO CARE

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. GAYDOS. Mr. Speaker, I recently received a letter from a man who has been outraged by the public recognition bestowed over the years upon those who would desecrate and disgrace our Nation. The writer strongly believes, and so do I, that such recognition is more deserving "those who do for our Nation and not against it."

As an example of the kind of people he feels should be publicly honored, the writer cited a family from my 20th Congressional District of Pennsylvania. The parents of that family are Mr. and Mrs. John Gabriel of 817 Vermont Street, White Oak, and the contribution it has made to our country is most impressive: four sons, a son-in-law and two grandsons have seen military service; the father and one daughter worked in the same defense plant during World War II while the mother cared for a grandchild; two granddaughters now married to servicemen.

The aforementioned letter was written by one of Mr. Gabriel's sons, John Joseph Gabriel of 108 East Wakefield Avenue in Anaheim, Calif. He is justifiably proud of his family and its contribution to America and believes people such as these are worthy of public recognition.

Mr. Speaker, I could not agree more. Therefore, it is with great pleasure I insert Mr. Gabriel's letter into the RECORD, not just for the attention of my colleagues in Congress, but for the attention of the entire Nation:

Mr. GAYDOS: Being a citizen of this great nation of ours I'm proud to have served in the U. S. Navy during World War 2.

The thing that bothers me is the public recognition that the draft card burners, the flag burners and the demonstrations that these people have put on publicly against our *government* which to me is our *country*. The people I think should be honored publicly are those who *do for* our nation and not *against it*.

This is the story of a family in your district in Pennsylvania. Parents are Mr. & Mrs. John Gabriel, 817 Vermont Street, White Oak, McKeesport.

The oldest child in this family is a daughter, June, who at the time World War 2 broke out was married and who went to work in the Defense plant at Christy Park while her husband went to serve as a Marine in the 1st division in the South Pacific.

The next child, a son, John Joseph, (who is myself) also went to serve in the war. I served in the U. S. Navy aboard the USS *Norman Scott* 00690. I also was in the south Pacific and am proud of our record.

The next children were twin boys, Charles Gabriel and William Gabriel, both who served their country in the Korean War. They were followed by another child, Robert Gabriel, who also served in the Korean War.

My father, John Gabriel, also worked in the defense plant at Christy Park during WW 2. My mother took care of my sister's child while she did her bit as a defense worker at Christy Park, WW 2.

I, myself, am now a proud father as my father before me is. I have three sons. The oldest son, John Jay, has served our country in Vietnam and my next son is serving right now in Germany. My next son, Gary, is only twelve but who is also anxiously waiting to become of age so he can serve too. My oldest daughter is married and lives in Port Vue. My next daughter married a Marine and lives in Tennessee. My youngest daughter is married to a Marine also and he, too, is serving here in Camp Pendleton.

As you can see, we are a family that really loves this nation of ours.

I think my parents should be honored publicly for their contribution to this great nation of ours. Four sons who served in the wars and all who returned safe under the constant praying of two very faithful parents.

Father—John Gabriel, Defense Plant, World War 2.

Daughter—Mrs. E. B. Schultz (June Gabriel), Defense Plant, World War 2.

Son—John Gabriel, U. S. Navy, World War 2.

Son-in-law—E. B. Schultz, U. S. Marine, World War 2.

Son—Charles Gabriel, U. S. Army, Korean War.

Son—William Gabriel, U. S. Navy, Korean War.

Son—Robert Gabriel, U. S. Army, Korean War.

Grandson—John Jay Gabriel, U. S. Army, Vietnam.

Grandson—William Gabriel, U. S. Army, Germany.

This family is one to receive public recognition and not the flag burners and draft card burners or the demonstrators against our country.

Thank you,

JOHN GABRIEL.

## MARAZITI PRAISES WIXL–FM ON SERVICE TO THE COMMUNITY

### HON. JOSEPH J. MARAZITI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. MARAZITI. Mr. Speaker, many criticize when the broadcasting media does not live up to expected public service standards. However, few, if any, take time out to praise the efforts of those broadcasting stations that strive to excel in service to the community.

I would like to break that old and tired pattern by taking time out today to salute the efforts of WIXL–FM radio in New Jersey's 13th Congressional District.

On April 30, WIXL–FM started broadcasting in stereo, playing fine music from 6 a.m. until midnight, 7 days a week. This is a dramatic achievement for a small station that has only been in existence since 1960's, and it shows the kind of public service commitment that makes it a licensed broadcasting station to be proud of. WIXL–FM is responding to the desires of the consumers and making an effort to provide the kind of music they want to hear with the best technology and equipment available to radio.

Congratulations, WIXL–FM, on another milestone in your record of outstanding community service.

## CELEBRATION OF POLISH CONSTITUTION DAY AND THE BIRTHDAY OF MIKOLAJ KOPERNIK

### HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. SARBANES. Mr. Speaker, it is with deep admiration for the achievements of the Polish people that I draw attention to the dual celebration being held across the country this week by Americans of Polish descent. They will be commemorating both the 500th anniversary year of the birth of Mikolaj Kopernik, one of the true giants in the history of science, and the 182d anniversary of the adoption of the Polish Constitution, one of the world's great historic documents of political freedom and religious toleration.

In Maryland this double anniversary will be celebrated by Baltimore's distinguished Polish-American community with appropriate ceremonies at Polish Home Hall on Sunday, May 6. I want to commend the officers of the Maryland Chapter of the Polish American Congress who have devoted so much time and effort to planning and arranging this important occasion, namely: John F. Pasko, president; Melvin Laszczynski, vice president; Genevieve Jaworski, vice president; John Krysiak, vice president; Agnes M. Sito, financial secretary; Veronika Stachorowska, recording secretary; Thaddeus Cwalina, treasurer; and Andrew Piwinski, sergeant at arms.

It was Mikolaj Kopernik whose Latin name was Copernicus, a brilliant and widely learned Polish scholar, skilled in law, languages, religion, and administration as well as astronomy, who set men's minds free of the outworn concepts of a clumsy and inefficient astronomy. By proving definitively that the sun and not the earth was the center of our planetary system, Copernicus encouraged men to use their minds to contemplate the truly awesome mysteries of space. He it was who took the first great step for mankind which would one day lead to an American astronaut setting foot on the moon. This year commemorating the 500th anniversary of his birth has been marked by a series of events and exhibitions, symposia and competitions held all across America and indeed the world in honor of his magnificent contribution to the sum of human knowledge.

Copernicus was born on February 19, 1473, in the Polish city of Torun, on the Vistula River near the Baltic Sea. When he was 10 years old his father died and he was entrusted to the care of his uncle, Lucas Watzelrode, who was to become bishop of Uarmia and an important figure in both church and state in Poland. Poland was a preeminent center of culture and learning in Europe and the University at Cracow, with its prestigious schools of mathematics and astronomy, was unmatched in Northern Europe. It was to Cracow that young Copernicus was sent by his uncle to study in 1491. From Cracow Copernicus proceeded to 10 years study in Italy at Bologna and Padua. There he undertook the study of law, medicine, and astronomy. Upon returning to Poland, where he was to spend the rest of his life, Copernicus was learned in mathematics, law, astronomy, medicine and even skilled at portrait painting.

To understand the development of Copernicus' work, we must remind ourselves that he was the contemporary of Columbus, Magellan, and the other great explorers whose accomplishments revolutionized man's understanding of his own earth. In the course of his many years of study Copernicus became convinced that the planets were centered on the sun rather than on the earth but he was reluctant to publish his ideas. It was only through the efforts of his friends and in particular of his former student Georg Rhaticus, that his great work, "De Revolutionibus Orbium Coelestium," was published shortly before his death in 1543. Upon this brilliant study is based all subsequent work in astronomy and in the exploration of our universe.

Today we can look back to Copernicus' brilliant career in 16th century Poland and appreciate the intellectual genius which enabled him to combine the best traditions of classical teaching, love of God and scientific learning, and to live in peace as a highly respected member of his society. Mikolaj Kopernik was a scholar in the very finest sense of the word. I trust that his devotion to knowledge and truth will remain a beacon to civilized men and women in all countries, in all times.

Mr. Speaker, we also commemorate this week the Polish Constitution of 1791 whereby the people of Poland peacefully transformed their government from a monarchy to a democracy and in so doing set an example for freedom-loving men and women of courageous commitment to human rights and individual freedom. The Polish people's indomitable spirit and their dedication to freedom allowed them to create in 1791, just 2 years after the adoption of the U.S. Constitution, a historic document which abolished class distinction, established absolute religious toleration, and declared the equality of all citizens under law.

A brave people long recognized for their chivalry and compassion, the Polish people have for generations struggled for liberty, a struggle which led them to carry on their national banner the motto "For Our Liberty and Yours." But theirs is a tragic history. Despite the fact that it was Poland which stopped Genghis Khan's invasion of Europe in 1250, despite the heroism of Poland's King Jan Sobieski and his 40,000 Polish troops who turned back at Vienna on September 13, 1683, Turkey's invasion of Europe despite the great courage and skill of men like Thaddeus Kosciuszko in the 1790's, Jan Paderewski in the 1920's, and the brave sons of Poland who fought with the Allies in World War II, Poland has time and again been attacked and occupied by aggressive neighbors. But the spirit of this great people has never died—neither in Poland nor in the lands where Poland's sons and daughters began life anew.

Mr. Speaker, just as the Polish people courageously sought their own freedom in 1791, so they have contributed to this Nation's struggle to create a free society since the earliest days of the Republic. During the American Revolution, Thaddeus Kosciuszko and Count Casimir Pulaski rallied to the banner of our newborn country as it struggled for its independence. With the exception of Lafayette, Kosciuszko was the only foreigner ever admitted to the American Order of the Cincinnati, an honorary society of Revolutionary War officers. Jefferson wrote of Kosciuszko:

He is as pure a son of liberty as I have ever known.

Count Pulaski arrived in America in July 1777 and shortly thereafter he was commissioned a brigadier general by the Continental Congress. During the spring and summer of 1778, General Pulaski came to our city of Baltimore to recruit and organize an independent corps of cavalry and infantry. Pulaski's Legion from Baltimore and neighboring areas served with distinction in South Carolina and Georgia and Pulaski himself gave his life for the cause of American freedom when he was shot and mortally wounded during the siege of Savannah.

From these early examples of the contribution Polish Americans have made to our land and to the cause of freedom throughout the world, there are thousands more which can be found in each generation which followed. Today Americans of Polish descent number well over 10 million and their contribution to the strength and vitality of this Nation is beyond measurement. The list of distinguished Polish Americans grows with each generation and marks the ranks of every profession and walk of life. In government Polish Americans have distinguished themselves as Senators and Congressmen, Cabinet officers, Governors and mayors, jurists, and in countless other positions in Federal, State, and local governments. Polish Americans have contributed significantly to American industry and strengthened American labor. They have added their many talents to our intellectual, artistic, and social life. And, above all, they have always championed our Nation's freedom and honor.

In joining with Americans throughout our land in celebrating Polish Constitution Day and the birthday of Mikolaj Kopernik, I do so with the deepest respect and admiration for the strength and quality that Americans of Polish descent have brought to this country. Theirs has indeed been a contribution which has immeasurably enriched our national life.



## TEXAS INDEPENDENCE DAY

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. GONZALEZ. Mr. Speaker, every year in honor of Texas Independence Day the citizens of San Antonio visit the Alamo for the annual pilgrimage to the Alamo ceremony. This is a very historic occasion for the State of Texas, and San Antonio in particular, and I would like to share with you the speech given by Pat Cassidy, commanding general of the 5th Army, at this ceremony. General Cassidy, a great American and patriot, has served with distinction and is an outstanding commander who speaks most eloquently on this occasion.

The speech follows:

SPEECH OF GEN. PAT CASSIDY

I can think of no major event more appropriate for this week-long fiesta than the pilgrimage to this shrine. I for one am deeply moved at standing here on this occasion and recalling those famous words of "Remember the Alamo."

Even as one who has lived in San Antonio less than two years, I feel the great pride which characterizes those born in this great State, so abundantly rich in traditional history. I also feel deep reverence for the awesome drama which unfolded here in the spring of 1836.

To have this opportunity to recall those events in commemoration of the heroes who gave their lives here 137 years ago is indeed an honor.

Although "Fiesta San Antonio" hails the Texan victory at San Jacinto near Houston on April 21, 1836, it was the rallying cry of "Remember the Alamo"—a defeat here six weeks before—which inspired General Sam Houston's forces to that victory.

As a member of the military, I, too, am inspired by the patriotism shown by that little band of men who, on this ground, decided to stand up and fight against overwhelming odds. Their decision to be victorious or die, when they might have escaped, was no play for recognition by the crowd gathered here today. They could not envision our standing here paying homage to them!

Why, then, did those men remain here to either win or die? To a few dissenters, the resolve to defend this mission of little intrinsic value could appear a bit contrary to reason. The men were not defending the structure, which was at that time a Franciscan mission compound called "San Antonio de Valero"—already 118 years old and in partial ruins.

Those dedicated men were devoted to a *cause—the belief in the right of a people to determine their own destiny—free from the fear and power of the dictator and the tyrant*, willing to stand up and fight for what they considered just and right. And so they died in triumphant defeat, having made an invaluable contribution to the final victory at San Jacinto and the ultimate course of American history.

It is that belief and resolve, held by those heroes and other earlier Americans—and steadfastly maintained by later generations—that has made our country the great nation that it is.

As you know, there are some people who deride the emotional approach to Americanism, and who scorn phrases like "Don't Give Up the Ship," "Give Me Liberty or Give Me Death" and "Remember the Alamo." These slogans are a part of our American drama—

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each one a reminder of the patriotism of our ancestors.

I *will* say this—lately, more patriotism and more pride in our country are being displayed, and less derision, than during the past several years. The veterans recently returned from Hanoi are the most notable example. Their expressed love and appreciation of country, faith in their fellow men, and acknowledgement of the integrity and courage of our President should inspire respect throughout the world.

There is yet another inspiring aspect of the storming of the Alamo: the display of unity in race relations. That group of settlers who made their first heroic bid for independence on this ground where we stand today, represented the many national and ethnic groups of modern-day Texas. Together they fought—together they died, regardless of race, creed or color.

Since 1891, their descendants have displayed that same unity in presenting this world-renowned "Fiesta Week." Each year they have joined in everything from deep reverence, to pomp, and buffoonery. A prime example is "Nights in Old San Antonio," where representative dishes of the people who came here are served—Mexican, French, German, Italian, Irish, Belgian, Spanish and Chinese—maybe others.

There is similar representation in the other events throughout the week-long span of gaiety. In fact, I can think of no place where ethnic unity is more prevalent and apparent, where the military and civilians are more complimentary of each other, than in "Fiesta San Antonio."

I praise and salute this city, its people, and each ethnic group that it has represented since its founding more than 250 years ago.

May each of you have a glorious week!

Let us remember the Alamo.

Thank you.

## PENNSYLVANIA FLOOD VICTIMS HELP MISSISSIPPI RIVER FLOOD VICTIMS

### HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. SCHNEEBELI. Mr. Speaker, in 1972 residents of the Central Susquehanna Valley saw their rivers and streams rise to record levels, forcing them from their homes. The floods of Agnes changed the lives of many people, and their impact continues.

It would be easy for these individuals to go about their own business, taking care of themselves. Recent events, however, prove that their perspective is much larger.

Last week, the manager of radio station WKOK in Sunbury, Pa., had an idea. Rick Todd went on the air to suggest that area people might want to extend at least a symbolic hand of understanding to 1973's flood victims in the Mississippi Valley. The amount of $300 as a contribution to the Red Cross was set as a reasonable goal.

Mr. Speaker, the fund raising drive ended last night. The results: $45,488 donated to the American Red Cross for flood relief, and four tractor trailers full of food and clothing on the way—all in a 1 week informal, unplanned drive.

Local scout troops, wrestling teams, civic organizations and other groups became involved. The response came from throughout WKOK's coverage area—including communities hard hit by Agnes.

Rick Todd informs me that he has witnessed this spirit of dedication and one-mindedness and total concern only once before. That was last June, when it was the Susquehanna which was changing the course of lives.

Mr. Speaker, I am sure all my colleagues in the Congress join me in congratulating the people of the Central Susquehanna Valley for a job well done. In addition, we wish to thank the personnel at radio station WKOK, whose initials have been adapted as the slogan of the Susquehanna Valley. "We Keep On Karing."

## TRIBUTE TO FRANK AND FRANCES GRUBBS

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mrs. GRASSO. Mr. Speaker, a dinner for "Reminiscences and Recollections" at the Hartford Hilton on April 9 provided a special setting for the Greater Hartford Alumni of Loomis-Chaffe School. It was an opportunity to pay tribute to Frank and Frances Grubbs on their retirement from a beloved school and a career that spanned the years from 1930. Then Frank was hired as a French teacher until his election in 1952 as headmaster, a position of love and trust that was honorably and splendidly fulfilled. In 1967, FOG became president in the new era which brought Chaffe School to the Island and resulted in one school with two sides, but more than 100 members of one faculty, an operating budget of more than $2.5 million and an endowment of $12 million. A larger endowment that cannot be measured represents the legacy of this man who for more than 40 years influenced the lives of countless generations of young students. The gift he gave is encompassed in his own words:

I want Loomis to develop independent spirits who will stand on their own feet, make their own decisions, dream their own dreams, create their own empires, stand up up to be counted when the roll is called concerning the support, or defeat of an important issue.

The following tributes attest to the influence of his presence and his contributions to the Loomis education—an education that "is not 'secondary'; it is an entity in itself":

NOT ST. FRANCIS OF THE ISLAND—BUT . . .

(By Frederick G. Torrey)

The Connecticut River Valley has its own peculiar weather patterns, and the State Highway sign just north of Hartford on Route 91 is merely alerting strangers to a local condition when it is set to blink in large red letters . . . FOG AHEAD . . . FOG AHEAD.

But for me, and I wonder how many other Loomis people, the sign always becomes the familiar initials of Francis Olmsted Grubbs, the man who has set the local climate of this Institution for the last twenty-one years. It has been a benign healthy climate, conducive to both individual and institutional growth. By any standard the harvest of Frank Grubbs' career has been extraordinarily rich. Forty-three years of service to the school in every schoolmasterly capacity, teacher, coach, counselor, housemaster, administrator, headmaster, and president, his tenure covers more than seventy per cent of Loomis history. In the perspective of that history I am sure his personal influence in shaping the school is equal to that of the founders and Mr. Batchelder. As headmaster he stabilized the school in the traumatic period following the retirement of the founding headmaster, capitalized on the admissions pressure of the fifties, encouraged the expansion of Chaffee, and guided the two schools toward closer co-ordination in the early turbulence of the sixties. As President he lead the school through the formation of a long-range development plan; two phases of an eminently successful capital fund campaign, the merger of the boys' and girls' schools, and the construction of five major buildings. In a sense he gently but firmly refounded The Institute as The Loomis-Chaffee School.

All of this has been accomplished by a gentle gentleman who avoids controversy like a plague, and is constitutionally incapable of deliberately hurting anyone. He is a completely likeable man who has so integrated his life and his career that he often is called and responds to the name, Mr. Loomis. Hard-working, self-disciplined and intensely loyal, Frank has legions of friends, and his elephantine memory is more accurate than the alumni files. At the end of a long traveling day on an alumni trip I have seen both Frances and him swell with renewed energy at the sight of the first old friend and fill an evening with affectionate memories and subtle wit, all the while seeking to assure the continuing strength of Loomis through the muted rattling of his famous tin cup.

It has been my pleasure and an important part of my education to work with Frank Grubbs for the last six years of his tenure. His patience, support, and trust have made it possible for Barbara Erickson and me to move confidently in our jobs through a period of extraordinary national tension and rapid institutional change. We have been a team of three, a number which in a human organizational unit usually requires at least one "saint" in order to be workable. It may be just a psycho-social hallucination, but Barbara and I agree that in certain lights a distinct golden circlet is discernable behind Frank Grubbs' head. Frank's friends may have a little difficulty seeing him as "St. Francis of the Island" but I am sure all who know him will agree that the educational climate of this region of the valley will always be influenced by FOG.

FRANK GRUBBS

(By James F. English, Jr.)

Frank Grubbs is of the generation which succeeded to the Mycenaean Age of headmasters. How natural to have polished the legacy of these giants and demi-gods with a Mandarin administration of fine-honed institutionalism, but events were less accommodating. Motivations and mores suddenly changed. Inflation lopped off options and demanded precise priorities.

Fortunate it was for Loomis-Chaffee that Frank combined with his dedication and sensitivity a large measure of the entrapreneurial agility of the earlier age of schoolmasters. Like them he has the split vision which monitors the general plan but seizes the immediate opportunity. Quick to move, happy to venture. Frank is a leader with the frugality to pinch pennies and the affrontery to solicit fortunes. He realizes that the final success of his trust depends on his capacity to motivate: faculty, students, supporters. And this he and Frances have done, through their charm, their sincerity, and their wisdom.

And so Loomis-Chaffee has survived, evolved, prospered, ready for another happy era under the new leadership Frank has so skillfully assembled. We envy him for the wisdom to have concentrated his life on so useful an effort and for the satisfaction he must get from the important work he has created.



FRANK GRUBBS

(By Hoyt Ammidon)

THE RIGHT MAN AT THE RIGHT TIME

The transition from our first Headmaster, Nathaniel Horton Batchelder, to Frank Grubbs was not an easy one. It entailed for better or worse, and I believe a lot of good did come out of it, a short and somewhat chaotic experience with an interim headmaster. In fairness to him it should be stated that any transition from the era of great, colorful and very independent headmasters, such as we saw all through the New England prep school system, would have been a very difficult one and, while one does not like to think of an interim headmaster as expendable, it is not unlikely that a real purpose was served in learning what was needed in the period to come. I am sure most of the New England schools went through a traumatic period of change when men like Batchelder, Sill, Taft, St. John and Peabody moved on.

This is where Frank came in and, as I think of Frank and the school, it is hard for me to tell whether Frank was like Loomis or whether Loomis was like Frank because he was a natural for the job from the first minute. Not only had he grown up in the traditions of the School as a teacher of quite a few years' standing, but he was highly sensitive during that period to the atmosphere and values of the School, and a close observer of Mr. B. Thus, Frank was able to take the School as it was and adapt it to the future in a sensitive and thoughtful manner and in the process assume the leadership in his own right. This is, in fact what occurred and because he was, in addition, a good communicator, a superb administrator and well equipped to deal in human relations with students and parents alike, the Grubbs and Loomis names became happily linked.

I was President of the Board of Trustees at the time all of this occurred, and these were days of deep involvement with Loomis affairs. I went on the Board back in 1937, one of the two first alumni trustees, and as a result was also close to Mr. Batchelder and indoctrinated in the history and traditions of the School by him. It, therefore, naturally followed that Frank and I together saw things in very much the same light and, while it unfortunately befell my lot to bring the short interim period following Mr. B to an end, it was also my great joy to be able to bring Frank into the role he has carried out so magnificently ever since. Surely he will go down in Loomis history as a great headmaster, every bit as good for his period as Mr. Batchelder was at the beginning. Schools used to be autonomous, and the headmaster was as close to God as a young boy could visualize. The passage of time, though, ended this and so it came to pass that we found in Frank the right man at the right time, making Loomis' transition to the necessities and pattern of the day a relatively painless one.

All this while, Frances Grubbs has been a source of great strength, support and comfort to Frank—a very good team indeed. Ordinarily it might be a very sad thing to see the end of an era but, in this case, while we will all miss Frank tremendously, he goes out with such bright flying colors and with such a great record that it seems appropriate to write "finis" to a magnificent period in Loomis history.

When asked how long a man's legs should be, Abe Lincoln is said to have replied: "Long enough to reach the ground."

It is that down-to-earth, non-pedestal attitude which seems to me the major characteristic of Frank and Frances Grubbs during their 21 years at the head of Loomis-Chaffee and the chief reason for their, and the school's, enormous success.

Having graduated from Loomis, before * * * would have put it in his French class), inspired neither awe nor hate. Boys, girls, parents and teachers simply liked and trusted him. If Batch can be said to have brought Loomis-Chaffee strongly through adolescence. Frank tremendously helped by Frances, can rightly claim to have brought the two schools not only to maturity but to one-ness.

My most vivid single memory of 23 years on the Board and the highest compliment I can pay Frank and * * *. How fine it is that Frank and Frances, as part-time consultants, will be active participants in this new phase of our progress!

We who love them can count on their not letting us forget Adlai Stevenson's apt definition of Education: "Where to be penny wise is to be people foolish," nor the earthy, unattributed saying that "an educated man is one who can give directions without taking his hands out of his pockets." That'a Frank.

## RARICK REPORTS TO HIS PEOPLE: INDIAN MILITANTS, A NEWS MEDIA CREATION

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. RARICK. Mr. Speaker, the radical activities of the antiwar movement that rocked the country a few years ago seem to have faded in the wake of withdrawal of troops from Vietnam. The potentially violent student-police confrontations, the radical bombings, and the scene of masses of protesters in the streets have cooled. Other problems have stolen the thunder of the "peaceniks." And the American public has breathed a sigh of relief.

But this country has not heard the last from radicals. Other causes and other types of dissent besides marches, sitins, and massive violence are becoming the new focus of activists in the 1970's.

Two movements that have already attracted some hard-core radicals of the antiwar protestors are the causes of prissoner's rights and the problems of American Indians. These causes have adopted the violent methods the new left used in the 1960's to undermine the structure of this country. Prison riots and Indian war parties are the present directions being taken.

The seizure of the Bureau of Indian Affairs Building in Washington, D.C., by militant Indians last fall and now the armed occupation of the South Dakota town of Wounded Knee, have focused national attention on the American Indian movement. Both of these outrages have been the work of this disloyal group. One of the participants in the virtual destruction of the Indian Affairs Building admitted that this was accomplished with "help from the Washington antiwar movement."

The decent respectable American Indians recognize the renegade AIM group as little more than a scalping party on the fringes of the cause of Indian rights. The duly elected leaders of the Indian tribes look upon the renegade holdouts at Wounded Knee as a disgrace to all American Indians.

The American Indian has a proud, although tragic heritage in this country. The treatment the Indians received during the last century was a disgraceful chapter in the history of this country. Few Americans today would condone many of the actions our country took against the Indians. But wanton destruction of public property, and the armed seizure of private property are no legitimate means for redress of past injustices.

The great majority of American Indians are law abiding citizens and deplore the activities of the militant minority within their ranks. But, as is so often the case, the radicals and lawbreakers get the attention of the news media, and their demands, however outrageous, are given sympathetic treatment.

Last December, a congressional subcommittee investigated the seizure of the Bureau of Indian Affairs headquarters building. About 200 militants and troublemakers invaded the building, forced the 400 Bureau employees to leave and held the U.S. Government at bay for 6 days while they occupied the building. The report documented the fact that when they left, the inside of the building was virtually gutted. Offices had been ransacked, equipment and furniture destroyed. Legs from tables and chairs were broken off and fashioned into weapons. Priceless artifacts of Indian culture were stolen along with every painting and picture of value. Valuable records, files, equipment, and other property of the Government were loaded onto trucks and carted away.

While the destruction and looting were taking place, the police, trained in riot control, stood by and watched. They were under orders not to intervene.

The chairman of the subcommittee described the building after the militant Indians finished, as looking "similar to a building in which a bomb had exploded." It is estimated that the cost of repairing the physical damage to the building and its contents, plus the cost of restoring the records may run well in excess of $2 million.

Rather than being marched promptly off to the District of Columbia jail to await charges, the leaders of the outlaws were given some $66,000 which they used to finance their transportation from Washington. Once they had collected their blackmail money from the Office of Economic Opportunity, the mob vacated the building they had wrecked.

There is no justification for this action, just as there is no justification for our Federal Government to allow such a national indignation to take place.

This savage destruction was condemned by Indian leaders across the country. One representative of 147 Indian

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tribes described the Indians that occupied the building as "revolutionaries," and denounced our Government for allowing the renegades to get away with the crime.

Although the American Indian movement boasts some 65 chapters throughout the country, the membership is reported to be not more than 260. It is another example of a small vocal minority of violence-prone individuals ignoring legal channels of protest.

The evidence that when such acts of violence go unpunished, and are even rewarded with Federal funds, they lead only to continued acts. The siege of Wounded Knee, S. Dak., by the same AIM group that took over the Bureau building is a prime example.

On February 27, a group of about 200 heavily armed militant Indians, seized a small general store and a Catholic Church at gunpoint and for a time held 11 hostages. They set up roadblocks, dug trenches and bunkers, and have been allowed to keep FBI agents, U.S. marshals, and other law enforcement officers at bay since that time. They fired on passing cars, low-flying planes, and exchanged shots with the lawmen. Although there are sufficient law enforcement officers to put an end to the entire show in short order, authorities in Washington have refused to grant permission to restore order. And the whole disgraceful mess continues.

By recognizing the AIM militants as spokesmen for all Indian people, the Government has granted them the undeserved prestige and power they seek. By no stroke of the imagination can about 200 unelected loudmouths be considered representatives of the almost 800,000 American Indian population. But the Government recognition has granted them a degree of legitimacy.

The so-called siege has fed and grown on the coverage given it in the press and on television. Some interesting facts have emerged to show that the whole affair is just another of those media-created nonnews events that today's journalists are so fond of promoting into headlines.

There is a thin line between covering news and creating it. And the line has been crossed at Wounded Knee by the press. Newsmen were allowed to filter in and out of the town with little difficulty. AIM leaders were highly successful at getting their side of the story across—so successful that they were willing to prolong the conflict for the sake of continued headlines.

When food ran low during the siege, the Indians rustled a few head of cattle from a nearby farm. But as it turned out, none of them knew how to slaughter and dress a calf. In the interest of accurate news reporting, a network television cameraman showed the Indians how.

Other instances of news creation, rather than news reporting have become evident. At a news conference a reporter asked the AIM spokesman: "Are you setting up a provisional government?" There was no immediate answer, but a few hours later the militants declared the 40-acre area around Wounded Knee to be "an independent sovereign nation." A group of Indians later conferred with the United Nations Undersecretary, demanding that the "Oglala Nation" be admitted to the U.N. as an independent state. The U.N. was also urged to intervene in the "longest undeclared war in history" and to restore more than 60 million acres of land to the Indians.

The American Indian movement is made up mostly of urban educated activists schooled in confrontation. More than half of its members are reported to be employees of social welfare agencies financed by taxpayers through Federal Government grants. Since its founding in 1968, the organization has received more than $400,000 in Federal funds as an offshoot of a Minneapolis antipoverty program. The militant movement probably could not have gotten off the ground without the $203,000 in church funding since 1968. Most of this money was given by the National Council of Churches, as well as by various religious denominations throughout the country. As an interesting footnote, about 20 National Council of Churches representatives trying to enter Wounded Knee were turned away as "undesirables" by the Bureau of Indian Affairs police—themselves Indians.

Certainly this country is in no danger of an Indian uprising. Respectable Indians have voiced outrage at the antics of the few. The real danger lies in the Federal Government's inability to protect the rights and property of its citizens from a few radicals bent on violence as a means of protest. The administration, while claiming to be a friend of law and order, has done little to stop this nonsense, rather, it has aided it with taxpayer's money and has hampered local authorities from performing their duties of law enforcement. The question here is not whether the demands of a few radical Indians are justified. The deeper question is: Shall the U.S. Government continue to allow vocal bands of outlaws and militant minorities to trample the rights of majority of law abiding citizens.

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## WATERGATE

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Ms. ABZUG. Mr. Speaker, with each passing day the blot of the Watergate scandal spreads further across the escutcheon of the Presidency, making Teapot Dome and the Credit Mobilier pale by comparison.

Several of the items and editorials that have appeared in the press over the past few days are worth reading, and I include them in the RECORD at this point:

[From the New York Times, May 1, 1973]

VIETNAM AND WATERGATE

(By Tom Wicker)

A lot of Americans thought George McGovern hysterical last year when he said the Nixon Administration was "the most corrupt in American history." But neither Senator McGovern nor anyone who supported him should take pleasure in the considerable vindication they are now receiving. This grim spectacle of investigation, recrimination and resignation, overshadowed as it is by the probability of criminal indictment, shakes not just "the Nixon Administration" but American government, and to its roots.

Those roots lie in the confidence and trust of the American people. For two centuries, despite their amiable cynicism about many forms of graft and an almost admiring tolerance for colorful demagogery, Americans have generally trusted their government—particularly that government most remote from them in the twentieth century, that trust concentrated itself almost fanatically in the Presidency, as the one office capable of coping with the vast new concerns that rushed in at home and abroad. The result is a Presidential Government, in which the other branches serve mostly as occasionally effective anchors to windward.

Shake confidence in the Presidency, therefore, and you shake confidence in the Government. In the sixties, for millions of Americans, the war in Vietnam and its consequent deceptions and disillusionments first brought the office into distrust and contempt. Now the Watergate scandal is bound to extend that corrosion of confidence—particularly since the Nixon Administration came to office in 1969, and stayed in after 1972, not least because so many Americans believed Mr. Nixon's pledge to restore confidence, reestablish authority and preserve traditional American values.

But it seems reasonably clear that crimes including at least wiretapping, theft, burglary, breaking and entering, perjury, malfeasance in office, suborning perjury, bribery, forgery, obstruction of justice, various forms of conspiracy and numerous violations of both the election and campaign finance laws, have been planned, committed, connived at, condoned or covered up at high levels of the Government (which is to say the Presidency). The accompanying ethical transgressions—particularly the vile intrusion upon Daniel Elsberg's psychiatric records—shatter even the most supple standards of personal or political conduct.

And no matter how strongly it may be asserted that Mr. Nixon knew nothing of any of this, and took strong action as soon as he did know, the facts remain that he gathered the culprits about him, he gave them their power and whatever sense of his purposes and limits they may have had, and he failed in the first duty of a responsible official, which is to know what is being done in his name or with his authority.

These sorry facts, moreover, raise new and ominous questions about other, earlier matters of concern—the Administration's decision, for example, to raise milk support prices after major campaign contributions by the dairy industry, and the settlement in dubious circumstances of an important antitrust suit against I.T.T.

This sad crumbling of an Administration and Mr. Nixon's desperate efforts to retrieve a position that so recently appeared imperial may seem nothing more than good political fodder to some Democrats; others, like the governors who canceled National Chairman Robert Strauss's plan to make a television speech on the subject, surely realize that whatever partisan advantage may be derived from the Watergate crimes is minor when measured against the damage to the nation, its institutions and its spirit.

The conclusion the Democrats as well as the Republicans would do best to draw is that the Presidency is not an imperial office. No matter who holds it, neither he nor his men are above the law or beyond political accountability. There is nothing inherently ennobling or mystic in the office—nothing that makes ordinary humans superhuman—nor is there anything about mere power that enhances character. Rather, it is how Presidents respond to their power—how they use it or refrain from using it—that can make them great, or make them corrupt.

Now two Administrations in succession have tried to push beyond the limits of the office, the first in making war, the second in securing its power; one was rebuked politically, to the detriment of its laudable domestic purposes; the other has been criminally tainted, to the possible endangerment of its foreign policy goals and achievements.

No doubt there is a certain rough justice in both cases; it is even possible that in the perverse way of human nature, the Presidency has been saved, not destroyed by these retributions; but if that is to be so, Mr. Nixon and his successors will have no greater task than to show that they are worthy of trust. After Vietnam and the Watergate, they had better not count on blind faith.

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[From the New York Times, May 1, 1973]

A FORTUNATE CRISIS

(By William V. Shannon)

WASHINGTON, April 30.—The discovery of the Watergate scandal so early in the second Administration of President Nixon is a fortunate circumstance for the nation. It is likely to slow down and may reverse related and equally ominous developments.

The Watergate affair is a most unusual scandal rivalled only by the stealing of the election of 1876. It does not involve outsiders trying to corrupt members of the Government with valuable gifts or money. Instead, it is a conspiracy by insiders to crush their political opposition and maintain themselves in power.

In the Teapot Dome case, an oil man paid Secretary of the Interior A. B. Fall a bribe of $100,000 to obtain a valuable oil lease on public land. In the Truman Administration, certain White House aides did favors for shady people and accepted mink coats, deep freezers, suits of clothes, and other comparatively trivial gifts in exchange.

President Eisenhower was deeply embarrassed when Sherman Adams, his chief assistant, intervened with Federal regulatory agencies in behalf of a businessman who had over the years given Adams a vicuna coat and free hotel rooms.

Those earlier scandals were different in kind from Watergate. It threatens not the integrity of the Government's policymaking process, although that is involved, but the freedom of ordinary Americans.

This kind of threat is so unusual in this country's experience, so alien to its tradition, that most Americans have difficulty taking it seriously. The Times last week carried a report from Muncie, Indiana, telling of the reaction in that typical American city. The local paper carried a letter from a reader who pointed out: "No lives were lost, no one harmed, no bank robbed, or large amount of money lost. And so far as we can detect, no one in particular was harmed. It is indeed getting boring."

It is boring only if the defense of freedom is boring. Watergate was a calculated attempt to tip the scales of power which already weigh in favor of an incumbent Administration.

When those in office not only make use of their inherent advantages but also engage in a systematic effort to wiretap and "bug" their political opponents, to sabotage their opponents' meetings, to put spies in their offices, to steal material from their files and to forge incriminating letters, then the whole procedure by which a free people elect their rulers is gravely compromised.

The power at the disposal of any modern government to manipulate opinion and to coerce the ordinary citizen is fearsome. Long before electronic bugs, closed-circuit television, and other modern devices for surveillance and control had been invented, thoughtful men worried about governments becoming too powerful, and making themselves into the masters rather than the servants of citizens. That is why the Fourth Amendment to the Constitution states: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated."

President Nixon and his closest associates have repeatedly shown themselves to be insensitive to constitutional restraints upon the exercise of executive power. The Constitution clearly intended that the President should share the war power with the Senate but Mr. Nixon conducted the Vietnam war for four years in defiance of the Senate and is now bombing in Cambodia without any visible constitutional sanction.

In dismantling the Office of Economic Opportunity, the Administration is violating a law passed by Congress last year. In impounding funds—not in part or for a limited time—but to kill who programs permanently, the White House seeks to usurp the most fundamental power of Congress, the power to determine public spending.

President Nixon and his associates have also evinced deep hostility tinged with contempt for various public and private institutions. They have gagged public television and tried to undermine the public's confidence in commercial television and in leading newspapers. On great public controversies, they have ignored or disparaged the opinions of religious leaders, college presidents, student groups, and Negro organizations.

Yet independent centers of power which a Government has to take into account are the essential feature of an open, free society, as distinguished from a closed, monolithic one. Whether consciously or otherwise, President Nixon has given the country a kind of slow-motion dress rehearsal of how political authoritarianism would begin to consolidate its power.

The Watergate scandal, a secret and lawless effort to rig the election and then to conceal the guilty higher-ups, is the characteristic, almost inevitable, scandal of this Administration. If its exposure causes the President to back away from his other ominous attempts to lawless manipulation and control, then the Republic—which is far greater and more precious than the Presidency or any other particular office—will have been well served.

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[From the New York Times, May 1, 1973]

A PARTIAL BEGINNING

In his comments and actions on the Watergate scandal yesterday, President Nixon did all that was inevitable—but not all that is necessary. His belated decision to dispense with the services of Attorney General Kleindienst, of John Dean 3d, his legal counsel, and of H. R. Haldeman and John Ehrlichman, his senior staff assistant, was a bow to the inescapable. It has been apparent for many days that their usefulness in public office was at an end.

Where Mr. Nixon still seems unwilling to do what is so clearly necessary is to accept the reality that restoration of confidence in the integrity of government will come only with a turnaway from Administration insiders in the choice of successors for these departed members of his inner circle. Substantial as are their personal talents, Elliot L. Richardson, the Attorney General-designate, and Leonard Garment, who has been temporarily assigned the duties of counsel to the President, have the same drawback as does William D. Ruckelshaus, who was named last week as acting director of the Federal Bureau of Investigation. They are all close to the President and dependent on his continued favor.

To point out this elementary fact of life is not to derogate either their ability or their integrity, but to make clear why their appointments at this time are unsatisfactory. These are not the men of detachment from outside the Administration, of the type the situation requires. Mr. Nixon seems to think of Mr. Richardson, in particular, as a kind of totemic figure who can be moved about from one trouble spot to another as a symbol of honesty and Boston Brahmin disinterestedness.

But the public impact of the Richardson-Ruckelshaus-Garment appointments in the present context is quite different. These appointments convey the impression of a President still reluctant to move beyond his own political circle and still determined to keep the investigation of Watergate as far as possible under his own control.

It is instructive to contrast President Nixon's moves with those of President Coolidge in the Teapot Dome scandals. Mr. Coolidge named Harlan Fiske Stone, the widely admired dean of the Columbia University School of Law, as Attorney General and chose Owen Roberts and former Senator Atlee Pomerene as special counsel in the Teapot Dome case. The Bar Association of the City of New York has urged a similar course upon Mr. Nixon, as have Congressmen of both parties. Inasmuch as the President seems unable to make that complete break, the public has no alternative except to rely upon the courts and the Senate select committee chaired by Senator Sam Ervin as the guarantors that the whole truth will eventually become known.

Like the Harding Administration scandals of a half-century ago, but in even more sinister and damaging fashion, the Watergate scandal involves the President's political confidants and some of his most trusted associates. In announcing yesterday's resignations, Mr. Nixon made a sharp distinction between Mr. Dean and the others who are quitting. The public can only reserve judgment on those gradations of responsibility until the full story unfolds. But it is apparent from the President's comments that he is not yet ready to confront the full enormity of this debacle and its implications. In his farewell words of praise for Mr. Haldeman and Mr. Ehrlichman and in his inward turn for successors, there is no hint of recognition by the President that the quality of his own leadership or his own staffing arrangements have been shown, at the very least, to be dangerously faulty.

The mania for secrecy, the arrogance toward Congress and the public, the overcentralization of authority, the suppression of internal dissent, and the failure to provide the President with alternative sources of information are weaknesses that will not necessarily depart from the White House with Messrs. Haldeman, Ehrlichman and Dean. Until those grave weaknesses are corrected, the country cannot be confident that Mr. Nixon has learned the lessons of Watergate.

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[From the New York Post, May 1, 1973]

A PLEA OF INNOCENCE

President Nixon went before the country last night to protest his innocence of any complicity in either the devious planning or elaborate coverup of the underground political operations waged in his behalf during the 1972 campaign. Whether he protested too much will be answered by future events.

Mr. Nixon played so many roles during a performance inevitably reminiscent of his 1952 "Checkers" speech that it was often hard to identify which part he way playing, and to differentiate high drama from soap opera.

He began as the betrayed defendant, lamenting his ignorance of the crimes committed around him through so many months but asking mercy on the ground that his international missions had distracted him from local happenings.



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He proceeded to the posture of defense counsel and character witness for Messrs. Kleindienst, Haldeman and Ehrlichman, whom he had finally been obliged to find expendable but about whom he could discern nothing more suspect than overzealous devotion to duty, meaning, in this instance, the cause of his reelection.

Then he seemed to become both chief prosecutor and judge as he described his designation of Defense Secretary Richardson as Attorney General to conduct a "fair and fearless" inquiry into all the unpleasant occurrences. At no point did he explicity concede that his own conduct would be a legitimate area of investigation, a matter he presumably foreclosed by asserting that he accepted "responsibility" for what was done, allegedly behind his back, by those under his command.

Actually much of his speech dealt neither with the history of Watergate nor the grave questions growing out of the many ramifications of the scandal. It was campaign oratory affirming his worthiest world goals and his American dreams, as if he were once again running for reelection. That this was the occasion for such transparently political rhetoric is surely debatable but the device was hardly unexpected.

The questions he left unanswered were innumerable: the most obvious was why he had so long derided each successive Watergate disclosure if he had been genuinely "appalled" by the initial news. Similarly unexplained was the timing of John Mitchell's resignation as campaign chief. The most generous and contrite notes in his remarks were his sporting tribute to "the vigor of the press" that kept pursuing the story and to Judge John Sirica's diligence. But he gave us no persuasive clue to his avowed failure to take the story seriously until Sirica's persistence, accompanied by the labors of Senator Sam Ervin, forced a major breakthrough toward truth.

More important than a rehearsal of the gaps in Mr. Nixon's soliloquy is the crucial issue of whether Attorney General-designate Richardson will take over the inquiry or yield the stage to a special prosecutor. Mr. Nixon said Richardson has the authority to name an independent figure to that post "if he deems it appropriate." Nothing could be more appropriate—and nothing else can provide real reassurance to the country. Regardless of Richardson's past credentials, he is a member of the Nixon establishment and the beneficiary of repeated Presidential appointments. The conflict of interest is clear.

Mr. Nixon absolved himself of any personal involvement even as he chose Richardson. There can be no true appearance of "fair and fearless" inquiry until and unless Richardson steps aside for a respected special prosecutor wholly unconnected with the Nixon Administration.

That is the key test of the President's avowed resolve to reject a whitewash of the White House. We believe that will be the considered judgment of the country as it weighs his many words. Mr. Nixon's speech would have been far more effective if he had plainly and unequivocally called for such an appointment and omitted his familiar, repetitive theatrics.

## THE PRESIDENT'S ENERGY MESSAGE

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. FRASER. Mr. Speaker, the President's energy message released on April 18 was long overdue. I welcome the lifting of oil import quotas and the initiation of a program to educate the public to conserve energy. I deplore the failure to come to grips with the immediate problem facing us this summer and next winter of worsening shortages of gasoline, diesel fuel, and heating oil. These supplies must be spread as fairly and equally as possible, with priority given to those with the greatest need. It is impossible to do this without the Government stepping in.

We all had a scare last winter. Only mild weather saved many of us from being cold and possibly out of work. The situation is not going to improve in the next few years. In Minnesota, more than a hundred gasoline stations have closed because of lack of supplies, and 200 more may soon have to do the same. Independent truckers in the Twin Cities report that they are unable to obtain fuel transporting contracts. Unemployment in Minnesota's trucking industry is mounting. Similar problems are being reported throughout the country. Municipal officials in Atlanta, Detroit, Chicago, Indianapolis, and Los Angeles tell of difficulties in getting fuel for city vehicles. The Civil Aviation Board has indicated that flights may have to be curtailed because of fuel shortage.

It is unrealistic and unwise to rely, as the President proposes to do, on private initiative and voluntary restraints to alleviate the serious scarcity of petroleum and petroleum products facing us all in the immediate future. All sources of energy in this country are stringently controlled by the same 20-odd companies. The free market forces needed to make the President's proposals work simply are not there.

SHORT-TERM REMEDIES: ALLOCATION AND STORAGE

The Economic Stabilization Act, which became law on April 30, authorizes the President to allocate scarce petroleum supplies. The administration has indicated it does not intend to exercise this authority.

I will be introducing legislation requiring such allocation. We need an agency with the authority to allocate petroleum and petroleum products and to regulate marketing, distributing, refining, blending, and jobbing of these products. This new body would be empowered to prevent anticompetitive effects resulting from shortages.

An additional possible solution to the problem of distribution of supplies to independent marketers might be a recent proposal in the Minnesota State Legislature requiring 10 percent of distributors' current supply to be offered for sale to unaffiliated dealers.

To deal with the immediate national security problem posed by our dependence on oil, I endorse Senator JACKSON'S proposal for establishment of a system of national petroleum reserves. We should have at least a 90-day supply of oil on hand for emergency purposes. Space in existing military storage facilities would be used, as would abandoned salt mines and other suitable natural geological formations. Where necessary, storage tanks would be constructed. The European Common Market countries are currently considering a system of this kind, perhaps even for a 120-day supply.

The President's proposal for international cooperation is welcome. The suggestion made in the State Department for organization of oil importing countries as a counterbalance to OPEC, the organization of oil exporting countries, appears a good one.

In addition, to lessen our dependence on Saudi Arabian and other Middle Eastern oil, we must do all in our power to encourage exploitation of petroleum resources in the Western Hemisphere, both in Latin America and Canada. I am convinced, as are many others, that construction of an oil pipeline across Canada from Alaska's North Slope would encourage development of Canada's own vast northern petroleum potential.

LONG-RANGE PLANNING

Although the President fails to deal with the short-term crunch, he does at long last provide for many aspects of long-range planning that we badly need. Essentially, he has proposed to increase as expeditiously as possible available energy resources both domestic and foreign. By lifting quotas on oil imports, by structuring the new license fee system for imports to favor construction of new domestic refineries, by speeding up leasing on the Outer Continental Shelf, by removing Federal price ceilings on natural gas, and by providing tax incentives to make recovery of known domestic reserves more profitable, our oil and gas supplies should increase by the end of the decade.

Unfortunately, if consumption goes unchecked and if we do not make a massive commitment of funds to research and development of alternate energy sources, we are still headed for disaster. The national energy policy outlined in the President's message does not undertake to slow down the rate of consumption. Nor does it make the commitment necessary to develop alternate sources of energy. To rely, as the President has, in the one case on individual abstention and in the other on public thrift, shows a misplaced sense of values and a false sense of economy.

The message fails totally to deal with the problem of soaring consumption. To depend, as the President does, on voluntary restraint, is expecting too much of human nature. I welcome the proposal for an office to undertake a campaign for public education in conservation of energy. We have seen in Minnesota what enlightened leadership can do in this regard. But when I look at the offices of the Environmental Protection Agency each night from my home nearby and see the lights blazing, I am convinced more than ever that voluntary effort will not do the trick. While I applaud the public education program that the President proposes, we cannot afford to wait for the effects of such a program to be felt. We must act and act now.

LEGISLATION TO CONSERVE ENERGY

What the President has failed to do, Congress must do. I plan to introduce legislation which will encourage efficiency in the use of automobiles and electric power. Among the remedies which we need and which we cannot afford to leave to private initiative are the following:

Discouragement of wasteful consumption of gasoline through a tax on automobile weight and on such accessories as automatic transmissions and air conditioners.

Prohibition in new construction of electric heat from fossil fuel sources. In this kind of heating, two-thirds of the energy is lost in generation and transmission. It is wrong that we continue to permit such wasteful use of electricity. In 1969, 23 percent of the 40,000 buildings constructed in the United States—5,400 of which were office buildings—were equipped with electric heat.

Encouragement of research and development by the electric power industry. One way of doing this might be by taxing electric utility advertising and earmarking the revenue for research and development. It is shocking to learn that major electric utilities in 1971 spent 3.3 times more on advertising and sales promotion than on research and development.

Mandatory efficiency standards and labeling of electrical appliances to indicate relative efficiency. The President has proposed such labeling, but would leave it to voluntary effort. While industry has indicated a willingness to cooperate in labeling products, the profit motive encourages manufacture of appliances of low electrical efficiency at low initial cost to the consumer, but with extremely high costs to society at large in terms of wasted electricity. We need legislation requiring that efficiency standards be set for new air conditioners, water heaters, refrigerators, and other major appliances, and that all electrical appliances be labeled as to relative efficiency.

NEED FOR ADEQUATE FUNDING OF ENERGY RESEARCH AND DEVELOPMENT

The President has not made the commitment of funds we must have if we are to provide our people and our industries with adequate fuel and power for the long-range future. The reason we find ourselves in our present predicament is that we did not make the necessary capital investment years ago to provide us with alternate sources of energy to use when we began to run out of oil. The crunch we are experiencing results directly from our failure to plan adequately in the past.

Again, it appears to be a case of being pennywise and pound foolish. Solar or geothermal energy or fusion may sound exotic, but so did putting a man on the Moon. The President stresses in his energy message the increases for energy research and development in the fiscal year 1974 budget over the funds allotted for that purpose the previous year. By doing so, he draws attention away from the fact that the total sum is inadequate. Starting from an even more inadequate base, an increase means little. What we need is an all-out effort like that of the Apollo project in order to solve the problem of our future energy needs.

The total in the fiscal year 1974 budget for energy research and development is $771.8 million. That this is hailed as a 20-percent increase over fiscal year 1973 is a sad comment on our effort of the past year. To put this sum in perspective, we should consider it in contrast to the $25 billion we spent on Apollo over an 11-year period, or consider it in contrast to the $81 billion earmarked for defense expenditures in the coming year.

Senator JACKSON has proposed a $20 billion Government-industry research effort over the next decade. This is the kind of effort we need—the kind that got us on the Moon. I intend to sponsor this bill in the House, with an important addition. We need ample and immediate funding of development of sulfur emissions controls so that we can burn our vast reserves of high sulphur coal without polluting the atmosphere.

TOO MUCH EMPHASIS ON NUCLEAR FISSION POWER

Aside from the inadequacy of the President's proposed energy research and development program, I do not like to see so many of our eggs put in one basket. Too much reliance is being placed on the development of the liquid metal fast breeder reactor—LMFBR—and too little on alternate energy sources. Almost two-thirds of our total energy research and development effort is allotted to development of nuclear fission power, and of this, roughly three-fourths goes to the liquid metal fast breeder reactor.

Only $12.2 million is allowed for development and research on solar energy, and only $4.1 million on geothermal energy. On the other hand, $320 million is budgeted for the LMFBR and a total of $475.4 million for nuclear fission power.

I was surprised at the prominence given to nuclear fission power in the President's message. Mr. James Akins, of the State Department, who has worked on the White House message, told a congressional staff group last month that nuclear power had proved a grave disappointment in terms of economics and efficiency, and that estimates of the share it would play in the Nation's energy mix by 1980 had been downgraded by one-third. I find that in the recommendations on energy drafted by the Council on Environmental Quality—which the Office of Management and Budget is said to have suppressed last August—nuclear power was estimated as filling 15 percent of the total energy picture by 1985. Yet in the material released by the White House this April 18 it is estimated that by 1985 nuclear power will account for up to 25 percent of the Nation's electricity.

In praising the "extraordinary safety record" of nuclear power generation, the President ignores in his energy message the grave and perhaps insoluble problem of high-level, long-lived, radioactive solid wastes. In 1970 there were 100,000 gallons of high-level, long-lived radioactive solid wastes from nuclear powerplants. By 2000, this quantity may increase to 6 million gallons a year. These wastes must be permanently stored because they remain highly radioactive for thousands of years. No acceptable site has yet been found. They must be monitored constantly even after burial. One million cubic feet of low-level radioactive wastes were buried in 1970. It is anticipated that this amount will triple by 1980. Again I am using data provided in the withheld CEQ report on energy.

I do not want us to shun this source of energy. I ask only that we devote adequate attention and funds to solving the grave problem of long-lived, high-level radioactive solid wastes associated with production of this kind of power. I am concerned that there was not even an allusion to the problem in the President's lengthy energy message.

The White House message points up the impotence of the so-called new federalism in coping with the energy crisis. It underlines the basic difference in philosophy between the present administration and those that preceded it. The message fails to deal with the inconveniences and hardships people will suffer over the next 2 or 3 years. It relies almost exclusively on pricing and the profit motive to alleviate the situation by the end of the decade.

We are not dealing with free market mechanisms in the hydrocarbon industries. We cannot rely on individual or local initiative to solve our momentous energy problems, nor can we rely on the philosophy that what is good for the big oil companies is good for the country. I hope that the Congress will provide the leadership needed to establish an effective national energy policy that will meet the Nation's energy needs, not only in the long-term future, but over the next few years as well.

## PHILADELPHIA INTERNATIONAL AIRPORT INAUGURATES NEW OVERSEAS TERMINAL

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. EILBERG. Mr. Speaker, Philadelphia International Airport's new $3 million overseas terminal became fully operational on Sunday, April 29 at 6 a.m.

City officials expect that the new overseas terminal will spur a dramatic increase in the already booming international passenger traffic at the airport, which has been growing at the rate of 30 percent annually.

In addition to serving nine overseas airlines, the overseas terminal also will accommodate all supplemental and charter flights out of Philadelphia.

This transfer of operations from the main terminal, currently undergoing a $150 million modernization and expansion project, also will provide more comfort and convenience to the domestic airline passenger.

The overseas terminal, about 1 mile east of the main terminal, occupies 100,000 square feet of space, whereas the present old international section occupied only 10,000 square feet of space.

The new terminal contains 22 U.S. customs inspection counters compared to six in the old international area.

While the old facility had zero in passenger amenities, the fully carpeted overseas terminal features beautiful passenger lounges, a newsstand, gift shop,



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Philadelphia's first duty-free shop, a restaurant and bar, and a branch of the Fidelity Bank of Philadelphia where foreign currency may be exchanged. And immediately adjacent to the terminal is a 500-space parking lot.

At the duty-free shop, passengers leaving the country will be able to order merchandise for delivery on the aircraft without paying State, city, and Federal taxes. Luxury items such as cigarettes, liquor, and perfume will be available at savings up to about 40 percent.

The largest commercial aircraft in existence will be able to utilize the new terminal because of the new $22 million runway and a recently completed aircraft parking area which will accommodate four 747 aircraft simultaneously.

The waiting time for baggage claims will be sharply reduced.

The new terminal has four baggage claim conveyor belts and each can process about 400 bags an hour, compared to one belt in the old facility handling 150 bags an hour.

Eight college students, fluent in several languages, also will be on duty at the terminal to assist foreign visitors.

The new overseas terminal was a former four-hangar installation occupied by the Boeing-Vertol Co. It was renovated at a cost of $3 million. The architect was John R. Betts.

The terminal was opened on a very limited basis during the recent Easter holiday. Formal dedication ceremonies will be held sometime next month.

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## MIGRANT STUDENT RECORD TRANSFER SYSTEM

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### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. WILLIAM D. FORD. Mr. Speaker, the April issue of American Education, an official publication of the Office of Education of the Department of Health, Education, and Welfare, contains an excellent article entitled, "Improving the Education of Migrant Children," which I would like to call to the attention of my colleagues.

This article describes the vital role being played by the Migrant Student Record Transfer System—MSRTS. The MSRTS is located in Little Rock, Ark. and is funded by the migrant education program authorized by title I of the Elementary and Secondary Education Act.

As the article points out, the MSRTS is a computerized communications network serving the 48 continental States. Within a matter of hours, it can provide a school with the basic academic and health history of any of its approximately 400,000 registered youngsters, no matter where they may travel by way of migrant streams.

The article also notes that this system has been so successful that educators who work with other mobile groups, such as the children of families in the military, and other noneducational groups are studying the performance of the MSRTS with keen interest.

Mr. Speaker, I hope all my colleagues will take a few minutes to read this article and make themselves familiar with the success story of the MSRTS. I hope we will also keep in mind that is the continuing existence of proven programs such as this which would be endangered by the Nixon administration's special education revenue-sharing proposal, and that it is programs such as this which are essential to insure that the children of migrant families will receive an adequate education which will enable them to become productive citizens during their adult lives.

At this point, Mr. Speaker, I would like to insert into the RECORD the text of this article, followed by a brief outline which describes the historical need for MSRTS, the services it provides, and its benefits and accomplishments:

IMPROVING THE EDUCATION OF MIGRANT CHILDREN

(By Patrick F. Hogan)

For few segments of our population is an effective program of education more difficult to plan and conduct than for the Nation's 500,000 or so migrant youngsters.

Traditionally the difficulties have begun with so fundamental a proposition as placing the student at the appropriate level, based on previous schooling and individual aptitudes and interests. For any child the business of switching to a new school has traumatic overtones. Multiply that by four or five moves a year, add the deprivations of poverty plus an exceptionally high incidence of disease, and it is not surprising that the great majority of migrant students fail to complete high school.

Planning a sustained and coherent program of education for migrant children has in fact been so fraught with ramifications that educators have found it difficult to know where to begin. A promising starting place seems to be opening up through what is called the "Migrant Student Record Transfer System" (MSRTS), a computerized communications network that can in a matter of hours provide a school with the basic academic and health history of registered youngsters no matter where they may travel by way of the migrant streams.

Launched in November of 1968 on an experimental basis, the system has been steadily improved over the subsequent years and is now generally regarded by the participating schools as just about essential. Currently more than 390,000 children are covered by the system (with more being added at a rate of about 500 per day) and educators who work with other especially mobile groups—the children of families in the military, for example—are studying its performance with keen interest. So are such noneducational agencies as the Public Health Service, which sees in a system of this kind an invaluable approach to identifying and tracking the onset of epidemic illnesses. Improvements in the system and in the mechanics of its operation have also led to lower costs. Expenditures by the States, out of set-aside funds under Title I of the Elementary and Secondary Education Act, have declined from $3.1 million in fiscal year 1971 to $1.9 million in 1972 to the current level of $725,000.

The boys and girls covered by MSRTS have been certified by the various State departments of education as being the sons and daughters of families that follow the crops in search of agricultural work. Generally speaking they travel in three streams: up from Florida along the Atlantic Coast, up from southern California along the West Coast, and up from the gulf coast of Texas and forking in two directions—one in Colorado and the Mountain States, the other into the Great Lakes region. These routes are not hard and fast, of course, not even as standardized as the flyways of birds. The course is instead set by the exigencies of fortune. In any event, most of those who move north from Florida are black and Puerto Rican, and the majority who travel the western routes are Mexican-American, though in all three streams there may be heavy mixtures of poor white families, Indians, and Orientals.

Usually they travel as family groups, working as teams to earn their average annual wage of about $3,600 per family. Ask 12-year-old Billy where he and his mother and father and his four brothers and two sisters are going when they leave Florida this time and you are apt to get a vague shrug and smile. It is not that he does not wish to share his family's plans with you, it is that there are no specific plans to share. Depending on what they hear about the weather, or the crops, or perhaps about places where harvesting operations are being taken over by machines, they and some of their neighbors may head out in their asthmatic old cars or flat-bed trucks into the Carolinas and Virginia, to Delaware, Pennsylvania, or maybe Upstate New York. Billy's family vaguely hopes to have the children back in Florida, their home base, in time for the opening of school in the fall. Chances are, however, that it will be more like December or January or February (these being the months in which Florida schools carry their peak migrant load).

Such irregular comings and goings of varying numbers of children can confound school officials and unsettle an ordinarily orderly classroom. As with any new students, the teachers will want to know what schools the youngsters had been attending, what levels, how they had scored on aptitude and achievement tests, what illnesses they had suffered recently, what diseases they had been immunized against. These are not matters that youngsters are likely to have on the tips of their tongues, and the difficulties of extracting clues usually include a language barrier about 75 percent of migrant children are from families that rarely speak anything but Spanish.

Yet this kind of information is essential to getting these youngsters off to a sensible start in their new schools, and at least in its health aspects is usually a requirement even to be admitted. The previous practice had been to give the child a copy of his record to be turned in at his next school. Predictably, the rate of loss was almost 100 percent.

The answer: MSRTS, by which terminals in 137 locations along the migrant streams are tied into a computer located at the University of Arkansas Medical Center in Little Rock and leased on a shared-time basis by the Arkansas State Department of Education, selected from among a number of applicants submitting proposals to operate the system. As of this summer the Arkansas Department of Education will use its own computer, thereby gaining top priority for the migrant record system and providing opportunities for other agencies to develop analogous systems.

Information fed into the centralized data bank by teletypewriter operators in one school district can be retrieved at another terminal simply by typing out the proper query. Thus as a youngster travels from State to State and school to school, his or her basic academic and health record can be made available in a turn-around time of about four hours—assuming, of course, that the child has been registered into the system and that the schools along the way have kept the record up to date. The latter has been the chief fly in an otherwise highly effective ointment. The usual reaction among educators asked about the system is that MSRTS represents "a real breakthrough," but there is the occasional disappointment that arises when the computer can only respond that no new data have been added since the original filing. Given the inevitable complications of getting agreement among a large number of officials representing a large number of jurisdictions, perhaps the chief tribute to the system lies in the fact that State departments of education in all 48 of the contiguous States have gotten together to agree upon a standard form for recording the called-for information and have jointly undertaken to do whatever they can to improve the system still further.



To see MSRTS in action, drive west in the Everglades region of Florida across the flat land with its thick black soil toward the migrant center at Belle Glade, in Palm Beach County. Beyond the Australian pines leaning over a roadside canal, the migrant workers are harvesting vegetables. Their children are going through last-day-of-school rites at the Lake Shore Elementary School.

Billy is playing first base in the faculty-student ball game. A sturdy sixth-grader, he has been attending an average of four schools per year. He likes spelling and football and baseball, he says, and wants to work in a factory when he grows up or maybe be a school principal. He likes his teacher, Mrs. Allen. "She's nice to us," he says, and adds this interesting comment: "She tells us the rules." The disparity of his ambitions aside, Mrs. Allen wonders when he'll have occasion to pursue them, since Billy and his brothers and sisters seem to spend all their "free" time picking cucumbers and potatoes in the winter and, she suspects, working full time in the fields during the summer. Be that as it may, Billy is a bright youngster and a capable one, and she hopes he will enroll in one of the special programs for migrant children somewhere "up the road" this summer.

Mrs. Allen has conscientiously filled out her students' record forms in triplicate—one for the teacher, one for the school nurse, one for the school to give to the youngster when he or she withdraws. Billy's name, sex, birthdate, birthplace, and student identification number had been recorded on the form when he enrolled last fall. Before reaching Mrs. Allen it had gone through the school nurse, who had recorded the inoculation and vaccination shots he had received, the fact that Billy had had both the mumps and the measles, and the results of a complete medical examination.

Aside from making notations regarding the results of aptitude tests and tests measuring progress, Mrs. Allen is called upon to rate Billy's school record under 39 headings and subheadings covering the basic academic subjects (reading and related language skills are especially emphasized) plus special interests and abilities in areas ranging from drawing and music to science and sports.

At the same time that Mrs. Allen was busy filling in Billy's record, teachers in several other schools in the area were similarly filling out MSRTS forms. Out here in "the Glades," migrant children make up a good proportion of the student body. At Pahokee they account for about a third of the 600 enrollment, at Lake Shore almost half. Most of the completed forms are collected by one of the aides to Florence Lockett, who operates the terminal for the west section of Palm Beach County, though in some cases—for schools located some distance away—the information is telephoned to her.

Mrs. Lockett sits at her teletype machine, cutting a tape by which coded information about Billy and Carlotta and Jose and Bernice and other departing children is sent on leased lines to the computer in Little Rock. Discs spin, new information is stored in the data bank, Billy's record is available no matter where his family's old truck takes him. Last year, leaving Palm Beach County in mid-June, it took them across the 19-mile Chesapeake Bay bridge-tunnel to the farmlands of the eastern shore of Virginia, in Accomack County. Billy had intended to work in the fields with his older brother, but shortly after they arrived, as he was lazing up against a truck in the migrant camp where he and his family were staying, he was approached by a visitor to the camp named Bill Dryden. Dryden, one of two Accomack County "home-school coordinators," had an interesting proposition to advance—a special summer program for migrant children that offered classes in reading and arithmetic plus field trips, movies, classes in music, arts, and crafts, and a square meal at lunchtime. The next morning Billy and his sisters were picked up by a bus that took them through the fields along bumpy country roads to the North Accomack Elementary School in Mappsville.

As part of the process of enrolling Billy in the program, guidance counselor Levolia Fletcher recorded his name and date of birth, the names of his parents, the family's Florida and Virginia addresses, and the name of their crew leader (like many migrant families, Billy's parents travel as part of a small labor force recruited by a leader who contracts to deliver them as a package). At 10 o'clock that morning terminal operator Windal Blake, sitting at the same sort of machine Mrs. Lockett had used in Florida, queried Little Rock for Billy's record. By 2 o'clock that afternoon the computer had searched the data bank and responded with basic facts from his school in Florida concerning his health and academic record—the essential information for placing Billy at the proper level in the Accomack program and for making sure he was not unwittingly bringing a serious communicable disease with him. As procedure calls for, a print-out giving the details of his school and health history arrived by mail three days later. Even when MSRTS performs that efficiently—and sometimes it doesn't, simply because the computer can reveal only what it has received—the system is not free of criticism and even of controversy.

Its champions contend that while the system does indeed need improving, its only basic flaw is the failure of some school people to feed the computer on schedule. Moreover, as is pointed out by A. K. Fisher, Assistant Superintendent of Schools in Accomack County and head of the migrant program there, the alternative, is to "try to tie the youngsters' records around their necks, as in the old days." (The present system does in fact call for giving the children copies of their records, to be turned in at the next school, but the incidence of loss remains almost total.)

Since the schools along the migrant streams will at best have only a few weeks in which to try to help the youngsters, Fisher says, they cannot afford the time it would take to trace back through the migrant child's wanderings and try to determine what classes he should be assigned to and whether there were health problems that might endanger not only the youngster himself but the other children. People working with migrant youngsters claim there have been many instances in which these children have been given the same inoculation two or three times in the same year, simply because health authorities could not take a chance.

Some teachers—Palm Beach County's Robert Bedell and Eileen Huff are examples—feel the form is too restricted. Those filling it out are confined to checking the rows of prescribed boxes, they say, with no provision for observation and comments. Bedell and Miss Huff nevertheless agree that MSRTS is "a good idea."

Some critics in Florida have contended that the system is in effect discriminatory. While there is an obvious gain in keeping track of the records of migrant children, they say—since these children need all the help they can get—other deprived children in the area need help, too, and often aren't getting it because they cannot be classified as "migrants." Defenders respond that MSRTS is indeed a special effort to meet a special need—just as there are special programs to serve the physically handicapped—and that the issue is not discrimination but the particular nature of the problem. Broader criticism comes from Cassandra Stockburger, director of the National Committee on the Education of Migrant Children. The public schools as they now operate, she argues—their curriculums and the way they are organized—do not adequately serve the needs of migrant students, and money spent on tracking their records should instead be spent on improving the schools themselves. To which the system's proponents reply that improvements are indeed called for and that MSRTS is a significant move toward building a foundation for a coordinated, broad-scale planning effort that crosses State and district lines.

Perhaps the most fundamental concern is that pointedly expressed by Senator Sam Ervin (D-North Carolina), in his capacity as chairman of the Senate Subcommittee on Constitutional Rights. Senator Ervin's reservations have gone not to the matter of helping migrant children as such but rather to the general issue of possible invasion of privacy represented by "official" data banks and their potential misuse. This issue has been a major topic of consideration by the Arkansas education department officials who carry out the system's policies, and firm restrictions have been laid down about the kind of information going into MSRTS and confining access to that information to school authorities involved in migrant programs.

Meanwhile, efforts have been launched among the States to expand the exchange of information about migrant education in general and to improve the performance of MSRTS at the local level. Spurred by meetings of State migrant education officials held last summer and again last December, explorations are under way to try to improve the standard form on which MSRTS information is recorded for storage in the computer. Suggestions to date have concentrated on expanding the number of items to be checked so as to cover not only the basic skills and subskills but to provide for more detailed data within these headings. Thus in the boxes related to vocational education there might be room for information covering automotive tune-up, medical assistant training, cash register skills, hotel worker skills, and the like; and for younger children there might be headings related to preschool and day-care experience. One notable decision, reflecting the concern over possible invasion of privacy, is that the record will not include comments from teachers. At the same time, with the assistance of the American Academy of Pediatrics, work is under way toward refining the health sections of the form.

What all this means to the Nation's migrant children is that they had a better shot at schooling last year than they had the year before, and that with further refinements of the record system, their chances may be still further improved in the years ahead. Given the haphazard education that has been the migrant youngster's traditional lot, MSRTS represents only a small advance, but it has large implications.

Much though the system may need improving, it is beginning at last to bring order and continuity to the school experience of the most mobile segment of our population. It assures that migrant children can be enrolled in their new schools without delay or confusion, and placed in classes that built on the schooling they have already received. It means diminution if not eradication of the health problems to which these children are so particularly subject—typhoid and tuberculosis prominently among them. And per-

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haps more broadly it may stimulate schools along the migrant trails to undertake those reforms and readjustments necessary for providing migrant children with the kind of education that will enable them to enter the mainstream of American life.

MORE ABOUT MIGRANTS

Single copies of four publications dealing with the education of migrant children are available to American Education readers without charge.

Two of these publications may be obtained from the Public Inquiries Section, U.S. Office of Education, Washington, DC 20202. They are:

Children at the Crossroad (OE 37062)—a 48-page booklet describing the plight of migrant families and outlining various State programs funded under Title I of the Elementary and Secondary Education Act to aid them.

Available from the Texas and Arkansas State education departments, as noted below, are the following:

Texas Child Migrant Program—a 23-page booklet detailing programs for migrant children instituted in the Lone Star State. Available from the Division of Migrant and Preschool Programs, Room 222, Texas Education Agency, 201 E. 11th Street, Austin, TX 78701.

Love and Understanding of the Migrant Child—a 33-page collection of speeches by educators and government officials dealing with a wide range of issues affecting the migrant child. Copies are available from The Migrant Office, Room 611, 1515 Building, Little Rock, AR 72201.

NEED, SERVICES, AND BENEFITS PROVIDED BY MSRTS

MSRTS CLIENTELE

Migratory children are children who have moved from one school district to another during the past year with parents or guardians who were seeking or acquiring employment in agriculture including related food processing activities such as canning.

HISTORICAL NEED FOR MSRTS

The rapidity with which many farm migrant children have moved during school terms has been accompanied by the problem of many schools receiving student records after the children had already moved on, thus ineffectuating the usefulness of the data.

SERVICES PROVIDED BY MSRTS

1. Yearly contract proposal development, negotiation and execution.
2. On-site visits to terminals to give needed assistance.
3. Daily monitoring of all terminals for volume and efficiency control.
4. Provide all computer services.
5. Blank and printed student Transfer Record forms.
6. Mailing of student Transfer Record forms to schools.
7. Provides a recommended total system operation.
8. Develops and provides training materials for states.
9. Develops and provides operational manuals for terminal operators and school users.
10. Provides monthly, quarterly and annual activity reports to USOE and the states.
11. Provides training, for all terminal operators and back-up terminal operators and other state personnel.
12. Works with USOE and state agencies on operational development problems related to MSRTS.
13. In-service training for MSRTS Staff.
14. Monitors users' needs and modifies System accordingly with USOE approval.

BENEFITS OF MSRTS

1. Rapid transmittal of pertinent general, health and academic student data for rapid programming for students.
2. Information for placement and care of children:
(a) School attendance patterns.
(b) Parent/guardian relationship to student.
(c) Kinds of health screening exam(s) administered and when.
(d) Health screening findings and subsequent treatments (if any).
(e) Urgent health conditions.
(f) Status of treatment procedures.
(g) Inoculations administered and needed.
(h) Students' chronic health conditions.
(i) Standardized test(s) administered, date and score(s).
(j) Special educational programs of student involvement. Encourages program continuity.
3. Encouragement for more attention to program development.
4. Encourages positive attitudinal changes toward problems and needs of migrant children.
5. One agency responsible for accumulation, storage and dissemination of pertinent data on seasonal farm migrant children.
6. Provides data for establishing an empirical method of distributing funds to states for student programs and services.
7. Provides a vehicle for interstate cooperation in the education of agricultural migrant children.
8. Provide statistics to USOE and the states for program planning and budgeting and for better understanding of the nature of farm migrancy.
9. Monthly newsletter.

MSRTS SAFEGUARDS OF STUDENT PRIVACY

1. Design of a uniform record which does not permit the recording of derogatory information.
2. Resolution adopted by the states and approved by USOE that allows individual student records to be sent only to authorized educational agencies within the states. Summary statistical reports may in addition be sent to USOE and the states from the Central Depository.
3. Unauthorized terminals cannot communicate with MSRTS computer.
4. Precise tape and message format that is made available only to authorized personnel.
5. Peculiar student file access security codes.
6. Peculiar set of student data required to access student files.
7. Field validity checks.
8. All access data must match precisely all the data in the student's electronic file.
9. Each state's laws on student file protection apply.

(NOTE.—System design for the safeguarding of private student data was approved by the Senate sub-committee on Constitutional Rights headed by Senator Sam Ervin of North Carolina.)

ANNUAL TASKS OF MSRTS

First year—fiscal year 1970—Complete the design for MSRTS and build an operational facility.

Second year—fiscal year 1971—Initial process of bringing all participating states into the System.

Third year—fiscal year 1972—First year of full-scale operation.

Fourth year—fiscal year 1973—Second Year of full-scale operation and conversion to dedicated computing facility.

## AN AMERICAN SUCCESS STORY

### HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. CARNEY of Ohio. Mr. Speaker, there is a myth gaining acceptance among some people in our country that it is impossible for a man to start from scratch and reach the top of the business world. However, the New York Times recently published an American success story which completely discredits this myth.

The story is about a man who started from a humble beginning and, with a great deal of ingenuity and hard work, has become the leading builder of shopping malls in the United States. That man is Edward J. DeBartolo, Sr., president of the Edward J. DeBartolo Corp. Mr. DeBartolo is a lifelong resident of Youngstown, Ohio.

In addition to being a highly successful businessman, Edward DeBartolo still finds the time to be an outstanding civic leader and a good family man. I am very proud to have Mr. DeBartolo, his lovely wife, Maria Patricia, his son, Edward, Jr., and his daughter Maria Denise, as residents of my congressional district.

Mr. Speaker, Edward J. DeBartolo proves that the United States of America still is the land which offers an individual the best opportunity for fulfilling himself and for making his hopes and dreams a reality. Mr. Speaker, I insert the New York Times story in the RECORD at this time:

[From the New York Times, Apr. 29, 1973]

NO. 1 BUILDER OF SHOPPING MALLS A SHY DYNAMO

(By Isadore Barmash)

YOUNGSTOWN, OHIO.—Workmen perspiring during construction of a shopping center, racetrack or motel in Florida, Louisiana or Ohio these days occasionally look up at the sky with a frown or a hopeful glance. It is not unknown for a Learjet or Hello STOL Courier to swoop out of the clouds and deposit a thin, serious, dark-haired man in his mid-fifties just at the moment that a crucial building problem has cropped up.

Edward J. DeBartolo Sr., the country's leading builder of shopping centers, clocks 500 hours of air travel every year in his two company planes. His hair-trigger sense for spotting troubles and his skill in quickly coping with them are attributable to many years spent as a young construction laborer and to his later experience as a civil engineer on big construction projects.

And, despite this boss's friendly, sober, soft-spoken style, woe betide a dallying—or, worse, a sleeping—carpenter or painter. Construction deadlines are a serious matter to Mr. DeBartolo.

"We've built more than 100 shopping centers over the years," he said recently, "and we've never failed to meet a deadline. Maybe that's why we get so much repeat business."

A man of irrepressible nervous energy, Mr. DeBartolo for years has worked 15 hours a day on weekdays, 10 to 12 hours on Saturdays and seven hours on Sundays.

Last week, as he sauntered down the center of nearby Boardman, Ohio, he pointed to a business block and said:

"As a kid, I used to pass by here every day going to high school and I promised myself that I would own that block someday. Today I own that block and much more. One thing led to another, I guess, because I had to work from scratch."

Moments later he toured his Southern Park Mall in Boardman, exuding pride in the fact that not a single candy wrapper or cigarette butt marred the neatness of his shopping center.

He added: "We've got nine ongoing mall developments involving some 12 million square feet. All in all, we're in various stages of about 35 different projects." He paused a moment.

"I love the action," he went on. "It stopped being work a long time ago. Yet it took a long time for us to be discovered. But we've got lots of big plans."



An early riser, Mr. DeBartolo needs only four hours of sleep and is at his desk at 5 A.M. The 55-year-old president of the Edward J. DeBartolo Corporation is a blend of paradoxes.

Considered one of the building industry's best salesmen, he indulges in no hardsell techniques but talks about his "total concept" construction in terse engineering terms.

"I may talk softly," he says with a smile, "but I took chances a million miles out. I no longer have any qualms, though, about taking chances. A mistake would not be too prohibitive these days."

Mr. DeBartolo lives in Youngstown with his wife, Marie Patricia, a quarter of a mile from the company offices in a 12-room, ranch-style home with a sort of Colonial-style entrance.

Besides their son, Edward Jr., who is 26 and executive vice president of the concern, the DeBartolos have a daughter, Marie Denise, 21, who is the company's personnel director. Edward Jr. has two young children.

Frequently the Hello STOL (short takeoff and landing) shuttle plane lands on a grass strip behind the square DeBartolo office building at 7620 Market Street, taxis quickly and deposits a passenger a few feet from the front door.

Inside, some 300 employes are busy in what Mr. DeBartolo calls "our fantastic machine—the fullest complement of in-house services of any builder in America." He explains:

"We do everything ourselves, from our own legal services through site selection, leasing, construction, engineering management and financing."

These combined activitiess have produced corporate assets of about $300-million, up from $125-million five years ago. Projects now under way are expected to expand the DeBartolo assets to about $450-million. Of that total, shopping-center building and ownership account for 75 percent; racetrack building and franchises, 15 percent, and motels and industrial building, 10 percent.

In earlier years, when the company was building primarily smaller neighborhood shopping centers, it sold about 100 of them to finance its construction of larger regional covered malls. Today the DeBartolo concern retains 100 percent ownership of about 30 of the big malls.

As the president of a privately held company, Mr. DeBartolo declines to specify its cash flow or revenues or to disclose his personal wealth. Other Youngstown sources, however, indicate that he has personal holdings of more than $100-million, mostly equity in real estate.

In a survey by Chain Store Age, the DeBartolo concern took first place for the second straight year as the country's largest builder of shopping-center space in the 12 months ending tomorrow. The company built 4,231,670 square feet of such space, up 35 percent from a year before, the magazine reported.

No. 2 was the Hanson Development Company of Hackensack, N.J., with 2,550,882 square feet.

The DeBartolo company also owns the Thistledown Racetrack in Cleveland, is building another track near Shreveport, La., has constructed and operates an inland foreign trade zone in Toledo, Ohio, and operates a chain of Holiday Inns under franchise.

Hard work is something Mr. DeBartolo discovered early. Growing up in a well-disciplined Italian household in Youngstown, he became inured to day-long toil as assistant to his late step-father, Michael DeBartolo, who was a master mason and later a general contractor.

"In the early days," he said, "my stepfather and I would leave in his old touring car when it was still dark and come home when it was dark. I was beat, pooped out. But I remember that the old man, tired as he was, would put an arm around my shoulder and we'd drive home that way. He was a wonderful man—even though he was not my real father, who died when I was very young—and I owe him an awful lot."

After graduating from high school, the youth fought the idea of any higher education. For a year he drove a truck.

But his mother Rose, insisted that he go to Notre Dame University. So he did, and he earned a B.S. degree in civil engineering before serving in the Army Corps of Engineers during World War II. He started his company in 1948.

His mother, now in her eighties, maintains an active interest in the business world and Mr. DeBartolo subscribes to financial publications for her, such as Fortune, Business Week and The Wall Street Journal. His regular Sunday visits to her are filled with "a lot of good lively talk about business," he says. "She reads everything and she's sharp."

Another key to Mr. DeBartolo's success may be the effort he takes to train people. One of his long-time executives commented, "He's known best as a developer of buildings, but he's really more of a developer of people."

Mr. DeBartolo puts it this way: "We've disproved the Peter Principle in this building. We've trained every department head ourselves, and we've found that many people can rise to a high level of competence when given the responsibility, not a chance to benefit from their level of incompetence. We've given each directions, horizons and incentives."

The incentives are unusual. Some of the DeBartolo-owned shopping malls, such as Security Square in the Baltimore area, have been made partnerships between Mr. DeBartolo and more than 50 key executives.

The maximum share given to each was 3 per cent. A percentage point during the building phase was worth $45,000, for which the employe paid $50. After the Baltimore center opened, each point rose in value to $150,000.

Also, each holder of a share or fraction of a share benefited from the income tax shelter that real estate offers through its strong depreciation factor.

Real estate depreciation is a periodic write-off of costs over a period of years. If depreciation runs in excess of revenues, the result is a net loss, which reduces the taxpayer's taxable income.

Besides being convinced that keeping his company privately held permits him to have "ultimate flexibility to make decisions and tackle new ventures," Mr. DeBartolo believes that publicly held real estate companies bear the burden of having to produce net income to keep stockholders happy.

"Fortunately, we're spared all that," he said with a smile. "Once we got over the hurdle of selling our total concept to the lenders—and especially to the big retailers, such as Sears, Penney's, Federated Department Stores and Associated Dry Goods—we've been able to obtain all the financing we need. We borrow about $150-million a year from life insurance companies and mutual savings banks."

## THE FURROW AND FREE TRADE

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. RAILSBACK. Mr. Speaker, recently I had the opportunity to read "The Furrow and Free Trade" by William Hewitt, chairman of the board at Deere & Co. in my congressional district. On May 7, the House Ways and Means Committee will begin hearings on trade legislation. Undoubtedly, this subject will be of highest priority in the 93d Congress. Articles such as "The Furrow and Free Trade" will certainly prove valuable to all of my colleagues. It is excellently written, and endorses free trade: a concept I have long embraced. It follows:

THE FURROW AND FREE TRADE

(By William A. Hewitt)

Winston Churchill is reported to have said that the three most difficult things for a man to do are: one, to climb a wall that is leaning toward him; two, to kiss a woman who is leaning away from him; and three, to deliver a good after dinner speech. However, Mr. Churchill overcame at least the last of those three difficulties with great success and style . . . and probably delivered more great speeches, some of them after dinner, than any other man of this century.

If I remember correctly, Mr. Churchill coined the term "Iron Curtain," in a speech at Westminster College in Fulton, Missouri, in 1946, I mention this geographic and academic parallel to our own circumstances this evening, not from any expectation of being able to read tonight's remarks in the textbooks and encyclopedias of the future, but rather because of the 180 degree swing in international attitudes since Mr. Churchill's Missouri talk.

Much has happened during the 27 years since 1946 and the end of World War II. To cite a few examples, our nation has indirectly tilted with Russia and China in two wars on the Asian continent, has been through a missile crisis with the Soviet Union in Cuba, has cured polio, explored the moon, suffered through a decade of often violent youth rebellion, endured several economic recessions, launched the electronics and computer industries, and has grown and prospered to unprecedented levels. In contrast to the comparatively innocent age of 1946, today this nation and other nations of the world communicate with one another via satellites while tourists, businessmen and government representatives ocean-hop regularly by jet in a matter of hours. In terms of access, familiarity and understanding, the world today is about the size of the United States in 1946 when Mr. Churchill cautioned us about the Iron Curtain.

But, of course, there are similarities, too. As in 1946, our President and his envoys have just recently negotiated the end of yet another war—a wasteful war which most Americans felt was more tragic, and certainly more frustrating than World War II.

Even as we meet here tonight, prisoners of the Viet Nam War are being exchanged in the Philippines and are returning to their homes. If there was ever a time for a new beginning, it is now. It is time to melt what remains of Iron Curtain-type barriers around the world and it is time to work together with the Common Market nations and all other nations to ensure peace in the future. A wise old axiom contends that the less hungry a man or a nation is, the less likely he is to want to rob his neighbor's pantry. I truly believe that increased trade among nations is certainly one of the most promising paths to mutual prosperity, and thus to peace. For this reason, world trade is the subject I would like to discuss with you tonight—and especially the role of agriculture in world trade.

Trade has a special significance for those of us associated with agriculture. Let us remember that U.S. farmers export about 15 percent of their product. If their production were reduced by that amount, not only would the U.S. balance of payments suffer significantly, but the U.S. industries that support agriculture would also suffer. Farmers would need less farm equipment, less fertilizer, less

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insecticides, and consequently a great many U.S. workmen would lose their jobs. Increased restrictions on imports would be bound to provoke retaliatory moves by our trading partners and thus cause a reduction in our opportunity for exports, just as happened in the 1930s.

I believe it is essential that U.S. companies as well as corporations in other countries be able to compete freely on a worldwide basis. This is necessary not only for their own long-term commercial success, but also for the good of our country and for the good of the other nations involved. Because of foreign government regulations, high transportation costs, and the need for special products in certain foreign markets, competition on a worldwide basis often requires that U.S. companies establish manufacturing facilities overseas. In the experience of Deere & Company and in the experience of other major business organizations, this does not take away U.S. jobs, it increases them. This may seem surprising to some, but it is true.

Since Deere & Company began investing in manufacturing facilities overseas in 1956, for example, our exports from the U.S. have grown substantially. They totaled nearly $131 million in 1972. We estimate that John Deere exports provided more than 2,800 jobs in Illinois, Iowa and Wisconsin last year, most of which would not have existed if we had not built factories overseas. Many other large American companies that operate on a multinational basis can prove this same point.

There are two main reasons why John Deere exports have increased substantially since 1956.

First, as our overseas organization has been strengthened by the establishment of factories in other countries, our ability to market U.S. products overseas has increased. This development has increased the demands by foreign customers for U.S machines and repair parts, including such products as large-horsepower farm wheel tractors.

Second, John Deere's overseas factories have required a growing volume of high-technology U.S.-made components such as engines and transmissions to supplement their own manufacturing operations.

In the United States we have a fortuitous combination of climate, soil fertility, technology and management skill that sets our nation in the vanguard of world agriculture. The Japanese may match us in electronics and the Germans in automobiles, but no nation can match America in agricultural efficiency. Our position will hold even higher promise provided we do not permit the construction of prohibitive new trade barriers.

For example, due to a general improvement in standards of living there is an important trend developing toward more meat consumption in many parts of the world, especially in Japan and the industrially developed nations of Europe. The same is also becoming true in the U.S.S.R. This development heavily favors U.S. agriculture. In the production of feed, especially corn, to support this livestock expansion, and also in the production of soybeans, no other country can come close. Major corn producers outside of the United States include Argentina, and to a lesser extent, Brazil, Mexico and a few other Latin-American countries. In Europe, we find that France, and to some degree Italy, are expanding their corn production. But the United States produces about half of the world's corn output and about three-fourths of the soybeans. And, of course, midwestern America is responsible for the bulk of that production.

U.S. exports of farm products totaled $8 billion in the fiscal year ending June 30, 1972, and that was an all-time record. Educated estimates are that this figure will total more than $11 billion in 1973. Large purchases of wheat, corn, and soybeans by the Soviet Union were a major factor in setting these new records. It is important to recognize, however, that the increase in U.S. farm exports last year and this year is broad-based. It involves increased demands from many countries besides the Soviet Union, and for many commodities other than wheat and soybeans, which happen to be the ones we have heard the most about.

As I am sure you know, the rate of gain in productivity in the U.S. is greater in agriculture than in virtually any other industry. This has produced a contribution to United States exports and toward a favorable trade balance that is unmatched despite agriculture's historic trade restriction handicaps. And now our government appears to be moving to enhance the potential of U.S. agriculture in international trade. A new study by the Foreign Agricultural Service of the Department of Agriculture concludes, for example, that with reasonably open access to world markets, the highly efficient U.S. grain-oilseed-livestock complex could shoot U.S. exports of agricultural products above $18 billion by 1980—more than double the 1972 level. Let me reemphasize, however, that this growth can only be achieved with relatively open world trade.

It is my own observation that the President and his advisors on agriculture want to achieve less fettered movement of farm goods across national borders. We are cautiously optimistic on this point, remembering how long it has taken to dismantle trade barriers in the past and also remembering the protectionist attitude most countries have taken related to agriculture.

The mechanism of the U.S. economy, together with the benefits it derives from a rationally regulated international flow of technology, capital and goods is difficult enough to digest and even harder to describe. Yet, the protectionist forces seem to be attempting to reduce the issue to a simple matter of imports plus overseas investment equals fewer jobs for American workers. That is a gross and an inaccurate over-simplification. Such reasoning assumes that only other nations benefit from U.S. purchases and investments in those nations. Trade and investment, however, are mutually rewarding to both parties.

Imports provide the foreign exchange that other countries need to purchase U.S. products. In other words, imports finance exports. Exports in turn are effective employment catalysts. About 25,000 jobs are created by every $1 billion of goods that we export from this country. And as I said earlier, exports of John Deere equipment alone last year provided over 2,800 jobs in the U.S. Imports also aid consumers, including the farmer. They give him a wider choice of products and prices, whereas tariffs and quotas tend to limit his choice, raise prices and nurture inflation. Over the long pull, trade restrictions also stifle exports.

Let me cite some evidence.

A survey of 74 multinational corporations was conducted by the Emergency Committee for American Trade, a group known as ECAT with which we in Deere & Company have worked very closely. This study found that in the decade from 1960 to 1970 the corporations that were studied increased total sales of goods they produced in the United States from $58 billion to $113 billion, a gain of almost 100 percent in that same decade those companies increased their exports from the United States from $4.3 billion to $12.2 billion, a gain of almost 200 percent. They exported 11 percent of their production, or double the national average for manufacturing firms. During the same 10-year period, those 74 companies increased their number of U.S. employees by nearly 900,000, for an average annual growth rate of 3.3 percent. By contrast, the average employee growth rate for all U.S. manufacturing industries was 1.4 percent. The ECAT survey clearly supports the thesis that having overseas units helps U.S. companies provide jobs at home.

In another interesting comparison, the 74 companies in the ECAT survey increased their net trade balance (the surplus of exports over imports) from $3.2 billion in 1960 to $6.6 billion in 1970, for an average annual rate of increase of 7.7 percent. By contrast, the net trade figure for all U.S. manufacturing industries during that same decade fell from $6.2 billion to $3.1 billion, for an average annual shrinkage rate of 6.6 percent.

In a similar study, a Harvard Business School team reviewed nine major overseas investments in industries accounting for 90 percent of U.S. foreign direct investment in manufacturing facilities. These included chemicals and allied products, electrical machinery, non-electrical machinery, oil, transportation equipment, food, paper, primary and fabricated metals and rubber goods. Each of the multinational corporations studied could no longer serve its overseas markets from its U.S. facilities. The alternative was either to invest in production overseas, or lose the markets to foreign producers.

The effect on U.S. employment from the new overseas factories of those nine companies was precisely what we had found it to be in Deere & Company. The Harvard report found that foreign investments in manufacturing created additional jobs for U.S. workers; furthermore, the report found that if the U.S.-based corporations had not made the foreign investments, the cost to U.S. employees would have been an estimated 600,000 jobs lost.

On the negative side, the overseas investments of these nine multinationals did tend to alter U.S. trade patterns which in turn upset employment in some sectors of this country. The research team concluded that a substantial amount of government assistance—such as grants, loans, training assistance and wage supplements—is needed to ease the impact on industry sectors hurt by foreign competition. That is one of the critical areas where government can and should be of service in advancing international trade, instead of imposing new trade restrictions.

Against such evidence it should seem clear that to restrict multinational American companies in order to try to force them to invest more at home would be counter productive. It is wrong to assume that all of their overseas investments are substitutes for investments that would be made at home. Many overseas investments are, in fact, unique opportunities with no alternative counterpart at home.

There are many in America today who, for a variety of reasons, seem to advocate an almost primitively nationalistic stance concerning this country's interface with other nations of the world. This restrictive and narrow protectionist philosophy harks back to 1930 when the Smoot-Hawley Tariff Act brought U.S. tariffs to the highest protective level in the history of this country and spurred strong retaliatory tariff acts from other countries. As a result, this nation's foreign trade suffered a nosedive that contributed substantially to that decade of economic depression.

Two hundreds years ago Thomas Paine wrote: "Not a place upon earth might be so happy as America. Her situation is remote from all the wrangling world, and she has nothing to do but to trade with them." Today we are intimately involved with, and certainly not remote from, the wrangling world. But unlike Paine, some 20th century Americans are—perhaps unwittingly—advocating national isolation.



In discussing foreign trade with you this evening on this university campus, there is a sidelight of personal background I would like to mention.

As a student at the University of California at Berkeley during the mid 1930s, it was my good fortune to study under Henry F. Grady, a distinguished professor of international trade and Dean of the university's college of commerce. Professor Grady's remarkable career in government, education and business spanned some 40 years, and as the best of teachers do, he had a considerable and lasting influence on many of us who studied under him.

Professor Grady served in Washington as Assistant Secretary of State under Cordell Hull and while in the State Department he was in charge of economic and trade affairs. In this capacity he drafted the reciprocal trade agreements that led our country away from the economic suppression that was brought on by the Smoot-Hawley Tariff Act. It is in considerable measure because of his influence that I feel firmly opposed to new efforts at the national level to insulate our country from world trade and thereby risk a relapse into an early 1930s posture with all the economic and social reverses that protective legislation would induce. Such measures as the Foreign Trade Investment Act of 1972 now pending in Congress—or the Burke-Hartke Bill as it is popularly known—are particularly threatening to U.S. agriculture and to affiliated industries.

I am deeply concerned by the growing number of voices which call for increased restrictions on imports and curbs on the operations of U.S. firms in other countries. The Burke-Hartke Bill, for example, is proposed in the belief that it would protect U.S. industry and the jobs of U.S. workmen. According to its joint sponsors, Senator Vance Hartke of Indiana and Representative James Burke of Massachusetts, the bill is designed to "stem the outflow of U.S. capital, jobs, technology and production." Of these, the primary objective appears to be the protection and creation of U.S. jobs. To accomplish their objective, advocates of the bill would impose severe restrictions on U.S. companies which have overseas operations.

For example, the bill would require U.S. corporations to pay income taxes on all foreign earnings on top of the income taxes already imposed by each foreign government where the company operates. Existing tax credits based on U.S. treaties and agreements with foreign countries would no longer be allowed. This would amount to double taxation.

The bill would also create a new agency and empower it to restrict imports by establishing quotas based on the level of production during the years 1965-69. Furthermore, the bill would give the President authority to prohibit foreign investment and licensing when, in his opinion, that would result in a net decrease in employment in the United States.

The Burke-Hartke Bill itself is not the only current danger. If it does not become law, critical parts of the bill may be attached as riders to other pending legislation and slide through with little warning. In the existing climate, similar bills could crop up at any time. It is critical that people in agriculture recognize this type of proposed legislation for what it is. The facts are that such measures would be very harmful to the long-term national interest, and to agriculture specifically.

Those of us in agriculture have a special stake and a special responsibility in this promising decade to see that international trade is advanced and not impaled on the twin pitchforks of provincialism and protectionism. U.S. farmers supply about 16 percent of the world's agricultural exports, including 90 percent of the soybeans, over 40 percent of the feed grain, 30 percent of the wheat and tobacco, 25 percent of the rice, and 20 percent of the cotton. U.S. farm products during the last fiscal year required the financing, inland transportation and storage, and ocean transportation for about 70 million tons of cargo—enough to fill over a million freight cars or more than 3,000 cargo ships. To produce the record $8 billion worth of commodities exported last year required 65 million acres of U.S. crop land. The output of almost one out of every five harvested acres in this country was explored. With imaginative, rational trade regulations those levels will rise substantially in the years ahead.

I mentioned at the outset that we are verging on a new era of opportunity for world cooperation, distinctly different in its potential for progress than the days immediately after World War II when Mr. Churchill came to our part of the country to warn of the Iron Curtain. Quite aside from those in this country and elsewhere who are lining up against one another on the protectionist versus free trade issue, there are many in industry and government who feel that the United States should not trade with Communist countries. I do not share this view.

When I referred earlier to melting down the Iron Curtain through trade, I said it not only with the conviction that this is a very important avenue toward world stability and prosperity but with the belief, based on personal experience, that the Soviet Union and East European nations are equally eager to trade with us. I subscribe to the idea that "communication is the beginning of understanding." The more we trade with our ideological adversaries the more chance there is of fostering greater understanding among nations, including those nations who have been squared off against one another in the Cold War that started at the end of World War II. The more we trade with our ideological adversaries, the more we will spread the benefits of more and better food and fiber throughout the world and thus soften the temptation of nations to raid their neighbor's storehouse. The more we trade with our ideological adversaries on a mutually beneficial basis, the more we will gain from one another, and the more we will progress in the common quest for a more comfortable and more cultured civilization. Conversely, if nations with different ideologies insist on remaining in their mutually isolated compartments in the world, antagonism is bound to grow, hostility will flourish and the potential for outright conflict will be increased.

Emerson wrote in 1844 ". . . the historian will see that trade was the principle of liberty, that trade planted America and destroyed feudalism; and that it makes peace and keeps peace . . ." I say to you that international trade can play the same important role today—but this will happen only if we let it.

Most of us who are active in world trade today are convinced that such trade benefits both our nation and the world. Yet only because of threatening new anti-trade activity in Congress has international trade come to the forefront in terms of news. As a result, tonight I find myself feeling somewhat like the little boy who grew to the age of three without speaking. His mother had taken him to doctors who declared him healthy and mentally alert and told her not to worry. Then one morning, after his long silence, the little boy startled his parents by pounding on the breakfast table and shouting "These eggs are terrible!" His mother, overjoyed at hearing her little boy say something, first hugged him and then asked, "Why haven't you ever spoken before?" And the little boy answered quietly, "Well, up to now the eggs have always been very good."

## ENERGY DEMANDS ENERGY CONSERVATION

**Hon. Yvonne Brathwaite Burke**
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mrs. BURKE of California. Mr. Speaker, we all recognize that America no longer will have the luxury of dirt-cheap energy that made it the world's leading industrial power. With each day, we learn more about our inability to meet our own growing energy demands. The phrase "energy crisis" reappears daily in the newspapers.

With 5 percent of the world's population, the United States guzzles 33 percent of the globe's energy. On any given day, the average household uses the energy equivalent of 46 pounds of coal, 9½ gallons of oil products, and a half-pint of nuclear energy, among other fuels. Projections call for far higher consumption by 1985: 70 pounds of coal, 5½ gallons of nuclear energy. Therefore, what we do in the intervening 12 years will be crucial indeed.

We have simply taken for granted blindly the availability of cheap energy and have given too little thought to the huge amounts we were actually wasting.

Automobiles, for example, belch 87 percent of their energy intake out the exhaust pipe. The pilot lights on our gas ranges consume an unbelievable one-third of all the fuel the appliance burns. All in all, it is estimated that the United States wastes nearly 50 percent of all the energy it burns.

These incredible statistics underscore the need to begin now to develop radical policies that prevent this wasteful misuse of our valuable energy resources.

The President's recent statement on energy all but ignored this current question: How can we conserve the misuse of our energy supplies? His message was geared toward answering the supply questions instead of how to control the demand for energy. By emphasizing supply of energy, the President is making a decision to fuel the escalating demand for energy consumption.

In a recent column by Hobart Rowen, enlightened discussion is given to the conservation of energy question particularly as it applied to the automobile. In his article entitled "Curbing the 'Gas Guzzlers'," Mr. Rowen boldly comes out and calls on Detroit to produce smaller and lighter cars which burn less fuel. I commend this article to the attention of my colleagues, and hope they will begin to give serious thought to developing legislative ways to encourage Detroit to produce smaller cars.

[From the Washington Post, Apr. 29, 1973]

CURBING THE "GAS GUZZLERS"

(By Hobart Rowen)

The public may be ahead of the Nixon administration in assessing the need for a bold

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program to conserve energy. At least, that's the conclusion I draw from some comments on the column in this space last Sunday on the President's energy message.

My observation on the need for more concerted action to curb the consumption of gasoline by today's high-powered American cars touched a responsive chord.

Several readers suggested a new tax on gasoline specifically designed to reduce gas use. One argued for the "shock" effect of an additional 10-cent-a-gallon tax, which he estimated would cut gas use by 25 per cent.

Funds built up by such a tax could also be used to finance mass transit, additional technological research—or even to buy pollution-control devices for existing cars.

But to come to grips with the problem caused by gasoline shortages in the next few years—and government officials assure that there will be a serious pinch in some regions this summer and fall—the government will have to talk turkey to Detroit.

The automobile industry has to be encouraged to build smaller cars. Concern, Inc., of Washington, D.C., puts out an interesting leaflet of tips on energy conservation which shows that about 12½ per cent of all the energy consumed in the U.S. is burned by automobiles.

Figures just published by the Environmental Protection Agency show that 1973 models of the big cars—foreign or domestic—are about twice as gasoline-hungry as smaller ones. Cars getting better than 20 miles a gallon under city driving conditions included the Datsun 1200, Toyota Corolla, Honda, Triumph Spitfire, Fiat Sport Spider, Buick Opel, Mazda, VW Beetle, Plymouth Cricket, Dodge Colt, Saab 97, Ford Capri, Vega, and Pinto (listed in declining order from 27.1 to 21.2 miles per gallon).

Cars getting less than 10 miles a gallon included the Ferrari Daytona, Chevrolet Suburban, Ford Wagon, Plymouth Satellite, Pontiac Catalina, Rolls Royce, Cadillac, Buick Electra, Lincoln, Oldsmobile Toronado, Imperial, Chrysler, and AMC Ambassador Wagon (in ascending order from 6.3 to 9.8 miles per gallon.) Not coincidentally, most of the gas-guzzlers have big engines of 400 cubic inches or better.

But how can Detroit be encouraged to produce more four-cylinder and six-cylinder cars and fewer big "eights"? There are many possible ways. An automobile excise tax penalizing high horsepower is one. Conceivably, if we really have an energy crisis, the government could put a limit on total horsepower to be produced by each company, according to a base period formula for each. To get the most number of units, the companies would be forced to make smaller cars.

"They could still be expensive," observes a New York banker. "You could have a small Cadillac—still very costly and very smart to own."

A high government official, concerned with the energy problem, concedes that "it would be entirely logical" to push Detroit toward a smaller car because it ties in so well with environmental needs: smaller cars mean reduced pollution, and reduced dollar-outlays by companies and consumers alike for pollution control devices.

The automobile industry, to be sure, is far from charmed by this idea. But Detroit historically is slow to catch on. For years, it ignored the combined style and gas-economy appeal of the foreign compact car, losing untold millions in sales to VW, Datsun and Toyota before it fought back with its own smaller breed.

But if retail gas prices get to the neighborhood of 50 cents a gallon and a typical medium-sized American car yields only 10 to 12 miles a gallon when encumbered with a pollution control device, the public will be howling for smaller cars, and nothing but smaller cars.

Conservation on the highways is not the only energy waste that can be pursued. Concern, Inc., points out that the heating and cooling of homes chews up 20 per cent of all energy used in this country. The group makes several practical suggestions that individuals can follow. (Their leaflet is obtainable by writing to Concern, Inc., 2233 Wisconsin Ave. NW, Washington, D.C. 20007.)

Concern, Inc., also sensibly recommends a major effort by industry, which could save vast amounts of energy by greater use of recycled materials which cost less in energy than do virgin materials; a truth-in-energy law which would require the posting and labeling of power requirements of all appliances; and the study of advertising and other promotional practices which stimulate rather than conserve energy.

One local reader draws attention to the fact that the Pennsylvania Power & Light Co. has actually taken employees formerly involved in marketing electricity and converted them to an advisory force working with builders and developers on ways to economize on power use. That's a real switch, and other companies are likely to be doing the same thing.

But above all, a conservation drive needs national leadership and direction. That can only come from the White House.

## DR. GILES CELEBRATES GOLDEN ANNIVERSARY

### HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. BLACKBURN. Mr. Speaker, on Thursday, April 12, an article appeared in the Atlanta Daily World with regard to Dr. Samuel Hopkins Giles.

Dr. Giles is celebrating his golden anniversary as a teacher and Christian minister.

At this time, I would like to bring this article to the attention of my colleagues:

DR. SAMUEL H. GILES: CHURCH HISTORIAN

(By Charles E. Price)

Dr. Samuel Hopkins Giles is without a doubt one of the leading scholars on Black Church History in America. He has spent a lifetime correcting errors and discovering new facts about the neglected and ignored past of Black folk. Serious students of the Black past flock to him and only a few are bold enough to be sure about certain historical facts without consulting Dr. Giles or referring to his works.

Dr. Giles is a man of decided opinion. He cast his lot with the state of Georgia shortly after his return from his European study and has become a regular fixture in the intellectual landscape of Georgia. He blends so well with this landscape until it is hard to think of him as other than a native son of Georgia.

However, this native of Baltimore, Maryland, will celebrate fifty years as a member of Kappa Alpha Psi, fifty years since graduating from Lincoln University and fifty years in the Christian Ministry. These are not celebrations of endurance records, although endurance is a laudable part, but rather they note his successes and the fruits that his efforts have borne.

Many honors and awards have been thrust upon him. Dr. Giles was the recipient of the Delaphine McDaniel Fellowship in the Department of Ecclesiastical History, Drew Theological Seminary in 1926, first black to receive this award which requires graduate study in a Foreign University. He has also received two Rockefeller Grants for Research Projects.

His works have appeared in scholarly journals throughout the nation. Some of which includes "Some New Light on Richard Allen," The Journal of Religious Education of the African Methodist Episcopal Church. Three studies done by Dr. Giles were published in Summaries of Research projects, 1947-59. Atlanta University Center and Associated Colleges. Also extracts from the Thesis "The Person of Christ in the Synoptic Gospel" have been published and are widely discussed among Seminarians. "From Payne to Greene" was written by Giles in 1951.

Much of the Research efforts of Dr. Giles have resulted in the location of noteworthy documents which include a Biography of Morris Brown by Daniel A. Payne, a speech by Atticus G. Haygood at the dedication of Morris Brown College, November 25, 1885, and the original charter of Morris Brown College. Also, his research has unearthed supportive or collaborating historical facts which regularly appear in African Methodist publications.

Dr. Giles experiences in the Christian Ministry include his pastorate in the local parish as well as Chaplaincy in the U.S. Army. He held pastorates in Narragansett Pier, Rhode Island 1925–26, Bethel AME Church, Charlotte, N. C., Galesville Circuit, Maryland 1935–36 and Bethel AME Church, Cambridge, Md., 1939–41. He was a probation officer, Court of Juvenile Delinquency, Baltimore, Md.

From this position he entered the Chaplaincy of the U.S. Army in 1941. He served for awhile at Camp Lee, Va. where he was the founder and the developer of a program to reduce illiteracy among the men in the Quartermaster Replacement Center. The trainees were taught to read, write, do arithmetic problems in addition to mastering basic military maneuvers and special jobs essential to quartermaster soldiering. Later overseas, Chaplain Giles received congratulations from Mrs. Eleanor Roosevelt when she reviewed American Troops in Bristol, England. Mrs. Roosevelt heaped praise on Chaplain Giles for the appearance and performance of his regiment during her visit with the men at a Red Cross Club shortly after Bristol citizens staged a civil demonstration for her benefit. In the service, Dr. Giles rose from the rank of Lieutenant to that of Lt. Col. he now holds the rank of Lieut. Col. (retired).

Returning to Morris Brown in 1946 after his mustering out of the service, Dr. Giles assumed teaching and administrative duties in the College of Liberal Arts and Turner Theological Seminary. Since 1957 he has served as Director Christian Education. Sixth Episcopal District AME Church in Georgia.

He has been a frequent traveler in foreign countries first as a student at Edinburgh University, Scotland, secondly, as a chaplain in the Armed Forces of the U.S.A. Serving in North Ireland, North Africa, and Italy at the close of World War II. From this journey he brought back many artifacts and souvenirs and shared his experiences and observations in a well attended travelogue at Big Bethel AME Church on February 23, 1947. His last trip to Europe was in 1950 for the purpose of rechecking pertinent information on the writings and letters from John Welsley, William Penn, and Dr. Benjamin Rush, the latter having been connected in research in this country with Richard Allen and Absalom Jones.

Dr. Giles is married to Phoze D. Giles. Their daughter Charlotte Emma Giles, is a star in their crown. She is a graduate of Fisk University with both the masters and doctorate of music from Indiana University. Miss Giles has held teaching assignments at Tuskegee, Florida A&M, Knoxville College, and presently she is on the faculty of music at West Virginia College and serves as a pianist with the Charleston, W. Virginia symphony orchestra. She is listed in Outstanding Young Women in America, 1971.



Dr. Giles is a graduate of Lincoln University, 1923, initiated in Kappa Alpha Psi at Lincoln in 1923. He received the BTH with honor in 1926 from Drew Theological Seminary and the master of Theology from Drew in 1931. Post graduate work was done at Edinburgh University on a special award for outstanding work at Drew. At Edinburgh, he completed the residence requirements for the Doctor of Philosophy, the subject of his thesis was "The Early History of an Independent Negro Church in America, 1816–1916."

Dr. Giles has had a busy and productive life. He has touched all the bases of intellectual pursuit. He has traveled, preached, taught, studied, listened, comforted and consoled, acted and decided. His chief attributes are the dedication and the enthusiasm which he brings to every task which he performs. He walks with kings and bishops and still has the common touch.

Dr. Giles is a scholar to be reckoned with in this specialty, The Black Church. He has brought certainty and accuracy to many long accepted historical facts and he has also pointed to the errors of our way. Those of us who shared his interest in scholarship, do well to pause with him as he celebrates his golden anniversaries as a brother, scholar, and christian leader.

## SENATOR CECIL A. PARTEE SPEAKS ON THE SUBJECT OF "QUOTAS"

### HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. YATES. Mr. Speaker, Senator Cecil A. Partee is the able and eloquent majority leader of the senate of the Illinois State assembly. On April 15 at a meeting of the Temple Sholom Brotherhood he delivered a most interesting and thoughtful speech on the subject of quotas. I am sure Members will be interested, and I am including at this point Mr. Partee's remarks:

CECIL A. PARTEE REMARKS FOR APRIL 15 SPEECH ON "QUOTAS," TEMPLE SHOLOM BROTHERHOOD, CHICAGO

Officers, directors, members of Temple Sholom Brotherhood. I am grateful for the privilege of being with you this morning in God's house.

When I was asked to discuss with you the subject of "quotas" in American politics, education and employment—and whether they pose a threat to our democracy—I knew I had a very challenging task.

Not only does the concept of "quotas" present deep philosophical questions, it evokes as well a great deal of emotion—both pro and con. It is, in short, one of the toughest, most controversial philosophical issues facing America today.

But I welcome the chance to share my views with you on this subject. Though a contemporary problem, it is one that has been with us for most of the 20th Century.

Advocacy of a quota system to ensure minority representation in all facets of American life—has been a concomitant of the civil rights movement that began gathering steam in the early 1960's. This is so whether social, economic, political and educational.

Quotas became widely used—particularly in industry, labor unions and institutions of higher learning—as a means of guaranteeing that a minimum number of persons from minority groups, especially blacks, received representation roughly equivalent to their population proportion.

I cogitate that at least three basic assumptions lead to the call for a quota system:

1. No person's opportunity should be adversely affected because of race, religion, national origin or class.

2. Blacks, Jews, Puerto Ricans and other white and non-white minorities have been discriminated against for centuries, in this country and elsewhere in the world.

3. In order to overcome inequality and discrimination, everything within the law must be done to expedite the entry of disadvantaged minorities into the American mainstream, or, if you will, the "melting pot" of economic assimilation.

Discrimination and other destructive practices which unfairly delimit opportunity can be overcome through implementation of what is known in sociology as "affirmative action" programs. Gaining popularity in the early 60's, affirmative action refers to positive steps aimed at combating discrimination—whether it is discrimination in education, housing, the job market or the political process.

"Affirmative action" means consciously searching for qualified members of minority groups: it means developing compensatory education services so that we can train and qualify minorities for proportional representation; and it means taking deliberate action so that various institutions in our society accurately reflect the percentage of minority groups in overall society.

I heartily endorse the concept of "affirmative action." It is necessary in American society, which historically has discriminated against blacks, Jews and numerous other minority groups.

Deliberate attempts to correct this imbalance, which is what "affirmative action" programs are designed to do, are commendable and laudable. Without conscious efforts, the imbalance and inequity would no doubt continue for many more centuries.

Unfortunately, however, the ugly "quota" system often emerges from this basically sound idea of "affirmative action." It is but an extension of "affirmative action". The distance from that noble concept to that narrow, rigid and inflexible quota system is short: You must hire so many blacks in labor union *x*. You must admit so many Jews to University *v*. You must elect so many women political convention delegates from District *z*.

And on and on like Tennyson's Brook.

What I am saying is this: we must be very careful, in our quest for justice and equality in a Democratic framework, to avoid destroying democracy in the name of democracy. Paradoxically, the attempt to democratize through the use of quotas can destroy the very essence of democracy.

Heterogeneity is implied in the word "democracy." Even words like "happenstance." Arbitrary numbers, quotas or allotments are alien to the nomenclature of a democracy.

In a democracy, we encourage all to share a portion of the good life. But can that portion be obtained by boxcar-like computerization?

As wonderful as democracy is, there simply is no room in it for rigidly ascribed maximums, minimums and numerically finite limits. To the contrary, the beauty of democracy lies not in its inner and outer limits, but in its capacity for open-ended flexibility. A beckoning to one and all, without regard to circumscribing terms like "allotment," "proportion" and "assignment".

Though it is true that a "quota" can ensure that at least some desirable minimum numbers of blacks, Jews or other minorities shall receive certain opportunities, it can also mean that once that arbitrary, fixed level is reached, no additional numbers of those minorities need bother to apply for admission through the gates of democracy. It can result in a ceiling as well as a floor

So I do not like the quota system. I consider it to be inherently undemocratic—whether you define it to mean floor or ceiling, minimum number or maximum figure.

The quota system is deleterious to almost all aspects of American life I can gather to mind—even when the policeman is given some ridiculous traffic-ticket "quota" to fill, or risk demotion or stymie advancement.

On Monday, Policeman Jones might nab 10 speeders on the highway. On Tuesday, he may try just as hard but catch only five. For his superiors to tell him he must catch at least 10 every day is just not proper.

I know this is an elementary illustration, but I still think it amply demonstrates the impossibility of the quota system.

Consider another hypothetical example. A college decides it needs more blacks. It wants to enroll 25 additional blacks this year, so 28 blacks take the entrance exam.

The college also wants to enroll 25 additional Jews, and 30 Jewish persons take the test.

Twenty-six Jews score remarkably well. Only 24 blacks are outstanding. But the school hires the 25th black and turns away the 26th Jew, even though the 26th Jew scored 90 out of 100 and the 25th black scored only 55.

I believe it is much more desirable to allow the forces of competition to be the determining factor, assuming of course that we have a solid "affirmative action" foundation to enable equal opportunity.

Facist Italy and other totalitarian nations in years past have flirted with the quota system in their parliaments and legislative bodies, mixing modified syndicalism with distorted concepts of democracy to come up with rigidly proportioned legislative bodies.

They insisted that their legislative bodies had to have so many butchers, so many plumbers, so many doctors, so many from this segment of the population and so many from that segment.

I agree that it is desirable to encourage broader representation in government. Our legislature in Springfield, for instance, is top-heavy with attorneys and businessmen, and underrepresented by blue-collar types, farmers and the like. Perhaps such inequities in governmental representation have more than a little to do with the wave of hardhat populism that has pervaded our land in recent years—much of it beneficial, in my opinion.

But I would prefer taking my chances with unpatterned democracy at the polls, even though it might not mean equal representation to all groups in the legislature—than I would in establishing a regimented quota system similar to those that have been tried and discarded in disgust.

As I mentioned earlier, the quota system was popularized during the height of the civil rights movement of the early 60's. Originally, it was used primarily in the job market. Prior to that, employers who had few blacks working for them rationalized by blaming the unions; and the unions rationalized the fact that they had too few blacks by blaming employers.

So quotas developed as a concrete way of showing a willingness to hire blacks and other minorities, and furthermore, as a way of measuring that willingness.

But when quotas are taken literally, when they exceed the altruistic notion of "affirmative action" of searching, training and placing, then we have diluted democracy.

In 1972, the superintendent of San Francisco schools decided that not more than 20 per cent whites could fill administrative posts that year in the system, not more than 10 per cent the second year, and none the third year or in succeeding years until ethnic and racial proportions equalled the ethnic and racial population in the schools. Jews, who as you know, hold many educational administration posts because of their oppor-

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tunities over the years in this field, were not among the minorities included in the superintendent's edict.

Such quotas are not a measure of affirmative action; they are an ascription by political fiat without regard to competition or individualism. They destroy individualism and competition and promote an unhealthy form of numerically balanced collectivism.

I do not know what became of the San Francisco Superintendent's plan, but I hope its stupid rigidity was replaced by a common-sense effort to increase minority faculty representation, without destroying the lives and futures of others simply because they did not fit into some arbitrary category.

To say that minorities hired are "qualified" is to evade the issue. A rigid quota system not only discriminates against the many who do not fit into the "minority" categorization of the moment, but it implies that quota supported minorities are a caste unable to qualify for competition, unable to ever become qualified, unable ever to compete and therefore in need of a phony crutch. Quotas degrade minorities ostensibly to be helped, while at the same time putting the so-called majority at an impossible disadvantage.

We need "affirmative action" programs in politics, education, employment and all other facets of life—the history of discrimination and inequality in this nation leaves no doubt about that. But in implementing affirmative action, we must not move neither too fast, nor too slowly. We must move as fast as the traffic will bear.

What the traffic will bear depends upon individual, specific circumstances. If, for example, we give a minority-group member preference on an exam—as we have done for years for veterans—we might be moving too rapidly in giving him 75 points, too slowly in giving him five. Perhaps the traffic will bear 40 points. But it should be left to individual judgment, based on the unique conditions. A quota system would not allow for needed flexibility and choice.

A mark of a free society is that it emphasizes ascendance of performance—or achieved status—over ancestry, or ascribed status.

Thus, a quota system is similarly undemocratic, where ascribed status is more important than achieved status: where individuals are forbidden to fully stretch their unique spirits and capacities.

Another example of what I am talking about also occurred in San Francisco schools. In an economy move about two years ago, the school board voted to eliminate up to 125 administrative posts. In establishing criteria for ascertaining which administrators to demote, the board went beyond the affirmative action principle and decided that only whites would be demoted—no Japanese, no Koreans, no American Indians, no blacks and so forth. The only exempt whites were the Spanish-speaking.

Even though the Jews constitute one of the most discriminated against minorities, they too were victimized by this quota decision in San Francisco. Why? Because there was no special minority category for them. Since a number of Jews were in the system, many of them naturally faced ignominious demotion, despite exemplary work records.

Fortunately, for some reason the Board changed its mind and did not fire or demote any of the school administrators.

No people in this nation have more of a right to decry the quota system than the Jews.

Until the last decade of the 1800's, there were only some quarter of a million Jews in this country. There were few if any assimilation problems, hence relatively little discrimination. But with the wave of immigration from the turn of the century to World War I and after, especially from Eastern Europe, the Jewish population in the United States soon climbed to four million.

Before long, the Jew became the scapegoat for every ill, real or imagined. Henry Ford, in a 1920 book he or a ghostwriter compiled, entitled "The International Jew", blamed World War I and everything else on the Jews in America.

In was in the 1920's that many exclusive, private eastern universities began placing cruel quotas on the number of Jews that could enroll each year. Why? Because the elitist WASPS, from the 'old boy' school that controlled these Ivy League institutions began to feel threatened.

The white upper classes, mainly Anglo-Saxon in origin, all of a sudden got scared. Harvard was 20 per cent Jewish, Columbia 40 per cent, Yale, Princeton and other schools felt similarly threatened.

So a clever, invidious quota system was established—usually not formally, but established nonetheless—to drastically limit the number of Jewish enrollees.

Immediately, the percentage of Jewish students at the Ivy league schools plummetted dramatically.

The effects of this quota have carried over even into modern times. One of the by-products is the so-called "regional balance" recruitment, where the eastern colleges recruit in the midwest and other areas of the country outside the East. This was started in the 1920's when the colleges knew that to recruit in the East was to recruit Jews.

One college even excluded Metropolitan New York City from its recruitment list in the 1920's.

Yes, quotas should be particularly anathemic to the Jews. You are a tiny minority, obviously threatened by the concept of "proportional representation."

The Deeds of the Jews in world history—in medicine, science, the theater, law and education—have far outstripped their numbers. Carried to its extreme, a quota system imposed on the Jews would have precluded their great contributions to society.

You have a memory of the "numerous clauses" that restricted Jewish access to universities in Russia.

You have a memory of the first quotas established in higher education in America to limit the Jew, forcing Jews to go to CCNY, Hunter and others on the Eastern seaboard. Both of those schools reached 80 per cent Jewish student attendance as a direct result.

Some of you remember the Johnson Act of 1924, the cold and inhumane immigration-quota law aimed largely at people from Eastern Europe.

But the Jews made it big despite discouraging quotas. With only three per cent of the U.S. population, Jews make up 9 per cent of faculty membership in the nation's colleges and universities. Counting only the top-ranking 17 universities, that figure grows to 17 per cent Jewish.

If quotas had become all-pervasive, I wonder how many persons in this country—Jewish and otherwise—would now be mill hands, floor sweepers and low-level clerks instead of brilliant professors and surgeons, laboratory geniuses and courtroom giants.

Today, we have the Women's Liberation Movement, which also carries with it a potential quota problem. There are movements underway to guarantee that X number of women are represented in factories, classrooms, and law firms. I fully support Women's Lib—I have consistently pushed for the Equal Rights Amendment—I know that women have been openly and blatantly discriminated against.

But I am fearful that this is another opportunity for the quota system to rear its ugly head. Already, a group of male academicians have formed a Committee on Academic Nondiscrimination and Integrity because they are afraid a nonsensical quota system for women will destroy the educational process.

A fifth of all faculty members at American colleges and universities are women, but only one-tenth of the full professorships belong to women. Even fewer of the top-level administrative posts are held by women.

What we need and need badly is a good "affirmative action" program. With the colleges consciously but not arbitrarily striving for equality for women.

Finally, let me talk about quota systems in politics and my experience with them.

In the March, 1972 primary, I was a candidate on the ballot for Delegate to the Democratic National Convention from the 5th Congressional District. I received 53,381 votes and was duly elected, along with a number of other Democrats in the Chicago area.

When we went to Miami Beach, we were refused our seats on the grounds that, regardless of our election, we did not meet a predetermined quota—so many blacks, so many women and so forth.

So the only seat I had in Miami was on a golf cart.

But a rump group of delegates—chosen at semi-private caucuses—appointed, in effect, by themselves—was seated under the quota formula.

Those 53,381 persons who voted for me were disenfranchised. So were thousands of others who voted for the delegates who failed to get seated.

I am for opening up the political parties, bringing into them a wider cross section of people. But not at the expense of the Democratic process of those who participate in it. I felt cheated at Miami, even though I got in more golf than I had anticipated. But more importantly, those who voted for me were deprived of their rights.

I felt, oddly enough, kind of like the Iowa Delegate who said he felt out of place at the convention because he was white, a Protestant, a male and made more than $25,000 a year.

I read this week in the newspapers where even Senator McGovern, who helped set up the quota program at the convention, has second thoughts and wants the party to eliminate quotas before 1976.

In the employment field, the Philadelphia Plan—started by President Nixon in 1969 to implement President Johnson's executive order of 1965 banning discrimination in construction work involving federal contracts—has had some difficulties in part because of the quota dilemma.

I am happy that many building trade unions and industries in the Chicago area are seeking affirmative action programs in hiring disadvantaged minorities. Hopefully, they will make them flexible enough with broad ranges and goals—to qualify for the "affirmative action" definition instead of the definition of "quota".

Let me close by quoting William Faulkner, who wrote: "I believe that man will not merely endure: He will prevail. He is immortal not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance."

I believe that anyone who shares Faulkner's faith in man, as I do, opposes the quota system.

Thank you very much. I hope that I have articulated my views well enough today. It has been a real pleasure being with you.

## TEXAS CREDIT UNION LEAGUE VOTES TO AID MEXICAN DEVELOPMENT

### HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 2, 1973*

Mr. PATMAN. Mr. Speaker, the Texas Credit Union League voted at its recent annual meeting to contribute $25,000 over the next 5 years to a $125,000, 5-year program for credit union development in Mexico.

This project is being handled by the World Council of Credit Unions, the international arm of CUNA International.

The Texas Credit Union League voted the funds after R. C. Robertson, president of the World Council, explained the program in a keynote speech and appealed for assistance on the part of the Texas Credit Union League. Mr. Robertson said—

> The program can literally be the difference between service and subsistence for the Mexican movement.

He projected a tripling of credit union membership in the project area in the 5 years of the program. The World Council hopes to raise the remaining funds from contributions from U.S. credit union leagues in the Southwest.

Mr. Speaker, the action by the Texas Credit Union League is another example of how credit unions work together to help each other so that they can better serve their members. I applaud the efforts of the Texas Credit Union League in this worthwhile project.



# SENATE—*Thursday, May 3, 1973*

The Senate met at 11:30 a.m. and was called to order by Hon. LAWTON CHILES, a Senator from the State of Florida.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in whom we live and move and have our being, make us aware of how near Thou art at all times to guide us and strengthen us. Refresh us with Thy spirit to quicken our thinking and reinforce our judgment. Show us what is holiest in our heritage that we may conserve and strengthen it. Show us what needs to be changed and give us the courage and wisdom to make the changes. In all our labors help us to yield ourselves to Thy will that this body may help fulfill Thy purposes for this Nation and all mankind.

We pray in the name of Him who was the way, the truth, and the life. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 3, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. LAWTON CHILES, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. CHILES thereupon took the chair as Acting President pro tempore.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 93) to provide a temporary extension of the authorization for the President's National Commission on Productivity.

The message also announced that the House had passed the bill (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project casts under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S.J. Res. 51) to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week," with an amendment, in which it requested the concurrence of the Senate.

### ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente; and

S.J. Res. 93. Joint resolution to provide a temporary extension of the authorization for the President's National Commission on Productivity.

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore (Mr. CHILES).

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 2, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield my 5 minutes to the distinguished Senator from Maryland (Mr. MATHIAS).

Mr. SCOTT of Pennsylvania. Mr. President, may I be recognized for the purpose of yielding 5 minutes, if he desires it, to the Senator from Maryland?

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized for a period of not to exceed 10 minutes, without objection.

Mr. MATHIAS. Mr. President, I thank both the distinguished majority leader and the distinguished minority leader for their kindness in yielding me their time.

(The remarks Senator MATHIAS made at this point when he submitted Senate Resolution 107, relating to the continuation of hostilities anywhere in Indochina, are printed in the routine morning business section of the RECORD under submission of a resolution.)

### SECRETARY OF INTERIOR MORTON VOLUNTARILY SURRENDERS CADILLAC

Mr. MATHIAS. Mr. President, over the past 12 years I have observed the steady proliferation of Government-owned, chauffeur-driven automobiles on the streets of Washington. Traditionally those long, black Cadillacs were reserved for the President, the Vice President, the Chief Justice, and the members of the Cabinet and the congressional leadership. But there are certainly more than 22 or 23 of these limousines prowling and parking on the streets of Washington.

I am taking this moment out of this important debate to commend Secretary of Interior Rogers Morton for voluntarily surrendering his long, black Cadillac, and taking the step necessary for the economy of the country and the environment of this city by traveling in a more modest, less highly priced and more environmentally perfect automobile. I think he deserves great credit.

### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for a period of not to exceed 15 minutes.

### THE VIEWS OF THE PEOPLE AT LARGE

Mr. HARRY F. BYRD, JR. Mr. President, during the past 4 days I have been in Virginia five times and have made four speeches.

Mr. President, on Monday I attended a dinner in Virginia of the Virginia State Chamber of Commerce, whose president is Jack F. Davis, executive editor and general manager of the Winchester Evening Star.

On Tuesday I attended the Annual Law Day luncheon of the Richmond Bar Association. And on behalf of that association I presented to Lt. Cmdr. Paul Gallanti a special award which he received on behalf of all our prisoners of

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war. Commander Gallanti was a prisoner of war for more than 6 years.

Mr. President, on Wednesday morning I journeyed to central Virginia, to Louisa which is located in the heart of Virginia. Louisa was celebrating its 100th anniversary that day.

Last night I spoke in Fairfax County to the Virginia Association of Professionals, and this morning I spoke in another part of Fairfax County to the Northern Virginia Regional Safety Conference.

The more I get out of Washington, Mr. President, the more I get to Virginia, and the more I mingle with the people, the more convinced I am that the vast majority of the citizens of our Nation are sound and solid people. Most certainly they are in Virginia. I think it is important for us in Washington to get out of Washington from time to time and to see the people of our States. I want to carry that message to the executive branch of the Government, Mr. President, the administrators of these departments and the subordinates in these departments who make decisions would make better decisions and would have a better feel of our Nation if they, too, would get out among the people.

Located in this great northern Virginia area of our State, Fairfax County is the largest political subdivision of Virginia, now having 520,000 people and still growing rapidly. It is larger than four or five States of the Union. This is a very intriguing and interesting area. I am pleased to have been within that great county twice within the past 14 hours.

I want to pay tribute today and call the attention of the Senate to the town and the county of Louisa. Louisa is in the heart of Virginia. It is not too far from Richmond. It is quite close to Charlottesville. It is not too far from Fredericksburg.

In the town of Louisa yesterday morning, with beautiful skies and a bright sun, there was a wonderful celebration in the courthouse yard to celebrate the 100th anniversary of the town of Louisa.

There was a tremendous crowd, and it was heartening to speak to that crowd. And after my speech, it was even more heartening to shake hands with those of my fellow Virginians who were there for the ceremony.

In talking with these Virginians, Mr. President, I find that they have deep concern about many of the grave problems facing our Nation and that they have deep concern that the Congress come to grips with the very bad and the very unfortunate financial situation facing our country.

I think the people outside of Washington understand even better than the people in Washington just how serious is our Nation's financial condition.

Mr. President, the town of Louisa has been in existence since the formation of Louisa County in 1742. The town of Louisa incorporated by the General Assembly of Virginia on March 8, 1873. It is the county seat of Louisa County.

Louisa was the scene of great activity during the War between the States and Gen. Fitzhugh Lee camped there on June 10, 1864, prior to the Battle of Trevilians.

The welcome yesterday was given by the spendid mayor of the city, Mayor Robert A. Whitlock, and a brief history of Louisa was delivered by Porter C. Wright. The chairman of the centennial committee was Jerry N. Porter.

I was pleased to be introduced to the audience by a long-time close friend, Judge Harold H. Purcell. Judge Purcell and I became members of the Virginia Legislature on the same day in 1948, and we have been close friends ever since. He is rendering his State and his judicial district outstanding service as judge of the ninth judicial circuit.

Mr. President, I commend the people of Louisa and the people of Louisa County for the outstanding centennial celebration which they had yesterday.

## THE COLLINSVILLE RAIDERS

Mr. HARRY F. BYRD, JR. Mr. President, the Washington Star, on Sunday, April 29, under an 8-column headline on page 3, the headline being "The Night Terror Came Knocking," reported events from Collinsville, Ill., in which two houses were broken into by Federal narcotics agents. Those houses were subsequently found to be the wrong houses.

I ask unanimous consent that the article be printed in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRY F. BYRD, JR. When one reads this report on what happened in Collinsville, Ill., it sends chills down one's spine. It is difficult to comprehend that this could happen in the United States in the Senate on August 6, 1971 I spoke against the controversial no-knock law, wherein police officers armed with a search warrant, may enter a dwelling without first announcing their intentions I oppose those no-knock provisions. I do not believe in breaking into people's houses at night without any warning.

I think that when we resort to tactics of that type, we are getting on very unsound ground. It was proved in Collinsville, Ill., last week when two houses were broken into, and in one house a man and his wife and in the other a man and his wife and children were terrorized by Federal agents. Had the agents knocked—instead of breaking down the door—they would have learned they were in the wrong homes—and a night of terror would not have come to those homes.

I think these incidents must be brought to the attention of Congress. The administrators must take firm steps to punish those responsible, and take firm steps to be certain that no such tactics are used in the future.

I would like to see the no-knock provisions knocked out of all the crime legislation which has been enacted by Congress. But if the no-knock provisions are allowed to remain on the books, I think certainly greater care must be exercised by Government officials, police, and narcotics agents to see that they get the right houses.

I yield back the remainder of my time.

EXHIBIT 1

THE NIGHT TERROR CAME KNOCKING

(By Andrew H. Malcolm)

COLLINSVILLE, Ill.—Herbert Giglotto was asleep with his wife in their townhouse apartment here the other night. He heard a crash by the front door. He stumbled from bed.

"One more step, you (obscenity) and you're dead," said a voice in the darkness. And Giglotto felt a gun barrel against his forehead.

One half hour later across town Don Askew, his wife Virginia and their son Michael were sitting down to a late fish supper.

Their dog Charlie barked. Mrs. Askew went to the living room, then gasped. "My God, Don, there's a man at the window."

There was, in fact, a man at every window. Each pointed a pistol inside. And three men stood by the door with shotguns.

Thus began a night of terror for two families here last Monday. Their doors were kicked in; their homes damaged, their arms shackled. And the screaming bearded men told some they were to die.

The long-haired, unshaven, poorly dressed armed men who burst into the homes shouting obscenities were federal narcotics agents hunting, with no known warrants, for something or someone.

They went, however, to the wrong houses. And when they realized their error, the men disappeared with no apologies.

"I think people should know," said Mrs. Giglotto, "that this sort of thing can happen in America now. God only knows how many families this has happened to."

The agents' actions here prompted charges of "Gestapo tactics," a $100,000 lawsuit, some angry editorials, a federal investigation and a good deal of fear in this quiet southern Illinois community of 19,600, 15 miles east of St. Louis.

Except to confirm that the men involved were, in fact, narcotics agents, no one in the federal government would explain the incidents.

Herbert Giglotto is a 29-year-old boilermaker who lives with his wife, Evelyn, in a tri-level apartment. They have no children.

They had retired at 8:30 p.m. Monday because Giglotto arises for work at 5 a.m.

At 9:30 p.m., there was a crash. That was the storm door being ripped out. A second crash followed. That was the inside door buckling off its hinges.

Giglotto reached the top of the stairs when a man put a gun to his head.

The boilermaker turned to his wife. "Honey, we're dead."

"That's right, you (obscenity)," said the man.

He threw Giglotto face down on the bed and handcuffed his arms behind his back and said: "one move and your dead. Who's that bitch?"

The room had filled with 15 men. They were tearing down shelves and ripping clothes out of closets and drawers.

"That's my wife," said Giglotto, "and this is our bedroom."

"Don't get smart," said the man. He cocked his pistol. "I'm gonna kill you."

Mrs. Giglotto pleaded hysterically for her husband's life.

"Shut up," the man said.

He ordered Mrs. Giglotto, who was clad only in a short green negligee, to lie on the floor. Another man threw a sheet across part of her exposed body.

There were crashes elsewhere. A television set, among other things, was thrown across a room. An antique plaster dragon was shattered. Cameras were bashed on the floor. Papers were strewn about.

Then one man flashed a small gold badge for an instant, but not long enough to read. And he rattled off a list of names that Giglotto did not recognize.



"You're going to die if you don't tell us where the drugs are," said the man.

"Please, please, before you shoot, check my wallet," screamed Giglotto, who says aspirin is the strongest drug he takes. Just then there was a voice on the stairs.

"We've made a mistake," it said.

Giglotto was released and the room emptied.

"Why, why did you do this?" Giglotto asked as he struggled to put on some pants.

"Boy, you shut your mouth," said one man. And he knocked Giglotto over, ripping his trousers.

Outside, a man was modeling one of Giglotto's construction hardhats. The Giglotto's pets—three dogs and a cat—had been thrown outdoors.

"(Obscenity) your animals," one man said, "I don't care about your goddamned pets."

And the men walked off down the street.

About that time 40-year-old Don Askew was returning from his East St. Louis gas station to his modest, six-room home on Collinsville's north side.

The dead-end street, a one-lane curving affair, is little-traveled.

So Arnold Blass, a 66-year-old next-door neighbor, was puzzled by the car that cruised back and forth. He had just cleaned a .22-caliber pistol and put it in the house.

Now Blass was in his backyard chatting with Jack Freiburg, a friend, and cleaning some freshly-caught carp.

Suddenly, they saw about 25 "raggedy-looking hippies" running across the vacant lot toward them. One pushed Freiburg, who knocked him down instead against an old icebox. Another seized Blass' knife.

Then, a man produced a badge for a second. "Is that all the identification you've got?" asked Freiburg, "I can buy one of those in any dime store."

By then Mrs. Askew was screaming for the police. As Blass turned toward his house, three men barred his way, shaking their heads slowly.

"It's a good thing I didn't have my gun," Blass said later.

Askew thought the strangers were a motorcycle gang after his 16-year-old son. Then he saw the armed trio at the door.

"You kids go on home now before I call the police," he said, holding the door shut. Then, slowly, without a word, one of the men leaned back and kicked the foot just below the glass. The muddy footprint is still there.

Mrs. Askew ran screaming toward a bedroom. She fainted and hit her head on a table. Her son went for the phone. "Hold it, boy," said the voice in the window.

Then one man at the door waved a badge briefly. Askew opened the door promptly and stepped back. Only then did he see a pistol pointed at his back through the kitchen window and a man standing quietly by the bathroom with a shotguun in his hands.

The man had ripped open a screen and kicked in a back door that Askew had nailed shut eight years ago.

The men searched the home. "Do you know John Coleman?" they asked.

"No," replied Askew.

"I can't breathe," Mrs. Askew said.

"Take it easy, lady," one man responded, "We're federal agents and we've gotten a bum tip." They began to leave.

"Wait until the police get here," Askew said.

"We can't," the man said. "We've got four more places to go tonight. Here's a phone number. Call and they'll pay any damages."

The number was for the Bureau of Narcotics and Dangerous Drugs in St. Louis.

In his stocking feet Askew followed the 25 men to the Collinsville police station, where the agents identified themselves to Chief Paul Cigliana and reportedly admitted they had no warrants.

On Wednesday the Askews sued the federal government for $100,000 for violation of their civil rights. The Giglottos also retained an attorney. "I can't compete with a government like this," said Giglotto.

In Washington, Myles J. Ambrose, special assistant attorney general in charge of drug abuse law enforcement, ordered a "thorough investigation" and said "appropriate action" would be taken against any federal agents who acted "improperly."

**"Every day I get madder," Giglotto said.** "They acted like those German Gestapos. If they were representatives of the federal government, we're all in trouble."

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. (Mr. CHILES). Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for a period not to exceed 15 minutes, but not to extend beyond the hour of 12 o'clock noon.

Mr. MANSFIELD. Mr. President, I think if that contingency occurs we will be able to provide sufficient time out of the time allotted.

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the distinguished Senator from Massachusetts (Mr. BROOKE).

## SUBMISSION OF SENATE RESOLUTION 106, URGING THE ATTORNEY GENERAL TO APPOINT A SPECIAL ASSISTANT IN CONNECTION WITH THE PRESIDENTIAL ELECTION OF 1972

Mr. BROOKE. Mr. President, I have been greatly concerned about the resolution (S. Res. 105) which was introduced in the Senate Tuesday and was passed by a voice vote, with no more than five Senators present at the time, despite the fact that opposition to such resolution had been voiced. It is my further understanding that the vote was locked in by a motion to reconsider and a motion to table, and therefore a further motion to reconsider would depend upon unanimous consent, which, of course, will be difficult if not impossible to obtain.

My concern is that the resolution introduced on Tuesday and passed by a voice vote was a resolution that would remove the investigatory and prosecutory responsibilities from the Department of Justice. I can conceive of no prospective Attorney General, in accepting the responsibility as the highest legal officer of our land, abdicating his responsibility in criminal matters.

In addition, Mr. President, I am disturbed that there was no opportunity for Members of the U.S. Senate to discuss and debate this important matter on the floor—no opportunity for clarification as to what was intended and what was meant by the wording of the resolution.

These are very grave times in the history of our Nation. The confidence of our Government is at issue. I cannot conceive that we, the Members of the U.S. Senate, would pass such an important resolution at this time without the most thorough and exhaustive discussion and debate on every facet of that resolution.

I personally feel that this authority should be vested in the Attorney General of the United States, and that if the Senate does not feel that the Attorney General will do the job, it has the right, under the Constitution, to refuse to confirm his nomination. The Attorney General-designate has not been before the Senate Judiciary Committee, which is the proper arm of the Senate to conduct hearings and to interrogate thoroughly the nominee for Attorney General as to his views, his connections, his associations, and his principles of law.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield at that point?

Mr. BROOKE. I therefore feel, Mr. President, that at this time I wish to submit a resolution for the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT) and myself, the Senator from Colorado (Mr. DOMINICK)——

The ACTING PRESIDENT pro tempore. The 3 minutes of the Senator have expired.

Mr. MANSFIELD. Mr. President——

Mr. GRIFFIN. Mr. President, how much time remains, a minute or two?

The ACTING PRESIDENT pro tempore. The Senator has 30 seconds prior to the hour of 12 o'clock.

Mr. GRIFFIN. Mr. President, I yield that much time to the Senator from Massachusetts, and he had better proceed——

Mr. BROOKE. The Senator from Wyoming (Mr. HANSEN)—and ask for its immediate consideration.

Mr. GRIFFIN. Mr. President, reserving the right to object——

The ACTING PRESIDENT pro tempore. The clerk will report the resolution.

The assistant legislative clerk proceeded to read the resolution.

## VOTER REGISTRATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12 o'clock having arrived——

Mr. GRIFFIN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. The Senate will resume the consideration of the unfinished business, which the clerk will state.

Mr. HARRY F. BYRD, JR. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Virginia will state the inquiry.

Mr. HARRY F. BYRD, JR. Mr. President, what has happened to the unanimous-consent request?

The ACTING PRESIDENT pro tempore. The unanimous-consent request was superseded by the previous order of the Senate.

Mr. HARRY F. BYRD, JR. So there has been no unanimous-consent request; is that correct?

Mr. MANSFIELD. Right.

The ACTING PRESIDENT pro tempore. It has not been acted on.

Mr. HARRY F. BYRD, JR. It has not been acted on. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Clerk will report the unfinished business.

The assistant legislative clerk read as follows:

S. 352, to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter



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registration program through the Postal Service.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour allocated before the Senate proceeds to vote on the cloture motion will be equally divided and controlled by the Senator from Wyoming (Mr. McGEE) and the Senator from Hawaii (Mr. FONG).

Mr. ALLEN. Mr. President, on behalf of the distinguished Senator from Hawaii (Mr. FONG), I yield 5 minutes to the distinguished Senator from Massachusetts.

## SENATE RESOLUTION 106

Mr. BROOKE. Mr. President, I am most grateful to the distinguished Senator from Alabama for yielding me 5 minutes to conclude this matter.

Now, Mr. President, I renew my unanimous-consent request that the resolution which I have just sent to the desk be given immediate consideration by the Senate.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution.

The assistant legislative clerk read as follows:

S. RES. 106

Resolution urging the Attorney General to appoint a special assistant in connection with the Presidential election of 1972

*Resolved*, That it is the sense of the Senate that—(1) the Attorney General appoint an individual of the highest character and integrity from outside the executive branch as special assistant for the United States Government in any and all criminal investigations, indictments, and actions arising from any illegal activity by any person, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvas, or other activity related to such election; and

(2) the Attorney General shall inform the President of the name of the individual so appointed and the President is requested to submit the name of such appointee to the Senate requesting a resolution of approval thereof.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object——

Mr. GRIFFIN. Mr. President reserving the right to object—

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BROOKE. Mr. President, I yield to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. CHILES. Mr. President——

Mr. GRIFFIN. Mr. President, let me ask the distinguished Senator from Massachusetts: As I understand his position, it is not to bring this resolution to debate and to a vote today but to get it on the calendar for consideration by the Senate; is that correct?

Mr. BROOKE. Mr. President, the distinguished minority whip is absolutely correct. My purpose is to introduce the resolution, have it objected to, and let it lay over until tomorrow; and then have it objected to, and have it go on the calendar. I hope the leadership will then assign full time for discussion and debate on the resolution.

Mr. GRIFFIN. So that, because of the parliamentary situation, if the assistant minority leader objects, he will actually be doing what the Senator from Massachusetts wants him to do at this point; is that correct?

Mr. BROOKE. And for which the Senator from Massachusetts would be most grateful. [Laughter.]

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I yield.

Mr. DOMINICK. It is my understanding that this resolution is a sense-of-the-Senate resolution; is that correct?

Mr. BROOKE. That is correct.

Mr. DOMINICK. That is correct. So that this effort, which I am happy to endorse, is to make sure that all Senators know what is in the resolution, so that they will have a chance to review it and debate it at some length.

Mr. BROOKE. The Senator from Colorado is correct again.

Mr. DOMINICK. Being a cosponsor of it, instead of the assistant minority leader having to do it, I will be happy to object.

Mr. BROOKE. I appreciate the objection of the Senator from Colorado.

The PRESIDING OFFICER. (Mr. HATHAWAY). Objection is heard. The resolution will go over until tomorrow.

Who yields time?

Mr. ALLEN. Mr. President, how much time remains?

Mr. TOWER. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. How much time does the Senator require?

Mr. TOWER. Five minutes.

Mr. ALLEN. On what subject?

Mr. TOWER. On the subject of Cambodia.

Mr. ALLEN. Mr. President, I yield to the distinguished Senator from Texas 5 minutes, provided he will use 1 minute in opposition to the voter registration bill.

Mr. TOWER. Mr. President, I will be glad to take that 1 minute first and express my dedicated opposition to the voter registration bill, S. 352. I think it takes the electorate machinery out of the hands of the State. It is an ill-advised attempt. It lends itself to all kinds of abuse and fraud. It will be a terrible thing to perpetrate upon the American people. It is urging an effort to encourage people who are uninformed or uninterested in an election to vote like cattle. Therefore, I shall be happy to vote against cloture and if the cloture motion should succeed, I shall vote against the bill.

## CAMBODIA

Mr. TOWER. Mr. President, yesterday, the Democratic conference adopted a resolution seeking to foreclose by legislative action further use of Federal funds for the pursuit of any military activity by the United States in Cambodia. I can understand the motivation of the conference, and I do not criticize my well-meaning Democratic friends for having done this. I appreciate the spirit in which it was done.

But, Mr. President, should the provisions of that resolution be implemented, we would seriously hamstring the President of the United States in the formulation of the conduct of foreign policy.

Dr. Kissinger is on his way to Moscow. Negotiations in Moscow are difficult even from a position of strength. I should point out that the foundation of American foreign policy is the maintenance of adequate military strength and the conviction on the part of others of our will, our resolve, and our desire to use that strength when and if necessary.

Should we adopt the provisions of that resolution, we would serve notice that in certain instances the United States has not the will nor the resolve to use its strength.

We should understand that we can have détentes on favorable terms, and we can have arms limitations with balance of force reductions, only if the United States maintains its strength and convinces the rest of the world of its willingness to use it, if necessary.

We are making progress. We can achieve, I think, stability and peace in the world through diplomatic means, only if the President is not narrowly proscribed in the use of the power that he possesses.

It is a certainty that a satisfactory settlement in Southeast Asia is wholly dependent on U.S. resolve. We are making progress. I think that through diplomatic means we can persuade the North Vietnamese to observe the letter and spirit of the law. But if we convince them that they can, with impunity, violate article 20 of the Agreement by refusing to withdraw their forces from Cambodia, by continuing their aggressive designs on Cambodia, by continuing military operations in Cambodia, then we will postpone the day of peace in Southeast Asia and, indeed, we may be perpetrating perpetual war in Southeast Asia.

Make no mistake about it, the principal military muscle in opposition to the present Government of Cambodia is North Vietnam. It is not the native or the ethnic Cambodians. Therefore, it becomes incumbent on us to be ready and willing to use force, if necessary, to try to achieve recognition and obedience to and compliance with article 20 of the Agreement.

I am sorry that the Democratic conference acted in the way it did, because I am afraid it might be encouraging to the North Vietnamese to continue its military activities in both Cambodia and Laos.

Looking at the long-range implications for the United States, we are a signatory to the SEATO treaties. We are obligated to come to the defense of Thailand, if Thailand is confronted by overt aggression. The safety and security of the territorial and political integrity of Thailand is directly related to our ability and the prospect for sanitization of Laos and Cambodia.

But what we are doing in Cambodia is not in support of the Government of Cambodia. It is in opposition to the blatant noncompliance of North Vietnam with article 20 of the Agreement. Any attempt to proscribe our efforts to force compliance or to negotiate compliance will, I think, result in continued warfare and instability in Southeast Asia and make it a continuing tinderbox.



The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. MOSS. I yield 3 minutes to the majority leader.

Mr. MANSFIELD. Mr. President, I listened with great interest to the remarks of the distinguished senior Senator from Texas. I must say that he is consistent in his views. But I must say, also, that consistency is not always a jewel.

I am sorry that the distinguished Senator was not on the floor to hear the remarks of the distinguished Senator from Maryland (Mr. MATHIAS) when he submitted his resolution today. The Senator from Maryland pointed out that this was not a military or a foreign policy question but that it was basically a constitutional and a statutory issue which has to be resolved if the equality between the branches of the Government, as defined by the Founding Fathers, is to be maintained.

The distinguished Senator drew in SEATO in his reference to Cambodia. Cambodia never has been a member of SEATO. Under Prince Norodom Sihanouk, it specifically demanded that it be excluded—against our wishes, incidentally; and even under the Lon Nol government, the present government, maintained by us—a client state, a client ruler—it has indicated that it does not want to be under the SEATO umbrella.

Mr. TOWER. Mr. President, will the Senator yield, for a point of clarification?

Mr. MANSFIELD. I yield.

Mr. TOWER. I did not mean to imply that Cambodia or Laos were signatories. They are not signatories; nor is South Vietnam, for that matter. I only meant to point out that Thailand is and to point out the responsibility to Thailand.

Mr. MANSFIELD. Thailand is. Laos and South Vietnam have come under the umbrella, based on the protocol.

But what does SEATO amount to? At the present time, it really amounts to a defense agreement between Thailand and the United States, because Pakistan has, in effect, withdrawn. The British and the French have, in effect, withdrawn. The Australians and the New Zealanders do not show any great enthusiasm and would like to get out. So that leaves the Philippines, Thailand, and the United States.

But I would hope that we would be aware of the fact that what is being done in Cambodia today, based upon the thousands of tons of bombs that have been dropped for 56, 57, 58 days in a row—with one exception—is the expenditure of funds which have not been approved by Congress. That will come in the supplementary appropriation, which I understand will be taken up in the House on Tuesday or Wednesday of next week.

Have we not had enough of war in Indochina? Are not 55,000 Americans dead enough? Are not 303,000 wounded enough? Are not 25,000 quadriplegics and paraplegics enough? Is not $130 billion or more enough?

I wonder when we are going to wake up to our responsibility, and I wonder when we are going to get out of Indochina and Thailand on a lock, stock, and barrel basis. No interest of ours was involved in the first place. No interest of ours is involved now.

If it is a question of face, I, for one, am prepared to give up what face is involved; because I think more of my own people than I do of those people over there, and they have to settle their own destiny, decide their own future. It is their choice.

Mr. MOSS. Mr. President, I yield 5 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, before addressing myself to the subject of the debate on the voter bill, let me say very briefly with reference to the colloquy which just took place between the distinguished Senator from Texas and the distinguished Senator from Montana that I was amazed to hear the SEATO treaty mentioned as one of the justifications for operations in Cambodia. I myself made a request for a statement of legal justification for the operations in Cambodia during a secret meeting of the Subcommittee on Government Operations of the Committee on Appropriations on April 9, and nobody has yet mentioned SEATO as even a possible reason for bombing in Cambodia. I do not feel it is a very tenable ground and I am sorry that it was brought into this debate today.

Mr. HUGHES. Mr. President, before I get back to the subject of voter registration, for which this time was allotted, I wish to associate myself completely with the remarks of the distinguished majority leader in relation to Cambodia and Southeast Asia.

## VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. I yield 5 minutes to the Senator from Iowa.

Mr. HUGHES. Mr. President, the allotted hour before the vote on cloture on S. 352 is proceeding. I hope this vote succeeds, because it is time to call a halt to this protracted debate and to really have a vote on this bill. The bill has been debated extensively, from April 10 until we recessed for Easter, even prior to its resumption Monday. It was debated last year and not given the advantage of a vote on its merits. It has been subject to extensive hearings over a period of a year and a half, both in the Committee on Post Office and Civil Service and on the House side of the Capitol.

Prior to the introduction of this measure, or the other bills akin to it, Mr. President, we have had the benefit of study after study—going back to the 1963 President's Commission on Registration and Voting Participation—which have concluded that registration is a major cause of nonvoting in America.

Just last year, fully 62 million Americans did not vote and that was in a Presidential election year. Sixty-two million Americans did not vote last year. The President of the United States was elected by 47 million voters, who cast their ballots in his favor—by fewer voters than sat it out or were more or less forced to sit it out.

This is a sad commentary on the American system. We can look at other countries in the free world, as we like to refer to it, and we find nothing comparable. In 1970, in the United Kingdom only 71 percent of those eligible voted and they were dismayed by the turnout. Canada gets 75 percent, France 77, and West Germany a full 91 percent.

What do we do wrong that we barely get 50-percent voter turnout?

Mr. President, what we do is put the onus, the responsibility, the chore—whatever you want to call it—of registering to vote on the voter. And then, in jurisdiction after jurisdiction across this country, we make it difficult to register. We establish the hours to be convenient to the registrar, not to would-be voters who must make a living. In effect, we impose a poll tax in many places. It is not, perhaps, the last barrier to voting in America, but it is a significant one, as study after study has shown. And it is often a subtle barrier, erected originally in the name of good government, to prevent fraud and all that sort of thing.

But our prior registration laws today work to prevent people from voting. That fact is clear. For, on the average, while no more than 6 out of 10 Americans vote in our national elections, 9 out of 10 who are registered cast their ballots on election day. And, in historical terms, we can look back and see that before prior registration laws came into vogue, we had more like 80-percent turnout on election days.

Clearly, registration does make a difference, then. It causes people to fail to exercise their right as citizens of the United States. Make no mistake about it. It is a right, and the Constitution clearly so states. There are those who would bestow the franchise as a privilege, but America was founded to get away from just such privilege. The 15th amendment was enacted to get away from such privilege. Voting is a right implicit in American citizenship.

There are a number of obstacles imposed by registration laws now in force in the various States. As one authority, Penn Kimball of Columbia University, told the Committee on Post Office and Civil Service:

> Large numbers of Americans are unregistered to vote because registration instructions and procedures are needlessly complicated, registration places and hours are inaccessible and inconvenient.

The League of Women Voters conducted a nationwide survey and found that 77 percent of the communities studied had no Saturday registration and 75 percent had no evening registration

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in nonelection months. During the preelection period itself, it found that 38 percent provided no additional hours for registration.

Another witness before the committee pointed out that in Cuyahoga County, Ohio, unless you register on the 1 day during the year when there is countywide registration, you must take time off from work to register between the hours of 8:30 a.m. and 4:30 p.m. He stated that a person must also pay a fee between $1 and $2 to park his car. He said that this is a much higher and crueler poll tax than in the days when poll tax was considered legal in this country.

Many jurisdictions have only one location to register and a person must travel there.

In every other country in what we like to call the free world, the duty of registering voters is placed on the shoulders of public officials and the Government—not imposed upon the electorate itself.

The result is obvious from what I have already said with regard to the higher percentage of turnout of voters in nations elsewhere around the globe.

S. 352 is really a simple measure aimed at only enabling qualified electors to vote in Federal elections.

Regardless of what its opponents claim, the bill transfers no significant power to the Federal Government, since the responsibility of registering voters and ascertaining the eligibility of applicants is still vested in State and local officials.

The postcard form provided for under the bill would be sent to appropriate local officials and they would have the power to examine the applicant's qualifications, to put them on the rolls or to question those qualifications before taking such action.

The Federal Government would provide 100 percent reimbursement of the cost of processing the cards. If the system were adopted for State elections as well, the Federal Voter Registration Administration would pay 130 percent of the cost of processing the cards. These incentive payments would provide local election officials with financial assistance needed so that they can better cope with the registration burden placed on them in many places at present.

The bill would strengthen antifraud efforts, for, despite the claims of opponents, the committee has much testimony to the fact that such simplified registration does not induce fraud into the election system.

In addition to seeing to the mass distribution of registration forms, the National Voter Registration Administration would be available to State and local officials for fraud prevention. The bill authorizes action by the Attorney General against the registration of individuals not qualified. It provides criminal penalties for violations which are stronger than the penalties we have today. Let us, then, vote for cloture and proceed to the up or down decision S. 352 requires on the part of this body.

Mr. MATHIAS. Mr. President, as we examine the bill that is before us today regarding voter registration by mail I think it is useful to seek advice and wisdom from those who have actual experience with registration by mail. For that reason it occurred to me that my colleagues might be interested in the statement of my longtime personal friend, Willard A. Morris, the administrator of Maryland's Board of Elections, regarding his experience with registration by mail.

Mr. Morris told a committee of the Maryland State Senate:

> We in Maryland should not be alarmed by registration by mail—we already have it—and *it does work*. We register, by mail, members of the Armed Forces, the Merchant Marines, the Red Cross, the USO and other organizations serving the Armed Forces outside of the United States, civilian employees of the United States serving outside the United States, all of these including their spouses and dependents. In addition, for years we have registered the ill and disabled by mail. Since the 1970 Voting Rights Act amendments, we have had mail registration for any citizen of Maryland who was away from home during the last month of registration during an election.

Mr. Morris included in his remarks a comment about the question of fraudulent registration under a registration-by-mail system. He said:

> In all of these mail registrations, there is no face-to-face oath taking. The citizen's own signature under penalty of perjury is the attestation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MOSS. I yield 1 additional minute to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator

The PRESIDING OFFICER. The Senator may proceed.

Mr. MATHIAS. Mr. President, Mr. Morris sought to clarify the question of where the responsibility of voter registration lies—with the Government or with the people. He stated:

> Contrary to the opinion of many, the Constitution guarantees to the citizens the *right* to vote and the courts have consistently said voting is a *right* and not a privilege.

Before Mr. Morris was administrator for the State board of elections, he had extensive experience as a local election official and can speak with considerable authority and expertise in this area. The concluding paragraph of his statement points out the monetary and other benefits local registration officials will gain by a registration-by-mail program. He said:

> The State Board supports the concept of registration by mail. The prospect of federal funding will make it possible for local boards that are neither staffed nor funded for extensive registration to provide a registration opportunity to attract the largest number of voters. In so doing, the local board will no longer be the obstacle to registration. The blame will be squarely on the perspective voter.

The statement I have quoted from was made for the purpose of encouraging the Maryland State Senate to adopt a statewide registration-by-mail system. Mr. Morris' voter registration jurisdiction stretches from the lonely rural routes of the Eastern Shore, through the streets of Baltimore and the suburban neighborhoods of Metropolitan Washington, to the green mountain valleys of western Maryland. Experience with these diverse areas has led him to believe that the prudent course for his State is a registration-by-mail system.

Mr. Morris' foresight is to be commended and the citizens of his State will indeed be the benefactors of his wisdom.

Mr. President, I would like to address myself briefly to the philosophy of this bill. It seems to me it is very difficult to oppose the bill when all it seeks to do is to give more people encouragement to exercise their right to vote. I commend the efforts of the distinguished Senator from Tennessee (Mr. BROCK) who has been an active participant on behalf of the Republican Party, because I think his efforts indicate that we as Republicans are not afraid to have more voters vote; we welcome the opportunity to have more voters vote, as he has stated very forcefully.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial supporting this concept which was printed in the Frederick, Md., Post on April 23, 1973.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VOTER REGISTRATION

In large part, the story of American democracy in the past century has been written in the long line of successful efforts to expand the franchise and to broaden the base of political participation in our society.

Six of the past twelve amendments to the Constitution have been concerned with extending the right to vote. Hand in hand with these great amendments in recent years have come a series of landmark decisions by the Supreme Court and far-reaching laws enacted by Congress—each a historic victory in the continuing effort to insure the broadest possible exercise of the right to vote.

Now we have reached the next frontier—the archaic and obsolete system of voter registration that operates each year to deny the vote of tens of millions of our citizens. Congress has the chance now to achieve another major milestone in our democracy.

The problem is clear. For a nation that likes to call itself a democracy responsive to the people, our record of voter participation is a national scandal and disgrace. Of all the figures to come out of the 1972 presidential election, perhaps the most distressing is the fact that only 56 per cent of those who were eligible to vote actually went to the polls on election day.

Put another way, of the 139 million eligible voters in 1972, only 77 million actually went to the polls. 62 million citizens stayed home. 62 million lost voters.

The voting record of America becomes even more dismal when we compare it with the record of other Western democracies. In 1970 in Britain, 71 per cent of the eligible voters went to the polls and they called it one of the lowest turnouts in British history. In recent elections in other nations, the turnout has been even higher—74 per cent in Canada, 77 per cent in France, and 91 per cent in Western Germany.

In part, of course, the dramatically higher voter turnout in foreign countries is a result of the fact that the United States tolerates a passive role of government in registration, leaving it entirely to the initiative of the individual to register, rather than to government action.

Voter participation has not always been this low in the United States. Throughout the latter half of the 19th century, voter turnout in our presidential elections consistently ranged in the neighborhood of 70 per cent to 80 per cent. Twice it exceeded 80 per cent. Only once did it drop as "low" as 70 per cent.

Since 1900, however, we have not seen the 70 per cent level again. Eight times in this century—including 1972, the turnout has fallen below 60 per cent. Twice it fell below 50 per cent. Clearly, in spite of the enormous progress that the 20th century has brought us in so many other areas, we have moved backward in the crucial area of voter participation.

The cause is not far to seek. Study after study in recent years has demonstrated that registration is the villain, and 1972 was no exception. The heart of the problem is our archaic system of voter registration. It is no accident that the sharp decline in voter turnout at the beginning of the 20th century coincided with the advent of voter registration legislation.

For decades, every American who sought to exercise his right to vote has had to run a gauntlet of arbitrary, unfair and obsolete requirements of voter registration. Confronted by such requirements, millions more refuse to even try.

Today, in spite of the enormous progress we have made in so many other areas of public life, we are still using voter registration methods which were, perhaps, sophisticated at the turn of the century, but which are generations out of date today.

In almost every other sphere in which government now operates—at the federal, state or local level—it uses the tools of the modern world, especially in the area of communications with the people. If governments collected taxes the way they register voters today, they would be so bankrupt that revenue sharing could never bail them out. Why is it that Americans pay their taxes by mail, when they still have to register to vote by methods as obsolete as the Pony Express or the Model T?

There is ample evidence that reform in voter registration is the key to improvement in voter turnout. According to the preliminary results of a population survey carried out by the Census Bureau two weeks after the election last November, of the Americans who said they were registered to vote in 1972, fully 87 per cent went to the polls and cast their ballots on election day. Put another way, of the 62 million citizens who stayed home on election day in 1972, the vast majority were not registered to vote. They could not have voted, even if they had wanted to. Only a small percentage of those who stayed home were registered to vote.

As the table attached shows, the most recent available official data on voter registration bear out the dramatic fact suggested by the census poll—the overwhelming majority of citizens who are registered actually go to the polls and vote on election day.

Those figures are the measuring of both our present failure and our future promise. They indicate that somewhere between 15 and 30 million citizens lost their right to vote because of the requirement of registration.

The defects of the present system are not confined to any State or geographic region. They go by names like early closing deadlines, unreasonable purges of voting rolls, unfair registration requirements, inaccessible registration offices, and lack of absentee registration.

For millions of the nation's citizens who are elderly, disabled, or sick—those who do not have the physical ability to travel to the registration office to register in person—the lack of any effective procedure for absentee registration means that they are denied the right to vote at all.

And, those who find their way to the registration office often learn that their problems have just begun. In some cases the office is open only an hour or two a day, or a day or two a week. Sometimes, it may be necesary to make an appointment in advance. Other times, the registrar simply shuts the office early, if no applicants arrive that day. In still other cases, all but the most determined voters give up in the face of endless lines and waiting periods they find inside the door of the registration office.

Finally, even those who complete the obstacle course and think they have actually registered to vote are often wrong on election day. Thanks to the chaos and confusion of the registration process—and sometimes a touch of fraud—thousands of voters who went to the polls on election day last fall were denied the right to vote because no record of their registration could be found.

It is not just the disadvantaged who are caught by the existing system. The problem is not confined to any single population group or geographic region. The system traps us all—the businessman in his office, the housewife in her suburb, the worker in his factory, the doctor in his clinic.

Registration is a national problem, and it demands a national solution. Without legislation at the federal level, the inertia of nearly a century of past and present practice will continue, and we shall lose this timely and fertile opportunity to repair a serious breakdown in our democracy and make government more responsive to the people.

Mr. MOSS. Mr. President, I yield myself 3 minutes at this time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, for some time I have been doing what I could to further the cause of the bill that is now before the Senate, and that of voter registration. The right to vote is the ingredient upon which a free government is built. We take such pride in saying that we are a democracy, that we are governed by the people, and ringing words to that effect, but at the same time, by various means and in a hodgepodge way we make it difficult for people to exercise their franchise and as a result we have as bad a record as any free government has in the whole world for casting ballots to choose our officers and the directors of our Government.

The State of Utah has always been at or near the top in the number of people who cast their votes in elections. We take great pride in this, but we take great pride also in the fact that we can get into the 70's and sometimes 80's percentagewise.

In the debate the Senator from Alabama has said that 98 percent of the people in Utah were registered to vote in 1970. It appears the Senator is comparing the number of residents over age 18 with the total number of names on the registration rolls and concluded that 98 percent of all the eligible voters are registered. The problem with these statistics lies in the misleading number of names on the registration list.

Registration officials tell us that registration lists contain all those Utah citizens who have left the State in the last 4 years, and can no longer cast their vote in Utah. The Bureau of the Census tells us that more than 6.5 percent of the American population move out of their election jurisdiction every year.

According to most voter registration experts, in those jurisdictions like Utah, where former residents' names are removed from registration rolls 4 years after they have moved, approximately 25 to 30 percent of the names on the registration rolls can no longer vote in the State.

If the Senator from Alabama takes our country's extraordinary population mobility into consideration, he will find that registered voters make up only about 60 to 70 percent of any State's population—including Utah.

The Census Bureau figures do show, however, that in the 1972 election there were 68,000 voters in the State of Utah who were eligible to vote but were not registered.

I am convinced that if the Congress enacts the bill under consideration here today, a significant portion of these citizens will be registered for the next election.

Registration is the sine qua non of the voting process.

So I say the whole thrust of the efforts of this Congress, of this Government, should be to see that a person has the right to vote and then encourage him to exercise that right on election day.

Other democratic forms of Government have used the system of inflicting a penalty or a fine on a citizen who did not vote, and I do not advocate that, but it indicates the urgency of a person's being eligible to vote exercising his franchise.

Therefore, I strongly urge that the Senate support the bill, and in doing so, bring to a halt now the extended discussion we have had by voting for cloture at this time.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, will the Senator yield to me so I may make a unanimous consent request?

Mr. MOSS. I yield for that purpose.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Martha Weisz of my staff may be on the floor during further consideration of this bill and all proceedings connected with the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield myself 5 minutes.

We are all in agreement that there should be greater voter participation in our elections. We believe in greater voter participation because it is a basic principle of American democracy. But we believe this bill is not the way to get greater voter participation.

The distinguished Senator from Iowa stated that 62 million voters did not vote in the 1972 presidential election, and he seemed to ascribe the nonvoting of those 62 million Americans to the fact that our State voter registration laws are cumbersome and onerous.

There is no indication, Mr. President, that the voter registration laws are onerous or cumbersome or that they prevent American citizens from registering to vote if they desire to register. The reason Americans do not vote is



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not that they are unable to register to vote wherever they wanted to register, but because they are not interested in politics.

A survey was made in 1968 by the Bureau of the Census of 50,000 households of approximately 3 persons to a household. There we had a survey of approximately 150,000 American citizens. These 50,000 households were asked certain questions, and may I say that a survey of 50,000 households is so much greater than the number of persons polled by the Harris poll or the Gallup poll, which talk to only 1,200 or 1,500 of our citizens. Approximately 150,000 people were asked whether they had registered to vote in the 1968 election, and of the 50,000 households, 26,000 of those households, more than 50 percent, said they had not registered to vote.

Those persons who had not registered to vote were asked the reasons for their not registering to vote, and 53.3 percent of those who said they had not registered said they were not interested in politics. Of those who had not registered to vote, approximately 10 percent said they could not register because they could not meet the qualifications or they were not citizens.

So, if we take into consideration the fact that approximately 60 percent of those who did not register did not do so because they were not interested in politics, then we can conclude that most of the 62 million Americans who did not vote in the 1972 election did not vote because they did not want to vote, not because they were precluded from going to the polls because of onerous laws which prevented them from registering.

Take, for example, the State of Texas. In the State of Texas people register by mail. A coupon or an ad is put in the local newspapers. If one wants to register, he clips the coupon and sends it to the registrar. This system has been in effect for the past 30 years. What do we find happens in the State of Texas? In the State of Texas, 54.1 percent of the people—even with a very, very simple and easy and lenient and liberal way of registering—did not go to the polls in 1972.

The distinguished Senator from Maryland said that a Mr. Morris of his State said that they do register by mail in the State of Maryland, and yet 49.6 percent of the people in the State of Maryland eligible to vote in the 1972 election did not go to the polls in that election—not because the registration laws were onerous, not because they could not register. As we have heard here from the lips of the distinguished Senator from Maryland, Mr. Morris says that they have had registration by mail for a long time, and yet only 49.6 percent of those who are eligible to vote voted.

Take, for example, the State of Florida. Florida, as I understand it, has had registration by postcard, and yet 49.5 percent of the people did not vote in the State of Florida.

The failure to vote on the part of 62 million Americans in the 1972 Presidential election cannot be ascribed to onerous and cumbersome registration laws, but to the fact that they did not care to vote.

In the State of North Dakota, a voter does not have to register at all. He just goes down to the polls and votes. And yet what do we find in the State of North Dakota?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FONG. I yield myself 2 minutes.

Of the voters in the State of North Dakota, 30.1 percent did not vote at all.

Mr. President, the laws on registration are not cumbersome. They are not onerous. As I have said, the laws in the State of Texas, the laws in the State of Florida, the laws in the State of Maryland all show one can register very simply by sending in a coupon or a postcard.

In the State of Hawaii, for example, registrars are deputized by the parties and they go from door to door. They sit at street corners. They go into supermarkets. They go from house to house asking people to register. They are paid on the basis of the number of people who are registered. Yet in my State, with such liberal laws, when registration offices are only a few miles from where the people live, where the registrars' offices are open until 12 o'clock midnight during the election period, where they have registrars going from house to house, where they have registrars on the street corners, what do we find in the State of Hawaii?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield myself another minute.

Of the people of Hawaii, 49.2 percent did not vote in 1972.

Why did they not vote? Was it because of cumbersome registration laws, Mr. President? No. They did not vote, not because of cumbersome registration laws. These laws are lenient. It is so easy for them to register. We say the registration laws are not cumbersome. It is easy for anyone to register if he wishes.

So if it is easy for them to register, and they do not register, why should we go through the cumbersome procedure of mailing 300 million cards to 88 million addresses in the United States? Three or four cards will have to be sent to each address. It will cost at least $100 million for each mailing, and we can have more than one mailing in every 2 years. It may cost more than $100 million to mail them once.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 additional minute.

Mr. FONG. Mr. President, why should we go through this very cumbersome and very costly procedure when our registration laws are not cumbersome or onerous?

We say this bill will not do the job. This bill, besides spending a lot of money, will open up opportunities for fraud to such an extent as never seen before.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I thank the Senator from Hawaii.

Mr. President, at this time I send to the desk four amendments and ask unanimous consent that they be considered as having been read in compliance with the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, the pending bill is just another effort to heap indignity upon our State governments. It is another effort to take over the functions of our States.

They say that it is necessary to break down the barriers to registration that exist in the various States. There are no barriers under existing law throughout the country.

If a person is 18 years of age and is a resident citizen, he can register to vote. All he has to do is to present himself at the registration office. He can sign by a mark. He does not have to be able to read. All he has to do is to come up and register. All literacy tests have been ruled out by the action of Congress, aided by action of the Supreme Court.

How is this system to operate under the provisions of the bill? They would distribute hundreds of millions of cards throughout the country, on a junk mail basis, through an already overburdened post office system. Then they would have unlimited supplies of these cards available to hand out at every meeting of every pressure group, every march on the Nation's Capital, and every protest march everywhere.

Mr. President, these cards would not be distributed through a mass mailing. There would be a mass broadcasting of these cards to recipients of the cards with no names on the card.

A postman is supposed to deliver a sufficient quantity to each mailing address. We do not know what a sufficient quantity is, whether it is a sufficient quantity to make note pads, to paper the room in a house, or what. It merely says a sufficient quantity.

When they send the cards back, the people do not have to go before a notary public. The cards are just dumped on the registrar.

I might say that there is not a single word of support by local authorities of this measure. There is not a single line of testimony, not a single utterance on the floor of the Senate regarding any support by local boards of registrars.

I have here a letter from the Florida State Association of Supervisors of Elections. I also have one from my own State government. And I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FLORIDA STATE ASSOCIATION
OF SUPERVISORS OF ELECTIONS, INC.,
*March 21, 1973.*

Hon. GALE MCGEE,
*U.S. Senator, Senate Office Building, Washington, D.C.*

DEAR SENATOR MCGEE: I appreciate your letter of February 20th in which you enclosed a copy of Senate Bill 352 which would establish within the Bureau of Census a voter registration administration for the purpose of administering a voter registration though the postal service.

As President, I represented the Florida State Assocation of Supervisors of Elections at the meeting of the Secretaries of State in New Orleans. It was a real privilege to have an opportunity to listen to the discussions by the various State Administrators of Elections.

With reference to Senate Bill 352, I wish to offer the following comments on behalf of the 67 Supervisors of Elections of the State of Florida:

We take pride in the fact that Florida Election Laws have a reputation of being among the best, if not the best, in the nation. We operate under a permanent registration system whereby an elector's name remains on the registration books, provided he votes at least once during a two-year period. If not, a renewal card is sent to him by mail and if this card is completed and returned to the Supervisor of Elections, either by mail or personally, his registration is renewed for another two-year period.

Although in Florida the Secretary of State is the chief elections officer, the registration of electors and the elections are conducted by the Supervisors of Elections who are Constitutional officers and are elected by the voters for a term of four years.

Registration facilities are made available to residents of Florida by the Supervisors of Elections by keeping courthouse offices open eight hours a day, five days a week, and for several weeks prior to each election, the office is open six days a week and from eight to twelve hours a day. Temporary offices are established in various municipalities of the counties, at colleges and other areas. Mobile units are also used at shopping centers, places of industry, migrant housing projects and many other areas.

Florida also allows registration by mail to:

(a) Members of the armed forces while in active service and their spouses and dependents;

(b) Members of the merchant marine of the United States and their spouses and dependents;

(c) Citizens of the United States who are permanent residents of Florida and are temporarily residing outside the territorial limits of the United States and the District of Columbia, and their spouses and dependents;

(d) Citizens of the United States who are permanent residents of the state and are temporarily outside the state; and

(e) Residents of the state who are physically unable to register in person.

We are of the opinion that any voter who is a resident of Florida and having a desire to register certainly has the opportunity to do so. We do not believe there exists mechanical, physical or legislative barriers to voting in Florida.

We are also of the opinion that Senate Bill 352 would be a duplication of effort; would result in dual registration and voting systems; would require additional personnel and office space on the local level and would certainly be an added cost to the taxpayers who are already over-burdened with taxes from the national through the local level.

This bill would result in duplicate registrations; registrations that would not be legible; incomplete information; registration cards filled out by people other than the intended voter and lead to wide-spread fraud. In our opinion, this bill would cause mass confusion in the office of Supervisor of Elections and at the polling places.

Registration does not appear to be the cause of the low percentage of voter turnout. For the 1972 primary elections in Florida, 2,982,076 voters were registered and qualified to vote. Only 22 percent of this number voted in the First Primary and 18 percent in the Second Primary. In the November General Election with a registration of 3,487,458 voters, only 73 percent went to the polls . . . the lowest percentage since 1948.

We, as Supervisors of Elections, believe a more appropriate step would be an in-depth study to find out why those who are registered do not vote—why the apathy? This is the question that should be answered!!!!

A poll by the University of Michigan, whose Institute of Social Research long since has gained stature and real recognition for the quality of its work, reported that whereas 62 percent of a nationally representative group of Americans expressed a "high degree" of trust in their federal officials in the early 1960's, only 37 percent held that view a decade later.

A free nation is the sum of its people—and when a team of diligent and concerned scientists reports that a decade-long survey shows a decline of 25 percent in the confidence of the American people in their federal government, it should cause all of us to shudder.

This cause of apathy applies not only to Federal Government but to state and local governments as well, but to a smaller degree. All polls point up to this fact.

Another point which greatly concerns us is the rapid deterioration of the postal service. This causes many absent voters ballots to be received too late to be counted. For example, I should like to point out that it quite often requires 10 days for a ballot to be received from a distance of 13 miles, 6 days from a distance of 8 miles and at times as many as 5 days from one place in town to another in the same town, not to mention the time required to have them returned from other parts of the state, other states, and other countries. Voters are complaining that the old "Pony Express" or even walking could get mail delivered more promptly.

In conclusion, may we say that it is our opinion that the average person does not appreciate Federal intervention in elections, so let us concern ourselves with making government and those in government more palatable to the average citizen and thus build a desire of the citizens to participate in the election of the officials who run our government.

Again, may I say that we are very much opposed to Senate Bill 352.

Sincerely,

BLANCHE M. WORK,
*President.*

Mr. ALLEN. They say:

We are also of the opinion that Senate Bill 352 would be a duplication of effort; would result in dual registration and voting systems.

That is what they say at the local level—

Would require additional personnel and office space on the local level and would certainly be an added cost to the taxpayers who are already over-burdened with taxes from the national through the local level.

I may say that the bill, according to the best estimates, would cost about $100 million a year to operate.

Why run all the cards through the Post Office? There is a very simple reason. The chief sponsor of the bill is the chairman of the Committee on Post Office and Civil Service. He is the distinguished Senator from Wyoming (Mr. MCGEE). In order to create jurisdiction for his committee, it was provided that the postcards would have to go through the postal system. They could just as well have been left at the post office or the mayor's office or the office of the chief of police, and picked up by anyone who wanted to register.



The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I ask for 2 additional minutes.

Mr. FONG. I yield 2 additional minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, by running the cards through the post office, the taxpayer is going to have to pay an additional $150 million a year. That is absolutely ridiculous. It might well be called the "tombstone registration bill." A person can present himself to the registrar. He can vote absentee. Under the bill, thousands and thousands of fictitious or dead persons' names could be filed and placed on the voting lists; the persons would never have to appear before the board of registrars.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. LONG. I am beginning to have second thoughts about this proposal. One thought that concerns me is the danger of fraudulent registrations. The Senator is making that point. That is very well stated in the minority views.

We found in studying welfare measures that in the State of Maryland not a single person was investigating fraudulent applications for welfare, outside the city of Baltimore. Someone should investigate the people who are improperly on welfare rolls, people who are drawing three or four different checks, even though only one person is involved.

We have a situation in Louisiana right now in which a person has been accused of being on the welfare rolls under 18 different names. We even had the situation in Louisiana where a person who was a delegate to a national convention was registered under two different names.

If it is so easy for welfare recipients to get on the rolls under two different names, would it not be very easy, where very little financial interest is involved, to find that some persons had registered more than one time under different names?

Mr. ALLEN. It is very difficult to police such registration and prevent fraudulence and corruption. There is absolutely no necessity for the bill.

Mr. LONG. I can recall a hotly contested election—I was not old enough to vote at that time—when one candidate lost the election because the opposition had more than 20,000 persons fraudulently registered, and the police were asked to strike the fraudulent names from the rolls.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. I yield 2 additional minutes to the Senator from Louisiana.

Mr. LONG. We certainly ought to avoid that type of situation and prevent its happening again, after we have worked so hard to prevent it from developing.

Mr. ALLEN. The Senator is exactly correct. I am aware of the possibility of fraud and corruption that is in the bill.

Mr. LONG. Is there not one more point involved? While it is true that we might proceed criminally against a person for fraudulent registration, if it gets to the

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point where fraudulence is rampant across the Nation, we would find difficulty in having juries find such persons guilty.

Mr. ALLEN. Yes, we certainly would. It would be necessary to put them in every football field throughout the Nation.

Mr. LONG. If fraud became prevalent, a new situation might develop which might become so widespread and involving so many people that it would be impossible to straighten out the rolls without starting all over again.

Mr. ALLEN. That is exactly right. I thank the distinguished Senator.

One further point I would like to make, if I have time: The qualification under the post card registration system would actually make the registrant, under that system, a second class citizen, because he could not vote in State elections. He could not vote for Governor, Lieutenant Governor, sheriff, probate judge, or members of the county commission. He would be confined to the Federal offices.

If a man came in to vote, he would have to be told he could vote only for Federal officers. He would have to be told——

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. FONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Hawaii has 2 minutes. The Senator from Utah has 3 minutes.

Mr. FONG. I yield the Senator from Alabama an additional half minute.

Mr. ALLEN. Mr. President, this system would be superimposed upon existing electoral systems. It should not be superimposed upon the electoral systems of the States against their will. And I have not heard the testimony of a single member of a registrar's board saying that this measure should be passed.

Mr. President, I ask unanimous consent to have printed in the RECORD the statements of Mary C. Lawton, Deputy Assistant Attorney General, and Robert L. Hagen, Acting Director, Bureau of the Census, before the Committee on Post Office and Civil Service on March 16, 1973.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

VOTER REGISTRATION ACT

We appreciate the opportunity to appear before this Committee to comment on S. 352, a bill to establish a mandatory voter registration program for Federal elections and primaries and to grant funds to States that agree to adopt a similar registration system for State elections.

The percentage of eligible voters voting in the last presidential election illustrates the problem to which this bill is addressed. Too few of our people participate in the democratic process. Indeed we lag far behind many other democratic nations of the world. As we view it, the basic questions before this Committee are why do so few people vote and what can we do about it. The proposed Voters Registration Act assumes that the reason is that voting registration procedures present a barrier that prevents people from voting and that greater ease of registration is the answer. We are not quite so sure.

As this Committee is well aware, a preliminary study conducted by the Census Bureau in 1968 indicated that there are many reasons for non-registration—chief among which is a lack of interest. While there are other reasons as well, including difficulty of registration, some of this has been alleviated by the Voting Rights Act Amendments of 1970 and by court decisions such as *Dunn* v. *Blumstein*, 405 U.S. 330 (1972). We are not convinced that postcard registration of voters will result in a substantial increase of either registrations, or more importantly, voter participation.

In our view, S. 352, at least in its present form, poses substantial legal difficulties. We fear also that it contains serious fraud potential. In addition, it would entail substantial expenditures of funds without perhaps achieving the aim of increased voter participation. These problems may not be insurmountable but until we have a better understanding of the reasons for nonparticipation and the methods of achieving greater participation, they justify a more cautious approach. For now, our time and financial resources might more profitably be spent in a study of the root causes of the problem.

I

The initial question in any Federal legislation dealing with voter rights is whether it is within the constitutional power of Congress. This is a complex and delicate question.

On its face, S. 352 would mandate postcard registration only for "Federal" elections and primaries, strongly encouraging but not requiring it in State elections. On the surface, this appears to demonstrate a clear Federal interest. On close examination, however, the matter becomes more complex.

In the case of Federal primaries and elections, the bill would, in effect, supersede State registration requirements with Federal procedures. Indeed, it appears to impose registration requirements on a State which, like North Dakota, presently has no registration procedure. While the postcard registration is, we gather, expected to reflect State law, there is no indication whether Federal or State authorities would have the last word as to whether a registrant does, in fact, comply with State law. For example, we assume States would remain free to restrict voting in all but certain limited circumstances involving presidential elections to bona fide residents (*Dunn* v. *Blumstein*, *supra* 405 U.S. at 342–343), yet the bill does not indicate what would happen if a State were to reject a registrant as not being a bona fide resident. Could the individual appeal under Federal procedures? State procedures? Not at all?

If Federal authorities are to determine the bona fides of residency, we think there would be substantial constitutional problems. While *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), upheld the authority of Congress to supersede State residency requirements in presidential elections, nevertheless Justice Black in his opinion noted that the Constitution "saves for the States the power to control State and local elections which the Constitution originally reserved to them and which no subsequent amendment has taken from them." *Id.* at 134–35. Moreover, it seems clear from recent opinions, particularly *Dunn* v. *Blumstein*, *supra*, that the State still has the right to determine who is a bona fide resident.

It is true that there is dicta in *Smiley* v. *Holm*, 285 U.S. 355 (1932), which, read literally, seems to indicate unlimited congressional authority with respect to election of Senators and Representatives. It must be remembered, however, that the congressional authority over election of Senators and Representatives as set forth in Article I, section 4, of the Constitution is broader than the authority concerning presidential electors mentioned in Article II, section 1, clause 2. As Justice Harlan observed in his dissenting opinion in *Oregon* (400 U.S. at 211 fn. 89), there is substantial authority to the effect that presidential electors are State rather than Federal officers. *In re Green*, 134 U.S. 377, 378 (1890); *Ray* v. *Blair*, 343 U.S. 214, 224–225 (1952).

In addition to covering the election of presidential electors, the bill would also apply to primaries and elections of delegates to national nominating conventions. These are essentially political party, not Federal matters. See *Irish* v. *Democratic Farmer-Labor Party*, 399 F.2d 119 (8th Cir. 1968), *aff'g* 287 F. Supp. 794 (D. Minn. 1968). Moreover, it has been held that the action of individual State political parties in selecting such delegates constitutes "State action" within the meaning of the Equal Protection Clause of the Fourteenth Amendment, *Bode* v. *National Democratic Party*, 452 F.2d 1302 (D.C. Cir. 1971), *cert. denied* 92 Supp. Ct. 684 (1972).

In an area as complex and changing as the Federal regulation of elections, we are not prepared to say that the Congress is powerless to exercise some control. It is open to question, however, whether the Congress can reach so far into the State mechanisms for policing voter eligibility or can impose registration requirements where the State has chosen not to. Great care must be exercised in determining the proper role of both the Congress and the States in this area of shared constitutional responsibility.

II

Another major area of concern in any registration which attempts to reduce State control over the registration of voters is the potential for fraud which may result from such relaxation. Here again it is a question of balancing delicate interests. Voter registration procedures should not be so complex or onerous as to discourage participation in the most fundamental right of a citizen. At the same time, such procedures must not be so lax as to permit substantial fraud in elections. Fraud dilutes, if it does not destroy, the effect of the citizen's participation.

As we understand it, many, if not most, registration procedures now require the citizen to appear in person to register so that some inquiry into his right to do so may be conducted on the spot. Under the bill, prospective voters would register by mail. If the interlude between mail registration and election day were substantial, there might be enough time for State officials, with the necessary manpower, to initiate "field investigations" to determine whether the signatory of the form is entitled to register. The bill, however, leaves little time for such policing. It merely requires the forms to be mailed out to addresses no earlier than 45 days nor later than 30 days prior to the close of registration. If the form is not returned until the last available day—presumably the day registration closes—will State officials have the time to initiate independent checks of all forms received? This may pose severe difficulties in highly-populated precincts.

The bill, it is true, provides that whenever a State official has reason to believe that unqualified individuals are attempting to register, he "may" notify the Administration and request its assistance to prevent fraudulent registration. But will the Administration itself have time to assist? Enormous manpower resources would be required, it seems to us, for the Administration on its own to detect large-scale fraud particularly where the forms themselves do not reach the Administration, and the State official, as is possible, may be involved in the fraud. As Senator Aiken observed in debate on a prior bill last year: "There can be collusion between election officials of a community, and as many fraudulent registrations as they get, if they are not complained of, they can get away with it. . . ." Cong. Rec. vol. 118, pt. 6, p. 7531.

6, p. 7531. Senator Ervin expressed the same concern, citing graphic details (*Id.* at 7523):

"It may be said that there is no danger of election frauds. Yet, some years ago they had quite an investigation of an election in Kansas City. As a result of that election, the district attorney wrote a book in which he recounted what the investigation of that election disclosed. The investigation of that election disclosed the information, according to this district attorney, that the names of scores and scores of people had been placed upon the registration books as having resided in vacant lots or in filling stations and that votes had been cast in the names of those people."

• • • • •

"This bill contemplates that the State or local registrar will never see the voter whom they undertake to register by postal card. As a matter of fact, this bill contemplates that the election official will be denied access to all information about the qualifications of a person, who is called an individual, except the information which is set forth by that individual or by somebody for that individual on a postal card."

In our view, a bill that increases fraud potential while it attempts to increase voter participation is self-defeating.

III

The Department of Justice lacks the expertise to assess the full cost of the program outlined by S. 352. We note, however, that the cost estimates for similar bills last year, as reflected in Senate Report 92–426, were very substantial. The Census Bureau estimated costs to be about $15 to $20 million per mailing for registration forms for establishing the address system. The cost per presidential year was estimated at $120 million. The majority of this Committee set the figure at $26 million. In a study done by the Comptroller General, however, the potential startup costs of S. 2457—a similar although somewhat broader proposal—were variously estimated between $191 million and $527 million, depending on the volume of registration, with added annual ongoing costs estimated between $52 million and $134 million. *Voter Registration*, Hearings Before the Committee on Post Office and Civil Service, United States Senate, p. 97 (1971).

If we had any guarantee that the registration provisions would produce 100% or even 90% participation by the American electorate, it might well be worth it. But as the Census study, referred to above, points out, registration procedures as they exist today are neither the major, nor even a substantial reason for the nonparticipation which concerns us all. Until we understand better the reasons why our citizens neglect their obligation to share in governmental responsibility, is it wise to expend such great sums on registration? Would it not be wiser to spend more time and less public money in studying the root causes of the problem?

IV

Even if the constitutional and fiscal problems can be resolved and the fraud potential eliminated, the bill in its present form raises a number of questions that remain unanswered. To be sure, many of these are technical problems but some of them are substantial.

1. Registration forms would have to be sent to the occupants of all United States households—at least in the States and the District of Columbia. According to the Bureau of the Census, there are about 64 million households in the United States. There may be several eligible occupants in each household. How will the Administration know what number of forms to send to each address?





2. The bill provides that registration forms shall include such matters as State law requires *and* the Administration determines appropriate to ascertain the individual's qualifications to register. Does this provision mean that the Administration may veto the designation of material the State officials believe to be required? What if there is disagreement? Will it not be necessary to have different forms for each State and for presidential vs. congressional elections?

3. If a State refuses to participate on the State level and declines to process the forms for Federal elections, what mechanism is there to require compliance?

4. The question as to who is a "resident of a State" entitled to vote is often a difficult matter to decide, depending on State laws and decisions of State courts. If the applicant states that he is a duly qualified resident, does the State or local official have to be bound by the registrant's own classification of himself? Who determines the qualifications of the non-resident who votes in his former State in a presidential election?

5. Who processes the forms for a State that has no registration procedure?

6. Do the penal provisions of the bill in section 408 preclude resort to State civil or criminal remedies?

7. What is the relationship of the penal provisions in this bill to the existing Federal election laws carrying quite different penalties, such as 18 U.S.C. 245, 594, 597, etc.?

8. Will the exclusion of the election of delegates in Guam and the Virgin Islands and the election of a resident Commissioner in Puerto Rico raise equal protection problems?

9. Does the "processing" of registration forms in section 409(a) of the bill include independent investigation of the qualifications of a prospective registrant or is it limited to the handling of the registration form itself?

10. Possession of a form under section 405(c) would be prima facie evidence that the individual is qualified. Would the State or local official be obliged to permit the holder of the form to vote even if he knows, of his own knowledge, that he lacks the necessary qualifications? When Federal and State officials disagree as to qualifications, what mechanism will provide for a prompt and final determination?

We raise these questions, not in criticism of this particular bill but as an illustration of the complexity of regulating an area where there is such diversity, and, we might add, justifiable diversity. Determination of voter eligibility is very different in a rural State and a highly populous State. Registration procedures, of necessity, differ in a compact, urban area like Rhode Island, and a sparsely populated land mass like Alaska. Do we really know enough about the problems, at this stage, to propose a universal solution like S. 352.

It seems to us that a wiser course would be that proposed by a bill such as H.R. 12016, 92d Congress. That bill recognized that there is an appropriate inquiry to make before legislating permanent Federal law on voter registration. It proposed that a study be made by the Bureau of the Census of the election process, and that a report be made with recommendations for improvements in procedures for Federal elections. It is possible that the information which would ultimately be furnished under a bill such as that may constitute a more adequate basis for evaluating legislation such as S. 352.

CONCLUSION

In summary, we believe S. 352 raises constitutional issues that are as yet undetermined, as well as a number of practical and legal problems which are virtually certain to produce extensive ligitation. Moreover, it is our view that the danger of election fraud may be substantially increased. As an alternative, we suggest that an extensive study of the cause and cure of voter nonparticipation might be the more appropriate step at this time.

STATEMENT OF MR. ROBERT L. HAGAN

Mr. Chairman, I appreciate the opportunity to appear before the Committee and to discuss the position of the Bureau of the Census in relation to the duties which would be placed on the Bureau by the proposed voter registration legislation.

At the outset, I would like to stress that my views are concerned with the mission and role of the Bureau of the Census in relation to the provisions of a Voter Registration Administration which would be established by enactment of either S. 352 or S. 472.

The Bureau of the Census is a general purpose statistical agency, that is, it collects statistical data on many diverse subjects from many sources and reports the same in an objective and scientific manner. This role is expressed in Title 13, United States Code, and historically the Bureau has performed only this role since its establishment in 1902. The success of any statistical agency in producing reliable data is dependent upon many factors but of primary importance is the attitude of the public toward the agency.

The success of the Bureau of the Census has stemmed from public confidence in the Bureau's record for the unbiased scientific collection and publication of statistical data. Placing the proposed Voter Registration Administration within the Census Bureau, we believe, could seriously impair that confidence, since the nature of many of the Administration's activities would be seen by many as inseparably or inherently political.

The Bureau of the Census has always avoided programs or projects which could lead the Bureau into the arena of partisan politics. There are certain provisions in the legislation that, we believe, would do just that. Illustrative is the provision contained in Section 45 of S. 472 authorizing the Administration to make grants to increase voter registration. This provision is discretionary, and the type of grant, which may be made to any State or political subdivision thereof, is very broad. It is inevitable that a provision such as this would lead the Administration into partisan politics or the appearance thereof. For example, a grant for door-to-door canvassing may be more advantageous to one political party in a district than another. Likewise, a grant for expanded registration hours and locations may benefit one party over another in a particular State or district.

Similarly, the Census Bureau has sought to avoid programs or projects connected with regulatory functions, budgetary auditing, or evaluations of compliance with laws. We believe these programs or projects could impair the ability of the Bureau to obtain a full disclosure from the public of needed data. The collection methods used by the Bureau are usually based upon voluntary responses to requests for data. If the public were to generally regard the Bureau as another Federal regulatory agency, we question whether the public would freely and fully disclose data as is now the case. Illustrative of such regulatory programs in the legislation are those requiring the Voter Registration Administration to assist State officials in preventing fraudulent registrations (Section 407 of S. 352); making of grants for new voter registration programs (Section 405 of S. 472); processing of grant applications and the auditing of such applications (Section 409 of S. 473); and interpreting voter registration laws of the 50 States (Section 405 of S. 352; Section 407 of S. 472). This latter obligation of interpreting State law is a task especially far removed from the Bureau's basic role.

Finally, there is one more point I believe

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that should be brought to the attention of the Committee. That is the cost of the legislation. As you may remember, the General Accounting Office at the request of Senator Kennedy made an estimate in the 92d Congress of the costs of a system of universal voter registration similar to that proposed in the instant legislation. They were between $191 million and $540 million in start up costs, depending upon the volume of registration, and between $52 million and $134 million in ongoing costs. Needless to say, voter registration is quite an expensive proposition.

In summary, involvement of the Bureau in the electoral process either through a national voter registration, or a grants program could lead Census into the arena of partisan politics. Likewise, involvement of the Bureau in regulatory programs or projects are incompatible with the Bureau's data collection methods and the role of the Bureau. Involvement in any partisan issues or in regulatory programs, we believe, would have a deleterious effect on the exceptional survey response rates, the reliability in the data collected, and the public acceptance and reliance upon the data collected as being objective and scientific.

I shall be glad to endeavor to answer any questions which the Committee may have.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield myself 1½ minutes, that being all my remaining time.

Let me say to the distinguished Senator from Louisiana that when a person registers, under this proposal, he sends his card to the registrar. The registrar will send him a receipt. With that receipt, he becomes a qualified voter, and it is prima facie evidence that he is a qualified and registered voter, and can vote. The only thing that the registrar can do, when he comes in, is to rebut that presumption; and it is a very difficult presumption to rebut.

Any man can send in thousands of postcards and receive thousands of receipts showing the receipts, to the polling supervisor—and they are prima facie evidence that he is a registered and qualified voter—and vote. So we say this bill will open up great opportunities for fraud. We say that this bill will result in registering tombstones, people who never existed, and people at nonexistent addresses. There will be great opportunities for fraud, and we feel its enactment would bring a great deal of fraud to our election system.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, I yield 2 minutes to the Senator from Ohio.

Mr. TAFT. Mr. President, I ask unanimous consent that my staff assistant, Mr. Solomon, have the privilege of the floor during the debate and vote on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. I ask unanimous consent that all amendments proposed by me and in my name at the desk at the time of the vote on cloture later today be considered as read and presented for the purposes of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I would just like to take a minute or two to say that I am deeply concerned by the problem raised by this bill, the lack of voting in this country, but I am also deeply concerned by a number of provisions that remain in the bill. For that reason, I have some amendments pending at the desk for the consideration of Senators that may be called up later under the unanimous-consent agreement I have proposed, should cloture be voted.

I do feel, however, that the matter has been fully discussed and the problems well understood by all Members of the Senate. We have been engaged in the debate now for many days. For that reason, it seems to me it would be defeating of the will of the majority of this body not to exercise the right to vote for cloture on this measure at this time.

In taking this position, I am not saying that in all instances when cloture is proposed I would vote for cloture. Indeed, in many instances I have not, because I have felt that there were facets of the measure involved which had not been made clear. But in this instance, it seems to me that the issues are clearly drawn, and therefore it would be my position, regardless of my ultimate position on the bill, to vote for cloture when that issue comes before us today.

Mr. MOSS. Mr. President, I yield 3 minutes to the Senator from Iowa.

Mr. HUGHES. Mr. President, I have listened carefully to the Senator from Hawaii and the Senator from Alabama as they went through the process of explaining the statistics of the 62 million nonvoters. I certainly would like to see, on behalf of everyone running for public office in America, as complete a dedication to seeing guaranteed and protected by every means the right to vote in this country for every individual citizen who qualifies, as I find the dedication to trying to ferret out those who sit in the shadows who might try to register falsely.

The distinguished Senator from Hawaii said that 60 percent of those 62 million people did not care about politics, and that is the reason they did not vote. I do not concede that, but even if I did, what about the other 40 percent? There are 25 million Americans, even conceding the figures, who cannot vote, for a number of reasons, many of them simply because there are occupational hazards, such as the fact that they fly airplanes, are stewardesses, bus drivers, or follow any of a hundred other occupations in this mobile society, and for that reason, and that reason alone, the difficulty of getting to a place of registration is beyond their capability.

If even 1 million Americans are deprived of the right to vote, because of restrictions or lack of an open system, it is a tragedy in a free society. As we sit here today, in our time, and listen to the recitation of 20,000 fraudulent votes cast in a city in Louisiana by that State's distinguished Senator, I remind Senators that happened under the old system. It happened by fraud under existing law, and fraud continues if people take the risk of prison and fines to do it. But I prevail on this body to exercise the reason to realize, with the troubles and the challenges to the system in America today, that it is the absolute right of every person born or naturalized in this country to be able to cast his vote with as little inconvenience as we can place in his way in the way of barriers, and that anything we do to inhibit that right makes for less than a free society.

We should do everything humanly possible to allow those people to vote, and when it is said we would make them second-class citizens, they could only vote for President and Vice President, that they could not vote for the local constable or the local mayor, I say it is better to be able to half-vote for a President than not to be able to vote at all. It is better to be able to cast the single most important ballot in the land than to be able to cast no ballot at all, for anyone.

Mr. MOSS. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I am of the opinion that nothing this body does is more important than taking down existing barriers that keep millions of Americans from casting their votes in our national elections. But to me one of the principal problems with the present system is that the very individuals who are most likely to be kept away from the polls by the present archaic registration system are the ones who ought to be encouraged to vote, because most of those people are the working people of the country, who find it difficult to get away from their jobs to go to the courthouses or to the places of registration, to become qualified voters. The same thing is true of the rural people, who often have to travel many miles to become registered voters under the present system. I believe these people make up the backbone of this Nation. They are the level-headed, clear-thinking people, and we should do everything we can to enable them to fully participate in our elective process.

Mr. President, since I have been in the Senate, the process of involving the citizens of this country in this Government is one which has long and properly occupied the attention of the Senate. We have come a long way since the time Government was considered to be the exclusive right of the aristocracy or the landed gentry. The noble experiment in self-government, begun on this side of the Atlantic by our forefathers, has borne fruits far beyond their wildest expectation. In this country during these past 200 years we have proved that common people can manage their own affairs and provide for their own Government.

Only last year this body took action to lower the voting age to 18. The results of this change, contrary to the statements of those who opposed the measure, were shown by the last election highly beneficial to our body politic. The young people, to whom the franchise was given for the first time, proved themselves to be not radically different from the total population. The main achievement of lowering the voting age was that many, who previously felt outside the system, are now included. They now have a direct voice in the decisionmaking process of the Nation and no longer feel forced to result to violent means in order to be heard or to gain their objectives.



The purpose of the legislation we are considering today is to include directly in our governmental decisionmaking process large numbers of our citizens who, for many reasons, have been excluded through difficulties with the present voter registration system from our electoral process.

Whether by accident or by design the system of becoming a qualified voter in this country is still far too complex and too difficult for many of our citizens. In my own State of Oklahoma we have many countries where working people who live away from the county seat find it extremely difficult and expensive to register and qualify to vote. Also, regrettably, the election officials in many cases have demonstrated an inexcusable degree of partisanship which has discouraged many voters and distorted the outcome of our electoral processes. Also, again whether by design or accident, the present electoral procedures have allowed and sometimes even encouraged widespread irregularities.

Mr. President, plainly a simpler, more inclusive, and less corruptible voter registration system is needed to safeguard the political health of this Nation. The bill before us today is a long step in this direction. I would support amendments to strengthen this legislation. Even in its present state it will remove many of the barriers which contribute to the low level of public participation in this Nation's elections and the resulting disenchantment with Government.

As the report shows and I quote:

> Nowhere in the free world is voter participation at a lower level than it is in the United States. Voters in Canada, England and Germany, for instance, have been participating in their elections at a rate well above 75 per cent; while in the United States, the trend of participation has steadily declined since the adoption of voter registration laws.

In the United States the highest rate of participation in the 20th century was in 1960 when 64 percent of all Americans of voting age voted. In 1966, the percentage dropped to 60.6 percent. In 1972, the percentage of participation by voting-age Americans had dropped to a shocking 55 percent.

Mr. President, plainly if self-government is to continue to work in this Nation the citizens must be given every opportunity to participate in the election process. The arguments of opponents that this bill will invite voting irregularities do not stand up. There is great need to reduce existing incidences of irregularities. This bill, through the possible use of social security numbers and by other means should provide the administration with tools to create not only a more inclusive, but also a less corruptible election process.

## CLOTURE MOTION

The PRESIDING OFFICER (Mr. JOHNSTON). The hour of 1 p.m. having arrived, under the unanimous consent pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending bill (S. 352, a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mike Mansfield, Robert Byrd, Gale W. McGee, William Proxmire, Edmund S. Muskie, Thomas F. Eagleton, Dick Clark, William D. Hathaway, Daniel K. Inouye, Philip A. Hart, John O. Pastore, Stuart Symington, Walter D. Huddleston, Claiborne Pell, Vance Hartke, Adlai E. Stevenson III, Alan Cranston.

## CALL OF THE ROLL

The PRESIDING OFFICER. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 115 Leg.]

| | | |
|---|---|---|
| Abourezk | Ervin | Metcalf |
| Aiken | Fannin | Mondale |
| Allen | Fong | Moss |
| Baker | Fulbright | Muskie |
| Bartlett | Goldwater | Nelson |
| Bayh | Gravel | Nunn |
| Beall | Griffin | Packwood |
| Bellmon | Gurney | Pastore |
| Bennett | Hansen | Pearson |
| Bentsen | Hart | Pell |
| Bible | Hartke | Percy |
| Biden | Haskell | Proxmire |
| Brock | Hathaway | Randolph |
| Brooke | Helms | Ribicoff |
| Buckley | Hollings | Roth |
| Burdick | Hruska | Saxbe |
| Byrd, Harry F., Jr. | Huddleston | Schweiker |
| Byrd, Robert C. | Hughes | Scott, Pa. |
| Cannon | Humphrey | Scott, Va. |
| Case | Inouye | Stafford |
| Chiles | Jackson | Stevens |
| Church | Javits | Stevenson |
| Clark | Johnston | Symington |
| Cook | Kennedy | Taft |
| Cotton | Long | Talmadge |
| Cranston | Magnuson | Thurmond |
| Curtis | Mansfield | Tower |
| Dole | Mathias | Tunney |
| Domenici | McClellan | Weicker |
| Dominick | McClure | Williams |
| Eagleton | McGee | Young |
| Eastland | McGovern | |
| | McIntyre | |

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. SPARKMAN) and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

The question before the Senate is, Is it the sense of the Senate that debate on S. 352, a bill to amend title XIII, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will now call the roll.

The legislative clerk called the roll.

Mr. BIBLE (when his name was called). On this vote I have a pair with the Senator from Oregon (Mr. HATFIELD) and the Senator from Ohio (Mr. SAXBE). If they were present and voting, they would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Mexico (Mr. MONTOYA), are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent and his pair has been previously announced.

The Senator from Ohio (Mr. SAXBE) is detained on official business, and his pair has been previously announced.

The yeas and nays resulted—yeas 60, nays 34, as follows:

[No. 116 Leg.]

YEAS—60

| | | |
|---|---|---|
| Abourezk | Gravel | Metcalf |
| Aiken | Hart | Mondale |
| Bayh | Hartke | Moss |
| Beall | Haskell | Muskie |
| Bellmon | Hathaway | Nelson |
| Bentsen | Hollings | Nunn |
| Biden | Huddleston | Packwood |
| Brock | Hughes | Pastore |
| Brooke | Humphrey | Pearson |
| Burdick | Inouye | Pell |
| Byrd, Robert C. | Jackson | Percy |
| Cannon | Javits | Proxmire |
| Case | Johnston | Randolph |
| Chiles | Kennedy | Ribicoff |
| Church | Magnuson | Schweiker |
| Clark | Mansfield | Stevenson |
| Cook | Mathias | Symington |
| Cranston | McGee | Taft |
| Eagleton | McGovern | Tunney |
| Fulbright | McIntyre | Williams |

NAYS—34

| | | |
|---|---|---|
| Allen | Eastland | McClure |
| Baker | Ervin | Roth |
| Bartlett | Fannin | Scott, Pa. |
| Bennett | Fong | Scott, Va. |
| Buckley | Goldwater | Stafford |
| Byrd, Harry F., Jr. | Griffin | Stevens |
| Cotton | Gurney | Talmadge |
| Curtis | Hansen | Thurmond |
| Dole | Helms | Tower |
| Domenici | Hruska | Weicker |
| Dominick | Long | Young |
| | McClellan | |

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bible, against.

NOT VOTING—5

| | | |
|---|---|---|
| Hatfield | Saxbe | Stennis |
| Montoya | Sparkman | |

The PRESIDING OFFICER. On this vote the yeas are 60 and the nays are 34. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is not agreed to.

## APPOINTMENTS TO THE OFFICES OF DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

Mr. ERVIN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 518.

XUM

The PRESIDING OFFICER (Mr. JOHNSTON) laid before the Senate the amendments of the House of Representatives to the bill (S. 518) to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, which were to strike out all after the enacting clause, and insert:

That the offices of Director of the Office of Management and Budget, and Deputy Director of the Office of Management and Budget, established in section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16), and as designated in section 102(b) of Reorganization Plan Numbered 2 of 1970, are abolished.

SEC. 2. The offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget, are established in the Office of Management and Budget and shall be filled by appointment by the President, by and with the advice and consent of the Senate.

SEC. 3. (a) The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970, and all functions vested by law in the Office of Management and Budget or the Director of the Office of Management and Budget are transferred to the office of Director, Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

(b) The Director may, from time to time, assign to the office of Deputy Director, such functions as he may deem necessary.

SEC. 4. Nothing in this Act shall impair the power of the President to remove the occupants of the offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget.

SEC. 5. (a) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

(1) Paragraph (11) of section 5313 is amended by striking out "of the Bureau of the Budget." and inserting in lieu thereof ", Office of Management and Budget.".

(2) Paragraph (34) of section 5314 is amended by striking out "of the Bureau of the Budget." and inserting in lieu thereof ", Office of Management and Budget.".

SEC. 6. This Act shall take effect upon the expiration of the thirty-day period which begins on the date of its enactment.

And amend the title so as to read: "An Act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget."

Mr. ERVIN. Mr. President, the Senate passed a bill making the office of the Director and the office of the Deputy Director of the Office of Management and Budget subject to Senate confirmation. The House has acted and it struck out everything after the enacting clause, and it abolished these offices and then recreated the offices, making them subject to Senate confirmation.

I move that the Senate concur in the amendments of the House to S. 518. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The question is on agreeing to the motion of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from Ohio (Mr. TAFT) is detained on official business.

The result was announced—yeas 73, nays 19, as follows:

[No. 117 Leg.]

YEAS—73

| | | |
|---|---|---|
| Abourezk | Eastland | McGovern |
| Aiken | Ervin | McIntyre |
| Allen | Fulbright | Mondale |
| Baker | Gravel | Montoya |
| Bayh | Griffin | Muskie |
| Beall | Gurney | Nelson |
| Bentsen | Hart | Nunn |
| Bible | Hartke | Pastore |
| Biden | Haskell | Pearson |
| Brooke | Hathaway | Pell |
| Buckley | Huddleston | Percy |
| Burdick | Hughes | Proxmire |
| Byrd, Harry F., Jr. | Humphrey | Randolph |
| | Inouye | Ribicoff |
| Byrd, Robert C. | Jackson | Roth |
| Cannon | Javits | Schweiker |
| Case | Johnston | Stafford |
| Chiles | Kennedy | Stevens |
| Church | Long | Stevenson |
| Clark | Magnuson | Symington |
| Cook | Mansfield | Tunney |
| Cranston | Mathias | Weicker |
| Domenici | McClellan | Williams |
| Dominick | McClure | Young |
| Eagleton | McGee | |

NAYS—19

| | | |
|---|---|---|
| Bartlett | Fannin | Saxbe |
| Bellmon | Fong | Scott, Pa. |
| Bennett | Goldwater | Scott, Va. |
| Brock | Hansen | Thurmond |
| Cotton | Helms | Tower |
| Curtis | Hruska | |
| Dole | Packwood | |

NOT VOTING—8

| | | |
|---|---|---|
| Hatfield | Moss | Taft |
| Hollings | Sparkman | Talmadge |
| Metcalf | Stennis | |

So the motion to concur in the House amendments was agreed to.

## ACTION OF DEMOCRATIC CONFERENCE ON MAY 2, 1973

Mr. MANSFIELD. Mr. President, yesterday Democratic Senators met and agreed to five resolutions—really four, and tentatively agreed to a fifth—expressing the general sentiments of the majority Members of the Senate on some very important issues.

We discussed at some length reducing Federal expenditures and the proposed closing or cutting back of foreign military installations as well as the administration's announced closing of domestic defense facilities. Two resolutions were agreed to relating directly to domestic and foreign military bases. The first, sponsored by Senator PASTORE, urged the administration to reduce military expenditures overseas and to submit forthwith a list of bases abroad that it plans to close similar to the list of domestic bases which it plans to close. The second resolution, sponsored by Senator KENNEDY, calls for assistance to workers affected by the closing or consolidation of defense facilities throughout the country.

Also concurred in at the meeting were two resolutions proposed by the Democratic Policy Committee. The first deals with limiting Federal expenditures and directing the administration's attention to the resolution of March 15 calling for a "Reduction of Military Expenditures Abroad." The second resolution calls for foreclosing by legislative action the further use of Federal funds for the pursuit of any military activity by the United States in Cambodia.

Senator ABOUREZK offered an important resolution regarding open public financing of Federal elections, but because of the late hour and because Senators were needed on the floor to vote, discussion of this matter was postponed until the next meeting.

I ask unanimous consent that the resolutions—five, in reality—adopted by the Democratic conference on yesterday, and the resolution adopted on March 15, 1973, to which reference is made, be inserted in the RECORD at this point. I also ask unanimous consent that my remarks in connection with two of these resolutions be included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### REMARKS OF SENATOR MIKE MANSFIELD

In accord with the mandate of the Conference, I have called for this meeting to report on various discussions involving the Resolution which the Conference adopted on March 13. The Conference asked that I report back by April 30. I must apologize for being two days late. I delayed in order to be able to include a report on the meeting of the Policy Committee of this Conference on yesterday.

At that time, the Committee returned to a consideration of some of the matters which confronted the nation before the floodgate opened on the Watergate. The issues which were before us at the beginning of the Easter recess are still there. Inflation . . . Disruption of federal programs by the arbitrary recasting of appropriations by the Executive Branch . . . A gross imbalance in the budget . . . Wasteful defense expenditures, especially abroad . . . All the issues remain.

What is our responsibility in the situation? What is the Majority responsibility in the Senate? It seems to me that when the Democratic Majority obtained the creation of the Ervin Committee at the start of the session, we did what had to be done by the Senate in the Watergate Affair. The matter, properly, in my judgment, now rests with that Committee, the Judiciary and the President.

It remains for us to carry on with the regular business of the Senate and the Federal Government. To pick up from where we left off, you will recall that just before the recess, the Administration announced plans to close down or cut back 274 military bases in this country, with a possible termination of 42,000 jobs. On the same day of the announcement the President saw fit to criticize "those who would slash the defense budget," an apparent reference to the resolution adopted by the Democratic Policy Committee calling for reductions of defense expenditures *abroad* in contrast to Administration plans for cuts at home. Still, on the same day, Secretary of Defense Richardson told the press (in connection with the closing of domestic bases) that measures designed to reduce installations abroad were under intensive review.

Two resolutions adopted by the Democratic Policy Committee relate to these Janus-like statements. The first resolution—which was endorsed at the last Conference of Democratic Senators with only four dissenting votes—urges a substantial reduction of U.S. overseas military expenditures.

Pursuant to that resolution, the Leadership has held meetings with the Chairmen of the Committee on Appropriations and Foreign Relations and with the Acting Chairman of the Armed Services Committee. I believe it is accurate to say that, generally, we have seen eye to eye on the question.

We have also met with Mr. Ash of the Office of Management and Budget. While the meeting was cordial enough, there was no indication that the Administration was about to reconsider in any way its position on a resolution in overseas expenditures or a reshuffling of budget priorities.

A second resolution which was approved before the Easter recess by the Policy Committee is directly related to the resolution on reductions of military expenditures overseas. It is this resolution which the Policy Committee directed me to place, today, before the Conference. It calls for a Congressional cut in expenditures below the President's budgetary proposal. In this connection, it makes reference to the resolution on reduction of military expenditures abroad as a key to the cut as well as to more emphasis on domestic needs.

As further directed by the Committee, I wrote to the 17 Standing Committee Chairmen and the Chairman of the Joint Economic Committee and submit at this time the replies which have been received for incorporation in the record. I can report that the Committee Chairmen, in general, support the intent of the resolution.

I would note, in particular, that the Chairman of the Appropriations Committee has already moved to set a ceiling on appropriations which is $1.6 billion below the President's budget ceiling. Senator McClellan's figures list the Defense Appropriations figure as $3 billion below the President's budget, while Agriculture, Environmental and Consumer Protection appropriations are $801 million above the Administration's proposed budget and the Labor, HEW figure $2.2 billion above.

May I say that the Policy Committee resolution which will be laid before you does not ask for a specific endorsement of the tentative adjustments which are being considered by the Appropriations Committee. Nevertheless, it should be pointed out that these adjustments do go in the direction of the resolution of the Policy Committee. As such, they represent a most commendable initiative by the Chairman and Members of the Appropriations Committee.

I might also remind you that the Senate has already put the spirit of this proposed resolution of the Policy Committee into legislative form by passing the Muskie amendment providing that spending should not exceed $268 billion—which is below the President's figure. It may be that the Senate will cut even more deeply before the session is completed. But, again, the Muskie amendment is in accord with the objective of the Policy Committee resolution and is, in my judgment, a very worthwhile step in the right direction.

Before having the Policy Committee resolution read, let me remind the Conference that we operate on a two-thirds vote. What we are asking here is not the dotting of every "i" or the crossing of every "t" in this resolution. We recognize that there are other ways in which the issue might be stated. I daresay some of us would go further and some not so far or some would go the same distance but say it differently. But what your Policy Committee is looking for in this and in all of its proposed resolutions is the establishment by this Conference of general ground on which the great majority of us, as Democrats in the Senate, are prepared to stand on specific issues. The Senate as a whole will work its will in its own way and each Member will vote as he sees fit on the floor. That does not excuse us, particularly at this time, of national confusion, from trying to define our approach as Democrats in the Senate to the issues which confront the nation, for our own guidance and for the information of the nation.

If the Conference concurs in the resolution which will be put to you shortly, it will be referred to the Chairman of the Appropriations Committee as an expression of the overwhelming sentiments of the Democratic Majority. We may be able, thereafter, by legislative action, to cut the budget and to bring about reductions in military expenditures overseas. I repeat, what we are asking is not the end-all in this matter. Individual Members may wish to do more or less than what is suggested in this resolution and, of course, that will be made plain in Committee or on the floor of the Senate.

I think, however, that there is no single unified act which we can take at this time which would more clearly separate the Senate Democratic Majority from the Executive Branch in a very fundamental way than the adoption of this resolution. I think we should stand, as a party, in calling on the Administration to modify its apparent determination to maintain existing military arrangements abroad regardless of archaic purpose, regardless of immense cost, regardless of budgetary deficits, regardless of current domestic needs and inflation and regardless of the devastation which has been wrought on the value of the dollar.

The question is on the adoption of the resolution of the Policy Committee of the Democratic Conference.

### REMARKS OF SENATOR MIKE MANSFIELD

The second matter which was considered by your Policy Committee on yesterday was the continued involvement of the United States in the conflict in Cambodia. The Cambodian question was not a scheduled subject for discussion. It arose spontaneously out of the deep anxieties of every Member of the Committee with regard to the trend of events in Indochina.

Senators Inouye and Pastore, in particular, flagged the danger of another inadvertent Senate endorsement of war in the pattern of the Tonkin Gulf Resolution, this time, via the appropriations route. May I say, if there is anything this nation and the Senate do not need, it is another Tonkin Gulf Resolution on Cambodia, regardless of how it is interpreted. No matter what the rationale, the nation will be hard pressed to forgive this institution and its Majority another mistake of that kind.

In the judgment of the Policy Committee, therefore, there is a need for a Majority policy statement and legislative action to prevent a back-door Tonkin Gulf resolution which would have the effect of endorsing the Administration's present policies on Cambodia. We must seek, instead, to foreclose further military commitment in Cambodia and bring to an end the involvement in which we already engaged there, at a cost of hundreds of millions of dollars and at the risk, every day, of the accumulation of new casualties and more P.O.W.'s.

The resolution on Cambodia which is proposed by the Policy Committee to the Conference is concise and without window-dressing. The appalling situation in that country, with day in and day out bombings under what must be regarded as an arbitrary Executive Branch commitment of the nation to aerial conflict, is too well known to require any introduction. This resolution says and says bluntly that it is the sentiment of the Senate Majority (and I would hope that it is also the sentiment of the Senate) that the nation should steer completely clear of military involvement in Cambodia, by land, by sea and by air and that legislation should be adopted to that end.

The resolution does not and is not intended to spell out the legislative formula by which a termination of the involvement will be achieved. That is best left in the capable hands of the Chairmen and Senators who are expert in these matters as, for example, Senators McClellan, Fulbright, Symington, Church, Case, and others.

I would hope, however, that the Majority in the Senate will stand firm and stand together on the common ground of a policy which calls for an end forthwith to the military involvement in Cambodia, as we did with regard to Viet Nam—an end, lock, stock, and barrel. The vital interests of this nation, in my judgment, all point us in the direction of out of Indochina and not into Cambodia.

The draft resolution will now be read by the Secretary for the Majority.

### PASTORE RESOLUTION ON THE CLOSING OF FOREIGN AND DOMESTIC MILITARY BASES

Whereas, The Democratic Conference of the Senate has urged the Administration to reduce military expenditures abroad, and

Whereas, The Administration has announced the closing of military bases at home which eliminates at least 42,000 jobs at home, and

Whereas, There are presently 166,000 non-American civilian personnel employed at U.S. military bases outside the U.S.,

Resolved, That the Administration, in conformity with the Resolution adopted on March 15, 1973 by this Conference calling for a "Reduction of Military Expenditures Abroad," submit forthwith a list of the bases abroad that it intends to close and the amount of savings attributable to these closings similar to the list of domestic bases recently announced by the Administration.

### KENNEDY RESOLUTION ON ASSISTANCE TO THOSE AFFECTED BY MILITARY BASE CLOSINGS

The Conference hereby finds that in light of recent decisions announced April 17, 1973, to close or transfer functions at defense facilities and or other consolidations throughout the United States.

1. That such reductions in defense facilities place heavy economic, social and health burdens on the communities and individuals affected;

2. That many of the workers affected by recent defense base closings are older workers who have the greatest difficulty in acquiring new employment;

3. that to reduce unemployment it is essential that the government provide adversely affected workers with short-term assistance;

4. that such assistance for unemployed workers shall include income benefits, health benefits, relocation benefits, public service job opportunities and job counseling and retraining opportunities;

5. that to insure the earliest community readjustment from the economic dislocation caused by the government decision to close a facility, immediate efforts shall be extended to provide technical assistance necessary to plan and implement an economic development plan to make full use of the local facility.

### RESOLUTION ON REDUCTION OF MILITARY EXPENDITURES ABROAD

Whereas, At home, Americans are plagued with inflation, and abroad, the value of the dollar declines;



XUM

Whereas, The current U.S. military base structure and deployment around the world constitute a serious drain on the budget and bite deeply into tax revenues available for essential needs inside the United States;

Whereas, Reductions of U.S. forces overseas and the closing of excessive and obsolete military bases abroad would save billions of dollars and help, thereby, to halt inflation, strengthen the dollar and permit additional use of tax revenues for domestic purposes;

Whereas, Such reductions are commensurate with the nation's defense, feasible in terms of present military strategy and technology, and in no way contradictory to the nation's foreign policies under the Nixon Doctrine;

The Senate Majority Conference urges:

1. That the Administration consider, forthwith, in conjunction with the appropriate committees of the Congress, revisions in the proposed budget with a view to making specific recommendations on the reduction of military expenditures through the prompt close-out of installations abroad which are obsolescent or excessive to the current security needs of the nation; and

2. That the contingent of U.S. troops stationed overseas be substantially reduced, such reductions to be accomplished in stages over the next one and one-half years.

The Majority Leader is requested to confer with the Speaker of the House, the Director of the Office of Management and Budget, and with the Chairmen of the Committees on Appropriations, Foreign Relations and Armed Services on the contents of this resolution and ways and means of implementation by Executive Order or legislative action and to report to the Policy Committee on or before April 30 on the results of these conferences.

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RESOLUTION ON FEDERAL EXPENDITURES

Whereas, a responsible national fiscal policy requires that federal expenditures be brought into line with receipts;

Whereas, the federal budgetary deficit has totaled $104.3 billion during the past four years, notwithstanding cuts by Congress in the Administration's proposed spending for the same years, totaling $20.2 billion;

Whereas, past experience suggests that the Administration's proposed expenditures ceiling of $268.7 billion for the coming fiscal year is, again, excessive under present estimated revenues;

Whereas, the Administration's proposed budget increases military and foreign aid expenditures even as the Administration continues to ignore the spending of tax money for excessive, obsolescent and irrelevant military and foreign aid purposes abroad;

The Majority Policy Committee urges:

1. That the Administration's attention be directed, again, to the resolution adopted by the Senate Democratic Conference on March 15, 1973, calling for a "Reduction of Military Expenditures Abroad," the implementation of which can bring about substantial reductions in federal expenditures, strengthen the dollar and help to curb inflation;

2. That, pursuant, in particular, to the provisions of paragraph 1, the Administration's proposed budgetary ceiling be accordingly lowered as in past years;

3. That the Appropriations, Armed Services and Foreign Relations Committee consider substantial reductions in authorizations and expenditures for military and foreign aid purposes abroad and that all other committees of the Senate act to restrain the authorizing of expenditures of federal funds;

4. That the Senate Members of the Joint Study Committee on Budget Control consider with the House Members establishing a specific ceiling on budgeted expenditures substantially below that of the Administration's proposed ceiling and report to the Senate thereon as soon as possible.

The Majority Leader is directed to communicate the text of this resolution to the Director of the Office of Management and Budget, to the Senate Members of the Joint Committee on the Budget and to the Chairmen of the Committees on Foreign Relations, Armed Services, and Appropriations and to the Chairmen of such other committees of the Senate, to which, in his judgment, the contents of the resolution are applicable.

He is directed, further, to communicate the comments of the Chairmen of the Committees on the resolution of the Policy Committee to the Majority Conference and, at that time, to seek the concurrence of the Conference in the resolution.

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RESOLUTION ON CAMBODIA

The Democratic Conference resolves:

That the appropriate committees and the Senate act to foreclose by legislative action the further use of federal funds for the pursuit of any military activity by the United States in Cambodia.

The Majority Leader is directed to communicate its text to the Chairmen of the Committees on Appropriations and Foreign Relations and the Acting Chairman on the Armed Services and to confer with them on ways and means of presenting the matter to the Senate.

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RESOLUTION OFFERED BY SENATOR ABOUREZK

Whereas, public confidence in the integrity of the electoral process has been undermined by the events of recent months, and

Whereas, the restoration of confidence in the integrity of free and open elections is of paramount concern to the preservation of democracy and the continuing orderly operation of government, and

Whereas, the Congress has committed itself to positive and constructive electoral reform by the enactment of tax credits and campaign contribution check-offs to assist in the provision of open and public financing of elections,

Be it therefore resolved that the Majority Caucus of the Senate commit itself to the immediate enactment of proposals to provide for the open public financing of federal elections.

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## SENATOR ROBERT C. BYRD—UNSUNG HERO OF WATERGATE INVESTIGATION

Mr. PROXMIRE. Mr. President, for months the Watergate scandal was swept under the rug. It was referred to as a "caper." It had little effect on the election. The American people were bored with reports about it.

But suddenly, due to three significant actions, the immense proportions of the scandal finally evolved. They were the actions of a courageous judge, a great newspaper, and a persistent and dogged Senator.

Two of these actions are widely known and acknowledged. Even President Nixon in his speech early this weekend acknowledged them—one directly and one indirectly.

A COURAGEOUS JUDGE

The first was the courageous action of Judge Sirica in refusing to accept the blatantly inadequate presentation to his court.

A GREAT NEWSPAPER

The second major reason Watergate has finally begun to come out fully was the persistence of the Washington Post, particularly its two superb reporters, Bob Woodward and Carl Bernstein, and the backing they got from a brave publisher who refused to be intimidated by the most powerful forces in the land, Kathryn Graham. We salute both her and them.

A PERSISTENT AND DOGGED SENATOR

But there was a third event which essentially broke open the Watergate case. That was the questioning by Senator ROBERT C. BYRD, of West Virginia, of the President's nominee to head the FBI, Mr. L. Patrick Gray.

Senator BYRD's doggedness and persistence in questioning brought the admission from Mr. Gray that Mr. Dean of the White House had lied when he told the FBI that he would check to see if Mr. Hunt had had an office in the Executive Office Building. Mr. Dean knew for certain at the time that Mr. Hunt did have an office there. The admission by Mr. Gray that Mr. Hunt probably lied or did lie, as well as the numerous other facts brought out in the questioning, broke open the case.

It started the avalanche.

SENATOR BYRD'S ROLE UNSUNG

Senator BYRD has never received appropriate recognition for his part in this and for the public service he rendered. In the beginning he was virtually all alone in his opposition to the confirmation of Mr. Gray. But his instincts and his reasons gained the day because he was both persistent and right.

I think the record should show that along with Judge Sirica and the Washington Post, Senator ROBERT C. BYRD of West Virginia deserves great credit for finally making certain that the Watergate scandal will ultimately be revealed in all of its dimensions.

The Senate and the country owe Senator BYRD a vote of thanks. In fairness to him and to the history of this affair, his role in bringing this sordid mess to light justly deserves both to be noted and praised.

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## FEDERAL-AID HIGHWAY ACT OF 1973

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 502.

The PRESIDING OFFICER (Mr. JOHNSTON) laid before the Senate the amendment of the House of Representatives to the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes which was to strike out all after the enacting clause, and insert:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1973".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 3, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,500,000,000 for the fiscal year ending June 3, 1976, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978, and the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1979."



AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, of House Public Works Committee Print Numbered 92–29, as revised in House Report Numbered 92–1443.

HIGHWAY AUTHORIZATIONS

SEC. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, $700,000,000 for the fiscal year ending June 3, 1975, and $700,000,000 for the fiscal year ending June 30, 1976. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, $400,000,000 for the fiscal year ending June 30, 1975, and $400,000,000 for the fiscal year ending June 30, 1976.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, $700,000,000 for the fiscal year ending June 30, 1975, and $700,000,000 for the fiscal year ending June 30, 1976. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund $400,000,000 for the fiscal year ending June 30, 1974, $400,000,000 for the fiscal year ending June 3, 1975, and $400,000,000 for the fiscal year ending June 3, 1976.

(3) For forest highways, out of the Highway Trust Fund $33,000,000 for the fiscal year ending June 30, 1974, $33,000,000 for the fiscal year ending June 3, 1975, and $33,000,000 for the fiscal year ending June 30, 1976.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $16,000,000 for the fiscal year ending June 30, 1976.

(5) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1974, $170,000,000 for the fiscal year ending June 30, 1975, and $170,000,000 for the fiscal year ending June 30, 1976.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

(8) For parkways, $75,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

(9) For Indian reservation roads and bridges, $100,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $150,000,000 for the fiscal year ending June 30, 1974, $150,000,000 for the fiscal year ending June 30, 1975, and $150,000,000 for the fiscal year ending June 30, 1976.

(11) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), $10,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

(12) For necessary administrative expenses in carrying out section 131, section 136, and section 319(b) of title 23, United States Code, $3,000,000 for the fiscal year ending June 30, 1974, $3,000,000 for the fiscal year ending June 30, 1975, and $3,000,000 for the fiscal year ending June 30, 1976.

(13) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, not to exceed $5,000,000 for the fiscal year ending June 30, 1975, and not to exceed $5,000,000 for the fiscal year ending June 30, 1976.

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, not to exceed $2,000,000 for the fiscal year ending June 30, 1975, and not to exceed $2,000,000 for the fiscal year ending June 30, 1976.

(C) for American Samoa not to exceed $1,000,000 for the fiscal year ending June 30, 1974, not to exceed $1,000,000 for the fiscal year ending June 30, 1975, and not to exceed $1,000,000 for the fiscal year ending June 30, 1976.

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) Nothing in the first ten paragraphs or in paragraph (13) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319 (b), or chapter 4 of title 23, United States Code.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, under section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for each such fiscal year for such system.

SUBMISSION OF CERTAIN REPORTS

SEC. 105. The Secretary of Transportation is hereby directed to forward to the Congress within thirty days of the date of enactment of this Act final recommendations proposed to him by the Administrator of the Federal Highway Administration in accordance with section 105(b)(2), section 121, and section 144 of the Federal-Aid Highway Act of 1970 together with those recommendations of the Secretary of Transportation to the Director of the Office of Management and Budget unless these recommendations have been submitted to the Congress prior to the date of enactment of this Act.

DEFINITIONS

SEC. 106. Subsection (a) of section 101 of title 23 of the United States Code is amended as follows:

(1) The definition of the term "construction" is amended by striking out "Coast and Geodetic Survey in the Department of Commerce)," and by inserting in lieu thereof: "National Oceanic and Atmospheric Administration in the Department of Commerce), traffic engineering and operational improvements,".

(2) The definition of the term "urban area" is amended by inserting immediately after "State highway department" the following: "and appropriate local officials in cooperation with each other".

(3) The definition of the term "Indian reservation roads and bridges" is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) The last four sentences of such section 104(b)(5) are amended to read as follows: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1977, and June 30, 1978. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year ending June 30, 1979. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives."

DECLARATION OF POLICY

SEC. 108. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared that since the Interstate System is now in the final phase of completion that after completion of that system it shall be the national policy that increased emphasis be placed on the accelerated construction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of the systems

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to the maximum amount possible by no later than the year 1990."

MINIMIZATION OF REDTAPE

SEC. 109. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the drastic minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID SYSTEMS

SEC. 110. Section 103 of title 23, United States Code, is amended as follows:

(1) The second sentence of subsection (d) is amended by inserting immediately after "such area" the following: "and shall provide for the collection and distribution of traffic within such area".

(2) Subsection (d) is further amended by inserting immediately following the next to the last sentence the following new sentences: "Any State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary. For the purposes of sections 104(b)(6) and 142 of this title, such largest population center shall be held and considered to be an urbanized area."

(3) Subsection (g) is amended by striking out "1973" wherever it appears and inserting in lieu thereof "1974" and by striking out "1975" and inserting in lieu thereof "1977".

(4) Subsection (g) is further amended by adding at the end thereof the following new sentence: "This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968."

APPLICATION TO URBAN SYSTEM OF CERTAIN CONTROLS

SEC. 111. The last sentence of subsection (d) of section 103 of title 23, United States Code, is amended to read as follows: "The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system unless determined by the Secretary to be inconsistent with this subsection, except that sections 131, 136, and 319(b) are hereby made specifically applicable to such system and the Secretary shall not determine such sections to be inconsistent with this subsection."

APPORTIONMENT

SEC. 112. Section 104 of title 23, United States Code, is amended as follows:

(1) Paragraph (1) of subsection (b) is amended by striking out "one-third in the ratio which the population of each State bears to the total population of all the States" and inserting in lieu thereof the following: "one-third in the ratio which the rural population of each State bears to the total rural population of all the States".

(2) Paragraph (6) of subsection (b) is amended by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(3) Subsection (c) is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "50 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(4) Subsection (d) is amended to read as follows:

"(d) Not more than 50 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 50 per centum."

(5) The last sentence of subsection (c) is hereby repealed.

APPORTIONMENT OF PLANNING FUNDS

SEC. 113. Subsection (f) of section 104 of title 23, United States Code, is amended to read as follows:

"(f)(1) On or before January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title.

"(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

"(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations designated by out the provisions of section 134 of this title. the State as being responsible for carrying These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

"(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs."

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 114. (a) The last sentence of subsection (a) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of paragraph (3) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

HIGHWAY NOISE LEVELS

SEC. 115. Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary after consultation with appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

SIGNS ON PROJECT SITE

SEC. 116. The last sentence of subsection (a) of section 114 of title 23, United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 117. (a) Section 117 of title 23 of the United States Code is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department of its performance of such responsibilities, if he finds—

"(1) such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title;

"(2) the State meets the requirements of section 302 of this title;

"(3) that final decisions made by responsible State officials on such projects are made in the best overall public interest.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance.".

MATERIALS AT OFF-SITE LOCATIONS

SEC. 118. Section 121(a) of title 23 of the United States Code is amended by inserting after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 119. (a) After the second sentence of section 129 (b) of title 23, United States Code, insert the following: "When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

(b) The first sentence of subsection (e) of section 129, title 23, United States Code, is amended by striking out "on the date of enactment of this subsection". The third sentence of subsection (e) of section 129, title 23, United States Code, is amended by striking out "1968" and inserting in lieu thereof "1973".



CONTROL OF OUTDOOR ADVERTISING

SEC. 120. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of incorporated cities and villages, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices may include, but not be limited to, signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices pertaining to rest stops, camping grounds food services, gas and automotive services, and lodging, and shall include signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section (except that not more than three directional signs facing the same direction of travel shall be permitted in any one mile along the Interstate or primary systems outside commercial and industrial areas), (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof: "In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained without areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State laws, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained: *Provided*, That such signs on the Interstate and primary shall not be erected in suburban or in urban areas or in lieu of signs permitted under subsection (d) of this section, nor shall they be erected where adequate information is provided by signs permitted in subsection (c) of this section."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof: "Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1972, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Fedral-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(h) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required to be removed until December 31, 1974, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first. A State shall give preference, with due regard to the orderly scheduling of the removal of signs, displays, and devices and to highway safety, to the purchase and removal of any nonconforming sign, display, or device voluntarily offered by the owner thereof to the State for removal if funds are available to such State for such purpose.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1973, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs)."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 121. Subsection (c) of section 135 of title 23, United States Code, is hereby repealed and existing subsection (d) is relettered as subsection (c), including any references thereto.

CONTROL OF JUNKYARDS

SEC. 122. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1968 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 3, 1973, and not to exceed $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY PUBLIC TRANSPORTATION

SEC. 123. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as 'buses'), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Sums apportioned under section 104(b) of this title shall be available to finance the cost of these projects.

"(b) Sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of projects for exclusive or preferential bus, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

"(c) Whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a highway project the Federal share of which is to be paid from funds apportioned under section 104(b)(6) of this title, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project

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shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds of its proportional share of the cost of such project in an amount equal to the Federal share which would have been paid if such project were a highway project under section 120(a) of this title. Funds previously apportioned to such State under section 104(b)(6) of this title shall be reduced by an amount equal to such Federal share. No financial assistance shall be provided under this subsection for the purchase of buses to any State or local public body or agency thereof which, after the date of enactment of this subsection, has engaged or proposes to engage directly or indirectly in charter bus operations in competition with private bus operators outside the urbanized area within which such State or local public body or agency provides mass transportation service.

"(d) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(e) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(f) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate ridership to fully utilize the proposed project.

"(g) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby.

"(h) No financial assistance shall be provided under this section to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions or which proposes to expand present routes, schedules, services, or facilities for the purposes of providing transportation for school children and school personnel to and from school and school-authorized functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such children and personnel. This subsection shall not apply unless such private transportation company is able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards, and this subsection shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such children and personnel along with facilities to be used therefor) was so engaged any time during the twelve-month period immediately prior to the date of the enactment of this subsection.

"(i) The provision of assistance under subsection (c) of this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

"(j) Funds available for expenditure to carry out the purposes of subsection (c) of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(k) The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out subsection (c) of this section."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 124. (a) Section 143 of title 23, United States Code, is amended by striking out "demonstration projects" each place it appears and inserting in lieu thereof "projects", and by striking out "demonstration project" each place it appears and inserting in lieu thereof in each such place "project", by striking out "the Federal-aid primary system" in each place it appears and inserting in lieu thereof in each such place "a Federal-aid system (other than the Interstate System)", and in subsection (d) by striking out "Federal-aid primary highways" and inserting in lieu thereof "highways on the Federal-aid system on which such development highway is located".

(b) Section 143(e) of title 23, United States Code, is amended to read as follows:

"(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located."

(c) Section 143(a) of title 23, United States Code, is amended by striking out "to demonstrate the role that highways can play".

FEDERAL-STATE RELATIONSHIP

SEC. 125. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Federal-State relationship

"The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Federal-State relationship."

BICYCLE TRANSPORTATION

SEC. 126. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 217. Bicycle transportation

"(a) To encourage the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation on or in conjunction with highway rights-of-way, the States may, on Federal-aid highway projects, include to the extent practicable, suitable, and feasible, the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles in conjunction or connection with Federal-aid highways. Sums apportioned in accordance with paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for bicycle projects authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a bicycle project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project shall be that provided in section 120 of this title.

"(c) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle routes in conjunction with such trails, roads, highways, and parkways.

"(d) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes and, when snow conditions and State or local regulations permit, snowmobiles.

"(e) Not more than $20,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a) and (c) of this section, and no State shall obligate more than $1,000,000 for such projects in any fiscal year."

(b) The analysis of chapter 20, title 23, United States Code, is amended by inserting at the end thereof the following:

"217. Bicycle transportation."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 127. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 146. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund $100,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(10) Any route designated by the Secretary under this section must be on a Federal-aid system prior to such designation.



"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"146. Special urban high density traffic program."

PRIORITY PRIMARY ROUTES

SEC. 128. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Priority primary routes

"(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement to supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities. A total of not more than ten thousand miles shall be selected under this section. For the purpose of this section such highways shall hereafter in this section be referred to as 'priority primary routes'.

"(b) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid program system shall be applicable to priority primary routes selected under this section except section 104. Funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized.

"(c) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before July 1, 1974.

"(d) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed $300,000,000 per fiscal year for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. One-half of such funds shall be apportioned among the States in accordance with section 104(b)(1) of this title, and one-half shall be apportioned among the States in accordance with section 104(b)(3) of this title."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Priority primary routes."

ALASKA HIGHWAY

SEC. 129. (a)(1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 218. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"218. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expanded in accordance with the provisions of section 217 of title 23 of the United States Code.

BRIDGES ON FEDERAL DAMS

SEC. 130. (a) Section 320(d) of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof "$25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been completed by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

GREAT RIVER ROAD

SEC. 131. (a) Section 14 of the Federal-Aid Highway Act of 1954, as amended (68 Stat. 70; Public Law 83–350), is amended by striking out "$500,000" and inserting in lieu thereof "$600,000".

(b) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 148. Development of a prototype of a national scenic and recreational highway program

"(a)(1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to prove the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration of the tricentennial of the discovery of the Mississippi River.

"(b) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal-aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131(c) of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility contructed with assistance under this section.

"(c) For the purpose of this section, the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be part of the Federal-aid primary system except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds appropriated for each fiscal year pursuant to subsection (h) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purposes of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of

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highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the State pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, for construction and reconstruction of roads not on a Federal-aid highway system."

(c) The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"148. Development of a prototype of a national scenic and recreational highway program.".

ALASKAN ASSISTANCE

SEC. 132. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking out at the end of the last sentence "June 30, 1972 and June 30, 1973," and substituting "June 30, 1972, June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976."

ROUTE 101 IN NEW HAMPSHIRE

SEC. 133. (a) The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections:

(1) That section of Route 101 from Route 125 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths centerline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

FREEING INTERSTATE TOLL BRIDGES

SEC. 134. Section 129, title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1975, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1975, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount."

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 135. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than July 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies, except that in the case of the toll bridge at Chester, Illinois, the Secretary shall submit a report to the Congress not later than December 31, 1973.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 136. The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than July 1, 1974, including an estimate of the cost of implementing such a program. There is authorized to be appropriated $250,000 from the Highway Trust Fund to carry out this section.

PARTICIPATION IN TOPICS AND FRINGE PARKING PROGRAMS

SEC. 137. In the administration of title 23 of the United States Code the Secretary of Transportation shall take such actions as he deems necessary to facilitate broad participation by the States in the urban area traffic operations improvement programs and projects for fringe and corridor parking facilities authorized by sections 135 and 137 of such title.

DISTRICT OF COLUMBIA

SEC. 138. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

SEC. 139. (a) The Secretary of Transportation shall permit no further action on Interstate Route I-287 between Montville and Mahwah, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

INTERSTATE SYSTEM

SEC. 140. (a) Paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended as follows:

(1) The first sentence is amended by striking out "additional mileage for the Interstate System of two hundred miles, to be used in making modifications" and inserting in lieu thereof "such additional mileage for the Interstate System as may be required in making modifications".

(2) The fourth sentence is amended by striking out "the 1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised." and inserting in lieu thereof the following: "the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92-29, as revised in House Report Numbered 92-1443."

(3) The fifth sentence is amended by striking out "due regard" and inserting in lieu thereof the following: "preference, along with due regard for interstate highway type needs on a nationwide basis,".

(b) Subsection (e) of section 103 of title 23, United States Code, is amended by adding the following:

"(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. The mileage of the route or portion thereof approval for which is withdrawn under this paragraph shall be available for designation on the Interstate System in any other State in accordance with paragraph (1) of this subsection. After the Secretary has withdrawn his approval of any such route or portion thereof, whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a route or portion thereof approval for which is withdrawn under this paragraph, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds of its proportional share of the cost of such project in an amount equal to the Federal share which would have been paid for the route or portion thereof approval of which is withdrawn under this paragraph. Funds previously apportioned to such State for the Interstate System shall be reduced by an amount equal to such Federal share. No nonhighway public mass transit project shall be approved under this paragraph unless the Secretary has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project. No financial assistance shall be provided under this paragraph for the purchase of buses to any State or local public body or agency thereof which, after the date of enactment of this paragraph, has engaged or proposes to engage directly or indirectly in charter bus operations in competition with private bus operators outside the urbanized area within which such State or local public body or agency provides mass transportation service. No financial assistance shall be provided under this paragraph to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions or which proposes to expand present routes, schedules, service, or facilities for the purposes of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such children and personnel. The preceding sentence shall not apply unless such private transportation company is able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards, and such sentence shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such children and personnel along with facilities to be used therefor) was so engaged any time during the twelve-month period immediately prior to the date of the enactment of this paragraph. The provision of assistance under this paragraph shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisiona of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph."



PUBLIC MASS TRANSPORTATION

SEC. 141. (a) The Secretary shall, in cooperation with the Governor of each State and appropriate local officials, make an evaluation of that portion of the 1972 National Transportation Report, pertaining to public mass transportation. Such evaluation shall include all urban areas. The evaluation shall include but not be limited to the following:

(1) Refining the public mass transportation needs contained in such report.

(2) Developing a program to accomplish the needs of each urban area for public mass transportation.

(3) Analyzing the existing funding capabilities of Federal, State, and local governments for meeting such needs.

(4) Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs.

(5) Determining the operating and maintenance costs relating to the public mass transportation system.

(6) Determining and comparing fare structures of all public mass transportation systems.

(b) The Secretary shall, not later than July 1, 1974, report to Congress the results of this evaluation together with his recommendation for necessary legislation.

(c) There is hereby authorized not to exceed $75,000,000 to carry out this section.

FERRY OPERATIONS

SEC. 142. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, as redesignated in subsection (a) of this section, is amended to read as follows:

"(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between the States of Alaska and Washington, or between any two points within the State of Alaska, no part of such a ferry operation shall be in any foreign or international waters."

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 143. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90-480 and 91-205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

ENVIRONMENTAL IMPACT STATEMENTS

SEC. 144. (a) The Secretary of Transportation shall, not later than forty-five days after the date of enactment of this section, complete all necessary action on (1) the environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and (2) the application for approval under the General Bridge Act of 1946, with respect to the proposal for construction by the Department of Transportation of the State of New Jersey of a bridge over the Raritan River in such State for the purpose of such State's Highway Route 18.

(b) The Secretary of Transportation shall—

(1) by October 1, 1973—

(A) complete the draft environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act, and his determination under section 4(f) of the Department of Transportation Act and section 138 of title 23 of the United States Code, on the project for Interstate Route Numbered 66 in the State of Virginia from the National Capital Beltway to the Potomac River, which project is described in the 1972 estimate of the cost of completing the National System of Interstate and Defense Highways as estimate section termini E 10.4.2 at the Beltway to E 10.11.1 in Rosslyn,

(B) circulate such statement to all interested Federal, State, and local agencies and to the public for comment within forty-five days, and

(C) insure that notice of a public hearing on the design and location of such project is issued;

(2) insure that a public hearing is held within forty-five days after issuance of the notice pursuant to paragraph (1)(C) of this section; and

(3) not later than December 31, 1973, complete consideration of the information received at the hearing, review any comments on the statement received within the forty-five-day notice period referred to in paragraph (1)(B) of this section and any other information received by the end of such forty-five-day period and file the final version of such statement on the basis of such comments and information, together with any other final determination which he is required by law to make in order to permit the construction of such project to proceed. The determination of the Secretary shall be conclusive with respect to all issues of fact.

TRUCK LANES

SEC. 145. (a) Chapter 1 of title 23, United States Code, is amended by adding to the end thereof the following new section:

"§ 150. Truck lanes

"The Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential truck lanes."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"150. Truck lanes.".

HIGHWAY STUDIES

SEC. 146. The Secretary of Transportation shall report to Congress by January 1, 1975, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following routes:

(1) A route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, or its vicinity, so alined to serve the following intermediate locations, or vicinities thereof: Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville or Jonesboro, Arkansas; and Springfield, Missouri.

(2) A route from Kansas City, Missouri, or its vicinity, to Chicago, Illinois, or its vicinity, so aligned as to cross the Mississippi River at a point between Nauvoo, Illinois, on the north, and Hannibal, Missouri, on the south.

(3) A route from Amarillo, Texas, or its vicinity to Las Cruces, New Mexico, or its vicinity, so aligned as to serve the following intermediate locations, or vicinities thereof: Hereford, Texas; Clovis, New Mexico; Portales, New Mexico; Roswell, New Mexico; Ruidoso, New Mexico; Tularosa, New Mexico; and Alamogordo, New Mexico; together with a branch route from Alamogordo, New Mexico, or its vicinity, to El Paso, Texas, or its vicinity, to connect with Interstate Route No. 10 and the port of entry with Mexico.

(4) A route from the Port of Catoosa, Catoosa, Oklahoma, or its vicinity, to Interstate Route No. 35 to Ponca City, Oklahoma, or its vicinity.

INTER-AMERICAN HIGHWAY

SEC. 147. Section 4 of the Federal-Aid Highway Act of 1962 (Public Law 87-866; 76 Stat. 1145) is amended by striking out "$32,000,000" and inserting in lieu thereof "$42,000,000".

DONATIONS

SEC. 148. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following:

"§ 323. Donations

"Nothing in this title, or in any other provision of law, shall be construed to prevent a person whose real property is being acquired in connection with a project under this title, after he has been tendered the full amount of the estimated just compensation as established by an approved ap-

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praisal of the fair market value of the subject real property, from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor to a Federal agency, a State or a State agency, as said person shall determine."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof the following:

"323. Donations.".

TRAINING PROGRAMS

SEC. 149. Subsection (b) of section 140 of title 23, United States Code, is amended by striking out in the second sentence "and 1973," and inserting in lieu thereof ", 1973, 1974, 1975, and 1976", and by striking out "$5,000,000 per fiscal year" and inserting in lieu thereof "$5,000,000 per fiscal year for the fiscal years 1972 and 1973, and $10,000,000 per fiscal year for the fiscal years 1974, 1975, and 1976,".

SEC. 150. Section 106 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) The Secretary shall not approve any surveys, plans, specifications, and estimates for any project on the Federal aid system which would connect any part of the Interstate System with a bridge over Long Island Sound, unless prior to the submission of such surveys, plans, specifications, and estimates, such project has received the approval of the legislature of the State of Connecticut and the legislature of the State of New York."

USE OF INTERSTATE SYSTEM RIGHT-OF-WAY

SEC. 151. The second sentence of section 111 of title 23, United States Code, is amended by striking the period at the end thereof and substituting in lieu thereof a comma and the following: "Except the State highway department may permit the construction and operation of small food service establishments in rest stop areas."

## TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1973".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1974, $300,000,000 for the fiscal year ending June 30, 1975, and $300,000,000 for the fiscal year ending June 30, 1976.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $115,000,000 for the fiscal year ending June 30, 1974, $115,000,000 for the fiscal year ending June 30, 1975, and $115,000,000 for the fiscal year ending June 30, 1976.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $35,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, and $45,000,000 for the fiscal year ending June 30, 1976.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, not to exceed $10,000,000 per fiscal year.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railroad-highway crossings.

(b) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings $150,000,000 for the fiscal year ending June 30, 1974, $225,000,000 for the fiscal year ending June 30, 1975, and $225,000,000 for the fiscal year ending June 30, 1976. Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

(c) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System);

(2) one-third for projects on highways not included on any Federal-aid system.

(d) Funds made available in accordance with paragraph (1) of subsection (c) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of title 23 of the United States Code, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made to implement the railroad-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, in the progress being made by the States in implementing projects to improve railroad-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a), and include recommendation for future implementation of the railroad-highway crossings program.

(f) Funds authorized by this section may be used to provide local government with funds to be used on a matching basis when State funds are available which may only be spent when local government produces matching funds for the improvement of railroad crossings.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972."; by inserting immediately after "1973," the following: "$225,000,000 for the fiscal year ending June 30, 1974, $450,000,000 for the fiscal year ending June 30, 1975, and $450,000,000 for the fiscal year ending June 30, 1976,"; by striking out "out of the Highway Trust Fund," in the first sentence; and by inserting after the first sentence the following: "Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.".

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereto); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid system."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PAVEMENT MARKING DEMONSTRATION PROGRAM

SEC. 205. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 151. Pavement marking demonstration program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a pavement marking demonstration program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included on any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, out of the Highway Trust Fund, the sum of $125,000,000. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

"(f) Funds apportioned to a State but not required by it for pavement-marking projects authorized by this section may be released by the Secretary to such State for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator for carrying out this program.

"(g) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing the program and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the number, rate, and severity of accidents at improved locations and the cost-benefit ratio of such improvements, comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such pavement markings. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made in implementing the program and the safety benefits achieved under it."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"151. Pavement marking demonstration programs.".

PAVEMENT MARKING RESEARCH AND DEMONSTRATION PROGRAMS

SEC. 206. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs to improve the effectiveness and durability of various types of pavement markings and related delineators, to develop improved equipment and techniques for applying, erecting, and maintaining such markings and delineators, and to develop new traffic control materials, devices, and related delineators to assist the traveling public during adverse weather and nighttime driving conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

HIGHWAY SAFETY ON INDIAN RESERVATIONS

SEC. 207. Section 402 of title 23 of the United States Code is amended by adding a new subsection (i) as follows:

"(i) For the purpose of the application of this section on Indian reservations, 'State' and 'Governor of a State' includes the Secretary of the Interior and 'political subdivision of a State' includes an Indian tribe: *Provided*, That, notwithstanding the provisions of subparagraph (C) of subsection (b)(1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior after date of enactment, shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: And provided further, That the provisions of subparagraph (E) of subsection (b)(1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable."

(b) Subsection (d) of section 402 of title 23, United States Code, is amended by inserting at the end of the first sentence thereof the following: "and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary."

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 208. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) There is authorized to be appropriated to carry out the amendments made by this section by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

PROJECTS FOR HIGH-HAZARD LOCATIONS

SEC. 209. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

§ 152. Projects for high-hazard locations

"(a) Each State shall conduct and systematically maintain an engineering survey of all highways to identify high-hazard locations which may constitute a danger to vehicles and to pedestrians, assign priorities for the correction of such locations, and establish and implement a schedule of projects for their improvements.

"(b) For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, the sum of $100,000,000 except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

"(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing projects for high-hazard locations and the effectiveness of such improvements. Each State report shall contain an assessment of the costs and safety benefits of the various treatments employed and subsequent accident experience at improved locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in implementing projects for improvements at high-hazard locations. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the spot improvements program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"152. Projects for high-hazard locations.".

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 210. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 153. Program for the elimination of roadside obstacles

"(a) Each State shall conduct and systematically maintain an engineering survey of all highways to identify roadside obstacles which may constitute a hazard to vehicles and to pedestrians, assign priorities for the correction of such obstacles and establish and implement a schedule of projects for their elimination. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or break away upon impact. Yielding or breakaway sign and light supports shall be used, where appropriate, on all new construction or reconstruction of highways.

"(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, the sum of $75,000,000 except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were appropriated under this chapter.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

"(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing the program for the removal of roadside obstacles and the effectiveness of such improvements. Each report shall contain an assessment of the costs and safety benefits of the various means and methods used to mitigate or eliminate roadside obstacles. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in eliminating roadside obstacles and the effectiveness of the improvements made under this program. The Secretary's report shall include, but not be limited to, an analysis and evaluation of each State program, identification of any State found not to be in compliance with the schedule



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of improvements required by subsection (a) and shall include recommendations for future removal program. In addition, to assess the implementation of the roadside obstacle safety benefits of varying roadside obstacle treatments, the report shall contain an assessment of the costs and safety benefits of the various means and methods used to mitigate or eliminate roadside obstacles."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"153. Program for the elimination of roadside obstacles.".

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media for informing and educating the public of ways and means for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by June 30, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation, in consultation with State and local highway safety officials, shall develop a series of highway safety television programs of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934. At least 50 per centum of the funds authorized and expended under subsection (d) of this section shall be allocated to the States at the discretion of the Secretary for approved programing projects. To the maximum extent feasible, the services of private individuals shall be utilized in carrying out this subsection.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of $4,000,000 out of the Highway Trust Fund.

CITIZEN PARTICIPATION STUDY

SEC. 212. (a) The Secretary of Transportation, in cooperation with State and local highway safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on traffic enforcement and accident detection, response, and reporting, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies and highway rescue agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by June 30, 1974.

(b) For the purposes of carrying out this section, there is authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 213. (a) The Secretary of Transportation shall make a study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include, but not be limited to, an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein, the methods to be used for its evaluation and the criteria needed to assure its proper utilization by appropriate public and private agencies and groups. The Secretary shall report to the Congress his findings and recommendations not later than January 1, 1975.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of $5,000,000 out of the Highway Trust Fund.

PEDESTRIAN SAFETY STUDY

SEC. 214. (a) The Secretary of Transportation shall make a full and complete investigation and study of pedestrian safety. Such an investigation and study shall include, but not be limited to, the following:

(1) A review and evaluation of State and local ordinances, regulations, and laws and the enforcement policies, procedures, methods, practices, and capabilities for enforcing them.

(2) The relationship between alcohol and pedestrian safety, with special emphasis on problem drinkers, both drivers and pedestrians.

(3) An evaluation of ways and means of improving pedestrian safety programs.

(4) An analysis of present funding allocations for pedestrian safety programs and an assessment of the capabilities of Federal, State, and local governments to fund each activities and programs.

In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the States, and their political subdivisions, and other interested private organizations, groups, and individuals.

(b) The Secretary shall, not later than January 31, 1975, report to the Congress the results of this investigation and study together with his conclusions and recommendations for appropriate legislation.

(c) There is hereby authorized not to exceed $5,000,000 from the Highway Trust Fund to carry out this section.

MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

SEC. 215. (a) The first sentence of subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after "approved in accordance with subsection (a)," the following: "including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds".

PUBLIC ROAD MILEAGE

SEC. 216. Subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after the third sentence the following: "Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary."

MINIMUM APPORTIONMENT

SEC. 217. Subsection (c) of section 402 of title 23, United States Code, is amended by striking "one-third of 1 per centum" in the fifth sentence thereof as amended, and inserting "one-half of 1 per centum".

HIGHWAY SAFETY PROGRAM APPLICABILITY

SEC. 218. Section 401, title 23, United States Code, is amended by adding at the end thereof the following: "For the purposes of this chapter, the term 'State' means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa, except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated."

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY PROGRAMS

SEC. 219. Section 402 of title 23, United States Code, is amended by adding the following new subsection:

"(j)(1) In addition to other grants authorized by this section, the Secretary may make incentive grants in each fiscal year to those States which have adopted legislation requiring the use of seatbelts in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, not to exceed $50,000,000 for the fiscal year ending June 30, 1974, not to exceed $75,000,000 for the fiscal year ending June 30, 1975, and not to exceed $75,000,000 for the fiscal year ending June 30, 1976.

"(2) In addition to other grants authorized by this section, the Secretary may make additional incentive grants to those States which have made the most significant progress in reducing traffic fatalities based on the reduction in the rate of such fatalities per one hundred million-vehicle miles during the calendar years immediately preceding the fiscal year for which such incentive funds are authorized compared with the average annual rate of such fatalities for the four calendar year period preceding such calendar year. Such incentive grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, not to exceed $25,000,000 for the fiscal year ending June 30, 1974, not to exceed $35,000,00 for the fiscal year ending June 30, 1975, and not to exceed $35,000,000 for the fiscal year ending June 30, 1976.

"(3) Incentive awards authorized by the section shall not exceed 25 per centum of each State's apportionment as authorized by this chapter."

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

SEC. 220. The second sentence of subsection (a) of section 403 of title 23, United States Code, is amended to read as follows: "In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which the Secretary deems will promote the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel."

TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

SEC. 221. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section."



ADMINISTRATIVE ADJUDICATION OF TRAFFIC INFRACTIONS

SEC. 222. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) In addition to the research authorized by subsection (a) of this section, the Secretary shall, either independently or in cooperation with other Federal departments or agencies, conduct research into, and to make grants to or contracts with State or local agencies, institutions, and individuals for projects to demonstrate the administrative adjudication of traffic infractions. Such administrative adjudication demonstration projects shall be designed to improve highway safety by developing fair, efficient, and effective processes and procedures for traffic infraction adjudication, utilizing appropriate punishment, training, and rehabilitative measures for traffic offenders. The Secretary shall report to Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research and demonstration projects authorized by this subsection, and shall include in such report a comparison of the fairness, efficiency, and effectiveness of administrative adjudication of traffic infractions with other methods of handling such infractions."

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

SEC. 223. Subsection (a)(1) of section 404 of title 23, United States Code, is amended by inserting immediately after "Federal Highway Administrator," the following: "the National Highway Traffic Safety Administrator,".

DATE OF ANNUAL REPORT

SEC. 224. The first sentence of subsection (a) of section 202 of the Highway Safety Act of 1966 (80 Stat. 736) is amended by deleting "March 1" and substituting in lieu thereof the following: "July 1".

UNDERPASS DEMONSTRATION PROJECT

SEC. 225. (a) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

HIGHWAY SAFETY NEEDS STUDY

SEC. 226. In order to provide the basis for evaluating the continuing highway safety programs authorized in title 23, United States Code, and to furnish Congress with the information necessary for the authorization of appropriations for such programs, the Secretary of Transportation, in cooperation with the Governors and appropriate State and local highway officials, shall make a full and complete study of highway safety needs and shall prepare recommendations and estimates of the costs for meeting such needs. Such estimates and recommendations shall identify the requirements to meet highway safety needs of the States, Puerto Rico, and the District of Columbia and would also consider those of Guam, American Samoa, the Virgin Islands and such other United States territories the Secretary shall determine. The Secretary shall submit such detailed estimates and recommendations to the Congress not later than January 10, 1976.

DRIVER EDUCATION EVALUATION PROGRAM

SEC. 227. (a) Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) In addition to the research authorized by subsection (a) of this section, the Secretary shall carry out research, development, and demonstration projects to improve and evaluate the effectiveness of various types of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom. The research, development, and demonstration projects authorized by this subsection may be carried out by the Secretary through grants and contracts with public and private agencies, institutions, and individuals. The Secretary shall report to the Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research, development, and demonstration projects authorized by this subsection, and shall include in such report an evaluation of the effectiveness of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom."

(b) For the purpose of carrying out the amendment made by subsection (a) of this section, there is authorized to be appropriated $10,000,000 out of the Highway Trust Fund.

TRANSFER OF FUNDS AMONG HIGHWAY SAFETY PROGRAMS

SEC. 228. Section 104 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with sections 144, 152, and 153 of this title, or section 203(d) of the Highway Safety Act of 1973, may be transferred from the apportionment under one section to the apportionment under any other of such sections if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve such transfer only if he has received satisfactory assurances from the State highway department that the purposes of the program from which such funds are to be transferred have been met."

CURB RAMPS FOR THE HANDICAPPED

SEC. 229. Paragraph (1) of subsection (b) of section 402 of title 23, United States Code, is amended by adding at the end thereof the following:

"(F) provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State."

DEMONSTRATION PROJECT—RAIL-HIGHWAY CROSSINGS

SEC. 230. (a) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $36,000,000 to carry out subsections (a) and (b) of this section.

(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebraska, for the relocation of railroad lines from the central area of the city in conformance with the methodology developed under proposal numbered DOT-FR-20037. The city shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment, and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(e) Federal grants or payments for the purpose of subsection (d) of this section shall cover 70 per centum of the costs involved.

(f) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to subsection (d) of this section.

(g) For the purpose of carrying out subsections (d), (e), and (f) of this section, there is hereby authorized to be appropriated the sum of $2,500,000 out of the Highway Trust Fund, and not to exceed $9,500,000 out of any money in the Treasury not otherwise appropriated.

(h) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration project in Brownsville, Texas, and Matamoros, Mexico, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the Brownsville Navigation District, providing for the construction of an international bridge and for the elimination of a substantial number of existing railway-road conflict points within the cities.

(i) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in East Saint Louis, Illinois, for the relocation of rail lines between Thirteenth and Forty-third Streets, in accordance with methodology approved by the Secretary. The Secretary of Transportation shall carry out a demonstration project for the relocation of rail lines in the vicinity of Carbondale, Illinois.

(j) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in New Albany, Indiana, for the elimination of the existing rail loop and relocation of rail lines to a location between Vincennes Street and East Eighth Street, in accordance with methodology approved by the Secretary.

(k) The Federal share payable on account of projects under subsections (h), (i), and (j) of this section shall be that provided in section 120 of title 23 of the United States Code.

(l) There is authorized to be appropriated not to exceed $2,150,000 in the case of Brownsville, Texas, $15,000,000 in the case of East Saint Louis and $10,000,000 in the case of Carbondale, Illinois, from the Highway Trust Fund, and not to exceed $4,300,000 in the case of Brownsville, Texas, and $1,000,000 in the case of New Albany, Indiana, from money in the Treasury not otherwise appropriated, for carrying out the provisions of subsections (h), (i), and (j) of this section.

(m) The Secretary of Transportation shall carry out demonstration projects for the construction of an overpass at the rail-highway grade crossing on Cottage Grove Avenue between One Hundred Forty-second Street and One Hundred Thirty-eighth Street in the village of Dolton, Illinois, and the construction of an overpass at the rail-highway grade crossing at Vermont Street and the Rock Island Railroad tracks in the city of Blue Island, Illinois.

(n) The Secretary shall make a report to the President and the Congress with respect to his activities pursuant to subsection (m) of this section.

(o) For the purpose of carrying out subsection (m) of this section, there is authorized to be appropriated, out of the Highway Trust Fund, not to exceed $5,250,000.

(p) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground level railroad-highway crossings in, or in the vicinity of Elko, Nevada.

(q) The Secretary shall make a report to

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the President and the Congress with respect to his activities pursuant to subsection (p) of this section.

(r) For the purpose of carrying out subsection (p) of this section, there is authorized to be appropriated the sum of $1,400,000 out of the Highway Trust Fund, and not to exceed $2,800,000 out of any money in the Treasury not otherwise appropriated.

(s) The Secretary of Transportation shall carry out a demonstration project for the elimination of the ground level railroad highway crossing on United States Route 69 in Greenville, Texas. He shall report to the President and Congress with respect to his activities under this subsection. There is authorized to be appropriated not to exceed $1,200,000 to carry out this subsection, except that local interests shall contribute $800,000 to the cost of such project.

HIGHWAY SAFETY STANDARDS

SEC. 231. Subsection (h) of Section 402 of title 23, United States Code, is amended to read as follows:

"(h) Each uniform safety standard promulgated under this section on or before January 1, 1973, shall continue in effect unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973. The Secretary shall not promulgate any other uniform safety standard under this section (including by revision of a standard continued in effect by the preceding sentence) unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973."

TITLE III

URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 301. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows "The Federal grant for any such project to be assisted under section 3 shall be in an amount equal to 80 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

(c) Section 4(c) of the Urban Mass Transportation Act of 1964 is amended by striking out "$3,100,000,000" in the first and third sentences and inserting in lieu thereof "$6,100,000,000".

(d) Section 9 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "to make grants" in the first sentence and inserting in lieu thereof "to contract for and make grants";

(2) by striking out "and designing" in the first sentence and inserting in lieu thereof "designing, and evaluation";

(3) by striking out "and (3)" in the second sentence and inserting in lieu thereof "(3) evaluation of previously funded projects; and (4)";

(4) by inserting "or contract" after "A grant" in the third sentence; and

(5) by striking out all that follows "Secretary" in the third sentence and inserting in lieu thereof a period.

(e) The provision of assistance under the amendments made by this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

(f) Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(f) No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Act or carried on under this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(g) Section 16(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants and loans—

"(1) to States and local public bodies and agencies thereof for the specific purpose of assisting them in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons, with such grants and loans being subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a) and being considered for the purposes of all other laws to have been made under such section; and

"(2) to private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly and handicapped persons for whom mass transportation services planned, designed, and carried out under paragraph (1) are unavailable, insufficient, or inappropriate, with such grants and loans being subject to such terms, conditions, requirements, and provisions (similar insofar as may be appropriate to those applicable to grants and loans under paragraph (1)) as the Secretary may determine to be necessary or appropriate for purposes of this paragraph.

Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 2 per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs)."

IMPOUNDING OF FUNDS

SEC. 302. Section 12 of the Urban Mass Transportation Act of 1964, as amended, is amended by adding at the end thereof a new subsection, as follows:

"(g) No part of any sums authorized to be obligated, appropriated, or expended pursuant to the provisions of this Act shall be impounded or withheld from obligation, for purposes and projects as provided in this Act, by any officer or employee in the executive branch of the Federal Government."

UNFAIR COMPETITION

SEC. 303. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"UNFAIR COMPETITION

"SEC. 17. No financial assistance will be provided under this Act for the purchase of buses to any State or local public body or agency thereof which, after the date of enactment of this section, has engaged or proposes to engage directly or indirectly in charter bus operations in competition with private bus operators outside the urban area within which such State or local public body or agency provides mass transportation service. No financial assistance shall be provided under this Act to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions or which proposes to expand present routes, schedules, service, or facilities for the purpose of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such children and personnel. The preceding sentence shall not apply unless such private transportation company is able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards, and such sentence shall not apply to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such children and personnel along with the facilities to be used therefor) was so engaged any time during the 12-month period immediately prior to the date of the enactment of this section."

TITLE IV

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

SEC. 401. (a) Title 23, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 6—DISCRIMINATION ON THE BASIS OF SEX PROHIBITED

"Sec.
"601. Prohibition of discrimination on the basis of sex.

"§ 601. Prohibition of discrimination on the basis of sex

"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(b) The analysis of chapters at the beginning of title 23, United States Code, is amended by adding at the end thereof the following:

"6. Discrimination on the basis of sex prohibited ---------- 601".

TITLE V

INAPPLICABILITY OF TIME REQUIREMENTS

SEC. 501. The time requirements in section 104(b) of title 23, United States Code, shall not be applicable to the apportionment of sums authorized for the fiscal year ending June 30, 1974, in any title of this Act, and the Secretary shall apportion such sums for such fiscal year as soon as practicable after the date of enactment of this Act.

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the amendment of the House to the Senate bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to, and the Presiding Officer appointed Mr. BENTSEN, Mr. RANDOLPH, Mr. MUSKIE, Mr. MONTOYA, Mr. BAKER, Mr. STAFFORD, and Mr. BUCKLEY conferees on the part of the Senate.

## VOTER REGISTRATION ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. GRIFFIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

(The remarks Senator BELLMON made at this point on the introduction of S. 1706, to authorize the Secretary of Agriculture to conduct a program of research into loss of animals through disease and injury while being transported to market, are printed in the RECORD in the Routine Morning Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## QUORUM CALL

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BARTLETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, no further rollcall votes are anticipated today.

I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 5 minutes, the period not to extend beyond 1 hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.



## FELTON M. JOHNSTON

Mr. BIBLE. Mr. President, it was with real sadness and a sense of loss that I noted the sudden and untimely death of the Honorable Felton M. Johnston while the Senate was in recess over the Easter holiday.

"Skeeter" Johnston was Secretary to the Democratic majority when I came to the Senate as a freshman in 1954. He served as Secretary of the Senate from January 1955 until his retirement in December 1965. Also, he was working for Senator Pat Harrison, for the Committee on Finance, at the time I worked on the floor of the Senate in 1933 and 1934.

Over the years, I developed a great admiration and respect for "Skeeter" Johnston. He brought a native honesty, integrity, and loyalty to the office of Secretary of the Senate, an office he filled with great distinction.

"Skeeter" was my friend. I will remember him not only for his outstanding service to the Senate and his country but for his qualities as an individual. He was a gentleman throughout. He was a very warm human being—a thoughtful, generous man, and one it was a high privilege to know so well.

My heartfelt condolences go out to his son, Mac, his daughter, Wray Chatfield, and his sister, Bet Patterson, on their loss—a loss I and many others here in the Senate share with them.

## QUORUM CALL

Mr. BIBLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BARTLETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

## ENERGY POLICY

Mr. BARTLETT. Mr. President, in mid-April 1973, President Nixon delivered his long awaited and long delayed energy message.

It was a step—yes, a big step in the right direction—but it did not go far enough.

It did not go far enough because it did not adequately stress the enormity of the many problems, and the many difficult solutions required to create a sound energy policy. Nor did it vividly describe the urgency of beginning immediately the many painful steps toward a sound energy policy.

With energy, matters will get worse before they get better and we will have big problems for at least 15 years.

Because there is such a definite relationship between economic growth and growth in energy consumption, with 3.3 and 3.2 percent growth rates, respectively, during the period from 1920–70, a sufficient and dependable supply of energy is a matter of utmost and immediate concern.

Prosperity thrives on energy. Former Secretary of Interior Walter J. Hickel said:

Show me any area in the world where there is a shortage of energy and I'll show you basic poverty.

A new era, roughly between now and the year 2000, will be a period of changes—some perhaps painful as we cut back on wasteful, inefficient, and unnecessary uses of energy.

According to the U.S. Geological Survey, we have sufficient resources of oil, gas, coal, and nuclear material to provide our energy requirements if—and it is a big if—if we begin immediately to develop and use them; if we adopt a sound energy policy.

Unfortunately, so many people, including some of those who are quite well informed on the energy matter, underestimate the urgency and the enormity of the problem and have a simplistic solution—or say there is no problem at all.

Outsiders looking in on the United States are dumbfounded by our complacency, over our delays and inaction regarding a fundamental matter of self-interest.

The time to begin is now.

One step that must be taken is to market the much needed domestic Alaskan oil in the lower 48 States.

The current Congress is moving like molasses to correct the 25-foot right-of-way provision in the present law that must be corrected before the Supreme Court will consider the environmental impact of the Alaskan pipeline. The Interior Committee has been putting everything but the kitchen sink into what should be a simple bill to be passed intelligently yet quickly to hasten the day of a stronger domestic energy industry.

One-half of our proven domestic reserves of oil are located on the North Slope of Alaska. We should be, and could already have been producing up to 2 million barrels of oil per day from Alaska. This year our imports of oil will increase 50 percent over what they would have been and cost our Nation about $2 billion more in our balance-of-payments deficit than otherwise.

The value of increasing our own oil energy supply is immeasurable in terms of national security.

We must not allow ourselves to slip into the position of being overly dependent upon foreign sources of oil to the extent that we would be blackmailed by any country for political or economic reasons.

In order to strengthen our national security and our economy and have greater opportunity to raise our standard of living and make more social progress, we merely need a transportation system—a pipeline—the most pollution-free method of transporting large quantities of oil long distances.

Undoubtedly, we will need another pipeline in the near future. The Trans-Canadian route is a logical one. We should encourage the immediate application for such a route which would bring oil into the Midwest. This application undoubtedly will be delayed many years

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just as the Alaska pipeline has been delayed.

The Supreme Court will determine whether the technology and engineering plans of the Alaskan pipeline meet the stringent requirements of the Environmental Protection Agency.

It is shortsighted and costly for Congress to delay 1 extra day a right-of-way bill that will meet the needs of modern pipelines.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CHILES) laid before the Senate the following letters, which were referred as indicated:

REPORT OF HOME LOAN BANK BOARD

A letter from the Acting Chairman, Federal Home Loan Bank Board, transmitting, pursuant to law, a report of that Board, for the calendar year 1972 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT ON BUDGETARY RESERVES

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on Budgetary Reserves, as of April 14, 1973 (with an accompanying report).

Mr. ROBERT C. BYRD subsequently said: Mr. President, this request has been cleared on both sides of the aisle.

I ask unanimous consent that the report submitted by the Office of Management and Budget pursuant to the Federal Impoundment and Information Act, as amended, which in the normal course would be referred to the Committee on Government Operations, be also referred to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLICATION ENTITLED "TEXTS ADOPTED," NORTH ATLANTIC ASSEMBLY

A letter from the Secretary General, North Atlantic Assembly, transmitting, for the information of the Senate, a publication entitled "Texts Adopted" (with an accompanying document). Referred to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON (for Mr. KENNEDY) from the Committee on Labor and Public Welfare, with amendments:

S. 504. A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical service systems (Rept. No. 92–135).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JAVITS (for himself and Mr. MONDALE, Mr. BROOKE, Mr. CASE, Mr. HART, Mr. HUMPHREY, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1693. A bill to provide for the implementation of a full employment policy through the establishment of a Federal Full Employment Board and the provision of increased assistance for job development in the public and nonprofit private sectors, and related training and assistance. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 1694. A bill to amend the Federal Trade Commission Act to regulate commerce and to assure adequate and stable supplies of petroleum products at the lowest cost to the consumer, and for other purposes. Referred to the Committee on Commerce.

By Mr. KENNEDY (for himself Mr. CRANSTON, Mr. HATHAWAY, Mr. PASTORE, Mr PELL, Mr. TUNNEY, Mr. BROOKE, and Mr. MUSKIE):

S. 1695. A bill to provide readjustment allowance, opportunities, early retirement benefits, health benefits, public service employment and job counseling and training opportunities, and relocation benefits to adversely affected workers separated from their employment because of defense installation and activity realinements. Referred to the Committee on Labor and Public Welfare; and, if and when reported by that committee, be referred to the Committee on Post Office and Civil Service for consideration of parts under its jurisdiction, by unanimous-consent order.

By Mr. DOLE:

S. 1696. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds, and for other purposes. Referred to the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 1697. A bill to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa, Calif. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUMPHREY (for himself and Mr MONDALE):

S. 1698. A bill to amend the Rural Development Act of 1972 (Public Law 92–419), and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. INOUYE:

S. 1699. A bill for the relief of Nicolas S. Ubongen, Jr. Referred to the Committee on the Judiciary.

S. 1700. A bill to amend the Clean Air Act and the Solid Waste Disposal Act in order to include the Trust Territory of the Pacific Islands within the definition of the term "State." Referred to the Committee on Public Works.

By Mr. GRAVEL:

S. 1701. A bill for the relief of Hillary V. Gregg. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 1702. A bill to provide for an investigation by the General Services Administration of various problems involved in providing toll-free telephone numbers for incoming calls at each regional office of most executive agencies. Referred to the Committee on Government Operations.

My Mr. MONDALE:

S. 1703. A bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat. Referred to the Committee on Agriculture and Forestry.

By Mr. EAGLETON:

S. 1704. A bill for the relief of Chandu Shewaram Mansharamani, Hiro Shewaram Mansharamani, Indra Hiro Mansharamani and Hardevi Shewaram Mansharamani. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself and Mr. WILLIAMS):

S. 1705. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced-rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger. Referred to the Committee on Commerce.

By Mr. BELLMON:

S. 1706. A bill to authorize the Secretary of Agriculture to conduct a program of research into the substantial losses of animals sustained through disease and injury while such animals are being transported to market, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. SCHWEIKER:

S. 1707. A bill to establish the Federal Bureau of Investigation as an independent agency of the executive branch of the Government, responsible to the Congress, and to provide for the term and succession of the Director and Deputy Director. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. TAFT, Mr. WILLIAMS, Mr. BAKER, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. GOLDWATER, Mr. MCGEE, Mr. MCGOVERN, Mr. MOSS, and Mr. PACKWOOD):

S. 1708. A bill to amend title X of the Public Health Service Act to extend appropriations authorizations for 3 fiscal years and to revise and improve authorities in such title for family planning services programs, planning, training and public information activities, and population research. Referred to the Committee on Labor and Public Welfare.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1709. A bill relating to the reduction of civilian personnel at military installations in the United States and the closing of military installations in the United States. Referred to the Committee on Armed Services.

By Mr. ROBERT C. BYRD (for himself and Mr. RANDOLPH):

S. 1710. A bill to provide one additional permanent district judgeship for the northern district of West Virginia. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself and Mr. BAKER):

S.J. Res. 104. Joint resolution providing for the designation and adoption of the American marigold as the national floral emblem of the United States. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself and Mr. MONDALE, Mr. BROOKE, Mr. CASE, Mr. HART, Mr. HUMPHREY, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1693. A bill to provide for the implementation of a full employment policy through the establishment of a Federal Full Employment Board and the provision of increased assistance for job development in the public and nonprofit private sectors, and related training and assistance. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce for myself and Senator MONDALE, the Full Employment and Job Development Act of 1973. We are joined by the following cosponsors: Senators BROOKE, CASE, HART, HUMPHREY, MOSS, MUSKIE, PASTORE, PELL, RANDOLPH, TUNNEY, and WILLIAMS.

The bill is basically identical to S. 3927, which Senator MONDALE and I introduced on August 17, 1972, with many of the same cosponsors.

The bill consists of two major elements, designed to implement the national objective of full employment.

First, it would establish a Federal Full Employment Board as an independent agency in the executive branch of the Federal Government to implement the full employment promise of the Employment Act of 1946.

Second, it would establish a full employment assistance fund to be used at the discretion of the Board by the Secretary of Labor for the provision of financial assistance for job development and related training in public service fields: for the fund the bill authorizes $1 billion for fiscal year 1974 and "such sums" for each succeeding fiscal year.

THE NEED TO PUT "TEETH" INTO THE CONCEPT OF FULL EMPLOYMENT

Mr. President, the Employment Act of 1946 identified "maximum employment" as a national goal.

But, if we put aside rhetoric and take stock of the actual situation, it is quite clear that the promise of full employment so implicit in the very fabric of our society, has been honored more in breach than in observance by all administrations since the Employment Act of 1946.

We do not have a positive goal; we have a negative one. Instead of asking, "Have we achieved full employment?" we usually ask "Is the economy growing fast enough?".

We have a number of efforts contributing to full employment, such as manpower training, and "transitional" public service employment programs.

But at the same time these efforts have not been fully coordinated and a wide range of powerful tools—such as budgetary policy, tax policy, procurement policy, public works, interest rates, foreign trade and investment policy, and wage and price controls—remain untapped.

It is about time that we started pulling these levers in a planned way so as to achieve and maintain full employment as well as price stability.

But we have no one governmental entity capable of doing so effectively—that is, acting as an advocate for full employment within the Federal structure.

The Council of Economic Advisers established under the 1946 act has been given a broader, and wholly advisory function; its responsibility is to oversee the general economy; it should not and cannot be an advocate for full employment alone and it has not been. Neither can the National Commission on Productivity serve that function, as it too, has a related but different focus.

The Department of Labor, while generally entrusted with the goal of increasing employment opportunities has no charter to make recommendations with respect to the many programs outside of its jurisdiction which have substantial effects on full employment; for example, monetary, fiscal, wage and price, budgetary, and other policies generally.

And perhaps even worse still, we have no precise positive measurement of what is full employment; instead we apply a negative standard. We do not ask, "Have we reached full employment?" We ask instead, "Is unemployment at an 'unacceptable' or 'intolerable' level?" Thus, from the start we subordinate automatically employment objectives to other objectives.

We overlook the fact that at any given time since the Employment Act was enacted in 1946 the unemployment situation has been "intolerable" for at least 2 million persons.

It is clearly unacceptable now at 5 percent, with approximately 4 million unemployed in March 1973, including all socioeconomic segments of the populations, from the chronically poor to more recently displaced aerospace engineers and technicians.

It is clearly intolerable when particular towns and cities, and areas within cities, have levels substantially above the national norm. For example, the most recent statistics in my own State show a rate of 6.2 percent in Buffalo and 7.5 percent in the Utica-Rome area, and, of course, the geometric escalation of these figures for youth and minority groups is completely unacceptable.

Mr. President, how costly is our failure to reach full employment in terms of loss of productivity, added welfare, correctional costs, and increased unemployment compensation?

How ironic these facts are in a society that gives such importance to work as a part of life.

How tragic it is for millions of citizens who suffer loss of dignity as well as loss of earnings for failure to match opportunity for work with the tenets of our free society.

Mr. President, I urge that we take action in this Congress which will provide a framework for a true full-employment program over the longer term.

With that background, I shall now comment on each of the bill's two principal elements.

THE FEDERAL FULL EMPLOYMENT BOARD

The bill would establish a Federal Full Employment Board as an independent Agency in the executive branch.

The Board would consist of five full-time members appointed by the President, subject to Senate confirmation, including one representative of labor, one representative of management, one distinguished economist, one manpower training expert, and one member from the general public.

The Board would, first, recommend to the President and to the Congress each year a program to achieve full employment, and alternative means of achieving that objective, in terms of monetary, fiscal, wage and price, manpower training, public service employment, and other relevant policies; it would do so principally in an annual "full employment report" submitted to the Congress and to the President for their consideration.

Second, undertake manpower planning and long-range and short-term surveys to estimate employment and manpower needs in terms of demand and supply, by sector, by geographic area, by industry, and occupation, including anticipated changes in short-term and long-term technology. In that connection, the Board would be empowered to review decisions made by public and private employers, including projections of manpower needs by job category.

Third, review the implementation of existing manpower training and public service employment programs and related services, such as those under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Social Security Act, the Emergency Employment Act of 1971, and any new authorities that may consolidate these efforts, and make recommendations to the President and to the Congress.

THE FULL EMPLOYMENT ASSISTANCE FUND

The bill would establish a "full employment assistance fund" with an authorization of $1 billion for fiscal year 1974 and "such sums" for the succeeding fiscal years; the Board would direct the use of funds appropriated in terms of the public and nonprofit sectors, various geographical areas, and significant segments of the labor force; approximately 200,000 jobs could be funded in fiscal year 1974.

It is this element—the link between the Board and the fund—which distinguishes this proposal from the current public service employment program conducted under the Emergency Employment Act of 1971.

On April 12, 1973, Senator GAYLORD NELSON and I introduced S. 1560, the Emergency Employment Amendments of 1973, to extend that authority for 2 years with an authorization of $1.25 billion for fiscal 1974—the amount appropriated for this fiscal year—and "such sums" for fiscal 1975: approximately 228,000 jobs could be funded in fiscal year 1974.

Continuation of that current authority must be our first priority in terms of public service employment as it provides a basic "floor" under our efforts.

But over the longer term—and especially as funds for public service employment increase—we will need even a more sophisticated idea of where to channel those funds, taking into account the other "tools" that may be available for reaching full employment as to other sectors. For example, it may not be necessary to expend such funds on jobs for aerospace technicians if we have adopted a more solid program to deal with economic conversion.

Accordingly, it is very important that we begin to consider linking the use of public service employment funds to decisionmaking by a high-level Board and to make good on the full-employment promise, and that is what this proposal would so.

Indeed, even at present levels of funding for public service employment, a Board could be very helpful in making determinations with respect to the use of "discretionary" funds under the Emergency Employment Act. These funds—which are approximately 20 percent of funds under that act—are now allocated to the States and the cities without regard to any particular formula.



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It should be noted that, although the Board will direct that funds be applied to various segments and areas, the Department of Labor, not the Board, will administer the program.

This element will insure that, while general decisions with respect to the use of additional public service employment funds will be centralized in the Board, administration will be decentralized and funds will be run through the anticipated new manpower training delivery system conducted by State and local prime sponsors. Senator NELSON and I have introduced S. 1559, the "Job Training and Community Service Act of 1973," to establish such a system.

Mr. President, in conclusion I urge that we evaluate full employment as a goal and that we raise our decisions with respect to the use of any additional funds for public service employment to a high level.

I do not claim that we should shrug our shoulders at inflation or abandon our vigilance over the way the taxpayer's dollars are spent.

However, I do suggest that the time has come for us to raise the issue of full employment to at least as a high priority.

We have the resources to put everybody to work in this country and we all know there is no shortage of work to be done. Such a policy is not only morally and philosophically compelled, but also will prove to be economically sound for the Nation.

Mr. President, I wish to acknowledge the assistance of Mr. Jule Sugarman, administrator, Human Resources Administration, city of New York, who first suggested the concept of an independent "Job Creation Commission" in testimony before the House Select Subcommittee on Labor, February 9, 1972, and who, along with Mr. Elwood Taub, executive director, New York City Manpower Area Planning Council, has contributed to the development of this proposal.

Mr. President, I ask unanimous consent that a section-by-section analysis and a copy of the bill be printed at this point in the RECORD.

There being no objection, the analysis and bill were ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF FULL EMPLOYMENT AND JOB DEVELOPMENT ACT OF 1973

Sec. 2. *Congressional Statement of Policy and Findings.* This section states that in order to attain the national objective of full employment it is necessary to assure an opportunity for a job to each American, that the United States has the capacity to do so and that the Federal Government lacks any comprehensive means to reach that objective.

The purpose of the Act is to provide for the implementation of a full employment policy through the establishment of a "Federal Full Employment Board" and the provision of assistance for job development in the public and non-profit private sectors and related training and assistance.

Sec. 3. *Federal Full Employment Board.* This section establishes as an independent agency in the executive branch a "Federal Full Employment Board", to consist of five members appointed by the President by and with the advice and consent of the Senate as follows: one representative of labor, one of management, one distinguished economist, one distinguished manpower expert; and one member of the general public. Not more than three members may be of the same political party. Members shall serve full time.

Sec. 4. *Functions of the Board.* This Section authorizes and directs the Board to (i) recommend to the President and to the Congress a program to achieve full employment; (ii) undertake manpower planning and long-range and short-term surveys in terms of demand, supply and by sector; (iii) review decisions made by public and private employers affecting full employment; (iv) develop guidelines and standards for use of public funds in job development programs; (v) review the implementation of manpower training and employment programs in terms of the extent to which they contribute to full employment; (vi) direct the Secretary of Labor to obligate funds made available under the Full Employment Assistance Fund established under Section 7, (vii) hold nationwide and regional conferences; (viii) analyze the extent to which the Federal budget may assist in reaching full employment; (ix) evaluate programs and (x) carry out such other functions as the President may direct.

In carrying out these functions, the Board shall use the services and facilities of the other agencies (to the extent directed by the President), supply technical assistance, establish regional offices, make grants and enter into contracts, accept gifts, consult with the Council of Economic Advisors and with the Commission on Productivity and with representatives of industry, labor and other groups.

Sec. 5. *Authorization of Appropriations.* This section authorizes $3 million for fiscal year 1974 and for each fiscal year thereafter, for the activities of the Board (other than under Section 7).

Sec. 6. *Reports.* This section provides for an annual "Full Employment Report" setting forth the Board's recommendations with respect to implementation of a full employment policy for each fiscal year and for succeeding fiscal years. The report is to be referred to appropriate committees in each House.

Sec. 7. *Full Employment Assistance Fund.* This section establishes a fund and authorizes therefor $1 billion for fiscal 1974 (the start-up year), and such funds as necessary for each year thereafter. The Secretary of Labor is to provide assistance from the fund pursuant to specific directions of the Board, to public agencies and non-profit private organizations, (including prime sponsors of manpower training and employment programs) for public service job development programs and related training and assistance.

Sec. 8. *Applications.* This section provides that assistance is to be provided under Section 7 only by application submitted to the Secretary and approved by him. Each application must be set forth a program to provide employment and related training and assistance for unemployed persons, to enable them to obtain employment not supported under the Act and meet other special requirements.

Sec. 9. *Related Training.* This section authorizes the Secretary of Labor to use such sums as may be necessary from those appropriated under Section 7 of the Act, for training and other services related to employment.

Sec. 10. *Special Responsibilities of the Secretary.* This section contains conditions designed to ensure that jobs are transitional, that is, will lead to public or private employment opportunities not supported under the Act.

Sec. 11. *Full Employment Intergovernmental Advisory Council.* This section establishes a Council consisting of state and local prime sponsors responsible for conducting manpower training and employment programs, to advise the Board on intergovernmental aspects of attaining full employment.

SEC. 12. *Special Provisions.* This section contains important requirements as to reporting, discrimination, political activities, and wages, and other benefits. It provides that all persons employed under programs shall be paid wages which shall be equal to whichever is the highest of the federal minimum wage, the state or local minimum wage, or the prevailing rates of pay.

Sec. 13. *Definitions.* This section defines Board, Secretary, State public service job development program, and Unemployed person.

Sec. 14. *Effective date.* This section provides that the Act shall take effect upon enactment.

S. 1693

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Full Employment and Job Development Act of 1973".

CONGRESSIONAL STATEMENT OF POLICY AND FINDINGS

SEC. 2. Congress hereby finds and declares that—

(a) (1) To attain the objective of full employment it is necessary to assure an opportunity for a gainful, productive job to every American who seeks work and to furnish the employment opportunity, training, and related assistance needed by any person to qualify for employment consistent with his or her highest potential and capability.

(2) The United States has the capacity to provide every American who is available for work the full opportunity, within the framework of a free society, to prepare for and to obtain employment at the highest level of productivity, responsibility, and remuneration consistent with his or her abilities.

(3) While full employment is a national objective, the Federal Government lacks any comprehensive means of reaching that objective with the results of individual hardship, unacceptable levels of unemployment, an erosion of the American spirit of work, and increasing welfare dependency.

(4) While it is desirable to decentralize the manpower services "delivery system" to provide substantial flexible funds for manpower training and employment programs at the State and local level, it is also appropriate to insure that decisions with respect to the utilization of additional Federal resources for job development in the public or nonprofit private sectors and related training and services be made taking into account the factors in the economy and policy determinants which affect employment, with reference to local effects, so as to insure the best possible use of available primary and supplemental resources.

(b) It is the purpose of this Act to provide for the implementation of a full employment policy through the establishment of a Federal Full Employment Board and the provision of assistance for job development in the public and nonprofit private sectors, and related training and assistance.

FEDERAL FULL EMPLOYMENT BOARD

SEC. 3. (a) There is hereby established as an independent agency in the executive branch a Federal Full Employment Board, to consist of five members appointed by the President by and with the advice and consent of the Senate as follows:

One member shall be representative of labor.

One member shall be representative of management.

One member shall be a distinguished economist.

One member shall be a distinguished manpower expert.



One member shall be a member of the general public.

Not more than three members shall be members of the same political party. Each member shall serve full time. The President shall designate one member to serve as Chairman.

(b) Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of the term and the terms of office of the members first taking office after the enactment date shall expire, as designated by the President, one at the end of one year, two at the end of two years, and two at the end of three years.

(c) The Board shall meet at the call of the Chairman or at the call of the President and in no event less than four times each year. A quorum shall consist of three members.

(d) Members of the Board shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code.

(e) The President is authorized to appoint, by and with the advice and consent of the Senate, an Executive Director of the Board. The Executive Director shall be the principal executive officer of the Board and shall receive compensation at the rate prescribed for level V of the Executive Schedule by section 5116 of title 5 of the United States Code.

(f) The Executive Director of the Board with the approval of the majority of the Board is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for carrying out the Boards' functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

FUNCTIONS OF BOARD

SEC. 4. (a) The Federal Full Employment Board is authorized and directed to—

(1) recommend to the President and to the Congress a program to achieve full employment and alternative means of attaining that objective, in terms of monetary, fiscal income, manpower training, and other relevant policies;

(2) undertake manpower planning and long-range and short-term surveys to estimate employment and manpower needs in terms of demand and supply by sector (public and private), by geographical area, by industry, and by occupation, including anticipated changes in short-term and long-term technology;

(3) review decisions made by public and private employers affecting full employment and establish appropriate procedures for the receipt of information from such employers necessary to carry out the purposes of this Act, including projections of manpower needs by job category;

(4) develop guidelines and standards for use of public funds in job development programs in the public and private sectors;

(5) review the implementation of manpower training and employment programs and related services and other programs affecting employment including but not limited to the Manpower Development and Training Act of 1962, Title I of the Economic Opportunity Act of 1964, the Emergency Employment Act of 1971, in terms of the extent to which the programs authorized by such Acts serve to meet the objectives of this Act, and make recommendations to the President and to the Congress as the Board deems advisable for in respect to such programs and the funding and conduct thereof;

(6) recommend to the President and to the Congress amounts to be appropriated for use under the Full Employment Assistance Fund established under section 7 of this Act and direct the Secretary of Labor to obligate such funds, from time to time among the public and noprofit private sectors, various geographical areas, and significant segments of the labor force and potential labor force in each case as the Board deems necessary to accomplish the purpose established under section 2 of this Act;

(7) hold on a regular basis nationwide and regional conferences designed to encourage the support of management and labor in meeting the objectives of this Act;

(8) analyze the extent to which the Federal budget may assist in reaching full employment, including the effect of procurement policies and make recommendations to the President and the Congress with respect to changes necessary to achieve full employment;

(9) evaluate programs conducted under section 7 of this Act; and

(10) perform such other functions as the President may direct.

(b) In exercising its duties and functions under this Act, the Board is authorized to—

(1) use the services, facilities, and information (including statistical information) of other Government agencies in order that duplication of effort and expense may be avoided;

(2) supply technical and administrative assistance to labor and management and similar groups;

(3) establish regional and such other local offices as it deems necessary;

(4) make grants to or enter into contracts with any public or private agency or organization;

(5) accept gifts or bequests, either for carrying out specific programs which it deems desirable or for its general activities;

(6) consult and coordinate with the Council on Economic Advisers to the President and with the National Commission on Productivity;

(7) consult with such representatives of industry, labor, antipoverty, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the participation of such interested parties; and

(8) make recommendations for the elimination of delays in respect to the dissemination of information concerning job vacancies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated the sum of $3,000,000 for each fiscal year beginning with the fiscal year ending June 30, 1974, for the activities of the Board other than activities conducted under section 7.

REPORTS

SEC. 6. (a) The Board shall transmit to the Congress not later than sixty days after the beginning of each regular session of the Congress (commencing with the calendar year 1974) a report, to be known as the Full Employment Report setting forth its activities during the previous calendar year and its recommendations with respect to the implementation of a full employment policy for the following fiscal year and, to the extent necessary in terms of the objectives of this Act with respect to each of the four succeeding fiscal years. The Board may make such other reports to the President and to the Congress from time to time as it deems appropriate or as are requested by the President.

(b) The Full Employment Report, and all supplementary reports transmitted under subsection (a) of this section, shall, when transmitted to Congress, be referred to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives, which committees shall hold at least annually hearings on the report and such supplementary reports. Nothing in this subsection shall be construed to prohibit the consideration of the report by any other committee of the Senate or the House of Representatives, including any joint committee of the Congress, with respect to any matter within the jurisdiction of any such committee.

FULL EMPLOYMENT ASSISTANCE FUND

SEC. 7. (a) There is hereby established a special fund to be known as the Full Employment Assistance Fund (hereinafter referred to as the "fund"). There are hereby authorized to be appropriated for such fund $1,000,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for each succeeding fiscal year. The Secretary is authorized to utilize sums deposited in the fund to provide assistance under this section.

(b) Pursuant to specific directions of the Board in accordance with paragraph (6) of subsection (a) of section 4, the Secretary may provide financial assistance, in accordance with the provisions of this Act, directly to public agencies and nonprofit private organizations, including prime sponsors of manpower training and employment programs, in order to meet the objectives of this Act, for public service job development programs, and related training and assistance.

(c) As soon as practicable after funds are obligated, the Board shall publish in the Federal Register information in respect to the benefits to various segments of the population of unemployed and to geographical areas from allocations under this section.

APPLICATIONS

SEC. 8. (a) Financial assistance under section 7 of this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted to the Secretary by a public agency or nonprofit private organization and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service job development program to provide employment and related training and assistance for unemployed persons.

(b) An application for financial assistance for a job development program under section 7 of this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any employer, agency, or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a description of the population to be served, including data indicating the number of participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

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(4) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(5) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(6) the wages or salaries to be paid persons employed in jobs under this Act and a comparison with the wages paid for similar occupations by the same employer;

(7) wherever appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(8) the planning for and training of supervisory personnel in working with participants;

(9) a description of career opportunities and job advancement potentialities for participants;

(10) assurance of compliance with procedures established pursuant to subsection (a) of section 10;

(11) assurances that agencies, institutions, and organizations to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Board; and

(12) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed persons.

RELATED TRAINING

SEC. 9. For the purpose of providing training and related services for persons employed in programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, such sums as may be necessary from funds made available under section 7 of this act.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 10. (a) The Secretary, in consultation with the Board, shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a program under this Act to assure that—

(1) in the event that any person employed in a job under this Act and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

(2) as financial assistance will otherwise no longer be available under this Act, maximum efforts shall be made to locate employment or training opportunities not supported under this Act for each person employed in a job under this Act, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Board and the Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) From funds appropriated pursuant to section 7, the Board may reserve such amount, not to exceed 2 per centum, as it deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

FULL EMPLOYMENT INTERGOVERNMENTAL ADVISORY COUNCIL

SEC. 11. The President shall establish an Intergovernmental Full Employment Advisory Council, which shall meet at least twice a year to advise the Board with regard to matters related to achieving the objective of full employment. In selecting members of the Council, the President shall assure an equitable balance in political and geographical affiliation of its members and shall insure inclusion of State and local prime sponsors and other public and private agencies and organizations responsible for conducting manpower training and employment programs. The President shall designate a Chairman of the Council. Members of the Council shall receive no compensation and members shall not be Federal employees for any purpose except that they shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed basis.

SPECIAL PROVISIONS

SEC. 12. (a)(1) Any amounts received under chapters 11, 13, 31, 34, or 35 of title 38, United States Code, by any veteran, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this title, shall not be considered for purposes of determining the needs of qualifications of participants in programs under this Act.

(2) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him and to the Board containing data designed to enable him, the Board, and the Congress to measure the relative and, where programs can be compared, appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(A) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(B) duration in employment and related training situations, including information on the duration of employment of program participants for at least one year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(C) total dollar cost per participant, including breakdown between salary and stipend, training and supportive services, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(3) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(4) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, or personnel employed therein shall be, in any way or to any extent, engaged in the conduct of political activities of contravention of chapter 15 of title 5, United States Code.

(5) The Secretary shall not provide financial assistance for any program under this Act unless he determines in accordance with guidelines established by him that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(6) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(b) The Secretary shall not provide financial assistance for any job development program under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) all persons employed in a job under this Act will be assured of workmen's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy; and

(3) the provision of section 2(a)(3) of Public Law 89–288 shall apply to such agreements.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary shall, where appropriate, provide for the payment of weekly allowances to individuals receiving services under this Act. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances without good cause with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be conducted. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(f) All persons employed under programs assisted under this Act shall be paid wages which shall be equal to whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13, thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar occupations.

DEFINITIONS

SEC. 13. As used in this Act, the term—

(1) "Board" means the Federal Full Employment Board established under section 3;

(2) "Secretary" means the Secretary of Labor;

(3) "State" means the several States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(4) "Unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act or food stamps or surplus commodities under the Agriculture Act of 1949 or the Food Stamp Act of 1964 (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance; and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed;

(5) "public service job development program" shall include programs providing employment in the public or nonprofit private sectors in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, disaster relief, and other fields of human betterment and community improvement; and

(6) "nonprofit" as applied to any foundation, corporation, or association means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

EFFECTIVE DATE

SEC. 14. Except as otherwise provided, this Act shall take effect upon enactment. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of its enactment.





By Mr. MOSS:

S. 1964. A bill to amend the Federal Trade Commission Act to regulate commerce and to assure adequate and stable supplies of petroleum products at the lowest cost to the consumer, and for other purposes. Referred to the Committee on Commerce.

FAIR MARKETING OF PETROLEUM PRODUCTS ACT

Mr. MOSS. Mr. President, I introduce for appropriate reference the Fair Marketing of Petroleum Products Act.

Several months ago, after hearing of widespread manipulations in marketing of gasoline and other refined petroleum products, I directed the Senate Consumer Subcommittee staff to undertake a review of existing and developing practices. This investigation uncovered a variety of disturbing findings which were exposed at a March 17 hearing in Salt Lake City, Utah.

Current stocks of refined petroleum products are at an all-time low. Refinery operations have been directed mainly at solving short-term demands, that is, production was extremely heavy in order to provide heating oils and ancillary fuels during the winter.

But we found that the distribution of refined products and crude oil was being allocated in a curiously anticompetitive way. Independent inland refiners were finding that their supplies of crude oil were being cut back. Thus, a number of these refineries were unable to operate at capacity. Next, we found that independent jobbers and retailers of gasoline were being cut off from supply and forced out of the marketplace. These independents are the critical natural economic forces which keep consumer prices down and stimulate competition in the marketplace. Next, independent businessmen running branded gasoline service stations, who were willing to invest their capital, work long and hard hours, and build a business by paying personal attention and providing service to the consumer, were having their leases arbitrarily canceled and were forced to cease operations.

At the same time, these hard-working people, who had long operated branded retail service stations were finding the physical plant taken over by the major oil company supplier and converted to self-service gasoline-only stations or alternatively to secondary brand or "fighting" brand stations.

Thus, the branded dealer who had built his reputation on service was being thrown out and the oil company supplier was taking over the station and artificially reducing prices. Whether by design or coincidence, this results in the elimination from competition of those remaining gasoline retailers who still had supplies of refined products available. Previous experience tells us that the "fighting" brand is used by the major oil company to undercut the independent retailer. After the independent is forced to terminate his business, the low price of this secondary brand is dropped and a noncompetitive high pricing structure is reinstated.

It is thus critical for us to insure that equity prevails in the allocation and the pricing of gasoline and fuel oils. To treat one type of petroleum product without the other—that is, to regulate just gasoline—would be foolish as refineries would produce gasoline in sufficient quantities to meet the short-term demand, but would fail to deliver to market the increasingly greater quantities of fuel oil needed next winter.

Furthermore, fuels are needed for a variety of agricultural purposes critical to our national interest as well as products for supplying the public during the heavy motoring and recreation season which is just beginning.

We must insure that independent brand gasoline and fuel distributors have an adequate supply, equal to their market share during earlier periods of time. We must insure that branded dealers of gasoline and fuel oils have protection from arbitrary cancellation and termination of their leases and franchises. These are men who have invested time and money in building a business to serve the local community. They are an endangered species.

Furthermore, we must create a system of monitoring the allocation of gasoline, refined fuels, and crude oil so that refinery capacity is kept at an optimum, and that production is directed to serve national needs and priorities.

And finally, we need to know whether the current vertical integration of production, refining, and marketing of petroleum products has inhibited competition and thus fostered the current crisis.

The Cost of Living Council rules for price controls for petroleum products have had the untoward effect of decreasing competition and raising consumer prices. I have received information from one of my constituents, a jobber who purchases petroleum products for sale to retail gasoline outlets and his own retail outlets, that his supplier has increased the price of petroleum products by more than 22.5 percent. Apparently, because of the method of computation of prices under the COLC regulations, this increase has not been deemed excessive. And now, because that jobber has been able to roll with the punch and take on this increased price, passing only a portion on to consumers, the refinery has informed him that it would be more profitable to sell products to sources in other locations. Current law must be altered to make it explicitly clear that any operator in the chain of oil production refining and marketing, who sells to his own subsidiaries at the next lower step of the distribution system, cannot refuse to sell to all comers on equal terms.

Another jobber constituent of mine, Bill Roderick, Inc., supplied the Granite School District in Salt Lake City with 180,000 gallons of fuel oil during our bitter cold winter. If it were not for the service that he had provided to the four high schools and six junior high schools using No. 2 fuel oil as a standby fuel when the natural gas supply was curtailed, these schools would have closed. Now it is certain that he will close; his

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supplier, the American Oil Co., has terminated his buying contract. And no new supplier has been found.

Mr. President, these comments and the bill which I have introduced are an outgrowth of this investigation and hearings. It is critical that Congress move ahead to straighten out the destructive situation which prevails in the marketing of petroleum products. I will urge the chairman of the Committee on Commerce to expedite our consideration of this and other measures so that the motoring public can be assured of fairness and equity in the availability and pricing of refined products over the next few years.

I ask unanimous consent that the text of the Fair Marketing of Petroleum Products Act be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1694

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Fair Marketing of Petroleum Products Act".

FINDINGS

SEC. 2. Congress finds and declares that:

(1) Current practices have harmed marketing competition in the gasoline and petroleum products industry.

(2) Independent businessmen willing to risk their personal savings and assets and to work long and hard hours to build and maintain a business by paying personal attention and providing service to the consumer are being unfairly punished by arbitrary control of refined petroleum products by suppliers.

(3) Winter shortages of fuel oils have had a deleterious effect on the availability of fuel supplies to heat American homes and to dry grain crops.

(4) Projected shortages of gasoline and propane will damage the consumer during the summer months by higher prices, shortages of supply, and the possibility of rationing in some areas.

(5) Independent jobbers and retailers of petroleum products have been cut off from sources of supply of such products and pressured out of the marketplace to the great disadvantage of the consumer.

(6) Independent jobbers and retailers of petroleum products who have made substantial personal investments in their businesses and who employ or have employed large numbers of citizens find themselves earning subsistence wages or unemployed.

(7) Apparently unnatural economic forces prevail in the marketing of petroleum products.

(8) Excessive and distorted market power which is enjoyed by major integrated oil companies is harming the consumer.

DECLARATION OF POLICY

SEC. 3. Competition, equal access to supplies for all retailers, and nondiscriminatory practices are essential to the fair and efficient functioning of a free market economy. Gasoline and other petroleum products should be produced, distributed, and marketed in the manner most beneficial to the consumer. Therefore, it is declared to be the policy of the Congress to assist consumers and retailers to reach these goals.

DEFINITIONS

SEC. 4. As used in this Act—

(1) "Commerce" means commerce among the several States or with foreign nations or in any State or between any State and foreign nation.

(2) "Commission" means the Federal Trade Commission.

(3) "Corporation" means any corporation, joint-stock company, partnership, association, business trust, or organized group of persons, whether incorporated or not.

(4) "Franchise" means any agreement or contract between a petroleum producer or petroleum distributor and a petroleum retailer under which such retailer is granted authority to use a trademark, trade name, service mark, or other identifying symbol or name owned by such producer or distributor, or any agreement or contract between such parties under which such retailer is granted authority to occupy premises owned, leased, or in any way controlled by such producer or distributor, for the purpose of engaging in the sale at retail of petroleum products of such producer or distributor.

(5) "Includes" should be read as if the phrase "but is not limited to" were also set forth.

(6) "Person" means an individual or a corporation.

(7) "Petroleum distributor" means any person engaged in the sale, consignment, or distribution of petroleum products to retail outlets which it owns, leases, or in any way controls.

(8) "Petroleum producer" means any person engaged in the production, importation, or refining of petroleum and in the sale of petroleum or petroleum products in commerce for resale.

(9) "Petroleum product" includes any substance refined from petroleum.

(10) "Petroleum retailer" means any person engaged in the sale at retail of a petroleum product in any State, either under a franchise or independent of any franchise.

(11) "Retail" means the sale of a product for purposes other than resale.

(12) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any organized territory or possession of the United States.

DUTY TO DEAL EQUITABLY

SEC. 5. The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding at the end thereof the following new section:

"MARKETING OF PETROLEUM PRODUCTS

"SEC. 19. (a) UNLAWFULNESS.—It shall be unlawful for any person engaged in commerce in the business of refining petroleum into gasoline and other petroleum products and furnishing such products to petroleum distributors for sale at retail to fail to furnish gasoline or any other petroleum product to a petroleum retailer, whether or not such retailer is under a franchise to such person, at wholesale prices and in reasonable quantities so long as such person continues to furnish gasoline or any other petroleum product to petroleum retailers who are under a franchise to such person.

"(b) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—Violation of subsection (a) of this section shall be an unfair or deceptive act or practice in commerce within the meaning of section 5(a)(1) of this Act.

"(c) PRIMA FACIE EVIDENCE.—It is prima facie evidence of a violation of subsection (a) of the section that a person engaged in commerce in the business of refining petroleum and furnishing petroleum products to petroleum distributors—

"(1) delivers, during any calendar month, to petroleum retailers who are independent of any franchise a lower percentage of the total number of gallons of gasoline or other petroleum products delivered by him to all petroleum retailers than the percentage so delivered during the period July 1, 1971, through June 30, 1972, or

"(2) sells gasoline or other petroleum products to petroleum retailers who are independent of any franchise at a price, during any calendar month, which is greater than:

"(A) the average price at which he sold such product during the period July 1, 1971 through June 30, 1972, increased by

"(B) a percentage equal to the percentage by which the average price at which such product was sold during such month to petroleum retailers under franchise to him exceeds the average price for such product sold to such retailers during the period July 1, 1971, through June 30, 1972."

CAUSE OF ACTION

SEC. 6. (a) Except as otherwise provided, a petroleum distributor whose actions affect commerce shall be liable to a petroleum retailer who sells the products of such distributor under a franchise for actual damages resulting from the termination, cancellation, or failure to renew such franchise, together with such equitable relief including interim equitable relief, as the court deems proper and costs including a reasonable attorney's fee. No such action may be brought if the terms of such franchise provide for binding arbitration of disputes arising under such franchise, including disputes related to the termination, cancellation, or failure to renew such franchise, in accordance with the rules of the American Arbitration Association.

(b) An action under subsection (a) of this section may be brought in the district court of the United States for the district in which the petroleum distributor against whom such action is brought resides, is found, or is doing business, without regard to the amount in controversy.

(c) It shall be a defense to any action brought under this section that the franchise was terminated, canceled, or not renewed because—

(1) the petroleum retailer failed to comply substantially with essential and reasonable requirements of such franchise;

(2) the petroleum retailer failed to act in good faith in carrying out the terms of the franchise; or

(3) No such petroleum products are available provided the petroleum distributor is not also a petroleum producer or: *Provided further,* That if such distributor is also a petroleum producer such producer is unable to meet the demands of such distributor because of apportionment priorities established by the Commission.

No defense under this subsection may be raised by a petroleum distributor unless he gave written notiec to such retailer of intent to terminate, cancel, or not to renew such franchise not less than ninety days prior to the date on which he terminated, canceled, or failed to renew.

(d) No action may be brought under this section for a cause of action which arose more than three years prior to the date such action is filed.

CONFORMING AMENDMENT

SEC. 7. Sections 1 and 3 of the Robinson-Patman Price Discrimination Act (15 U.S.C. 13, 13a) are hereby amended by striking out "engaged in commerce" wherever such term is used and inserting in lieu thereof "engaged in commerce or affecting commerce".

REPORT

SEC. 8. The Commission shall cause to be conducted a study of economic forces, market power, and practices in the marketing of gasoline and other petroleum products to the American consumer including the effects of petroleum producers being directly or indirectly operating as petroleum distributors and petroleum retailers and shall report thereon, including recommendations for legislation, to the President and the Congress simultaneously not later than two years after the date of enactment of this Act.

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By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. HATHAWAY, Mr. PASTORE, Mr. PELL, Mr. TUNNEY, Mr. BROOKE, and Mr. MUSKIE):



S. 1695. A bill to provide readjustment allowance, opportunities, early retirement benefits, health benefits, public service employment and job counseling and training opportunities, and relocation benefits to adversely affected workers separated from their employment because of defense installation and activity realinements. Referred to the Committee on Labor and Public Welfare; and, if and when reported by that committee, be referred to the Committee on Post Office and Civil Service for consideration of parts under its jurisdiction, by unanimous consent order.

Mr. KENNEDY. Mr. Presdent, I ask unanimous consent that a bill I introduced on providing readjustment allowance, opportunities, early retirement benefits, health benefits, public service employment and job counseling and training opportunities, and relocation benefits to adversely affected workers separated from their employment because of defense installation and activity realinements be referred to the Committee on Labor and Public Welfare, and that, if and when it should be reported, it be referred to the Committee on Post Office and Civil Service for its consideration of provisions therein falling withn its jurisdiction.

Mr. GRIFFIN. Mr. President, reserving the right to object, I ask the distinguished Senator from Massachusetts whether this measure would ordinarily go to the Committee on Post Office and Civil Service.

Mr. KENNEDY. The Senator is correct, as I understand the procedure. If the Parliamentarian would correct me, I understand that would be an appropriate reference if left up to the discretion of the Parliamentarian. Mr. President, I make a parliamentary inquiry as to whether my understanding is correct.

The PRESIDING OFFICER. The request is in keeping with previous precedent.

Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

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By Mr. DOLE:

S. 1696. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds, and for other purposes. Referred to the Committee on Finance.

FAIR TAXATION FOR PRIVATE AIRCRAFT

Mr. DOLE. Mr. President, the Airport and Airways Development Act of 1970, imposed a use tax on all piston-engine civil aircraft. This tax requires a yearly payment of $25 for each aircraft, plus a surcharge of 2 cents per pound for weight above 2,500 pounds.

I believe the use tax surcharge for weight in excess of 2,500 pounds places an inordinate financial burden on the owners of small and primarily noncommercial aircraft without providing any benefits to them in return. Therefore, in an effort to provide a more reasonable tax base and a fairer tax burden, I am introducing a bill to raise the surcharge exemption for piston-engine civil aircraft from 2,500 pounds to 6,000 pounds. The 6,000 pound figure is appropriate, because aircraft weighing less are generally used for private business and pleasure while those weighing more are used mostly for commercial purposes.

This legislation would exempt approximately 117,346 aircraft of the 125,365 general aviation fleet; whereas, the present law exempts only 80,000. The provisions of this bill would not affect the basic $25 use tax levied on every aircraft, nor would it alter the surcharge payment for weight in excess of 2,500 pounds on planes not qualifying for the exemption.

This legislation will reduce the tax burden for private aircraft operators by approximately $3.4 million, but about $60 million will still be brought in from general aviation by aviation use taxes.

The present 2-cent surcharge is unfair to light aircraft operators, because the bulk of this revenue is not used for the improvement of aviation facilities and services which benefit them; instead, it goes to airports used primarily by larger commercial planes. Of the 10,000 airports used by these aircraft only 800 are receiving any Federal assistance.

Private aircraft under 6,000 pounds generally operate under visual flight rules and impose little or no load upon the air traffic control system. When the weather requires the use of such systems, these small planes usually stay on the ground, for only some 10 percent are even equipped to fly by instruments.

The 2,500-pound limitation for the present use-tax surcharge exemption is especially burdensome in light of the fact that small aircraft owners are being hit with increased taxes and fees from several directions simultaneously. The Federal gasoline tax on aircraft increased by 350 percent on July 1, 1970, and many State and local governments have been imposing private aircraft taxes and fees as a means of raising local funds; and, as an indication of things to come, the Federal Aviation Administration is checking every aspect of aircraft activity in an effort to find new and increased sources of revenue. The prospect of new taxes and fees is causing increasing apprehension in the general aviation community.

This bill will help to insure continued strength in the aviation industry. It will also promote the use of small aircraft which are so important to many small, rural communities which cannot support scheduled airline service.

Mr. President, it is time to limit the taxation of this important class of aircraft. I urge early consideration of this measure and ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1696

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4491(a)(2)(A) of the Internal Revenue Code of 1954 (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof "(A) in the case of an aircraft (other than a turbine-engine-powered aircraft) having a maximum certificated takeoff weight of more than 6,000 pounds, 2 cents a pound for each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or".

SEC. 2. (a) The amendment made by the first section of this Act shall take effect on July 1, 1973.

(b) Section 305 of the Excise, Estate, and Gift Tax Adjustment Act of 1970 is repealed.

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By Mr. HUMPHREY (for himself and Mr. MONDALE):

S. 1698. A bill to amend the Rural Development Act of 1972 (Public Law 92-419), and for other purposes. Referred to the Committee on Agriculture and Forestry.

NATIONAL RURAL DEVELOPMENT BANK ACT—AN AMENDMENT TO THE RURAL DEVELOPMENT ACT OF 1972

Mr. HUMPHREY. Mr. President, rural America has nearly half of this Nation's poverty, 60 percent of its substandard housing, rates of unemployment and underemployment well above the national average, continuing substantial outmigration—particularly of the young—inadequate public facilities and services—especially in the health, education, and public utilities areas, and a severe flight of rural capital to the metropolitan areas. The economy of rural America today is far from healthy.

The impact of these problems is not limited to our rural areas alone. Every city in America has felt their consequences. Substantial immigration has, at least in part, been responsible for overcrowded housing, high rates of joblessness, unanticipated demands for health, education, and other public services, rising crime rates, swollen welfare rolls, and urban congestion in general.

This relationship between rural and urban problems has been recognized, in recent years, by Federal legislation aimed at bringing some sanity to national growth patterns.

With the enactment of title IX of the Agriculture Act of 1970, Congress and the President committed themselves to a national policy of "sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas."

A similar commitment to the balanced growth of rural and urban America was echoed in title VII of the Housing and Urban Development Act of 1970.

Last year, the first major step in implementing this rural America growth policy was taken with the passage of the Rural Development Act of 1972. It contains bold new programs designed to help rural America prosper. It is a good, solid bill and one that, I believe, ought to be fully funded and implemented without delay.

Despite enactment of the Rural Development Act of 1972, which, I think, most people will now agree was truly a historic piece of legislation, rural America still lacks the basic investment and financial system which, I and many others feel, is essential to stimulate development in the rural areas of our Nation. What I am referring to is the kind

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of credit and financial system which Senator TALMADGE, chairman of the Agriculture and Forestry Committee, and I proposed last year as part of the Rural Development Act. Regrettably, that proposal fell out of the bill during debate on the Senate floor.

The United States has capitalized development financing institutions in Asia, Africa, and Latin America. While I am not adverse to providing such assistance to our foreign friends, I think it is time we did the same for our own people.

Such a financial institution, channeling additional capital into rural areas of the United States for nonfarm development purposes, is essential to the economic revival of rural America. History clearly shows that, because of the way the financial system works in this country, funds tend not to revolve within rural communities. Instead, they normally flow to the largest national population centers. They flow into bond markets, stock markets, insurance companies, corporate bank accounts, and trust funds—all of which are uniquely metropolitan. The reverse flow of capital—urban to rural—is much more modest.

Smalltown banks are limited by small reserves from making large loans. The regulations under which they operate force them to lend money for short periods of time to those who represent virtually no risk whatsoever. Often small banks' reserves are invested in Government bonds instead of being loaned out, once again reducing the availability of capital for use in developing rural areas. This lack of investment power by rural banks and of venture capital by rural entrepreneurs is a crucial deficiency in rural economic development efforts. Even though many local development efforts are led by bankers, they have very limited means at their disposal to accomplish their economic development objectives.

Often, small rural communities are prevented from doing those things which attract economic development because they do not need enough money. Few bond houses, for example, will handle issues of less than $500,000. As a result, nonrevenue producing services are completely neglected by rural communities, and even credit for self-liquidating, or partially self-liquidating, activities such as water and sewer lines, is hard to come by.

In addition, small rural banks are severely limited in the amount of credit they can dedicate to any individual rural development project or borrower. Yet many individual projects, if we are really serious, are going to cost a lot of money. Even when the Federal Government guarantees 90 percent of a $7 million loan, the remaining $700,000 is more than most small banks can handle alone.

Of course, most small rural banks have developed good cooperative working relationships with other larger banks, usually in metropolitan areas. Such banks are helpful to local banks in meeting rural credit needs. But this line of credit is limited and the small bank also has problems of liquidity and flexibility to think about in drawing on this source of capital. Moreover, experience shows that, during periods of rapid national economic expansion, many of these large financial institutions themselves need somewhere to turn for asistance with their rural development credit and investment portfolios.

In 1971 President Nixon's Task Force on Rural Development recognized this need for additional financial resources in rural areas to stop and reverse the ongoing trend of outmigration. It stated in its final report—

> The Task Force recommends a new credit institution to provide rural areas with greater access to private capital.

The bill I have introduced today responds to this recommendation and would go a long way toward meeting the additional capital needs of rural America. And it would meet them in an effective and timely manner.

In general, the national rural development bank bill would establish a National Rural Development Bank to serve as a basic source of financial assistance to institutions that have purchased, refinanced, discounted or rediscounted nonfarm rural development loans made by local rural banks and other local financial institutions, or to these institutions themselves, when the need arises.

It would also set up a Board for the Bank composed of 11 Presidential appointees, 3 ex officio members, and 10 members elected by the bank stockholders to set bank policy and procedures; and

In addition, it would authorize the appropriation of not more than $200 million annually for 10 years for the purchase of capital stock in the bank by the Secretary of the Treasury.

In its organization and operations, the proposed bank would:

First, rely on the existing private rural banking and financial system and not create a major new bureaucracy to administer the bank's operations;

Second, be owned and controlled by the independent rural investment institutions themselves;

Third, create an additional independent source of capital for nonfarm rural development that can be utilized by rural financial institutions and now required to operate within the constraints of the Federal and State political structure;

Fourth, work with correspondent banks of rural banks and with rural banks themselves to increase the liquidity and security of rural development loans;

Fifth, join with local banks and other investors to make joint-venture equity investments in rural development projects on a limited basis; and

Sixth, require the purchase of bank stock by borrowers who are rural development project sponsors and joint venture cosponsors.

The proposed National Rural Development Bank has a greatly simplified organizational structure compared to last year's proposal. The current proposal would eliminate the 10 regional banks by establishing one national bank;

It would eliminate the district rural development finance agencies by authorizing the national bank to deal directly with local private banks and other financial institutions.

It would eliminate the Rural Development Credit Agency giving some of its duties to the National Board and some to the bank itself.

It would eliminate the capital and interest rate supplementing grants and the Rural Development Investment Agency that would administer them, since the direct grant component was already included, in another form, in the Rural Development Act of 1972.

As things now stand, control of nonfarm rural development credit rests in the executive branch of the Federal Government—nowhere else. The administration's action on the Rural Development Act provisions for guaranteed and insured loans for rural industrial development and community facilities forces reliance on the rural development insurance fund for virtually all nonfarm rural credit.

The decision by the Office of Management and Budget to set a ceiling on these guaranteed and insured loans and to make them subject to the present budgetary and appropriations process, coupled with the administration's proposed cutbacking in personnel of the Farmers Home Administration, reinforces the need for an independent, nonfarm rural capital generating institution like the proposed National Rural Development Bank.

In conclusion, unless more credit is made available for projects which can pay at least part of their own way, small towns will never be able to use local tax dollars for those things which improve the quality of rural life; make communities attractive for commercial and industrial expansion; and are part of the American way of living which most nonrural residents take for granted.

I ask unanimous consent that the detailed section-by-section analysis of the proposed National Rural Development Bank bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 1698

A Bill to amend the Rural Development Act of 1972 (Public Law 92-419) and for other purposes.

The bill amends the Rural Development Act of 1972 by adding a new Title VII to be cited as the "Rural Development Act Amendments of 1973."

SUBTITLE A

Subtitle A sets forth the findings of Congress, states the policy and purpose of Congress, and provides the definition of terms used in the bill.

*Section 701—Title*

Section 701 states the title, and findings, and purpose.

Subsection (a) states the title as the "Rural Development Act Amendments of 1973".

*Findings*

Subsection (b) sets forth the following findings:

1. Farming and forestry form the backbone of the rural economy; yet the community services and facilities and the income earning opportunities needed by farm and forestry people to increase their incomes and raise their quality of life are shared with all other residents living in rural areas and rural communities who must participate in their financial support.

2. Adequately raise farm family and forestry income and increase the accessibility to farm and rural residents of high-quality community facilities and services, require all the resources in local rural communities to be used at maximum effectiveness and efficiency.

3. The conduct of industry, business, and commerce, as well as farming and forestry, contributes to the jobs and income earning opportunities needed to provide the tax base to establish and maintain adequate rural facilities and services; the same circumstances are essential to expanding the service loads and hence the ability of rural electrification and telephone systems to pay overhead costs for service for farmers and other rural residents and repay indebtedness on Government and Government insured and guaranteed loans.

4. Prosperous, productive, and attractive rural communities are essential to the well-being of farm and other rural families and of a free nation because a more general, better balanced geographic distribution of the Nation's population is essential to the prosperity, general welfare, and domestic tranquility of the urban as well as the rural communities of the United States.

5. To attain a more general, better balanced geographic distribution of the Nation's population requires a reversal of the long-term trend of migration from rural to urban areas.

6. To reverse the flow of population from rural to urban areas and achieve a more general, better balanced geographic distribution of the Nation's population requires a more general, better balanced geographic distribution of profitable private economic enterprises, income earning opportunities, and high-quality public community facilities, services, and public works.

7. Additional capital investment and financial resources in rural areas are essential to enable them to establish and operate the private economic enterprises, public works, and community facilities and services necessary to achieve a more uniform geographic distribution of economic enterprises, jobs, and increased rural income.

8. Much of the needed investment must come from outside of rural areas and communities.

9. Much of the outside investment and credit needed by rural areas will be made available by the Nation's existing network of commercial and investment banks, the Farm Credit System, and other local rural financial institutions, and by other private enterprise and local and State governments buttressed and supplemented by the direct, insured, and guaranteed loans, technical assistance, and grants provided by the Consolidated Farm and Rural Development Act and other titles of the Rural Revelopment Act of 1972.

10. However, because the size of investment or credit required by the sponsors of significant rural development projects often exceeds the regulated lending limits and investment standards of existing local rural financial institutions and individuals even when a part of the loan is insured or guaranteed under the Consolidated Farm and Rural Development Act, existing arrangements do not fully provide to local rural investors and financial institutions the liquidity, flexibility, and usable financial resources they require to be fully responsive to expanding rural development investment and credit needs.

11. Moreover, the individual potential investor, public or private, who wishes to construct and operate a significant rural development project does not have an independent access to investment funds and capital, if these are not currently available from existing credit and investment individuals and institutions.



*Policy*

Subsection (c) states that it is the policy of Congress to meet this need by establishing a local-lender-and-borrower-owned facility that will make equity investments along with sponsors of rural development projects and extend financial assistance to local lenders and those with whom loans extended by local lenders are refinanced, discounted, rediscounted, or to whom such loans are sold.

*Purpose*

Subsection (d) states it is the purpose of this Act to provide for a permanent rural development investment and financial institution that will organize and make available a stable, continuous, and dependable source of financial resources that will provide equity investments, extend loans, and provide discounting, rediscounting, refinancing and purchase of loans extended by local rural financial institutions to the residents of rural areas, rural corporations, agricultural producers' organizations and other cooperatives (except where able to obtain needed credit from the banks for cooperatives under the Farm Credit Act of 1971), rural industrial and business enterprises, quasi-public bodies in rural areas, rural counties and municipalities, Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, and other units of rural local general and Special purposes government that will establish, construct, and operate private and public facilities, works, and services in rural areas and will provide remunerative employment to increasing numbers of rural residents.

*Section 702—Definitions*

Section 702 sets forth the following definitions:

"Rural area" is defined to mean all the territory of a State, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam that (1) is not within the outer boundary of any standard metropolitan statistical area, as designated by the Office of Management and Budget plus (2) all territory within [any standard metropolitan statistical area that is, also, within counties, towns, plantations in Maine]) and townships having a population density of less than two hundred persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States.

"Rural development purpose" is defined to mean any project undertaken by any private industrial or business enterprise or by any multistate region, State, multijurisdictional district, or local government or instrumentality thereof, that contributes or will contribute to giving highest priority to attainment of the objectives of the revitalization and development of rural areas as provided in section 901(a) of the Agricultural Act of 1970 (Public Law 91-524), or the enhancement of any rural community or rural area as a place to live and make a living. Rural development purpose is defined to include activities that provide increased employment or income for or directly benefit rural residents and that—

1. establish or improve public works or community services, or facilities;

2. encourage private investment in, or promote the establishment and expansion of, industrial or commercial enterprises, including but not limited to, investor-owned and cooperative marketing and other service associations and enterprises;

3. provide manpower development and training;

4. improve the quality and accessibility of rural community facilities and services;

5. promote the conservation, development and proper utilization of natural resources;

6. establish and improve public educational facilities, including but not limited to community and junior colleges, vocational and technical schools and other institutions of higher education, and encourage the development of improved educational methods;

7. establish and improve land, water, and air transportation systems and services for goods and passengers;

8. assist in the solution of problems related to law enforcement activities;

9. establish decent, safe, sanitary, and comfortable housing;

10. establish and improve health care and preventative practice facilities and services, including but not limited to facilities for vocational rehabilitation and generally promote improved health and nutrition of residents of rural areas;

11. provide direct financial incentives to industry to create jobs in rural areas; and

12. establish and improve facilities and services that will enhance the quality of the environment and provide abatement and control of pollution.

"Rural development project" is defined to mean an organized proposal or activity with an identifiable legal sponsor that will or does contribute to the attainment of one or more rural development purposes.

"Local general government" is defined to mean the government of a municipality, county, town, or township as such terms are defined and used by the United States Bureau of the Census.

*"Regional office"* is defined to mean the office that serves the rural part of the geographical area located within a uniform region established by the President of the United States for coordination of Federal agencies.

*"Board"* is defined to mean the National Rural Development Bank Board.

*"Bank"* is defined to mean the National Rural Development Bank.

*"Participant"* is any local rural bank or other local rural financial institution designated as a Participating Rural Development Financial Institution under the Act.

A *"supporting financial institution"* is any person or financial institution within the United States that has purchased, discounted, rediscounted, or refinanced all or part of a rural development loan extended to an eligible sponsor by a Participant.

A *"rural development loan"* is a unit of credit or other financial assitance extended to an eligible sponsor to construct and operate a rural development project.

The *"Governor"* is the executive officer of the National Bank.

*"Financial assistance"* means (1) the purchase of legal obligations and the discount, rediscount, or refinancing of any note, draft, or other obligation and similar legal instruments evidencing and securing the repayment of a secured rural development loan advanced by a local rural financial institution for the establishment or operation of any rural development project irrespective of whether such loan is insured or guaranteed in whole or in part by an instrumentality of the Federal Government; (2) the providing of funds for joint-venture equity investment in rural development projects; and (3) the extending of loans to sponsors of rural development projects who are unable to obtain needed credit from other existing financial institutions.

*"Joint-venture equity investment"* means the investment of funds jointly with another private or public rural development project sponsor to establish and operate a rural development project.

*"Eligible sponsor"* is defined to mean—

1. Any of the following who propose to or are engaged in establishing or operating a rural development project, if they meet the requirements specified in paragraph (2):

Public and quasi-public bodies:

Cooperative associations as defined in the Agricultural Marketing Act (42 Stat. 388; 12 U.S.C. 1141j(a), if such associations are

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unable to borrow from the banks for cooperatives; other cooperatives;

Corporations;

Partnerships;

Individual proprietors;

Multijurisdictional substate general purposes planning and development districts established by the legislature or Governor of a State;

Persons and firms;

Owners or potential owners of rural homes;

Municipalities;

Resource conservation and development project sponsors under title III of the Bankhead-Jones Farm Tenant Act;

Sponsoring associations carrying out projects under the Watershed Protection and Flood Prevention Act;

Corporate entities established by sponsors of concerted education and training service projects carried out jointly by the Department of Agriculture, the Department of Health, Education, and Welfare, and the Department of Labor;

Cooperative associations furnishing to farmers and rural residents services and facilities for harvesting, storing, processing (including preservation or preparation of edible products for market), transporting or marketing agricultural commodities or products, consumer purchasing services, or the processing or marketing of other products of farmers or rural residents, or other cooperatives or self-help enterprises;

Councils of government established under State law if rural areas are included within their jurisdiction;

Private associations;

Local development districts organized under the Appalachian Development Act;

Economic Development Districts organized under the Economic Development Act of 1965;

Technical vocational schools; and

Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups.

2. To be eligible the proposed or operating project would have to be declared eligible based upon the following:

A review of the proposed project by the governing body of the multijurisdictional, areawide, general purpose planning and development district, if any, established by the legislature or Governor of the State concerned and a certification by such body that the proposed private or public facility, work or service is not inconsistent with the current areawide general purpose development plan, if any, for the multijurisdictional district;

A determination that the private or public facility, work, or service provided by the project will be located in and operate primarily in a rural area to increase the employment of or for the benefit of rural residents and that the proposed project promises to make a net increase in the number of jobs, quality of life, or median family income in the rural area served;

A determination that the proposed undertaking covered by the loan is not inconsistent with the Federal, State, or local laws or regulations relating to protecting the quality of the environment.

"Voting stockholders" include all Participants, all borrowers, and all Joint-venture-cosponsors who have purchased and own voting stock in the Bank.

A "Joint-venture-cosponsor" is an eligible sponsor who joins with the Bank in making a joint-venture equity investment in a rural development project.

SUBTITLE B—NATIONAL RURAL DEVELOPMENT BANK BOARD

*Section 801—Establishment*

Section 801 establishes a National Rural Development Bank Board (hereinafter referred to as the "Board") composed of eleven appointed, three ex officio, and ten elected members. The appointed members are to be appointed by the President, by and with the advice and consent of the Senate, not more than six of whom shall be from the same political party nor more than one of whom shall be from any State. In making appointments to the Board the President must select persons who are especially qualified to serve on the Board because of their education, training, and experience, shall attempt to provide a fair representation on the Board of the different geographic regions of the United States and the several economic interests in rural development-farming, labor, business, banking, cooperatives, local government, and private economic enterprises both for profit and nonprofit. The representative of the Secretary of Agriculture on the Farm Credit Board, the Governor of the Farm Credit Administration, and the Governor of the Bank shall be ex officio members of the Board and shall not be eligible to vote. One elected member shall be chosen by voting stockholders of the rural area served by each regional office.

All members of the Federal Board must be citizens of the United States and not less than seventeen members, exclusive of ex officio members, must be legal residents of rural areas in which the Bank is authorized by this Act to extend financial assistance for rural development projects.

The Board shall elect a chairman and vice chairman from among its appointed and elected members. The Board shall elect a Secretary from among its members or from outside its membership. Such officers shall be elected for terms of one year and shall hold office until their successors have been elected.

No member of the Board, other than the ex officio members shall, while serving as a member of the Board, be an officer or employee of the United States or of any State or of the Rural Development Bank or of the Farm Credit System.

Appointed and elected members of the Board will serve for terms of six years, except that (1) a person appointed to fill an unexpired term will serve only for the remainder of the term for which his predecessor was appointed, and (2) with respect to the first members appointed and elected to such Board, four will be appointed and four elected for terms of six years, four will be appointed and four elected for terms of four years, and three will be appointed and two elected for terms of two years.

The bill provides that a vacancy on the Board will not affect the power of the Board to act. A vacancy will be filled in the same manner as originally filled, and members serve until their successors are appointed and qualified.

The Board is authorized to establish its own rules of procedure for conducting its business, except that a majority of all members of such Board shall constitute a quorum for the transaction of its business.

Each appointed and elected member of the Board shall receive $200 a day for not more than one hundred days of meetings each year and all members shall be reimbursed for travel and reasonable expenses incurred in attending meetings of such Board and in discharge of their official duties without regard to laws with respect to allowances which may be made on account of travel and subsistence expenses of officers and employed personnel of the United States. Nothing in the preceding sentence shall be construed to limit the number of days of meeting each year to one hundred days.

The Board shall hold at least six regularly scheduled meetings a year and such additional meetings at such times and places as it may determine. Special meetings shall be held at any time at the call of the chairman or by any three members of such Board.

*Section 802—Powers of the Board*

Section 802 empowers the Board to establish the general policy for the guidance of the Bank in carrying out this Act. It may require such reports as it deems necessary from the Bank. The Board must provide for the examination of the condition of and general supervision over the performance of the powers, functions, and duties vested in the Bank and in Participants, which, in the judgment of the Board, relate to matters of board and general supervisory, advisory, or policy nature. The Board is required to function as a unit without delegating any of its functions to individual members, but is allowed to appoint committees and subcommittees for studies and reports for consideration by such Board. It shall not operate in an administrative capacity.

*Section 803—Reports*

Section 803 provides for the Board making an annual report to the Congress on the condition of the Bank, including analytical program evaluation and cost effectiveness studies, and recommendations to improve the operation of the Bank in providing supplementary investment required to attain rural development purposes.

SUBTITLE C—NATIONAL RURAL DEVELOPMENT BANK

Section 901 establishes a National Rural Development Bank (herein called Bank) as a federally chartered instrumentality of the United States subject to policies of the Board. Its charter may be modified from time to time by the Board in any manner not inconsistent with the Act.

*Section 902—Corporate powers*

Section 902 provides for the corporate existence of the Bank and for its general corporate powers.—The Bank is given the following general powers:

Adopt and use a corporate seal;

Have succession until dissolved under the provisions of this Act or other Acts of Congress;

Make contracts;

Sue and be sued;

Acquire, hold, dispose, and otherwise exercise all the usual incidents of ownership of real and personal, tangible and intangible property necessary or convenient for its business;

Operate under the policy direction of the Board;

Prepare and disseminate information to the general public on use, organization, and functions of the Bank and to investors on merits of its securities;

Require appropriate bonds or other provision for protection of the assets of the Bank against losses occasioned by employees;

Prescribe rules and regulations necessary or appropriate for carrying out the provisions of this Act;

Prescribe its bylaws, subject to approval of the National Board;

Provide in the bylaws for

The classes of its stocks and the manner in which such stock shall be issued, transferred, and retired;

The election or appointment of its officers and executive employees;

Property acquired, held, or transferred;

The conduct of its general business; and

The exercise and enjoyment of the privileges granted to it by law.

Deposit its securities and its current funds with any member bank of the Federal Reserve System, and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, upon such regulations as may be prescribed by the Secretary; may be employed as fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under provisions of this subsection shall be invested in loans or bonds or other obligations of the Bank;



Buy and sell obligations of, or insured or guaranteed by, the United States or of any agency thereof, or securities backed by the full faith and credit of such agency, and make such other investments as may be authorized by the Board;

Delegate to Participants and Joint-venture-cosponsors such functions vested in the Bank, as it may determine appropriate;

Exercise by its authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry out the business of the Bank;

Purchase, refinance, or discount rural development loans and participations in such loans made by local rural financial institutions from such institutions and from other financial institutions that have purchased, discounted, or refinanced such loans; and

Make joint-venture equity investment in rural development projects.

*Section 903—Governor*

Section 903 provides for the appointment of the Governor, his salary, and his expense allowance.

The Governor is appointed by the Board subject to confirmation by the Senate.

The compensation of the Governor is set at the rate prescribed for positions in level IV of the Executive Pay Schedule under subchapter II of chapter 53 of title 5, United States Code. The Federal Board shall fix the allowance for his necessary travel and subsistence expenses or per diem in lieu thereof.

*Section 904—Duties*

Section 904 provides that the Governor shall be responsible, subject to the supervision and control of the Board, for carrying out the functions of the Bank and the policies of such Board. He is required to carry out all orders and directives received by him from the Board.

*Section 905—Powers of Governor*

Section 905 authorizes the Governor to carry out the powers and duties now or hereafter vested in him by the Act and Acts supplementary thereto, to establish and to fix the powers and duties of such officer to serve within regional offices, divisions, and instrumentalities as he may deem necessary to insure the proper and efficient administration. The Governor is given authority to appoint and employ such personnel as may be necessary to carry out the functions of the Bank, including the appointment, with the approval of the Federal Board, of a Deputy Governor who shall receive compensation at the rate prescribed for positions in level V of the Executive Pay Schedules. The powers of the Governor may be exercised by him through such officers and employees of the Bank as he may designate. The Governor shall provide on a reimbursable basis such administrative management services, other than public information for the Federal Board as shall be mutually agreed upon by the two parties.

*Section 906—Administrative*

Section 906 allows the Bank within the limits of funds available therefor, to make necessary expenditures for personnel, services, and rent at the seat of Government and elsewhere; for contract stenographic reporting services; for purchase and exchange of law books, books of reference, periodicals, and newspapers; for expenses of attendance at meetings and conferences; for purchases, operation, and maintenance at the seat of Government and elsewhere of motor-propelled, passenger-carrying vehicles and other vehicles; for printing and binding; and for such other facilities and services, including temporary employment by contract or otherwise, as may from time to time be necessary for proper administration.

*Section 907—Enumerated powers*

Section 907 provides to the Bank in addition to the corporate powers enumerated above the following powers, functions, and responsibilities in connection with the provision of financial assistance to Participants, to Joint-venture-cosponsors, and to those who have purchased, discounted, or refinanced rural development loans extended by Participants:

—to make studies of rural lending and investment needs, the need for better geographic distribution of population and economic opportunity, appraisal and credit standards, and credit requirements of rural industrial and commercial enterprise; to develop acceptable national and regional standards, procedures, and appraisal forms; and to prescribe price and cost levels to be used in such standards, joint-venture investment, appraisals, and lending.

*Section 908—Policies and regulations*

Section 908 requires Board to establish and promulgate policies and regulations, not inconsistent with provisions of this Act, to govern the policies, programs and procedures of the Bank.

The policies of Bank, for so long as the Secretary of the Treasury holds stock in such Bank for the United States will be subject to prior approval by the Secretary of the Treasury.

*Section 909—Financial examinations*

Section 909 subjects the Bank, Participants, and Joint-venture-cosponsors to the supervision of the Farm Credit Administration with respect to all procedures relating to financial examinations, including audits. The section requires the Board to arrange with the Federal Farm Credit Board to utilize the services of the Farm Credit Administration examiners for investigative, accounting, and administrative auditing of the work of the Bank in an orderly, efficient, and effective manner. The Farm Credit Administration is authorized to provide such services on a mutually agreeable reimbursable basis.

*Section 910—Examination and audit*

Section 910 provides that except as otherwise provided the Bank, Participants, and Joint-venture-cosponsors, at such times as the Board may determine, shall be examined and audited by examiners of the Farm Credit Administration on a reimbursable basis but that in no event shall any such institution be examined and audited less frequently than once a year. If the Board determines it to be necessary or appropriate, the section provides that the required examinations and audits may be made by independent certified public accountants, certified by a regulatory authority of a State, in accordance with generally accepted auditing standards. Upon request of the Governor of the Bank, credit examiners shall also make examinations of any organization, other than a national bank, to which, or with which, the Bank contemplates extending financial assistance or delegating authority. Examiners of the Farm Credit Administration are made subject to the same requirements, responsibilities, and penalties as are applicable to examiners under the National Bank Act, the Federal Reserve Act, the Federal Deposit Insurance Act, and other provisions of law and shall have the same powers and privileges as are vested in such examiners by law. The section provides that a report of each audit of the Bank or other institution for any fiscal year shall be made by the Farm Credit Administration through the Board to the President of the United States and to the Congress not later than six months following the close of such fiscal year. The section requires the Bank to reimburse the Farm Credit Administration for the cost of performing the audits.

The Bank, Participants, and Joint-venture-cosponsors are made subject to audit by the General Accounting Office at such times and to such extent as the Comptroller General shall determine.

*Section 911—Comptroller of Currency*

Section 911 authorizes and directs the Comptroller of the Currency, upon request of the Farm Credit Administration, to furnish for the exclusive and confidential use of the Board such reports, records, and other information as he may have available relating to the financial condition of national banks through, for, or with which the Bank has made or contemplates making discounts, loans, or delegations of power.

*Section 912—Consent to examination*

Section 912 requires any organization, other than State banks, trust companies, and savings associations shall, as condition precedent to security discount privileges or delegated powers with the Bank for its exclusive and confidential use, to file with such bank its written consent to examination by Farm Credit Administration examiners. State banks, trust companies, and savings associations may be required in like manner to file a written consent that reports of their examination by constituted State authorities may be furnished by such authorities upon the request of the Farm Credit Administration.

*Section 913—Executive departments and Federal Reserve information*

Section 913 authorizes the executive departments, boards, commissions, and independent establishments of the Government of the United States, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Board of Governors of the Federal Reserve banks, under such conditions as they may prescribe, upon request of the Farm Credit Administration, to make available to the Board in confidence all reports, records, files, or other information relating to the conditions of any Participant or Joint-venture-cosponsor to which the Bank has or is contemplating extending financial assistance or for which it has or contemplates using as a custodian of securities or other credit instruments, or which is using as or contemplates using as a depository, or to which it contemplates delegating powers under this Act. The Federal Reserve banks in their capacity as depositories, agents, and other obligations issued by the banks of the Rural Development Credit System or book entries thereof are also authorized and directed, upon request of the Board, to make available for audit all appropriate books, accounts, financial records, files, and other papers.

*Section 914—Jurisdiction*

Section 914 provides that the Bank, Participants, and Joint-venture-cosponsors shall, for the purposes of jurisdiction, be deemed to be a citizen of the State, commonwealth, or District of Columbia in which its principal office is located. No district court of the United States shall have jurisdiction of any action or suit by or against any private financial institution exercising delegated powers under the Act, upon the ground that it was incorporated under the Act or that the United States owns any stock thereof, nor shall any district court of the United States have jurisdiction, by removal or otherwise, of any suit by or against the United States or by or against any officer of the United States and except in cases by or against any receiver or conservator of any such institution appointed in accordance with the provisions of this Act.

*Section 915—Stock and franchise tax*

Section 915 allows the Bank to issue stock which may be purchased by the Secretary of the Treasury on behalf of the United States as an initial investment in the stock of the Bank to help it to inaugurate financial assistance operations. During the time the stock is outstanding, the pertinent provisions of the Government Corporation Control Act will be applicable to the Bank. Notwithstanding the requirements for annual

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audits and annual reports to the Congress contained in sections 202 and 203 of the Government Corporation Control Act the section provides that the operations of the Bank shall also be subject to audit by the General Accounting Office at such times and to such extent as the Comptroller General shall determine.

Moreover, for any year or part thereof in which the Secretary of the Treasury holds any stock in the National Bank, the Bank, before declaring any dividends shall pay to the United States as a franchise tax a sum equal to the lower of (1) 25 per centum of its net earnings for the year, or (2) a rate of return on such investment calculated at a rate determined by the Secretary of the Treasury equal to the average annual rate of interest on all public issues of debt obligations of the United States issued during the fiscal year ending next before such tax is due, multiplied by the percentage that the number of days such stock is outstanding is of three hundred and sixty-five days. Such payments shall be deposited in the miscellaneous receipts of the Treasury.

*Section 916—Government Purchases of Stock*

Section 916 directs the Secretary of the Treasury to purchase stock of the Bank on behalf of the United States in the amount appropriated by Congress.

*Section 917—Limit on stock issued*

Section 917 authorizes the Governor subject to the provisions of the Act, and approval of the Board, to issue from time to time and to have outstanding voting and nonvoting capital stock of an aggregate par value of not to exceed the par value of stock purchased by the Secretary of the Treasury plus not to exceed two per centum of the amount of outstanding financial assistance and joint-venture equity investment.

*Section 918—Classes of stock and redemption of stock*

Section 918 provides that the capital stock of the Bank shall be divided into shares of par value of $5 each and may be of such classes as may be determined by the Board. The voting stock of the Bank shall be held only by such Participants as obtain financial assistance from such Banks and Joint-venture-cosponsors, which stock may not be transferred, pledged, or hypothecated except as authorized pursuant to the Act. Any Participant is allowed to elect to receive nonvoting stock in lieu of voting stock.

Nonvoting stock may be issued to the Secretary of the Treasury and may also be issued to Participants. When a Participant reduces its total outstanding indebtedness to the Bank, or when a Joint-venture-cosponsor has retired the Bank's investment, its voting stock may be converted at par value, or such greater value as the Bank may from time to time determine, into nonvoting stock, or may be redeemed in cash or as a credit to extinguish final indebtedness at such value as the Bank may from time to time determine. Nonvoting stock or other evidences of indebtedness of the Bank held by the Secretary of the Treasury may be retired at any time, subject to approval of the Board, and shall be retired each year to the extent of the availability of earnings in accordance with the provisions of this Act.

DETERMINATION OF EARNINGS

The earnings of the Bank shall be determined in accordance with approved accounting principles and practices, as established by the Board subject to examination under policies of the General Accounting Office.

Earnings shall be distributed as follows:

First, not less than 10 per centum of net earnings for the year shall be paid into the reserve fund of the Bank until said reserve fund shall equal 150 per centum of outstanding stock.

Second, not less than 10 per centum of net earnings for the year shall be paid into the capital surplus fund of the Bank.

Third, the franchise tax shall be paid as required by section 915 for any year in which any stock is held by the Secretary of the Treasury.

Fourth, not less than 10 per centum of net earnings shall be used for retirement of nonvoting stock and other evidences of indebtedness of the Bank held by the Secretary of the Treasury.

Fifth, dividends shall be paid on nonvoting stock held by investors other than the Secretary of the Treasury at a rate not exceeding the average cost to the Bank of funds obtained through issuance of bonds, debentures, and other evidences of indebtedness in its funding operations.

Sixth, dividends shall be paid on voting stock of the Bank as determined by Board.

Dividends shall not be payable on any stock held by the Secretary of the Treasury.

*Section 919—Issuance of notes, bonds, debentures, and other obligations*

Section 919 authorizes the Bank, subject to supervision of the Board, to issue its own notes, bonds, debentures, or other similar obligations, fully collateralized by the notes, mortgages, joint-venture equities and security instruments it holds in the performance of its functions in such sums, maturities, rate of interest, and terms and conditions of each issue as it may determine.

*Section 920—Limitations on amount of obligations*

Section 920 sets the maximum amount of long-term notes, bonds, debentures, or other obligations the Bank may issue at an amount which, when added to the amount of other bonds, debentures, long-term notes, or other similar obligations issued and outstanding, will not exceed twenty times the capital and surplus of the Bank, or such lesser amount as the Board shall establish by regulation.

The section also requires that the Bank have on hand at the time of issuance of any long-term notes, bonds, debentures, or other similar obligations, and at all times thereafter maintain, free from any lien or other pledge, notes, and other obligations representing rural development loans made, refinanced, rediscounted, or purchased under the authority of this Act, equities in joint-venture investments obligations of the United States or any agency thereof direct or fully guaranteed, other readily marketable securities approved by the Board, or cash, in an aggregate value equal to the total amount of long-term notes, bonds, debentures, or other similar obligations outstanding for which the Bank is primarily liable.

*Section 921—Liability of the bank*

Section 921 requires the Bank to be fully liable on all notes, bonds, debentures, or other obligations issued by it.

The section provides that the United States shall not be liable or assume any liability directly or indirectly on obligations issued by the Bank.

*Section 922—Lawful investments*

Section 922 provides that the bonds and other similar obligations issued under the authority of the Act shall be lawful investments for all fiduciary and trust funds and may be accepted as security for all public deposits. It also provides that any obligation issued by the Bank pursuant to the Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations guaranteed as to principal or interest by the United States.

*Section 923—Federal reserve system*

Section 923 authorizes any member of the Federal Reserve System to buy and sell bonds, debentures, or other similar obligations issued under the authority of the Act, and authorizes any Federal Reserve Bank to buy and sell such obligations to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under section 14(b) of the Federal Reserve Act (12 U.S.C. 355).

*Section 924—Fiscal agent*

Section 924 authorizes the Bank to purchase its own obligations and to provide for the sale of obligations issued by it, through a fiscal agent or agents, by negotiation, offer, bid, or syndicate sale, and to deliver such obligations by book entry, wire transfer, or such other means as may be appropriate.

*Section 925—Investments and guarantees*

Section 925 authorizes the Bank to:

Buy and sell securities it has guaranteed or whose mortgages it has insured or in which it has invested;

Invest funds not needed in its financing operations in such property and obligations as it may determine;

Guarantee securities in which it has invested for the purpose of facilitating their sale; and

Guarantee and insure rural development loans made by other lenders.

*Section 926—Liquidation*

Section 926 prohibits the Bank from going into voluntary liquidation without the consent of the Board. With such consent it may liquidate only in accordance with regulations prescribed by the Board. Upon default of any obligation by the Bank, it may be declared insolvent and placed in the hands of a conservator or a receiver appointed by the Board and the proceedings thereon shall be in accordance with regulations of the Board regarding such insolvencies.

*Section 927—Financial assistance provided*

Section 927 authorizes the Bank to extend financial assistance to eligible sponsors, to Participants, and to such other financial institutions as have extended financial assistance to Participants in accordance with provisions of the Act.

*Section 927—Joint-venture investments; limitations*

Section 927 also authorizes the Bank to invest its funds in joint-venture equity investments in rural development projects.

The section also requires the Bank to develop criteria to assure that projects assisted by it are not inconsistent with the comprehensive planning, if any, for the development of the general purpose substate multi-jurisdictional planning and development districts in which such projects are proposed to be located.

Financial assistance extended under this section may not exceed the total capital cost of the project to be financed.

*Section 927—Special handling of public bodies credit*

Section 927 provides for special handling in any case in which the Bank undertakes to provide assistance to a State or local government under subsection (a) for the construction of a project for which any other department or agency of the Federal Government (under another law of the United States) will also provide funds.

The assistance provided by the Bank under this section may be in the full amount needed by the State or local government to finance such project (including the amount of the funds which will be provided by such other department or agency), but the funds to be provided by such other department or agency with respect to such project shall become payable (notwithstanding any contrary provision in the law under which they are payable) to the Bank in lieu of being paid directly to such government; and

The Bank may accept in return (A) an obligation or obligations of such State or local government covering only the difference between such full amount and the amount of the funds which are payable with respect to such project by such other department or agency, plus (B) a commitment from such other department or agency to pay the funds which are to be provided by it and are payable to the Bank as described in paragraph (1), in order to insure that such State or local government will not have to include within its debt limit that portion of the indebtedness incurred for the financing of such construction which is attributable to funds provided by such other department or agency.



*Section 928—Interest rates*

Section 928 requires that financial assistance provided by the Bank bear interest at a rate or rates, and on such terms and conditions, as may be determined by the Board from time to time. The section provides that rates and charges will be set to provide the types of financial assistance needed on a sound business basis at the lowest reasonable cost, taking into account the cost of money to the Bank, the necessary reserves, capital surpluses, and expenses of the Bank, and the orderly retirement of the capital subscriptions of the United States, with provision for the interest rate or rates to vary from time to time during the period of the assistance in accordance with the rate or rates currently being charged by the Bank.

*Section 929—Security*

Section 929 requires that the financial assistance extended by the Regional Bank shall be secured by all of the best available security owned or to be acquired by the beneficiary as may be required adequately to secure the obligation.

*Section 930—Delegation of powers*

Section 930 authorizes the Bank, by order, rule, or regulation to delegate to any Participant, Joint-venture-cosponsor, or supporting financial institution such of the duties, powers, and authority of the Bank with respect to such Participant or the officers and employees thereof, in the rural area wherein such Participant is located, as may be determined to be in the interest of effective administration. Any Participant, or other person to which any such duties, powers, or authority may be delegated, is authorized and empowered to accept, perform, and exercise such duties, powers, and authority as may be so delegated to it.

*Section 931—Sharing of gains and losses*

Section 931 authorizes the Bank to enter into agreements with Participants, Joint-venture-cosponsors, and eligible sponsors for sharing the gains and losses on financed assistance extended and on joint-venture equity investments.

*Section 932—Lawful investments*

Section 932, in defining the nature of obligations, designates all obligations issued by the Bank, as lawful investments, that may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or of any officer or employee thereof.

*Section 933—Tax status*

Section 933, defines the tax status. The Bank is made subject to Federal, State, and local taxes as follows:

(a) The real property and tangible personal property of such Bank shall be subject to Federal, State, and local taxation to the same extent, according to its value, as other similar property held by other persons is taxed.

(b) The income of the Bank and from any obligations purchased by such Bank from any Federal, State, or local governmental or quasi-governmental body and any obligation issued by such Bank shall be subject to Federal, State, and local taxation to the same extent as the income obligations of private corporations are taxed.

(c) The Bank shall be liable for the franchise tax as provided by section 915.

(d) Notwithstanding the foregoing provisions, the Bank shall not be subject to Federal, State, or local income taxes for any period in which capital stock in such Bank is held by the Secretary of the Treasury for the United States.

SUBTITLE D—PARTICIPATING RURAL DEVELOPMENT FINANCIAL INSTITUTIONS

*Section 1001—Designation of participants*

Section 1001 provides for the designation of any National or State bank, savings institution, credit union, or other financial institution making loans in rural areas for rural development purposes, upon application, be considered for designation as a Participating Rural Development Financial Institution, referred to in this Act as a "Participant."

*Section 1002—Powers of participant*

Section 1002 authorizes a Participant or a supporting financial institution, subject to provisions of this Act, to obtain financial assistance from the Bank and to issue obligations for purchase by the Bank and to perform such other duties as the Bank may delegate and the Participant agrees to undertake.

*Section 1003—Capital stock purchase*

Section 1003 establishes the following rules for acquiring capital stock of the Bank:

(a) The Participant may purchase voting capital stock in the Bank in an amount (at par value) equal to not less than 1 per centum and not more than 10 per centum of the amount of the financial assistance received from the Bank.

(b) Any of the institutions which qualify as Participants are authorized to purchase voting stock of the Bank.

(c) Any of the institutions that are eligible for designating as a Participant may purchase nonvoting stock in the Bank equal to at least 1 per centum and not more than 10 per centum of the financial assistance received.

*Section 1004—Governance of participants; appeals*

Section 1004 provides that with respect to all evidence of financial assistance and other obligations which a Participant shall present to the Bank, the policies, rules, regulations, and procedures followed shall be in accordance with the rules and regulations established by the Board. The designation of any institution as a Participant may be canceled by the Banks.

Any Participant whose designation has been canceled under this section may appeal the cancellation to the Board. The decision of the Board shall be final. The Board shall establish appropriate rules and regulations and review bodies to implement expeditious, orderly, and fair consideration of appeals filed by Participants objecting to canceled designations or other matters related to their relationship to the Bank.

*Section 1005—Requirements*

Section 1005 requires that the terms and conditions under which financial assistance may be made available to Participants, directly or through other financial institutions, be established by the Board. Such terms and conditions are allowed to vary depending on the rural development purpose for which such assistance is to be used and the customary practices of the supporting regional financial institutions serving rural areas within the jurisdiction of different regional offices.

*Section 1006—Rural activity required*

Section 1006 permits only those financial institutions whose volume of loans in rural areas is more than one-half of the total volume of all its loans shall be eligible to purchase voting stock of the Bank.

*Section 1007—Required purchase of stock*

Section 1007 requires a Participant, as a condition of eligibility for financial assistance with respect to any rural development loan it has extended, to require the deposit by the borrower of 5 per centum of the amount of that part of the loan for which the financial assistance of the Bank is requested.

This amount shall be utilized by the Participant to purchase, on behalf of the borrower, voting capital stock of the Bank. The Participant is required to transmit such stock to the borrower.

SUBTITLE E—JOINT VENTURE EQUITY INVESTMENT IN RURAL DEVELOPMENT PROJECTS

*Section 1101—Equity investments*

Section 1101 authorizes the Bank, subject to regulations approved by the Board, to make investments in rural development projects proposed or established by eligible sponsors, directly, or through a Participant, in accordance with standards ad criteria to govern the making of investments in joint-ventures with eligible sponsors established by the Board.

*Section 1102—Division of profits*

Section 1102 specifies that the Bank and the eligible sponsor with whom the Bank has entered into a joint equity investment in a rural development project shall share in the profits of the project in the same ratio as the amounts of their several investments.

*Section 1103—Taxes*

Section 1103 makes joint-venture rural development projects subject to all Federal, State, and local taxes.

*Section 1104—Limitation*

Section 1104 prohibits Bank investment in any project than can obtain necessary credit or investment for the full amount of the investment from any other source on reasonable terms.

*Section 1105—Additional limitation*

Section 1105 prohibits the investment made by the Bank in joint-venture projects from exceeding the amount that cannot be obtained elsewhere on reasonable terms.

*Section 1106—Joint-venture agreement*

Section 1106 requires that the joint-venture agreement between an eligible sponsor and the Bank provide:

That the eligible sponsor will, as soon as financially able, purchase the investment of the Bank, and that

The control over the joint-venture shall be apportioned between the Bank and the eligible sponsor in accordance with the relative amounts of investment of each in the project.

SUBTITLE F—GENERAL

*Section 1201—Amendments of other laws*

Section 1201 includes amendments to other laws as follows:

*Subsection (a)*

Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(95) Governor of the National Rural Development Bank."

*Subsection (b)*

Section 5316 of title 5, United States Code is amended by adding at the end thereof the following:

"(132) Deputy Governor of the Federal Rural Development Credit Agency."

*Subsection (c)*

Paragraph "seventh" of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof a new sentence as follows: "Notwithstanding any other provision in this paragraph, the association may purchase the stock, bonds or other obligations of the National Rural Development



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Bank created pursuant to the authority of the Rural Development Act Amendments of 1973."

*Section 1202—Separability*

Section 1202 is the usual separability clause.

*Section 1203—Reservation*

Section 1203 reserves the right to alter, amend, or repeal. The right to alter, amend, or repeal any provision or all of this title is expressly reserved.

*Section 1204—Appropriation authorization*

Section 1204 authorizes appropriation to the Secretary of the Treasury of not to exceed $200,000,000 annually for not to exceed ten years for the purchase of capital stock of the Bank.

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By Mr. INOUYE:

S. 1700. A bill to amend the Clean Air Act and the Solid Waste Disposal Act in order to include the Trust Territory of the Pacific Islands within the definition of the term State. Referred to the Committee on Public Works.

Mr. INOUYE. Mr. President, Congress has advanced the cause of the preservation of our natural environment through the enactment of both the Clean Air Act and the Solid Waste Act.

By its action, Congress lent Federal financial assistance and leadership to the prevention and control of air pollution and to the effective management of solid wastes.

Today, I am introducing a bill that will correct an oversight which effectively excluded the Trust Territory of the Pacific Islands from the definition of "State" in both acts.

For too long we have shirked our responsibility in failing to adequately provide for this trusteeship. As a result, the territory has suffered from our indifference.

As this area begins to develop its natural resources, the actual need for Federal assistance in conserving these islands will significantly increase. Thus, coverage under these acts will effectively enable the trust territory to carefully manage its growth.

As they are American lands which deserve our sympathetic attention, I hope that Congress will move expeditiously to correct this oversight by passing this legislation.

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By Mr. RANDOLPH:

S. 1702. A bill to provide for an investigation by the General Services Administration of various problems involved in providing toll-free telephone numbers for incoming calls at each regional office of most executive agencies. Referred to the Committee on Government Operations.

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference a bill to authorize the General Services Administration to investigate the economic and operational feasibility of providing toll-free telephone service for incoming calls at each regional office of most executive agencies. Several governmental agencies do provide such a service to Federal offices located within a State. These include the Civil Service Federal Job Information Centers and the Internal Revenue Service Tax Assistance Office. Also Federal information centers are located in 36 cities in the country, which serve mostly as referral services. Citizens in 37 other cities can call at least one, and in some cases two or three of the 36 centers on toll-free telephone lines.

The Congress is an extension of the citizenry of this country. We are elected by the people and we must not only report to them what we, their elected representatives, are doing in Washington, but also to receive their responses to our efforts and their ideas about what else we should be doing. Members of Congress, I feel, try to respond to the wishes and needs of the American people. We in the legislative branch are attempting to correct the attitude by many that causes distrust and lack of confidence in the Federal Government.

The executive branch shares with the Congress the serious responsibility of making Government more responsive to citizens and their needs. While people have increasing opportunity to bring their needs and problems to the Congress, such opportunity does not exist when it comes to the Executive.

This toll-free telephone service would help bring the people to the executive branch. Mr. President, in 1970, over 90 percent of the households in the United States were equipped with telephone service. There were over 58 telephones per 100 population and 86,850,000 residences had telephones. In my own State of West Virginia more than 80 percent of the homes have telephones. Such a communication carrier as the telephone could aid in ridding the "disease of large government." Phone service to the regional government agencies would serve as a "focal point" in helping the citizen to find the ultimate goal—how to eliminate the "government run-around."

We are now witnessing the beginning of a shift away from Washington to the State houses and city halls—a shift in authority from the Federal level back to State and local governments. The correct mix or responses to the needs of the people must be sought. Government cannot and must not be static. To be effective it must be dynamic. The Federal Government must be flexible and capable of meeting changing conditions. If the American democratic system is to function effectively, government officials cannot sit isolated in ivory towers. This is why I strongly believe in maximum contact between Members of Congress, the administration, and the electorate.

I agree with Commissioner Nicholas Johnson of the Federal Communications Commission, "We simply must open new channels of communication between the public and Washington." Parade magazine wrote:

> Johnson reports that the response to his proposal (for a toll-free telephone line to the Federal Government) shows "the citizens are for all for it, while some bureaucrats think it would require too many people to answer the phones."

A study by the General Services Administration will help solve such questions.

The administration must assist people with their questions on unemployment, drug abuse, taxation, education, and many other important issues. This legislation will aid the disadvantaged person, the person on welfare, the aged on social security, the miner with a black lung problem, the confused immigrant, and others to have easy accessibility to their Federal Government. Thomas Mann said:

> Speech is civilization itself. The word, even the most contradictory word, preserves contact—it is silence which isolates.

Mr. President, Government must not isolate the American public. We must assure that their voices will be heard and that their questions will be answered.

I ask unanimous consent that an article by Commissioner Nicholas Johnson of the Federal Communications Commission; an article about West Virginia's toll-free line to the Office of the Governor; and also a listing of the cities which have Federal information centers and their respective toll-free telephone tielines be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Parade magazine, April 8, 1973]

IF THE GOVERNOR ANSWERS, DON'T HANG UP

(By Larry Jackson)

CHARLESTON, W. VA.—Last September Nicholas Johnson of the Federal Communications Commission explained in a Parade article why this country needs a single toll-free telephone line to the Federal Government.

He said that because Congress and the Executive Branch administer programs crucial to the lives of many Americans, citizens should be able to call free to seek information or to complain. "We simply must open new channels of communication between the public and Washington," he wrote.

Johnson reports that the response to his proposal shows "the citizens are all for it, while some bureaucrats think it would require too many people to answer the phones."

While so far, little has been done to implement Johnson's idea, on the state level a similar plan has been working well in West Virginia since 1971. The system, much like the toll-free reservation lines operated by national hotel chains, allows free calls from any phone in the state to the office of Gov. Arch A. Moore Jr.

The governor said the telephone hookup came about largely because of West Virginia's geography—the state has two long panhandles surrounded by other states on three sides.

FLOODS TO TAXES

"There are many towns in West Virginia that are closer to other state capitals than to our own," Moore said. "People couldn't afford to travel to Charleston or pay for long-distance calls every time they had a problem. And the problems are many, ranging from roads, in disrepair since floods washed them out last summer, to tax claims.

"People want answers," said Moore, who developed the idea. "They don't want to call up one state official who pushes them off to another official and so on until they give up."

Telephones are manned by members of the governor's staff, but occasionally Moore himself answers.

"Sometimes I surprise the hell out of callers when they ask for the governor and I tell them, 'This is the governor.' They don't always believe me at first."

Moore claims that 90 percent of the calls (they average 45 a day) are handled the day they're received. "Speed is a must if our system is to work," he said. "If people have no confidence that you will go to bat for them right away, they won't call. Then you have discontent."

Typical of the fast action is the experience of Pauline Chapman who phoned last winter to complain of a crumbling stone road in front of her home near Clarksburg.

"I called at 9:45 on a Monday morning," she said. "Later that day someone in the governor's office notified me the road would be fixed. I had already complained to the local highway department office and hadn't gotten too far, so I didn't know what to expect.

"But early the next day a crew began fixing the road. It still isn't as good as new, but at least you can drive on it."

Or take the case of Carlon Hill, who suffered an injury on his job and was unable to work. He applied for welfare and received food stamps, but no relief check. A call to the governor's office sped payment.

"MY W-2 FORM"

Some of the problems seem minor, except to the people directly involved.

Pete Toth, a tavern owner in Mount Gay, near Logan, wanted a statement of his earning from an extra job with the State Highway Department.

"I had lost my W-2 form, and I needed it right away to file my income tax," said Toth. "I called the highway people, and they told me it would take a while. So I phoned the governor and got the W-2 form right quick."

BENDING THE RULES

Some calls do not deal with state services at all, but they receive answers, too.

Last year a man phoned and pleaded for help because his wife was dying of internal bleeding in a small hospital. She needed emergency treatment from specialists on the other end of the state, but the man couldn't afford to pay for an ambulance.

"I arranged for a helicopter to rush the woman to West Virginia University Medical Center where her life was saved," Moore said.

"That case, and many others, are not necessarily the function of state government," he said, "but if we are to make government more responsive to the citizens that pay for it, we have to bend the rules a little. They appreciate it when the government treats them as human beings."

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[From Parade Magazine, September 24, 1972]

DO YOU AGREE? WE NEED A FREE PHONE LINK TO OUR GOVERNMENT

(By Nicholas Johnson)

WASHINGTON, D.C.—Do you have a question or complaint about the way the country is being run?

Try telling it to the government. You'll find it isn't easy.

A large corporation, of course, can hire a $100,000 a year lobbyist to do its talking. But the average citizen can't afford such expensive errand boys. To obtain information or redress from a federal agency, he must write to Washington, where his letter winds up on the desk of some low-level bureaucrat. When he receives a reply, it's often drafted in hopelessly garbled officialese.

If he calls instead—assuming he can figure out whom to call—he does so at his own expense. The further away he lives from Washington, or the longer the call takes, the more money he pays.

Yet the technology to correct this phone problem already exists. In fact, it's being used right now by private industry and a handful of government offices. It's called inward WATS—Wide Area Telephone Service—or, more simply, the 800 number.

Actually, WATS has been in existence for some time. Its original purpose was to permit large firms to place *outgoing* long distance phone calls without charge, in return for a fixed monthly payment.

But inward WATS—the system which enables subscribers to *receive* calls toll-free—came somewhat later. It really began with the development of nationwide motel chains and credit systems. The motels needed a fast, efficient way to coordinate reservations. And credit card companies also needed some method to relay up-to-the-minute information from member banks and stores to a central credit office. If the phone company could provide an outgoing phone service at a fixed rate, why couldn't it provide an incoming service as well? And so, early in 1967, inward WATS was born.

POPULAR AD

One of the first customers to advertise its toll-free reservations service was the Sheraton Hotel chain. Its number—800–325–3535—became a household jingle, and the music from the ad was recorded by the Boston Pops Orchestra and performed by a dog on the *Tonight Show*.

The idea caught on. There are now approximately 11,000 such numbers in the United States, with more being added every day. By calling, you can find out which store in your area sells your brand of clothes, where to rent a car, or where to buy insurance. The telephone company has its own 800 number, a directory to every other 800 number: 800–555–1212.

You can even call some federal agencies for special purposes. You can complain about housing discrimination to the Department of Housing and Urban Development (800–424–8590); report drug offenders anonymously to the Justice Department (800–363–5363); or join the Air Force (800–631–1972). In Pennsylvania, the State Public Utilities Commission has instituted a statewide 800 number to receive complaints about utility service. And Congresswoman Ella Grasso of Connecticut has installed a district-wide inward WATS line in her office in New Britain.

But you still can't call Uncle Sam himself.

Throughout the federal government—with a few scattered exceptions, like the ones just noted—the rule seems to be, "Don't call us, we'll call you." Federal officials have a nationwide outward WATS network at their disposal. But a taxpayer can't call them, unless he foots the bill.

What can be done about it?

It seems to me that the United States Government ought to institute the 800 number. Federal offices—Congress, the Executive branch, and administrative agencies—operate so many important programs which affect people's lives that we simply must open up new channels of communication between the public and Washington.

In fact, businessmen already can write off calls to the government as a tax-deductible business expense. This creates an unfair disparity between the private citizen, whose affairs may be every bit as important, and industry. With 800 numbers, anyone could call for free.

Granted, there are obstacles. But they could be overcome. For instance, the federal government is bigger than any private enterprise. How could we establish a system capable of handling all incoming calls?

There are several ways to do this. We could connect several nationwide lines to a sophisticated directory service, consisting of operators who could listen to callers and tell them whom to contact for information. Or, the service could be broad enough to provide experts who would actually answer questions. A third alternative is a switchboard, which would simply direct calls to whatever administrative agency or Congressional office the party requests.

Another problem is money. The 800 service is expensive. A single nationwide inward WATS line costs almost $23,000 a year. National Data Corporation, which supplies reservation services and credit information to its clients, has more than 170 lines to accommodate its 100,000 daily calls. The annual price tag: roughly $2.5 million. The government would have to spend even more money than this.

But think, also, of how much money would be saved. A written reply to a citizen's letter may cost $10 to $20 by the time it has been drafted, reviewed up and down the line by supervisors, and typed a few times. A single WATS call, prorated, costs only a fraction as much. Moreover, the letter might not be satisfactory, and this could trigger several more rounds of correspondence. In a phone conversation, the parties could talk until the matter is resolved.

BIG SPENDER

The Defense Department alone spends $400 million a year on its communications, foreign and domestic, and this figure doesn't even include the salaries of the military personnel—some 3000 of them—who service and repair the phones. If we're willing to devote so many dollars and people to one government department, surely we can spare an additional amount to service the rest.

What should the new number be? All sorts of exciting possibilities suggest themselves, once you start playing with the letter equivalents of the numbers on your telephone dial. 800–872–1776 becomes 800–USA–1776. 800–373–3366 reads 800–Freedom. Or try: 800–468–6368 (800–Govment); 800–333–3725 (800–Federal); or 800–263–7422 (800–America.)

The last seven digits, though, aren't as important as the first three. Those are the ones we need.

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UNITED STATES OF AMERICA, FEDERAL, INFORMATION CENTERS, OPERATED BY THE GENERAL SERVICES ADMINISTRATION

Albuquerque, N.M., telephone no. 505–843–3091, address Federal Building, U.S. Courthouse, 500 Gold Avenue, SW 87101.

Atlanta, Ga., 404–526–6891, Federal Building, 275 Peachtree St., NE 30303.

Baltimore, Md., 301–962–4980, Federal Building, 31 Hopkins Plaza 21201.

Boston, Mass., 617–223–7121, John Fitzgerald Kennedy, Federal Building, Government Center 02203.

Buffalo, N.Y., 716–842–5770, Federal Building, 111 West Huron St. 14202.

Chicago, Ill., 312–353–4242, Everett McKinley Dirksen Bldg., 219 South Dearborn St. 60604.

Cincinnati, Ohio, 513–684–2801, Federal Building, 550 Main St. 45202.

Cleveland, Ohio, 216–522–4040, Federal Building, 1240 East Ninth St. 44199.

Denver, Colo., 303–837–3602, Federal Building, U.S. Courthouse, 1961 Stout St. 80202.

Detroit, Mich., 313–226–7016, Federal Building, U.S. Courthouse, 231 West Lafayette St. 48226.

Fort Worth, Tex., 817–334–3624, Fritz Garland Lanham, Federal Building, 819 Taylor St. 76102.

Honolulu, Hawaii, 808–546–8620, U.S. Post Office, Courthouse and Customhouse, 335 Merchant St. 96813.

Houston, Tex., 713–226–5711, Federal Building, U.S. Courthouse, 515 Rusk Ave. 77002.

Indianapolis, Ind., 317–633–8484, Federal Building—U.S. Courthouse, 46 East Ohio St. 46204.

Kansas City, Mo., 816–374–2466, Federal Building, 601 East Twelfth St. 64106.

Los Angeles, Calif., 213–688–3800, Federal Building, 300 North Los Angeles St. 90012.

Louisville, Ky., 502–582–6261, Federal Building, 600 Federal Place 40202.

Memphis, Tenn., 901–534–3285, Clifford Davis Federal Bldg., 167 N. Main St. 38103.

Miami, Fla., 305–350–4155, Federal Building, 51 Southwest First Ave. 33130.

Minneapolis, Minn., 612–725–2073, Federal Building, U.S. Courthouse, 110 South Fourth St. 55401.

New Orleans, La., 504–527–6696, Federal Building, Room 1210, 701 Loyola Avenue 70113.



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New York N.Y., 212–264–4464, Federal Office Building, U.S. Customs Court, 26 Federal Plaza 10007.
Newark, N.J., 201–645–3600, Federal Building, 970 Broad St. 07102.
Oklahoma City, Ok., 405–231–4868, U.S. Post Office and Federal Office Building, 201 NW. 3rd St. 73102.
Omaha, Neb., 402–221–3353, Federal Building, U.S. Post Office and Courthouse, 215 North 17th St. 68102.
Philadelphia, Pa., 215–597–7042, One East Penn Square Bldg., 17 North Juniper St. 19107.
Phoenix, Ariz., 602–261–3313, Federal Building, 230 N. First Ave., 85025.
Pittsburgh, Pa., 412–644–3456, Federal Building, 1000 Liberty Ave. 15222.
Portland, Ore., 503–221–2222, 208 U.S. Courthouse, 620 Southwest Main St. 97205.
St. Louis, Mo., 314–622–4106, Federal Building, 1520 Market St. 63103.
St. Petersburg, Fla., 813–893–3495, William C. Cramer Federal Bldg., 144 First Ave., S. 33701.
Sacramento, Calif., 916–449–3344, Federal Building, U.S. Courthouse, 650 Capitol Mall 95814.
Salt Lake City, Utah, 801–524–5353, Federal Building, U.S. Post Office, Courthouse, 125 So. State St. 84111.
San Diego, Calif., 714–293–6030, 202 C Street, San Diego, Calif. 92101.
San Francisco, Calif., 415–556–6600, Federal Building, U.S. Courthouse, 450 Golden Gate Ave. 94102.
Seattle, Wash., 206–442–0507, Arcade Plaza, 1321 Second Ave. 98101.

TELEPHONE TIELINES

If you are in the following cities you can dial the center—toll free:
Santa Fe, N. Mex., Albuquerque, 983–7743.
Birmingham, Ala., Atlanta, 322–8591.
Charlotte, N.C., Atlanta, 376–3600.
Providence, R.I., Boston, 331–5565.
Rochester, N.Y., Buffalo, 546–5075.
Syracuse, N.Y., Buffalo, 476–8545.
Milwaukee, Wisc., Chicago, 271–2273.
Columbus, Ohio, Cincinnati, 221–1014.
Dayton, Ohio, Cincinnati, 223–7377.
Akron, Ohio, Cleveland, 375–5475.
Toledo, Ohio, Cleveland, 244–8625.
Colorado Springs, Colo., Denver, 471–9491.
Pueblo, Colo., Denver, 544–9523.
Dallas, Tex., Fort Worth, 749–2131.
Austin, Tex., Houston, 472–5494.
San Antonio, Houston, 224–4471.
St. Joseph, Mo., Kansas City, 233–9206.
Topeka, Kans., Kansas City, 232–7229.
Wichita, Kans., Kansas City, 263–8931.
Chattanooga, Tenn., Memphis, 265–8231.
Little Rock, Ark., Memphis, 378–6177.
Fort Lauderdale, Fla., Miami, 522–4531.
West Palm Beach, Fla., Miami, 833–7566.
Trenton, N.J., Newark, 396–4400.
Mobile, Ala., New Orleans, 438–1421.
Albany, N.Y., New York, 463–4421.
Hartford, Conn., New York, 527–2617.
New Haven, Conn., New York, 624–4720.
Tulsa, Okla., Oklahoma City, 584–4193.
Des Moines, Iowa, Omaha, 282–9091.
Scranton, Pa., Philedelphia, 346–7081.
Tucson, Ariz., Phoenix, 622–1511.
Jacksonville, Fla., St. Petersburg, 354–4756.
Tampa, Fla., St. Petersburg, 229–7911.
Ogden, Utah, Salt Lake City, 399–1347.
San Jose Calif., San Francisco, 275–7422.
Tacoma, Wash., Seattle, 383–5230.

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By Mr. MONDALE:

S. 1703. A bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat. Referred to the Committee on Agriculture and Forestry.

Mr. MONDALE. Mr. President, I am introducing a bill to require the Secretary of Agriculture to make advance payments to producers under the wheat and feed grain programs.

The Secretary of Agriculture in 1970 decided to abandon the advance payments program although it had been working well for 7 years. Under the program, wheat and feed grain producers received an advance on diversion payments in the spring with the balance paid in August.

This is a fair and sensible approach, for farm production costs fall heavily in the spring when the planting season begins. When payments for participating in the wheat and feed grain programs are delayed until mid-summer, farmers are often forced to borrow money at high interest rates in order to operate.

Elimination of advance payments does not offer a real savings to the Department of Agriculture. Rather, it results in an on paper savings that simply shifts funding to the next fiscal year.

Without advanced payments farmers must pay high interest charges to pay for seed, fertilizer, and other operating expenses. For 1973 it is estimated that interest charges on short term loans to farmers will total more than $2.3 billion, compared with $1.7 billion in 1969 before advance payments were discontinued.

With or without advance payments, interest charges paid by farmers have been mounting at a tremendous rate over the past few years. But the absence of such payments has certainly contributed to the credit squeeze that continues to plague rural America. Without advance payments, rural merchants and tradesmen, as well as farmers, are hurt economically since they must either suspend transactions or carry over credit until program payments are made.

The farmer of course bears the major cost of abandoning advance payments. This year we have seen a great deal of attention directed toward improved farm income. However, income received by farmers still falls far below nonfarm income, and inflation continues to drive up farm production costs.

Under Government policies designed to expand production, operating costs will this year increase substantially, yet there is no guarantee that prices received by farmers will not fall far below current levels. The President has announced his intention to phase out price suport and acreage adjustment payments. This decision is apparently based on the assumption that increased exports of agricultural commodities will enable farmers to greatly expand production. However, the administration would offer virtually no protection against a disastrous drop in farm prices. Thus farmers are expected to increase substantially their investment in producing food to feed the world with no guarantee that they would be able to earn a fair and decent income.

Congress should firmly reject the administration's proposal to dismantle Federal price support and acreage adjustment machinery. The legislation I introduce today will make payments to farmers under the wheat and feed grain programs mandatory within 60 days following sign-up. Advance payments would be equal to not less than 50 percent of the total payments to be made.

Good sense calls for a restoration of advance payments. Moreover, we already give this type of advance in the form of progress payments to defense contractors before their work is completed. Surely, if we can afford such payments for defense construction, we can afford this needed advance on payments to which farmers are already entitled.

This is a matter of priorities. The administration has chosen paper savings over the very real costs incurred by producers in the absence of advance payments.

As the Senate Agriculture Committee begins to put together the basic elements in the 1973 farm bill, I hope consideration will be given to this approach and that the Congress will adopt such legislation.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1703

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 105 of the Agricultural Act of 1949 is amended by striking out subsection (g) and inserting in lieu thereof the following:

"(g) The Secretary shall make a preliminary payment to producers, within sixty days following signup for the program, and such payment shall not be less than 50 per centum of any payments to such producers under the feed grain program."

SEC. 2. The first sentence of section 107(f) of the Agricultural Act of 1949 is amended by striking out "as soon as practicable after July 1 of the year in which the crop is harvested" and inserting in lieu thereof "within sixty days following signup for the program".

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By Mr. MAGNUSON (for himself and Mr. WILLIAMS):

S. 1705. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, on behalf of the distinguished chairman of the Labor and Public Welfare Committee, Mr. WILLIAMS and myself, I rise to introduce legislation that would permit airlines as well as interstate bus companies and Amtrak to grant reduced fares to senior citizens, the blind, the handicapped, and youths.

This legislation would amend the Federal Aviation Act of 1958 to allow airlines to offer price service—on a space available basis—to persons 65 or older and 21 or younger. Additionally it would permit the airlines to sell reserved seats at reduced prices to the blind and handicapped. Finally, this bill would also amend the Interstate Commerce Act to allow interstate buslines and Amtrak to offer reduced fares, with or without reservations, to those same groups. I have ordered hearings on this bill before my Commerce Committee which begin next week.



At the outset, I wish to bring to the Senate's attention two important features of this bill.

First, it should be emphasized that this is permissive, rather than mandatory, legislation and would not require any carrier to offer any reduced fare to any category of passengers. Instead, it would simply provide the federally regulated airlines, bus companies, and Amtrak the legal discretion to offer reduced fares to those groups. Presumably, the companies would exercise that discretion wherever it would prove economically advantageous by enabling them to fill seats that would otherwise go unsold. That, of course, has been the prime economic motivation for the various youth fares and there is reason to believe that by reducing fares for the aged or handicapped the companies would profit by attracting additional new passengers who would otherwise not travel. In Commerce Committee hearings last year, for example, we learned that only about 5 percent of the airline passengers flying interstate in 1970 were 65 or older although that group comprises about 10 percent of the Nation's population and generally has far more leisure time for travel than do younger persons. The experience of city bus companies that have offered reduced fares for the aged is also instructive. One study made in New York City, for instance, showed that bus passengers increased by 26 percent after reduced fares for the clderly were instituted.

Second, it should be emphasized that this bill would provide no subsidy of any kind and therefore would not require the expenditure of any Federal dollars. For the same reason, persons who availed themselves of these reduced fares would be accepting neither a Federal dole nor charity from the carriers. On the contrary, they would be providing the carriers with additional business.

Before I go into the justifications for permitting the elderly, blind, and handicapped to travel at reduced prices. I wish to explain why this legislation has now become legally necessary. Recently the Civil Aeronautics Board issued a ruling which will have the effect of denying airlines the prerogative of offering special youth fares unless the Congress provides otherwise. Since there is widespread support for those fares, we believe the airlines should be permitted to continue them if they so desire. However, we feel even more strongly that if youth fares are allowed to continue then the same benefits should be extended to the aged, blind, and handicapped. Additionally, equity and efficiency require that all interstate carriers be given basically the same opportunities to offer reduced fares for these persons. And in this connection it should be noted that Amtrak already provides reduced fares for the blind.

Mr. President, the best available estimate is that between 76 and 86 percent of Americans 65 or older do not have drivers licenses. Consequently, the great majority of our senior citizens must rely upon public transportation. Regrettably, however, their generally low incomes severely restrict their access to that transportation.

Census data shows that in July 1972, there were approximately 20.9 million Americans aged 65 or older. Of that group, about 5.2 million—or 1 out of every 4—had incomes below the federally established poverty line. And 1971 figures showed that the average income in that year for all senior citizens was only $2,466.

Consequently, just the taxi fare to the supermarket is frequently out of the older person's reach let alone round trip air fare between, say, Seattle and Omaha which costs $164.73 or even bus fare to and from Los Angeles that costs $90. It is not surprising, then, that in 1970 for example, only about 5 percent of the elderly population traveled across a State line.

It is cruelly ironic that a person's financial ability to travel so often dramatically declines or disappears altogether at retirement, the very time when, finally after years of working, he has the leisure time to travel. It is impossible to really measure the effect this has upon the elderly or the benefits which would accrue to them if travel were made possible through the reduced fares this legislation would authorize. However, it is not difficult to imagine how depressing it must be for a man or woman who is suddenly forced to sit at home in a society so deeply wedded to the automobile and the mobility it makes possible. Nor is it difficult to understand how an occasional visit to see grandchildren or to visit another city could immeasureably improve the quality of many older Americans' lives. And the opportunity to travel is, if anything, probably even more important to the millions of blind and handicapped persons. If those of us who are more fortunate become bored with our everyday surroundings and yearn for a trip across the country or around the world, how much more intense must be those same feelings for the person who is, for example, confined to a wheelchair?

Mr. President, reduced fare transportation is certainly not the most pressing need of either the handicapped or the elderly, and in proposing this legislation I do not mean to suggest otherwise.

The Vocational Rehabilitation Act which we twice passed and which the President twice vetoed would, for example, have offered far more important assistance to the blind and the handicapped. And the need for that legislation has in no way diminished.

For the elderly there is no replacement for a livable retirement income. Since 1968 the Congress has increased social security benefits by 58 percent. Last year, alone, we provided a 20-percent increase despite the President's objections and for the first time authorized automatic cost-of-living increases that will become possible in 1975. In this Congress any number of proposals have been introduced to further improve the financial status of older citizens. The distinguished chairman of the Special Committee on Aging, Mr. CHURCH, and I, for example, have jointly introduced bills to raise the social security earnings ceiling, to provide property tax relief for the aged, and to extend medicare coverage to out-of-hospital prescription drugs. And, of course, the private pension plan reform measure that has been proposed by Senator WILLIAMS could well become a legislative landmark, and I am pleased to be a cosponsor of that bill.

National health insurance remains critically important to all Americans, but particularly for the elderly, and we must press toward its enactment even as we carry on a rearguard action against the President's efforts to severely curtail medicare coverage.

Those are just some of the items on Congress' agenda that are far more crucial to the handicapped and the elderly than is the matter of reduced-fare transportation. We must push forward on all of these fronts, and I am confident we will. However, this bill could, at no cost to the Treasury and without depleting available resources for those more critical needs, bring some brightness into many otherwise somber lives. That might be a small achievement, but it most assuredly is a worthy objective.

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By Mr. BELLMON:

S. 1706. A bill to authorize the Secretary of Agriculture to conduct a program of research into the substantial losses of animals sustained through disease and injury while such animals are being transported to market, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, today I am introducing a bill to authorize the Secretary of Agriculture to conduct a program of research into the reasons which are presently causing substantial losses of animals sustained through disease and injury while such animals are being transported to market, and for other purposes. The purpose of this bill is to promote efficient and humane transportation of livestock. The urgent need for this bill is obvious today, because of the high prices of beef which are caused, in part, to the net losses of cattle caused by a complexity of factors during the marketing process.

The state of our knowledge today is so fragmented that it is impossible accurately to determine on a comprehensive basis the full scope of the losses to the American people of animal deaths from transferring and marketing. The last attempt at a definitive study of the problem was made in 1956 by the Department of Agriculture. The dollar loss represented by the dead and crippled animals actually observed during their study was $7,671. The Department concluded that if all the livestock received by motor truck at the 60 major public stockyards in the United States during 1956 had been subjected to the same loss rates per 10,000 head of cattle, the dollar loss nationally would have approximated $100 million. That was in 1956. Today, we are transporting probably twice the number of animals. Obviously, the loss is much greater today in dollar terms and net cattle losses. Recently, an across-the-board survey has shown that there is a $10 to $15 loss per feeder calf per year in the United States. The integrated program of study is necessary to isolate the problems, to determine the causes of the

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problem and to develop a practical solution through research which will be made available to those who are involved, and to also set up a system on a national basis to learn how effective the solutions prove to be.

The bill I am introducing would authorize the Secretary of Agriculture to set up a definitive study to include all segments of the industries involved in the marketing and transportation of cattle and to combine their knowledge in an effort to improve the situation. The support for this study is strong in all segments of the industries involved.

The complexity of the issues and problems involved is enormous and the causation factors which have been suggested are many. Therefore, it is necessary that the Secretary of Agriculture have broad discretion to study the overall problem and ample time to come up with workable solutions.

My bill would authorize and direct the Secretary of Agriculture to conduct an intensive research program for the purpose of developing measures that can be taken to reduce materially the number of animals lost through injury and disease during transportation for commercial purposes. Several problematic areas are mentioned in the bill, but this is not intended to limit the Secretary's discretion in his search and evaluation of the problem. I feel that this is one of the greatest controllable factors in livestock production costs and, given reasonable support through research, dramatic improvements can quickly follow. The results from this kind of improvement will flow to the consumer, and we will all benefit through lower prices of food as well as in having more abundant supplies. The producers will benefit through lower costs of production.

That is the purpose of this bill and I would urge my fellow Senators to give full consideration to the early adoption of this bill.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1706

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is authorized and directed to carry out a comprehensive study and investigation to determine the reasons for the extensive loss of livestock sustained each year, through injury and disease, while such livestock is being transported in interstate commerce for commercial purposes. The Secretary is also authorized and directed to conduct, in connection with such study and investigation, and intensive research program for the purpose of developing measures that can be taken to reduce materially the number of animals lost, through injury and disease, during transportation for commercial purposes. In carrying out such study and investigation and such research, the Secretary shall devote special attention to—

(1) the incidence of respiratory diseases among animals transported in interstate commerce;

(2) the effects of diesel fumes on animals transported in vehicles using diesel fuel;

(3) the adequacy of current laws and regulations pertaining to the transportation of livestock;

(4) whether sufficient preconditioning procedures are required and enforced in connection with the transportation of livestock in interstate commerce;

(5) the instances in which livestock is unable to withstand long hauls because of insufficient maturity;

(6) the adequacy of ventilation and other design requirements of the vehicle or other containers in which livestock is transported;

(7) the effect of mixing livestock that has been properly preconditioned with livestock that has not been properly preconditioned or that is sick or diseased;

(8) whether livestock transported in interstate commerce should be identified in such a manner as to permit instant identification of the transportation origin of such livestock and provide other pertinent information;

(9) the methods and techniques of loading and unloading livestock, the care and treatment given livestock during transportation, the effect of time and weather conditions on livestock during transportation, requirements with respect to the crowding of livestock during transportation, and the care and treatment of livestock at stock yards and other places at which livestock may be held during the course of transporting livestock;

(10) any other stresses to which livestock may be subjected during transportation that may result in the sickness or death of such livestock; and

(11) such other matters as he deems pertinent to the study and investigation and research authorized by this Act.

SEC. 2. The Secretary of Agriculture shall submit to the Congress not more than four years after the date of enactment of this Act a final report on the results of his study and investigation and research together with such recommendations for administrative and legislative action as he deems appropriate. He shall submit such interim reports to the Congress as he deems advisable, but at least one at the end of each twelve month period following the date of enactment of this Act.

SEC. 3. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $500,000 in any fiscal year.

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By Mr. SCHWEIKER:

S. 1707. A bill to establish the Federal Bureau of Investigation as an independent agency of the executive branch of the Government, responsible to the Congress, and to provide for the term and succession of the Director and Deputy Director. Referred to the Committee on the Judiciary.

Mr. SCHWEIKER. Mr. President, I am introducing a bill to establish the Federal Bureau of Investigation as an independent agency of the executive branch, with direct responsibility to Congress and, even more important, to provide for the insulation of the Director and Deputy Director of the FBI from political pressures.

Mr. President, I regret to say that at this point in our history, no one needs to explain to this distinguished body the critical need for an independent Federal Bureau of Investigation. The evidence is before us daily, in the newspapers and in the media, and in the deluge of mail which we are all receiving from our constituents expressing outrage over the apparent involvement of the FBI in the Watergate mess.

Several of my distinguished colleagues, the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Tennessee (Mr. BROCK), and the Senator from Washington (Mr. JACKSON), have also responded to this situation, and I commend their efforts.

With all respect, however, I think that the developing FBI crisis has passed the point where it can be dealt with by simply appointing the Director for a fixed term, although that is certainly an essential first step, and it is included in my bill. Recent disclosures have made it clear that the FBI will not be truly independent until its Director and Deputy Director and any interim or acting Directors, are fully insulated from political pressure.

The FBI as an institution has rendered great service to this Nation over the years. Individual FBI agents, as well as the administrators and executives of the FBI, have performed ably and courageously in the overwhelming majority of cases, and they have been a great credit to their country.

To insure that this record of unselfish public service can continue, I have prepared legislation which will insulate the Director and Deputy Director from political pressure. It will insure that no Acting or Deputy Director will ever again be subjected to pressures to perform acts for political purposes, in order to gain promotion within the Bureau. The bill which I am now introducing will accomplish this in the following ways:

First, the Director and Deputy Director will be appointed by the President, with the advice and consent of the Senate, for a term of 10 years, and no Director or Acting Director can succeed himself, or serve as Director more than 12 years during any 22-year period.

Second, my bill provides that if the President desires to appoint the Deputy Director to succeed a Director, he must do so within 20 days following the termination of the Director's service. It would make any Acting Director ineligible to be appointed Director. This will eliminate the situation where the Deputy or Acting Director waits in limbo for his promotion, under great pressure to perform any chore requested by the executive branch.

Third, the FBI will be established as an independent agency of the executive branch, but with direct accountability to Congress. An annual report, including detailed financial data, will be required to be filed by the Director simultaneously with the President and with the Congress, and the Director will be required, if requested by one-third of the members of either the House or Senate Judiciary Committees, to appear in person and expand upon the written report.

Finally, my bill provides that the President shall dismiss a Director for malfeasance in office or neglect of duty or permanent incapacity, but it specifically provides that the failure of the Director to follow directives from the executive or legislative branches shall not be grounds for dismissal, unless such failure constitutes malfeasance in office or neglect of duty.

It is high time that we place the FBI above politics, and free the Director from the kind of carrot-and-stick pressures which we have recently witnessed. Under the present law, the carrot of possible appointment as Director has proved to be irresistible, and it has allowed the executive branch to apply the stick and demand obedience. This must stop, and the bill which I now introduce will stop it.



Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1707

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Independent Federal Bureau of Investigation Act".

ESTABLISHMENT

SEC. 2. (a) There is established as an independent establishment of the executive branch of the United States Government, the Federal Bureau of Investigation (referred to in this Act as the "Bureau").

(b)(1) The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. There shall be in the Bureau a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The term of the Director and the Deputy Director shall be ten years, except that any Director or Deputy Director appointed to fill a vacancy occuring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term, the Director and the Deputy Director shall continue to serve until his successor has been appointed and has qualified, except that neither the Director nor the Deputy Director may serve under the authority of this sentence for a period longer than sixty days after the expiration of that term.

(3) The Deputy Director may be appointed to a full term as Director: *Provided,* That such nomination is made within twenty days after the expiration of the termination of service of the prior Director. If after the expiration of twenty days following the termination of the prior Director's service, the Deputy Director has not been appointed to succeed as Director he shall be ineligible for the office of Director for a period of ten years thereafter. No individual serving as Director may be appointed to succeeed himself, regardless of the period of time he has served as Director. No acting Director shall be eligible for appointment as Director. No individual may hold the office of Director more than twelve years during any twenty-two year period.

(4) The President shall remove the Director or Deputy Director from office, prior to the expiration of their respective terms, for malfeasance in office, neglect of their duties, or permanent incapacity. Failure to follow a directive from any member of the executive branch or legislative branch of government shall not constitute grounds for removal from office unless such failure constitutes a dereliction of the lawful duties of the Director or Deputy Director.

(5) The Deputy Director shall perform such functions as the Director may prescribe and shall be the acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the Bureau not to exceed twelve Assistant Directors.

FUNCTIONS

SEC. 3. (a) There are transferred to the Bureau and the Bureau shall perform all functions carried out by the Federal Bureau of Investigation, Department of Justice.

(b) There are transferred to the Bureau, and the Bureau shall perform, all functions of the Attorney General, with respect to, and being administered through, the Federal Bureau of Investigation, Department of Justice.

(c) The Bureau is authorized to—

(1) detect and investigate crimes against the United States:

(2) assist in the protection of the President; and

(3) upon the request of the President, conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as he may direct.

This subsection does not limit the authority of departments and agencies to investigate crimes against the United States when investigative jurisdiction has been assigned by law to such departments and agencies.

(d) The Director shall cooperate fully with the Attorney General with respect to the investigation and prosecution of crimes against the United States.

(e) The Director shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; and

(2) exchange these records with, and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions.

The exchange of records authorized by clause (2) of this subsection is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(f)(1) The Director and the Bureau may investigate any violation of title 18, United States Code, involving Government officers and employees—

(A) notwithstanding any other provision of law; and

(B) without limiting the authority to investigate any matter which is conferred on them or on a department or agency of the Government.

(2) Any information, allegation, or complaint received in a department or agency of the executive branch of the Government relating to violations of such title 18 involving Government officers and employees shall be expeditiously reported to the Director by the head of the department or agency, unless—

(A) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by any other provision of law; or

(B) as to any department or agency of the Government, the Director directs otherwise with respect to a specified class of information, allegation, or complaint.

(3) This section does not limit—

(A) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice); or

(B) the primary authority of the United States Postal Service to investigate postal offenses.

PERSONNEL OF THE BUREAU

SEC. 4. (a) The Director may appoint such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(b)(1) Section 5313 of title 5, United States Code, relating to level II of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(22) Director, Federal Bureau of Investigation."

(2) Section 5314 of such title, relating to level III of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(60) Deputy Director, Federal Bureau of Investigation."

(3) Section 5315 of such title, relating to level IV of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(98) Assistant Director, Federal Bureau of Investigation (12)."

(c) The Director is authorized to fix the compensation of the personnel of the Bureau and to prescribe their functions and duties.

(d) The Director may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFERS

SEC. 5. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 3, are transferred to the Bureau.

(b) All personnel transferred by this Act shall remain in the excepted service.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) The Director may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to the Bureau by this Act, delegate any of his functions to such officers and employees of the Bureau as the Director may designate, and may authorize such successive redelegations of such functions as he may deem desirable.

(b) In order to carry out the provisions of this Act, the Bureau is authorized—

(1) to adopt, alter, and use a seal;

(2) to adopt, amend, and repeal rules and regulations governing the manner of its operations, organization, and personnel, and the performance of the powers and duties granted to or imposed upon it by law;

(3) to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible, or intangible;

(4) to enter into contracts or other arrangements or modifications thereof, with any agency or department of the United States, or with any State or political subdivision thereof, or with any person, firm, association, or corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(5) to make advance, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(6) to utilize, with their consent, the services, equipment, personnel, and facilities of any other department or agency of the United States, with or without reimbursement;

(7) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses including per diem, as authorized by section 5703 of title 5, United States Code;

(8) to make other necessary expenditures; and

(9) to take such other action as may be necessary to carry out the provisions of this Act.

(c) Upon request made by the Director each Federal department and agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with the laws to the Bureau in the performance of its functions.

EXPENSES OF UNFORESEEN EMERGENCIES OF A CONFIDENTIAL CHARACTER

SEC. 7. Appropriations for the Bureau are available for expenses of unforeseen emergencies of a confidential character, when so specified in the appropriation concerned, to

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be spent under the direction of the Director. The Director shall certify the amount spent that he considers advisable not to specify, and his certification is a sufficient voucher for the amount therein expressed to have been spent.

ANNUAL REPORT

SEC. 8. The Director shall, as soon as practicable after the end of each fiscal year, make a report in writing, to be delivered simultaneously to the President and to the Congress, on the activities of the Bureau during the preceding fiscal year, including a complete financial statement describing all expenses of the Bureau including confidential expenses as certified by the Director under section 7 of this Act. Upon the request of one-third of the members of the Judiciary Committee of either the House of Representatives or the Senate, the Director shall appear in person, during a closed session of either such Committee, or both, and shall respond to any questions concerning the operation of the Bureau, and shall, upon request, disclose all details concerning any expenses certified as confidential under any such report.

SAVINGS PROVISIONS

SEC. 9. (a) All orders, determinations, rules, regulations, permit, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any department or agency, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Director, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency, or part thereof, functions of which are transferred by this Act, except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Bureau. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the department or agency, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Bureau, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manned and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Bureau as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) if before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency, or any part thereof, is transferred to the Bureau; or

(B) any function of such department or agency, or part thereof, or officer is transferred to the Bureau,

then such suit shall be continued by the Bureau.

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Bureau or the officer in which such function is vested pursuant to this Act.

(e) This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function transferred under this Act.

(f) Orders and actions of the Bureau in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department or agency, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Bureau.

(g) In the exercise of the functions transferred under this Act, the Bureau shall have the same authority as that vested in the department or agency, or part thereof, exercising such functions immediately preceding their transfer, and actions of the Bureau in exercising such functions shall have the same force and effect as when exercised by such department or agency.

REPEALER

SEC. 10. (a)(1) Chapter 33 of title 28, United States Code, is repealed.

(2) The table of chapters of part II of such title is amended by striking out

"33. Federal Bureau of Investigation-- 531".

(b) Title VI of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

EFFECTIVE DATE: INITIAL APPOINTMENT OF OFFICERS

SEC. 11. (a) This Act, and amendments made by this Act, other than this section and section 9, shall take effect 90 days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 2 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the appropriate rates provided for in this Act or amendments made by this Act. Such compensation and related expenses of such officers shall be paid from funds available for the functions to be transferred to the Bureau under this Act.

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By Mr. CRANSTON (for himself, Mr. TAFT, Mr. WILLIAMS, Mr. BAKER, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. GOLDWATER, Mr. HART, Mr. INOUYE, Mr. JACKSON, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MOSS, Mr. PACKWOOD, and Mr. STEVENSON):

S. 1708. A bill to amend title X of the Public Health Service Act to extend appropriations authorizations for 3 fiscal years and to revise and improve authorities in such title for family planning services programs, planning, training and public information activities, and population research. Referred to the Committee on Labor and Public Welfare.

S. 1708: FAMILY PLANNING SERVICES AND POPULATION RESEARCH AMENDMENTS OF 1973

Mr. CRANSTON. Mr. President, I am pleased to introduce S. 1708, the proposed "Family Planning Services and Population Research Amendments of 1973," and am gratified to be joined in introducing this legislation by the Senator from Ohio (Mr. TAFT), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. STEVENSON). The breadth of support for this measure and the title X family planning programs is illustrated by the 16 cosponsors, divided among both parties and all political philosophies.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970—PUBLIC LAW 91-572

Mr. President, the original passage of the Family Planing Services and Population Research Act of 1970 (Public Law 91-572) was the culmination of years of effort on the part of many groups and individuals to make family planning services available to all those who wanted but could not afford them, as well as to improve our knowledge in the field of human reproduction and population dynamics so that each individual family could determine its size by choice rather than by force of circumstances.

Public Law 91-572 created a new title X in the Public Health Service Act, providing for grants and contracts to assist in the establishment and operation of voluntary family planning projects; to provide training for personnel to carry out such programs; to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, and to train researchers for such fields; and to assist in developing and making available family planning and population information to all those individuals desiring such information. The legislation carried clear expressions of congressional intent that—

First, priority would be given in furnishing such services to persons from low-income families, and that no charge would be made to such individuals, except to the extent payment would be made by a third party;



Second, acceptance of any services or information must be voluntary and cannot be made a prerequisite to eligibility for or receipt of services; and

Third, no funds appropriated under title X are to be used in programs where abortion is a method of family planning. All of these concepts are continued in the bill I introduce today.

In addition, Public Law 91-572 provided for the establishment in the Department of Health, Education, and Welfare, of an Office of Population Affairs, directed by a Deputy Assistant Secretary for Population Affairs, whose functions were described in the law as being responsible for creating liaison and coordination among all Federal programs relating to population research and family planning, and being responsible for the administration, coordination, and evaluation of all programs in the Department of Health, Education, and Welfare related to population research and family planning.

The law further required the Secretary of Health, Education, and Welfare, to make a report to Congress setting forth a plan to be implemented over a period of 5 years to carry out the purposes set forth in the act, and to report annually to Congress on its progress in reaching the objectives outlined in the plan.

THE 5-YEAR PLAN

This plan was submitted to Congress in October of 1971 and outlined the goals as follows:

In research, the plan described three areas requiring attention: The development of improved methods of fertility regulation, including the improvement of contraceptive technology and the control of infertility; studies of biologic and genetic implications of contraceptive use; and investigations of the social science aspects of population problems.

In services, the plan projected as its goal making family planning services available by 1975 to the estimated 6.6 million women who wanted such services, but could not afford them.

In training, the plan estimated 90,000 family planning personnel would be needed by fiscal year 1975, and in addition 6,000 to 8,000 physicians.

In education, the plan defined the goal as an educational program which would help individuals to plan their families effectively and to be aware of the effects of population change on the individual and on society.

ACHIEVING 5-YEAR PLAN GOALS

Mr. President to date, we have not made enough headway in the research field. Today, there is as yet no completely safe and effective means of contraception available to any woman, rich or poor. Research is urgently needed to develop a means of voluntary control of reproduction. There is much scientific opinion that the technology is there to make this breakthrough if adequate funding is provided.

In the field of education, some steps have been taken to assess the information development and dissemination resources available, but sufficient staff and budget have not been made available to the Office of Population Affairs to really make a perceptible impact on the expansion of such programs or the development of new ones.

In the field of services, Mr. President, organized programs receiving support under the authorities of title X have developed the capacity to reach some 45 percent of HEW's announced objective of reaching 6.6 million women who want family planning services, but are unable to afford them. The Department estimates that by June of this year, only 2,981,000 women will be reached through organized family planning programs. This is a level approximately 1 year behind the projection in the 5-year plan.

In the field of training, Mr. President, nearly 5,000 personnel were trained in fiscal year 1972 as a result of funds made available through the National Center for Family Planning Services. This is a beginning, but unless this program is given increased attention and emphasis it will not be able to achieve the objective that has been set in the 5-year plan to train a total of 98,000 individuals by 1975.

PROVISIONS OF S. 1708

The legislation we are introducing today—S. 1708—extends and consolidates the provisions of the Family Planning Services and Population Research Act of 1970 and generally approves and tightens up its provisions to more clearly reflect the original congressional intent in the 91st Congress, and to insure that programs can be implemented in accordance with this intent.

In general, the bill would consolidate the provisions of the existing title X of the Public Health Service Act with the provisions of Public Law 91-5572, the Family Planning Services and Population Research Act of 1970. This consolidation places in the Public Health Service Act the statutory authority for reports on implementation and achievements of the programs mandated by that title, as well as the organizational structure of the Office of Family Planning and Population Science, to be headed by an Assistant Secretary rather than a deputy assistant secretary. The functions and responsibilities of the Assistant Secretary are clearly defined, and two centers are established directly under his office—a National Center for Family Planning Services, and a National Center for Population Science—with directors appointed by the Assistant Secretary.

In addition, a National Advisory Council on Family Planning and Population Science is established which would exercise peer review authority on research programs supported in the fields of human reproduction, the provision of family planning services, and population dynamics, and would make recommendations with respect to the establishment of policies and implementing regulations to carry out all the provisions of title X, as it would be amended by S. 1708.

The grant and contract authorities currently in title X are maintained with the exception of the State formula grant provision for services, which has never been funded and has been opposed by the administration. Appropriations authorizations for the four programs—services, research, training, and education—are extended for 3 fiscal years, through fiscal years 1976 with modest increases in the amounts authorized. In each case, congressional intent is clearly stated as to the necessity of implementing these appropriations, authorities, and for the purpose of carrying out the objectives in the 5-year plan and its updates.

New requirements are added which will safeguard the rights of individual recipients of services, encourage the provision of family planning services as part of comprehensive child and maternal services, include infertility services as a specific service for which support may be provided, and require the participation of those individuals served by the programs to participate in the decisionmaking process of such programs.

Also, the requirements for the 5-year plan are revised and refocused, an amended plan to meet these requirements is mandated, and the information to be included in the annual updated reports is specified with greater particularity. Finally, to try to insure a more timely submission of the plan and annual updates—which have traditionally been presented months after they were due by law—the bill calls for submission to the Congress of the version submitted by HEW to the Office of Management and Budget, and places statutory responsibility for preparation and submission directly on the Assistant Secretary.

Mr. President, the Special Subcommittee on Human Resources, which I am privileged to chair, of the Labor and Public Welfare Committee will hold hearings on S. 1708 and Federal family planning and population research programs next week on Tuesday, Wednesday and Thursday, May 8-10.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a summary of the individual provisions of S. 1708, to be followed by the full text of the bill.

There being no objection, the summary and the bill were ordered to be printed in the RECORD, as follows:

SUMMARY OF PROVISIONS OF S. 1708: THE FAMILY PLANNING SERVICES AND POPULATION RESEARCH AMENDMENTS OF 1973

SEC. 1000. Declaration of Purpose. Establishes as purposes of the title, assistance in: making comprehensive voluntary family planning services readily available to all persons desiring such services; strengthening domestic research in the fields of human reproduction, the provision of family planning services, and population dynamics; improving administration and operation of such programs; developing and making readily available information on family planning services and population dynamics; evaluating and improving the effectiveness of programs; providing trained manpower to effectively carry out such programs; and establishing an Office of Family Planning and Population Science.

SEC. 1001. Plans and Reports. Requires the Assistant Secretary for Family Planning and Population Science to report (through the Secretary) to Congress not later than six months after enactment of the section on: the number of individuals in need of family planning services—organized and otherwise—and a timetable for serving them, the number who can be served by HEW programs, the types of information and educa-

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tional materials to be developed, research goals to be established and a timetable for their achievement, and the manpower required to meet these objectives, as well as steps taken to maintain the reporting system which would yield data on which service projections and program evaluations will be based. This revised report would also include the January 1, 1974, updated report pursuant to section 5(b) of Public Law 91–572. In addition to the report required six months after the date of enactment, the Assistant Secretary is required to submit progress reports annually on specific achievements made in reaching goals established by the six-month report.

SEC. 1002. Voluntary Family Planning Services Grants and Contracts. Authorizes grants to assist in the establishment and operation of voluntary family planning programs and projects. Appropriations are authorized for an additional three-year period—fiscal years 1974 ($159.5 million), 1975 ($207.5 million) and 1976 ($255.5 million). The increase in authorization of appropriations for each year (over the current $111.5 million—of which $107 million was requested in the President's FY 1973 budget) represents the cost of providing services to the approximately 800,000 additional individuals the Department's five-year plan for family planning services (submitted pursuant to P.L. 91–572) projected will have to be served each year in order to meet by 1976 the five-year goal of reaching 6.6 million women from low-income families desiring services.

This section would further change existing law by specifying that grants and contracts awarded under this section must be made with the concurrence of the Assistant Secretary for Family Planning and Population Science and be carried out through the new National Center for Family Planning Services in the Assistant Secretary's Office and in consultation with the new National Advisory Council established by new section 1009. Language is also added clarifying that in determining the relative need of the applicant, the Secretary shall take into consideration the availability of third party payments to finance services, but only to the extent that the Secretary determines that the applicant has, in the past, been able to obtain such payments on a timely and continuing basis.

In addition, the section is amended to specify that the amount authorized to be appropriated for the grant and contract authority is to meet the objectives set forth in the revised and updated plan submitted by the Secretary pursuant to section 1001.

SEC. 1003. Training Grants and Contracts. Extends appropriations authorizations for an additional three-year period—fiscal years 1974 ($5 million), 1975 ($7.5 million), and 1976 ($10 million)—for training grants and contracts for the training of such personnel to carry out family planning services programs eligible for support under title X as are needed to meet program objectives specified in the plan. The FY 1973 authorization and budget request are $4 million and $3 million, respectively, for this item. This section would, again, amend existing law by specifying that grants and contracts awarded under this section must be made with the concurrence of the Assistant Secretary for Family Planning and Population Science and be carried on through the new National Center for Family Planning Services and in consultation with the new National Advisory Council. The necessity of training nurse midwives to carry out family planning services programs is also stressed.

In addition, existing law is changed to specify that the amount authorized to be appropriated for the grant and contract authority is to meet the objectives set forth in the revised and updated plan submitted by the Secretary, and that in determining the amount of funds to be provided under any grant or contract, the Secretary shall ensure that assistance under title X is provided only to the extent such training is not supported by a sufficient amount of Federal assistance under other titles of the Public Health Service Act or other provisions of law. The section further requires the Assistant Secretary to concur in the awarding of any grants for the training of personnel in the field of family planning which training would be authorized under this section.

SEC. 1004. Research Grants and Contracts. Extends appropriations authorizations for an additional three-year period—fiscal years 1974 ($65 million), 1975 ($75 million) and 1976 ($80 million)—for grants and contracts for research in biomedical, contraceptive development, social science and program implementation fields related to family planning and population dynamics. The present FY 1973 authorization is $65 million. The FY 1973 budget includes $39.8 million for contraceptive development carried out under the National Institute for Child Health and Human Development, not under title X. To remedy this, the section also gives the Assistant Secretary authority to utilize any other population research authority and appropriations thereunder to carry out research goals under this section. Any Federal support for contraceptive development research carried out by a profit-making entity is limited to 50 per cent of the total cost of such research. This section would, again, amend existing law by specifying that grants and contracts awarded under this section must be made with the concurrence of the Assistant Secretary for Family Planning and Population Science and carried out through the new National Center for Population Science and after peer-review consultation with the new National Advisory Council. In addition, the section would change the existing law to specify that the amount authorized to be appropriated for the grant and contract authority is to meet the objectives set forth in revised and updated plan submitted by the Secretary. Grants for the establishment of university-based research centers are stressed.

SEC. 1005. Informational and Educational Material Grants and Contracts. Extends appropriations authorizations for an additional three-year period—fiscal years 1974 ($1.5 million), 1975 ($2 million) and 1976 ($3 million)—for grants and contracts for informational and educational materials on family planning and on the causes and consequences of demographic characteristics and trends, as well as for the distribution of such materials. The present FY 1973 authorization is $1.25 million and $700,000 is included in the FY 73 budget. The section gives the Assistant Secretary authority to sign off on population education or information assistance provided under any other law which would be authorized under this section. This section would, again, amend existing law by specifying that grants and contracts awarded under this section must be made with the concurrence of the Assistant Secretary for Family Planning and Population Science in consultation with the new National Advisory Council. The section would also change existing law to specify that the amount authorized to be appropriated for the grant and contract authority is to meet the objectives set forth in the plan submitted by the Secretary.

SEC. 1006. Regulations, Payments, and Special Conditions. Requires projects or programs receiving assistance under section 1002 to be located so as to be most accessible to persons from low-income families rather than to express this thought as a priority to low-income persons in the provision of services, as in present law. The section also prohibits charges for such services except to the extent that payment will be made by a third party, and requires wherever feasible, such projects or programs to make arrangements, either directly or through linkages, for a comprehensive range of child and maternal health services, including infertility services, to individuals to whom family planning services are made available. The section further requires that those persons served by such projects and programs participate in the decision-making process for such projects or programs; requires opportunity for review and (non-binding) comment by the 314(a) and (b) (comprehensive health planning) agencies on applications for family planning services support under section 1002; prohibits research programs involving human subjects at risk unless projects or programs have assured the Secretary that the rights and welfare of any individuals involved are fully protected; and limits provision of drugs to individuals to only those usea indicated in the official labeling for such drugs approved by the Food and Drug Administration (except in the case of the use of investigational new drugs where such use is in compliance with requirements prescribed by the Secretary, or where use for another purpose is approved by a peer review committee in accordance with regulations prescribed by the Secretary, or where two physicians certify that such use is necessary in a life-threatening situation). The term "low-income family" is defined as the Department of Labor lower living standard budget ($7,214) and the questioning of any individual as to his income level is prohibited in services projects and programs assisted under title X. Finally, a State health authority in order to receive support under section 1002 is required to submit a statewide plan for a comprehensive program of family planning services, with requirements for subsequent periodic reporting on achievements in reaching goals outlined in the plan.

SEC. 1007. Voluntary Participation. Requires that acceptance of any service or information provided through financial assistance under title X must be on a totally voluntary basis and cannot be made a condition for the receipt of any other service or benefit. (Identical to the present title X language.)

SEC. 1008. Prohibition of abortion. Prohibits use of funds under title X in programs where abortion is a method of family planning. (Identical to the present title X language.)

SEC. 1009. Office of Family Planning and Population Science. Establishes within the Office of the Secretary of HEW an Office of Family Planning and Population Science, to be directed by an Assistant Secretary for Family Planning and Population Science appointed by the President by and with the advice and consent of the Senate, and establishes within the Office of Family Planning and Population Science a National Center for Family Planning Services (currently existing under the Health Services and Mental Health Administration in HEW) and a National Center for Population Science (currently existing under the NIH Institute of Child Health and Human Development). The section also establishes a National Family Planning and Population Science Advisory Council consisting of the Secretary, the Assistant Secretary, the Directors of the two new Centers, and fifteen (eight technical/scientific/programmatic and seven general public) members appointed by the Secretary. Functions of the Council shall be to advise, consult with, and make (peer-review-type) recommendations to the Secretary on applications for grants and contracts for research under section 1004, and to make recommendations to the Secretary with respect to the establishment of policies and implementing regulations to carry out all the provisions of title X, including the preparation and review of the annual budget estimate for all programs under title X, and of the plan and reports required by title X.

SEC. 1010. Functions of the Assistant Secretary for Family Planning and Population Science. Requires the Secretary: to administer and be responsible for grants and contracts related to family planning services and research in the fields of human reproduction, the provision of family planning services, and population dynamics, including training of necessary manpower for such programs and evaluation of all such programs; to concur in the operation of programs providing any other Federal assistance for such purposes (including consultation with the FDA Commissioner on the testing, evaluation and approval of contraceptive methods under the Federal Food, Drug and Cosmetic Act); to act as a clearinghouse for information pertaining to such programs; and to provide liaison with activities carried on by other agencies of the Federal Government relating to such programs. The Assistant Secretary is also given responsibility for preparing the budgets for carryingout the programs of the National Center for Family Planning Services and the National Center for Population Science, as well as the responsibility for appointing the Directors of such Centers.

Miscellaneous Provisions. Amend Public Law 91–516, the Environmental Education Act, to add the Assistant Secretary as a member of the Advisory Council on Environmental Education; and to require, wherever feasible, that grants or contracts supported under that Act include programs for consideration of the relation of population to the total human environment and require that grants and contracts including such a component or any other component related to population education have the concurrence of the Assistant Secretary.

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Family Planning Services and Population Research Amendments of 1973".

SEC. 2. Title X of the Public Health Service Act is amended to read as follows:

"TITLE X—VOLUNTARY FAMILY PLANNING AND POPULATION SCIENCE PROGRAMS

"DECLARATION OF PURPOSE

"SEC. 1000. It is the purpose of this title to provide for—

"(1) assistance in making comprehensive voluntary family planning services readily available to all persons desiring such services, particularly persons from low-income families.

"(2) assistance in strengthening domestic research in the fields of human reproduction, the provision of family planning services, and population dynamics, and coordination of such research with the present and future needs of family planning programs;

"(3) improvement of administrative and operational supervision of domestic family planning programs and of domestic research programs in the fields of human reproduction, the provision of family planning services, and population dynamics;

"(4) assistance to enable public and nonprofit private entities to plan and develop comprehensive programs of family planning services;

"(5) assistance to develop and make readily available information (including educational materials) on family planning services and population dynamics to all persons desiring such information;

"(6) evaluation and improvement of the effectiveness of family planning services programs and of research programs in the fields of human reproduction, the provision family planning services, and population dynamics;

"(7) assistance in providing trained manpower needed to effectively carry out family planning services program and research programs in the fields of human reproduction, the provision family planning services, and population dynamics; and

"(8) establishment of an Office of Family Planning and Population Science in the Office of the Secretary of the Department of Health, Education, and Welfare to carry out or exercise concurrent responsibility for and coordiwithin the Federal Government all Federal programs pertaining to family planning services and to research in the fields of human reproduction, the provision family planning services, and population dynamics.

"PLANS AND REPORTS

"SEC. 1001. (a) The plan (to be carried out over a five-year period for extension of family planning services to all persons desiring such services, for family planning and population research programs, for training of necessary health manpower for programs authorized by this title and other Federal laws, and for carrying out other purposes in Public Law 91–572) submitted by the Secretary to the Congress pursuant to section 5(a) and (b) of Public Law 91–572 shall be revised and updated, and submitted, not later than six months after the date of enactment of this section, by the Assistant Secretary for Family Planning and Population Science, after consultation with the National Family Planning and Population Science Advisory Council established by section 1009(e), through the Secretary, to the Congress to specify, at a minimum, on a phased basis—

"(1)(A) the total number of individuals (and their family income levels) in the United States (i) in need of family planning services, (ii) who can be served by organized and comprehensive family planning services and (iii) who which can be served by family planning programs under this title and other Federal laws for which the Secretary has responsibiltiy and a timetable for providing services to all individuals in need of family planning services;

"(B) the types of family planning and population information and educational materials to be developed under this title, Public Law 91–516 (20 U.S.C. 153 et seq.), and other Federal laws and the ways in which such materials will be made available;

"(C) the research goals to be established under such laws and a timetable of the progress to be made toward achievement of such goals; and

"(D) the total manpower required to meet the objectives specified pursuant to subclauses (A), (B), and (C) of this subsection, with separate estimates of the manpower needed to be trained under this title and other laws for which the Secretary has responsibility;

"(2) an estimate of the total costs and personnel requirements needed to meet the objectives specified pursuant to clause (1) of this subsection, including an estimate of such costs and requirements to be met—

"(A) under this title and other Federal laws for which the Secretary has responsibility;

"(B) from nongovernmental and State and local government resources; and

"(C) the assumptions and authorities on which all such estimates are based; and

"(3) the steps taken to maintain and operate the reporting system (to yield comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based) required to be established by section 5(b)(3) of Public Law 91–572.

Such revised plan shall also include the specifications required by section 5(c) of Public Law 91–572 with respect to the objectives set forth in the plan submitted by the Secretary pursuant to section 5 (a) and (b) of such law.

"(b) On or before January 1, 1975, January 1, 1976, and January 1, 1977, respectively, the Assistant Secretary for Family Planning and Population Science, after consultation with the National Family Planning and Population Science Advisory Council established by section 1009(e), shall submit to the Congress, through the Secretary, a report which shall, at a minimum, specify—

"(1) projections and a comparison of accomplishments during the preceding fiscal year with the objectives established for such year under the plan submitted pursuant to subsection (a) of this section;

"(2) steps to be taken to achieve or maintain the service, manpower training research, and educational objectives during the remaining fiscal years of the plan and any revisions in such objectives and the schedule for achieving them necessary to meet or maintain these objectives;

"(3) a full explanation of any significant discrepancies between such objectives and actual accomplishments;

"(4) steps, and a timetable for their implementation, being taken to achieve the orderly integration of comprehensive, coordinated family planning services into existing comprehensive health care programs or systems by June 30, 1977; and

"(5) any recommendations with respect to additional legislation or administrative action necessary or desirable in carrying out such plan.

"(c) If the plan and subsequent reports to be submitted pursuant to subsections (a) and (b) of this section are submitted, prior to submission to the Congress, for review by the Office of Management and Budget or any other Federal department or agency or official thereof (1) the plan or report submitted to the Congress shall specify the changes and the reasons therefor made during any such review process, and (2) if any such review process delays the submission of such plan or report to the Congress beyond the date established for such submission by this section, the Assistant Secretary shall immediately on such date submit to the Congress the plan or report in exactly the form it was submitted to such review process.

"VOLUNTARY FAMILY PLANNING SERVICES GRANTS AND CONTRACTS

"SEC. 1002. (a) The Secretary, with the concurrence of the Assistant Secretary for Family Planning and Population Science and through a National Center for Family Planning Services, shall make grants to and enter into contracts with public or nonprofit entities to assist in the establishment and operation of voluntary family planning programs and projects.

"(b) In making grants and contracts to provide assistance under this section, the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant (taking into consideration the availability of third-party (including government agency) payments to finance such services but only to the extent that the Secretary determines that the applicant has been able to obtain such payments on a timely and continuing basis), and its capacity to make rapid and effective use of such assistance.

"(c) For the purposes of making grants and contracts under this section to meet the services objectives specified in (1) the plan and reports submitted pursuant to section 5(a) and (b) of Public Law 91–572 and (2) beginning six months after the date of enactment of this Act, the revised plan submitted pursuant to section 1001(a) and the subsequent reports submitted pursuant to section 1001(b), there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $60,000,000 for the fiscal year ending June 30, 1972; $111,500,000 for the fiscal year ending June 30, 1973; $159,500,000 for the fiscal year ending June 30, 1974; $207,500,000 for the fiscal year ending June 30, 1975; and $255,500,000 for the fiscal year ending June 30, 1976.



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"(d) For the purposes of this title, the terms 'State' and 'United States' include Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"TRAINING GRANTS AND CONTRACTS

"SEC. 1003. (a) The Secretary, with the concurrence of the Assistant Secretary for Family Planning and Population Science and through a National Center for Family Planning Services, in consultation with the National Family Planning and Population Science Advisory Council established by section 1009(e), shall make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals to provide the training for personnel (including nurse midwives) to carry out family planning services programs eligible for assistance under section 1002.

"(b) In determining the amount of funds to be provided under any such grant or contract, the Secretary shall ensure that assistance under this title is provided only to the extent that such training is not supported by a sufficient amount of Federal assistance under other titles of this Act or other provisions of law to meet the manpower training objectives specified in (1) the plan and reports submitted pursuant to section 5(a) and (b) of Public Law 91–572 and (2) beginning six months after the date of enactment of this Act, the revised plan submitted under section 1001(a) and the subsequent reports submitted pursuant to section 1001(b). Notwithstanding any other provision of law, no funds other than those appropriated under this section shall be used for the training of family planning personnel authorized to be supported under this section unless the Assistant Secretary for Family Planning and Population Science shall have concurred in the terms and conditions governing the use of such funds.

"(c) For the purpose of making payments pursuant to grants and contracts under this section to meet the training objectives specified in clauses (1) and (2) of the first sentence of subsection (b), there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; $4,000,000 for the fiscal year ending June 30, 1973; $5,000,000 for the fiscal year ending June 30, 1974; $7,500,000 for the fiscal year ending June 30, 1975; and $10,000,000 for the fiscal year ending June 30, 1976.

"RESEARCH GRANTS AND CONTRACTS

"SEC. 1004. (a) In order to promote research in the biomedical, contraceptive development, social science, and program implementation fields related to family planning and population dynamics, the Secretary, with the concurrence of the Assistant Secretary for Family Planning and Population Science and through a National Center for Population Science, after consultation with the National Family Planning and Population Science Advisory Council established by section 1009(e), shall make grants to public or nonprofit entities and enter into contracts with public or private entities and individuals for projects for research and research training (including travel, subsistence expenses, and stipends) in such fields, including the establishment of university-based research centers.

"(b) Notwithstanding any other provision of law and except with respect to programs and activities authorized under the Foreign Assistance Act of 1962, as amended (22 U.S.C. 2151–2412), (1) no funds other than those appropriated under this section shall be used for research and research training in the biomedical and contraceptive development fields related to family planning, except that such funds authorized to be appropriated by such other provisions of law to support such development may, notwithstanding any other provision of law unless enacted in express limitation of this subsection, be expended and obligated by the Assistant Secretary for Family Planning and Population Science, in accordance with the provisions of this section, and (2) funds provided under this section or any other provision of law under any contract with a profit-making entity to support any contraceptive development research shall be limited to not more than 50 per centum of the total cost attributed to the research activity covered by such contract.

"(c) For the purpose of making payments pursuant to grants and contracts under this section to meet the research objectives specified in (1) the plan and reports submitted pursuant to section 5(a) and (b) of Public Law 91–572 and (2) beginning six months after the date of enactment of this Act, the revised plan submitted pursuant to section 1001 (a) and the subsequent reports submitted pursuant to section 1001 (b) there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $50,000,000 for the fiscal year ending June 30, 1972; $65,000,000 for the fiscal year ending June 30, 1973; $85,000,000 for the fiscal year ending June 30, 1974; $75,000,000 for the fiscal year ending June 30, 1975; and $80,000,000 for the fiscal year ending June 30, 1976.

"INFORMATIONAL AND EDUCATIONAL MATERIALS GRANTS AND CONTRACTS

"SEC. 1005. (a) The Secretary, through the Assistant Secretary for Family Planning and Population Science, in consultation with the National Family Planning and Population Science Advisory Council established by section 1009(e), shall make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for—

"(1) the development of educational and informational materials on voluntary family planning;

"(2) the development of educational and informational materials on the causes and consequences of demographic characteristics and trends; and

"(3) the distribution of such materials to all persons desiring such information and materials.

"(b) Notwithstanding any other provision of law, no funds other than those appropriated under this section shall be used for the development of educational and informational materials authorized to be supported under this section unless the Assistant Secretary for Family Planning and Population Science shall have concurred in the terms and conditions governing the use of such funds.

"(c) For the purpose of making payments pursuant to grants and contracts under this section to meet the public information and educational materials objectives specified in (1) the plan and reports submitted pursuant to section 5 (a) and (b) of Public Law 91–572 and (2) beginning six months after the date of enactment of this Act, the revised plan submitted pursuant to section 1001(a) and the subsequent reports submitted pursuant to section 1001(b), there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $1,500,000 for the fiscal year ending June 30, 1974; $2,000,000 for the fiscal year ending June 30, 1975; and $3,000,000 for the fiscal year ending June 30, 1976.

"REGULATIONS, PAYMENTS, AND SPECIAL CONDITIONS

"SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with regulations which the Secretary shall prescribe.

"(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

"(c) A grant may be made or contract entered into under section 1002 for a voluntary family planning services project or program only upon assurances satisfactory to the Secretary, in accordance with regulations which he shall prescribe, that—

"(1) projects or programs will be located so as to serve persons from low-income families;

"(2) no charge will be made in such projects or programs except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge;

"(3) wherever feasible, such projects or programs have made arrangements for the provision, either directly or through linkages with other health providers, of a comprehensive range of child and maternal health services, including infertility services, to those persons or families to whom voluntary family planning services under this title are made available;

"(4) substantial opportunities are provided for low-income persons served by or to be served by such projects or programs to participate in the decisionmaking process of such projects or programs;

"(5) the State comprehensive health planning agency established pursuant to section 314(a) and the areawide health planning agency (if any) established pursuant to section 314(b) have had an opportunity to comment thereon, within ninety days of the submission to those agencies of copies of such application, and the applicant has submitted to the Secretary a reply to any such comments with a view toward accommodating and resolving any differences with such agency or agencies;

"(6) no research activity in connection with such projects or programs which involves any human subjects at risk will be undertaken unless such projects or programs have, on the basis of a peer review procedure (including participation by consumer), submitted to the Secretary, in accordance with regulations which he shall prescribe, a certification based on such review that, in accordance with standards prescribed in such regulations, the rights and welfare of any human subjects involved are adequately protected, the risks to each such individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained, and the informed consent of such individual will be obtained by appropriate methods; and

"(7) any drugs provided individuals shall be prescribed only for uses indicated in the official labeling approved pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.), except when (1) in the case of the use of investigational new drugs as defined in such Act, the use is in compliance with requirements for investigational new drugs and procedures for human subjects at risk in accordance with regulations which the Secretary shall prescribe (including full and written disclosure of the investigational nature of the use, and the indications and contraindications associated with such use, to each prospective user), or (2) use for another purpose is approved by a peer review committee, in accordance with regulations which the Secretary shall prescribe, or (3) two physicians certify that such use is necessary in a life-threatening situation.

For the purposes of this subsection, the term 'low-income family' means a family with that income level (adjusted for regional and metropolitan, urban and rural differences and family size) determined annually by the Bureau of Labor Statistics of the Department of Labor and referred to by such Department as the 'lower living standard budget'. The comments procedure established by clause (5) of this subsection shall not be administered in such a way as to delay the review and grant process carried out pursuant to section 1002.

"(d) In furnishing voluntary family planning services in projects or programs assisted under this title, no project or program, or any person working in such project or program, shall request or require any person to submit any information with respect to such person's or such person's family's income level.

"(e) No grant may be made to a State health authority under section 1002 unless such authority has submitted, and the Secretary has approved, a statewide plan, which shall be updated annually in connection with each such grant, for a coordinated and comprehensive program of voluntary family planning services, which shall specify at a minimum—

"(1) the number of individuals in such State (and the income levels of their families) estimated to be in need of and the number then receiving family planning services;

"(2) the types of services being and, with assistance under this section, to be provided;

"(3) the sources and levels of state funds to be made available for such services;

"(4) the geographical and program priorities which will govern the utilization of available Federal and State financial resources for such services; and

"(5) assurances that the requirements of subsection (b) (6) and (7) of this section will be met.

Such plans shall be made available and easily accessible to the Congress and to the public.

"VOLUNTARY PARTICIPATION

"SEC. 1007. The acceptance by any individual of family planning services or family planning or population information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such services or information.

"PROHIBITION OF ABORTION

"SEC. 1008. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

"OFFICE OF FAMILY PLANNING AND POPULATION SCIENCE

"SEC. 1009. (a) There is established within the Office of the Secretary an Office of Family Planning and Population Science to be directed by an Assistant Secretary for Family Planning and Population Science (hereinafter referred to as the 'Assistant Secretary') who shall be appointed by the President by and with the advice and consent of the Senate.

"(b) The Secretary shall provide such Office with such full-time professional and clerical staff and with the services of such consultants as may be necessary to assist the Assistant Secretary to carry out his function under this title.

"(c) The Secretary shall make available to the Assistant Secretary such sums as may be necessary for him to administer such Office and to carry out the functions of such Office under this title, including the costs of collecting the data necessary for carrying out the requirements of section 1001. In no event may such sums be greater than 1 per centum of the total sum appropriated or made available for expenditure under this title.

"(d) There is established within such Office a National Center for Family Planning Services and a National Center for Population Science, which shall, respectively, be assigned and carry out the functions assigned to such Centers by this title and such other duties and responsibilities as the Assistant Secretary may specify in regulations.

"(e) (1) The Secretary shall establish a National Family Planning and Population Science Advisory Council with which he and the Assistant Secretary shall consult on a continuing and regular basis in administering this title. The Council shall consist of the Secretary, the Assistant Secretary, the Directors of the National Center for Family Planning Services and the National Center for Population Science, respectively, established by subsection (d) of this section, all of whom shall serve as ex officio, nonvoting members thereof, and fifteen members appointed by the Secretary. Not more than ten of the appointed members of the Council shall be scientists, physicians, or persons representative of groups or organizations specializing in family planning or research in the fields of human reproduction, the provision of family planning services, and population dynamics, or both, and not less than five of the appointed members shall be representatives from the general public who are not directly related to the provisions of family planning services or the conduct of research in the fields of human reproduction the provision of family planning services, and population dynamics (except that one such member shall be a person who has been or is a recipient of services from a program or project supported under this title). The Secretary shall designate as Chairman of the Council one of the appointed members.

"(2) The functions of the Council shall be to advise, consult with, and make recommendations to, the Secretary (through appropriate subgroups which it shall appoint) on applications received for grants and contracts in excess of $35,000 under section 1004 of this Act, and to make recommendations to the Secretary with respect to the establishment of policies and implementing regulations to carry out all provisions of this title, including preparation and review (including any agency appeal thereof) of the annual budget estimate for the programs established under this title and of the plan and subsequent reports required to be submitted by section 1001.

"(3) Each appointed member of the Council shall be appointed for a term of four years, except that—

"(A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term; and

"(B) of the members first appointed after the effective date of this title, five shall be appointed for a term of four years, five shall be appointed for a term of three years, and five shall be appointed for a term of one year, as designated by the Secretary at the time of the appointment, except that the initial terms of members appointed from the general public who are not directly related to the provision of family planning services or the conduct of research in the fields of human reproduction, the provision of family planning services, and population dynamics shall be not less than three years. Appointed members may serve after the expiration of their terms until their successors have taken office.

"(4) A vacancy in the Council shall not affect its activities, and nine voting members of the Council shall constitute a quorum for the purpose of making recommendations pursuant to paragraph (2) of this subsection.

"(5) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(6) The Council shall meet at the call of the Chairman, but not less often than four times each year.

"FUNCTIONS OF THE ASSISTANT SECRETARY FOR FAMILY PLANNING AND POPULATION SCIENCE

"SEC. 1010. (a) The Secretary shall utilize the Assistant Secretary to—

"(1) administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants or contracts related to, and to exercise concurrent responsibility with respect to all other Federal laws providing support for family planning programs and research in the fields of human reproduction, the provision of family planning services, and population dynamics;

"(2) administer and be responsible for all research in the fields of human reproduction, the provision of family planning services, and population dynamics carried on directly by the Department of Health, Education, and Welfare or supported by the Department through grants to or contracts with entities and individuals, and consult with the Commissioner of the Food and Drug Administration in order to coordinate testing, evaluation, and approval of methods of contraception carried out under the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 321 et seq.) with similar activities carried out under this title;

"(3) act as a clearinghouse for information pertaining to domestic and international family planning services programs and research in the fields of human reproduction, the provision of family planning services, and population dynamics for use by all interested persons and public and private entities;

"(4) provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to research in the fields of human reproduction, the provision of family planning services, and population dynamics;

"(5) administer and be responsible for the training of necessary manpower for domestic family planning services programs and domestic programs of research in the fields of human reproduction, the provision of family planning services, and population dynamics;

"(6) coordinate, and be responsible for, the evaluation of the other Department of Health, Education, and Welfare programs relating to family planning and to research in the fields of human reproduction, the provision of family planning services, and population dynamics, and to make periodic recommendations to the Secretary;

"(7) submit to him directly, with appropriate opportunity for comments by the Assistant Secretary for Health and Scientific Affairs, after consultation with the National Family Planning and Population Science Advisory Council established by section 1009 (e), the budgets for carrying out programs of the National Center for Family Planning Services and the National Center for Population Science, after receiving such budget proposals from the directors of such respective centers; and

"(8) provide such staff and other support to the Advisory Council established by section 1009(e) and the National Centers established by section 1009(d) as is necessary to ensure the capacity of such Council and such Centers, respectively, to carry out their functions under this title effectively.

"(b) The Assistant Secretary shall appoint the Director of the National Center for Family Planning Services and the Director of the National Center for Population Science, established by section 1009(d), and such



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Directors shall be directly responsible to him."

SEC. 3. Public Law 91-572 is repealed effective upon the date of enactment of this Act.

SEC. 4. (a) Section 3(c)(1) of Public Law 91-516 (22 U.S.C. 1532(c)(1)) is amended by adding after the first sentence the following new sentence: "The Assistant Secretary for Family Planning and Population Science, as established by section 1009(a) of the Public Health Service Act, shall serve as an ex officio, nonvoting member of the Council."

(b) Section 3(b)(3) of such Public Law (20 U.S.C. 1532(b)(3)) is amended by adding at the end thereof the following new sentence: "Such grants or contracts shall, wherever feasible, include provision and funding for consideration of the relation of population to the total human environment, and grants or contracts including such provision and any other provisions for population education shall not be entered into except with the concurrence of the Assistant Secretary for Family Planning and Population Science with respect to such provision or provisions."

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By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1709. A bill relating to the reduction of civilian personnel at military installations in the United States and the closing of military installations in the United States. Referred to the Committee on Armed Services.

Mr. TUNNEY. Mr. President, American workers should not be thrown out of jobs while we subsidize foreign nationals in shipyards and other installations overseas. That is the premise of legislation Senator CRANSTON and I are introducing today.

The bill would protect the jobs of civilian personnel in this country.

It would preserve defense installation in this country.

It would help assure the continued economic survival of many hard-pressed cities in this country.

In brief, it would keep American workers on the job instead of turning over their work to foreign-based installations, the only exception being cases where U.S. defense posture or the economy would be seriously and adversely effected.

The Defense Department used a meat axe to cut defense facilities in this country. It has done nothing to cut costly and duplicative facilities in other countries. Consequently, shipyard workers in the Philippines and Japan will be at work while those in San Francisco, Boston, and elsewhere in this Nation may be in unemployment lines.

The Defense Department acted without apparent concern for the economic hardships it is bringing upon thousands of working men and women in this country.

It acted without prior planning to alleviate difficulties that must now be faced by scores of affected communities.

It acted with the full knowledge that its economic assistance program is a sham. It has but one man permanently assigned in California to administer its entire program. This is equivalent to asking the man to stem a flood with a sponge.

In California, the Defense Department action will disrupt the lives of 60,000 persons. Some are servicemen who, along with their families, will be shifted to other bases. Many are civilians who will have to pull up roots and relocate, trying to find new homes at today's inflated prices. For 4,000 there are no other jobs slotted. The Defense Department admits that for the people it will be a "hard time."

Twice since the Defense Department announced the cutbacks, I have flown to California to meet with the men and women affected. One obvious and compelling conclusion emerged from these visits: cutbacks in military expenditures should begin with overseas bases, not with those in our own country.

Clearly, we should reduce defense spending, but American workers must not be the first victims.

Let us look at the bases I visited in California:

Hunter's Point Naval Shipyard in San Francisco performs repair, overhaul and conversion of surface ships. It employs 5,184 civilians. It is scheduled to be closed 30 June, 1974. The Defense Department has indicated it plans to transfer only 535 of the 5,184 civilians who will be displaced. All others will be terminated with the provision that, if they so desire, they can be added to the nationwide pool for possible rehire, not necessarily in equivalent positions.

Drydocking and other facilities at Hunter's Point are also performed at our overseas installations, such as Subic Bay in the Philippines, Yokosuka, in Japan, and Guam in the Marianas. I have asked the Department of the Navy for a complete accounting of all our overseas bases especially those which are classified as "Ship Repair Facilities."

Preliminary reports from the Navy are revealing. During the past year, seven of our ships were overhauled at Guam, and one at Yokosuka. Some 5,639 foreign nationals at Subic Bay remain on the Department of Defense payroll even though our fleets no longer operate off the coast of Vietnam, and our ships could be repaired in home waters.

The United States maintains a total of 2,300 foreign military installations at an annual cost of approximately $30 billion. Almost 200,000 civilians are employed by the United States at our foreign installations. Approximately 87 percent are foreign nationals. Many of these workers are working on assignments which could be performed at our own domestic installations.

I just learned today that at the same time the Department of Defense is planning to close Hunter's Point they are asking Congress to authorize $2.723,000 for new construction at Subic Bay, $8,376,000 for new construction at Guantanamo Bay, and $14,225,000 for new construction at Guam.

If the goal of the Defense Department is to cut costs and consolidate operations—a goal I support—the place to begin is overseas. We gain little by disrupting our own economy through aggrevating unemployment at home and exacerbating our international balance of payments.

Another heavily hit California installation is the Naval Station in Long Beach, one of the principal bases on the west coast. It provides for the construction, overhaul, repair and drydocking, conversion and outfitting of ships and crafts operating in the Pacific. The Defense Department's action will result in the reduction of over 17,000 military and 780 civilian personnel from the Long Beach area. The estimated savings to the Navy are $11.4 million annually. The city of Long Beach has, however, compiled a report which raises serious doubt as to the actual savings attributable to the movements projected under this action.

This report points out that 178 of the 456 military positions would have been eliminated anyway as a result of the disestablishment of the Navy Hospital given adequate consideration to the problems of housing shortages in the San Diego area where many of the service families will be transferred. While the city's report is not conclusive as to the wisdom of the Navy's decision, it strongly suggests that further study and justification are needed prior to the execution of any movement of such magnitude.

It is not the intent of my bill to tie the hands of the Defense Department to make reductions and cutbacks. On the contrary, my bill will promote further reductions, but it will require that they be made where they are needed most—in our overseas installations.

The situation in California is by no means unique. Communities across the Nation will be drastically affected by the recently announced cutbacks. Long Beach, for example, has estimated that the loss to the Long Beach-Los Angeles area alone will be between $43 million and $55 million annually. We can no longer tolerate reduction and cutback procedures which give no weight to the dramatic human dislocations which result from base closures. Their impact on people and local communities must be given every adequate consideration in the planning process. I have cosponsored Senator PELL's bill, S. 1548, which calls for the establishment of a commission to aid in the planning of base closings. More than that, however, is needed. I shall shortly introduce additional legislation providing for a stronger Office of Economic Adjustment with substantial funds and authority to alleviate the economic repercussions of base closings and installation cutbacks. Besides requiring advanced planning on the part of the Department of Defense through a greatly expanded Office of Economic Adjustment, this bill will provide substantial assistance to civilians adversely affected by DOD actions.

My distinguished colleagues, we all desire to reduce military expenditures wherever possible. But concurrent with that desire must be the recognition and assumption of our responsibility to provide meaningful help to American citizens affected by those reductions. I ask your support for this bill and for those Americans who are falling victim to the administration's lack of responsible planning.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1709

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any other provision of law and subject to the provisions of section 2 of this Act, no action may be taken by the Department of Defense which:

(1) results in the permanent reduction in the number of direct hire civilians of the United States employed at any military installation in the United States unless, prior to the date on which such termination is to become effective, there is a comparable reduction-in-force of foreign nationals employed by the United States at military installations overseas. The comparable reduction-in-force will constitute a per centum of the total number of foreign nationals employed by the United States overseas equal to or greater than the per centum of the total number of United States direct hire civilians employed at military installations within the United States who are being considered for reduction;

(2) results in the closing of any military installation in the United States, while there exists an equivalent United States installation overseas which performs a like function and that function can be performed at either the domestic or foreign installation.

SEC. 2. The prohibitions contained in the first section of this Act shall not apply in any case in which the Secretary of Defense makes a finding that a reduction in the civilian personnel overseas or the transfer of an activity from an overseas installation would seriously and adversely affect the defense posture or the economy of the United States and promptly reports such finding(s) in writing to the Congress.

SEC. 3. As used in this Act (1) the term "United States," when used in a geographical sense, means the several States and the District of Columbia, (2) the term "military installation" includes any facility that supplies or services a military function, operation, or activity, and (3) the term "foreign national" refers only to those foreign citizens who are employed by the United States Government and are paid out of Department of Defense appropriated funds.

SEC. 4. This Act shall be effective as of January 1, 1973.

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## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 287

At the request of Mr. SCOTT of Virginia, the Senator from Oklahoma (Mr. BARTLETT), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Georgia (Mr. TALMADGE) were added as cosponsors of S. 287, to clarify the jurisdiction of certain Federal courts with respect to public schools and to confer such jurisdiction upon certain other courts.

S. 740

At the request of Mr. WILLIAMS, the Senator from Idaho (Mr. CHURCH) and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 740, to extend the Migrant Health Act for 4 years.

S. 868

At the request of Mr. WILLIAMS, the Senator from South Dakota (Mr. McGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 868, to provide computation of social security benefits based on combined earnings of married couples.

S. 869

At the request of Mr. WILLIAMS, the Senator from South Dakota (Mr. McGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from Minnesota (Mr. HUMPHREY), were added as cosponsors of S. 869, to provide computation of social security benefits for men at age 62.

S. 904

At the request of Mr. WILLIAMS, the Senator from Iowa (Mr. HUGHES), and the Senator from Maine (Mr. MUSKIE), were added as cosponsors of S. 904, the Truth in Food Labeling Act.

S. 1123

At the request of Mr. Moss, the Senator from Michigan (Mr. HART), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Wyoming (Mr. McGEE) were added as cosponsors of S. 1123, to amend title 5, United States Code, to provide for the reclassification of positions of Deputy U.S. Marshal, and for other purposes.

S. 1218

At the request of Mr. GRAVEL, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1218, to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing.

S. 1283

At the request of Mr. JACKSON, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 1283. The National Energy Research and Development Policy Act of 1973.

S. 1543

At the request of Mr. MONDALE, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1543, to amend the Social Security Act to provide for extension of authorization for special project grants under title V.

S. 1599

At the request of Mr. SAXBE, the Senator from South Dakota (Mr. ABOUREZK) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of S. 1599, to provide for the continued sale of gasoline to independent gasoline retailers.

SENATE JOINT RESOLUTION 96

At the request of Mr. HUMPHREY, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Iowa (Mr. CLARK), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. STEVENSON) and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of Senate Joint Resolution 98, a joint resolution relating to nationwide gasoline and oil shortages.

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## SENATE RESOLUTION 106—SUBMISSION OF A RESOLUTION RELATING TO APPOINTMENT OF A SPECIAL ASSISTANT IN CONNECTION WITH THE PRESIDENTIAL ELECTION OF 1972

(Ordered to lie over under the rule.)

Mr. BROOKE (for himself, Mr. SCOTT of Pennsylvania, Mr. DOMINICK, and Mr. HANSEN) submitted a resolution (S. Res. 106) urging the Attorney General to appoint a special assistant in connection with the Presidential election of 1972.

(The resolution and discussion thereof are printed in the RECORD at the time it was submitted and appear earlier in the RECORD.)

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## SENATE RESOLUTION 107—SUBMISSION OF A RESOLUTION RELATING TO FORMULATION OF THE FOREIGN AND MILITARY POLICY OF THE UNITED STATES

(Referred to the Committee on Foreign Relations, by unanimous consent.)

Mr. MATHIAS. Mr. President, I have sought this time today in order to submit a resolution that addresses itself to a constitutional and statutory issue and not to a foreign or military policy question. In effect, I am essentially asking whether due process of law has been observed in pursuing acts of war in Cambodia.

There are foreign policy questions that should be asked when we debate what our course in Indochina should be. These include a decision that the interests of the United States in the area justify the risk of breeding a whole new generation of American prisoners of war. Fliers who survive bomber crashes and are captured by the Khmer Rouge are not likely to find them significantly better hosts than the Viet Cong. The list of necessary determinations also demands assigning some priority to the great economic costs of the bombing. If we are making up to 200 bombing runs a day at a cost of $40,000 to $50,000 per raid for each plane, we are soon going to have a new unbudgeted item above the billion dollar level. These questions, and others equally pressing ought to be answered before the bombers take off from their bases.

But they are not the first questions to be asked under existing circumstances. We must first ask what is permissible under the Constitution, what statutory steps would be requisite before a given policy could be properly adopted and executed, whether the policy we are now pursuing is both constitutional and legal and what immediate policy changes are required to preserve the integrity of our political system.

So I am not talking today primarily about planes or bombs or soldiers, or of the wisdom of a particular military strategy; I am talking about the law.

I refer to military activities in Indochina only because they embody the particular issues and circumstances which the constitutional process ought to govern.

The present military activities in Indochina have challenged the integrity of our government of laws and these activities have not been approved through our constitutional processes. It is because I believe that our policies should be the result of proper constitutional process that I submit this resolution today.

The resolution expresses the formal advice of the Senate to the executive branch that the continuation of hostilities anywhere in Indochina, including Cambodia, unless specifically authorized



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by Congress is contrary to both the Constitution and specific statutes prohibiting such hostilities enacted by Congress and signed by President Nixon. It is further the purpose of the resolution to specify the particular provisions of the Constitution and the law pertinent to the continued bombing of Cambodia and to advise that the President order an end to this action in Indochina.

I had prepared the resolution some weeks ago. I delayed submitting it because I wished to obtain from the executive branch the legal justification for continued bombing in Cambodia. At a meeting of the Foreign Operations Subcommittee of the Appropriations Committee on April 9, 1973, I made such a request. As of this hour I have not been notified of compliance with this request.

In the meantime, on Monday, April 30, the Secretary of State gave to the Foreign Relations Committee a 13-page memorandum giving the administration rationale. This statement came well over a month after it was originally requested. In my view, the State Department argument places Congress in an awkward, not to say impossible, position. We are offered no reasonable alternative to further inquiry. The Secretary maintained that article 20 of the executive agreement signed by the United States concerning ending of hostilities in Indochina was being violated, and that the United States was continuing bombing in Cambodia and elsewhere in order to encourage compliance with article 20. At this point, it appears that all parties including the United States are violating article 20. But even if it were being scrupulously observed, it could not supersede the Constitution or the statutes. It has never been submitted to Congress for its approval as a treaty, nor has there been a request for a formal resolution supporting the terms of the agreement.

In any event, Cambodia, at whose request and for whom the bombing activities by the United States are being carried out, is not a party to the Vietnam agreements, and so article 20 could not be operative in Cambodia. It was further said that U.S. air activities were simply a continuation of what we had been doing since the 1970 invasion of Cambodia. In accepting this argument, Congress is confronted wtih the difficulty of reconciling it with the President's statement made June 3, 1970, concerning U.S. activities in Cambodia and their purpose:

> The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that it is necessary to protect the lives and security of our men in South Vietnam.

These words by the President were an important part of the basis of an agreement worked out between Congress and the President when the final language of Cooper-Church was written in December 1970. The legislative history of the legal authority for the use of United States air power in Indochina is clear. The original Cooper-Church provisions passed by the Senate which prohibited the use of U.S. forces in support of Cambodia included an amendment by the Senator from Washington (Mr. JACKSON) that specified that U.S. airpower could not be used in direct support of the Government of Cambodia.

It was on the basis of this understanding that U.S. airpower could be used only for the protection of U.S. forces in Indochina that Congress adopted the Cooper-Church amendment that was signed into law by President Nixon on January 3, 1971.

In addition, the following sections were passed by Congress and signed by President Nixon: Section 7(b) of the Special Foreign Assistance Act of 1971, which reads:

> Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

And section 655(g) of the Foreign Assistance Act of 1961, which reads:

> Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense.

These laws specifically exclude the use of U.S. funds for the purpose of supporting the Government of Cambodia.

A recent staff report by the Foreign Relations Committee, issued by the distinguished chairman of the Subcommittee on National Commitments, who is the acting chairman of the Armed Services Committee, the Senator from Wisconsin (Mr. SYMINGTON), strongly indicates that U.S. air activities are in direct support of the Government of Cambodia. The most searching study of the statutes and the Constitution does not reveal authority for the activities in the laws of the United States.

There are those who maintain that a Senate Resolution is a parliamentary gesture without force. It is my view that it is not only constitutionally proper but also constitutionally obligatory for the Senate to give its advice to the President—as this resolution does—and to request that the legal dilemma be resolved by the termination of the bombing.

It is my hope that this advisory action and a constructive response to it will make unnecessary legislation prohibiting the use of funds for hostilities in Indochina.

This resolution is a formal expression by the Senate that, in the judgment of the Senate, the laws of the land should be obeyed, and that the law should shape the policies and not the policies shape the law. This resolution is offered in fulfillment of the duty of the Senate to give its advice to the President when it is aware of facts so serious as the continued hostilities in Indochina which are proceeding without the specific authorization of Congress or without some clear legal basis for doing so.

While we all desire that the integrity of the U.S. position in Indochina should be maintained in every honorable way, yet I believe that it is even more important to preserve the integrity of the Constitution and the laws at home.

Mr. President, so that I may have the resolution submitted at this time, I will offer it on behalf of myself and Senators MANSFIELD, CASE, CHURCH, JAVITS, HART, SYMINGTON, HATFIELD, MONDALE, MCGOVERN, CRANSTON, HUMPHREY, and BAYH, and ask unanimous consent that it be referred to the Committee on Foreign Relations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The text of the resolution is as follows:

*Resolved*, That it is the sense of the Senate that—

(1) the United States prisoners of war have been released;

(2) all United States combat forces have been withdrawn from Indochina; and

(3) the United States has no commitment to Cambodia to provide for its defense;

(4) the bombing of Cambodia and elsewhere in Indochina is an act of war and contrary to clause 11 of section 8 of article I of the Constitution which provides that the Congress only shall have the power "to declare war . . .";

(5) the territory of the United States or its vital national interests are not endangered by any nation in Indochina.

SEC. 2. It is further the sense of Congress that since—

(1) there has been no such declaration of war by Congress with respect to the hostilities in Indochina; and

(2) the United States has no commitment to assist in the defense of Cambodia and, by section 7(b) of the Special Foreign Assistance Act of 1971 and section 655(g) of the Foreign Assistance Act of 1961, the laws of the United States specifically provide that the United States has no commitment to the defense of Cambodia;

Any combat actions by the United States Armed Forces in, over, or off the shores of Indochina are contrary to the laws of the United States.

SEC. 3. The Senate affirms that continued hostilities in Cambodia and elsewhere in Indochina by the United States Armed Forces in the absence of specific congresssional authorization are not in accordance with the Constitution and statutes of the United States and are contrary to the lawful conduct of the United States Government. The Senate therefore advises the President (1) to cease immediately any hostilities in Indochina by United States Armed Forces, and (2) that any future engagement of United States Armed Forces in Indochina or any other part of the world hereafter only be undertaken in conformity with statutes and in accordance with constitutional processes.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield.

Mr. JAVITS. I am extremely pleased to join the Senator from Maryland and the Senator from Montana (Mr. MANSFIELD) in offering the resolution.

The resolution is now clear in its terms and by the statement of the Senator from Maryland that we are talking now not about the power but the methodology. The methodology must be clear in order to get the power. There is no power, in my judgment, until it does.

But we are not talking about forbidding anything. What I think the Senator has made crystal clear is that the President may be permitted to do everything he wishes to do with our concurrence, but he may not do it without our concurrence.

I would like to make only one brief comment on the memorandum, relative to the constitutional justification. I am a member of the Committee on Foreign Relations and met with Secretary Rogers when he was there. The Senator says the President bases his authority to continue the Cambodian bombardment on the fact that there is an agreement for a cease-fire. It seems to me that we cannot build a structure on no foundation, on the fact that the President has an executive agreement that is not a treaty, with no concurrence from us. That does not give him any more power than he had before, if we believe that he has no constitutional power to bomb in Cambodia.

I should like to have the comment of the Senator from Maryland on that point.

Mr. MATHIAS. I think the Senator from New York has stated the situation exactly. The agreement has the force and effect of a cease-fire. Cambodia is not a party to that agreement and never has been a party to it. So it is difficult to see how it could have any force and effect in the territories which constitute Cambodia.

It seems to me that even if there were agreement by Cambodia and even if there were agreement by all parties—which there clearly is not—it could not supersede the Constitution nor the acts or statutes of Congress.

Mr. JAVITS. The Senator is exactly correct. However, such a document does not give power that the President does not have. And we emphasize that he does not have that power.

Mr. President, may I emphasize the critical importance of this. The American people were devastated by the Vietnam war. They may find themselves devastated by a war in Cambodia or some other war. Until this question of power is laid to rest, the country is in too much peril. We cannot overemphasize the importance of such decision to the future of our Nation.

Mr. MATHIAS. Mr. President, the Senator from New York further said that we are not at this point debating what is being done. We are debating the fact that whatever course of action is to be adopted, it must be adopted in accordance with the system of law which has been so widely and wisely established. It gives the kind of balance which has made this Republic a great success for nearly two centuries.

Mr. JAVITS. Mr. President, I thank the Senator.

Mr. MANSFIELD. Mr. President, if the Senator would yield, I wish to commend the distinguished Senator from Maryland for introducing this resolution at this time.

I attest to the fact that this is something which he has had on his mind for more than a month to my personal knowledge and that he has not introduced it because of situations which arose in the meantime.

I am delighted that the Senator is addressing himself to the constitutional and statutory issues apart from the military and foreign policy issues, even though there is an interrelationship between all the factors involved.

I would express the hope and anticipate that action would be taken on this resolution in the Foreign Relations Committee very shortly and that it would be reported to the floor. I would hope that the Senate would then look at this matter not from the viewpoint of foreign policy or a military question, but primarily from the point of view of a constitutional question.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

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## SENATE RESOLUTION 108—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY COMMITTEE ON COMMERCE

(Referred to the Committee on Commerce.)

Mr. MAGNUSON submitted the following resolution:

S. RES. 108

*Resolved*, That Senate Resolution 45 authorizing additional expenditures by the Committee on Commerce for inquiries and investigations, be amended so that the expenses of the committee under said resolution shall not exceed $1,300,000, of which amount not to exceed $40,000 instead of $10,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

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## AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE—AMENDMENT

AMENDMENT NO. 98

(Ordered to be printed, and referred to the Committee on Foreign Relations.)

Mr. EAGLETON. Mr. President, in recent days the subject of credibility in Government has been foremost in the minds of Americans. It is clearly time to act on a variety of fronts to cleanse our system and to revive the institutional and legal mechanisms that serve to protect and enhance the integrity of Government officials both with our own citizens and in the eyes of the world.

It is most important that we maintain the nonpartisan integrity of those within our Government who are assigned the important task of representing the United States to foreign governments. Our diplomats should be single-minded in their effort to espouse the policies of our Government. But under no circumstances should they become involved in the partisan controversies which serve to create those policies.

The amendment I submit today to the State Department authorization bill will assure that the integrity of our diplomats is protected by carefully restricting the improper activities of the few who would seek to undermine that integrity.

Last February, a constituent informed me that he had received an unsolicited letter from our Ambassador to London, Walter Annenberg. With this letter Ambassador Annenberg enclosed two editorials appearing in the British press which he said would "rebut the claims made in some quarters that our allies had turned against us in the day preceding the Vietnam cease-fire and were critical of the President." The Annenberg letter went on to say that the editorials "showed that the President's emphasis on the solid achievement of sensible and realistic goals is not only important to Americans at home, but to our allies as well."

In fact, these editorials were not only highly laudatory of President Nixon's first term in office, they were also highly critical of the Democratic administrations that had preceded Mr. Nixon as well as the 1972 Democratic candidate for President, Senator GEORGE MCGOVERN.

The editorial attack on Senator MCGOVERN was particularly intemperate and unfair. The use of such terms as "irresponsible" and "wishy-washy lefty-liberalism" left little doubt that Ambassador Annenberg was indirectly attempting to denigrate President Nixon's Democratic opponent in the last election. We cannot tolerate such partisan conduct on the part of our Ambassadors.

In a letter to the Secretary of State dated February 19, 1973, I expressed my concern that public money was being used for an activity that could lend itself to partisan interpretation. I told Secretary Rogers that while I may be in agreement with some of the favorable comments the editorials make about Mr. Nixon, the attack on the President's political adversaries, past and present, placed Ambassador Annenberg's letter in a very unfortunate partisan context.

The initial State Department reply to my inquiry came on April 6 and was signed by Acting Assistant Secretary for Congressional Relations Marshall Wright. In that letter he stated that—

> Ambassador Annenberg decided to send this letter to United States citizens, either known to him or suggested by his friends, to call attention to support in the United Kingdom for the President's policies.

Continuing, Mr. Wright stated that—

> We do not believe that Ambassador Annenberg's correspondence constitutes a partisan political activity. On the contrary, the Ambassador was concerned with calling attention to support received for policies of the United States Government. *It is not inappropriate for an Ambassador to engage in such correspondence.* (emphasis supplied)

It was greatly surprising to receive such a reply from an agency of Government which has traditionally observed the highest order of protocol by avoiding the improprieties of partisan associations. I began to have serious questions about the extent to which political activities had pervaded the U.S. Government. If an American Ambassador—a person chosen by the President and confirmed by the Senate to represent our country in a nonpartisan capacity—engages in such an obvious indiscretion, and then receives the support of the Department of State and the career Foreign Service, then the integrity of our governmental process has been compromised much more seriously than I first imagined.

I wrote to Secretary Rogers again saying that his initial response was "inadequate."

The State Department's reply to my second inquiry substantiated my deepest concerns. According to this response Ambassador Annenberg was asked to write his letter by Mr. Charles Colson, a former political operative of the White House. Although the details are unclear,



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Colson then apparently took the letter, reproduced it and arranged for its distribution.

If there were doubts as to the partisan nature of the Annenberg letter previously, these doubts were dispelled by Ambassador Annenberg's more recent—and more forthright—description of the events that led to the distribution of his letter.

Ambassador Annenberg's letter represents a dangerous precedent. While the letter was written after the 1972 election, I am concerned over the possibility of a future attempt by American diplomats to use public funds to influence the political process. We must make every effort to avoid this possibility.

The first section of my amendment would prohibit the use of authorized appropriations for publicity or propaganda purposes designed to support or defeat legislation pending before Congress. Language similar to this is already embodied in the law in title VI, section 608(a) of Public Law 92-351 known as the "Treasury, Postal Service and General Government Appropriation Act of 1973."

Recent action by the administration in preparing materials for use in lobbying Congress on pending legislation has convinced me of the necessity to repeat this language in measures such as this. The difficulty we have had in obtaining information from the executive branch to fulfill our legitimate legislative function has long been a source of great frustration to Members of Congress. To combine the problem of limited access to information because of claims of executive privilege, with a lobbying effort to influence the legislative process with the use of Government funds would only further exacerbate the situation we now have.

The second section of my amendment would prohibit the use of authorized appropriations to influence in any way the outcome of a political election. State Department personnel have access to information concerning American foreign policy, some of which is, of course, politically sensitive. This provision would assure that Government funds could not be used to distribute this or any other type of information for the purpose of influencing a political campaign.

The third provision of my amendment goes directly to the problem raised by the Annenberg letter itself. The letter, as far as can be ascertained, was not being used to influence pending legislation, nor was it intended to influence the outcome of a political election. There can be little doubt, however, that Ambassador Annenberg and Mr. Colson were attempting to influence a certain segment of American public opinion for partisan purposes.

Mr. Annenberg's official duties as U.S. Ambassador to the United Kingdom are to represent the American Government and its policies in that country. If these duties require a strong advocacy of President Nixon's merits as a world leader to the British people, they do not also require taking that same advocacy to American citizens in the form of unsolicited mass mailings at Government expense. The taxpayer pays enough to have his Government lobby the British people on his behalf. He should not, at the same time, be burdened with the expense of being lobbied by officials of our own Government.

My amendment would prevent this activity in the future and would protect our diplomats from requests such as Mr. Colson made to involve the President's representatives in efforts which could lend themselves to partisan interpretation.

Those assigned to represent the United States to foreign governments must remain above political controversies and partisan debate. Involvement in this activity serves only to erode the confidence of foreign countries in the policies of the U.S. Government.

Mr. President, I ask unanimous consent that the following correspondence relevant to this matter be printed in the RECORD at this point; together with the amendment.

First. Ambassador Annenberg's letter of February 5, 1973 including the two editorials from the British press;

Second. My initial letter of February 19, 1973 to Secretary Rogers requesting information on the Annenberg letter;

Third. Acting Assistant Secretary Marshall Wright's response of April 6, 1973;

Fourth. My letter of April 23, 1973 to Secretary Rogers requesting a more adequate response to my inquiry;

Fifth. Acting Assistant Secretary Marshall Wright's response of April 30, 1973.

There being no objection, the letters and amendment were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
*Washington, D.C., February 5, 1973.*

DEAR SIR: Just before the Vietnam peace agreement was announced, there were two editorials in the British press of such great interest that I am sending you personal copies.

One editorial was in the London *Sunday Express*, dated January 21, 1973, and the other in the London *Daily Telegraph*, dated January 22, 1973. In my judgment, these articles are significant not only in terms of their own merit—but because they rebut the claims made in some quarters that our allies had turned against us in the days preceding the ceasefire and were critical of the President.

In my judgment, these editorials also tend to reflect the opinions of large numbers of British people at this time.

Both editorials center attention on President Nixon's strong but quiet leadership. They also show that the President's emphasis on the solid achievement of sensible and realistic goals is not only important to Americans at home, but to our allies as well.

I trust that you will find this material of interest.

With every best wish,
Sincerely,

WALTER ANNENBERG.

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FULL TEXT OF LONDON DAILY TELEGRAPH EDITORIAL OF JANUARY 22, 1973

Mr. Nixon has shown himself truly a great President in his conduct of the Vietnam war and of peace negotiations which gave strong signs of approaching their conclusion in Saigon and Paris as he delivered his Inaugural Address in Washington. There was greatness, too, in the leadership he gave for what the world prays will be a peaceful post-Vietnam war era, both in that region ravaged by Communist aggression, and elsewhere. No flamboyance, no political maneuvres, no hustling to get the cease-fire signed, regardless of known or unknown outstanding problems, in time for a complete Inaugural triumph. Mr. Nixon, rightly confident of the support of the vast majority—silent except on Election Day and in the opinion polls—could afford to allow the contrast between his own achievements and the empty spite of the domestic and foreign protesters to speak for itself.

It was deplorable that Senator McGovern, speaking at Oxford University, should have continued his abuse of the President in such irresponsible phrases as 'the Nixon destruction of Indo-China' and 'executive wars by whim.' At the same time, he confessed that Mr. Nixon's overwhelming victory last November remained 'something of a mystery' to him. This sounds like the boxer who regains consciousness still not knowing what hit him. In fact it was the straight right from the mass of the American people, whom Mr. Nixon has led back to psychological and economic health after an attack of Vietnamitis that in less capable handa might have been fatal, who emphatically rejected wishy-washy lefty-liberalism at home and abroad.

"Mr. Nixon's message, to his own people and to the rest of us, was clear and salutary. No more of John F. Kennedy's world-wide crusade for freedom and democracy. But solid gains for peace, he urged, must not be jettisoned by a post-war mood of isolationism in America. America would do her share towards defending peace and freedom, but others must do their share too. Europeans in particular should be grateful that Mr. Nixon is President for another four years, and heed his warning."

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FULL TEXT OF LONDON SUNDAY EXPRESS EDITORIAL ON JANUARY 21, 1973

As Richard Milhous Nixon begins his second term, it is hard to recall an American president who has been more reviled. Trendies and left-wingers turn their venom on him as 'the tyrant in the White House.' With tears in their eyes the same individuals dream of the golden age when handsome Jack Kennedy made Washington into Camelot. Then, instead of Mr. Nixon's cottage cheese, there was salmon cooked in champagne. Instead of folk songs and baseball players there were Bach and philosophers. All that and Jackie, too.

Yet notice something curious. Mr. Nixon's critics rarely venture beyond the trappings. They do not try to contrast his actual record with that of Kennedy. Let us do just that. Vietnam? Kennedy began the war. Mr. Nixon by his albeit ruthless bombing policy, is about to bring it to an end. Universities? Remember the torchlight marches and the sit-ins under Kennedy? The ghettoes? Remember the dreadful riots when Kennedy and his brother Bobby made promises to the Blacks that could not be kept? Under Mr. Nixon the universities are as silent as the reading room at the British Museum. The ghettos are peaceful, too, because it is recognized that there is now a president who cannot be panicked into concessions. The economy? Kennedy faced recession and inflation and did nothing. Mr. Nixon courageously introduced one of the severest freezes in American history and the country is once more heading into prosperity.

His enemies sneer that Mr. Nixon is "ordinary," but this, in fact, is his greatest quality. He is ordinary in the sense that he seeks the substance rather than the shadow; that he is concerned not with cheap popularity but with promoting the real, mundane interest of his nation. The American voters recognized this when they re-elected him overwhelmingly. And people far from the United States should give thanks every day that this plain and sensible man sits in the White House. Would a progressive have kept America strong and prosperous? Would a trendy have achieved peace except by surrender?

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U.S. SENATE,
*Washington, D.C., February 19, 1970.*

The Honorable WILLIAM P. ROGERS,
*Secretary of State,*
*Department of State,*
*Washington, D.C.*

DEAR MR. SECRETARY: I am enclosing a copy of a letter received by a constituent from Ambasador Walter Anneberg which appears to be part of a mass mailing using the Department of State letterhead. Enclosed with this letter were two editorials from London newspapers concerning President Nixon.

As a member of the Appropriations Subcommittee for the State Department, I am concerned that public money would be used for an activity that could lend itself to partisan interpretation. I would appreciate knowing how many of these letters have been sent at government expense, the approximate cost in terms of manpower, material and postage and the mailing list used for this purpose. I would like to know whether other Ambassadors engage in this practice and whether it is permissible under Departmental regulations.

While I may be in agreement with some of the favorable comments the editorials make about Mr. Nixon, I feel that the attack on Mr. Nixon's political adversaries, past and present, places Ambasador Anneberg's letter in a very unfortunate partisan context. I am most disturbed that these editorials would be randomly mailed to a list of individuals within the United States by an American ambassador—a person who has been chosen by the President and confirmed by the Senate to represent our country in a non partisan capacity.

Sincerely,

THOMAS F. EAGLETON,
*U.S. Senator.*

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DEPARTMENT OF STATE,
*Washington, D.C., April 6, 1973.*

Hon. THOMAS F. EAGLETON,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR EAGLETON: Secretary Rogers has asked me to reply to your letter of February 19 about a letter from Ambassador Annenberg to one of your constituents.

As Ambassador Annenberg has indicated, he decided to send this letter to United States citizens, either known to him or suggested by his friends, to call attention to support in the United Kingdom for the President's policies. His purpose was to show that there is intelligent and articulate support for these policies in important sections of the British press.

We do not believe that Ambasador Annenberg's correspondence constitutes a partisan political activity. On the contrary, the Ambassador was concerned with calling attention to support received for policies of the United States Government. It is not inappropriate for an Ambassador to engage in such correspondence.

Sincerely yours,

MARSHALL WRIGHT,
*Acting Assistant Secretary for Congressional Relations.*

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APRIL 23, 1973.

The Honorable WILLIAM P. ROGERS,
*Secretary of State,*
*Department of State,*
*Washington, D.C.*

DEAR MR. SECRETARY: Acting Assistant Secretary Marshall Wright has responded to my letter to you of February 19 concerning Ambassador Annenberg's correspondence with a number of American citizens. I consider this response to be inadequate and I would hope that the information I requested can be obtained from the Department without resorting to a congressional investigation of the matter.

I am not surprised that we have differing views over the nature of Ambassador Annenberg's correspondence. Such differences of opinion, however, should not have prevented you from responding to the other questions I posed. As I stated in my letter of February 19, I would appreciate knowing how many of these letters have been sent at government expense, the approximate cost in terms of manpower, material and postage, and the mailing list used for this purpose. Mr. Wright has stated in his letter of April 6 that Ambassador Annenberg decided to send this letter to "United States citizens either known to him or suggested by his friends . . ." I have reason to believe that Ambassador Annenberg was provided the mailing list which is used by the State Department to distribute its weekly "Bulletin" which is printed in your office of media services. Did Ambassador Annenberg use this mailing list?

It has taken more than two months to receive an adequate response on this inquiry and I would therefore appreciate your giving this matter your personal attention.

Sincerely,

THOMAS F. EAGLETON,
*U.S. Senator.*

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DEPARTMENT OF STATE,
Washington, D.C., April 30, 1973.

The Honorable THOMAS F. EAGLETON,
*U.S. Senate.*

DEAR SENATOR EAGLETON: The Secretary has asked me to reply on his behalf to your letter of April 23, regarding letters from Ambassador Annenberg to persons in the United States.

First of all, let me express my genuine regret that my earlier letter to you of April 6, which was based on information relayed to the Department from London and on a statement which Ambassador Annenberg released in London, was neither as complete nor as accurate as it should have been.

When Secretary Rogers learned several days ago of another letter to the Department raising questions similar to those posed by you, he directed that further inquiries be made into this matter. As a result, Ambassador Annenberg has informed us that he does not know to whom the letters and enclosed editorials were sent, nor does he know at whose expense the letters were mailed. We have learned from Ambassador Annenberg that the initiative for his letter came from Mr. Charles Colson, at that time a member of the White House staff. Ambassador Annenberg further informs us that he signed one copy of the letter in question, and gave it to Mr. Colson. He assumes that Mr. Colson subsequently reproduced the letter and arranged for its distribution. The original letter was on official Department of State stationery.

In view of these circumstances, the Department of State does not know the answers to your questions as to how many of these letters may have been sent at Government expense, nor do we know what funds were used to defray the cost of the distribution, In response to your question about the possible use of State Department mailing lists, the facts, as set forth above, are all we, or Ambassador Annenberg, know about the circumstances of the mailing.

Sincerely yours,

MARSHALL WRIGHT,
*Acting Assistant Secretary for Congressional Relations.*

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AMENDMENT NO. 98

At the end of the bill add the following new section:

LIMITATION

SEC. 106. No appropriation made available under this Act shall be used—

(1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress;

(2) to influence in any way the outcome of a political election; or

(3) to make any oral or written communication to any person or organization unless that communication is directly related to the performance of United States Government duties.

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## ESTABLISHMENT OF A COUNCIL ON ENERGY POLICY—AMENDMENT

AMENDMENT 99

(Ordered to be printed and to lie on the table.)

Mr. METCALF submitted an amendment, intended to be proposed by him, to the bill (S. 70) to promote commerce and establish a Council on Energy Policy and for other purposes.

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## VOTER REGISTRATION ACT—AMENDMENTS

AMENDMENTS NOS. 100 THROUGH 104

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted five amendments, intended to be proposed by him, to the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

AMENDMENTS NOS. 105 THROUGH 108

Mr. ALLEN. Mr. President, I submit four amendments, intended to be proposed by me, to Senate bill 352. I ask unanimous consent that the amendments be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 105

Amend S. 352 by adding the following new section on page 8 between lines 9 and 10:

(f) *Provided, however,* That the administration, if it finds that to do so would reduce the expense to the government without reducing the efficiency of the service, may, after competitive bidding, contract with one or more private postal, mail or delivery services to perform the services herein provided to be performed by the U.S. Postal Service; or it may arrange for such services to be performed by or through any federal youth job program.

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AMENDMENT NO. 106

Amend S. 352 by adding the following new section on page 8 between lines 9 and 10:

(b) *Provided, however,* That the administration, if it finds that to do so would reduce the expense to the government without reducing the efficiency of the service, may, after competitive bidding, contract with one or more private postal, mail or delivery services to perform the services herein provided to be performed by the U.S. Postal Service.

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AMENDMENT NO. 107

Amend S. 352 by adding the following new section on page 8 between lines 9 and 10:

(b) *Provided, however,* That the administration, if it finds that to do so would reduce the expense to the government without reducing the efficiency of the service, may contract through other means for the performance of the services herein provided to be performed by the U.S. Postal Service.



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AMENDMENT No. 108

Amend S. 352 by adding the following new section on page 8 between lines 9 and 10:

(b) *Provided, however,* That the administration, if it finds that to do so would reduce the expense to the government without reducing the efficiency of the service, may contract with one or more private postal, mail or delivery services to perform the services herein provided to be performed by the U. S. Postal Service.

## ANNOUNCEMENT OF HEARINGS ON INDUSTRIAL PRICES

Mr. HUMPHREY. Mr. President, I believe price increases of industrial commodities require immediate investigation. The escalating inflation of nonfood prices must be halted.

Dramatic increases in food prices have tended to distract attention from equally disturbing price problems in the nonfood sector, but the recent evidence provided by the wholesale price index can no longer be ignored.

In the last 3 months wholesale prices of industrial commodities have risen at an annual rate approaching 15 percent. The further back we look into the production process, the worse the outlook appears.

Wholesale prices of consumer finished goods—excluding food—have been rising at an annual rate of 13 percent; intermediate materials at a 17-percent rate; and crude materials at a 19-percent rate. Over the months ahead these increases will be reflected in the prices consumers pay for clothing, furniture, appliances, fuel, and a myriad of other commodities.

The rapid economic expansion which we are currently experiencing is creating a climate in which further large industrial price increases are almost certain, unless there are strong public policies to hold these increases in check. The actions taken yesterday by the administration are far from adequate to cope with the situation. It is the consumer who will foot the bill for this policy failure.

As its chairman, I am announcing that the Subcommittee on Consumer Economics will continue its investigation of the cost-of-living with a hearing Tuesday, May 8 on prices of nonfood commodities. We intend to examine both the outlook for nonfood prices and the need for stronger price-wage policies. Two of the witnesses, Mr. Robert Lanzilotti and Mr. Robert Nathan will provide an overview of the industrial price situation. The third witness, Mr. Walter Adams, will discuss steel prices.

The hearing will begin at 10 a.m. Tuesday, May 8 in room S–407 in the Capitol—the Atomic Energy Committee hearing room. The witness list follows:

Walter Adams, department of economics, Michigan State University.

Robert Nathan, Robert Nathan Associates, Washington, D.C.

Robert F. Lanzilotti, dean, College of Business Administration, University of Florida.

## NOTICE OF HEARING ON NOMINATIONS

Mr. WILLIAMS. Mr. President, I wish to announce that the Committee on Labor and Public Welfare has scheduled a public hearing on Thursday, May 10, at 2 p.m., in room 4232, Dirksen Office Building, on the following nominations:

Arthur S. Flemming, of Virginia, to be Commissioner on Aging.

Richard F. Schubert, of Pennsylvania, to be Under Secretary of Labor.

Bernard E. DeLury, of New York, to be an Assistant Secretary of Labor.

## NOTICE OF HEARING ON DISASTER LEGISLATION

Mr. CRANSTON. Mr. President, I wish to announce that the Subcommittee on Small Business of Banking, Housing and Urban Affairs Committee will hold hearings on May 9 on legislation (S. 1697) to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California.

The hearings will commence at 2 p.m. Wednesday, May 9, in room 5302, New Senate Office Building.

All persons wishing to testify should contact Carolyn Jordan, room 455, Old Senate Office Building, telephone number 225–8131.

## NOTICE OF HEARINGS ON S. 1708

Mr. CRANSTON. Mr. President, I announce for the information of Senators that the Special Subcommittee on Human Resources, which I am privileged to chair, of the Committee on Labor and Public Welfare, will hold public hearings on S. 1708, the proposed "Family Planning Services and Population Research Amendments of 1973," which I introduced today to extend, revise, and improve family planning and population research authority in title X of the Public Health Service Act. The hearings will be at 1:15 p.m. on Tuesday, May 8; at 9 a.m. on Wednesday, May 9; and at 1 p.m., Thursday May 10.

We will hear testimony from the administration as the first witness on Tuesday and thereafter will hear from representatives of family planning, population research, church, women's, and right-to-life groups and organizations.

## ADDITIONAL STATEMENTS

### CITIZEN COLUMBUS

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Philadelphia Evening Bulletin of April 23 that points out the efforts of Mr. John Paul Paine. Mr. Paine is a constituent of the Commonwealth and an enthusiastic supporter of proclaiming April 22 of each year as Queen Isabella Day.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CITIZEN COLUMBUS

Bills granting United States citizenship to specific persons who might otherwise never achieve it are routine in Congress.

But not the one introduced by Rep. Ogden R. Reid (D-NY). Representative Reid—whose constituents include many Italian-Americans—would grant citizenship posthumously to Christopher Columbus.

Captain Columbus, of course, never asked for U.S. citizenship because there was no U.S., and there's no guarantee that he'd want it, even if there had been. He was, after all, an Italian on the Spanish payroll when he sailed the ocean blue in fourteen-hundred-ninety-two, and the Nina, Pinta and Santa Maria landed in the West Indies, not the North American continent.

Be that as it may, there's certainly no harm in making the Great Discoverer a citizen even five centuries later. And while we're at it, since behind every great man there's a woman, maybe something should be said for the lady who made it all possible.

It was Queen Isabella of Castile who bankrolled the great Italian sailor—let's not forget it. John Paul Paine hasn't forgotten it.

Mr. Paine, a Philadelphian, is founder and president of a national committee that has succeeded in getting 46 governors and many mayors to proclaim April 22, the date on which she was born in 1451, as Queen Isabella Day.

So happy birthday, Queen Isabella, and welcome aboard, Captain Columbus—and what happens when a congressman from rural Minnesota submits a bill to make Leif Erikson a citizen?

## DRUG ABUSE

Mr. MOSS. Mr. President, I wish again to express deep concern over the vicious destruction of human values which result from drug abuse. No American State, city, or town can feel entirely safe from the insidious drug pushers who prey upon our citizenry. We, as individuals and legislators, can ignore the damage to our society due to drug abuse only at our Nation's peril.

My involvement as a Senator in the fight against the misuse of alcohol and cigarettes is known. In addition, my support to curtail the misuse of hard narcotics, hallucinogens, depressants, stimulants, and marihuana is a matter of record. I am in agreement with recent legislation introduced by Senator BAYH of Indiana that would amend the Controlled Substances Act in order to control more effectivcly the use of dangerous drugs.

Of special concern to me is the need for new and imaginative approaches by the Congress to aid in rehabilitation of the drug addict. The addict must be treated as a sick person, not a criminal. Until drug addiction is accepted as a disease, it will be impossible to treat humanely the habitual user of drugs who cannot help himself.

As has been stated by many experts on the subject, it is the drug pusher who must be expunged from our society. This will necessitate a concentrated law enforcement effort which includes cooperation between cities, States, and nations. More international cooperation in the curtailment of drug production and distribution is necessary. Although it is widely known that the United States does not directly produce various dangerous drugs, millions of dollars is exchanged on the streets of America as a result of their illegal distribution. The accessibility of the American citizenry, especially the young, to these dangerous substances must be prevented.

The tremendous use of drugs by members of the military is also unconscionable. Hopefully more germane programs to rehabilitate those in the military who are addicted to drugs will be found. This would allow a more successful reentry into American society as well as prevent considerable heartache and economic loss for many who have served their country well.

Today, I wish to call special attention to the efforts that have been made in my native State—Utah—to control drug abuse. Although drug patterns reach Utah from 6 months to a year after being established in major cities like New York and San Francisco, the existence of possible problems is recognized. To avoid drug abuse problems of crisis proportions, I am happy to announce that the Beehive State has implemented various programs, several financed by Federal funds, which have been very successful.

One example of an extension of Utah's educational efforts against drug abuse is the 22d annual session of the University of Utah School on Alcoholism and Other Drug Dependencies to be held at the University of Utah from June 17 to 22, 1973. The session will be sponsored by the University of Utah, Utah State Division of Alcoholism and Drugs, and the Utah Alcoholism Foundation. Assisting the sponsors will be the Utah State Board of Education; Rehabilitation Services Administration of the U.S. Department of Health, Education, and Welfare; National Institute of Mental Health; Clyde and Marie Gooderham Scholarship Fund; and the Kemper Foundation. Included among the executive committee and trustees, and the lecturers and consultants for this seminar, are some 58 noted doctors, scholars, and authorities on drugs. The following statement indicates the purpose and scope of the program:

The increasing awareness of the social and health problems of alcoholism and other drug dependencies has evidenced a growing need to provide for extensive training for individuals of professional and other disciplines concerned with treatment, rehabilitation, education, prevention, and research. The objectives of the School are to provide the latest methods and techniques which may be employed in these areas to deal with the problems.

Mr. President, I ask unanimous consent that a recent informative letter from Gary F. Jensen, director, Division of Alcoholism and Drugs, Salt Lake City, Utah, be inserted in the RECORD. The letter contains information on a considerable number of services currently available to drug users in the State. Several of the programs receive considerable financial support from Federal funds.

Also, I ask that special recognition be given to Project Reality, a community-oriented methadone treatment program that was begun in Utah in 1971. This program is rated by HEW to be among the best of its kind in the Nation. Project Reality, and its director, Mr. E. Earl Hobby, were recognized by a resolution of appreciation, passed by the Board of Commissioners of Salt Lake City, Utah, on April 3, 1973. I ask unanimous consent that information contained in a brochure put out by Project Reality concerning the special program be included in the RECORD.



There being no objection, the letter and information were ordered to be printed in the RECORD, as follows:

DIVISION OF ALCOHOLISM AND DRUGS,
*Salt Lake City, Utah, April 12, 1973.*

Hon. FRANK E. MOSS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MOSS: In its two-and-one-half-year history, Utah's Drug Abuse Authority, the State Division of Alcoholism and Drugs, has noted a considerable increase in the number of services available to drug users in the state. These services, for the most part, are concentrated along the Wasatch Front, particularly in the Salt Lake County area. Presently, in the Salt Lake County area, 12 agencies, acting as a consortium, are receiving support through an eight-year NIMH Grant which will amount to approximately $8.5 million during the funding period. The agencies involved in this grant are the private drug treatment programs, Manhattan Project for adolescent users, Odyssey House of Utah for older users with more serious drug problems, and Project Reality, a residential treatment program coupled with a methadone maintenance facility for those with heroin addiction problems. Detoxification and emergency hospital treatment, as well as medical care for juveniles below the age of legal consent are also included in this grant. The three Mental Health Centers within the county are also designing special treatment components which may include the use of a special facility at the Utah State Mental Hospital to begin to meet the total treatment and rehabilitation needs for the users within the Salt Lake County area. A Central Referral Agency administered by the City-County Health Department will be handling diagnosis, referral, and follow-up with all of the separate components in the Grant.

The degree of coordination and the broad range of services which are provided through this Grant have been made possible in large part due to the awarding of the NIMH Grant last November. The Division of Alcoholism and Drugs allocates roughly 10% of the total cost of treatment provided through this comprehensive set of services. Other support has been secured from the City-County Health Department, the Division of Vocational Rehabilitation, the Division of Family Services, United Fund, private contributions, and in the past, from the Utah Law Enforcement Planning Agency as well as Model Cities. A special contract with the OEO also provides services to a limited number of clients in the methadone maintenance component. The Division has been successful in obtaining the coordination necessary to provide these comprehensive services and has been instrumental in securing support from both the State Legislature and the other agencies listed above for these drug treatment and rehabilitation programs. There is every indication that State and County Government, as well as other agencies, will be willing to assume the financial responsibility for continuing these services once the Federal money has expired.

In the Utah County area, a grant to provide comprehensive drug abuse services has been submitted to NIMH and has been approved for funding. We are now hopefully awaiting confirmation of the allocation of funds for this program. This program, in cooperation with other community agencies in the area such as public schools, Vocational Rehabilitation, Family Services, etc., will provide treatment and rehabilitation services as well as education and prevention services for the drug abusing residents of Utah County. There will be an extensive outreach in several of the smaller Utah County communities as part of the comprehensive grant.

In the Weber County area, a comprehensive drug abuse services grant has recently been prepared. It would provide methadone services, detoxification, hospitalization, and residential and outpatient treatment as well as follow-up for all drug abusing residents of the Weber County area. There is serious question whether the comprehensive services which are needed in this area can be secured without Federal support.

We estimate that comprehensive drug treatment and rehabilitation in all areas of the State with full utilization of all State, County, and local resources, would require an additional $2 million to $3 million dollars a year than is currently being received in the Salt Lake County area, and, hopefully, soon to be received in the Utah County area. Although local agencies such as Mental Health Centers, Vocational Rehabilitation Offices, and Family Services Offices have been more than willing to use their resources and finances to provide specialized services to drug users, there are very realistic limits to the kinds of services which can be delivered without additional Federal support.

The Utah State Division of Alcoholism and Drugs has been acutely aware of drug education and prevention needs at the community level. The Federal government has been helpful in bringing some good community-oriented programs in drug education and prevention to Utah. Noteworthy among them is the Social Seminar, a program of drug and mental health education sponsored by the National Institute of Mental Health through the Department of Health, Education and Welfare. The federal government provides expert training in the use of the Social Seminar and various media supplies. To date, this includes over $3,000 worth of movies and over $1,000 worth of brochures, pamphlets, discussion guides, and simulation games. The entire seminar concept, particularly adaptable at the community level, deals with causal factors of drug and alcohol abuse rather than just symptoms.

Another project which has come from the federal government to the state of Utah has been the Bureau of Narcotics and Dangerous Drugs' training "Alternative Pursuits". This training is designed for persons affiliated with law enforcement. It suggests alternatives other than the jails and courts to treat problems caused by drugs or alcohol.

The Office of Education provides a training laboratory which is housed in San Antonio, Texas, that provides two weeks of concentrated training to representative groups of local communities. In the past year 8 groups of citizens from various cities in Utah have attended these training sessions, and then they return to their homes to initiate drug education and prevention programs. This is approximately a $50,000 project funded entirely with Federal monies and given federal and state support in a follow up manner. This coming year, 22 communities from Utah have been funded to attend their training at a cost of $110,000 to the Office of Education.

I hope that the success of the present drug abuse programs in Utah will be considered when future legislation that deals with drugs comes before the Senate. Again, the success in Utah has resulted from Federal, state, and local cooperation.

Sincerely,

GARY F. JENSEN,
*Director.*

PROJECT REALITY

PROGRAM DESCRIPTION

Project Reality was originally designed for the delivery of clinical and social services to the clients of the Salt Lake City/County Health Department's Methadone Treatment Clinic. These programs both began in June of 1971, but soon combined after a few months operation under a single director to form a unified and comprehensive treatment and rehabilitation service.

Project Reality is basically a community

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oriented program. The emphasis is in treating the patient in the setting where his problems developed and where he must eventually learn to live. Even patients in the Residential program are expected to become increasingly more responsible as members of the community. The program is for individuals who can be maintained on either short-term Residential care or totally on an outpatient basis. Project Reality meets the needs of the narcotic addict who either does not need, or would not agree to long-term Residential treatment. Whether the patient is on methadone or drug-free, this treatment alternative allows for both Residential and out-patient clients to handle their addiction problems without being removed from family and community privileges and responsibilities.

Dealing with individuals that have generally supported themselves and their narcotic habit through various illegal means, Project Reality has already been able to demonstrate impressive evidence of change in the lives of its patients.

After approximately 18 months of operation, 167 patients were in the program, 58% of these patients were employed, and 27% were in some type of education or training. Of interest is the fact that 23 married addicts and 19 married couples are attempting to improve their own lives and the lives of their children through the program. Thirty-six (36) clients have completed treatment and therapeutic program services and are responsibly living in the community drug-free.

The patients' interest and support of the program is demonstrated by the fact that the largest source of referrals is the addicts themselves. Currently, approximately 5–8 patients are admitted per week and this figure is expected to continue.

Project Reality provides an economically feasible method for the rehabilitation and treatment of large numbers of addicts, thus providing a valuable service to both the individual patient and to the community.

SERVICES OFFERED

1. Clinical Team Services:
(a) Admissions Team.
(b) Treatment Team.
(c) Methadone Team.
2. Methadone treatment and detoxification.
3. Urine surveillance.
4. Residential (in-patient) therapeutic community.
5. Psychiatric services.
6. Individual counseling.
7. Group therapy.
8. Marital counseling.
9. Recreational therapy and activity groups.
10. Job placement and counseling.
11. Extensive medical services and health care.
12. Financial counseling.
13. Housing assistance.
14. Public and private agency services, orientation and referral.

ADMISSION—WHO QUALIFIES?

Candidates for Project Reality come from several sources: Physicians, other treatment programs, public and private agencies, criminal justice system, other addicts and walk-ins. Prospects are evaluated by an admission team that consists of a medical doctor, psychologist, house director, social service representatives, community counselor, consulting psychiatrist and other members of the staff as needed. Patients must be of legal age, have a confirmed drug abuse history and have the positive motivation to desire to change their life style. Consideration is given regardless of race, color, creed, social-economic background or police record.

METHADONE

Methadone is an inexpensive, synthetic, narcotic drug that offers several major advantages for the treatment of heroin addiction. The regular daily administration of methadone controls the *'drug hunger'* enabling the narcotic addict to cease the use of illegal drugs and permits the development of significant life-style changes. It should be understood that methadone produces no euphoric effect and in fact can block the euphoria and *'rush'* produced by the injection of heroin. Thus, without the *'highs'* and *'lows'* of heroin use, the addict, with the help of the program develops new methods of handling stress, frustration, and anxiety. The daily dose of methadone allows the addict to obtain work, education, and training, to be with his family and be productive in his community. The lifestyle changes developed while on methadone allow many heroin addicts to become drug-free who would not be able to do so without this temporary physiological and psychological support.

The Methadone Team consists of a highly qualified professional staff who have special skills and training in the management of methadone. These staff members include a medical doctor, licensed practical nurses and the clinic director. Other Salt Lake City/County Health Department staff and facilities are utilized as needed. Project Reality has a closely supervised and controlled program that allows no fraudulent methadone. All aspects of the dispensing system equal or exceed national standards.

Methadone offers a number of positive characteristics. It can be taken orally and its sustained effect lasts for at least 24 hours of normal alertness and well-being. There are virtually no contraindications to methadone and side effects are minimal. Research to date indicates that when properly administered and controlled, methadone treatment is a safe and effective treatment modality.

Methadone and its use for the treatment and rehabilitation of individuals who otherwise would be likely to continue to use intravenous heroin has been endorsed by the following agencies and associations: The American Medical Association Council on Problems of Drug Dependence, the American Psychiatric Association Commission of Drug Abuse, the Task Force of the American Society of Pharmacology and Experimentation Therapeutics, the Joint Food and Drug Administration/National Institute of Mental Health Advisory Committee, and the FDA Drug Abuse Advisory Committee. Project Reality does not have a *"substitute" or "maintenance"* philosophy.

URINALYSIS

Almost all patients who are on the Project Reality program, whether drug-free or on methadone, are regularly evaluated by urine surveillance. All methadone patients are required to be on surveillance. This is done to alert the staff to any patient who is abusing drugs while on the program.

Urine samples are collected randomly 7 days/week. Strict control of urine collection and testing insures accurate surveillance. Observation, urine temperature checks, a number system, etc., prevent fraudulent samples from being submitted. The urinalysis surveillance system exceeds federal standards and is the most sophisticated process available.

Under the supervision of skilled laboratory personnel of the Salt Lake City/County Health Department, the urine specimen collected from each addict is extracted with organic solvents to remove any drugs. This extract is concentrated by evaporation and analyzed using thin-layed chromatography. If a drug other than methadone is found, the extract is analyzed again by thin-layer chromatography using a different solvent system. This serves as an internal check against false positives. In a few cases it has been necessary to use gas chromatography to provide a further confirmation of the results. We are also able to have some samples analyzed by the lab at the Utah State Division of Health as a confirmation and check of our results.

RESIDENT PROGRAM

Our experience so far, suggests that one of every twenty applicants accepted for treatment needs the services and structure that a Residential program can provide. These individuals lack the resources and/or stability, and responsibility to be maintained within the community. They are individuals who need the structure and treatment services of the Residential program. For many, there appears to be a period of adjustment necessary to cope with the pressures of reorienting themselves to society. This re-orientation process takes place on a gradual basis according to the strength and limitations of the individual patient.

The basis for Residential treatment is the therapeutic community. Many patients have not previously learned to be responsible to themselves and others. As Residents, they have the experience of obeying rules determined by the total group. This includes patients and staff. Privileges are earned only by appropriate behavior. Inappropriate actions are confronted and dealt with by the total group. This is for many addicts a new experience in limits, structure, leadership, cooperation, and sharing.

While in the Residential program, the individual is still expected to be moving toward becoming part of the community process through education, employment, and training. The mode of re-integration of the individual back into the community is based on the suggestions and support of the other patients and the clinical judgment and expertise of the project staff.

REFERRAL

Project Reality provides a treatment resource for narcotic addicts with or without criminal charges who meet the candidacy requirements. Referrals are accepted from physicians, other treatment programs, a variety of public and private agencies, as well as the criminal justice system. While admission is through the Project Reality Admission Team, not all cases are accepted for treatment services. After the evaluation a candidate may be appropriately referred to another drug treatment program or clinic, to mental health clinics and centers, or for detoxification medical services, or hospitalization. Project Reality is a rehabilitation program, and services provided by the project are coupled and co-ordinated with those of many other public and private agencies. This avoids duplication and provides a comprehensive program of services and treatment.

Project Reality is proud to be an active member of the Utah Drug Foundation, Utah United Fund, and the Drug Referral Center System.

While only a small percentage of the clients in the program have criminal charges, the project regularly evaluates candidates with charges for project services. For the probationer, regular progress reports are submitted through the Adult Probation and Parole Department. Release of information to the court is always done with the client's full knowledge.

The candidate with criminal charges necessarily requires referral to be done in conjunction with the defendant, his attorney, the prosecuting attorney, the court, and especially the Adult Probation and Parole Department. After evaluation and report by the Admission Team, the court may elect to require the defendant to participate in the Project Reality program as a stipulation of probation. After sentencing, the addict must complete and sign his probationary conditions and agreements with the Adult Probation and Parole Department prior to acceptance into the formal treatment and rehabilitation program. If such disposition is made by the court, it is always with the understanding that the patient may be at any time referred back to the court if there is any persistent failure to take advantage of the treatment processes offered.

BOARD OF DIRECTORS

Project Reality is a private, non-profit rehabilitation program incorporated under the laws of the State of Utah. It is governed by a Board of Directors who meet regularly, determine policies and develop and supervise the program. The Board is composed of local lay and professional citizens. The project has a tax exempt status and relies on federal, state, and local funds as well as donations for the financial support of the program. The Board of Directors employs an Administrative Director who, under their direction, supervises and directs the program.



## NEW ANTI-INFLATION STEPS

Mr. GRIFFIN. Mr. President, when he signed into law the bill extending the Economic Stabilization Act, President Nixon issued a statement setting forth certain additional steps that have been taken in the fight against inflation. I ask unanimous consent that the text of that statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

The Congress has passed and I have signed into law an extension of the Economic Stabilization Act. This legislation will permit continuation of a constructive and orderly program to restore price stability and I congratulate the Congress on its action.

After 18 months of great progress against inflation, prices soared again in February and March. Most of the increases were in the price of food, an area that strikes home for each of us every day. In these circumstances the temptation was strong to go for the superficially simple solution—to freeze prices across the board or even roll them back. We carefully considered that alternative. We firmly concluded, however, that such a move, taken at this time, would have created more problems for the average American than it would solve.

If, on the one hand, the freeze had been brief, the country would soon have confronted all the old problems again with even greater urgency when the freeze expired. But if, on the other hand, the freeze were planned to last for an extended period, then our present rising prosperity would have ground to a halt and the controls system would eventually have broken down.

Concerned as we are about the rise of prices, we must also recognize that there are some cases in which necessary supplies will not be available if prices are frozen or rolled back. We are seeing this now with oil and gas products. Similarly, if we had forced the prices of meat back to their January levels, as some have suggested, customers would not be boycotting meat today but would instead be storming supermarkets to be the first in line for the scarce supply of meat.

There are times, of course, when a price-wage freeze is necessary. August of 1971 was such a time.

But the situation is very different today. The American economy is operating much closer to capacity than in the summer of 1971. As a result, there are many more cases today where freezing prices would cause shortages. More than that, today we have a flexible price and wage control system already in existence. If conditions require firmer action, generally or selectively, we are already well-equipped to take it.

The price-wage control system is part of a larger anti-inflation program, the cornerstone of which is a responsible budget policy. The healthy expansion of our economy, which is creating more jobs and better wages today, could be transformed into a dangerously inflationary boom tomorrow if the rise in Federal spending accelerates. We must not let that happen.

At the same time that we are following fiscal and monetary policies to restrain excessive demand in the marketplace, we also are acting to increase supplies, the best of all ways to fight rising prices.

One area of special concern, of course, is food prices. We have been working in many ways to increase the supply of food. We have greatly increased the acreage of land available for raising crops and grazing livestock. We have sold the Government-owned stocks of wheat and feed grains. We are no longer subsidizing the export of food, and we have acted to increase imports of meat, dried milk and cheese. These measures cannot immediately offset the food shortages we have recently experienced—including those caused by the blizzards and floods of the last few months. However, what has been done, together with the spontaneous response of farmers to the present high prices, will have the effect of increasing food supplies and thus holding down prices. In fact, retail food prices have been rising less rapidly in recent weeks than earlier this year. We will continue to explore every possible way to meet the food inflation problem.

We are also seeking to increase supplies of industrial materials by selling off stocks held in the Government's strategic stockpile that are no longer required for national security. I have sent to the Congress the legislation necessary to effect this disposal and I urge its prompt enactment. I have also sent to the Congress a request for authority to suspend tariffs or other restrictions on imports where such action would be useful to restrain inflation; I hope this legislation will also be promptly and favorably considered.

The third element in the Government's anti-inflation program, in addition to checking the expansion of demand through appropriate fiscal and monetary policies and stimulating the expansion of supply, is the price-wage control system, now known as Phase III.

In Phase III the Government has set forth standards of desirable price and wage behavior which are essentially the same standards used during Phase II. In some areas—food processing and distributing, construction and medical care—observance of these standards is mandatory, just as it was in Phase II. For the rest of the economy, compliance is on a self-administering basis unless the Government, through the Cost of Living Council, finds mandatory control necessary. As I have said before, Phase III will be as voluntary as it can be and as mandatory as it has to be.

Since Phase III began, we have taken a number of steps to ensure the achievement of its goals. Mandatory price control has been imposed on the larger oil companies. Ceiling prices have been set for beef, pork and lamb. Those wage agreements that have appeared inconsistent with price stabilization have been held up pending further study. The Internal Revenue Service is checking on some 500 large companies to be sure that their pricing procedures conform with the standards of Phase III. The Cost of Living Council is meeting with representatives of a number of large industries to gain a better understanding of the causes of their recent price increases.

So that the Government can administer the Phase III price control program more effectively, I have directed the Cost of Living Council to take several further steps.

First, it will obtain from the largest firms a full and detailed report on price changes that have been put into effect since the beginning of Phase III, so that it may order reduction of increases that have exceeded the standards.

Second, a new system of prenotification will be instituted. If a major firm intends to raise its average prices more than 1.5 percent above the January 10 authorized level, it must notify the Cost of Living Council 30 days in advance. This will give the Cost of Living Council an opportunity to determine whether or not the use of its authority to stop the increase, or some other action, is warranted.

Third, firms not exceeding the 1.5 percent limit will still be required to report their actions quarterly, so that their conformity to the cost-justification standards may be checked.

Fourth, additional resources will be assigned to ensure that these strengthened efforts are carried out fairly and effectively.

The Cost of Living Council will provide the details of these actions.

This Administration will continue to do everything it can to fight inflation, but others must also do their part if we are to succeed. Everyone has an interest in restoring reasonable price stability without ending the present prosperity and without rigid suppression of free markets and free collective bargaining.

Our great need is for more production. Only with more production can we fight inflation while still providing the goods and services people want.

Today I address the call for more production particularly to the Nation's farmers, because it is the price of food more than anything else that now blocks the return of price stability. There are many grounds on which such an appeal can be based. Prices are high, world demand is strong, and economic conditions are such that farmers will improve their incomes by producing more. This is especially true of animal products—meat, dairy products and eggs. Continuously rising food prices, on the other hand, would create greater pressure for controls, pressures which could be hard to resist even though the controls would hurt consumers as well as farmers.

The country needs more food, and American farmers have never failed to deliver when the country needed them. Although our farmers have had to contend with miserable weather conditions in recent months, their productive capacity is still not fully utilized.

Labor and management also can contribute to the fight against inflation by continuing to improve productivity. Rising productivity attacks inflation both by increasing supplies and by holding down costs. Progress on this front to date has been encouraging. Since the summer of 1971, output per man-hour has risen 50 percent faster than it has over the long-term. It is imperative that we continue this excellent performance, even though it will become more difficult to do so as the economy reaches higher levels.

Labor and management have also been contributing to our stabilization efforts through responsible collective bargaining. The average size of increases in collective bargaining agreements was lower in the first quarter of 1973 than before the New Economic Policy began. I am also encouraged by the record to date in maintaining industrial peace. In short, the cooperation of American labor and management in the stabilization effort has been outstanding.

The American people look to labor and management to continue constructive behavior.

Although I believe that prices will not rise as much in the months ahead as they did in February and March, price increases will probably be higher than we would like for some months. We should be mature enough to recognize that there is no instant remedy for this program. We are dealing with a condition that is world-wide in scope and in-

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deed has been less severe and more effectively confronted here than in most other countries. Working together, the American people will solve the problem of inflation, but that process will require patience, cooperation and understanding from us all.

Meanwhile, let us not overlook the great strengths of our economy. We have more people at work than ever before, earning higher real incomes and consuming more goods and services per capita than at any time in our past. Inflation is a potential danger to all and a present hardship for some but nevertheless the American people are enjoying the fruits of an extraordinarily effective economic system. Any superficially appealing actions that would disrupt or abandon that system would ultimately cause far more damage than they would repair.

## THE 30TH ANNIVERSARY OF WARSAW GHETTO UPRISING

Mr. MONDALE. Mr. President, during the Easter recess the world commemorated the 30th anniversary of the Warsaw ghetto uprising. In April 1943, young Jewish men and women organized, in the sewers and rubble of the Warsaw ghetto, the first organized civilian resistance in Nazi Europe. Starving, isolated and desperate, they repelled onslaught after Nazi onslaught. And as the Nazis used tanks to destroy the walls of the ghetto, the food, water, and ammunition were exhausted and the ghetto was turned into an inferno. These beleaguered and outnumbered Jews were able to hold off the Nazis—while the world silently watched. In the end, the ghetto was rubble and the few survivors destined for the horrors of the concentration camps.

But today we remember their heroic battle cries and the valor of those who refused to capitulate to the Nazi slaughter.

In a recent article entitled "At the Wall in Warsaw, 30 Years Later" in the New York Times Magazine on April 15, 1973, James Feron returned to Warsaw with one of the few survivors of the uprising. I request unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AT THE WALL IN WARSAW, 30 YEARS LATER

(By James Feron)

WARSAW—Several weeks ago, Jack P. Eisner, a New York businessman specializing in foreign trade, arrived here to confer with Polish officials on export-import matters. Visits of this kind are increasing with the improved political climate between Poland and the United States. As Mr. Eisner ate breakfast in the restaurant of the Europeski Hotel, he saw others like him who had also come to talk business.

His trip was somewhat different, however. For one thing, Mr. Eisner was resuming contacts rather than initiating them. His company, Stafford International of 30 West 26th Street, had traded with Polish concerns until 1968, when links were severed. That was the year that a political struggle within the Communist leadership flared into a purge of Polish "Zionists" accused undermining the state. "The atmosphere was very bad," Mr. Eisner says, "so we pulled out." The passage of time (and the political demise of the 1968 leadership) has put all that behind, however, and doors once closed are being reopened.

But Mr. Eisner's trip was different for still another reason. It was a journey home for him. Born in Warsaw, he was a teen-ager when the Germans attacked Poland on Sept. 1, 1939, occupied the capital a few weeks later and soon began to enclose what they would call the "Jewish living area." By November, 1940, an estimated 400,000 Jews had been crammed within a 10-mile-long wall surrounding the ghetto. Then, methodically, they were "selected" and sent to their deaths at Treblinka and other extermination camps. By April, 1943, the leaders of the shrunken Jewish community—about 60,000 emaciated men, women and children—decided they would resist the final deportation. They fought desperately for a month in a futile struggle that has since become one of the few proud sagas of the wartime Jewish holocaust. Not many survived that month of resistance, but Mr. Eisner was one of them.

This Thursday, a small group will gather before the Jewish memorial on Zamenhof Street, in what was once the heart of the ghetto, to commemorate the 30th anniversary of the rebellion's beginning. Wreaths will be laid and speeches made, but the special nature of the uprising is disappearing in Poland. Each year, the Government officials who show up emphasize two points with increasing intensity: that the Jewish insurgents were assisted in their final struggle by combat units of the Polish underground organizations, and that the uprising itself must be seen as part of "the national Polish struggle against the forces of racism and Fascism."

These points are arguable. It is often noted that the ghetto fighters raised both the Polish and Jewish flags during their uprising. Poles offer it as proof of the Jews' patriotic feeling, while Jews argue that the display of the blue and white flag with Magen David that now flies over Israel represented their separate identity and the special nature of that 1943 struggle. But the argument is muted in a country where historians are obliged to conform to official lines. The time may come, in fact, when no Jews will be left in Warsaw to help celebrate the ghetto anniversary, much less dispute the role being assigned to it by Communist authorities.

I met Mr. Eisner during his brief visit here and asked if he had been able to recognize anything of that anguished period. The ghetto, which once covered a third of the Polish capital, had been systematically leveled by the Germans as the battle ended. So had most of the rest of the city a year and a half later, after an equally heroic and tragic uprising by the Polish underground. Mr. Eisner said that he had, in fact, intended to spend part of his last day here walking through the former ghetto area, seeking familiar landmarks.

So it was that the next day, a cold and windy January afternoon, we were circling the Nozik Synagogue near Grzybowski Square, where Mr. Eisner said he had sung as a boy, looking for an open door. The century-old building is the last synagogue still standing in Warsaw, and it looks ready for the wrecker's hammer. All the windows were bricked or boarded shut, and the large wooden front door was closed behind a massive lock. The walls were chipped and, along the lower portions, occasionally defaced with what the scrawler apparently felt was an epithet in itself—"Zyd" (Jew).

The only sign of life was steam pouring lustily from a pipe that stuck out of an otherwise sealed second-story window. We eventually found a door that was open, and this led to a dark, dank and heavily littered staircase. At the top, a bearded man watched our approach, unsmiling and suspicious. Mr. Eisner asked him a few questions in Polish, and the man replied, but just barely. Was the synagogue closed? In winter, yes; it cost too much to heat. But there was a room next door for services. How often were they held? Once a week, on Saturday. The two men spoke evenly, without expression, feeling each other out.

Finally, the bearded man asked, in Yiddish, "Biz tu a Yid?"—"Are you a Jew?"

Mr. Eisner looked a bit surprised, and annoyed. "Of course I'm a Jew," he replied, in Yiddish.

"Well, you spoke such good Polish that I wasn't sure," the other man said in a more affable tone. Now they chatted on, and soon the bearded man invited us inside.

There have been Jews here over the ages, but the number multiplied after the 14th century when Casimir the Great welcomed to Poland the many victims of religious persecution in Spain and Germany. Some historians maintain that at one time in the Middle Ages, 80 per cent of the world's Jewish population lived in Poland. By 1939, Jews represented 10 per cent of the total population in this country. They were a vigorous community, living for the most part in separate, Yiddish-speaking enclaves.

Before the war there were 3.5 million Jews in Poland. Now there are fewer than 10,000, scattered through the country, the great majority of them speaking Polish—even to each other—and seeking, in many cases, to disguise their background. Within this larger group, there is a smaller "community," also scattered, of observant Jews, but it is an aging and dying group. Where once it was difficult in some areas to find a nonkosher restaurant, there are now just 10 widely separated kosher cafeterias, supported by funds from outside. The maintenance of rabbinical law, for the relatively few who still care, is a triumph of accommodation.

Poland is perhaps witnessing a final chapter of the thousand-year-old history of Polish Jewry, and even these last pages are punctuated with irony. The principal sponsors of the 30th-anniversary celebrations are the Social-Cultural Society of Jews in Poland, a thinly veiled branch of the Interior Ministry headed by officials with long experience in the state security apparatus, and the Polish Union of Fighters for Freedom and Democracy, a veterans' organization that served as the vanguard of the 1968 anti-Semitic campaign.

The real leader of the Jewish community of Poland, such as it is, turns out to be Isaac Frenkiel, a 58-year-old survivor of the Lodz ghetto, who lives with his wife, Esther, in a brick building that is next to the synagogue and in an equally decrepit condition. Unlike the synagogue, it is slated for demolition, to make way for a road. Mr. Frenkiel has witnessed much, including the departure for Israel of his own three sons in the aftermath of the 1968 "events." He now serves as the conduit for the funds, medical supplies and other assistance that still come from Jewish organizations abroad, and as the link between the rabbinate in Jerusalem and his meager congregation in Poland. He organizes the rabbinical supervision of kosher products, no mean trick in a country without a single rabbi, conducts those religious services that are still possible and speaks with benign contempt of the "antireligious" Jewish Social-Cultural Society operating out of a modern building less than 100 yards away. For three months each year, he sees to the baking of matzoh for Passover on a clanking assembly line operating in the otherwise deserted Nozik Synagogue.

It was the steam from his matzoh machine that we had seen billowing from the synagogue, and the bearded man invited us in to witness the elaborate process. Mr. Frenkiel himself had invented the device. "I'm an engineer as well as the head of the Jewish community, so what could be more appropriate?" he remarked with a shrug. Then, sweeping an arm to encompass the rollers, wire-mesh belt, elongated oven, stacking tables, wrapping counter and chute leading to a loading platform on the ground floor, he added, "This is something unique.



For a thousand years we've been making matzoh by hand here, but I've been able to mechanize the whole process while keeping within religious law." As an example, he indicated a basin of water near the center of the room. "Because of religious law, the water has to stand overnight. We have faucets near the mixing machine, but we use the basins instead." He grinned, as though relishing victory in a skirmish with some unseen force.

The line of rabbinical authority originating in Jerusalem remained unclear, not only for the matzoh production but for the other ritually "approved" products emerging from engineer Frenkiel's scattered enterprises. The kosher flour comes from a special mill in Otwock, southeast of Warsaw, and is "used only by us," he said. It was a state enterprise, as were the slaughterhouses in Warsaw, Lodz and Wroclaw where meat was ritually slaughtered once a week. "In Cracow there's a state enterprise making gefilte fish, and that's kosher, too. In Kamieniec, near Bielsko Biala, they make the Passover slivovitz. It's made by the state spirits monopoly, and I give the O.K. for that."

Mr. Frenkiel said he was authorized to delegate supervisory responsibility for dietary law, but he veered away from details. There's no reason to assume, however, that Jews who were able to maintain their identity through the Inquisition should not be able to do so in contemporary Poland, where they are merely dying of attrition. Still, attention to the laws at Frenkiel's kosher matzoh works seemed pretty casual. When I visited the factory a second time, the worker responsible for watching the matzoh to make sure it's all kosher, 85-year-old Rubin Nowak, was missing. So who was watching the matzoh? "Oh, he's watching it," Mr. Frenkiel responded, indicating one of the men working on the rollers. This same attitude was apparent later when the subject turned to kosher restaurants. "There's one place in Warsaw where a lot of our people go," Mr. Frenkiel said. "It's not kosher exactly, but it's Jewish."

Later, in his office, he spoke of what life was like for a Jew in Poland today. To begin with, it was difficult to say just how many remained here after the last major emigration triggered by the 1968 purge. An estimated 14,000 Jews, most of them completely assimilated and identified as Jews only by the state authorities, went through the departure process—essentially renouncing their Polish citizenship and declaring their desire to go to Israel (only a third left for there, and the majority were taken in by the Danes and Swedes).

"We count 3,000 practicing Jews in our 18 congregations throughout Poland," Mr. Frenkiel said. These congregations are united under a Jewish religious union, technically called the Congregation of Moses' Denomination. "We assume there are 10,000 to 12,000 Jews altogether, including mixed marriages." The Jewish Historical Institute suggested a figure of 15,000. Officials at the Social-Cultural Society said the number was 9,000 to 15,000, which means this is the figure the Interior Ministry uses. The Office of Religious Affairs, a Government unit, offered 1,700 as the number of members of Jewish congregations, with some members representing families.

Several years ago there were two rabbis in Poland, but one of them, Dov Percowicz, died five or six years ago and the other, Zeev Moreno, left for the States a bit later. It is now difficult sometimes to find a minyan, the minimum of 10 male Jews necessary for a service. A Jewish official working in the West said recently that "they have to pay some of the men to arrive sometimes, just to make sure they have a minyan." A Jewish diplomat who attended services in Poland said he was welcomed sometimes as the 10th man. On Yom Kippur, however, the synagogue is full, Mr. Frenkiel said.

The center of Jewish life is the cafeteria, a soup-kitchen type of operation where the mostly aged members—of the community—those who cannot cook for themselves or who prefer to mingle with their friends—go for meals. The food is simple but good, and it is kosher. Two dozen people were eating lunch one day recently at the Warsaw kitchen in Mr. Frenkiel's building. Except for a girl in a [illegible] who was checking names and clearing tables, the average age appeared to be well above 60.

I had asked Mr. Frenkiel if anybody spoke Yiddish anymore, and he had said, "Come to lunch and just listen." I did, but they were all speaking Polish. There seemed to be an equal number of men and women chatting and joking. A small lady wore the uniform of a Polish postman. One man asked Mr. Frenkiel above the din who I was. The engineer replied, "None of your business," and several people, including the questioner, laughed good-naturedly.

A woman I sat near asked if I was a visitor from abroad, and if so, would I like to come to her flat for tea with my wife. I explained that I lived in Warsaw and was a newspaperman. She asked if she would appear on television, and was relieved to hear she would not. "I don't want my son to see me eating here."

Her son was an engineer working in Canada. He was married now and might come to her once he got his new citizenship. Jews forced out after 1968 are usually advised in their new country not to attempt to return in their stateless condition. "He was in the party," she explained, "but it was for work." One day at a party meeting, "they singled him out as being an enemy of the state. He never thought they would do that, because he had been faithful for so many years. Anyway, he had to leave." The woman's son was a typical case. Many of those purged had been only nominal party members, joining only as a means of security job advancement.

Did she plan to join him in Canada? "No," she said, "I don't want to burn my bridges."

Officials of the Joint Distribution Agency, now based in Geneva, say they learned long ago that Jews—and people in general—do not move unless they are forced to. Jews who have lived under stress in other areas such as North Africa have refused to leave when given the opportunity. They departed only when they felt they were faced with catastrophe. So it was with the woman seeking companionship in a kosher kitchen, afraid that if she left she would never return—to what?

Mr. Frenkiel claimed the 1968 events had nothing to do with his congregations. "It was a party fight, and most of those who left were party members." He jerked his thumb over his shoulder, indicating the nearby offices of the Social-Cultural Society of Jews in Poland, and said: "It's their problem, not ours." Then, abruptly, "Esther, get that 1966 story about me."

The article, which was in the Yiddish-language weekly Folkstimme, published by the party-run society, spoke of Poland's Jewish schools (the last of which closed in 1967) and their failure to divert Jewish youth from "decadent" religious customs. It condemned the "participation of youth" in Purim and Passover celebrations, organized then as now by Frenkiel, in Warsaw, Lodz and Wroclaw.

Mr. Frenkiel said that the schools had never really taught any religion. Yiddish-language and Jewish-culture courses were given, but the lessons were taught in Polish. "They were state-run, and like all other state schools, they sought to indoctrinate [the students in] nationalism and Communist ideology. I sent my own sons to the Kopernik School in Lodz, a regular Polish school, and if they learned Hebrew and got religious training, it was only at home."

He smiled as he recalled something. "In Lodz my sons were allowed to stay home on Jewish holidays, but in Szczecin, do you know the Jewish kids were offered bars of chocolate to go to school during Passover?"

Mr. Frenkiel deals with the Government through the Office of Religious Affairs, just as "they"—jerking his thumb again—deal with the Ministry of Interior. The Office of Religious Affairs handles only religious matters, and officials there said they would be pleased if Mr. Frenkiel limited his own activities in the same way.

"Look," Mr. Frenkiel said. "I'm not just a poor Jew who prays all day long or takes off his hat like a poor *muzhik* [peasant]. I go beyond the religious field . . ."

His wife interrupted. "Sure, he does charity work, and his cafeterias . . ."

"Not only that, not only that," her husband insisted. "I look after the needs of the Jewish minority in the full sense of the word. They know what I do. They can throw me out if they want. Call it politics, but it's the politics of looking after the Jewish minority."

The religion vs. atheism struggle exists even today, he said, despite the sharply reduced Jewish community. "When our congregations organize festivities for children—we will have a Purim party for example—it's like a thorn in their side." He would not acknowledge that the Jewish community was disappearing. "There are still 2,000 Jews here between the ages of 18 and 30," he said. A Jewish official working abroad said a man from Cracow told him he "couldn't remember the last Jewish birth in that city, while someone was carried off to the cemetery every week." I asked engineer Frenkiel: When was the last Jewish marriage?

"Today," he replied triumphantly, banging the desk in his office for emphasis. "At 10 o'clock." That was the civil ceremony—the only legal kind in Poland—at the Palace of Marriages, "but the religious ceremony took place last Saturday in Lodz." She was 22, and he was 21, Mr. Frenkiel said. "They were married at home by a man who was here designated to take the place of a rabbi."

Nevertheless wasn't the community dying out? "A Danish TV team was here and they asked me the same question," he replied. "I didn't answer. The film was shown in Israel, and one of my sons wrote that the Israeli commentator said: 'In Poland today, no answer is also an answer.'" He leaned back. "What can I tell you? For the time being there are Jews here. That's a fact. It's a fact also that for some their body is here and their soul is somewhere else."

The engineer was reluctant to say how the community maintained itself financially. Although "Joint"—as the Joint Distribution Agency, a normal source of funds for such Jewish communities, is called here—was forced to cease operations in Poland in 1967, support continues to reach Polish Jews from organizations based abroad. Mr. Frenkiel acknowledges as much when I asked him if he received state support. "Sure, sure, state support," he replied, laughingly. "Our state support was just cut by 10 per cent," a reference to the February devaluation of the dollar.

He pulled out his wallet and spread some color snapshots on the desk. "This is Zeev. He lives in Bat Yam, an engineer, 27 years old." Zeev was in an Israeli Army uniform, holding an Uzi, the standard automatic weapon. Behind him was barbed wire and a sign reading, "Stop. Frontier ahead." " . . . And this is Shmuel—25, I think . . ." His wife cut in: "Of course he's 25, like the State of Israel. He was born on Independence Day. How could you forget?"

"Sure, Shmuel is 25," Mr. Frenkiel continued, "studying at the university in Jerusalem. And this is Jonah, 24, who goes to the Polytechnic in Haifa." There were other pictures, including one of Mr. Frenkiel and his



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wife standing with their three sons against a sun-drenched Jerusalem skyline.

He produced a calendar published by Polish authorities for the Jewish community. It was in Yiddish. "Look at May 7," he said. "We even got them to mark May 7 as Israel's Independence Day. Very nice." Although Israel and Poland have not maintained diplomatic relations since the 1967 Arab-Israeli war, the Frenkiels keep in touch with their sons through direct mail and by phone. "They put me right through—250 zlotys a minute for the first three minutes (roughly $4) and 105 zlotys for each minute after that."

"Anyway, who's a Jew, who's not a Jew?" Marion Fuks, director of the Jewish Historical Institute in Warsaw until his retirement last month, said when asked if he could offer some idea of how many Jews remained in Poland. "Only the keeper of the Jewish cemetery knows for sure."

The question of how many Jews there are in public life is clouded for the same reasons. While I was interviewing officials at the Social Cultural Society, they suddenly began arguing over a few names. One man offered the name of a leading theatrical personality, but Mr. Edward Rajber, director of the Society, objected. "He was christened as a child, don't make a Jew out of him," Mr. Rajber said heatedly and, perhaps, protectively. Another official suggested that Mr. Fuks's reference to the cemetery gatekeeper was not as facetious as it sounded: "He (the gatekeeper) will meet you and say, 'You know who came in today?,' and you say, 'No, who?,' and he'll say the daughter of so and so, mentioning a professor who died several years ago. 'And so?' And so she's Nina Andrycz, a leading actress and former wife of (ex-Premier) Jozef Cyrankiewicz."

Engineer Frenkiel was a bit more forthcoming about Jews in public life, although he laughed and said, "That's someone else's job, deciding who's a Jew and who's not." Again the thumb indicating his friends at the Social-Cultural Society. "There are some Jews in public life whose names I can even mention. One of our Vice Premiers, Eugeniuz Szyr, for example, and the Ambassador to London, Artur Starewicz. There are also three Jewish judges on the Supreme Court. One of them was in here just the other day." He said that whole areas of Polish life were only lightly touched in '68—lawyers, doctors, nonparty people in the Government, especially those doing highly technical work. Jews still occupy responsible posts in publishing, cultural, educational and agricultural fields, although a relatively small number have the same responsibilities they had before '68.

The underground nature of being Jewish persists. There is one story that the audience for the opening of the rebuilt Yiddish Theater included a number of Jews who had received letters encouraging their attendance. They belonged to no Jewish organization, had not attended any Jewish functions and thought they had become invisible. They were understandably disturbed to discover that lists existed somewhere identifying them still as Jews.

Jews continue to leave the country, but in small numbers now, and in some cases on the basis of applications they were obliged to make long ago, during the 1968 "events." A nonpracticing Jew whose parents and two brothers were forced out after 1968—they now live in Scandinavia—has been unable since then to leave the country to renew family ties, even though, in Polish security terms, he is more likely than ever to return home. He has married since his family left and has a baby daughter—although after '68 he vowed never to have a family in Poland for fear the child would be persecuted because of the Jewish forebear.

"I am able to correspond with my parents, but it is only a half-correspondence," he said. "We write about the baby, of course, but we cannot meet, even though we have considered many neutral locations. A friend finally told me it would be easier to see *Il Papa* in Rome than to get a visa. It's all so sad, this '68 business. My parents were not Zionists, they were not ever practicing Jews. They couldn't even speak Yiddish.

"Who was responsible for this? Nobody is sure, even today, but it was within the party. And if you want to know who were the anti-Semites, just go through the back issues of Nowe Drogi [the party ideological organ] and copy down the list of editors and writers. That would be a good beginning.

"But that's all past. The question is why do they keep it up? Why not let us out to visit my parents? There must be a reason. Maybe they still need some Jews around to grab when things get tough again, someone to blame. It's a tradition. It's like the Jewish joke about the source of Polish problems—'The Jews and the bicyclists.' 'Why bicyclists?' 'I don't know, but why Jews?'"

The disappearance of Polish Jews is taken for granted now, and it is unlikely that they will be mourned by many here. Poles born after the war, of course, would not know much of the Jews' distinctive ways, except from what they read, or were told. The older generation has mixed feelings. A Polish woman whose forearm bears the Auschwitz tattoo, and who helped save an orphaned Jewish child in the camp (she discovered only last year that he survived, and now wonders if she should tell him he is Jewish when they meet), had an explanation for the 1968 purge that reflected both her own experience and the Government's explanation:

"The Government wasn't after Jews in 1968, but only the Zionists. They just couldn't find the difference. But, you know, scholarships were only going to Jews then, as the Jewish professors saw to it that they were favored." The two statements seem unconnected, except in a country where long-standing resentments fit comfortably in political actions, or where the actions capitalize on widely held attitudes. The woman, similarly, felt that Poles had been slandered in some of the best-known books about the ghetto uprising, including "Mila 18." "They say we did not help them, but people did help. It was the death penalty if you were caught, but Poles hid Jews and supplied arms to them. And I wonder sometimes how the Jews would have treated us had they been in our position."

Another woman, of mixed parentage, who had been married to a Jewish artist, refused after the war to translate "The Wall" by John Hersey because she felt it, too, was anti-Polish. "Many Poles died. Jews were found in their homes," she explained. A scientist, too young to have taken an active part in the war, said: "It's absurd to say that there were no anti-Semites or that Poles did not beat Jews, but it's just as ridiculous to deny the good things that did happen. It's just a matter of numbers, in a way. We had a huge Jewish population here before the war, so there were many acts of heroism just as there were many terrible things between Jews and Poles."

Anti-Semitism lingers, even without Jews, but surfaces only occasionally. The men from the Interior Ministry who seemed to have been largely responsible for the 1968 purge are mostly gone now, so anti-Semitism, or anti-Zionism, no longer seems politically acceptable. Last year, however, an extraordinary theatrical performance in Warsaw indicated anti-Semitism was still tolerated at high levels.

A series of one-actor plays included a production called "R.F. 68," after the initials of Ryszard Filipski, a Cracow producer who had been active in the 1968 purge. Performed with other plays in the Prochownia (Powder Tower), a historical building in the Old Town, "R.F. 68" represented a monologue on the Jewish role in World War II. The theater was decorated with menorahs and the actor spoke his lines against a huge picture of a Jewish ghetto policeman arresting a small boy, presumably for stealing. One of the sketches, called "Your Brother Abel," put the blame on Jews for World War II, and accused them of becoming prostitutes in the ghetto and of a host of anti-Polish actions. During the performances, some members of the audience began walking out to the taunts of others. The controversy has continued with the circulation of unpublished letters by prominent writers demanding an official explanation.

The largest, and possibly busiest, surviving site for Warsaw Jews is the cemetery, tended inadequately by an old man who always asks new visitors if they are Jewish. Mr. Eisner recalled the role of the cemetery as a center of smuggling, resistance and violent death during the war: "It was at the edge of the ghetto, actually outside the walls, but we could reach it by a wooden bridge. Hundreds of people used that bridge only one way—coming here to commit suicide because they were so discouraged. Later on we used it to transport food, clothing, guns and ammunition, and to get people in and out of the ghetto itself. We would use make-believe hearses, and when the Germans caught on, we would make double-bottom boxes, with a dead body on top and food and medicine underneath. During the uprising itself, we built bunkers under the graves to hide gasoline."

The cemetery today bears evidence of age and abuse. Most of the paths are overgrown, with those leading to the farthest corners taking on an impenetrable jungle look. Hebrew-lettered tombstones, green with age, lean in all directions, some tipped by the roots of trees that have been growing unchecked since the war and some knocked over by grave robbers. One whole section in the most remote corner of the cemetery has been systematically looted, evidently some years ago.

A rumor persists that Polish authorities will build a road through the cemetery, or turn it into a park, as they did in Bialystok, but the months turn into years and nothing happens. Every once in a while a body is carried in, accompanied by a small knot of mourners. There is no rabbi to read the service. So a male member of the community does so. Some day, they tell each other, there will not be anyone left to do even that.

## FLIGHT CURFEW VIOLATIONS

Mr. SAXBE. Mr. President, I have information that there have been an increasing number of violations of the flight curfew agreement at Washington National Airport. The agreement is aimed at preventing jet takeoffs or landings between the hours of 11 p.m. and 7 a.m., except in emergency situations.

These violations are not limited to any single source, but have been perpetrated by airline companies and private and military aircraft.

For example, one airline alone has violated the curfew no fewer than 25 times since the first of this year. Eleven of these violations were attributed to nothing more than late operations.

I can understand the extreme discontent of area residents over the repeated violations. And, if these violations continue, I am sure there will be many people interested in forcing more flights out to Dulles International.



I am reliably informed that some of the most consistent violators are private jet planes over which the airport people say they have no control.

Currently, I am putting together a list of all violators and the companies involved, and will release the list in the near future. Then I am going to ask the private companies for an explanation, and also demand that the military show justification for any flights made in or out of Washington National during curfew hours.

If the only justification is to fly some big-wig back to Camp Swampy, I think this ought to be exposed and publicized.

I would like to point out that it is not difficult even for the average citizen to tell who the curfew violators are. Anyone with a VHF radio can identify the violators, and I would see nothing wrong with civilian monitoring of VHF radio bands to search out these flights. I would be glad to have these reports, and I will see to it that they are properly publicized.

I am hopeful that the airlines and all others will respect the curfew agreement and discontinue jet takeoffs and landings during the restricted hours. But this is going to require voluntary cooperation on the part of all jet aircraft operators.

## TULE ELK WILDLIFE REFUGE

Mr. CRANSTON. Mr. President, there has been widespread misunderstanding of the purpose for which my bill establishing the Tule Elk National Wildlife Refuge, Senate Joint Resolution 6, was introduced.

Recently, I had occasion to respond to the Inyo County Board of Supervisors about their misapprehensions about the bill. I think my colleagues will be interested in sharing this clarification.

I ask unanimous consent that the text of my letter to the board of supervisors be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 11, 1973.

Hon. ROBERT P. FISHER,
*Chairman, Board of Supervisors,*
*County of Inyo,*
*Independence, Calif.*

DEAR MR. FISHER: Thanks very much for forwarding to me the Inyo County Resolution No. 73-29 concerning the Tule Elk National Wildlife Refuge. It gives me an opportunity to clear up several misunderstandings you have about the bill.

1. The bill does not require that the Tule Elk herd of Owens Valley be increased to 2000. The bill specifically states that if the Secretary of the Interior finds that the area cannot support 2000 head, he would seek to achieve the 2000 number by developing herds elsewhere.

Since Dr. McCullough, whom you describe as the most eminent authority on the Tule Elk, has found that the Owens Valley can support only 500 elk, I believe the Interior Department would make the same finding. As author of the bill, I assume it means only 500 Tule Elk will be in the Owens Valley.

2. I do not believe that the bill would lead to the acquisition of any lands in the Owens Valley by the Federal government. The Secretary is given that authority only excuse the Secretary could have for acquiring to carry out the intent of the bill, which is to permit the maximum herd, which I assume is 500, in Owens Valley. The only lands is if some property owner were to inhibit a head of 500 Tule Elk in Owens Valley. Obviously, the only property owner owning enough property to do this would be the City of Los Angeles. I cannot conceive that the City of Los Angeles would attempt to thwart the establishment of a herd of 500 Tule Elk in the Valley, and thus run the risk of losing its land. Thus I feel the mention of eminent domain is only intended as standby authority, which should never need to be used.

3. The Secretary of Agriculture is given the authority to limit grazing only if necessary to accomplish the purposes of the resolution. If, as Dr. McCullough says, the number of cattle grazing in Owens Valley does not affect the carrying capacity for Tule Elk, then the bill clearly would not necessitate a decrease in grazing permits.

I hope this clarification of the bill will permit you to reconsider your opposition to it. I believe the bill can do much to protect and enhance the environment in Owens Valley including the subsurface water table and I would like to feel I have the support of the Inyo County Board of Supervisors when hearings are scheduled for the bill.

Let me further say that my intention with S.J. Res. 6 to cooperate with the State of California's new law that the number of Tule Elk be increased to 2000. What S.J. Res. 6 does is to require that the Federal government, as a matter of policy, cooperates with the State of California in attaining that goal.

Thanks again for giving me the opportunity to reply. I would appreciate your comments on this letter.

With best regards,

Sincerely,

ALAN CRANSTON.

## TAX LOOPHOLES

Mr. FANNIN. Mr. President, last year there was a flurry of nonsensical rhetoric about taxes and the need for radical tax reform. Serious observers of the American political scene discounted this rhetoric because it was an election year.

It has been my hope that this year, with the elections behind us, we could deliberate responsibly on the need for improvements in our tax code without the distractions caused by the ill-informed or the tax reform sensationalists.

Unfortunately, there has been another emergence of shrill voices and distorted statistics attacking our tax system.

Under these circumstances, the counsel of rational men is often drowned out.

One authority we should be listening to is economist Roger A. Freeman. It has been my privilege to get a glimpse of his forthcoming book, "Tax Loopholes: The Legend and the Reality," which will be released by the American Enterprise Institute and the Hoover Institute.

This book will expose many of the myths being manufactured by those who are attempting to build a case for radical changes in tax laws. Some of the good points which Mr. Freeman makes are included in a recent article he wrote, "Let's Talk Sense About Tax 'Loopholes.'"

Mr. President, for the benefit of Senators who are concerned with the tax reform issue, I ask unanimous consent that the article from Human Events of April 21, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AS APRIL 15 ARRIVES: LET'S TALK SENSE ABOUT TAX "LOOPHOLES"

(By Roger A. Freeman)

Ever since the mid-1950s a legend has been widely broadcast by some and believed by many: that our tax laws are so rigged as to enable rich persons to pay little or nothing in federal income tax while squeezing the little man to make up for the resulting deficiency.

Some authors repeat that story in an effort to sell their own advisory services to burdened taxpayers who seek ways to lighten their load. Other writers, and some vote-conscious politicians, shout it from the rooftops in order to create a public sentiment that would help them attain their aims: to have the government redistribute income, even more strongly than it does now—from those who earn it to those who yearn it.

To put it plainly: The current campaign to "close the loopholes" is largely an appeal and attempt to "Soak the Rich," with pseudo-moralistic overtones, clothed in language that pretends to be sophisticated but is largely sophistry.

In this drive of latter-day muckraking, in the worst tradition of the late 19th Century populists, the most articulate professional in the art of slanted, one-sided and flamboyant description of law, rules and lawmaking on taxes by Congress, the one with the shrillest voice and the least concern for a factual and balanced presentation, probably is Philip M. Stern.

Ten years ago he achieved much attention with *The Great Treasury Raid*. His latest volume, *The Rape of the Taxpayer*, is an updated and expanded version of the earlier volume. The book's approach and aims are clear from its blurb and ads: "How would you feel about a federal welfare program that gave each of America's 3,000 richest families $720,000 a year of your hard-earned money in annual welfare checks?" and "Read this book before April 15th. It will make you mad as hell." Stern's intent is clearly to incite hatred and class warfare.

If I were a librarian I would put *The Rape of the Taxpayer* on the fiction shelf. I would do so not only because of the dozens of fictitious letters and statements from such characters as Allan Welloff, Mr. and Mrs. Van der Meer Opulent, Mr. and Mrs. Wallace Comfortable, Roger Croesus, John D. Rockmellon, Clark Movie Star and numerous others and several imaginary court trials, government press conferences and statements—all of them invented and grotesquely distorted to hold their presumed authors up to derision and public ridicule.

I would do so because much of the rest of the book consists of slanted and other malicious descriptions of the way in which the tax laws operate, of the intentions of Congress in writing tax law and, in fact, of the capacity—or according to the book, incapacity—of Congress to deal with tax matters in a proper way.

It was, I believe, the late Justice Holmes who once said that the right of free speech does not include the right to shout "fire" in a crowded assembly. What Stern has done in his writings in precisely shouting fire in a crowded assembly, aiming to harangue and arouse to frenzy broad sections of the American public by telling them that they are being cheated. To be sure, Stern also presents masses of correct data. But he reminds me of the sports-writer reporting that the Cincinnati Reds got 10 runs without bothering to point out that the Dodgers got 12 to win the game.

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Depicting tax payments of multinational corporations to the governments of the countries in which they operate as subterfuges ("every dollar paid to a foreign government is a dollar less for the U.S. Treasury") Stern calls some foreign operations "Potemkin villages" and explains that term: "Consisting solely of fake building fronts, with nothing behind them, to lead Catherine II and her entourage passing by on railroads, to believe that the villages really did exist" (p. 255).

Catherine II passing by "on railroads"—presumably around 1787—is a picture that fits in well with Stern's other imaginative descriptions.[1]

To be sure: Stern is correct in charging that huge amounts of income escape federal income taxation. He cites numerous examples and gives mountains of details, some of them factual but usually wrapped in and overwhelmed by propaganda and inflammatory polemics.

Never once does he mention, among all the abundant statistics he displays, how much income actually does get around the federal tax gatherers, although the facts are easily available. All personal income in the United States in 1970 (the latest year for which income tax data has been published) totalled $806 billion; taxable income reported on federal income tax returns amounted to $401 billion. This means that at least $405 billion—or about half of all personal income—escaped taxation.[2] It also means that the federal income tax is the "leakiest" tax in the United States.

In the much-maligned property and sales taxes only between one-fourth and one-third escapes taxation through deductions or exemptions from the base.

Why does Stern never mention that half of all personal income is not taxed, for a total of over $400 billion in 1970? Because it would disprove and make utterly ridiculous his claims that the rich are the main beneficiaries of "loopholes" in the income tax ("Statistics show that most of the tax advantages go to corporations and upper-bracket individuals"—p. 286; or that tax shelters are "for the rich only"—p. 204).

Unfortunately no breakdown of personal income by income brackets has been available since 1964 when the U.S. Department of Commerce discontinued those statistics. But an analysis of the $405-billion gap between personal income and taxable income is possible. The $231-billion difference between adjusted gross income (AGI) and taxable income (TI) is available from annual Internal Revenue Service statistics. They show clearly *that the percentage of AGI that is taxable increases steadily and sharply as income goes up:* In the under $5,000 bracket only 34 per cent of income is taxable, between $15,000 and $25,000 71 per cent and from $50,000 and up 78 per cent.

No breakdown is available for the $174-billion difference between adjusted gross income (AGI) and personal income (PI). Some authors in this field have manipulated AGI and added estimates of certain selected items (those they feel ought to be taxed) so as to achieve the desired results. Stern uses some of those "revised" income data. The fact is that most of the $174-billion difference between AGI and PI is income such as Social Security and other social benefits, untaxed labor income, etc., which redounds largely to persons in low-income brackets.

We may estimate that at least 90 per cent of the personal income not subject to federal income taxation—because of exclusions, exemptions, deductions and credits in the Internal Revenue Code—goes to persons in lower and middle-income brackets and less than 10 per cent to those in higher income ranges. In other words, the facts are exactly the reverse of the claim which Stern makes dozens of times throughout his book: that the federal income tax is rigged in favor of the rich. It is increasingly tilted toward the poor.

Whenever Congress closes or narrows "loopholes" that benefit persons in higher brackets, it simultaneously widens escape hatches for persons at the lower levels. As additional millions of voters are freed of any income tax liability, we get a steadily growing incidence of "representation without taxation," of persons able and eager to vote for growing governmental benefits and services who bear no share of the cost. This leads to dangerous levels of political irresponsibility.

When presidential assistant John Ehrlichman in a TV interview on March 11, 1973, stated that the closing of "loopholes" could yield substantial revenue only if it were extended to provisions affecting persons in the middle-income bracket—which is correct—Philip Stern charged him with demagoguery (New York *Times*, March 18 and 24, 1973.)

This truly is a case of the pickpocket running away from the crowd, pointing ahead of him and shouting, "Hold the thief." Demagoguery is a mild term for what Stern has committed in *The Rape of the Taxpayer.* The fact is that compared with all other industrial countries there is a heavy bias against effort, success and capital formation in the U.S. tax structure and this is particularly strong in the federal income tax.

That tax loopholes—or as Stern calls them, "welfare for the rich"—cost the U.S. Treasury $77 billion is sheer nonsense: If all income over $25,000 were confiscated it would yield only an additional $25 billion—and that only temporarily because such a step would soon bring economic collapse.

To pretend, as Stern does, that $14 billion could be raised in a single stroke by taxing capital gains as ordinary income, or $6.5 billion by repealing the investment credit and accelerated depreciation range, or $21 billion by abolishing the privilege of filing joint returns, assumes that taxpayers would not change their transactions even if the taxes were multiplied. The fact is that any of these and similar steps would have a disastrous economic impact and would be self-defeating. This is why Congress, which studies tax issues more thoroughly than just about any other subject matter, avoids taking precipitate action despite steady urging by Philip Stern and others of a like persuasion.

Once in a while Stern attacks some genuine inequities, such as in the treatment of married and single persons. Single persons still pay on the same income up to 20 per cent more than if they were married; simultaneously, some couples (when both are working at high and approximately equal earnings) pay up to 19 percent more than if they were single. Stern's proposal to revert to a single rate schedule with a specific schedule for married persons filing single returns, makes much sense and may, in fact, offer the best solution. His suggestion that allowances for state and local taxes, charitable contributions, etc., should be changed from deductions to tax credits is excellent.

Unfortunately, he then goes on to repeat the tired story of hundreds of rich people paying no income tax at all—but does not give the reasons why, although they were reported by (then) Treasury Under Secretary Edwin Cohen more than a year ago. In most of those cases—.6 percent of all returns with AGI of $200,000 or more—the *net* income was small or nonexistent, though there was a large adjusted gross income.

A good illustration of Stern's method is his reference to oil shale taxation. "How many Americans are aware of a provision that crept into the 1969 tax law almost entirely unnoticed, although it is predicted to save the oil shale industry and to cost the American taxpayers *a billion* dollars or more in taxes before the year 2000?"

The fact is: There is no oil shale industry in America. While the United States is threatened with an oil and energy shortage of crisis proportions (and heavy dependence on imports from distant and unreliable sources), it possesses huge deposits of oil shale from which no oil is being extracted because the process costs too much and taxes (under the 1954 Code) make such production a loss proposition.

So a provision was inserted in the 1969 act (and I have to accept some responsibility in this) to ease taxes so as to offer an incentive for at least exploratory attempts to gain oil from shale. It turned out to be inadequate. There still is no production of oil from shale which suggests that the incentive may have to be increased if it is to be effective.

Stern concludes: "I suggest abolishing all the preferences, or loopholes—for the un-rich many as well as for the wealthy few—and taxing everyone, uniformly, on the basis of his or her total income 'from whatever source derived'" (p. 398). This sounds like an excellent suggestion. A uniform rate of slightly over 10 per cent on *all personal income* would return to the U.S. Treasury as much as the 14 per cent to 70 per cent rate schedule on approximately half the personal income. Alternatively, the graduated rate schedule could be cut to between 7 and 35 per cent.

As it turns out, Stern did not really mean that, as he makes apparent in notes covering over three pages (pp. 400–404): He wants to maintain some deductions from personal income which express his own political, philosophical preferences, and he certainly wants no uniform tax rate.

Stern apparently realizes that to tax all personal income, without exclusions, deductions, exemptions or credits would place a heavier burden on the persons in the low and lower-middle income brackets and ease taxes for taxpayers at the upper end. That, of course, is the last thing Stern would want to happen.

In summary, *The Rape of the Taxpayer* is likely to mislead many people, create confusion regarding the tax situation and arouse ill feelings among wide sections of the public. The expectations it raises cannot be fulfilled. To think that governmental revenues can be raised by many billions of dollars, or income tax rates substantially cut by closing so-called loopholes for the rich, is not a hope but a mirage. If Congress were to try it, it would wreak grave damage on the American economy.

But there is little prospect that such an attempt will really be made. While some vote-conscious members of Congress show keen awareness of political arithmetic which informs them that only .6 per cent of all taxpayers report an income of $50,000 or more, while 57 per cent report an income under $8,000, there are others who place public responsibility before demagogic appeal. Hopefully, the latter will continue to be in the majority.

[1] The first railroad did not run until 1812.

[2] The total is actually about $465 billion because of certain offsetting items, especially items that are taxable though they are not defined as income in national income accounting (such as one-half of long-term capital gains).



## SENATOR WILLIAM BENTON

Mr. SYMINGTON. Mr. President, William Benton was a friend as well as a Yale colleague; and over the years I have felt most fortunate to know this extraordinary human being.

We who knew Bill are saddened at the loss of a good friend. As a man of ideas and ideals, however, he has left us with a wealth of contributions to society and to the world.

The scope of his achievements is breathtaking. Few have ever accomplished so much in so many fields.

Bill Benton's business acumen was evident even in his early years. At Yale he earned an admirable reputation as a high stake auction bridge player, and his lucrative success at the game reportedly assisted in paying his college expenses. While denying claims that he made $25,000 a year at the game, he once commented:

> It's a demonstrable fact that for 10 years I was one of the 10 or 20 best card players in the world.

As a Yale graduate in 1921, he turned down the offer of a Rhodes Scholarship for a job as an advertising copier.

It was not long before Bill became a great success in business and a legend in the field of advertising. He cofounded with Chester Bowles the Benton and Bowles advertising agency which flourished in spite of the fact the agency was started just months before the crash of 1929. Among his many contributions in the advertising field, he was responsible for development of the radio commercial as an advertising medium and introduced the consumer research survey.

In the academic world, he was perhaps best known as publisher of the Encyclopaedia Britannica. He was dedicated to the education field. He originated and published the Great Books of the World series, and developed an international encyclopedia in Japanese. From 1937–1945, he was vice president of the University of Chicago. While in that post, he assisted the university in the use of educational radio and educational movies.

He also had a career as public servant in a variety of capacities.

He was Ambassador to the United Nations Educational, Scientific and Cultural Organization—UNESCO—and played an important role in its establishment.

He was founder of the Committee for Economic Development to aid in rebuilding Europe after World War II, was Assistant Secretary of State for Public Affairs, and was a U.S. Senator from Connecticut.

The list of major, and often as not, spectacular acomplishments of William Benton goes on and on.

He was an exhilarating vital man. His dedication to life throughout his multifaceted career gives inspiration to us all, and we will truly miss this superb human being.

## ELDERLY ADVERSELY AFFECTED BY SOCIAL SERVICES REGULATIONS

Mr. EAGLETON. Mr. President, the final social services regulations announced by Secretary Weinberger on April 26 and printed in the Federal Register on May 1 have been revised in some respects in response to an unprecedented volume of public comment on the proposed regulations issued in February.

The final regulations provide for the continued Federal matching of funds donated to a State by private sources for social services programs.

The eligibility requirements for participation in day care programs by those not currently welfare recipients have been liberalized. The income test has been increased from 133⅓ percent of the State's payment level to 150 percent of the State's payment standard. In addition, establish a schedule of fees for the care of children where the family income is between 150 percent and 233⅓ percent of the payment standard.

HEW has also made it clear that a former welfare recipient, whose continued eligibility for day care on that basis is limited to 3 months, may at the end of that period qualify as a potential recipient if the income test is met.

SERVICES FOR AGED

Mr. President, the purpose of my remarks today is to call the attention of my colleagues to the regressive nature of the final regulations as they pertain to services for the elderly.

Briefly, these regulations would prohibit the provision of social services to any elderly person who is not a recipient of cash assistance.

Titles I and XVI of the Social Security Act, and the new title VI of the act which will become effective on January 1, 1974, authorize Federal matching for expenditures by the States for services "which the Secretary may specify as appropriate for aged individuals who, within such period or periods as the Secretary may prescribe, have been or are likely to become applicants for or recipients of assistance—if such services are requested by such individuals.

Under the old social services regulations, appropriate available services could be provided to potential recipients, whether aged, blind, disabled, or families, for a period not to exceed 5 years. In the case of the aged, this meant that a person might qualify for services beginning at age 60.

Last year, Congress enacted a law placing a $2.5 billion ceiling on social services expenditures and requiring social services funds to be targeted to current recipients. With the exception of five specified services, the new law requires that at least 90 percent of social services expenditures by a State go to current recipients with a maximum of 10 percent of such expenditures for former or potential recipients.

This latter action places a statutory restriction on the States with respect to services for the elderly which I believe should be reconsidered by this Congress.

However, the point of my remarks today is that the new social services regulations, in their final form, prohibit the use of any funds for potential elderly recipients. This was clearly not the intention of Congress when it enacted the 90–10 restriction last year.

In addition, this prohibition was not contained in the proposed regulations issued in February and, therefore, no opportunity was provided for public comment on it.

DEFINITION OF POTENTIAL RECIPIENT NARROWED

The proposed regulations did restrict the definition of potential recipient over that previously in effect. The time period for which a potential recipient could qualify for services was reduced from 5 years to 6 months. In the case of the aged, the effect is to deny social services to any person before age 64½.

In addition, an income test was imposed equal to 133⅓ percent of the State's assistance payment level.

Under the proposed regulations, then, beginning at age 64½ an elderly person who met the income test could qualify for social services designed to meet the goal of self-sufficiency; that is, "to achieve and maintain personal independence, self-determination, and security."

Under the final regulations, an elderly person may still be defined as a potential recipient beginning only at age 64½. The income test has been changed from 133⅓ percent of the State's payment level to 150 percent of the combined total of the supplemental security income benefit level and the State's supplementary benefit level, if any.

PROHIBITION ON SERVICES FOR POTENTIAL RECIPIENTS

But this new definition of potential elderly recipient has been made inoperative. The social services goals, set forth in a later section of the regulations, have been restated since February in such a fashion that there are no services that may be provided a potential elderly recipient at age 64½ or at any other later age.

Under both the proposed regulations and the final regulations, services may be provided only to support the attainment of one of two goals—self-support and self-sufficiency.

Under both the proposed regulations and the final regulations, the self-support goal is made inapplicable to the aged.

Under the proposed regulations, the self-sufficiency goal was defined as applying to the aged, blind, disabled, and families, without regard to whether they were current, former, or potential recipients.

Under the final regulations, the self-sufficiency goal has been redefined to apply only to "applicants for or recipients of assistance under the blind, aged, disabled, and family programs."

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The result is that, while potential recipients who are blind, disabled, or members of families may qualify for services directed toward self-support but not for services directed toward self-sufficiency, no social services of any kind may be provided an elderly person who is not a current recipient.

Mr. President, I ask unanimous consent that there be printed at the conclusion of my remarks the social services goals as stated in the proposed regulations, the social services goals as stated in the final regulations, and the definition of a potential elderly recipient in the final regulations which is rendered meaningless by the fact that no services may be provided a person who meets that definition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANOTHER COUNTERPRODUCTIVE DECISION

Mr. EAGLETON. Mr. President, apparently a policy decision was made by HEW between February 16 and April 26 that social services directed toward the goal of self-sufficiency should be provided only to current welfare recipients.

Here once more we have a decision, no doubt directed toward saving Federal dollars, which is in the long run counterproductive, and especially so in the case of the elderly.

The primary purpose of social services for the elderly is to prevent dependency and institutionalization by providing the support that can enable older people to remain in their homes.

To be efficacious, these services must be provided when they are most needed. And they are needed, not at some arbitrary age, not at the point when the individual's income and resources meet cash assistance eligibility standards, but at that point in time when the individual becomes vulnerable to dependency.

The provision of social services at that crucial time, whether before 65 or after 65, whether the person is receiving cash assistance or not, can mean the difference between continued independent living and dependence on institutional care which can only result in a higher cost to the public and the diminution of the elderly person's self-esteem and dignity.

Mr. President, the Senate Finance Committee has announced hearings on the new social services regulations beginning on May 8. I am hopeful that the committee will scutinize very closely what I consider to be unwise and unwarranted restrictions on the provision of services to the elderly contained in the regulations published on May 1.

EXHIBIT 1

SOCIAL SERVICES REGULATIONS

SERVICE GOALS—PROPOSED SOCIAL SERVICES REGULATIONS

Sec. 221.8 Individual service plan.

For the purposes of this part, the specific goals to be achieved are limited to:

(1) *Self-support goal.*—To achieve and maintain the feasible level of employment and economic self-sufficiency. (Not applicable to the aged under the adult services program.)

(2) *Self-sufficiency goal.*—To achieve and maintain personal independence, self-determination and security, including, for children, the achievement of potential for eventual independent living.

SERVICE GOALS—FINAL SOCIAL SERVICES REGULATIONS

Sec. 221.8 Program control and coordination.

The State agency must establish procedures and maintain documentation (including the aggregation and assimilation of data) to substantiate that Federal financial participation under the State's family services or adult services program is claimed only for services which:

(a) Support attainment of the following goals:

(1) *Self-support goal.*—To achieve and maintain the feasible level of employment and economic self-sufficiency. (Not applicable to the aged under the adult services program.)

(2) *Self-sufficiency goal.*—In the case of applicants for or recipients of assistance under the blind, aged, disabled, and family programs, to achieve and maintain personal independence and self-determination.

DEFINITION OF POTENTIAL AGED RECIPIENT—FINAL SOCIAL SERVICES REGULATIONS

Sec. 221.6 Services to additional families and individuals.

* * * * * * *

(c) The State may elect to provide services to all or to reasonably classified subgroups of the following:

* * * * * * *

(3) Families and individuals who are likely to become applicants for or recipients of financial assistance under the State plan within 6 months, i.e., those who:

* * * * * * *

(B) With respect to title I, X, XIV, or XVI, do not have income exceeding 150 percent of the combined total of the supplemental security income benefit level provided for under title XVI of the act (as amended by Public Law 92-603) and the State supplementary benefit level (if any); and

(ii) Do not have resources that exceed permissible levels for such financial assistance under the State plan or under the amended title XVI, if applicable; and

* * * * * * *

(B) In the case of eligibility under title I, X, XIV, or XVI, have a specific problem or problems which are susceptible to correction or amelioration through provision of services and which will lead to dependence on financial assistance under such title, or medical assistance, within 6 months if not corrected or ameliorated; and who are

(1) At least 64½ years of age for linkage to title I, or title XVI with respect to the aged . . ."

(4) Aged, blind, or disabled persons who are likely to become applicants for or recipients of financial assistance under the State plan within 6 months as evidenced by the fact that they are currently eligible for medical assistance as medically needy individuals under the State's title XIX plan."

## TAX REFORM

Mr. FANNIN. Mr. President, the Treasury Department recently submitted to the Committee on Ways and Means what, in my view, is an outstanding proposal for tax reform. As pointed out by Secretary Shultz, the proposed bill has three goals to which the recommendations are directed: tax equity, simplification, and economic growth.

Mr. President, we have been subjected to a myth that wealthy people are not paying income taxes. An example often cited is that in 1970 there were 112 persons with adjusted gross incomes over $200,000 who paid no tax. The 112 returns cited for 1970 represented a decline of 63 percent from the 300 returns so classified in 1969, and it has been demonstrated that over 99 percent of all high income bracket returns for 1970 paid high income taxes.

Do these facts stop the tax reform rhetoric? Not in the least. The zealots now claim that even if the wealthy are paying taxes, the tax system is riddled with loopholes which favor the rich.

Mr. President, I am a strong supporter of the minimum tax concept, and I have been concerned about tightening up the Code in this respect. In my estimation this would be accomplished by the administration tax bill which recommends that the existing minimum tax be repealed for individuals and that it be replaced with two new provisions: first, the minimum taxable income provision, and second, a limitation on artificial accounting losses. These proposals are designed to assure that every individual will pay a reasonable amount of Federal income tax relative to the size of his income, and to eliminate "tax shelters" which have introduced certain distortions into the tax system.

A reasonable man would suppose that the tax reformers would applaud the Treasury recommendations. Wrong again. One critic called the administration's program a copout. The so-called tax reform research group is reported to have criticized the program as "no reform at all."

I can only conclude that these remarks were made for one of two reasons:

First. The reformers have not read the bill and do not understand the impact of the proposals, or

Second. The reformers well understand the proposals but their real aim is not an equitable system of taxation but a vehicle that would redistribute income.

## INSULATION AND CONSERVATION OF ENERGY

Mr. MOSS. Mr. President, on February 15, I introduced a simple little bill, S. 861, to provide a tax incentive for householders who would add insulation to their residences and thus conserve the energy needed to heat and cool the dwellings.

I have just been supplied with a chart from the American Society of Heating and Ventilating Engineers which dramatically shows the heat loss and annual energy usage with varying insulation and storm windows for typical homes located in various areas in the United States.

For the information of the Senate, I ask unanimous consent that the chart be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:



VALUE OF INSULATION

Heat loss and annual energy usage with varying insulation and storm windows for a typical 1,200 sq. ft home located in various areas in the United States

| Insulation and windows | Total heat loss per °F temperature difference (Btu/°F/hr) | Total heat loss (Btu/hr) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Salt Lake City, TC=80° F | Los Angeles, TD=35° F | San Francisco, TD=35° F | Washington, D.C., TD=70° F | Chicago, TD=80° F | Seattle, TD=55° F | New York, TD=70° F | Atlanta, TD=60° F | New Orleans, TD=50° F |
| None (no storm windows or doors) | 1,660 | 133,100 | 58,100 | 58,100 | 116,200 | 133,100 | 91,300 | 116,200 | 99,600 | 83,000 |
| 3 inches in ceiling (no storm windows or doors) | 970 | 77,800 | 33,950 | 33,950 | 67,900 | 77,800 | 53,350 | 67,900 | 58,200 | 48,500 |
| 3 inches in ceiling, 3 inches in walls, (no storm windows or doors) | 760 | 61,100 | 26,600 | 26,600 | 53,200 | 61,100 | 41,800 | 53,200 | 45,600 | 38,000 |
| 6 inches in ceiling, 3 inches in walls, 2 inches in floor (no storm windows or doors) | 510 | 41,000 | 17,850 | 17,850 | 35,700 | 41,000 | 28,050 | 35,700 | 30,600 | 25,500 |
| 6 inches in ceiling, 3 inches in walls, 2 inches in floor, with storm windows and doors | 420 | 33,400 | 14,700 | 14,700 | 29,400 | 33,400 | 23,100 | 29,400 | 25,200 | 21,000 |
| 10 inches in ceiling, 5½ inches in walls, 9½ inches in floor with storm windows and doors | 310 | 24,900 | 10,850 | 10,850 | 21,700 | 24,900 | 17,050 | 21,700 | 18,600 | 15,500 |

The reduction in heating requirements shown above produces the following in savings in energy usage

| | Annual energy requirements[1] (million Btu) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | DD=5866 | DD=1391 | DD=3137 | DD=4561 | DD=6280 | DD=4815 | DD=5820 | DD=2985 | DD=1203 |
| None (no storm windows or doors) | 146.4 | 34.6 | 78.0 | 113.6 | 156.7 | 119.9 | 131.5 | 74.3 | 29.9 |
| 3 in. in ceiling (no storm windows or doors) | 85.6 | 20.2 | 45.6 | 66.4 | 91.6 | 70.1 | 76.9 | 43.4 | 17.5 |
| 3 in. in ceiling, 3 in. in walls (no storm windows or doors) | 67.2 | 15.9 | 35.9 | 52.0 | 71.9 | 54.9 | 60.2 | 34.0 | 13.7 |
| 6 in. in ceiling, 3 in. in walls, 2 in. in floor (no storm windows or doors) | 45.1 | 10.6 | 23.9 | 34.9 | 48.3 | 36.8 | 40.4 | 22.8 | 9.2 |
| 6 in. in ceiling, 3 in. in walls, 2 in. in floor, with storm windows and doors | 36.7 | 8.8 | 19.8 | 28.7 | 39.3 | 30.3 | 33.2 | 18.8 | 7.6 |
| 10 in. in ceiling, 5½ in. in walls, 9½ in. in floor, with storm windows and doors | 27.4 | 6.5 | 14.7 | 21.2 | 29.3 | 22.4 | 24.5 | 13.9 | 5.6 |

[1] Btu/yr = $\frac{\text{Heat loss} \times \text{degree days (DD)} \times 15}{\text{Temperature difference (TD)}}$

## AN ANTISECRECY PLAN

Mr. HART. Mr. President, in a recent speech our distinguished colleague from Maine, Senator MUSKIE, made a proposal which I believe deserves our careful attention. Speaking on April 25 at Montclair State College in New Jersey, Senator MUSKIE once again pointed out the dangers of excessive secrecy in Government. He called on Congress to supervise executive secrecy practices by enacting strict standards for the classification and declassification of information, and by establishing a process to review and contest executive secrecy. I commend Senator MUSKIE's speech to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AN ANTISECRECY PLAN

Thank you very much for giving me this occasion to be an instructor. Senators usually spend more time preaching than teaching, and I am not sure how quickly I can learn new tricks.

Still, I am always mindful of H. G. Wells' observation: "History becomes more and more a race between education and catastrophe," and I am pleased to get on what I am certain will be the winning side.

I want to talk tonight about a very modern problem—secrecy in government, the practices which deny information both to the Congress and the public. But, in an academic setting, it is appropriate to start with a little history, recent and ancient.

I am sure you are all familiar with the debate in Washington over "executive privilege." The phrase is a lawyer's and a scholar's term for the idea that the President's advisers are protected from interrogation by the Congress about the confidential advice they give the President.

The reason the term has come into dispute is that the President made a sweeping claim that the "privilege" extended beyond confidential advice to him personally to cover all communications in the Executive Branch, if he—and he, alone—determined that disclosure of such information would hurt the national interest.

The Attorney General even told me in hearings I held two weeks ago that if the President "directed a person on his staff who was accused of a crime" not to testify to Congress about his alleged criminal conduct, "that person should not appear and could not appear." Mr. Kleindienst then tried to extend that asserted Presidential power to restrict Congressional investigation to cover all government employees—some two-and-a-half million people. And he said, "Your power to get what the President knows is in the President's hands."

Others who heard that statement were astonished. Some of us found it frightening. Practice has already shown it to be preposterous.

The President has agreed to let White House aides testify before Senator Ervin's Watergate Committee, but his concession on that point has not changed the Administration's broader contention that it retails the power to refuse any other Congressional summons for information. The White House still maintains that Presidential advisers may invoke executive privilege in response to some questions. If such a claim is made, Senator Ervin has said his committee will determine whether or not it is appropriate.

So the issue is not really resolved. We would be mistaken in thinking that a partial victory for common sense in this particular, odious business of the Watergate is a lasting victory for the right of Congress and the people to know the truth.

Let me go back to what Attorney General Kleindienst said to me on April 10: "Your power to get what the President knows is in the President's hands."

Think about that for a minute. Is it true? Is it reasonable? Is it even safe for our democracy?

My own answer is that the doctrine the Attorney General expressed is unconstitutional and profoundly dangerous. The trouble is that views such as his have become the usually unspoken basis for widespread governmental secrecy. That philosophy provides the underpinning of a practice that gives a higher priority to confidentiality than to candor, that encourages deception instead of disclosure and that feeds the suspicion of many Americans that their government will not tell them the truth.

The problem is a broad and complicated one, but the expression, "executive privilege," is a good place to start toward understanding it. It turns out that the phrase is nowhere to be found in the Constitution, has never been defined by the Supreme Court and did not even enter the American language until 1958.

But the idea has been around a long time. Back in 1621 King James I ran out of money to finance a war in the Netherlands. He made the mistake of convening Parliament for the first time in seven years to get it to levy new taxes.

The Parliament, however, exacted a stiff price for going along. It demanded that the King get rid of his Lord Chancellor, Sir Francis Bacon, certainly one of the most distinguished philosophers in English history. Sir Francis, however, had his faults, and one of them was taking bribes from people who had cases pending in court.

Many people did the same thing. Sir Francis protested that he never let the gifts influence his judgment. But the Parliament, for a number of reasons, wanted him punished.

The King moved in and offered to appoint a Parliamentary commission—whose members he would name—to investigate the charges. The Parliament refused the offer. Instead, Sir Francis made a full confession and resigned his office. The House of Lords sentenced him to a fine of forty-thousand pounds, imprisonment in the Tower of London and prohibited him from ever attending the Royal Court again.

King James commuted much of the sentence, but the fact remains that Parliament carried out its investigation in its own manner, rejecting any royal claim to power over its inquiry or its decision. And when Sir Francis was sent back to his books, it gave King James the money he wanted.

There are several morals to be drawn from that story. The right of Parliament to investigate official misconduct was absolute. The way to enforce that right was through the power of the purse.

In fact, Parliament was continually referred to as the "Grand Inquest" of the nation. The framers of the American Constitution, when they were debating its provisions and then as they argued for its ratification, talked repeatedly about the parallel between Parliamentary power to investigate and Congressional responsibility to perform the same function.

James Wilson, who with Madison was one of the chief architects of the American Constitution, wrote of the English House of Commons, that its members "have checked the progress of arbitrary power and have supported with honor to themselves, and with advantage to the nation, the character of the grand inquisitors of the realm. The proudest ministers of the proudest monarchs have trembled at their censure; and have appeared at the bar of the house, to give an

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account of their conduct, and ask pardon for their faults."

The first test of the scope of the Congressional right to know came in 1792. Major General St. Clair had led a contingent of troops against the Indians in the Northwest Territory, and he got whipped. The Congress wanted to know how the defeat occurred, and the House of Representatives called on the Secretary of War to send it all the records of the expedition.

President George Washington complied. He determined that disclosure was in the public interest, and he acceded to the request of the House. But in a Cabinet meeting about the problem, the idea was born that there were limits on Congress's power, and that the President could try to set them. Private notes by Thomas Jefferson show that the issue of executive discretion about what to reveal and what to conceal from Congress was faced as early as 1792. But in that case, the Congress prevailed.

In 1951, the Congress was investigating the fate of another general, Douglas MacArthur. President Truman had fired him as commander in Korea, and the country was split over its reverence for a great military hero and its belief in the importance of civilian control over the military. General Omar Bradley was summoned to testify, as chairman of the Joint Chiefs of Staff, before joint hearings of the Senate Foreign Relations and Armed Services Committees, and he agreed to appear.

The messages from Washington to General MacArthur and his replies were put into the record and analyzed. General Bradley had to explain the whole sequence of the disagreement between MacArthur and Truman, the efforts to patch things up and the final decision to replace an insubordinate general.

But then Senators asked General Bradley what he and President Truman had said to each other about the case. And here General Bradley balked. He said, in effect, that such conversations were privileged; they were private discussions between the President and his top military adviser and they were none of the Senators' business.

General Bradley is a courtly man, and his refusal was polite, but it was absolute. It made many of the Senators angry, and finally, Senator Richard Russell of Georgia called for a vote of the committees on the question of whether or not to *order* General Bradley to answer the questions. By a vote of 18 to 8, the Senators agreed with Bradley's decision to preserve an area of Presidential privacy, and the issue was resolved.

So the Executive asserted a privilege, and the Congress, reviewing the claim, upheld it. The essential aspect of that incident is that Congress did *review* the claim. In theory, it could have contested General Bradley's decision and taken him to court to try to force an answer to its questions.

I have gone over this history, not to qualify myself for one of your professor's jobs, but to illustrate the important precedents in our law and our tradition for the right of Congress to investigate official behavior. Usually we do it for the purpose of guiding us in writing laws to correct bad behavior. Sometimes we must do it to gather the facts to impeach an official of the government. There can be no question of our right to get all the facts. Even such a strong President as Andrew Jackson recognized Congressional power to investigate. "Cases may occur," he said, "in the course of (Congress') proceedings in which it may be indispensable to the proper exercise of its power that it should inquire or decide upon the conduct of the President or other public officers, and in every case its Constitutional right to do so is cheerfully conceded."

Now on April 10, I read that statement to the Attorney General. He flatly disagreed with it. I do not understand his disagreement, but it is there, on the record, and it is a disagreement of great importance to the conduct of our government.

The Attorney General's view is that information developed in the Executive Branch is the exclusive property of the Executive and will not be given to the Congress if the President decides to keep it secret. His view is that government information is Presidential property, and working from that opinion, he can justify any decision to conceal that property from the Congress and the people.

My view is that government information is public property. It is compiled at the taxpayers' expense to serve the public interest, not the temporary or limited interests of those officials who act for a time as its custodians.

So here is the conflict. The decision to send White House aides up to testify about their reported involvement in the Watergate conspiracy does not resolve that conflict. It still leaves unresolved the broader question: who shall determine what the people know about their government.

According to the Attorney General, the Executive will make that decision. And once the decision is made, no one else—neither the Congress, nor the courts, nor the common citizen—may reverse it.

Knowledge truly is power. The Attorney General's view—if we allowed it to prevail—would give one branch of the government absolute power through a monopoly of information. The power would extend to telling Congress only those facts a President decided it should have. And it would, logically, extend to giving the public only those pieces of information the President wanted known.

I hope you will agree with me that such a prospect is a nightmare for a democracy. It is standard operating procedure in dictatorships around the world. But the very idea of such an exclusive, unreviewable right lodged in any one office or any one man or any one branch of government is alien to the American concept of a free and open society.

We have good reason to be deeply concerned. That power over information already exists. It is growing, not shrinking. And it endangers every one of us.

Let me give you some specific examples of how the power is exercised. A Senate survey of refusals by the Executive to provide Congressional committees information or testimony they requested between January 1964 and the present turned up 166 examples. Only four of them, all in the last four years, involved formal invocation of the executive privilege claim.

The refusals range over all sorts of issues. The Justice Department, for example, refused to let a House Subcommittee see its files relating to alleged White House intervention to settle a suit involving a steel company's dumping poisonous wastes into the ship channel at Houston, Texas. The Environmental Protection Agency refused to hand over a study of virus infection in New England water supplies.

Some of these refusals were absolute. In some cases the Congressional committees negotiated compromises which enabled them to get some of the information they were originally denied, but often the refusal succeeded in delaying Congressional action and diverting public attention.

In none of these 166 cases we know of did the Congress put its power to a test in court, one that could be achieved by subpoenaing a reluctant witness, holding him in contempt for failure to testify or, if necessary, arresting him and creating the conditions necessary for a habeas corpus suit.

The result of not pushing our power to the limit has been to permit the Executive to overstep its boundaries—and to get away with it. Until now, we have backed away from confrontation.

So we have tolerated secrecy we should have contested. And the result has been to let it spread.

In the field of classifying information which the Executive says must be kept secret to protect defense or foreign policy activities, the Congress has never even written a law to supervise administrative practices. The only statute that sets standards for what should be kept secret and for the length of time secrecy is required is a law dealing with atomic energy.

But experts have estimated that the Defense Department files contain some 20 million documents that are classified. State Department records, according to an official of the Department itself, include some 35 million pieces of paper stamped Top Secret, Secret or Confidential.

Many of them are a quarter of a century old and a few even date back to before World War I. The only example I know that may be more ridiculous is the policy of the British Foreign Office that the background records of British involvement in the French and Indian War of 1756 should be kept secret forever, so as not to damage relations with the "colonies."

We know these documents exist, and we know that more are made secret every day. Over 18,000 government employees are authorized to classify information. We also have heard expert testimony that much of this information no longer requires protection from disclosure. Former Supreme Court Justice Arthur Goldberg, who also served as Secretary of Labor and Ambassador to the United Nations, said that no more than 25 percent of the documents really deserved to be kept secret. An Air Force officer who handled classification and security problems for over 40 years believes only one half of one percent of all the Pentagon's secret files actually contain vital information.

But no one really knows what is in the files or, more importantly, what is being put into them every day. Until 1959 the Migratory Bird Commission and the American Battle Monuments Commission had officials with authority to classify secret papers. For all we know, some of their records may still be hidden away.

And now, as an expression of the view that government information is exclusively government property, the Administration has sent Congress proposed new laws to make any unauthorized disclosure of classified information a crime, one that could be punished by up to three years in jail and up to $25,000 in fines. These proposed laws would even make it criminal to disclose *any* information relating to the conduct of foreign policy affecting the national defense.

Such laws would enforce public ignorance by making criminals out of honest men and women who put the public interest above bureaucratic secrecy. They would impose a gag rule both on officials and journalists and prevent those who disclosed classified information from justifying their action by proving to a court that the disclosure did no damage to national security. They would deny you and me the information we need to make intelligent judgments about public policy required of citizens in a democracy.

I am confident we will defeat these proposals. There should be penalties—and there already are—for revealing information that damages national security. That damage test is crucial and must be preserved, not discarded, as the Administration would do in sweeping away protections that now exist to insure that vital information is not arbitrarily denied to the public.

But the Congress must go farther than just drawing a line and saying, "Secrecy stops here." It must take positive action to undo governmental secrecy and put the emphasis where it belongs, on systematic disclosure.

Just as we must review and contest assertions of executive privilege when they are improperly claimed, we must review and contest the day-to-day secrecy that is the practical expression of executive privilege.

I have already introduced legislation to require that judges, reviewing government refusals to disclose classified information to the public, go behind the secret stamp on a document or record to look at the information it contains. Judges would then decide whether or not disclosure would actually harm national defense or foreign policy.

For if the courts will not make such an impartial determination, no one else will. The official who decides to hide information under a rubber stamp will be safe from challenge forever, and we will all be deprived of knowledge that may be crucial.

Beyond judicial review, however, we must move to a new system of supervising the way information is classified, the length of time it stays classified and the access Congress has to it while it is classified. The Executive now retains exclusive control over all those procedures, even over the ground rules under which Congressmen and their staffs are permitted to inspect classified material.

In March 1972, President Nixon announced a reform of those procedures, but his action did not go far enough. The agencies he prohibited from classifying information were, by and large, agencies like the Canal Zone Government, the Postal Service, the Small Business Administration and the Departments of Labor, Agriculture and Interior which never needed such authority to begin with. Under his new order, however, eight new agencies in the Executive Office of the President could be given authority to classify by the President.

It is time to put a Congressional check on the President's discretion in this area, to balance the understandable bureaucratic preference for secrecy against the fundamental assertion that the right of Congress and the public to know amounts to a need to know.

We can achieve this balance either through a new joint Congressional committee or a new agency, similar to the General Accounting Agency, directly responsible to Congress. The new body would have responsibility to review an index the Executive prepared of all information which was being classified, to inspect information listed in the index and to order either an immediate declassification or a speed-up in declassification of information which did not merit prolonged secrecy.

The Executive could contest those orders in court, if it felt they were dangerous, but at the least, the Congress would exert a review function which it now leaves exclusively to the Executive.

Unless there is compelling evidence to the contrary, I believe we should set three years as the standard time for material to be automatically locked away from public view. Any information older than that should be considered declassified and made available on request, subject, of course, to challenge by Executive agencies with a strong case against disclosure.

By enacting such standards and such review procedures into law, the Congress can fulfill its dual obligation—to itself as an equal branch of government and to the people whose liberties we cannot safeguard without knowledge of all government activities. The alternative—the course of inaction—is to restrict our information to the authorized disclosures of official press releases, where only one version of the truth—the sound of one hand clapping—is made public.

James Madison once wrote, "Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or both."

The government, in the last analysis, does not belong to the President or to the Congress. It belongs to you. But if you, through the Congress, do not act to assert your control over government—if you do not insist on the power knowledge gives you to control public conduct—you and I will lose popular government. Education will lose that race to catastrophe, and the world will lose the hope of freedom America has given it.





## TRIBUTE TO GEORGE E. FOREMAN, HEAVYWEIGHT BOXING CHAMPION

Mr. FANNIN. Mr. President, Mr. Verne Boatner, sports editor of the Arizona Republic, in Phoenix, Ariz., recently wrote an outstanding column about George Foreman, the heavyweight boxing champion of the world.

The column is a great tribute to Mr. Foreman and reiterates in dramatic fashion the opportunities available to those who, no matter how humble their origin, subscribe to and earnestly practice what has become known as the American work ethic.

I ask unanimous consent that Mr. Boatner's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WAVING THAT FLAG

(By Verne Boatner)

If you ask the average person what he remembers most from the Mexico City Olympics, he will probably recall the clenched fists of John Carlos and Tommy Smith.

The Black Power protests threatened to overshadow the whole Olympic show.

But I also vividly recall the sight of a relatively unknown black fighter who pounded a Russian into submission and claimed a gold medal. Then, suddenly, there was this huge man parading around the ring waving this tiny American flag.

There was a gasp of astonishment from the audience. Scribes beat a path to the interview area and bombarded him with questions.

He denied that his flag-waving was a protest to the Black Power protest. In fact, he went to lengths to defend the right of Carlos and Smith to express their feelings.

There were those who suspected he had let whites manipulate him for propaganda purposes. While what he said may have sounded as corny as Kansas in August to certain segments, he seemed sincere.

And today, George Foreman, heavyweight champion of the world, is still waving that flag. Recently, he wrote an article in Nation's Business.

"Casting about for places to put the blame for the troubles a person has is an old human trait," he said. 'They' is an easier word to use than 'I,' when things don't go right. . .

"The messes a man gets into, they're the same. They didn't hunt him up; he went looking for them, whether he always knew it or not. . ."

The former bully from a Houston slum knows whereof he speaks. Nobody, he stresses, made him get drunk on cheap wine as a kid, smash 200 windows, quit school and cause his mother to have a nervous breakdown. He did it all by himself.

The turning point in his life came one day in a pool hall, when he listened to Johnny Unitas on TV, extolling the virtues of the Peace Corps.

So today, instead of sitting in a penitentiary, Foreman is sitting on top of the world. He credits it all to a discredited four-letter word, "work."

"Now down there in Houston in the slum I came from," recalls Foreman, "there wasn't too much talk about working for anything. People got money a lot of the time from being what was called smart—or from taking advantage of somebody. People walked on both sides of the line, as far as the law was concerned . . ."

Foreman discovered that the harder he worked, the luckier he became. He couldn't put the blame on lousy luck any more. He also discovered something else.

". . . because I like kids," he said, "I found the ones who lived in slums as I had, and others, too, were beginning to hang around me . . . What a difference it makes when you first have the feeling that people are looking up to you, and not down on you!"

Of his heavyweight title, he says, "I can truly say I worked for it. I say worship the opportunity this country grants to those who will really try, don't knock it.

"I'll wave that flag in every public place I can."

Of course, it might be argued that Foreman is not very bright. This ninth-grade dropout never had the advantages of a college education or a free-ride athletic scholarship, as did Carlos and Smith.

## MARGARET W. PRICE—A LEGACY OF PUBLIC SERVICE

Mr. SYMINGTON. Mr. President, St. Louisans and people across this Nation deeply miss Margaret W. Price, but she left a legacy of service to public and private associations for which she will be long remembered.

Perhaps her most significant achievements were on behalf of the Girl Scouts of the United States of America. Serving as president of that fine organization from 1963 to 1969, she represented this country at world Girl Scout conferences and visited South America on behalf of the Girl Scouts under the State Department's educational and cultural exchange program.

In addition to her work in scouting, Mrs. Price served on the boards of a number of cultural, health, and environmental associations in St. Louis and Missouri.

It was my privilege to be a member with her in the Missouri Academy of Squires which in 1965 recognized the outstanding contribution she had made to her city, State, and Nation.

I ask unanimous consent that an article from the March 22, 1973, New York Times, "Mrs. Margaret Price, 62, Dies; Ex-National Head of Girl Scouts," be printed in the RECORD.

There being no objection, the article was orderd to be printed in the RECORD, as follows:

MRS. MARGARET PRICE, 62, DIES; EX-NATIONAL HEAD OF GIRL SCOUTS

ST. LOUIS, March 21.—Mrs. Margaret W. Price, who was national president of the Girl Scouts of the U.S.A. from 1963 to 1969, died of cancer today. She was 62 years old.

Mrs. Price, who was known to her friends as "Tuck," was the wife of Holton R. Price Jr., board chairman of W. H. Markham & Company, an insurance concern. She had served the Girl Scouts in many capacities on local, regional and national levels for more than 30 years. She also had been a member of the women's auxiliary of the board of the St. Louis Symphony Orchestra, and had been on the boards of Barnard Cancer Hospital, St. Louis State Hospital and the Missouri Historical Society.

At her death she was president of the St. Louis Mental Health Association, a director of the National Center for Voluntary Action, board chairman of Missouri Youth for Environmental Quality—a statewide organization she founded in 1969—and chairman of the Girl Scout National Centers Development Committee.

RECEIVED SERVICE AWARDS

In 1960, Mrs. Price was named St. Louis Woman of the Year in the youth service

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field. In 1963 she received the Matrix Award of the St. Louis chapter of Theta Sigma Phi, women's professional journalism organization, for services to her home community.

In 1965, she was elected to the Missouri Academy of Squires, a group of 100 persons who have distinguished themselves in business and in the professions while serving their communities, state and country. In 1972, the Missouri Conservation Committee honored her for her commitment to environmental preservation in the state.

Mrs. Price traveled widely for the Girl Scouts. She was a United States delegate to several World Conferences of the World Association of Girl Guides and Girl Scouts.

In 1965, under sponsorship of the educational and cultural exchange program of the State Department, she visited South America as a representative of the Girl Scouts.

Mrs. William McLeod Ittmann, the current national president of the Girl Scouts, noted yesterday that Girl Scouting's National Center West, a 13,000-acre expanse in Wyoming had become a reality in Mrs. Price's final years in office, and credited her "drive and possible.

dedication" as having made the acquisition

In addition to her husband, Mrs. Price leaves two daughters, Mrs. Theodore O. Simpson of Brussels and Mrs. Jeremy T. Johnstone of St. Louis; two sisters, Mrs. Horace A. Bradt and Miss Mary Elizabeth Wright, and five grandchildren.

A memorial fund has been established to continue the development of the Wyoming tract.

## ARMY DEFENDS USE OF SERVANTS

Mr. PROXMIRE. Mr. President, Secretary of the Army Robert Froehlke's statement before the House Defense Appropriations Committee that he could not permit his Chief of Staff to go home at 5 p.m. to mow his lawn exposes the feebleness of the Pentagon's insistence on the use of servants for the top brass.

Generals making over $50,000 a year in salary and equivalent benefits should not be running home at 5 o'clock.

At that rank and pay, they should be putting in long hours like the farmers, businessmen, and construction workers of this country. Furthermore, when these other Americans go home after a hard day's work, they have to mow their own lawns and carry out their own chores.

On many occasions people get up at dawn to start mowing grass or else do it on weekends.

Mowing the lawn would be fine exercise for Creighton Abrams and other general officers and would keep them healthy and mentally alert.

The military brass do not even pay for their homes which they get rent free. The least they could do would be keep them up without charging the taxpayers again.

As for the Army's contention that generals cannot afford to pay for such services, the facts paint a different picture. High ranking officers get free retirement, free medical services, commissary privileges, free travel on military aircraft, party allowances, chauffeurs, cooks, butlers, special income tax deductions and many other benefits not available to the ordinary American. In short, they can afford to pay for their own luxuries.

I have introduced a bill to prohibit the practice of supplying enlisted men as personal servants to the brass. General Abrams now has eight servants attending him. This is an abuse of the military system and should be ended immediately.

Mr. President, I ask unanimous consent that a Wall Street Journal editorial of May 2, 1973 be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE GENERALS' WELFARE

Much of the antimilitary sentiment of the past decade probably stemmed from frustration with the U.S. role in the Vietnam war. It is ironic that the military became a whipping boy because it dutifully followed civilian orders, but it's probably understandable, given the passions aroused by the American involvement. Less understandable were the personal attacks on the officer corps, led by a spate of movies and books depicting generals as bloodthirsty ogres who spent their time plotting to overthrow their own government and to obliterate foreign governments.

So just when the military is regaining favor, partly because of a return to reason and partly because of the exemplary performance of returning POWs, one hesitates to criticize it for fear it will set off another antimilitary outburst Nevertheless, Senator Proxmire does seem to have a point in questioning the use of enlisted men as servants for the military brass.

The armed services are admirably moving toward racial balance among "enlisted aides" (Army), "specialists" (Marine Corps), "airman aides" (Air Force) and "stewards" (Navy). Yet the broader question is less racial than philosophical: whether armed forces' enlisted men should shine the shoes of high-ranking officers, wash their cars, walk their dogs, shop for their wives, clean their houses, and act as valets, butlers and servants.

Rank has and deserves certain privileges, and perhaps $13 million annually isn't too much to spend so that some 1,700 aides can look after 970 generals and admirals (although that works out to almost $13,500 per officer per year) But Defense Secretary Richardson (Attorney General-designate) would seem to have had a point when he recently noted that the Pentagon boss hasn't any such aides, despite his own extensive official and social obligations.

More to the point, however, the use of enlisted men for such purposes tends to perpetuate a castle system, even though a mini-caste system, that is alien to America's civilian tradition and questionable as part of its military tradition. It confuses the general welfare with the generals' welfare, and probably should be abolished or sharply curtailed.

## CINCO DE MAYO

Mr. FANNIN. Mr. President, in Mexico and in my State of Arizona, the words Cinco de Mayo have very special meaning. Translated, of course, Cinco de Mayo simply means the 5th of May.

This Saturday, the 5th of May, the people of Mexico and Americans of Mexican descent will celebrate the 111th anniversary of a battle which had little military, but great and lasting moral significance.

On May 5, 1862, a small volunteer force of Mexican patriots under Gen. Ignacio Zaragoza defeated a superior French army at the town of Puebla.

Eventually, Mexico was conquered militarily, and the French established a monarchy under Archduke Ferdinand.

The Mexican people did not give up their fight for independence, however, and it was the battle of Cinco de Mayo that provided the inspiration which enabled them to carry on the struggle.

Cinco de Mayo is a symbol of the victory of the human spirit over all military odds.

As this date approaches, I am pleased to salute the great people of Mexico, and I join with Americans of Mexican descent in paying tribute to the memory of the gallant men who participated in the Battle of Cinco de Mayo.

## IN SUPPORT OF THE ARTS AND HUMANITIES

Mr. JOHNSTON. Mr. President, anyone familiar with my public record knows that I have been a consistent supporter of Government contributions to cultural affairs, for I believe strongly that the Government has a proper role and obligation with respect to supporting the arts and humanities—activities that can and do enrich the fabric of our society.

First begun on a substantial scale some 7 or 8 years ago by President Johnson, direct Federal contributions to these programs have grown greatly and I know of few people who would quarrel with this level of funding—totaling some $80 million in the current budget. However, this spending must be kept in perspective and must be considered on a priority scale at a time of drastic cutbacks in social programs and a time of fiscal belt-tightening.

The President's budget proposed for the next fiscal year contains cuts in education. It reflects a curtailment in Federal programs for medical training. It calls for an increase in insurance premiums paid by elderly medicare recipients. It abolishes the Agency that has symbolized this country's attack on poverty. It abandons many programs that have spelled a bare margin of security for millions of small farmers. Administration officials are even considering regulations to reduce disability benefits for Vietnam veterans.

But that same budget, incredibly, recommends a more than fivefold increase in appropriations to the National Foundation on the Arts and the Humanities over the next 3 years. The Senate on Wednesday had the opportunity to adopt a substitute bill which would have increased spending for these programs by some 50 percent but would have kept the authorization within the bounds of fiscal restraint. That amendment had my support but failed. We were left to cast an up-or-down vote on the President's bill and I could not in good conscience support that legislation.

Although the bill passed the Senate and there were scant few of us voting against it, I believe we were absolutely right. My avid support for the arts and humanities does not blind me to the hard fact that uncontrolled Federal spending is not a benefit but a burden to millions of Americans who must pay taxes, then bear the inflationary fruits of those taxes. If it is essential that we pare the level of spending on vital social programs, then so is it essential that other programs not be precipitately increased.

It is often said that what is good for the goose is good for the gander. By my vote yesterday, I am suggesting that what is good for the ugly duckling is good for the swan.



## THE RIGHTS OF THE HANDICAPPED

Mr. HUMPHREY. Mr. President, our Nation's Capital is honored this week by the presence of several national conferences directing their attention to the needs and hopes of the disabled and the handicapped. The visit of fellow citizens who speak for, are, or represent the disabled and the handicapped comes at a critical moment. The President has once again vetoed the Vocational Rehabilitation Services Act. The Congress has yet to act on the Comprehensive Health Services Act providing for authorization of a number of programs pertaining to the disabled and the handicapped.

The time has come to focus public attention upon a minority group whose human rights and critical needs have for too long remained at the bottom of the Nation's agenda.

I am talking about our fellow Americans who are physically, mentally, or behaviorally disabled. Whatever the disability, the impairment, or the handicap, these people ask not for a handout. They ask only for the opportunity to be counselled, to be evaluated, to be trained, and to have employment commensurate with their God-given abilities without prejudice.

They ask for this compensatory or vocational rehabilitation help only to make them productive, self-reliant and competitive, and to do this without delay—not to be held back for 3 months, or 6 months, or 1 or more years after the disablement, but upon inception of the disability.

What does this mean? Not food and shelter and medical attention as a dole, but as offsetting costs due to disablement.

If in a wheelchair, then transportation and housing at a cost not greater than for the nondisabled.

If mentally retarded and working in a sheltered workshop, then housing or cost-of-living help to supplement the earnings at the workshop, in order to live independent, self-sufficient lives in their communities.

If deaf, then telecommunications services at no higher cost than a telephone for the hearing person.

If a disablement such as epilepsy, diabetes, renal disease, and so forth, then no higher costs for medical services or maintenance than for a person who does not have these chronic disabilities.

Let this Nation firmly commit itself to establishing the rights of handicapped Americans.

The right to work to the maximum of their capacity without regard to the severity of their disability.

The right to receive a daily compensation dollar benefit, but also the privilege to retain what they earn as an incentive to aspire to greater heights without the fear of loss in any form.

The right to self-esteem, the right to fail, and the right to succeed.

These are the kinds of things that were a part of the Rehabilitation Act of 1972. This legislation would have provided many of the services to give concrete expression to these rights—necessary services to meet the unique individual needs of all of our handicapped fellow Americans.

I am determined that a Presidential veto of this legislation will not be the last word, but rather that handicapped Americans will know hope and promise and respect for human dignity through congressional action to continue and to move forward vital programs of assistance.

This I believe: Our society must provide the needed services to make us all competitively equal—this is the right of all mankind. Let us today vow that we will further the slogan of the State-Federal vocational rehabilitation program: "Let us help the handicapped to help themselves."

On the evening of May 3 there will be a candlelight ceremony on behalf of the handicapped at the Lincoln Memorial. On the morning of May 4 the handicapped will march to the Capitol to bring to the Congress and the public the message of their needs and programs.

## SALUTE TO WILLIAM HOROWITZ

Mr. RIBICOFF. Mr. President, the New Haven Register recently honored William Horowitz, an old and dear friend who is ending an 18-year career of distinguished service on the Connecticut Board of Education.

I ask unanimous consent that the Register's April Salute to William Horowitz be printed in the RECORD.

There being no objection, the salute was ordered to be printed in the RECORD, as follows:

OUR APRIL SALUTE: WILLIAM HOROWITZ

Call him the personification of an "only-in-America" story. Call him a pillar of Connecticut education. Call him warm, tough, tactful, dynamic, resourceful, industrious, unselfish, dedicated and patriotic. New Haven's William Horowitz has placed all those qualities at the service of his fellow men. He'll be sorely missed when he leaves the State Board of Education, of which he is chairman, after being a member of that body for the last 18 years.

It was announced this month by the Republican Administration that Horowitz, a Democrat who has labored in his party's vineyards, will be succeeded on the board by a Republican. Supporters of education from both parties will lament his separation from the board.

Education brought Horowitz to New Haven and education has been the recipient of his devotion for many decades. He came out of Kansas City, the son of Russian-Jewish immigrants, to be educated at Yale. He remained in New Haven where he became a major contributor to the betterment of town-gown relations. He has given of himself, in terms of personal sacrifice and forceful leadership, to improve both private and public education at many levels.

But it takes no superlatives to convey what Horowitz has done for others. All it takes is a bare outline of the career of this 66-year-old banker-industrialist-civic and religious leader. As a boy and a man, as an individual and a social being, he excelled.

In his youth, he was one of the founders of AZA, the junior B'nai B'rith, serving as first president of the Kansas City chapter. As a high school student, he was active in Democratic politics, and as a successful businessman in this city, he continued to actively support the party.

He worked his way through Yale as a Hebrew teacher in a synagogue here and as a dishwasher. Upon graduation, Horowitz staged a proxy fight and was named president of New Haven's General Industrial Bank at the age of 42. The bank became the General Bank and Trust Company, which merged with the Hartford National Bank, of which he became an executive. He has been a successful industrialist and vice president of Radio Station WELI.

Despite heavy business commitments, he has given 25 per cent of his work time to Yale and State educational affairs. As the first non-Protestant as well as the first Jew to be elected a trustee of Yale, he diplomatically pursued the interests of his city and his alma mater.

Faithful to his religious heritage Horowitz helped supply Israel with life-or-death arms during the 1948 war of independence. In a frantic purchase of surplus at the Colt Arms plant in Hartford, he managed to obtain gun-making machines for the Jewish underground. His fellow Jews of B'nai B'rith honored him as an individual who has demonstrated the highest ideals of the American way of life.

Horowitz went to bat for civil rights as a member of the State Board of Education, the State Commission on Higher Education and as co-chairman of the NAACP Freedom Fund Drive. He also has been a member of the board of directors of Yale-New Haven Hospital.

Although he felt the extent of American involvement in the Vietnam was a mistake, Horowitz agreed to be the principal speaker at the Reserve Officer Training Corps commissioning ceremony at the height of anti-war protesting. He recognized the point where personal opinion had to give way before the nation's call.

For a life that is inspiring with concern for others, a fruitful, busy life that has put principles into action, The Register salutes William Horowitz.

## INDEPENDENT OIL JOBBERS

Mr. ABOUREZK. Mr. President, I am very pleased to join Senator SAXBE and others in cosponsoring legislation to protect independent oil jobbers. This bill, S. 1599, would provide for the continued sale of gasoline to independent gasoline retailers by making it a prima facie violation of the Federal Trade Commission Act for a refiner to refuse to sell to independent marketers a percentage of his total sales to all outlets during any given month.

The amount the refiner must sell independent marketers is based on the percentage he sold to independents during a base period—July 1, 1971 to June 30, 1972. The bill also prohibits the refiner from charging a percentage increase in price to the independent marketer that is greater than the percentage increase he might charge to his own franchised retail outlets.

This is an important proposal to prevent independent retail outlets from being forced out of business. Unfortunately, it appears that many major companies have been in a position to dominate the tight supply situation and have quite naturally used this position to favor their own franchised outlets at the expense of small independents.

The impact of this situation is most clearly seen in a letter I recently received from the owner of the Johnson Oil Co. in Langford, S. Dak. I ask unanimous consent that this letter and the letter Mr. Johnson received from the Sun Oil Co. be printed in the RECORD.

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There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JOHNSON OIL CO.,
*Langford, S. Dak., April 23, 1973.*

Hon. Senator JAMES ABOUREZK,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR ABOUREZK: Enclosed is a copy of the letter received from our petroleum supplier, the Sun Oil Co., and also a copy of the cover of the S.D. Jobber magazine which clearly depicts the plight of the independent oil jobber.

My father and I have owned and operated an oil business in Langford for 50 years. We served our farm customers with the best of service, competitive price, and quality products and we have always paid our suppliers for their products when due. We are now only one small jobber along with many others that have recently found their contracts terminated. After contacting a number of oil companies, we find they are not interested in signing not only us but any new jobbers because they claim that they either have no extra product or that it isn't profitable for them to market in our geographical area.

It seems strange that large oil companies can monopolize and dictate in this manner without violating federal anti-trust laws. Under these circumstances, who is going to supply the farmers and consumers with the almost one million gallons of product we are now selling when oil companies say they can provide only the same volume as the previous year?

I would like to know what help you will give us in acquiring products or a supplier after our agreement with Sun Oil Company is terminated. Should we have to close our doors, there will be three families unemployed, we will not be paying the repair men, interest to the banker, insurance, taxes, etc., generated from our gross sales of $240,000.00.

I believe your full support for the Humphrey-Mondale bill favoring the oil pipeline from Alaska through Canada to the midwest will be necessary for a long-term solution to our dilemma, but must request your assistance immediately to head off our impending crisis.

Sincerely yours,

ROBERT B. JOHNSON.

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SUN OIL CO.,
*Tulsa, Okla., February 1, 1973.*

DEAR SIR: We are writing to alert you of changes in our marketing strategy which will very shortly affect our relationship.

Your business is located in an area where the Company has found it unable to market economically. It is our desire to withdraw from the marketing of gasolines, diesel fuels and heating oils in your area. The Company is reluctant to take this course of action, and is doing so only after a thorough review of all facts. We are certain you, as a businessman, can appreciate our position.

Therefore, since the Company will be unable to renew its present agreement at its expiration, please consider this your notice that effective November 10, 1973, Sun Oil Company of Pennsylvania is terminating your Jobber Franchise Agreement dated August 26, 1970.

We are giving you this advance notice so that you may have the maximum opportunity in making satisfactory arrangements with another supplier. Our representative will be available at your convenience to answer any questions you may have in this matter.

We regret that circumstances have forced us to take this action and will do our utmost to make the pre-termination period as harmonious as possible.

Yours very truly,

W. W. NEEDO.

Mr. ABOUREZK. Frankly, Mr. President, we need independent oil jobbers and retail outlets. They are an important and vital competitive part of gasoline retailing. It would be nothing less than another tragedy if the energy crisis should be used as an excuse to drive independents from the marketplace and leave gasoline retailing in the hands of only a few giant conglomerates.

Also, Mr. President, I would like to express my concern over the price increases that are going to be a consequence of this situation. I understand from news releases that City Services Oil Co. has recently imposed significant gasoline price increases that are expected to be the bellwether for increases by the entire industry.

This adds another step on the road to inflation which we have been traveling. Worst of all, this comes in the face of huge profits which most oil companies have been enjoying. I would like to print in the RECORD an article from the Washington Post which points out this favorable profit picture.

There being no objection, the article was ordered printed in the RECORD as follows:

[From the Washington Post, Apr. 25, 1973]

TEXACO, GULF, CONTINENTAL, PHILLIPS PROFITS GAIN

Six of the nation's big petroleum companies, including giant Texaco and Gulf, yesterday reported increased earnings and sales for the first quarter of 1973 compared with the same period of 1972.

Texaco said its net income increased from $229.9 million to $264 million on an increase in revenue from $2.2 billion to $2.5 billion. Per-share earnings were 97 cents, up from 84 cents.

Texaco officials noted improved product prices, increased worldwide production and sale of crude oil, improved natural gas sales and revenues and "vigorous control of expenses."

Gross production of crude oil and natural gas liquids increased by 12.2 per cent to an average 4.35 million barrels a day, refinery runs were 1.5 per cent lower at 3.024 million barrels a day, petroleum product sales were down 4.8 per cent at 3.53 million barrels and natural gas sales gained 1.7 per cent to 4.74 billion cubic feet a day.

Gulf Oil's net income for the latest quarter was $18.7 million (80 per cent a share) on revenues of $2.103 billion compared with net income a year earlier of $139 million (67 cents) on revenues of $1.938 billion.

Gulf officials said prices in the U.S. were firmer in the latest quarter, chemical prices and volumes rose, Gulf improved its tanker transportation position and certain unprofitable operations were discontinued.

Continental Oil Co. set a first-quarter net income record at $47.5 million (94 cents a share), an 11.5 per cent gain from earnings for the first period last year of $42.6 million (85 cents). Revenues rose 9.1 per cent from $853.9 million to $931.2 million.

Increased earnings from the company's worldwide petroleum and chemicals business were partially offset by a loss from coal operations and currency revaluation losses.

Phillips Petroleum Co. earnings rose from $35.6 million (48 cents a share) in the first quarter of 1972 to $43.4 million (58 cents) in the same period this year as revenues increased from $635.9 million to $680.8 million.

Rises in crude oil production in Nigeria, the Norwegian North Sea and Venezuela sparked worldwide net production of crude oil and natural gas liquids, Phillips said.

Total petroleum products sales decreased slightly while motor fuel sales increased, the company added.

Cities Service Co. net income increased by 17.4 per cent for the first quarter compared with the same period a year ago, the company announced yesterday.

The gain was from $29.3 million ($1.14 a share) to $34.4 million ($1.32).

Favorable trends aiding the improved profits picture were good production rates for oil and natural gas, and strengthening prices for petroleum products and copper, Cities Service said.

Standard Oil (Ohio) net income rose from $11.8 million (64 cents a share) to $17.5 million (95 cents) as sales grew from $365.2 million to $402.9 million.

A strong surge in chemical operations plus higher royalty income aided first-quarter earnings, officials said.

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## THE STATUS OF U.S. AND FOREIGN AIRFRAME MANUFACTURING

Mr. GOLDWATER. Mr. President, 2 years ago it was my pleasure to represent the President of the United States at the Paris Air Show. When I returned from Paris I made what to me was a very discouraging report relative to the status of foreign airframe manufacturing and our own. It was discouraging because before that show, or maybe I should say that particular time, the United States absolutely dominated the airframe business of the world. Over 80 percent of the passenger aircraft flying over the world came from our factories. Nearly all transport aircraft were equipped with American made avionics.

When the United States decided to abandon the SST, which was shortly before that show, the foreign manufacturers took great encouragement from this feeling that the U.S. Government had no more interest in technological and aeronautical developments that would keep our industry ahead. They have literally taken the bull by the tail and have turned the whole industry around in that they are actively competitive with us now and our share of the foreign market declined rather sharply.

To give you an idea of what this means to us, while our overall trade balance slid by $12 billion between 1965 and 1972, our aircraft sales grew by $2 billion.

Most of this was before the last Paris Air Show, and I am afraid the next report will show our balance in aircraft sales to be very close to the disappearing point.

So that my colleagues might have a better idea of just what I am talking about, I would remind them that in the March 19 issue of Aviation Week and Space Technology there appeared at least 12 different advertisements from overseas manufacturers where a few short years ago no such advertisements appeared in this country.

For the further information of my colleagues, I have taken from that issue of the magazine a compilation of U.S. commercial transports, Russian military and civil aircraft and the leading international aircraft. A brief look at this catalog will demonstrate, I believe, the extent to which foreign competition is growing and the extent to which our industry is suffering.

I ask unanimous consent that these lists be printed in the RECORD.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:



U.S. COMMERCIAL TRANSPORTS

| Manufacturer and model designation | Popular name or sub-type designation | Number in flight crew | Number of passengers | Cargo capacity, lb. | Wing-span, ft. | Landing speed, mph. | Best cruise speed, mach or mph. | Maximum speed, mph. | Power plant: number, make and model | Max. landing weight, lb. | Typical gross weight, lb. | Empty weight, lb. | Maximum length, ft. | Maximum height, ft. | FAA takeoff field length, ft. | FAA landing field length, ft. | Max. still-air range, mi. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PASSENGER | | | | | | | | | | | | | | | | | |
| Beech Boeing: | | | | | | | | | | | | | | | | | |
| B-99 | | 1-2 | 15 | 1,500 | 45.8 | 85 | 285 | 285 | 2 UACL PT6A-27 | 10,900 | 10,900 | 6,000 | 44.6 | 14.4 | 3,100 | 2,220 | 1,150 |
| 707-120 | | 3-4 | 100-181 | 19,200 | 130.9 | 165 | 524 | 600 | 4 P&WA JT3D-6 | 190,000 | 258,000 | 112,000 | 144.5 | 42.7 | 10,550 | 6,320 | 4,650 |
| 707-120B | | 3-4 | 100-181 | 25,000 | 130.9 | 158 | 537 | 600+ | 4 P&WA JT3D-3 | 190,000 | 258,000 | 122,000 | 144.5 | 42.7 | 7,450 | 6,550 | 6,325 |
| 707-220 | | 3-4 | 100-181 | 19,200 | 130.9 | 167 | 521 | 600+ | 4 P&WA JT4A-3 | 185,000 | 248,000 | 122,000 | 144.5 | 41.7 | 8,220 | 6,280 | 4,650 |
| 707-320 | Intercontinental | 3-4 | 108-189 | 28,200 | 142.4 | 158 | 531 | 600+ | 4 P&WA JT4A-11 | 207,000 | 316,000 | 141,800 | 152.9 | 42.5 | 10,650 | 7,250 | 7,600 |
| 707-320B | Intercontinental | 3-4 | 189 | 28,200 | 145.8 | 158 | 531 | 600+ | 4 P&WA JT3D-3B-7 | 247,000 | 336,000 | 145,700 | 152.9 | 42.5 | 10,020 | 6,250 | 7,600 |
| 707-320C | Intercontinental | 3-4 | 189 | 28,200 | 145.8 | 158 | 532 | 700+ | 4 P&WA JT3D-3B-7 | 247,000 | 336,000 | 145,700 | 152.9 | 42.5 | 10,020 | 6,250 | 6,735 |
| 707-420 | Intercontinental | 3 | 88-165 | 28,600 | 142.4 | 148 | 522 | 600 | 4 R-R R. Co.12 | 207,000 | 316,000 | 133,000 | 152.9 | 41.7 | 10,650 | 7,280 | 5,240 |
| 720 | | 3 | 88-165 | 28,600 | 130.9 | 152 | 533 | 600+ | 4 P&WA JT3C-7, -12 | 175,000 | 239,000 | 110,800 | 136.7 | 41.8 | 9,400 | 6,200 | 5,720 |
| 720B | | 3 | 167 | 20,500 | 130.9 | 148 | 537 | 600+ | 4 P&WA JT3D-1, 7 or 9 | 170,000 | 235,000 | 87,616 | 136.7 | 41.8 | 6,950 | 4,600 | 3,000 |
| 727-100 | Advanced | 3 | 70-131 | 12,830 | 108.0 | 140 | 544 | 0.84 | 3 P&WA JT8D-7, 9 or 15 | 142,500 | 160,000 | 99,000 | 133.1 | 34.0 | 7,050 | 4,850 | 1,900 |
| 727-200 | Advanced | 3 | 120-189 | 21,000 | 108.0 | 145 | 544 | 600+ | 3 P&WA JT8D-7, 9 or 15 | 154,500 | 160,000 | 59,650 | 94.0 | 37.0 | 9,000 | 4,000 | 1,300 |
| 737-200 | Advanced | 2 | 115-130 | 10,290 | 93.0 | 125 | 544 | 600+ | 2 P&WA JT8D-7 or 9 | 101,000 | 111,000 | 60,900 | 100.0 | 37.0 | 5,700 | 4,000 | 1,900 |
| 747-100 | Superjet | 3 | 374-500 | 13,135<br>103,170 | 195.7 | 162 | 569 | 580 | 2 P&WA JT8D-9 or 15<br>4 P&WA JT9D-3A,<br>-3AW, -7. | 103,000<br>654,000 | 116,000<br>713,000 | 59,650<br>352,711 | 231.3 | 63.5 | 9,000 | 6,200 | 6,900 |
| McDonnell Douglas: | | | | | | | | | | | | | | | | | |
| 747B-200 | Superjet | 3 | 374-500 | 103,170 | 195.7 | 162 | 580 | 580 | 4 P&WA JT9D-7, -7W | 564,000 | 778,000 | 361,755 | 231.3 | 63.5 | 10,500 | 6,200 | 7,400 |
| DC-6 | | 3-5 | 48-58 | | 117.5 | 91 | 313 | 356 | 4 P&WA R2800-CA15 | 97,200 | 107,000 | 51,495 | 100.6 | 28.4 | | | 4,510 |
| DC-6B | | 3-5 | 64-92 | | 117.5 | 93 | 311 | 360 | 4 P&WA R2800-CB17 | 100,000 | 107,000 | 54,148 | 105.6 | 28.4 | | | 4,540 |
| DC-8 | Series 10 | 3 | 116-176 | 20,850 | 142.3 | 148 | 544 | 580 | 4 P&WA JT4A-9, -11 | 199,500 | 273,000 | 120,999 | 150.5 | 42.3 | 9,625 | 6,410 | 5,490 |
| DC-8 | Series 20 | 3-5 | 116-176 | 20,850 | 142.3 | 151 | 544 | 600 | 4 P&WA JT3C-6 | 193,000 | 276,000 | 123,757 | 150.5 | 42.3 | 7,680 | 6,590 | 5,780 |
| DC-8 | Series 30 | 3-5 | 116-176 | 20,850 | 142.3 | 153 | 544 | 600 | 4 P&WA JT4A-9, -11 | 199,500 | 315,000 | 126,365 | 150.5 | 42.3 | 9,050 | 6,800 | 7,010 |
| DC-8 | Series 40 | 3-5 | 116-176 | 20,850 | 142.3 | 153 | 544 | 600 | 4 R-R Dart 532-7, -7E | 207,000 | 325,000 | 148,897 | 150.5 | 42.3 | 9,650 | 6,800 | 7,380 |
| DC-8 | Series 50 | 3-5 | 116-176 | 20,850 | 142.3 | 153 | 544 | 600 | 4 P&WA JT3D-3, -3B | 207,000 | 315,000 | 125,030 | 150.5 | 42.3 | 9,650 | 6,800 | 8,720 |
| DC-8 | Super 61 | 3-5 | 259 | 66,665 | 142.4 | 153 | 544 | 600 | 4 P&WA JT3D-3B | 240,000 | 325,000 | 141,903 | 157.4 | 42.3 | 9,450 | 6,400 | 8,550 |
| DC-8 | Super 62 | 3-5 | 189 | 42,580 | 148.4 | 160 | 544 | 600 | 4 P&WA JT3D-3B | 240,000 | 335,000 | 153,749 | 187.4 | 42.6 | 9,980 | 6,140 | 8,550 |
| DC-8 | Super 63 | 3-5 | 259 | 66,665 | 148.4 | 160 | 544 | 600 | 4 P&WA JT3D-3B | 245,000 | 350,000 | 153,749 | 187.4 | 42.6 | 11,900 | 6,250 | 7,700 |
| DC-9 | Series 10 | 2 | 56-90 | 23,845 | 89.4 | 148 | 586 | 580 | 2 P&WA JT8D-1 or 5 | 74,000 | 77,700 | 45,388 | 104.4 | 27.5 | 10,280 | 5,420 | 1,470 |
| DC-9 | Series 20 | 2 | 90 | | 89.4 | 148 | 586 | 580 | 2 P&WA JT8D-9 | | | | 104.4 | 27.5 | | | |
| DC-9 | Series 30 | 2 | 115 | 26,534 | 93.4 | 148 | 586 | 580 | 2 P&WA JT8D-7 | 98,000 | 98,000 | 52,557 | 119.3 | 27.5 | 6,800 | 4,920 | 1,725 |
| DC-9 | Series 40 | 2 | 125 | 30,836 | 93.4 | 148 | 586 | 580 | 2 P&WA JT8D-9 | 114,000 | 102,000 | 56,516 | 125.6 | 28.0 | 9,200 | 5,100 | 1,380 |
| DC-9 | Series 10 | 2 | 250-380 | 3,045-<br>14,670 | 155.3 | 165.3 | 559 | 559 | 3 GE CF6-6D1 | 363,500 | 440,000 | 233,300 | 182.3 | 57.5 | 9,200 | 5,250 | 4,450 |
| DC-10 | Series 30 | 3 | 250-380 | 3,045-<br>14,670 | 165.3 | 165.3 | 565 | 600+ | 3 PW JT9D-20 | 403,000 | 555,000 | 267,250 | 182.3 | 57.5 | 10,500 | 5,330 | 5,950 |
| DC-10 | Series 40 | 3 | 250-380 | 3,045-<br>14,670 | 165.3 | 165.3 | 565 | 600+ | 3 PW JT9D-20 | 403,000 | 555,000 | 267,250 | 182.3 | 57.5 | 10,500 | 5,500 | 5,350 |
| Fairchild Industries: | | | | | | | | | | | | | | | | | |
| F-27 | Friendship | 2 | 40-48 | | 95.2 | 91.8 | 270 | 275 | 2 R-R R. Da. 6 514-7 | 38,500 | 40,500 | 24,000 | 77.2 | 27.5 | 5,600 | 3,660 | 1,530 |
| F-27A | Friendship | 2 | 40-48 | | 95.2 | 105.3 | 293 | 300 | 2 R-R R. Da. 7 528-7E | 40,000 | 42,000 | 25,600 | 77.2 | 27.5 | 5,680 | 3,770 | 1,530 |
| F-27B | Friendship | 2 | 40-48 | | 95.2 | 91.8 | 270 | 275 | 2 R-R R. Da. 6 514-7 | 38,500 | 40,500 | 24,400 | 77.2 | 27.5 | 5,600 | 3,660 | 1,530 |
| F-27J | Friendship | 2 | 40-48 | | 95.2 | 105.3 | 270 | 300 | 2 R-R R. Da. 7 532-7 | 40,000 | 42,000 | 25,700 | 77.2 | 27.5 | 5,680 | 3,770 | 1,530 |
| FH-227 | | 2 | 44-52 | | 95.2 | 91.8 | 270 | 300 | 2 R-R R. Da. 7 532-7 | 43,500 | 45,000 | 28,550 | 83.1 | 27.5 | 5,200 | 3,660 | 1,520 |
| FH-227B | | 2 | 44-52 | | 95.2 | 91.8 | 270 | 300 | 2 R-R R. Da. 7 532-7 | 43,500 | 45,000 | 28,550 | 83.1 | 27.5 | 5,000 | 4,220 | 1,520 |
| FH-227C | | 2 | 44-52 | | 95.2 | 91.8 | 270 | 300 | 2 R-R R. Da. 7 532-7 | 43,500 | 45,000 | 28,550 | 83.1 | 27.5 | 5,000 | 4,050 | 1,520 |
| FH-227D | | 2 | 44-52 | | 95.2 | 91.8 | 270 | 300 | 2 R-R R. Da. 7 532-7L | 43,500 | 45,500 | 28,850 | 83.1 | 27.5 | 4,820 | 4,050 | 1,520 |
| FH-227D (LCD) | | 2 | 44-52 | | 95.2 | 91.8 | 270 | 300 | 2 R-R R. Da. 7 532-7L | 43,500 | 45,500 | 29,210 | 83.1 | 27.5 | 4,650 | 4,220 | 1,520 |
| FH-227E | Cargonaut | 2 | 44-52 | 11,900 | 95.2 | 83.1 | 290 | 300 | 2 R-R R. Da. 7 Mk. 532-7L | 45,500 | 43,000 | 28,600 | 83.1 | 27.5 | 3,940 | 4,050 | 1,520 |
| General Dynamics Convair Aerospace: | | | | 345 | 95.2 | | 294 | 300 | | | | | | | | | |
| 240 | | 2 | 40-44 | 3,800 | 91.8 | 74.8 | 304 | 310 | 2 P&WA R2800 CA 3 | 39,800 | 41,790 | 29,280 | 74.8 | 26.9 | 5,100 | 4,200 | 1,025 |
| 440/340 | Metropolitan | 2 | 44-53 | 5,100 | 105.3 | 81.5 | 300 | 310 | 2 P&WA R2800 CB 17 | 46,000 | 49,000 | 31,385 | 81.8 | 28.3 | 5,120 | 4,010 | 2,050 |
| 600 | | 2 | 40-46 | 3,800 | 91.8 | 74.8 | 305 | 317 | 2 R-R Dart 542 4 | 44,000 | 46,200 | 28,395 | 74.8 | 28.9 | 5,120 | 4,020 | |
| 640 | | 2 | 44-59 | 3,100 | 105.3 | 81.5 | 312 | 315 | 2 R-R Dart 542 4 | 52,500 | 55,000 | 30,275 | 81.5 | 28.2 | 5,280 | 4,280 | 1,235 |
| 880 | S. Metropolitan | 2 | 88 | 8,630 | 120.0 | 138 | 615 | 615 | 2 GE CJ805-3 | 155,000 | 185,000 | 81,800 | 129.4 | 36.0 | 6,000 | 4,280 | 1,230 |
| 880M | | 3-4 | 88 | 8,490 | 120.0 | 138 | 615 | 615 | 2 GE CJ805-3B | 155,000 | 193,500 | 88,340 | 129.4 | 36.0 | 5,200 | 4,400 | 3,800 |
| 990 | Coronado | 3-4 | 96-146 | 9,280 | 120.0 | 138 | 621 | 621 | 2 GE CJ805-23B | 202,000 | 255,000 | 114,750 | 139.2 | 39.5 | 5,200 | 4,200 | 4,200 |
| 580 | | 2 | 52 | | 105.3 | 125 | 342 | 345 | 2 Allison 501-D13 | 52,000 | 54,600 | 29,100 | 81.5 | 27.5 | 5,400 | 4,380 | 1,605 |
| Lockheed: | | | | | | | | | | | | | | | | | |
| 188A | Electra | 3-4 | 66-98 | | 99.0 | 155.3 | 406 | 450 | 4 Allison 501-D13 | 96,650 | 113,000 | 57,300 | 104.5 | 32.8 | 5,250 | 4,960 | 3,400 |
| L-1011 | TriStar | 3 | 256-400 | 45,750 | 155.3 | 178.7 | 0.85 | 620 | 3 R-R RB. 211-22B | 358,000 | 430,000 | 138,817 | 178.7 | 55.3 | 7,950 | 5,680 | 5,175 |
| CARGO | | | | | | | | | | | | | | | | | |
| Boeing: | | | | | | | | | | | | | | | | | |
| 707-320C | | 3-4 | 189 | 91,300 | 145.9 | 158 | 532 | 600+ | 4 P&WA JT3D-3B-7 | 247,000 | 336,600 | 139,800 | 152.9 | 42.5 | 10,020 | 6,250 | 7,440 |
| 727-100C/QC | | 3 | 70-131 | 46,000 | 108 | 140 | 544 | 600+ | 3 P&WA JT8D-9 or 15 | 142,500 | 160,000 | 98,000 | 133.1 | 34 | 7,950 | 4,800 | 2,600 |
| 737-200C/QC | | 2 | 115-130 | 35,500 | 93 | 125 | 544 | 580 | 2 P&WA JT8D-9 or 15 | 103,000 | 116,000 | 59,650 | 100.0 | 37 | 5,950 | 3,750 | 1,900 |
| 747F-200 | | 3 | | 254,923 | 195.7 | 175 | 580 | 640 | 4 P&WA JT9D-7W | 630,000 | 778,000 | 335,077 | 231.3 | 63.5 | 10,500 | 7,000 | 7,700 |

Footnotes at end of table.

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## U.S. COMMERCIAL TRANSPORTS—Continued

| Manufacturer and model designation | Popular name or sub-type designation | Number in flight crew | Number of passengers | Cargo capacity, lb. | Wing-span, ft. | Maximum length, ft. | Maximum height, ft. | Empty weight, lb. | Typical gross weight, lb. | Max. landing weight, lb. | Power plant: number, make and model | Maximum speed, mph. | Best cruise speed, mach or mph. | Landing speed, mph. | FAA takeoff field length, ft. | FAA landing field length, ft. | Max. still-air range, mi. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| McDonnell Douglas: | | | | | | | | | | | | | | | | | |
| DC-7F | | 3 | | 33,000 | 117.5 | 108.9 | 28.6 | 68,292 | 125,850 | 108,900 | 4 Wr R3350 | 358 | 250 | 138 | 6,200 | 6,400 | 3,700 |
| DC-8F | Jet Trader | 3 | 15-189 | 95,124 | 142.3 | 150.5 | 42.3 | 126,173 | 325,000 | 240,000 | 4 P&W3JTAD-3, -3B | 600 | 544 | 165 | 10,050 | 6,050 | 8,720 |
| DC-8-61F | Jet Trader | 3-5 | | 89,100 | 142.4 | 187.4 | 42.4 | 144,900 | 325,000 | 250,000 | 4 P&WA JT3D-3B | 600 | 580 | | 9,980 | 6,140 | 7,150 |
| DC-8-62F | Jet Trader | 3-5 | | 93,400 | 148.4 | 157.4 | 42.4 | 136,600 | 335,000 | 250,000 | 4 P&WA JT3D-3B | 600 | 586 | | 10,280 | 6,140 | 8,500 |
| DC-8-63F | Jet Trader | 3-5 | | 106,400 | 148.4 | 187.4 | 42.4 | 261,006 | 355,000 | 275,000 | 4 P&WA JT3D-7 | 600 | 555 | | 11,500 | 5,910 | 3,600 |
| DC-9-30F | | 2 | | 37,920 | 93.4 | 119.3 | 27.4 | 57,578 | 114,000 | 102,000 | 2 P&WA JT8D-9 | 600 | 555 | | 8,660 | 4,700 | 1,300 |
| DC-10 | Series 10CF | 3 | 250-380 | 127,000 | 155.3 | 182.3 | 57.5 | 207,950 | 440,000 | 363,500 | 3 GE CF6-6D1 | 600+ | 0.82-0.85 | [1] 159 | 9,000 | [2] 5,820 | [3] 2,700 |
| DC-10 | Series 30F | 3 | 250-380 | 158,000 | 165.3 | 181.5 | 57.5 | 233,000 | 555,000 | 411,000 | 3 GE CF6-50C | 600+ | 0.82-0.85 | [3] 170 | 10,500 | [3] 5,970 | [3] 3,700 |
| Fairchild Industries-Lockheed: | | | | | | | | | | | | | | | | | |
| FH-227D (LCD) | Cargonaut | 2 | None | 14,500 | 95.2 | 83.1 | 27.3 | 26,500 | 45,500 | 45,000 | 2 R-R R. Da 7 Mk. 532-7L | 300 | 290 | 120 | 4,650 | 4,220 | 1,520 |
| 1049H | | 3 | | 30,000 | 123 | 113.7 | 24.8 | 104,000 | 137,000 | 104,000 | 4 Wr 972TC18DA-3 | | 282 | | 5,800 | 5,250 | 2,500 |
| 1649A | | 3 | | 33,000 | 150 | 116.1 | 23.4 | 122,850 | 160,000 | 128,850 | 4 Wr 98TC18EA2 | 300 | 236 | 133 | 6,500 | 5,000 | 5,000 |
| 100 | Hercules | 3 | | 47,187 | 132.6 | 97.8 | 38.4 | 71,293 | 155,000 | 130,000 | 4 All. 501-D22 | 357 | 333 | 145 | 6,800 | 4,800 | 4,074 |
| 100-20 | Hercules | 3 | | 48,113 | 132.6 | 106.1 | 38.4 | 71,887 | 155,800 | 130,000 | 4 All. 501-D22A | 377 | 352 | 145 | 6,000 | 4,670 | 4,396 |
| 100-30 | Hercules | 3 | | 52,550 | 132.6 | 112.7 | 38.4 | 72,450 | 155,800 | 135,000 | 4 All. 501-D22A | 377 | 352 | 147 | 6,000 | 4,850 | 4,396 |

[1] Cubic feet of cargo space.
[2] With full passnger, bag load.
[3] With maximum cargo load.

Abbreviations:
All.—Allison.
GE—General Electric.
P&W—Pratt & Whitney Aircraft.
R-R—Rolls-Royce.
Wr—Curtiss Wright.
UACL—United Aircraft of Canada, Ltd.

## U.S.S.R. MILITARY AND CIVIL AIRCRAFT

| Mission and designation | NATO Code Name | No. of crew | Over-all span, ft. | Over-all length, ft. | Gross weight, lb. | No., design., max. power each engine | Max. speed, mph. | Service ceiling, ft. | No. and type weapons or payload | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| Bombers: Tu-22 | Blinder | 3 | 70.0 | 130.0 | 175,000 | 2×rear-mounted axial tj | 1,300.0 | 60,000 | 1 Kitchen ASM | Blinder B has larger engines, refueling probe, ECM version. |
| Tu-7 | Backfire | | 70.0 | 130.0 | 272,000 | 2×wing-root uprated NK 144 tf | M 2+ | | | Variable geometry wing; 3,00 mi.+ unrefueled radius. |
| TM-4 | Bison | | 160.0 | 150.0 | 250,000 | 4×AM-209 tj. at 19,500 lb. t | 610.0 | 57,000 | | Equipped for aerial refueling. |
| Tu-95 | Bear [1] | | 165.0 | 150.0 | 330,000 | 4×NK-12 at tp. 12,000 shp | 550.0 | 50,000 | 1 Kangaroo ASM | Range about 8,000 mi. Equipped for aerial refueling. |
| Tu-16 | Badger [1] | | 105.0 | 115.0 | 150,000 | 2×AM-209 tj. at 19,500 lb t | 600.0 | 50,000 | 1 Kipper, 2 Kelt or 2 Kennel | Sold to Indonesia, UAR. |
| Il-28 | Beagle | 3 | 68.0 | 62.0 | 44,000 | 2×RD-45 tj. at 5,000 lb t | 600.0 | 45,000 | 2×23 mm | Satellite production and use. |
| Yak-28 | Brewer | 2 | 40.0 | 55.0 | 30,000 | 2 ax. tj. at 8,800 lb | 800.0 | 50,000 | | Strike version of Firebar. |
| Reconnaissance: [1] | | | | | | | | | | |
| Be-10 | Mallow | 6 | 115.0 | 115.0 | 145,000 | 2×tj. at 19,000 lb. t | 570.0 | 35,000 | ASW gear | Flying boat. |
| Be-12 | Mail | 4 | 90.0 | 85.0 | 70,000 | 2×tp. at 8,000 eshp | | 29,000 | MAD gear | Gull wing flying boat. |
| Yak-7 | Mandrake | | | | 20,000 | 2×tj | 460.0 | | | High-altitude reconnaissance. |
| Yak-25 | Mangrove | 2 | 35.0 | 55.0 | 30,000 | 2×tj. at 7,500 lb. t | 700.0 | | | Tactical reconnaissance. |
| Tu-114 bis | Moss | | | | | | | | | AWACS version of transport. |
| Il-18 bis | May | | | | | | | | | ASW version of transport. |
| Fighters: | | | | | | | | | | |
| MiG-25 | Foxbat | | 44.0 | 80.0 | 62,400 | 2×tj.+A/B | M 3.2 | 80,000+ | 4 uprated Atoll | Strategic variant. Operational. Down-looking radar. |
| MiG-25 | | | 48.0 | 80.0 | | 2×tj.+A/B | M 2.8 | | | Ground attack variant. |
| MiG-25 | | | | 80.0 | | 2×tj+A/B | M 2.8-3 | | | Air superiority variant. |
| MiG-23 | Flogger | 2 | | | 28,000 | 1×tj.+A/B | M 2.8 | 50,000 | | Variable geometry. Operational. Trainer version also. |
| MiG-7 | Faithless | | 35.0 | 65.0 | | 2×tj.+lift tj | | | | STOL interceptor. |
| MiG-7 | Flipper | 1 | 30.0 | 50.0 | 29,000 | 2×tj.+rocket | M 2.5 | 65,000 | 2 Awl AAM | Exp. prototype. |
| MiG-21 | Fishbed G | 1 | 25.0 | 45.0 | 17,000 | 1×Tumansky R-11 tj.+lift tj | M 2.0 | 60,000 | | STOL version of Fishbed. |
| MiG-21 | Fishbed F/J/K | 1 | 25.0 | 41.6 | 17,000 | 1×Tumansky R-11 tj. at 12,100 lb. t | M 2.0 | 60,000 | | Advanced version with data link. Fishbed K has back-looking radar. |
| MiG-21 [2] | Fishbed D/H | 1 | 25.0 | 40.0 | 17,000 | 1×Tumansky R-11 tj. at 12,100 lb t | M 2.0 | 60,000 | | All weather; Fishbed D in Vietnam, Fishbed H in Warsaw Pact country inventories. |
| MiG-21 | Fishbed C | 1 | 25.0 | 40.0 | 16,700 | 1×Tumansky R-11 tj. at 12,100 lb t | M 2.0 | | 2 Atoll AAM | Standard day fighter; two-seat trainer code-named Mongol. |
| MiG-19 | Farmer | 1 | 36.6 | 44.3 | 27,000 | 2×VK-7 tj. at 8,800 lb. t | 900.0 | 55,000 | | In SE Asia. |
| MiG-17 | Fresco | 1 | 33.0 | 37.0 | 11,000 | 1×VK tj. at 6,850 lb. t | 700.0 | 51,000 | 2×23 mm | |
| Su-11 | Flagon A | | | | 35,000 | 2×tj | M 2.5 | 80,000 | | Delta wing interceptor. Operational. |
| Su-7 | Flagon B | | 35.0 | 75.0 | | 2×tj.+lift tj | | | | STOL version of Flagon. |
| Su-7 | Fitter B | 1 | [3] 39.0 | 50.0 | | 1×tj. at 22,000 lb. t | | | | Variable geometry version. |
| Su-7 | Fitter | 1 | 30.0 | 50.0 | 29,000 | 1×tj. at 22,000 lb. t | M 1.7 | 50,000 | | Swept wing fighter-bomber; two-seat trainer code-named Moujik. |
| Su-9 | Fishpot | 1 | 25.0 | 50.0 | | 1×tj. at 22,000 lb. t | M 1.8 | 60,000 | | Delta wing fighter. |
| Tu-28P | Fiddler | 2 | 72.0 | 120.0 | 82,000 | 2×tj | M 1.7 | 60,000 | 2 Ash AAM | Coordinates with Tu-114 bis AWACS. |
| Yak-7 | Freehand | 1 | 25.0 | 38.0 | | 2×vectored thrust tj | 400.0 | | | VTOL testbed. |
| Yak-28P | Firebar | 2 | 40.0 | 55.0 | 30,000 | 2×tj. at 8,800 lb. t | 800.0 | 50,000 | 2 Atoll/2 Anab | Yak-25 Flashlight development. |
| Helicopters: [4] | | | | | | | | | | |
| V-12 [5] | Homer | 6 | [3] 221.0 | 122.0 | 231,000 | 4 Sol. D-25VF at 6,500 shp | 163.0 | 11,500 | 66,000 | Compound twin rotor helicopter; 88,653 lb. payload to 7,382 ft. |
| Mi-10 | Harke | 3 | 114.8 | 107.8 | 95,807 | 2 Sol. D-25V at 5,500 shp | 214.0 | 9,843 | 33,075 lb | Mi-10K has short landing gear. |
| Mi-8 | Hip | 2 | 169.8 | 60.0 | 26,400 | 2×TB-2-117 at 1,400 shp | 142.0 | 14,764 | 28 pass | Has executive variant. |
| Mi-6 | Hook | 5 | 114.8 | 108.7 | 93,712 | 2×Sol. D-25V at 5,500 shp | 186.0 | 14,764 | 65-90 pass | Troop carrier. |
| Mi-4 | Hound | 2 | 69.0 | 55.0 | 17,199 | 1×ASh-82V at 1,700 hp | 130.0 | 11,800 | | Aeroflot uses 10-place Mi-4P. |
| Mi-2 | Hoplite | 1 | 47.5 | 39.1 | 7,500 | 2×GTD-350 at 400 shp | 136.0 | 13,124 | 2,600 lb. chem | Produced in Poland under license. |
| Ka-26 | Hoodlum | 2 | 42.7 | | 6,600 | 2 M14V-26 at 325 hp | 106.0 | 9,840 | 7-pass. pod | Glass fiber rotor blades; agricultural. |
| Ka-25K | Hormone | 2 | 51.6 | 32.2 | 15,655 | 2×ts. at 900 shp | 136.0 | 11,483 | 9 pass. + cargo | Navy has ASW carrier version. |
| Ka-20 | Harp | 2 | | | | 2×axial tj | | | ASM | ASW role, radar. |
| Ka-18 | Hog | | 32.8 | 23.1 | 2,888 | 1×AI-14WF at 275 hp | 150.0 | 11,500 | 4 pass | Coaxial rotor. |
| Transports and utility: | | | | | | | | | | |
| An-26 | Coke | 3 | 95.8 | 77.2 | 52,920 | 2×AI-24 tp.+1 RU-19 tj | 335.0 | 24,600 | 13,230 lb | Formerly An-24 RT. |
| An-24V | do | 3 | 95.8 | 77.2 | 46,305 | 2×AI-24T tp. at 2,550 shp | 335.0 | 29,529 | 24-50 pass | An-24RV w/aux. tj.; |
| An-22 | Cock | 5 | 216.0 | 167.0 | 500,000 | 4 NK12MV at 15,000 shp | 570.0 | | 160,000 lb | Heavy cargo; 6,800 mi. max. range. |
| An-14 | Clod | 1 | 72.1 | 37.2 | 7,607 | 2×AI 14R at 300 hp | 143.0 | 16,400 | 7 pass | STOL class; called Little Bee. |
| An-12 | Club | 3-5 | 124.8 | 109.0 | 121,500 | 4×AI 1-20 Mtp, at 4,000 shp | 450.0 | 30,000 | Tail turret | Military rear loading An-10. |
| An-10 | Cat | 3-5 | 124.8 | 121.4 | 121,500 | 4×AI-20 tp. at 4,000 shp | 450.0 | 30,060 | 85 pass | An-10A carries 100 pass. |
| M-15 | | 1 | 72.0 | 41.0 | 11,700 | 1×AI-25 tf | | | 650 gal. ag. chem | Underdevelopment jointly w/Poland. |
| Be-30 | Cuff | 1-2 | 55.8 | 49.2 | 12,919 | 2×TVD-10 tp. at 950 eshp | 290.0 | 36,000 | 14-15 pass | Short haul. An-2 replacement. |
| Il-86 | | | | | | | 560.0 | | 350 pass | Wide-body airbus. |
| Il-76 | Candid | | 165.7 | 142.7 | 354,060 | 4×Sol. D-30KP tf. at 25 300 lb. t | 562.0 | 43,000 | 90,000 | Containerized cargo capability. |
| Il-62 | Classic | 3-6 | 142.0 | 174.2 | 347,125 | NK8-4 tf. at 23,100 lb. t | 560.0 | 36,000 | 122-186 pass | 5,500-mi. range transport. |
| Il-62M200 | do | 3-6 | 142.0 | 174.2 | 363,000 | 4×Sol. D-30KU tf. at 25,300 | 560.0 | 36,000 | 198 pass | 6,400-mi. range. |
| Il-18V | Coot | 3-5 | 122.7 | 117.8 | 134,640 | 4×AI-20K tp. at 4,000 shp | 425.0 | 32,000 | 84-110 pass | Il-18D has 140 800 lb. gross weight. |
| Il-14 | Crate | 2-5 | 104.0 | 70.0 | 36,400 | 2×ASh-82T at 1,900 hp | 200.0 | 24,000 | 28-32 pass | |
| Il-14M | do | 2-5 | 104.0 | 70.0 | 36,400 | 2×ASh-82T at 1,900 hp | 207.0 | 24,060 | 32-36 pass | Military version. |
| Il-12 | Coach | 2-5 | 104.0 | 70.0 | 38,000 | 2×ASh-82FNV at 1,850 hp | 252.0 | | | USSR satellite airlines. |
| Tu-154 | Careless | 3 | 123.2 | 157.2 | 198,450 | 3 NK8-2 tf. at 20,947 lb. t | 559.0 | 40,000 | 128-164 pass | Tu-104 replacement. 2,600-mi. range. |
| Tu-154A | do | 3 | 123.2 | 157.2 | 206,000 | 3×Sol. D-30KU tf. at 25,300 lb. t | 559.0 | 40,000 | 175 pass | 3,000-mi. range. |
| Tu-144 | Charger | 3 | 90.7 | 191.0 | 395,000 | 4 NK 144 tf. at 38,580 lb. t | M 2.0 | 65,000 | 140 pass | 4,560-mi.-range SST. |
| Tu-134 | Crusty | 3 | 95.1 | 112.7 | 98,000 | 2×Sol. D-30 tf. at 14,900 lb. t | 540.0 | 38,600 | 64-72 pass | Rear engine. 2,000-mi. range. |
| Tu-134A | do | 3 | 95.1 | 121.7 | 103,000 | 2 Sol. D-30I1 tf | 540.0 | 37,800 | 76 pass | 1,800-mi. range. |
| Tu-124 | Cookpot | 4 | 83.8 | 100.3 | 80,482 | 2×Sol. D-20P tf. at 19,908 lb. t | 620.0 | 35,000 | 44-56 pass | 1,000-mi.-range transport. |
| Tu-114 | Cleat | 5 | 167.6 | 177.5 | 361,620 | 4×NK-12MV tp. at 15,000 shp | 540.0 | 39,372 | 100-172 pass | Moscow-Havanna nonstop. |
| Tu-104A | Camel A | 5 | 113.0 | 127.0 | 167,000 | 2×AM-3M-500 tj. at 21,000 lb. t | 600.0 | 38,000 | 70 pass | |
| Tu-104B | Camel B | 5 | 113.0 | 124.5 | 167,000 | 2×AM-3M-500 tj | 600.0 | 38,000 | 100 pass | |
| Yak-40 | Codling | 2 | 82.2 | 65.9 | 30,208 | 3×AI-25 tf. at 3,307 lb. t | 435.0 | 23,600 | 24-31 pass | Short haul. |
| Yak-40M | do | 2 | 82.2 | 65.9 | 30,208 | 3×AI-25 tf. at 3,707 lb. t | 435.0 | 23,600 | 36-40 pass | High-density variant. |
| Yak-18T | | 1 | 36.6 | 27.4 | 3,572 | 1×AI-14RF at 300 hp | 186.0 | | Four place | Light cargo, ambulance mail. |
| Trainers: | | | | | | | | | | |
| Yak-32 | Mantis | 1 | | | | 1×Tumansky ax. tj | | | | |
| Yak-30 | Magnum | 2 | | | | | | | | Rear cockpit version of Yak-32. |
| Yak-18A | Max | 2 | 34.8 | 28.0 | | 1×radial piston | 161.0 | 16,897 | | Tricycle gear. |
| Yak-18P | | 2 | 34.8 | 27.0 | 2,348 | 1×AI-14R at 260 hp | 171.0 | 21,326 | | Yak-18PM for acrobatics. |

[1] Bear, Badger also modified for strategic reconnaissance, esp. electronic; Intared; photo reconnaissance of shipping.
[2] Fishbed H is modification with improved avionics, gun and photographic capability.
[3] Forward swept position.
[4] For helicopters, over-all span refers to rotor diameter. Length is fuselage without rotors.
[5] Mil design.
[6] Span refers to combined rotor diameter minus inboard overlap.

Abbreviations:
AAM—Air-to-Air Missile.
Aft—afterburner.
AM—A A. Mikulin.
An—O.K. Antonov.
ASh—A. D. Shvetsov.
ASM—Air-to-Surface Missile.
Be—Beriev.
Il—Serge Ilyushin.
Al—A. G. Ivchenko.
Ka—Nicolai Kamov.
Imp.—improved.
M—Myasischev.
MiG—Artem Mikoyan & Mikhail Gurevich.
Mil—Mikhail Mil.
NK—N.D. Kuznetsov.
Sol—Soloviev.
Su—Pavel Sukhol.
tf—turbofan.
tp—turboprop engine.
ts—turboshaft engine.
Tu—Andrei Tupolev.
VK—V. Klimov.
Yak—Aleksandr Yakovlev



XUM

| Manufacturer | Model designation | Aircraft name | Primary mission | Crew | Passengers | Wingspan, ft. | Max. length, ft. | Max. height, ft. | Empty weight, lb. | Gross weight, lb. | Powerplant, number, make and model | Max. speed, mph. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **ARGENTINA** | | | | | | | | | | | | |
| FMA: Cordoba | IA. 46 | Ranquel | Utility/Agri | 1 | 2 | 38.1 | 24.2 | 6.6 | 1,389 | 2,116 | 1 Lyc. O-320 re | 102 |
| | IA. 46 | Super Ranquel | Utility | 1 | 2 | 38.1 | 24.2 | 6.6 | 1,389 | 2,315 | 1 Lyc. O-360 re | 115 |
| | IA. 50 | Guarani 2 | Transport | 2 | 10–15 | 64.2 | 50.8 | 18.8 | 8,818 | 14,770 | 2 Tur. Bastan 6A tp | 304 |
| | IA. 51 | Tehuelche | Utility | 1 | 2 | 38.0 | 25.2 | 7.0 | 1,500 | 2,700 | 1 Lyc. O-360 re | 121 |
| | IA. 53 | | Agriculture | 1 | | 38.0 | 26.9 | 10.8 | 1,856 | 3,355 | 1 Con. O-470-D re | 133 |
| | IA. 58 | AX-2, Dolphin | Coin | 2 | | 47.3 | 43.9 | 15.4 | 6,700 | 12,000 | 2 AiR TPE331-3U-303 tp | 260 |
| **AUSTRALIA** | | | | | | | | | | | | |
| Government Aircraft Factories (Dept. of Supply): Melbourne | Project N 22 | | Military Utility | 1–2 | | 54.0 | 40.8 | 18.9 | 4,330 | 8,000 | 2 All. 250-B 17 | 214 |
| | Project N 24 | | STOL Transport | 1–2 | 13 | 54.0 | 42.8 | 18.9 | 4,330 | 8,000 | 2 All. 250-B 17 | 214 |
| **AUSTRIA** | | | | | | | | | | | | |
| Josef Oberlerchner Holzindustrie: A-9800 Spittal/Drau | JOB 15-150 | Lark | Personal/Sport Trainer | 1 | 3 | 33.1 | 25.2 | 6.5 | 1,327 | 2,130 | 1 Lyc. O-320-A2B re | 146 |
| **BRAZIL** | | | | | | | | | | | | |
| Sociedade Construtora Aeronautica Neiva Ltd.: Botucatu, S.P. | N-591 | Ragente | Personal | 1 | 3 | 29.5 | 22.8 | 8.9 | 1,220 | 2,320 | 1 Lyc. O-360-A1A re | 160 |
| Embraer (Empresa Brasileira de Aeronautica S.A.): Sao Paulo | EMB 500 | | Transport/Patrol | 2–5 | 30 | 78.7 | 65.5 | 23.2 | 15,050 | 26,500 | 4 UACL PT 6A-40 tp | 297 cr. |
| | EMB 110 | Bandeirante | Transport | 2 | 12 | 50.3 | 46.7 | 15.5 | 6,424 | 11,200 | 2 UACL PT 6A-27 tp | 257 |
| | EMB 200 | Ipanema | Agriculture | 1 | 0 | 36.7 | 24.4 | 7.2 | | | 1 Lyc. O540-H1A5 | |
| **CANADA**[1] | | | | | | | | | | | | |
| Canadair, Ltd.: Montreal, Quebec | CF-5A | | Tact. support | 1 | 0 | 25.8 | 47.2 | 13.2 | 8,750 | 20,648 | 2 GE J85-15 tj | M 1.29 |
| | CF-5D | | Tactical/Trainer | 2 | 0 | 25.8 | 47.4 | 13.1 | 8,906 | 20,299 | 2 GE J85-15 tj | M 1.24 |
| | CL-41A | Tutor | Trainer | 2 | 0 | 36.5 | 32.0 | 9.3 | 4,860 | 7,437 | 1 GE J85-CAN-40 tj | 480 |
| | CL-41G | | Tactical/Trainer | 2 | 0 | 36.5 | 32.0 | 9.3 | 5,296 | 11,288 | 1 GE J85-J4 tj | 480 |
| | CL-44-6 | Yukon | Transport | 5 | 134 | 142.3 | 136.7 | 38.8 | 89,750 | 205,000 | 4 R-R Tyne 12 tp | 317 |
| | CL-84-1 | | V/STOL Trans | 1 | 14 | 33.3 | 47.3 | 16.0 | 8,437 | 14,700 | 2 Lyc. LTC1K-4C ts | 350 |
| | CL-215 | | Water bomber | 2 | 8–19 | 93.8 | 65.0 | 29.5 | 27,000 | 43,500 | 2 P&W R2800 re | 220 |
| **CZECHOSLOVAKIA** | | | | | | | | | | | | |
| Omnipol Foreign Trade Corp.: Prague 1 | L-29 | Delfin | Jet Trainer | 2 | 0 | 33.8 | 35.4 | 10.3 | 5,230 | 7,300 | 1 Walter Minor M-701 tj | 393 |
| | L-29A | Akrobat | Sport | 1 | 0 | 33.8 | 35.4 | 10.2 | 4,860 | 5,950 | 1 Walter Minor M-701 tj | 395 |
| | Zlin-526F[2] | Zlin Trener | Trainer Aerobatics | 1 | 1 | 34.8 | 26.2 | 6.8 | 1,521 | 2,149 | 1 Avia M 137A | 151 |
| | Zlin-37A | Cmelak | Agricultural | 1 | 0 | 40.2 | 28.0 | 12.9 | 2,300 | 4,078 | 1 Walter M-462RF re | 109 |
| | L-410A | Turbolet | Transport | 2 | 15–19 | 57.2 | 44.6 | 18.5 | 6,830 | 11,905 | 2 UACL PT 6A-27 or Walter M 601. | 224 |
| | Zlin-42[2] | | Trainer | 1 | 1 | 30.5 | 23.5 | 8.8 | 1,380 | 2,140 | 1 Avia M 137A | 133 |
| | Zlin-43 | | Transport | 1 | 3 | 32.4 | 25.8 | 9.7 | 1,600 | 3,000 | 1 Avia M 337A | 146 |
| | L-39 | Albatros | Advanced Train | 2 | 0 | 29.9 | 39.7 | 14.6 | | 8,360 | 1 AI-25W tf | M 0.8 |
| **FRANCE** | | | | | | | | | | | | |
| Aerospatiale: 37, Bd. Montmorency, Paris 16. | | Concorde[3] | Supersonic Trans | 3 | 128 | 128/144 | 204.0 | 40.0 | 170,000 | 385,800 | 4 R-R Bristol/Sneema Olympus 593 Mk. 602 tj. | M 2.2 |
| | A-300 B | Airbus | Transport | 3 | 281 | 147.0 | 171.0 | 54.0 | 186,810 | 302,000 | 2 GE CF6-50A tf | 585 |
| | SE 210 | Caravelle 3 | Transport | 2 | 64–99 | 112.5 | 105.0 | 28.6 | 59,955 | 101,410 | 2 R-R Avon RA. 29-527 | 500 |
| | SE 210 | Caravelle 4 N | Transport | 2 | 64–99 | 112.5 | 105.0 | 28.6 | 61,949 | 105,820 | 2 R-R Avon RA. 29-531 | 525 |
| | SE 210 | Caravelle 6 R | Transport | 2 | 64–99 | 112.5 | 105.0 | 28.6 | 63,492 | 110,230 | 2 R-R Avon RA. 29-533 | 525 |
| | SE 210 | Caravelle 10 R | Transport | 2 | 64–99 | 112.5 | 105.0 | 28.6 | 64,319 | 114,640 | 2 P&W JT8D-7 tf | 498 |
| | SE 210 | Caravelle 11 R | Transport | 2 | 50 | 112.5 | 107.3 | 28.6 | 68,135 | 114,640 | 2 P&W JT8D-7 tf | 498 |
| | SE 210 | Super Caravelle | Transport | 2 | 68–118 | 112.5 | 108.3 | 28.6 | 62,130 | 123,460 | 2 P&W JT8D-7 tf | 498 |
| | SE 210 | Caravelle 12 | Transport | 2 | 130–140 | 112.5 | 118.9 | 29.7 | 65,030 | 127,870 | 2 P&W JT8D-9 tf | 505 |
| | | Frigate | Transport | 2 | 29 | 74.1 | 63.3 | 20.4 | 15,930 | 23,800 | 2 Tur. Bastan 7C tp | 253 |
| | N. 262 | | Transport | 2 | 29 | 71.9 | 63.3 | 20.4 | 15,500 | 23,370 | 2 Tur. Bastan 6C tp | 223 |
| | C. 160 | Transall | Mil. Transport | 3 | 80 | 131.2 | 105.1 | 38.2 | 61,850 | 108,350 | 2 R-R Tyne 20 Mk. 22 tp | 317 |
| | SN 601 | Corvette | Light transport | 2 | 6–12 | 42.0 | 45.5 | 14.0 | 7,900 | 13,450 | 2 UACL JT15D-4 tf | 497 |
| | A 904 | | STOL Transport | 2 | 130 | 101.0 | 121.8 | 33.0 | 72,765 | 112,500 | 2 R-R Sneema RB410/M4551 | 515 |
| Socata (Group Aerospatiale) | | Rallye 100 | Trainer Sport | 1 | 2–3 | 31.7 | 23.0 | 8.6 | 1,990 | 1,700 | 1 R-R Con. O-200A re | 122 |
| | | Rallye 125 | Trainer, Sport | 1 | 2–3 | 31.7 | 23 | 8.6 | 990 | 1,700 | 1 Lycoming O-235-F2A | 122 |
| | | Rallye 150GT | Sport, Business | 1 | 3 | 31.7 | 23.5 | 9.2 | 1,220 | 2,130 | 1 Lyc. O-320 E2A re | 132 |
| | | Rallye 180GT | Sport, Business | 1 | 3 | 31.7 | 23.6 | 9.2 | 1,255 | 2,310 | 1 Lyc. O-360 A24 re | 150 |
| | | Rallye 220GT | Sport, Business | 1 | 3 | 31.7 | 23.6 | 9.2 | 1,390 | 2,420 | 1 Frank. 6A-350 C1 re | 166 |
| | ST 10 | Diplomate | Business | 1 | 3 | 31.8 | 23.8 | 8.3 | 1,411 | 2,646 | 1 Lyc. IO-360 C1B re | 174 |
| | ST 60 | Rallye 7-300 | Passeng./Cargo | 1 | 6 | 36 | 30.0 | 10.5 | 1,985 | 3,750 | 1 Lyc. IO-540 B re | 173 |



| Manufacturer | Model designation | Aircraft name | Primary mission | Crew | Passengers | Wingspan, ft. | Max. length, ft. | Max. height, ft. | Empty weight, lb. | Gross weight, lb. | Powerplant, number, make and model | Max. speed, mph. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Avions Marcel Dassault-Breguet Aviation: 46, Av. Kleber Paris 16. | | Extendard 4M | Fighter | 1 | 0 | 31.5 | 47.0 | 12.6 | 14,000 | 23,800 | 1 Snecma Atar 8 tj | M>1 |
| | | Milan | Air Superiority | 1 | 0 | 27 | 51 | 14.7 | 15,200 | 30,800 | 2 Snecma Atar 9K-50 tj | M 2.2 |
| | | Mirage 3C[4] | Fighter | 1 | 0 | 27.0 | 48.6 | 14.1 | 14,000 | 26,500 | 1 Snecma Atar 9B tj | M>2 |
| | | Mirage 3D | Trainer | 2 | 0 | 27.0 | 51.0 | 14.7 | 14,200 | 29,800 | 1 Snecma Atar 9C tj | M>2 |
| | | Mirage 3E[4] | Strike/Fighter | 1 | 0 | 27.0 | 49.2 | 14.1 | 14,600 | 29,800 | 1 Snecma Atar 9C tj | M>2 |
| | | Mirage 3R | Recon./Strike | 1 | 0 | 27.0 | 51.0 | 14.6 | 14,600 | 29,800 | 1 Snecma Atar 9C tj | M>2 |
| | | Mirage F1 | Fighter | 1 | 0 | 27.9 | 49.2 | 14.7 | 16,400 | 33,000 | 1 Snecma Atar K-50 tj | M 2.2 |
| | | Mirage F2 | Strike | 2 | 0 | 34.4 | 57.4 | 19.0 | 21,000 | 39,600 | 1 Snecma TF-306 tf | M 2.2 |
| | | Mirage G8 | Var. Geom. | 2 | 0 | | | | | | 2 Snecma Atar 9K/M53 tj | M 2.5 |
| | | Mirage 4 | Bomber | 2 | 0 | 38.8 | 76.4 | 17.7 | | 70,000 | 2 Snecma Atar 9K tj | M>2 |
| | | Mirage 5 | Ground Support | 1 | 0 | 27.0 | 51.0 | 14.7 | 14,500 | 29,800 | 1 Snecma Atar 9C tj | M>2 |
| | | Alphajet[3] | Trainer/Close support | 2 | 0 | 30.0 | 38.6 | 13.6 | 7,000 | 13,000 | 2 Snec./Tur M49 Larzac tj | M 0.85 |
| | | Jaguar[3] | Train./Tact. | 1–2 | 0 | 28.0 | 51.0 | 15.0 | 15,600 | 33,000 | 2 R-R Turbomeca RB 172 T260 tf | M 1.5 |
| | 1050 | Alize | ASW | 3 | 0 | 51.2 | 45.6 | 16.4 | 12,560 | 18,100 | 1 R-R Dart 21 tp | 317 |
| | 1150 | Atlantic | ASW/Patrol | 12 | 0 | 119.1 | 104.2 | 37.2 | 52,470 | 96,000 | 2 R-R Tyne R. Ty. 20 tp | 418 |
| | 941 | | STOL Trans | 2 | 55–60 | 76.6 | 77.9 | 30.7 | 28,920 | 58,400 | 4 Tur. Turmo 3D-3 tp | 293 |
| | | Falcon 10 | Executive trans | 2 | 4–7 | 42.9 | 45.5 | 14.3 | 10,400 | 18,200 | 2 AiR TFE731-2 | M 0.87 |
| | | Falcon 20 | Executive trans | 2 | 8–14 | 53.5 | 56.3 | 17.4 | 15,760 | 28,660 | 2 GE CF700-2D tf | 533 |
| | | Falcon 30 | Commuter | 2 | 30–40 | 59.0 | 65.0 | 20.0 | 21,000 | 35,200 | 2 Lycoming ALF 502D | M 0.8 |
| | | Mercure | Transport | 2 | 130–150 | 100.2 | 111.5 | 37.2 | 60,350 | 119,000 | 2 P&W JT8D-15 tf | 580 |
| Reims Aviation: [5] 533 Reims (Marne) | Cessna F150 | | Personal, Trainer | 1 | 1 | 33.2 | 23.9 | 8.0 | 1,030 | 1,600 | 1 R-R (Con) O-200-A | 122 |
| | Cessna FRA150 | Aerobat | Trainer, Sport | 1 | 1 | 33.2 | 23.9 | 8.0 | 1,080 | 1,650 | 1 R-R (Con) O-200-A | 130 |
| | Cessna F172 | | Personal, Utility | 1 | 3 | 35.1 | 26.1 | 8.9 | 1,300 | 2,300 | 1 Lyc. O-320E2D | 139 |
| | Cessna FR172 | Reims Rocket | Personal, Utility | 1 | 3 | 36.7 | 27.0 | 8.9 | 1,430 | 2,550 | 1 R-R (Con) IO-360-D | 153 |
| | Cessna F177RG | | Sport, Business | 1 | 3 | 35.6 | 27.3 | 8.7 | 1,720 | 2,800 | 1 Lyc. IO-360-A1A | 178 |
| | Cessna F337 | | Passenger | 1 | 5 | 38.0 | 29.9 | 9.2 | 2,725 | 4,630 | 2 R-R (Con) IO-360-C re | 199 |
| | Cessna FT337P | | Business | 1 | 4 | 32.8 | 29.1 | 9.4 | 3,060 | 4,700 | 2 (Con) TSIO-360-A | 231 |
| Avions Pierre Robin: Dijon | DR 400/108 | 2+2 | Trainer | 1 | 2 | 28.1 | 22.1 | 7.4 | 1,158 | 1,903 | 1 Lyc. O-235-C 2A re | 146 |
| | DR 400/125 | Petit Prince | Train./Sport | 1 | 3 | 28.1 | 22.1 | 7.4 | 1,170 | 1,990 | 1 Lyc. O-235-F re | 149 |
| | DR 400/140 | Major | Train./Sport | 1 | 3 | 28.1 | 22.1 | 7.4 | 1,220 | 2,170 | 1 Lyc. O-320-E re | 155 |
| | DR 400/160 | Chevalier | Sport | 1 | 3 | 28.1 | 22.1 | 7.4 | 1,240 | 2,330 | 1 Lyc. O-390 D | 164 |
| | DR 400/180R | Remorqueur | Glider Training | 1 | 3 | 28.1 | 20.1 | 7.4 | 1,310 | 2,440 | 1 Lyc. O-360-A re | |
| | DR 400/180 | Regent | Sport | 1 | 3 | 28.1 | 22.1 | 7.4 | 1,310 | 2,440 | 1 Lyc. O-360-A re | 160 |
| | HR 100/210 | | Business | 1 | 3 | 23.1 | 24.0 | 7.5 | 1,580 | 2,780 | 1 Lyc. IO-360D | 177 |
| | HR 200/100 | Club | Trainer | 1 | 1 | 27.0 | 21.1 | 6.3 | 1,110 | 1,670 | 1 Lyc O-235 C2C | 143 |
| | HR 200/125 | Aerobin | Train/Aero | 1 | 1 | 27.0 | 21.1 | 6.3 | 1,120 | 1,720 | 1 Lyc O-235 G1 | 156 |
| **GREAT BRITAIN** | | | | | | | | | | | | |
| Aviation Traders Ltd.: Southend Airport, Essex. | ATL-98 | Carvair | Pass./Cargo | 2 | 85 | 117.5 | 102.6 | 29.8 | 41,365 | 73,800 | 4 P&W R2000-7M2 re | 250 |
| | 953-C | Merchantman | Cargo | 3 | 0 | 118.0 | 122.8 | 36.1 | 122,232 | 141,700 | 4 R-R Tyne 506/10tp | 445 |
| British Aircraft Corp.: London, SW1 | | Concorde[6] | Supersonic Trans | 3 | 108–128 | 84.0 | 204.0 | 40.0 | 170,000 | 385,800 | 4 Olympus 593 Mk. 602 | M 2 |
| | BAC 111 | One Eleven 400 | Transport | 2 | 74 | 88.5 | 93.5 | 24.5 | 47,815 | 87,500 | 2 R-R Spey 25 Mk. 511-14 | 550 |
| | BAC 111 | One Eleven 475 | Transport | 2 | 74–89 | 93.5 | 93.5 | 24.5 | 50,154 | 97,100 | 2 R-R Spey 512-14 DW | 550 |
| | BAC 111 | One Eleven 500 | Transport | 2 | 119 | 93.5 | 107.0 | 24.5 | 52,642 | 104,500 | 2 R-R Spey 512-14 DW | 550 |
| | 1100 | VC. 10 Standard | Transport | 4 | 135 | 146.2 | 158.6 | 39.2 | 146,979 | 314,000 | 4 R-R Conway 540 tf | 600 |
| | 1150 | Super VC. 10 | Transport | 4 | 163 | 146.2 | 171.7 | 39.3 | 155,380 | 337,000 | 4 R-R Conway 550 tf | 600 |
| Military Aircraft Div | Mk. 53 | Lightning | Interceptor/Fight | 1 | 0 | 34.8 | 55.3 | 19.6 | | | 2 R-R Avon 302C tj | M 2+ |
| | Mk. 55 | Lightning | Trainer | 2 | 0 | 34.8 | 55.3 | 19.6 | | | 2 R-R Avon 302C tj | M 2+ |
| | BAC 145 | Jet Provost Mk. 5 | Trainer | 2 | 0 | 35.3 | 34.0 | 10.1 | 5,550 | 8,524 | 2 R-R Bristol Viper 202 | 440 |
| | BAC 167 | Strikemaster | Light Strike, Train | 2 | 0 | 36.9 | 34.0 | 10.1 | 5,850 | 11,500 | 1 R-R Bristol Viper 535 | 475 |
| | S, A | Jaguar[10] | Tac. Strike | 1 | 0 | 27.9 | 50.9 | 16.7 | | 29,800 | 2 R-R /Turbomeca Adour | M 1.5 |
| | B, E | Jaguar[10] | Adv. Trainer | 2 | 0 | 27.9 | 53.9 | 16.7 | | 29,800 | 2 R-R /Turbomeca Adour | M 1.5 |
| | M | Jaguar[10] | Naval Strike | 1 | 0 | 27.9 | 50.9 | 16.7 | | 29,800 | 2 R-R /Turbomeca Adour | M 1.5 |
| | Panavia 200 | MRCA[11] | Multi-Role | 2 | | | | | | 40,000 | 2 Turbo Union RB. 199-34R | M 2+ |
| Britten-Norman, Ltd.: Isle of Wight | BN2A-23 | Islander | Light Transport | 1 | 11 | 53.0 | 39.5 | 13.9 | 3,738 | 6,600 | 2 Lyc. IO-540-K1B5 re | 180 |
| | BN2A-24 | Islander | Light Transport | 1 | 9 | 49.0 | 39.5 | 13.9 | 3,588 | 6,600 | 2 Lyc. O-540-E4C5 | 170 |
| | BN2A Mk. 3 | Trislander | Transport | 1 | 17 | 53.0 | 47.6 | 14.2 | 5,683 | 10,000 | 3 Lyc. O-540-E4C5 | 187 |
| | BN3 | Nymph | Utility | 1 | 3 | 39.3 | 23.6 | 9.5 | 1,250 | 2,350 | 1 Lyc. O-320 | 135 |
| | BN2A | Defender | Multi-role mil | 2 | | 53 | 35.6 | 13.9 | | 6,950 | 2 Lyc. IO-540K1B5 | 180 |
| | BN4 | Mainlander | Multi-Role transport | 2 | 101 | 130 | 62.6 | 31.9 | 30,140 | 62,500 | 3 R-R Dart RDa 7 | 235 |
| Hawker Siddeley Aviation, Ltd.: Kingston-upon-Thames. | AW 650 | Argosy 100 | Freighter | 2–3 | 89 | 115.0 | 86.8 | 27.0 | 50,200 | 93,000 | 4 R-R Dart RDa 7 Mk. 526 | 300 cr. |
| | AW 650 | Argosy 220 | Freighter | 2–3 | 89 | 115.0 | 86.8 | 27.0 | 28,800 | 93,000 | 4 R-R Dart RDa 7 Mk. 532 | 300 cr. |
| | AW 660 | Argosy C. Mk. 1 | Mil. Transport | 4 | 69 | 115.0 | 89.1 | 27.0 | 57,400 | 97,000 | 4 R-R Dart RDa 8 Mk. 102 | 280 cr. |
| | 698 | Vulcan B. Mk. 2 | Bomber | 5 | 0 | 11.0 | 99.9 | 27.2 | | | 4 BS. Olympus 301 tj | |
| | HS 748 | 748 Series 2A | Transport | 2 | 40–62 | 98.5 | 67.0 | 24.8 | 26,000 | 44,495 | 2 R-R Dart RDa 7 Mk. 532 | 312 |
| | HS 780 | Andover C. Mk. 1 | Mil. Transport | 2 | 56–58 | 98.2 | 78.0 | 30.1 | 28,650 | 50,000 | 2 R-R Dart RDa 12 tp | |
| | HS 801 | Nimrod MR Mk. 1 | Maritime Recon | 12 | 0 | 114.8 | 126.8 | 29.7 | | | 4 R-R Spey Mk. 250 tj | |
| | DH. 104 | Dove 8 | Business | 1–2 | 6 | 57.0 | 39.2 | 12.3 | 6,220 | 8,950 | 2 DH Gipsy Queen 70 Mk. 3 | 210 |
| | DH. 106 | Comet 4 | Transport | 4 | 81 | 115.0 | 111.5 | 29.5 | 73,600 | 162,000 | 4 R-R Avon 29 tj | 530 |
| | DH. 106 | Comet 4B | Transport | 4 | 101 | 108.0 | 118.0 | 29.5 | 75,100 | 158,000 | 4 R-R Avon 29 tj | 540 |
| | DH. 106 | Comet 4C | Transport | 4 | 101 | 115.0 | 118.0 | 29.5 | 75,600 | 162,000 | 4 R-R Avon 29 tj | 530 |
| | DH. 114 | Heron 2 | Transport | 1–2 | 17 | 71.5 | 48.5 | 15.6 | 8,983 | 13,500 | 4 DH Gipsy Queen 30 re | 183 |
| | HS. 121 | Trident 1C | Transport | 3 | 109 | 98.8 | 114.8 | 27.0 | 62,265 | 117,000 | 3 R-R Spey RB. 163-1 tf | 610 |
| | HS. 121 | Trident 1E | Transport | 3 | 139 | 85.0 | 114.8 | 27.0 | 64,800 | 135,500 | 3 R-R Spey RB. 163-25 tf | 605 |

Footnotes at end of table.

| Manufacturer | General: Model designation | General: Aircraft name | General: Primary mission | Crew | Dimensions: Passengers | Dimensions: Wingspan, ft. | Dimensions: Max. length, ft. | Dimensions: Max. height, ft. | Weights: Empty weight, lb. | Weights: Gross weight, lb. | Powerplant, number, make and model | Max. speed, mph. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| GREAT BRITAIN—Continued | | | | | | | | | | | | |
| Hawker Siddeley Aviation, Ltd.: Kingston-upon-Thames—continued | HS. 121 | Trident 2E | Transport | 3 | 149 | 98.0 | 114.8 | 27.0 | 66,850 | 143,00 | 3 R-R Spey RB. 163-25 tf | 612 |
| | HS. 121 | Trident 3B | Transport | 3 | 179 | 98.0 | 131.2 | 28.3 | 74,600 | 158,000 | 3 R-R Spey 512 tf.+1R-R RB. 162 booster. | 590 |
| | H.S. 125 | Series 600A | Business | 2 | 6-14 | 47.0 | 50.5 | 17.2 | 12,225 | 25,000 | 2 R-R Viper 601 | 520 |
| | HS. 125 | Series 400A | Business | 2 | 6-10 | 47.0 | 47.4 | 16.5 | 11,397 | 23,300 | 2 R-R Bristol Viper 522 tj | 510 |
| | HS. 125 | Dominie T. Mk. 1 | Jet Nav. Trainer | 2 | 2-4 | 47.0 | 47.4 | 16.5 | 10,500 | 20,500 | 2 R-R Bristol Viper 301 tj | 485 |
| | HS. 1182 | | Trainer/Ground attack | 2 | | 30.8 | 39.2 | 13.4 | | | 1 R-R RT-172-06-11 | |
| | FO. 141 | Gnat Mk. 1 | Fighter | 1 | 0 | 22.1 | 29.7 | 8.1 | 4,620 | 8,300 | 1 R-R Bristol Orpheus 701 tj | M .98 |
| | FO. 144 | Gnat T. Mk. 1 | Trainer | 2 | 0 | 24.0 | 37.8 | 10.5 | 5,518 | 9,081 | 1 R-R Bristol Orpheus 101 tj | M .95 |
| | | Buccaneer Mk. 50 | Strike/Recon | 2 | 0 | 44.4 | 63.4 | 16.3 | | | 2 R-R Spey [illegible] | |
| | | Buccaneer S. Mk. 2 | Strike/Recon | 2 | 0 | 44.4 | 63.4 | 16.3 | | | 2 R-R Spey RB. 168 tf | M>1 |
| | P. 1099 | Hunter F. GA Mk. 9 | Ground Attack | 1 | 0 | 33.7 | 45.8 | 13.3 | 14,600 | 25,500 | 1 R-R Avon Mk. 207 tj | M .93 |
| | P. 1101 | Hunter Y. Mk. 66 | Trainer | 2 | 0 | 33.7 | 48.8 | 13.3 | 14,000 | 23,000 | 1 R-R Avon Mk. 203 tj | M .93 |
| | P. 1127 | Kestrel | V/STOL eval | 1 | 0 | 22.9 | 42.5 | 10.8 | 10,500 | 16,000 | 1 R-R Bristol Pegasus 5 tf | M .90 |
| | | Harrier G.R. Mk. 1 Mk. 50 (U.S. AV-8A). | V/STOL Strike/Recon | 1 | 0 | 25.3 | 45.7 | 11.2 | 12,000 | 25,000 | 1 R-R Bristol Pegasus Mk. 101/102 (AV-8A 102/103). | M .95 |
| | | Harrier T. Mk. 2 | V/STOL Trainer | 2 | 0 | 25.3 | 56.0 | 12.3 | 13,200 | 25,000 | 1 R-R Pegasus Mk. 101 tf | M .95 |
| Lockspeiser Aircraft, Ltd.: London W.1 | LDA-1 | | Utility/Cargo | 1 | | 44.0 | 34.6 | 12.3 | 1,500 | 4,500 | 1 Lyc. O-540 | 150 |
| Scottish Aviation Ltd.: Prestwick Airport. | Series 100/120 | Bulldog | Primary Trainer | 1-2 | 1-2 | 33.0 | 23.3 | 9.0 | 1,430 | 2,350 | 1 Lyc. IO-360-A1B6 | 150 |
| | HP 137 | Jetstream Mk. 1 | Light Transport/exec | 1-2 | 18 | 52 | 47.1 | 17.5 | 7,550 | 12,500 | 2 Turbomeca Astazou-16 | 270 |
| | Jetstream | 200 | Exec/Trans/Trainer | 1-2 | 18 | 52.0 | 47.1 | 17.5 | 7,562 | 12,566 | 2 Turbomeca Astazou 16C2 | 285 |
| Short Brothers & Harland, Ltd.: Queens Island, Belfast. | SC. 7 Series 3 | Skyvan | Cargo/Passenger | 1-2 | 19 | 64.1 | 40.1 | 15.1 | 7,100 | 12,500 | 2 AiR TPE 331-2-201A tp | 203 |
| | SC. 7 Series SM | Skyvan | Military Cargo | 1-2 | 21 | 64.1 | 40.1 | 15.1 | 7,210 | 13,700 | 2 TPE 331-201A tp | 203 |
| | SC. 7 Series 3A | Skyliner | Passenger | 2 | 19 | 64.1 | 40.1 | 15.1 | 7,345 | 13,700 | 2 TPE 331-201A tp | 203 |
| INDIA | | | | | | | | | | | | |
| Director General of Civil Aviation: Safdarjung, New Delhi. | TC-101 | Revathi Mk. 1 | Trainer/Personal | 1 | 2 | 32.1 | 24.9 | 9.1 | 1,278 | 1,950/1,690 | 1 R-R Con O-300-C | 120 |
| | TC-102 | Revathi Mk. 2 | Trainer/Personal | 1 | 2 | 30.9 | 24.8 | 9.8 | 1,391 | 2,120/1,830 | 1 R-R Con O-300-C | 120 |
| SOUTH AFRICA | | | | | | | | | | | | |
| Atlas Aircraft Corp. of S.A., Ltd.: Kempton Park. | MB326M | Impala | Trainer | 2 | | 35.2 | 34.9 | 12.2 | 5,500 | 9,500 | 1 R-R Viper 11 Mk. 22A tj | 512 |
| SPAIN | | | | | | | | | | | | |
| Aeronautica Industrial, S.A.: Madrid 14. | AISA I-11B | | Personal/Trainer | 1 | 1 | 30.7 | 21.3 | 6.3 | 926 | 1,417 | 1 Con. C-90-12F re | 124 |
| | AISA I-115 | | Primary Trainer | 2 | | 31.3 | 24.1 | 6.9 | 1,346 | 1,980 | 1 ENMA Tigre G-4-B re | 149 |
| | S. 205-18F, R | | Business | 1 | 3 | 35.6 | 26.2 | 9.5 | 1,565 | 2,645 | 1 Lyc. O-360-A1A re | 146-162 |
| | S. 205-20F, R | | Business | 1 | 3 | 35.6 | 26.2 | 9.5 | 1,630 | 2,753 | 1 Lyc. IO-360-A1A re | 156-174 |
| Construcciones Aeronauticas, CASA: Madrid 8. | C. 207A | Azor | Mil. transport | 2 | 30 | 91.2 | 68.4 | 25.4 | 23,369 | 36,400 | 2 R-R Bristol Hercules 730 | 283 |
| | C. 212 | Aviocar | STOL Transport | 2 | 18 | 62.3 | 50 | 20.6 | 8,157 | 13,888 | 2 AiR TPE 331-5-251C | 225 |
| | SF-5A | Freedom Fighter | Fighter/Attack | 1 | 0 | 25.3 | 47.2 | 13.2 | 8,085 | 20,677 | 2 GE J85-13 tj | M 1.4 |
| | MBB 223 [3] | Flamingo | Trainer | 2 | 2+ | 27.2 | 24.4 | 8.8 | 1,510 | 2,315 | 1 Lyc. IO-360-C1B | 236 |
| | HA-220 | Super Sacta | Ground Attack | 1-2 | | 34.2 | 29.4 | 9.4 | 4,894 | 8,157 | 2 Tur. Marobre 6 tj | 497 |
| SWEDEN | | | | | | | | | | | | |
| Saab-Scania AB: Linkoping | Sk35C | Draken | Trainer | 2 | 0 | 30.8 | 47.8 | 12.8 | | 20,000 | 1 Flygmotor RM6B tj | M 1.8 |
| | J35D, F [18] | Draken | AW Interceptor | 1 | 0 | 30.8 | 50.3 | 12.8 | | 23,000 | 1 Flygmotor RM6C tj | M 2 |
| | S35E | Draken | Photo/Recon | 1 | 0 | 30.8 | 50.3 | 12.8 | | 22,000 | 1 Flygmotor RM6C tj | M 2 |
| | 35X | Draken | Ground Attack | 1 | 0 | 30.8 | 50.3 | 12.8 | | 35,000 | 1 Flygmotor RM6C tj | M 2 |
| | Sk 35X | Draken | Trainer | 2 | 0 | 30.8 | 50.3 | 12.8 | | 35,000 | 1 Flygmotor RM6C | M 2 |
| | AJ37 | Viggen | AW Attack | 1 | 0 | 34.8 | 53.5 | 18.4 | | 35,000 | 1 Flygmotor RM8 tf | M 2 |
| | Sk37 | Viggen | Trainer | 2 | 0 | 34.8 | 53.5 | 19.0 | | 35,000 | 1 Flygmotor RM8 tf | M 2 |
| | Sk60A | | Trainer/Liaison | 2 | 2 | 31.2 | 35.5 | 8.8 | | 8,800 | 2 Turbomeca Aubisque tf | 478 cr. |
| | Sk60B, C | | Strike/Recon | 2 | 0 | 31.2 | 35.5 | 8.8 | | 10,400 | 2 Turbomeca Aubisque tf | 478 cr. |
| | 105D | | Attack/Trainer | 2 | 0 | 31.2 | 35.5 | 8.8 | | 14,300 | 2 GE J85-17B tj | 610 |
| | 105G | | Attack/Trainer | 2 | 0 | 31.2 | 35.5 | 8.8 | | 14,300 | 2 GE J85-17 tj | 610 |
| Saab-Scania: Malmo Flygindustri: Malmo | Saab-MFI 15/17 | | Trainer/Utility | 1 | 1-2 | 29.0 | 23.0 | 8.5 | 1,300 | 2,420/2,090 | 1 Lyc. IO-360 re | 154 |



| Manufacturer | General: Model designation | General: Aircraft name | General: Primary mission | Crew | Dimensions: Passengers | Dimensions: Wingspan, ft. | Dimensions: Max. length, ft. | Dimensions: Max. height, ft. | Weights: Empty weight, lb. | Weights: Gross weight, lb. | Powerplant, number, make and model | Max. speed, mph. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SWITZERLAND | | | | | | | | | | | | |
| Fabrique Federale d'Avions: Emmen | C-3-605 | | Target Tug | 2 | 0 | 44.1 | 39.5 | 13.3 | 5,800 | 7,270 | 1 Lyc. T-53-L-7 tp | 264 |
| | Mk.58A | Hunter | Ground Attack | 1 | 0 | 33.7 | 48.8 | 13.3 | | | 1 x RR Avon-Mk. 207 tj | M 0.93 |
| Flug-und Fahrzeugwerke AG: Altenrhein. | AS 202/15 | Bravo | Training/Sport | 1 | 2 | 31.9 | 24.6 | 9.2 | 1,420 | 2,200 | Lyc. O-320-E2A re | 200 |
| Pilatus Aircraft Ltd.: 6370 Stans | PC-6/H2 | Porter | STOL Utility | 1 | 7-10 | 49.7 | 36.2 | 10.4 | 2,580 | 4,850 | 1 Lyc. GSO-480-B1-A6tf | 140 |
| | PC-6/B2-H2 | Porter | STOL Utility | 1 | 7-10 | 49.7 | 26.2 | 10.4 | 2,480 | 4,850 | 1 UACL PT6A-20 tp | 155 |
| WEST GERMANY | | | | | | | | | | | | |
| Deutsche Airbus GmbH: [14] Munich | A300B2 | Airbus | Transport | 3 | 281 | 148.0 | 177.0 | 54.4 | 167,500 | 300,000 | 2 CF6-50C tf | 585 |
| | A300B4 | Airbus | Transport | 3 | 231 | 148.0 | 177.0 | 54.4 | 172,000 | 330,000 | 2 CF6-50C tf | 585 |
| Dornier AG: Friedrichshafen | Do. 27 H-2 | | STOL Utility | 1-2 | 4-6 | 39.4 | 32.5 | 11.5 | 2,700 | 4,080 | Lyc. GSO-480-B1B6 re | 160 |
| | Do. 27 Q-6 | | STOL Utility | 1-2 | 4-6 | 39.4 | 31.5 | 8.9 | 2,490 | 4,080 | 1 Lyc. GO-480-B1A6 re | 152 |
| | Do. 28 B-1 | | STOL Utility | 1-2 | 6-8 | 45.2 | 29.5 | 12.6 | 3,960 | 6,000 | 2 Lyc. IO540-A1A5 re | 167 |
| | Dol 28 D-1 | Skyservant | STOL Utility | 1-2 | 8-11 | 49.2 | 37.4 | 12.8 | 4,719 | 8,040 | 2 Lyc. IGSO-540-A1E re | 200 |
| | Do. 28 D-2 | Skyservant | STOL Utility | 1-2 | 8-11 | 49.2 | 37.6 | 12.8 | 5,765 | 8,390 | 2 Lyc. IGSO-540-A1E re | 202 |
| | Do. 31 | | VTOL Testbed | 2 | | 59.2 | 67.6 | 28.0 | 37,900 | 54,000 | 2 R-R Bristol Pegasus [8] tf. +8 R-R RB. 162-4. | 400 |
| | | Alphajet [16] | Trainer/Air support | 2 | | 30.0 | 39.4 | 12.6 | 6,940 | 13,230 | 2 Snec./Tur. Larzac 04 | M 0.85 |
| Messerschmitt-Boelkow-Blohm GmbH: Hamburger Flugzeubau Div.: Finkenwerder. | HFB 320 | Hansa Jet | Business/Train. Commuter/ Freight/QC. | 2 | 12 | 47.5 | 54.5 | 16.2 | 11,960 | 20,280 | 2 GE CJ610-5 or -9 tj | M 0.83 |
| | C-160 [14] | Transall | Mil. Transport | 4 | 80 | 131.3 | 105.2 | 38.5 | 61,850 | 108,250 | 2 R-R Tyne R Ty 20 tp | 310 |
| MBB Aircraft Div.: Ottobrunn/Munich | MBB 223 | Flamingo | Trainer | 2 | 2+ | 28.9 | 24.4 | 8.8 | 1,540 | 2,360 | 1 Lyc. IO or AIO-360 re | 153 |
| | Panavia 200 [17] | MRCA | Interdiction | 2 | 0 | | | | | 40,000 | 2 Turbo Union RB. 199-34R | M 2+ |
| Poschel Aircraft: 7901 Ulm-Allewind | P-300 | Equator | STOL Amphibian | 1 | 5-7 | 40.5 | 28.0 | 10.1 | 1,980 | 3,968 | 1 Lyc. TIO-540 re | 240 |
| | P-400 | Meridian | STOL Amphibian | 1 | 5-7 | 40.5 | 28.0 | 10.1 | 1,800 | 4,400 | 1 Allison 250-C20 tp | 320 cr. |
| Sportabia-Putzer GmbH & Co. KG: D-5377 Dahlem Schmidtheim, Flugplatz Dahlemer Binz. | Fournier RF4D | | Personal/Train | 1 | 0 | 36.9 | 19.8 | 5.1 | 605 | 860 | 1 Rectimo 4 AR 1200 | 155 |
| | Fournier RF 5 | | Personal/Train | 1 | 1 | 45.0 | 25.6 | 6.4 | | | 1 Sport.-Limb. SL 1700 E | 155 |
| | SFS 31 | Milan | Training/Gliding | 1 | 0 | 49.2 | 19.8 | 5.1 | 670 | | 1 Rectimo 4 AR 1200 | 120 |
| | SF 25B | Falke | Training/Gliding | 1 | 1 | 50.2 | 24.9 | 5.2 | 760 | 1,190 | 1 Stamo MS 1500/1 | 95 |
| | SF 25C | Falke | Training/Gliding | 1 | 1 | 50.2 | 24.9 | 5.2 | 825 | 1,250 | 1 Sport.-Limb. SL 1700 EA | 115 |
| | RF 5B | Sperber | Training/Gliding | 1 | 1 | 55.9 | 25.3 | 6.4 | 1,012 | 1,500 | 1 Sport.-Limb. SL 1700 E | 143 |
| | RF 55 | Sperber | Training/Gliding | 1 | 1 | 55.9 | 25.3 | 6.4 | 1,020 | 1,500 | 1 Franklin 2A-120A | 143 |
| FW-Vereinigte Flugtechnische Werke: Bremen. | VA K-191B | | Experimental V/STOL | 1 | | 20.2 | 48.3 | 14.1 | 12.500 | 18,000 | 2 R-R RB. 162-81 & 1 MTU/R-R RB. 193-12. | 610 |
| | VFW 614 | | Transport | 2 | 40-44 | 70.5 | 67.5 | 25.6 | 26,900 | 41,000 | 2 R-R/Snecma M 45 H Mk. 501 tf. | 455 |
| YUGOSLAVIA | | | | | | | | | | | | |
| Yugoslav Soko: Mostar | G2-A | Galeb | Trainer | 2 | | 34.3 | 34 | 10.8 | 5,780 | 9,210 | 1 R-R Viper 11 Mk. 22-6 | 500 |
| | G-3 | Soko Galab-3 | Trainer | 2 | | 38.2 | 34.1 | 11.9 | 6,095 | 10,860 | 1 R-R Viper-522 tj | 540 |
| | J-1 | Jastreb | Strike/Recon | 1 | | 38.2 | 35.2 | 11.9 | 6,095 | 10,860 | 1 R-R Viper-531 tj | 500 |
| | J-5A | Soko Jastreb 5A | Strike/Recon | 1 | | 38.2 | 35.2 | 11.9 | 6,290 | 11,020 | 1 R-R Viper-522 tj | 513 |
| | J-5B | Soko Jastreb 5B | Strike/Recon | 1 | | 38.2 | 35.2 | 11.9 | 6,353 | 11,470 | 1 R-R Viper-600 tj | 534 |

[1] See STOL aircraft table for de Havilland.
[2] Joint program with British Aircraft Corp. Two-seat version of Jaguar is 3 ft. longer.
[3] Joint project with Dornier.
[4] Mirage 3S is Swiss version. Mirage 30 for Australia & Swiss Mirage 3S are similar to Mirage 3E. Mirage 3CJ is Israeli version and 3CZ is South African.
[6] Also available with 2 Snecma/Turbomeca Larzac 03 giving max. speed of 541 mph.
[8] Zlin 526L has Lycoming AIO-360-B1B engine.
[7] Zlin 42L has Lycoming AIO-320-B1B engine.
[8] Built under U.S. license.
[9] Joint program with Aerospatiale.
[10] Joint program with Breguet administered by Sepecat.
[11] Joint British, German, Italian program.
[12] MBB license with Aerospatiale.
[13] J35F carries Saab-built Hughes Falcon missile.
[14] Deutsche Airbus prime contractors are MBB and Aerospatiale.
[15] Joint project with Breguet/Dassault.
[16] Joint project with Aerospatiale and VFW.
[17] Joint project with BAC, Aeritalia.

XUM

Mr. GOLDWATER. If we continue to threaten the aircraft industry by threatening cuts in research and development in NASA and cuts in research and development in military aircraft and the purchase of military aircraft, we are going to see a sad but further decline in America's position. The entire opportunity of the future, the jobs for our children and grandchildren are to be found in continued technological development and advancement, and the ill-behooved Congress, whichever one it is, to threaten the future of American jobs by threatening the future domination of America in aviation and in space.

## ORDER FOR ADJOURNMENT UNTIL MONDAY, MAY 7, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

## REPORT ON UNITED STATES FOREIGN POLICY FOR THE 1970's—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BARTLETT) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations. The message is as follows:

*To the Congress of the United States:*

This Administration attaches fundamental importance to the articulation as well as the execution of foreign policy.

Public understanding is, of course, essential in a democracy. It is all the more urgent in a fast changing world, which requires continuing, though redefined, American leadership. One of my basic goals is to build a new consensus of support in the Congress and among the American people for a responsible foreign policy for the 1970's.

These were the reasons that I began the practice of annual Presidential Reports to the Congress. This fourth Review, like the previous ones, sets forth the philosophical framework of our policy and discusses major trends and events in this context. Two other important documents complement this one with the more detailed record of current questions and policies. The Secretary of State's third annual report of April 19, 1973, covers our specific country, regional, and functional policies and provides basic documentation. The Secretary of Defense's yearly report of April 3, 1973, presents a thorough accounting of our policies and programs for national defense.

It is my hope that this Report will inform and lift the national dialogue on our purposes and our place in the world.

RICHARD NIXON.

THE WHITE HOUSE, *May 3, 1973.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BARTLETT) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BARTLETT). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BARTLETT). Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD AND FOR TRANSACTION OF MORNING BUSINESS ON MONDAY, MAY 7, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, immediately following the recognition of the two leaders or their designees under the standing order, the distinguished Senator from Michigan (Mr. GRIFFIN) be recognized for not to exceed 15 minutes, that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes, and that there then be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONSIDERATION OF UNFINISHED BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, at the close of morning business on Monday, the unfinished business would automatically be laid before the Senate.

The PRESIDING OFFICER. At the end of the morning hour; that is correct.

## ORDER FOR THE VOTER REGISTRATION ACT TO BE LAID BEFORE THE SENATE ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on Monday, the unfinished business, the Voter Registration Act, be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR THE UNFINISHED BUSINESS TO BE TEMPORARILY LAID ASIDE AND FOR THE CONSIDERATION OF THE PUBLIC BROADCASTING BILL ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at no later than 3 p.m. on Monday, the unfinished business be temporarily laid aside, that the Senate then proceed to the consideration of S. 1090, the public broadcasting bill, and that the unfinished business remain in a temporarily laid-aside status until the close of business that day or until S. 1090, the public broadcasting bill, is disposed of, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TIME LIMITATION ON BROADCASTING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the debate on S. 1090, the public broadcasting bill, be limited to 1 hour, to be equally divided between the Senator from Rhode Island (Mr. PASTORE) and the Senator from Tennessee (Mr. BAKER), and that the time on any amendment thereto, debatable motion, or appeal be limited to 30 minutes, the time to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

*Ordered,* That, during the consideration of S. 1090, a bill to amend the Communications Act of 1934, debate on any amendment, debatable motion, or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, the Senator from Rhode Island (Mr. Pastore): *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

*Ordered further,* That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill (Mr. Pastore) and the Senator from Tennessee (Mr. Baker): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

## ORDER FOR ADJOURNMENT FROM CLOSE OF BUSINESS ON MONDAY UNTIL 10 A.M. ON TUESDAY, MAY 8, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, it stand in adjournment until the hour of 10 a.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.



## TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that on Tuesday, after the two leaders have been recognized under the standing order and upon the completion of any 15-minute orders for the recognition of Senators which may prior thereto be entered, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR THE RESUMPTION OF THE UNFINISHED BUSINESS ON TUESDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that at the conclusion of routine morning business on Tuesday, the Senate resume its consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXTENSION OF AUTHORIZATIONS OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. I ask unanimous consent that at no later than 11 a.m. on Tuesday, the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of H.R. 2246, an act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; that the unfinished business remain in a temporarily laid-aside status until the close of business on that day or until the disposition of H.R. 2246, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I am also authorized by the distinguished majority leader to propose the following unanimous-consent request on H.R. 2246:

I ask unanimous consent that debate on the bill be limited to 2 hours, to be divided as follows: 30 minutes to be under the control of the distinguished Senator from New Hampshire (Mr. COTTON), and the remaining time to be under the control of and equally divided between the distinguished Senator from New Mexico (Mr. MONTOYA) and the distinguished Senator from Tennessee (Mr. BAKER);

Provided further, that time on any amendments, debatable motions, or appeals be limited to 30 minutes, and divided and controlled in the usual form, with the further proviso that on an amendment to be proposed by Mr. BAKER, there be a time limitation of 1 hour, the time to be equally divided between and controlled by Mr. BAKER and Mr. MONTOYA;

Ordered further, that time on an amendment by Mr. COTTON be limited to 1 hour, the time to be equally divided between and controlled by Mr. COTTON and Mr. MONTOYA;

Ordered further, that the time allotted for debate on the bill may be yielded by those in control thereof to any Senator on any amendment, debatable motion or appeal.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM TUESDAY UNTIL 11 A.M. ON WEDNESDAY, MAY 9, 1973

Mr. ROBERT C. BYRD. Mr. President, with the approval of the distinguished majority leader and the distinguished assistant Republican leader—I have not cleared this yet, but I think it will probably be agreeable to both—I ask unanimous consent that when the Senate completes its business on Tuesday, it stand in adjournment until the hour of 11 o'clock a.m. on Wednesday, and that at the hour of 12 o'clock noon on Wednesday, the 1 hour of debate on a motion to invoke cloture, which will be filed on Monday, begin running.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House receded from its disagreement to the amendment of the Senate to the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report, and concurred therein.

## ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 3, 1973, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 93) to provide a temporary extension of the authorization for the President's National Commission on Productivity.

## LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. MANSFIELD. I state for the information of the Senate that if at all possible, it will be the intent next week to call up Calendar No. 109, S. 70, a bill to promote commerce and establish a Council on Energy Policy, and for other purposes, and also, if possible, Calendar Nos. 120, 121, and 122, a trio of health bills which we think will be in satisfactory shape to consider at that time.

So it looks as if we will have a pretty busy week next week, if our hopes are fulfilled; and if not, at least we have indicated what the joint leadership hopes will be considered by the Senate during the course of the next week.

Mr. BURDICK. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BURDICK. Could the Senator advise me if unanimous consent would be required to permit the filing of a cloture motion on Monday?

Mr. ROBERT C. BYRD. There is nothing to keep any Senator from filing such a motion on Monday when the unfinished business is before the Senate, and that is the intention of the distinguished majority leader, I understand.

Mr. MANSFIELD. Yes, it is my intention to file a cloture motion on Monday, and the usual procedure will follow, with 1 legislative day intervening, and the next day for the vote to occur.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENT ON CONSIDERATION OF SENATE RESOLUTION 106

Mr. ROBERT C. BYRD. Mr. President, my attention has been called to the fact that the distinguished Senator from Massachusetts (Mr. BROOKE) has offered a resolution today, asked for its immediate consideration, and the request was objected to, and, of course, that resolution goes over under the rule. I would not want to shut the distinguished Senator from Massachusetts out with respect to further consideration of his resolution that goes over under the rule on Monday.

I therefore ask unanimous consent to modify the previous order as follows:

I ask unanimous consent that the Senate not resume consideration of the unfinished business on Monday next until the resolution which is going over, under the rule, is acted on, one way or another, or until the close of the morning hour, whichever is the earlier.

The PRESIDING OFFICER (Mr. BARTLETT). Is there objection to the request of the Senator from West Virginia?

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, there is no time limitation, I assume, on the resolution submitted by the distinguished Senator from Massachusetts?

Mr. ROBERT C. BYRD. There is a time limitation only under the rule, that being the close of the morning hour—the unfinished business would automatically come up at that time, in any event. But in the event that the resolution going over, under the rule, would be disposed of, let us say, prior to the close of the morning hour, there would be a hiatus between that time and the hour of 2 o'clock.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from West Virginia but I want to establish that there is no time limitation on debate on the resolution submitted by the distinguished Senator from Massachusetts.

XUM

Mr. ROBERT C. BYRD. Not as such, but there would be a time limitation, in a sense—by virtue of the normal operation of the Senate rule—until 2 p.m. The debate on that resolution could not extend beyond the hour of 2 o'clock on Monday in any event, at which time the unfinished business would be resumed automatically. There is no time limitation agreement on the resolution in the sense which the able Senator has in mind.

Mr. HARRY F. BYRD, JR. I thank the Senator from West Virginia.

Mr. ROBERT C. BYRD. Only to the extent of the rule is there a time limitation.

The PRESIDING OFFICER (Mr. BARTLETT). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The text of the unanimous-consent agreement is as follows:

*Ordered*, That, during the consideration of H.R. 2246, an act to amend the Public Works and Economic Development Act of 1965, debate on any amendment (except an amendment by the Senator from Tennessee (Mr. BAKER) on which time for debate shall be limited to 1 hour, to be equally divided and controlled by the Senator from Tennessee (Mr. BAKER) and the Senator from New Mexico (Mr. MONTOYA), and an amendment to be offered by the Senator from New Hampshire (Mr. COTTON) on which time for debate shall be limited to 1 hour, to be equally divided and controlled by the Senator from New Hampshire (Mr. COTTON) and the Senator from New Mexico (Mr. MONTOYA)), debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

*Ordered further*, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be divided and controlled as follows: 30 minutes to the Senator from New Hampshire (Mr. COTTON), 45 minutes to the Senator from New Mexico (Mr. MONTOYA), and 45 minutes to the Senator from Tennessee (Mr. BAKER): *Provided*, That the said Senators or any of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I hope that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DESIGNATION OF "NATIONAL HISTORIC PRESERVATION WEEK"

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 51.

The PRESIDING OFFICER (Mr. BARTLETT) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 51) to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week," which was to strike out the preamble.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that this matter has been cleared on both sides. Therefore, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

## ORDER FOR RECOGNITION OF SENATOR McGOVERN ON MONDAY, MAY 7, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, following the recognition of the two leaders under the standing order, and prior to the recognition of Mr. GRIFFIN, the distinguished Senator from South Dakota (Mr. McGOVERN) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RELATING TO FORM OF UNANIMOUS-CONSENT AGREEMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect both to H.R. 2246, the Public Works and Economic Development Act, and S. 1090, the public broadcasting bill, the agreements in connection therewith—in both instances—be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORITY FOR COMMITTEES TO FILE REPORTS DURING THE ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate over to Monday, committees may be authorized to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate over to Monday, the Secretary of the Senate may be authorized to receive messages from the other body and/or from the President of the United States, and that appropriate referral thereof may be made.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate over to Monday, the Vice President, the President pro tempore, and the Acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. McGOVERN, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

Upon the disposition of the resolution submitted today by the distinguished Senator from Massachusetts (Mr. BROOKE), Senate Resolution 106—which goes over under the rule—or not later than the hour of 2 o'clock p.m. on Monday, the unfinished business, S. 352, the voter registration bill, will again be laid before the Senate and consideration thereof will be resumed.

A cloture motion will be entered on Monday by the distinguished majority leader and the requisite number of Senators, with the vote on the cloture motion to occur on Wednesday next at circa 1:15 p.m.

At not later than 3 o'clock on Monday afternoon, the unfinished business will be temporarily laid aside and the Senate will proceed to the consideration of S. 1090, the public broadcasting bill. There is a time agreement thereon. Yea and nay votes could occur on amendments or on passage.

I wish also to say that yea-and-nay votes could also occur on the unfinished business on Monday, prior to taking up S. 1090, or subsequent to any disposition of S. 1090 on Monday.

## ADJOURNMENT TO MONDAY, MAY 7, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday.

The motion was agreed to; and at 3:27 p.m. the Senate adjourned until Monday, May 7, 1973, at 12 o'clock noon.



## NOMINATIONS

Executive nominations received by the Senate May 3, 1973:

DEPARTMENT OF DEFENSE

Robert C. Hill, of New Hampshire, to be an Assistant Secretary of Defense, vice G. Warren Nutter, resigned.

U.S. COAST GUARD

The following-named lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander:

Glen N. Armitage
Richard L. Atkins
William R. Babineau
Robert H. Bacchus
Ernest J. Bader
Thomas M. Bader
James H. Barmettler
James P. Barnett
Henri L. Bignault
David J. Bond
Edward D. Brickley
Allan K. Brier
Lawrence A. L. Budreau
Richard Buell
Arthur F. Busalacchi
Willis W. Carnegie
Alan B. Chamberlain
Robert V. Chiarenzelli
Raymond Condo
Hugh J. Costello
Jay W. DeCoulter, Jr.
Juan J. Del Castillo
Harmon G. Eakles
Ernest G. Erspamer
James W. Fenimore, Jr.
David A. Gayner
Richard E. Goss, Jr.
Randolph B. Grinnan III
Paul J. Hanson
Charles H. Jehle
Guy B. Jones
Joseph F. Lavelle
Morton M. Levine
Robert K. Liput
Aristedes Manthous
John D. McLean
Earl R. McNinch
Myron J. Menaker
David B. Michel
Benjamin Muse, Jr.
James S. Painton, Jr.
David L. Pearl
Wilton Phillips, Jr.
John C. Raynor
Bolivar T. Recio
Henry G. Satterwhite
Norman R. Smith
Bennett S. Sparks
Robert A. Spatols
William A. Stone, Jr.
Raymond T. Sullivan, Jr.
George L. Sutton
Norman G. Swanson
William J. Tangalos
Fenwick Taylor
William N. Taylor
James R. Treese
Donald J. Willenborg
Donald G. Wolf
Carl A. Zellner

# HOUSE OF REPRESENTATIVES—*Thursday, May 3, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Thou shalt keep the commandments of the Lord thy God, to walk in His ways and to fear Him.*—Deuteronomy 8: 6.

Almighty God, in whose presence is our power, by whose grace we find goodness, and through whose spirit we receive strength for daily living, give to us the assurance that in life and death, in victory and defeat, in joy and sorrow Thou art with us always, all the way.

Grant unto us an awareness of Thy renewing life in nature and of Thy redeeming love in our human nature. Keep us ever grateful for this glorious land in which we live and for which we daily labor.

Amid the stress and strain of these troubled times help us to be loyal to the royal within ourselves and in the midst of the strife and struggle of these difficult days may we be faithful to our faith in the highest and best we know.

Lead us, we pray Thee, to a deeper dedication to Thee that we may walk the ways of truth and love for the good of our country and for the benefit of all mankind.

In the spirit of Him who was ever true to Thee, we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 755. An act to provide 4-year terms for the heads of the executive departments;

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes; and

S. 1264. An act to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower.

## MAJORITY LEADER THOMAS P. O'NEILL, JR., CONDEMNS THE REPUBLICAN LACK OF MORAL CONSTRAINT

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. O'NEILL. Mr. Speaker, Governor Reagan of California was quoted yesterday as saying that the Watergate spies acted illegally—but that they are not criminals at heart.

A Republican leader in the other body said the other day that the bugging was the work of "zealous amateurs."

These refrains are distressingly familiar—they recall the dictum uttered by the Republican Presidential candidate in 1964. He said:

Extremism in the pursuit of freedom is no vice, and moderation in the pursuit of justice is no virtue.

This ends-justifies-the-means attitude seems to persist within the Republican philosophy of government, as if it were transmitted from one generation of candidates to the next like some malignant gene.

We have seen high administration officials who felt that they alone were competent to judge what was right and wrong for this Nation and who felt that they were beyond any moral or legal constraints in pursuing their goals.

Disdain has pervaded this administration's dealings with Congress. We have seen it in the arrogance of certain officials, the reluctance of the administration to consult with Congress, the abuse of impoundment, the exaggeration of the doctrine of executive privilege.

This is not a closed society. We must eradicate this pernicious attitude that the administration knows best. We are a government of shared and balanced powers, and Congress must continue to exercise its rightful share of authority in the governance of this Nation.

## CONGRATULATING JOHN CONNALLY

(Mr. ARCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCHER. Mr. Speaker, because John Connally is a resident of my Seventh Congressional District in Texas, I take particular pleasure in welcoming him to the Republican Party.

For a long time I have believed that this is where he belongs. He will find a comfortable home in the Republican Party as other Democrats have before him.

My Republican colleagues and I can only be uplifted by the Governor's decision and by his commitment to our party, the same way that we would be uplifted to hear of anyone taking a step to reinforce his personal convictions.

I spoke with Governor Connally yesterday to convey to him my personal best wishes, and I gave him my warmest encouragements and compliments for following the dictates of his conscience in alining himself with the party closest to his own beliefs.

John Connally is an outstanding man and he is a person people believe in and a person people respect. His dedication to our country and his belief in our Nation's goodness and potential greatness are sincere and contagious. He is an example to all of us.

We Republicans hope that many Americans will follow his example now and join his party as that which best represents the philosophy of the majority.

## CALL OF THE HOUSE

Mr. HILLIS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 120]

| | | |
|---|---|---|
| Abdnor | Badillo | Burke, Fla. |
| Alexander | Beard | Carney, Ohio |
| Anderson, Calif. | Bell | Clark |
| Anderson, Ill. | Biaggi | Conable |
| Andrews, N.C. | Blatnik | Conyers |
| Ashley | Brown, Mich. | Cronin |

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| | | |
|---|---|---|
| Culver | Jones, Okla. | Rooney, N.Y. |
| Dulski | Jones, Tenn. | Rosenthal |
| Eckhardt | Karth | Rostenkowski |
| Esch | King | Ryan |
| Eshleman | Kluczynski | Sarasin |
| Fish | Landrum | Stanton, |
| Flynt | Lott | James V. |
| Fountain | McCormack | Stark |
| Fraser | McSpadden | Stubblefield |
| Frelinghuysen | Macdonald | Teague, Tex. |
| Gibbons | Melcher | Ullman |
| Gray | Mitchell, Md. | Van Deerlin |
| Guyer | Moorhead, Pa. | Vander Jagt |
| Hanna | Murphy, Ill. | Waldie |
| Hébert | Myers | Whalen |
| Heinz | Nichols | Wolff |
| Jarman | Obey | Wright |
| Johnson, Calif. | Price, Tex. | Wydler |
| Johnson, Colo. | Randall | Yatron |
| Jones, Ala. | Reid | |

The SPEAKER. On this rollcall 357 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 7445, EXTENDING RENEGOTIATION ACT OF 1951

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tonight to file a report to accompany the bill H.R. 7445, extending the Renegotiation Act of 1951.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## PERMISSION FOR SUBCOMMITTEE ON CONSUMER AFFAIRS TO MEET TODAY

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Consumer Affairs may meet during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

## EXTENSION OF DATE FOR FILING REPORT BY THE NATIONAL COMMISSION ON THE FINANCING OF POSTSECONDARY EDUCATION

Mr. O'HARA. Mr. Speaker, I call up the conference report on the joint resolution (H.J. Res. 393) to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report, and ask for its immediate consideration.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report.

(For conference report and statement, see proceedings of the House of April 30, 1973.)

The Clerk read the Senate amendment, as follows:

*Resolved*, That the joint resolution from the House of Representatives (H.J. Res. 393) entitled "Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Post-secondary Education and the period within which it must make its final report", do pass with the following amendment: Page 2, after line 5, insert:

"SEC. 2. If the appropriation for the fiscal year 1973 for making payments under subpart 1 of part A of title IV of the Higher Education Act of 1965 does not exceed $385,000,000, payments under such subpart from such appropriation shall not be paid on the basis of any entitlement for any student (1) who was in attendance, as a regular student (as defined by the Commissioner of Education), at an institution of higher education prior to July 1, 1973, or (2) who is in attendance at such an institution on less than a full-time basis.

"SEC. 3. The provisions of this joint resolution shall be effective on and after May 1, 1973, and such provisions shall be deemed to be enacted immediately before such date."

POINT OF ORDER

Mr. GROSS. Mr. Speaker, I would like to reserve a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. GROSS. Mr. Speaker, my point of order is that the Senate amendment is not germane to the bill.

The SPEAKER. The conferees have not agreed to the Senate amendment. They have reported the conference report back in disagreement.

MOTION OFFERED BY MR. O'HARA

Mr. O'HARA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. O'HARA moves that the House recede from its disagreement to the amendment of the Senate and concur therein.

The SPEAKER. The Chair will recognize the gentleman from Michigan if he desires to be heard on the motion.

Mr. O'HARA. Mr. Speaker, I have offered this motion at the direction of the other managers on the part of the House on the disagreeing votes of the two Houses on the Senate amendment to House Joint Resolution 393. The first section of the pending resolution is not in disagreement as between the two Houses. That section extends the reporting date of the National Commission on the Financing of Postsecondary Education from April 30 to December 31. This section constituted all of the resolution when it was originally considered and passed by this House on suspension of the rules on March 5. The Senate made no substantive changes in that section, but made a technical change in section 3, to clarify the intention of the resolution that the extension should take effect without any break, as of May 1.

The new substantive matter that was added by the Senate appears in section 2 of the resolution, and would have the effect of limiting student assistance payments under the basic opportunity grant program—for the coming academic year only, and only if the total fiscal year 1973 appropriation for that program does not exceed $385 million—to first-year, full-time students.

After discussing the matter with the managers of the Senate, the House managers concluded that this amendment was an appropriate one, and that it was particularly useful taking into account the level of BOG appropriations thus far enacted into law for fiscal year 1973.

The Congress has enacted, and the President has approved, $122.1 million to fund basic opportunity grants. The other existing programs were funded at the level of the current year—$210.3 million for supplemental grants, $270.2 for college work-study, and $269.4 million for capitalization of the direct loan funds—plus an earlier $23.6 million for these funds.

If all eligible undergraduate students were to remain eligible for basic grants, the average grant would be in the neighborhood of $80, and the grant ceiling is estimated at about $200. This would put BOG technically into operation, and it might give the Administrators an opportunity to test their mechanisms for computing and distributing such grants—but it would not provide more than a tiny handful of students with anything like a meaningful grant with which to meet their college expenses next fall.

Under the proposed amendment as long as the amount appropriated remains below $385 million—the amount estimated as required for full funding for first-year students—the payments will be limited to such students. If we do this, if we limit the payment of BOG grants to students who have not been in college before, and are attending on a full-time basis, the average grant will be in the neighborhood of $250 and the grant ceiling will be at or near $600. The proposed amendment, Mr. Speaker, seeks to make the best use of limited funds.

If the Congress had been able to fully fund BOG, and still meet the statutory requirements for the operation of the BOG program—which involve the operation of other student assistance programs—this amendment might not have been necessary. But that was not the situation with which we were confronted. The administration budget ceiling of $872 million has been accepted, wisely or not, as an inviolable barrier beyond which we cannot go, even to pay for the education of our children. Under these circumstances, we have to make the best of a bad bargain. And one of the most useful ways to do this is to limit BOG payments to first-time, full-time students.

Mr. Speaker, the past several days have been very active ones in the field of higher education. A month—even 2 weeks ago—students, their families, and the institutions of higher education were wholly unable to even begin to make concrete plans for the year beginning this fall. The amount of funds was uncertain, the very fate of programs mandated by the law was uncertain, and there was considerable unresolved controversy about the regulations for carrying out the basic opportunity grant program.

I cannot come before this House, Mr. Speaker, and cheerfully announce that everything is sunshine and roses. But I can say that the uncertainty has in great part been dispelled.

We now know that at least $872 million will be available for student assistance programs in September. We now know that the money is available to carry out the law as the law is written—that the supplemental grant program, college work-study and the direct student loan funds have all been funded, at the level of the current year.



We know that BOG is on the move. If this amendment is agreed to, this will clear for the President's signature the limitation of BOG grants to first-year, full-time students.

And the BOG family contribution schedule has been issued in its final form for the coming academic year. Here, too, we have not obtained from the Office of Education all that we sought, or even all that we might reasonably have expected.

I am advised, for example, that the revised family contribution schedule does not alleviate the harsh and unjust treatment of family assets that was so roundly criticized when the original draft regulations were put before the Congress. I am not happy with this news, Mr. Speaker, because one of the reasons the pro forma resolution disapproving the proposed schedule was tabled by my subcommittee was that we had a letter from Commissioner of Education Ottina suggesting that certain modifications in assets treatment proposed by the subcommittee "seem to be workable" and were being given "serious consideration." We heard no more about those proposals once we had tabled the resolution of disapproval, and apparently they were not given any further "serious consideration."

Mr. Speaker, essentially, in tabling the resolution of disapproval of the BOG regulations last month, as in enacting this limitation today, we were saying that we believe the Basic Grant program ought to be given a chance to work. We in the Congress enacted the basic program, and we should not stand in the way of its operation on a "fair trial" basis. We have all heard enough of suggestions that such-and-such an education program "has not worked" advanced by the very people who have starved those programs into ineffectiveness. The basic Grant program may be as good as its proponents say, or it may be as bad as its most fervent detractors say but it deserves a fair trial. The Senate amendment is designed to give it one.

Mr. Speaker, I include some letters and telegrams I have received in support of the "first-time, full-time limit" at this point:

COLLEGE ENTRANCE EXAMINATION BOARD,
*Washington, D.C., April 24, 1973.*

To: College Presidents, CEEB Voting Representatives, and Financial Aid Officers.

From: The Washington Office of CEEB, Lois D. Rice—Vice President and Director; Larry Gladieux—Associate Director.

Subject: Report and analysis of recent actions on Federal student aid programs.

CONGRESSIONAL APPROPRIATIONS

The logjam in Federal student aid appropriations for the academic year 1973–74 has finally broken.

Last week, the Congress passed and sent to the President an emergency resolution containing $872 million in student aid funds—an amount identical to the President's budget ceiling for student aid but spread among a mix of programs radically different from what the President wanted. The measure provides funding for the three institutionally administered Federal programs (College Work-Study, Supplemental Educational Opportunity Grants, and Direct Student Loans) at current year levels, plus a token $122.1 million for the new Basic Opportunity Grants Program.

The Administration had focused its budget request on Basic Opportunity Grants (BOG), proposing $622 million for the entitlement program, $250 million for College Work-Study (CWS) and no monies for the Supplemental Educational Opportunity Grants (SEOG) or National Direct Student Loans (NDSL), although the Education Amendments of 1972 required at least $130.1 million for SEOG and $286 million for NDSL before payments of Basic Grants can be made.

Summarized below are the specific amounts provided by the Congress for 1973–74 compared with the President's Budget and current year funding:

[In millions of dollars]

| | 1972–73 funding | 1973–74 Presidents budget request | 1973–74 Congressional resolution |
|---|---|---|---|
| Basic grants | | $622 | 122.1 |
| Supplemental EOG | $210.3 | | 210.3 |
| College work-study | 270.2 | 250 | 270.2 |
| Direct student loans (Federal capital contributions) | 293 | [1] 23.6 | [2] 293 |

[1] Appropriated last year and to be released for use as Federal capital contributions to the loan program in 1973–74.

[2] The congressional resolution actually appropriates $269,400,000 for direct loans; the $293,000,000 includes the $23,600,000 already appropriated.

The language of the Resolution provides that the $122.1 million appropriated for Basic Grants could be used for the SEOG Program if the Basic Grants Program cannot be implemented in 1973–74.[1]

It is noteworthy that for the first time Congress has provided an advance appropriation for the NDSL Program, placing it on a one-year forward funding cycle like SEOG and Work-Study. (Previously NDSL has been funded in the fiscal year during which the funds are used.)

LIMITATION OF BASIC GRANTS TO INCOMING FRESHMEN

Immediately preceding final Congressional action on the appropriations measure, the Senate unanimously voted to limit eligibility for Basic Grants in the academic year 1973–74 to full-time entering freshmen, a step that was widely supported as possibly the only way in which the program could be reasonably operated in the first year on a meagre appropriation of $122.1 million. Spread among all eligible undergraduate students, this amount would yield an estimated average grant of $80, with many otherwise eligible students falling below the minimum grant level of $50 (which applies under any budget less than full funding). In contrast, if the program is limited to full-time freshmen, the $122.1 million would result in more viable payment levels—with an estimated average award of $240 and a maximum of $600.

Sponsored by Senator Claiborne Pell, the Senate-passed provision would apply as long as the available appropriation for Basic Grants remains below $385 million, an amount estimated by Office of Education as full funding for entering students. If the appropriation should reach above this level, then the program would automatically be reopened to all eligible undergraduates. (Efforts will probably be made in the Senate to beef up the $122.1 million budget for Basic Grants by adding additional monies to the regular supplemental appropriation measure that will be considered in May. Such efforts will face tough sledding, however, because additional funds for Basic Grants would necessarily exceed the President's over-all budget ceiling for student aid.)

The so-called "freshmen amendment" was attached to a House-passed resolution extending the life of the National Commission on the Financing of Postsecondary Education. The measure will go to a small House-Senate Conference Committee just after Congress reconvenes, where it is expected to be approved.

The freshmen amendment has bipartisan support in the House and the support of the Administration.

NEXT STEPS AND REMAINING UNCERTAINTIES

The Congress has now acted on student aid appropriations for the coming academic year. Next steps are up to the Administration.

These days, a presidential veto is always a possibility but seems unlikely in this situation because:

1. The student aid funds are attached to a measure providing absolutely essential monies for Veterans Readjustment payments. The Veterans Administration underestimated the volume of GI Bill benefits this year and must have an additional $468 million in order to make checks to eligible veterans at the end of April.

2. The student aid package stays within the budget ceiling. As Representative Daniel Flood of Pennsylvania assured his colleagues in presenting the amendment on the House floor, the package "does not go a dime above the President's Budget proposal—not one dime." It would be awkward for the President to veto the entire measure just because he did not get funding for the specific program that he wanted.

(One lesser factor weighing against White House clearance is the last-minute inclusion in the measure of an additional $85 million for impacted areas school aid which the President opposes, but this is not likely to be enough to generate a veto.)

Impoundment is another question. It is possible that the President will simply refuse to spend certain of the monies appropriated by the Congress. But major impoundment action would seem unlikely in view of the legal ramifications of withholding funds for programs based on state allocation formulas (such as SEOG, CWS, and NDSL) or on entitlements such as Basic Grants.

Moreover, even assuming that the President signs the bill and funds are not impounded, the timing of actual award letters to institutions and issuance of new regulations for the college-based programs is not at all clear at this time (further on this below).

Despite the remaining uncertainties, there are three encouraging aspects to the recent and sudden developments on appropriations:

1. At least the Congress has acted. Two weeks ago there appeared to be absolutely no chance that money would be appropriated before mid or even late May. This early action eases somewhat the already horrendous timing of student aid for next year. The volume of mail flowing into Congress from students, parents, aid officers, educational associations, etc., created considerable pressure on the Appropriations Committee and helped to pry the appropriations loose, though it was only by chance that an appropriate vehicle came

[1] However, the possibility of transferring the Basic Grants appropriation to SEOG may be subject to technical interpretation. The authorization ceiling for initial year awards under SEOG is $200 million, and if SEOG is considered a new program, the old EOG having been renamed and revised by the Education Amendments of 1972, then all grants under the program during the coming year could be initial awards and funds might not be released above the $200 million authorization level. This matter is now under study by the Office of Education.

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along (the urgent supplemental for veterans benefits) to which the student aid money could be attached.

2. Congress in this measure has appropriated more for Office of Education student aid programs than ever before. Also, the combined total for BOG and SEOG is $120 million more than has ever been appropriated for grants alone. Until this year, grant support was the least popular form of student aid and was always the least adequately funded, particularly by the House.

3. Congress has now placed all three college-based programs as well as Basic Grants on an advanced funding cycle, and assuming that budget requests reach the Congress on schedule (unlike this year) colleges and students will in the future be in a far better position to make earlier and more meaningful decisions.

SOME IMPLICATIONS OF THE CONGRESSIONAL ACTION

Again barring a Presidential veto or impoundment of funds, institutions can expected SEOG, CWS, and NDSL allocations for 1973–74 that are fairly comparable to this current academic year, although in most cases slightly lower for the following reasons:

While the appropriation for each program is level with 72–73 funding, more institutions are participating (3,400 for 1973–74 compared to 2,900 for 72–73);

The volume of panel approved requests is $1.534 million, up some 7 percent. Hence the same amount of funds will have to be stretched further. (The increase in panel approvals, however, is less than might have been anticipated, particularly since the Education Amendments of 1972 extended eligibility to all half-time students as well as to students in accredited proprietary and vocational schools. Between 1971–72 and 1972–73, before changes in eligibility criteria were made, panel approved requests rose 21 percent);

Because under the new legislation, funds for SEOG and CWS probably can no longer be focussed exclusively on lower-income groups, institutions which enroll substantial numbers of low-income students, thus benefiting previously from OE "targeting" of these monies, may stand to lose relatively more funds this year than other institutions.

Viewed in comparison with panel approved requests, the appropriations for SEOG, CWS and NDSL will only partially meet the needs of students. This is demonstrated below:

*Need as indicated by Panel approved requests 1973–74*

| | |
|---|---|
| CWS | $480,000 |
| NDSL | 577,000 |
| EOG | 468,000 |

*Need met by appropriations 1973–74 (1972–73)*

[In percent]

| | |
|---|---|
| 55 | (68) |
| 51 | (65) |
| 45 | (62) |

It should be noted, however, that if Basic Grants are implemented and restricted to entering students, a substantially higher percentage of the need for grant funds (as reflected in panel approved requests) will be met. In addition, Basic Grant monies will reach students at institutions not now participating in the college-based programs as well as a students at participating institutions whose needs are not reflected in institutional requests for the college-based programs.

According to Office of Education estimates, the $122.1 million appropriated for Basic Grants will meet about 33 percent of the amount required to fully fund full-time freshmen, and a mere 10 percent of the amount needed for full funding of all eligible undergraduates.

(The Washington Office of CEEB will issue shortly a study of the effects of Basic Grants at differing funding levels.)

TIMING

Although Congress has cleared the appropriations for 73–74, uncertainties persist on how rapidly the Office of Education will be able to issue institutional allocations and final rules, regulations, and guidelines for SEOG, CWS and NDSL.

OE officials report that every effort will be made to issue allocations (effective July 1) for the college-based programs just as soon as the President signs the urgent supplemental. Normally allocations are not made before the Office of Management and Budget releases funds and program regulations are available, but the current funding crisis is prompting efforts to get a more rapid release.

Since CWS was budgeted by the Administration, the Office of Education now reports that guidelines and regulations for this program are nearer completion than the other programs. VWS guidelines and hopefully those too for NDSL will be issued in mid-May. SEOG rules and regulations are not anticipated before late May or early June. By statute all rules and regulations must be finalized by June 23.

While tentative awards to students could be made at an earlier date, final commitments to students will not be possible until the rule making is completed and guidelines issued. It might be helpful, however, to sketch some changes in the legislation relating to SEOG and CWS that may guide your planning. Changes relating to NDSL, which have been in effect since last July, are also reported below.

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS

Duration of grants is one year—students are not assured of grant renewal. (While Panels approved amounts for Initials and Renewals, all allocations by OE will undoubtedly be made in the form of Initials.

The maximum grant level is now $1,500, but no student may receive more than $4,000 during four years (or $5,000 if he is eligible for five years).

The minimum grant level remains at $200.

Institutions may transfer up to 10 percent of their allotment to College Work-Study.

COLLEGE WORK-STUDY

There is a change in focus from "low-income students" to those with "exceptional need".

There is no maximum on the number of hours students may work. (The old maximum of 15 hours work per week is eliminated.)

Institutions may transfer up to 10 percent of their allotment to EOG.

DIRECT LOANS (NDSL)

Loan ceilings are: $10,000 aggregate for graduate students (including undergraduate loans) and $5,000 for all other students. (No longer is there an annual ceiling of $1,000 for undergraduates and $2,500 for graduate students.)

Minimum monthly repayment is $30.

Forgiveness is restricted to borowers who are combat veterans, teachers of the handicapped and the disadvantaged, and preschool teachers in Head Start Programs.

OE also reports that regulations for Basic Grants will be issued in May, probably in two stages. They will focus on: the determination of college costs for the program; definitions, including those for full-time students, academic year, eligible institutions; and procedures for the disbursement of awards.

In early May the Office of Education will also republish, with only minor changes, the final schedule of family contributions for the BOG Program. While members of Congress have echoed many of your concerns about the proposed rules for determining family contributions, both the House and Senate education committees have formally or informally accepted the schedules proposed by the Office of Education in February. The comittees have indicated, however, that they wish to maintain a constant dialogue with OE and work toward some substantive changes in the schedules during the next academic year.

Currently OE is planning to have application forms for Basic Grants in the field by late May. Also during May and June USOE Regional Offices wil conduct a series of workshops or training sessions for financial aid officers on the implementation of the Basic Grants Program.

BACKGROUND TO HOUSE AND SENATE ACTION ON APPROPRIATIONS

The student aid appropriations package that finally prevailed in Congress was formulated in the House Subcommittee on HEW Appropriations and offered by the Subcommittee Chairman, Representative Daniel Flood, as a floor amendment to the urgent supplemental for the Veterans Administration.

The House Subcommittee had been the target of many conflicting pressures. Starting with a firm agreement not to bust the budget, the Subcommittee Members then had to decide on the mix of programs. They were cognizant of the funding requirement written into the 1972 law for the college-based programs and were agreed on at least satisfying the legal minimums for these programs.[2] The question was whether there would be any money remaining to fund Basic Grants; the answer, in part, turned on a matter of technical interpretation. To meet the requirement of the law, was it necessary to appropriate funds for NDSL in the pending fiscal 1973 supplemental, or had the legal minimum for NDSL already been satisfied by the 1973 supplemental appropriation that was voted by Congress last fall and is being used in the current academic year? If NDSL were funded in the pending supplemental at the specified level of $286 million, very little of the total student aid allocation would be left to fund Basic Grants.

Legal opinions on the issue differed. As a practical matter, most of the testimony to the Subcommittee weighed heavily for an advance appropriation of NDSL in the pending supplemental. Most of the higher education associations argued the importance of nailing down the 1973–74 NDSL funding now, rather than depending on the regular 1974 appropriation bill later in the year. Also weighing in favor of this approach was the traditional popularity of the loan program among the Appropriations Committee Members, coupled with some strong reservations among the Members about the operational feasibility of the BOG Program in the coming year.

As Representative Robert Michel, ranking Minority Member of the House Subcommittee, explained on the House floor, "It is simply too late in the season, now, to put all of our eggs in the BOG basket."

So, in the final analysis the Subcommittee decided to fund the full amount for NDSL and to continue SEOG and CWS at current year levels (which exceed the legal minimum for these programs by $60 million and $20 million respectively), while deemphasizing though not eliminating Basic Grants. The $122 million figure for Basic Grants was derived by simple subtraction: it was the amount that was left after funding the other three programs at this year's levels.

The Flood amendment passed the House by voice vote on April 12.

The measure was then immediately transmitted to the Senate where the Senate Appropriations Committee ratified the House action after narrowly voting down two proposals to adjust the House figures and produce a more viable funding level for Basic Grants.

It was a different story, however, when the bill reached the Senate floor. There Senators Pell and Dominick successfully amended the measure to place greater emphasis on BOG's while still staying within the proposed budget total of $872 million. Senator Pell contended that the House bill "completely aters the authorizing legislation" by giving so little funding to BOG's. By a margin of 62–19 the Senate voted $384.5 million for Basic Grants, the minimums required in the authorizing legislation for SEOG ($130.1 million) and CWS ($237 million), and $120 million in advanced funding of the Direct Loan Program.

Nevertheless, a few hours following the Senate action, Senate and House Conferees met briefly and accepted the House version of the bill.

The final action reflects a willingness on the part of Congress, at least at this juncture, to accept the President's budget ceiling for student assistance for 1973–74, but an unwillingness to thwart the Education Amendments of 1972 by eliminating expenditures for any of the ongoing student aid programs. Interestingly, the Administration demonstrated during the Senate debate that it was willing to compromise and reduce its Basic Grants request by the $130.1 million needed to meet the required minimum for SEOG. Had the Administration indicated this possible compromise earlier, particularly during House Subcommittee hearings on the student aid appropriations, the final outcome might have been somewhat different.

OUTLOOK FOR 1974–75—STUDENT AID FUNDING

In our February 13 memo, we said that the outlook for Federal student aid funding in 1972–73 was at once extremely hopeful and extremely uncertain. The same statement would apply to the prospects for 1974–75. In fact, the Congressional debate on 1974–75 funding decisions will in some ways be a re-run of the battle over 1972–73 appropriations. The basic issues—the mix of programs and the relative funding priority among them—will be the same. And the starting point—an Administration budget that places principal emphasis on direct entitlements versus institutionally administered funds—is the same.

Yet there is an important difference as well. The Administration is committed to a still larger total budget for student aid in 1974–75—over $1.2 billion ($959 million for Basic Grants and $250 million for Work-Study). This ceiling should permit Congress, if it wishes, to sustain the three traditional programs and at the same time, without breaking the budget, set a viable funding level for BOG as well as hopefully provide some start-up money for the newly authorized State Student Incentive Grants Program.

Floor statements by both House and Senate Appropriations Committee leaders during consideration of the urgent supplemental suggest that substantial Basic Grants funding may be approved for 1974–75. Mr. Flood, in presenting his amendment and conceding that the recommended 1972–73 appropriation for Basic Grants was perhaps unrealistically low, stated to his House colleagues: "I believe I can report to the Members that it is the definite intent of our Subcommittee to recommend that the Basic Opportunity Grants be funded at an appropriate level and at a proper level for the academic year 1974–75 in the fiscal year 1974 appropriation bill." Likewise Senator Warren Magnuson, Chairman of the HEW Appropriations Subcommittee, assured his Senate colleagues, "We are going to get BOG's funded properly. We have the money for BOG's start-up . . . We can give the BOG's Program . . . close to $1 billion in the regular fiscal 1974 bill."

Also indicating a strong commitment to a viable BOG Program was Senator Norris Cotton of New Hampshire, ranking Minority Member of the Senate Subcommittee on HEW Appropriations. In lending support to the efforts of Senator Pell to boost the initial year funding level for Basic Grants, the Senator offered an inspired bit of rhetoric:

[From the CONGRESSIONAL RECORD, Senate, Apr. 17, 1973]

Mr. COTTON. "Mr. President, I will take about 3 minutes. . . . Every time I pick up a newspaper, every time I turn on my television, every time that I go anywhere or have any group of people come into my office from the various-do-gooder organizations, I constantly have it thrown in my face that this administration, from the President down to the last doorkeeper in the White House are a cold blooded, heartless bunch of people who have no interest in the human problems of this country. The charge is constantly made that the administration wants to build up our defenses and does not want to take care of the poor, and in this instance, does not want to give help to those who are trying to earn an education.

"Here is the first time so far, I think, in this session, that we have come in with a program, and the people downtown are squarely behind it, that I think promises to be one of the most effective programs we have ever had to promote higher education and put it within the reach of the unfortunate. That is the basic opportunity grants. They do not have to get it from a bank, they do not have to go anywhere else, it is a basic opportunity grant.

"This is the first time that this heartless, coldblooded administration that has ice water in their veins, that serves only the rich and does not give a damn for the poor and unfortunate, and is all for national defense with nothing for human needs, are asking us to stand up for something that we really believe and hope will be effective in giving an opportunity to get a college education to every boy and girl in America."

The timetable for consideration of the fiscal 1974 HEW appropriation bill, which will contain advance funding for 1974–75 Federal student aid, is not yet clear and may be delayed pending action on authorizing legislation for elementary and secondary programs. It could be well into the summer before the House Committee marks up the 1974 bill, and a Presidential veto of the entire measure could delay matters further.

It is well to remember that the regular fiscal 1973 HEW appropriation bill was vetoed twice last year. The President has evidenced a still greater readiness this year to reject any Congressional offering that exceeds his budget recommendations, and it seems likely that the 1974 HEW bill will do exactly that.

One can only hope that the annual tilt between Congress and the Executive over HEW appropriations will be resolved before the end of the current session of Congress to permit the kind of lead-time for Federal student aid programs that is sorely needed by both students and institutions.

[2] The Administration, incidentally, has proposed a bill repealing the provision of the Education Amendments of 1972 which established the minimum levels for SEOG, CWS, and NDSL. Introducing the bill on behalf of the Administration, Representative Albert H. Quie of Minnesota stated that it was designed to give Congress "the flexibility to evaluate the progress of these programs and the new Basic Educational Opportunity Grants Program and to determine freely the best level of funding for each one." No committee action is scheduled on the measure.



EDUCATION COMMISSION OF THE STATES
*Denver, Colo., April 26, 1973.*

Hon. JAMES G. O'HARA,
*Chairman, Special Subcommittee on Education, U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN O'HARA: I am writing in connection with Senator Pell's amendment to H.J. Resolution #393 in relation to limiting Basic Educational Opportunity Grants this first year to new full-time students.

In the light of the restriction of the Basic Educational Opportunity Grant appropriation to $122.1 million, Senator Pell's amendment would seem to make excellent sense. If this is not done the amount that any student would receive would be minimal and the $122.1 million would be dissipated without offering any substantial help. This would make it possible for critics of the Basic Educational Opportunity Grant Program to claim that it had not worked whereas, in fact, it would not have had a chance to work. On the other hand, if it is restricted to new full-time students it can make a sufficient difference to those students receiving it. This would seem to be in harmony with the congressional intent in inaugurating the Basic Educational Opportunity Grant Program to help more substantially those students in serious need. Thus, for the sake of the students, we would like to support the amendment and urge its adoption.

I would also like to take this opportunity to express our very great appreciation to you and the Subcommittee for holding the hearings in relation to the 1202 Commissions and to thank you for the move to publish the issue paper and guidelines in the proceedings of the Committee. While I fully realize that this is not the same as release by the Office of Education, at least it removes some of the mystery. We are most grateful, also, for the enlightened and strong leadership you are giving to the Special Subcommittee on Education.

Cordially,

RICHARD M. MILLARD,
*Director, Higher Education Services.*

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ASSOCIATION OF AMERICAN COLLEGES,
*Washington, D.C., April 30, 1973.*

Hon. JAMES G. O'HARA,
*Chairman, Special Subcommittee on Education, House of Representatives, Cannon House Office Building, Washington, D.C.*

DEAR CONGRESSMAN O'HARA: This association wishes to support the amendment to H. J. Res. 393 which would not direct previously appropriated FY '73 Basic Opportunity Grant funds to regular students enrolled at an institution of higher education prior to July 1, 1973, or students enrolled on less than a full-time basis.

We are confident the financial aid administrators at colleges and universities, as they build financial aid packages for the next school year, will use appropriated funds from current student aid programs, plus other financial aid resources, to help make it possible for entering freshmen with minimally-funded BOG's to receive the additional support necessary to attend the institution of their choice.

Sincerely,

FREDERIC W. NESS,
*President.*

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AMERICAN COUNCIL ON EDUCATION,
*Washington, D.C., April 26, 1973.*

Hon. JAMES G. O'HARA,
*Chairman, Special Subcommittee on Education, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: We understand that when Congress resumes, there will be a conference to resolve the differences between the Senate and House versions of H.J. Res.

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393. It may be helpful to know the position of the American Council on Education.

In a statement submitted to the House appropriations subcommittee and in formal testimony before the Senate appropriations subcommittee we strongly supported the President's request for $622 million for Basic Opportunity Grants. We did, however, point out how essential it is to continue support for the well established institutionally-administered programs of Supplementary Opportunity Grants, Work-Study, and National Direct Student Loans. We were gratified indeed that the Congress saw fit to fund these latter programs, and we also understand the reason for staying within the President's total request for student aid in the FY 1973 budget.

The result of these two decisions, however, does create a problem. Because of the new concept of entitlement, every student found eligible for a BOG must receive as a matter of right funds from the BOG appropriation. We believe that with only $122.1 million available for the program this fall these entitlement awards would be so small as to be relatively meaningless in helping students meet their educational expenses. For this reason we believe the so-called Pell amendment, which would make BOG's available only to first time, full time students in this first year of the program, to be a logical and desirable solution. Such a limitation would make possible the award of significant grants. It would also have the merit of getting this program into operation and enabling all concerned to discover the bugs that are almost certain to crop up when any major new program is launched.

We sincerely hope that the conference may see fit to adopt the Pell amendment.

Sincerely yours,

JOHN F. MORSE,
*Director.*

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THE ASSOCIATION OF AMERICAN UNIVERSITIES,
*Washington, D.C., April 26, 1973.*

Congressman JAMES G. O'HARA,
*Chairman, Special Subcommittee on Education, Cannon House Office Building, Washington, D.C.*

DEAR CONGRESSMAN O'HARA: The Association of American Universities (list of members attached) at a meeting on April 24 and 25, 1973, considered matters relating to Federal assistance to students.

The Association supports the principle of limiting eligibility for basic opportunity grants to first time students in fiscal year 1974 because the total amount available for this purpose will be so limited that grants can be made in meaningful amounts only if some reasonably equitable way of defining a relatively small group of eligible students.

We appreciate your continuing and effective interest in problems of higher education.

Sincerely yours,

CHARLES V. KIDD.

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NATIONAL ASSOCIATIONS OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES,
*Washington, D.C., April 27, 1973.*

HON. JAMES G. O'HARA
*Chairman, Special Subcommittee on Education, House Committee on Education and Labor, Cannon House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: I should like to express to the House conferees on H.J. Res. 393 my hope that they will accept the Senate amendment which limits the distribution of Basic Educational Opportunity Grants provided in the recent supplemental appropriation to first-year students in post-secondary education.

As you know, the higher education associations, including our own, strongly supported the position you and Chairman Perkins presented to the House Subcommittee on Labor-DHEW appropriations that the so-called "traditional" student assistance programs (Supplemental Educational Opportunity Grants, Work Study, Direct Student Loans) should be funded to at least the minimum level required by law before the BEOG's were funded. We believe that in this time of fiscal constraint, with the Congress wanting to stay within the total amount requested by the President, the Congress was wise in putting most of the funds in traditional programs, which are in place and can be immediately used to assure students of help next fall. But the BEOG program represents a new and challenging approach to student assistance. We believe it should be given the best opportunity possible to succeed and be of maximum assistance to students.

With an appropriation of $122.1 million dollars pro-rated among the whole population of students with legal entitlements, we believe this goal could not be achieved. A great number of very small grants would neither help many students very much nor test the number of students who would seek BEOG's if the grants were adequate. By limiting the awards to first-year students they may be made large enough to be of genuine assistance. If in the supplemental to be enacted soon, it were possible to fund the BEOG's to an estimated full-funding level *for first-year students* (which we certainly would support) it would be possible to have a genuine test of the potential impact of full funding for the entire student population.

We appreciate this chance to express the views of this Association to you and your colleagues.

Sincerely,

RALPH K. HUITT,
*Executive Director.*

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AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,
*Washington, D.C., April 26, 1973.*

HON. JAMES G. O'HARA,
*Chairman, Special Subcommittee on Education, Committee on Education and Labor, Washington, D.C.*

DEAR CONGRESSMAN O'HARA: On behalf of our member institutions and particularly the students whom they serve, may I take this opportunity to thank you for your efforts towards having the student aid programs funded earlier than had seemed to be the case. We believe that the ability to tell our students during the next several weeks what they may except in the way of financial aid will prevent many qualified and deserving students from dropping out of school, a problem we had feared.

I would also like to take this opportunity to express our support of the so called "Pell Amendment" passed by the Senate prior to recess which would permit the Office of Education to concentrate the 122.1 million dollars appropriated for basic equal opportunity grants on first time students only. We would have favored the appropriation even if the funds had to be spread across the entire eligible student population if only to have the program get under way and have the machinery established for the next year when a larger sum would be available.

However, we believe that concentrating the money, and thereby tripling the average grant, will allow the programs to have a meaningful impact on the financial means of a specifically identified group of students. We would urge the members of the House who will serve as conferees next week to favorably consider the Senate amendment in the final measure approved by the conference.

Sincerely,

ALLAN W. OSTAR.

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AMERICAN ASSOCIATION OF COMMUNITY AND JUNIOR COLLEGES,
*April 27, 1973.*

Representative JAMES O'HARA,
*Chairman, Special Subcommittee on Education, U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: We hope the conferees will act quickly after the Easter recess to adopt the resolution extending the life of the national commission on higher education finance, and on the Pell Amendment which would target the first year's funding of the Basic Education Opportunity Grants Program (BOGs) on the first-year students.

Our ranks strongly support BOG and the Pell Amendment. From the recent AACJC testimony before your Subcommittee, you will recall Dr. Gleazer's vigorous support of the BOG.

Senator Pell's Amendment has several clear advantages in getting the program off to a successful start. It would simplify the operation in its first year. It might ensure that the individual grants, modest though they may prove to be, will be large enough to be effective. It also provides a useful device for measuring the BOG demand, since the program would serve only the new students.

BOG would receive a fairer test in its first year if it could be funded more nearly at full-grant level for the new students. The cost has been estimated by USOE at $385 million, and since the Administration has been equally anxious to get the program off to a strong start, it is our earnest hope that the Congress will be able through supplemental appropriations, to fund the program and the new students at this figure.

Sincerely,

R. FRANK MENSEL,
*Vice President for Governmental Affairs.*

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ASSOCIATION OF COMMUNITY COLLEGE TRUSTEES,
*Washingon, D.C., April 26, 1973.*

Representative JAMES G. O'HARA,
*Rayburn Building,*
*Washington, D.C.*

DEAR CONGRESSMAN O'HARA: Speaking for the Association of Community College Trustees we are urging your support of House Joint Resolution 393 pertaining to the BOGs program.

Since the BOG program is funded at less than the full amount, it would appear that if the program was available to all students that the amount available for each student would be insignificant.

On the other hand if the program is limited to first time-full time students, the amount being afforded those students would substantially increase their chances for a successful beginning in college.

This kind of financial support is of critical importance to the student who attends college from the low income family.

On behalf of community colleges and technical institutes in the United States, we want to commend Congress on the passage of the Student Aid Bill. It is critical to the development of skills among young people. They are in great need of the acquisition of saleable skills in today's highly technological

*Executive Director.*

Sincerely yours,

WILLIAM H. MEARDY,
*Executive Director.*

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NATIONAL STUDENT LOBBY,
*Washington, D.C., April 27, 1973.*

Chairman JAMES G. O'HARA,
*Special Subcommittee on Education, U.S. House of Representatives, Washington, D.C.*

DEAR CHAIRMAN O'HARA: The National Student Lobby strongly supports the amendment to limit the Basic Educational Opportunity Grants program to freshmen for the academic year '73–'74. I have had the opportunity to talk with numerous student leaders around the country since the introduction of the amendment and their support is nearly unanimous. There is, however, great apprehension that this limitation may occur again next year. It is our position that BOGs must be funded adequately enough to avoid any such limitation in the next fiscal year.



The feeling of students on the "freshmen amendment" is positive for several reasons. The funding of the program, and the spirit of the student aid sections of the '72 amendments were compromised in the FY '73 supplemental appropriation. In order to provide a true picture of the potential of the BOG program it is necessary to impose some limitation on eligibility. It is highly appropriate that in a program aimed towards providing universal access to postsecondary education any limitation should apply to first year students. This will begin to gear high school students, financial aid officers, high school counselors and students currently in institutions of postsecondary education towards thinking of BOGs as a means of entry into the educational system.

Our reaction to the amendment was one of caution. We feared that such a limitation would create widespread hostility towards the program on the part of students as "favoring" freshmen. This does not seem to be the case. Students are appreciative of the increase in aid funds and the consensus is that the increase will be equitably distributed among all aid recipients regardless of class standing. There is no fear that freshmen will be discriminated against in the distribution of funds through the traditional programs.

The delay in funding has created serious problems in informing students of the BOG program for the fall. The Office of Education has compounded this problem by their refusal to inform students on a large scale of the development of the program. This problem will seriously jeopardize the success and acceptance of BOGs with students. It is imperative that immediately following Congressional action of the freshmen amendment, that the Office of Education undertake to inform students and institutions of the program on a broad scale.

To effectively inform students there must be a broad informational mailing which would reach all high school and college student newspapers, high school counselors, college student aid officers, and other community and student organizations. This mailing should include:

1) a sample application form for BOG. Although the final form may not have reached completion, a sample form will serve to make students aware of the information they will need, how the program will determine eligibility, and how problems such as independent students, student assets, etc., will be treated.

2) a "factsheet" giving background information on the program. This should explain the origins and purpose of the program and explain the reasons for the temporary limitation of eligibility to freshmen.

3) a status report. This report should indicate the projected timetable for application forms, what role the contractor will play in administering the program, what the appeals process will be, how they can stay in touch with the process during the summer months when many students may not have access to traditional counselors.

In conclusion, we recommend that Congress approve the Senate action to limit eligibility for the Basic Grants program to freshmen for the first year of the program. We also recommend that the Special Subcommittee on Education play an active role in encouraging the Office of Education to promptly and effectively inform students of the program as outlined above.

Sincerely,

SETH BRUNNER,
*Education Director.*

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THE CITY UNIVERSITY OF NEW YORK,
*Washington, D.C., April 23, 1973.*

Hon. JAMES G. O'HARA,
*U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.*

DEAR CONGRESSMAN O'HARA: You have been appointed to a conference committee considering H.J.R. 393, which the Senate amended by limiting BOG eligibility to incoming freshmen next year. I am writing in support of the Senate amendment.

Under the present law, all of our undergraduates would compete for a slice of the $122.1 million BOG appropriation. The average award would be only $58 under these circumstances. This scarcely justifies the expense of administering BOG, and would constitute a cruel hoax upon hundreds of thousands of applicants. In fact, the Office of Education has indicated repeatedly that it would not administer BOG on this basis.

By limiting BOG eligibility to incoming freshmen, the Senate amendment would permit more substantial awards to reach part of the college population and allow a promising new program to be launched.

It is time to face the consequences of a a very inadequate BOG appropriation by establishing the only administrative format under which BOG can operate under the circumstances. I urge you to join the Senate in limiting BOG eligibility to incoming freshmen next year.

Sincerely,

LAWRENCE N. GOLD,
*Assistant Director.*

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NATIONAL ASSOCIATION FOR EQUAL OPPORTUNITY IN HIGHER EDUCATION,
*Washington, D.C., April 30, 1973.*

Congressman JAMES G. O'HARA,
*Chairman, Special Subcommittee on Education, U.S. House of Representatives, Washington, D.C.*

DEAR MR. O'HARA: In response to the request from your committee's office, I am presenting reactions to the Pell Amendment to the House Joint Resolution 393 to amend the Education Amendments of 1972.

The President has signed into law the bill providing 872 million dollars for student assistance in the coming academic year. This law includes sums of 210.3 million for Supplemental Education Opportunity Grants, 270.2 million for College Work Study, 269.4 million for Direct Student Loans, and 122.1 million for Basic Educational Opportunity Grants.

The Pell Amendment proposes that if the Basic Educational Opportunity Grants appropriation for FY 1973 does not exceed $385,000,000, payments under such support from such appropriation shall not be paid on the basis of any entitlement for any student (1) who was in attendance, as a regular student at an institution of higher education prior to July 1, 1973, or (2) who is in attendance at such an institution on less than a full-time basis. This would limit this program to full-time freshmen students in Academic Year 1973–74.

Since the 122.1 million is the approved amount for the Basic Educational Opportunity Grants Program, it would be better to limit this money to the Freshmen Students.

The American Council on Education's 1972 Fall Freshman Enrollment indicates that there were approximately 1,557,521 First time, Full-time Freshmen in all institutions of Higher Education. Of this number, there were approximately 97,684 Black College Freshmen. This figure has not taken into consideration the universe of proprietary school students who will be eligible. Assuming that all students would be entitled to something, this figure alone would average out to about 78 dollars per student. This is the magnitude of the program for freshmen.

Based on attrition rates the Freshman year is the year with the largest enrollment. The student enrollment tends to decrease from year to year until graduation. If the program is limited to Freshmen there would still need to be large sums of other money to make this program adequate.

Under full funding a Basic Grant would be the basic amount for other student aid programs. Without this program at a fully funded level, the amount of other aid program support need increases in proportion to the deficit in the Basic Educational Opportunity Program.

With the tightening up of the economy with regards to loans, students will be hard pressed for aid outside of the traditional aid programs of Supplemental Educational Opportunity Grants, College Work Study, and Direct Student Loans.

Since the thrust of the student aid programs is to serve the needy, the Basic Educational Opportunity Grants Program would hopefully take care of students from low-income families. Without this thrust all need may end up being middle income and other rather than inclusive of the lower-income student.

In this type of student aid crises based on a shortage of funds, flexibility is more important than rigidity with regards to meeting the needs of the students. The crises is getting students in school, keeping them in school, and getting them out of schools as graduates.

Enclosed you will find an excerpt from testimony before the Senate's Appropriations Subcommittee on Labor-HEW indicating the problems that a 622 million level would have presented. With 122.1 million or approximately 500 million dollars less in the program, the problems are more compounded.

If we can be of further help to you in supplying additional information and/or testimony before the Special Subcommittee on Education, please feel free to call upon us.

Sincerely,

MILES M. FISHER IV,
*Executive Secretary.*

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ALMA COLLEGE,
*Alma, Mich., May 2, 1973.*

Representative JAMES G. O'HARA,
*House of Representatives, Cannon House Office Building, Washington, D.C.:*

The Michigan Students Financial Aid Association urges your support of the Senate amendment to House Resolution 393 which limits BOG eligibility to first time, full-time students.

JOHN KIMBALL,
*Chairman, Michigan Student Financial Aid Association.*

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BERKELEY, CALIF.,
*May 2, 1973.*

Congressman JAMES G. O'HARA,
*Capitol Hill, Washington, D.C.*

DEAR MR. CHAIRMAN: On behalf of the University of California I urge your support of House Joint Resolution 393 which will target BOG funds for academic year 1973–74 on entering freshmen. House Joint Resolution 393 will permit the BOG program to be run as a pilot program in its initial year of operation. Also, it will assist freshmen students who in California are unable to obtain loans as California banks are not making such loans this year.

Respectfully yours,

CHARLES J. HITCH,
*President, University of California.*

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TUCSON, ARIZ.,
*May 2, 1973.*

Hon. JIM O'HARA,
*Chairman, Special Subcommittee on Education, House of Representatives, Washington, D.C.:*

Urge you to support House Joint Resolution 393. These funds are most necessary for University of Arizona students for the coming year and will provide the only available route to higher education for many.

JOHN P. SCHAEFER,
*President, University of Arizona, Tucson.*

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CINCINNATI, OHIO,
*May 2, 1973.*

Representative JAMES O'HARA,
*Capitol Hill, Washington, D.C.:*

Edgecliff College is in support of your proposal to limit basic opportunity grant funds for the academic year 1973–1974 to incoming full time freshmen only.

Sister MARCIA KENNING,
*Director Student Financial Aid, Edgecliff College.*

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I am one of those who thought it was not desirable, as the administration had proposed, to rely almost entirely on the BOG program this year and to reduce the ongoing programs for direct loan, work study, and EOG's. Therefore our appropriation committee came up with the same level of appropriations for the ongoing programs but also with $122 million to try out BOG.

I do recognize the desirability of limiting the number of students who would be involved in the trial run. That would reduce the probability of a snafu. However, it really concerns me that financial aid officers, being hard-pressed for funds, may likely say, "Since these freshmen are going to have access to some BOG's, perhaps in August or some other time, through the computer, then we will just automatically reduce the amount we will give them under the other programs. This would leave them in a state of great uncertainty and be very discouraging. For freshman especially, this would be bad and in many cases would cause them to give up or make alternate and less desirable plans."

I believe it ought to be made absolutely crystal clear that these financial officers should not leave freshmen in this kind of a situation.

I believe something ought to be done to make sure on a continuing basis that the financial aid officers do not just assume that freshman will receive BOG money in any particular amount.

Mr. O'HARA. I want to assure the gentleman from Iowa that the managers on the part of the House share his concern. We say in the joint statement of the conferees our understanding and intention that this resolution shall not be interpreted as denying the benefits of any other title IV assistance program to any otherwise eligible student, and that such students shall be eligible for such benefits to the full extent that the funds appropriated by the Congress shall permit.

We brought this matter up with the National Association of Student Financial Aid Administrators, and we received assurance from them, in a letter dated April 18, that in the discharge of their duties they will continue to "focus on the most needy students regardless of the year in school," and that freshmen students will receive full consideration. I ask that the full text of the letter from Mr. Richard Tombaugh, for the association, be printed at this point in the proceedings.

NATIONAL ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS,
*Washington, D.C., April 18, 1973.*

Hon. JAMES G. O'HARA,
*Chairman, Special Subcommittee on Education, Cannon House Office Building, Washington, D.C.*

DEAR MR. O'HARA: The National Association of Student Financial Aid Administrators would like to endorse the limitation of the $122.1 million appropriation for the Basic Educational Opportunity Grant to first year students, as proposed by the Senate in H.J. Res. 393, as amended.

We feel that this limitation will add appreciably to the success of the program, by making otherwise very small individual grants sufficiently large to be of real value.

We would like to assure the House of Representatives that the distribution of the college-based programs will continue to focus upon the most needy students, regardless of year in school. Financial aid administrators, no longer compelled to provide Supplemental Opportunity Grants to continuing students before aiding first year students, will be able to evaluate each case on its own merits. They may award Supplemental Grants to first year students with exceptional need, who do not qualify for Basic Grants, or to those who require additional aid to attend the institution of their choice. Likewise, we would not anticipate any preference being given to continuing students for NDSL and CW–SP funds because of the first year limitation on Basic Grants. First year students have historically received a proportional share of NDSL and CW–SP, and we see no reason that this would change.

We urge the House to concur with this Senate proposal to enhance the impact of the Basic Grant program.

Sincerely,

RICHARD L. TOMBAUGH,
*Executive Secretary.*

That is certainly the intention of the amendment and of the conferees, and I am glad the gentleman from Iowa brought the matter up.

Mr. SMITH of Iowa. And I understand the letter also states:

We would not anticipate any preference being given to continuing students for NDSL and CWS funds because of the first year limitation for basic grants. First year limitations for basic grants. First year students have historically received a proportional share of NDSL and CW–SP, we see no reason that this would change.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I cannot think of any substantive reasons for opposing either of the two major provisions of this resolution. I strongly recommend approval of the Senate amendment.

The extension of the reporting date for the National Commission on the Financing of Postsecondary Education was approved by a vote of 332 to 29 in the House last March 5. The need for this change was fully anticipated a year ago when the President signed into law the Education Amendments of 1972. Because that bill was delayed for so many months, the original reporting date adopted in committee gave less and less time for the National Commission to carry out its responsibilities. Only because the new rules of conference prevented the conferees from extending the reporting time was it necessary to seek separate legislation. Thus, House Joint Resolution 393.

As you will recall, just before the Easter recess we passed an urgent supplemental appropriations bill which included funds for student assistance programs. The President has signed that bill. Many of us were very disappointed that the new basic opportunity grant program received only $122.1 million for next fall. The President had asked for $622 million. And even his request would not have given students their full entitlement.

As the law now stands, that $122.1 million would have to be spread out over approximately 1.5 million students. Grants would range from $50 to $210 with an average award of $80. Now $122.1 million is a lot of money. It should be used wisely. But to most students, $80 is not going to help them significantly one way or the other. The program would not be fulfilling congressional intent.

To rectify this situation, many of our colleagues and people in the higher education community have suggested a pilot program for the first year. The question was, how to limit the program in the first year in a fair way and still make the program work. Almost everyone familiar with this program has agreed that limiting the money next fall to first-year, full-time students is the best approach.

If we adopt the Senate amendment, then all first-time, full-time students will be eligible. Grants will range from $50 to $600, with an average award of approximately $240. This is because the number of students eligible will be reduced to approximately 500,000.

Let me answer some of the questions that people have raised about this limitation. First, will this change delay the implementation of the program? The answer is "No." HEW has additional regulations drafted to implement the BOG program. One draft incorporates the limitation to freshmen for next fall. They will be published next week, as soon as this limitation becomes law.

What will this change do to the application procedures? HEW has approved application forms at the printers. One would apply to all students in postsecondary education. The other would clearly explain that only first-time students are eligible to apply. As soon as we act today, the printer can begin and the forms can soon be distributed. We hope that information about the BOG's can get to the high schools immediately, as the majority of eligibles are now high school seniors.

Some have questioned whether limiting BOG's to freshmen will effect the distribution of other Federal student aid money. We have assurance from HEW that freshmen will in no way be discriminated against in the rules and guidelines applied to the other programs. And the National Association of Student Financial Aid Administrators has assured us that their members will not give freshmen a lower priority in the awarding of supplemental education opportunity grants, work-study, or direct loans. Obviously, even with the limitation, freshmen are going to need additional help in order to enroll since under no condition will the BOG cover more than half of the student's total need.

So, Mr. Speaker, we have here a chance to insure the wise use of $122.1 million which has already been appropriated; the opportunity to launch in a meaningful way one of the best new programs for students the Congress has adopted; and to approve the final action necessary to give all of our colleges, students, and parents the information they need to plan for the school year next fall.

Mr. O'HARA. I thank the gentleman.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman for yielding, and I would join very strongly with our colleague, the gentleman from Michigan (Mr. O'HARA), the chairman of the subcommittee, in recommending that the House act favorably today on this proposed amendment.

We should not forget in talking about the amendment that the basic bill to which it is an amendment is something that was passed by this House on March 5 by an overwhelming vote, a vote of something like 332 to 29. It was the basic measure to extend the life of the National Commission on the Financing of Postsecondary Education.

Mr. Speaker, the amendment pertaining to the basic opportunity grant program is strongly supported in the other body. It is, in my opinion, a desirable amendment which will help to assure the success of the program.

I would add one further word on this particular program. The mechanics which are proceeding at the present time to put the basic opportunity grants into operation look very favorable, and are right on schedule. Early action today by this House on this program will strongly support and give additional benefits to what is a highly desirable program.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I will yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, the distinguished chairman of the subcommittee has adequately explained the conference report. This is a good amendment. It is not only reasonable—it is necessary.

The amendment will not involve any additional costs to the Federal Government. To the contrary, it will insure rational and effective utilization of precious Federal student aid funds.

Only $122,100,000 has been appropriated for the operation of the new and important basic grant program next year. This is an entitlement program and as such the $122 million would have to be spread among an estimated 1.5 million students. As the law now stands, grants would amount to approximately $80 each. It would cost approximately $10 to make each grant. The ratio of administrative costs is obviously highly inefficient.

Under the amendment, basic grants will be concentrated on first year students who are attending on a full-time basis. Instead of an average grant of $80—there will be an estimated average grant of $250. The amendment will significantly increase the impact of the BOG's program.

As my colleagues know, there has been great uncertainty and confusion with respect to student aid monies for the next academic year. With adoption of the amendment today this period of uncertainty will be over. The Office of Education is prepared to move rapidly with application forms.

In light of the small amount available for basic grants next year it just makes good sense that we limit eligibility. I wish to make clear: First, that the amendment applies only to fiscal year 1973 appropriations; and, second, that there is no intention that the amendment affect eligibility for participation in any other student aid program. First year students will not be restricted to the basic program. They will be eligible for the other three traditional institutionally based programs of supplemental grants, college work-study and direct loans as well.

Mr. Speaker, I urge the House to concur in the Senate amendment.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I fully endorse the recommendations of the House conferees. During the recent consideration of the appropriation bill affecting the student assistance program, I asked several questions as to whether or not the existing law, the BOG program, could be implemented effectively. The answer was: Probably not.

Mr. Speaker, this legislation is necessary to make it clear that the $122 million can be used for pilot programing to prove the BOG program is a constructive step forward. I compliment the conferees.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of the motion to agree to the Senate amendment to House Joint Resolution 393.

Just 2 weeks ago, the Congress took a major step in providing a rational plan of Federal aid to college students. As part of the urgent supplemental appropriations bill, the Congress adopted an amendment I proposed in the Labor-HEW Appropriations Subcommittee. This amendment provides funding for three proven student assistance programs and provides $122.1 million for the new basic opportunity grant program.

While the administration had proposed that major reliance should be placed on the new basic opportunity grants, it became readily apparent that there were significant questions about the wisdom of this course of action. On the other hand, we, on the subcommittee, felt that the BOG's should be given a chance. They need that chance so that we can see how well they will work.

Because funds that can be provided for student assistance are limited, we were only able to provide enough for the BOG's to operate at a very low level. It has been estimated that, with the $122.2 million appropriation, the average grant under BOG's would be $80, and the ceiling would be about $200. Further, the administrative costs would be dispropcrtionately high.

Recently, the Senate added an amendment to House Joint Resolution 393. That amendment provides that, for the next academic year only, BOG's will be limited to full-time, first-year students. It has been estimated that this would have the result of raising the average grant to 250 dollars and would raise the ceiling to $600. The administrative costs would also fall to a more reasonable level.

I think the amendment makes a great deal of sense. It would establish a more realistic laboratory in which to evaluate the BOG's. It would give us a chance to see and correct the mistakes we may have made, and the pitfalls we may not have seen, in designing the program. It will set the groundwork for phasing the BOG's into the Federal student assistance framework, starting with those students who will continue with the BOG program, should the program prove its worth.

This course also has the advantage of widespread support in the financial aid community.

I urge my colleagues to join me in supporting the motion to agree to the Senate amendment. This will be the final step in clearing up the questions about financial assistance for the next school year. It is a wise way of using our limited resources.

Mr. O'HARA. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. O'HARA)

The motion was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. O'HARA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks during the consideration of the motion with respect to the Senate amendment to House Journal Resolution 393.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## AMENDING IMMIGRATION AND NATIONALITY ACT

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I



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call up House Resolution 352 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 352

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 982) to amend the Immigration and Nationality Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 352 provides for consideration of the bill, H.R. 982, which, as reported by our Committee on the Judiciary, would make it unlawful to knowingly employ aliens who have not been lawfully admitted for permanent residence, or who are not otherwise authorized by the Attorney General to work while in the United States.

The proposed legislation is designed to cope with the growing problem of job competition created by illegal aliens in the United States. These aliens fall generally into two categories: First, those who entered this country illegally, and second, those who entered legally as nonimmigrants and thereafter violated their status by accepting unauthorized employment.

U.S. citizens who suffer from job competition posed by these illegally employed aliens are the unskilled or low-skilled workers—the occupationally disadvantaged to whom our manpower programs are directed.

The magnitude of the problem is evidenced by the number of illegal aliens in the United States, estimated to be between 1 and 2 million persons.

H.R. 982 would establish a 3-step procedure for the imposition of sanctions against employers who hire illegal aliens. The civil penalty that is assessed increases in severity as the employer repeats the violation.

First, a citation is served on the offending employer or his agent informing him of an apparent violation of the legislation;

Second, upon the occurrence of a subsequent violation within 2 years of the first, the Attorney General would be empowered to assess a civil penalty of not more than $500 for each alien employed in violation of the provisions of this legislation; and

Third, if the employer violates the law again, he would then be subject to a $1,000 fine and/or a 1-year prison term for each alien hired.

The proposed legislation also contains provisions relating to the forfeiture of vessels, vehicles, and aircraft which are used to smuggle aliens into the United States. This may be a too harsh provision and as I understand it an amendment to delete it will be offered.

The cost to carry out the provisions of H.R. 982 is estimated at $298,400 for each fiscal year following its enactment.

Mr. Speaker, House Resolution 352 provides for an open rule with 1 hour of general debate, the time to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, after which the bill would be read for amendment under the 5-minute rule. It would then be in order to consider the amendment in the nature of a substitute recommended by the committee and now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule.

At the conclusion of the consideration of the bill for amendment, the Committee of the Whole House would rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill for the committee amendment in the nature of a substitute.

The previous question would then be considered as ordered on the bill and amendments thereto to final passage, without any intervening motion except one motion to recommit, with or without instructions.

Mr. Speaker, I urge the adoption of House Resolution 352 in order that H.R. 982 may be considered.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the remarks just made by the gentleman from Hawaii (Mr. MATSUNAGA) concerning the provisions of this resolution. I hasten to point out that the bill that this resolution makes in order, H.R. 982, is the wrong way to attack the problem.

I might say, Mr. Speaker, that back in 1963—in fact, on October 31—this House voted to extend the then existing bracero labor program for only one year and then terminate that program. The bracero program had been very effective in keeping back the wetbacks and provided adequate help in a very systematic way with the cooperation of the Government of Mexico and the Government of the United States. During the 1963 debate on the bracero program I quoted from a letter written by the Ambassador of Mexico, printed at page 19657 of the CONGRESSIONAL RECORD for October 31, 1963. The following quotation is an accurate prediction of the present situation:

**Therefore, the absence of an agreement would not end the problem but rather would give rise to a de facto situation; the illegal introduction of Mexican workers into the United States, which would be extremely prejudicial to the illegal workers and, as experience has shown, would also unfavorably affect American workers, which is precisely what the legislators of the United States are trying to prevent.**

When we on that day voted in this House to only extend that program for 1 year, there were many of us in the House that pointed out how successful the program had been and what would result in the way of illegal aliens entering this country if we did not extend the program for 2 years' time and then re-extend it.

I might say, Mr. Speaker, that since that time we have had nothing but wetback trouble, and I say that this bill is an after-the-fact attempt to solve the problem.

Actually this bill if it is enacted into law is not going to solve the problem of illegal entry of these immigrants. No; we are going to let them continue to come in. We are going to have no understanding with the Government of Mexico; we are going to put the monkey on the back of the employer. I think what has been happening since this Congress let the bracero program die in 1963 is absolutely wrong.

Under the bracero program we did not have the families of the Mexican people coming in here. We only had male laborers. They went back to Mexico at the end of the harvest season, and they came back the next year under contract. At that time we only were dealing with about 200,000 employees. We did not have the problem that we have today.

What is the problem that we have today? Today we have, according to the report of the Committee on the Judiciary, between 1 and 2 million illegal aliens in this country. On page 5 of this report prepared by the committee we see what the trend is. In 1965 the U.S. Government apprehended 110,371 illegal entrants and expelled 105,406. The numbers continued to increase, so that in 1972, 505,949 aliens were apprehended; 467,193 were expelled.

How much is this costing the Federal Government? It is costing, according to the committee report, $35 million just to deport illegal aliens in fiscal year 1970.

It seems to me that the Committee on the Judiciary should not be reporting this bill out, and the House should not be considering it today, but the House Committee on Agriculture should bring forth a bill that would reinstate the bracero program. We could have an agreement with the Government of Mexico, and we could have an orderly process once more where we could import the help that we need, and when the help was no longer needed, they would return to Mexico.

Mr. Speaker, I invite the attention of the membership to the statements that were made back in 1963 as to what would happen if that bracero program were not extended. Those individuals who spoke on the floor of the House pointed out exactly what was going to happen, and it has happened. It seems to me that we ought to go back there in 1963 and correct the mistakes that we made, and not be permitting these illegal entrants to come into the country by the hundreds of thousands, as they have been doing, and staying here and costing the taxpayers millions of dollars just to seek them out and return them.



In addition to that, this legislation puts the burden on the employer. I do not think this is proper, Mr. Speaker. As a consequence, I am going to oppose the legislation. I am not going to oppose the resolution, but in debate I hope that this House in its wisdom will send this legislation back to the committee, and the Committee on Agriculture will come out with a bill to reinstate the bracero program.

I understand several bills have been introduced in this session of Congress to do exactly that. That is the proper approach to this problem, Mr. Speaker, and not this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. EILBERG. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 982) to amend the Immigration and Nationality Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 982, with Mr. Moss in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Under the rule, the gentleman from Pennsylvania (Mr. EILBERG) will be recognized for 30 minutes and the gentleman from Ohio (Mr. KEATING) will be recognized for 30 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, the bill, H.R. 982, which the committee brings to the floor today, is the direct product of a year-long investigation by the Immigration and Nationality Subcommittee into the illegal alien problem. In any discussion of this problem it must be recognized that the term "illegal alien" includes not only the alien who surreptitiously enters this country but also any alien who enters legally as a nonimmigrant—visitor, student, and so forth—and thereafter violates the terms of his admission.

The committee has been especially disturbed by the taking of employment by such individuals—a situation which has resulted in the substantial displacement of American labor. Our committee has long been concerned with this problem and in recent years it has been intensified to such an extent that present estimates indicate that there are approximately 1 to 2 million illegal aliens in this country.

In the 92d Congress the administration included provisions in its omnibus immigration bill which would initially impose criminal penalties on those who knowingly employ illegal aliens. When administration witnesses appeared before the Judiciary Committee in support of this legislation, it was indicated that the illegal alien problem had reached serious proportions and that legislation was urgently needed. As a result Subcommittee No. 1 of the Committee on the Judiciary immediately commenced a detailed investigation in an effort to determine the magnitude and scope of the problem and to determine the impact of illegal aliens on the American economy.

The subcommittee members traveled to six major cities throughout the United States—Los Angeles, Calif.; Denver, Colo.; El Paso, Tex.; Detroit, Mich.; Chicago, Ill.; and New York City. During these hearings we heard from approximately 200 witnesses who were affected by or were intimately familiar with this problem.

As a result of these hearings the subcommittee concluded that the adverse impact of illegal aliens on the domestics labor market, Federal and State public assistance programs, and the United States balance of payments has been substantial and warrants legislation to meet the problem as well as to assure the orderly entry of immigrants into the United States.

In addition, the subcommittee learned that the illegal alien himself is often viciously exploited by unscrupulous employers. For example, some witnesses indicated that such employers will threaten to expose an alien to immigration officials if he should complain about substandard wages and working conditions or the denial of fringe benefits. Others, including the United Farm Workers, have stressed that "it is a common practice for employers to hire illegal aliens and right before pay day make a convenient call to the Immigration authorities who thereafter pick up the illegals and absolve the employer from any duty to pay earned wages to that date."

In other words, with no law specifically prohibiting the employment of illegal aliens employers will continue to hire such individuals since by virtue of their illegal status, they must work harder, longer and often for less pay. In addition to the intolerable situation in which the illegal alien finds himself, his employment also compromises labor conditions, depresses wage rates and deprives Americans of jobs. Whatever sympathy one might have for the underprivileged aliens in their desire to improve their economic position, this Government can not condone their employment when it adversely affects American citizens and other persons who are lawfully in the United States.

It is evident that the primary reason for the illegal alien problem is the economic imbalance between the United States and the countries from which the illegal aliens come, particularly Mexico, coupled with the availability of employment in the United States. It is, therefore, apparent that this is truly an international problem and it is conceded that this legislation will not provide a panacea nor solve the underlying reasons for this problem, namely the "pull" factors encouraging aliens to come to the United States and the "push" factors—the economic conditions in the alien's native country.

On the other hand, the committee has concluded that the best method to attack this problem on the domestic level is to eliminate the availability of employment by imposing sanctions on the employer who knowingly hires illegal aliens. In other words, H.R. 982 is designed to remove the economic incentive which causes aliens to illegally enter this country and to remove the incentive for employers to exploit this source of labor.

In considering this legislation the committee was originally concerned with the criticism that the initial imposition of criminal penalties—as proposed by the administration—would be too severe and would result in employment discrimination against members of ethnic and minority groups. For example, the argument was raised that since employers would be exposed to criminal penalties for a first violation they would be reluctant to hire any individual with a Spanish surname or a foreign accent. For this reason, the subcommittee abandoned that approach and instead substituted a three-step procedure for the imposition of sanctions, including citations by the Attorney General, civil fines and criminal penalties. Moreover, the committee has devised two provisos, contained in section 2 of the bill, which are designed to insure conscientious employers that they they will not be prosecuted under this legislation. The first proviso states that any employer who makes a bona fide effort to ascertain whether the prospective employee is a citizen, a permanent resident alien or is otherwise authorized to work shall not be subject to civil or criminal liability. This provides the employer with a great degree of flexibility in meeting the bona fide inquiry provision and will allow him to make such an inquiry in any manner he so chooses. The second proviso stipulates that if an employer obtains from the employee a signed statement in writing that such employee is a citizen, a permanent resident alien or an alien authorized to work, this shall be deemed prima facie evidence that the employer has made a bona fide inquiry. In order to assist employers, agents of employers and employment agencies in obtaining such statements, the Attorney General is required to prepare and furnish special forms to such individuals.

In addition, the committee has recently been advised that the Department of the Treasury is in the process of considering an amendment to the W-4 form—employee's withholding allowance certificate—include a question on the citizenship or alien status of each employee. If this change is adopted, it will substantially aid employers in making bona fide inquiries without the necessity of additional recordkeeping on their part.

In summary, there are two primary goals which this legislation seeks to accomplish. First, the bill will eliminate the intolerable situation under current law which enables employers to hire and



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exploit illegal aliens without fear of penalties and without regard for those American workers who are displaced or are already unemployed.

It should be emphasized that this legislation is not intended as a punitive measure and it is not our desire to make criminals of employers. The committee believes that by and large most employers are law-abiding individuals and that when it becomes known that it is a violation of Federal law to knowingly employ illegal aliens, most employers will immediately discontinue this practice. Furthermore, the Committee is of the opinion that administrative fines will provide an additional deterrent and that criminal penalties should be imposed only upon those unscrupulous employers who habitually hire illegal aliens.

It should also be mentioned that we have avoided imposing any additional criminal penalties on the alien who enters illegally and obtains employment or on the nonimmigrant who accepts unauthorized employment. The committee felt that additional penalties would serve no useful purpose since past experience has clearly demonstrated that such penalties have not effectively deterred those unfortunate individuals who illegally enter the United States for the sole purpose of providing necessities for themselves and their families. Furthermore, since the courts are already seriously backlogged with serious criminal cases, the U.S. attorneys' offices are reluctant to prosecute cases of illegal entry and even when prosecutions are instituted, convictions are infrequent.

Another provision of this bill, section 1, would allow qualified and admissible natives of the Western Hemisphere to adjust their status from a nonimmigrant to an immigrant without leaving the United States to obtain an immigration visa. This relief is presently available to natives of the Eastern Hemisphere and the committee believes that it should also be made available to Western Hemisphere natives. This section would, however, deny adjustment of status to aliens—other than immediate relatives—who have accepted unauthorized employment.

In summary, this bill is the result of long hours of serious study and deliberation and in preparing this legislation careful consideration has been given to the budgetary problems confronting the Immigration and Naturalization Service as well as the practical limitations on our overburdened judicial system.

I, therefore, urge my colleagues to support this necessary legislation.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the distinguished chairman of the committee.

Mr. RODINO. I note that section 2 of the committee amendment to H.R. 982 contains language which was not contained in H.R. 16188 which passed the House last year. I am referring to the phrase that it shall be unlawful "knowingly" to "continue to employ" illegal aliens. I would like to know the reason for the inclusion of this additional language.

Mr. EILBERG. There was some discussion in the subcommittee this year as to whether the phrase "to employ" means to hire in the future or whether it means to continue to engage one's services. Therefore, in order to clarify a possible ambiguity regarding this language, the subcommittee adopted language which would specifically indicate that it is unlawful for an employer to "knowingly" continue to employ an illegal alien beyond the 90-day delayed effective date prescribed in this act. In other words, if an employer has actual knowledge that one of his present employees is an illegal alien, he is exposing himself to civil and criminal penalties.

Mr. RODINO. Does this additional language—continue to employ—impose any affirmative obligation on the employer to check or screen those individuals presently on his payroll in an effort to determine whether or not they are illegal aliens?

Mr. EILBERG. No; I wish to emphasize that this bill containing the additional language to which you have referred as well as the bill which passed the House last year would impose no direct obligations or legal requirements upon an employer to identify or locate illegal aliens who may be on his payroll. The only time that an employer is subject to civil and criminal penalties is when he has actual knowledge that such employee is an alien who is illegally in the United States.

The chairman is correct in his position that no burden is placed upon the employer to screen his current or future employees. Nevertheless, a prudent employer would be well-advised to be prepared to show his good faith in the event any complaint is made concerning any of his continuing employees who are illegal aliens.

Mr. RODINO. Is it not true that in order for penalties to attach for continuing to employ and referring for employment illegal aliens, an employer must engage in each of these activities with "actual knowledge" that the alien is illegally in the United States and is not authorized to work?

Mr. EILBERG. Yes, the distinguished Chairman is absolutely correct and it is intended that the word "knowingly" modifies each of the verbs which follows it, namely "to employ, to continue to employ, and to refer for employment". In other words, in order to be subject to the penalties of this bill, the employer, agent or referrer must engage in each of these activities with actual knowledge of the alien's illegal status.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. I thank the gentleman for yielding.

I am concerned about the provisos that were added at the end of section (b)(1) on page 10:

*Provided*, That an employer, . . . shall not be deemed to have violated this subsection if he has made a bona fide inquiry. . . .

"Provided further, That" obtaining this signed form shall be considered a bona fide inquiry.

My question for the gentleman is this: The statute says, "knowingly to employ, continue to employ," et cetera.

Now, if the employer knows that an employee is an illegal alien and he nevertheless has that employee sign one of these forms, does that relieve him, the employer, from his responsibility?

Mr. EILBERG. It absolutely does not. That would simply provide prima facie evidence of good faith. That prima facie evidence could be overcome as the result of an investigation by the Immigration Service. We would anticipate that if there were any kind of a group shelter involved in the situation, the prima facie evidence could be overcome.

Mr. O'HARA. With or without the proviso, the question is whether he knowingly employed?

Mr. EILBERG. That is exactly the point.

Mr. O'HARA. Mr. Chairman, I thank the gentleman very much. I am greatly relieved by the gentleman's answers.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I have listened to the gentleman very intently as he was talking about this situation, and he argues about the illegal aliens taking jobs away from others.

What happens in areas where nobody is available to do work and where work must be done, where a man cannot hire anybody to do any work? Does the gentleman mean to say that in those instances they are taking jobs away from somebody? Mr. Chairman, this happens to be the situation down in my part of the country many times.

Mr. EILBERG. Mr. Chairman, there are many employers unfortunately around the country who are employing individuals at substandard wages and under substandard working conditions. It is our belief that if prevailing wages were paid, there would be far less difficulty in getting those jobs filled.

No. 2, there is a provision in the law, H. 2, whereby people may legally come to this country from Mexico or from any other country to do a temporary job. In fact, the subcommittee is studying the possibility of their coming to be engaged in a permanent type of work.

The point is that so many people who are U.S. citizens or permanent citizen aliens or aliens who have a right to be here and work here are, in fact, being discriminated against. Although my heart is very sympathetic to those unfortunate people south of the border who find it economically necessary to cross the border to find work, I think charity begins at home, and I am very much more concerned about discrimination being shown toward our own minorities and our own alien disadvantaged groups in this country.

Mr. KAZEN. Mr. Chairman, I will ask another question if the gentleman will yield further.

Mr. EILBERG. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I thoroughly agree with the gentleman, but all one has to do is go down in my own district and see the situation where people are willing to pay minimum wages if they could just get the help, but the help is just not available.



Mr. Chairman, may I ask the gentleman, could we in any way set up some kind of an employment agency or recruiting agency to help these people? As one man recently told me:

It is un-Christian to turn a man away who wants to work when I have work to give him and can't find anybody else and this man is hungry and I am in a position to feed him and hire him.

Does the gentleman have any conception of the full scope of the problem?

Mr. EILBERG. Mr. Chairman, these arguments have been made by some in the subcommittee hearings, and we have found in many cases that organized labor has supported the very proposition we are legislating today. We have letters here from many leaders of minority groups, including the one before me, Clarence Mitchell of the NAACP, demanding this very legislation.

They are also proposing acting on legislation affecting the preference system for the Western Hemisphere and under the direction of the chairman of the full committee, for all practical purposes that is in effect. Now, those persons who come into categories of group shelter will stay. Also people who are in a hardship situation, the heads of families who come over, who marry American citizens, they are not excluding that group. In this way we are keeping families united.

We recognize the hardship situation, but we simply must do something about all or many of the jobs that have been displaced and people who are coming over improperly and who are virtually in involuntary servitude.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, H.R. 982 is an almost identical bill to that which passed the House in the 92d Congress, only slight changes of a "cosmetic" nature have been made by the Committee on the Judiciary. I support this bill as a carefully drawn and reasoned measure directed at a most complex and troublesome problem—the presence in our country of 1 to 2 million aliens who are illegally employed. The objective of H.R. 982 is to dry up job opportunities for illegal aliens by imposing sanctions upon employers who knowingly employ illegals. However, the bill has been carefully drafted to protect the employers who make a sincere effort to ascertain whether job applicants are eligible under our immigration laws. It is a reasoned and moderate measure because it provides for a three-step enforcement procedure beginning with what amounts to a warning to the employer for the first, perhaps inadvertent offense, yet subjects the unscrupulous repeater to severe penalties.

The problem of illegally employed aliens is a complex one, and a serious one. It has severe consequences for the U.S. economy: First, raising our unemployment rolls as illegal aliens take jobs which should be filled by U.S. citizens and permanent resident aliens; second, contributing to our dollar drain as the illegally employed aliens send money out of the United States; and third, adding to the cost of our public welfare and health services as the illegal aliens sometimes are found on relief rolls. The cause of the illegal alien problem is that the United States of America is still the promised land. Other countries—Mexico in particular—are comparatively poor. The lure of America, and of American jobs, in this situation is strong, and it will remain strong for aliens everywhere in the world after we have adopted this bill. However, hopefully the sanctions provided in this bill will preserve available job openings for U.S. citizens and eligible aliens, thereby discouraging the illegal alien from entering this country illegally. For the illegal aliens the consequences are, all too often, exploitation by unscrupulous employers who underpay, deny benefits, overwork and abuse the defenseless aliens.

Currently the law provides that an alien who enters the United States at a time or place other than designated by the Immigration Service, or who eludes examination or inspection, or obtains entry by a willful, false or misleading statement or concealment of a material fact, shall be guilty of a misdemeanor and subject to up to 6 months imprisonment and $500 fine for the first offense.

Our committee found that this provision of law is rarely invoked. Because of the humanitarian factors involved and the large number of aliens against whom the law could be applied, the law enforcement officers and courts have generally refused to prosecute, in lieu thereof, when aliens are apprehended they customarily are granted voluntary departure by the Immigration Service.

In order to discourage jobseeking in the United States by illegal aliens we are, in H.R. 982, for the first time, applying sanctions—first civil and then criminal—to the American employers of these aliens not eligible to work. This applies not only to the big corporate employers, but also to housewives who hire a cook or maid, to large and small retail establishments, and to farmers and ranchers.

However, the bill provides that employers who make a bona fide effort to determine if the prospective employees are entitled to work in the United States shall not be subject to civil or criminal liability. For those who do violate the law, the first offense will bring a warning in the form of a citation. A second offense for the employer who with full knowledge employs illegal aliens will bring a civil fine. For the unscrupulous employer who repeatedly flouts the law, the penalties can be severe—a fine of $1,000 or 1 year imprisonment, or both, for each alien illegally employed.

Provision is also made in H.R. 982 for the forfeiture of vehicles used in smuggling and transporting illegal aliens. These forfeiture sections are felt to be essential to the objectives of the bill. Many illegal aliens reach this country in modified personal cars and trucks which have been altered to provide hidden compartments for the concealment of aliens. The forfeiture of such vehicles will constitute an additional economic penalty for the smuggler and transporter of illegals. The present law provides for penalties up to $2,000 in fines or imprisonment up to 5 years for each alien, for bringing in, transporting, concealing, or harboring illegal aliens. So with the enactment of this law, the consequences for the employer who knowingly and willfully exploits the illegal alien can be very severe.

There is another group of aliens who have contributed to the unemployment problem by taking jobs from U.S. citizens. These are the nonimmigrants, the visitors and students who are admitted legally but then take unauthorized employment. The committee in extensive hearings heard no knowledgeable testimony as to the number of "legal aliens" who illegally take employment, but the number is not small.

The nonimmigrant visitor or student who does take an unauthorized job violates his status, and when discovered, is subject to deportation. However, H.R. 982 adds another sanction. The privilege of adjusting status, from nonimmigrant to immigrant, while in the United States—provided a visa is available and the alien is otherwise qualified—is denied the nonimmigrant who has violated his status by taking employment.

Mr. Chairman, some persons have attacked this bill as discriminating, alleging that fear of the penalties provided will cause employers to avoid employment of all aliens and persons foreign in appearance and speech. This objection simply reflects a failure to understand the terms and procedures under H.R. 982. Only a "knowing" employment of an illegal can subject the employer to sanctions, and the employer need only show he has made a bona fide inquiry. He can establish that he has made proper inquiry by obtaining from the job applicant a signed statement as to eligibility for employment. The committee included in the bill requirements that the Attorney General provide suitable forms for this purpose. It follows that with such simple procedures employers will have no reason whatsoever to refuse to employ applicants with easily ascertainable eligibility.

Perhaps the best answer I have heard to the cries of "bias" and "discrimination" came from Howard Samuel, vice president of the Amalgamated Clothing Workers of America, testifying before the Immigration and Nationality Subcommittee. I asked Mr. Samuel:

What about the concern of people like Ceasar Chavez and his union who just before we passed the illegal alien bill out of the Judiciary Committee came out in opposition to the bill for fear that there might be discrimination for legitimate Mexican-Americans who are seeking jobs and the employer, who says, "We are not going to hire you because you may be an illegal alien." Is there any way we can overcome such discrimination and are there any other positions that you are aware of that Mr. Chavez may have that may be real objections to this legislation?

Mr. Samuel answered:

I have just had the letter read to me of Mr. Chavez. I gather from his point of view the bill is not strong enough. Not that it is too weak. It is not strong enough particularly on the penalties imposed on employers. So I think, whether this is true or not, I think the subcommittee and the committee are right in the direction they are taking.

XUM

There may be amendments to be considered, either on the floor or the other House or in conference to meet his direction, but I think the direction you are taking is correct. I think the fear of discrimination is overblown.

I think the real problem is so overwhelming that fear of discrimination—the fact is the one thing this Congress cannot do is leave the illegal alien as illegal. And those who say we should leave it where it stands are simply beyond the realm of logic. Something has to be done to remove from the alien the burden of illegality, the exploitation and remove from the employer the benefit he is getting from it.

In Mr. Chavez' letter he mentions a point I had not known and, I assume, comes firsthand to him. He refers to employers who hire illegals on Thursday evening—they call up the Immigration and Naturalization Service. They are picked up and deported and he avoids the responsibility of paying them 4 days' work. Those who vote against this bill or vote against what this bill is trying to accomplish are, in effect, asking to continue this kind of situation which is only one degree removed from slavery.

Finally, Mr. Chairman, it has become obvious to all that the employment of illegal aliens has had a substantial adverse impact upon our unemployment problem and the wages and working conditions of American workers. The problem is growing steadily in size and scope, affecting the labor market in all sections of the country. H.R. 982 is a moderate and logical bill. It will be of substantial assistance in curbing this problem, and, hopefully, removing much of the economic incentives for the illegal aliens to cross our borders. I strongly urge its adoption.

Mr. Chairman, at this time I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, as has been stated before, this bill is essentially the same bill which passed this House in the last Congress, at which time I also was a member of the subcommittee which reported it to this body. The bill is an attempt to deal with the problem of illegal aliens present in the United States, and particularly with their employment contrary to the laws of the United States. This is a far-reaching and large problem. It is in many respects an economic problem. It is in many respects a human problem. Its larger ramifications exceed the scope of the authority or the abilities of this subcommittee. This bill is certainly not any sort of a panacea, nor do we advance it as such. It is a limited attempt to reach a certain part of this problem, and it is an attempt to do it in a way which takes account of the situation as we face it.

Like most bills that reach the floor, it is a compromise measure. The thought was this: While the laws provide that illegal aliens are deportable, and unless they are here on an immigration status or some other special status, they are not entitled to employment, there is not much teeth in the law, and a great many aliens illegally present are working and are taking employment which American citizens might have. The only thing we now do is deport the alien, and there is no penalty on the employer.

So the thinking was that if some sort of a penalty were attached here which would counteract to a certain extent the strong economic drive to violate these laws, maybe that might be a useful approach.

The bill originally considered by the subcommittee put penalties on both the illegal alien who took work when he was not entitled to it, and criminal penalties right off the bat on the employer. There were those on the subcommittee who did not think we ought to criminally penalize, any more than the law now does, a man simply because he took a job when he needed it, even though he was not entitled under the laws to have it. There were other members of the committee who did not think we wanted to make every employer in the United States who might get an illegal alien in his employ necessarily a violator of the criminal law. So it was compromised, and the bill as it is presented does nothing to the alien whatsoever. His status remains as it was.

If he is here in an illegal status, he is now deportable. Under this bill he is still deportable, and that is all that happens to him. The bill does not really do anything to him. Where the employer is concerned, we, rather than make him guilty immediately of a criminal violation, have written into this bill a three-step procedure.

The bill for the first time—and this is the main thing that it does; there are some other features, but this is the main thing it does—makes it an offense to knowingly employ or continue to employ an alien who is not lawfully here, lawfully entitled to be employed in the United States.

The key word is "knowingly." There is no offense committed by the employer unless he knowingly employs the illegal alien contrary to law. If he does that, he is guilty of an offense. He is guilty of an offense if he employs these people in the future knowingly; he is guilty if he has illegals in his employ when the law goes into effect and he knows it and he knowingly continues to keep them in his employ. But in neither case is he guilty except with guilty knowledge, which is proper to any criminal statute.

Now if the Attorney General of the United States thinks the man is violating the law under this bill, he first gives the man a notice. Nothing else happens. He tells the man he is in violation in the opinion of the Attorney General. It is information. It is a warning, if the Members like. If the man has apparently violated the law again within 2 years after he receives such a warning, the Attorney General, after a hearing, is authorized to assess a civil money penalty in the nature of a fine. If thereafter the man violates the law again, he is subject to prosecution and may be found guilty of a misdemeanor. So the employer is given, we might say, three bites at the apple.

He is given an additional protection. I have already said he has got to be knowingly guilty. The law further provides that if he has made a bona fide inquiry of his employee and has been assured that the man is in a legal status, then the employer is not guilty of knowingly employing an illegal alien. Moreover, if he takes a written statement to that effect, on forms which the Attorney General will prescribe, prima facie his inquiry is bona fide.

Of course if we could show his inquiry was a phony, that here is a pattern, that he is hiring illegal aliens all the time, the mere fact that he has asked the employee a question will not necessarily cover the employer, but if he makes a bona fide inquiry he is safe, and if he takes the written statement, prima facie his inquiry was made in good faith.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from California.

Mr. ROYBAL. Under the bill as now written, does it mean the employer will submit this form, which the gentleman says will be submitted by the Attorney General, to everyone of his employees and every applicant for employment regardless of who the applicant is?

Mr. DENNIS. Let me make this clear.

Mr. ROYBAL. I ask the gentleman: Will he or will he not?

Mr. DENNIS. It is up to him whether he does or does not. He is not required to do it. If he wants to and he thinks it is a good protection, the law gives him that opportunity, but he is not required to do it, and we still have to prove that he knowingly violated the law.

Mr. KEATING. Mr. Chairman, I yield to the gentleman from Virginia (Mr. PARRIS) such time as he may consume.

Mr. PARRIS. Mr. Chairman, I rise in support of H.R. 982 and to urge its passage. I am relieved at last to see the dawn of congressional attention begin to bring light to a problem of gravest national importance.

As a member of the Government Operations Committee's Legal and Monetary Affairs Subcommittee, I have, over the recent months, been engaged in a study of the operations and management of the Immigration and Naturalization Service. I support any worthy legislation which will serve to assist the men of this organization in performing their duties. This service has for too long been the stepchild of the Department of Justice. Its mission is at times unpopular; at times difficult; and at times far from the arena of spectacular headline operations of the Justice Department.

The most startling evidence of this is made plain when the tremendous growth of the major problem which I. & N.S. is charged to control, that of aliens illegally in this country, is compared to the truly inadequate growth of the service.

In this city, Washington, D.C., the Capital of our Nation, I. & N.S. completed only 324 investigations in the year 1962. In 1972 there were 1,422 investigations completed—a workload increase of 439 percent. In the same 10-year period area control operations, the method of search which produces by far the greatest number of apprehensions of illegal aliens, increased by a whopping 6,377 percent. This tremendous increase in activity was handled by the same number of officers on duty in 1972 as in 1962. The efforts and sacrifices of the I. & N.S. personnel are at once both commendable and a shameful commentary on the neglect of the service in budget and manpower priorities.



In the great city of New York the same situation obtains. Investigations received during the same 10-year period, from 1962 through 1972, increased over 46 percent. Area control operations increased by 486 percent. This occurred while the number of officers on duty actually decreased from 141 in 1962 to 55 in 1972. I understand that there were 86 trainees taken on by I. & N.S. in 1972, but even this represents an increase in officer personnel of only 36 men in a 10-year period of uncontrolled alien increase.

Move further north, to Boston, Mass. The picture remains equally grim. Figures are available only for the period of 1965 through 1972, but the message is equally clear. Investigations received increased 140 percent in 7 years. Area control operations increased by a staggering 1,392 percent.

All this with not an increase of a single officer during this period.

There is no major city in the United States, no rural area, whose citizens have not suffered in some measure as a result of this dramatic increase in illegal aliens. There is no Member of this body whose district has not been affected adversely by the impact of some 2 million illegal jobseekers and potential public charges. There is a compelling need for immediate and forceful legislative action. The measure before us today, in representing a small but positive step toward this end, falls far short of making the kind of impact so vitally required. I trust that this body will recognize this fact and lend its unwavering attention to a problem which is growing by unimaginable proportions in every State of this country at a time when its effects—impeding full employment, increasing the welfare rolls, encouraging substandard wages, promoting organized smuggling of persons and contraband—are most damaging.

Mr. EILBERG. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I rise in strong support of H.R. 982 and firmly believe that only a prohibition on the knowing employment of illegal aliens will solve the various problems created by the large scale migration of illegal aliens across our borders and by immigrants who violate their status.

As my colleagues will recall, this bill is the direct product of an extensive investigation into the illegal alien problem by my Immigration Subcommittee during the 92d Congress. The subcommittee members traveled to six cities throughout the United States and listened to almost 200 witnesses regarding the problem. These witnesses represented all segments of society and included Federal, State, and local officials, employers, labor representatives, immigration lawyers, religious, ethnic and minority groups as well as legal and illegal aliens.

The basic conclusion reached by my subcommittee as a result of this intensive study was that the adverse impact of illegal aliens has been substantial and warrants legislation to: First, protect the domestic labor market; second, insure the orderly entry of immigrants into the United States; and, third, eliminate the vicious exploitation of unfortunate aliens who have entered this country to improve their economic well-being.

The official statistics from the INS clearly indicate the magnitude of this ever-increasing problem. For example, last year the INS located 505,949 illegal aliens—this represents 121,000 more aliens than were legally admitted as immigrants during 1972. Apprehension, detention, and deportation costs our American taxpayers well over $50 million last year. Instead of indicating better control of the problem it is contended that these apprehension statistics clearly indicate that the problem is drastically increasing and will continue to worsen unless corrective legislation is enacted. Since most persons are in agreement that the illegal problem has reached serious proportions, I do not intend to recite an endless litany of statistics concerning the impact that these aliens have had on the American economy. It should be mentioned, however, that the committee estimates that there are approximately 1 to 2 million aliens illegally in the United States and the presence of these aliens has indeed had a drastic effect on the domestic unemployment situation, Federal and State public assistance programs, as well as the balance of payments problem.

In summary there are three major provisions in this bill. The first section of H.R. 982 would prohibit nonimmigrants—visitors, students, et cetera—who take unauthorized employment from adjusting their status in the United States to that of permanent residents. In addition, this section would allow natives of the Western Hemisphere to adjust their status without leaving the country. This relief is already available to natives of the Eastern Hemisphere and equity demands that such relief be made available to Western Hemisphere natives.

Section 2 establishes the method for imposing sanctions on employers who knowingly hire illegal aliens. In the first instance such an employer would be served a citation by the Attorney General advising him that he had apparently violated Federal law. If this same employer is found to have committed a second violation within 2 years after the service of a citation, he would then be subject to a fine of $500 for each illegal alien in his employ. Once a fine has been imposed and the determination becomes final, the employer would then be subject to a fine of $1,000 and/or 1-year imprisonment for any subsequent violation.

Section 3 of the bill would revise 18 United States Code 1546 relating to the counterfeiting and misuse of immigration documents. This section would specifically include border crossing cards, alien registration cards and other entry documents within this provision of title 18.

The committee has diligently pursued every possible suggestion or recommendation in an effort to solve the problem of the illegal alien. I feel that the approach presented today, which is designed to remove the incentive for aliens to come to the United States illegally and for employers to exploit this source of labor, is feasible and fair, and I am convinced it will go a long way in alleviating this serious problem.

This legislation embodies the conclusion that the primary reason an alien enters this country is to obtain a job and that the best method of attacking this problem is to eliminate the availability of employment by making the knowing employment of illegal aliens an unlawful act. The primary thrust of this legislation is twofold; first, to protect the job security of U.S. citizens and aliens eligible to work in this country and second, to eliminate the exploitation of illegal aliens by unscrupulous employers. The testimony during the hearings clearly indicated that illegal aliens by virtue of their unlawful status are often required to work harder, longer and often for less pay. In addition, illegal aliens are frequently denied overtime, vacation pay and a multitude of other fringe benefits to which they may be entitled. Moreover, the subcommittee last year learned that some employers continuously threaten the alien with exposure in the event he should complain about the substandard wages and working conditions. We are also informed that other employers have adopted the practice of turning such aliens in to immigration authorities just prior to pay day, thereby escaping their obligation to pay the alien his wages earned to that date.

It is incumbent upon this committee to terminate these intolerable conditions which often surround the employment of illegal aliens.

Furthermore, whatever sympathy one might possess for these underprivileged and unfortunate individuals we as U.S. citizens have a primary responsibility to protect the job security of all American workers.

For these reasons and because present criminal penalties have not effectively deterred the entry of illegal aliens, I have consistently resisted any efforts to impose additional penalties upon such aliens. It is my belief that additional sanctions on these unfortunate individuals, who enter this country unlawfully for the sole purpose of sustaining themselves and their families, would not be humanitarian and will serve no useful purpose.

The subcommittee's earlier hearings were concerned with provisions contained in the administration's Omnibus Immigration proposal—H.R. 2328, 92d Congress—which would impose a $1,000 fine and/or 1-year imprisonment for the knowing employment of illegal aliens. However, during our hearings there was substantial opposition to subjecting an employer to a criminal penalty for a first violation as proposed in the administration's bill. Many witnesses felt that this approach would be too severe on the employer and would thus make some employers reluctant to hire members of ethnic or minority groups. The argument was made that employers subjected to the possibility of criminal sanctions for a first violation would refrain from hiring any person with an accent or a Spanish surname.

XUM

In order to meet these objections, the subcommittee devised a three-step procedure for the imposition of sanctions, including: citations, civil fines, and criminal penalties. In addition, the subcommittee established an additional safeguard by inserting a proviso which would specifically exempt from civil and criminal liability any employer who makes a bona fide inquiry as to the eligibility of a prospective employee to work in the United States. Another section of the bill would provide that receipt by the employer of a signed statement in writing that the employee is a U.S. citizen or a permanent resident alien would be deemed prima facie evidence that a bona fide inquiry has been made.

This legislation has been very carefully prepared in an effort to eliminate the adverse effect of illegal aliens on the American economy and the domestic labor market and at the same time, it is designed to insure that members of ethnic and minority groups will not be disadvantaged. In fact, numerous witnesses noted that such individuals who have traditionally been denied opportunities to improve their skills will derive substantial benefits by the enactment of this legislation.

In this regard, I wish to insert into the RECORD at this point a letter which I have received from a great and distinguished American, Clarence Mitchell, director, NAACP, supporting this legislation.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
*Washington, D.C., May 1, 1973.*

Hon. PETER RODINO,
*Chairman, House Judiciary Committee,*
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN RODINO: The National Association for the Advancement of Colored People is concerned about the illegal employment of aliens. We have received complaints from persons who have been misled by recruiters and/or employers, I understand that these persons have been told that they would receive certain wages and working conditions before coming to the United States, but once they are here the wages are lower and the working conditions are far below acceptable standards. Accordingly, we are very pleased that Congress is moving to correct this problem through the enactment of H.R. 982, which is your bill to amend the Immigration and Nationality Act.

In supporting this proposed legislation we reaffirm our traditional belief that all persons without regard to race, religion, national origin or sex should have access to equal opportunity and the benefits of our country. At the same time, we do not believe that any of our fellow humans, whether citizens, aliens legally in the United States or aliens who are here because of improper acts on the part of other persons, should be subjected to exploitation and mistreatment. We hope very much that H.R. 982 will become the law and that it will help to eliminate present unfair practices.

Sincerely yours,

CLARENCE MITCHELL,
*Director, Washington Bureau.*

Moreover, it should be emphasized that title VII of the Civil Rights Act of 1964 and guidelines issued by the Equal Employment Opportunity Commission prohibit employment discrimination based on national origin. Therefore, any refusal by an employer to interview or hire permanent resident aliens or citizens of certain ethnic backgrounds or the refusal by employment or placement agencies to refer such individuals for employment are prohibited. It has always been the Committee's intent that this legislation should not result in employment discrimination and the legislative history requires INS officials to advise employers as to their respective responsibility under the Civil Rights Act and under this legislation.

It is my belief that this legislation does not in any manner affect the rights of all persons to equal employment opportunities. On the other hand, it attempts to insure that such opportunities are made available for U.S. citizens and lawful permanent residents who have been severely disadvantaged by the presence of large numbers of illegal aliens in this country.

In conclusion, I believe this legislation is urgently needed if we are to protect our domestic labor market and enhance the orderly entry of immigrants into the United States.

There is nationwide support for the enactment of this legislation. I have received mountains of letters and hundreds of telegrams urging that the House approve H.R. 982. I would like to include one of the letters in the RECORD at this point from Andrew J. Biemiller, director, Department of Legislation, AFL-CIO. The AFL-CIO strenuously supported this legislation when it was before us last year and no less strenuously supports it today.

I urge my colleagues to support this very necessary legislation.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
*Washington, D.C. May 1, 1973.*

Hon. PETER W. RODINO, JR.,
*Chairman, House Judiciary Committee,*
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. CHAIRMAN: On Thursday, May 3, 1973 the House of Representatives is scheduled to debate and take action on H.R. 982, a bill to repeal the exemption of employers from the prohibition against "harboring" illegal aliens which is presently contained in the Immigration and Nationality Act. The AFL-CIO supports this legislation and urges its approval by the House of Representatives.

H.R. 982 would impose penalties on employers who knowingly employ aliens who have not been admitted for permanent residence in the United States or who have not been authorized by the Attorney General to accept employment here. The bill is similar to a bill passed by the House of Representatives last year and should enjoy the same support of a substantial majority of the House that last year's bill obtained.

The problem of aliens who enter this country illegally, take jobs needed by unemployed citizens and permanent residents and work at substandard wages paid by exploiting employers, is well known. Equally well known is the fact that the present exemption of employers from the anti-harboring provision plays a major role in the hiring of illegal aliens. This exemption tends to frustrate and defeat the policy of Congress as declared in other provisions of the Immigration and Nationality Act to protect the employment opportunities and labor standards of American workers.

H.R. 982 is, we believe, workable legislation. It is also fair in its application to employers in that it provides for notice and warning before any punitive action is taken against persons violating the law.

The argument that the bill discriminates unfairly against Mexicans and Mexican-Americans by requiring them to assert that they are legally entitled to be present and to work in the United States is, we believe, without foundation. As we understand it, this requirement is applicable across the board, without reference to any group or individuals. In any case, it is necessary to enable the bill to operate effectively.

H.R. 982 should receive the overwhelming approval of the House of Representatives.

Sincerely,

ANDREW J. BIEMILLER,
*Director, Department of Legislation.*

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I am glad to yield to the gentleman from Illinois.

Mr. McCLORY. I commend the gentleman in the well, the chairman of the Judiciary Committee, on his statement. I know the gentleman and his Subcommittee on Immigration carried on extensive hearings preliminary to the introduction of this bill. I note that in the hearings conducted in Chicago it was shown there was an 800-percent increase in the employment of illegal aliens over a 10-year period prior to the time of the hearing held there, and that, contrary to popular belief, only 10 percent of these were employed in agriculture or domestic positions and the other 90 percent were employed in industry. That is correct, is it not?

Mr. RODINO. The gentleman is absolutely correct. These cases also relate to individuals who become illegal aliens. It covers those who have lawfully entered the country with a visitor's visa, and thereafter violate their status. They overstay that and as a result continue to be employed, again denying job opportunities to other individuals.

Mr. McCLORY. Mr. Chairman, will the gentleman yield for one question?

Mr. RODINO. I yield.

Mr. McCLORY. The question is this: Without this legislation it is virtually impossible for the immigration authorities to control illegal aliens flowing into this country, is it not?

Mr. RODINO. I would say more than that. It is virtually impossible to touch the unscrupulous employer who will continue to employ illegal aliens notwithstanding the fact that he actually knows this fact.

Mr. EILBERG. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I rise in support of this legislation.

I believe a lot that needed to be said was said during the debate on this bill last fall, and the bill is esssentially the same bill. It was drafted very carefully, with great concern for the rights not only of employers but also of people who might be subjected to the bill, the illegal aliens themselves, Spanish-speaking Americans, Americans of foreign birth and legally resident aliens, to make sure there was not something in the bill that would result in any improper discrimination against them.

The fact is that this is a serious problem and it is a growing problem. Last year more than a half million illegal aliens were rounded up for deportation, and that was only the tip of the iceberg.

We had testimony in Los Angeles, in El Paso, and in other places, by Mexican Americans, who said that they were being discriminated against by the very fact that illegal aliens were being employed.

The purpose of the bill is to end that situation.

Miss HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield 1 minute to the gentlewoman from New York (Miss HOLTZMAN).

Miss HOLTZMAN. Mr. Chairman, while I have major reservations about this legislation, I should like to ask the gentleman from Pennsylvania (Mr. EILBERG) a question concerning two provisions in the bill, for the purposes of legislative history.

Will the gentleman please clarify whether employers may take advantage of the bona fide inquiry provision contained in H.R. 982 with respect to currently employed individuals as well as those employed after the enactment of this legislation?

Mr. EILBERG. May I ask the gentlewoman from New York (Miss HOLTZMAN) is this the question? Can employers take advantage of the bona fide inquiry with respect to current employees?

Miss HOLTZMAN. Yes, with respect to individuals who are at this time in their employ.

Mr. EILBERG. The answer to that question would be: Yes. The intent of this bill is to allow all employers to take advantage of the bona fide inquiry provisions with regard to current employees as well as any possible future employees.

Miss HOLTZMAN. Mr. Chairman, I thank the gentleman. I have one additional question.

Under H.R. 982, a citation may be served on the basis of evidence or information. It may therefore be served on the basis of hearsay information or illegally obtained information or evidence.

What procedures are there in H.R. 982 for challenging the service of the citation?

Mr. EILBERG. The citation will be served if evidence or information is elicited which persuasively demonstrates that the alien was not authorized to work and this fact was known to the hiring authority, who did not make a bona fide inquiry. It is expected that the citation will issue under the name of the Immigration and Naturalization Service District Director having jurisdiction over the place of employment.

In the event a citation is issued erroneously the issuing District Director will be empowered to revoke it and it will be revoked ab initio.

The citation is a warning. It is a predicate or a prerequisite, if you will, for an administrative fine. This bill provides for a hearing conforming with the safeguards of the Administrative Procedure Act before an administrative fine will be assessed. Even at that point the offender could raise the issue that the citation was erroneously issued and if that fact is established, the citation will be revoked and there will be no basis to assess an administrative fine.



The law is very clear, that the citation is only a warning. It has no immediate legal effect on the employer and causes him no legal detriment, except that it is a condition precedent to later sanctions.

Miss HOLTZMAN. Mr. Chairman, I thank the gentleman.

Mr. KEATING. Mr. Chairman, at this time I yield 3 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Chairman, I rise in opposition to H.R. 982. Stipulating at the outset the enormous problem of illegal aliens in the United States and understanding the concern of the distinguished chairman of the Judiciary Committee in his and the Committee's attempt to solve this problem, I submit that this bill is not the vehicle to do the job. It is instead: First, a blow at the employers of this Nation and, second, a bill with deep racial overtones. We have already made our employers—large and small—the unpaid tax collectors of the country: This bill will now make them our unpaid immigration officers—with civil sanctions for noncompliance. How can this bill be racist? Who does it seriously damage? Surely not black Americans, nor Japanese or Chinese Americans, and above all, not whites. No, Mr. Chairman and my colleagues, it is aimed right down the throat of every American of Mexican descent in the United States. When we think in terms of illegal aliens, we think only of one ethnic group—those of Mexican origin—and I would have the temerity to state at this point that many of these people were citizens before our parents and grandparents arrived on these shores.

Do you really believe that under the terms of this bill employers will willingly hire Mexican Americans when by so doing they may open themselves to harassment not only by Immigration and Naturalization people but also troublemakers—even when he has demanded proof of citizenship? Why should he—there are lots of other people to hire with no problems. We have the Civil Rights Act of 1964 to be sure—more harassment. The honest employer now becomes damned if he does and damned if he does not—while the citizen of Mexican descent sits on the sidelines wondering what in the world happened to make him a 3d class citizen.

Mr. Chairman, Cesar Chavez and I have battled each other for 7 long years and will in all probability continue that battle; but wonder of wonders, we find ourselves in total agreement that this is a bad bill. I urge the House to defeat the bill. I further urge it to fund the Immigration and Naturalization Service to proper levels so that illegal entrance might be stopped where it should—at the borders of our country and the various ports of entry. I further feel that strong penalties should be implemented against illegal entrants and those who transport them rather than simply deporting them. In most cases, the so-called wetback is back in San Diego before the border patrol gets home.

This bill complicates the problem rather than solving it. I respectfully request a no vote. Thank

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. Yes, I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I would like to commend the gentleman from California (Mr. KETCHUM) for his contribution and compliment him on the logical argument that he has presented before the committee. I share his concern, and I wish to state that I am also opposed to this bill.

This bill if passed into law will be demeaning to many of my Mexican-American constituents, as it will force unnecessary harassment to them when seeking employment—not to mention the fact that in many cases it will cost them the equal opportunity for employment just because they are Mexican-American and some employers won't hire them just to avoid the risk that maybe they are aliens—I thank the gentleman for yielding.

Mr. KEATING. Mr. Chairman, at this time I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman and members of the committee, I wish to speak about a portion of this bill which has not yet been touched upon, but before I do so, let me say I support the bill. I do not believe for one moment it is going to solve all of the problems to which it is addressed, but I think it will help and is worthy of a trial.

The alleged burden to the employer is minimal, it seems to me; certainly it is reasonable given the magnitude of the problem Congress should consider.

Now, having said that by way of introduction, let me tell you about something in this bill. I hope I shock you a little bit, because it certainly shocks me that the Congress of the United States would consider in the year 1973 an archaic procedure which comes to us from feudal times, which is based on the notion that the thing itself is somehow guilty of a crime notwithstanding the innocence or lack of culpability of the owner of that thing.

There have been many historical examples of this. We used to melt down swords when an individual was killed. It did not matter whether or not the owner was the perpetrator of the crime. His sword was guilty.

Let me tell you that this antiquated superstition is carried forward in this bill in the form of a system of forfeitures.

Now, I have no sympathy for the owner of a vehicle who illegally smuggles an alien into this country, but why in the world would we forfeit the interest of an owner if he is wholly innocent of any misconduct?

Mr. EILBERG. Will the gentleman yield?

Mr. WIGGINS. I will in just a moment.

Let me assure you, ladies and gentlemen, because there is no doubt about it, that this bill authorizes the seizure and forfeiture of vessels and vehicles and aircraft of an owner if that vehicle, vessel, or aircraft is used "in furtherance of"—whatever that means—an illegal act, even though its owner is wholly innocent and guilty of nothing at all.

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Now, if that shocks you as it shocks me, I urge you at the appropriate time to support an amendment which is going to delete that language from the bill.

Ladies and gentlemen, the argument can be made that the bill will be administered in a benevolent sort of way. According to that argument, surely the Department of Justice is not going to seize the interest of an innocent owner, although we give them authority to.

I do not think, ladies and gentlemen, that we should ever put that kind of trust in law-enforcement officials by giving them a vicious law in the hope that they will administer it with compassion. I want to say to you that the record does not support this compassion and benevolence in administering similar laws.

I have had some personal experience with clients and constituents who have been viciously deprived of their property without compensation even though they were utterly innocent of any misconduct.

I will not belabor the point at this time, because I am going to offer an amendment, but I simply appeal to your sense of justice, and when the time comes to vote in support of the amendment, I hope you will do so.

I am now pleased to yield to the gentleman from Pennsylvania.

Mr. EILBERG. I thank the gentleman for yielding.

I will question the gentleman very briefly at this point. Has the gentleman seen the exhibit of vehicles in the lobby?

Mr. WIGGINS. I have, and indeed I invite you all to go take a look at those exhibits.

But the question is: Who owns the vehicles out there? If they were owned by the smuggler, I do not have any sympathy for them, but if those vehicles shown in the pictures are owned by an innocent party, then why should his asset be forfeited?

Mr. EILBERG. The vehicles demonstrated in those photographs under present law can be immediately released to be used once again in the smuggling of human cargo.

Mr. WIGGINS. The gentleman is too good a lawyer to make a judgment as to the culpability of an owner by reason of the appearance of a vehicle.

I am saying that if that owner is culpable then let us do something to him.

Let me ask the Members this question in almost a rhetorical sort of way: Does it deter (A) in his illegal scheme to forfeit the automobile of (B)? What difference does it make to (A)?

Mr. DENNIS. Mr. Chairman, would the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, would the gentleman agree that, if its effects were confined to the wrongdoer, that then the forfeiture of a vehicle used in the commission of an illegal act would be an effective and additional penalty?

Mr. WIGGINS. I believe the gentleman is right, if the bill were drafted so that the forfeiture was an additional penalty to a malfeasor. I am for that, although I think it is a rather imperfect way to dispense justice, but at least it is an improvement.

Mr. KEATING. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HINSHAW).

Mr. HINSHAW. Mr. Chairman, I rise in support of H.R. 982, the amendments to the Immigration and Nationality Act. This bill is a step in the direction of remedying the "illegal alien" problem—the problem of aliens entering this country illegally, or entering the country legally, but working, in violation of their visas.

The step which H.R. 982 constitutes, however, is a small one. I want to take a few moments to explain to my colleagues why I support this measure, and where I think their attention should be directed on an important national problem.

One to two million aliens—our knowledge is so poor that we cannot estimate more precisely—are now living illegally in the United States. Their numbers have grown tremendously since 1965, when the Bracero program was terminated and the Congress enacted legislation which greatly curtailed the number of Western Hemisphere nationals who could enter this country each year. In my home area of southern California, we may have as many as 500,000 illegal aliens. When Raymond Farrell, who recently retired as Commissioner of the Immigration and Naturalization Service, appeared before my Legal and Monetary Affairs Subcommittee of the Government Operations Committee, I asked him how bad the situation really was. He told me:

> You can actually throw a rock up in the air in a large city such as Los Angeles, and probably hit an alien who is illegally in the United States.

But what is the Immigration and Naturalization Service doing about the problem? From fiscal year 1964 to 1972, its manpower increased by only 9 percent, but more importantly it has failed to keep up with technological advances. The INS does not use helicopters to patrol our borders; it employes airplanes only when funds for gasoline can be spared from its meager budget. Computers are only now beginning to be used by INS management. The Service uses Army-surplus electronic sensing devices which are supposed to report when the border is crossed between ports of entry. These devices sometimes fail to function while numerous persons are crossing the border; at other times, they indicate a crossing where none is made. So in all, the INS is bereft of manpower, and it is bereft of modern equipment. If the Service is to do its job, it needs our assistance in providing funds for both resources. It may also—and I say this tentatively, pending completion of hearings by the Legal and Monetary Affairs Subcommittee—need improved management techniques to direct its forces.

In the face of these needs, what does H.R. 982 provide us with? A statement that employers must try to ensure that they do not hire illegal aliens. A procedure for chastening employers who violate the bill's provisions—but minimum sanctions against violators, and then only for repeat offenders. A requirement that welfare officials report the names of illegal aliens who are receiving benefits under their programs.

When the INS Associate Commissioner for Management was asked during our hearings:

> By approximately how much would (passage of H.R. 982) decrease your need for additional manpower in the next few years?

He responded:

> I couldn't say. I don't think it would decrease it at all for the next few years.

Mr. Chairman, this bill does not address itself to the vital problems of the Immigration and Naturalization Service. It does, however, indicate a congressional willingness to face up to those problems, and it does provide a framework—if not flesh for that skeleton—to make a first step in solving them. For those reasons alone, I support the bill.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, very briefly, I would just like to remind the members of the House who are on the floor at this time and who were here when we repealed the bracero program that had we not taken that action we would not have this problem today, at that time there were very few illegal entrants.

Mr. KEATING. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Ohio has 1 minute remaining.

Mr. KEATING. Mr. Chairman, I yield that minute to the distinguished chairman of our subcommittee, the gentleman from Pennsylvania (Mr. EILBERG).

Mr. EILBERG. Mr. Chairman, I thank the gentleman for yielding me this time and I now yield that 1 minute to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Chairman, I welcome this opportunity to commend the gentleman from Pennsylvania, the Honorable JOSHUA EILBERG, distinguished chairman of the Subcommittee on Immigration and Nationality, who has brought this bill before us today. I also rise to commend the Honorable PETER W. RODINO, JR., the distinguished chairman of the House Committee on the Judiciary who pioneered this legislation in the last Congress and who conducted thorough and comprehensive hearings which preceded its drafting.

Mr. RODINO bent over backward to be fair and impartial and gave everyone an opportunity who wanted to testify to come before his subcommittee which he chaired in the 92d Congress so that every viewpoint could be made known. Notwithstanding his high quality efforts some factions in this country, for their own selfish motivation, irrespective of the welfare of the United States, have attempted to label this bill as racist. I deplore such irresponsible accusations.

I rise in support of H.R. 982, a bill to make it unlawful for the U.S. employers or their agents to knowingly hire aliens who are here illegally, or whose immigration status prohibits their accepting employment.



Based on extensive hearings on the illegal alien problem held by House Judiciary Subcommittee No. 1 during 1971 and 1972, we estimate that there are between 1 and 2 million illegal aliens currently in the country, and that the majority of them are employed or seeking employment. It became abundantly clear during the course of the hearings that employment is the key to the whole problem. It is the near certainty of employment which brings the illegal alien here in the first place or, in the case of the nonimmigrant, causes him to violate the terms of his visa.

The illegal alien is subject to exploitation by unscrupulous employers who take advantage of his vulnerable position, usually by paying him low wages and denying him fringe benefits such as vacations, overtime, and health care. I want to stress this point because I believe there is some misplaced sympathy for the illegal alien who will have difficulty finding employment here if this bill is passed. The physical and emotional conditions under which many illegally employed aliens now work border on the conditions of slavery. Perpetuating this situation is surely misplaced humanitarianism.

I would like to turn now to the objection against the bill which has been raised on the grounds that it will lead to the separation of families. It is argued that this bill will result in the deportation of illegal aliens who may be the close relatives of U.S. citizens or permanent resident aliens. First, if in fact this allegation were true, my previous argument regarding the intolerable conditions under which most illegal aliens work and, for that matter, live with their families, would be directly relevant. However, those who have made this allegation have apparently done so on the basis of inadequate information.

The bill before us today deals only with the employability of illegal aliens, and not with their deportability. In no way does the bill affect the immigration status of aliens, nor does it establish any additional grounds for deportation. In other words, the objection regarding the separation of families is simply not germane to the provisions of H.R. 982.

The objection has been raised that this legislation will result in discrimination on the part of employers against some people who are legally entitled to work in this country, and particularly against Mexican Americans and Mexicans. It is argued that employers would no longer hire Spanish-speaking people at all or, at the very least, would discriminate against members of ethnic and minority groups by making inquiries only of them regarding their eligibility to work.

Before answering this objection, I would like to say that among those making it are some growers' organizations which have not, in the past, been noted for their liberal views or their concern about discrimination. I caution those who are genuinely concerned about this issue to beware of the hysteria cynically being worked up by some who stand to lose if the illegal alien is no longer available as a source of cheap labor.

It is my opinion, and that of the Judiciary Committee, that the provisions of H.R. 982 would benefit, rather than harm, the Mexican American and other members of minority groups, foreign or otherwise.

Mr. Chairman, quite frequently foreign immigration has been blamed for high unemployment in the United States. This is sheer fallacy. Labor certification is required for all lawfully admitted aliens who plan to become American citizens, other than immediate relatives, such as mothers, fathers, sons, daughters, brothers, and sisters. My colleagues will recall it was the intention of the Immigration and Nationality Act Amendments of 1965, which I cosponsored and supported, to make it easier to reunite families and bring together members of families who had been tragically separated for so many years. Also, the Commissioner of the Immigration and Naturalization Service has assured Chairman RODINO that this measure will not force relatives of U.S. citizens or permanent resident aliens to leave the country.

During fiscal year 1972, 29,000 to 30,000 skilled immigrants entered the United States with the required labor certification which was issued to them only because their skills were in short supply in the United States. Thus, labor certification has been used as an effective tool in limiting admission of aliens to those whose skills are needed in the American labor market.

It is not the lawfully admitted aliens who are taking jobs away from Americans. To the contrary, lawfully admitted aliens are usually highly educated, highly skilled individuals who are supplementing our labor supply when it is short in certain specific areas, and quite frequently, we find other nations lamenting their "brain drain" because only their highly qualified citizens can meet the requirements for immigration to the United States and therefore, they are losing their most productive citizens. Their loss, of course, is our gain.

Our country was built, and its greatness was assured to a very large degree by the lawfully admitted aliens who have come to America from all over the world. Indeed, Polish Americans, Italian Americans, German Americans, Jewish Americans, Irish Americans, Scandinavian Americans, Slovenian Americans, Greek Americans, and so many others, have made tremendous contributions to the growth and advancement of our country—and it is unfair to put legally admitted and illegal aliens in the same category. They are totally different, and this vast difference should be recognized.

I do not advocate a ban on immigration—our immigrants are the ones who built America. What I do advocate is a halt to the entry of illegal aliens into our country, since it is they who are adversely affecting our employment situation.

In conclusion, I want to say that regardless of whatever sympathy we may share for the underprivileged of other countries, we, as Members of Congress, in considering any legislation, have an obligation to support and protect the American worker. Protection of our workingmen must begin at home. We must not tolerate unfair competition for jobs, nor creation of substandard working conditions caused by aliens who are illegally in our country.

Mr. EILBERG. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, it is my pleasure to introduce today a resolution to amend the U.S. Constitution requiring each State to provide its citizens with an opportunity for elementary and secondary education, and for each State to devise methods for the equitable distribution of resources to provide for such education.

The recent Supreme Court decision on the Rodriguez against San Antonio Independent School District case has brought a flood of mail to my office from young people in my district. Since I represent the city of San Antonio these young constituents have written to me expressing their opinions on the case, and it is obvious that they have been following it with special interest. Most of them ask the same questions, "Why can't their school district have as good an education program, including facilities, as a school district a few miles away?" and "Why did the Supreme Court rule as it did?"

I can answer their second question by saying that the Supreme Court did not rule that the current school financing system in Texas is the best, and they did acknowledge that "substantial interdistrict disparities in school expenditures" exist in Texas, but they decided that property taxes for financing education was not unconstitutionally discriminating under the 14th amendment's guarantee of equal protection under the law.

However, I found it much more difficult to answer their first question, since I am sure everyone would agree that it is not easy to tell a young person that he cannot have education programs and school facilities that he knows others in the same city have because he resides in a certain section of town.

One young girl wrote that representatives from Austin should be sent to visit a wealthier district and then come to the poorer districts to see the differences in schools within the same city. She further commented that there are two sides to every story and she feels that the officials should start looking at both of them. I believe she is correct.

In introducing this resolution to amend the Constitution I am asking that young people, not just in Texas but in all the 50 States, be given a chance to have an equal education.

In order for each citizen to have the opportunity to receive this education there must be a more equitable revenue system that currently exists in many States. My resolution to amend the Constitution does not propose a particular scheme such as equalizing property taxes across a State, as many have shown that this would tend to find the poor communities paying more for education than they currently do, and the richer communities paying less.

I am, however, advocating that



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through this amendment each State develop a more efficient system of financing education so that each and every young person in this great Nation, rich, poor, or middle class, has an equal opportunity for a good education.

Mr. BIAGGI. Mr. Chairman, I rise in support of this bill to control the increasing number of illegal aliens in this country and commend the distinguished chairman of the Judiciary Committee (Mr. RODINO) for his work in this area.

The number of illegal aliens in this country now appears to be about 1.5 million with more coming in every day. While the problem is mainly in the Southwest United States and involves Mexican nationals, it affects every major metropolitan area to some degree. New York, Miami, Los Angeles, and San Francisco face particularly serious problems as port cities. These illegal immigrants take jobs away from American citizens and legal aliens. Since they are willing to accept lower wages, they tend to lower the entire scale of wages in an area. Many expand our welfare rolls and their children contribute to the overcrowding in schools.

There is no question that this flow of illegal aliens must be controlled. To do so, we must eliminate the economic incentive to the employers and to the illegal aliens themselves. This bill provides a new provision in the law that punishes the employer who knowingly employs illegal aliens. In the past, many employers would call the Immigration and Naturalization Service to have his employees deported—just before payday. This now puts the burden on the employer and will help greatly to remove the economic incentive for him. Similarly, by forbidding such illegal aliens the right to obtain welfare payments or by barring their children from our schools, they will not be attracted to this country thinking that they can easily get something for nothing.

Two problems, however, have arisen in consideration of this bill. The first represents the very real fear on the part of aliens legally in this country and recently naturalized citizens that employers will use the new law to discriminate against them. The unscrupulous employer may choose to deny jobs to all persons who he even suspects may be foreign and thus illegally in the country.

The committee has taken cognizance of this possibility and eliminated initial penalties for a first offense. This gives the employer a greater degree of latitude and freedom from fear of mistaken prosecution.

At the same time, it bears repeating that the Civil Rights Act of 1964 clearly prohibits any discrimination based on national origin. Employers may find themselves afoul of this law, should they choose to bar any foreign born person from their employ.

A second problem was brought to my attention by Father Anthony J. Bevilacqua, Director of the Brooklyn Diocesan Migration Office. He points out that many illegal aliens are now settled in New York with their families and have obtained jobs. To deport them now, would cause great hardship for them and their families.

The chairman of the committee (Mr. RODINO) has again taken the precaution to ask the Immigration and Naturalization Service to hold up any deportation proceedings until the committee has had an opportunity to consider this problem and the problem of quotas for the Western Hemisphere nations.

While this bill will not correct all the inequities in the current law and may create some new ones, on balance it is a good bill and deserves passage by this body. I hope all my colleagues will support it.

Mr. Chairman, I would like to include for the RECORD a copy of the press release on this bill issued by the Roman Catholic Diocese of Brooklyn expressing some of the problems they had with the bill. It is my understanding that the gentleman from New Jersey (Mr. RODINO) has cleared up these matters, for which he is to be commended.

The press release follows:

DIOCESAN SPOKESMEN CRITICIZE HOUSE BILL ON ILLEGAL ALIENS

Immigration officials of five Catholic dioceses in the New York metropolitan area lashed out today (March 20) at proposed federal legislation designed to cope with the problems of illegal aliens.

Citing a bill in Congress submitted by Rep. Peter Rodino (D N.J.), they declared that some provisions of the measure would cause "irreparable harm to hundreds of thousands of people who live in the metropolitan area."

It is believed that more than one million persons in this country live here with questionable entry status. A large percentage of them—some say 30 to 40 percent—reside in and around New York City. Many arrived here from Haiti, Ecuador, Colombia and Santo Domingo.

Speaking at a press conference in Brooklyn, Father Bryan J. Karvelis, a priest of the Brooklyn Diocese, criticized what he said were the Rodino bill's failures.

"We regret," he said, "the lack of any mention of relief from expulsion of the alien in our country who has established equity because of his labors, who has established a home, created family ties and made special contributions to the community in which he lives."

"Many of them are hard-working people who have taken what others might consider menial jobs in order to support their families," he asserted. "Of course, they are not eligible for public assistance, and they are managing to make do with what they can earn. That kind of industriousness should not be penalized."

A provision of the Rodino bill (H.R. 982) would place sanctions on employers of illegal aliens. Opponents of the bill believe that any person seeking work who looks like a foreigner would have an identity problem.

"Employers probably would only employ job seekers who look the way Americans are supposed to look," said Father Karvelis, who is chairman of the immigration committee of the Spanish-Speaking Apostolate of the Brooklyn Diocesan Migration Office.

In addition to Father Karvelis, spokesmen for the five dioceses include Father John J. O'Brien of Brooklyn, Father Francis Gorman of New York, Father Edward G. Sullivan of Rockville Centre, Father James F. Jannucci of Paterson and Father Thomas W. Heck of Newark.

The Brooklyn Diocesan Migration Office, directed by Father Anthony J. Bevilacqua, has organized a series of meetings in recent weeks for immigration leaders in U.S. dioceses who serve large groups of immigrants.

Father Bevilacqua told the House Subcommittee on Immigration and Nationality last year that "a significant number of newcomers" without legal status live in the Brooklyn Diocese. He noted that Bishop Francis J. Mugavero of Brooklyn has expressed "particular anxiety" that their legal status be regularized.

The immigration officials of the New York area dioceses urged measures that would regularize the status of illegal aliens by a certain date before proposed legislation takes effect.

"There is precedence for this in Canada," said Father Karvelis, "where illegal aliens were regularized in the country at the time new legislation became operative."

He stressed that "unscrupulous employers who abuse illegal aliens could be controlled by strict enforcement of existing labor laws and minimum wage laws."

The immigration officials also called for reversal of a U.S. Immigration Office directive that says separation of spouses is not a hardship. They described the directive as detrimental to the well-being of families.

In addition, they asked for removal of a quota ceiling for persons fleeing political oppression.

Mr. MAYNE. Mr. Chairman, I rise in support of H.R. 982, the pending bill providing long needed and highly important amendments to the Immigration and Nationality Act. As a Member in the 92d Congress of the House Judiciary Committee's Subcommittee on Immigration and Nationality, I shared the deep concern of my colleagues with the serious problem of illegal aliens—especially those taking employment after entering the United States without inspection and those entering legally as nonimmigrants but thereafter violating their status by accepting unauthorized employment. The number of illegal aliens rapidly increased since 1965, and has reached severe proportions. It is estimated there are presently between 1 to 2 million aliens illegally in the United States. In 1972 alone, the Immigration and Naturalization Service apprehended 505,949 illegal aliens, and 467,193 were expelled.

As the resources of the Immigration and Naturalization Service have increased, especially in recent years, it has dramatically increased its effectiveness in dealing with this problem—nearly quintupling annual apprehensions since 1965. It needs far greater financing, and should have the appropriations and personnel it needs to do its job.

However, increased funding, facilities, and enforcement personnel will not by itself solve the illegal alien problem—we must also make it an offense to hire the illegal alien, thereby removing the economic incentive which draws such aliens to the United States as well as the incentive for employers to exploit this source of labor.

The subcommittee held extensive hearings, in Washington and throughout the United States, on this problem. Following these hearings, I joined in cosponsoring H.R. 16188, which the full Judiciary Committee reported favorably on August 17, 1972, and which the House passed on September 12, 1972.

In this Congress, I have moved to another subcommittee, but I have closely followed the Subcommittee on Immigration and Nationality as it took early action on the reintroduced bill, in the form of H.R. 982. Following further hearings, the subcommittee adopted clarifying and technical amendments, and I joined my colleagues in the full committee's favorably reporting this legislation March 27, by vote of 30 to 2.



There was never any question in my mind that the language of the bill reported by the Judiciary Committee in the last Congress and passed by the House clearly intended to penalize not just the act of newly hiring an illegal alien after the effective date of the legislation, but also the act of continuing to maintain in employment an illegal alien hired before the bill took effect. I still feel that the language in the bill passed by the House last year unquestionably reached the continued employment of one, knowing him to be ineligible because of his status as an illegal alien. However, this language has been questioned, and I commend the subcommittee members for their wisdom in dotting the "i" and crossing the "t," through clarifying amendments making it clear for all that an employer will not escape penalty for employing an illegal alien just because he first hired that person before the act takes effect, if he continues to employ the alien.

In the hearings the subcommittee conducted in the last Congress, there was very clear and conclusive evidence that many of the illegal aliens, who had been apprehended and then deported or permitted voluntary departure, later showed up again employed illegally by the very same employers from whose places of business the alien as originally taken when first identified. In at least these circumstances, undoubtedly the employer was illegally employing these aliens knowingly.

The problem of the illegal alien is nationwide in scope, with illegal aliens having entered in labor markets in every section of the country. Each job occupied by an illegal means a lost job opportunity for a U.S. citizen or permanent resident.

My own inland Sixth Congressional District of Iowa, about as far from the borders as you can get, has not been immune from this problem of increasing magnitude. The Omaha district office of the Immigration and Naturalization Service apprehended 65 illegal aliens in Iowa and Nebraska in 1965, but total apprehensions by that office have increased since by leaps and bounds until 771 illegal aliens were apprehended last year. Just last week, the Iowa Highway Patrol stopped a Texas trucker on Interstate 80 east of Des Moines, Iowa, and arrested the driver and 21 illegal aliens of Mexican nationality, hidden in the back of the truck. Allegedly the driver had charged $20 to $60 each for transportation from Texas to Colorado—none spoke English and they apparently got lost. Many more have been apprehended on Interstate 80 crossing Iowa on the way to jobs in the Chicago area; but most of those apprehended by INS were taken into custody by INS inspectors upon visiting various farms and industries within the State.

Illegal aliens impose a heavy drain upon our local educational, welfare, and health services. Our balance of payments is unfavorably affected by the large aggregate of funds sent out of the country by the alien. Furthermore, the illegal aliens are often severely exploited by unscrupulous employers—paid minimum wages, often worked overtime without pay, denied vacations and other benefits, and so forth. He is often subject to extortion through blackmail, because of his fear of exposure. Fearful he will be apprehended if he reports any income, he usually pays no income tax, contributes nothing toward social security or unemployment funds, avoids the census taker, and evades registration for Selective Service. Afraid to bank his money he hoards it in cash, and is easy prey to confidence men and thieves, but is reluctant to report his being victimized to law enforcement officers.

H.R. 982 puts employers on notice that employment of illegal aliens is proscribed. Employers avoid violating the penalty if they have made bona fide inquiry, in accordance with regulations to be promulgated by the Attorney General, whether the prospective employee is a citizen or an alien authorized to work.

This is good legislation, making possible substantial progress toward elimination of the problem of illegal employment. With all employers on notice of this law, illegal aliens in this country will find employment opportunities drastically reduced, and those aliens across the borders will have far less incentive to enter the United States illegally. I urge all Members to join in acting favorably in support of passage of this needed legislation.

Mr. GONZALEZ. Mr. Chairman, we are again faced with the same issue as in the last Congress in dealing with the legislation concerning the employment of illegal aliens and I do not want to belabor the point, so I am taking the liberty of inserting the remarks that I made on this matter last year:

I cannot help but review this situation. It was almost exactly 10 years ago as a freshman in this House that I was given the credit for the leadership in eventually defeating the so-called bracero system or law. Let us go back. That system prevailed in our country from 1951 until about 1964, the terminal year, because we allowed 1 year to round out the program in 1963.

I recall the history in my part of the country, which is the State of Texas, as it occurred under a controlled plan. The gentleman's amendment is a resurrection of the bracero program without any of the merits or any of the controls of the bracero program.

I heard the same arguments 10 years ago and 20 years ago as offered by my other distinguished colleague, the gentleman from Texas, that it is impossible to find farm labor, that it must be necessary to contract in some vague way in order to tap this reservoir.

I recall 1957, my freshman year in the State senate of the State of Texas, for the first time offering a minimum wage bill in the State of Texas, and I had set a minimum of 40 cents, because the farmworker who happened to have the bad luck of being born in the State and being a native American was earning less than 40 cents in the fields of Texas, but the foreign imported Mexican laborer under the bracero contract first was guaranteed by international agreement, having the power and sanction of enforcement by two countries, of first 40 cents and then 50 cents. The native Texan, the native American, had absolutely no protection, no safeguard, and nobody really cared if he earned 30 cents or less.

If we adopt this proposal, we are going to go back to it at a time in which all the labor indexes clearly show there is available labor; but what we are not told is not that the labor is not going to go into the fields at 40 cents or 50 cents or 75 cents an hour. That is the salient difference. This is the point which ought to be brought out and this is the reason I rise at this time.

We have heard time and time again the same arguments. I remember the alarums in 1962 and 1963 from the California fields, where I was even burned in effigy. They said that if we did away with the bracero program the crops would perish in the fields, and that was 10 years ago, and the crops certainly have not perished.

Of course we have problems. The reason I was motivated and the reason for my saying I did not intend to get up to argue much on this is that in all these efforts in this field we have never really brought in the human element, the human side. It is a very tragic thing to have to debate this type of legislation one way or the other, because we know that literally thousands of the folks that have come into the United States have done it impelled by the same motive as our ancestors did. They want to have a job. They want to have a chance to earn a living and support their families. I think every one of us instinctively shares a sympathy with this, but unfortunately the conditions staring us in the face today are a little bit more complex. In my district for instance there is no question. I have statements from the immigration officials just this week where they have raided at least two places that have been under strike by the employees. They have found illegal workers at the struck plants having the impact of strike breakers.

I find that the human element gets lost. On the one hand you have unions and union members who are interested in protecting their particular economic interests. On the other hand, we have the employer who is also interested in protecting his economic interests and we tend to lose sight of what is really, really involved here that we are not addressing ourselves to, and we have not. I think that on a higher order eventually we will have to see what is involved, because it is wrong for us to have the misery of one nation feeding on the misery of another. It is wrong for us to provide laws or systems or operations that will allow a continuation of the exploitation of the native American fieldworker and his associates by the importation of the hard-pressed and usually in misery foreign counterpart.

Mr. PRICE of Texas. Mr. Chairman, I must rise today in opposition to the Immigration and Nationality Act Amendments. The passage of this bill will only serve to complicate the plight of farmers and ranchers by denying them a viable labor market. What we need instead, is a program similar to the bracero program which existed from 1951 to 1963.

Looking back, the bracero program was the kind of program that had substantial appeals for those involved in it. U.S. farmers and ranchers like it, because it helped them meet their labor demands by supplying steady dependable help and at reasonable costs. Mexicans who participated in the program like it, because it enabled them to make significantly more money doing agricultural work in the United States than they were able to earn doing similar work in Mexico. The Government of Mexico favored the program, because it provided an addi-

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tional means of obtaining U.S. dollars and it partially helped Mexico's domestic employment problems. In fact the only primary dissatisfactions with the bracero program stemmed from certain liberal politicians and organized labor representatives who viewed the program in the light of misguided idealism at best; and union organizational needs at worst.

I regretted the passing of the bracero program, and I have viewed with interest the varied attempts the detractors of the program have made to find a workable substitute. To date, nothing has really been developed. Farmers and ranchers in northwest Texas and throughout much of the Southwest still stand in dire need of steady and dependable farm labor. I would point out here that the high unemployment rate has not materially changed this labor shortage situation, because there are just not that many people who are interested in working in agriculture. I say this despite the fact that the Department of Labor claims there are workers available in general and in northwest Texas in particular. I say this, because I know from bitter experience what other farmers and ranchers know; namely, that the chronically unemployed cannot do the needed jobs on farms and ranches—they just cannot do the work. The simple fact of the matter is farmwork is hard work. There is no real timeclock, work is governed more by the light of the sun and the state of the weather. Moreover, wages are typically low, because farmers do not make enough money themselves to pay top dollar for farm labor. In this regard, as I and other farm State Members have often stated, the level of food prices in the marketplace depend more on distribution and packaging costs than they do on farm production costs.

Mr. Chairman, the present welfare system and unemployment compensation system also have contributed to the farm labor shortage. In some cases individuals can make more money by drawing welfare and unemployment compensation than they can make by either working partime or not working at all.

When all is said and done, when the liberals are through gnashing their teeth over the supposed immorality of encouraging Mexicans willing to work on U.S. farmlands, and when the labor organizers are through bemoaning the fact that the Bracero program undercuts their efforts to unionize American farmworkers, then one central fact remains. The farmers and ranchers of this Nation need new sources of farm labor and they need it desperately.

In an attempt to meet this need I introduced a bill during the last session of the Congress to reestablish the Bracero program, put it under the jurisdiction of the Secretary of Agriculture, and empower the Secretary to establish certain program standards governing the provision of adequate wages, hours, and conditions of employment. Under my proposal, U.S. farmers and ranchers would have had the opportunity to get more help, and Mexicans who wanted to better themselves and their families by earning more money would have been free to do so in this country.

Mr. Chairman, on balance it seems to me there is a clear need for instituting a new Bracero program or something close to it rather than passing the legislation before us today. Not only would it benefit American agriculture, it would also appeal greatly to Mexican farmworkers. Such a program would strike a new equilibrium between the labor resources of Mexico and the agriculture labor needs in the United States. It would better enable the food and fiber producers of this Nation to continue to provide their needed goods at reasonable costs to the American consumer.

Mr. DON H. CLAUSEN. Mr. Chairman, it would be unfair to my own sense of justice and fair play as well as to the Mexican-Americans in my own constituency if I were to vote in favor of the legislation before us to penalize employers who hire illegal aliens.

Mexican-Americans are proud and hard-working people but they have related to me the constant pressures and harassment they face simply because they are of Mexican descent.

I try to put myself in their position and ask why should I be singled out to display identification and verification of birth place in order to obtain or retain a job.

I know of no other group in these United States that is treated in this manner. Nor do I feel that any group should be. That is why I believe this bill, or any other bill, that could possibly encourage any form of discrimination no matter how subtle, no matter how innocent in appearance, would set a dangerous precedent.

While I am sure there could be a strong case submitted to support this legislation and while I must say it would be tempting to cast an affirmative vote, my conscience and my desire to fight discrimination wherever it rears it ugly head tell me that I can only register my feelings by voting in the negative.

Mr. BINGHAM. Mr. Chairman, I shall vote for passage of H.R. 982, but I wish to point out that the issues to which this legislation is addressed are complex and controversial.

The basic purpose of the bill, to deter U.S. employers from giving jobs to aliens who are illegally present in this country is sound. Illegal immigrants often compete with low-income U.S. workers for jobs. As a result, some native-born Americans, naturalized citizens, and legal immigrants with work permits are displaced from opportunities in the job market and may be forced onto welfare and unemployment rolls, thus adding to the national tax burden.

Illegal immigrants pay no income taxes and often send the bulk of their wages back to their native countries, thereby contributing to the U.S. balance of payments deficit. Because they are fearful of apprehension by U.S. Immigration authorities, illegal aliens usually will not complain when employers pay them substandard wages, below the U.S. minimum wage level. These illegal aliens also accept working and living conditions which do not meet legal requirements because they prefer to endure hardships imposed by unscrupulous employers rather than risk detection by law enforcement officials and expulsion from the country. The net result is that heartless employers hold these illegal aliens in virtual peonage and avoid the necessity of paying the minimum wage to American workers and meeting job standards which U.S. workers would demand.

Statistics bear out the fact that the problem of illegal aliens in the U.S. job market is serious. In 1972, over a half million were apprehended by the U.S. Immigration and Naturalization Service. It is impossible to measure precisely the number of aliens illegally present in the United States, but general estimates place the total at between 1 million and 2 million.

However, there are dangers which could arise from improper administration of the law proposed by H.R. 982. Congress must put on the record a warning to the Government agencies which would be involved in the administration of this law—the Department of Justice, the Department of Health, Education, and Welfare, and the Immigration and Naturalization Service—to guard against those abuses in the governmental and private sectors which might arise as a result of the enactment of this bill.

It is said that U.S. employers, fearful of punishment for hiring illegal aliens, might refuse to hire anyone who speaks no English or speaks it with a foreign accent. Since more than 85 percent of the illegal aliens are from Latin America, this could result in job discrimination against all Spanish-surnamed or Spanish-speaking Americans, including especially the large Chicano populations in the Southwest and the Puerto Rican residents of the Northeast. This dangerous problem can be avoided by making clear to all potential employers that the law requires only a good faith effort on the part of the employer to insure that the prospective employee is a legitimate member of the U.S. work force. The receipt by the employer of a statement signed by the prospective employee confirming that he is a U.S. citizen or an authorized work permit holder constitutes prima facie evidence that the employer has made a bona fide inquiry. An employer can only be punished if he "knowingly" hires an illegal alien. The respective Government agencies have a duty to remind employers that title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of national origin, and the agencies must insure that the implementation of this legislation does not cause job discrimination against legitimate employees of the affected ethnic and minority groups.

In addition, some minority group communities, particularly those with large concentrations of Spanish-speaking persons, are fearful that the Immigration and Naturalization Service may engage in wholesale roundups and dragnets of Spanish-speaking persons, including U.S. citizens and lawfully resident aliens, in an attempt to ferret out illegal aliens. Of course, the administrators of the INS must avoid any such "razzia"-type actions which would be in violation of the constitutional rights of American citizens and residents and highly offensive to minority group communities. In any event, enactment of the bill before us would not in any way add to this problem. Indeed, it might well make such actions less likely, since enforcement procedures would no longer be aimed solely at the illegal immigrants, as is now the case.

If due precautions are observed, Mr. Chairman, then the effect of this legislation will be a benefit to all native-born or naturalized Americans and legally resident aliens, particularly those persons who must compete for employment at the lower end of the income scale.

Mrs. CHISHOLM. Mr. Chairman, I am opposing the Immigration and Nationality Act Amendments today because I do not believe that they offer even a partial solution to our unemployment problem. In all the comments I have heard and read, one essential point has been ignored. The point is this: This bill attempts only to shift the burden of undesirable and substandard jobs from the alien poor to the indigenous poor.

In reality this bill makes illegal aliens the scapegoats for a problem which is not their doing. The real problem which we should be attacking is an employment situation where the jobs on the lowest end of the scale are so demeaning and financially unrewarding that not enough Americans are willing to take them. The illegal aliens are not replacing American labor; they are taking jobs which look good to them only in contrast to what they have come from.

Let us look at some facts in this area. One of the jobs most frequently taken by female illegal aliens is that of a domestic household worker. Altogether there are over 1 million household workers in America. And how much do these women earn? The median income for a private household worker in the United States is approximately $1,800 a year. Who among you can tell me that American women are fighting for jobs that only pay an average of $1,800 a year? How many women are competing for jobs that cannot provide them even a poverty-level income? Mr. Chairman, if we really want American ethnic and minority groups to fill these jobs, then we should concentrate not on an immigration bill but on a bill to provide a decent and humane minimum wage.

Let us look at some other facts. Right here in the District of Columbia, where the unemployment rate is one of the lowest in the country and the wage rate is one of the highest, there are 347,000 workers who are earning incomes below the poverty level. If that many workers in the Washington, D.C., area are receiving substandard wages, you can imagine what the rate across the country must be. I say that we are lucky to have anyone—illegal aliens or legal citizens—to work for below-subsistence wages. I certainly would not compete for a job which still left me unable to live a decent life or care for my children. Yet these are the type of jobs so often taken by illegal aliens out of dire necessity. If this bill were to pass, I do not think we would have a mass of unemployed Americans jumping to take these jobs. Why should they? Why should they take jobs which are an insult to their dignity as human beings?

As a final comment, I think that the best indictment of this bill is a statement uttered in support of the bill. The Department of Justice, in testimony before the Judiciary Committee stated their support of this bill because it will prohibit the hiring of "illegal aliens who are often highly productive and willing to work for wages and under working conditions that are unattractive to American workers." In effect this is admitting what I have just emphasized—that the illegal aliens are taking jobs which are unattractive to American workers. As I have pointed out, it is quite clear why these jobs are unattractive to American workers—the jobs do not pay a living wage. The solution, as presented in the Immigration and Nationality Act amendments, is to give these undesirable jobs back to Americans. What kind of solution is that? My stand is that we should not shift the undesirable jobs from aliens to Americans, as this bill would do, but that we should eliminate the undesirable jobs altogether by enacting legislation to provide respectable wages and respectable working conditions for all people.

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 982. I do so with the realization that, in the light of the problem created by the ease with which aliens can enter this country illegally and gain employment here, the bill may help; it is a step in the right direction but it does not go far enough to solve many illegal alien problems.

I must reluctantly point out that section 1 of H.R. 982 does not address itself to the problems that arise from hundreds of thousands of illegal aliens competing for jobs in this country and/or receiving benefits from welfare, food stamp, and medical care programs. Part of this section merely restates existing administrative procedures for Western Hemisphere natives to adjust their status from nonimmigrant to permanent resident aliens. The remainder of section 1 permits this to be accomplished without the alien leaving and then reentering the country.

Under the provisions of section 2, there is a 3-step procedure for imposing sanctions on employers and agents of employers who knowingly employ aliens illegally in the United States, culminating in the assessment of fines at the rate of $500 per alien found working in subsequent violations, if such violations occur within a 2-year period.

The Government Operations Committee's Legal and Monetary Affairs Subcommittee, of which I am chairman, is currently engaged in a study of the management and operational problems of the Immigration and Naturalization Service. Our authority for engaging in this study derives from section 8(2) of rule XI of the House of Representatives, which states that the Government Operations Committee has the duty of "Studying the operation of Government activities at all levels with a view to determining its economy and efficiency"; While we have had only 3 days of hearings so far, our subcommittee has had the benefit of findings contained in a draft report by the General Accounting Office, and we have compiled a mass of background information in a study that is now in its 21st month.

Our illegal alien problem arises, of course, from the attractiveness of life in this country to residents of other nations. It is a sad commentary on the existence at lower economic levels in other countries that living on welfare in the United States provides a better way of life than working at menial tasks almost any place else in the world. To oppose letting those unfortunates come to this country at will and infiltrate our work force or live on the handouts at the public trough could smack of incompassion. But consider the consequences of letting down all the bars against immigration. There would not be enough jobs to go around; there would not be enough money in the Treasury to feed, clothe, and house all the unemployed. The relatively good working conditions and reasonable wage structures, hard-won by years of labor-management negotiations, would break down under conditions where there would be several workers available for every job. There would not be enough housing to meet the needs of a vastly expanded population if there were no restraints on immigration. There would not be enough schools, recreational, and medical facilities to go around. There just is no reasonable way we can assume all the burdens of all the other countries by permitting free entry to all of their unfortunates.

We have laws by which restraints are placed upon immigration into the United States and it is the duty of the Immigration and Naturalization Service to enforce these laws. Our subcommittee is now studying the Immigration and Naturalization Service to see if economy and efficiency are key ingredients in its operations.

Our study is not yet complete; it is too early to arrive at any firm conclusions. But I think I can say that at this point there is much that the Immigration and Naturalization Service needs in order to quell the onrushing tide of illegal immigrants.

For one thing, the Department of Justice, of which Immigration and Naturalization Service is a part, and the Office of Management and Budget places, in my opinion, too low priority on the budgetary needs of the Service. In the past 10 years there has been an appalling pattern of reducing or eliminating requests for increased appropriations for Immigration and Naturalization Service, while the growth of our illegal alien problem has mushroomed. At the same time, it appears that Immigration and Naturalization Service does not always make maximum efficient use of resources made available to them. Little has been done in the way of more sophisticated identification and detection techniques; the age of computerization is slow in coming to Immigration and Naturalization Service.

As one member of the subcommittee I have wondered at the emphasis placed by Immigration and Naturalization Service on the Mexican alien problem, almost to failing to recognize that illegal



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aliens come from a hundred or more other countries.

Here in Washington, for example, illegal Mexicans comprise less than 5 percent of the total of illegal aliens located. There are more Bolivians, more Chinese, more El Salvadoreans, more Peruvians here in an illegal status than there are illegal Mexicans.

In New York City illegal Mexicans comprise less than 7 percent of aliens of questionable status located. In Fun City there are more Chinese, Greeks, Italians, and Dominicians than Mexicans in an illegal status.

The blame for the illegal alien problem lies in many places. We have this problem because there does not appear to be sufficient manpower, supportive personnel, apprehension and detection equipment available to the Immigration and Naturalization Service. Initial findings of the Legal and Monetary Affairs Subcommittee's study indicate that if there is a breakdown in the economy and efficiency of the Service it is due partly, at least, to the overwhelming work load of Immigration and Naturalization Service.

The job of expelling illegal aliens is at a breakdown status in some parts of the country because constitutional procedures must be followed in these matters; the alien must be given his day in court and the courts are overburdened.

The billions of dollars in foreign aid money we have sent overseas in the past quarter of a century have obviously not filtered down to the people and made life in their native lands palatable enough so they are unwilling to run the risks; including possible imprisonment, in order to come to the United States.

Once the alien is here in an illegal status, he often seeks to lose himself in the work force of a large city, where, all too often, he becomes the victim of an unscrupulous employer, who takes advantage of the alien's illegal status by working him long hours at substandard pay.

The legislation now before the House, H.R. 982, addresses itself in part to the latter problem. I support H.R. 982 because it does take at least a small step in the direction of making it a little more difficult, a little riskier for employers to exploit illegal labor.

Mr. EILBERG. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended to read as follows:

"SEC. 245. (a) The status of an alien who was inspected and admitted or paroled into the United States may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed.

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issued under section 203(a) within the class to which the alien is chargeable, or the number of visas authorized to be issued pursuant to the provisions of section 21(e) of the Act of October 3, 1965, for the fiscal year then current.

"(c) The provisions of this section shall not be applicable to: (1) an alien crewman; (2) an alien (other than an immediate relative as defined in section 201(b)) who hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status; or (3) any alien admitted in transit without visa under section 238(d)."

SEC. 2. Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended by deleting the proviso in paragraph 4 of subsection (a) and by redesignating subsection (b) as subsection (e) and adding new subsections (b), (c), and (d) to read as follows:

"(b)(1) It shall be unlawful for any employer or any person acting as an agent for such an employer, or any person who for a fee, refers an alien for employment by such an employer, knowingly to employ, continue to employ, or refer for employment any alien in the United States who has not been lawfully admitted to the United States for permanent residence, unless the employment of such alien is authorized by the Attorney General: *Provided*, That an employer, referrer, or agent shall not be deemed to have violated this subsection if he has made a bona fide inquiry whether a person hereafter employed or referred by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence or is authorized by the Attorney General to accept employment: *Provided further*, That evidence establishing that the employer, referrer, or agent has obtained from the person employed or referred by him a signed statement in writing in conformity with regulations which shall be prescribed by the Attorney General that such person is a citizen of the United States or that such person is an alien lawfully admitted for permanent residence or is an alien authorized by the Attorney General to accept employment, shall be deemed prima facie proof that such employer, agent, or referrer has made a bona fide inquiry as provided in this paragraph. The Attorney General of the United States shall prepare forms for the use of employers, agents, and referrers in obtaining such written statements and shall furnish such forms to employers, agents, and referrers upon request.

"(2) If, on evidence or information he deems persuasive, the Attorney General concludes that an employer, agent, or referrer has violated the provisions of paragraph (1), the Attorney General shall serve a citation on the employer, agent, or referrer informing him of such apparent violation.

"(3) If, in a proceeding initiated within two years after the service of such citation, the Attorney General finds that any employer, agent, or referrer upon whom such citation has been served has thereafter violated the provisions of paragraph (1), the Attorney General shall assess a penalty of not more than $500 for each alien in respect to whom any violation of paragraph (1) is found to have occurred.

"(4) A civil penalty shall be assessed by the Attorney General only after the person charged with a violation under paragraph (3) has been given an opportunity for a hearing and the Attorney General has determined that a violation did occur, and the amount of the penalty which is warranted. The hearing shall be of record and conducted before an immigration officer designated by the Attorney General, individualy or by regulation and the proceedings shall be conducted in accordance with the requirements of title 5, section 554 of the United States Code.

"(5) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the amount in any appropriate district court of the United States. In any such suit or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed and the Attorney General's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(c) Any employer or person who has been assessed a civil penalty under subsection (b)(3) which has become final and thereafter violates subsection (b)(1) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, for each alien in respect to whom any violation of this subsection occurs.

"(d)(1) Any vessel, vehicle, or aircraft which has been or is being used in furtherance of a violation of subsection (a), or which has been or is being used by any person who for a fee refers or transports an alien for employment in furtherance of a violation of subsection (b), shall be seized and forfeited: *Provided*, That no vessel, vehicle, or aircraft used by any person as a common carrier in the transaction of business as such common carrier shall be forfeited under the provisions of this section unless it shall appear that (A) in the case of a railway car or engine, the owner, or (B) in the case of any other such vessel, vehicle, or aircraft, the owner or the master of such vessel or the owner or conductor, driver, pilot, or other person in charge of such vehicle or aircraft was at the time of the alleged illegal act a consenting party or privy thereto: *Provided further*, That no vessel, vehicle, or aircraft shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such vessel, vehicle, or aircraft was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States, or of any State.

"(2) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of vessels and vehicles for violation of the customs laws; the disposition of such vessels and vehicles or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as applicable and not inconsistent with the provisions hereof: *Provided*, That such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels and vehicles under the customs laws shall be performed with respect to seizures and forfeitures of vessels, vehicles, and aircraft under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General."



SEC. 3. The Immigration and Nationality Act is amended by inserting immediately after section 274 the following new section:

"DISCLOSURE OF ILLEGAL ALIENS WHO ARE RECEIVING ASSISTANCE UNDER THE SOCIAL SECURITY ACT

"SEC. 274A. Any officer or employee of the Department of Health, Education, and Welfare shall disclose to the Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States and who is receiving assistance under any State plan under title I, X, XIV, XVI, XIX, or part A of title IV of the Social Security Act."

SEC. 4. The first paragraph of section 1546 of title 18 of the United States Code is amended to read as follows:

'Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or."

SEC. 5. Nothing contained in this Act, unless otherwise specifically provided therein, shall be construed to effect the validity of any document or proceeding which shall be valid at the time this Act shall take effect, or to affect any prosecution, suit, action, or proceeding, civil or criminal, done or existing, at the time this Act shall take effect: but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things liabilities, obligations, or matters, the statutes or parts of statutes repealed by this Act are, unless otherwise specifically provided therein, hereby continued in force and effect.

SEC. 6. This Act shall become effective on the first day of the first month after expiration of ninety days following the date of its enactment.

Mr. EILBERG (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have given this bill thorough study. I have searched the arguments of its advocates. I have reexamined the debate of last year. I say to Members of this House that I accept the purposes of this bill, but with all my vigor I oppose the methods proposed to achieve those purposes and I, therefore, urge rejection of the bill.

I do not argue here for illegal aliens. I do not argue for jobs being filled by such people, at the expense of our own citizens or the legal aliens. But, as I did last year, I urge rejection of the premise that every employer must be a policeman and every Mexican American must be a suspected law violator. That, I say, is discrimination—and discrimination violates the great traditions of our Nation. This bill would write selfishness into law—and I say that must not be done.

I want to explain my two basic objections. First, the bill would require every employer—farmer, storekeeper, rancher, or housewife—to be satisfied with the legal status of not only every job applicant but of every employee. The bill would invoke penalties for "knowingly" hiring illegal aliens. It is easy for some to say that these people should not be hired. It is easy, too, to say that no one should drive on our highways without a driver's license. But we do not ask every citizen to stop automobiles on our highways to demand driver's licenses from passing motorists. It is easy to be against bank robbery, or burglary, or arson, but we do not expect every citizen to challenge the intentions of every passer-by on the street.

What would you do, if you had to accept such strictures? When you buy a tire at a filling station you have patronized for years, would you ask the dealer to prove he bought the tire from a wholesaler and not a hijacker? When you buy cigarettes, would you demand proof that the tax stamps are valid? When you interview a job applicant for your staff, would you ask a young lady to prove she has never been arrested? Of course, your answers are negative. None of us wants to be a law enforcement officer in every transaction. Ours is a free society, one in which we respect others and expect their respect.

But assume for a moment that you are an employer and do not want to challenge the citizenship of every job applicant. What is the easy way out? The easy way—if not the ethical way—is to refuse to consider anyone whose legal rights might be suspect.

That brings me to my second major objection—that this bill will encourage discrimination. Most employers do not need more complications in their operation. If they need a farmhand to harvest a crop, or a woman to clean house, or a porter to handle crates in a store, they want an honest worker. Should we say to them, as this bill would have us say, that they can save time and perhaps even legal penalties by not even considering an applicant whose skin is brown, or whose speech is accented, or whose name suggests a foreign heritage?

I am not alone in saying this bill would invite discrimination. Bishops of the Catholic Church have said so; their representatives have said this bill would bring "incredible suffering"—that is quoted: "Incredible suffering" to hundreds of thousands of foreign-born residents. To quote further, the bishops said this bill "could encourage subtle discrimination by making employers fearful of hiring Latin-looking people."

I also cite the position of the Association of the Bar of the City of New York. The association's committee on immigration and nationality law has criticized this bill—and I quote:

We do not believe that enactment of this bill will adequately deal with an admittedly unsatisfactory situation. We believe there are already adequate provisions in the law to deal with aliens who accept unauthorized employment or otherwise violate provisions of their admission.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, I cite other organizations:

CASA, the Mexican-American Political Association of California and other associated Los Angeles groups have firmly declared that the proposed bill—

Will place every Spanish surname person in the United States in the position of having to justify his or her status every time he or she seeks employment.

Carina Ramirez, director of chicano studies at the University of Texas in El Paso, is convinced that this bill would not deter employers of illegal aliens. She wrote me:

"What they save in wages is far greater than any fine that could be imposed. On the other hand, those employers intimidated by the bill would be disinclined to hire any persons of Mexican descent. Thus the bill would not alleviate the problem of unemployment of Mexican-American people, but would actually increase the problem.

Let me cite a common problem in my district. A farmer has a crop ready for harvest, or a rancher needs more hands with his cattle, or a housewife needs help in her home. An honest effort to find an employee is unsuccessful—whether we like it or not, though unemployment is terribly high in southern Texas, there are some people who do not want the jobs available to them. That situation, where honest effort to get help is futile, occurs often in areas some distance from our cities. Sometimes the need for help is temporary, but if a farmer needs help with a harvest, that temporary need is vital. His return on a year's work hangs on getting his crop to market.

One man or several may show up, asking for work. I say it is asking too much for the Congress to tell that farmer that he has to turn help away, or risk going to jail if he hires those men.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. MAHON, and by unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, I thank the gentleman from Texas, and if he will let me finish this statement I will be delighted to yield to the gentleman.

I say again that if we seek to protect jobs for our citizens, that is quite another matter. But we should not place the policing burden, and the threat of jail, over the producers of food and fiber, the housewives, and small businessmen. I say again that I do not want illegal aliens taking jobs from our citizens or from legal aliens, and I support the revision in the adjustment of status provision. However, I say again that this bill would foster discrimination and prejudice. I offer no better reason for urging Members to vote against this bill.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

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Mr. KAZEN. Mr. Chairman, I yield to the gentleman from Texas, Mr. MAHON.

Mr. MAHON. Mr. Chairman, I would like to compliment the gentleman on his very down-to-earth and commonsense approach to this legislation. I want to say that I shall vote against this legislation unless it can be amended and made more suitable and fair.

I just hope the words of wisdom which the gentleman has expressed will be heeded by this House. I know that the gentleman speaks from experience.

Mr. Chairman, I know that in my own area we have many Mexican-American workers. This bill as now written would impose an intolerable and unacceptable burden upon our people.

I just wish to commend the gentleman upon his excellent statement and express the hope that the bill can be improved by amendment.

Mr. KAZEN. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, what I do not want to happen is for every single one of our native-born Mexican Americans to be second-class, card-carrying Americans at every turn of the road when no other citizen is required to be; to be put to the humiliation of having to sign statements prepared by the Attorney General or someone else before they can earn a livelihood for themselves and to feed, clothe, and educate their families.

Mr. EILBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, very briefly, in response to the appeal just made by the gentleman from Texas (Mr. KAZEN), I would like to repeat and emphasize that no burden is placed upon the employer at all in this bill. The only burden placed upon an employer is to refrain from knowingly employing illegal aliens.

What is so burdensome about making or responding to a simple inquiry?

The gentleman is fearful that people with Spanish surnames will be discriminated against. This is exactly why we structured the bill the way we did. It would require a knowing employment. The first sanction would be warning only, but no criminal penalty. The employer would be taking a minimum kind of risk in hiring any individual because nothing would happen other than a warning if it became established that he knowingly hired an illegal alien.

As far as discrimination goes, we have Federal agencies out working in the field on this such as the Equal Opportunities Commission, the Civil Service Commission and the Civil Rights Commission. They are effective, and working. If we are not satisfied with the kind of job they are doing, we have an opportunity in the House and the Senate to increase their enforcement powers so that these agencies will in fact help to reduce discrimination.

Mr. Chairman, I also remind the gentleman that in the area of the country he represents, unemployment is among the highest in the entire United States. It is precisely this kind of reasoning which brings this bill to the floor.

We must be more concerned with the present discrimination against the U.S. citizen and against the lawful alien who cannot find employment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, the very first point the gentleman made is the fact that there is no burden placed upon the employer. I will refer the gentleman to the top of page 7 where, in order to preserve prima facie case, he must comply, the least he would be able to show is a signed statement by the prospective employee. Those are the provisions of this bill.

Mr. EILBERG. Mr. Chairman, we provide methods by which he can show his good faith, he can use any one or none of those methods.

Mr. KAZEN. But, if this is the route it would take for him to make a prima facie case to prove he has done everything to comply with the law, that man, in order to protect himself, is going to take a written statement from every person he feels might be illegal.

He is not going to bother with a white, but he will with the brown-skinned man.

Mr. EILBERG. It is our view that if an employer is responsible and desires to make inquiries, he will make such inquiries of all his employees.

Mr. KAZEN. But this is the burden.

Mr. EILBERG. There is no burden placed upon the employer at all.

Mr. KAZEN. Mr. Chairman, I refer the Members to the bill itself.

AMENDMENT OFFERED BY MR. WIGGINS

Mr. WIGGINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: strike out all of subsection (d) of section 2, on pages 13 and 14.

Mr. WIGGINS. Mr. Chairman, H.R. 982 is a well-intentioned measure designed to discourage the employment of illegal aliens. I have considerable doubt that it will be efficacious in achieving this desirable objective since the committee has provided an easy escape for employers from the civil and criminal sanctions of the bill. But the problem to which the bill is addressed is of sufficient magnitude to justify my support for the procedure therein authorized on a trial basis, at least, notwithstanding the reservations which I hold.

Quite apart from the wisdom of imposing civil and criminal penalties upon employers and referrers, and the debate concerning the possible discriminatory impact such procedures may have on certain racially identifiable Amerians, I have other reservations to which the remainder of my remarks shall be addressed.

I believe H.R. 982 to be flawed in at least one important respect. The bill grants, unwisely, the power to seize and forfeit certain assets which have been used in furtherance of designated illegal activities. My amendment is to strike these provisions from the bill.

The bill before us provides that section 274 of the Immigration and Nationalities Act (8 U.S.C., 1324) shall be amended by adding a new subsection (d) thereto. The new subsection declares that:

Any vessel, vehicle, or aircraft which has been or is being used in furtherance of a violation of subsection (a) [relating to the smuggling of illegal aliens], or which has been or is being used by any person who for a fee refers or transports an alien for employment in furtherance of a violation of subsection (b), shall be seized and forfeited.

Two exceptions to the authorized forfeitures are specified in the bill. First, if the conveyance is a common carrier, forfeiture is not permitted unless it shall appear first, in the case of a railway car or engine that the owner, or second, in the case of any other vessel, vehicle, or aircraft, the owner or the person in charge thereof was at the time of the alleged illegal act a consenting party or privy thereto. Second, a forfeiture is not permitted if the owner establishes that the vessel, vehicle, or aircraft was stolen and the alleged illegal acts were performed while the thief was in possession thereof.

Existing law with respect to seizure, summary and judicial forfeiture, and remission or mitigation of such forfeitures is made applicable to the seizures and forfeitures authorized in the bill.

I take exception to the forfeitures provisions of this bill on both technical and conceptual grounds. Although I believe the only proper corrective action to be taken is to strike the entire section, my amendment to strike may not prevail. I should make mention, therefore, of the maze into which this forfeiture section will lead us if permitted to stand.

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The authority to seize and forfeit is triggered upon a determination that the vessel, vehicle or aircraft "has been or is being used in furtherance of a violation" of subsection (a) or (b) of section 274 of the Immigration and Nationalities Act.

Who possesses the authority granted? And under what circumstances may it be exercised?

Plainly, it is intended that the seizure will, in most cases, be made simultaneous with the arrest or the issuance of a citation. Therefore, the considerable discretion to determine whether the conveyance is used "in furtherance" if a violation, whether the absent owner was a "consenting party or privy" to the violation, or whether the absent owner has met his burden to "establish" that the conveyance was "unlawfully in the possession of a person who acquired possession thereof in violation of the criminal law—" is vested in a law enforcement official.

Of practical necessity, police agencies are granted wide discretion in making an arrest. Preliminary judgments must be made concerning probable guilt in order to put the judicial machinery into motion. The point to be made, however, is that, in the case of an arrest, these preliminary police judgments are subject to prompt judicial review. Under the pending bill, we authorize a procedure for the seizure of property which we would never tolerate for the seizure of a person. The broad police discretion granted to seize property is subject to no necessary judicial review. Although Congress may possess the power to vest a police official with such broad and unsupervised discretion in the case of a seizure and forfeiture of a property interest, I cannot believe that it is wise for us to exercise such power as we may possess in this regard. Indeed, I seriously question the present validity of prior precedents recognizing such power, at least in the case of property which is not contraband.[1]

The bill is ambiguous with respect to the circumstances under which a seizure and forfeiture may be authorized.

Witnesses from the Department of Justice testified that a seizure would be justified at the time of an apparent violation, but that forfeiture would occur only upon a final judgment of conviction of that violation.

This interpretation, however desirable, is not supported by the language of the bill itself.

The section in question requires only that the property be used "in furtherance of" a violation. Clearly some act short of the commission of the offense would support a finding that the act was done "in furtherance" of it. The act "in furtherance" of a violation could not necessarily be characterized as an illegal act because it may not, standing alone, support a conviction. However, an exemption from forfeiture is granted to common carriers only if the owner or person in control thereof did not consent to "the alleged illegal act." The use of the words "alleged illegal act" tend to contradict the clear authorization to seize and forfeit for an act which may not be illegal, but is only "in furtherance of" a violation.

Further confusing the true intention of the bill is the contrasting language employed in the stolen conveyance exemption. That proviso speaks of a forfeiture "by reason of an act of omission"[2] in furtherance of a violation. Unlike the common carrier exemption, the conduct—or lack thereof—triggering the forfeiture is not characterized as an "alleged illegal act."

To add another element of confusion is the use of the words "or transports" in subsection (d)(1). That section reads in part:

(d)(1) Any vessel, vehicle, or aircraft which has been or is being used in furtherance of a violation of subsection (a), or which has been or is being used by any person who for a fee refers or *transports* an alien for employment in furtherance of a violation of subsection (b) shall be seized and forfeited. (Italic added.)

Subsection (b), to which the above subsection (d)(1) refers, reads in part:

(b)(1) It shall be unlawful for any *employer* or any person acting as an agent for such employer, *or any person who for a fee, refers* an alien for employment by such employer, knowingly to employ or refer for employment any alien . . . (Italic added.)

It is apparent that the violation in subsection (b)(1) is the employment or the referral, for a fee, for employment. The transportation of the illegal alien is not, in itself, prohibited. However, it is also apparent that a person who transports the illegal alien may have his vessel, vehicle or aircraft seized and forfeited, although he may be innocent of any knowledge of the wrong of the employer or referrer. The extreme case might be the referrer who, for a fee, promises an alien employment upon his arrival in the United States. The alien enters illegally and hitchhikes to the place of his promised emplooment. If apprehended en route, would the good samaritan who innocently picks up the alien have his automobile seized and forfeited because he transported the alien in furtherance of the referrer's violation of subsection (b)(1)? Apparently so.

Moreover, the bill would clearly authorize a seizure and forfeiture in the case of a referrer who has been issued a citation only and against whom no criminal action or civil penalties are contemplated. I doubt that the drafters of this legislation intended such a harsh consequence upon a first citation, but it is authorized nevertheless, and stands as a further contradiction of the understanding of the bill voiced by the witnesses from the Department of Justice.

In summary, with respect only to the circumstances under which a seizure and forfeiture is authorized, it is charitable to characterize the bill as unclear. Although I prefer to remedy its shortcomings by striking the entire forfeiture section, if my amendment fails, it is hoped that its supporters will make abundantly clear the intention of Congress that a seizure and forfeiture is only authorized for acts, not omissions; that the acts result in a criminal prosecution; that the actor have an interest in the asset forfeited; and that the forfeiture occurs only after a final judgment of conviction of the actor.

II

In attempting to provide a useful tool for law enforcement officials to discourage the smuggling and referrel of illegal aliens for employment by authorizing the seizure and forfeiture of vessels, vehicles and aircraft used in furtherance thereof, the drafters of this legislation have created certain classifications which border upon being capricious.

First, seizure and forfeiture is only permissible in the case of a vessel, vehicle, or aircraft. Assets of this character are not instruments uniquely necessary to the commission of the wrong which Congress seeks to prevent. The seizure of a still, perhaps, would substantially deter a moonshiner. But, in a modern society, an automobile, for example, is a fungible commodity.

Perhaps our intent is to get at those assets actually used for the conveyance of illegal aliens in furtherance of the specified violations. We have not so limited the forfeiture authority, but if we were to do so, it would hardly be a rational means of achieving the legitimate objects of the legislation, given the fungible character of the assets in question, and the ease with which they can be replaced.

Second, seizure and forfeiture may occur in the case of a smuggler, a referrer for a fee, or a transported—for unexplained reason the culpable employer, at whom this legislation is also clearly aimed, is excluded. Both the smuggler and the referrer for a fee may be regarded as wrongdoers and likely candidates for the additional penalty of forfeiture if their assets are used in furtherance of their wrongful acts. But why do we subject the transporter to this risk?

The irrationality of the classification can be demonstrated by the following example:

Assume "A," a referrer of illegal aliens for a fee, contracts with innocent "B" to transport in "B's" vehicle illegal aliens to a distant location for employment. Under these circumstances, "A" has committed the violation but "B's" vehicle is subject to forfeiture as having been used in furtherance of "A's" violation.

It is hardly persuasive to argue in the year 1973 that "B's" vehicle is itself culpable and "B's" personal innocence is irrelevant.

Third, the common carrier exemption is irrational. In the case of a railway car or engine, the consent of the conductor or engineer to the illegal act is not imputed to the owner so as to subject the owner to the hazards of seizure and forfeiture. However, in the case of a common carrier bus, vessel, or aircraft, the consent of the driver, master, or pilot is imputed to a wholly innocent owner so as to subject his property to forfeiture The difference in treatment can hardly be explained away as another special benefit to rail transportation or a conclusive legislative finding that owners of railroad equipment are in all cases innocent, whereas the owners of a Greyhound Bus, for example, may in some instances be culpable. The simple fact is that the legislation treats wholly innocent owners, and thus identical parties, in a different way without apparent justification.

Fourth, the stolen conveyance exception is capable of mischievious and irrational application. That exemption requires first, that the actor be in unlawful possession of the vessel, vehicle, or aircraft, and second, that the same actor have acquired such possession in violation of the criminal laws. If these two facts are established by an owner who is not himself the actor, his asset is not subject to forfeiture. The evident purpose of this exception is to insulate from forfeiture an innocent owner whose conveyance has been stolen and used by the criminal in furtherance of a violation of the act. This protection is lost, however,

[1] At least one lower Federal Court has held forfeiture provisions similar to that before us to be unconstitutional. See *United States* vs. *One 1971 Ford Truck*, 346 F. Supp. 613 (1972).

[2] The use of the word "omission" in this sentence is a mystery to me. The only omission which would appear to be relevant would be the failure of a referrer to make a bona fide inquiry concerning the legal status of the alien. Such an omission would tend to support his lack of knowledge (however unreasonable) rather than support a finding that he "knowingly" referred an alien for employment. Surely such an omission would not be "in furtherance of" a violation so as to justify a seizure and forfeiture. The gratuitous use of the word "omission" only tends to muddy the water.



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if the stolen asset is transferred to a person who has no knowledge of the fact that it was stolen. The innocence of the owner is the same whether the asset is transferred to others or not, yet he is protected in one case and not the other.

I can conceive of no justification for the requirement that the actor have come into possession of the conveyance illegally if our true concern is for innocent owners.

Fifth, the creation of statutory exceptions for common carriers and for owners of stolen conveyances is to grant an arbitrary preference to owners in these two categories at the expense of others whose situation may be substantially identical.

At the outset, it surely must be conceded that the legislative purpose in creating the two exceptions is to avoid the hardship of a seizure and forfeiture of assets belonging to persons who are innocent of any misconduct. But too many innocent parties remain snared in the statutory net to give rationality to the special exemptions afforded common carriers and owners of stolen conveyances.

The lessor, the gratuitous bailor, and the owner of a security interest all risk the forfeiture of their property right although wholly innocent of any wrong. It is true, of course, that remission or mitigation is possible or that they may mount a successful defense to judicial forfeiture; but this overlooks the inconvenience and expense of such remedies which we impose without justification upon these innocent parties and do not impose upon a limited category of others who are identical insofar as the central question, innocence, is concerned.

One cannot overlook the extent of this discrimination. In the nature of things, it is to be expected that most vessels, vehicles, and aircraft would involve the ownership of interests apart from that of the immediate possessor.

III

I have taken some time to detail defects in the proposed forfeiture provisions of this bill. Many of these errors might be corrected by technical amendments, but I cannot be their sponsor. Even a carefully drafted forfeiture section is, in my view, unacceptable.

Much has been written about the history of forfeitures. In summary, the practice has grown out of the notion that the instrument used in the commission of a wrong is itself culpable and should be subject to the "punishment" of forfeiture. (See *United States* v. *U.S. Coin and Currency*, 401 U.S. 715 (1971).) Such a notion is an anachronism and should not be nourished by its extension into a new area of the law where it has not existed historically.

Forfeitures are not a per se evil. In the case of contraband which cannot lawfully be possessed, a forfeiture thereof makes abundant sense, not because the property itself is guilty of a wrong, but because society does not recognize a lawful property interest in it. Vessels, vehicles, and aircraft are not in this narrow category. It is precisely because persons may own legitimate interests in these items of property, the right to possession being but one, that forfeitures become instruments of injustice which we should not tolerate.

If a modern justification for the forfeiture of noncontraband property exists, it is to provide an additional punishment to those who may commit a certain category of crimes. Perhaps, a schedule of punishment for certain limited offenses might include fine, imprisonment and forfeiture of the wrongdoer's interest in designated assets. But this bill, and most other forfeiture statutes, are not so limited. The entire property, and all interests therein, are forfeited. The guilty and the innocent are punished with blind evenhandedness.

It is true that a procedure exists for the innocent to recapture his property. He may shoulder the burden of resisting a judicial forfeiture, or he may appeal to the sense of fair play of the very agency which seized his asset in the first instance, for remission or mitigation. The magnitude of this burden is not insignificant, especially when measured against the value of the asset seized.

To illustrate, assume that a wholly innocent owner of an automobile lends it to a referrer. The referrer uses the vehicle to transport an alien for employment. The referrer is arrested and the vehicle seized. It is of small comfort to the owner that he may obtain the return of his vehicle if he pays all accrued storage charges, hires an attorney to resist a judicial forfeiture or petitions for remission based upon certain criteria established by the seizing agency. In the past we have seen such agencies promulgate irresponsible rules which impose the impossible burden on the holders of security interests and bailors to conduct a prior investigation of the criminal background and reputation of the borrower or bailee as a condition of remission. It must be remembered at this point that the forfeiture proceeding is deemed to be civil in nature and the seizing agency may convince itself by a preponderance of the evidence that the owner is sufficiently culpable by its own standards to justify a forfeiture.

If there is elemental justice in such a procedure, it escapes me. And we condone such an unjust procedure in this Act.

To those who may adhere tenaciously to the ancient doctrine that the asset itself is culpable and thus a proper subject for forfeiture, I suggest an amendment authorizing the Attorney General to beat the errant vessel, vehicle or aircraft with a stick, or perhaps, in order to avoid physical damage, to hold the asset up to public censure by a stinging letter.

But to those who may believe, as I do, that only the wrongdoers should be punished, let us abandon this archaic concept of forfeiture in favor of civil or criminal penalties which may be imposed directly against the person guilty of misconduct. If such penalties are insufficient, they may be strengthened without the risks to innocent parties which are inherent in forfeiture statutes.

I urge support of my amendment.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Indiana.

Mr. DENNIS. I should like to refer to the question I discussed with the gentleman a moment ago. Suppose we should limit the forfeiture to the interest in the vehicle of a guilty party? That would take out the idea that we were doing something to innocent people here in forfeiting their property. Would that not give a legitimate and useful additional penalty to a man who is devoting his property to a violation of law?

Mr. WIGGINS. Mr. Chairman, I will answer the gentleman in this way: I would say it would be an improvement, but not fully adequate. I believe, however, that the enlightened and reasonable way to punish misconduct is to find a man guilty, and if he is guilty, send him to jail. If the penalties are inadequate, let us make them a little tougher. This whole notion of forfeiture of assets has inherent in it the tendency to work an unjustified hardship against innocent people, and I do not support it.

Mr. LEHMAN. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Chairman, before I came to the Congress, I was involved in the automobile sales business for many years, and as a result I look forward to the support of this amendment, because of this background. We had dealings with a similar agency of the Federal Government, usually the alcoholic tax unit.

I just want to say that many times, unless the dealer had an understanding with the alcoholic tax unit for any particular sale of the car, if the person you were selling the car to had no previous record, anything that happened to the car by any investigation by agents of the Federal Government took precedence over any lienholder. So in the event there would be an innocent party, other than the person driving the car and other than the person owning the car, that would be the person who was a lienholder on the car, in this kind of a case, and I think it is not fair to the innocent businessman to be involved in these kinds of situations.

(On request of Mr. KEATING and by unanimous consent, Mr. WIGGINS was allowed to proceed for 1 additional minute.)

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, with reference to the statement made by the gentleman on the other side of the aisle a moment ago, he indicated that the lienholder was not protected. I ask the gentleman in the well at this time if under this bill, H.R. 982, the lienholder is not protected?

Mr. WIGGINS. Not at all. The lienholder's only protection is to concede the validity of the forfeiture and to ask the Attorney General for his clemency under regulations promulgated by the Attorney General.

Mr. KEATING. Is he not entitled to relief under the terms of this bill?



Mr. WIGGINS. No, he is not.

Mr. KEATING. Certainly he does have recourse to get his interest in this matter recovered under the terms of this bill.

Mr. WIGGINS. I refer the gentleman to the bill. There certainly is not such a provision.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. WIGGINS was allowed to proceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Ohio. (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, as the gentleman knows, I strongly support this bill. However, I think the gentleman is absolutely right on the forfeiture provisions of this bill. They work a seizure of property without compensation. They go contrary to the principles if not the letter of the Constitution, and the mere fact that we have been doing it for years does not justify it. There is no justification for inflicting hardship on innocent people simply to convict other people who are violating the law.

Mr. DANIELSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am not so strongly opposed to the amendment that I could not live with the bill with the amendment but I think that it is important that we put some of this into its proper perspective.

First of all, the amendment offered by my colleague, the distinguished gentleman from California (Mr. WIGGINS) as well as the support which he received from the gentleman from Florida, is predicated on the assumption that everybody involved in smuggling aliens is innocent. That is about the farthest thing from the truth.

No doubt there are times when a motor vehicle, an airplane, a boat, or whatever may be the vehicle which is used in a smuggling operation, may be the property of a person who is totally innocent of any knowledge, of any privity or anything at all that would compromise his innocence in the operation.

However, I respectfully submit that more times than not the smuggler who is bringing in illegal aliens, just as the smuggler who is bringing in narcotics, or counterfeit money, or any other type of contraband, is privy to the operation. He does have knowledge of what he is doing and is a party to it and there is no innocence whatsoever involved.

Mr. WIGGINS. Will the gentleman yield?

Mr. DANIELSON. Not at this time. I will yield at the appropriate time.

I would like to point out, also, that we had better put this in perspective from another point of view. There is ample provision within our existing laws to protect the innocent owner of the motor vehicle if his vehicle should be seized in conjunction with a smuggling operation. There are provisions right in the bill itself which take care of a substantial number. They appear on page 13 of the bill before us. Also we have provisions in the code of Federal regulations, 28 CFR 9, which authorizes the remission or mitigation of forefecture and the right of the petitioner to establish his innocence or lack of knowledge of a violation which subjected the property to seizure and forfeiture.

I would like to respond, also, to the gentleman from Florida who expressed concern because of his years of experience in the automobile sales business that the old provision of years ago, that a motor vehicle dealer was compelled to check with law enforcement agencies to determine whether the conditional buyer or the lessor of a vehicle had a criminal record, was repealed some time ago and is no longer a part of the law of the land.

Admittedly, in the illegal alien problem smuggling becomes an important factor.

All illegals are not smuggled, however. Many of them walk across the border, or find some other method of obtaining entrance into the country. But there is a sizable number who are literally smuggled into the country aboard a vehicle of some person who charges a fee for that operation

In doing so I would like to have my colleagues note some of the facts which come up.

Oftentimes the smuggling operations are so inhumane that they result in illness or death to the aliens being smuggled. In the 1968 annual report of the Immigration and Naturalization Service, for example, there is a quotation which states:

> In January an Illinois State trooper stopped a pick-up truck near Morris, Ill., because it was moving at a slow rate of speed and appeared to be heavily overloaded. The vehicle had been topped with aluminum and wood. The trooper found 52 Spanish-speaking males jammed into the enclosed part of the van.

Again in the 1972 report they state:

> In another instance a vehicle intercepted by agents in California had been specially equipped with two fans installed in the trunk, which could be connected to the cigarette lighter, thereby facilitating the circulation of air drawn from vents in the rear deck of the auto. Air ride supports installed on the vehicle maintained an even balance in spite of the additional weight in the trunk of the car. It was learned that the smuggler had regularly been bringing in two to four illegal aliens in this manner.

Mr. Chairman, this is a racket. The smuggling of aliens by those who make it a part of their livelihood is a vicious racket which, in turn, ought to be stopped. It is an auxiliary question to the entire illegal alien question, but these people are victimizing these poor illegals, and I think that should be stopped. Forfeiture is one good way of doing it.

Now I yield to the gentleman from California.

Mr. WIGGINS. I thank the gentleman for yielding.

I concede that there are many illegal aliens in this country and some of them have been smuggled here.

The smugglers, perhaps, should have their vehicles forfeited. I have no case to make for them. But consider the employer who promises an alien employment on his arrival in the United States. The alien enters illegally.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, at the request of Mr. WIGGINS, Mr. DANIELSON was allowed to proceed for 1 additional minute.)

Mr. WIGGINS. Mr. Chairman, would the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, all I am saying is considering the case, and this is a very realistic one, of an alien who entered the United States illegally for the purpose of accepting employment which had been promised to him by a bad man, a referer for a fee. Let of us suppose that the alien has hitchhiked through your district or through mine on his way to accept this employment; and let us further suppose that he is picked up by this good Samaritan. If that automobile is stopped and the illegal alien is apprehended, then what is the status of the good Samaritan who offered him that ride? I can tell you that the answer to that under this bill is that his vehicle is subject to forfeiture. Where is there justice in that?

Mr. DANIELSON. I would be delighted to give my colleague, the gentleman from California, another answer and that is that that man is not engaged in an illegal smuggling action.

Mr. WIGGINS. But under this bill he has to forfeit his car as a transporter.

Mr. DANIELSON. I would like to add one more comment and that is that if this good Samaritan who has picked up a hitchhiker, and who is not illegally smuggling aliens, and if his car should be seized, he probably would go to a competent lawyer such as my colleague, the gentleman from California, who I am sure would not go hat in hand seeking for remission.

Mr. WIGGINS. A good attorney would not go hat in hand; he would go fee in pocket. The good Samaritan would have to pay a price to ask for remission of the forfeiture.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EILBERG. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment offered by the gentleman from California (Mr. WIGGINS).

Mr. Chairman, I would just like to make a few points. The principle, first of all, is a well-established one in law and it has been placed in many, many statutes. Further, as the gentleman from California well knows, this provision has been tested as to its constitutionality and there is no question as to its constitutionality.

The gentleman also knows that there is a provision for getting the vehicle back, for mitigation, and remission and that in 95 percent of the cases that vehicle is returned. The procedure for doing this is relatively simple. The gentleman also knows that where a vehicle is retained there is provision for a bond to be put up so that unnecessary hardship is not involved.

Mr. Chairman, I should also like to point out that in these smuggling cases

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it is very difficult to get a criminal conviction, but that under the forfeiture provision it is a civil matter—especially in the type of vehicles used. I trust the Members saw those vehicles displayed in the Speaker's lobby that have been used in smuggling aliens.

I would also refer to the case the gentleman has cited through his own personal experience. He is talking about different vehicles, not such as those that are displayed in the Speaker's lobby—vehicles of low value or of very little value, that are the actual instruments of the crimes themselves. I believe that we should have such vehicles held in forfeiture because if we did not, such vehicles will be back across the border smuggling aliens the very next day.

Finally, Mr. Chairman, the gentleman from California stresses the fact that a great many of these vehicles are rented vehicles. However, I have a report concerning this issue. From January through March, 1973, INS records show forfeiture of some 1,500 vehicles privately owned and only 44 that were rented vehicles. So, the gentleman from California is talking about a very, very small percentage. I do not think that the isolated experiences the gentleman has referred to justifies striking this provision as a principle because it is a principle that has been involved in our law in many ways. It is particularly applicable when we are dealing with the kind of vehicles displayed in the Speaker's lobby today.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Ohio.

Mr. KEATING. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. WIGGINS) and I wish to compliment my chairman of the subcommittee, the gentleman from Pennsylvania (Mr. EILBERG) in the position that he has taken in this debate.

Mr. FLOWERS. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Alabama.

Mr. FLOWERS. Mr. Chairman, I wish to join with my chairman of the subcommittee, the distinguished gentleman from Pennsylvania (Mr. EILBERG) in opposing the amendment offered by the gentleman from California (Mr. WIGGINS). I think that the principle of forfeiture in situations like this is well established in our jurisprudence. It is definitely a deterrent and it would help cut down on these activities and it ought to be in this bill as it is in other legislation on this same subject.

Miss HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentlewoman from New York.

Miss HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding. Is not one of the problems, however, associated with this provision of forfeiture it is that forfeiture can be triggered simply on the service of the citation which in itself can be triggered on the basis of hearsay information?

Mr. EILBERG. Mr. Chairman, I would reply to the gentlewoman from New York that that is totally incorrect. The service of the citation is a separate matter. We are talking about forfeiture of the vehicle only where there has been smuggling involved on transporting for a fee. It has nothing to do with the service of the citation, which is a separate proceeding.

Miss HOLTZMAN. Mr. Chairman, if the gentleman will yield further, what information or evidence, if any, must the Attorney General have in order to authorize him to seize property?

Mr. EILBERG. He must have sufficient evidence to show that this vehicle has been used for smuggling and that was the reason the vehicle was obtained for that smuggling operation.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from California.

Mr. WIGGINS. I would say that my chairman is absolutely incorrect in the statement he has just made that a forfeiture is not authorized upon the issuance of a citation. I suggest that the gentleman read carefully the bill. The forfeiture and seizure are authorized for any person who uses a vehicle in furtherance of a violation of the act, period. One cannot issue a citation unless a man has violated the act.

Mr. EILBERG. The citation is also for knowingly employing an illegal alien.

Mr. WIGGINS. If there is a smuggling operation involved, if there is a violation of the act, then the forfeiture is authorized.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Ohio.

Mr. KEATING. Using the words of the act:

> Any vessel, vehicle, or aircraft which has been or is being used in furtherance of a violation of subsection (a), or which has been or is being used by any person who for a fee refers or transports an alien for employment in furtherance of a violation of subsection (b), * * *

I think that coincides with the chairman's understanding and representation of that portion.

Mr. EILBERG. I thank the gentleman very much for his contribution.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the trouble with the argument of my good friend, the gentleman from California (Mr. WIGGINS) is that he seeks to prove too much. Actually if we look at the bill, there are only two places where a forfeiture can take place.

One is if a vessel, vehicle, or aircraft is used in furtherance of a violation of subsection (a)—which is smuggling aliens—or which has been or is being used by any person who, for a fee, refers or transports an alien for employment in furtherance of a violation of subsection (b). He has got to be referring or transporting the alien for a fee. Not every violation of subsection (b) authorizes forfeiture of a vehicle. It is only when one uses vehicle, for a fee, to further such a violation.

Therefore, the case of the innocent hitchhiker that my friend referred to, in my judgment, is not covered. He has to transport him for a fee in furtherance of a violation of subsection (b) to be guilty.

I have considerable sympathy with the idea that we should not forfeit property of innocent people, but even under the bill as drawn there are some protections. Here is what we say further:

> All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of vessels and vehicles for violation of the customs laws; * * *

Which we already have—

> * * * the disposition of such vessels and vehicles or the proceeds from the sale thereof; the remission or mitigation of such forfeitures shall apply to seizures and forfeitures—under—this chapter—

So there is relief.

It is perfectly true that under the old regulations Mr. WIGGINS referred to, if one has a security interest, for instance, in something, one could not get relief if one did not know of the criminal record or reputation for a law violation of the man with the vehicle, unless one could show, under the Attorney General's regulations, that he had made an inquiry about that; but that has been changed. That is no longer the regulation.

Under the present regulations, as long as one can show that one did not know anything about this criminal record or his bad reputation, one can get relief.

So even under this law there is protection for the innocent person.

I say this: The amendment would strike the whole forfeiture provision. I think that is wrong. If we need an amendment which will make the protection of the innocent clearer, if somebody would offer an amendment, I would be for it; but I do not think we ought to support this one. If there is not enough protection for the innocent party under the present law, let us work it out later in conference, or some place, and get that principle established.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. It is not true, and maybe the chairman of the subcommittee can also answer this question. Possibly it was discussed in the judiciary committee hearings. I would like to know if it, that the U.S. District Court in Los Angeles ruled that this same forfeiture language from another Federal law was in fact declared to be unconstitutional.

That Los Angeles Federal Court has held forfeiture provisions similar to that before us to be unconstitutional. (See *United States* v. *One 1971 Ford Truck*, 346 F. Supp. 613 (1972).)

Mr. EILBERG. I wish I could answer the gentleman's question as to the particular case. I know they have ruled repeatedly on the constitutionality.

Mr. ROUSSELOT. In this case, as I understand it, a forfeiture provision was very clearly ruled unconstitutional, and I think on that basis alone this committee should have considered more careful language. I am disturbed to know the committee, which I know is very conscious of constitutional issues, did not consider this important civil rights issue.



I support the amendment by the gentleman from California (Mr. WIGGINS) which would strike this unconstitutional section.

Mr. DENNIS. I might say to my friend, the gentleman from California, since I still have the time, that while I am not familiar with that particular decision of that particular lower court, I am confident that the general forfeiture provisions of the customs laws have been upheld many times, so I do not think the constitutionality of the law is seriously involved in this.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am strongly in support of the other provisions of this bill and I think it is unfortunate that we have allowed ourselves on the committee to be diverted into defending what is basically an indefensible position. The fact is that if this bill is passed the Government is not going to have to resort to seizures to enforce the laws against illegal immigration, because the bill itself is going to dry up most of this illegal alien problem.

I would like to say in response to the chairman, whom I greatly respect and who is absolutely correct about the bill in general, that the mere fact there are already similar forfeiture provisions in the law as to other misuse of vehicles is no excuse if this type of provision is wrong. I do not care if there are only 44 cases where rental cars were used, those are 44 carowners who even if wrongly deprived of their rights to their property for only a day, have had an unwarranted injustice inflicted on them.

Second, I think it is opposed to our concept of due process that in order to get their property back the burden of proof is placed on them to go in and prove their innocence. That is at odds with our traditional concept of due process. There can be no justification for adding more of this type of legislation, and I would hope we would not only eliminate this from the bill but also go through the rest of the U.S. Code and eliminate similar provisions.

So I am completely in accord with the amendment offered by the gentleman from California (Mr. WIGGINS), but I also suggest the utility of this type of provision will be eliminated if we can get this bill passed. So let us eliminate the offensive provision and concentrate on the main point of this bill.

Mr. EILBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, reference has been made again and again to the forfeiture of the vehicle involved. I want to tell the members of the committee that the Supreme Court recently has made it very clear that the Attorney General is to bend over backward in considering these petitions for remission, so that this concept is well understood by the lawyers and by the Supreme Court, and in fact the great bulk of the petitions that have been filed have been granted.

Furthermore, the United States Code annotated, title 49, section 781, on page 130, it is apparent that case after case establishes the constitutionality of similar forfeiture provisions.

If the gentleman from California (Mr. ROUSSELOT) is listening, if he wants to refer to this section, he will find that the constitutionality of forfeiture proceedings have been established.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, let me say that the last word by the U.S. Supreme Court does characterize the whole procedure as a superstition. This is a majority opinion.

Mr. EILBERG. But the decision also indicates that it is their forfeiture statutes are designed to impose penalties only on those who are involved in the criminal enterprise.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I would just like to say that we are not limited to the question of whether this provision is constitutional or not. Assuming it is constitutional, our responsibility as legislators is to decide what is right as a matter of policy.

Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WIGGINS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. EILBERG. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ROYBAL: Page 10, beginning in line 7 strike out section 2. Redesignate the succeeding sections accordingly.

Mr. ROYBAL. Mr. Chairman, while I agree with the intent of the bill to prevent employers from using illegals, I strongly disagree with its approach.

I believe this bill is the most discriminatory bill against Mexican-Americans and Asians which has been brought to the floor of this House. In the first place, the law places a responsibility of making difficult decisions involving a person's citizenship or immigration status on the employer. Now, the employer makes a selection. He determines whom he is going to quiz with regard to his resident status. This is not done with everyone seeking employment, but only with the individuals whom he selects.

This is why I believe this to be most discriminatory. Employers argue that immigration is the responsibility of the Department of Immigration. Whether the committee agrees with this or not, it is so. It is the responsibility of the Department of Immigration to deal with immigration problems in the United States.

But, what happens under this law is that the entire responsibility then is placed on the employer, and the employer then must make a finding of fact as he makes a determination on whether or not that individual is in the United States with a legal status.

The employers also argue that if Congress feels that the Department of Immigration is incompetent, or if Congress feels that the Department of Immigration is unable to do its job, that there is a remedy; that this Congress can remedy the situation by making it possible for the Department of Immigration to impose a fine on those employees who hire illegal immigrants.

We have all read in the papers many, many times of employers who have been raided and many illegals have been apprehended and sent back to their country of origin.

But what has happened to the employer? Absolutely nothing.

This Congress has the power to give the Department of Immigration whatever it needs to do what it must to see to it that such an employer never hires again an illegal alien.

The employers with whom I talk are absolutely correct when they say that this is the responsibility of the Department of Immigration and not their responsibility at all. What actually happens is that the employer is forced to do the job of the Department of Immigration. The Department of Immigration has certain responsibilities and certain knowledge that an employer does not possess. He, the employer, is the first to admit he is not trained to do this job; therefore, he should not be forced to do it.

The employer will also be the first to say that he does not want the job anyway. It is just as simple and as clear as that.

The second reason why I presented this amendment is that I believe this proposal is most discriminatory, but this is very hard to explain to individuals who perhaps have not been faced with the problem of discrimination, individuals who perhaps really do not understand what the situation is with respect to the thousands of individuals who reside in the United States at the present time and who may speak Spanish or some other language.

The argument that the committee uses is that, "Well, if discrimination does take place they can always apply to the Equal Employment Opportunities Commission."

This is the biggest farce of all, because the Spanish-speaking people of the United States do not have much confidence in the Commission to begin with. Even if they did, and made a complaint today, it would take the Commission at least 2 years before it got to the case, because at the present time the Commission is overburdened with work. They have 128,357 cases that they have not even looked at. The committee may take the position that the Commission must take care of discriminatory attitudes on the part of employers. That just cannot be done.

The CHAIRMAN. The time of the gentleman from California has expired.

XUM

(By unanimous consent, Mr. ROYBAL was allowed to proceed for 5 additional minutes.)

Mr. ROYBAL. Mr. Chairman, the other reason why I believe my amendment should be adopted is that I believe it is unconstitutional. This is almost similar to the law passed in the State of California that was ruled unconstitutional in the State of California. A suit was filed on the grounds it violated the equal protection and due process clauses of the 14th amendment and violated various civil rights statutes passed by the Congress. The suit, incidentally, was filed even before the law became effective.

The court took the unprecedented action of acting immediately, before the effective date of the law. The court rested its decision on dual grounds, that the law violated the equal protection and due process clauses because it led directly to the hiring on the basis of race.

I am going to repeat that. The court ruled it unconstitutional because it violated the equal protection and due process clauses because it led directly to the hiring on the basis of race.

That is exactly what this law now before us would do.

As one goes into the entire matter as it really rests, this legislation is really directed at just a certain ethnic group in the United States, and no one else, because if it were directed at everyone, at every resident, then every employer would have to have in his possession the form recommended by the committee, one that would be given to every employer by the Attorney General, and would require certain information of each and every employee in the United States.

If that is done, then everyone is treated equally, and the information then can be gathered by employers throughout the United States.

Mr. Chairman, I believe that no matter how conscientious or fair-minded an employer will be, he will try to minimize his encounter with the law simply because it is not good business. As a consequence, the employer will be reluctant to accept the applicant's statement or his documents as true and he will base this decision on color or ethnics and not on his qualifications.

Now, I appeal to the Members of this House to look at the facts as they are. We all agree that there is a problem with regard to illegal immigrants in the country.

No one disagrees with that argument.

One must also agree with the fact that it is not the employer's responsibility to make a determination or to do the job of the Department of Immigration. I think we can all agree that we have a good department; I think we can all agree that the men who run the department are competent and that they can do the job, but I think we must all agree that the reason they have not been effective is because this Congress has not given them the tools to work with, and I believe this is our responsibility. We should give them the tools, not a law which is clearly discriminatory, not a law that was written—I was going to say, "written in haste," but the fact is this law was not written in haste; it has taken a long time—but a law that was written without the knowledge that was necessary to bring to this House a piece of legislation that treated all residents of our country on an equal basis.

Mr. Chairman, may I conclude by again appealing to the Members of this House to read and consider the consequences of this legislation, and then make a determination. Consider again the facts which have already been expressed by many individuals in this House, both for and against this piece of legislation. But I ask the Members to consider primarily the effect that it is going to have, the discriminatory effect upon, if you please, and the clear violation of the civil rights of a large segment of the population of this Nation: the Mexican Americans, the Chicanos, and Asians residing in the United States.

Mr. EILBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that we have been over most of the ground that has been described by the gentleman from California.

However, the thing that I think is very important is that this body acted upon a measure which is virtually identical just a few months ago, last September. The vote was 297 to 53. I would like to know what has changed, if anything, to alter the feelings or opinions of the House. But I emphasize the point at this time that the ground has been established for this here in this very Chamber.

I think it is obvious that what the gentleman would do would be to destroy, in effect, our efforts over the past year. We have traveled all over the country and explored every possibility, every possibility, to approach this problem. We think we have come up with a fair approach. We do not think we are discriminating against any community. We think there are ample protections involved and we expect that the governmental agencies involved will see to it that any discrimination be rooted out and any patterns of discrimination will be noted. If it is demonstrated objectively that certain discriminatory patterns are being displayed, I am certain the agencies involved will do their part.

I suggest that people should be employed on the basis of their qualifications and that this should be the goal. I think most employers are obeying the law. We do not want to make criminals out of employers or place unnecessary burdens on employers. We have provided a vehicle here whereby employers will be encouraged to hire American workers and pay the prevailing wages.

Mr. DENNIS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred three Members are present, a quorum.

Mr. KEATING. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman and strongly oppose it because it simply destroys the bill. It has been voted out of the subcommittee and the Judiciary Committee, and I think we should all be for it.

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California. I want to associate myself with his remarks.

I want to apologize at this time for not having appeared before the committee and made my points in this matter. I suppose it is a problem all of us have in our busy schedules, not being able to get to the committee before which there is legislation with which we have some concern.

Nevertheless, I believe that this bill, sincere as it is, may well be working a very severe injustice on all parties concerned. This bill is really addressed to the problems of Mexican Americans in the United States, and the growers for whom they work.

Coming from eastern Washington, which is primarily agricultural in nature, I have a large number of Mexican Americans in my district. These people come in and work, and they consist of migrants and permanent residents, both of whom work in agricultural labor from early spring until late fall. Many of them are citizens and legal residents of this country. Many of them are illegal aliens. We know this, and no one seriously pretends this is not true. Many of the growers and farmers who hire them operate legally and do their best to hire only legal immigrants or citizens. Some of the growers, unfortunately deliberately try to obtain illegal immigrants, so that they can operate with cheap labor.

I think the situation is indeed an unfortunate one. I think that certainly we should do all we can to correct it. But to require that an employer certify that an employee is indeed a legal employee or is a citizen is putting an undue hardship on the employer and is stigmatizing all the Mexican-Americans or Spanish-speaking farmworkers. It is subjecting them to a particular type of discrimination which would work against those who are citizens and legal immigrants. I believe that if we are really serious and sincere about this legislation, we will have to provide in it that every person's social security card be a plastic card with a photograph and his fingerprints on the card. Thus, when a potential worker presents his social security card to an employer, it can be looked at and the employer can say yes, this person is indeed a legal entrant, or a citizen of this country. Based upon that information, the employer then can be held responsible for hiring only legal entrants into this country or citizens of this country.

However, to subject the growers to this responsibility when all they have is a social security card with numbers on it, cards that can be handed around from one person to another, and that is certainly done, then I think it is unfair to the growers; and stigmatizes the Mexican-Americans.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?



Mr. McCORMACK. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, let me make just a couple of points. First, the gentleman is not correct when the gentleman says that this bill would require an employer to certify anything. The bill does not require the employer to take any affirmative action, all it says is that he shall not knowingly hire an illegal alien. Then it goes on to detail various ways that he can create bona fide proof, if he so desires, in case anyone should challenge him as to whether he knowingly hired an illegal alien. So he does not have to certify anything.

The bill says that all the employer need do, if he wants to protect himself and make doubly sure is to ask for some statement from the employee that he is legally permitted to work in the United States or he can ask the employee to fill out, when he signs the W–4 form, a statement that he is legally entitled to be here in the United States.

A second thing is that this does not in any way discriminate against aliens who are lawfully entitled to be here or who perhaps speak Spanish or the like. They are totally in the clear as far as their right to work is concerned and they are totally in the clear as to their civil rights and protection under our laws and there is just plain no discrimination in this bill.

Mr. McCORMACK. Mr. Chairman, I appreciate the comments made by the gentleman from Ohio, but I must say that I differ from them, because the gentleman is pointing out legalistic principles that do not deal with the real problems that the grower and the workers face.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment offered by the gentleman from California (Mr. ROYBAL).

Mr. Chairman, first of all I wish to associate myself with what the gentleman from Ohio (Mr. KEATING) said earlier. This amendment is not directed at any of the specific points that anybody objects to. If you strike out section 2 in toto, section 2 is the bill. Section 2 is the part of the bill that provides the three step process we have been talking about here whereby a citation, then by a civil penalty and, finally, if necessary, by a criminal penalty, sanctions are imposed upon the employer who knowingly—and only if knowingly—employs illegal aliens.

To strike out section 2 is to strike out the bill. One might just as well vote against the bill as to vote for this amendment, because if the amendment is agreed to, then there is no bill left.

Now it is ridiculous, if I may be pardoned for saying so, to say there is anything racist about this bill. As the gentleman from Ohio has pointed out, it does not require any action by any employer at all. He is guilty under this bill if he knowingly employs an illegal alien, and not otherwise. There is a clause in there which enables the employer to show prima facie that he has not acted knowingly, therefore he is not guilty of any offense—if he wants to use it—by asking people whether or not they are aliens and, if so, whether or not they are people who are in a status that entitles them to work.

If they say they are, that gives him prima facie protection that he was not guilty of knowingly violating the law. He does not have to do that if he does not want to, he can do it to everybody, and there is nothing in this bill to suggest he do it to Spanish-speaking people or any other speaking people.

We had hearings in Chicago which showed that a lot of illegal aliens there came from Poland and Eastern Europe, and whatnot. They were just as much illegal as anybody else. The employer will ask them, too, if he wants to. He does not have to ask anybody; so let us understand what the bill does.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. KEATING. I should just like to take an excerpt from the testimony of Howard Samuel of the Amalgamated Clothing Workers of America. In this, there are a couple of excerpts that I think are very important:

> I have tried to suggest just how misguided these so-called humanitarians may be. No humanitarian can advocate illegal immigration which has brought unemployment and misery to hundreds of thousands of the disadvantaged, and exploitation to the alien himself. No humanitarian can support lower living standards and the undermining of decent wage levels for entire areas of our country, caused by the influx of a labor force which must take any job it can get.

Mr. Samuel went on to talk in terms of the heritage of his union which was founded by immigrants—

> Among whose members you will still find many immigrants. We have always supported legal immigration, as part of the heritage of our nation. But illegal immigration is a distortion of that heritage, because instead of offering brighter opportunities for the immigrant and enhancing economic opportunity in this country, it brings instead misery and unemployment and exploitation. There is no room in our tradition of immigration for the illegal alien, and the sooner that Congress takes action to end illegal immigration, the better it will be for all of us.

I thank the Chairman.

Mr. WHITE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman the remarks previously have been addressed to the general sociological effect of this bill. I speak in favor of the amendment, but I also want to point out some specific language in the bill that must be looked at.

The duty that we have as Representatives, whether we are for or against the principle involved here, is to legislate good law. Let me refer to page 10 to start with. It was pointed out that there is provision for requesting a written statement as prima facie evidence that the employer has taken the steps to determine citizenship. This provision is going to cause every employer to present to every employee a request to determine whether or not he is a citizen. This is a step backward in the fight against discrimination.

But the part that really concerns me starts on page 11 in subsection (2). It states there that the Attorney General can cite an employer on either evidence or information, meaning that he can issue the citation on the basis of pure hearsay, without any provision whatever in that section for a hearing. This is important because this pertains to another section determining whether or not he is later going to go to jail for a misdemeanor.

In the second section, subsection (3) it states that if an employer continues to hire or does subsequently hire an employee, not necessarily the same alien that was cited for by hearsay, then the Attorney General—acting as judge and prosecutor, can assess a $500 penalty, and it says that the Attorney General will provide a hearing by an immigration officer who may or may not be a lawyer.

So again we have the same problem of the prosecutor and judge being the same fellow. He then assesses a penalty, and then could take the lawsuit into a district court to collect on the basis of that penalty, but this is something very new in judicial proceedings, in that by this bill in a district court, which is a trial court, all that can be presented is the record by the immigration officer who is the trial judge and prosecutor and there cannot be any independent new evidence. There is no provision for a full trial. The record before the hearing officer is conclusive and no other evidence can be presented on which a man can have a lawsuit and a judgment assessed against him.

On one more alleged violation an employer can go to jail on the basis of a misdemeanor against him or have a fine assessed on, first, hearsay, and second, a hearing before a hearing officer who is not a judge and who may not be a lawyer himself, with a decision on the basis of this hearing before the immigration officer, cut off from presenting new evidence before the district court.

Is this the American system? Is this the system we should have on which the decision can be based on pure hearsay and not new evidence? I do not think this is good law. This should be looked at by the committee again, and we should follow the traditional procedure of the jury trial or a trial before the judge where everybody can come into court and have his day, when evidence can be presented, and it is not concluded by a closed procedure before a hearing officer appointed by the Attorney General.

Mr. KEATING. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the bill be concluded in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. PICKLE. Mr. Chairman, reserving the right to object, I have been seeking recognition. If I may be recognized and be given permission to make my speech, and then if the gentleman will make it 10 minutes, I will not object.

XUM

Mr. KEATING. Mr. Chairman, I ask unanimous consent to make that time 10 minutes.

Ms. ABZUG. Mr. Chairman, I object.

MOTION OFFERED BY MR. KEATING

Mr. KEATING. Mr. Chairman, there has been objection to the unanimous-consent request, so I move that all debate on this amendment and all other amendments to the bill be concluded in 10 minutes.

The CHAIRMAN. The gentleman moves that all debate on this amendment and all amendments to the bill be concluded in 10 minutes.

The question is on the motion offered by the gentleman from Ohio (Mr. KEATING).

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. KEATING).

(By unanimous consent, Mr. KEATING yielded his time to Mr. PICKLE.)

Mr. PICKLE. Mr. Chairman, I thank the gentleman from Ohio.

Mr. Chairman, the Members of the House may remember when we had this bill before us last year I offered an amendment to this measure which is now section 3 in this bill, which says, "that any officer or employee of HEW shall disclose to the Immigration Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States."

That amendment was passed. It was opposed by the committee at the time.

My State has told me that if they had to pay benefits to illegal aliens it might cost my State up to $25 million. The committee was open and fair in saying that this procedure ought not to be permitted, but if we were going to do it, they felt there ought to be some kind of penalty in the law. Accordingly they have come back this year and requested the exact language which this House passed last year when it passed the bill by a vote of 297 to 53.

The committee put this same amendment with the same wording in, exactly, but have added section 2, the penalty provisions accordingly. The Members may disagree with the extent of the penalty provisions, the severity of them, the burden that might be on employers, and with other matters. That may be a legitimate difference of opinion, but it is not proper, really, to say that if one wants to help this bill along, one must take out section 2. If we do that, we are killing the bill.

Therefore, I say that if we really want to have a bill which says we are not going to pay benefits to illegal aliens and keep in section 3, then we must vote down this amendment.

I talked to welfare agents in my State this week, and they said that there has been no basic improvement since a year ago. They said they had been instructed by HEW that they are not supposed to ask if a person was a citizen or not, or if he had a work permit, but my State says that it does not think that procedure makes good sense. Some States may not be this careful, and if so, they are paying out a lot of money. I think that this kind of practice ought to be cut out. The only way to do it is by keeping section 3 in.

Mr. Chairman, I would say that the penalty provisions are reasonable. At least, let us pass it, and then if we find later that they are too severe, perhaps we can change them.

If we adopt this amendment, we kill the bill. So I commend the committee for bringing back the same bill we passed last year, with the exception of the penalties.

Mr. Chairman, I urge the defeat of the amendment, and the passage of the bill.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. ABZUG) for 1½ minutes.

Ms. ABZUG. Mr. Chairman, I realize that in the minds of some people, the aim of this legislation is to prevent aliens not entitled to accept employment from accepting it.

That aim might be laudable. The interesting thing about the legislation, if it is analyzed, is that under the three step provisions, an employer can get out of those provisions simply by having a signed statement by his employee. The employee subjects himself to punishment if he falsifies such a statement. There is no second or third choice for him.

Where does that leave us? We have really done nothing to deter employers from hiring individuals not entitled to work, since they will all get their statements from these employees if they want them, and they will protect themselves in that way. We have created an additional liability for some little guy who may be of foreign origin and who comes across the border to try to earn the price of food for his family.

Mr. Chairman, I have opposed this bill last year, and I oppose this bill this year. This bill will significantly encourage and increase job discrimination against the foreign-born, or those with foreign accents, or those with swarthy skins.

I think it is an illusion to suggest that because you have these three stage employer penalties, things will change.

What is really needed is for us to consider new approaches to our immigration laws, not to mention better administration of existing law until changes are made.

I urge the defeat of this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I have great respect for the gentlewoman from New York (Ms. ABZUG) and for the gentleman from Texas (Mr. WHITE), but the drafters of the bill have leaned over backward to avoid any possible undue imposition either on employees or employers, or aliens who might seek employment.

Earlier in the debate someone made the statement that the Association of the Bar of the City of New York opposed the bill. If by that is meant that the 40,000 members of the association have considered the bill and opposed it, then that is not so.

All we have is a letter signed by the Chairman of the Association's Committee on Immigration and Nationality Law. The letter is erroneous on its face, for it states that—

There are already adequate provisions in the law to deal with aliens who accept unauthorized employment.

Yet the committee admits there is an "unsatisfactory situation." Its solution is "to effectively regulate the flow of persons across the border."

Their solution simply begs the question which is: How do we effectively regulate the flow of persons across the border?

After months of hearings and study, your committee has concluded that the only effective way is to dry up the demand for illegal alien labor. That is what this bill would do.

The statement of the gentleman from Texas (Mr. WHITE) that somehow this bill sets up a star chamber proceeding is the exact opposite of actuality. The bill is very carefully drawn to guarantee procedural due process. The employer gets, not one, but three strikes before he can be subjected to any criminal penalties. Any employer who honestly desires to comply with the law will have no trouble with this bill. By the same token, he will be under no pressure to refrain from hiring any person merely because that person speaks with an accent or otherwise may appear to be of foreign origin.

I submit that if Members believe we have an illegal alien problem and need to strengthen this feature of our immigration laws, then our committee, after months and months of study, has come up with a reasonable way to solve the problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYBAL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROYBAL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 266, not voting 71, as follows:

[Roll No. 121]

AYES—96

| | | |
|---|---|---|
| Abzug | Corman | Heckler, Mass. |
| Archer | Crane | Helstoski |
| Ashbrook | Davis, Ga. | Holtzman |
| Ashley | Davis, S.C. | Huber |
| Bafalis | de la Garza | Hunt |
| Baker | Dellums | Jones, Okla. |
| Blackburn | Denholm | Kazen |
| Brown, Calif. | Derwinski | Ketchum |
| Burke, Calif. | Dorn | Latta |
| Burleson, Tex. | Eckhardt | Lujan |
| Burton | Edwards, Calif. | McCloskey |
| Camp | Fisher | McCormack |
| Casey, Tex. | Foley | McEwen |
| Chisholm | Goldwater | McFall |
| Clawson, Del | Gross | Mahon |
| Clay | Gubser | Martin, Nebr. |
| Cochran | Haley | Mathis, Ga. |
| Collins | Hammer-schmidt | Michel |
| Conlan | Hawkins | Mink |
| Conyers | | Mitchell, Md. |



| | | |
|---|---|---|
| Moorhead, Calif. | Rogers | Stephens |
| Moss | Rousselot | Stokes |
| Pettis | Roybal | Talcott |
| Poage | Runnels | Thomson, Wis. |
| Price, Tex. | Satterfield | Veysey |
| Rangel | Scherle | Waggonner |
| Rarick | Sebelius | White |
| Rees | Sisk | Wilson, Bob |
| Reuss | Skubitz | Yates |
| Rhodes | Stark | Young, Ga. |
| Riegle | Steed | Young, S.C. |
| Roberts | Steelman | Young, Tex. |
| | Steiger, Ariz. | |

NOES—266

| | | |
|---|---|---|
| Adams | Giaimo | Nix |
| Addabbo | Gilman | O'Hara |
| Andrews, N.C. | Ginn | O'Neill |
| Andrews, N. Dak. | Gonzalez | Owens |
| Annunzio | Goodling | Parris |
| Arends | Grasso | Passman |
| Armstrong | Gray | Patman |
| Aspin | Green, Oreg. | Patten |
| Barrett | Green, Pa. | Perkins |
| Bennett | Griffiths | Peyser |
| Bergland | Grover | Pickle |
| Bevill | Gude | Pike |
| Biaggi | Gunter | Powell, Ohio |
| Biester | Hamilton | Preyer |
| Bingham | Hanley | Price, Ill. |
| Blatnik | Hanrahan | Pritchard |
| Boggs | Hansen, Wash. | Quie |
| Boland | Harrington | Quillen |
| Bolling | Harsha | Railsback |
| Bowen | Harvey | Regula |
| Brademas | Hastings | Rinaldo |
| Brasco | Hébert | Robinson, Va. |
| Bray | Hechler, W. Va. | Robison, N.Y. |
| Breaux | Henderson | Rodino |
| Breckinridge | Hicks | Roe |
| Brinkley | Hillis | Roncalio, Wyo. |
| Broomfield | Hinshaw | Roncalio, N.Y. |
| Brotzman | Hogan | Rooney, Pa. |
| Broyhill, N.C. | Hollifield | Rose |
| Broyhill, Va. | Holt | Roush |
| Buchanan | Horton | Roy |
| Burke, Mass. | Hosmer | Ruppe |
| Burlison, Mo. | Howard | Ruth |
| Butler | Hudnut | St Germain |
| Byron | Hungate | Sandman |
| Carey, N.Y. | Hutchinson | Sarasin |
| Carney, Ohio | Ichord | Sarbanes |
| Carter | Jarman | Saylor |
| Cederberg | Johnson, Pa. | Schneebeli |
| Chamberlain | Jones, N.C. | Schroeder |
| Chappell | Jordan | Selberling |
| Clancy | Karth | Shipley |
| Clark | Kastenmeier | Shoup |
| Clausen, Don H. | Keating | Shriver |
| Cleveland | Koch | Shuster |
| Cohen | Kuykendall | Sikes |
| Collier | Kyros | Slack |
| Conte | Landgrebe | Smith, Iowa |
| Coughlin | Leggett | Smith, N.Y. |
| Culver | Lehman | Snyder |
| Daniel, Dan | Lent | Spence |
| Daniel, Robert W., Jr. | Litton | Staggers |
| Daniels, Dominick V. | Long, Md. | Stanton, J. William |
| Danielson | Lott | Steele |
| Davis, Wis. | McClory | Stratton |
| Delaney | McCollister | Stuckey |
| Dellenback | McDade | Studds |
| Dennis | McKay | Sullivan |
| Dent | McKinney | Symington |
| Dickinson | Macdonald | Taylor, N.C. |
| Diggs | Madden | Teague, Calif. |
| Dingell | Madigan | Thompson, N.J. |
| Donohue | Mailliard | Thone |
| Downing | Mallary | Tiernan |
| Drinan | Mann | Towell, Nev. |
| Duncan | Maraziti | Treen |
| du Pont | Martin, N.C. | Udall |
| Edwards, Ala. | Mathias, Calif. | Vanik |
| Eilberg | Matsunaga | Vigorito |
| Erlenborn | Mayne | Walsh |
| Esch | Mazzoli | Wampler |
| Evans, Colo. | Meeds | Ware |
| Evins, Tenn. | Metcalfe | Whitehurst |
| Fascell | Mezvinsky | Whitten |
| Findley | Milford | Widnall |
| Fish | Miller | Wiggins |
| Flood | Mills, Ark. | Wilson, Charles H., Calif. |
| Flowers | Mills, Md. | Wilson, Charles, Tex. |
| Ford, Gerald R. | Minish | Winn |
| Ford, William D. | Minshall, Ohio | Wyatt |
| Forsythe | Mitchell, N.Y. | Wyman |
| Frenzel | Mizell | Young, Alaska |
| Frey | Moakley | Young, Fla. |
| Froehlich | Mollohan | Young, Ill. |
| Fuqua | Montgomery | Zablocki |
| Gaydos | Morgan | Zion |
| Gettys | Mosher | Zwach |
| | Murphy, N.Y. | |
| | Natcher | |
| | Nedzi | |
| | Nelsen | |
| | Nichols | |

NOT VOTING—71

| | | |
|---|---|---|
| Abdnor | Guyer | Rooney, N.Y. |
| Alexander | Hanna | Rosenthal |
| Anderson, Calif. | Hansen, Idaho | Rostenkowski |
| Anderson, Ill. | Hays | Ryan |
| Badillo | Heinz | Stanton, James V. |
| Beard | Johnson, Calif. | Steiger, Wis. |
| Bell | Johnson, Colo. | Stubblefield |
| Brooks | Jones, Ala. | Symms |
| Brown, Mich. | Jones, Tenn. | Taylor, Mo. |
| Brown, Ohio | Kemp | Teague, Tex. |
| Burgener | King | Thornton |
| Burke, Fla. | Kluczynski | Ullman |
| Conable | Landrum | Van Deerlin |
| Cotter | Long, La. | Vander Jagt |
| Cronin | McSpadden | Waldie |
| Devine | Melcher | Whalen |
| Dulski | Moorhead, Pa. | Williams |
| Eshleman | Murphy, Ill. | Wolff |
| Flynt | Myers | Wright |
| Fountain | Obey | Wydler |
| Fraser | O'Brien | Wylie |
| Frelinghuysen | Pepper | Yatron |
| Fulton | Podell | |
| Gibbons | Randall | |
| | Reid | |

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I have grave reservations about this legislation.

Mr. Chairman, I represent the southern district of Texas and I might say, somewhat unhappily though perhaps justifiably, that during the last few decades my district has been identified as the focal point of much of—maybe most of—the Nation's wetback traffic.

In connection with public statements often made by well-intentioned persons who are not acquainted by long experience with the wetbacks, it may be well that we should define our terms. Certainly there seems to have been, on the part of men who should know better, a great deal of confusion relating to the identification of groups of people who come to this country from Mexico.

Let me point out that the relationship between the United States and Mexico has existed—geographically—for hundreds and hundreds of years. While the Rio Grande has always flowed between the two countries, closely knit families lived on either sides of those banks—and they traveled back and forth. In the days before this was the formal southern boundary of the Nation they swam the river, boated across the river—and in some places walked across the river to visit with families and friends.

That familiar relationship has existed over the centuries. Mothers, fathers, sisters, brothers are separated by the river. This is a unique relationship and it is one that has spawned a great deal of the existing situation. This is the primary group, the original settlers.

The second group, of course, in any consideration, is that of immigrants—lawful permanent residents—people who come to this country after various inspection processes relating to Consular limitations, Public Health and Immigration for the purpose of living here, working here, and becoming citizens of our country.

The third is that of the so-called "green carder" or commuter. These are the people who have obtained visas and met other requirements entitling them to lawful residence and employment in this country. But they have chosen to avail themselves of only part of that to which they are entitled under law—that is employment. They have met the requirements for living here and working here, but they have chosen only to work here. There are thousands of such people on both our Canadian and Mexican borders. They work here but they do not live here. They have residences in Mexico or Canada and work in this country, thus taking only a portion of that to which they are lawfully entitled by virtue of having complied with our immigration requirements.

There is a fourth class who have come to this country lawfully in the past under programs for the importation of Mexican labor pursuant to executive agreements between the United States and Mexico. These people popularly have been called braceros. They were inspected as to numbers, as to public health, and as to their capacity for doing the job in this country which they sought. The whole program was marked in the years gone by with an ideal agreement and relationship between two countries: Mexico and the United States. The program was marked by success in the achievement of the labor for which they came and the program was marked by success from a law enforcement standpoint inasmuch as only a minute fraction of them failed to return to their homes in Mexico when their jobs were completed in this country. Thus, they supplied a need. They filled a vacuum and took a great deal of the attraction out of coming to this country illegally.

Then we have the wetbacks as the fifth and final class under our consideration of people who come to our country from Mexico and they are the ones who, without inspection and in violation of law, either wade the Rio Grande or cross the border clandestinely or come through the established ports of entry under false pretenses.

It is unfair to these people, however, to assume that they are criminals. As my distinguished colleague, the chairman of the Subcommittee on Appropriations for the Immigration and Naturalization Service recently said in the hearings on that agency's request:

These are perfectly harmless people who want to come up here and make a day's pay. That is all it is—part 1, page 861, of the hearings on appropriations, 1971.

They are guilty, of course, of a violation of our laws and good judgment and good government dictate that they should be apprehended and returned to Mexico according to law. However, an unbiased observation inevitably reveals that overwhelmingly these are honest people who simply come to this country to work and who intend, for the most part, to return to their families in Mexico when they have obtained in this rich land of ours a grubstake, let us say—when they have been able to participate in our employment and to participate in the high scale we fortunately are able to pay for labor in this country. I say this

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not in approbation, not in condonation, of illegal traffic across our borders but only that the situation be kept in proper perspective and emphasis. Lately there has been a change, not in the nature or identity of the wetback, but a change in his objectives as he comes to this country.

Thus it is, in the sense of their objectives, the so-called wetback problem as it existed in the 1940's and the 1950's has, to a great extent, passed. Whereas the wetback movement was formerly a Texas and California agricultural phenomenon, it is now marked by numbers employed in our cities rather than in agriculture.

The Commissioner of Immigration and Naturalization recently said:

> The Mexicans have discovered that they can find work in industry as well as on farms and ranches and they are gravitating toward our large cities, such as Chicago—part 1, page 857 of the hearings on appropriations, 1971.

My colleagues, the great agricultural demands in this country are hardly fitted to the hundreds of thousands of wetbacks who formerly came. There are no longer cotton field demands for a cotton picker on every row in order to get the crop out in a couple of days to meet a market situation or a problem of the weather. Cotton picking is now done by machines. Instead of vast hundreds of workers with hoes and hand implements only a couple of decades ago, weeding is done with chemicals. Planters space the planting of crops. There is a need for a relatively few tractor drivers, and for intelligent and skilled operators of other comparatively sophisticated farm machinery today.

The wetback movement, however, is again increasing. Ten years ago the Border Patrol was apprehending wetbacks in this country at the rate of nearly 200,000 per year.

Lately, the emphasis in illegal alien employment has been in factories, canneries, hotels, restaurants, and such employment. I understand that industrial employment of illegal aliens in California has increased sixfold between 1963 and 1969 and is still increasing at an accelerated rate. I understand that a similar situation prevails in other States along our Mexican border. The pay is better than it is in agriculture. Working conditions are better. Living conditions are better in the cities. Illegal aliens are finding out that the social agencies and the volunteer groups in the cities are willing and able to help them, even during their illegal stay in the United States. They quickly learn that an illegal alien is less conspicuous in a crowded barrio than in the open fields, the packing plants or on farms and ranches.

The question might arise as to how people can work in such employment as this in view of the need for social security cards. The truth is that the wetback now goes into our cities and immediately applies for a social security card—and gets it. Recently in one of our Southwestern States the Social Security Administration was accused by a three-judge panel of paving the way for illegal aliens to get work in this country. The Social Security Administration issues cards and account numbers to illegal aliens without a question as to their status.

Significantly, wetback income a few years ago reflected the cost of peon labor—slave labor if you would like to call it that—but today a wetback is paid the wage prevailing in the community and this is a prevailing wage in cities with a work force so large that the wetback numbers cannot affect that prevailing wage.

Our Immigration Border Patrol frequently apprehends great numbers of wetbacks who are earning $3 or $4 up to $10 an hour, according to the individual's job and merit. In this connection some serious questions might arise in the minds of some of my colleagues. As there are several million unemployed Americans in this country—and the record indicates that there are—why is it that the wetback who comes without recommendation and who must overcome a serious language barrier, often without experience and without contacts here—how is it that he is able to go to work immediately upon arrival? The record shows that ordinarily from the time of a wetback's entry into this country and the time he is apprehended by the Border Patrol is a period measured in days or sometimes even a few short weeks. During that time these wetbacks, eager for any employment but working at the prevailing wages in the large cities of our country, seem to suffer no unemployment.

The whole panorama of affairs with regard to the wetback is handled most amicably between Mexico and the United States. There is hardly any area of relationship between our two countries which reflects a greater understanding and a friendlier attitude of assistance. The primary aspect of this splendid relationship is the Mexican Government's cooperation in the return of these thousands of people to their homeland after they are arrested in this country in violation of law. From the standpoint of law enforcement and from the standpoint of decency and humanity, the most effective and most humane way to handle these people is to move them quickly out of this country to places in Mexico nearest their families and their homes.

As a result, literally hundreds of thousands of them are moved to points in the interior of Mexico by airplanes, by trains, and by buses. The Mexican Government offers effective assistance to insure their return to their homes and to assist with their travel, feeding and other humanitarian obligations once they are expelled from the United States. Questions may arise in the minds of some as to why we are not more effective in the prevention of the wetback invasion of our country and why we are not more effective and more prompt in expelling them upon their arrival.

Bear in mind, there are many factors by which one is impelled to see the wetback with sympathy, and with understanding of his objectives and his plight. Nevertheless, he is here in this country in violation of law and in that sense something must be done to dispose of him and his problem according to law.

Bearing on the first problem, the Border Patrol of our Immigration and Naturalization Service, a branch of the Department of Justice, seems to be a neglected instrument of the Government, no matter what administration occupies the seats of authority in Washington. Going back three decades there were around 1,000 border patrolmen on our Mexican border. In the 1950's the numbers were increased slightly during a genuine effort to bring the border under control when, around the middle of that decade, a million wetbacks were returned to Mexico in 1 year. The number of border patrolmen we had last year—and I think this year—was a few more than 1,100. Surely if we intend to cope with a problem which is disturbing to many conscientious people because they see the impact of the illegal alien on the economy, something should be done to augment and to support the men who are charged under law with responsibility for the security of our border.

However, control on the border is not solely the product of a border police function. The problem will not respond to purely a police operation. It is a job which cannot be done without a blending of border police operations, employment concepts and adjustments in our country and, where possible, the achievement of economic balances between our country and Mexico.

The Border Patrol of the Immigration and Naturalization Service is our only uniformed, armed, civilian police organization between the established ports of entry and it is administratively and organizationally hidden from the public view. Within the structure of the Immigration and Naturalization Service, a non-law-enforcement body in the modern sense, the Border Patrol is bedded quietly under a substructure called domestic control—surely an appellation which must arouse curiosity among the nonbureaucratic majority of us as to organization and functional intent.

The Border Patrol should be identified and structurally set apart in order that we may properly identify the funds appropriated for its purposes and support it where necessary to accomplish its mission on the border.

A few months ago a great emphasis was placed on control of our border as that control related to the illicit introduction of harmful drugs. Now all of us are in favor of preventing marihuana and harder drugs from coming into this country but from the quantities being found in this country and the quantities being used in this country, according to our daily press reports, one might conclude that the various excited efforts—almost hysterical in nature—which recently resulted in clogging our ports for brief periods to legitimate traffic and which have resulted in a great deal of local misunderstanding—these crash programs are not the way to do it.

Mark my words, contraband does not smuggle itself into this country. Contraband is smuggled by people and if we had control of the entry of people over our border, we would have control of the entry of contraband.

Thus, it is that these efforts to deal with things instead of people have been unsuccessful. They are inherently self-defeating. Mere prohibitions do not work in our country. We must take steps which will not interfere with lawful and friendly traffic across our borders. We must reexamine and reorganize the functions of our border agencies to insure that the legitimate objects of law-abiding people are not hindered. As sad as is the condition of drug use and as deplorable as the fact of its introduction into our country, it is still more important that friendly and legitimate international traffic be permitted to cross our border unhindered than that any vigorous, enthusiastic, but noneffective programs be introduced or continued.

In summation, therefore, I urge that those involved in the effort—and perhaps I should say the hopes—of establishing and maintaining order along our Mexican border should have first clearly in mind the identity of the people they are talking about—both as individuals and as groups. A rather full knowledge of the language, the customs and the natural purposes of the people most involved is necessary to a proper understanding.

Second, there must be an understanding of the economic factors which cause people to leave their own country for temporary periods and the economic factors which make it attractive for them to come to this beautiful and rich country of ours.

At the same time we just reevaluate and we must seriously give attention to the fact that although great unemployment problems are claimed for this country—and I do not deny that they exist—why is it that the wetback, when he comes here to work for the same pay that American citizens get, is never unemployed? He never returns to Mexico without having had a job—and he has no problem, either, with his social security. Just as we consider that the Government agencies involved in our border problems are scattered between a number of departments and often without coordination of effort—and rarely with coordination of responsibility—so should we consider perhaps that there has been no fundamental redefining of our concepts of employment for more than three decades—since the middle of the great depression. It might be interesting to require that an individual, in order to be identified as unemployed, be registered with an appropriate agency and that the word "unemployed" would be applied exclusively to those for whom it was not possible to find any kind of work. We deceive ourselves if we deny there are strong interlinking casual relationships between the wetbacks, employment, and welfare concepts and practices in the Southwest.

The instruments of Government in the 1970's must be reorganized and rededicated to meet—the challenges—of the times.

The Immigration Border Patrol, the U.S. Customs Service and the concepts of border control, both as to wetbacks and to contraband, are, for the most part today products of the 1920's and the 1930's. There have been no basic changes in four decades and the 1970's demand something better than that. This is not intended as any criticism, direct or implied of the men and women who work for these agencies. They do a great job under very difficult circumstances. It is the system that I complain of.

Surely we must learn to cope with these problems in the context of the 1970's and we must devise the instruments of Government which will be able to cope with them in the 1970's, looking forward to periods of greater and friendlier relationships with our sister republic on the south.

This bill is not the answer.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

(By unanimous consent, Mr. ROBERTS yielded his time to Mr. WHITE.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WHITE).

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: Insert the following new title in the bill beginning on page 16:

TITLE II—NONIMMIGRANTS

SEC. 1. Section 101(a)(15)(M) of the Immigration and Nationality Act is amended by striking out "who is coming temporarily to the United States to perform temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country; or (iii)".

SEC. 2. Section 101(a)(15) of the same act is amended by adding at the end of subparagraph (L) the following new subparagraph:

"(M) An alien having a residence in a foreign country which he has no intention of abandoning and who is coming to the United States under a specific contract of employment to perform services or labor (other than services or labor referred to in subparagraph (H) of this paragraph) of a temporary or seasonal nature, subject to the conditions that—

"(i) The contract of employment shall be for a period not to exceed one year, which may be renewed for additional periods up to one year, if approved by the Secretary of Labor, but shall not be renewable for periods aggregating more than five years;

"(ii) The Secretary of Labor shall determine and publish criteria under which the Department of Labor shall certify applications for labor under this subparagraph, including standards and terms of employment, wages, hours and days of employment, medical attention benefits and other conditions to prevent exploitation of such aliens. Such criteria may be adjusted by the Secretary of Labor according to the nature and demand of the respective employment position.

"(iii) Such alien will not perform services or labor not reasonably specified, nor for an employer not named, nor during a time period not included, in the contract of employment without approval of the Secretary of Labor;

"(iv) The person who intends to employ such alien shall petition the Attorney General and Secretary of State for temporary visa for contract employment as herein provided after certification has been furnished by the Secretary of Labor in accordance with the conditions of this subparagraph and the provisions of section 212(a)(14) and section 214(a), (c), and (d) of the Act as herein amended;

"(v) Upon termination of said contract of employment, such alien shall present himself to authorities of the Service for termination of his visa and he shall return to his native country within a period of two weeks plus reasonable traveling time from the date of termination of such visa, not to exceed two additional weeks. Failure of said alien to so present himself and his visa shall constitute a felony offense punishable by imprisonment in a Federal correctional institution up to five years. Such alien who commits the aforesaid offense shall thereafter be ineligible for any subsequent admission to the United States under any provision of law, for a period of five years from the last violation."

SEC. 3. Section 214(c) of the same act is amended my striking "or (L)" and inserting in lieu thereof, "(L) or (M)"; the same paragraph is amended by addition of the following new paragraph:

"The status of an alien admitted to the United States under section 101(a)(15)(M) of this act shall terminate when the employment with the petitioning employer of such alien ends. Said employer shall within three days after the alien ceases employment notify the attorney general in writing and provide the date of termination and shall notify said alien of same at his last known address not less than two weeks prior to termination date. It is further provided that any employer who fails to furnish written notice to the attorney general as herein described shall be guilty of a misdemeanor and shall be subject to a fine not to exceed $200 or imprisonment for not more than thirty days, or both."

SEC. 4. Section 214 of the same act is amended by redesignating subparagraph (d) as subparagraph (e) and by inserting the following new subparagraph as (d):

"(d) Renewal petition of importing employer. The question of renewing or obtaining approval of a subsequent admission of an alien under section 101(a)(15)(M) shall again be determined in accordance with said section. In addition, upon such petition the secretary of labor shall determine if the terms of the expiring or previous contract of employment have been met by both parties of said contract and in accordance with fair labor practices as provided by section 101(a)(15)(M)(ii). If it is determined that such petitioning employer had materially failed to comply with such contract terms and standards within the preceding five years, the secretary shall make such finding and approval of said certification of labor for admission of an alien under the aforesaid section shall be prohibited to said employer for a period of five years from the date of such noncompliance."

SEC. 5. The table of contents of section 214 of the Immigration and Nationality Act is amended to read as follows:

"(a) Regulations.

"(b) Presumption of status; written waiver.

"(c) Petition of importing employer.

"(d) Renewal petition of importing employer.

"(e) Issuance of visa to fiancee or fiance of citizen."

Mr. WHITE (during the reading). Mr. Chairman I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE. Mr. Chairman the amendment I am offering would provide a workable solution to the burgeoning problem of controlling the illegal alien situation in this country, which has become nearly impossible to control. In the past the problem has been confined principally to



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border areas but this is no longer the case. Illegal aliens by the thousands are now located throughout the entire country.

This particular amendment would allow legal use of alien labor on a temporary basis when the need can be proven. Basically the proposal provides for a new type of nonresident visa to allow aliens to enter this country on a temporary basis to fill specific jobs on a contract basis for a specific employer under specific terms for a specific period of time, and it can only be approved by the Secretary of Labor under the conditions he sets out under his criteria.

The criteria and approval makes certain and assures that there will be no exploitation of this particular labor.

There are many jobs that we have in this country that are impossible to fill because labor is not available. This would at least give the employer the opportunity to go to the Secretary of Labor with his proposition and get a specific contract that will benefit the alien under such admission. I am talking about such things as need for upholsterers and other types of requests that we as Representatives have encountered time after time.

If we are going to pass this general bill today, cutting off illegal aliens, which we will undoubtedly do under this bill, we have to afford some substitute for the employer to find a substitute for alien labor under controlled conditions.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Chairman, the gentleman will recall when we had the reserve program something like that which he would restore in this amendment now pending. There was a minimum influx of illegal aliens from across the border because of the control we had under the reserve program. After it was abolished, and only after it was abolished did the big influx occur of illegal aliens, the country has been plagued since that time.

Mr. WHITE. Let me make a point. This is not a bracero program. This is for a specific contract under certain conditions set out by the Secretary of Labor.

Mr. FISHER. But the bracero program was a contract program, so-called, or the gentleman can call it anything he wants, but it was a contract program and the gentleman as I understand it is proposing to set up that kind of system.

Mr. WHITE. No, not a bracero program but an opportunity for a person to be employed for a specific purpose for a specific period of time, and I think it is important to have this kind of provision. I urge its adoption.

Mr. EILBERG. Mr. Chairman, the gentleman from Texas offered an identical amendment when this matter was considered in the last Congress and it was overwhelmingly defeated.

The concept of contract labor and the bracero program has been discredited as far as I am concerned. This is certainly not the place to consider a contract labor program.

I would say affirmatively that the subcommittee is actively studying the labor certification problem. We do feel there are substantial problems in the administration of labor certification by the Labor Department. These hearings are going on right now in connection with our Western Hemisphere preference study, which will be the next major legislation coming out of our committee.

I say this is a bad amendment, that the law presently provides for people to come into this country on a temporary basis, and this amendment will serve no useful purpose and would perpetuate the exploitation of aliens and would continue to depress wages and working conditions.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Moss, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 982) to amend the Immigration and Nationality Act, and for other purposes, pursuant to House Resolution 352, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. EILBERG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 297, nays 63, not voting 73, as follows:

[Roll No. 122]

YEAS—297

| | | |
|---|---|---|
| Adams | Barrett | Bolling |
| Addabbo | Bennett | Bowen |
| Andrews, N.C. | Bergland | Brademas |
| Andrews, N. Dak. | Bevill | Brasco |
| Annunzio | Biaggi | Bray |
| Arends | Biester | Breaux |
| Armstrong | Bingham | Breckinridge |
| Ashley | Blackburn | Brinkley |
| Aspin | Blatnik | Brooks |
| Baker | Boggs | Broomfield |
| | Boland | Brotzman |
| | Broyhill, Va. | Hébert |
| | Buchanan | Hechler, W. Va. |
| | Burke, Mass. | Heckler, Mass. |
| | Burlison, Mo. | Helstoski |
| | Butler | Henderson |
| | Byron | Hicks |
| | Carey, N.Y. | Hillis |
| | Carney, Ohio | Hinshaw |
| | Carter | Hogan |
| | Cederberg | Holifield |
| | Chamberlain | Holt |
| | Chappell | Horton |
| | Clark | Hosmer |
| | Cleveland | Howard |
| | Cohen | Hudnut |
| | Collier | Hungate |
| | Conte | Hunt |
| | Conyers | Hutchinson |
| | Corman | Ichord |
| | Coughlin | Jarman |
| | Culver | Johnson, Pa. |
| | Daniel, Dan | Jones, N.C. |
| | Daniels, Dominick V. | Jones, Okla. |
| | Danielson | Jordan |
| | Davis, Ga. | Karth |
| | Davis, S.C. | Kastenmeier |
| | Davis, Wis. | Keating |
| | Delaney | Kemp |
| | Dellenback | Koch |
| | Denholm | Kyros |
| | Dennis | Landgrebe |
| | Dent | Leggett |
| | Dickinson | Lehman |
| | Diggs | Lent |
| | Dingell | Litton |
| | Donohue | Long, Md. |
| | Dorn | Lott |
| | Downing | McClory |
| | Drinan | McCloskey |
| | Duncan | McDade |
| | du Pont | McFall |
| | Edwards, Ala. | McKay |
| | Edwards, Calif. | McKinney |
| | Eilberg | Macdonald |
| | Erlenborn | Madden |
| | Esch | Madigan |
| | Evans, Colo. | Mailliard |
| | Evins, Tenn. | Mallary |
| | Fascell | Mann |
| | Findley | Maraziti |
| | Fish | Martin, Nebr. |
| | Flood | Martin, N.C. |
| | Flowers | Mathias, Calif. |
| | Ford, Gerald R. | Mathis, Ga. |
| | Ford, William D. | Matsunaga |
| | Forsythe | Mayne |
| | Frenzel | Mazzoli |
| | Frey | Meeds |
| | Froehlich | Metcalfe |
| | Fuqua | Mezvinsky |
| | Gaydos | Michel |
| | Gettys | Milford |
| | Giaimo | Miller |
| | Gilman | Mills, Ark. |
| | Ginn | Mills, Md. |
| | Gonzalez | Minish |
| | Goodling | Minshall, Ohio |
| | Grasso | Mitchell, Md. |
| | Gray | Mitchell, N.Y. |
| | Green, Oreg. | Mizell |
| | Green, Pa. | Moakley |
| | Griffiths | Mollohan |
| | Gross | Montgomery |
| | Grover | Moorhead, Calif. |
| | Gubser | Morgan |
| | Gude | Mosher |
| | Gunter | Moss |
| | Haley | Murphy, N.Y. |
| | Hamilton | Natcher |
| | Hammer-schmidt | Nedzi |
| | Hanley | Nelsen |
| | Hanrahan | Nichols |
| | Hansen, Idaho | Nix |
| | Hansen, Wash. | O'Hara |
| | Harrington | O'Neill |
| | Harsha | Owens |
| | Harvey | Parris |
| | Hastings | Patman |
| | | Patten |
| | | Pepper |

NAYS—63

| | | |
|---|---|---|
| Abzug | Clawson, Del | Fisher |
| Ashbrook | Clay | Foley |
| Bafalis | Cochran | Goldwater |
| Brown, Calif. | Collins | Hawkins |
| Burke, Calif. | Conlan | Holtzman |
| Burleson, Tex. | Crane | Huber |
| Burton | Daniel, Robert W., Jr. | Kazen |
| Camp | de la Garza | Ketchum |
| Casey, Tex. | Dellums | Latta |
| Chisholm | Derwinski | Lujan |
| Clausen, Don H. | Eckhardt | McCormack |
| | | McEwen |
| | | Perkins |
| | | Peyser |
| | | Pickle |
| | | Pike |
| | | Powell, Ohio |
| | | Preyer |
| | | Price, Ill. |
| | | Pritchard |
| | | Quie |
| | | Quillen |
| | | Railsback |
| | | Rangel |
| | | Rarick |
| | | Regula |
| | | Reuss |
| | | Rhodes |
| | | Riegle |
| | | Rinaldo |
| | | Robinson, Va. |
| | | Robison, N.Y. |
| | | Rodino |
| | | Roe |
| | | Roncalio, Wyo. |
| | | Roncalio, N.Y. |
| | | Rooney, Pa. |
| | | Rose |
| | | Roush |
| | | Ruppe |
| | | Ruth |
| | | St Germain |
| | | Sandman |
| | | Sarasin |
| | | Sarbanes |
| | | Saylor |
| | | Scherle |
| | | Schneebeli |
| | | Selberling |
| | | Shipley |
| | | Shoup |
| | | Shriver |
| | | Shuster |
| | | Sikes |
| | | Slack |
| | | Smith, Iowa |
| | | Smith, N.Y. |
| | | Snyder |
| | | Spence |
| | | Staggers |
| | | Stanton, J. William |
| | | Steele |
| | | Steelman |
| | | Steiger, Ariz. |
| | | Stephens |
| | | Stratton |
| | | Stuckey |
| | | Studds |
| | | Sullivan |
| | | Symington |
| | | Talcott |
| | | Taylor, N.C. |
| | | Teague, Calif. |
| | | Thompson, N.J. |
| | | Thomson, Wis. |
| | | Thone |
| | | Tiernan |
| | | Towell, Nev. |
| | | Treen |
| | | Udall |
| | | Vanik |
| | | Vigorito |
| | | Waggonner |
| | | Walsh |
| | | Ware |
| | | Whitehurst |
| | | Widnall |
| | | Wiggins |
| | | Williams |
| | | Wilson, Charles, Tex. |
| | | Winn |
| | | Wyatt |
| | | Wyman |
| | | Young, Alaska |
| | | Young, Fla. |
| | | Young, Ill. |
| | | Zablocki |
| | | Zion |
| | | Zwach |



| | | |
|---|---|---|
| Mahon | Roybal | Symms |
| Mink | Runnels | Veysey |
| Passman | Satterfield | White |
| Pettis | Schroeder | Whitten |
| Poage | Sebelius | Wilson, Bob |
| Price, Tex. | Sisk | Yates |
| Rees | Skubitz | Young, Ga. |
| Roberts | Stark | Young, S.C. |
| Rogers | Steed | Young, Tex. |
| Rousselot | Stokes | |

NOT VOTING—73

| | | |
|---|---|---|
| Abdnor | Gibbons | Rosenthal |
| Alexander | Guyer | Rostenkowski |
| Anderson, Calif. | Hanna | Roy |
| Anderson, Ill. | Hays | Ryan |
| Archer | Heinz | Stanton, James V. |
| Badillo | Johnson, Calif. | Steiger, Wis. |
| Beard | Johnson, Colo. | Stubblefield |
| Bell | Jones, Ala. | Taylor, Mo. |
| Brown, Mich. | Jones, Tenn. | Teague, Tex. |
| Brown, Ohio | King | Thornton |
| Broyhill, N.C. | Kluczynski | Ullman |
| Burgener | Kuykendall | Van Deerlin |
| Burke, Fla. | Landrum | Vander Jagt |
| Clancy | Long, La. | Waldie |
| Conable | McCollister | Wampler |
| Cotter | McSpadden | Whalen |
| Cronin | Melcher | Wilson, Charles H., Calif. |
| Devine | Moorhead, Pa. | Wolff |
| Dulski | Murphy, Ill. | Wright |
| Eshleman | Myers | Wydler |
| Flynt | Obey | Wylie |
| Fountain | O'Brien | Yatron |
| Fraser | Podell | |
| Frelinghuysen | Randall | |
| Fulton | Reid | |
| | Rooney, N.Y. | |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of Illinois for, with Mr. Rosenthal against.

Mr. Hays for, with Mr. Podell against.

Mr. Yatron for with Mr. Anderson of California against.

Mr. Fountain for, with Mr. Waldie against.

Mr. Stubblefield for, with Mr. Van Deerlin against.

Mr. Brown of Ohio for, with Mr. Badillo against.

Mr. Rooney of New York for, with Mr. Burgener against.

Until further notice:

Mr. Dulski with Mr. Clancy.

Mr. Reid with Mr. Conable.

Mr. Obey with Mr. Abdnor.

Mr. Teague of Texas with Mr. Frelinghuysen.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Kluczynski with Mr. Cronin.

Mr. Johnson of California with Mr. Bell.

Mr. Hanna with Mr. O'Brien.

Mr. Alexander with Mr. Beard.

Mr. Cotter with Mr. Kuykendall.

Mr. Flynt with Mr. Broyhill of North Carolina.

Mr. Fulton with Mr. King.

Mr. Fraser with Mr. Heinz.

Mr. James V. Stanton with Mr. Devine.

Mr. Thornton with Mr. Guyer.

Mr. Ullman with Mr. Brown of Michigan.

Mr. Charles Wilson of Texas with Mr. Myers.

Mr. Wolff with Mr. Burke of Florida.

Mr. Wright with Mr. Archer.

Mr. Melcher with Mr. McCollister.

Mr. Moorhead of Pennsylvania with Mr. Eshleman.

Mr. Gibbons with Mr. Taylor of Missouri.

Mr. Jones of Alabama with Mr. Vander Jagt.

Mr. Jones of Tennesee with Mr. Wampler.

Mr. Roy with Mr. Whalen.

Mr. Ryan with Mr. Wydler.

Mr. Landrum with Mr. Wylie.

Mr. Long of Louisiana with Mr. McSpadden.

Mr. Randall with Mr. Steiger of Wisconsin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 982 and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## SECOND SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON, from the Committee on Appropriations, reported the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, (Report No. 93–164) which was read a first and second time and, together with the accompanying papers, referred to the Union Calendar, and ordered to be printed.

Mr. CEDERBERG reserved all points of order on the bill.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On April 20, 1973:

H.R. 1975. An act to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes;

H.J. Res. 210. Joint resolution asking the President of the United States to declare the fourth Saturday of September, 1973, "National Hunting and Fishing Day";

H.J. Res. 275. Joint resolution to authorize the President to issue a proclamation designating the month of May, 1973, as "National Arthritis Month"; and

H.J. Res. 303. Joint resolution to authorize and request the President to proclaim April 29, 1973, as a day of observance of the thirtieth anniversary of the Warsaw ghetto uprising.

On April 26, 1973:

H.J. Res. 496. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans Administration, and for other purposes.

On April 27, 1973:

H.R. 6883. An act to amend the Agricultural Adjustment Act of 1938 with respect to rice.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 518. An act to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

The message also announced that the Senate agrees to the amendment of the House to a joint resolution of the Senate of the following title:

S.J. Res. 51. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 502) entitled "An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENTSEN, Mr. RANDOLPH, Mr. MUSKIE, Mr. MONTOYA, Mr. BAKER, Mr. STAFFORD, and Mr. BUCKLEY to be the conferees on the part of the Senate.

## ARTICULATION AND EXECUTION OF FOREIGN POLICY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–96)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

This Administration attaches fundamental importance to the articulation as well as the execution of foreign policy.

Public understanding is, of course, essential in a democracy. It is all the more urgent in a fast changing world, which requires continuing, though redefined, American leadership. One of my basic goals is to build a new consensus of support in the Congress and among the American people for a responsible foreign policy for the 1970's.

These were the reasons that I began the practice of annual Presidential Reports to the Congress. This fourth Review, like the previous ones, sets forth the philosophical framework of our policy and discusses major trends and events in this context. Two other important documents complement this one with the more detailed record of current questions and policies. The Secretary of State's third annual report of April 19, 1973, covers our specific country, regional, and functional policies and provides basic documentation. The Secretary of Defense's yearly report of April 3, 1973, presents a thorough accounting of our policies and programs for national defense.

It is my hope that this Report will inform and lift the national dialogue on our purposes and our place in the world.

RICHARD NIXON.

THE WHITE HOUSE, *May 3, 1973.*

## LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader if we have concluded the program for this week and what the program is for next week.

XUM

Mr. O'NEILL. If the distinguished minority leader will yield, I will be happy to inform him.

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. O'NEILL. There is no further legislative business for today, and upon the announcement of the program for next week I will ask unanimous consent to go over until Monday.

The program for the House of Representatives for the week of May 7, 1973, is as follows:

Monday: Consent Calendar. No bills. Five suspensions:

H.R. 3867, Klamath Indian Tribe lands;

H.R. 4967, Indian Claims Commission authorization;

H.R. 6574, servicemen's group life insurance coverage for Reserve and National Guard;

H.R. 2828, National Cemeteries Act; and

H.R. 29, Postal Service payments to retirement fund.

On Tuesday, under suspension of the rules we have four bills as follows:

H.R. 5452, National Sea Grant Colleges;

H.R. 5451, Oil Pollution Act amendments;

H.R. 5383 Coast Guard authorization; and

H.R. 5932, Office of Environmental Quality authorization.

On Wednesday, H.R. 6370, interest payments on time and savings deposits, with an open rule and 1 hour of debate.

H.R. 7445, Renegotiation Act extension, subject to a rule being granted.

For Thursday and the balance of the week we will have the second supplemental appropriaitons for fiscal year 1973.

And, of course, conference reports may be brought up at any time and any further program will be announced later.

Mr. Speaker, may I say that next week is the week we would normally get through on Thursday.

Mr. GERALD R. FORD. Mr. Speaker, I gather from the comments made by the gentleman from Massachusetts that we may expect to finish the second supplemental appropriations on Thursday?

Mr. O'NEILL. The gentleman is correct.

## ADJOURNMENT OVER TO MONDAY, MAY 7, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## PEANUTS—REFORMATION OR RESTORATION?

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, it is my understanding that next week the House will consider under suspension of the rules H.R. 6646, a bill to force the Department of Agriculture to spend an additional $8.6 million on the 1973 peanut program.

This bill does not involve a large sum of money, Mr. Speaker, but it is a very bad piece of legislation.

It attempts to restore a program that cries out for reform.

The General Accounting Office has just issued a very thorough study of the peanut program and recommends that the Congress "give the Secretary of Agriculture more flexibility to adjust production so that it is consistent with commercial demand.

The bill we will be considering will instead reinstitute the rigidities of the past while forcing the public to buy infected peanuts which are not safe to eat. Thus the House will have a clear opportunity to express its view of whether the peanut program should be reformed and modernized or whether it should be restored to a 1930's type operation.

Since the suspension procedure denies us the opportunity to amend this bill, I hope you will join in defeating it.

In this regard, I ask unanimous consent to include in the RECORD an article from the Thursday, April 19, Chicago Tribune entitled "United States Loses Half Billion on Peanuts":

UNITED STATES LOSES HALF BILLION ON PEANUTS

WASHINGTON, April 18.—Federal auditors figure the government's spiraling losses from the price support program for peanuts will total nearly $1.2 billion by 1977, increasing at more than $100 million a year.

While the General Accounting Office, audit agency for Congress, was issuing this report yesterday, the House Agriculture Committee voted 22 to 5 to block the Nixon administration from making two changes in the peanut program. One change involved a cancer-causing element.

However, the committee in a step so rare that no one could recall the last time it happened voted to eventually end a mandatory price support program, this one on tung nuts. United States taxpayers buy the entire American tung nut oil production at more than twice the world market price, with losses running in the millions of dollars.

The bill would extend mandatory support for tung nuts only thru the 1976 crop. The oil is used as a drying agent in paint and industrial coatings. It had been considered critical to defense until synthetics came along some years ago.

GAO's report on the peanut price support situation urged Congress to remove a minimum acreage provision in the 1938 Agricultural Adjustment Act. While the law allows the secretary of agriculture to control peanut production based on demand, "it precludes him from establishing the minimum national acreage allotment at fewer than 1,610,000 acres," GAO said.

The auditors said the government lost $551.9 million on the peanut price support program during the 1955–71 crop years, with a $105.5 million loss estimated for 1972 and a total of $537 million projected for 1973–77 losses.

With Republicans casting all the dissenting votes, the committee approved legislation that would keep the Nixon administration from changing the price support program on peanuts containing cancer-causing aflatoxin and would bar the elimination of so-called sheller purchase operations which guarantee a government market for low quality peanuts.

## THE EMPLOYEES OF THE U.S. POSTAL SERVICE

(Mr. HILLIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HILLIS. Mr. Speaker, I would like to ask all the Members present to take a moment to honor some of the hardest working employees in the Government and out—the employees of the U.S. Postal Service.

This week has been proclaimed as "Postal Week" in order to honor postal workers and customers all over the country. This week 10 8-cent stamps were issued at post offices nationwide to depict many of the different employees in the Postal Service, and their jobs.

As you know, I have been a big pusher for improvement of our mail service and have spoken several times on the House floor decrying the deterioration in service and urging immediate remedial action. I have also introduced a bill to assure six basic standards of Postal Service and have been joined by some 30 of my colleagues in this effort.

Today, I would like to honor all those postal employees who have had to shoulder the brunt of the complaints about slow mail—from the housewife and businessman they see every day. Most of the mailmen and post office workers I have ever met are very dedicated and hard-working individuals. They are not to blame for the slowup in mail service—in fact, most of them are frustrated by it.

I have received many letters and phone calls from postal employees urging me to keep pushing for changes in the new postal system. They know, as I do, that the fault lies at the top, not in the middle and lower levels of the corporation.

Many of them see where the problems lie, but are not in positions to make the changes needed. Many of them have offered suggestions but gone unheeded. Yet they are the ones who are receiving most of the attacks from the public, because they are the most visible.

None of us likes to be blamed for something beyond our control. Understandably, therefore, morale is at a low ebb among postal employees. This is particular distressing in light of the fact that one of the major reasons for the postal reorganization was to improve employee morale, which had lagged under the civil service system.

In subcommittee hearings 2 weeks ago, the members were told of a record number of heart attacks and ill health showing up in postal employees from long hours, bad working conditions, and general tension.

I have talked to many letter carriers, postmasters, and supervisors who are embarrassed at the level of service that is being delivered and who very much would like to see improvements. These people are proud of the record of the Postal Service and they are sorry to see the service deteriorate so markedly in such a short period of time—especially when they had such high hopes for better conditions under the new system.

I have already told you about morale getting so low last Christmas due to the level of service that postal workers in the Phoenix area put a full-page ad in the Arizona Republic apologizing for the mail service and trying to explain why mail was arriving consistently late.

I think this is a tragic picture—and I just hope those loyal Phoenix workers stay in the postal system long enough so we can get the service back up to where it should be and they can wear the postal uniform proudly once again.

I am hoping that my Postal Service standards bill can be adopted, because I think it would clear up many of these problems. Again, I would like to ask for all the support possible in this endeavor.

But my main purpose today is to bring attention to the rank and file workers in the postal system and urge that we as Members of Congress show our appreciation for their efforts in every way possible. They are performing well under difficult conditions, and I think their efforts should be recognized.

As a Member of Congress and the House Post Office and Civil Service Committee, I would like to express my personal appreciation to postal workers all over the country for their hard work and dedication. Thank you.

## NATIONAL DEFENSE ORGANIZATION AGAINST RACIST AND POLITICAL REPRESSION

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, communism is something to which the overwhelming majority of Americans are opposed. But too few know its nature, its methods of operation and its planned activities. Most do not understand how the Communist Party, U.S.A., actually functions. This places a serious handicap on opposition to communism. Because knowledge is still our greatest weapon in the fight against communism, I consider it my responsibility as chairman of the House Committee on Internal Security to call to the attention of my colleagues and the American public the efforts of the Communist Party, U.S.A., to organize a new front organization to be known as the "National Defense Organization Against Racist and Political Repression."

The Vietnam war was an almost perfect vehicle for exploitation by the Communist Party and it took full advantage of this issue to propagate Communists' aims and ideas. Deprived of one of its "cause celebres" by the winding down of the Vietnam war, it was predictable that the party would go all-out to find a new exploitable issue even if it is a largely manufactured one.

Last February, presaging a national effort along the same lines, a United Defense Against Repression was founded in Los Angeles by several hundred people representing over 100 southern California organizations, among them the Communist Party, U.S.A., and its youth organization, the Young Workers Liberation League and the party's west coast organ, "People's World." Although other revolutionary organizations, such as the violence-oriented Venceremos group were represented, as well as other ostensibly reform-minded groups, it was clear when the conference concluded that it was largely a Communist Party effort. A major clue was the appointment of Robert Klonsky as executive secretary, the key post always held by a Communist Party member in any Communist front organization. Klonsky, a life-long Communist Party member, once held the position of organizational secretary for the Communist Party in eastern Pennsylvania and holds the dubious distinction of being prosecuted along with other Communist Party leaders under the Smith Act.

The February conference stated its purpose as defending "the democratic and constitutional rights of all persons and organizations victimized as a result of struggles for peace, freedom, and economic security or singled out for attack as a result of racist and/or political repression." It was further noted in the group's objective—

> We seek to wipe out from the statute books repressive legislation, undermining the Bill of Rights, and to enact progressive legislation, seeking to extend the democratic rights of the people, particularly in the fields of arrest, trial and imprisonment.

In March 1973, national Communist Party functionary Charlene Mitchell called a meeting in New York City to plan for a May conference in Chicago to publicly announce the formation of a National Defense Organization Against Racist and Political Repression. The internationally known American Communist Party official Angela Davis was among those who signed the call for the conference.

The March conference expressed similar concern—

> Because the Nixon Supreme Court decisions are turning back the clock on civil rights and civil liberties. Extensive police and army intelligence networks, legalized wiretapping, "no-knock" laws and other repressive legislation have already eroded our rights . . . Chicanos, Latinos, Africans, Asians, Arabs and other nationals are unjustly deported for their political activities. Workers rights to organize and strike are beaten down by anti-labor legislation and executive orders. . . .

The call to the May conference asserted—

> The repression of this period is calculated, organized and systematic. In its center is the seed of fascism, which, if allowed to sprout would strangle us all. To successfully confront and bring to a halt this systematic, nationally organized repression, we need a national apparatus to organize our resistance. We need a National Defense Organization.

All of the above will be readily recognized by those familiar with Marxist revoluntionary propaganda as a long-winded euphemism for an objective which in simple English would read:



The Communist Party, USA, intends to continue its program of persistently depicting the government as racist and repressive, particularly toward minority ethnic groups, thus hopefully alienating those groups and religious and social-minded persons and organizations who can be duped into believing that the people must be defended against their government. The Communist Party intends to zero-in on police intelligence work as this is the government's first line of defense against our revolutionary program.

It, of course, can be anticipated that H.R. 6241—the Constitutional Oath Support Act—on which the Committee on Internal Security will hold hearings this week, and which is an ordered, reasonable approach to the problem of insuring that the people have in their employ in the Federal Government only those of unquestioned loyalty to the Constitution, will be targeted by the National Defense Organization in its perverted view of "repressive legislation."

I might also predict that the National Defense Organization Against Racist and Political Repression will likewise attack H.R. 1594—Restraints on Travel by U.S. Citizens to Hostile Areas—concerning which the Committee on Internal Security will also be holding hearings. This measure, which is timely, necessary legislation with substantial public support, will undoubtedly be termed "repressive legislation" by the National Defense Organization because had it been the law last year it would have prevented the shameful trips by U.S. citizens, such as actress Jane Fonda, to Hanoi to give aid and encouragement to the North Vietnamese Communists.

My purpose in bringing this matter to your attention is to alert you to the existence of a new Communist Party propaganda drive designed to defeat much needed Federal legislation relating to the national security, such as the above-mentioned bills. I think that the Communist Party will find it much more difficult to enlist support for its new front organization if the true nature of its objectives are widely known.

## AMENDMENT OF NATURAL GAS ACT

(Mr. BURLESON of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, I am today introducing a bill, nearly identical to my bill of January 22, 1971, proposing an amendment to section 6 of the Natural Gas Act.

A great amount of entirely proper concern has been expressed about shortages in the supply or production of gas. But the urgent problems confronting the gas pipeline companies have not yet received the attention they merit, in that the supply of gas must be carried to the consumer. Under the current regulatory practices of the Federal Power Commission, the pipelines cannot obtain adequate capital on reasonable terms to first, construct pipelines to the new sources of supply which they must develop under their own initiative; second, to maintain, upon restoration of an ad-

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equate gas supply, a growth in pipeline facilities in line with the growing needs of a growing nation; and third, to carry forward research and development, especially in the field of synthetic gases through coal gasification and other techniques.

Mr. Speaker, this great Nation, with its needs for more economic growth, more employment, more industrial expansion, rising living standards, and more consumer satisfactions in the home, cannot resign itself to a long enduring shortage of energy. Even if we are forced to curtail the use of gas and other energy for some period of time, we must act at once to assure the needed expansion of the supply of energy. And we must act equally promptly to assure adequate pipeline facilities to reach and carry the needed volume of gas in a growing economy. To be sure, there is no pipeline shortage in general while the serious supply shortage persists. But additional carrying facilities cannot be planned and built overnight, and a prime prerequisite to their attainment is redevelopment of capital-investor attitudes more favorable to the pipelines than now exist.

The estimates of growth rate needs which I shall cite are based on the studies of an independent expert engaged by the gas pipeline industry. The high growth rate projection in this study reaches the conclusion that, from now through 1990, our total national production in real terms should increase at an average annual rate of 4.4 percent, and the intermediate growth rate projection is 3.8 percent. It is the commonly held view of almost all experts that the nature of technological trends, and the changing patterns of demand, require that energy consumption and energy transmission facilities should grow more rapidly than the economy at large. So it is a conservative assumption that energy transmission between now and 1990 should grow at an average annual rate somewhat in the neighborhood of 5 percent under the high economic growth rate projection, and considerably more than 4 percent even under the intermediate projection. Nothing like this is within range of achievement, without drastic changes in regulatory policies along the lines of my proposal, for reasons which I shall shortly demonstrate.

As I have already intimated, the main obstacle to adequate pipeline facility development is the recent and current regulatory practice of the Federal Power Commission. The adjustments in rates of return and price received by the pipelines—and indeed by the utilities in general—have lagged very far behind the steady and severe inflationary movement of prices in general, including money costs. This lag commenced, in general, circa 1961. These disparate trends have placed the utilities in a seriously and increasingly disadvantageous competitive position, when compared with key nonregulated industries. In contrast, it has always been the declared purpose of the regulatory process, affirmed by the courts, to maintain competitive equilibrium or equality between the regulated and nonregulated sectors. Even more important, the dollars received by the pipelines have become far short of the requirements for adequate growth in their facilities and services in the public interest.

From 1960 to 1972—estimated—the prices received by the major natural gas pipeline companies rose at an average annual rate of 1.8 percent. Meanwhile, the Consumer Price Index, which is the best single measurement of the inflationary process and rising costs in general, increased at an average annual rate of 2.9 percent. From December 1971 to December 1972, the consumer price advance was 3.4 percent. In early 1973, inflationary trends seemed virtually ungovernable.

The disparate and inequitable relative trends in prices received have naturally impacted upon profit trends. Comparing 1953–60 with 1960–72—estimated the average annual rate of growth, among the major A and B natural gas pipelines, declined from 5.2 percent to 1.8 percent for per unit revenues; declined from 9.4 percent to 7.2 percent for income before taxes; and declined from 11.4 percent to 9 percent for income after taxes. These data are in current prices; in real terms, adjusted for inflation, the adverse profit trends have been very much more severe.

The average annual rate of growth of investment in plant and equipment among the gas pipelines A and B, expressed in constant dollars, declined from 6.2 percent during 1953–1960 to minus 0.7 percent during the longer period 1953–1971, and minus 4.9 percent during 1960–1971—1972 data not available. Clearly, this adverse trend set in long before the emergence of the current shortage in supply. Expressed in current dollars, the average annual growth rate of investment in plant and equipment during 1960–1971 was minus 2.3 percent for the gas pipelines, contrasted with 7.5 percent for all U.S. industries, 6.4 percent for total manufacturing, 6.6 percent for refined petroleum products, 6.1 percent for motor vehicles and equipment, 8.2 percent for electrical machinery, 7.6 percent for nonelectrical machinery, and 11.7 percent for nonferrous metals. It is obvious that the actual growth rates in investment by the gas pipelines are utterly inconsistent with the needed growth rates in future which I have already depicted. And it is equally obvious that these needed growth rates require capital availability in magnitudes which depend upon drastic changes in the regulatory policies of the Federal Power Commission.

Although it is difficult to appraise all causes and effects with precision, it must be manifest that the adverse trends in investment threaten, in due course, optimum service to consumers, and would create a serious service deficiency in the foreseeable future if remedial action is not now commenced. Among the major A and B natural gas pipelines, the growth rate in physical sales declined from an average annual rate of 17.8 percent during 1947–1953 to 8.0 percent during 1953–1960, and 4.2 percent during 1960–1972—estimated. The decline from the second to the third period mentioned is especially indicative, in that our total national product in real terms grew at an average annual rate of only 2.4 percent during 1953–1960, but at 4.1 percent during 1960–1972. And even the rate of sales expansion during 1960–1972 cannot be maintained during the years ahead, without quick and decisive reversal of the adverse trends in prices received, income, and investment in plant and equipment, and the remedy of the insufficient resort to exploration and developmental activities.

Another factor operating very adversely to the natural gas pipeline industry has been the rise in the cost of money. This is particularly true because the ratio of long-term debt to capitalization in 1971 was 58.8 percent for the gas pipelines, contrasted with only 29.5 percent in manufacturing, and 20.0 percent in motor vehicles and equipment—1972 not available, but these ratios do not vary much from year to year.

The average interest rate on bonds issued by natural gas pipeline companies rose from 3.83 percent in 1952 to 8.7 percent in 1971—1972 not fully available. The embedded debt cost of gas pipelines rose from 3.54 percent in 1953 to 6.38 percent in 1971; and this trend imposed upon the gas pipelines, during 1954–1971 inclusive, an increased interest cost estimated at $1,449 million. The average interest rate on public utility corporate bonds rose from 3.45 percent in 1953 to 7.55 percent in November 1972. From 1961 to November 1972, these interest rates rose 65.2 percent.

In this connection, we should not be misled by some salutary reductions in interest rates at various times during the past few years, or from month to month, which have not substantially negated the extremely upward long term trend. Nobody knows where interest rates will be going during the months and years ahead, and there are some indications now that they are rising. Far more important, the embedded debt costs imposed upon the utilities will continue to rise until their rates of interest on new borrowings are lower than their then-current embedded debt costs. This is not possible in the foreseeable future.

Although the FPC has made allowance from time to time for rising interest costs, it has made at best miniscule allowance for the rising cost of equity imposed upon the gas pipelines. In consequence, the traditional gap between what the pipelines pay for debt capital and what they pay for equity capital has been greatly narrowed, to the point where payments for equity capital are grossly inadequate in terms of its greater riskiness than debt capital. This, in turn, has reflected itself in adverse reaction on the part of investors in the equities of the pipelines, indicated in many ways, including sharply declining price-earning ratios.

This adverse investor reaction is forcefully illustrated by relative trends in stock prices. Among leading natural gas pipelines, for whom data are readily available, average common stock prices appreciated by 91.1 percent from 1960 to November 1972, compared with 141.9 percent for the stocks of 9 New York City banks, and 153.1 percent for 181 consumer goods stocks. The result of these comparatively adverse trends has already been a downgrading in the market ratings of significant utilities, and more of the same is in prospect without drastic remedial action.



I shall now state the effects of these many adverse trends upon the dollars received by the pipeline companies, measured against the dollars they would have needed to perform adequate service today but for the supply shortage—and to be treated equitably in comparison with others in view of the general process of inflation—and the dollars they will need to perform adequate service in the future. The estimates I shall present in this connection have been developed by an independent expert, in studies prepared for the Independent Natural Gas Association of America.

For 1972, the actual operating income of the major gas pipelines is estimated at $1,129.6 million. In contrast, it is estimated, in the study referred to, that the appropriate number of dollars of operating income needed in 1972 was 1,252.0 million. This is derived by increasing operating income from 1961 to 1972 by allowing for first, actual increases in sales and second, increases in the Consumer Price Index from 1961 to 1972. It is found that 1961 is a fair year from which to begin, in that the comparative lag in prices received by the utilities started—as I stated earlier—circa 1961.

In 1977, assuming a 3.5 percent average annual increase in the Consumer Price Index from 1972 to 1977—a reasonable assumption on the basis of the historic record and recent trends—the major gas pipelines should receive 2,031.0 million dollars of operating income, with with service requirements much higher in 1977 than in 1972. Contrasted with this, if the regulatory processes made no allowance for inflation after 1972 in determining rates of return and prices received, the actual operating income available to the major pipelines in 1977 would be only 1,546.0 million dollars. Even if the legislation I am now proposing were promptly enacted and promptly applied, the major gas pipelines would receive only 1,837.0 million dollars of operating income in 1977. This would be 194.0 million dollars below, or more than 9.5 percent below, the needed amount. This exercise in itself demonstrates the extremely conservative nature of my proposal.

In 1980, again assuming from 1972 to 1980 a 3.5 percent average annual increase in the Consumer Price Index, and again allowing for growth in sales, the natural gas pipelines should receive $2,585 million of operating income. In contrast, the amount yielded by the 1980 volume of sales at 1972 prices received would be only $1,775 million. Even the formula I now propose would yield only $2,338 million of operating income in 1980. This would be $247 million below, or about 9.6 percent below, the needed level.

The primary significance of the above exercises is not that the pipelines would, under current regulatory practices, receive an inequitable amount of income during the years ahead; that is merely a hypothetical demonstration. For in reality, without changes in these regulatory practices, the pipelines would not be able to achieve adequate facilities and service in the public interest, and correspondingly would receive even less income than the deficient amounts stated above.

Essentially then, my proposal is designed, not only to yield to the natural gas pipelines industry in future a fair and reasonable participation in the progress of the U.S. economy generally, but also to gear them for adequate facilities and service, by bringing their prices received and incomes more into line with general trends. But never, not even during the period of absolute controls during World War II, did we fail to recognize the necessity for advancing those prices which were too low in terms of public need, even while seeking to maintain a generally stable price level, and forcing some prices downward. To be sure, if and only if inflation continues, enactment of my bill will require that the Federal Power Commission allow for this inflation in determining the prices received by the pipelines, and this will have some effect upon ultimate consumer prices. But this essential problem cannot be avoided by burying one's head in the sand. In the long run, the consumer will be hurt if prices received are insufficient to spark the amount of growth in investment required for optimum or even adequate service. To neglect this obvious principle would lead to the conclusion that it would be good for consumers to reduce the prices received by the utilities gradually toward zero.

The principle embodied in my bill is not only fair and necessary, but also in accord with current thought and action in increasingly significant portions of the national economy. Insurance companies are moving more and more toward the practice of adjustable benefits, taking account of the inflationary process and the declining purchasing power of the dollars. Interest rates on Federal obligations have been lifted for the same reason, and, despite some recent reductions, are still enormously higher than they were some years ago. To illustrate, the interest rate on long-term Federal bonds rose from 2.94 percent in 1953 to 5.50 percent in November 1972. Our social insurance systems, during the most recent years, have several times been adjusted specifically to reflect the declining purchasing power of the dollar. The practice of periodic wage adjustments, to take account of the rising cost of living, has now been firmly and unalterably established everywhere in the U.S. economy.

Still another example of the principle I advocate is the extent to which tax legislation by the Congress during the past decade has granted great benefits to the investment process. It is further illustrated by various actions of the Treasury, in enlarging depreciation allowances. Theoretically, some portion of these tax benefits granted during the past decade or so have applied to the regulated utilities. But in their case, unlike the case of others, these tax benefits have been largely counteracted by the disparate trends in prices received, and by the almost unique burden imposed upon the utilities by truly fantastic increases in the cost of money.

Most pertinent of all in this connection is the April 11, 1973, press release of the Federal Power Commission—No. 19144—relating to docket No. R–389–B, national gas rates, in which the Federal Power Commission proposes a single uniform national new gas rate for all producing areas.

In the first full paragraph of page 2 of this release, the Federal Power Commission states that—

> It is considering an annual review of rates prescribed so that current costs and market conditions will be reflected.

The Commission states that—

> It would consider, among other things, (1) changes in the Bureau of Labor Statistics' wholesale price index for industrial commodities, * * * and would then adjust, as required, either upward or downward, the rate previously applicable to gas from wells started since January 1, 1973.

This is exactly the same as the principle embodied in my bill, even though the expert who conducted the studies for the Independent Natural Gas Association of America concluded, and my bill so provides, that the use of the Consumer Price Index, rather than the wholesale price index for industrial commodities, is better suited and more equitable with respect to the natural gas pipelines.

From the viewpoint of the consumer, the conservative nature of my proposal is further illustrated by the comparatively low cost of gas to the consumer, with respect to heating the home. The data I shall now present are as of 1971, and have been supplied by the Independent Natural Gas Association of America; I am not aware that they have been seriously challenged elsewhere. In Brooklyn, N.Y., the cost of gas was exceeded by 3.8 percent for fuel oil, 80 percent for coal, and 162 percent for electricity. In Detroit, the cost of gas was exceeded by 65 percent for fuel oil, 71 percent for coal, and 277 percent for electricity. In Washington, D.C., the cost of gas was exceeded by 15 percent for fuel oil, and 85 percent for electricity, with coal data not available. In Seattle, the cost of gas was exceeded by 45 percent for fuel oil, 23 percent for coal, and 54 percent for electricity. In Memphis, the cost of gas was exceeded by 73 percent for electricity and 37 percent for coal. However, gas was 34 percent higher than fuel oil. In Atlanta, the cost of gas was exceeded by 45 percent for fuel oil, and 224 percent for electricity, with coal data not available.

Further, the adoption and application of my bill would not interfere with maintenance of a very wide margin of cost advantage to the consumer through the use of gas, as compared with other fuels. Even on the assumption of an annual increase of 3.5 percent in the Consumer Price Index from the base year 1972 through 1980, the average weekly cost to the consumer, spread over a period of 52 weeks, would rise from year to year by only 1.87 to 3.37 cents, depending upon the city. Thus, in 1980, the average weekly cost would be only 14.9 to 26.9 cents higher than in 1972.

The content of my bill has been indicated by what I have already said. Specifically, under the bill: From the end of 1972 forward, the Federal Pow-



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er Commission, in determining the rate base of a regulated public utility, shall start with the actual legitimate cost of the utility plant existing as of December 31, 1972, less the accumulated reserve for depreciation as of such date. Then, this net investment in utility plant shall be adjusted for any decline in the purchasing power of the dollar, as measured by the Consumer Price Index, from December 31, 1972, to the date as of which the rate base is determined.

The conservative nature of my proposal is strongly demonstrated by the fact that its adjustment process would be applied only from the end of 1972 forward. Actually, as already stated, the serious lag in the prices received by the natural gas pipeline companies behind the inflationary process in general started about a decade before the end of 1972, and this, to date, has had a cumulative adverse effect upon natural gas pipeline companies. So my proposal goes only part of the way toward a completely equitable adjustment for the gas pipelines; it requires them to write off all past inequities in the form of lags in price treatment.

When the so-called "historic" original cost method was enunciated by Mr. Justice Brandeis in Southwestern Bell Telephone 50 years ago—1923—he assumed a declining trend in prices in the U.S. economy. This forecast has become completely refuted by developments since then. In December 1972, the price level, measured by the Consumer Price Index, was 149 percent higher than in 1923, and 155 percent higher than in 1950. The time is late for the regulatory processes to be brought into line with this reality.

Mr. Speaker, as I said more than 2 years ago, my proposal is fair, essential, and long overdue. I trust that it will receive full and careful consideration by the appropriate committees of the Congress, and be enacted this year. A great service would thus be rendered to a vital industry, to the consumer, to the economy at large, and to the entire public interest.

## ESTABLISHMENT OF A SELECT HOUSE COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, recent criminal and immoral acts apparently committed by employees of the Government of the United States, many in high places, have shocked, saddened, and shamed the Congress and the country.

To preserve this integrity of our Government, such wrongdoing must be fully exposed and appropriate action taken respecting those guilty of such conduct.

The House of Representatives, the body of the Congress closest to the people, cannot stand aside in the effort fully to explore such apparent criminal and immoral acts, recommend appropriate action with respect to such persons, and recommend legislation which will protect the integrity in the electoral process for the Presidency and Vice President of the United States and the integrity of the Government of the United States.

Accordingly, I have introduced today a resolution substantially the same as Senate Resolution 60, as amended, setting up a Select Committee of the House to conduct such an investigation, authorizing the Speaker to appoint a select committee of 7 Members of the House, 4 from the majority party and three from the minority party, to conduct an investigation and study of the effect, if any, to which illegal, improper, or unethical activities were engaged in by any person acting individually or in combination with others in the presidential election of 1972 or in the campaign canvassing or activity related to it. Such committee would be authorized to act separately or in cooperation with the select committee of the other body.

I also propose we adopt a resolution expressing the sense of the House that the President invite the president of the American Bar Association to submit three names of persons qualified to act as special prosecutor of all offenses related to the 1972 Presidential Campaign or constituting criminal conduct on the part of any person employed by the Government of the United States at the time of the commission of such offenses and that the President shall name one of such persons special assistant to the Attorney General of the United States with full authority to investigate thoroughly and to take appropriate action with respect to persons believed to be guilty of such offenses.

## IN FAIRNESS TO PRESIDENT NIXON

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, some reckless and extreme statements are being made these Watergate days about impeaching President Nixon. Some who ought to know better, including Members of Congress, would be well advised to remember a few things about President Nixon's record before talking of impeaching him for a cops-and-robbers exercise in futility on the part of an overzealous few who broke both the law and the rules of fairplay and got in deeper by trying to cover up.

Among things to be remembered during these trying days for the President are that this is the same President Nixon who took us out of the war in Vietnam and secured the return of American prisoners of war. This is the same President Nixon who took the huge political risk of journeying to Red China in the quest for world peace. It is the same President Nixon who went to the Soviet Union and announced the beginning of an era of negotiation in the interest of ending an era of confrontation. It is the same President Nixon who successfully negotiated an agreement with the Soviet Union on strategic arms limitations and has negotiations under way for further agreements of this nature, so the world can spend more of its time and resources on improving people's living standards instead of devising more and better ways to destroy mankind.

And, when all is said and done, just what did Watergate involve anyway? Here was no conspiracy to murder or even to rob. At most, it was an amateurish political spying operation motivated by an excess of zeal and partisanship, undertaken not by the Republican Party or its National Committee or constituent committees but by a small group of overzealous Presidential loyalists who ought to have known better but who, in both the act and the coverup, illustrated all the human frailties possessed by lesser men.

It is inconceivable that the President knew of or authorized Watergate in advance. It is doubtful that the President learned of it afterward, at least until the conclusion of the Sirica trial. When and if he did, it is certain that he was not a party to the coverup because in point of fact it has been established that the coverup was as much a coverup to keep the facts from the boss—President Nixon—as from a prosecution.

In these circumstances, those who now talk impeachment of a President who has done so much for this Nation and for mankind in general will live to regret the reckless extremity of their words—words which are bound to indicate to their respective constituencies that if they could go off the deep end once they could again and perhaps their constituents ought to have Representatives of better judgment.

## THE WAR POWERS RESOLUTION OF 1973

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, today I am introducing a resolution entitled "The War Powers Resolution of 1973."

This measure was reported yesterday from the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, following hearings and extensive markup sessions.

This new resolution is being cosponsored by 8 members of the subcommittee who worked very hard to bring out the very best proposal possible. It is also being cosponsored by other distinguished Members of the House who have contributed much to the thinking on war powers which is reflected in this resolution.

As you know Mr. Speaker, the Subcommittee on National Security Policy and Scientific Developments has three times in the past two Congresses reported war powers legislation. Three times those measures were passed by the House by overwhelming votes—only to die because of Senate inaction or the inability to agree in conference.

The resolution which we have reported in this Congress is somewhat changed from those of the past. It would come to grips in a more direct way with the problem of finding an effective way for Congress to curb the excessive use of power by the President in committing American forces into armed conflict.

The new resolution provides a practical, effective and constitutional answer to this dilemma.



It does not shackle the President by limiting the circumstances under which he can commit forces to combat—as other war powers bills have done.

At the same time, however, it requires specific congressional approval of such commitments within 120 days or the actions must cease.

Or, if the Congress believes that the President has acted unconstitutionally or unwisely it can before 120 days has elapsed, order disengagement by the President through passage of a concurrent resolution of both Houses.

The safeguards provided by this legislation will, I believe, restore to the Congress its rightful role in the area of war-making, the role which was envisaged by our Founding Fathers when they wrote the Constitution.

It is my hope that prompt action on this proposal will be taken by the Committee on Foreign Affairs and by the House in order that we may demonstrate our commitment to our responsibilities as Members of Congress and representatives of the American people.

The text of the resolution follows:

H.J. Res. 542

Joint resolution concerning the war powers of Congress and the President

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION 1. This measure may be cited as the "War Powers Resolution of 1973".

CONSULTATION

SEC. 2. The President in every possible instance shall consult with the leadership and appropriate Committees of the Congress before committing United States Armed Forces to hostilities or to situations where hostilities may be imminent, and after every such commitment, shall consult regularly with such Members and Committees until such United States Armed Forces are no longer engaged in hostilities or have been removed from areas where hostilities may be imminent.

REPORTING

SEC. 3. In any case in which the President without a declaration of war by the Congress—

(1) commits United States Armed Forces to hostilities outside the territory of the United States, its possessions and territories;

(2) commits United States Armed Forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, replacement, repair, or training of United States Armed Forces; or

(3) substantially enlarges United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional and legislative provisions under the authority of which he took such action;

(C) the estimated scope of activities;

(D) the estimated financial cost of such commitment or such enlargement of forces; and

(E) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

CONGRESSIONAL ACTION

SEC. 4. (a) Each report submitted pursuant to Section 3 shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same day. If Congress is not in session when the report is transmitted, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable, shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Senate Foreign Relations Committee for appropriate action, and each such report shall be printed as a document for each House.

(b) Within 120 calendar days after a report is submitted or is required to be submitted pursuant to Section 3, the President shall terminate any commitment and remove any enlargement of United States Armed Forces with respect to which such report was submitted, unless the Congress enacts a declaration of war or a specific authorization for the use of United States Armed Forces.

(c) Notwithstanding subsection (b), at any time that the United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or other specific authorization of the Congress, such forces shall be disengaged by the President if the Congress so directs by concurrent resolution.

CONGRESSIONAL PRIORITY PROCEDURE

SEC. 5. (a) Any resolution or bill introduced pursuant to section 4(b) at least 45 calendar days before the expiration of the 120-day period specified in said section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Senate Foreign Relations Committee, and shall be reported out by such committee, together with its recommendations, not later than 30 days before the expiration of the 120-day period specified in said section.

(b) Any resolution or bill so reported shall become the pending business of the House in question and shall be voted on within 3 legislative days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a resolution or bill passed by one House shall be referred to the appropriate committee of the other House and shall be reported out not later than 15 days before the expiration of the 120-day period specified in said section. The resolution or bill so reported shall become the pending business of the House in question and shall be voted on within 3 legislative days after it has been reported, unless such House shall otherwise determine by yeas and nays.

SEC. 6. (a) Any resolution introduced pursuant to section 4(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Senate Foreign Relations Committee as the case may be, and shall be reported out by such committee together with its recommendations within 15 calendar days.

(b) Any resolution so reported shall become the pending business of the House in question and shall be voted on within 3 legislative days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a resolution passed by one House shall be referred to the appropriate committee of the other House and shall be reported out by such committee together with its recommendations within 15 calendar days and shall thereupon become the pending business of such House and shall be voted upon within 3 legislative days, unless such House shall otherwise determine by yeas and nays.

INTERPRETATION OF ACT

SEC. 7. Nothing in this resolution (a) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties;

(b) shall be construed to represent congressional acceptance of the proposition that Executive action alone can satisfy the constitutional process requirement contained in the provisions of mutual security treaties to which the United States is a party; or

(c) shall be construed as granting any authority to the President with respect to the commitment of United States Armed Forces to hostilities or to the territory, airspace, or waters of a foreign nation which he would not have had in the absence hereof.

EFFECTIVE DATE

SEC. 8. This resolution shall take effect on the date of its enactment.

## NEIGHBORHOOD YOUTHS CORPS

(Mr. HAWKINS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, within a few weeks millions of young men and women will be leaving school, dependent upon summer employment in order to return to school in the fall. In the past, the Federal Government has met this need with substantial assistance through the Neighborhood Youth Corps. This year, however, in spite of Mr. Nixon's statement that "the summer of 1973 is to be a time of expanded opportunity for young Americans," the summer of 1973 promises to be a time of anger, frustration and despair.

The administration has failed to allocate any funds whatsoever for the Neighborhood Youth Corps for fiscal year 1974. In addition, the President has requested the Congress to rescind the $256 million already appropriated for fiscal year 1973.

I believe the funding of this summer's youth employment program is a matter of serious and urgent concern. We must not only uphold the $256 million already appropriated, but must provide additional funds. The National League of Cities-U.S. Conference of Mayors has estimated the need for funding this summer to be $505.5 million to provide 1,018,991 jobs. In addition to funds already appropriated and $16.7 million which the administration plans to make available from other sources, at least $232 million must be included in the second supplemental appropriation which will be coming up within the next few days.

I sincerely hope that the President will recognize the compelling importance of this program and will press for adequate funding.

As chairman of the Subcommittee on Equal Opportunities, I will be introducing shortly legislation which will provide summer employment and recreation opportunities for disadvantaged youth. But we must not wait for action on this legislation before we respond to the critical situation we face this summer.

The need for prompt and forceful action in providing employment opportunities for young people is critical. As of March, young people between 16 and 19 were unemployed at a rate of 14.2

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percent. Unemployment among minority youths was even more severe; the average unemployment for nonwhite youths in 1972 was 33.5 percent. The crisis level of unemployment can be expected to accelerate in the summer months.

On March 21 of this year, the administration announced that if local governments wished to provide job opportunities for young people, they could take funds out of an estimated $300 million under the Emergency Employment Act, thus forcing the cities to choose between jobs for unemployed adults or their teenage children.

There has been serious question, too, about the legality of using public employment program funds for the summer job program.

The basic requirements of EEA both in the nature of the work to be provided and in the target groups to be served are inconsistent with the requirements of the summer Neighborhood Youth Corps.

The $300 million in EEA funds includes $80 million earmarked for summer programs out of the Secretary of Labor's discretionary money. Under the Department of Labor's formula for distribution of the $80 million, many of the Nation's largest cities with urgent need for summer employment funds would receive nothing at all. Out of 212 cities, only 137 will receive any money from the EEA discretionary fund. Detroit, which last year received $6,801,930 in NYC funds; Los Angeles with $4,657,480 in 1972 NYC funds; San Francisco, which had $1,827,819 last year; New Orleans, with $1,090,870 in 1972; and Milwaukee, with a 1972 program of $1,058,700 will all receive nothing at all from the discretionary fund. Even for those cities which will benefit from the $80 million, the amount is pitifully small relative to the demand. Many cities have already allocated the funds which the administration has allowed for summer job programs to the PEP slots for which the money was appropriately intended. For those cities, particularly if they are not eligible for a share of the $80 million discretionary fund, there will be no summer job program at all.

The siphoning off of EEA funds would have a potentially disastrous effect on the already embattled public employment program. It has been estimated that if PEP continued at current levels with no replacements for those who terminate, funds for PEP would run out at the end of fiscal year 1974 with about 15,000 persons on the rolls who would have to be laid off at that time. If $300 million is used for summer jobs, funds would run out in October, and about 90,000 would have to be laid off.

Compared with the League of Cities estimated need of 1,018,991 jobs, the administration's proposals would yield a total of 776,000. The President has asserted that additional jobs will be forthcoming from the private sector, but it is likely that any new openings will go to regular employees who had been laid off. The National Alliance for Businessmen has set a goal of 175,000 slots, a goal which may be unrealistically high given the fund limitations of the NAB and the cutback by one-third of the number of NAB metropolitan offices throughout the country.

At a time when national unemployment is 5 percent and in many areas of the country, such as Watts in Los Angeles, is 18 percent or more—more funds, not less, are needed to provide employment opportunities. President Nixon's approach to the summer employment program places local officials in the agonizing position of having to terminate jobs for unemployed adults in order to provide summer employment for needy youth.

As Boston's Mayor Kevin White told the Subcommittee on Equal Opportunities on March 23:

> What the President is saying in regard to the PEP program he is saying in regard to revenue sharing. He is giving us the right to make decisions, but not sufficient money to provide for the needs we are faced with.

Congress must act now to assure that adequate funds will be available for both transitional employment in needed public services through the Emergency Employment Act and summer employment for disadvantaged youth through the Neighborhood Youth Corps. I strongly urge the President to take the leadership in this area and press for increased appropriations for summer youth programs, and to spend those funds which the Congress has appropriated.

## TO COMPENSATE INNOCENT VICTIMS OF VIOLENT CRIMES

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, 2 days ago I introduced a bill to establish a national crime compensation program for innocent victims of violent crime and addressed the House to explain the purposes and provisions in that bill. I neglected one very important point, which is that my bill is comparable to a bill introduced into the Senate by the distinguished majority leader, MIKE MANSFIELD. It is an extremely important and significant piece of legislation, and I urge that the House give it their most careful consideration.

## ANOTHER FAILURE FOR AN OEO-FUNDED COMMUNITY ACTION AGENCY

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, from Corvallis, Oreg., a report has arrived which suggests that once again another OEO-funded community action agency has failed to provide any substantive survices for the community.

In an editorial in the Corvallis Gazette Times the newspaper calls for an end to a program in which "very little seems to go for direct assistance to low-income people."

I ask unanimous consent that the following editorial be printed in the RECORD.

[From the Corvallis (Oreg.) Gazette Times, Feb. 21, 1973]

SPEED DEMISE OF BLEOC

Sudden death is often preferable, given a choice, to a lingering terminal illness. The distinction is germane applied to the Benton-Linn Economic Opportunity Council.

The sentence has been passed on all Office of Economic Opportunity grantees by the Nixon administration. The next of kin, in Congress and out, may wail but the patient has been in pitiful health during the eight years of its existence, if the Benton-Linn organization is a fair example.

The program has simply not worked out the way it was intended. In this two-county area alone, it has gulped hundreds of thousands of dollars while only nibbling at the problems of low-income people. Frequent emotional upheavals and disruptions have shattered the governing boards; evidence of careless handling and accountability of funds persists. There simply has to be a better way to meet the needs of the less fortunate among us.

At the Thursday night meeting, the BLEOC board put a crash formula on the back burner. It should have been flushed down the drain. It would have allocated almost all of the $62,381 received for 1973 to a concentrated public relations sell of the idea of providing services for low-income residents.

That administrative pork barrel probably will be scrapped now that funding until Dec. 31, 1973 has been assured by the regional office. Earlier work plans may be revived—like a free dental clinic for low income people, top priority with a $6,000 allotment; $3,000 for participation in planning an inner-city transportation system with Albany; another $6,000 for working with other community agencies in finding jobs for 200 low-income youth this summer.

As should be apparent, BLEOC funds are for planning and for seeking other grants or resources to implement proposals. Very little seems to go for direct assistance to low-income people. The Head Start program in Sweet Home, for instance, is funded directly by HEW; family planning ($38,000) and senior citizen assistance ($32,300) have been spun off to the Council of Governments.

Larry Callahan, Benton County Commissioner who serves on BLEOC, has suggested that since the counties had to authorize formation of the agency, they have the authority to revoke that authorization. He believes Rep. Edith Green, D-Third District, placed language in the congressional act that specifically permits revocation.

If the planning activities of BLEOC could be transferred to other county agencies and the agency phased out more rapidly, little would be lost. BLEOC personnel already are seeking other positions; it would be foolish of them not to. Phase-outs are always difficult, efficiency and achievements decline. A prompt demise, with relocation assistance for personnel and programs, might be the kinder, wiser course.

## LAKE MICHIGAN'S STORMS AND EROSIONS ON NORTHERN INDIANA'S COASTLINE—A NATIONAL DISASTER

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, Indiana citizens and all conservation organizations are alarmed at the terriffic erosions taking place annualy on Indiana's northern border by Lake Michigan's destructive winds and storms. Hundreds of residential and business properties have been undercut by the sand erosions cutting into the dunes area and inflicting millions of dollars' worth of damage on property owners extending over distances of 25 miles on the south shore of the lake.

I have on several occasions requested the Army Engineers to take a survey of this destruction. If efforts are not made by the Federal Government to protect these beautiful dune shores, it will eventually jeopardize the Indiana Dunes National Park area which someday should be one of the great public recreational parks of the Nation.

Before adjournment the 1973 Indiana Legislature passed a resolution calling the attention of the people of the State of Indiana and the people of the Nation to this alarming threat to this section of the State of Indiana. I do hope that before too long the Army Engineers can submit a plan for our Congress to act upon to give the proper authority and appropriate sufficient funds to halt and terminate this devastation of land, property and scenic beauty of the Indiana-Michigan Lakeshore area.

Mr. Speaker, I include with my remarks the resolution passed by the Indiana Legislature:

HOUSE RESOLUTION NO. 25

Whereas, the continuing flooding conditions along the Indiana shores bordering on Lake Michigan are further aggravating an already critical erosion problem, and

Whereas, particularly in and around the towns of Long Beach, Michiana Shores and Dunesland Beach, the situation has reached near catastrophic proportions and

Whereas, the town of Long Beach has exhausted all of its resources and has gone into debt attempting to protect its water supply from flooding contamination and trying to keep access roads open so that the residents do not become isolated, and

Whereas, the general destruction of property and disruption of services is endangering the health and safety of all of the residents of the area, and

Whereas, the conditions are such that it is imperative that the State of Indiana take official action. Therefore be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

Section 1. That we respectfully request Governor Bowen, that because of the flooding conditions he officially declare and designate the Indiana lake shore area bordering on Lake Michigan as a disaster area.

Section 2. That he communicate that fact to the responsible federal officials and urge them to take appropriate action, forthwith, in accordance with federal disaster relief laws which, among other things, would make it possible for the residents of the strickened area together with the towns, to obtain low interest loans to repair the damages to the residents' property, in particular, and the entire area in general.

Section 3. Be it further resolved that the Clerk of the House forward copies of this resolution to the Indiana Senators and Representatives in the Congress of the United States.

Adopted by the Indiana General Assembly, 1973 Regular Session.

## BUFFALO-AMHERST RAIL RAPID TRANSIT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, there must be a national commitment to an efficient transportation system in this country. And efficiency in our urban areas does not necessarily mean the private auto and more highways. Efficient urban travel for Buffalonians may be different than efficient urban travel for Washingtonians or New Yorkers or San Franciscans. It is these differences that are taken into account by the Senate version of the Federal-Aid Highway Act of 1973.

I supported the Anderson amendment in the House as it provided a choice to State and local planners. I felt, should these planners decide that more highways are needed to solve their city's transportation problems, they can build highways. Should they find that transit buses or rail cars are viable transportation alternatives to their congested highways, they should be allowed to fund public transportation modes. The Senate bill also provides these choices.

The Anderson amendment was narrowly defeated in the House, obtaining support from 47 percent of the Members present. Now the House and Senate versions must be reconciled in conference.

The Interstate System continues to completion, the rural program remains intact. The beauty of the Senate version is that it permits options for urban planners. It is no longer a matter of build highways or lose your trust fund money.

The 100 percent of the trust fund is still available for highway purposes. With the passage of the Senate version, 12 percent may be used for other transportation systems that will, in the long run, make highway driving even more efficient for all Americans.

Mr. Speaker, I view with alarm the fact that the Senate conferees have not yet been appointed, the current Federal-aid highway program will expire on June 30, 1973, and Rules Committee hearings on the Urban Mass Transportation Assistance Act of 1973 have been postponed indefinitely. Even though the Anderson amendment was defeated in the House, I hope the spirit of compromise develops in the House and invades the Senate in order that a conference committee might begin meetings promptly.

Mr. Speaker, the Common Council of the City of Buffalo recently adopted a resolution urging Congress to pass legislation allowing the use of highway tax moneys for multiple transportation benefits, and I would like to have the text of the resolution reprinted at this point.

Also, I would like to include my correspondence with Thomas Lazzaro relating to the mass transit needs of Amherst, N.Y.

The material follows:

No. 190

Re: Highway Trust Fund
For Mass Transit

Whereas, The Federal Highway Trust Fund established years ago is generating tax revenues in excess of reasonable needs for the sole purpose of building roads, and

Whereas, the Highway Trust Fund is the only example of taxing and funding area where the amount of money spent on a public need is determined by the amount of money collected rather than the amount of money needed, and

Whereas, the United States Senate has already passed legislation authorizing the use of portions of this fund to assist cities and states in improving bus and rapid transit facilities as well as operating subsidies to improve service, now, therefore, be it

Resolved, that this Common Council memorialize the United States House of Representatives to pass similar legislation so that the tax paying public may enjoy multiple transportation benefits from its highway tax dollars, and be it further

Resolved, that this Common Council respectfully request Congressmen Dulski, Kemp, Smith, Hastings and Conable to support this proposed federal legislation, and, be it further

Resolved, that copies of this resolution be sent to the aforementioned Congressmen, to the Chairman of the House Public Works Committee, Chairman of the House Finance and Taxation Committee, and the House Majority and Minority Leaders.

AMHERST, N.Y.,
*April 17, 1973.*

Hon. JACK KEMP,
*Member of the U.S. Congress,*
*Washington, D.C.*

DEAR MR. KEMP: There is a general concern of the residents of Amherst relative to certain design characteristics of the proposed mass transit system. The residents immediately adjacent to the proposed system feel that any proposal looking towards the future growth of Amherst should not destroy the existing environment, lower their property values, take away valuable tax producing properties and isolate the Eggertsville area from the rest of the Town of Amherst by an open-cut or overhead transit system.

For these reasons, our constituents are asking you to support a mass transit system that could be constructed without disturbing the present environment. This procedure can be accomplished by a "mole" procedure totally underground. The one general liability to using this procedure appears to be the initial construction cost. This certainly should not be the issue that forces a disastrous decision for the locality involved.

If the "mole" procedure were studied further, it may be the most effective and efficient way to accomplish the full aims of the NFTA and satisfy the present and future needs of the growing Amherst community.

The "mole" method would be a mechanical deep tunneling method which would get rid of any cut and cover and also eliminate the requirements for blasting which is very detrimental in a developed area. This method has been reported to be used in London, Paris, Moscow and Montreal. Also, it has been reported that the United States Government has stated that the mechanical deep tunneling method is the least costly method of construction of a mass transit system.

Sincerely,

THOMAS A. LAZZARO.

P.S. We are looking forward to you appearing in our immediate area at a public hearing.

CONGRESS OF THE UNITED STATES,
*Washington, D.C., April 18, 1973.*

THOMAS A. LAZZARO,
*Amherst, N.Y.*

DEAR TOM: I wish to reemphasize my assurance that members of the public will continue to be consulted at formal public and informal meetings in regard to environmental, aesthetic and other concerns relating to the design and construction of the Buffalo-to-Amherst rapid rail transit system.

My desire, for thorough public expression and input, is shared by others, including officials of the Urban Mass Transportation Administration, Buffalo, Erie County, Amherst, the Niagara Frontier Transportation Authority, the Area Transportation Committee and New York State.

These officials and I made certain, at our



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April 10 meeting with UMTA Administrator Frank Herringer, that he understood our support for full public participation in decision-making aspects of the system. Mr. Herringer, in turn, expressed his full support for such participation, in concert with UMTA and Department of Transportation policies.

The purposes of the meeting were to impress upon Mr. Herringer the importance of the rapid rail transit system as it relates to a balanced, less polluted transportation system, the systems beneficial effects to community and economic development, including greater employment opportunities, projected benefits to the inner city in terms of revitalization, more economical transportation for area residents, better access to hospitals, institutions of higher learning, places of employment and shopping, and very important, the absolute necessity of timely, federal funding assistance to assure not only ongoing progress on the system but also possible additions in costs which may result from necessary design requirements, inflation and other factors.

Along with others who attended the meeting, I came away quite pleased with Mr. Herringer's assertion that the federal government considers our system one of the four most important systems now planned or underway in the United States. I considered it a distinct honor and a sign that the Administration holds our project in very high regard that the administrator accepted our invitation to meet with us.

The format of the meeting, involving presentations by the officials, was necessarily tight because of the limited time (less than an hour and one-half) Mr. Herringer could spend with us. It was not a meeting in which specific design matters could be adequately aired.

As you probably noted from press accounts, there was no decision made as to final alignment nor design for controversial sections of the project, nor were such decisions scheduled at the meeting.

I do wish to point out that I represent sections of Erie County in which the transit system will be built and many constituents who will benefit from the system's construction.

Additionally and very important, is my desire to stress that rapid rail transit systems, such as the system planned for our community, are key elements in our fight to curb pollution, help restore our environment and to meet the needs of a balanced transportation system.

Finally, and coincidentally, the House this week will consider amendments to allocate a portion of Highway Trust Fund monies for mass transit systems. I have long been on record in support of allowing urban areas to use their share of the Highway Fund for mass transit and will speak out in support of, and vote for, if the opportunity is provided, the diversion of Trust funds.

I am deeply aware of the concerns you and others have in regard to the final design of our system. Such concerns, I believe, are constructive and in the best tradition of community involvement.

Sincerely,

JACK KEMP,
*Member of Congress.*

## SELECT COMMITTEE ON AGING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon has proclaimed the month of May as Senior Citizens Month, 1973. I am taking this opportunity to concur in this proclamation by introducing a resolution to create a select committee on aging in the House of Representatives.

There are over 20 million Americans in the United States age 65 or older. In my own First District of Alabama, there are over 40,000 senior citizens. These citizens are still making a significant contribution to our Nation. It is important that we maximize their contribution. It is important that we benefit from their wisdom, their experience, and their know-how. We must also recognize the great contribution they have made in earlier years to the success of our Nation. We must improve efforts by the Federal Government to insure these citizens a comfortable, dignified retirement with proper medical care.

I believe a select committee on aging would help achieve these goals by bringing together all the threads of programs and proposals which run through the legislative process. The current situation finds programs for the aged scattered among several committees, producing inevitable overlap and duplication. A select committee on aging, without infringing on the jurisdiction of existing committees in any way, could provide focus to problems of our senior citizens. It could hold hearings on recommendations by the White House Conference on Aging, by the various senior citizen groups, and by individual older Americans. The select committee would make recommendations for action by the House of Representatives to improve programs for senior citizens.

Mr. Speaker, we all know that the challenges facing this body which involve senior citizens are many and varied. Better employment opportunities, including the abolition of work disincentives found in the social security laws, must be provided. Better housing and better medical care are needed. Several Members of Congress, including myself, have introduced legislation to improve the private pension system. We must see to it that increases in social security benefits do not result in decreases in other benefits, as specified in my bill, H.R. 475. We must consider ways to relieve the burden which high property taxes place on many older Americans. Nutrition projects and comprehensive service programs are needed.

And we cannot forget the importance to older Americans of controlling Federal spending. Runaway Federal spending fuels inflation, which hits hardest at a retired person on a fixed income. Control of Federal spending and in turn the control of inflation are crucial so that the incomes of older Americans will provide the purchasing power and independence they deserve.

Our senior citizens are responsible for the success which our Nation enjoys today. They have provided us with the foundation for many more accomplishments tomorrow. There is no more important task facing our Government than to insure older Americans a meaningful, productive, and independent life. A select committee on aging is a good place to start to achieve stronger, more effective programs for older Americans.

## NATIONAL FLOOD PLAIN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, today I am introducing a bill to establish a national flood plain policy and to authorize the Secretary of the Interior, in cooperation with Federal agencies and the States, to encourage the dedication of the Nation's flood plains as natural floodways, to protect, conserve, and restore their natural functions and resources.

The flood plains of this Nation's rivers serve a function of floodwater detention and regulation of our ground-water supply. These bottomlands produce hardwood timber and serve in the production of fish and wildlife. In conserving soil and reducing sediment production, they lengthen the life of downstream reservoirs, channels, harbors, and estuarine areas. Also, they provide open space, areas of scenic and other outdoor recreational attractions, and sites for scientific and educational ecological purposes. These functions and values deserve full recognition in the planning and development of the Nation's land and water which are not presently provided, because of the emphasis placed on economic development.

My bill would declare that flood plains have the above values to the Nation; would direct Federal agencies constructing, sanctioning, or assisting the construction of water and land development works which affect flood plains to give priority consideration to their preservation. Moreover, it would require such agencies to acquire, support, and encourage the acquisition of flood plains at Federal cost, with the administration optionally vested in the States, and would require the perpetual use of such acquired lands for such purposes as are compatible with purposes of the bill, including fish and wildlife habitat, outdoor recreation, timber production, natural areas preservation, and the like, as well as established conforming economic uses.

The bill would require Federal planning and construction agencies to conduct public hearings and to obtain and publish the views of the Secretary of the Interior prior to implementing plans in the Nation's flood plains. It would insure consistency of administration of the bill's provisions with other acts through development of guidelines by the Water Resources Council. Use of eminent domain would be limited where valid and effective land use regulations are in effect.

One of the main objectives of the bill is to encourage selection of nonstructural alternatives by Federal flood control and flood prevention planners in the interest of natural area preservation and maintenance of environmental quality. Planners would be given the option of analyzing the benefits and costs of flood plain as an alternative to channelization or other flood protection and prevention measures. Where this alternative demonstrated a better or competitive cost-benefit ratio, this alternative would be used.

The proposal is in harmony with the declarations and purposes of the National Environmental Policy Act of 1969 (83 Stat. 852), the Fish and Wildlife Coordination Act (48 Stat. 401), as amended, the National Flood Insurance Act of 1968 (82 Stat. 572), and the Wild and Scenic Rivers Act (82 Stat. 906), as well as a number of other acts.

It would supplement and round out existing water development planning authorities. It would be a logical corollary of the Fish and Wildlife Coordination Act which provides that fish and wildlife shall be equally considered with other features in water resource development planning. In many cases, fish and wildlife, as well as outdoor recreation and flood control, could be best served at lowest cost by outright acquisition of flood hazard areas. Further, the bill compliments the provisions of section 103 of the National Environmental Policy Act of 1969 which requires review of present statutory authority, regulations, policies, and procedures which prohibit full compliance with purposes and provisions of that act followed by the proposal of corrective, conforming measures.

Since the proposal anticipates least-cost solution of flood management with coincident natural area and environmental quality preservation, savings in flood control and flood prevention costs as well as in social costs are expected.

## LEGISLATION TO AID CIVILIAN DEFENSE WORKERS AFFECTED BY BASE CLOSINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, I take this time to inform my distinguished colleagues in this Chamber of the importance of the bill I am introducing today, the Emergency Manpower and Defense Workers Assistance Act of 1973.

The members of the Rhode Island and Massachusetts House delegation have joined me in cosponsoring this necessary legislative effort as a result of the Defense Department decision to close the Boston Navy Yard and the Westover Air Force Base in Massachusetts, and the Quonset and Newport bases in Rhode Island.

The closing of more than 274 defense installations in 32 States will have a harsh and doleful impact on more than 28,000 civilian defense employees who stand to lose their jobs. In addition, some 13,000 others will experience adverse relocation difficulties as they are forced to leave their neighborhoods, relatives, and friends. And so many of these are older workers who have been employed on these bases during the major part of their professional careers.

As I introduce this measure today, I call upon all Members who have base closings in their districts to join with your colleagues from Massachusetts and Rhode Island to enact this bill which would provide the following benefits to all those workers malevolently affected by the defense closings:

Guarantee a readjustment allowance for 1 year to each worker unemployed as a result of this action.

This allowance will fill the gap between unemployment benefits or pensions and 75 percent of the worker's average weekly wage in the year prior to termination.

Continue health plans now available to these workers with the Government paying at least 75 percent of the cost for a period of up to 3 years following termination unless they obtain employment before that period.

Provide early retirement with benefits to workers 60 and older with 10 years of work on their jobs, or to workers 55 and older with 15 years of employment on this base, or to workers 50 and with 20 years of previous employment.

Make eligible to communities where these bases are located to reemploy the workers in public agencies under the Emergency Employment Act.

Direct the Secretary of Labor to make available additional funding through existing manpower training programs to provide manpower training and job counseling for the affected individuals.

I strongly believe that these benefits accruing to the several thousands of workers who will lose their jobs as a result of the Defense Department decision to close the 274 installations are initial steps which the Federal Government must take to ease their economic and social burden. But, I might add that we are introducing this legislative relief in the event that all our other efforts fail to impress upon the Defense Department the necessity for reassessing these base closings.

I am dismayed over the abrupt and callous closing of the Boston Naval Shipyard—the important defense facility in my district. I have written to the President requesting that the Members of the Massachusetts and Rhode Island delegations be given an opportunity to discuss in person the effect which this decision will have upon the New England economy.

I have also introduced legislation along with other members of the New England delegation which would, if enacted, establish a commission to review the proposed closing of any military installation. The commission would be charged with the responsibility of evaluating any decision to close bases and would be required to report any closing to the Congress within 90 days after notification from the Defense Department that it intends to close any military installation. The provisions of this measure would apply to any base closed on or after April 1, 1973.

In Massachusetts alone, some 13,000 jobs are directly affected by the decision of the Defense Department. This parallels similar employment situations in other States where installations will close down.

So, I urge all Members to support us in this endeavor, for I feel it is imperative that we act immediately and decisively to help those civilian employees who are forced to bear the unjust burden of the Defense Department's insensitive action.

## MORE MILES PER GALLON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, amid the complex issues which combine to create our energy crisis, I am concerned that the interests of the American consumer are being neglected and trampled in a high level shell game between Government and industry. I see this in the new system of import controls on petroleum which inflate fuel prices to the consumer all to protect an already pampered domestic industry; I see this in the President's recommendation to deregulate the price of natural gas—a move which could cost the consumer billions of dollars annually in higher gas bills; I see this in the administration's proposal to extend more tax advantages to the oil industry.

In short, the energy crisis could merely serve as a pretext to gouge the consumer and provide windfall profits to the energy industry.

In the months ahead a gasoline shortage threatens to cripple the country. Gas rationing, while not yet begun, is certainly being contemplated by the administration. For his part, the consumer has been manipulated into a situation over which he has little control. As gasoline prices accelerate and shortages become more widespread, the ordinary citizen will have little choice but to buckle under to the pressure.

The automobile has become an important American institution. Direct gasoline consumption by cars represents 13 percent of our total energy budget.

In 1970 more than 95 percent of urban passenger traffic and 85 percent of intercity traffic was carried by the automobile. The auto has become the major cause of the congestion which chokes our cities. At the same time it is responsible for almost one-half of the emissions by weight which pollute our air. Between 1950 and 1970 automobile travel increased threefold to 900 billion vehicle miles. During the same period per capita auto travel increased by 85 percent. And there is no indication to show these trends slowing in the future: Detroit is now predicting



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an output of 934,300 units for May, the largest monthly total in history.

Unfortunately, the auto industry should have seen long ago that the national interest would best be served by a cleaner, safer, more efficient automobile. But the industry is slow to move without a stimulus. A case in point is the automakers' reluctance to assume responsibility for the pollution their product contributes to our air. On the well-publicized effort of the auto companies to meet the requirements of emission control in the Clean Air Act, the National Academy of Sciences commented:

It is unfortunate that the automobile industry did not seriously undertake such a program on its own volition until it was subjected to governmental pressure. A relatively modest investment, over the past decade, in developmental programs related to emissions control could have precluded this crisis that now prevails in the industry and the nation.

Only now, as a response largely to foreign competition, the automakers are beginning to realize that economy in automaking is a marketable commodity. But the trend toward smaller cars began several years ago. In 1969, the V–8 engines were equipped in 88.8 percent of new car sales; in 1971 this figure dropped to 78.8 percent. Again, however, the industry has been painfully slow in responding adequately to national needs.

Mr. Speaker, as a response to these developments, today I am introducing legislation to promote the interests of the American consumer in the long-term problem of gasoline supply and to prod the industry into changing its ways. With crude oil becoming increasingly precious, our Nation cannot afford to keep on manufacturing cars which guzzle gasoline at a rate of under 10 miles per gallon. The large gas consuming automobile is becoming extinct in its own time. We must recognize this vital fact, for the only person who really suffers from a gasoline shortage is the consumer.

Under the proposal I am submitting today, the American people can become aware of the vast costs involved—to himself, to his neighbors, to the entire Nation—of buying an oversized, inefficient automobile. This bill will impose a Fuel Economy Excise Tax based on the fuel consumption characteristics of automobiles, as measured by the Environmental Protection Agency.

MAJOR PROVISIONS OF THE FUEL ECONOMY ACT OF 1973

There are three important features of the tax scheme I am proposing. The key factor in the tax is its timing. The initial rate structure will not go into effect until July 1, 1976, which will be in time for the 1977 model year. There will be ample time for automakers to assess the impact of this tax on their design, manufacturing, and marketing strategies. I want to stress that this tax is not intended to hammer-lock the industry. It instead provides an essential incentive to manufacture a more efficient automobile—for the benefit of the American consumer.

The second important characteristic of this proposal is that the excise tax is graduated. Those cars which are more inefficient pay more tax. Under this legislation an interim rate structure will be in effect for a period of 5 years. Any car with over 20 miles per gallon, as determined by the EPA, will be assessed no tax. The full schedule is printed below:

| If fuel economy (in miles per gallon) is— | The tax rate between 1976–81 |
|---|---|
| Over 20 | 0.00 |
| Over 19 but not over 20 | 1.00 |
| Over 18 but not over 19 | 1.50 |
| Over 17 but not over 18 | 2.00 |
| Over 16 but not over 17 | 3.00 |
| Over 15.5 but not over 16 | 4.00 |
| Over 15 but not over 15.5 | 6.00 |
| Over 14.5 but not over 15 | 8.00 |
| Over 14 but not over 14.5 | 12.00 |
| Over 13.5 but not over 14 | 16.00 |
| Over 13 but not over 13.5 | 24.00 |
| Over 12.5 but not over 13 | 32.00 |
| Over 12 but not over 12.5 | 40.00 |
| Over 11.5 but not over 12 | 48.00 |
| Over 11 but not over 11.5 | 56.00 |
| Over 10.5 but not over 11 | 64.00 |
| Over 10 but not over 10.5 | 80.00 |
| Over 9.5 but not over 10 | 96.00 |
| Over 9 but not over 9.5 | 114.00 |
| Over 8.5 but not over 9 | 128.00 |
| Over 8 but not over 8.5 | 160.00 |
| Over 7.5 but not over 8 | 192.00 |
| Over 7 but not over 7.5 | 224.00 |
| Not over 7 | 256.00 |

TAX SCHEDULE SHIFTS TO INCREASE FURTHER THE BURDEN ON THE INEFFICIENT AUTOMOBILE

[After 5 years]

| Miles per gallon | Tax after July 1, 1981 |
|---|---|
| Over 20 (no tax) | |
| Over 19, under 20 | 8.00 |
| Over 18, under 19 | 12.00 |
| Over 17, under 18 | 16.00 |
| Over 16, under 17 | 24.00 |
| Over 15.5, under 16 | 32.00 |
| Over 15.0, under 15.5 | 40.00 |
| Over 14.5, under 15.0 | 48.00 |
| Over 14, under 14.5 | 56.00 |
| Over 13.5, under 14 | 64.00 |
| Over 13, under 13.5 | 80.00 |
| Over 12.5, under 13 | 96.00 |
| Over 12, under 12.5 | 114.00 |
| Over 11.5, under 12 | 128.00 |
| Over 11, under 11.5 | 160.00 |
| Over 10.5, under 11 | 192.00 |
| Over 10, under 10.5 | 224.00 |
| Over 9.5, under 10 | 256.00 |
| Over 9, under 9.5 | 320.00 |
| Over 8.5, under 9 | 384.00 |
| Over 8, under 8.5 | 448.00 |
| Over 7.5, under 8.0 | 512.00 |
| Over 7.0, under 7.5 | 640.00 |
| Under 7.0 | 768.00 |

FUEL ECONOMY: WHAT IS IT?

Many factors have an impact on the rate at which an automobile consumes fuel. But EPA has found that the weight of the vehicle is the primary determinant of fuel consumption. Put quite simply, a 5,000-pound car consumes twice as much gas as a vehicle half its weight.

However, there are other characteristics which effect the fuel economy of a vehicle. The most publicized has been the controversial emission control systems manufacturers have had to install in order to comply with the Clean Air Act of 1970. The EPA has found that these devices depress the full economy of the average car by only about 8 percent. I say only because, for example, air conditioning will decrease the efficiency of the automobile by about 9 percent. Automatic transmissions represent a fuel penalty of 5–6 percent. And according to Dr. David Rose of MIT, the use of radial tires may increase the fuel efficiency of the automobile by as much 10 percent through the reduction of road friction. It appears that the impact of emission controls on fuel consumption has been distorted by the manufacturers.

There are also more subjective factors affecting fuel economy: A "hard" driver—one who accelerates quickly and drives above recommended limits—will consume more gas than a driver who is more careful. Vehicle design also contributes to the efficiency with which a vehicle consumes gas.

All these factors—vehicle weight, accessories, design, driving habits—must be considered in defining the fuel economy of a vehicle. Under my legislation, the Administrator of the EPA is instructed to establish a standard procedure for testing fuel economy. Important work in this direction has already been done by the Society of Automotive Engineers, and it should be no problem to devise such a procedure.

With a standard procedure in hand, the EPA will test each manufacturer's proposed line of vehicles for the coming model year. The EPA will rate each vehicle and include in its calculations the following factors: the weight of the vehicle with a standard load, the impact of accessories such as air conditioning and automatic transmission, the recommended gasoline and the difference in an urban and a highway driving cycle. Once the testing procedure is completed, the EPA will compile the results, and it will be on this basis that the Secretary of the Treasury will impose the excise tax. In addition, the EPA's report will be made available to consumers through the Government Printing Office.

Smaller cars have been popular in Europe for many years. This popularity does not grow from European fascination with the small car. Rather, there are in Europe serious restraints to the large car: the highways are neither as wide nor as well designed as our super highway system; fuel costs are high—as ours will soon become—and there is usually a heavy tax imposed on the weight of the vehicle. In short, Europeans have very pragmatic reasons for buying smaller, more efficient automobiles.

THE HIGH COSTS OF GASOLINE TO YOU

I have compiled a table illustrating the costs of various automobiles with various fuel economies. According to data compiled by the Motor Vehicles Manufacturers Association, the average passenger car travels 10,000 miles per year. The following statistics are compiled on that basis. An increase in that distance would tend to spread the difference between the low efficiency vehicle and high-efficiency vehicle, while an annual distance of less than 10,000 miles would tend to narrow the difference.

The table follows:



COST OF DRIVING A CAR FOR 1 YEAR (ASSUME 10,000 MILES)

| Price per gallon | Miles per gallon: 32 | 30 | 28 | 26 | 24 | 22 | 20 | 18 | 16 | 14 | 12 | 10 | 8 | 6 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| $0.37 | 115.62 | 123.32 | 132.13 | 142.30 | 154.18 | 168.17 | 185 | 205.57 | 231.25 | 264.37 | 308.32 | 370 | 462.50 | 616.68 |
| $ .38 | 118.75 | 126.65 | 135.70 | 146.15 | 158.35 | 172.71 | 190 | 211.13 | 237.50 | 271.43 | 316.65 | 380 | 475.00 | 633.35 |
| $.39 | 121.88 | 129.99 | 139.27 | 149.99 | 162.51 | 177.26 | 195 | 216.68 | 243.75 | 278.58 | 324.99 | 390 | 487.50 | 650.01 |
| $.40 | 125.00 | 132.32 | 142.84 | 153.84 | 166.68 | 181.80 | 200 | 222.24 | 250.00 | 285.72 | 333.32 | 400 | 500.00 | 666.68 |
| $.41 | 128.13 | 136.65 | 146.41 | 157.67 | 170.85 | 186.35 | 205 | 227.80 | 256.25 | 292.86 | 341.65 | 410 | 512.50 | 683.35 |
| $.42 | 131.25 | 139.99 | 149.98 | 161.53 | 175.01 | 190.89 | 210 | 233.35 | 262.50 | 300.01 | 349.99 | 420 | 525.00 | 700.01 |
| $.43 | 134.38 | 143.32 | 153.55 | 165.30 | 179.18 | 195.44 | 215 | 238.71 | 268.75 | 307.15 | 358.32 | 430 | 537.50 | 716.62 |
| $.44 | 137.50 | 146.65 | 157.12 | 169.22 | 183.35 | 199.98 | 220 | 244.46 | 275.00 | 314.29 | 366.65 | 440 | 550.00 | 733.35 |
| $.45 | 140.63 | 149.99 | 160.70 | 173.07 | 187.52 | 204.53 | 225 | 250.02 | 281.25 | 321.44 | 374.99 | 450 | 562.50 | 750.02 |
| $.46 | 143.75 | 153.32 | 164.27 | 176.92 | 191.68 | 209.07 | 230 | 255.58 | 287.50 | 328.58 | 383.32 | 460 | 575.00 | 766.68 |
| $.50 | 156.25 | 166.65 | 178.55 | 192.30 | 208.35 | 227.25 | 250 | 277.80 | 312.50 | 357.15 | 416.65 | 500 | 625.00 | 833.35 |
| $.60 | 187.50 | 199.98 | 214.26 | 230.76 | 250.02 | 272.70 | 300 | 333.36 | 375.00 | 428.58 | 499.98 | 600 | 750.00 | 1,000.02 |

Some interesting conclusions can be made from this chart. In a choice between a large luxury car with a fuel economy of 8 miles per gallon and a smaller economy car, the difference in gasoline costs over the year can be considerable.

Economy car:
24 miles per gallon regular gas at
$ .42/gallon ---------- $175.01
Luxury car:
8 miles per gallon premium gas at
$ .44/gallon ---------- 550.00

Assuming the same distance of 10,000 miles driven over the year the difference in cost to the owner is about $375. Over the life of the car—say 5 years—the difference in fuel costs ranges to $1,875. It is likely the costs will be even higher, however, because fuel costs themselves are almost certain to rise.

From the above table the consumer can calculate his fuel costs for the various choices he has before him. As fuel costs rise, the difference between the low-efficiency automobile and the high-efficiency automobile will grow. Taking the example above with a fuel cost for both cars of 60 cents a gallon, the difference between the two in annual fuel costs zooms to $500.

CONCLUSION

My bill is a consumer protection bill. But its impact goes beyond. Due in large part to its voracious appetite for energy, our country is facing the likelihood of significant trade imbalances from our energy needs. The net foreign exchange burden may be as high as $10 billion by 1980. We owe it to ourselves—to our national security—to eliminate wasteful consumption of precious petroleum. If America's 92.7 million passenger cars could increase in efficiency from 12 miles per gallon to 18 miles per gallon, the Nation could save over 25 billion gallons of gasoline per year—a significant savings in view of our present overreliance on foreign petroleum supplies.

The bill is not a restrictive bill; it does not ban the large car. Rather, it provides an incentive to economize. The fact that the legislation does not go into effect until model year 1977 allows the manufacturers to readjust their marketing strategies.

The enormous "gas-guzzling" automobile has become obsolete in our own time. More efficient automobiles will not only alleviate the skyrocketing demand for gasoline, but also will work to lessen the contribution of pollution. We must take positive steps immediately toward the goals of conservation and clean air. Any other course can only invite further crisis.

## POLISH CONSTITUTION DAY—1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on May 3, 182 years ago, Poland adopted its first democratic constitution. This is a stirring and momentous event not only for the people of Poland, but for the entire world, for it must be remembered that Poland adopted this constitution only a few years after our own democratic Nation was founded. At that time, such freedoms as detailed in the Polish Constitution were almost unknown in most parts of the world. The Polish Constitution of 1791, the French Constitution of 1792, and the American Constitution are among the great landmarks in the growth and development of constitutional law the world over.

When the historical circumstances of Poland in 1791 are taken into consideration, the adoption of this precious document is all the more remarkable for its foresight and vision, for only 4 years after this declaration of a sovereignty which derives "from the will of the people," Poland was partitioned and conquered by several powerful and autocratic neighbors.

The 1791 constitution made Poland a constitutional monarchy with a responsible cabinet form of government. Ancient class distinctions and privileges were wiped out, and the government was strengthened by bringing the peasantry under the protection of the law. What is perhaps even more significant for those days and that part of the world was the fact that the constitution guaranteed absolute religious freedom. In this and other ways, the Polish Constitution was in the vanguard of democracy's advance into Central and Eastern Europe.

Throughout the years, there have come to our land millions of men, women, and children of Polish birth. They have brought to this country the rich heritage of their own culture along with the passionate love of freedom and order under law which was their birthright. These traditions and qualities have been amalgamated into the tradition that we call American. America has been enriched and Western civilization has been enriched by this process.

Mr. Speaker, the 500th anniversary of the birth of Copernicus makes 1973 the "Year of Poland" throughout the world. Because of unfortunate geographical circumstances, Poland as a nation has not been able to forge its democratic ideals into a viable, practical system of government. The brave history of this nation, however, with its long tradition of enlightened and humane thinkers, such as Copernicus; artists, such as Chopin; research scientists, such as Madame Curie; and idealistic freedom fighters, such as Koscluszko and Pulaski; is proof enough that the Polish people, whether in their homeland or in their adopted countries, cling to the lofty principles of human dignity and liberty.

Mr. Speaker, as we join in this tribute to Poland on this anniversary, the United States of America is indebted to Poland for its many contributions to our progress and well-being. It is indebted to Poland for the millions of its citizens who came to this country to help build it into the greatest Nation of all time. The same zeal and warm desire for freedom, that same determination to develop itself through the ages, has been a dominant factor in the growth and development of our great Nation.

This annual commemoration of the Polish constitution in this American House of Representatives provides a forum through which we pay tribute to the men who forged the inspiring document and also to those brave souls who through the years have sacrificed their lives so the ideals embodied in the Constitution of 1791 might take root and prosper.

In my own city of Chicago, a commemoration of the May 3, 1791 Constitution of Poland is being sponsored on Sunday, May 6, by the Polish National Alliance. Vice President Helen M. Szymanowicz is the general chairman of the Constitution Day celebration.

Chicago area residents of Polish heritage will attend a solemn mass, the principal celebrant of which will be the Reverend Casimir Czaplicki, pastor of Holy Trinity Catholic Church. A parade to Humboldt Park will feature marchers dressed in Polish costumes, bands, drum and bugle corps, and floats whose theme will be historical events in the life of



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famed Polish astronomer Nicolaus Copernicus.

Following the parade, ceremonies will be held in Humboldt Park at the foot of the Thaddeus Kosciuszko monument. Aloysius A. Mazewski, president of the Polish National Alliance and the Polish American Congress, will be master of ceremonies.

Mr. Speaker, as Americans of Polish ancestry all over the country commemorate the 182d anniversary of Polish Constitution Day, I join with the tens of thousands of Polish-Americans in my own city of Chicago and the 11th Congressional District of Illinois, which I am proud to represent, in a tribute to those who have struggled and are continuing to struggle in order to transform into a living, working, everyday reality the noble ideals expressed in the Polish Constitution of May 3, 1791.

## LEGISLATION RESTORING THE MENOMINEE TRIBE TO FEDERAL RECOGNITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MEEDS) is recognized for 5 minutes.

Mr. MEEDS. Mr. Speaker, I am pleased to cosponsor the legislation introduced yesterday which would repeal the act which terminated Federal recognition of the Menominee Indian Tribe of Wisconsin.

In most cases where the Federal Government has committed a great wrong against the Indian people, the remedial approach generally taken and, indeed, sometime the only remedy available has been to make a monetary compensation for the wrong.

We are, in this case, fortunate to have an opportunity to right a great wrong which was done to the Menominee Indians by substantially restoring them to their former status, largely intact. In 1954, the Federal Government said to these Indians, with a callous disregard for the impact that it would have upon them and their lives and future, "You are no longer Indians." In 1954, this tribe was making great strides in improving the condition of its members and was leading the way to real "self-determination without termination." After the 1954 act, they were destroyed as a people and, in large part thrown upon the public welfare roles. We are fortunate to be able to say to them, "You are Indians."

I would hope, Mr. Speaker, that this is just the first step on the part of this Congress to begin a concerted effort to relieve the injustices which have been and are being done to the American Indian people. As chairman of the Subcommittee on Indian Affairs, I am firmly committed to that goal.

But, Mr. Speaker, enactment of the legislation ought also to be viewed as a symbolic act to give substance to repeated statements in the Congress and the executive branch that termination is no longer the policy of the Federal Government in the administration of Indian affairs. I consider introduction of this legislation and a commitment to speedy action on its passage as a signal to the Indian people—and I firmly hope that they view it as such—that this Congress in its acts and in its legislative program for Indians will not accept termination as a rational solution to the many problems which overwhelm and frustrate Indian people. I want the Indian people across this country to be assured that the leadership in the House is not only antitermination in its rhetoric, but is antitermination in its deeds and acts. Speedy action on the passage of legislation of this nature will, in a most concrete manner, bring this assurance home to the Indians.

I must say that there are a few provisions in the bill with which I do not agree. But I would hope that this is just the beginning of a dialog on this bill and on the whole area of termination as a dead policy.

For my part, I do not intend to let this dialog end here. I have already planned field hearings in Wisconsin on May 25, 26, and 27 to take up the Menominee legislation. We will have an opportunity to take testimony from the people, Indian and non-Indian, most directly affected by the 1954 termination act and this legislation correcting that injustice.

I also intend to use that opportunity to hold general oversight hearings into the severe problems of Indian health and education.

Mr. Speaker, I strongly support the thrust of the Menominee restoration legislation and hope for speedy passage.

## MINISTERS AND SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. ROUSH) is recognized for 5 minutes.

Mr. ROUSH. Mr. Speaker, today I am introducing a bill, with cosponsors, to provide for voluntary agreements between ministers and their churches to treat ministers as employed persons thereof.

I first introduced this bill last year and prior to doing so I contacted 300 clergyman in the congressional district I represent, the Fourth District of Indiana. In fact, it was a minister who had asked me to introduce just such a bill.

Clergymen from many denominations and churches responded, including representatives from the Protestant, Catholic, and Jewish faiths. Some few objected to being considered as employed persons under social security, mainly because they feared that additional redtape would be involved. The vast majority were eager to see such legislation passed.

The bill that I have introduced and am now reintroducing defines ministers so as to cover all religious faiths. Another important feature of this bill is the fact that it provides for a change for clergymen from the status of self-employed to employed only where there is a voluntary agreement on the part of the clergyman and the church involved. The purpose is, of course, to reduce costs for the average minister who finds a rather meager salary in today's world rapidly being eroded by additional costs.

I do not believe that this change would bring undue expense to the churches and I do believe that ministers deserve this consideration. I am convinced that most congregations and churches would be willing to make provision for this additional expense and they would not have to do so, if they chose not to.

Sometimes we forget that clergymen often have the same family expenses that the rest of us have, with less expectation of financial remuneration. They must maintain homes and educate their families and contend with inflation, just like the rest of us. While in no way can they be fully compensated for the kind of work they do, the service they perform, the dedication and sacrifice they experience, we can make it a bit easier for them financially in this simple way, by lessening the amount they must pay for the retirement needs we all face. I believe this Congress recognizes how profoundly clergymen deserve our support and assistance.

In the past few weeks I have received letters from people outside my district who have heard of this legislation and approve of it. Today I received a letter from the wife of a minister pointing out that their income is about $8,000 yearly, that they have a family of five, with the oldest in college. She suggests that this social security amendment "would at least give us a little more income to use." That is the exact purpose of this proposal.

## OPPOSE MILITARY FUNDING REQUEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, as I am sure my distinguished colleagues know, the President has requested a transfer of $500 million in supplementary appropriations to continue military combat operations in Southeast Asia. This request is in direct conflict with the stated policy of the House Democratic Caucus.

This morning, the Democratic Steering and Policy Committee adopted a resolution recommending that a special Democratic Caucus be convened on May 9. This resolution urges the caucus to approve an amendment to the second supplemental appropriation for fiscal year 1973 that would block the administration from further military operations in or over Indochina by denying the funding request.

I remind my colleagues that on January 2, 1973, the Democratic Caucus declared:

> No further public funds be authorized, appropriated, or expended for U.S. military combat operations in or over Indochina, and that such operations be terminated immediately subject only to arrangements necessary to insure safe withdrawal of American troops and the return of American POWs.

Mr. Speaker, these conditions have been met, but the bombing goes on. If it continues, we are going to be dragged into another war that nobody wants, but apparently nobody in the administration knows how to stop.

None of the present bombing operations have been authorized or approved by the Congress. In fact, the caucus has indicated it would not support any kind of military operations in Indochina after the prisoners were returned and the troops withdrawn.

It seems to me that the only way to end these actions is to turn off the spigot. Money—or the lack of it—is one language this administration understands.

The administration has asked for what amounts to another Gulf of Tonkin resolution. I urge all of my colleagues to join in stopping—now—all further military operations in Southeast Asia.



## THE ADMINISTRATION'S "TAX REFORM" PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the administration's "tax reform" proposals this week lose revenue when we need to raise revenue, and open loopholes when we need to close them. In the upcoming fiscal year starting July 1, 1973, they will cost the Treasury $600 million. The administration has left undone those things which it ought to have done, and has done those things which it ought not to have done, and there is no health in it.

The following examples show how the administration proposals would operate to benefit wealthy individuals:

First. Taxpayer A, a 66-year-old retired executive with $400,000 invested in bonds and stocks, has an income of $20,000 a year. A owns an $80,000 house, on which he pays $1,500 in annual property taxes. A, although worth $400,000, receives a tax credit of $250.

Second. Taxpayer B earns $30,000 a year, and is the parent of four schoolage children. He sends two daughters to Miss Hall's—$1,600 each for tuition—and two sons to Lawrenceville—$2,300 each. Despite an annual income which classifies him in the upper 5 percent of Americans, B receives a tax credit of $200 for sending his children to these private schools.

Corporations, many of which already do not pay anything like the nominal 48 percent, would also benefit from some of the administration's proposals:

First. The oil industry will get an exploratory drilling credit of between 7 and 12 percent to add to its impressive string of existing preferences. Exxon, to name one company, which paid $210,727,000—or 7.7 percent of its net income—to the U.S. Government in 1971, would have saved $13,510,000 in taxes if the administration's provision had been in effect. Since Exxon's exploratory costs have risen by almost one-third in the past year, its tax saving will be even greater now.

Meanwhile, the totally senseless depletion allowance and deduction of intangible drilling costs on U.S.-owned wells in Libya, Saudi Arabia, and elsewhere overseas, continues undiminished. The new loophole, as drafted, should prove as futile in encouraging domestic exploration as the old. But at least the administration might have repealed the old to pay for the new.

Second. The minimum taxable income proposal, designed to tighten the current ineffective minimum tax, does not apply to corporations. ITT, for example, paid 4.2 percent of its net income in U.S. taxes in 1970, 4.9 percent in 1971. The administration's proposal does nothing to tighten the corporate loophole.

Serious tax reform, if it comes, will come in spite of the administration.

## TOWARD A NEW CARIBBEAN POLICY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, last Saturday evening I had the privilege of addressing a distinguished group of scholars, businessmen, and journalists who had assembled in Miami for a jointly sponsored University of Miami-American Assembly conference on "The United States and the Caribbean." Because of the importance which I firmly believe the United States should attach to the area, I would like to take this opportunity to include in the CONGRESSIONAL RECORD the prepared text of my remarks.

In making the speech, I stressed three points which I increasingly am conviced must be the foundation of our policy toward the developing areas of the world and hence a general framework within which a more constructive Caribbean policy should be evolved. The first of these points is that classical economic development theories have so far failed more than they have succeeded in improving the lot of men and women in the developing world and consequently we must join with them in seeking new solutions. Secondly, it is increasingly clear that the U.S. high consumption economy is not a realistic ecconomic model for most of the developing countries. Finally, these two points lead to a third conclusion: that the United States can no longer allow U.S. business to be the flag carrier of American foreign policy.

The text follows:

TOWARD A NEW CARIBBEAN POLICY FOR THE UNITED STATES

Ladies and Gentlemen, I am honored to be here this evening. The American Assembly of Columbia University in the short time since its founding in 1950 has rapidly become, without any doubt, one of our country's most prestigious and important forums for the discussion of issues of great importance to the United States.

Likewise our own University of Miami, whose bright future I had the good fortune to foresee, and which I had the good judgment to attend, has emerged in only a few years from its obscure beginning to become one of the nation's most distinguished universities. The joint sponsorship of this great conference on the United States and the Caribbean by two such distinguished institutions is, I believe, of particular significance, especially since it is the second such conference since 1970. It demonstrates clearly the paramount importance which both institutions attach to the relationship between the Caribbean and the United States. I share your view of the importance of the Caribbean and of the United States policy toward the area.

The Caribbean is a vast area, some five million miles, including hundreds of islands bordered by thousands of miles of shoreline of the United States, Mexico, Central and South America. It is an area so large in size and so diverse in its inter-reactions with the lands surrounding it that it is difficult to precisely define exactly what is meant by the Caribbean region. I will not attempt to provide such a precise definition here tonight. Suffice it to say that most of my remarks will be directed to the islands of the area, independent nations, associated states, or territories, be they of British, Dutch, French, or Spanish extraction. Lest anyone be offended, please feel free to add or subtract any other bordering countries or areas that you feel should properly be included as a part of the Caribbean.

Perhaps the loudest cry in Western Hemisphere political circles is that the United States under its present administration has no policy toward Latin America. That charge dramatically highlights what is wrong with our Caribbean policy for it implies two things: First, that we once had an effective Latin American policy and now we don't; second, that Caribbean policy is a part of our Latin policy. The tragedy is that both are true. We in the United States have not had a separate meaningful Caribbean policy. What little policy we did have was an offshoot of our Latin American policy. Today we seem to have no clear policy at all toward Latin America as a region and hence almost no policy at all toward the Caribbean. Perhaps, in the short run, that is a blessing in disguise for no policy may be better for the Caribbean than the wrong policy. In the long run, however, the United States must stop its rudderless drift across the Caribbean and face up to the emerging new realities of the Caribbean and develop a clear, coherent policy toward the area.

Some may find it a surprise to hear me suggest that the United States has not had a Caribbean policy. After all, there is the Monroe Doctrine and an endless list of places where our soldiers and marines have landed to help secure independence, preserve public order, or accomplish some task we deemed in our national interest. But, I submit, the sum of our actions on behalf of the defense of our own security against threats, real or perceived, is hardly a Caribbean policy—it is a policy of self preservation which this nation and every nation will continue to practice wherever and whenever it feels it must, hopefully, with a great amount of discretion and judgment.

Surely the United States has had and will continue to have a great interest in the Caribbean for strategic and military reasons. At the same time, we must adjust the strategic component of our Caribbean policy to the realities of the 1970's—that our primary potential enemy already has a major Caribbean ally and is unlikely to want another expensive client state—that other powers external to the Hemisphere are withdrawing from the area, not advancing into it, and lastly—that technology increasingly makes it unnecessary for a potential enemy to have a base near to the United States. What this means is that while military consideration remain important to U.S. policy they are not likely to become of overriding concern.

What then is there to impel U.S. concern for the area? First of all, because we ourselves are there. The United States is not just near the Caribbean, it is directly a part of it. Puerto Rico and the U.S. Virgin Islands are in the Caribbean. Our interests in the Panama Canal are intimately intertwined with the whole area. In addition, there is the obvious importance of $3 billion worth of U.S. investments in the area—investments in, among other things, bauxite which sup-

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plies 40% of our need for aluminum and oil to ease our energy crisis. The Caribbean is also a market for almost $1 billion of our products.

Less obvious ties include the tens of thousands of Caribbean residents who have come to the United States to stay on to earn money to help less fortunate members of their families. One reporter speculated, for example, that if all the Barbadian nurses in New York left, the city's hospitals would have to close. In sharp contrast to this, there is the growing importance of the Caribbean to the average American's lifestyle. Surely our affluent lifestyle would lose something of its attraction if a Caribbean vacation were no longer a part of it.

The second fundamental reason which compels our interest in the Caribbean is that we have no other real alternative. We cannot, ostrich like, ignore the area. Whether we like it or not the old order has changed and unloosed forces which will leave us no opportunity but to adjust to change. The only prudent and realistic course for the United States is to recognize that there is a new Caribbean, to recognize that we cannot be indifferent, to recognize that if the area is to be viable and to provide a better life for its people, the active, generous and sensitive concern of our own people will be needed.

If we now have no meaningful policy other than what results from the sum of our policies toward the independent states of the area, and if we should have a policy, the obvious question then is what should our policy be? First, let me discuss for a few moments the concepts I believe must underlie any successful U.S. policy toward the Caribbean.

Clearly, our policy must be grounded in the realities of the area. It must recognize that on islands where 25% of the labor force is unemployed and 50% underemployed, the needs of people, while miniscule by standards of a country as large as the United States, are immense with respect to the islands' resources—and that other developed countries are either unwilling or unable to provide needed capital and technical assistance.

A successful policy, likewise, must recognize the peculiar nature of the region's most economic problems. The Caribbean is a unique area in the world. Its native population was all but totally replaced by a colonial system designed not to build self sustaining colonies but to serve a distant motherland. This legacy of economic servitude to other nations increasingly is unacceptable to the people of the region whether they live in an old or newly independent nation. It will not be enough to simply offer the states the opportunity to become a part of our economy. Recognizing that their economies will always be tied closely to other nations, they want and should have the right to insist that the prime concern of their own economies should be the welfare of their own people.

Similarly, we must realize that the sheer size and force of our impact on the relatively weak and developing nations of the Caribbean is such that we can inflict great damage or provoke deep resentment without even being aware of it. This fact must be taken into account or we risk failure of any long term effort to build cordial and mutually constructive relations with our Caribbean neighbors. This will require, on our part, the development of great sensitivity to the needs and feelings of the Caribbean and a tailoring of our own methods of doing business to the vital requirements of their countries. It also means that the United States should play a supporting and not a participating role in regional organizations.

Finally, if our policy of constructive involvement is to have any chance of helping the Caribbean peoples achieve a proud and rewarding place in the life of the Hemisphere the United States must gear its policies to strongly supporting Caribbean initiatives toward regional cooperation. Many of the separate nations of the area are still looking for their own national identities. Some have found them. But while it is all but inevitable that the sense of community that defines nationhood in a psychological and political sense will be different on each island, it is equally clear that in economic terms the islands will, for the most part, be able to become successful only in full cooperation with larger economic groups. The only realistic way to insure political, economic and social viability thus appears to be regional economic cooperation between autonomous political units.

Having reviewed in a general way the framework for a new, more positive and constructive U.S. Caribbean policy, I would like to turn to a discussion of some specific steps which I believe the United States should take.

First, no new coherent policy of the kind which is needed will emerge solely as the result of deliberations here, in the Congress or in any other forum. Such a policy must be deliberated by and agreed to by the President and, where necessary, concurred in by the Congress. So the first order of business must be action by the President to review options and to initiate a new policy, hopefully through a direct Presidential statement. As a contribution to this process the Inter-American Affairs Subcommittee, building on this and other conferences, plans to conduct a series of Congressional hearings this summer on U.S. Caribbean policy.

Second, as a measure of our concern and an indication of our interest the Secretary of State should at the first opportunity take action to raise the level of consideration of Caribbean issues within the U.S. government by designating a separate Deputy Assistant Secretary whose sole responsibility would be Caribbean affairs. Currently the responsible official at that level must divide his time between Mexico, Central America and the Caribbean. Furthermore, consideration should be given to forming an interagency coordinating group, chaired by the State Department, to focus attention on Caribbean issues.

Third, the United States should continue and expand its efforts within the OAS and other Hemisphere and world organizations to see that needed attention and resources are devoted to the Caribbean.

Fourth, we should intensify the level of U.S. support for regional institutions of all kinds. In particular we should immediately approve the furnishing of an additional $12.5 million to the Caribbean Development Bank and, in view of the region's relatively small needs in terms of our own resources, provide such additional funds as may be needed based on the Bank's competence and the ability of the region to effectively absorb capital inputs. To complement this policy, the United States should, in so far as possible: divert bilateral aid into multilateral channels, and restrict bilateral aid to technical assistance.

Fifth, we should review our policies of support for U.S. investment to see whether, in the Caribbean context, different U.S. government rules and regulations should apply. For example, we cannot ignore the possible long term negative repercussions of rapidly accelerating U.S. control of the best waterfront land on many of the islands.

Sixth, a complete review of the current United States sugar quota system should be made to insure that it operates in a manner which truly benefits both producer and consumer.

Seventh, we can and should put our own house in order by facing up to the serious problems in our own Virgin Islands and by giving to Puerto Rico the political power it needs to have its views effectively made know on matters which concern the commonwealth.

Eighth, we can and should stay out of the domestic affairs of the Caribbean. Intervention can only be legitimate when there is a clear and present danger to our survival. Anything else would constitute unjustified meddling by us and probably be counter productive in the long run.

Ninth, in providing direct or indirect assistance to the islands, and in reviewing the operations of our private sector, we should stress social development, i.e., meaningful change in the lives of individuals. This will require, among other things, more attention to agricultural reform, an increased rate of return on tourist dollars, and more skillful use of available funds.

Tenth, the United States should not refrain from suggesting new areas for regional cooperation, such as development of a re-regional capital market to increase the productivity of locally available resources—establishment of an institute to maximize employment by rediscovery of past technologies appropriate to areas with abundant labor, and mutual efforts to properly explore and utilize the area's common heritage, the sea itself.

Clearly, the steps I have outlined are not a comprehensive list of all the elements appropriate to a constructive U.S. Caribbean policy. It is my hope, however, that these remarks have made a useful contribution to what all of us, have tried to do at this meeting—to define new ways in which, working together, the peoples of all our countries can insure a better tomorrow for future generations.

## GOVERNOR REUBIN ASKEW ADDRESSES GOVERNORS' DINNER

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, it was my great honor to be present for the address the Honorable Reubin O'D. Askew, Governor of Florida, delivered before the ninth annual South Carolina Governors' Dinner. An overflow, enthusiastic audience heard the Governor's speech, including our own revered Governor, Hon. John C. West, former Governor Robert McNair, Senator EARNEST HOLLINGS, and my colleagues, Representatives TOM GETTYS, JAMES MANN, and MENDEL DAVIS.

Mr. Speaker, Governor Askew's address follows:

REMARKS OF REUBIN O'D. ASKEW, GOVERNOR OF FLORIDA, AT THE NINTH ANNUAL GOVERNORS' DINNER

First, let me express my appreciation for the interest you've shown in the State of Florida.

It's a personal honor for me to be here, but doubly so since your speaker last year was my good friend and fellow Floridian, Senator Lawton Chiles.

That makes two years in a row for Florida . . . something we regard as a special token of friendship and warmth on your part.

Be assured that the Democrats of Florida return that friendship.

We're gathered here tonight neither to dwell nostalgically on the glories of our predecessors, nor to mourn a great Party that has lost its mission.

But rather we're here to celebrate the continued health and vitality of the Party of the people.

And well we should.

Because the fact is those who say the Democratic majority is dead in this country are about as accurate as those who said the Republicans were destroyed in 1964.

Democrats are very much alive and well and numerous in the South, in the North,



among blacks, among whites, in our rural areas, in our cities, among workers and professionals, and among wealthy and middle-class Americans as well as the poor.

And this is good and healthy . . . not because you and I are Democrats but because we're Americans. We're freedom-loving people who have opposed one-man rule since the day King George was confronted with the signatures of four South Carolinians and 51 other patriots on a document known as the Declaration of Independence.

We're people who have thrived under a delicate system of checks and balances ever since four South Carolinians joined other Americans to write the basic document that governs this land.

And we're people who love liberty and cherish the genius of our Founding Fathers and the patriotism of their successors in devising and preserving a way that liberty can be maintained for our children.

And so I say to you that no administration, today, yesterday, or tomorrow, should go unchecked in this country by a strong, loyal, and determined opposition.

And it's up to Congress and the party out of power, more than anyone else, to see that no executive forgets that basic tenet of American political thought.

This is one reason why dedicated and capable leaders like Fritz Hollings and Lawton Chiles, and Sam Ervin from your sister State to the north, have been fighting so hard in Washington.

This is one reason why a strong two-party system is essential to the survival of democracy as we know it.

And this is one reason why the current battle of Washington is just as important as that struggle against old King George 200 years ago.

It's not a matter of politics, but of power, and the dangers involved when too much of it is concentrated in the hands of one person.

Fortunately, we now have a better remedy for concentrated power than was available in 1776.

We have the Constitution and its guarantees on separation of power.

And as a citizen observing from nearly a thousand miles away, I'm proud that Democrats in Congress are insisting that those guarantees be upheld.

I'm also reassured by the wisdom of the people in attempting last November to see that Democrats in Congress would be strong enough to face up to a landslide President.

This is not to say that we should always have a Republican Congress when a Democrat is President, or a Democratic Congress when a Republican is President . . . or that there is anything wrong when a candidate for President receives a substantial vote of the people . . . because every Presidential candidate seeks it.

But it *is* to say that we should have an independent Congress when *anybody* is President.

The two-party system has given us that.

And I'm hopeful that with its help and our support, and with the President's statement this week, both the Executive and Congress will continue to function as the Constitution intended, with neither encroaching on the prerogatives of the other, but with both sharing their powers and responsibilities for the good of the people.

But if *Congress* reflects the continued strength of the Democratic Party and the two-party system in this country, so do our statehouses.

No less than 31 of our 50 Governors today are Democrats.

No less than 8 new Democratic Governors, as compared to 4 new Republicans, were elected last fall, despite the Nixon landslide.

Here again, I believe the country is the beneficiary. The Governors represent another loyal opposition to the Executive although in a slightly different way.

While a Democratic Congress is the best hope for *checking* a landslide President of the opposite party, Democratic Governors are in the best position to improve upon that President's domestic policies and provide sensible alternatives.

I think many of our Governors have been doing just that.

It's my feeling, in fact, that Governors of today like your own John West have helped to create a general renaissance in State Government over the past few years, a renaissance that crosses the entire country and makes the new federalism of which the President speaks a very real possibility.

State government seems to have come to the end of a long and sleepy age from which many of us thought it might never recover.

It's beginning to show independence, imagination, and responsiveness again, the qualities that made historians at one time refer to the nation's state capitols as "laboratories of democracy."

We have governors throughout the country who've been eagerly awaiting the decentralization of power, money, and responsibility of which the President so often speaks, because those governors agree that Washington has become too cumbersome and too distant to effectively deal with many problem's of the people.

Those governors want to continue the search for a better day for all people. They're ready, able and eager to help with the battle for a new federalism.

And they want to relieve the taxpayer of waste and inefficiency without removing compassion and human concern from the national purpose.

And I think they can do so. If the federal Government truly "shares" its responsibilities with the States, as implied by the rhetoric of the season.

But they can't do it if Washington flatly abdicates its responsibilities, as seems to be the case in many critical areas . . . only time will tell whether this is so.

They can't do it if revenue sharing turns out to be little more than buck passing, if decentralization is only an excuse for Government to take from the average citizens and give to the privileged few. And they can't do it if "up" is actually "down" in a topsy-turvey world of Government by rhetoric and confusion.

And so those of us who constitute the loyal opposition within the States to the party in power in the White House have a responsibility nearly as awesome as our colleagues in Congress. We must see that the people aren't deceived—that they get what they're told they're getting, and that some very good ideas born of clever sloganeering don't die of benign neglect.

In other words, we must see that those who promise a new partnership for the people make good on that promise, or answer for their failure to do so.

Which brings us to the responsibility that all of us face as a party.

No national political party can really remain very effective for long if it consistently fails to win the White House itself.

We've failed twice consecutively, largely because we practiced the politics of exclusion.

In 1968, we excluded reform elements and allowed party stalwarts to select our nominees.

In 1972, we excluded the stalwarts and allowed the reformers and various interest groups to select our nominees.

There are some who say we've been excluding the South for years and allowing other sections to select our nominees.

Ladies and gentlemen, we must now practice the politics of "inclusion" in Democratic Party . . . for the good of the party . . . and for the good of the country . . . for in our very diversity we will find the real source of our strength.

Only by standing together can Democrats win a national election. That's the way it is, the way it always has been, and the way it always will be.

Fortunately, our national chairman is well aware of that.

Bob Strauss is making every effort to see that Democrats of all pedigrees and persuasions participate in the highest councils of the party.

As you know, he has formed a new Democratic Policy Council that includes among its members the two Georges of the past campaign—Wallace and McGovern.

I think it's a healthy sign that both of these men are serving on that council, thereby indicating their commitments not only to be Democrats, but to be active, working Democrats as well.

And I know there are those who say that this is an unlikely partnership, born only of political expedience. And obviously these two gentlemen have their differences but to answer whether Wallace and McGovern have anything in common, we need only to point to the one major issue of last year's campaign that the Republican administration is trying very hard to forget—and that's the burning desire of the people of this country for true tax reform.

Both of the Georges called for sweeping changes in our Federal tax laws, as did virtually every other Democrat in the primaries, and the people responded with their votes every time

Yet the issue seems to have been forgotten.

And it may well stay forgotten, along with many other issues directly affecting the pocketbooks and the health and well-being of ordinary hard-working Americans, as long as we Democrats remain divided against ourselves.

And so let us promise ourselves then not to permit the division of the past to continue.

Let us teach one another that we can stand for progress without renouncing all that came before us, and all that is treasured tradition.

Let us remember that ideological warfare is folly in the party that has always thrived as America's marketplace of ideas.

Let us remember that this party believes in the free enterprise system, and led it out of the depression to a prosperity of unprecedented magnitude. This party believes in America, and led her to victory over tyranny in World War II. And this party believes in human decency, and responded to its requirements in the decade just past.

Let us also remember that this is a party of which we have every right to be proud, every reason to cherish, and every obligation to pull it back into the mainstream of American politics . . . where it must remain if the two-party system is to continue in this country.

And let us remember that that system, and the participation of the widest variety of people within it, give our government the stability and continuity which have made it the envy of the world.

Southern Democrats, of all people, must appreciate the value of a two-party system. We haven't had one for very long. Yet in that time, our own politics has matured considerably. Our governments have grown more responsive, our public officials are more alert, and our participation in the national electoral process is no longer perfunctory.

Let us see then, that we retain this competition in the south, and not simply trade a one-party system of one label for a one-party system of another label.

Let us be aware at all times that this game of politics is not a game at all. It is the central thread in the achievements and failures of man. And how we weave that thread might well determine whether we'll survive as a free nation dedicated to indi-

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vidual liberty and devoted to the pursuit of happiness for all people.

Thank you.

## LAW DAY 1973

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, we commend the American Bar Association for annually sponsoring Law Day on May 1. Our concept of constitutional government is based on government by law, not government by men, and it is fitting and proper that this be reemphasized, especially on May Day. We are all familiar with the sight of Chairman Brezhnev, Premier Kosygin, President Podgorny, and Marshall Grechko reviewing the May Day Parade in Red Square, a parade traditionally designed to glorify the supremacy of the state and the party over the individual. This is the era of public relations and salesmanship, Mr. Speaker, and the totalitarian world is making shrewd and sometimes successful efforts to sell government-by-decree and worship of the state. It is up to us to draw the contrast with our system, a system based on individual dignity, liberty, freedom and worth of the individual. Ours is a government based on the inalienable right to liberty and the pursuit of happiness.

This legacy of freedom and individual dignity has been defended, protected, and preserved by the American legal profession. I shudder to think whether real freedom and justice would remain today without the legal profession, who at the grassroots are guaranteeing and protecting the rights of the people. In totalitarian states, on the contrary, the academic, legal, and religious community are among the first targets of those who would control the minds of men. They are even among the first in some cases to be liquidated, as the totalitarian state bends individual freedom and dignity to the will of the state.

This is no time to undermine the courts and legal institutions of the Nation. Should we lose our constitutional right to a fair trial by jury in open court, we lose the very foundation stone of our heritage of freedom.

Mr. Speaker, on this Law Day, 1973, I commend the bar association for a major contribution to preservation of our democratic society and I commend the entire legal profession for its emphasis on the worth and dignity of the individual.

## A DISILLUSIONED CITIZEN

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I would like to talk today about a matter which I believe strikes to the core of representative democracy in this country. We find ourselves in the incredible situation where we must doubt the honesty of the President of the United States. I speak not as a partisan Member of this body, but as a frankly disillusioned citizen. When the facts first came to light last fall, I was sure that the President's campaign committee only would bear the full burden of guilt. I attributed their espionage against the "free" election process to be motivated by overzealousness alone. It was incomprehensible that the Office of the President could have been a knowing participant.

Now we have mounting evidence that the closest associates and political advisers of President Nixon did plan the bugging of the Watergate offices of the Democratic Party as well as other illicit acts of political espionage. The men who actually carried out the Watergate crime have been convicted. But who planned it? Mr. Nixon has portrayed himself as an innocent bystander who knew nothing of its execution or of its coverup. But now we wonder. We must wonder now when we learn that he ordered John Ehrlichman to conduct a secret White House investigation of Daniel Ellsberg—independent of the Justice Department.

That secret investigation carried out by two Watergate felons, resulted in the burglary of the files of Mr. Ellsberg's psychiatrist.

And now we are told that John Ehrlichman last month summoned the judge in the Ellsberg case to the Western White House to tell him he was being considered for a high position. During this visit, the judge talked to the President. I am sure this was not an accident. As for the job offer, we are told it was the directorship of the FBI, one of the most coveted posts in our country.

There are all kinds of "carrots" available as we know—money, influence, position. We have already learned that the Nixon campaign had plenty of money to throw around—suitcases of it in $100 bills. But in this case, it was position. A decision to offer the judge a position has the merit of leaving no evidence of wrong doing. So last month, the presiding judge, U.S. District Court Judge W. Matt Byrne, Jr., was invited to call at the Western White House at San Clemente. That standing alone would be bad enough, but what's worse is Judge Byrne talked to Ehrlichman a second time.

I cannot imagine by what enticement Judge Byrne agreed to meet with Ehrlichman twice. But we do know that one does not just bump into the President in the hall. His was not a casual conversation at a cocktail party. He went to San Clemente at the request of Ehrlichman and while there talked to the President, however briefly, it was the final stamp of approval of the conversation with Ehrlichman, which was reconfirmed by a second visit between these two men.

President Nixon has already demonstrated his abundant contempt for the legislative branch of Government. His closest aides have ignored the well thought-out advice from leaders of his own congressional party. He has chosen not to spend money appropriated by Congress. He has illegally ordered the closedown of OEO. Further, Nixon's former attorney general, Richard Kleindienst, recently proclaimed a sweeping doctrine of executive privilege whereby every Federal employee from every clerk on up could choose not to testify before Congress. This is a contemptuous defiance of the Congress.

President Nixon we know has conducted his foreign policy with neither our advice nor our consent. What have we left? Only the courts. The American people have always had great faith in a fair and unbiased judicial system. The Supreme Court and the judiciary was our last hope. And the Senate only recently fought and won two battles against confirmation of men who lacked the stature for service on this great institution of justice.

And now we find that President Nixon has used the prestige of his office to interfere with the fair and impartial administration of justice as well. He has compromised our judicial system. I am mortified that the President of our representative democracy—that we hold to the world, not to mention our children, to be a model for all humankind—could act in any way to cast a cloud upon the right of a person to a fair and unbiased trial.

The White House involvement in the Ellsberg case tells us—pious statements notwithstanding—that President Nixon was not above calling for private and secret investigations. We certainly cannot now turn our heads to the possibility that the President may have had prior knowledge of the plans to bug the Watergate as well. We cannot now turn our heads to the possibility that the President in apparent distrust of our electoral processes, may have chosen to sidestep the system by permitting spies and thieves within his organization. We cannot turn our heads to such an arrogant disregard for law and order. We cannot shut our eyes to the lies which were proclaimed in the name of the President by merely declaring that those previous statements are now inoperative.

If we champion our freedom, it must be by insisting that all persons, including the President, now be made to tell the American people the whole truth. As the President himself stated on April 30, he holds a sacred trust. I believe this trust has been breached.

The present occupant of that office owes all of us an explanation. Only the whole truth will suffice, aired in public to all the people, not in statements made behind closed doors to grand juries or special investigators, where we cannot hear for ourselves what the facts are. Failure to come forward now will only further erode the people's confidence in the office of the President.

President Nixon cannot go back to business as usual. His most important business is the people's trust which he holds as a sacred obligation. This trust now calls for all the truth to be told. President Nixon must put aside all personal loyalties to his friends and associates. From what is already known he cannot continue to reiterate his confidence in them.

Now is time for him to have the courage to confront the truth. This is the only way to protect the office he holds from irreparable damage.



## GEN. WILLIAM R. PEERS, COURAGEOUS ARMY INVESTIGATOR OF MYLAI: ANOTHER BLACK EYE FOR THE ARMY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last April 13 the press reported the impending retirement from the Army of Lt. Gen. William R. Peers, currently deputy commander of U.S. forces in Korea. General Peers, as Members will recall, was the Army's top investigator of the Mylai incident. He did an outstanding and courageous job, and his forced retirement now, though claimed to be made necessary by the demands of "Secretarial policy" on Army retirement, can only show that the Army is still determined to put itself in the worst possible light in the Mylai massacre case.

In an Army hierarchy dedicated to covering up the real facts of Mylai, General Peers was a welcome breath of fresh air, candor, and hard-hitting integrity, and whatever excuses may be given for his early retirement, it can only be regarded as retaliation from the "club" for having conducted an honest investigation of a few of West Point's fair-haired boys. After all, General Peers came into the Army through the Reserve.

As one who has followed this whole Mylai case carefully over the years, I wrote the President last month asking him to hold up General Peers' retirement and personally to review the Army's decision not to promote General Peers to full general.

Mr. Speaker, I felt then and still feel that something is seriously wrong when the Army refuses to promote the man who did the most to dig out the facts about Mylai, while at the same time the State Department pushes feverishly to promote the top Foreign Service officer involved in the coverup of Mylai.

Unfortunately, the White House turned down my request for special review and reconsideration. This is, I believe, a serious error. The Army has had a very serious problem of credibility ever since the Mylai case—not unlike the Watergate case—was first forced out into the open by those outside the Army rather than those from within the Army.

In fact the whole record of the Army and some of its top officers in the ensuing investigations and courts martial is a discouraging and sickening chronicle of missing documents, repeated inability to remember the facts, and shocking dereliction of duty. Only one person in all this mess actually was convicted, although two top generals—as a result of congressional emphasis on the floor of the House of the sorry record of these generals—were disciplined and reprimanded.

Thus the only really bright spot in this sorry, sordid picture was the performance of General Peers. Yet all the Army can do for him now for doing a difficult job then without complaint or pulling any punches—and after he was given to understand he would receive better treatment—is to leave him to the not very tender mercies of impersonal "Secretarial" retirement policies.

I am disgusted.

Mr. Speaker, under leave to extend my remarks, I include the exchange of correspondence with the White House and also an article from the New York Times of April 13, 1973, and an editorial from the Times of April 18, 1973:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., April 13, 1973.*

DEAR MR. PRESIDENT: I am greatly disturbed by the press reports this morning that Lt. Gen. William R. Peers, who headed the Army's hard-hitting investigation of the My Lai affair, is being retired.

Whatever may be the real reasons, his retirement short of 4 stars gives the public impression that he is being retaliated against for his no-holds-barred investigation and report.

All of us on the Hébert subcommittee felt General Peers did a tremendous job in a tough situation; in addition to that he was a topnotch field commander in Vietnam.

As one who has been close to the whole My Lai situation, and who has long felt that the greatest damage came from the "cover up" at the top—both in the Army and in State—I would strongly urge you as Commander-in-Chief to hold up General Peers retirement and personally review the desirability of promoting him to full general.

Cordially,

———.

THE WHITE HOUSE,
*Washington, D.C., April 19, 1973.*

Hon. SAMUEL S. STRATTON,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. STRATTON: The President has asked me to reply to your letter of April 13, 1973 regarding the retirement of Lieutenant General William R. Peers.

The President appreciates your concern over this retirement and any possible relationship it may have to General Peers' role in the investigation of the My Lai affair. General Peers' retirement occurred under provisions of a policy established by the Secretary of the Army in the summer of 1972. That policy provides that officers serving in the grade of Lieutenant General will retire on reaching the age of 59. (Prior to 1972, that retirement age had been set at 60.) General Peers will reach 59 on June 14 and his retirement is, therefore, the result of the application of this Secretarial policy. May I also point out that there have been no exceptions to the application of this policy since its inception last summer.

I do hope that this information will be helpful to you. If there is anything further I can do, please call.

Sincerely,

BRENT SCOWROFT,
*Brigadier General, U.S. Air Force, Military Assistant to the President.*

[From the New York Times, Apr. 13, 1973]

NIXON MOVE URGED OF A MY LAI ISSUE— LAWYER FAVORS RETENTION OF INVESTIGATING GENERAL

(By Seymour M. Hersch)

WASHINGTON, April 12.—A civilian lawyer who aided in the Army's investigation of the My Lai 4 massacre said today that the pending retirement of Lieut. Gen. William R. Peers, who headed the inquiry, was "simply incredible." He termed it a move adding to "the impression that the Army was not really serious about punishing those responsible."

Jerome K. Walsh, Jr., of New York, who served as a counsel to the high-level official investigating team in 1969 and 1970, urged President Nixon to intervene with the Pentagon to prevent General Peers' retirement. The Army announced yesterday that the general, who is now deputy commander of the Eighth Army in South Korea, would retire in June.

Similar criticism of the retirement was voiced by Representative Clement J. Zablocki, Democrat of Wisconsin, who said in a statement. "It is incredible to me that the leaders of the Pentagon are prepared to allow General Peers to retire from active duty at this point in our history."

Maj. Gen. Winant Sidle, the Army's chief spokesman, said, however, that General Peers' retirement was routine and added that his "reputation is still outstanding in the Army because of My Lai."

"The real issue," Mr. Zablocki said, "is whether the action of the Army in sidelining General Peers will cause future officers to shy away from calling them as they see them."

Mr. Zablocki said General Peers had been assured by top Army officials after his report was completed that he would be promoted to full general before retirement. Another source subsequently confirmed the arrangement, but added that something happened.

FOURTEEN OFFICERS CHARGED

Asked about this, General Sidle said, "I have not heard that rumor and I am in a pretty good position to hear rumors."

General Peers assembled a staff or more than 90 officers and enlisted men in December, 1969—at the height of the outcry over the My Lai massacre—and began his comprehensive inquiry. Mr. Walsh and another New York lawyer, Robert Maccrate, were assigned as counsel.

The group's 260-page report, which is still secret, concluded four months later that the two generals of the Americal Division, parent unit of the infantry company that attacked the hamlet on March 16, 1968, had committed more than 40 acts of omission or misconduct in connection with the initial field investigations of the massacre, in which more than 100 Vietnamese civilians were killed.

Fourteen officers were charged with aiding the coverup, including Maj. Gen. Samuel W. Koster, who was the Americal Division commander in March, 1968, and was serving as superintendent of the United States Military Academy at West Point at the time he was cited by the Peers Report.

Only one of the officers, Col. Oren K. Anderson, stood court-martial in the ensuing months, and he was acquitted.

Mr. Walsh criticized the Army's failure to prosecute the officers named in the Peers report and the Army's refusal to release the report as additional factors behind what he called the "impression" that the military was unable to discipline itself.

In a telephone interview, he said General Peers "unhesitantly applied the highest standards of responsibility and accountability to brother officers who had been his friends and comrades for many years. And when the facts showed that they had failed to meet those standards, he said so in plain language."

[From the New York Times, Apr. 18, 1973]

UNWANTED GENERAL

In 1969, when the nation was still in a state of shock over the wanton killing of

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women and children by American soldiers in Mylai, a major note of hope was the appointment of Lieut. Gen. William R. Peers to head an inquiry into the tragic affair. General Peers carried out a vigorous and unsparing investigation, and in 1970 established that "a tragedy of major proportions" had indeed occurred in the ill-fated Vietnamese hamlet.

It now appears that General Peers is to be quietly retired from active service at the age of 58. The Army insists that the general's exit is routine. But the departure of this officer who stood for fair but unsparing efforts to expose the Mylai atrocities and prevent their recurrence seems of a piece with the Pentagon's almost totally negative response to the Peers panel's findings.

Only one of fourteen high-ranking officers charged by the inquiry with complicity in a cover-up of the massacre was brought to trial, and he was acquitted. Charges against the others were dropped for alleged lack of evidence, but the 260-page report which contains the charges in question is still classified "secret."

Two civilian lawyers, who served as special counsel to the Peers panel, have long been critical of the Pentagon's peculiar apathy. Robert MacCrate characterized the quick dismissal of charges as a "failure to recognize the Army's responsibility to the public at large." Now, Jerome K. Walsh, Jr. has charged that General Peers' retirement will add to "the impression that the Army was not really serious about punishing those responsible" for the Mylai cover-up. It most certainly will.

General Peers, an officer with a distinguished command record that included action in Vietnam, probably never fitted into the military establishment's concept of an investigator. When he accepted the assignment, he said he "deliberately avoided selecting a group of senior colonels and general officers" because he wanted "young combat-experienced officers who had seen war and who knew the trials, the pressures and the tribulations of combat first-hand."

The general's tough, unorthodox approach to an unpleasant task raised the hopes of many Americans that exposure of a terrible wrong committed by the military would be a first step toward full accountability by the responsible echelons of command. Yet, except for the conviction of Lieut. William Calley and administrative censure of some officers, little has been done to use the Peers report for the only purpose that matters—to determine what went wrong and to give assurance that the Army can discipline itself properly in the future. This purpose has not been accomplished.

Gen. Peers' premature retirement indicates that the Pentagon has managed to rid itself of the unwelcome presence of anyone who might remind America's conscience of this still shamefully unfinished business.

## SELECT COMMITTEE ON CRIME

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on Thursday, April 19, 1973, the Select Committee on Crime completed its second week of hearings entitled, "Reduction Of Juvenile And Adult Recidivism Through New Correctional Approaches" as part of the committee's 3-week series of hearings on street crime in America.

The committee heard testimony from experts in the field of juvenile corrections from all areas of the United States. The committee, as well as the witnesses, are well aware of the direct connection between violent street crimes in the United States and the problem of juvenile delinquency, since a large portion of street crimes are commited by this Nation's young adults. The problem of street crime in this country cannot be dealt with without an indepth review of juvenile corrections programs that are being implemented throughout this country. The ultimate reduction in street crime in this Nation will only be accomplished when the people become totally committed to the reduction of juvenile delinquency.

Although there are many causes of juvenile delinquency and juvenile criminal activity, one of the principal contributing factors toward this tragic state of affairs is the current state of juvenile corrections throughout the majority of the States in the United States.

The committee heard witnesses from States that are committed to a system of juvenile corrections that is both enlightened and humane, but unfortunately, we are unhappy to admit that these States do not represent the majority of the States in the United States.

The committee heard from witnesses who are implementing or who advocate new approaches in the juvenile corrections field, and it is our fervent hope other States will soon follow their example.

Dr. Jerome Miller, director of Family Services for the State of Illinois, and formerly commissioner of the Department of Youth Services in the Commonwealth of Massachusetts, opened this session of hearings with a knowledgeable and forthright presentation of his views of juvenile corrections as exemplified by his outstanding achievements in the Commonwealth of Massachusetts.

Dr. Miller came into Massachusetts and was met with a system of juvenile corrections that originated in the early part of the 19th century, which remained substantially unchanged until the tenure of Dr. Miller. In his brief tenure in Massachusetts, Dr. Miller closed the antiquated and outmoded correctional institutions, replacing them with community-based facilities such as halfway houses and group homes that are geared toward rehabilitating the juvenile back into society rather than incarceration and isolating that juvenile from the community from whence he came.

The committee had the benefit of testimony from five young people who had been through the old system of juvenile corrections in Massachusetts as well as the group home approach instituted by Dr. Miller. These individuals presented to the committee a vivid example of what the new approaches in juvenile corrections can do for the individual.

Mr. Kenneth Schoen, commissioner of corrections for the State of Minnesota, testified before the committee on community-based juvenile corrections programs that are currently proliferating throughout the State of Minnesota. Schoen described Minnesota's probation offenders rehabilitation and training program—PORT—which began in 1969. He stated that statistical data compiled by his office since 1969 evidences that PORT has affected a dramatic drop in the crime rate in the three counties that PORT serves. PORT is a community-based facility which is funded by Minnesota and the counties involved and significantly, by charging 10 percent of the cost of the inmate's treatment to the inmate himself.

Judge Lindsey Arthur of the Minneapolis Family Court, who is also president of the National Council on Juvenile Court Judges, also appeared before the committee. Judge Arthur commented on the need for continuing education for juvenile court judges, which is being accomplished by the National Council on Juvenile Court Judges' College in Reno, Nev.

Judge Arthur also advised the committee on various programs that the Minneapolis Family Court has instituted, which it is felt are helping to reduce juvenile crime. One of these programs is called "Operation De Novo," whose mission it is to pick up the hard-core juveniles before they get to court. According to Judge Arthur, the program has had significant success in Minnesota.

Appearing also before the committee was Mr. Oliver J. Keller, director of the Division of Youth Services, State of Florida. Mr. Keller testified on various programs currently being implemented throughout Florida in the juvenile corrections field. Florida is one of the leading States in this vital area of concern. It has accepted the thesis that juvenile institutions where the juvenile offender is merely located, as in an institution isolated from the community, is a system that has failed and has created more problems than it has solved.

According to Mr. Keller, Florida now has 26 community-based halfway houses located throughout the State, as well as wilderness camps that are part of the juvenile corrections system in that State. Of special note is the program whereby the Department of Youth Services has contracted with marine installations in Florida whereby young juvenile offenders are educated in various aspects of boating, scuba diving, sailing, and other marine-related activities.

Joseph R. Rowan, executive director of the John Howard Association of Chicago, Ill., graciously accepted an invitation to appear before our committee, and he testified and commented on various juvenile correctional programs throughout the United States in which the John Howard Association has been involved. The John Howard Association has instituted intensive studies and evaluations on juvenile corrections programs in Florida, Wisconsin, Michigan, and Maryland, as well as other States throughout the Union.

Mr. Rowan was formerly head of the Minnesota Youth Conservation Commission and was a consultant and western director of the National Council on Crime and Delinquency.

Dr. Rosemary Sarri, director of the National Assessment of Juvenile Corrections of the University of Michigan, Ann Arbor, testified on the program of which she is codirecting with Dr. Robert D. Vinter.

Sarri presented to the committee some of the early returns gathered from the national assessment.



Mr. Paul Isenstadt, the senior field director of the national assessment, elaborated on Dr. Sarri's testimony by giving firsthand accounts of programs that he has visited throughout the country.

The committee next turned its attention to the State of Kansas, a Midwestern State, with unique problems of a small State.

Dr. Robert Harder, director of the Kansas Department of Social Welfare, represented the State of Kansas, and he commented on the trends of juvenile corrections in his State. Specifically, he told the committee that Kansas is moving in the direction of community-based juvenile correctional facilities, as exemplified by the statement of the Governor of Kansas to the State Legislature, wherein he indicated his support for community-based programs in Kansas.

By executive order Governor Docking has scraped plans to construct more large scale juvenile institutions in Kansas.

Mr. Harder testified that the "Achievement Place" program in Lawrence, Kans., played a significant role in shaping the juvenile corrections policy in Kansas.

The committee was pleased to have representatives from "Achievement Place" appear before the committee to explain the program in detail.

Dr. Dean Fixsen and Dr. Montrose Wolf appeared before the committee and presented the committee with a slide view of "Achievement Place," as well as their detailed explanations of the programs, including the "Teaching Parents" concept that has been instituted at the University of Kansas in conjunction with "Achievement Place."

The final day of our hearings on juvenile corrections began with testimony from Judge Keith Leenhouts, a former Municipal Court judge in Royal Oaks, Mich., who is currently president of a volunteer organization called "Volunteers for Probation." Leenhouts explained to the committee the concept of "Volunteers for Probation" and how it is being implemented throughout the country.

Following Leenhouts, former Governor of New Jersey, the Honorable Richard J. Hughes, chairman of the American Bar Association Commission on Correctional Facilities and Services, and Mr. Daniel L. Skoler, staff director of that American Bar Association Commission, appeared before the committee and testified on various adult correctional programs throughout the United States which the commission has studied; especially in the areas of treatment and rehabilitative approaches that must be fostered and modernized if our correctional system is to achieve what it so desperately needs—a better success rate.

The hearings concluded with a showing of the film, "Children in Trouble," narrated by Mr. Howard James, the author of a book of the same title.

The final series of our hearings on street crime in America will begin on Tuesday, May 1, and will focus on the courts and the prosecutors—what they are doing to reduce crime in our streets through new programs and procedures.

## PRESIDENT NIXON'S NEW STEPS IN PHASE III PRICE CONTROL PROGRAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, for the information of the House, I place in the RECORD the full text of President Nixon's statement of May 2 regarding new steps in the phase III price control program:

STATEMENT BY THE PRESIDENT

The Congress has passed and I have signed into law an extension of the Economic Stabilization Act. This legislation will permit continuation of a constructive and orderly program to restore price stability and I congratulate the Congress on its action.

After 18 months of great progress against inflation, prices soared again in February and March. Most of the increases were in the price of food, an area that strikes home for each of us every day. In these circumstances the temptation was strong to go for the superficially simple solution—to freeze prices across the board or even roll them back. We carefully considered that alternative. We firmly concluded, however, that such a move, taken at this time, would have created more problems for the average American than it would solve.

If, on the one hand, the freeze had been brief, the country would soon have confronted all the old problems again with even greater urgency when the freeze expired. But if, on the other hand, the freeze were planned to last for an extended period, then our present rising prosperity would have ground to a halt and the controls system would eventually have broken down.

Concerned as we are about the rise of prices, we must also recognize that there are some cases in which necessary supplies will not be available if prices are frozen or rolled back. We are seeing this now with oil and gas products. Similiarly, if we had forced the prices of meat back to their January levels, as some have suggested, customers would not be boycotting meat today but would instead be storming supermarkets to be the first in line for the scarce supply of meat.

There are times, of course, when a price-wage freeze is necessary. August of 1971 was such a time.

But the situation is very different today. The American economy is operating much closer to capacity than in the summer of 1971. As a result, there are many more cases today where freezing prices would cause shortages. More than that, today we have a flexible price and wage control system already in existence. If conditions require firmer action, generally or selectively, we are already well-equipped to take it.

The price-wage control system is part of a larger anti-inflation program, the cornerstone of which is a responsible budget policy. The healthy expansion of our economy, which is creating more jobs and better wages today, could be transformed into a dangerously inflationary boom tomorrow if the rise in Federal spending accelerates. We must not let that happen.

At the same time that we are following fiscal and monetary policies to restrain excessive demand in the marketplace, we also are acting to increase supplies, the best of all ways to fight rising prices.

One area of special concern, of course, is food prices. We have been working in many ways to increase the supply of food. We have greatly increased the acreage of land available for raising crops and grazing livestock. We have sold the Government-owned stocks of wheat and feed grains. We are no longer subsidizing the export of food, and we have acted to increase imports of meat, dried milk and cheese. These measures cannot immediately offset the food shortages we have recently experienced—including those caused by the blizzards and floods of the last few months. However, what has been done, together with the spontaneous response of farmers to the present high prices, will have the effect of increasing food supplies and thus holding down prices. In fact, retail food prices have been rising less rapidly in recent weeks than earlier this year. We will continue to explore every possible way to meet the food inflation problem.

We are also seeking to increase supplies of industrial materials by selling off stocks held in the Government's strategic stockpile that are no longer required for national security. I have sent to the Congress the legislation necessary to effect this disposal and I urge its prompt enactment. I have also sent to the Congress a request for authority to suspend tariffs or other restrictions on imports where such action would be useful to restrain inflation; I hope this legislation will also be promptly and favorably considered.

The third element in the Government's anti-inflation program, in addition to checking the expansion of demand through appropriate fiscal and monetary policies and stimulating the expansion of supply, is the price-wage control system, now known as Phase III.

In Phase III the Government has set forth standards of desirable price and wage behavior which are essentially the same standards used during Phase II. In some areas—food processing and distributing, construction and medical care—observance of these standards is mandatory just as it was in Phase II. For the rest of the economy, compliance is on a self-administering basis unless the Government, through the Cost of Living Council, finds mandatory control necessary. As I have said before, Phase III will be as voluntary as it can be and as mandatory as it has to be.

Since Phase III began, we have taken a number of steps to ensure the achievement of its goals. Mandatory price control has been imposed on the larger oil companies. Ceiling prices have been set for beef, pork and lamb. Those wage agreements that have appeared inconsistent with price stabilization have been held up pending further study. The Internal Revenue Service is checking on some 500 large companies to be sure that their pricing procedures conform with the standards of Phase III. The Cost of Living Council is meeting with representatives of a number of large industries to gain a better understanding of the causes of their recent price increases.

So that the Government can administer the Phase III price control program more effectively, I have directed the Cost of Living Council to take several further steps.

First, it will obtain from the largest firms a full and detailed report on price changes that have been put into effect since the beginning of Phase III, so that it may order reduction of increases that have exceeded the standards.

Second, a new system of prenotification will be instituted. If a major firm intends to raise its average prices more than 1.5 percent above the January 10 authorized level, it must notify the Cost of Living Council 30 days in advance. This will give the Cost of Living Council an opportunity to determine whether or not the use of its authority to stop the increase, or some other action, is warranted.

Third, firms not exceeding the 1.5 percent limit will still be required to report their actions quarterly, so that their conformity to the cost-justification standards may be checked.

Fourth, additional resources will be assigned to ensure that these strengthened efforts are carried out fairly and effectively.

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The Cost of Living Council will provide the details of these actions.

This Administration will continue to do everything it can to fight inflation, but others must also do their part if we are to succeed. Everyone has an interest in restoring reasonable price stability without ending the present prosperity and without rigid suppression of free markets and free collective bargaining.

Our great need is for more production. Only with more production can we fight inflation while still providing the goods and services people want.

Today I address the call for more production particularly to the Nation's farmers, because it is the price of food more than anything else that now blocks the return of price stability. There are many grounds on which such an appeal can be based. Prices are high, world demand is strong, and economic conditions are such that farmers will improve their incomes by producing more. This is especially true of animal products—meat, dairy products and eggs. Continuously rising food prices, on the other hand, would create greater pressure for controls, pressures which could be hard to resist even though the controls would hurt consumers as well as farmers.

The country needs more food, and American farmers have never failed to deliver when the country needed them. Although our farmers have had to contend with miserable weather conditions in recent months, their productive capacity is still not fully utilized.

Labor and management also can contribute to the fight against inflation by continuing to improve productivity. Rising productivity attacks inflation both by increasing supplies and by holding down costs. Progress on this front to date has been encouraging. Since the summer of 1971, output per man-hour has risen 50 percent faster than it has over the long-term. It is imperative that we continue this excellent performance, even though it will become more difficult to do so as the economy reaches higher levels.

Labor and management have also been contributing to our stabilization efforts through responsible collective bargaining. The average size of increases in collective bargaining agreements was lower in the first quarter of 1973 than before the New Economic Policy began. I am also encouraged by the record to date in maintaining industrial peace. In short, the cooperation of American labor and management in the stabilization effort has been outstanding.

The American people look to labor and management to continue constructive behavior.

Although I believe that prices will not rise as much in the months ahead as they did in February and March, price increases will probably be higher than we would like for some months. We should be mature enough to recognize that there is no instant remedy for this problem. We are dealing with a condition that is world-wide in scope and indeed has been less severe and more effectively confronted here than in most other countries. Working together, the American people will solve the problem of inflation, but that process will require patience, cooperation and understanding from us all.

Meanwhile, let us not overlook the great strengths of our economy. We have more people at work than ever before, earning higher real incomes and consuming more goods and services per capita than at any time in our past. Inflation is a potential danger to all and a present hardship for some but nevertheless the American people are enjoying the fruits of an extraordinary effective economic system. Any superficially appealing actions that would disrupt or abandon that system would ultimately cause far more damage than they would repair.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEINZ (at the request of Mr. ARENDS), for today, on account of official business.

Mr. JONES of Tennessee (at the request of Mr. MCFALL), for today, on account of illness.

Mr. MCSPADDEN (at the request of Mr. MCFALL), for today through May 7, on account of official business.

Mr. VANDER JAGT (at the request of Mr. GERALD R. FORD), through May 12, on account of official business.

Mr. WOLFF (at the request of Mr. MCFALL), for today through May 10, on account of official business.

Mr. BUCHANAN (at the request of Mr. GERALD R. FORD), through May 12, on account of official business.

Mr. CONTE (at the request of Mr. GERALD R. FORD), for today, to attend burial services of personal friend.

Mr. FRELINGHUYSEN (at the request of Mr. GERALD R. FORD), through May 12, on account of official business.

Mr. GUYER (at the request of Mr. GERALD R. FORD), through May 12, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COCHRAN) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 15 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. MIZELL, for 5 minutes, today.

Mr. LOTT, for 60 minutes, May 9.

Mr. DERWINSKI, for 60 minutes, May 9.

Mr. BLACKBURN, for 5 minutes, today.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous material:)

Mr. O'NEILL, for 5 minutes, today.

Mr. VANIK, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MEEDS, for 5 minutes, today.

Mr. ROUSH, for 5 minutes, today.

Mr. ADAMS, for 5 minutes, today.

Mr. REUSS, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FINDLEY and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $15,300.

Mr. RODINO to include extraneous matter in the remarks he made today in committee.

(The following Members (at the request of Mr. COCHRAN) and to include extraneous material:)

Mr. LENT in two instances.

Mr. FREY.

Mr. SYMMS.

Mr. HUNT in three instances.

Mr. SEBELIUS.

Mr. TAYLOR of Missouri.

Mr. KEMP in two instances.

Mr. WALSH.

Mr. SPENCE.

Mr. DERWINSKI in three instances.

Mr. EDWARDS of Alabama.

Mr. THOMSON of Wisconsin in two instances.

Mr. WYMAN in two instances.

Mr. BOB WILSON in three instances.

Mr. MCCLORY.

Mr. BEARD.

Mr. CONTE.

Mr. STEIGER of Wisconsin.

Mr. KETCHUM.

Mr. CARTER in three instances.

Mr. HUBER.

Mr. MCKINNEY.

Mr. HOSMER in two instances.

Mr. HARVEY.

Mr. SHOUP.

Mr. VEYSEY in five instances.

Mr. YOUNG of Alaska.

(The following Members (at the request of Mr. GINN) and to include extraneous matter:)

Mr. WOLFF.

Mr. VANIK.

Mr. DINGELL in two instances.

Mr. EILBERG in 10 instances.

Mr. ROONEY of New York.

Mr. MCSPADDEN in three instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. BOLAND.

Mr. BRINKLEY in two instances.

Mr. LITTON.

Mr. HUNGATE.

Mr. ADAMS.

Mr. HALEY.

Mr. DAVIS of South Carolina.

Mr. WALDIE in two instances.

Mr. MOORHEAD of Pennsylvania in five instances.

Mr. DRINAN.

Mr. DELLUMS in three instances.

Mr. MAZZOLI.

Mr. KYROS.

Mr. UDALL in seven instances.

Mr. SYMINGTON.

Mr. ECKHARDT.

Mr. MURPHY of New York in two instances.

Mrs. CHISHOLM.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 755. An act to provide 4-year terms for the heads of the executive departments; to the Committee on Post Office and Civil Service.

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes; to the Committee on Education and Labor.

S. 1264. An act to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College, in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower; to the Committee on Banking and Currency.



## ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente; and

H.J. Res. 393. Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report.

## SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 51. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week"; and

S.J. Res. 93. Joint resolution to provide a temporary extension of the authorization for the President's National Commission on Productivity.

## ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, May 7, 1963, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

852. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations and for other purposes; to the Committee on Armed Services.

853. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs) transmitting a draft of proposed legislation to amend title 10, United States Code, with respect to certain sections relating to strengths for the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

854. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Income and Franchise Tax Act of 1947 to provide a property tax credit to certain senior citizens, and for other purposes; to the Committee on the District of Columbia.

855. A letter from the Director, District of Columbia Bail Agency, transmitting the 1971 annual report of the agency, pursuant to 23 D.C. Code 1307; to the Committee on the District of Columbia.

856. A letter from the Assistant Secretary of State for Economic and Business Affairs, transmitting the 25th report on operations under the Mutual Defense Assistance Control Act of 1951 (Battle Act); to the Committee on Foreign Affairs.

857. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to section 112(b) of Public Law 92-403; to the Committee on Foreign Affairs.

858. A letter from the Chairman, Federal Power Commission, transmitting copies of publications entitled "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1971" and "Hydroelectric Power Resources of the United States, Developed and Undeveloped, 1972"; to the Committee on Interstate and Foreign Commerce.

859. A letter from the Chairman, National Mediation Board, transmitting the 38th annual report of the Board, pursuant to 45 U.S.C. 154, together with the report of the National Railroad Adjustment Board, pursuant to 45 U.S.C. 153; to the Committee on Interstate and Foreign Commerce.

860. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the Act [8 U.S.C. 1182(d)(6)]; to the Committee on the Judiciary.

861. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended [8 U.S.C. 1254(c)(1)]; to the Committee on the Judiciary.

862. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 23, 1973, submitting a report, together with accompanying papers and an illustration, on Bayport Channel and Harbor, Fla., authorized by section 112 of the River and Harbor Act approved July 3, 1958; to the Committee on Public Works.

863. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 1, 1973, submitting a report, together with accompanying papers and an illustration, on Mills Creek, Fla., authorized by section 206 of the River and Harbor Act approved July 3, 1958; to the Committee on Public Works.

864. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 23, 1973, submitting a report, together with accompanying papers and illustrations, on Pond River Basin, Ky., requested by resolutions of the Committee on Public Works, U.S. Senate and House of Representatives, adopted May 28, 1966 and May 5, 1966, respectively; to the Committee on Public Works.

865. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the leasing of space to house activities of the National Oceanic and Atmospheric Administration in the Fort Lincoln Urban Renewal Area, Washington, D.C., pursuant to 40 U.S.C. 606; to the Committee on Public Works.

866. A letter from the Administrator of Veterans' Affairs, transmitting the 1972 annual report of the Veterans' Administration, pursuant to 38 U.S.C. 214; to the Committee on Veterans' Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

867. A letter from the Comptroller General of the United States, transmitting a report on problems in meeting military manpower needs in the all-volunteer force; to the Committee on Government Operations.

868. A letter from the Comptroller General of the United States, transmitting a report on ways to improve the effectiveness of rural business loan programs administered by the Farmers Home Administration, Department of Agriculture; to the Committee on Government Operations.

869. A letter from the Comptroller General of the United States, transmitting a report on the need for improved inspection and enforcement by the Department of Transportation in regulating the transportation of hazardous materials; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.R. 7447. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes; (Rept. No. 93-164). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 7445. A bill to amend the Renegotiation Act of 1951 to extend the act for 2 years; (Rept. No. 93-165). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. GRIFFITHS (for herself and Mr. SCHNEEBELI):

H.R. 7445. A bill to amend the Renegotiation Act of 1951 to extend the act for 2 years; to the Committee on Ways and Means.

By Mr. DONOHUE (for himself, Mr. MANN, Mr. DANIELSON, Ms. JORDAN, Mr. THORNTON, Mr. BUTLER, Mr. FISH, and Mr. MOORHEAD of California):

H.R. 7446. A bill to establish the American Revolution Bicentennial Administration, and for other purposes; to the Committee on the Judiciary.

By Mr. MAHON:

H.R. 7447. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. ADAMS (for himself, Mrs. BOGGS, Mr. WAGGONNER, Mr. LONG of Louisiana, Mr. BREAUX, Mr. MITCHELL of Maryland, Mr. HOGAN, Mr. BURTON, and Mr. YOUNG of Alaska):

H.R. 7448. A bill to provide for the continued operation of various Public Health Service hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself and Mr. KYROS):

H.R. 7449. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 7450. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

H.R. 7451. A bill to amend the Internal

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Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 7452. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 7453. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. BLACKBURN (for himself and Mr. PEPPER):

H.R. 7454. A bill to establish a national flood plain policy and to authorize the Secretary of the Interior, in cooperation with Federal agencies and the States, to encourage the dedication of the Nation's flood plains as natural floodways, to protect, conserve, and restore their natural functions and resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROWN of Ohio:

H.R. 7455. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

By Mr. BURLESON of Texas:

H.R. 7456. A bill to amend the Natural Gas Act to provide that, in fixing rates for the transportation of natural gas in interstate commerce or for the sale in interstate commerce of natural gas for resale, the Federal Power Commission shall reflect changes in the purchasing power of the dollar after December 31, 1972, in determining the utility plant and related reserve for depreciation components of rate base for natural gas pipeline companies; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELSON (for himself, Mrs. BOGGS, Mr. RAILSBACK, Mr. MAZZOLI, Mr. SEIBERLING, Mr. MCKAY, Mr. MATSUNAGA, Mr. PEPPER, Mr. HUNGATE, Mr. MEZVINSKY, Mr. CLAY, Mr. ROYBAL, Mr. ALEXANDER, Mr. MANN, Mr. GRAY, Mr. BURLISON of Missouri, Mr. SARBANES, Mr. PETTIS, and Mr. EILBERG):

H.R. 7457. A bill to create a Federal Disaster Insurance Corporation to insure the people of the United States against losses due to major natural disaster, and for other purposes; to the Committee on Banking and Currency.

By Mr. DELLUMS:

H.R. 7458. A bill to authorize a study of the feasibility and desirability of establishing a Channel Islands National Park in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. DENHOLM:

H.R. 7459. A bill to establish a special commission of inquiry to investigate alleged criminal irregular, or wrongful conduct in the presidential election campaign of 1972, and to publish recommendations and reports to safeguard the election process and procedures relating thereto; to the Committee on the Judiciary.

By Mr. DENT (for himself, Mr. EILBERG, Mr. ROONEY of Pennsylvania Mr. NIX, Mr. GAYDOS, Mr. YATRON and Mr. BURTON:)

H.R. 7460. A bill to require that a percentage of U.S. imports be carried on U.S. flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. DORN (by request):

H.R. 7461. A bill to provide for the conversion of Servicemen's Group Life Insurance to Veterans' Group Life Insurance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ERLENBORN (for himself, Mr. BIESTER, Mr. HANRAHAN, Mr. HARRINGTON, Mr. MURPHY of New York, Mr. PARRIS, Mr. RAILSBACK, Mr. RONCALLO of New York, and Mr. WON PAT):

H.R. 7462. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself, Mr. BIESTER, Mr. COUGHLIN, Mr. FOUNTAIN, Mr. HASTINGS, Mr. HEINZ, Mr. RONCALLO of New York, and Mr. UDALL):

H.R. 7463. A bill to amend the Freedom of Information Act to require that all information be made available to Congress except where Executive privilege is invoked; to the Committee on Government Operations.

By Mr. FRASER (for himself and Mr. ZABLOCKI):

H.R. 7464. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FULTON:

H.R. 7465. A bill to amend title 32, United States Code, to provide that Army and Air Force National Guard technicians shall not be required to wear the military uniform while performing their duties in a civilian status; to the Committee on Armed Services.

H.R. 7466. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the armed forces; to the Committee on Armed Services.

H.R. 7467. A bill to promote public health and welfare by expanding and improving the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7468. A bill to promote public health and welfare by expanding and improving the family planning services and population sciences research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 7469. A bill to authorize the Secretary of the Interior to conduct a study with respect to the feasibility of establishing the Bartram Trail as a national scenic trail; to the Committee on Interior and Insular Affairs.

By Mrs. HECKLER of Massachusetts:

H.R. 7470. A bill to increase the duty on rubber filament; to the Committee on Ways and Means.

H.R. 7471. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. HORTON (for himself, Mr. ERLENBORN, Mr. ANDERSON of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. HANSEN of Idaho, Mr. HEINZ, Mr. PARRIS, Mr. RIEGLE, Mr. ROONEY of Pennsylvania, Mr. RUPPE, and Mr. THOMPSON of New Jersey):

H.R. 7472. A bill to amend section 552 of title 5 of the United States Code to limit exemptions to disclosure of information, to establish a Freedom of Information Commission, and to further amend the Freedom of Information Act; to the Committee on Government Operations.

By Mr. HOSMER (for himself, Mr. ABDNOR, Mr. ADDABBO, Mr. BAFALIS, Mr. BRASCO, Mr. BUCHANAN, Mr. CARNEY of Ohio, Mr. CONYERS, Mr. CORMAN, Mr. DAVIS of South Carolina, Mr. DIGGS, Mr. ESCH, Mr. ESHLEMAN, Mr. GERALD R. FORD, Mr. FROEHLICH, Mrs. GRASSO, Mr. GROSS, Mr. HALEY, Mr. HINSHAW, Mr. HOWARD, Mr. JONES of North Carolina, Mr. LOTT, Mr. MATHIS of Georgia, Mr. MICHEL, and Mr. MCCLORY):

H.R. 7473. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER (for himself, Mr. NICHOLS, Mr. REGULA, Mr. ROBISON of New York, Mr. STUDDS, Mr. SPENCE, Mr. SLACK, Mr. SEIBERLING, Mr. STEELE, Mr. SYMMS, Mr. TEAGUE of Texas, Mr. THOMSON of Wisconsin, Mr. TREEN, Mr. BEVILL, Mr. WHITEHURST, Mr. PICKLE, Mr. ROUSSELOT, Mr. FASCELL, Mr. EDWARDS of Alabama, Mr. MIZELL, Ms. ABZUG, Mr. WALSH, and Mr. GAYDOS):

H.R. 7474. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE:

H.R. 7475. A bill relating to payments to producers for participation in the 1973 feed grain program; to the Committee on Agriculture.

By Mr. HUNT:

H.R. 7476. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other persons; to the Committee on Interstate and Foreign Commerce.

By Mr. JARMAN:

H.R. 7477. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KARTH:

H.R. 7478. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance; to the Committee on Interstate and Foreign Commerce.

H.R. 7479. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LEGGETT:

H.R. 7480. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

By Mr. LEHMAN:

H.R. 7481. A bill to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MACDONALD:

H.R. 7482. A bill to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar", and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MCCLORY (for himself and Mr. YOUNG of Illinois):

H.R. 7483. A bill to amend the National Flood Insurance Act of 1968 to extend coverage under the flood insurance program to include losses from the erosion and undermining of shorelines by waves or currents of water; to the Committee on Banking and Currency.

By Mr. MORGAN (by request):



H.R. 7484. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. TIERNAN, Mr. ST GERMAIN, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. DONOHUE, Mrs. HECKLER of Massachusetts, Mr. CRONIN, Mr. DRINAN, Mr. CONTE, Mr. STUDDS, Mr. MOAKLEY, Mr. MACDONALD, and Mr. HARRINGTON):

H.R. 7485. A bill to provide readjustment allowance, opportunities, early retirement benefits, health benefits, public service employment and job counseling and training opportunities, and relocation benefits to adversely affected workers separated from their employment because of defense installation and activity realinements; to the Committee on Education and Labor.

By Mr. O'NEILL (for himself, Mr. BURKE of Massachusetts, and Mr. MOAKLEY):

H.R. 7486. A bill to authorize the establishment of the Boston National Historical Park in the Commonwealth of Massachusetts; to the Committee on Interior and Insular Affairs.

By Mr. OWENS:

H.R. 7487. A bill requiring congressional authorization for the reinvolvement of American forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

By Mr. PATTEN:

H.R. 7488. A bill to extend the National Foundation on the Arts and the Humanities Act; to the Committee on Education and Labor.

By Mr. QUIE (for himself, Mr. ASHBROOK, Mr. ERLENBORN, Mr. DELLENBACK, Mr. HANSEN of Idaho, Mr. FORSYTHE, Mr. KEMP, and Mr. TOWELL of Nevada):

H.R. 7489. A bill to delete the termination date for title II of the Manpower Development and Training Act of 1962, as amended; to the Committee on Education and Labor.

By Mr. RODINO:

H.R. 7490. A bill to provide for the appointment of a special prosecutor to prosecute any offenses against the United States arising out of the "Watergate Affair"; to the Committee on the Judiciary.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mrs. BURKE of California, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DIGGS, Mr. EDWARDS of California, Mr. HARRINGTON, and Mr. HECHLER of West Virginia):

H.R. 7491. A bill to permit the advertising of drug prices and to require retailers of prescription drugs to post the prices of certain commonly prescribed drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. KOCH, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, and Mr. WON PAT):

H.R. 7492. A bill to permit the advertising of drug prices and to require retailers of prescription drugs to post the prices of certain commonly prescribed drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mrs. BURKE of California, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DIGGS, Mr. EDWARDS of California, and Mr. HARRINGTON):

H.R. 7493. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require that in the labeling and advertising of drugs sold by prescription the "established name" of such drug must appear each time their proprietary name is used, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. KOCH, Mr. LEHMAN, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. VEYSEY, Mr. WHITE, and Mr. WON PAT):

H.R. 7494. A bill to amend the Federal Food, Drug, and Cosmetic Act so as to require that in the labeling and advertising of drugs sold by prescription the "established name" of such drug must appear each time their proprietary name is used, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mr. BUCHANAN, Mrs. BURKE of California, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DIGGS, Mr. EDWARDS of California, Mr. HARRINGTON, and Mr. HAWKINS):

H.R. 7495. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KOCH, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STOKES, Mr. SYMINGTON, Mr. WHITE, Mr. WON PAT, and Mr. STARK):

H.R. 7496. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DIGGS, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. KOCH, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, and Mr. WON PAT):

H.R. 7497. A bill to amend title 35 of the United States Code to provide for compulsory licensing of prescription drug patents; to the Committee on the Judiciary.

By Mr. ROUSH (for himself, Mr. ANDERSON of Illinois, Mr. BINGHAM, Mr. BROWN of California, Mr. BUTLER, Mr. EILBERG, Mr. FORSYTHE, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. MELCHER, Mr. MIZELL, Mr. MOAKLEY, Mr. O'BRIEN, Mr. RHODES, Mr. RIEGLE, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. THONE, Mr. WHITEHURST, Mr. WON PAT, Mr. YOUNG of South Carolina, and Mrs. GREEN of Oregon):

H.R. 7498. A bill to amend title II of the Social Security Act to provide for voluntary agreements between ministers and their employers to treat ministers as employed persons; to the Committee on Ways and Means.

By Mr. ROUSSELOT:

H.R. 7499. A bill to amend the Par Value Modification Act, and to amend the Gold Reserve Act of 1934 to permit U.S. citizens to buy, hold, sell, and otherwise deal with gold; to the Committee on Banking and Currency.

By Mr. SAYLOR (for himself, Mr. DON H. CLAUSEN, and Mr. TEAGUE of California):

H.R. 7500. A bill to terminate, and to direct the Secretary of the Interior and Secretary of the Navy to take action with respect to certain leases issued pursuant to the Outer Continental Shelf Lands Act in the Santa Barbara Channel, offshore of the State of California; to explore Naval Petroleum Reserve No. 4, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR (for himself, Mr. HALEY, Mr. HOSMER, Mr. CAMP, Mr. TREEN, and Mr. UDALL):

H.R. 7501. A bill to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities; to the Committee on Interior and Insular Affairs.

By Mr. SHOUP:

H.R. 7502. A bill of establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of New York:

H.R. 7503. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 7504. A bill to provide for the appointment of a special prosecutor for offenses against the United States arising out of the 1972 Presidential campaign; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 7505. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7506. A bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. DEVINE) (by request):

H.R. 7507. A bill to amend the Natural Gas Act to extend its application to the direct sale of natural gas in interstate commerce, and to provide that provisions of the act shall not apply to certain sales in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON (for himself, Mr. JONES of North Carolina, Mr. BEVILL, Mr. HELSTOSKI, Mr. EILBERG, Mr. GROVER, Mr. WON PAT, Mr. STARK, Mr. WRIGHT, Mr. LEHMAN, Mrs. CHISHOLM, Mr. PARRIS, Mr. PREYER, Mr. MOAKLEY, Mr. BROWN of California Mr. CORMAN, and Mr. DE LUGO):

H.R. 7508. A bill to protect the public health and safety by assisting local fire protection districts and departments maintain and improve their firefighting and rescue operations; to the Committee on Science and Astronautics.

By Mr. TALCOTT:

H.R. 7509. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

H.R. 7510. A bill to amend the National Labor Relations Act to require a vote by employees who are on strike, and for other purposes; to the Committee on Education and Labor.

H.R. 7511. A bill to amend title I of Public Law 874, 81st Congress, to provide financial assistance to local educational agencies for the education of children of migrant agricultural employees; to the Committee on Education and Labor.

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H.R. 7512. A bill to establish a universal food service and nutrition education program for children; to the Committee on Education and Labor.

H.R. 7513. A bill the Consumer Agricultural Protection Act of 1973; to the Committee on Education and Labor.

H.R. 7514. A bill to designate certain lands in San Luis Obispo County, Calif., as the Lopez Canyon Wilderness, and to establish the Lopez Canyon Scenic Area; to the Committee on Interior and Insular Affairs.

H.R. 7515. A bill to amend the act of June 15, 1912, to permit an exchange of lands in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 7516. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 7517. A bill to amend titles 37 and 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's group life insurance for such members and certain members of the Retired Reserve up to age 60, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 7518. A bill to authorize the distribution of a portion of the Federal tax revenue to the States for elementary and secondary education purposes; to the Committee on Ways and Means.

H.R. 7519. A bill to require imported foodstuffs to meet standards required by the Federal Government for domestic foodstuffs; to the Committee on Ways and Means.

H.R. 7520. A bill to amend section 213 of the Internal Revenue Code of 1954 to provide that certain expenses of child adoption shall be treated as medical expenses; to the Committee on Ways and Means.

H.R. 7521. A bill to amend the Internal Revenue Code of 1954 to restore the provisions permitting the deduction, without regard to the 3-percent and 1-percent floors, of medical expenses incurred for the care of individuals 65 years of age and over; to the Committee on Ways and Means.

H.R. 7522. A bill to amend the Internal Revenue Code of 1954 to extend the head of household benefits to unremarried widows and widowers, and individuals who have attained age 35 and who have never been married or who have been separated or divorced for 1 year or more, who maintain their own households; to the Committee on Ways and Means.

H.R. 7523. A bill to amend title II of the Social Security Act to provide that an individual who in any month is eligible for a disability determination or for disability insurance benefits but does not file application therefor within the specified time may nevertheless (upon subsequently filing application) obtain such determination or become entitled to such a benefit, regardless of the length of time which has elapsed, if he was theretofore incapable of executing the application by reason of a physical or mental condition; to the Committee on Ways and Means.

H.R. 7524. A bill to impose import limitations on prepared or preserved strawberries and paste and pulp of strawberries; to the Committee on Ways and Means.

H.R. 7525. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

H.R. 7526. A bill to amend the Internal Revenue Code of 1954 to authorize a deduction from gross income for certain contributions to the support of an aged parent or divorced mother who is not gainfully employed; to the Committee on Ways and Means.

H.R. 7527. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of advanced education (including certain limited travel) undertaken by them, and to provide a uniform method of providing entitlement to such deduction; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself and Mr. MOSHER):

H.R. 7528. A bill to authorize appropriations to the National Aeronautics and Space Administraiton for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. TOWELL of Nevada:

H.R. 7529. A bill to assure the imposition of appropriate penalties for persons convicted of offenses involving heroin or morphine, to provide emergency procedures to govern the pretrial and posttrial release of persons charged with offenses involving heroin or morphine, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7530. A bill to promote the employment of unemployed Vietnam veterans; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 7531. A bill to amend the Internal Revenue Code of 1954 to provide for a tax on every new automobile with respect to its fuel consumption rate, to provide for public disclosure of the fuel consumption rate of every new automobile, and for other purposes; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 7532. A bill to amend laws relating to the Federal National Mortgage Association; to the Committee on Banking and Currency.

By Mr. FRASER:

H.J. Res. 539. Joint resolution relating to nationwide gasoline and oil shortages; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself, Mr. BADILLO, Mr. CAREY of New York, Mr. CONYERS, Mr. DE LUGO, Mr. DUNCAN, Mr. MITCHELL of Maryland, Mr. MOAKLEY, and Mr. WON PAT):

H.J. Res. 540. Joint resolution proposing an amendment to the Constitution of the United States to require each State to provide its citizens with an opportunity for elementary and secondary education; to the Committee on the Judiciary.

By Mr. KEMP:

H.J. Res. 541. Joint resolution to appoint a special prosecutor; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. FOUNTAIN, Mr. FRASER, Mr. BINGHAM, Mr. FASCELL, Mr. DAVIS of Georgia, Mr. CHARLES WILSON of Texas, Mr. FINDLEY, Mr. DU PONT, Mr. BIESTER, Mr. NIX, Mr. BROOMFIELD, Mr. PEPPER, Mr. HAYS, and Mr. HOLIFIELD):

H.J. Res. 542. Joint resolution concerning the war powers of Congress and the President; to the Committee on Foreign Affairs.

By Mr. KEMP:

H. Con. Res. 211. Concurrent resolution expressing the sense of Congress that U.S. Route 219 should be designated as part of the Interstate System; to the Committee on Public Works.

H. Con. Res. 212. Concurrent resolution to establish a select joint committee to review Federal campaign spending law and make recommendations to Congress for such legislation as it deems appropriate; to the Committee on Rules.

By Mr. EDWARDS of Alabama:

H. Res. 375. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. FUQUA (for himself and Mr. FASCELL):

H. Res. 376. Resolution expressing the sense of the House that a special prosecutor be appointed; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H. Res. 377. Resolution to appoint a special prosecutor; to the Committee on the Judiciary.

By Mr. KOCH:

H. Res. 378. Resolution to appoint a special prosecutor; to the Committee on the Judiciary.

By Mr. LEGGETT (for himself, Mr. BADILLO, Mr. FRASER, Mrs. BURKE of California, Mr. RODINO, Mr. REES, Mr. COTTER, Mr. WALDIE, Mr. DRINAN, Mr. ROSENTHAL, Mrs. CHISHOLM, Mr. DANIELSON, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. BROWN of California, and Mr. BURTON):

H. Res. 379. Resolution directing the Secretary of Defense to furnish certain information; to the Committee on Armed Services.

By Mr. PEPPER (for himself and Mr. RANGEL):

H. Res. 380. Resolution to establish a select committee of the House of Representatives to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it; to the Committee on Rules.

H. Res. 381. Resolution requesting the President to appoint a special prosecutor with respect to offenses related to the Presidential campaign of 1972 from among three individuals to be named by the President of the American Bar Association; to the Committee on the Judiciary.

By Mr. WALDIE:

H. Res. 382. Resolution disapproving Reorganization Plan No. 2; to the Committee on Government Operations.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

182. By the SPEAKER: A memorial of the House of Representatives of the State of Florida, relative to faith in the honesty and integrity of the Vietnam prisoners of war; to the Committee on Armed Services.

183. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the Education for All Handicapped Children Act; to the Committee on Education and Labor.

184. Also, memorial of the Legislature of the State of Colorado, relative to water rights; to the Committee on Interior and Insular Affairs.

185. Also, memorial of the Legislature of the State of Colorado, relative to the use of diethylstilbestrol (DES) in cattle and sheep; to the Committee on Interstate and Foreign Commerce.

186. Also, memorial of the Legislature of the State of Oklahoma, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States concerning the assignment of students to public schools; to the Committee on the Judiciary.

187. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to Federal financial assistance for the Veterans' Service program; to the Committee on Veterans' Affairs.

188. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to Veterans' Administration pension payments; to the Committee on Veterans' Affairs.

189. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the importation of shoes and the exportation of cattle hides; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FULTON:

H.R. 7533. A bill for the relief of Charles R. Davis, Glena R. Faris, James E. Lampley, Rubin Leskoff, Joseph R. Loller, Barry M. Murphy, Claude T. Pearce, William V. Pippin, Wesley Richards, Robert D. Ridley, and Berry E. Skinner; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 7534. A bill for the relief of Col. John H. Awtry; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 7535. A bill for the relief of Faustino Murgia-Melendrez; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

200. By the SPEAKER: Petition of the city council, Wasco, Calif., relative to an amendment to the Constitution of the United States dealing with the assignment of students to public schools; to the Committee on the Judiciary.

201. Also, petition of James Forbes and others, Philadelphia, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

202. Also, petition of Clarence W. Walker, Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

203. Also, petition of the city council, Los Angeles, Calif., relative to Federal revenue sharing; to the Committee on Ways and Means.

204. Also, petition of the County Legislature, Monroe County, N.Y., relative to allowing State departments of social services access to Federal income tax records; to the Committee on Ways and Means.



# EXTENSIONS OF REMARKS

## MACHINIST MATE SENIOR CHIEF RAYMOND B. HOOD, RECRUITER OF THE YEAR

### HON. MENDEL J. DAVIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. DAVIS of South Carolina. Mr. Speaker, at a time when the armed services of the United States are coming in for much criticism and lack of public support, the accomplishments of one of my constituents in the First Congressional District of South Carolina should stand as a good example of the high caliber of performance turned in by the overwhelming majority of our servicemen.

I am speaking today of Machinist Mate Senior Chief Raymond B. Hood, the recruiter in charge of the U.S. Navy Recruiting Branch Station at Charleston, S.C. Chief Hood has recently been named "Recruiter of the Year" for the Columbia District and will now be eligible for the title of Navy "Recruiter of the Year" in South Carolina.

Chief Hood enlisted in the U.S. Navy in 1954 and has served on several destroyers and for the last 12 years has been in the submarine service on nuclear-powered submarines. He reported for recruiting duty in Charleston in 1970.

Since reporting aboard the recruiting station, the Charleston recruiting branch station has been named "Station of the Year" for fiscal years 1970, 1971, and 1972.

In June 1972, the Charleston Recruiting Branch Station enlisted an all-city recruit company, known as the "Charleston Company," which was very successful during recruit training. While at recruit training, the "Charleston Company" carried the city of Charleston flag as its company colors, and upon graduation, it was selected as honor company of the recruit brigade. The city of Charleston, because of the exploits of the "Charleston Company," received much favorable publicity across the Nation.

Chief Hood was instrumental in the enlistment of members of the "Charleston Company" and received a letter of commendation from the Third Recruiting Area Director for his diligent work in this task.

In May 1970, Chief Hood helped the Navy League Chapter in Charleston provide the coordinate transportation for the Navy League's national convention. For his support, Chief Hood received a letter of appreciation from Rear Adm. Herman J. Kossler, Commandant of the Sixth Naval District, and a letter of appreciation from the Navy League Chapter.

A Navy recruiter's task is not simply to enlist young men and women in the service. He must also take an active part in the affairs of his community, and Chief Hood has an admirable record in this respect.

He has visited high schools all over his recruiting area urging young people to stay in school and complete their education before starting out in their careers. He has also been very active in the youth programs of the James Island area of Charleston County, where he lives, coaching football for 3 years and assisting with baseball for 4 years. He has also worked with the Boy Scouts.

A native of Edgefield, S.C., Chief Hood is married to the former Rosa L. Wilson of Johnston, S.C., and they have three children: Kenneth, 12; Lori, 10; and Patti, 7.

Chief Hood, in my opinion, is the personification of the kind of servicemen we have in our Armed Forces today and the type person we hope to attract to them in the future. His record of accomplishment speaks for itself, but I wish to add the observation that he is highly deserving of the honor bestowed upon him and certainly deserving of any honors the Navy might bestow in the future.

The Navy certainly could find no better representative of its high standards and devotion to duty than Chief Raymond B. Hood.

## THE OHIO CREDIT UNION LEAGUE REAFFIRMS SUPPORT OF H.R. 7

### HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. PATMAN. Mr. Speaker, this past weekend it was my privilege to address the annual meeting of the Ohio Credit Union League at Columbus.

The meeting was one of the largest credit union affairs that I have attended and was one of the best run.

My remarks to the meeting concerned mainly H.R. 7, the so-called credit union bank bill. This is legislation that I have introduced along with other Members of the Congress that would establish a banking facility for credit unions similar to that operated by the Federal Reserve System and the Federal Home Loan Bank Board. It is much-needed legislation so that credit unions in times of tight money situations will not have to depend on outside sources to obtain funds.

It was most gratifying to me that following my speech the Ohio Credit Union League voted 223 to 81 to ratify its board of directors' position in favor of the legislation adopted last February.

Mr. Speaker, credit unions are one of the most democratic organizations in our country. This fact was reaffirmed last weekend in Ohio. The credit union bank bill is one of the most important pieces of legislation ever to effect credit unions, and because of this, the Ohio Credit Union League spent a great deal of time adopting its position on the legislation. In fact, more time was spent discussing H.R. 7 than on any other piece of legislation brought before the meeting. In some organizations the leadership merely tells its membership what it wants and the membership rubber stamps the leadership's position. However, in credit union organizations this is not the case, and, in fact, it is the general membership that adopts the positions rather than the leadership.

During the next few months other credit union leagues across the country will be holding their annual meetings and will also consider action on H.R. 7.

These leagues will be contacting their congressional delegations following their votes in order to keep their representatives advised of their positions. Because many members of the House will be contacted by the credit unions, I am including in my remarks for the daily CONGRESSIONAL RECORD a copy of my speech made to the Ohio Credit Union League so that members will be able to gain a better understanding of the pro-

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visions of H.R. 7. Any credit union desiring a copy of the entire speech may have it—with my compliments—upon request made to me at 2328 Rayburn House Office Building, Washington, D.C. 20515.

## THE CONSTITUTIONALITY OF PRESIDENTIAL IMPOUNDMENTS

### HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. ECKHARDT. Mr. Speaker, the question of the constitutionality of Presidential impoundment of congressionally appropriated funds is uppermost in the minds of Members of this body. Several pieces of legislation designed to carefully limit the use of impoundment by the President have been introduced for consideration by the 93d Congress and the House Rules Committee has conducted hearings on the subject.

Prof. Charles Black of Yale Law School, a noted constitutional scholar, recently commented on Presidential impoundments in a letter to the editor of the New York Times. I feel his letter will be of interest to all of my colleagues who are concerned with this problem:

". . . THAT THE LAWS BE FAITHFULLY EXECUTED"

To the Editor:

Our Constitution has worked so well because it is flexible, even imprecise, in its designation and allotting of power among the branches of government. But flexibility cannot be a source of strength in the absence of good-faith obedience to the spirit of the constitutional plan. There is, for example, nothing in the letter of the Constitution which could even arguably prevent Congress from refusing to appropriate one dollar for the expenses of the executive branch; the President is not constitutionally entitled to so much as one social secretary.

Yet all must agree that a Congress that treated the executive in this way would be violating the spirit of an instrument that very plainly intended to make of the Presidency an office of dignity and independence.

In crippling and destroying lawfully enacted programs, by the "impounding" of funds, the President may not be violating the letter of the Constitution. I am not sure even of this; if, for example, the President "impounded" all funds for running the Customs Service, including all salaries of necessary personnel, I think he probably would be in literal violation of his obligation to execute the laws, and I see little ground for thinking the same reasoning does not apply to the execution of those laws aiming at the attainment of distributive justice for the poor, rather than at the protection of industry.

But I am sure that when the President, by this device of "impoundment," moves to frustrate in great part, or to bring to nothing, the operation of laws deliberately enacted by Congress, he is in flagrant and open violation of the spirit of the constitutional allocation of powers, and of his own stated obligation, the one central to his office, to "take care that the Laws be faithfully executed." Literally executed? Executed in a manner "perfectly legal"? Maybe so, though I doubt it. But "faithfully"?

CHARLES L. BLACK, JR.,
*Luce Professor of Jurisprudence.*

## SURVEY SHOWS POSTAL SERVICE IMPROVEMENT IN AUBURN

### HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. WALSH. Mr. Speaker, I was pleased to note a news item which appeared in the Citizen-Advertiser newspaper in Auburn, N.Y., on April 19. The article contained the results of a survey and test recently conducted by Auburn Postmaster Carmelo Signorelli. The survey showed service to be good, specifically citing 2-day service to California and Arizona and overnight service to Auburn and nearby towns.

I am very pleased to note that the efforts put forth by Postmaster General Klassen and the postal employees in my district in recent weeks have resulted in service improvements. I am hopeful we may witness further improvements in mail service in the future.

In order to share the results of this survey with my colleagues, I would like to include it in the RECORD:

POSTAL SERVICE SURVEY

"Mail service has either improved tremendously over the past several weeks or it was never as bad as some had claimed. This is the only conclusion that we can draw from a survey conducted by the Auburn Post Office, according to Postmaster Carmelo Signorelli, who reports on a survey he conducted.

"The survey was prompted by a similar test recently conducted by The Citizen-Advertiser. We decided to conduct a more comprehensive test, one which would give a more complete picture of the quality of today's mail service.

"One hundred test letters were mailed over the two-week period of March 28 to April 10, which included the busy first of the month mailing period. The results from these mailings proved to be excellent. From having close contact with the mails daily, we knew that service was good, but the results surpassed even our expectations. Who can quarrel with two-day service to California and Arizona; and consistent next day service to Auburn and nearby towns?

"In conducting this survey, every effort was made to keep it completely objective. All test letters were mailed in plain white stamped envelopes with nothing to distinguish them from regular mail. All of the letters were sent by first class mail—none by airmail. The letters were mailed in various letter boxes throughout the city and at different times of day. Letters addressed to Auburn were deposited both in 'Auburn' and 'Mixed' boxes.

"The employees of the Auburn Post Office were unaware of the test and all mail operations were carried on in the normal manner.

"Of the 100 letters mailed, all zip coded, 40 were sent to Auburn addresses. Of these, 30 were sent to names taken at random from the Auburn telephone directory and 10 were sent to business firms. Twenty letters were sent to nearby towns with addresses again taken, for the most part, from the telephone directory. The remaining 40 letters were sent to newspapers throughout the United States.

"Of the 40 letters sent to Auburn addresses, replies were received from 37 and all indicated delivery on the day after mailing. Replies were received from 13 of the letters mailed to nearby towns and, again, all were received the next day. The towns were Cayuga, Weedsport, Port Byron, Union Springs, Camillus, Seneca Falls, King Ferry, Scipio Center, Locke, Ithaca, Oswego, Cortland and Geneva.

"Replies were received from all 40 letters which were mailed nationwide and the results are listed below. While a few soft spots did appear, service was generally very good:

Akron, Ohio, 2 days.
Albany, N.Y., 1 day.
Albuquerque, N.M., 3 days.
Allentown, Pa., 2 days.
Augusta, Ga., 2 days.
Austin, Tex., 3 days.
Baltimore, Md., 1 day.
Baton Rouge, La., 3 days.
Billings, Mont., 3 days.
Binghampton, N.Y., 2 days.
Birmingham, Ala., 3 days.
Bloomington, Ill., 2 days.
Boise, Idaho, 3 days.
Boston, Mass., 2 days.
Buffalo, N.Y., 1 day.
Charleston, W. Va., 2 days.
Charlotte, N.C., 3 days.
Chicago, Ill., 2 days.
Cleveland, Ohio, 2 days.
Denver, Colo., 2 days.
Des Moines, Iowa, 4 days.
Detroit, Mich., 2 days.
Evansville, Ind., 2 days.
Honolulu, Hawaii, 4 days.
Jacksonville, Fla., 3 days.
Kansas City, Mo., 2 days.
Memphis, Tenn., 2 days.
Milwaukee, Wis., 2 days.
New York, N.Y., 2 days.
Portland, Maine, 2 days.
Phoenix, Ariz., 2 days.
Rochester, N.Y., 1 day.
Sacramento, Calif., 2 days.
St. Petersburg, Fla., 3 days.
San Francisco, Calif., 2 days.
San Juan, Puerto Rico, 7 days.
Seattle, Wash., 3 days.
Syracuse, N.Y., 1 day.
Washington, D.C., 3 days.

"Poor service? You wouldn't know it from these results. Some of these cities are now receiving the fastest service ever.

"The truth is that the quality of mail service is improving month by month. And while there is an occasional delayed letter (no industry operates with 100 per cent perfection), the trend is definitely toward a level of service never before attained. This improvement is made possible by mechanization, fast transportation, new techniques and employee know-how.

## RISING LUMBER COSTS

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. HUNT. Mr. Speaker, people in southern New Jersey and nationwide, are alarmed over prices in general, and over the rapidly rising cost of a new home in particular. With skyrocketing lumber prices, builders are taking a realistic and honest approach in their dealings with new homebuyers, but these same builders are becoming somewhat fed up with being cast in the role of villains, due to a situation over which they have very little control.

Action was called for, and, in a coordinated effort, a delegation from the Home Builders League of South Jersey joined some 1,500 other builders from all over the country in a "lumber crisis conference" in Washington on March 22. Some of the members met with me that day and I must say we had a most meaningful discussion. I told them then that I would continue to explore possible solutions at the Federal level.

Specific points of our discussion were: The problem created by Japanese buyers paying two and three times the normal rate for logs, thus diverting more and more timber away from the domestic market, and the minimal effect that controls would have on balance of trade; the greatly increased number of housing starts needed to meet housing demands; and emphasis on the quarter billion dollar piece of south Jersey's economy supported by the building industry in Gloucester, Camden, and Burlington Counties alone.

The group representing the Home Builders League of South Jersey indicated, if the present trend continues, that they foresee an increase in the prices for lumber and wood products in the average home of up to $3,000 in the next few months. They also pointed out that projected figures are just that, and without some control the situation could become even worse.

Framing lumber—west coast mill price—has increased in price 74 percent since November 1971. Plywood sheathing has increased in price at an even more alarming rate, up by 84.2 percent over the same period.

During this time, the index for other industrial commodities increased by only 5.6 percent—plumbing fixtures and brass fittings increased 2.8 percent, concrete ingredients by only 3.9 percent, and asphalt roofing showed no change.

Obviously the villain is not the builder, but the spiraling prices for lumber and wood products—costs that could price homes out of reach for those who need them most—people with moderate or low incomes.

South Jersey Home Builders have joined with the National Association of Home Builders in a number of recommendations. First, all log and lumber exports should be temporarily embargoed until the domestic crisis is resolved. An embargo could be effected by amendment in Congress to pertinent legislation. Second, a full scale investigation by Congress of the entire sales, pricing, and distribution system for lumber, covering auction in the Federal forests, allocation of log sales, and limitations on the time permitted for cutting. Third, upon completion of the investigation, Congress should make recommendations and enact legislation to correct distortions and such practices which unreasonably add to the price of lumber and wood. These recommendations, along with greatly improved programs of cutting and replanting in Federal forests, would begin to stabilize what is fast becoming an uncontrolled situation.

According to the builders, future planning is necessary, but they continue to be deeply concerned about the more immediate need for controls, which would enable homebuilders to project costs realistically and continue to offer homes for sale at prices within the reach of those who need them most.



## SPRINGFIELD, MASS., HOMECOMING CEREMONY FOR VIETNAM POW RETURNEES NAVY LT. TIMOTHY B. SULLIVAN AND AIR FORCE CAPT. ROBERT B. HINCKLEY

### HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. BOLAND. Mr. Speaker, on April 27, 1973, the citizens of the city of Springfield, Mass., joined together in a most moving homecoming ceremony to commemorate the return of two former prisoners of war: Navy Lt. Timothy B. Sullivan, and Air Force Capt. Robert B. Hinckley.

The Vietnam war has been a distressing experience for our Nation, but I believe that the return of our prisoners of war has given the American people cause for jubilation.

At this point I enter the remarks of those who took part in the ceremony: Mayor William Sullivan, Lieutenant Sullivan, Captain Hinckley, the Reverend Emerson Wesley Smith, executive director of the Greater Springfield Council of Churches, and my own.

REMARKS OF MAYOR SULLIVAN

Today, as we honor two of our returned prisoners of war—I am certain they share the same mixed emotions with which I view our ceremonies today . . . that as we honor the living heroes of Vietnam, we also honor and cherish the memories of the dead and still missing.

It goes without saying that I am proud to be the mayor of Springfield at a time like this, when I can welcome home on behalf of the city two of our heroic young men from Springfield who have been subjected to so much on behalf of us all.

I am extremely pleased that these brave Springfield men are back with their loved ones at last after so many years of absence and so much uncertainty—and that Lt. Sullivan and Capt. Hinckley will have the opportunity to continue their lives once again after a harrowing experience which few of us could endure.

Yet there are others who did not return—whose families prayed and experienced the same uncertainty and anxiety . . . and finally the knowledge and the grief.

These are the men whose families are on the rostrum with us today because they themselves cannot be here.

And so it is we must stand here this morning with mixed emotions. We rejoice with Lt. Sullivan and Capt. Hinckley that they survived some of the most difficult experiences man can be called upon to face—but they did survive and they are here with us today.

And we sympathize in their grief with the families of those men who went to Vietnam because their country asked them to go—and they did not come back.

We are also honoring with our program today all those men of Springfield who were called and who volunteered for duty in Southeast Asia, and who served with honor and to return again to civilian life or to pursue military careers. The men and women we are honoring today did not shirk their responsibilities. They would much rather have been in different places at different times, but their country called, and they responded.

The future of any country—of any community—rests on the shoulders of those who can be relied upon to assume the burdens of responsibility when called upon to do so.

These men responded!

So we view our ceremony today with mixed emotions.

We share the grief of those Springfield families whose loved ones did not return.

We salute those men and women of Springfield who served with distinction during the long years of hostilities, and returned to peacetime activities.

And we welcome back those returned prisoners of war—represented by Capt. Hinckley and Lt. Sullivan—who accepted the responsibilities of American military men, who endured hardships rarely experienced throughout history, who have survived and returned to their families and to us.

We in Springfield owe these men and others like them a debt we can never repay. But perhaps this ceremony—our gathering here together—will show some small measure of our thanks—and symbolize somewhat the great feeling and emotion which all of us will forever carry in our hearts for them.

Welcome home!

REMARKS OF CAPTAIN HINCKLEY

It is so good to be home. To be free again. I want to thank everyone for the very warm welcome and all of your efforts on our behalf through the long years. I want to tell you how proud I am of my wife and family for their courage and long suffering devotion. And my heart is especially with the families of those men who will not return, whose status is still unknown. I want the families to know that their husbands and sons and brothers have not sacrificed their lives in vain. I have lived inside of Communist North Vietnam and I can tell you that their system is evil. It is an evil malignancy and it must be challenged wherever it spreads.

Jane Fonda was duped as were many other Americans by a system of insidious lies. Ho Chi Minh once said that the truth is what is good for North Vietnam. America does not want that kind of truth.

Let us safeguard those freedoms that we have worked so hard to attain wherever and whenever they are threatened.

Thank you.

REMARKS OF LIEUTENANT SULLIVAN

I'd like to say thank you and that is probably the best way I can say it. It's great to be back. This was a good place when I left, it looks even better now. I drove around last night, took a look and I couldn't believe it.

You've really made some progress, with all the changes and improvements. And when I look at what has happened it gives me a feeling of pride and pleasure in having served my country. I hope that my small sacrifice made some of this possible.

Thank you.

REMARKS OF HON. EDWARD P. BOLAND

This city officially pauses, for a moment today, to pay tribute to its returned prisoners of war, to honor the families of those who gave their lives, to remember and to pray for the missing in action, and to salute, all from the city, who served in the Vietnam war.

I am sure that this event cannot equate the sacrifices that all have made.

I know, too, that any words of mine, are simply futile, to give adequate expression, to the gratitude, that this city, and this Nation owes, to all who are cited here today.

But it is good, and it is right that Springfield does so!

It sorrows, as it recalls those, who gave the last full measure of their lives, to their country.

It bows in reverence to the missing in action.

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It thanks all who served.

And Springfield rejoices, with so many other communities across our land, in the safe return of the prisoners of war.

Few will dispute the remarkable, incredible, magnificent demeanor of those who, in a real sense, have returned from a living hell to the real world.

You catch their feelings in their looks and by their words.

The hell they lived through, no man knows—only they and they alone!

For both Lieutenant Sullivan and Captain Hinckley it was more than 5 years. Waiting it out must have been an eternity for them, as it was, too, for their loved ones back home.

It is difficult to understand why their spirit was not bent and broken—how they kept their sanity—and why death itself did not overtake them.

You will find the answer in their upbringing, their background, their self discipline. Both were imbued with a love and faith in their God. From childhood, through high school, through college, both practiced their religions—one Catholic, the other Protestant—with devotion and love.

(With this strength, they fought to survive and to live. And they did!)

You will find the answer, too, in the kind of mothers and dads they have—in their faith and their devotion to their Creator—and the ideals they imparted to their children to guide them through their most difficult times.

Permit me a personal note. Bernie and Anne Sullivan, Lieutenant Sullivan's parents, attend Our Lady of Hope Church, as I do. For more than 5 years, I have seen them, oh, so often, quietly, patiently, without ostentation, petitioning the Almighty, to answer their prayers for the safety and return of their son. I know that everyone in that great parish joined them in their petitions.

I know, too, that the Hinckley's did likewise.

And because their prayers have been answered, Tim and Bob are today, walking on the streets and in the neighborhoods, with their friends of yesteryears.

Bitterness, recrimination do not follow them.

They speak, in the same tone, and the same words, as their fellow prisoners of war throughout the Nation. . . .

I've read Lieutenant Sullivan's interview with the press.

Because his remarks were so natural and so right, they deserve repeating here.

On the war critics, and derogators of the prisoners of war—"It's a free country." On freedom, "A lot of people have trouble realizing what they have, until they lose it."

These men know, better and more, than any of us, what freedom really means. They know, that freedom is, what our country, and our Constitution, is all about.

No one will deny that this country has had its triumphs and its tragedies—its glories and its shames—and it will always be thus. For it is not a perfect society but it is the best that civilization has ever offered mankind.

Despite the shadow of Vietnam—a war, more frustrating, more difficult to understand than any we have ever fought—and despite the homespun and man-made shadows that now shade our land, our people can rise to meet the challenges that confront us. We can do so, if we emulate the faith, determination, and confidence, that sustained Lieutenant Sullivan and Captain Hinckley in their hours of agony.

This community will not long remember what I say here. My plea, is, that it will never forget, what sacrifices were made by those who are honored here.

Today we cover them with the praise of a grateful community. Too often, too soon the music and the words that have moved us, fade into the forgotten past.

For our part, let us resolve that this will not come to pass in this great city.

PRAYER

(By The Reverend Emerson Wesley Smith, Exec. Director Council of Churches of Greater Springfield)

O God, Our Heavenly Father, it is with glad hearts that we declare our gratitude for the safe return of our prisoners of war. We are grateful for their service and sacrifice, and we praise them to you.

May they never again have to endure such risk and peril for our security here at home. May the example of their faithful service continue to be an inspiration to us to be citizens committed to community betterment.

Our Father God, we likewise honor those in the uniform of their country who gave their fullest measure of service and did not return. Let their sacrifice never dim in our memories.

Only, O Father in Heaven, as we here at home respond in service to country and community, can we bring lasting honor to those who have served and suffered in far-off lands. Therefore, O Lord of us all, whatever may be our faith or religious tradition, make every one of us the kind of "citizen-soldier" who is loyal to the nation, who is disciplined in service, who is resolute in actions to achieve the great victories of peace and justice. Amen.

## ANNA THOMAS TO RECEIVE GOLDEN DEED AWARD

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. McCLORY. Mr. Speaker, word has reached me that the Waukegan Exchange Club plans to present its Golden Deed Award for 1973 to my distinguished constituent, Mrs. Ann Perry Thomas.

Mr. Speaker, this decision of the Waukegan Exchange Club is one that deserves broad public notice. This honor is recognition of Anna Thomas' great inspiration and many contributions to the community she serves and the Nation to which she is so deeply devoted.

Mr. Speaker, as the founder and principal administrative head of Happy Day Nursery, Anna Thomas has demonstrated her leadership for the benefit of small children and their families. While many of these beneficiaries might be popularly described as "disadvantaged," I would contend—on the contrary—that those youngsters cared for and nutured by Anna Thomas and her staff at Happy Day Nursery have received special advantages, and have been peculiarly blessed.

Mr. Speaker, in addition to her leadership role in behalf of small children, Anna Thomas has championed the rights of women and has directed her attention toward the interests of older Americans.

Mr. Speaker, in all of these areas she has relied upon her own broad experiences and upon a spiritual strength that enables her to perform far more than the average citizen.

Mr. Speaker, Anna Thomas' philosophy is in every real sense a religion. Her high principles and her unflagging reliance upon divine support for the attainment of her objectives are translated into actions which she avers are on behalf of "one Father and one people."

Mr. Speaker, Anna Thomas is a great American according to any standard we might apply. As the 1973 recipient of the Waukegan Exchange Club's Golden Deed Award, I can think of no better choice nor a more representative individual to be publicly honored than this noble woman.

I call my colleagues' attention to this cherished constituent. I am sure that all of the Members of this House of Representatives wish to join in honoring the Waukegan Exchange Club's recipient of the Golden Deed Award for 1973—Anna Perry Thomas.

## CABLE CAR CENTENNIAL YEAR

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. STARK. Mr. Speaker, this year, 1973, has been declared the Cable Car Centennial Year in honor of the 100th birthday of the San Francisco cable car. I introduced the following statement into the record of the Consumer Affairs Subcommittee so that commemorative medals might be struck by the U.S. mint in honor of the occasion:

Madame Chairman and fellow committee members, I am today asking your consideration of H.R. 7358, a bill to authorize the minting of commemorative medals for the Centennial of the San Francisco Cable Car.

The cable car invented by Andrew S. Hallidie, a resident of San Francisco, heralded a new age of rapid transportation in the United States. The first cars successfully negotiated the hilly streets of San Francisco in August, 1873, and the invention rapidly spread to many cities throughout the country. The cars brought the far corners of the city closer together and were responsible for the growth and development of remote, outlying neighborhoods.

Other cities took note of the achievements of this transportation system and within a few years Chicago, then Philadelphia, Kansas City, Cincinnati, New York and twenty-two other cities had functioning cable car systems. Only San Francisco's cable cars remain.

In 1964, the San Francisco cable cars were declared a National Historic Landmark by the National Park Service. They are, today, the only remaining street railway system in the world. In due recognition of their one-hundredth anniversary, the city proclaimed this year, 1973, the "Cable Car Centennial Year". The commemorative medals, a major part of the celebration, would be produced at the San Francisco Mint, also one hundred years old. This building has been restored to its original beauty and is now being honored in conjunction with the cable cars. It stands just one block from the cable car turntable and the memorial Andrew S. Hallidie plaza.

As provided for in this bill, the minting of the medals would be at no cost whatsoever to the United States Government or the Treasury. Please note that Section 2 provides that ". . . the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs."

The San Francisco cable cars are a warm, charming, and yet vital and functioning piece of the American heritage. These cars were the first and the last of one of the most innovative transportation systems the world has seen. The San Francisco cars have become a symbol throughout the world of the American spirit of invention and progress, much as the Model T Ford was another great first in transportation.

The member of the Committee should note that the U.S. Postal Service printed a postcard depicting famous American landmarks. On it were the Statute of Liberty, the Hawaiian coastline, the Alaskan mountains and the Cable Car, beginning its descent down one of San Francisco's renowned hills, similarly, the Post Office issued a commemorative stamp of the cable car.

These landmarks, then, are more than of local significance. In fact, they are American trademarks recognized throughout the world. These are the images conjured by people all around the world of the United States, much as the windmill is to Holland and the red double-decker bus is to London.

Mrs. Mary Brooks, Director of the Mint, has stated before this Committee that medals of "national significance" may be struck by the U.S. Mint. To be considered of national character, Mrs. Brooks testified, "The medal should have significance for all the people. It should honor only those events that have contributed to and advanced the history of this country, or [t]hose persons whose superior deeds or achievements have embellished our history, or who are representative of the finest of accomplishment in service to the Nation." Among the examples cited of such was a national historic monument or landmark.

I can think of few events that contributed more to the history of the country, or better embellished our history.

Similarly, Mrs. Brooks continued that any event occurring within a limited region, and having meaning only to the residents of that region, does not have the needed national magnitude to qualify for medals struck by the U.S. Mint.

The San Francisco Cable Cars have meaning to countless people of all nationalities who may never have ridden them, but who are able to visualize them and their impact on San Francisco and twenty-six other American cities. The cable cars have been forever immortalized in all the photographs, paintings and other art forms that serve to record the steps of progress in our history.

Surely the people of San Francisco and all Californians value this occasion as more precious than others might, for they call it their own. It does, however, belong to us all. The Centennial is of great sentimental value and tremendous importance to all Americans.

I respectfully urge my fellow Committee members to consider all the testimony presented before you during these hearings in light of the national character of the event so that we may duly commemorate the Centennial by striking medals for the Cable Car Centennial Year.

## TAXPAYERS CANNOT AFFORD ANOTHER FARM PAYMENT LIMITATION LIKE THE $55,000 LIMIT IN THE AGRICULTURE ACT OF 1970

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. FINDLEY. Mr. Speaker, America's taxpayers cannot afford another farm payment limitation like the $55,000 limit contained in the Agricultural Act of 1970. Even though the original intent of the $55,000 limitation was to save the taxpayer money, farm payments in 1971 amounted to $7.8 million more than they would have if the limitation had never been enacted. Although data is incomplete for 1972 and 1973, the limitation undoubtedly will result in a similar additional cost each of these final 2 years of the law. This means taxpayers, instead of getting relief, took a 3-year licking of $23.4 million.

Here is how that strange and ironic injustice was perpetrated on our taxpayers:

In July of 1970, the Department of Agriculture responded to an inquiry of mine by forecasting that the amount of savings under the $55,000 limitation, which was then under consideration, would be $58.2 million per year. During debate on the farm bill later that month, I questioned that estimate and expressed my belief that the $55,000 limitation as written would allow widespread evasion and save little.

But on August 5, 1970, the House approved the Agricultural Act of 1970 containing that loosely worded limitation over my protests. I argued for a lower, tightly drawn limitation of $20,000 and reemphasized my belief that the $55,000 limitation would save little, to no avail.

All I can say now is I told you so. Not only did the limitation not save money, it actually resulted in a greater cost to the taxpayer.

The language in the limitation was drafted by people who do not believe in a payment limitation and who accepted one only as a way of a deadlocked situation, but they wanted to be doubly sure the flow of money was unchecked.

When the bill got to conference, section 610 was added to the cotton provisions of the bill. This section was not in the bill when it passed the House, but was slipped in the conference report in the waning hours of the 91st Congress. It provided for a payment of up to $10 million to Cotton, Inc., a research and promotion agency provided for in the Cotton Research and Promotion Act of 1966. Funds for this payment were to come from savings caused by the $55,000 payment limitation.

Section 610 authorizes the Secretary of Agriculture to make the payments for the carrying out of approved agreements by the organization. The exact language of that section says:

Each year, the amount available for such agreements shall be that portion of the funds (not exceeding $10,000,000) authorized to be made available to cooperators under the cotton program for such year but which is not paid to producers because of a statutory limitation on the amounts of such funds payable to any producer.

On July 1, 1971, a $10 million payment was made to Cotton, Inc. In March 1972, a GAO study documented that the actual savings from the $55,000 limitation for the 1971 crop was only $2.2 million.

Despite the clarity of the language in section 610, both the GAO and the Secretary of Agriculture defended the full $10 million payment to Cotton, Inc. They said this was the intent of Congress, based on an ambiguous statement in the conference report. Furthermore, they said a full $10 million payment should be made each year the Agricultural Act of 1970 is in effect, regardless of savings.

Section 610 was justified and accepted by the Congress because it would be funded by savings from the payment limit. Most Congressmen believed savings would be far in excess of $10 million. This belief was based on the July 1970 forecast by the Department of Agriculture.

If they had known savings would be only $2.2 million in 1971, would they have voted section 610 into the act? Of course, not. The $55,000 limitation and section 610 were tied together.

Because the limitation saved only $2.2 million in 1971 and section 610 caused an additional outlay of $10 million, it cost the taxpayers $7.8 million more than it would have if the limitation had never been enacted.

The Department of Agriculture made a second $10 million payment to Cotton, Inc. in 1972, and a third will be made this year.

If the same low savings are realized in 1972 and 1973 as 1971, the $55,000 payment limitation will have cost taxpayers $23.4 million more than if it were not enacted. What a cruel hoax to play on American taxpayers.

If this were not tragic enough, consider the way in which Cotton, Inc. is spending this windfall. From lavish quarters in Manhattan, this organization is purportedly trying to regain some of the markets that cotton has lost to synthetics. Cotton, Inc.'s president draws a salary of $100,000 a year, and several personnel in the organization make over $40,000, with the approval of the Department of Agriculture. As the outpouring of public money goes on, domestic consumption of cotton dropped last year to its lowest level since 1948.

This strange and perverse twist to the ongoing history of farm subsidies makes clear the need for a tightly drawn and rigidly enforced payment limitation. And, of course, $55,000 per commodity is ridiculously high. The limit should be reduced to $20,000 per farmer.

Ten years have now passed since I first offered my amendment on June 6, 1963, to limit direct Government payments to farmers. Support for the idea has grown steadily, although it encountered a setback last year when an unholy vote-swapping alliance was formed during debate on the annual agricultural appropriations bill.

Despite this setback, support remains strong. This year, a $20,000 limit should be enacted. The need is clear. Witness the growth of big payments to big farmers over the past 5 years:

| Year | Number of farmers receiving payments in excess of $20,000 | Amount of payments in excess of $20,000 |
|---|---|---|
| 1968 | 5,914 | $273,333,643 |
| 1969 | 7,795 | 366,779,995 |
| 1970 | 10,371 | 414,500,000 |
| 1971 | 13,751 | 486,339,509 |
| 1972 | 19,585 | 655,841,253 |

Farmers in my home State of Illinois clearly understand the problems connected with Government payments. For several years, farmers in my district have indicated overwhelming support



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for a limit on payments at $20,000 per farmer or lower. My annual survey of my district's opinion last year showed over 90 percent responding in favor of lowering the limit to $20,000 or lower. In addition, there was no significant difference between farmer and nonfarmer opinion on this issue—both agree that big farm payments are bad.

Also last year, a poll taken by Prairie Farmer magazine, one of the most respected farm publications in the Nation, indicated most Illinois farmers agree on the question of payments. Their poll question was:

Several Congressmen are urging that ASCS payments be limited to $20,000 per crop per farm instead of $55,000 as at present. How do you feel about this?

The answers: 18.0 percent say leave the upper limit at $55,000; 44.1 percent say drop the limit to $20,000; 19.2 percent say drop the limit to $10,000 or less; 11.2 percent say eliminate payments altogether; and 7.5 percent gave no answer.

This means that 74.5 percent want a limit of $20,000 or less. Even more important, 30.4 percent want the limit lowered to $10,000 or less.

Bear in mind, these answers are from farmers.

Soon, Congress will again have the opportunity to reduce the payment limitation to bring it in accord with the wishes of the majority of American citizens, including farmers.

In addition to lowering the limit to $20,000, we must be sure this time that all the loopholes so evident in the $55,000 limitation are closed.

Large farm payments to the landed gentry are nothing more than welfare for the wealthy. This abuse to the taxpayer must end.

I realize that the cost of insertion of this information in the CONGRESSIONAL RECORD is substantial. In my opinion, the expense is thoroughly justified.

First, based on past experience and numerous requests for details which have been coming to my office, widespread public interest exists. Other Members and their constituents want to know which individuals got big payments in 1972.

Second, the information is not readily available to the public by other means. For years, at the direction of the chairman of the Senate Subcommittee on Agriculture Appropriations, Mr. Holland, the full listing of payments was published each year as a part of the hearings. When Senator Holland left office, the practice was discontinued. Since then, the CONGRESSIONAL RECORD has been used as the way to provide the information to the public.

Third, this year more than ever the information should be published, as the Congress will decide what legislation will follow the expiration this December of the Agricultural Act of 1970. My colleagues should have current information on which to make their decisions.

The list follows:

*ASCA and Great Plains program payments of $20,000 or more—Excluding loans—Alabama*

[Amounts in dollars]

AUTAUGA COUNTY

| | |
|---|---|
| Autauga Farming Co | 64,263 |
| Percy D. Roy | 58,320 |
| Malcolm Smith | 58,311 |
| M. S. Murfee | 58,228 |
| D. H. Jones | 57,904 |
| Dismukes Farms | 50,382 |
| Rogers and Sons | 48,584 |
| James T. Murfee | 43,029 |
| Wilson C. Johnson | 38,684 |
| C. W. Johnson and Son | 36,088 |
| D. C. Bruner | 35,935 |
| Wadsworth Brothers | 32,442 |
| James A. Adams | 31,273 |
| J. A. Rainwater | 28,628 |
| D. L. Yarbrough Estate | 28,554 |
| W. P. Jones | 27,878 |
| Ray Kirkpatrick | 24,616 |
| M. A. Rikard | 23,195 |
| O. H. Jones | 22,450 |
| James W. Guy | 22,142 |
| Billy Robert Dusley | 21,960 |
| Johnnie A. Rainwater | 21,955 |
| B. R. Wood | 21,305 |
| Cecil Smedley | 21,278 |
| Gibbons Brothers | 21,071 |
| Sam Deramus | 20,556 |
| Bob Condra | 20,223 |
| Total payees in county (27) | 939,254 |

BALDWIN COUNTY

| | |
|---|---|
| D. E. Dean, Jr | 31,387 |
| Total payees in county (1) | 31,387 |

BARBOUR COUNTY

| | |
|---|---|
| Ben F. Bowden | 65,701 |
| W. L. Corcoran | 59,574 |
| Total payees in county (2) | 125,275 |

BIBB COUNTY

| | |
|---|---|
| Young Brothers | 44,596 |
| James Brothers | 43,873 |
| McArthur Tidwell | 35,831 |
| J. C. Goodson | 34,171 |
| M. C. Murphy | 25,492 |
| Charles England | 22,104 |
| Total payees in county (6) | 206,067 |

BLOUNT COUNTY

| | |
|---|---|
| Dean Pruett | 55,270 |
| Dixie Farms, Inc | 54,964 |
| William R. Murphree | 32,906 |
| Durwood Gilliland | 30,539 |
| Boyd Murphree | 26,381 |
| Henry Whitley | 22,462 |
| James R. Kent | 20,922 |
| Total payees in county (7) | 243,444 |

BULLOCK COUNTY

| | |
|---|---|
| J. P. Tompkins, Jr | 24,781 |
| Total payees in county (1) | 24,781 |

BUTLER COUNTY

| | |
|---|---|
| Harry Poole | 58,567 |
| William Poole | 24,929 |
| J. N. Poole, Jr | 24,449 |
| Thomas C. Simmons | 23,007 |
| S. L. Wise | 22,960 |
| Total payees in county (5) | 153,912 |

CALHOUN COUNTY

| | |
|---|---|
| Louis Hammonds | 25,117 |
| Earl Truitt | 24,291 |
| Sorrell Bruce Wesson | 21,919 |
| Total payees in county (3) | 71,327 |

CHEROKEE COUNTY

| | |
|---|---|
| W. A. Ellis, Jr | 57,707 |
| James E. Ellis | 57,441 |
| Lowe Brothers c/o B. Lowe | 42,079 |
| Millard Lecroy & Son | 39,931 |
| Tommy Frank Sanford | 38,599 |
| Sanford L. Flynt | 37,620 |
| Sewell Brothers | 37,229 |
| Woodrow W. Rains | 37,087 |
| Jeff D. Jordan & Co | 34,674 |
| Robert Emory Chestnut | 33,798 |
| Jess Willard Lecroy | 33,052 |
| W. T. Williams & Sons | 32,928 |
| Robert E. Black | 30,222 |
| Ray Allen Lindsey | 28,640 |
| John B. East | 25,168 |
| Charles Allen Hammett | 24,256 |
| Ray Brothers | 24,156 |
| Lewis Earl Acker | 23,740 |
| Jerry Cunningham | 23,180 |
| Baker Bros | 21,794 |
| Total payees in county (20) | 683,301 |

CHILTON COUNTY

| | |
|---|---|
| J. Robert Cox | 57,165 |
| C. R. Childress | 50,902 |
| J. T. Franklin | 39,276 |
| Charles F. Culp | 28,546 |
| Rubin Kelley | 24,827 |
| Louise Kelley | 24,233 |
| J. L. Williams | 20,972 |
| James L. Deloach | 20,090 |
| Total payees in county (8) | 266,011 |

CHOCTAW COUNTY

| | |
|---|---|
| W. H. Sparrow | 36,695 |
| Total payees in county (1) | 36,695 |

CLARKE COUNTY

| | |
|---|---|
| J. E. Bush | 20,100 |
| Total payees in county (1) | 20,100 |

COFFEE COUNTY

| | |
|---|---|
| J. A. Wise and Son | 24,328 |
| Total payees in county (1) | 24,328 |

COLBERT COUNTY

| | |
|---|---|
| Eugene V. Blythe | 59,071 |
| Edward F. Mauldin | 57,939 |
| W. Carter Reid | 57,704 |
| Daniel Counts | 53,472 |
| William Elbert Reid | 52,030 |
| Willie Posey | 48,535 |
| David N. Reid | 48,354 |
| Preuit Farms | 47,109 |
| Ben Fennel, Jr | 46,916 |
| J. J. Johnson | 45,783 |
| Price Counts, Jr | 42,653 |
| Gordon Ray Price | 42,207 |
| J. W. Jeffreys | 41,727 |
| Hubert R. Stanley | 40,376 |
| Herbert C. Harris, Jr | 38,864 |
| K 88 Corp | 35,242 |
| Hollis Isbell | 34,718 |
| Oneal Sockwell | 34,301 |
| James M. Underwood | 31,917 |
| Bobbie O. Wright | 30,502 |
| Howard Keeton | 29,680 |
| William A. Pullen | 29,235 |
| Howard Gargis | 27,973 |
| Paul Minor | 26,592 |
| Kenneth Uhlman | 26,395 |
| Paul Reid | 26,349 |
| Billy Pullen | 26,326 |
| T. W. Masterson | 23,959 |
| John Louis Croom | 23,594 |
| James Franklin Minor | 22,816 |
| Maurice Blackledge | 22,192 |
| Woodrow Craft | 22,035 |
| Ronald Brumley | 21,863 |
| Aaron Patterson | 20,758 |
| Robert O. Hand | 20,652 |
| Bennie Worsham | 20,016 |
| Total payees in county (36) | 1,279,860 |

COVINGTON COUNTY

| | |
|---|---|
| Crum Foshee | 36,426 |
| W. G. Foshee, Jr | 36,426 |
| J. W. Douglas | 20,016 |
| Total payees in county (3) | 92,868 |

CULLMAN COUNTY

| | |
|---|---|
| T. J. Pate | 61,462 |
| Billy Fletcher | 45,057 |
| W. F. Blackwood | 42,244 |
| Ferris Kelsoe | 26,321 |
| Noble Vest | 24,779 |



| | |
|---|---|
| Forrest Ingram | 24,560 |
| Woodliff Manning | 21,680 |
| Carmon Maze | 20,187 |
| Total payees in county (8) | 266,290 |

DALE COUNTY

| | |
|---|---|
| Borland Bros | 26,927 |
| Total payees in county (1) | 26,927 |

DALLAS COUNTY

| | |
|---|---|
| James A. Minter, Jr | 63,002 |
| W. H. Watts & Son | 60,185 |
| Robert Lee Sanford, Jr | 56,275 |
| James Hopson Sanford | 56,275 |
| Thomas J. Pope | 56,200 |
| James A. Minter, III | 55,899 |
| J. W. Suttle | 52,278 |
| Thomas E. McHugh | 51,298 |
| Sommers and Rountree | 44,359 |
| Otto E. Godwin | 42,593 |
| R. Furniss Ellis | 39,165 |
| Macho Corp | 38,948 |
| Nelson Norris | 36,381 |
| J. W. Suttle, Jr | 33,276 |
| Cedar Creek Farms | 32,568 |
| Tyler G. Moore | 32,161 |
| W. J. Neighbors | 31,043 |
| R. W. Zimmerman | 30,893 |
| J. C. Sheehan | 29,960 |
| D. W. Till, Jr | 29,346 |
| Edwin R. Moore | 29,140 |
| Robert Smith | 27,676 |
| George Wood | 25,877 |
| Jewell Farms | 25,565 |
| Carl Henderson | 25,077 |
| John P Henderson | 24,932 |
| Robert Culpepper | 24,086 |
| J. C. Gresham | 23,946 |
| Beers Brothers | 22,833 |
| Billy Hardy | 22,012 |
| Givhan Land & Cattle Co. Inc | 21,333 |
| Robert Levi McHugh | 20,628 |
| John P. Majors Estate | 20,492 |
| Herman Edward Majors | 20,492 |
| W. J. and J. W. Simmons | 20,331 |
| Dioh L. Johnson | 20,279 |
| Frank Brown | 20,247 |
| Total payees in county (37) | 1,267,049 |

DE KALB COUNTY

| | |
|---|---|
| Truman J. Hicks | 30,799 |
| Jerry Adams | 27,706 |
| Jerry W. Davis | 22,547 |
| Alvin G. Mitchell, Jr | 21,360 |
| Rayburn D. Petty | 20,265 |
| Total payees in county (5) | 122,677 |

ELMORE COUNTY

| | |
|---|---|
| Sherrill J. Woodfin | 55,000 |
| George Douglas McCartha, Jr | 53,102 |
| Wood T. Dozier | 52,230 |
| Henry Owen Harper | 48,448 |
| J. Edwin Davis | 47,294 |
| State of Ala. Bd. Corr | 42,674 |
| Garnand and Thornton | 38,226 |
| J. Melvin Taylor | 33,877 |
| James Melvin Taylor, Jr | 33,712 |
| John T. Taylor | 33,707 |
| James T. Brown | 30,661 |
| Charles M. Paravicini | 30,283 |
| Lewis O. Rich | 29,212 |
| Dewey I. Penton | 23,604 |
| Fred L. Oliver | 23,482 |
| James T. Brown, Jr | 23,134 |
| Robert W. Terry | 23,131 |
| E. H. Dean | 23,054 |
| Lane and Cruise | 21,411 |
| Wood T. Dozier III | 21,046 |
| Vondean D. Hysmith | 20,571 |
| Forrest C. Speeks | 20,086 |
| Total payees in county (22) | 727,945 |

ESCAMBIA COUNTY

| | |
|---|---|
| George Prestwood | 60,844 |
| Board of Corrections | 47,577 |
| Bobby Joe Morgan | 26,225 |
| W. M. Brown | 23,374 |
| Curtis L. Chavers | 20,595 |
| Total payees in county (5) | 178,615 |

ETOWAH COUNTY

| | |
|---|---|
| Emory Johnson | 30,648 |
| Total payees in county (1) | 30,648 |

FAYETTE COUNTY

| | |
|---|---|
| J. C. Randolph | 61,643 |
| Mitt Ernest Keeth | 35,683 |
| J. Ronald Lawrence | 29,036 |
| Total payees in county (3) | 126,362 |

FRANKLIN COUNTY

| | |
|---|---|
| Vernia Ganes Masterson | 25,695 |
| Total payees in county (1) | 25,695 |

GREENE COUNTY

| | |
|---|---|
| Curtis R. Taylor | 43,939 |
| Elam Smith | 33,275 |
| Bigbee Farm | 32,686 |
| N. G. Garth | 32,346 |
| Velma Farm | 28,634 |
| Curtis I. Eatman | 25,006 |
| Charles S. King | 23,395 |
| Bayne Ethridge | 22,824 |
| William M. Steele, Jr | 22,799 |
| James E. Hankins | 21,851 |
| J. F. Cameron, Jr | 21,701 |
| H. Eugene Colson | 20,695 |
| Total payees in county (12) | 329,151 |

HALE COUNTY

| | |
|---|---|
| Waller E. Wedgworth, III | 56,347 |
| Marvin D. Johnson | 49,492 |
| W. J. Chandler | 47,836 |
| W. O. Chandler | 47,822 |
| W. B. Chandler | 47,822 |
| Johnnie Bedsole | 39,579 |
| Spencer C. Langford, Jr | 30,011 |
| John D. Bolling, Jr | 27,327 |
| Turpin Vise | 25,566 |
| Charles L. Johnson | 25,067 |
| Henry A. Bailey | 25,029 |
| Albert D. Rogers | 23,890 |
| Total payees in county (12) | 445,788 |

JACKSON COUNTY

| | |
|---|---|
| C. E. Cornelison | 40,578 |
| Winston T. Smith, Jr | 37,309 |
| Bob Mantooth | 32,151 |
| Dewayne Medlock | 29,384 |
| Lloyd Meeks | 24,356 |
| Bledsoe Hereford | 21,392 |
| Total payees in county (6) | 185,170 |

JEFFERSON COUNTY

| | |
|---|---|
| Jacob V. Pate | 35,753 |
| Total payees in county (1) | 35,753 |

LAMAR COUNTY

| | |
|---|---|
| Nolen and Ogden | 34,481 |
| W. A. Austin | 25,510 |
| Total payees in county (2) | 59,991 |

LAUDERDALE COUNTY

| | |
|---|---|
| Andrew C. Walker | 55,000 |
| Ray McIntyre | 40,552 |
| Howard T. Walker | 38,592 |
| Theo Scott | 37,464 |
| Buster L. Thornton | 34,379 |
| James E. Hale | 33,649 |
| Robert Oakley | 33,562 |
| Harvell J. Walker | 31,162 |
| Jeff Winters | 30,907 |
| Hugh L. Rice, Jr | 30,825 |
| James Walker | 29,187 |
| Ray Smith | 27,746 |
| Homer E. Liles | 25,458 |
| Robert S. Winters | 24,360 |
| Rufus W. Bratcher | 23,040 |
| E. B. High | 22,837 |
| Percy P. Wright, Jr | 22,189 |
| Charles P. Vaughn, Jr | 21,752 |
| G. F. Barringer | 21,670 |
| Billy D. Rhodes | 21,338 |
| Roy C. Lee | 21,236 |
| Wilburn H. Whitten | 20,829 |
| Alfred J. Buffler | 20,130 |
| Total payees in county (23) | 667,864 |

LAWRENCE COUNTY

| | |
|---|---|
| L. Preuit Est. C/O E. Mauldin | 74,290 |
| D. L. Martin, Jr | 60,980 |
| Albemarle Corporation | 60,235 |
| G. T. Hamilton | 56,972 |
| James Blythe | 55,614 |
| W. J. Lee and Son | 54,732 |
| Dan Claborn | 49,582 |
| Samuel R. Letson | 49,502 |
| W. W. Hamilton | 48,733 |
| Waylon Cross | 48,119 |
| Spring Lake Farms, Inc | 47,154 |
| Jack C. Davis | 46,825 |
| Benjamin A. Rose | 46,421 |
| Hugh J. Posey | 46,271 |
| Grady B. Rose | 45,544 |
| James Blythe, Jr | 43,658 |
| Roland Cross | 42,219 |
| Armstrong Farms | 40,994 |
| J. C. Claborn | 39,477 |
| Hood Harris, Jr | 39,113 |
| Daniel Gilchrist, IV | 37,934 |
| Andrew J. Morris | 37,162 |
| George Collins | 36,558 |
| E. H. Dewberry | 34,228 |
| Hubert Coffey | 33,339 |
| Harold Green | 33,339 |
| Daniel Gilchrist | 32,656 |
| Jerry Dewberry | 32,374 |
| Richard Brackin | 30,105 |
| O. D. Brackin | 30,105 |
| James C. Dyar | 27,853 |
| O'Neal Rose | 27,775 |
| W. C. Aday | 27,235 |
| Leon Hamilton | 27,121 |
| D. C. Lansford | 27,107 |
| Thomas A. Bowles | 26,961 |
| J. R. Knouff | 26,611 |
| Thoms Letson | 26,004 |
| Lynn Cross | 25,331 |
| Grady Windle Parker | 24,607 |
| Guy Parker | 23,836 |
| Hollis O. Green | 23,177 |
| C. W. Goodwin | 21,507 |
| Kenneth King | 20,614 |
| Brown Bradford | 20,476 |
| Larry Parker | 20,033 |
| Total payees in county (46) | 1,730,483 |

LEE COUNTY

| | |
|---|---|
| Robert E. Gullatte | 40,430 |
| W. O. Baker | 39,183 |
| T. W. Collier | 28,628 |
| Leary Whatley | 25,999 |
| Auburn University | 25,298 |
| Collier & Littrell | 24,981 |
| Nelson Hillyer | 24,736 |
| James W. Nunn | 21,953 |
| Total payees in county (8) | 231,208 |

LIMESTONE COUNTY

| | |
|---|---|
| Walter B. Shaw | 59,042 |
| Glennes V. Moore | 58,547 |
| Dan Atkinson | 57,581 |
| Grover C. Lawson, Jr | 56,739 |
| Thomas H. Vann | 56,567 |
| Ned Johnson | 55,073 |
| Fred William Hays | 54,783 |
| Rowe B. Sanderson | 53,963 |
| Thomas C. Downs | 53,408 |
| Luke Pryor | 53,183 |
| Gene Thomas Burgreen | 52,419 |
| Robert Horace Marks | 51,444 |
| L. V. Moore | 49,072 |
| John D. Anderson | 47,706 |
| Joe Mark Anderson | 47,693 |
| Henry Charles Baucom | 47,231 |
| Anderson Farms, Inc | 45,924 |

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*ASCA and Great Plains program payments of $20,000 or more—excluding loans—Alabama*—Continued

[Amounts in dollars]

LIMESTONE COUNTY—continued

| | |
|---|---|
| Joe D. Anderson | 43,587 |
| Kenneth Carter | 43,271 |
| Pettus Menefee | 43,176 |
| Darden Bridgeforth | 43,157 |
| W. G. Peebles III | 42,729 |
| Robert Hargrave | 41,516 |
| Ernest P. Hargrave | 41,515 |
| Glenn Black | 41,399 |
| John David Lecroix | 41,045 |
| C. D. Downs | 40,175 |
| Horace W. Anderson | 39,130 |
| John T. Anderson | 37,834 |
| Jack T. Anderson | 37,834 |
| Robert W. Anderson | 37,832 |
| Stanley H. Menefee | 37,623 |
| George B. Murphy | 37,341 |
| Winfred Barron | 37,148 |
| Leo Hargrave | 36,717 |
| James P. Grooms | 36,394 |
| Withers G. Peebles | 35,939 |
| Charles R. Baucom | 35,564 |
| Edmond P. Garrett, Jr | 34,693 |
| James H. Garrett | 34,692 |
| Cecil Devaney | 32,747 |
| James U. Devaney | 32,316 |
| Malcolm R. McDonald | 31,731 |
| James Morris Black | 30,079 |
| Charles R. McCormack | 27,917 |
| William Henry Stewart, Jr | 27,868 |
| Vester M. Leonard | 27,601 |
| Jackie W. Leonard | 27,590 |
| Lucille F. Bowles | 26,885 |
| James E. Horton, Jr | 26,449 |
| Paul Black | 26,271 |
| M. W. Haney & Sons | 25,978 |
| Joe R. Murphy | 25,257 |
| Greenbrier Farms | 25,224 |
| Mike L. Murphy | 25,057 |
| Carlton Ikard | 24,694 |
| H. E. Hargrave | 24,671 |
| Donelson B. Horton | 24,525 |
| Donal L. Peek | 24,106 |
| James Edward Power | 24,024 |
| Gilbert Johnson | 23,599 |
| Alvin Holt | 22,376 |
| Delton E. Sandy | 21,748 |
| Wesley Marks | 21,737 |
| Olin E. Shaw | 21,463 |
| Reeder M. Barnett | 20,659 |
| Billy J. Swanner | 20,035 |
| Total payees in county (67) | 2,493,291 |

LOWNDES COUNTY

| | |
|---|---|
| George Marlow Reese, Jr | 60,267 |
| B. C. Rhyne | 58,770 |
| C. H. Rhyne | 56,356 |
| Elizabeth C. Meadows | 56,143 |
| G. T. Meadows, Jr | 56,143 |
| O. P. Woodruff | 54,445 |
| Neil Robinson | 51,318 |
| Harrell Hammonds | 40,985 |
| Charles Schreiner, Jr | 32,236 |
| E. R. Meadows | 31,209 |
| Howard Payne Meadows | 30,763 |
| Fred W. Holladay | 28,498 |
| Caswell G. McCurdy | 28,247 |
| David M. Lyon | 23,423 |
| Wayne R. Hobdy | 21,097 |
| Total payees in county (15) | 629,900 |

MACON COUNTY

| | |
|---|---|
| A. L. Lazenby, Jr | 58,637 |
| Mrs. H. A. Torbert & Sons | 55,997 |
| Robert F. Walters, Jr | 37,948 |
| F. C. Thompson | 36,621 |
| John C. Carter, Sr | 32,980 |
| Segrest Bros | 32,736 |
| James L. Kirby | 28,640 |
| Ben H. Walker | 25,669 |
| George P. Holt | 23,691 |
| E. E. Story | 23,111 |
| S. T. Sego Jr | 22,870 |
| John C. Carter, Jr | 21,032 |
| Total payees in county (12) | 399,912 |

MADISON COUNTY

| | |
|---|---|
| Homer Hunter | 57,824 |
| Willard Hunter | 57,590 |
| Albert Hunter | 57,589 |
| Ray Vandiver | 56,801 |
| James E. Patterson, Jr | 56,616 |
| John W. Vandiver | 55,348 |
| Erle P. Douglass | 55,347 |
| John W. McCrary | 55,338 |
| W. Homer Tate | 55,000 |
| John W. League | 54,928 |
| Everett Jones | 52,388 |
| William A. Brockway | 52,187 |
| Robert L. Pickens | 51,928 |
| Samuel J. Darwin, III | 50,502 |
| George R. St. Clair | 50,318 |
| Tyler Denton | 50,099 |
| C. O. Lowery | 48,397 |
| Tom E. Lowery | 48,476 |
| Dock Murphy | 46,401 |
| Carl A. Williams | 45,953 |
| M. E. Moore | 45,592 |
| Wesley Thomas | 43,637 |
| W. R. Spears | 43,631 |
| Glenn Murphy | 42,075 |
| Don Martin | 41,765 |
| Kenneth Pike | 41,239 |
| Albert McDonald | 39,898 |
| C. Spencer | 39,193 |
| Monte V. Davis | 38,913 |
| Jack T. Clift | 37,480 |
| Eugene G. Lowery | 36,140 |
| Donald Sublett | 35,893 |
| Grady Abernathy | 35,862 |
| Wade A. Hubert | 35,419 |
| Buford Parvin | 34,432 |
| Edmund Payne | 34,429 |
| Donald Spencer | 33,835 |
| Wallwood Farm | 33,191 |
| Robert L. Taylor | 33,007 |
| Orville H. Esslinger | 32,682 |
| John Hays | 32,079 |
| William H. Gray | 31,880 |
| E. H. Martin | 31,822 |
| Dennis O. Bragg | 31,230 |
| Glancye Gray | 30,943 |
| John T. Acuff | 30,888 |
| Robert M. Davis | 30,687 |
| Lonnie Miller | 30,129 |
| N. L. Reynolds | 30,014 |
| Billy Honea | 29,888 |
| Charles Rodman | 29,767 |
| Sam Harris, Jr | 28,989 |
| Charles M. Jacks | 28,872 |
| Ronald Vaughn | 28,870 |
| Claude N. Buchannan | 28,657 |
| J. A. Pettus | 28,348 |
| Allen Bragg | 28,252 |
| Lila S. Moore | 27,965 |
| Richard Turner | 27,220 |
| O. C. Moon | 26,423 |
| Wayne M. Thorson | 26,282 |
| Millard L. Sanderson | 25,050 |
| George D. Hodge | 24,736 |
| R. J. & L. R. Moore | 24,443 |
| Oakwood College | 24,131 |
| Kermit Nord | 23,944 |
| Glenn Campbell | 23,740 |
| E. J. Rogers | 23,082 |
| Elon Balch | 22,492 |
| Earl Hubert | 22,299 |
| Edward Alexander | 21,474 |
| Grady L. Grover | 21,388 |
| Katie Lowe ONeal | 21,192 |
| Junior Hillis | 21,174 |
| Dennis Hoover | 21,071 |
| Sandra G. Valley | 20,629 |
| James T. Smith | 20,337 |
| Aaron Fleming & Sons | 20,329 |
| Total payees in county (78) | 2,815,057 |

MARENGO COUNTY

| | |
|---|---|
| Allan Ramsey | 52,644 |
| James W. Glass | 51,413 |
| Hunter N. Brown | 44,315 |
| Rentz Simpson Lewis | 39,713 |
| William G. Rentz | 28,229 |
| Robert M. Gross | 22,480 |
| The Bend Farm | 21,660 |
| Abner Dunn, Jr | 21,027 |
| R. J. McAlpine | 20,672 |
| Total payees in county (9) | 302,153 |

MARION COUNTY

| | |
|---|---|
| B. W. Rollins | 26,346 |
| Total payees in county (1) | 26,346 |

MARSHALL COUNTY

| | |
|---|---|
| Robert L. Haynes | 26,030 |
| Jimmy B. Miller | 25,280 |
| Harold Burnett | 24,638 |
| Total payees in county (3) | 75,948 |

MOBILE COUNTY

| | |
|---|---|
| Louis C. Harbin | 36,103 |
| Emmett D. Wright | 26,653 |
| Total payees in county (2) | 62,756 |

MONROE COUNTY

| | |
|---|---|
| Maston & Bibb Mims | 34,265 |
| Ward Bros. Farms | 26,001 |
| L. G. Bell | 21,136 |
| Raymond Ward | 20,391 |
| Total payees in county (4) | 101,793 |

MONTGOMERY COUNTY

| | |
|---|---|
| Clinton C. Berry | 78,150 |
| W. H. McLemore | 57,608 |
| T. O. McLemore | 43,224 |
| A. J. McLemore, Jr | 33,056 |
| G. N. Handey, Jr | 24,482 |
| T. W. Oliver | 24,192 |
| Total payees in county (6) | 260,712 |

MORGAN COUNTY

| | |
|---|---|
| Gorman M. Braswell | 37,998 |
| Milton Jean | 29,263 |
| Curtis Stroup | 29,188 |
| John B. Sewell | 27,069 |
| Bobby R. Vest | 26,187 |
| Howard Millsap | 24,068 |
| Percy Sharp | 23,476 |
| A. B. Sharp | 23,455 |
| Alvie Sharpley | 22,776 |
| Herbert L. Clark | 21,752 |
| Richard B. Collier | 20,460 |
| Total payees in county (11) | 285,692 |

PERRY COUNTY

| | |
|---|---|
| J. C. Moore Mercantile Co | 63,077 |
| T. J. Jones | 29,438 |
| Ed Bobbitt | 28,120 |
| James Taylor | 23,807 |
| L. B. Sprott, Est | 20,111 |
| Total payees in county (5) | 164,553 |

PICKENS COUNTY

| | |
|---|---|
| W. B. Peebles, Jr | 47,828 |
| Abrams & Garriss | 41,138 |
| Thomas Parker | 24,806 |
| Roy Goodwin | 23,820 |
| Total payees in county (4) | 137,592 |

RUSSELL COUNTY

| | |
|---|---|
| J. Wayne Mott | 29,203 |
| George M. Adams | 26,163 |
| John T. Ingram | 26,010 |
| G. Wesley Capps | 23,298 |
| Claude C. Parkman | 22,297 |
| James B. Pharris | 21,786 |
| Total payees in county (6) | 148,757 |



SHELBY COUNTY

| | |
|---|---|
| D. E. Morris | 34,961 |
| John M. Thompson | 33,577 |
| L. B. L. Ranch | 27,152 |
| Tate & Baker | 25,430 |
| Total payees in county (4) | 121,120 |

ST. CLAIR COUNTY

| | |
|---|---|
| Norris K. Waites | 30,425 |
| Total payees in county (1) | 30,425 |

SUMTER COUNTY

| | |
|---|---|
| Munal & Parker | 35,966 |
| George N. Aust | 30,419 |
| Total payees in county (2) | 66,385 |

TALLADEGA COUNTY

| | |
|---|---|
| Robert M. Gambrell | 45,965 |
| Clyde A. Walker | 32,777 |
| James D. Robinson | 29,371 |
| French Junior Pruitt | 29,240 |
| Henry T. Jinks | 24,846 |
| Glenn M. Hawkins | 23,304 |
| S. F. Tanner | 21,339 |
| T. J. Watson and Sons | 20,195 |
| Total payees in county (8) | 277,037 |

TALLAPOOSA COUNTY

| | |
|---|---|
| William M. Wisener | 53,680 |
| L. A. Wisener | 26,837 |
| O. W. Bradshaw | 24,860 |
| Total payees in county (3) | 105,377 |

TUSCALOOSA COUNTY

| | |
|---|---|
| W. C. Wiggins | 52,266 |
| J. L. Harper | 50,659 |
| Joe Rice, Jr | 48,045 |
| Darden D. Barton | 34,051 |
| W. L. Andoe, Jr | 26,349 |
| Floyd Hughes, Jr | 24,766 |
| Grady Bigham | 22,599 |
| Ala. Dept. of Mental Health | 22,306 |
| Fletcher Barnes | 22,221 |
| J. D. Jobson | 21,694 |
| Total payees in county (10) | 324,956 |

WASHINGTON COUNTY

| | |
|---|---|
| Nelson Bedsole Moseley | 47,173 |
| Edward Garris | 37,031 |
| Total payees in county (2) | 84,204 |

WILCOX COUNTY

| | |
|---|---|
| Charles R. Reaves | 31,740 |
| H. H. Wilkinson & Son | 29,687 |
| Raymond Pharr | 29,309 |
| Labon O. Reaves | 24,580 |
| Jesse Jordan Bell, Jr | 23,531 |
| Total payees in county (5) | 138,847 |
| Total payees in State (573) | 19,659,039 |

*1972 ASCS and Great Plains program payments of $30,000 or more—excluding loans—Alaska*

[Amounts in dollars]

HOMER COUNTY

| | |
|---|---|
| Aleutian Livestk Corp | 75,825 |
| Milton Holmes | 31,440 |
| Total payees in county (2) | 107,265 |
| Total payees in State (2) | 107,265 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Arizona*

[Amounts in dollars]

COCHISE COUNTY

| | |
|---|---|
| Bill Hilburn | 99,769 |
| Floyd Robbs | 85,720 |
| Kinard Brothers | 68,436 |
| Charles Wade | 63,022 |
| R. & T. Farms | 62,285 |
| C. E. Hilburn | 58,916 |
| Edward E. Rivers | 58,535 |
| Montierth Farms | 56,898 |
| Wardlaw Farms | 55,051 |
| Ernest L. White, Jr | 55,011 |
| Fannie G. Barnes | 54,648 |
| Edward Barnes | 53,821 |
| Clifton Ames | 52,625 |
| Buckner & Kidd | 52,620 |
| E. V. Hart | 51,621 |
| Arzberger & Arzberger | 51,458 |
| Roy Lee Young | 49,776 |
| J. C. Dunagan | 49,772 |
| Richard C. Barnes | 49,248 |
| Leroy Pierce | 47,407 |
| Jack Robison & Sons | 47,231 |
| Marvin Lamar Barnes | 46,869 |
| W. R. Shumaker | 44,392 |
| Frank C. Hale | 42,170 |
| Delbert Motes | 36,574 |
| Noel Curry | 35,829 |
| Roger A. Hale | 35,239 |
| J. F. Schmelzla | 35,032 |
| Wicks Ranches | 34,748 |
| ACPC Investment Co., Inc | 33,952 |
| M. K. Sellers | 31,674 |
| Toby and Paul Collins | 31,328 |
| Gary Williamson | 31,255 |
| J. A. White | 30,031 |
| Alvin E. Ratliff | 29,701 |
| H. J. Campbell, Jr | 28,857 |
| Dewey O. Neal | 28,711 |
| Devaun Richins | 28,667 |
| F. L. Heidel | 27,994 |
| Gerald Dabbs | 27,377 |
| W. R. Grimes | 26,213 |
| Charles Kimzey | 25,779 |
| Gerald P. Schoenfelder | 24,280 |
| J. B. Stevension | 23,688 |
| Boyd Smith | 22,717 |
| David Fowler | 22,168 |
| L. E. Swanson | 21,739 |
| Gareth R. Hardy | 21,192 |
| Roy Foreman | 20,541 |
| Harold R. Lewis | 20,446 |
| Total payees in county (50) | 2,093,033 |

COCONINO COUNTY

| | |
|---|---|
| Red Hill Sheep Co | 52,271 |
| Camilo B. Gonzalez | 39,302 |
| Felix Pouquette | 29,906 |
| Sitgreaves Sheep Co | 25,284 |
| Total payees in county (4) | 146,763 |

GRAHAM COUNTY

| | |
|---|---|
| Melvin R. Bryce | 74,094 |
| Angel Escobedo | 66,175 |
| Alf B. Claridge | 44,069 |
| Daley Brothers | 40,689 |
| Arden J. Palmer | 40,053 |
| Alder Bros | 36,198 |
| Glen Layton | 30,463 |
| Von and Norman Hancock | 30,053 |
| Omer J. Smith | 29,617 |
| Dale Olsen | 27,683 |
| Zenos Howard | 27,139 |
| Verdell Howard | 25,597 |
| Verle Palmer | 22,997 |
| Eldon Palmer | 22,486 |
| Allred Brothers | 22,072 |
| R. L. Bigler | 20,825 |
| Total payees in county (16) | 560,120 |

GREENLEE COUNTY

| | |
|---|---|
| Triple R Cattle Co | 34,532 |
| Total payees in county (1) | 34,532 |

MARICOPA COUNTY

| | |
|---|---|
| Painted Rock Dev. Co | 145,846 |
| Amstar Corp., Spreckles | 145,394 |
| Chatham Farms, Inc | 116,198 |
| Goodyear Farms | 106,201 |
| Ben F. Youngker, Jr | 98,828 |
| Clell Martin | 98,625 |
| Chas. F. Youngker | 97,608 |
| Joe A. Sheely | 84,345 |
| B. F. Youngker, Sr | 96,573 |
| James P. Trimble | 81,790 |
| Baskett Farms, Inc | 79,292 |
| F. C. Layton | 74,729 |
| Alan B. Melton | 74,155 |
| Carl Weiler | 72,427 |
| Southmountain Farms, Inc | 70,898 |
| Kenna V. Jordan | 70,844 |
| Merlin Schurz | 70,350 |
| Billman Hayes, Jr | 70,350 |
| Johnson Enos | 70,350 |
| GBL Farms, Inc | 70,269 |
| Jonah Ray, Sr | 68,773 |
| L. L. Hardesty | 68,604 |
| Charles W. Burns | 68,604 |
| L. D. Hardesty | 68,604 |
| George W. Hardesty | 68,604 |
| Bruce Hardesty | 68,604 |
| A Tumbling T Ranch | 68,491 |
| Bogle Farms | 68,136 |
| John S. McDaniel | 67,468 |
| W. Bruce Heiden | 66,983 |
| Phil Ladra | 65,385 |
| J. L. Golightly, Jr | 64,222 |
| John L. Golightly, Sr | 63,245 |
| John R. Arena | 62,498 |
| A. Ann Areha Liefgreen | 62,498 |
| Power Ranches, Inc | 61,679 |
| John M. Williams, Jr | 61,427 |
| Gladden Farms | 61,234 |
| Leyton Woolf | 61,224 |
| J. L. Hodges Farming Co | 60,914 |
| Hugh Bennett | 60,890 |
| Joe Bickman | 60,687 |
| Woodrow Lewis | 60,618 |
| R. G. Eastman | 60,603 |
| F. M. Gorrell | 60,506 |
| Allen F. Belluzzi | 59,990 |
| William Hardison | 58,795 |
| L. T. Malone Co | 58,383 |
| S. & P. Farms, Inc | 58,154 |
| Travis H. Jones | 57,807 |
| John D. Vance | 57,544 |
| C. L. Whitehill | 57,348 |
| Tom Waddell | 56,898 |
| John Huges | 56,865 |
| Argonaut Farms | 56,767 |
| E. Garth Lamb | 56,703 |
| Espil Sheep Co | 55,986 |
| Frank G. Mills | 55,966 |
| Jeffrey T. Jones | 55,864 |
| Earl S. Dobson | 55,756 |
| Deon Layton | 55,480 |
| A. F. Walden | 55,352 |
| Marcia L. Wheat | 55,000 |
| Stuart L. Anderson | 55,000 |
| Marvin R. Morrison | 54,998 |
| Kenneth C. Morrison | 54,998 |
| Dougherty Ranch | 54,731 |
| Wayne Vandsdell | 54,570 |
| Ray Vandsdell | 54,570 |
| F. D. Layton | 54,555 |
| Lonnie A. Page | 54,542 |
| Willie C. Page | 54,542 |
| Laurence L. Henry | 54,541 |
| Growers Exchange, Inc | 54,347 |
| James M. Accomazzo | 54,225 |
| CCG Farms, Inc | 54,192 |
| J. R. Tucker | 54,172 |
| Ted Hazen | 54,154 |
| Cal A. Sutton | 54,030 |
| William W. Sutton | 54,030 |
| Richard L. West | 53,939 |
| Robert West | 53,939 |
| Donald Welchens | 53,902 |
| Waddell Ranch Co | 53,822 |
| Ed Ambrose | 53,740 |
| John Thude | 53,699 |
| Bob L. Phillips | 53,684 |
| Donald Trampp | 53,675 |
| Frank Garcia, Sr | 53,672 |
| Frank Garcia, Jr | 53,672 |
| Wallace Thelander | 53,480 |
| Liberty Farms | 53,456 |
| Ted A. Pierce | 53,383 |
| Ted R. Pierce | 53,383 |
| Buckeye Farms, Ltd | 53,241 |
| E. & L. Walden | 52,901 |
| J. R. Haggard | 52,829 |
| Reed J. Kerby | 52,637 |
| Dwayne E. Dobson | 51,814 |
| Lyle King | 51,781 |
| Kenneth King | 51,781 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Arizona*—Continued

[Amounts in dollars]

MARICOPA COUNTY—continued

| | |
|---|---|
| Wayne King | 51,781 |
| Reed W. King | 51,781 |
| W. A. Heiden | 51,449 |
| Jon A. Tucker | 51,051 |
| Jewell Turner Farms | 50,967 |
| Robert D. Ryan | 50,684 |
| Carl G. Stevenson | 50,656 |
| J. H. Evans, Jr | 50,592 |
| Gertrude Conway | 50,303 |
| Laveen Cotton Co | 50,148 |
| J. V. Pace | 50,111 |
| D. L. Hadley | 50,000 |
| Gomez & Gomez | 49,918 |
| Kenly Farms | 49,631 |
| Sossaman Farms | 49,434 |
| Kathleen Scholtz | 49,433 |
| S. C. Jennings | 49,433 |
| S. J. Jennings | 49,433 |
| Henry F. Backer | 49,284 |
| Candelario Garcia | 48,901 |
| Martin Garcia | 48,901 |
| C. Dale Willis | 48,725 |
| L. R. Layton | 48,685 |
| R. L. Saylor | 48,659 |
| Gila River Farms, Inc | 48,636 |
| D. E. Pinkham | 48,442 |
| Robert L. Cook | 48,356 |
| W. R. Skousen | 48,255 |
| Mack Hastings | 47,944 |
| Amos A. Jarrell | 47,898 |
| Daniel E. Jarrell | 47,884 |
| Arnold D. Jarrell | 47,884 |
| James E. Gladden, Jr | 47,644 |
| W. T. Gladden | 47,643 |
| Jack Barnes | 47,468 |
| W. H. Jarnagin | 47,305 |
| L. Horst & G. Karstetter | 46,982 |
| Joe Bob Neely | 46,849 |
| John Fornes | 46,740 |
| Jacobs S. Stephens | 46,547 |
| Newell A. Barney | 46,445 |
| Gerald W. Mecham | 46,445 |
| Eaton Fruit Co., Inc | 46,393 |
| Trimble Farms | 46,005 |
| Sam Cambron | 45,959 |
| Turner Ranches | 45,841 |
| Erwin John | 45,776 |
| Delmar John | 45,776 |
| Basilio Aja | 45,681 |
| James R. Davis | 45,274 |
| R. & C. Johns | 45,057 |
| Richard S. Walden | 44,863 |
| Jerome Thompson | 44,195 |
| Clara Trampp | 44,127 |
| Clyde Trampp | 44,127 |
| James E. Wedgeworth | 44,015 |
| George Knapple | 43,831 |
| R. & J. Hayden | 43,811 |
| John J. Graham | 43,665 |
| Luther J. McClain | 43,571 |
| H. C. Douglas | 43,571 |
| Maricopa Stake Lds | 43,398 |
| Robert L. Layton | 43,204 |
| M. & P. Getzwiller | 43,190 |
| Mil For Farms, Inc | 43,126 |
| G. Keith Sasser | 42,333 |
| D. K. Sasser | 42,333 |
| Lehi B. Palmer | 41,581 |
| Harris Cattle Co | 41,428 |
| Steve Bales | 41,385 |
| John T. Bales | 41,385 |
| Eugene Schwertner | 41,252 |
| John Tolmachoff | 41,062 |
| William K. Richey | 41,040 |
| Duane Schepf | 40,778 |
| Rudolph Johnson | 40,606 |
| Aja Sheep Co | 40,563 |
| Earle E. Rayner, Jr | 40,492 |
| Ronald Rayner | 40,480 |
| Robert M. Rayner | 40,479 |
| Michael J. Moore | 40,339 |
| Hudson Farms, Inc | 40,078 |
| Hayden Farms, Inc | 39,953 |
| H. W. Porterfield | 39,754 |
| Sanders Farms | 39,683 |
| Paul E. Perry | 39,627 |
| Richard Evans | 39,499 |
| Robert W. Edwards | 39,307 |
| C. W. Neely | 39,300 |
| Ohaco Sheep Co | 39,156 |
| Ben Riggs & Son | 39,072 |
| Thomas E. Walden | 39,041 |
| Denny Weinberg Hay Co | 38,645 |
| Ellsworth Farms | 38,602 |
| Kempton Snedigar | 38,388 |
| Miles D. Wedgworth | 38,320 |
| Norman Knox | 38,266 |
| Burns Bros | 38,128 |
| James Marionneaux | 37,745 |
| Norbert J. Abel | 37,708 |
| Karl F. Abel | 37,708 |
| E. R. Metz | 37,700 |
| Byron Patterson | 36,899 |
| Germain H. Ball | 36,811 |
| H. L. Anderson | 36,429 |
| Wallace Bales | 36,417 |
| J. S. Hoopes | 36,391 |
| Gordon Cameron Estate | 35,879 |
| James A. Miller | 35,664 |
| Wm. G. Brandon | 35,558 |
| Jack Rayner | 35,319 |
| Cheatham Dairy, Inc | 35,252 |
| Carl Mumme | 34,811 |
| B. C. Walden | 34,698 |
| Jack Rayner, Jr | 34,567 |
| Max E. Weddle | 34,500 |
| E. L. Barnes | 34,477 |
| Jacob Stephens, III | 34,417 |
| Bruce Brooks | 34,179 |
| Myrtle N. Riggs Est | 34,097 |
| Long Tome Sheep Co | 33,731 |
| Anthony Martori | 33,635 |
| Edward Martori | 33,635 |
| Joseph F. Martori | 33,630 |
| Paradise Sheep Co | 33,221 |
| Queen Cr. Pot & Cold St. Co | 33,150 |
| Phil Echeverria Co | 32,933 |
| R. W. Goldwater | 32,768 |
| J. B. Hill | 32,448 |
| Robert W. Moore | 32,398 |
| Laveen Farming Co | 31,561 |
| G. R. Rogers | 31,522 |
| Eldon W. Cooley | 31,506 |
| Rainbow Ranches, Inc | 31,481 |
| Chris Peterson | 31,372 |
| Bill Luke Ranches, Inc | 31,147 |
| Keith Walden | 31,134 |
| L. M. Conner | 31,133 |
| G. R. Brooks | 30,917 |
| Sheep Spring Sheep Co | 30,856 |
| Kubelsky Est | 30,783 |
| H. & R. Henry Farms | 30,714 |
| W. H. Haggard, Jr | 30,504 |
| Ivan Jonovich | 30,504 |
| John E. Haggard | 30,504 |
| G. Turner & Son | 30,468 |
| Lloyd H. Martin | 30,177 |
| Jean Arriaga | 30,159 |
| W. H. Perry | 30,043 |
| Verl Peterson | 29,972 |
| L. & V. Schulz | 29,938 |
| Larry Jarnagin | 29,795 |
| Ivan Rex | 29,589 |
| Howard Lydic | 29,374 |
| Bob Stump | 29,365 |
| R. M. Hume | 29,184 |
| Rich & Rich | 28,471 |
| Hugh L. Gieszl | 28,328 |
| R. R. Wood | 28,116 |
| Delbert Beyer | 27,896 |
| Rudy Pihl, Jr | 27,864 |
| O. E. McGinty, Tst | 27,718 |
| Versluis Ranches | 27,587 |
| Fisher Miller Hay & Dev. Co | 27,536 |
| Philco Carter | 27,516 |
| Auza Sheep Co | 27,497 |
| J. L. Woolf | 27,382 |
| Aleman Sheep Co. & Son | 26,932 |
| Ted A. & Ted R. Pierce | 26,924 |
| William Wade | 26,725 |
| R. W. Cheatham | 26,685 |
| Nichols Farms | 26,516 |
| Norma F. D. Toci | 26,407 |
| Otto B. Neely | 26,389 |
| Youngker Farms | 26,385 |
| H. C. McGarity | 26,188 |
| A. J. Martori, Est | 26,081 |
| Wayne Weller | 25,973 |
| Fremon Cokr, Jr | 25,877 |
| E. W. Hudson, Jr | 25,870 |
| Bill R. Moore | 25,414 |
| Tanita Farms, Inc | 25,187 |
| Bill R. Moore | 25,104 |
| Donald L. Bissinger | 24,953 |
| Raymond Cook | 24,811 |
| Rala Singh | 24,626 |
| Geo & Myrtle Veit | 24,392 |
| E. G. Rhodes | 24,343 |
| A Lazy T. Cattle Co | 24,054 |
| Russell Badley | 23,901 |
| James M. Shahan | 23,648 |
| M. C. Goodrich | 23,283 |
| Bartlett Heard Co | 23,234 |
| George R. Howard | 23,145 |
| David Jordan | 23,088 |
| David R. Hudson | 23,036 |
| Marion I. Vance | 22,848 |
| W. T. Jarnagin, Sr | 22,643 |
| Kenneth Burnett | 22,610 |
| Alex & John Conovaloff | 22,376 |
| W. P. Haggard | 22,325 |
| Richard Haggard | 22,325 |
| J. C. Wilson | 22,164 |
| A. H. Smith | 22,160 |
| Mark Accomazzo | 22,147 |
| Jack Palmer | 22,023 |
| Jerald Carpenter | 22,014 |
| Phil Gould | 21,910 |
| Gene E. Narramore | 21,730 |
| Peterson Farms, Inc | 21,068 |
| Leo C. Smith Farms | 21,019 |
| Johnny M. Lopez | 20,740 |
| A. Stanley Pine | 20,709 |
| R. D. Beebe Sr | 20,577 |
| Wayne Pitrat | 20,374 |
| R. C. Jones | 20,368 |
| Reginal C. Jones | 20,367 |
| R. C. Wood Farms | 20,218 |
| John W. Hadley | 20,185 |
| Byron Greg Williams | 20,013 |
| Val. Natl. Bk. Tr. No. 4495 | 20,012 |
| Total payees in county (322) | 14,359,440 |

MOHAVE COUNTY

| | |
|---|---|
| Eldon K. Parish | 54,786 |
| John Vanderslice | 54,686 |
| Hanc Enterprise | 51,481 |
| Total payees in county (3) | 160,953 |

PIMA COUNTY

| | |
|---|---|
| Farmers Investment Co | 99,362 |
| Kenneth A. Ethridge | 90,221 |
| Growers Finance Gin | 86,847 |
| Bing K. Wong, Sr | 70,260 |
| Mamie Kai | 64,415 |
| Eing K. Wong, Jr | 64,236 |
| John E. Payne | 62,286 |
| Warren E. Culbertson | 60,891 |
| Jimmy Bowden | 60,891 |
| Frances Chan | 59,517 |
| Ralph Wong | 59,155 |
| John Kai, Jr | 58,963 |
| Wallis Farms, Inc | 58,555 |
| Herbert Kai | 57,941 |
| David Wong | 56,774 |
| R. G. Buckelew | 54,344 |
| James B. White, Jr | 49,412 |
| Buck Sam Chu | 49,318 |
| Woodrow Jarvis | 45,843 |
| J. Boyd White | 45,315 |
| Henry A. Wirthey | 34,014 |
| Evco Farms, Inc., synd | 33,995 |
| Pat Tucker, Jr | 33,484 |
| Dan W. Clarke | 32,170 |
| Glenn Harbour | 30,164 |
| R. F. Hopkins | 30,155 |
| B. Harbour | 30,155 |
| Bench S Cattle Co | 29,707 |
| Gladden Farms A Part | 28,583 |
| Imogene Brittian Gladden | 28,583 |
| E. C. Barnett | 27,488 |
| James Kuen Wong | 27,181 |
| H. W. Brittain | 26,510 |
| Joe Jobe | 26,360 |
| Iola Cady | 24,154 |
| Gary L. Watson | 22,752 |
| C. E. Watson | 22,752 |
| Edward Anway | 22,467 |
| Vessey Co., Inc | 22,325 |



| | |
|---|---|
| Flying E Bar Cattle Co | 21,884 |
| Apex Farms Inc., Synd | 21,857 |
| John D. Nichols | 20,797 |
| El Rancho Manana | 20,043 |
| Total payees in county (43) | 1,872,126 |

PINAL COUNTY

| | |
|---|---|
| Gila River Farms | 452,337 |
| Ak Chin Farms | 397,267 |
| Arizona Farming Co | 91,760 |
| Troy L. Cowan | 83,960 |
| Eileen M. Nutt | 72,450 |
| Fred Enke | 71,191 |
| Frances D. Nutt | 70,003 |
| Reynaldo Q. Montijo | 70,003 |
| Norman C. Nupen | 70,003 |
| Marathon Farms | 69,078 |
| Rodney Kleck | 66,451 |
| Robert D. Bechtel | 66,412 |
| John Dermer | 65,983 |
| Robt. E. Hamilton | 64,135 |
| Greater Arlz. Rch., Inc | 63,296 |
| Leo Ellsworth | 63,243 |
| T. O. Gardner | 62,966 |
| Jerry Skousen | 62,968 |
| John Smith | 62,909 |
| John W. Dale | 62,547 |
| P. S. Thompson | 62,467 |
| Dan C. Palmer | 61,836 |
| Delbert Lewis | 61,825 |
| Marcus Vanderslice | 61,147 |
| R. W. Neely | 61,143 |
| Margie L. Hanna | 60,986 |
| Walter Isom | 60,850 |
| William Isom | 60,822 |
| Sunset Rchs, Inc | 60,718 |
| Wilbur Wuertz | 60,572 |
| Otice Self | 60,551 |
| J. A. Roberts | 60,518 |
| Carlos Elias Jr | 60,429 |
| Bob A. Anderson | 60,165 |
| George Anderson | 60,165 |
| Leon Zigoures | 60,027 |
| Riftin Curtis | 59,993 |
| Daley & Bogle | 59,855 |
| Harley Hilgeman | 59,744 |
| Charles A. Peircey | 59,688 |
| R. E. Schlittenhart | 59,688 |
| Wm. A. Stanfield | 59,688 |
| Thos A. McCarville | 59,688 |
| Bill McSwain | 59,665 |
| Dennis Nowlin | 59,543 |
| Raymond Clayton | 59,430 |
| K. E. Shollenbarger | 59,392 |
| Merlin Hamilton | 59,376 |
| Patrick Talla | 59,372 |
| Peter J. Robertson | 59,179 |
| Sunshine Vly Rnchs, Inc | 59,170 |
| H. D. Conner | 59,023 |
| Milton Le Smith | 58,932 |
| Milton P. Smith, Jr | 58,932 |
| Norval C. McNatt | 58,782 |
| Edward Y. Hooper | 58,771 |
| Robert Allen Taylor | 58,765 |
| Philip C. Hanson | 58,719 |
| Lloyd White | 58,611 |
| J. A. Kellison | 58,580 |
| C. Ray Robison | 58,501 |
| Tom Gaddis | 58,231 |
| Santa Cruz Ent, Inc | 58,102 |
| C. S. C. Farms, Inc | 57,743 |
| Harold F. Self | 57,707 |
| C. J. & L. Farms | 57,665 |
| Glenn Lane | 57,664 |
| Rod Zigoures | 57,578 |
| C. P. Honeycutt | 57,279 |
| Independent Gin Co | 57,148 |
| Wm E. Foster | 57,121 |
| Robert Ellsworth | 57,062 |
| Donald Ellsworth | 57,061 |
| Ernest F. Brady | 57,032 |
| Jack Nichols, Est | 56,860 |
| Howard Arp | 56,785 |
| W. A. Dunn | 56,727 |
| L. L. Butch Johnson, Jr | 56,533 |
| W. L. Clayton | 56,371 |
| Rex Neely, Trst | 56,346 |
| Cross Mtn Sheep Co | 55,889 |
| Thomas B. Wheelis | 55,838 |
| W. F. Dunn | 55,837 |
| Isabel Singh | 55,581 |
| Harvey Davison | 55,304 |
| M. R. Nafziger | 55,263 |
| Roy Martin | 55,252 |
| Robert W. Brooks | 55,183 |
| Michael Dan Horton | 55,153 |
| El Dorado Rnch, Inc | 54,994 |
| W & J Farms | 54,790 |
| Leonard Anderson | 54,406 |
| James F. Brady | 53,984 |
| R. & R. Lvstk | 53,976 |
| Jim Wheelis | 53,773 |
| Frank W. Shedd, Jr | 53,740 |
| Paul Sexton | 53,573 |
| Howard Arthur Wuertz | 53,170 |
| Clyde Lane | 53,073 |
| Carlos Cabanillos | 53,058 |
| B. M. Cabanillas | 53,058 |
| Ernest McFarland | 52,983 |
| Paul Duran | 52,978 |
| Albert M. Coury | 52,971 |
| W. H. Lane %G Lane | 52,883 |
| Howard Holland | 52,631 |
| Paul Ollerton | 52,527 |
| Willis Combs | 52,313 |
| P. W. Vensel | 52,011 |
| William Burrough | 51,990 |
| Ralcot Ranches Inc | 51,785 |
| Charles Hill | 51,680 |
| Richard Duran | 51,632 |
| Martin Talla | 51,440 |
| Paul Pearce | 51,375 |
| Mickey A. Clark | 51,349 |
| Thomas Stephens | 50,993 |
| C. & V. Growers Inc | 50,860 |
| R. P. Anderson | 50,750 |
| T. M. Coury, Sr | 50,486 |
| T. M. Coury, Jr | 50,471 |
| John Elliott | 50,375 |
| Robert M. Davis | 50,296 |
| Frank Abate | 50,218 |
| Thayer A. White | 50,090 |
| Dean Ellsworth | 50,005 |
| Fred R. North | 49,915 |
| Albert Clayton | 49,891 |
| Raymondo Montiel | 49,891 |
| Donald Wainscott | 49,830 |
| J. D. Hughes | 49,830 |
| Lucio Franco | 49,830 |
| Kirby Hughes | 49,830 |
| W. Baldenegro | 49,830 |
| Ronnie Hughes | 49,830 |
| Juan Valdez | 49,830 |
| Bill Lewis | 49,828 |
| David Campos | 49,828 |
| Frank Herrera | 49,828 |
| Inland Farms | 49,314 |
| Shumway Enterprises | 49,260 |
| Koenig Aviation, Inc | 49,108 |
| Elmer Hamilton | 48,628 |
| Pat Abate | 48,213 |
| Duncan Butler | 47,788 |
| Burlie Morgan | 47,484 |
| G. F. Billingsley | 47,484 |
| Ray B. Eubanks | 47,484 |
| Truman Van Tassil | 47,484 |
| J. A. Espinosa | 47,484 |
| Earthy Smith | 47,484 |
| J. M. Espinosa | 47,484 |
| Gail Hardin | 47,484 |
| Harold L. Earley, Sr | 47,313 |
| Tom J. Finley | 47,071 |
| Jack L. Finley | 47,069 |
| Margaret Finley | 47,063 |
| J. H. England | 47,018 |
| Richard Cruz | 46,895 |
| Dr. P. F. Hartman | 46,455 |
| Jim Henness | 46,257 |
| Manterola Trust | 45,464 |
| David Pretzer | 45,354 |
| Duane Ellsworth | 45,148 |
| Max Nichols Farms | 45,045 |
| James Dean Brady | 45,007 |
| Frank Graham | 44,434 |
| Roger Goff | 44,289 |
| Jim Pate | 44,243 |
| C. G. Cotton Fin Co | 44,237 |
| Noel Martin | 44,086 |
| Tom Turner | 43,971 |
| Echeverria Feeding Co | 43,946 |
| S. C. McFarland | 43,457 |
| Clifford Hess | 43,346 |
| Lorena Chan How | 43,035 |
| Jack Ralston | 42,879 |
| G. Robt Ralston | 42,867 |
| Gary L. Ralston | 42,867 |
| Emory Shahan | 42,648 |
| Talla Farms, Inc | 42,615 |
| Christopher Lane | 42,157 |
| H. L. Holland | 42,071 |
| David K. Storie | 42,017 |
| Norman Pretzer | 42,011 |
| Alex Pretzer | 42,011 |
| Warren E. Cox | 41,487 |
| A. C. T. Ranches, Inc | 41,291 |
| Carlton Farms, Inc | 40,812 |
| Diwan Ranches, Inc | 40,742 |
| Arnold Hill | 40,729 |
| R. B. Elsberry | 40,708 |
| Bartlett Farms, Inc | 40,635 |
| Darvin, Rogers | 40,343 |
| C. W. England | 40,213 |
| Lonnie R. Schnepf | 40,196 |
| Leon M. Nowell | 40,098 |
| Grant E. Peterson | 39,859 |
| Debb Stephens | 39,470 |
| Nellie Rogers | 39,406 |
| J. M. Self, Jr | 39,205 |
| Bill Warren | 39,136 |
| Producers Cotton Oil | 39,129 |
| Woodman Moore | 38,973 |
| Stanley Ellis | 38,785 |
| Savage Farms, Inc | 38,735 |
| Cecil Crouch | 38,661 |
| Barbara Erwin | 38,522 |
| Era Mae Barnes | 38,402 |
| Channan Singh Est | 37,736 |
| T. & C. Cattle Co | 37,594 |
| Clarence Skousen | 37,293 |
| K. K. Skousen | 37,293 |
| Agnes K. Beggs | 37,083 |
| E. J. Cunningham | 36,722 |
| J. O. Burns | 36,546 |
| Wayne Ray | 36,407 |
| W. L. Crouch | 36,371 |
| Herman Diwan | 35,813 |
| James K. Pen Farms | 29,611 |
| M. H. Montgomery TST | 29,483 |
| R. C. Gorce | 29,226 |
| Raymond Ford | 29,114 |
| David Parker | 35,730 |
| Keith Jorde | 35,730 |
| W. A. Ladd | 35,693 |
| Stageline Rnchs | 35,689 |
| Veco Rnchs, Inc | 35,682 |
| Fred Diwan | 35,333 |
| Luis Flores | 35,317 |
| Joseph A. Turner | 35,121 |
| R. W. Tripp | 35,080 |
| C. F. Fincher, Jr | 35,044 |
| Claude F. Fincher | 35,044 |
| Tracy Hutchins | 34,857 |
| Larry R. Scott | 34,763 |
| Libb Mosby | 34,380 |
| Marie White | 33,827 |
| Jack Kortsen | 33,666 |
| D. & W. Farms, Inc | 33,590 |
| Richard D. Clayton | 33,472 |
| Elaine Farms Company | 33,112 |
| Vera C. McChesney | 33,089 |
| Carl Tomkinson | 33,086 |
| M. C. Montgomery | 33,005 |
| G. Buster Brown | 32,951 |
| Charles E. Wright | 32,855 |
| Norman Hagen | 32,801 |
| Eddie J. Farrell | 32,719 |
| Wesley D. Hood | 32,298 |
| Alex McHaney | 32,189 |
| F. O. Barnes | 32,030 |
| Buford Gladden | 31,858 |
| Ben D. Kortsen | 31,852 |
| G. Gilbert Farms, Inc | 31,795 |
| Phil C. Hogue | 31,659 |
| Thomas N. Caywood | 31,323 |
| Bradley Lane | 31,253 |
| E. M. Layton | 30,514 |
| Paritem Poonlan | 30,403 |
| Douglas Gladden | 30,177 |
| Richard M. Daley | 30,147 |
| James K. Pew Farms | 29,611 |
| M. H. Montgomery TST | 29,403 |



XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Arizona*—Continued

[Amounts in dollars]

PINAL COUNTY—continued

| | |
|---|---|
| R. C. Goree | 29,226 |
| Raymond Ford | 29,114 |
| Camerson Sides | 28,960 |
| Sheba M. O'Connell | 28,718 |
| John W. Quaid | 28,546 |
| Edward C. Pratt | 28,301 |
| Dwayne B. Self | 28,226 |
| Pinal Farms, Inc | 28,207 |
| Wm. M. Saylor | 28,207 |
| J. E. Robinette | 28,056 |
| William M. Stambaugh | 28,050 |
| Clifton C. Sides | 28,047 |
| Dalton H. Cole, Jr | 27,862 |
| Jake R. Voth | 27,618 |
| Mitchell Maddock | 27,600 |
| Thomas M. Carlton | 27,048 |
| Robert A. Taylor | 26,885 |
| James F. Shedd | 26,866 |
| Harlan Russell | 26,183 |
| Lyla Combs | 26,153 |
| Ronald Miller | 25,733 |
| Carl Myers | 25,649 |
| Don Stephens | 25,444 |
| Elias M. Romley | 25,180 |
| Raymond Schnepf | 25,121 |
| Wayne Wuertz | 24,937 |
| Storey Rnchs, Inc | 24,930 |
| Herman Myers | 24,580 |
| Alvin T. Ethington | 24,375 |
| Paul Keeling | 24,317 |
| Emmett Jobe | 24,895 |
| Hidden Valley Rnchs | 23,356 |
| Claude H. Evans | 23,259 |
| Richard Lapaglia | 23,213 |
| Robert Barnes | 22,928 |
| E. J. Busby | 22,685 |
| M. V. Arme Jesup | 22,493 |
| Franklin Pratt | 22,431 |
| W. C. Pate | 22,086 |
| Oliver C. Anderson | 22,013 |
| M. Dillon | 22,013 |
| James F. Duke | 22,013 |
| O. V. Anderson Trst | 22,013 |
| E. L. Tst M. J. Lane | 21,692 |
| C. R. Skousen | 21,559 |
| C. L. Skousen | 21,559 |
| H. H. Hanna | 21,527 |
| Edward Nevitt | 21,491 |
| Barbara Hallman | 21,290 |
| H. L. Tom Earley, Jr | 20,794 |
| Anco Dist | 20,725 |
| Jesus Lapaglia | 20,714 |
| E. I. Jones | 20,675 |
| J. E. Jones | 20,675 |
| Mrs. E. H. Watson | 20,564 |
| Arthur J. Faul | 20,226 |
| M. J. Lane | 20,166 |
| Virgil Chandler | 20,086 |
| Oscar Chandler | 20,066 |
| Total payees in county, (320) | 14,953,930 |

YUMA COUNTY

| | |
|---|---|
| Jack Bros. & McBurney | 133,298 |
| James R. Jimmy Smith | 86,897 |
| Oral Hunter | 83,527 |
| Charles B. Sherrill | 83,435 |
| William La Follette | 81,935 |
| Don Andersen | 78,630 |
| Ben Simmons | 75,772 |
| Benny Simmons | 74,391 |
| F. C. Braden | 71,986 |
| C. R. Kriminger | 70,516 |
| W. Y. Murphey | 63,089 |
| J. D. McCain | 63,069 |
| Ben Matthews | 61,279 |
| Mattice and Sons | 60,701 |
| Hoffman Enterprises | 59,743 |
| Jack Studer | 58,706 |
| Ellen Studer | 58,706 |
| Winston Farms | 57,204 |
| Tom Howell | 56,986 |
| M. E. Lee | 56,548 |
| Kemper Brown | 56,329 |
| L. E. Mauldin | 56,257 |
| F. E. Mauldin | 56,257 |
| Wide River Fms | 56,132 |
| Bruce Church Inc | 56,030 |
| L. P. Barkley | 54,837 |
| J. F. Barkley | 54,432 |
| Robert E. Swinde | 53,957 |
| Fred Nussbaumer | 53,437 |
| David Carroll | 53,425 |
| Vince Salvato | 53,144 |
| W. M. Wootton | 52,944 |
| Royce R. Richardson | 52,506 |
| Robert Mountjoy | 52,506 |
| W. J. Scott | 52,418 |
| F. M. Ferguson, Jr | 52,010 |
| J. W. Ferguson | 52,010 |
| Thom Blohm | 51,580 |
| Wm. M. Harrison | 51,054 |
| Don B. Co | 50,463 |
| Lee Consaul Co | 50,351 |
| Woods Co | 50,282 |
| W. L. Moore | 50,186 |
| C. L. Stephens | 49,371 |
| Cuming and Sons | 48,580 |
| M. and V. Farms | 48,204 |
| Black Rock Farms | 48,023 |
| Oscar Walls | 47,024 |
| Clyde Curry | 46,787 |
| Wenden Farming Co | 46,272 |
| Henry Leivas | 45,362 |
| Arthur Blohm | 44,951 |
| Joe Hernandez | 44,868 |
| Kelly Hughes | 44,041 |
| Keller Farms | 44,031 |
| Earl Hughes | 43,598 |
| Chrismer Farms | 42,959 |
| Curtis Woodman Roach | 42,597 |
| Geraldine Scott | 42,420 |
| Rovey Land & Cattle | 41,899 |
| Bankhead Enterprises | 41,662 |
| Glen Sturges | 40,677 |
| Charles L. Emmons | 40,455 |
| McElhaney Farms | 39,996 |
| Stephen H. Sturges | 39,868 |
| Charles W. Thomas, Jr | 39,856 |
| Jack Massonde | 39,763 |
| Edward H. Taylor | 39,456 |
| Thomas H. McNamara | 38,684 |
| T. W. Williams | 38,020 |
| John and Jud Ott | 38,005 |
| Arizona Western Ranches Inc | 37,621 |
| George Sorensen Sr | 37,583 |
| Nish Noroian | 36,813 |
| Burnis Williams | 36,319 |
| Dunn Farms | 36,182 |
| Wm. Floyd Dunn | 36,171 |
| Robert Lee Dunn | 36,171 |
| Cuming Farms Inc | 35,214 |
| Charles Urrea and Sons | 35,205 |
| Archie Mellon | 35,112 |
| Jean Irrisarry | 35,029 |
| C. M. S. Farming Co | 34,122 |
| Weeks and Son | 33,559 |
| Cibola Land & Cattle | 33,392 |
| Southwest Ranch Inc | 31,696 |
| Rail X Ranch Inc | 31,696 |
| Star Ranch Inc | 31,696 |
| Double Bar Ranch Inc | 31,696 |
| Colorado Ranch Co., Inc | 31,674 |
| Circle Bar Farms Inc | 31,674 |
| Gila Ranch Inc | 31,674 |
| Allen Mariatt | 31,672 |
| Charles D. Phillips | 31,451 |
| David R. Gipe | 31,335 |
| Donna Luna | 31,294 |
| Louie Kehl | 30,993 |
| Glen Holt | 30,428 |
| Clarence Phillips | 30,034 |
| Clarence Phillips | 30,034 |
| Phil and H. D. Sibley | 29,615 |
| George Silva | 29,547 |
| D. S. Phillips | 28,788 |
| Gunther & Shirley | 28,207 |
| Floyd Spar | 27,765 |
| Jim Naquin | 27,571 |
| William Holt | 27,557 |
| Joe Holt | 27,557 |
| Danney Earl Holt | 27,557 |
| Robert Woodhouse | 27,413 |
| Larry Wisby | 26,672 |
| J. R. Cullison | 26,288 |
| J. W. Cullison | 26,288 |
| Ed Hall | 25,751 |
| Jon Nickerson | 25,252 |
| Mike Martinez, Jr | 25,238 |
| A. Lynn Carter | 25,110 |
| Moenk Fletcher | 24,533 |
| Pete Pasquinelli | 24,460 |
| David M. Williams | 23,502 |
| Anne S. Babcock | 23,379 |
| Jolley Farms | 23,247 |
| John Peach | 22,910 |
| Floyd Embree | 22,530 |
| Damel Farms | 21,894 |
| Wm. Thacker | 21,828 |
| B. J. Beck | 21,598 |
| Marion Griffin | 20,847 |
| Dillard Engler | 20,380 |
| Total payees in county (128) | 5,536,964 |
| Total payees in State (887) | 39,717,951 |

*1972 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Arkansas*

ARKANSAS COUNTY

| | |
|---|---|
| Robbie G. Dabbs | 26,785 |
| Total payees in county (1) | 26,785 |

ASHLEY COUNTY

| | |
|---|---|
| Gus Pugh Sons, Inc | 59,126 |
| William B. Deyampert | 56,967 |
| Kenneth Rice Farms, Inc | 54,453 |
| James Baugh | 53,296 |
| CRC Lynn, Inc | 52,260 |
| Henry Morschheimer, Jr | 50,226 |
| Victor Edwards | 48,593 |
| Billy E. Scroggins | 45,288 |
| John B. Currie | 44,278 |
| Guy Botsford, Inc | 43,696 |
| W. W. Cochran | 43,007 |
| Earl Cochran | 43,007 |
| Edith Robinson and Martha Rye | 42,393 |
| Jim Young Farms, Inc | 41,769 |
| Jack Edwards, Inc | 40,521 |
| Johnny M. Botsford | 39,819 |
| R. E. Lee | 39,449 |
| Billy Grimes | 39,354 |
| Bobby Foster | 38,278 |
| Thomas E. Moyers, Jr | 38,161 |
| Fisher Farms, Inc | 36,803 |
| E. D. Gregory Co | 36,522 |
| C. E. Bridewell Farms, Inc | 36,378 |
| H. & E. Co | 32,195 |
| Austin Bordeaux | 32,042 |
| William L. Johnson | 31,914 |
| J. L. McCain | 31,044 |
| Bill Gibbs | 30,024 |
| Robert D. and Joel W. Pugh, Inc | 29,598 |
| William P. Holland | 29,430 |
| John H. Ralph | 29,392 |
| Barney Allison | 27,262 |
| Ray Maglothin | 26,949 |
| John B. Currie, Jr | 25,539 |
| Gay Farms, Inc | 25,063 |
| James Crossley | 22,459 |
| Frances D. Wilson | 21,925 |
| I. J. Newton, Jr | 21,149 |
| M. M. Oneal Farm | 20,898 |
| Felix Pugh Interests | 20,759 |
| W. T. Files | 20,435 |
| Total payees in county (41) | 1,500,721 |

CHICOT COUNTY

| | |
|---|---|
| Multiponics, Inc | 61,074 |
| Robert E. Dunavant | 55,000 |
| Nettie Handley | 55,000 |
| James W. Winters | 54,187 |
| Oscar L. Crowe | 53,336 |
| J. & V. Pierooni & Co., Farm | 47,413 |
| Tony P. Borgognoni | 46,729 |
| Charles W. Strecker | 44,780 |
| Burchfield Farms, Inc | 42,583 |
| Carpenter Brothers | 40,783 |
| Johnie Brown | 40,357 |
| Jimmy R. Pylate | 38,485 |
| Don Pylate | 38,269 |
| Bill Holloway | 38,268 |
| Yellow Bayou Plantation, Inc | 37,584 |
| Charles F. Smith | 35,376 |
| W. T. Dixon | 33,469 |
| Harper Brothers | 33,331 |



| | |
|---|---|
| Donald H. Major | 33,034 |
| Jimmy Miles | 32,646 |
| Ford Brothers | 31,512 |
| Josh Keith | 31,032 |
| P. G. Keith | 31,032 |
| Charles D. Crawford | 30,759 |
| A. G. Rocconi | 30,305 |
| Frank Beebe | 29,807 |
| A. S. Rocconi | 29,324 |
| Ray Black | 28,840 |
| Billy Hunter | 28,621 |
| W. R. Smith | 28,823 |
| Woodson B. Hays | 28,811 |
| Ed Lawler | 25,704 |
| Fred Woodall | 24,908 |
| Sam Epstein Est | 24,853 |
| Dawson Brothers | 23,313 |
| Claude W. Grubbs | 22,788 |
| Olan Mencer | 22,782 |
| Herman J. Berkemeyer | 22,701 |
| William G. Rayder | 22,120 |
| A. C. Mazzanti | 21,972 |
| William J. Porter | 21,321 |
| Tom Rayder | 21,026 |
| A. & G. McHan | 20,718 |
| Jack D. Tice | 20,419 |
| J. H. Hall Farms, Inc | 20,004 |
| Total payees in county (45) | 1,501,199 |

CLARK COUNTY

| | |
|---|---|
| Vernie D. Langley, Jr | 30,819 |
| Sewel Daniell | 28,774 |
| Total payees in county (2) | 59,593 |

CONWAY COUNTY

| | |
|---|---|
| Pettingill Bros | 20,506 |
| Total payees in county (1) | 20,506 |

CRAIGHEAD COUNTY

| | |
|---|---|
| Wayne Baker | 41,105 |
| Zook & Gipson Farms | 41,078 |
| C. & C. Farms, Inc | 37,261 |
| Bill Stone | 32,604 |
| Paul Owns | 32,139 |
| Herbert Wood | 30,186 |
| Vernon Coggin | 27,696 |
| Edward F. Ball | 25,729 |
| Ray Dooley | 24,003 |
| Dudley Broters | 23,688 |
| Elmer Rogers | 23,422 |
| Alfred Barnhill | 23,138 |
| Garland Boyd | 23,113 |
| Charles R. Watson | 22,808 |
| Virgil Booth | 22,104 |
| Howard W. Davis | 21,850 |
| William A. Starnes | 21,551 |
| Agman Inc | 21,546 |
| Kenneth Adams | 21,354 |
| Dale Branscum | 21,079 |
| Add Schug | 20,726 |
| Gibson & Stewart | 20,333 |
| Russell Strickland | 20,110 |
| Total payees in county (23) | 598,621 |

CRITTENDEN COUNTY

| | |
|---|---|
| Bruins Ping Co | 62,509 |
| Middle Place, Inc | 60,746 |
| Wapanocca Planting Co | 57,759 |
| Sulcer Planting Company, Inc | 57,551 |
| Allen B. Helms | 56,926 |
| Julian L. Hardin | 56,361 |
| James W. Young, Jr | 56,007 |
| Jack W. Ray | 55,000 |
| Allen B. Helms, Jr | 54,844 |
| Pacco, Inc | 54,442 |
| William B. Rhodes Co | 53,730 |
| Adolph Pirani | 53,268 |
| N. S. Garrott, Jr | 52,907 |
| James L. Garrott | 52,907 |
| Nugenco, Inc | 52,331 |
| O'Neal & Son, Inc | 51,381 |
| Charles S. Riggan | 50,392 |
| Ralph C. Carlson | 47,673 |
| William A. Carlson | 47,665 |
| Joe Rodgers | 44,917 |
| D. W. Rodgers | 44,892 |
| John M. Swepston | 44,733 |
| Sammy Hatley | 43,390 |
| Ragland Plant, Inc | 41,943 |
| Johnny Shelton | 41,524 |
| F. H. Griffin | 41,521 |
| Cy Bond, Jr | 41,207 |
| Rowena B. Stuckey | 41,198 |
| Baylus B. Quackenboss | 41,196 |
| Hester Parker | 41,070 |
| Roy A. Bloodworth | 41,026 |
| Robert Eugene English | 41,026 |
| Joe Dale Bloodworth | 41,026 |
| Dino Pirani | 40,465 |
| Paul Pirani | 40,465 |
| Joe E. Looney | 40,031 |
| Billy Jack Looney | 40,029 |
| Walter J. Carlson | 36,649 |
| Don Bell | 36,587 |
| Beuford J. Wallace | 36,313 |
| David S. Wallace | 36,302 |
| S. & W. Farms, Inc | 35,486 |
| Dan R. Springfield, Jr., Trust | 34,681 |
| Lowell W. Taylor, Jr | 34,616 |
| Sadie Beck Taylor | 34,616 |
| W. Neely Mallory | 33,408 |
| E. J. Barham, Jr | 32,868 |
| C. T. Rodgers | 32,186 |
| H. P. Sisk | 31,245 |
| H. M. Brinkley Estate | 30,814 |
| V. H. Price | 29,990 |
| Armond Angeletti | 29,461 |
| John Angeletti | 29,460 |
| Earl White | 29,356 |
| Milton Lubin | 29,319 |
| Thomas M. Holmes | 29,011 |
| W. T. Oliver | 28,615 |
| A. Cecil Oliver, Jr | 28,615 |
| Johnnie Marotti | 28,472 |
| Daniel Marotti | 28,472 |
| Alton Grant Farms | 28,349 |
| Carl E. Morrison, Jr | 28,255 |
| William P. Morrison | 27,679 |
| B. P. Kelley | 27,622 |
| Marybeth K. Rieves | 27,539 |
| J. F. Rieves, Jr | 27,461 |
| James Harris Griffin | 27,372 |
| L. G. Byford | 27,191 |
| C. B. Britton | 27,181 |
| L. C. Smith | 26,924 |
| Joe Baratti | 26,303 |
| Marilee T. Stratford Trust | 25,387 |
| John F. Twist Trust | 25,387 |
| Helen T. Thomas Trust | 25,387 |
| Julia T. Kirkpatrick Trust | 25,387 |
| Reginald B. Twist Trust | 25,387 |
| Aldo Marconi | 24,732 |
| E. J. Baker, Jr | 24,661 |
| Katherin W. Clarke | 24,573 |
| E. H. Clarke, Jr | 24,566 |
| William W. Clarke | 24,566 |
| Vernon Felker | 24,525 |
| S. M. Nickey, Jr | 24,456 |
| J. L. Currie | 24,286 |
| W. H. Greene | 23,988 |
| Howard Atkins | 23,884 |
| Olga S. McNeely | 23,592 |
| Joe Pirani | 23,419 |
| Herbert Allen | 23,078 |
| E. M. Ott | 23,065 |
| Joe Currie | 23,030 |
| Frank G. Fogleman | 22,617 |
| J. F. Fogleman | 22,617 |
| Manuel T. Sharp | 21,997 |
| Alex Marconi | 21,615 |
| Lonnie Webster | 20,862 |
| Charles L. Williams | 20,848 |
| James R. Stockley | 20,741 |
| Woodrow Holt | 20,553 |
| R. K. Bollinger | 20,525 |
| Freddie N. Bollinger | 20,523 |
| Total payees in county (101) | 3,524,730 |

CROSS COUNTY

| | |
|---|---|
| Ruston Farms | 58,158 |
| John H. Johnston | 55,000 |
| W. M. Smith and Sons | 50,523 |
| Richard Twist | 50,453 |
| Abner Clements | 47,895 |
| L. T. Beene | 36,930 |
| Gene Thompson | 36,647 |
| Leslie J. Nix | 36,147 |
| Cherry Farms Inc | 32,126 |
| Paul McCutchen | 31,005 |
| Ed Bond | 29,615 |
| Ira F. Twist | 29,204 |
| Gordon Morris | 28,283 |
| R. W. Byrd | 27,325 |
| Hugh B. Proctor, Jr | 27,182 |
| S. A. Atkison | 25,715 |
| Donald McKnight | 23,467 |
| Dennis McKnight | 23,467 |
| Wallace Martin Inc | 23,430 |
| Robert Twist | 23,180 |
| George L. Brown and Sons | 21,981 |
| Owen S. Crook | 21,911 |
| John A. Brenner | 21,100 |
| Bill Rucker | 20,235 |
| Total payees in county (24) | 780,979 |

DALLAS COUNTY

| | |
|---|---|
| Benton Taylor | 23,711 |
| Total payees in county (1) | 23,711 |

DESHA COUNTY

| | |
|---|---|
| R. B. Stimson & Co | 56,037 |
| Grady Tabor | 55,590 |
| R. A. Pickens | 40,066 |
| P. W. Teeter & Sons Co | 39,909 |
| Reedville Farms | 38,585 |
| Johnson Bros. Gin Inc | 36,482 |
| Gary Michael Roberts | 33,144 |
| A. V. Stimson Co | 32,810 |
| Bickham Bros | 32,123 |
| Baxter Land Co | 30,647 |
| Leroy Johnson | 28,358 |
| Carmack Don McCurry | 28,071 |
| New & Lick | 25,157 |
| Clifton L. Meador | 25,015 |
| Holt, Holt & Roddy | 24,660 |
| Charles Raymond Day | 24,607 |
| Dilbeck & Dilbeck | 24,457 |
| H. G. Leek, Jr | 24,419 |
| C. B. Stevens Farms Inc | 24,271 |
| Earl Griffin | 23,691 |
| Grover Jones | 22,127 |
| Cecil Tucker | 21,972 |
| Chas. Dante & Son | 21,798 |
| Howard Newton | 21,717 |
| M. L. Walt | 21,501 |
| Martin Wood | 20,526 |
| Sims Bros | 20,118 |
| B. C. Pickens, Jr | 20,033 |
| Andrew Pickens | 20,033 |
| Total payees in county (29) | 837,924 |

DREW COUNTY

| | |
|---|---|
| Carl Pamplin | 53,271 |
| C. R. Russell & Son | 47,146 |
| Fred Johnson | 46,977 |
| Bilgischer and Sponer | 46,033 |
| R. C. Greenway & V. Greenway | 43,771 |
| Joe Cingolani | 34,027 |
| William Bulloch | 33,507 |
| John Mack Arnn | 33,270 |
| John W. Arnn | 33,288 |
| Tillar & Co | 29,069 |
| P. & S. Farms | 27,967 |
| Miles Whitaker Lowe | 27,785 |
| Charles Holloway | 26,315 |
| Donald M. Bulloch | 25,545 |
| Lephiew Gin Co | 24,483 |
| Curtis Lagrone | 22,079 |
| Jimmy L. Buford | 20,262 |
| Total payees in county (17) | 574,775 |

INDEPENDENCE COUNTY

| | |
|---|---|
| Voughn Wilson | 108,603 |
| Total payees in county (1) | 108,603 |

JACKSON COUNTY

| | |
|---|---|
| R. D. Wilmans & Sons Co | 57,212 |
| Andy Doyle | 51,342 |
| Rock Island Planting Co | 41,452 |
| Abe Jones | 39,533 |
| Burton Merc & Gin Co | 35,019 |
| Village Creek Planting Co | 34,541 |
| Mack Bros. Inc | 28,747 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Arkansas*

[Amounts in dollars]

JACKSON COUNTY—continued

| | |
|---|---|
| Tony Walton Farm, Inc | 28,107 |
| J. D. Nicholson | 27,176 |
| Bell & Carson | 25,736 |
| Ira Wheeler | 24,527 |
| H. G. Graham, Farms, Inc | 22,349 |
| Total payees in county (12) | 415,741 |

JEFFERSON COUNTY

| | |
|---|---|
| Ar State Penal Farm | 139,490 |
| B. J. Altheimer Foundation | 55,000 |
| B. J. Altheimer Testamentary Trustee | 55,000 |
| Allen Jacobs | 54,844 |
| Mary P. Mahaffy | 54,813 |
| D. Stratton Inc | 54,538 |
| Joye Jeter | 53,457 |
| Leon Callaham | 52,728 |
| Clarence Dutton & Son | 52,658 |
| W. W. West Co | 52,461 |
| Jimmy Blair | 50,688 |
| John N. Stern Trust | 48,628 |
| A. C. Hunter | 48,484 |
| Lyons Planting Co., Inc | 47,745 |
| Ben J. Altheimer, Jr | 47,736 |
| Carter & Yates | 46,982 |
| Peek Planting Co | 46,921 |
| Earle T. Phillips | 44,062 |
| R. E. Watkins, Jr | 43,401 |
| R. E. Watkins | 43,401 |
| S. R. Baugh | 42,712 |
| James Terkeurst | 42,337 |
| John Briggs, Jr | 42,180 |
| Walter Will Bryant | 42,109 |
| Paul Stone | 41,101 |
| R. L. Bruton | 40,587 |
| Swan Lake Plantation, Inc | 39,895 |
| Delton Edward Stratton | 38,959 |
| R. S. Barnett, Jr | 38,024 |
| Gray Farms, Inc | 37,530 |
| Stone Planting Co., Inc | 37,381 |
| L. J. Rogers, Inc | 37,361 |
| H. E. Brewer | 35,505 |
| Flat Bayou Farms, Inc | 35,035 |
| Sam Luckie | 32,250 |
| L. L. Dutton & Son | 32,057 |
| William M. Redfield Trust | 32,010 |
| Earl Chadick & Sons | 31,429 |
| William Shelby Jeter | 31,396 |
| West & Orton | 31,346 |
| Frank H. Lyons, Jr | 30,650 |
| Maurice Pipkin | 30,617 |
| Fish Lake Farms, Inc | 30,409 |
| J. L. McEntire & Sons, Inc | 29,711 |
| Adams Enterprise, Inc | 29,420 |
| Rita B. Freeman | 29,087 |
| Ty Cobb | 28,273 |
| Collins A. Andrews, Jr | 28,228 |
| Thomas O. Murchison, Jr | 27,999 |
| Chambliss Farms | 26,514 |
| Jesse Page Walt | 26,315 |
| J. L. Burgess, III | 26,209 |
| Benny J. Fratesi | 26,177 |
| W. B. Albright | 25,695 |
| Morris Allred | 25,029 |
| Larry Ross Hillis | 24,875 |
| Marshall Benjamin Garrett | 24,671 |
| E. E. Henderson | 24,443 |
| A. C. Freeman, Jr | 24,318 |
| Randy F. Briggs | 23,951 |
| Noble Lk. Pltg Co., Inc | 23,878 |
| Lynch Brothers | 23,225 |
| Ronald H. Jeter | 22,910 |
| Thompson Matthews McGregor | 22,824 |
| Georgiatown Farms | 22,737 |
| R. C. Bryant | 22,495 |
| W. P. Blankenship, Jr | 22,426 |
| E. Russell Lambert, Jr | 22,330 |
| Paul Blackwell | 22,307 |
| Billy Franklin Workman | 22,033 |
| Wirt Blankenship | 21,980 |
| Garvis Monroe Pollard | 21,691 |
| E. E. Swindle | 21,517 |
| L. W. Francis | 21,488 |
| Nolan and O'Neal | 21,346 |
| Henderson Bros., Inc | 21,170 |
| M. A. Rose and Sons, Inc | 20,834 |
| Total payees in county (12) | 2,784,267 |

LAFAYETTE COUNTY

| | |
|---|---|
| Troyce E. Endsley | 47,442 |
| Carl Adams, Jr | 46,131 |
| Lawrence E. Taylor | 39,312 |
| William L. Goza | 36,642 |
| Andrew Whisenhunt | 36,448 |
| Moore Properties, Inc | 34,270 |
| James R. Murphy | 31,792 |
| J. G. Allen, Jr | 30,782 |
| Burton Bros. C/O G. C. Burton | 28,814 |
| John L. Powell | 26,530 |
| Horace M. Burks | 26,450 |
| Henry T. Williams | 25,632 |
| Total payees in county (12) | 410,248 |

LEE COUNTY

| | |
|---|---|
| W. E. Stiles | 62,467 |
| Lawson Hughes | 51,720 |
| Dick Ed Thomas | 49,450 |
| Dan Felton & Co | 48,703 |
| G. R. Brent | 48,422 |
| H. T. Dillahunty | 48,034 |
| Robert May | 47,674 |
| Sisk Farms, Inc | 46,074 |
| Max D. Miller Farms, Inc | 44,202 |
| Eldon Reed | 44,128 |
| Vance & Bentley | 43,423 |
| Stiles & Manley Farms, Inc | 38,078 |
| Wooten Brothers | 36,679 |
| Parten Farms Inc | 36,579 |
| Elmwood Plantation Inc | 36,516 |
| Lindsey Farms Inc | 34,870 |
| Ellis Evans | 34,650 |
| Mann Farms Inc | 33,455 |
| George L. Ballard | 33,116 |
| Willie Jones | 32,445 |
| Thos Gist Jr | 31,858 |
| Flowers Brothers | 31,341 |
| C. E. Yancey & Sons | 31,314 |
| Whitehead Farms Inc | 30,552 |
| Jerry P. Hicky | 30,463 |
| Billy D. Sherman | 30,352 |
| D. A. Sherman Jr | 30,352 |
| Robert May, Jr | 29,211 |
| Barker Farms, Inc | 26,166 |
| Clarence Quarnstrom | 25,740 |
| Raymond V. Dawson | 25,617 |
| E. W. Reynolds | 24,269 |
| George McGinnis Farms, Inc | 22,266 |
| Sam T. Dillahunty | 22,169 |
| Joe K. Meurier | 22,169 |
| W. H. Gerrard | 21,464 |
| Jones Farms, Inc | 20,212 |
| Johnny F. Lipsky | 20,118 |
| Total payees in county (38) | 1,326,325 |

LINCOLN COUNTY

| | |
|---|---|
| H. R. Wood & Son, Inc | 52,837 |
| Marion F. Baugh | 45,990 |
| N. M. Ryall & Sons, Inc | 44,219 |
| C. H. Clowers & Co | 41,532 |
| Knight Brothers | 33,289 |
| Richard Jones | 32,410 |
| Wood Brothers | 32,154 |
| Bruce Norton | 31,852 |
| Frizzell Farms, Inc | 27,897 |
| Roy Baugh | 27,395 |
| A. O. French, Jr | 27,391 |
| Boscoe Blagg | 24,031 |
| Virgil Jones | 23,930 |
| R. E. Dreher & Sons | 23,912 |
| Johnson Brothers | 23,507 |
| John Holthoff | 22,950 |
| B. F. McGraw | 22,230 |
| W. H. Venable | 22,103 |
| Robert Edward Dreher, Jr | 22,092 |
| Robert Venable | 21,791 |
| Knox W. Bitely | 21,591 |
| Branson Brothers | 20,720 |
| Harry D. Fratesi | 20,251 |
| Total payees in county (23) | 666,074 |

LITTLE RIVER COUNTY

| | |
|---|---|
| E. C. Lavoice and Sons | 36,976 |
| W. L. Matteson III | 30,778 |
| Total payees in county (2) | 88,720 |

LONOKE COUNTY

| | |
|---|---|
| Floyd H. Turner | 55,158 |
| Jimmie H. Boggess | 54,175 |
| Sam McNeil | 53,615 |
| Bobby Jones | 48,416 |
| James C. Rollins | 48,171 |
| Charles Capps | 48,070 |
| Herman Jeans | 47,786 |
| Triangle Farms | 44,462 |
| Basel Henderson | 43,750 |
| Waylon B. Sims | 38,524 |
| Wm J. Bevis | 35,235 |
| Bobby Gene Wright | 33,986 |
| Odes Perry | 32,882 |
| Robert L. Dortch, Jr | 31,947 |
| Elmer E. Willman | 29,957 |
| Ralph Anderson | 28,589 |
| Anthony W. Dickinson | 27,849 |
| Connie Glenn Jordan | 27,007 |
| Hervey L. Patterson | 26,709 |
| Luid Jones | 26,340 |
| Thomas H. Jordan | 26,225 |
| R. W. Morris | 25,956 |
| Richard Bransford | 25,174 |
| James Workman | 24,870 |
| H. B. Hayley | 24,524 |
| Morris F. Hallum | 23,652 |
| Luchen Walls | 23,646 |
| Cobb Brothers & Co | 23,614 |
| Rex Warren Capps | 22,846 |
| Johnnie Wallace | 22,675 |
| Coy Lee Brantley | 22,247 |
| Paul Junior Capps | 21,992 |
| Larry & Fletcher Anderson | 21,931 |
| Samuel E. Crook | 21,849 |
| Loranzy George Crouthers | 21,263 |
| Joy Leon Hill | 20,445 |
| Darrell Y. Henderson | 20,356 |
| Billy F. Henderson | 20,171 |
| James M. Wallace, Jr | 20,149 |
| Total payees in county (39) | 1,216,753 |

MILLER COUNTY

| | |
|---|---|
| R. E. Ransdell | 45,503 |
| Doyle Stevens | 37,173 |
| Price Plantation, Inc | 33,959 |
| James B. Mills | 20,514 |
| Total payees in county (4) | 137,149 |

MISSISSIPPI COUNTY

| | |
|---|---|
| Wesson Farms, Inc | 90,584 |
| Clide Barnett | 61,369 |
| Armorel Planting Co | 61,098 |
| John A. Edrington | 60,411 |
| Lee Wilson & Co | 60,094 |
| Harold Senter | 59,013 |
| R. D. Hughes Gin Co | 57,911 |
| Langston Gin Co | 55,992 |
| Midway Farms, Inc | 55,745 |
| Crosswait Gin & Merc., Inc | 55,000 |
| Magnolia Farms | 55,000 |
| W. J. Denton Estate | 55,000 |
| Bobby Senter | 54,369 |
| Lowrance Bros. & Co | 53,845 |
| W. T. Metzger, Jr | 53,103 |
| Larry J. Woodard | 52,433 |
| C. B. Robinson | 51,793 |
| R. J. Gillespie | 50,533 |
| Reven Creecy | 49,713 |
| Thomas Tate | 49,713 |
| Rose & Hitt | 49,165 |
| Larry Woodard Farms, Inc | 48,874 |
| B. C. Land Co | 47,934 |
| Cullom Bros | 47,055 |
| McDaniel Farms | 46,334 |
| M. J. Koehler | 45,770 |
| Kelser Planting Co | 45,157 |



| | |
|---|---|
| Marie Planting Co | 45,001 |
| Ashmore Bros. & Brown | 44,462 |
| Clifford Gillespie | 42,639 |
| Joe Dildine | 42,638 |
| John M. Speck | 42,339 |
| A. E. Teaford | 42,123 |
| John E. Crain, Jr | 41,520 |
| John M. Stevens, Jr | 40,930 |
| Clarence Crosskno | 40,687 |
| Bob Jackson | 40,151 |
| Golden Lake Farms | 39,553 |
| Ira G. Ashley | 39,528 |
| Bill Taylor | 39,020 |
| Wayne Taylor | 39,020 |
| Dan and Chester Caldwell | 38,778 |
| Chiles Planting Co | 38,201 |
| Amon Eugene Holt | 37,647 |
| P. D. Johnson | 37,077 |
| C. L. Denton, Jr | 36,929 |
| C. J. Lowrence III | 36,863 |
| Speck Bros | 36,575 |
| Rel Wilson Trust Wilson | 35,891 |
| Nancy M Trimue | 35,733 |
| Wrenacres, Inc | 35,409 |
| Robert Gammill & Son | 35,144 |
| Wilbur F. Johns Farms | 34,414 |
| Collie D. Lowrance | 34,345 |
| Leon Brothers & Son | 33,878 |
| Leonard Ellison | 33,844 |
| Ray Harrison | 33,717 |
| Bryce Grant | 33,623 |
| Charles J. Ryals | 33,458 |
| Charles R. Moore | 32,937 |
| L. T. Dillard | 32,911 |
| Jack Hale | 32,907 |
| Glen A. Cook | 32,485 |
| W. M. Taylor, Jr | 32,422 |
| E. H. Riley | 32,169 |
| H. T. Bonds Sons, Inc | 32,025 |
| Arthur Tusing | 31,975 |
| James P. Sullivan | 31,898 |
| Hays T. Sullivan | 31,898 |
| John W. West | 31,723 |
| Trice Battle | 31,609 |
| Henry Battle | 31,609 |
| Ralph Bros | 31,520 |
| A. A. Banks | 30,873 |
| Wilbur Wildy | 30,502 |
| J. L. Gurley | 30,452 |
| Allen Metheny | 30,411 |
| Alex Goble, Jr | 30,349 |
| Paul Long | 30,348 |
| McGuire & Son, Inc | 30,260 |
| Elliott Farms | 30,165 |
| J. H. Smart | 30,075 |
| Mary Ann Gill | 29,694 |
| Evadale Planting Co | 29,428 |
| C. C. Councille | 29,405 |
| Earl H. Wildy | 28,798 |
| Albert Williams | 28,319 |
| J. E. Crain, Est | 28,151 |
| Buford Jarrett | 28,018 |
| K. D. Main | 27,540 |
| Kenneth Shannon | 27,468 |
| Moreland B. White | 27,427 |
| Charles Wildy | 27,395 |
| John B. Wilson and Son | 27,048 |
| Oliver Coppedge, Jr | 26,953 |
| Vaughn L. Shownes | 26,385 |
| Willis Stutts | 26,372 |
| Bill Tyer, Inc | 26,225 |
| Charles E. Crigger III | 26,180 |
| Russell and Freddie Battles | 26,090 |
| Edra S. Girdley | 25,982 |
| F. N. Craig | 25,943 |
| Don Brinn | 25,859 |
| E. E. Wallace | 25,621 |
| W. S. Cockerham, Jr | 25,572 |
| Jimmy Baugher | 25,415 |
| E. T. Gurley | 25,279 |
| Ted Parnell | 25,170 |
| Lyman Henson | 25,138 |
| E. A. Stacy | 25,115 |
| Gerald Costner | 25,069 |
| James Hart | 24,762 |
| C. S. Standifer, Jr | 24,622 |
| Robert A. Jackson | 24,603 |
| Billy Gann | 24,562 |
| Donald Felts | 24,366 |
| Joe W. Felts | 24,366 |
| V. S. Johnson | 24,305 |
| M. G. Smith | 24,100 |
| James Terry | 24,026 |
| Doug G. Bennett | 24,023 |
| William H. Wyatt | 23,844 |
| Russell Simpson | 23,818 |
| Gus Morris | 23,649 |
| John F. Gann | 23,579 |
| W. A. Jones Farm | 23,462 |
| George W. Dillahunty | 23,416 |
| Otto S. Gordon | 23,411 |
| Jimmie Davis | 23,346 |
| Virgil Stewart | 23,237 |
| J. L. Price, Jr | 22,919 |
| Murray Richardson, Jr | 22,665 |
| Eddie Thomas | 22,343 |
| Blythe Clark | 22,222 |
| June L. Ohlendorf Trust | 22,088 |
| John H. Timmons | 22,045 |
| Florenden Plantation | 21,972 |
| James H. Woodard | 21,935 |
| Eric Waddell | 21,930 |
| D. B. Brannon, Jr | 21,848 |
| J. W. O'Neal | 21,727 |
| J. D. Smith | 21,587 |
| Rel Wilson Trust Luxora | 21,440 |
| Charles R. Haynes | 21,394 |
| Richard Rose | 21,369 |
| Dunkin Farms | 21,094 |
| Lester B. Gill Trust | 20,894 |
| J. Lynn Tranum | 20,865 |
| R. C. Branch Sr. Estate | 20,758 |
| R. B. Holthouse | 20,733 |
| Herbert H. Ellis | 20,651 |
| Nick Rose | 20,650 |
| J. R. Whistle | 20,581 |
| Nick Patterson, Jr | 20,322 |
| Thomas H. Callis | 20,164 |
| D. R. McDaniel | 20,128 |
| Ed Hardin | 20,020 |
| Total payees in county (157) | 5,226,566 |

MONROE COUNTY

| | |
|---|---|
| Ray Fuller | 54,626 |
| Donald R. Dearing | 43,438 |
| Hyett E. Harrod, Jr | 38,156 |
| Amos Everett | 35,448 |
| John S. Calloway | 33,699 |
| Lily Peter | 33,549 |
| Billy Gerlach | 30,442 |
| Bruce Crow | 28,745 |
| Rudolph Calloway | 27,360 |
| Jack P. George | 26,762 |
| Floyd H. Shaw | 25,907 |
| Floyd A. Gerlach | 25,326 |
| Parker E. Johnson, Jr | 25,276 |
| Richardson Farms, Inc | 24,892 |
| Jimmy Kirkpatrick | 24,090 |
| John Martin | 23,508 |
| Hurley McKoy | 23,488 |
| Ronald Story | 23,201 |
| A. B. Walls | 22,325 |
| R. G. Bennett | 22,165 |
| Robert H. Mayo | 22,079 |
| R. A. Banks, Jr | 21,583 |
| Lewis Sherman Bennett | 21,328 |
| Decatur B. Jackson | 20,296 |
| Total payees in county (24) | 677,689 |

OUACHITA COUNTY

| | |
|---|---|
| W. K. Henry | 25,362 |
| Total payees in county (1) | 25,362 |

PHILLIPS COUNTY

| | |
|---|---|
| J. E. Storey | 55,016 |
| Curtis Clark | 54,992 |
| Frances Jo Blackburn | 53,975 |
| J. Dot Corporation | 53,944 |
| B. D. Alexander | 53,667 |
| Ray Dawson | 53,245 |
| R. J. & W. D. Suddath | 52,865 |
| Solomon Bros., Inc | 50,664 |
| E. T. Wells, Inc | 50,598 |
| Doug Simmons | 49,618 |
| David Hill | 49,579 |
| James H. Wood | 49,412 |
| Thomas E. Young | 49,228 |
| Elizabeth H. Strang | 49,057 |
| D. D. Howe Est | 48,883 |
| Brooks Griffin | 48,735 |
| Buron Griffin | 48,339 |
| Riverside Farm | 47,316 |
| Dave Inebnit | 44,955 |
| James E. Yancey | 44,340 |
| David Brooks Griffin Trust | 44,010 |
| Winston Foster | 43,021 |
| F. O. Griffin, Jr | 41,865 |
| Hiram Alexander | 41,082 |
| Elizabeth A. May | 41,074 |
| Milton Alexander | 41,074 |
| J. O. Wheeler & Son, Inc | 40,689 |
| King Wells Farm | 40,372 |
| Harry Stephens Farms, Inc | 39,418 |
| Delta Plantation, Inc | 38,219 |
| Roy Sanderlin | 37,965 |
| A. F. Gregory, Jr | 37,294 |
| Otis W. Howe Estate | 37,260 |
| Joe Pillow | 36,851 |
| J. D. Rohrscheib | 33,828 |
| R. J. Young | 33,664 |
| H. W. Rohrscheib | 32,933 |
| David Jones | 32,871 |
| Buford Culp, Inc | 32,816 |
| Catron Plantation | 32,737 |
| T. W. Keesee | 32,578 |
| W. C. Brandon | 32,100 |
| Deputy Place | 31,692 |
| Terry Wayne Byrd | 31,618 |
| Charles Loeschner | 30,787 |
| R. M. Hornor | 30,523 |
| Robert F. Howe | 28,755 |
| Trotter Farms, Inc | 28,109 |
| Wooten Epes Company | 27,836 |
| Chip Franklin, Jr | 27,557 |
| M. M. Crisp | 27,162 |
| Highland Lake Farm | 26,728 |
| James H. Crisp | 26,660 |
| E. H. Harmon | 25,828 |
| Tunney Stinnett | 25,742 |
| Sam J. Howe | 25,538 |
| Jake Crow | 25,308 |
| Caraway Bonner | 25,243 |
| C. & C. Farms | 24,785 |
| Woodrow Reed | 24,068 |
| J. E. Meador | 23,918 |
| Ralph Bunch | 23,488 |
| J. L. Phipps | 23,466 |
| S. W. Cooke, Jr | 23,442 |
| N. R. Hosey | 23,154 |
| Oneida Planting Company | 22,603 |
| K. W. Nix & Sons | 22,295 |
| Henry Wooten | 22,048 |
| Lester Crawford | 21,973 |
| Dean Roach | 21,924 |
| Ralph E. Kyte, Jr | 21,783 |
| W. P. Foster, Jr | 21,619 |
| C. C. Simmons | 21,592 |
| Lily Peter | 21,207 |
| C. J. Short | 21,200 |
| Total payees in county (75) | 2,661,800 |

POINSETT COUNTY

| | |
|---|---|
| S. C. Chapin | 58,390 |
| E. Ritter and Company | 57,417 |
| Donald Valentine | 54,982 |
| Frank Dean | 54,698 |
| Moreland Barton | 54,270 |
| D. V. Cravens | 54,176 |
| Clifford Clover | 51,029 |
| Benjamin Rowan Hyneman | 48,533 |
| Fairview Farms Company | 48,502 |
| Cecil H. Justus, Jr | 44,494 |
| Guy L. Prince | 43,953 |
| H. C. Bradford Jr | 42,884 |
| Dan F. Portis | 41,455 |
| C. D. Walker | 40,281 |
| W. J. Smith | 37,333 |
| Bill L. Hannah | 36,216 |
| W. H. Cross, Jr | 35,554 |
| Moon & Cash Inc | 35,353 |
| Morris P. Lansdale | 34,393 |
| James H. Moon | 34,074 |
| Walter H. Provost | 34,014 |
| Stuckey Bros Inc | 32,239 |
| John R. Young | 31,158 |
| AM Weona Fms Inc | 30,123 |
| Donald Walton | 29,676 |
| Paul Earnhart | 29,456 |
| Wallace George Willoughby | 29,330 |
| Jimmy N. Turner | 29,104 |
| R. H. Taylor & J. C. Stuckey | 28,833 |
| W. G. Craig | 28,596 |
| Dayton E. Brean | 28,533 |

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*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Arkansas*—Continued

[Amounts in dollars]

POINSETT COUNTY—continued

| | |
|---|---|
| J. Melvin Young | 28,399 |
| J. D. Fletcher | 27,816 |
| James O. Campbell | 27,159 |
| Robert L. Hughes, Jr | 26,846 |
| J. W., J. F. and Jimmy Harbison | 23,992 |
| Citizens Gin Co., Inc | 23,953 |
| T. James Isbell | 23,865 |
| Emrich Bros. & Sisters | 23,624 |
| Blanche M. Terry | 23,063 |
| Creodora Thompson | 23,048 |
| John E. McDermott, Jr | 22,974 |
| Herbert S. Bingham | 22,719 |
| Guy C. Henderson | 22,489 |
| J. P. Gooch | 22,327 |
| Charley G. Swindle | 22,016 |
| W. R. & Zula D. Payne Est | 21,898 |
| Tecota Farms | 21,640 |
| B. L. Boyd | 21,483 |
| Worthy Neal | 21,168 |
| Lowell Barrett | 20,856 |
| James A. Peck | 20,376 |
| Hyneman Fms. Inc | 20,365 |
| L. C. Shelton Farms Inc | 20,149 |
| Total payees in county (55) | 1,791,545 |

PRAIRIE COUNTY

| | |
|---|---|
| John D. Naill, Jr | 29,251 |
| George & Moore Farms | 28,244 |
| Total payees in county (2) | 57,495 |

PULASKI COUNTY

| | |
|---|---|
| James W. Phillips | 53,320 |
| W. A. Ratcliffe, Jr | 51,626 |
| H. O., J. H. & D. N. Nipps Ptrs | 46,237 |
| Walter C. Estes | 43,802 |
| Walter Isgrig | 41,581 |
| Sammy McGhee | 39,542 |
| Reber McGhee | 39,542 |
| Walderns Bros | 29,669 |
| Craig Planting Co | 27,289 |
| Robert Earl James | 27,102 |
| J. A. McDonald | 23,563 |
| Emmett Chapman | 21,971 |
| Donald Chapman | 21,965 |
| Odis Chapman | 21,964 |
| Henry Lanehart | 21,883 |
| Henry Bros. | 21,821 |
| W. George Alexander | 20,502 |
| Total payees in county (17) | 553,379 |

ST. FRANCIS COUNTY

| | |
|---|---|
| Shannon Bros. Enterprises | 63,990 |
| W. E. Biggs | 59,990 |
| W. W. Draper, Jr | 57,151 |
| Earl Dean Williams | 50,231 |
| Luke E. Burch, Jr., Inc | 45,401 |
| Red Gum Plantation | 43,671 |
| Higgins Bros., Inc | 43,588 |
| C. J. Beasley & Son | 42,365 |
| Glindall Co., Inc | 41,764 |
| Webb Sweet | 41,500 |
| Lockhart Sweet | 41,500 |
| Paul H. Finch | 40,824 |
| B & L Farms, Inc | 39,978 |
| Belle Meade Plantation | 38,651 |
| Joe Oswalt | 38,252 |
| Wheatley Mill & Gin Co. Farm | 37,560 |
| Lindsey Bros. | 37,544 |
| Thomas McDaniel | 37,191 |
| John C. Lindsey, Sr | 35,843 |
| Davis Biggs | 35,185 |
| McCain Farms, Inc | 34,966 |
| J. C. Rice | 34,945 |
| Ernest Stough | 34,945 |
| Oscie Hardy | 33,893 |
| B. McCollum, Jr | 33,805 |
| S. C. Rose, Jr | 32,849 |
| Joe Burch | 32,353 |
| Hammons Farms, Inc | 31,146 |
| J. R. Chappell, Sr | 30,202 |
| R. T. Landrum | 29,946 |
| Joseph R. Chappell, Jr | 29,578 |
| C. D. Brown & Sons, Inc | 29,554 |
| E. L. Cupp | 29,230 |
| A. B. Malkin, Jr | 29,032 |
| Larry Hobbs | 28,732 |
| Sam Ashworth | 28,139 |
| Claud Buford | 28,040 |
| Betty M. Stoddard | 26,455 |
| O. J. Gandy, Jr | 26,355 |
| Bob K. McKenzie | 26,070 |
| Wayne Campbell | 25,870 |
| Carl H. Morris | 25,317 |
| Charles T. Adams, Jr | 24,341 |
| David H. Hughey | 24,098 |
| Joe G. Young | 24,098 |
| Ida Mae Norsworthy | 23,815 |
| J. B. West | 23,538 |
| Jack Vaughn, Jr | 23,442 |
| Wilman Wilson | 23,001 |
| Victor Beene | 22,667 |
| Floyd Martin | 22,571 |
| Jimmy Wright | 21,955 |
| B. E. Beene | 21,868 |
| Kenneth J. Cupp | 21,851 |
| Freeman E. Nichols, Jr | 21,554 |
| Rod Bryan, Jr | 20,894 |
| Jerry W. Wright | 20,599 |
| Total payees in county (57) | 1,873,693 |

WOODRUFF COUNTY

| | |
|---|---|
| Gerald L. Morris, Jr | 57,143 |
| Gregory Farm, Inc | 52,219 |
| Bruce Tarkington | 35,674 |
| W. P. Galloway | 31,856 |
| Gum Ridge Corp | 28,984 |
| L. L. Cole & Son, Inc | 27,968 |
| W. Peyton Daniel | 25,140 |
| Jennings and McAlexander | 24,051 |
| Collier & Cain | 22,489 |
| Burtons, Inc | 22,341 |
| McAdams & Stovall Farms | 21,572 |
| Joe D. McGregor | 20,586 |
| Total payees in county (12) | 370,023 |

YELL COUNTY

| | |
|---|---|
| Billie Vaughn | 26,589 |
| W. H. McClure Trust | 24,241 |
| Total payees in county (2) | 50,830 |
| Total payees in State (897) | 29,892,006 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—California*

[Amounts in dollars]

ALAMEDA COUNTY

| | |
|---|---|
| Coleman Foley | 25,086 |
| Total payees in county (1) | 25,086 |

| | |
|---|---|
| M & T Inc | 95,682 |
| Parrott Inv Co | 87,644 |
| Shimizu Bros., Inc | 26,649 |
| Peter D. Peterson | 26,570 |
| Hugh T. Bell | 21,466 |
| Total payees in county (5) | 258,011 |

COLUSA COUNTY

| | |
|---|---|
| Strain Ranches, Inc | 58,171 |
| W. O. Pearson and Son | 42,147 |
| Osullivan Ranch | 42,095 |
| Wallace Bros | 40,809 |
| H. & A. Andreotti | 39,604 |
| A. Steidlmayer & Sons | 39,177 |
| Plank & Maupin | 36,921 |
| Carter Farms | 36,863 |
| Myers Bros | 35,803 |
| Lee Kalfsbeek | 32,815 |
| Joe Etchepare | 31,507 |
| Wm D. Struckmeyer | 29,965 |
| Davis Ranches | 28,531 |
| Terhel Farms, Inc | 26,547 |
| L. A. Urrutia and Son | 26,149 |
| Rominger Bros | 26,025 |
| Asa Wiggins & Son, Inc | 26,811 |
| Lagrande Bros | 24,450 |
| Peter B. Bradford | 24,222 |
| J. J. Gross | 21,551 |
| Chas Yerxa | 20,765 |
| Total payees in county (21) | 689,928 |

CONTRA COSTA COUNTY

| | |
|---|---|
| Vaquero Farms, Inc | 57,002 |
| Total payees in county (1) | 57,002 |

FRESNO COUNTY

| | |
|---|---|
| Giffin, Inc | 334,544 |
| Vista Del Llano Farms | 200,263 |
| Mouren Farming Co | 193,029 |
| Goodman Traction Ranch | 125,065 |
| William E. Glotz | 121,428 |
| Airway Farms Inc | 117,798 |
| W. J. Deal Co., Inc | 112,490 |
| Comfort Farm Inc | 107,770 |
| Bidegaray & Sagardia Bros | 100,290 |
| Victor Gragnani | 99,340 |
| Don Gragnani | 99,332 |
| Martens & Zalba & Azparren | 97,977 |
| Pilibos Bros., Inc | 96,165 |
| Redfern Ranches, Inc | 94,629 |
| J. & J. Ranch | 93,720 |
| Michael Giffen Ranch Inc | 93,713 |
| Deavenport Ranches, Inc | 88,237 |
| Standard Oil Co | 85,975 |
| Rabb Bros | 85,961 |
| Schramm Ranches Inc | 85,618 |
| Clayton Brown | 85,403 |
| Price Giffen Ranch | 84,926 |
| Gragnani Bros | 83,741 |
| Linda Vista Farms | 83,589 |
| Harris Farms Inc | 80,648 |
| Kriesant Operating Co., Inc | 80,514 |
| Sam & D M Biancucci | 79,001 |
| Mt Whitney Farms | 75,927 |
| William E. Schuh | 75,927 |
| Wildo, Inc | 75,678 |
| V C Britton Co | 73,360 |
| Pacific Farms Co | 73,001 |
| Paul Diener | 72,840 |
| Francis A Orff | 71,899 |
| J C Conn Inc | 71,039 |
| Sidney E. Gordon | 68,737 |
| Vernon L. Gordon | 68,737 |
| R. G. Griffin | 68,731 |
| Richard K. Griffin | 68,731 |
| Sierra Dawn Farms | 68,710 |
| Telles Ranch Inc. | 68,343 |
| Michael J. Ryan, Jr | 68,152 |
| Darrell Silveira | 67,134 |
| Erskine Ranch | 66,474 |
| Colt Ranch, Inc | 66,061 |
| Bob Wood | 65,610 |
| Paul Wood | 65,606 |
| Viola Matheson | 64,501 |
| Harold O. Banion | 63,484 |
| Robert M. Lee | 63,212 |
| E. & G. Farms | 62,997 |
| Hogue Produce Co | 62,994 |
| M. R. Lowrance | 62,705 |
| Eloise Arcelus | 62,705 |
| Rusconi Farms | 62,258 |
| Mayo Ryan | 62,142 |
| Bill & Ed Koda | 61,581 |
| Davis & Huey, Inc | 60,807 |
| B. M. Den Hartog Farm Tr | 60,729 |
| Robert Cowman Farm Tr | 60,727 |
| J. L. Davidson Farm Tr | 60,536 |
| Jack Cardwell | 60,155 |
| John L. Errecart | 60,049 |
| Davis Drier & Elevator, Inc | 59,319 |
| Ensher Alexander Barsoom | 59,293 |
| John C. Harris | 59,235 |



| | |
|---|---|
| Sumner Peck Ranch, Inc | 59,209 |
| C. L. Anderson | 59,911 |
| Louis Gragnani, Jr | 58,533 |
| Teresa Harris | 58,476 |
| Peter S. Marchini | 58,341 |
| Bruno J. Marchini | 58,323 |
| Sommerville Farms, Inc | 58,226 |
| Half Mn. Fruit & Prod | 58,057 |
| Roger C. Matheson | 57,932 |
| Clarence Matheson | 57,931 |
| Michael F. Matheson | 57,931 |
| Irby Abercrombie | 57,877 |
| Lawrence J. Wolfsen | 57,832 |
| Marvin Wood | 57,675 |
| Alex Kochergen | 57,649 |
| John A. Kochergen | 57,649 |
| Reuben Crosno | 57,641 |
| Wm H. Noble | 57,255 |
| Robert Hansen | 57,044 |
| Harry John Marchini | 56,631 |
| Marshall Baker | 56,508 |
| Crosno Farms | 56,472 |
| F. H. Bratcher | 55,891 |
| Donald J. Gragnani | 55,833 |
| A. J. Yates | 55,817 |
| J. C. Andresen | 55,549 |
| Levon Azhderian | 55,130 |
| Ronald S. Allen | 55,000 |
| M. J. Allen | 55,000 |
| Arthur J. Cuelho | 55,000 |
| W. L. Von Flue | 55,000 |
| Pappas & Co., Inc | 55,000 |
| Linneman Ranches, Inc | 55,000 |
| Giusti Farms, Inc | 55,000 |
| Edwin R. O'Neill | 54,998 |
| J. E. O'Neill, Inc | 54,995 |
| Mauz Childrens Tr | 54,995 |
| Melcombs Ranch, Inc | 54,978 |
| S. & S. Ranch, Inc | 54,943 |
| Frank Ayerza | 54,906 |
| Leroy Hardy | 54,794 |
| Earl Brinkley | 54,575 |
| Far West Farming, Inc | 54,568 |
| Richard Fortune | 54,483 |
| Edward Azhderian | 54,348 |
| Dudley J. Silveira | 54,255 |
| Drew Farms, Inc | 54,157 |
| Henry A. Wolfsen | 54,145 |
| Gerald K. Hoyt | 54,145 |
| Warren L. Wolfsen | 54,145 |
| David A. Britz | 54,130 |
| Robert Mueller | 54,107 |
| Richard S. Burford | 54,054 |
| Ralph D. Von Flue | 53,888 |
| Dodd Family Living Tr | 53,442 |
| Rogers Ranches, Inc | 53,037 |
| Metzler & Metzler | 52,850 |
| Ryan Farm Trust | 52,844 |
| Edward F. Diener Farm Tr | 52,844 |
| Simonich Farm Trust | 52,844 |
| De Mera Farm Tr | 52,844 |
| Gramis Bros | 52,763 |
| Jarrott Ranch | 52,452 |
| Michael Peck | 52,452 |
| Kathleen Peck | 52,436 |
| Patrick Peck | 52,436 |
| Richard E. Guenther | 52,308 |
| Cardella & Johnston Inc | 51,996 |
| Alice M. Hanson | 51,976 |
| Poso Dairy Farms, Inc | 51,860 |
| David & Doris Dermer | 51,628 |
| Fairless & Pifferini | 51,523 |
| Mike Etcheberry | 51,367 |
| Burnett Bros | 51,198 |
| Donald Bellando | 51,198 |
| F. Silveira & J. Peterson | 51,097 |
| Jages, Inc | 50,593 |
| Matt J. Gaab | 50,584 |
| Frank Zubeldia, Jr | 50,038 |
| Frank C. Diener Ranch, Inc | 49,992 |
| Tai Hing & Co | 49,847 |
| William Mouren | 49,557 |
| Howard Mouren | 49,554 |
| Robert Cardwell, Jr | 49,184 |
| Vernon Swearingen | 49,099 |
| Fred Rau | 48,994 |
| Leavelle Bros | 48,896 |
| Billie Jo Mouren | 48,562 |
| James C. Anderson | 48,560 |
| Mary Fortney | 48,344 |
| Jess P. Telles III | 48,318 |
| Frances Telles | 48,318 |
| John G. Telles | 48,318 |
| James W. Telles | 48,318 |
| Fernando Machado | 48,255 |
| John Teixeira | 47,885 |
| Jess P. Telles, Jr | 47,497 |
| Frank Trammell | 47,418 |
| Joe C. Machado | 47,392 |
| Hubert Beene | 47,114 |
| Melvin Coelho | 46,648 |
| Raven Land Co | 46,150 |
| Jura Farms, Inc | 45,785 |
| Joseph L. Silva | 45,747 |
| Diamond R. Farms, Inc | 45,733 |
| John J. Boccabella | 45,566 |
| Harold Hale | 45,541 |
| Gerawan & Penner Ranches, Inc | 45,492 |
| Nichols & Wood | 45,087 |
| George Butts | 45,005 |
| Roy Green | 44,977 |
| Donald C. Skinner | 44,852 |
| Geo. & Jn. & Walt Orlando | 44,232 |
| Jaurena Bros | 43,781 |
| Frank Chounet Ranch | 43,735 |
| Vierhus Farms | 43,707 |
| Ernest Carvalho | 43,397 |
| Del Testa Farms | 43,043 |
| Walter Willms | 43,026 |
| Zapato Farms, Inc | 43,018 |
| Albert Bufkin | 42,379 |
| Morris Richina | 42,151 |
| Nino Groppetti & Sons | 42,015 |
| H. B. Fries | 41,831 |
| D. T. Locke | 41,605 |
| Henry B. Wolfsen | 41,501 |
| Carl Swearingen | 41,387 |
| Del Ko Farms | 40,981 |
| Bernard Etchegoin | 40,609 |
| Jack Howard Ranch | 40,427 |
| John Nakamura | 40,390 |
| Richard Swearingen | 40,183 |
| Re Al Farms, Inc | 39,840 |
| Horn Farms, Inc | 39,684 |
| Martin Britz | 39,540 |
| Giacone Ranch | 39,524 |
| Ru Ann Dairy | 38,961 |
| Danny Beene | 38,611 |
| Gary Beene | 38,611 |
| Markarian Farms, Inc | 38,588 |
| Frankie E. Lopes | 38,528 |
| S. F. Terry | 38,437 |
| James D. Renton | 38,437 |
| B. Parachou Est | 38,353 |
| Nicolini & Maitia | 38,248 |
| Britz Chemical Co | 38,231 |
| Des Jardins Bros | 38,050 |
| Leonard E. Deal | 37,758 |
| Barbara J. Deal | 37,746 |
| Wm. J. Deal, Jr | 37,746 |
| Martin Costales | 37,669 |
| Indart, Inc | 37,037 |
| Perez Bros | 37,016 |
| Britz Fertilizer | 36,978 |
| Philip Erro | 36,648 |
| McKean Bros | 36,343 |
| Wm. Erickson | 36,246 |
| Arthur J. Cuelho Ranch | 35,916 |
| J. W. McBee & Ray Barger | 35,581 |
| Walter E. Lambrecht | 35,516 |
| James W. Wilson | 35,331 |
| Motte Ranches | 35,298 |
| United Packing Co | 35,135 |
| De Francesco Bros | 34,599 |
| Frank J. Mendes, Jr | 34,408 |
| Paul W. Speakes | 34,251 |
| John A. Speakes | 34,251 |
| Coelho Farms | 34,091 |
| Robert Cardwell | 34,057 |
| Irwin R. Efird | 33,992 |
| Roy Howard | 33,987 |
| Tony Coelho | 33,836 |
| Richard Eggleston | 33,796 |
| Maria Coelho | 32,740 |
| Joe Coelho | 32,740 |
| Pierre Harguindeguy | 32,676 |
| John Mancebo | 32,584 |
| Gentry Farms | 32,537 |
| D. E. Drew | 32,532 |
| Carl Ross | 32,284 |
| Harold C. Weeth | 32,110 |
| J. Teore & G. Tavares | 32,030 |
| Paul Crevolin | 31,940 |
| Millard Hale | 31,473 |
| Jack D. Jones | 31,228 |
| Frank J. Coelho | 31,169 |
| C. R. Wilkins | 30,917 |
| D. E. Robison | 30,837 |
| Miriam M. Silveira | 30,820 |
| William Pucheu | 30,621 |
| John Pucheu, Jr | 30,621 |
| A. J. Lombardini | 30,487 |
| R. & S. Farms | 30,403 |
| Jack C. Woods | 30,325 |
| W. F. Mc Farlane | 30,251 |
| Locke Bros | 30,052 |
| Robert Cardwell | 29,930 |
| Ernest Fordin | 29,816 |
| Carvalho Farms, Inc | 29,675 |
| Kenneth Peelman | 29,644 |
| Harnish Five Points, Inc | 29,640 |
| Wayne M. Hardy, Est | 29,520 |
| John Goulart & Sons | 29,368 |
| Edward R. Lewis | 29,349 |
| Andre & E. R. Leroy | 29,323 |
| Albert Haupt | 29,110 |
| Pete Haupt | 29,110 |
| C. E. & R. B. Klepper | 28,929 |
| David Martin | 28,448 |
| John Wm. Kinnunen | 28,233 |
| Larrea Sheep Co | 27,804 |
| Jean Cedarry | 27,498 |
| Ray Narbaitz | 27,317 |
| Jerrold Olivera | 26,941 |
| Alex Maul | 26,803 |
| C. D. Rupe | 26,742 |
| Larry Sullivan | 26,734 |
| Michael Sullivan | 26,734 |
| Toro De Oro Farms, Inc | 26,402 |
| J. P. Saldubehere | 26,402 |
| Charles & Louis Macht | 26,301 |
| Richard J. Yraceburu | 26,051 |
| George Jackson | 26,021 |
| G. H. Berry | 25,956 |
| Fairless Bros | 25,866 |
| Eugene Nord | 25,728 |
| Richard Jew | 25,468 |
| Frank Lorenzetti | 25,424 |
| P. Erhman Trste M. A. Telles | 25,284 |
| Erhman Trste S. L. Telles | 25,283 |
| Almer Comfort, Jr | 25,235 |
| E. J. Nunes | 25,216 |
| Clarence De Freitas | 25,101 |
| Andres Errotabere | 24,991 |
| Thomas Couto | 24,853 |
| Howard W. Michles | 24,814 |
| Norman Fries | 24,413 |
| J. C. Andresen, Jr | 24,399 |
| Lorrie Lanfranco | 24,296 |
| Triangle Ranch | 24,253 |
| S. R. Boteho | 24,085 |
| Sherman Thomas | 23,984 |
| Echeveste & Elizalde | 23,940 |
| Armas Bros | 23,784 |
| Hans P. Gunlund | 23,318 |
| Bill Thomas | 23,121 |
| Thomas J. Lovelace | 22,838 |
| A. & D. Koligian | 22,715 |
| S. P. Transportation | 22,668 |
| John & Jim Diedrich | 22,653 |
| Hugh Bennett | 22,537 |
| Joe Torrano | 22,490 |
| Joe Yribarren | 22,376 |
| E. W. Chaney | 22,287 |
| Comfort & Lewis | 22,209 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—California*—Continued

[Amounts in dollars]

FRESNO COUNTY—continued

| | |
|---|---|
| West Valley Farms | 22,176 |
| Luther Bratton | 22,003 |
| Edward Wagenleitner | 21,989 |
| G. Jr. & D. Ketscher | 21,769 |
| Silveira Darrell Dudley | 21,719 |
| Douglas Fries | 21,487 |
| Willie Toste | 21,433 |
| Alfred Coelho & Sons | 21,379 |
| A. F. Mendes & Sons | 21,355 |
| W. L. Renfro | 21,299 |
| Herman & Otto Walls | 21,190 |
| A. L. Fourchy | 20,837 |
| Myrna Wolfsen | 20,750 |
| Hyde Ranch | 20,694 |
| Pauline Tuttle | 20,636 |
| Walter Behymer | 20,629 |
| Gordon Vaughn | 20,629 |
| Arlie Rogers | 20,496 |
| Metzler Ranches | 20,392 |
| Total payees in county (340) | 16,478,777 |

GLENN COUNTY

| | |
|---|---|
| Shintaffer Farms | 86,994 |
| Baber Gibson Livestock | 55,212 |
| C. M. French | 53,837 |
| Bernie Millsaps | 36,549 |
| J. S. Garnett Co | 33,031 |
| Wm. Feenley, Jr | 27,014 |
| Spooner Co | 21,897 |
| Elizabeth W. Eddins | 20,380 |
| Total payees in county (8) | 334,914 |

IMPERIAL COUNTY

| | |
|---|---|
| Adamek & Dessert | 136,573 |
| Fritz Kuhn, Jr | 124,210 |
| Stephen H. Elmore | 102,980 |
| Jack Elmore | 102,198 |
| Maraccini, Inc | 98,287 |
| Donald H. Cox | 95,108 |
| Michael D. Ayala | 91,824 |
| Robert H. Meyer | 91,613 |
| Dwaine J. Little | 90,673 |
| Neil Fifield, Co | 90,492 |
| Fifield Land, Co | 90,405 |
| Freshpict Foods, Inc | 86,043 |
| Lerno Bros | 82,999 |
| Kenneth Reynolds | 82,933 |
| John V. Merten | 81,616 |
| Hausmann & House Ranches | 77,572 |
| R. B. Wilson, Co | 77,188 |
| C. T. Dearborn | 76,029 |
| Sam Etchegaray | 74,685 |
| George B. Willoughby | 74,450 |
| Edwin Chew | 73,272 |
| Fad Farms, Inc | 73,104 |
| Hugh Hudson Ranches | 70,967 |
| J. N. Osterkamp Ranches | 70,853 |
| Stafford Hannon | 69,245 |
| John V. Borchard | 66,044 |
| A. H. Caston | 65,735 |
| Newside Farms, Inc | 63,995 |
| John R. Benson | 63,949 |
| River Ranch, Inc | 63,818 |
| C. D. Meredith | 62,780 |
| A. W. Schunk | 62,599 |
| Rick Young | 62,586 |
| Bill Wiest | 61,651 |
| Hetty E. Jordon | 61,613 |
| C. Alex Abatti | 61,453 |
| Davis Beauchamp | 59,825 |
| Rodney Reynolds | 59,175 |
| Donald K. Donley | 58,929 |
| Lloyd Bascom Winter | 58,582 |
| Imperial Farms, Inc | 57,560 |
| W. E. Young, Jr | 57,504 |
| W. E. Young, Sr | 55,504 |
| Alvaro Deen | 55,264 |
| Moiola Farms | 55,000 |
| Beulah E. Garrett | 54,928 |
| Milas G. Russell | 54,928 |
| Charles K. Corfman | 54,633 |
| Strahm & Sons | 54,623 |
| E. E. Otto | 54,589 |
| Harry Schmidt Farms | 54,495 |
| Thomas P. Gargiulo | 54,446 |
| Albert S. Gargiulo, Jr | 54,430 |
| Phillip Gargiulo | 54,430 |
| Ashley Roberts | 54,371 |
| Raghbir S. Atwal | 54,371 |
| Talfourd T. Wynne | 54,371 |
| William C. Sterling | 54,338 |
| E. K. Greer | 54,338 |
| J. M. Bryant | 54,274 |
| Sweetwater Feeders | 53,989 |
| W. M. Watkins | 53,972 |
| Homer Slater | 53,863 |
| James A. Taylor | 53,650 |
| Miriam Harthill | 52,302 |
| Berryman Farms | 52,266 |
| Roland Wilson | 52,256 |
| Lee M. Whittle | 52,231 |
| H. E. Kelley, Sr | 51,559 |
| Howard E. Kelley, Jr | 51,557 |
| Malcolm E. Kelley | 51,550 |
| V. C. Anderson | 51,165 |
| F. L. Johnson | 51,103 |
| Edward M. Wavers | 50,859 |
| Correll Farms, Inc | 50,745 |
| Francis Griset | 50,697 |
| Ray Griset | 50,697 |
| F. J. Hamby | 49,890 |
| R. S. Reese | 49,337 |
| John Fifield | 49,033 |
| R. E. Roesling | 48,957 |
| Hawk & Sperber | 48,484 |
| David Ralls | 47,629 |
| Leon T. Miller | 47,614 |
| J. W. Sanborn | 47,614 |
| George A. Mallory | 47,561 |
| Haskell Jacobs | 47,243 |
| Claverie Bros | 46,266 |
| J. Emanuel & Sons | 45,805 |
| H. B. Murphy Co | 45,620 |
| Charles C. Bowles | 44,335 |
| Laurence R. Sinclair | 44,150 |
| James W. Dearborn | 43,732 |
| Fleming & Jack | 43,626 |
| Clifton H. Hamrick | 42,938 |
| Jack Hannon | 42,841 |
| Raymond Lee OConnell | 42,118 |
| Raymond R. OConnell | 42,118 |
| John Baretta | 41,768 |
| George B. Willoughby, II | 41,698 |
| Aaron Quick | 41,366 |
| Carl J. Williams | 41,366 |
| J. C. Reeves | 40,409 |
| Tony Abatti | 40,395 |
| Ben Abatti | 40,395 |
| W. E. Young & W. E. Young, Jr | 40,223 |
| William W. Carstens | 39,889 |
| Charles W. P. Kamanski | 39,877 |
| Kevin P. Kirwan | 39,877 |
| C. & C. Farms | 39,818 |
| Allen B. Griffin | 38,280 |
| Williams & Quick | 38,240 |
| Andrew Andreotti | 38,104 |
| Fernando S. Sanga | 37,342 |
| Delmar A. Brady | 37,144 |
| House & Haskell | 36,794 |
| Harold Orff | 36,792 |
| Dessert Seed Co., Inc | 36,445 |
| Earl W. Ashurst | 36,315 |
| Robert Harp | 36,291 |
| Alexander Neal Jack | 36,065 |
| Jack Fleming | 36,065 |
| Claude M. Finnell | 36,020 |
| Huston Drewry | 35,918 |
| James T. Ray | 35,918 |
| Martin Farms | 35,768 |
| Johnson Bros | 35,443 |
| Brandt Bros | 35,399 |
| R. E. Bedwell | 34,974 |
| Darwin Cohee | 34,538 |
| Ed Wiest | 34,513 |
| Stanley Gorman | 34,468 |
| Adolph Weinberg | 34,382 |
| Ben Adamek | 34,224 |
| R. and G. Ranch | 33,813 |
| San Pasqual L. & C. Co | 33,642 |
| Leroy Edwards | 33,624 |
| Nilson Bros | 33,268 |
| Mohinder K. Samra | 32,787 |
| Nelson Correll | 32,574 |
| Dixie Ranches | 31,554 |
| Lee Rutledge | 31,486 |
| Jerry Nakasawa | 31,486 |
| Perez & Morrell | 31,475 |
| C. S. Sandhu | 31,348 |
| Loma Farms | 31,101 |
| Jackson Produce Co | 30,992 |
| John H. Borchard | 30,418 |
| Broadbent Livestock Co | 30,038 |
| M. J. Labrucherie | 29,786 |
| Don Cannon | 29,613 |
| Antonio Rodriguez | 29,503 |
| W. S. Zimmer | 28,970 |
| John P. Menvielle | 28,970 |
| Harold Brockman | 28,931 |
| Jean Layaye | 27,854 |
| George Clarke | 27,328 |
| Elijah Bros | 27,296 |
| Michael B. Cox | 27,034 |
| Carlos M. Doran | 27,034 |
| Abatti Bros | 26,842 |
| Lloyd Heger | 26,332 |
| Bisgaard Bros | 26,118 |
| Hoxie Smith | 26,068 |
| Harold Fifield | 26,002 |
| Jack Rutherford | 25,965 |
| L. L. Lyerly | 25,251 |
| Harry Singh Sidhu | 25,247 |
| Gerald R. Elmore | 25,114 |
| Bill R. Smith | 24,913 |
| Russell Bros. Rches, Inc | 24,832 |
| Luckey & Hellis | 24,347 |
| John R. Benson Farms, Inc | 24,171 |
| Harry Casey | 24,056 |
| F. E. Burnett | 23,965 |
| Baljeet S. Thind | 23,641 |
| Irvine Co | 23,514 |
| Everett Ashurst | 23,135 |
| Valley Properties | 23,029 |
| Lawrence B. Stewart | 22,874 |
| Julian Castillo | 22,508 |
| Raymond Singh | 22,078 |
| Alice Denman | 22,075 |
| Frank August | 21,996 |
| J. R. & Chas. & Chas. Jr., Kershaw | 21,956 |
| F. W. Schoneman | 21,845 |
| Robert C. Richter | 21,457 |
| Three D. Cattle Co | 21,172 |
| Clyde Bowman | 21,030 |
| Floyd T. Shank Estate | 20,883 |
| Carl Russell | 20,625 |
| Sam Russell | 20,625 |
| M. W. Coley | 20,556 |
| Ernest Ayala | 20,551 |
| Dahm Bros | 20,490 |
| Marlin E. Medearis | 20,407 |
| Harold L. Wright | 20,366 |
| Lloyd Belew | 20,305 |
| Jessie Maness | 20,145 |
| E. G. Corda | 20,069 |
| Total payees in county (200) | 9,128,825 |

KERN COUNTY

| | |
|---|---|
| H. M. Tenneco, Inc | 231,225 |
| Joe Mendiburu | 170,147 |
| El Tejon Cattle Co | 145,893 |
| Blackwell Land Co | 115,146 |
| Tejon Ranch Co | 103,283 |
| Michel & P. Etcheverry | 100,663 |
| J. G. Boswell Co | 91,885 |
| B. V. Farms | 91,885 |
| I. & M. Sheep Co | 86,073 |
| Elmer Rossi | 81,661 |
| Melvin Rossi | 81,661 |
| Coberly West Co | 76,806 |
| F. Palla | 74,615 |
| R. E. Ballengee | 73,273 |



| | |
|---|---|
| S. A. Camp Farms Co | 70,500 |
| Milham Farms | 69,462 |
| Santiaga Ranch | 68,773 |
| John Hernstedt | 68,400 |
| Sill Properties Inc | 67,024 |
| Tony Iafrati | 66,889 |
| C. W. Buerkle | 66,352 |
| Gino Chicca | 65,319 |
| M. Zaninovich Inc | 65,044 |
| A. Palla | 64,778 |
| E. L. Goodspeed | 63,679 |
| H. S. Jewett | 62,641 |
| Triple J Farms Inc | 62,194 |
| Mason Snow | 61,515 |
| Mark Ballangee | 61,171 |
| Jimmie Icardo | 61,094 |
| R. H. Garlow Farms | 60,433 |
| E. O. Mitchell Inc | 59,672 |
| Joe Garone | 59,458 |
| Kenneth Twisselman | 58,917 |
| M & N Sheep Co | 57,855 |
| J. S. Antonglovanni | 57,574 |
| Thomas F. Walsh | 57,567 |
| Frank McKenna | 57,563 |
| Frank Del Papa | 57,277 |
| R. J. Vignolo | 57,237 |
| C. J. Vignolo | 57,174 |
| Onie Sanders | 57,102 |
| Porter Land Co | 57,006 |
| S. J. Balfour | 56,987 |
| Mike Hankins | 56,860 |
| H. M. Bowles | 56,609 |
| G. M. Bowles | 56,609 |
| Dr. J. H. Lawrence | 56,608 |
| J. E. Sanders | 56,590 |
| K. Malofy & Son | 56,382 |
| John C. Moore | 56,373 |
| Bernal Sheep Co | 56,043 |
| Eugene Palla | 55,771 |
| J. H. Guthrie | 55,747 |
| Fred J. Goodspeed | 55,486 |
| F. Garone, Jr | 55,387 |
| D & E Moore | 55,380 |
| M. Lane | 55,353 |
| Mervyn Voth | 55,182 |
| Louis Ricci | 55,153 |
| A. J. Torrigiani | 55,000 |
| W. B. Reed | 55,000 |
| E. J. Selvidge | 55,000 |
| J. R. Tracy | 55,000 |
| F. Torrigiani | 55,000 |
| Jack H. Reed | 55,000 |
| Paul Pilgrim | 55,000 |
| J. L. Guthrie | 55,000 |
| Howard Frick | 55,000 |
| C. F. Tracy | 55,000 |
| Wm. L. Gammon | 55,000 |
| R. W. Tracy | 55,000 |
| W. Selvidge | 55,000 |
| L. W. Frey | 55,000 |
| Jack L. Gammon | 55,000 |
| Jack M. Frey | 55,000 |
| Desert Farms | 55,000 |
| Griffin & Fraysher | 55,000 |
| Johnston & Washer | 54,968 |
| James O. Payne | 54,947 |
| John Antongiovanni | 54,802 |
| Ray Jarrard | 54,802 |
| John Landers | 54,754 |
| C. A. Henson | 54,754 |
| J. Romanini | 54,692 |
| Carl Taffera | 54,657 |
| Ken O. Farms | 54,657 |
| C. Mettler | 54,559 |
| Walker O. Fry | 54,531 |
| A. W. Adams | 54,525 |
| Doyle Ryan | 54,525 |
| A. C. Engel | 54,525 |
| J. L. Frederickson | 54,525 |
| E. L. Armstrong | 54,525 |
| J. C. Erreca | 54,525 |
| E. W. Overstreet | 54,525 |
| W. Alan Harrison | 54,525 |
| Dean A. Gay | 54,524 |
| Robert D. Watson | 54,524 |
| D. M. Steele & Son, Inc | 54,510 |
| Wm. H. Rogers | 54,510 |
| Glen Turner | 54,457 |
| Clarence A. Houchin | 54,410 |
| Okey W. Houchin, Jr | 54,394 |
| Francis L. Houchin | 54,394 |
| D. S. Harris | 54,383 |
| D. L. Harris | 54,377 |
| L. A. Robertson FMS, Inc | 54,262 |
| J. Pavlina | 54,158 |
| Lorenzo Iturriria | 54,136 |
| G. Mendiburu | 54,136 |
| Robert Leppek | 54,136 |
| Roland M. Vallicella | 54,054 |
| Shafter Wasco Invest. Co | 53,908 |
| Paul Plerucci | 53,854 |
| D. S. Andrews | 53,772 |
| F. S. Andrews | 53,771 |
| R. S. Andrews | 53,762 |
| John Chicca | 53,737 |
| Louis Chicca | 53,724 |
| L. C. Kreim | 53,699 |
| E. Ghilarducci | 53,592 |
| Gal Co. Farms | 53,557 |
| Loren H. Voth | 53,530 |
| Angelo Fanucchi | 53,328 |
| Eugene Fanucchi | 53,328 |
| Wilson Ag. Ent | 53,180 |
| Joseph E. Kurtz | 53,002 |
| T. B. Barnard | 52,916 |
| D. K. Barnard | 52,913 |
| R. Torigiani | 52,902 |
| M. Torigiani | 52,894 |
| Jack G. Thomson | 52,893 |
| G. Torigiani | 52,890 |
| Victor J. Krause | 52,823 |
| A. F. Little | 52,764 |
| H. A. Hanes | 52,764 |
| E. W. Suorez Farms, Inc | 52,761 |
| Mario Buoni, Jr | 52,718 |
| Westside Almond Ranch 4 | 52,567 |
| Victor Cerro | 52,501 |
| Philip J. Cerro | 52,501 |
| Merz Farms, Inc | 52,327 |
| James Froehlich | 52,309 |
| Guido Romanini | 52,296 |
| Livio Palla | 52,124 |
| A Neufeld Fms | 52,005 |
| Kern Valley Farms | 51,952 |
| R. A. Jacobsen Est | 52,941 |
| B. S. Baldwin & Sons, Inc | 51,917 |
| Howard S. Chase | 51,843 |
| Dwight R. Harmon | 51,827 |
| Stoller Bros., Inc | 51,795 |
| Alfred Palla, Jr | 51,762 |
| O. A. Bolstad | 51,652 |
| Bill T. Lewis | 51,652 |
| Harold R. Jewett | 51,652 |
| W. B. Camp, Sr | 51,652 |
| Don M. Camp | 51,616 |
| C. Nowatzki | 51,616 |
| C. L. Herrington | 51,616 |
| Sam Barling | 51,577 |
| Nathaniel D. Barling | 51,577 |
| Jose Errotabere | 51,504 |
| Kenneth Wegis | 51,455 |
| S. K. Fms | 51,427 |
| Valpredo Bros | 51,285 |
| D. Derington | 50,911 |
| L. Rhodes | 50,911 |
| Roy Henson | 50,910 |
| Joe Henson | 50,895 |
| Charles E. Cawley | 50,895 |
| Larren C. Cole | 50,853 |
| Rancho Trio | 50,557 |
| Allen Bottorff | 50,462 |
| Carl Johns & Sons | 49,906 |
| Hollis Ragsdale | 49,705 |
| Emily Bidart | 49,616 |
| B. A. Bidart Tr | 49,616 |
| J. A. Bidart, Sr | 49,616 |
| J. A. Bidart, Jr. Tr | 49,616 |
| P. J. Bidart, Tr | 49,616 |
| M. G. Farms | 49,519 |
| Ervin Baublitz | 49,428 |
| Otis T. Page | 49,406 |
| F. A. Wegis | 49,406 |
| Theodore R. Page | 49,406 |
| D. R. Lundy | 49,294 |
| Rainbow Ranch Inc | 49,262 |
| E. C. Mazzie | 49,224 |
| L. B. Mazzie | 49,224 |
| V. Roberts | 49,224 |
| T. J. Mazzie | 49,224 |
| Dale Snell | 49,026 |
| R. Williams | 48,931 |
| B. W. Duncan | 48,803 |
| Loren S. Grant | 48,780 |
| Sterling W. Grant | 48,780 |
| Bill L. Gibson | 48,577 |
| Wm. H. Gibson | 48,576 |
| Double L Farms | 48,526 |
| Eyherabide Sheep Co | 48,248 |
| Robert Del Papa | 48,202 |
| Jack Williams | 48,150 |
| Stanley Voth | 48,105 |
| Sandrini Bros | 47,969 |
| Reynold M. Mettler | 47,761 |
| B. J. Mettler | 47,748 |
| Michael R. Mettler | 47,748 |
| Antone Saldubehere | 47,665 |
| Elmer Andreotti | 47,502 |
| Wm. Lachenmaier | 47,394 |
| Belridge Land Co | 47,229 |
| Opal Fry | 47,026 |
| Jack Fry | 46,740 |
| George Fry | 46,726 |
| Wm. B. Buerkle | 46,549 |
| Em. H. Mettler & Sons | 46,416 |
| Sanders Farms | 46,374 |
| M. L. Thomas | 46,151 |
| B. R. Howard | 46,151 |
| H. F. Schuetz | 46,151 |
| H. Jones | 46,151 |
| F. Carisle, Jr | 46,151 |
| D. M. Hart | 46,151 |
| J. J. Murray | 46,151 |
| K. Mebane, Inc | 46,151 |
| C. D. Ross | 46,103 |
| Willis Snow and Son | 45,901 |
| Romanini Bros | 45,644 |
| Patterson & Hale | 45,557 |
| Bermuda Ranch | 45,471 |
| C. J. Shepherd & Sons | 45,394 |
| Giovannetti Farms | 45,368 |
| Charles Fanucchi | 45,362 |
| Joe G. Fanucchi | 45,343 |
| Frank M. Fanucchi | 45,343 |
| Joe P. Fanucchi | 45,343 |
| Peter Andreotti | 45,191 |
| James Banducci | 45,139 |
| Fred Banducci | 45,125 |
| Doris Walker | 45,125 |
| Pete Romanini Fms | 45,087 |
| F. B. Frick | 44,935 |
| Schroeder & Holtermann | 44,727 |
| Vernon Blackburn | 44,632 |
| O. O. Portwood | 44,602 |
| Vista Farms | 44,470 |
| James Tazioli | 44,240 |
| Joe Tazioli | 44,240 |
| L. L. Costerisan | 44,104 |
| R. R. Costerisan | 44,092 |
| H. H. Costerisan | 44,091 |
| W. F. Romero | 43,901 |
| Waldrip Farms | 43,871 |
| Ludy Bros | 43,829 |
| Costa Farms | 43,625 |
| Sanders Std. Ranch | 43,407 |
| Precie Farms | 43,336 |
| Leo P. Smith | 43,277 |
| Louis E. Borel & Sons | 43,062 |
| Elk Grove Ranch | 43,024 |
| J. Shankle | 42,988 |
| Molica Farms | 42,973 |
| Mary Nickel James | 42,687 |
| G. W. Nickel, Jr | 42,687 |
| Sally N. Mein | 42,687 |
| Joseph J. Trino | 42,532 |
| Weidenbach Bros | 42,501 |



XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—California*—Continued

[Amounts in dollars]

KERN COUNTY—continued

| | |
|---|---|
| Kenneth L. Wedel | 42,239 |
| Larry R. Wedel | 42,239 |
| Destefani Farms, Inc | 41,907 |
| M. Parker | 41,742 |
| B. Tawlks | 41,577 |
| N. S. Camp | 41,507 |
| E. A. Yaksitch | 41,009 |
| Woods Stone | 40,626 |
| Deno Fanucchi | 40,613 |
| Schulte Farms | 40,538 |
| Sil Lect Farms | 40,313 |
| Richard Romanini | 40,093 |
| Kenneth McClanhan | 39,806 |
| L. W. Bergman | 39,796 |
| Banducci Farms | 39,673 |
| J. Parsons | 39,539 |
| Charles Parsons | 39,527 |
| R. E. Blair Parsons Ranch | 39,527 |
| V. & C. Farms | 39,271 |
| Edward Kraft | 39,242 |
| E. Neuman | 39,048 |
| H. Visser | 38,925 |
| Mitchell Brothers Co | 38,910 |
| Killdeer Farms | 38,861 |
| Frank Franceschi | 38,831 |
| Gary Franceschi | 38,831 |
| Geo. Lewis Mahoney | 38,802 |
| Dante Giannini & Sons | 38,513 |
| W. D. Henry | 38,510 |
| Shafter Wasco Ginn Co | 38,290 |
| Johnston Farms | 37,978 |
| The West Ranch | 37,924 |
| Dennis Giannini | 37,748 |
| Borda & Sons | 37,641 |
| W. E. & G. Delfino | 37,623 |
| J. Y. Camp | 37,193 |
| C. Valpredo | 37,145 |
| Jerald Lowrimore | 37,109 |
| W. C. Mecham | 36,951 |
| C. B. Dickey | 36,951 |
| K. Frick C/O B. of A. Tr | 36,863 |
| Ansolabehere Bros | 36,807 |
| R. A. Belluomini | 36,666 |
| G. Belluomini | 36,666 |
| Thomas Belluomini | 36,666 |
| Elmo Belluomini | 36,666 |
| P. Belluomini | 36,644 |
| A. Belluomini | 36,644 |
| Bruno Cauzza | 36,610 |
| W. D. Hall | 36,261 |
| F. L. Starrh | 36,066 |
| Joe S. Esnoz | 35,977 |
| Arnold Cattani, Jr | 35,977 |
| Arnold T. Cattani | 35,977 |
| Glen Froehlich | 35,754 |
| Beck & Sons | 35,698 |
| Roy Fanucchi Tr | 35,552 |
| Richard Limi Tr | 35,552 |
| Stendel ip Farms | 35,528 |
| Emry Crawford | 35,385 |
| D. C. Crawford | 35,375 |
| J. R. Mozingo | 35,375 |
| C. Jeff Thomson | 35,262 |
| Jack L. Billington | 34,986 |
| P. Spolsdoff | 34,875 |
| Richard Elrich | 34,682 |
| Joseph Banducci | 34,615 |
| D. L. Houchin | 34,495 |
| C. Houchin | 34,495 |
| Donald Houchlin | 34,495 |
| Buford L. Fox | 34,457 |
| Cowan Farms | 34,206 |
| Meadow Gold Farms | 34,178 |
| J. B. 2 H. Ranch | 34,129 |
| Palm Farms Inc | 33,888 |
| S. A. Camp Ginning Co | 33,820 |
| Noriega Sheep Co | 33,536 |
| Ronnie Billington | 33,478 |
| W. R. Greenlee | 33,318 |
| BTW LD & Cattle Co | 33,270 |
| J. G. Garrison | 33,233 |
| D. M. Bryant, Jr | 33,111 |
| Mettler & Mettler | 32,771 |
| Harry Banducci | 32,723 |
| Louis Banducci | 32,561 |
| L. K. Olsen | 32,432 |
| Milo Ferini | 32,416 |
| Dominick Ardantz | 32,416 |
| John B. Cauzza, Jr | 32,363 |
| Lido Isola | 32,336 |
| B. Baggiani | 32,336 |
| R. Forrest | 32,229 |
| C. M. Molica | 32,198 |
| Berry Molica | 32,198 |
| Wedel Farms | 32,195 |
| Crettol Farms | 31,973 |
| Superior Fming Co | 31,634 |
| J. T. Sanders | 31,480 |
| Bill Menta | 31,439 |
| Hudson Ranch | 31,367 |
| Geo Nordian | 31,338 |
| W. S. Kimmel | 31,302 |
| Kendrick B. King | 31,244 |
| H. Spitzer | 31,043 |
| J. A. & Adrien Eyraud & Sons | 30,960 |
| Frank Brazeel | 30,831 |
| E. Antongiovanni | 30,742 |
| D. Antongiovanni | 30,742 |
| Vincent Antongiovanni | 30,742 |
| U. Antongiovanni | 30,742 |
| Tex Cal Land Inc | 30,727 |
| Ryan Jeffries | 30,549 |
| David Merkel | 30,488 |
| M. D. Neufeld | 30,486 |
| P. N. Jeffries | 30,484 |
| Joe C. Eyraud | 30,372 |
| Waybill Farms | 30,301 |
| Sebastien Guillemet | 30,114 |
| Michael C. Lane | 30,092 |
| R. Palla | 30,034 |
| Stoller Bros | 30,024 |
| James Frick | 29,956 |
| Bob Cauzza | 29,932 |
| L. & A. Sheep Co | 29,893 |
| Dave Bloemhof | 29,759 |
| A. Ghilarducci | 29,720 |
| Joe Freitas, Jr | 29,699 |
| Milne Stearns | 29,576 |
| Vido Fabbri | 29,535 |
| Elo Fabbri | 29,535 |
| Buttonwillow Gin Co | 29,500 |
| Neffs Ranch | 29,375 |
| G. Banducci | 29,071 |
| Robert Banducci | 29,071 |
| Double M Sheep Co | 28,984 |
| Regan Farms, Inc | 28,892 |
| Mary Angone | 28,780 |
| W. B. Camp & Son | 28,767 |
| Clare Rexroth | 28,663 |
| W. C. Handel & Sons, Inc | 28,520 |
| Paul Samarin | 28,471 |
| Neil W. Purvis | 28,356 |
| Dante Baggiani | 28,279 |
| Frank C. Bury | 28,274 |
| Teddy B. Olsen | 28,156 |
| D. C. Bartel | 28,107 |
| Roy F. Fast | 28,107 |
| Walter L. Bergen | 27,862 |
| Morris Bros Farms | 27,718 |
| W. T. Romero | 27,689 |
| Vignolo Farms | 27,579 |
| Louise Fox | 27,552 |
| Ernest Still | 27,538 |
| J. Riccomini | 27,449 |
| Gene K. Holland | 27,380 |
| Bell Farms | 27,360 |
| Delis Farms | 27,292 |
| Leonard Gaede | 27,208 |
| Rose Ranch | 27,157 |
| Stanley E. Willis | 26,840 |
| John L. Willis | 26,832 |
| A. M. Willis | 26,832 |
| Darrell H. Voth | 26,773 |
| Dan Frantz | 26,594 |
| R. Frantz | 26,594 |
| D. Moore | 26,530 |
| Inyo Sheep Co | 26,460 |
| Golden Vineyards | 26,430 |
| Henry Bloemhof | 26,383 |
| Ted Bloemhof | 26,383 |
| D. Bloemhof, Jr | 26,383 |
| J. B. Gardiner | 26,247 |
| Bonanza Farms | 26,167 |
| O. Torigiani Farm | 26,084 |
| William Clarke | 26,062 |
| David Torigiani | 26,062 |
| H. A. Conklin Nursery | 25,915 |
| Miles H. Thomas | 25,861 |
| Arthur Williams | 25,836 |
| Tolbert Williams | 25,836 |
| Eugene Black | 25,774 |
| Ansolabehere Sheep Co | 25,756 |
| Wm. G. McKinley | 25,671 |
| Gano Torigiani | 25,612 |
| Tony & Reno Andreotti | 25,541 |
| Gino Romanini | 25,465 |
| Wayne Kirschenman | 25,390 |
| Orlando Torigiani | 25,375 |
| Frank Fugitt | 25,103 |
| W. C. Novel | 25,074 |
| Jim Hronis | 25,033 |
| Coombs & Renfro FMS | 24,971 |
| J. S. Ingram | 24,944 |
| E. J. Peters | 24,783 |
| E. G. Peters | 24,775 |
| D. S. Peters | 24,775 |
| D. & A. Kroeker | 24,752 |
| G. Emerson FMS Inc | 24,742 |
| Tom Toretta | 24,634 |
| D. Toretta | 24,634 |
| S. Minaberri | 24,521 |
| Joe Echenique | 24,518 |
| Directors Enterprises, Inc | 24,430 |
| Darrell L. Janzen | 24,400 |
| Donald L. Schulte | 24,397 |
| Clara P. Rexroth | 24,349 |
| Martin D. Larralde | 23,901 |
| Maple Ranch | 23,704 |
| F. Valencia | 23,669 |
| Pandol & Sons | 23,655 |
| F. W. Handel Farm Co | 23,648 |
| Bergman & Isaac | 23,511 |
| John Camp Farms | 23,321 |
| R. Mettler | 22,898 |
| D. Valoff | 22,873 |
| Fanucchi Bros | 22,762 |
| Jonas L. Nickel | 22,722 |
| John G. Hill | 22,716 |
| R. Pascoe Ranches | 22,655 |
| Ratzlaff Bros | 22,344 |
| Allen E. Neufeld | 22,323 |
| Gregory Billington | 22,319 |
| Donald Molatore | 22,221 |
| Ranch I Inc | 22,207 |
| L. V. Baroncini | 22,196 |
| Dick F. Baroncini | 22,196 |
| Jeff Reyes | 22,130 |
| J. R. Almklov | 22,041 |
| L. E. Stout | 21,966 |
| Ponznoff Farms | 21,910 |
| Furman & Wilson | 21,892 |
| Bloemhof Agent | 21,812 |
| J. & F. Ansolabehere Co | 21,703 |
| J. E. Wiens | 21,533 |
| G. Hemming | 21,522 |
| Kermeth Anderson | 21,344 |
| J. C. Nickel | 21,343 |
| N. B. Nickel | 21,343 |
| H. Saldubehere | 21,300 |
| Lee Herring | 21,225 |
| Lloyd Bowman | 21,193 |
| Banducci & Riccomini | 21,136 |
| Mono Sheep Co | 21,124 |
| Dan Tudor & Sons | 20,950 |
| Arthur J. Penner | 20,901 |
| W. L. Ingram, Jr | 20,896 |
| H. H. and J. C. Lewis | 20,876 |
| E. L. McConnell, Tr | 20,864 |
| M. J. Fulwyler | 20,857 |
| L. L. McConnell | 20,857 |
| A. S. Ediger | 20,776 |
| J. G. Giumarra | 20,476 |
| Lawrence Scarrone | 20,417 |
| Carlo Scarrone | 20,417 |
| Albert Angus | 20,356 |
| Leroy Fleishauer | 20,270 |
| Lloyd Unruh Farms | 20,166 |
| G. H. Baumgardt | 20,112 |
| Rio Vista Fm. Co., Inc | 20,046 |
| Total payees in county (528) | 22,494,600 |

KINGS COUNTY

| | |
|---|---|
| Westlake Farms | 189,694 |
| Gilkey Farms Co | 136,223 |



| | |
|---|---|
| Salyer Land Co | 123,045 |
| South Lake Farms | 108,371 |
| R. A. Rowan & Co | 105,488 |
| G. W. Nickel Jr | 92,741 |
| Couture Farms | 88,952 |
| C. R. Shannon | 68,723 |
| James G. Shannon | 68,661 |
| Hogle Ford | 68,661 |
| Elbow Enterprises Inc | 68,661 |
| Aram Kinosian Jr | 68,661 |
| Clifford S. Lupercio | 68,661 |
| Norman R. Gabor | 68,661 |
| Leroy E. Hutsell | 68,661 |
| Jack Shannon | 68,661 |
| G. E Brewster Est | 67,791 |
| Darril Borba | 67,176 |
| J. G. Stone Land Co | 66,784 |
| Ross Borba Jr | 65,082 |
| Ross Borba Sr | 64,988 |
| Phillip Swearingen | 64,980 |
| Boyett Farming | 63,867 |
| Chas. Schwartz | 63,604 |
| William E. Thornton | 63,099 |
| R. Gonsalves | 61,253 |
| James L. Nickel | 60,159 |
| Robert E. Murphy | 60,134 |
| Philip P. Marskey | 60,134 |
| Philip D. Duvall | 60,134 |
| John S. Selfridge | 60,134 |
| Henry Nickel | 60,134 |
| Nancy Nickel | 60,134 |
| Cynthia Selfridge | 60,134 |
| Louis T. Robinson | 59,185 |
| Harriet Hansen | 59,598 |
| Harp Bros., Inc | 59,598 |
| L. E. Culp | 58,577 |
| Loyd Culp, Jr | 58,577 |
| William T. Stone | 57,385 |
| Lawrence M. Stone | 57,364 |
| John Lawrence Stone | 57,359 |
| H. L. Thayer | 57,359 |
| Murray Farms, Inc | 56,882 |
| Ralph Gilkey | 56,477 |
| Pickett Farms | 56,277 |
| Hazel R. Mitchell | 56,269 |
| R. S. Barlow | 55,753 |
| Franna Farms | 55,513 |
| South Fork Ranch, Inc | 55,473 |
| Vestal Elmo Swearingen | 54,358 |
| Gregory Stanton | 54,343 |
| Wesley Hansen | 54,327 |
| W. W. Boswell, Jr | 54,288 |
| C. Elmer Spafford | 54,259 |
| Shaen Magan | 52,915 |
| James & Paul Avila | 52,849 |
| Thomas A. Newton | 52,829 |
| Patrick W. Newton | 52,828 |
| Daniel A. Newton | 52,828 |
| Daniel F. Newton | 52,828 |
| Inco Farms, Inc | 52,548 |
| L. A. Hansen | 52,472 |
| James B. Hansen | 52,108 |
| Jess V. Hansen | 52,108 |
| Erwin Farms | 51,799 |
| Floyd Wisecarver | 49,665 |
| Wayne Wisecarver | 59,665 |
| L. W. Newton | 48,672 |
| J. B. Long Farming Co | 48,561 |
| Glenn A. Gramps | 48,297 |
| Richard A. Newton | 48,035 |
| Richards & Ysusi | 47,711 |
| F. DeMacro, Jr | 47,383 |
| Wedderburn Bros | 46,754 |
| Hild Farms, Inc | 46,551 |
| Leroy Avila | 46,425 |
| Charles W. Yocum | 45,715 |
| Robert Yocum | 45,696 |
| H. L. Yocum | 45,696 |
| Kile Yocum | 45,696 |
| John R. Avila | 45,212 |
| Clarence Avila | 45,200 |
| Costa & Quintel, Inc | 44,437 |
| Kenneth G. Walker | 43,599 |
| Marchbanks Farms | 43,088 |
| Victoria Farms, Inc | 42,886 |
| S. Chillingworth | 37,911 |
| Schwartz Farms, Inc | 37,858 |
| Barcellos & Wolfsen | 36,976 |
| Murray Bros. Farming | 35,248 |
| G. W. & W. G. Squire | 35,216 |
| Uselton Ranch | 35,078 |
| Elizabeth S. D. Mellon | 34,735 |
| Helen Dunlop | 34,734 |
| D. E. Hildebrand | 34,494 |
| Double O Ranch | 34,363 |
| Alvin Odle | 34,098 |
| Verburg Bros., Inc | 34,014 |
| Robert Carvalho | 33,781 |
| Bill Walker | 33,766 |
| P. Hansen Ranch | 33,612 |
| L. E. Hansen Farms, Inc | 33,515 |
| Richard M. Studhaan | 32,896 |
| Borba Bros. Farms | 32,779 |
| Simas Bros | 32,533 |
| Donald J. Gilkey | 32,409 |
| Kenyon DeVaney | 32,409 |
| Don Riddle | 32,409 |
| L. & R. Giacomazzi | 32,323 |
| Ralph Marshall | 32,255 |
| M. E. Taylor | 31,838 |
| J. E. Squire & Sons | 31,582 |
| Larry Davis | 31,127 |
| Earle A. Howe | 30,971 |
| Silva Brothers | 30,274 |
| Ralph Alcala | 28,735 |
| Carlton Duty | 28,590 |
| Fleming Bettencourt | 28,491 |
| Robert M. Olson | 28,437 |
| B. J. M. Farms, Inc | 27,867 |
| Chavarria Farms, Inc | 27,784 |
| Wesley Stanton | 27,632 |
| John Verboon | 27,585 |
| Duane Pires | 27,048 |
| Empire Farms, Inc | 26,948 |
| Dufur & Castadio | 26,849 |
| R. A. & A. Evett | 26,149 |
| Jean Etchegoincelhay | 26,127 |
| Tommy R. Avila | 25,884 |
| Hugh V. Johns | 25,804 |
| Fabry Farms, Inc | 25,380 |
| Myron & Theron Dutra | 25,097 |
| M. S. Simas Est | 24,785 |
| Bethel Doran | 24,628 |
| Corcoran Dusters, Inc | 24,603 |
| D. W. Gouldsmith | 23,701 |
| Marcy J. Silva | 23,587 |
| Mussel Slough Farms | 23,320 |
| Sunshine Farms | 22,998 |
| Westfarmers Apts | 22,884 |
| Eldon J. Findley | 22,595 |
| W. F. Turner & Sons | 22,394 |
| Wm. Edward Wedderburn | 22,344 |
| Loy Robert Wedderburn | 22,344 |
| Frederick Forrest Wedderburn | 22,344 |
| Chesley Mason Wedderburn | 22,344 |
| E. Hill | 22,189 |
| R. L. Squire & Sons | 21,579 |
| James L. Fletcher | 21,380 |
| Van Groningen Bros | 20,835 |
| Durst Farms | 20,822 |
| Manuel Vieira, Jr | 20,728 |
| Tony A. Bettencourt | 20,705 |
| William D. Lehn | 20,210 |
| Total payees in county (155) | 7,263,873 |

LOS ANGELES COUNTY

| | |
|---|---|
| John Fuson | 103,699 |
| Swift & Co | 56,978 |
| Godde & Ritter | 51,807 |
| Dominique Reca | 42,615 |
| William E. Farlow | 32,185 |
| Marcel Mocho | 28,168 |
| Total payees in county (6) | 315,452 |

MADERA COUNTY

| | |
|---|---|
| R. W. Hopper | 62,074 |
| Elmer Schuh | 56,935 |
| Sam M. Schuh | 56,924 |
| Jacob Schuh, Jr | 56,921 |
| Red Top Cotton Grws | 55,249 |
| James L. Sniffin | 55,000 |
| Vincent Kovacevich | 55,000 |
| Gorden Kovacevich | 55,000 |
| Wayne P. Sniffin | 55,000 |
| G. Kovacevich | 55,000 |
| Averill Ranch | 54,874 |
| Leon Urrutia | 54,138 |
| Gary Brooks | 53,929 |
| George Andrew | 53,228 |
| Otha Hooper | 52,708 |
| Ardell Hooper | 52,708 |
| Willard Haynes | 48,928 |
| Walter Wittwer | 49,914 |
| Triangle T Ranch | 48,998 |
| B. A. Watson | 47,556 |
| Ben Curutchet | 46,810 |
| George E. Ross | 46,790 |
| Kenneth R. Grimes | 45,957 |
| Larry Chapman | 45,491 |
| Morgan Johnson | 45,056 |
| Fred Toschi | 42,621 |
| James A. Hawkins | 42,384 |
| Thomas R. Hawkins | 42,350 |
| Fred Van Tassel | 41,840 |
| Burkhart Farms | 41,607 |
| Clarence Ylarregui | 40,929 |
| A. K. Baker | 40,887 |
| S. A. Upton | 40,063 |
| John M. Lasgoity | 39,264 |
| El Peco Ranch | 38,519 |
| Dan Branco | 38,205 |
| William Haynes | 36,457 |
| Norman Kuhr | 35,789 |
| H. M. Farming Company | 35,128 |
| Howard Glantz | 34,941 |
| Forrest Clayton | 33,855 |
| Robert Danieli | 33,229 |
| L. D. McRee | 32,801 |
| Wm. R. Dill | 32,328 |
| Leonard Frazier | 31,148 |
| L. G. Haworth & Sons | 30,752 |
| Sam Mariani | 30,737 |
| John Galleano | 30,547 |
| Alvin G. Askew | 30,194 |
| J. Frank Martin & Sons | 30,193 |
| Johnny Deniz | 30,095 |
| Floyd Williams | 30,095 |
| Kenneth B. Seibert | 29,875 |
| Dale Maddalena | 29,812 |
| L. G. Beshears | 28,343 |
| Arvid Allen | 28,314 |
| Henry S. Naito | 28,281 |
| Curran Ranches | 27,744 |
| Wm. Correia | 26,321 |
| Richard Johnson | 26,311 |
| J. L. Vancuren | 26,041 |
| Buffington Agri. Ent | 26,040 |
| Peter Maddalena | 25,925 |
| David Baker | 25,314 |
| Edward Pistoresi | 25,252 |
| Jack Chezick | 25,086 |
| Guy Houk | 24,271 |
| R. C. Weaver | 24,151 |
| Logoluso Farms | 23,865 |
| C. F. Andresen | 23,505 |
| T. C. and Don Wood | 23,399 |
| Sherman Thomas | 22,937 |
| Charles D. Mays | 22,918 |
| Ernest Uhalde | 22,882 |
| Carl Hansen | 22,432 |
| Alvin Gomes | 22,423 |
| John Koretoff, Jr | 21,612 |
| Paul Toschi Sr | 21,208 |
| Victor Kuhr | 21,087 |
| Vernon L. Caywood | 21,072 |
| Larry Jantzen | 20,883 |
| Thomas Bedford | 20,840 |
| Arthur W. Freeman | 20,800 |
| G. J. Schuh | 20,469 |
| John Farmer | 20,423 |
| Total payees in county (85) | 3,076,992 |

MERCED COUNTY

| | |
|---|---|
| Wolfson Land and Cattle | 99,957 |
| Lindemann Farms Inc | 79,013 |
| Vernon Porter | 67,260 |
| A. Lobue Farms | 66,569 |
| Lewis Maldrino | 62,396 |
| Sorg Bros | 61,988 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—California*—Continued

[Amounts in dollars]

MERCED COUNTY—continued

| | |
|---|---|
| John F. Bennett | 59,663 |
| Timco Div | 58,142 |
| Ray Bute | 57,501 |
| Talbott Sheep Co | 56,819 |
| Woo Bros | 56,118 |
| James Maiorino Jr | 55,000 |
| Sam Hamburg Farms | 54,143 |
| Santa Rita Ranch Co | 53,977 |
| Findley M. Upton | 53,361 |
| Kole M. Upton | 53,361 |
| Chas. E. Andrews | 53,294 |
| Obanion Ranches | 52,136 |
| Brights Nursery Inc | 50,738 |
| C. Houk & J. Allen | 47,261 |
| Herman Willis | 46,649 |
| Marvin Wooten | 46,588 |
| J. J. Harder | 44,720 |
| Cozzi Bros | 43,853 |
| Joe G. Machado Jr | 42,984 |
| Dean Barrett | 42,460 |
| Amparan & Erreca | 42,396 |
| Favier Cattle Co | 42,012 |
| Ardans Bros | 41,038 |
| Carl Sumpter | 40,721 |
| Delta Farms | 40,311 |
| Carl Bryant | 39,901 |
| Joe H. Santos | 36,455 |
| Etcheverry Bros | 35,476 |
| John A. Lawson | 34,812 |
| Herbert Willis | 34,495 |
| Clay Farms Inc | 32,750 |
| W. F. Sturgeon Farms | 31,087 |
| Arambarri and Izoco | 30,245 |
| Henry Sorg | 28,802 |
| Circle A Sheep Co | 28,694 |
| Three Star Farms | 28,633 |
| John B. Harman Jr | 27,897 |
| J. B. Arambel | 27,525 |
| Kenneth Porter | 26,997 |
| Danco Farms | 26,706 |
| Striblings Nurseries | 25,757 |
| R. Palazzo and Co. Inc | 25,625 |
| Ollie McDonald | 24,657 |
| Pacheco Sheep | 24,090 |
| A. J. Vandenberg | 23,964 |
| C. R. Vandenberg | 23,963 |
| Jerry Ralls | 22,770 |
| Edward R. Fagundes | 21,802 |
| Vernie Raven | 21,205 |
| Pellissier and Sons | 21,068 |
| Deerwood Stock Farm | 20,748 |
| J & J Farms | 20,639 |
| Martin Arambel | 20,598 |
| Jess Ozcoidi | 20,101 |
| Total payees in county (60) | 2,459,891 |

MODOC COUNTY

| | |
|---|---|
| John Martin Espil | 65,279 |
| OCC Pet Ld & Dev | 23,783 |
| Total payees in county (2) | 89,062 |

MONO COUNTY

| | |
|---|---|
| Roberts Sheep Co | 26,696 |
| Total payees in county (1) | 26,696 |

MONTEREY COUNTY

| | |
|---|---|
| Darrigo Bros. Co. of Calif | 70,690 |
| Inter. Harvest. Inc | 52,185 |
| Martinus & Martinus | 47,151 |
| Jack A. Hayes | 44,151 |
| William Whitney | 30,526 |
| Agronomy Partnership | 30,146 |
| Frank Taylor | 28,533 |
| Huntington Farms Inc | 22,945 |
| Porter Es. Co. Brdly. Rch. Inc | 21,651 |
| A. F. Silveira & Sons | 20,923 |
| Miller Bros | 20,728 |
| Total payees in county (11) | 389,629 |

ORANGE COUNTY

| | |
|---|---|
| Rancho Mission Viejo | 21,887 |
| Ernie C. Cantrell | 20,300 |
| Total payees in county (2) | 42,187 |

PLACER COUNTY

| | |
|---|---|
| Frank & Ross Riolo | 27,233 |
| John Fiddyment | 21,480 |
| Total payees in county (2) | 48,713 |

RIVERSIDE COUNTY

| | |
|---|---|
| J. R. Norton Co | 76,673 |
| B.K.M. Ranchers | 62,352 |
| Mortensen Enterprises | 58,242 |
| Fisher Ranch | 57,066 |
| Gary A. Bryce | 56,911 |
| Suzy Bel Farms | 56,435 |
| T. E. Hininger | 55,584 |
| D. L. Mudd, Inc | 55,000 |
| G. T. Scott Ranches, Inc | 55,000 |
| Donald T. Williams | 54,999 |
| Lawrence Augusta | 54,999 |
| Thomas Robinson | 54,999 |
| Charles Robinson | 54,999 |
| Rummonds Bros. Ranches, Inc | 54,921 |
| Duane E. Berger | 54,855 |
| Daniel E. Robinson | 54,821 |
| O'Beal Shaw | 54,805 |
| Henry Meza | 54,805 |
| John Pavad | 54,529 |
| Henry W. Warne | 54,289 |
| Lawrence Chaffin | 52,461 |
| Clarence Robinson | 52,411 |
| Don Riley | 52,349 |
| Robert M. Morton | 49,781 |
| E. G. Nowell | 49,767 |
| William Riggs | 49,766 |
| Jamea Stafford | 49,658 |
| Ellsworth Epperson | 49,658 |
| Motte & Sons | 49,076 |
| Leon Kennedy | 49,029 |
| Mark Kennedy | 49,029 |
| Bert Lauda | 43,970 |
| Walter Pratt | 41,810 |
| William G. Durnin | 41,701 |
| Frank Guitron | 41,008 |
| Dale Hull | 40,331 |
| George Arakelian Farms, Inc | 38,151 |
| W. K. Kenworthy | 37,617 |
| Marshburn Bros | 36,116 |
| Louis Schindler | 32,995 |
| Henry Schindler | 32,995 |
| Searl Bros | 30,264 |
| John B. Mainvil | 29,199 |
| Richard Kenworthy | 28,502 |
| Harboe Ensley | 26,575 |
| John Coudures Co | 24,682 |
| Peter Rabbit Farms | 24,621 |
| Sam Keoseyan | 24,347 |
| Bud Antle, Inc | 23,688 |
| Johnson Bros | 23,062 |
| Roy C. Wolven | 22,744 |
| Ford Underwood | 22,254 |
| Dennis Geller | 21,987 |
| Clyde E. Smith | 21,108 |
| Frank A. Sowers | 20,995 |
| Total payees in county (55) | 2,420,011 |

SACRAMENTO COUNTY

| | |
|---|---|
| Mills & Labrode | 61,764 |
| Amistad Ranches | 44,137 |
| Silva Farms | 41,856 |
| Lloyd Fox | 39,500 |
| D. H. & P | 38,433 |
| Waegell Bros | 35,498 |
| Ben Howard | 24,282 |
| G. & M. Farms | 24,254 |
| Jack Hori | 21,075 |
| Total payees in county (9) | 330,799 |

SAN BENITO COUNTY

| | |
|---|---|
| Pete Larrondo | 35,688 |
| Total payees in county (1) | 35,688 |

SAN BERNARDINO COUNTY

| | |
|---|---|
| Woodrow Miller | 46,861 |
| Floyd Williams | 20,554 |
| Domingo Mendionde | 20,297 |
| Total payees in county (3) | 87,712 |

SAN DIEGO COUNTY

| | |
|---|---|
| Daley Enterprise | 32,984 |
| Total payees in county (1) | 32,984 |

SAN JOAQUIN COUNTY

| | |
|---|---|
| Jean Cubiburu | 92,063 |
| S. P. RR Land Dept | 58,524 |
| Salvador Olagaray | 43,955 |
| Moresco Bros. Farms | 39,398 |
| Reclaimed Island Lands | 36,913 |
| D. Olcomendy & Son | 36,614 |
| River Investment Co | 34,978 |
| Guido Stagi Farms | 32,201 |
| Frank Arburua | 31,728 |
| A & M Farms | 30,386 |
| Dell Aringa Bros. Inc | 29,039 |
| Sanzberro & Iroz | 28,372 |
| J. P. Laborde | 27,861 |
| Tanaka Farms | 26,710 |
| O. Narducci | 24,942 |
| Martin Farms | 24,205 |
| Maciel Bros | 23,117 |
| J. E. Higginbottom | 23,091 |
| J & R Bogetti | 22,753 |
| Shiba Farms | 22,318 |
| Western Farms | 22,031 |
| Conrad Silva | 21,736 |
| Alvarez Bros | 21,156 |
| Wm. F. Garden | 21,135 |
| Sarale Farms | 21,054 |
| Watanabe Bros | 21,046 |
| Calcagno Farms | 20,861 |
| Helen & Judith McCormack | 20,803 |
| Guido Biagi | 20,156 |
| Arnaudo Bros | 20,051 |
| Total payees in county (30) | 899,197 |

SAN LUIS OBISPO COUNTY

| | |
|---|---|
| Frank Galainena | 86,444 |
| Jackson & Reinert | 73,460 |
| White Ranch Co | 72,753 |
| Grayson Owen Co | 46,335 |
| Camatta Ranch | 37,676 |
| Kent Hansen | 37,675 |
| William P. Wreden | 32,917 |
| Nels Beck & Sons | 30,536 |
| Ancho Vista Ranch | 30,407 |
| Encino Ranch Co | 26,522 |
| Claude Arnold | 27,597 |
| Ernst Bros | 25,363 |
| Heilmann Bros | 25,170 |
| C. D. Hillman | 24,756 |
| Ralph Shaw | 24,696 |
| Ernest A. Hahl | 24,102 |
| Martin Jaureguy | 22,411 |
| Iversen Ranch Inc | 22,008 |
| Ernest Brown | 20,996 |
| Richard M. Fairchild | 20,201 |
| Total payees in county (20) | 714,025 |

SANTA BARBARA COUNTY

| | |
|---|---|
| R. L. Calhoun | 46,153 |
| Owen T. Rice & Son, Inc | 41,135 |
| Koba Farms | 26,662 |
| Wm. N. McLellan Co | 20,194 |
| Total payees in county (4) | 134,144 |



SISKIYOU COUNTY

| | |
|---|---|
| Armendaris Land Development | 39,973 |
| Total payees in county (1) | 39,973 |

SOLANO COUNTY

| | |
|---|---|
| Chew Brothers Farms Inc | 89,029 |
| Richard Emigh | 82,561 |
| Gnos Brothers | 72,561 |
| H. H. & J | 56,656 |
| Albert Carrington | 54,625 |
| Peter Cook Estate | 50,548 |
| Duncan McCormack | 40,591 |
| Brann Bros | 38,088 |
| Marion Sanchez Farms | 37,697 |
| Hamilton Bros | 37,550 |
| Robert C. Gill | 37,522 |
| Hastings Farms | 35,736 |
| Lum & Young Farms, Inc | 35,694 |
| Steve Shubin | 34,598 |
| Anderson Brothers | 34,417 |
| Tom Abel | 33,968 |
| Bulkley Ranch | 32,726 |
| Fred H. Rehrman & Son | 32,363 |
| Holdener & Wiegand | 31,731 |
| Robert C. Schulze | 31,094 |
| Belli & Fahn | 29,206 |
| John Lamont | 27,554 |
| McCormack Hill Ranch | 26,480 |
| Louis Giannoni | 26,228 |
| W. L. Davey | 25,268 |
| Edgar Everett & Son Farms | 24,504 |
| Martin Bros | 24,155 |
| Mayhood Ranches | 23,152 |
| L. M. McOmie | 22,647 |
| Alonzo Acres | 21,109 |
| Nishikawa Farms, Inc | 20,901 |
| Joe A. Gutierrez | 20,382 |
| Total payees in county (32) | 1,191,361 |

SONOMA COUNTY

| | |
|---|---|
| Foppiano Brothers | 29,071 |
| Cooley Ranch, Inc | 20,909 |
| D. H. McLaughlin | 20,791 |
| Total payees in county (3) | 70,771 |

STANISLAUS COUNTY

| | |
|---|---|
| Thorkelson Ranches | 27,110 |
| Simon Newman Co | 20,618 |
| Total payees in county (2) | 47,728 |

SUTTER COUNTY

| | |
|---|---|
| Newhall Land and Frmg | 237,420 |
| Don J. Strachan | 87,750 |
| E. E. McPherrin & Son | 38,822 |
| Sutter Basin Corp | 38,649 |
| Thomas W. Glenn | 36,046 |
| Broomieside Farms | 31,942 |
| H. L. Sanborn and Sons | 28,682 |
| Siller Brothers | 28,301 |
| Oji Bros. Farm, Inc | 27,835 |
| Yosuba Farms | 21,188 |
| Total payees in county (10) | 576,635 |

TEHAMA COUNTY

| | |
|---|---|
| Sutfin Bros | 59,614 |
| Anchordoguy & Co | 50,062 |
| Robert E. Mills | 45,425 |
| D. L. Williams & Son | 43,615 |
| Bernard Larralde | 31,324 |
| Carroll Owens | 28,364 |
| George M. Stutz | 26,246 |
| John Etcheverry | 22,113 |
| Flournoy Bros | 21,548 |
| Elgie White | 21,404 |
| Total payees in county (10) | 349,715 |

TULARE COUNTY

| | |
|---|---|
| Southdown McCarthy Farms | 142,482 |
| Roberts Farms, Inc | 140,737 |
| Marion Harris | 124,378 |
| Nichols Farms | 103,541 |
| John Valov | 79,221 |
| McCarthy Bros | 74,773 |
| R. A. Hildebrand | 72,318 |
| M. Curti & Sons | 70,115 |
| Alvin Correia | 66,161 |
| Andy Wheat | 65,994 |
| Dick Anderson | 63,178 |
| Progressive Farming | 60,053 |
| George A. Elseaff | 59,363 |
| George Bassett, Jr | 58,907 |
| Clarklind Farms | 58,482 |
| Doyle Ritchie | 58,439 |
| Mitchellinda Ranches | 57,971 |
| Carl Shannon | 57,814 |
| Paul Shannon | 57,814 |
| Sam Perry | 57,727 |
| L. Raviscioni Farms | 57,328 |
| A. E. Panetta Farms | 57,148 |
| John Torrez, Jr | 56,607 |
| Charlie Minoletti | 55,784 |
| Fisher Bros | 55,266 |
| Val Verde Farms, Inc | 55,176 |
| Roy D. Murray | 55,156 |
| H. P. Anderson III | 55,000 |
| Robert W. Anderson | 55,000 |
| H. P. Anderson Jr | 55,000 |
| Craig Anderson | 55,000 |
| Southdown Land Co | 54,999 |
| Sam Balzer | 54,918 |
| Patrick T. Shannon | 54,918 |
| Kelly Ann Shannon Jr | 54,918 |
| Richard M. Shannon | 54,918 |
| James G. Schott | 54,917 |
| Michael A. Schott | 54,902 |
| Glenn J. Schott | 54,901 |
| Clyde Quillin Jr | 54,764 |
| G. E. Paxton | 54,502 |
| Anton Caratan | 54,300 |
| Bill White | 54,281 |
| Donald McCarthy | 54,194 |
| Leland McCarthy | 54,178 |
| Richard McCarthy | 54,178 |
| Delmart Farms, Inc | 54,096 |
| Watte Brothers | 53,295 |
| Robert F. Bowman | 51,877 |
| L. W. Turk | 51,813 |
| Roy Kent | 51,771 |
| Don Jackson | 51,346 |
| Sherman Land & Cattle Co | 51,315 |
| Hochuli Bros | 50,683 |
| Bill Beshears | 50,295 |
| Ernest Ritchie | 49,340 |
| R. G. Smith | 49,259 |
| C. J. Ritchie | 48,911 |
| Leroy Sunderland | 48,911 |
| Larry J. Ritchie | 48,911 |
| Gene McClure Inc | 48,911 |
| Baker Bros | 48,459 |
| Atilio Belezzuoli | 48,271 |
| Don Eisner | 47,370 |
| Raymond Donaldson | 47,149 |
| Geo. C. Rising | 46,835 |
| S & S Ranches | 46,632 |
| Earl Royer | 46,295 |
| Onel C. Jackson | 46,163 |
| Wilbur Ranch | 45,889 |
| Francis & Paul Johnson | 45,316 |
| Melvin Santry & Son | 44,919 |
| Pradera Del Lago | 44,591 |
| Morris Stuhaan | 44,168 |
| Dane Stuhaan | 44,168 |
| Lawrence Taylor | 43,759 |
| J. X. Bettencourt | 43,495 |
| Richard W. Merritt | 43,270 |
| Harriet L. Merritt | 43,270 |
| S. K. Warkentin | 43,210 |
| R. Wayne Lessley | 42,740 |
| Mello & Martin Farming Co | 42,687 |
| James Rodari | 42,191 |
| Hillman Corporation | 41,804 |
| Nickell Farms | 41,703 |
| Louie F. Morris | 40,911 |
| Theodore Eberlein | 40,244 |
| Donald Thiesen | 40,132 |
| Vernon Thiesen | 40,132 |
| Ernest Menezes | 39,776 |
| Joe Menezes | 39,776 |
| Donald R. Falconer | 39,775 |
| A. M. Falconer | 39,775 |
| Harry L. Falconer | 39,775 |
| A. M. Falconer, Jr | 39,775 |
| Cooper Farms | 39,756 |
| Galbraith Brothers | 39,044 |
| C. D. Speer | 39,031 |
| Benson Brothers | 38,741 |
| Jesse Dennis | 38,359 |
| Reynold M. Benson | 38,298 |
| Joe Schott | 38,180 |
| Gerald Lang | 38,104 |
| Ritchie & Ritchie | 37,326 |
| Roscoe E. Smith | 37,005 |
| Lesley W. Smith | 36,994 |
| Wesley W. Smith | 36,994 |
| Wm. R. White | 35,917 |
| E. D. Batsch | 35,912 |
| Brian Batsch | 35,905 |
| Serpa & Co | 35,405 |
| Vernon Hutsell | 35,397 |
| D. L. Colson | 35,308 |
| W. M. Colson | 35,308 |
| Don G. Dollinger | 35,124 |
| Edward L. Irwin | 35,116 |
| Sam & Bill Valov | 35,046 |
| James E. Kagler | 34,987 |
| Darrell Taylor | 34,680 |
| Frank Schott & Son | 34,376 |
| Richard Berry & Sons | 34,016 |
| Manuel Silveira | 33,781 |
| A. T. & J. R. Villard | 33,233 |
| Manuel Faria | 33,173 |
| W. K. Jackson, Jr | 32,753 |
| Clark Bros | 32,571 |
| Gary G. Pratt | 32,530 |
| Pete Lawrence | 32,465 |
| W. A. Schwartz | 32,451 |
| Chas. Neufeld | 32,425 |
| Don MacMillan | 32,250 |
| Schlitz & Twiford Farms | 32,197 |
| Hash Nursery | 31,982 |
| Ira Thompson | 31,787 |
| J. L. Pires & Co | 31,637 |
| Harvey Lauritzen | 31,482 |
| T. I. Hampton | 31,250 |
| C. Paul Johnson | 31,093 |
| Don Jackson | 30,969 |
| Uchita Bros | 30,750 |
| Robert Taggart | 30,635 |
| Lapadula Farms | 30,625 |
| M. D. Bradley | 30,611 |
| Anthony Rodriques | 30,487 |
| David Rodriques | 30,487 |
| Florence M. Doe | 30,386 |
| Russell M. Doe | 30,386 |
| Gobel Brothers | 29,974 |
| James Douglas Anderson | 29,857 |
| Joe W. Ramos | 29,350 |
| Howard Trimble & Son | 29,237 |
| Toomey Brothers | 28,271 |
| David Bisconer | 28,164 |
| Andrea B. Henninger | 28,164 |
| Reynold Bisconer Estate | 28,164 |
| Raymond Bisconer | 28,164 |
| Hercal Corporation | 28,081 |
| Dub & Barbara Lusk | 27,972 |
| Mary O. Cardoza | 27,756 |
| Anthony V. Cardoza | 27,756 |
| Bill Westbrook | 27,755 |
| John E. Sola | 27,716 |
| Coy M. Daffern | 27,330 |
| Donald Bergantz | 27,128 |
| Lowell Loftis | 26,467 |
| Ronald W. Harris | 26,236 |
| Rollis Friend | 26,024 |
| Chas E. Slaughter Farms | 25,968 |
| George P. Drisio | 25,650 |
| R. G. Burns | 25,389 |
| Nagatani Farms | 25,195 |
| Richard Stuhaan | 25,093 |
| Ray Hutchinson | 25,010 |
| Manuel I. Rocha & Co | 24,929 |
| Ralph Bissell | 24,902 |
| Bowen & Jones | 24,795 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—California*—Continued

[Amounts in dollars]

TULARE COUNTY—continued

| | |
|---|---|
| Allan Jones | 24,672 |
| Robert Hutcherson | 24,342 |
| R. W. & G. Stadden, Jr | 24,291 |
| H. A. Vossler & Sons | 24,130 |
| Gist Farms | 23,972 |
| T. & R. Ranches, Inc | 23,877 |
| Manuel Picanso | 23,865 |
| Albert Konda | 23,865 |
| Overholt Brothers | 23,668 |
| Nichols Living, Tr | 23,613 |
| Jack C. Harris | 23,477 |
| Sam Lessley | 23,365 |
| Lyle Moore | 23,350 |
| George Caratan | 23,272 |
| L. J. Chroman | 23,091 |
| E. L. Beaver | 22,910 |
| S. Trigueiro, Jr | 22,697 |
| Louis J. Goeman | 22,408 |
| W. O. Turnipseed | 22,121 |
| Ronald J. Castro | 22,031 |
| Frank L. Day | 21,931 |
| J. G. Fossett, Jr | 21,921 |
| Charles Wolsey | 21,891 |
| Guido Lombardi | 21,854 |
| Donald Marshall | 21,812 |
| Larry H. Shuklian | 21,806 |
| Nielsen Farms | 21,684 |
| Chas. Westbrook | 21,426 |
| Alroso Brothers | 21,213 |
| Julia De Campos | 21,055 |
| Wm. L. Goins | 21,014 |
| Thad Dresser | 21,005 |
| Lynn McCallister | 20,932 |
| R. L. Westbrook | 20,810 |
| Tony Santos | 20,543 |
| Ed Hanni | 20,340 |
| Willow Ranch | 20,244 |
| R. J. Catron | 20,182 |
| Pryse Farms, Inc | 20,150 |
| Melvin Miller | 20,047 |
| Total payees in county (216) | 8,648,981 |

VENTURA COUNTY

| | |
|---|---|
| Kaiser Aetna | 50,642 |
| Jean Heuga | 50,217 |
| Total payees in county (2) | 100,859 |

YOLO COUNTY

| | |
|---|---|
| Heidrick Farms, Inc | 174,755 |
| E. L. Wallace and Sons | 85,113 |
| L. Wallace Ex E. Wallace Est | 64,624 |
| John B. Anderson | 62,031 |
| Meek and Lemaitre | 59,616 |
| G. A. Hanks & Sons | 59,403 |
| Oscar Durst Sr. and Jr | 57,669 |
| Layton Knaggs | 52,518 |
| River Garden Farms | 44,941 |
| Vernon A. Mast and Sons | 39,431 |
| Kirtlan Bros | 38,931 |
| Lloyd Eveland | 38,916 |
| Vernon Eriksen | 35,074 |
| C. G. and T. H. Roth | 32,048 |
| Scott Yamamoto | 30,275 |
| Joe Gnoss, Jr | 27,501 |
| Hatanaka Bros | 27,136 |
| Edgar Jang | 26,221 |
| Fritz Erdman | 24,700 |
| H. Pylman and Sons | 24,493 |
| Nishimura Bros | 23,722 |
| Wm. C. & Ashley Payne | 23,089 |
| Woodland Farms, Ltd | 22,730 |
| Wetzel Bros | 22,550 |
| John W. Wirth | 22,535 |
| Howard Correa | 21,707 |
| W. C. Payne | 21,337 |
| L. C. Ulrich | 20,825 |
| Buchignani and Hughes | 20,423 |
| Regents of Univ. of Calif | 20,400 |
| Shimada Bros | 20,265 |
| Hunn, Merwin and Merwin | 20,041 |
| Merwin Farms | 20,028 |
| Charles Schaupp and Son | 20,015 |
| Total payees in county (34) | 1,305,063 |
| Total payees in state (1,861) | 80,165,284 |

*1972 ASCA and Great Plains program payments of $20,000 or more—excluding loans—Colorado*

[Amounts in dollars]

ADAMS COUNTY

| | |
|---|---|
| Monaghan Farms, Inc | 61,610 |
| Box Elder Farms Co | 57,292 |
| Danford & Champlin Ltd | 45,997 |
| Byron W. Trupp | 33,005 |
| Lloyd Linnebur | 29,664 |
| Ralph Kruse | 26,122 |
| W. D. Packard | 25,933 |
| Irondale Farming | 25,779 |
| Fred Bath | 25,656 |
| Raymond Roark | 23,622 |
| United Packing Co | 23,186 |
| Sam Wagner | 22,633 |
| Sakata Farms, Inc | 22,115 |
| Total payees in county (13) | 422,614 |

ARAPAHOE COUNTY

| | |
|---|---|
| Alfred Linnebur | 30,892 |
| Kissler Farms | 26,573 |
| Lawrence Cowell | 26,147 |
| Total payees in county (3) | 83,612 |

BACA COUNTY

| | |
|---|---|
| William Greathouse | 64,434 |
| R. R. Rutherford | 50,455 |
| C. V. Cogburn | 47,690 |
| F. M. Swanson | 46,626 |
| Kenneth Cottrell | 43,690 |
| A. B. Hefley | 33,525 |
| Lewis Robbins | 32,999 |
| E. T. R. Corp., Inc | 32,203 |
| Russell Loflin | 31,100 |
| Homsher Farms and Rnchs | 29,610 |
| T. F. Arbuthnot | 28,550 |
| Bernard Neill | 27,908 |
| Wayne Orebaugh | 27,782 |
| Brownie Farms | 26,820 |
| W. E. Tolbert | 26,233 |
| T. T. T. Livestock, Inc | 25,431 |
| Van Stafford | 24,472 |
| Arden Cogburn | 24,390 |
| Samuel Thompson | 24,108 |
| T. L. Tucker and J. Wade | 24,108 |
| Jim Loflin | 23,833 |
| Clyde McEndree | 23,746 |
| Derral Schroder | 22,182 |
| Ruth Suhler | 21,809 |
| A. C. Doyle, Jr | 20,535 |
| Laramie Burson | 20,213 |
| Total payees in county (26) | 804,452 |

BENT COUNTY

| | |
|---|---|
| Spady Brothers | 50,254 |
| Jake Broyles | 37,327 |
| Geo. Tempel and E. H. Tempel, Jr | 33,186 |
| George C. Camilli | 32,215 |
| Harrell Ridley | 32,127 |
| Fred Rohlman | 30,002 |
| Vernon Appel | 27,407 |
| George Reyher | 27,227 |
| Scranton Bros | 24,199 |
| Cordes and Oberlander | 23,275 |
| John J. Ebright | 22,999 |
| Frank K. Buster, Wm. M. Leebron | 21,776 |
| Kasza Bro | 20,160 |
| Total payees in county (13) | 382,154 |

BOULDER COUNTY

| | |
|---|---|
| O. & E. Sheep Co | 140,335 |
| Dom Echeverria Est | 95,969 |
| T. H. Thompson | 24,819 |
| Total payees in county (3) | 261,123 |

CHEYENNE COUNTY

| | |
|---|---|
| Dale Mitchek | 72,416 |
| Harold Rother | 44,868 |
| M. K. White | 43,644 |
| Wild Horse Farms, Inc | 43,315 |
| Knudsen Ranch | 39,110 |
| Marvin Lowe | 38,931 |
| John Kriss | 38,005 |
| Archie M. Lowe & Sons | 37,906 |
| Allen Bros | 35,493 |
| White Woman Creek, Inc | 33,875 |
| Dannie McCormick | 29,234 |
| James McCormick, Jr | 28,499 |
| Keller Bros C/O Ben Keller | 23,848 |
| Gail Woodard | 23,651 |
| William L. White | 23,212 |
| Jack Steele | 22,928 |
| JH Bar Ranch, Co | 22,718 |
| A. S. Kern, Jr | 21,203 |
| Aldridge Farms, Inc | 20,577 |
| Andrew Schaefer | 20,576 |
| Edwin Hendrickson | 20,084 |
| Total payees in county (21) | 684,113 |

CONEJOS COUNTY

| | |
|---|---|
| Quinlan Ranches, Inc | 45,180 |
| Ernest Moeller | 27,934 |
| Ray & Jay Jackson | 26,343 |
| Total payees in county (3) | 99,457 |

COSTILLA COUNTY

| | |
|---|---|
| Blanca Trinchera | 33,146 |
| Total payees in county (1) | 33,146 |

CROWLEY COUNTY

| | |
|---|---|
| Foxley & Co | 74,821 |
| Western Alfalfa Corp | 58,064 |
| Harold N. Hobart, Jr | 55,255 |
| Ross Belew | 22,564 |
| Total payees in county (4) | 210,704 |

DELTA COUNTY

| | |
|---|---|
| Hotchkiss Ranches, Inc | 45,885 |
| McIntyre Livestock Corp | 41,502 |
| Lewis J. McCarty | 23,967 |
| Jordan & Scott | 23,824 |
| Total payees in county (4) | 135,178 |

ELBERT COUNTY

| | |
|---|---|
| Andy Kochis, Jr | 22,467 |
| Harold Monks | 21,738 |
| Total payees in county (2) | 44,205 |

GARFIELD COUNTY

| | |
|---|---|
| Bair Ranches | 33,240 |
| L. W. & W. F. Clough | 20,955 |
| Total payees in county (2) | 54,195 |

JEFFERSON COUNTY

| | |
|---|---|
| Anschutz Livestock Co | 203,669 |
| Wilson & Co., Inc | 96,804 |
| Total payees in county (2) | 300,473 |

KIOWA COUNTY

| | |
|---|---|
| James S. Garvey | 120,355 |
| Anschutz-Farms Corp | 76,669 |
| Olive W. Garvey | 75,712 |
| Ruth G. Fink | 67,569 |
| Gene Schwerdfeger | 55,434 |
| Harold Wyckoff | 46,086 |
| Ira Jay Paulin | 44,510 |
| Jagee Corp | 43,152 |



| | |
|---|---|
| Stum & Schuler | 40,899 |
| Wayne E. Tallman | 40,784 |
| Bill Marx | 39,037 |
| J. G. Preisser | 37,326 |
| M. E. Templer | 36,376 |
| Garvey, Inc | 36,147 |
| George A. Jacobs | 35,694 |
| W. D. Preisser | 31,718 |
| W. Harold Tuttle | 31,265 |
| Wayne E. Tallman Farms Co | 31,108 |
| Stuart Farms, Inc | 29,572 |
| Brandon Farms, Inc | 27,965 |
| William J. Weber | 26,233 |
| Buck Brothers Farming, Inc | 26,092 |
| Eddie C. Templer | 25,534 |
| John A. Stavely | 24,915 |
| Aubrey Shotton | 24,383 |
| Edwin Negley | 22,959 |
| Milton V. Louthan | 22,495 |
| La Vern Buck | 21,845 |
| Lynn Taylor | 21,697 |
| Bill Trosper | 20,974 |
| Charles E. Tallman | 20,637 |
| Jerald R. Quindt | 20,194 |
| Wes Barber | 20,103 |
| Total payees in county (33) | 1,245,439 |

KIT CARSON COUNTY

| | |
|---|---|
| Hinkhouse Bros | 103,308 |
| Delmer Zweygardt | 88,314 |
| Raymond Schulte | 77,463 |
| Penny Ranch | 75,521 |
| Dannie Weaver | 70,127 |
| Paul Gergen | 53,227 |
| Davis Bros. Farms | 48,767 |
| Leonard Feldhousen | 46,554 |
| Pickard Farms, Inc | 45,792 |
| Ordie Billenwillms | 42,909 |
| Hitchcock Farms | 42,310 |
| G. F. Bollwinkel | 42,265 |
| Carl Silvrants | 41,323 |
| Three Rivers Rnch | 41,319 |
| Russell Scott | 41,020 |
| Louis Henry Nider | 40,278 |
| Schutte Farms | 39,092 |
| Chester James | 38,889 |
| Raymond Duell | 34,735 |
| Eugene Fasse | 34,660 |
| Leland Baney | 34,530 |
| George Andrews | 34,020 |
| C. E. McCartney | 33,279 |
| Marvin Grusing | 33,208 |
| O. G. Demmitt | 32,483 |
| Dale D. Hanna | 31,985 |
| Byron G. Jarnagin | 31,935 |
| Raymond Thomas Downey | 31,122 |
| Britt Bell | 30,729 |
| Everett Loutzenhiser | 29,497 |
| Hargrove Farms, Inc | 29,273 |
| Kenneth Hitchcock | 29,000 |
| Ernest Pottorff | 28,786 |
| Virgil Unruh | 28,111 |
| Iron Mueller, Inc | 28,041 |
| Mae Belle Crouse | 27,846 |
| Marvin W. James | 27,689 |
| Neal Dorsch | 27,508 |
| Leon Silkman | 27,227 |
| Plautz Corporation | 26,989 |
| Miltenberger Bros | 26,672 |
| Smoky Hill Ranch | 26,464 |
| Norman Dean Jarnagin | 26,389 |
| John R. Zurcher | 26,326 |
| Melvin Gross | 26,098 |
| W. T. Pottorff | 25,453 |
| Edwin Rainbolt | 24,845 |
| O. E. Powell | 24,706 |
| Revert Farms, Inc | 24,448 |
| Lohnnie Wall | 24,216 |
| Bess Jones | 23,931 |
| Orville Chapin | 23,831 |
| Louis Leoffler | 23,535 |
| Jerry Brenner | 23,227 |
| Warren Hodge | 22,860 |
| Robert Hall | 22,848 |
| Kenneth Harrel | 22,670 |
| Buol Farms, Inc | 22,559 |
| Herman Ridder | 22,216 |
| Geraldine Bell | 22,172 |
| Carl J. Dvorak | 21,443 |
| Carl Arends | 21,176 |
| Arthur Martens | 20,788 |
| Edgar Pratt | 20,673 |
| Fred Hilt, Jr | 20,647 |
| Total payees in county (65) | 2,241,324 |

LARIMER COUNTY

| | |
|---|---|
| Boxelder Sheep Co | 69,357 |
| Kenneth Thayer | 22,128 |
| Total payees in county (2) | 91,485 |

LAS ANIMAS COUNTY

| | |
|---|---|
| Jack C. Goode | 22,708 |
| Total payees in county (1) | 22,708 |

LINCOLN COUNTY

| | |
|---|---|
| Orval F. Parker, Inc | 33,780 |
| C. D. Farms, Inc | 22,547 |
| Mauck Brothers | 22,530 |
| Iler P. Andersen | 20,593 |
| Total payees in county (4) | 99,250 |

LOGAN COUNTY

| | |
|---|---|
| Gaylord Goddard | 32,795 |
| Wood Land Co | 22,953 |
| Stephen J. Breidenbach | 20,149 |
| George E. Fehringer | 20,000 |
| Total payees in county (4) | 95,897 |

MESA COUNTY

| | |
|---|---|
| Colorado Utah Livestock | 65,674 |
| Irving C. Beard | 52,338 |
| J. Perry Olsen | 46,129 |
| Emmett Ellizondo | 31,851 |
| Cureconti Sheep Co | 31,714 |
| Gust Patsantaras | 25,877 |
| Louis Arrayet | 25,592 |
| Spadafora Ranches | 25,143 |
| Gobbo Land Livestock Co | 22,614 |
| Victor Giles | 21,062 |
| Total payees in county (10) | 347,994 |

MOFFAT COUNTY

| | |
|---|---|
| Smith Rancho Inc | 102,825 |
| Cross Mountain Inc | 82,945 |
| Visintainer Sheep Company | 54,968 |
| Two Bar Ranch Company | 45,560 |
| Papoulas Livestock Company | 37,179 |
| H. G. Culverwell | 33,810 |
| Robert D. Showalter | 33,597 |
| Gordon C. Winn Sheep Co., Inc | 33,223 |
| D. R. Seely & Sons | 32,758 |
| John Peroulis | 32,345 |
| Andrew Peroulis | 28,143 |
| L. C. Winder Company | 27,611 |
| Pierre Johnson | 27,183 |
| Harry Kourlis | 24,511 |
| Hank Land & Livestock | 23,605 |
| Lee Watson | 22,798 |
| Gus Charchalis | 21,487 |
| Total payees in county (17) | 664,548 |

MONTEZUMA COUNTY

| | |
|---|---|
| Arlo T. Robb | 22,852 |
| Total payees in county (1) | 22,852 |

MONTROSE COUNTY

| | |
|---|---|
| Paxton Family | 30,671 |
| Chuchuru Bros | 27,871 |
| Emery Holman | 24,674 |
| Total payees in county (3) | 83,216 |

MORGAN COUNTY

| | |
|---|---|
| R. M. Hough | 32,527 |
| Perry J. Blach | 28,762 |
| Douglas Hough | 27,390 |
| R. M. Hough, Jr | 27,390 |
| Christensen Bros., Inc | 26,489 |
| Kenneth D. Breneman | 25,704 |
| Forrest S. Morrison | 25,595 |
| Robert H. Good | 24,247 |
| Carl D. Iungerich | 21,122 |
| Total payees in county (9) | 239,226 |

OTERO COUNTY

| | |
|---|---|
| Earl E. Showalter, Jr | 29,183 |
| Total payees in county (1) | 29,183 |

PHILLIPS COUNTY

| | |
|---|---|
| Dudden Elevator Inc | 33,991 |
| Raymond Gerk | 31,100 |
| Robert L. Gerk | 30,698 |
| Deden, Inc | 29,236 |
| Paloucek Bros | 26,988 |
| Fuesz & Sons | 26,239 |
| Bamford Land Co | 25,165 |
| Kenneth Schlachter | 22,492 |
| Starkebaum Farms, Inc | 21,649 |
| G. A. Voges | 20,168 |
| Ernest Livington, Est | 20,075 |
| Total payees in county (11) | 287,801 |

PITKIN COUNTY

| | |
|---|---|
| David Christensen | 33,797 |
| A. Perry Christensen | 24,099 |
| Total payees in county (2) | 57,896 |

PROWERS COUNTY

| | |
|---|---|
| C. H. Fletcher | 73,132 |
| Reyher Farms | 65,189 |
| C. E. Willhite | 60,614 |
| X Y Ranch Co | 54,140 |
| Howard A. Ragsdale | 51,016 |
| Curtis Duvall | 46,625 |
| L. W. Bailey | 41,853 |
| Frank Duvall | 39,900 |
| Sun Vue Inc | 37,058 |
| J. Marvin Willhite | 36,704 |
| C. Hart Farms Inc | 35,120 |
| R. L. Hatcher | 34,500 |
| Eugene Rundell | 33,424 |
| J. Willhite and Son | 32,021 |
| George E. Holmes | 31,980 |
| Clifford Verhoeff | 30,187 |
| Jack Herrin | 29,709 |
| Leonard Hart | 27,539 |
| Robert Barth | 27,150 |
| Creamer Ranch | 26,929 |
| J. E. Barrett | 25,706 |
| Cottonwood Ranch | 25,018 |
| Lamar Farms | 24,533 |
| John F. Swayze | 24,100 |
| J. V. Tyree | 24,081 |
| Charles Wheeler Jr | 23,285 |
| Clede Widener | 23,030 |
| K. W. Dawson | 23,012 |
| Steve L. Stroud | 22,640 |
| John Swenson | 21,874 |
| Keith Park | 21,830 |
| Dorenkamp Farms Inc | 21,774 |
| C. A. Barth | 21,576 |
| John Gentz | 21,397 |
| Earl E. Harper | 21,261 |
| August Reyher Trust | 20,744 |
| Gene & Claude Hammit | 20,715 |
| Wilbur K. Beedy | 20,397 |
| Total payees in county (38) | 1,221,763 |

PUEBLO COUNTY

| | |
|---|---|
| R. Lewis Fillmore | 48,232 |
| Robert E. King | 20,759 |
| Total payees in county (2) | 68,991 |

RIO BLANCO COUNTY

| | |
|---|---|
| Etchart Bros | 35,075 |
| Dry Creek Land & Livestock | 32,622 |
| Halandras Bros | 31,985 |
| Nick Theos | 31,195 |
| Nick Mahleres | 28,165 |
| Tom Theos | 26,152 |
| Total payees in county (6) | 185,194 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Colorado*—Continued

[Amounts in dollars]

RIO GRANDE COUNTY

| | |
|---|---|
| Pete Plank | 32,110 |
| SDCCO Co., Inc | 25,256 |
| Total payees in county (2) | 57,366 |

ROUTT COUNTY

| | |
|---|---|
| Maneotis Sheep Co | 55,828 |
| Murphy Ranch, Inc | 20,109 |
| Total payees in county (2) | 75,937 |

SAGUACHE COUNTY

| | |
|---|---|
| McMahon Bullington | 42,270 |
| Total payees in county (1) | 42,270 |

SAN MIGUEL COUNTY

| | |
|---|---|
| Redd Ranches | 89,784 |
| Hughes Bros., Inc | 41,984 |
| Raymond Snyder | 34,018 |
| Aldasoro Bros | 28,807 |
| Total payees in county (4) | 194,593 |

SEDGWICK COUNTY

| | |
|---|---|
| Ricker Farms, Inc | 33,718 |
| Hodges & Sons | 31,415 |
| Wm. Stretesky | 31,323 |
| Kontny Enterprises, Inc | 27,989 |
| Kenneth Kinnie | 26,600 |
| Vesely Sisters | 23,334 |
| Kinnie Land & Cattle Co | 22,071 |
| Total payees in county (7) | 196,450 |

WASHINGTON COUNTY

| | |
|---|---|
| Alfred Ward and Son | 60,415 |
| Andrew Blake Trust Co | 39,004 |
| Floyd Starlin | 37,348 |
| Charles L. Jolly | 36,187 |
| Jay Hickert | 34,040 |
| X Bar 4 Ranch, Inc | 33,376 |
| R. G. Weninger | 32,735 |
| Robert Thomas | 30,897 |
| Robert Poitz | 28,515 |
| Charles Gebauer | 27,606 |
| John C. Stroh II | 22,490 |
| Theurer Farms, Inc | 22,191 |
| Ben Gay, Inc | 21,022 |
| Joseph Kejr Test Tr. No. 28 | 20,957 |
| Earl Anderson | 20,600 |
| Donald Wright | 20,164 |
| Total payees in county (16) | 487,547 |

WELD COUNTY

| | |
|---|---|
| J. Burton Tuttle | 167,498 |
| Buckeye Land & Livestock | 132,127 |
| Monfort Packing Co | 107,836 |
| Larry Rule | 80,516 |
| Kalcevic Farms, Inc | 70,073 |
| Jean H. Eichheim | 56,550 |
| Wykert and Weber, Inc | 53,472 |
| Gordon D. Brown | 52,665 |
| E. E. Foster & Sons, Inc | 31,694 |
| Lyle V. Cooksey | 30,399 |
| Epple Brothers | 30,004 |
| Walter John Peters | 28,279 |
| Stanley Klinginsmith | 25,867 |
| Great Western Sugar Co | 25,488 |
| Dorothy S. Linnebur | 24,679 |
| Cactus Hill Ranch Co | 24,592 |
| James Klausner | 24,568 |
| Delbert D. Castor | 24,241 |
| Albert Allison | 21,225 |
| G. A. Henderson & Co | 21,124 |
| Joseph F. Linnebur | 21,012 |
| Howard W. Reid | 20,439 |
| Theo. Rademacher & Sons | 20,395 |
| Total payees in county (23) | 1,035,743 |

YUMA COUNTY

| | |
|---|---|
| Leonard L. R. Dutton | 51,653 |
| Ralph & Jack Bowman | 44,618 |
| RMR Ranch | 38,954 |
| Loren Dickson & Sons Inc | 35,548 |
| Thomas Brophy | 35,373 |
| Alkire Brothers | 33,706 |
| Chester Whomble | 32,234 |
| Trautman Farms Inc | 30,281 |
| George W. Wingfield | 29,368 |
| Regal Farms Inc | 28,922 |
| Harper Dairy | 28,655 |
| Trautwein & Woods | 26,620 |
| Leroy Deterding | 26,142 |
| Henry Wiltfang | 26,083 |
| Donald Warren | 25,442 |
| Helling Bros | 24,938 |
| Crossland Bros | 22,798 |
| Fix Brothers | 22,349 |
| Arlen Rico | 21,771 |
| Melvin Stults | 21,087 |
| Total payees in county (20) | 606,542 |
| Total payees in State (381) | 13,216,641 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Delaware*

[Amounts in dollars]

KENT COUNTY

| | |
|---|---|
| Walter Schiff | 24,303 |
| Short Farms | 20,633 |
| Total payees in county (2) | 44,936 |
| Total payees in State (2) | 44,936 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Florida*

[Amounts in dollars]

COLUMBIA COUNTY

| | |
|---|---|
| I. C. Terry Farm | 22,295 |
| Total payees in county (1) | 22,295 |

GLADES COUNTY

| | |
|---|---|
| Arbank Farms, Inc | 53,444 |
| Click Farms Inc | 40,919 |
| Glades Co. Su Gro Coop. Assn | 36,366 |
| John Tiedtke | 30,285 |
| Robert J. Kirk, Trustee | 29,624 |
| J. E. Frierson | 23,434 |
| Yaun Farms, Inc | 23,088 |
| Hicpochee Farms | 22,467 |
| Total payees in county (8) | 259,627 |

HENDRY COUNTY

| | |
|---|---|
| U.S. Sugar Corp | 1,284,845 |
| Ov Land Co | 73,139 |
| A. F. Saunders, Inc | 48,557 |
| Ewell Farms | 26,084 |
| Witt Bros. Farm | 21,751 |
| M. L. Bishop | 21,484 |
| Three RS, Inc | 20,265 |
| Peace Cattle Corp | 20,085 |
| Total payees in county (8) | 1,516,210 |

JEFFERSON COUNTY

| | |
|---|---|
| Pinckney Hill Plant | 25,839 |
| Total payees in county (1) | 25,839 |

LEE COUNTY

| | |
|---|---|
| Ronald Uzzell | 28,400 |
| Total payees in county (1) | 28,400 |

LEON COUNTY

| | |
|---|---|
| Gem Land Co | 34,147 |
| Loveridge Pltn | 24,913 |
| Total payees in county (2) | 59,060 |

PALM BEACH COUNTY

| | |
|---|---|
| Gulf & Western Food Prod. Co | 656,872 |
| Talisman Sugar Corp | 482,115 |
| New Hope Sugar Co | 257,909 |
| S. N. Knight Sons, Inc | 202,750 |
| A. Duda Sons, Inc | 171,321 |
| Closter Farms, Inc | 141,251 |
| 715 Farms, Ltd | 115,314 |
| Seminole Sugar Corp | 114,299 |
| Double D Ranch, Inc | 102,825 |
| Billy Rogers Farms | 100,360 |
| C. A. Thomas | 87,459 |
| Wedgworth Farms, Inc | 78,387 |
| Hatton Brothers, Inc | 73,706 |
| Trucane Sugar Corp | 68,739 |
| Eastgate Farms, Inc | 68,685 |
| South Bay Growers, Inc | 66,894 |
| J. T. Boynton Farms, Inc | 59,786 |
| Vandergrift Wlms. Fms., Inc | 51,266 |
| F. W. Farms, Inc | 43,050 |
| Hayes Quackenbush, Inc | 42,071 |
| Harley Watson Farms | 36,349 |
| Miami Sod Co | 35,716 |
| Camayen Farms | 35,707 |
| Flava Farms, Inc | 35,551 |
| Bueno Farms Corp | 35,030 |
| Okeechobee Farms Co | 33,849 |
| Stein Sugar Farms, Inc | 33,369 |
| S. D. Sugar Corp | 30,304 |
| Beardsley Farms | 29,836 |
| Vinegar Bend Farms, Inc | 29,405 |
| Chase Company | 29,134 |
| Manatee Plantations, Inc | 26,047 |
| Robert C. Hatton, Inc | 25,902 |
| Hall & Thomas, Inc | 25,892 |
| Valentine Farms, Inc | 22,803 |
| W. H. Vann, Inc | 21,799 |
| Hooker Jones Co | 21,746 |
| Lewis Friend Farms, Inc | 21,651 |
| Sun Dance Farms Inc | 21,241 |
| Atlantic Apiaries | 20,285 |
| Total payees in county (40) | 3,556,675 |

SANTA ROSA COUNTY

| | |
|---|---|
| J. W. Bauldree | 51,260 |
| J. E. Golden | 50,853 |
| Lem Strickland | 46,474 |
| Wayne Godwin | 43,462 |
| Paul S. Golden | 40,033 |
| Willie H. Jones | 33,796 |
| Lewie F. Smith | 31,677 |
| Luke Golden | 28,002 |
| Billy Bauldree | 27,202 |
| James Thomas Jr | 26,846 |
| Adone J. Lloyd, Jr | 26,699 |
| Total payees in county (11) | 406,304 |

SUWANNEE COUNTY

| | |
|---|---|
| Sid Allen, Jr | 24,328 |
| Total payees in county (1) | 24,328 |
| Total payees in State (73) | 5,898,738 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Georgia*

[Amounts in dollars]

BAKER COUNTY

| | |
|---|---|
| Newberry Angus Farms, Inc | 36,380 |
| P. T. Bostwick | 24,402 |
| Ichauway Plantation | 21,340 |
| W. C. Newberry | 20,188 |
| Total payees in county (4) | 102,310 |

BALDWIN COUNTY

| | |
|---|---|
| Forace L. Avant | 29,663 |
| Total payees in county (1) | 29,663 |

BARTON COUNTY

| | |
|---|---|
| Dabbs Enterprise, Inc | 58,867 |
| W. P. Lanier | 51,852 |
| H. E. Harris | 46,260 |
| Noble Maxwell | 36,174 |
| Ivan Evans | 28,623 |
| Bobby Maxwell | 26,636 |
| George Cagle | 25,314 |
| E. L. Sutton | 25,313 |
| Howell L. Smith | 24,506 |
| Joe G. Brandon, Jr | 22,451 |
| Glenn Nelson | 22,318 |
| J. C. Evans | 21,097 |



| | |
|---|---|
| James R. Lanier | 20,605 |
| Weldon Thacker | 20,258 |
| Total payees in county (14) | 430,274 |

BEN HILL COUNTY

| | |
|---|---|
| J. H. Dorminy, Jr | 23,502 |
| Total payees in county (1) | 23,502 |

BERRIEN COUNTY

| | |
|---|---|
| C. M. Dixon | 30,697 |
| Total payees in county (1) | 30,697 |

BLECKLEY COUNTY

| | |
|---|---|
| Charles Williams | 41,255 |
| Jerry Dykes | 40,650 |
| Carlton Lawson | 39,802 |
| Wallace E. Williams | 38,137 |
| Four County Farming Co | 36,815 |
| Marvin Trice | 36,698 |
| Jack D. Shepherd | 36,244 |
| W. H. McDonald | 29,747 |
| Earl Barlow | 29,382 |
| J. W. and W. A. Meadows | 28,295 |
| R. W. Coddy, Jr | 26,006 |
| Allentown Warehouse Company | 25,647 |
| Theo Williams, Jr | 25,606 |
| Theo Williams | 24,632 |
| John Tommy Williams | 24,013 |
| Virgil Thompson | 23,863 |
| J. E. Smith | 23,832 |
| T. G. Pipkin | 22,592 |
| John Coley, Jr | 22,307 |
| Gene Newman | 20,544 |
| L. L. Phillips | 20,526 |
| James E. Perry | 20,189 |
| Total payees in county (22) | 634,782 |

BROOKS COUNTY

| | |
|---|---|
| H. R. Crosby | 39,533 |
| H. A. Browning | 23,572 |
| Wavell Robinson | 22,441 |
| Charles M. Gay | 22,286 |
| W. M. Griffin | 21,071 |
| R. B. Robinson, Jr | 20,715 |
| Total payees in county (6) | 149,618 |

BULLOCH COUNTY

| | |
|---|---|
| M. J. Bowen, Jr | 23,926 |
| H. S. Blitch and Son | 22,884 |
| Total payees in county (2) | 46,810 |

BURKE COUNTY

| | |
|---|---|
| Beco Farms, Inc | 61,203 |
| B. G. Collins | 58,778 |
| Kitchen and Land | 57,343 |
| W. R. Chance | 55,734 |
| H. W. Mobley | 54,318 |
| Ray Delaigle | 50,502 |
| Jimmie R. Robinson | 49,879 |
| Quinton Rogers | 49,339 |
| J. H. Rowland | 47,550 |
| Frank C. Griffin | 46,338 |
| T. R. Rowland | 45,793 |
| Paul Shivers | 45,664 |
| R. L. Webster | 45,003 |
| Eliz O. Barefield | 44,303 |
| Richard B. Putney | 43,270 |
| Julian H. Johnson | 42,920 |
| Farris L. Wren | 36,317 |
| J. B. Walden | 35,861 |
| Paul B. Dye | 35,594 |
| B. K. Anderson | 34,700 |
| G. F. Agerton, Jr | 33,966 |
| W. T. McBride | 32,164 |
| Hammond Blanchard | 31,208 |
| Irvin Reeves | 30,673 |
| Carolyn Dixon | 29,292 |
| Lamar Prescott | 28,572 |
| Q. U. Lively | 28,452 |
| Roy R. Dixon | 27,581 |
| Malcolm J. Mobley, Jr | 27,287 |
| George F. Williams | 26,360 |
| A. H. Sandeford | 25,633 |
| J. O. & Roy Cates | 24,726 |
| Harry Figgie, Jr | 24,395 |
| R. L. Quick | 23,929 |
| Minus Sikes, Jr | 23,403 |
| Bobby Rhodes | 23,283 |
| Jackie B. Lovett | 22,621 |
| Paul Shivers, Jr | 21,989 |
| J. C. Palmer, Jr | 21,024 |
| Hilda Webster | 20,660 |
| L. D. Delaigle | 20,379 |
| W. L. Robinson, Jr | 20,327 |
| Roy Reeves, Jr | 20,191 |
| Joe C. Lewis, Jr | 20,096 |
| Total payees in county (44) | 1,548,620 |

CALHOUN COUNTY

| | |
|---|---|
| Chauncey Taylor | 61,162 |
| J. S. Cowart, III | 55,008 |
| David Bruner | 39,599 |
| J. S. Cowart, Jr | 30,881 |
| Ralph M. Jordan, Jr | 26,043 |
| Calvin Eubanks | 23,635 |
| R. L. Perryman | 21,897 |
| J. R. Brooks | 21,528 |
| Julian Lane | 20,048 |
| Total payees in county (9) | 299,801 |

CARROLL COUNTY

| | |
|---|---|
| Walker Farms | 33,300 |
| Total payees in county (1) | 33,300 |

CLARKE COUNTY

| | |
|---|---|
| Chas. W. Carter | 22,602 |
| Total payees in county (1) | 22,602 |

CLAY COUNTY

| | |
|---|---|
| Alton Fendley | 42,095 |
| Coy Isler & Sons | 33,796 |
| Jack Hattaway | 31,189 |
| Coy Isler | 28,298 |
| W. J. McKemie | 21,940 |
| Total payees in county (5) | 157,318 |

COFFEE COUNTY

| | |
|---|---|
| R. W. Griffin Feed, Seed & Fertilizer, Inc | 24,137 |
| Total payees in county (1) | 24,137 |

COLQUITT COUNTY

| | |
|---|---|
| S. R. Bryant | 49,033 |
| R. C. Moss | 47,447 |
| Jacob Summerlin | 44,615 |
| Samuel F. Brewer | 39,222 |
| William L. Whitfield | 36,219 |
| Jimmy Strickland | 34,302 |
| L. L. Tucker | 33,217 |
| Horace Parker | 31,246 |
| W. C. Middlebrooks | 31,100 |
| J. H. Ivey | 28,215 |
| Donald Simmons | 28,126 |
| Joe Parker | 28,108 |
| W. L. Hall | 28,081 |
| R. L. Sumner | 27,060 |
| D. G. Arrington | 26,823 |
| Donald Parker | 25,879 |
| J. Mike Horne | 25,506 |
| W. D. Luke | 24,791 |
| R. L. Carr | 24,549 |
| Neal Clark | 23,066 |
| Homer C. Lewis | 22,491 |
| C. O. Smith Farms | 22,128 |
| Total payees in county (22) | 681,224 |

COWETA COUNTY

| | |
|---|---|
| W. J. Estes | 33,617 |
| Frank Wilkinson, Jr | 24,899 |
| Total payees in county (2) | 58,516 |

CRAWFORD COUNTY

| | |
|---|---|
| R. F. Barbour | 22,072 |
| Total payees in county (1) | 22,072 |

CRISP COUNTY

| | |
|---|---|
| Noel Williams | 71,248 |
| L. E. Williams, Jr | 62,752 |
| Owen Bagwell | 56,754 |
| Alfred B. Olsen | 54,661 |
| W. H. Williams | 49,138 |
| Farrow Baker | 49,115 |
| B. C. & M. C. McKinney | 48,325 |
| W. T. & L. C. Greene | 46,506 |
| H. E. Bridges, Jr | 45,120 |
| Malcolm Lilly | 44,262 |
| W. H. Barry | 40,222 |
| Thomas Slade III | 39,558 |
| E. A. Rowland | 39,413 |
| J. R. Barry, Jr | 38,757 |
| Harold Jackson | 37,839 |
| Harold Collins | 36,890 |
| H. W. McKinney | 35,793 |
| Wayne Hobbs | 33,714 |
| Kenneth Smith | 29,861 |
| J. R. Dowdy, Jr | 29,035 |
| R. M. McKinney | 28,182 |
| George McCay | 25,958 |
| J. R. Barry, Sr | 25,719 |
| L. M. Smith | 25,491 |
| John F. Haynie | 25,458 |
| Terry Lee Bagwell | 24,203 |
| Charles C. Williams | 23,537 |
| C. W. Williams | 21,848 |
| Total payees in county (28) | 1,089,305 |

DODGE COUNTY

| | |
|---|---|
| Norman Hardy | 51,059 |
| Candler Farms | 36,679 |
| Wilton Woodard | 33,871 |
| Mathew Jones | 31,471 |
| Ralph Rowland | 30,288 |
| S. C. Cadwell | 26,841 |
| George C. Weatherbee | 26,764 |
| Stuckey Timberland, Inc | 25,319 |
| Watson Hardy | 24,113 |
| Tom P. Sawyer | 23,569 |
| George A. Thompson | 23,373 |
| S. A. Rogers | 22,255 |
| Doyle Yawn | 22,152 |
| Billy Ray Phillips | 22,099 |
| Total payees in county (14) | 399,853 |

DOOLY COUNTY

| | |
|---|---|
| Madison B. Coley, Jr | 61,657 |
| Eugene McCleskey | 60,535 |
| J. D. Lockerman, Jr | 58,883 |
| Rha McCleskey, Jr | 58,389 |
| Richard Doster | 56,834 |
| Ben T. Ambrose | 56,483 |
| Ben A. Haley | 55,873 |
| Asbury Wright | 55,705 |
| J. P. West | 55,000 |
| J. W. Sanders | 54,989 |
| Tippett Peavy | 54,475 |
| Anderson Reed | 53,503 |
| Van Peavy | 52,543 |
| W. C. Griggs | 52,201 |
| W. G. Smith | 51,956 |
| Ike Everett | 50,080 |
| Alton Draughon | 49,174 |
| R. L. Calhoun | 46,528 |
| Warren Taylor | 46,078 |
| J. D. Williford | 45,476 |
| C. V. Cross | 44,342 |
| William Harvey Cross | 44,342 |
| Leon Broome | 44,129 |
| Millard Peavy | 44,031 |
| Ossie T. Spradley, Jr | 42,905 |
| W. G. Joiner | 42,812 |
| Gary Peavy | 41,745 |
| Rudolph Royal | 41,233 |
| William Lloyd Horne, Jr | 41,104 |
| J. W. Sparrow | 40,854 |
| Ellis H. Davis | 40,781 |
| F. H. Sparrow | 40,131 |
| Raymond Davis | 39,583 |
| Adkins Farms | 39,390 |
| Carl Bowen | 37,328 |
| Lee Bailey, Jr | 36,581 |
| Estate of Olen J. Burton | 35,783 |
| Frank W. Lester and Sons | 35,626 |
| Herbert Saliba | 35,358 |

XUM

*1972 ASCS and Great Plains program payments of $20,0000 or more—excluding loans—Georgia*—Continued

[Amounts in dollars]

DOOLEY COUNTY—continued

| | |
|---|---|
| Herbert E. Roney | 35,103 |
| Mercer Porter | 33,437 |
| Ronney Ledford | 33,283 |
| Deloach Brothers | 33,037 |
| Marvin Capus Jones | 32,351 |
| James Kinard | 31,082 |
| Ralph E. Burton, Jr | 30,972 |
| Otha Peavy | 30,734 |
| Marion A. Thompson | 30,669 |
| W. R. Jackson, Jr | 30,366 |
| Clinton B. Thompson | 30,094 |
| L. M. Joiner | 29,548 |
| J. O. Cross, Jr | 27,444 |
| John S. Williams | 27,435 |
| Lamar Smith | 27,392 |
| Marion A. Thompson, Jr | 27,386 |
| Bobby E. C. West | 26,914 |
| Horace West | 26,900 |
| Cliff West, Jr | 26,808 |
| Danny West | 26,762 |
| Bamon L. Hill | 26,745 |
| W. R. Groves | 26,484 |
| Carl F. Williams | 26,382 |
| Ernest L. Taylor | 26,339 |
| R. L. Bowen | 25,918 |
| C. R. Howard | 25,395 |
| Charlie E. Thompson | 25,263 |
| Roy Noble Company | 25,163 |
| Raymond E. Nutt | 24,584 |
| Dewitt Clewis | 23,558 |
| Marshall Davis | 23,492 |
| Johnnie L. Tarrer | 23,453 |
| D. W. Smith | 23,393 |
| G. M. Ellis | 23,143 |
| P. E. Thompson | 23,023 |
| D. L. Dunaway | 22,920 |
| Wayne Peavy | 22,822 |
| Jack Woodruff | 22,765 |
| Ralph Bowen | 22,509 |
| Charles Bowen | 22,284 |
| Claude Bowen | 22,176 |
| Pauline C. Jones | 22,159 |
| Clarence R. Bodrey | 21,593 |
| Claude P. Bodrey | 21,593 |
| C. D. Jones | 21,570 |
| Marcus Evridge | 20,911 |
| Ronnie Evridge | 20,911 |
| Darrell Edward Posey | 20,580 |
| M. C. Peavy, Jr | 20,576 |
| William Andrew Sparrow | 20,518 |
| Alvin Ransom | 20,345 |
| E. C. West, Jr | 20,325 |
| Roy Griffin | 20,074 |
| Total payees in county (92) | 3,201,094 |

EARLY COUNTY

| | |
|---|---|
| Singletary Farms | 71,574 |
| Everson Farms | 62,223 |
| Leonard White | 31,216 |
| Sam Clinkscales | 30,849 |
| H. L. Martin | 30,451 |
| Charles Davis | 27,849 |
| W. E. McDowell | 25,581 |
| J. E. Tabb | 24,118 |
| G. S. Pickle | 22,589 |
| C. W. Felder | 20,871 |
| Total payees in county (10) | 347,321 |

ELBERT COUNTY

| | |
|---|---|
| Ralph King | 41,038 |
| Calvin Hill | 33,807 |
| S. N. Brown | 33,389 |
| R. A. Eavenson | 30,170 |
| H. L. Addison | 29,400 |
| Total payees in county (5) | 167,804 |

EMANUEL COUNTY

| | |
|---|---|
| Frank Flanders | 48,369 |
| John E. Whetsell | 27,691 |
| Roy Lee Smith | 26,901 |
| Billy Walden | 25,830 |
| H. L. Wimberly | 23,221 |
| D. E. Brown | 23,022 |
| James L. Moore | 21,088 |
| Total payees in county (7) | 196,122 |

EVANS COUNTY

| | |
|---|---|
| Warren Wilbanks | 24,309 |
| Total payees in county (1) | 24,309 |

FLOYD COUNTY

| | |
|---|---|
| Lovell Brothers | 35,406 |
| Jerry Looney | 34,154 |
| A. A. Looney | 33,863 |
| L. G. Evans | 26,850 |
| River Bend Farm | 24,090 |
| Total payees in county (5) | 154,363 |

FRANKLIN COUNTY

| | |
|---|---|
| Thomas H. Cheek | 36,646 |
| Total payees in county (1) | 36,646 |

GLASCOCK COUNTY

| | |
|---|---|
| John Everett Hadden | 25,988 |
| James E. Rivers | 25,453 |
| Total payees in county (2) | 51,441 |

GORDON COUNTY

| | |
|---|---|
| Dwight B. Greeson | 22,975 |
| Hansel Greeson | 21,303 |
| Total payees in county (2) | 44,278 |

HANCOCK COUNTY

| | |
|---|---|
| Herman Archer | 30,915 |
| Total payees in county (1) | 30,915 |

HART COUNTY

| | |
|---|---|
| Hubert Cheek, Jr | 53,044 |
| L. M. York | 47,691 |
| Kenneth York | 23,346 |
| William D. Milford | 21,701 |
| Hugh D. McLane | 20,461 |
| Total payees in county (5) | 166,243 |

HOUSTON COUNTY

| | |
|---|---|
| W. V. Brannen | 41,013 |
| Gunn Farms | 38,044 |
| Lamar E. Deloach | 28,060 |
| Charlie T. Kersey | 24,439 |
| John E. Richards | 24,292 |
| Fred W. Langston, Jr | 23,020 |
| Leighton Kersey | 22,047 |
| Wendell J. Kersey | 22,047 |
| C. T. Kersey, Jr | 22,047 |
| Total payees in county (9) | 245,009 |

IRWIN COUNTY

| | |
|---|---|
| Clifton Jay | 23,128 |
| Donnie Lewis | 20,800 |
| Total payees in county (2) | 43,928 |

JEFFERSON COUNTY

| | |
|---|---|
| Julian Streeter | 60,826 |
| McGahee Farms Inc | 60,631 |
| Bryants Incorporated | 58,806 |
| Judson McNair | 44,960 |
| R. J. Jones | 38,761 |
| T. B. Kelly Estate | 35,408 |
| W. P. Smith and Sons | 34,575 |
| Paul and Larry Cobb | 32,636 |
| A. H. Braswell | 30,440 |
| Harry and A. P. Jones | 28,969 |
| Jimmie Hancock | 28,692 |
| Lewis Alford | 24,542 |
| Lule Godowns | 23,260 |
| Judson Phillips | 22,814 |
| P. A. Rheney | 22,605 |
| Jesse D. Williams | 21,194 |
| S. W. McNair | 20,821 |
| Total payees in county (17) | 589,930 |

JENKINS COUNTY

| | |
|---|---|
| Buck Brinson | 43,273 |
| T. L. Black | 40,879 |
| Charles W. Lanier | 34,177 |
| Virgil H. Black | 31,544 |
| Lamar Black | 27,851 |
| W. R. Williamson | 20,114 |
| Total payees in county (6) | 197,638 |

JOHNSON COUNTY

| | |
|---|---|
| W. R. & J. L. Jackson | 46,986 |
| E. L. Price, Jr | 42,039 |
| Tarver Price | 39,050 |
| John H. Powell | 25,347 |
| Gladys J. Hendry | 22,361 |
| Hines Martin | 20,817 |
| T. E. Jordan, Jr | 20,607 |
| Total payees in county (7) | 217,207 |

LAURENS COUNTY

| | |
|---|---|
| W. A. Rountree | 72,271 |
| Marshall R. Lord | 59,900 |
| W. H. Lovett | 53,983 |
| Ed Roche | 39,084 |
| H. L. Harper | 33,272 |
| B. Moorman and B. F. Watson | 33,010 |
| Herman L. Hall | 31,560 |
| Jack Cook | 30,564 |
| William Slade | 29,329 |
| Estate of E. B. Claxton Dec | 27,607 |
| Harry E. Green | 27,568 |
| John C. Young | 26,315 |
| A. L. Parker | 25,232 |
| W. B. Coleman | 24,919 |
| M. O. Darsey | 22,955 |
| Roy Malone | 22,483 |
| Fred Hobbs | 21,969 |
| E. S. Swinson | 21,514 |
| W. E. Lake | 21,183 |
| Doyle R. Baggett | 20,625 |
| Raymond J. Stephens | 20,202 |
| Total payees in county (21) | 665,545 |

LEE COUNTY

| | |
|---|---|
| Plez Hardin | 73,349 |
| Geise Usry | 25,496 |
| Willmar Timber Corp | 22,272 |
| David W. McGarr | 21,620 |
| Total payees in county (4) | 142,737 |

LOWNDES COUNTY

| | |
|---|---|
| The Langdale Co | 23,219 |
| Total payees in county (1) | 23,219 |

MACON COUNTY

| | |
|---|---|
| S. H. Bryan, Jr | 50,805 |
| Felton Riddle | 47,943 |
| Ralph Raper | 41,211 |
| Rumph Farms | 40,744 |
| C. J. Harp, Jr | 36,810 |
| Hixon Guest, Jr | 35,869 |
| Malatchie Farm | 32,921 |
| Harp Farms | 30,705 |
| Gordon Sutton | 27,209 |
| William L. Brown | 27,155 |
| Walter Forsling | 26,225 |
| Mack Ham | 24,061 |
| B. B. Murph Estate | 22,743 |
| L. and M. Farms | 22,270 |
| Buck Creek Farms | 22,021 |
| Total payees in county (15) | 488,692 |



MADISON COUNTY

| | |
|---|---|
| Whitehead Farms | 55,747 |
| Total payees in county (1) | 55,747 |

MARION COUNTY

| | |
|---|---|
| Thomas Miller | 28,653 |
| Total payees in county (1) | 28,653 |

M'DUFFIE COUNTY

| | |
|---|---|
| George Reeves | 29,632 |
| James E. Harrison | 27,172 |
| Total payees in county (2) | 56,804 |

MERIWETHER COUNTY

| | |
|---|---|
| A. G. Estes, Inc | 49,260 |
| W. F. Gay and Co | 30,618 |
| W. R. Arnall | 29,389 |
| Total payees in county (3) | 109,267 |

MILLER COUNTY

| | |
|---|---|
| Lonnie Wesley Tabb | 38,514 |
| Felix Wilkin | 25,736 |
| Total payees in county (2) | 64,250 |

MITCHELL COUNTY

| | |
|---|---|
| Ronald Thompson | 45,605 |
| H. G. McGahee | 42,863 |
| W. A. Thaggard | 38,681 |
| Clarence Godwin | 36,219 |
| James & Harry Holton, Inc | 27,895 |
| Dan Palmer, Jr | 27,194 |
| V. H. Harris | 26,474 |
| Walter Pollock, Sr | 22,329 |
| H. L. Gilliard | 21,097 |
| C. C. Dykes | 20,867 |
| Total payees in county (10) | 309,224 |

MORGAN COUNTY

| | |
|---|---|
| Barnett H. Malcom | 57,515 |
| Bonny Shepherd | 54,252 |
| E. A. Hanson | 34,586 |
| Bonnie Hawk | 34,439 |
| Bennie Malcom | 33,047 |
| Joe Whitlock | 30,368 |
| Brown & Wells | 28,046 |
| Eugene & Marvin Ruark | 23,786 |
| Total payees in county (8) | 296,039 |
| Garland Kilgore | 33,014 |
| J. H. Anderson | 24,134 |
| Total payees in county (2) | 57,148 |

OCONEE COUNTY

| | |
|---|---|
| F. F. Dickens, Jr | 50,800 |
| Joe D. Murrow | 34,763 |
| Fred W. Dickens | 33,649 |
| Total payees in county (3) | 119,212 |

OGLETHORPE COUNTY

| | |
|---|---|
| Carl C. Culbertson | 66,518 |
| Total payees in county (1) | 66,518 |

PEACH COUNTY

| | |
|---|---|
| Marlow Maddox | 37,792 |
| Total payees in county (1) | 37,792 |

PIKE COUNTY

| | |
|---|---|
| R. D. Crawford | 30,081 |
| Thomas E. Johnson | 28,960 |
| Cochran Caldwell | 22,585 |
| Pierce L. Cline | 22,327 |
| Floyd Turner | 22,188 |
| Total payees in county (5) | 126,141 |

POLK COUNTY

| | |
|---|---|
| Geston Womack | 34,819 |
| Total payees in county (1) | 34,819 |

PULASKI COUNTY

| | |
|---|---|
| John W. Dawson | 102,375 |
| B. E. Dunaway | 49,683 |
| W. S. Dunaway | 43,657 |
| R. F. Dunaway | 43,657 |
| E. O. Daniel, Jr | 43,656 |
| C. L. Mays | 42,772 |
| James Martin | 35,489 |
| J. T. Sparrow | 32,392 |
| J. H. Anderson | 29,693 |
| Thompson Hobbs & Thompson | 29,623 |
| Lorin S. Williams | 28,736 |
| Andrew Cabero | 28,185 |
| L. V. Peavy, Sr | 27,400 |
| Fort Green Acres | 23,395 |
| A. L. Dunaway | 22,649 |
| D. H. Simmons, Jr | 21,046 |
| Bobby Singleton | 20,400 |
| George P. Anderson | 20,319 |
| Total payees in county (18) | 645,127 |

QUITMAN COUNTY

| | |
|---|---|
| Sunny View Farms | 23,726 |
| Total payees in county (1) | 23,726 |

RANDOLPH COUNTY

| | |
|---|---|
| E. E. Morris | 46,185 |
| Grubbs Bros | 36,080 |
| James Riley Curry, Jr | 34,298 |
| Melvin H. Peavy | 25,674 |
| K. D. Beard | 21,855 |
| C. W. Lumpkin | 20,801 |
| Total payees in county (6) | 184,873 |

RICHMOND COUNTY

| | |
|---|---|
| Wayne Rhodes | 29,878 |
| R. A. McElmurray, Jr | 28,565 |
| R. S. Auldridge | 21,260 |
| Total payees in county (3) | 79,703 |

ROCKDALE COUNTY

| | |
|---|---|
| John Shaw | 22,437 |
| Emma J. Johnson | 20,005 |
| Total payees in county (2) | 42,442 |

SCREVEN COUNTY

| | |
|---|---|
| Millhaven Co | 39,536 |
| Paul K. Newton | 37,692 |
| Melbourne Godbee | 34,279 |
| John L. Murray Farm | 25,596 |
| T. V. Parker | 24,494 |
| W. M. Terry and Son | 24,346 |
| R. E. Oliver, Jr | 24,296 |
| Raymond Parker | 21,383 |
| W. P. Sanders | 21,329 |
| W. W. Wyant | 20,019 |
| Total payees in county (10) | 272,943 |

SEMINOLE COUNTY

| | |
|---|---|
| Raymond Odom | 60,548 |
| Marcus R. Spooner | 20,008 |
| Total payees in county (2) | 80,556 |

SPALDING COUNTY

| | |
|---|---|
| Phil Ogletree, Sr | 38,115 |
| Total payees in county (1) | 38,115 |

STEWART COUNTY

| | |
|---|---|
| W. C. Bradley Co | 87,517 |
| M. L. Lane | 45,064 |
| Sam S. Singer | 38,832 |
| Total payees in county (3) | 171,413 |

SUMTER COUNTY

| | |
|---|---|
| J. C. Jones | 68,682 |
| Newcomb Farms | 54,085 |
| Floyd J. Frazier | 39,449 |
| W. C. Cornwell | 31,061 |
| John G. Frazier | 29,320 |
| Carl Story | 28,254 |
| T. E. Stephens, Jr | 27,686 |
| James W. Short | 26,840 |
| Neill Hodges | 25,945 |
| Harold J. Israel | 22,559 |
| Roy F. Daniel | 22,464 |
| George E. Daniel | 22,462 |
| Hoke Smith, Jr | 22,279 |
| Pat Crumpton | 21,672 |
| E. J. Satterfield | 20,040 |
| Total payees in county (15) | 462,798 |

TAYLOR COUNTY

| | |
|---|---|
| D. W. Jayne, Jr | 47,760 |
| Ed Richardson | 47,573 |
| T. W. Taunton | 46,567 |
| R. C. Barrow | 37,712 |
| Willard Brunson | 30,770 |
| E. H. Swearingen | 29,890 |
| E. B. Swearingen | 29,890 |
| FHO Farms, Inc | 29,182 |
| Hilton E. Taunton | 25,772 |
| Gary H. Slaton | 25,738 |
| Thomas H. Taunton | 25,492 |
| L. L. Minor | 25,158 |
| William A. Simpson | 22,050 |
| J. O. Albritton | 20,758 |
| Total payees in county (14) | 444,307 |

TELFAIR COUNTY

| | |
|---|---|
| D. B, McRae | 20,559 |
| Total payees in county (1) | 20,559 |

TERRELL COUNTY

| | |
|---|---|
| W. K. Jones | 69,327 |
| Wilbur Gamble | 68,781 |
| Cecil L. Bagwell | 56,958 |
| Hugh Lee | 56,377 |
| Featherfield Farms, Inc | 53,670 |
| Alston Brothers | 42,288 |
| Ray Christie | 37,738 |
| W. H. McLendon | 35,302 |
| McLendon & Son | 31,885 |
| James P. Orndorff | 29,556 |
| Huson Brim | 28,749 |
| Daniel Brothers | 27,960 |
| Don Bridges | 25,687 |
| Lavonne Speir | 24,977 |
| B. C. Arthur | 24,710 |
| Charles McLendon | 23,844 |
| R. T. Brim | 23,831 |
| Wylie McLendon, J | 23,784 |
| McLendon Brothers | 23,708 |
| W. J. Martin | 20,630 |
| W. B. Johnson | 20,614 |
| Total payees in county (21) | 750,375 |

THOMAS COUNTY

| | |
|---|---|
| Griffin Farms Inc | 39,082 |
| C. M. Anderson | 25,496 |
| Robert B. Braswell | 23,985 |
| David West | 23,971 |
| Perry Bell Enterprise | 21,306 |
| Raye Luke | 20,256 |
| Total payees in county (6) | 154,096 |

XUM

*1972 ASCS and Great Plains Program Payments of $20,000 or more—excluding loans—Georgia*—Continued

[Amounts in dollars]

TREUTLEN COUNTY

| | |
|---|---|
| Manning Mimbs | 56,521 |
| Total payees in county (1) | 56,521 |

TURNER COUNTY

| | |
|---|---|
| M. D. McCorvey | 36,539 |
| Harold H. Hall | 21,153 |
| Total payees in county (2) | 57,692 |

TWIGGS COUNTY

| | |
|---|---|
| W. H. Hill | 40,466 |
| Sam Floyd, Sr. | 37,994 |
| Alton V. White, Jr. | 30,483 |
| Charlie Faulk | 24,978 |
| Thomas A. Stark | 24,594 |
| J. D. Vaughn | 23,003 |
| M. S. Faulk | 22,503 |
| Mark B. Faulk | 20,760 |
| Total payees in county (8) | 224,781 |

WALTON COUNTY

| | |
|---|---|
| T. H. Adcock | 54,872 |
| T. J. Chandler | 43,805 |
| Robert B. Chandler | 40,755 |
| Alex Harden | 40,494 |
| M. W. Farmer | 39,999 |
| Robert M. Hawk | 32,077 |
| Carl Lemonds | 29,400 |
| H. A. Malcom | 25,748 |
| Donald Poss | 25,671 |
| Grayel D. Malcom | 25,639 |
| Robbie Adcock | 25,231 |
| Bennie R. Anderson | 24,359 |
| Byron Mitchem | 22,604 |
| Jerry Tillman | 20,955 |
| Moon Brothers Farm | 20,799 |
| Total payees in country (15) | 472,408 |

WARREN COUNTY

| | |
|---|---|
| Charles H. Shivers | 51,601 |
| Donald F. Palmer | 33,857 |
| Harrison Farms | 32,491 |
| Guy H. Shivers, Jr. | 31,884 |
| Quality Crops Inc. | 24,998 |
| Total payees in county (5) | 176,831 |

WASHINGTON COUNTY

| | |
|---|---|
| E. B. Price | 61,149 |
| T. and A. Farms | 42,831 |
| Washington Ginning Co. | 40,089 |
| L. A. Garrett | 37,558 |
| Gilmore Bros. | 34,376 |
| Olen Price | 28,261 |
| Jewell Bridges | 27,928 |
| H. R. Brett | 25,762 |
| Arthur Hartley and Son | 25,403 |
| C. W. Harrison | 23,260 |
| B. W. Lord | 23,161 |
| Allen T. Veal | 20,163 |
| Total payees in conuty (12) | 389,941 |

WHEELER COUNTY

| | |
|---|---|
| J. M. Johnson | 25,441 |
| Total payees in county (1) | 25,441 |

WILCOX COUNTY

| | |
|---|---|
| Charlie Bodrey | 54,639 |
| Whelchel & Whelchel | 39,762 |
| William Worley | 39,144 |
| Marcus Reeves | 27,138 |
| D. F. Veal | 23,647 |
| Olene B. Worley | 22,077 |
| Don Wood | 21,612 |
| R. H. Williams | 20,253 |
| Total payees in county (8) | 248,272 |

WORTH COUNTY

| | |
|---|---|
| J. T. Carlton | 48,301 |
| E. H. Hall | 33,182 |
| Sells Plant Co | 30,949 |
| Troy Andrews | 29,131 |
| C. R. Cross | 28,062 |
| Burkett Farms | 25,704 |
| Jack Bass | 24,554 |
| E. B. Conger | 24,359 |
| A. L. Brown | 22,167 |
| Grady Moore | 22,095 |
| William Sledge | 21,887 |
| W. C. Clark | 21,466 |
| Isaac Hall | 21,292 |
| Willard Lasseter | 20,643 |
| Total payees in county (14) | 373,792 |
| Total payees in State (601) | 19,577,171 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Hawaii*

[Amounts in dollars]

HAWAII COUNTY

| | |
|---|---|
| Hawaiian Com. & Sugar Co. | 1,350,060 |
| Waialua Sugar Co., Inc. | 1,118,305 |
| Oahu Sugar Co. Ltd. | 847,228 |
| Kohala Corp. | 754,996 |
| Lihue Plantation Co., Ltd. | 503,089 |
| Pioneer Mil Co., Ltd. | 461,256 |
| Kekaha Sugar Co., Ltd. | 452,240 |
| Paauhau Sugar Co., Ltd. | 443,670 |
| Mauna Kea Sugar Co., Inc. | 422,611 |
| Honokaa Sugar Co. | 396,366 |
| Laupahoehoe Sugar Co. | 396,162 |
| Pepeekeo Sugar Co. | 382,824 |
| Hawaiian Agricultural Co. | 353,653 |
| Grove Farm Co., Inc. | 348,958 |
| Hamakua Mill Co. | 340,968 |
| Olokele Sugar Co. | 309,119 |
| McBryde Sugar Co., Ltd. | 308,980 |
| Puna Sugar Co., Ltd. | 303,672 |
| Wailuku Sugar Co. | 299,263 |
| Gay & Robinson | 174,101 |
| Hutchinson Sugar Co., Ltd. | 21,794 |
| Total payees in county (21) | 9,989,315 |
| Total payees in state (21) | 9,989,315 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Idaho*

[Amounts in dollars]

ADA COUNTY

| | |
|---|---|
| Carl E. Nicholson and Sons | 65,262 |
| Carl E. Nicholson and Sons | 40,916 |
| C. W. Stewart | 30,469 |
| Don E. Garrett | 25,855 |
| Total payees in county (4) | 162,502 |

BANNOCK COUNTY

| | |
|---|---|
| Dale Koester | 32,977 |
| Verlo W. Rose | 29,348 |
| Louis T. Gucker | 24,688 |
| Total payees in county (3) | 87,013 |

BEAR LAKE COUNTY

| | |
|---|---|
| Demar Romrell | 25,280 |
| Alvin Hatch | 22,660 |
| R. K. Nelson | 20,206 |
| Total payees in county (3) | 68,146 |

BENEWAH COUNTY

| | |
|---|---|
| Bureau of Indian Affairs | 32,747 |
| George B. Mills, Jr. | 28,888 |
| Douglas H. Howe | 20,997 |
| Total payees in county (3) | 82,632 |

BINGHAM COUNTY

| | |
|---|---|
| J. Walt Vanderford | 60,260 |
| Lenard Schritter | 49,820 |
| Matsuura Bros. Co., Inc. | 49,595 |
| D. & R. Parks Ptrshp. | 48,620 |
| Marjorie L. Sainz | 45,777 |
| Stroschein Ranches | 45,011 |
| Lloyd Stolworthy, Inc. | 43,690 |
| Blaine Dance | 40,394 |
| G. Stolworthy & Son | 35,692 |
| C. Leslie Williams | 30,380 |
| Darrell L. Cook | 29,772 |
| Vincent R. Benson | 25,336 |
| Rising River Ranches | 24,181 |
| Behrend Farms Inc. | 23,953 |
| Welland A. Hansen | 23,468 |
| Alex Schelske | 23,107 |
| Placerton Inc. | 22,926 |
| Wallace W. Driscoll | 22,861 |
| George L. Funk | 22,712 |
| Carl E. Johnson and Sons | 21,815 |
| Searle Bros. | 20,730 |
| Curtis W. Holland | 20,068 |
| Total payees in county (22) | 730,118 |

BLAINE COUNTY

| | |
|---|---|
| Campbell Land & Livestock Co. | 66,486 |
| Simpson Bros. | 34,492 |
| Pete T. Cenarrusa & Son | 22,227 |
| Total payees in county (3) | 123,207 |

BONNEVILLE COUNTY

| | |
|---|---|
| Jess Croft & Son | 72,476 |
| Snake River Equipment Co. | 55,775 |
| Weeks Brothers & Sons | 49,931 |
| E. Bud Johnson | 44,675 |
| Thompson Sheep Co. | 39,511 |
| Jack Thomas | 38,834 |
| Elmer N. Jensen | 36,710 |
| Ivan Ashment | 34,627 |
| George Lovell | 32,112 |
| Schwieder Brothers | 31,587 |
| Glenn Blatter | 30,720 |
| Idaho Livestock Auction | 29,534 |
| Karl Brown & Merle Brown | 29,490 |
| J. R. Hays & Son, Inc. | 29,401 |
| Clements & Jackson | 27,200 |
| Nielsen & Nielsen, Inc. | 26,886 |
| D. L. Cousin | 25,726 |
| Neal Sauer | 23,477 |
| L. B. Holden Farm Co. | 23,273 |
| Lynn Brown | 23,141 |
| Joseph M. Parkinson | 21,807 |
| Ray J. Christsen | 20,430 |
| Total payees in county (22) | 747,323 |

BOUNDARY COUNTY

| | |
|---|---|
| Tucker Farms Inc. | 26,851 |
| Total payees in county (1) | 26,851 |

BUTTE COUNTY

| | |
|---|---|
| Hartmann Land and Livestock | 21,900 |
| Mays Land and Livestock | 21,182 |
| Total payees in county (2) | 43,082 |

CAMAS COUNTY

| | |
|---|---|
| Gwinn F. Rice | 27,191 |
| Simon Farms Inc. | 23,860 |
| Manning Patterson | 21,780 |
| James E. Kevan | 20,170 |
| Total payees in county (4) | 93,001 |

CANYON COUNTY

| | |
|---|---|
| Farm Development Corp. | 120,503 |
| Allen T. Noble Farms Inc. | 112,647 |
| Basil Aldecoa | 51,225 |
| Sprague Apiaries | 49,155 |
| Skogsberg Sky Ranch | 46,353 |
| Walter C. Russell | 41,163 |
| M. L. Clements | 38,958 |
| G. and W. Rim Ranches | 32,526 |
| Kondo Farms Inc. | 31,167 |
| Naito Farms Inc. | 29,105 |
| Elmer H. Tiegs | 26,205 |
| Carroll C. Wharton | 24,500 |



| | |
|---|---|
| David C. Spencer | 24,471 |
| Basin Land Co. | 21,735 |
| John Frerichs | 21,710 |
| Powers Apiaries | 21,535 |
| Pintler and Son | 21,356 |
| Total payees in county (17) | 714,314 |

CARIBOU COUNTY

| | |
|---|---|
| Don C. Rigby | 45,388 |
| Dette, Inc. | 43,495 |
| Frank Jouglard | 37,121 |
| Richard Torgesen | 25,522 |
| Thomas Cellan | 22,688 |
| Christman & Hopkins, Inc. | 20,758 |
| Robert W. Hubbard & Sons, Inc. | 20,233 |
| Total payees in county (7) | 215,205 |

CASSIA COUNTY

| | |
|---|---|
| Heglar Ranch, Inc. | 77,366 |
| R. C. Rich Sheep Co. | 52,518 |
| Riviera Farms, Inc. | 51,768 |
| Parr Bros., Inc. | 45,957 |
| Rex Taylor | 43,359 |
| Pickett Ranch and Sheep Co. | 42,394 |
| Cold Springs Farm | 41,082 |
| Albert Anderson & Sons | 40,468 |
| Kenyon Farms | 40,003 |
| John Basterrechea | 36,606 |
| Vista Land, Inc. | 33,753 |
| Raymond H. Johnson | 31,328 |
| Critchfield Land & Lvstk. | 30,380 |
| W. D. Taylor Lvstk. | 27,252 |
| Leonard Rehn | 26,724 |
| Wilford Wrigley and Sons | 24,976 |
| Vernon Rehn | 24,481 |
| Gorringe Bros. | 24,472 |
| 6 S Ranch | 22,995 |
| William Rehn | 21,331 |
| Cranney Bros. | 21,285 |
| Harlan Jensen | 20,430 |
| Howard R. Adams | 20,279 |
| Total payees in county (23) | 801,207 |

CLARK COUNTY

| | |
|---|---|
| R. A. Egbert | 67,265 |
| Laird and Jones, Inc. | 34,430 |
| D. V. Hagenbarth Est. | 30,616 |
| Cockeye Land and Lvst. | 28,709 |
| Blaine Grover | 23,836 |
| Phyllis L. Laird | 22,762 |
| Total payees in county (6) | 207,618 |

CUSTER COUNTY

| | |
|---|---|
| Sulphur Creek Livestock | 32,657 |
| Total payees in county (1) | 32,657 |

ELMORE COUNTY

| | |
|---|---|
| Simplot Livestock Co., Inc. | 107,795 |
| Hammett Livestock Co. | 63,468 |
| Bill Smith | 56,142 |
| M. L. Investment Co. | 40,150 |
| F. W. Bennett and Son, Inc. | 30,620 |
| M. Peter Nielsen | 27,663 |
| Karl D. Steiner | 27,386 |
| Flying H. Farms | 26,654 |
| Totorica Co. | 26,175 |
| Gay Company | 26,158 |
| A. Maurice Daw | 25,249 |
| Simplot Cattle Co. | 23,565 |
| Tri C Ranch, Inc. | 23,258 |
| Total payees in county (13) | 504,283 |

FRANKLIN COUNTY

| | |
|---|---|
| Kenton G. Fredrickson | 42,044 |
| Evan O. Koller | 30,968 |
| Total payees in county (2) | 73,012 |

FREMONT COUNTY

| | |
|---|---|
| Siddoway Sheep Co., Inc. | 60,567 |
| Max D. Parkinson and Son Inc. | 34,951 |
| Farrel Black Ranches, Inc. | 28,272 |
| Lynn Loosli | 20,868 |
| George Nedrow, Jr. | 20,688 |
| Merle Harshbarger | 20,211 |
| Meyers Brothers | 20,096 |
| Total payees in county (2) | 205,653 |

GEM COUNTY

| | |
|---|---|
| Soulen Lvst. Co. | 117,064 |
| Highland Lvstk. & Land Co. | 51,005 |
| Total payees in county (2) | 168,069 |

GOODING COUNTY

| | |
|---|---|
| Ralph Faulkner Land, Inc. | 96,766 |
| Arkoosh & Zidan, Inc. | 71,775 |
| Jones/Sandy Livestock Co. | 41,610 |
| Flying Triangle, Inc. | 37,552 |
| Josephine Astorquia | 30,468 |
| Lester Sliman | 23,370 |
| Total payees in county (6) | 301,541 |

IDAHO COUNTY

| | |
|---|---|
| George E. Wilson | 61,993 |
| James Green | 32,243 |
| Roy Green, Jr. | 32,243 |
| Dean Farms | 26,318 |
| Ray Uhlenkott | 25,937 |
| Hauger Ranches, Inc. | 25,531 |
| Guy M. Carlson | 22,899 |
| John J. Hanley Assoc., Inc. | 22,787 |
| W. H. Walters | 22,607 |
| Francis Nuxoll Trust | 20,216 |
| Total payees in county (10) | 292,774 |

JEFFERSON COUNTY

| | |
|---|---|
| Ball Bros. | 62,757 |
| O. W. Robinson & Sons | 34,363 |
| Roberts Inv. W. Clevenger | 32,390 |
| John S. Martin | 24,656 |
| Walker & Gneiting | 23,176 |
| E. C. Phillips & Sons | 22,450 |
| M&M Cattle, Wm. Munnell | 20,572 |
| Total payees in county (7) | 220,364 |

JEROME COUNTY

| | |
|---|---|
| Ernest Lombard | 31,500 |
| Oneida Farms | 24,307 |
| Total payees in county (2) | 55,807 |

KOOTENAI COUNTY

| | |
|---|---|
| CDA Tribal Farm | 30,194 |
| Drechsel Bros. | 21,251 |
| E. C. Hay & Sons | 21,145 |
| Total payees in county (3) | 72,590 |

LATAH COUNTY

| | |
|---|---|
| Pfaff Bros., Inc. | 50,052 |
| Gary Morris | 44,298 |
| G. E. Gray | 29,379 |
| M. E. Davis | 28,289 |
| Jensen Bros. | 22,257 |
| Westberg Bros. | 22,248 |
| Snow Farms | 21,322 |
| Andrew Cox | 21,247 |
| Haxton and Son | 20,074 |
| Total payees in county (9) | 259,166 |

LEMHI COUNTY

| | |
|---|---|
| F. J. Whittaker | 36,541 |
| Total payees in county (1) | 36,541 |

LEWIS COUNTY

| | |
|---|---|
| Joe Lux | 52,377 |
| Zenner Farms | 30,649 |
| David W. Meacham | 29,476 |
| Aubrey Pratt | 29,110 |
| Richard Renner | 28,438 |
| E. M. Fisher & Sons, Inc. | 25,373 |
| Dale R. Branson | 24,321 |
| Duane C. Miller | 21,311 |
| Total payees in county (8) | 241,055 |

LINCOLN COUNTY

| | |
|---|---|
| Oneidas, Inc. | 54,651 |
| Domingo Solosaga | 39,967 |
| J. Reed Crystal | 20,028 |
| Total payees in county (3) | 114,646 |

MADISON COUNTY

| | |
|---|---|
| Howard and Robinson | 46,588 |
| Parkinson Farms, Inc. | 40,943 |
| O. J. Neeley Ranch, Inc. | 34,853 |
| Webster Deep Well Farm, Inc. | 30,273 |
| Ricks Brothers | 28,122 |
| Seth Wood Farms, Inc. | 28,050 |
| Summers Brothers | 24,391 |
| K. W. Huskinson and Sons | 22,866 |
| Eldon W. Smith | 22,803 |
| Jensen Brothers | 22,298 |
| Val Schwendiman | 21,223 |
| Total payees in county (11) | 322,410 |

MINIDOKA COUNTY

| | |
|---|---|
| Flat Top Sheep Co. | 98,958 |
| Garro Sheep Co., Inc. | 52,309 |
| James V. Haley | 48,017 |
| Jean P. Etcheverry | 48,012 |
| Rosemary H. Clinton | 45,780 |
| Richard D. Blincoe | 42,744 |
| Warren W. Heins | 30,444 |
| Eugene Landa | 27,807 |
| George Brandon | 26,987 |
| W. H. Shillington | 26,443 |
| Gerald Morgan | 26,443 |
| Roger R. Oxarango | 24,841 |
| Antonio Goldaraz | 23,705 |
| G. L. Dean and Sons, Inc. | 22,576 |
| Lloyd La Vern Patterson | 22,057 |
| H. and K. Farms | 20,487 |
| Total payees in county (16) | 587,610 |

NEZ PERCE COUNTY

| | |
|---|---|
| Larry Boyer | 44,344 |
| Van Sullivan | 42,966 |
| Meacham Land and Cattle Co. | 37,220 |
| Wittman Farms | 36,536 |
| Stanton Becker Farms | 36,449 |
| George Brammer | 33,967 |
| Richard Wagner | 32,022 |
| Loren Crow | 28,097 |
| Mader Farms, Inc. | 27,747 |
| E. J. McCann | 25,718 |
| McGregor Farms, Inc. | 23,136 |
| Ellis Odberg, Jr. | 22,218 |
| Thiessen Ranch | 22,191 |
| Orvelle Konen | 22,057 |
| Gene Pontius | 21,565 |
| Total payees in county (15) | 456,233 |

ONEIDA COUNTY

| | |
|---|---|
| Jones Sheep Co. | 76,753 |
| D. L. Evans Fms. Inc. & Evans Br. | 23,739 |
| L. C. Alder & Sons, Inc. | 21,980 |
| Perry Bros. Enprs. | 20,844 |
| Total payees in county (4) | 143,316 |

OWYHEE COUNTY

| | |
|---|---|
| Spring Valley Livestock Co. | 63,333 |
| Quintana Sheep Co. | 50,165 |
| Oscar B. Field | 35,477 |
| Clyde W. Hipwell, Jr. | 26,431 |
| Durk Farms | 21,962 |
| Total payees in county (5) | 197,368 |

PAYETTE COUNTY

| | |
|---|---|
| American Fine Foods | 51,440 |
| Total payees in county (1) | 51,440 |

XUM

*1972 ASCS and Great Plains program payment of $20,000 or more—excluding loans—Idaho*—Continued

[Amounts in dollars]

POWER COUNTY

| | |
|---|---|
| Jay H. Hulet | 60,287 |
| Melvin R. Funk | 56,640 |
| Utah Idaho Sugar Co | 56,039 |
| Fred G. Mayer & Sons | 51,013 |
| John B. McNabb | 46,334 |
| Rex Hayter | 39,502 |
| Wallace Hayes | 31,553 |
| Lynn Thompson | 27,863 |
| Neibaur & West Farms | 27,468 |
| Ralphs Brothers | 26,313 |
| Clover Club Farms, Inc | 25,798 |
| Louis A. Nugent | 24,851 |
| A. Lynn Nugent | 24,849 |
| D. S. Benson | 24,635 |
| Cecil Weisenburger | 24,039 |
| Dean Meadows | 24,028 |
| Elmer Funk, Jr | 22,984 |
| Joe F. Allen | 21,845 |
| Kenneth Westfall | 21,592 |
| Gaurth Thompson | 21,549 |
| Total payees in county (20) | 659,182 |

TETON COUNTY

| | |
|---|---|
| Shayne Linderman | 43,886 |
| Rammell Brothers | 34,194 |
| J. Clint Hoopes | 30,425 |
| Earl N. Hoopes | 29,730 |
| Demar Bott | 20,883 |
| Horace Hoopes | 20,204 |
| Total payees in county (6) | 179,322 |

TWIN FALLS COUNTY

| | |
|---|---|
| U. of I. T. F. Branch | 54,438 |
| Noh Sheep Co | 33,617 |
| Guerry, Inc | 33,118 |
| L. L. Breckenridge Co | 27,481 |
| Ray Hudson | 26,063 |
| W. B. Savage Ranches | 25,445 |
| W. T. Williams, Inc | 24,471 |
| John & Emma Madarieta | 20,903 |
| Total payees in county (8) | 257,536 |

WASHINGTON COUNTY

| | |
|---|---|
| Snake River Sheep Co | 34,266 |
| J. B. Barker | 33,292 |
| Weiser Sheep Co | 21,085 |
| Total payees in county (3) | 88,643 |
| Total payees in State (283) | 9,623,437 |

*1972 ASCS and Great Plains program payment of $20,000 or more—excluding loans—Illinois*

[Amounts in dollars]

ADAMS COUNTY

| | |
|---|---|
| Adwell Corp | 50,623 |
| Richard Wittler | 25,903 |
| E. A. Meyer c/o H. B. Ihnen agt | 22,690 |
| Norman McCallister | 22,390 |
| Victor Shriver | 20,165 |
| Total payees in county (5) | 141,771 |

ALEXANDER COUNTY

| | |
|---|---|
| Elott Raffety Farms Inc | 42,846 |
| E. J. Showmaker | 31,493 |
| Total payees in county (2) | 74,339 |

BOONE COUNTY

| | |
|---|---|
| Two M. Inc | 34,437 |
| Melvin Banks | 31,514 |
| Frank Bullard | 26,470 |
| Prairie View Farms | 26,075 |
| K. B. Farms Inc | 25,588 |
| Fred L. Gallano & Son | 23,738 |
| Wendell Rosene | 21,792 |
| Troy Doetch | 20,395 |
| Total payees in county (8) | 210,009 |

BROWN COUNTY

| | |
|---|---|
| Cyril Elbus | 23,646 |
| Rolla Colclasure | 20,103 |
| Total payees in county (2) | 43,749 |

BUREAU COUNTY

| | |
|---|---|
| Claude Bailey | 32,781 |
| Ronald Wolf | 26,505 |
| J. C. Scully Est | 20,137 |
| Total payees in county (3) | 79,423 |

CARROLL COUNTY

| | |
|---|---|
| Raynor Mosher | 23,654 |
| Total payees in county (1) | 23,654 |

CASS COUNTY

| | |
|---|---|
| H. A. Snow | 30,078 |
| Bob Hardwick | 28,011 |
| Stribling Alexander, Frm | 26,194 |
| S. W. Hardwick | 20,039 |
| Total payees in county (4) | 104,322 |

CHAMPAIGN COUNTY

| | |
|---|---|
| Earl Fiedler | 21,519 |
| Total payees in county (1) | 21,519 |

CHRISTIAN COUNTY

| | |
|---|---|
| Donald L. Kuhle | 25,311 |
| Donald Linton | 24,991 |
| Total payees in county (2) | 50,302 |

CLARK COUNTY

| | |
|---|---|
| Blue Mds., Frm | 30,083 |
| Schaefer Bros | 20,681 |
| Total payees in county (2) | 50,764 |

COOK COUNTY

| | |
|---|---|
| Marvin Dunteman | 36,661 |
| Total payees in county (1) | 36,661 |

DE KALB COUNTY

| | |
|---|---|
| O. M. Johnson | 35,370 |
| Edward Weaver | 29,124 |
| Millard Sawyer | 27,506 |
| Joseph P. Faivre | 26,030 |
| Ralph Montgomery | 25,147 |
| Richard L. Lindgren | 24,430 |
| John Diedrich | 24,209 |
| Babson Farms, Inc | 23,895 |
| Howard Mullins | 20,999 |
| Total payees in county (9) | 236,710 |

DE WITT COUNTY

| | |
|---|---|
| C. H. Moore Trust Estate | 87,161 |
| Thorp Seed Co | 27,129 |
| James Reeder | 22,960 |
| Total payees in county (3) | 137,250 |

DOUGLAS COUNTY

| | |
|---|---|
| Ray Wax | 29,954 |
| Total payees in county (1) | 29,954 |

EDWARDS COUNTY

| | |
|---|---|
| Chester Siegert, Jr | 22,358 |
| Total payees in county (1) | 22,358 |

FULTON COUNTY

| | |
|---|---|
| Consolidation Coal Co | 51,194 |
| United Electric Coal Co | 23,051 |
| Total payees in county (2) | 74,245 |

GALLATIN COUNTY

| | |
|---|---|
| Pat and Mark Scates and others | 50,232 |
| Charles Hish | 27,399 |
| T. O. Logsdon | 26,902 |
| James A. Raben | 25,213 |
| Downen Enterprises | 21,937 |
| Total payees in county (5) | 151,683 |

GREENE COUNTY

| | |
|---|---|
| Henry Longmeyer | 33,957 |
| Hartwell Ranch | 26,458 |
| Harvey A. Schoneweis | 25,655 |
| Total payees in county (3) | 86,070 |

GRUNDY COUNTY

| | |
|---|---|
| Scully Trust | 50,453 |
| North Il Gas Tr 45897 | 23,109 |
| Total payees in county (2) | 73,562 |

HANCOCK COUNTY

| | |
|---|---|
| Hancock Land Co | 22,640 |
| Total payees in county (1) | 22,640 |

HENDERSON COUNTY

| | |
|---|---|
| Shelby H. Romine | 24,058 |
| Peasley Farms Inc | 21,590 |
| Total payees in county (2) | 45,648 |

HENRY COUNTY

| | |
|---|---|
| C. D. Ford & Sons, Inc | 28,436 |
| Total payees in county (1) | 28,436 |

IROQUOIS COUNTY

| | |
|---|---|
| Edward C. Sumner, Jr | 44,971 |
| Mercier & Deyoung | 20,656 |
| Total payees in county (2) | 65,627 |

JACKSON COUNTY

| | |
|---|---|
| D. L. Heine & A. Behnken Ptrp | 25,502 |
| D. L. Bess, Sr | 23,316 |
| Total payees in county (2) | 48,818 |

JEFFERSON COUNTY

| | |
|---|---|
| C. E. Brehm | 24,386 |
| Fletcher Farrar | 22,122 |
| Total payees in county (2) | 46,508 |

JERSEY COUNTY

| | |
|---|---|
| Floyd Isringhausen | 20,098 |
| Total payees in county (1) | 20,098 |

KANE COUNTY

| | |
|---|---|
| Arthur Hagemann | 31,984 |
| Edwin Dunteman | 31,314 |
| John A. Gorenz | 27,172 |
| Long Bros. C/O A Long Agt | 22,062 |
| Baert Bros. C/O F. Baert | 20,632 |
| Total payees in county (5) | 133,164 |

KANKAKEE COUNTY

| | |
|---|---|
| Tallmadge Ranch, Inc | 62,017 |
| Cote Farms, Inc | 57,627 |
| Tunis Hoekstra | 35,465 |
| Sunset Farms, Inc | 26,504 |
| Total payees in county (4) | 181,613 |

KENDALL COUNTY

| | |
|---|---|
| C. M. P. Company | 25,333 |
| Gerald Anderson | 24,793 |
| N. Stephen Ashley | 22,555 |
| Rousonelos Bros | 20,522 |
| Florence Block | 20,431 |
| Total payees in county (5) | 113,634 |

KNOX COUNTY

| | |
|---|---|
| James S. Thompson | 36,989 |
| Midland Coal Co | 27,985 |



| | |
|---|---|
| Block Farms | 24,324 |
| Shreeves Farm | 20,980 |
| Total payees in county (4) | 110,278 |

LAKE COUNTY

| | |
|---|---|
| Tempel Farms | 22,701 |
| Total payees in county (1) | 22,701 |

LA SALLE COUNTY

| | |
|---|---|
| Dean L. Johnson | 30,658 |
| Beetz Bros c/o Sam Beetz | 29,215 |
| Total payees in county (2) | 59,873 |

LAWRENCE COUNTY

| | |
|---|---|
| Earl Minderman | 28,030 |
| Jack Seitzinger | 24,332 |
| Ward Warner | 23,663 |
| Total payees in county (3) | 76,025 |

LEE COUNTY

| | |
|---|---|
| A. H. Nichols | 36,236 |
| Leo J. Miller | 34,889 |
| Kent Chidley | 25,414 |
| Martin Ravnaas | 24,843 |
| Total payees in county (4) | 121,382 |

LIVINGSTON COUNTY

| | |
|---|---|
| Hamilton Ranch | 25,680 |
| Total payees in county (1) | 25,680 |

LOGAN COUNTY

| | |
|---|---|
| John L. White | 29,993 |
| Harold Park | 28,939 |
| Elizabeth K. Drake | 28,763 |
| E. G. Oglesby Tr | 24,161 |
| Hoblit Farms, Inc | 22,238 |
| Wm. H. Diller | 20,866 |
| Andrew & Rachel Wiggers Ptrg | 20,257 |
| Total payees in county (7) | 175,187 |

MACON COUNTY

| | |
|---|---|
| H. E. Cummins | 28,449 |
| Mill Univ | 20,358 |
| Total payees in county (2) | 48,807 |

MASON COUNTY

| | |
|---|---|
| O. R. Adkins, Jr | 24,359 |
| Ronald Friend | 23,073 |
| Howard Ermeling | 22,117 |
| Total payees in county (3) | 69,549 |

M'DONOUGH COUNTY

| | |
|---|---|
| Tr J. C. Proctor End | 22,918 |
| Finn Corporation | 21,027 |
| Watson Seed Farm | 20,895 |
| Total payees in county (3) | 64,840 |

M'HENRY COUNTY

| | |
|---|---|
| Meyer & Schuring | 54,855 |
| Getz Farms | 32,429 |
| Earlroy Farms | 28,231 |
| George Raabe | 25,656 |
| L. O. Napier | 23,870 |
| Perfection Farms | 22,790 |
| Bruce Olbrich | 21,998 |
| Lowell Maushak | 20,646 |
| G. F. MacIntyre | 20,340 |
| Total payees in county (9) | 250,814 |

M'LEAN COUNTY

| | |
|---|---|
| G. J. Kruger | 30,655 |
| Theo Funk, Tr | 30,135 |
| Ben T. Gildersleeve | 26,023 |
| Robert D. Whitwood | 21,029 |
| Total payees in county (4) | 107,842 |

MENARD COUNTY

| | |
|---|---|
| Sam Willis | 23,134 |
| David Cramer | 20,805 |
| Total payees in county (2) | 43,939 |

MERCER COUNTY

| | |
|---|---|
| North Trust Co | 25,206 |
| D. Wolfe & Co | 23,533 |
| Francis McFarland | 23,030 |
| Alan Callahan | 20,967 |
| J. and J. Russell | 20,918 |
| Total payees in county (5) | 113,654 |

MONTGOMERY COUNTY

| | |
|---|---|
| W. D. Kilton, Est | 42,146 |
| Total payees in county (1) | 42,146 |

MORGAN COUNTY

| | |
|---|---|
| A. E. Curry | 28,691 |
| James O. Harris | 24,535 |
| Clyde L. York & Sons, Ptrp | 21,536 |
| Thomas J. Bergschneider | 21,018 |
| Total payees in county (4) | 95,680 |

MOULTRIE COUNTY

| | |
|---|---|
| John A. Rhodes | 21,377 |
| Total payees in county (1) | 21,377 |

OGLE COUNTY

| | |
|---|---|
| Herman F. Danekas | 49,604 |
| Delar Farms | 39,802 |
| John Devries | 28,326 |
| Glendenning, Inc | 23,943 |
| L. D. Carmichael | 23,838 |
| Delmar Kampen | 23,293 |
| Total payees in county (6) | 188,806 |

PEORIA COUNTY

| | |
|---|---|
| Joan of Arc Co | 25,226 |
| Francis Barton | 22,304 |
| Total payees in county (2) | 47,530 |

PERRY COUNTY

| | |
|---|---|
| Meadowlark Farms, Inc | 80,745 |
| Southwestern Coal Co | 46,442 |
| Total payees in county (2) | 127,187 |

PIATT COUNTY

| | |
|---|---|
| Hardy Norfleet Norfleet | 27,056 |
| W. H. Shackelford | 23,762 |
| Lynn H. Clarkson | 21,775 |
| Margaret Wolfe | 20,875 |
| J. E. McCoppin | 20,672 |
| Total payees in county (5) | 114,140 |

PIKE COUNTY

| | |
|---|---|
| Paxton & Sprague Farms | 28,540 |
| Bob Richter | 27,675 |
| Total payees in county (2) | 56,215 |

POPE COUNTY

| | |
|---|---|
| Dixon Springs | 53,874 |
| Total payees in county (1) | 53,874 |

RANDOLPH COUNTY

| | |
|---|---|
| Behnken & Behnken | 43,812 |
| Peabody Coal Co | 28,831 |
| Total payees in county (2) | 72,643 |

ROCK ISLAND COUNTY

| | |
|---|---|
| Kenneth Bush | 27,764 |
| Total payees in county (1) | 27,764 |

SANGAMON COUNTY

| | |
|---|---|
| Dowson Bros. A., Ptrp | 32,979 |
| Vincent Braner | 26,136 |
| John J. Donovan | 25,321 |
| Lillie E. Mayfield, Adm | 22,224 |
| George R. Bunn | 20,781 |
| Total payees in county (5) | 127,441 |

SCHUYLER COUNTY

| | |
|---|---|
| Wilburn Briney | 23,866 |
| Total payees in county (1) | 23,866 |

SCOTT COUNTY

| | |
|---|---|
| Karl W. Meisenbach | 28,798 |
| Robert Coon | 23,319 |
| Total payees in county (2) | 52,117 |

SHELBY COUNTY

| | |
|---|---|
| Smith Farm Inc | 29,318 |
| Total payees in county (1) | 29,318 |

ST. CLAIR COUNTY

| | |
|---|---|
| Floyd A. Schlueter | 25,049 |
| Paul Sauget | 22,051 |
| Wilow Creek Farm V. Heberer | 20,520 |
| Total payees in county (3) | 67,620 |

STARK COUNTY

| | |
|---|---|
| Ezra Rumbold | 34,001 |
| Raymond Shafer | 26,933 |
| Dean M. Jackson | 21,855 |
| Total payees in county (3) | 81,789 |

VERMILION COUNTY

| | |
|---|---|
| R. C. Morgan | 31,366 |
| Evert E. Berglund | 28,574 |
| Peter L. Gernand | 24,438 |
| L. J. Larry | 23,893 |
| Milton Meyer | 20,237 |
| Total payees in county (5) | 128,508 |

WARREN COUNTY

| | |
|---|---|
| George Gaskill, Jr | 30,210 |
| Dakin Brothers | 22,895 |
| Lyle E. Lantz | 21,829 |
| Walter Gayman & Sons | 21,754 |
| Thomas Hennenfent | 20,150 |
| Total payees in county (5) | 116,838 |

WAYNE COUNTY

| | |
|---|---|
| William L. O'Daniel | 26,525 |
| Total payees in county (1) | 26,525 |

WHITE COUNTY

| | |
|---|---|
| Wilburn Duvall | 30,731 |
| L. R. Brown and L. A. Brown | 25,614 |
| Frank H. Ackerman | 22,657 |
| Total payees in county (3) | 79,002 |

WHITESIDE COUNTY

| | |
|---|---|
| Wilder Farms, Inc | 40,463 |
| Rosengren Brothers | 30,769 |
| Hugh J. Hermes | 21,649 |
| William Mencarow | 21,509 |
| Elmer Larson | 20,951 |
| Total payees in county (5) | 135,341 |

WINNEBAGO COUNTY

| | |
|---|---|
| Harold E. Nelson | 39,699 |
| Lester Gummow | 26,882 |
| Edward A. Gummow | 23,440 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Illinois*—Continued

[Amounts in dollars]

WINNEBAGO COUNTY—continued

| | |
|---|---|
| Claire Wilke | 20,716 |
| Charles D. Dow | 20,712 |
| Total payees in county (5) | 131,449 |
| WOODFORD COUNTY | |
| Martin Bros. Implement Co | 33,856 |
| Ben Hodel | 33,580 |
| Randall Bally | 22,213 |
| Wallace Furrow | 21,258 |
| Total payees in county (4) | 110,907 |
| Total payees in State (202) | 5,003,185 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Indiana*

[Amounts in dollars]

| | |
|---|---|
| ALLEN COUNTY | |
| Lomont Brothers | 23,760 |
| Total payees in county (1) | 23,760 |
| BENTON COUNTY | |
| Watland Farms, Inc | 43,527 |
| Herschbach C/O Doane AG | 28,674 |
| Gary Leuck | 22,833 |
| Total payees in county (3) | 95,034 |
| BOONE COUNTY | |
| L. Eugene Smith | 34,976 |
| Total payees in county (1) | 34,976 |
| CARROLL COUNTY | |
| Maurice E. Robeson | 21,329 |
| Total payees in county (1) | 21,329 |
| CASS COUNTY | |
| Merl Homburg | 20,843 |
| Total payees in county (1) | 20,843 |
| CLINTON COUNTY | |
| Robert Max Smith | 31,186 |
| Total payees in county (1) | 31,186 |
| DAVIESS COUNTY | |
| Graham Farms Inc | 45,093 |
| Capehart Farms | 33,549 |
| Peabody Coal Co | 29,659 |
| Joe Records | 25,636 |
| Aden Michael Sprinkle | 20,252 |
| Total payees in county (5) | 154,189 |
| DECATUR COUNTY | |
| Franklin Corya | 28,767 |
| Morgan Miers | 25,542 |
| Total payees in county (2) | 54,309 |
| FOUNTAIN COUNTY | |
| Dr. Lee Maris Est | 28,264 |
| Shawnee Farms, Inc | 27,160 |
| Richard L. Rennick | 20,082 |
| Total payees in county (3) | 75,526 |
| GIBSON COUNTY | |
| Princeton Mining Co | 35,679 |
| Emge Packing Co | 29,988 |
| John C. Blood | 27,332 |
| Total payees in county (3) | 92,999 |
| GRANT COUNTY | |
| Loren Winger | 24,385 |
| Total payees in county (1) | 24,385 |
| GREENE COUNTY | |
| Victor B. Hess | 31,111 |
| Herbert D. Hess | 26,054 |
| Clyde Thompson | 21,461 |
| Total payees in county (3) | 78,626 |
| HAMILTON COUNTY | |
| Dan Taylor | 26,825 |
| Total payees in county (1) | 26,825 |
| HENRY COUNTY | |
| Sam Goldman | 25,779 |
| Total payees in county (1) | 25,779 |
| JACKSON COUNTY | |
| Hill Farms, Inc | 21,604 |
| Total payees in county (1) | 21,604 |
| JASPER COUNTY | |
| William Gehring, Inc | 55,000 |
| Fred Moore | 46,964 |
| James D. Green Tr | 45,182 |
| Savich Farms, E. Savich | 37,103 |
| W. & W. Farms, Inc | 33,645 |
| Russell Kohlhagen | 26,514 |
| Stewart Farms | 22,459 |
| Vernon Cavinder | 20,878 |
| Total payees in county (8) | 287,745 |
| KNOX COUNTY | |
| Thompson Farms, Inc | 53,615 |
| Robert Carnahan | 33,009 |
| W. Lowell Carnahan | 31,482 |
| William R. Huey | 29,879 |
| William Cardinal, Jr | 27,255 |
| George R. Wilson | 25,030 |
| Billy H. Barmes | 23,324 |
| Holscher Brothers | 22,669 |
| Clem Witteried | 22,172 |
| Don Decker | 22,024 |
| Ernest Vieke | 21,443 |
| Bower Corp | 21,219 |
| Chris Vieck and Sons | 20,730 |
| Total payees in county (13) | 353,831 |
| KOSCIUSKO COUNTY | |
| Herbert Fervida | 35,887 |
| Total payees in county (1) | 35,887 |
| LA PORTE COUNTY | |
| Joe Tuholski | 24,042 |
| Total payees in county (1) | 24,042 |
| LAKE COUNTY | |
| Richard Beetsma | 38,083 |
| Verle Little | 29,602 |
| Charles Drewry | 24,673 |
| Sam Edward Kingma | 23,459 |
| Lawrence Carter | 20,528 |
| Total payees in county (5) | 136,345 |
| MADISON COUNTY | |
| Indiana Reformatory | 25,653 |
| Total payees in county (1) | 25,653 |
| MONTGOMERY COUNTY | |
| Lincoln Priebe | 28,788 |
| Moser Farms | 26,121 |
| Harold B. Taylor | 23,988 |
| Total payees in county (3) | 78,897 |
| NEWTON COUNTY | |
| Merlin Karlock | 60,394 |
| Robert A. Churchill | 52,711 |
| Albert Molson, Jr | 32,222 |
| Mark J. Mahan | 29,936 |
| James L. Churchill | 26,721 |
| Morris Deyoung | 21,959 |
| James Printy, Jr | 20,846 |
| Total payees in county (7) | 244,789 |
| OWEN COUNTY | |
| Alton Cooper | 20,750 |
| Total payees in county (1) | 20,750 |
| PARKE COUNTY | |
| Kenneth Ramsay | 26,751 |
| Adams Farm Co., Inc | 26,713 |
| Total payees in county (2) | 53,464 |
| PORTER COUNTY | |
| Johnson Bros | 23,203 |
| Philip Maxwell | 21,007 |
| Warren Greer | 20,062 |
| Total payees in county (3) | 64,272 |
| POSEY COUNTY | |
| New Harmony Realty | 47,532 |
| Thomas Mumford | 29,582 |
| Jack Compton | 22,931 |
| Edward C. Culley | 20,991 |
| Naab Seed | 20,520 |
| Total payees in county (5) | 141,556 |
| PULASKI COUNTY | |
| Overmyer Farms | 56,790 |
| Arthur P. Gumz | 56,749 |
| Otto Wuethrich | 29,569 |
| Thomas Murray | 26,910 |
| Total payees in county (4) | 170,018 |
| RANDOLPH COUNTY | |
| Baker Grain, Inc., C/O J. Baker | 27,205 |
| Total payees in county (1) | 27,205 |
| RUSH COUNTY | |
| Roy S. Alverson | 21,275 |
| Total payees in county (1) | 21,275 |
| ST. JOSEPH COUNTY | |
| Martin Blad | 27,127 |
| E. Gumz Inc | 27,009 |
| Kenneth Sebasty | 21,412 |
| Fisher Farm | 20,116 |
| Total payees in county (4) | 95,664 |
| STARKE COUNTY | |
| Richard Gumz | 50,457 |
| Benjamin O. Bierly | 24,119 |
| Jack Brown | 23,249 |
| Jerome Gumz | 22,172 |
| Allen C. Chesak | 20,578 |
| Total payees in county (5) | 140,575 |
| SULLIVAN COUNTY | |
| John Gray Kelly | 53,830 |
| Leland Phegley | 20,146 |
| Mann Seed Farms | 20,099 |
| Total payees in county (3) | 94,075 |
| TIPPECANOE COUNTY | |
| James Kellerman | 28,167 |
| Maddox Farms Inc | 25,226 |
| Total payees in county (2) | 53,393 |
| TIPTON COUNTY | |
| Trojan Seed Co | 26,580 |
| Longview Farms | 21,765 |
| Total payees in county (2) | 48,345 |
| VANDERBURGH COUNTY | |
| Donald E. Kolb | 57,292 |
| Total payees in county (1) | 57,292 |



| | |
|---|---|
| VERMILLION COUNTY | |
| Gerald Morgan | 27,911 |
| Total payees in county (1) | 27,911 |
| VIGO COUNTY | |
| James Harlan | 43,089 |
| Burch Harlan | 34,658 |
| Peter A. Farmer | 26,399 |
| N. & N. Farms, Inc | 22,532 |
| Edward E. Laswell | 20,625 |
| Robert Dunlap | 20,386 |
| Total payees in county (6) | 167,689 |
| WARREN COUNTY | |
| Richard Clark | 27,367 |
| Wayne E. Boyer | 21,533 |
| Wright Bros. % James Wright | 20,269 |
| Total payees in county (3) | 69,169 |
| WHITE COUNTY | |
| Leroy Keesling | 42,158 |
| Richard W. North | 23,894 |
| Lloyd Lehe | 21,497 |
| Myers Ranch | 21,257 |
| Total payees in county (4) | 108,806 |
| Total payees in State (115) | 3,330,018 |

*1972 ASCS and Great Plains program payment of 20,000 or more—excluding loans—Iowa*

[Amounts in dollars]

| | |
|---|---|
| ADAIR COUNTY | |
| Audra Gibbs | 22,425 |
| Total payees in county (1) | 22,425 |
| ADAMS COUNTY | |
| Terry Skalberg | 25,331 |
| Total payees in county (1) | 25,331 |
| APPANOOSE COUNTY | |
| Munsterman Bros | 23,895 |
| Total payees in county (1) | 23,895 |
| AUDUBON COUNTY | |
| Melville Farms | 36,775 |
| Carlson Co | 23,283 |
| John M. Thielen | 20,363 |
| Total payees in county (3) | 80,421 |
| BLACK HAWK COUNTY | |
| Robert Rottinghaus | 32,676 |
| Wellman Farms Inc | 30,528 |
| Ray J. Miller | 24,175 |
| Total payees in county (3) | 87,379 |
| BOONE COUNTY | |
| Powers Land Co | 31,492 |
| George Uthe | 21,284 |
| Total payees in county (2) | 52,776 |
| BUCHANAN COUNTY | |
| Thomas R. Greenley | 22,055 |
| Lowell E. Walter | 20,272 |
| Total payees in county (2) | 42,327 |
| BUTLER COUNTY | |
| R. T. Groos Trust | 26,394 |
| Total payees in county (1) | 26,394 |
| CALHOUN COUNTY | |
| F. W. Miller | 28,854 |
| Total payees in county (1) | 28,854 |
| CARROLL COUNTY | |
| Garst Company | 43,803 |
| Collison Bros | 41,824 |
| Chrystal Bros | 25,721 |
| Total payees in county (3) | 111,348 |
| CASS COUNTY | |
| Hoye Inc | 25,084 |
| Larry Johnson | 22,100 |
| Hunt Bros. Inc | 21,123 |
| Theodore Wickman, Jr | 20,226 |
| Total payees in county (4) | 88,533 |
| CEDAR COUNTY | |
| Hilhurst Farms Inc | 21,538 |
| Total payees in county (1) | 21,538 |
| CERRO GORDO COUNTY | |
| Wayne Van Duzer | 30,260 |
| Inter Development | 28,888 |
| American Crystal Sugar Co | 28,042 |
| William L. Nicholas | 27,684 |
| L. A. Kopple Fam. Tr | 27,098 |
| Kenneth Scott | 24,870 |
| Marlin Johnson | 24,689 |
| Gary Peters | 24,000 |
| Bruce and Eugene Evans | 23,871 |
| Hebel Enterprizes Inc | 23,608 |
| Hebel Fritz Farms Inc | 23,608 |
| John Roger Whitt | 23,547 |
| Francis K. Ransom | 22,982 |
| Kinney Lindstrom Foundation | 22,903 |
| Waldel Ltd | 22,163 |
| Darrell Nielsen | 21,736 |
| Henry Bokelman | 21,500 |
| L. A. Bascom | 21,486 |
| Legreid Farms Inc | 21,096 |
| R. and L. Realty | 21,084 |
| Kuhlemeier Bros. Inc | 20,866 |
| Total payees in county (21) | 505,981 |
| CHEROKEE COUNTY | |
| John Heline | 24,080 |
| Total payees in county (1) | 24,080 |
| CHICKASAW COUNTY | |
| Lloyd Arnold | 20,442 |
| Wesley G. Chambers | 20,200 |
| Total payees in county (2) | 40,642 |
| CLINTON COUNTY | |
| James Burke | 21,473 |
| Total payees in county (1) | 21,473 |
| DELAWARE COUNTY | |
| Elmer D. Baer | 24,039 |
| Total payees in county (1) | 24,039 |
| DES MOINES COUNTY | |
| Robert L. Gabeline | 54,201 |
| Total payees in county (1) | 54,201 |
| DICKINSON COUNTY | |
| Bernard Cohrs | 30,630 |
| Harold G. Reiter | 22,705 |
| Marvin J. Davis | 22,200 |
| Carl Winterboer | 20,161 |
| Total payees in county (4) | 95,696 |
| E. POTTAWATTAMIE COUNTY | |
| Gerald L. Schueman | 20,825 |
| Total payees in county (1) | 20,825 |
| EMMET COUNTY | |
| Greig & Co., Inc | 33,485 |
| Paul A. Neppel | 26,978 |
| Total payees in county (2) | 60,463 |
| FAYETTE COUNTY | |
| C. M. Bowling | 24,056 |
| Russell Hughes | 23,647 |
| Ralph Wegner | 22,779 |
| B. W. Bowling | 20,220 |
| Total payees in county (4) | 90,702 |
| FLOYD COUNTY | |
| Beverly Land Co | 47,235 |
| Julius Huxsol | 35,788 |
| Rottler & Rottler | 26,911 |
| D. L. Trowbridge | 26,620 |
| Kenneth Heft | 23,530 |
| Leon Koebrick | 23,194 |
| McGregor Bros | 22,954 |
| K. B. Farm Acct | 22,935 |
| Hoyle Ginther | 20,900 |
| Melvin Marth | 20,508 |
| Total payees in county (10) | 270,575 |
| FRANKLIN COUNTY | |
| Lawrence W. Hamilton | 41,085 |
| Staley Farms, Inc | 30,935 |
| A. C. Benton | 29,742 |
| Leo Bodensteiner | 29,010 |
| Berghoefer Lvstk | 20,494 |
| Total payees in county (5) | 151,266 |
| FREMONT COUNTY | |
| Payne Valley Farms, Inc | 75,083 |
| Reeves Farms | 40,397 |
| Lyle Taylor | 31,626 |
| Walter M. Doyle | 29,312 |
| Schaaf Farms | 24,835 |
| J. E. Good | 23,373 |
| Interstate Nurseries | 22,789 |
| Vogel Farms | 22,238 |
| Jack Stanley Farms, Inc | 21,025 |
| Wm. H. Ramsay | 20,053 |
| Total payees in county (10) | 310,731 |
| GREENE COUNTY | |
| Assoc. Lawton Farms | 28,537 |
| Delmar Van Horn, Jr | 26,153 |
| Total payees in county (2) | 54,690 |
| GRUNDY COUNTY | |
| Alexander Ent., Ltd | 21,506 |
| Total payees in county (1) | 21,506 |
| GUTHRIE COUNTY | |
| Earl M. Kading | 21,036 |
| Harold Griffith | 20,590 |
| Total payees in county (2) | 41,626 |
| HAMILTON COUNTY | |
| Emery Tegland | 22,463 |
| Total payees in county (1) | 22,463 |
| HANCOCK COUNTY | |
| Fraser Farms, Inc | 43,279 |
| Total payees in county (1) | 43,279 |
| HARDIN COUNTY | |
| Thelma L. Warman | 32,649 |
| W. Jass, Jr. for Jass Bros | 23,559 |
| William Krause | 21,137 |
| Total payees in county (3) | 77,345 |
| HARRISON COUNTY | |
| Fannie Rand | 28,699 |
| G. Wm. Coulthard | 23,347 |
| Clark Wehrli | 22,389 |
| James Schaben | 20,427 |
| Miles Mann | 20,152 |
| Total payees in county (5) | 115,014 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Iowa*—Continued

[Amounts in dollars]

HENRY COUNTY

| | |
|---|---|
| McAllister Brothers | 21,726 |
| Total payees in county (1) | 21,726 |

HOWARD COUNTY

| | |
|---|---|
| Gerald Sovereign & Sons | 28,483 |
| Total payees in county (1) | 28,483 |

HUMBOLDT COUNTY

| | |
|---|---|
| Warwick Land Co. c/o Hatfield | 27,983 |
| Gerald V. Pedersen | 21,586 |
| Lloyd D. Goodell | 21,017 |
| Total payees in county (3) | 70,586 |

IDA COUNTY

| | |
|---|---|
| William Piper | 25,604 |
| Total payees in county (1) | 25,604 |

IOWA COUNTY

| | |
|---|---|
| Amana Society | 56,830 |
| Total payees in county (1) | 56,830 |

JASPER COUNTY

| | |
|---|---|
| William Snook | 23,507 |
| Total payees in county (1) | 23,507 |

KEOKUK COUNTY

| | |
|---|---|
| W. C. Gretter & Sons | 29,720 |
| Robert F. McDowell | 25,795 |
| James F. Flander | 23,260 |
| Total payees in county (3) | 78,775 |

KOSSUTH COUNTY

| | |
|---|---|
| Louis J. Ferstl | 37,644 |
| Robert Black | 27,648 |
| Leroy Richardson | 27,290 |
| John Dreesman | 21,293 |
| Patterson Land and Livestock | 20,926 |
| Total payees in county (5) | 134,801 |

LEE COUNTY

| | |
|---|---|
| Edw H. Holtkamp and Sons, Inc | 29,425 |
| William J. Pieper | 27,821 |
| S. G. Lodwick | 21,028 |
| Total payees in county (3) | 78,328 |

LINN COUNTY

| | |
|---|---|
| Witwer Grocer Co | 47,467 |
| Ralph Blackford | 38,269 |
| Dostal Farms Inc | 21,671 |
| Total payees in county (3) | 107,407 |

LOUISA COUNTY

| | |
|---|---|
| Fred C. Morris & Sons | 23,345 |
| Total payees in county (1) | 23,345 |

LYON COUNTY

| | |
|---|---|
| Ralph L. Kooiker | 29,071 |
| Pchnts Lnd c/o Bryn Reed Co | 26,973 |
| Total payees in county (2) | 56,044 |

MADISON COUNTY

| | |
|---|---|
| Baur Farms Inc | 34,263 |
| Total payees in county | 34,263 |

MAHASKA COUNTY

| | |
|---|---|
| Joseph Holub | 23,724 |
| Total payees in county (1) | 23,724 |

MARSHALL COUNTY

| | |
|---|---|
| Geo. Holl Farms, Inc | 26,234 |
| Ottilie Farms, Inc | 20,801 |
| James Sinning | 20,634 |
| Total payees in county (3) | 67,669 |

MILLS COUNTY

| | |
|---|---|
| Luther Gammon | 30,871 |
| Charles Phelps | 29,928 |
| R. C. Good | 25,197 |
| Herman Stortenbecker | 24,241 |
| Goy Farms, Inc | 20,560 |
| Arthur Sieck, Jr | 20,067 |
| Total payees in county (6) | 150,864 |

MITCHELL COUNTY

| | |
|---|---|
| E. B. Mohr | 29,124 |
| Total payees in county (1) | 29,124 |

MONONA COUNTY

| | |
|---|---|
| L. T. Yampolsky | 29,572 |
| R. J. Engel | 29,572 |
| Maurice E. Waring | 29,572 |
| Benjamin Nachman | 29,572 |
| Howard E. Muller | 29,572 |
| George E. MacClure | 28,720 |
| Coberlys, Inc | 27,549 |
| F. Seitzinger Farms, Inc | 26,364 |
| Augustus T. Hanson | 26,054 |
| Franklin D. Seitzinger | 24,720 |
| T. E. & T. E. Brown Partnership | 23,575 |
| Total payees in county (11) | 304,842 |

MONTGOMERY COUNTY

| | |
|---|---|
| Marvin Hunt | 34,288 |
| Kenneth Gridley | 20,831 |
| Total payees in county (2) | 55,119 |

MUSCATINE COUNTY

| | |
|---|---|
| Geo. Steen & Sons, Inc | 23,632 |
| Donald E. Walker | 21,129 |
| Total payees in county (2) | 44,761 |

OSCEOLA COUNTY

| | |
|---|---|
| Leslie Hayenga | 21,992 |
| Donald M. Dillehay | 20,536 |
| Total payees in county (2) | 42,528 |

PALO ALTO COUNTY

| | |
|---|---|
| Harley Rouse | 35,357 |
| Wegener Bros | 26,188 |
| S. Frm. Tr. Custom Frm | 25,967 |
| Speedy Farms | 23,665 |
| Total payees in county (4) | 111,177 |

PLYMOUTH COUNTY

| | |
|---|---|
| Idlewild Farms, c/o C. Voss | 29,037 |
| Total payees in county (1) | 29,037 |

POCAHONTAS COUNTY

| | |
|---|---|
| Shannon Farms Inc | 21,650 |
| Total payees in county (1) | 21,650 |

POWESHIEK COUNTY

| | |
|---|---|
| Raymond Schilder | 21,871 |
| Stuart Porter | 20,537 |
| Total payees in county (2) | 42,408 |

RINGGOLD COUNTY

| | |
|---|---|
| R. L. Coultas | 22,814 |
| Total payees in county (1) | 22,814 |

SAC COUNTY

| | |
|---|---|
| Shinrone Inc | 49,450 |
| Schroeder Bros | 22,641 |
| Dale Swanson | 22,379 |
| H. J. Turin | 21,673 |
| Total payees in county (4) | 116,143 |

SCOTT COUNTY

| | |
|---|---|
| Harlan L. Meier | 25,909 |
| Total payees in county (1) | 25,909 |

SHELBY COUNTY

| | |
|---|---|
| Zeno Lapke & Sons | 22,792 |
| Total payees in county (1) | 22,792 |

STORY COUNTY

| | |
|---|---|
| Harold M. Britten | 31,345 |
| New Farms Inc | 30,599 |
| Woodland Farms | 30,429 |
| Clyde Black & Son | 24,720 |
| Loyal Lowman | 20,959 |
| Total payees in county (5) | 138,052 |

TAYLOR COUNTY

| | |
|---|---|
| H. Dean Beemer | 25,787 |
| Orren Jackson | 21,331 |
| Total payees in county (2) | 47,118 |

W. POTTAWATTAMIE COUNTY

| | |
|---|---|
| Raymond G. Peterson | 27,356 |
| Thomas Thomsen | 22,869 |
| Palmer Vorthmann | 20,554 |
| Total payees in county (3) | 70,779 |

WARREN COUNTY

| | |
|---|---|
| Larry Hunt | 22,265 |
| Marywood Farms, Inc | 21,716 |
| Total payees in county (2) | 43,981 |

WASHINGTON COUNTY

| | |
|---|---|
| Robert M. Flynn | 28,644 |
| Tindal Farm Supply Co | 22,425 |
| Rolling Acres SK Farm | 21,569 |
| Total payees in county (3) | 72,638 |

WEBSTER COUNTY

| | |
|---|---|
| Litchfield Realty Co | 54,210 |
| Francis Prendergast | 32,958 |
| Laurin Stanek | 25,380 |
| Joseph P. Kreips | 21,533 |
| Margaret Brockett | 21,223 |
| Jaeschke Farms, Inc | 20,679 |
| Total payees in county (6) | 175,983 |

WINNEBAGO COUNTY

| | |
|---|---|
| Friesenborg Larson | 32,066 |
| Merle L. Durby | 24,866 |
| Norman Hauan | 20,506 |
| Total payees in county (3) | 77,438 |

WOODBURY COUNTY

| | |
|---|---|
| Ludvigson Ptn | 26,480 |
| W. O. Rundall | 23,860 |
| O. P. Bennett, Sr | 23,500 |
| Doyle Smith | 23,204 |
| R. Eugene Janssen | 23,017 |
| Claire Welte | 22,737 |
| Jack Martin | 21,695 |
| Morningside College | 20,933 |
| Total payees in county (8) | 185,426 |

WORTH COUNTY

| | |
|---|---|
| Robert E. Nack | 23,667 |
| Robert Lutz | 21,555 |
| Dudley Peterson | 21,138 |
| Arvid Thompson | 21,120 |
| Rye Bros | 20,064 |
| Total payees in county (5) | 107,544 |



WAIGHT COUNTY

| | |
|---|---|
| Leroy Wicks | 24,753 |
| Joe Keller | 22,716 |
| Lyle B. Craig | 21,775 |
| Total payees in county (3) | 69,244 |
| Total payees in State (210) | 6,496,281 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Kansas*

[Amounts in dollars]

ALLEN COUNTY

| | |
|---|---|
| Harold Whitaker | 40,317 |
| David and Alden Ensminger | 24,084 |
| Total payees in county (2) | 64,401 |

BARBER COUNTY

| | |
|---|---|
| Fred Schupbach, Jr | 45,227 |
| Z Bar Cattle Co | 39,972 |
| Riedel Co., Inc | 31,237 |
| Schrock, Inc | 27,562 |
| Harold Mease | 22,651 |
| Fred L. Dumler | 22,541 |
| Gene Pollock | 22,205 |
| Wayne Thom | 22,026 |
| Robert Sterling | 21,742 |
| Total payees in county (9) | 255,163 |

BARTON COUNTY

| | |
|---|---|
| Schartz Bros | 26,721 |
| Richard C. Brining | 25,084 |
| Total payees in county (2) | 51,805 |

BUTLER COUNTY

| | |
|---|---|
| Rolland Klaassen | 21,275 |
| Total payees in county (1) | 21,275 |

CHASE COUNTY

| | |
|---|---|
| Crofoot Cattle Co | 22,589 |
| Total payees in county (1) | 22,589 |

CHEYENNE COUNTY

| | |
|---|---|
| Edna May Warnock | 41,861 |
| Theron Culwell | 35,360 |
| Roberson Bros | 32,911 |
| Don Kehlbeck | 24,447 |
| Willard Zweygardt | 24,300 |
| Ray H. Zweygardt | 23,486 |
| Total payees in county (6) | 182,365 |

CLARK COUNTY

| | |
|---|---|
| Clarence E. Lewis | 24,278 |
| Dwight D. Klinger | 24,047 |
| Total payees in county (2) | 48,325 |

CLOUD COUNTY

| | |
|---|---|
| Jimmie E. Dorman | 25,587 |
| Gene Feight | 20,816 |
| Total payees in county (2) | 46,403 |

COFFEY COUNTY

| | |
|---|---|
| Evans & Nee Ptr | 38,568 |
| John R. Evans | 33,307 |
| David W. Evans, Jr | 31,774 |
| Total payees in county (3) | 103,649 |

COMANCHE COUNTY

| | |
|---|---|
| Richard Bird | 27,295 |
| Glen Woolfolk and Sons | 25,044 |
| Darrol W. Miller | 22,558 |
| Vernon Huck | 22,032 |
| Ernest J. Oller | 21,765 |
| Total payees in county (5) | 118,694 |

DECATUR COUNTY

| | |
|---|---|
| Mumm Bros., Inc | 2,206 |
| Moore Bros | 20,125 |
| Total payees in county (2) | 42,331 |

DICKINSON COUNTY

| | |
|---|---|
| Laurence Clemence | 29,291 |
| Roy Clemence | 24,103 |
| Total payees in county (2) | 53,394 |

DONIPHAN COUNTY

| | |
|---|---|
| H. K. Rush Farms Inc | 32,377 |
| Buffalo Hollow Ranch | 25,164 |
| Total payees in county (2) | 57,541 |

EDWARDS COUNTY

| | |
|---|---|
| McLean Bros | 34,232 |
| David Britton | 31,019 |
| Elmer J. Huff | 20,792 |
| Total payees in county (3) | 86,043 |

ELLIS COUNTY

| | |
|---|---|
| Staab Hereford Ranch | 20,246 |
| Total payees in county (1) | 20,246 |

FINNEY COUNTY

| | |
|---|---|
| Garden Cy Company | 109,680 |
| Andrew E. Larson | 60,868 |
| L. C. Land and Cattle Co | 52,995 |
| Cecil Obrate | 50,564 |
| Roger Ramsey | 45,283 |
| Raymond Morris | 38,143 |
| G. R. Byrd | 36,529 |
| Francis Schreibvogel | 36,161 |
| John Miller | 35,463 |
| Lawrence Miller | 35,274 |
| Raymond Crist | 31,315 |
| Thomas W. Linville | 31,154 |
| Emanuel Doll | 30,397 |
| Brookover Feed Yard Inc | 29,089 |
| Max Engler Jr | 28,853 |
| Vern Eberhart | 28,720 |
| Frank McClure | 27,080 |
| Winter Bros | 26,578 |
| Junior Boyd | 26,569 |
| Carson J. Davis | 24,431 |
| Ralph A. Greathouse | 22,026 |
| Ben Isaac | 21,875 |
| Harry Lightner | 21,542 |
| Clifton Algrim | 21,340 |
| Wesley H. Sterling | 20,863 |
| Cyril Schiffelbein | 20,716 |
| Leroy F. Cooley | 20,565 |
| Norman Adam | 20,499 |
| Total payees in county (28) | 954,572 |

FORD COUNTY

| | |
|---|---|
| Dwight E. Winger | 51,436 |
| Everett Steele | 27,155 |
| Eleanor O. Rost | 26,704 |
| Copeland Hereford Ranch | 22,823 |
| Stephen P. McManaman | 20,537 |
| Total payees in county (5) | 148,655 |

GOVE COUNTY

| | |
|---|---|
| R. S. Coberly | 35,890 |
| A. L. Swart | 30,638 |
| Beesley Farms, Inc | 23,503 |
| Total payees in county (3) | 90,031 |

GRAHAM COUNTY

| | |
|---|---|
| Lindenman Bros | 31,355 |
| Eugene Worcester | 28,716 |
| Total payees in county (2) | 60,071 |

GRANT COUNTY

| | |
|---|---|
| Tuttle & Tuttle & Mawhirter | 46,359 |
| Gary Baker | 39,455 |
| Herman Cockreham | 34,867 |
| J. David Sullivan | 34,530 |
| C. E. Battin | 34,352 |
| Higgs Farms, % Carl Higgs | 27,292 |
| John F. Boylan | 27,250 |
| Earl B. Williams | 25,757 |
| Arthur B. Williams | 25,709 |
| Rollin P. Hagerman | 24,621 |
| Dan C. Sullivan, Jr | 24,561 |
| Lysle Davidson | 24,527 |
| C. L. Helwig | 23,180 |
| Howard L. Miller | 23,134 |
| Richard H. Coffey | 22,897 |
| Willis Christian | 22,097 |
| Total payees in county (16) | 460,588 |

GRAY COUNTY

| | |
|---|---|
| Sidney Warner | 47,235 |
| Stephen Irsik | 27,214 |
| Ingalls Feed Yard Inc | 26,861 |
| Lester Clark | 26,725 |
| W. D. Brady | 26,606 |
| Leigh Warner | 24,457 |
| Diane Janof | 24,299 |
| Renick Bros. Inc | 23,561 |
| Bleumer Irrigation | 23,256 |
| Victor V. Thomas | 20,869 |
| Melvin L. Shrauner | 20,694 |
| George Loewen | 20,661 |
| Total payees in county (12) | 312,438 |

GREELEY COUNTY

| | |
|---|---|
| L. & M. Steele Farms | 81,359 |
| Kleymann Brothers | 74,019 |
| Myron E. Sell | 46,697 |
| Ervin Schneider | 41,079 |
| Dale Steele | 39,069 |
| Frank Herl & Sons | 35,648 |
| Duane F. Schneider | 30,683 |
| Floyd Tuttle & Son | 30,391 |
| V. M. Young | 28,757 |
| Joe E. Smith | 26,856 |
| Don B. Smith | 26,856 |
| Robert M. Smith | 26,856 |
| Lavern Kuder | 26,324 |
| J. V Kuttler | 24,473 |
| George Nickelson | 24,143 |
| L. & M. Farm & Cattle Co | 23,957 |
| Garfield Ochsner | 23,886 |
| John & Edwin Floyd | 22,984 |
| Lee Toadvine | 21,278 |
| Chester I. Johnson | 21,249 |
| L. A. Peter | 20,499 |
| Total payees in county (21) | 697,063 |

GREENWOOD COUNTY

| | |
|---|---|
| Blackstone Industries, Inc | 20,713 |
| Total payees in county (1) | 20,713 |

HAMILTON COUNTY

| | |
|---|---|
| Richard Plunkett | 38,374 |
| Herbert E. Ramsey, Jr | 28,269 |
| Ray Jackson Enterprises | 28,159 |
| W. T. Hughs | 26,487 |
| Harold Guldner | 25,478 |
| Don N. Young | 24,834 |
| Les I. Cooper | 23,855 |
| Cletus A. Simon | 23,506 |
| Joseph J. Doskocil | 22,907 |
| Clarence Simmonds and Son | 22,431 |
| Howard Barstow | 21,843 |
| Daryle Lewis | 21,565 |
| H. J. Braddock | 21,003 |
| Gary Hatcher | 20,252 |
| Total payees in county (14) | 348,963 |

HARPER COUNTY

| | |
|---|---|
| Carothers Bros | 23,960 |
| Bird Hereford Farms | 23,495 |
| Albert Hostetler | 21,111 |
| Total payees in county (3) | 68,566 |

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*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Kansas*—Continued
[Amounts in dollars]

HASKELL COUNTY

| | |
|---|---|
| Haskell Land Co | 73,457 |
| Paul J. Brown | 65,489 |
| Kirby B. Clawson | 59,275 |
| Ed Hall | 55,761 |
| Randall Bird | 49,344 |
| Lewis & Decker Cattle Co | 36,509 |
| W. E. Orth | 31,880 |
| Lawrence Withers | 29,241 |
| Howard Redd | 28,522 |
| Forrest Cox | 26,567 |
| Leslie A. Alexander Estate | 26,002 |
| Raymond Ardery | 23,520 |
| R. D. Hammer | 23,051 |
| Stonestreet Farms | 23,050 |
| John W. Kelman | 22,892 |
| James E. Groth Estate | 21,999 |
| Mark McLain | 21,385 |
| Wm. L. Engler | 21,004 |
| Harry E. Wright | 20,917 |
| Ernest Groth | 20,755 |
| Rooney & Rooney | 20,510 |
| Chester C. Ellsaesser | 20,157 |
| Total payees in county (22) | 722,287 |

HODGEMAN COUNTY

| | |
|---|---|
| George Herrmann | 41,255 |
| Total payees in county (1) | 41,255 |

JEWELL COUNTY

| | |
|---|---|
| Laura Spiegel and Sons | 25,790 |
| Neil Durham | 22,788 |
| Total payees in county (2) | 48,578 |

JOHNSON COUNTY

| | |
|---|---|
| Foote Farms | 26,012 |
| Total payees in county (1) | 26,012 |

KEARNY COUNTY

| | |
|---|---|
| Ethel M. Martin | 45,894 |
| Raymond Dienst, Sr | 39,011 |
| Gordon W. Crone | 35,431 |
| Charles Eskelund | 34,085 |
| Harold Stevenson | 31,563 |
| B. E. Miles | 29,379 |
| Max R. Miller | 26,924 |
| Dick Holland | 26,700 |
| Tom Wright, Jr | 26,378 |
| Fritz Schreibvogel | 26,357 |
| W. D. Foster | 24,977 |
| WLSR, Inc | 24,677 |
| Edward E. Wiatt | 24,591 |
| Loy H. Frank | 24,583 |
| Vernon G. Kropp, Est | 24,550 |
| Ray Rohlman | 22,932 |
| Woodrow Fanning | 22,496 |
| Lawrence N. Graham | 22,024 |
| Martin Vann | 21,920 |
| Vernon Boyd | 20,687 |
| Calvin H. Scheuerman | 20,586 |
| Total payees in county (21) | 574,745 |

KINGMAN COUNTY

| | |
|---|---|
| Adrian Kostner | 24,077 |
| Total payees in county (1) | 24,077 |

KIOWA COUNTY

| | |
|---|---|
| Elmer E. Davis | 27,903 |
| Wayne Brensing | 21,519 |
| Warren Brensing | 21,519 |
| Total payees in county (3) | 70,941 |

LANE COUNTY

| | |
|---|---|
| Sharp Bros., c/o Gail Sharp | 39,654 |
| York Bros | 39,478 |
| Dwight Terwilliger | 29,135 |
| Edwin A. Borell & Sons | 28,020 |
| Gilbert Selfridge | 24,435 |
| John A. Hineman | 23,141 |
| Charles C. Bosley | 21,630 |
| Kalo A. Hineman | 20,619 |
| Eston Schwartz | 20,400 |
| Ross Jasper & Son | 20,291 |
| James Beesley | 20,077 |
| Total payees in county (11) | 284,880 |

LINN COUNTY

| | |
|---|---|
| P. & M., c/o W. A. Wishart | 46,371 |
| Total payees in county (1) | 46,371 |

LOGAN COUNTY

| | |
|---|---|
| J. Ernest Bertrand | 60,496 |
| Charles Bertrand Tr | 41,273 |
| Delton W. Hubert | 36,061 |
| Harvey Nickelson | 30,168 |
| Henry Kuhlman | 30,066 |
| V. A. & John W. James Est | 27,540 |
| Frank Fotopoulos | 27,133 |
| Ben Keller | 25,813 |
| Les Keller | 25,812 |
| Willis Hockersmith | 24,168 |
| Harry E. Nickelson | 24,139 |
| Dewey Council | 23,466 |
| Leon K. Stoppel | 23,209 |
| John W. Ostmeyer | 21,542 |
| James Ahrens | 20,791 |
| Don Lintel | 20,371 |
| Total payees in county (16) | 462,048 |

LYON COUNTY

| | |
|---|---|
| Walter H. Porter | 26,583 |
| Total payees in county (1) | 26,583 |

MARION COUNTY

| | |
|---|---|
| Vestring Bros | 29,964 |
| Total payees in county (1) | 29,964 |

M'PHERSON COUNTY

| | |
|---|---|
| Jim Stroble | 20,451 |
| Total payees in county (1) | 20,451 |

MEADE COUNTY

| | |
|---|---|
| W. R. Cottrell | 47,615 |
| Maud Collinwood Est | 39,473 |
| Holmes C. Bender | 38,961 |
| Howard A. Holmes | 32,243 |
| John E. Frazier | 31,193 |
| Boyd Farms Inc | 24,228 |
| Holmes Cattle Co | 23,861 |
| Sam Jenkinson | 22,394 |
| Richard Batman | 22,131 |
| Alva E. Rexford | 21,629 |
| A. W. Batman | 20,059 |
| Total payees in county (11) | 323,787 |

MIAMI COUNTY

| | |
|---|---|
| Lloyd M. Barkis | 23,591 |
| Paul R. Guetterman | 22,291 |
| Total payees in county (2) | 45,882 |

MITCHELL COUNTY

| | |
|---|---|
| Paul Mears | 42,601 |
| Burton L. Richards | 31,772 |
| Guy Noller | 24,874 |
| Miles E. File | 23,233 |
| Neil Fuller & Sons | 22,870 |
| Ogden A. Kadel & Sons | 22,074 |
| Total payees in county (6) | 167,424 |

MONTGOMERY COUNTY

| | |
|---|---|
| Dan R. Thiessen | 24,087 |
| Total payees in county (1) | 24,087 |

MORRIS COUNTY

| | |
|---|---|
| Herington Cattle Co., Inc | 26,891 |
| Total payees in county (1) | 26,891 |

MORTON COUNTY

| | |
|---|---|
| W. J. Light | 42,589 |
| Otis L. Daniels | 31,988 |
| Harold Anderson | 31,303 |
| Leon Jackson | 31,263 |
| Charles Friend | 30,747 |
| Ben D. Ratzlaff | 27,881 |
| J. E. Light | 27,078 |
| Charles Breeding | 26,005 |
| Ralph Breeding | 25,327 |
| William E. Tucker | 25,158 |
| James S. Bitner | 23,820 |
| James Hubbard | 22,074 |
| Albert Clinesmith | 20,628 |
| Milburn Brothers | 20,583 |
| Total payees in county (14) | 386,444 |

NEOSHO COUNTY

| | |
|---|---|
| Wesley Kroeker | 55,915 |
| Bryan Kroeker | 27,526 |
| Wilbur Goley | 26,854 |
| Total payees in county (3) | 110,295 |

NESS COUNTY

| | |
|---|---|
| Frank G. Davison | 29,818 |
| Elmore & Ryan & Sons | 29,545 |
| Humburg Ranch, Inc | 20,857 |
| John Pfaff | 20,756 |
| Total payees in county (4) | 100,976 |

NORTON COUNTY

| | |
|---|---|
| Howard Sumner | 22,206 |
| Barney Hickert | 21,783 |
| Total payees in county (2) | 43,989 |

OSAGE COUNTY

| | |
|---|---|
| David W. Evans | 22,924 |
| Total payees in county (1) | 22,924 |

OSBORNE COUNTY

| | |
|---|---|
| Adrian Schweitzer | 32,882 |
| Max D. Remus | 29,401 |
| Total payees in county (2) | 62,283 |

OTTAWA COUNTY

| | |
|---|---|
| Dick Diedrick | 26,829 |
| Total payees in county (1) | 26,829 |

PHILLIPS COUNTY

| | |
|---|---|
| John B. Wyrill, Jr | 60,102 |
| Cox Farms Inc | 38,562 |
| John B. Wyrill, Sr | 29,593 |
| Nelson Farms Inc | 23,006 |
| Gus Rahjes & Sons Partnership | 20,539 |
| Van Pak Farms | 20,168 |
| Total payees in county (6) | 191,970 |

POTTAWATOMIE COUNTY

| | |
|---|---|
| Pessemier Co., c/o R. Royer | 27,279 |
| Peddicord Bros | 26,306 |
| Conrad Eriksen | 22,683 |
| Total payees in county (3) | 76,268 |

PRATT COUNTY

| | |
|---|---|
| Ronald Hoener | 28,064 |
| Don Fincham | 22,920 |
| Fred H. Kerr | 22,048 |
| Total payees in county (3) | 73,032 |

RAWLINS COUNTY

| | |
|---|---|
| Frisbie, Wheat & | 28,035 |
| O. Audrey Briney | 24,275 |



| | |
|---|---|
| Scott Ranch | 23,495 |
| Archer Farms, Inc | 20,609 |
| Total payees in county (4) | 96,414 |

RENO COUNTY

| | |
|---|---|
| George C. Martin | 27,575 |
| Robert L. acques | 20,049 |
| Total payees in county (2) | 47,624 |

REPUBLIC COUNTY

| | |
|---|---|
| Don Dejmal | 24,092 |
| Total payees in county (1) | 24,092 |

RICE COUNTY

| | |
|---|---|
| Arthur Dobrinski | 24,270 |
| Total payees in county (1) | 24,270 |

ROOKS COUNTY

| | |
|---|---|
| Whisman Bros. A. partnership | 27,170 |
| Earl Sutor | 22,803 |
| Sander Bros | 20,498 |
| Total payees in county (3) | 70,471 |

RUSSELL COUNTY

| | |
|---|---|
| Herman A. Krug & Sons | 29,219 |
| Total payees in county (1) | 29,219 |

SCOTT COUNTY

| | |
|---|---|
| Floyd M. Krebs | 50,895 |
| Bernard I. Rose | 40,206 |
| Hattendorf Bros | 36,474 |
| Keith Janzen | 34,787 |
| Hughes Land & Livestock | 33,916 |
| Marion Hutchins | 32,234 |
| G & D Farms | 31,131 |
| Huck Farms | 30,390 |
| Albert Savolt | 28,079 |
| C. A. Steele & Sons | 28,007 |
| Felt Farms | 27,498 |
| Forest C. Brookover | 26,837 |
| Green Gold, Inc | 25,594 |
| Sunset Farms | 25,214 |
| Luke & Sons, Inc | 24,138 |
| Virgil Stoll | 23,782 |
| Ted E. Crist | 23,642 |
| Jack Corn | 23,631 |
| Edwin Cheney | 23,599 |
| Delmar L. Wesseler | 23,505 |
| Loren Janzen | 23,029 |
| Robinson Farms, Inc | 21,918 |
| F. Duwane Patton | 21,910 |
| T. J. Patton | 21,871 |
| Charles Socoldfsky | 21,868 |
| Otto Geeseka | 21,794 |
| John Lang | 21,402 |
| Iva L. Keyse | 21,392 |
| William D. Krebs | 21,291 |
| Glenn Novak | 21,234 |
| Delmar Huck | 20,868 |
| Wm. G. Carpenter | 20,641 |
| J. R. Orr | 20,155 |
| Total payees in county (33) | 872,932 |

SEDGWICK COUNTY

| | |
|---|---|
| Charles Ott | 20,876 |
| Total payees in county (1) | 20,876 |

SEWARD COUNTY

| | |
|---|---|
| Hitch Lnd Cttl Co | 54,534 |
| Quinton Martin | 42,392 |
| Kenneth Martin | 42,169 |
| Jack R. Massoni | 40,335 |
| Circle Bar Ranch | 32,516 |
| Leroy Stapleton | 31,086 |
| Cline Farms | 28,776 |
| Roger Bird | 27,958 |
| John C. Reimer | 22,920 |
| Total payees in county (9) | 322,686 |

SHERIDAN COUNTY

| | |
|---|---|
| E. A. Baalman & Sons | 74,717 |
| Baalman and Struckhoff, Inc | 37,059 |
| George T. Ziegler | 24,748 |
| John A. Hill | 23,671 |
| Herb Teeter | 23,192 |
| Total payees in county (5) | 183,387 |

SHERMAN COUNTY

| | |
|---|---|
| C. Wilber White | 53,931 |
| Davis Cattle Co., Inc | 45,119 |
| Kenneth House | 42,764 |
| Vernon Irvin | 39,444 |
| Keith Cook | 39,256 |
| Donald Deeds | 38,339 |
| Iron H. Mueller | 37,969 |
| Harold L. Bair | 37,053 |
| John T. Nelson | 33,983 |
| Golden Wheat Ranch | 33,775 |
| Harland J. Taylor | 32,955 |
| Harlan B. House | 32,181 |
| Leroy A. Evert | 31,884 |
| Robert W. Helman | 31,782 |
| Kenneth Armstrong | 30,078 |
| Fred H. Schield | 29,733 |
| John Ralle | 28,569 |
| Jim L. Livengood | 28,377 |
| Marvin Duell | 26,962 |
| Edward L. Meissinger | 26,843 |
| Lazy Heart D. Ranch, Inc | 26,653 |
| Hugh B. Armstrong | 26,642 |
| Marvin R. Matthews | 26,485 |
| Everett L. Craft | 26,457 |
| D. M. Daily | 26,079 |
| B. E. Gannon | 25,965 |
| Jesse L. Craft | 25,769 |
| Briney Farms, Inc | 25,702 |
| J. H. Philbrick | 24,885 |
| Clarence E. Taylor | 24,459 |
| Joe D. Gutsch | 24,293 |
| Jim Flanders | 23,566 |
| Carl A. Duell | 23,182 |
| Lawrence E. House | 23,176 |
| Harry M. Armstrong | 23,082 |
| W. A. Franklin | 22,877 |
| Eugene L. Hall | 22,870 |
| Donald K. Schwendener | 22,401 |
| Richard Pettibone | 21,970 |
| C. L. Silkman Est | 21,783 |
| Arnold Schields | 21,187 |
| Earl Finegan | 20,992 |
| Bill R. Wright | 20,094 |
| Total payees in county (43) | 1,251,566 |

SMITH COUNTY

| | |
|---|---|
| Ferguson Bros | 33,284 |
| Total payees in county (1) | 33,284 |

STAFFORD COUNTY

| | |
|---|---|
| Carl McCune Sons | 25,768 |
| Meryle R. Heyen | 20,755 |
| Total payees in county (2) | 46,523 |

STANTON COUNTY

| | |
|---|---|
| G. H. J. Farms Ltd | 64,374 |
| Lester Canny | 61,039 |
| Max Hume | 46,810 |
| Kendrick Farms | 46,584 |
| Kans. Univ. Endow. Assoc | 44,880 |
| Theodore J. Julian | 43,932 |
| Marion Winger | 42,712 |
| Melvin Winger | 39,566 |
| R. D. Floyd | 39,446 |
| Paul F. Plummer, Jr | 39,219 |
| Robert Seger | 39,021 |
| John Lewis | 37,792 |
| J. A. Ramsay and Sons | 36,867 |
| Charles Lucas | 36,277 |
| Walter Herrick | 34,895 |
| David M. Roach | 33,655 |
| Roger Hurst | 33,197 |
| Herbert Shironaka | 32,918 |
| Guy Rorick | 32,329 |
| John Shore | 31,024 |
| Milt Graber | 28,402 |
| Plummer Hall Farm | 28,072 |
| Loren W. Puyear | 26,565 |
| Cross/Nicholas | 26,085 |
| P. H. Trostle | 25,717 |
| Galen Lane | 24,465 |
| Hobert Stewart | 24,397 |
| Robert Figgins | 23,929 |
| F. G. Collingwood | 23,778 |
| Richard C. Campbell | 23,744 |
| Charles Garey | 23,384 |
| Wendell Tucker | 23,380 |
| Thomas F. Seyb | 23,197 |
| Stanley A. Julian | 22,885 |
| Hoopingarner Brothers | 22,654 |
| Larry Snook | 22,653 |
| Virgil Amos Shepard | 22,653 |
| Nicholas Farms, Inc | 22,608 |
| John S. Wartman | 22,547 |
| Melvin S. Wilson | 22,368 |
| Rozella M. Van Brunt | 22,144 |
| Milton Julian | 22,124 |
| Plummer Irrigation, Co | 21,954 |
| Roger Jones | 21,878 |
| Barber Farms, Inc | 21,474 |
| Olen Warner | 20,997 |
| Lester Stanton and Son | 20,996 |
| O. W. Josserand | 20,386 |
| Robert Martin | 20,267 |
| Irvin Pauls | 20,129 |
| Total payees in county (50) | 1,512,369 |

STEVENS COUNTY

| | |
|---|---|
| Carl N. Brollier | 94,098 |
| Gerald L. Schmidt | 52,478 |
| Warren Spikes | 48,680 |
| Vincent Youngren | 45,729 |
| Kramer Properties | 45,521 |
| Lawrence J. Lightcap | 39,559 |
| Fred Walkemeyer & Son | 39,199 |
| J. I. Cullison | 37,329 |
| Thurow Miller, Inc | 32,931 |
| T. R. Gooch | 32,897 |
| James R. Kapp | 28,137 |
| Wayne Parsons | 27,386 |
| Gordon Bane | 27,219 |
| M. E. Spikes, Inc | 26,717 |
| Glen C. Gaskill | 26,341 |
| Harry C. Morris | 26,302 |
| Paul W. Light | 22,529 |
| Morton Brewer | 21,506 |
| Jack B. Cullison | 21,000 |
| Larry G. Randle | 20,893 |
| Total payees in county (20) | 716,451 |

SUMNER COUNTY

| | |
|---|---|
| Stewart Farm Account | 38,514 |
| Robert Casner | 23,856 |
| Total payees in county (2) | 62,370 |

THOMAS COUNTY

| | |
|---|---|
| Rex Cranston | 34,428 |
| Marshall Farms | 34,203 |
| Paul Dell Est | 33,427 |
| B. A. Hutton | 28,851 |
| Carl B. Stephens | 28,549 |
| Dumler Farms | 28,096 |
| H. & H. Farms, Inc | 26,951 |
| W. E. Cooper | 25,872 |
| Medford Farms, Inc | 25,122 |
| Warren H. Hills | 23,310 |
| Cy Stepper | 22,693 |
| Ernest Schielke | 22,597 |
| Earl W. Dawes | 22,158 |
| Sam Medford | 22,056 |
| Melvin L. Barrett | 21,534 |
| George Wiens | 20,540 |
| John Kriss Farms | 20,400 |
| Total payees in county (17) | 440,787 |

TREGO COUNTY

| | |
|---|---|
| Louis A. Rosproy | 25,106 |
| Total payees in county (1) | 25,106 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Kansas*—Continued

[Amounts in dollars]

WABAUNSEE COUNTY

| | |
|---|---|
| Howard Deiter | 24,263 |
| Total payees in county (1) | 24,263 |

WALLACE COUNTY

| | |
|---|---|
| J. E. Ely est | 55,307 |
| Orville Walker | 43,150 |
| Charles Farms, Inc | 40,328 |
| Harold E. Shuman | 37,729 |
| Edward M. Waugh | 36,838 |
| Frasier Farms | 35,406 |
| Robert McKinney | 34,873 |
| Gareth J. McFadden | 34,114 |
| Guy D. Bolen | 28,456 |
| Charles Pearce | 28,099 |
| Russell I. Unruh | 27,339 |
| H. C. & M. Wilson | 26,912 |
| N. D. Sexson | 26,300 |
| Floyd Larson | 25,157 |
| Herbert Peterman | 24,969 |
| W. C. Diacon | 23,973 |
| W. O. Smotherman | 23,570 |
| Janet Garvey Sawyer | 23,458 |
| William V. Mai | 23,076 |
| Wm. H. Akers | 23,073 |
| Alan Waugh | 22,618 |
| Vernon L. Popp | 22,512 |
| John F. Stoskopf | 21,935 |
| Harold Cloyd | 21,900 |
| Donald E. Fletcher | 21,429 |
| Robert M. Waugh | 21,213 |
| R. D. Walker, Inc | 20,713 |
| Loid Koehn | 20,541 |
| Wayne Woodmancy | 20,292 |
| Dale K. Cloyd | 20,018 |
| Total payees in county (30) | 834,498 |

WASHINGTON COUNTY

| | |
|---|---|
| Herman Botts | 68,924 |
| Arbuthnot Farms, Inc | 21,112 |
| Total payees in county (2) | 90,036 |

WICHITA COUNTY

| | |
|---|---|
| Jaeger Farms | 70,296 |
| Glee S. Smith | 46,946 |
| Walter Gorsuch and Son | 44,382 |
| J. W. Zellner | 43,078 |
| Leonard F. Harper | 41,665 |
| Gerald Smith | 40,636 |
| Eugene Berning | 35,374 |
| Edna Collingwood Trust | 35,334 |
| Freddie Brewer | 29,294 |
| Ralph Copeland | 26,254 |
| Robert Bergh | 23,289 |
| Melvin O. Nuss | 23,181 |
| Ted E. Dye | 22,768 |
| Edmund Berning | 22,751 |
| Arthur Kalbach | 22,092 |
| Willard D. Kalbach | 21,665 |
| Victor Graff | 21,278 |
| Willis H. Marcy | 20,864 |
| Justin V. Graff | 20,226 |
| Total payees in county (19) | 611,353 |

WOODSON COUNTY

| | |
|---|---|
| Tommy Kee | 31,588 |
| H. W. Pierpoint | 27,826 |
| Total payees in county (2) | 59,414 |
| Total payees in State (540) | 15,797,148 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Kentucky*

[Amounts in dollars]

BALLARD COUNTY

| | |
|---|---|
| James Wilson | 25,237 |
| Vernon Dulworth | 20,885 |
| Total payees in county (2) | 46,122 |

CHRISTIAN COUNTY

| | |
|---|---|
| Loyd W. Ford | 21,048 |
| Total payees in county (1) | 21,048 |

DAVIESS COUNTY

| | |
|---|---|
| William Miles | 24,689 |
| Total payees in county (1) | 24,689 |

FULTON COUNTY

| | |
|---|---|
| James E. White | 40,140 |
| Sanger Farms, Inc | 33,786 |
| Morrow Bros | 32,563 |
| Joe Lattus | 23,973 |
| Foster & Provow | 22,494 |
| Total payees in county (5) | 152,956 |

HARDIN COUNTY

| | |
|---|---|
| Dixie Stock Farms | 24,976 |
| Total payees in county (1) | 24,976 |

HENDERSON COUNTY

| | |
|---|---|
| Reynolds Metals Co | 42,387 |
| S. S. Wathen | 28,926 |
| James C. Ellis Est | 27,483 |
| Total payees in county (3) | 98,796 |

HICKMAN COUNTY

| | |
|---|---|
| Larkins Bros | 36,851 |
| Total payees in county (1) | 36,851 |

LIVINGSTON COUNTY

| | |
|---|---|
| Bohannon Farms, Inc | 23,802 |
| Total payees in county (1) | 23,802 |

TRIGG COUNTY

| | |
|---|---|
| S. D. Broadbent, Jr | 39,924 |
| Cundiff Farms | 20,678 |
| Total payees in county (2) | 60,602 |

UNION COUNTY

| | |
|---|---|
| W. A. Anderson | 37,894 |
| Leo Gough | 25,899 |
| Aluminum Co. of America | 21,879 |
| Total payees in county (3) | 85,672 |
| Total payees in State (20) | 575,514 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Louisiana*

[Amounts in dollars]

ACADIA COUNTY

| | |
|---|---|
| Henry Cormier | 21,935 |
| Isaac I. Richard | 20,630 |
| Total payees in county (2) | 42,565 |

ASCENSION COUNTY

| | |
|---|---|
| Lemann & Thibaut, Inc | 25,362 |
| Palo Alto, Inc | 24,038 |
| Peytavin Fm. Co. & Minnie, Inc | 23,728 |
| Total payees in county (3) | 73,128 |

ASSUMPTION COUNTY

| | |
|---|---|
| Churchill & Thibaut | 61,952 |
| Savoie Industries | 58,700 |
| Tex Emma, Inc | 49,591 |
| Dugas & Leblanc Ltd | 44,352 |
| Est. E. G. Robichaux | 43,596 |
| B. & D. Thibaut | 34,368 |
| Lillie Belle Arcement | 29,274 |
| Harang Farms, Inc | 28,857 |
| Dugas & Leblanc Ltd | 22,197 |
| Total payees in county (9) | 372,887 |

AVOYELLES COUNTY

| | |
|---|---|
| Haas Inv. Co., Inc | 51,016 |
| Jessie Willis | 41,209 |
| C. W. Tebow | 40,011 |
| John V. Coco | 39,796 |
| Darrell Lemoine | 36,849 |
| Otis R. Mitchell | 27,786 |
| Orney Dauzat | 25,084 |
| J. B. Luke | 24,730 |
| Webster Guillot | 24,020 |
| E. A. Townsend & F. C. Townsend | 22,664 |
| Harris J. Turner | 22,190 |
| Total payees in county (11) | 355,355 |

BOSSIER COUNTY

| | |
|---|---|
| Milton Pittman | 56,379 |
| R. J. Viola | 54,277 |
| Joe Clark | 51,808 |
| W. F. Nicholson | 37,039 |
| O. L. Gore, Jr | 30,426 |
| I. W. Whittington, Jr | 29,150 |
| J. N. Averett | 28,680 |
| John D. Bundy | 27,604 |
| T. C. Pearson, Jr | 27,467 |
| Henry L. Cox | 25,952 |
| C. H. Lyons, III | 25,095 |
| Randal H. Lefler | 25,095 |
| Franklin D. Roemer | 25,059 |
| Scopena Plantation | 25,095 |
| C. E. Roemer, III | 25,095 |
| Elmer L. Spears | 25,010 |
| B. H. Snyder | 24,484 |
| Fred E. Wemple, Jr | 23,508 |
| R. T. Stinson | 23,358 |
| Atkins and Sonnier | 21,095 |
| Tim White | 20,502 |
| The Rosedale Corp | 20,280 |
| J. D. Youngblood, Jr | 20,274 |
| C. Kenneth Smith | 20,274 |
| Marvin McCalman | 20,024 |
| Total payees in county (25) | 713,066 |

CADDO COUNTY

| | |
|---|---|
| Dalton R. Pittman | 60,039 |
| A. C. Dominick, Jr | 56,499 |
| Sam W. Smith, Jr | 55,767 |
| L. R. Kirby, Jr | 55,000 |
| Dan P. Logan | 53,396 |
| G. A. Frierson | 50,136 |
| C. N. Frierson | 50,136 |
| L. S. Frierson, Jr | 46,584 |
| Dan P. Logan, Jr | 46,368 |
| G. W. Vanhoose, Sr | 43,847 |
| G. W. Vanhoose, Jr | 43,144 |
| Carroll W. & Malcolm W. Feist | 42,084 |
| Bryan Connell | 41,826 |
| A. L. Sentell | 41,004 |
| C. M. Hutchinson, Jr | 40,635 |
| Floyd E. & Ray Volentine | 36,145 |
| J. L. Teer | 36,344 |
| Jack F. Shaw | 35,972 |
| Underwood Farms, Inc | 35,961 |
| Margaret Ingram | 35,961 |
| Bruce Lynn | 35,861 |
| R. L. Nance, Jr | 34,975 |
| T. A. Tinsley | 34,299 |
| Robert A. Stinson | 33,889 |
| Tommy G. Stinson | 33,889 |
| E. R. Cupples | 32,983 |
| Robinson Co | 31,130 |
| Paul Dominick | 30,971 |
| Paul Dominick, Jr | 30,963 |
| Chris Dominick | 30,963 |
| Yearwood Bros | 30,691 |
| Jasper, Lynn | 30,177 |
| W. L. Sibley | 29,303 |
| J. W. Glassell | 28,579 |
| W. M. Yarbrough | 26,261 |
| J. H. Gardner | 26,383 |
| Malcolm Dutton | 26,112 |
| W. A. Shaw | 25,077 |
| Leo Ducote | 23,926 |
| W. J. James | 23,846 |
| Doles Farms | 23,402 |
| M. A. Roberson | 22,781 |
| R. R. McKinney | 22,433 |
| Irene Bruce Lynn | 21,899 |
| M. P. Connell | 21,399 |



| | |
|---|---|
| Tom P. Moore, Jr | 20,334 |
| Cecilia E. Smith | 20,160 |
| Total payees in county (47) | 1,663,534 |

CALDWELL COUNTY

| | |
|---|---|
| Lelon Kenney | 46,246 |
| Rowland Bros | 32,305 |
| Mann and Jackson | 28,747 |
| Jack Keahey | 26,140 |
| Hijenio Guerrero | 24,269 |
| Olan L. Rucker | 23,866 |
| Charles F. Page, Jr | 22,198 |
| Chester Ellis | 22,196 |
| R. B. McClanahan | 22,038 |
| U. M. Youngblood | 21,856 |
| Charlie M. Rowland | 21,379 |
| Total payees in county (11) | 293,240 |

CATAHOULA COUNTY

| | |
|---|---|
| Jimmy Goode | 55,987 |
| William A. Yarbrough | 55,530 |
| Gregory C. West | 55,513 |
| A. Eugene Yarbrough | 55,408 |
| George Yarbrough | 55,391 |
| Harry Goode | 55,000 |
| R. M. Hammons | 38,249 |
| Smithland Pltg. Co | 38,144 |
| J. Z. Stutson | 24,173 |
| J. C. Thompson | 23,398 |
| Wayne Crawford | 21,352 |
| W. S. Peck, Jr | 20,366 |
| Total payees in county (12) | 498,511 |

CLAIBORNE COUNTY

| | |
|---|---|
| B. G. Sanders | 24,929 |
| Total payees in county (1) | 24,929 |

CONCORDIA COUNTY

| | |
|---|---|
| Panola Land Dev. Co | 54,242 |
| P. L. Rountree, Jr | 44,798 |
| Burley and Schiele | 43,717 |
| B. U. Miller | 41,457 |
| Max Huff | 35,672 |
| Tommy F. Dennig | 29,585 |
| Mossgell Pltn | 27,400 |
| D. A. Biglane | 26,835 |
| Willard Schuchs | 26,055 |
| R. S. Rife, Jr | 24,378 |
| R. T. Harriss Estate | 24,075 |
| Lucerna Planting Co | 23,939 |
| Sam Calvert Sons, Inc | 23,916 |
| Rota Quinta Plantation | 20,268 |
| Total payees in county (14) | 446,337 |

DE SOTO COUNTY

| | |
|---|---|
| James F. McMullen | 47,658 |
| J. M. Pratt, Jr | 25,849 |
| Total payees in county (2) | 73,507 |

E. CARROLL COUNTY

| | |
|---|---|
| Houston Condrey | 54,995 |
| Jack S. Hamilton, Inc | 54,463 |
| H. D. Harvey | 54,169 |
| Gilfoil Farms, Inc | 53,925 |
| Philip Brown | 50,306 |
| Keener Howard | 50,275 |
| Pearson Farm Corp | 50,006 |
| W. T. Presley | 46,745 |
| Way Away, Inc | 46,140 |
| Wendell Downen | 44,208 |
| Doris Plantation | 44,053 |
| F. H. Schneider, III | 41,136 |
| H. H. Howington, Jr | 40,114 |
| Blair Plantation | 39,671 |
| Rodney Fortenberry | 37,314 |
| Edward Burgess | 36,332 |
| John Hankins | 35,043 |
| Thomas H. Shields, Jr | 33,898 |
| James Shepherd | 32,547 |
| Bernard Rosenzweig | 31,518 |
| W. H. Bullock | 30,885 |
| Mack L. Howington | 29,715 |
| James E. Howington | 29,712 |
| Richard Howard | 28,906 |
| C. B. Thompson, Jr | 26,069 |
| Elaine C. Fortenberry | 25,940 |
| W. H. Crews | 25,827 |
| Eugene Barham | 25,778 |
| David Harvey | 24,686 |
| Howell Pippin | 23,897 |
| Troyce Dukes | 23,738 |
| Wallace N. Oliver | 23,624 |
| L. W. Baker | 23,622 |
| Ted J. Oliver | 23,619 |
| Reynold Minsky | 23,538 |
| Amos Kent Amacker, III | 22,854 |
| Roy Burgess, Jr | 22,755 |
| George R. Wise | 22,715 |
| Reese Coleman | 21,477 |
| Michael Brown | 21,477 |
| Jack Brown | 21,470 |
| J. E. Brown | 21,470 |
| Labane Clement | 20,730 |
| R. W. Fletcher | 20,718 |
| Total payees in county (44) | 1,462,082 |

EVANGELINE COUNTY

| | |
|---|---|
| Ulyses Lee McDaniel | 23,758 |
| Charley Boutte | 20,004 |
| Total payees in county (2) | 43,762 |

FRANKLIN COUNTY

| | |
|---|---|
| Gerald Sadler | 55,298 |
| Carroll Jordan | 54,467 |
| Riley H. Graham | 50,401 |
| Carl D. Batey | 47,266 |
| Earl Corrall | 41,347 |
| M. R. Young | 40,054 |
| Beal & Bringol | 36,797 |
| Owen Corporation | 35,489 |
| C. J. Grayson | 33,987 |
| Larry T. Sadler | 31,287 |
| Gilbert M. Hammons | 30,169 |
| Johnny Carroll | 28,681 |
| Bruce Bailey | 28,062 |
| Charlie W. Stephens | 26,424 |
| O. D. Johnson | 26,270 |
| B. C. Kimble, Jr | 25,701 |
| William G. Bixler | 24,225 |
| G. A. Price | 23,910 |
| Eugene Robinson | 23,532 |
| L. Aubrey Kincaid | 22,786 |
| W. M. Snyder, Jr | 22,694 |
| J. A. Morgan | 22,389 |
| J. B. Eley Farms | 22,289 |
| J. Aubrey Browder | 21,005 |
| H. B. Wallace | 20,648 |
| Donnie McMurray | 20,541 |
| W. T. Neal | 20,323 |
| Allen Newman | 20,271 |
| Lantz Womack | 20,262 |
| James M. Valentine | 20,135 |
| T. J. Martin, Jr | 20,084 |
| Total payees in county (31) | 916,794 |

GRANT COUNTY

| | |
|---|---|
| Gordon Randolph | 47,062 |
| Wallace E. Summerford | 30,535 |
| Pamiro Plantation | 23,887 |
| Total payees in county (3) | 101,484 |

IBERIA COUNTY

| | |
|---|---|
| Sterling Sugars, Inc | 130,658 |
| Duhe Bros. Pltg. Co | 32,217 |
| M. A. Patout & Son Ltd | 27,267 |
| W. C. Lanie & Sons, Inc | 23,792 |
| East Linden Farms | 23,778 |
| D. & A. Gonsoulin & Blanchard | 21,747 |
| J. Paulin Duhe, Inc | 21,225 |
| Total payees in county (7) | 280,684 |

IBERVILLE COUNTY

| | |
|---|---|
| A. Wilberts Sons L/S Co | 63,583 |
| J. Supples Sons Pltg Co., Ltd | 31,168 |
| Wm. T. Burton Inds., Inc | 28,679 |
| E. J. Gay P/M Co., Ltd | 25,471 |
| C. Schexnayder/Co | 21,067 |
| J. G. Rivet/Sons, Inc | 20,853 |
| Total payees in county (6) | 190,821 |

LAFAYETTE COUNTY

| | |
|---|---|
| Youngs Industries, Inc | 26,909 |
| Rodney Trahan | 21,135 |
| Total payees in County (2) | 48,044 |

LAFOURCHE COUNTY

| | |
|---|---|
| Valentine Sugars, Inc | 55,317 |
| J. B. Levert Land Co | 37,347 |
| William Scully | 22,808 |
| Wilson Melancon | 22,406 |
| Arabie S. Farm | 22,095 |
| Webre Farms | 21,074 |
| Total payees in county (5) | 181,047 |

MADISON COUNTY

| | |
|---|---|
| Deltic Farm & Timber Co., Inc | 65,826 |
| E. S. Moberley | 61,029 |
| Dudley Pillow, Sr | 52,124 |
| Dudley Pillow, Jr | 49,624 |
| E. C. Woodyear | 43,958 |
| Nellise Farms, Inc | 38,384 |
| Elton Fortenberry | 37,280 |
| M. C. Sevier | 33,444 |
| Albert H. Paxton | 31,796 |
| Locust Grove Pltn | 29,820 |
| Killarney Plantation | 26,480 |
| C. E. Jobe | 25,555 |
| Harry Barrett | 25,253 |
| Boby Joe Lee | 25,079 |
| Robert Graves | 23,948 |
| Edward M. Yerger | 22,299 |
| Richland Foster, Inc | 22,290 |
| J. M. Gilfoil | 22,075 |
| Howard Sevier | 20,583 |
| Ray Fortenberry | 20,026 |
| Total payees in county (20) | 676,873 |

MOREHOUSE COUNTY

| | |
|---|---|
| W. C. Norsworthy | 56,580 |
| Ivan Morris, Jr | 55,229 |
| I. O. Morris | 55,000 |
| Erle M. Barham | 54,540 |
| J. D. McAdams | 54,519 |
| Barham, Inc | 54,511 |
| F. Earl Hogan | 54,158 |
| B. B. Hunt, Jr | 53,465 |
| Conrad Stallings | 52,424 |
| Duke Shackelford | 51,436 |
| W. T. Blackwell, Jr | 50,563 |
| Bob Erle Clark | 50,432 |
| James A. Brown | 50,003 |
| James U. Yeldell, Jr | 49,285 |
| Don Sims | 47,152 |
| James O. Pearson | 43,836 |
| C. L. Clark, Jr | 42,153 |
| J. A. Davenport III | 41,529 |
| William Davenport | 41,529 |
| Joe Monroe Mott | 41,089 |
| King Mott | 40,118 |
| David Doles, Jr | 39,998 |
| H. H. Humphreys, Jr | 38,446 |
| Cecil Harp | 38,230 |
| Neil W. Mott, Jr | 37,624 |
| Luther Allen Day, Jr | 37,151 |
| C. E. Shepard | 36,178 |
| Kelly Bros | 35,097 |
| John M. Yeldell | 34,561 |
| Maple Co., Inc | 33,513 |
| Kenneth R. Brodie | 33,507 |
| Kimball Est | 33,041 |
| Bolin Farms | 31,412 |
| N. W. Mott | 30,427 |
| Wesley Bunch | 29,978 |
| Elton Kennedy | 29,307 |
| John S. Barr, III | 28,472 |
| John S. Barr, Jr | 28,083 |
| Wayne J. McDonald, Jr | 27,854 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Louisiana—Continued*

[Amounts in dollars]

MOREHOUSE COUNTY—continued

| | |
|---|---|
| Joe S. Carter, Jr | 27,623 |
| W. H. Parker | 27,588 |
| J. B. Newman | 26,642 |
| G. L. Shepard | 26,305 |
| Thomas West Barham | 25,877 |
| Erle Edwards Barham | 25,877 |
| John Knox Nunn | 24,924 |
| Henry Ferrell, Jr | 24,692 |
| Clayton Haynes | 23,751 |
| Johnnie Kovac, Jr | 23,450 |
| Sherrod T. McKoin, Jr | 23,362 |
| W. T. Doles | 23,127 |
| Thomas H. B. Rankin | 22,883 |
| David Pipes | 22,646 |
| Carl N. Wright | 22,644 |
| Edmond Loyd Robertson | 22,624 |
| Thelbert Bunch | 22,621 |
| H. A. Pipes, Jr | 22,331 |
| Zelma P. Milliken | 22,325 |
| Caleb Pipes | 22,324 |
| J. B. Holley | 22,062 |
| Duc Nat, Bk. Tr | 21,882 |
| B. L. Lucas | 21,618 |
| R. Mardis Est. % R. C. Mardis | 20,494 |
| Norman McDuffie | 20,208 |
| Total payees in county (64) | 2,232,310 |

NATCHITOCHES COUNTY

| | |
|---|---|
| James R. Stacy | 58,749 |
| J. Alton Lambre | 55,985 |
| Murry Lambre | 55,802 |
| J. H. Williams | 55,000 |
| Ralph C. Ingram, Jr | 53,411 |
| Starlight Plantation | 48,690 |
| Mack James | 48,353 |
| Bayou Camitte Plantation | 47,719 |
| Don Ater | 47,002 |
| Russell M. Cook | 46,570 |
| Richard L. Williamson | 44,673 |
| R. B. Dalme | 43,583 |
| Est. of H. Cohen & Sons | 41,481 |
| O. R. Miller, Jr | 38,507 |
| Est. of Sarah J. Hertzog | 36,418 |
| Est. of J. C. Carnahan | 35,539 |
| Paul E. Messenger | 32,141 |
| U. V. Durr | 31,938 |
| Kenneth Prudhomme | 31,384 |
| J. Alphonse Prudhomme, Jr | 31,384 |
| Lewis E. Jones, Jr | 31,059 |
| Sam H. Hill & Son | 27,506 |
| Desiree C. Prudhomme | 26,563 |
| Herman Taylor, Jr | 26,144 |
| Allen Thomas | 25,427 |
| Deloy Blewer | 25,205 |
| G. C. Messenger | 25,075 |
| John T. Batten, Jr | 24,754 |
| Henry Lemoine | 24,045 |
| Roque Brothers | 23,007 |
| Total payees in county (30) | 1,141,114 |

OUACHITA COUNTY

| | |
|---|---|
| J. B. Johnston, Jr | 55,082 |
| W. A. & T. A. Calloway | 54,161 |
| J. A. Moore | 49,315 |
| T. B. Howard Farms, Inc | 47,987 |
| A. C. Ransom & Son | 47,326 |
| C. M. McMullen | 40,633 |
| Fred W. Huenefeldt | 32,688 |
| Shelby B. Lenard | 32,087 |
| Robert W. Willis | 31,100 |
| Emmit Lee | 30,327 |
| Frank Mardis | 29,480 |
| Glen Crossley | 28,968 |
| R. Z. Johnson | 28,451 |
| Kenneth Anderson | 27,646 |
| John H. Filhiol | 27,578 |
| George P. Smelser | 25,898 |
| T. A. Calloway | 25,165 |
| J. M. Pratt, Sr | 25,157 |
| J. T. Lee | 24,984 |
| Bruce F. Gregg | 24,409 |
| Wm. King Stubbs | 23,323 |
| M. L. Mason | 22,175 |
| Tom Pete Godwin | 22,175 |
| James H. Pender | 21,086 |
| Total payees in county (24) | 777,181 |

POINTE COUPEE COUNTY

| | |
|---|---|
| Alma Plantation, Ltd | 42,391 |
| Couvillion Bros | 26,643 |
| Richard Glynn | 21,722 |
| J. G. Beaud | 21,542 |
| Total payees in county (4) | 112,298 |

RAPIDES COUNTY

| | |
|---|---|
| Frank J. Dautremont | 55,717 |
| Inglewood Ld & Dev Co | 50,111 |
| Henry C. Boone, Jr | 33,541 |
| Greenwood Plantation | 29,221 |
| John H. Robert | 28,815 |
| Edward W. Lyles | 28,124 |
| Well Company, Inc | 26,890 |
| Lucien A. Branch, Jr | 25,421 |
| Carpenter and Jackson | 25,394 |
| Charles F. Galennie | 25,150 |
| Louis A. Marien | 25,114 |
| R. M. C. Duncan | 24,964 |
| Woodrow W. Carter | 24,118 |
| M. E. Allen Farms | 23,227 |
| Ferdinand Vandevelde, Jr | 23,204 |
| Woodrow Dewitt | 23,094 |
| Harvey E. Harper | 22,914 |
| Witchwood Plantation | 22,873 |
| Richard C. Hargis | 22,313 |
| Roy A. James | 21,021 |
| James A. Cruikshank | 20,225 |
| Total payees in county (21) | 581,451 |

RED RIVER COUNTY

| | |
|---|---|
| Saline Lake Farms, Inc | 55,729 |
| R. C. Legrand | 50,074 |
| J. T. Bierden, Jr | 46,035 |
| F. I. Waltman | 38,200 |
| Larry Bundrick | 30,213 |
| Ed F. Lester, Jr | 28,243 |
| Paul Bundrick | 25,366 |
| Cleo G. Wood & Son | 24,581 |
| Burnell Webb | 20,984 |
| Creighton Webb | 20,484 |
| Total payees in county (10) | 339,909 |

RICHLAND COUNTY

| | |
|---|---|
| C. H. Travis, Jr | 54,898 |
| C. W. Pardue Estate | 53,782 |
| K. E. McDonald, Jr | 44,073 |
| Robertine R. Cobb | 43,723 |
| Goldmine Pit | 42,347 |
| Edward E. Holley | 42,295 |
| O. G. Morris | 42,281 |
| Geo. B. Franklin & Son, Inc | 40,273 |
| Pennzoil Producing, Inc | 39,857 |
| W. F. Finley, Jr | 39,702 |
| Dallas Thomason | 39,648 |
| Jane R. Oliver | 39,605 |
| Riverbend Farms, Inc | 39,173 |
| Hulen Allen | 35,467 |
| Charles D. Ware | 34,110 |
| C. L. Morris | 32,350 |
| Francis V. Jordan | 31,866 |
| J. F. Tarver | 30,964 |
| J. B. Ratcliff | 29,454 |
| C. W. Earles Estate | 28,553 |
| W. H. Hubbard | 28,229 |
| Earl Patrick | 25,579 |
| Bruce Busbice | 25,502 |
| James F. Parrish | 25,179 |
| Ralph Powell | 25,002 |
| Roy Weston | 24,708 |
| Guy C. Pardue | 24,005 |
| R. L. Bell and Sons | 23,380 |
| Charles A. Black | 22,880 |
| G. C. Hill, Jr | 22,878 |
| W. C. Cooper | 22,586 |
| N. E. Thames | 22,228 |
| Pat H. Earle | 21,615 |
| Claude Morgan | 21,243 |
| C. M. Noble, Jr | 20,759 |
| Donald Chapman | 20,678 |
| J. U. Douciere | 20,209 |
| W. W. Holley | 20,153 |
| Total payees in county (38) | 1,201,234 |

ST. CHARLES COUNTY

| | |
|---|---|
| Douglas J. Arabie | 22,332 |
| Total payees in county (1) | 22,332 |

ST. JAMES COUNTY

| | |
|---|---|
| Southdown Land Co | 195,518 |
| Graugnard Farms | 50,060 |
| Charles & O. J. Gravois | 23,362 |
| Schexnayder Farms | 22,328 |
| Uncle Sam Pltg. Co | 21,504 |
| Homeplace Pltg. Co | 20,689 |
| Jules A. Dornier & Co | 20,336 |
| Total payees in county (7) | 353,797 |

ST. JOHN THE BAPTIST COUNTY

| | |
|---|---|
| Caire & Graugnard | 66,939 |
| T. Lanaux Son | 27,699 |
| Terre Haute Plantation, Inc | 20,167 |
| Total payees in county (3) | 114,805 |

ST. LANDRY COUNTY

| | |
|---|---|
| J. A. Pickett | 49,366 |
| Nick D. Dubuisson | 41,106 |
| Hudspeth Bros | 37,672 |
| Deland Plantation, Inc | 37,467 |
| Stanley Doucet | 29,586 |
| Sam Yander | 28,712 |
| Louis Burleigh | 26,168 |
| K. H. and R. L. Gordon Plant, Inc | 25,050 |
| Richard Sanders | 23,018 |
| Melvin Solleau | 22,996 |
| Estate of Martile G. Cannatella | 20,977 |
| R. C. Lowrey | 20,491 |
| Deneyne Farms | 20,452 |
| Joseph A. Cannatella | 20,143 |
| Total payees in county (14) | 403,204 |

ST. MARTIN COUNTY

| | |
|---|---|
| Levert St. John, Inc | 61,355 |
| Willis Brothers | 37,199 |
| Regis LaGrange | 22,043 |
| Bernard Brothers | 20,981 |
| Total payees in county (4) | 140,678 |

ST. MARY COUNTY

| | |
|---|---|
| Harry L. Laws & Co., Inc | 63,546 |
| A. V. Allain & Sons, Inc | 34,713 |
| Patout Roane, Inc | 34,415 |
| Katy Plantation | 31,919 |
| Cypremort Farms, Inc | 31,815 |
| Sunrise Planting Corp | 26,713 |
| Shadyside Co., Ltd | 25,674 |
| The Maryland Co., Inc | 23,133 |
| Frank Martin Farms, Inc | 22,909 |
| P. J. Degravelles, Inc | 20,927 |
| Total payees in county (10) | 315,764 |

TENSAS COUNTY

| | |
|---|---|
| Panola Co | 68,230 |
| Frank Burnside | 53,855 |
| Wade Vinson, Jr | 45,895 |
| G. C. Goldman | 45,771 |
| Cypress Grove Pltn | 38,786 |
| Lake Bruin Development Corp | 36,711 |
| R. E. Lancaster, Jr | 36,126 |
| J. C. Crigler | 30,184 |
| Jim Huff | 29,842 |
| Russell Ratcliff | 29,831 |
| Mary T. Maier | 28,811 |
| John D. Trimble, Jr | 28,811 |
| Jean T. Turner | 28,811 |
| Bettie T. Mabray | 28,811 |
| H. C. Miller III | 28,730 |
| Virginia Wilkerson | 28,251 |
| J. R. Coor | 27,636 |



| | |
|---|---|
| Ricky Condrey | 26,897 |
| R. L. Choat | 26,660 |
| Louisiana Dutch Gardens, Inc | 26,632 |
| W. B. McDonald | 26,360 |
| E. R. McDonald, Jr | 26,360 |
| E. R. McDonald, Sr | 26,360 |
| Jack Day | 25,407 |
| Lakeplace Pltn | 23,433 |
| Monticello Pit Co | 23,417 |
| Elk Ridge Pltn | 22,759 |
| Osceola Pltn | 22,669 |
| Ed Y. Berry | 22,237 |
| George Bagley | 22,212 |
| Mid Delta Land Co | 21,051 |
| Clifford Pearce | 20,790 |
| Fred M. Miller | 20,213 |
| Total payees in county (33) | 998,549 |

TERREBONNE COUNTY

| | |
|---|---|
| The South Coast Corp | 315,795 |
| Prentice Oil & Gas Co | 28,865 |
| Total payees in county (2) | 344,660 |

UNION COUNTY

| | |
|---|---|
| E. R. Rogers | 28,974 |
| Total payees in county (1) | 28,974 |

WEST BATON ROUGE COUNTY

| | |
|---|---|
| Milliken & Farwell, Inc | 77,106 |
| Poplar Grove Pltg/Ref Co | 51,297 |
| Margaret Pltn | 32,697 |
| Devall Co., Inc | 25,491 |
| Total payees in county (4) | 186,591 |

WEST CARROLL COUNTY

| | |
|---|---|
| Claude M. Crowe | 55,021 |
| Larry Crowe | 55,021 |
| Murray C. Crowe | 51,699 |
| Eugene A. Harper | 35,157 |
| Total payees in county (4) | 196,898 |

WEST FELICIANA COUNTY

| | |
|---|---|
| Louisiana State Penitentiary | 121,914 |
| Total payees in county (1) | 121,914 |
| Total payees in State (533) | 18,072,313 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Maryland*

[Amounts in dollars]

CECIL COUNTY

| | |
|---|---|
| Walter Drummond | 36,605 |
| Spry Bros | 26,383 |
| Total payees in county (2) | 62,988 |

KENT COUNTY

| | |
|---|---|
| Edwin C. Fry | 33,084 |
| Marion S. Townsend, Sr | 21,188 |
| Owings and Sons Inc | 20,990 |
| Total payees in county (3) | 75,262 |

MONTGOMERY COUNTY

| | |
|---|---|
| E. Brooke Lee | 21,750 |
| Total payees in county (1) | 21,750 |

QUEEN ANNES COUNTY

| | |
|---|---|
| Hunt Ray Farms | 29,328 |
| Walter Schmidt | 23,036 |
| Total payees in country (2) | 52,364 |

TALBOT COUNTY

| | |
|---|---|
| I. R. Swann | 48,341 |
| J. O. Brooks | 28,557 |
| M. E. Collins | 27,053 |
| E. Boyd | 20,467 |
| Total payees in county (4) | 124,418 |
| Total payees in state (12) | 336,782 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Massachusetts*

[Amounts in dollars]

MIDDLESEX COUNTY

| | |
|---|---|
| Merrimack Vall Apiar, Inc | 20,895 |
| Total payees in county (1) | 20,895 |
| Total payees in State (1) | 20,895 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Michigan*

[Amounts in dollars]

BERRIEN COUNTY

| | |
|---|---|
| P. J. Walton | 23,813 |
| Total payees in county (1) | 23,813 |

CASS COUNTY

| | |
|---|---|
| Donald McKenzie | 29,774 |
| Gerald Wright | 24,519 |
| Totay payees in county (2) | 54,293 |

INGHAM COUNTY

| | |
|---|---|
| Jerry Jorgenson | 24,766 |
| Lyle Oesterle | 24,389 |
| Total payees in county (2) | 49,155 |

JACKSON COUNTY

| | |
|---|---|
| Calderone Curran Ranches | 42,181 |
| Total payees in county (1) | 42,181 |

LENAWEE COUNTY

| | |
|---|---|
| Schwyn Bros | 27,709 |
| Kitty Kurtis Inc | 24,671 |
| Richard Walters | 24,540 |
| William Goetz | 24,350 |
| George Vanhaerents | 23,715 |
| Victor Knierim | 23,354 |
| H H Driggs Dairy | 20,928 |
| Total payees in county (7) | 169,267 |

MONROE COUNTY

| | |
|---|---|
| Albert Heath | 49,424 |
| Dusseau Farms & C Dusseau | 24,325 |
| Paul Piehl | 22,628 |
| Gerald Heath | 22,216 |
| Albert Heath, Jr | 22,134 |
| Total payees in county (5) | 140,727 |

OAKLAND COUNTY

| | |
|---|---|
| Joseph Beckham | 67,577 |
| Total payees in county (1) | 67,577 |

SAGINAW COUNTY

| | |
|---|---|
| Frank Kunik Farms Inc | 27,090 |
| Melvin Price | 20,206 |
| Total payees in county (2) | 47,296 |

ST. JOSEPH COUNTY

| | |
|---|---|
| Fairgrove Farms | 20,620 |
| Total payees in county | 20,620 |
| Total payees in State (22) | 614,929 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Minnesota*

[Amounts in dollars]

BECKER COUNTY

| | |
|---|---|
| Loren Jetvig | 38,780 |
| Total payee in county (1) | 38,780 |

BIG STONE COUNTY

| | |
|---|---|
| Lismore Stock Farm | 30,803 |
| Vincent Stegner | 20,245 |
| Total payees in county (2) | 51,048 |

BLUE EARTH COUNTY

| | |
|---|---|
| Dale Duncanson | 29,499 |
| Kenneth Hiniker | 25,956 |
| Robert Kreuer | 25,653 |
| Lowell Lindeland | 22,704 |
| Total payees in county (4) | 103,812 |

BROWN COUNTY

| | |
|---|---|
| Lester B. Krueger | 31,122 |
| Ted Anderson | 21,910 |
| Total payees in county (2) | 53,032 |

CARVER COUNTY

| | |
|---|---|
| Jonathan Serv. Inc | 30,331 |
| Total payees in county (1) | 30,331 |

CHIPPEWA COUNTY

| | |
|---|---|
| Wayne Schwitters | 20,387 |
| Total payees in county (1) | 20,387 |

CLAY COUNTY

| | |
|---|---|
| Valan Seed Farm Inc | 47,977 |
| Paul Horn Farms, Inc | 44,819 |
| Dullea Co., Inc | 38,754 |
| Benedict Farms, Inc | 34,502 |
| Warren Wear | 29,270 |
| Russell Bekkerus | 24,148 |
| Max Goldberg | 24,119 |
| Ronald Offutt, Jr | 23,206 |
| Harold Helmeke | 23,109 |
| Robert C. Hastings | 23,006 |
| Glyndon Farms, Inc | 22,072 |
| Herman Lee | 21,972 |
| Frank Thompson and Sons, Inc | 21,557 |
| Walter Nyquist and Sons | 21,495 |
| Wiedemann Farms, Inc | 21,039 |
| Total payees in county (15) | 421,043 |

COTTONWOOD COUNTY

| | |
|---|---|
| Ben J. Adrian | 24,889 |
| Total payees in county (1) | 24,889 |

DODGE COUNTY

| | |
|---|---|
| Owatonna Farms Co | 29,229 |
| Welsh Co., Inc | 26,105 |
| Walter E. Laue | 20,576 |
| Total payees in county (3) | 77,910 |

FARIBAULT COUNTY

| | |
|---|---|
| Thomas Legred and Sons | 35,931 |
| Bailey Blair | 33,557 |
| Duwayne Evenson | 24,071 |
| Carlyle Hanson | 22,492 |
| Henry C. Wessels | 20,243 |
| Total payees in county (5) | 136,294 |

FILLMORE COUNTY

| | |
|---|---|
| Harvey Merkel | 26,958 |
| Rendahl Brothers | 26,678 |
| Total payees in county (2) | 53,636 |



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*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Minnesota—Continued*

[Amounts in dollars]

FREEBORN COUNTY

| | |
|---|---|
| R. Peter Louters | 29,665 |
| Norski Farms, Inc | 28,604 |
| Thomas OConnor | 25,422 |
| Homer Jensen | 25,221 |
| Lester Demmer | 23,965 |
| Carlyle Greibrok | 20,825 |
| Richard D. Stadheim | 20,303 |
| Roger Amundson | 20,170 |
| Hershel Smith | 20,046 |
| Total payees in county (9) | 214,221 |

GOODHUE COUNTY

| | |
|---|---|
| Gerald F. Ryan | 28,729 |
| Total payees in county (1) | 28,729 |

JACKSON COUNTY

| | |
|---|---|
| T. E. Barkeim | 34,486 |
| James Thompson | 30,781 |
| Hans Nielsen | 28,860 |
| D. Thompson E. S | 25,089 |
| Douglas Knabe | 20,384 |
| David W. Hansen | 20,259 |
| Total payees in county (6) | 159,859 |

KANDIYOHI COUNTY

| | |
|---|---|
| Frank O. Christianson | 24,574 |
| Henry Preslicka, Jr | 23,308 |
| Haldon Schlegel | 21,056 |
| Harry Zimmer | 20,635 |
| Total payees in county (4) | 89,573 |

KITTSON COUNTY

| | |
|---|---|
| John Bogestad | 40,437 |
| N. A. Bogestad Farms, Inc | 36,982 |
| Byron G. Hanson | 35,617 |
| Systems Operations, Corp | 34,899 |
| Gary Grundstrom | 33,284 |
| David Lundberg | 31,830 |
| Harvey Bloomquist | 30,317 |
| Wiese Bros. and Bahr Farms | 29,006 |
| Prairie Farms, Inc | 27,902 |
| Moris Webster | 26,782 |
| Archie Lundell Farms | 25,705 |
| P. J. L. Farms | 22,073 |
| Lindberg Farms | 21,847 |
| Philip W. Pearson | 21,781 |
| Glidden Farms | 21,751 |
| Larry Younggren | 20,879 |
| Kiene Farms | 20,795 |
| Furman Johnson | 20,588 |
| Total payees in county (18) | 502,275 |

LE SUEUR COUNTY

| | |
|---|---|
| George Weaver | 30,358 |
| Le Center Alf Dehy | 20,609 |
| Total Payees in county (2) | 50,967 |

LYON COUNTY

| | |
|---|---|
| Edward DeLanghe | 31,885 |
| Robert Schrunk | 20,011 |
| Total payees in county (2) | 51,896 |

MAHNOMEN COUNTY

| | |
|---|---|
| Bursch Farms, Inc | 21,065 |
| Total payees in county (1) | 21,065 |

MARSHALL COUNTY

| | |
|---|---|
| Vernon J. McFarland | 56,929 |
| Harry Howard | 43,175 |
| Art Howard | 40,607 |
| Kuznia Farms, Inc | 34,481 |
| Lynn Benson Farms | 29,676 |
| Earl Hvidsten | 27,924 |
| Medard R. Yutrzenka | 25,829 |
| Field Bros. Farms, Inc | 22,955 |
| Lee Seines | 22,244 |
| Donovan C. Loeslie | 21,865 |
| Total payees in county (10) | 325,685 |

MARTIN COUNTY

| | |
|---|---|
| Merwin Moore & Sons Ptnrshp | 39,141 |
| Robert W. Luedtke | 33,061 |
| Marlo Maschoff | 32,960 |
| Gary Miller | 28,777 |
| H. Boler Farms | 27,483 |
| James P. Scholl | 27,328 |
| Raymond Wolf | 22,758 |
| Merwin E. Thompson | 22,385 |
| Redenius Farms, Inc | 22,083 |
| Henry J. Schultz, Inc | 20,468 |
| Total payees in county (10) | 276,444 |

M'LEOD COUNTY

| | |
|---|---|
| Francis Kasal | 25,565 |
| Total payees in county (1) | 25,565 |

MEEKER COUNTY

| | |
|---|---|
| Dennis Ashwill | 21,758 |
| Total payees in county (1) | 21,758 |

MOWER COUNTY

| | |
|---|---|
| Douglas Durst | 21,586 |
| Total payees in county (1) | 21,586 |

NICOLLET COUNTY

| | |
|---|---|
| Wenner Bros | 37,465 |
| Donald Gardner | 20,814 |
| Total payees in county (2) | 58,279 |

NOBLES COUNTY

| | |
|---|---|
| Ruth T. Catchcart | 26,587 |
| Total payees in county (1) | 26,587 |

NORMAN COUNTY

| | |
|---|---|
| Harris Henderson | 30,308 |
| C. H. Underlee & Sons, A Part | 29,895 |
| Bertrand Borgen | 28,717 |
| Richard G. Ista | 26,116 |
| Silas Strand | 25,175 |
| Glenn E. Wiese | 23,874 |
| Donald Kroshus | 22,743 |
| Maurice Aronson | 21,924 |
| Raymond Arneson | 21,744 |
| Leroy Malme | 20,530 |
| Total payees in county (10) | 251,026 |

OLMSTED COUNTY

| | |
|---|---|
| Penz Farms, Inc | 20,860 |
| Total payees in county (1) | 20,860 |

REDWOOD COUNTY

| | |
|---|---|
| John H. Reque | 45,605 |
| Jerome J. Green | 33,059 |
| John Clair Larson | 27,786 |
| Eugene B. Hook | 21,224 |
| Total payees in county (4) | 127,674 |

RENVILLE COUNTY

| | |
|---|---|
| George Rauenhorst | 32,029 |
| Frank Farms, Inc | 30,856 |
| Sather Bros | 22,945 |
| Virgil Mellies | 22,063 |
| Wilbur Standfuss | 22,047 |
| Miloyd Dolezal | 21,964 |
| Parks Dahlgren | 21,872 |
| Marvin Pape | 21,686 |
| David L. Johnson | 20,213 |
| Total payees in county (9) | 215,675 |

STEVENS COUNTY

| | |
|---|---|
| Leonard Wulf | 23,954 |
| Total payees in county (1) | 23,954 |

SWIFT COUNTY

| | |
|---|---|
| Minn Farms Co | 38,752 |
| Thomas Hughes | 27,054 |
| David Hughes | 20,936 |
| Total payees in county (3) | 86,742 |

TRAVERSE COUNTY

| | |
|---|---|
| Felix Frisch & Sons, Inc | 28,613 |
| Fridgen Farms | 23,098 |
| Joseph B. Brink | 21,771 |
| Total payees in county (3) | 73,482 |

WABASHA COUNTY

| | |
|---|---|
| Modern Trend Farm Co | 25,403 |
| Total payees in county (1) | 25,403 |

WASECA COUNTY

| | |
|---|---|
| Waldorf Grain Co | 38,157 |
| Geo. W. Arneman | 25,229 |
| Wm. Schue, Jr | 21,902 |
| George Byron | 21,766 |
| Darroll Sponberg | 20,693 |
| Total payees in county (5) | 127,747 |

WATONWAN COUNTY

| | |
|---|---|
| Tilney Farms | 24,654 |
| Gordon Kelly | 23,589 |
| Clifford J. Wolle | 20,774 |
| Total payees in county (3) | 69,017 |

WEST POLK COUNTY

| | |
|---|---|
| Keith & Raymond Driscoll | 58,927 |
| Armin Ross and Son | 38,629 |
| Vernon Hagen | 35,246 |
| James and Joe Fanfulik | 34,473 |
| Anderson Farms | 33,707 |
| Rodney and Francis Spokely | 31,459 |
| Useldinger Brothers | 30,799 |
| Duwayne Engelstad | 28,527 |
| Gary Pulkrabek | 28,527 |
| Brekke Brothers | 27,526 |
| Dale and Harvey Pulkrabek | 27,380 |
| Eggebraaten Farms | 27,246 |
| Harvey Boucher | 26,652 |
| Lind Brothers | 25,892 |
| Angus Acres, Inc | 25,633 |
| Wentzel Brothers | 25,079 |
| Lyle Abrams | 22,855 |
| Jerome B. and Rolland Hamre | 22,076 |
| Jess and Louis Andringa | 21,721 |
| Wavra Bros | 21,238 |
| Reitmeier Brothers | 21,154 |
| Thomas and Gordon Torgerson | 20,562 |
| Leonard Driscoll & Son | 20,426 |
| Alvin E. Wagner | 20,357 |
| Allan Dragseth | 20,283 |
| Mack Farms, Inc | 20,145 |
| Lloyd J. Kasprick | 20,043 |
| Total payees in county (27) | 736,562 |

WILKIN COUNTY

| | |
|---|---|
| James J. Walton | 71,295 |
| Ivan Miller | 60,611 |
| David Miller | 49,052 |
| Donald Yaggie | 30,733 |
| Robert Bunkowske | 26,324 |
| Wallace Nord | 23,640 |
| Richard Kruse | 20,256 |
| Total payees in county (7) | 281,911 |

YELLOW MEDICINE COUNTY

| | |
|---|---|
| Otto S. Johnson | 22,157 |
| Oak Farms Inc | 20,466 |
| Total payees in county (2) | 42,623 |
| Total payees in State (182) | 4,968,327 |



*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Mississippi*

[Amounts in dollars]

ADAMS COUNTY

| | |
|---|---|
| Kenneth Isbell | 58,773 |
| Harry Isbell | 23,183 |
| Total payees in county (2) | 81,956 |

ALCORN COUNTY

| | |
|---|---|
| J. E. Marsh | 25,070 |
| Total payees in county (1) | 25,070 |

ATTALA COUNTY

| | |
|---|---|
| Arnold C. Lowe | 57,909 |
| Charles Donald | 44,484 |
| Horace G. McMillan | 43,972 |
| Maurice Crowder | 32,234 |
| H. S. Smithson, Jr | 29,144 |
| H. S. Smithson, Jr | 27,406 |
| Alvin McCrory | 26,911 |
| Gideon W. Atwood | 25,263 |
| Willie B. McCrory | 24,793 |
| Total payees in county (9) | 312,116 |

BENTON COUNTY

| | |
|---|---|
| J. W. Smith | 29,822 |
| Wyatt Thomas | 25,401 |
| Leak Brothers | 24,671 |
| C. F. Bryan | 21,615 |
| Clark Skelton | 20,897 |
| Total payees in county (5) | 122,406 |

BOLIVAR COUNTY

| | |
|---|---|
| Allen Gray Estate | 106,471 |
| Delta and Pine Land Co | 67,795 |
| Denton Mfg. Co., Inc | 59,313 |
| J. A. Howarth, Jr | 58,375 |
| R. C. Malone | 57,036 |
| A. & B. Farms, Inc | 56,803 |
| Clear Lake Farms, Inc | 55,829 |
| Huddleston Farms, Inc | 55,818 |
| L. & R. Plantation, Inc | 55,377 |
| E. J. Conn | 55,172 |
| Ralph R. Ray | 55,000 |
| H. H. Lawler | 55,000 |
| Dossett Planting Co., Inc | 54,997 |
| Charles Speakes | 54,893 |
| Carr Planting Co | 54,826 |
| James House | 54,601 |
| Alfred Butler | 54,488 |
| Rex Morgan | 54,347 |
| Noel Morgan | 54,342 |
| Duke Morgan | 54,336 |
| Roger Hall | 54,273 |
| T. E. Pemble Farms, Inc | 53,905 |
| Andrew R. Carr Trustee | 53,740 |
| Sunrise Dairy | 53,552 |
| Zumbro Planting Co | 52,756 |
| S. D. Long | 52,458 |
| Pleasant and Co | 51,926 |
| Hard Scramble Plantation | 51,872 |
| Bostick Brothers | 51,746 |
| H. B. Hood | 51,308 |
| Gourlay Farms, Inc | 51,254 |
| Charles A. Russell | 51,205 |
| Charles J. Wilson | 51,194 |
| Rainbow Plantation, Inc | 50,885 |
| H. J. Dattel | 50,758 |
| Shelby Farms | 50,738 |
| Charles Evans | 50,566 |
| McMurchy Farms | 50,561 |
| M. L. Turpin, Jr | 50,296 |
| Jimmie G. Skelton | 50,125 |
| J. P. Skelton | 50,125 |
| Scott Warfield | 49,911 |
| Allen E. Warfield | 49,911 |
| Rudolph Massey | 48,991 |
| W. J. Sumrall | 48,973 |
| B. E. McDearman, Jr | 48,746 |
| Paul Jones | 48,252 |
| David E. Wilson | 47,040 |
| W. F. and W. H. Hardin | 46,910 |
| James House, Jr | 46,769 |
| George B. Noland | 46,091 |
| F. R. Armstrong | 46,005 |
| A. D. Murphree, Jr | 45,496 |
| Gerald D. Denton | 45,258 |
| G. P. Short | 44,642 |
| Curtis E. Presley, Jr | 44,143 |
| E. F. Findley | 43,782 |
| James L. Maxwell | 43,347 |
| W. A. Welshans | 43,291 |
| J. R. Parkinson | 43,256 |
| Don Robertson | 42,951 |
| E. M. Walton | 42,801 |
| James B. McGowan | 42,771 |
| M. A. Bell | 42,744 |
| D. Truitt Jones | 41,436 |
| Earl E. Jones | 41,436 |
| J. B. Lowe | 40,436 |
| Myles Looney | 39,982 |
| J. K. Walker | 39,972 |
| Lewis Barksdale, Jr | 39,893 |
| Tony Antici | 39,644 |
| L. E. Murphy | 39,200 |
| W. E. Pentecost, Jr | 39,078 |
| Harry Featherston | 38,878 |
| J. E. Williams | 38,504 |
| D. A. Williams | 38,504 |
| H. H. Harrison | 38,369 |
| J. W. Reynolds | 37,933 |
| Elmer Prewitt | 37,788 |
| Riverland Plantation, Inc | 37,452 |
| R. P. Herbison | 37,223 |
| Milton E. Jefcoat | 36,564 |
| Tommy W. Jefcoat | 36,564 |
| Jerry C. Jefcoat | 36,564 |
| Ruth B. Jefcoat | 36,564 |
| Max Dilworth | 36,243 |
| Ralph Leon Thompson | 35,980 |
| Parks Place, Inc | 35,791 |
| Charles Hicks | 35,716 |
| Terry D. Russell | 35,586 |
| Austin Hester | 35,314 |
| Bedwell and Evans | 34,913 |
| C. R. Ingram | 34,693 |
| C. T. Stanford | 34,439 |
| F. H. Nance | 34,229 |
| M. & D. Planting Co., Inc | 34,204 |
| H. R. Childress | 33,904 |
| Bizzell Farms | 33,621 |
| J. P. Riley & Son | 33,568 |
| Virgie P. Hiter | 33,188 |
| Henry P. Hiter | 33,188 |
| Kenneth Hood | 33,184 |
| Cedar Ridge Dairy, Inc | 32,960 |
| H. E. McCaslin | 32,818 |
| Clayton Holder | 32,751 |
| A. J. Cowart | 32,281 |
| W. S. Adams | 32,239 |
| B. H. Bass, Jr | 32,145 |
| W. L. McCool | 32,086 |
| Alex Belenchia | 31,643 |
| Wallace Wooten | 31,375 |
| Jim Goodman | 31,369 |
| W. T. Tullos III | 30,474 |
| Norman Brown | 29,871 |
| G. A. Hood | 29,816 |
| The Wolfe Co | 29,694 |
| Bolivar Farms | 29,642 |
| Pete Bramuchi | 29,328 |
| J. A. Harris | 29,261 |
| Perry L. McCool | 29,156 |
| Game Inc | 29,059 |
| Mary Wilkinson McKenzie | 29,050 |
| W. M. Payne | 28,946 |
| M. L. Payne | 28,941 |
| J. H. Avritt, Jr | 28,878 |
| Leroy McKee | 28,824 |
| W. F. Ervin | 28,764 |
| G. W. Litton | 28,749 |
| Darion Franks | 28,747 |
| J. R. Taylor | 28,725 |
| Gee Ferretti | 28,520 |
| C. D. Long | 28,019 |
| Hugh Swindoll | 27,826 |
| Dossett Plantation, Inc | 27,737 |
| Garnett K. Scott | 26,784 |
| W. H. Howarth | 26,754 |
| A. D. Murphree, Sr | 26,748 |
| Albert Day | 26,570 |
| Hubert Gant | 26,502 |
| Ray W. Thornton | 26,458 |
| Dalton Taylor | 26,166 |
| Ruth W. Bobo | 26,111 |
| Eleanor B. Walters | 26,104 |
| Mary Adele Walters | 26,104 |
| Henry Satterfield | 25,757 |
| Charles W. Jones | 25,531 |
| Elm Farms, Inc | 25,468 |
| F. B. Aylward | 25,416 |
| J. F. Riddle | 25,414 |
| I. C. Rayner, Jr | 24,750 |
| R. L. Robertson | 24,557 |
| J. R. Snyder | 24,538 |
| Patterson Planting Co | 24,526 |
| John W. Comfort | 24,432 |
| Melio Sandroni | 24,333 |
| Raymond Sandroni | 24,333 |
| John Duraj | 24,295 |
| Delbert Farmer | 24,218 |
| A. C. Wiggins | 24,184 |
| W. H. Frederick | 24,009 |
| John F. Watts | 23,801 |
| W. E. Adams | 23,512 |
| Triumph Farms | 23,508 |
| J. E. Deford | 22,878 |
| Lyle Dilworth Farms | 22,652 |
| H. L. Dilworth | 22,652 |
| Jimmie Pierce | 22,592 |
| Lamar Stanford | 22,576 |
| J. R. Turner | 21,851 |
| Sue Rayner Trust | 21,810 |
| Albert Rocconi | 21,360 |
| C. E. Williams | 21,271 |
| Lawrence Gibson | 21,260 |
| Murphee Farms, Inc | 21,232 |
| Joe Aguzzi | 21,137 |
| Victor J. Aguzzi | 21,137 |
| H. A. Hood | 21,104 |
| William Peacock | 20,921 |
| W. P. Skelton | 20,881 |
| Dr. D. Tuminello | 20,822 |
| John Glorioso | 20,822 |
| C. C. Horton | 20,728 |
| J. R. Dodson | 20,404 |
| Carolyn Rayner Trust | 20,321 |
| Boyce Tiser | 20,294 |
| Total payees in county (185) | 6,873,170 |

CALHOUN COUNTY

| | |
|---|---|
| Carter Edmondson | 59,387 |
| C. G. Steele | 51,167 |
| Harold Hamilton | 45,237 |
| Joe Gregg | 25,416 |
| H. L. Hardin | 25,196 |
| Grady Easley | 22,888 |
| W. A. Jennings | 21,164 |
| Total payees in county (7) | 250,454 |

CARROLL COUNTY

| | |
|---|---|
| W. J. Hobgood | 55,121 |
| J. E. Hobgood | 53,954 |
| Oklahoma Farms | 44,943 |
| H. F. Williams | 39,378 |
| Robert D. Miller | 37,695 |
| Ralph Redditt | 36,989 |
| Hugh Ferguson | 31,992 |
| R. C. Colvin | 28,011 |
| M. B. Whitten | 27,490 |
| A. J. Wilson | 26,276 |
| John C. Calhoun | 25,579 |
| Harry F. Williams, Jr | 24,649 |
| J. W. Stinson Estate | 23,465 |
| Robert C. Oliver | 23,321 |
| Arnold & Long | 23,222 |
| Roy Meeks | 22,960 |
| W. E. Taylor and Son | 21,313 |
| Total payeess in county (17) | 546,358 |

CHICKASAW COUNTY

| | |
|---|---|
| W. J. Linn | 57,086 |
| David W. Coleman | 55,280 |
| Kenneth Coleman | 54,994 |
| R. W. Coleman | 54,994 |
| J. O. Demoville | 46,458 |
| Preston Sullivan | 42,077 |
| Larry Carter | 24,986 |

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*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Mississippi*—Continued

[Amounts in dollars]

CHICKASAW COUNTY—continued

| | |
|---|---|
| J. T. Brand | 24,774 |
| W. C. Carnathan | 20,182 |
| Total payees in county (9) | 380,831 |

CHOCTAW COUNTY

| | |
|---|---|
| Rex Swindle | 35,062 |
| James L. Green | 32,978 |
| Total payees in county (2) | 68,040 |

CLAIBORNE COUNTY

| | |
|---|---|
| James Beesley | 44,669 |
| Barland Brothers | 35,332 |
| Jim S. Middleton | 32,553 |
| Scott O. Galbreath | 30,045 |
| E. A. Porter | 26,341 |
| Total payees in county (5) | 168,940 |

CLAY COUNTY

| | |
|---|---|
| J. T. Brand | 37,309 |
| J. S. Brand | 20,078 |
| Total payees in county (2) | 57,387 |

COAHOMA COUNTY

| | |
|---|---|
| Stribling Pltg Co Inc | 99,795 |
| J. F. Humber, Jr | 58,229 |
| J. B. McKee Estate | 58,010 |
| Oakhurst Company | 57,856 |
| John B. McKee, Jr | 57,039 |
| Margaret Mckee | 57,039 |
| F. B. McKee Estate | 56,986 |
| Fant Brothers | 56,968 |
| Carr Children's Trust | 56,530 |
| J. B. Laney Farms, Inc | 56,429 |
| J. T. Longino, Jr | 56,417 |
| Graydon Flowers, Jr | 56,396 |
| Harry Flowers | 56,389 |
| R. B. Flowers | 56,389 |
| Kirk Haynes | 56,385 |
| Sigmon Planting Co | 56,382 |
| Taylor Flowers | 56,366 |
| McKee Farms, Inc | 56,330 |
| King & Anderson Inc | 56,259 |
| C. B. D. Inc | 56,103 |
| R. W. Jones & Sons, Inc | 56,083 |
| Carr Mascot Plantation, Inc | 55,996 |
| Preston P. Bennett | 55,880 |
| Alcorn Russell, Sr | 55,812 |
| Eaglenest Pltg., Co | 55,683 |
| J. L. Stribling, Jr | 55,669 |
| Indian Bend Pltg., Co | 55,487 |
| E. E. Lacy | 55,404 |
| B. B. Smith | 55,373 |
| W. L. McKee | 55,334 |
| Oscar Connell | 55,270 |
| E. F. Massey Corp | 55,088 |
| Rocco G. Morris | 55,086 |
| J. W Henderson | 55,000 |
| James W. Henderson, Jr | 55,000 |
| R. M. Aust | 54,872 |
| Young Farms, Inc | 54,821 |
| R. L. Perryman | 54,803 |
| Roy Flowers | 54,711 |
| T. M. Luster | 54,412 |
| King & Anderson Ent | 54,383 |
| T. S. Hayes, Jr | 54,120 |
| Weeks Plantation, Inc | 52,960 |
| Eugene C. Allen | 51,574 |
| H. B. Heidelberg | 51,574 |
| J. T. Longino III | 51,448 |
| Dulaney Farms, Inc | 51,414 |
| H. M. Haney Estate | 51,395 |
| William P. Howell | 51,154 |
| W. M. Stone, Sr | 51,002 |
| Roundaway Planting Company | 50,178 |
| Nordel, Inc | 50,163 |
| Levingston & Sack, Inc | 50,163 |
| David B. Mullens | 50,120 |
| W. K. Anderson, Jr | 49,930 |
| C. M. Allen | 49,925 |
| Parolli Farms, Inc | 49,834 |
| **Weakley Brahan** | **49,486** |
| Leon C. Bramlett | 49,483 |
| Jennie W. Haynes | 48,977 |
| Allen C. Evans | 48,113 |
| Robert A. Boyce | 47,591 |
| Gayle Farms, Inc | 47,399 |
| Massey Farms, Inc | 46,949 |
| J. T. Massey, Jr | 46,945 |
| Rives & Brewer | 46,809 |
| G. McWilliams Farms, Inc | 46,546 |
| Lytle McKee, Inc | 46,284 |
| Joe Garrison Farms | 45,672 |
| Allen Farms, Inc | 45,625 |
| J. H. Sherard, Inc | 45,283 |
| John T. Hays & Son | 45,133 |
| James Spaggiari | 45,045 |
| W. T. Salmon | 45,027 |
| Wilbur Welch | 44,847 |
| Bobbette Kline | 44,709 |
| Reva K. Marcus | 44,709 |
| Beverly S. Pettey | 44,586 |
| Michael W. Curtis | 44,333 |
| J. H. Pruett | 44,322 |
| Sammie D. Hamblin | 44,321 |
| Pauline K. Sack Est | 44,143 |
| Noel D. Ogley | 43,355 |
| M. J. Commer | 42,462 |
| Graham Bramlett | 41,985 |
| Bucklake Pltg. Co | 41,909 |
| Robert G. Johnson | 41,592 |
| Edwin J. Mullens | 41,549 |
| W. C. Luckett Farms | 41,152 |
| Floy J. Haney | 41,091 |
| M. C. Stovall, Inc | 41,062 |
| H. H. Twiford | 40,915 |
| Louise M. Heaton | 40,824 |
| R. N. McWilliams | 40,304 |
| L. B. Shipp | 40,183 |
| W. S. Heaton, Jr | 39,639 |
| Van Meek, Jr | 39,626 |
| James A. Russell, Jr | 39,166 |
| Richard Russell | 39,134 |
| Lucille & C. W. Fyfe, Jr | 39,077 |
| Champion Farms, Inc | 39,038 |
| Frank Aderholdt | 38,996 |
| A. L. Brady | 37,312 |
| Dan Crumpton, Jr | 37,109 |
| Andrew J. Donelson | 37,071 |
| Elizabeth Garrett | 36,973 |
| W. H. Garrett, Jr | 36,973 |
| Eva Mae Crumpton | 36,931 |
| H. D. R. Corporation | 36,805 |
| F. R. Ashley | 36,635 |
| Reno Borgognoni | 36,404 |
| George Black | 35,258 |
| John P. Pelegrin | 35,967 |
| Heaton Pltg Company | 35,543 |
| W. H. Maynard, Jr | 35,510 |
| Horace Ritch | 34,732 |
| W. H. Allen | 34,732 |
| L. T. Payne | 34,261 |
| Kent Haney | 33,809 |
| L. S. Powell Estate, Inc | 33,773 |
| Charles Monty, Jr | 33,578 |
| Joe & Richard Noe | 33,106 |
| Graydon Flowers | 32,994 |
| Belmont, Inc | 32,712 |
| R. B. Lyon | 32,468 |
| Mattie B. Boone | 32,406 |
| H. A. Greene | 31,861 |
| Carson Pelegrin | 31,741 |
| E. V. Catoe, Jr | 31,450 |
| Monty Planting Co., Inc | 31,255 |
| Travis H. Taylor, Jr | 30,978 |
| John W. Nance, Jr. Est | 30,538 |
| Vito Sbravati | 30,457 |
| John J. Mohead | 30,328 |
| William H. Mohead | 30,319 |
| James E. Mohead | 30,319 |
| Marlon Farms | 29,809 |
| John F. Rodgers | 29,644 |
| H. J. McMillian | 29,457 |
| T. R. Rodgers | 29,437 |
| Billy Campbell | 29,090 |
| Harry S. Anderson | 28,936 |
| Tankie B. Connell | 28,829 |
| William C. Connell | 28,829 |
| Tony Morris | 28,570 |
| Waterloo Planting Co | 28,560 |
| Wheeler Graham | 28,131 |
| Fyfe Brothers | 27,759 |
| Montgomery Farms | 27,287 |
| Howard Smith | 27,034 |
| Lake Roberson, Jr | 26,642 |
| Phillip Tavoleti | 26,521 |
| Dominic Tavoleti | 26,521 |
| Anthony Tavoleti | 26,521 |
| Mary Tavoleti | 26,521 |
| Johnny Tavoleti | 26,521 |
| J. W. Gray, Jr | 26,169 |
| Lent A. Ross, III | 26,150 |
| Mike Antici | 26,068 |
| Bradford Parker, Jr | 25,869 |
| W. H. Rainey | 25,787 |
| Butler Planting Co., Inc | 25,599 |
| T. O. Fulton | 25,300 |
| River Ben Pltn., Inc | 24,879 |
| Bobby Goss | 24,442 |
| John H. Garmon, Jr | 23,722 |
| Malavassi Farms | 23,721 |
| Rickie Meredith | 23,645 |
| W. E. Meredith | 23,645 |
| Tommy Sanders | 23,544 |
| Nell Smith | 23,482 |
| Lawrence Malone | 23,160 |
| Manker Pltg. Co., Inc | 22,921 |
| Henry Cobb, Jr | 22,455 |
| Paul Clark, Inc | 22,444 |
| Panther Lake Pltn., Inc | 22,328 |
| Robert Louis Demilio | 22,172 |
| Harold Simmons | 22,136 |
| Johnny Keesee | 22,136 |
| Murry Stone, Jr | 21,860 |
| Fred Zepponi, Jr | 21,706 |
| Jim Smith | 21,674 |
| Coleman Allen, Jr | 21,394 |
| Elizabeth Bramlett | 21,206 |
| Robert Agostinelli | 20,206 |
| Peter Agostinelli, Jr | 20,206 |
| Bessie May Bobo | 20,067 |
| Total payees in county (187) | 7,554,648 |

COPIAH COUNTY

| | |
|---|---|
| W. S. Reed | 40,799 |
| West Farms, Inc | 32,821 |
| Allen Hood | 26,016 |
| C. E. Strong | 25,878 |
| Total payees in county (4) | 125,514 |

DE SOTO COUNTY

| | |
|---|---|
| N. B. Hunt | 69,154 |
| Trace O Land Plantation | 59,402 |
| Herman Koehler | 58,206 |
| Warren W. Sullivan | 58,119 |
| Robert I. Abbay | 57,439 |
| S. M. Blythe | 56,640 |
| J. S. Dollahite | 56,378 |
| E. M. Upchurch | 55,890 |
| Swindoll Farms, Inc | 54,818 |
| Tom R. Clifton | 51,790 |
| Richard Hussey | 46,469 |
| William Gerber | 46,601 |
| Minor B. Lewis | 46,601 |
| Dudley Bridgforth | 45,649 |
| Milton W. Jones | 43,754 |
| Carthel Todd | 41,889 |
| Willie Abbay Howard | 41,876 |
| Robert P. Sayle | 41,876 |
| John Graves | 40,260 |
| R. M. Treadway | 35,035 |
| Readus Hudson | 34,398 |
| George B. Banks | 34,032 |
| Camilla, Inc | 33,362 |
| J. R. Summers | 31,504 |
| H. H. Hawks | 31,110 |
| Walton Scott | 29,059 |
| M. C. Sparks | 28,597 |
| Clarence Sparks | 28,305 |
| William L. Reid, Jr | 28,068 |
| Pat Jack Farms | 26,223 |
| S. D. Williams | 25,843 |
| Otto Koehler | 24,545 |
| Lewis B. Marrow | 23,308 |
| Minor M. Lebland | 23,308 |
| Harbison & Harris | 23,033 |
| H. P. Cooper | 22,493 |
| Gerald M. Treadway | 21,628 |



| | |
|---|---|
| J. H. Miller | 20,942 |
| D. F. Wilson | 20,765 |
| Total payees in county (39) | 1,520,969 |

FORREST COUNTY

| | |
|---|---|
| W. E. Plant | 22,714 |
| Total payees in county (1) | 22,714 |

GRENADA COUNTY

| | |
|---|---|
| T. E. Guest | 45,145 |
| Hiram E. Davis | 31,633 |
| John M. Little | 30,711 |
| Paul L. Gray | 28,267 |
| Reginald E. Forrest | 23,317 |
| Earl L. Gillon | 20,413 |
| Alex Smith | 20,175 |
| R. E. White | 20,132 |
| Jessee A. Strider | 20,063 |
| Total payees in county (9) | 239,856 |

HINDS COUNTY

| | |
|---|---|
| Gaddis Farms, Inc | 75,202 |
| Gilkens Farms, Inc | 65,768 |
| C. C. Floyd | 61,557 |
| B. H. Virden, Jr | 61,467 |
| J. A. Tucker, Jr | 57,166 |
| Gaddis & McLaurin, Inc | 51,108 |
| J. S., Sr., J. S., Jr. & R. C. Mellon | 47,488 |
| Robert Mashburn | 44,868 |
| R. & B. Land Co | 44,246 |
| John Gill | 40,812 |
| Tom Virden | 39,364 |
| C. D. Noble | 35,084 |
| Jimmy R. Mason | 32,771 |
| R. E. Floyd | 31,420 |
| Ward Carraway | 31,391 |
| J. P. Stubbs | 28,402 |
| Ray R. Cannada | 25,930 |
| Harold Simmons | 25,577 |
| O. R. Harris | 24,566 |
| Charles G. Floyd | 24,324 |
| J. B. White | 22,051 |
| Jack W. Lilley | 20,670 |
| Total payees in county (22) | 891,232 |

HOLMES COUNTY

| | |
|---|---|
| W. J. Watts | 63,368 |
| Stonewall Planting Company | 58,053 |
| E. W. Hooker | 57,380 |
| Wayne Watkins | 56,858 |
| Paul Wilson | 55,851 |
| J. T. Thomas, III | 55,810 |
| Pluto Planting Company | 55,741 |
| J. T. Thomas, Sr | 55,135 |
| J. E. Cunningham | 55,000 |
| A. B. Archer, Jr | 54,028 |
| Bardin Reddett | 53,775 |
| Louie B. Nichols | 53,234 |
| H. L. Nichols, Jr | 53,234 |
| R. L. Peaster Company | 53,071 |
| R. T. Hardeman | 52,761 |
| Donald Parrish | 51,665 |
| J. A. Killebrew | 51,133 |
| J. E. Mathias | 50,659 |
| Byron B. Sharpe | 50,297 |
| Jimmy Love | 50,010 |
| J. P. Love | 50,010 |
| Shotwell Plantation Inc | 49,131 |
| Charley Wade | 45,976 |
| Jerry W. Wilson | 42,343 |
| E. I. Harris | 41,559 |
| George D. Wynn | 40,150 |
| Gum Grove Planting Co | 39,548 |
| J. E. Cunningham, Jr | 39,399 |
| Frank A. Jones | 37,233 |
| Bonanza Plantation | 33,609 |
| Dale Pillow | 30,156 |
| H. F. Flemming | 29,552 |
| M. K. Shute & George Shute | 29,473 |
| T. C. Watkins | 29,331 |
| D. C. Conn | 28,792 |
| Paul F. McCain | 28,484 |
| D. S. Shuttleworth | 27,834 |
| C. R. Logan, Jr | 27,590 |
| J. A. Barrett | 26,142 |
| Frank Gwin, Jr | 25,887 |
| E. E. O'Reilly | 25,318 |
| J. R. Peaster III | 25,146 |
| Margaret Peaster | 25,139 |
| Thomas G. Peaster | 25,139 |
| C. V. Maxwell and Son | 24,226 |
| D. C. Scott | 23,601 |
| James F. Jacks | 23,425 |
| J. E. Hays | 23,259 |
| J. T. Cohea | 22,708 |
| James Killebrew | 22,620 |
| Kenneth Parrish | 21,824 |
| H. M. Brock | 21,224 |
| N. B. Parrish | 20,979 |
| Glenn M. Brock | 20,120 |
| W. J. Waits, Jr | 20,076 |
| H. O. Edwards | 20,041 |
| Total payees in county (56) | 2,154,107 |

HUMPHREYS COUNTY

| | |
|---|---|
| A. B. Jones, Jr | 60,532 |
| Spencer H. Barret | 59,210 |
| B. A. Holaday Co | 57,191 |
| Cotton Delta, Inc | 55,296 |
| S. U. Smith | 55,267 |
| Samuel U. Smith, Jr | 55,257 |
| B. W. Smith, Jr | 55,257 |
| C. B. Aycock, Jr | 55,186 |
| Wm. L. Dillard | 54,976 |
| R. D. Hines, Inc | 54,904 |
| D. J. Turner, III | 54,467 |
| E. L. Parker | 53,955 |
| T. M. Simmons, Jr | 52,605 |
| R. D. Bearden | 52,073 |
| Richard D. Bearden, Jr | 52,070 |
| D. W. King | 51,472 |
| B. A. Seward | 50,710 |
| Stoner Farms | 50,626 |
| E. L. Nerren | 50,289 |
| O. B. Nerren | 50,289 |
| J. M. Beaden | 47,511 |
| B. A. Planting Co | 47,167 |
| Homer Martin, Jr | 46,673 |
| Jones Planting Co | 46,244 |
| B. J. Barrier, III | 46,241 |
| Edwards Farms | 46,135 |
| J. A. Bridgers, Jr | 45,418 |
| D. G. Rutledge | 44,075 |
| Arthur Paul Roberts | 43,931 |
| S. R. Pinson | 43,016 |
| T. N. Turner Farms, Inc | 42,707 |
| Wesley W. Hester | 41,692 |
| James R. Walker, Jr | 39,915 |
| Auvergne Williams | 38,635 |
| W. D. Roberts | 38,230 |
| O. M. Parker, Jr | 37,852 |
| Gladstone B. Mortimer | 36,276 |
| G. H. Hairston, Jr | 36,097 |
| Powell Farms | 36,029 |
| Randolph Martin | 35,371 |
| T. E. Fouche | 35,357 |
| Mildred H. Reed | 35,071 |
| T. L. Reed, III | 35,071 |
| Agnes D. Reed | 35,071 |
| Maurice T. Reed, Jr | 35,071 |
| Curtis F. Johnson | 35,022 |
| Jack Reed | 34,896 |
| Rokeby Plantation | 34,768 |
| G. H. Hairston & Son | 34,357 |
| Bill H. Rodgers | 32,892 |
| M. D. Rodgers | 32,892 |
| Denon Braswell | 32,723 |
| Crawford Bros | 32,201 |
| James S. Reed | 31,914 |
| J. D. Upshaw | 31,644 |
| S. W. Gardner | 31,398 |
| Hollowell Bros | 31,054 |
| Robert Millwood | 30,797 |
| Byrdie J Faulkner | 30,747 |
| W. T. Turner | 30,064 |
| James G. Outlaw | 30,002 |
| L. G. Shelton | 29,661 |
| Lone Star Pltn. Inc | 29,337 |
| W. A. Pearson | 26,869 |
| Bill Sears | 25,722 |
| John H. Daniels, Jr | 25,641 |
| R. P. Ellis | 24,282 |
| Gerald Martin | 23,892 |
| R. Y. Wright | 23,598 |
| Irby Turner | 23,404 |
| Del P. Lott, Jr | 23,404 |
| Edward L. Nerren, Jr | 23,125 |
| Nettie B. Williams | 22,827 |
| Fred Champion | 22,133 |
| R. P. Hairston | 21,879 |
| W. E. Fuller | 21,616 |
| W. A. McMorrough | 21,377 |
| Carolyn R. Stevens | 20,229 |
| Tom Hill & Sons | 20,136 |
| Total payees in county (79) | 3,042,991 |

ISSAQUENA COUNTY

| | |
|---|---|
| W. T. Touchberry | 62,195 |
| Wendell H. Johnson | 59,365 |
| Jeryl T. Johnson | 58,504 |
| Rudy Pltn | 58,559 |
| W. I. Robertson | 56,386 |
| H. Marshall Herman, Jr | 56,126 |
| Harper R. Myres | 56,126 |
| Wayne Norton | 54,558 |
| Glenn Poole | 53,905 |
| James T. Mabus | 44,719 |
| James T. Mabus, Jr | 44,719 |
| W. C. Woodruff | 40,838 |
| Marcus S. Sharpe | 33,996 |
| Odus J. Sharpe, Jr | 33,996 |
| Ferrel Heigle | 31,978 |
| Esperenza Plt | 30,151 |
| W. W. Heigle | 28,850 |
| W. W. Heigle, Jr | 28,829 |
| W. E. Fleeman, Jr | 26,985 |
| O. J. Sharpe | 26,966 |
| Charles Leon Delaney | 25,778 |
| Florence A. Fleming | 25,264 |
| L. T. Wade | 22,586 |
| Total payees in county (23) | 959,379 |

ITAWAMBA COUNTY

| | |
|---|---|
| Leon Pounders | 23,054 |
| Total payees in county (1) | 23,054 |

JONES COUNTY

| | |
|---|---|
| Don W. McQueen | 24,831 |
| Total payees in county (1) | 24,831 |

LAFAYETTE COUNTY

| | |
|---|---|
| James S. Downs | 43,841 |
| J. T. Smith | 37,767 |
| Walker E. Downs | 28,590 |
| D. H. Surrette | 26,068 |
| Donald A. Waller | 23,042 |
| Raymond H. Varner | 20,068 |
| Total payees in county (6) | 179,376 |

LEAKE COUNTY

| | |
|---|---|
| Joseph W. Langford | 40,576 |
| Glen Allen | 29,469 |
| John H. Evans | 28,818 |
| Preston Stewart, Jr | 21,972 |
| Jimmie D. Arthur | 20,771 |
| James W. Grimes | 20,593 |
| Total payees in county (6) | 162,199 |

LEE COUNTY

| | |
|---|---|
| H. R. Morgan | 34,936 |
| H. M. Scruggs | 30,496 |
| Earl N. Loftin | 25,766 |
| J. L. Bright | 25,531 |
| Joe Bucy | 22,127 |
| W. T. Robison | 22,004 |
| Albert Ethridge | 21,890 |
| Steve Scruggs | 21,803 |
| Total payees in county (8) | 204,563 |

LEFLORE COUNTY

| | |
|---|---|
| Race Track Plantation | 61,395 |
| L. W. Wade Farms, Inc | 59,518 |
| J. Wayne Bush | 58,056 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Mississippi*—Continued

[Amounts in dollars]

LEFLORE COUNTY—continued

| | |
|---|---|
| Sturdivant & Bishop | 57,727 |
| D. E. Reynolds, Jr | 57,293 |
| M. C. Tillman | 57,265 |
| Henry G. Clements | 57,088 |
| W. P. Brown, Jr | 56,757 |
| W. P. Brown, III | 56,665 |
| Lake Henry Pltn | 56,354 |
| W. J. Roberson | 56,286 |
| Julius E. Howard | 55,966 |
| Fred R. Metcalfe | 55,887 |
| Whittington Planting Co, Inc | 55,786 |
| Kimble Makamson | 55,337 |
| Joe W. Smith | 55,330 |
| Donald W. McShan | 55,196 |
| C. R. Benz | 55,196 |
| John Standifer | 54,934 |
| A. Mcc Kimbrough, III | 54,824 |
| Tupelo Pltn | 54,780 |
| R. C. Shaw | 54,212 |
| John D. Ashcraft, Jr | 54,212 |
| Robert M. Morton | 53,739 |
| Dale Barham Bratton | 53,737 |
| Kenneth Creswell | 53,189 |
| Ed Hunter Steele | 52,901 |
| Joseph S. King | 51,936 |
| Albert R. King | 51,936 |
| B. G. McGeary | 51,895 |
| Elizabeth N. Barham | 51,179 |
| W. L. Craig | 50,899 |
| W. D. Simmons | 48,469 |
| J. P. Cole, Jr | 48,397 |
| MBG Farms, Inc | 47,137 |
| Wingfield B. Jones | 46,852 |
| Caralisa B. Pollard | 46,848 |
| Lakeview Pltn | 46,488 |
| BCS Corporation | 46,398 |
| Mallory C. Davis, Sr | 46,133 |
| Wilford R. Webb | 46,118 |
| Hayward Jacks | 45,930 |
| F. J. Poindexter | 45,435 |
| Lamar Makamson | 45,383 |
| Derwood Strain | 45,212 |
| Aven Whittington | 45,029 |
| Mary W. Davenport | 45,015 |
| W. M. Whittington | 45,015 |
| Ed Jones Bledsoe | 44,800 |
| Kathryn B. Pond | 44,800 |
| James Morgan, Jr | 44,495 |
| Walter Pillow, III | 44,196 |
| Robert L. Pillow | 43,999 |
| D. C. Branham, Jr | 43,858 |
| James R. Kent | 43,546 |
| F. R. Morgan, Jr | 42,482 |
| W. G. Somerville | 42,320 |
| Cecil M. Boland | 41,872 |
| E. D. Strain, Jr | 41,472 |
| Hugh A. Warren, III | 41,149 |
| W. D. Bradford | 40,987 |
| J. C. Coker | 40,850 |
| Elizabeth G. Saunders | 40,484 |
| Sam Balkin Trust Estate | 40,408 |
| Hunter Chitton and Co., Inc | 40,340 |
| Rex Makamson | 39,429 |
| Loyce Makamson | 38,214 |
| Jeff L. Cole, Sr | 38,167 |
| P. T. Leavell | 37,858 |
| Fort Loring Plantation | 37,698 |
| Walter Walt | 37,212 |
| T. J. Carter | 37,009 |
| Jack Shaw Farms, Inc | 36,941 |
| Rufus Wier | 36,941 |
| Ray Tribble | 36,838 |
| Shoe String Pltn., Inc | 36,488 |
| Carrie P. Avent & Jones | 36,041 |
| R. T. Wade | 35,837 |
| P. L. Whittington | 35,577 |
| A. V. Leavell | 35,577 |
| T. J. Corley | 35,570 |
| Tom J. Gary | 34,024 |
| Jane G. Coleman | 34,007 |
| Rebecca Gary | 34,007 |
| Margaret S. Gary | 34,007 |
| Memrie G. Wells | 34,007 |
| C. L. Patridge | 32,976 |
| L. E. Rowland | 32,895 |
| H. B. Hawkins | 32,661 |
| Jesse Stockton | 32,458 |
| W. R. Gee | 32,458 |
| T. U. Black, Jr | 31,889 |
| Mickey L. Black | 31,889 |
| W. H. Morgan, Jr | 31,781 |
| W. H. Morgan | 31,781 |
| Frank H. Coleman | 31,495 |
| H. C. Pleasants | 30,392 |
| Timothy Thimmes | 29,867 |
| Kathryn Ryan | 29,867 |
| August Lape | 29,386 |
| James Stowers | 29,120 |
| Reese Makamson | 28,962 |
| John Ellis Williams, Jr | 28,796 |
| E. B. Smith, Jr | 28,516 |
| N. W. Carver, Jr | 28,278 |
| Lenora M. Fraiser | 27,886 |
| H. Y. Fraiser, Jr | 27,886 |
| James D. Green | 27,525 |
| R. C. Colvin | 27,167 |
| Gerald P. Conway | 26,886 |
| Leo Murphree | 26,528 |
| Jack Massey | 26,339 |
| Harry Ray Tribble | 25,225 |
| David R. Gillon | 25,003 |
| Rufus P. Stainback | 25,003 |
| T. R. Hodges | 25,003 |
| Homer T. Vining | 25,003 |
| W. H. Gillon, Jr | 25,003 |
| Clifton Bishop | 24,737 |
| W. C. Haynes | 24,654 |
| Watson Pillow | 24,629 |
| A. D. Meredith | 24,465 |
| Cumberland & Gary | 24,401 |
| Don Corley | 24,356 |
| Lakeland Farms, Inc | 23,268 |
| P. M. Kimbrough | 22,931 |
| Charles B. Chatham | 22,014 |
| E. L. Gilliland | 21,694 |
| C. J. Hammond | 21,210 |
| John Bariola | 20,247 |
| Cottonland Pltn, Inc | 20,239 |
| Total payees in county (131) | 5,215,608 |

LINCOLN COUNTY

| | |
|---|---|
| C. C. Clark | 20,502 |
| Total payees in county (1) | 20,502 |

LOWNDES COUNTY

| | |
|---|---|
| Stover Apiaries | 457,018 |
| J. A. Hanson | 49,071 |
| Gilmer Plantation | 43,710 |
| James C. Richards | 41,697 |
| Virgil Hanson | 36,896 |
| Saunders B. Carson | 29,922 |
| E. L Robinson | 29,556 |
| Gene D. Holliman | 29,317 |
| A. B. Hanson | 25,925 |
| B. E. Aldridge | 24,474 |
| L. C. Underwood | 24,097 |
| Charles E. Betts | 23,704 |
| Harold Blalock | 21,694 |
| Tommy Spruill | 21,495 |
| Total payees in county (14) | 858,576 |

MADISON COUNTY

| | |
|---|---|
| P. W. Bozeman | 65,973 |
| Dudley R. Bozeman | 58,447 |
| M. S. Cox, Jr | 57,212 |
| James A. Cook | 56,744 |
| Ben H. Stribling | 56,439 |
| Bob W. Rankin | 56,048 |
| J. D. Rankin | 55,565 |
| Mona G. Wells | 55,467 |
| Billy McMullen | 51,362 |
| Charles E. Campbell | 49,207 |
| E. K. Bardin | 45,624 |
| Charlie Williams | 43,220 |
| A. B. & W. Mansell | 42,408 |
| Sim C Dulaney | 42,197 |
| J. S. Harris, Jr | 41,213 |
| Charles F. Riddell | 39,727 |
| A. W. Sr., Jr. & M. W. Hardy | 37,311 |
| E. D. Mansell | 37,123 |
| H. P. Watson, Jr | 36,996 |
| Julius Edgar | 36,546 |
| J. R. Tate | 36,433 |
| Moody D. Kennedy, Jr | 36,186 |
| Waymon Sowell | 36,078 |
| Donald J. Powell | 34,757 |
| W. S. Patrick | 33,977 |
| William L. Moore | 31,836 |
| G. H. Moore, Jr | 31,836 |
| Henry M. Waldrop | 29,133 |
| L. A. Penn, Jr | 28,777 |
| Robert L. Endris | 28,285 |
| L. A. Millsaps, Jr | 27,684 |
| Billy Ray Stribling | 24,735 |
| Carl P. Murphy | 23,611 |
| C. H. Galloway, Sr | 22,774 |
| Roy E. Tate | 22,580 |
| F. C. Tyner | 21,727 |
| Arizona T. Dulaney | 20,967 |
| Gordon Hart | 20,779 |
| Clyde B. Edwards | 20,110 |
| Total payees in county (39) | 1,497,094 |

MARSHALL COUNTY

| | |
|---|---|
| J. M. Ash | 62,921 |
| L. E. Devore | 49,538 |
| Johnny Taylor | 48,079 |
| Charles McClatchy | 43,958 |
| Jack McClatchy | 43,958 |
| J. W. Cocke | 41,734 |
| Jobe Whaley | 39,217 |
| John L. Loftin | 38,095 |
| C. B. Robinson | 36,010 |
| Everett Edlin | 34,775 |
| William S. Payne | 34,729 |
| Hugh McClatchy | 34,594 |
| Chester Hurdle | 34,104 |
| C. S. Hurdle | 31,699 |
| Raymond Patrick | 31,596 |
| Walter Allen | 28,509 |
| Edgar Lee Bolden | 27,808 |
| Russell G. Houston | 27,635 |
| Egbert Jones | 26,411 |
| John R. McDermott | 26,318 |
| Hargis Hurdle | 26,285 |
| Wayne Briscoe | 24,368 |
| Tommy Woods | 23,303 |
| Tom C. Lacey | 23,246 |
| Janie C. Hurdle | 22,855 |
| Ida M. Edlin, Exec. A. Eldin Est | 22,798 |
| Treadwell & Sammons | 21,578 |
| Jesse B. Boswell | 20,682 |
| Guy K. Shaw | 20,308 |
| Wallace Briscoe | 20,300 |
| J. P. Woods | 20,041 |
| Total payees in county (31) | 987,452 |

MONROE COUNTY

| | |
|---|---|
| Sid T. Sanders | 55,412 |
| Frank R. Millender | 46,501 |
| Richard S. Cole | 43,247 |
| Thomas E. Millender | 38,167 |
| Roy Tucker | 35,031 |
| Fred Bell | 32,464 |
| Fay Nevins | 31,308 |
| Riley Dabbs | 29,589 |
| Dennis R. Self | 28,215 |
| Charles Boyd | 28,206 |
| Carlos A. Thompson | 26,590 |
| Lee H. Harrington | 26,333 |
| Delmer Holloway | 22,741 |
| M. V. Burks | 22,730 |
| W. B. Watkins | 21,607 |
| Charles R. Sanders | 20,208 |
| Edward West | 20,120 |
| Total payees in county (17) | 527,469 |

MONTGOMERY COUNTY

| | |
|---|---|
| Sidney Branch | 27,370 |
| William Manley Abel | 22,625 |
| Daniel S. Middleton | 21,018 |
| Total payees in county (3) | 71,013 |

NOXUBEE COUNTY

| | |
|---|---|
| A. T. Evans | 69,565 |
| Harrison Evans Est | 69,553 |
| Gladys T. Evans | 69,549 |



| | |
|---|---|
| Ralph Spurgeon, Jr | 60,528 |
| Valley Farm | 50,660 |
| Circle M Ranch Inc | 43,383 |
| The Deerbrook Co | 42,522 |
| Jimmie C. Hood | 33,707 |
| A. B. Stevens, Jr | 33,446 |
| Paul M. Robertson Est | 28,885 |
| Joseph D. Pugh | 28,118 |
| Total payees in county (11) | 529,716 |

PANOLA COUNTY

| | |
|---|---|
| W. S. Taylor, Jr | 58,557 |
| Hays Bros & Hall | 56,977 |
| M. H. Sumner or C. N. Sumner | 56,336 |
| Derryal Glen Gates | 50,516 |
| Alton Milam | 48,886 |
| Robert McMillan | 48,855 |
| Donald Bartlett | 48,256 |
| Crenshaw Bros Inc | 46,122 |
| Evander Smith | 44,365 |
| W. P. Lemaster | 38,612 |
| Whitworth Farms Inc | 38,085 |
| Lent E. Thomas, Jr | 36,079 |
| Dave Pointer | 34,593 |
| Maury R. Harris & Sons Inc | 33,506 |
| Estate of Fred Taylor, Sr | 32,503 |
| David Ross Craig | 29,062 |
| John D. Aldison | 28,625 |
| Raymond Birdsong | 28,357 |
| Curtis McNemar | 28,255 |
| Otis Jenkins | 27,065 |
| Hosey White | 26,916 |
| H. G. Short | 26,759 |
| James Montieth | 26,714 |
| A. C. Atkinson | 25,631 |
| James W. Sorrells | 25,495 |
| Joe Reid | 25,371 |
| Taylor Bros | 25,105 |
| Hartzell Brothers | 23,613 |
| E. C. Darby | 23,568 |
| Leon Crigler | 23,224 |
| Emily J. Pointer | 22,942 |
| W. H. and Sarah Short | 22,606 |
| W. D. Craig | 22,365 |
| Triple H Farm | 21,782 |
| Jimmy Herron | 21,564 |
| Fred Womble | 21,187 |
| Tom Pugh | 20,672 |
| Total payees in county (37) | 1,219,126 |

PONTOTOC COUNTY

| | |
|---|---|
| W. G. Hodges | 33,381 |
| Gene Brown | 26,200 |
| D. L. Bowen | 22,831 |
| Charlie C. Hale | 21,587 |
| Total payees in county (4) | 103,999 |

PRENTISS COUNTY

| | |
|---|---|
| A. B. and B. C. Arnold | 22,770 |
| Paul Hughes | 21,040 |
| Total payees in county (2) | 43,810 |

QUITMAN COUNTY

| | |
|---|---|
| L. J. Barksdale | 56,569 |
| Taylor Incorporated | 56,004 |
| B. O. Tedford | 54,986 |
| A. L. King, Jr | 54,290 |
| Arthur Fulmer | 53,204 |
| C. W. Denton | 51,858 |
| E. O. Vance, Jr | 51,280 |
| David Ford | 51,040 |
| John B. Ford | 51,040 |
| John B. Laney, Jr | 48,899 |
| Joe E. Benson | 48,122 |
| Mrs. Miriam S. Blalock | 47,616 |
| Mrs. Evelyn S. Holcomb | 47,616 |
| Henry C. Self | 47,616 |
| Mrs. Marjorie Self Crabil | 47,616 |
| W. K. Self | 47,616 |
| F. R. Starr | 47,380 |
| Mrs. Mary T. Burroughs | 44,463 |
| Fletcher S. Haynes | 43,239 |
| E. H. Anderson | 42,859 |
| Gerald W. Tedford | 41,242 |
| James A. Tedford | 41,242 |
| I. L. Henry | 40,239 |
| E. R. Stingley III | 39,986 |
| Thomas B. Barnes | 39,677 |
| Longstreet Pltg. Co | 39,590 |
| Ben S. Yandell | 39,432 |
| W. M. Yandell, Jr | 39,432 |
| Wilborn Farms, Inc | 39,238 |
| B. W. Wadlington, Jr | 39,169 |
| F. F. Lunceford & Son, Inc | 39,104 |
| F. Raynor Starr | 38,765 |
| F. R. Wright, Jr | 37,641 |
| Mark N. Ham Estate | 36,837 |
| Miss. Penitentiary Board | 36,638 |
| Richard Shellman | 36,135 |
| Clifford Cobb, Jr | 36,127 |
| W. W. Hughes III | 32,583 |
| James D. Peterson, Jr | 32,490 |
| Crenshaw Pltg. Co., Inc | 32,365 |
| W. W. Hughes, Jr | 31,983 |
| C. B. Sigler | 31,930 |
| John M. Moyer | 31,792 |
| Thomas A. Harris | 31,661 |
| Michael G. Harris | 31,661 |
| W. H. Marquis | 31,578 |
| T. C. Haley | 31,242 |
| R. A. Carson | 31,090 |
| Perry Bailey | 30,515 |
| Hubert Haynes | 29,570 |
| H. T. Pittman | 28,958 |
| John Gordon | 28,184 |
| Paul Malatesta | 27,286 |
| H. W. Howze, Jr | 27,021 |
| J. E. Furr, Jr | 26,838 |
| Jim Gordon | 26,013 |
| B. H. Cobb | 25,610 |
| E. B. Smith | 24,815 |
| T. S. Hale, Jr | 24,587 |
| L. J. Kerr, Jr | 24,491 |
| Ed Benson | 24,058 |
| Hubert L. Respess | 23,917 |
| Ottis F. Meredith | 23,815 |
| Albert O. Jones | 23,811 |
| Charles Fair | 23,573 |
| S. P. Henry | 23,347 |
| Herbert R. Wilson | 23,292 |
| J. P. George | 23,171 |
| F. R. Trainor | 23,080 |
| R. W. Dean | 22,927 |
| Wylodine P. Dilatush | 22,790 |
| N. H. Sutton | 22,765 |
| Norris W. Faust | 22,212 |
| O. A. Davis, Jr | 21,878 |
| V. A. Furr, Jr | 21,442 |
| Mrs. Lillian G. Carson | 21,321 |
| J. K. Pearson, Jr | 21,153 |
| James A. Jackson | 21,115 |
| James G. Harris | 21,009 |
| Victor Bailey | 20,846 |
| Cuatro Corporation | 20,763 |
| Arthur Whitworth, Jr | 20,316 |
| Obia Owen | 20,250 |
| Wise Bros | 20,058 |
| Total payees in county (84) | 2,860,777 |

RANKIN COUNTY

| | |
|---|---|
| Paul Cross | 45,245 |
| J. B. Williamson | 33,544 |
| Wade R. Patrick | 31,863 |
| F. C. Lawrence | 28,978 |
| J. W. Patrick, Jr | 23,666 |
| J. D. McKay | 21,614 |
| James M. Flanagan | 20,197 |
| Total payees in county (7) | 205,107 |

SCOTT COUNTY

| | |
|---|---|
| Dan R. Boyce | 41,328 |
| Total payees in county (1) | 41,328 |

SHARKEY COUNTY

| | |
|---|---|
| Powers Company Inc | 60,912 |
| Fields Planting Corporation | 60,070 |
| Evanna Plantation Inc | 59,310 |
| Helena Pltn Inc | 58,978 |
| Baconia Plantation Inc | 58,389 |
| Greer Incorporated | 57,095 |
| Murphy Jones | 56,971 |
| Norris E. Hill | 56,860 |
| J. H. Hill, Sr | 56,860 |
| J. H. Hill, Jr | 56,846 |
| Hiram W. Hill | 56,846 |
| Reality Plantation Inc | 56,296 |
| James A. Boykin | 56,256 |
| Bruton Farms, Inc | 56,197 |
| June F. Grundfest | 54,594 |
| B. H. McGee | 54,368 |
| Burrell McGee | 54,363 |
| Hagan Farms, Inc | 52,606 |
| H. W. Hubbard | 52,006 |
| Clinkscales Bros | 51,255 |
| Keyho Inc | 50,212 |
| Estate of Capitola M. Dean | 49,024 |
| Council Bend Inc | 45,513 |
| J. H. Moore | 43,788 |
| W. W. Moore | 43,788 |
| W. R. Rodgers | 43,444 |
| Lynndale Planting Co., Inc | 41,722 |
| Darden Company Inc | 41,093 |
| G. C. Cortright | 38,596 |
| Ben Lamensdorf | 38,558 |
| Jones Plantation Inc | 37,469 |
| Patton Planting Co | 36,409 |
| Jere B. Nash, Jr | 35,529 |
| James Hand, III | 35,529 |
| Rives C. Carter | 35,529 |
| James Hand, Jr | 35,529 |
| Jere B. Nash | 35,529 |
| Mary V. Watson | 35,529 |
| M. J. J., Inc | 34,003 |
| Grosvenor Farms, Inc | 33,049 |
| Mabel D. Whitfield | 32,578 |
| Charles Kline | 32,561 |
| Robert H. Moses | 31,854 |
| T. W. Harris | 31,561 |
| Pat R. Dunaway | 31,538 |
| W. E. Patterson, Jr | 31,298 |
| Geraldine R. Dean | 31,197 |
| S. W. Bennett | 29,945 |
| J. M. Brown | 29,450 |
| Raymond Brown | 29,460 |
| Martin Planting Co., Inc | 29,386 |
| Capitola D. Edmondson | 28,632 |
| Miriam D. Heard | 28,632 |
| McKinney and Son | 28,425 |
| Benard O. Lovorn | 27,945 |
| M. C. Ewing, Jr | 27,700 |
| W. T. Ewing | 27,690 |
| James R. Carter | 27,057 |
| Laurance W. Carter | 27,049 |
| Wallace Carter, Jr | 27,049 |
| A. B. Williams | 27,009 |
| Catherine O. West | 26,740 |
| Carol D. Sterling Estate | 26,740 |
| A. B. Williams, Jr | 26,278 |
| Sojamax, Inc | 26,369 |
| Carl Dunaway, Inc | 25,340 |
| G. M. Baggett | 23,325 |
| Mrs. G. C. Cortright | 23,156 |
| R. D. Rutherford | 20,525 |
| Total payees in county (69) | 2,732,414 |

SUNFLOWER COUNTY

| | |
|---|---|
| Parchman Farms | 358,787 |
| Ophelia Braswell | 59,147 |
| Duncan Farms, Inc | 57,942 |
| William M. Pitts | 56,853 |
| Kansas Plantation, Inc | 56,789 |
| Brewer Morgan | 55,795 |
| Allen Pltg Co | 55,650 |
| W. E. Austin | 55,549 |
| Brashier Pltg Co | 55,537 |
| Dick Barrett | 55,310 |
| P. H. B., Inc | 55,282 |
| Garrard Est | 54,941 |
| Maury McIntyre, Jr | 54,833 |
| W. O. Shurden, Inc | 54,706 |
| B. A. Wright Farms, Inc | 54,692 |
| Gary Austin | 54,305 |
| Janet Austin | 54,305 |
| F. L. Tindall | 54,176 |
| C. A. McGregor | 54,170 |
| Bobby Joe Sykes | 54,077 |
| C. W. Barrett | 53,815 |
| George J. Rice | 53,611 |
| Georg A. Rice | 53,596 |
| Frank T. Brumfield | 53,411 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Mississippi*—Continued

[Amounts in dollars]

SUNFLOWER COUNTY—continued

| | |
|---|---|
| Bruce Brumfield | 53,395 |
| Edwin L. Parker, III | 53,395 |
| J. C. Robertson | 53,253 |
| W. T. Robertson | 53,253 |
| George C. Scroggins | 53,122 |
| H. T. Miller Pltg. Co., Inc | 53,005 |
| F. T. Clark | 52,861 |
| H. P. Watson | 52,846 |
| Harris Russell | 52,757 |
| W. T. Skelton | 52,739 |
| Joseph A. Oglesby, Jr | 62,681 |
| H. M. Arant | 52,142 |
| Lipe Farms, Inc | 51,839 |
| H. T. Bonds | 51,170 |
| Jim Muzzi | 50,989 |
| Est. of J. B. Failing | 50,798 |
| M. Pickett Myers, III | 50,339 |
| Max A. Hodges | 49,866 |
| W. B. Fletcher, Jr | 49,622 |
| Leslie R. Fletcher | 49,522 |
| John J. Hall, Jr | 48,649 |
| Spann Robertson | 48,632 |
| John R. Nichols | 48,619 |
| P. C. Nichols | 48,618 |
| A. K. Maxwell | 48,446 |
| Doddsville Farms Inc | 48,155 |
| John Dodd | 48,080 |
| S. B. Johnson | 47,754 |
| Goose Hollow Pltg. Co | 47,732 |
| Parker Planting Co | 47,199 |
| Richard Cummins | 47,199 |
| J. B. Sykes, Jr | 46,868 |
| L. K. Johnson | 46,852 |
| U. D. Parker, Jr | 46,834 |
| J. S. Parker, Jr | 46,767 |
| W. C. Lester | 46,278 |
| W. A. Price, Jr | 45,089 |
| J. A. Ely, Jr | 45,053 |
| Leroy Anthony | 45,044 |
| Will Green Poindexter | 45,013 |
| Scott Poindexter | 45,013 |
| W. H. Baird | 44,752 |
| David Keith | 44,744 |
| Carlis Lyon | 43,880 |
| Ethel Lyon | 43,876 |
| Floyd Hopson Gary | 43,580 |
| Black Bayou Pltn., Inc | 43,548 |
| E. E. Shurden | 43,052 |
| Dyche Plantation Inc | 42,811 |
| Phillip Fratesi | 42,713 |
| L. E. Braswell | 42,492 |
| J. D. Pennebaker | 42,408 |
| H. W. King | 41,438 |
| J. H. Magee | 41,334 |
| Helen S. Owens | 41,145 |
| Douglas Mallette | 40,795 |
| W. E. Jefcoat | 40,215 |
| R. M. McClatchy | 39,556 |
| C. H. McClatchy | 39,556 |
| James O. Eastland | 39,284 |
| W. D. Marlow, III & Son | 39,171 |
| Hubert Robertson | 39,156 |
| John Brewer Reed | 38,817 |
| W. E. Coleman and Son | 38,781 |
| W. L. Prichard | 38,698 |
| J. G. Prichard | 38,698 |
| B. R. Ammons | 38,005 |
| Noel Barrett | 37,920 |
| J. M. Montgomery, Jr | 37,823 |
| Calvin W. Montgomery | 37,823 |
| Carmen Fisher | 37,741 |
| Miller Bros | 37,657 |
| Sidney Levingston | 37,436 |
| Alfred A. Levingston | 37,333 |
| Sylvia L. Sklar | 37,333 |
| Fletcher Clark | 37,241 |
| G. B. Hitt | 37,180 |
| R. L. Shurden | 37,157 |
| A. W. Shurden | 37,157 |
| J. W. Stowers & Co | 37,005 |
| Hugh Medders | 36,554 |
| Thomas J. Baird | 36,440 |
| J. B. Baird | 36,440 |
| Louis Millen | 36,375 |
| B. L. Kirk | 36,345 |
| Ciro Nobile | 36,307 |
| W. C. Hendon | 36,150 |
| Thomas B. Givens | 35,641 |
| Gorden Dement | 35,613 |
| R. K. Clark | 35,562 |
| L. D. McCoy, Jr | 35,456 |
| Virgil E. Redd | 35,397 |
| V. E. Lester | 35,164 |
| J. C. Haney | 34,761 |
| Billy Brewer | 34,712 |
| McWilliams & Pyron | 34,474 |
| G. C. Billups, Jr | 34,311 |
| Alleta B. Sanders | 34,311 |
| Grace R. Billups | 34,311 |
| Irene Billups | 34,311 |
| Lucy B. Hill | 33,904 |
| Nannie S. Parks Est | 33,689 |
| Floyd E. Mitchell | 33,515 |
| Herman Guest | 33,503 |
| Roy Manning, Jr | 33,320 |
| Roberts Brothers | 32,985 |
| Dickerson Farms | 32,897 |
| William Mitchell | 32,876 |
| W. D. Patterson | 32,720 |
| W. D. Patterson, Jr | 32,713 |
| E. Leonard Patterson | 32,713 |
| Sidney Shurden | 32,272 |
| James Bradshaw | 32,192 |
| Lake O. Lindsey | 31,547 |
| J. R. Dockery | 31,466 |
| Allen Fox | 31,147 |
| R. J. Allen, Jr | 31,058 |
| David S. Allen, Jr | 31,058 |
| Jack Griffith | 31,054 |
| J. F. Barbour, II | 30,970 |
| James L. Beckham | 30,934 |
| Ted Borodofsky | 30,928 |
| C. R. Skelton | 30,155 |
| Albert R. Holeman | 30,069 |
| L. A. Safley | 29,992 |
| W. T. Timbs, Jr | 29,627 |
| Charles E. Clark | 29,547 |
| Kelly R. Mahan | 29,428 |
| B. & L. Farm Inc | 29,377 |
| Dar Bayou Pltg. Co | 29,317 |
| C. T. Ellis | 29,300 |
| David E. Roberts | 28,558 |
| Powell Poe | 28,299 |
| Carl T. Harkins | 27,795 |
| J. L. Hall | 27,762 |
| J. T. McGregor | 27,633 |
| J. B. Lee | 27,513 |
| W. J. Toler | 27,330 |
| Edward M. Lyon | 27,293 |
| H. C. Eastland | 27,038 |
| M. G. Walker | 26,953 |
| W. E. Lamastus, Jr | 26,940 |
| Lakewood Inc | 26,918 |
| John Burrell | 26,873 |
| A. E. Schuyler | 26,818 |
| Fitts, Fitts & Pate | 26,762 |
| A. E. B. Britt | 26,467 |
| Fred V. Jones Estate | 26,075 |
| W. D. Baird | 25,882 |
| J. B. Murrah | 25,858 |
| Sterling Dugger | 25,789 |
| George E. Baird, Jr | 25,589 |
| J. R. Martin | 25,467 |
| Berryhill Bros Pltg. Co., Inc | 25,431 |
| W. B. Lovett | 25,386 |
| C. B. Fisackerly | 25,293 |
| Ray Boone | 24,772 |
| B. N. Marlow Est | 24,745 |
| Norman Pentecost | 24,571 |
| Patterson Farms Inc | 24,536 |
| T. E. Cooper | 24,423 |
| David Woods | 23,998 |
| P. K. McGregor | 23,534 |
| D. R. Mallette | 23,463 |
| Tommy Ellis | 23,452 |
| George L. Evans | 23,360 |
| E. A. Stansel, Jr | 23,202 |
| T. A. Murtagh | 22,953 |
| R. J. Vanlandingham | 22,946 |
| Catlette Brothers | 22,893 |
| Glenn McCoy | 22,521 |
| Jessie Russell | 22,452 |
| V. A. Johnson | 22,312 |
| John E. Watts | 22,056 |
| Lee Watts | 22,056 |
| Carl M. Prewitt | 21,946 |
| Eldon Crow | 21,905 |
| H. I. Clark | 21,904 |
| Stacy & Baughman | 21,877 |
| Charles E. Boyer, Jr | 21,846 |
| Buckshot Pltg. Co., Inc | 21,703 |
| A. C. Tidmore & Sons | 21,597 |
| J. O. & H. C. Eastland Inc | 21,449 |
| Frank Mixon | 21,150 |
| Howard L. Grittman, Jr | 21,108 |
| James Simpson | 20,967 |
| A. E. Moody | 20,806 |
| W. J. Jones | 20,632 |
| Susan E. Terney | 20,292 |
| Total payees in county (213) | 8,310,053 |

TALLAHATCHIE COUNTY

| | |
|---|---|
| Ralph T. Hand, Jr | 57,866 |
| Martha B. Lowe | 57,624 |
| S. M. Fewell & Co | 57,579 |
| Paul Melton | 57,182 |
| A. A. Mabus | 57,081 |
| Ray Mabry Farms, Inc | 56,473 |
| Friendship Road, Inc | 56,361 |
| Mitchener Farms, Inc | 55,745 |
| B. & S. Planting Co., Inc | 55,603 |
| Melton Brothers | 55,512 |
| Boggy, Inc | 55,511 |
| Twilight Plt. Co | 55,432 |
| Fae Equen Rhodes | 55,322 |
| J. B. Baker, Jr | 55,000 |
| J. C. Wilbourn | 55,000 |
| Cunliffe McBee | 54,993 |
| Elizabeth G. Falls | 54,843 |
| Elizabeth Falls Munro | 54,843 |
| Joann F. Schmeisser | 54,843 |
| William A. Falls | 54,843 |
| Parl F. Mitchener | 54,739 |
| R. Jones Fedric | 54,714 |
| E. C. Fedric | 54,714 |
| Frank Sayle & Son | 54,700 |
| J. L. Hill, Jr | 54,563 |
| Phil Thornton III | 54,435 |
| Phil Thornton, Jr | 54,435 |
| G. B. Williams | 54,091 |
| T. B. Abbey, Jr. & Co | 53,895 |
| Sunset, Inc | 53,864 |
| Billy Joe Waldrup | 52,423 |
| W. D. Newton | 51,723 |
| Gene T. Fleming | 49,843 |
| E. D. Graham | 49,411 |
| M. L. McMillan | 49,274 |
| Frank & Dorothy Sturdivant | 49,117 |
| M. S. Dale | 48,323 |
| Bill James | 47,930 |
| Benford Brown | 45,036 |
| T. C. Buford | 44,900 |
| Billy G. Flautt | 44,754 |
| Jack G. Flautt | 44,754 |
| Marion S. Dunn | 44,443 |
| W. W. Pearson | 44,443 |
| John W. Sherman | 44,080 |
| C. S. Rankin | 43,261 |
| Shoestring, Inc | 42,940 |
| Gates, Inc | 42,538 |
| D. A. Tubbs | 42,339 |
| W. A. Worsham | 41,352 |
| Murphey Plantation | 40,551 |
| Herbert Rice | 35,617 |
| Bailey Brake Farm | 35,524 |
| Larry C. Hardy | 35,295 |
| J. J. Webb, Jr | 34,700 |
| Richard E. Magee | 33,921 |
| Ray Roberson Farm, Inc | 33,598 |
| James E. Magee | 32,660 |
| Hubert H. Magee | 32,660 |
| William Tribble | 32,243 |
| B. A. Marley | 32,186 |
| Margaret M. Norman | 31,947 |
| Casburn Brothers | 31,921 |
| Dry Bayou Planting Co | 31,143 |
| Don Allison | 30,994 |
| Steve Worley | 29,909 |
| James L. Allison | 29,874 |
| Bilbo Pennington | 29,813 |
| Greenfield Planting Co | 29,409 |



| | |
|---|---|
| Joe T. Wolfe | 28,152 |
| Smith Murphey & Co., Inc | 28,100 |
| Jim Pennington | 27,694 |
| W. C. Vinson | 27,328 |
| J. L. Hill III | 27,282 |
| Linda P. Hill | 27,262 |
| D. D. Bloodworth | 27,244 |
| T. & W. Farm, Inc | 27,032 |
| R. E. Seawright | 26,581 |
| Eloise M. Erwin | 25,823 |
| J. A. Townes | 25,793 |
| G. C. Trout | 25,717 |
| J. W. Fennell | 25,343 |
| R. W. Lee | 24,955 |
| Ernest Brasher, Jr | 24,550 |
| Bend Plantation | 24,426 |
| Charles J. McAtee | 24,226 |
| Davis Bros | 24,067 |
| Mikoma Grain, Inc | 23,334 |
| Webb & Webb | 23,039 |
| Maggie W. McLellan | 22,990 |
| Triple R Farm | 22,736 |
| Stuart Denman | 22,097 |
| Ellett & Sandifer Farms | 21,909 |
| James H. Morrow | 21,817 |
| J. W. House | 21,629 |
| M. L. Mitchell | 21,556 |
| William H. Morrow | 21,382 |
| Frank B. Swearengen | 21,363 |
| Tom Rice | 21,149 |
| Edward Johnson | 21,123 |
| Mike Fortenberry | 21,038 |
| W. G. Burkhalter | 20,597 |
| A. O. Chatham | 20,329 |
| Morris Eason | 20,063 |
| Strider Brothers | 20,038 |
| Total payees in county (105) | 4,068,439 |

TATE COUNTY

| | |
|---|---|
| J. C. Sides, Sr | 66,871 |
| Jim Presley | 55,134 |
| M. P. Moore | 50,402 |
| E. E. Moore | 38,147 |
| R. G. Roseborough, Sr., Estate | 30,421 |
| James C. Rhodes | 25,839 |
| Thomas E. Smith, Jr | 23,686 |
| Robert P. Thompson | 23,380 |
| T. P. Veazey, III | 23,286 |
| David B. Tyer | 23,255 |
| Harry B. House | 22,933 |
| I. F. Hyde | 22,049 |
| Jessie B. Hudson | 21,347 |
| Louise M. McKellar | 21,162 |
| Total payees in county (14) | 447,912 |

TIPPAH COUNTY

| | |
|---|---|
| Jerry L. Bright | 40,985 |
| Eddie R. McMillin | 23,859 |
| Bonnie Mauney | 23,330 |
| Marlin Childs | 21,716 |
| Total payees in county (4) | 109,890 |

TISHOMINGO COUNTY

| | |
|---|---|
| Scottie E. Dean | 27,698 |
| Total payees in county (1) | 27,698 |

TUNICA COUNTY

| | |
|---|---|
| Arnold Farms, Inc | 62,138 |
| Sterling W. Owen III | 61,068 |
| John W. Owen | 61,066 |
| Will W. Owen | 61,066 |
| Oaklawn Plantation, Inc | 59,880 |
| McClintock Farms, Inc | 59,501 |
| S. A. Arnold, Jr | 59,156 |
| Bibb, Inc | 58,800 |
| B. R. Smith | 58,095 |
| Irwin Company, Inc | 57,279 |
| Su Cam, Inc | 56,883 |
| C. H. Block & Co | 56,778 |
| R. C. Smith | 56,673 |
| Mhoon, Inc | 56,596 |
| Planters Oil Mill | 56,596 |
| Cobb Farms, Inc | 56,596 |
| S. C. Wilson & Son | 56,563 |
| Richmond Counts | 55,729 |
| Mary Davis Owen | 55,639 |
| C. P. Owen, Jr | 55,639 |
| Hollywood Farms, Inc | 55,000 |
| Clyde J. Perry | 54,949 |
| John Canon | 54,657 |
| Abbay and Leatherman, Inc | 53,441 |
| W. C. McLean, Inc | 51,129 |
| T. O. Earnheart Co., Inc | 50,038 |
| Roger Johnson | 47,810 |
| Hood Farms, Inc | 47,491 |
| A. S. Perry & Sons, Inc | 47,375 |
| M. L. Earnheart Co., Inc | 47,348 |
| R. J. Hussey | 46,459 |
| James Byrd | 45,596 |
| Whiteoak Farms, Inc | 44,611 |
| Youngblood Company | 43,098 |
| William H. Houston III | 42,636 |
| C. Buck Graves | 42,088 |
| William E. Godbold | 41,532 |
| PBL Co., Inc | 39,615 |
| James D. Boyd | 39,137 |
| Francis C. Boyd | 39,137 |
| John E. Matthews | 38,699 |
| Alterra Planting Company | 38,614 |
| J. E. Sides & Son, Inc | 37,307 |
| Carl C. May | 35,701 |
| Eunice May | 35,691 |
| Tony May | 35,691 |
| Jack W. Perry & Co., Inc | 35,028 |
| Lloyd E. Ryals | 34,709 |
| Johnson & Frank | 34,678 |
| Richard Watson | 34,330 |
| Harold Harris | 34,074 |
| W. H. Austin | 34,055 |
| C. A. Austin | 34,055 |
| D. C. Parker | 33,235 |
| Harvey Richard Watson | 30,707 |
| R. I. Abbay | 29,422 |
| Milton Boyd | 29,403 |
| A. C. Caperton | 28,928 |
| B. M. Martin, Jr | 28,117 |
| Wayne McDonald | 27,488 |
| S. W. Seabrook | 27,460 |
| W. H. Houston, Jr | 26,892 |
| James Pegram | 26,639 |
| A. T. Earnheart | 26,386 |
| Mary S. Leatherman | 25,073 |
| Billy Pegram | 24,581 |
| Edgar Hood III | 24,356 |
| W. A. Leatherman | 23,979 |
| Mrs. Irwin L. Magevney | 23,979 |
| S. R. Leatherman, Sr | 23,979 |
| Anne L. Grant | 23,979 |
| Norfleet Land Corp | 23,040 |
| D. R. Houpt | 23,006 |
| Vance Moore & Sons, Inc | 22,599 |
| E. J. Lake Inc | 22,527 |
| W. D. Garrett Jr | 22,467 |
| Joe Watson | 21,970 |
| Iles Company | 20,958 |
| Two Sisters Plant | 20,844 |
| Thoms E. Swindoll | 20,517 |
| Ram Farms Inc | 20,390 |
| Ransom A. Myers | 20,256 |
| Total payees in county (82) | 3,280,697 |

UNION COUNTY

| | |
|---|---|
| Hugh Stephens | 32,055 |
| Carl Stephens | 28,981 |
| Edgar J. Stephens Jr | 28,981 |
| B. W. Long | 23,809 |
| Paul D. Kitchens | 21,562 |
| L. H. Pannell | 21,547 |
| Total payees in county (6) | 156,935 |

WARREN COUNTY

| | |
|---|---|
| Martin Lombard Burns | 56,353 |
| Bernard Aden | 56,072 |
| Louis Aden | 56,072 |
| B. N. Simrall and Son Inc | 52,584 |
| H. A. Downey Jr | 46,837 |
| Ferris Farms Inc | 31,654 |
| Crosby S. Simmons | 29,852 |
| Newell Simrall III | 24,080 |
| Dorothy G. Butts | 20,338 |
| E. R. McKnight | 20,159 |
| Total payees in county (10) | 394,001 |

WASHINGTON COUNTY

| | |
|---|---|
| H. K. Hammett and Sons | 58,607 |
| Walker Farms, Inc | 58,398 |
| Neff Farms Inc | 58,246 |
| Torrey Wood and Son | 57,239 |
| A. G. Mahalitc | 57,124 |
| Edward Shackleford | 57,051 |
| J. Pete Fisher, Jr | 56,671 |
| Reggie C. Kellems | 56,390 |
| J. P. Fisher, Sr | 56,337 |
| Trail Lake Plant Co., Inc | 56,267 |
| Leota Farms, Inc | 56,188 |
| Klondike Plant Co., Inc | 56,060 |
| Glen Crowe | 55,983 |
| F. C. Crowe | 55,983 |
| Gordon Crowe | 55,983 |
| Donald Crowe | 55,983 |
| Raymond Clark | 55,966 |
| Hampton Collier | 55,570 |
| Frederick J. Smythe | 55,452 |
| Dan L. Smythe | 55,452 |
| Emmett T. Potter, Jr | 55,250 |
| Julian F. Potter | 55,250 |
| Dennis K. Potter | 55,250 |
| John W. Potter | 55,250 |
| Wm. A. Percy II | 55,210 |
| J. C. Askew | 55,149 |
| James L. Marquis | 55,149 |
| R. A. Ingram | 55,149 |
| Arcola Plantation, Inc | 55,123 |
| Shamrock Farm, Inc | 55,006 |
| Word Planting Co | 54,994 |
| Barton Ingram | 54,986 |
| J. R. Ross | 54,859 |
| Ben Walker, Jr | 54,242 |
| Edward Blowers | 53,075 |
| Marvin Fullerton | 53,075 |
| John Hendon | 52,731 |
| John C. and Donny Hendon | 52,731 |
| Alex Curtis | 52,662 |
| E. J. Ganier | 52,298 |
| Randolph Smythe | 51,941 |
| Edward P. Vieh | 51,861 |
| H. W. Branton | 51,675 |
| E. E. Cooper | 51,511 |
| Joseph Maurice Brown | 51,496 |
| C. A. Tate, Jr | 51,076 |
| Dan T. Branton | 50,719 |
| W. E. Taylor | 50,531 |
| J. P. Wilkerson | 50,382 |
| Rex Livingston | 50,135 |
| M. H. Rich, Jr | 49,916 |
| James A. Petty | 49,444 |
| V. L. & L. A. Nunnery | 48,622 |
| E. A. Currey, Jr | 48,560 |
| Oak Grove Farms, Inc | 48,373 |
| David B. Flanagan | 48,115 |
| Chester Kellems | 47,660 |
| W. H. Neill and Sons | 46,458 |
| Frank Rochelle | 46,230 |
| D. K. Morrow | 45,784 |
| Cameron Dean | 45,302 |
| J. C. Reed | 45,232 |
| Randy Journeay | 45,219 |
| Henry A. Reed | 45,219 |
| Cope and Neff | 44,812 |
| John W. Oglesby | 44,778 |
| Refuge Pltn | 44,542 |
| T. W. Hays | 44,537 |
| Robbie Reed | 44,489 |
| John T. Dillard | 44,489 |
| George F. Stock | 44,066 |
| Floyd Wayne Reed | 43,850 |
| Fred Ballard | 43,790 |
| John M. Dean | 43,724 |
| Gus Pieralisi | 43,715 |
| Stylon Proctor | 43,178 |
| Walcott Planting Co | 43,077 |
| Hugh W. Ivy, Jr | 42,574 |
| Ray F. Beckham | 42,529 |
| John Stephens | 42,463 |
| G. B. Ganier | 41,663 |
| Eli James Ganier, Jr | 41,663 |
| H. K. Hammett | 41,577 |



XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Mississippi*—Continued

[Amounts in dollars]

WASHINGTON COUNTY—continued

| | |
|---|---|
| Warren I. Hammett | 41,577 |
| Keith Mitchell | 40,666 |
| Andrew W. Bell | 40,426 |
| Percy L. Bell | 40,426 |
| Thomas A. Hollingsworth | 40,312 |
| Wright Planting Co., Inc | 39,841 |
| Hollywood Pltn | 39,810 |
| C. D. Verner | 39,696 |
| R. A. Montgomery | 39,553 |
| Max Phillips | 39,252 |
| C. O. Dean, Jr | 39,232 |
| W. B. Andrews | 39,026 |
| W. G. Trotter and Son | 38,933 |
| W. W. Trotter | 39,933 |
| Four C Land Co., Gordon Crowe | 38,581 |
| David T. Cochran | 38,410 |
| H. T. Cochran | 38,410 |
| E. A. Lafoe, Jr | 38,321 |
| Richard W. Kellems | 38,025 |
| C. Allen Spragins | 37,764 |
| R. D. Fisher | 37,753 |
| Ross Underwood | 37,511 |
| Don O. Baker | 37,507 |
| O. R. Horton | 37,364 |
| Delta Experiment Station | 36,737 |
| W. T. Weathers | 36,647 |
| Harley Metcalfe, Jr | 36,647 |
| Winston Walker | 36,512 |
| D. and W. Jones, Inc | 36,114 |
| Perrin Grissom | 35,983 |
| Jane W. Simmons | 35,679 |
| Leo F. Williams, Sr | 35,669 |
| Leo F. Williams, Jr | 35,669 |
| Peggy Baker Cannada | 35,636 |
| Murry M. Alexander | 35,582 |
| A. L. Andrews | 35,476 |
| J. W. Cockerhan | 35,458 |
| Kirk Pltn | 35,319 |
| James Middleton | 35,182 |
| E. W. Stone | 34,808 |
| Rance Morgan, III | 34,638 |
| V. L. Sandifer | 34,449 |
| Guido Palasini | 33,318 |
| James E. Mosley | 33,107 |
| Robert F. Percy | 33,107 |
| Sally Percy Lewis | 33,107 |
| Leroy P. Percy, Jr | 33,107 |
| George W. Stone | 32,757 |
| William J. Ireland | 32,671 |
| Leo E. Frankel | 32,492 |
| Bob Dennis | 32,234 |
| D. and S. Plant Co., Inc | 32,190 |
| Everhope Pltn | 32,140 |
| Gene A. Clements | 32,074 |
| T. R. Pittman | 31,938 |
| Mike W. McLaurin | 30,973 |
| Joseph L. McLaurin | 30,973 |
| J. R. Shaw | 30,710 |
| J. E. Bratton | 30,654 |
| Tony and Larry Fratesi | 30,312 |
| Louis F. Fratesi | 29,608 |
| Clyde V. Gault | 28,899 |
| G. G. & G. W. McCool | 28,746 |
| Edward Trotter | 28,611 |
| Marion Stevens | 28,465 |
| Leo R. Stevens | 28,465 |
| James Cornelius | 28,357 |
| Laverne Hyer | 28,315 |
| Peebles and Poss Farm | 27,929 |
| Henry Hemphill | 27,925 |
| Henry Paris | 27,852 |
| Harvey C. Watson | 27,852 |
| Don R. Baker | 27,705 |
| Camille M. Baker | 27,705 |
| Mrs. J. R. Kiker & Son | 27,378 |
| R. M. Pritchett | 27,342 |
| Harry M. Key | 27,115 |
| E. E. Griffith | 27,089 |
| William E. Avis | 27,030 |
| Southern Drnage & Const. Co | 26,933 |
| Wade Burns | 26,749 |
| Deerfield Farms Co | 26,703 |
| Howard New | 26,655 |
| W. C. Skates, Jr | 26,588 |
| Jessie McDonald | 25,733 |
| Ben Hawkins, Jr | 25,487 |
| W. C. Skates Sr | 25,468 |
| Harry W. Branton, Jr | 25,359 |
| Jerry B. Miller | 25,339 |
| Foch Barnes | 25,069 |
| W. A. Dunaway | 24,919 |
| Lawrence W. Dunnaway | 24,919 |
| B. R. Harris | 24,535 |
| J. A. Harris | 24,535 |
| Elizabeth Jeffreys | 24,411 |
| L. and B. Pltn W. R. Rodgers | 24,319 |
| James T. Hollingsworth | 24,206 |
| Marvin Jennings | 24,092 |
| Stovall Farms | 24,083 |
| E. W. Nerren | 23,476 |
| Homer Jones | 23,398 |
| J. A. Newton | 23,252 |
| Marlowe R. Park | 23,056 |
| Cecil Wingfield | 22,831 |
| Lando and Charlie E. Fratesi | 22,329 |
| Chalmers E. Hobart | 22,250 |
| Jack Middleton | 22,193 |
| Eula M. Gerald | 21,450 |
| Malvina Pltn, Inc | 21,211 |
| Charlie L. Fratesi | 20,982 |
| Marcus Treadway | 20,362 |
| Bessie W. Bell | 20,213 |
| Total payees in county (195) | 7,698,253 |

WEBSTER COUNTY

| | |
|---|---|
| Y. B. Gore | 31,422 |
| CMW Land Co., Inc | 59,733 |
| Harold Finnell Dorroh | 26,663 |
| C. C. Hemphill | 25,019 |
| Jack Gary | 21,441 |
| Total payees in county (5) | 164,278 |

WINSTON COUNTY

| | |
|---|---|
| Billy F. Kirk | 22,835 |
| Total payees in county (1) | 22,835 |

YALOBUSHA COUNTY

| | |
|---|---|
| J. R. Magee | 55,901 |
| John N. Covington, Jr | 48,188 |
| S. C. & E. Corp | 45,936 |
| W. C. Bill Hall | 45,656 |
| H. H. White | 41,011 |
| Joe N. Bailey, Jr | 31,885 |
| A. R. Ingram | 25,882 |
| Robert Hatchet Williams | 23,153 |
| W. V. Moore | 22,518 |
| Edward F. Wooten | 22,234 |
| Charlie M. Shaw | 21,098 |
| D. R. Ingram | 20,399 |
| Aubrey Herron | 20,355 |
| Luke Purdy | 20,083 |
| Total payees in county (14) | 444,299 |

YAZOO COUNTY

| | |
|---|---|
| H. S. Swayze | 63,060 |
| D. H. Dew, Jr | 59,620 |
| D. H. Dew, Sr | 58,664 |
| E. T. Schaefer | 56,378 |
| James E. Coleman, Inc | 56,248 |
| Sam E. Dixon, Jr | 55,584 |
| Buford Atkinson | 55,251 |
| Kinkead Plantation | 55,188 |
| Morrison Farms, Inc | 54,535 |
| R. E. Coker | 53,272 |
| El Dorado Planting Co | 52,570 |
| J. J. Erickson, Jr | 52,237 |
| David C. Erickson | 52,237 |
| R. B. Harris | 50,006 |
| W. T. Clark, Jr | 49,352 |
| Robert H. Cato | 48,074 |
| S. C. Coleman | 44,569 |
| R. E. Coleman | 43,867 |
| Jerry B. Barrier | 43,710 |
| John S. Howie | 41,972 |
| Barler Farms, Inc | 41,698 |
| John J. Peaster | 41,163 |
| Quiet Shades Plantation, Inc | 41,056 |
| L. M. Phillips | 40,835 |
| A. S. Nichols | 38,286 |
| W. T. Hegman, Jr | 37,527 |
| D. H. Shipp | 37,468 |
| T. R. Coleman | 37,349 |
| H. T. Barrier | 37,305 |
| J. N. Hart | 36,921 |
| Delta Co | 36,828 |
| Johnson Farms, Inc | 36,756 |
| W. E. Harris | 36,462 |
| C. W. Ward & Sons | 36,369 |
| William Barbour | 36,321 |
| Ruby Walker | 34,798 |
| Sam S. Fisher, Jr | 34,001 |
| Clayton Swayze II | 33,696 |
| J. V. Whitaker | 33,208 |
| Thomas R. Stricklin | 33,184 |
| H. T. Barrier, Jr | 31,754 |
| W. R. Coleman | 31,149 |
| Cedar Grove Plantation | 31,082 |
| R. M. Bridgforth & Sons | 30,893 |
| Norway Plantation, Inc | 30,413 |
| Hogue & Hogue | 30,313 |
| Jones Bros | 30,278 |
| Phillip P. Shipp III | 30,218 |
| F. W. Sharbrough | 30,084 |
| E. E. Ables | 29,692 |
| Nolan H. O'Reilly | 29,391 |
| Kirk Farms | 28,944 |
| B. R. Seward | 28,919 |
| Mary Russell Seward | 28,914 |
| Jack F. Phillips | 28,613 |
| Martin Farms, Inc | 27,929 |
| Leon W. Rice | 27,596 |
| Burdette Boyd | 27,377 |
| H. R. Crowder, Jr | 27,314 |
| Pearson Bros | 27,132 |
| Ray Scroggins | 26,849 |
| M. A. Strickland & Son | 26,622 |
| John Raymond Scroggins | 26,373 |
| Barney Ray Scroggins | 26,373 |
| Dixie Farms | 25,514 |
| H. O. Hicks | 25,445 |
| C. Q. Clark | 24,832 |
| Charles A. Jordan | 24,485 |
| B. A. Jordan | 24,485 |
| E. T. Jordan, Jr | 24,485 |
| E. T. Jordan, Sr | 24,485 |
| John W. Jordan | 24,485 |
| E. E. Nixon, Jr | 23,942 |
| Kirkland, Inc | 23,463 |
| E. R. Seward | 23,147 |
| Mrs. Lucy Fouche | 23,075 |
| M. D. Carter, Jr | 22,139 |
| J. L. Dixon | 21,990 |
| James H. Moore | 21,421 |
| McGraw Farms | 20,998 |
| W. F. Cresswell | 20,946 |
| Charles Ables | 20,930 |
| H. C. Stricklin | 20,268 |
| Frank Carter | 20,170 |
| John W. Odum | 20,097 |
| Total payees in county (85) | 2,962,649 |
| Total payees in State (1,872) | 70,994,091 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Missouri*

[Amounts in dollars]

ATCHISON COUNTY

| | |
|---|---|
| Scamman and Co | 36,166 |
| Jack A. Martin | 28,828 |
| Dean or Gloria Bolton | 28,139 |
| Wm. M. Griffin | 27,260 |
| Charles C. Martin | 25,758 |
| Ed Bass | 23,801 |
| Bass Farms | 23,801 |
| Mervyn Jenkins | 23,395 |
| Marvin Leseberg | 22,631 |
| Jimmie Low | 20,313 |
| Donald Wolf or Orville Wolf | 20,177 |
| Total payees in county (11) | 280,269 |

AUDRAIN COUNTY

| | |
|---|---|
| A. C. Farms, Inc | 31,227 |
| Total payees in county (1) | 31,227 |



BARTON COUNTY

| | |
|---|---|
| Merle W. Barker | 20,597 |
| Total payees in county (1) | 20,597 |

BATES COUNTY

| | |
|---|---|
| H. M. Gepford | 32,175 |
| Ray Pollert | 31,707 |
| Howard Eastland, Sr | 29,798 |
| True Beisly | 25,225 |
| Bill Ingram | 21,993 |
| Richter Farm Assn. Inc | 20,842 |
| Don Gretzinger | 20,701 |
| Total payees in county (7) | 182,441 |

BOONE COUNTY

| | |
|---|---|
| Dorsey M. Bass | 33,859 |
| Smith Bros | 24,694 |
| Total payees in county (2) | 58,553 |

BUCHANAN COUNTY

| | |
|---|---|
| Sonnenmoser Bros | 33,474 |
| Total payees in county (1) | 33,474 |

BUTLER COUNTY

| | |
|---|---|
| Roy Nail | 20,675 |
| Total payees in county (1) | 20,675 |

CARROLL COUNTY

| | |
|---|---|
| Albert A. Link, Jr | 56,948 |
| D. N. M. Grain Co | 34,379 |
| Brayton Farms, Inc | 26,546 |
| Lesher Long Farms, Inc | 21,980 |
| Arthur Bultmann, Jr | 21,434 |
| Ronald Gibson | 20,718 |
| Total payees in county (6) | 182,005 |

CHARITON COUNTY

| | |
|---|---|
| Quinn Bros | 62,269 |
| W. L. Dickinson | 24,826 |
| C. S. Bramble and Sons | 20,544 |
| Total payees in county (3) | 107,639 |

CLAY COUNTY

| | |
|---|---|
| Woodrow Wren | 23,984 |
| Curry Angus Farms, Inc | 23,419 |
| Total payees in county (2) | 47,403 |

COOPER COUNTY

| | |
|---|---|
| Knipp Bros | 20,497 |
| Total payees in county (1) | 20,497 |

DAVIESS COUNTY

| | |
|---|---|
| L. L. Cook & Son | 33,029 |
| Total payees in county (1) | 33,029 |

DUNKLIN COUNTY

| | |
|---|---|
| Albert Hall | 36,262 |
| M. C. Collins | 35,412 |
| J. F. Baker | 34,991 |
| Harris Farms, Inc | 32,376 |
| V. M. Jones, Sr | 28,940 |
| Bond Rouse | 28,154 |
| Charles Pelts | 28,139 |
| H. W. Droke | 27,297 |
| Audie Grisham | 27,174 |
| Loyd Robertson | 25,619 |
| Matthews Agency Account | 25,577 |
| F. L. Bynum | 24,063 |
| Tom True | 24,006 |
| Kenneth Caldwell | 23,757 |
| Thomas Wilkins | 22,573 |
| Hart Gin Company | 21,712 |
| Chester Lee True | 21,699 |
| J. E. Jones Gin Co., Inc | 21,587 |
| Tommy Sutton | 20,649 |
| Elmer Nowlin | 20,250 |
| Total payees in county (20) | 530,237 |

GRUNDY COUNTY

| | |
|---|---|
| L. L. George & Sons, Inc | 22,038 |
| Total payees in county (1) | 22,038 |

HARRISON COUNTY

| | |
|---|---|
| Gilbert Taraba | 24,400 |
| Total payees in county (1) | 24,400 |

HOLT COUNTY

| | |
|---|---|
| Donald E. Morris | 60,336 |
| Patterson Farms, Inc | 57,223 |
| Jack Windle | 39,680 |
| Haer Farms | 36,359 |
| Welton Ideker | 29,056 |
| Dillingham Merrimana | 22,514 |
| W. R. Pulliam | 21,424 |
| Total payees in county (7) | 266,592 |

HOWARD COUNTY

| | |
|---|---|
| Roy J. Davis | 52,530 |
| Davisdale Farms | 23,235 |
| Total payees in county (2) | 75,765 |

JACKSON COUNTY

| | |
|---|---|
| Rids Church | 63,968 |
| Effertz Bros., Inc | 43,834 |
| J. M. Merrigan | 23,838 |
| Kenneth Stock | 22,064 |
| Total payees in county (4) | 153,704 |

KNOX COUNTY

| | |
|---|---|
| James B. Washburn | 31,404 |
| Frances McSorley | 21,249 |
| Total payees in county (2) | 52,653 |

LAFAYETTE COUNTY

| | |
|---|---|
| William R. Meyer | 21,151 |
| Total payees in county (1) | 21,151 |

LAWRENCE COUNTY

| | |
|---|---|
| Jackie L. Thomas | 21,501 |
| Total payees in county (1) | 21,501 |

LEWIS COUNTY

| | |
|---|---|
| Ben Casebier, Jr | 53,007 |
| J. Oren Reid | 26,399 |
| Jerry Spicknall | 22,754 |
| H. J. Richter, Inc | 22,737 |
| Total payees in county (4) | 124,897 |

LINN COUNTY

| | |
|---|---|
| Wheatcraft Farms, Inc | 25,351 |
| Roy B. Quinn | 20,203 |
| Total payees in county (2) | 45,554 |

LIVINGSTON COUNTY

| | |
|---|---|
| William C. Bigger | 31,104 |
| M. Meservey, Inc | 24,835 |
| J. C. Neal, Jr | 23,198 |
| Total payees in county (3) | 79,137 |

MARION COUNTY

| | |
|---|---|
| Bleigh Bros | 26,626 |
| Total payee in county (1) | 26,626 |

MERCER COUNTY

| | |
|---|---|
| Alfred Ryder | 31,081 |
| Total payee in county (1) | 31,081 |

MISSISSIPPI COUNTY

| | |
|---|---|
| Marshall Lands, Inc | 75,702 |
| Big Oak Farms | 56,322 |
| Burke Bros. & Glitz, Inc | 55,780 |
| Wolf Island Farms | 52,208 |
| Bryant Farms, Inc | 43,970 |
| H. & D. Duenne Farms | 43,835 |
| Dearmont Oliver | 34,602 |
| Thurmond Farms, Inc | 34,250 |
| W. W. McNeary | 34,216 |
| Stallings Bros | 33,356 |
| Carl Simpkins | 33,019 |
| Lankheit Plantation | 32,920 |
| Richard Pike | 32,583 |
| Choate Farms, Inc | 31,927 |
| Sam G. Jones | 30,115 |
| Babb & Deline | 27,532 |
| Goodin Planting Co | 27,521 |
| Billy G. Johnson | 27,066 |
| Marshall Farms, Inc | 26,346 |
| Wm. Q. Glass, Jr | 26,046 |
| Mrm. Ag. Serv., Inc | 24,963 |
| M. & M. Farms | 24,441 |
| Ray Hillhouse | 24,308 |
| Sam E. Story | 24,224 |
| Story Farms, Inc | 23,360 |
| Rolwing Bros | 23,121 |
| G. & G. Farms | 22,828 |
| Robert C. Jackson | 22,330 |
| Barnett Farms, Inc | 22,144 |
| Mt. Level Farms | 21,418 |
| Oliver Farms, Inc | 21,350 |
| Paul Stallings | 21,334 |
| Moxley Farms | 20,566 |
| David B. Brewer | 20,548 |
| Lloyd Hall | 20,533 |
| Total payees in county (35) | 1,096,784 |

MONITEAU COUNTY

| | |
|---|---|
| Knipp Bros | 29,509 |
| Total payees in county (1) | 29,509 |

NEW MADRID COUNTY

| | |
|---|---|
| E. B. Gee, Jr | 61,557 |
| Charles Pikey & Son | 61,184 |
| Ernest Carpenter | 50,882 |
| Aubra Wrather | 47,402 |
| Collis Maltbia | 45,296 |
| Donald Underwood | 39,671 |
| F. S. Hunter | 39,659 |
| Lorwood Plantation | 39,078 |
| Raymond Ashley | 38,254 |
| Ancel Underwood | 37,454 |
| A. C. Riley | 37,155 |
| W. L. Ramsey, Jr | 35,703 |
| B. & C. Harvesting Co | 34,094 |
| David Barton | 33,539 |
| Russell Estes | 32,976 |
| Doyle Hicks | 32,619 |
| Bert Latham | 32,266 |
| Coy Fowler | 31,350 |
| Warren & Avery | 30,597 |
| Max Holloman | 29,294 |
| Lavalle Farms | 28,694 |
| Fletchers Gin Inc | 28,570 |
| Barry Richardson | 28,375 |
| Priggel Bros | 27,285 |
| Nesselroot and Campbell | 27,219 |
| W. V. Riley | 26,847 |
| James L. Doster | 26,626 |
| Paul Bradley | 26,541 |
| Billy G. Swiney | 26,405 |
| James Overton Swiney | 26,397 |
| Tommy Branum | 26,025 |
| Byars Orton | 25,344 |
| N. J. Nowell | 23,537 |
| R. A. Nesselroot | 23,098 |
| D. K. Lape | 22,480 |
| Nolley Farms Inc | 22,426 |
| Ronnie Underwood | 22,353 |
| Oren Ross | 22,220 |
| Johnny Hunter | 22,146 |
| Jewell Chaney | 22,044 |
| J. David Ellsworth | 21,887 |
| Doyle Murphy | 21,865 |
| George Dawson | 21,843 |
| Vincent Eftink | 21,714 |
| V. S. and John Wescoat | 21,711 |
| C. J. Stancil | 21,351 |
| Carmel Lacewell | 21,347 |
| Barney Blankenship | 21,135 |
| Dewain Fullerton | 21,091 |
| Harry F. Toton | 21,061 |
| Dale Geske | 20,675 |
| Charles A. Daniels | 20,271 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Missouri*—Continued

[Amounts in dollars]

NEW MADRID COUNTY—continued

| | |
|---|---|
| Glen Wallace | 20,202 |
| Frances Barnett | 20,014 |
| Total payees in county (54) | 1,592,829 |

NODAWAY COUNTY

| | |
|---|---|
| RSR Ranch | 23,116 |
| Total payees in county (1) | 23,116 |

PEMISCOT COUNTY

| | |
|---|---|
| O. H. Acom Farms, Inc | 55,927 |
| R. O. Pierce | 44,781 |
| James S. Bruton | 43,224 |
| Dolphin Land Company | 40,614 |
| Mehrle Farms | 40,290 |
| Howard Fike | 29,362 |
| Watkins Farms Inc | 38,670 |
| Coy Wilson | 36,763 |
| Sherley Lovins | 35,946 |
| James O. Taylor | 33,854 |
| Donald Rone | 33,289 |
| Gary Bruton | 33,062 |
| T. R. Cole & Sons | 32,267 |
| Billy C. Palmer | 32,085 |
| Orton and Toton | 31,425 |
| Clarence Gurley | 30,778 |
| J. E. Ward | 30,308 |
| Lee Dorroh | 30,107 |
| James T. Streete | 29,470 |
| Boyd McCrary | 29,312 |
| Cleo Brents | 27,937 |
| Lloyd Massey | 27,120 |
| John R. Franklin | 25,840 |
| L. A. Riddick | 25,168 |
| George T. Killion | 25,107 |
| C. W. Reed III | 24,826 |
| Ruby B. Monan | 24,734 |
| Don Medlin | 24,471 |
| Hoskins Brothers | 24,365 |
| Talmadge Burgess | 23,832 |
| Sides Bros | 23,766 |
| Jeff Wade, Jr | 23,316 |
| John L. Atwill | 23,167 |
| W. W. Burlison | 22,979 |
| Haggard Farms | 22,911 |
| Kneibert Stillman | 22,845 |
| Royal Sanders | 21,433 |
| D. J. Merideth, Jr | 21,411 |
| Troy & Bob McCulloch | 21,378 |
| Charles G. Ross, Jr | 21,078 |
| J. D. Long | 20,791 |
| John Reed | 20,389 |
| Total payees in county (42) | 1,240,407 |

PERRY COUNTY

| | |
|---|---|
| O. F. Gremaud | 61,352 |
| N. H. Bruckerhoff | 47,745 |
| Brewer Farms, Inc | 20,913 |
| Total payees in county (3) | 130,010 |

PETTIS COUNTY

| | |
|---|---|
| Oilpharm, Inc | 21,304 |
| Donald G. Callis | 21,068 |
| Total payees in county (2) | 42,372 |

PIKE COUNTY

| | |
|---|---|
| Pike Grain Co | 46,379 |
| Marion Mackey | 32,290 |
| Dundee Cement | 29,917 |
| Total payees in county (3) | 108,586 |

PLATTE COUNTY

| | |
|---|---|
| I. R. Kirk Farm, Inc | 24,200 |
| Fairview Farms | 23,752 |
| T. C. Swaney | 21,588 |
| Total payees in county (3) | 69,540 |

RAY COUNTY

| | |
|---|---|
| Green Top Farms, Inc | 54,986 |
| F. O. Handley | 31,746 |
| Richmond Loan & Realty Co | 23,226 |
| Luman Offutt Farms, Inc | 22,000 |
| R. D. Vandiver | 20,055 |
| Total payees in county (5) | 152,013 |

SALINE COUNTY

| | |
|---|---|
| Eugene Elson | 50,179 |
| Saline Co Farms | 30,822 |
| Rasse Bros | 26,282 |
| Wm. H. Bryan | 25,857 |
| John Stonner | 21,333 |
| Total payees in county (5) | 154,473 |

SCOTT COUNTY

| | |
|---|---|
| E. P. Coleman, Jr | 50,360 |
| J. Handy Moore | 40,069 |
| Wm. B. Moore Farm | 36,689 |
| Wm. H. Deane III | 31,843 |
| Taylor Farms | 29,676 |
| United Ridge Co | 28,335 |
| A. D. and J. G. Johnson | 25,527 |
| E. L. Tongate | 23,670 |
| Jackson Hunter | 23,078 |
| Norris Edwards | 23,043 |
| Heckemeyer Farms | 21,792 |
| E. E. Dement | 21,520 |
| W. R. Lewis, Jr | 21,238 |
| Elvert Evans | 21,116 |
| John Engram | 20,810 |
| B. F. Marshall & Sons | 20,268 |
| Larry Brazel | 20,118 |
| L. F. Mayfield, Jr | 20,032 |
| Total payees in county (18) | 479,184 |

ST. CHARLES COUNTY

| | |
|---|---|
| Saale Bros. Farm & Grain Co | 54,679 |
| Total payees in county (1) | 54,679 |

ST. GENEVIEVE COUNTY

| | |
|---|---|
| Bartels Farms, Inc | 53,645 |
| Alan W. Schaefer | 41,265 |
| Loida Bros | 39,773 |
| Aubuchon Farms | 28,490 |
| Total payees in county (4) | 163,173 |

ST. LOUIS COUNTY

| | |
|---|---|
| Raymond Sprock | 23,345 |
| Total payees in county (1) | 23,345 |

STODDARD COUNTY

| | |
|---|---|
| Mahan & Radcliffe | 73,694 |
| W. P. Hunter | 63,400 |
| Taylor Brothers | 61,698 |
| Samuel Alberson | 61,278 |
| Gary Crump | 39,986 |
| H. A. Recker | 39,646 |
| Claude Keasler | 39,603 |
| A. & H. Planting Co | 34,889 |
| E. & H. Farms | 26,028 |
| Lane Brothers | 25,495 |
| Hampton Brothers | 24,520 |
| Lynn Welch | 23,459 |
| Pete Murphy | 23,206 |
| Quincy Murphy | 22,260 |
| Earl Anthony | 22,182 |
| J. C. Phillips | 21,893 |
| Mack Bain | 20,843 |
| Crews Reynolds | 20,637 |
| Total payees in county (18) | 644,717 |
| Total payees in state (283) | 8,497,882 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loan—Montana*

[Amounts in dollars]

BEAVERHEAD COUNTY

| | |
|---|---|
| Jones Ranches, Inc | 44,814 |
| Matador Cattle Co | 38,804 |
| Chaffin Livestock | 33,296 |
| Rebish & Helle, Inc | 31,574 |
| Peter W. & George Rebich | 30,717 |
| Craig Cornell Co | 30,269 |
| Hansen Livestock Co | 28,764 |
| Hans C. Anderson & Son | 25,110 |
| Beaverdell Ranch, Inc | 23,898 |
| Dean Welborn | 20,742 |
| Harry Hoenstine | 20,135 |
| Total payees in county (1) | 328,123 |

BIG HORN COUNTY

| | |
|---|---|
| Campbell Farming | 83,009 |
| Pryor Land Company | 52,834 |
| Floyd Warren, Inc | 37,613 |
| Murry J. Brown | 25,765 |
| Raglands Incorporated | 23,825 |
| Erwin Schnad | 23,186 |
| Torske Farm, Inc | 21,590 |
| A. G. Ballensky Co | 21,455 |
| Total payees in county (8) | 239,277 |

BLAINE COUNTY

| | |
|---|---|
| Rasmussen Farming Corp | 55,529 |
| James R. Billmayer | 43,602 |
| Kenneth Hansen | 30,316 |
| Alex Pitsch | 28,817 |
| Lewis C. Gilbert | 28,598 |
| C. Spencer & Union Bank | 26,966 |
| McCann and Son | 24,512 |
| Total payees in county (7) | 238,340 |

BROADWATER COUNTY

| | |
|---|---|
| V. R. Cazier & Sons | 47,998 |
| Hunsaker Bros., Inc | 46,906 |
| Round Grove Rch. Co | 40,141 |
| Fred Kamp | 24,238 |
| Samuel F. Kirksey | 23,943 |
| Alexander P. Toeckes | 21,706 |
| Total payees in county (6) | 204,932 |

CARBON COUNTY

| | |
|---|---|
| Earl Spencer | 20,200 |
| Total payees in county (1) | 20,200 |

CARTER COUNTY

| | |
|---|---|
| Ralph Bruski | 45,995 |
| Adolph Fix | 34,403 |
| Merton T. Foster | 27,243 |
| J. A. Keith | 20,090 |
| Total payees in county (4) | 127,731 |

CASCADE COUNTY

| | |
|---|---|
| R. & C. Farming Co | 58,270 |
| Prairie Nest Ranch, Inc | 56,422 |
| Donald Bowman | 50,500 |
| Walter Gruel & Sons, Inc | 48,409 |
| Zoller Farms | 42,430 |
| L. Johnson, Inc | 39,299 |
| Malvin Merja | 35,584 |
| McKamey Ranch | 33,723 |
| Norman Wood | 33,041 |
| Anderson & Hovland | 32,655 |
| Everett Bumgarner | 31,247 |
| Clayton Sweeney | 31,187 |
| Carl J. Kantorowicz | 29,812 |
| C. Bovey | 29,763 |
| Thomas Sire, Jr | 28,973 |
| Orin Olson | 28,069 |
| Rudy & Blanche Weigel | 27,951 |
| Carl Mehmke | 27,178 |
| Lewis Hunt | 26,914 |
| Holtz Farms, Inc | 23,919 |
| Thompson & McCarty | 23,531 |
| Russell Bumgarner | 23,477 |
| Leroy H. Gemar | 23,448 |
| Neuman Land & Livestock Co. Inc | 22,562 |
| Cascade Colony | 22,486 |
| David E. Shane | 21,715 |
| Arnold Gettel | 21,534 |
| John D. Larson Est | 21,512 |
| Lyman Ranch | 21,364 |
| Paul Bowman | 21,275 |
| Sieben Livestock Co | 21,178 |
| Neuman Ranch Co | 20,732 |



| | |
|---|---|
| Eidel Ranch Co., Inc | 20,698 |
| Otto E. Johnson | 20,270 |
| Delbert Schnitzmeier | 20,121 |
| Total payees in county (35) | 1,041,249 |

CHOUTEAU COUNTY

| | |
|---|---|
| Onstad Grain Co | 72,046 |
| Fred A. Booth | 60,731 |
| Judeman Grain Co | 51,829 |
| M. & K. Farms, Inc | 47,012 |
| Oscar A. Kalgaard | 45,891 |
| Melvin Batchelor | 45,114 |
| Wyley P. Good | 44,950 |
| Robertson Ranch Co | 44,456 |
| Witt Ranch | 44,230 |
| R 5 Ranch | 43,059 |
| Raymond Romain | 40,998 |
| Forrest Charlson | 40,808 |
| Killion Farms | 40,711 |
| Andrew Trunk | 40,147 |
| Loran A. Perry | 39,766 |
| Wharram Ranch Co., Inc | 39,702 |
| Phil F. Schafer | 39,147 |
| Ronald M. Upham | 38,452 |
| Royce Applegate | 38,431 |
| Donald S. Gray | 37,377 |
| Birkeland & Son, Inc | 37,210 |
| Paul Onstad | 36,238 |
| J. G. Robertson Corp | 35,624 |
| Wishman Brothers | 34,874 |
| MacDonald Farms, Inc | 34,266 |
| Harold & Charles Knudson | 34,045 |
| Molinario Farms | 33,569 |
| Jack E. Lang | 33,325 |
| ABN Ranch, Inc | 33,193 |
| Rossmiller Farms | 33,105 |
| Charles Danreuther | 32,803 |
| Bough Ranch | 31,066 |
| Ted Worrall | 31,005 |
| Herman F. Maurer | 30,695 |
| Lawrence Romain | 29,706 |
| Rettig Farms | 29,672 |
| Charles Lenington | 29,667 |
| Morris B. Stewart | 29,120 |
| George A. Stevens | 28,842 |
| Lloyd Cline | 28,602 |
| Lyle McKeever | 28,464 |
| J. A. Gottfried | 28,451 |
| Vernon Turk | 27,777 |
| Charles M. Withrow | 27,594 |
| June L. Beirwagen | 27,260 |
| Paul C. Patton | 27,062 |
| Lawrence Rossmiller | 26,755 |
| Albert W. Bold | 26,723 |
| Gertrude M. Underdal | 26,698 |
| J. R. Katzenberger, Inc | 26,658 |
| Donald T. Wigen | 26,639 |
| Jerry Nepil | 26,562 |
| Rolly G. Hyatt | 26,514 |
| Big View Ranch | 25,963 |
| Robert and Emma Braun | 25,898 |
| George Lippert | 25,806 |
| Basil Fultz | 25,742 |
| J. Norris Owen | 25,668 |
| Bessette Ranch | 25,194 |
| Arganbright Farms | 25,084 |
| Austin A. Malek | 25,015 |
| C5 Ranch | 24,728 |
| Johnie J. McLean | 24,475 |
| Forder Land & Cattle Co | 24,145 |
| Leeper Land Co | 24,051 |
| Robert Rowland | 23,974 |
| Harold Walker, Jr | 23,960 |
| Ryffel Brothers | 23,926 |
| Ernest Wigger | 23,816 |
| Benjamin Ranch | 23,760 |
| Whitehorn Farms Inc | 23,424 |
| Thomas J. Bronec | 23,254 |
| Jack Arnst | 23,090 |
| Elmer & Mary P. Dostal | 22,970 |
| George Collins | 22,960 |
| Halverson Ranch Inc | 22,919 |
| Knottnerus Inc | 22,573 |
| Bernard E. Hardy | 22,514 |
| Leonard Johnson | 22,432 |
| Albert Richard | 22,288 |
| John W. Baack | 22,245 |
| Elmer Cox | 22,184 |
| Kenneth & Henry Zanto | 22,161 |
| Fred Bitz | 21,921 |
| Lloyd & Beverlee J. Allen | 21,647 |
| Roy Knudson | 21,638 |
| Fred G. White | 21,495 |
| C. W. Lippard | 21,477 |
| Jack Mahood, Jr | 20,977 |
| Dale C. Fait | 20,829 |
| J & G Willson Ranch | 20,806 |
| Raymond Oscar Williams | 20,763 |
| Arnold Tacke | 20,640 |
| R. B. Murray Agent | 20,619 |
| Stanley Danbrook | 20,608 |
| M. G. King | 20,499 |
| Scribner Bros | 20,389 |
| Norris Hanford | 20,359 |
| Charley Worrall | 20,216 |
| Glen Bramlette | 20,184 |
| Cowan and Son | 20,171 |
| Lester & Harold Lippert | 20,110 |
| Total payees in county (102) | 3,006,208 |

CUSTER COUNTY

| | |
|---|---|
| N. N. Land & Livestock | 42,138 |
| L. J. Green & Sons, Inc | 38,316 |
| W. M. Nefsy | 27,914 |
| Hanson Sheep Co | 25,595 |
| Mugglie Brothers, Inc | 24,679 |
| Frank Hartman | 23,967 |
| Hirsch Ranch, Inc | 22,813 |
| Total payees in county (7) | 205,422 |

DANIELS COUNTY

| | |
|---|---|
| State of Montana | 827,942 |
| Frederick Brothers | 36,716 |
| Chas L. J. & N. L. Fouhy | 36,503 |
| Hellickson Bros., Inc | 33,034 |
| Carl Jagiello | 30,486 |
| Dewayne Linder | 30,391 |
| Stanton Danelson | 29,354 |
| Oglesby Farms, Inc | 27,946 |
| Jacob Trang | 27,343 |
| Roy Killenbeck | 21,859 |
| Clayton Richardson | 21,721 |
| Edwin Hersel | 20,371 |
| Marvin Tade | 20,263 |
| Total payees in county (13) | 1,163,929 |

DAWSON COUNTY

| | |
|---|---|
| Wolff and Sons, Inc | 50,612 |
| Edwards, Inc | 36,702 |
| Marvin L. Spencer | 34,990 |
| Frank Klempel | 32,128 |
| Gordon Kolberg | 31,923 |
| John E. Kubesh | 30,671 |
| Earl S. Young | 26,921 |
| George S. Nagle | 24,501 |
| Don Tague | 24,214 |
| D. H. Ranch | 23,580 |
| Dave Johnston | 22,243 |
| Jim Fornall | 22,072 |
| Clarence Nagle | 21,706 |
| Norman Anderson | 21,481 |
| Lloyd Hostetler | 21,466 |
| Keith Gueliff | 20,875 |
| Myron Schultz | 20,136 |
| Douglas Senner | 20,095 |
| Total payees in county (18) | 486,316 |

FALLON COUNTY

| | |
|---|---|
| Mobile Pellet Co | 34,721 |
| Delane Beach | 30,165 |
| Schweigert Ranch | 29,874 |
| Sikorski & Sons Inc | 27,466 |
| Darrell Johnson | 26,867 |
| Fred Buerkle | 24,425 |
| Robert L. Cox | 23,978 |
| Merle Hayden | 21,152 |
| David J. Ends | 20,053 |
| Bechtold Ranchino | 20,000 |
| Total payees in county (10) | 258,701 |

FERGUS COUNTY

| | |
|---|---|
| Deerfield Ranch Col | 29,441 |
| Robert-Gerald Barber | 28,576 |
| Wright Ranch Incorp | 26,462 |
| Franz Weinheimer | 25,794 |
| Spring Creek Colony | 25,478 |
| Ralph Lee | 25,303 |
| Roger M. Long | 24,822 |
| Otto Poser, Jr | 23,567 |
| Earl M. & Max R. Tyler | 21,822 |
| King Ranch Colony | 21,783 |
| Wm. D. Snapp | 20,230 |
| Wallace B. Ayers | 20,112 |
| Total payees in county (12) | 293,390 |
| Grosswiler Dairy, Inc | 43,374 |
| Total payees in county (1) | 43,374 |

GALLATIN COUNTY

| | |
|---|---|
| Henry Dehaan | 22,690 |
| Wilbur Dyk Ranches, Inc | 20,797 |
| Total payees in county (2) | 43,487 |

GARFIELD COUNTY

| | |
|---|---|
| Gerald Gibbs | 44,661 |
| Whiteside Livestock Co | 24,873 |
| Curtis Chamberlin | 24,012 |
| Red Butte Ranch | 21,989 |
| Harold Brusett | 21,030 |
| Coleman Murnion | 20,701 |
| Total payees in county (6) | 157,266 |

GLACIER COUNTY

| | |
|---|---|
| Glendale Colony | 55,288 |
| E. O. Peterson | 52,260 |
| Lyman Denzer | 45,605 |
| J. W. & Bob Smith | 44,102 |
| Stufft Farms, Inc | 42,462 |
| John V. Anderson | 42,419 |
| Warren Swenson | 40,860 |
| Wayne Simonson | 35,844 |
| Treasure Acre Farms | 35,755 |
| Glacier Colony | 35,085 |
| William McAlpine | 34,823 |
| John Lewis | 32,164 |
| Lagrand Farm | 31,183 |
| Leo L. Kimmet | 29,588 |
| Herb Sammons | 26,862 |
| Cobell Ditch | 26,736 |
| Fred Schafer | 26,343 |
| Chet Sammons | 26,326 |
| I. L. McClanahan & Son | 25,539 |
| Del Wahl | 25,100 |
| Alfred Hansen | 24,724 |
| Ted Skelton | 23,899 |
| Fred Weiss | 23,334 |
| Glacier Farms | 23,315 |
| Doris & Helen Olson | 22,952 |
| Ted Suta | 22,700 |
| Floyd Dudley | 22,353 |
| Landslide Farms, Inc | 22,091 |
| Frank & Faye Manley | 20,988 |
| Total payees in county (29) | 920,700 |

GOLDEN VALLEY COUNTY

| | |
|---|---|
| Lehfeldt Ranch | 20,348 |
| Total payee in county (1) | 20,348 |

HILL COUNTY

| | |
|---|---|
| Marlin Spicher & Sons | 52,332 |
| Gildford Colony | 45,813 |
| Spicher Brothers | 44,933 |
| Miller Brothers | 43,976 |
| Herbert & Donald Bitz | 43,604 |
| Leo M. Kraft | 42,869 |
| John Romain | 41,062 |
| Lineweaver Farms | 37,976 |
| Kapperud Farms, Inc | 37,099 |
| John McIntosh | 35,818 |
| Kenneth G. Axvig | 33,694 |
| Dees Brothers | 33,343 |

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*1972 ASCS and Great Plains program payments of $200,000 or more—excluding loans—Montana*—Continued

[Amounts in dollars]

HILL COUNTY—continued

| | |
|---|---|
| Hilldale Colony | 33,244 |
| D. O. Koefod Agent | 32,790 |
| Peter Woronik | 32,510 |
| Fraser Bros, Inc | 31,819 |
| Stuart McIntosh | 30,613 |
| Arvin Aageson | 30,321 |
| Kenneth R. Flynn | 30,036 |
| Kraft & Martin | 29,695 |
| Jack Swinney | 29,526 |
| Harold R. Wanke | 28,428 |
| Glennon H. Watson | 28,046 |
| Martin Schuster | 27,346 |
| John & Alfred Chinadle | 26,590 |
| Eugene Aageson | 26,589 |
| Borlaug Brothers | 26,407 |
| Rooney Spicher & sons | 26,095 |
| Roy O. Rambo | 24,432 |
| Ted Greely | 24,285 |
| Dennis Anderson | 24,005 |
| H. H. Bitz Land Co | 23,466 |
| Lloyd W. Kaercher | 22,970 |
| Larry Tonjum | 22,838 |
| Leonard Miller | 22,760 |
| Lloyd B. Twedt Est | 22,536 |
| Sam D. Shrauger | 22,068 |
| Dow Brothers | 21,708 |
| Norman Reynolds | 20,961 |
| Lionell Grass | 20,762 |
| Milton Haaland | 20,734 |
| Big G. Grain Farm | 20,586 |
| Dean Hanson | 20,543 |
| Dave Wilmes | 20,453 |
| Jack Lincoln | 20,299 |
| Mike L. Fisher | 20,298 |
| Arvid B. Ous | 20,146 |
| Lipp Brothers | 20,081 |
| William S. Velk | 20,070 |
| Total payees in county (49) | 1,418,576 |

JUDITH BASIN COUNTY

| | |
|---|---|
| Never Sweat Ranch | 36,102 |
| Robert Wigen | 32,778 |
| Roger Petersen | 31,516 |
| D. N. Zinnecker | 24,353 |
| Gene Ernst | 22,804 |
| Ronald Jaraczeski | 22,641 |
| Benjamin L. Bokma | 21,860 |
| William Henry Ward | 21,678 |
| J. R. Hedrick | 20,970 |
| Surprise Creek Colony | 20,936 |
| Total payees in county (10) | 255,638 |

LEWIS AND CLARK COUNTY

| | |
|---|---|
| Sieben Ranch Co | 105,206 |
| Diehl Ranch Co | 30,464 |
| Milford Colony, Inc | 27,353 |
| Total payees in county (3) | 163,023 |

LIBERTY COUNTY

| | |
|---|---|
| O. M. Skari & Sons, Inc | 59,914 |
| Allen C. Kolstad | 57,180 |
| John Wanken | 56,599 |
| Clarence Romaln | 54,276 |
| A. C. Kammerzell | 48,940 |
| Bill W. Fraser | 48,404 |
| Leo Jensen | 44,334 |
| Galen Kolstad | 43,803 |
| Brown & Brown, Inc | 42,435 |
| Violett Farms, Inc | 41,835 |
| Thieltges Farms, Inc | 38,790 |
| Raymond Fritz | 37,999 |
| Meissner Ranches, Inc | 37,584 |
| Oliver C. Morkrid | 37,569 |
| Skierka Brothers | 37,052 |
| Clark Diemert | 35,209 |
| Gordon R. Standiford | 35,038 |
| Semenza Farm | 33,645 |
| Ole Jensen | 33,434 |
| Hi Line Farms | 33,045 |
| Dayton Kolstad | 32,853 |
| Gordon or John Kammerzell | 32,773 |
| Leonard Staudacher, Jr | 32,731 |
| Ernest Gagnon | 32,557 |
| William H. Earl, Jr | 32,050 |
| Wickum Brothers | 31,812 |
| Bert W. Alley | 29,799 |
| Alvin L. Ploss | 29,731 |
| Jennings Mattson | 27,871 |
| McClellan Farms, Inc | 26,574 |
| Fred K. Nelson | 26,394 |
| Frank Hodges | 26,351 |
| George Mattson | 26,345 |
| Lizzie Laas | 26,084 |
| William H. Skinner | 26,020 |
| Carl J. Iverson | 25,686 |
| Martin D. Lyders | 24,686 |
| Rodney Svenson | 23,775 |
| Dean Heydon | 23,644 |
| Jacob D. Hofer | 22,888 |
| Donald C. Kidd | 22,855 |
| Frank Richter | 22,760 |
| Richard Phillip Eveland | 22,539 |
| Edwin Gunderson | 22,268 |
| David F. James | 22,250 |
| Arnold Dyk | 22,086 |
| Clifford L. Blair | 22,157 |
| Arthur Sundgren | 21,334 |
| Vernon Dahinden | 22,267 |
| Earl F. Keith | 21,262 |
| Leo Ray Hawks | 20,924 |
| Aden E. Ward | 20,809 |
| Lyle Glee | 20,360 |
| Leland Hodges | 20,270 |
| Total payees in county (53) | 1,698,764 |

MADISON COUNTY

| | |
|---|---|
| R. C. Rice | 41,117 |
| Gilbert Lvstk Co | 38,750 |
| Heart L Ranch | 21,579 |
| Total payees in county (4) | 123,532 |

M'CONE COUNTY

| | |
|---|---|
| Waters Inc | 49,135 |
| Kudrna & Witte Inc | 35,174 |
| Bodray Hagestad | 31,398 |
| Haglund Ranch Inc | 31,299 |
| Melvin P. Johnson | 30,233 |
| Meissner Bros., Inc | 28,690 |
| Gordon H. Waller | 26,551 |
| Eugene Schillinger | 25,212 |
| Hanz Haynie | 24,933 |
| Dreyer Bros., Inc | 24,782 |
| Murphy Ranch Inc | 24,582 |
| Leo Kahm | 23,079 |
| Harley C. Berry | 22,669 |
| Haber, Inc | 22,298 |
| James Langemo | 21,148 |
| Total payees in county (15) | 421,183 |

MEAGHER COUNTY

| | |
|---|---|
| Springdale Colony | 40,747 |
| Russell Manger | 38,826 |
| Total payees in county (2) | 79,573 |

MUSSELSHELL COUNTY

| | |
|---|---|
| Goffena Ranch & Lvstk | 23,294 |
| E. S. Eliasson | 20,134 |
| Total payees in county (2) | 43,428 |

PARK COUNTY

| | |
|---|---|
| Stanford Lee Clark | 24,290 |
| Total payees in county (1) | 24,290 |

PETROLEUM COUNTY

| | |
|---|---|
| Ray Bohn | 25,300 |
| Floyd R. Hill | 21,615 |
| Andrew Iverson | 20,534 |
| Total payees in county (3) | 67,449 |

PHILLIPS COUNTY

| | |
|---|---|
| Matador Ranch, Inc | 61,580 |
| Meisdalen Brothers | 35,642 |
| Roger Simonson | 31,437 |
| North Bench Farms | 30,611 |
| Olaf Strommen | 29,987 |
| Clyde Waters & Son | 23,732 |
| Stanford Boothe | 21,539 |
| Holman & Sons | 20,763 |
| Milton J. Olsen | 20,737 |
| John E. Lundstrom | 20,421 |
| Total payees in county (10) | 296,449 |

PONDERA COUNTY

| | |
|---|---|
| John Keil & Sons, Inc | 63,464 |
| Tom McCracken | 49,895 |
| Ralph Bouma | 44,852 |
| Thomas W. Boucher | 44,168 |
| Hofland & Henneman | 42,797 |
| Loren Warwick | 41,125 |
| Donald Keil | 39,874 |
| Anderson Lahr Land Cattle | 34,801 |
| Arnold Lindberg | 34,765 |
| Birch Creek Colony | 34,594 |
| New Miami Colony | 34,997 |
| John Wood | 30,780 |
| Bjelland & Robinson | 34,495 |
| S. T. McFarland | 29,709 |
| Eliz Seifert | 27,944 |
| Keil Ranch, Inc | 27,472 |
| Ronald Bokma | 27,466 |
| A. E. Leech Co | 26,900 |
| Charles D.-E. Brent Bliss | 26,441 |
| R. Michael Meull | 25,953 |
| Stoltz, Inc | 25,773 |
| James Page | 24,695 |
| Boumans Bros | 24,384 |
| Bills Ranch Co | 23,588 |
| Iverson Ranch, Inc | 23,507 |
| Gordon Matheson | 23,440 |
| Iverson Farm Co | 23,435 |
| Ullom Farms, Inc | 23,396 |
| Leonard Johnson | 23,291 |
| Russell Wikstrom | 23,272 |
| Bergstrom Farms, Inc | 23,250 |
| Charles Skorupa | 23,020 |
| Gary Harls | 22,398 |
| Richard Welkum | 21,678 |
| Robert Arnst | 21,599 |
| Bernice I. Orcutt | 21,209 |
| Robert W. Boucher | 20,781 |
| C. O. Johnson | 20,730 |
| Charles R. Dyer | 20,464 |
| Charles P. Kellogg | 20,404 |
| Tom Ellis | 20,178 |
| Total payees in county (41) | 1,191,984 |

POWDER RIVER COUNTY

| | |
|---|---|
| Emmons Ranch, Inc | 23,247 |
| Dale V. Benge | 22,874 |
| Total payees in county (2) | 46,121 |

PRAIRIE COUNTY

| | |
|---|---|
| Frank Eaton and sons | 26,931 |
| Total payees in county (1) | 26,931 |

RICHLAND COUNTY

| | |
|---|---|
| Allen Verschoot | 31,799 |
| Sundheim Corporation | 29,734 |
| Basta Ranches | 29,680 |
| Covered Wagon Ranch, Inc | 26,623 |
| Thiessen, Inc | 25,324 |
| James Cattaneo | 23,641 |
| Bernard Pease | 22,642 |
| J. Harry Johnson | 21,160 |
| Frank Daniels | 21,137 |
| J. D. Farms | 20,632 |
| Total payees in county (10) | 252,372 |

ROOSEVELT COUNTY

| | |
|---|---|
| Schnitzler Corp | 57,335 |
| William Harmon Farms | 37,508 |
| Louis Toavs | 36,226 |
| A. A. Werner, Est | 32,873 |
| Moe Farm Corporation | 32,053 |
| Swank & Son | 30,035 |



| | |
|---|---|
| Willie P. Lockman | 29,406 |
| Leslie T. Brown | 27,742 |
| George Stensland | 27,338 |
| Houg Farms, Inc | 23,810 |
| Dean Harmon | 23,671 |
| Lawrence E. Ault | 22,341 |
| Everett Jacobsen | 22,169 |
| John B. Stensland | 21,823 |
| Darrell Dahlberg | 20,135 |
| Total payees in county (15) | 444,465 |

ROSEBUD COUNTY

| | |
|---|---|
| Cherry Creek Sheep Co., Inc | 46,553 |
| Dahlman Ranch, Inc | 20,147 |
| Total payees in county (2) | 65,700 |

SHERIDAN COUNTY

| | |
|---|---|
| Nash Brothers | 62,654 |
| Richard McCarty | 43,587 |
| Larsen Farms, Inc | 27,602 |
| McCabe Farms | 27,093 |
| Overby Farms | 26,890 |
| E. J. Lander and Co | 26,133 |
| Marlowe Onstad | 25,184 |
| Edward Halverson | 22,545 |
| Eugene Meyer | 21,575 |
| Howard Holtan | 21,329 |
| Lund Hereford Ranch | 20,611 |
| Anthony Kavon | 20,436 |
| Wankel Farms, Inc | 20,220 |
| Total payees in county (13) | 365,859 |

STILLWATER COUNTY

| | |
|---|---|
| M. E. Davey | 33,957 |
| Yellowstone Grain Co | 27,811 |
| Chester W. Peterson | 22,345 |
| Total payees in county (3) | 84,113 |

SWEET GRASS COUNTY

| | |
|---|---|
| Leo J. Cremer, Jr | 28,490 |
| George L. Cremer | 27,183 |
| Total payees in county (2) | 55,673 |

TETON COUNTY

| | |
|---|---|
| Van Horn Ranch Co | 50,866 |
| Rockportcolony | 48,358 |
| New Rockport Colony | 40,981 |
| Miller Colony, Inc | 35,143 |
| Habel Bros | 35,109 |
| James Stephens | 32,754 |
| Eugene W. Johnson | 31,046 |
| Christman Ranch | 30,647 |
| Robert Kropp | 29,165 |
| Nels Hemstad | 29,118 |
| Robert Stephens | 29,068 |
| Daren J. Vick | 27,825 |
| Wagner Halverson | 27,693 |
| Charles Doheny | 27,230 |
| David Maurer | 25,604 |
| Herman G. Bouma | 24,731 |
| Rudy Debruycker Ranch | 24,710 |
| Glen & Clark Inbody | 23,622 |
| Pearson Bros. Corp | 23,176 |
| Schaefer Bros | 22,986 |
| Burns Ranch Corporation | 22,482 |
| Luinstra Bros. Farms, Inc | 22,391 |
| Hemstad Bros | 22,035 |
| Ferris Farm, Inc | 21,911 |
| Cedric Maurer | 21,473 |
| Lloyd Debruycker | 21,374 |
| Howard M. Harman | 21,189 |
| Norma B. Hanson | 20,887 |
| Tony Burgmaier | 20,801 |
| Jack Wiprud | 20,726 |
| Chester H. Thomas, Jr | 20,522 |
| John Frick | 20,398 |
| Ira Perkins | 20,068 |
| Total payees in county (33) | 896,089 |

TOOLE COUNTY

| | |
|---|---|
| S. A. Adaskavich | 71,312 |
| Bill McCarter | 61,879 |
| Kenneth Leck | 50,023 |
| John McCarter | 44,280 |
| Charles Wiegand, Jr | 44,073 |
| Leo Flesch | 43,757 |
| Westermark Bros | 43,345 |
| James & Howard Welker | 41,384 |
| A. G. McLean | 41,384 |
| Heilinger Bros | 40,981 |
| David Ratzburg | 40,480 |
| Wigen Bros | 39,005 |
| Dale Kinyon | 38,749 |
| Miles Burd | 36,920 |
| Hjartarson Partnership | 35,935 |
| Woodrow McCracken | 35,158 |
| Boxwell Farms | 34,913 |
| Lloyd McLean | 34,841 |
| Munson Bros | 34,571 |
| Robert Sisk, Jr | 33,815 |
| Raymond Tomsheck | 33,793 |
| Sun Ag, Inc | 32,657 |
| Jay Johannsen | 31,850 |
| Pleasant View Farm | 31,215 |
| McAlpine Bros | 30,937 |
| Henry Zell | 30,914 |
| Norman Benjamin | 30,771 |
| Gary Iverson | 30,493 |
| Olaf & Arnet Smedsrud | 30,383 |
| Fransen Bros | 30,358 |
| Hillside Colony | 28,595 |
| Lyle Aklestad | 27,828 |
| George Wilson | 27,128 |
| Clarence Underdal | 26,734 |
| B. F. Stewart | 26,030 |
| Wm. Judisch & Sons | 25,806 |
| Rawlin Zell | 25,709 |
| Torval Halvorson | 25,695 |
| Frances B. Smith | 25,552 |
| M. W. Ratzburg | 25,526 |
| Irwin Underdahl | 25,301 |
| Kelleher Bros | 25,289 |
| Karl Ratzburg | 25,180 |
| Dennis Diemert | 24,914 |
| Alf S. Steyee | 23,725 |
| Lindberg Bros | 23,356 |
| Rimrock Colony | 23,099 |
| H. E. Benjamin, Jr | 22,995 |
| Leonard Barrows | 22,718 |
| Harry Benjamin | 22,605 |
| Robert Hasquet | 22,521 |
| Fred Kanning | 22,413 |
| Orlo Underdal | 22,039 |
| James Jensen | 21,796 |
| Raymond Zelenka | 21,217 |
| Douglas Aklestad | 20,669 |
| Lynn Stewart | 20,361 |
| I. J. Peterson | 20,302 |
| John R. Dyrdahl | 20,279 |
| Total payees in county (59) | 1,855,889 |

TREASURE COUNTY

| | |
|---|---|
| Ted Kallen | 31,939 |
| Harold Zent Farms, Inc | 23,391 |
| Harold Hert | 21,366 |
| Total payees in county (3) | 76,696 |

VALLEY COUNTY

| | |
|---|---|
| Westland Ranch | 44,182 |
| Paul Zerbe | 33,577 |
| Marie O. Tarum | 32,627 |
| Mogan Ranch, Inc | 30,735 |
| Etchart Ranch | 28,412 |
| Gary Dahl, Sec Tr Dahl Corp | 27,863 |
| Kenneth White | 27,126 |
| Leo Shellerud | 24,877 |
| F. L. Bailey | 24,650 |
| Boucher Ranch, Inc | 24,574 |
| Elvin Olfert | 24,230 |
| Ludvig O. Honrud | 23,717 |
| Everett Breigenzer | 22,869 |
| Lyle Walstad | 22,858 |
| Theron Risa | 22,788 |
| Langen Rohde Livestock Co | 22,671 |
| Stan Fuhr Inc | 22,621 |
| Leo M. Pattison | 22,592 |
| Graydon Edwards, Jr | 22,151 |
| Earl E. Fuhrman | 21,646 |
| Clinton Nelson | 21,219 |
| C. R. Tvedt | 20,892 |
| Gordon W. Reimche | 20,399 |
| Total payees in county (23) | 589,276 |

WHEATLAND COUNTY

| | |
|---|---|
| Martinsdale Colony | 36,779 |
| Stone Gaugler Ranch Co | 34,876 |
| Duncan Ranch Colony | 22,258 |
| Careless Creek Ranch Co | 22,092 |
| Total payees in county (4) | 116,005 |

WIBAUX COUNTY

| | |
|---|---|
| Harry Begger | 31,108 |
| Total payees in county | 31,108 |

YELLOWSTONE COUNTY

| | |
|---|---|
| Agri. Exper. Farm | 34,733 |
| Pearlie Lee and Co | 31,095 |
| Vale Creek Ranch | 26,599 |
| G. M. Lowe & Son | 25,461 |
| Kemph Land & Livestock Co | 22,407 |
| Becker Land & Livestock Inc | 21,842 |
| Glenn Frey | 21,000 |
| Loren Ernest Downs | 20,722 |
| Lazy K. T. Ranch | 20,688 |
| John Bowman | 20,550 |
| Total payees in county (10) | 245,097 |
| Total payees in state (647) | 19,784,275 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Nebraska*

[Amounts in dollars]

ADAMS COUNTY

| | |
|---|---|
| Ruth Hunt | 36,425 |
| Mary Lanning Hosp. Tr | 32,933 |
| Duane Kimie | 22,919 |
| Carrol Burling | 22,594 |
| Clayton Lukow | 22,234 |
| BMP Farms and Livestock | 21,944 |
| Bohlke Farms, Inc | 20,489 |
| Total payees in county (7) | 179,538 |

ANTELOPE COUNTY

| | |
|---|---|
| Robert P. Martin | 44,855 |
| Ralph Whitwer | 23,489 |
| Dwight Morrison | 22,634 |
| Lewis W. Berry | 20,186 |
| Total payees in county (4) | 111,164 |

BOONE COUNTY

| | |
|---|---|
| Choat & Sons, Inc | 41,824 |
| Dobson Brothers C/O R. Dobson | 34,938 |
| Kayton & Kayton Farms | 33,229 |
| Wolf Bros. & Reich | 29,084 |
| Wesley Mansfield | 26,558 |
| H. E. Nore | 20,487 |
| Total payees in county (6) | 186,100 |

BOX BUTTE COUNTY

| | |
|---|---|
| Edward Jelinek | 45,268 |
| Garland Fisher | 40,449 |
| Robert R. Elliott | 25,876 |
| Eugene Schefcik | 25,811 |
| Harry Cullan | 23,191 |
| Total payees in county (5) | 160,595 |

BROWN COUNTY

| | |
|---|---|
| Francis E. Bejot | 28,826 |
| Warren L. Walz | 27,802 |
| Ralph Keim | 20,790 |
| Kenneth O'Hare | 20,692 |
| Total payees in county (4) | 98,110 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Nebraska*—Continued

[Amounts in dollars]

BUFFALO COUNTY

| | |
|---|---|
| Mark Randall | 28,783 |
| R. T. Rogers | 27,154 |
| Ky. Municipal Airport | 25,393 |
| Loren Niemack | 23,054 |
| Bendfeldt Farms, Inc | 21,471 |
| Kenneth Case | 20,879 |
| Hendrickson Land & Cattle | 20,450 |
| Total payees in county (7) | 167,184 |

BURT COUNTY

| | |
|---|---|
| Hundahl Farms | 59,636 |
| John Tobin & Sons | 47,312 |
| Tobin Ranch | 37,417 |
| Chatt Bros. Renters | 30,515 |
| Elliott Bros. Ptnp | 27,890 |
| Leonard Eriksen | 23,840 |
| Van Newell | 23,851 |
| Richard A. Goll | 23,314 |
| Brown Land | 23,182 |
| Gordon Palmer | 20,812 |
| Harel Corp | 20,663 |
| Eriksen Bros | 20,586 |
| Lowell Devasure | 20,554 |
| Vincent Quick | 20,206 |
| John Lloyd Hardy | 20,050 |
| Total payees in county (15) | 419,558 |

BUTLER COUNTY

| | |
|---|---|
| Grass VA Farms, Inc | 26,549 |
| John J. Prigge | 25,065 |
| Total payees in county (2) | 51,614 |

CASS COUNTY

| | |
|---|---|
| Forrest Engelkemier & Sons | 22,974 |
| Emerson Wiles | 21,262 |
| Walter Marolf | 20,249 |
| Total payees in county (3) | 64,485 |

CHASE COUNTY

| | |
|---|---|
| Leslie E. Smith & Sons, Inc | 81,016 |
| Yaw Farms, Inc | 49,748 |
| Harold D. Hughes | 36,273 |
| Edwin Fuehrer | 31,837 |
| Lester Mort | 31,799 |
| Maddux Cattle Co | 28,708 |
| Bernard O'Neil | 25,040 |
| Hughes Farms, Inc | 24,945 |
| R. J. Schilke | 24,657 |
| Stenger Pribbeno Ltd | 24,338 |
| German Land & Cattle Co | 24,023 |
| Vilas Smith Land & Cattle Co | 22,185 |
| Dwain Lock | 20,561 |
| Total payees in county (13) | 425,130 |

CHEYENNE COUNTY

| | |
|---|---|
| Raymond Jessen | 34,398 |
| Harold W. Hyde | 24,348 |
| Robert R. Rauner | 22,617 |
| Ruth Tipsword | 22,206 |
| E. A. Markel | 21,837 |
| Lee D. Hagemeister | 20,703 |
| Misegadis Farms, Inc | 20,409 |
| Total payees in county (7) | 166,518 |

CLAY COUNTY

| | |
|---|---|
| Hjy Bros. Co., A. Hajny | 31,519 |
| Diamond Seven Corp | 29,619 |
| Dana G. Schliep | 27,999 |
| Ray Phelps | 27,812 |
| Robert H. Kinyoun | 26,091 |
| Kiss F. Yo Lts. R. Kissinger Ad | 24,332 |
| Dale Dean Yost | 22,955 |
| Clarence Schliep | 22,346 |
| Thomas Sheridan | 22,033 |
| Aspegren Farms, Inc | 21,525 |
| Virgil Johnson | 20,833 |
| Robert L. Dane | 20,315 |
| Russell Swanson | 20,216 |
| Total payees in county (13) | 317,595 |

COLFAX COUNTY

| | |
|---|---|
| F. J. Higgins Farms, Inc | 64,946 |
| L. and Wagner Co | 31,197 |
| A. Glenn Kluck | 24,800 |
| Total payees in county (3) | 120,943 |

CUMING COUNTY

| | |
|---|---|
| Albers Dehy Co | 48,756 |
| Total payees in county (1) | 48,756 |

CUSTER COUNTY

| | |
|---|---|
| Herman Safranek | 33,645 |
| Reuben R. Squier | 33,574 |
| Clarence Davenport | 29,413 |
| Melvin D. Goerz | 21,469 |
| James Hanson | 20,247 |
| Total payees in county (5) | 138,348 |

DAKOTA COUNTY

| | |
|---|---|
| Leo C. Andersen | 53,747 |
| Beermann Farms, Inc | 27,709 |
| Leland George | 21,516 |
| Total payees in county (3) | 102,972 |

DAWES COUNTY

| | |
|---|---|
| Pepper Creek Ranch, Inc | 28,090 |
| Clifford Bergfield | 22,256 |
| William J. Iodence | 21,900 |
| Total payees in county (3) | 72,246 |

DAWSON COUNTY

| | |
|---|---|
| Central Alfalfa, Inc | 52,799 |
| Circle B Farms, Inc | 41,386 |
| Dee C. Scroggin | 26,624 |
| George Maloley & Sons | 26,213 |
| Victor Cover | 23,856 |
| Leo Neil & Son, Inc | 23,440 |
| Audrey Crawford | 22,364 |
| Esterich, Inc | 21,808 |
| Aden Brothers, Inc | 20,547 |
| Wm. Rickertsen | 20,508 |
| Douglas Gengenbach | 20,419 |
| Gruber Land & Cattle Co., Inc | 20,344 |
| Total payees in county (12) | 320,308 |

DEUEL COUNTY

| | |
|---|---|
| Bailey Partnership | 42,239 |
| Grace Land and Cattle Co | 40,606 |
| W. H. Palser Farms, Inc | 31,204 |
| Walter Harris | 22,493 |
| Carlson Ranch Co | 22,254 |
| Lyle Derry | 21,465 |
| Albert C. Nelsen | 20,904 |
| Total payees in county (7) | 201,165 |

DODGE COUNTY

| | |
|---|---|
| Harland S. Milligan | 53,194 |
| Flamme Bros | 48,794 |
| Norman P. Kracl | 24,941 |
| Stanley F. Jaiser | 24,190 |
| Keith Hindmarsh | 24,182 |
| Paul Eveland | 21,778 |
| Consolidated Blenders, Inc | 20,084 |
| Total payees in county (7) | 217,163 |

DOUGLAS COUNTY

| | |
|---|---|
| Hans Neumeyer | 25,312 |
| Matthais Roeder | 24,440 |
| Wedak Farms, W. R. Wedberg | 24,251 |
| Dale Harry Godbersen | 21,890 |
| Tietz Const. Co. & Farm, Inc | 20,359 |
| Tony Vencil | 20,187 |
| Total payees in county (6) | 136,439 |

DUNDY COUNTY

| | |
|---|---|
| B. E. Gottschalk | 29,252 |
| Dan Ellis | 20,560 |
| Total payees in county (2) | 49,812 |

FILLMORE COUNTY

| | |
|---|---|
| Biegert Bros | 48,040 |
| Schelkopf Enterprise | 43,732 |
| Alfs Imp. & Well Drlg. Co | 41,187 |
| Robert Bettger | 40,932 |
| William K. Brinkman | 38,363 |
| Keith Burt | 33,436 |
| Bruce Nedrow | 32,635 |
| O'Connor Brothers | 27,965 |
| Robert D. Lovegrove | 27,296 |
| Lauber Seed Farms | 26,268 |
| Louis Schoenholz | 26,066 |
| Howard R. Lefler | 24,712 |
| Ashby Farms | 23,157 |
| Ralph Softley | 22,762 |
| John W. Wilkins | 22,611 |
| Richard Kleinschmidt | 22,461 |
| Robert B. Waring, Jr | 22,230 |
| Don R. Miller | 20,458 |
| Glenn Kovanda & Sons | 20,031 |
| Total payees in county (19) | 564,342 |

FRANKLIN COUNTY

| | |
|---|---|
| Wayne Ziebarth | 48,872 |
| W. J. Bach | 29,982 |
| Calvin Soucie | 28,230 |
| Orlan R. Grams | 24,403 |
| Kahrs Farms Inc | 22,054 |
| Total payees in county (5) | 153,541 |

FRONTIER COUNTY

| | |
|---|---|
| Maurice Andersen | 27,797 |
| Bellamy Bros | 26,732 |
| Total payees in county (2) | 54,529 |

FURNAS COUNTY

| | |
|---|---|
| Ten Bensel & Sons | 35,841 |
| Eldin Haussermann | 34,751 |
| Lueking Farm & Ranch Corp | 31,621 |
| Kenneth Carpenter, Sr | 28,573 |
| Paul Johnson | 22,385 |
| Carl Johnson | 22,378 |
| Larry E Jones | 22,378 |
| Roger W. Schroeder | 20,351 |
| Total payees in county (8) | 218,278 |

GAGE COUNTY

| | |
|---|---|
| Flo Wal Farms Inc | 48,977 |
| Total payees in county (1) | 48,977 |

GARDEN COUNTY

| | |
|---|---|
| Leo Jessen | 48,004 |
| Total payees in county (1) | 48,004 |

GOSPER COUNTY

| | |
|---|---|
| Alton Bossung | 43,319 |
| Total payees in county (1) | 43,319 |

GREELEY COUNTY

| | |
|---|---|
| James H. Dugan | 50,193 |
| Marvin W. Dugan | 31,229 |
| Total payees in county (2) | 81,422 |

HALL COUNTY

| | |
|---|---|
| Dobesh Farms, Inc | 33,555 |
| L. W. I. Bilslend Ptnrs | 32,825 |
| Wm. Packer | 32,671 |
| Ralph Mettenbrink | 29,952 |
| Thelen Grain Co | 24,640 |
| Clifford R. Woodman and Son | 24,115 |
| August H. Peters | 21,578 |
| George P. Mader | 21,534 |
| Total payees in county (8) | 220,876 |



HAMILTON COUNTY

| | |
|---|---|
| Kreutz Bros., Inc | 45,093 |
| Farm, Inc. W. Wilcynski, Pres | 43,441 |
| Leroy Jost | 36,902 |
| Wilbur Akerson | 24,869 |
| Rudolf F. Schaffert & Sons | 23,921 |
| Ruben D. Friesen | 23,452 |
| Wilson Farms, Inc | 22,022 |
| Albert D. Friesen | 22,014 |
| Walter L. Goossen | 21,472 |
| B. E. McHargue & W. H. McHargue | 21,250 |
| Bob Hawthorne | 20,937 |
| Total payees in county (11) | 305,383 |

HARLAN COUNTY

| | |
|---|---|
| Bernard Lueking | 50,471 |
| R. L. Lueking | 23,889 |
| Lawrence Walker | 21,219 |
| Total payees in county (3) | 95,579 |

HAYES COUNTY

| | |
|---|---|
| Earl Smith | 35,117 |
| Johnson Farms, Inc | 22,017 |
| Total payees in county (2) | 57,188 |

HOLT COUNTY

| | |
|---|---|
| P. & P. Farm Supply | 55,680 |
| Fred Horne, Jr | 48,426 |
| Wm. A. Curry | 36,177 |
| Total payees in county (3) | 140,283 |

JEFFERSON COUNTY

| | |
|---|---|
| Stanley A. Snyder | 23,025 |
| Ebbers Farms, Inc | 21,451 |
| Total payees in county (2) | 44,476 |

JOHNSON COUNTY

| | |
|---|---|
| Spencer R. Marquette | 30,525 |
| Total payees in county (1) | 30,525 |

KEARNEY COUNTY

| | |
|---|---|
| Kermit Felzien | 28,166 |
| Lamonte Woollen | 27,159 |
| Leo Sinsel | 25,780 |
| John H. Gardels | 25,523 |
| Total payees in county (4) | 106,628 |

KEITH COUNTY

| | |
|---|---|
| Milford Krajewski | 34,927 |
| Mueller and Mueller Corp | 32,346 |
| Walter Armstrong | 31,720 |
| Palser and Palser | 29,316 |
| Rankin Prochaska, Inc | 28,849 |
| Lester O. Rhoades | 28,535 |
| McGinley Schilz Co | 28,436 |
| Norbert Krajewski | 26,939 |
| Raymond Nelson | 25,426 |
| Nichols and Son, Inc | 22,759 |
| George Vasa | 21,181 |
| Beal Enterprises, Inc | 21,159 |
| Erick G. Linquist | 20,953 |
| Total payees in county (13) | 352,546 |

KIMBALL COUNTY

| | |
|---|---|
| Wayne Kennedy | 26,640 |
| Jimmy Jessen | 22,663 |
| Delbert Gehrke | 21,779 |
| Total payees in county (3) | 71,082 |

LANCASTER COUNTY

| | |
|---|---|
| Loren E. Schwaninger | 33,366 |
| Schwaninger Bros | 26,771 |
| Warner Hereford Farm | 26,593 |
| Jerry Lee Barger | 20,854 |
| Carrol C. Ketelhut | 20,522 |
| Frederick C. Retzlaff | 20,385 |
| Total payees in county (6) | 148,491 |

LINCOLN COUNTY

| | |
|---|---|
| Gothenburg Feed Products Co | 28,909 |
| Miron Moore | 27,683 |
| Walter Hasenauer | 26,808 |
| Kenneth Brosius | 26,601 |
| Stewart H. Evans | 25,953 |
| Charles Arnett | 25,233 |
| Thomas W. Brown | 22,675 |
| Charles Fleecs and Son | 21,988 |
| Paul Weinman | 21,644 |
| Kaw Dehydrating | 20,062 |
| Total payees in county (10) | 247,556 |

MERRICK COUNTY

| | |
|---|---|
| Dinsdale Bros, Inc | 39,567 |
| Lloyd Wagner | 32,275 |
| Larry Krance | 27,380 |
| Milton Stoppkotte | 20,834 |
| Harold Wagner | 20,620 |
| Total payees in county (5) | 140,676 |

MORRILL COUNTY

| | |
|---|---|
| Jessen Farms, Inc | 38,292 |
| Abel Inv. Co | 28,984 |
| Connie Lapaseotes | 23,089 |
| O. H. Fairchild | 21,018 |
| George Hall | 20,665 |
| Total payees in county (5) | 132,048 |

NANCE COUNTY

| | |
|---|---|
| Sonderup Bros | 32,017 |
| Johnnie Bruna | 26,310 |
| Total payees in county (2) | 58,327 |

NEMAHA COUNTY

| | |
|---|---|
| A. B. Ritchie, Jr | 39,144 |
| Lehr Farms | 27,852 |
| Wm. E. Rogge | 23,593 |
| Total payees in county (3) | 90,589 |

NUCKOLLS COUNTY

| | |
|---|---|
| Victor Meyer | 22,579 |
| Waldine Jones | 20,850 |
| Total payees in county (2) | 43,429 |

OTOE COUNTY

| | |
|---|---|
| Wirth Bros | 27,242 |
| Hammond Frms, Inc | 26,833 |
| James Haase Moyer Knaup | 26,238 |
| Forrest Binder | 25,299 |
| H. Novak H. Novak | 23,009 |
| Richard Marquette, Jr | 21,700 |
| R. M. Catron | 20,392 |
| Total payees in county (7) | 170,713 |

PERKINS COUNTY

| | |
|---|---|
| Don & Frank Svoboda | 42,452 |
| Gerald Krajewski | 38,777 |
| Kjeldgaard Farms, Inc | 28,969 |
| Charles R. Cutler | 28,622 |
| Knipp Land Co | 28,160 |
| Jack Holaway | 26,805 |
| Total payees in county (6) | 193,785 |

PHELPS COUNTY

| | |
|---|---|
| Roy W. Pearson | 44,457 |
| Sam T. Schrock, Jr | 41,104 |
| Holly Hodge, Jr | 26,780 |
| Merlin R. Wilke | 22,897 |
| Roger D. Olson | 22,190 |
| A. Johnson & Son Ptn | 21,539 |
| Russell Enquist | 20,548 |
| Kenton Peterson | 20,255 |
| Total payees in county (8) | 219,770 |

POLK COUNTY

| | |
|---|---|
| Dewey Anderson, Jr | 33,609 |
| Larson Company, Inc | 31,806 |
| R. W. Eller and Sons | 22,568 |
| R. Beebe and Sons | 22,263 |
| Mark A. Romohr | 20,208 |
| Total payees in county (5) | 130,454 |

RED WILLOW COUNTY

| | |
|---|---|
| Myers Bros | 45,545 |
| Friehe Farms, Inc | 37,711 |
| Driftwood Farms, Inc | 35,433 |
| Charles Barber | 28,903 |
| Merlin Messinger | 21,946 |
| Don Olson | 20,889 |
| E. L. Neiman | 20,489 |
| C. K. Swanson | 20,311 |
| Total payees in county (8) | 231,227 |

RICHARDSON COUNTY

| | |
|---|---|
| Stalder Cattle Co., Inc | 54,112 |
| Nemaha Realty Co., Inc | 28,779 |
| Elmer Duerfeldt | 28,713 |
| Heasty W. Reesman | 26,796 |
| Keith Sherburne | 24,085 |
| Total payees in county (5) | 162,485 |

SALINE COUNTY

| | |
|---|---|
| Mahloch Farms, Inc | 46,375 |
| Duane Hendrickson | 21,251 |
| Total payees in county (2) | 67,626 |

SAUNDERS COUNTY

| | |
|---|---|
| Walter E. Adams | 41,744 |
| Leo Dwyer | 29,016 |
| Centennial Farms, Inc | 28,287 |
| Arthur Gifford | 27,518 |
| Ralph Raikes | 22,922 |
| H. & R. Tvrdy | 22,717 |
| Herbert Ritthaler | 21,913 |
| Leonard E. Benes | 20,056 |
| Total payees in county (8) | 214,173 |

SCOTTS BLUFF COUNTY

| | |
|---|---|
| Everett Dennis | 60,153 |
| Cook Livestock | 41,882 |
| E. F. Eskam | 27,962 |
| Alex Reifschneider | 26,420 |
| Calvin Heimbouch | 21,042 |
| Total payees in county (5) | 177,459 |

SEWARD COUNTY

| | |
|---|---|
| Lawrence Beckler | 24,851 |
| Rex Briggs | 23,944 |
| A. J. Trute, Trustee | 23,599 |
| A. H. Rolfsmeier | 22,211 |
| Total payees in county (4) | 94,605 |

SHERIDAN COUNTY

| | |
|---|---|
| Richard Fuchser | 26,095 |
| Milbert Holzberger | 22,990 |
| Total payees in county (2) | 49,085 |

SIOUX COUNTY

| | |
|---|---|
| Louis S. Bauer | 20,558 |
| Total payee in county (1) | 20,558 |

THAYER COUNTY

| | |
|---|---|
| Ted Currey | 36,516 |
| Lewis Duensing | 33,991 |
| A. B. Miller Farms, Inc | 25,933 |
| Alvin H. Paul | 21,001 |
| Werner Bros | 20,664 |
| Harley Grone | 20,165 |
| Total payees in county (6) | 158,270 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Nebraska*—Continued

[Amounts in dollars]

THURSTON COUNTY

| | |
|---|---|
| Willis Leinart | 29,384 |
| M. B. Connealy | 22,659 |
| Total payees in county (2) | 52,043 |

VALLEY COUNTY

| | |
|---|---|
| Melvin Swanson | 22,925 |
| Total payees in county (1) | 22,925 |

WASHINGTON COUNTY

| | |
|---|---|
| Tyson Farms, Inc | 48,303 |
| Gilbert Potadle | 28,077 |
| Alfred Heaton | 22,145 |
| Total payees in county (3) | 98,525 |

WEBSTER COUNTY

| | |
|---|---|
| Delbert Lewis | 51,960 |
| Total payees in county (1) | 51,960 |

YORK COUNTY

| | |
|---|---|
| Broadwell, Inc | 54,252 |
| Harrington Farms Co | 52,490 |
| Grotz, Inc | 31,968 |
| Otto Farms, Inc | 26,578 |
| R. L. Kaliff Ranch Co | 26,389 |
| Leroy Pettey | 23,770 |
| Wm. H. Otto | 22,831 |
| J. Klute & S. Klute, partners | 22,778 |
| Malvin Otto | 21,554 |
| Total payees in county (9) | 286,610 |
| Total payees in State (340) | 9,655,110 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Nevada*

[Amounts in Dollars]

CARSON CITY

| | |
|---|---|
| Borda Bros | 33,413 |
| Total payees (1) | 33,413 |

DOUGLAS COUNTY

| | |
|---|---|
| Sario Livestock Co | 59,165 |
| Dangberg Land & Livestock Co | 47,584 |
| Total payees in county (2) | 106,749 |

ELKO COUNTY

| | |
|---|---|
| Robison & Sorensen | 155,858 |
| Magnuson Ranch | 123,753 |
| Allied Land & Livestock | 107,263 |
| Ellison Ranching Co | 81,790 |
| Fernando Goicoechea & Sons | 72,758 |
| Alex Heguy & Sons | 54,276 |
| Corta Livestock Co | 25,038 |
| Total payees in county (7) | 619,736 |

HUMBOLDT COUNTY

| | |
|---|---|
| The Baer Ranch, Inc | 32,806 |
| Connecticut Gen Life Ins | 30,937 |
| Rosebud Livestock Co., Inc | 24,231 |
| Total payees in county (3) | 87,974 |

LANDER COUNTY

| | |
|---|---|
| Paris Paris & Inchauspe | 47,092 |
| Total payees in county (1) | 47,092 |

LYON COUNTY

| | |
|---|---|
| Fred Fulstone, Jr | 54,113 |
| F. M. Fulstone, Inc | 49,850 |
| Total payees in county (2) | 103,963 |

NYE COUNTY

| | |
|---|---|
| Mizpah Ranch | 51,052 |
| Tim Hafen Ranches, Inc | 48,507 |
| Gordon Mason | 21,436 |
| Total payees in county (3) | 120,995 |

PERSHING COUNTY

| | |
|---|---|
| Brinkerhoff Ranch, Inc | 53,920 |
| Herman Dennler | 43,868 |
| Improved Beef Feeders | 32,856 |
| Star Sheep Co | 24,615 |
| Total payees in county (4) | 155,259 |

WHITE PINE COUNTY

| | |
|---|---|
| Copper Sheep Co | 94,015 |
| Henriod Land & Livestock Co | 76,927 |
| Burton H. Robison | 74,826 |
| Bertrand Paris & Sons | 66,157 |
| John Uhalde & Co | 48,428 |
| Total payees in county (5) | 360,353 |
| Total payees in State (28) | 1,635,534 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—New Jersey*

[Amounts in dollars]

MIDDLESEX COUNTY

| | |
|---|---|
| Jeffwell Farms | 29,565 |
| Total payees in county (1) | 29,565 |

MONMOUTH COUNTY

| | |
|---|---|
| Warren Wagner | 26,280 |
| Total payees in county (1) | 26,280 |
| Total payees in State (2) | 55,845 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—New Mexico*

[Amounts in dollars]

BERNALILLO COUNTY

| | |
|---|---|
| Gordon Bond Co | 21,519 |
| Total payees in county (1) | 21,519 |

CATRON COUNTY

| | |
|---|---|
| Frank A. Hubbell Co | 46,218 |
| Total payees in county (1) | 46,218 |

CHAVES COUNTY

| | |
|---|---|
| Flying H. Ranch | 67,959 |
| Marley Whitney Studdard | 63,970 |
| Herbert M. Corn | 55,972 |
| H. C. Berry | 54,423 |
| Hale Bogle | 51,538 |
| Jimmy Pack | 51,436 |
| J. P. White, Jr | 43,050 |
| Fred Corn and Sons | 41,857 |
| Bonham Farms, Inc | 41,513 |
| Diamond A. Cattle Co | 40,653 |
| F. V. Cauhape | 38,863 |
| Penasco River Ranch | 35,955 |
| X Bar Ranch, Inc | 34,677 |
| Willard Watson | 34,419 |
| Jack Patterson | 32,875 |
| Poe W. Corn | 31,825 |
| Scharbauer Cattle Co | 31,758 |
| Rosendo Casarez | 31,690 |
| Melvin Pearson | 31,546 |
| James Norris | 31,281 |
| Clardy Farms, Inc | 30,489 |
| M X Ranch Co | 28,892 |
| H. H. McGee | 28,314 |
| John Divine | 27,922 |
| Fletcher Brothers | 27,813 |
| Malone Farms, Inc | 27,586 |
| R and B Co c/o Bronson Corn | 26,897 |
| A. W. Langenegger | 26,884 |
| Kaywal, Inc | 25,818 |
| Delbert M. Robinson | 25,803 |
| Ross R. Langenegger | 25,652 |
| James G. Langenegger | 25,652 |
| Bill Bogle | 25,633 |
| James F. Wagner | 24,635 |
| James Grassle | 24,511 |
| Armstrong and Armstrong | 24,488 |
| S. P. Johnson, Jr | 24,408 |
| George Kimble Hibbard | 24,100 |
| Jennings and Jennings | 24,000 |
| John P. Cauhape | 23,401 |
| Leroy Miles | 22,597 |
| Kap D. Kelley | 22,577 |
| Barney E. Green, Jr | 21,952 |
| Inez F. Bogle | 21,056 |
| Carroll Brewton | 20,966 |
| Roy Choat | 20,714 |
| Noling and Noling | 20,579 |
| B. F. Crawford | 20,282 |
| Schrimsher Brothers | 20,239 |
| Total payees in county (49) | 1,561,120 |

COLFAX COUNTY

| | |
|---|---|
| Roy M. Wood | 28,255 |
| Total payees in county (1) | 28,255 |

CURRY COUNTY

| | |
|---|---|
| John Garrett, Jr | 110,000 |
| George Hammond | 101,882 |
| The Hecht Company | 95,289 |
| Garrett Corporation | 94,399 |
| John H. Spearman | 92,489 |
| Lee Ross Hammond | 84,080 |
| Malcolm Garrett | 81,361 |
| C. Elton Green | 81,250 |
| Crest Agro Inc. C/O D. Turner | 70,192 |
| Michael Garrett | 69,354 |
| James E. Garrett | 68,522 |
| O. H. Pattison | 67,241 |
| R. W. Leonard | 65,095 |
| Esther L. Van Soelen | 62,627 |
| Harold House | 59,646 |
| Dale Elliott | 59,056 |
| Virgie Harrison | 58,994 |
| C. E. Christian | 58,619 |
| Frank Blackburn | 57,654 |
| Leon Marks | 57,519 |
| Eldon Blackburn Farms | 57,159 |
| Hershel L. Hughes | 56,100 |
| Sid Pipkin | 55,141 |
| Eldon Blackburn | 54,822 |
| Francis L. Decker | 54,088 |
| Leslie Pattison | 53,981 |
| Elbert Mitchell | 52,433 |
| J. L. Wall | 52,257 |
| Haney Tate | 50,351 |
| Phillip Tate | 49,932 |
| J. R. Shumate, Jr | 48,586 |
| Fern Castor | 49,064 |
| Russell Downey | 47,994 |
| L. R. Talley Est | 47,614 |
| Frank Wicks | 47,394 |
| Archie Baker | 47,301 |
| Jack Muse | 46,205 |
| Lester Merrill | 45,891 |
| Max L. Kelso | 45,811 |
| John C. White | 44,920 |
| Eldon Jones | 44,672 |
| Willie O. Wall | 44,085 |
| D. D. Myrick | 43,499 |
| M. M. Snell Estate | 43,124 |
| W. W. Bomar | 42,189 |
| Ronnie G. Mitchell | 41,892 |
| Joe Paul Cobb | 41,793 |
| John W. McIntosh | 41,369 |
| John W. Gunter, Jr | 40,465 |
| Paul P. Harrison | 40,177 |
| Dudley Bailey | 37,667 |
| Fred Northcutt | 37,598 |
| Tom Cobb, Jr | 37,197 |
| Ray Starbuck | 36,801 |
| Calvin Stout | 36,697 |
| Wayne Cherry | 36,603 |
| W. L. Lockmiller | 36,590 |
| Dwaine Lockmiller | 36,579 |
| Gary L. Lockmiller | 36,579 |
| Robert D. Martin | 36,374 |
| Otha Lockmiller | 36,072 |



| | |
|---|---|
| L. E. Davis | 35,882 |
| Wayne Martin, Jr | 35,278 |
| N. E. Thompkins | 35,252 |
| Wallace Farms | 34,734 |
| Fred A. Smith | 34,273 |
| A. Lloyd Grau | 34,262 |
| Oscar Fryar | 34,215 |
| E. L. Smith | 34,071 |
| Johnnie Rucker | 34,045 |
| George H. Trimble | 33,974 |
| B. P. Davis | 33,869 |
| E. C. Fish | 33,767 |
| J. C. Eshleman | 33,099 |
| E. C. Murrell | 33,033 |
| Lane K. Goar | 32,829 |
| L. Conrad Pippin | 32,785 |
| Michele Demaid | 32,393 |
| Joel Sealey | 32,342 |
| Gilbert Bros | 32,131 |
| Edgar Campbell | 31,852 |
| Four Lane Farms, Inc | 31,841 |
| L. T. Hanes | 31,643 |
| Frank R. Meier | 31,510 |
| Don Harmon | 31,447 |
| Billy Meeks | 31,152 |
| Charles Petty | 30,576 |
| John Reid | 30,526 |
| Buford Qualls | 30,162 |
| Richard Lee Miller | 30,046 |
| John Fury | 29,928 |
| A. R. Kleeman | 29,787 |
| Waymon Mitchell | 29,508 |
| Jerry Elliott | 29,288 |
| Ronald Minyen | 29,211 |
| Jack D. Garrett | 29,004 |
| Ollie Damron | 28,860 |
| G. H. Laney | 28,626 |
| W. G. Patton | 28,592 |
| Victor Stout | 28,589 |
| Leroy Bailey | 28,466 |
| Byron Black | 27,945 |
| Jim Brooks & Sons | 27,760 |
| Burns Bros | 27,655 |
| Wayne Burford | 27,316 |
| Steve Myrick | 27,174 |
| Kenneth Davis | 26,975 |
| Ray E. Castleberry | 26,911 |
| Hammond, Inc | 26,787 |
| Williams Farm & Ranch Corp | 26,641 |
| Elwin Bailey | 26,569 |
| A. C. Nystel | 26,539 |
| H. B. & J. H. Moberly | 26,473 |
| Mark M. Liethen | 26,431 |
| Curtis Lay | 26,349 |
| James C. Woods | 26,144 |
| J. W. Elliott Est | 26,006 |
| Gibbs Rucker | 25,986 |
| Joe Byron Burford | 25,888 |
| Clinton C. Burnett | 25,758 |
| Jerry Bell | 25,666 |
| Edgar H. Cooper | 25,619 |
| Arvin B. Wood | 25,609 |
| Jackie Roberts | 25,469 |
| Ken White | 25,138 |
| W. R. Cloud | 24,659 |
| Carrel Dennington | 24,384 |
| Harold S. Holland | 24,178 |
| Clarence Meeks | 24,012 |
| Dean Myers | 23,856 |
| Quincy Arnold | 23,820 |
| J. G. Palmateer | 23,719 |
| Bob Johnson | 23,683 |
| N. O. Carpenter | 23,649 |
| J. W. Graham | 23,582 |
| Bill Roberts | 23,569 |
| Wilburn Brooks | 23,356 |
| Gorman Hand | 23,316 |
| Hubert Qualls, Jr | 23,256 |
| R. A. Kelley | 23,214 |
| Dwight Sheriff | 23,154 |
| Walter M. Potts | 22,763 |
| Cohee Smith | 22,564 |
| Frieda Smith | 22,553 |
| Clyde W. Gunnels | 22,551 |
| William Lee Smith | 22,546 |
| Eric J. Smith | 22,520 |
| W. T. Meeks | 22,480 |
| Andrew Don McCasland | 22,466 |
| J. Willard Patterson | 22,283 |
| Howard Duncan | 22,144 |
| Richard Motl | 22,046 |
| W. Earl Willmon | 21,999 |
| Albert Chiles | 21,901 |
| Glenn Bell | 21,805 |
| Donald Clark | 21,686 |
| Bob G. Howard | 21,656 |
| Melvin Estes | 21,450 |
| Billy Joe Shaw | 21,427 |
| L. A. Hutchins | 21,322 |
| A. G. Campbell | 21,271 |
| Sterling Lockmiller | 21,066 |
| John R. Hadley, Jr | 20,916 |
| Elzie Jones | 20,914 |
| J. A. Chandler | 20,878 |
| S. Wayne Snyder | 20,599 |
| Jim Starbuck | 20,372 |
| T. J. Kittrell | 20,348 |
| Thurman Chandler | 20,292 |
| Wayne Reid | 20,181 |
| G. H. Harrington | 20,147 |
| Richard Bain | 20,004 |
| Total payees in county (172) | 6,285,568 |

DE BACA COUNTY

| | |
|---|---|
| Ramon Perez Ranch, Inc | 56,055 |
| Marcel H. Achen | 30,804 |
| Total payees in county (2) | 86,589 |

DONA ANA COUNTY

| | |
|---|---|
| O. L. Hilburn | 51,334 |
| Felipe Garcia | 46,817 |
| John R. Tomlin | 38,846 |
| Enrique Acosta | 34,935 |
| J. F. Apodaca Farms Co., Inc | 33,547 |
| J. K. Nakayama & Sons | 32,739 |
| Burrell Welton | 32,627 |
| Albert Titsworth | 32,627 |
| John L. Sykes | 32,606 |
| Juan V. Navarette | 32,563 |
| Ralph R. Hackey | 32,180 |
| Elias Dominguez | 31,719 |
| John Clayshulte | 29,865 |
| Sammie Singh | 29,802 |
| Louis E. Archer | 29,764 |
| Tony Salopek | 29,536 |
| H. E. Whittington | 29,472 |
| Deerman Farms Inc | 29,328 |
| Luis Salinas | 28,040 |
| Clyde Simpson | 27,923 |
| Jack E. Dunlap | 27,459 |
| Charles L. Deerman | 27,219 |
| P. R. Kuykendall | 26,610 |
| Kriegel & Kriegel | 26,129 |
| C. C. Woodward | 24,455 |
| Robert S. Hayner Est | 23,897 |
| Ernest Harris | 23,833 |
| William F. Hayner | 23,533 |
| Marvin L. Hayes | 22,341 |
| Harvey Investment Co | 22,166 |
| John Salopek | 21,832 |
| Bickley Farms | 21,828 |
| Will Holt | 21,242 |
| Louis E. Dawson | 20,756 |
| Thomas S. White | 20,681 |
| Koenigs Inc | 20,602 |
| David Ealopek | 20,302 |
| Total payees in county (37) | 1,061,155 |

EDDY COUNTY

| | |
|---|---|
| Ray Howard | 69,989 |
| Roy Ingram Co., Inc | 44,339 |
| Bob Morgan | 43,768 |
| Draper Brantley | 39,755 |
| S. G. Karr | 36,388 |
| W. I. Johnson | 35,218 |
| Carter Farms | 33,940 |
| Tom E. Vandiver | 32,433 |
| G. G. Armstrong and Son | 32,117 |
| Frank Runyan | 30,722 |
| W. D. Bounds and Son | 27,454 |
| B. C. Aaron | 23,738 |
| Ralph Hood | 23,593 |
| Bowman and Son | 23,289 |
| Cottonwood Cattle Co | 22,595 |
| Henry H. Grandi | 22,490 |
| James Thigpen | 22,079 |
| Quentin Rogers | 21,731 |
| L. T. Lewis Estate | 21,696 |
| Ralph Pearson | 20,878 |
| J. S. Waldrip | 20,165 |
| Total payees in county (21) | 648,377 |

GUADALUPE COUNTY

| | |
|---|---|
| Eugenio Perez Ranch | 43,482 |
| Vaughn Enterprises, Inc | 34,551 |
| Raymond Perez | 26,769 |
| Vicente Ranch Co | 20,326 |
| Total payees in county (4) | 125,128 |

HARDING COUNTY

| | |
|---|---|
| Jack Lewis | 24,340 |
| Total payees in county (1) | 24,340 |

HIDALGO COUNTY

| | |
|---|---|
| Darrow Richins | 60,656 |
| Bill Veck | 59,930 |
| Robert P. Baxter | 58,857 |
| Harry Turner | 58,773 |
| Troy R. Sharrock | 58,103 |
| M. R. Haddox | 33,283 |
| Sidney O. Wright | 32,121 |
| Adair Merrell | 31,676 |
| Harriet Veck | 29,290 |
| R. H. Wamel | 28,979 |
| Archie Payne | 21,653 |
| Edward Mendoza | 20,246 |
| Total payees in county (12) | 493,577 |

LEA COUNTY

| | |
|---|---|
| Emma Lawrence | 101,318 |
| Elvis Jones | 65,562 |
| Hawthorne Bros | 45,453 |
| Brady Lowe | 40,530 |
| John Richardson | 39,237 |
| Taylor & Heidel, Inc | 38,865 |
| Joe C. McKown | 35,167 |
| G. Bradford Feed Pens | 32,719 |
| Jack Jones | 32,143 |
| Louis Eubank | 31,797 |
| C. E. Alexander & Sons | 31,265 |
| McClish Farms | 30,182 |
| Leroy Box | 27,541 |
| Yarbros, Inc | 27,153 |
| J. V. Burdett | 26,252 |
| Berry Lee Hobbs | 25,946 |
| Perl H. Harris | 25,449 |
| W. G. Turnipseed | 24,226 |
| Richard Parker | 23,136 |
| R. L. Byrum | 22,263 |
| J. W. Spears | 20,717 |
| L. D. Patman | 20,181 |
| Total payees in county (22) | 767,104 |

LINCOLN COUNTY

| | |
|---|---|
| Lincoln County Livestock Co | 57,939 |
| W. R. Lovelace Livestock Co | 33,385 |
| Wade H. Corn | 28,842 |
| Block Dot Sheep Company | 28,646 |
| Lewis and Sanders Inc | 27,009 |
| Goodrum Brothers | 25,545 |
| Twin Butte Sheep Co | 22,410 |
| Bonita Ranch Co | 22,077 |
| Total payees in county (8) | 245,853 |

LUNA COUNTY

| | |
|---|---|
| Jerry Lynn Hilburn | 154,429 |
| Jerry Zachek | 120,720 |
| L. G. Guaderrama | 84,817 |
| Edward Ray Hooper | 67,858 |
| William B. Green | 64,868 |
| H. S. Jackson | 57,624 |
| Hal B. Keeler | 55,224 |
| James E. Keeler | 49,738 |
| Darrell McCauley | 42,498 |
| Leo W. Koenig | 39,619 |
| Robert S. Gomez | 36,854 |
| W. R. Johnson & Son | 26,548 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—New Mexico—Continued*

[Amounts in dollars]

LUNA COUNTY—continued

| | |
|---|---|
| James W. Donaldson | 22,667 |
| Irvin Spitler | 20,514 |
| Total payees in county (14) | 843,978 |

OTERO COUNTY

| | |
|---|---|
| John P. Fain | 38,333 |
| Total payees in county (1) | 38,333 |

QUAY COUNTY

| | |
|---|---|
| Ivan Rush | 51,497 |
| Odus Rush | 50,762 |
| Charley Roy Best | 44,215 |
| Gunn & Sons Inc | 44,139 |
| D. F. McCasland | 39,470 |
| Jennings Bros | 36,145 |
| J. V. Curtis | 35,718 |
| O. L. Yocom | 34,663 |
| Bruce A. Runyan | 34,410 |
| H. J. Lee & Sons Inc | 30,394 |
| Edward O. Sumrall | 29,348 |
| McKenzie Land & Livestock Co | 27,856 |
| Lewis O. Caton | 24,021 |
| James J. Harman | 23,947 |
| Northcutt & Sons | 23,841 |
| R. C. Tillman | 23,061 |
| Cecil E. Moon | 22,847 |
| Lloyd Morrow | 22,487 |
| Akin & Akin Corp | 22,093 |
| David Dougherty | 21,799 |
| Manuel MacKechnie | 20,674 |
| Luther Bunch | 20,643 |
| J. L. Jordan, Jr | 20,376 |
| Total payees in county (23) | 704,406 |

ROOSEVELT COUNTY

| | |
|---|---|
| J. D. Terral | 60,882 |
| Johnie B. Gammill | 41,787 |
| Harvey L. and Ava L. Balko | 41,220 |
| Brown and Brown | 39,894 |
| Claudie W. Reeves | 35,373 |
| Jerome Terral | 32,196 |
| Sidney E. Pool | 30,911 |
| Allen Chapman | 30,170 |
| Gene Massey | 29,090 |
| Delbert Brown | 28,965 |
| Rodney Thetford | 27,685 |
| J. K. Frazier | 27,572 |
| C. H. Wall | 27,345 |
| Pete Field Estate | 27,268 |
| Hadley H. Kern | 26,743 |
| Arthur King | 25,916 |
| M. A. Tanner | 23,440 |
| Harding Burris | 23,188 |
| D. C. Terral | 22,516 |
| Kermit Gardner | 21,703 |
| J. D. Hays | 21,536 |
| Cary V. Watson | 21,317 |
| Glenn W. Thompson | 21,093 |
| E. B. Robbins, Jr | 20,560 |
| Margaret T. Roberts | 20,184 |
| Total payees in county (25) | 728,554 |

SANTA FE COUNTY

| | |
|---|---|
| Paul Simmons | 25,371 |
| Total payees in county (1) | 25,371 |

SIERRA COUNTY

| | |
|---|---|
| David Jr. & Rouert Holguin | 22,769 |
| Total payees in county (1) | 22,769 |

SOCORRO COUNTY

| | |
|---|---|
| Brawley Bros | 39,340 |
| J. F. Bamert | 21,466 |
| Total payees in county (2) | 60,806 |

TORRANCE COUNTY

| | |
|---|---|
| Hindl Sheep Company | 49,423 |
| Kings Valley Irrigation | 23,080 |
| Total payees in county (2) | 72,503 |

UNION COUNTY

| | |
|---|---|
| Rex L. Rinker | 40,833 |
| Matt D. Irwin | 38,967 |
| Arthur Jernigan | 36,938 |
| Wayne Wallace | 31,761 |
| H. D. Newman | 27,738 |
| Rudolf Jesko | 25,789 |
| Billy C. Lutes | 24,060 |
| Tramperos Livestock, Inc | 22,138 |
| Ronald McKay | 20,477 |
| Total payees in county (9) | 266,701 |

VALENCIA COUNTY

| | |
|---|---|
| Fernandez Company | 37,175 |
| Total payees in county (1) | 37,175 |
| Total payees in State (410) | 14,195,669 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—New York*

[Amounts in dollars]

GENESEE COUNTY

| | |
|---|---|
| My T Acres | 25,230 |
| Total payees in county (1) | 25,230 |

MONROE COUNTY

| | |
|---|---|
| John Halpin Sons | 33,389 |
| Total payees in county (1) | 33,389 |

NIAGARA COUNTY

| | |
|---|---|
| Holman O. Connor | 28,265 |
| Total payees in county (1) | 28,265 |

ORLEANS COUNTY

| | |
|---|---|
| Kludt Brothers Inc | 22,470 |
| Total payees in county (1) | 22,470 |

SCHOHARIE COUNTY

| | |
|---|---|
| Shaul Farms Inc | 24,978 |
| Total payees in county (1) | 24,978 |

SENECA COUNTY

| | |
|---|---|
| Stanley Vanvleet | 20,047 |
| Total payees in county (1) | 20,047 |

WAYNE COUNTY

| | |
|---|---|
| Lopez Bros. Inc | 72,660 |
| Jackson Farms Inc | 35,819 |
| H. Arthur Foster Farms Inc | 28,945 |
| Total payees in county (3) | 137,424 |
| Total payees in State (9) | 291,803 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—North Carolina*

[Amounts in dollars]

ANSON COUNTY

| | |
|---|---|
| C. C. Sikes | 34,801 |
| Edwin J. Wall | 34,202 |
| G. Manley Thomas | 29,058 |
| George P. Capel | 26,640 |
| John Robinson | 26,257 |
| Norwood E. Teal | 24,562 |
| Total payees in county (6) | 175,520 |

BEAUFORT COUNTY

| | |
|---|---|
| Henrietta H. Bell | 54,855 |
| A. D. Swindell | 42,381 |
| Russel L. Peed | 20,582 |
| Total payees in county (3) | 117,818 |

BERTIE COUNTY

| | |
|---|---|
| E. R. Evans & Sons Inc | 20,875 |
| Total payees in county (1) | 20,875 |

CAMDEN COUNTY

| | |
|---|---|
| Alvin N. Staples | 21,600 |
| Total payees in county (1) | 21,600 |

CHOWAN COUNTY

| | |
|---|---|
| T. E. Corprew | 23,047 |
| Total payees in county (1) | 23,047 |

CLEVELAND COUNTY

| | |
|---|---|
| Morgan & Co., Inc | 56,635 |
| A. M. Boggs & Sons | 41,765 |
| Billy Wilson | 38,157 |
| Glenn Sperling | 38,110 |
| Roy Cochran | 34,134 |
| Earl P. Eaker | 28,536 |
| Hoyle Blalock | 25,775 |
| Robert R. Hamrick | 24,372 |
| Dras Biggerstaff | 23,805 |
| Roger L. Stroup | 22,910 |
| James A. Blalock | 22,885 |
| J. F. Cornwell | 21,648 |
| Total payees in county (12) | 378,732 |

CUMBERLAND COUNTY

| | |
|---|---|
| A. G. Cooper, Jr | 27,162 |
| George D. Elliott | 25,378 |
| Edgar Edens | 20,903 |
| Total payees in county (3) | 73,443 |

CURRITUCK COUNTY

| | |
|---|---|
| James H. Ferebee and Son | 32,998 |
| Total payees in county (1) | 32,998 |

EDGECOMBE COUNTY

| | |
|---|---|
| R. R. Brake, Jr | 46,945 |
| W. S. Clark & Sons, Inc | 29,070 |
| M. C. Braswell Farms | 27,751 |
| Peoples Bank | 24,360 |
| W. J. Eason, Jr | 21,779 |
| Wiley Bulluck | 21,629 |
| Robert Driver | 21,384 |
| Total payees in county (7) | 192,918 |

HALIFAX COUNTY

| | |
|---|---|
| Carolina Peanut Company | 44,577 |
| L. H. Kitchin | 35,355 |
| Charles H. Smith, Jr | 32,846 |
| Betty S. Whitehead | 32,640 |
| Benjamin B. Everett, Jr | 31,474 |
| James R. Kitchin | 29,331 |
| Bill Pickette | 27,992 |
| Hubert B. Morris | 27,953 |
| A. H. & W. C. Taylor | 26,852 |
| Jack Fleming | 24,419 |
| Cecil Moone | 23,684 |
| Edison Smith | 23,343 |
| R. W. Davis | 22,476 |
| Ronald C. Fleming | 22,044 |
| C. H. Leggett, Jr | 21,361 |
| Charles L. Tillery | 20,972 |
| Russell Braddy | 20,527 |
| Total payees in county (17) | 467,846 |

HARNETT COUNTY

| | |
|---|---|
| R. A. McLamb | 43,157 |
| J. W. Sorrell, Jr | 21,164 |
| Total payees in county (2) | 64,321 |



HOKE COUNTY

| | |
|---|---|
| J. G. Balfour | 41,417 |
| R. L. Gibson | 41,167 |
| Earl Hendrix | 36,753 |
| James D. McCougan | 36,159 |
| Agnes U. Johnson | 28,959 |
| Edward Hayes | 28,792 |
| Dundarrach Trading Co | 28,284 |
| J. K. McNeill Farms | 25,655 |
| John E. McGougan | 24,853 |
| Julian Love | 20,089 |
| Total payees in county (10) | 312,128 |

LENOIR COUNTY

| | |
|---|---|
| Parrott Farms | 22,935 |
| Total payees in county (1) | 22,935 |

LINCOLN COUNTY

| | |
|---|---|
| Joe Kiser | 54,869 |
| J. D. Baxter | 22,811 |
| J. M. Beam | 21,477 |
| Total payees in county (3) | 99,157 |

MONTGOMERY COUNTY

| | |
|---|---|
| Robert Chappell | 38,828 |
| Mack Chappell | 27,156 |
| North State Orchards, Inc | 20,066 |
| Total payees in county (3) | 86,050 |

NORTHAMPTON COUNTY

| | |
|---|---|
| John G. Burgwyn | 56,192 |
| Reuben Turner | 48,933 |
| M. C. Dunlow | 42,593 |
| Henry Bennett | 36,771 |
| William R. Johnston | 35,416 |
| Allan A. Dickens | 25,783 |
| W. P. Morris | 23,835 |
| Jasper Turner | 23,486 |
| Lewis Farms | 22,971 |
| J. C. Edwards, Jr | 22,541 |
| W. G. Long | 20,850 |
| James N. Massey | 20,055 |
| Total payees in county (12) | 379,426 |

PITT COUNTY

| | |
|---|---|
| F. L. Blount, Jr | 20,453 |
| Total payees in county (1) | 20,453 |

RICHMOND COUNTY

| | |
|---|---|
| Myers Waddell | 21,173 |
| Total payees in county (1) | 21,173 |

ROBESON COUNTY

| | |
|---|---|
| Wakulla Farms, Inc | 80,443 |
| Midway Farms, Inc | 73,247 |
| D. D. McColl | 70,313 |
| Maxton Supply Co | 65,252 |
| Allen M. Shook | 61,394 |
| William A. Davis | 59,980 |
| Bassil Gentry | 58,505 |
| Sinclair Corp | 55,210 |
| Ted Smith | 52,167 |
| D. M. Lytch | 50,253 |
| Arthur Norman Emanuel | 47,262 |
| Tom McCrimmon | 46,768 |
| J. H. McArthur, Jr | 46,150 |
| Waccamaw Bank & Trust Co | 43,110 |
| Bill Herndon | 41,481 |
| Neil Watson | 41,059 |
| W. B. Townsend Farms | 35,970 |
| Henry McLeod, Jr | 35,838 |
| R. E. Parnell | 35,258 |
| Pates Supply Co., Inc | 33,625 |
| E. D. McGougan | 33,397 |
| B. E. Simpson | 31,888 |
| Thompson Brokerage Co | 30,683 |
| Timothy Strickland | 25,804 |
| W. H. McIntyre | 25,217 |
| B. C. McIntyre | 25,217 |
| K. M. Biggs, Inc | 25,085 |
| Lewis R. McNeill & Davis | 24,251 |
| James M. McNair | 22,607 |
| Martin Clark | 22,000 |
| Richard Gillespie | 21,542 |
| Alton A. Price | 21,392 |
| David Dunn, Jr | 20,581 |
| Total payees in county (33) | 1,363,149 |

SAMPSON COUNTY

| | |
|---|---|
| John T. Barefoot & Sons, Inc | 43,686 |
| R. A. Carroll, Jr | 22,927 |
| J. G. Warren | 20,102 |
| Tom Newman | 20,078 |
| Total payees in county (4) | 106,793 |

SCOTLAND COUNTY

| | |
|---|---|
| Baker Enterprise, Inc | 69,988 |
| A. R. McMillan, Jr | 61,575 |
| James R. McKenzie | 58,872 |
| Z. V. Pate, Inc | 57,325 |
| Harvey Z. Edge | 57,188 |
| John Carmichael | 56,087 |
| J. T. John Co. Inc | 51,639 |
| Evans Brothers | 51,636 |
| J. N. Gibson, Jr | 51,305 |
| Donald Morgan | 46,549 |
| William P. Carmichael | 42,045 |
| Edwin Snead | 41,740 |
| P. B. and J. M. McGregor | 34,573 |
| Alice J. McLeod | 33,991 |
| Haynes Stone | 33,719 |
| John M. McLaurin | 33,425 |
| Jesse Snead | 31,161 |
| Ralph Usher | 30,468 |
| Blue Investment Co | 30,159 |
| Richard Tatum | 27,359 |
| Westwood Farm | 27,328 |
| C. S. McArthur | 26,771 |
| Essie Carmichael | 26,695 |
| McNair Farms | 25,775 |
| A. D. Gibson Store | 25,763 |
| W. W. Thompson | 24,260 |
| Myrtle C. Snead | 23,307 |
| Archibald McLean | 22,732 |
| Total payees in county (28) | 1,103,435 |

UNION COUNTY

| | |
|---|---|
| Wade H. Howey, Jr | 43,475 |
| D. L. Kimbrell | 22,169 |
| Billy Ray Alexander | 20,563 |
| Total payees in county (3) | 86,207 |
| Total payees in state (153) | 5,170,024 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—North Dakota*

[Amounts in dollars]

ADAMS COUNTY

| | |
|---|---|
| Merwin Farm | 35,384 |
| Russell E. Bohne | 31,607 |
| Harold Arndorfer | 29,220 |
| Floyd Howe | 28,569 |
| Robert SRB | 28,258 |
| Henry J. Johnson | 25,388 |
| Earl G. Hagen | 23,728 |
| Darrell Papka | 22,154 |
| Earl Laufer | 21,477 |
| Raymond Zent | 21,343 |
| Total payees in county (10) | 267,128 |

BARNES COUNTY

| | |
|---|---|
| Paul B. Bjornson | 41,272 |
| Lyle J. Larson | 32,183 |
| Ronald M. Rose | 27,964 |
| Vernon Triebold | 27,450 |
| Sauer Farms | 24,412 |
| Douglas Quick | 22,684 |
| Merrill R. Willson | 22,625 |
| Nyle Burchill | 21,216 |
| Total payees in county (8) | 219,806 |

BENSON COUNTY

| | |
|---|---|
| Leo Studness | 37,436 |
| Marvin Logan | 32,253 |
| James McCarty | 28,356 |
| Dwayne & Ardon | 27,815 |
| Lyle Halvorson | 25,833 |
| Reuben Liechty | 25,253 |
| John R. Beckstrand | 24,995 |
| Virgil & Wayne & M. N. Gerig | 24,819 |
| Rudolph J. Kakela | 23,586 |
| Harold Kenner | 23,423 |
| Alvin Kenner | 23,353 |
| Harold Hofstrand | 21,907 |
| Galen Strand | 21,013 |
| W. J. Thoreson | 20,305 |
| Total payees in county (14) | 360,347 |

BOTTINEAU COUNTY

| | |
|---|---|
| The Witteman Company | 44,957 |
| Russell B. Ballantyne | 43,435 |
| Melvin B. Ballantyne | 43,435 |
| Pearson Bros | 37,222 |
| Willis Glinz | 36,339 |
| Stair Brothers | 33,148 |
| Carris Joe Vandal | 29,874 |
| Wyman Brothers | 28,963 |
| Norman Glinz | 28,661 |
| Henry Grain & Stock Farm | 27,474 |
| Frank F. Adams | 23,493 |
| Lloyd Undlin | 21,644 |
| Elmer Issendorf | 21,101 |
| George C. Adams | 20,465 |
| Zurcher Brothers | 20,234 |
| J. Feuerhelm | 20,138 |
| Total payees in county (16) | 480,583 |

BOWMAN COUNTY

| | |
|---|---|
| Melvin Miller | 35,520 |
| William Stegner | 27,633 |
| Joe Bagley | 25,443 |
| Charles Bowman | 25,438 |
| Edgar Hilton | 23,478 |
| Robert Swanke | 22,267 |
| Dr. R. C. Thom | 21,942 |
| Bill Fisher | 21,344 |
| Wilbur Brewer | 21,174 |
| Total payees in county (9) | 224,239 |

BURKE COUNTY

| | |
|---|---|
| Earl Schwartz | 31,706 |
| Fritz Peterson | 23,136 |
| Durick Brothers | 23,129 |
| John Koch | 21,903 |
| Total payees in county (4) | 99,874 |

BURLEIGH COUNTY

| | |
|---|---|
| Monty Burke | 30,456 |
| Patterson Land Co | 27,738 |
| Walter Krueger | 27,106 |
| Preszler Brothers | 24,875 |
| Ervin Bourgois | 24,131 |
| Casey Est | 22,963 |
| Total payees in county (6) | 157,269 |

CASS COUNTY

| | |
|---|---|
| Geo. C Howe, Jr | 44,739 |
| Orten Brodshaug | 37,585 |
| J. Dalrymple Est | 34,239 |
| Barker Bros | 27,982 |
| Rullifson Brothers | 26,769 |
| Frank Lynch Co | 25,178 |
| Giermann Partnership | 24,742 |
| Terry & Jerry Meyers | 24,577 |
| Thomas J. Sinner | 24,174 |
| Donald E. Warner | 23,658 |
| Franklin Erbstoesser | 22,397 |
| McLean Partnership | 22,229 |
| Robert L. Brodshaug | 22,162 |
| Wm. & Geo. Sinner and E. Bresnahan | 22,021 |
| Clayton Runck, Jr | 21,395 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—North Dakota*—Continued

[Amounts in dollars]

CASS COUNTY—continued

| | |
|---|---|
| Andrews Farm | 20,707 |
| Elmer Fraase | 20,519 |
| Otis Nelson, Jr | 20,342 |
| James Runck | 20,214 |
| Total payees in county (19) | 485,629 |

CAVALIER COUNTY

| | |
|---|---|
| Marvin Mikkelsen | 33,784 |
| James Blake | 25,793 |
| Howard McDaniel | 25,164 |
| Richard Schmiess | 23,530 |
| Edward Waltz | 23,522 |
| S. T. Iverson | 23,270 |
| Ernest Waltz | 23,270 |
| Gerald Howatt | 23,233 |
| Rallan Beck | 22,328 |
| Clarence Roppel | 21,243 |
| John N. McDonald, Jr | 21,144 |
| Total payees in county (11) | 266,281 |

DICKEY COUNTY

| | |
|---|---|
| Alamo Farms | 42,712 |
| Total payees in county (1) | 42,712 |

DIVIDE COUNTY

| | |
|---|---|
| Lawrence Hagen | 42,227 |
| David Jensen | 38,390 |
| Lloyd Kittelson | 20,148 |
| Total payees in county (3) | 100,765 |

EDDY COUNTY

| | |
|---|---|
| Norman Birkeland | 29,623 |
| Quentin Georgeson | 26,584 |
| Byron Langley | 22,542 |
| Total payees in county (3) | 78,749 |

FOSTER COUNTY

| | |
|---|---|
| Louis S. Reimers | 56,557 |
| James P. Carr | 40,525 |
| Butts Farming Assn | 28,925 |
| Total payees in county (3) | 126,007 |

GOLDEN VALLEY COUNTY

| | |
|---|---|
| Lloyd Weinreis | 40,158 |
| Donald Kittelson | 30,491 |
| Dale Stedman | 26,462 |
| Richard Nagel/Werner Kippley | 24,488 |
| Lawrence Kukowski | 24,199 |
| Orval A. Ross | 22,336 |
| Charles M. Hardy | 21,444 |
| Robert Clarin | 21,136 |
| Edmund Kukowski | 20,110 |
| Total payees in county (9) | 230,824 |

GRAND FORKS COUNTY

| | |
|---|---|
| John W. Scott | 68,212 |
| Elk Valley Farms | 46,097 |
| Ryan Farms | 45,588 |
| Art Greenberg | 43,003 |
| Drees Farming Association | 37,181 |
| Haugen Farms | 34,631 |
| William H. Omlid | 30,974 |
| Clark Farms | 27,716 |
| Don & Nordis Lindholm | 27,593 |
| Henry & Louis Lazur | 26,603 |
| David Thompson | 25,171 |
| John S. Dean | 24,804 |
| M. G. Dickson | 23,944 |
| Dan Burke Farms | 22,609 |
| Chester Krabbenhoft | 22,361 |
| Darrel Adams | 22,288 |
| Gordon McLean | 22,056 |
| Clifford Knudson | 21,658 |
| Jack A. Halverson | 21,261 |
| George Stadstad | 20,593 |
| Ardell Omlid | 20,277 |
| J. A. Cronquist | 20,221 |
| Total payees in county (22) | 654,740 |

GRANT COUNTY

| | |
|---|---|
| Elmer Pahl | 25,541 |
| Vincent Muggli, Jr | 23,335 |
| Leo Muggli | 22,098 |
| Herbert Sprecher | 21,001 |
| Lydia R. Hintz | 20,414 |
| Total payees in county (5) | 112,389 |

GRIGGS COUNTY

| | |
|---|---|
| Gruman Brothers | 22,743 |
| Leland Haugen | 20,056 |
| Total payees in county (2) | 42,799 |

HETTINGER COUNTY

| | |
|---|---|
| John F. Swindler | 66,378 |
| Benjamin Schaible | 62,022 |
| Milton Hertz | 61,289 |
| Marion Swindler | 50,906 |
| Clyde L. Swindler | 46,746 |
| August C. Kirschemann | 46,423 |
| Gothold Hertz | 34,609 |
| Jos. P. Grundhauser | 34,293 |
| Raymond K. Bieber | 30,342 |
| Arnold L. Mehrer | 29,044 |
| Fred J. Hoberz | 28,965 |
| Larry Stang | 28,951 |
| Oscar Schaible | 28,587 |
| Arthur Schaible | 28,434 |
| Ronald L. Swindler | 26,841 |
| Jakie Hummel | 26,414 |
| Nick and Barbara Rettinger | 26,093 |
| R. C. Schumacher | 25,735 |
| Wilmer Zenker | 24,854 |
| Allan and Willa Rustan | 24,564 |
| Andrew J. Rettinger | 24,377 |
| Ronald Sorenson | 22,385 |
| Leone W. Lince | 21,749 |
| Harold A. Oberlander | 21,368 |
| Werner J. Kilzer | 21,351 |
| Bernard Kirschenman | 20,796 |
| Robert Bohnet | 20,670 |
| Allan Swindler | 20,501 |
| Total payees in county (28) | 904,487 |

KIDDER COUNTY

| | |
|---|---|
| Ward Whitman | 41,668 |
| Fred A. Bon | 20,372 |
| Total payees in county (2) | 62,040 |

LA MOURE COUNTY

| | |
|---|---|
| Rott Bros | 32,139 |
| Fairview Hutterian Association | 25,962 |
| Reuben L. Schlenker | 24,664 |
| Helm Brothers | 20,960 |
| Total payees in county (4) | 103,725 |

M'HENRY COUNTY

| | |
|---|---|
| Harry Anderson | 27,469 |
| Nick Haman | 21,331 |
| Total payees in county (2) | 48,800 |

M'KENZIE COUNTY

| | |
|---|---|
| Peter A. Nygaard | 39,177 |
| Joe Gudbranson | 33,935 |
| Roger L. Sanders | 32,671 |
| James R. Chitwood | 24,509 |
| Tim Dwyer | 23,204 |
| Arno Wisness | 22,626 |
| Clifford Sovig | 21,504 |
| Harold Dahl | 21,080 |
| John Cayko | 20,146 |
| Total payees in county (9) | 238,852 |

M'LEAN COUNTY

| | |
|---|---|
| Richard Kerzman | 25,543 |
| Cecil Zahnow | 24,213 |
| Wayne Zahnow | 24,210 |
| Leon Billadeau | 22,804 |
| Nettie V. Iverson | 21,934 |
| Earl Hanson | 21,933 |
| Joe Rensch | 20,946 |
| Shirley Rustad | 20,382 |
| Harold Robinson | 20,207 |
| Total payees in county (9) | 202,152 |

MORTON COUNTY

| | |
|---|---|
| Wachter Ranch | 56,008 |
| Edwin C. Richter | 21,185 |
| Total payees in county (2) | 77,193 |

MOUNTRAIL COUNTY

| | |
|---|---|
| Otto Engen | 61,055 |
| Abrahamson Bros | 34,667 |
| Arthur Harstad | 27,335 |
| Nolen Nielsen | 22,654 |
| John Bartelson, Sr | 22,623 |
| A. H. Nelson & Sons | 22,453 |
| Roy Johnson | 22,050 |
| Wallace Nelson | 21,652 |
| Total payees in county (8) | 234,489 |

NELSON COUNTY

| | |
|---|---|
| Roscoe W. Kelly | 38,256 |
| J. P. Lamb Land Co | 33,444 |
| Raymond F. and Frances C. Lamb | 30,429 |
| John Lindvall | 28,582 |
| Jacob Geritz | 27,620 |
| Glenn Orwick | 24,956 |
| Ronald MacMillan | 22,500 |
| Gordon L. Nelson | 21,705 |
| Peter Steffan | 21,610 |
| Richard M. Morken | 20,741 |
| Total payees in county (10) | 269,843 |

PEMBINA COUNTY

| | |
|---|---|
| Bert Olson & Sons | 46,636 |
| Johnson Farms | 46,409 |
| J. G. Hall & Sons | 42,278 |
| Warner Bros | 39,419 |
| Schulz Moquist Illing | 38,085 |
| Ted Eagen | 35,461 |
| Leonard Schwartz | 34,652 |
| F. Kent Vosper | 34,055 |
| Tucker & Green | 32,859 |
| Morrison Bros | 31,693 |
| Hector Walleghem | 28,991 |
| Rutherford Farm Co | 28,972 |
| O'Toole Bros | 28,213 |
| Patrick Mahar | 28,042 |
| Warren Hartje | 27,984 |
| Gary Longtin | 25,041 |
| Aaland and Robbins | 24,550 |
| Vernon R. Fitzsimonds | 23,642 |
| Halcrow Bros | 23,194 |
| Vernle Lysengen | 23,005 |
| Russell Vosper | 22,373 |
| Gunderson Bros | 22,076 |
| Stanley Metelmann | 21,632 |
| Martin Farms | 21,606 |
| Richard Folson | 20,332 |
| Landrigan Bros | 20,284 |
| Gapp Farms | 20,098 |
| W. Ross Brown | 20,015 |
| Total payees in county (28) | 811,597 |

PIERCE COUNTY

| | |
|---|---|
| Elizabeth Follman | 27,169 |
| Archie Lindseth | 25,442 |
| Joseph A. Brossart | 21,670 |
| Joe J. Hoffart | 20,213 |
| Total payees in county (4) | 94,494 |

RAMSEY COUNTY

| | |
|---|---|
| Herman Dimmler | 44,772 |
| J. H. R. Braaten | 37,957 |
| John F. Elsperger | 34,916 |
| Leo Langton | 34,010 |
| Gerald Dimmler | 32,516 |
| Robert L. Weed | 30,956 |



| | |
|---|---|
| Leo Labarre | 30,889 |
| Theodore Sigvaldson | 29,980 |
| John & Henry Mertens | 29,773 |
| Duane Bauerle | 26,688 |
| David J. Anderson | 26,663 |
| D. J. E. Iverson | 26,467 |
| Gordon Berg | 26,420 |
| Richard K. Saunders | 25,140 |
| Bjarne Berg | 24,972 |
| Wm. Frith, Jr | 24,373 |
| Duane A. Bye | 23,871 |
| E. W. B. Johnson | 23,520 |
| Richard G. Stevens | 23,510 |
| David Olderbak | 22,597 |
| Ordale G. Morstad | 22,244 |
| John Kram | 22,232 |
| William Evans | 22,009 |
| Clarence P. Hofstad | 21,838 |
| Rodney J. Lee | 21,789 |
| Robert Freije | 21,374 |
| Donald D. Olson | 21,057 |
| Wallace Linde | 21,025 |
| George Eidsness | 21,311 |
| Lawrence Arnold Knoke | 20,504 |
| Ronald G. Anderson | 20,139 |
| A. W. Burt | 20,105 |
| Total payees in county (32) | 835,317 |

RANSOM COUNTY

| | |
|---|---|
| William D. Huether | 24,593 |
| Magill Bros | 23,792 |
| Wiltse Bros | 20,695 |
| Orrin Streich | 20,565 |
| Total payees in county (4) | 89,645 |

RENVILLE COUNTY

| | |
|---|---|
| Lyle Alexander | 22,924 |
| Marcellus Schaefer | 20,155 |
| Total payees in county (2) | 43,079 |

RICHLAND COUNTY

| | |
|---|---|
| Robert Miller | 31,872 |
| Darrel R. Miller | 27,843 |
| Dotzenrod Bros | 27,225 |
| Jubert Malme | 22,955 |
| Merlyn Miller | 22,907 |
| Donald L. Miller | 22,367 |
| Ray Kummer | 21,215 |
| Total payees in county (7) | 176,384 |

ROLETTE COUNTY

| | |
|---|---|
| Peter Wayne | 28,874 |
| Herbert Pederson | 24,077 |
| Mickelson Farms | 23,529 |
| Raymond Hudson | 21,779 |
| Total payees in county (4) | 98,259 |

SIOUX COUNTY

| | |
|---|---|
| Peter Sittner | 36,555 |
| Benson Brothers | 24,174 |
| Morris H. Wise | 22,587 |
| Total payees in county (3) | 83,316 |

SLOPE COUNTY

| | |
|---|---|
| Frank Dilse | 50,439 |
| Maurice O'Connell | 42,496 |
| Harold Brooks & Sons | 37,622 |
| Stuber Ranch | 35,907 |
| A. Burke Lambourn | 30,433 |
| Teddy Dale Dilse | 29,806 |
| Neil Krinke | 28,533 |
| Thomas G. Powell | 28,383 |
| H. J. Burke & Sons | 28,001 |
| Gordon Teske | 26,790 |
| Leroy Sadler | 26,673 |
| Maurice Hansen | 25,400 |
| James Molzahn | 21,787 |
| Glenn Powell | 21,710 |
| Melvin Stafford | 20,993 |
| Clifford Swanson | 20,596 |
| Total payees in county (16) | 475,589 |

STARK COUNTY

| | |
|---|---|
| Shinagle Bros | 25,259 |
| Phillip Messer, Jr | 24,558 |
| Ray Reich | 23,699 |
| Adam Schank | 20,693 |
| Total payees in county (4) | 94,209 |

STEELE COUNTY

| | |
|---|---|
| E. A. Brag | 38,508 |
| Thomas Snortland | 20,547 |
| Total payees in county (2) | 59,055 |

STUTSMAN COUNTY

| | |
|---|---|
| Freddie Mutschler | 55,404 |
| Eddy Farms | 44,300 |
| David Glinz | 43,725 |
| Arvel Glinz | 41,226 |
| Robert F. Reimers | 37,687 |
| Carl Frey | 27,780 |
| Maurice Zink | 26,193 |
| Kropp Farms | 25,122 |
| Lawson Posey | 24,915 |
| Eugene Rott | 25,790 |
| Barnes Brothers | 23,645 |
| Darwin Fisher | 21,703 |
| Almon A. Williams | 21,649 |
| Ted Van Ray, Jr | 21,323 |
| Walter E. Johnson | 21,313 |
| Abner Mitchell | 20,874 |
| Walter Holzworth | 20,746 |
| Clifford Bellon | 20,030 |
| Total payees in county (18) | 522,425 |

TOWNER COUNTY

| | |
|---|---|
| W. A. Schmidt | 44,140 |
| Neil S. Gibbens | 36,485 |
| James Gibbens | 30,469 |
| Delbert Lewallen | 27,231 |
| Elmer Cole | 25,100 |
| Gerald Haberstroh | 24,196 |
| John B. Gibbens | 22,748 |
| Oscar Dammen | 21,949 |
| R. Ray Gibbens | 21,041 |
| Adolf I. Johnson | 20,314 |
| Total payees in county (10) | 273,673 |

TRAILL COUNTY

| | |
|---|---|
| Dewel Viker, Jr | 40,343 |
| Lindgren Farms | 31,598 |
| J. S. Dalrymple Sr Est | 29,858 |
| Anderson Bros | 29,241 |
| Clark Ewen | 23,242 |
| Earl H. Warner | 23,007 |
| Total payees in county (6) | 177,289 |

WALSH COUNTY

| | |
|---|---|
| L. E. Tibert Co | 58,188 |
| Boone Farms | 39,969 |
| Glenn Gorder | 39,196 |
| Dolan Brothers | 36,669 |
| John D. Miller | 36,005 |
| Harley Kingsbury Co | 31,747 |
| Ardell Fortier | 29,594 |
| Norman Burns | 28,276 |
| Campbell Bros | 27,603 |
| Rossford Johnson | 26,306 |
| Elmer Hammer | 25,191 |
| John Donnelly | 24,742 |
| Burbidge Farm | 23,858 |
| Clyde Pfannsmith | 23,601 |
| Bennie J. Krile | 23,353 |
| Richard T. Swanson | 23,005 |
| James Johnston | 22,252 |
| Louis Kosmatka | 22,013 |
| Adrian Gerszewski | 21,773 |
| Ambrose Spoonland | 20,684 |
| Hove Farms | 20,600 |
| Anders Windingland | 20,532 |
| John Brown | 20,305 |
| Marcell Hillier | 20,230 |
| Gudajtes Farm | 20,150 |
| Ferguson Bros | 20,137 |
| Maurice J. Lessard | 20,029 |
| Total payees in county (27) | 726,008 |

WARD COUNTY

| | |
|---|---|
| Earl Schwartz Co | 61,466 |
| C. Morris Anderson | 48,423 |
| Henry Neshem, Jr | 41,546 |
| Carl R. Buechler | 29,420 |
| Ernest C. Livingston | 27,307 |
| Wilbur Moffitt | 23,258 |
| R. D. Farms | 23,186 |
| Erwin Herzig & Sons | 20,294 |
| Total payees in county (8) | 274,900 |

WELLS COUNTY

| | |
|---|---|
| Norman Weckerly | 49,074 |
| Carlton Larson | 35,389 |
| Roger Rudel | 29,395 |
| Milton Pepple | 28,469 |
| J. W. Schaefer, Est | 22,611 |
| Ebel Brothers | 21,892 |
| Arthur G. Rudel | 21,642 |
| Donald Polries | 20,367 |
| Alvin Polries | 20,367 |
| Gordon Bentz | 20,209 |
| Total payees in county (10) | 269,415 |

WILLIAMS COUNTY

| | |
|---|---|
| Earl Bauste | 38,998 |
| George & Thomas Layon | 37,865 |
| James Alfson | 27,123 |
| Leroy Seaton | 24,636 |
| Hodenfield Bros | 24,149 |
| Daniel R. Delaney | 23,937 |
| Harold Berger | 23,146 |
| Ardean Aafedt | 20,889 |
| Abe Owan | 20,626 |
| Charles Fay | 20,607 |
| Total payees in county (10) | 261,976 |

Total payees in State (414) 11,458,332

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Ohio*

[Amounts in dollars]

CHAMPAIGN COUNTY

| | |
|---|---|
| Avery Linville | 27,126 |
| Total payees in county (1) | 27,126 |

CLARK COUNTY

| | |
|---|---|
| Gayle Locke | 26,290 |
| Paul Clark | 23,842 |
| Michael Sons | 20,520 |
| Total payees in county (3) | 70,652 |

CLINTON COUNTY

| | |
|---|---|
| Midwest Farms John Goings | 30,713 |
| Total payees in county (1) | 30,713 |

COSHOCTON COUNTY

| | |
|---|---|
| Tri Mac, Inc | 26,930 |
| Ross Brothers | 21,696 |
| Total payees in county (2) | 48,626 |

CRAWFORD COUNTY

| | |
|---|---|
| James Miller | 27,591 |
| Huggins Livestock Co | 24,907 |
| Total payees in county (2) | 52,498 |

DELAWARE COUNTY

| | |
|---|---|
| Delca Inc | 25,666 |
| Total payees in county (1) | 25,666 |

ERIE COUNTY

| | |
|---|---|
| Wensink Brothers | 27,635 |
| Total payees in county (1) | 27,635 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Ohio*—Continued

[Amounts in dollars]

FRANKLIN COUNTY

| | |
|---|---|
| Darby Dan Farm Co | 26,413 |
| Total payees in county (1) | 26,413 |

GREENE COUNTY

| | |
|---|---|
| Trelawny South | 30,778 |
| Mark Guess | 30,569 |
| Total payees in county (2) | 61,347 |

HARDIN COUNTY

| | |
|---|---|
| Phoenix Mutual Life Ins. Co | 55,217 |
| Total payees in county (1) | 55,217 |

HIGHLAND COUNTY

| | |
|---|---|
| David W. Steritz | 21,618 |
| Total payees in county (1) | 21,618 |

LUCAS COUNTY

| | |
|---|---|
| Schaller Farms | 24,693 |
| Wolf Farms | 22,884 |
| Total payees in county (2) | 47,577 |

MADISON COUNTY

| | |
|---|---|
| Ag Lands, Inc., Finney | 53,597 |
| Orleton Farms Co | 46,392 |
| J. Sawyer, DBA Sawyer, Fm | 27,303 |
| Stewart Fm, Inc | 21,163 |
| Total payees in county (4) | 148,455 |

MARION COUNTY

| | |
|---|---|
| Ward Walton and Asso., Inc | 71,287 |
| DeKalb Agrl. Research, Inc | 56,822 |
| W. S. Guthery & Sons, Inc | 38,719 |
| Total payees in county (3) | 166,828 |

OTTAWA COUNTY

| | |
|---|---|
| Turnow Ventures | 23,872 |
| Total payees in county (1) | 23,872 |

PAULDING COUNTY

| | |
|---|---|
| Donnel L. Dangler | 32,630 |
| Total payees in county (1) | 32,630 |

PICKAWAY COUNTY

| | |
|---|---|
| William J. Richards | 36,144 |
| John H. Dunlap, Jr | 22,546 |
| Total payees in county (2) | 58,690 |

ROSS COUNTY

| | |
|---|---|
| Robert C. Drake | 25,625 |
| Total payees in county (1) | 25,625 |

SANDUSKY COUNTY

| | |
|---|---|
| William I. Warner | 22,010 |
| Grles Seed Farms | 21,762 |
| Total payees in county (2) | 43,772 |

STARK COUNTY

| | |
|---|---|
| Kay Vaughan | 32,518 |
| Total payees in county (1) | 32,518 |

VAN WERT COUNTY

| | |
|---|---|
| Marsh Foundation, by R. Oetzel | 26,001 |
| Total payees in county (1) | 26,001 |

WYANDOT COUNTY

| | |
|---|---|
| Norman Gottfried | 25,391 |
| Bowman Farms | 24,951 |
| David J. Needs | 23,394 |
| Charles McCarthy | 22,444 |
| Total payees in county (4) | 96,180 |
| Total payees in State (38) | 1,149,659 |

*1972 ASCS ad Great Plains program payments of $20,000 or more—excluding loans—Oklahoma*

[Amounts in dollars]

ALFALFA COUNTY

| | |
|---|---|
| Albert Bouziden | 35,788 |
| Mark Ginder | 28,500 |
| Solomon Bouziden | 28,144 |
| Junior Dumler | 25,309 |
| Robert E. Dumler | 24,098 |
| Floyd Schupbach | 22,841 |
| Robert L. Hadwiger | 22,169 |
| Total payees in county (7) | 186,849 |

BEAVER COUNTY

| | |
|---|---|
| Howard Franz | 21,982 |
| Total payees in county (1) | 21,982 |

BECKHAM COUNTY

| | |
|---|---|
| A. W. Phillips | 33,586 |
| K. B. Stowers | 32,286 |
| W. A. Kennemer | 23,102 |
| George F. Greene | 20,285 |
| Richmond Robinson, Jr | 20,249 |
| Doyle Phenix | 20,007 |
| Total payees in county (6) | 149,515 |

BLAINE COUNTY

| | |
|---|---|
| Orval Cowan | 22,858 |
| Lorence Parham | 20,628 |
| Total payees in county (2) | 43,486 |

BRYAN COUNTY

| | |
|---|---|
| Alvie Grossman, Jr | 23,697 |
| Total payees in county (1) | 23,697 |

CADDO COUNTY

| | |
|---|---|
| S. G. Stevens | 39,232 |
| Stephens Bros | 34,563 |
| Jewell Propps | 28,681 |
| D. M. Ulery | 25,189 |
| Wayne Krehbiel | 23,376 |
| Buster Swanda | 20,578 |
| Total payees in county (6) | 171,619 |

CANADIAN COUNTY

| | |
|---|---|
| Margaret Petree | 46,351 |
| Nelson A. Davison | 24,672 |
| Jensen Farms, Inc | 24,344 |
| Doyal Selvidge | 22,374 |
| Garner Pettigrew | 22,177 |
| Francis Loosen | 21,732 |
| Total payees in county (6) | 161,650 |

CIMARRON COUNTY

| | |
|---|---|
| Billy R. Gowdy | 67,706 |
| Thomas A. Foreman | 39,849 |
| Clovis Stafford Est | 37,609 |
| L. J. Stafford | 37,113 |
| Dayle M. Oyler | 35,367 |
| Harold J. Froning | 33,832 |
| Clifford Hinds | 33,437 |
| Lee D. Rice | 33,415 |
| John D. Burrow | 32,384 |
| W. H. Spradlin, Jr | 31,652 |
| Raymond Smalts | 30,639 |
| Jerrie Thrash | 29,892 |
| George C. Camilli, Jr | 29,192 |
| Roy V. Carey | 28,209 |
| Guy L. Ottinger | 27,539 |
| R. P. Crabtree | 26,510 |
| Merritt S. Swineburne | 25,941 |
| Aubrey Foreman | 25,655 |
| Lloyd J. Holloway | 25,351 |
| Clyde E. Adams | 25,245 |
| E. H. Allen | 24,440 |
| J. Nelson Moore | 23,217 |
| Cecil A. Reed | 23,170 |
| E. W. Payne | 23,169 |
| Eugene Sizemore | 21,919 |
| Darus Hanes | 21,078 |
| Ray O. Wilson | 20,729 |
| W. S. Hinton | 20,568 |
| E. G. Bearden | 20,238 |
| Total payees in county (29) | 855,065 |

COMANCHE COUNTY

| | |
|---|---|
| Mark Scherler | 27,611 |
| Total payees in county (1) | 27,611 |

COTTON COUNTY

| | |
|---|---|
| Hertis Baber | 35,468 |
| Marvin R. Scherler | 31,189 |
| Royce McGee | 30,906 |
| Leon McComber | 27,595 |
| James W. Kinder, Jr | 26,542 |
| C. B. Bowles | 24,337 |
| Total payees in county (6) | 176,037 |

CUSTER COUNTY

| | |
|---|---|
| J. G. Stratton, Sr | 48,409 |
| Jack Carpenter | 44,158 |
| Isaac Fransen | 37,322 |
| J. R. Martin | 34,661 |
| Bob Carpenter | 30,204 |
| Strong Farm Partnership | 27,519 |
| George Fransen | 24,371 |
| Willard Eagan | 23,560 |
| Roy Shepherd | 22,898 |
| George Meachan, Jr | 22,852 |
| Darrell Cott | 21,045 |
| Don Haskett | 20,938 |
| Boyd Miller | 20,789 |
| Gary Donley | 20,379 |
| Donald Carpenter | 20,110 |
| Total payees in county (15) | 419,215 |

DEWEY COUNTY

| | |
|---|---|
| H. L. Christensen, Jr | 28,430 |
| Chain Ranch Business Trust | 23,644 |
| Total payees in county (2) | 52,074 |

GARFIELD COUNTY

| | |
|---|---|
| Eddie Zaloudek | 49,886 |
| Ediger Farms | 37,438 |
| Louis Zaloudek | 24,594 |
| Pro Farmers Inc | 23,615 |
| E. B. Mitchell & Sons | 22,830 |
| Total payees in county (5) | 158,363 |

GRADY COUNTY

| | |
|---|---|
| Harold Barrington | 41,730 |
| Barnes Farms Inc | 36,836 |
| Virgil Voigt | 34,115 |
| Ralph Jacobs | 32,910 |
| Joe Humphrey | 24,707 |
| Earl Campbell | 24,530 |
| William Hardesty | 21,846 |
| Art McVey | 20,231 |
| Total payees in county (8) | 236,905 |

GRANT COUNTY

| | |
|---|---|
| C. W. Leforce and Son | 43,221 |
| C. B. Whitzel | 20,755 |
| Total payees in county (2) | 63,976 |

GREER COUNTY

| | |
|---|---|
| St. of Okla | 42,007 |
| Clinton Nesmith | 40,522 |
| Frankie Johnson | 29,515 |



| | |
|---|---|
| Milton Vaughan | 28,500 |
| Jimmy Heatly | 23,395 |
| Leo Fite | 20,715 |
| Total payees in county (6) | 184,654 |

HARMON COUNTY

| | |
|---|---|
| Paul & Chas. Horton | 47,860 |
| Elmo Jones | 36,643 |
| Shelby & Kirby | 34,319 |
| Harold Nichols | 31,558 |
| David Rath | 31,394 |
| Verna Motley Exec | 30,633 |
| Regie Lewis | 28,067 |
| G. D. Payne | 27,738 |
| Carrick Brothers | 27,709 |
| Paul Lee | 26,444 |
| Motley & Motley | 26,267 |
| Beanland & Sons | 25,887 |
| William Don Whorton | 23,507 |
| C. B. Carter | 22,331 |
| H. E. Moore | 22,118 |
| G. W. Strawn | 22,079 |
| Clay Whorton | 21,903 |
| R. S. Moran, Jr | 21,444 |
| Lee Roy Crawford | 21,273 |
| W. D. Stewart, Jr | 20,886 |
| Hayes and Rollins | 20,818 |
| Darrell Brookman | 20,257 |
| W. C. Williams, Jr | 20,185 |
| Total payees in county (23) | 611,320 |

HARPER COUNTY

| | |
|---|---|
| R. A. Lotspeich | 32,738 |
| Robert McClung | 20,749 |
| Total payees in county (2) | 53,487 |

JACKSON COUNTY

| | |
|---|---|
| Robert Robbins | 54,862 |
| Murray R. Williams | 54,142 |
| Harold Worrell | 50,227 |
| Carthal F. Mock & Son | 45,850 |
| Glenn Southall | 44,883 |
| Wayne Q. Winsett | 42,311 |
| Brewer Bros | 41,723 |
| Gary W. Winsett | 38,557 |
| Ann Winsett Hawkins | 38,557 |
| Gordon Thomas | 38,227 |
| Charles Abernathy, Jr | 35,292 |
| John Boyd McMahan | 33,937 |
| Harvey R. Petzold | 32,787 |
| Travis Walls | 31,229 |
| Roy A. Holsey | 29,342 |
| Clayton Tinney | 28,743 |
| Joseph C. Talbot | 28,088 |
| Earl E. Abernathy | 27,961 |
| Mock Brothers | 27,268 |
| Glen Stout | 26,174 |
| Harlan Tabb | 26,049 |
| William C. Southall | 25,953 |
| B. L. Dean & Son Ptr | 25,700 |
| E. E. & J. P. Weber | 25,265 |
| Rodney Hughes | 24,945 |
| Robert E. Roudebush | 24,666 |
| John Y. McLeod | 23,956 |
| Samuel C. Shultz | 23,661 |
| Elton Talley | 23,416 |
| Edgar W. Cleveland | 22,622 |
| Laverne A. Fessenden | 22,562 |
| Jim C. Bradford | 21,584 |
| Robert M. Kerr | 21,400 |
| Melton H. Hughes | 20,461 |
| Charles D. Felty | 20,395 |
| Hopson E. Pickett | 20,296 |
| Total payees in county (36) | 1,123,091 |

KAY COUNTY

| | |
|---|---|
| Jack Lane | 42,348 |
| Bill Carmichael | 26,935 |
| Myrl R. Craft | 23,501 |
| Elston Kahle | 20,955 |
| Harold Wooderson | 20,066 |
| Total payees in county (5) | 133,805 |

KINGFISHER COUNTY

| | |
|---|---|
| Frank Schulte | 25,573 |
| Oppel Brothers Inc | 20,700 |
| Tomie Wharton | 20,229 |
| Total payees in county (3) | 66,502 |

KIOWA COUNTY

| | |
|---|---|
| Glenn and Sam Pfenning Partners | 44,672 |
| E. F. Bunch | 37,693 |
| Charles & Gayl Portwood Partners | 31,148 |
| Clifton Delk | 28,026 |
| Truman Jones, Jr | 25,550 |
| Sam Fuchs | 23,974 |
| Paul Edge | 23,339 |
| Jerry & Joe Sherle Partners | 23,237 |
| Darrell Allard | 21,616 |
| Larry & Zelma Null Partners | 21,370 |
| Aaron C. Jackson | 20,968 |
| Total payees in county (11) | 301,593 |

M'CLAIN COUNTY

| | |
|---|---|
| Billy P. Adkins | 23,877 |
| Freeny Hopkins | 22,477 |
| Harry S. Phillips | 21,036 |
| Total payees in county (3) | 67,390 |

M'CURTAIN COUNTY

| | |
|---|---|
| Chris Columbus | 29,548 |
| Mike Columbus | 29,098 |
| R. M. Tapley | 22,735 |
| Total payees in county (3) | 81,381 |

MUSKOGEE COUNTY

| | |
|---|---|
| Charles R. Sheffield | 55,398 |
| Pearson Bros | 41,864 |
| J. B. Sheffield | 21,748 |
| Total payees in county (3) | 119,010 |

NOBLE COUNTY

| | |
|---|---|
| Burdette Garvie | 25,124 |
| Total payee in county (1) | 25,124 |

SEQUOYAH COUNTY

| | |
|---|---|
| Sloan Farms | 42,846 |
| Total payee in county (1) | 42,846 |

TEXAS COUNTY

| | |
|---|---|
| H. C. Hitch, Jr | 99,905 |
| Irvin Clark | 78,004 |
| Worth Jeffus | 58,796 |
| Long Brothers | 50,863 |
| R. Lee, Jr. & R. Lee, Sr | 49,992 |
| G. G. Freeman | 37,805 |
| Dillon Caddell | 33,664 |
| Lewis Mayer | 33,529 |
| Walter Anderson Estate | 32,734 |
| C. F. Webb | 31,760 |
| Roy Mitchell | 31,671 |
| Fischer Brothers | 31,268 |
| Bill Logsdon | 30,989 |
| W. E. Sleeper | 30,485 |
| Jack D. Hyer | 30,025 |
| Roland Hoeme | 28,565 |
| Gustav Dencker | 28,269 |
| Ivan Joe Simmons | 28,107 |
| Virgil Craig | 27,739 |
| Brooks Spence | 27,588 |
| Edward Haar | 27,109 |
| B. A. Brixey | 26,698 |
| Fred R. Sweet | 26,301 |
| Jimmie L. Draper | 25,821 |
| R. E. Hood | 25,556 |
| Kenneth Mitchell | 25,439 |
| Joyce H. Gray | 24,816 |
| Johnie Foreman | 24,430 |
| Glenn W. Godfrey | 24,416 |
| G. F. Lundgrin | 24,113 |
| Nellie I. Simmons | 23,885 |
| Paul Blaser | 23,770 |
| George T. McDaniel | 23,667 |
| Nash Farm Company | 22,982 |
| A. L. Jackson, Jr | 22,505 |
| G. C. Bergner | 21,364 |
| M. M. Mallard | 21,005 |
| George Haar | 20,648 |
| Ralph Grounds | 20,392 |
| Russell Weeks | 20,263 |
| Total payees in county (40) | 1,276,938 |

TILLMAN COUNTY

| | |
|---|---|
| R. L. Lindsey | 40,740 |
| John Wade Kent | 38,920 |
| Galen P. Briggs | 32,515 |
| H. W. Campbell | 31,331 |
| Dewayne Stout | 31,331 |
| John M. Kinder | 30,846 |
| Bill Eddleman | 30,533 |
| William Perry Spraggins | 27,832 |
| Smith Land Co | 27,185 |
| Richard Fritze | 26,614 |
| Odus Gibbs | 26,348 |
| J. W. Dysart | 25,156 |
| Archie W. Gottschall | 24,945 |
| Lester Dickey | 24,769 |
| H. L. Akin | 24,642 |
| Max L. Waldrop | 24,502 |
| W. W. Purdy | 24,472 |
| Rodney Fillmore | 24,082 |
| Charles Hill | 24,063 |
| Johnny R. McElroy | 23,380 |
| Simpson Bros | 23,215 |
| John P. Goodknight | 23,161 |
| Roy L. Lovejoy | 22,317 |
| Bruce Burke | 22,263 |
| Tipton Home | 21,494 |
| Beatty Patterson | 20,469 |
| Total payees in county (26) | 697,135 |

WAGONER COUNTY

| | |
|---|---|
| Fred Metzger | 24,244 |
| Francis M. Chesbro | 23,206 |
| Total payees in county (2) | 47,450 |

WASHITA COUNTY

| | |
|---|---|
| Ridling Brothers | 57,193 |
| A. B. P. Schmidt | 31,814 |
| Othal L. Bond | 26,877 |
| J. L. Celsor | 25,783 |
| Donald Gray | 21,232 |
| Ira M. Johnson, Jr | 21,159 |
| Total payees in county (6) | 184,058 |

WOODS COUNTY

| | |
|---|---|
| Lee Mackey | 24,958 |
| Ritter Brothers Inc | 24,859 |
| Kletke Farms Inc | 23,054 |
| Fred Wenninger, Jr | 22,780 |
| Gene McGill | 22,646 |
| Total payees in county (5) | 118,297 |

WOODWARD COUNTY

| | |
|---|---|
| Harold Wanger | 25,271 |
| Jack Miller | 24,241 |
| Elmer L. Maddux | 20,618 |
| Total payees in county (3) | 70,130 |
| Total payees in State (276) | 7,952,255 |

*1972 ASCS and Great Plains Program Payments of $20,000 or more—excluding loans—Oregon*

[Amounts in dollars]

BAKER COUNTY

| | |
|---|---|
| Clyde Ward & Sons | 23,719 |
| Total payee in county (1) | 23,719 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Oregon—Continued*

[Amounts in dollars]

BENTON COUNTY

| | |
|---|---|
| Clarence Venell | 23,938 |
| Total payee in county (1) | 23,938 |

COLUMBIA COUNTY

| | |
|---|---|
| Magruder Farms, Inc | 22,096 |
| Total payee in county (1) | 22,096 |

CURRY COUNTY

| | |
|---|---|
| Roderick T. McKenzie | 29,300 |
| Total payee in county (1) | 29,300 |

GILLIAM COUNTY

| | |
|---|---|
| Floyd Anderson | 31,632 |
| Sidney Seale, Jr | 29,784 |
| J. Smith Ranch, Inc | 26,463 |
| R. W. Potter & Sons Est | 24,189 |
| Anderson Farms, Inc | 23,971 |
| Vernon Mikkalo | 23,708 |
| Harrison M. Weatherford | 20,466 |
| Total payees in county (7) | 180,213 |

JEFFERSON COUNTY

| | |
|---|---|
| Hay Creek Range Cattle, Inc | 55,197 |
| Kenneth Binder | 24,090 |
| Total payees in county (2) | 79,287 |

KLAMATH COUNTY

| | |
|---|---|
| O'Connor Livestock Co | 106,240 |
| Tulana Farms | 58,975 |
| W 3 Livestock, Inc | 30,666 |
| Total payees in county (3) | 195,881 |

LAKE COUNTY

| | |
|---|---|
| Wolfsen M. C. Ranch | 25,282 |
| Favell & Utley | 24,171 |
| Total payees in county (2) | 49,453 |

LANE COUNTY

| | |
|---|---|
| Cleve Dumdi | 37,109 |
| Christensen Bros | 25,031 |
| John Northam | 24,910 |
| Total payees in county (3) | 87,050 |

LINN COUNTY

| | |
|---|---|
| Lewis Sheep Co | 48,105 |
| Cascade Sheep Co | 40,894 |
| Phil Estergard | 39,792 |
| William Spurlin | 21,770 |
| Total payees in county (4) | 140,561 |

MALHEUR COUNTY

| | |
|---|---|
| Donald Grigg | 68,145 |
| Fine Sheep Co | 66,149 |
| Skyline Farms | 48,347 |
| Murakami Farms, Inc | 21,262 |
| Stringer Bros | 21,117 |
| Total payees in county (5) | 225,020 |

MORROW COUNTY

| | |
|---|---|
| Shirley Rugg | 60,693 |
| Krebs Brothers, Inc | 54,300 |
| Porter Peringer, Inc | 45,366 |
| Jack Sumner | 40,296 |
| Crum Ranches | 36,304 |
| Frank Anderson | 29,986 |
| Amanda S. DuVall | 29,319 |
| Marquardt Ranch | 28,915 |
| Patrick Cutsforth | 27,585 |
| Campbell Ranches, Inc | 27,293 |
| Nelson & Tucker | 26,333 |
| Grieb Farms, Inc | 26,111 |
| Lee Pettyjohn | 24,016 |
| Alvin Bunch | 20,039 |
| Total payees in county (14) | 476,536 |

POLK COUNTY

| | |
|---|---|
| R. L. Walker Farms, Inc | 26,584 |
| Riddell Farms, Inc | 23,529 |
| Robert E. Scharf | 21,123 |
| Total payees in county (3) | 71,236 |

SHERMAN COUNTY

| | |
|---|---|
| W. F. Wallace | 25,880 |
| Total payee in county (1) | 25,880 |

UMATILLA COUNTY

| | |
|---|---|
| B. L. Davis Ranch, Inc | 59,765 |
| H. T. Rea, Inc | 53,495 |
| Cunningham Sheep Co | 49,320 |
| Joe P. Doherty Sheep Ranch, Inc | 46,185 |
| Coppinger & Son Ranches | 43,097 |
| McCormmach Brothers | 42,352 |
| Robert G. Rafus | 41,286 |
| Robert E. Boyer | 39,174 |
| C. Springs Ranches, Inc | 34,344 |
| Hill Ranches, Inc | 34,245 |
| V. R. Ranch | 32,841 |
| Barnett Rugg, Inc | 32,260 |
| Hawkins Co., Inc | 32,198 |
| T. M. Campbell | 29,326 |
| Price & Ledbetter | 28,347 |
| H. & L. Barnett, Inc | 27,802 |
| Circle C Farms, Inc | 27,610 |
| Don A. Woodward Farms, Inc | 26,868 |
| Martin H. Buchanan | 26,218 |
| Hansell Farms, Inc | 25,787 |
| Engdahl Ranches | 25,368 |
| Glenn Thorne | 24,941 |
| R. & T. Ranches | 24,557 |
| John P. Weidert | 24,370 |
| Hoeft Ranches, Inc | 23,522 |
| D. L. Straughan & Sons | 22,792 |
| Roy Howard & Son, Inc | 22,600 |
| Les King, Inc | 22,350 |
| Raymond & Son, Inc | 21,553 |
| Vlassenroot & Gilbert | 21,552 |
| John A. Storie | 21,473 |
| Purchase Ranches | 21,380 |
| King Ranches | 20,945 |
| Jack Duff | 20,614 |
| Wernsing Coffman | 20,257 |
| Total payees in county (35) | 1,068,794 |

UNION COUNTY

| | |
|---|---|
| William H. Cooper | 33,676 |
| Stanley Welshaar | 30,795 |
| Sylvan Rasmussen | 25,516 |
| Total payees in county (3) | 89,987 |

WALLOWA COUNTY

| | |
|---|---|
| Lem Wilson | 52,864 |
| Kenneth Johnson | 34,639 |
| Total payees in county (2) | 87,503 |

WASCO COUNTY

| | |
|---|---|
| The Miller Ranch Co | 33,714 |
| Catherine Maurer | 24,410 |
| Underhill Ranch | 22,459 |
| Total payees in county (3) | 80,583 |

WHEELER COUNTY

| | |
|---|---|
| Steiwer Ranches | 21,970 |
| Total payee in county (1) | 21,970 |
| Total payees in State (92) | 2,979,007 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Pennsylvania*

[Amounts in dollars]

CHESTER COUNTY

| | |
|---|---|
| Oxview Farms, Inc | 20,592 |
| Total payee in county (1) | 20,592 |

LEHIGH COUNTY

| | |
|---|---|
| James Delong | 33,201 |
| Total payee in county (1) | 33,201 |

NORTHAMPTON COUNTY

| | |
|---|---|
| Schoeneck Farms, Inc | 64,310 |
| Howard Seiple | 40,692 |
| Green Acre Farms | 25,406 |
| Keystone Dehydrators | 22,280 |
| Louis Yautz | 20,740 |
| Total payees in county (5) | 173,428 |
| Total payees in State (7) | 227,221 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—South Carolina*

[Amounts in dollars]

ABBEVILLE COUNTY

| | |
|---|---|
| S. F. Sherard, Sr | 36,698 |
| Rufus C. Sherard | 20,836 |
| L. H. Ouzts | 20,230 |
| Howard Powell | 20,225 |
| Total payees in county (4) | 97,989 |

AIKEN COUNTY

| | |
|---|---|
| K. L. Flanders | 44,549 |
| Milton Stack | 43,819 |
| M. R. Warner & Son, Inc | 40,829 |
| Tom P. Scott | 38,387 |
| Robert E. Scott | 38,115 |
| H. C. Coward & Son | 34,082 |
| McElmurray Farm, Inc | 31,839 |
| Mackey Scott & Sons | 31,706 |
| Mackey Scott, Jr | 24,156 |
| Weeks Farm, Inc | 22,424 |
| Garvin Brothers | 22,072 |
| W. J. Dunbar | 21,521 |
| Carl E. Brown | 21,473 |
| Joseph K. Kneece | 20,901 |
| Total payees in county (14) | 435,873 |

ALLENDALE COUNTY

| | |
|---|---|
| Kirkland Farms | 78,306 |
| W. M. Terry | 46,741 |
| Cecil L. Dunbar | 39,324 |
| J. V. Spigener | 34,578 |
| W. R. Johns, Jr | 31,490 |
| C. O. Handberry | 29,845 |
| J. S. McMillan | 29,200 |
| G. L. Rouse | 29,127 |
| H. A. Kearse | 21,288 |
| S. M. Rice III | 20,961 |
| G. M. Brabham | 20,749 |
| W. Ben Oswald | 20,163 |
| Total payees in county (12) | 401,772 |

ANDERSON COUNTY

| | |
|---|---|
| W. M. Bolt | 54,829 |
| Lee Dobbins | 54,410 |
| Fred Ledford | 26,606 |
| Allison M. Dobbins | 26,591 |
| C. D. Chamblee | 25,355 |
| Fred Dobbins | 23,259 |
| Wade S. Drake | 22,182 |
| Thomas E. Garrison | 20,099 |
| Total payees in county (8) | 253,331 |

BAMBERG COUNTY

| | |
|---|---|
| H. D. Free | 68,034 |
| Henry F. Bamberg, III | 56,494 |
| H. W. Herndon | 55,125 |



| | |
|---|---|
| George Cogburn | 43,839 |
| H. L. Free | 37,373 |
| Rhett Sandifer | 24,240 |
| Francis M. Kearse | 21,851 |
| Otto Boltin | 20,122 |
| Total payees in county (8) | 327,078 |

BARNWELL COUNTY

| | |
|---|---|
| Harold R. Lott | 40,318 |
| W. H. Hutto, Jr | 30,079 |
| Thomas E. Greene | 28,564 |
| J. David Bodiford | 27,675 |
| Hagood & Richardson | 26,924 |
| Birt & Keel | 26,080 |
| Bruce D. Bates | 25,616 |
| Ted W. Craig | 24,248 |
| Billy A. Williams | 22,074 |
| Joe J. Bates | 21,852 |
| Bonetta Bolen | 20,661 |
| Total payees in county (11) | 294,091 |

BERKELEY COUNTY

| | |
|---|---|
| Robert F. Marion | 53,981 |
| Total payee in county (1) | 53,981 |

CALHOUN COUNTY

| | |
|---|---|
| Wiles Farm | 57,842 |
| W. Wesley Stabler | 56,592 |
| W. W. Wannamaker Seed Farms | 54,586 |
| Joe L. and W. K. Wannamaker | 53,955 |
| F. M. Wannamaker, Sr | 53,369 |
| F. M. Wannamaker, Jr | 53,369 |
| L. B. Wannamaker Seed Co | 52,531 |
| Felkel and Hungerpiller | 49,425 |
| J. D. Rast and Sons | 48,935 |
| Ralph Troutman | 48,816 |
| Lang Syne Farm | 46,782 |
| J. L. Wannamaker | 42,740 |
| Raymond B. Ayers | 38,083 |
| J. K. Hane, III | 35,944 |
| A. P. Hane | 35,944 |
| John C. Bickley | 35,915 |
| J. Hubert Robinson | 34,223 |
| Rawl D. Culclasure, Jr | 33,150 |
| Moss H. Perrow | 27,710 |
| Haigler Bros | 27,636 |
| A. F. Brown, Jr | 25,355 |
| J. Hayden Inabinet, Jr | 24,729 |
| T. D. Arant, Jr | 24,688 |
| W. P. Buyck | 23,888 |
| John C. Zimmerman, Jr | 22,890 |
| R. J. Sikes | 22,967 |
| James Arant | 22,411 |
| O. H. Wienges and Son | 21,339 |
| Carl R. Porth | 20,570 |
| G. C. Bull | 20,105 |
| Total payees in county (30) | 1,116,579 |

CHEROKEE COUNTY

| | |
|---|---|
| Robert G. Scruggs | 26,876 |
| Total payee in county (1) | 26,878 |

CHESTER COUNTY

| | |
|---|---|
| H. H. Robinson | 54,903 |
| John H. Neely, Jr | 33,740 |
| Robert W. Lee | 30,401 |
| J. H. Chappell | 29,148 |
| John H. Neely | 25,901 |
| James C. Wilson | 25,593 |
| F. G. Darby | 22,648 |
| Total payees in county (7) | 222,334 |

CHESTERFIELD COUNTY

| | |
|---|---|
| T. R. and G. E. King, Jr | 54,364 |
| Burr Farms | 38,821 |
| Benjamin L. Norwood | 34,085 |
| Hazel Z. Mills | 32,926 |
| James L. Sutton, Jr | 28,298 |
| J. Calvin Rivers, Jr. partner | 27,701 |
| Frank E. Ousley | 27,311 |
| James Chappell Hurst | 25,598 |
| Hector R. McLeod | 24,908 |
| Voneim Crawford | 23,738 |
| J. Calvin Rivers Farms Inc | 20,895 |
| James C. Phillips | 20,574 |
| Total payees in county (12) | 359,217 |

CLARENDON COUNTY

| | |
|---|---|
| H. Fox Tindal | 70,141 |
| Samuel E. Durant | 68,266 |
| Durant Brothers | 66,272 |
| Tarheel Coals Inc | 53,421 |
| Felder Farms Inc | 49,469 |
| Charles N. Plowden | 47,425 |
| D. Leslie Tindal | 42,258 |
| G. H. Hardy | 39,293 |
| L. E. Richardson | 34,857 |
| Roger Flowers | 34,733 |
| J. W. Sconyers | 32,450 |
| Henry B. Rickenbaker | 32,442 |
| W. D. Harrington | 32,004 |
| J. R. Briggs | 31,590 |
| Bob Finney | 30,125 |
| M. E. Dubose | 29,634 |
| John K. Brogdon | 28,973 |
| R. N. Johnson | 27,227 |
| Ralph Bell, Jr | 26,770 |
| S. Bethea Floyd | 26,035 |
| M. D. Jenkinson, Jr | 24,192 |
| W. J. Rawlinson | 23,861 |
| Jack Witherspoon Farms, Inc | 23,821 |
| James B. Tidwell | 23,576 |
| R. V. Elliott, Est | 22,905 |
| C. D. Smith, Jr | 22,596 |
| R. L. Gayle | 21,923 |
| L. E. Elmore | 21,605 |
| Jack Horton | 20,785 |
| James McElveen | 20,685 |
| Total payees in county (30) | 1,029,334 |

COLLETON COUNTY

| | |
|---|---|
| W. H. Varn, Jr., Inc | 30,048 |
| Total payees in county (1) | 30,048 |

DARLINGTON COUNTY

| | |
|---|---|
| Cokers Ped Seed Co | 65,708 |
| William Howard, Jr | 59,543 |
| Gene Ousley | 46,110 |
| Rollins Culpepper | 43,727 |
| Posey D. Kelley | 37,873 |
| Raymond Amerson | 37,278 |
| A. R. Mims | 36,441 |
| Gary E. Byrd, Jr | 36,284 |
| Laurie C. Lawson | 32,914 |
| C. R. Cribb | 30,549 |
| Milton H. Anderson, Jr | 29,832 |
| G. Graham Segars | 29,071 |
| Carl A. Tolson | 26,518 |
| Olin B. Kirven, Jr | 26,208 |
| Dewitt Farms, Inc | 25,361 |
| John Jay James | 24,599 |
| J. T. Ross | 23,087 |
| Robert Griggs | 22,938 |
| Winston L. Cooley | 22,795 |
| Belbrown Farms, Inc | 20,927 |
| J. Milton Truluck | 20,727 |
| Total payees in county (21) | 700,290 |

DILLON COUNTY

| | |
|---|---|
| Henry C. Quick, Jr | 56,355 |
| L. S. McColl, Jr | 54,982 |
| D. L. Coleman & Sons | 54,626 |
| Bruce Price | 43,990 |
| Lloyd Page & Sons | 39,602 |
| D. B. McLaurin | 38,182 |
| R. L. McLaurin, Jr | 38,158 |
| T. Curtis McSwain | 38,022 |
| Neil D. McLaurin | 35,420 |
| Floyd Johnson | 35,293 |
| Marion McCallum | 32,284 |
| Brown McCallum | 32,284 |
| Pee Dee Growers, Inc | 29,812 |
| A. M. McDonald | 29,464 |
| H. F. Price | 28,734 |
| Walter Lenneau Price | 28,731 |
| Frank Stephens & Son | 26,433 |
| Jeff Price | 25,032 |
| Neil J. McRimmon | 24,771 |
| Legrand Weatherly | 24,341 |
| Allen Brigman | 23,753 |
| Grady Jones | 22,807 |
| Total payees in county (22) | 763,078 |

DORCHESTER COUNTY

| | |
|---|---|
| W. S. and J. D. Canaday | 31,829 |
| Total payees in county (1) | 31,829 |

EDGEFIELD COUNTY

| | |
|---|---|
| Cecil Yonce, Jr | 37,201 |
| Bennie H. Willing | 34,668 |
| J. M. Smith, Jr | 28,969 |
| R. W. Dubose & Son | 24,136 |
| C. L. Clark | 23,036 |
| Maurice Smith | 20,984 |
| Total payees in county(6) | 168,994 |

FLORENCE COUNTY

| | |
|---|---|
| E. S. Willis, Jr | 67,001 |
| Roger D. Prince | 60,078 |
| Billy E. Graham | 59,547 |
| C. Allan Young, Jr | 47,795 |
| Harllee Brothers | 28,551 |
| R. M. Gause | 23,639 |
| Camp Branch Farms | 22,983 |
| R. M. Fraley | 21,403 |
| Richard L. Harrell | 20,938 |
| Total payees in county(9) | 351,935 |

GREENVILLE COUNTY

| | |
|---|---|
| Allen M. Knight | 24,930 |
| Total payees in county (1) | 24,930 |

GREENWOOD COUNTY

| | |
|---|---|
| Calvin W. Kinard | 35,731 |
| L. B. Adams | 20,477 |
| Total payees in county (2) | 56,208 |

HAMPTON COUNTY

| | |
|---|---|
| Hugh T. Lightsey | 54,133 |
| Corrin Bowers | 39,946 |
| Jimmie McMillan | 36,436 |
| C. P. Barnes | 29,399 |
| W. L. Long | 27,986 |
| E. H. Hanna, Jr | 26,617 |
| Grover C. Griner | 23,823 |
| Corol Dobson | 21,260 |
| Total payees in county(8) | 259,600 |

KERSHAW COUNTY

| | |
|---|---|
| George P. Lachicotte | 76,599 |
| Robert M. Marsh | 46,356 |
| Total payees in county (2) | 122,955 |

LANCASTER COUNTY

| | |
|---|---|
| Bob Kirk & Sons | 20,910 |
| Total payee in county (1) | 20,910 |

LAURENS COUNTY

| | |
|---|---|
| Billy Deshields | 53,259 |
| J. T. Hollingsworth | 36,707 |
| John M. Simmons | 29,352 |
| Jack T. Stewart | 25,660 |
| Marcus Cook | 20,384 |
| Total payees in county (5) | 165,362 |

LEE COUNTY

| | |
|---|---|
| R. V. Segars, Sr | 64,601 |
| Marion J. Barnes | 59,851 |
| Clyburn Bros. and Son | 59,415 |
| E. B. McCutchen | 59,243 |
| Richard and Julia Hearon | 58,480 |
| W. A. Berry | 58,284 |
| B. J. Barnett | 57,956 |
| Mayesville Farms Inc | 57,915 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—South Carolina*—Continued

[Amounts in dollars]

LEE COUNTY—continued

| | |
|---|---|
| Henry G. Wilson, Jr | 57,878 |
| Jack Woodham | 57,011 |
| James T. Smith III | 56,817 |
| E. Brad McCutchen | 56,640 |
| Lee County Farms | 56,592 |
| W. A. Dabbs | 56,457 |
| S. McBride Rhodes, Jr | 56,170 |
| L. M. Chewning | 56,014 |
| D. E. Bradham | 55,900 |
| Don R. McDaniel | 55,400 |
| James Thomas Woodham | 53,555 |
| C. E. Atkinson | 50,914 |
| Willis Woodham | 50,896 |
| J. E. Atkinson | 50,101 |
| Manning Richardson | 48,780 |
| C. B. Player, Jr | 46,846 |
| Alston Wesley Woodham | 46,339 |
| James W. Scott, Jr | 45,524 |
| Adolph Mozingo | 42,201 |
| H. W. Shaw, Sr | 41,087 |
| H. W. Shaw & Son | 41,087 |
| M. N. White | 40,472 |
| Calvin Joyner | 39,565 |
| Annette C. Tiller | 39,449 |
| Hamilton Corbett | 38,718 |
| Robert M. Stokes | 37,135 |
| Katherine P. Stokes | 35,840 |
| John B. Houser, Sr | 35,371 |
| H. B. Turner | 33,790 |
| Don D. Grant | 33,096 |
| Mathis Bros. Farm | 32,191 |
| E. B. Stuckey, Jr | 31,188 |
| Ernest E. Woodham | 31,162 |
| B. K. Phillips | 30,447 |
| James C. Berry | 29,238 |
| R. V. Segars, Jr | 28,679 |
| Wyman O. McDaniel | 28,258 |
| Lee West, Jr | 28,223 |
| Mason R. Mathis | 28,112 |
| H. B. Woodham, Jr | 26,689 |
| Thomas and Jones | 25,980 |
| D. D. Grant and Son | 25,635 |
| Harris Hicks | 25,461 |
| John A. McCutchen | 25,436 |
| John W. Hatfield | 25,363 |
| Wallace Deschamps | 25,076 |
| H. L. Johnson | 24,473 |
| G. W. Tisdale | 24,400 |
| C. M. Shiver, Jr | 24,017 |
| Dale W. Player | 23,882 |
| Walter L. Dew, Jr | 21,711 |
| Marion Weatherford | 21,588 |
| G. H. McCutchen | 21,575 |
| H. W. Atkinson | 20,678 |
| Dendy K. Josey | 20,394 |
| Total payees in county (63) | 2,541,146 |

LEXINGTON COUNTY

| | |
|---|---|
| John H. Dowd | 43,832 |
| Don W. Jeffcoat | 37,131 |
| Fogle Brothers | 25,916 |
| Total payees in county (3) | 106,879 |

MARION COUNTY

| | |
|---|---|
| Robert W. Baxley | 30,290 |
| Thomas Baxley | 22,605 |
| Milton Baxley | 21,944 |
| Total payees in county (3) | 74,839 |

MARLBORO COUNTY

| | |
|---|---|
| Claude P. Polston, Jr | 66,373 |
| Hubbard W. McDonald | 59,969 |
| King Farms, Inc | 58,034 |
| Pence, Inc | 57,506 |
| Thomas A. O'Neal, Jr | 57,000 |
| Ernest C. McInnis, Est | 56,170 |
| Lawrence E. Pence | 56,126 |
| Marlboro Farms, Inc | 56,091 |
| Jackie M. Polston | 55,000 |
| Brook Odom | 53,000 |
| J. G. Hubbard | 48,771 |
| Charles A. O'Neal | 48,621 |
| E. M. Otuel | 48,528 |
| A. L. Calhoun, Jr., Co | 46,186 |
| John W. Liles | 45,751 |
| George B. Kerr, Inc | 45,433 |
| Maxie H. Kinard | 45,215 |
| Neal A. Deese | 40,842 |
| W. Alex Hinson | 40,346 |
| Frank B. Rogers, Jr | 40,305 |
| B & W Milling Co | 40,213 |
| Frank R. Quick | 39,325 |
| Charles E. Lynch | 38,676 |
| David K. Lynch | 38,676 |
| John F. Everett | 38,464 |
| Noah A. Usher, Jr | 37,272 |
| F. M. Hinson | 36,738 |
| Hugh Driggers | 36,613 |
| D. H. McQuage, Jr | 34,530 |
| Leon Driggers | 34,527 |
| Julian M. Drake | 34,241 |
| William C. Covington | 34,187 |
| D. M. Cottingham, Jr | 31,884 |
| Jimmie C. Baker | 31,845 |
| E. Roy Newton | 31,112 |
| John McInnis | 29,781 |
| Angus G. Newton | 29,117 |
| L. D. Newton, Jr | 26,712 |
| John C. Graham | 26,246 |
| Leroy M. Stanton | 25,573 |
| Jimmy P. Wallace | 25,165 |
| Jimmy B. Hinson, Jr | 24,900 |
| Joseph P. Hodges | 24,662 |
| Robert Stillwell | 24,330 |
| Marion F. Wright | 23,437 |
| Lawrence S. Norton | 21,284 |
| Clemon Kimrey | 21,141 |
| Julian D. Hunsucker, Sr | 20,929 |
| E. B. Odom, Jr | 20,380 |
| H. C. Rogers | 20,245 |
| Total payees in county (50) | 1,927,472 |

M'CORMICK COUNTY

| | |
|---|---|
| James Tate | 26,061 |
| Total payee in county (1) | 26,061 |

OCONEE COUNTY

| | |
|---|---|
| Fred E. Anderson | 22,578 |
| Total payee in county (1) | 22,578 |

ORANGEBURG COUNTY

| | |
|---|---|
| J. W. Williamson Co | 59,519 |
| John David Clark | 55,044 |
| Kenneth W. Bickley | 48,477 |
| Norman V. Hughes | 43,045 |
| J. M. Russell, Jr | 40,459 |
| E. E. Gasque, Jr | 38,978 |
| Mattie Mae P. Gasque | 38,951 |
| Magnolia Lane Farm | 38,037 |
| J. Walter Whisenhunt | 37,987 |
| J. Hayne Culler | 37,168 |
| E. S. Bonnette, Jr | 36,323 |
| Woodford Gin Co. Inc | 35,970 |
| Vallentines | 34,520 |
| Thomas B. Jackson, Jr | 34,393 |
| W. D. Culler | 33,204 |
| Earl J. Smoak | 32,859 |
| W. B. Bookhart | 32,705 |
| Robert L. Polin | 32,150 |
| Julian C. Crum | 31,764 |
| M. L. McIver | 31,295 |
| Garrick Brothers A. Part | 31,263 |
| Thomas D. Godowns | 30,456 |
| T. J. Wiggins and Son | 27,667 |
| Hugo L. Felkel | 27,628 |
| R. L. Zeigler | 27,433 |
| C. & S. Farms Inc | 26,209 |
| Allene G. Salley | 25,447 |
| Robert B. Shuler | 24,602 |
| Rhine Hoffman | 22,575 |
| Vance Farm Center | 22,355 |
| R. O. Moorer, III | 22,346 |
| W. G. and F. H. Irick | 22,146 |
| L. C. and J. A. Dantzler | 20,851 |
| Total payees in county (33) | 1,103,826 |

RICHLAND COUNTY

| | |
|---|---|
| R. A. Page | 42,171 |
| Willis M. Clarkson | 35,636 |
| B. D. Manning, Jr | 29,630 |
| Robert Lee Scarborough | 28,680 |
| J. H. Rudisill | 24,355 |
| Total payees in county (5) | 160,472 |

SALUDA COUNTY

| | |
|---|---|
| O. T. Price, Jr | 45,845 |
| Harold E. Frick | 41,004 |
| R. M. Watsons Sons, Inc | 36,476 |
| M. B. and D. A. Fallaw | 32,595 |
| Mahlon Clark | 20,819 |
| Total payees in county (5) | 176,739 |

SPARTANBURG COUNTY

| | |
|---|---|
| James W. Cox | 53,114 |
| James L. Gossett | 38,204 |
| Jimmy T. Robinson | 38,152 |
| Edward Antley | 34,300 |
| Donald L. Dillard | 26,900 |
| Albert Jackson | 26,726 |
| W. R. Cox | 26,550 |
| Gary Brockman | 22,899 |
| Total payees in county (8) | 266,845 |

SUMTER COUNTY

| | |
|---|---|
| H. D. Barnett, Jr | 68,160 |
| J. F. Bland, Jr | 67,442 |
| Scape Ore Farms, Inc | 64,779 |
| Sumter County Farms, Inc | 61,908 |
| William Rhodes Mayes, Jr | 60,350 |
| W. R. Mayes | 60,336 |
| James F. Bland, III | 55,000 |
| Marvell W. Goza | 49,983 |
| Booth Farms, Inc | 44,788 |
| J. M. Edens | 37,812 |
| J. M. Edens and Son | 37,812 |
| E. S. Godbold | 35,529 |
| T. D. Keels | 35,198 |
| H. C & H. C. Edens, Jr | 34,309 |
| Clayton Lowder | 32,991 |
| C. O. Gulledge | 32,176 |
| Frances I. Davis | 30,654 |
| Sammie L. Yarborough, Jr | 30,328 |
| Riverdale Farms, Inc | 30,222 |
| Charles A. Segars | 28,336 |
| Guy M. Dabbs, Jr | 26,839 |
| Ralph W. Bleasedale | 24,115 |
| J. H. Montgomery, Jr | 23,885 |
| C. W. Brunson, Jr | 22,909 |
| E. C. Goza | 22,429 |
| S. A. Harvin | 21,508 |
| E. L. Evans | 20,445 |
| J. T. Brogdon, III | 20,102 |
| Total payees in county (28) | 1,080,345 |

WILLIAMBURG COUNTY

| | |
|---|---|
| Troy H. Lamb | 39,720 |
| S. Wayne Gamble | 34,548 |
| Leroy S. Epps, Jr | 33,522 |
| T. V. Ligon | 21,694 |
| Newell Myers | 20,387 |
| H. Alton Boyd | 20,132 |
| Total payees in county (6) | 170,003 |

YORK COUNTY

| | |
|---|---|
| Roy J. McFadden | 51,523 |
| Joe Daves | 37,275 |
| Gene Daves | 27,847 |
| D. Dean Boyd | 26,460 |
| Ronald L. Boyd | 26,173 |
| Total payees in county (5) | 169,278 |
| Total payees in State (428) | 15,141,075 |



*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—South Dakota*

[Amounts in dollars]

BEADLE COUNTY

| | |
|---|---|
| Jimmy Hohm | 26,778 |
| Struck Riverdale Association | 25,774 |
| Total payees in county (2) | 52,552 |

BENNETT COUNTY

| | |
|---|---|
| Elkhorn Farm | 50,985 |
| John Hippen | 31,487 |
| John F. Knecht | 29,317 |
| H. L. Geersen & Son | 25,342 |
| John Kocer | 24,360 |
| Myron Johnson | 22,765 |
| Keith Oller | 22,381 |
| Howard Phipps | 22,132 |
| Robert Pich | 21,019 |
| Total payees in county (9) | 249,788 |

BROWN COUNTY

| | |
|---|---|
| Clark Brothers, Inc | 45,330 |
| Hanson Farms, Inc | 37,475 |
| State G.F. & P. care of David Kraft | 33,766 |
| Ott Brothers | 25,473 |
| Shirley Treeby | 24,273 |
| Verl Cutler | 23,618 |
| Alfred Locken | 22,719 |
| Gerald Braun | 22,056 |
| Rodney Barnes | 22,053 |
| Harvey Fliehs | 20,783 |
| Total payees in county (10) | 277,546 |

BRULE COUNTY

| | |
|---|---|
| Helen Christiansen | 29,811 |
| Total payees in county (1) | 29,811 |

BUFFALO COUNTY

| | |
|---|---|
| James S. Brown | 37,033 |
| Total payees in county (1) | 37,033 |

BUTTE COUNTY

| | |
|---|---|
| McLeod Smith Ranches & Farms | 55,527 |
| Earl W. Clarkson Co., Inc | 52,010 |
| Orwick Bros | 32,345 |
| Clarkson Ranch, Inc | 32,082 |
| Preston Hill | 30,769 |
| Rudolph & Ernest Persche | 27,411 |
| Goeringer Farm | 23,708 |
| Deschamps Bros | 23,392 |
| William A. Burke | 22,048 |
| C. Anderson & Sons, Inc | 20,157 |
| Total payees in county (10) | 319,449 |

CAMPBELL COUNTY

| | |
|---|---|
| Andrew Fjeldheim | 20,684 |
| Total payees in county (1) | 20,684 |

CHARLES MIX COUNTY

| | |
|---|---|
| Platte Colony | 25,011 |
| Herbert Hoffman | 21,753 |
| Total payees in county (2) | 46,764 |

CLAY COUNTY

| | |
|---|---|
| Jensen Bros | 34,227 |
| Total payees in county (1) | 34,227 |

CORSON COUTY

| | |
|---|---|
| Gilbert W. Lehenbauer | 24,919 |
| Young, Inc | 23,935 |
| Ray C. Kling | 22,290 |
| Joseph M. Olson | 22,278 |
| Alice B. Hager | 21,587 |
| Walter I. Hager | 20,617 |
| Total payees in county (6) | 135,626 |

DAY COUNTY

| | |
|---|---|
| Hansmeier & Sons, Inc | 38,408 |
| Earl Moorehouse | 31,501 |
| Peterson, Inc | 23,155 |
| Total payees in county (3) | 93,064 |

DEWEY COUNTY

| | |
|---|---|
| Bill Owen | 43,385 |
| Almond D. Hunt | 42,163 |
| Joe Gesinger | 24,916 |
| Alfred Biegler | 22,554 |
| Total payees | 133,018 |

EDMUNDS COUNTY

| | |
|---|---|
| Petersen Farms, Inc | 33,737 |
| Plainview Hutterian Assn | 22,937 |
| Ervin Haar | 21,116 |
| Total payees in county (3) | 77,790 |

FAULK COUNTY

| | |
|---|---|
| Lloyd Harmon | 34,553 |
| Hogg Hereford Farms | 30,398 |
| Fred G. Boysen | 25,720 |
| Kenneth Deiter | 22,670 |
| Blumengard Colony | 22,603 |
| Thunderbird Colony | 20,919 |
| Claire Melius | 20,232 |
| Total payees in county (7) | 177,095 |

HAAKON COUNTY

| | |
|---|---|
| W. R. Lee | 34,423 |
| W. A. Hickman | 30,074 |
| Eugene Armstrong | 29,662 |
| Vern Foland | 27,963 |
| J. Tipps Hamilton | 22,875 |
| Total payees in county (5) | 144,997 |

HAND COUNTY

| | |
|---|---|
| Ted Jennings | 22,316 |
| Leo Veskrna | 20,649 |
| Total payees in county (2) | 42,965 |

HANSON COUNTY

| | |
|---|---|
| Rockport Hutterian Brethren | 22,988 |
| Total payees in county (1) | 22,988 |

HARDING COUNTY

| | |
|---|---|
| Hazel L. Johnson | 26,775 |
| Frank Smolnikar | 23,980 |
| Willard Korsmo | 23,182 |
| Roger Stearns | 21,289 |
| Anna Robinson | 20,540 |
| Glen Seifert | 20,181 |
| Total payees in county (6) | 135,947 |

HUGHES COUNTY

| | |
|---|---|
| Leon Crain, Inc | 25,716 |
| Clyde Colson | 25,197 |
| B. M. Beastrom | 24,247 |
| F. Mike Platt | 22,692 |
| Guy F. Barnes, Inc | 21,665 |
| Kenneth Stewart | 20,647 |
| Crayston Bouchie | 20,467 |
| Chester Hurn | 20,103 |
| Total payees in county (8) | 180,734 |

HYDE COUNTY

| | |
|---|---|
| Marvin Wilson | 29,124 |
| Total payees in county (1) | 29,124 |

JONES COUNTY

| | |
|---|---|
| Daum Brothers | 41,800 |
| Daniel M. Parish | 27,944 |
| Harold Rankin | 27,427 |
| Total payees in county (3) | 97,171 |

KINGSBURY COUNTY

| | |
|---|---|
| Hans Lorenz & Sons, Inc | 33,573 |
| Total payees in county (1) | 33,573 |

LAKE COUNTY

| | |
|---|---|
| Robert H. Woldt | 20,684 |
| Total payees in county (1) | 20,684 |

LINCOLN COUNTY

| | |
|---|---|
| Dwight Clark | 23,187 |
| Total payees in county (1) | 23,187 |

LYMAN COUNTY

| | |
|---|---|
| Alfred Ehlers | 28,273 |
| Darrel Lintvedt | 27,169 |
| Gary Halvorson | 26,652 |
| Rex C. Brown | 24,971 |
| Ambur Farms Inc | 24,710 |
| Leo J. Terca | 24,308 |
| Krier Farms Inc | 23,569 |
| Leon Thomas | 23,118 |
| Robert Arnoldy | 21,115 |
| Verdun Stanley | 20,592 |
| Total payees in county (10) | 244,477 |

MARSHALL COUNTY

| | |
|---|---|
| Dalton Docter | 50,208 |
| Jarrett Ranches | 47,556 |
| Symens Bros | 30,948 |
| Donald Jarrett | 26,429 |
| Penrhos Farms, Inc | 24,889 |
| Ray S. Jarrett | 22,352 |
| R. & C. Moeckly, Inc | 20,196 |
| Total payees in county (7) | 222,578 |

M'PHERSON COUNTY

| | |
|---|---|
| Albert Fischer | 21,902 |
| Total payees in county (1) | 21,902 |

MEADE COUNTY

| | |
|---|---|
| Mary Margaret Mooney | 20,170 |
| Russell Burmeister | 20,078 |
| Total payees in county (2) | 40,248 |

MELLETTE COUNTY

| | |
|---|---|
| B. D. Letellier & Sons, Inc | 21,471 |
| Total payees in county (1) | 21,471 |

MINNEHAHA COUNTY

| | |
|---|---|
| John Morrell & Co | 27,531 |
| Total payees in county (1) | 27,531 |

PENNINGTON COUNTY

| | |
|---|---|
| Alvin W. Barber | 29,833 |
| Otto J. Wolff | 25,986 |
| Crown Partnership | 21,075 |
| Total payees in county (3) | 76,894 |

PERKINS COUNTY

| | |
|---|---|
| Christman Bros | 36,114 |
| D. Theo. Beckman | 34,543 |
| Ham Bros., Inc | 32,165 |
| Henry Hoff | 26,995 |
| Clifford E. Seidel | 26,735 |
| Robert R. Kressly | 26,471 |
| Foss Bros | 23,355 |
| W. E. Lane, Jr | 20,918 |
| Donald Archibald | 20,647 |
| Total payees in county (9) | 247,943 |

POTTER COUNTY

| | |
|---|---|
| Stanley Asmussen | 83,670 |
| E. Smith Est | 37,075 |
| Daniel Cronin | 34,742 |
| Sherman Neal Jesse Rausch P | 33,480 |
| Robert Houck | 32,134 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—South Dakota*—Continued

[Amounts in dollars]

POTTER COUNTY—continued

| | |
|---|---|
| Dakota Cattle Co | 31,194 |
| Don Kunstle Farm | 29,141 |
| Philip Hinckley | 29,081 |
| James Brown | 26,942 |
| Joe Mangin & Richard Mangin | 24,825 |
| T. M. Williams | 24,710 |
| Hobus Farms, Inc | 23,355 |
| William Goebel | 20,807 |
| Nagel Brothers, Inc | 20,752 |
| Total payees in county (14) | 451,908 |

SANBORN COUNTY

| | |
|---|---|
| Vernon Amick | 31,120 |
| Total payees in county (1) | 31,120 |

SHANNON COUNTY

| | |
|---|---|
| Orville Schwarting | 34,527 |
| R. W. Will | 33,900 |
| Gordon Goranson | 28,343 |
| Troy Elwood | 20,554 |
| Total payees in county (4) | 117,324 |

SPINK COUNTY

| | |
|---|---|
| Glendale Colony | 54,944 |
| Hammer Bros | 44,704 |
| Dewayne Hofer | 37,606 |
| Lowell Styles | 27,682 |
| Lloyd Kegler | 26,824 |
| Clark Hutterian Brethren | 24,954 |
| Spink Hutterian Brethren | 23,539 |
| Wm. St. Clair | 23,188 |
| Philip Weems | 22,946 |
| Boekelheide Farms, Inc | 21,251 |
| Ellison Bahde | 21,157 |
| Hudson Farms | 21,071 |
| Joe Rahm | 20,795 |
| Total payees in county (13) | 370,661 |

STANLEY COUNTY

| | |
|---|---|
| Philip Norman | 50,573 |
| E. Vernon Sivage | 46,251 |
| Neil Clarke | 29,752 |
| Charles L. Bast | 25,231 |
| Gaylord Norman | 25,151 |
| Lyle Hedman | 23,792 |
| Gene Stoeser | 22,581 |
| Clinton C. Alleman | 21,065 |
| Riggle and Norman, Inc | 20,942 |
| Carl Hansen | 20,078 |
| Total payees in county (10) | 285,416 |

SULLY COUNTY

| | |
|---|---|
| W. J. Asmussen | 63,195 |
| Jerome J. Weinheimer | 63,046 |
| Kinkler Farms Incorporated | 51,894 |
| Ken R. Huse | 49,572 |
| Dean Nelson | 49,064 |
| C. A. Cannon III | 48,524 |
| D. L. Anderson Corporation | 41,878 |
| Elton Eller | 38,250 |
| Minder Brothers | 38,056 |
| C. D. Strickland | 37,727 |
| Hugo Kinkler | 35,265 |
| Robert E. Duncan | 31,099 |
| Arlice J. Williams | 30,312 |
| Irving Asmussen | 29,401 |
| Albin H. Olson | 28,109 |
| Gross Brothers | 27,536 |
| Lyle W. Ebert | 27,251 |
| James L. Sutton | 24,885 |
| John W. McSpadden | 24,797 |
| Charles Serbousek | 22,852 |
| Dick Matzen | 22,237 |
| Henry Hertel | 21,825 |
| Ernest Wiggains | 21,243 |
| Robert Yackley | 20,407 |
| Clarence Ludwig Inc | 20,350 |
| Total payees in county (25) | 868,775 |

TRIPP COUNTY

| | |
|---|---|
| Bartley Mills | 35,398 |
| C. N. Weaver & Frank Weaver | 25,455 |
| Van Collins | 24,090 |
| A. L. Schlaikjer, Jr | 23,837 |
| Selmer Nelson | 23,632 |
| Total payees in county (5) | 132,412 |

TURNER COUNTY

| | |
|---|---|
| Bones Hereford Ranch Inc | 47,158 |
| Total payees in county (1) | 47,158 |

UNION COUNTY

| | |
|---|---|
| Dakota Eastern Ltd | 23,671 |
| Curry Seed Co | 21,422 |
| Total payees in county (2) | 45,093 |

WALWORTH COUNTY

| | |
|---|---|
| Donald E. Giese | 21,749 |
| Total payees in county (1) | 21,749 |

WASHABAUGH COUNTY

| | |
|---|---|
| Donald Handcock, Inc | 27,637 |
| Total payees in county (1) | 27,637 |

ZIEBACH COUNTY

| | |
|---|---|
| Williams Grain, Inc | 25,242 |
| Total payees in county (1) | 25,242 |
| Total payees in State (201) | 5,743,356 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Tennessee*

[Amounts in dollars]

CARROLL COUNTY

| | |
|---|---|
| John A. Shoaf | 35,065 |
| Larry D. Townsend | 30,252 |
| Total payees in county (2) | 65,317 |

CHESTER COUNTY

| | |
|---|---|
| Talley & Talley | 33,756 |
| Jess Thomas | 24,074 |
| Total payees in county (2) | 57,830 |

CROCKETT COUNTY

| | |
|---|---|
| James F. Jordan | 61,744 |
| Donny Cooke | 56,003 |
| Steve Harper | 55,802 |
| C. D. Cooke | 55,726 |
| John East | 51,802 |
| Jimmy Hargett | 51,715 |
| Wells Hargett | 41,525 |
| H. H. & F. W. Raines | 38,900 |
| J. M. Cherry | 35,191 |
| Freddie Earnheart | 33,825 |
| E. W. Avery | 32,545 |
| Joe H. Carter | 30,923 |
| Thomas Archer | 29,277 |
| Franklin Turnage | 28,275 |
| Karel Riddick | 27,221 |
| Hamlett Phillips | 23,234 |
| Jesse Forsythe | 23,230 |
| J. B. Beaird | 22,996 |
| Donald Prescott | 22,837 |
| Eli Young | 22,064 |
| Vance Beard | 21,883 |
| Billy Beaird | 21,008 |
| Total payees in county (22) | 787,726 |

DYER COUNTY

| | |
|---|---|
| Charles & Elvin Miller | 37,592 |
| Tiger Tail Farms Inc | 31,779 |
| Carlos Johns | 26,266 |
| Moody Prop., Inc | 24,252 |
| Jack H. Pate | 23,200 |
| B. A. Forsythe | 23,198 |
| M. Eugene Magee | 23,176 |
| Tom McGuire | 21,004 |
| Total payees in county (8) | 210,467 |

FAYETTE COUNTY

| | |
|---|---|
| Cowan Bros | 59,623 |
| Jerry Skelton | 58,323 |
| Ames Plantation | 54,894 |
| L. J. & J. A. Williams | 47,798 |
| Byron Hurdle | 45,524 |
| Fowler Moore Moore Fowler | 44,700 |
| J. M. Caudle | 42,723 |
| Gordon Tomlin | 40,762 |
| B. L. Davis | 40,080 |
| Jimmy Kilby, Jr | 35,765 |
| Allen M. Nunn | 35,278 |
| H. H. Farley | 34,128 |
| Rhea V. Taylor, Jr | 30,982 |
| Harmon Havercamp | 29,944 |
| J. M. Sullivan, Jr | 29,697 |
| William M. Tomlin | 29,241 |
| A. R. Petty | 29,199 |
| W. W. Winfrey | 28,815 |
| Longtown Supply Co., Inc | 28,415 |
| Davis Bros | 28,084 |
| J. W. Owen | 26,172 |
| Joe B. Burnette | 24,450 |
| Cooper Skelton | 24,304 |
| Paul Byars | 23,840 |
| William B. Cowan, Jr | 23,092 |
| Howard Carpenter | 22,796 |
| J. M. Sullivan, Sr | 22,203 |
| Hurdle Brothers | 21,838 |
| Sally P. McNeill | 21,589 |
| A. Y. Yager | 21,422 |
| Bill McClure | 21,291 |
| C. F. Redfearn | 20,728 |
| A. B. Crawford | 20,654 |
| Total payees in county (33) | 1,068,354 |

FRANKLIN COUNTY

| | |
|---|---|
| David R. Owens | 58,711 |
| Emmett Owens | 55,645 |
| O. R. Collins, Jr | 50,345 |
| Total payees in county (3) | 164,701 |

GIBSON COUNTY

| | |
|---|---|
| Bobby Harper | 49,331 |
| J. D. Hardin | 24,380 |
| Willie T. Crocker | 22,334 |
| Will Jere Pillow | 21,992 |
| Total payees in county (4) | 118,037 |

GILES COUNTY

| | |
|---|---|
| E. M. Dunavant & Sons | 33,829 |
| Total payees in county (1) | 33,829 |

HARDEMAN COUNTY

| | |
|---|---|
| J. L. Chambers | 58,154 |
| John Wilson Parham | 35,595 |
| Harlan Wooten | 28,608 |
| J. W. Bishop | 26,629 |
| O. E. Harris, Jr | 26,378 |
| Jimmie Ervin | 23,691 |
| Drewey Bishop | 21,358 |
| G. B. Ervin | 21,268 |
| Emmett T. Vincent | 21,060 |
| Total payees in county (9) | 262,741 |

HARDIN COUNTY

| | |
|---|---|
| T. J. White | 29,212 |
| Total payees in county (1) | 29,212 |



HAYWOOD COUNTY

| | |
|---|---|
| Glenn London | 53,950 |
| Tommy B. Willis | 49,964 |
| M. Carter, Jr | 40,809 |
| James Coffman | 40,084 |
| Charles Haynes | 33,576 |
| Caudell Coburn | 32,639 |
| Hayes Brothers | 30,151 |
| H. E. Jordan, Jr | 29,267 |
| Allen King | 29,038 |
| Robert A. Mann, Jr | 24,056 |
| Nick Korn | 23,921 |
| John W. Moses, III | 23,680 |
| Taylor Bros | 22,975 |
| James T. Hughes | 22,107 |
| Powell Bros. Gin and Land Co | 21,510 |
| Sam M. Smith | 20,914 |
| E. L. Robison | 20,328 |
| Billy Solomon | 20,011 |
| Total payees in county (18) | 538,980 |

LAKE COUNTY

| | |
|---|---|
| W. T. Jamison, Jr | 85,849 |
| William E. Lindamood | 56,900 |
| Bruce D. Wyatt | 47,665 |
| Tipton Bros. and Sullivan | 44,222 |
| W. E. & Bruce Dunlap | 39,519 |
| George Dial | 38,812 |
| Frank T. Markham | 34,023 |
| Leonard Fisher | 33,890 |
| Nard Shull | 28,811 |
| Robertson & Argo | 28,421 |
| Joe Schenk | 28,190 |
| Charles R. Patterson | 27,379 |
| Margaret Jackson | 26,553 |
| Jack Fields | 25,419 |
| G. F. Parker | 23,815 |
| John W. Paschall | 23,726 |
| Jack Haynes | 23,684 |
| Floyd Flowers | 22,800 |
| Fred A. Wortman | 20,740 |
| Wm. E. Paschall | 20,674 |
| B. F. Mooring | 20,567 |
| Fredrickson and Keiser | 20,248 |
| Joe Dale Barker | 20,065 |
| Total payees in county (23) | 741,974 |

LAUDERDALE COUNTY

| | |
|---|---|
| George Lawson Elder | 50,562 |
| Ft. Pillow State Farm | 46,373 |
| William H. Moore | 44,377 |
| Jimmy Fullen | 38,618 |
| Stephen M. Fullen | 38,618 |
| Clyde Younger | 36,988 |
| Tendel Farms | 36,103 |
| Dunrovin Farms | 29,321 |
| Fullen Farm Inc | 28,035 |
| Robert J. Reviere | 23,551 |
| A. L. Jennings Jr | 23,514 |
| Steelman Brothers | 22,602 |
| T. L. Crihfield | 21,933 |
| Horace Leslie Elder | 21,403 |
| Jammie P. Elder | 20,232 |
| Charles Young | 20,217 |
| Total payees in county (16) | 502,447 |

LAWRENCE COUNTY

| | |
|---|---|
| Gordon Barksdale | 27,214 |
| Virgil McCord | 22,697 |
| Olan Brazier | 21,253 |
| Total payees in county (3) | 71,164 |

LINCOLN COUNTY

| | |
|---|---|
| M. M. Delap and Sons | 37,038 |
| James R. Turman | 32,665 |
| Gilbert Bradley | 24,647 |
| Total payees in county (3) | 94,350 |

MADISON COUNTY

| | |
|---|---|
| Jessie Collins | 49,862 |
| Neely Robley | 47,724 |
| James Shellabarger | 36,718 |
| Bill Woods | 35,345 |
| Jack Lawrence | 25,648 |
| Jimmie H. Moore | 22,039 |
| Frank Upton | 21,345 |
| James Sharp | 20,788 |
| Neil Smith | 20,309 |
| Roy Haynes, Jr | 20,226 |
| Total payees in county (10) | 300,004 |

M'NAIRY COUNTY

| | |
|---|---|
| James E. Smith | 40,018 |
| Paul Hayes Abernathy | 22,217 |
| Total payees in county (2) | 62,235 |

MONTGOMERY COUNTY

| | |
|---|---|
| Laurence Teeter, Jr | 24,084 |
| Total payees in county (1) | 24,084 |

OBION COUNTY

| | |
|---|---|
| Floyd Yarbro | 24,064 |
| Marlon Yarbro | 21,655 |
| Total payees in county (2) | 45,719 |

RUTHERFORD COUNTY

| | |
|---|---|
| Steve R. McKnight | 25,730 |
| Mary R. Donnell | 22,513 |
| Total payees in county (2) | 48,243 |

SHELBY COUNTY

| | |
|---|---|
| Belz Investment Co., Inc | 62,495 |
| John O. Moore | 51,884 |
| Marcless Sneed | 48,301 |
| Cedar Hill Farm | 40,509 |
| J. H. Densford | 38,140 |
| T. A. Densford, Jr | 38,138 |
| T. A. Densford, Sr | 38,132 |
| Robert January | 37,851 |
| James L. Mann | 36,789 |
| Paw Paw Block Farm | 36,513 |
| Wylie A. Horne | 34,714 |
| Estate of H. S. Mitchell | 34,083 |
| Hardy Johnson | 33,878 |
| Thurman Chapman | 32,004 |
| James E. Cowles | 30,210 |
| W. W. Hamlett | 27,963 |
| Harold Ticer | 27,925 |
| Aubrey Howell | 27,448 |
| William K. Bolton | 26,445 |
| D. Herbert Sigler | 23,620 |
| B. M. Reed | 23,148 |
| Billy R. Horne | 23,140 |
| J. E. Warren | 21,670 |
| Robert G. Wilson | 21,233 |
| Ray D. Longmire | 21,182 |
| John R. Thomas | 20,458 |
| Total payees in county (26) | 857,873 |

TIPTON COUNTY

| | |
|---|---|
| D. L. Walker | 55,920 |
| Charles L. Walker | 55,920 |
| Horace E. Moore & Sons | 53,540 |
| Bill Trantham | 52,167 |
| R. W. Anderson | 49,810 |
| John A. McIntyre | 42,523 |
| Marvin Johnson | 35,763 |
| Johnson Brothers | 35,744 |
| William D. Ray | 33,613 |
| Ahaz Armstrong | 32,367 |
| John C. Balton | 32,197 |
| James E. Wood | 29,682 |
| Herbert Parr | 28,439 |
| Austin E. Anderson | 28,090 |
| Earl Cromwell | 27,814 |
| Lawrence S. Dennis | 27,335 |
| L. E. W. F. & M. B. Davis | 26,829 |
| Sammy Smith | 25,427 |
| Troy E. Hopkins | 24,041 |
| Bobby L. Anderson | 23,545 |
| J. A. Wooten | 23,130 |
| Robert Baskin | 22,208 |
| Hugh Wilbur Hill | 21,287 |
| Clifford E. Wilson | 21,253 |
| Total payees in county (24) | 808,644 |

WEAKLEY COUNTY

| | |
|---|---|
| Kermit Cates | 34,802 |
| Total payees in county (1) | 34,802 |
| Total payees in State (216) | 6,928,733 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Texas*

[Amounts in dollars]

ANDREWS COUNTY

| | |
|---|---|
| C. C. Shortes | 58,946 |
| D. G. Chiles | 46,701 |
| Gene Irwin | 44,387 |
| Marvin Hays | 39,536 |
| Dennis Nix | 37,429 |
| C. W. Callaway | 33,228 |
| W. H. Vanlandingham | 31,820 |
| R. D. Russell | 28,182 |
| Jarrell Shortes | 26,726 |
| T. A. Wartes | 26,659 |
| Total payees in county (10) | 373,614 |

ARANSAS COUNTY

| | |
|---|---|
| B.E.S. Co | 25,074 |
| Total payees in county (1) | 25,074 |

ARCHER COUNTY

| | |
|---|---|
| Harry Marten | 22,447 |
| Total payees in county (1) | 22,447 |

ARMSTRONG COUNTY

| | |
|---|---|
| J. R. Durrett Trusts | 91,365 |
| Parker Cattle Co | 58,384 |
| James Bible | 44,235 |
| Kirk Randy, Julie Hays | 32,758 |
| Eschle Farm, Inc | 32,644 |
| Henry T. Hamblen | 24,494 |
| James Stockett | 23,453 |
| J. H. Gunter, Jr | 23,446 |
| Ben G. Wilson | 22,610 |
| Paul E. Lindsey | 22,562 |
| Carroll Doshier | 22,477 |
| Henry Finley | 21,162 |
| Nelson Bros | 20,811 |
| Henry Fields | 20,463 |
| Total payees in county (14) | 460,864 |

BAILEY COUNTY

| | |
|---|---|
| J. Bert Williams | 95,708 |
| W. T. Millen | 92,441 |
| Carl Bamert | 76,152 |
| Bill Jim St. Clair | 65,631 |
| Randy Johnson | 62,889 |
| Horace Hutton | 57,807 |
| J. G. Arnn | 55,910 |
| James Adolph Greener | 54,691 |
| John R. Young | 50,199 |
| B. J. Gable | 49,831 |
| W. M. Pool | 49,191 |
| W. B. Little | 49,037 |
| J. F. Furgeson | 44,456 |
| A. R. McGuire | 43,154 |
| T. D. Davis | 43,124 |
| Homer Richardson | 42,649 |
| Buffalo Farms, Inc | 42,216 |
| O. A. Jones | 42,008 |
| C. J. Feagley | 40,905 |
| Wilbert Kalbas | 39,010 |
| Charles L. Bucy | 38,950 |
| Francis H. Franks | 37,511 |
| Jack Schuster | 37,021 |
| Jesse Carter | 36,617 |
| J. P. Tarlton | 36,560 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Texas*—Continued

[Amounts in dollars]

BAILEY COUNTY—continued

| | |
|---|---|
| J. E. Birdwell | 35,470 |
| Billie Marlow | 33,947 |
| Jim Claunch | 33,672 |
| James Warren | 33,135 |
| W. T. Watson | 32,955 |
| Marvin May | 32,861 |
| Jim Pat Claunch | 32,458 |
| J. R. Austin, Jr | 31,713 |
| Bernard Phelps | 30,761 |
| Finis Verley Kimbrough | 30,267 |
| Lester Howard | 29,937 |
| Elmer Hargrove | 29,867 |
| Lewis Bros | 29,805 |
| Don Lowe | 29,472 |
| Ben Roming | 29,041 |
| Doyce Turner | 28,913 |
| C. L. Saylor | 28,433 |
| Weldon Avery | 28,024 |
| Snider Farms, Inc | 27,194 |
| Bennie Claunch | 27,004 |
| John W. Gunter | 26,822 |
| Johnnie Prater | 26,566 |
| James Gore | 26,552 |
| W. Lewis Scoggin | 26,460 |
| Leldon Phillips | 26,322 |
| Jim Johnson | 25,787 |
| J. H. Vincent | 25,632 |
| J. C. Mills | 25,406 |
| Gene Bartley | 25,224 |
| M. E. Little | 24,867 |
| Jimmy Harris | 24,634 |
| Robert Nunnally | 24,476 |
| Aubrey Heathington | 24,406 |
| C. K. Corbell | 24,025 |
| A. P. Fred | 23,591 |
| Robert Claunch | 23,415 |
| R. L. Scott | 23,108 |
| Billy D. Bell | 23,019 |
| Virgil Nowell | 22,917 |
| W. D. Lackey | 22,613 |
| Dalton L. Redwine | 22,107 |
| W. B. Kittrell | 21,905 |
| Bob Byrd | 21,846 |
| W. R. Young Estate | 21,602 |
| Keith Price | 21,490 |
| Glenn Carter | 21,398 |
| J. E. Layton | 21,055 |
| Muleshoe Farms | 21,006 |
| J. V. Stancell | 20,917 |
| Lewis Wayne Shafer | 20,878 |
| Ralph Beasley | 20,852 |
| R. E. Etheridge | 20,763 |
| Rudolph Moraw | 20,445 |
| W. J. Ray | 20,441 |
| J. D. Dunlap | 20,228 |
| Bert M. Seales | 20,153 |
| Delbert Watson | 20,040 |
| Total payees in county (82) | 2,751,560 |

BANDERA COUNTY

| | |
|---|---|
| W. W. Walton | 56,828 |
| Total payees in county (1) | 56,828 |

BAYLOR COUNTY

| | |
|---|---|
| Bobby G. Brock | 41,987 |
| Megargel Drilling Co | 37,345 |
| Lawrence W. Harmel | 31,017 |
| Emitt Golden & Co | 29,553 |
| Derrell L. Martin | 20,507 |
| Total payees in county (5) | 160,409 |

BEE COUNTY

| | |
|---|---|
| Amko Farming, Inc | 31,075 |
| Beasley Farms, Inc | 29,041 |
| Donald Houser | 24,035 |
| Total payees in county (3) | 84,151 |

BELL COUNTY

| | |
|---|---|
| William A Hudgens | 39,580 |
| J. M Edds & R. L. Thompson | 34,762 |
| Gary Hudgens | 30,406 |
| C. B. Hodge | 27,010 |
| Kenneth Marek | 23,080 |
| Daniel C. Lesikar | 22,021 |
| Zed C. Lancaster, Jr | 21,596 |
| Elmer Beerwinkle | 20,186 |
| Total payees in county (8) | 218,641 |

BLANCO COUNTY

| | |
|---|---|
| T. N. Odiorne | 27,407 |
| Total payees in county (1) | 27,407 |

BORDEN COUNTY

| | |
|---|---|
| John Springer Stephens | 69,685 |
| John S. Stephens, Jr | 43,512 |
| H. D. & Kent Holmes | 29,424 |
| Frank Jones Beaver | 27,353 |
| Harold William Ludecke | 26,250 |
| C. C. Nunnally | 25,825 |
| Harold Wade | 25,250 |
| Garland Doyle | 24,574 |
| Kenneth W. Williams | 24,503 |
| Jacky David McPhaul | 24,242 |
| Harlin D. Williams | 22,889 |
| Jackie Dean Wolf | 21,756 |
| Pat N. Hensley | 21,318 |
| James Chester Ingram | 20,070 |
| Total payees in county (14) | 406,651 |

BOWIE COUNTY

| | |
|---|---|
| Mary Ann Wilson | 62,609 |
| James R. Killion | 61,465 |
| Harold Fallert | 58,950 |
| Elwood Elkins | 58,257 |
| George H. Vance | 46,601 |
| D. P. T. Farris, Inc | 35,527 |
| William H. Farris | 30,575 |
| Guy W. Farris | 21,694 |
| Total payees in county (8) | 375,678 |

BRAZOS COUNTY

| | |
|---|---|
| Tom J. Moore | 82,303 |
| R. Michael Moore | 80,816 |
| Thomas B. Moore | 80,816 |
| Harry H. Moore | 79,949 |
| Robert T. Moore | 74,820 |
| Lee J. Fazzino | 68,963 |
| W. J. Terrell | 67,568 |
| Joe Varisco | 62,186 |
| Tony Joe Varisco | 57,222 |
| Sam Morello | 53,610 |
| Anthony L. Scamardo | 32,582 |
| Don Angonia | 30,718 |
| Vince Court | 29,725 |
| Tony Varisco, Jr | 24,933 |
| W. J. & J. P. Terrell Trust Ptrs | 23,793 |
| Total payees in county (15) | 850,004 |

BREWSTER COUNTY

| | |
|---|---|
| McMullan and Sims | 32,071 |
| Jack Shely | 25,074 |
| Miles Pierce | 24,129 |
| Dorothy Stumberg | 22,828 |
| Total payees in county (4) | 104,102 |

BRISCOE COUNTY

| | |
|---|---|
| L. O. Weaks | 57,769 |
| Joe B. Mercer | 57,160 |
| G. W. Lee | 53,941 |
| Fred W. Mercer | 52,156 |
| Roy Montague | 47,160 |
| Dallas Culwell | 44,972 |
| Alva C. Jasper | 44,274 |
| Harold Storie | 42,277 |
| Clyde Mercer | 40,398 |
| Ray Teeple | 38,564 |
| P. R. Sissney | 38,498 |
| L. D. Griffin | 36,996 |
| J. D. McGavock | 36,921 |
| Gordon Montague | 34,364 |
| Lem Weaver | 32,086 |
| J. D. Nance | 29,714 |
| George Long | 29,413 |
| Dayle Culwell | 29,143 |
| Allen Kellum | 28,670 |
| H. F. Parker | 28,308 |
| Alvie Francis | 26,739 |
| Ron Garrison | 26,267 |
| Cook & Cook | 25,748 |
| Carl D. Bomar | 25,018 |
| Beryl Long | 23,419 |
| C. L. Benson | 23,383 |
| Triangle Farms | 22,939 |
| Ben Whitfill | 22,936 |
| Pat Northcutt | 22,578 |
| D. T. Northcutt | 22,578 |
| Deanie Henderson | 22,337 |
| Frank Mercer | 21,903 |
| Denver Anderson | 21,605 |
| Carroll Garrison | 21,408 |
| Gogdell Bros | 21,137 |
| W. W. Cheatham | 21,115 |
| Bryant Eddleman | 20,938 |
| Charles Whitfill | 20,793 |
| Total payees in county (38) | 1,215,624 |

BURLESON COUNTY

| | |
|---|---|
| Est Geo. C. Chance | 81,735 |
| Holland Porter | 57,358 |
| H. H. and Edgar Baker | 45,672 |
| Pete J. Scamardo | 44,574 |
| Marion J. Malazzo | 44,491 |
| Joe Wilder | 43,018 |
| Jarvis Porter | 43,018 |
| Marvin M. Porter, Jr | 37,787 |
| G. R. Hutson | 33,369 |
| Mitt A. Bush | 29,437 |
| Luke Restivo | 28,897 |
| Phil Scamardo | 28,782 |
| A. C. Sebesta and Sons | 28,508 |
| Sandyr Scarmardo | 27,236 |
| John W. Giesenschlag | 26,865 |
| Steve A. Scarmardo | 25,674 |
| Cecil Giesenschlag | 23,744 |
| Joe S. Campise | 22,195 |
| Total payees in county (18) | 672,360 |

CALDWELL COUNTY

| | |
|---|---|
| Terrell T. McGee | 36,513 |
| C. Fleetwood Richards, Jr | 24,578 |
| Terrell E. Clark | 22,690 |
| William H. Schroeder, Sr | 21,458 |
| Kurt T. Wackerhagen | 20,511 |
| Total payees in county (5) | 125,750 |

CALHOUN COUNTY

| | |
|---|---|
| Roy Smith | 84,613 |
| A. R. Vinclk | 39,478 |
| William H. Hahn | 26,081 |
| Alvin A. Hahn | 25,902 |
| Harold L. Evans | 21,830 |
| James E. Shannon, Jr | 20,806 |
| Glenn E. McKamey | 20,470 |
| Total payees in county (7) | 239,180 |

CALLAHAN COUNTY

| | |
|---|---|
| Weldon Edwards | 30,278 |
| Total payees in county (1) | 30,278 |

CAMERON COUNTY

| | |
|---|---|
| Elmer E. Meek | 86,420 |
| Martha M. Russell | 63,614 |
| James A. McCarthy | 60,532 |
| John A. Abbott | 59,487 |
| Billie Joe Simpson | 59,397 |
| Rio Grande Equip Co | 59,133 |
| Charles L. Shofner | 58,091 |
| Marel H. Wilson | 58,091 |
| Milton E. Wentz | 56,141 |
| Carl Otsuki | 56,131 |
| Milton E. Wentz, Jr | 56,121 |
| S. M. & W. M. Halbert | 55,857 |
| G. D. Morrow | 53,608 |
| George Nixon | 53,239 |
| Sams Porter Corp | 52,391 |
| Henry V. Macomb | 50,967 |
| Crockett Groves, Inc | 50,204 |
| Herbert W. Bode | 50,179 |



| | |
|---|---|
| Editha Bode | 49,189 |
| Rodolfo B. Samano | 48,660 |
| Bauer Brothers | 48,045 |
| Cholick Farms | 47,384 |
| Oscar Mayfield | 47,134 |
| Tommy Mayfield | 47,133 |
| Charles Mayfield | 47,130 |
| Robert L. Shuckman | 46,711 |
| Douglas S. Cantwell | 46,505 |
| Island Farms Inc | 46,103 |
| Herman Lynch | 45,766 |
| Melvin R. Davis | 43,216 |
| Lewis A. Oakes | 42,827 |
| Oval A. Martin | 41,588 |
| F. H. Cherrington | 40,076 |
| DBA D. L. Smith Farms | 40,072 |
| Elijah B. Adams | 40,042 |
| J. L. & Bill Gray | 39,992 |
| W. B. Mack | 39,786 |
| Lamon & Lamon | 39,373 |
| Elward M. Smith | 38,613 |
| McHayden Dillard | 38,478 |
| Est J. Kelly Caln | 38,344 |
| James D. Russell | 38,102 |
| Joe S. Wolf | 37,943 |
| George L. Labar, Sr | 37,607 |
| Dean Cole | 37,592 |
| Rex L. McGarr | 37,251 |
| Adolph Thomae, Jr | 36,532 |
| Eugene A. Eubanks | 35,997 |
| J. G. Wreden | 35,777 |
| Quinton S. Kincannon et Ux | 35,478 |
| Joe E. McCain | 34,782 |
| Charles Eubanks | 34,684 |
| Thomas Schmitt | 34,590 |
| Dennis Schmitt | 34,590 |
| Oscar Eubanks | 34,475 |
| James H. Eubanks | 34,473 |
| Harvey L. Johnson | 34,208 |
| Michael S. Bryan | 33,434 |
| Howard B. Girault | 33,370 |
| Joe W. Lane | 33,348 |
| Charles J. Buchen | 33,055 |
| McElwrath Farms | 32,902 |
| Crowe & Crowe | 32,673 |
| Robert B. Ballenger | 32,427 |
| Loop Farms | 32,174 |
| George L. Labar, Jr | 32,131 |
| Robert F. Ashley | 31,553 |
| Ramona J. Wolf | 30,835 |
| Martha D. Mercer, Tr | 30,699 |
| E. Harvey Adams | 30,512 |
| Harry H. Shimotsu | 30,193 |
| Kenneth Shimotsu | 30,193 |
| Sam Countiss | 30,158 |
| Oscar B. Gray & Sons, Ptn | 30,092 |
| Roy W. Renfrow | 29,790 |
| Lloyd G. Payne, Jr | 29,768 |
| J. E. Bruce | 29,493 |
| Harry J. Garrett | 29,323 |
| Edward E. Billings | 29,236 |
| Reynaldo Ramirez | 27,775 |
| Bob F. Morrow | 27,768 |
| Ashley D. Youngblood | 27,639 |
| Leonard P. Simmons, Jr | 27,583 |
| Johnny J. Canville | 27,505 |
| Kitamura Brothers | 27,351 |
| Lester Nixon | 27,279 |
| Premier Farms, Inc | 27,278 |
| Clifford L. Smith | 27,102 |
| Lois C. Bourne | 27,027 |
| Palmyre Maurin | 26,414 |
| Hollie C. Lewis | 26,036 |
| Ross D. Waters | 25,919 |
| Pilar Cabrera | 25,891 |
| Ortiz Brothers | 25,572 |
| Billy N. Cantwell | 25,492 |
| L. R. Cherrington | 25,417 |
| Wells Brothers | 25,265 |
| Hansen Farms, Inc | 25,129 |
| Robert Mathers | 25,032 |
| Tom S. Tanamachi | 24,755 |
| Jessie Pederson | 24,599 |
| Joe E. Helmer & Son | 24,376 |
| Robert L. Duncan | 24,185 |
| Ross Bigham | 24,038 |
| Milton Nixon | 23,962 |
| Francis L. Phillipp | 23,855 |
| Jackson Est. & D. E. Jackson, Jr | 23,816 |
| Carpenter Brothers | 23,666 |
| Harry H. Azuma | 23,557 |
| Garvin B. Macomb | 22,806 |
| Jerry Tanamachi | 22,769 |
| Jan H. Heaton | 22,682 |
| Jack N. Sutter | 22,674 |
| Charles E. Cherrington | 22,591 |
| James L. Youngblood | 22,591 |
| Geo. E. Gibbons, Tr | 22,376 |
| Lloyd G. Brotzman | 22,327 |
| McCarthy & Newell Farms, Inc | 22,061 |
| Mark Abbott | 22,026 |
| Walter L. Clore | 21,905 |
| Elliott Roberts Rch., Inc | 21,846 |
| Edwin W. Caughfield | 21,699 |
| Carl L. Bauer | 21,578 |
| K. B., W. H. & D. H. Thompson | 21,560 |
| Ronald E. Waters | 21,235 |
| Noriega Plantation | 21,088 |
| Nester Mack | 20,649 |
| Robert N. Joines | 20,497 |
| Walt O. Waters | 20,465 |
| Est. Ethel Ballenger | 20,236 |
| Dba Taubert Bros | 20,144 |
| Total payees in county (131) | 4,532,298 |

CARSON COUNTY

| | |
|---|---|
| Frank Robinson | 85,676 |
| Texas Tech. Research Farm | 66,608 |
| Roman J. Friemel | 63,773 |
| John D. Kelly, Jr | 58,615 |
| Clinton Williams | 43,663 |
| J. B. McCray | 42,003 |
| Raymond Blodgett | 38,378 |
| R. J. Kuehler | 37,494 |
| Tracey Garner | 37,337 |
| Sam Kotara | 37,093 |
| Robert Pool | 36,883 |
| Frank Simms | 36,309 |
| E. T. Ross | 36,290 |
| A. L. Stovall | 35,761 |
| Leonard Olson | 34,473 |
| H. L. Beddingfield | 34,315 |
| Jack Martin | 32,883 |
| B. F. Urbanczyk | 32,729 |
| C. J. Kuehler | 31,394 |
| Ralph Britten | 30,778 |
| Leo M. Britten | 30,232 |
| John Kotara, Jr | 30,095 |
| Rolla J. Sailor, Jr | 28,933 |
| Fowler Bros. Ptn | 28,524 |
| T. C. Jackson | 28,130 |
| Lawrence Melcher | 28,127 |
| Vernon Reining | 26,638 |
| Kenneth Jackson | 26,519 |
| Harrison Caldwell | 26,082 |
| Geo Rohan | 25,934 |
| Ronald Kotara | 25,735 |
| Marvin Urbanczyk | 25,692 |
| Hawkins Est. A Cline Ex | 25,682 |
| C. W. Herndon | 25,678 |
| Porter Brown | 25,437 |
| Albert Weinheimer | 24,650 |
| Jerry O'Neal | 24,385 |
| O. D. Smith | 24,330 |
| E. H. Lindsey | 24,170 |
| Paul Dauer | 24,135 |
| J. T. Broadaway | 23,000 |
| Dennis Kotara | 22,939 |
| Jay Phillips | 22,757 |
| B. J. Burgin | 22,654 |
| Raymond Biggs | 22,560 |
| Raymond Britten | 22,552 |
| A. R. Graham | 21,878 |
| Wayne Kotara | 21,723 |
| Laddie Kotara | 21,686 |
| Glenn Pratt | 21,627 |
| James I. Stalls | 21,557 |
| R. W. Adams | 21,503 |
| P. L. Sturkie | 21,415 |
| O. M. Spurlock | 21,310 |
| F. E. Evans | 20,831 |
| Jimmy M. Stout | 20,736 |
| Lusk, Lusk, Robinson, Partnership | 20,486 |
| Total payees in county (57) | 1,752,777 |

CASTRO COUNTY

| | |
|---|---|
| Jack Miller | 107,602 |
| Carl Bruegel | 107,175 |
| Jerry Cluck | 106,748 |
| J. F. Martin | 82,942 |
| Homer Hill | 81,175 |
| G. L. Willis, Jr | 80,591 |
| Frank Wise | 80,343 |
| George Gabel | 79,791 |
| Kenneth Heard | 74,303 |
| Bill Hill | 73,828 |
| Ralph Futrell | 73,825 |
| Kenneth D. Hill | 73,824 |
| Bobby G. Hill | 73,818 |
| Gilbreath Farm Co | 71,125 |
| Floyd Cole | 70,680 |
| Clements Corp | 69,823 |
| Homer A. Hill | 68,858 |
| Chas Heck, Jr | 68,558 |
| Bill Rich | 67,633 |
| Dan J. Heard | 61,521 |
| Donald J. Wright | 60,291 |
| David Smith | 56,948 |
| Chas. E. Armstrong | 56,349 |
| W. W. Lemons | 54,974 |
| Allan Webb | 54,554 |
| Rodney Smith | 53,713 |
| Jay Lee Touchstone | 53,657 |
| Loyd Farris | 53,479 |
| J. M. Wright | 53,435 |
| Tom Miller | 52,098 |
| E. L. Howard | 51,551 |
| B. L. Moore | 51,265 |
| Odus Hastings | 51,008 |
| Bob Dulaney | 46,701 |
| Melvin Barton | 46,386 |
| Clint M. McFarland | 46,246 |
| Billie Cluck | 46,165 |
| Fred Bruegel, Jr | 45,699 |
| Kenneth Christie Farm, Inc | 44,909 |
| M. Ware, Est | 44,770 |
| Ray Robertson | 44,372 |
| Earl Harkins | 44,347 |
| Truvis Campbell | 44,275 |
| James H. Bradley | 44,080 |
| Tommy Stanton | 43,700 |
| Lorenzo Lee | 43,528 |
| H. C. Nelson | 42,572 |
| Jerry Watts | 42,558 |
| George Sides | 42,392 |
| Retta Cluck | 42,338 |
| Ivan L. Block | 41,972 |
| Truman Touchstone | 41,962 |
| J. R. Matthews | 41,686 |
| Henry W. Golden | 41,547 |
| George C. Heard | 41,176 |
| Geo. Ed. Bennett | 40,158 |
| Tony Gabel | 39,805 |
| Harlan L. Barber | 39,659 |
| Don Carpenter | 39,109 |
| Lamar Found | 38,722 |
| W. B. Hammonds | 38,642 |
| Paul T. Brooks | 38,561 |
| Jess Willard | 38,446 |
| Richard Hunter | 38,419 |
| R. E. McDaniel | 38,303 |
| Shirley L. Garrison | 38,275 |
| Jack George | 38,257 |
| Bobby Archer | 38,192 |
| Clyde H. Damron | 38,138 |
| Milburn Haydon | 38,101 |
| Charles Nutt | 37,949 |
| Carl King | 37,747 |
| Fred Popejoy | 37,565 |
| Charles T. Noland | 37,463 |
| B. R. Bennett | 37,107 |
| R. Q. Silverthorne | 36,715 |
| David Cole | 36,297 |
| Jim Elder | 36,272 |
| Bob Kay | 35,824 |
| E. Herring Est | 35,676 |
| Carl Jones | 35,558 |
| H. M. Boozer | 35,516 |
| George Heck | 35,273 |
| Lonnie Bell | 35,184 |
| J. D. Myrick | 34,814 |
| Frank Sharp | 33,562 |
| Andy Nelson | 33,291 |
| H. D. Smith | 33,120 |
| John L. Merritt | 33,039 |
| James Bradford | 32,719 |
| Calvin Petty | 32,646 |
| Dud Winders | 32,286 |
| Charles Rickerd | 31,886 |



XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Texas*—Continued

[Amounts in dollars]

CASTRO COUNTY—Continued

| | |
|---|---|
| L. L. Shultz | 31,602 |
| Ed Wilson | 31,549 |
| R. R. Rule | 31,456 |
| A. J. Kemp, Jr | 31,357 |
| Glenn Odom | 31,218 |
| Roger E. Haberer | 31,205 |
| Charles Burks | 31,004 |
| Clyde Hancock | 30,991 |
| Percy Merritt | 30,722 |
| Dale Winders | 30,556 |
| Richmond J. Payne | 30,528 |
| Doyl Underwood | 30,483 |
| Joe Nelson | 30,013 |
| Downing & Epperson | 29,908 |
| Pat Robbins | 29,808 |
| Fritz Smith | 29,716 |
| J. M. Young | 29,636 |
| Tom Lewis | 29,478 |
| Jerry H. Wilhelm | 29,305 |
| S. A. Hodges, Jr | 29,028 |
| Madge M. Roberts | 28,666 |
| Rayphard Smithson | 28,233 |
| Eddie Haydon | 27,836 |
| Charles S. Wales | 27,827 |
| M. L. McFarland | 27,453 |
| Carl L. Kemp | 27,449 |
| Jim Roberts | 27,330 |
| H. J. Clark | 27,300 |
| W. O. Markley | 27,227 |
| David Nelson | 27,210 |
| Chas. Veigel, Est | 27,166 |
| Hubert Edwards | 27,025 |
| Gerald Elkins | 26,969 |
| Luke McGuire | 26,780 |
| Cecil Hart | 26,511 |
| Roy Meacham | 26,351 |
| Ray Schulte | 26,318 |
| Dennis Williams | 26,317 |
| E. W. Foster | 25,948 |
| Walter H. Schilling | 25,852 |
| James L. Wilhelm | 25,806 |
| Roland Stevens | 25,588 |
| Weldon Davis | 25,230 |
| A. T. Morgan | 25,226 |
| Calvin Lippard | 25,022 |
| T. G. McKinney | 24,978 |
| Ezell Sadler | 24,691 |
| James Welch | 23,866 |
| Freddie Hamilton | 23,808 |
| Charles Ray | 23,716 |
| John H. Schacher | 23,614 |
| Luke Miller | 23,585 |
| James Buckley | 23,535 |
| Carlos Calvert | 23,532 |
| Paul W. Armstrong, Jr | 23,398 |
| Ernest Sammann | 23,377 |
| John W. Walker | 23,351 |
| Raybern Ott | 23,284 |
| Albert Schoenenberger | 22,978 |
| Ray Joe Riley | 22,851 |
| M. N. Smith | 22,840 |
| Houston Lust | 22,798 |
| J. F. Clark | 22,798 |
| Herman B. Rose | 22,788 |
| Louis J. Huseman | 22,785 |
| Glenn Merritt | 22,626 |
| Guy Walser | 22,527 |
| Clark Andrews | 22,032 |
| W. V. Struve | 22,000 |
| E. F. Vogler | 21,913 |
| Floyd Copeland | 21,892 |
| Johnny K. Martin | 21,890 |
| G. H. Book | 21,573 |
| Jay P. Boston | 21,561 |
| Roy Lilley | 21,550 |
| Frye Associates | 21,512 |
| Jimmie Howell | 21,490 |
| Claude Hutcherson | 21,372 |
| E. R. Little | 21,129 |
| S. R. Hutto | 21,034 |
| Floyd Tomlinson | 21,034 |
| Woodrow Nelson | 21,007 |
| Ronald D. Nelson | 21,000 |
| Donny G. Nelson | 21,000 |
| Arnold Huseman | 20,907 |
| G. E. McFarland | 20,786 |
| Roy Cluck Est | 20,786 |
| Otto Steinberg | 20,560 |
| H. L. Wilson | 20,516 |
| E. O. Tunnell, Jr | 20,491 |
| Donald Schilling | 20,432 |
| Don Magness | 20,385 |
| Ray D. Price | 20,328 |
| Clyde Damron | 20,256 |
| Cleve McLain | 20,250 |
| Francis G. Wilhelm | 20,163 |
| D. Neumayer | 20,114 |
| David H. Hutchins | 20,105 |
| Gilbert Schulte | 20,025 |
| Total payees in county (192) | 7,092,482 |

CHILDRESS COUNTY

| | |
|---|---|
| Luther C. Hill | 50,651 |
| Walter I. Lambert | 36,903 |
| Vera Renfro | 35,162 |
| Derrill Nippert | 32,602 |
| Douglas Seal | 27,660 |
| Carroll Seal | 27,615 |
| B. P. Henderson | 27,084 |
| Troy Boykin | 26,773 |
| Arthur Kane | 26,719 |
| L. H. Felton | 25,447 |
| Delbert Seal | 25,062 |
| Dean Decker | 24,431 |
| Fletcher Carter | 24,253 |
| Ralph Sides | 22,577 |
| Herschel Tabor | 22,246 |
| John Sherman | 22,145 |
| Lilburn F. Cox | 20,944 |
| Leeman Weir | 20,885 |
| Virgil Patterson | 20,849 |
| Total payees in county (19) | 520,008 |

CLAY COUNTY

| | |
|---|---|
| Eunice Wolf | 28,458 |
| Parker & Mayo, Inc | 26,270 |
| M. E. Harrison | 20,174 |
| Total payees in county (3) | 74,902 |

COCHRAN COUNTY

| | |
|---|---|
| John A. Wheeler | 111,339 |
| F. O. Masten | 110,846 |
| J. K. Griffith | 106,658 |
| Curtis Griffith | 103,021 |
| W. B. Merritt | 65,510 |
| Slaughter Hill | 60,053 |
| T. K. Williamson | 59,989 |
| Jimmy Millar | 59,290 |
| E. L. Polvado | 58,486 |
| Ronald Coleman | 58,205 |
| C. C. Harvey | 55,528 |
| R. L. Polvado | 55,229 |
| Bobby Smith | 52,144 |
| J. E. Polvado | 51,504 |
| Mrs. Dona Doughty | 50,907 |
| Anella S. Bauer | 45,132 |
| D. E. Benham | 41,978 |
| Roy B. Davis | 41,589 |
| E. E. Silhan | 40,826 |
| Clayton Stokes | 39,323 |
| J. W. Silhan | 37,930 |
| Ike Williams | 36,567 |
| Bill Foust | 36,132 |
| J. L. Thomas | 35,135 |
| J. G. Millar | 34,856 |
| Hub Baggett | 33,243 |
| Leonard O. Coleman | 32,892 |
| Emmett E. Thomas | 29,324 |
| A. R. Lamb | 29,270 |
| W. D. Christian | 28,190 |
| Dalton Redman | 28,183 |
| B. H. Tucker | 27,961 |
| T. L. Anglin | 27,277 |
| Jack French | 27,046 |
| Herman Brown | 26,919 |
| J. D. Merritt | 26,914 |
| Ira Brown | 26,564 |
| Dan Valentine | 25,911 |
| George G. Williams | 25,397 |
| Floyd A. Rowland | 25,136 |
| Howard Scoggins | 25,040 |
| R. M. Gass | 24,891 |
| Tom Silhan | 24,444 |
| D. R. Lackey | 24,431 |
| H. A. Lamb, Jr | 24,266 |
| Raymon Hall | 23,959 |
| Ernest Trull | 23,529 |
| Hub Cadenhead | 23,470 |
| Robert Yeary | 23,006 |
| Robert Greener | 22,584 |
| Owen Egger | 22,487 |
| Charles Cumpton | 22,421 |
| Jim Ratliff | 22,308 |
| David Ratliff | 22,303 |
| Lewis Sims | 22,122 |
| Morton J. Smith, Jr | 21,479 |
| Herbert Greener | 21,455 |
| Burl Dee McCasland | 21,207 |
| Buddy Greener | 21,079 |
| G. D. Lewis | 20,976 |
| Lee Stephens | 20,428 |
| Sue R. Bryant | 20,266 |
| Danny J. Barker | 20,260 |
| John Fletz | 20,236 |
| J. B. Nicewarner | 20,152 |
| Total payees in county (65) | 2,427,203 |

COKE COUNTY

| | |
|---|---|
| J. O. Rudd | 48,344 |
| Raymond McCutchen | 48,741 |
| J. W. Arledge, Jr., Est | 26,512 |
| Gladys Clark | 23,310 |
| Total payees in county (4) | 144,907 |

COLLINGSWORTH COUNTY

| | |
|---|---|
| J. B. Killian | 39,776 |
| Carthel G. Lewis | 38,435 |
| James Doneghy | 34,912 |
| Tommy Lewis | 32,407 |
| Wood & Wood | 30,242 |
| Louis E. Allred | 27,888 |
| William R. Ward | 26,898 |
| P. P. Fielding | 26,218 |
| John E. Forbis | 25,858 |
| Drury C. Lacy | 25,629 |
| Helen L. Parker | 23,849 |
| Bill Janes | 23,724 |
| Earl L. Bartlett | 23,107 |
| Fred Covey | 21,453 |
| John Coffee | 20,988 |
| G. & O. Farms | 20,875 |
| Carl Wischkaemper | 20,372 |
| Total payees in county (17) | 462,631 |

COLLIN COUNTY

| | |
|---|---|
| Glynn Dodson | 62,664 |
| Warren H. Rousey | 33,939 |
| Eugene W. Settle | 33,829 |
| Marion F. Dodson | 32,687 |
| Edward R. Donihoo | 25,743 |
| Leonard R. Welborn | 22,672 |
| William P. Welborn | 22,662 |
| Billy Joe Donihoo | 22,295 |
| Jerry R. Standerfer | 21,724 |
| Paul G. Litchford | 21,401 |
| Dwight D. Crigger | 21,323 |
| Charles E. Bell | 21,139 |
| James C. Turner | 20,584 |
| John D. Wells | 20,051 |
| George E. Webb | 20,048 |
| Jackie D. McMahan | 20,005 |
| Total payees in county (16) | 422,766 |

COLORADO COUNTY

| | |
|---|---|
| T. Cattle Co | 69,405 |
| Kenneth Mahalitc | 24,651 |
| Total payees in county (2) | 94,056 |

COMANCHE COUNTY

| | |
|---|---|
| Dudley Bros | 26,194 |
| Total payee in county (1) | 26,194 |



CONCHO COUNTY

| | |
|---|---|
| Arlie E. Davis & Son | 83,533 |
| Jess Stephens & Son | 71,931 |
| Adrian L. Fiveash | 47,861 |
| Walter L. Pfluger | 40,930 |
| N. H. & V. C. Whitworth | 32,941 |
| Mozelle H. Nutt | 31,664 |
| Canning Wales | 27,491 |
| Monroe P. Dierschke | 27,379 |
| Cole Ranch Company | 24,601 |
| Emmett Pfluger | 24,297 |
| Lester S. Murray | 22,018 |
| L. E. Geistmann | 21,368 |
| Raymond Pfluger | 20,024 |
| Total payees in county (13) | 476,38 |

CORYELL COUNTY

| | |
|---|---|
| Bobby Latham | 32,853 |
| Robert J. Hunt | 27,139 |
| Total payees in county (2) | 59,992 |

COTTLE COUNTY

| | |
|---|---|
| R. D. Wall, Jr | 35,280 |
| Donald Love | 33,582 |
| Lester Moss | 29,882 |
| J. T. Martin | 29,733 |
| Parnell Partnership | 29,141 |
| Don Brothers | 28,192 |
| Jack Tippen | 27,574 |
| D. D. Chewning | 26,786 |
| James Sweeney | 24,698 |
| A. C. Piper | 24,099 |
| Billy Ray Harrison | 23,507 |
| Earl & Glen Bates | 23,437 |
| J. E. Isbell, Jr | 23,411 |
| Suttle W. Majors | 23,100 |
| L. V. Anderson | 22,858 |
| Welton Fields | 22,787 |
| Loyd Mayes | 22,409 |
| Maggie B. and Irless Brooks | 22,256 |
| H. W. Matney | 21,221 |
| J. M. Townley | 20,830 |
| R. C. Martin | 20,628 |
| Billy Browning | 20,464 |
| Total payees in county (22) | 555,875 |

CROCKETT COUNTY

| | |
|---|---|
| Tom Mitchell | 60,383 |
| 7U Ranch Co | 53,211 |
| W. W. West | 47,542 |
| John Childress | 37,298 |
| Joe Tom Davidson | 33,722 |
| A. Millspaugh | 32,961 |
| Joe Bean | 29,118 |
| Bob Childress | 25,918 |
| Eugene Miller | 23,908 |
| Mrs. Bill Hoover and Sons | 23,367 |
| Victor I. Pierce | 22,846 |
| J. W. Henderson, Third | 22,771 |
| J. B. Parker | 22,458 |
| Walter Owens | 21,863 |
| L. B. Cox, Third | 21,622 |
| John Robert Jones | 21,296 |
| Total payees in county (16) | 500,284 |

CROSBY COUNTY

| | |
|---|---|
| W. T. Leon | 69,838 |
| Bob Kimbrough | 67,695 |
| D. J. Moses | 65,908 |
| Delton Caddell | 63,955 |
| Lynn E. Campbell | 56,557 |
| J. P. Beck | 56,477 |
| Donald Aycock | 55,978 |
| Cleve Cypert | 51,746 |
| Gene Fullingim | 50,813 |
| H. N. Watson, Jr | 49,452 |
| Jesse L. Reese | 45,875 |
| G. J. Parkhill, Jr | 45,539 |
| Elmer S. Wells | 44,733 |
| Clyde Crausbay | 44,138 |
| Charles B. Gray | 43,845 |
| W. O. Lockwood | 43,399 |
| Marvin O. Greer | 42,807 |
| Bill N. Gilbreath | 42,033 |
| Robert Fullingim | 42,009 |
| Marvin T. Heinrich | 40,557 |
| Clyde Crump | 40,497 |
| Compton Cornelius | 40,252 |
| Loyd B. Parkhill, Jr | 39,884 |
| Lynn T. Smith | 39,340 |
| Elvis O. Martin | 39,255 |
| Kenneth Summerford | 39,030 |
| R. H. Farris, Jr | 38,336 |
| R. P. Kirkendall | 37,551 |
| Jimmy R. Fullingim | 37,248 |
| Elton Ellison | 36,491 |
| Carroll Himmel | 35,977 |
| Craig McDonald | 35,815 |
| David Prewitt | 35,676 |
| Mack Harmon | 35,653 |
| C. L. Cowley, Jr | 34,834 |
| Rex Wheeler | 34,675 |
| L. Don Anderson | 34,421 |
| Joe Appling | 33,401 |
| Harold Hodges | 33,092 |
| George Cunningham | 33,061 |
| Harvey Hancock | 32,960 |
| I. B. Davis | 32,932 |
| O. D. Moore | 32,875 |
| Lloyd Gambrel | 32,706 |
| Claude Adams | 32,202 |
| J. B. Prewitt | 32,057 |
| Alvin C. Morrison | 31,928 |
| Thomas A. Poulson | 31,799 |
| T. W. Stockton, Jr | 31,793 |
| Max Johnson | 31,659 |
| John L. Haynes | 31,461 |
| Wayne J. Parker | 31,441 |
| J. W. Jackson | 31,418 |
| Jimmie W. Thornton | 31,370 |
| Buster E. Smith | 31,292 |
| Kenneth Gray | 30,303 |
| James A. Boydstun | 30,194 |
| Bob Ross | 30,012 |
| James K. Edinburgh | 29,825 |
| A. W. Marshall | 29,252 |
| S. A. E. Inc | 28,955 |
| Ray Marsh | 28,688 |
| W. Clayton Sellers | 28,664 |
| Jack E. Robertson | 28,276 |
| L. M. Powell | 28,153 |
| Darrell J. Dunn | 28,051 |
| Ernest L. Harris | 27,729 |
| Arvil L. Campbell | 27,589 |
| John R. Green | 27,210 |
| Lloyd Martin | 26,593 |
| Will D. Griffin | 26,556 |
| Roy Lee Ellis | 26,511 |
| J. R. Terrell | 26,442 |
| J. J. Griffin | 26,415 |
| Harold Verett | 26,337 |
| Wayne Wilson | 25,978 |
| Dick Snodgrass | 25,632 |
| Billy Crump | 25,617 |
| Bobby H. Kendrick | 25,457 |
| Mitco, Inc | 25,416 |
| George W. Poulson | 25,367 |
| Byron E. Powell | 25,271 |
| Lester W. Caraway | 24,996 |
| F. Eugene Woodward | 24,839 |
| John H. Moore | 24,572 |
| Curtis M. Wheeler | 24,411 |
| James W. Sales | 24,375 |
| Vance Cypert | 24,284 |
| Robert H. Perkins | 24,260 |
| Donnie Powell | 24,250 |
| Roy Schluter | 24,149 |
| Arnold Hodges | 23,971 |
| Roy J. Warren | 23,843 |
| Amon W. Proctor | 23,553 |
| Edmond C. Crump | 23,325 |
| Noble Hunsucker, Jr | 23,009 |
| Billy Kirk | 22,698 |
| Gary V. Jordan | 22,649 |
| B. L. Anderson, Sr | 22,532 |
| Dewey E. Wells, Jr | 22,503 |
| Vernon D. Wheeless | 22,283 |
| Herschel A. Roye | 22,165 |
| Arvis E. Moore | 22,150 |
| W. C. McDuff | 22,069 |
| Julius Blair | 21,789 |
| Harold Moore | 21,767 |
| Anthony Latta | 21,593 |
| Larry McClaran | 21,321 |
| Tommy McGee | 21,253 |
| Jack Mayes | 21,165 |
| Billy Bounds | 21,109 |
| Arnold Ratheal | 21,067 |
| Olin Bryant | 21,021 |
| Eldred L. Mize | 20,835 |
| Howard Harris | 20,728 |
| Benny J. Poulson | 20,671 |
| Smith Community Farm | 20,504 |
| Wayne Cornelius | 20,489 |
| Billy Simpson | 20,396 |
| Gary Ivey | 20,345 |
| H. M. Reed, Jr | 20,305 |
| Charles E. Sanders | 20,151 |
| Cap McNeill | 20,143 |
| Glenn Eubank | 20,116 |
| Total payees in county (124) | 3,911,883 |

CULBERSON COUNTY

| | |
|---|---|
| D. H. Brewster | 55,527 |
| Wildhorse Valley Farms, Inc | 54,097 |
| Ted Brewster | 34,276 |
| Olen Lane | 30,638 |
| Barnabus Smallwood | 27,192 |
| Lee Talley | 26,606 |
| Dick Guest | 20,056 |
| Total payees in county (7) | 248,392 |

DALLAM COUNTY

| | |
|---|---|
| James E. Crabtree | 73,079 |
| Hugh L. Gordon | 72,196 |
| Elmer Heiskell | 65,437 |
| J. T. McAdams | 57,214 |
| Floyd H. Richards | 54,985 |
| Alex Stafford | 54,733 |
| John Hancock Life Ins | 53,294 |
| Leo H. Moore | 53,236 |
| Curtis G. Chisum | 52,885 |
| Kerrick Land & Cattle Corp | 52,880 |
| Winrock Farms | 50,287 |
| Jay Byrd | 49,677 |
| Jimmie O. Brewster | 49,650 |
| Oscar O. Przilas | 49,582 |
| Billy Chesnut | 47,802 |
| Melvin Przilas | 47,249 |
| Tim E. Field | 44,936 |
| George H. Noble | 44,920 |
| Charles Grice | 44,624 |
| Ell Dee Field | 43,783 |
| Raman L. Chandler | 43,775 |
| Roy Nall | 43,741 |
| Horace D. Estes | 42,798 |
| H. F. Beyer | 42,366 |
| Raymond Garner | 42,178 |
| Sibbie Gallo Farm | 42,012 |
| Shelby L. Baker | 39,870 |
| Summerour Bros. Ptnp | 38,804 |
| Vanus Byrd | 38,696 |
| Circle Farms, Inc | 37,605 |
| Norval W. Bressler | 37,240 |
| William W. Allen | 37,001 |
| Frank C. McDaniel | 36,775 |
| Tex Top Cattle Co., Inc | 35,733 |
| Fay M. Willis | 35,653 |
| R. L. McMurtry | 35,629 |
| E. B. Summerour | 34,701 |
| W. J. Giles | 34,061 |
| Ray T. Taylor | 31,735 |
| Leo J. Field | 30,278 |
| James M. Field | 30,269 |
| Porter & Robertson Ptnp | 29,746 |
| NM & AZ Land Co | 29,587 |
| C. J. Roberts, Jr | 29,265 |
| Roland M. Reeves | 29,258 |
| David P. McBryde | 28,577 |
| Kehoe/Nix | 28,370 |
| Wall & Sons | 28,301 |
| Edward Lethen | 27,611 |
| Herman A. Borth | 27,610 |
| Jack Funderburg | 27,550 |
| Jim Clements | 27,538 |
| Marvin Gibbs | 27,283 |
| Feral Carruth | 27,188 |
| Jody Bezner | 27,026 |
| Clancy Cummings | 26,896 |
| Glenn D. Cummings | 26,180 |
| Loyd J. Pillans | 26,125 |
| Ernest D. Sheets | 25,881 |
| Everett F. Dryden | 25,874 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Texas*—Continued

[Amounts in dollars]

DALLAM COUNTY—continued

| | |
|---|---|
| Elias N. Crabtree | 25,769 |
| Glenn Johnson | 25,525 |
| Fountain Angel | 25,392 |
| Allen B. Smith | 25,111 |
| H. B. Watson | 25,110 |
| Meredith H. Brown | 24,875 |
| Carl W. Miller | 24,611 |
| Kenneth Knight | 24,523 |
| C. G. Warren | 24,454 |
| Billy G. Moore | 24,359 |
| Jesse Davis | 24,250 |
| Charles Vickers | 24,201 |
| James R. Lovell | 24,197 |
| Homer L. Steen | 24,147 |
| Louie V. Baker | 24,038 |
| Delbert Butler | 23,888 |
| James B. Meyer | 23,338 |
| Carl E. French | 23,077 |
| Lowell B. Winsor | 22,717 |
| Thomas G. Warden | 22,406 |
| E. G. Schuhart, II | 22,368 |
| Leo Meek | 22,154 |
| Oran Gossett | 21,672 |
| Arendo A. McDougald | 21,649 |
| James M. Higgins | 21,313 |
| Herb G. Perry | 21,171 |
| Taylor & Taylor Ptnp | 21,029 |
| Hank Rogers | 20,994 |
| G. C. Herrmann Co | 20,595 |
| Ray Gregg | 20,587 |
| Bascom Baxter | 20,536 |
| Merten M. Schmidt | 20,434 |
| Webb S. Whorton | 20,296 |
| Curtis D. Jones | 20,171 |
| Total payees in county (94) | 3,160,202 |

DALLAS COUNTY

| | |
|---|---|
| Billy C. Beach | 41,392 |
| Max Daniel | 40,013 |
| Olin B. Curry | 38,118 |
| Reagan Glenn | 36,522 |
| John David Smith | 26,387 |
| R. V. Luther | 24,568 |
| Speer Waldrum | 22,425 |
| Total payees in county (7) | 229,425 |

DAWSON COUNTY

| | |
|---|---|
| E Bar Cattle Co | 66,174 |
| Sam Jenkins | 60,559 |
| J. F. Ferguson | 60,443 |
| Floyd Oliver | 58,406 |
| Billy Miers | 56,876 |
| Raymond G. Roberts | 56,839 |
| Billy J. Lambright | 56,358 |
| Jerry Holton Jones | 56,141 |
| Charles Warren | 55,883 |
| Jerry D. Harris | 55,552 |
| Weaver Farming Corp | 55,487 |
| David Hughes | 55,190 |
| Frank B. Jones | 55,053 |
| E. D. Adcock | 53,766 |
| Jimmie Caldwell | 53,532 |
| V. W. McGee | 53,177 |
| Edwin Rinewalt | 52,937 |
| Woodward Farms, Inc | 52,092 |
| W. L. Gilliam | 51,818 |
| John Middleton, Jr | 50,527 |
| Bill Treadaway | 49,950 |
| L. D. Freeman, Jr | 49,939 |
| Marshall F. Cohorn | 49,400 |
| Lyndall Sharp | 48,864 |
| J. E. Airhart | 48,716 |
| Landon Peters, Jr | 47,750 |
| E. R. Marshall | 47,335 |
| B. L. Middleton | 46,874 |
| Jesse E. Stephens | 46,278 |
| Okyleen Addison | 45,113 |
| Conley Esmond | 44,852 |
| J. H. Addison | 44,192 |
| Elland Crawley Palmore | 44,180 |
| Bob Archer | 43,066 |
| Robert C. Koger | 41,847 |
| R. M. Middleton | 41,707 |
| C. R. Taylor | 41,509 |
| Robert F. Hardberger | 41,347 |
| Donald Wayne Merrill | 41,075 |
| Roy D. Cooper | 41,053 |
| Willard H. Free | 40,670 |
| C. M. Pearce | 40,643 |
| Jerry Adams | 40,043 |
| Henry F. Vogler | 40,022 |
| John D. Banta | 39,952 |
| Donald Holt | 39,660 |
| Norris Barron | 39,605 |
| Arthur J. Cohorn | 39,109 |
| Don H. Peterson | 38,498 |
| Jack R. Felts | 38,451 |
| Valton Haney | 38,338 |
| Jeff D. Raney | 38,295 |
| Lloyd Cline Farms, Inc | 38,140 |
| George E. Fillpot | 37,110 |
| George Elland | 37,037 |
| Ben Gilliam | 36,910 |
| Arlis Cline | 36,788 |
| Jack Warren | 36,600 |
| Bill Weaver | 36,534 |
| Ela Morris | 36,270 |
| Bill R. Hambrick | 36,183 |
| W. C. Taylor | 35,906 |
| Frank D. Deatherage | 35,352 |
| E. L. Hendon | 34,975 |
| Leroy Holladay | 34,974 |
| A. C. Goode | 34,831 |
| Arther Nolen | 34,752 |
| Norman Wayne Brown | 34,653 |
| C. W. Henderson | 34,428 |
| N. B. Leatherwood | 34,416 |
| Jack McGown | 33,970 |
| Adcock Farming Co., Inc | 33,742 |
| Carroll Bennett | 33,532 |
| Larry Turner | 33,291 |
| Jimmy Napper | 33,026 |
| Raymond Orson | 32,332 |
| W. R. Cox | 32,196 |
| Doyle Terry | 31,870 |
| Joe O'Brien | 31,839 |
| J. T. O'Brien | 31,757 |
| Ronnie Brown | 31,362 |
| Virgil Phipps | 31,309 |
| Paul Morgan | 31,174 |
| Louie Drennan | 30,991 |
| Fred Henderson | 30,935 |
| Bob Henderson | 30,935 |
| Gus Junis | 30,813 |
| Spurgeon C. Motley | 30,579 |
| Luther Lee | 30,192 |
| Earl Fancher | 30,111 |
| Jerry Napper | 30,017 |
| Carson Echols | 29,737 |
| W. H. McCulloch | 29,375 |
| David Franklin | 29,138 |
| Cecil O'Brien | 28,983 |
| Bill Meares | 28,944 |
| Jack Bowlin | 28,912 |
| F. and E. Farms, Inc | 28,888 |
| Don Archer | 28,839 |
| V. O. Barron | 28,619 |
| W. T. Pomroy | 28,601 |
| W. W. Miers | 28,548 |
| Ray Barringer | 28,517 |
| N. B. Shaw | 28,222 |
| Sanford Boardman | 28,205 |
| Fred W. Bell | 28,159 |
| Blaine Middleton | 28,153 |
| Gonzell Hogg | 28,117 |
| Dopson Farms | 27,894 |
| Ray Allen Noret | 27,776 |
| Herbert Green | 27,502 |
| Oscar Vogler | 27,499 |
| Rex Sumrow | 27,467 |
| D. H. Preston, Jr | 27,043 |
| N. W. Weeks | 26,876 |
| J. D. Aldridge | 26,775 |
| G. C. Clifft, Jr | 26,537 |
| Alton Barkowsky | 26,410 |
| Joe Carl Boles | 26,235 |
| Louise Miller Holton | 25,847 |
| Hershell Edwin Raines | 25,709 |
| Ronald Raney | 25,421 |
| Ewell K. Scott | 25,194 |
| H. R. Jeter | 25,146 |
| John H. Montgomery | 25,104 |
| Carl Barrow | 25,063 |
| H. D. Turner | 24,936 |
| Maurice Archer | 24,930 |
| Kent Youngblood | 24,937 |
| Gayland Airhart | 24,923 |
| J. P. Senter | 24,905 |
| Sharecropper, Inc | 24,656 |
| Alvin G. Limmer | 24,453 |
| Ray Womack | 24,336 |
| Clyde L. Qualls | 24,273 |
| Troy Howard | 24,258 |
| Eddie Carpenter | 24,143 |
| D. C. Rodgers | 24,101 |
| Freddy T. James | 24,038 |
| Jerry Swafford | 24,024 |
| Bill Barnes | 23,998 |
| W. Lee Harris | 23,964 |
| Bernice Beeman | 23,853 |
| R. D. Kilgore | 23,813 |
| Gus Burkett | 23,780 |
| Homer Etheredge | 23,739 |
| Roy E. Bearden | 23,330 |
| Ralph Mires | 23,202 |
| Snmm Farm Corp | 23,108 |
| Gordon V. Waldrop | 23,034 |
| Darus Sumrow | 23,010 |
| A. C. Hodges | 22,819 |
| Beachy Barron | 22,665 |
| A. E. Hale | 22,563 |
| Leroy Chapman | 22,506 |
| Broyles Lamesa Farm, Inc | 22,394 |
| Carl Garrett | 22,386 |
| Pat Fortenberry | 22,361 |
| Harvey Hanson | 22,350 |
| R. D. Gibson | 22,146 |
| Ramon V. Hernandez | 22,090 |
| Harvie L. Kemper | 21,716 |
| Lloyd Mears | 21,708 |
| W. G. Cozart | 21,659 |
| Donald Airhart | 21,550 |
| David Barron | 21,519 |
| Wayland Cox | 21,501 |
| Jerry Kelley | 21,437 |
| Richard Baty | 21,416 |
| E. E. Rodgers | 21,400 |
| Lum J. Holder | 21,294 |
| Richard Woodward | 21,269 |
| L. D. Echols | 21,218 |
| C. W. Chiles | 21,207 |
| R. L. Riker | 21,149 |
| Alvin Harris | 21,030 |
| James David McGrew | 21,027 |
| Olon Earnest | 21,013 |
| L. H. Williams | 20,770 |
| Olen Norris | 20,764 |
| Wilton Bartlett | 20,741 |
| Wayne Davis | 20,686 |
| Garland Maxwell | 20,657 |
| Freddie J. Vogler | 20,650 |
| L. O. Deatherage | 20,505 |
| John Middleton | 20,471 |
| Billy D. Roberts | 20,364 |
| Travis Dean | 20,357 |
| Leland Harold Bartlett | 20,314 |
| J. C. Norris | 20,302 |
| Boyd Echols | 20,228 |
| W. H. Cornett | 20,159 |
| Total payees in county (193) | 20,152 |
| | 6,266,487 |

DEAF SMITH COUNTY

| | |
|---|---|
| Taft McGee | 99,077 |
| Forrester Ranch | 90,752 |
| B. T. Spear | 85,060 |
| John & Ray Brorman | 81,308 |
| Virgil F. Marsh | 81,086 |
| A. R. Dillard | 79,090 |
| Billy Wayne Sisson | 76,968 |
| Lester B. Godwin | 76,459 |
| Reinauer Bros | 73,579 |
| Melvin May | 72,389 |
| Brooks & Brooks | 72,229 |
| Higgins & London | 71,794 |
| O. D. Bingham Est | 68,852 |
| Herbert Friemel | 68,686 |
| Robert Lloyd | 68,281 |
| Harry Brorman | 67,582 |
| Brorman Bros., Inc | 65,610 |
| O. E. Williamson | 62,892 |
| W. H. Gentry | 61,923 |



| | |
|---|---|
| Clarence D. Carnahan | 61,599 |
| Carl S. Perrin | 58,952 |
| A. C. Hays, Jr | 58,507 |
| James Fangman | 58,168 |
| Garrison Bros. & Nelson | 57,980 |
| McCathern & Heck Farms | 57,906 |
| Pitman Indus., Inc | 57,541 |
| Anthony Paschel | 57,517 |
| D. T. Reed | 56,775 |
| Montgomery Farms | 56,702 |
| Blankenship Ent | 56,167 |
| Vernon Denson | 55,573 |
| Edwin Axe Farms, Inc | 54,872 |
| Billy J. Cleavinger | 53,970 |
| Solomon Bros | 52,968 |
| W. F. Ponder | 52,932 |
| Edward Allison | 52,689 |
| R. M. Mason | 51,951 |
| E. C. R. Corporation | 51,747 |
| Oneway Farms | 51,333 |
| Donald Kimball | 50,787 |
| John A. & Raymond Smith | 50,139 |
| Schlabs Farms, Inc | 49,556 |
| Norman Hodges | 49,176 |
| Richardson Seed Farm | 48,910 |
| Bruce Walker | 47,945 |
| Bernard Hartman | 47,857 |
| Wm. J. Schulte | 47,853 |
| Gary McQuigg | 47,583 |
| J. D. White | 47,101 |
| B. C. Hodges | 47,022 |
| West AC Farms, Inc | 46,954 |
| J. M. White | 46,330 |
| Joe Lyons & Lyons | 45,932 |
| Hickman Farms, Inc | 45,528 |
| L. J. Jones, Jr | 44,894 |
| Carl Kleuskens | 44,808 |
| James A. Bullard | 44,171 |
| El B. Ranch | 43,537 |
| Jerome Friemel | 42,704 |
| Johnny Jesko | 42,260 |
| Delmar R. Durrett | 42,230 |
| Douglas Nix | 42,099 |
| Richard Ward | 41,428 |
| Jim Monroe | 41,140 |
| Leroy Cupell | 40,246 |
| Ernest Walden, Jr | 39,328 |
| James Gentry | 39,288 |
| Maurice D. Dorward | 39,256 |
| Dick Fellers | 39,103 |
| A. L. Hollingsworth | 38,694 |
| J. E. Warrick | 37,780 |
| Norton, Inc | 37,170 |
| Mrs. N. A. Brown & Sons | 36,983 |
| Gerald McCathern | 36,809 |
| James L. Voyles | 36,688 |
| George Mode | 36,362 |
| Jimmy Brown | 35,992 |
| Harris & Thrush Sales Co | 35,985 |
| Charlie & Kenneth Robinson | 35,723 |
| W. A. Carter | 35,539 |
| Glen Wagner | 35,346 |
| Meiwes Bros | 35,281 |
| Dennis Lomas | 35,249 |
| J. E. McCathern, Jr | 35,075 |
| Joseph J. Friemel | 35,023 |
| Carnahan Bros | 34,999 |
| Strain Farm | 34,790 |
| Samie West Estate | 34,657 |
| Charles Hoover | 34,402 |
| Francis E. Barrett | 33,863 |
| Luther Lesly | 33,805 |
| Herbert E. Bippus | 33,669 |
| Josef C. Grotegut | 33,570 |
| Hereford Feed Yards | 33,559 |
| Robert R. Lindsey | 33,454 |
| A. C. Brorman | 33,454 |
| Kenneth Artho | 33,445 |
| Joseph A. Meyer | 33,386 |
| S. A. Fangman | 33,309 |
| Bennie Newbill | 33,125 |
| Helen Godwin | 32,985 |
| O. D. Jackson | 32,584 |
| Raymond Higginbotham | 32,545 |
| Donald Hicks | 32,426 |
| Henry J. Kuper | 32,136 |
| Royce Cretsinger | 32,090 |
| George Turrentine | 32,066 |
| George L. Olson | 30,806 |
| Bob Veigel | 30,789 |
| Mary Inman Hipes | 30,692 |
| Frank V. Zinser, Jr | 30,690 |
| O. W. Harrison | 30,589 |
| Bertram Jack | 30,437 |
| Richard Zinser | 30,359 |
| Cecil Morrison | 30,243 |
| Dale Christie | 30,094 |
| W. P. Dutton | 30,075 |
| E. L. Young | 29,993 |
| John Skaggs & Son | 29,853 |
| Ollie Freeman Est | 29,476 |
| Dave H. Perrin | 29,476 |
| F. A. Marnell | 29,463 |
| Raymond Schlabs | 28,620 |
| J. C. Price | 27,894 |
| Paul Wilson | 27,818 |
| Dan W. Berger | 27,805 |
| Jim Hysinger | 27,756 |
| Laverne Schenk | 27,737 |
| Clarence C. Williams | 27,674 |
| L. W. Norvell | 27,607 |
| Leland Burns | 27,350 |
| Wayne Richardson | 27,221 |
| Harold D. Moore | 27,146 |
| Tom Robinson | 26,841 |
| Chester Wiggains | 26,778 |
| J. B. Haile | 26,615 |
| Bobby J. Ridley | 26,436 |
| James Overstreet | 26,380 |
| W. Ralph Hastings | 26,357 |
| Iverson Leake | 26,227 |
| Denson Tr | 25,953 |
| J. R. Hickman | 25,896 |
| Joe Frank Huckert | 25,850 |
| Glenn B. Allred | 25,681 |
| Herbert H. Miller | 25,643 |
| Tom J. Boyd | 25,432 |
| J. T. Gilbreath, Jr | 25,385 |
| W. O. Duggan | 25,322 |
| Big T. Pump Co | 25,220 |
| Lee A. Wagner | 24,996 |
| August L. Miller | 24,948 |
| Edgar Brown, Est | 24,688 |
| Dulaney Bros | 24,647 |
| Jack Williams | 24,641 |
| Bruce Coleman | 24,623 |
| Donald J. Meyer | 24,620 |
| G. W. Simmons | 24,313 |
| James Paetzold | 24,167 |
| George K. Muse | 24,049 |
| R. A. Crist | 23,966 |
| E. R. Williams | 23,963 |
| James A. McAndrews | 23,919 |
| A. G. Flippin | 23,853 |
| Silas G. Wilson | 23,676 |
| Labry E. Ballard | 23,570 |
| Wilburn P. Axe | 23,548 |
| Latham Farms | 23,528 |
| G. V. Cassitty | 23,416 |
| Harry Fuqua | 23,340 |
| Glenn D. Welch | 23,024 |
| Mickey Wilson | 22,977 |
| Joe Brorman | 22,836 |
| L. B. Worthan | 22,464 |
| C. P. Worthan | 22,395 |
| Paschel & Son | 22,299 |
| V. J. Owens | 22,267 |
| Brown Bros | 22,264 |
| Paul Zinser | 22,196 |
| Roger H. Brumley, Est | 22,091 |
| Richard E. Friemel | 21,618 |
| Cecil T. Bass | 21,543 |
| C. F. Homfeld | 21,478 |
| Richard Sims | 21,393 |
| Charles Packard | 21,249 |
| Don Squires | 21,240 |
| Curtis Deason | 21,174 |
| M. E. Reed | 21,165 |
| Joe M. Zinser | 21,104 |
| H. D. Fowler | 20,920 |
| Stephen F. Clements | 20,877 |
| Willard H. Jones | 20,869 |
| James & Herman Hund | 20,780 |
| Robert M. Hicks | 20,671 |
| Jimmy Brown, Inc | 20,540 |
| Earl Holt | 20,436 |
| Ernest McGee | 20,400 |
| Denzil Pulliam | 20,299 |
| A. F. Marnell | 20,237 |
| Nancy Colley Webb | 20,186 |
| Wilhelmina Wimberley | 20,161 |
| Madison F. Fields | 20,117 |
| Harold Martin | 20,110 |
| Horace Betts | 20,026 |
| Johnny Grant Mars | 20,008 |
| Bridwell Ranch West | 20,007 |
| Total payees in county (205) | 7,618,125 |

DELTA COUNTY

| | |
|---|---|
| Thomas E. Stegall | 20,171 |
| Total payees in county (1) | 20,171 |

DENTON COUNTY

| | |
|---|---|
| Bobby George | 22,214 |
| Elmo Chesney | 21,108 |
| Ernest Chesney | 20,111 |
| Total payees in county (3) | 63,433 |

DICKENS COUNTY

| | |
|---|---|
| Paul Dale Hagins | 48,757 |
| Felix Ramirez | 35,954 |
| Raymon Harris | 34,802 |
| Raymond Eldredge | 32,897 |
| D. W. Edinburgh | 32,216 |
| Rex Carlisle | 28,390 |
| G. B. Morris | 28,044 |
| David Y. Hughes | 27,528 |
| P. F. Brownlee | 26,346 |
| Donald Berry | 25,804 |
| Mickey Blackwell | 23,805 |
| Vernon Harris | 23,773 |
| W. E. Robertson | 23,467 |
| Woodrow McArthur | 22,230 |
| Larry Morris | 21,535 |
| H. V. Thomas | 21,211 |
| Frank Ragland | 21,090 |
| R. B. Walsworth | 21,011 |
| Paul Braddock | 20,865 |
| Total payees in county (19) | 519,725 |

DIMMIT COUNTY

| | |
|---|---|
| Reynolds & Wilson Farms | 52,114 |
| McLean Bowman Cat Co | 29,380 |
| H. Fitzsimmons/Son | 20,800 |
| Total payees in county (3) | 102,294 |

DONLEY COUNTY

| | |
|---|---|
| Hall S. Hardin | 33,067 |
| Warren Hardin | 28,684 |
| J. Melvin Asberry | 28,327 |
| Wm. O. Mooring | 27,824 |
| Lawrence Audrey Watson | 22,161 |
| Total payees in county (5) | 140,063 |

EASTLAND COUNTY

| | |
|---|---|
| Jerry Winfrey | 26,244 |
| Total payees in county (1) | 26,244 |

EDWARDS COUNTY

| | |
|---|---|
| Alvin L. Connell | 79,097 |
| Loyd Mitchell, Jr | 76,753 |
| Joe Roger Hutton | 48,751 |
| Carson Bros | 42,736 |
| Walker Epperson & Son | 28,180 |
| Lowell F. Hankins | 28,051 |
| Tom W. Epperson | 27,250 |
| W. B. McMillan | 26,930 |
| Ned Dunbar | 23,150 |
| James Leo Greer, Jr | 21,688 |
| G. A. Morriss | 21,499 |
| Charles R. Pfluger | 20,295 |
| Total payees in county (12) | 444,380 |

EL PASO COUNTY

| | |
|---|---|
| R. T. Hoover Farms | 100,640 |
| Lee & Beulah Moor Chs Home | 65,919 |
| Lee Moor Farms | 63,169 |
| H. D. Hilley | 61,811 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Texas*—Continued

[Amounts in dollars]

EL PASO COUNTY—continued

| | |
|---|---|
| Mike Maros | 53,294 |
| Jerry Rogers | 41,270 |
| Ralphs Farms, Inc | 37,135 |
| Schuster Farms, Inc | 35,165 |
| Brandes Ramsey, Inc | 33,540 |
| R. C. Wilson | 32,977 |
| Hiram Whitaker | 31,719 |
| W. A. Rawls Ranch | 31,082 |
| James Strachan | 31,051 |
| Gulbant S. Gil & Sons, Inc | 30,152 |
| Sierra Vista Farms | 28,459 |
| Davidson & Strickland Farms | 27,119 |
| Jim Suratt Farms | 26,088 |
| C. P. Brown | 24,107 |
| K. W. Rushing | 24,059 |
| Samuel V. Orr | 23,555 |
| L. R. Jacobs | 23,490 |
| Conway & Son | 23,399 |
| Fabens Prod., Inc | 22,933 |
| Mary Segulia Trust | 22,866 |
| William L. Summers | 22,784 |
| Gene Strachan | 22,392 |
| Lester Millican | 20,497 |
| Total payees in county (27) | 960,672 |

ELLIS COUNTY

| | |
|---|---|
| Phillip N. Jeffers | 51,259 |
| Jack B. Eastham | 51,203 |
| J. B. and Jas. Underwood | 49,782 |
| Ramon Armstrong | 47,484 |
| Ocie Ray Gerron | 40,420 |
| B. D. Wakeland | 38,958 |
| Apache Ranch Co | 38,882 |
| Ted Almand | 38,816 |
| H. L. Southard | 35,095 |
| H. R. Burden | 29,397 |
| Edward Brock | 27,454 |
| C. C. Witherspoon | 26,362 |
| C. H. Shrader, Jr | 25,966 |
| T. M. Harper | 24,243 |
| F. M. Roberts | 23,562 |
| Marvin Borders | 23,538 |
| John F. Davis | 23,410 |
| William C. Newton | 22,633 |
| Jerry R. Glaspy | 22,281 |
| Harris V. Lowry | 21,214 |
| D. W. Betts | 20,665 |
| Roger Harper | 20,352 |
| G. W. James | 20,261 |
| Total payees in county (23) | 723,237 |

ERATH COUNTY

| | |
|---|---|
| Otey Shadden c/o J. A. Shadden | 26,898 |
| Total payees in county (1) | 26,898 |

FALLS COUNTY

| | |
|---|---|
| Basil Abate | 71,306 |
| Tony Abate | 55,893 |
| Morris Scamardo | 53,336 |
| Tony Lombardo | 50,703 |
| Roman Gonzales | 49,641 |
| Jack Falco | 42,545 |
| H. H. Perkins | 26,353 |
| Werner Fuchs | 25,884 |
| Louis Corpora | 24,854 |
| Ellis Cattle Co | 23,902 |
| A. J. Falco | 22,247 |
| A. T. Garrett | 21,979 |
| H. G. Barganier | 20,555 |
| Total payees in county (13) | 489,198 |

FANNIN COUNTY

| | |
|---|---|
| Riverby Plan | 50,684 |
| R. Shelton Sr. & R. Shelton, Jr | 26,554 |
| B. W. Mathews | 26,182 |
| James T. Smith | 20,582 |
| Total payees in county (4) | 124,002 |

FAYETTE COUNTY

| | |
|---|---|
| John E. Morgan | 27,657 |
| Total payees in county (1) | 27,657 |

FISHER COUNTY

| | |
|---|---|
| J. E. McCoy, Jr | 43,551 |
| John D. Ferguson | 42,524 |
| R. E. McKinmey | 32,587 |
| Willingham Land Cattle | 32,424 |
| Ben Martinez | 31,809 |
| Dono Terry | 29,582 |
| Vernon Terry | 29,487 |
| Allan Eugene Terry | 28,514 |
| Bryant Farm Inc | 26,569 |
| Max Carriker | 26,064 |
| Afra Eugene Hudnall | 24,573 |
| Max O. Stuart | 22,280 |
| J. P. Moore | 22,187 |
| Jack Morton | 21,971 |
| Richard Stuart | 21,933 |
| Thurman Terry | 21,876 |
| Bennie C. Kidd | 21,526 |
| B. S. Wright | 20,953 |
| Lewis Johnson | 20,216 |
| Preston Morrow | 20,003 |
| Total payees in county (20) | 540,629 |

FLOYD COUNTY

| | |
|---|---|
| Don Marble | 72,852 |
| P. Keith Marble | 70,141 |
| Fred L. Marble | 70,137 |
| Craig Silverthorne | 69,768 |
| H. L. Porter, Jr | 64,805 |
| Dorris Jones | 64,222 |
| J. S. Hale, Jr | 63,084 |
| Floyd J. Ellison | 58,483 |
| Chester Carthel | 57,721 |
| Watson Jones | 56,496 |
| R. I. Bennett | 54,817 |
| H. B. Robertson | 54,621 |
| Marvin Shurbet | 54,209 |
| Malvin A. Jarboe | 51,011 |
| Kenneth Bean | 49,363 |
| C. C. Whittle | 48,419 |
| L. N. Johnson | 46,970 |
| Kinder Farris | 45,765 |
| John C. Alford | 44,999 |
| J. A. Miller | 44,780 |
| Lewis Reddy | 44,444 |
| Gene Belt | 43,843 |
| Edward J. Foster, Jr | 43,808 |
| Fred Zimmerman, Jr | 43,439 |
| J. A. Welch | 42,278 |
| Louis Pyle | 41,001 |
| Harold Woodson | 40,387 |
| J. E. Franklin | 39,709 |
| Ralph Johnston | 39,437 |
| Wayne Bramlet | 38,730 |
| Eugene Beedy | 37,740 |
| J. R. Belt | 36,231 |
| Adrain Helms | 36,160 |
| J. R. Turner | 36,110 |
| Bill Sherman | 36,073 |
| Walter E. Bloys | 35,134 |
| C. L. Henderson | 34,434 |
| Robert L. Smith | 34,168 |
| Roy H. Tinsley | 34,089 |
| W. R. Ware | 33,760 |
| Reed Lawson | 33,695 |
| K. E. Prohasco | 33,336 |
| L. T. Wood | 33,237 |
| Everett Miller | 33,058 |
| Clark J. Harris | 32,724 |
| Mack Hickerson | 32,408 |
| R. G. Dunlap | 32,368 |
| Paul Hrbacek | 31,641 |
| Frank A. Weigel | 31,594 |
| W. G. Walker, Sr | 31,273 |
| Tate Jones | 31,246 |
| J. W. Taylor Est Ptnsp | 31,090 |
| James W. Becker | 31,018 |
| Donal Akin | 30,874 |
| Early P. Pritchett | 30,584 |
| R. Fred Brown | 30,015 |
| Bundy Hal Campbell | 29,853 |
| Weldon Hammonds | 29,735 |
| Floyd Jackson | 29,603 |
| Mary Beth Kropp | 29,291 |
| Johnney West | 29,257 |
| Bruce W. Davis | 29,178 |
| Billy Don Bigham | 29,132 |
| Austin B. Meriwether | 29,074 |
| Delmas McCormick | 29,039 |
| Boyce Mosley | 28,864 |
| Loyd Widener | 28,823 |
| W. M. Staniforth | 28,765 |
| Edna E. Gilly | 28,656 |
| Lon Davis, Jr | 28,567 |
| Kelton Shaw | 27,488 |
| Hubert E. Frizzell | 27,433 |
| Richard F. Stovall | 27,431 |
| Luther B. Brandes | 27,310 |
| Doyls Moore | 27,059 |
| Fred Jackson | 26,986 |
| W. B. Cates | 26,974 |
| A. V. Bethel | 26,775 |
| Keith Reeves | 26,714 |
| Elmer M. Jackson | 26,536 |
| L. L. Rhodes | 26,529 |
| Robert Stovall | 26,505 |
| Wilfred H. Stoerner | 26,221 |
| Robert L. Ward | 26,161 |
| Richard Ward | 26,154 |
| Warren Poole | 26,154 |
| George D. Probasco | 25,883 |
| Barney Manning | 25,802 |
| A. C. Pratt | 25,734 |
| Bobby McCormick | 25,695 |
| Charlie Boedeker | 25,487 |
| Leighton Teeple | 25,176 |
| Walter W. Taack | 25,049 |
| Travis Jones | 25,031 |
| Ray N. Ford | 24,971 |
| Jim Simpson | 24,958 |
| Frank H. Thomas | 24,926 |
| Robert O. Thomas | 24,926 |
| R. C. Mitchell | 24,893 |
| William E. Whitfill | 24,667 |
| S. J. McIntosh | 24,632 |
| Milton Harrison | 24,607 |
| Travis Young | 24,548 |
| Joe Neil Rexrode | 24,540 |
| John A. Dorman | 24,454 |
| Larry Jarrett | 23,957 |
| Johnnie Cates | 23,926 |
| J. W. Day, Jr | 23,912 |
| Kay Crabtree | 23,883 |
| V. H. Kellison | 23,870 |
| Louis Lloyd | 23,673 |
| Jack Stansell | 23,516 |
| Don Bean | 23,404 |
| Joe N. Dunn | 23,363 |
| B. J. Terrell | 23,326 |
| E. J. Kinslow | 23,323 |
| C. W. Jones | 23,171 |
| Frank D. Brown | 23,122 |
| Robert W. Reeves | 23,070 |
| Ted Reid | 23,058 |
| Ewald Quebe | 23,039 |
| Charlie S. Williams | 23,001 |
| Gail Wilson | 22,995 |
| Billy W. Fulton | 22,738 |
| Keith Jackson | 22,731 |
| Olen C. Harris | 22,529 |
| E. J. Foster | 22,269 |
| George H. Willis, Jr | 22,130 |
| C. N. Walding | 21,836 |
| A. L. Bigham | 21,733 |
| Ray Lloyd | 21,713 |
| Bryan Smith | 21,693 |
| Carl F. Lemons | 21,614 |
| Kent Covington | 21,451 |
| Raymond Reeves | 21,265 |
| B. P. Sandefur | 21,202 |
| Abb T. Moore | 21,141 |
| Klyce Ooley | 21,123 |
| W. H. Simpson, Jr | 20,832 |
| H. P. Bertrand | 20,792 |
| Roger Dawdy | 20,740 |
| Eugene Tannahill | 20,703 |
| Wiley Nance, Jr | 20,565 |



| | |
|---|---|
| Donice Casey | 20,517 |
| E. E. Wells | 20,515 |
| Joe Cunyus | 20,488 |
| Harry Reeves | 20,466 |
| Oscar Golden | 20,366 |
| Robert Don Heflin | 20,264 |
| Dale Jones | 20,214 |
| Chester W. Mitchell | 20,188 |
| Total payees in county (151) | 4,751,462 |

FOARD COUNTY

| | |
|---|---|
| James G. Johnson | 29,169 |
| Jesse Whitfield | 25,317 |
| Carroll Bros | 23,924 |
| Dwight Campbell | 22,363 |
| Hubert C. Brown | 21,096 |
| Kenneth Halbert | 21,084 |
| Total payees in county (6) | 142,953 |

FORT BEND COUNTY

| | |
|---|---|
| TX Dept. of Corr | 397,366 |
| Julius M. Ruffeno | 41,662 |
| Failla Bros | 38,445 |
| Arno G. Schultz, Sr. & Sons | 30,883 |
| Otto H. Schulz | 28,267 |
| Joe S. Kramr | 27,419 |
| John J. Kramr | 27,419 |
| Tilford G. Sulak | 24,611 |
| Sugarland Ind., Inc | 23,112 |
| J. N. Failla | 22,442 |
| Total payees in county (10) | 661,626 |

FRIO COUNTY

| | |
|---|---|
| Bennett Bros., Inc | 64,467 |
| Clyde Cox | 49,501 |
| A. E. Schletze Farms | 49,181 |
| Tony Mann | 36,640 |
| John Barkley Farming Co., Inc | 36,578 |
| Eulan Cox | 36,060 |
| Woodward Farm & Ranch | 31,806 |
| H & B Farms | 30,823 |
| Riggan & Neal Farms, Inc | 25,646 |
| W. E. Stacy & Sons | 23,484 |
| Marko XX | 21,764 |
| J. C. Thompson | 21,082 |
| Total payees in county (12) | 427,030 |

GAINES COUNTY

| | |
|---|---|
| Frank Ratliff, Jr | 78,277 |
| H. L. Hill | 76,391 |
| Delmon Ellison | 71,382 |
| W. D. Mills | 69,958 |
| Morgan Farms | 68,909 |
| Jennie Lee Lands | 68,783 |
| Shamrock Farms | 68,384 |
| William George White | 67,836 |
| Norman Hicks | 64,539 |
| Dennis Lamphere | 63,394 |
| B. J. Smith | 62,597 |
| L. D. Smith | 62,559 |
| Occidental Pld., Corp | 61,406 |
| Alvin Keith Forbis | 59,655 |
| Roy W. Wicker, Jr | 59,594 |
| E. B. Hicks | 59,064 |
| Roy Edwards | 58,897 |
| Richard Orson | 58,783 |
| Paul Condit | 58,592 |
| John H. Thomas | 58,241 |
| Kent Denson | 58,205 |
| Henry Cheuvront | 58,129 |
| Thomas Michael Jenkins | 57,305 |
| Claude Freeman | 57,273 |
| Alvin Ray Riley | 57,141 |
| Charles Medlin | 57,007 |
| Robert L. Fleming | 56,806 |
| Harry A. Childers | 56,804 |
| Keith Young | 56,611 |
| Douglas Floyd | 56,409 |
| Wayne Greaves | 56,048 |
| Herbert Hicks | 55,577 |
| Bob Harlan | 55,548 |
| N. J. McIlwain | 55,459 |
| Joe Tarbet | 55,427 |
| Bobby Warren | 55,330 |
| E. E. Sumrow | 55,227 |
| Howard Huddle | 55,152 |
| A. P. McGuire | 55,002 |
| Kenneth Bass | 54,998 |
| Henry Williams | 54,938 |
| Steve Burdett | 54,927 |
| D. D. McClatchey | 54,904 |
| C. O. Brown, Jr | 54,904 |
| E. M. Weddle | 54,790 |
| A. Earl Jones | 54,790 |
| R. L. Crowder | 54,790 |
| Dale Wiley | 54,790 |
| Darrell Miller | 54,790 |
| Ray Anderson | 54,790 |
| W. D. Wilson | 54,665 |
| James M. Grammer | 54,486 |
| B. C. Bill Ward | 54,436 |
| Dean Faulkenberry | 54,395 |
| Robert Freske | 54,390 |
| Robert Bowers | 54,390 |
| G. Ernest Caldwell | 54,390 |
| Stanley Reed | 54,390 |
| Gene Cotton | 54,390 |
| Dempsey J. Prappas | 54,390 |
| H. C. Colvin | 54,390 |
| James Wilson | 54,390 |
| Gary Stowe | 54,390 |
| Sidney Carter | 54,390 |
| Robert Kennedy | 54,390 |
| Howard McNeill | 54,390 |
| Layton Oliver | 54,277 |
| Don Kingsley | 54,265 |
| Dallas Cantwell | 54,265 |
| Bill Williamson | 54,265 |
| Herschel Lowe | 54,265 |
| Vernon Goodwin | 54,240 |
| J. W. Archer | 54,094 |
| Cletus R. Leverett | 53,625 |
| J. A. Grammer | 53,403 |
| R. I. Oliver | 53,307 |
| Floyd McGee | 52,749 |
| Tommy D. Merrick | 52,574 |
| B. R. Truitt | 52,339 |
| Rinehard Vogler | 51,665 |
| Joe B. Pate, Jr | 51,388 |
| Dale Leverett | 50,919 |
| Charles Gay | 50,871 |
| Bob Moffatt | 50,638 |
| William Alfred Condit | 50,348 |
| Tommy Lacey | 50,071 |
| Troy Martin | 49,841 |
| Royce Harvey | 49,587 |
| Johnny Lemmons | 49,340 |
| Ronnie W. Huddle | 49,098 |
| South Plains Land Corp | 48,892 |
| John Henry Jones | 48,709 |
| J. E. Aldridge | 48,644 |
| L. D. Jones, Jr | 48,587 |
| Alton Faulkenberry | 48,053 |
| W. H. Rhoades | 48,000 |
| G. D. Boldin | 47,696 |
| Tony Greaves | 47,675 |
| Robert Scott | 47,472 |
| Bill Ellyson | 47,230 |
| E Bar S Ranch | 47,212 |
| Earl Layman | 47,201 |
| Earl Bowman | 46,955 |
| Richard Jones | 46,794 |
| J. A. Pebsworth | 46,682 |
| Ray Garrett | 46,559 |
| N. B. Fields | 45,712 |
| D. L. Tate | 45,467 |
| O. T. Barron | 45,444 |
| S. M. Hanson, Jr | 45,294 |
| M. T. McIlwain | 44,716 |
| H. P. McGuire | 44,390 |
| Dwayne Strickland | 44,077 |
| Jerry Newbrough | 43,197 |
| Robert Jameson | 43,179 |
| Nelson Cayton | 43,018 |
| Dan Newbrough | 42,873 |
| Graham Addison | 42,810 |
| Thearl Creech | 42,664 |
| Harold Foster | 42,245 |
| Royce Condit | 41,420 |
| Thomas R. Coffee | 41,134 |
| D. D. Darby | 41,044 |
| J. A. Benthall | 40,955 |
| Verlon Hilburn | 40,053 |
| Travis Crossland | 39,684 |
| Marcus Crow | 39,089 |
| J. R. Walker, Jr | 39,057 |
| E. F. Foshee | 38,990 |
| Lyle Dugan | 38,905 |
| Alton Billings | 38,738 |
| Don Sanders | 38,685 |
| Brownfield Tractor Co. Inc | 38,454 |
| Earnest Spradlin | 37,635 |
| Michie Robinson | 37,612 |
| Glen Fleming | 37,466 |
| William Charlie Faulkenberry | 37,161 |
| D. C. Jeffries | 36,956 |
| Jesse L. Smith | 36,910 |
| Johnny Gooding | 36,192 |
| Billy J. Evans | 36,057 |
| Trice Lee | 35,791 |
| Ross Goodwin | 35,597 |
| Bill G. Spears | 35,341 |
| Robert Sneed | 35,193 |
| Noah Lemley | 35,043 |
| G. R. White | 34,633 |
| A Plus Aerial Service | 34,455 |
| Felix N. Thetford | 33,788 |
| Four J Farms, Inc | 33,473 |
| Farrell Herring | 32,838 |
| James M. Faulkenberry | 32,542 |
| George D. Vaughon | 32,535 |
| Michael S. McKinney | 32,448 |
| Ratliff Farms, Inc | 32,165 |
| Henry Patton | 32,045 |
| Daniel Walter Davis | 32,045 |
| Tommy Moseley | 32,043 |
| Kenneth Young | 31,779 |
| Ben Cox | 31,741 |
| Milton Schnieder | 31,455 |
| Karl Cayton | 31,369 |
| Benny Nichols | 31,099 |
| John D. Offutt | 30,975 |
| Robert L. Durham | 30,909 |
| Newell Bowen | 30,884 |
| Sam Teague | 30,839 |
| Vester Smith | 30,754 |
| Kenneth Hancock | 30,397 |
| Leonard Kelley | 30,376 |
| James Troy Green | 29,631 |
| N. M. Saunders | 29,555 |
| Alvin Ward | 29,510 |
| E. C. Harvey | 29,357 |
| Harmon Mills | 29,243 |
| Moody Neeley | 29,156 |
| J. E. Neeley | 29,156 |
| Peggy B. Fox | 29,155 |
| Leon Foote | 28,632 |
| J. P. Bingham | 28,341 |
| Allen Strickland | 28,167 |
| W. E. Berry, Jr | 28,120 |
| Dewayne Nelson | 27,612 |
| D. T. Cornett | 27,593 |
| Arthur Lynn Robinson | 27,508 |
| T. J. Redman, Jr | 27,428 |
| James Eddy Thomas | 27,356 |
| Donald Ward | 27,197 |
| Otis Johnson | 27,056 |
| James L. Jones | 26,878 |
| Jerry Brooks | 26,842 |
| Glynn Batson | 26,808 |
| Raymond Anderson | 26,674 |
| Weldon H. Smith | 26,475 |
| Stanley Ancinec | 26,410 |
| Bill Moore | 26,303 |
| Ray Walters | 26,178 |
| Gary Duncan | 26,130 |
| Jerry Montgomery | 25,700 |
| E. N. Thomason | 25,271 |
| Thomas W. McKinzie | 25,163 |
| George D. Norman | 25,117 |
| L. E. Williams | 24,891 |
| James Stephens | 24,711 |
| J. S. Knisley, Jr | 24,685 |
| H. Dale Cope | 24,453 |
| Jack Welch | 24,434 |
| Lonnie Dean Clark | 24,334 |
| Henry Clay Clark | 24,293 |
| Kimberly Sue Clark | 24,293 |
| Till Dawn Clark | 24,283 |
| W. A. Freeman, Sr | 24,107 |
| J. C. Futch, Jr | 24,085 |
| Clyde Haynes | 23,980 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Texas*—Continued

[Amounts in dollars]

GAINES COUNTY—Continued

| | |
|---|---|
| C. T. Thames | 23,812 |
| Allison V. Barnett | 23,811 |
| James L. Porter | 23,809 |
| E. L. Hicks | 23,770 |
| Herman Sales | 23,388 |
| M. G. Hoover | 23,357 |
| Harlan Miller | 23,248 |
| Mrs. Dell Small Howard | 23,130 |
| Kay Teaff | 23,075 |
| Garland Foshee | 23,033 |
| James Strickland | 22,981 |
| Luther D. Cope | 22,654 |
| J. M. Newman | 22,600 |
| Donald Floyd | 22,467 |
| Alvin Herron | 22,412 |
| Royce Cornett | 22,375 |
| Charlie Robertson | 22,371 |
| John Hobbs | 21,809 |
| Charles Gibson | 21,711 |
| Tom Hunt | 21,656 |
| James R. Dunn | 21,510 |
| Earl D. Owens | 21,361 |
| J. D. Browne, Jr | 21,238 |
| Wayne Boles | 21,187 |
| C. L. H. Farm | 21,154 |
| Wayne Leverett | 21,099 |
| Mark Jones | 21,000 |
| Stanley Smith | 20,906 |
| Steve D. Cox | 20,786 |
| Leon Chester | 20,588 |
| Joe W. Crawford | 20,383 |
| Kenneth F. Schooler | 20,319 |
| M. L. Williams | 20,223 |
| Lewis Chambliss | 20,204 |
| Gaylon C. McGee | 20,179 |
| Glenn Hillman | 20,079 |
| Total payees in county (250) | 10,189,358 |

GARZA COUNTY

| | |
|---|---|
| H. V. Wheeler | 54,552 |
| Avery Moore, Jr | 40,057 |
| D. W. Eukank | 38,832 |
| U. Lazy S. Farms | 28,609 |
| Clarence E. Basinger | 28,222 |
| Billy F. Weaver | 26,335 |
| Jim Bob Porterfield | 26,266 |
| S. C. Storie, Jr., Est | 25,795 |
| James W. Stone | 24,554 |
| S. C. Storie, Jr | 21,962 |
| Total payees in county (10) | 315,184 |

GLASSCOCK COUNTY

| | |
|---|---|
| Edwards & Edwards | 43,779 |
| Daniel A. Hirt | 40,193 |
| Eugene E. Hirt | 39,878 |
| Ralph A Halfmann | 38,185 |
| Bednar Bros | 35,581 |
| August M. Frysak | 35,182 |
| Clifford W. Hoelscher | 33,338 |
| Delbert R. Halfmann | 28,768 |
| Bennie W. Wilde | 27,238 |
| Arnold O. Lange | 26,996 |
| Sidney F. Hirt | 26,866 |
| Walter H. Halfmann | 26,455 |
| Charlie A. Smith | 25,588 |
| Lawrence A. Jost | 25,507 |
| Leon A. Halfmann | 25,347 |
| Hall Bar H Ranch | 25,157 |
| Gary H. Seidenberger | 24,159 |
| Dennis R. Seidenberger | 23,381 |
| Joseph C. Schwartz | 23,081 |
| Arthur Hoelscher | 23,006 |
| Ross F. Halfmann | 22,982 |
| Schraeder & Sons | 22,626 |
| Fred J. Hoelscher | 22,481 |
| James R. Currie | 21,176 |
| James C. Johnson | 20,776 |
| George E. Schwartz | 20,372 |
| Fenton A. Wilde Est | 20,088 |
| Total payees in county (27) | 748,186 |

GONZALES COUNTY

| | |
|---|---|
| Harrell Cattle Co | 24,598 |
| Total payees in county (1) | 24,598 |

GRAY COUNTY

| | |
|---|---|
| Ray G. Burger & Son | 26,201 |
| Sailor Bros | 23,982 |
| Moody Farms | 22,349 |
| Leon Daugherty | 21,750 |
| W. H. Taylor Est | 21,483 |
| Total payees in county (5) | 115,765 |

GRAYSON COUNTY

| | |
|---|---|
| Leland Strawn | 24,054 |
| Total payees in county (1) | 24,054 |

GUADALUPE COUNTY

| | |
|---|---|
| Kenwood Maeker | 26,903 |
| Total payees in county (1) | 26,903 |

HALE COUNTY

| | |
|---|---|
| J. C. Mills | 117,826 |
| Grady Shepard | 90,302 |
| Doug Ellison | 89,000 |
| Stephen Smith | 74,474 |
| E. A. Houston | 72,793 |
| Ercell Givens | 70,822 |
| Frank Moore | 69,508 |
| W. D. Scarborough, Jr | 69,137 |
| Lonnie Cannon | 69,031 |
| Warren Mathis | 68,977 |
| Fred D. Bradshaw | 68,284 |
| Jason H. Allen | 66,951 |
| Elmer Lee Criswell, Jr | 63,334 |
| Elmo Stephens | 61,630 |
| Dennis Zachary | 59,799 |
| Jimmy McLaughlin | 59,539 |
| Horne Bros | 59,096 |
| C. P. Smith | 58,016 |
| T. R. Joines | 57,922 |
| W. C. Harper | 57,081 |
| O. A. Stout, Jr | 56,897 |
| A. R. Meador, Jr | 55,379 |
| C. E. Carter and Son | 54,423 |
| C. R. Kay | 53,221 |
| Leo Mathis | 52,464 |
| James E. Laney | 51,942 |
| William H. Finkner | 51,659 |
| Irvin F. Lee | 51,584 |
| Jerry Givens | 50,475 |
| Charles Noel | 47,327 |
| John C. Carter | 46,571 |
| Heath Brothers | 46,569 |
| S. R. Heard | 46,528 |
| Harold W. Thomas | 45,903 |
| G. O. King | 45,571 |
| John A. Bell | 45,274 |
| Ralph Wheeler | 44,741 |
| S. J. Young | 44,180 |
| Jones Masters Farms Inc | 43,968 |
| Donald Lee Terrell | 43,543 |
| Jim Bob Curry | 43,451 |
| Joe Barton | 43,294 |
| John Joe Kirchoff | 43,278 |
| Donald C. Ebeling | 43,058 |
| Winston T. Jones | 43,802 |
| Plains Production Company 1 | 42,525 |
| Walter Gilliam | 42,153 |
| J. L. Browning | 42,145 |
| Bob Riley | 42,026 |
| James K. Sageser | 41,965 |
| Irvan Rhodes | 41,902 |
| Loren J. West | 41,686 |
| Larry F. Walter | 41,575 |
| Leon Griffin | 41,516 |
| Henry C. Griffin | 41,505 |
| Robert Pope | 41,454 |
| Warren Thomas | 41,331 |
| Ralph E. Davis | 41,291 |
| Joe H. McWilliams | 41,285 |
| Howard Hurt | 41,275 |
| Mac Houston | 41,236 |
| Quentin Redinger | 40,969 |
| R. G. Russ, Jr | 40,920 |
| E. J. Pope, Jr | 40,521 |
| Clayton Terrell | 40,338 |
| Bill Riley | 39,839 |
| Lee C. Oneil | 38,960 |
| Steve Lee | 38,870 |
| Mary Megna | 38,819 |
| T. C. Clanton | 38,750 |
| Delbert Howell | 37,890 |
| A. J. Givens | 37,860 |
| Don Rhodes | 37,202 |
| L. D. Ballard | 36,953 |
| Don McCullouch | 36,909 |
| C. T. Minchew and Miller Trust | 36,787 |
| Owen E. Jones | 36,633 |
| Marcus Breland | 36,440 |
| Jerrell Cate | 36,050 |
| Frank Stanton, Jr | 35,831 |
| Harvey Lutrick | 35,622 |
| Wallace Cannon | 35,600 |
| Benson Farms, Inc | 35,095 |
| Jack Gonzales | 34,262 |
| Leonard Noel | 34,039 |
| Carl Phillips | 33,645 |
| J. W. Davis | 33,823 |
| Paul Robertson | 33,432 |
| Charles L. King | 33,154 |
| Royce Carthel | 33,125 |
| L. K. Gregory | 33,033 |
| Kathryn Raymond | 32,974 |
| Arthur W. Sorelle | 32,852 |
| Burgess Farm Account | 32,757 |
| Luke M. Miller | 32,438 |
| Raymond Akin | 32,323 |
| John Trimmier, Jr | 32,036 |
| Lena Burnett | 31,797 |
| The Waters Trust | 31,694 |
| Guy W. Ginn | 31,650 |
| Carl J. Marshall | 31,597 |
| Ross and Thompson | 31,502 |
| Don Cannon | 31,293 |
| Paul Stukey | 31,169 |
| Gordon Branham | 31,044 |
| Weldon Reed | 31,013 |
| Doug G. Sopher | 30,984 |
| Harold V. Davis | 30,813 |
| Thomas Johnston | 30,769 |
| Jake O. Finney | 30,738 |
| Joe Oswalt | 30,655 |
| Herman S. Tennell | 30,353 |
| A. E. Lewellen | 30,216 |
| Joe M. Stubblefield, III | 30,097 |
| Davis Cannon | 29,867 |
| A. W. Hardin | 29,788 |
| Swann Pettit | 29,783 |
| Rex Jordan | 29,759 |
| Weldon Ferguson | 29,730 |
| Wesley Davis | 29,689 |
| Witten Farms | 29,536 |
| Jack Robertson | 29,329 |
| Dee W. Martin | 29,319 |
| Wesley A. Schumacher | 29,317 |
| Elmer Koenning | 29,255 |
| Jason Justice | 29,174 |
| J. Weldon Blount | 28,959 |
| Millard J. Hancock | 28,951 |
| James McDaniel | 28,837 |
| Dale T. Milner | 28,617 |
| Gaylord Groce | 28,550 |
| Larry W. Witten | 28,414 |
| Mrs. J. S. McBeth | 28,365 |
| Ralph Miller | 28,355 |
| J. E. Sullivan | 28,353 |
| James C. Webb | 28,335 |
| Alex Reeves | 28,307 |
| Gene Boyd | 28,250 |
| Robert E. Wilson | 27,994 |
| Loy Stewart | 27,983 |
| U. V. Helbert | 27,976 |
| L. L. Ray | 27,900 |
| Owen Benn | 27,731 |
| Neal Burnett | 27,671 |
| Albert Sammann | 27,488 |
| Johnnie J. Maberry | 27,300 |
| J. D. James | 27,280 |
| R. L. Tullis | 27,261 |
| J. T. Terrell, Jr | 27,253 |
| Earl M. James | 27,246 |
| J. L. Miller, Jr | 27,202 |
| True H. Rosser, Jr | 27,133 |
| John M. Norflect | 27,126 |
| Royce Hillman | 26,876 |
| J. O. Bass, Jr | 26,872 |
| Orval Boyd | 26,568 |



| | |
|---|---|
| C. E. Hobgood Est | 26,834 |
| Arville Nivens | 26,733 |
| M. D. Evans | 26,670 |
| Kenneth R. Wiese | 26,639 |
| H. D. Hays | 26,441 |
| B. L. Griffith | 26,434 |
| Bill Walls | 26,368 |
| Howard Adams | 26,362 |
| Jerry V. Young | 23,240 |
| Jack K. Stephens | 26,324 |
| Joe Sharp | 26,280 |
| Hobby Thomas | 26,210 |
| Rae Groce | 26,165 |
| Jerry K. Oswalt | 26,143 |
| C. H. Kayler | 25,027 |
| U. O. Hobgood | 25,718 |
| W. E. McPherson | 25,678 |
| A. L. Stone, Jr | 25,611 |
| Floyd Terrell | 25,586 |
| Jack F. Jackson | 25,541 |
| Herschel Blankenship | 25,532 |
| Robert Schoppa | 25,469 |
| Charles W. Lambert | 25,407 |
| Ray R. Copeland | 25,381 |
| Loy Eldon Teague | 25,293 |
| C. W. Spann | 25,292 |
| Melvin Mahagan | 25,283 |
| Ted Richardson | 25,276 |
| Joe A. Evans | 25,270 |
| Albert Steinfaith | 25,199 |
| Tommy Applewhite | 25,170 |
| James Smith | 25,154 |
| Lafont Farms | 25,113 |
| Harley Wells | 25,104 |
| Oliver Harmel | 25,046 |
| Grady Murry | 24,845 |
| Melvin Kelm | 24,712 |
| Tommie H. Wages | 24,711 |
| Paul Willis | 24,639 |
| Don Hammer | 24,621 |
| Henry Ahrens | 24,616 |
| Martin Schur | 24,574 |
| J. E. Helm | 24,467 |
| Ernest Ebeling, Jr | 24,426 |
| Hilton Foerster | 24,360 |
| A. B. Teaff | 24,293 |
| W. E. Terrell | 24,285 |
| R. J. Harrell | 24,259 |
| R. D. Hoffman | 24,257 |
| Horace N. Wardlow | 24,088 |
| Laura F. Appleton | 24,071 |
| Richard L. Howard | 23,859 |
| Kit McDaniel, Jr | 23,831 |
| Wayne Bankston | 23,694 |
| F. C. Lewellen | 23,680 |
| Cloys Fancher | 23,589 |
| John Henry Hayes | 23,587 |
| Rupert L. Allen | 23,487 |
| M. C. Church | 23,468 |
| S. M. True, Jr | 23,399 |
| Jerry W. Shadden | 23,357 |
| E. J. McAnalley | 23,330 |
| Lewis Lutrick | 23,273 |
| Wayne Greenhaw | 23,228 |
| Boedeker Farm Account | 23,206 |
| Willie Teeter Farming, Inc | 23,000 |
| Homer Roberson | 22,999 |
| Earl G. Beach | 22,944 |
| Roy Roberts | 22,890 |
| Noble Rice | 22,867 |
| Keith Billington | 22,848 |
| Bert Roberts | 22,830 |
| D. L. Damron | 22,801 |
| Lewis F. Thompson | 22,788 |
| H. W. Phillips | 22,784 |
| D. A. Webb | 22,771 |
| Forest Young | 22,767 |
| M. Charles Evans | 22,754 |
| Malouf and Sons, Inc. (3) | 22,634 |
| Paul Toliver | 22,618 |
| Clyde Benn | 22,563 |
| W. H. Dean | 22,485 |
| Eddie Lewellen | 22,461 |
| Melvin Hicks | 22,429 |
| W. A. Culp | 22,376 |
| Virgal Pierson | 22,319 |
| James W. Taylor | 22,282 |
| Edward Weil | 22,273 |
| Elbert Harp | 22,265 |
| Melvin Bennett | 22,148 |
| Albert Painter | 22,143 |
| J. W. McReynolds | 22,094 |
| Curtis Graf | 22,071 |
| W. T. Settle | 22,039 |
| Herman Gregg | 22,019 |
| R. N. Hopper | 21,963 |
| Jerrell Young | 21,900 |
| Jack Sageser | 21,806 |
| W. C. Johnson | 21,802 |
| Ben Roney | 21,799 |
| Alfred Garibay | 21,746 |
| Troy Brown | 21,506 |
| D. L. Lewis | 21,493 |
| W. W. McCoy and Son | 21,397 |
| Clyde W. Harrell | 21,339 |
| Walker Bros. Produce | 21,317 |
| Jerry Terrell | 21,273 |
| J. D. Black | 21,261 |
| Edwin H. Gloyna | 21,205 |
| W. D. Lacewell | 21,190 |
| Charles Norfleet | 21,169 |
| Charles Stroope | 21,091 |
| Leo Robertson | 21,062 |
| Kenneth Gregg | 21,057 |
| Billy F. Sylvester | 21,055 |
| Clarence A. Howell | 20,956 |
| R. D. Barrett | 20,948 |
| Wiley Jackson | 20,936 |
| Robert W. Smith | 20,889 |
| Carl Laney | 20,870 |
| Malouf and Sons, No. 2 | 20,849 |
| Harold H. Guy Hegi | 20,818 |
| W. H. Steen | 20,801 |
| L. C. Dorman | 20,706 |
| J. Y. Childress | 20,663 |
| G. E. Myatt | 20,647 |
| Jack Williams | 20,615 |
| Cecil Curry | 20,607 |
| V. L. Nels | 20,589 |
| Max Sageser | 20,582 |
| Earl Steen | 20,521 |
| Preston Steen | 20,520 |
| Wayne Merwyn Igo | 20,502 |
| Lindell Myatt | 20,490 |
| Wayne Boyd | 20,467 |
| Ronald Adrian | 20,467 |
| Dempsey D. Skipper | 20,392 |
| Roy Mills | 20,357 |
| Clarence Caswell | 20,335 |
| C. E. Webb | 20,303 |
| Jack Connell | 20,284 |
| Marvin G. Marshall | 20,280 |
| Wallace Slayton | 20,236 |
| Richard DuBose | 20,048 |
| Total payees in county (300) | 9,603,304 |

HALL COUNTY

| | |
|---|---|
| Mack D. Richards | 59,511 |
| Jim Hutchins | 43,904 |
| Henry S. Foster | 36,678 |
| J. A. McAnear | 36,618 |
| Carroll Fowler | 34,872 |
| John C. Johnson | 33,931 |
| W. H. Reed | 29,725 |
| Tom W. Collins | 29,707 |
| Onieta Monzingo | 28,879 |
| Lonnie F. Widener | 28,878 |
| Roy Alvin Molloy | 28,637 |
| Mel Roy Cofer | 28,405 |
| Loyd J. Becker | 27,863 |
| Jack Montgomery | 27,482 |
| Clark Bros | 27,324 |
| Joe C. Montgomery | 26,823 |
| Ted Bruce | 26,727 |
| Rayford E. Hutcherson | 25,489 |
| James S. Guest | 25,162 |
| J. Robert Hanvey, Jr | 24,757 |
| Hawkins and Lane | 24,194 |
| James Alvin McAnear, Jr | 24,025 |
| Robert R. Hutcherson | 23,955 |
| Frank Hedrick | 23,487 |
| Gene Jouett | 22,825 |
| F. G. Monzingo | 22,377 |
| Billy J. Rothwell | 21,174 |
| Bernie P. Watson | 21,096 |
| Jimmy Don Rothwell | 20,999 |
| Jimmy Roden | 20,537 |
| James R. Waddill | 20,466 |
| R. S. Wansley, Jr | 20,446 |
| Kent D. Byars | 20,417 |
| Total payees in county (33) | 917,370 |

HANSFORD COUNTY

| | |
|---|---|
| Jack Hart | 85,249 |
| Gus O. Birdwell | 60,521 |
| Lynn & Jon Hart | 58,561 |
| Donnie Thoreson | 52,257 |
| Willard McCloy | 51,551 |
| D. C. Dilley Est | 44,838 |
| C. H. Clawson | 44,405 |
| J. P. Armes | 44,068 |
| H. Vance Collier | 42,779 |
| Carl Archer | 42,385 |
| Eva Holt | 41,824 |
| Jack Henson | 39,780 |
| Rue Sanders | 37,537 |
| Lloyd Buzzard | 37,388 |
| Hez M. Frazier | 36,785 |
| Charles R. Ball | 36,353 |
| Pittman & Sons Inc | 36,290 |
| R. E. Sanders | 36,202 |
| J. L. Whitaker | 36,189 |
| Glen O. Hiller | 35,663 |
| T. C. Harvey, Jr | 35,536 |
| Roy Roper | 35,478 |
| John C. Harris | 34,652 |
| Joel D. Stavlo | 34,454 |
| Skinner Farms, Inc | 34,427 |
| Henry Grotegut | 33,299 |
| A. R. Bort | 33,293 |
| Lindsay & Alexander | 33,227 |
| Harold Crooks | 32,817 |
| W. R. Murrell | 32,622 |
| Holt Bros | 32,408 |
| Wm. F. D. Etling | 32,267 |
| Archie Nelson | 32,127 |
| Ernest Wilmeth | 31,350 |
| Ward V. Nolder | 31,266 |
| R. C. Porter | 31,252 |
| Fletcher Bros. Inc | 30,802 |
| Jack Reed | 30,712 |
| Robert H. Novak | 30,597 |
| Don Hart | 29,989 |
| F. W. Thomas | 29,203 |
| Ron Crook | 29,063 |
| Vance B. Morris | 28,737 |
| L. H. Gruver | 28,653 |
| Fred Meyer | 28,452 |
| Clarence Zabel | 28,390 |
| Longsdon Farms Inc | 28,345 |
| Jackson Bros | 28,179 |
| M. D. McLaughlin | 28,099 |
| Bill Logsdon, Jr | 27,889 |
| Robert E. Jackson | 26,808 |
| E. David Knutson | 26,315 |
| Everett E. Vanderburg | 25,901 |
| George C. Lowe | 24,617 |
| Renner Bros | 24,386 |
| Wilson McClellan | 24,300 |
| Newell Allen | 24,275 |
| Elmo Dahl | 24,041 |
| Wesley Garnett | 24,036 |
| Don McLain | 23,998 |
| H. J. Vernon | 23,874 |
| Taylor & Gee | 23,585 |
| Dayton Barkley | 23,252 |
| S. & S. Farms Inc | 23,191 |
| Tim Meyer | 23,190 |
| Bill Glasgow | 22,972 |
| Chuck Clawson | 22,612 |
| Max Clawson | 22,364 |
| Chas C. Oloughlin | 22,284 |
| Glendon H. Etling | 22,281 |
| Harold Saltzman | 22,103 |
| Fred Mans | 22,026 |
| Coy M. Holt | 21,941 |
| Howard Barkley | 21,894 |
| J. R. Keim | 21,884 |
| Dorsey D. Schad | 21,553 |
| Leon Hobbs | 21,290 |
| Bayless, Inc | 20,487 |
| Thomas H. Etter | 20,317 |
| Jim Harvey | 20,018 |
| Harley Alexander | 20,017 |
| Total payees in county (81) | 2,550,015 |



XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas*—Continued

[Amounts in dollars]

HARDEMAN COUNTY

| | |
|---|---|
| M. E. Watson, Jr | 53,719 |
| Robert Nippert | 52,627 |
| 1st Nat'l. Bk. Trus., C. G. Conley | 34,302 |
| Nuckles & Gerald | 33,674 |
| W. L. Wilson | 31,598 |
| Edward L. Turner | 31,434 |
| Weldon Tabor | 30,714 |
| Carl Vestal | 26,660 |
| Jack Hurst | 24,043 |
| Billy R. Nowell | 23,288 |
| A. W. Phillips Estate | 23,228 |
| T. E. Ward | 22,280 |
| Morrison & Morrison | 20,758 |
| Total payees in county (13) | 408,325 |

HARRIS COUNTY

| | |
|---|---|
| Mulle Bros | 28,803 |
| Total payees in county (1) | 28,803 |

HARTLEY COUNTY

| | |
|---|---|
| Carl J. Kuper | 109,294 |
| Harold H. Hogue | 105,573 |
| Frantz & Frantz | 63,933 |
| John W. Bookout | 56,186 |
| A. V. Ellis | 53,766 |
| McCleskey Cattle Co., Inc | 52,712 |
| Chain C. Inc | 51,714 |
| Frank P. Sharman | 48,641 |
| Mack M. Bainum | 48,089 |
| Herring Cattle Co | 40,635 |
| Bobby G. Green | 40,497 |
| Joe D. Keast | 39,050 |
| U Anchor Cattle Co | 37,732 |
| Hartley Moore Farm | 37,415 |
| Verlin O. Lasley | 37,171 |
| G. Malcolm Bryant | 37,024 |
| Wilbur L. Bryant | 36,249 |
| John W. Bookout III | 35,743 |
| Kermit D. Kasper | 35,614 |
| Edward J. Wieck | 35,543 |
| G. Ivory Edlin | 34,630 |
| Gary K. George | 34,385 |
| Alfred R. Ford | 32,652 |
| Leopold J. Schmidt, Jr | 32,116 |
| Doyce W. Franklin | 31,415 |
| Exum Ranch | 31,360 |
| Ralph M. Artz | 31,289 |
| Home Place, Inc | 30,856 |
| James R. Wilson | 30,104 |
| Bernard Wilhelm | 29,316 |
| D. B. Thompson | 28,937 |
| James R. Reynolds | 28,734 |
| B. & B. Farms | 27,293 |
| J. Y. McAdams | 27,284 |
| Larry R. McCormick | 27,122 |
| J. D. Hance, Jr | 26,988 |
| Robert G. Shrauner | 26,902 |
| Hayden Thompson, Jr | 26,636 |
| Harold W. Hudgins | 26,302 |
| Howard E. Lathem | 24,237 |
| R. Hudson Herring | 24,107 |
| Herbert H. Hogue | 23,986 |
| P. Lee Hill | 23,434 |
| Everett D. McNabb | 21,285 |
| Paul G. Daniel | 21,050 |
| Benny L. James | 20,955 |
| Phillip L. Parker | 20,765 |
| Allen W. Hicks | 20,270 |
| Martin R. Price | 20,254 |
| Total payees in county (49) | 1,787,245 |

HASKELL COUNTY

| | |
|---|---|
| Johnny D. Reid | 53,807 |
| Burson and Burson | 43,828 |
| John L. Grindstaff Jr | 39,361 |
| Ray Carter | 37,672 |
| Arlos W. Weaver | 37,087 |
| Jalea R. Glover | 33,198 |
| Melvin C. Josselet | 33,058 |
| Bobby Tankersley | 30,678 |
| Wilfred Beilinghausen | 30,498 |
| Thomas J. Bevel | 30,438 |
| E. H. Tankersley Jr | 29,827 |
| Willard L. Mullins | 29,716 |
| Amos D. May | 28,866 |
| Ellis L. Tankersley | 27,857 |
| Wallace L. Dudensing | 27,352 |
| Felix Mullino | 26,338 |
| I. Weldon Norman | 25,375 |
| George A. Mullino | 24,269 |
| Sammy L. Grindstaff | 23,185 |
| Willie Z. Bettis Est | 23,119 |
| R. W. Raynes | 22,768 |
| Joel Bevel | 22,658 |
| Vernon P. Terrell | 22,614 |
| Henry and Melvin Vojkufka | 22,325 |
| Donald Griffs | 22,122 |
| Albert R. Hannsz | 21,236 |
| Roy D. Wiseman | 20,699 |
| Ivan Rowan | 20,597 |
| Pace Bros | 20,416 |
| Robert W. Herren | 20,255 |
| Total payees in county (30) | 851,221 |

HIDALGO COUNTY

| | |
|---|---|
| Engelman Farms | 82,674 |
| Valley Acres | 82,406 |
| J. W. Wallace & Sons | 72,443 |
| Frank Schuster | 62,383 |
| O. S. Wyatt | 61,166 |
| Edgar R. Smith | 60,860 |
| Geo T. Helle | 60,738 |
| George T. Helle, Jr | 60,738 |
| Bill Burns | 58,655 |
| Marvin A. Schwarz | 58,257 |
| Carl Schuster | 57,080 |
| Rio Farms, Inc | 56,200 |
| M. W. Nelson | 55,099 |
| Luther E. Bradford | 55,000 |
| Therman Eoff | 55,000 |
| J. R. Stump | 54,118 |
| Las Palmas Farms | 53,281 |
| Everett Bell | 53,052 |
| Victor Russell | 51,929 |
| Ben Estes Bearden | 51,149 |
| Byron Campbell Est | 50,594 |
| John B. Hardwicke, Sr | 50,257 |
| C. B. Shields, Jr | 47,921 |
| Bert Forthuber | 57,709 |
| M. Krenmueller | 47,695 |
| Mrs. Fred Krenmueller | 47,695 |
| C. B. Shields, Sr | 47,354 |
| Albert M. Brinkley | 47,350 |
| Evergreen Farms Inc | 46,705 |
| James Dyer | 46,587 |
| Conly Bell | 46,401 |
| W. G. Bell | 46,401 |
| Dan Bearden | 46,344 |
| W. A. Odom, Jr | 46,336 |
| Fred P. Hall | 45,539 |
| Samuel R. Sparks | 44,143 |
| Lloyd Schwarz | 43,870 |
| Geo V. Harren | 43,544 |
| La Gloria Farms Inc | 42,829 |
| J. R. Russell | 42,492 |
| La Strawberry & Veg. Dist. Co | 41,641 |
| M. F. Frost | 41,625 |
| Paul D. Moore, Jr | 39,581 |
| H. M. Pitts | 39,180 |
| N. H. Kitayama | 37,420 |
| J. R. Wade Farms, Inc | 37,386 |
| Wilburn Malm | 37,334 |
| Woody Cellum | 37,194 |
| Wm. E. May | 37,075 |
| M. D. Moore | 36,985 |
| N. J. Moore, Jr | 36,985 |
| Bryan Hanks | 36,941 |
| Shary Farms, Inc | 36,750 |
| Utah Dickerson | 36,461 |
| J. H. Holcomb | 35,904 |
| B. A. Black | 35,904 |
| R. C. Jones | 35,668 |
| Bobby McDaniel | 35,089 |
| Kirk Schwarz | 34,947 |
| Edith Tyner | 34,822 |
| Ned Westmoland | 34,230 |
| Holmes Farms, Inc | 33,945 |
| L. B. Pollock | 32,917 |
| Bertuca Sakai Farms, Inc | 32,611 |
| L. H. Freeman | 32,531 |
| El Ramon Development Co., Inc | 32,188 |
| Malcolm W. Moore | 31,850 |
| Leon McDaniel | 31,806 |
| L. J. Krska | 30,991 |
| Boyce Farms, Inc | 30,975 |
| Jerry Block | 30,941 |
| Jay Dudley Est | 30,867 |
| CC Mann dba Cana Dulce Ranch | 30,624 |
| D. J. Schwarz | 30,509 |
| Ray C. Jones | 30,442 |
| Jack Barnes | 30,377 |
| Ardean McDaniel | 29,966 |
| Tommy Richards | 29,945 |
| Steven Bearden | 29,942 |
| E. J. Blake | 29,847 |
| Teresa Ann Tyner, Tr | 29,246 |
| William Turberville | 28,449 |
| Jack Harbison, Jr | 28,425 |
| Jack Harbison | 28,425 |
| Eugene Houts | 28,091 |
| S. D. McDaniel | 27,890 |
| Billy P. Green | 27,667 |
| Lewis Fry | 27,584 |
| Mervin Headley | 27,583 |
| Dudley J. Stetzer | 27,423 |
| J. N. Vertrees | 27,084 |
| Hannis Turberville | 26,817 |
| Anna Mae Kelly | 26,747 |
| Stacy S. Malone | 26,485 |
| Verner Gustafson | 26,365 |
| Billy H. Drawe | 25,648 |
| John B. Hardwicke, Jr | 25,130 |
| William A. Hardwicke | 25,127 |
| Jack Drawe | 25,003 |
| Kenneth E. Jackson | 24,589 |
| Kenneth Hood | 24,561 |
| Earl Walker | 24,218 |
| C. A. Townsend & Sons, Inc | 24,040 |
| Southern Properties, Inc | 23,986 |
| Stanley J. Jarzombek | 23,923 |
| E. O. Houts | 23,785 |
| Mariallce & Allan Shivers | 23,639 |
| Edwin Obst | 23,635 |
| 4 T Ranches, Inc | 23,258 |
| Francis J. Kotzur | 23,068 |
| James Kawamato | 22,845 |
| B. W. Carlson | 22,709 |
| Dennis Jarzombek | 22,548 |
| Barr Ewing | 22,534 |
| Capote Farms | 22,454 |
| O. D. Emery | 22,445 |
| Carl Ermel | 22,291 |
| Progressive Groves, Inc | 22,288 |
| Earl F. Cohrs | 22,147 |
| Jimmie Steldinger | 22,135 |
| Pete Sakai | 22,070 |
| Florence M. Anderson | 21,957 |
| F. B. Fuller | 21,942 |
| A. C. Fuller | 21,942 |
| J. J. Gatton | 21,936 |
| C. W. Hall | 21,916 |
| Arthur E. Schwarz | 21,790 |
| Allen Stephenson | 21,652 |
| Leroy Skalitsky | 21,611 |
| Gilbert Skloss | 21,310 |
| Henry Stewart | 21,308 |
| Jim A. Stephenson | 21,255 |
| Granville Smith | 20,914 |
| Juan Villanueva, Sr | 20,837 |
| Glenn B. Hester | 20,723 |
| Edwin Garrett | 20,678 |
| Fred Lyssy | 20,541 |
| David Hoelsher | 20,257 |
| Dan Logan | 20,084 |
| Total payees in county (139) | 4,909,402 |

HILL COUNTY

| | |
|---|---|
| Ellison Bros | 47,648 |
| Daniel Pustejovsky | 45,727 |
| Gerik Bros Ptrns | 42,246 |
| Cecil & Delmer Sullins Ptnrs | 32,799 |
| Wallace Lavender | 29,900 |
| G. Ray Sawyer | 29,867 |
| Seth Orr | 28,109 |
| Henry D. Thuem | 23,524 |
| Edmund Marek | 22,773 |
| Alton Cordell | 22,519 |



| | |
|---|---|
| Claud D. Watson | 21,951 |
| Clyde F. Nowlin | 20,033 |
| Total payees in county (12) | 367,098 |

HOCKLEY COUNTY

| | |
|---|---|
| White Face Farms | 83,493 |
| Joe W. Cook, Jr | 67,203 |
| Neal Caswell | 67,106 |
| Erlan D. Gresham | 62,358 |
| Loyd Hood | 59,178 |
| William E. Carr, Jr | 59,178 |
| J. Walter Hobgood | 55,849 |
| Carl Butler | 54,836 |
| Everette Butler | 54,836 |
| W. L. Harris | 53,894 |
| Lockett Seed Co | 53,292 |
| Paul W. Christian | 52,956 |
| W. N. Halliburton | 52,885 |
| Howard Venable | 51,964 |
| William M. Cain | 50,814 |
| Marvin E. Green | 50,636 |
| Gordon McMillan | 47,837 |
| L. E. Mitchell | 47,553 |
| Bobbie F. Veretto | 47,271 |
| Carl E. Ratliff | 45,725 |
| Billy Ray McInroe | 45,449 |
| Spade Farms, Inc | 45,069 |
| Selmer H. Schoenrock | 44,647 |
| Fred G. Owens | 44,622 |
| Billy Arnwine | 44,551 |
| Roger K. White | 44,162 |
| Palmer & Dowell | 44,094 |
| Louie Ray Carter | 43,138 |
| William Clements | 42,403 |
| Marjorie Post | 41,935 |
| James T. Rackler | 41,710 |
| H. Joe Schwartz | 40,673 |
| Mallet Ranch | 39,823 |
| Joe Conatser | 38,391 |
| Kenneth Spradley | 36,759 |
| Harley Stanley | 35,967 |
| Troy M. Overman | 35,928 |
| Hub Butler | 35,668 |
| Jack McMillan | 35,198 |
| Harry L. Fitzgerald | 34,853 |
| Elwood Patterson | 34,365 |
| Preston L. Lyda | 34,356 |
| James Lee Waldrop | 34,261 |
| Bill Gerik | 33,653 |
| George Wade, Jr | 33,408 |
| Elbert C. White, Jr | 33,337 |
| Walter S. Carter | 32,616 |
| Don Brazil | 32,458 |
| Cecil B. Helms | 32,318 |
| Willie J. Ivey | 31,628 |
| Nelson L. Reinsch | 31,421 |
| Joe Hoelscher | 31,200 |
| James Buford Chambers | 31,160 |
| Aubrey L. Lockett | 31,044 |
| Melvin L. Hale | 30,703 |
| Douglas Kauffman | 29,965 |
| Don Reding | 29,790 |
| Raymond Gunn | 29,518 |
| Earl D. Lewis | 29,448 |
| Buck Gossett | 29,412 |
| R. M. Marrow | 29,220 |
| Murl M. Orman | 29,036 |
| Edward Pinkert | 28,934 |
| Ed R. Reynolds | 28,854 |
| Catharine C. Whittenburg Est | 28,761 |
| Ronnie Ayers | 28,655 |
| Jack Sherrod | 28,557 |
| Hollis F. Borland | 28,440 |
| Chesley G. Hobgood | 28,404 |
| Earl D. Waldrop | 28,267 |
| James Stroope | 28,097 |
| Oliver C. Heard | 27,872 |
| Ervin Gilliam | 27,674 |
| James Blackwell | 27,417 |
| Martin Lawson | 27,343 |
| Alvin Swanson | 27,327 |
| Jerry Biffle | 27,265 |
| Weldon Bailey | 26,982 |
| R. L. Drachenberg | 26,974 |
| Ralph F. Wade | 26,935 |
| E. W. Sanford Est | 26,720 |
| Harvey Demel | 26,703 |
| Jewel D. Melton | 26,428 |
| J. E. Wisdom | 26,349 |
| H. E. Mowry | 26,000 |
| Donal Hamill | 25,827 |
| Melvin R. Glenn | 25,789 |
| Pat A Dunavant | 25,774 |
| Joe Bowman | 25,655 |
| Richard Lawson | 25,440 |
| Larry R. Chaney | 25,163 |
| Whitharral Gin | 24,906 |
| M. G. Moore | 24,896 |
| George R. Martin | 24,671 |
| J. E. Wade | 24,422 |
| Robert & Jeff Kauffman | 24,393 |
| Wallace D. Thrash | 23,920 |
| H. R. Phillips | 23,878 |
| Donald Ray Gresham | 23,792 |
| Jim McHam | 23,787 |
| S. J. Clevenger | 23,757 |
| Clarence E. Myatt | 23,501 |
| Donald E. Caddell | 23,431 |
| L. L. Alderson | 23,427 |
| Vernon L. Bridwell | 23,262 |
| Clifford O. Whitley | 23,217 |
| James G. Marrow, Jr | 23,158 |
| Jack Ballow | 23,083 |
| J. J. Rister | 22,783 |
| L. C. Vance | 22,777 |
| W. J. Shockley | 22,561 |
| Owens Farms, Inc | 22,559 |
| Bobby D. Jackson | 22,512 |
| L. E. Mitchell, Jr | 22,407 |
| B. W. Grant | 22,399 |
| Dene R. Headstream | 22,321 |
| Bill Graf | 22,258 |
| Billy Thetford | 22,192 |
| Wayne Oliver | 22,125 |
| Roy N. Whittenburg | 22,089 |
| Sam Hoover | 22,013 |
| Albert M. Storey | 21,932 |
| H. J. Steinfath | 21,876 |
| Acuff Farms | 21,828 |
| J. T. Hall, Jr | 21,806 |
| Danny Grant | 21,795 |
| Robert E. Avery | 21,787 |
| Dale Newsom | 21,557 |
| John A. Cowan | 21,447 |
| Carroll E. Bradshaw | 21,443 |
| Jim J. Hobgood | 21,371 |
| Jerry W. Myatt | 21,269 |
| Robert Stence | 21,250 |
| Coy D. Grant | 21,024 |
| Raymond H. Belew | 21,015 |
| Marvin W. Menzel | 21,009 |
| R. W. Woodruff | 20,967 |
| Ford A. Carter | 20,967 |
| Leila Mathers | 20,965 |
| C. A. Jackson | 20,958 |
| Maple Wilson | 20,916 |
| Bobby Buchanan | 20,915 |
| Jack Ayers | 20,752 |
| E. B. Burelsmith | 20,728 |
| Joab Alexander | 20,690 |
| Jerry T. Caddell | 20,651 |
| Monte W. Cookston | 20,554 |
| Curtis W. Stafford | 20,542 |
| Cecil C. Cookston | 20,478 |
| D. C. Reed, Est | 20,414 |
| L. L. Overman | 20,282 |
| Hugh P. Baggett | 20,274 |
| Gordon Crouch | 20,201 |
| Doyle W. Butler | 20,167 |
| Kenneth Montgomery | 20,163 |
| Flora Hamill Crenshaw | 20,052 |
| Hugh Davis | 20,025 |
| H. W. Curry | 20,012 |
| Henry J. Schmidly | 20,009 |
| Total payees in county (159) | 4,907,797 |

HOUSTON COUNTY

| | |
|---|---|
| G. L. Potter | 40,604 |
| Wade Minter, Sr | 37,015 |
| J & B Farm | 34,018 |
| George Murray | 27,303 |
| C. A. Snell | 22,373 |
| Charles A. Snell | 22,165 |
| Wade Minter, Jr | 21,598 |
| T. J. Maples | 20,697 |
| Total payees in county (8) | 225,773 |

HOWARD COUNTY

| | |
|---|---|
| Robert E. Beall | 48,165 |
| Derwood Blagrave | 46,078 |
| Elbert Long | 45,585 |
| Robert V. Fryar | 42,967 |
| James C. Barr | 42,833 |
| G. C. Broughton, Jr | 42,424 |
| Jerry Iden | 41,958 |
| Horace E. Tubb | 40,113 |
| Delbert Stanley | 38,346 |
| Paul Adams | 36,063 |
| Oliver Nichols | 35,594 |
| Edgar Phillips | 35,559 |
| Robert C. Wegner, Jr | 34,721 |
| Robert Nichols | 34,105 |
| Max Zant | 32,068 |
| Harvey L. Adams | 30,792 |
| Martin Fryar | 30,157 |
| Harvey Fryar | 30,057 |
| Broughton/Sackett Farms, Inc | 29,088 |
| Jack E. Hopper | 28,959 |
| Rooney & Stella Brooks | 27,326 |
| Shirley W. Fryar | 27,283 |
| Morris Patterson | 26,842 |
| David Barr | 26,538 |
| Leslie R. Walker | 25,837 |
| Verl Shaw | 25,076 |
| J. W. Shive | 24,913 |
| Melvin Gibbs | 24,743 |
| Johnny R. Stanley | 24,219 |
| Milton L. Anderson | 22,812 |
| B. J. Williams | 22,774 |
| Landon Burchell | 22,715 |
| J. W. Fryar | 22,257 |
| Aubrey Lankford | 22,029 |
| Bigony Farms | 21,666 |
| Neil Fryar | 21,597 |
| William C. Fryar | 21,401 |
| Larry Fryar | 21,269 |
| Neil D. Spencer | 21,174 |
| S. M. Haney | 21,077 |
| John H. Woods | 20,745 |
| Roy Phillips | 20,726 |
| Calvin Hughes | 20,636 |
| Donald Nichols | 20,358 |
| Total payees in county (44) | 1,301,645 |

HUDSPETH COUNTY

| | |
|---|---|
| C. L. Machinery | 90,966 |
| Grady E. Miller, Jr | 77,093 |
| J. W. Hill | 51,575 |
| W. F. Foreman Trust | 48,026 |
| Kay Maynard, Inc | 45,865 |
| S. W. Magee | 36,075 |
| Steve Sredanovich | 30,226 |
| J. W. Hill, Jr | 27,202 |
| John Segulia | 27,019 |
| M. R. Collier | 23,878 |
| Condido Holguin | 23,210 |
| D. A. Thorp | 20,815 |
| Total payees in county (12) | 501,950 |

HUNT COUNTY

| | |
|---|---|
| William H. Myre | 64,480 |
| Harold W. Burt | 39,590 |
| David Dodson | 30,842 |
| Harold W. Anderson | 27,818 |
| Bobby D. Williams | 27,063 |
| Maurice M. Clack | 26,949 |
| Grady M. Farmer | 22,736 |
| Homer Roberts | 21,585 |
| J. D. Pearce | 21,027 |
| Total payees in county (9) | 282,090 |

HUTCHINSON COUNTY

| | |
|---|---|
| Claude Higley | 76,297 |
| Coble Cattle Corp | 49,163 |
| Henderson & Parks | 47,797 |
| Noble Watson | 46,073 |
| Gene Taylor | 39,861 |
| Jack Johnson, Jr | 35,235 |
| O. O. Smith | 34,712 |
| Henry Reid | 32,867 |
| Carson McCloy | 32,010 |
| Wilson McCloy | 30,629 |
| Thane McCloy | 30,448 |
| Charles Johnson | 28,959 |
| Floyd A. Hull | 27,887 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas*—Continued

[Amounts in dollars]

HUTCHINSON COUNTY—continued

| | |
|---|---|
| Ray Moore | 27,309 |
| T. A. Blanton, Jr | 27,576 |
| Jack Gillispie | 26,879 |
| R. C. and Jerry Womble | 26,449 |
| Ira A. Harbour | 26,048 |
| R. F. Womble | 25,901 |
| C. W. Kirk and T. Reger | 25,354 |
| Fred Holt | 24,485 |
| E. C. Mell | 24,425 |
| M. P. Harbour | 24,058 |
| Billy Britt Jarvis | 24,021 |
| Robin Giblin | 23,582 |
| Jerry Womble | 23,068 |
| Raymond Jarvis | 22,478 |
| F. B. Early | 21,905 |
| Thomas M. Jones | 21,039 |
| Jon Jarvis | 20,949 |
| J. S. Armstrong | 20,796 |
| Wallace Berner | 20,150 |
| J. B. Snead, Jr | 20,056 |
| Total payees in county (33) | 988,964 |

IRION COUNTY

| | |
|---|---|
| G. C. Magruder, Jr | 32,026 |
| O. C. Schlinke | 31,226 |
| Cal Johnson | 30,959 |
| Noelke Ranch Co | 30,897 |
| Edwin S. Mayer, Jr | 30,436 |
| E. H. and H. H. Linthicum | 30,330 |
| Total payees in county (6) | 185,874 |

JACK COUNTY

| | |
|---|---|
| T. L. C. Livestock Co | 76,858 |
| Total payees in county (1) | 76,858 |

JACKSON COUNTY

| | |
|---|---|
| Emil Bures, Jr | 38,504 |
| Reuben Kramer | 27,720 |
| Larry P. Holub | 21,390 |
| Ira C. Sklar | 20,616 |
| Total payees in county (4) | 98,230 |

JEFF DAVIS COUNTY

| | |
|---|---|
| James P. Espy | 41,501 |
| E. & E. Livestock Co., Inc | 32,503 |
| Total payees in county (2) | 74,004 |

JIM WELLS COUNTY

| | |
|---|---|
| Leon Eschberger | 35,946 |
| R. W. Miller | 34,162 |
| Don Boggan | 32,066 |
| H. H. Pressnall | 30,238 |
| O. C. Sain | 27,474 |
| J. M. Dellinger, Jr | 24,381 |
| Marvin Hackfeld | 23,837 |
| Elizabeth Kellehor | 22,748 |
| John A. True, Jr | 21,391 |
| Max Richter | 21,226 |
| Total payees in county (10) | 273,469 |

JOHNSON COUNTY

| | |
|---|---|
| Billy C. Roten | 33,448 |
| Jack Davis | 29,739 |
| Roy L. & M. L. Plunkett P/S | 29,629 |
| Edco Farms, Inc | 28,465 |
| James E. Kemp | 28,260 |
| J. G. Dobbs | 26,951 |
| Albert Anthony | 22,429 |
| Total payees in county (7) | 198,921 |

JONES COUNTY

| | |
|---|---|
| Hoke Propst | 80,700 |
| William C. Matchett | 71,548 |
| Chas. M. Herndon | 45,147 |
| Pied Piper Farms | 42,479 |
| Bill Pritchard | 40,306 |
| Raymond Scifres | 38,639 |
| Vernon Lovvorn | 35,964 |
| Thomas G. Nix | 32,058 |
| James D. Lovvorn | 32,016 |
| Stenholm Farms | 31,914 |
| Herman T. Steel | 30,805 |
| Clinton C. Moss | 30,464 |
| Eugene Olson | 29,541 |
| Weldon F. Walker | 28,791 |
| Wm. B. Harrison, Jr | 28,227 |
| William W. Cook | 27,465 |
| Oran Brigham | 27,059 |
| Herman A. Propst | 26,448 |
| Hollis W. Madden | 26,412 |
| Frank Vasek | 26,310 |
| F. A. Lollar | 25,971 |
| Willie L. Byrd | 25,795 |
| Herman B. Propst | 25,366 |
| H. L. Ford | 25,036 |
| Johnny Hansen | 24,911 |
| C. O. Richards | 24,643 |
| Craig Jones | 24,532 |
| Billy H. Debusk | 23,769 |
| W. D. Smith | 23,408 |
| G. W. Drummond | 23,158 |
| Lowell L. White | 23,045 |
| Eva T. Amerson | 22,872 |
| John E. Scarborough | 22,819 |
| Carlton Strand | 22,666 |
| Oddie Jones | 22,536 |
| B. J. Wilson | 22,446 |
| Elbert D. Apperson | 22,057 |
| Joe O. Murff | 21,701 |
| Weldon Carlton | 21,643 |
| Jeffrey & Sons | 21,275 |
| Curtis Brueggeman | 21,128 |
| Sam Baize | 20,686 |
| Roy R. Moritz | 20,264 |
| John A. Carnes | 20,094 |
| Total payees in county (44) | 1,284,114 |

KAUFMAN COUNTY

| | |
|---|---|
| Monty Clayton | 35,591 |
| Jerry R. Maloney | 34,884 |
| Robert J. Wortham | 32,646 |
| Clifford Howell | 30,552 |
| Triton Trinity Valley | 25,242 |
| G. E. Cales | 22,363 |
| Star Brand Cattle Co | 21,630 |
| Jack Glenn | 21,586 |
| Caroline Hunt Trust EST | 20,807 |
| J. L. Helm | 20,075 |
| Total payees in county (10) | 265,156 |

KENT COUNTY

| | |
|---|---|
| E. M. Jones | 24,198 |
| Norman Hahn | 21,058 |
| Total payees in county (2) | 45,256 |

KERR COUNTY

| | |
|---|---|
| J. M. Auld | 61,298 |
| Y. O. Ranch | 61,211 |
| Dan Auld, Jr | 30,853 |
| E. B. Love | 21,784 |
| Warren Klein | 20,979 |
| Lon R. Smart, Jr | 20,233 |
| Nathan H. Whitworth | 20,031 |
| Total payees in county (7) | 236,389 |

KIMBLE COUNTY

| | |
|---|---|
| S. G. Nelson | 28,021 |
| J. P. Rieck Estate | 22,874 |
| Rieck Brothers | 22,372 |
| Conrad T. Holekamp & Son | 21,935 |
| George W. Nethery | 21,097 |
| Total payees in county (5) | 116,299 |

KING COUNTY

| | |
|---|---|
| C. M. Sossaman | 37,723 |
| J. P. Ratliff, Jr | 27,423 |
| Charles Havins | 24,446 |
| Ruth Starr Blake Trust | 23,991 |
| Raymond King | 23,239 |
| T. C. Havins | 22,738 |
| Pitchefork Land & Title Co | 21,554 |
| Roy B. Keith | 20,877 |
| Total payees in county (8) | 201,991 |

KINNEY COUNTY

| | |
|---|---|
| Clay Hunt | 81,911 |
| Double R Ranches | 58,175 |
| Silver Lake Ranches Co., Inc | 50,184 |
| P. H. Coates III | 40,396 |
| C. L. Lowry & Son | 38,247 |
| W. L. Moody IV | 38,079 |
| Myrtle H. Hunt | 34,851 |
| George Bunger | 33,440 |
| West Pinto Ranch Co | 30,430 |
| David Winters | 27,961 |
| Abb Rose | 26,996 |
| Roger Thurmond & Son | 25,535 |
| James T. Shahan | 25,337 |
| W. Preston Sights, Jr | 24,877 |
| George W. Herndon | 23,593 |
| Lloyd L. Davis | 20,902 |
| Leo Frerich & Sons | 20,573 |
| Total payees in county (17) | 599,487 |

KLEBERG COUNTY

| | |
|---|---|
| Kenneth Huff | 35,434 |
| Clarence C. May | 26,974 |
| Clarence E. May | 21,766 |
| Allen M. May | 21,286 |
| Total payees in county (4) | 105,460 |

KNOX COUNTY

| | |
|---|---|
| League Ranch | 62,515 |
| William J. Goode | 42,129 |
| Eugene L. Thompson | 39,879 |
| James Albus | 39,420 |
| Floyd L. Reed | 35,056 |
| Vernal Zeissel | 33,515 |
| J. C. Moorhouse | 32,811 |
| Marvin Zeissel | 32,414 |
| George L. Floyd | 32,027 |
| B. M. Farmer | 31,692 |
| Elvis Blake | 27,407 |
| Sam E. Clonts | 27,042 |
| J. C. Elliott | 26,690 |
| Lonnie D. Offutt | 26,444 |
| C. H. Cornett | 25,717 |
| Chalmer E. Hobert | 25,289 |
| David Albus | 24,414 |
| J. G. Hawkins | 24,288 |
| Herbert Bellinghausen | 24,276 |
| Larry Thompson | 23,785 |
| John Earl Nelson | 23,657 |
| U. J. Bellinghausen | 22,943 |
| Gerald A. Brown | 22,851 |
| B. M. Brown | 22,850 |
| Philip F. Homer | 21,985 |
| C. B. Ray | 21,471 |
| Total payees in county (26) | 772,567 |

LAMAR COUNTY

| | |
|---|---|
| Hicks Graves | 61,862 |
| Billy Mashburn | 32,635 |
| Creed Bros., Ptrs | 25,059 |
| Johnie W. Musgrove | 23,421 |
| Ben Laird | 22,683 |
| J. B. Jackson | 21,503 |
| Total payees in county (6) | 187,163 |

LAMB COUNTY

| | |
|---|---|
| Royce McFadden | 63,006 |
| Reginal Stephens | 61,347 |
| Gene Templeton | 60,459 |
| John Bridges | 58,123 |
| Billy W. Clayton | 57,214 |
| Lonnie R. Smith | 56,860 |
| J. D. Smith | 55,004 |
| L. C. Hewitt | 54,477 |
| Parish Farms | 53,849 |
| B. G. Free | 53,762 |
| L. J. Welch | 52,698 |
| V. O. Busby | 49,363 |
| Barry Armes | 47,508 |
| Royce Collins | 46,133 |



| | |
|---|---|
| T. A. King, Jr | 45,490 |
| J. B./Jearl James | 45,160 |
| Fred Welch | 43,837 |
| Wesley Neinast | 43,221 |
| Charles W. Wiseman | 42,031 |
| D. R. Hopkins | 41,416 |
| James H. Busby | 39,841 |
| Ray Wood | 39,674 |
| Gordon B. Timms | 39,244 |
| Jean H. McDonald | 38,492 |
| Lucile Derville | 38,490 |
| Thomas Harris | 38,439 |
| Joe F. Miller | 38,124 |
| H. M. Gable | 37,971 |
| M. P. Thedford | 37,719 |
| Donald Street | 37,055 |
| Dan Quigley | 36,706 |
| E. O. Feagley | 36,526 |
| Donald J. Bryant | 35,451 |
| F. D. Clayton | 35,380 |
| D. W. Bawcom | 35,077 |
| Wayne McLarty | 35,041 |
| W. C. Stout Est | 34,400 |
| J. T. Gibson | 34,335 |
| F. M. Smith | 34,298 |
| Elmer Lewis | 33,697 |
| Johnny Hodges | 33,307 |
| Allison Bros | 32,490 |
| L. H. Carson | 32,356 |
| Ershel W. Johnson | 32,227 |
| Ross Lumsden | 31,435 |
| Calvin Wood | 31,415 |
| George E. Brown, Jr | 31,408 |
| L. B. Montgomery | 31,217 |
| J. L. Snider | 31,004 |
| Roberson Brothers | 30,847 |
| Eddie Wallace | 30,797 |
| J. M. Farmer | 30,501 |
| Kenneth Hinson | 30,446 |
| Edd Haley | 30,422 |
| Ernest E. Jones | 30,355 |
| Neil Wood | 30,291 |
| W. M. Smith, Sr | 30,205 |
| Daniel B. Heard | 30,163 |
| Phillip Haberer | 30,028 |
| Willie Steffey | 29,973 |
| Larry Lockwood | 29,905 |
| Barton Bros | 29,857 |
| James Cowart | 29,810 |
| Kenneth Price Hamilton | 29,729 |
| Frank Wuerflein | 28,957 |
| Glenn E. Robertson | 28,854 |
| James A. Littleton, Jr | 28,771 |
| Lexie Branscum | 28,376 |
| Robert E. Coen | 28,362 |
| James Sanderson | 28,258 |
| DeWitt Tiller | 28,186 |
| Melvin Bock | 28,176 |
| W. W. Thompson | 28,047 |
| S. K. Flatt | 27,986 |
| Jimmy Nix | 27,943 |
| A. B. Roberts | 27,930 |
| Harley D. Jones | 27,881 |
| James E. Steffey | 27,795 |
| Joe Caddell | 27,793 |
| Fred A. Smith | 27,558 |
| Harley Bussanmas | 27,402 |
| W. D. Bell | 27,294 |
| W. B. Jones | 27,189 |
| Wm. R. Morris, Jr | 27,040 |
| Emert J. Rose | 26,916 |
| U. L. Gunter | 26,148 |
| Raymond Durham | 26,075 |
| Athol C. Light, Jr | 25,994 |
| Royce Turner | 25,991 |
| H. J. Harrell | 25,944 |
| B. N. Armstrong | 25,597 |
| R. V. Allcorn | 25,571 |
| Dewey L. Hukill | 25,546 |
| Randall Roper | 25,495 |
| Devern Mandrell | 25,300 |
| Bennie Harmon | 25,105 |
| Wallace O. Jones | 25,056 |
| Floyd Light | 25,021 |
| Benny Dickson | 24,777 |
| B. D. Nelson | 24,652 |
| J. T. Mitchell | 24,580 |
| Leslie Kennedy | 24,352 |
| Charles Hinds | 24,145 |
| Jack Angeley | 24,142 |
| Clarence Hobratschk | 24,051 |
| L. E. Downs | 24,020 |
| Kenneth Wiseman | 23,970 |
| Joe Fisher | 23,714 |
| John Laing, Sr | 23,659 |
| Elmer McGill | 23,569 |
| H. R. Curtis | 23,333 |
| O. D. Chester | 23,225 |
| James P. Hamilton | 23,155 |
| R. D. Nix | 22,983 |
| Bobby Joe Harlan | 22,890 |
| C. S. Hudson | 22,874 |
| Drexel Lawson | 22,576 |
| Martin Parmer, Jr | 22,201 |
| Billy Guthrie | 22,145 |
| Raymon Carson | 22,089 |
| Kenneth Sawyer | 21,964 |
| Hollis Smith | 21,942 |
| W. B. Boyles | 21,849 |
| Carson and Carson | 21,811 |
| C. D. Kirkpatrick | 21,702 |
| Eva A. Pickard | 21,648 |
| Wm. H. McCluskey | 21,647 |
| Lester O. Kennedy | 21,563 |
| Wayne Streety | 21,552 |
| Harvey Patterson | 21,484 |
| N. W. Emfinger | 21,438 |
| Aubrey F. Smyth | 21,256 |
| M. R. Matthews | 21,253 |
| Leroy Maxfield | 21,207 |
| Bill Bradley | 21,121 |
| James C. Holland | 21,034 |
| James L. Withrow | 20,996 |
| Eldon L. Davis | 20,775 |
| Gaulbert Demel | 20,699 |
| Troy Armes | 20,580 |
| Robert O. Ohair | 20,526 |
| B. F. Helms | 20,436 |
| Gene Brownd | 20,403 |
| C. C. Goodwin | 20,220 |
| O. L. Walker | 20,032 |
| Total payees in county (145) | 4,472,903 |

LAMPASAS COUNTY

| | |
|---|---|
| T. W. Winters | 55,355 |
| Winters Bros | 41,795 |
| Lampasas Auction Ranch | 36,462 |
| J. C. McCoury | 29,777 |
| Total payees in county (4) | 163,389 |

LA SALLE COUNTY

| | |
|---|---|
| H. Dudley Storey, Jr | 34,425 |
| Gerald Mann | 29,140 |
| Lloyd Hurt | 26,411 |
| Ritchie Ranch Part | 24,407 |
| Glendale Jones | 21,548 |
| Total payees in county (5) | 135,931 |

LEON COUNTY

| | |
|---|---|
| Oscar O. Brown | 38,461 |
| Harrell Dean Brown | 22,611 |
| Total payees in county (2) | 61,072 |

LIMESTONE COUNTY

| | |
|---|---|
| Walter B. Honeycutt, Jr | 33,158 |
| Total payees in county (1) | 33,158 |

LIPSCOMB COUNTY

| | |
|---|---|
| Marvin Born | 32,545 |
| Lazy S Ranch | 29,668 |
| Mervyn Harrelson | 27,237 |
| Alvin G. Born | 25,377 |
| John L. Gadberry | 21,197 |
| Chris Miller, Jr | 20,509 |
| Total payees in county (6) | 156,533 |

LIVE OAK COUNTY

| | |
|---|---|
| Fred Thoms | 46,830 |
| Milton Greenwood | 23,980 |
| C. H. Griffith | 20,196 |
| Total payees in county (3) | 91,006 |

LUBBOCK COUNTY

| | |
|---|---|
| Joe B. Lovelace | 69,245 |
| The Dunlap Co | 64,251 |
| William E. Armstrong | 63,295 |
| Standefer & Gray | 63,177 |
| Coyne E. Killian | 54,650 |
| Medlock Farms, Inc | 53,452 |
| Elijah M. Debusk | 53,384 |
| L. L. Lawson | 51,178 |
| George Oliver Jackson | 49,183 |
| R. E. Jones | 48,821 |
| Walter O. Heinrich | 48,414 |
| Joe McCollum | 47,620 |
| Don Veretto | 46,514 |
| Olan K. Dorsett, Jr | 46,288 |
| J. Carter Caldwell | 45,536 |
| Kirby Hobgood | 45,317 |
| Farm Enterprises, Inc | 45,037 |
| A. L. Cone | 43,448 |
| Fred E. McNabb | 40,935 |
| Leroy Grawunder | 40,616 |
| J. W. Furgeson | 40,490 |
| Edward S. Smith, Jr | 40,140 |
| B. B. Hobgood | 40,123 |
| Glen B. Payne | 39,941 |
| Jay Stanton | 39,826 |
| Wendell D. Vardeman | 39,568 |
| Kenneth Davies | 39,372 |
| Roy C. Clark | 39,190 |
| Kenneth G. Wright | 38,823 |
| Howard L. Alford | 38,575 |
| J. Pete Thompson | 38,349 |
| Robert Melcher | 39,983 |
| Ray D. Langford | 37,124 |
| Greenlee Farms | 37,101 |
| Glenn Brown Blackmon | 38,737 |
| Ed H. Foreman | 36,134 |
| J. C. Heinrich | 36,044 |
| O. W. Smith | 35,638 |
| R. B. Stanton | 35,421 |
| Harold E. Voigt | 34,914 |
| David S. Enger | 34,827 |
| Morris S. Smith | 34,763 |
| Newman Lusk | 34,301 |
| San Augustine Ranch | 33,752 |
| Charles W. Wood | 33,680 |
| Johnnie Joiner | 33,393 |
| Franklin Heinrich | 33,092 |
| Clifford Hamilton | 32,727 |
| Sam A. Durham | 32,611 |
| Gilbert H. Ragland | 32,583 |
| Alton L. Lawson | 32,460 |
| Frank W. Hancock | 32,442 |
| James T. McMenamy | 32,372 |
| Excell W. McFarling | 32,292 |
| Debusk Enterprises Inc | 31,929 |
| Weldon M. Boyd | 31,885 |
| W. A. Bill Alspaugh | 31,828 |
| Melvin H. Jack Phipps | 31,682 |
| Ferman R. Priddy | 31,526 |
| Franklin G. Dunn | 31,325 |
| E. C. Moseley, Inc | 30,915 |
| J. W. Shadden | 30,577 |
| Clayton E. Enger | 30,562 |
| L. T. Foster | 30,419 |
| D. J. May | 29,799 |
| C. W. Teal | 29,745 |
| Max Barnett | 29,515 |
| W. R. Sage | 29,242 |
| D. B. Chesshir | 29,203 |
| Zack Payton | 28,864 |
| Hugh V. Newton | 28,405 |
| Roy Hugh McKelvy | 28,369 |
| Lowery M. James | 28,149 |
| Buddy Hettler | 28,106 |
| A. B. Enloe, Jr | 27,960 |
| Hank Woodruff | 27,920 |
| Brodie A. Darby | 27,748 |
| Art Tex Farms, Inc | 27,693 |
| John T. Patterson | 27,670 |
| Billy Meyers | 27,594 |
| Medlock Inv. Co., Inc | 27,351 |
| George H. Harlan | 27,331 |
| William B. Criswell | 27,260 |
| Doyce Middlebrook | 27,190 |
| James Attebury | 26,734 |
| A. L. Rose, Jr | 26,659 |
| Charles E. Jones | 26,652 |
| W. C. Neel Est. c/o S. Neel | 26,591 |
| Wendell F. Attebury | 26,579 |
| Don Foreman | 26,562 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Texas*—Continued

[Amounts in dollars]

LUBBOCK COUNTY—Continued

| | |
|---|---|
| Harold Campbell | 26,513 |
| Danny Coleman | 26,399 |
| Robert H. Park | 26,347 |
| D. J. Hlavaty | 26,245 |
| Smith Keller | 26,188 |
| Leon L. Lincecum | 26,138 |
| T. E. Wright | 26,107 |
| Ward W. Carroll | 25,927 |
| Murll B. Stanton | 25,896 |
| Paul D. Kitchens | 25,864 |
| Pierce H. Truett | 25,837 |
| I. Arnold Chauncey | 25,891 |
| John B. Lamb | 25,479 |
| Billy Bryan Boyd | 25,408 |
| Jack Adamson | 25,230 |
| Paul Cates | 25,218 |
| Ronnie Joe Darby | 25,092 |
| Wienke Bros | 25,062 |
| Bennie L. James | 25,017 |
| Omer D. Lindsey | 24,851 |
| William V. Halford | 24,622 |
| Tom Ed Reynolds | 24,398 |
| Walter E. Morgan | 24,217 |
| James Riney | 24,155 |
| Jack Obriant | 23,818 |
| Clifford Hilbers | 23,726 |
| Donald E. Adrian | 23,553 |
| C. O. McNabb | 23,545 |
| Jack Louden | 23,504 |
| F. D. Drachenberg | 23,342 |
| Robert Fehleison | 23,318 |
| Albert C. Henderson | 23,294 |
| L. D. Phillips, Jr | 23,292 |
| Joe W. Felty | 23,291 |
| D. D. Qualls | 23,278 |
| Roy Allen Forkner | 23,118 |
| George H. Johnson | 23,088 |
| Randal L. Rieger | 22,956 |
| John C. Newton | 22,911 |
| Ralph B. Mabry | 22,907 |
| Bruce Isom | 22,893 |
| E. W. Harkey | 22,793 |
| James F. Davis, Jr | 22,774 |
| Agri Products, Inc | 22,561 |
| Herbert Pinkert | 22,559 |
| Jerry S. Harlan | 22,547 |
| L. E. Bartlett | 22,463 |
| O. V. Sturgeon | 22,415 |
| Sherman Nelson | 22,397 |
| Earl Foerster | 22,308 |
| Tommy D. Adams | 22,183 |
| Billy J. Robbins | 22,059 |
| Donnie Shafer | 22,026 |
| Chester B. Gilmore | 21,929 |
| Milton Kirksey | 21,914 |
| Clinton Powell Adams | 21,871 |
| Fred Perry | 21,721 |
| Gary L. Sherrod | 21,704 |
| J. H. Kurklin | 21,600 |
| Carl D. Jones | 21,557 |
| Carroll D. Teeter | 21,551 |
| Roy G. Cannon | 21,389 |
| Doyle Curry | 21,368 |
| Betty L. Petree | 21,261 |
| Dick Park | 21,191 |
| George V. Lipps | 21,177 |
| Don Freeman | 21,017 |
| Wesley W. Ferguson | 21,016 |
| Doyle McKennon | 21,013 |
| E. Donald Bledsoe | 20,980 |
| Wallace K. Klatt | 20,952 |
| Rodney R. Harmon | 20,809 |
| J. D. Hufstedler | 20,722 |
| Valton V. Cox | 20,598 |
| Berlin Haught | 20,578 |
| John B. Allen | 20,546 |
| Mabel Dixson | 20,536 |
| Jack L. Stanford | 20,462 |
| Leroy Zieschang | 20,448 |
| Walter H. Luker | 20,424 |
| V. T. McDougal | 20,228 |
| Walter Lupton | 20,214 |
| Hilburn Barrick | 20,000 |
| Total payees in county (173) | 5,192,484 |

LYNN COUNTY

| | |
|---|---|
| Eva Colleen Geren | 61,136 |
| Cass Edwards, II | 61,131 |
| W. C. Huffaker, Jr | 59,891 |
| J. W. Gardenhire | 58,766 |
| Wm. G. Lumsden | 57,150 |
| W. A. Russ | 52,878 |
| J. T. Forbes | 51,597 |
| L. C. Unfred | 50,881 |
| Grayam George | 48,638 |
| R. L. Dulin | 48,617 |
| Cecil Dorman | 47,436 |
| Royce Steven Greer | 46,232 |
| Natt Park | 46,225 |
| Pat Childress | 44,661 |
| W. T. Kidwell | 44,519 |
| Sam Singleton | 43,630 |
| Draper Brothers | 41,723 |
| Ralph M. Beach | 41,569 |
| L. H. Nettles | 41,530 |
| Harold Payne | 41,346 |
| Billy G. Gardenhire | 40,638 |
| H. T. Barrett | 40,325 |
| Mack Forbes | 40,235 |
| Jerry Brown | 39,532 |
| R. L. Warren | 39,389 |
| Jerry McKibben | 38,354 |
| Wayne Huffaker | 37,944 |
| James H. Sanders | 37,772 |
| J. A. Evans | 37,769 |
| Carl Sanders | 37,600 |
| Dallas Vaughn | 37,207 |
| Don D. Balch | 36,837 |
| R. L. Thomas | 36,042 |
| J. Weldon Martin | 35,776 |
| O. C. Sikes | 35,391 |
| Ray Cook | 35,363 |
| C. E. Roper | 35,158 |
| Clarence Church | 35,148 |
| O. R. Phifer, Jr | 34,736 |
| Glen B. Brewer | 34,553 |
| Albert Curry | 34,442 |
| Felix H. Macha | 34,222 |
| A. P. Edwards | 33,342 |
| Bryan Wright | 33,000 |
| J. F. Brandon, Jr | 32,782 |
| H. G. Franklin | 32,647 |
| Jack Webb | 32,419 |
| Wayland F. Taylor | 31,823 |
| J. T. Swinson | 31,812 |
| J. Robert Fillingim | 31,593 |
| N. B. Hancock | 31,584 |
| Wayne Carroll | 31,440 |
| Harold Brumit | 31,340 |
| David L. Hill | 30,739 |
| Willie A. Nieman | 30,705 |
| Howard Moore | 30,365 |
| Edward Bartley | 30,140 |
| Larry Hagood | 30,069 |
| Leland White | 29,585 |
| C. T. Louder | 29,369 |
| Bonnie Brown | 28,985 |
| Bennie W. Edwards | 28,890 |
| J. W. Pirtle | 28,216 |
| Oscar Lowrey | 27,811 |
| Mickey Pearce | 27,764 |
| Jerry Melcher | 27,609 |
| C. L. Mason | 27,392 |
| Lynn West Est | 27,387 |
| Olen Renfro | 27,374 |
| Woodrow Brewer | 27,182 |
| Raymond H. Lawrence | 27,154 |
| C. T. or Gene Ingle | 26,881 |
| A. G. Crutcher | 26,789 |
| C. A. Moore | 26,745 |
| Eldon Gattis | 26,744 |
| W. J. Kahl | 26,484 |
| W. W. Hagood | 26,281 |
| Boyd Pebsworth | 26,197 |
| L. D. Halford | 26,036 |
| C. E. Thetford | 25,918 |
| E. L. Short | 25,874 |
| Willie Mae Edwards | 25,844 |
| George A. Sealy | 25,594 |
| Wayne Clayton | 25,236 |
| James F. Roberts | 25,196 |
| Lester Adams | 24,980 |
| Charles Schniers | 24,697 |
| Leroy Snider | 24,687 |
| Ray Adams | 24,568 |
| Howell and Roberson Ptnrshp | 24,309 |
| George W. Bartlett, Jr | 23,992 |
| W. Allen White | 23,980 |
| D. W. Hancock | 23,923 |
| Grey Cook | 23,783 |
| G. G. Norman | 23,598 |
| E. R. Blakney | 23,468 |
| H. W. Edwards, Jr | 23,334 |
| Buel Draper | 23,331 |
| Bill M. Clayton | 23,220 |
| Charles Mason | 23,140 |
| Glynn Moore | 23,053 |
| Elwayne Crotwell | 22,987 |
| Walton Terry | 22,868 |
| B. R. McDonald | 22,812 |
| Dick Franklin | 22,463 |
| Clayton Lawrence | 22,347 |
| Gene Cantwell | 22,345 |
| R. M. Thomas | 22,277 |
| Milton Piwonka | 22,244 |
| Joe D. Unfred | 22,239 |
| V. P. Haley | 22,165 |
| Aubrey Smith | 22,087 |
| Charles A. Smith | 22,079 |
| C. L. Littlepage | 21,989 |
| Frank Timmons | 21,891 |
| Lit H. Moore, Jr | 21,797 |
| Miriam Collins Green | 21,717 |
| A. G. Cawthron | 21,688 |
| A. C. Fillingim, Jr | 21,611 |
| D. W. Gaignat | 21,479 |
| Buster Phipps | 21,426 |
| Elmer Schoppa | 21,329 |
| D. R. Adamson | 21,265 |
| Willie Shambeck | 21,212 |
| Douglas Neugebauer | 21,201 |
| W. A. Caveness | 21,173 |
| G. W. Turner, Jr | 21,129 |
| J. T. Miller | 20,930 |
| J. T. Middleton, Jr | 20,789 |
| W. C. Wharton | 20,766 |
| J. Martin Basinger | 20,750 |
| C. O. McCleskey | 20,698 |
| C. W. Armes | 20,695 |
| Glen Akin | 20,638 |
| Gerald Huffaker | 20,566 |
| Jimmie Kieth | 20,273 |
| P. & W. Farms | 20,153 |
| J. G. Hoskins | 20,046 |
| Royce Heinrich | 20,013 |
| Total payees in county (139) | 4,236,504 |

MARTIN COUNTY

| | |
|---|---|
| A. C. Woodward | 58,968 |
| Odie Harris | 55,585 |
| E & E Farms, Inc | 55,420 |
| Eula Preston Madison | 53,983 |
| Larry Zane Shaw | 52,340 |
| Romine Bros | 49,820 |
| James G. Sawyer | 49,525 |
| Jack Hershell Kuhlman | 49,186 |
| Dean Russell Fleming | 46,244 |
| Clarence Fryar | 45,182 |
| Erma Blagrave | 45,146 |
| Sam B. Parham | 43,609 |
| James Ernest Franklin | 43,125 |
| Melvin Harris | 42,204 |
| Buster Haggard | 41,175 |
| Glen Morrison | 40,663 |
| John Woodward | 40,506 |
| J. E. Peugh | 40,381 |
| Billy Fryar | 40,227 |
| L. T. Warren | 39,651 |
| Eddie C. Cook | 39,302 |
| Jimmy Eugene Freeman | 39,298 |
| Ralph Wesley Williams | 39,233 |
| Robert R. Hunt | 39,148 |
| J. Fillmore Epley | 38,566 |
| W. D. Chandler, Jr | 37,739 |
| James Newman Biggs | 37,485 |
| Dolphus Edward Richard | 37,184 |
| Thomas E. Fuller | 36,907 |
| Clifton Carlton Grigg | 36,410 |
| David Anderson | 36,230 |
| Floyd Martin | 35,843 |
| Maurice W. Sharp | 35,481 |
| C. Ray Russell | 35,073 |
| Earl Vernon Holcomb | 34,355 |
| John Morgan Hale | 34,201 |
| Billie Joe Gill | 33,585 |
| Elmer Cecil Dyer | 33,512 |
| C. A. Nichols | 33,276 |



| | |
|---|---|
| Glen Cox | 32,969 |
| Earl Vernon Hightower | 32,678 |
| Feaster & Hale | 32,443 |
| John Wallace Kelly | 31,843 |
| Quinton Airhart | 31,145 |
| Glyn Irvin Snell | 31,124 |
| Darrell Froman | 30,940 |
| Don Dwayne Holcomb | 30,604 |
| Jerry Hall | 30,463 |
| Malcolm Tunnell | 30,157 |
| Richard L. Linney | 30,024 |
| Guadalupe Morales | 29,923 |
| Edmond Tom Ranch Inc | 29,789 |
| Wayne Cook | 28,935 |
| Marvin L. Standefer | 28,932 |
| A. D. Reed | 28,923 |
| Juil Reid | 28,466 |
| George Sawyer | 27,194 |
| Newell Wayne Tate | 27,009 |
| J. Alex Haggard | 26,766 |
| James Edward Pollock | 26,499 |
| Ronnie Deatherage | 25,763 |
| Myrtle Romine | 25,356 |
| Bob Hill | 25,333 |
| Charles John McKaskle | 24,711 |
| W. H. Woody | 24,682 |
| J. N. Woody Jr | 24,677 |
| R. H. Sample | 24,395 |
| Edward Lee Richards | 23,915 |
| Chloice Shofner | 23,848 |
| D. W. Dickenson | 23,170 |
| Norwood Eugene Holloway | 22,967 |
| Robert Joe Deatherage | 22,225 |
| Lonnie Odee Green | 22,194 |
| G. P. Harrell | 21,710 |
| G. L. Trice | 21,504 |
| Doyle Hale | 21,503 |
| Tommy R. Newman | 21,442 |
| Thomas Edward Smith | 21,316 |
| Marvin Henry Nance | 21,144 |
| Gleen Loyless Holloway | 21,117 |
| Albert Anderson | 21,076 |
| Gale Batson | 20,961 |
| C. M. Holcomb | 20,906 |
| Raymond A. Pribyla | 20,900 |
| H. D. Howard | 20,723 |
| Lee O. Rogers | 20,534 |
| Loyd Minter Wiggins | 20,401 |
| Teddie DeWitt Barnhill | 20,297 |
| Virgil Barron | 20,243 |
| Claud Glaspie, Jr | 20,232 |
| Bruce L. Key | 20,180 |
| Total payees in county (91) | 2,942,019 |

MATAGORDA COUNTY

| | |
|---|---|
| Carl M. Hansen, Jr | 39,604 |
| Vernon Hunt | 28,961 |
| Ed and Leo Jensen | 27,743 |
| J. W. Jenkins, Jr | 25,148 |
| Total payees in county (4) | 121,456 |

MAVERICK COUNTY

| | |
|---|---|
| Jack Kelsling | 56,631 |
| N. D. Carr | 21,934 |
| Herman B. Price | 21,912 |
| Total payees in county (3) | 100,477 |

M'CULLOCH COUNTY

| | |
|---|---|
| G. R. White Est | 39,600 |
| Roddie & Co. Ranch | 23,157 |
| Total payees in county (2) | 62,757 |

M'LENNAN COUNTY

| | |
|---|---|
| James M. Warner | 46,894 |
| Lankart Seed Farms Ltd | 44,874 |
| J. B. Vandiver | 44,237 |
| J. Weldon Youngblood | 42,579 |
| Walter Rush | 35,129 |
| Jim Radle | 27,799 |
| C. M. Freeman | 24,015 |
| Raymond Holy | 23,963 |
| W. W. Callan | 21,818 |
| Ray Stewart | 21,654 |
| Total payees in county (10) | 332,962 |

MEDINA COUNTY

| | |
|---|---|
| Ed Wanjura | 28,389 |
| Total payees in county (1) | 28,389 |

MENARD COUNTY

| | |
|---|---|
| Gene Whitehead | 47,637 |
| Forked Lightning Ranch | 20,293 |
| Total payees in county (2) | 67,930 |

MIDLAND COUNTY

| | |
|---|---|
| Alan Spinks | 43,680 |
| Jerome Hoelscher | 39,625 |
| Robert Morgan | 39,283 |
| Forest G. Eggmeyer | 37,723 |
| R. V. Robinson | 36,023 |
| Jack Leonard | 34,098 |
| Ervin A. Baumann | 33,744 |
| Louie Koonce | 31,478 |
| Bob Evans | 27,975 |
| Bob Pyeatt | 27,606 |
| A. C. Teinert | 24,542 |
| Roy Graham | 23,923 |
| Carlos Dusek | 23,780 |
| George Anderson | 23,772 |
| Roy D. Jones, Est | 21,373 |
| James Brooks | 21,326 |
| Total payees in county (16) | 489,951 |

MILAM COUNTY

| | |
|---|---|
| Daniel D. McDaniel | 113,764 |
| Calvin Cobb | 51,649 |
| Wilburn E. Beckhusen | 46,638 |
| Derwood Cobb | 44,745 |
| Darrel Cobb | 39,885 |
| W & Culpepper Est | 26,110 |
| Charles Camp | 23,108 |
| T. Yale Swafford | 22,500 |
| P. C. Gibson, Jr | 21,442 |
| John J. Fagan | 21,376 |
| Ike Camp | 21,329 |
| Joe A. Glaser | 20,605 |
| Robert H. Roster | 20,077 |
| Slavik Bros | 20,000 |
| Total payees in county (14) | 493,228 |

MILLS COUNTY

| | |
|---|---|
| Charley McLean | 28,902 |
| C. F. Jeske Est | 22,810 |
| O. P. Leonard | 20,545 |
| Total payees in county (3) | 72,257 |

MITCHELL COUNTY

| | |
|---|---|
| J. E. Brown | 52,831 |
| W. H. Narrell | 49,036 |
| Raymond Watlington | 46,421 |
| Travis P. Turner | 42,777 |
| J. B. Autry | 40,563 |
| D. M. Smith | 36,752 |
| Wayne Oliver | 31,935 |
| A. K. McCarley, Jr | 30,474 |
| Kenneth Dockrey | 29,291 |
| Hammond and Son | 29,143 |
| D. M. Pieper | 28,448 |
| Linden Solomon | 28,183 |
| Mack G. Ritchey | 27,745 |
| Curt Shaw | 26,697 |
| Jack Long | 26,450 |
| Chas. N. Stubblefield | 26,033 |
| James Cox | 24,565 |
| Foy Webb | 24,283 |
| Warren Anderson | 24,074 |
| Harold Hester | 23,276 |
| J. R. Erwin | 22,660 |
| Forrest Porter | 22,389 |
| J. C. Barkley | 21,920 |
| Henry Hoyle | 21,821 |
| Oren R. Carpenter | 21,783 |
| Latimer & Latimer | 21,749 |
| Joe L. Blackard | 20,482 |
| Manuel Munoz | 20,111 |
| O. B. Trulock, Jr | 20,087 |
| Total payees in county (29) | 841,979 |

MOORE COUNTY

| | |
|---|---|
| M. & S. Agri. & Livestk Co., Inc | 87,467 |
| Gossetts, Inc | 83,036 |
| Schuman Farms, Inc | 77,643 |
| Hunt Farms, Inc | 71,718 |
| Gordon Taylor | 69,020 |
| Stringer Farms, Inc | 62,685 |
| Bobby N. Williams | 59,421 |
| Linda & Howard Moore | 57,269 |
| Harold N. Keisling | 54,598 |
| McMurry Farms, Inc | 52,563 |
| Durward N. Gamblin | 50,723 |
| John A. McMurry, Jr | 48,757 |
| Jack H. Mills | 46,440 |
| H. D. Lewis | 46,031 |
| Verdie & Lloyd Beauchamp | 46,020 |
| Vina Hawpe | 45,694 |
| Marshall Cator | 45,694 |
| Paulus Schroeter | 39,464 |
| Brent & Sons Ptnship | 39,282 |
| J. W. Huff | 39,260 |
| Thomas E. Harbert | 38,780 |
| Thurman E. Fisher | 38,683 |
| Joe Cox | 37,967 |
| Nelson E. Burton | 36,756 |
| D. Rex Langley | 35,863 |
| Edward L. Stallwitz | 35,692 |
| Cleve & Frederick Rousser | 35,627 |
| Wells Agricultural Corp | 35,504 |
| Edward M. Stallwitz | 34,991 |
| John H. Goodwin | 34,708 |
| Gladwin Gillispie | 34,447 |
| Jimmy C. Stokes | 34,164 |
| James Tatum, Jr | 34,028 |
| Triple T. Farms, Inc | 33,886 |
| Carl Beauchamp | 33,688 |
| J. W. Brian | 33,630 |
| Joe Schuman | 32,998 |
| M. O. Jack Bain | 32,887 |
| Arthur B. Stavlo | 32,881 |
| A. J. Harris | 32,519 |
| Benny T. Powell | 32,236 |
| Claude Johnson & Son | 32,224 |
| Arvel A. Perky | 32,222 |
| Haskell E. Bilbrey | 31,771 |
| Roy Clark & Sons, Inc | 31,610 |
| A. & O. Farms | 31,509 |
| Thomas L. Phelps | 31,287 |
| Harvey W. Garrison | 30,528 |
| Johnson Trust | 29,868 |
| Coleman Agrienterprises, Inc | 29,510 |
| Jimmy Wells | 29,393 |
| Johnny M. Goodwin | 28,749 |
| T. H. Blanscet | 27,240 |
| H. D. Mell | 26,678 |
| Earl B. Byrd | 26,250 |
| J. H. Burkett | 26,169 |
| J. E. Bright | 25,755 |
| E. C. Britain, Jr | 25,555 |
| Jessie Glynn Burnett | 24,957 |
| Leamon Earl Weatherford | 24,792 |
| P. F. Younger | 24,532 |
| Delmer W. Keisling | 24,469 |
| Carl A. Hokanson | 24,145 |
| Johnny Lynn Harris | 24,118 |
| W. T. Conner | 23,971 |
| Walter Powell | 23,504 |
| Jerry Sturgess | 23,422 |
| Jerry B. Keith | 22,973 |
| Arie K. Smith | 22,824 |
| Lloyd Beauchamp | 22,253 |
| Peter B. Crabb | 21,936 |
| O. W. Shellberg Trust | 21,917 |
| L. S. Brown, Jr | 21,519 |
| Gary W. White | 21,391 |
| D. A. McCutchan | 21,327 |
| Bill Harbert | 21,172 |
| Robert G. Schlee | 21,014 |
| Wesley Reznik | 20,983 |
| C. C. Burnett | 20,836 |
| George M. Thomas, Jr | 20,514 |
| Cloyce M. Terrell | 20,510 |
| Clark Farms Partnership | 20,506 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—Excluding loans—Texas*—Continued

[Amounts in dollars]

MOORE COUNTY—Continued

| | |
|---|---|
| J. D. Matthews | 20,327 |
| Pendleton Bros | 20,029 |
| Total payees in county (84) | 2,930,977 |

MOTLEY COUNTY

| | |
|---|---|
| Alfred Kenneth Barton | 29,295 |
| Millard C. Jones | 27,419 |
| George B. Bowles | 24,664 |
| Roy D. Grundy | 24,616 |
| Allan L. Thomas | 24,249 |
| Roy Gene Stephens | 22,209 |
| Total payees in county (6) | 152,452 |

NAVARRO COUNTY

| | |
|---|---|
| Jarvis Paris Murphy Co., Inc | 50,108 |
| Drew Gillen | 46,299 |
| Laura Johnston | 33,051 |
| Joe B. Fortson, Jr | 32,858 |
| James Fortson | 32,858 |
| Delma Ray Spence | 30,029 |
| Jimmy Hooser | 29,289 |
| Robert L. Colquitt | 27,526 |
| George F. Hejny | 27,205 |
| Charles Martin | 26,751 |
| Webb Armstrong | 26,180 |
| W. M. Lowe | 25,149 |
| J. L. Aven | 23,258 |
| B. B. Bennett | 22,695 |
| J. F. McLain | 22,362 |
| Clifford Williams | 22,177 |
| Dwayne Watson | 22,136 |
| George B. Mitchell | 21,899 |
| Royce Bancroft | 21,425 |
| James W. Brown | 21,406 |
| Winston Johnston | 21,191 |
| Clyde Roloff | 20,485 |
| Wayne Nelson | 20,484 |
| Charles T. Pullins | 20,412 |
| J. W. Mitchell | 20,142 |
| Total payees in county (25) | 667,375 |

NOLAN COUNTY

| | |
|---|---|
| D. S. Riggs | 63,310 |
| Max Wright | 54,675 |
| Jimmy G. Wright | 53,436 |
| Ray Hendricks | 49,207 |
| Louis Brooks | 44,978 |
| Herbert L. Williams | 41,030 |
| Philip V. Haynes | 40,814 |
| Clyde H. Ater | 39,465 |
| J. B. Cooper, Jr | 37,447 |
| Jerland F. Freeman | 37,211 |
| Ronda H. Whorton | 34,187 |
| L. Yates Sipe | 34,046 |
| R. B. Pieper | 32,505 |
| T. D. Young | 32,288 |
| Melvin D. Daily | 31,753 |
| Joe G. Williams | 31,096 |
| Wilbert H. Althof | 31,031 |
| Clifford C. Etheredge | 30,453 |
| Dean D. Alexander | 28,287 |
| Robert E. Headrick | 26,538 |
| Raymond E. Althof | 25,887 |
| Wendell Kent | 25,656 |
| George E Parrott | 25,575 |
| Harold C. Althof | 25,529 |
| James E. Reed | 24,750 |
| Mancle T. Pointer | 24,550 |
| John M Boston | 23,787 |
| Raymond C. McIntyre | 22,869 |
| R. R. Ranch | 22,326 |
| Jesse Faust | 22,092 |
| Robert T. Dunlap | 21,959 |
| L L. Medlock Jr. & Son | 21,168 |
| K and W Cleckler | 21,099 |
| Ronald E. Williams | 21,060 |
| Jimmy D. Smith | 20,718 |
| Robert H. Jordan | 20,689 |
| Alfred F. Hendrichs | 20,680 |
| Kenneth Duncan | 20,234 |
| Curtis Riggs | 20,079 |
| Total payees in county (39) | 1,204,443 |

NUECES COUNTY

| | |
|---|---|
| C. A. Lowman | 47,759 |
| Berta C. Cunningham Est | 46,470 |
| E. M. & Cornie Wilson Est | 44,755 |
| Roger Whitmire | 44,738 |
| W. A. Whitmire | 43,781 |
| C. L. Lehman | 43,167 |
| Mack B. Norris | 37,844 |
| Alvin McNair | 36,797 |
| R. Farenthold Est | 35,505 |
| Aubrey Harper | 35,487 |
| Driscoll Foundation | 35,037 |
| J. L. Massey | 34,989 |
| Aubrey Harper, Jr | 33,819 |
| J. D. Weaver | 33,491 |
| Perry Foundation | 30,755 |
| W. M. Bevly | 30,743 |
| J. W Callaway | 29,645 |
| J. C. Mayo | 29,620 |
| Myrtle E. Cardwell | 29,589 |
| Frank Moravek, Jr | 28,880 |
| C. C. Albrecht | 28,763 |
| H. L. Gillespie | 28,367 |
| Fred Hoepfner | 27,154 |
| Leon Bernsen | 26,792 |
| Lynn Dugger | 26,646 |
| R. W. Hale | 25,389 |
| Elmer Hale | 25,388 |
| R. L. Garrett | 24,784 |
| Barkley Farms, Inc | 24,169 |
| G. L. Dodson | 23,426 |
| William L. Davis | 23,295 |
| Doyle London | 23,270 |
| Santa Cruz Farms | 23,235 |
| Henrietta C. Crook | 23,176 |
| W. M. Bevly, Jr | 23,013 |
| W. T. McNair | 22,594 |
| Cecil R. Wright | 22,021 |
| Billy Earl Wright | 22,021 |
| George Rogge | 21,780 |
| M. E. Horne | 21,564 |
| E. H. Kirkpatrick | 21,427 |
| Lloyd Morris | 21,132 |
| Eugene Hellmann | 20,505 |
| Total payees in county (43) | 1,280,782 |

OCHILTREE COUNTY

| | |
|---|---|
| Bob Urban | 56,169 |
| Jewell Pearson | 43,735 |
| James Lair | 43,533 |
| Frank Buzzard | 39,769 |
| Burger & Burger, Inc | 39,386 |
| Earl Leslie | 38,303 |
| Gerald C. Betty | 38,226 |
| Philo Butler and Son | 36,563 |
| R. H. Holland & Son | 36,248 |
| Charles Morton Share Trust | 33,729 |
| Thomason Farm | 31,301 |
| Alma D. Schaefer | 30,536 |
| Greever & Greever | 29,742 |
| Leroy Smith | 28,988 |
| Davis Co | 28,655 |
| William E. Pletcher | 28,000 |
| Dean Slaughter | 27,740 |
| Donald Sell | 27,048 |
| H. C. Brillhart & Son | 27,046 |
| Deacon Clement | 25,272 |
| Dan Pletcher | 24,964 |
| John C. Daniel | 24,654 |
| A. F. Cook | 24,172 |
| Drew Ellis & Sons | 24,037 |
| Tom Slack | 23,849 |
| Don Smith | 23,265 |
| Robert Nitschke | 23,074 |
| Winn Lehman | 23,056 |
| Paul Fagg | 22,519 |
| Dan Archer | 21,650 |
| W. H. Redman | 21,223 |
| Herbert Butt | 20,698 |
| Total payees in county (32) | 967,148 |

OLDHAM COUNTY

| | |
|---|---|
| George B. Doshier | 71,255 |
| Herman Grusing | 47,918 |
| Taylor Brothers | 41,603 |
| E. Duane Allred | 38,606 |
| Vega Land and Cattle | 38,434 |
| Roy Taylor | 31,564 |
| B. F. W. Grain Co., Inc | 30,641 |
| Eugene Fangman | 29,670 |
| Marvin Axe | 28,994 |
| Gist Kirkland | 28,751 |
| J. E. Davis & Sons | 27,416 |
| John Hinsley | 24,720 |
| Norman L. Jacobson Son | 23,887 |
| John Inman | 23,273 |
| Roger M. Gruhlkey | 22,994 |
| Edgar N. Jacobson | 21,871 |
| Joe N. Newbill | 21,871 |
| E. E. Allen | 20,044 |
| Total payees in county (18) | 573,598 |

PALO PINTO COUNTY

| | |
|---|---|
| Alvard H. Brackeen | 20,012 |
| Total payees in county (1) | 20,012 |

PARMER COUNTY

| | |
|---|---|
| Fangman Farms, Inc | 83,276 |
| Dave M. Thompson | 73,513 |
| Lawrence J. Martin | 69,403 |
| Sloan Osborn | 65,190 |
| Clarence Martin | 64,936 |
| James W. Dixon | 62,946 |
| J. T. Ford | 61,396 |
| Bruce Parr | 61,294 |
| Roscoe Q. Silverthorne | 59,771 |
| Ralph W. Shelton | 56,229 |
| James W. Barnett | 53,069 |
| J. D. Kirkpatrick | 51,739 |
| Jerry London | 49,385 |
| Fred Burch | 48,894 |
| Don Williams | 48,759 |
| Thomas Ware | 47,808 |
| M. A. Black | 47,804 |
| Tom Caldwell | 47,039 |
| Leroy Johnson | 46,121 |
| Geo. & Kenneth Frye | 45,980 |
| Walter Kaltwasser | 45,770 |
| M & B Farms | 45,396 |
| Jimmie L. Cockerham | 45,395 |
| Verney Towns | 45,229 |
| Dean McCallum | 44,692 |
| Sherman M. Inman | 44,348 |
| Clawson Bldg. c/o C. Clark | 43,288 |
| Herman D. Gerles | 43,175 |
| Walter R. Mabry | 42,983 |
| Van E. Nichols | 42,581 |
| Ranza Boggess | 42,422 |
| Edwinston Clark | 42,205 |
| Ranza Boggess, Jr | 41,899 |
| Mary Ann Boggess | 41,899 |
| J. G. McFarland | 41,832 |
| Jack Moseley | 41,759 |
| Leonard L. Grissom | 41,704 |
| A. W. Anthony, Jr | 41,684 |
| Billy J. Thorn | 40,798 |
| John Renner | 40,479 |
| Gene Smith | 40,424 |
| C. V. Potts | 40,029 |
| David Grimsley | 39,884 |
| Philip C. Weatherly | 39,257 |
| Adolf H. Haseloff | 39,082 |
| Louis L. Welch | 38,842 |
| John L. Ray | 38,663 |
| J. B. Sudderth | 38,595 |
| T. N. Browning | 38,492 |
| R. J. Renner, Jr | 38,205 |
| Voges & Reisiger | 37,956 |
| Melborn C. Jones | 37,793 |
| Ellis W. Tatum | 37,032 |
| W. O. Chadwick | 36,931 |
| Arlin L. Hartzog | 36,798 |
| Royce G. Welch | 36,469 |
| Floyd T. Dyer | 35,743 |
| Thomas L. Whaley | 35,214 |
| Oakley D. Stevenson | 34,971 |
| Joe F. Blair | 34,526 |
| Herbert I. Howell | 34,334 |



| | |
|---|---|
| Walter R. Riethmayer | 34,311 |
| Henry Haseloff | 34,133 |
| Raymond K. Schueler | 33,830 |
| Lloyd C. Mingus | 33,433 |
| Melvin G. Sachs | 33,078 |
| Daniel L. Carmichael | 33,047 |
| Lawrence Jamerson | 32,787 |
| Clarence W. Christian | 32,771 |
| Robert G. Sparks | 32,726 |
| Donald Christian | 32,622 |
| Jim R. Daniel | 32,524 |
| Lee O. Kimbrough | 32,376 |
| Carson & Son | 32,317 |
| Wyle M. Bullock | 32,231 |
| Marston G. Mars | 31,927 |
| William C. Woodard | 31,796 |
| Lester Cole | 31,684 |
| Billy E. Bourlon | 31,652 |
| Billy L. Marshall | 31,278 |
| Norman R. Taylor | 31,259 |
| Melvin Southward | 30,843 |
| Richard B. Vaughn | 30,802 |
| Virgil Young | 30,596 |
| Howard N. Hayes | 30,581 |
| Alphonse L. Reznik | 30,552 |
| Bill Brown | 30,550 |
| Max Wells | 30,468 |
| Woodrow M. Bradley | 30,401 |
| Tim Campbell | 30,394 |
| Curtis W. Murphree | 30,146 |
| Russell D. Smith | 30,064 |
| Doyle E. Ford | 29,932 |
| William S. Ingram | 29,661 |
| Keith Garner | 29,610 |
| Wendell Garner | 29,609 |
| Glyn Hamilton | 29,567 |
| Deon Amtrey | 29,434 |
| Durwell K. Bell | 29,381 |
| Eddie W. Nickels | 29,283 |
| Blackburn & Fairchild | 29,112 |
| Edwin L. Lide | 29,056 |
| Vernon C. Willard | 29,008 |
| Floyd E. Schueler | 28,998 |
| Gary Hicks | 28,991 |
| Ernest F. Anthony | 28,978 |
| Eulan A. Parham | 28,654 |
| Charles Myers, Jr | 28,549 |
| Grady W. Sorley | 28,198 |
| J. T. Mayfield | 28,185 |
| Stephen L. Struve | 28,145 |
| Woodrow W. Whitaker | 28,055 |
| Billy R. Johnson | 27,887 |
| Jimmie Heard | 27,882 |
| James Ensor | 27,534 |
| Norman C. Sulser | 27,412 |
| Charles E. Trimble | 27,357 |
| J. H. Dunbar | 27,305 |
| Larry & Jay Potts | 27,150 |
| William V. Gromowsky | 27,048 |
| John W. Hand | 26,670 |
| Fred W. Foster | 26,515 |
| Edward D. Chitwood, Jr | 26,492 |
| Dalton K. Caffey | 26,412 |
| A. L. Black | 26,082 |
| Gilbert A. Kaltwasser | 25,994 |
| James M Procter | 25,866 |
| Jerry Fancher | 25,837 |
| Herbert L. Schueler | 25,819 |
| Eulynn G. Phipps | 25,719 |
| Kenyth C. Cass | 25,526 |
| Max Steinbock | 25,479 |
| McLellan Farms | 25,411 |
| J. A. Rushing | 25,296 |
| Monty Barrett | 25,228 |
| Henry H. Horton | 25,188 |
| Troy Christian | 24,854 |
| Robert E. Wilson | 24,839 |
| Jerry Don Glover | 24,688 |
| Thomas W. Beauchamp | 24,650 |
| Stan Barrett | 24,638 |
| Elvin D. Johnston | 24,288 |
| Adkins & Son | 24,041 |
| Thomas Rhodes, Jr | 24,029 |
| Amos E. Steelman | 23,978 |
| Elsie Jo Buchanan | 23,957 |
| Clarence A. Johnson | 23,936 |
| Leo R. Berend | 23,923 |
| W. S. Graham | 23,915 |
| Richard L. Ware | 23,895 |
| Vernon Estes | 23,608 |
| Walter D. Howard, Jr | 23,582 |
| Harold Hawkins | 23,354 |
| James H. Jennings | 23,252 |
| Joe Bob Johnson | 23,179 |
| Don R. Teague | 23,053 |
| Billy Hunt | 22,967 |
| Charles Hawkins | 22,967 |
| Claude M. Mears | 22,866 |
| Jimmie Seaton | 22,819 |
| Joe A. Schilling | 22,786 |
| A. A. Allen | 22,748 |
| Joseph S. Talley | 22,569 |
| Duward B. Ivy | 22,548 |
| Richard G. Herring | 22,506 |
| Homer A. Hyde | 22,471 |
| John R. Hays | 22,360 |
| Clarence R. Monroe | 22,330 |
| E. Bedford Caldwell | 22,322 |
| Walter Schueler | 22,229 |
| McFarland C. Osborn | 21,956 |
| Jerry L. Smith | 21,891 |
| J. R. Euler | 21,824 |
| Edmund A. Schlabs | 21,810 |
| Jack Smith | 21,803 |
| Floyd S. Reeve | 21,603 |
| W. H. Cash | 21,566 |
| Edgar E. Boggess | 21,521 |
| Houston Bartlett | 21,352 |
| Roy Kuper | 21,295 |
| John L. Mitchell | 21,274 |
| Carl R. Schlenker | 21,221 |
| Edward C. Schilling | 21,220 |
| Dale Westbrook | 21,140 |
| Marion C. Osborn | 21,061 |
| William G. Harlan | 21,023 |
| Bernabe C. Rejino | 20,936 |
| Nelson J. Foster | 20,872 |
| John L. Ivy | 20,804 |
| Vernon Symcox | 20,719 |
| Earl D. Stevenson | 20,614 |
| Donnie Waller | 20,591 |
| Marion H. Carson | 20,312 |
| Ross K. Miller | 20,183 |
| Carl C. Maurer | 20,121 |
| Ernest F. Osborn | 20,108 |
| Floyd L. Rector | 20,066 |
| Ira B. Parr | 20,050 |
| Buddy J. Wiseman | 20,037 |
| Max D. Bush | 20,031 |
| Total payees in county (200) | 6,419,164 |

PECOS COUNTY

| | |
|---|---|
| Mike A. Burkholder | 96,227 |
| Albert J. Hoelscher | 76,716 |
| David C. McAteer | 75,757 |
| Richardson Farms | 70,335 |
| W. H. Riley, III | 66,267 |
| A. B. Foster | 63,347 |
| Harrell and Harrell | 57,950 |
| Melvin H. McKinney | 53,232 |
| Trans Pecos Farms, Inc | 52,855 |
| Harral and Marable | 52,818 |
| Allison Ranch Co | 46,562 |
| Charles E. McIntyre | 40,123 |
| Luther C. Holladay | 39,912 |
| Glen J. Ellis | 39,569 |
| Marshall G. Nevill | 38,562 |
| Rose Ranch Co | 36,259 |
| Conlee Seed Co., Inc | 35,776 |
| W. L. Kington | 35,388 |
| C. R. McKenzie | 32,734 |
| Bill Ed McKenzie | 28,285 |
| S. F. Williams, Jr | 28,019 |
| Larry E. Kington | 27,166 |
| Clint Ellis Owens | 25,899 |
| Virgil W. Massingill | 23,939 |
| Clarence A. Stephan | 23,923 |
| Andrew J. Sitton, Jr | 23,815 |
| Montebev, Inc | 22,615 |
| Ralph C. Dickson | 21,578 |
| Robert Gerald Porter | 21,560 |
| Total payees in county (29) | 1,257,188 |

POTTER COUNTY

| | |
|---|---|
| C. B. Emeny | 53,491 |
| E. B. Fite | 32,553 |
| Albracht & Son | 24,106 |
| Bush Farm Trust B | 21,417 |
| Total payees in county (4) | 131,587 |

PRESIDIO COUNTY

| | |
|---|---|
| J. E. White and Sons | 57,310 |
| Valley Farms Co | 35,546 |
| Russell White | 22,262 |
| W. M. Allison | 20,106 |
| Total payees in county (4) | 135,224 |

RANDALL COUNTY

| | |
|---|---|
| Eldon Durrett Trusts | 49,264 |
| Jack R. C. Vincent | 48,395 |
| Earnest L. Barnett | 45,103 |
| Fred Fegel | 44,519 |
| Pete E. Fischbacher | 44,453 |
| Vernon Andrus | 43,662 |
| Johnny Sluder | 43,572 |
| Paul Schniederjan | 42,634 |
| Elliott Bros | 41,948 |
| Robert C. Sims & Sons | 40,638 |
| Clinton Glenn | 37,550 |
| Gilbert Irlbeck | 36,276 |
| W. T. Smoot, Jr | 36,239 |
| Glynn Burrell | 35,761 |
| Kuehler Farms | 34,334 |
| Howard Fuqua | 32,893 |
| John A. Williams | 32,277 |
| D. L. Allison | 31,824 |
| Eugene Podzemny | 30,439 |
| McRoberts & Jacobsen Bros | 29,953 |
| Alexander Cattle Co | 29,697 |
| Richard D. Friemel | 29,369 |
| David K. McGehee | 28,514 |
| Gary Wagner | 28,278 |
| James Skarke | 27,775 |
| Northrup Farms | 27,458 |
| John L. Butler | 26,945 |
| Max Rarick | 25,715 |
| John E. Frost | 25,534 |
| Earl Reynolds | 24,590 |
| James L. Lamb | 24,313 |
| F. S. Strohmeyer | 23,955 |
| Elizabeth C. Foster | 23,939 |
| Harold Erwin | 23,885 |
| Roy Bryan | 23,865 |
| Carl Sims | 23,280 |
| Davis Est | 23,053 |
| Willie Wieck | 22,750 |
| James F. Gruner | 21,816 |
| Melvin C Wagner | 21,445 |
| H. W. Allen | 21,444 |
| Lewel Johnston | 21,377 |
| Tom Wilhelm | 21,221 |
| George L. Powers | 21,144 |
| John W. Byrd | 21,114 |
| Clarence Wilson | 20,916 |
| Charles Wright | 20,288 |
| John F. Robinson | 20,073 |
| Double H. Farms | 20,042 |
| Total payees in county (49) | 1,475,529 |

REAGAN COUNTY

| | |
|---|---|
| Alfred J. Schwartz | 35,011 |
| Virgil Powell Rch. AC | 31,141 |
| Wendell Parker | 28,957 |
| G. Lester Jansa | 25,976 |
| W. M. Jackson | 24,822 |
| Max Schneemann, Jr | 22,779 |
| J. L. Allen, Jr | 20,263 |
| Leroy Wilde | 20,077 |
| Total payees in county (8) | 209,028 |

REAL COUNTY

| | |
|---|---|
| Seth Hatley | 20,455 |
| Total payees in county (1) | 20,455 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Texas*—Continued

[Amounts in dollars]

RED RIVER COUNTY

| | |
|---|---|
| First American Farm, Inc | 49,964 |
| John M. Ware | 34,170 |
| Kenneth M. Allen | 21,111 |
| Total payees in county (3) | 105,245 |

REEVES COUNTY

| | |
|---|---|
| Dingler Farms | 92,496 |
| Joe Lee McMahon | 74,269 |
| Rachec, Inc | 72,041 |
| Ted Lindemann | 70,574 |
| Kenneth Lindemann | 70,528 |
| W. W. Hill | 67,995 |
| Pecos P. and C. Co., Inc | 66,502 |
| Bobby Rogers | 66,495 |
| R. E. Roberts | 65,699 |
| J. R. Clark | 65,699 |
| Loy Kilgore | 64,411 |
| William R. Ramsey | 64,371 |
| W. A. Sullivan | 63,973 |
| Jack Duke | 63,298 |
| L. G. Worsham | 63,157 |
| W. J. Worsham | 63,142 |
| Robert G. Worsham | 63,140 |
| Ray Kesey | 60,176 |
| C. J. Kesey | 60,176 |
| Coy Fraley | 59,566 |
| B. V. Shaw | 56,978 |
| Reetex Farms, Inc | 55,000 |
| Dale Toone | 54,455 |
| B. C. Kesey | 54,124 |
| Don Weinacht | 53,676 |
| Charles A. Weinacht | 53,167 |
| Paul C. Davidson | 52,383 |
| Hoefs Farms Inc | 52,124 |
| Red Bird Farms | 50,585 |
| G. G. Passmore | 50,455 |
| Robert G. Davis | 45,100 |
| Frank Bounds | 43,048 |
| Peppy McKinney | 41,998 |
| Garland Derword Rowe | 41,736 |
| R. V. Turnbough | 41,503 |
| C. S. Hess and Son | 38,789 |
| J. R. Rankin | 38,381 |
| Erma McKinney | 38,262 |
| H. R. Hudson, Jr | 38,088 |
| W. T. Lattner, Jr | 36,071 |
| Christelle Mills | 36,071 |
| West Texas P. C. A | 34,005 |
| Cherry Creek Farm | 32,678 |
| Chocolate Flats Farm Co | 32,281 |
| A. J. Broyles | 32,193 |
| J. S. Wofford | 31,824 |
| Robert M. Owen | 31,620 |
| W. W. Clem | 31,481 |
| Cherry Draw Co | 30,928 |
| Broyles Pecos Farm | 30,807 |
| Raymond Beauchamp | 30,777 |
| James L. Sears | 30,556 |
| Duncan Farms, Inc | 29,907 |
| Tom Hardwick | 29,263 |
| Herman Bippes | 28,718 |
| Richard L. Mark | 27,479 |
| Robert R. Hendry | 27,479 |
| Ronald Miller | 26,976 |
| L. M. Collier | 26,532 |
| Hermosa Farms, Inc | 25,951 |
| Roy Blahosky | 25,735 |
| Tom Passmore | 25,308 |
| W. B. Evans | 24,761 |
| Herbert H. Toone | 24,278 |
| Evans Butler | 24,187 |
| Marion A. Briggs | 24,114 |
| J. W. Bryan | 23,473 |
| Jack Davis | 22,800 |
| Louis D. McNeil | 22,535 |
| J. B. Hopkins | 21,909 |
| Clem Crowley | 21,418 |
| Coy Nichols | 20,844 |
| Rudolph Hoefs | 20,806 |
| E. L. McDonald | 20,756 |
| Joseph Tatum Moore | 20,297 |
| J. T. Moore, Jr | 20,297 |
| Charles Spence | 20,042 |
| Total payees in county (77) | 3,264,715 |

REFUGIO COUNTY

| | |
|---|---|
| Voges and Boenig | 47,733 |
| Hartmann Farms | 33,570 |
| W. F. Abney | 32,771 |
| G. H. Frazier | 26,618 |
| R. L. Shaw | 25,520 |
| Clifton Frazier | 24,374 |
| C. H. French | 23,255 |
| T. G. and R. L. Jackson | 22,575 |
| L. W. O'Connor Tr. Est | 21,629 |
| W. E. Naylor | 21,012 |
| J. C. Emis | 20,788 |
| Total payees in county (11) | 299,845 |

ROBERTS COUNTY

| | |
|---|---|
| Wiley Bailey | 20,344 |
| Buddy Cockrell | 20,004 |
| Total payees in county (2) | 40,348 |

ROBERTSON COUNTY

| | |
|---|---|
| Goodland Farms, Inc | 89,593 |
| John C. Reistino | 60,976 |
| Frances F. Reistino | 57,692 |
| Vence Corpora | 57,567 |
| Joe Reistino Est | 56,896 |
| James H. Jones | 53,307 |
| John W. Nigliazzo | 51,327 |
| John W. Nigliazzo, Jr | 51,327 |
| Sam Degella, Sr | 50,975 |
| Sam Destefano | 46,430 |
| J. W. Foster, Jr | 41,863 |
| N. R. Lutz | 40,017 |
| Gathan Reistino | 38,441 |
| W. P. Scamardo | 38,267 |
| Fred J. Ferrara | 37,887 |
| Joe Scarpinato | 37,529 |
| T. D. Wilson | 34,827 |
| Louis Muse | 31,997 |
| Ned Fachorn | 31,980 |
| Frank B. Seale Est | 29,428 |
| Ross Cash | 27,505 |
| James & Tony Cortemella | 27,248 |
| Pauline Doremua | 26,050 |
| Michael Muse | 25,833 |
| 3 D Farm & Ranch | 25,464 |
| Leon Anthony Denena | 24,916 |
| Luke Scamardo | 24,755 |
| Frank Sam Loria | 24,379 |
| Matt Salvaggio | 22,968 |
| R. F. Manning | 22,884 |
| Frank Destefano | 22,781 |
| Pete L. Scamardo | 22,136 |
| Joe L. Collette | 21,038 |
| Total payees in county (33) | 1,236,283 |

ROCKWALL COUNTY

| | |
|---|---|
| Henry Zollner | 30,649 |
| William E. Crawford | 24,991 |
| A. R. Seabolt | 24,984 |
| Carlton D. Clinard | 23,270 |
| Charles W. Holt | 22,476 |
| Total payees in county (5) | 126,370 |

RUNNELS COUNTY

| | |
|---|---|
| Melvin R. Williams | 28,440 |
| Walter B. Adami | 27,991 |
| Dalton C. Lacy | 27,769 |
| Mozell Wilbanks | 24,729 |
| Newman E. Smith | 24,334 |
| Harvey E. Gully | 23,173 |
| Elwood E. Brown, Jr | 21,348 |
| L. P. Schwertner | 20,910 |
| Leonard H. Halfmann | 20,101 |
| Total payees in county (9) | 218,796 |

SAN PATRICIO COUNTY

| | |
|---|---|
| Vahlsing Christina Corp | 88,415 |
| Heirs of Jos. F. Green | 84,596 |
| William & Burkhardt | 63,620 |
| Floyd Webb, Jr | 56,562 |
| R. F. Hart | 51,576 |
| H. G. Ritchie, Jr | 50,039 |
| H. G. Ritchie Est | 41,422 |
| Jackson & Stripling | 39,244 |
| Thomas Ardel Setliff | 38,290 |
| Chester B. Brittain | 37,797 |
| George J. Ermis | 35,750 |
| W. O. Hart | 35,093 |
| Thomas Touchstone | 32,828 |
| C. L. Mayo | 31,981 |
| Charles H Mayo | 30,967 |
| Lykes Bros Inc | 30,787 |
| Albert Kastner | 30,707 |
| J. M. Edmondson | 29,756 |
| K. G. McKamey est | 29,166 |
| R. C. Dillon | 28,402 |
| Mercer T. Ivey | 26,397 |
| O. L. Gorbet | 26,372 |
| Beyer Bros | 26,327 |
| Donald B. Horne | 26,318 |
| Floerke Bros | 26,084 |
| Roots and Roots | 25,883 |
| Q. M. Priday Jr | 25,460 |
| Stanley Webb III | 25,190 |
| John H. Schmalstieg | 25,013 |
| W. L. Shelburne Jr | 24,826 |
| Daniel P. Moore | 23,990 |
| W. C. McDaniel | 23,770 |
| J. W. Setliff | 23,698 |
| Adams Brothers | 23,541 |
| Homer C. Easterwood | 22,676 |
| R. J. Garrett | 22,434 |
| Woodrow Hart | 22,243 |
| Howard H. Webb | 21,798 |
| Cecil Hart | 21,485 |
| Hattie Bell Ferguson | 21,343 |
| T. D. Threadgill Jr | 21,331 |
| Loree Svadlenak | 20,798 |
| Clyde C. Mayo | 20,510 |
| Martin Schneider | 20,438 |
| Total payees in county (44) | 1,434,922 |

SCHLEICHER COUNTY

| | |
|---|---|
| T. C. Meador | 46,841 |
| James L. Powell | 38,414 |
| Virginia Bruton | 24,788 |
| Capitan Bowl Center, Inc | 21,799 |
| Henry Moore | 21,375 |
| L. E. Lloyd | 21,253 |
| W. O. Faull | 20,370 |
| Total payees in county (7) | 194,840 |

SCURRY COUNTY

| | |
|---|---|
| Billy Huddleston | 65,374 |
| Clements Bros | 39,406 |
| R. J. Kubena | 35,918 |
| C. A. Daugherty | 34,331 |
| Max Von Roeder | 32,491 |
| Granville E. Chorn | 32,189 |
| Terry J. Nachlinger | 29,094 |
| Henry G. Gafford | 28,411 |
| Ray Herring | 28,290 |
| Billy J. Voss | 27,992 |
| Mozell Roggenstein | 26,871 |
| Rex Glass | 26,375 |
| Jackie Pylant | 26,252 |
| Don Wills | 26,145 |
| Emil Schattel Est | 24,999 |
| Jerry Gannaway | 24,961 |
| Glenn Foster | 24,861 |
| Ernest Schattel | 24,481 |
| J. N. Eicke | 23,672 |
| Wayne Key | 23,377 |
| R. L. Drum | 22,259 |
| Carl Williams | 22,203 |
| G. L. Wall | 21,925 |
| Geral Greene | 20,932 |
| Martin Murphy | 20,349 |
| Total payees in county (25) | 713,160 |



SHACKELFORD COUNTY

| | |
|---|---|
| Kenneth Hansen | 26,708 |
| Robert L. Reves, Sr | 23,715 |
| Total payees in county (2) | 50,423 |

SHERMAN COUNTY

| | |
|---|---|
| Jimmy Cluck | 105,135 |
| Rex Hall | 72,285 |
| McClellan & McClellan | 69,277 |
| Elmo Fortenberry | 65,728 |
| R. M. Buckles, Est | 63,188 |
| Ezra F. Fisk | 56,698 |
| Jack Heil | 53,735 |
| Dietrich & Gurley | 53,617 |
| Wood B. Craig | 50,051 |
| Wendell Stacy | 44,667 |
| Helen Buckles, Est | 44,541 |
| Wallace Corse | 44,137 |
| Huber R. Tillery | 43,338 |
| Everett Bros | 43,152 |
| Cartrite Bros | 41,695 |
| Jesse C. Cooper | 41,187 |
| Wallace N. Bridwell | 40,573 |
| Sam R. Cluck | 39,614 |
| Stratford Feed Yards, Inc | 39,391 |
| Wm. L. Price, et al | 37,419 |
| Frank Berry, Jr | 36,921 |
| Wayne Garth | 36,514 |
| Arthur E. Judd | 36,344 |
| Schafer & Schafer | 36,046 |
| Ronald F. Engelbrecht | 35,926 |
| Luther Browder | 33,836 |
| Pat Holt | 33,603 |
| McBryde and McBryde | 33,002 |
| Leroy Robison | 32,894 |
| Walter Lasley & Sons, Inc | 32,649 |
| Haile Bros | 31,888 |
| Dean G. Cluck | 31,706 |
| Spurlock Bros | 31,439 |
| John Bain | 30,977 |
| Bill W. Carthel | 30,821 |
| Otto Schuster, Jr | 30,216 |
| Bob Donald Evans | 30,167 |
| S. S. Land & Cattle Co | 30,138 |
| R. J. Cluck | 29,734 |
| Jack Worsham | 29,605 |
| Arnold B. Morris | 29,413 |
| Judd Cattle Co | 29,377 |
| Connie Ray | 28,854 |
| Paul Chesmer | 28,781 |
| Lynn L. Hudson | 28,687 |
| Orland Lasley | 28,339 |
| H. H. Caraway | 28,120 |
| Aubrey Sutton | 28,033 |
| Olen Branham | 27,762 |
| Bill Reed | 27,436 |
| Monroe Bros | 26,694 |
| Bob Wegner | 26,249 |
| James R. Boardman | 25,842 |
| Bill & Glenn Reed | 25,726 |
| Glenn Hart | 25,688 |
| Wesley Lunt | 25,148 |
| Jack Scarth | 24,934 |
| Morris & Morr Inc | 24,912 |
| Mrs. L. Murfee | 24,508 |
| Roscoe Dyess & Son | 24,027 |
| Roy Browder | 23,954 |
| Jerry & Ronnie Williams | 23,654 |
| Walter Johnson | 23,369 |
| William N. Jackson | 23,270 |
| Albert W. Zimmer | 22,945 |
| Bobby Wood | 22,702 |
| William R. Murrell | 21,668 |
| A. W. Pool | 21,569 |
| James O. Young | 21,201 |
| J. L. Stowers | 20,940 |
| O. H. Ingham & Son | 20,860 |
| Kenneth C. Borth | 20,846 |
| John A. Boney | 20,802 |
| E. L. Monroe | 20,743 |
| Rick Rousser | 20,587 |
| Harvey & W. A. Spurlock | 20,563 |
| Bert Steffens | 20,530 |
| C & C Farm Store | 20,523 |
| Harrill E. Duncan | 20,434 |
| Kenneth Kendrick | 20,001 |
| Total payees in county (80) | 2,673,545 |

STARR COUNTY

| | |
|---|---|
| James L. Sheerin | 66,438 |
| Charles Roos III | 63,937 |
| Valley Oniona, Inc | 63,360 |
| La Casita Farms, Inc | 59,176 |
| Griffin and Brand | 40,021 |
| John Fish | 33,650 |
| Total payees in county (6) | 326,582 |

STERLING COUNTY

| | |
|---|---|
| Foster S. Price | 46,969 |
| Flavy E. Davis | 23,546 |
| J. Clinton Hodges | 22,953 |
| W. N. and L. R. Reed | 20,901 |
| Total payees in county (4) | 114,369 |

STONEWALL COUNTY

| | |
|---|---|
| Jim Rowland, Jr | 31,443 |
| Glen Pierce | 30,693 |
| Richard L. Snow | 26,900 |
| Wayne Yarborough | 20,782 |
| Total payees in county (4) | 109,818 |

SUTTON COUNTY

| | |
|---|---|
| Sonora Research St | 123,134 |
| W. L. Morriss | 55,572 |
| Mayer Rousselot | 40,638 |
| Fred T. Earwood Est | 39,273 |
| Headquarters Ranch | 36,342 |
| Harrison Rch | 28,675 |
| Zena Mayfield | 25,657 |
| Sam H. Allison | 24,943 |
| Lea Roy Aldwell | 24,921 |
| Edwin E. Sawyer | 24,477 |
| James T. Hunt | 23,633 |
| William L. Galbreath | 23,382 |
| Duke Wilson | 22,305 |
| Field Rch. Co | 20,293 |
| Bobbie Fawcett | 20,249 |
| Total payees in county (15) | 533,494 |

SWISHER COUNTY

| | |
|---|---|
| Fowler E. McDaniel | 153,136 |
| Warner Reid | 110,295 |
| B. Raymond Evans | 91,095 |
| Paul Hays | 88,493 |
| Tyline N. Perry | 68,033 |
| Lloyd M. Hale | 64,702 |
| John N. Simpson, Jr | 64,629 |
| Nelson Borchardt | 60,091 |
| J. L. Francis | 59,991 |
| S. A. Barrett | 58,422 |
| Hoyet Burnam | 56,073 |
| Corliss H. Currie | 51,798 |
| Si G. Elliott | 51,463 |
| James Cannon | 50,977 |
| James Cruce | 49,413 |
| J. Larry Nelson | 48,285 |
| Paul D. Miller | 46,338 |
| Billy Ray Boggs | 44,026 |
| James B. Cox | 43,248 |
| Joe L. Byrd | 42,507 |
| Jack Thompson | 42,359 |
| Tulia Feed Lot, Inc | 42,007 |
| Wylie A. Byrd | 41,310 |
| Curtis Latham | 41,146 |
| N. L. Singer | 41,038 |
| Richard W. Mahagan | 40,922 |
| Dr. Wm. B. Childress | 40,508 |
| A. B. Raymond | 40,443 |
| Andrew Price | 40,180 |
| Jim Doan | 39,766 |
| Buck Garrett | 39,587 |
| T. C. Measles | 38,456 |
| J. D. Herndon | 38,316 |
| Glenn Terrell | 38,242 |
| R. W. McClure | 37,697 |
| D. E. McEachern | 36,935 |
| Jack G. Foster | 36,868 |
| Robert Devin | 36,361 |
| Harold Ray Caraway | 36,356 |
| John Earl Simpson | 36,059 |
| H. O. Thompson | 36,015 |
| Warren Lee Bell | 35,938 |
| Claude F. Harris | 35,579 |
| Earl Hillman | 35,478 |
| Lonnie G. Todd | 35,308 |
| W. E. Thurman | 34,840 |
| Jack D. Loring | 34,649 |
| Donald Thompson | 34,561 |
| Verlon Watson | 34,549 |
| T. L. Abernathy, Jr | 33,766 |
| H. T. Copeland | 33,581 |
| Melvin Young | 33,360 |
| Ray Reiss | 33,360 |
| A. Emmet Pittman | 33,129 |
| Cone W. Johnson | 33,104 |
| Victor Martin | 32,751 |
| L. G. Mahagan | 32,601 |
| Morgan Sturgess | 32,590 |
| Leo W. Foster | 32,193 |
| Koy V. Benefield | 31,683 |
| L. L. Armor | 31,377 |
| August C. Falkenberg | 31,376 |
| Victor L. Harman | 31,371 |
| Harold Obenhaus | 31,332 |
| Otis Harman | 31,021 |
| A. D. Lee | 30,979 |
| John Hays | 30,637 |
| Lloyd Glenn | 30,600 |
| Melvin D. Jennings | 30,594 |
| A. M. Anderson | 30,567 |
| Bobby Sisemore | 29,954 |
| Bill Bivens | 29,239 |
| Jake Jones | 29,012 |
| Dale Swinburn | 28,950 |
| O. H. Olson | 28,925 |
| L. G. George | 28,811 |
| Bueal Lee Thompson | 28,792 |
| Edna C. Finck | 28,720 |
| Billy W. Evans | 28,709 |
| Orville Finck | 28,643 |
| Jack Middleton | 28,371 |
| Frank Loftin | 28,280 |
| James Vineyard | 28,265 |
| Paul N. Irlbeck | 27,860 |
| Henry Hinton | 27,750 |
| William P. Hinton | 27,747 |
| J. F. Whitsett | 27,645 |
| Robert H. Lowery, Jr | 27,544 |
| Billy T. Young | 27,452 |
| Hugh R. Poage | 27,386 |
| John Spilman | 27,034 |
| Russell Barton | 27,022 |
| C. R. Byrd | 26,934 |
| E. E. Sims | 26,642 |
| Leroy Measles | 26,599 |
| Hulan Hill | 26,523 |
| Don A. Nelson | 26,465 |
| Ben Tye, Jr | 25,870 |
| Robert Hostetler | 25,597 |
| C. W. Rousser | 25,502 |
| Johnny Edwin Bice | 25,451 |
| Circle C Agri. Assoc | 25,449 |
| Ray Tomsu, Jr | 25,296 |
| Albert P. Devin | 25,169 |
| Weldon Jones | 24,800 |
| Daryl R. Dixon | 24,627 |
| W. Ray Caraway | 24,601 |
| Eston Breitling | 24,529 |
| Bayard Sadler | 24,316 |
| Virginia D. Butler | 23,879 |
| James W. Cox | 23,646 |
| A. H. Jennings | 23,390 |
| Estle Haught | 23,349 |
| Gerald Schulte | 23,220 |
| Frank Kiker | 23,188 |
| Jack Gilleland | 23,168 |
| Terry Martin | 23,155 |
| Max Swinburn | 23,117 |
| Vernon Loftin | 23,079 |
| O. V. Morris | 23,044 |
| W. Leroy Roberts | 22,843 |
| Cecil A. Rousser | 22,660 |
| Lloyd C. Miller | 22,496 |
| R. H. Gayler | 22,284 |
| Herbert Goss | 21,871 |
| Eugene Searsy | 21,869 |
| Ernest Jackson | 21,850 |
| Don L. McCune | 21,652 |
| H. T. Duke | 21,618 |
| D. J. Northcutt, Jr | 21,571 |
| Larry Lynn Carter | 21,551 |
| Roy Huckabee | 21,546 |
| E. B. Campbell | 21,546 |
| R. T. Fulkerson | 21,231 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Texas*—Continued

[Amounts in dollars]

SWISHER COUNTY—Continued

| | |
|---|---|
| Johnny Nix | 21,200 |
| A. Dean Harman | 21,196 |
| Jim Wilmeth | 21,170 |
| Glen C. Carter | 21,162 |
| Tom Garrison | 21,087 |
| Loyd Leavitt | 21,077 |
| Benny J. Montague | 21,067 |
| J. U. Flippo | 21,063 |
| Richard Tye | 21,032 |
| J. R. Latham | 20,897 |
| McDonald & Parker, Inc | 20,713 |
| Howard Foster | 20,700 |
| Jack Kinser | 20,659 |
| Milton Dovel | 20,652 |
| Lloyd Evans | 20,623 |
| Wayne G. Miller | 20,521 |
| Albert A. Irlbeck | 20,492 |
| Harley L. King | 20,460 |
| Burle D. Byrd | 20,257 |
| Roy Roper | 20,201 |
| B. Elvin Foster | 20,172 |
| Gene King | 20,127 |
| Total payees in county (156) | 5,152,272 |

TAYLOR COUNTY

| | |
|---|---|
| Ted McAninch | 42,500 |
| H. H. McLeod | 22,034 |
| Total payees in county (2) | 64,534 |

TERRELL COUNTY

| | |
|---|---|
| Jack and Roy Deaton | 69,344 |
| Tol Murrah | 42,840 |
| Bell & Kenney | 41,377 |
| Sid Harkins | 38,171 |
| R. S. L. & C., Inc | 36,290 |
| Jack Riggs | 36,013 |
| Herbert Brown | 36,791 |
| Harrison Bros | 33,713 |
| Ernest H. Jessup | 32,232 |
| Odell Carruthers | 31,058 |
| Harkins Bros | 30,202 |
| Lee Dudley | 22,001 |
| Leo Adams | 20,274 |
| Total payees in county (13) | 469,306 |

TERRY COUNTY

| | |
|---|---|
| Muldrow Farms | 70,341 |
| T. B. Benson | 69,886 |
| Howard Hurd | 65,140 |
| Thurman Skains | 64,975 |
| Charlie Caswell | 61,091 |
| Bonard Stice | 59,488 |
| W. A. Fulford | 58,599 |
| Doyle Moss | 53,473 |
| Guy Bennett | 52,903 |
| Olane Caswell | 51,812 |
| Norman Caswell | 51,001 |
| Tommy Winn | 50,642 |
| M. E. Hinson | 50,182 |
| H and L Farms | 48,192 |
| N. R. Marchbanks, Jr | 46,589 |
| H. J. & S., Inc | 46,037 |
| J. A. Webb | 45,549 |
| Dan A. Day | 44,524 |
| M. H. Wagner | 44,256 |
| H. L. King | 43,807 |
| S. M. Dill | 43,467 |
| Bryce Wagner | 43,260 |
| Doyle Neighbors | 43,036 |
| Robert Beasley | 42,199 |
| Graham Swain | 42,136 |
| Foster Gin FM | 42,102 |
| Russell Hendricks | 41,489 |
| Rufus Dill | 41,090 |
| R. O. Webb | 40,948 |
| Davis Beasley | 40,731 |
| Truman Hayes | 40,365 |
| Addison and Addison | 39,892 |
| Thomas J. Webb | 39,707 |
| Keith Vandivere | 39,557 |
| Harry Stice | 39,061 |
| W. M. Hunter | 38,947 |
| Troy Phillips | 38,636 |
| David Auburg | 38,606 |
| W. C. Cabe | 38,453 |
| Pat Ramseur | 38,213 |
| Kenneth Purtell | 37,810 |
| D. S. Carroll | 37,606 |
| Donald Hancock | 37,481 |
| J. V. Riley | 37,420 |
| Ray Gober | 36,982 |
| Doyle Hargrove | 35,935 |
| Robert Baumgardner | 35,124 |
| W. O. Burris | 34,527 |
| David Turnbough | 34,360 |
| Odell L. Lowe | 34,310 |
| Mack Wilmeth | 34,229 |
| Odell Fuller | 33,844 |
| Dell Jordan | 33,617 |
| Carter Farms, Inc | 33,136 |
| Joe Joplin | 33,094 |
| James G. Davis | 32,827 |
| Billy McCallister | 32,557 |
| R. L. Burnett | 32,442 |
| Travis Farms, Inc | 32,439 |
| Don C. Day | 32,182 |
| Billy R. Jones | 32,080 |
| James F. Turner | 31,985 |
| W. Wayne Lewis | 31,787 |
| G. C. Cattle Co., Inc | 31,708 |
| T. A. Hicks | 31,418 |
| Forrest D. Spencer | 31,362 |
| Weyland Mullins | 31,224 |
| Art W. Adair | 31,179 |
| Jess McWherter | 31,088 |
| Cletus Floyd | 31,061 |
| C. A. Winn | 30,997 |
| Bill W. Blackstock | 30,860 |
| Carl Hogue | 30,488 |
| Val Garner | 29,975 |
| C. R. Farrar | 29,800 |
| L. M. Williams | 29,676 |
| L. P. Joplin | 29,671 |
| James J. Martin | 29,618 |
| Hubert Henson | 29,328 |
| G. I. Sims | 29,269 |
| W. V. Lasiter | 28,634 |
| R. R. McNiel | 28,221 |
| D. A. Kelly | 27,844 |
| L. L. Banta | 27,785 |
| H. B. Harris | 27,726 |
| Burton F. Foshee | 27,414 |
| Clarence Faught | 27,095 |
| E. H. Farrar | 26,748 |
| Billy Timmons | 26,650 |
| J. W. Lasiter | 26,555 |
| M. H. Ratliff | 26,456 |
| L. R. Gober | 26,266 |
| Brown Farms | 26,002 |
| D. L. Adcock | 25,995 |
| Melton Briscoe, Jr | 25,655 |
| Gary K. Tatum | 25,561 |
| Graves Nelson | 25,511 |
| Kermitt Shults | 24,586 |
| Melvin Carroll | 24,455 |
| F. L. Earnest | 24,448 |
| Edward L. Jordon | 24,354 |
| J. V. Gilliam | 24,327 |
| Fred H. Turner | 24,249 |
| Homer C. Barron | 24,204 |
| L. T. Rettmann | 24,092 |
| Kenneth Grawunder | 24,015 |
| Lance Furlow | 23,819 |
| Herman Cottrell | 23,771 |
| G. W. Dill | 23,376 |
| R. D. Jones, Jr | 23,191 |
| J. D. Oliver | 23,170 |
| Victor Watts | 23,153 |
| Raleigh Luker | 23,129 |
| Geo L. Sullivan, Jr | 22,979 |
| C. S. Carroll | 22,758 |
| Herman Wheatley, Jr | 22,716 |
| R. H. Clements | 22,302 |
| R. G. Nutt, Jr | 22,285 |
| Donald Currie | 22,037 |
| J. W. Christesson | 21,891 |
| Earl Caswell | 21,871 |
| Truett Flache | 21,747 |
| G. M. Newsom | 21,743 |
| Clovis Cline | 21,725 |
| Merlin Speed | 21,687 |
| Gene Newsom | 21,598 |
| Rex Wilkes | 21,595 |
| Earnest G. Hudson | 21,541 |
| Robert E. Smith | 21,452 |
| M. R. Paddack | 21,256 |
| Otha Brown | 21,065 |
| J. C. Donaghey | 21,002 |
| James E. Thurman | 20,908 |
| Raymond Vardeman | 20,871 |
| Bill Keesee | 20,806 |
| Barry Caswell | 20,759 |
| J. O. Farrar | 20,726 |
| George Weiss | 20,656 |
| Leon Speed | 20,575 |
| J. C. Chambers | 20,550 |
| Cecil Cowan | 20,474 |
| Keith Cato | 20,419 |
| Howard Moorhead | 20,311 |
| Billy Yeatts | 20,095 |
| Raymond Green | 20,089 |
| H. L. Holleman | 20,075 |
| Total payees in county (146) | 4,737,899 |

THROCKMORTON COUNTY

| | |
|---|---|
| Moore Farm | 24,643 |
| Total payees in county (1) | 24,643 |

TOM GREEN COUNTY

| | |
|---|---|
| B. R. Weatherford | 95,599 |
| C. M. Arrott | 35,448 |
| Dewey Parmer, Jr | 35,417 |
| Edwin J. Wilde | 33,550 |
| DeWolf & West | 33,533 |
| Ripple Brothers Part | 30,928 |
| Leon Kiesling | 29,310 |
| J. B. Blakeney Ranch | 28,555 |
| Bill Pfluger | 27,704 |
| A. D. Rust | 26,867 |
| Nolan Niehues | 26,609 |
| James & Belcher | 26,503 |
| Richard Book | 26,293 |
| Dorval D. Lee | 26,291 |
| I. W. & Co | 25,112 |
| A. Phinney, Jr | 24,789 |
| Otto W. Dierschke | 23,740 |
| H. A. Fuessel | 23,191 |
| Edwin A. Book | 22,569 |
| Bobby J. Eggemeyer | 21,928 |
| Hubert Drgac | 21,598 |
| Adolph W. Wilde | 21,364 |
| N. J. Dierschke | 20,907 |
| Robert Lee Vidler | 20,808 |
| Ben H. Book | 20,581 |
| Horace Edwards | 20,002 |
| Total payees in county (26) | 749,196 |

TRAVIS COUNTY

| | |
|---|---|
| Wilburn Burklund | 36,621 |
| Clyde Lundgren | 30,466 |
| Fred Lundgren, Jr | 23,567 |
| Timmerman and Hagn | 22,844 |
| Total payees in county (4) | 113,498 |

UPTON COUNTY

| | |
|---|---|
| Dewayne Lindsey | 55,553 |
| F. F. Noelke Ranch Co | 38,940 |
| Ray R. Barrett, Jr | 36,334 |
| Robert Latzel | 27,552 |
| Walton Poage | 22,509 |
| H. F. Neal, Estate | 21,893 |
| Total payees in county (6) | 202,781 |

UVALDE COUNTY

| | |
|---|---|
| Ed Young | 73,827 |
| Jesse Raney | 69,014 |
| Harvey Gulley & Son | 33,857 |
| Southwest Livestock Ex | 33,012 |
| Leslie Pepper | 29,689 |
| Elizabeth Raney | 29,342 |
| Burger Bros | 28,352 |
| Rafter L Cattle Company | 25,833 |
| T. M. Woodley, Jr | 24,507 |
| James D. Rose | 23,724 |
| Connell & Hudson | 22,885 |
| Dan Davis | 22,355 |



| | |
|---|---|
| Henry Bros | 20,748 |
| Jamie Lee | 20,473 |
| Total payees in county (14) | 457,618 |

VAL VERDE COUNTY

| | |
|---|---|
| W. H. Wardlaw | 88,236 |
| B. E. Wilson Corp | 78,457 |
| Hutto Brothers | 73,723 |
| Davenport Brothers | 54,685 |
| Jim Bob Altizer | 53,503 |
| J. O. Taylor, Jr | 50,832 |
| Continental Ranch Co | 48,566 |
| Whitehead Brothers | 48,547 |
| R. R. Brotherton | 46,477 |
| Pat Rose, Sr | 35,964 |
| L. B. Wardlaw, Jr | 35,718 |
| Therrell Rose | 35,293 |
| Juno Ranch Co | 34,873 |
| Charlie F. Hinds | 31,902 |
| L. A. Brumley | 30,653 |
| Martin Wardlaw | 30,560 |
| F. H. Whitehead, Jr | 30,451 |
| The Hodge Corp | 30,088 |
| Jack W. Brown | 28,996 |
| L. S. Terry | 28,708 |
| Sutton & Hodge | 27,782 |
| Martin M. Rose, Jr | 27,245 |
| J. C. Mayfield | 27,085 |
| Wilson Hodge, Inc | 25,645 |
| Mrs. S. E. Gurley & Son | 24,464 |
| Miers Brothers | 24,365 |
| Harlow Ranch Co | 24,175 |
| John T. Mayfield | 23,836 |
| E. F. McNutt | 22,843 |
| A. O. Baker | 22,676 |
| Virgil F. Cauthorn | 22,480 |
| Therrell & Thomas Rose | 21,079 |
| W. L. Whitehead | 20,769 |
| Noel C. Fry | 20,695 |
| Bill D. Ward | 20,667 |
| Henry Mills, Jr | 20,618 |
| F. H. Whitehead Est | 20,462 |
| Martin King | 20,449 |
| Total payees in county (38) | 1,313,557 |

VAN ZANDT COUNTY

| | |
|---|---|
| Thurman J. Miles | 24,572 |
| Total payee in county (1) | 24,572 |

VICTORIA COUNTY

| | |
|---|---|
| William B. Brayer | 47,659 |
| Nave Crain McCan | 28,871 |
| Total payees in county (2) | 76,530 |

WALKER COUNTY

| | |
|---|---|
| Texas Department of Corrections | 156,447 |
| Total payee in county (1) | 156,447 |

WHARTON COUNTY

| | |
|---|---|
| W. D. McMillan | 41,605 |
| Wendel, Inc | 39,212 |
| Mahalitic Bros | 32,629 |
| Nilson Farms | 31,092 |
| Heyne Brothers | 28,743 |
| Lawrence Petersen | 28,561 |
| Lawrence Nilson | 28,220 |
| R. D. Williams | 26,456 |
| Ralph Petersen | 26,215 |
| Curtis H. Jensen | 25,942 |
| Jim L. Harton | 20,501 |
| Total payees in county (11) | 329,176 |

WHEELER COUNTY

| | |
|---|---|
| J. M. Tindall | 37,938 |
| Clifton Boydston | 26,609 |
| A. W. Burrell | 23,767 |
| W. W. Aaron | 21,925 |
| Raymond Moore | 20,928 |
| Billy Buckingham | 20,473 |
| Total payees in county (6) | 151,690 |

WICHITA COUNTY

| | |
|---|---|
| Montgomery & Crumpler | 37,450 |
| H. C. Preston Est | 25,887 |
| R. C. Fritsche | 22,835 |
| Rayford Young | 20,288 |
| Total payees in county (4) | 106,460 |

WILBARGER COUNTY

| | |
|---|---|
| W. T. Waggoner Trust Est | 77,778 |
| Roy W. Judd | 44,404 |
| John H. Turner | 35,185 |
| Robert H. Belew | 30,503 |
| J. C. Riggins | 27,373 |
| Robert H. Belew, Jr | 24,472 |
| Troy A. Chapman | 23,281 |
| Total payees in county (7) | 262,996 |

WILLACY COUNTY

| | |
|---|---|
| Adele M. Schmidt | 68,380 |
| Funk Farms, Inc | 64,063 |
| S & S Seed | 62,971 |
| Johnson Farms Inc | 62,912 |
| R. W. Kirsch | 58,350 |
| Wayne Labar | 57,022 |
| Lagerstam Farms, Inc | 53,087 |
| C. A. Kirsch | 50,289 |
| Morrow Farms, Inc | 48,752 |
| Lloyd M. Funk | 46,599 |
| Chester A. Johnson | 45,618 |
| Paul Vassberg | 44,663 |
| D. E. Morrow | 44,538 |
| K. L. Morrow | 43,990 |
| Virgil Swanberg | 43,242 |
| James Whitfield | 42,646 |
| Tommy Funk | 40,151 |
| Jerry Funk | 40,151 |
| W. Don Stone | 38,258 |
| Vernon Swanberg | 37,969 |
| Edward Willis | 37,322 |
| Willamar Farms Inc | 36,591 |
| John Wreden | 35,182 |
| Monty Stewart | 33,767 |
| Fred Klostermann | 33,497 |
| G. F. McGee & Sons | 33,277 |
| Curtis L. Roberts | 32,897 |
| S. R. & C. D. Stone Trust | 32,494 |
| A. J. Shewmaker | 32,395 |
| Charles Durivage | 32,198 |
| Sebastian Cotton & Grain | 31,029 |
| J. & L. Properties | 29,820 |
| H. B. Calvin | 28,459 |
| Fritz Belschner | 27,959 |
| G. M. & C. Ring | 27,952 |
| A. C. Durivage | 27,465 |
| Weldon Haynes | 27,106 |
| Jack Scogin | 26,945 |
| James M. Lucas | 26,519 |
| Thomas J. Rains | 26,507 |
| Virgil D. Oakes | 25,316 |
| Jimmy Labar | 25,072 |
| Monty Ray Stewart | 24,954 |
| Paul Meers | 24,419 |
| Chester Hart | 24,384 |
| Richard Cooley | 24,326 |
| F. G. Page | 23,590 |
| Kenneth R. Johnson | 23,045 |
| Cleo Roberts | 21,977 |
| Clarence R. Anderson | 21,517 |
| Irby Norrell | 21,494 |
| Leland Harris | 21,180 |
| Hugh Terry | 20,789 |
| Ruben Koester | 20,485 |
| Buck Busse | 20,427 |
| Denzel Strader | 20,245 |
| Chas. Wetegrove Co | 20,176 |
| Total payees in county (57) | 1,996,428 |

WILLIAMSON COUNTY

| | |
|---|---|
| Stiles Farm Foundation | 47,087 |
| Telander Bros | 34,351 |
| Billy Turner | 31,078 |
| Morris Zieschang | 24,842 |
| Ed Carlson, Jr | 22,803 |
| Henry Seggern | 21,574 |
| Grover C. Pope, Jr | 20,764 |
| Arnold T. Zrubek | 20,040 |
| Total payees in county (8) | 222,539 |

YOAKUM COUNTY

| | |
|---|---|
| Wheeler Robertson | 71,670 |
| Tommy Billings | 51,510 |
| R. G. Hartman | 44,980 |
| Truett F. Jones | 44,540 |
| Warren Farms, Inc | 43,601 |
| Wendell Norman | 42,355 |
| Glynn Price | 42,170 |
| Darwin Hobbs | 41,247 |
| Jamese W. Warren | 41,113 |
| Tekell Farms, c/o Gaylon Tekell | 39,149 |
| Yoakum Farm Co | 37,959 |
| M. R. Newman | 37,238 |
| Walter Billings | 36,042 |
| Robert A. Long | 35,844 |
| Bobby Bailey | 34,099 |
| T. A. Elmore | 33,416 |
| Loyd Poe | 30,507 |
| W. R. Nelson | 29,886 |
| Robert Hamm | 27,779 |
| A. L. Milstead | 24,887 |
| C. Loran Gayle | 24,882 |
| Raymond Crain | 24,878 |
| A. B. Carpenter | 24,744 |
| Don Thrash | 24,401 |
| J. T. Perkins | 23,895 |
| Morris Lowe | 23,892 |
| L. D. Hamm, Jr | 23,840 |
| C. O. Head | 23,784 |
| Billy Winn | 23,653 |
| A. O. Bearden | 23,525 |
| Rayford E. Bearden | 23,231 |
| Barron Blair | 23,005 |
| Homer T. Sudderth | 21,633 |
| J. H. Snodgrass | 21,530 |
| E. O. Winkles | 21,461 |
| J. C. Chambliss | 21,384 |
| C. C. Perkins | 20,895 |
| Don Williams | 20,758 |
| Total payees in county (38) | 1,205,278 |

YOUNG COUNTY

| | |
|---|---|
| F. Dwight Hamilton, Jr | 27,487 |
| L. C. Young | 22,219 |
| Total payees in county (2) | 49,706 |

ZAPATA COUNTY

| | |
|---|---|
| Juan G. Villanueva | 22,941 |
| Total payee in county (1) | 22,941 |

ZAVALA COUNTY

| | |
|---|---|
| Norment Foley | 78,113 |
| Eddy A. Carnes | 37,976 |
| Mayfair Minerals | 35,348 |
| Batesville Farming | 33,341 |
| Evans Wortham | 32,819 |
| J. D. Lambert, Jr | 25,155 |
| Malcolm A. Maedgen, Jr | 24,936 |
| Herbert F. Dirksen | 24,787 |
| Leslie H. Laffere | 23,182 |
| Hardin Farm | 22,708 |
| James Brewster | 22,577 |
| Gulf Coast Cattle Co., Ltd | 21,045 |
| Two L Farms, Inc | 20,787 |
| Total payees in county (13) | 402,774 |
| Total payees in State (5,195) | 171,994,433 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Utah*

[Amounts in dollars]

BOX ELDER COUNTY

| | |
|---|---|
| Nick Chournos | 50,463 |
| Norman Grover | 35,260 |
| Young Brothers | 34,816 |
| Curlew L. & L | 29,036 |
| Wayne & Dallas Sandall | 25,844 |

XUM

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Utah*—Continued

[Amounts in dollars]

BOX ELDER COUNTY—continued

| | |
|---|---|
| Delbert Holmgren | 25,343 |
| Ralph Udy | 24,252 |
| Reed Jensen | 23,405 |
| Sam Chournos | 22,987 |
| Harold Selman | 22,162 |
| Dennis Petersen | 22,045 |
| Oleen Garn & Sons | 21,395 |
| Mann Stock Co | 21,191 |
| William F. Goring | 20,131 |
| Total payees in county (14) | 378,330 |

CACHE COUNTY

| | |
|---|---|
| Lee & Leona Pritchett | 34,862 |
| Total payees in county (1) | 34,862 |

CARBON COUNTY

| | |
|---|---|
| Calvin K. Jacob | 98,884 |
| Boyd L. Marsing | 29,568 |
| Jay Pagano | 25,889 |
| Milton E. Jacob | 25,849 |
| Orson L. Marsing | 21,825 |
| Total payees in county (5) | 202,015 |

DUCHESNE COUNTY

| | |
|---|---|
| Orven J Moon | 31,269 |
| Elmer Moon | 25,280 |
| Total payees in county (2) | 57,549 |

IRON COUNTY

| | |
|---|---|
| Clark Brothers | 31,553 |
| A. L. Graff | 20,712 |
| T. Randall Adams | 20,354 |
| Total payees in county (3) | 72,619 |

JUAB COUNTY

| | |
|---|---|
| Wilson Brothers | 31,388 |
| Total payees in county (1) | 31,388 |

KANE COUNTY

| | |
|---|---|
| Roland Esplin & Sons Inc | 22,496 |
| Heaton Livestock Company | 20,702 |
| Total payees in county (2) | 43,198 |

MILLARD COUNTY

| | |
|---|---|
| Taft Paxton | 76,601 |
| G Bar Ranch | 21,078 |
| Triple C Farms | 20,328 |
| Total payees in county (3) | 118,007 |

MORGAN COUNTY

| | |
|---|---|
| Charles R. Kippen | 44,509 |
| Porter Brothers | 26,940 |
| Total payees in county (2) | 71,449 |

SALT LAKE COUNTY

| | |
|---|---|
| Deseret Lvst. Co. Inc | 137,968 |
| Thousand Peaks Lvstk. Co | 93,798 |
| Basin Land & Livestock | 65,496 |
| Thayne Acord | 60,933 |
| M. & G. Bertagnole | 41,141 |
| Jay Bertagnole | 40,649 |
| Howard Haynes | 38,360 |
| W. O. Collard | 34,985 |
| Leo M. Bertagnole | 34,258 |
| J. R. and R. R. Fitzgerald | 33,778 |
| Red Pine Land & Lvst | 28,272 |
| Ralph M. Newton | 23,974 |
| Gillmor Livestock | 23,902 |
| Elmer P. Bastian | 22,070 |
| Total payees in county (14) | 679,584 |

SAN JUAN COUNTY

| | |
|---|---|
| Lloyd Adams | 28,851 |
| Charles Redd | 26,595 |
| Total payees in county (2) | 55,446 |

SANPETE COUNTY

| | |
|---|---|
| Lee R. Barton | 55,640 |
| Robert Graham | 39,875 |
| Kay Frischknecht | 31,628 |
| Bruce J. Barton | 26,485 |
| Madsen and Madsen, Inc | 20,786 |
| Richard R. Christensen | 20,674 |
| Scott Cook | 20,261 |
| L. L. Peterson | 20,149 |
| Total payees in county (8) | 235,497 |

SEVIER COUNTY

| | |
|---|---|
| Berkley Anderson | 29,640 |
| John Jorgensen | 23,887 |
| Johnson Livestock Co | 23,251 |
| Sam A. Jorgensen | 21,646 |
| Total payees in county (4) | 98,424 |

SUMMIT COUNTY

| | |
|---|---|
| Welby Aagard | 34,400 |
| Neal Ray Staley | 20,732 |
| Wesley Aagard | 20,730 |
| Total payees in county (3) | 75,862 |

UINTAH COUNTY

| | |
|---|---|
| Meagher Sheep Co | 157,365 |
| Ralph Siddoway | 23,973 |
| Total payees in county (2) | 181,338 |

UTAH COUNTY

| | |
|---|---|
| D. Chipman and Son Co., Inc | 56,303 |
| Roy Okelberry | 31,490 |
| Maurine D. Childs | 25,989 |
| Glen Ludlow | 24,410 |
| Newell A. Johnson | 20,457 |
| Olsen Bros. C/O Snell Olsen | 20,160 |
| Jacob Oros Sheep Outfit | 20,041 |
| Total payees in county (7) | 198,850 |

WASATCH COUNTY

| | |
|---|---|
| J. W. Jordan | 42,427 |
| Smith Lamb Producers | 37,912 |
| Coleman—Sons, Inc | 34,972 |
| Robert F. Clyde | 25,941 |
| Total payees in county (4) | 141,252 |

WASHINGTON COUNTY

| | |
|---|---|
| E. J. Graff | 39,207 |
| Total payees in county (1) | 39,207 |

WEBER COUNTY

| | |
|---|---|
| Lloyd Keller Corp | 57,692 |
| Clarence M. Keller | 50,397 |
| Wilson Beef and Lamb Co | 32,742 |
| Total payees in county (3) | 140,831 |
| Total payees in State (81) | 2,855,708 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Virginia*

[Amounts in dollars]

CHARLES CITY COUNTY

| | |
|---|---|
| Archer Ruffin | 22,934 |
| Total payees in county (1) | 22,934 |

CHESAPEAKE CITY

| | |
|---|---|
| Wallace B. Cahoon | 22,455 |
| Total payees in county (1) | 22,455 |

GREENSVILLE COUNTY

| | |
|---|---|
| Geo. B. Ligon | 29,218 |
| Total payees in county (1) | 29,218 |

PRINCE GEORGE COUNTY

| | |
|---|---|
| Robert Daniel, Jr | 20,677 |
| Total payees in county (1) | 20,677 |

RUSSELL COUNTY

| | |
|---|---|
| Stuart Land & Cattle Co | 20,811 |
| Total payees in county (1) | 20,811 |

VIRGINIA BEACH COUNTY

| | |
|---|---|
| Frank T. Williams | 47,016 |
| Ralph Frost | 20,536 |
| Total payees in county (2) | 67,552 |
| Total payees in State (7) | 183,647 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Washington*

[Amounts in dollars]

ADAMS COUNTY

| | |
|---|---|
| D. E. Phillips | 56,247 |
| Hutterian Brethren, Inc | 55,717 |
| Robert V. Phillips | 48,867 |
| Richard L. Kagele | 43,567 |
| Gilbert Brothers | 42,753 |
| Donald Damon Est | 42,671 |
| Henry J. Franz | 42,252 |
| Rex T. Lyle | 39,424 |
| Elwyn Lyle | 39,424 |
| Ralph Gering & Sons | 38,487 |
| Blankenship Farms, Inc | 37,155 |
| Wayne F. Klindworth | 34,657 |
| Johnson Agriprises, Inc | 34,073 |
| Kent Farms | 33,418 |
| J. Boyd Phillips | 33,295 |
| Ed McKay | 32,774 |
| Elmer Schoesler and Sons | 31,093 |
| Kummer Brothers | 30,879 |
| D. E. Phillips Ranch, Inc | 30,571 |
| Robert A. Franz | 30,177 |
| Baumann Farm, Inc | 30,091 |
| Hennings Enterprises, Inc | 29,882 |
| Bruce Farms | 29,641 |
| John G. Schlomer | 29,137 |
| Leonard H. Franz | 28,168 |
| Norman Kagele | 27,916 |
| Walter E. Franz | 26,919 |
| Murlen Jenson | 26,156 |
| Donald D. Bauman | 25,011 |
| Gene Kagele | 24,830 |
| C. B. Farms, Inc | 24,531 |
| M. C. Hollenback | 24,278 |
| Beckley Seed Ranch | 24,065 |
| Clarence Strohmaier | 23,630 |
| Kenny Foulkes | 22,875 |
| Hugh V. Glenn | 21,978 |
| Williams and Williams | 21,054 |
| Anderson & Barker | 20,649 |
| Total payees in county (38) | 1,238,312 |

ASOTIN COUNTY

| | |
|---|---|
| Morley D. Grothe | 30,931 |
| Houser & Son, Inc | 26,741 |
| Lester Parsons | 20,565 |
| Total payees in county (3) | 78,237 |

BENTON COUNTY

| | |
|---|---|
| Simmelink & Son | 48,366 |
| Bafus White Inc | 44,232 |
| Wyckoff Farms Inc | 41,865 |
| Bateman Bros | 39,379 |
| Vollmer-Bayne | 39,205 |



| | |
|---|---|
| Joseph Cleo Holt | 38,235 |
| Horrigan Farms | 33,057 |
| Wirth Brothers | 30,238 |
| Gould Brothers | 32,070 |
| Horrigan Inv. Co | 30,863 |
| Leo Schmitt | 28,274 |
| Howard L. Tarr | 26,760 |
| Monte Shaffer | 26,166 |
| Ben Blair | 20,835 |
| John Moon | 20,592 |
| Kenneth Lee Smith | 20,558 |
| J. W. Thomas | 20,361 |
| Glen B. Miller | 20,314 |
| Total payees in county (18) | 561,370 |

COLUMBIA COUNTY

| | |
|---|---|
| Broughton Land Co | 169,696 |
| Conrad E. Tucker | 36,403 |
| Donohue Farms, Inc | 34,145 |
| William Payne | 30,303 |
| Ellsworth Conover | 27,896 |
| David Archer | 27,328 |
| Mead Ranch | 26,971 |
| Robert Patton | 25,864 |
| Dallas W Long | 25,206 |
| Eslick Farms | 24,068 |
| Lyman Bros | 21,982 |
| James D. Archer | 21,396 |
| Jack Penner | 20,435 |
| Robert E. Danforth | 20,390 |
| Darin Heady | 20,100 |
| Total payees in county (15) | 532,282 |

DOUGLAS COUNTY

| | |
|---|---|
| State of Washington | 176,810 |
| Doneen Est. C/O M. Doneen | 33,102 |
| Russell Hunt | 31,113 |
| Sachs Farms, Inc | 28,922 |
| Dezellem Farms, Inc | 25,215 |
| Daling Farms, Inc | 22,703 |
| Josh Barnes & Son | 22,631 |
| Nelson Brothers | 22,049 |
| D. G. Davis | 21,843 |
| David V. Adams | 21,532 |
| Wm. Malone & Son | 20,000 |
| Total payees in county (11) | 425,920 |

FRANKLIN COUNTY

| | |
|---|---|
| Wm. Geo. Harder | 41,829 |
| Herron Bros | 39,741 |
| Pascual Iribarren | 30,426 |
| William V. Casper | 29,756 |
| Melvin Moore and Sons | 28,158 |
| Kenneth Owsley | 27,563 |
| Lyle W. Neff, Inc | 25,497 |
| J. H. Klundt & Sons | 24,519 |
| Maynard Ballie | 23,687 |
| Lavar N. Peterson | 21,285 |
| Harry Kawauchi | 20,338 |
| Delbert Wisdom | 20,195 |
| L. V. Dougherty | 20,136 |
| Total payees in county (13) | 353,130 |

GARFIELD COUNTY

| | |
|---|---|
| Klaveano Ranches, Inc | 39,635 |
| Wayne Beale | 24,137 |
| A. E. Blachly | 22,687 |
| Cecil Rommel | 20,386 |
| Gary Duckworth | 20,136 |
| Total payees in county (5) | 126,981 |

GRANT COUNTY

| | |
|---|---|
| David Stevens | 62,106 |
| Rex Haueter | 55,525 |
| Willard D. Lange | 51,473 |
| Sidney L. Hiatt | 43,760 |
| Leslie H. Boyce | 41,495 |
| Richard E. Boylan | 38,105 |
| Rice Farms, Inc | 34,316 |
| Columbia Producers | 33,187 |
| Art Schorzman | 32,517 |
| Harvey Schell | 30,422 |
| Lourence Dormaier | 30,254 |
| Robert Schell | 29,652 |
| Roy Haueter | 28,865 |
| Robert A. Hammond | 28,554 |
| Crawford Jones | 28,221 |
| Higginbotham Brothers | 28,027 |
| C. C. Claassen | 27,606 |
| Phillip Villegas | 27,345 |
| Priors, Inc | 27,285 |
| Oscar Schuh | 26,015 |
| H. N. Boger | 25,969 |
| Vern H. Smith | 24,803 |
| S and C Ranching | 24,727 |
| Kenneth Jensen | 22,802 |
| Samuel P. Grigg | 22,270 |
| Kelley Brothers | 22,211 |
| Sunfresh Farms, Inc | 21,971 |
| Tokunaga Brothers | 21,736 |
| John Oda | 21,613 |
| Heer Brothers | 21,529 |
| Allyn Hughes | 21,491 |
| Earl Heathman | 21,453 |
| Ray Radach and Son | 21,022 |
| Frick, Inc | 21,017 |
| Roy D. Hull | 21,006 |
| Donald Frick | 20,785 |
| Harold Janett | 20,511 |
| Hattori Brothers | 20,414 |
| Harry Yamamoto | 20,405 |
| Ellis W. Leavitt | 20,361 |
| Total payees in county (40) | 1,142,826 |

KITTITAS COUNTY

| | |
|---|---|
| Cone Livestock Co | 83,162 |
| Total payees in county (1) | 83,162 |

KLICKITAT COUNTY

| | |
|---|---|
| Robert Andrews | 26,068 |
| McBride Ranches, Inc | 25,921 |
| Robert Imrie | 23,694 |
| Total payees in county (3) | 75,683 |

LINCOLN COUNTY

| | |
|---|---|
| A. Bodeau and Sons | 34,583 |
| The Sheffels Co., Inc | 33,929 |
| Alvin D. Fink | 33,600 |
| Homberg Farms, Inc | 32,685 |
| S. and E. Barr Ranch | 31,876 |
| Wilbur Security Co | 28,400 |
| Hardung, Inc | 28,268 |
| Gary W. Geib | 28,182 |
| Robert Deife | 27,257 |
| Robert A. Kramer | 27,173 |
| Herbert L. Armstrong | 26,931 |
| George H. Ellis | 26,321 |
| Rockdale Farms /P/ | 25,335 |
| Lyka Corporation | 24,788 |
| Tanke Farms, Inc | 24,394 |
| Attie L. Turner | 24,229 |
| Don and Wallace Weishaar | 23,925 |
| Edna Deptuch | 23,576 |
| J. R. Laney | 23,323 |
| Richard D. Simpson | 23,082 |
| Lewis Kagele | 22,896 |
| Maurice Weishaar | 22,888 |
| Carl E. & George W. Mielke /P/ | 22,470 |
| Dale D. Wilson | 22,449 |
| Finagele Farms, Inc | 22,246 |
| Gilliland Farms, Inc | 22,052 |
| Marvin L. Fink | 21,900 |
| Pfeifer Brothers /P/ | 21,554 |
| Wm H. Dreger | 20,882 |
| Wayne C. Weil | 20,322 |
| Robert Rieth | 20,233 |
| Total payees in county (31) | 791,754 |

SPOKANE COUNTY

| | |
|---|---|
| Osborne Belsby | 42,581 |
| C. J. Farms, Inc | 31,722 |
| Bell & Bell, Inc | 20,955 |
| Total payees in county (3) | 95,258 |

WALLA WALLA COUNTY

| | |
|---|---|
| K2H Farms, Inc | 114,026 |
| Kenneth Smith | 66,819 |
| Lonneker Farms, Inc | 49,341 |
| Robison L. and L. Co | 49,247 |
| Mervin Deruwe | 45,792 |
| Kent Land Co., Inc | 43,536 |
| Grote Farms, Inc | 43,467 |
| C. Anderson, Est | 41,973 |
| John H. Rea | 39,561 |
| Schwerin Farms, Inc | 37,427 |
| Foundation Farm, Inc | 33,711 |
| Martin Farms, Inc | 33,109 |
| Twain Bodmer | 32,877 |
| Matt Lyons | 32,221 |
| Erwin Bros | 32,221 |
| Eugene Valaer | 31,614 |
| H. Vincent and W. Johnson | 31,121 |
| Tompkins & Sons | 29,925 |
| Henry V. Zuger | 29,663 |
| Richard Archer | 29,363 |
| Robert D. Frazier | 28,559 |
| Fred Sherry | 28,427 |
| S. Earl Cochran | 27,979 |
| Paul E. Hofer | 27,678 |
| Emeral Duncan | 26,212 |
| Van I. Walkley | 26,180 |
| Fred J. Kimball | 26,080 |
| Dwelley Jones | 25,715 |
| Marvin Tucker | 25,577 |
| Donald Tucker | 25,569 |
| Terry Tucker | 25,569 |
| Stonecipher & Sons | 25,448 |
| Allen D. Struthers | 25,193 |
| John E. Hair | 24,872 |
| Eugene R. Robison | 24,189 |
| Casey Farms, Inc | 24,161 |
| Tucker Farms, Inc | 23,262 |
| Universal Land SN RI | 22,534 |
| Frazier Cattle Co | 22,284 |
| Darrel Walters | 22,060 |
| Howard P. Smith | 21,869 |
| Harvey Farms, Inc | 21,686 |
| Charles M. Walsh | 21,679 |
| Don Thomas | 21,531 |
| Houston H. Marshall Est | 21,135 |
| Thelma M. Owsley | 20,877 |
| Corkrum Noble Inc | 20,932 |
| K. & R. Walters | 20,822 |
| Win C. Estes | 20,702 |
| Morris Ganguet | 20,172 |
| Total payees in county (50) | 1,555,866 |

WHITMAN COUNTY

| | |
|---|---|
| McGregor Land & Livestk Co | 109,134 |
| Hinderer Bros | 45,968 |
| Glen Miller | 45,573 |
| Gordon Miller | 45,439 |
| Clinton Miller | 45,439 |
| Bennett Land Co | 39,203 |
| Harold Boyd | 38,638 |
| West Whitman Farms, Inc | 37,769 |
| Clark Farms % Asa Clark | 34,559 |
| Ira Scott | 33,853 |
| Richard E. Despain | 32,721 |
| Glorfield Bros Jack & Benny | 32,482 |
| R. Paul Cocking | 30,176 |
| Virgil Klaveano | 29,208 |
| Nelson Bros | 28,969 |
| Jackson W. Smith, Inc | 28,856 |
| Maley Land & Livestock | 28,389 |
| Robert Whitmore | 28,185 |
| Gary Cochran | 27,693 |
| William H. Evans | 27,479 |
| James Knott | 27,292 |
| Lester J. Kile | 25,712 |
| Lehn Ranches, Inc | 25,631 |
| Joe Myers | 25,379 |
| Harold H. Smick | 24,425 |
| Donald C. Moore | 23,729 |
| Harlow Farms | 23,660 |
| Melvin A. Ensley | 23,573 |
| Davis Farms, Inc | 23,271 |
| Edgar L. Smith | 22,675 |
| Curtis Cattle Co | 22,136 |
| Dan Lautenslager | 22,121 |
| Palouse Grasslands, Inc | 22,034 |
| Dodorff Farms, Inc | 21,912 |

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*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Washington*—Continued

[Amounts in dollars]

WHITMAN COUNTY—continued

| | |
|---|---|
| Ralph Kilpatrick | 21,688 |
| Norman Hansen | 21,452 |
| Richard A. Willson | 21,095 |
| E. A. Burgess | 21,034 |
| Crow Farms, Inc | 20,991 |
| Harold S. Nelson | 20,981 |
| Norman Willson | 20,503 |
| Herbert Camp & Sons | 20,064 |
| Total payees in county (42) | 1,271,091 |

YAKIMA COUNTY

| | |
|---|---|
| Jims Valley Apiaries | 207,400 |
| Troy Monholland | 76,440 |
| Wells D. Rose | 71,650 |
| Martinez Livestock, Inc | 69,350 |
| Lyle Hibbard | 69,165 |
| J. A. Schell | 45,529 |
| F. T. Gamble | 42,465 |
| Harold R. Clayton | 42,353 |
| R. F Gorham | 41,455 |
| Sires Beeline Honey | 38,555 |
| Becker Brothers | 38,250 |
| Feezell Farms, Inc | 36,846 |
| Hislop Sheep Company | 36,373 |
| Warren J. Sires | 35,920 |
| William S. Parrish | 34,088 |
| James St. Hilaire | 33,146 |
| Charles Schmitt | 27,661 |
| Bud Balch | 27,112 |
| E. H. Bounds | 25,095 |
| W. B. Pace, Jr | 22,728 |
| Elbert B. Schinman | 22,251 |
| Keith Ashley | 22,136 |
| Emile Robert, Jr. & Sons | 21,227 |
| Glen Rowe | 20,942 |
| Maurice Peugh | 20,049 |
| Elder Farms | 20,006 |
| Total payees in county (26) | 1,148,190 |
| Total payees in State (299) | 9,490,062 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Wisconsin*

[Amounts in dollars]

DANE COUNTY

| | |
|---|---|
| Wm. F Renk & Sons, Inc | 37,966 |
| Stoughton Farms, Inc | 24,274 |
| Blaney Farms, Inc | 23,517 |
| Vasby Farms | 23,454 |
| Ronald Caldwell | 22,789 |
| Total payees in county (5) | 152,000 |

DODGE COUNTY

| | |
|---|---|
| Willard Nehls | 41,255 |
| Lerdco, Inc | 29,775 |
| Total payees in county (2) | 71,030 |

FOND DU LAC COUNTY

| | |
|---|---|
| Flying Dollar Ranch | 23,178 |
| Total payee in county (1) | 23,178 |

GREEN COUNTY

| | |
|---|---|
| Raymond Katz | 21,401 |
| Total payee in county (1) | 21,401 |

JEFFERSON COUNTY

| | |
|---|---|
| Jerry Vannoy | 26,484 |
| Total payee in county (1) | 26,484 |

PIERCE COUNTY

| | |
|---|---|
| Elizabeth Jacques | 21,178 |
| Total payee in county (1) | 21,178 |

RACINE COUNTY

| | |
|---|---|
| Charles H. Kuiper | 45,741 |
| Joseph Kojis | 30,386 |
| Dennis Kramer | 21,135 |
| Total payees in county (3) | 97,262 |

ROCK COUNTY

| | |
|---|---|
| Stuart Rahberg | 42,560 |
| Atkinson Farms, Inc | 36,204 |
| Fred Howard | 34,208 |
| Boston Farms | 30,205 |
| Norman Krumwiede | 28,841 |
| Stuart Shadel, Jr | 27,137 |
| Hodge Bros., Inc | 26,563 |
| H. Jordan Farms | 23,271 |
| C. Robert Hill | 22,796 |
| Paul Luety | 22,158 |
| Farm Corp. of America | 21,767 |
| K. E. Sherman | 20,035 |
| Total payees in county (12) | 335,735 |

WALWORTH COUNTY

| | |
|---|---|
| Henry Sterken | 33,221 |
| Polyock Brothers | 24,182 |
| Donald Hopkins | 20,959 |
| Total payees in county (3) | 78,362 |

WAUKESHA COUNTY

| | |
|---|---|
| Pabst Farms, Inc | 23,877 |
| Total payee in county (1) | 23,877 |
| Total payees in State (30) | 850,507 |

*1972 ASCS and Great Plains program payments of $20,000 or more—excluding loans—Wyoming*

[Amounts in dollars]

ALBANY COUNTY

| | |
|---|---|
| Carlin Ranch | 26,593 |
| Total payees in county (1) | 26,593 |

BIG HORN COUNTY

| | |
|---|---|
| C. A. Lewis Estate | 87,559 |
| Harry Grabbert | 63,388 |
| Mayland Bros | 36,709 |
| Bear Creek Ranch Co | 24,205 |
| Werbelow Brothers | 21,704 |
| Wayne Sparks | 20,893 |
| Whaley Ranch Inc | 20,684 |
| Robert Redland | 20,380 |
| Hibbert Ranch Inc | 20,036 |
| Total payees in county (9) | 315,558 |

CAMPBELL COUNTY

| | |
|---|---|
| Brown Livestock | 37,300 |
| Don Marquiss | 33,210 |
| Innes Ranch | 27,064 |
| Richard Davis | 26,183 |
| Halbert Matheson | 25,844 |
| Joe Napier | 21,056 |
| Total payees in county (6) | 170,657 |

CARBON COUNTY

| | |
|---|---|
| Leo Sheep Co | 112,720 |
| Rochelle Livestock Co | 109,848 |
| Palm Livestock Co | 99,463 |
| Buzzard Ranch | 66,794 |
| Crown Rock Ranch Co | 50,970 |
| Swanson & Johnson | 45,568 |
| Louis Larsen Sheep Co., Inc | 44,739 |
| Bolten Ranch Inc | 44,138 |
| Stratton Sheep Co | 43,431 |
| Elmer G. Peterson | 42,885 |
| Anderson Farms Inc | 42,730 |
| Miller Estate Co | 41,829 |
| Cronberg Bros., Inc | 38,044 |
| Chace Bros | 34,548 |
| P. H. Livestock Co | 31,781 |
| Sandstone Sheep Co | 30,342 |
| Blake Sheep Co | 27,772 |
| Loveland Sheep Co | 27,541 |
| Duncan Ranch | 25,201 |
| Salisbury Livestock Co | 24,706 |
| Four Mile Sheep Co | 22,471 |
| Battle Mtn., Co | 20,346 |
| Total payees in county (22) | 1,028,367 |

CONVERSE COUNTY

| | |
|---|---|
| Morton S., Inc | 142,366 |
| George Lebar | 51,760 |
| Ogalalla Ranch Co | 38,095 |
| The Dilts Co | 36,673 |
| Smith Sheep Co | 36,592 |
| W. A. Stoddard | 29,161 |
| Mart Madsen Sheep Co | 27,839 |
| Wm. H. Cross & Sons, Inc | 23,146 |
| Cole Creek Ranch | 20,663 |
| Total payees in county (9) | 406,295 |

CROOK COUNTY

| | |
|---|---|
| Thorval E. Jensen | 20,535 |
| Total payees in county (1) | 20,535 |

FREMONT COUNTY

| | |
|---|---|
| Fremont Sheep Co., Inc | 152,364 |
| Donald John Sherlock | 30,000 |
| John Philp | 27,922 |
| Mazet & Sons, Inc | 24,843 |
| Total payees in county (4) | 235,129 |

HOT SPRINGS COUNTY

| | |
|---|---|
| L. U. Sheep Co | 64,984 |
| Vebar Livestock Co | 21,988 |
| Total payees in county (2) | 86,972 |

JOHNSON COUNTY

| | |
|---|---|
| Harriet Brothers | 89,595 |
| Esponda Ranch | 72,930 |
| Van Irvine | 54,060 |
| Iberlin Brothers | 49,370 |
| Marton Brothers | 48,791 |
| Grayce Miller | 43,789 |
| Jean Indart | 37,588 |
| Smith Brothers | 35,579 |
| J. Pete Camino | 34,015 |
| Moore Ranch Co | 33,415 |
| Charles K. Lawrence | 32,755 |
| Nola K. Vest | 29,803 |
| Peter Meike & Sons | 26,028 |
| Cross C. Livestock | 23,747 |
| Paul V. Jones | 21,026 |
| Michel Iriberry | 20,245 |
| Total payees in county (16) | 652,736 |

LARAMIE COUNTY

| | |
|---|---|
| Warren Livestock | 38,437 |
| Henry Jessen | 32,824 |
| Lodge Pole L. & LSTK | 27,888 |
| Terry L. & LSTK | 25,509 |
| John F. Jessen | 24,487 |
| Pilot Peak L. & LSTK | 23,998 |
| Malm Ranch Company | 23,944 |
| Leroy Goertz | 22,673 |
| Leo Jessen Wyobraska, Inc | 21,126 |
| Total payees in county (9) | 240,886 |

LINCOLN COUNTY

| | |
|---|---|
| L. W. Roberts | 86,076 |
| Thompson Land & Live Co | 59,050 |
| Nelson Sheep Company | 40,226 |
| Bertagnolli Brothers | 33,308 |
| Doyle Child | 20,552 |
| Harry Julian | 20,341 |
| Total payees in county (6) | 259,553 |

NATRONA COUNTY

| | |
|---|---|
| Diamond Ring Ranch | 101,831 |
| B. B. Brooks Co | 100,833 |
| Coffman Ranch Co | 75,770 |
| Werner, Inc | 62,645 |



| | |
|---|---|
| Irvine Bros | 61,262 |
| Shamrock Ranch Co | 60,171 |
| Rochelle Sheep Co | 47,972 |
| Willow Creek Co | 39,468 |
| Cole Creek Sheep Co | 37,532 |
| Pine Mt. Lvstk. Co | 34,509 |
| Burke Sheep Co | 31,177 |
| Russell Forgey | 26,715 |
| Two Bar Livestock Co | 24,944 |
| Elbert L. Howe | 24,704 |
| Herman Werner | 24,632 |
| William Irvine | 22,249 |
| Frank Sullivan L. & L | 21,685 |
| Fulton Jameson | 21,795 |
| Ellis Sheep Co | 20,779 |
| Total payees in county (19) | 840,873 |

NIOBRARA COUNTY

| | |
|---|---|
| Boner Brothers | 52,247 |
| Pipe Ranch Company | 32,946 |
| Total payees in county (2) | 85,193 |

PARK COUNTY

| | |
|---|---|
| The Bar T. L | 43,904 |
| Jerry Collins & Son | 33,705 |
| Hunt Oil Co | 25,238 |
| W. B. Sheep Co | 20,179 |
| Total payees in county (4) | 123,026 |

PLATTE COUNTY

| | |
|---|---|
| Jacob Goertz | 20,978 |
| Total payee in county (1) | 20,978 |

SHERIDAN COUNTY

| | |
|---|---|
| Seven Up Ranches, Inc | 66,146 |
| W. F. Peters | 29,762 |
| Auzqui & Sons | 21,092 |
| Total payees in county (3) | 117,000 |

SWEETWATER COUNTY

| | |
|---|---|
| Blair & Hay Land & LS Co | 103,767 |
| Midland Livestock Co | 77,128 |
| G & E Livestock Inc | 63,360 |
| Rife Ranch | 59,022 |
| Magagna Brothers | 58,293 |
| Mau Livestock Co. Inc | 54,919 |
| Isaac N. Brooks | 53,182 |
| Green River LS Co | 48,129 |
| White Acorn Sheep Co | 34,308 |
| Big Sandy LS Co | 31,610 |
| William J. Thoman | 24,879 |
| Carricaburu Jauregui LS Co | 20,991 |
| Total payees in county (12) | 629,588 |

UINTA COUNTY

| | |
|---|---|
| J. R. Broadbent | 249,673 |
| Victor Powers | 46,057 |
| Cook Sheep Company | 42,325 |
| J. Grant & D. A. Broadbent | 32,558 |
| Painter & Company | 23,628 |
| Arthur M. Larson | 21,972 |
| Total payees in county (6) | 416,213 |

WASHAKIE COUNTY

| | |
|---|---|
| Monier Sheep Co | 57,851 |
| Tolman Sheep Co | 33,291 |
| Coutis Land & Lvstk Co | 28,882 |
| Atkinson Livestock Co | 28,304 |
| Cliff Brubaker | 27,487 |
| Hampton Sheep Co | 23,425 |
| Total payees in county (6) | 199,240 |

WESTON COUNTY

| | |
|---|---|
| Glen Hutt | 34,563 |
| Total payees in county (1) | 34,563 |
| Total payees in State (139) | 5,909,955 |

## PRESS OMBUDSMEN BACKED

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. UDALL. Mr. Speaker, the president of the Arizona Newspapers Association. has spoken out strongly in support of the National Press Council as an industry ombudsman and even suggests creating more local press councils.

Burt Freireich, the articulate and independent-minded editor and publisher of the News-Sun in Sun City, takes exception to the anti-council views expressed by some of his press colleagues.

I commend to my fellow Members Mr. Freireich's message appearing in the Arizona Publisher of April, 1973:

THE PRESIDENT'S MESSAGE

(By Burt Freireich)

If the medical profession would clean up its own "industry," the newspaperman's job would be a lot easier.

All we want of the Bar Association is that it police itself, take a realistic approach to the public's problems with nefarious individuals in this profession.

That's what we want of the liquor industry, too.

And wouldn't it be great if the advertising industry would do the same.

But what about the newspaper industry? Uh,uh. "Include me out." That's the attitude expressed by some of the nation's leading publishers.

Editor & Publisher magazine reported, "Arthur Ochs Sulzberger, publisher of the New York Times, said (Jan. 15) that the Times will refuse to cooperate with the press council being established by the Twentieth Century Fund to monitor news media."

In a memo to his staff Sulzberger said, "We believe the operation of such a council would not only fail to achieve its purposes but could actually harm the cause of press freedom in the United States."

The New York Daily News editorialized, "We don't care how much the Fund prates about its virtuous intentions. This is a sneak attempt at press regulation, a bid for a role as unofficial news censor."

In his syndicated column John S. Knight wrote: "Editors are accountable to their readers, not to a group of self-appointed busybodies with time on their hands . . . any self-respecting editor who submits to bar association 'guidelines' or subscribes to meddling by the National Press Council is simply eroding his own freedoms."

We thought this comment by the editorial chairman of the Knight Newspapers to be far below his usual highly philosophical and well reasoned approach to significant issues. At first we felt that Knight really must be expressing a fear that voluntary acceptance of a National Press Council's role ultimately might lead to imposition of required acceptance of the council and a controlled press. But we rejected this idea almost immediately. Our familiarity with the writing of this erudite fellow precludes second-guessing his intentions; if Knight wanted to say that, he would have said that. No one has to put words into his mouth.

But that must be the fear of most publishers who oppose the National Press Council. And we submit that it was precisely the unwillingness over the past decade to create an "ombudsman" organization by the industry or by individual members of the industry that has brought an outside organization into the picture.

Many newspapers during the past decade have instituted an "Action Line" type of column, which aims at solving problems which its readers have with just about every business in town except the newspaper. How come it's good enough for everybody else in town and not us? Are the newspapers "meddling busybodies" in these cases?

Some few small newspapers, most of them weeklies operated by exceptionally progressive editors who hope to help create an orderly sociological evolvement for their communities, have instituted local press councils. These councils do serve in an ombudsman capacity without imposing censorship or other undue restraints upon freedom of the press. And these councils are a "two-way street," serving to improve the newspapers' image in the community by delving into and interpreting the newspaper's position in various matters.

The local press council, with no coercive power, does reflect a progressive attitude on the part of a local newspaper. There are no such councils in Arizona. But they will come and they will proliferate. And we anticipate that they will prove beneficial to the entire community when they are comprised of intelligent, inquiring townspeople who are motivated to perform the intended function.

## VEYSEY PRAISES YOUTH FOR WORK IN 43D DISTRICT YOUTH CONGRESS

### HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. VEYSEY. Mr. Speaker, yesterday I reported to this body the results of our second annual 43d Congressional District Youth Congress held recently in Riverside at the University of California campus.

I included an accounting of how the young people of Riverside, Imperial, and San Diego Counties, with the help of their teachers and school administrators, university personnel, civic and local governmental leaders, and especially, the local Jaycees, organized the conference and developed its legislative thrust.

Every high school in our district played a role in the conference, and the results testify glowingly as to the caliber of our young people, and their capacity to understand and enhance our system of government. I am convinced that these young people are going to make a constructive, substantial contribution to good government in the near future—many of them in the immediate future.

The legislative solutions to the problems of drugs and of education which they hammered out over the anvil of compromise and debate, and which I included in yesterday's CONGRESSIONAL RECORD, have many important points which I intend to further explore in legislation before this Congress.

For the information and attention of all of my colleagues, I am at this point placing into the RECORD of our proceedings, the names of the students who made our Youth Congress so successful. I am also including the Jaycees, teachers, and civic leaders to whom we are deeply indebted:

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FORTY-THIRD DISTRICT YOUTH CONGRESS

LEADERSHIP

General Student Co-Chairmen—Ron Redmond, Poly High School, and Steve Maio, Norte Vista High School.

Regional Chairmen—Celeste Cantu, Imperial Valley (Calexico High School and Kevin Dickerson, Riverside (Poly High School).

Speaker of the House—Mike Smith, La Sierra Academy.

Session Secretary—Ann St. Jacques, Norte Vista High School.

COMMITTEE CHAIRMEN

Facilities and Parking Signs—Alan Farmer, Norte Vista High.

Delegate Signs—Kurt Freitag, Notre Dame High.

Program—Kathy Hares, Rubidoux High.

Public Relations, Invitations to VIP's and Luncheon—Kathy Hawkins, La Sierra High.

Legislative—Joy Jacobson, Moreno Valley High; Kevin Dickerson, Poly High; Ann St. Jacques, Norte Vista High; Celeste Cantu, Imperial County, Calexico High.

Registration—Rose Marrujo, Norte Vista High; Richard Lemire, Notre Dame High (also in charge of name tags).

GENERAL COORDINATORS

Jaycee Advisors—Gene Agnes and Bob McGovern.

Committee consultant and photographer—Ross Boylan, Los Angeles.

Committee consultant and Youth Coordinator—Kim Lockwood, Intern in Congressman Victor Veysey's Riverside Office.

Air Pollution film, and Luncheon Rock Band—Eric Wand, Riverside.

Office Space and conference facilities—Professor Ron Loveridge, University of California, Riverside.

Faculty arrangements and luncheon—Myron Huffman, Intern in Congressman Victor Veysey's Riverside office.

SPEAKERS

Ron Gonshak, Drug Counselor, Calexico High.

Donald Inskeep, Assistant District Attorney, Riverside County.

Sgt. Neil Adkins, Riverside County Deputy Sheriff.

Mike Smith, Riverside Police Officer (School Resource officer).

Herb Davis, Teen Challenge, Riverside.

Jeff Goldstein, office of Riverside County Superintendent of Schools.

Lt. Jones, Riverside Police Officer.

FACULTY ADVISERS

Robert Burton, Fallbrook High.
Mrs. Jean McDonald, Ramona High.
Harold Kopper, Norte Vista High.
Richard M. Ramirez, Coachella High.
Mel Wendrick, Calipatria High.
Ron Gonshak, Calexico High.
Vicki Burrows, San Jacinto High.
LeRoy Peters, Riverside Christian High.
Robert Doerr, Norco High.
Stan Grienger, El Centro High.
Zen Jones, Brawley High.
Perry Morris, Eagle Mountain High.
Mrs. Marilyn Masten, Indio High.
James Parsons, Desert Sun School.
Bruce Vandergrift, Palm Springs High.

STUDENT COMMITTEE

Tom Troup, Karen Reinhold, Ralph Chapman, Brian Koeff, Terri Armstrong, Phil Hodgens, James Hoag, Joy Jacobson, Sharon Stallings, Alma Garcia.

STUDENT PARTICIPANTS

Banning High School—Michael Brooks, Lisa Frye, Nancy Black, Kevin deLancey, Heidi Hill, Brian Lea, James Rusk.

San Jacinto High School—Ann Goodwin, Tina Hollingworth, Mark Baker, Joyce Stuart, Jay Ast.

Norco High School—David Melendez, Jill Doyle, Nancy Lee, Simon Melendez, Justin Burger.

Fallbrook High School—Fred Poggemeyer, Brett Rowley, Joyce Barnes, Susan Fleming.

Ramona High School, Ramona—Terry Schwarze, David D. Ross, oJe Lacy.

Calexico High School—Manjit Samra, Richard Carrillo, Louie Valenzuela, Daniel Aguilar, Celeste Cantu.

Coachella High School—Debbie Delgado, Marco Rojo, Mary Lou Rios, Melba Rosa Hinojosa, Mary Lou Gomez, Steve Whitern.

Calipatria High School—Judi Kodama, Meg Hill, Robert Barros, Harold Walk, Jr., Selma Urrea.

Eagle Mountain High School—Patti Harris, Elba Garcia, Rita Helms, Chery Dunaway, Socorro Casillas, David Boyd.

Brawley High School—Hugo Orozco, Rick Benedick, Anita James, Mike Fox, Gregg Luckey, Margaret Willingham.

El Centro High School—Herbert Jew, Larry Rich, Pam Lindsey, Dana Lyone, George James Jew.

Corona High School—Pat Cerantes, Greg Westfall, Robin Zadra, Melinda LaVenture, Douglas, Mackey, Eugene Montanez.

Norte Vista High School—Carl Gammon, Don Lindsay, Ann Marie Orta, Gwen Manns, Mike Torchia, Steve Maio, Brenda Cash, Pam Quick, Thomas Jankowski, Ann St. Jacques, Alan Farmer.

Poly High School—Ron Redmond, Harry Carpelan, Sharon Bond, Janet Fargo, Bryan Keff, Kevin Dickerson, Janice Cooper, Michael Bamberger.

Moreno Valley High School—Paul Johnson, Becky Snyder, Joy Jacobson, Jerry Pigsley, Glyn Bolasky, Kathy Berg, Linda Spink.

La Sierra High School—Cathy Hawkins, Cindy Rap, Geneva Gay Pepiot, Jeffrey Therien, Rod Short.

La Sierra Academy—Philip Hodgen, Karen Reinhold, Marianne Reinhold, Mike Macomber, Michael Smith, James Hoag.

Notre Dame High School—Richard Lemire, Larry Green, Corinne Pace, Gregory Garcia, Kurt Freitag, Alma Garcia, Rich Machado, Tim O'Douherty.

Ramona High School, Riverside—Tom Collopy, Marcus Rhodes.

Riverside Christian High School—Nathan McDaniel, Keith Harry, Lynn Zwall, Tom Troup.

Perris High School—Carol Holmes, Lori Van Vordeck, Mandie Wickerd, Cindy Moramarco, Kathy Neske.

Indio High School—Juanine Cardiff, Alice Acosta, Blaine Glass, Homer Arrington.

Palm Springs High School—Sharon Moore, Casey Jones, Christopher Simon, Zac Hanscom, III.

San Bernardino High School—Mary Shaw.

Desert Sun School, Idyllwild—Elissa Anderson, Judy Gordon, Sara Geier, Jan Bailey.

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## WELFARE SCANDAL—XVI

## HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. THOMSON of Wisconsin. Mr. Speaker, the failure of our present welfare system is responsible for wasting tax dollars and assuring that the truly needy are denied benefits intended by law. The system contributes to sloppy administration and growing disillusionment among clients that the system represents a legitimate means for aiding them.

In all too many cases, the frustrations of the welfare recipient are well justified. Added to the demonstrable waste in the present welfare system and consequent taxpayer frustration at its inefficiency and ineffectiveness in reducing the dependent population, the frustrations bred in our present welfare system demand that urgent attention be given to a massive overhaul and tightening up of the system.

I am inserting into today's RECORD the 16th installment of a series on welfare fraud, mismanagement, and waste in the Milwaukee County, Wis., Welfare Department. The series was run this spring in the Milwaukee Sentinel:

RECIPIENT VIEWS "FINE"—"FOUL"

(By Gene Cunningham and Stuart Wilk)

What do welfare recipients think of the department that is there to serve them?

Some recipients describe the Milwaukee County Welfare Department as a place where caseworkers don't answer phones, where appointments aren't kept, where clients can wait weeks before getting help.

Others have few complaints. They told reporters that welfare operations are fine just as they are, that they don't want the department to change.

Based on a series of interviews, recipients are about equally divided in their views. Half of those interviewed were satisfied while others were angry, disillusioned and frustrated.

"I think it's foul," was one woman's succinct reaction. "I think everything about it is bad."

Many of the recipients' criticisms were aimed at the caseworkers and aides who handle their cases.

Recipients contended that workers don't answer their phones, and even when they do, they don't always help.

One complaint was that workers play "musical telephones"—that workers answer each other's telephones and tell clients the worker they called for is not in.

"A little while ago I tried calling a caseworker and let the phone ring for a half hour," said Christopher Rosado, 16, of 2778 N. Holton St. "Then I called right back and the line was busy."

Rosado was at the Welfare Center with his mother, Mrs. Emila Carreo, who is now receiving aid. Mrs. Carreo does not speak English.

"You can never reach the caseworkers," said the son. "And it's true the files aren't kept in order. They threw my sister's file out."

Rosado said it seemed as if caseworkers and aides go on coffee breaks "every five minutes."

"You can never reach them on the telephone," said Miss Verneda Beamon, 1232 N. 14th St. "They give you a lot of baloney. They just give you the runaround."

"When I call," said another recipient, "my caseworker doesn't even want to talk to me."

The recipient, Miss Leenover Brown, said when caseworkers do talk to her "they talk to me like I'm a dog. They don't want to give you nothing."

"It's all right as long as you keep pressuring them and keep on their back," said another recipient. "But the caseworkers are snotty. They act like they're really giving you something, like it's their own money."

Many caseworkers and aides interviewed by The Sentinel have acknowledged that clients have to "keep pressuring them" to get what they need. Many indicated that the client who screams the loudest is the one who gets what he wants.

On any given day, many of the clients jamming welfare department waiting rooms are those who did not receive their checks.

Miss Faith Engel, 3818–B W. North Ave., who was interviewed Tuesday, said she had been waiting for her check since March 5 "and I still haven't gotten it."

"AWFULLY SLOW"

"My landlord's going to throw me out if I can't come up with the rent," she said. "I was down here once before and they sent me to the wrong station. I sat there for about five hours. And I've been waiting five hours today."

Another recipient, who asked that her name not be used, said welfare operations are "awfully slow sometimes."

The woman said she'd been "sitting here for three hours. When someone did come out to talk to me it turned out she wasn't my worker. She didn't know anything about my case."

The worker told the woman she had "lost my appointment slip. I'm waiting now to see if she will see me anyway," the woman said.

Recipients who had read The Sentinel articles exposing waste, fraud and mismanagement in the welfare department said that they were accurate. Those who were not themselves critical of the department said the articles confirmed what they had heard about the department from other welfare clients.

FAVORS EXPOSURE

"I am appalled at the outrageous way some of these people are allowed to ruin something that is set up to help people out in a time of need," said one recipient. My family and I are all for . . . exposing these cheaters for just what they are."

Mrs. Lona Sanchez, who was named "Welfare Mother of the Year" in 1968 by the United Welfare Recipients, said she believed The Sentinel articles were accurate—"that there's fraud by recipients but workers are cheating, too."

But, she said, she is concerned that public officials are placing all the blame on the recipients.

"Now they want the recipients to do this and do that, but they don't say anything about the workers," Mrs. Sanchez said.

A recipient who said she bought a home under Federal 235 Housing, at the encouragement of the welfare department, complained to The Sentinel that now the house is falling apart and she will have to sell it.

"I'm putting the house up for sale," she said. "It's falling apart."

The woman said she doesn't go to the department "for every little thing" but when she asked for home repairs she did not get them.

The department did put a new railing on the porch steps, she said.

Others praised the department—with varying degrees of enthusiasm.

MOST SAY "OKAY"

Most said the department was "okay" and left it at that.

Those interviewed who praised the department asked that their names not be used.

"It's been pretty good," said one woman. "It takes a little too long to get things but eventually you get them."

She said that she isn't always able to reach her caseworker immediately, "but if I call her back I'll get her."

"I think it's okay," a recipient said. "Sometimes I wait a week or two to get things, but I haven't been having any problems."

The woman said reaching caseworkers is not a problem.

"The department should just stay like it is," the recipient said.

A woman who said she had been on welfare for six months told a reporter that the welfare department is "all right."

"I haven't had any trouble so far," she said.

"Im going off (relief) in April," said another recipient. "I was just on a short time. But my caseworker worked out real well.

"But I think a lot of what's been said (about the department) is true from what I hear from other people about their caseworkers," the recipient said.

Another woman who said she has had "no problems" said she doesn't bother trying to reach her caseworker by telephone.

"I just come down here if I want to see her," she said.

"I think it's great" said another recipient. "If you really need it, it's great."

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## "CHAPPIE" JAMES: THE DAR'S NEW HERO

## HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. BOB WILSON. Mr. Speaker, I recently had the opportunity to hear Maj. Gen. Daniel "Chappie" James, Jr., when he addressed the annual meeting of the Daughters of the American Revolution. He was magnificent in his performance before the DAR and I applaud the president general, Mrs. Donald Spicer, for having the wisdom and courage to invite him to be the keynote speaker for this great patriotic organization which has so often been undeservedly maligned.

As chairman of the Advisory Committee of the National Society of Daughters of the American Revolution, I have urged Mrs. Spicer and others to encourage membership of qualifying black descendants of Revolutionary War soldiers. There is no question there were many blacks who fought in the Revolutionary War and I know that black descendants of such soldiers would qualify for such membership. I think it would be a fitting response to General James' appearance if such potential members could be found.

The article follows:

"CHAPPIE" JAMES: THE DAR'S NEW HERO

(By Nick Thimmesch)

WASHINGTON.—The best happening here last week (an otherwise dismal moment in the Nixon Administration beleaguered by Watergate) was when Maj. Gen. Daniel "Chappie" James Jr. orated mightily on behalf of the republic at the Daughters of the American Revolution convention.

The sight of Chappie lifting all 6 feet 4 inches and 230 pounds of his muscular black body up to deliver the keynote address on a platform bedecked with ferns, orchids, white gowns, elbow-length evening gloves, blue sashes and a thickness of the good DAR ladies—well it brought joy to the heart and a feeling that it's about time and, damned, isn't this great?

After all, 34 Easter weeks ago, the DAR turned another distinguished black away from their sacred hall here, namely, Marian Anderson.

She wound up opening her soul through her beautiful voice in a concert at an alternate site—the U.S. Capitol steps—before a thrilled audience of 75,000. Mrs. Franklin D. Roosevelt resigned from the DAR over the 1939 incident, and thus showed real class.

Gen. James, 53, whose 30 years as combat pilot and commander includes 178 combat missions in the Korean and Vietnamese wars, showed class, too, in gently alluding to the Anderson episode with: "I assess the progress that's very visible tonight, as I stand here talking, and I don't have to explain that to you.

He wowed the 4,000 in the DAR hall. Blueveined, aged hands applauded, old throats laughed and eyes went misty as Chappie let it all hang out, including the Stars and Stripes.

"I used to dream I was number 16 in a 16-plane group," he said, "and that frightened me, so I mastered the dream to get myself up to number-four spot where it's safer. But being number 16 on a number-16 speaker night at your convention, man, that scares me to death."

With the ladies warmed up, Chappie went serious for a moment with a formal recitation of the diplomatic-military events of the past four years, and got his first appreciative roar with:

"We military are not the most popular kid on the block. It's not our job to be popular; our job is to be strong."

He recounted confrontations he had when he defended the Vietnamese war on campuses during the peak of the antiwar period, and told how he replied to student taunts like "Why don't you go back to Africa?"

"I told them: 'This is my home,' " Chappie said. "I was born here. I am an American. I speak for the democratic dignity of the individual. When the black militants hollered for separatism, I told them I was once under separate but equal, but I'm not going back under that blanket, no sir. When I came into this man's Air Force. I vowed I'd be a general officer, and I am, as you can see." Huge applause. Chappie looked like he could have been standing next to George Washington crossing the Delaware.

"This is my nation," Chappie said emotionally. "I love her. If I see her ill, I'll hold her hand. I realize full well I'm preaching to the choir tonight, but sometimes the choir doesn't sing loud enough. We must be sure we're part of solving the big problem.

"While we build and unite to heal the wounds of a long, costly war, we must get involved. You can't sit there in righteous indignation and say, 'I'm not part of it. I didn't throw the rocks. I didn't burn the Flag. I didn't call him a honky. I didn't call him nigger.' If you just stood there like you didn't hear it or see it, that may be what's wrong with you."

The DAR ladies loved the admonishment. After all, this big black soldier was the one who replied on TV to Ramsey Clark's mushy musings on the POWs, and as DAR President-General Mrs. Donald Spicer, Chappie's sponsor, said, "He cut Clark's arguments into little pieces without insulting him."

Chappie, a natural-born public speaker, wound up in a patriotic rush, implored that "silent majority" which walked the first 50,000 miles of this nation's history to "get in step, be proud and show that unity to the world."

Then, with the organ playing mightily, and the "Retiring of the Colors," Chappie stood tall in full salute, and the ladies were thrilled again. Goodness, he had defended the republic, the military. American loyalty to allies, the determination to have peace, but "if peace breaks down, then fight we shall—make no mistake about that."

Now blacks fought in the Revolutionary War and, while the DAR has no black members, it says black descendants of those Revolutionary soldiers would qualify for membership.

The DAR presently has no program to "reach out" and find such black descendants. But wouldn't it be great if Maj. Gen. Daniel "Chappie" James Jr. could come up with some ancestor who shouldered a musket for the Americans in those Revolutionary times? Right on!

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## REDUCTION IN FEDERAL AID TO PUBLIC SCHOOLS

## HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. HUNGATE. Mr. Speaker, the Missouri House of Representatives has approved a resolution on an important issue

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confronting the State of Missouri and the Nation, I would like to call this to the attention of my colleagues so that they can have this in mind when appropriate legislation is considered:

RESOLUTION

Whereas, many public school districts in the state of Missouri are critically affected by the impact of students who are dependents of Armed Forces personnel or civilian employees of the Federal government; and

Whereas, one hundred fifty-seven school districts in the state of Missouri applied for federal aid under the provisions of Title 20, section 236 et seq., U.S.C, (Public Law 81-874) during the 1972-1973 school year; and

Whereas, the purpose of those statutes is to provide financial aid to school districts which are affected by a substantial influx of students whose parents are federal employees, or districts wherein there are substantial tracts of land removed from the tax rolls due to federal acquisition; and

Whereas, at the present time the federal government is authorizing payment to school districts for only those students whose parents are in uniform services or civilian federal employees who reside on federal property; and

Whereas, previously the federal government was also authorizing payment for students whose parents were civilian federal employees but who reside on property not owned by the federal government; and

Whereas, it is estimated by the Missouri State Department of Education that a change in policy proposed by the President for 1973-74 which would eliminate payments for students whose parents reside on private property would cost Missouri school districts in excess of eight and one-half million dollars in federal aid; and

Whereas, such a reduction in federal aid to the schools in Missouri would have disastrous results and possibly force the closing of many public schools;

Now, therefore, be it resolved that the House of Representatives of the 77th General Assembly of the sovereign State of Missouri memorialize the Congress of the United States to take such steps as, in the sense of Congress, will prevent any reduction in federal aid to public schools in Missouri; and

Be it further resolved that the Missouri House of Representatives especially urge the members of Congress from Missouri to take immediate action in this matter; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to send suitably inscribed copies of this resolution to the President of the United States, the Honorable Gerald Ford, the Honorable Carl Albert, the Honorable Carl Perkins, both United States Senators from Missouri, and to each member of the House of Representatives of the United States Congress from Missouri.

Offered by Representative Jim Arnold.

I, Agnes Moore, Chief Clerk of the House of Representatives of the 77th General Assembly, certify that the above is a true and correct copy of House Resolution No. 152 adopted by the House of Representatives, April 26, 1973.

## PERSONAL EXPLANATION

### HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. SYMMS. Mr. Speaker, I wish to inform you that my name was included by mistake as a cosponsor of H.R. 7108. I am not a cosponsor of this bill.

## MAYOR RIZZO REPORTS ON DRUG ABUSE

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. EILBERG. Mr. Speaker, the Senate Subcommittee on Alcoholism and Narcotics recently held public hearings in my city, Philadelphia.

The purpose of the hearings is to find out what the States and cities are doing about these problems and what local officials feel the Federal Government should be doing to help them.

At this time I enter into the RECORD the excellent presentation by Mayor Frank L. Rizzo, of Philadelphia.

TESTIMONY OF MAYOR FRANK L. RIZZO BEFORE SENATOR SCHWEIKER'S COMMITTEE, APRIL 23, 1973

As Mayor of Philadelphia, I am pleased and honored to appear today before the Senate Sub-Committee on Alcohol and Drug Abuse.

In my opinion, there is no greater menace in America today than the menace of drug and narcotics addiction. This sickness spreads across our land, costing untold millions in crime and destroying the flower of our youth.

Narcotics addiction traps its unfortunate victims in a wretched world of the living dead where there is no hope, only despair. Many of these helpless victims stagger through life seeking medical aid but, because of a lack of funds and facilities, are shunted from agency to agency.

The addict is on a treadmill, torn between a desire to get the monkey off his back and his craving for a fix.

Narcotics addiction attacks unfortunate victims in every segment of our society—the rich and the poor, the educated and the illiterate and the very young as well as adults.

The insidious infection of narcotics abuse is not simply a police problem; it is a national problem that drains our resources and entices our youth while they are still in grade school.

I am well aware that narcotics addiction is a disease, and I feel very strongly that medical and psychiatric treatment should be made available to these unfortunate victims.

I also realize that many of our youth turn to drugs and narcotics because of social ills, frustration or despair.

I feel that counseling services should be made available to these boys and girls to deter them from the path of addiction.

And, once an addict has undergone treatment, we must make a job available to him and supervise his activities so that he does not stray from the straight and narrow.

Yes, gentlemen, the addict deserves all the compassion we can give him.

But the pusher is another story. The narcotics pusher is an evil person who lurks near our schools eager to enslave unwary students in a life of living hell.

The narcotics pusher lives the life of a high roller, with fine food and shiny cars, on profits extracted from his pitiful customers. All too often, when the pusher is arrested, he slips through the judicial net with little or no punishment.

Most convicted pushers who are sentenced to prison receive light terms that are no more than a reprimand or a slap on the wrist. This misplaced leniency must stop if we are to make inroads against the narcotics problem.

We must institute a system of justice that tells the pusher loud and clear that, once he is arrested, justice will be swift, sure and severe.

The cost of combating the narcotics problem is high, but it is only a fraction of the cost we now pay in mental anguish, broken lives, shattered homes and high crime. The vicious cycle of addiction and crime must be stopped, regardless of the cost.

The consequences of the drug peril are frightening. In Philadelphia during the past five years, deaths from overdoses of drugs rose from 75 to 138, an increase of almost 100 percent. From 1961 to 1972, narcotics arrests in Philadelphia increased from 733 to 5,986, a boost of almost 800 percent.

Last year, the Philadelphia Police Department launched a concerted drive against narcotics pushers; this resulted in 997 arrests for the sale of narcotics, compared to 476 similar arrests in 1971.

The problem, however, is that not enough pushers are being sent to jail. Of the 386 persons convicted for sale of narcotics during the period January, 1971, to February, 1973, only 143 received prison terms; of these, only 9 received terms of 5 years or more.

Due to the rapid increase in the use of drugs and because of a lack of funds, Government's initial response to the narcotics problem was inadequate. Until recently, limited resources prevented us from attacking this problem at its many sources.

Now, however, we have laid the groundwork for a thorough, comprehensive program to battle narcotics abuse in Philadelphia.

In the past year, we established a Coordinating Office for Drug and Alcohol Abuse Programs to centralize all such efforts in the City.

We have appointed an 11 member Executive Commission on Drugs and Alcohol to advise and assist the Coordinating Office in discharging its responsibility.

We have established a comprehensive program entitled Alternatives to Street Crime to identify, divert and treat—within the criminal justice process—the drug offender.

These actions reflect the high priority Philadelphia places on the drug abuse problem. But the drug problem is not merely a Philadelphia problem; its blight affects every major City in the United States.

In short, narcotics abuse is a national problem that requires a national response.

At this point, I wish to make the following recommendations for increased Federal assistance in combating drug addiction.

1. Expansion of Federal Cooperative Programs such as the Office of Drug Abuse and Law Enforcement.

This is the program whereby local Police and Federal Agents work hand-in-hand on a day-to-day basis to arrest narcotic pushers. Since last year, 150 pushers have been arrested in Philadelphia under this joint program.

2. I urge passage of a Bill now before Congress that provides mandatory stiff prison terms for persons convicted of Federal narcotic crimes.

3. Additional Federal aid to financially-depressed Cities to expand their drug enforcement programs. These grants should be over and above current appropriations by the Law Enforcement Assistance Administration.

4. The Federal Government should become more actively involved in the funding and supervision of programs to rehabilitate drug addicts.

The key elements of Philadelphia's drug control efforts have been Federal and State Assistance in all phases of our programs—from the war on drug traffic to the rehabilitation of the addict.

We must continue to rely on State and Federal aid if we are to succeed; Philadelphia simply cannot do the job alone. The narcotics problem is very complex, and we will not succeed by concentrating on only one symptom; we must treat the whole patient.

Consequently, Philadelphia has established a broad-based approach that emphasizes new and improved law enforcement techniques to cut the flow of drug traffic and reduce crime. We have modified criminal justice procedures to identify and treat drug offenders, and we have instituted treatment programs to stabilize and rehabilitate the addict.

We recognize that we are still in the early stages of battle, but we see some signs of success.

By concentrating on the vital sources of supply, we are choking off the flow of narcotics from the streets and into the veins of our citizens. By increasing the number and quality of treatment facilities we are removing more addicts from the criminal-drug cycle, into rehabilitation.

Ultimate success depends on our stamina, and our ability to support the heavy demands on our resources.

Finally, we must be wary of indifference. If we accept the addiction of our citizens; if we tolerate crime in our streets; if we watch with disinterest the decay of our neighborhoods, then we condemn our City to painful and agonizing death.

What is at stake is nothing less than the will of the City to survive.

Thank you.



## PATIENTS SPEAK UP

### HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. HARVEY. Mr. Speaker, the April 15, 1973, edition of U.S. Medicine carried an interesting story about a recent survey conducted at the Veterans' Administration Hospital in Saginaw, which is in my congressional district.

Because of my continuing interest in the delivery of health care to our Nation's veterans and the timeliness of the article, it seemed appropriate to share the message contained in the report with my colleagues.

The article is as follows:

VA DEFENDED BY VETERANS IN SAGINAW

SAGINAW, MICH.—About 90 per cent of the patients in the Saginaw Veterans Administration Hospital—151 in all—signed a petition objecting to "adverse criticisms of the Veterans Hospital System here and elsewhere put forth in articles by Ralph Nader, and others, that have been appearing in print of late."

The patients said they are "better able to evaluate the conditions and services of the Veterans Administration" than Mr. Nader and "in fact, are now obligated to do so."

"During our hospitalization we have found the doctors and nurses, as well as the dietetic service, the technical staff, and the administrative staff, to be not only efficient but extremely cooperative.

"Our atmosphere is not just pleasant but exceptionally clean and orderly. We enjoy excellent medical care and are offered very genuine concern for our mental attitudes while convalescing here.

We are offered many excellent free services such as the use of the library, social and creative activities, free entertainment, etc. by the loyal and regular volunteer services."

The "petition by patients" was forwarded to VA Central Office by Dr. Thomas J. Fitzgerald, medical director of VA Region 3. A copy was sent to Mr. Nader and "appropriate newspapers in the Saginaw area."

## FREEDOMS FOUNDATION PROGRAM

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. BOB WILSON. Mr. Speaker, James Madison Senior High School of San Diego, Calif., has given a splendid example of the highest form of good citizenship and community involvement. Under the outstanding leadership of Dr. James I. Kaupp, principal, the school has 3,351 students and a faculty of 171 teachers. Dr. Kaupp has encouraged school activities to flourish in the exercise of responsible citizenship according to the best American traditions by dedication and commitment to education at its best.

As a result, many honors have been accorded to James Madison High School for extraordinary achievement and, as one example, I am pleased to submit a program brief of a production at the Madison High School auditorium that was dedicated to the Freedoms Foundation at Valley Forge, Pa., in appreciation for the recognition Madison High School has won during the last 10 years by consistent participation in the freedoms foundation program.

It is a singular tribute to the school and the community of San Diego since this year Madison High School has been awarded the Freedoms Foundation Distinguished Service Plaque which can be won only when 10 previous awards have been earned. This program was presented Friday morning, April 27, 1973, and the text of the program follows:

JAMES MADISON HIGH SCHOOL PRESENTS THE FREEDOMS FOUNDATION AWARDS PROGRAM

Honoring the students and alumni of Madison High School for 10 years of distinguished service in school activities exercising responsible citizenship according to the best American traditions, Madison Auditorium, April 27, 1973, 7:10 a.m., period I

7:10 Flag raising Ceremonies at the Flag Pole—Madison Band, ROTC, Students and guests.

7:15 Auditorium—presentation of colors—National Anthem, band directed by Mr. Leonard Wolfe.

Invocation—Mark Manion.

7:20 Song premiere—*The Rainbow Song*—introduced by Michele Aguayo, with the Warhawk guitar ensemble: Jessie and Jennifer Havens, Tony and Bob Prim, Rainey Delgado and the Madison Chorus.

7:25 *"Mr. Jefferson, you are elected"*—a scene taken from the 1971 and 1972 production: The Declaration of Independence.

7:35 Introduction of the speaker—Dr. James I. Kaupp, Principal of Madison.

7:40 Keynote address: *Freedom Has a Price*—Lieutenant General Victor H. Krulak, U.S.M.C. (retired). While on duty, General Krulak commanded all Marines from California to Vietnam.

7:55 Oh Freedom!—Guitar ensemble—directed by Jennifer Havens, selections from the *Music Man*, Madison Band, directed by Mr. Leonard Wolfe.

8:00 *Vignette special from Constitution Day performances* 1969, 1970, 1971, 1972, 1973 by students from the American Government classes, directed by Randy Greenwalt.

8:10 The Distinguished Services Awards Ceremonies. Mrs. W. Daniel Larsen, Vice President in charge of awards, Freedoms Foundation, San Diego Chapter.

8:15 The Stranger Who Is My Brother—a scene from the Fort Rosecrans performance by Madison students at Fort Rosecrans Armistice Day, November 11, 1971. Mike Russell and ROTC.

8:20 *Antigone* scene from the 1971 summer school performance. Directed by Carmen Kiehm, illustrating the inalienable rights of mankind.

8:25 Brodsky trial preview.

8:35 Finale—Midson Band.

FREEDOMS FOUNDATION AWARDS PROGRAM, APRIL 27, 1973, JAMES MADISON HIGH SCHOOL, SAN DIEGO

Flag raising ceremonies in front of the administration building at 7:10 a.m. Madison High School Band, R.O.T.C., Student Body and guests. Band will lead the way into the Auditorium.

National Anthem—Band.

Pledge of Allegiance—R.O.T.C.

Invocation—Howard Amster, Mark Manion.

Steve Hanger—Student Body President—Chairman of the program.

Curtain is closed.

Good morning, we welcome you. We are glad you could come to this Freedoms Foundation Awards program in honor of Madison High School achievements, past, present, and future. Our program today is the result of a total school effort that goes back to 1961 and builds up to this moment when we find ourselves in line for a coveted award offered by the Freedoms Foundation for exceptional achievement. Only a few schools get the Distinguished Service Award. It is presented by the Freedoms Foundation at Valley Forge only after 10 George Washington Honor Medals have been won. This year marks the tenth time Madison has been awarded top honors. We are in fact, number one *ten times!* We are proud to have with us our distinguished guests:

Lieutenant General Victor H. Krulak—United States Marine Corps. General Krulak was the commander, before retirement, of all Marines in the Pacific from California to Vietnam. He will deliver the keynote address.

And from the Freedoms Foundation:

Mrs. Robert S. Fadem—President.

Mrs. W. Daniel Larsen—Vice President.

Mrs. Charles Sands—Past President of the Freedoms Foundation, San Diego County chapter who are here to proffer us the Distinguished Service Award.

Steve Hanger continues:

This morning we bring you highlights of past performances as well as a sneak preview of our next program and a song for the occasion, dedicated to Madison's own rainbow of success: *The Rainbow Song.*

We want to thank Mr. Garold Nelson and the Graphic Arts Department for getting the song onto sheet music. And now, we give you the Warhawk version of *Rainbow Song.* Michel Aguayo will start it off and then Jessie and Jennifer Havens, Tony and Bob Prim, and Mr. Gilbert Sloan's chorus ensemble will join and I hope you will, too.

The Rainbow Song—Guitar solo by Michele Aguayo—Guitar ensemble, Chorus ensemble.

Narrator continues: Thank you for bringing down the rainbow at Madison. The purpose of our program today is to honor the Freedom's Foundation with vignettes of past winning performances, hear the message of our famous speaker, Lieutenant General Victor H. Krulak and acknowledge the high honor of receiving the Distinguished Service Award from the Freedom's Foundation at Valley Forge, Pa.

It all started in October of 1961 with the decision, when our school first opened its doors, that we wanted to study more about freedom in America and find a deeper meaning for the word citizenship, to articulate citizenship not only as a by-word but America's do-word and be-word in respect for God and country, to stress the human

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relations factor of unity in action toward high standards of achievement. We felt our activities for that year and the years to come should be a matter of school record so we might establish a tradition at Madison High School in the years to come congruent with the solid traditions of 1776 and 1787.

Under the leadership of Mr. Ellis Dugger in 1965, 1966 and 1967 and Mr. John Lynch in 1968, Madison High School won the George Washington Honor Medal Award for four consecutive years; and thus, a tradition was born.

Narrator—Candy Brown: Our first playback is a scene from the Declaration of Independence. This is taken from the *"Mr. Jefferson, you are elected"* drama as we have interpreted it in our American Government class.

(Curtain opens on the Declaration of Independence scene). We give you direct from Independence Hall, Philadelphia, 1776, a scene involving Thomas Jefferson of Virginia, Benjamin Franklin of Pennsylvania, Robert Livingston of New York, Roger Sherman of Connecticut and John Adams of Massachusetts. Duly elected delegates to the second Continental Congress and the committee appointed to write a declaration of Independence.

Note.—At the end of this scene, there is a loud knocking back stage. Doorkeeper answers the door and announces loudly

Doorkeeper: "It is the Principal, Dr. Kaupp, from the head offices and General Victor Krulak, from the United States Marines."

Committee: "By all means bring them in . . . Dr. Kaupp, will you introduce General Krulak?"

Dr. Kaupp: Introduction of General Krulak—to the student body.

General Krulak, keynote address, "Freedom Has a Price."

After Gen. Krulak's address, the guitar group led by Jennifer Havens goes on stage with the *Oh Freedom song.*

Curtain is closed.

Narrator—Steve Hanger: 1969 and 1970, the years of nominating conventions and a musical that made history: the Music Man. We are proud to present the director of those scores: Mr. Leonard Wolfe, who will lead the Madison High School band in selections from the Music Man.

After the band plays selections from the Music Man, the narrator steps out from a different location to introduce the Constitutional Convention scene.

Narrator—Steve Hanger: The next scene is a familar one with Madison audiences. Early in the year, September 17 (in fact) in recognition of Constitution Day it has been a practice at Madison to re-enact the issues and debates that shaped the framing of the Constitution. Here are highlights of the Convention and the feeling of some key personalities who stuck it out to the very last day of that long hot summer at Philadelphia, May 25 to September 17, 1787.

Curtain opens on the Constitutional Convention.

Curtain closes at the end of the Constitutional Convention in preparation for the Armistice scene.

Steve Hanger continues: The moment has arrived for the awards presentation. We are honored to have Mrs. W. Daniel Larsen, Vice President of the San Diego County Freedom Foundation Chapter, proffer the awards won in 1972. Mrs. W. Daniel Larsen.

Foundation Chapter, Mrs. W. Daniel presents the Distinguished Service Award to Dr. Kaupp, and the honor certificate to Steven Mathews, for his Armed Forces letter, "Freedom has a price". After Steven Mathews has read his letter, Mrs. Larsen introduces Paul Walton as this year's Madison representative to the Freedoms Foundation Boys Seminar at Valley Forge.

After Paul Walton's talk Steve Hanger continues: Our next vignette takes place on the Armistice of 1917. It's about the unknown soldier buried at Arlington Cemetery. On November 11, 1971, students at Madison in memory of the Armistice conducted a memorial program at Fort Rosecrans National Cemetery, Point Loma, in honor of Veteran's Day. We bring you a portion of this program again as a tribute to all veterans especially those who were so recently involved in the last conflict.

R.O.T.C. presentation of the story of the "Man I never knew."

Curtain opens slowly.

Narrator—Mike Russel: This is the story of the man I never knew . . .

Curtain closes at the end of the narration.

Carmen Kiehm presents the Antigone vignette.

The unwritten code of Heaven, a 1972 summer session, illustration the inalienable ability of human rights.

The Brodsky Trial—a preview.

Madison Band concludes this performance.

## TRIBUTE TO WAYNE VAN HORN

### HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. KETCHUM. Mr. Speaker, I am pleased to call to the attention of the Congress today a man who exemplifies the very essence of education in America. Mr. Wayne Van Horn, district superintendent of the Panama Union School District of Kern County, is retiring after 28 years of service.

Born in Imperial Valley, Calif., Mr. Van Horn moved to Kern County in 1934. After graduation from La Verne College in 1940, he began his teaching career in the Mount View School District. In 1945, he was employed as superintendent at the Panama Union School District and has been there for the past 28 years.

What began as a 297 pupil district with $2,360,350 worth of facilities and equipment has grown into a district of 2,860 pupils and an assessed valuation of $50,463,500.

Through his tireless efforts, there have been eight successful school bond elections and three successful tax override elections. His understanding of the educational requirements of the district have resulted in a zero failure rate in providing the necessary leadership to carry these issues to the people for their vote.

His warm and friendly personality have gained him the respect of his students, faculty, and the community at large. The highest tribute that can be bestowed upon any educator is to have a school named in his or her honor. Unbeknownst to Mr. Van Horn, a petition was circulated in 1969 to name a new school in his honor. The Wayne Van Horn School will stand as a living monument to the man who organized and administered one of the finest school districts in the State of California for the past 28 years.

I know my colleagues join me in wishing Mr. Van Horn and his wife of 35 years, Veth, best wishes on his retirement and our sincere appreciation for his dedication in the pursuit of quality education.

## LAND USE IN ALASKA

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. YOUNG of Alaska. Mr. Speaker, the subject of land use in the United States has been receiving greater and greater attention since the Western Frontier was closed late in the 19th century. Before the frontier was closed, people just kept moving west whenever they became dissatisfied with wherever it was they lived.

But once they reached the Pacific, they learned there were no new lands to exploit.

The Congress has long been familiar with the problems and needs that must be considered relating to land use. It has already initiated a thorough review of the Nation's public land laws, and not long ago the Federal-State Land Use Planning Commission initiated a series of 45 public hearings to solicit public comment on land use in Alaska, now the Nation's last frontier.

In addition to conducting dozens of hearings in Alaska, the Commission this month will ask citizens in San Francsico, Seattle, Denver, and Washington, D.C., their views on land use in Alaska.

While we Alaskans generally think of the State as being ours, we sometimes overlook the Nation's interest in its biggest State. Mount McKinley, for example, belongs to all Americans.

The continent's tallest peak, and one of the Nation's biggest national parks, bring thousands of visitors to Alaska each year.

And now, while the Department of the Interior is considering asking Congress to expand its system of parks, wildlife refuges, and wild and scenic rivers in Alaska—and the Department of Agriculture is proposing to enlarge its system of national forests in the State—the subject of land-use planning is coming up again.

The city council of the city of Seward, an historic Alaskan seaport that once marked the start of sled dog trails to the gold fields of Alaska, has recently communicated its views on land use to me.

And with your permission, Mr. Speaker, I should like to hereby introduce them into the RECORD:

RESOLUTION No. 872

A resolution relating to the national conservation system designations under Section 17(d)(2)(A) of the Alaska Native Claims Settlement Act

Be it resolved by the Seward City Council:

Whereas Section 17(d)(2)(A) of the Alaska Native Claims Settlement Act of December 18, 1971, provides for the creation of or for the addition to existing units of wild and scenic rivers, national parks, national forests and wildlife refugee; and

Whereas, of these four systems, the Congress did, in 1960, pass the Multiple Use and Sustained Yield Act which directed that National Forest lands be judiciously managed to produce a combination of inherent values, such as outdoor recreation, wildlife, range, wilderness, timber and watershed, in order to serve the best interests of the American people; and

Whereas, while this method is adopted by the other agencies for their management direction, only in the National Forest System is multiple use currently directed by an act of the Congress; and

Whereas the multiple use and sustained yield philosophy in management provides for considerably more options to meet the needs of the majority of Alaskans, as well as all Americans, now and in the future, consistent with paramount environmental protection; and

Whereas the Joint Federal-State Land Use Planning Commission and the Secretary of the Interior, Rogers C. B. Morton, are to recommend to the Congress which lands are to be contained within each of the four systems; and

Whereas these recommendations and their enactment into law are of great concern to the people of the State of Alaska;

Be it resolved that it is the will of this Seward City Council to lend official support to, and we respectfully request the Joint Federal-State Land Use Planning Commission and the Secretary of the Interior to consider to the fullest practical extent, inclusion of at least approximately 44 million acres in new national forests for Alaska, as set forth by the Forest Service' Alaska Planning Team Document, U.S. Department of Agriculture, dated July 1972, and that they subsequently make such a recommendation to the Congress of the United States; and be it

Further resolved that the Alaska delegation in the Congress is respectfully requested to join with the Joint Federal-State Land Use Planning Commission to encourage the introduction of legislation to create approximately 44 million acres of new national forests within the 80 million acres provided for in Section 17(d)(2)(A) of the Alaska Native Claims Settlement Act.

Copies of this Resolution shall be transmitted to the Honorable Richard M. Nixon, President of the United States; the Honorable Rogers C. B. Morton, Secretary, Department of the Interior; the Honorable Earl L. Butz, Secretary, Department of Agriculture; the Chairmen of the U.S. Senate and the U.S. House Interior and Insular Affairs Committees; the Honorable Governor William A. Egan, Co-chairman, Mr. Joseph Josephson, Co-chairman Designee, and Mr. Jack O. Horton, Co-chairman, Land Use Planning Commission of Alaska; the Honorable Mike Gravel; the Honorable Ted Stevens, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.



## NIXA SUCKER DAY

### HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. TAYLOR of Missouri. Mr. Speaker, this weekend, it will be my pleasure to join with thousands of my fellow Missourians, along with countless numbers of tourists in the city of Nixa, Mo., for the 16th annual sucker day celebration.

This event provides one of the finest fish frys that has ever been enjoyed by man, woman, or child. Those who are privileged to attend are fed the succulent yellow sucker, spawned and nurtured in the beautiful Finley River, and cooked to a golden brown in huge kettles right in the heart of town.

Mr. Speaker, the clouds have begun to part and the sun is breaking forth in the heart of the Ozarks in southwest Missouri. The suckers are bountiful, the deep fryers are boiling, and the cooks are ready to go. I guarantee all who attend Nixa Sucker Day a meal that will rank closely to that which was once fed to the multitudes from five little fishes and two loaves of bread. Y'all come.

## LEGAL SECRETARIES COURT OBSERVANCE WEEK

### HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. SPENCE. Mr. Speaker, for years the National Association of Legal Secretaries has promoted excellence and high standards of professionalism among its membership.

One of the most successful efforts of this fine association has been its annual "Day-in-Court" observance, during which legal secretaries are encouraged to visit the courts and their localities.

The NALS believes that its members can improve their efficiency and develop a better understanding of their profession, as well as that of their employers, by knowing more about the inner workings of our judicial system.

To accord national recognition to this important contribution of the NALS, I introduced legislation last year authorizing the President to proclaim a "Legal Secretaries Court Observance Week." Thanks to the assistance of many dedicated members of the association we were able to obtain congressional approval of the bill, and President Nixon so designated the second week of October 1972.

Response to "Court Observance Week" was very enthusiastic and reports from NALS chapters throughout the country have proven it to have been an outstanding success. In many cases, judges and lawyers hosted their special visitors and provided commentary on procedures they observed in the courtroom.

The association, therefore, is hopeful and optimistic that Congress will again authorize "Court Observance Week" activities this year. To this end I have introduced a new joint resolution, House Joint Resolution 466, which calls upon the President to proclaim a "Legal Secretaries Court Observance Week" for 1973. I hope that my colleagues will join me in urging early action on this legislation.

The National Association of Legal Secretaries boasts over 17,000 members in the United States and other countries, and it can justly be stated that the organization promotes excellence in a highly important field. Our recognition of their service to the legal profession is warranted and I can think of no more proper way to accord them the notice they deserve.

## OTHER RELIGIONS SUFFER IN THE U.S.S.R.

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. HUBER. Mr. Speaker, on February 8, I spoke about "Freedom of Movement as a Basic Right." At that time I mentioned the Jewish people of the Soviet Union in particular, but I also said we should not overlook the plight of others of different faiths. It is with this in mind, and with the recent Soviet decision to lift the exit tax on Jewish emmigrants, that I commend the following article from the Christian Science Monitor of April 11, 1973, to the attention of my colleagues. It vividly describes the plight of other religions in the Soviet Union. The article follows:

KREMLIN RENEWS PRESSURES ON RELIGIOUS SECTS

(By Paul Wohl)

The recent sentencing to labor camp of four Jehovah's Witnesses in Lithuania casts light on the Kremlin's renewed efforts to intimidate the smaller evangelical churches and sects.

Jehovah's Witnesses, through their link with the United States, are high on the Kremlin's blacklist. Next come the Reform Baptists or Initiativniki, followed by the "Pentecostal Church, which is believed to have grown faster than all other evangelical denominations.

The Baptists, several million strong, have a long history in Russia. Even before the revolution there was a saying among Russians: "Have your daughter marry a Baptist: They drink not, they smoke not, and they do not beat up their wives."

While the Soviets maintain an uneasy peace with the majority Baptists, they are sharp on the heels of the Initiativniki who refuse to register their churches in protest against decrees of the 1960's which restrict freedom of religion as guaranteed by the Constitution.

Some sects, like the Jehovah's Witnesses, refuse military service; others like the Initiativniki organize schools and give their children religious education, have prayer meetings, and sometimes even demonstrate in the streets singing hymns.

The Initiativniki or Reform Baptists, who split off from the official Baptists in 1961, have repeatedly held fairly large conferences attended by members from all over the country—under the watchful eyes of the regime.

At one such conference in February, 1964, a Council of Prisoners' Relatives (CPR) was set up, which keeps church members informed about persecutions and improvements in all parts of the U.S.S.R. so as to encourage prayers for those in need.

In April, 1971, the CPR started to publish a bulletin of which several issues have reached the West.

The two latest issues (Nos. 9 and 10) report the dramatic events surrounding Ivan V. Moiseyev, a young Baptist soldier killed "after he had resisted all attempts to stop him from bearing witness to Christ."

A DEEP IMPRESSION

The Soviet major who escorted Ivan's body to his parents told them before witnesses that their son had "died a Christian," an indication of the deep impression the young believer had made on the military.

The dissident Reform Baptists and the smaller evangelical sects pose a serious problem for the Communists. "They are making

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a special effort to capture the hearts of our young people," wrote Prof. Venyamin Arsenkin in Smena, a large circulation illustrated Moscow bi-weekly magazine for youth.

"The notion that religion is the only path to a moral life attracts many a young person to the church. . . . Contemporary churchmen attempt to prove that there is no contradiction between sciences and religion."

## POLISH CONSTITUTION DAY AND BIRTHDAY OF MIKOLAJ KOPERNIK HONORED

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. DINGELL. Mr. Speaker, it is with pride and honor that Americans of Polish descent and Polish people across the world celebrate this week, the 500th anniversay of the birth of noted scientist and scholar, Mikolaj Kopernik, Copernicus; and the 182d anniversary of the adoption of the Polish constitution, a statement of freedom and equality.

There are over 10 million Americans today of Polish descent and they can well be proud of their forefathers and mothers who, when the Polish constitution of 1791 was written, brought their country and society into a democratic system of government and set the tone of continuously striving for freedom, peace and understanding.

The Polish struggle for liberty for all people carries on today in America and abroad. The brave Polish people through several generations have held as their motto, "For Our Liberty and Yours."

Poland went through many tragedies in trying to protect that freedom and yet the fight goes on. Polish Americans will recall this week and during this year of 1973 the contributions made to America by their people.

I note that celebrations and events will be taking place in the State of Michigan where the Polish people have honored Count Casimir Pulaski, who later became a hero for Polish Americans during the Revolutionary War. Today, the Pulaski Memorial Highway serves the people of Michigan.

Count Pulaski credited himself and his people when, as a Polish soldier during the Revolutionary War he joined the troops of Gen. George Washington and bravely fought at the Battle of Brandywine. He later was made a brigadier general by the U.S. Congress, in which today many Americans of Polish descent are serving.

General Pulaski later formed the Pulaski Legion, a troop of cavalry and light infantry who served America on the war front. He was shot and died 2 days later as his troops participated in the siege of Savannah, where the courageous career, but not the memory, of Gen. Casimir Pulaski, was ended.

As Polish people recall these events there also is the great contribution made to the world by Mikolaj Kopernik, whose Latin name, with which Americans are most familiar, was Copernicus.

This Polish scholar led the world into authentic astronomy and his work resulted in the vast study of space which has led to mankind's personal exploration of space in the 20th century. It was Copernicus who proved that the sun was the center of the planetary system, not the earth as ancient scholars previous to Copernicus had believed.

This man's enthusiasm for and dedication to study gave him skills and knowledge of law, administration, art, languages, mathematics, medicine and religion. His career took place in 16th century Poland and it is his work of accomplishment in helping mankind to better understand his surroundings to which Polish Americans are dedicated today alongside of their brothers and sisters of all lands who strive for learning and understanding.

## LYNDON BAINES JOHNSON

### HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. ROONEY of New York. Mr. Speaker, the untimely passing of former President Lyndon Baines Johnson took a titan from our midst. It is with a heavy heart that I pay tribute to his memory and achievements. It was my privilege to count Lyndon Johnson as a friend and for many, many years we worked together toward a mutual goal.

Lyndon Johnson was already a Member of the House of Representatives in June 1944 when I joined this distinguished body. In 1949 he became a Member of the other body where he later became my counterpart for many years in that body as chairman of the Senate Appropriations Subcommittee for the Departments of State, Justice, the Federal Judiciary and related agencies. My skills were sharpened from the experience of facing Lyndon Johnson across the appropriations conference table. Our friendship and cooperative efforts continued as he became majority leader of the other body, Vice President, and then President. I shall always cherish the memories of our long years of friendship and association.

From that sad moment in Dallas, Lyndon B. Johnson was destined to carry on his shoulders the responsibilities of the Presidency of a growing, thriving, troubled Nation. Responsibilities from which he never shirked, even in the face of adversaries who would accept nothing but their ideology. The affection which Lyndon Johnson earned from his countrymen is perhaps unique in that it only became fully acknowledged by his death.

The chroniclers have provided us with the full record of Lyndon Baines Johnson and there is little we can add to the accolades he has received from the Nation and the world. We can only urge all men to work toward continued accomplishments in the tasks he laid before us and at which he exerted his energies. No tribute to the memory of Lyndon Johnson can surpass the knowledge that whatever history says of his leadership—in war and peace—the people whose lives were made fuller and richer will remember his record of legislative achievements in their behalf.

Lyndon Baines Johnson died as he had lived, a symbol of what man can do in the face of adversity. Unflinchingly he fought the certainty of death with the same audacity he confronted the trials of life. Nowhere will it be possible to fully record for historians the total sense of loss felt by us by Lyndon's death. His death cast a shadow on the hearts of people everywhere, even of those who failed to see him as their friend and benefactor.

Mrs. Rooney and I are grateful that we had the pleasure of association with Lyndon Johnson and his lovely wife, Lady Bird, and their daughters, and they have our sympathy and prayers in their loss.

## DRUG ABUSE—ANOTHER LOOK

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. LANDGREBE. Mr. Speaker, much has been said in recent years about the increasing problem of drug abuse in this country. Without belaboring the point, I wish to draw the attention of my colleagues to a short essay published recently in the "Speedometer," the bulletin of the Rotary Club of Valparaiso, Ind., which is edited by Kerm Carlson. I insert the article for the RECORD. The article follows:

JUST A THOUGHT

If you're worried about drug abuse, you may be putting the blame on the wrong people.

Take a look at results of a survey by the University of Michigan Research Center. They show the highest rate of drug abuse isn't found on college campuses, but rather among unemployed youth and on military bases.

College students use drugs at a rate about equal to those of the same age in all walks of life, the survey notes. And a great majority of students disapprove of drugs, except marijuana, even on an experimental basis. The attitude on marijuana is more liberal, although about half of the students disapprove of its use.

But take a look at alcohol among all of society! With 9 million alcoholics in America compared to 50 thousand drugs addicts, alcohol remains overwhelmingly the greater threat.

The fact that almost twice as many unemployed persons use drugs compared to students on college campuses should give us a new sense of responsibility in looking over job opportunities. And the same would apply to youths in military camps, either at home or abroad.

And more important, perhaps we should take a new look at what we think is a social nicety such as the before dinner happy hour and the "relaxer" before a business conference at noon.

The 9 million alcoholics illustrate the point.

It may well be that drug addicts are more likely to engage in crime to support the high cost of the habit. However, if Safety Council reports are true that more than half the fatal auto accidents involve drunken drivers, deaths from alcoholism must be greater than the number of deaths from drug abuse.



## TRADE WITH RED CHINA: GRASPING AT BAMBOO SHOOTS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. RARICK. Mr. Speaker, many American businesses are currently looking toward Communist China with dollar signs twinkling in their eyes, dreaming of making a buck from the Chinese. But the possibilities of peddling color TV's, high-powered automobiles, electric dishwashers, and most other American consumer goods on the China mainland are remote.

Even if the Chinese population had the spendable income to purchase U.S.-produced goods, Peking is more interested in exploiting American technology and know-how to bring that grossly underdeveloped country into protective competition with the West—not improving the lot of the average Chinese. The primary aim of the Maoists is to advance the ideological goal of world communism.

American industrialists who are looking for an available, cheap work force of 800 million Chinese to work in U.S.-owned plants on the mainland, had better look again. Any likelihood of the Red Chinese allowing the "running dogs of capitalism" to get an industrial foothold on the mainland, especially to make an "imperialistic" profit from Chinese labor, is grasping at bamboo shoots.

Any "give and take" trade with the Chinese Communists will be more "take" than "give" for any time in the foreseeable future. American industry looking toward making a profit for its stockholders by dealing with Chinese, would likely have a more sound investment with the Nationalist Chinese. The $2 billion, two-way trade last year with Taiwan was in fact a profit-motivated "give and take."

The following copyrighted editorial from U.S. News & World Report follows:

SLOW BOAT TO CHINA

(By Howard Flieger)

China and this country are now officially in business with one another.

Their diplomats are here. Ours are there.

A top-level group of American business executives, assured of support by the Nixon Administration, is setting up a national council that will serve as a trading channel between the two nations.

No American in a position of authority openly refers to the People's Republic of China as "Red China" anymore. Peking's Communists no longer call America the "imperialistic, capitalistic enemy of the world."

So this probably is a good time to sift through all these goings-on and put in focus just what it means—and doesn't mean.

Many American businessmen tend to see China as the largest market in the world, a vast land of 800 or so million people with considerable resources, largely undeveloped.

They know that China's factories turn out machine tools, turbines, steel and many other sophisticated products of an industrial society, but in nothing like the quantity or quality China needs. Thus: a voracious market.

True? Take a closer look.

It is a fact that one of the reasons the Chinese are opening their doors is the hope that American technology will help them jump at least one, and possibly two, generations in scientific development and advances.

But, that aside, dreams about a huge, untapped China market are just that—dreams.

The spending power of the Chinese people is low, and their Government has no interest in massive imports of consumer goods. China's foreign exchange reserves are carefully husbanded and its earnings from exports don't amount to much. Total foreign trade in 1972 was only around five billion dollars—roughly balanced between imports and exports. U. S. trade with the rest of the world exceeded 105 billion dollars that same year.

Alfred le S. Jenkins, a career U.S. Foreign Service officer selected as one of the two principal deputies to serve in Peking, says that two-way trade between China and the United States was about 90 million dollars in 1972 and could reach 300 millions this year.

Compare that record with Nationalist China's Taiwan and its island population of 15 million. Two-way trade between Taiwan and the U.S. topped two billion dollars last year.

More than 100 American firms have committed in excess of 360 million dollars in investments on Taiwan. The Chinese Nationalists are eagerly searching for additional capital from America, Japan and elsewhere. There seems to be no fear that the island will come under control of Peking any time soon.

By contrast, there are no American investments in mainland China. In all likelihood, none will be permitted in the foreseeable future. Not only are China's leaders Marxists, but they have long memories of the dominant role outside capital played in their country in the years before the Communists took over.

Beyond the American businessmen, scholars, scientists and newsmen—all of whom have sound reasons for wanting to develop a more open relationship with the Chinese—there are literally thousands of others who have applied for visas. So far they've had little success.

The Chinese simply are not prepared to handle swarms of American visitors. Part of this is due to a lack of accommodations for foreigners and a shortage of good interpreters.

But there also is a wide and deep streak of xenophobia in China. Peking's leaders intend to do things in their own way and in their own good time, free of outside influence.

They want to take from the outside world only what they think is good for China.

So the so-called "Bamboo-Curtain" is now open, at last. But it is not gone.

## PRESENTATION OF SPECIAL AWARD TO HON. GEORGE P. MILLER

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. MURPHY of New York. Mr. speaker, I insert in the RECORD at this point the well deserved remarks of Mr. Harold A Timken on the occasion of the presentation of a special award to the Honorable George P. Miller by the American Oceanic Organization at their Neptune Award Banquet on April 25, 1973.

The remarks follow:

NEPTUNE AWARD BANQUET—THE AMERICAN OCEANIC ORGANIZATION

(By Mr. Harold A. Timken)

It is my very special privilege, on behalf of the American Oceanic Organization, to give well deserved recognition tonight to our good friend and distinguished American: the Honorable George P. Miller. He has indeed served his District, his State, and his Country well. He has been a public official for more than a third of a century, from member of the California State Assembly and then Executive Officer of the California Fish and Game Division, to Member of the U.S. House of Representatives and Chairman of the Committee on Science and Astronautics.

Because of the appropriate and well-earned attention he has received in recent years as one of the world leaders in the field of space, it is sometimes overlooked that Congressman Miller served on the Committee on Merchant Marine and Fisheries, where he was chairman of the Subcommittee on Oceanography. In addition, he has twice served as Chairman of the Board of Visitors of the Coast Guard Academy. He has been and is a leader in the marine sciences.

As a graduate engineer, he has attempted to solve problems from a practical viewpoint, based on facts and supported by his constant spirit of optimism that effort based on facts will lead to success for the general public.

There is at St. Mary's College in California, from which institution he holds several degrees, the George P. Miller Science Fund, a permanently endowed fund to be used for the advancement of the teaching of science. As you all know, he has received numerous citations for meritorious service to the cause of science.

No one who knows George Miller doubts his ability, his dedication to the public welfare, his knowledge and understanding of science, or his vast experience in space and oceanography. Moreover, those fortunate enough to know him intimately are also aware of his integrity and the value of his friendship. One is honored to call him "friend". One can double that honor if both members of the team—George and his most gracious lady Esther—are his friends!

## AMERICAN AGRICULTURE

### HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. SHOUP. Mr. Speaker, the following is an excellent editorial on the plight of the American farmers and ranchers, the backbone of our Nation's prosperity. It appeared in the April 12 edition of The Western News in Libby, Mont. It certainly merits reprinting in the CONGRESSIONAL RECORD.

AGRICULTURE: AMERICA'S SALVATION

In their indignation against soaring food prices—particularly beef—American consumer groups have attempted to cast the farmer in the role of villain, an improbable part for the man who originates the chain of food production and distribution. Recent high prices for livestock on the hoof may seem to be at the root of the food price problem, they are only another manifestation of the conditions that have led to the rising cost of putting dinner on the table.

Expressions of public sentiment such as last week's meat boycott are important for their safety valve effect and for their focusing of the spotlight of public attention on a growing problem. Inflation's silent tax is bearing heavily on every family and must not be ignored.

The farmer, however, for the past 20 years has probably contributed less to the inflationary spiral than any other link in the chain of production and distribution, and agriculture is recognized as America's most efficient industry. It will be agriculture, not



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industrial growth, that will provide the foundation for America's successful competition in the world markets of the future, say the economic experts.

For almost 20 years, the American farmer and rancher has been plagued by falling prices and his portion of the national income has declined. During that same period, almost every other group of workers has enjoyed substantial income increases, usually in the form of annual pay raises, as well as paid vacations, health and medical insurance, retirement plans and other fringe benefits.

Because almost every farmer is actually a small businessman, he has not enjoyed these benefits that the big corporations have provided for their employees.

Rather, the farmer has seen the prices paid for most of his products drop drastically below the peaks they hit in the first decade after World War II. His costs, meanwhile, have skyrocketed along with those of every other American. Machinery, labor and feed must be purchased out of the same pool from which other Americans draw. Rising property taxes hit him as hard as anyone.

The farmer has also felt the impact of his affluent fellow Americans' rush for recreational retreats in the rising cost of land. A significant factor in this increase is the demand for acreage for escape from the pressures of city life.

Most farmers have also labored under strict production controls established by a federal government attempting to protect agriculture from its own overproduction. Without regulation, the farmer would have flooded the market with crops and driven prices so low that he could not survive.

It has only been in the past few years that a combination of market factors has provided the farmer with a price structure that allows a reasonable profit after many years of marginal earnings. Even with farm prices rising, official government studies show that Americans spend a smaller proportion of their budgets for food than do the people of any other industrial nation. The American farmer has done such a good job of feeding us that we have developed a national taste for beefsteak no people ever before enjoyed. If Americans would accept the diets that prove healthful in other industrial nations, our food costs would be even lower in comparison.

The point is that we must not allow our resentment over high food costs to work to the detriment of the American farmer. He has overfed us for years at prices that most of us could afford, and a substantial profit for a year or two occasionally is necessary to insure his financial ability to strengthen his operations and increase his production to meet the challenge presented by a growing and hungry world population.

## CONGRESSIONAL APPROVAL FOR EXECUTIVE IMPOUNDMENT OF APPROPRIATED FUNDS

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. WALDIE. Mr. Speaker, I am today introducing a bill to force the executive branch to gain legislative approval for the impoundment of funds appropriated by Congress. I have become increasingly concerned with the contemptuous disregard the executive branch has continued to show for legislative and budgetary policy duly formulated by Congress. As the most direct representative link with citizens of this Nation, the Congress was designated as the only constitutional source of authority for raising and spending public funds. From time to time, Congress itself has granted the executive authority to amend its appropriations to prevent a depletion of the Public Treasury, to effect savings in procurement, and to permit the rechanneling of funds into priority areas during periods of national emergency.

However, the present administration has taken upon itself powers never before exercised by the Executive nor envisioned by the Congress or the Founding Fathers. In effect, the Nixon administration, through the withholding of appropriated funds in a broad range of social programs, has sought to "pad the pockets" of those special interests to which it feels indebted and to deny services to the great majority of Americans.

In so doing, the administration has totally subverted the intent of policies for which funds were appropriated by Congress. This can only be interpreted as a blatant contempt for the will of the people as expressed through bills enacted by their representatives in Congress. Further, the effect of impoundment upon the mere mechanics of congressional authorization is catastrophic—in essence the executive branch may effectively veto individual items of an act of Congress.

Mr. Speaker, my concern stems not only from the constitutional implications of Executive impoundment, but also from the great harm dealt our cities and States due to the failure to expend funds for much needed programs. As a Representative from the State of California, which would greatly benefit from these programs, I understand in very real terms the hardships this policy has inflicted.

In 1970, Congress approved $394 million for the Federal Government's public housing program, and at the close of fiscal year 1971, only $201 million had been expended. During the same year, Congress appropriated $1.2 billion for urban renewal programs, and at the end of fiscal year 1971 $200 million remained unobligated. In 1971 and 1972, Congress appropriated $700 million for water and sewer construction, and at the end of the most recent fiscal year more than $490 million remained unobligated. Again in fiscal year 1972, the President refused to spend over $300 million in mass transit appropriations.

Mr. Speaker, this legacy of Executive subversion of congressional mandates is very disturbing to all those genuinely concerned with our constitutional system of checks and balances. It is time that the Congress reassert its power and tell the Executive that he cannot legislate through the budget.

The bill I am introducing would maintain the integrity of congressionally established programs and policies, by requiring the President to submit to Congress notification of any impoundment he institutes, and by requiring Congress to either approve or disapprove the impoundment within 60 days after official notification. I believe the provisions of this bill leave fully intact the Executive's authority to effect savings and direct the economy toward levels of greater efficiency. Therefore, I submit this bill for the careful and thoughtful consideration of the Members:

H.R. 6284

A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by an officer or employee of the United States, he shall, within ten days thereafter, transmit to the House of Representatives and the Senate a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message shall be printed as a document for each House.

SEC. 2. The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a resolution in accordance with the procedure set out in section 4 of this Act.

SEC. 3. For purposes of this Act, the impounding of funds includes—

(1) withholding or delaying the expenditure or obligation of funds (whether by establishing reserves or otherwise), appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(2) any type of executive action which effectively precludes the obligation or expenditure of the appropriated funds.

SEC. 4. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section and section 2 the term "resolution" means only a concurrent resolution of the House of Representatives or the Senate, as the case may be, which is introduced in and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the House of Representatives (Senate) approves the impounding of funds as set forth in the special message of the President dated ——, House (Senate) Document numbered ——."

(3) For purposes of this subsection and section 2, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c)(1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives or the Senate, as the case may be, to the procedure relating to a resolution shall be decided without debate.



## UP FROM RETIREMENT

### HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. PICKLE. Mr. Speaker, it is common knowledge that a large number of people who have retired from their regular occupations enjoy active and even rigorous pursuits. In a little-known program sponsored by the National Farmers Union and funded by a U.S. Department of Labor grant, retired persons 55 years of age and older are paid to work 3 days a week on public service projects.

The program is called Green Thumb, and has been responsible for building picnic tables, nature trails, ball-park bleachers and dugouts, and numerous other projects.

I commend this fine endeavor, and I would like to share with my colleagues the account published in the February 1973 issue of Bond, a publication of the Lutheran Brotherhood. The article follows:

UP FROM RETIREMENT

(By William Hakala)

MOUNTAIN VIEW, ARK.—Willy Morrison's amphitheatre will seat 800 people without crowding. Its rockhewn tiers rise upward and outward from a center stage that is set against a wooded hillside. Cedar and dogwood trees shade the terraced benches and line the banks of the creek which separates stage from audience, then gently courses out of view beneath an arched stone bridge. The men from Green Thumb built it. Their average age—69.

"Boy, they've got a pride, I'm telling you." Job foreman Willy Morrison likes to boast about his Green Thumb crew and talk about what this project has meant to them. "They're back in society again, back living again," he explains. "They're doing something that will be around after they are gone."

Green Thumb was launched in 1965 by the federal government as a work program to alleviate poverty among the nation's rural elderly poor, many of whom subsist on pittances of $60 a month. The average income per couple is $900 a year. Now, some 3,500 of these retired low-income Americans are finding new hope and a measure of prosperity through Green Thumb. The program operates in 25 states and would undoubtedly expand to others if more funds became available.

Green Thumbers work three 8-hour days per week. At $1.60 an hour they can earn up to $1,600 in a year. This is an annual income level that does not disqualify them from Social Security benefits. Many Green Thumbers receive only the minimum retirement benefit, which at age 65 is $84.50 a month; $67.60 if claimed at 62. Farmers are especially hard pressed in their "golden years" since they did not come under Social Security until the 1950s.

Green Thumb is sponsored by the National Farmers Union, a membership organization of farm families, and operates under a grant by the U.S. Department of Labor as part of its "Operation Mainstream." Currently $9 million is annually budgeted for Green Thumb and two other Mainstream programs. (Green Light, a work program for rural older women, is one of them; On-the-Job Training for young people is the other.)

To qualify for Green Thumb work, a man must be 55 or older, of rural background, in good health, and have a yearly income under $2,500 per couple. Although job applicants must pass a physical examination, there is no top limit on the age requirement. A good many of the men are in their eighties; the oldest Green Thumber is 96.

THE GRIT TO BE USEFUL

Willy Morrison is a foreman of a Green Thumb crew at Mountain View, Ark., and the man who planned the amphitheatre project. The outdoor arena will get a lot of use the third week of April when 60,000 people from around the country come to town for the annual doings of the Hackensack Folklore Society. Hoedowns are held regularly here on Friday nights throughout the year. Morrison, whose formal schooling stopped after the sixth grade, "saw" the amphitheatre in his mind when the hillside was a tangled thicket, and knew instinctively how to shape it into the sculptured landscape that it is. "If you live all your life out in nature, it comes natural," Morrison explains.

Sixty-five years old, Morrison is a medium-sized man, trim and loosely put together. He shades his square, tanned face with a white cowboy hat. An expert rock worker, he also is a gifted musician and once played his fiddle on the Senate floor in Washington as a Green Thumb promotional stunt. Now, looking out over the amphitheatre his men built, Morrison talks about the accomplishment with a kind of country eloquence. "There's an unlimited stockpile of skills stacked in those old boys."

Working in seven-man crews, Green Thumbers clear roadside recreation sites, build picnic tables and toilets, cut nature trails, plant trees, pull debris out of rivers, and construct ball park bleachers and dugouts. It is work requiring building skills, patience and plenty of stamina. These are qualities Green Thumbers seem to have in abundance.

If it can be said of anyone that he thrives on work, it can be said of the Green Thumber. Most of them have spent their lives doing hard physical labor, and it has become a habit. According to one of the program's regional directors, "Rural people have the work ethic built into them so strong they will starve before they take a relief check." Crew foremen are instructed to enforce ten minute rest periods every hour of the work day, especially during hot weather. Usually the crews have to be told to take a breather.

AN INDEPENDENT SPIRIT

"Let me ask you something," one Green Thumber queried, his head reared back and eyes narrowed to a rifle sight squint. "Weren't you rather us old bucks was working out here than on food stamps?" Bee Slape belongs to a crew that works near the town of Jasper in northwestern Arkansas, completing a roadside rest area for motorists. The site his crew has slashed, sawed and chipped from this Ozark mountainside is one of rugged beauty, looking out upon mile after mile of wooded flintrock hills. It might be what cartoonist Al Capp had in mind when he created "Dogpatch." Here, real-life hamlets have names like Booger Hollow, Hog Skald Hollow, and Yellville, the site each year of a national turkey-calling contest.

It is hard, densely thicketed terrain and to develop the roadside areas with hand tools is a test for the sturdiest and most patient of men. Walter Haddock, 72, the sinewy foreman of the Jasper crew, takes special pride in the work his "boys" have accomplished. "Did it all with crosscut saws and axes," he points out. "Wouldn't let us use chain saws because they thought we might hurt ourselves."

Haddock's comment hints at a sore spot among Green Thumbers, and that is the prevailing attitude in our culture toward the abilities of anyone "over the hill." Like old railroad ties, old people have been up-bedded, they feel, and thrown to one side to weather into dust. These men, independent of spirit and proud of their ability to work harder than the average man, don't like it a bit.

The old-timers prove their work wherever they go. "We'll work 'em down," challenged one testy Green Thumber when a group of disadvantaged youngsters was hired by a boy's club organization in Hot Springs to assist the Green Thumb crew on a summer work project. And work them down they did. "Those rascals work," said the boy's club director of his Green Thumb help. "But the kids, you have to stand right there or it didn't get done."

The Green Thumb project in Hot Springs offers a typical example of how the program operates. Green Thumb is funded exclusively to provide labor. Materials needed for any job must come from local sources—private donors, fund raising proceeds or government agencies. In the case of the boys' club project in Hot Springs, lumber for renovating its crumbling headquarters was donated by the Weyerhaeuser organization. Lockers, which the men straightened and painted, were received free from one of the many bath houses for which Hot Springs is famous; bleachers for the gym came from an old Jack Dempsey training center.

Almost any group or organization can get Green Thumb help if crews and materials

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are available—provided the project is for the public good. State directors of Green Thumb make this determination.

MORE THAN PICKING UP BEER CANS

"A lot of people think that Green Thumb is for cutting weeds and picking up beer cans," observes But Witter, a Green Thumb supervisor who formerly was with the Arkansas Highway Department. Perhaps the image arises in some areas of the country because highway departments were among the first to recognize the value of Green Thumb. The Arkansas State Forest Service was another early sponsor of the program. In the Ouachita National Forest, Green Thumb crews helped make hiking trails. One of them, built especially for use by the blind, is called the "Braille Trail."

On local and county levels, Green Thumb crews have been busy throughout the state. Down in Arkansas City they renovated an old opera house; at Murfreesboro they built a swinging foot bridge; in Polk County they constructed an 8-unit camp facility; at Russellville they created a Little League ball park complete with bleachers and concrete dugouts. In Montgomery County, 56 timber bridges had washed out during spring floods and Green Thumbers replaced them with reinforced concrete bridges. At Blanchard Cave, not far from Mountain View, a Green Thumb crew built a half-mile long rock-walled path leading up to the cave entrance. Down in the delta region of the state, Green Thumbers built a wooden walkway out over a mangrove swamp to a stone survey marker commemorating the Louisiana Purchase.

THE VIGOR OF AGE

An important characteristic of Green Thumb is the quality and quantity of work that is performed. Green Thumbers put something special into their efforts. That "something special" is pride. Workers who had come to believe that life was over for them join a Green Thumb crew and discover in themselves long forgotten abilities, and sometimes unsuspected talents.

One of the most heartening results of Green Thumb is that doctors report that the health of the workers usually improves after working for Green Thumb. The Green Thumbers themselves report they feel better after going to work for Green Thumb.

One man told about being unemployed for five years because of poor blood circulation. But after joining a Green Thumb crew in cutting brush and planting trees along roadsides, his health improved so much he was able to take a job as a year-round worker in a town park. Another man, told by the examining physician that he could take a Green Thumb job only if he agreed to take a stomach medicine the doctor prescribed, soon found that he didn't need the medicine anymore.

The wife of a Green Thumb worker credits the program for changing her husband's attitude toward life. In retirement, he had grown grumpy, quarrelsome and hard to live with. Now there is spring in his step as he walks out the gate three mornings a week to his Green Thumb job, lunch pail in hand. "It's just like old times," she says, almost tearfully.

From all indications, Green Thumb is one of the government's most successful programs. It is providing older people with useful, rewarding work, plus the extra income many of them desperately need. Communities, too, benefit from the program when Green Thumb crews come in to tackle jobs for which there simply is no budget.

If Green Thumb did nothing more than give older people a dash of their former independence and a relief from boredom it would still measure up as a valuable program. Said one Green Thumber, age 67, with a wink of an eye, "Only reason I'm working is to save money for my old age."

## NEW JERSEY FARM BUREAU AND A LOOK AT RISING PRICES

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. HUNT. Mr. Speaker, I am enclosing for the RECORD a recent letter I received from Mr. Arthur West, president, New Jersey Farm Bureau. In his letter, and in the attached charts, Mr. West answers some of the questions about rising food prices, and also offers some alternatives toward balancing the budget.

I submit Mr. West's communications for the RECORD:

NEW JERSEY FARM BUREAU,
*Trenton, N.J., April 11, 1973*

Congressman JOHN E. HUNT,
*House Office Bldg.,*
*Washington, D.C.*

DEAR CONGRESSMAN HUNT: We have just gone through a week of witnessing consumer unrest over rising prices. Unfortunately, this effort was directed toward meat prices. The merits of whether meat prices are too high or too low are really not part of the issue involved here. The real issue involved is inflation, and its effect on the average citizen's spending patterns.

It was stated, many times during the meat boycott, that food prices were the cause of inflation. We all know this is totally inaccurate, and that the root cause of inflation is deficit government spending.

The fact that food prices have gone up in recent months is a direct result of this government inflation that we are living under. Costs at all levels continue to climb, therefore, prices for products must also continue to climb.

For the past several years, all of us have had to live with the fact that deficit budgets were probably due to our excessive military commitments, and the tremendous cost of meeting these military commitments. Now that this situation has moderated considerably, it seems that this is the time for the Administrative and Legislative branches of government to take a very hard-line approach with the Federal Budget, and make sure that we have a balanced budget which will put an end to this continued inflation.

President Nixon has recommended a budget for 1974, which is more nearly in line with our total federal income. However, even this budget calls for spending in excess of 13 billion dollars more than federal income for 1974.

We of the New Jersey Farm Bureau, joined with our parent organization, the American Farm Bureau Federation, are calling upon the members of the Congress to cut this Administrative budget an additional 13 billion dollars, which would bring it into a balanced position with our anticipated income.

We realize that in order to do this, many long-existing programs will have to be severely cut or totally eliminated. We are prepared to take our share of the cut in the agricultural budget. Other groups should also take their proportionate share of the cuts.

I am enclosing a two-page copy of recommendations for cuts in the federal budget, which were adopted at our recent AFBF Board meeting in Chicago. This, and this alone, is the only way we can really stop inflation, and the time has come when the situation must be controlled.

I urge you to take a serious look at our proposal and I hope you will agree to join with us in an all-out effort to bring about a balanced budget for 1974.

Kindest regards.

Sincerely,

ARTHUR H. WEST,
*President.*

TABLE I.—FARM BUREAU'S RECOMMENDATIONS FOR BALANCING THE 1974 FEDERAL BUDGET AND THE ADMINISTRATION'S PROPOSED BUDGET FOR 1974 AS COMPARED TO 1973 ACTUAL EXPENDITURES

[In millions of dollars]

| Description | 1973 actual expenditures | 1974 administration budget | 1974 farm bureau recommendations |
|---|---|---|---|
| National defense | 76,400 | 81,000 | 76,010 |
| International affairs and finance | 3,300 | 3,800 | 3,650 |
| Space research and technology | 3,100 | 3,100 | 3,100 |
| Agriculture and rural development (see table II) | 6,100 | 5,600 | 5,714 |
| Natural resources and environment | [1] 900 | 3,700 | 2,657 |
| Commerce and transportation | 12,500 | 11,600 | 11,482 |
| Community development and housing | 4,000 | 4,900 | 3,853 |
| Education and manpower | 10,500 | 10,100 | 8,595 |
| Health | 18,000 | [2] 21,700 | 21,595 |
| Income security | 75,900 | [3] 82,000 | 79,635 |
| Veterans benefits and services | 11,800 | 11,700 | 11,700 |
| Interest | 22,800 | [4] 24,700 | 24,700 |
| General government | 5,600 | 6,000 | 5,746 |
| General revenue sharing | 6,800 | 6,000 | 6,000 |
| Allowances | 500 | 1,750 | ..... |
| Undistributed intragovernmental transactions | −8,400 | −9,100 | −9,100 |
| Total | [5] 249,800 | 268,650 | 255,337 |

[1] Figure for 1973 is unusually low due to bookkeeping increases in receipts from offshore oil leases which are considered as offsets to spending.
[2] Increase due primarily to 1972 law increasing and expanding medicare and medicaid.
[3] Increase due primarily to 1972 law increasing social security benefits by 20 percent.
[4] Increase uncontrollable as long as annual deficits continue.
[5] Figures in 1973 spending column represent the latest estimates of spending for the year ending June 30, 1973, and are within the $250,000,000,000 ceiling set by the President.

TABLE II.—FARM BUREAU'S RECOMMENDATIONS FOR THE 1974 AGRICULTURAL AND RURAL DEVELOPMENT (USDA) BUDGET AND THE ADMINISTRATION'S PROPOSED BUDGET FOR 1974 AS COMPARED TO 1973 ACTUAL EXPENDITURES

[In millions of dollars]

| Description | 1973 actual expenditures | 1974 administration budget | 1974 Farm Bureau recommendations |
|---|---|---|---|
| Department management | 41 | 70 | 70 |
| Agricultural Research Service | 210 | 205 | 205 |
| Animal and plant health inspection | 316 | 289 | 289 |
| Cooperative State Research Service | 83 | 69 | [1] 83 |
| Extension Service | 192 | 197 | 197 |
| National Agriculture Library | 4 | 4 | 4 |
| Agricultural economics | 40 | 40 | 40 |
| Marketing services | 9 | 9 | 9 |
| Foreign Agriculture Service | 30 | 30 | 30 |
| ASCS (includes REAP) | 515 | 323 | [2] 423 |
| Federal crop insurance | 14 | 14 | 14 |
| CCC | 3,420 | 2,865 | 2,865 |
| Rural development | 723 | 507 | 507 |
| FHA | −431 | 313 | 313 |
| SCS | 356 | 325 | 325 |
| Agricultural Marketing Service | 39 | 39 | 39 |
| Total, Agricultural and Rural Development | 6,100 | 5,600 | 5,714 |

[1] Farm Bureau favors restoration of $14,300,000 cut from Cooperative State Research Service for State experiment station research.
[2] Farm Bureau favors revision of REAP program to provide cost sharing for those soil and water conservation practices and structures which actually contribute to the attainment of pollution prevention, enduring conservation, and environmental enhancement, with appropriations not in excess of $100,000,000.



## A "NYET" WAY OF LIFE BY DR. JOHN GARWOOD

### HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. SEBELIUS. Mr. Speaker, Dr. John Garwood is the dean of the faculty at my alma mater, Fort Hays Kansas State College, Hays, Kans., Dr. Garwood has recently returned from a trip to the Soviet Union and in reflecting upon that trip, he recently wrote an article for the Kansas Teacher magazine viewing Russian life as compared to life in the United States.

I would very much like to share Dr. Garwood's experience and observations with my colleagues as he calls upon his economic background to make some commonsense judgments. This article is not only timely from the standpoint of improved relations between the U.S.S.R. and our Nation, but also from the standpoint of improved trade prospects. I think Dr. Garwood's comparisons relative to agriculture are especially pertinent with the widespread public interest in food costs and the American farmer.

In addition, we are all concerned with the apparent increase in "big government" in America and the well-publicized failings of our bureaucratic system. I feel sure we can gain a better perspective of this problem in light of the problems faced by Dr. Garwood while trying to leave the Soviet Union. I commend this article to the attention of my colleagues:

A "NYET" WAY OF LIFE
(By Dr. John Garwood)

It was a grey 5 a.m. in Moscow. The damp March chill covered the sleeping city with a practiced hand. The loaded bus pulled away from Hotel Metropol and headed for the airport which is five miles past the monument to the defenders of Moscow who in December, 1941, stopped Hitler's 77 divisions on the outskirts of the city. The fuehrer brought several hundred tons of red granite with him for a monument to celebrate the fall of Moscow to his panzer divisions. He left without the granite and the Moscowites faced a number of their downtown buildings with it.

The airport was virtually deserted as we 82 Americans and Canadians filed into the waiting room. We would need to exchange our rubles for dollars before leaving. We stood in a long line, 6:30 a.m., Moscow Airport.

I had exchanged dollars for rubles on three different occasions at the Metropol but made my purchases in the "dollar" stores so I was returning almost all of my rubles.

"Why did you exchange money three times?" she asked sharply as I stood at the window before the exchange clerk.

"I thought I would be needing the rubles but it turned out that I spent dollars not rubles," I replied.

"Sign your three declarations here," she said curtly.

She scanned the signed declarations as I pushed them back to her, looking at each intently, comparing them with my initial signature.

"These are not the same," she said, "your signature is not the same as the one on your declaration. This is just art work." With that she pushed the rubles back to me, motioned for me to move out of line.

You have no recourse to this decision in Moscow when your plane leaves within the hour. It is difficult for an American to understand this treatment. The behavior was no surprise, however, for Dr. Daniel Dorotich, former Yugoslav national and a member of our party.

"It's like this," he said. "Remember that in Russia everyone is checked by someone else. The volume of paper work exceeds your wildest imagination. The clerk's superior will check her transactions. You exchanged dollars for rubles three times and yet turned back most of your rubles. What hanky panky were you up to? Any mistake by her would be challenged by her superior. Possibly your signature did seem a little different from your signature when you exchanged. You signed rapidly both times. The point is simply this, there was an element of doubt in her mind about your exchange. She didn't want her superior to question her so she turned it all back to you. It's just that simple."

This, I believe, in a microcosm, is Russia today. The Soviet's economic system is hamstrung by the tens of millions of daily decisions which are sharply limited and influenced by the close surveillance of every transaction.

The exchange clerk's abrupt, irrevocable decision was motivated by an even greater degree of self-interest than that found in capitalist countries which espouse the virtue of self-interest as a motivating force of economic conduct.

The clerk's transactions are scrutinized by a superior whose career is that of finding mistakes of those under him. He, in turn, has his efforts examined by his superior, and up the line. All are tied to the Gosplan which sets prices for over ten million items in the Russian economy. As a minute part of a ponderous Soviet bureaucracy each "little Stalin" is motivated by self-interest in saying "nyet." Innovators, those with creative ideas, are seldom honored in bureaucratic organizations. They create "waves" for those above them, force them to make decisions, take risks, endanger their role in the hierarchy. Hence, in Russia, the driving dynamic of self-interest limits rather than expands the individual's horizon.

Thus daily, millions of decentralized negatively motivated decisions, in a highly centralized economy, destroy any creativity or vitality which might exist and they are all tied to individual self-interest—fear that a mistake will lead to loss of position.

This is in direct contrast to the dynamic role self-interest plays in a free enterprise economy. Here the innovator is rewarded for "making waves," bringing about change. Self-interest leads to an expansion of activity which may bring with it uncertainty of results. This is just as much the name of the game in a capitalist system as risk, uncertainty are to be avoided at all costs in a communistic society. Thus, self-interest leads to diametrically opposed courses of action in Russia and the U.S. And you see this in every area of Soviet life.

This is not to say that the American clerical worker is enamored with the idea of making decisions which involve risk of mistake. Obviously he is not. The point is that he operates in a Zeitgeist frame of reference where the risk taken is respected, indeed risk is presumably the name of the game in a market economy. His counterpart, in the Soviet Union, however, faces an economic modus operandi where there is only one employer, the State, and where independent decision-making is minimized by a State planning process.

In 1919 Lenin told the Party members that "either we overtake the advanced countries or we perish." Forty years later Nikita Khrushchev boasted that by 1970 the Russian GNP would exceed that of the U.S. They will do this only if the U.S. stumbles badly. Soviet GNP will be about a half trillion dollars short of Khrushchev's goal by the end of 1971.

In 1919 central planning forced industrialization of the Russian agrarian economy. Soviet central planning has the capacity of focusing the entire economy on the top production priority of the Politburo. In October, 1957, a basketball-sized antenna-studded metal ball was orbited into the sky over the Caspian Sea and circled the earth at 25 times the speed of sound. This first Russian Sputnik was watched by millions of pairs of anxious American eyes as it beeped its way into scientific history. Fourteen years and many sophisticated Sputnik models later, Russian Cosmonauts ride the airways in their enormously complicated space ship.

Centralized planning can produce the "science city" of Akademgorodok 15 miles from the Siberian boom town of Novosibirsk, a city of 1,400,000 population, 2,000 miles east of Moscow. Eleven scientific institutes covering areas of hydrodynamics, mathematics, computers, nuclear physics, theoretical and applied mechanics, chemistry and other science areas are located in Akademgorodok. The best scientists of the Soviet Union are found here and they are given extremely preferential treatment. In visiting "science city" one of the Institute directors told me that he was provided with his own villa, chauffeur-driven automobile, yacht, long vacations and an excellent salary.

This is the same economy which has yet to produce colored television, dependable plumbing, a ball point pen, a comfortable bra, clothing that is not of poor material and without style or taste.

The Soviet military Colossus which employs 3,220,000 people, has first call on the Soviet Union's scientists and spends an estimated $70 billion annually in a GNP which is about ⅔ that of the U.S. This $70 billion figure is approximately the level of U.S. expenditures for its military.

The civilian "spin-off" in innovations from U.S. military expenditures is considerable. The Soviet space and military programs are so secretive that almost nothing is published about these projects. Soviet space scientists are shielded from the public eye. Lenin prize winners in space science are not identified. The civilian economy may have to rediscover again what has been utilized in the military years previously. Only a third to a half of new techniques discovered by space scientists ever find their laborious way to the civilian sector.

The supermarket department store in Akademgorodok is the shopping center for the country's best scientists who staff the Institutes. It is viewed by those who live in Akademgorodok as on a level with those of the United States.

But such is not the case. It is difficult to convince centralized planners that there need be variety of any one item. The touted Akademgorodok supermarket which Mrs. Tamara Donskikh, Intourist Guide from Novosibirsk, proudly said was equal to that of U.S. supermarkets, caters to the best scientists of Russia. It would have a short economic life in Topeka. It would be forced out of business in a week by any competitor in the area. Merchandising methods are not too dissimilar from those of the American Army PX's of World War II. There are two noticeable differences, however, the use of abacus instead of a cash register and standing in three lines in the supermarket—one to select the purchase, another to pay for it and the third to pick up the item purchased. This is standard Soviet practice.

It is readily apparent that even the most highly educated Russian scientist is not aware that he is being short changed in consumer goods at the so-called supermarket. A visit to East Germany or one of the coun-

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tries of Western Europe would be a liberal education for him.

A scientist from the Obninsk Physical Energy Institute, 60 miles southwest of Moscow, had occasion to visit Denmark. He returned amazed at the Western packaging of goods and the great number of automobiles and private homes. The Soviet citizen is most likely to live in a small apartment and private automobiles are almost unknown.

After making his observations known in his community through the local newspaper, the Party's ideological magazine, Kommunist, castigated the Obninsk paper for "giving space to information taken from bourgeois promotion handbooks . . . unfortunately political naivete and a lack of a class approach to the evaluation of capitalist reality also distinguish reports in the same newspaper by several other scientists who decided to share their impressions gained during trips abroad." The Kommunist blamed the senior scientists at the Chemistry Institute for failing to inculcate a class consciousness among the younger scientists.

Twenty-six percent of the Soviet work force is in the field of agriculture contrasted to less than 2% in the U.S. In 1970 the Soviet farmer produced about 20% that of the average American farmer, the factory worker about 50% that of the U.S. factory worker. The best brains coupled with unlimited resources are poured into the high priority projects of space and military. The innovators in these areas are among the elite of Russia. There is no opportunity to appraise the efficiency of the production in these guarded areas. Russian achievements in science, however, speak for themselves.

But it is in the consumer sector of the economy that the Soviets have institutionally doomed themselves to inefficient low-level production. Governmental fiat siphons off the best minds and is given first call upon material resources for space and military projects. Central planning with its inherent inflexibility, its "nyet" to change, its careful record of every transaction, is not an economic instrument for producing a high standard of living. Despite the efforts of the planners with their millions of issued directives, Soviet manufacturing is carried on by clock-watching, goofing off workers, factory managers committed to meeting their quotas, which in turn leads to waste on a vast scale, poor quality goods, supply bottlenecks, overstocked inventories and a degree of industrial chaos never experienced in this country.

Above all, the Soviets, with their central planning, their command type of economy, have created a system where the individual's self-interest dictates that he make decisions which will negate production rather than decisions which will lead to innovations and increased production. The system places a premium on conformity, the status quo. Hence, individual self-interest, as a motivating force, is the primary cause for the low standard of living in the Soviet Union today. The 14,500,000 card carrying members of the Communist party who are leaders in education, industry, and the professions, are committed to a "nyet" way of life and their leadership, powerfully motivated by concepts of self-interest, inhibits any change or creativity which might occur.

The architect of the Russian revolution, Vladimir Ilyich Lenin, has spawned an economic and political monstrosity, which on the one hand can lead to the most advanced frontiers of science and invention, while at the same time it institutionalizes an economic and political way of life which through the driving force of self-interest assures its constituents of a level of living which will be forever one of drabness, monotony and wasted resources. Even the pampered scientist of Akademgorodok who shops in the "supermarket" established especially for him by the planners, is not aware of what the planners have done to him until he sees how people live in the Western world. It is obvious that the Soviets cannot permit, for security reasons, wide-scale travel by their citizens outside of Russia.

Adam Smith, great Scottish economist, author of Wealth of Nations in 1776, and generally given credit for setting forth the principles of capitalism, emphasized self-interest as the dynamic of the capitalistic system. V. I. Lenin, patron saint of the Russian revolution, was also cognizant of the role of self-interest for an economic system. The U.S. and Russia today vividly mirror the two different roles assigned by Smith and Lenin to a very human attribute—self-interest.

## NEW INITIATIVES IN NATIONAL WAGE AND PRICE POLICY

### HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. BEARD. Mr. Speaker, on April 30, I voted against further extension of the Economic Stabilization Act. I did so not so much because of my opposition to any of the four provisions added in conference nor was my intent to prevent the President from taking steps to fine tune the economy. My vote against this legislation results from my belief that this country simply cannot continue to fight the effects of inflation with short term artifice.

There is little question in my mind that the basic causes of inflation that existed in August 1971 when the President first implemented wage and price controls are still very much in effect today, if not more so. If this be true, then another round with phase III or whatever phrase you wish to term it is not going to solve our problems. Of course, certain short term relief may be seen. But the question we must all ask ourselves is are we going to continue to accept incomes policies which are introduced because economic imperfections have eroded the ability of normal monetary and fiscal policy to achieve desired levels of growth and stability.

I, for one, am unwilling to accept this as an eventuality and moreover, I believe that ultimately the forces which now applaud the institution of Government controls over private decisionmaking will realize that such a system is not in their own best interest.

The temptation of national income policy is all too alluring. The largest contributor to the ruination of the free functioning competitive economy is government itself. Through the maze of governmental laws, rules and regulations, we have altered the course of normal economic forces to increased and unnatural levels which tend to stimulate growth leading to inflation. In essence, what we have done by our actions is to create and insulate large concentrations of economic power from the influence of economic and monetary policy.

Such protectionist devices arise in many ways. Most emanated from compelling situations and once instituted remained even though the original arguments for special treatment were dissipated.

Today's pressure for further governmental control over the economy to correct other governmentally created imbalances will disappear only when those groups directly benefiting from specific protection weigh the aggregate cost of all the various special arrangements against their own parochial advantages.

I had hoped that when the President first instituted wage and price controls that the time gained during the artificial equilibrium would be used to address the problems of inflation in a comprehensive way by instituting major changes which would result in reduced economic interference with normal flow of a free market economy. This has not been done and I, therefore, cannot continue to support an approach to inflation which can only serve to further remove us from equity in the economic system. This will undoubtedly be the result of a renewed wave of councils and boards and policies which react to those powers which by their sheer weight dominate the halls of government.

At this point, I would like to include for the benefit of my colleagues, a February 1973 American Enterprise Institute reprint of an article by Murray L. Weidenbaum entitled, "New Initiatives in National Wage and Price Policy." Mr. Wiedenbaum is an economist of national stature and I am sure that his remarks will be much more edifying than my own unscholastic discussion of this question; nevertheless, I find strong areas of agreement and I am sure many of my colleagues will agree with his conclusions.

The article follows:

NEW INITIATIVES IN NATIONAL WAGE AND PRICE POLICY

(By Murray L. Weidenbaum [1])

A consideration of the possibilities for government control of wages and prices in the United States beyond the current "Phase II" period brings to the surface deeper problems which have been obscured by the dramatic events of the past year.

We need to recognize that the basic reason that "incomes policies"—both voluntary and compulsory, both here and abroad—have been resorted to is that citizens and policy makers have not been satisfied with the results of the indirect measures such as monetary and fiscal policy. Attempts to reduce the level of unemployment or expanding aggregate demand often lead to intensified cost and price pressures at levels of unemployment which are uncomfortably high. Moreover, attempts to check these rapid cost and price increases often lead to even higher levels of unemployment.

It is my belief that the fundamental cause of this state of affairs is that there are sufficient concentrations of private economic power in the United States so that various factor and product markets in good measure have become insulated from the influences flowing from aggregate monetary and fiscal policy. Cost-push inflationary pressures are the most obvious manifestation of this structural condition. The existence of these private aggregations of economic power is hardly a recent phenomenon. What is new is the awareness of the extent to which such power can be utilized in a modern society.

Although Americans rarely think explicitly in those terms, perhaps the motivating force behind the unusual wage and other income pressures on the part of many groups in recent years is their growing dissatisfaction with the distribution of income. We may recall that Keynes viewed workers, both individually and in groups, as being more concerned with relative than with absolute real wages.

The recent rapid shifting in income positions (recall the multitude of anecdotes in the media and physicians' fees and plumbers' bills) has exacerbated the usual dissatisfactions. Traditional income inequalities, endorsed by custom, may have been more readily accepted as part of the normal state of affairs than recent well-publicized shifts. Hence, when many organized groups in the society now see that by concerted action they can increase or at least restore their income shares, and when such motivations are bolstered by feelings of inequity, the results of the last several years may not be surprising.

The concern with income distribution can be a powerful mechanism for motivating greater use of potential influence over wage and price decisions. After all, why should a blue collar worker really worry about his wage increases exceeding the growth of productivity (or his productivity increasing at all) when he believes that management is being overpaid, that white collar workers "loaf," and that stockholders are obtaining too large a share of the proceeds both as current income and capital gains?

Even more damaging to stabilization efforts has been the creation of conditions under which it is possible for prices to rise in the face of inadequate demand in money terms. After all, why should the high seniority members of a union moderate their wage demands merely because those demands are likely to result in job losses on the part of the newer members and those with temporary work permits?

The phenomenon is hardly limited to labor or even to the private sector. Why should powerful citizen groups be concerned that their demands for special public benefits and subsidies exceed the current fiscal ability of the government, when they believe that other income recipients are not paying their "fair" share of taxes? Thus, visions of "fiscal dividends" have evaporated as new expenditure initiatives outpace even the most optimistic estimates of the prospective growth of revenues.

These institutional arrangements are hardly likely to self-destruct. Rather, their existence aggravates social pressures and constitutes a type of "demonstration" effect on other parts of the economy.

These are the kinds of factors which have led to experiments in income policies in most industrialized, market-oriented countries. That is, the realization has grown that restraints, voluntary or compulsory, are needed on the exercise of power over wages, prices, and productivity by large and organized segments of the society. The inflationary problem that these incomes policies have been designed to deal with is the result of either anticipations of greater inflation or the familiar cost-push phenomenon, rather than the excess demand type of situation.

In contrast, the standard economic analyses generally are constructed on models of the economy which do not fully take account of these institutional realities. However, it may not be necessary—and it may be undesirable—to discard the more traditional approach. The free market model may still serve as the most appropriate standard to guide economic policy; moreover, the free market provides powerful restraints on the excess of arbitrary economic power. Hence, actions need to be considered to move the reality closer to the ideal.[2] Certainly, to ignore the cleavage between the two is to reduce economic analysis to a modern parlor game.

Although it is hardly novel for an economist to enter a plea in behalf of enhancing the role of competition in product and labor markets, we need to recognize that incomes policies have been introduced because market imperfections have substantially weakened the ability of monetary and fiscal policy to achieve desired levels of economic growth and price stability. Because of the great difficulties involved, a two-pronged attack on the problem is required, covering both short-term needs and longer-term possibilities.

SHORT-TERM CONSIDERATIONS

In the short run, we probably need to accept the continued departures from the free market model and to use direct government intervention as a counterbalancing force. Given the general distaste for direct controls and the difficulty of maintaining public support for an extended period, it is difficult to see the present formal wage and price control system (Phase II) surviving much beyond the end of 1972. Actually, many observers have been surprised by the extent to which the public has accepted direct controls and the ability of the apparatus to withstand the opposition of key elements of organized labor.

Since 1973 will be a year when the number of pace-setting contracts to be negotiated and the number of workers covered will be much larger than in 1972, it would appear unlikely that the Administration voluntarily would dismantle the entire control system within the next several months. In its later stages it may well follow the Galbraithian approach of limiting controls to the larger labor and business aggregations, which seem to be especially subject to governmental influence and public pressure. Indeed, even the earliest stages of Phase II focused on the larger companies and labor unions.

When direct controls on wages and prices are terminated, the Federal Government will need to take the initiative in arriving at some type of national consensus (call it guideposts or objectives or some other acceptable name) in order to set the framework in which collective bargaining and other large-scale decisionmaking occur on wages, prices, and productivity. As James Tobin pointed out in his presidential address to the American Economic Association, there is an arbitrary, imitative component in wage settlements which may be influenced by national standards.[3] Hicks earlier stated that wages can be influenced by noneconomic forces such as custom, or by what the parties to the wage bargain consider to be just or right.[4]

There is no unique institutional structure for achieving a national consensus on these economic issues. Any particular structure is likely to show weaknesses as it contends with great pressures. Perhaps as one structure "wears out," another could be developed. There may be a parallel here with efforts to close tax "loopholes." As individuals and groups learn how to beat the system (and there is great financial incentive to do so), the structure needs to be modified. A key element, of course, is the general acceptability of the guidelines that emerge from whatever institutional arrangement is utilized.

Hence, engendering a sense of equity may be far more important than the choice of specific numerical targets to be used. Conceivably, at one time an in-house governmental body—perhaps advised by a broad representation of citizen interests—could promulgate such targets, and on another occasion the responsibility could be delegated to a blue ribbon citizens group. The degree of voluntarism in practice may be less than the experience of the 1960's; the Nation recently witnessed the willingness of at least one administration to move to compulsion in relative peacetime.

We also need to avoid expecting too much from incomes policies. The fact that they tend to break down in time, or when the economy approaches full employment, does not necessarily indicate that they were not useful, but rather that the life of such policies is limited. If they moderated price pressures at all during the earlier period of cost-push inflation and thus permitted some greater expansion of aggregate demand that would have been feasible in their absence, then they should be viewed as successful. Some opponents of incomes policies tend to sound as if zero inflation for all time were the only acceptable measure of success—a strange standard in this imperfect world.

John Maynard Keynes provided as good a guide as any to the type of eclectical approach that is necessary, at least in the short run and perhaps in the longer run as well. The following passage is taken from the concluding section of his last published article.

"No one can be certain of anything in this age of flux and change. Decaying standards of life at a time when our command over the production of material satisfactions is the greatest ever, and a diminishing scope for individual decision and choice at a time when more than before we should be able to afford these satisfactions, are sufficient to indicate an underlying contradiction in every department of our economy. No plan will work for certain in such an epoch. But if they palpably fail, then, of course, we and everyone else will try something different."[5]

THE LONGER-RUN

In the longer-run, we need to face the issue of those concentrations of private economic power which have become insulated from the influences of aggregate monetary and fiscal policy. Much of the departure from a freely functioning competitive economy—in which monetary and fiscal measures would work more effectively than they have—results from government itself. Frequently, government statutes and regulations have given rise to the problem that faces us.

We need to examine afresh all of the governmental legislation, rules, and regulations which interfere with competition, unduly raise prices, or otherwise give the economy an inflationary bias.

The supply of factors and products has been restricted by production and import quotas, excess government stockpiles of minerals and metals, and union barriers to employment. Upward pressures on cost and prices have resulted from the operation of tariffs, mineral and agricultural price supports, union resistance to productivity increases, "prevailing" wage determinations,

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[1] Although they may not share the views expressed, the author has benefited from discussions over a period of years with Paul Volcker and John Young. Helpful comments on an earlier draft were made by Edward Greenberg, Edward Kalachek, and Hyman Minsky.

[2] Some time ago my colleague Hyman Minsky recommended that "appropriate policy should be directed toward changing the nature of the demand curves that confront sellers [who are exploiting negatively sloped demand curves] rather than to constraining aggregate demand." *Employment, Growth, and Price Levels*, Hearings before the Joint Economic Committee, Part 7, Washington: U.S Government Printing Office, 1959, p. 2207.

[3] James Tobin, "Inflation and Unemployment," *American Economic Review*, LXII, No. 1 (March 1972), p. 17.

[4] J. R. Hicks, "Economic Foundations of Wage Policy," *Economic Journal*, LXV, No. 259 (Sept. 1955), p. 390.

[5] J. M. Keynes, "The Balance of Payments in the United States," *Economic Journal*, XVI, No. 222 (June 1946), p. 186.



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restrictions on shipping, and of course the labor legislation under which the nationwide determination of wages through collective bargaining has developed.

Moreover, the government—through subsidies imbedded in procurements, sales, tax, expenditure, and credit programs—has sheltered numerous groups from market forces, thus making more difficult and expensive the access to certain products and markets of the remainder of the population.

The obstacles to change should not be underestimated. That the cost to the Nation of each of these special provisions may exceed the benefits to the Nation may not be the politically relevant criterion: the benefits to some particular group are likely to far outweigh the costs to them, and thus a powerful "clientele" exists to oppose the reduction of each special benefit.

An effort to reduce these impediments to a free market is more likely to succeed if it is evenhanded. It may be relatively easy, of course to obtain business support for eliminating legislation favorable to labor unions or to obtain labor's backing for an effort to curtail subsidies to business; both business and labor might readily unite behind a proposal to reduce price support payments to farmers. Yet, such attempts are so obviously self-serving as to be ineffective. Hence, the effort to identify these special protective devices must be broad and comprehensive, covering union powers, business and farm subsidies, as well as restrictive practices in the services including medical and other professions. Such an undertaking would require considerable support, perhaps from a congressional committee or a blue ribbon private commission.

Perhaps a unifying approach could be centered around the desire to remove the lingering effects of "the dead hand of the past." So many of the specific protections were instituted to deal with the depression conditions of the 1930's or earlier periods—a situation which hardly corresponds to the current reality. Certainly, a rereading of the original arguments for many of these special benefits brings to light such anachronisms as concern with the lack of electrification on American farms, the fear of low wages on construction projects, and the use of a 2 per cent interest rate which then corresponded to the Treasury's cost of debt service.

Reducing or eliminating these interferences with the effective functioning of factor and product markets undoubtedly will require fundamental changes in government expenditure programs, tax benefits, the use of public credit, and many of the various regulatory and promotional activities of federal, state, and local governments. This would clearly entail a most ambitious and extended effort and one likely to set in motion very strong political and social counter pressures. Certainly, the resistance to eliminating these protectionist devices is greatest in periods of high unemployment. Hence, as the economy approaches the return to approximate full employment, the timing for such changes may be most propitious.

Perhaps the crucial point that needs to be made is that when the costs of all of these various special arrangements are aggregated they outweigh the benefits, even to many of the groups directly involved. That is, with so many segments of the population attempting to insulate themselves from competition, most of the efforts may be self-defeating. The "dead weight" of these interferences with economic progress and productivity may reduce the absolute size of the slices of the "economic pie" available to most of the participants.

Of course, the structural or institutional changes envisoned here must be seen as supplements, and not alternatives, to proper monetary and fiscal policy stabilization efforts. Furthermore, such changes would not obviate the need for efforts to train and upgrade segments of the labor force lacking the requisite skills, experience, and work orientation. Nevertheless, these latter measures are not likely to suffice or even to work well under present conditions.

THE OUTLOOK

Unless the underlying structural problems are dealt with, I would anticipate later in the decade one or more bursts of inflationary pressures and subsequently additional experiments in "incomes" policy. We need to recall that the immediate forcing factor for the Administration's August 15, 1971 decisions was international rather than domestic. That is, our national distaste for such obvious departures from a market economy as wage and price controls was overcome, at least for a time, by the persistent strength of foreign economic pressures. In turn, these international pressures reflected the basic problems of the American economy whose solution we had been avoiding.

Hence, I suspect that over the coming decade the Nation may be increasingly resorting to greater direct controls over wage and price decisions in imperfect factor and product markets, unless it takes strong actions to reduce these market imperfections. Although generalizations are frequently treacherous, the choice may well be between fostering a greater degree of competition in private markets or relying more heavily on government controls over private decision-making.

## "NO" TO RESURRECTED STALINISM IN THE UKRAINE

### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. HELSTOSKI. Mr. Speaker, in the past few months we, in the Congress, have been sensitive to the effect of the Soviet Union's emigration policy on a Jewish minority that is seeking freedom to emigrate, primarily to Israel. Congress continues to campaign against extension of favorable conditions for Soviet-American trade without redress, and we have noted some reaction recently in the Soviet Union to our expressions of concern. I refer specifically to a report from Moscow that the education tax would be suspended. I applaud this step by the Soviet Union and hope that it is a sign that the Kremlin leadership is indeed going to relent on its policy concerning emigration. Now, however, rather than further discuss this issue, I wish to focus attention on another no less important concern, the fate of the Ukrainians in the Soviet Union who find themselves harassed and imprisoned because of their courageous demands for justice.

At about the same time reports were coming from Moscow that the Soviets had relaxed education fees, it was learned that a Ukrainian television journalist, Vyacheslav Chornovil, was sentenced to 12 years in prison and exile. It is hard to say exactly what evidence was brought forth to convict this Ukrainian, for the trial was closed, contrary to Soviet law. Indeed, news of the trial, which took place in February, was smuggled out of the Soviet Union.

Mr. Chornovil was arrested in January 1972, with dozens of other dissenters and spokesmen of the Ukrainian cause, and charged with "anti-Soviet agitation and propaganda." To give an idea of the kind of laws used against those who dare question the state of conditions in the Soviet Union, I quote from article 62 of the Criminal Code of the Ukrainian SSR, which states:

ANTI-SOVIET AGITATION AND PROPAGANDA

1. Agitation or propaganda conducted for the purpose of undermining or weakening the Soviet rule or the commitment of individual crimes which are of particular danger to the state; the dissemination, for the same purpose of slanderous fabrications which discredit the Soviet state and social system; as well as the circulation, production, or keeping for the same purpose, of literature of similar contents—are punishable by imprisonment . . .

What then did Mr. Chornovil do to be punished under this statute? He first received widespread attention when he wrote a book about Ukrainians imprisoned by a wave of political trials in 1965 a[illegible] 1966, and paid for this "crime" with a [illegible]ar and a half in a labor camp. This latest conviction stemmed from an alleged association of Mr. Chornovil's with a Belgian tourist of Ukrainian descent, whose "confession," implicated Chornovil and several others in alleged anti-Soviet activities. Actually, this latest sentence results from a renewed campaign by the Russian secret police to suppress dissension in the Soviet Union. It is an obvious example of an attempt to frighten into silence the internal ranks of current and potential dissenters critical of the Soviet regime.

What then, is the basis of this criticism? First, let there be no mistake, and least of all, no return to cold-war rhetoric. Mr. Chornovil is not a revolutionary who advocates a return to a capitalist society. He is, rather, a dedicated socialist who cannot tolerate the overbearing controls of a paranoic state bureaucracy—controls that not only temper the acts of the state's citizens, but even seek to oppress their free and independent thought. Moreover, Mr. Chornovil is a nationalist, interested in the Ukraine's right to self-government, which calls for an end, as he sees it, to the Ukraine's status as an emasculated colony of Great Russian imperialism. This latter criticism touches a sensitive spot in internal theory and policy discussion in the Soviet Union concerning its multinational nature, and is a key to understanding one facet of Ukrainian dissension.

As is the case with most multinational states, there are tensions and disputes when a dominant ethnic group attempts to control and protect its position in the state. Regardless of Communist claims on the occasion of the 50th anniversary of the Union of Socialist Republics, it is clear that ethnic and national differences do not disappear after 50 years of socialism. This is especially striking when one recalls that the federated union was the early Russian revolutionary leaders' "solution" to what is called the nationalities problem. Indeed, ethnic consciousness may become a source of greater conflict as national groups fear Russification measures, and new generations question the unsatisfactory solutions to social problems tried by the successors of revolutionaries turned bureaucrats.



This has probably been more true in the Ukraine than anywhere else in the Soviet Union. Since the Ukraine has been more exposed to Western European influence in the past, and because the Ukraine is the second largest ethnic nation in the Soviet Union, the Kremlin leadership has always been particularly conscious and wary of nationalism there. Stalinist policy in dealing with it resulted in a great deal of suffering and loss for the Ukrainians, a horrible toll too easily recalled.

The Ukrainians themselves know what terrible costs repression exacts, but they still are not afraid to continue their protests and sacrifice what freedom they have in order to be heard. Now they are faced by a return to use of Stalinist methods against their real and reasoned dissent. Without pointing to any specific solution to the Soviet Union's nationality problem, nor corroborating claims of burdensome Great Russian dominance, we must raise our own voices in defense of those in the Ukraine who dare speak out. We cannot tolerate a turn of events in the Ukraine and elsewhere that reminds us of Stalinist solutions. Prison and labor camps, absurd trials and sentences, will not eradicate the national unity and feeling the Ukrainians express now. The current Soviet leaders lived through the Stalinist era, have even officially condemned it, but still we must remind them of the grave injustices that were done in the name of protecting the state. We cannot stand by silent and let a new terror be unleashed when the situation calls for adjustment and realistic meeting of issues involving fundamental questions of personal liberty and national identity. We must ask that the Soviet Union live up to its constitutional principles and the Universal Declaration of Human Rights that it subscribes to, and end the repression that is a wound to all men.

## MR. JACK SULLIGAN, CHAIRMAN OF THE MAHONING COUNTY DEMOCRATIC PARTY, IS HONORED

### HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. CARNEY of Ohio. Mr. Speaker, on Sunday, April 15, 1973, I had the pleasure of attending the silver anniversary dinner honoring Mr. Jack Sulligan for 25 years of faithful service as chairman of the Mahoning County Democratic Party. The dinner was held at the Sheraton Inn in Youngstown, Ohio.

Under Mr. Sulligan's able leadership, the Democratic Party of Mahoning County has become one of the most effective and successful party organizations in the State of Ohio.

I had the privilege of introducing our distinguished majority leader, the Honorable THOMAS P. O'NEILL of Massachusetts, who was guest speaker for the occasion. Congressman O'NEILL made an excellent speech about the President's impoundment of funds appropriated by Congress and the misplaced priorities of the Nixon administration. Majority Leader O'NEILL also presented Mr. Sulligan with a pair of congressional cuff links on behalf of the Democratic Members of Congress.

Among the 400 persons attending the dinner were three Democratic State officials—Attorney General William J. Brown, who spoke for Gov. John J. Gilligan; State Treasurer Gertrude Donahey, and Transportation Director J. Phillip Richley. Also present were: former Youngstown Mayor Anthony B. Flask, State Senator Harry V. Meshel, former Astronaut John H. Glenn, Cleveland businessman Howard M. Metzenbaum, Dr. William Timmins, who presented Mr. Sulligan with a plaque from the County Democratic Chairmen of Ohio organization, and many other city and county Democratic officeholders, as well as labor and business leaders.

During his remarks, Chairman Sulligan praised the American two-party system, and expressed confidence in its strength and resilience. He also paid tribute to the work of the Mahoning County Democratic Club, the cooperation of women's Democratic organizations, and the assistance provided by organized labor.

In addition to the dinner at the Sheraton Inn, another 500 people gathered at Mr. B's for a social program. Mr. Sulligan was presented with a new Oldsmobile in appreciation of his long and dedicated service to the Democratic Party.

The people responsible for making the dinner a great success were: Cochairmen John Cerni, Joseph Garea, and George Vukovich, and dinner committee members Judge Lloyd R. Haynes, Agnes Little, Lou Marciella, Senator Harry Meshel, Stephen R. Olenick, and Mike Pope.

Mr. Speaker, I am proud to call Chairman Jack Sulligan my friend.

## WELCOMING JOHN CONNALLY TO THE REPUBLICAN PARTY

### HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. EDWARDS of Alabama. Mr. Speaker, I rise to welcome John Bowden Connally, Jr., to the Republican Party. While John Connally has been a Democrat for many years he has shared the conservative Republican philosophy throughout his career in public service.

And it has been a distinguished career. He has served as Governor of Texas, Secretary of the Navy, and as Secretary of the Treasury, just to mention a few.

A lot could be said about John Connally and about his accomplishments in service to the Nation. But one of the best summaries is found in a citation he received while serving as a naval officer during World War II. The citation referred to "his professional skill, brilliant tactics, and cool courage in the face of grave peril."

These words could describe just as accurately Mr. Connally's powerful leadership during the troubled international trade and monetary crises and tough bargaining sessions which he encountered as Secretary of the Treasury. He guided our Nation through these fast-moving events expertly, and emerged with the respect of domestic and foreign financial leaders alike.

John Connally is persuasive, articulate, attractive, and capable. I welcome him to the Republican Party, and I am confident that he will be a great asset to it.

## TESTIMONY OF GOV. MILTON J. SHAPP

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. EILBERG. Mr. Speaker, the Senate Subcommittee on Alcoholism and Narcotics recently held public hearings in my city, Philadelphia.

The purpose of the hearings is to find out what the States and cities are doing about these problems and what local officials feel the Federal Government should be doing to help them.

At this time I enter into the RECORD the excellent presentation by Gov. Milton Shapp, of Pennsylvania.

The presentation follows:

TESTIMONY OF GOV. MILTON J. SHAPP

Mr. Chairman, and members of the Subcommittee on Alcoholism and Narcotics:

One year ago, I signed into law two pieces of legislation which have placed Pennsylvania in the forefront of national efforts to control drug and alcohol abuse.

I refer to these two problems as the twin evils of modern society because the illegal traffic in drugs is directly connected to the high incidence of street crime while the problem of alcoholism is directly responsible for the highest incidence of deaths on our highways.

Because our program for drug and alcohol control has been shaped so comprehensively and successfully, with federal cooperation, it can provide you with an excellent model as you consider the further development of federal legislation.

The first measure I signed concerned enforcement.

We, in Pennsylvania, now have one of the toughest laws in the nation to deal with the pushers of dangerous drugs.

Under this measure a seller of dangerous drugs, or someone who has dangerous drugs in his possession with the intention of selling them, can get fifteen years in prison.

That person can also be fined a quarter of a million dollars. Or, he can get both fifteen years and a quarter of a million dollar fine.

However, that is not all.

The law specifically states that the fine need not be limited to a quarter of a million dollars. The fine can go as high as necessary to exhaust the assets utilized in and the profits obtained from such illegal activity.

In other words, if it is deemed necessary, a drug operator who is running a million-dollar racket can get a million-dollar fine.

And if that drug pusher is convicted of a second or subsequest offense, he can get double the sentence, or thirty years, and double the fine or $2 million.



XUM

Armed with this new state law, we have joined federal and local officials in regional narcotics strike forces. Two months ago, our Bureau of Drug Control and the State Police coordinated the largest raid in history on drug distributors in the Lehigh Valley Region which resulted in the arrest of more than 80 major distributors.

Similar raids, especially on the wholesalers of dangerous drugs, have been conducted in Southeastern, Southwestern and Central Pennsylvania.

In fact, our initial raids during 1971, prior even to the passage of our new law, have resulted in a 90% conviction rate.

A lot has been done.

But a lot more remains to be done.

We are accelerating our enforcement efforts. We are upgrading the personnel and equipment levels of the Bureau of Drug Control. And, we are giving the State Police the tools they need to do the job.

But you know, as well as I, that tough enforcement alone will not put an end to the drug traffic in our nation.

We must also place emphasis on treatment and preventive education.

And that is why a working partnership between the states and the federal government is vitally important.

In that regard, the second measure I signed a year ago establishes a single state agency, as required to qualify for federal funding to coordinate programs in the field of drug and alcohol control.

In Pennsylvania, the agency is the Governor's Council on Drug and Alcohol Abuse.

Since the Council's inception, we have recruited some of the best professionals in the nation led by the Executive Director, Dr. Richard Horman, who is with me today, and who would like to submit some additional remarks following my testimony.

Last month, I proposed to the Legislature a sweeping reorganization of our efforts in the drug and alcohol field by placing all the fragmented agencies and bureaus dealing with drug and alcohol treatment programs under the jurisdiction of the Council.

This year, more than $40 million in state and federal funds will be invested in Pennsylvania's drug and alcohol programs. Of this amount, $18 million is state money.

As members of the federal Congress, I know you are interested in the amount of effort made by the states and local communities themselves to supplement federal funds.

This year's state allotment of $18 million is more than double last year's appropriation and a far cry from the period prior to this administration when no funds were appropriated specifically for drug and alcohol programs.

The Governor's Council has responded quickly to federal grant possibilities. We have gotten our management and information systems in operation in record time.

Indicative of our state-federal efforts is the contract which I hope to sign in the near future with the federal government for $1.5 million to take 500 hard-core drug addicts off the streets in 60 days and place them in treatment programs.

Our relationship with the local level has also been productive.

I recently authorized state grants of $10,000 each to 41 County Councils established under guidelines set by the Governor's Council. These funds have been delivered and are earmarked for the planning and development of grass roots drug and alcohol control programs.

We have also issued regulations requiring all of Pennsylvania's counties, including Philadelphia, to establish Coordinating Offices and to create their own local commissions on drug and alcohol control.

I understand that, in line with our directive, the City of Philadelphia has recently established such an office and a commission of 11 members, and I am happy to see their response to our direction in this area.

We have also been active in supporting the private sector.

In May, for example, I will sign a contract with Gaudenzia House, a comprehensive private agency whose prime innovator was my Secretary of Community Affairs, William Wilcox, when he was Executive Director of the Greater Philadelphia Movement. This contract will increase Gaudenzia's patient load by 100%.

As you well know, the emphasis recently in the narcotics field has been upon the drug traffic.

The drug traffic is, without a doubt, one of the great social evils of our times.

But, although there are nearly 50,000 hard-core drug addicts in Pennsylvania, there are nearly a million alcoholics.

We cannot discuss the narcotics problem without considering the enormous social problem presented by alcoholism.

In fact, some recent evidence indicates a possible rise in alcohol use, especially among our young people, with a possible corresponding decline in drug usage.

None of these trends is certain.

But it is a fact that the individual and social problems and economic effects of alcoholism are staggering.

That is why I have asked to testify before you today, particularly on the problem of alcoholism.

The federal act establishing the National Institute on Alcohol Abuse and Alcoholism expires in June.

I urge you today to renew that act and to maintain the independent existence of the National Institute on Alcoholism.

I also urge you to do everything possible to have the federal budget increased for both drug and alcohol control.

As you know, these programs are operating on continuing resolution until the end of this fiscal year because of the President's veto of the Health, Education and Welfare appropriation.

I understand the need to hold the line on federal spending, in order to curb inflation and spare the taxpayers a bigger bill.

But I do believe that we can take the money we have and put it to better use.

Drug and Alcohol Control are two areas which should be at the top of the nation's priorities.

This is especially true since the original federal acts contained formulas for built-in increases which caused many states and local communities to plan programs with the expectation of additional federal money.

Placing them on the same spending levels of prior years—which is happening right now—only damages the programs and, even worse, destroys the hopes of many people who were counting on those programs for vitally needed treatment.

Consider, for a moment, what we have been able to do with federal support working directly with the National Institute on Alcohol Abuse and Alcoholism.

We have received $1.5 million in federal block grants with which we are doing the following:

Establishing halfway houses for alcoholics in Central Pennsylvania;

Instituting special care units in hospitals—these units incidentally are a completely new innovation, and we expect to have five of them operating during the current year;

Setting up an Addiction Prevention Institute in four locations around the state, under the sponsorship of Pennsylvania State University, which will serve as training centers for teachers in alcohol prevention programs;

Establishing a quarter of a million dollar program to train alcoholism counselors;

Instituting a toll free "800" telephone number to be tested in Central Pennsylvania, starting May 1st, so that any citizen with an alcohol or drug problem can contact someone, person to person, on the state level;

Earmarking another $300,000 to run four regional Alcoholic Treatment Centers in Allegheny County.

Pennsylvania's program provides you with an excellent example of why we need this Act to be continued and why we need more funds: the five special hospital units I spoke about a moment ago should be 15. Our initial planning was for 15, but the President is not permitting the National Institute on Alcohol Abuse and Alcoholism to fund a single new alcoholism program.

If he had not vetoed the HEW appropriation bill last year, thereby forcing this program onto continuing resolution, we could have had $4 million for these efforts this year instead of $1.5 million.

In short, we could, by this time, be on the verge of a much broader attack in the problem of alcoholism.

As it is, we are still moving with all possible speed.

But we need your support, in Congress, for more funds and the maintenance of an independent National Institute.

At this point, I would like to say one last word about the problem of alcohol control.

Drunken driving and other misconduct under the influence of alcohol must be rigidly policed by our law enforcement officials.

But public drunkenness in itself—without additional social implications—should be taken out of the criminal codes of Pennsylvania and other states.

I say this because the evidence indicates to me that 35% of all the arrests in Allegheny County last year, for example, were for simple, public intoxication.

The figure is probably even higher in Philadelphia and in other sections of the state.

It is time to get these matters out of the criminal code so that our police can concentrate on the truly major problems of burglary, robbery, rape, murder, drug pushing and other serious crimes.

Thank you for having me here today.

You are welcome to examine Pennsylvania's new programs in drug and alcohol abuse from top to bottom. We are moving with great speed and professional expertise.

But we need your help more than ever if we are to do the job which the people demand and have a right to expect.

## AIR FORCE STAR BILL

### HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. BRINKLEY. Mr. Speaker, the Air Force Biomedical Sciences Corps and the Medical Services Corps—both, highly skilled groups of professionals—provide the Air Force with professional practice, consultation, teaching and research in distinct and complex specialties of the whole realm of health care. H.R. 6884, which I have already introduced, would recognize the high degree of training and ability in both corps by assuring that the chief of each would be advanced to the rank of brigadier general.

There now exists a legal provision for the flag rank for both corps chiefs; the General Officer Audit Board has recommended such promotions. However, these recommendations have not as yet been acted upon.

This flag rank is necesary to insure equity within the Air Force itself, as well as among the various branches of the Armed Forces. The Air Force Chief of Nurses is now a brigadier general. The Army counterpart to the Chief of the Air Force Biomedical Sciences Corps and Medical Services Corps is likewise a brigadier general. Similarly, lawyers, chaplains, engineers—line—in the Air Force may be advanced to general officer grade. Parity must be achieved for the Chief of the Biomedical Sciences Corps and the Chief of the Medical Services Corps, as well.

This promotion to flag rank level would enhance the recruitment of much valued professionals. All the services will feel some repercussions from the demise of the so-called physician's draft. Incentive must be built up among highly-trained and skilled health professionals so that the Air Force will be able to maintain the highest level of comprehensive health care for its members.



## CALLUP OF THE COAST GUARD RESERVISTS

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. MURPHY of New York. Mr. Speaker, I would like to comment on the excellent job being done by the Coast Guard reservists in assisting emergency operations in the flooded areas of the Mississippi River. This is the first callup of the Coast Guard reservists under a new law passed last October allowing the Coast Guard Reserves to assist in times of natural disasters or emergencies. The Reserve officers and men are working along with the Regular Coast Guardsmen and special safety detachments assigned to the flood area. These men are to be commended for the fine job they have done to help prevent further flooding and in aiding those who were victims of the worst flood the Mississippi Valley has ever experienced. These reservists are a fine example of what can always be expected of the Coast Guard.

I would like to insert this statement by Secretary Brinegar on the emergency callup of the Coast Guard reservists which was released on April 26, 1973.

SECRETARY BRINEGAR SUPPORTS EMERGENCY CALL-UP OF COAST GUARD RESERVISTS FOR FLOOD RELIEF WORK

"I have today requested and received authorization from President Nixon for the immediate call to duty of a force of Coast Guard Reservists to assist in emergency operations in flooded areas along the Mississippi and its tributaries.

"This action has been taken under a law approved last October which permits the call to duty of Coast Guard Reservists to assist in operations made necessary by natural disaster or emergencies such as that created by the present floods. A request for the action was transmitted to me by Admiral Chester R. Bender, Commandant of the Coast Guard, after it became apparent that Regular Coast Guard personnel working in the flood area were being overtaxed. Under the President's authorization for activation of the Reserve forces, three units will be called to duty immediately. This is the first time in the history of the Coast Guard that such peacetime action has been taken."

This first time invoking of peacetime callup resulted from heavy flooding throughout the Mississippi River basin. As early as 13 March, in response to a call for assitance from authorities in Elsberry, Missouri, Regular Coast Guardsmen from Base St. Louis and other Coast Guard facilities were relieved of their normal duties to assist in flood relief operations on a round-the-clock basis. By 3 April, after an extensive reconnaissance flight over the flooded areas, Rear Admiral Owen W. Sisler, Commander, Second Coast Guard District, determined that additional support was needed and requested authority from the Commandant for the immediate call-up of Reserve units in St. Louis and Peoria consisting of 143 officers and men.

By 4 April, the first call went out for 50 reservists who together with a few Regulars formed as Disaster Relief Group 2.10 with responsibility for portions of St. Louis, St. Louis County, and Jefferson County. A portable communications center was deployed and Coast Guard Reservists swung into action manning flood relief boats; assisting in evacuations; conducting safety and security patrols; and transporting law enforcement personnel.

During the 7-day period of emergency recall, 271 man-days of duty were performed by reservists. Approximately 75 persons and a number of animals were evacuated to positions of safety. Also, 187 sorties were performed in support of other governmental agencies.

In a debriefing that followed release, the consensus of opinion was that Coast Guard Reservists had met the challenge of this first peacetime call-up in an outstanding manner. Secretary Brinegar expressed high satisfaction with the responsiveness and the competence displayed by Second Coast Guard District reservists. "The manner in which these Coast Guard Reservists answered the call-up and took over their assigned duties deserves highest praise," he stated. He further added, "This real-life test of the readiness of our Selected Reserve leaves no doubt as to their ability to respond and their capability to perform." He also praised those Coast Guard reservists who had voluntarily participated in flood relief operations in Missouri and neighboring states prior to the emergency call-up.

Secretary Brinegar emphasized the importance to the Coast Guard of the emergency call-up legislation. "This legislation assures the Coast Guard of trained and readily available personnel to meet the heavy demands placed upon the Coast Guard during domestic emergencies such as this," he stated. "At the same time it is the most realistic test of the readiness of the Selected Reserve." He commented favorably on the support of the employers of reservists who were activated in this emergency.

[Editors Note: As this article goes to press word has been received that a second group of 79 Coast Guard Reservists has just been activated under the emergency call-up authority.]

## LET US NOT CUT AID TO ISRAEL

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. LEHMAN. Mr. Speaker, the foreign aid proposal which the administration unveiled this week contains disturbing evidence of a change in our outlook toward the Middle East.

Major fighting between Israel and the Arab States has been averted in the past because of our clear support for Israel's right to exist. Only when the Arab States feel that our support may be weakening do they begin again to consider the resumption of hostilities.

The administration's new proposal would cut our assistance to Israel and would increase our support for the Arab governments of Saudi Arabia and Jordan.

The administration proposes to provide Saudi Arabia with $20 million in military credit sales. Saudi Arabia received no such assistance during the current fiscal year.

The administration proposes to increase grant military aid to Jordan by $6 million for a total of $40 million.

In addition, the administration proposes to raise the level of economic supporting assistance to Jordan by $15 million to $65 million—a level more than 2½ times that proposed for Israel.

Indeed, economic supporting assistance to Israel is to be cut by one-half—down to only $25 million.

Economic supporting assistance is designed to help countries which must bear extraordinarily heavy defense costs. Such defense burdens have given Israel the highest per capita debt of any nation in the world.

Despite this defense burden, Israel has never received free military aid from the United States.

Both Jordan and Saudi Arabia have received millions of dollars worth of military equipment free of charge, but American military assistance to Israel is strictly on a loan basis. Israel must pay back with interest loans for defense items while the Arab States pay nothing.

Economic aid to Israel is a program which has always received overwhelming bipartisan congressional support in the past.

I am sure my colleagues share my disturbance over this recent turn of events and will strongly agree that our economic assistance for the democratic state of Israel must be continued at its present level.

## A COSTLY PARADOX

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. LANDGREBE. Mr. Speaker, as the economy of this Nation continues to grow, offering more and more Americans an opportunity to share in our prosperity, there still remains much discussion about the problem of unemployment.

There is, I find, a paradox in the unemployment problem. This paradox was explored in an article in the Boston Globe on April 23, 1973. I submit that article for the RECORD:

A COSTLY PARADOX: UNEMPLOYMENT IS HIGH, BUT JOBS GO BEGGING

(By Rachelle Patterson)

There are 185,000 persons out of work in Massachusetts; yet there are thousands of jobs not being filled.

XUM

This is one of the more perplexing aspects of the Massachusetts economy—a surplus of jobless workers and a surfeit of unfilled jobs.

The paradox is costing the state's employers $225 million in unemployment compensation taxes this year, $125 million more than last year.

Understandably, the proper use of employer-paid unemployment funds, which sustain the benefits, are of key concern to the state's business community.

Together with other state costs, the unemployment compensation tax contributes to the high cost of doing business in Massachusetts.

Businessmen want an efficiently run employment security service which places the unemployed in available jobs and an unemployment compensation system free from abuses.

Labor wants adequate unemployment compensation free from any stigma, such as that attached to welfare, and the opportunity for an unemployed worker to be placed in a job for which he is trained.

The stakes in this endeavor are high.

According to the Associated Industries of Massachusetts (AIM), $32 million was paid out to persons who quit their jobs in 1971 alone.

Stemming the flow of persons who are not laid off or fired but leave their jobs for other reasons—and also encouraging the jobless to accept available work—are among the goals of the Division of Employment Security (DES).

The scope of the unemployment dilemma can be pointed out by one week's benefit checks. During the week of Dec. 23, 1972, 110,000 checks were mailed to the state's unemployed totalling $6,420,000. Most of this cost came out of the unemployment compensation fund, which as of Nov. 30 totaled $210 million (exclusive of Federal reimbursement.)

Criticized by the state's employers as being unresponsive to their needs, DES has traditionally functioned at best as a mediocre job-referral service and dispenser of unemployment compensation checks.

According to AIM, the division ranks 50th among the states in enforcing the disqualification statute governing those who quit their jobs. The division is lax in other ways, as well: only 12 percent of the available jobs in the state are listed with the agency.

(Public information is another area in which the division falls down. Its unemployment statistics often befuddle the average citizen because of the complexity.)

The chronically high unemployment rate, which averages about 30 percent above the national rate, has exacerbated the businessmen's negative attitude towards DES. While the benefits continue to soar and the jobless payroll rises, employers are increasing their pressures for DES reform.

One of their main complaints about DES is its inability to place workers in jobs that are available.

In addition, the state's minimum wage for manufacturing employees is aligned to the Federal minimum of $1.60 an hour. Since 1964, while the overall minimum wage here steadily increased, manufacturing was exempted in order to keep this state competitive with the rest of the country.

Employers contend that this competitive low wage is essential for certain old manufacturing companies to exist. At the same time, however, unemployment compensation benefits have risen, with the maximum now set at $83 a week plus $6 for each dependent child.

One of the major challenges facing DES is how it can induce persons to take low-wage jobs if unemployment compensation gives them substantial amounts of money.

"Getting competent people is the major problem. Very few people on unemployment are looking for work," said Steve Berish, president of Quality Steel Products in Stoughton.

Moscovitch, deputy commissioner of administration for fiscal affairs and Gov. Francis W. Sargent's top economist, has been studying the unemployment compensation system for several months.

According to Moscovitch, there is little abuse of the system by fathers and mothers in charge of their families. In fact, he states, a small percentage of unemployment compensation recipients are heads of families.

"These people are making every effort to be working and therefore, there is no reason to drive down the benefit levels," he says.

To a large extent, the cost to an employer for unemployment compensation is pegged to unemployment among his employees. Unemployment tax rates are set at upper limits, however, so that after a certain point, employers pay the same rate regardless of how many employees become jobless.

The extra cost for the additional jobless employees is borne by the system as a whole. Thus, once an employer reaches an upper limit, he no longer has any incentive to hold this cost down by making the job irresistible.

During a series of six regional meetings held by the Associated Industries of Massachusetts and DES, the job paradox of high unemployment and jobs that go begging came to light.

"Who the hell makes up the 12 percent unemployment figure in Lowell when we advertise for 100 jobs and eight people show up?" asked Sherman Stoloff of New Knit Manufacturing Co.

Sen. Allan McKinnon (D-Weymouth) subsequently filed a bill intended to solve the phenomenon. He asked for a study to determine whether funds from the unemployment compensation fund can be used to encourage employers with job openings to hire people at higher starting rates than they can afford.

Meanwhile, a plan is underway to make the division of Employment Security responsive to both the jobless worker and the employer.

Directing the division'a face-lifting is Richard C. Gilliland, a 36-year-old Iowan who retains a drawl from the days he worked as industrial relations manager for Dupont in Texas.

Formerly deputy regional manpower administrator for New England, Gilliland was tapped by Secretary for Manpower Affairs Mary Newman to become the head of the state's employment division.

The effort to revamp DES, which has a large number of career-oriented employees, has caused some stormy days within the division. Gilliland has brought his own people in to executive posts, hiring them outside of the civil service system.

He implemented an investigation team to check on employee efficiency and service, and ordered an $80,000 report from the Booz-Allen company on reorganizing the division.

Gilliland appears dedicated to making the division a more workable component of state government.

"You can't separate unemployment and manpower from economic development," Gilliland said. "The only way to solve unemployment is to create jobs. We've got to use our imagination."

One major emphasis in the DES reorganization plan is to shift from a centralized operation to a regional one by setting up offices throughout the state to meet total manpower needs.

In addition, greater coordination between the employment security and unemployment functions is planned, so that persons drawing unemployment compensation are exposed to all job openings. Legislation has been filed for the first time by the Division to make the disqualification provisions for persons who quit jobs more stringent. Another measure would reduce staff time by allowing unemployment checks to be issued biweekly.

Administratively, Gilliland aims to crack down on fraud. One method is the cross checking of unemployment compensation claimants with Social Security records.

Unemployment compensation taxes paid by employers, Manpower Development Training Act funds, Work Incentive Program funds, and veterans' programs all channel money into the division. The state pays DES $150,000 to distribute welfare checks in the DES-Welfare work-inducement system. To administer DES services, the Federal government gives the state $50 million.

One of the closest monitors of the DES is the Associated Industries of Massachusetts. Many of the suggestions for tightening up DES administrative procedures and for filing legislation evolved from the series of joint meetings held throughout the state by AIM, the division, and employers.

AIM's legal expert on the unemployment compensation program, William J. McCarthy, said that Massachusetts ranks 50th among the states in disqualifying claimants under regulations requiring benefit recipients to be actively seeking work.

McCarthy also notes that part of the division's problem is the low priority status the employment service has in Federal funding.

Only 0.1 percent of the nation's manpower funds apply to this task, he points out.

Because Massachusetts employers are underwriting $6 million worth of unemployment checks a week, the cost impact on the employer community and the entire economy is obvious.

A definition of what is "suitable work" is essential to stem existing abuses, according to McCarthy.

Also needed, he believes, is a closer coordination between the employment service and the multitude of employers seeking help. A more personalized division-employer relationship should be developed to aid this process, McCarthy said.

He proposed that employer requests for jobs placed with DES be promptly answered and that only qualified individuals (those who match the exact job qualifications of the employer) be referred by the division.

"All of these things are essential because our studied observations of the operations of the division have indicated quite clearly that they are not now being provided," McCarthy said. "The DES service does not match the job needs of the employer and the interest of the jobless claimant."

All of the criticisms against the division's operations are being taken into consideration by Gilliland under the reorganization of the agency.

"I advocate a more efficient unemployment insurance policy," Gilliland says. "I acknowledge fraud and the fact that there are people taking advantage of the system. Unemployment insurance is also competing with low-wage employees. I don't deny this."

The answer may be a wage supplement, or a tax incentive, he believes. The state's employers are being asked to help through loaning executives for staff training, job matching and computerization.

"The public employment agency (DES) can play a major part in the economy—we can overcome our negative image," Gilliland concludes.

## STUDY OF MILITARY SPENDING IN THE SOUTH

### HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. YOUNG of Georgia. Mr. Speaker, in the first issue of its quarterly journal, Southern Exposure, the Institute for Southern Studies has published a report on military spending in the South.

Factual material brought out in this report suggests the peril of excessive dependence on military expenditures—especially at a time of cutbacks in military installations and, hopefully, conversion to a peacetime economy.

The institute has found that the South, with 26 percent of the Nation's population, received 38 percent of the Defense Department's procurement budget for fiscal 1971. One in 14 southern workers were employed by the Pentagon or by a private supplier of military goods and services, compared to 1 in 20 for the rest of the Nation. In 1968, more southerners were supported by defense-related jobs than in the region's huge textile, apparel, and synthetics industries.

This report, in my judgment, underscores the need to find alternative uses of resources which have been devoted to military purposes that are increasingly unjustified. I hope that defense-oriented industries will be giving more attention to providing employment and using their expertise toward the solution of domestic problems—such as outmodel transportation systems, inadequate education, delivery of health care, air and water pollution, and urban development.

I, therefore, insert for the RECORD the introduction of the report published by the Atlanta-based Institute for Southern Studies in the spring, 1973, issue of Southern Exposure:

SOUTHERN MILITARISM

INTRODUCTION

Time was when the only way for a poor southerner—black or white—to escape the region's poverty was to join the Army. Now, if he's lucky, he can get a job in a defense plant in one of the small, rural towns that punctuate the southern landscape. Or he can still enlist. Or if he has enough cash to live on for awhile, he can go to a New South metropolis and look for a factory or warehouse job; but even here, he would likely find himself working in an industry that got (or gets) its stimulus from the demand of nearby military bases or far-off wars.

Except for the Far West, the South, more than any other region, has built its economy on the military dollar. In 1968, one in fourteen breadwinners in the South were directly on the Pentagon's payroll or on the payroll of a private supplier of military goods and services. That compares with one in twenty for the rest of the nation. Regionally, it means if you added all the employees in the South's gigantic textile, apparel and synthetics industries, you'd still have to add 200,000 workers to reach the number of people in defense-related jobs. That's a lot of people—over 1,600,000—and figuring in their families and the people who live by servicing them, that is even more votes for continued military spending.

The South's inordinate dependency on the federal military dole didn't happen overnight, of course. Over the past three decades, the region has slowly grown to industrial maturity with the Pentagon acting as its wet nurse—an ironic twist considering the anti-federalism, state's rights howl of southern politicians. Like so many other aspects of U.S. militarism, the process got its major boost with the mobilization of America for World War II. At the time, the South was literally hobbling along from hand to mouth, its agricultural economy shattered, thousands of tenant farmers and laborers out of work. Franklin Roosevelt called the region the nation's "number one" economic problem, and channelled significant relief and recovery money into the region, most notably through TVA. However, we now know that it wasn't FDR's New Deal programs, but World War II that brought the South—and the nation—out of the Depression.

From mid-1940 to mid-1945, the federal government and private industry spent $74,000,000,000 in the U.S. for capital expansion of industry, military installations and other physical facilities (e.g. roads and houses). Half this amount went to construct and equip manufacturing plants and military bases, and the South got more than its share on both counts. The southern block of congressmen were central to FDR's push for internationalism against the northern and western liberal isolationists. So partly as a political payoff, and partly because of cheap land and desirable climatic conditions, the South received 40% of the War Department's money for building military installations in the U.S. during 1940–45. Training camps sprouted up all over the southern states, particularly in the southeast from Virginia to Florida and in Texas—home of Roosevelt's 1932–40 Vice-President John Nance Garner and of Jesse Jones, the all-powerful head of the Reconstruction Finance Corporation which moved from bailing out bankrupt businesses of the Depression to funneling funds to war production plants. The trade-offs between pro-Pentagon votes and location of military bases continues today, just as the largest concentration of both remains with the South. In 1971, 40% of America's shore-side military personnel were stationed in the South—and that doesn't even include the Virginia suburbs of Washington where the Pentagon itself and several other installations are located. Today, as a legacy of WWII, hundreds of thousands of people and dozens of Southern cities are economically strung out on the military base dollar.

Providing the soldiers and servicing the bases were important war contributions for an under-industrialized South, but the region also managed to capture its share of war plants. Roosevelt favored putting shipyards in the South, and reinforced the National Resources Planning Board's recommendation to locate war plants in "low-income areas" where "large numbers of workers . . . available for unskilled work or for training" needed "supplementary employment." Receiving 22% of the public money spent for manufacturing plants during the war years, the South managed to get more relative to its pre-war portion of U.S. industrial production (15%), but less relative to its population (28%).

By 1945, the government had spent nearly as much in five years on southern war plants as had private business for the region's existing plants, thus nearly doubling capital investment in southern manufacturing. Of course, a large (26%) portion went for building ammunition plants, which had dubious conversion value in the eyes of private industry; but twice as much went into the oil, coal, related chemicals, and the aircraft and shipbuilding industries.

The government financed what became the growth industries in the southern states: it built the shipyards that are now operated by the largest industrial employers of Virginia (Tenneco's Newport News Shipbuilding), Mississippi (Litton Industries), and to a lesser degree, Louisiana (Ogden's Avondale Shipyard), as well as other giants like Florida's Jacksonville Shipyards. The public also paid for the aircraft plants of Georgia's largest industrial employer (Lockheed) and those now used by top employers in Texas (General Dynamics and LTV Corporation), South Carolina (LTV's E-Systems), and Alabama (City Investing's Hayes International). And the government built such enduring and significant employers as Arkansas' Pine Bluff Arsenal, Huntsville, Alabama's Redstone Arsenal, Texarkana's Lone Star plant, the Milan, Kingsport and Chattanooga, Tennessee Army Ammunition Plants, and the Radford Works in Virginia. Finally, the oil and, less significantly, the coal industries of Texas and Louisiana, Kentucky and West Virginia got a tremendous spurt at public expense and continue to be the backbone of industrial growth in those four states, as the aircraft, shipbuilding, and ammunition industries have been for other areas.

Significantly, these same manufacturing lines continue to expand with the help of Department of Defense (DoD) purchases. In 1971, the South provided the Pentagon with 52% of its ships, 46% of its airframes, 42% of its petroleum products, 62% of its coal and other non-petroleum fuels, and 27% of its ammunition. There is certainly no lack of evidence that these industries are rightfully "public property" and their facilities thus open to the demand for public management for the public good.

In addition to beginning the process of federal military dollars providing the capital for industrial growth in the South, World War II also pulled thousands of people from the Piedmont farmland, the piney woods and the mountains, from the Texas prairies to the Carolina coasts, into factories for the creation of an industrial labor force. At the peak of World War II in 1944, the South had 60% more workers in manufacturing jobs than in 1939, and even with the 1946 post-war cutbacks, the region emerged with a 40% increase over the 1939 level. That's not quite as great as the expansion in such industrialized states as New York, Michigan and Ohio (although Texas had a greater gain than even these giants), but the significance of industrial expansion under public sponsorship was greater in the South because the region had so little to begin with.

The federal government literally created an industrial work force, trained a new breed of business managers, and built the factories in which the two groups cooperated for mutual benefit and the good of society, or so they thought. Liberal southern leaders were particularly delighted with this industrial development, and they pushed for maximum use of these war by-products as a means for raising the region's standard of living. Their perspective could be clearly seen in a report by the National Planning Association's Committee of the South on converting publicly built plants to private ownership: "The skills and habits of mind which southern labor and management absorbed during the period of intensive work with war industrial facilities are perhaps more important assets than the plants, for upon the skills can be founded a permanent, efficient, growing industrial structure to use the abundant resources of the area."

But the pace of expansion was not as spectacular as these men would have liked. The pipeline to the Pentagon's billions fell to a moderate trickle compared to the wartime gush, and it took most southern states six to ten years after the war to get their manufacturing work force back up to the 1944 peak. Even so, this rate of expansion was respectable, considering the fact that industrialized New York, Michigan and Ohio have still not regained their war time peaks.

But for the South, as for the nation, the next real period for industrial expansion came with a new liberal Democratic president, and the reassertion of the Keynesian policy of federal spending to create jobs and stimulate growth. Kennedy and McNamara and their advisors consciously used Pentagon funds to expand the economy, with some attention to depressed areas. "The federal budget can and should be made an instrument of prosperity and stability," JFK told Congress two weeks after his inauguration. From 1961 to 1969, in almost every southern state, the number of industrial jobs grew



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at 2½ to 3 times the pace of the 1950's. And in almost every case, the defense-related electronics and electrical equipment industries combined with each state's special military contribution (like shipping or aircraft or ammunition) to lead a period of unprecedented growth—and inflation.

Once again, the military taxpayer's dollar was the fuel for southern industrialization, and this time it lasted long enough to stimulate growth in personal income and consumer industries all across the South. Even as Business Week proclaimed the South at the "take-off" point in economic development, the region was increasing its share of Pentagon contracts up to 38% of the national total in 1971. Once again, many liberal leaders are encouraged by this industrialization, interpreting it as a means to raise the region's standard of living, to allow blacks and unions access into industry and to break down the provincial attitudes of southern politicians and businessmen. Unfortunately, such a perspective fails to recognize two critical points: First, the industrial south's dependence on the federal military dole is deepening the push from this region, not for humane domestic programs, but for a continued nationalistic foreign policy, and a policy of growth that is both stimulated and secured through massive military spending. Secondly, there are alternatives for economic development which would be much more consistent with the use of public funds to finance industrial growth—namely, the control of those industries by the public and the use of funds for public benefit rather than private accumulation.

The theory that public money dumped into private industry helps the "common man" by expanding the economy is fast becoming unmasked as a tragic farce and an ecologically disastrous policy. It is utterly absurd to applaud the inclusion of the poor southerner in an economy that is rushing the whole world to its death. To have the volunteer army and the weapons factories staffed by poor folks may not be a deceitful conspiracy by the ruling class, but it is certainly not progress.

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WHAT COULD YOUR TAX DOLLARS BUY?

At today's cost of $200,000:

1 Vulcan 20mm. cannon used extensively on aircraft in Indo-China, or

Construction of 13 low-cost housing units with two bedrooms each.

At today's cost of $446,000:

10 B–52 bombing sorties in Indo-China, or

Construction of a 22-bed nursing home in Estill, S.C.

At today's cost of $1 million:

1 Huey helicopter, or

Construction of a 2-story public health center in Decatur, Alabama.

At today's cost of $100 million:

1 DD–963 destroyer, or

Unfunded applications for federal housing assistance in Arkansas as of November, 1971.

At today's cost of $1 billion:

1 Nuclear powered aircraft carrier, minus supporting equipment, or

Salary for 100,000 elementary school teachers at $10,000 annually.

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## POLISH CONSTITUTION DAY

### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. HELSTOSKI. Mr. Speaker, the Polish Constitution Day of May 3, 1791, constitutes a landmark in the history of Poland of such great importance that it is a privilege and an honor to join with my colleagues in commemorating this historic occasion. What place, therefore, could be more appropriate than these halls of Congress, the very nerve center of American constitutional democracy, to commemorate the adoption of the Polish Constitution and to pay tribute to the Polish nation and its people at home and abroad?

America and Poland have long been friends, and that friendship strengthened by time has for decades served as a real source of mutual inspiration and mutual understanding. America has profited greatly by this happy partnership.

In the last quarter of the 18th century, when our small Nation was convulsed by revolution, Poland sent two of its most gallant patriots to aid us in our cause. Their exploits need no recounting; we know them well. Long have they—their deeds and their ideals—become a part of our heritage, and whenever Americans reflect upon the benefits of democracy and whenever they proclaim to the world the blessings of the American way of life, they are simultaneously paying tribute to Poland's great sons of freedom, Pulaski and Kosciuszko.

Since the days of the American Revolution, the contributions of Poland to America have been so great that they might well be termed inestimable. At the end of the 19th century and during the early 20th century, America's great industrial order was being created.

During the period men came from Poland who helped to build it. Today, the sons of these Poles play a large part in the sustenance and growth of this industrial order so vast and so powerful that it is regarded as a fundamental source of America's supremacy as a world power.

The contributions of the Poles and their descendants to American society are not, however, limited to the industrial field alone. By no means. Today, the sons and daughters of American Poles are found in the ranks of America's professional groups, serving with great merit and distinction in medicine, education, law, and politics.

The significance of Poland's contribution to America is not fully realized, however, until one considers the contributions made in World War II by the sons of Poland. These men knew no sacrifice too great to bear so that freedom would survive in its struggle against militarism and tyranny. Those who walk through the battlefield cemeteries of Normandy, Anzio, and Iwo Jima will find mute testimony to the courage and devotion of Poland's American sons to the cause of freedom.

The firm links that bind Poland and America as historic friends will not be easily separated. Forged by the unfathomable forces of history, those links of friendship have been reinforced through the years. In spirit and sentiment, moreover, the destinies of America and Poland, so long steadfast defenders of freedom and constitutional democracy, are no more separable than their historic friendship.

The spiritual and political ties between the United States and Poland are strong bonds. When the Polish Constitution was adopted 182 years ago, it marked the milestone for democracy in Europe. It had about the same effect as did the efforts of our own America and France in breaking the age-old system of one-man or class rule. It was a very definite step toward the recognition of the basic right of a people to be free.

Unfortunately, the adoption of this new form of government did not end the trials and tribulations of this great land and its people. The sinister influences of greed and aggression which have characterized her neighbor throughout the centuries and her inability because of her geographical and physical makeup to ward off the constant encroachment and attacks by her neighbors, brought about the further partitioning in 1836. Notwithstanding the continuing burdens of foreign oppression, the stalwart Poles never gave up their quest for freedom and independence. There has remained within the hearts and minds of Poles throughout the years the undying belief and determination that their culture, their patriotism, their democratic principles would ultimately triumph and that they would be permitted to live within their rightful borders in peace and tranquility.

This annual commemoration of the Polish Constitution provides a way for all those who believe in freedom to pay tribute to the men who forged the inspiring document, and also to those brave souls who through the years have sacrificed their lives so the ideals embodied in the Constitution of 1791 might take root and prosper.

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## REPRESENTATIVE LENT SPEAKS OUT ON WATERGATE

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. LENT. Mr. Speaker, the events and developments of the last several weeks surrounding the reported "Watergate incident" have left me sickened. This blatant breach of fair campaigning and criminal conduct has cast a cloud of suspicion over our Government, and I join my many Long Island constituents in deploring this activity. It has shown us the worst in American politics, and I firmly believe that we in the Congress must, by hard work, tireless representation, and the highest conduct, strive to overcome this black mark on American democracy.

Mr. Speaker, I would call upon all of my colleagues here today to join with me in pledging that future campaigns will be free of these disdainful scars, and that each and every one of us who seeks office in the future will always be mindful of our trust in conducting above-board and honest campaigns.

It is only in this way, Mr. Speaker, that we can restore a measure of decency to American politics which has been too tarnished by the events of the "Watergate incident".



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## TIMES EDITORIAL APPLAUDS MODERATE WAGE SETTLEMENT

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, we are all aware that prices are skyrocketing. The newspapers are full of stories on the subject. Our constituents have burned our ears with horror stories about the soaring cost of living.

But what is happening on the other side of the fence? What is happening to wages? An editorial in the New York Times tells about one recent instance in which a major labor union reached an anti-inflationary new wage settlement that kept within the old phase II standard of a 5.5-percent increase.

The United Rubber Workers apparently made a conscious decision to keep their new pact within the old phase II standard, realizing that excessive wage increases ultimately contribute to increasing prices.

I applaud the union for agreeing to this responsible new labor contract, but I concur with the Times in noting that we cannot expect labor to continue to exercise such restraint if prices continue to skyrocket.

The editorial follows:

WAGE MODERATION

Despite the runaway climb of food prices and other living costs, major wage settlements are still being negotiated without strikes at levels close to the anti-inflation guidepost established by the now-dismantled Pay Board. The latest example of this moderation is the three-year agreement between Goodyear and the United Rubber Workers, a union with a long tradition of militancy.

The pact, which calls for increases in line with the Phase 2 standard of 5.5 per cent a year, is expected not only to set a pattern for other tire manufacturers but to improve the chances for peaceful resolution of pending contract talks in electrical manufacturing and in trucking. If these talks and others to be held later in 1973 wind up with settlements comparable to the one at Goodyear, organized labor will have earned commendation for its contribution to the war on inflation.

Workers and their union leaders may have become convinced, after their many rides on the inflationary roller coaster in the last thirty years, that there is no benefit for them or their families in illusory pay increases that are quickly gobbled up by even bigger price increases. But the socially constructive restraint labor is showing cannot last forever if prices keep skyrocketing in the face of union willingness to hold the line on wages. In the last five months the purchasing power of the average worker's weekly pay, after allowance for higher prices and taxes, has gone down by $2 even though he is getting $2 a week more in gross earnings.

That shrinkage of real wages in a period of high profits and tightening labor markets increases the obligation on the Administration to move away from the permissiveness of Phase 3 into a reactivated drive to check the upsurge in prices now spreading to all segments of the economy. The Commerce Department reports that the price of industrial materials shot up 8.2 per cent last month, a rise sure to be reflected in the cost of thousands of consumer products.

Promises of a leveling-off in food prices keep receding deeper into never-never land, with floods ruining crops and a Government ban on use of the cattle-fattening hormone DES threatening to push up the cost of beef. Even the welcome news of a sharp drop in the foreign trade deficit for March contained a bitter element for American food buyers. Much of the trade improvement was attributable to a rise of $180 million in agricultural exports, another contributor to keeping domestic food costs high. By way of counterweight the President ordered a 50 per cent increase in cheese imports, an overdue rebuff to dairy-lobby pressure against relaxed quotas.

When Congress returns from its Easter recess Monday, with extension of the expiring Economic Stabilization Act at the top of its agenda, it ought to find waiting a comprehensive statement from the President on his plans to restore equity to the control program. Not all of the existing imbalances can be corrected through such action—tax reform represents a needed additional device for cooling the economy—but the moderation that labor is now exercising makes effective price restraint a priority job for Government.

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## TRIBUTE TO THE WEST HIGH SCHOOL BAND OF TORRANCE, CALIF.

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. ANDERSON of California. Mr. Speaker, when one says "southern California" people in other countries usually think of the sandy beaches, the surf, and the movie studios.

Those of us who live in southern California realize we have these things, and much more. Our diversity and culture play an important part in our everyday living.

I am very pleased that some of our young adults, members of the West High School Band of Torrance, Calif. will have the opportunity to display these outstanding qualities when they travel to Europe this summer to play in concert.

Recently, the West High Band was invited by M. Daniel Perrin, of l'office de Tourisme de Geneve, to be the representative of the United States of America at the well known international Fete de Geneve in August.

The West High Warrior Band is directed by Mr. Ronald J. Large. Mr. Large has been at West High for 11 years, and has worked long, hard hours to help make the band one of the best in California and the Nation alike.

The Warrior Band has received numerous awards and has achieved honor in the South Bay Spirit Festival, the Lomita Parade, and the South Bay Tournament. In 1972, the band was awarded first place in both the Santa Monica Band Revue and the Boy Scout Parade. Drum major Frederick Di Lucio received the top award in the State of California for drum majors.

During the Geneva Festival, the West High School Band will be televised internationally with a band from Czechoslovakia. Then, they will proceed to tour throughout Europe, performing in Lucerne, Heidelberg, Luxembourg, Florence, and Paris. Thousands of Europeans and travelers will have the delightful opportunity to hear these talented performers play concert and half-time music.

The band members have not only shown their talent for music; they have also displayed boundless energy and dedication by selling candy and magazines in order to buy new band uniforms.

Mr. Speaker, music is one form of art that individuals throughout the world experience and enjoy. I am very pleased that our friends in Europe will soon be able to hear and enjoy this band of which we in the South Bay area are all so proud.

At this time, I would like to express my best wishes to this deserving and talented group. Southern California will soon be known for its diversity and culture—thanks to fine representation by the West High School Band of Torrance.

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## ANOTHER VIEW OF THE ENERGY CRISIS

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. DINGELL. Mr. Speaker, there are innumerable articles being printed regarding the energy crisis and a recent one to which I direct our colleagues' attention appears in the May 8, 1973, edition of World magazine. It is entitled "The Energy Crisis: A Radical Solution," and is written by former Interior Secretary, Stewart L. Udall.

I include the text of this article at this point in the RECORD:

THE ENERGY CRISIS: A RADICAL SOLUTION

(By Stewart L. Udall)

The energy crisis in the United States will do more to disrupt and change the American way of life than any other ongoing domestic problem confronting the nation today. Because of it we face, in the near future, severe restrictions in areas of everyday life that Americans now regard as inviolate: automotive travel, including the size and horsepower of our cars; air travel; even home heating. By whatever means necessary, we must end the scandalous waste of our energy resources.

At the root of the energy crisis are our runaway demands for oil, natural gas, and electricity. These are our principal sources of energy (oil and gas currently sustain three-fourths of our total energy needs), so it should surprise no one that the oil and electric power industries are having trouble keeping pace with the gargantuan demands of consumers. U.S. energy consumption has doubled every ten to twelve years.

It was this inexorable, greedy growth—the rapid-fire doubling and redoubling of so-called consumer needs—that put the producers' backs to the wall this past winter and gave many homeowners, cities, and industries a preview of the energy crisis. But did this preview during a very mild winter force government and industry leaders to face up to the impossible tasks before them? At this point there is no evidence that it did. I believe, however, that another crunch

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will force us to confront the energy dilemma and begin the necessary reforms.

To those of us who are concerned with the energy situation, President Nixon's policies are a severe disappointment. The President is a supporter of the Alaskan pipeline. He acts on the assumption that increases in oil imports from the Middle East will tide us over until we can crank up enough petroleum and coal production to fill the so-called short-term gap. The President and his advisers are technological optimists. They are willing to rely temporarily on Arab oil because they believe a fresh burst of American know-how will provide the fuels we require. Expansion of the GNP is their Holy Grail, and it is almost heretical to suggest to them that consumer demands should be dampened.

Mr. Nixon favors decontrolling natural gas prices at the wellhead—a dubious step that might produce modest increases in gas production and could increase the cost of gas. He is also believed to favor government subsidies for research seeking to increase the supply of gas derived from coal. He favors drilling on the continental shelves, particularly along the Atlantic coast.

As to the longer term, Mr. Nixon has already declared his support of the breeder nuclear reactor as the big work horse of the 1990s. It is therefore a safe bet that he will move to slacken federal air-pollution and land reclamation standards so we can mine and burn more coal until nuclear power supposedly rides to the rescue.

We can expect the President to issue rhetorical calls for energy conservation. I am skeptical, however, that he will propose any hardnosed laws or measures that would force individuals and industries to change their consumption patterns and curtail the scandalous waste of U.S. energy.

If U.S. consumption and production trends are put in a global perspective, the nature of the current crisis is apparent. Annual increases in oil consumption are now so enormous that in the 1970s alone the nations of the world will consume as much oil as was used in the hundred years from 1870 to 1970 (and these projected global demands are scheduled to double again in the 1990s unless consumption patterns are altered). In 1972 the 6 percent of the planet's inhabitants who live in this country used nearly 40 percent of the total energy consumed in the entire world. Two hundred nine million Americans use about as much energy for air conditioning alone as the 800 million mainland Chinese use for all purposes—and Americans waste each year almost as much energy as the Japanese (105 million people) consume annually.

These are alarming statistics, particularly for a nation whose consumption is accelerating so rapidly. They would seem to invite agonizing reappraisals by high-level executives and sharp changes in our energy policies. But our national leaders appear to be inclined to belittle the crisis.

These policies will please the oilmen. They are bullish about further U.S. exploration; they still believe drilling crews will come up with a few "big strikes" that will bail us out. The discovery and rapid depletion of U.S. reserves (what some critics call a "drain America first" policy) has been their basic business approach for more than half a century.

The electric-power industry is locked into an even more difficult situation. Unlike oil, electric power is not a free-wheeling industry. Power companies are regulated monopolies required to provide service to the public on demand. Nevertheless, since World War II the electric-utility industry has been remarkably successful. Principally by building larger and larger generating and transmission facilities and by achieving economies of scale, power companies have kept electric costs low and their profits high, and they have managed to stay ahead of the burgeoning demands of their customers.

But the negative side of this scale-up of technology has finally begun to catch up with the industry. Large generating plants mean huge concentrations of pollution, and computerized technical systems have created a mechanical house of cards that can suddenly collapse—as the 1965 Northeast blackout demonstrated. (Only last month another power plant failure—this one involving a nuclear unit—caused wide-spread disruption and at least one death in south Florida.) As their land-use plans increasingly collide with the plans of conservationists, the electric utilities find themselves on a Procrustean bed with their own voracious expansionism pulling in one direction and an aggressive environmental movement pulling just as vigorously from the other end.

Because they are forced to play a "backstop" role when crises are encountered, the utilities face additional pressures. As natural-gas supplies dwindle, home builders are turning to all-electric construction. The trend toward monstrous, "climate controlled" megastructures puts enormous new loads on already strained facilities. (New York's twin World Trade towers, for example, will require as much electric capacity as the entire city of Schenectady.) To make matters worse, the deterioration of urban environments is causing more and more people to keep the air conditioning on—not just to stay comfortable on the hottest days of summer but to insulate themselves twenty-four hours a day from omnipresent noise and air pollution.

The electric utilities are, in large measure, the architects of their own troubles. Over the years their leaders have been shortsighted and sluggish. Most companies have spurred their own expansion by encouraging the wasteful use of electricity. Until very recently their aggressive salesmanship ("all-electric living is better") gave bonuses to home and office builders who designed profligate electric "loads" into their construction plans. Their rate structures—the more you use, the less it costs—encouraged wasteful consumption. And their misplaced priorities led them to spend five times as much on promotion as they did on research and development.

The oil and electric industries are now the sick Siamese twins of our energy economy. America's cheap energy joy ride is over. The federal government must call the shots and make the critical decisions. As a start, it must promulgate and enforce a farsighted, all-encompassing national energy policy. Such a policy will not work if it ducks the tough issues or concentrates on increasing the supply of energy without making strenuous efforts to reduce consumer demands.

The high-risk approach of the oilmen—what I call the "dig and drill policy"—is unacceptable. The stakes are too high for us to gamble on emergency programs to fill so-called temporary gaps that are widening daily. The alternative pressed upon us is that we mortgage our energy system to oil imports from a few Middle Eastern countries. This would involve a cost, by 1983, of more than $24 billion a year, which would be disastrous and—given the volatility of some Arab States—politically risky.

Is there no way to avoid these two unpalatable options? Of course there is: by conservation of our energy resources. We cannot come to grips with the real issues until we develop policy guidelines that tie us to an ethic of national thrift, and gear up a huge research effort that will produce environmentally sound solutions to our long-term energy requirements. These policies must embrace: an approach to resources that emphasizes conservation and de-emphasizes consumption; a series of transportation reforms that will save vast quantities of energy; tax and other incentives—rationing, if necessary—to reward efficiency and discourage waste; and the development of alternative energy sources that will reduce environmental risks and enable us to achieve energy self-sufficiency.

This search for alternative sources, now in low gear, must receive the kind of support we gave the space program in the 1960s. It should include:

Exploration of the feasibility of fusion power and the fast breeder nuclear reactor. As the name implies, the breeder reactor will produce its own fuel—plutonium. This is the stuff hydrogen bombs are made of, and many scientists have grave doubts about the safety of the process. Fusion power would produce energy by fusing atoms. The technology for it does not exist and perhaps never will. As a long-shot research venture, however, it might come up with a superior solution to one part of the energy crisis.

Perfection of technologies that will reduce the enormous waste involved in electric generation and petroleum extraction. More than half the potential energy from these two crucial sources is lost in the process of production. Big improvements are possible.

Development of techniques for storage and use of solar, geothermal, and tidal energy. Solar energy is free, clean, and virtually limitless. Small, home-serving solar cells would have zero environmental impact (ZEI). Like windmills, they would deplete nothing and pollute nothing. Geothermal sources (geysers and earth heat) could make a contribution in some areas of the country. The tides are another form of free energy. They could play a minor, supplementary role. (Even wind can be an important supplementary power source for farms and houses.)

Development of new transportation systems that are efficient and low-polluting. Engineering endeavors ranging from urban bikeways to 250-mph air-cushion trains can revolutionize modes of mobility in this country.

Exploration of hydrogen as a versatile gas to replace the fossil fuels. This technology may require too much electricity to be feasible. Like fusion, it may be impossible, yet it could be a cure-all.

While these efforts are under way, the paramount task is to mount a wide-ranging energy-conservation program. This program would reduce pressures on all energy industries and make our fuel problems more manageable. Full-scale measures could conceivably reduce future fuel demands by as much as 50 percent. We must adopt rational economies now before millions of Americans experience needless inconvenience and suffering.

In transportation, gasoline consumption should be reduced 50 percent by cutting auto travel in half. It will take time to achieve this objective, but for the present, rationing, car pooling, and/or a doubling of gas prices at the pump would force changes in Americans' extravagant travel habits. Crash efforts to develop cheap, pleasant, convenient mass transit and intercity passenger services would also lead to enormous economies.

The minicar is a must. By imposing stiff taxes on oversized autos (a practice already in effect in some Western European countries) and by forcing reductions in the weight, size, horsepower, we can double the miles-per-gallon performance of private vehicles. By building fast trains between major urban centers, we can make big reductions in interurban traffic, eliminate short-haul airline services, and thereby achieve major energy savings. Additional fuel savings are possible if we insist that airplanes fly with nearly full loads, thus paring wasteful duplication by competing airlines. The point here, as in other areas of the energy problem, is that personal convenience must be sacrificed to conservation.

In electric power we can increase the efficiency of generation plants at least 20 percent with combined cycles and magnetohydrodynamics—two engineering advances that will stretch the effective use of steam. We can also invert current rate structures to reward thrift and prod gluttonous users into scaling down their fuel requirements. (Alcoa recently patented a new process that will cut the electric-power consumption of aluminum plants by one-third, demonstrating that a major fuel user can reduce its own usage.)

On the residential front we should use natural gas, not electricity, where supplies of gas are available; gas, being a fuel burned directly, is twice as efficient. We can adopt stiff taxes that will force all energy-wasting appliances off the market. We can provide a safe substitute for gas pilot lights, which use nearly half the gas consumed in homes. And we can even eliminate such extravagances as central heating. Yes, extravagance: I grew up in a house with cold bedrooms and suffered no ill effects, and the same is true for millions of other Americans.

Our houses need much better insulation to keep the energy-supplied warm or cool air inside. The glass boxes that we now use for office buildings require year-round, artificial "climate control," largely because the windows cannot be opened; merely opening windows would allow us to "control" our inside climate naturally on perhaps one-quarter of the annual workdays.

These are only some of the steps that should be taken to depress energy demands that are profligate, or at least unessential. Wherever needed, laws, building codes, and tax incentives should be enacted to further these objectives. Many of the steps are politically unfeasible at present, but I predict that their implementation will soon become imperative.

In short, the era of "cheap power" is over; a new era of energy thrift must be inaugurated. I am convinced that we can combine conservation and technology to redefine progress—and produce lifestyles that will be leaner and more fulfilling. In the words of Gandhi, our slogan should be: "There can be enough for everybody's need, but not enough for everybody's greed."



## THE PUBLIC HEALTH SERVICE HOSPITAL BILL

### HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. ADAMS. Mr. Speaker, on April 12, I introduced H.R. 6881 to insure that the Public Health Service hospital in Seattle, Wash., be maintained and operated as a hospital. I did this because of the vital role that the Seattle Public Health Service hospital plays in health care delivery for our community. At that time I offered to reintroduce the bill and invited my colleagues who have districts affected by the HEW plan to close down the Public Health Service hospital system to join me and include their hospitals in the provisions of the bill.

Today I am reintroducing H.R. 6881 and adding to its provisions the Public Health Service hospitals in New Orleans, La., Baltimore, Md., and San Francisco, Calif. As you know, the closure of the hospitals in Norfolk, Va., and Staten Island, N.Y., are not included in the plan that HEW submitted to Congress on March 28—although they will be included in another HEW plan to be submitted at a later date.

We are all very concerned that the proposed closure of these hospitals will result in a denial of health care to many of our constituents as well as a drastic increase in the cost of care for those hospital beneficiaries who can be served by other facilities. We urgently request that Congress take note of our concern and direct the Department of Health, Education and Welfare to abandon their intention to dismantle the Public Health Service hospital system.

## SUPPORT OF AGRICULTURE

### HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. McSPADDEN. Mr. Speaker, to those who were in support of H.R. 6168, I would call attention to an article which appeared in the highly esteemed Wall Street Journal, eastern edition, of Wednesday, April 25, 1973, during the Easter recess of the Congress. In this article, Norman H. Fischer, staff reporter, articulates and documents facts which we of the farming and ranching areas of the United States already knew. It was a part of this firsthand knowledge of the many factors which affect food and fiber production that caused us to vigorously oppose any rollback as proposed by the amendment.

I would submit that Mr. Fisher's article would further enlighten those who are not familiar with the many facets of agriculture production, its vicissitudes, its problems, its solutions. Agriculture must produce much of the U.S. products suitable for export. Farm products of food and fiber are about the only exportable goods which can find a ready market in the nations of the world. We all know we must export because we are importing. The April issue of Economic Indicators shows exports are running well behind imports of merchandise, to the tune of almost a half billion dollars for March.

Of agriculture's problems, not the least of which, as Mr. Fisher points out, is that of nature itself. Rains which become floods, snow storms which kill livestock, ravaging winds—all completely beyond the control of man.

I urgently request my colleagues to read the article to better understand the problems of that small minority of Americans who produce the food and fiber to feed and clothe the great majority.

The article follows:

FARMERS SAY LOSSES CAUSED BY RAIN, SNOW ARE THEIR WORST EVER

(By Norman H. Fischer)

CHICAGO.—A succession of snowstorms, torrential rains and floods has wiped out close to $1 billion of livestock and crops this spring and is preventing farmers from planting this year's expected big crops. As a result, the lower food prices promised by President Nixon and others for late summer or early fall might not show up until much later—if at all.

Along with unprecedented demand, bad weather has been a major factor in high food prices. The adverse weather started last fall, causing long delays in harvesting; in fact, some of last year's crops of cotton and soybeans are still in the fields. Farmers couldn't do their normal fall fertilizing and cultivation, which meant a double dose of work has to be done this spring if additional acres are to be brought into production.

But in the past several weeks, unusually wet and cold weather has hit much of the farm belt, with these results:

Fruit and vegetable crops have been severely damaged. Onions, potatoes, peaches and apples are among the items that either already are scarce and costly or soon will be.

Thousands of cattle and calves have been killed by snowstorms or by being bogged down in mud. This loss will reduce the number of cattle coming to market later this year and two years from now.

Wet fields are still too soggy to do much plowing or planting. Farmers say they are fast approaching the critical period when they need to get in the fields to plant such important crops as corn and cotton. If they don't, they said, fewer acres than expected will produce lower yields, which would push grain, cotton and livestock prices even higher.

SOME HAVE GOOD YEAR

Not all farmers are suffering from bad weather. In the northern Great Plains, for instance, seeding of spring wheat, oats and other grains is ahead of schedule. And the rain and cool weather have helped make pastures especially lush this year. But for the most part, the weather has been bad news for farmers and consumers alike.

"We've probably had the worst winter with the greatest impact in history," says a spokesman for the American National Cattlemen's Association in Denver. Since last November, the trade group estimates, 250,000 head of mature cattle have been killed by storms. That is the biggest numerical loss in about a century; it has unprecedented price impact now because each animal produces much more beef than 100 years ago and because beef prices are buoyed by strong demand.

In all, about 120 million pounds of beef has been lost, not counting losses from bad storms in Wyoming and Montana late last week. That would be worth $156 million at retail and amounts to about half a week's national beef production. In addition, many cows and calves were lost. It will take ranchers a couple of years to replace these animals, and that means a longer time will be needed to catch up with the steadily expanding demand for beef and other meats.

The spokesman for the cattlemen's association says he has counted 34 storms in the Denver area since November, sharply above the 10 to 12 storms during a normal winter. Some of them have been extraordinarily severe, which has exacerbated livestock losses.

HEAVY IOWA LOSSES

On April 8 and 9, for instance, Iowa was hit by a storm with winds of up to 60 miles an hour that dropped nine inches of snow over most of the state and up to 19 inches in some places. The storm killed 365,000 livestock animals, including 107,000 cows, calves and steers; 214,000 turkeys, most of them eight to 10 weeks old; and 44,000 hogs, sows and pigs. Some experts said it was the biggest loss from a single storm.

Another kind of bad weather—unseasonable spring cold snaps—has crippled this year's production of many fresh fruits and vegetables. For example, Georgia estimates that it lost as much as half its $18 million peach crop. Most of these peaches are sold as fresh produce, so consumers will be paying higher prices when reduced supplies become available in late spring and early summer. (Peaches for canning are grown mostly in the West.)

XUM

In some instances, the cold snaps followed periods of abnormal warm weather, and the reversal proved too much for the fruit crops. In Indianapolis, the temperature for the first 15 days of March averaged 54 degrees, which was 17 degrees above normal; but the first 15 days of April averaged only 44 degrees, four degrees below normal, which included some freezing weather. As a result, Indiana could lose 75% of its peach crop and 20% to 25% of its apples.

Cold weather may have cut the Southern Illinois peach crop by 85% and the state's apple crop by 50% or more, says James West, an official of the Illinois Fruit Growers Association. An official of the Michigan Fruit Canners, a trade group, estimates that as much as 70% of the state's sourcherry crop was lost to freezing temperatures. In North Carolina, some damage was reported to apples, peaches and strawberries.

DAMAGE TO FRESH VEGETABLES

Some fresh vegetables are being hit hard, too. The only onions that are marketed in early spring come from Texas. But rains there have delayed harvesting up to three weeks, and the crop is being damaged, too. Onion prices have spurted to record levels, and in some areas there aren't any onions available at all. Growers in the Rio Grande Valley are getting a record 30 cents a pound—a sixfold increase from last year—and in Chicago, the wholesale price has risen 30% from a year ago to the highest level.

Potato prices have jumped because of bad weather. A leading grade of Idaho potatoes currently wholesales in Chicago for $9 per 100-pound sack, up more than 50% from a year ago and the highest price for this time of year in about a decade. Round red potatoes are selling as high as $8 per 100 pounds, more than double the year-ago price.

Even more worrisome than damage is the possibility that continued bad weather will delay plantings. The best time for corn plantings to get the highest yields is in the next two to three weeks. The longer the rain continues, the fewer acres will be planted in corn and the lower-yielding they will be.

On the other hand, several days of drying weather would help greatly because modern equipment can perform the plowing and planting chores more quickly than in previous years. And ample soil moisture would get the crop off to a good start. But to be most useful, the dry weather has to come now.

"Farmers around here can't get their tractors out of the sheds, let alone do anything in the field," says Dale Millis an agronomist in Southern Illinois. "The soil is 100% water-saturated, and it will take two weeks of dry weather before spring tillage can begin, and even then many farmers will be working wet ground."

In Iowa, the top-producing corn state, plowing for this year's crop is only 35% completed, compared with 74% at this time last year; the average for this time of year is 71%. In Illinois, the second-ranking corn producer, plowing is also 35% completed, compared with more than 75% a year ago.

As of early this month, more than 15 million acres of farmland were under water. Much of this land is still flooded, and the rest is so supersaturated that it would take a month to dry out. Some of it may not be planted this spring at all.

Cotton is especially hard-hit by flooding. Some 500,000 acres of Mississippi River delta land, where most of the high-producing commercial farms are located, are under several feet of water. In the state of Mississippi, "in the past six months, we've received a normal year's rainfall," says Mark Freeman, executive assistant to the commissioner of agriculture.

The state had expected the planting of 1.6 million acres of cotton this year, Mr. Freeman says, but so far only 0.5% has been planted, and two-thirds of the land isn't even prepared for planting. At this time, a third to a half of the land is normally planted. "If we can't get the land planted by late May, some of it will be used for soybeans—if farmers can get enough seed," Mr. Freeman says.

The prospect of weather-reduced cotton plantings, along with strong export demand, has pushed cotton prices sharply higher. The May 1973 futures contract traded on the New York Cotton Exchange for 53.7 cents a pound yesterday, a record.

In Mississippi, Tennessee and other Southern states, some of last year's cotton and soybean crops haven't been harvested yet. Because of the prolonged wet weather, "we'll be in the position of planting for 1973 while we're still harvesting for 1972," says John Allen, an official of the Agricultural stabilization and Conservation Service in Nashville. So far, though, "we've planted very little," he says. "We're just praying for a little dry weather."

## THANKS, AMERICA

### HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. KYROS. Mr. Speaker, I would like to take this opportunity to call to my colleagues' attention the "Thanks, America" campaign currently being conducted under the auspices of the United Greek Orthodox Charities. The "Thanks, America" campaign, as the following advertisement text indicates, is a nationwide fundraising effort on the part of Greek Americans. The moneys raised will be distributed to charities across the country of all types, regardless of race, creed, or ethnic background. Sponsored by prominent Americans of all faiths and heritages, the United Greek Orthodox Charities is an organization worthy of our attention and praise.

The text of the advertisement follows:

"JOIN US IN SAYING 'THANKS AMERICA!' DURING THE ANNUAL GREEK-AMERICAN THANKSGIVING DRIVE"

We came from Vresthena & Apollonia & Kounoupediana & thousands of other places in Greece you never heard of. We came 5, 10, 50, 70 years ago because we were looking for a better chance.

We came to Brooklyn & South Bend & Boise & Des Moines & thousands of other places in America that we had never heard of. But we had heard that here we would have a better chance.

Most of us found what we heard to be true; we got our better chance. And now we're trying to express our gratitude by saying "thanks, America!" in the best way we know how.

We're collecting contributions in every state in the Union, in every community with Americans of Greek descent, and giving what we collect back to our fellow-Americans who are in need of the kind of chance we and ours were once offered.

The money collected will be distributed to charitable organizations, both nationally and locally. In addition to a number of Greek charities, the money will also go to our neighbors—regardless of race, creed or ethnic background. To a child-care center in Louisiana, an old people's home in Virginia, a drug rehabilitation center in Manhattan, the Red Cross in Washington. For all, it is our "thanks, America!"

Join us in saying "thanks, America!" You don't have to be of Greek descent. You don't have to be rich. All you have to be is thankful for the better chance you and yours were once given—and eager to pass that kind of chance on.

HONORARY CHAIRMAN

His Eminence Archbishop Iakovos.

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*Some national and local institutions supported by our national drive last year:* McInnes School for Retarded Children; Salvation Army, Hospital House; Y.M.C.A.; Sewall Easter Seals Rehabilitation Center; Chapel of Hope; Colorado State Hospital; Cooley's Anemia Foundation; United Fund; Sunday Breakfast Mission; Big Brothers; American Red Cross; All Children's Hospital; United Way; Muscular Dystrophy; American Cancer Society; Heart Fund; Boy Scouts of America; Girl Scouts, Inc.; Multiple Sclerosis Society; Myasthenia Gravis Foundation, Inc.; Kosair Crippled Children Hospital; FISH; Leader Dog School; Variety Heart Hospital; Little Red School House; Sander's School for Cerebral Palsy; Englewood Hospital; Boys' Brotherhood Republic; New York Diabetes Association; Irene Wortham Day Care Center; Lions Clinic for the Blind; Council on Aging; St. Vincent Charity Hospital; Halfway House for Drug Addition; Sickle Cell Anemia; Transport for the Handicapped; UTSA Medical School; West Virginia University Hospital; Fellowship of Light; Deborah Hospital at Brownsville; Hellenic College; National Institute of Health; Nicaragua Disaster Fund.

UNITED GREEK ORTHODOX CHARITIES,
*New York, N.Y.*

## RX FOR COMPETITION

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. ROSENTHAL. Mr. Speaker, today I am reintroducing four bills dealing with retail prescription drug price competition. They are the outgrowth of a 2-year study by my office which shows that American consumers are forced to pay over a billion dollars annually in unnecessary prescription drug costs because of prohibitions on retail advertising, overprotective patent laws, exorbitant promotional expenditures by industry and unreasonable markups.

The four bills and their cosponsors are:

The Prescription Freshness Act: This bill requires the open dating of all perishable prescription drugs, showing clearly on the dispensed product's label the date beyond which the potency is diminished or the chemical composition altered by age.

Cosponsors are: Ms. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mr. BUCHANAN, Mrs. BURKE, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DIGGS, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KOCH, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. SYMINGTON, Mr. WHITE, and Mr. WON PAT.

The Prescription Drug Labeling Act: This bill requires the labeling and advertising of prescription drugs by their established—generic—name and an end to all laws prohibiting generic substitution by pharmacists.

Cosponsors are: Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mrs. BURKE, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DIGGS, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. KOCH, Mr. LEHMAN, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. VEYSEY, Mr. WHITE, and Mr. WON PAT.

The Prescription Drug Information Act: This bill would end all State prohibitions on retail prescription drug price advertising and require the posting of prices for the 100 most commonly prescribed drugs.

Cosponsors are: Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mrs. BURKE, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DANIELSON, Mr. DIGGS, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. KOCH, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, and Mr. WON PAT.

The Prescription Drug Patent Licensing Act: This bill would make compulsory the licensing of new prescription drugs during the 17-year patent period.

Cosponsors are: Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mr. BURTON, Ms. CHISHOLM, Mr. CONYERS, Mr. CORMAN, Mr. DIGGS, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. KOCH, Mr. MCCORMACK, Mr. MOAKLEY, Mr. PODELL, Mr. REES, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, and Mr. WON PAT.



## RECLAIMING OUR ENVIRONMENT

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my Washington Report dated May 2, 1973, entitled "Reclaiming Our Environment":

CONGRESSMAN LEE HAMILTON'S WASHINGTON REPORT

RECLAIMING OUR ENVIRONMENT

Three years ago Americans observed Earth Day to contemplate the deterioration of the earth's environment and to resolve to protect and improve it.

The overriding question during these celebrations was whether ecology was a passing and unfocused fad. Today the answer is apparent as the nation has launched upon the environmental revolution.

The nation does not yet appear too different, with pollution of air and water still undiminished, and solid waste piled high. Obstacles to clean environment still remain, of course, but significant changes have come about.

The nation's commitment to a pollution clean-up is apparent in legislation, private organizations, education, international affairs, government and politics.

The governmental machinery is in place. The Council on Environmental Quality serves as the nation's environmental conscience and it is influencing governmental decisions at all levels. The Environmental Protection Agency (EPA), consolidates in a single agency regulatory powers previously vested in dozens of agencies. Throughout government there is a new emphasis on the environmental impact of decisions.

A cascade of legislation to protect the environment has tumbled from the Congress, (six major environmental measures cleared Congress in the final days of the 1972 Session), setting the goals, providing the quality standards and the penalties for noncompliance, and furnishing the money needed to continue the clean-up.

Court decisions have changed, too, making it easier now for a person to sue for the public interest (rather than a personal loss), and creating a developing body of environmental law which establishes a basic right to an agreeable environment.

In American politics environmental issues are important, sometimes decisive, in campaigns, and all politicians are responsive to environmental concerns. In international affairs, the United Nations held a conference in June 1972, with 113 nations participating, to develop a coordinated approach to world environmental problems. In the schools and universities, curriculums have been altered to instruct students on the environment. American industry has endorsed environmental reforms heartily and backed them up with millions of dollars. And between 2,000 and 3,000 environmental organizations with total memberships in the millions have sprung up across the nation.

In specific terms, here is what has happened during the environmental revolution:

Air pollution standards have been set in the Clean Air Act of 1970, and all parts of the country are to meet the standards by May 31, 1975. If necessary, the EPA can institute federal court action to insure compliance;

Waste discharged into the nation's waterways by municipal sewer systems, industry and agricultural operations will be regulated under the Water Pollution Control Act of 1972, with gradually tightening restrictions leading to "zero discharge" by 1985;

Noise pollution will come under standards necessary to protect "public health, welfare and safety" which will be issued this year by the EPA under the Noise Control Act of 1972;

Pesticide use has been limited by the Pesticide Control Act of 1972. DDT was banned for almost all purposes by the EPA which can block hazardous pesticides from the market; and

Related legislation limits the dumping of waste materials into the oceans and established a national program to protect and develop coastal areas.

Some experts, the optimistic ones at least, tell us the nation is in the period between commitment and visible progress, and that in 4 or 5 years cleaner air and water will become a reality, and that it is time for the nation to move on to a new order of environmental problems, including land use, population and energy problems.

Before a victory for a clean environment has been proclaimed, though, several counter developments ought to be assessed. Many think environmental action is being pushed "too hard." Strenuous efforts are being made to weaken standards. Apathy about the environment is still encountered, and, most importantly, the costs of clean-up are prodigious.

Nevertheless, at three years of age the diagnosis for the environmental revolution is that it is alive and well, and growing into a formidable offspring.

## HERO'S MEDAL AWARDED TO MR. GEORGE J. MAYLE POSTHUMOUSLY

### HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. CARNEY of Ohio. Mr. Speaker, recently I was advised that the Carnegie Hero Fund Commission has awarded a medal to Mr. George J. Mayle. The medal it to be awarded posthumously to his widow, Mrs. Lena May Mayle, who resides at 569 West Liberty Avenue, Girard, Ohio.

On May 23, 1972, George J. Mayle died while helping to save Belinda R. Woody, aged 5, from drowning in Bobtown, Pa. When Belinda attempted to cross a creek on a walkway of stones, she lost her balance and fell into the water. She then began drifting downstream toward a whirlpool. One of the first to arrive at the scene was George Mayle. Mr. Mayle, a 47-year-old truck driver, was subject to chest pains and shortness of breath due to a previous injury. Nevertheless, he undressed to his underwear and swam to Belinda. He held her head above water as they were swept into a whirlpool. Both Mr. Mayle and Belinda disappeared beneath the surface. George Mayle remained submerged and drowned, but the current threw Belinda out of the whirlpool and she then was pulled from the water by Mayle's brother.

Mr. Speaker, George Mayle was a true hero. He died so that 5-year-old Belinda Woody could live. No greater deed can any man do than give up his life for his neighbor.

XUM

## THE GREATEST MASSACRE EVER

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. DERWINSKI. Mr. Speaker, an objective look at history is necessary if we are to understand the complications that beset us in the field of foreign affairs. I believe it is especially necessary, at a time when there is growing interest in trade relations with the Soviet Union, that Americans understand the domestic situation within that country and its history since the advent of the Communist dictatorship. An article by the Copley News international correspondent, Dumitru Danielopol, discusses one of the tragic events of history and, in view of the commemorative anniversary that Ukrainians throughout the free world will stage this year, I feel this column has great significance.

The article follows:

THE GREATEST MASSACRE EVER

(By Dumitru Danielopol)

WASHINGTON.—It was forty years ago that Stalin sent his hirelings into the Ukraine to perpetrate one of the greatest massacres in history. Over seven million Ukrainian peasants and hundreds of thousands of other non-Russians died in a man-made famine.

In 1933 Stalin, who had become the undisputed master of the USSR after the expulsion of Leon Trotsky in 1929, adopted a policy of rapid industrialization and collectivization of peasant holdings.

"We are 50 or 100 years behind the advanced countries," Stalin told a conference of industrial managers in 1931. "We must make good this lag in 10 years."

He went to work with speed and ruthlessness. The accent was on building heavy industry at the expense of consumer goods. He proceeded simultaneous with collectivisation of individually owned farms. This policy had twin purposes; to release workers from the factories and to undermine the individualism and independence of the owner-farmer. Communism could not survive unless that was done.

The peasants resisted. They fought the commissars who came to take over their land. The Ukrainians, a tough and rugged people, fought relentlessly and bravely.

In 1932 Stalin sent in troops in what has been called a "year of horror."

The bulletin of the anti-Bolshevik bloc of nations recalls the story:

"Russia sent in troops to take away the harvest, the bread . . . hundreds of thousands of Russian troops plundered Ukrainian villages, confiscating grain and killing people."

They burned the crops rather than leave any food for the farmers.

Dantean scenes followed. Mothers died with their starving children in their arms, but still the Ukrainians refused to join the communal "kolkoses." In all, seven million perished. Several million others—the so-called 'Kulaks' ((well-to-do farmers) were deported to Siberia and labor camps in other parts of the country. They died like flies. An estimated 10 million Ukrainians died at the time at the hands of Stalin, 25 million peasants were forcibly moved and 25 million privately owned rural holdings that existed in 1929 became 100,000 large collectives.

It was Stalin's greatest crime and his greatest mistake. Soviet agriculture never recovered. Today's per capita production is below that of 1913!

Ukrainians abroad have never forgotten nor have they harbored any illusion on Kremlin intentions: the Bulletin says:

"On this 40th anniversary of the greatest genocide in the history of mankind, Ukraine warns the free world against the Russian tyrants who are preparing a similar genocide for it."

## BNDD DIRECTOR JOHN INGERSOLL COMMENTS ON "LAW AND ORDER"

### HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. McKINNEY. Mr. Speaker, in recent years, the coupling of the words "law and order" have come to be one of the most often used phrases in America. To define the phrase is an easy task for anyone; but what is interesting is that all the definitions are different. Emotionally, "law and order" means many things to many people and because of this, it is especially edifying when an expert speaks out on the subject.

On April 30, John Ingersoll, the Director of the Federal Bureau of Narcotics and Dangerous Drugs, came forth with his comments on the matter and to be sure, I found them edifying for when it comes to law enforcement and justice, he is more than an expert.

Mr. Ingersoll has dedicated his life to police work and has served as a patrolman, a police chief, a representative of the International Police Chiefs Association and in his first Federal appointment, as Deputy Director of the Law Enforcement Administration. From that post, he became the first Director of BNDD, the position he holds—with distinction, I might add—today.

Last week, he was the main speaker at the first annual "Law and Order Day" at the U.S. Air Force Academy in Colorado Springs, Colo.

Appropriately, he chose as his theme "Law and Order" and I would like to share his remarks with my colleagues at this time:

LAW AND ORDER DAY

(Remarks by John E. Ingersoll)

It is a great pleasure and a singular honor to be with you at the Air Force Academy's first annual "Law and Order Day."

I come before you as one who has studied and practiced in the field of law enforcement for over 22 years. I'd like to discuss the issue of law and order in that context and in broad perspective; not from a narrow one that you might expect from my present job.

Law and Order: In the minds of some who apparently must indulge in expressions of imaginary horribles, this phrase has become a code for repression. In the minds of crime victims or those who fear becoming such, it is a cry for help. In the minds of us, who bear responsibility for achieving order by law, it is a delicate balance between individual rights—the right to due process of law for those accused of crime; and the right of other citizens to be free of the degradation of criminal attack. It is an effort to achieve concord so that all men can live in peace under just law. Down through the ages, man has come to learn that he cannot survive without it. Thus, the problem of law and order has been with us for a long time. What is law and order worth? Where did it come from? Who is involved? What can the people do to help keep it?

This is a look at law and order in rational perspectives. Nine hundred years ago, the King of England was calling on "all his faithful subjects . . . to give effectual and diligent counsel and aid to the preservation of the peace . . ." And he was declaiming ". . . the violation of his justice by murderers, robbers, and burglars who exercise their malice by day and by night, not only against men traveling from place to place, but against men sleeping in their beds."

There is nothing mysterious about the rule of law. Nor about the order which comes from the observance of law. Nor about the peace which comes from both. It is as simple and profound as the rule of the road which says "keep to the right on meeting." What would happen if we didn't have that rule of law to go by?

Suppose two people on foot approach each other on a narrow path and neither bears to the right? Suppose they are riding in horse and buggy style? Or in the driver's seat of an automobile on the highway? Or in an airplane? Suppose they come together at one intersection point and there is no rule of law to give the right-of-way? Or there is a rule of law to go by and everyone ignores it, picks and chooses his own course and moves, full speed ahead?

The idea of "live and let live" would certainly be put to the test at that intersection. Maybe the value of life, liberty, and the pursuit of happiness would take on a new dimension in meaning for the pseudo anarchist (ardently preaching this way of life) if he were asked to volunteer for the test.

Whenever two or more people come together, the rule of law becomes a convenience and a necessity. When groups of people come together in cities and towns, the problem is more pressing, simply because people must live closer together, crossing each other's paths; stepping on each other's toes, and getting in each other's hair more frequently, thus increasing the friction points.

Let them come together from differing backgrounds, differing races, differing ideologies, from direct poverty and dizzy wealth, with built-in grievances, resentments, and frustrations, and you have all the ingredients of internal social combustion. And, when the rule of law and order disappears under such circumstances, that alone demonstrates its value. Burning an inner city. Looting a disaster area. Assaults of people on the streets. Preventing those, and a multitude of other harmful human activities is what law and order is worth.

Where did law and order come from?

If you go back far enough, you will come to a time when our ancestors tried to keep the peace by the law of tit for tat. If you killed my brother, I killed yours. If you took my property, then I took yours. You beat me up, and I beat you up. Relatives came in to give assistance. That complicated things, confused the issues, and private warfare was the order of the day. It was the rule of the bloodfeud, and it made bad matters worse.

Much of our legal heritage comes directly from Saxon England and the early Norman days. And this is exactly how people lived in those days, before they set about correcting the situation.

These people began to see that, by getting even, they got further behind. They wanted peace from all this private warfare and, when the tit for tat of the bloodfeud did not bring it, the records show them compelling the parties to a controversy to give up the private vengeance of a bloodfeud for financial compensation based on the gravity of the wrong that was done.

They wanted peace so much that sometimes they put peace ahead of justice. Instead of giving the money to the widow and children of the victim, they gave the compensation as the price of appeasement to the relative who could most likely disturb the peace again.



After awhile, they saw that putting peace ahead of justice did not bring peace—it began to bring further disturbance of the peace. At that time, the notion of private vengeance, of compensation to next of kin, gave way to public justice.

It first came in the name of the Kings' Peace. Anyone starting a fight in the presence of the King committed a crime against the peace and dignity of the King and he answered for it to the King.

The concept was later extended to cover breaches of the peace in the castle or on the roads leading to the castle. Later it was extended to cover the entire realm, at all times, and in all places, until the public peace became the order of the day and private warfare the exception to the rule.

The King's Peace was brought to America and every offense was recorded as an offense committed against "the peace and dignity of the King," until 1776, when the "peace and dignity of the King of England" became the "peace and dignity" of the thirteen original states.

From that simple premise of the "peace and dignity" of the State has grown a system of justice in the United States that is so complex and made up of so many interrelated parts that it would take an academic year to describe them adequately. Consider the complexity that arises only from the fact that there are more than 40,000 police agencies in our country. Add to that the thousands of courts, prosecutors, probation and parole officers and more thousands of jails, prisons and correction centers. No one can get a complete grasp of such a machinery decentralized throughout the land.

But all are key parts in the way we go about trying to assure law and order. The chain of our law enforcement machinery is no stronger than its weakest link. The best of police departments is crippled if the prosecuting attorney falls down on the job. The best of prosecuting attorneys is crippled if the jury fails. The best of juries is crippled if the judge falls down on the job. The best of judges is crippled if the correctional system fails.

No law is stronger than the police desk, the prosecutor's office, the jury box, the judge's bench, or the Chief Executive's chair.

Our system of criminal justice in the United States would be weak if its only purpose were to obtain order. The system is better suited to assuring order within the scope and meaning of law. But this objective takes strong and dedicated people.

I am not playing down the part of any link in this chain when I say it is the first link which bears the greatest heat. Let me illustrate:

The magistrate issues the warrant for arrest and holds the preliminary hearing—in the quiet of this office. The attorneys prepare their cases for trial after reflecting on the evidence—in the quiet of their offices. The judge sits on the bench and carries out his duties—in the quiet and dignity of the courtroom. The juror sits in the jury box and the witness takes the stand—in the quiet of the courtroom.

The policeman is the man in the street and at the intersection point where people come together from all directions. He is the man in the middle—of the push and shove and jostle of conflicting forces. He is the man at the point where peace is a bird on the wing and he must make up his mind, at his peril, on the spur of the moment, knowing full well that what he does and says will keep the peace, or lose it, for himself and his community. He is the man on the spot.

But even his ability and effectiveness are directly dependent upon all the people. Because, in the final analysis, it is the people who are the police, the police being just those representatives who devote their full-time attention to enforcement of the law.

If the people are the weak link, it is equally true that the system will suffer.

To reduce crimes in their communities, citizens must be prepared to back-up their police forces with more than just slogans. They need to keep in mind and in perspective the possibilities of crime in their daily lives and take reasonable steps to limit criminal opportunities. In emergency situations, they must assume the responsibilities of summoning aid for victims or police in distress. They cannot stay free of involvement and expect others to protect them. Much work has to be done in getting citizens to take the few extra precautions that can deter large numbers of crimes. Measures that adequately protect cars, homes and businesses against invasion are in effect in some cases. The simple act of removing the ignition key from an unattended auto, in some cases with a reminder buzzer, has reduced thefts of certain models significantly. Minimum construction standards to delay, if not prevent, intrusion into buildings are just as necessary as those which prevent or delay the spread of fire.

In our quest for law and order, it is essential that we keep in mind principles of our heritage and sense for justice.

First, the primary object should be to prevent crime. The security of the person and property, the preservation of public tranquility, and all the other objects of law and order are better served by preventing criminal activity than by the detection and punishment of the criminal after he has succeeded in committing the crime. To achieve such a goal requires public commitment, much manpower, and other resources.

Second, the power of the police to fulfill their functions is always dependent on public approval of their existence, actions, and behavior, and in their ability to secure and maintain public respect.

Third, public support includes willing cooperation and observance of the law. Despite the fact that there are some 400,000 police in this country, they cannot be omnipresent in a population of 220 million. The ratio of public cooperation to observance of the law proportionately diminishes the need for controversial police practices, or threats to individual liberty.

Fourth, public approval cannot be the result of police or the courts or the correctional people pandering to public opinion. The public must recognize and support impartial service to the law. Officials, and especially the police, on the other hand, must give truth to that statement and make the necessary sacrifices in protecting and preserving life. In one way or another, the police are always liable to be blamed for disliked laws. At a demonstration, it is usually assumed by those who have to be controlled that the police do so out of personal choice. It is normal after faction contests for the police to be accused by each side as being the partisan of the other.

Fifth, to overcome this, the police should use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain the restoration of order. Then, only the minimum degree of force should be used which is necessary to obtain the objective.

Finally, we must repeatedly recognize a corollary of the initial principle that the ultimate test of our criminal justice system is the *absence* of crime and disorder—in other words, the maintenance of law and the maintenance of order—not the after-the-fact reaction to crime and disorder.

If these seem to be idealistic goals which we have not succeeded in reaching, which is certainly true, that fact does not make them any less worthy of our effort. Nor are they something new or novel. They were first expressed in another form some 150 years ago during the formative years of the present British police system. Initially, the British police survived almost unanimous opposition by London citizens. For some years, it existed under constant threat of disbandment. But, in spite of near defeat by rioting mobs in the course of all-night battles during the first four years of their existence, the police, armed only with batons, proved themselves capable of keeping riots under control, without inflicting serious casualties, and without once requiring military aid. Crime quickly and visibly diminished. The increasing safety of the streets by night created widespread expansion and enjoyment of social amenities before available for few other than the wealthy who could afford the protection of servants.

This superb performance saved England from the revolution and civil war that was being plotted by the radical extremists of that day.

The same police institution and justice system continues to this day and is the envy of the Western World for its ability to maintain law and order and the balance of human rights.

If they could succeed in the face of such opposition, surely we can here, where people hunger for peace and quiet and have often shown they are more inclined to support the institutions established for this purpose than oppose them.

The United States is coming out of a decade of unprecedented crime, disorder and deviant behavior. One of the curses inherited from the 1960's is law enforcement by crisis management; law enforcement by harsh rhetoric; rushing around putting out fires that officials and legislators had a hand in igniting. In some quarters, skill at crisis management was revered. The tougher the language, the tougher the user appeared to his admirers.

That was all part of the frenetic 60's. It now seems well past time to move on to greater maturity and stability in managing our affairs of law and order. There are all kinds of compelling reasons why more stable policies can and should be achieved.

Crime is showing a decline for the first time in over 15 years. The police were never better trained, equipped and salaried. There are more courts, more prosecutors, more defense lawyers than ever before. The need for basic penal reform is recognized and under serious study.

While many of the social and economic conditions that undoubtedly contribute to crime are not solved, it is equally true that there is a national commitment to solving them. People of equally good intentions do have honest differences on the best means.

A plan for steady, orderly achievement of law and order in spirit, as well as literally, that builds upon well-principled institutions, and avoids excessive rhetoric, or distortive gimmicks, or special privileges, could go a long way toward preserving the public peace, to preserving life, liberty and the pursuit of happiness.

What we need is a lot of management and less crises. Centuries ago Marcus Cicero said, "The people's good is the highest law." We in enforcement and in government must always believe and act on this principle. For it is by this law we establish harmony and concord and "concord makes small things grow; discord makes great things decay."

## IMPRESSIONS OF CHINA

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. DRINAN. Mr. Speaker, I should like to bring to the attention of my col-

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leagues a letter I received from two of my constituents, Mr. and Mrs. William H. Cary, Jr., of Bolton, Mass. The Carys have shared with me in this letter their thoughts and reflections on their recent visit to China.

Mr. Cary has had a varied background as a magazine editor, professor of English at Bowdoin College and Harvard University, and assistant director of the Miriam Hospital in Providence, R.I. More recently he and his wife have worked closely with the American Friends Service Committee in a campaign against nuclear bomb testing.

I am pleased to share with my colleagues the Cary's perceptive and compelling impressions of China:

MAY 1, 1973.

Hon. ROBERT F. DRINAN,
*Washington, D.C.*

DEAR CONGRESSMAN DRINAN: We welcome your recent comment that you feel more and more that "it is essential that all of us in the Congress have accurate and comprehensive information about China." And so we write you, our Congressman, to share with you some facts and impressions from our recent visit there.

We spent three weeks in China last November, with a group including school and university teachers, a physician, a consultant on primary education, and others. In and near Canton, Shanghai, Nanking, Peking and other cities, we visited factories, schools, universities, hospitals, and agricultural communes, and talked with people of various ages and occupations. We found them self-reliant, skillful, hard-working yet relaxed, and friendly.

The Chinese are engaged in a tremendous effort to do what has never been achieved, nor even attempted, before: to change people's attitudes from selfishness, from seeking profits and power, to working primarily to "serve the people."

They are trying to see to it that science and technology bring not dehumanization but genuine security and a happy life for all people.

Many Westerners still assume that the Chinese are backward in technical skills and in civilization generally, but the opposite is true. Here are two examples: They recently designed and built a huge bridge over the Yangtze River at Nanking which foreign experts said could never be built there because the river is a mile wide and very deep. And for the past ten years their surgeons have been successfully re-attaching severed limbs and severed fingers; this requires the most delicate skills (and the use of thread which in cross-section is only one-third that of a human hair).

They have harnessed big rivers that formerly brought flood and famine. Under the political, philosophical, and moral leadership of Mao Tse-tung, they are transforming with pick and shovel barren mountainsides into fertile croplands. They are designing and building 10,000-HP diesel engines. And much else.

They are overhauling their school and university curricula, discarding deadwood and enriching the studies by practical work in field and factory.

There is also much for us Americans to learn from the Chinese about social security, including provision for the elderly.

They have practically eliminated alcoholism, venereal disease, crime on the streets, and drug addiction. The people we met seemed to us not alienated from their society, but heartily immersed in it. They are not individualists; theirs is a group society. They have a strong sense of having emerged from centuries of exploitation and poverty into a healthful society, and of now working together toward common goals.

The Chinese are aware of problems in the West caused by vast numbers of privately owned automobiles, and for various reasons they have decided on a different pattern. They are trying to provide adequate public transportation by bus, train, and plane. There are also countless bicycles, privately owned. This is not because of lack of know-how and of factories for making cars. They are producing a six-cylinder sedan, the "Shanghai," an attractive, easy-riding car, built to last. This is used for the needs of factories, government offices, agricultural communes, and for transporting foreign visitors, as taxis, etc. Thus they avoid many problems, plus the enormous expense in labor and materials required to make and maintain private cars.

Their progress in medicine and health care could greatly help the people of other countries. Acupuncture as anesthetic, yes; but also systematic research on their traditional medicines. All these have greatly impressed visiting American, Canadian, and other physicians.

What about China as a good neighbor on this rather small planet? Can we have friendly and mutually beneficial relations with her? Yes, if we enter into such relations with good will and good sense. China has no armed forces outside her own borders, is pursuing a peaceful foreign policy, has publicly declared that she will never under any circumstances be the first to use nuclear weapons, and is for genuine and universal disarmament of both nuclear and "conventional" weapons.

We could recount many stories of industrial, medical, and educational progress being made since Liberation (1949) and especially since the Cultural Revolution of 1966–68. Instead, let us describe briefly only one of these:

One of the first things we wanted to see was acupuncture. So a visit was arranged to a hospital in Canton to see an operation for removal of an ovarian cyst, with acupuncture as the only anesthetic. This is a new use of traditional Chinese medicine, developed in the past 15 years. It is simple, effective, safe, and economical. The patient, conscious the whole time, doesn't become nauseated or dizzy, can take food almost as soon as the operation is over, and recovers strength quickly.

At the hospital we put on sterile gowns and caps and were conducted to an observation gallery, from which, through a plate-glass partition, we could look right into the operating room. On the operating table lay an 18-year-old girl, clad in a hospital "johnny," with a sheet and light blanket over her. She saw us as we came in, and clapped her hands in welcome. We clapped in return.

The surgical team consisted of two acupuncturists, two surgeons, two scrub nurses, and a nurse who sat near the head of the patient. All seven were women.

The two acupuncturists now inserted a long thin needle in each ankle of the patient, one in each hip, one in each ear, and two just above her upper lip.

Soon the two surgeons, scrubbed up and wearing rubber gloves, came in. They exchanged a few words with the other members of the team and with the patient, and waited until a total of twenty minutes had passed since the time the needles were inserted.

Then the chief surgeon made an incision about five inches long, and the operation was under way. She inspected the cyst and its surroundings, and after some minutes put her hand into the cavity, detached the cyst, drew it out and placed it in an enamel basin which one of the nurses was holding. The cyst was about the size of a head of lettuce and was brownish red. The assistant surgeon then sewed up the sides of the incision with her curved needle, placed a gauze pad over the spot and taped it in position. Then she and two of the nurses gently half lifted, half drew the patient on to the rolling stretcher that had been brought alongside the operating table. One of the nurses began wheeling it out of the room. At this point the patient raised her left arm. And then we saw—she was waving to us.

These facts and impressions are perhaps enough to whet your appetite. We hope that you and many U.S. Congressmen and Senators will visit China soon and see for yourselves.

Sincerely,

WILLIAM H. CARY, JR.
DOROTHEA CABLE CARY.

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LAW DAY, 1973

## HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. WOLFF. Mr. Speaker, I rise in connection with this week's recognition of Law Day, 1973, to bring to the attention of my Colleagues a subject on which I have spoken here many times before—the issue of the five Irish Americans—one of whom Tom Laffey is a constituent of mine, who have been imprisoned in Texas for the greater part of the last year, without ever having charges of any kind brought against them, without ever having had a chance to defend against any accusation of wrongdoing.

Thus it is particularly appropriate that in this week, when we join together in traditions of freedom, that we take note of an ongoing travesty of justice. The Department of Justice has repeatedly ignored the plea of these men, of their counsel, and of the many interested Members of Congress for a review of the incarceration, particularly in view of the lack of continuation of the grand jury investigation in Texas. Furthermore, the district judge in the case has refused to grant a transfer of these federal prisoners to a facility near their families, friends, and their lawyers. Furthermore, the judge has charged with political motives, those of us interested in seeing fairness and justice and the constitutional rights of every American preserved.

This case, and these continuing injustices, are clearly not within the traditions we recognize today. The hearings held by Chairman EILBERG's subcommittee of the Judiciary Committee heard testimony to this effect from a number of Congressmen. Mr. Speaker, I once again urge that the Justice Department, with a new Attorney General who has been characterized as a fair and honest man, recognize for once and for all what the "rule of law" means in this country, and finally put an end to this outrageous chain of abuses.

At this point, I would like to discuss briefly in the RECORD the latest decision in this case, by Judge Brewster of the northern district of Texas, an order denying motion for transfer of above-named persons to the New York area.

I would note only the judge's gratuitous comments about the many people who have shown an interest in the case. He attacks not only the lawyers for these men for pointing out the numerous injustices occurring regularly, but also those Members of Congress who have joined in the outcry against improper use of the grand jury system. This, to me, represents a clear overextension of authority by the judge in the case, who has chosen to deal only barely with the merits of the motion, and instead sought to impugn the motives of those who have worked so hard to see justice done. The civil liberties we hold so dear in this country cannot withstand personal attacks from the bench against people who exercise their own rights and speak on behalf of others who are unjustly persecuted.

Mr. Speaker, I would urge my colleagues to join in recognizing Law Day, but as they do, let them remember this outstanding example of how the law can go awry even in our country in 1973.



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WEST CAP REPORT

## HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. THOMSON of Wisconsin. Mr. Speaker, over the Easter recess, I visited with representatives from various CAP agencies located in Wisconsin's Third Congressional District. One representative, Mr. Jake Banks, director of West CAP in Glenwood City, Wis. handed me a copy of the agency's county-by-county report and requested that I insert it in the CONGRESSIONAL RECORD. While the entire report is too long to reprint in total, I am pleased to insert West CAP's seven-county summary for fiscal year 1972 located at the back of individual county reports. Also included is the introductory letter of West CAP's president, Mr. Norman E. Anderson, and a newspaper column by Clayton Fritchey which was included as part of the summary:

WEST CAP MEMO

To: County Board Members, Committee Members, Commission Members
From: Norman E. Anderson, President
Date: April 13, 1973

West CAP is fighting for its life. I feel, and many others also feel, that it is very important for our counties to help keep our Community Action Agency alive. As long as Congress commits our tax dollars for special grant-in-aid programs, we need an organization to represent our interests.

We have asked the staff to prepare a service report that spells out in detail just what West CAP is doing in your county. I think that if you read and study this report, you will find that this agency is of real benefit in developing human resources in our counties. Your county is well represented on our governing body and the West CAP staff is required to carry out the approved plans of this governing commission. These reports show what they are accomplishing.

If you agree that the listed services are important to your low income neighbors and youth please evidence your support of the agency in any possible way.

Really, without an agency representing a multi-county population base, many of the dollars circulated in your county would end up in urban areas or highly populated counties. Let's support Community Action.

WEST CAP SERVICES INFORAMTION

MULTI-COUNTY FISCAL YEAR 1972–73

For the counties of Barron, Chippewa, Dunn, Pepin, Pierce, Polk and St. Croix, Multi-county cash contribution—$9,024.

84 residents of the 7 county area, not including part time summer employees, earned gross wages of $393,009. An agency policy is to hire and train low income people as regular employees. Average earnings per employee are $4,679 annually. All employees have hospital insurance fringe benefits available and are covered by unemployment insurance.

Economic and social benefits to low income people for the year include:

938—Low income people needing health services were brought into health systems at an agency cost of $24,196.

546—Families in need of emergency food and medical services had $26,402 worth of food, nutritional health services and training provided to improve their potential for self-reliance.

602—Families participating in Family Planning services received $22,244 for doctor's exams and contraceptives.

345—Patients who needed but were not getting dental care because of financial or other problems were provided with VISTA Volunteer dental services worth $28,455.

1246—Youths, aged 15–21, who were low income and needed work badly were provided with jobs, job training, counseling and work experience and received salaries at a total agency cost of $576,583.

1036—Low income families were assured of proper legal assistance through judicare cards provided either through West CAP or on referral by county Social Service departments.

340—Handicapped people had their craft items sold by the West CAP Helping Hands program and participated in craft education and cooperative meetings organized by agency staff.

597—Children, youth and their parents participated in educational and other activities at 7 Head Start Centers, at a total West CAP cost of $110,050.

408—Participants, including 148 children between 0 and 3 years of age, received in depth education, training, early child development and family social services at 5 Parent Child Centers at a total cost of $114,900.

800—Youths received counseling, hot-line information and guidance, and classroom education in the Concern program in Menomonic to improve attitudes and prevent potential drug abuse. Total staff, rent and expenses were $14,832, supplemented by an incalculable amount of volunteer assistance.

377—Senior Citizens and their families shared in $31,861 of Homestead Tax Relief due to efforts of West CAP staff in helping them fill out application forms.

15—VISTA Volunteers work in various agency programs as Social Workers, business consultants, registered nurses, dentists, technicians and others. Salaries are paid by the National ACTION Agency and West CAP departments contribute transportation and project expenses.

1114—Volunteers actively participated in extending services to low income and other people in need by:

Operating community centers; Operating clothing and furniture exchanges; Assisting the elderly with Homestead Tax; Staffing sales outlets for handicapped craft items; Transporting handicapped people and low income families to Social Services, Food Stamp offices, doctors, etc.; Supervise young people on NYC; Providing counseling services; Providing nursing, psychological and speech therapy services to Head Start and Parent Child Center families; Assisting with children's programs at Head Start and PCC; Making quilts for families.

Other services provided to county residents by West CAP employees were:

Housing—helping people get decent housing and if necessary arranging for furniture and equipment.

Career Development—providing education and training to parents at the centers.

Personal and vocation counseling.

Referrals to Social Services, Food Stamps, Day Care, Social Security.

Alcoholism treatment, tutoring services.

Providing transportation.

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DIFFERENT CLASSES OF WELFARE

(By Clayton Fritchey)

WASHINGTON.—"I would hate to be poor and in a minority in America today," says the Rev. Theodore Hesburgh, the esteemed president of Notre Dame University. In this brief sentence, "Father Ted," as he is called by the students, has said nearly all that needs to be said about President Nixon's plan to undo the country's social and poverty programs.

Father Ted also has asked a telling question: Assuming that the programs of the Great Society, the New Deal, Fair Deal, and New Frontier are not as efficient as they ought to be [as charged by Nixon], "what is the administration going to do that's better?"

The answer, Father Hesburgh says, "has not yet been provided," but he is wrong about that. There is an answer, and the answer is that the administration is not going to do anything. It has no constructive alternative to propose.

Nixon says he loves the poor, the sick, and the underprivileged just as much as the next President, but their assistance programs have got to be curtailed or abolished because they are wasteful and carelessly run.

Too much is going to the burocrats who run the programs, we are told, and not enough to the intended beneficiaries.

The road to efficiency, apparently, is to cut off the beneficiaries altogether. That, presumably, will eliminate the burocrats.

Hence the Office of Economic Opportunity [better known as the "poverty program"] is to be dismantled. Although the objectives of such efforts as the OEO were "laudable," Nixon says, the results added up to "dismal failure."

It is a curious confession to make. Nixon did not invent OEO or the other social programs that he complains are so badly run, but it is his government that has been in charge of them for the last four years.

His personal appointees have been directing these federal efforts for a long time now. If they are so grossly inefficient, why doesn't Nixon do something about it?

Surely it would be more sensible, as well as more humane, to eliminate the waste in OEO, for instance, rather than eliminate the agency and thereby cut off help to a mass of blameless victims.

The President would have us believe that he is acting more in sorrow than in anger, but if efficiency is to be the watchword, if effective performance is to be the criterion for future federal subsidies, shouldn't this apply across the board?

The known waste in the Pentagon exceeds that of all other government departments combined. The cost overrun on a single plane contract is more than the annual budget of the poverty program. Yet even with the Viet Nam war closing down, the defense budget is going up.

The defense contractors, who contributed so liberally to Nixon's reelection, are not being cut off from federal moneys because their "programs" are staggeringly inefficient. They obviously are in a different welfare class.

In giving people public aid, the President says, the government must not "decrease their self-reliance and their self-respect."

It would be a more impressive doctrine if it applied to the rich as well as the poor.

The executives of companies like Lockheed and Penn Central have been able to get hun-

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dreds of millions of dollars in aid from the U.S. Treasury, but the administration doesn't seem to fear for their self-reliance and self-respect.

Twelve bishops of the African-Methodist Episcopal Church, some of whom supported Nixon for reelection, have just condemned his Great Society rollback as "dehumanizing" to poor and blacks.

Bishop John Adams of the Texas Episcopal District, summed it up this way: 'Lockheed gets bailed out, the railroads get bailed out; it's Socialism for the rich and rugged individualism for the poor."

In the struggle shaping up between Congress and the administration over the future of the Great Society, both sides firmly believe they have public support.

Nixon can cite a Harris poll showing that 59 per cent of the people favor reduced spending, but Congress can cite the same poll to show strong opposition to most of the cuts proposed by the President.

The plan to make older people pay more for Medicare, for example, is opposed by 92 per cent of Americans. Nixon may win the first round in this fight, but in the long run it could be a costly victory.

## MOBILE HOME TIE DOWN MONTH

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. FREY. Mr. Speaker, the Mobile Home Living Communications Center has designated May as National Tie Down Month for the more than 7 million Americans who live in mobile homes.

I would like to call your attention to an article distributed by this noncommercial, public service organization formed to encourage mobile home owners to tie down their homes and instruct them how to do so effectively.

The article follows:

MAY DECLARED MOBILE HOME TIE DOWN MONTH

Tie Down Month, a campaign to promote the anchoring of mobile homes to reduce or prevent damage from windstorms, has been announced by the Mobile Living Communications Center for May, 1973.

Sen. Bill Brock (R-Tenn) and Rep. Lou Frey (R-Fla), sponsors of the National Mobile Home and Recreational Vehicle Safety Act of 1973, and seven national weather and safety organizations concur in urging mobile home tie down for protection against high winds.

"Our surveys have shown every state in the union is subject to winds of enough magnitude to overturn and destroy mobile homes and injure their residents," Rep. Frey said.

"Most states do not require that mobile homes be tied down or anchored to their sites," said Sen. Brock. "But an analysis of experiences from coast to coast clearly documents the vulnerability of mobile homes to high winds. The necessity for a universal tie down requirement is obvious."

Supporting organizations include the National Weather Service and two of its major components, the National Hurricane Center and the National Severe Storms Forecast Center. Dr. George Cressman, director of the National Weather Service, says, "We feel that it's important that mobile home owners not only be warned of approaching windstorms, but also that they be protected in the best way possible against them. Compared to repair cost after even slight damage which windstorms can cause, tying down is neither expensive nor inconvenient. We urge mobile home owners to write to the Mobile Living Communications Center for information."

Other organizations supporting Tie Down Month include the American Red Cross Disaster Services, the Defense Civil Preparedness Agency, the Department of Housing and Urban Development and the National Safety Council.

The most extensive wind damage to mobile homes usually occurs when wind force moves the mobile home off its blocks onto the ground or into nearby objects or structures. Both "big winds" and sudden gusts can cause damage. Statistics from the American Red Cross Disaster Services indicate that 182 mobile homes were destroyed and 91 sustained major damage in the tornado which struck Georgia and South Carolina on March 31. National Weather Service reports show 7 mobile homes were destroyed and 12 damaged, with one death and eight injuries resulting, in a straight line thunderstorm which hit St. Angelo, Texas on March 10. Other Texas communities including Burnett and Hubbard were hit by small tornadoes from the same storm front.

A study conducted by The University of Michigan indicates that tying down, or anchoring, a mobile home to the ground is an effective means of protecting it from wind damage.

Tie down equipment in most areas of the United States costs between $100–$150. The cost for installation by a professional contractor may be another $100.

State legislation requiring tie downs has been passed in Arizona, Mississippi, New York and North Carolina; similar legislation is being considered in Florida, Illinois, Missouri and Oklahoma.

At the federal level, the National Mobile Home and Recreational Vehicle Safety Act of 1973 has been introduced in the Senate and the House. It includes establishment and enforcement of mobile home tie downs among safety measures.

For further information on tying down a mobile home, contact the Mobile Living Communications Center (MLCC), P.O. Box 3431, Chicago, Illinois 60654.

## RESHAPING THE BUDGET

### HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. RONCALIO of Wyoming. Mr. Speaker, I fully support the concept that Federal spending must be restrained to avoid any further inflationary effects and any prospect of tax increases.

While I do not want the total spending of the Government to exceed the limit the President has requested, I assert that Congress has a right and a responsibility to reshape the spending in the budget along with the President.

I, therefore, commend the publishers of Riverton, Wyo., Riverton Ranger, for suggesting in very persuasive terms how economies might be made in defense spending.

In an editorial of April 26, an editorial addressed this question very positively and I insert it now in the hope it can encourage some dialog. The editorial follows:

WOULD HE DARE?

Few people argue with the desirability, yes the necessity, of putting a ceiling on federal spending. Few people can agree on where the cuts should be made to keep spending under the ceiling set.

President Nixon surprised the nation when he re-established contacts with China, while staying on speaking and trading terms with Russia. Nobody except Nixon, who made his political reputation as a communist fighter, could have carried off the double play without being branded soft on communism.

Pres. Nixon declares repeatedly that neither he nor successor presidents should ever be forced to go to an international bargaining table as a second rate military power.

Against such adamant declarations, Pres. Nixon might be able, during the next three years, to carry off what might be the answer to the where-to-cut dilemma. Nixon might have the foresight, to declare peace and to lead Russia and the rest of the world toward a significant cut in resources now allocated to arms.

Such a cut could be made and not make the U.S. a second rate military power. Despite a record number of disarmament agreements, more of the world's resources went to arms the last 15 years than at any time in history. Fifteen years ago the global budget for arms was $97 billion. In 1971, the total war preparation tab was $216 billion.

The two big powers, Russia and the U.S., now have nearly 10,000 land and sea-based intercontinental ballistic warheads armed with nuclear bombs and aimed at each other.

The explosive power of the nuclear weapons now cocked and primed is equal to over 15 tons of TNT for every person on earth. What a blast we'll have when we pull the mutual triggers! The shock of the two primitive atomic bombs the U.S. dropped on Hiroshima and Nagasaki hasn't entirely worn off. The modern bombs make the 1945 bombs look like B-B guns compared to heavy artillery.

This over-arming, this equipment assuring overkill, makes possible consideration that Pres. Nixon might surprise us all once again.

The SALT agreement, which calls for a "balance of mutual terror," aims to stabilize the deterrent between the U.S. and Russia.

Each nation is the other's hostage.

Would Nixon have the audacity to escape Russian captivity stemming from the fantastic commitment of our resources to more weapons? We already have more than enough to blow up half the world and poison the remainder.

For example, $5 billion off new arms would cover the domestic needs, and we'd still have plenty of at-ready weapons to assure Armageddon in the event of war.

Nixon wouldn't dare, you say? No? Who ever thought he'd go to China?

## TRIBUTE TO ROGER T. KELLEY, ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. STEIGER of Wisconsin. Mr. Speaker, today marks the final appearance of the Honorable Roger T. Kelley before the House Armed Services Committee. In noting the occasion, the gentleman from Texas (Mr. FISHER) said:

His departure will, in my opinion, leave a real void in the Department of Defense.

In 4 years, Roger Kelley has succeeded in modernizing a wide range of military personnel practices. As the gentleman from Texas (Mr. FISHER) noted this morning:



To manage the nation's largest manpower force in such a turbulent time is, in itself, a job of tremendous magnitude but, in addition, he has instituted more important personnel changes than anyone previously holding that position.

Mr. Speaker, this statement is a fine tribute from a recognized congressional leader in military personnel affairs. I include it in the RECORD at this point:

STATEMENT OF THE HONORABLE O. C. FISHER

Today, we will hear from the Hon. Roger T. Kelley, Assistant Secretary of Defense (Manpower and Reserve Affairs). This probably is his last appearance before the House Armed Services Committee as he plans to return to private industry at the end of this month. His departure will, in my opinion, leave a real void in the Department of Defense.

I cannot let this occasion pass without paying public tribute to this very remarkable person. Coming to the Pentagon from private industry where he was personnel director of one of America's largest corporations, he assumed responsibility for personnel policies and programs of the country's largest employer, and he brought to that position knowledge, instinct, foresight, judgment and integrity. He arrived at a time when we had our maximum military force in Vietnam and leaves at a time when our force levels are lower than at any time since before the Korean War. To manage the nation's largest manpower force in such a turbulent time is, itself, a job of tremendous magnitude but, in addition, he has instituted more important personnel changes than anyone previously holding that position.

Among his many accomplishments can be considered some of the following:

(1) Principal architect of the all-volunteer force;

(2) Designer of the Survivor Benefits program;

(3) Creator of a revised retirement program for active duty personnel; and

(4) Instigator of a program to revise the Officer Management System.

I could continue his list of accomplishments but the area where I am most knowledgeable is in his relations with this Committee. He has been an articulate and loyal spokesman for the Department of Defense but he has also given full understanding and cooperation to this Committee since assuming his position.

I think it is generally recognized that he is among the most outstanding persons ever to fill this important position. He has served well his Department, this Congress, and his Country.

Roger, I know we all wish you well as you return to private industry.

## CONGRESSMEN'S ROME TRIP WAS NO JUNKET

### HON. JAMES A. HALEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. HALEY. Mr. Speaker, on April 5, 1973 a resolution was approved by the House authorizing two Members of the House Committee on Interior and Insular Affairs to attend the meeting of the general assembly of the International Centre for the Study of Preservation and Restoration of Cultural Property in Rome on April 9 through 12, 1973.

The Speaker of the House, at the request of the State Department, had determined that the House should be represented at this meeting and had named Congressman ROY A. TAYLOR, Democrat of North Carolina, chairman of the House Subcommittee on National Parks and Recreation, and Congressman JOE SKUBITZ, of Kansas, ranking minority member of said subcommittee, to attend. Because of the crowded House legislative schedule at the time of the meeting, neither Congressman TAYLOR nor Congressman SKUBITZ made the trip but remained in Washington to carry out their legislative responsibilities.

It should be pointed out that this trip had a definite bearing on legislation now before Congress. The United States became a member of the Centre in 1971 and our Nation's participation costs our Government approximately $100,000 per year. The legislation authorizing this participation expires in 1973 and Congress will have to decide this year whether or not our Nation shall continue as a member of the Centre, and the legislation will be handled by the subcommittee which TAYLOR and SKUBITZ head. In fact, this subcommittee held hearings on this legislation today.

On April 7 a very critical article appeared in the Charlotte Observer, Charlotte, N.C., captioned "Rep. TAYLOR'S Junket Junked." House Speaker CARL ALBERT responded to this article with a letter to the editor which was published under the title "Congressmen's Rome Trip Was No Junket." This letter presents fully the need and justification for congressional representatives at the Rome Centre, and I recommend the letter to my colleagues. The letter follows:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C., April 11, 1973.*

The EDITOR,
*Charlotte Observer,*
*Charlotte, N.C.*

DEAR SIR: The Charlotte Observer's April 7th article headlined "Representative Taylor's Junket Junked" has done Congressman Taylor and Congressman Joe Skubitz a great disservice. Since it was I, as Speaker of the House, who determined that the Congress should be represented at the meeting in Rome which is the subject of the article, I feel that your readers are entitled to know the full facts concerning this very important meeting.

The State Department had requested that I name two Members of Congress to join representatives of that Department and the Department of the Interior in attending a meeting of the International Centre for the Study of Preservation and Restoration of Cultural Property which convened in Rome on April 9. I designated Representative Taylor and Representative Joe Skubitz, who are Chairman and Ranking Minority Member respectively of the House Subcommittee which has jurisdiction of this subject. I was greatly disappointed when Congressman Taylor and Congressman Skubitz notified me two days before your article appeared that because of price control legislation and other important votes on the House floor this week, they could not attend the meeting in Rome.

The International Centre, an international authority on technical programs for historic preservation, is an independent organization with fifty-five member nations, including the United States. The Centre provides invaluable assistance to member countries on very difficult technical problems concerning the preservation of historic property. Since much legislation is introduced in the Congress each year relating to the creation of new national historic sites, I felt it imperative that the House of Representatives be represented at that meeting. I designated Congressman Taylor and Congressman Skubitz because they have legislative jurisdiction in this area. In addition, legislation is now pending before their Subcommittee to determine whether or not the United States shall continue as a member of the Centre.

It is unfortunate that your reporter did not want to let the facts get in the way of a good story and did not see fit to relate the importance of the United States' participation at this meeting. I was disappointed that Congressman Taylor could not go but fully understood his reluctance to do so, since he has consistently given priority to legislative business in Washington, as shown by the fact that he has an attendance record on roll call votes of 99% last year and 100% this year.

Congress is continually criticized by the press and the public for yielding its Constitutional authority to the Executive Branch of our government; yet when Congress endeavors to send its Members to the source of the information to get answers firsthand, the press all too quickly chooses to refer to such efforts as "a spring junket."

Sincerely,

CARL ALBERT,
*The Speaker.*

## BOTH THE MEAT PRODUCER AND CONSUMER IS BEING HURT

### HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. LITTON. Mr. Speaker, we have all been assured by the administration that the supply of meat will increase and accordingly that prices will be lower by the end of this year. Recent economic developments that have adversely affected the meat producer and will soon affect the consumer have prompted me to write President Nixon regarding this matter and asking that he take immediate steps to alleviate this critical situation.

I would like to insert in the RECORD the text of my letter so as to share my thoughts and concerns on this matter with my colleagues and hopefully to urge them to urge the administration to correct this situation as soon as possible recognizing that as each day passes without action being taken, both the meat producer and consumer is being hurt:

DEAR MR. PRESIDENT: Your assurances that the consumer would see an increased supply of meat at a lower price by the end of this year has been of real interest to me. In fact, recent developments in areas that directly affect the production of meat has caused me to be extremely concerned about your optimism.

Mr. President, these developments have occurred during this past month and have drawn increased interest this past week. As a result of the situation as it now exists, I am fearful that the consumer will become the real scape goat of your effort to hold prices of meat in check.

Mr. President, a full month has passed since you imposed ceiling prices on meat. Indications from most sources seem to point to a very disturbing situation for both the consumer and the producer of red meat. Markets since the ceiling price freeze have been highly erratic. Prices broke very sharply

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for a few days, then recovered to a level nearly as high as the earlier record pre-freeze levels.

Even more significant for the future is the very disturbing rise in the cost of feeding meat animals, a rise which has occurred in the past month. This situation is serious not only with regard to animals now in the feedlot, but especially in relation to whether the farmer will increase production and marketings as you anticipated.

In case you haven't been reading the papers lately, No. 2 yellow cash corn in Chicago on March 29, this year, sold for $1.56¾ per bushel. On May 1, 1973, equivalent quality corn sold at Chicago for $1.85 per bushel. Soybean meal, required in considerable amounts in cattle feeding but vitally required as a protein concentrate in larger amounts for broilers and young pigs, sold in March when red meats were frozen in price, at less than $180.00 per ton, Unrestricted, Decatur. Cash soybeans, from which such vital growth factor meal is produced, then sold for about $5.65¾ per bushel at Chicago. Beans, as of May 1 sold at Chicago at $7.84¼ bushel and soybean meal spurted to a top price of $289 per ton, roughly more than $100 more per ton, or 5 cents more per pound than when ceilings were put on red meats. In other words, Mr. President, the control effort failed miserably by not including the costs of items which are major in red meat production.

Obviously, Mr. President, the ceiling may have been good politics but it will be disastrous for meat producers as well as consumers in the months ahead. A farmer simply cannot be expected to fill his feed lots with expensive steers when things are so stacked against him. Nor can he be expected to breed a lot of gilts to farrow pigs to be marketed late this year or early in 1974 under such wild uncertainties. More hogs and broilers are our chief hope for more meat at somewhat reduced prices yet this year.

You may well question why corn and soybean meal have fluctuated so sharply in price, recalling that corn was truly a large crop in 1972 and the soybean crop was the largest on record. It appears that a world shortage of food and feed grains created uncommon demand which fell largely on U.S. stocks. At the same time we have done little to make certain that U.S. stocks are and will be maintained at levels likely to dampen the costs of production and living here.

Mr. President, please allow me to share with you a typical cost sheet that a feedlot operator would use to make a decision as to whether he should purchase cattle for his operation on the basis of the above quoted current prices for corn and soybean meal.

EXAMPLE

600 lb. Feeder Steer @ 55¢/lb.=$330.00.
Corn @ $1.85/bu.=$3.30/cwt or $.033/lb.
Soybean meal @ $290.00/ton=$14.50/cwt or $.145/lb.

Feed Ratio=9 parts corn to *1 part soybean meal*, 10 total parts.

| | |
|---|---|
| 9 lb. corn×$.033 | $. 297 |
| 1 lb. soybean meal×$.145 | $. 145 |
| 10 lb. mixed Ration | $. 442 |
| OR | |
| 1 lb. mixed ration | $. 044 |

9 lb. mixed ration to produce one pound of grain=39.6¢ cost of grain.

| | |
|---|---|
| 40¢×400 gain | $160.00 |
| Plus steer cost | 330.00 |
| Total feed and animal cost to produce 1000 lb. fat steer (no labor or interest included) | $490.00 |

$490.00÷1000=49¢/lb. Break even point—live weight basis for feedlot operation (no labor or interest included).

Mr. President, if this feedlot owner is a good businessman and knows he needs a 49 cent live market to break even, he will probably be very hesitant to purchase replacement animals at a time when the current market is around the 45 cent range and frozen at this point due to the wholesale ceiling you have imposed. But more importantly, this same feedlot owner will probably market the fat cattle he has on hand at a lighter weight because of the loss (approximately 4¢/lb.) that he is incurring with each additional pound that is gained. This kind of reaction (to sell lighter fat cattle) will result in an even more serious shortage of red meat than now already exists.

Because I am extremely concerned about the plight of the meat producers' best friend, the consumer, and because of the adverse economic conditions which are facing the meat producer, I respectfully request that you take immediate action to eliminate the grave situation that now exists. Your immediate attention to this very complex problem would be appreciated and applauded by both the consumers and producers of this nation's red meat.

Thank you for your consideration of this important matter.

Sincerely,

JERRY LITTON,
*Member of Congress.*

## THE PADDOCKS ON FOREIGN AID

### HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. REUSS. Mr. Speaker, William and Elizabeth Paddock have written a thought-provoking new book entitled "We Don't Know How—An Independent Audit of What They Call Success in Foreign Assistance." In the May 2 edition of the Washington Evening Star, Frank Getlein presents an excellent review of the book. The text of Mr. Getlein's review, entitled "The Failure of Foreign Aid," follows:

THE FAILURE OF FOREIGN AID

(By Frank Getlein)

The most obvious and sensationalist reason for a thorough review of the foreign-aid program is that the program has on occasion been suborned by the CIA for its own secretive purposes. It was, apparently, used as a CIA cover during the period when our war in Laos was a big secret to be kept from the American people at all costs.

And, according to the Costa Gavras movie, "State of Siege," recently the subject of a scandalous cancellation at the American Film Institute, AID officers themselves have instructed the police of client nations in the delicate arts of the torture of political prisoners.

Obviously, if these things are going on in the name of foreign aid, the taxpayers deserve to know about it fully and their representatives in Congress deserve the chance to vote openly for assassination, torture, secret wars and so on, rather than to do so in the illusion that they are voting for improved crop yield and birth control information in underdeveloped countries.

But all of that subversion of foreign aid has been the product of limited minds at CIA, the same sort of minds that participated so heavily in both the Bay of Pigs and the Watergate conspiracy and burglary. There are other, more serious reasons for questioning foreign aid and they are offered in a penetrating, depressing and completely convincing new book by Washington-based agronomists William and Elizabeth Paddock.

The Paddocks call their book "We Don't Know How," and the title sums it up.

With long experience in Central America in numerous branches of foreign aid, the Paddocks compiled, in Washington, a list of aid projects there that the home offices here regard as extraordinarily successful. Then they went back to Guatemala, Honduras and El Salvador to look at these "successes." They also visited a number of other assorted enterprises in the region and a boomtown in Mexico.

Their conclusions are sobering, their details sometimes appalling.

Among the latter are statistics gathered in the same cheerfully casual ways as the celebrated "body-counts" of the first major phase of our Indochinese war, according to which we seemed to have killed off everybody three or four times.

But it is upon those statistics that present programs are continued, future ones devised.

By looking, asking questions of the local people who really know how things are going and by comparing conflicting or complementary sets of statistics, the Paddocks have concluded that foreign aid is not only a failure but an inevitable failure.

One reason is simply that any effective improvement in economic conditions causes a much greater increase in population which wipes out the economic improvement and then some.

Sources of real, measurable improvement in living conditions often are somewhat embarrassing to liberal observers. They include: the money brought home by wetback agricultural laborers in the United States; the sheer proximity to the United States of one Mexican boomtown and the relative American accessibility of one in Honduras; and, of all things, the long-term economic benefits of the United Fruit Company, the feared and denounced "El Pulpo"—the octopus—long blamed as an imperialist exploiter.

The Paddocks have no foolproof plan to make foreign aid work. Indeed, the point of their book is: "I don't know. You don't know. Nobody knows." But they do offer two powerfully sensible suggestions.

The first is simply that, given our increased understanding of the size and the depth of our own "pocket of poverty," more of our money for reform should be put into American areas in need of it—for example, Appalachia, the inner city, Puerto Rico, Indian reservations and Congress, all of which societies cry out for structural changes of the kinds we have tried, unsuccessfully, to create elsewhere in the name of foreign aid.

Their second thought is to start putting money, unilaterally, into the United Nations as an actual peace-keeping force, reliable for small nations. Those nations, relieved of the crushing burden of armaments purchased from us or from the Russians as foreign aid, would then have at least the beginnings of the capital needed to tackle their own problems.

It makes sense—too much sense. That's why it will never be tried.

## "MITCH" McCONNELL CUT POLITICAL TEETH WHILE IN COLLEGE

### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. CARTER. Mr. Speaker, it is always inspiring and reassuring when we see young people achieve through hard work and study. Mitch McConnell of Louisville, Ky., offers the fine example of one who is dedicated to public service.



An account of his meteoric rise in our party's organizations follows:

"MITCH" MCCONNELL CUT POLITICAL TEETH WHILE IN COLLEGE

(By Edward Bennett)

Just over a decade ago, when he was still a college student, "Mitch" McConnell began cutting his Republican political teeth.

Five years ago, less than a year out of law school, he sank those teeth into full-time GOP campaigning and ended up going off to Washington with U.S. Sen. Marlow W. Cook.

Yesterday, at age 31, he bit off the chairmanship of the local Republican Party.

"I'm a strong believer in the art of the possible," A. Mitchell McConnell Jr. explained in a recent interview. "To be effective, you have to superimpose over your idealism the realities of political life."

A deliberate but assured speaker, a self-described philosophical centrist, a man who has chosen his sides wisely, McConnell is a south-end boy who has made it.

He was not born to prominence in the local GOP, known in the recent past as something of a closed club.

He is a native of Alabama, but spent his teen-age years in Louisville's south end and was graduated from du Pont Manual High School, of which he was student body president. Today, among the listings on his résumé, one finds the Pendennis Club and the nation's Air Quality Advisory Board.

WHAT HE'S PROUDEST OF

Despite it all, McConnell says that "the thing I'm proudest of" is his past success as a student politician—the high school presidency, the student council presidency at the University of Louisville, from which he was graduated in 1964, the presidency of the student bar association at the University of Kentucky College of Law.

McConnell's rise in the local GOP has not come, as one might expect these days, as the champion of any youthful legions, but as a flexible extension of tradition.

"As you know, I've had strong support in this (his bid for the chairmanship) from the party fathers," he said.

"I have a very strong conviction that the best kind of change is gradual change. . . . You have to deal with what's possible and discourage those who advocate radical change."

For his success he pays tribute to the late Mayor Kenneth A. Schmied, who was party chairman until his death earlier this month, and to Cook, his first mentor.

"One of Kenny's strongest legacies to the party was that he was extremely open to the younger people in the party," McConnell said. "He was without age prejudice."

McConnell was first vice-chairman of the party under Schmied and served as the local GOP's public spokesman as head of its policy committee.

As for Cook, he gave McConnell his start.

As a U of L student, McConnell had been involved in politics, serving as president of the Campus Young Republicans, working in campaigns and putting in stints as an intern to U.S. Rep. Gene Snyder and U.S. Sen. John Sherman Cooper.

BIG BREAK IN 1968

But his real entry came in 1968, when he wrote Cook, then Jefferson County judge and hoping to be elected to the Senate, and volunteered to help out in the campaign.

He became statewide chairman of the Young Kentuckians for Nixon-Cook in the successful fall campaign, wrote speeches and handled public relations.

Shortly after the election, Cook named McConnell as his chief legislative assistant, and he stayed in Washington until early 1971.

"Young lawyer-types find they reach a point of diminishing returns after about two years" in Washington, McConnell said, when cynicism begins to creep in and experiences begin to repeat themselves. His job, however, was a "stimulating thing" and "great experience."

He returned to Louisville, ostensibly to work in the gubernatorial campaign of Republican Thomas D. Emberton. However he was picked as the regular organization's candidate for the GOP nomination for the 31st legislative district seat in the state General Assembly.

Subsequently, he was disqualified as a candidate for not meeting residency requirements and then devoted himself to Emberton's campaign, which was unsuccessful.

Just two months before the election, President Nixon named McConnell to the 15-member Air Quality Advisory Board ("a little too much advisory and not enough action," he now complains) and the day after the election he returned to Washington politics.

William H. Rehnquist was just beginning his Senate hearings to be confirmed a U.S. Supreme Court justice, and McConnell, who had known Rehnquist from earlier Senate fights over court nominees, was asked to help out.

HELPED DEFEAT "REFORMERS"

When that was completed, it was only a few months until McConnell was back in the local fray, serving as campaign chairman for the regular organization slate of candidates for the local GOP executive committee. The slate, with McConnell as its spokesman, defeated a group of reform-minded dissidents.

"There was a lot of sentiment expressed last spring with throwing the baby out with the bathwater," he said. "But the regular slate was for, and has demonstrated since that time that it supports, constructive change."

He pointed to the selection of John F. (Jack) Will III, now 26, as the party's organization chairman as evidence, saying Will has "brought new life into the organization without throwing out the old."

The emergence of young leaders, like Will and himself, McConnell argues, is not a sign that the GOP's well of experience has run dry. Rather, he said, it is a reflection of an "opening up of the party, the elimination of age prejudice."

Having reaped the benefits of this opening up, it is McConnell's job to see that the party fares as well at the polls this fall.

Married to the former Sherrill Redmon, McConnell lives at 1832 Fleming Road, has a baby daughter and practices law downtown.

MCCONNELL, UNOPPOSED, IS CHOSEN TO HEAD CITY-COUNTY REPUBLICANS

(By Edward Bennett)

The city-county Republican Executive Committee yesterday elected 31-year-old A. Mitchell (Mitch) McConnell Jr. as chairman.

Although no opposing candidate was nominated, McConnell's selection came after unsuccessful attempts to delay the election and to adjourn the committee's meeting before a vote could be taken.

As always, the committee meeting was closed to the press.

State Rep. Dexter Wright, a committee member, said he and others attempted to delay the election of a chairman "out of respect" for former Mayor Kenneth A. Schmied, who was party chairman until his death earlier this month.

Wright said he questioned McConnell's ability to unify the party.

McConnell said after the meeting that a motion to delay the election for a month was ruled out of order, as party rules require selection of officers in April. He said a subsequent effort to adjourn the meeting before a vote could be taken was defeated by a 15–34 vote.

"I have a short memory," McConnell told reporters. "We are going to work together as a group." He said later that he did not think opposition to him was substantial enough to pose any threat to party unity.

McConnell, of 1832 Fleming Road, is a lawyer and former aide to U.S. Sen. Marlow W. Cook and was the party's first vice-chairman under Schmied.

Other party officers chosen yesterday were: Mrs. Lillian Sternberg, first vice-chairman; Marshall Royce, second vice-chairman; Mrs. Virginia Bosse, third vice-chairman; Mrs. Cora Eaves, fourth vice-chairman; Mrs. Ethel Faesenmeier, secretary; Paul Tafel Jr., treasurer, and Ralph Reynolds, sergeant-at-arms.

Robert Saunders and Stephen Nicholas Frazier were chosen from a field of five as the Young Republicans' representatives on the committee.

## HIGHEST RANKING POW SAYS HE FEELS NO HATRED

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. BROWN of California. Mr. Speaker, I believe that many of us could take a lesson from Brig. Gen. John P. Flynn, the highest ranking U.S. officer to be held prisoner of war in the northern portion of Vietnam. Bill Crider of Associated Press quotes General Flynn as saying that he does not feel any hatred for the Vietnamese people, just as he feels no hatred for the German or Korean people against whom he fought in previous wars.

Mr. Speaker, when a man who has been through what this man has been through—he admits to having been tortured, although he does not wish to go into the unpleasant details—when General Flynn can say, and I quote, "One of the things I have noticed is that war is a temporary thing," how can we sit here and self-righteously declare that it would somehow offend our sensibilities to make peace in our hearts as well as on a piece of paper?

General Flynn's remarks were in response to questions from reporters, and he seemed a bit apprehensive that his comments might be taken out of context. In order to be sure that I do not contribute to any misunderstanding of his statements, I am inserting in the RECORD at this time the article upon which I have been relying for my information. It appeared in the San Bernardino Sun-Telegram of Saturday, April 7:

RANKING POW—TORTURE WORKED

(By Bill Crider)

BILOXI, Miss.—Brig. Gen. John P. Flynn, the highest ranking U.S. officer to be held prisoner of war in North Vietnam, said yesterday that torturers probably could have forced him to shoot his own mother.

Flynn, 50, who was promoted to brigadier general yesterday, told newsmen he thought any propaganda statements wrung from prisoners "under torture, or unreasonable duress should be exempt from retribution."

Flynn, an Air Force colonel when his F105 jet was brought down over North Vietnam Oct. 27, 1967, said he did not want to get into details about his own treatment. He spoke at a news conference at Keesler Air Force Base.

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"The thing that hurt me the most personally was that after they had tortured me and got me to answering questions I came to the realization that I was not as strong as I thought I was," he said.

"Up to this point I had a great deal of confidence in the toughness of John Peter Flynn. Suddenly I was in the hands of the 'V' and the 'V' were making me do what they wanted.

I realized I was not as tough as I thought. I realized they could bring me to a point where, if they asked me to shoot my mother, I probably would have done it. The impact of that realization was the toughest thing that I had to handle."

He said the code of conduct for prisoners was "beautiful in principle, an anchor to hold onto in order to keep themselves straight.

"We also understand that there were civilians involved in the arrangement of the code, which came as quite a surprise to me," he added. "We senior officers are going to form a study group to examine the doctrine of the code.

"We are going to attempt in update the doctrine," he said, "but I don't think we would undertake a revision of the code."

He said the study will examine such areas as "whether it is reasonable, for example, for a man to take heavy torture in order not to bow—that sort of thing."

The military code forbids a prisoner of war any information other than his name, rank and serial number.

Flynn's comment came at a news conference after repeated questions about whether any charges were contemplated against American POWs who made statements which North Vietnam used as propaganda.

As the senior officer in the Hanoi prison, Flynn organized what came to be known as the 4th Allied Prisoners of War Wing.

"I would like to report that the 4th Allied POW Wing is closed," he said, "but unfortunately that is not the case.

"We have learned that two members of the wing, both Thais, are still there. We are terribly distressed by this."

Flynn said one of the men was a Thai sergeant whose last words to the last man out were, "Please tell Col. Flynn to get me out of here."

To the recurring questions of whether prisoners collaborated with the enemy, Flynn said the Department of Defense has stated it will not press charges and "I agree with that policy."

"They would not have gotten any statements had there not been torture," he said.

The general said that when the release of prisoners started, he asked them not to make statements regarding any prisoner's relations with the North Vietnamese because "a man's most prized asset is his reputation."

Flynn said the North Vietnamese were masters at making it seem that a prisoner was cooperating with them and that "in many cases men who appeared to be cooperating were not actually."

In addition, he said, "many people make mistakes, many people are victimized, many people are tricked. And the mistakes were made in an atmosphere of tension, pressure."

"It is neither Christian nor military to nag a repentant sinner to death," he said.

Flynn declined to say how his organization of POWs was formed or how it operated because he thought the techniques used should be kept secret if possible.

But, among other things he said, a secret officer's training school was conducted at the prison, despite the watchful eyes of North Vietnamese guards who forbade communication among prisoners.

"It was a formal program with two Air Force Academy graduates conducting the classes," Flynn said. "They were fine men and we had plenty of time.

"After they had completed their schooling, their squadron commander commended them for promotion," he said, "I agreed but I had no authority to issue a battlefield promotion."

However, Flynn said Air Force Secretary Robert C. Seamans has announced that Sgt. Arthur N. Black and M Sgt. William A. Robinson will be commissioned Monday at Andrews Air Force Base outside Washington.

A third graduate, SM Sgt. Arthur Cormier, decided to decline a commission until his graduation from college. He has taken a promotion to chief master sergeant, the top enlisted pay grade.

Flynn grinned when a newsman said the statements by many returning prisoners had been oddly similar and asked whether they had been told what to say.

"You're looking at the guilty party right here," he said. "I quite often sent out messages. I had to be careful, because we don't tell our men what to say. I just told them how I felt in hopes that in some small way I would influence them."

Flynn said his messages were merely advisory and it was "most unfortunate in that the press thought that the men were briefed on what to say."

Asked whether he felt his former captors should benefit from American aid to North Vietnam, Flynn first specified that he was no expert and that military men should steer clear of politics.

As for his personal opinion, he said:

"I have been in three wars. I fought in Germany, I fought in Korea, and I fought in North Vietnam. One of the things I have noticed is that war is a temporary thing.

"There is no animosity between myself and the Japanese. I read books about Dachau and I've read books about Buchenwald and I do not hate the German people. I've seen the North Koreans and I know they are just people.

"This extension of hatred after a war is human, but it's an expression which I don't agree with. I think the bridge to the future involves such things as economic assistance to those people who need it, provided of course we are not taken in by them."

## BLACK LUNG LEGAL FEES

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. MAZZOLI. Mr. Speaker, Congress passed the Coal Mine Health and Safety Act in 1969 and included a provision for miners who are victims of pneumoconiosis, better known as black lung disease.

Inasmuch as this is an occupational ailment, it normally would be covered by State workmen's compensation laws. Congress decided in 1969, however, that a sudden rash of claims, resulting from the new regulations, would cause financial hardship for some States. To avert this, the Federal Government assumed the liability for the first 3 years.

In Kentucky this program has proven to be a significant windfall to a number of attorneys. Representing clients with black-lung claims has resulted in hundreds of thousands of dollars in additional income. I would like to bring to the attention of my colleagues a story by Kyle Vance, which appeared in the Louisville Courier-Journal & Times of April 29, 1973. This story discusses the details and magnitude of the situation:

LAWYERS GET TOP FEES IN 75 PERCENT OF BLACK LUNG CLAIMS

(By Kyle Vance)

FRANKFORT, KY.—The state Workmen's Compensation Board this year has been awarding maximum fees almost 75 per cent of the time to attorneys handling black lung claims.

A check of attorney fees approved for payment through April shows that of 513 fee claims considered, the maximum—20 per cent of the client's award—was allowed 382 times, for 74.4 per cent. Other fee awards ranged downward to 13 per cent.

Board Chairman Shelby T. Denton, Owensboro, and other board members said that the high incidence of maximum fee awards does not indicate "rubber stamp" approval.

They said they are guided solely by the indicated amount of work devoted to a case in determining the amount of a fee. The 20 per cent maximum is prescribed by law. The 13 per cent minimum is a matter of board policy.

In any event, the preponderance of full-fee awards, coupled with a growing case load, is reflected in the spiraling returns attorneys are receiving for collecting black lung claims.

Fee awards referred by the board to the state Labor Department's Special Fund for payment to attorneys total $2.23 million for the year through last Friday. That is an increase of about 10 per cent, or $220,000, over the same period a year ago.

Assessments against compensation insurers are used to bank money in the Special Fund sufficient to pay all occupational disease-claims as well as the attorneys.

Kelsey B. Friend, Pikeville attorney and Democratic state senator, is an one-sided leader in fee awards, with a total of $911,601 for the four months of 1973. Friend last year became the first attorney to exceed $1 million in black lung fees for a full year when he was awarded $1,008,950 by the board.

Three other attorneys have been awarded fees totaling more than $100,000 this year and six others exceed $50,000.

Friend, as have some other attorneys, has streamlined his processing of claims to shorten the time and lessen the work involved in individual cases.

The tabulation shows the board has given him the full 20 per cent fee in 172 (85 per cent) of 201 cases he and his firm have handled this year.

Fred W. Luigart Jr., president of the Kentucky Coal Association, said it was not surprising to him or others in the coal industry that full fees go to attorneys in large numbers.

"We have known for some time that the board has failed to give due consideration to the small amount of time involved in preparing some claims," he said. "That is the only valid way you can say how much the lawyer is entitled to. If he works long hours on a case, he is entitled to the full fee. If not, he isn't."

Board Chairman Denton stoutly defended the high number of awards as "deserving."

"I'd say that three out of four is about the right figure (for full-fee awards)," he said. "Those are the cases in files six inches thick, where five to 15 doctors have given depositions, and where claims attorneys have had to fight attorneys for the other side."

Denton said board members, all attorneys themselves, "can't tell by the file" when a claims attorney has been able to cut his time and work through an efficient organization.

The chairman also said a trend has developed in "the last month or two" in which opposition to claims is being withdrawn when the state learns from its own medical specialists that the claimant can prove disability.

"In those cases, where the claim isn't contested, the attorney fee is automatically reduced 10 per cent," he said.

Three other members of the board—Clyde Mullins, Elkhorn City; Glenn L. Schilling, Louisville, and Alfred Naff, Hopkinsville—said they give first consideration to the amount of work done by an attorney in recmending his fee.

"We have no rigid guidelines and it's mostly up to our individual judgment," Mullins said. "We look at the record, see how many depositions, and, in general, determine how difficult the case has been."

Schilling gave the same explanation.

"It's pretty easy to evaluate the work in the case by the bulk of the file," he said.

Naff said the complexity of a case, including medical examinations, trips to take depositions, and such help him decide when to recommend a maximum fee. At times, he said, he has examined a "rather simple" case and decided the attorney was entitled to no more than 10 per cent of the benefit award.

George Simpson, Sturgis, the fifth member, declined to comment.

Friend is far ahead of other attorneys in fee awards for the year. Other leaders:

W. W. Burchett, Prestonburg, has won awards totaling $192,591 in four months this year. His total last year was $585,118.

Cawood Smith, Harlan, has collected $154-818 this year, more than half his total $298-500 for all of 1972.

Eugene Goss and Karl Forester, partners in a Harlem firm, have amassed fees of $90.-780 this year, compared with last year's total of $217,000.

Neville Smith, Manchester, has $72,677 this year. He collected $145,000 last year.

G. C. Perry III, Paintsville, won awards totaling $810,058 last year. This year he has been awarded $129,688.

Totals for other attorneys this year, all of them among the leaders last year, include: Cletus Maricle, Manchester, $55,839; Earl Cole, Barbourville, $57,658; Lester Burns, Manchester, $53,285, and Leland Monhollon, Madisonville, $50,545.

The total for all other attorneys engaged in black lung claims cases, almost all of them in Eastern Kentucky, is $464,422.

As in previous years, more than 95 per cent of miners' black lung claims have originated in the eastern portion of the state. Just 12 of 513 cases on which attorney fee awards were based came from coal counties in Western Kentucky.

A Louisville lung specialist, Dr. E. Gernert, said applicants for state black lung benefits have a harder time winning their cases if their exposure has been to Western Kentucky mining conditions.

He said he has determined that cutting through sandstone to reach coal seams is the main cause of black lung and that, unlike Eastern Kentucky, Western Kentucky miners are not exposed to sandstone.

Pike, Floyd and Harlan counties, the eastern region's leading underground coal producers, were sources of the most miners' claims involving the attorney fee tabulation.

The four-month total for miners' claims awarded by counties is: Pike, 195; Floyd, 105; Harlan, 63; Clay, 39; Letcher, 21; Leslie, 13; Knott, 13; Perry, 11; Bell, 7; Hopkins, 7; Pulaski, 6; McCreary, 6; Union, 3; Johnson, 3; Whitley, 2, Knox, 1, and Webster, 1.

## WEST GUARANTEES RUSSIA GUNS AND BUTTER ECONOMY

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. RARICK. Mr. Speaker, the massive depletion of some 28 million tons of American grain last year sent a reported one-fourth of our country's wheat crop sailing toward the Soviet Union. While we were generously supplying bargain bread for the Russian dinner tables at prices subsidized by the U.S. taxpayers, housewives experienced the sharpest rise in the cost of meat, bread, dairy products, and other foods in recent years.

In another heavily subsidized food giveway to the Soviets, the Western European nations of the Common Market are now supplying the butter to go on the bread backed from U.S. wheat. Some 200,000 tons of European buttter are being sold to Russia at a preposterously low price, reported to be $340 a ton, or 17 cents a pound. When compared to the subsidized price of $1,860 a ton—93 cents a pound—paid by the European Economic Community to farmers, anyone can see that the Russians pulled off a trade coup.

It was also reported that some of this bargain basement butter is said to have been resold to Chile at a profit. The Russian wheeler-dealers must have been reading some capitalistic books on economics, because they practice well the principle of "buy low and sell high."

A natural question for taxpayers to ask is how much of the wheat and other feed grains that we have sold the Soviets at low subsidized prices have been resold for a profit. In a statement made recently by the Assistant Secretary of Agriculture, the USDA expects that in 1973 "the U.S.S.R. would probably need to import some grain anyway to permit normal exports or some stock buildup." How much of the 14 million tons of wheat, corn, barley, and soybeans the Russians are anticipated to get from the United States this year will find its way into "normal exports"—presumedly at a profit? Why is this country, according to the White House Food Outlook, "selling its grain stocks with the objective of literally emptying its grain bins," while shipping grain to Russia for "stock buildup"?

Perhaps the French Communist who maneuvered the butter deal past the Common Market expressed the objective best:

I think the best way to fight Capitalism while waiting for the Revolution, is to make money by exploiting the Capitalists.

"Exploit" is certainly an appropriate thought. Since it is the American consumer and taxpayer who now pays higher food prices here at home, because our Government is selling our food production abroad at lower-than-cost prices, Americans are indeed being exploited. Their hard-earned money goes to make up the difference in the tax subsidy and also foot the higher food costs in the supermarkets.

Presenting the Russians with European butter and American wheat simply enables them to redirect more of their resources and manpower from agriculture toward military buildup directed against the West. So the Free World is supplying the Communists with a "guns and butter" economy.

The American Government's generosity toward the rest of the world has provided us with the highest national debt in the history of the civilized world, a debased dollar and an inflationary economy that has driven up the cost of everything we buy.

The Communists have finally learned how to make their economic system work—have the United States provide them with the bread, then get the Europeans to butter it.

Our generosity toward the Communists is exceeded only by our ability to get swindled in trade dealings with them.

I include the following related newsclipping:

[From the Manchester (N.H.) Union Leader, Apr. 27, 1973]

EUROPEAN DEAL GIVES SOVIET BARGAIN BUTTER

(By Anthony Lejeune)

The extraordinary deal negotiated by M. Jean Doument, a French multi-millionaire Communist, under which 200,000 tons of surplus European butter are being sold to the Soviet Union at an absurdly low price is an appropriate follow-up to the recent sale of American wheat to the Russians.

The butter is being sold at $340 a ton, compared with the $1,860 a ton, which is the subsidized price paid by the European Economic Community to the farmers. Most of this butter will go to the Red Army, although it is rumored that some of it has already been resold at a profit to Chile.

Even now, about half of the notorious "butter mountain" created by the EEC's system of artificially high prices and subsidies remains unsold: and new surpluses are already being built up. As Mr. Butz, the U.S. Secretary of Agriculture, frankly warned the Europeans lately, "You have so much butter that you are sliding all over the place on it."

An earlier "butter mountain" was dumped in the Far East at about eight cents a pound, while European housewives were having to pay more than 10 times that price. Nor is the butter situation unique. A similar deal is pending which would give the Russians a large quantity of surplus barley.

Almost all the food in Western Europe is more expensive than it need be, because these surpluses are the result, not so much of miscalculation or some sudden change in the market, as of deliberate policy.

When the EEC—the Common Market—was originally set up, there was, in effect, a bargain between France and Germany, whereby German industrial goods obtained duty-free access to neighboring countries, in return for high agricultural subsidies and an external tariff against cheaper food from outside Europe; an agricultural policy designed mainly to favor the inefficient French peasant farmers. (But not only the French, Italian and Bavarian small-farmers are equally inefficient, so they benefit too.)

Housewives in Europe don't like paying unnecessarily high prices for their food, of course—the Russian deal has caused some indignation—but they are, at least, accustomed to it. The bitterest resentment is in Britain, which has traditionally imported food from the cheapest source—New Zealand butter, for example. Now the British taxpayer must not only accept a big increase in the cost of food but must also contribute to the "intervention price" paid to farmers by the European Treasury in order to keep the price up.

Britain is protesting, but with little chance of success. On the contrary, the Eurocrats in Brussels are demanding further across-the-board price increases to compensate for recent changes in currency values.

LITTLE SENSE

Looked at coolly, the EEC's agricultural-policy does seem to make very little economic sense—or, except in purely local terms, political sense. Presenting the Russians with



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subsidised European butter and American wheat simply enables them to divert more of their own resources to military spending, directed against the West. M. Doument is cheerfully blunt about his own position: "I think the best way to fight capitalism while waiting for the Revolution is to make money by exploiting the capitalists."

If the West, by supplying the Russians with cheap food, were merely demonstrating the superior productivity of a free economy, there would be something to be said for these deals. Unfortunately the message points just the other way. The West, it seems, doesn't really believe in freedom at all, and ordinary people are "exploited" whenever they go to the shops.

## CONGRESSMAN MENDEL J. DAVIS SPEAKS FOR UNITED NEGRO COLLEGE FUND

### HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. YOUNG of Georgia. Mr. Speaker, on April 27 our colleague, Representative MENDEL J. DAVIS, spoke in Charleston, S.C., at a kickoff drive for the United Negro College Fund.

In his speech Mr. DAVIS recognized the outstanding service by the college fund to black institutions and students, and the urgent need to support the fund in this period of a scarcity of finances for higher education. I commend our colleague's address to all Members of the House:

UNITED NEGRO COLLEGE FUND, APRIL 27, 1973
(Speech by Congressman MENDEL J. DAVIS)

Mr. DAVIS. Distinguished community leaders, ladies and gentlemen. It is indeed a privilege for me to address you today in support of the United Negro College Fund . . . an organization whose goals are known and respected worldwide and whose name has become synonymous with bettering the educational attainment of literally thousands of our less fortunate citizens.

I think it speaks well of education in general in this nation and of you in particular when so many of you *can* and *will* take the time from your very busy schedules to attend this kickoff drive to raise money for the United Negro College Fund.

It is through your efforts that so many of our predominantly black institutions of higher learning are today better equipped and better prepared to offer the kind of education so essential to the well-being and security of our nation in the years ahead.

All of you here today know the rather sad plight of higher education in the United States today. Leading universities and colleges across the nation are having financial problems of every sort. Education costs money—lots of money. The cost of a university's physical plant . . . the buildings and the equipment in them . . . has been caught up in the same inflationary spiral that has afflicted other areas of the economy. The cost of obtaining qualified instructors has shown a related jump. Administrators . . . if and when they can be found . . . command a premium salary. Food, shelter and security costs have combined to put a terrible squeeze on every institution of higher education in this country.

And who is hurt the worst by all this? Well . . . the institutions who have always suffered the most in good times and bad . . . the small school. The small school without a vast, money-making athletic program. The small school without the multiple advantages of a large alumni group providing financial help. The small school without the professional staff necessary to do the spadework that brings in federal grants.

And the chief irony of this woeful turn of events is this: While inflation spirals upward and while the squeeze gets tighter, the necessity of a college education grows in importance. The necessity of a college education is what caused the formation of many of our smaller colleges in the first place.

We are fast approaching the year 2,000. Who knows what our world will be like by then? If the current knowledge explosion is any indication the year 2,000 will find planet earth up to its ears in technological advances. Already, technology has created a whole new order of professionals: the so-called "technocrats," the men who run the machines which increasingly run our world.

There is evidence that technology is spawning technology . . . that knowledge gained multiplies in lesser and lesser amounts of time . . . that the world, in short, is on a rapidly-escalating ride to a day of "super knowledge" when "super brains" will direct the machinery of a "super world."

But while this trend develops, what help is education getting from the government? Especially, what are the small schools getting? Next to nothing. Despite the financial squeeze, the Nixon Administration is cutting back on aid to education . . . or it's trying to. Mr. Nixon is proceeding with his impoundment program. He is cutting back on aid to education in many areas. It was only recently . . . after much behind-the-scenes work . . . the hold on impact aid funds to public school districts lessened and some of the money began trickling down. The cuts are still on.

While all this is going on . . . the small, independent schools try to push on . . . without any assurance they will receive an iota of government support. They have been forced to take a hard look at their programs and pare and slice and trim away with surgical precision whenever and wherever possible.

And I am here today to tell you they should not have to pare and slice and trim at all. Let's face facts. Gone are the days when an elementary school dropout could work his way into a job with a future. Gone are the days when a high school education and a will to work hard could open doors to the good things in this life. Today . . . like it or not . . . a man or a woman almost has to have a post high school education of some sort . . . and in most cases a college education . . . just to survive in our technological world.

Business has neither the desire nor the means to train our workers of the future. Likewise, government is limited in the numbers of people it can train. The training must come from where it has always come . . . from the colleges and universities across our nation.

So now . . . to the horns of the dilemma. If government support is not enough . . . and if the nation's business community isn't going to foot the bill . . . where will the colleges go? The answer of course is the private sector . . . and organizations such as the United Negro College Fund.

There is no question today but that large numbers of blacks have been economically depressed in the United States. This economic depression has inspired a vicious circle. Without money, blacks have been unable to get a decent education. Therefore, they remain economically depressed.

The United Negro College Fund is designed to aid those schools . . . especially in the South . . . whose mission is predicated on the belief that all men deserve a chance at an education. Predominantly black schools across the nation are accepting students who show little more than promise in the classroom. Certainly, these students do not have vast monetary resources. Seventy per cent of the black students who go to college have to have this help . . . because their family income is below 5,000 dollars a year.

In South Carolina, the United Negro college Fund supplies 600,000 dollars annually to member schools. The money is used for scholarship and curriculum development. This year alone, 600 young men and women . . . trained enough to enter the job market on a truly competitive basis . . . will leave the member schools because they received the benefits of the United Negro college Fund. Had it not been for this support, these students might well have continued in a cycle of poverty we are so desperately trying to break.

When you break the poverty cycle, you have made the biggest contribution of any toward moving people out of the status of being a second class citizen. There can be no greater duty or contribution in our life than to give all of our people a chance at the tree of life.

As Lord Brougham said:

"Education makes a people easy to lead, but difficult to drive; easy to govern but impossible to enslave!

The United Negro College Fund has worked for years to conquer the enslavement which goes hand-in-hand with the lack of meaningful education. We in government applaud your efforts. And all Americans should realize that your efforts to provide thousands of our fellow human beings with dignity and honor through education truly lends dignity and honor to our nation as a whole.

I commend the fund for its successes in the past, for its efforts at the present time and for the promise it holds out in the future.

We must be ever mindful of the future as we meet here today. You are assembled to begin a fund-raising campaign which will have an immediate goal over the next several months. That goal is to meet the needs of the small colleges the fund supports during the next year or so.

But while you are focusing on that immediate goal, remember that fulfilling it will have a continuing effect thirty or forty years from now. Your efforts today in behalf of the United Negro College Fund represent an investment in tomorrow. What you do for your people now will have reverberations years from now . . . not simply for the black people of this nation but for all the peoples of the United States . . . indeed for all the people of the world.

As Bobby Kennedy said: "some men see things as they are and say 'why?' I dream of things that have never been and say 'why not?'"

You hold in your hands the ability to enable many of our young people to dream of things that have never been and to do something about them. I wish you godspeed in your mission.

Thank you.

## GUS DORAZIO, PAL MOORE, AND FRANK PALUMBO INDUCTED INTO PENNSYLVANIA HALL OF FAME

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. EILBERG. Mr. Speaker, the Veteran Boxers Association, Ring 1, of Philadelphia, is an organization of former fighters which was set up to help other boxers who are down on their luck.

This year the group will have its 35th annual banquet on Mother's Day, May 13 and it will honor three men, Gus Dorazio, Pal Moore, and Frank Palumbo, who have been inducted into the Pennsylvania State Boxing Hall of Fame.

At this time I enter into the RECORD an article about the organization and the banquet by a Philadelphia columnist, Nat Frank.

FRANKLY SPEAKING

(By Nat Frank)

This coming Mother's Day will be an unusual double event of the 35th annual banquet of the Veteran Boxers Association, Ring 1, to be staged at the famous Palumbo Restaurant and Entertainment Parlor, 824 Catherine Street, Sunday evening, May 13th. This affair will also mark the 38th anniversary of the founding of this Old Time Fighters, whose headquarters are now located at 1410-1412 Tasker Street.

At this event, there will also be the usual honor being paid to the Mother of the Year. Selection of this exceptional Lady for this distinction will not be known until the evening of the affair.

Then there will be a trio of people who will be inducted into the Pennsylvania State Boxing Hall of Fame. These three notables, who have made ring history with the means of using their fists in legal warfare or have been acknowledged through benevolence to the game of self defense. The selectees were chosen via ballot of the members of the Permanent State Boxing Hall of Fame Committee.

The Big Three voted into this exclusive group, choices whereby their names will be permanently perpetuated, are Frank Palumbo, at whose establishment the Mothers Day Ring 1 Party is staged annually; Pal Moore, the late lightweight of the early 1920 era and one of the 5 famous fighting brothers; and Gus Dorazio, the gritty downtown heavyweight contender of several generations ago.

Palumbo was voted in for many reasons. First of all as a philanthropist. Then he was in turn a fight manager and a boxing promoter. Frank has at all times, without benefit of publicity, lent a helping hand to the fistman, who found himself financially handicapped or in need of a job. Many former fistmen were employed by him. Others he managed to place in jobs through the medium of long and lasting friendship with people in a position to give jobs to those in want.

The idol of the entertainment industry also managed numerous fist slingers, among them being former lightweight champion Ike Williams, heavyweight contender Dan Bucceroni, and Eddie Suez, a better than ordinary light heavyweight, who, today, is one of the leading theatrical agents in this Delaware Valley.

Then Frank Palumbo's venture in fistic promotions, include several pugilistic presentations at smaller clubs. Then he was the impressario for several annual major punching programs for the financial benefit of the Deborah Hospital, of Browns Mills, N.J.

Space doesn't permit singing the praises of the great personality that Frank Palumbo is. Suffice to say he made his mark in every undertaking he attempted. Furthermore, he succeeded in each of his ventures, be they in business, charity or doing his bit for Uncle Sam.

Gus Dorazio, known for his fearlessness and willingness to swap punches with the best in the heavyweight ranks, won recognition because he has never turned down an opponent. Probably at times he was overmatched, as in the case of when he fought Joe Louis, when the Brown Bomber was in his heydey.

Dorazio also fought a thriller with Billy Conn, the light heavyweight champion, who gave Louis one of his toughest battles. It was a nip and tuck engagement between Gus and Billy but unfortunately, the local boy suffered a cut eye. Much against Dorazio's pleadings, the club physician ordered the contest halted with Conn winning on a technical kayo in the 14th round. Until the title bout ended, the spectators had the exciting duel as an even stephen event.

Pal Moore, known as the greatest lightweight Philadelphia had in his time, earned the unique record of having fought world champions galore. In many cases the classy star of the fighting Moore Family won the unofficial decision over the kingpins in non title tests.

His list of ring rivals are a virtual who's who of leather pushers, naming such kingpins as Willie Ritchie, Freddy Welsh, Benny Leonard, Jack Britton, Ted (Kid) Lewis, Johnny Kilbane, Johnny Dundee, Leach Cross and ever so many other masters of the punching trade.

The three selectees are worthy of the honor and they will justly receive the honors due them on the night of May 13, Mothers Day at Palumbos. Tony Morgano, a Hall of Famer and member of the Selection Committee, is President of the VBA, Ring 1. Jack Sebastian is Chairman of the Banquet Committee; Tony Georgette, Club Treasurer, will be the Toastmaster of the evening.



## THREE YEARS LATER NO FEDERAL ACTION ON KENT STATE

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, Friday, May 4, is the 3-year anniversary of one of the most senseless and shocking incidents in our Nation's history.

It was on that day in 1970 when Ohio National Guardsmen opened fire on student demonstrators at the Kent State University campus, killing four and wounding nine.

The campus protest was sparked by President Nixon's decision to invade Cambodia.

Blame in the killings was never established and attempts by myself and several of our colleagues to get the Justice Department to convene a Federal grand jury were continually frustrated by Attorney General Mitchell and others.

It is a sad commentary when the Justice Department can establish grand juries to investigate antiwar activitists while denying a grand jury inquiry into the killing and wounding of innocent college students.

The father of Allison Krause, one of the slain students, wrote the Washington Post the other day detailing his effort and frustration in trying to get the Federal Government to assess blame in the matter.

I would like to put the letter from Arthur Krause in the RECORD at this time.

KENT STATE, CAMBODIA . . . STILL

While watching the evening news on April 3, I heard and saw the anguish of the Cambodian people who have been suffering since our infamous incursion of April 1970. Some of you may recall this "reactionary" action by our President precipitated the protests which climaxed with the murder of my daughter Allison and three other youngsters, Sandra Scheurer, Jeffrey Miller and Bill Schroeder at Kent State University.

Three years later Cambodians are dying, three years later Cambodians are refugees, three years later we are bombing, three years later I am still trying to get the matter of Kent State into a courtroom.

Ten thousand KSU students, along with 30,000 other people petitioned the President of the United States to override Mr. Mitchell's disregard of the Constitution and for Mr. Nixon to order a grand jury to be convened. This was disregarded. Governor Scranton, Wm. Byrne, Joseph Rhodes, Jr., James Ahern, and other members of the Scranton Commission believe that a Grand Jury should have been convened.

I have and am still trying as an individual to get this matter into a courtroom. I appealed to Congress on May 5, 1970, for justice. I made a pledge that I would do everything possible to try to stop a rehappening of this horror in our country. I asked a question on May 5, 1970, "Have we come to such a state in this country that a young girl has to be shot because she disagrees with the action of her government? Is dissent a crime? Is that a reason for killing her?"

ARTHUR S. KRAUSE.

Pittsburgh, Pa.

## HANOI JANE SPEAKS OUT—AGAIN

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 3, 1973*

Mr. HUNT. Mr. Speaker, over the last few months we have heard a great deal about the suffering, the kindness, and the hospitality of the North Vietnamese from no less an authority than Jane Fonda, one of the pioneers in bringing and starring in "X" rated movies in the United States. After listening to her many diatribes on the goodness of the North Vietnamese enemy I have concluded that she has less in her head, than she ever wore in her movies and we are all aware of how little that was.

For someone who was so intent on getting to Hanoi she sure did not stay long. It was long enough, however, to prove to America and the world where her true loyalties lie. But "Hanoi" Jane did not want to stay. How long do you think the Communist regime would have welcomed her if she decided to speak out against them? How long would they have tolerated her "X" rated performances? Oh no, Jane would have had to give up too much—she knew that it would make life rather hard not being able to live the way she was accustomed to in America. Even this devout apologist for the North Vietnamese realized that it is easier to be a Communist apologist in America than in Hanoi.

So, now she is back, presumably enjoying the best of her two lives.

Her latest utterances came just 2 weeks ago today in a speech she gave at UCLA. Nothing new, simply that there are no grounds to believe former POW's when they say they were tortured by the North

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Vietnamese and she defied them to prove it.

There's no reason—

Said the newly wed Mrs. Hayden—

to believe that U.S. Air Force officers tell the truth, they are professional killers.

Not knowing when to stop, the former Mrs. Vadim said, "the Vietnamese are a gentle people."

When asked by a person in the audience if she did not think there had been atrocities on both sides in Vietnam, she bared it all again and answered—simply—"No."

Mr. Speaker, for those of my colleagues who may have missed it, I submit the following article from the April 19 issue of the Washington Star-News:

JANE FONDA DEFIES POWs TO PROVE TORTURE CLAIMS

LOS ANGELES.—Jane Fonda said yesterday there are no grounds to believe former POWs when they say they were tortured by the North Vietnamese and she defied them to prove it.

"We have no reason to believe that U.S. Air Force officers tell the truth," she said, "they are professional killers."

She said she would "eat her words" if the liberated POWs could prove their torture stories in an open forum, where they could be questioned, or in a court of law.

The Vietnamese are "a gentle people," she said.

"Never in the history of the United States have POWs come home looking like football players," she said at UCLA while attending a session on "Women in Vietnam."

When asked by a person in the audience if she did not think there had been atrocities on both sides in Vietnam, she answered simply "no."

# HOUSE OF REPRESENTATIVES—*Monday, May 7, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Now abideth faith, hope, love, these three; but the greatest of these is love.*—I Corinthians 13: 13.

O God, Our Father, who art calling us to walk in the way of wisdom and to live with love in our hearts grant unto us the steady assurance that Thou art with us this day and every day of our lives. May Thy divine spirit abiding in us sustain us in every right and good endeavor. Renew in us the resources of strength that we may not be overcome by trouble but overcoming it make each day an experience of triumph.

We pray for our Nation, our President, our Speaker, Members of Congress, and all who work with them and for them. Following the leading of Thy spirit and living by Thy Commandments may we here in America find a new unity in a common faith and a common adventure. And living close to Thee find ourselves coming closer to each other.

Bless Thou the land of Israel and lead her to an enduring peace with her neighbors; for Thy name's sake. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS THE ADMINISTRATION HAS ALSO LOST THE CONFIDENCE OF THE PEOPLE ON ECONOMIC MATTERS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, George Meany, the president of the AFL–CIO, has effectively deflated administration pretensions to a successful economic policy.

Several days ago, Roy Ash, the Director of the Office of Management and Budget, published a compilation of rosy rationalizations intended to show that the administration was doing all right—at least on economic matters.

Among other things, Mr. Ash said pridefully that unemployment has declined from 6 to 5.1 percent.

In his sharp reply, Mr. Meany pointed out that it was the policies of the Nixon administration which drove unemployment to 6 percent in the first place.

Mr. Meany also cited Labor Department figures showing that living costs had risen 8 percent in March. That is the second consecutive month in which living costs rose faster than at any time in the past 22 years.

Mr. Meany said:

The truth is that inflation is nearly twice as bad now as it was when Mr. Nixon took office.

And finally, Mr. Meany referred to a University of Michigan survey which showed that there was a substantial increase in the number of families who now feel worse off than before—and who expect things to get still worse.

It is quite plain that in economic and consumer affairs—as well as in other matters—this administration has lost the confidence of the American people.

## CHANGE OF LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I take this time to announce that on Tuesday, the Speaker will recognize for a motion to suspend the rules and pass the bill S. 1379 instead of the bill previously announced, H.R. 5932. The Senate bill is similar to the House bill and will be considered instead of the House bill since it has already passed the Senate and is pending on the Speaker's table.

## KLAMATH INDIAN TRIBE LANDS

Mr. MEEDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3867) to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3867

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of August 13, 1954, as amended by the Act of August 23, 1958 (68 Stat. 718; 72 Stat. 816), is further amended by adding a new section 29 as follows:

SEC. 29. The Secretary of Agriculture is authorized and directed to acquire by condemnation all of the Klamath Indian forest lands which the trustee for the Klamath Indian Tribe is required to sell by the terms of its trust agreement, and the lands so acquired shall become a part of the Winema National Forest. The condemnation action may be initiated either before or after the lands are offered for sale by the trustee. If the condemnation award is for more than $60,000,000, the Secretary of Agriculture shall notify and submit his recommendations to the Committees on Interior and Insular Affairs and the Committees on Appropriations of the House of Representatives and the Senate, and if any of such committees disapproves the amount of the award within twenty-one days after notice the condemnation proceeding shall be discontinued. The homesite provisions of section 28(g) shall apply to the lands acquired by the Secretary pursuant to this Act.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

## CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 123]

| | | |
|---|---|---|
| Adams | Erlenborn | Kluczynski |
| Addabbo | Fish | Kyros |
| Andrews, N.C. | Ford, | Leggett |
| Archer | Gerald R. | Long, Md. |
| Ashbrook | Ford, | McCormack |
| Aspin | William D. | McKinney |
| Badillo | Forsythe | McSpadden |
| Bevill | Fountain | Macdonald |
| Biaggi | Fraser | Mailliard |
| Blackburn | Frelinghuysen | Maraziti |
| Blatnik | Frenzel | Mathis, Ga. |
| Boggs | Gibbons | Mayne |
| Bolling | Gray | Melcher |
| Brademas | Green, Oreg. | Milford |
| Brown, Calif. | Griffiths | Minish |
| Brown, Mich. | Guyer | Moorhead, Pa. |
| Buchanan | Hanna | Murphy, Ill. |
| Carter | Hawkins | Myers |
| Chisholm | Hébert | Obey |
| Clancy | Helstoski | O'Hara |
| Collier | Hinshaw | Owens |
| Coughlin | Holtzman | Patman |
| Culver | Howard | Podell |
| Davis, Ga. | Jarman | Powell, Ohio |
| de la Garza | Johnson, Calif. | Price, Tex. |
| Dellenback | Johnson, Pa. | Randall |
| Diggs | Jones, Ala. | Reid |
| Dingell | Jones, Tenn. | Reuss |
| Drinan | Jordan | Rhodes |
| Eckhardt | Karth | Rogers |
| Roncallo, N.Y. | Shriver | Thompson, N.J. |
| Rooney, N.Y. | Stark | Vander Jagt |
| Rosenthal | Steed | Waldie |
| Rostenkowski | Steiger, Wis. | Widnall |
| Roy | Stephens | Wolff |
| Ryan | Symington | Wright |
| St Germain | Taylor, Mo. | Yatron |
| Satterfield | Teague, Tex. | Young, Ga. |

The SPEAKER. On this rollcall, 321 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.



## KLAMATH INDIAN TRIBE LANDS

Mr. MEEDS. Mr. Speaker, I yield myself 10 minutes.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, when Federal supervision over the Klamath Indian Tribe was terminated in 1958, most of the tribal members were paid in cash their pro rata share of the tribal assets, and they ceased to be members of the tribe. A small group of the members, however, elected to continue as a tribe, but not under Federal supervision. Their share of the tribal assets was conveyed to a private trustee, the U.S. National Bank of Portland, Oreg., under a trust agreement that required the bank to liquidate the assets and distribute the cash realized per capita, if the beneficiaries voted to terminate the trust.

The Indians have voted to terminate the private trust, and the bank is preparing to sell about 135,000 acres of forest land on the open market. This land is surrounded by a national forest, and in fact is an in-holding in the forest.

H.R. 3867 directs the Secretary of Agriculture to acquire this land by condemnation at a price that does not exceed $60,000,000. If the court should fix a higher value, the Secretary cannot proceed without first reporting to Congress, and he may not proceed at all if either the Interior Committee or the Appropriations Committee disapproves of the higher price.

The gentleman from Washington (Mr. MEEDS) and the gentleman from Oregon (Mr. ULLMAN) will explain the reasons why the land is needed by the Forest Service.

Mr. MEEDS. Mr. Speaker, H.R. 3867 directs the Secretary of Agriculture to acquire, by condemnation, approximately 135,000 acres of forest lands of the Klamath Indians for inclusion in the Winema National Forest. The bill limits the price which the Secretary may pay for the land to $60,000,000 with a proviso that, if the condemnation award is for more than that figure, the Secretary must report such figure to the Committees on Appropriation and on Interior and Insular Affairs of the House of Representatives and the Senate for approval. If any of such committees indicates disapproval within 21 days, the condemnation proceedings must be discontinued.

These valuable forest lands are a portion of the former Klamath Indian Reservation in Oregon. In 1958, the Congress terminated Federal supervision over the Klamath Tribe and made provision for the disposition of the tribal assets. The plan adopted provided that the members of the tribe could elect to remain in or withdraw from the tribal entity. The assets of the tribe were apportioned between those electing to remain and those electing to withdraw. The assets apportioned to those persons. Included within that sale was approximately 525,680 acres of forest lands, much of which was purchased by the United States to become, basically, the Winema National Forest.

The assets apportioned to the remaining members were transferred to a private trustee, the U.S. National Bank of Oregon, to be administered for the benefit of the remaining members. The trust agreement provided that the remaining members could at any time elect to dissolve the trust and direct the trustee to sell the assets. The Termination Act provided that, if the trustee offered any of the Klamath Forest for sale, the Secretary of Agriculture would have the right to buy those lands for the appraised price. The authority extended for only 1 year after the offer.

The remaining members have since elected to terminate the trust. The trustee offered the land for sale to the Secretary for the appraised price of $51,369,731, but the Secretary did not exercise his option because of fiscal restraints and the time period has elapsed.

In the last Congress, we enacted H.R. 56, the environmental data bank bill which contained a proviso directing the Secretary to exercise his option to purchase the lands. As you know, the President vetoed that bill, but in his veto message stated:

After studying this proposal carefully, I believe this purchase would be sound public policy, and if the next Congress provides the necessary funds, I shall happily approve acquisition of these unique lands.

The trustee is now prepared to offer these lands for not less than $57,445,000, but the Secretary will now have no preferred right to purchase them at their appraised value. The trustee has indicated its intention of shortly offering the lands for sale on competitive bidding.

It is the opinion of the witnesses who appeared before the Subcommittee on Indian Affairs and of many lumbermen and foresters that the high cost of these lands would virtually force private logging companies to clear cut the timber resulting in severe damage to both the economy and the ecology of the local area. The specter of massive erosion of the fragile pumice soils in this area, pollution of two major river systems in the area, destruction of fish and wildlife, and impairment of recreation, scenic, and other multiple-use purposes would be raised in the event of such clear cutting. Private ownership and use would likely result in damage to the administration and use of the existing Winema National Forest and deny public access to the many scenic areas within the lands being offered for sale.

It is the opinion of the Committee on Interior and Insular Affairs that these lands be purchased by the United States for inclusion in the Winema National Forest and to bring the lands under Federal multiple-use, sustained-yield management to insure protection of the fish, wildlife, recreational, watershed, timber, and scenic values. These forest lands are critical to the economy of the Klamath Basin area, where an estimated 40 percent of the work force is involved in wood products harvest and manufacture. Sustained yield management would help maintain a stable economic base in this area.

While it is important that the United States acquire the lands, it is also important that the Indian owners not be prejudiced by such acquisition. The committee feels that it has arrived at the best solution for insuring Federal acquisition while insuring that the Indians receive the full market value for the lands which they have chosen to sell. The committee considered an amendment which would have given the United States a preemptive right to meet any high bid when the trustee offered the lands for sale through competitive bidding. However, the trustee advised the committee that this right in the Government would dampen the private market for the lands and lessen the potential price the Indians might obtain. By directing the Secretary to condemn the lands, either before or after they are offered by sale by the trustee, the fair market value will be determined by a court on the basis of all available information and the Indians are assured of receiving full value.

The committee was concerned not only with the right of the Indians to receive fair value, but other equities which might exist. The bill provides that Indians living on lands included within the lands being sold, will be given a life estate in those lands as provided in the original termination act. The use of these lands would not be inconsistent with Federal management of the forest. In addition, it was the desire of the committee that the forest make a special effort to train and hire Indians in the administration of the forest to the extent practicable and feasible. While this is not written into the bill, we trust the forest service will give this desire due consideration.

Mr. Speaker, I urge the House to enact the bill.

Mr. WYLIE. Mr. Speaker, will the gentleman yield for a question?

Mr. MEEDS. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

This bill provides for condemnation proceedings to acquire Indian lands. Is more than one condemnation proceeding contemplated? Are all of the lands to be included in one huge condemnation proceeding?

Mr. MEEDS. The trustee is now offering lands for sale in 10 different parcels. The Federal Government under this legislation would have the right to condemn either before or after the sale. If the lands were condemned prior to the sales, I assume that the market value again would be established by expert witnesses. In the event they were condemned afterward, certainly, the sales price would probably be the best evidence.

Mr. WYLIE. If the gentleman will yield further, I think I understand the



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question of constitutionality raised by the Justice Department in that this bill provides for acquisition of the Klamath Indian lands by condemnation proceedings, but if the total cost of all the land is above $60 million according the verdicts then the Government in effect can take it all back and refuse to proceed?

Mr. MEEDS. The Congress can refuse to let the Federal Government go through with it by refusing to appropriate further funds for that, yes.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. FROEHLICH).

Mr. FROEHLICH. Mr. Speaker, the Klamath Indian Tribe was terminated by Congress in 1954. Federal supervision over the tribe came to an end in 1958. The situation of the Klamath Tribe is thus very similar to the situation of the Menominee Tribe of Wisconsin in that both tribes were terminated and thereby deprived of their status as Indians under Federal law and denied the services and benefits to which Indians are entitled because of their status.

But here the similarity appears to end.

Since 1961, when Federal supervision over the Menominee Tribe was discontinued, the Menominees have struggled to preserve and maintain the land that once constituted their reservation. They have not been entirely successful; but certainly they have not failed. Today most of the Menominee land remains intact.

The Klamath Tribe, however, appears to have taken a different course. According to the Interior Committee report, after Federal supervision ended in 1958, the assets of the Klamath Tribe were apportioned between those members electing to withdraw from the tribe and those electing to remain in the tribe. The assets apportioned to the withdrawing members were sold and the proceeds were distributed to such members on a per capita basis.

Approximately 525,680 acres of forest land were sold under this arrangement. Most of this land was purchased by the United States for the Winema National Forest.

The bill under consideration today comes in the wake of a decision by the Klamath Tribe to sell the remaining portion of the land that was once their reservation. The bill itself directs the Secretary of Agriculture to acquire this land by condemnation and to pay the trustee of the tribe up to $60,000,000.

Last week, I introduced legislation to restore the Menominee Indian Tribe of Wisconsin as a federally recognized tribe. My bill would lead to the eventual reestablishment of the Menominee Indian Reservation. I am very proud that 24 Members, including the distinguished gentleman from Washington, joined me in that bill.

The Menominee Restoration Act comes at a time when there is a widespread consensus that the termination policy of the 1950's was undesirable. In this context, the restoration of some tribes to their former status may be possible. These developments raise an important question about the legislation before us today.

Is there any evidence, an indication, that the Klamath Tribe would prefer restoration to the sale of their remaining land?

If there is no such sentiment, then this bill should be passed.

But if there is such sentiment, if there is a good possibility that this tribe would prefer to be restored, this bill should not be passed.

Clearly, a tribe cannot expect to sell all its land to the United States, at the cost of many, many millions of dollars, and then come back to the Congress and say, "Make us Indians again and give us back our reservation."

In short, this bill is consistent with complete termination. It is inconsistent with restoration.

Hence, before we vote, I think the record on this point should be very clear. We should not act against the wishes of the tribe. Nor should we authorize the Secretary to initiate a condemnation action on Indian land before it is offered for sale, unless we are certain that the Klamath Tribe does not wish to be restored.

Mr. Speaker, Members of the House, this bill provides great concern to me, inasmuch as the two great political parties and the President have indicated that termination as a policy of this Government is over with. That, in my opinion, is also the prevailing opinion of this House.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. FROEHLICH. Mr. Speaker, I yield to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, I concur in what the gentleman is saying, but the fact of this situation is that these Indians were terminated before I came to Congress. That was back in 1952, when they had a program of termination.

The whole Klamath Tribe was terminated then. Subsequently, we passed a number of bills to provide for the distribution of the property. Most of the Indians who had already been terminated took their cash and left, but there were almost 500 Indians who decided, even though they were terminated, not to take their cash, but to take the land under a trust agreement.

What we are talking about here is Indians who are already terminated, having property in a trust agreement whereby they had procedures that they could terminate that trust agreement. They decided to do so, so we are not talking here about termination at all.

I know the gentleman from Pennsylvania will bear me out on this.

Mr. FROEHLICH. Mr. Speaker, I thank the gentleman.

I raise these questions because we are dealing in this bill with a continuation of the policy of termination:

Have the remaining 500 Indians been advised of the climate of this Congress? Have they been advised of the position of the major political parties? Have they been advised that we are on our way to restoration of other tribes in this Nation? Have they had a chance to understand this before the Government buys their lands for forest and recreational purposes?

These questions have not been answered, in my opinion. I think that we should go back and inform the 500 Indians that there is a possibility of restoration; that there is a program being established to allow Indians to retain their culture and heritage and Indian lands.

Until they are fully informed, Mr. Speaker, it seems that we are going down the wrong road and at too great a speed.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Speaker, I thank the gentleman from Iowa for this time.

Mr. Speaker, I would just like to again remind the House that this bill substantially in this form was approved previously. These are unique lands; the values are up some.

The situation of the Forest Service is different now than it was last year.

Mr. Speaker, I think it is essential that this bill be passed. If the objectives raised by the Justice Department have validity, then what we are doing would not amount to anything. If, on the other hand, after studying them, we find that they do have validity, we intend to work out the problems with the other body.

The Justice Department letter arrived to the attention of the committee just this morning. This matter was passed out of the committee approximately a month ago. The matter has been before Congress for a long time.

Mr. Speaker, I would again remind my colleague on this side of the aisle that the President, in vetoing legislation to which this act was amended last year, said that if this purchase came before him at the proper time, that he would happily recommend it.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I find myself in the usual position, of "I told you so."

Back in 1952 and 1953, when President Eisenhower at the insistence of some Members of the other body suggested a policy of termination of Indian tribes, I opposed it.

I lost that battle, and today we are being called upon to pay the price of the mistakes of Congress in 1952, 1954, and 1956.

The Klamath Tribe was terminated by an act of Congress in 1954. The assets were apportioned among the members, those who withdrew and those who elected to remain on the land that had been an Indian reservation. The withdrawing members sold over 500,000 acres of their land to the United States for the addition to a national forest. The remaining members, with whom we are dealing today, kept approximately 135,000 acres and turned it over to the U.S. National Bank of Portland, Oreg., their trustee. Now they have determined that they would like to sell the lands on which a very large and valuable stand of timber is located.



Anybody who knows anything about the economic situation of our country at the present time knows that one of the things we are drastically short of is timber.

I should like to inform the Members of Congress that it is not just people in this country who are looking at these 135,000 acres; people in other countries are very much interested in these 135,000 acres.

The problem we face today is whether or not we want this timber to be used for the people in this country or in all probability go overseas. Those who are overseas, if they buy it, will clearcut it and get out, because they will own it and they will be interested only in taking the lumber and logs out of this country.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the chairman of the full committee.

Mr. HALEY. The situation briefly is this: If we do nothing the land and forest will be sold anyway. It is completely out of our hands, in the hands of the trustees, and they can sell it any time they want to.

Mr. SAYLOR. That is correct.

Mr. WYATT. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Oregon.

Mr. WYATT. Further along the line of what the chairman said, the sale is going forward and the only question involved here is whether the Forest Service purchases this land or whether it goes to private purchasers. This is not the question of termination of a tribe. The members of the tribe voted on that question once. That is why we are here.

Mr. SAYLOR. That is correct.

Last year their trustee offered this land for sale. Under the original termination bill, the Secretary had a 1-year option on the entire 135,000 acres, if and when it was offered for sale.

Unfortunately, under the economic restraints placed by the President last year the Secretary of Agriculture did not have $51 million to buy it. The option expired. In an effort to let the Secretary of Agriculture acquire last year the other body attached a new authorization, as a rider to another bill, for the Secretary to buy it. That was one of the bills the President vetoed. But in his veto message he singled out this rider for praise, and he said it was sound public policy to keep the 135,000 acres of timber in the public domain. He urged Congress to send it back in a separate bill. That is what we have here today.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GROSS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. This bill provides for condemnation proceedings to acquire the land, and further provides that no more than $60 million will be spent in payment. What if a jury or juries find that more than that amount will be required to buy this land?

What then happens to the land? Did that question come up for discussion during deliberations of the committee?

Mr. SAYLOR. Well, it did, and the reason we increased it to $60 million is that those of the members who have tried to keep track, as the members of our committee have done, of the increased price of lumber in the last year, realize the difference between what the property was worth when it was offered to the Department last year and the figure of about $60 million.

Mr. Speaker, if this property goes on the public auction block and is bought for approximately $60 million or less, that in our opinion would establish the fair market value, and it, therefore, would be the price that would be paid.

Mr. WYLIE. Mr. Speaker, I understand that, but is it the intention under this bill that the property may be first acquired and then given back or could be given back if the amount exceeds $60 million?

Mr. SAYLOR. No, the property is not being acquired and then given back. The property will not then belong to the Indians; the property will then be added to the national forest.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, in answer specifically to the question, if the condemnation suit determines or the court determines it is over $60 million, then the committee will still have the right to approve or disapprove the final purchase price. Congress retains control over the amount of money to be paid for this land.

Mr. WYLIE. Well, Mr. Speaker, if the gentleman will yield——

Mr. SAYLOR. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Let us assume Congress does not approve the acquisition for more than $60 million, or your Committee on Interior and Insular Affairs or the Committee on Appropriations of the House does not approve a purchase, after condemnation proceedings for, say, $65 million?

The SPEAKER. The time of the gentleman has again expired.

Mr. GROSS. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I would urge that the rules be suspended and this bill passed, because this timber and this 135,000 acres will be a great national asset and should be kept in our national forests in the State of Oregon.

Mr. MEEDS. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. ULLMAN), the sponsor of the bill.

Mr. ULLMAN. Mr. Speaker, I will be brief. This land lies in my district. I want to report to this body that to my knowledge the support of this legislation is unanimous throughout my district in the State of Oregon, and it is certainly unanimous among the conservation organizations of the country.

There is no issue of termination here. This Congress terminated supervision over the Klamath Indians back in 1954 before I was a Member of this body. I would have opposed it then; I think it was the wrong way to go. I think time has demonstrated that.

But, Mr. Speaker, that is not the issue here. In 1958, in trying to salvage what we could from the termination proceedings, we set up a private trust. The Indians voted whether they would liquidate their land or whether they would stay in the trust and hold their lands. About 80 percent of them voted to liquidate. The 20 percent that stayed in remained in a completely private trust with no Government control whatsoever. This is a private trust, with a provision for a vote every 5 years to determine whether it should be liquidated.

So, Mr. Speaker, these Indians voted, and they voted to sell their holdings. Now the trustees have offered blocs of it for sale. The issue is whether it shall go into private purchase for exploitation or whether it be held by the Government.

Mr. Speaker, I want to make a plea here that this land is an integral part of that forest. It has been part of the original Klamath Forest. It would be the greatest conservation error that I have known to allow this land now to be divided up and exploited. It involves a tremendous river basin, beautiful rivers, and it is an integral part of a beautiful and a delicate forest built on pumice lands, and if it were exploited and cut off, it would completely destroy the basin.

This is a conservation measure of the first order.

Mr. Speaker, I urge all of the Members to suspend the rules and pass the bill.

Mr. Speaker, I urge my colleagues to support H.R. 3867, my bill to achieve Federal purchase of 135,000 acres of Klamath Indian forest lands in my district in southern Oregon. The lands involved were retained by Indians who chose to place land in a private trust rather than liquidate their shares when the tribe and reservation were terminated in 1958. There are about 470 shares in this private trust. In 1969, the Indians voted to terminate the trust agreement between U.S. National Bank and the Indian owners. The late Senator Richard Neuberger and I proposed amendments to the Termination Act of 1957 and 1958 to set up Federal purchase of the terminated timberlands in the old reservation, and to provide the machinery for purchasing these remaining lands in the event they were ever offered for sale. The initial purchase of 525,000 acres became the Winema National Forest.

The administration failed to use its preferred purchaser status in early 1972 due to budget constraints, so the Oregon delegation put together legislation to direct Federal purchase of the lands. The Senate held hearings on the bill and attached it to H.R. 56, the environmental data bank bill which had already passed the House. Final approval came in October, just prior to adjournment. On October 21, President Nixon vetoed H.R. 56, primarily because of the data bank provisions. In his veto message, he indicated clear support for Federal purchase of the Klamath forest lands. The President stated:

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A third portion of H.R. 56 would direct the Federal Government to purchase the Klamath Indian Forest Lands in Oregon. After studying this proposal carefully, I believe this purchase would be sound public policy, and if the next Congress provides the necessary funds, I shall happily approve the acquisition of these unique lands.

Now the Government is no longer a preferred purchaser. We must either compete as a bidder or condemn the lands. This legislation authorizes and directs the filing of a condemnation proceeding to acquire all 10 parcels. Four parcels were opened for bids on April 9, with bids due on two parcels by August 6 and by September 5 on the other two parcels. The Congress must act swiftly so that the condemnation proceeding can be filed soon.

This legislation authorizes $60 million for purchase of the lands, and provides a procedure whereby Congress could approve additional funds if the award was for more than $60 million. The appraisal figure is $57,445,000, but stumpage values have been increasing substantially lately in the Pacific Northwest, and it was the feeling of the Members of the Oregon delegation and others that some flexibility is necessary to assure Federal purchase.

The present boundaries of the Winema National Forest surround this tract of land, and it is a logical and necessary addition. These forest lands are critical to the economic life of the Klamath Basin area, with an estimated 40 percent of the work force involved in wood products harvest and manufacture. Sustained yield management will help maintain a stable economic base in this area.

The lands comprise major portions of the watersheds for the Sprague and Williamson Rivers, as well as stretches of the rivers themselves. They are among the first native trout fishing streams in the Western United States, and it is important that public access be guaranteed. The Oregon Game Commission estimates an annual value of public access at $4 million. In the event of private acquisition at the prices stated, there is a strong likelihood of intensive cutting to recoup the investment. This would be a disaster for the fragile pumice soils in this area, resulting in severe erosion and loss of topsoils. Private purchase under these conditions would also encourage subdivision of stream-frontage areas for vacation homesite development. Aside from the loss of public access rights, such developments would seriously threaten scenic values and water quality.

The legislation, both last year and this year, has received tremendous support from conservation groups, the State fish and game commission, and local chambers of commerce. The executive committee of the remaining members of the tribe also supports the bill. Organized opposition has not been apparent.

Mr. Speaker, I ask my colleagues to join me in support of this legislation.

Mr. FROEHLICH. Will the gentleman yield?

Mr. ULLMAN. If I have time, I will be happy to yield.

Mr. FROEHLICH. Has there been any consultation with the remaining members of the tribe itself as to the policy of restoration that is appearing here in this Congress in this session at all?

Mr. ULLMAN. I have a bill in that would give or return to all of the Klamath Indians some benefits from the Indian program, but if we are talking about justice to the Indians, we should not just talk about this 20 percent who held their holdings in trust. We should talk about all of the Klamaths. That is where the justice should come if we are to return to the Indian rights. It would be very unjust to return them only to these Indians who hold a tribal trust and not to those who have already liquidated theirs.

Mr. GROSS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, in reading the report I was struck by the fact that the Department of the Interior letter to the committee states:

> We defer to the views of the Department of Agriculture as to whether this bill should be enacted.

Then I look elsewhere in the report and there is no statement whatever on the part of the Department of Agriculture.

This is most unusual, that the Department of the Interior would turn it over to the Department of Agriculture and it would remain mute on the subject.

Can the gentleman from Washington help me out with this?

Mr. SAYLOR. If the gentleman will yield, I can answer the question.

Mr. GROSS. I will be glad to yield to the gentleman.

Mr. SAYLOR. You are correct in the position of the Department of the Interior. The Department of Agriculture did not send up a report on this bill this year, but instead they sent up witnesses who testified in favor of the bill. We have never received a letter from them yet, but the witnesses who appeared before our committee all said they want the bill and reaffirmed their position on a similar bill of last year that they approved.

Mr. GROSS. The gentleman will agree with me that it is unusual that the Department having the most direct interest in the bill has nothing in the record of the report in support of it.

Mr. SAYLOR. If the gentleman will yield, that is correct. But they appeared before our committee and testified in favor of it and asked that we report the bill favorably. It was their idea that we increase it to $60 million.

Mr. GROSS. What is the substance, then, of the letter that we have heard referred to from the Department of Justice?

Mr. SAYLOR. If the gentleman will yield further to me, all I can tell you is this bill was reported out a month ago. The Department of Justice was notified of our original hearings, and it has been on the calendar of the House of Representatives for over a month. This morning the chairman and I got a telephone call from the Department of Justice saying that they did not like the bill. All I can tell you is if they are that far behind, then, this Congress should not worry about it but should pass the legislation and send it down to the White House. If they have enough influence with the President, tell them to go ahead and get it vetoed.

Mr. GROSS. I assume the Department of Justice would be involved in this if the $60 million, which would be authorized under the terms of this bill, did not suffice to take over the land.

Mr. SAYLOR. If the gentleman will yield, only if they are involved so far as the condemnation proceedings are concerned.

Mr. GROSS. Of one thing we can be certain with respect to this legislation: It is going to cost anywhere from $6 million to $9 million more than it would have cost less than 2 years ago. Is that not true?

Mr. SAYLOR. That is correct. And I can only say to the gentleman, if he will yield further, that we are lucky it did not cost more, because if we take the increased price of 135,000 acres of prime timber, it is more than that.

Mr. GROSS. I think it remains to be seen as to whether they are able to sell these lands. I notice they are advertising in the Wall Street Journal, but I have seen no results from the advertisement.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I have no further requests for time.

Mr. MEEDS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, I take this time for the purpose of answering some of the questions posed by the gentleman from Wisconsin (Mr. FROEHLICH) with regard to termination. I am delighted to see the gentleman take the position that he has on this matter. I think it is an excellent position, but I would add that we are here not dealing with that particular matter. The termination, as some of the previous speakers have pointed out, has already transpired with regard to the Klamath Tribe. I am sure the gentleman from Wisconsin (Mr. FROEHLICH) knows how I feel about termination, and I feel much the same way he does.

I think that it was a disastrous policy, and I believe that any group of Indians who have been terminated and who wish to be reinstated should have that opportunity. I might add further that I am working with the gentleman from Wisconsin on the Menominee restoration. But, as I say, we are not presently dealing with that question. The problem here is that the Klamath Indians who were terminated a number of years ago, the 500 who remained, have determined by an almost unanimous vote to sell this land now, and they do not wish to be reinstated. Therefore I think it behooves us to proceed with their wishes.

They have been informed, and, indeed, I sought and tried to find people who might be opposed in that group to this legislation, because I did not want to proceed with the legislation if there were those people extant, but I could not find any.

So I can assure the gentleman from Wisconsin that efforts have been made, and it is my earnest opinion that the overwhelming majority of these people wish to proceed precisely as this bill directs. And, again, we have sought to protect them by requiring condemnation



which will give them the best possible price.

Mr. FROEHLICH. If the gentleman will yield, I believe that I can then read from the remarks of the gentleman that those remaining members of the tribe have been informed of the right of restoration policy for formerly terminated tribes.

Mr. MEEDS. Indeed, I am sure they have been.

Mr. Speaker, I have no further requests for time.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I am happy to yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, I was pleased to have been able to join with my colleagues from the Oregon delegation, Congressman ULLMAN, Congresswoman GREEN, and Congressman WYATT in introducing H.R. 3867 to provide for Federal acquisition of the Klamath Indian Lands.

The bill was introduced last Congress and attached in conference as a purchase directive to H.R. 56, the environmental data systems bill. The bill passed both Houses but was vetoed by the President on October 21, 1972. In his veto message the President said of the Klamath Indian land purchase:

> I believe this purchase would be sound public policy, and if the next Congress provides the necessary funds, I shall happily approve the acquisition of these unique lands.

We, in the Oregon delegation, agree with the President that the acquisition of these lands would make a desirable addition to our national forests.

These lands are an integral part of the forest system which is encompassed by the Winema National Forest. This national forest was created with the Klamath Termination Act which provided for the termination of the Klamath Indian Reservation and the disposal of their lands. The original disposal resulted in the sale of the land which is now the Winema National Forest to the Secretary of Agriculture and the establishment of a trust for the remaining lands. The act provided that at the time the trust was dispersed the lands had to first be offered to the remaining tribal members who had 6 months within which to purchase what lands they desired.

On December 9, 1970, the trustee initiated proceedings to dispose of the lands, however, none of the members of the trust expressed an interest in buying. On July 2, 1971, the trustee offered the lands at a minimum price of $51,369,731 to the Secretary of Agriculture who, under the law, had 12 months within which to buy before they were offered for public sale. The Secretary did not exercise his option to buy within the year deadline because of fiscal restraints in the executive branch and the land has now been offered for public sale. These unfortunate circumstances have led the Oregon delegation to propose the acquisition of this land through condemnation.

The Klamath Indian forest contains 135,000 acres composed of 133,300 acres of timber, 1,100 acres of grassland, and 600 acres of other types of land. There are 895,740,000 board feet of timber available for marketing, making this resource the main source of income from the forest. Under the original termination act it was intended that at such time as the Indians relinquished the remaining land the Government should purchase it to be managed on a multiple-use and sustained-yield basis.

Only if the Federal Government purchases this scenic and bountiful timberland can we guarantee maximum long-run sustained-yield utilization of this magnificent resource. It is feared that the tremendous investment that would be necessary to operate this tract over a long period of time would force a private owner into a "cut and sell" operation in order to recover a substantial proportion of his capital outlay. There would be a strong incentive for rapid removal of the timber and, very possibly, instead of sound, immediate and complete reforestation, some alternate use such as subdivision of the area for residential purposes.

A rapid liquidation could also lead to severe environmental problems. A private owner, while required by law to meet certain pollution standards, could have little concern for environmental enhancement. Only management of the timberland on a long-term sustained yield basis by the Forest Service will assure responsible use of all resources involved.

Federal purchase would provide the greatest benefit to the Klamath Indians and to other residents in the area by assuring jobs and recreational opportunities for future generations. A rapid cutting of the forest which is expected under private ownership would require a large transient labor force during the period of heavy cut and would severely affect the long-range stability of the local economy.

Another significant factor in this proposed transaction that cannot be overlooked is the impact that private ownership could have on the log export situation. For years Japan has been the principal market for log exports from the Pacific Northwest. Japanese building efforts require vast amounts of imported timber. There are reports that Japanese interests are taking a long, hard look at this tract as a potential source of a large, much-needed softwood supply.

It is highly possible that a Japanese concern would attempt to purchase the land outright, or enter into an agreement with a private, domestic corporation. The probable result would no doubt be a rapid cut with subsequent sale of the harvest to Japan.

While there are many other factors that strongly favor Federal purchase of the remaining Klamath Indian Forest I did want to emphasize these points for your consideration today.

I am pleased that both the Indian Affairs Subcommittee and the Interior Committee agreed with the position of the Oregon delegation and overwhelmingly supported this legislation. The committee version would provide for Federal ownership and all its aforementioned benefits and would also help maintain the Indians' tie to this land.

In April of this year, the trustee for the Klamath Indians announced the first offering of a portion of this land for public sale. In light of this action and with the belief that this land would be a desirable addition of our national forest system, I urge your favorable and swift action on this legislation. Its enactment and early implementation would represent the soundest possible investment in and for the future.

I am aware that $60 million is a major amount of money and that this amount is not easily come by. But the purpose for which we are here proposing these dollars be spent seems to me without question to have such a long-range impact on our areas and the whole United States' supply of softwood timber and timber products that this action is clearly and highly desirable.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. MEEDS), that the House suspend the rules and pass the bill H.R. 3867, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## GENERAL LEAVE

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the subject of the bill, H.R. 3867.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

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## INDIAN CLAIMS COMMISSION AUTHORIZATION

Mr. MEEDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4967) to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4967

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act (25 U.S.C. 70), during fiscal year 1974 a sum not to exceed $1,200,000.

SEC. 2. Section 1 of the Act of November 4, 1963 (77 Stat. 301), as amended (25 U.S.C. 70n–1), is further amended by striking out "$1,800,000" and by inserting "$2,700,000".

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MEEDS. Mr. Speaker, I yield myself 10 minutes.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman

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from Florida (Mr. HALEY) the chairman of the full committee.

Mr. HALEY. Mr. Speaker, I might say that I think this legislation is vitally necessary if the Indian Claims Commission is to continue to do the job which needs to be done. They come back before us on an annual basis, so to speak, so that we can keep more or less some control over the operations of the Indian Claims Commission, and see if we can push it along to the point where they can finish all of their work.

Mr. Speaker, the Indian Claims Commission is nearing the end of its life. It was established under a 1946 Act to hear and settle all Indian tribal claims against the United States that arose before 1946. The Commission was expected to finish its job in 10 years, but, for a number of reasons which I shall not discuss here, it did not finish and Congress found it necessary to grant repeated extensions. The last extension was granted last year, 1972, and the statute provided that any work the Commission has not finished by 1977 will be transferred to the Court of Claims, and the Commission will expire.

In order to provide for closer congressional oversight of the work of the Commission, the 1972 act also required an annual appropriation authorization act to be enacted each year, authorizing the dollar amount to be appropriated in order to keep the Commission on schedule. The amount authorized by H.R. 4967 is $1,200,000 for fiscal year 1974, which will keep the Commission operating at its present level. The Commission feels that at this level it will be able to finish in 1977, as required by law.

In order to facilitate the work of the Commission, the bill also amends a revolving loan fund that is available for loans to tribes to employ expert witnesses. The fund is increased from $1,800,000 to $2,700,000. The loans are repayable out of any judgments recovered by the tribes.

I recommend enactment of the bill.

Mr. MEEDS. Mr. Speaker, I thank the gentleman from Florida for his support, and for his long standing support and interest in these matters.

Mr. Speaker, the purpose of this bill is to authorize appropriations for the Indian Claims Commission for fiscal year 1974 and to increase the authorization for the Indian expert witness revolving loan fund from $1,800,000 to $2,700,000—or increase it by $900,000.

The Indian Claims Commission was created by the Act of August 13, 1946 (60 Stat. 1049) to consider and settle, finally, all claims of Indian tribes against the United States arising out of various treaties and statutes, and accruing on or before the date of the act. These claims are of both a legal and moral nature and are, in general, for lands ceded by the tribes to the United States without compensation or with inadequate compensation. Other claims are of an accounting nature where the Indians allege that the United States inadequately performed its function as trustee resulting in damage to the trust assets of the tribe.

Prior to the Indian Claims Commission Act, the Congress had offered relief in such cases by a series of individual jurisdictional acts conferring authority on the Court of Claims to hear and decide such claims. The Claims Commission Act was a deliberate policy of the Congress to cease considering these jurisdictional acts and to establish a tribunal to settle these old claims once and for all time.

I think it should be made clear that the Indian Claims Commission is not empowered to consider, nor does the act affect Indian claims arising out of existing treaty obligation or acts of Congress accruing after August 13, 1946. The United States still has certain obligations to the tribes under these treaties and as trustee for the Indians which can give rise to claims against it by the Indians. These claims can be brought in the Court of Claims.

The original act required the Commission to complete its work within 10 years. For a number of reasons, the Commission was unable to do so and the Congress has repeatedly extended the time limit with an admonition to the Commission to proceed more rapidly in processing these claims. The size of the Commission was increased from three to five members in 1967 to expedite processing of the claims. At the time of the last extension in 1972, the Congress provided that the unfinished business of the Commission when it expired in 1977 would be transferred to the Court of Claims and that no further extensions were contemplated. Congress also required by that act that an annual appropriation authorization be enacted in order that the Interior and Insular Affairs Committee could exercise closer oversight of the work of the Commission. That annual appropriation authorization is the purpose of this legislation.

As of December 31, 1972, the Commission had disposed of 384 dockets, either by an award or by dismissal, out of a total of 611 dockets filed, and 227 dockets remain to be completed. To date, the Commission has awarded $423,926,883.29 in 208 dockets.

The bill authorizes appropriations of $1,200,000 for the expenses of the Commission for fiscal year 1974.

During hearings on the bill, the Chairman of the Indian Claims Commission advised the Subcommittee on Indian Affairs that it would be necessary to increase the funds available to Indian tribes for expert witnesses from the expert witness revolving loan fund if the Commission was to finish its work by the 1977 expiration date.

The expert assistance revolving loan fund was established by the Act of November 4, 1964 (77 Stat. 301) and is administered by the Bureau of Indian Affairs rather than by the Indian Claims Commission. It was created to provide a source of credit to Indian tribes to obtain the services of experts in the preparation and presentation of their claims. Most of the claims before the Commission are based on transactions and circumstances occurring in the early and middle 1800's. Extensive and exhaustive research and documentation is necessary to provide the foundation for these claims. The services of expert appraisers to appraise land values on the date of taking, often in the 1830's and 1840's, are necessary. Anthropologists and historians are needed to document occupation of lands by various tribes and the status of these tribes at the time of the land cessions. Most tribes pressing claims before the Commission simply do not have the financial resources at hand to counter the resources available to the Federal Government in defending against these claims.

It should be made clear that these funds are not available for loans to tribes to pay attorney fees. The payment of such fees are provided for and regulated by the Claims Commission Act itself and are generally on a contingent fee basis and not to exceed 10 percent of the amount recovered.

Loans made from the fund bear interest and are recoverable out of any award made to the tribe by the Commission. If no award is recovered or if the amount of the award is inadequate to cover the loan and interest, the Secretary of the Interior can cancel the loan. To date, there has been no default on any loan made from the fund. Loans repaid and interest is returned to the fund on a revolving basis.

The expert assistance revolving loan fund is now depleted. Although no applications for loans are pending before the Department, the last few loans approved were approved subject to funds being available.

On February 12 of this year, the Indian Claims Commission held a conference of claims attorneys for the purpose of projecting dates for trial of pending cases. At that time, various tribal claims attorneys stated that tribes they represented were poor and did not have the funds to hire needed expert witnesses for their claims. According to estimates of the attorneys, the total new funds needed would be approximately $1 million.

Loans from the fund presently total $2,095,586, and additional loans of $220,448 have been approved subject to the availability of funds. Bureau of Indian Affairs and Claims Commission officials believe that, in addition to the $1,800,000 presently authorized and appropriated for the fund, $900,000 more is needed to permit the Commission to complete its work on time.

Thus the bill amends the act of November 4, 1963 to increase the authorization from $1,800,000 to $2,700,000.

Mr. Speaker, this authorization is needed if the Appropriation Committee is to be able to appropriate the funds for the Commission for fiscal year 1974, and I urge the House to pass the bill.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, should we say as a matter of congressional intent that we hope the Claims Commission will ascertain if any claims are being made by any person responsible for any of the destruction of the Bureau of Indian Affairs building in an attempt to offset any such damage against any claim that might be made by a participant in that ill-advised affair?



Mr. MEEDS. Mr. Speaker, I did not hear the full question.

Mr. WYLIE. Mr. Speaker, I wonder if we should as a matter of congressional intent say to the Claims Commission—will you ascertain if any of the persons making a claim under this bill were in any way responsible for any part of the destruction of the Bureau of Indian Affairs building, if the gentleman knows what I am talking about, and have that amount offset against any claims contemplated herein?

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. MEEDS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, if I may respond to the gentleman from Ohio, I think that would be extremely unwise, because it would be visiting the sins of the father on many succeeding generations.

In the Claims Commission Act awards, they are given to tribes for lands which were held a number of years ago on treaties or inequities which were enacted many years ago and are now being straightened out for a tribe, not for an individual Indian.

Mr. Speaker, I know of no tribe that is responsible, whether we agree or disagree with what happened at the Bureau of Indian Affairs—I know of no tribe which was responsible for that. Therefore, we would be visiting the sins of individuals on the tribal entity, which I think is extremely unwise.

Mr. WYLIE. Mr. Speaker, if the gentleman will yield further, there is no way we can visit the sins of those persons responsible for this destruction on them as individuals in this legislation? Is that what the gentleman is saying?

Mr. MEEDS. Mr. Speaker, the gentleman from Ohio, I am sure, is fully aware that there are ways in which those who were responsible can be punished for their transgressions. There are laws against that type of thing, and all that is necessary is that those laws be enforced.

I would be in favor of that.

Mr. WYLIE. Mr. Speaker, I thank the gentleman.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the distinguished chairman of the Committee (Mr. HALEY).

Mr. HALEY. Mr. Speaker, the chairman of the subcommittee has very kindly stated what the situation is. There was no tribe as such involved in this hassle, this mess which we had down here at the Bureau of Indian Affairs. It was individuals, pure and simple.

As the gentleman has suggested and as I have suggested, there are ways to stop this kind of thing. Those people should have been arrested, they should have been tried and if found guilty, sent to a prison.

It is just such as we have this terrible situation out at Wounded Knee. If we really understood what happened at Wounded Knee in 1890, there would not be too much sympathy for these Indians now out there.

Some of them, I understand, will be arrested. I hope that the leaders who have gone out there and destroyed property and took over by force, we might say, I hope they go to the Federal penitentiary. That is where they belong and that is what should happen to them.

Mr. Speaker, I regret that the Federal Government through its various agencies of Government here in the District of Columbia got involved in this thing. We have a recognized reservation. They had a recognized constitution. They have people out there who could have enforced the laws of the reservation, and they should have been allowed to do it.

The SPEAKER. The time of the gentleman from Washington has again expired.

Mr. MEEDS. Mr. Speaker, I yield myself 1 additional minute.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Speaker, as I understand it, this money will be used as a loan for the different tribes to aid them in procuring expert witnesses to present their claims before the Indian Commission?

Mr. MEEDS. That is correct.

Mr. TAYLOR of North Carolina. And the loan will be paid back and judgment issued?

Mr. MEEDS. That is correct.

Mr. TAYLOR of North Carolina. So, there will be no cost to the Government in this legislation unless it is interest on the money loaned?

Mr. MEEDS. That is correct, except if the Secretary decides to forgive one of the loans because the award is not large enough or there is no award.

Mr. TAYLOR of North Carolina. But the history is that inu all cases that have been tried up to now, there have been awards?

Mr. MEEDS. That is correct.

Mr. TAYLOR of North Carolina. This extra money will expedite the processing of claims now pending before the Commission?

Mr. MEEDS. We are assured it will meet that.

Mr. SAYLOR. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as a result of the Committee on Interior and Insular Affairs trying to maintain closer supervision over the Indian Claims Commission, we now come to the House every year with an authorization bill for their appropriation.

The Indian Claims Commission was established in 1946 for a period of 10 years. At that time everybody said there would be no doubt about the fact that within that time they could take care of all claims the Indians had for anything that was due them for all the land the tribes had owned throughout the length and breadth of the land and be out of business. Unfortunately, at the end of 10 years the work was not completed, so we extended the Commission for 5 years more. At the end of that 5 years the work was not completed, and we extended the Commission for 5 years more.

In 1972 we extended the Commission for another 5 years with instructions that if their work were not completed by 1977 all of the pending claims would be turned over to the U.S. court of claims. At that time we increased the number of judges, and they were told to go ahead with the work. They have increased their staff. They have proceeded with their work.

They reported to us in the hearings this year that they expected to have all of their work completed and to be out of business by 1977.

To take care of them during the coming year this bill calls for $1.2 million for their operations. It also calls for $900,000 to be given to the Indian Claims Commission, to be loaned to the various tribes who do not have any money in their treasury with which to hire expert witnesses.

I know that some folks may wonder what kind of money it takes to hire expert witnesses, in the neighborhood of $900,000, but we have to understand that the Indian Claims Commission has to go back and ask people to appraise real estate; in some instances it is necessary to appraise the entire State, or . . . in several instances . . . States, and one does not do that at today's market prices. It is necessary to find individuals with the expertise to go back and find out what the value of the land was when Uncle Sam acquired it from the Indian tribe.

This is a continuation of a fund which has been in existence for some period of time. All of the money the Congress has heretofore appropriated to that fund has been used. Some of it has been repaid. That which has been repaid has been repaid without interest. This money which is to be loaned to those tribes, who will be applying for it, will be repaid at 5 percent interest.

I believe this to be a good bill. I urge that the rules be suspended and that the bill be passed.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank my friend from Pennsylvania for yielding.

What I find unacceptable about this bill is the prolonged life of the Indian Claims Commission, which was created in 1946, as the gentleman stated, for a 10-year period. It is now 27 years old, and it will be 31 years old—a tripling of the life—if—and I emphasize if—it goes out of existence in 1977.

This to me is unconscionable. What in the world has this Commission been doing that it could not take care of this business in at least twice the 10 years, the latter being the original period which was provided in the legislation?

Mr. SAYLOR. Well, Mr. Speaker, I can say to my colleague, the gentleman from Iowa (Mr. GROSS), that we have raised the same question with members of that Commission every time that they have come up here before our committee since 1949, and I lost every one of the battles until the last one which we had last year, in which we finally gave them a deadline.

Mr. Speaker, I might say that our col-

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league, who serves in the other body, Senator JACKSON, who was the author of the original bill, said at the last conference that had he ever dreamed that the Commission would not have done their work in 10 years, he would not have introduced the first bill.

But I think that they are now in a position to do their work. I will have to commend those who are on the Commission right now for being diligent, for getting rid of many of the cases, and I can clearly see that by 1977 all of the work will be done.

Mr. GROSS. Mr. Speaker, will the gentleman from Pennsylvania give us an estimate of what this Commission has cost us up to this point?

Mr. SAYLOR. I would inform the gentleman that to date, as of April 30, 1973, the cost of operating this Commission has been $8,281,170.10, and I am certain the gentleman will agree that much of this money went down the drain until our committee finally got tough and insisted that they get their work done and get out of business.

Mr. GROSS. Do the members of this Commission work or play, or just what in the world has happened? Did they spend their time hunting or fishing or golfing, or what were they doing? This has got to be one of the bonanzas for the lawyers that ever came down the pike.

Mr. SAYLOR. All I can tell the gentleman is that some of those Members who were on the Commission originally did not do much work.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I thank the gentleman for yielding the time to me.

I, too, am concerned about this legislation. I view it with mixed emotion. I view the support of the legislation with mixed emotion.

Mr. Speaker, I will just take this time to point out to the gentleman from Iowa (Mr. GROSS) that his concern certainly is very legitimate, because from the total of 611 docketed cases, after 27 years we still have some 227 cases, and I take the time to point out that I think it is time that this Congress point to the Indian Claims Commission and tell them that we are really determined that we will not extend this beyond the 30-year period.

It is certainly regrettable that something that was supposed to take 10 years would now extend to 30 years' time.

Mr. MEEDS. Mr. Speaker, I yield myself 1 additional minute just to assure the gentleman from Iowa (Mr. GROSS) and the gentleman from New Mexico (Mr. LUJAN) that the gentleman from Pennsylvania (Mr. SAYLOR) is exactly correct, that the Committee on Interior and Insular Affairs, the full committee, is just as concerned and just as adamant as are both those gentlemen that the Indian Claims Commission finish its work, and we have so provided by the legislation. If there are any remaining cases they must be turned over to the Court of Claims after April 1977 when this legislation is terminated.

GENERAL LEAVE

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MEEDS. Mr. Speaker, I have no further requests for time.

Mr. SAYLOR. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. MEEDS) that the House suspend the rules and pass the bill H.R. 4967, as amended.

The question was taken.

Mr. WYLIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 336, nays 8, not voting 89, as follows:

[Roll No. 124]

YEAS—336

| | | | | | |
|---|---|---|---|---|---|
| Abdnor | Cohen | Gubser | McFall | Poage | Steele |
| Abzug | Conable | Gude | Macdonald | Podell | Steelman |
| Addabbo | Conte | Gunter | Madden | Powell, Ohio | Steiger, Ariz. |
| Alexander | Conyers | Haley | Madigan | Preyer | Stokes |
| Anderson, Calif. | Corman | Hamilton | Mahon | Price, Ill. | Stratton |
| | Cotter | Hammer-schmidt | Mailliard | Pritchard | Stubblefield |
| Anderson, Ill. | Coughlin | | Mallary | Quie | Stuckey |
| Andrews, N.C. | Cronin | Hanley | Mann | Quillen | Studds |
| Andrews, N. Dak. | Daniel, Dan | Hanrahan | Martin, Nebr. | Railsback | Sullivan |
| | Daniel, Robert W., Jr. | Hansen, Idaho | Martin, N.C. | Rangel | Symms |
| | | Hansen, Wash. | Mathias, Calif. | Rees | Talcott |
| Annunzio | Daniels, Dominick V. | Harrington | Matsunaga | Regula | Taylor, N.C. |
| Arends | | Harsha | Mazzoli | Riegle | Teague, Calif. |
| Armstrong | Danielson | Harvey | Meeds | Rinaldo | Thomson, Wis. |
| Ashley | Davis, S.C. | Hastings | Metcalfe | Roberts | Thone |
| Bafalis | Davis, Wis. | Hays | Mezvinsky | Robinson, Va. | Thornton |
| Baker | Delaney | Hechler, W. Va. | Michel | Robison, N.Y. | Tiernan |
| Barrett | Dellenback | Heckler, Mass. | Miller | Rodino | Towell, Nev. |
| Beard | Dellums | Heinz | Mills, Ark. | Roe | Treen |
| Bell | Denholm | Henderson | Mills, Md. | Roncalio, Wyo. | Udall |
| Bennett | Dennis | Hicks | Minish | Rooney, Pa. | Ullman |
| Bergland | Dent | Hillis | Mink | Rose | Van Deerlin |
| Biester | Derwinski | Hinshaw | Minshall, Ohio | Roush | Vanik |
| Bingham | Devine | Hogan | Mitchell, Md. | Roybal | Veysey |
| Boggs | Dickinson | Holifield | Mitchell, N.Y. | Runnels | Vigorito |
| Boland | Dorn | Holt | Mizell | Ruppe | Waggonner |
| Bolling | Downing | Holtzman | Moakley | Ruth | Walsh |
| Bowen | Drinan | Horton | Mollohan | Ryan | Wampler |
| Brasco | Dulski | Hosmer | Montgomery | St Germain | Ware |
| Bray | Duncan | Huber | Moorhead, Calif. | Sandman | Whalen |
| Breaux | du Pont | Hudnut | | Sarasin | White |
| Breckinridge | Eckhardt | Hungate | Moorhead, Pa. | Sarbanes | Whitehurst |
| Brinkley | Edwards, Ala. | Hunt | Morgan | Saylor | Whitten |
| Brooks | Edwards, Calif. | Hutchinson | Mosher | Scherle | Wiggins |
| Broomfield | Eilberg | Ichord | Moss | Schneebeli | Williams |
| Brotzman | Esch | Jarman | Murphy, N.Y. | Schroeder | Wilson, Bob |
| Brown, Mich. | Eshleman | Johnson, Colo. | Myers | Sebelius | Wilson, Charles H., Calif. |
| Brown, Ohio | Evans, Colo. | Jones, N.C. | Natcher | Selberling | |
| Broyhill, N.C. | Evins, Tenn. | Jones, Okla. | Nedzi | Shipley | |
| Broyhill, Va. | Fascell | Jordan | Nelsen | Shoup | Wilson, Charles, Tex. |
| Burgener | Findley | Kastenmeier | Nichols | Shuster | |
| Burke, Calif. | Fish | Kazen | Nix | Sikes | Winn |
| Burke, Fla. | Fisher | Keating | O'Brien | Sisk | Wyatt |
| Burke, Mass. | Flood | Kemp | O'Neill | Skubitz | Wydler |
| Burleson, Tex. | Flowers | Ketchum | Owens | Slack | Wyman |
| Burlison, Mo. | Flynt | King | Parris | Smith, Iowa | Yates |
| Burton | Foley | Koch | Passman | Smith, N.Y. | Young, Alaska |
| Butler | Frey | Kuykendall | Patten | Snyder | Young, Fla. |
| Byron | Froehlich | Kyros | Pepper | Spence | Young, Ill. |
| Camp | Fulton | Landrum | Perkins | Staggers | Young, S.C. |
| Carey, N.Y. | Fuqua | Latta | Pettis | Stanton, J. William | Young, Tex. |
| Carney, Ohio | Gaydos | Lehman | Peyser | | Zablocki |
| Casey, Tex. | Gettys | Lent | Pickle | Stanton, James V. | Zion |
| Cederberg | Gilman | Litton | Pike | | Zwach |
| Chamberlain | Ginn | Long, La. | | | |
| Chappell | Gonzalez | Lott | | NAYS—8 | |
| Clark | Goodling | Lujan | Ashbrook | Gross | Rousselot |
| Clausen, Don H. | Grasso | McClory | Collins | Landgrebe | Wylie |
| | Gray | McCloskey | Crane | Rarick | |
| Clawson, Del | Green, Pa. | McCollister | | | |
| Clay | Griffiths | McDade | | NOT VOTING—89 | |
| Cleveland | Grover | McEwen | Adams | Frenzel | O'Hara |
| Cochran | | | Archer | Giaimo | Patman |
| | | | Aspin | Gibbons | Price, Tex. |
| | | | Badillo | Goldwater | Randall |
| | | | Bevill | Green, Oreg. | Reid |
| | | | Biaggi | Guyer | Reuss |
| | | | Blackburn | Hanna | Rhodes |
| | | | Blatnik | Hawkins | Rogers |
| | | | Brademas | Hébert | Roncallo, N.Y. |
| | | | Brown, Calif. | Helstoski | Rooney, N.Y. |
| | | | Buchanan | Howard | Rosenthal |
| | | | Carter | Johnson, Calif. | Rostenkowski |
| | | | Chisholm | Johnson, Pa. | Roy |
| | | | Clancy | Jones, Ala. | Satterfield |
| | | | Collier | Jones, Tenn. | Shriver |
| | | | Conlan | Karth | Stark |
| | | | Culver | Kluczynski | Steed |
| | | | Davis, Ga. | Leggett | Steiger, Wis. |
| | | | de la Garza | Long, Md. | Stephens |
| | | | Diggs | McCormack | Symington |
| | | | Dingell | McKay | Taylor, Mo. |
| | | | Donohue | McKinney | Teague, Tex. |
| | | | Erlenborn | McSpadden | Thompson, N.J. |
| | | | Ford, Gerald R. | Maraziti | Vander Jagt |
| | | | Ford, William D. | Mathis, Ga. | Waldie |
| | | | | Mayne | Widnall |
| | | | Forsythe | Melcher | Wolff |
| | | | Fountain | Milford | Wright |
| | | | Fraser | Murphy, Ill. | Yatron |
| | | | Frelinghuysen | Obey | Young, Ga. |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Fraser.

Mr. Thompson of New Jersey with Mr. Forsythe.

Mr. Brademas with Mr. Widnall.

Mr. Teague of Texas with Mr. Gerald R. Ford.



Mrs. Chisholm with Mr. O'Hara.

Mr. Culver with Mr. Shriver.

Mr. Davis of Georgia with Mr. Archer.

Mr. Giaimo with Mr. Maraziti.

Mr. Hébert with Mr. Rhodes.

Mr. Helstoski with Mr. Steiger of Wisconsin.

Mr. Johnson of California with Mr. William D. Ford.

Mr. Jones of Alabama with Mr. Blackburn.

Mr. Kluczynski with Mr. Collier.

Mr. McCormack with Mr. Guyer.

Mr. Murphy of Illinois with Mr. Hanna.

Mr. Obey with Mr. Vander Jagt.

Mr. Reid with Mr. Johnson of Pennsylvania.

Mr. Rostenkowski with Mr. Mayne.

Mr. Stark with Mr. McKinney.

Mr. Stephens with Mr. Buchanan.

Mr. Wolff with Mr. Roncallo of New York.

Mr. Young of Georgia with Mr. Badillo.

Mr. Waldie with Mr. Goldwater.

Mr. Adams with Mr. Frenzel.

Mr. Bevill with Mr. Carter.

Mr. Blatnik with Mr. Price of Texas.

Mr. Diggs with Mr. Roy.

Mr. Dingell with Mr. Jones of Tennessee.

Mr. Donohue with Mr. Clancy.

Mr. Fountain with Mr. Conlan.

Mr. Gibbons with Mr. Taylor of Missouri.

Mr. Hawkins with Mr. Biaggi.

Mr. Howard with Mr. Frelinghuysen.

Mr. Karth with Mr. Erlenborn.

Mr. Leggett with Mr. Melcher.

Mr. Long of Maryland with Mr. Randall.

Mr. Yatron with Mr. Symington.

Mrs. Green of Oregon with Mr. Brown of California.

Mr. Mathis of Georgia with Mr. Aspin.

Mr. Rogers with Mr. Reuss.

Mr. Rosenthal with Mr. Steed.

Mr. de la Garza with Mr. McKay.

Mr. McSpadden with Mr. Milford.

Mr. Satterfield with Mr. Wright.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the bill (S. 721) to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes, and ask for immediate consideration of the bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 721

An act to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act (25 U.S.C. section 70), during fiscal year 1974, a sum not to exceed $1,200,000 for the necessary expenses of the Commission.

AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEDS: Strike out all after the enacting clause of S. 721 and insert in lieu thereof the provisions of H.R. 4967, as passed.



The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4967) was laid on the table.

## SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE FOR RESERVE AND NATIONAL GUARD

Mr. DORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6574) to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve, and for other purposes.

The Clerk read as follows:

H.R. 6574

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That clause (5) of section 765 of title 38, United States Code, is amended to read as follows:

"(5) The term 'member' means—

"(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank or grade, or as a cadet or midshipman of the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy;

"(B) a person who volunteers for assignment to the Ready Reserve of a uniformed service and is assigned to a unit or position in which he may be required to perform active duty, or active duty for training, and each year will be scheduled to perform at least twelve periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10, United States Code;

"(C) a person assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who has not received the first increment of retirement annuities or has not yet reached sixty-one years of age and has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code; and

"(D) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises."

SEC. 2. Section 767 of title 38, United States Code, is amended as follows:

(1) Subsection 767(a) is amended to read as follows:

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure against death—

"(1) any member of a uniformed service on active duty, active duty for training, or inactive duty for training scheduled in advance by competent authority;

"(2) any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(B) of this title; and

"(3) any member assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(C) of this title;

in the amount of $15,000 unless such member elects in writing not to be insured under this subchapter, or to be insured in the amount of $10,000 or $5,000. The insurance shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or the first day a member of the Ready Reserve meets the qualifications set forth in section 765(5)(B) of this title, or the first day a member of the reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 765(5)(C) of this title, or the date certified by the Administrator to the Secretary concerned as the date servicemen's group life insurance under this subchapter for the class or group concerned takes effect, whichever is the later date."

(2) Subsection 767(b) is amended by deleting therefrom "ninety days" wherever it appears therein and inserting in lieu thereof "one hundred and twenty days".

(3) Subsection 767(c) is amended by inserting after the words "any member" the words "(other than a member assigned to the Retired Reserve)".

SEC. 3. Section 768 of title 38, United States Code, is amended as follows:

(1) Subsection 768(a) is amended by inserting "or while the member meets the qualifications set forth in sections 765(5)(B) or (C) of this title," before the words "and such insurance shall cease".

(2) Subsections 768(a)(2) and (3) are each amended by deleting therefrom "ninety days" wherever it appears therein and inserting in lieu thereof "one hundred and twenty days".

(3) Subsection 768(a) is further amended by adding at the end thereof the following:

"(4) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(B) of this title, one hundred and twenty days after separation or release from such assignment—

"(A) unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance shall cease one year after the date of separation or release from such assignment, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after separation or release from such assignment; or

"(B) unless on the date of such separation or release the member has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code, and would upon application be eligible for assignment to or is assigned to the Retired Reserve, in which event the insurance, unless converted, shall, upon timely payment of premiums under terms prescribed by the Administrator directly to the administrative office established under section 766(b) of this title, continue in force until receipt of the first increment of retirement annuity by the member or the member's sixty-first birthday, whichever occurs earlier.

"(5) with respect to a member of the Retired Reserve who meets the qualifications of section 765(5)(C) of this title, and who was assigned to the Retired Reserve prior to the date insurance under this amendment is placed in effect for such members, at such time as the member receives the first increment of retirement annuity, or the member's sixty-first birthday, whichever occurs earlier, subject to the timely payment of the initial and subsequent premiums, under terms prescribed by the Administrator, directly to the administrative office established under section 766(b) of this title."

(4) Subsection 768(b) is amended—

(A) by deleting the period at the end of subsection 768(b)(2) and inserting in lieu thereof a semicolon;

(B) by deleting from subsection 766(b)(2)

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the words "ninety days" and "ninety-day" and inserting in lieu thereof the words "one hundred and twenty days" and "one hundred and twenty-day", respectively; and

(C) by adding at the end of subsection 768(b) the following:

"(3) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications of section 765(5)(B) of this title, effective the one hundred and twenty-first day after separation or release from such assignment, unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance may be converted at any time while it is continued in force by reason of such disability, but in no event more than one year after the date of separation or release from such assignment; and

"(4) with respect to a member who was assigned to the Retired Reserve of a uniformed service before insurance for such members was placed in effect there shall be no right of conversion."

(5) The third and fourth sentences of subsection 768(c) are amended to read as follows: "Such converted insurance shall be issued without a medical examination if application is made within one hundred and twenty days after separation or release (1) from active duty or active duty for training under a call or order to duty that did not specify a period of less than thirty-one days, or (2) from an assignment which meets the qualifications set forth in section 765(5)(B) of this title. Medical examinations and evidence of qualifying health conditions may be required in any case where the former member alleges that his insurance is continued in force or may be converted beyond the normal termination of conversion date by reason of qualifying disability incurred or aggravated during active duty, active duty for training, inactive duty training, or while assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications of section 765(5)(B) of this title."

SEC. 4. Section 769 of title 38, United States Code, is amended—

(1) by redesignating subsections 769(a)(2) and (3) as "(3)" and "(4)", respectively, and by adding after subsection 769(a)(1) a new subsection (2) to read as follows:

"(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications of section 765(5)(B) of this title, or is assigned to the Reserve (other than the Retired Reserve) and meets the qualifications of section 765(5)(C) of this title, and is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.";

(2) by deleting from subsection 769(a)(3) (redesignated as (4) by this amendment) the words "subsection (1) hereof, or fiscal year amount under subsection (2) hereof" and inserting in lieu thereof the words "subsections (1) or (2) hereof, or fiscal year amount under subsection (3) hereof"; and

(3) by adding at the end of section 769 a new subsection (e) to read as follows:

"(e) The premiums for Servicemen's Group Life Insurance placed in effect or continued in force for a member assigned to the Retired Reserve of a uniformed service who meets the qualifications of section 765(5)(C) of this title, shall be established under the criteria set forth in section 771 (a) and (c) of this title, except that the Administrator may provide for average premiums for such various age groupings as he may determine to be necessary according to sound actuarial principles, and shall include an amount necessary to cover the administrative cost of such insurance to the company or companies issuing or continuing such insurance. Such premiums shall be payable by the insureds thereunder as provided by the Administrator directly to the administrative office established for such insurance under section 766 (b) of this title. The provisions of section 771 (d) and (e) of this title shall be applicable to Servicemen's Group Life Insurance continued in force or issued to a member assigned to the Retired Reserve of a uniformed service. However, a separate accounting may be required by the Administrator for insurance issued to or continued in force on the lives of members assigned to the Retired Reserve and for other insurance in force under this subchapter. In such accounting, the Administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles."

SEC. 5. The first clause of section 770(a) of title 38, United States Code, is amended to read as follows: "First, to the beneficiary or beneficiaries as the member or former member may have designated by a writing received prior to death (1) in the uniformed service, or (2) in the administrative office established under section 766(b) of this title if separated or released from service, or if assigned to the Retired Reserve, and insured under this subchapter."

SEC. 6. Section 771(e) of title 38, United States Code, is amended by deleting therefrom "section 766" and inserting in lieu thereof "section 769(d)(1)".

SEC. 7. (a) Chapter 13 of title 37, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 707. Allotments: Members of the National Guard

"The Secretary of the Army or the Secretary of the Air Force, as the case may be, may allow a member of the National Guard who is not on active duty to make allotments from his pay under sections 204 and 206 of this title for the payment of premiums under a group life insurance program sponsored by the military department of the State in which such member holds his National Guard membership or by the National Guard association of such State."

(b) The table of sections at the beginning of chapter 13 of such title is amended by adding at the end thereof a new item as follows:

"707. Allotments: Members of the National Guard.".

The SPEAKER. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DORN. Mr. Speaker, as indicated in its title, this bill is designed to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage, subject to certain conditions, under serviceman's group life insurance for such members and for certain members of the Retired Reserve. The bill is substantially identical to H.R. 14742 which passed the House in the 92d Congress but was not acted upon by the other body.

H.R. 6574 was introduced by the distinguished gentleman from Mississippi (Mr. MONTGOMERY) with the cosponsorship of 20 fellow members of our Committee on Veterans' Affairs. Mr. Speaker, I might say the distinguished gentleman from Mississippi rendered outstanding service in holding hearings and expeditiously reporting this bill to the full committee and bringing it now to the House.

I am now happy to yield such time as he may consume to the gentleman from Mississippi, the distinguished chairman of our Subcommittee on Insurance (Mr. MONTGOMERY).

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I thank my chairman and the other members of the committee for giving us the opportunity to bring this bill before the House.

Mr. Speaker, the major thrust of this bill is to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and for certain members of the Retired Reserve up to age 60.

The bill would provide full-time coverage under Servicemen's Group Life Insurance—SGLI—up to $15,000 for persons who volunteer for assignment to the Ready Reserve of a uniformed service and are assigned to a unit or position in which they may be required to perform active duty or active duty for training, and each year will be scheduled to perform at least 12 periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10, United States Code. At the present time, this group, along with other reserves, are covered under SGLI only on the days they are on active duty or active duty for training under a call or order to duty that specifies a period of less than 31 days, during the hours of scheduled inactive duty training, and while traveling to or from such duties.

The second purpose of the bill is to provide full-time coverage under SGLI for persons assigned to, or who, upon application, would be eligible for assignment to the Retired Reserve of a uniformed service who are under 60 years of age and have completed at least 20 years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code. At the present time, members of the Retired Reserve have no eligibility for SGLI.

The full-time coverage of a member of the ready reserve would terminate 120 days after separation or release from an assignment which qualifies him for such coverage. However, if on the date of such separation or release the member was totally disabled, SGLI coverage would continue in effect during total disability up to 1 year as is provided in present law for persons on extended active duty. Further, if on the date of separation or release from such an assignment, the member has completed at least 20 years of satisfactory service creditable for retirement purposes, the full-time coverage, unless converted, would continue in force until receipt of the first increment of retirement annuity by the member of the member's 61st birthday, which ever occurs earlier. Such continued coverage would be subject to the timely payment of premiums under terms prescribed by the administrator directly to the office of Servicemen's Group Life Insurance—OSGLI.

The premium charges will be paid by the member through payroll deduction. There is no cost to the government in this piece of legislation; in fact the government is paid to make the payroll deduction.

The bill grants the administrator authority to establish premiums charged members assigned to the Retired Reserve by various age groupings as he may determine to be necessary according to sound actuarial principles. Also, such premiums shall include an amount necessary to cover the administrative cost of such insurance to the commercial underwriters. A separate accounting may be required of the underwriters by the administrator for insurance issued to or continued in force on the lives of members of the Retired Reserve, and for SGLI issued to others. In such accounting, the administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles.

As I stated at the outset, this legislation is designed to encourage persons to join and remain in the Reserves and National Guard by extending full-time SGLI coverage in lieu of the rather limited coverage they now have only when engaged in active or training duty. Further, it will provide a sorely needed survivor benefit for members of the Reserves who may retire after 20 years of service but are ineligible to receive retirement pay until they reach the age of 60. This provision will extend insurance coverage during such a period. After a retired reservist is himself eligible for retirement pay, he then may elect an annuity option for his widow under the armed services family protection plan.

As our chairman has pointed out, H.R. 6574 is substantially identical to H.R. 14742, a bill which passed the House in the 92d Congress but was not acted upon by the other body. The only significant change in the bill this year is the inclusion of a provision which allows the Secretary of the Army or the Secretary of the Air Force to permit a National Guard member, if he so desires, to allot a portion of his pay for payment of premiums under State-sponsored insurance programs for the National Guard.

The Department of Defense strongly recommends the enactment of legislation with the basic objective of H.R. 6574 "as a positive and feasible incentive for service in the National Guard and Ready Reserve forces, particularly the Selected Reserve." With respect to the minor amendment referred to, the Department recommended deferral of such provision, without prejudice, until it has adequate time to study its ramifications. Our committee gave consideration to this recommendation but was not persuaded that there was any sound basis for a deferral of action on this provision.

A hearing on the predecessor of this bill was held by the Subcommittee on Insurance on March 28, 1973. Enthusiastic support of its objectives was expressed by representatives of the Reserve Officers Association of the United States, the National Guard Association of the United States, the American Legion, and the Disabled American Veterans.

Mr. Speaker, I strongly urge approval of this meritorious bill by the Members of the House.

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. I thank the gentleman for yielding.

I should like to commend the gentleman on the statement he has made on this important piece of legislation.

I should like to ask whether at the hearings held on this bill those in attendance, representing the Ready Reserve and the National Guard, felt that this piece of legislation was more or less essential if we are going to be able to keep up an adequate rate of reenlistment of those serving both in the Ready Reserve and the National Guard?

Mr. MONTGOMERY. This bill is sorely needed. Mainly it is an incentive to attract young persons into the Reserves.

It is estimated the reserve strength will be down by 10 percent by 1974.

We need this bill. It represents no cost to the Government. It will be an incentive to get young men to come into the Reserves and the National Guard.

I thank the gentleman for serving on this subcommittee. I know we have a good bill.

Mr. HILLIS. I thank the gentleman.

Mr. DORN. Mr. Speaker. I yield 2 minutes to the distinguished gentleman from Florida (Mr. SIKES), the dean of the Florida delegation.

Mr. SIKES. Mr. Speaker, the importance of a strong Reserve to support regular military forces is again coming into strong focus. The peacetime forces of the Nation are being reduced in strength. The historic concept of a strong Reserve to support the active Military Establishment is assuming greater significance.

In all our wars except the war in Indochina, America has depended upon strong, willing Reserve Forces to help provide its war-time strength requirements. Only the Air Force Reserve and a few selected Army units saw service in Indochina and they performed in a very creditable way. The fact that the Reserves generally were not used was a political decision. It was a disappointing situation for the Reservists who wanted to serve and for the Nation's military leaders who recognized the contributions the Reserves could make. Under the present administration, there have been positive statements by the Secretary of Defense that this would not be the case if there should be another national emergency.

The contributions of the Reserves have been highly important in one national emergency after another, but this is only part of the story. Reserve units are much less costly to maintain. This is particularly true now that the costs of the regular military establishment are escalating by leaps and bounds. Pay and equipment costs are high. Defense dollars go further in the Reserve components.

Providing strong Reserves is not now an easy thing to do. The attractiveness for service in the Reserves is not as great under present day conditions and attitudes as in previous years. The pressure of the draft is off and those who sought service in the Reserves to avoid service in the regular forces are no longer impelled in this direction. Reserve strength figures are dropping. If we are to make service in the Reserves sufficiently attractive to maintain adequate strength levels, we shall have to provide new incentives.

Today's bill, H.R. 6574, is one important step. I support it strongly. But let us also accept the fact that this bill will not complete the job which is required. We should speedily give consideration to an enlistment bonus and a reenlistment bonus for Reserve units. This is considered second in importance only to the life insurance program. We shall also have to go further than bonus benefits. We should provide a system of additional benefits which includes education and medical care. We should eliminate the 72-hour PX limitation which is now in effect. There may be other things that must be done. Even so, the Reserve components will be the least costly elements in the Nation's defense forces.

Consequently, I support H.R. 6574, the bill under consideration by the House today, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve.

This measure would provide full-time coverage under servicemen's group life insurance for persons who volunteer for assignment to the Ready Reserve of a uniformed service and are assigned to a unit or position in which they may be required to perform active duty or active duty for training, and each year will be scheduled to perform at least 12 periods of inactive duty training that is creditable for retirement purposes. At the present time, this group, along with other Reserves, are covered under SGLI only on the days they are on active duty or active duty for training under a call or order to duty that specfies a period of less than 31 days, during the hours of scheduled inactive duty training, and while traveling to or from such duties.

Another feature of the bill is to provide full-time coverage under SGLI for persons assigned to, or who, upon application, would be eligible for assignment to the Retired Reserve of a uniformed service who are under 60 years of age and have completed at least 20 years of satisfactory service creditable for retirement purposes. At the present time, members



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of the Retired Reserve have no eligibility for SGLI.

The full-time coverage of a member of the Ready Reserve would terminate 120 days after separation or release from an assignment which qualifies him for such coverage. Those who are totally disabled on the date of such separation or release will be covered for 1 year. If the member has completed at least 20 years of satisfactory service creditable for retirement purposes, the full-time coverage, unless converted, will continue in force until receipt of the first increment of retirement annuity or until the member's 61st birthday, whichever occurs earlier. Such continued coverage would be subject to the timely payment of premiums under terms prescribed by the Administrator directly to the Office of Servicemen's Group Life Insurance.

A member of the Ready Reserve who is released from an assignment which qualified him for full-time coverage could, on the 121st day after such release, or up to 1 year in total disability cases, convert his SGLI to an individual policy of commercial insurance. If the member has completed at least 20 years of satisfactory service creditable for retirement purposes, the full-time coverage, unless converted, will continue in force until receipt of the first increment of retirement annuity or until the member's 61st birthday, whichever occurs earlier.

The premium charges for members of the Reserve eligible for full-time coverage under the bill will be contributed from the appropriation made for active duty pay of the uniformed service concerned. Any amounts so contributed on behalf of an individual shall be collected by the Secretary concerned from such individual and shall be credited to the appropriation from which such contribution was made.

The bill grants the Administrator authority to establish premiums charged members assigned to the Retired Reserve by various age groupings as he may determine to be necessary according to sound actuarial principles. Also, such premiums shall include an amount necessary to cover the administrative cost of such insurance to the commercial underwriters.

Coverage is to be available, as in the case of other SGLI policies, increments of $5,000, $10,000, or $15,000. Coverage will be in the amount of $15,000 unless the member notifies the military department concerned in writing that he does not wish coverage or wishes coverage in an amount less than $15,000. Premiums are to be established by the Administrator of Veterans' Affairs, and it is estimated that the amount of premium initially will be approximately $1 per month for each $5,000 of coverage.

This bill has the support of the Department of Defense, the Veterans' Administration, the National Guard Association of the United States and the Reserve Officers Association.

Mr. Speaker, this is a good bill and is deserving of our support. It is badly needed. I urge my colleagues to give it solid support.

I congratulate the distinguished gentleman from South Carolina (Mr. DORN) and the members of the great Committee on Veterans' Affairs for bringing this bill to the floor.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6574. This bill will expand the life insurance protection available to members of the Reserve forces and the National Guard. The availability of this insurance coverage should serve as an additional incentive for service in these branches of our military establishment.

Under existing law, Mr. Speaker, members of the Reserve forces and the National Guard are covered by a policy of servicemen's group life insurance in the maximum amount of $15,000, but only for those limited periods of time when they are actually participating in military training or duty and while traveling to and from such duties.

This measure, H.R. 6574, authorizes full time life insurance coverage for reservists and National Guardsmen who are assigned to a unit or position in which at least 12 periods of inactive duty training are scheduled and required.

In addition, Mr. Speaker, the bill will provide life insurance protection to a member of the Retired Reserve up to his 61st birthday.

Under the law, today, this type of insurance protection terminates when a reservist or National Guardsman completes his Active Reserve service and is transferred to the Retired Reserve. Despite the fact that he may have completed 20 or even 30 years of creditable service for retirement purposes and selected an annuity option for his widow in the event of his death under the armed services family protection plan, no retirement benefits are payable to the retired reservist until he reaches age 60 and no family protection annuity is payable to his widow unless he had been in receipt of retirement pay prior to his demise.

This bill, Mr. Speaker, will authorize $15,000 worth of life insurance coverage for such an individual during the period between the transfer to the Retired Reserve and the attainment of age 60 when he receives the initial retirement check.

This is good legislation, Mr. Speaker, and I urge that it be passed.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota, the ranking minority member of the subcommittee (Mr. ZWACH).

Mr. ZWACH. Mr. Speaker, I rise in support of H.R. 6574, a bill to provide full time coverage under servicemen's group life insurance for certain members of the Reserve forces and the National Guard.

As the ranking Republican member of the Subcommittee on Insurance, I was privileged to have cosponsored similar legislation that was approved by this body in the 92d Congress. Unfortunately, it failed to pass the other body. Again, Mr. Speaker, this legislation that will encourage persons to join and remain in the Reserves and National Guard is before us and I strongly support it.

This bill has two principal purposes. It will provide full-time coverage under the servicemen's group life insurance program—SGLI—for members of Ready Reserve and National Guard who are actively participating in units that conduct a minimum of 12 periods of active duty or inactive duty training per year.

Existing coverage for this group is limited to the hours of scheduled inactive duty training and while traveling to and from such training.

Coverage of $15,000 is provided unless $10,000 or $5,000 or no insurance is specifically requested in writing. Modest premiums to include administrative costs would be set by the Administrator of Veterans' Affairs.

It will also provide full-time SGLI coverage for reservists and National Guardsmen who have qualified for retirement but have not yet reached age 60, when the actual payment of retirement annuities begins. Existing coverage for this group is also limited to the time of actual participation in Reserve or National Guard training.

Mr. Speaker, I support the bill and urge that it be passed.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR) the senior minority member of our committee.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 6574. This bill is intended to encourage people to enter into and remain in the Reserves and National Guard programs by offering full-time insurance coverage in the amount of $15,000 for a nominal premium of approximately $3 a month. A second feature of the bill would offer low cost insurance protection to members of the Retired Reserve who have completed at least 20 years of satisfactory service who are under 61 years of age. This will cover the family of the individual during the interim period between the time he has attained the required number of years for Reserve retired pay, but has not attained the required age, thus assuring the family some monetary benefit for the Reservist's years of service to his country should he die before becoming eligible for retired pay.

The claim costs of this program are not a factor since they would be borne by the insureds.

In these days where we are attempting to build up a voluntary defense force, I believe this type of insurance program will prove to be a valuable tool and, accordingly, intend to vote for it.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 6574, a bill which will provide full time insurance coverage under the Servicemen's Group Life Insurance plan to Reservists and National Guardsmen. At the present time only those persons serving on active duty enjoy this protection.

This bill also will provide coverage to the Reservist for the interim period between the date he completes at least 20 years of service for retirement purposes and the date he reaches age 60 when he becomes eligible for retired pay. Under current law, the Reservist upon becoming eligible for retired pay may elect an annuity option for his widow. If he dies, however, before attaining age 60 his survivors do not derive any benefit from his years of service.



The Department of Defense strongly supports this type of legislation because it provides an incentive for voluntary service in the National Guard and Reserve forces. I join in urging its enactment, because I believe it has great merit.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 6574, a bill to provide servicemen's group life insurance (SGLI) coverage for members of the Ready Reserve and the Retired Reserve.

This legislation is both timely and essential in view of the current program to implement and maintain an effective all volunteer military establishment and avoid the use of conscription except in the most dire of national emergencies.

An integral aspect of the total volunteer military establishment concept are the Ready Reserve and National Guard components which lend significant depth to the regular standing branches of the Armed Forces.

In this regard, it is important to note that in the past the reserve components have received a powerful recruiting stimulus because of the draft. Since the draft has been ended, additional incentives are now required to keep Reserve manpower up to desired levels. To help achieve this need, I cosponsored this bill as a member of the Committee on Veterans' Affairs. By providing full-time coverage under servicemen's group life insurance for those who volunteer for Reserve component assignments in a position where they may be required to perform active duty or active duty training that is creditable for retirement purposes under title 10 of the United States Code, we will hopefully provide an added incentive for people to join and stay in the Reserves and National Guard. Presently, such individuals are only covered by servicemen's group life insurance on the days when they are on extended active duty or on annual active duty training. To complement this coverage, the bill will also provide full-time coverage under servicemen's group life insurance for those under age 60 who have completed at least 20 years of satisfactory service and are eligible to be assigned to the Retired Reserve. At present these members of the Retired Reserve also have no eligibility for servicemen's group life insurance.

This bill only expands the insurance coverage of reservists. All premium costs will be borne by those insured who elect to participate. Any additional administrative costs will be either very insignificant or absorbed within the existing operating expenses of the Army and Air Force. A bill such as this, which will provide a significant service, promote an important national defense policy, and cost the taxpayer little or nothing in additional expenditures, is rather rare these days. I therefore strongly urge support for this bill.

Mr. DORN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DANIELSON) a member of the committee.

Mr. DANIELSON. Mr. Speaker, I rise in support of H.R. 6574 to provide servicemen's group life insurance coverage for members of the Reserves and National Guard.

I am most pleased to be a coauthor of this legislation which will provide an attractive and effective incentive for young people to join our military Reserves and National Guard. In this day when we are trying to convert from a system of compulsory military service to an all-volunteer Armed Forces, we must rely heavily upon our Reserves and National Guard as a supplement to our national defense effort. This bill will provide a very real incentive for young people to join these services.

Many of the young people in our Reserves are just commencing their careers. Oftentimes they are married, with one or two small children. This bill will provide them with substantial insurance coverage for families at a nominal cost. Members of the Reserves and National Guard would not be compelled to participate in this program if they chose not to. If they decided to participate, they could obtain coverage at the levels of $5,000, $10,000, or $15,000 at a price of approximately $1 per month for each $5,000 of coverage. Thus, our reservists could provide $15,000 protection for their families for $3 per month, and this sum could be deducted from their pay.

This bill provides a good incentive for joining our Reserves, as well as meeting an important social need of young families. I urge my colleagues to support this important legislation.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope that the House will promptly and resoundingly approve this bill, H.R. 6574, designed to provide full-time servicemen's group life insurance coverage for persons who volunteer for Ready Reserve assignment in a uniformed service and for other individuals who are under 60 years of age, have at least 20 years of satisfactory service and are otherwise eligible for assignment to the Retired Reserves.

At a time when we are trying to encourage a transition to an all-volunteer Army this measure would provide a positive and realistic incentive in the National Guard and Ready Reserve forces, particularly the Selected Reserve.

The insurance benefits projected in this measure are practical and actuarially sound. All of the claims cost contained in the bill would be borne by the insureds as well as all the administrative costs to the Veterans' Administration. There is no foreseeable possibility of any extra hazard cost being imposed upon the Government by the operation of this bill.

Mr. Speaker, by any standard of measurement this is a prudent bill and its objectives are unquestionably in the national interest. Therefore, I hope it is overwhelmingly adopted without extended delay.

Mr. ROBINSON of Virginia. Mr. Speaker, as a cosponsor with my distinguished colleague, the gentleman from Mississippi (Mr. MONTGOMERY), of a similar bill, H.R. 6166, I am happy to have this opportunity to state my support of the bill before us (H.R. 6574) which would extend the coverage of servicemen's group life insurance to members of the Reserve components, including the National Guard, and certain members of the Retired Reserve.

The adjutant general of Virginia, as commanding officer of the Virginia National Guard, has emphasized to me the importance of making such benefits available as a further inducement to recruitment and retention, and I have been glad to have his confirmation of my conclusion that this legislation is in the national interest.

In the concept of the volunteer defense force, Mr. Speaker, we are placing increased emphasis on the readiness of the Reserve components to respond promptly in emergency situations which we hope we may not encounter. We are endeavoring to recruit personnel of ability and promise. We are upgrading our training programs at substantial expense. Our investment will be improved, therefore, if our "package" of salary and related benefits still looks attractive at reenlistment time.

The insurance coverage which would be provided by this bill is important to that attractiveness, and it should have an equal appeal to the general taxpayer. It represents an insignificant charge on him, in that the bulk of the cost would be met by premium payments keyed to sound appraisal of risks in accordance with established actuarial principles.

Mr. CLEVELAND. Mr. Speaker, as cosponsor of similar legislation, I rise in support of H.R. 6754 as a much-needed means of strenthening the National Guard and Reserve components of our armed services.

By providing full-time coverage under servicemen's group life insurance for members in these categories, this bill will offer needed incentives for enlistment to help bring their levels up to mandated strength. Since premiums will be paid by members themselves through payroll deductions, there will be no cost to the taxpayers.

I have long been concerned about the adequacy of our military services, and for this reason became an early advocate of the all-volunteer army. This was recognized at the outset as an additional expense. At the same time, the President's policy has decreed that the Reserve and National Guard will be the initial and primary sources for augmentation of Active Forces in any future emergency. Thus any incentive to strengthen the Reserve components is consistent with the policy of having a professional army readily subject to reinforcement by trained reserves.

I urge my colleagues to join in supporting this worthwhile improvement in our Reserve and National Guard programs. My colleague, the distinguished and able

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gentleman from Mississippi (Mr. MONTGOMERY), is to be commended for having taken the lead on this matter which will do so much to enhance our national defense by strengthening our Reserve and National Guard components.

Mr. DORN. Mr. Speaker, I have no further requests for time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina (Mr. DORN) that the House suspend the rules and pass the bill H.R. 6574.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 1, not voting 90, as follows:

[Roll No. 125]

YEAS—342

| | | |
|---|---|---|
| Abdnor | Corman | Hammer-schmidt |
| Abzug | Cotter | Haniey |
| Addabbo | Coughlin | Hanrahan |
| Alexander | Crane | Hansen, Idaho |
| Anderson, Calif. | Cronin | Hansen, Wash. |
| Andrews, N.C. | Daniel, Dan | Harrington |
| Andrews, N. Dak. | Daniel, Robert W., Jr | Harsha |
| Annunzio | Daniels, Dominick V. | Harvey |
| Arends | Danielson | Hastings |
| Armstrong | Davis, S.C. | Hays |
| Ashbrook | Davis, Wis. | Hébert |
| Ashley | Delaney | Heckler, Mass. |
| Bafalis | Dellenback | Heinz |
| Baker | Dellums | Henderson |
| Barrett | Denholm | Hicks |
| Beard | Dennis | Hillis |
| Bell | Dent | Hinshaw |
| Bennett | Derwinski | Hogan |
| Bergland | Devine | Holifield |
| Biester | Dickinson | Holt |
| Bingham | Donohue | Holtzman |
| Boggs | Dorn | Horton |
| Boland | Downing | Hosmer |
| Bolling | Drinan | Howard |
| Bowen | Dulski | Huber |
| Brasco | Duncan | Hudnut |
| Bray | du Pont | Hungate |
| Breaux | Eckhardt | Hunt |
| Breckinridge | Edwards, Ala. | Hutchinson |
| Brinkley | Edwards, Calif. | Ichord |
| Brooks | Eilberg | Jarman |
| Broomfield | Esch | Johnson, Colo. |
| Brotzman | Eshleman | Jones, N.C. |
| Brown, Mich. | Evans, Colo. | Jones, Okla. |
| Brown, Ohio | Evins, Tenn. | Jordan |
| Broyhill, N.C. | Fascell | Kastenmeier |
| Broyhill, Va. | Findley | Kazen |
| Burgener | Fish | Keating |
| Burke, Calif. | Fisher | Kemp |
| Burke, Fla. | Flood | Ketchum |
| Burke, Mass. | Flowers | King |
| Burleson, Tex. | Flynt | Koch |
| Burlison, Mo. | Foley | Kuykendall |
| Burton | Frey | Kyros |
| Butler | Froehlich | Landgrebe |
| Byron | Fulton | Landrum |
| Camp | Fuqua | Latta |
| Carey, N.Y. | Gaydos | Lehman |
| Carney, Ohio | Gettys | Lent |
| Casey, Tex. | Giaimo | Litton |
| Cederberg | Gilman | Long, La. |
| Chamberlain | Ginn | Lott |
| Chappell | Gonzalez | Lujan |
| Clark | Goodling | McCloskey |
| Clausen, Don H. | Grasso | McCollister |
| Clawson, Del | Gray | McDade |
| Clay | Green, Pa. | McEwen |
| Cleveland | Griffiths | McFall |
| Cochran | Gross | Macdonald |
| Cohen | Grover | Madden |
| Collins | Gubser | Madigan |
| Conable | Gude | Mahon |
| Conte | Gunter | Mailliard |
| Conyers | Haley | Mallary |
| | Hamilton | Mann |
| Martin, Nebr. | Quie | Stratton |
| Martin, N.C. | Quillen | Stubblefield |
| Matsunaga | Rangel | Stuckey |
| Mazzoli | Rarick | Studds |
| Meeds | Rees | Sullivan |
| Metcalfe | Regula | Symms |
| Mezvinsky | Riegle | Talcott |
| Michel | Rinaldo | Taylor, N.C. |
| Miller | Roberts | Teague, Calif. |
| Mills, Ark. | Robinson, Va. | Thomson, Wis. |
| Mills, Md. | Robison, N.Y. | Thone |
| Minish | Roe | Thornton |
| Mink | Roncalio, Wyo. | Tiernan |
| Minshall, Ohio | Rooney, Pa. | Towell, Nev. |
| Mitchell, Md. | Rose | Treen |
| Mitchell, N.Y. | Roush | Udall |
| Mizell | Rousselot | Ullman |
| Moakley | Roybal | Van Deerlin |
| Mollohan | Runnels | Vanik |
| Montgomery | Ruppe | Veysey |
| Moorhead, Calif. | Ruth | Vigorito |
| Moorhead, Pa. | Ryan | Waggonner |
| Morgan | St Germain | Walsh |
| Mosher | Sandman | Wampler |
| Moss | Sarasin | Ware |
| Murphy, N.Y. | Sarbanes | Whalen |
| Myers | Saylor | White |
| Natcher | Scherle | Whitehurst |
| Nedzi | Schneebeli | Whitten |
| Nelsen | Schroeder | Wiggins |
| Nichols | Sebelius | Williams |
| Nix | Seiberling | Wilson, Bob |
| O'Brien | Shipley | Wilson, Charles H., Calif. |
| O'Neill | Shoup | Wilson, Charles, Tex. |
| Owens | Shuster | Winn |
| Parris | Sikes | Wyatt |
| Passman | Skubitz | Wydler |
| Patten | Slack | Wylie |
| Pepper | Smith, Iowa | Wyman |
| Perkins | Smith, N.Y. | Yates |
| Pettis | Snyder | Young, Alaska |
| Peyser | Spence | Young, Fla. |
| Pickle | Staggers | Young, Ill. |
| Pike | Stanton, J. William | Young, S.C. |
| Poage | Stanton, James V. | Young, Tex. |
| Podell | Steele | Zablocki |
| Powell, Ohio | Steelman | Zion |
| Preyer | Steiger, Ariz. | Zwach |
| Price, Ill. | Stokes | |
| Pritchard | | |

NAYS—1

Hechler, W. Va.

NOT VOTING—90

| | | |
|---|---|---|
| Adams | Gibbons | Randall |
| Anderson, Ill. | Goldwater | Reid |
| Archer | Green, Oreg. | Reuss |
| Aspin | Guyer | Rhodes |
| Badillo | Hanna | Rodino |
| Bevill | Hawkins | Rogers |
| Biaggi | Helstoski | Roncallo, N.Y. |
| Blackburn | Johnson, Calif. | Rooney, N.Y. |
| Blatnik | Johnson, Pa. | Rosenthal |
| Brademas | Jones, Ala. | Rostenkowski |
| Brown, Calif. | Jones, Tenn. | Roy |
| Buchanan | Karth | Satterfield |
| Carter | Kluczynski | Shriver |
| Chisholm | Leggett | Sisk |
| Clancy | Long, Md. | Stark |
| Collier | McCormack | Steed |
| Conlan | McKay | Steiger, Wis. |
| Culver | McKinney | Stephens |
| Davis, Ga. | McSpadden | Symington |
| de la Garza | Maraziti | Taylor, Mo. |
| Diggs | Mathias, Calif. | Teague, Tex. |
| Dingell | Mathis, Ga. | Thompson, N.J. |
| Erlenborn | Mayne | Vander Jagt |
| Ford, Gerald R. | Melcher | Waldie |
| Ford, William D. | Milford | Widnall |
| Forsythe | Murphy, Ill. | Wolff |
| Fountain | Obey | Wright |
| Fraser | O'Hara | Yatron |
| Frelinghuysen | Patman | Young, Ga. |
| Frenzel | Price, Tex. | |
| | Railsback | |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey, with Mr. Forsythe.

Mr. Rooney of New York with Mr. Gerald R. Ford.

Mr. Brademas with Mr. Guyer.

Mr. Kluczynski with Mr. Anderson of Illinois.

Mrs. Chisholm with Mr. de la Garza.

Mr. Johnson of California with Mr. Aspin.

Mr. Randall with Mr. Clancy.

Mr. Rostenkowski with Mr. Collier.

Mr. Obey with Mr. Steiger of Wisconsin.

Mr. Stark with Mr. Shriver.

Mr. Young of Georgia with Mr. Badillo.

Mr. Waldie with Mr. Mathias of California.

Mr. Fountain with Mr. Conlan.

Mr. Long of Maryland with Mr. Mayne.

Mr. Rosenthal with Mr. Brown of California.

Mr. Yatron with Mr. Johnson of Pennsylvania.

Mr. Rogers with Mr. Archer.

Mr. Blatnik with Mr. Erlenborn.

Mr. Bevill with Mr. Taylor of Missouri.

Mr. Culver with Mr. Vander Jagt.

Mr. Hawkins with Mr. Biaggi.

Mr. Helstoski with Mr. Maraziti.

Mr. Rodino with Mr. Frelinghuysen.

Mr. Reid with Mr. Frenzel.

Mr. Roy with Mr. McKinney.

Mr. Satterfield with Mr. Dingell.

Mr. Wolff with Mr. Roncallo of New York.

Mr. Teague of Texas with Mr. Carter.

Mr. Symington with Mr. Railsback.

Mr. Wright with Mr. Price of Texas.

Mr. Stephens with Mr. Blackburn.

Mr. Steed with Mr. Rhodes.

Mr. Murphy of Illinois with Mr. Fraser.

Mr. Leggett with Mr. Goldwater.

Mr. Jones of Alabama with Mr. Buchanan.

Mr. Davis of Georgia with Mr. Jones of Tennessee.

Mr. Karth with Mr. Diggs.

Mr. Adams with Mr. Reuss.

Mr. Gibbons with Mr. Hanna.

Mrs. Green of Oregon with Mr. McKay.

Mr. McCormack with Mr. Milford.

Mr. Mathis of Georgia with Mr. Melcher.

Mr. Sisk with Mr. McSpadden.

Mr. Patman with Mr. Widnall.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## NATIONAL CEMETERIES ACT OF 1973

Mr. DORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2828), to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2828

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National Cemeteries Act of 1973".

SEC. 2. (a) Part II of title 38, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 24—NATIONAL CEMETERIES AND MEMORIALS

"Sec.

"1000. Establishment of National Cemetery System; composition of such system; appointment of director.
"1001. Advisory committee on cemeteries and memorials.
"1002. Persons eligible for interment in national cemeteries.
"1003. Memorial areas.
"1004. Administration.
"1005. Disposition of inactive cemeteries.
"1006. Acquisition of lands.
"1007. Authority to accept and maintain suitable memorials.

"§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director

"(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Administrator.

"§ 1001. Advisory Committee on Cemeteries and Memorials

"There shall be appointed by the Administrator an Advisory Committee on Cemeteries and Memorials. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee shall make periodic reports and recommendations to the Administrator and to Congress.

"§ 1002. Persons eligible for interment in national cemeteries

"Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery in the National Cemetery System:

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or an authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen in the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

"§ 1003. Memorial areas

"(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action, or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers shall be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (2) of this section.

"(c) All national and other veterans' cemeteries in the national cemetery system created by this Act shall be considered national shrines as a tribute to our gallant dead and, notwithstanding the provisions of any other law, the Administrator is hereby authorized to permit appropriate officials to fly the flag of the United States of America at such cemeteries twenty-four hours each day.

"§ 1004. Administration

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator shall provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbaria.

"(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator shall by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried, and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Notwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, such portion of legislative jurisdiction over the lands involved as is necessary to establish concurrent jurisdiction between the Federal Government and the Senate concerned. Such partial relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

"§ 1005. Disposition of inactive cemeteries

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. Any cemetery transferred to the Department of the Interior shall be administered by the Secretary of the Interior as a part of the National Park System, and funds appropriated to the Secretary for such system shall be available for the management and operation of such cemetery.

"(b) The Administrator may also transfer and convey all right, title, and interest of the United States in or to any inactive cemetery or burial plot, or portion thereon, to any State, county, municipality, or proper agency thereof, in which or in the vicinity of which such cemetery or burial plot is located, but in the event the grantee shall cease of fail to care for and maintain the cemetery or burial plot or the graves and monuments contained therein in a manner satisfactory to the Administrator, all such right, title, and interest transferred or conveyed by the United States, shall revert to the United States.

"(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

"§ 1006. Acquisition of lands

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

"§ 1007. Authority to accept and maintain suitable memorials

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary."

(b) The table of chapters of part II and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits ---------- 901"

the following:

"24. National cemeteries and memorials ---------- 1000."

(c) Section 5316 of title 5, United States Code, is amended by striking out:

"(131) General Counsel of the Equal Employment Opportunity Commission."

and inserting in lieu thereof the following:

"(132) General Counsel of the Equal Employment Opportunity Commission.

"(133) Director, National Cemetery System, Veterans' Administration."

SEC. 3. (a) The Administrator shall conduct a comprehensive study and submit his recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) criteria which govern the development and operation of the National Cemetery System, including the concept of regional cemeteries;

(2) the relationship of the National Cemetery System to other burial benefits provided



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by Federal and State Governments to Servicemen and veterans;

(3) steps to be taken to conform the existing System to the recommended criteria;

(4) the private burial and funeral costs in the United States;

(5) current headstone and marker programs; and

(6) the marketing and sales practices of non-Federal cemeteries and interment facilities, or any person either acting on their behalf or selling or attempting to sell any rights, interest, or service therein, which is directed specifically toward veterans and their dependents.

(b) The Administrator shall also, in conjunction with the Secretary of Defense, conduct a comprehensive study of and submit their joint recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) whether it would be advisable in carrying out the purposes of this Act to include the Arlington National Cemetery within the National Cemetery System established by this Act;

(2) the appropriateness of maintaining the present eligibility requirements for burial at Arlington National Cemetery; and

(3) the advisability of establishing another national cemetery in or near the District of Columbia.

SEC. 4. (a) Subchapter II of chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations

"(a) For the purpose of maintaining law and order and of protecting persons and property on lands (including cemeteries) and in buildings under the jurisdiction of the Veterans' Administration (and not under the control of the Administrator of General Services), the Administrator or any officer or employee of the Veterans' Administration duly authorized by him may—

"(1) make all needful rules and regulations for the governing of the property under his charge and control, and annex to such rules and regulations such reasonable penalties within the limits prescribed in subsection (b) of this section as will insure their enforcement. Such rules and regulations shall be posted in a conspicuous place on such property;

"(2) designate officers and employees of the Veterans' Administraiton to act as special policemen on such property and, if the Administrator deems it economical and in the public interest, with the concurrence of the head of the agency concerned, utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, utilize the facilities and services of such State or local law-enforcement agencies; and

"(3) empower officers or employees of the Veterans' Administration who have been duly authorized to perform investigative functions to act as special investigators and to carry firearms, whether on Federal property or in travel status. Such special investigators shall have, while on real property under the charge and control of the Veterans' Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations issued under subsection (a) (1) of this section. Any such special investigator may make an arrest with or without a warrant for any offense committed upon such property in his presence or if he has reasonable ground to believe (A) the offense constitutes a felony under the laws of the United States, and (B) that the person to be arrested is guilty of that offense.

"(b) Whoever shall violate any rule or regulation issued pursuant to subsection (a) (1) of this section shall be fined not more than $50 or imprisoned not more than thirty days, or both."

(b) Section 625 of title 38, United States Code, is hereby repealed.

(c) (1) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by inserting immediately after—

"217. Studies of rehabilitation of disabled persons."

the following:

"218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations.".

(2) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking out—

"625. Arrests for crimes in hospitals and domiciliary reservations.".

SEC. 5. (a) Chapter 23 of title 38, United States Code, is amended by—

(1) amending section 903 to read as follows:

"§ 903. Death in Veterans' Administration facility; plot allowance

"(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under section 610 or 611 of this title, the Administrator—

"(1) shall pay the actual cost (not to exceed $250) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration; and

"(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(b) In addition to the foregoing, if such a veteran, or a veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard for the circumstances in each case, may pay a sum not exceeding $150, as a plot or interment allowance to such person as he prescribes. In any case where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities."; and

(2) adding at the end of such chapter the following new sections:

§ 906. Headstones and markers

"(a) The Administrator shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

"(1) Any individual buried in a national cemetery or in a post cemetery.

"(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1002(a) (4), (5), and (6) of this title.

"(3) Soldiers of the Union and Confederate Armies of the Civil War.

"(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1003 of this title, or in any private or local cemetery.

"§ 907. Death from service-connected disability

"In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Administrator, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 902 and 903 (a) (1) and (b) of this title."

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended—

(1) by striking out

"903. Death in Veterans' Administration facility."

and inserting in lieu thereof

"903. Death in Veterans' Administration facility; plot allowance.";

and

(2) by adding at the end thereof the following items:

"906. Headstones and markers.

"907. Death from service-connected disability.".

**SEC. 6. (a) (1) There are hereby transferred** from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers' and Airmen's Home and Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act.

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery at Philadelphia, and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act.

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

(c) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to



the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such department with respect to functions transferred under such subsection (a) or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs.

SEC. 7. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, and 287).

(2) The Act entitled "An Act to provide for a national cemetery in every State", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a–279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An Act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved August 4, 1947 (24 U.S.C. 281a–281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 296).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery of surplus Army Department owned military real property at Fort Logan Colorado", approved March 10, 1950 (24 U.S.C. 281d–f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 282).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (44 Stat. 287).

(16) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes", approved February 23, 1927 (44 Stat. 1138).

(17) The first proviso of the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes", approved March 23, 1928 (45 Stat. 354).

(18) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes", approved February 28, 1929 (45 Stat. 1375).

(19) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved May 28, 1930 (46 Stat. 458).

(20) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1302).

(21) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes", approved July 14, 1932 (47 Stat. 689).

(22) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 4, 1933 (47 Stat. 1595).

(23) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes" approved April 26, 1934 (48 Stat. 639).

(24) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(25) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(26) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(27) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department and for other purposes", approved June 11, 1938 (52 Stat. 668).

(28) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(29) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(30) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 55 (Stat. 191).

(31) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(32) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

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(33) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes", approved June 26, 1944 (58 Stat. 327–328).

(34) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1946, for civil functions administered by the War Department, and for other purposes" approved March 31, 1945 (59 Stat. 39).

(35) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(36) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(37) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(38) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(39) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(40) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(41) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes", approved July 11, 1952 (66 Stat. 579).

(42) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (24 U.S.C. 290).

(43) The first proviso to the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (43 Stat. 920).

(44) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes", approved June 30, 1954 (68 Stat. 331).

(45) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Atomic Energy Commission, the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1956, and for other purposes", approved July 15, 1955 (69 Stat. 360).

(46) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1957, and for other purposes", approved July 2, 1956 (70 Stat. 474).

(47) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes", approved August 26, 1957 (71 Stat. 416).

(48) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes", approved September 2, 1958 (72 Stat. 1572).

(49) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1969, and for other purposes", approved September 10, 1959 (73 Stat. 492).

(50) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes", approved October 24, 1962 (76 Stat. 1216).

(51) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes", approved December 31, 1963 (77 Stat. 844).

(52) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1965, and for other purposes", approved August 30, 1964 (78 Stat. 682).

(53) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, and the Interoceanic Canal Commission, for the fiscal year ending June 30, 1966, and for other purposes", approved October 28, 1965 (79 Stat. 1096).

(54) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes", approved October 15, 1966 (80 Stat. 1002).

(55) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1968, and for other purposes", approved November 20, 1967 (81 Stat. 471).

(56) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the Tennessee Valley Authority, the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 30, 1969, and for other purposes", approved August 12, 1968 (82 Stat. 705).

(57) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes", approved December 11, 1969 (83 Stat. 327).

(58) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes", approved October 7, 1970 (84 Stat. 893).

(59) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes", approved October 5, 1971 (85 Stat. 368).

(60) The Act entitled "An Act to revise eligibility requirements for burial in national cemeteries, and for other purposes", approved September 14, 1959 (73 Stat. 547).

(61) The Act entitled "An Act to amend the Act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries", approved August 30, 1961 (75 Stat. 411).

(b) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 6(a) of this Act do not apply.

SEC. 8. The first sentence of section 3505(a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in a national cemetery)".

SEC. 9. (a) The Secretary of Defense is authorized and directed to cause to be brought to the United States the remains of an American, who was a member of the Armed Forces of the United States, who served in Southeast Asia who lost his life during the Vietnam era, and whose identity has not been established, for burial in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia.

(b) The implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia, as determined by the President or the Congress of the United States.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 10. (a) The first section and sections 2, 3, 4, and 8 of this Act shall take effect on the date of enactment of this Act.

(b) Clause (1) of section 5(a) shall take effect on the first day of the second calendar month following the date of enactment of this Act.

(c) Clause (2) of section 5(a) and sections 6 and 7 of this Act shall take effect July 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register.

The SPEAKER. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DORN. Mr. Speaker, H.R. 2828, entitled the "National Cemeteries Act of 1973" has several objectives which I will briefly outline, but is primarily designed to establish a National Cemetery System within the Veterans' Administration.

In my extension of remarks I will include for the RECORD a detailed section-by-section analysis of the bill, accompanied by a brief review of the background of this legislation and a résumé of the reasoning behind the various policy decisions made by the committee and reflected in the reported bill.

In its present form the bill:

First, transfers responsibility for administration of all National Cemeteries from the Department of the Army to the Veterans' Administration, except Arlington National Cemetery. Other exceptions are cemeteries in national parks operated by the Department of the Interior, cemeteries at the three military academies located at Colorado Springs, Colo., Annapolis, Md., and West Point, N.Y., the U.S. Soldiers' Home at Washington, D.C., and the U.S. Naval Home located in Philadelphia, Pa.

Second, authorizes a plot allowance of $150, in addition to the present allowance for burial and funeral expenses of $250, payable in any case in which the veteran is not buried in a national or other Federal cemetery.

Third, provides authority in VA for furnishing a headstone or marker, upon request, for the unmarked graves of any individual buried in a national cemetery or in a post cemetery, as well as most individuals eligible for burial in those locations but not buried there, and soldiers of the Union and Confederate Armies of the Civil War.

Fourth, includes provision for the burial of an unknown soldier of the war in Vietnam in Arlington National Cemetery at the appropriate time to be selected at a later date.

Fifth, permits the flying of the U.S. flag at veterans' cemeteries 24 hours a day.

Sixth, directs VA to conduct and submit recommendations to the Congress, not later than 6 months after the convening first session of the 93d Congress, concerning: Criteria to govern development and operation of the National Cemetery System, including the concept of regional cemeteries; relationship of the new National Cemetery System to other burial benefits to servicemen and veterans; steps to be taken to conform the existing system to the recommended criteria; private burial and funeral costs in the United States; current headstone and marker program; and the marketing and sales practices of non-Federal cemeteries and interment facilities, directed specifically toward veterans and other dependents.

Seventh, directs VA, in conjunction with the Secretary of Defense, to conduct a study concerning the future of Arlington National Cemetery; present eligibility requirements for burial in Arlington; and the need for another national cemetery in or near the District of Columbia.

Eighth, extends Administrator's authority to prescribe standards of conduct and authorize the investigation of and arrests for crimes on all VA reservations, including hospitals, cemeteries, and other VA facilities.

Ninth, provides a new burial benefit, not to exceed $800, which is authorized in lieu of any other burial benefit if a veteran dies of a service-connected disability. This is patterned after the Federal employees' death benefit.

For a number of years, the problem of national cemeteries, their locations and adequacy, as well as burial benefits generally for veterans, has been the subject of great concern to the Congress as a whole and to individual Members from every State in the Union. National focus on the problem was made particularly acute when the Department of the Army in 1967 made radical changes in its regulations governing eligibility for burial in Arlington National Cemetery, under which eligibility was limited almost exclusively to servicemen who die on active duty and certain so-called VIP's.

In the 90th Congress a Special Subcommittee on Cemeteries was formed to inquire into the many facets of the problem. Although rather extensive hearings were held and a bill, similar in many respects to H.R. 2828, was reported by the committee, no further legislative action was taken during that Congress.

After hearings before the full committee in the second session of the 92d Congress, attended by representatives of the Veterans' Administration, the Department of Defense, representatives of veterans' organizations and members of Congress, H.R. 12674 was approved and passed by the House on June 5, 1972. The bill later passed the Senate with an amendment which the House accepted on October 11 and cleared the bill for the President.

On October 27, 1972, President Nixon announced his pocket veto of H.R. 12674 issuing the following Memorandum of Disapproval:

NATIONAL CEMETERIES ACT OF 1972
(H.R. 12674)

This bill would block the orderly system of surplus land disposal established by general law and Executive order, by requiring an unusual congressional approval procedure before any VA land holdings larger than 100 acres could be sold.

These property transfer restrictions would undermine the executive branch's Governmentwide system of property management and surplus property disposal which is designed to assure the best and fullest use of Federal property. It would impede the Legacy of Parks program and the procedures for disposing of surplus Federal property under the Federal Property and Administrative Services Act and Executive Order 11508.

Also, the bill deals inconsistently with the serious problem of burial benefits for the Nation's veterans and war dead. It commissions a study of this problem at the same time it preempts the results of such a study by authorizing new burial benefits which would annually add $55 million to the Federal budget beginning next year. The Administrator of Veterans' Affairs already is at work on such a study, which will identify the alternatives for improving burial and cemetery benefits. In the interim, it would be unwise to commit additional Federal resources as proposed by this bill.

As originally introduced, H.R. 2828 was identical with the bill vetoed by the President last year. Hearings on the bill were held on April 3 and 4, 1973. A



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committee amendment to the bill, however, deletes, without prejudice, the provision with respect to the disposition of VA landholdings. In this respect, the House bill conforms with the provisions of S. 49 which passed the Senate March 6, 1973. Thus, the committee has removed from the present bill a major objection causing the adverse Presidential action on the previous legislation.

As pointed out above, the bill directs certain studies on the part of the Administrator of Veterans Affairs. These provisions are identical with those on the subject contained in the 92d Congress bill. In the meantime, in testifying on H.R. 2828, the Administrator submitted a "Study of Veterans Burial Benefits", dated March 30, 1973, and prepared by a special study group appointed by him. The committee finds this study of interest but, nevertheless, retains the "study" provisions in the bill to afford the Administrator further opportunity to continue his study with the possibility of coming up with further specific recommendations. In any event, the committee reiterates its direction that the Veterans' Administration, in conjunction with the Secretary of Defense, conduct a study of the future and eligibility requirements involving Arlington National Cemetery and the need for another national cemetery in or near the District of Columbia.

Throughout the hearings on this proposal it was practically the unanimous view of all interested parties that the various Federal Cemetery systems in the United States are unduly and inefficiently fragmented. On this point, it would be well to quote the following excerpt from the Veterans' Administration report on H.R. 12674, 92d Congress, which report was, of course, cleared by the Office of Management and Budget:

> There is merit in consolidating the national cemeteries now under the jurisdiction of the Department of the Army with those cemeteries currently operated by the Veterans' Administration, in order to achieve administrative simplicity and maximum utilization. While experience over many years has shown that the Department of the Army can administer a National Cemetery System in an efficient manner, the figures which have been made available to us reveal that more than 90 percent of interments in national cemeteries are of veterans and their dependents, with servicemen dying in active service comprising less than 10 percent. Thus, as it now exists, burial in a national cemetery is more closely related to veterans' benefits than to the functions of a service department. Consequently, we believe that it would be logical for the national and Veterans' Administration cemeteries to be consolidated into one system to be administered by the Veterans' Administration. We would also agree that the responsibility for providing grave markers and headstones should likewise be transferred to the Veterans' Administration as a correlative function.

On April 2, 1973, the Administrator transmitted to the Congress a draft bill "to amend title 38 of the United States Code, in order to establish a National Cemetery System within the Veterans' Administration; assist States in the establishment and operation of veterans' cemeteries; to revise eligibility for burial allowances; to eliminate certain duplications in Federal burial benefits; and for other purposes." The draft bill contained the same broad objective of transferring national cemeteries to the Veterans' Administration and establishing a new National Cemetery System; however, the bill contained a number of restrictive provisions that were unacceptable to the committee.

For example, with regard to the long-standing burial allowance which has been available to the survivors of a veteran of any war the Administration would for the first time limit the payment of this allowance for those veterans who die of a service-connected disability or in the case of war veterans in receipt of pension. Eligibility for a plot allowance would be similarly limited. Another restriction would reduce the burial allowance by any amount payable under other laws in death cases, such as the social security lump sum payment. Finally, the VA draft would delete entirely the provision of extending a greater burial allowance in the case of veterans whose deaths are service connected.

While the committee is realistic enough not to assume that the newly authorized plot allowance will serve as a total solution to the national cemetery problem, it will necessarily have a major effect in reducing the current demand for burials in existing national cemeteries. In this connection, experience has shown that the families of deceased veterans, in the vast majority of cases, have preferred and sought burial of the veterans within 50 miles of the family home. Although the plot allowance is relatively modest, its availability should serve to encourage more burials in local and surrounding cemeteries.

The provision for the burial of a Vietnam unknown soldier in Arlington National Cemetery follows the text of a separate bill (H.J. Res. 609) introduced last year by Hon. HAMILTON FISH, JR., of New York. The committee has learned and is pleased to invite attention to the historical fact that in 1920 a similar resolution resulting in the creation of the Tomb of the Unknown Soldier of World War I was sponsored by the father of Congressman FISH, Hon. Hamilton Fish, Sr. The Defense Department advises the committee that to date all deceased servicemen have been accounted for; however, this authorizing legislation is desirable since it will permit immediate implementation at such time as the hostilities have been finally terminated.

The provisions added by section 4 would authorize the Administrator to prescribe rules and regulations necessary to maintain law and order and protect persons and property in cemeteries and would establish reasonable penalties necessary to insure their enforcement; and to designate persons having authority to investigate and make arrests for violations of such rules and regulations and for crimes against the United States. Since the committee believes it is desirable for this authority to apply equally to other lands, buildings, and facilities over which the Administrator has jurisdiction, the new section added by the bill would have that effect and, therefore, would repeal the current provisions of 38 U.S.C. 625.

Under current law, there are over 28 million veterans eligible for interment in national cemeteries. If dependents are included, it is estimated that more than 50 million persons are eligible for burial therein. With approximately 1 million actual and potential gravesites available in all national cemeteries, the need for prompt consideration of our national burial policy is evident. The National Cemetery Act of 1973 would provide for the transfer of most cemeteries under the jurisdiction of the Department of the Army to the Veterans' Administration. The committee believes this to be a logical transfer in view of the fact that more than 95 percent of the interments in national cemeteries are of veterans and dependents with active duty servicemen comprising the remainder.

A section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 2828, AS AMENDED

SECTION 1

This section provides the Act may be cited as the National Cemeteries Act of 1973.

SECTION 2

*Subsection (a)* adds a new chapter 24 to part II of title 38, United States Code. This chapter creates a National Cemetery System within the jurisdiction of the Veterans' Administration and is in large part patterned after chapter 7 of title 24, United States Code which contains current authority for the Secretary of Army to operate and maintain such a System. A detailed analysis of the new chapter, the provisions of which have been modernized and simplified somewhat, follows:

*Section 1000. Establishment of a National Cemetery System: composition of such system; appointment of director*

A National Cemetery System would be established within the Veterans' Administration for interment of deceased servicemen and veterans. The new System would be headed by a director who would be responsible to the Administrator for the operation of the National Cemetery System. This System would consist of national cemeteries transferred from the Department of the Army to the Veterans' Administration; cemeteries under the jurisdiction of the Veterans' Administration at the time the bill is enacted; and any other cemetery, memorial, or monument transferred to the Veterans' Administration by this bill or later acquired or developed.

*Section 1001. Advisory Committee on Cemeteries and Memorials*

This section directs the establishment of an Advisory Committee on Cemeteries and Memorials, whose members would be appointed by the Administrator. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible and with respect to selection of cemetery sites, the erection of appropriate memorials and adequacy of Federal burial benefits. The Advisory Committee shall make periodic reports and recomendations to the Administrator and the Congress.

*Section 1002. Persons eligible for interment in national cemeteries*

This section designates those persons who, subject to regulations the Administrator shall prescribe and further subject to the forfeiture provisions of section 3505 of title 38, shall be eligible for interment in any open national cemetery in the National Cemetery System. Eligibility provisions of this section are identical to those currently in force in section 281 of title 24, United States Code. These include servicemen who die on active duty, veterans, reservists, National Guardsmen, Reserve Officers, Training Corps members United States citizens who served honorably with the armed forces allied with the United States in wars engaged in by this country and certain dependents of eligible persons in the foregoing categories.

Subsection (a)(6) of this section also provides the Administrator with the authority to include "such other persons or classes of persons" as he may designate. This additional category is consistent with authority currently based on VA Regulation 6200(C), as revised June 2, 1968. Similar authority apparently resides in the Secretary of Army pursuant to 32 C.F.R. 553.18(b)(1) which authorizes "burial in national cemeteries under such regulations as the Secretary may, with the approval of the Secretary of Defense, prescribe."

*Section 1003. Memorial areas*

This section authorizes the Administrator to set aside, where available, suitable memorial areas in national cemeteries to have those men missing in action or whose remains have not been identified or received. He is authorized to erect appropriate memorials or markers to honor their memory.

This section also authorizes the flying of the flag of the United States over cemeteries within the National Cemetery System 24 hours each day.

*Section 1004. Administration*

This section authorizes the Administrator to make all necessary and appropriate rules and regulations to carry out the provisions of chapter 24 including the power to designate cemeteries under his jurisdiction as national cemeteries. In discharging his responsibilities under this chapter the Administrator shall provide all necessary facilities for cemeteries including superintendents' lodges, chapels, crypts, mausoleums and columbaria. Graves in national cemeteries would be required to be marked by appropriate markers with specified information placed thereon. Registers of burials will be kept in each cemetery and also at the main office of the Veterans' Administration. These provisions are similar to authority presently vested in the Secretary of Army under sections 278 and 279 of title 24, United States Code. In fulfilling his responsibilities under this chapter the Administrator is also authorized to contract with responsible persons, firms, and corporations for the care and maintenance of such cemeteries under his jurisdiction.

The Administrator would be authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States to any Government owned or controlled approach road providing the State or political subdivision states in writing prior to such conveyance, its willingness to accept and maintain such road. Upon conveyance the jurisdiction of the United States over such road would cease and would vest in the State or political subdivision. This is similar to authority presently contained in section 289 of title 24. When the Administrator deems it to be desirable he is authorized to cede concurrent jurisdiction to a State in which any cemetery monument or memorial under his jurisdiction is located. This partial relinquishment of legislative jurisdiction shall be initiated by filing a notice with the Governor of the State concerned and shall take effect upon acceptance by the State in such manner as its laws prescribe.

*Section 1005. Disposition of inactive cemeteries*

The Administrator would be authorized to transfer with the consent of the agency concerned, any inactive cemetery, burial plot, memorial or monument in his control to the Department of Interior or to any other agency of the Government for maintenance as a national monument or park. Funds appropriated to the Secretary for the National Park System shall be available for the management and operation of any cemetery transferred to the Department of Interior. The Administrator is also permitted to transfer any inactive cemetery or burial plot to a State or political subdivision thereof provided the State or subdivision agrees to maintain such cemetery in an appropriate manner. Any transfer would be subject to reversion to the Veterans' Administration should the grantee fail to care for and maintain such property in a manner satisfactory to the Administrator.

Where a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator could provide for the removal of remains from that cemetery to any cemetery within the National Cemetery System. The Administrator is also authorized to remove any veteran's remains from a place of temporary interment, or from an abandoned grave or cemetery to a national cemetery.

*Section 1006. Acquisition of lands*

The Administrator would be authorized to acquire additional lands for national cemeteries as needed. This could be accomplished by purchase, gift (including donations from State or political subdivisions), condemnation, transfer from other Federal agencies, or otherwise as is deemed in the best interest of the United States. Such authority is similar to that presently vested in the Secretary of Army pursuant to sections 271 and 271a of title 24, United States Code.

*Section 1007. Authority to accept and maintain suitable memorials*

The Administrator, subject to such restrictions as he may prescribe, would be authorized to accept gifts, devises, or bequests from legitimate societies and organizations or from reputable individuals for the purpose of beautifying or benefiting national cemeteries. He would also be authorized to make land available for this purpose and to furnish such care and maintenance as he deems necessary.

*Subsection (b)* of section 2 of the bill amends the table of chapters at the beginning of part II of title 38, United States Code to reflect the addition of a new chapter 24 establishing national cemeteries and memorials.

*Subsection (c)* of section 2 of the bill amends section 5316 of title 5, United States Code by making certain technical corrections and including the Director, National Cemetery System, Veterans' Administration as paragraph 133 of level V of the Executive Schedule Pay Rate.

SECTION 3

*Subsection (a)* directs the Administrator to conduct a comprehensive study of and submit his recommendations to Congress on or before July 1, 1973 concerning (1) the criteria which governs the development and operation of the National Cemetery System including the concept of regional cemeteries; (2) the relationship of the National Cemetery System to other burial benefits provided by Federal and State governments to servicemen and veterans; (3) steps to be taken to conform the existing system to the recommended criteria; (4) private burial and funeral costs in the United States; (5) current headstone and marker programs; and (6) the marketing and sales practices of non-Federal cemeteries and interment facilities for any persons either acting on their behalf or selling or attempting to sell any rights, interest, or service therein which is directed specifically towards the veterans and their dependents.

*Subsection (b)* provides that the Administrator shall in conjunction with the Secretary of Defense conduct a similar study and submit recommendations on or before July 1, 1973, concerning whether Arlington National Cemetery should be included within the National Cemetery System, the appropriateness of maintaining the present eligibility requirements for burial at that cemetery; and finally, the advisability of establishing another national cemetery in the District of Columbia or vicinity.

SECTION 4

*Subsection (a)* amends subchapter II of chapter 3 of title 38 by adding a new section 218 more fully described as follows:

*§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations*

This section is closely patterned after existing authority granted to the Administrator of General Services in sections 318–318(d) of title 4, United States Code. It would authorize the Administrator with respect to all lands and buildings under his jurisdiction to make all needful rules and regulations to maintain law and order to protect persons and properties on VA lands. Violation of such rules and regulations may result in a fine not to exceed $50 or thirty days imprisonment. The Administrator would be empowered to designate officers and employees of the Veterans' Administration to act as special policemen on VA property. He would also be authorized to utilize the facilities an services of existing Federal law enforcement agencies and State or local law enforcement agencies. The Administrator is authorized to empower officers or employees of the Veterans' Administration to act as special investigators with the power to enforce the rules and regulations made under this section and to make arrests with or without warrant for any offenses committed upon such property in his presence or if the investigator has reasonable ground to believe: (1) the offense commits a felony under the laws of the United States; and (2) that the person to be arrested is guilty of that offense.

*Subsection (b)* of section 625 of title 38 dealing with arrests for crimes in hospitals and domiciliary reservations is repealed in light of the new and broader section 218 which applies to all lands and buildings under the jurisdiction of the Veterans' Administration.

SECTION 5

*Subsection (a)* amends present section 903 and adds new sections 906 and 907 more fully described as follows:

*§ 903. Death in Veterans' Administration facility; plot allowance*

Subsection (a) of 903 restates existing law authorizing a $250 burial allowance for those veterans whose death occurs within a Veterans' Administration facility. New subsection (b) provides that in addition to the amounts payable for the burial or funeral expenses of an eligible veteran under section 902 or 903, if the veteran is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, at his discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $150 plot or interment allowance to such person as he prescribes. If any part of the plot or interment expense has been paid or assumed by a State or subdivision, or the employer of the deceased veteran, a claim for only the difference between the entire amount of the expenses and the amount paid could be allowed.

*Section 906. Headstones and markers*

This new section would transfer the authority for the present headstone and marker program to the Administrator. This au-



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thority is identical to existing authority presently residing with the Secretary of Army under section 279a, title 24, United States Code. The language has been modernized and simplified to make it conform with the present language of title 38. The new section directs the Administrator to furnish appropriate headstones or markers at Government expense where requested, for the unmarked grave of (1) any individual buried in the national cemetery or post cemetery; (2) an individual eligible for burial in a national cemetery, but not buried there (except for graves of the United States citizens who served honorably with the armed forces of foreign countries allied with the United States, dependents of certain servicemen and veterans and those other persons or classes of persons designated by the Administrator as eligible for burial in such cemeteries); and (3) soldiers of the Union and Confederate Armies of the Civil War.

*Subsection* (b) of new section 906 would authorize the Administrator to furnish when requested an appropriate memorial headstone or marker to commemorate any veteran dying in the service and whose remains have not been recovered or identified or were buried at sea, for placement in a national cemetery area reserved for such purposes or in a private or local cemetery.

*Section 907. Death from service-connected disability*

This new section provides that in any case in which a veteran dies as the result of a service-connected disability the survivors are entitled to receive payment for burial and funeral expenses incurred in connection with the veterans death in an amount not exceeding that currently authorized under section 8134(a) of title 5 of Federal employees whose death occurs as a result of injury sustained in the performance of duty. These benefits would be in lieu of benefits authorized under sections 902 and 903(a)(1) and (b) of title 38. Should death occur in a VA facility, transportation benefits provided in section 903(a)(2) as amended by this Act would continue to be available.

*Subsection* (b) of section 5 of the bill amends the table of sections at the beginning of chapter 23 of title 38 to include a reference to new sections 906 and 907.

SECTION 6

*Subsection* (a) provides for the transfer from the Secretary of Army to the Administrator of Veterans' Affairs jurisdiction over and responsibility for all national cemeteries with the exception of the cemetery at the U.S. Soldiers' Home and Arlington National Cemetery. This subsection also provides for the transfer from the Secretaries of Army, Navy, and Air Force to the Administrator of Veterans' Affairs, jurisdiction over and responsibility for any cemetery, memorial, or monument coming within their respective jurisdiction which the President determines would be appropriate, Excepted from this transfer are the cemeteries located at the U.S. Military Academy at West Point, the U.S. Naval Academy at Annapolis, and the U.S. Air Force Academy at Colorado Springs.

*Subsection* (b) directs the transfer of so much of the personnel, property and unexpended balances of appropriations, allocations, and other funds available to the Secretaries of Army, Navy, and Air Force in connection with the functions transferred by this bill, as determined by the Director of the Office of Management and Budget, to the Administrator of Veterans' Affairs.

*Subsection* (c) is a savings provision whereby all offenses committed and all penalties and forfeitures incurred under any law amended or repealed by this measure may be prosecuted and punished in the same manner as if these amendments or repeals have not been made.

*Subsection* (d) provides that all rules, regulations, orders, permits, and other privileges issued or granted by the Secretaries of the Army, Navy, and Air Force will remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator, by any court of competent jurisdiction, or by operation of law.

*Subsection* (e) is a further savings provision under which (1) no suit, action or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Army, Navy, or Air Force, with the respect of functions transferred by this bill, shall abate because of the enactment of this bill; (2) no cause of action by or against any Department or Commission concerning the functions transferred or by or against any officer thereof in his official capacity shall abate because of the enactment of this bill; (3) causes of actions, suits, or other proceedings may be asserted by or against the United States or appropriate officers of the Veterans' Administration in any litigation pending at the time this Act takes effect with the court, on its own motion or the motion of any party, being authorized to enter an order giving such effect; and (4) suits commenced prior to the date of enactment of this bill with respect to any function transferred shall be continued by the Administrator.

SECTION 7

*Subsection* (a) of this section provides for the repeal of statutes giving the Secretary of Army jurisdiction over and responsibility for national cemeteries. Accordingly, most codified provisions contained in chapter 7 of title 24 are repealed. It should also be noted that beginning with a provision of the Appropriations Act of 1925 for the military and nonmilitary activities of the War Department and codified in 1953 in 24 U.S.C. 290 railroads have not been permitted "upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States." Subsection (a) also provides for the repeal of each of these provisions consistent with the intent of the bill to simplify and recodify the cemetery legislation in title 38. The Committee wishes to note, however, the power to prohibit railroads from encroaching on the rights of way to national cemeteries must be maintained and it intends that the Administrator accomplish this through exercising the power granted in this Act to promulgate regulations to that effect. Although subsection (a) repeals existing authority all rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before the effective date of the transfer of these cemeteries to the new National Cemetery System are preserved under the language of this subsection.

*Subsection* (b) provides that nothing in the repealed section shall be deemed to affect in any manner the function, powers, and duties of the Secretary of Interior with respect to those cemeteries and memorials or monuments coming within his jurisdiction on the date the new National Cemetery System is created or those of the Secretary of the Army, Navy, or Air Force with respect to those cemeteries or memorials or monuments under their respective jurisdiction to which the transfer provisions of this bill do not apply.

SECTION 8

Section 3505 of title 38 provides for the forfeiture of gratuitous benefits under laws administered by the Veterans' Administration by any individual convicted of certain crimes. This would amend subsection (a) of section 3505 to make explicit that forfeiture benefits also include the right to burial in a national cemetery.

SECTION 9

This section would authorize and direct the Secretary of Defense to cause to be brought to the United States the remains of an unidentified American who was a member of the Armed Forces of the United States who served in Southeaat Asia and lost his life during the Vietnam era for burial in Arlington National Cemetery Memorial Amphitheater. Implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia. Such sums as may be necessary to carry out the provisions of this section are authorized to be appropriated.

SECTION 10

The new burial plot allowance becomes effective on the first day after the second month following enactment. The transfer of cemeteries and the Government marker program to the Veterans' Administration and the repeal of resulting inconsistent statutes shall take place no later than July 1, 1973 or such earlier date as the President may prescribe. All remaining provisions of the bill become effective upon enactment.

ESTIMATE OF COST

BURIAL PLOT ALLOWANCE

Based on a recent VA study, approximately 15 percent of the veterans dying were buried in a national cemetery. Assuming this proportion still prevails, and that each purchaser receives the maximum payment, estimated costs of H.R. 2828 would be as follows:

| | Burial awards affected | Additional annual cost |
|---|---|---|
| Fiscal year: | | |
| 1974 | 284, 800 | $42, 720, 000 |
| 1975 | 297, 500 | 44, 625, 000 |
| 1976 | 306, 000 | 45, 900, 000 |
| 1977 | 323, 000 | 48, 450, 000 |
| 1978 | 340, 000 | 51, 000, 000 |

The committee has examined the above cost estimates provided by the Veterans' Administration and finds no basis to question their authenticity and therefore adopts them as its own. Data are not available upon which to base any cost estimate of the 24-hour flag-flying provision.

H.R. 2828 is substantially identical with the Senate-passed bill, S. 49, with the exception of several technical amendments and one substantive amendment. The latter amendment extends discretionary authority to the Administrator of Veterans' Affairs to permit appropriate officials to fly the flag of the United States of America 24 hours each day at cemeteries included in the new National Cemetery system. I am confident that the other body will accept this meritorious amendment in order that the bill can be presented to the President at an early date.

Once again, we have before us a bill which represents a reasonable and forward looking approach to what we hope will be an ultimate satisfactory solution. I strongly recommend approval of H.R. 2828 by the House.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. DORN. I yield to my distinguished colleague, the gentleman from Pennsylvania.

Mr. GOODING. I thank the gentleman for yielding.



Am I correct in assuming that cemeteries now under the jurisdiction of the Park Service are excluded under this bill?

Mr. DORN. The gentleman is correct. I believe he has specific reference to Gettysburg. Yes, that is true, along with the cemeteries at the National Service Academies, Colorado Springs, West Point, and Annapolis, and Arlington National Cemetery.

Mr. GOODLING. Has the gentleman's committee ever given any thought to enlarging existing cemeteries?

Mr. DORN. I might say to my distinguished colleague that this bill provides for a comprehensive national cemetery service throughout the Nation. A study is being authorized, and hopefully they will report back in this session of Congress and we will establish under the Veterans' Administration a veterans cemetery system, similar to that at Arlington, in various regions of the country, So the families of the deceased veteran can visit more frequently the national cemeteries. We feel this would be a step in the right direction.

Mr. GOODLING. Would the gentleman's study include cemeteries under the present jurisdiction of the Department of the Interior?

Mr. DORN. Mr. Speaker, I might say to my colleague that they are excluded. There is nothing in this bill or contemplated that would take Gettysburg away from under the jurisdiction of the Department of the Interior.

Mr. GOODLING. Gettysburg, as the gentleman may or may not know, is now filled. We do have some precedent for enlarging the cemeteries under the Department of the Interior. Several years ago at my suggestion the Bethlehem Steel Co. donated 8 or 10 acres of ground that adjoined the national cemetery in Gettysburg, so I say we do have precedent.

That plot is now filled. We have hundreds and hundreds of acres of ground in the battlefield that are doing nothing more than growing weeds at the present time. I personally feel, and I am sure a great many Members of Congress also feel, we do have an obligation to bury the veterans when we are requested to do so by the members of the families of those veterans.

I trust in the gentleman's study he will give some thought to what might happen to the cemeteries under the jurisdiction of the Department of the Interior at this time.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DORN. I thank my colleague, the gentleman from Pennsylvania. I might say I agree with him that certainly this ground in the natonal battlefield at Gettysburg should be considered by the appropriate authorities.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. DORN. I yield to the gentleman from Texas.

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding.

First let me compliment the distinguished gentleman and his committee for once again presenting this most important legislation for the Congress to consider. I still do not quite understand the rationale of the veto last year, but maybe it is because some of us, such as the gentleman from Pennsylvania, have particular exposure to the real needs.

I happen to represent and have the great honor of doing so the area that includes the Fort Sam Houston National Cemetery. I think the Fort Sam Houston National Cemetery is just as famous as Arlington and perhaps is even more hallowed, not only because of the history but also because of the association of the men and their families who have survived the wars.

A very important part of their expectation in life is that they will have a chance to be buried in that cemetery. At this particular time Fort Sam Houston is approximately filled or would be filled up very soon, but there are 15 acres available and ready and they were set apart years ago for this purpose but because of the freeze nothing is being done about it. Can the distinguished gentleman tell us whether we could offer some hope to our veteran population?

Mr. Speaker, I have written a letter to the President as of last week and have had no reply as yet, although it is too early to expect one, but since the acreage is available, can something be done? It would carry the expectancy list through the 1980's and it seems to me it would be a logical answer no matter who is administering the cemeteries.

Mr. DORN. I might say to my distinguished friend, the gentleman from Texas, that under this new act the Veterans' Administration will administer the cemetery facilities at Fort Sam Houston and in this study we would hope it would call for an addition wherever reasonable to the burial plots at Fort Sam Houston.

Also I might say to my colleague that we are working with the Department of Defense with regard to the possibility of taking over certain post cemeteries throughout the Nation.

Mr. Speaker, I hope the gentleman from Texas will send me a copy of his letter to the President of the United States on this matter.

Mr. GONZALEZ. Mr. Speaker, I include a copy of my letter to the President at this point in the RECORD:

APRIL 30, 1973.

HON. RICHARD M. NIXON,
*President of the United States, The White House, Washington, D.C.*

DEAR MR. PRESIDENT: Since the 1950's, the policy of the Executive has been not to approve the further expansion of the national cemetery system. Though there are sound reasons for this policy, I believe that there are also sound reasons for exemptions from it. Arlington National Cemetery is clearly a special case, and allowances have been made for that. I am writing to ask that you allow expansion of the Fort Sam Houston, Texas National Cemetery.

The Fort Sam Houston National Cemetery has burial spaces sufficient to meet demands for only a few more years. Unless expansion is allowed, the cemetery will have to become inactive. But there are many thousand military retirees in San Antonio who cherish the idea of burial in a national cemetery, and there is no practical reason why Fort Sam Houston National Cemetery could not be expanded by a considerable amount.

The government already owns property—some fifteen acres—adjacent to the Fort Sam Houston National Cemetery that has been designated for cemetery use. Expansion of the cemetery would require only that the property be transferred from Fort Sam Houston proper to the cemetery. This would cost the government nothing, other than the very minimum cost of actually developing the land in question.

Mr. President, here is a special case: a situation in which expansion of a national cemetery is possible, much desired by the community, and in accordance with a long existing land use plan of the government. I believe that no good purpose is served by continuing to refuse expansion of this facility. This can be done only with your intervention, however, and I respectfully urge that you undertake the necessary action to allow this facility to be expanded.

With every good wish, I remain.

Sincerely yours,

HENRY B. GONZALEZ,
*Member of Congress.*

Mr. DORN. Mr. Speaker, I thank my colleague from Texas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 2828, the National Cemeteries Act of 1973.

Members will recall that a similar bill was approved by the 92d Congress. Because the bill contained a provision relating to the disposal of surplus Veterans' Administration property, and the Administration objected to this provision, the bill was pocket vetoed at the close of the 92d Congress.

The bill before the House today, Mr. Speaker, is virtually the same bill with the controversial provision relating to the disposal of surplus Veterans' Administration property eliminated therefrom.

The bill as reported by the Committee on Veterans' Affairs, Mr. Speaker, provides for the establishment of a national cemetery system within the Veterans' Administration. All of the national cemeteries now under the jurisdiction of the Department of the Army with the exception of Arlington National Cemetery and the cemeteries of the U.S. Soldiers and Airmen's Home in Washington, D.C., and the U.S. Naval Home in Philadelphia would be transferred to the administrative jurisdiction of the Veterans' Administration.

The function of providing grave markers and headstones would be administered by the Veterans' Administration instead of the Department of the Army.

A burial plot allowance not to exceed $150 payable on behalf of those veterans not buried in a national cemetery would be authorized.

The burial and funeral expenses on behalf of a veteran who dies as a result of a service-connected disability would be authorized in an amount not exceeding the amount payable for Federal employees in job-related deaths. This amount is currently set at $800.

The bill will authorize the Secretary of Defense to provide for the burial of an unknown soldier of the war in Vietnam and Southeast Asia in Arlington National Cemetery.

Finally, Mr. Speaker, the bill authorizes a comprehensive study of national cemeteries and their relationship to other

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burial benefits for servicemen and veterans. The propriety of including Arlington National Cemetery in the national cemetery system, as well as the review of eligibility requirements for burial in Arlington, would also be studied. The results of this study together with the recommendations of the Administrator of Veterans' Affairs would be made to the Congress within 6 months after the convening of the 94th Congress.

This bill, Mr. Speaker, represents a giant step forward in the creation of a national burial policy for the Nation's veterans. I urge that the bill be passed.

Mr. Speaker I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of the National Cemeteries Act of 1973, H.R. 2828, as amended. This bill is designed primarily to enlarge the national cemetery program and increase burial allowances, both of which are long overdue in view of the ever-diminishing space available in national cemeteries and the increasing costs of burial. A National Cemetery System would be established within the Veterans' Administration embracing the national cemeteries, with a few exceptions, now under the Department of the Army, and those already under the jurisdiction of the Veterans' Administration.

It provides for a plot allowance not exceeding $150 for veterans not buried in Federal cemeteries. In the case of a veteran who dies of a service-connected disability, an amount not to exceed $800 would be payable for burial and funeral expenses. This allowance is comparable to the payment authorized for Federal employees who die of injuries sustained as a result of the performance of their duties.

There is also a provision granting authority to the Secretary of Defense for burial of an unknown soldier of Vietnam and Southeast Asia in Arlington National Cemetery.

I believe this bill is necessary if our veterans are to be assured of an honorable burial and I intend to vote for it.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as she may consume to the member of the committee, the Congresswoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 2828, as amended.

I believe this is a very meritorious bill because it will accomplish two goals of major importance to our veterans, first, enlarge the national cemetery program, and second, increase burial allowances. The existing national cemetery program and cemeteries under the jurisdiction of the Veterans' Administration will be combined into a National Cemetery System to be administered by the Veterans' Administration.

In those cases where burial is not in a Federal cemetery, a plot allowance not to exceed $150 will be authorized.

When a veteran dies of a service connected disability, a burial allowance will be payable in an amount not to exceed $800. This would be in lieu of the proposed plot allowance of $150 and the existing $250 burial allowance which would be paid in nonservice connected death cases. A precedent exists for the larger payment in service connected death cases, established by the formula used for Federal employees whose deaths are the result of injuries sustained in the performance of duty.

Authority will be granted to the Secretary of Defense for the burial of an unknown soldier of Vietnam at Arlington National Cemetery, and authorization will be extended to fly the flag of the United States 24 hours a day at all national cemeteries.

I will vote for this bill because the provisions in it, in my estimation, are long overdue.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise to urge my colleagues to support H.R. 2828, the National Cemeteries Act of 1973. Basically, this bill is the same as the National Cemeteries Act of 1972 which was vetoed by the President late last year. The primary objection of the White House to the measure was a provision requiring that the disposal of any land holdings of the Veterans' Administration would require congressional approval if the land involved was larger than 100 acres. The administration felt that this would unnecessarily impair the Government-wide system of property management which the administration contended was necessary to assure the best use of Federal property. The bill before us today has eliminated this land disposed provision and therefore basically conforms with S. 49, a companion measure passed by the other body on March 6.

In brief, the bill transfers the administrative responsibilities for national cemeteries from the Department of the Army to the Veterans' Administration with certain exceptions. It authorizes a plot allowance of $150 in addition to the current allowance of $250 for burial and funeral expenses. It authorizes the VA to furnish a headstone for unmarked graves of eligible veterans and provides for the burial of an unknown soldier of the Vietnam war at the Tomb of the Unknowns in Arlington National Cemetery. It authorizes a new $800 burial benefit for a veteran who dies of a service-connected disability, which is in lieu of any other burial benefit. It directs the VA to study and make recommendations concerning improvements of the National Cemetery System and the future use of Arlington National Cemetery.

Our combat role in Southeast Asia is coming to a close. Like any other war, it has expanded the need for the many services that the Federal Government provides to veterans who have so ably and courageously served their country. The bill before us today makes necessary changes that will update and improve the administration of the National Cemetery System so that we can hopefully meet the need of providing a proper and dignified final resting place for our veterans.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I rise in support of H.R. 2828, a bill which would establish a National Cemetery System under the jurisdiction of the Veterans' Administration.

In conjunction with this program a comprehensive study will be undertaken, to be reported upon with recommendations within 6 months after the convening of the 93d Congress. It will include private burial and funeral costs for comparison with burial benefits for servicemen and veterans, and the current headstone and marker programs. Working with the Secretary of Defense, the inclusion of Arlington National Cemetery in the National Cemetery System, eligibility for burial at Arlington, and/or the advisability of establishing another national cemetery in or near the District of Columbia will be a part of the study.

It also provides for the payment of an amount not to exceed $150 for the purchase of a burial plot where the veteran is not buried in a cemetery under the jurisdiction of the United States. In those instances where a veteran dies of a service connected disability, an allowance of up to $800 will be paid to cover funeral expenses. This is comparable to the allowance paid where a Federal employee dies from an injury or disease incurred in the performance of his duties and will be in lieu of the present VA burial allowance.

Finally, the bill will transfer the National Cemetery System, with the exception of Arlington National Cemetery, from the Department of the Army to the Veterans' Administration.

I believe in this bill, because I consider proper and dignified burials a right that our veterans have earned. This legislation will go a long way toward insuring this right.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, I rise in support of the National Cemeteries Act of 1973 (H.R. 2828). This legislation would revise and streamline the administration of our national cemeteries by consolidating them under the jurisdiction of the Veterans' Administration. The bill also authorizes a comprehensive study by the VA of the future development and operation of the National Cemeteries System and provides for an additional plot allowance of $150 in cases where the veteran is not buried in a national or other Federal cemetery.

As we all know, a similar measure was vetoed last October by President Nixon because of objections to a VA land holdings provision. The Veterans' Affairs Committee has deleted that section from this bill and now the measure has the support of the administration.

I am particularly proud that the committee has again incorporated into this bill, legislation which I originally introduced in 1971—as House Joint Resolution 609—and reintroduced as House Joint Resolution 82 in the 93d Congress on January 3, 1973. My bill, now section 9 of H.R. 2828, authorizes the interment of an unknown soldier from the Vietnam war in Arlington National Cemetery.



Over 52 years ago, on December 21, 1920, my father—Hamilton Fish, Sr.—introduced a similar measure in the House of Representatives. The adoption of my father's resolution resulted in the creation of the Tomb of the Unknown Soldier, a revered national shrine. Since that time, unknown casualties of both World War II and Korea have joined their comrade of World War I, and are similarly enshrined near the tomb at Arlington. I introduced my resolution at the urging and with the support of my father, who at the age of 84 continues to be very active on behalf of our Nation's 28 million veterans.

Mr. Speaker, I strongly believe that this is a most appropriate way to commemorate the sacrifices made by American servicemen in Vietnam, the same sacrifices recently dramatized by the return of our courageous POW's. We all know that the Vietnam war is uniquely different from those which preceded it. But this tragic war has resulted in almost 50,000 dead and well over a quarter of a million wounded. We cannot permit the political controversy to obscure the tremendous contributions made by the 2.5 million young men who have served in Southeast Asia. Through the adoption of this legislation, Congress can demonstrate that, despite diverging opinions on the wisdom of this conflict, that these boys and their families will not be forgotten.

The Vietnam unknown soldier proposal has the expressed public support of the Department of Defense, specifically the Department of the Army, and the Office of Management and Budget. Numerous veterans organizations have expressed their strong support, including: the American Legion, the Veterans of Foreign Wars, the Catholic War Veterans, the Blind Veterans Association, the Military Order of the World Wars, the Military Order of the Purple Heart, the Fleet Reserve Association, the Marine Corps League, the Reserved Officers Association of the United States and the Congressional Medal of Honor Society.

Finally, I want to congratulate Chairman DORN and the full membership of the Veterans' Affairs Committee, for their fine work on this legislation. I also want to take this opportunity to thank former Veterans' Affairs Committee chairman, OLIN E. TEAGUE, for his courtesy and gracious assistance regarding the unknown soldier bill in the last Congress. The National Cemeteries Act deserves the overwhelming support of the House and I urge my colleagues to act accordingly.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, having introduced similar legislation in the 91st, 92d and 93d Congresses, I want to express my wholehearted support of H.R. 2828, which would establish a national cemetery system under the administrative control of the Veterans' Administration.

When I first introduced this legislation in 1969, I pointed out the fact that uncommitted gravesites at seven national cemeteries had been exhausted since 1966. This situation has continued to grow worse. Now there are 28 million veterans and 22 million dependents eligible for burial in national cemteries. However, there are only 1 million gravesites which are currently or potentially available.

The increasing scarcity of gravesites amply demonstrates the need for the comprehensive program of administration and expansion that the bill provides. The provision of the bill requiring the administrator of the Veterans' Administration to submit recommendations to the Congress concerning the development, operation and improvement of the national cemetery system and other important problems is a crucial one. It will greatly assist the Congress in determining what more needs to be done to alleviate this problem which now borders on becoming a national disgrace.

Since 1965, I have been attempting to have a national cemetery established in New England. Passage of this legislation is a necessary first step for the reassessment of the need for additional cemeteries in New England, and throughout the Nation. I urge enactment of this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BROWN.

Mr. BROWN of Michigan. Mr. Speaker, on this day, when the House is acting again on legislation to create a national cemetery system within the Veterans' Administration—which legislation, I am advised, has every chance of receiving Presidential approval—it is most appropriate that I pay tribute to the late Ira Dodrill of Battle Creek, Mich.

A friend and a former constituent, Mr. Dodrill served as national chairman of the Veterans of Foreign Wars' effort to assist the Nation in fulfilling its commitment to provide a final resting place in a national cemetery for all those who so wish, and who have served in times of national conflict.

Ira Dodrill worked untiringly for many years, until his passing last December, toward the realization of his dream of the establishment of a national cemetery at Fort Custer, Mich. His spirit, his determination, and his guidance were constant sources of support to me in my efforts on behalf of this goal. It was this unwavering support that sustained me in the face of many disappointments and setbacks—not the least of which was the veto last October of a similar bill.

Ira Dodrill, who was as fine a citizen as I have ever had the privilege of knowing, went to great effort to witness passage of this legislation, knowing it to be a necessary first step toward the accomplishment of his personal goal. Last fall, when a similar bill was being considered by the House, Mr. Dodrill, although of advanced age and a disabled veteran himself, made the long journey from Battle Creek to sit in the gallery and observe the approval of "his" bill. I am only sorry that he cannot be present today, when prospects for the creation of a national cemetery system appear brighter.

I sincerely hope that today's action will ultimately bring about the result toward which Ira Dodrill devoted so much of his incredible energy—the establishment of a national cemetery at Fort Custer, Mich. And, to Ira Dodrill, a quiet "thank you" from his Congressman.

Thank you, Mr. Speaker.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I oppose the enactment of H.R. 2828. This bill comes to us today under Suspension of the Rules, a procedure which prohibits the offering of amendments to the bill. Since I could support the legislation only if substantially modified, and the changes I seek cannot be considered, I must vote against the bill.

H.R. 2828 establishes a National Cemetery System within the Veterans' Administration. The system shall consist of most existing national cemeteries and all those acquired and developed hereafter. Burial in a national cemetery is authorized for any veteran; any member of a Reserve component, including the ROTC, or the National Guard, whose death occurs from injury or illness while on active or inactive duty; any U.S. citizen who served in the Armed Forces of an ally during any war; and certain dependents of the foregoing. A schedule of burial benefits is authorized, ranging from a maximum of $800 in the case of a veteran who dies as a result of a service-connected disability, to a minimum of $150 as an allowance in the case of nonservice-connected deaths when burial is at a place other than a national cemetery. The estimated 5-year cost of the system thus established is approximately $100,000,000.

I support adequate provisions for the burial in a national cemetery, or elsewhere, if the family wishes, of members of our Armed Forces who die as the result of injuries or illnesses occurring in the service of our country. I do not support the burial in a national cemetery or elsewhere at public expense of a veteran or members of his family, simply because of his prior service in the Armed Forces.

This legislation treats veterans and their families as a favored class without rational justification. I do not accept the argument that veterans have earned the special benefits accorded by this legislation, as a form of deferred compensation, by reason of their prior service alone. This argument is premised upon a "contract" theory to the effect that future unspecified benefits were part of the original bargain between a man and his government which induced service in the military. The argument is patently a fiction.

In all candor, we should acknowledge the truth of the matter. Veterans and their families constitute a large, politically potent class, to which legislators have traditionally catered. This legislation is in keeping with that tradition.

A responsible government should treat

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with problems, rather than real or imagined political pressures. The escalating cost of dying is such a problem, but its burden is felt by all families of modest means, not just those of veterans. If public support for burial expenses is in order, it should be made available to all those in need.

I am mindful, of course, that burial benefits are only one of the many special favors for veterans which are found in our laws. My arguments, if valid, apply with equal force to those other laws as well.

Mr. Speaker, I am a veteran of both World War II and the Korean conflict. I have been the recipient of educational benefits as a veteran. College and law school would have been most difficult for me personally had I not received payments under the GI bill. Many veterans would not have received the education which they in fact received, but for the GI bill. Without question, the country has benefited because of this act of generosity toward our veterans. To acknowledge this fact, however, does not undermine the reasons for my opposition to this bill. The country would have benefited far more had a reasonable program of support for all those in need been available.

Service to country is not its own reward entirely; but, on the other hand, it does not require continuous monetary compensation either. The personal gratification which is felt by one who discharges a patriotic duty, plus fair compensation while in the performance of that duty, and reasonable provisions for those killed or disabled, and their families, should be enough.

I urge defeat of this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, I rise at this time to express my strong support for the National Cemeteries Act of 1973.

As I have said on many occasions, in this Chamber and elsewhere, there is no group of citizens more worthy of our consideration and assistance than the veterans of our armed services, and I am happy to see that several excellent provisions have been included in this legislation we are considering today.

I am particularly enthused by this bill's establishment of a national cemetery system to make the most efficient possible use of the space remaining in our national cemeteries for burial of America's veterans.

But since it is estimated that only 1 million plots are still available in these national cemeteries, as compared with 50 million veterans and dependents eligible for burial in these grounds, another provision of this legislation is perhaps even more important for the future.

This section provides for a $250 allowance to help defray burial expenses for veterans buried in non-Federal cemeteries. Since the families of veterans are having to turn increasingly to private facilities at substantial additional expense, this additional payment is fully warranted, as is the additional $150 allowance for veterans who die in a Veterans' Administration hospital, and the $800 burial allowance in cases where veterans die of service-related disabilities.

I believe these provisions, and others incorporated in this bill, are good ones, deserving our support, and worthy tributes to our veterans. I urge my colleagues to join me in voting for passage of this National Cemeteries Act.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Speaker, I rise in support of this bill.

I have been a strong proponent for transfer from the Department of the Army to the Veterans' Administration for a number of years.

Mr. Speaker, we have a cemetery in south Jersey known as Beverly Cemetery which has been filled for a number of years. The only persons who can be buried there now are the spouses of the deceased veterans who are already buried there. The grave sites are completely taken up.

About 9 years ago, I petitioned the Army to give us a piece of Fort Dix, which is nearby. With the Veterans' Administration taking over the cemetery, I am quite sure that they may remove the jaundiced eye which they have cast upon Beverly Cemetery so that we might go not too far away and pick up some more ground for burial purposes.

Mr. Speaker, bear in mind that this is not only a national cemetery for the State of New Jersey, but also a national cemetery which has accommodated veterans from the State of New York, the State of Pennsylvania, the State of Maryland, and the State of Delaware. It has been a very popular cemetery over the years because of the close proximity of the heavily populated areas.

Mr. Speaker, a State such as the State of New Jersey should not be without a national cemetery, considering the fact that we have a population which exceeds any other known density in the United States with almost a thousand people per square mile and with a tremendous grouping of veterans in there who are entitled to be buried in a national cemetery in the State where they come from, just as are the other people who surround us.

Mr. Speaker, I can only strongly urge passage of this legislation and the enlargement of all those cemeteries where they need this burial ground for those persons who have served their country so well.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time.

Mr. DORN. Mr. Speaker. I yield such time as he may consume to my distinguished colleague on the committee, the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I rise in support of H.R. 2828, the National Cemeteries Act of 1973. I am most pleased to have the opportunity to join with my colleagues on the Veterans' Affairs Committee as one of the authors of this legislation.

Last year the Congress passed, by an overwhelming vote, a similar bill to bring some order to the chaos of our national cemeteries system. Unfortunately, this legislation was pocket-vetoed by the President at the close of the 92d Congress, and therefore failed to become law.

H.R. 2828, which is now before us, has been carefully drafted to bring about most of the beneficial changes included in last year's legislation, and to eliminate most of those provisions which induced the President to veto the predecessor bill. While I do not feel that the Congress should have stepped back from its original commitment, this is nevertheless a beneficial bill.

This legislation is a step toward the ultimate correction of a deficiency in our laws dealing with national cemeteries. Unfortunately, this bill will not provide the additional cemeteries necessary in California, New Jersey, and New England where today it is impossible for veterans to be buried in a national cemetery, which is their right as a matter of law. Until we have corrected this lack in our laws, we will not have fully met our responsibilities. However, by bringing substantially all of the national cemeteries under the jurisdiction of the Veterans' Administration, we will have taken an important step toward meeting our responsibilities. Accordingly, I urge my colleagues to give their full support to this legislation.

Mr. DORN. Mr. Speaker, I might say to my distinguished colleague from New Jersey that this is exactly what we have in mind by regional national cemeteries under the jurisdiction of the Veterans' Administration. Certainly any representation the gentleman would care to make to the committee or to the Veterans' Administration would be deeply appreciated.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. DORN. I yield to the gentleman from New Jersey.

Mr. HUNT. I take this opportunity to commend the gentleman for this fine legislation. I will give him all the support he needs, because it is about time we recognized some of the needs for burial of veterans.

Mr. DORN. I thank the gentleman.

The committee, on behalf of the chairman, would like to commend the distinguished minority leader on the committee in his first role of minority leader of the committee, for his splendid cooperation and dedication to the cause of veterans.

GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 2828, National Cemeteries Act, 1973.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BURKE of Florida. Mr. Speaker, again this year, I rise in support of the National Cemeteries Act. In the previous Congress I supported this legislation in spite of the fact that the Veterans' Administration recommended against favorable consideration of my two bills which would establish a national cemetery in Broward or Dade County, Fla., or, in the alternative, another cemetery elsewhere in the State of Florida.



The Veterans' Administration objected to my bills on the basis that until the policy with respect to the future of the national cemetery system has been resolved, it is premature to consider any measure proposing the expansion of that system. In fairness, the various Federal cemetery systems in the United States are unduly and inefficiently fragmented, and there is merit in consolidating the national cemeteries now under the jurisdiction of the Department of the Army with those cemeteries currently operated by the Veterans' Administration to achieve administrative simplicity and maximum utilization.

For the past few years I have been concerned with the lack of space in our national cemeteries. At present, there are 28 million veterans and 22 million dependents eligible for burial in national cemteries. However, there are only about 1 million graves currently and potentially available nationwide, and only about 700 available at the one national cemetery in Florida.

I was disappointed that the President pocket-vetoed this legislation last year. Death does not wait for anyone, and the delay in setting our national cemeteries in order has caused much anguish and grief among those who desired burial in a national cemetery but found it unfeasible. I am pleased, however, that the major objection stated in the veto message has been deleted from the new bill. There is no provision requiring congressional approval to sell any VA land holdings larger than 100 acres or worth more than $100,000 which the President felt would block the orderly system of surplus land disposal.

In most other respects this bill is the same as the one passed by the 92d Congress. The bill:

First. Transfers responsibility for administration of all national cemeteries from the Department of the Army to the Veterans' Administration, except Arlington National Cemetery, and a few other special cases.

Second. Authorizes a plot allowance of $150, in addition to the present allowance for burial and funeral expenses of $250, payable in any case in which the veteran is not buried in a national or other Federal cemetery.

Third. Provides authority in VA for furnishing of a headstone or marker, upon request, for the unmarked graves of any individual buried in a national cemetery or in a post cemetery, as well as most individuals eligible for burial in those locations but not buried there, and soldiers of the Union and Confederate Armies of the Civil War.

Fourth. Includes provision for the burial of an unknown soldier of the war in Vietnam in Arlington National Cemetery at an appropriate time to be selected at a later date.

Fifth. Direct VA to conduct a study and submit recommendations to the Congress, not later than 6 months after the convening first session of the 93d Congress, concerning: First, criteria to govern development and operation of the National Cemetery System, including the concept of regional cemeteries; second, relationship of the new National Cemetery System to other burial benefits to servicemen and veterans; third, steps to be taken to conform the existing system to the recommended criteria; fourth, private burial and funeral costs in the United States; fifth, current headstone and marker program; and sixth, the marketing and sales practices of non-Federal cemeteries and interment facilities, directed specifically toward veterans and their dependents.

Sixth. Directs VA, in conjunction with the Secretary of Defense, to conduct a study concerning: First, the future of Arlington National Cemetery; second, present eligibility requirements for burial in Arlington; and third, the need for another national cemetery in or near the District of Columbia.

Seventh. Extends Administrator's authority to prescribe standards of conduct and authorize the investigation of and arrests for crimes on all VA reservations, including hospitals, cemeteries, and other VA facilities.

Eighth. If a veteran dies of a service-connected disability, a new burial benefit not to exceed $800 is authorized in lieu of any other burial benefit.

Ninth. Authorizes the flying of the flag of the United States over cemeteries within the National Cemetery System 24 hours each day.

I strongly favor this legislation because I feel that it moves us toward implementation of the Federal Government's obligations to provide national cemeteries for our veterans who wish to be buried in them. Hopefully, it will also hasten the day when there will be adequate national cemeteries in the State of Florida.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of H.R. 2828, the National Cemeteries Act of 1973. This measure is virtually identical to the bill passed unanimously by both the House and the Senate last year, only to be pocket vetoed by the President. The Senate has already passed similar legislation on March 6th and we must certainly act now.

Our present Federal cemetery system is managed by four different Federal agencies. The Department of the Army operates the National Cemetery system. The American Battle Monuments Commission operates the overseas cemeteries. The Department of the Interior, through the National Park Service, operates cemeteries in conjunction with military and battlefield parks, and the Veterans' Administration operates various cemeteries.

The legislation which I now urge you to support is the result of a lengthy study of veterans' burial benefits and a feasible national cemetery system. The National Cemeteries Act of 1973 establishes within the Veterans' Administration a National Cemetery System which would consist of national cemeteries transferred to the VA from the Department of the Army and cemeteries presently under the jurisdiction of the VA, with the exception of Arlington National Cemetery and those cemeteries located at service academies. It also directs the VA to conduct a comprehensive study and submit recommendations on or before July 1, 1973, as to what our national cemetery system and national burial policy for veterans should be.

The problem of our national cemeteries, their location and adequacy, as well as the burial benefits for our veterans has been the subject of great concern to Congress. The supply of regular gravesites has been completely exhausted in many of our national cemeteries. At present, our veteran population is more than 28 million. We must add to that figure the number of dependents who are entitled by statute to be buried in national cemeteries. The current burial space available in national cemeteries across the Nation would provide for less than 1 million of these potential candidates. In my own State, Illinois, there are only 34,346 available gravesites in national cemeteries, yet the projected deaths of Illinois veterans is estimated to be over 842,000 by the year 2000.

We must establish enough national cemeteries located throughout the country to insure that every veterans who so desires will have the opportunity to benefit from the national cemetery system. This is an important bill to all veterans.

Unless we act now, our national cemeteries will soon be filled and there will be no fitting place to bury our veterans in accordance with the special obligation we owe to them. In fact, when the Senate held hearings on the National Cemeteries Act of 1972, the following information was furnished by the Department of Defense:

A study of several of the most active cemeteries indicates that approximately 50% of the veterans within 50 miles of a national cemetery choose burial in the national cemetery. Should every veteran within 50 miles of a national cemetery be buried therein, grave space would be utilized at twice the rate. Based on this accelerated rate, the space in all cemeteries would be utilized prior to the year 2000.

If we do not do something now, the national cemetery system will gradually, but inevitably close down.

This bill also provides a special burial plot allowance of $150, in addition to the present VA allowance for burial and funeral allowances of $250, in any case where a veteran is not buried in a national or other Federal cemetery. In many instances, the next of kin prefers burial of his or her spouse in a local cemetery rather than be faced with traveling considerable distances to visit the grave.

This burial plot allowance is not a new concept. The U.S. Veterans' Advisory Commission formally recommended a burial plot allowance over 5 years ago. The need was apparent then—and is critical now.

Among the other provisions of this bill is a section authorizing the interment of an unknown soldier from the Vietnam conflict at Arlington National Cemetery. No memorial could be more fitting for this costly conflict.

President Johnson placed strong emphasis upon our commitments to our veterans. He said:

Our government and our people have no greater obligation than to assure that those who have served their country and the cause

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of freedom will never be forgotten or neglected.

Since the Civil War period, the Government has provided burial space for its veteran population. It is our obligation to continue this practice, and to honor our veterans for the service they have rendered to this Nation.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope that the House will speedily and overwhelmingly approve the measure currently before us, H.R. 2828, the National Cemeteries Act of 1973.

In simple summary, this measure tranfers administrative responsibility of practically all national cemeteries from the Department of the Army to the Veterans' Administration; provides a plot allowance of $150, in addition to the present allowance for burial and funeral expenses of $250, payable in any case in which the veteran is not buried in a national or other Federal cemetery; provides, upon request, authority to the Veterans' Administration to furnish a headstone or marker for unmarked veterans' graves; authorizes a new burial benefit, in lieu of any other benefit, not to exceed $800, for veterans dying of service-connected disabilities and provides for the burial of an unknown soldier of the war in Vietnam in Arlington National Cemetery. In addition, the bill directs the Veterans' Administration to conduct a study and submit recommendations to the Congress, not later than July 3, 1973, concerning the development and operation of the national cemetery system, including the concept of regional cemeteries, the relationship of the new cemetery system to other burial benefits available to servicemen and veterans, the steps necessary to assure conformity of the present system to the new system and the marketing and sales practices of non-Federal cemeteries and interment facilities which are directly aimed at veterans and their dependents.

Mr. Speaker, the wholesome recommendations contained in this bill, especially the increased assistance to families to meet the burial expenses of a veteran and the new death benefit for veterans dying of a service-connected disability and the projection of the concept for the establishment of regional cemeteries, particularly in view of the urgent requirement in our Massachusetts Commonwealth and New England region for the establishment of a national cemetery, represent timely responses to meritorious national needs. Unquestionably, Mr. Speaker, these projected improvements in our national cemetery system are long overdue and they are clearly in the national interest. I therefore earnestly believe that they merit the resounding approval of this House.

Mr. BOLAND. Mr. Speaker, I support the National Cemeteries Act of 1973. For many years the problem of national cemeteries, their locations and adequacy, as well as burial benefits generally for veterans, has been of great concern to the Congress.

This urgently needed legislation transfers responsibility for administration of all national cemeteries from the Army to the Veterans' Administration, except Arlington National Cemetery where eligibility is now limited; cemeteries in national parks operated by the Interior Department, the military academy cemeteries, and cemeteries at the Soldiers' and Airmen's Home in Washington, D.C. and the Naval Home in Philadelphia.

The bill also provides a $150 plot allowance, in addition to the present $250 burial and funeral expenses allowance, payable in any case in which the veteran is not buried in a national or other federal cemetery; authorizes a new $800 burial benefit for veterans dying of service connected disabilities, and provides for the burial of an unknown soldier of the Vietnam war in Arlington National Cemetery.

Another important provision directs the Veterans' Administration, in conjunction with the Secretary of Defense, to conduct a study concerning the future of Arlington National Cemetery, the present eligibility requirements for burial in Arlington, and the need for another national cemetery in or near the District of Columbia. Also, I am pleased that the Veterans' Administration is directed to conduct a study and submit recommendations to Congress concerning criteria to govern development and operation of the national cemetery system. including the concept of Regional cemeteries.

Mr. ROBINSON of Virginia. Mr. Speaker, I support the concept of the bill before us, because I believe it important that we move forward on determination of a sound, continued policy with respect to the historic privilege of the veteran of burial in a national cemetery.

I am aware of the practical difficulties involved in any major expansion of the national cemetery system, but I do not believe they are insurmountable.

Many veterans—particularly career men—are distressed that the final recognition of their honorable service—interment in a national cemetery—is to be denied them because of space limitations.

The suggestion of provision of additional cemeterial areas in our national battlefield memorial parks deserves serious consideration, and other Federal lands across the Nation may well be found suitable for new national cemeteries.

In the study authorized by the legislation before us, Mr. Speaker, I hope that the Administrator of Veterans' Affairs may give particular attention to the practicability of acquiring additional lands adjacent to existing national cemeteries.

In Culpeper, Va., such adjacent lands still are available for a modest expansion of Culpeper National Cemetery.

For a number of years, veterans organizations and other community groups have sought to maintain the availability of this adjacent property, and landowners have been cooperative. In the 92d Congress, I offered a bill to authorize purchase of such land, but it did not receive action, in view of the concentration on broader legislation. I have deferred, in the 93d Congress, to such legislation as now is under consideration, but I want to go on record now as remaining committed to the worthiness of adding to existing national cemeteries wherever suitable adjacent land is available at acceptable cost.

I am glad to note, Mr. Speaker, that the bill we are considering, H.R. 2828, incorporates the essentials of H.R. 4250, which I was happy to co-sponsor with my distinguished colleague, the gentleman from Maryland (Mr. LONG), to provide for the burial in Arlington National Cemetery of an unknown casualty of the Vietnam war.

Mr. CLEVELAND. Mr. Speaker, I rise in support of H.R. 2828, the National Cemeteries Act of 1973, as consistent with objectives I have long supported.

Of particular interest to me and my constituents is the provision directing the Veterans' Administration to promptly draft standards to govern development and operation of the National Cemetery System, including the concept of regional cemeteries. I am confident that such a study, if conscientiously pursued, would support my contention that a national cemetery is needed in New England as well as elsewhere.

In the past, I have sponsored legislation to establish such a regional cemetery in New England to serve six States. Arlington, Va., has been the closest cemetery with space available in the past, which has imposed a hardship on friends and relatives of deceased veterans wishing to visit their gravesites to pay their respects.

The provision of plot allowances for veterans not buried in national cemeteries also partly serves the same objective of conferring some benefit on deceased veterans and removing travel hardships otherwise imposed on survivors.

Such benefits, however, are no substitute for a national cemetery for those who have served their country. I therefore urge enactment of this bill and look forward to a recognition by the Veterans' Administration of the need for a regional cemetery in New England, for which a New Hampshire site hopefully would merit consideration as a central location. I have suggested Rindge, N.H., the home of the world-renowned Cathedral of the Pines, a memorial to all war dead, as an excellent location.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina (Mr. DORN) that the House suspend the rules and pass the bill H.R. 2828, as amended.

The question was taken.

Mr. HILLIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 340, nays 1, not voting 92, as follows:

[Roll No. 126]

YEAS—340

| | | |
|---|---|---|
| Abdnor | Ashley | Arends |
| Abzug | Bafalis | Armstrong |
| Addabbo | Andrews, N.C. | Ashbrook |
| Alexander | Andrews, N. Dak. | Baker |
| Anderson, Calif. | Annunzio | Barrett |
| Bell | Goodling | Natcher |
| Bennett | Grasso | Nedzi |
| Bergland | Green, Pa. | Nelsen |
| Biester | Griffiths | Nichols |
| Bingham | Gross | Nix |
| Boggs | Grover | O'Brien |
| Boland | Gubser | O'Neill |
| Bolling | Gude | Owens |
| Bowen | Gunter | Parris |
| Brasco | Haley | Passman |
| Bray | Hamilton | Patten |
| Breaux | Hammer-schmidt | Pepper |
| Breckinridge | Hanley | Perkins |
| Brinkley | Hanrahan | Pettis |
| Brooks | Hansen, Idaho | Peyser |
| Broomfield | Hansen, Wash. | Pickle |
| Brotzman | Harrington | Pike |
| Brown, Mich. | Harsha | Poage |
| Brown, Ohio | Harvey | Podell |
| Broyhill, N.C. | Hastings | Powell, Ohio |
| Broyhill, Va. | Hays | Preyer |
| Burgener | Hébert | Price, Ill. |
| Burke, Calif. | Hechler, W. Va. | Pritchard |
| Burke, Fla. | Heckler, Mass. | Quie |
| Burke, Mass. | Heinz | Quillen |
| Burleson, Tex. | Henderson | Railsback |
| Burlison, Mo. | Hicks | Rangel |
| Burton | Hillis | Rarick |
| Butler | Hinshaw | Rees |
| Byron | Hogan | Regula |
| Camp | Holifield | Riegle |
| Carey, N.Y. | Holt | Rinaldo |
| Carney, Ohio | Holtzman | Roberts |
| Casey, Tex. | Horton | Robinson, Va. |
| Cederberg | Hosmer | Robison, N.Y. |
| Chamberlain | Howard | Rodino |
| Chappell | Huber | Roe |
| Clark | Hudnut | Roncallo, Wyo. |
| Clausen, Don H. | Hungate | Rooney, Pa. |
| Clawson, Del | Hunt | Rose |
| Clay | Hutchinson | Roush |
| Cleveland | Ichord | Rousselot |
| Cochran | Jarman | Roybal |
| Cohen | Johnson, Colo. | Runnels |
| Collins | Jones, N.C. | Ruppe |
| Conable | Jones, Okla. | Ruth |
| Conte | Jordan | Ryan |
| Conyers | Kastenmeier | St Germain |
| Corman | Kazen | Sandman |
| Cotter | Keating | Sarasin |
| Coughlin | Kemp | Sarbanes |
| Crane | Ketchum | Saylor |
| Cronin | Koch | Scherle |
| Daniel, Dan | Kyros | Schneebeli |
| Daniel, Robert W., Jr. | Landgrebe | Schroeder |
| Daniels, Dominick V. | Landrum | Sebelius |
| Danielson | Latta | Selberling |
| Davis, S.C. | Lehman | Shipley |
| Davis, Wis. | Lent | Shoup |
| Delaney | Litton | Shuster |
| Dellenback | Long, La. | Sikes |
| Dellums | Lott | Sisk |
| Denholm | Lujan | Skubitz |
| Dennis | McClory | Slack |
| Dent | McCloskey | Smith, Iowa |
| Derwinski | McCollister | Smith, N.Y. |
| Devine | McDade | Snyder |
| Dickinson | McEwen | Spence |
| Donohue | McFall | Stanton, J. William |
| Dorn | Macdonald | Stanton, James V. |
| Downing | Madden | Steele |
| Drinan | Madigan | Steelman |
| Dulski | Mahon | Steiger, Ariz. |
| Duncan | Mailliard | Stokes |
| du Pont | Mallary | Stratton |
| Eckhardt | Mann | Stubblefield |
| Edwards, Ala. | Martin, Nebr. | Stuckey |
| Edwards, Calif. | Martin, N.C. | Studds |
| Eilberg | Mathias, Calif. | Sullivan |
| Esch | Matsunaga | Symms |
| Eshleman | Mazzoli | Talcott |
| Evans, Colo. | Meeds | Taylor, N.C. |
| Fascell | Metcalfe | Teague, Calif. |
| Findley | Mezvinsky | Thomson, Wis. |
| Fish | Michel | Thone |
| Fisher | Miller | Tiernan |
| Flood | Mills, Ark. | Towell, Nev. |
| Flowers | Mills, Md. | Treen |
| Flynt | Minish | Udall |
| Foley | Mink | Ullman |
| Ford, William D. | Minshall, Ohio | Van Deerlin |
| Frey | Mitchell, Md. | Vanik |
| Froehlich | Mitchell, N.Y. | Veysey |
| Fulton | Mizell | Vigorito |
| Fuqua | Moakley | Waggonner |
| Gaydos | Mollohan | Walsh |
| Gettys | Montgomery | Wampler |
| Giaimo | Moorhead, Calif. | Ware |
| Gilman | Moorhead, Pa. | Whalen |
| Ginn | Morgan | White |
| Gonzalez | Mosher | Whitehurst |
| | Moss | Whitten |
| | Myers | Williams |
| Wilson, Bob | Wyatt | Young, Ill. |
| Wilson, Charles H., Calif. | Wydler | Young, S.C. |
| Wilson, Charles, Tex. | Wylie | Young, Tex. |
| Winn | Wyman | Zablocki |
| | Yates | Zion |
| | Young, Alaska | Zwach |
| | Young, Fla. | |

NAYS—1

Wiggins

NOT VOTING—92

| | | |
|---|---|---|
| Adams | Goldwater | Price, Tex. |
| Anderson, Ill. | Gray | Randall |
| Archer | Green, Oreg. | Reid |
| Aspin | Guyer | Reuss |
| Badillo | Hanna | Rhodes |
| Bevill | Hawkins | Rogers |
| Blaggi | Helstoski | Roncallo, N.Y. |
| Blackburn | Johnson, Calif. | Rooney, N.Y. |
| Blatnik | Johnson, Pa. | Rosenthal |
| Brademas | Jones, Ala. | Rostenkowski |
| Brown, Calif. | Jones, Tenn. | Roy |
| Buchanan | Karth | Satterfield |
| Carter | King | Shriver |
| Chisholm | Kluczynski | Staggers |
| Clancy | Kuykendall | Stark |
| Collier | Leggett | Steed |
| Conlan | Long, Md. | Steiger, Wis. |
| Culver | McCormack | Stephens |
| Davis, Ga. | McKay | Symington |
| de la Garza | McKinney | Taylor, Mo. |
| Diggs | McSpadden | Teague, Tex. |
| Dingell | Maraziti | Thompson, N.J. |
| Erlenborn | Mathis, Ga. | Thornton |
| Evins, Tenn. | Mayne | Vander Jagt |
| Ford, Gerald R. | Melcher | Waldie |
| Forsythe | Milford | Widnall |
| Fountain | Murphy, Ill. | Wolff |
| Fraser | Murphy, N.Y. | Wright |
| Frelinghuysen | Obey | Yatron |
| Frenzel | O'Hara | Young, Ga. |
| Gibbons | Patman | |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Forsythe.
Mr. Rooney of New York with Mr. King.
Mr. Brademas with Mr. Aspin.
Mr. Teague of Texas with Mr. Gerald R. Ford.
Mr. Rostenkowski with Mr. Anderson of Illinois.
Mrs. Chisholm with Mr. de la Garza.
Mr. Blatnik with Mr. Rhodes.
Mr. Kluczynski with Mr. Collier.
Mr. Johnson of California with Mr. Badillo.
Mr. Randall with Mr. Archer.
Mr. Obey with Mr. Blaggi.
Mr. Murphy of Illinois with Mr. Roncallo of New York.
Mrs. Green of Oregon with Mr. Guyer.
Mr. Jones of Alabama with Mr. Carter.
Mr. Roy with Mr. Erlenborn.
Mr. Rosenthal with Mr. Diggs.
Mr. Reid with Mr. Maraziti.
Mr. Culver with Mr. Shriver.
Mr. Hawkins with Mr. McKay.
Mr. Stark with Mr. Fraser.
Mr. Wolff with Mr. McKinney.
Mr. Steed with Mr. Mayne.
Mr. Helstoski with Mr. Frelinghuysen.
Mr. Dingell with Mr. Clancy.
Mr. Hanna with Mr. Jones of Tennessee.
Mr. McCormack with Mr. Taylor of Missouri.
Mr. Young of Georgia with Mr. McSpadden.
Mr. Wright with Mr. Price of Texas.
Mr. Yatron with Mr. Johnson of Pennsylvania.
Mr. Long of Maryland with Mr. Leggett.
Mr. Fountain with Mr. Buchanan.
Mr. Gibbons with Mr. Vander Jagt.
Mr. Karth with Mr. Frenzel.
Mr. Satterfield with Mr. Melcher.
Mr. Stephens with Mr. Blackburn.
Mr. Waldie with Mr. Goldwater.
Mr. Bevill with Mr. Adams.
Mr. Davis of Georgia with Mr. Brown of California.
Mr. Mathis of Georgia with Mr. Milford.
Mr. Evins of Tennessee with Mr. O'Hara.
Mr. Reuss with Mr. Steiger of Wisconsin.
Mr. Symington with Mr. Conlan.
Mr. Gray with Mr. Murphy of New York.
Mr. Rogers with Mr. Staggers.
Mr. Thornton with Mr. Patman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. DORN. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of a similar Senate bill (S. 49) to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 49

An act to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "National Cemeteries Act of 1973".

SEC. 2. (a) Part II of title 38, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 24—NATIONAL CEMETERIES AND MEMORIALS

"Sec.
"1000. Establishment of National Cemetery System; composition of such system; appointment of director.
"1001. Advisory committee on cemeteries and memorials.
"1002. Persons eligible for interment in national cemeteries.
"1003. Memorial areas.
"1004. Administration.
"1005. Disposition of inactive cemeteries.
"1006. Acquisition of lands.
"1007. Authority to accept and maintain suitable memorials.

"§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director

"(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Administrator.

"§ 1001. Advisory Committee on Cemeteries and Memorials

"There shall be appointed by the Administrator an Advisory Committee on Cemeteries and Memorials. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee shall make periodic reports and recommendations to the Administrator and to Congress.

"§ 1002. Persons eligible for interment in national cemeteries

"Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery in the National Cemetery System;

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service);

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or on an authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

"§ 1003. Memorial areas

"(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action, or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers shall be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

"§ 1004. Administration

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator shall provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbaria.

"(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator shall by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried, and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Notwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, such portion of legislative jurisdiction over the lands involved as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of jurisdiction under the authority of this section may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

"§ 1005. Disposition of inactive cemeteries

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. Any cemetery transferred to the Department of the Interior as a part of the National Park System, and funds appropriated to the Secretary for such system shall be available for the management and operation of such cemetery.

"(b) The Administrator may also transfer and convey all right, title, and interest of the United States in or to any inactive cemetery or burial plot, or portion thereof, to any State, county, municipality, or proper agency thereof, in which or in the vicinity of which such cemetery or burial plot is located, but in the event the grantee shall cease or fail to care for and maintain the cemetery or burial plot or the graves and monuments contained therein in a manner satisfactory to the Administrator, all such right, title, and interest transferred or conveyed by the United States, shall revert to the United States.

"(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

"§ 1006. Acquisition of lands

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

"§ 1007. Authority to accept and maintain suitable memorials

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary."

(b) The table of chapters of part II and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits ..... 901"

the following:

"24. National cemeteries and memorials ..... 1000".

(c) Section 5316 of title 5, United States Code, is amended by striking out:

"(131) General Council of the Equal Employment Opportunity Commission."

and inserting in lieu thereof the following:

"(132) General Counsel of the Equal Employment Opportunity Commission.

"(133) Director, National Cemetery System, Veterans' Administration."

SEC. 3. (a) The Administrator shall conduct a comprehensive study and submit his recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) criteria which govern the development and operation of the National Cemetery System, including the concept of regional cemeteries;

(2) the relationship of the National Cemetery System to other burial benefits provided by Federal and State governments to servicemen and veterans;

(3) steps to be taken to conform the existing System to the recommended criteria;

(4) the private burial and funeral costs in the United States;

(5) current headstone and marker programs; and

(6) the marketing and sales practices of non-Federal cemeteries and interment facilities, or any person either acting on their behalf or selling or attempting to sell any rights, interest, or service therein, which is directed specifically toward veterans and their dependents.

(b) The Administrator shall also, in conjunction with the Secretary of Defense, conduct a comprehensive study of and submit their joint recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) whether it would be advisable in carrying out the purposes of this Act to include the Arlington National Cemetery within the National Cemetery System established by this Act;

(2) the appropriateness of maintaining the present eligibility requirements for burial at Arlington National Cemetery; and



(3) the advisability of establishing another national cemetery in or near the District of Columbia.

SEC. 4. (a) Subchapter II of chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations

"(a) For the purpose of maintaining law and order and of protecting persons and property on lands (including cemeteries) and in buildings under the jurisdiction of the Veterans' Administration (and not under the control of the Administrator of General Services), the Administrator or any officer or employee of the Veterans' Administration duly authorized by him may—

"(1) make all needful rules and regulations for the governing of the property under his charge and control, and annex to such rules and regulations such reasonable penalties within the limits prescribed in subsection (b) of this section as will insure their enforcement. Such rules and regulations shall be posted in a conspicuous place on such property;

"(2) designate officers and employees of the Veterans' Administration to act as special policemen on such property and, if the Administrator deems it economical and in the public interest, with the concurrence of the head of the agency concerned, utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, utilize the facilities and services of such State or local law-enforcement agencies; and

"(3) empower officers or employees of the Veterans' Administration who have been duly authorized to perform investigative functions to act as special investigators and to carry firearms, whether on Federal property or in travel status. Such special investigators shall have, while on real property under the charge and control of the Veterans' Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations issued under subsection (a)(1) of this section. Any such special investigator may make an arrest without a warrant for any offense committed upon such property if he has reasonable ground to believe (A) the offense constitutes a felony under the laws of the United States, and (B) that the person to be arrested is guilty of that offense.

"(b) Whoever shall violate any rule or regulation issued pursuant to subsection (a)(1) of this section shall be fined not more than $50 or imprisoned not more than thirty days, or both."

(b) Section 625 of title 38, United States Code, is hereby repealed.

(c) (1) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by inserting immediately after—

"217. Studies of rehabilitation of disabled persons."

the following:

"218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations.".

(2) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking out—

"625. Arrests for crimes in hospital and domiciliary reservations.".

SEC. 5. (a) Chapter 23 of title 38, United States Code, is amended by—

(1) amending section 903 to read as follows:

"§ 903. Death in Veterans' Administration facility; plot allowance

"(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under section 610 or 611 of this title, the Administrator—

"(1) shall pay the actual cost (not to exceed $250) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration; and

"(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(b) In addition to the foregoing, if such a veteran, or a veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard for the circumstances in each case, may pay a sum not exceeding $150, as a plot or interment allowance to such person as he prescribes. In any case where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities."; and

(2) adding at the end of such chapter the following new sections:

"§ 906. Headstones and markers

"(a) The Administrator shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

"(1) Any individual buried in a national cemetery or in a post cemetery.

"(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1002(a)(4), (5), and (6) of this title.

"(3) Soldiers of the Union and Confederate Armies of the Civil War.

"(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1003 of this title, or in any private or local cemetery.

"§ 907. Death from service-connected disability

"In any case in which a veteran dies as a result of a service-connected disability or disabilities, the Administrator, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 902 and 903(a)(1) and (b) of this title."

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended—

(1) by striking out

"903 Death in Veterans' Administration facility."

and inserting in lieu thereof

"903. Death in Veterans' Administration facility; plot allowance.";

and

(2) by adding at the end thereof the following items:

"906. Headstones and markers.

"907. Death from service-connected disability.".

SEC. 6. (a)(1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers' and Airmen's Home and Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act.

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility, for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery at Philadelphia, and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act.

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

(c) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

"(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such department with respect to functions transferred under such subsection (a) or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred,

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such suit shall be continued by the Administrator of Veterans' Affairs.

SEC. 7. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, and 287).

(2) The Act entitled "An Act to provide for a national cemetery in every State", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a–279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An Act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved August 4, 1947 (24 U.S.C. 281a–281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 296).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery of surplus Army Department owned military real property at Fort Logan, Colorado", approved March 10, 1950 (24 U.S.C. 281d–f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 262).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (44 Stat. 287).

(16) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes", approved February 23, 1927 (44 Stat. 1138).

(17) The first proviso of the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes", approved March 23, 1928 (45 Stat. 354).

(18) The first proviso of the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes", approved February 28, 1929 (45 Stat. 1375).

(19) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal years ending June 30, 1931, and for other purposes", approved May 28, 1930 (46 Stat. 458).

(20) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1302).

(21) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes", approved July 14, 1932 (47 Stat. 689).

(22) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 4, 1933 (47 Stat. 1595).

(23) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes", approved April 26, 1934 (48 Stat. 639).

(24) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(25) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(26) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(27) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department and for other purposes", approved June 11, 1938 (52 Stat. 668).

(28) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(29) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(30) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes" approved May 23, 1941 (55 Stat. 191).

(31) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(32) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

(33) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes", approved June 26, 1944 (58 Stat. 327–328).

(34) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1946, for civil functions administered by the War Department, and for other purposes", approved March 31, 1945 (59 Stat. 39).

(35) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(36) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(37) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(38) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(39) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(40) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(41) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes", approved July 11, 1952 (66 Stat. 579).

(42) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (24 U.S.C. 290).

(43) The first proviso to the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (43 Stat. 926).

(44) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes", approved June 30, 1954 (68 Stat. 331).

(45) The first and second provisos to the paragraph immediately following the center hearing "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Atomic Energy Commission, the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1956, and for other purposes", approved July 15, 1955 (69 Stat. 360).

(46) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1957, and for other purpose", approved July 2, 1956 (70 Stat. 474).

(47) The third proviso to the pargraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes", approved August 26, 1957 (71 Stat. 416).





(48) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes", approved September 2, 1958 (72 Stat. 1572).

(49) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes", approved September 10, 1959 (73 Stat. 492).

(50) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes", approved October 24, 1962 (76 Stat. 1216).

(51) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes", approved December 31, 1963 (77 Stat. 844).

(52) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes", approved August 30, 1964 (78 Stat. 682).

(53) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, and for the fiscal year ending June 30, 1966, and for other purposes", approved October 28, 1965 (79 Stat. 1096).

(54) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the Saint Lawrence Seaway Development Corporation, and the Water Resources Council, and for the fiscal year ending June 30, 1967, and for other purposes", approved November 2, 1966 (80 Stat. 1002).

(55) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1968, and for other purposes", approved November 20, 1967 (81 Stat. 471).

(56) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 3, 1969, and for other purposes", approved August 12, 1968 (82 Stat. 705).

(57) the third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes", approved December 11, 1969 (83 Stat. 327).

(58) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies in the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes", approved October 7, 1970 (84 Stat. 893).

(59) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes", approved October 5, 1971 (85 Stat. 368).

(60) The Act entitled "An Act to revise eligibility requirements for burial in national cemeteries, and for other purposes", approved September 14, 1959 (73 Stat. 547).

(61) The Act entitled "An Act to amend the Act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries", approved August 30, 1961 (75 Stat. 411).

(b) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with re-

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spect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 6(a) of this Act do not apply.

SEC. 8. The first sentence of section 3505 (a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in a national cemetery)".

SEC. 9. (a) The Secretary of Defense is authorized and directed to cause to be brought to the United States the remains of an American, who was a member of the Armed Forces of the United States, who served in Southeast Asia, who lost his life during the Vietnam era, and whose identity has not been established, for burial in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia.

(b) The implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia, as determined by the President or the Congress of the United States.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 10. (a) The first section and sections 2, 3, 4, and 8 of this Act shall take effect on the date of enactment of this Act.

(b) Clause (1) of section 5(a) shall take effect on the first day of the second calendar month following the date of enactment of this Act.

(c) Clause (2) of section 5(a) and sections 6 and 7 of this Act shall take effect July 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register.

AMENDMENT OFFERED BY MR. DORN

Mr. DORN. Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. DORN: strike out all after the enacting clause of S. 49 and insert in lieu thereof the provisions of H.R. 2828, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2828) was laid on the table.

## POSTAL SERVICE PAYMENTS TO RETIREMENT FUND

Mr. BRASCO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 29) to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the fund due to increases in benefits for Postal employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 29

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8348(f) of title 5, United States Code, is amended by striking out "fiscal year" and inserting in lieu thereof "first fiscal year after the fiscal year".

SEC. 2. Section 8348 of title 5, United States Code, is further amended by adding at the end thereof the following new subsection:

"(h)(1) Notwithstanding any other provision of law, the United States Postal Service shall be liable for that portion of any estimated increase in the unfunded liability of the Fund which is attributable to any benefits payable from the Fund to active and retired Postal Service officers and employees, and to their survivors, when such increase results from an employee-management agreement under title 39, or any administrative action by the Postal Service taken pursuant to law, which authorizes—

"(A) new or liberalized benefits payable from the Fund, including annuity increases other than increases under section 8340 of this title;

"(B) extension of the coverage of subchapter III of this chapter; or

"(C) increases in pay on which benefits are computed.

"(2) The estimated increase in the unfunded liability, referred to in paragraph (1) of this subsection, shall be determined by the Civil Service Commission. The United States Postal Service shall pay the amount so determined to the Commission in thirty equal annual installments with interest computed at the rate used in the most recent valuation of the Civil Service Retirement Sytem, with the first payment thereof due at the end of the first fiscal year after the fiscal year in which an increase in pay or a new or liberalized benefit becomes effective.".

SEC. 3. (a) The last sentence of section 1005(d) of title 39, United States Code, as in effect immediately before the date of enactment of this Act, is repealed.

(b) Section 1005(d) of title 39, United States Code, is amended by adding at the end thereof the following new sentence: "The Postal Service shall pay into the Civil Service Retirement and Disability Fund the amounts determined by the Civil Service Commission under section 8348(h)(2) of title 5.".

The SPEAKER pro tempore (Mr. O'NEILL). Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BRASCO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this time, as the ranking majority member of the Subcommittee on Retirement and Employee Benefits, to briefly explain the purpose of the legislation under consideration, and to urge its unanimous adoption and early enactment.

H.R. 29 is based, in part, upon an administration recommendation and is similar to a proposal approved by the House in the 92d Congress, but which failed of favorable consideration by the Senate. By letter dated March 28, 1973, addressed to the Speaker, the Chairman of the United States Civil Service Commission submitted for the consideration of the Congress, and recommended favorable and expeditious action on similar legislation.

This bill will reaffirm and strengthen the policy laid down by the 91st Congress with respect to the financial stability of the Civil Service Retirement and Disability Fund.

By enacting Public Law 91–93, the Daniels Act of 1969, the Congress prescribed the policy, among others, that the costs of future unfunded liabilities in the fund which result from increases in salaries upon which annuity benefits are computed shall be fully financed. Thus, when enacting pay increase legislation, Congress recognizes and identifies the resultant costs which accrue to the retirement system and, by amortization, assumes the responsibility of paying for them in equal annual appropriation installments over 30-year periods.

Adherence to that policy, where the Congress controls the pay-fixing machinery—which is the case with respect to nonpostal Federal employees—precludes further increases in deficiences which existed prior to the enactment of the retirement financing provisions of Public Law 91–93.

It may be well to note that the Appropriations Committees have adhered to such policy, except with respect to actions taken by the Postal Service in the past several years. By enactment of the Postal Reorganization Act the pay-fixing authority for postal employees was transferred to the new Postal Service, with the Congress no longer having any control over or responsibility for costs resulting from the negotiated agreements or administrative actions of that independent Agency.

Although the Postal Reorganization Act provided for the continued participation of postal employees in the civil service retirement system, its enabling provisions were somewhat deficient in failing to specifically require the Postal Service to be liable for funding of the retirement costs associated with its independent pay-fixing authority.

The Postal Reform Act was premised upon the Postal Service becoming a self-sufficient entity, with Congress divesting itself of a role in fixing the pay of postal employees. Concurrently, the Congress divested itself, at least by implication, of any responsibility for financing the retirement costs which have already resulted, and which will ultimately result, from those negotiated wage agreements and administrative salary increases.

Over the past 2 years several salary increases have been granted by the Postal Service to its employees which have created an unfunded liability in the retirement fund of approximately $1.7 billion. While this legislation will not require the Postal Service to assume the responsibility for amortizing that already-created deficiency, it is the Commission's hope that congressional appropriations will be approved to cover those items.

The bill will, however, require the Postal Service to pay into the retirement fund, in a manner similar to that by which the Congress fulfills its obligations, moneys to amortize any unfunded liabilities which are attributable to future postal salary adjustments. Accordingly, the Postal Service would be liable only for newly created unfunded liabilities which result from pay increases it grants after the effective date of this legislation.

Mr. Speaker, H.R. 29 is designed to remedy deficiencies in both the civil service retirement law and the Postal Reform Act, and reaffirms the policy, as subscribed to under Public Law 91–93, that retirement costs resulting from salary increases be recognized and paid for by the party responsible for their creation. The future costs so incurred will, and properly so, be borne by the U.S. Postal Service.



The bill was overwhelmingly approved by the Committee on Post Office and Civil Service, Mr. Speaker, and I urge its unanimous adoption by the House.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I favor the enactment of H.R. 29 for it quite properly protects the integrity of the Civil Service Retirement Fund and places with the U.S. Postal Service the responsibility for financing liabilities to this fund which it causes through administrative action.

I think it is important also to call attention to some of the implications of this bill so that we understand its impact and so that we can act consistently when other postal legislation is brought to the floor in the future.

What we are doing with this legislation is assigning certain financial responsibilities to the Postal Service and eliminating what is accurately described as backdoor subsidy to postal operations. As the General Counsel of the Postal Service, Mr. Louis Cox, states in his letter to the chairman of the Committee on Post Office and Civil Service:

Enactment of this proposed legislation will involve enormous costs that will have to be passed on in the future to postal ratepayers. . . . This legislation has been proposed on the ground that the Postal Service should operate on a financially self-sufficient basis, meeting its operating costs out of its revenues and not out of hidden subsidies. After careful consideration—and in full awareness of the financial burdens enactment of this bill will impose—the Postal Service has concluded that it is proper, as a matter of principle, for these costs to be imposed on postal ratepayers rather than the taxpayers.

I fully agree with Mr. Cox in his assessment of this legislation. I hope that when we deal later in this Congress with postal legislation, and I particularly have in mind certain proposed subsidies for special interest mailers, we will keep in mind the strict principle of self-sufficiency on the part of the Postal Service which we lay down in this legislation.

I hope also that we understand the principle of Postal Service independence which this legislation fortifies and that we will continue to observe that principle when legislation is proposed to reimpose congressional interference with postal operations.

As one who worked for the type of postal reform which would create a financially and politically independent Postal Service, I can support this legislation. I commend the managers of the Postal Service for properly facing up to and accepting the financial responsibility this bill imposes. However, I urge my colleagues to bear in mind the ramifications of this bill so that they will not be tempted later in this Congress to reinject a new type of congressional management of postal affairs or to reinstall subsidies under a different guise.

Mr. BRASCO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York, the chairman of the Post Office and Civil Service Committee (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 29.

The primary purpose of this legislation is to require the Postal Service to finance any increase in the unfunded liability of the civil service retirement fund which is attributable to a Postal Service employee-management agreement or an administrative action which authorizes pay increases or new retirement benefits for postal employees.

I cosponsored this legislation on the basis that it is consistent with the congressional policy established under the Postal Reorganization Act of 1970. That policy is that all costs of postal operations are to be an obligation of the Postal Service to be covered by postal rates and fees or appropriations made specifically to the Postal Service.

While the Postal Reorganization Act provides for the continued participation of postal employees in the civil service retirement system, the act contains no provision requiring the Postal Service to be responsible for financing any increases in the unfunded liability of the retirement fund which arise from liberalized benefits, such as pay increases granted by the Postal Service to postal employees.

This legislation will correct that omission in the Postal Reorganization Act.

I wish to emphasize that under the provisions of H.R. 29 the Postal Service will be responsible only for financing the retirement costs that result from an employee-management agreement or other administrative action. The Postal Service will not be required to finance retirement costs which result from new or liberalized retirement benefits provided directly by statute and applicable generally to all persons covered by the civil service retirement system.

Also it is important to note that the provisions of H.R. 29 would operate prospectively only and, therefore, would not require the Postal Service to finance increases in the unfunded liability of the retirement fund which were caused by pay increases granted to postal employees prior to the date of enactment of this legislation.

In connection with the latter point, the Postal Service has advised our committee that on the basis that the legislation will not have retroactive effect, they have no objection to the enactment of H.R. 29. A copy of the letter from Mr. Louis A. Cox, General Counsel of the Postal Service, is attached to my statement.

Also, by letter dated March 28, 1973, the Chairman of the Civil Service Commission submitted an official recommendation for legislation containing provisions substantially similar to the provisions of H.R. 29. A copy of that letter also is attached to my statement.

Mr. Speaker, I urge the passage of this legislation.

U.S. POSTAL SERVICE,
*Washington, D.C., March 27, 1973.*

Hon. THADDEUS J. DULSKI,
*Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for a report on H.R. 29, "To provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the Fund due to increases in benefits for Postal Service employees and for other purposes."

Enactment of this proposed legislation will involve enormous costs that will have to be passed on in the future to postal ratepayers. According to the current estimates provided by the Civil Service Commission, each one percent of a pay increase causes an unfunded liability in the Civil Service Retirement and Disability Fund of approximately $8 million each year for 30 years. Thus, for example, if postal employees receive a 5% pay increase the bill would require the Postal Service to pay $40 million each year for the next 30 years. In addition, a similar liability would accrue with each subsequent pay increase leading to a cumulative annual liability of a tremendous magnitude. At time when certain mailers are calling for greatly increased postal subsidies, and when others are advocating that the Postal Service expand certain services notwithstanding costs, the enactment of H.R. 29 will create financial pressures making it more difficult for the Postal Service to improve service without large rate increases.

This legislation has been proposed on the ground that the Postal Service should operate on a financially self-sufficient basis meeting its operating costs out of its revenues and not out of hidden subsidies. After careful consideration—and in full awareness of the financial burdens enactment of the bill will impose—the Postal Service has concluded that it is proper, as a matter of principle, for these costs to be imposed on postal ratepayers rather than the taxpayers.

Properly understood, the principle of postal self-sufficiency calls for those who use postal services to bear the costs of those services. The principle does *not*, however, call for present postal customers to bear the burden of costs that are not reasonably related to the performance of present services. Payments for increases in unfunded liability resulting from the pay increases of past years are properly attributed to past postal operations. Thus the principle of postal self-sufficiency would not justify imposing on present or future postal customers the financial burden of unfunded retirement liabilities attributable to pay increases granted during Fiscal Years 1972 and 1973.

It is clear that requiring the Postal Service to reimburse the Civil Service Retirement and Disability Fund for increases in unfunded liability constitutes a change in the existing law governing responsibility for such increases. The Comptroller General held, in a letter to Congressman Steed dated June 20, 1972, that unfunded liabilities resulting from postal pay increases are properly financed from the general fund of the Treasury as authorized by 5 U.S.C. § 8348(f). If a change in law is to be made, it would be inequitable for it to impose burdens on postal ratepayers retrospectively.

In our view, H.R. 29 as introduced would not have retrospective effect. As we understand it, the bill speaks only prospectively, directing that the Postal Service—

. . . shall be liable for that portion of any estimated increase in the unfunded liability . . . which is attributable to any benefits . . . to active and retired Postal Service officers and employees, and to their survivors, when such increase results from an employee-management agreement under title 39, or any administrative action by the Postal Service taken pursuant to law, which authorizes . . . increases in pay on which benefits are computed. (H.R. 29, § 1).

This reading of H.R. 29 is in keeping with the principle of statutory construction that—

. . . in the absence of a constitutional or a general statutory provision, or a provision in the statute itself relating to the effective date, the statute will take effect from the day of its passage or enactment; that is, from the date the last act necessary to complete the legislative process is performed. (Craw-

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ford, The Construction of Statutes, § 106, p. 152).

Only on the basis of such an understanding can we say we would have no objection to the enactment of this bill.

In his letter of January 26, 1973, to the Postmaster General explaining decisions made with regard to the postal budget, the Director of the Office of Management and Budget stated that his recommendation that the Postal Service pay the unfunded liability in the Civil Service Retirement Fund would "facilitate further the transition of the Postal Service to independent status." While enactment of H.R. 29 would be consistent with the statutory independence of the Postal Service under the Postal Reorganization Act, the very substantial additional financial responsibilities it would create underscore the need for effective and vigilant postal management. We therefore believe it would be appropriate for Congress, in enacting this bill, to correct the two principal defects in the Postal Reorganization Act that stand in the way of effective use of the Service's independent operating power—namely, the provisions in section 1003(a) of title 39 limiting postal salaries to Level I of the Executive Pay Schedule and in section 409(d) of title 39 preventing the Postal Service from conducting its own litigation in court without the consent of the Attorney General. We therefore recommend that amendments eliminating these restrictions be added to H.R. 29.

Finally, in order to make the wording of the bill technically correct, it is recommended that section 1 of H.R. 29 be amended to delete subparagraphs (A) and (B) of proposed section 8348(h)(1). The Postal Reorganization Act does not authorize the Postal Service, either through collective bargaining or by administrative action, to grant new or liberalized benefits payable from the Civil Service Retirement and Disability Fund, or to extend the coverage of the Civil Service retirement laws. Accordingly, subparagraphs (A) and (B) imply a non-existent power and should be deleted. Upon deletion of these subparagraphs the dash following the word "authorizes" in line 5, page 2, should be deleted, as well as the "(C)" in subparagraph (C).

Sincerely,

LOUIS A. COX,
*General Counsel.*

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U.S. CIVIL SERVICE COMMISSION,
*Washington, D.C., March 28, 1973.*

Hon. CARL ALBERT,
*Speaker of the House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: The Commission submits for the consideration of the Congress, and recommends prompt favorable action on, the attached legislative proposal which will provide for payments by the United States Postal Service to the Civil Service Retirement and Disability Fund for increases in the unfunded liability of the Fund due to increases in benefits for Postal Service employees.

Public Law 91-93, approved October 20, 1969, was landmark legislation in that it established sound financing of the Civil Service Retirement System. It did so by amending 5 U.S.C. 8334(a) and 8348 to provide for:

(1) increased employee deductions and agency contributions at rates which approximately covered "normal cost";

(2) appropriations from the Treasury of the United States to the Civil Service Retirement and Disability Fund to amortize in 30 equal annual installments increases in the Fund's unfunded liability caused by any new laws which authorize;

(a) new or liberalized retirement benefits, including annuity increases other than cost-of-living increases under 5 U.S.C. 8340,

(b) extension of retirement coverage to new groups of employees, or

(c) increases in pay on which retirement benefits are computed; and

(3) transfer at the end of each fiscal year to the Civil Service Retirement and Disability Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, amounts equivalent to:

(a) Interests on unfunded liability attributable to prior laws, and

(b) benefits based on military service.

In order to soften the budgetary impact of the transfer of funds described in item three (3) above, the following percentages of such amounts were required to be transferred each fiscal year: 10 percent for 1971; 20 percent for 1972; 30 percent for 1973; 40 percent for 1974; and continuing to increase by 10 percent each year until 100 percent of such amounts must be transferred for fiscal year 1980 and for each fiscal year thereafter.

Public Law 91-375, approved August 12, 1970, known as the Postal Reorganization Act, revised and reenacted title 39 of the United States Code to provide for the establishment of the independent United States Postal Service. A basic concept of the Postal Reorganization Act was that the United States Postal Service was to eventually become self-supporting. However, following its enactment, a question was raised as to whether the Postal Service or the Treasury of the United States was to bear the cost of increases in the unfunded liability of the Civil Service Retirement and Disability Fund created as a result of negotiated agreements between the Postal Service and the Postal Unions for increased pay and retirement benefits. The purpose of the attached legislative proposal is to resolve this question in a manner which is consistent with both the self-supporting concept on which the United States Postal Service was established and the sound financing concept on which the Civil Service Retirement System is currently based.

This proposed draft legislation would require the independent United States Postal Service to make payments for that portion of a future increase in the unfunded liability of the Civil Service Retirement and Disability Fund attributable to it which results from an employee-management agreement under title 39, United States Code, or any administrative action taken pursuant to law, which authorizes: (1) new or liberalized benefits payable from the retirement fund (other than cost-of-living annuity increases), (2) extension of the coverage of the retirement law, or (3) increases in pay on which benefits are computed. These payments, in amounts determined by the Civil Service Commission, would be made in 30 equal annual installments, with the first payment due at the end of the fiscal year after the one in which an increase in retirement or pay benefits is effective. In short, amortization of the increase in the unfunded liability of the Civil Service Retirement and Disability Fund would continue as now, except that the portion attributable to an increase in retirement or pay benefits in the United States Postal Service would be paid by the Postal Service, rather than through direct appropriations.

Until the future benefits described in the draft bill are set by employee-management agreement or by administrative action taken pursuant to law, their cost, of course, cannot be determined. However, certain pay increases have already been agreed to by the United States Postal Service and its employees. As a result of these pay increases, the unfunded liability of the Civil Service Retirement and Disability Fund was increased by $1.017 million as of June 30, 1972, and will be increased by an additional $677.8 million as of June 30, 1973. The liability of $1.017 million would normally be financed under present law in 30 equal annual appropriations of $62.991 million, with the first installment being due June 30, 1972; the liability of $677.8 million would normally be financed in 30 equal annual appropriations of $41.994 million, with the first installment being due June 30, 1973. The 92nd Congress, however, deleted these appropriations from the Commission's appropriations for fiscal years 1972 and 1973, pending action on a bill identical to the current proposal in the 92nd Congress—H.R. 10484, which failed of enactment. The 1974 Budget proposes that the appropriation to the Civil Service Retirement and Disability Fund for FY 1974 include these FY 1972 and FY 1973 installment payments to be made available to the Fund from the Postal Service Fund. The aggregate amount for this FY 1974 payment from the Postal Service, including interest for delayed payment, is $284,667,000. The Commission strongly supports this appropriation request as wholly consistent with the purposes of the proposed clarifying draft legislation.

If this proposal is enacted in fiscal year 1973, but made effective on May 1, 1971, the United States Postal Service would be required to finance the $1,017 million liability in 30 equal annual payments of $66.141 million each, with the first installment being due June 30, 1973; the $677.8 million liability would be financed in 30 equal annual payments of $44.092 million each, with the first installment being due June 30, 1974. The annual installments required to amortize the increase in unfunded liability under the proposed legislation are slightly larger than under present law because the first installment is due not at the end of the fiscal year in which the increase in unfunded liability occurred, but at the end of the first fiscal year after the fiscal year in which the increase occurred.

The Office of Management and Budget advises that there would be no objection from the standpoint of the Administration's program to the submission of this proposal, as enactment of the proposed bill would be in accord with the program of the President.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,
*Chairman.*

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I rise in support of H.R. 29, a bill to require the U.S. Postal Service to make payments to the civil service retirement fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees.

This legislation is necessary to conform to the objectives of the Congress in enacting in 1969 Public Law 91-93, a bill to put the civil service retirement system on a sound financial basis, and Public Law 91-375, the Postal Reorganization Act.

In 1969, the Post Office and Civil Service Committee determined that, unless legislative action was taken to improve the financing of the civil service retirement system, it would eventually become totally unfunded. As a result, legislation was enacted as Public Law 91-93. This law provided, in part, that the cost of future incremental unfunded liabilities resulting from benefit liberalizations and general salary increases, extension of coverage to new groups of employees, and newly authorized annuity increases, are to be fully financed by the Government through direct appropriations to the fund, in equal annual installments, over 30-year periods. The Government assumed full responsibility for additional deficiencies thus created and, by amortization, precludes further increases in the existing unfunded liability.



At the time this law was passed, postal employees were employees of the Post Office Department, a department of the executive branch. Now, with the passage of Public Law 91-375, the Postal Reorganization Act, certain changes were effected. The Post Office Department was abolished as a Cabinet-level department and in its stead was established as the U.S. Postal Service, an independent executive agency. This new Agency was given the authority and responsibility to conduct the affairs of the postal establishment on a businesslike basis. This included the authority to hire, fire, and compensate employees. Postal employees remained under the civil service retirement system. The Congress thereby removed itself from the operation of the postal establishment and entrusted it to the managers of the new U.S. Postal Service. In doing so, the Congress, I believe, not only extended authority to the managers of the Postal Service to manage, but to accept all accompanying responsibilities.

One of these responsibilities is to require the Postal Service to make payments for that portion of increases in the unfunded liability of the civil service retirement fund which arises under employee-management agreements or administrative action of the Postal Service.

The Postal Reorganization Act does not provide for the Postal Service to make payment to the civil service retirement fund when increased benefits for postal employees granted by the Postal Service result in an increase in the unfunded liability of the retirement fund. I believe this was not intended by the committee or the Congress, but was rather an oversight.

Mr. Speaker, the Committee on Post Office and Civil Service, the U.S. Postal Service, and the Office of Management and Budget all agree in principle that the responsibility for any increase in the unfunded liability created by the Postal Service lies with the Postal Service, not with the Federal Government. The Office of Management and Budget prefers the effective date be retroactive to July 20, 1971, while H.R. 29 makes it effective upon the date of enactment. In any case, the bill is necessary if we are to uphold the integrity of the civil service retirement fund and insist that the new U.S. Postal Service perform as an independent executive agency.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, the bill before the House, H.R. 29, is a sound proposal to correct an obvious oversight in the Postal Reorganization Act of 1970.

The oversight I refer to is that in enacting the Postal Reorganization Act no provision was made for the Postal Service to make payments to the retirement fund when increased benefits for postal employees were granted by the Postal Service and resulted in increases in the unfunded liability of the retirement fund. Public Law 91-93, approved October 20, 1969, established this policy:

In the course of the past 2 years, the Postal Service through administrative action or labor management agreements increased the unfunded liability of the retirement fund by granting increases in pay and retirement benefits to Postal Service employees.

The Office of Management and Budget in its letter of January 26, 1973, to Postmaster General Klassen stated:

> In view of the requirement that the Postal Service is to govern its activities in such a manner that its full cost of operations will be financed with a minimum of subsidy, the costs of employees benefits should not be funded by general revenues but instead by the rate payers.

I am in agreement with this viewpoint. And, I might add, the U.S. Postal Service agrees in principle with this viewpoint also. However, the U.S. Postal Service argues that the effective date should not be retroactive to July 20, 1971, as suggested by the Office of Management and Budget, but rather on the date of enactment. The committee did not make the bill retroactive.

Mr. Speaker, this legislation does correct an oversight in the Postal Reorganization Act and in doing so rightfully places responsibility for any increases in the unfunded liability of the retirement fund where it belongs—the U.S. Postal Service.

Mr. BRASCO. Mr. Speaker, I apologize to my distinguished colleague, the gentleman from New Jersey, for not remembering that he did want to speak.

Mr. Speaker, I yield to the gentleman from New Jersey such time as he may consume.

Mr. DOMINICK V. DANIELS. Mr. Speaker, having had the honor of chairing the Retirement Subcommittee in the 91st Congress and, thus, having played an active role in the development and enactment of the financing provisions of the civil service retirement law, I rise in wholehearted support of the legislation now under consideration.

Perhaps a brief review of the legislative history underlying the issue to which we are addressing ourselves today may be of assistance in evaluating the merits of H.R. 29.

The 91st Congress addressed itself to a longstanding problem—the financial condition of the civil service retirement system. Its enactment of Public Law 91-93, approved October 20, 1969, established a positive program designed to provide in full for the permanent financing of the system, so as to assure that the necessary funds are available when needed to pay retirement benefits in full and on time.

One of the major provisions of that legislation dealt with the recognition of currently accruing retirement costs, such as the costs of future incremental unfunded liabilities which will result from general salary increases for the active work force. In essence, the Congress takes cognizance of the fact, when enacting salary increase legislation, that each dollar of increased pay has an eventual retirement cost of approximately $2. By recognizing such related costs, the Congress assumes full responsibility for the additional deficiencies it thus creates in the retirement fund. It fulfills that responsibility by authorizing direct appropriations to the fund, amortizing those additional costs in equal annual installments over 30-year periods. The effect of this particular funding practice precludes further deficiencies that would otherwise results, as distinct from growth of the existing unfunded liability attributable to legislation enacted in the past and for which adequate financing was not provided.

Since the enactment of Public Law 91-93 the Congress through its appropriations process, has been living up to its commitments to amortize the retirement costs it incurs by granting salary increases. In other words, we are exercising fiscal responsibility with respect to our own actions—actions over which the Congress is able to exercise a control. However, subsequent passage of the Postal Reorganization Act divested the Congress of its control over the salary-fixing authority for postal employees, and vested that authority in the new Postal Service.

Since implementation of the Postal Reorganization Act, five pay increases have been granted most postal workers as a result of labor-management agreements or the administrative action of the U.S. Postal Service. As indicated by the gentleman from New York (Mr. BRASCO), such pay adjustments have created an additional unfunded liability in the retirement system approximately $1.7 billion. Had such unfunded liability been financed in accordance with the principle laid down in Public Law 91-93, an accumulative amount of $285 million would have been credited to the retirement fund through fiscal year 1974, with additional amounts of about $105 million being credited in each of the next 28 years.

While the bill under consideration will not require those amounts to be contributed to the fund by the Postal Service, it should be recognized that each 5-percent increase in postal salaries will create a further unfunded liability of $650 million. Its enactment will, however, require the Postal Service to finance such an unfunded liability by 30 annual payments of $40 million.

Mr. Speaker, let me emphasize the fact, therefore, that the bill is prospective in application to the Postal Service; that the Postal Service will not be held liable for the unfunded liability its actions have already created over the past 2 years, but that it will be clearly responsible for financing the retirement costs attributable to any pay increases it grants after the date of enactment of this bill.

I urge the unanimous adoption of H.R. 29.

Mr. GROSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, H.R. 29, a bill to require the U.S. Postal Service to pay to the civil service retirement fund for any portion of unfunded liability resulting from raises in pay and retirement benefits, is a constructive proposal.

This legislation, in effect, does what I believe our Committee on Post Office and Civil Service and the Congress intended in passing the Postal Reorganization Act

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in 1970. That is, in granting independent status to the newly created U.S. Postal Service we also granted responsibility for any and all actions it might take.

This included, but was not limited to, any newly created unfunded liability in the civil service retirement fund resulting from increased pay and retirement benefits to postal employees. Unfortunately, the law does not specifically provide for such coverage. Therefore, the reason for this legislation.

Mr. Speaker, there is little dispute, as far as I can determine, as to what party is responsible for paying for an increase in the unfunded liability when it is created by the U.S. Postal Service.

H.R. 29 provides that effective upon the date of enactment any newly created increase in the unfunded liability of the retirement fund caused by the U.S. Postal Service will be funded by the U.S. Postal Service.

I believe H.R. 29 is a good bill and should be approved.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a cosponsor of this bill. It is urgently needed in order to protect the financial integrity of the civil service retirement fund. I hope that it can be enacted into law quickly in this session.

Since the bill has been adequately explained in the discussion this afternoon, I would like to make only a few observations.

This bill originated almost 2 years ago to this day—on May 6, 1971—when I offered an amendment almost identical to H.R. 29 to a related retirement bill then under consideration in the Post Office and Civil Service Committee. The amendment was adopted by the committee and passed the House unanimously on May 17, 1971. Unfortunately, the Senate took no further action on the bill to which the amendment was attached, and it died with the 92d Congress.

Because of the Senate's refusal to take action at that time, the passage of 2 years has cost the civil service retirement fund $284,667,000 which it would have received if my amendment had been signed into law in 1971. This not only raises havoc with the financial condition of the fund but it definitely is a serious breach of faith with the millions of persons who depend upon the solvency of that fund for their retirement incomes.

I would also like to point out that the intent of this bill, H.R. 29, is strictly consistent with the general intent of the Postal Reorganization Act that the Postal Service be financially self-sustaining. The bill simply requires the Postal Service to pay for any unfunded liabilities it creates in the retirement fund by reason of any action it may take unilaterally. Congress will continue to provide payments to the fund for any deficits it may create through passage of general legislation affecting all Federal employees.

While the Postal Service opposed my amendment 2 years ago, it now supports H.R. 29. Perhaps, in time, even mail service will improve.

Mr. Speaker, a former top postal official, one of the architects of the Postal Reorganization Act, once stated the financial position of this new independent agency as follows:

> To flee to the sheltering arms of the Treasury would be to crawl back into our nests. We don't have any intention of doing that. Now that we are an eagle, we'll fly, not crawl.

I suggest, Mr. Speaker, that we help launch this new bird properly and pass H.R. 29.

Mr. MILLS of Maryland. Mr. Speaker, this legislation, H.R. 29, is supported by the U.S. Postal Service, Office of Management and Budget, and was reported unanimously by the Committee on Post Office and Civil Service. The only reservation comes from the Office of Management and Budget which supports the bill, but suggest an effective date retroactive to July 20, 1969, rather than an effective date upon enactment.

The reason this legislation is before us today is because in enacting the Postal Reorganization Act of 1970 we omitted language requiring the U.S. Postal Service to make payments when increased benefits for postal employees granted by the Postal Service results in an increase in the unfunded liability of the retirement fund.

We are back here today to amend the Postal Reorganization Act and thereby correct an egregious error.

Mr. Speaker, the U.S. Postal Service accepts this responsibility to make future payments to the retirement fund, and in keeping with that spirit I believe we should quickly approve this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BRASCO) that the House suspend the rules and pass the bill H.R. 29, as amended.

The question was taken.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 0, not voting 89, as follows:

[Roll No. 127]

YEAS—344

| | | |
|---|---|---|
| Abdnor | Bowen | Chamberlain |
| Abzug | Brasco | Chappell |
| Addabbo | Bray | Clark |
| Alexander | Breaux | Clausen, |
| Anderson, | Brinkley | Don H. |
| Calif. | Brooks | Clawson, Del |
| Andrews, N.C | Broomfield | Clay |
| Andrews, | Brotzman | Cleveland |
| N. Dak. | Brown, Mich. | Cochran |
| Annunzio | Brown, Ohio | Cohen |
| Arends | Broyhill, N.C. | Collins |
| Armstrong | Broyhill, Va. | Conable |
| Ashbrook | Burgener | Conlan |
| Ashley | Burke, Calif. | Conte |
| Bafalis | Burke, Fla. | Conyers |
| Baker | Burke, Mass. | Cotter |
| Barrett | Burleson, Tex. | Coughlin |
| Beard | Burlison, Mo. | Crane |
| Bell | Burton | Cronin |
| Bennett | Butler | Daniel, Dan |
| Bergland | Byron | Daniel, Robert |
| Biester | Camp | W., Jr. |
| Bingham | Carey, N.Y. | Daniels, |
| Boggs | Carney, Ohio | Dominick V. |
| Boland | Casey, Tex. | Danielson |
| Bolling | Cederberg | Davis, S.C. |
| Davis, Wis. | Kastenmeier | Rodino |
| Delaney | Kazen | Roe |
| Dellenback | Keating | Rogers |
| Dellums | Kemp | Roncalio, Wyo. |
| Denholm | Ketchum | Rooney, Pa. |
| Dennis | Koch | Rose |
| Dent | Kuykendall | Rousb |
| Derwinski | Kyros | Rousselot |
| Devine | Landgrebe | Roybal |
| Dickinson | Landrum | Runnels |
| Donohue | Latta | Ruppe |
| Dorn | Lehman | Ruth |
| Downing | Lent | Ryan |
| Drinan | Litton | St Germain |
| Dulski | Long, La. | Sandman |
| Duncan | Lott | Sarasin |
| du Pont | Lujan | Sarbanes |
| Eckhardt | McClory | Saylor |
| Edwards, Ala | McCloskey | Scherle |
| Edwards, Calif. | McCollister | Schneebeli |
| Eilberg | McDade | Schroeder |
| Esch | McEwen | Selberling |
| Eshleman | McFall | Shipley |
| Evans, Colo. | Macdonald | Shoup |
| Evins, Tenn. | Madden | Shuster |
| Fascell | Madigan | Sikes |
| Findley | Mahon | Sisk |
| Fish | Mailliard | Skubitz |
| Fisher | Mallary | Slack |
| Flood | Mann | Smith, Iowa |
| Flowers | Martin, Nebr. | Smith, N.Y. |
| Flynt | Martin, N.C. | Snyder |
| Foley | Mathias, Calif. | Spence |
| Ford, | Matsunaga | Staggers |
| William D. | Mazzoli | Stanton, |
| Frey | Meeds | J. William |
| Froehlich | Metcalfe | Stanton, |
| Fulton | Mezvinsky | James V. |
| Fuqua | Michel | Steele |
| Gaydos | Miller | Steelman |
| Gettys | Mills, Ark. | Steiger, Ariz. |
| Giaimo | Mills, Md. | Stokes |
| Gilman | Minish | Stratton |
| Gonzalez | Mink | Stubblefield |
| Goodling | Minshall, Ohio | Stuckey |
| Grasso | Mitchell, Md. | Studds |
| Gray | Mitchell, N.Y. | Sullivan |
| Green, Pa. | Mizell | Symms |
| Griffiths | Moakley | Talcott |
| Gross | Mollohan | Taylor, N.C. |
| Grover | Montgomery | Teague, Calif. |
| Gubser | Moorhead, | Thomson, Wis. |
| Gude | Calif. | Thone |
| Gunter | Moorhead, Pa. | Thornton |
| Haley | Morgan | Tiernan |
| Hamilton | Mosher | Towell, Nev. |
| Hammer- | Moss | Treen |
| schmidt | Murphy, N.Y. | Udall |
| Hanley | Myers | Ullman |
| Hanrahan | Natcher | Van Deerlin |
| Hansen, Idaho | Nedzi | Vanik |
| Hansen, Wash. | Nichols | Veysey |
| Harrington | Nix | Vigorito |
| Harsha | O'Brien | Waggonner |
| Harvey | O'Neill | Walsh |
| Hastings | Owens | Wampler |
| Hays | Parris | Ware |
| Hébert | Passman | Whalen |
| Hechler, W. Va. | Patten | White |
| Heckler, Mass. | Pepper | Whitehurst |
| Heinz | Perkins | Whitten |
| Henderson | Pettis | Wiggins |
| Hicks | Peyser | Williams |
| Hillis | Pickle | Wilson, Bob |
| Hinshaw | Pike | Wilson, |
| Hogan | Poage | Charles H., |
| Holifield | Podell | Calif. |
| Holt | Powell, Ohio | Wilson, |
| Holtzman | Preyer | Charles, Tex. |
| Horton | Price, Ill. | Winn |
| Hosmer | Pritchard | Wyatt |
| Howard | Quie | Wydler |
| Huber | Quillen | Wylie |
| Hudnut | Railsback | Wyman |
| Hungate | Rangel | Yates |
| Hunt | Rarick | Young, Alaska |
| Hutchinson | Rees | Young, Fla. |
| Ichord | Regula | Young, Ill. |
| Jarman | Riegle | Young, S.C. |
| Johnson, Colo. | Rinaldo | Young, Tex. |
| Jones, N.C. | Roberts | Zablocki |
| Jones, Okla. | Robinson, Va. | Zion |
| Jordan | Robison, N.Y. | Zwach |

NAYS—0

NOT VOTING—89

| | | |
|---|---|---|
| Adams | Blatnik | Collier |
| Anderson, Ill. | Brademas | Corman |
| Archer | Breckinridge | Culver |
| Aspin | Brown, Calif. | Davis, Ga. |
| Badillo | Buchanan | de la Garza |
| Bevill | Carter | Diggs |
| Blaggi | Chisholm | Dingell |
| Blackburn | Clancy | Erlenborn |
| Ford, Gerald R. | Long, Md. | Rosenthal |
| Forsythe | McCormack | Rostenkowski |
| Fountain | McKay | Roy |
| Fraser | McKinney | Satterfield |
| Frelinghuysen | McSpadden | Sebelius |
| Frenzel | Maraziti | Shriver |
| Gibbons | Mathis, Ga. | Stark |
| Ginn | Mayne | Steed |
| Goldwater | Melcher | Steiger, Wis. |
| Green, Oreg. | Milford | Stephens |
| Guyer | Murphy, Ill. | Symington |
| Hanna | Nelsen | Taylor, Mo. |
| Hawkins | Obey | Teague, Tex. |
| Helstoski | O'Hara | Thompson, N.J |
| Johnson, Calif. | Patman | Vander Jagt |
| Johnson, Pa. | Price, Tex. | Waldie |
| Jones, Ala. | Randall | Widnall |
| Jones, Tenn. | Reid | Wolff |
| Karth | Reuss | Wright |
| King | Rhodes | Yatron |
| Kluczynski | Roncallo, N.Y. | Young, Ga. |
| Leggett | Rooney, N.Y. | |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Forsythe.
Mr. Rooney of New York with Mr. King.
Mr. Brademas with Mr. Aspin.
Mr. Teague of Texas with Mr. Gerald R. Ford.
Mr. Rostenkowski with Mr. Anderson of Illinois.
Mrs. Chisholm with Mr. de la Garza.
Mr. Blatnik with Mr. Rhodes.
Mr. Kluczynski with Mr. Collier.
Mr. Johnson of California with Mr. Badillo.
Mr. Randall with Mr. Archer.
Mr. Obey with Mr. Biaggi.
Mr. Murphy of Illinois with Mr. Roncallo of New York.
Mrs. Green of Oregon with Mr. Guyer.
Mr. Jones of Alabama with Mr. Carter.
Mr. Roy with Mr. Erlenborn.
Mr. Rosenthal with Mr. Diggs.
Mr. Reid with Mr. Maraziti.
Mr. Culver with Mr. Shriver.
Mr. Hawkins with Mr. McKay.
Mr. Stark with Mr. Fraser.
Mr. Wolff with Mr. McKinney.
Mr. Steed with Mr. Mayne.
Mr. Helstoski with Mr. Frelinghuysen.
Mr. Dingell with Mr. Clancy.
Mr. Hanna with Mr. Jones of Tennessee.
Mr. McCormack with Mr. Taylor of Missouri.
Mr. Young of Georgia with Mr. McSpadden.
Mr. Wright with Mr. Price of Texas.
Mr. Yatron with Mr. Johnson of Pennsylvania.
Mr. Long of Maryland with Mr. Leggett.
Mr. Fountain with Mr. Buchanan.
Mr. Gibbons with Mr. Vander Jagt.
Mr. Karth with Mr. Frenzel.
Mr. Satterfield with Mr. Melcher.
Mr. Stephens with Mr. Blackburn.
Mr. Waldie with Mr. Goldwater.
Mr. Bevill with Mr. Adams.
Mr. Davis of Georgia with Mr. Brown of California.
Mr. Mathis of Georgia with Mr. Milford.
Mr. Nelsen with Mr. O'Hara.
Mr. Reuss with Mr. Steiger of Wisconsin.
Mr. Symington with Mr. Widnall.
Mr. Breckinridge with Mr. Sebelius.
Mr. Corman with Mr. Ginn.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BRASCO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill (H.R. 29) just passed.



The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## PERSONAL EXPLANATION

Mr. RODINO. Mr. Speaker, when the vote was taken today on H.R. 6574, the servicemen's group life insurance for Reserves legislation, I was in a meeting in my office on urgent Judiciary Committee business. Though I concluded this as soon as possible and rushed to the floor, I missed the vote on H.R. 6574 by a few seconds. I strongly support this bill, and want the RECORD to show that had I been able to reach the floor in time I would have cast my vote for this essential measure. I am glad to note that it passed by the almost unanimous vote of 342 to 1.

## FLOODS, FOOD, AND FIBER

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, a recent editorial in the New York Times of May 3, 1973, explains that the adverse weather conditions in the Mississippi Valley have flooded the fields of the breadbasket of the world. The Times accurately observes that delays in agricultural production will yield a short supply which will likely increase the cost of food and fiber to New York consumers.

I recommend to my urban colleagues the consideration of this editorial. An adequate supply of farm products is important to every American.

The editorial follows:

FLOODS, FOOD, AND FIBER

Torrential new rains are heightening the damage caused in the Midwest by the rampaging Mississippi and its tributaries. In a normal March and April, the Mississippi Valley gets eight to nine inches of rain; this year much of the area got fifteen to twenty inches while in the north early melting snows were making their own substantial contribution to the floods that threaten to drown mid-America.

The direct toll in deaths and devastation thus far has been relatively moderate, a tribute to the efficacy of the vast levee system built by the Corps of Engineers. But precisely because the basic system has worked so well, this year's huge floods have backed up into the tributaries, causing those swollen rivers to inundate their own flood plains.

The Mississippi River Valley is the agricultural heartland of the United States, the source of much of the food and fiber consumed in this country and exported abroad. In terms of both the price and availability of food for their tables, urbanites along the Atlantic and Pacific coasts may find themselves exposed to a costly spillover of the trial by flood now besetting middle-Americans. These floods have already interfered seriously with crops—drowning cattle, washing out grains planted last fall and making vast stretches of ground too wet to permit farmers to prepare and seed the land on a normal spring schedule.

If the rains finally do let up and the land dries out in time, the damage to 1973 harvests may yet be contained. But if May and June are as wet as were March and April, this country could suffer an agricultural catastrophe without recent precedent.

## A SPECIAL COMMISSION OF INQUIRY

(Mr. DENHOLM asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DENHOLM. Mr. Speaker, at the close of business on Thursday last I introduced legislation to establish a Special Commission of Inquiry to investigate alleged criminal, irregular or wrongful conduct in the Presidential election campaign of 1972, and to publish recommendations and reports to safeguard the election process and procedures relating thereto.

The Commission shall consist of nine members as follows—

First. Two Members of the Senate selected by a majority vote of the membership of the Senate;

Second. Two Members of the House of Representatives selected by a majority vote of the membership of the House;

Third. Two members of the judiciary to be appointed by the Chief Justice of the Supreme Court;

Fourth. Two members of the executive branch of Government appointed by the President; and

Fifth. A Chairman of the Commission to be selected by a majority vote of the aforesaid members appointed and selected who is a citizen of the United States but not an officer or employee of the Government.

Not more than one member appointed or selected as provided shall be of the same political party.

Mr. Speaker, liberty includes the freedom of the people to govern at all times with vigilance. We are the servants of the people—this is the House of the people. This is a time for vigilance. The people of this country ask of this Congress—will you lead or be led. The response to that question must be an affirmative decision to lead if the representative system of our democracy is to prevail. That is the only objective worthy of our best effort.

And so, I ask that a Special Commission of Inquiry be established forthwith to rid our system of suspicion by conducting a complete, honest, fair, impartial, and objective investigation of the Presidential election of 1972, and that recommendations and a detailed report of the findings of that Commission be rendered in the public interest without delay. The people ask of us no more—certainly we can do no less.

## FARM SUBSIDIES

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, last year the Department of Agriculture paid huge, so-called farm subsidies to a bowling alley, a municipal airport, a radio station, a State mental hospital, a major railroad, and even the Queen of England.

A bowling alley in Dallas chalked up a strike with a farm subsidy last year. I do not know whether it grows ten pins or bowling balls, but this bowling alley

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was able to knock down a farm subsidy of $22,000.

Last year, a Mississippi company controlled by the Queen of England was the recipient of a Federal farm subsidy of $68,000. I am glad to see that the Agriculture Department's programs are fit for a queen, but it is the American taxpayer who is getting crowned—in his pocketbook.

Dozens of other farms owned by large national corporations, oil and coal companies, land development companies, politicians, insurance companies, and State governments, universities, and prison farms also harvested a bumper crop of big subsidy payments in 1972.

I have just reviewed the current crop of farms that received Federal payments over $20,000 last year. I was shocked by the number of recipients who really have no business collecting farm subsidies.

This is the first of four speeches I plan to give on the House floor about how the farm subsidy program is being abused. Today, I will mention some of the worst abuses found in the South. In future speeches, I will talk about the West and the Midwest, and my last speech will focus on payments to State governments and their agencies. I do not plan a speech on farm subsidies in the East because there is nothing to talk about.

I am sure that by the time I have finished, my colleagues will agree with me that our wasteful farm subsidy programs must be ended.

Our farm subsidy programs are not reaching the small, struggling farmers. Instead they are welfare for the rich.

The subsidy payments are not getting to the farmers who really need them. They are lavished wastefully on the rich corporate farms. The end result is higher food prices for the consumer.

Large national corporations received their share of these Federal giveaways.

The John Hancock Life Insurance Co. of Dallas got $53,000 for a farm in Texas.

Two industrial giants, Reynolds Metal Co. and Alcoa, received $42,000 and $22,000 respectively for farms in Kentucky.

Oil barons, who receive a record number of tax breaks from the Federal Government, also have learned to tap the Federal faucet for farm payments.

In Louisiana, two oil companies drew payments of $40,000 and $29,000 each for their farms. In Texas, a drilling company dug up a subsidy of $37,000.

Numerous land development companies collected huge subsidies in the South last year. One New Orleans land company collected $195,000. Two other Louisiana land developers got over $50,000 apiece.

In Florida, a land developer collected $73,000 and in Mississippi another developer received just a little less than $60,000.

Three years ago Congress put a $55,000 ceiling on subsidy payments for cotton, wheat, and feed grain crops. Many large farms have avoided this payment limitation by the simple device of subdividing the land and incorporating under various names.

My choice for the biggest subsidy subterfuge comes from Brownfield, Tex. In that town there are 15 subsidies listed in 15 different names but all at the same address. Twelve owners received identical payments of $54,390 apiece, and the other three each got $54,265. Together, the owners shared a total of $815,000.

In South Carolina, four members of one family plus two family corporations divided up payments of $310,000 six ways. Four coowners of a Texas farm split up a total of $295,000. In Alabama, three members of a family and a family corporation collected almost $160,000.

The next time you are pushing a grocery basket, trying to balance the family budget with the outrageous price of food, think about why food prices are so high.

One reason is the wasteful farm subsidy program. It pays farmers not to grow some crops, and for other crops it underwrites an expensive system of price supports and supplements.

I got a laugh out of some of the names of farms that received large payments. The "Hard Scramble Plantation" and "Shoestring, Inc." are two that stand out. They collected payments of $52,000 and $27,000 last year.

With subsidies like these when food prices are so high, it is not the farmer who is scrambling on a shoestring—it is the consumer.

## CONGRESS MUST INVESTIGATE THE CIA

(Mr. KOCH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, when I first came to the Congress in January 1969, I received invitations from many Government agencies to visit their offices and see how they worked. Eagerly I accepted many of them and one with particular interest, the CIA. Along with 18 other freshmen Congressmen, I went to the CIA headquarters in McLean, Va., for breakfast. There the then Director Richard Helms gave us background material on the CIA and its operation. At the conclusion of his address he said we now had our first—and probably last—opportunity to ask the CIA any question we wanted to.

I raised my hand and asked:

How many employees do you have and what is the size of your annual budget?

His response was:

There are only 2 questions which I cannot answer and those are the two.

I said:

Are you telling me that as a Member of Congress I do not have access to the records which would show me your annual payroll since I vote on that?

His response was:

The CIA's appropriation does not appear in the annual budget passed by the Congress and is buried in some other department.

I responded:

Are you telling me that your appropriation might be included under Social Security?

He said:

We haven't used that one yet but it's a good idea.

I recall that story now because of recent events involving the CIA.

I called the attention of this House last February 6 to the fact that the CIA in violation of the 1947 act which created it, was giving special training to local law enforcement officers, including 14 officers from the police department of the city of New York. It was revealed that at least 12 local law enforcement agencies throughout the country had received CIA training in the last 2 years. I asked our colleague, Chairman CHET HOLIFIELD, to investigate the matter. He took it up with the CIA and advised the House on March 5 that as a result of his discussions with the new Director, James R. Schlesinger, he had received assurances that such activities would be undertaken in the future only in the most compelling circumstances and with the Director's personal approval.

Within the last week we have been alerted through the diligence of newspaper reporters, and not, I am sorry to say through the efforts of Members of Congress, that the CIA was linked to the burglary of the office of Dr. Daniel Ellsberg's former psychiatrist. It is reported in today's New York Times that:

Gen. Robert E. Cushman, Jr., the Marine Corps commandant who in 1971 was Deputy Director of Central Intelligence, authorized the use of Central Intelligence Agency material and research in the burglary of that office.

The National Security Act of 1947 provides that the CIA shall have no police, subpena, law enforcement powers, and internal security functions. The CIA has violated that law in at least these two cases. I suspect these two are the tiniest tip of the iceberg. I have asked Chairman HOLIFIELD today by letter to undertake an extensive review of the CIA activities; and not simply rely on the assurances of the Director of the CIA that this particular kind of violation will not be repeated. We must ascertain how many activities of this kind about which we have no knowledge at all, have taken place since 1947.

I recognize the need to maintain the legitimate confidentiality of CIA operations. But there is a balance to be maintained and the Congress has a responsibility to be sure that an agency does not violate the law which created it. If Congress is duped once by an agency, then the Congress can say it made a mistake. But if Congress is duped twice and does nothing, then it is no longer duped; it becomes a conspirator in the violation of the law. These violations of law are always couched in the pretext that national security interests are being protected. I trust this response will no longer satisfy anyone today.

## SEX DISCRIMINATION BY THE AIR FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 10 minutes.

Mr. BELL. Mr. Speaker, blatant sex discrimination persists in the U.S. Air Force, despite recent attempts at reform to bring the armed services into line with the Constitution.



That such repugnant unequal treatment of our men and women in uniform still exists was forcibly brought to my attention recently by the case of 1st Lt. Regina Fleissner, a constituent of mine.

I am today introducing legislation to correct part of the problem, but since it is the discriminatory application of existing law which has afflicted Lieutenant Fleissner, I ask the help of all my colleagues in persuading the Air Force to abandon its archaic and regressive implementation of the law of the United States.

Lieutenant Fleissner is currently being denied BAQ, and may be subject to reimbursement claims for the costs of transportation, housing, and medical care, otherwise freely given, because of the mistaken application by the Air Force of the law which defines the dependency status of her adopted daughter. It is important to remember in the following recitation of Lieutenant Fleissner's case that none of her present problems would have occurred if she were male.

In 1971, while stationed at Grand Forks, N. Dak., Lieutenant Fleissner, as a single parent, adopted an 18-month-old child of Sioux Indian descent. Shortly after the adoption procedure was completed, except for the final decree, Lieutenant Fleissner married a sergeant who is also in the Air Force and who shortly after their marriage began a tour of duty at CCK Air Force Base, Taiwan. In the meantime, Lieutenant Fleissner applied for and was granted a "Joint Spouse Tour" and application was made for authorization for travel allowance for herself and her dependent and shipment of household goods. Lieutenant Fleissner and her daughter joined Sergeant Fleissner on December 6, 1972, in Taiwan where they presently reside.

During the latter part of December, the Fleissners were advised that a question had arisen regarding the eligibility of their child as a dependent of Lieutenant Fleissner for purposes of BAQ and other entitlements. The question centers on the fact that Lieutenant Fleissner is a female. The Air Force Accounting and Finance Center has determined that Lieutenant Fleissner's daughter, Heather, is eligible for dependent pay and allowances purposes, but only as a dependent of Sergeant Fleissner and not Lieutenant Fleissner. The determination was made in accordance with the official interpretation of section 401, title 37 of the United States Code, which defines the term "dependent" to include a member's "unmarried legitimate child who is under 21 years of age," and further reads—

However, a child is not considered to be the dependent of a female member unless the child is in fact dependent upon her for over one-half of his support.

The blatant discrimination of this provision is overwhelming. Ironically, however, in this particular case, Lieutenant Fleissner does pay more than one-half of her daughter's support. Even by the letter of this discriminatory law, therefore, she is entitled to have her daughter considered her dependent. Yet the Air force persists in denying the lieutenant the status which both the law and commonsense command—simply because she is a woman.

At no time prior to the latter part of December was Lieutenant Fleissner ever given any indication that she could not claim Heather as her dependent even though the Air Force had been given every opportunity to make such a determination. Heather received medical care at Grand Forks as Lieutenant Fleissner's dependent; Lieutenant Fleissner and Heather were provided base housing while they were at Grand Forks; and transportation costs and shipment of household goods were granted Lieutenant Fleissner for her and Heather to travel to Taiwan.

Lieutenant Fleissner, of course, has requested a reversal of the AFAFC's determination and is presently awaiting a final response from them.

Lieutenant Fleissner has been exceedingly fortunate in obtaining excellent legal counsel through the Women's Rights Project of the American Civil Liberties Union. She will therefore be able to take her case to the courts if she is unable to convince the Air Force of the merits—and the statutory and constitutional requirement—of giving male and female members of the Air Force equal justice under law.

Yet there may be numerous women in Lieutenant Fleissner's position who have not sought or have been unable to procure competent legal advice, for whom the arbitrary actions of the Air Force must be an irremediable nightmare. That Lieutenant Fleissner has been unable to prevail in having the Air Force decide that her daughter is her daughter, despite the aid of legal counsel and congressional inquiries, casts suspicion on the Air Force's sincerity in rooting out sex discrimination.

I ask you to join me in guaranteeing that the Air Force treat Lieutenant Fleissner—and all its female members—fairly. The legislation I am introducing today is designed to remove all references to sex in the application of dependency criteria and further provides for freedom of choice by married members of the uniformed service in exercising their right to claim dependents when both spouses of the family are members of a uniformed service.

This legislation is sorely needed not only to bring the laws governing our Armed Forces in line with the constitutionally required national policy against discrimination, but to prevent the future recurrence of cases such as Lieutenant Fleissner's.



## POSTAGE-FREE TAX RETURNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Florida. Mr. Speaker, today, I am introducing a bill that will end one of the petty annoyances that American taxpayers are subjected to. In addition to the heavy burden of taxation placed on them by the Federal Government the American taxpayer must endure the irritation of having to affix an 8-cent stamp to the envelope when he files his income tax return.

What can be more psychologically devastating to the taxpayer, who has finally filled out all the forms, attached all the necessary documents, signed everything in the proper place, and often has enclosed a check for the unpaid balance, than to find that there is yet another duty he must perform—purchasing and affixing a stamp to the envelope. This added 8 cents needed to send the Government the hard-earned money that he pays in taxes adds insult to injury. Not only must he give the Government his money, but he must pay to send it to them.

While I realize that the taxpayer ultimately pays for postage whether it is prepaid by the Government, or whether the individual buys it himself. Nonetheless, postage-free tax returns would be small consideration that the Federal Government could provide to the people who pay the Governments bills. If my bill could be enacted into law the harried taxpayer would not have to worry about going to the post office for stamps, or fighting with some poorly functioning stamp machines to legally send his taxes returns to the Internal Revenue Service. In fact it could prevent him from filing a late return and paying a penalty because he had no stamp.

## HEARINGS ON ALIEN LABOR CERTIFICATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, I wish to announce that Subcommittee No. 1 will continue its hearings on H.R. 981, a bill to establish a preference system for Western Hemisphere immigration. One day of public hearings will be held on May 10, 1973, in room 2237 Rayburn House Office Building, 10 a.m., to consider several aspects of the labor certification requirement, which is a prerequisite for admission for many intending immigrants.

There has been much criticism during the past several years regarding the administration of this program by the Department of Labor and numerous court decisions have recently attacked the lack of procedural due process in the operation of this program.

The labor certification requirement, section 212(a)(14) of the Immigration and Nationality Act, must be met by certain categories of individuals from the Eastern Hemisphere—third, sixth, and nonpreference—and it is the sole criterion for admission for all natives of the Western Hemisphere.

During this hearing we intend to examine the current operation of the labor certification requirement, and to discuss the need for establishing reasonable and practical procedures to implement this requirement.

We are hopeful that these hearings will develop detailed information, which will assist the subcommittee in its consideration of general immigration reform legislation.

Testimony will be received from Mem-

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bers of Congress who may wish to appear and from representatives of the Department of Labor.

## THE 25TH ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, 1973 is the year in which the people of Israel are celebrating the silver jubilee of the founding of their country. On the 6th of Iyar 5708, May 15, 1948, Israel threw off the chains of colonialism and established itself as an independent nation.

The birth and remarkable growth of the State of Israel is perhaps the outstanding event in the postwar Middle East. Since its creation, Israel has absorbed 1.5 million immigrants from all over the world. In the last 5 years, Israel's industrial output has more than doubled, and its currency reserves have hit an all-time high of $1.2 billion. As the world's leading exporter of cut and polished diamonds, the country expects diamond sales abroad to bring in $500 million this year. An Israeli company owns 20 percent of the world's refrigerated cargo vessels and Israeli production is booming in the fields of plastics, textiles, and fresh foods.

Many centuries ago, there was the independent Kingdom of Judea in which the Jews lived happily in their chosen patriarchal ways, developed their own way of life, built their own political, religious, and social institutions, and created their distinct civilization, one of the oldest in all history. Then almost 2,000 years ago the Kingdom of Judea was overrun, occupied by conquerors, and it came to an end. Thereby the Jewish people lost not only their national political independence, but were literally evicted from their ancestral homeland and dispersed to all parts of the world.

Since those days nearly all Jews have lived in dispersion. During that long enforced exile, the Jews suffered much: they endured proscriptions, discriminations, persecutions, and lived under a multitude of inequities in many lands. But they faced their unhappy lot with exemplary fortitude.

During their dispersion, their spiritual and cultural heritage sustained their spirit of freedom and independence. through the centuries their rich heritage was kept alive. Finally, after long centuries of waiting and suspense, many Jews were given the opportunity of returning to their homeland. And in May of 1948, with the proclamation of Israel's independence, they gave birth to the independent existence of the State of Israel.

That historical event took place only 25 years ago, but in terms of solid accomplishments and spiritual enthusiasm, the Israeli people did something that might otherwise have taken centuries. To be sure, the creation and the miraculous growth of the new State was not achieved with effortless ease. It took superhuman efforts on the part of the people, spearheaded by their energetic, dauntless, and wise leaders. It is because of such stupendous efforts put forth and immense sacrifices made that today's State of Israel has become a living, growing, and powerful entity in the Middle East.

The State of Israel, on its 25th independence day, can look back with pride and joy. It is a model democratic state in a region much of which is ruled by iron-fisted dictators whose people live in abject misery. The Israeli people are very appreciative of their freedom, of the free institutions which they have created through their own ingenuity and industry, and they are extraordinarily vigilant in guarding their freedom. Besides building a strong and powerful political state, they have done their utmost in turning the desert of the Negev into a fertile land, and the hills of Galilee into blossoming orchards. By the skillful use of science and the technical abilities of the people, Israeli leaders have transformed arid and inhospitable hills and desert plains into industrial centers and productive farmlands.

The State of Israel has already matured, and has become of age, standing firmly and steadfastly as a new and encouraging factor in Middle Eastern affairs. Its days of uncertainty and suspense are gone, and its leaders look forward with optimism and courage. They are keenly aware that before all else the State of Israel has to be defended at any cost. In recent years Israelis have had serious troubles with their Arab neighbors, and the endless fighting still goes on, the Israelis finding themselves often involved with more than one Arab country; but in nearly all of these incidents, they prove their superb quality as fighters and strategists. Though surrounded by unfriendly Arab States, and somewhat isolated from the free West, the Israelis seem justifiably confident in holding their own, and safeguarding their independence against any eventuality.

After a quarter century of uneasy and very busy existence, the State of Israel has already earned the right to be recognized as an outstanding and honorable member of the family of nations. Under most hazardous circumstances and trying conditions, the State of Israel has progressed steadily at a remarkable pace. Despite the multiplicity of difficulties and dilemmas, economic and financial hardships, fiscal problems and political uncertainties, the people of Israel face their future with increasing confidence and undiminished hope. They carry on the work of making Israel an ideally viable state, and under their highly educated, dedicated and intelligent leaders, these brave people carry it on with vigorous zeal and boundless zest.

To the citizens of Israel and their friends in this and every other nation, I join my colleagues in the Congress in a tribute on this special day. May the State of Israel continue to be a source of encouragement and inspiration for all peoples of the world.

## HOUSE SUBCOMMITTEE ON BANK SUPERVISION AND INSURANCE HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, for the benefit of the House and interested parties, I insert at this point in the RECORD a subcommitee press release announcing hearings on H.R. 2419 dealing with conversions, recently the subject of Federal Home Loan Bank Board hearings:

NEWS RELEASE

WASHINGTON, D.C., May 3, 1973.—Congressman Fernand J. St Germain (D-R.I.), Chairman of the Subcommittee on Bank Supervision and Insurance of the House Banking and Currency Committee, today announced that the Subcommittee will hold hearings on May 15, 17, and 21 at 10:00 a.m. in Room 2128 on H.R. 2419, providing for, in effect, a moratorium on conversions of Federal savings and loan associations or State-chartered mutual savings and loan associations to State-chartered stock savings and loan associations.

"A two-year moratorium in effect would be instituted on proposed conversions at this time by the requirement in the bill that the Federal Savings and Loan Insurance Corporation immediately terminate insurance of members' savings in any association that converts during the moratorium period", stated the Rhode Island lawmaker.

"The conversion question is too important to the general public with its needs, both present and future, for an ample supply of home mortgage funds at reasonable interest rates and to the welfare of savings members who have invested more than $200 billion in these institutions to allow a decision on this subject to be left up to non-elected officials, regardless of their competency and dedication", asserted St Germain.

The recently concluded hearings by the Federal Home Loan Bank Board on proposed regulations published on January 9 points up a number of public policy questions yet to be resolved by the Congress. The upcoming hearings will contribute to an understanding by the public of the important issues involved and will assist the Subcommittee in reaching a judgment as to the need for a moratorium at this time.

Chairman St Germain concluded by stating "Every effort will be made to receive testimony from all segments of the industry, the regulatory agencies affected, and the general public".

## MR. ANTHONY LEWIS ON THE WATERGATE INVESTIGATION

Ms. ABZUG. Mr. Speaker, Anthony Lewis possesses one of the finest legal minds in the field of American journalism. He was for many years the New York Times correspondent covering the U.S. Supreme Court and wrote the book, "Gideon's Trumpet," about the case which guaranteed to criminal defendants the right to counsel.

Now Mr. Lewis is a Times correspondent in London. This morning's Times carried a column by him discussing some English views of the Watergate scandal and presenting some of his own views on the continuing investigation, the appointment of Elliot Richardson, and the possible appointment of a special prosecutor in the case.

The excellent article follows:

THE CONSTITUTIONAL CRISIS

(By Anthony Lewis)

LONDON, May 6—After the terrible battering their faith has suffered in the last ten years, Americans want desperately to believe in their country's institutions. And so it is natural to hear now, in the United States, how the eventual cracking of Watergate shows that the system does work.

Distance lends a clarifying disenchantment to that idea. British commentators ordinarily friendly to President Nixon express deep skepticism about him and the whole prospect. An example is Peregrine Worsthorne of The Sunday Telegraph, who writes that the nightmarish and still undispelled suspicions surrounding Nixon "are on a scale that would bring any other free government crashing into ruin."

The truth is that the constitutional system of the United States did not work in this case, and may not work now. We held an election last year with a choice influenced by fraud and with our knowledge clouded by official suppression of criminal evidence. And even after all that has come out, there is no assurance that we shall learn the whole truth or be able to cleanse our institutions sufficiently.

The attitudes that got the Nixon Government into trouble, apart from direct criminality, were hunger for centralized power, insistence on personal loyalty above independent ideas or vision and an arrogant contempt for the press, Congress and the courts. Is there any real evidence of change in those attitudes?

In the Watergate wreckage of his Administration, Nixon has so far made two principal appointments: of Elliot Richardson as Attorney General and Gen. Alexander Haig as acting chief of his White House staff. They have other honorable qualities, but it is notable that both come from inside and have demonstrated overriding loyalty to Richard Nixon. General Haig continues the tradition of the White House men without independent ideas or political experience, staff agents in a centralized system.

Nixon has made a pass at improving relations with the press. But he and his fallen aides still project the "stupefying belief," as The Economist of London put it, that in the Watergate affair: "The only serious trouble lay in people's inquisitiveness." The symbol of the Nixon approach to the press is still there: Ronald Ziegler, a man whose reputation for competence and honorable dealing would have given him trouble trying to be a riverboat gambler on the Mississippi.

The old brazen attitude is evident in the President's attempt to keep present and former aides from testifying about his own knowledge of the Watergate crimes, and in his resistance to an independent prosecutor. There could hardly be a more direct challenge to the co-equal constitutional authority of Congress and the courts than the expanded claim of Executive privilege. One must conclude, as did "The London Sunday Telegraph, that it was "the gamble of a guilty and desperate man."

What is broadly at issue now is restoration of respect for law—of our American faith that we have a Government of laws and not of men. That puts an extraordinary weight on the shoulders of a single Cabinet officer: Richardson, the Attorney General designate. There has been nothing like the responsibility he bears, or the potential influence, for as long as we can remember.

Elliot Richardson has the highest credentials of intellect, background and experience: Harvard College and Law School, clerkships for Learned Hand and Felix Frankfurter, years in Washington and in elective office in Massachusetts, a public-spirited family and a wife who is one of the nicest, most genuine people in Washington. But the ultimate question about Elliot Richardson has still to be answered—the question of character.

He came to the Administration in the beginning as no Nixon man: He had been a Rockefeller supporter. Despite that, or perhaps because of it, Richardson has seemed to make loyalty to Nixon his bench-mark. Some of his old friends felt especially strongly that he put personal loyalty above faithfulness to law recently in making arguments for the constitutionality of the American war in Cambodia that he must have known were legally frivolous.

Richardson is an ambitious man: He would like to be President of the United States. That is a fair enough ambition, but it must almost certainly be tested in this case by a choice of loyalties—to Richard Nixon or to the law.

The historic motto of the American Attorney General, honored in the breach these last years, has it that his duty is more than to win cases. It is to see that justice is done. In the very largest sense that will be Elliot Richardson's standard of performance.

It will not be easy. Almost at once he may have to tell Congress whether he agrees with the shameless attempt to expand the Executive privilege doctrine to cover judicial proceedings and shield past Presidential employes. He will have general charge of an inquiry that, if it is honest, will inevitably threaten this President's continuance in office. It will not be easy, but in Elliot Richardson's duty lies our hope of saying that the system really can return the United States to decency.

## MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 10 minutes.

Mrs. GRASSO. Mr. Speaker, since word of the administration's decision to alter the medicare program drastically became public, my office has received numerous letters opposing these proposed changes which would increase medicare costs for the vast majority of America's elderly.

The concerned citizens who have written to me are shocked and dismayed at the apparent lack of concern demonstrated by these proposals for the well-being of those people who, having given their time and energy to the building of this Nation, deserve to spend their remaining years free from unnecessary worry about health care costs.

Medicare now allows those elderly citizens who need medical care the opportunity to receive it without fear of major burdens on their limited budgets. Adoption of the changes could significantly affect the health of many elderly citizens. Faced with inflation on all levels, some elderly citizens would even be forced to decide between buying food and clothing or incurring expenses for needed medical services. As one constituent wrote me:

It's getting now you can't afford to be sick.

Other reactions to the proposed changes in medicare benefits include the comments of a resident of my district who stated:

The majority of individuals 65 and over have no means of increasing their income and yet under the Administration's proposal we are asked "to share the cost" of inflated medical fees. . . . Please make every effort to defeat the administration's proposed medicare increases.

Still another constituent wrote:

As benefits now stand, it is difficult enough for people on social security to pay the present charges, and if they are increased, medicare will be of little value to the elderly.

These remarks were echoed by a Sixth District resident who wrote:

I have read Mr. Nixon's proposal to increase the cost of Medicare and I think it should be rejected. With the cost of all other essentials soaring it would create a greater hardship on people already hard pressed, and possibly eliminate a service they really need.

On April 10, I introduced House Concurrent Resolution 181, a sense of the Congress resolution to show our elderly constituents that the Congress also disapproves legislation which would significantly increase the cost of medicare. Today I am pleased to announce that 45 of my colleagues have joined me in cosponsoring this resolution.

Mr. Speaker, the proposed cuts in benefits under the medicare program have generated widespread opposition throughout the Nation as well as in Congress. "Senior power" and public opinion in general have shown that any sacrifice of the health of our older citizens is unacceptable.

Medicare has been a godsend to America's elderly, especially to those who must survive on only their meager social security retirement checks. They must retain full medical care benefits under the medicare program. If the administration's plan were adopted, the elderly in many cases would be forced to choose between needed medical care and doing without such care because of financial concerns.

Passage of the House concurrent resolution I am introducing today with more than 40 cosponsors would put the Congress on record in opposition to cuts in the medicare program and in support of our older citizens who require and deserve medical care at reasonable cost.

## ISRAEL'S 25TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, on May 7, 1973, the State of Israel will celebrate its 25th anniversary. For the people of Israel and for Jews throughout the world, the anniversary is more than just an excuse to take a day off work or to watch a parade, but an important milestone in an historical saga that reaches back in time to the beginnings of the Jewish people. We are all familiar with the Biblical stories of Abraham, Moses, and David, and of the trials suffered by the Jewish people in their quest to claim the homeland promised them by God. The Exodus from Egypt, the Babylonian captivity, the destruction of the temple by the Romans, and the holocaust of World War II, are events that stain the history of mankind. But through the in-



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quisitions, the pogroms, and the persecutions, the Jews maintained their faith and nourished their desire to be once again in Jerusalem.

We have witnessed one of the miracles of the modern age, the rebirth of the Jewish nation in their promised land. When, just 25 years ago, David Ben Gurion read the Proclamation of Statehood for the State of Israel, he was echoing the words of the Prophets and fulfilling a cherished dream of all Jews, that there should be a nation for the Jews, where they could be free, secure, and in command of their own destinies.

The struggles of Israel did not end with independence. The Israelis were beset by problems and confronted by a hostile force determined to drive them into the sea. Immigrants flooded into the new State from the refugee camps of Europe, where they had been collected from the concentration camps of Nazi Germany. Other Jews came from the ghettoes of Egypt, Yemen, Iraq, and Syria, where they had been denied human dignity. The land of Israel was barren and arid. There were no jobs, no factories, no farms.

But Israel and the Israeli people have persevered against these formidable obstacles. The land now thrives with farms and orchards, and the cities are alive with the activities of a modern society. Israeli artists, musicians, and authors are recognized throughout the world. Israeli scientists and engineers are creating for tomorrow.

But the torture of Israel has not ended. Israel's enemies maintain their hostile postures, threatening the Jewish state with destruction and collecting armaments for the day when they will again launch their attacks. Jews, who long for an opportunity to return to the land of their fathers, are being denied permission to emigrate to Israel by their Soviet and Arab oppressors. And the country still faces difficult economic problems, most of which are caused by the burden of defense.

On this important occasion of the 25th anniversary of the founding of the modern State of Israel, the American people extend their congratulations for the past accomplishments of the Israeli people. We pledge our continued support for the Israeli nation in its search for a just and lasting peace. And we offer our most heartfelt best wishes for a future filled with prosperity.

A personal note if I may, Mr. Speaker. Back in 1945 during my first term in Congress and when I was a member of the House Foreign Affairs Committee, I introduced a resolution, later known as the Flood resolution, declaring that it be the intent of the Congress that a sovereign and free State of Israel be established for the Jews where they could be secure and in control of their own destinies. I am most gratified, Mr. Speaker, that the hope then has reached fruition as the 25 years of Israel's history fully attests.

## THEY HAVE SERVED THE COUNTRY: LET US SERVE THEM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Congressman LES ASPIN and I are today introducing a package of bills to aid Vietnam veterans. Senator GEORGE MCGOVERN is today also introducing the same five measures on the Senate side.

We are proposing to establish a Vietnam Era Veterans Assistance and Opportunity Task Force. This task force will operate within the Veterans' Administration to coordinate those Federal programs available to veterans, and will expand outreach efforts within the VA to encourage participation in these programs.

A second bill in this package would establish regional military discharge review boards to facilitate the processing of applications for a change of discharge submitted by any veteran discharged under less than honorable conditions. At the present time, each service has only one review board and is not equipped to deal with the volume of appeals that will now probably be received as more veterans return home. This bill would give the Secretary of Defense the authority to determine the number of review boards and the location of the boards in accordance with the number of discharge and dismissal appeals pending.

We are also introducing a bill that would ban the use of separation program numbers—SPN's—and reenlistment code numbers on discharge documents. This information would be treated as confidential and not be made available to employers, who use this information in an adverse way, undoubtedly preventing veterans from obtaining jobs when they were either equally or better qualified than the nonveteran applicant.

Another bill introduced—the education assistance for eligible Vietnam veterans—would reimburse any eligible Vietnam veteran enrolled in school for costs incurred by the veteran for tuition, laboratory and other fees, not to exceed $1,000 for any school year.

A companion bill would give veterans receiving education subsistence pay the option of receiving the full 36-month entitlement in larger monthly sums over a shorter period of time. The shortened period would not be less than 18 months, and would provide $440 per month on the rating schedule now in effect.

Mr. Speaker, so many people in this country have the impression that we are doing all we can for the Vietnam veterans, when in truth, we are doing less for them than we did for the veterans of World War II and the Korean conflict. After World War II, veterans received tuition of up to $500 per year; most often that covered the full tuition cost, and they also received a subsistence allowance of $75 a month, which at that time was adequate. The GI bill helped pay for the education of 21 U.S. Senators and 65 Congressmen, including myself, who otherwise might not have had such an opportunity to further their education and enter public service. Now, the Veterans' Administration gives only a total of $220 a month to a full-time student veteran; hardly enough to cover tuition and the cost of living. Our bill would provide an additional $1,000 for tuition and the subsistence allowance of $220 a month for a maximum of 36 months could be accelerated to $440 a month for 18 months.

A recent Harris survey revealed that less than 35 percent of the Vietnam veterans eligible for education assistance are taking advantage of the subsistence allowance. This figure was 60 percent after World War II and 42 percent after the Korean conflict. Only 14 percent of those with a high school education or less are participating. It is apparent that one of the reasons is that the veterans cannot afford to attend school, even if he wanted to, simply because the costs are too high and the VA assistance too meager.

The administration is not helping the veteran. President Nixon has impounded a $50 million fund that was intended to provide part-time jobs for student veterans and he has asked Congress to rescind the authorization of $25 million to be used to encourage universities to admit and train veterans.

Unemployment among veterans is inordinately high. The figures for February 1973 show that unemployment among veterans 20 to 24 years of age was 10.4 percent compared to 6.6 percent for nonveterans of the same age.

We can help stop this unemployment by providing broader education benefits for veterans so that it will be possible for those taking advantage of the benefits to obtain skills so as to be able to compete in the difficult job market.

We have treated our Vietnam veterans shabbily. The legislation which Senator MCGOVERN and Congressman ASPIN and I are introducing is intended to deal with some of the problems they are facing. Much more remains to be done.

Mr. Speaker, I urge our colleagues and the leadership of the House to do all we can, as soon as we can, to help the veterans who are in need of our help. These men have served our country. It is about time the country served them.

## THE PEOPLE OF ISRAEL LIVE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today the State of Israel marks its 25 years of existence in the modern world. As an American, as a Congressman, and as a Jew I take pride in its accomplishments. In the Jewish calendar this is the year 5733. And through those millennia. Jews throughout the world have experienced awesome tragedy and often miraculous success. The covenant made with God that the children of Israel and their descendents would live in the land of Israel has been kept. What sustained this ancient people through centuries of oppression and exile was the promise that the covenant would be fulfilled—a return to the Promised Land.

In the last 25 years the Israelis have withstood three savage assaults upon them by the surrounding Arab nations, and like David they slew their Goliath.

As an American I am proud of the friendship that the United States has with the State of Israel. It is in our national interest and just that we maintain the closest of relationships. As a Congressman I am grateful to have had the opportunity to speak in support of the United States and Israel's mutual interests. As a Jew I have a special feeling for the people and the land of Israel.

I join with the millions of people throughout the world who recognize Israel's 25th anniversary and say to the people and the State of Israel, "Am Yisrael Chai—the People of Israel Live."



## THE 25TH ANNIVERSARY OF THE STATE OF ISRAEL

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, today marks the 25th anniversary of the founding of the State of Israel, an occasion most worthy of note and celebration.

Yesterday, we in Philadelphia gave special recognition to the occasion with a communitywide parade followed by a special ceremony at Independence Square. The chairman of the Philadelphia Committee for Israel's 25th Anniversary was Mr. Sylvan M. Cohen, one of Philadelphia's outstanding civic leaders. Honorary chairman for the parade was the Honorable Emanuel Shimoni, Consul General of Israel. One of the highlights of the celebration, and there were many, was the appearance of Israel's new Ambassador to the United States, His Excellency Simcha Dinitz, at the Independence Square ceremony.

A great many citizens of the City of Brotherly Love participated in and attended this stellar celebration, affirming our solidarity with the freedom-loving people of the State of Israel. While it was an occasion of much joy and pride, its significance and relation to freedom for the oppressed and persecuted was deeply felt.

The State of Israel was created 25 years ago by United Nations resolution on the partition of Palestine after much acrimony, rancor, and debate. It was created to provide a haven and homeland for those Jews who had survived the Hitler holocaust of the 1930's and 1940's. Over the years this little nation has survived, grown, and prospered under the direst of conditions, ever alert to the continuing threats to her existence.

Israel, from its beginning, has been, and I am certain will continue to be, a staunch friend and ally of the United States. It is a lonely citadel of democracy and freedom in an area of the world which is devoid of these basic concepts of humanity and government.

Today, the people of Israel and their Government stand ready to receive the thousands of Jews wishing to emigrate from the Soviet Union. We know too well of their plight and persecution. Today, on this 25th anniversary, it would be most fitting to again voice our concern to the Soviet Union regarding their emigration policies and most strongly urge, in the sense of decency and human dignity, that those desiring to emigrate be allowed to do so without any impediment or condition whatsoever.

## PILGRIMAGE TO THE TOMB OF THE UNKNOWN SOLDIER

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLYNT. Mr. Speaker, for many years, the Independent Order of Odd Fellows has sponsored a pilgrimage to the Tomb of the Unknown Soldier in Arlington National Cemetery. The pilgrimage this year was held on May 5 at which time the principal address was delivered by the Honorable J. Edward Stallings, Sovereign Grand Master of the Order and a resident of the Sixth District of Georgia. It is an honor for me to insert in the RECORD at this point the text of Mr. Stallings moving address to fellow participants in the 1973 Arlington pilgrimage:

Brother Chairman, Officers, both past and present, of The Sovereign Grand Lodge and all affiliated bodies, my Sisters, Brothers, and friends.

Standing in this magnificent presence, looking into the earnest faces of some of the most dedicated soldiers of fraternity, I find it very hard to find the words befitting such an occasion. To all of us, this is a very meaningful Pilgrimage. From almost every section of our land we come, from almost every corner of our "Wonderful World of Odd Fellowship," not only as Odd Fellows and Rebekahs, but as citizens of this great country. We are sharers of the blessings of a free Nation and a legacy made safe and secure by those who are willing to sacrifice their own. We are not here only because respect commands it but because friendship and love sponsor it. As we stand here upon this hallowed soil, it would be fitting and proper to renew our allegiance to the land they served so well and the citizenship they so well exemplified.

The Independent Order of Odd Fellows, dedicated to the world of humanity, can appropriately devote a passing moment to a memorial service for those who have fallen at their post of duty and not rest in the kindly arms of lasting sleep. The sun smiles and the moon and stars are sheen above their resting place, while circling round their beds are prayers from many hearts for an increase of his spirit among us that a little longer tread the earth. As we stand here and lift our eyes to an almost endless line and rows of white markers, we quickly realize that life has no impregnable fortress, no steel-clad to protect us from the withering hand of death. Each of those who sleep here was an example of that faith that does not shrink from contest. Each was a representative of that high type of manhood ripened by love and cherished by faith. Each was a true defender of peace because he was willing to engage in war with the enemies of peace.

The men who sleep here were men like you and I, with basically the same problems of rearing up children, of paying bills, of trying to live their lives peacefully and well. What was it, then, that moved them so and brought forth every resource of courage and strength known to man? The word Liberty? Yes! And the meaning behind the word. Liberty meant the right to control one's own destiny and, above all, the God given right of each individual man to pursue his life as he saw fit, without interference or control except as he was responsible to his neighbors and community. This, above all, was the essence of the word and the dream—the rights of the individual above any right which may be siezed from him by the government, whether it be from a foreign shore or from within his own country.

Breathes there the man with soul so dead,
who never to himself hath said,
"This is my own my native land!"
Whose heart hath ne'er within him burn'd
As home his footsteps he hath turned
From wandering on a foreign strand.

God has blessed this country. It became a promised land to peoples from every section of the earth. From every nation and every area they came, the immigrants, the new Americans, giving their talents and the sweat of their brows to build a great country. From the famine stricken farms of Ireland, from the peasant villages of Italy, from the snow-swept hill of Sweden, from the coal mines of Wales, from the ghettos of Russia they came. They too, eventually, found freedom and added their strength to America.

What time could be more fitting than this glorious time of the year when field, flower, and bloom speak so eloquently of nature's resurrection. We can hardly believe that just a short time ago, this field was encased in a frozen garb. Those who so peacefully sleep here have answered their country's call. They went out for a dream, perhaps, but they went out for country first. They stood behind their flag because it meant home to them and because home was threatened and assailed. They went forth for the high ideals for which the flag stood, for what this land was and is, and what it could be in days to come. We cannot separate the Flag from the men who march beneath it. Love of country was no shallow, meaningless thing to them but an avenging sword when justice required it.

What is this thing so deeply imbedded within the life's core of man that fosters the culmination of the dreams of the founding fathers and the centuries-old aspirations of men throughout the world for peace and liberty? What is this mysterious guiding force for which men pledged to each other their lives, their fortunes, and their sacred honor; for which farmers and merchants and artisans and ironworkers and cobblers and writers and preachers—all of them together—ready to answer the call of duty? What caused men to leave their shops and their farms prepared to give their lives fighting against what must have seemed tremendous odds. The spark set by these men ignited a fire which swept the world and still in these days of cynical hypocrisy, has the power to inflame men to action. Freedom and the pursuit of happiness are words that seem almost archaic in these days—sort of old fashioned and fondly remembered but belonging to an old frontier, somewhere back in the "Good old Days."

War is a terrible thing and an inglorious task to the one who participates in it. It is, seemingly, an endless grind of often revolting things but when fought in freedom's name it is sanctified because of what comes from it and from the life and peace that come from the sacrifice of war. However bitter the conflict may be, peace is as hard a master. War is a transient period of life. Peace is the normal condition and the servant of peace has a constant struggle to maintain that peace.

Those who sleep here helped make this a land of opportunity. Each helped to make it such a land where any man who wants to make a man of himself can do it, helped to make it a land where each individual soul is recognized and where he can work out his own salvation. The ones who sleep here realized that this great country with all it's wide acres, with all its history, with all its traditions, and all its life, must be protected for those who would serve it, those who would love it, all who would keep it, and all who would keep it's creed unsullied no matter from what source it may come.

I cannot forget the words of one of the greatest fraternal giants of our time who said:

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"And if we persevere in our ideals, if we be faithful exponents of the things we profess—in other words, if we conduct ourselves from day to day in whatever country we may be, as true Odd Fellows, then it may well be that we shall see the realization of that time which is the dream fruit-tree of Odd Fellowship—the day when one law shall bind all nations and tongues and kindreds of the earth, and that law will be the law of universal brotherhood. And it may well be that the Sentry of passing days, pacing his rounds upon the watchtowers of civilization and hearing rung out the challenge—Watchman, what of the night?, will then answer in tones clear and crisp, reverberating down through the ages, that man redeemed and disenthralled from the slavish life of his passions has at long last asserted his high birthright and owns the tie which binds him in universal consanguinity with his fellow man—God's in his heaven, all's well with the world."

## TWENTY-FIFTH ANNIVERSARY OF STATE OF ISRAEL

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on May 14, 1948, David Ben Gurion proclaimed the State of Israel, thereby officially fulfilling the aim of the 1897 World Zionist Congress: "to create for Jewish people a home in Palestine." The question remained as to whether this little oasis in the desert would prevail against the hostile surroundings.

A quarter of a century of bitter struggle has since elapsed. Israel has survived. The determination of the Israelis to maintain their 4,000-year-old claim to a homeland amidst seemingly insurmountable odds is a testimony to their courage and cause for celebration.

Today, May 7, Israel is celebrating its 25th birthday. I extend my best wishes to the people of Israel and Jews all over the world and hope that their celebration will signify not only the successful completion of the first 25 years of sovereignty, but also the beginning of a new period in which a true and lasting peace will be found in the Middle East.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. GREEN of Oregon (at the request of Mr. ULLMAN), on account of delegate to International Health Conference.

Mr. JOHNSON of California (at the request of Mr. MCFALL), for today, on account of illness.

Mr. JONES of Tennessee (at the request of Mr. MCFALL), for today and the balance of this week, on account of illness.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), on account of convalescence.

Mr. SATTERFIELD (at the request of Mr. MCFALL), for today through May 9, on account of illness.

Mr. STEIGER of Wisconsin (at the request of Mr. ARENDS), for today, on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HANRAHAN) to revise and extend their remarks and include extraneous matter:)

Mr. BELL, for 10 minutes, today.
Mr. RINALDO, for 15 minutes, today.
Mr. VEYSEY, for 30 minutes, May 15.
Mr. KEMP, for 20 minutes, today.
Mr. BURKE of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. GUNTER) and to revise and extend their remarks and include extraneous matter:)

Mr. EILBERG, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. ST GERMAIN, for 5 minutes, today.
Ms. ABZUG, for 10 minutes, today.
Mrs. GRASSO, for 10 minutes, today.
Mr. BURTON, for 5 minutes, today.
Mr. VANIK, for 10 minutes, today.
Mr. OWENS, for 15 minutes, today.
Mr. WILLIAM D. FORD, for 5 minutes, today.
Mr. FLOOD, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Moss and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,445.

(The following Members (at the request of Mr. HANRAHAN) and to include extraneous matter:)

Mr. YOUNG of Alaska in three instances.
Mr. RINALDO.
Mr. CONTE.
Mr. HANRAHAN.
Mr. FREY.
Mr. QUIE.
Mr. WYMAN in two instances.
Mr. SPENCE.
Mr. FINDLEY.
Mr. HOSMER in three instances.
Mr. KEMP in two instances.
Mr. SEBELIUS.
Mr. MARTIN of North Carolina.
Mr. ZWACH.
Mr. RAILSBACK.
Mr. HUNT.
Mr. MILLS of Maryland.

(The following Members (at the request of Mr. GUNTER) and to include extraneous matter:)

Mr. PICKLE in 10 instances.
Mr. PATTEN.
Mr. ASPIN in 10 instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. SISK.
Mr. RODINO in 10 instances.
Mr. O'HARA.
Mr. DOMINICK V. DANIELS.
Mr. MOSS.
Mr. EVINS of Tennessee in four instances.
Mr. ANDERSON of California in four instances.
Mr. HARRINGTON in three instances.
Mr. WALDIE in two instances.
Mr. JONES of Oklahoma in five instances.
Mr. EDWARDS of California in two instances.
Mr. DINGELL.
Mr. KOCH in two instances.
Mr. RIEGLE.
Mr. HUNGATE.
Mr. ADDABBO.
Mr. DULSKI in six instances.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 518. An act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget.

## BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

On May 3, 1973:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente.

On May 4, 1973:

H.J. Res. 393. Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report.

## ADJOURNMENT

Mr. GUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 8, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

870. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 32, United States Code, to authorize additional medical and dental care and other related benefits for Reservists and members of the National Guard, under certain circumstances, and for other purposes; to the Committee on Armed Services.

871. A letter from the Acting Assistant Secretary of the Army (Research and Development), transmitting a report on Department of the Army research and development contracts of $50,000 or more which were awarded during the 6 months ended December 31, 1972, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

872. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend section 8371 of title 10, United States Code, to authorize officers of the Air National Guard of the United States to be considered for promotion to the reserve grade of colonel by the Air Force Reserve overall vacancy board; to the Committee on Armed Services.

873. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1972–February 1973, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

874. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Public Assistance Act of 1962; to the Committee on the District of Columbia.

875. A letter from the Chairman, National Commission on the Financing of Postsecondary Education, transmitting a report on the activities and progress of the Commission, to the Committee on Education and Labor.

876. A letter from the Acting Assistant Secretary of State for Congressional Relations; transmitting the text of International Labor Organization Convention No. 132, concerning Annual Holidays with Pay (H. Doc. 93–97); to the Committee on Foreign Affairs and ordered to be printed.

877. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 321, *Tuscarora Indian Nation, Plantiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

878. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to further amend the International Travel Act of 1961, as amended; to the Committee on Interstate and Foreign Commerce.

879. A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to provide for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

880. A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to implement the Convention on the Prevention and Punishment of the Crime of Genocide; to the Committee on the Judiciary.

881. A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to amend title XII of the Organized Crime Control Act of 1970, and for other purposes; to the Committee on the Judiciary.

882. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act [8 U.S.C. 1255b(c)]; to the Committee on the Judiciary.

883. A letter from the Deputy Assistant Secretary of the Interior, transmitting the annual report on the National Visitor Center, pursuant to Public Law 90–264; to the Committee on Public Works.

884. A letter from the Chairman, U.S. Atomic Energy Commission; transmitting an amendment to the previously submitted draft of proposed legislation to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

RECEIVED FROM THE COMPTROLLER GENERAL

885. A letter from the Comptroller General of the United States, transmitting a report on the advantages and limitations of computer simulation in decisionmaking in the Department of Defense; to the Committee on Government Operations.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO (for himself, Mr. ADAMS, Mr. ANNUNZIO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURKE of Massachusetts, Mr. CARNEY of Ohio, Mr. CLARK, Mr. COTTER, Mr. DOMINICK V. DANIELS, Mr. DELANEY, Mr. EDWARDS of Alabama, Mr. EILBERG, Mr. FASCELL, Mr. FULTON, Mr. GIAIMO, Mrs. GRASSO, Mr. GREEN of Pennsylvania, Mr. HANLEY, Mrs. HANSEN of Washington, Mr. HELSTOSKI, Mr. HICKS, Mr. LEHMAN, and Mr. MEEDS):

H.R. 7536. A bill to require that a percentage of U.S. oil imports be carried on U.S. flag vessels; to the Committee on Merchant Marine Fisheries.

By Mr. BELL:

H.R. 7537. A bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 7538. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 7539. A bill to amend title 39, United States Code, to authorize the transmission, without cost to the sender, of letter mail containing any Federal tax return, statement, or other information required of the sender under the provisions of chapter 61 of the Internal Revenue Code of 1954; to the Committee on Post Office and Civil Service.

By Mr. BURLISON of Missouri:

H.R. 7540. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. CAREY of New York (for himself, Mr. ST GERMAIN, Mr. CHARLES H. WILSON of California, Mr. WILLIAM D. FORD, Mr. PIKE, Mr. LEHMAN, Mr. KARTH, Mr. PEPPER, Mrs. HANSEN of Washington, Mr. GIAIMO, Mr. ADAMS, Mr. MEEDS, Mr. CLAY, Mr. HICKS, Mr. SHIPLEY, Mr. JAMES V. STANTON, and Mr. CARNEY of Ohio):

H.R. 7541. A bill to require that a percentage of U.S. oil imports be carried on U.S. flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. CONTE:

H.R. 7542. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONYERS:

H.R. 7543. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize insurance program and death and disability benefits for public safety officers, police, firemen, and members of an ambulance team or rescue squad; to provide civil remedies for victims of racketeering activities; and for other purposes; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 7544. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 7545. A bill to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California; to the Committee on Agriculture.

By Mr. DIGGS (by request):

H.R. 7546. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947 to provide a property tax credit to certain senior citizens, and for other purposes; to the Committee on the District of Columbia.

By Mr. DOWNING:

H.R. 7547. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Development Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 7548. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. EILBERG:

H.R. 7549. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 7550. A bill to amend title II of the Social Security Act so as to gradually increase and ultimately remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 7551. A bill to amend title II of the Social Security Act to increase to $3,300 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 7552. A bill to amend section 402 of title 23, United States Code, and section 103 of the National Traffic and Motor Vehicle Safety Act of 1966, relating to schoolbus safety; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 7553. A bill to amend title 5, United States Code, to include service as an enrollee-trainee in the U.S. Maritime Service as military service for purposes of the civil service retirement system; to the Committee on Post Office and Civil Service.

By Mr. HANLEY (for himself, Mr. CHARLES H. WILSON of California, Mr. WILLIAM D. FORD, and Mr. BRASCO):

H.R. 7554. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOCH:



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H.R. 7555. A bill to grant an alien child adopted by an unmarried U.S. citizen the same immigrant status as an alien child adopted by a U.S. citizen and his spouse; to the Committee on the Judiciary.

By Mr. KOCH (for himself and Mr. ASPIN):

H.R. 7556. A bill to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era and for other purposes; to the Committee on Armed Services.

H.R. 7557. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

H.R. 7558. A bill to establish a task force within the Veterans' Administration to advice and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era; to the Committee on Veterans' Affairs.

H.R. 7559. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally; to the Committee on Veterans' Affairs.

H.R. 7560. A bill to amend chapter 34 of title 38, United States Code, to provide additional benefits to Vietnam era veterans; to the Committee on Veterans' Affairs.

By Mr. LANDRUM (for himself, Mr. FLYNT, Mr. STEPHENS, Mr. DAVIS of Georgia, Mr. BRINKLEY, Mr. STUCKEY, Mr. BLACKBURN, Mr. MATHIS of Georgia, Mr. GINN, Mr. YOUNG of Georgia, Mr. UDALL, Mr. BURTON, and Mr. SEIBERLING):

H.R. 7561. A bill to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MACDONALD:

H.R. 7562. A bill to amend the Communications Act of 1934 to require that an opportunity to reply to certain partisan broadcasts by the President be given to the other major political party; to the Committee on Interstate and Foreign Commerce.

H.R. 7563. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL (for himself and Mr. MATHIAS of California):

H.R. 7564. A bill to amend the Poultry Products Inspection Act, to include chickens, turkeys, ducks, geese, guineas, pheasants, pigeons, and squabs within the definition of poultry; to the Committee on Agriture.

By Mr. McFALL:

H.R. 7565. A bill to amend the Immigration and Nationality Act to classify as "special immigrants" alien veterans who served honorably in the U.S. Armed Forces, together with their spouses and children, for purposes of lawful admission into the United States; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. BROWN of California, Mr. GILMAN, Mr. HOWARD, and Mr. ROYBAL):

H.R. 7566. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 7567. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource potection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

H.R. 7568. A bill to amend title 5, United States Code, to provide for hazardous duty retirement benefits for Federal employees engaged in the inspection of coal mines; to the Committee on Post Office and Civil Service.

By Mr. RODINO:

H.R. 7569. A bill to incorporate the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 7570. A bill to transfer and reorganize all existing law enforcement functions of the Federal Government related to trafficking in narcotics and dangerous drugs in a Division of Narcotics and Dangerous Drugs established in the Federal Bureau of Investigation: to the Committee on Government Operations.

By Mr. SANDMAN:

H.R. 7571. A bill to repeal the Federal alcohol and tobacco excise taxes in order to make additional sources of revenue available to State and local governments; to the Committe on Ways and Means.

By Mr. SCHERLE:

H.R. 7572. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. STEELE:

H.R. 7573. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 7574. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on the Judiciary.

By Mrs. SULLIVAN (for herself, Mr. BLACKBURN, Mr. DANIELSON, Mr. DE LUGO, Mr. FINDLEY, Mr. FISHER, Mr. GUDE, Mr. HALEY, Mr. LONG of Louisiana, Mr. METCALFE, Mr. MEZVINSKY, Mr. MURPHY of New York, and Mr. NIX):

H.R. 7575. A bill to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws; to the Committee on Merchant Marine and Fisheries.

By Mrs. SULLIVAN (for herself, Mr. PREYER, Mr. BUCHANAN, Mr. PRITCHARD, Mr. RAILSBACK, Mr. ROE, Mr. SLACK, Mr. STARK, Mr. STUBBLEFIELD, Mr. STUDDS, Mr. GONZALEZ, Mr. TREEN, Mr. VANDER JAGT, Mr. WON PAT, and Mr. ZION):

H.R. 7576. A bill to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws; to the Committee on Merchant Marine and Fisheries.

By Mr. WAGGONNER:

H.R. 7577. A bill to amend the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST (for himself and Mr. COUGHLIN):

H.R. 7578. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. WHITEHURST (for himself, Mr. BROWN of California, Mr. BUCHANAN, Mr. ROBERT W. DANIEL, JR., Mr. DE LUGO, Mr. MANN, Mr. MOAKLEY, and Mr. ROSENTHAL):

H.R. 7579. A bill to direct the Secretary of Labor to study the feasibility of and need for a Cost of Existence Index; to the Committee on Education and Labor.

By Mr. WIGGINS:

H.R. 7580. A bill to revise title 28 of the United States Code; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 7581. A bill to prohibit any State (or political subdivision thereof) from levying income taxes on nonresidents of the State (or political subdivision thereof); to the Committee on the Judiciary.

By Mr. WON PAT (for himself and Mr. DE LUGO):

H.R. 7582. A bill to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies; to the Committee on Armed Services.

By Mr. MACDONALD:

H.J. Res. 543. Joint resolution providing for the orderly review of fee-paid oil import licenses; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself and Mr. MCCOLLISTER):

H.J. Res. 544. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. GRASSO (for herself, Mr. ALEXANDER, Mr. BADILLO, Mr. BOLAND, Mrs. BURKE of California, Mr. BURKE of Massachusetts, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. COHEN, Mr. CULVER, Mr. DE LUGO, Mr. EILBERG, Mr. ESCH, Mr. FISH, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. FRASER, Mr. GAYDOS, Mr. GONZALEZ, Mr. GREEN of Pennsylvania, Mr. HANLEY, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, and Mr. HELSTOSKI):

H. Con. Res. 213. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mrs. GRASSO (for herself, Ms. JORDAN, Mr. KYROS, Mr. MCDADE, Mr. MEEDS, Mr. METCALFE, Mr. MINISH, Mr. MOAKLEY, Mr. PRICE of Illinois, Mr. RANGEL, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mr. ST GERMAIN, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. WALDIE, Mr. WON PAT, and Mr. YATRON):

H. Con. Res. 214. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. GIBBONS, Mr. CLEVELAND, Mr. FRASER, Mr. TALCOTT, and Mr. RHODES):

H. Res. 383. Resolution to amend clause 32(c) of rule XI of the House of Representatives to provide the minority party, upon request, with up to one-third of a committee's investigative staff funds; to the Committee on Rules.

By Mr. ERLENBORN:

H. Res. 384. Resolution requesting the Attorney General designate to nominate a special prosecutor in connection with the Presidential election of 1972; to the Committee on the Judiciary.

By Mr. LEHMAN:

H. Res. 385. Resolution requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972; to the Committee on the Judiciary.

By Mr. WALSH:

H. Res. 386. Resolution requesting the President to seek the joint recommendation by such Justices of the Supreme Court (other than the Chief Justice) as the Court shall select, of a suitable special prosecutor of crimes connected with the Watergate matter; to the Committee on the Judiciary.

By Mr. WYMAN:

H. Res. 387. Resolution expressing the sense of the House of Representatives that a bipartisan study group be established to consider the institution of a Federal college for ombudsman training; to the Committee on Education and Labor.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

190. By the SPEAKER: A memorial of the House of Delegates of the State of Maryland, relative to funding of certain higher education programs; to the Committee on Appropriations.

191. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to peacetime utilization of appropriations, installations and persons released from defense-related employment; to the Committee on Education and Labor.

192. Also, memorial of the Legislature of the State of Utah, relative to child labor laws; to the Committee on Education and Labor.

193. Also, memorial of the House of Representatives of the State of Arkansas, relative to the development of the Big Clifty public use area on Beaver Lake, Ark.; to the Committee on Interior and Insular Affairs.

194. Also, memorial of the Legislature of the Territory of Guam, relative to the appointment of a representative to negotiate the use of Sella Bay for an ammunition wharf; to the Committee on Interior and Insular Affairs.

195. Also, memorial of the Legislature of the Territory of the Virgin Islands, relative to transfer of the ownership and control of Water Island to the Virgin Islands; to the Committee on Interior and Insular Affairs.

196. Also, memorial of the Legislature of the State of Indiana, relative to "no-fault" insurance; to the Committee on Interstate and Foreign Commerce.

197. Also, memorial of the Senate of the State of Maryland, relative to amending the Constitution of the United States to restore prayer in public schools; to the Committee on the Judiciary.

198. Also, memorial of the Legislature of the State of Oklahoma, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States concerning the assignment of students to public schools on the basis of race, religion, color, or national origin; to the Committee on the Judiciary.

199. Also, memorial of the Legislature of the State of Utah, relative to abortion; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. MINK:

H.R. 7583. A bill for the relief of Juanito Segismundo; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 7584. A bill to extend the term of design patent No. 21,053, dated September 22, 1891, for a badge, granted to George Brown Goode, and assigned to the National Society, Daughters of the American Revolution; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

205. By the SPEAKER: Petition of the Palau District Legislature, Western Caroline Islands, Trust Territory of the Pacific Islands, relative to the settlement of Micronesian war claims; to the Committee on Foreign Affairs.

206. Also, petition of John Sitek, Hamtramck, Mich., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

207. Also, petition of Norman L. Birl, Jr., Rosharon, Tex., relative to redress of grievances; to the Committee on the Judiciary.

208. Also, petition of the common council, Appleton, Wis., relative to environmental protection legislation; to the Committee on Merchant Marine and Fisheries.

209. Also, petition of the city council, Elizabeth, N.J., relative to tax credits for tuition paid for elementary or secondary education of dependents; to the Committee on Ways and Means.



# SENATE—*Monday, May 7, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, eternal and unchangeable, we pray for this Nation, its people, and its institutions in this time of anguish. If we have forsaken Thee, do not forsake us. If we have sinned, forgive us. If we have been mistaken, correct us. Spare us from judgments which only Thou canst make. May we forgive one another before we claim Thy forgiveness. May Thy grace be sufficient for all our needs.

We beseech Thee, O Lord, to lift the efforts of this body into the higher reaches of Thy kingdom, guiding and strengthening each one in the discharge of his daily duties.

We pray in the Redeemer's name. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE
*Washington, D.C. May 7, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

## MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED JOINT RESOLUTIONS SIGNED

Under authority of the order of the Senate of May 3, 1973, the Secretary of the Senate, on May 3, 1973, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled joint resolutions:

H.J. Res. 393. Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report; and

S.J. Res. 51. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week."

The enrolled joint resolutions were subsequently signed on May 3, 1973, by the President pro tempore.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that the President had approved and signed the following act and joint resolution:

On May 3, 1973:

S. 50. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes.

On May 5, 1973:

S.J. Res. 51. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week."

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ROBERT C. BYRD) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 982) to amend the Immigration and Nationality Act, and for other purposes, in which it requested the concurrence of the Senate.

## ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the

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enrolled bill (S. 518) to abolish the Offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

## HOUSE BILL REFERRED

The bill (H.R. 982) to amend the Immigration and Nationality Act, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 3, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CAMBODIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the Harris survey—"49 Percent Disapprove Cambodia Raids," as published in the Washington Post on May 7, 1973; also an editorial published in the Christian Science Monitor on May 5, 1973, entitled "Bombers Versus Bombing."

There being no objection, the survey and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 7, 1973]

THE HARRIS SURVEY: 49 PERCENT DISAPPROVE CAMBODIA RAIDS

(By Louis Harris)

The American people were deeply worried in mid-April that "Cambodia will fall to the Communists," and yet also disapproved by 49-33 percent of the use of B-52 bombers in the fighting that has continued in that country.

When asked why they opposed the use of U.S. bombers in Cambodia, the public volunteered three principal objections: (1) "we have no business there and should get out," (2) "the bombing is inhuman and should be stopped," and (3) "it could lead to our becoming involved in another Vietnam."

The prevailing mood in the country today clearly doubts that either the North Vietnamese or South Vietnamese intend to live up to the peace accords reached in Paris. A large 73 percent felt in mid-April it was at least "somewhat likely" that Cambodia would fall to the Communists. Even so, there was little disposition to wish another deep U.S. involvement in Southeast Asia, since Americans now agree, by 70-21 percent, that our involvement in Vietnam was a "mistake."

Here are key results from a nationwide Harris Survey conducted between April 18 and 23 among 1,537 households:

A 56 percent majority believed that "war will break out again between North and South Vietnam."

By 58-27 percent, the public also felt that "the government of South Vietnam will violate the terms of the Vietnam peace agreement."

By a much higher 82-7 percent, a lopsided majority also thought the "government of North Vietnam will violate" the peace accord.

Despite these forebodings that the Vietnam peace will not work out, President Nixon received high marks for his efforts to reach agreement with North Vietnam. The public was asked:

"How would you rate President Nixon—excellent, pretty good, only fair, or poor?"

[In percent]

| | Positive | Negative | Not sure |
|---|---|---|---|
| Bringing the war in Vietnam to a close | 64 | 34 | 29 |
| Bringing the POW's home from Vietnam | 80 | 18 | 2 |

However, the closing period of the Vietnam experience has not been one of unmitigated joy. The cross section was asked:

"When the U.S. prisoners-of-war finally came home, did you feel like celebrating as you might have after World War II, or did you feel more sad that the prisoners-of-war had been so long in captivity?"

[*Total public, in percentage*]

| | |
|---|---|
| Felt like celebrating | 8 |
| Felt relieved | 51 |
| Felt sad | 35 |
| Not sure | 6 |

[From the Christian Science Monitor, May 5, 1973]

BOMBERS VERSUS BOMBING

Now bomber crews over Cambodia have joined the appeal to America's conscience in challenging the continued bombing of which they are instruments. It behooves the administration to listen on pragmatic grounds as well.

In President Nixon's Watergate speech he spoke of his "terrible personal ordeal of the renewed bombing of North Vietnam." Think of the ordeal for those undergoing the bombardment.

Mr. Nixon went on to say the bombing "helped bring America peace with honor." What kind of honor will be bestowed on America if the bombing is endlessly continued during this peace?

To the grave doubts about even its military effectiveness must be added humanitarian outrage at the killing of civilians in Cambodia, as reported by this newspaper's correspondent there, and recognition that some of the bomber crews themselves are beginning to express the dismay they feel at their grim duties.

"I would like you to request the government not to drop any more bombs because we would like to rebuild our homes," said an old villager to Monitor correspondent Daniel Southerland.

The villagers said American fighter bombers made one pass after another at their village, damaging or destroying half the homes—and hurting only civilians, because the raids took place several hours after Cambodian insurgents had left. That night the bombers killed an 11-year-old boy where he had joined others taking refuge outside the village.

It is small wonder that at least a dozen B-52 crew members have protested against the bombing in letters to members of Congress. "This plea is not a one-man show," wrote one copilot. "The majority of the crew force presently engaged in these operations are tired and fed up with the entire affair. . . ." Another letter said: "Every day of bombing splashes blood in the face of America. What will we tell our children?" It is a good question.

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

(The remarks Senator SCOTT of Pennsylvania made at this point on the introduction of S. 1711, the Foreign Assistance Act of 1973, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order, the distinguished Senator from South Dakota (Mr. MCGOVERN) is now recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of the allocation to the Senator from South Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from South Dakota is recognized for not to exceed 14 minutes.

(The remarks Senator MCGOVERN made at this point on the introduction of S. 1714 through S. 1718, relating to Vietnam veterans, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, the time to be charged to my time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.



## REACTION TO MR. RICHARDSON'S STATEMENT

Mr. ROBERT C. BYRD. Mr. President, Mr. Elliot Richardson this morning announced that, if he is confirmed as Attorney General, he will appoint a special prosecutor to conduct the Watergate investigation.

As a member of the Senate Committee on the Judiciary, which will have the responsibility of confirming Mr. Richardson's nomination, I commend Mr. Richardson for his decision to follow this course of action, and for his announced intention to give the special prosecutor "all the independence, authority and staff support needed to carry out the tasks entrusted to him."

I am glad that Mr. Richardson has given assurances that the person selected will be of the highest integrity and will possess the professional qualifications needed to do the job that must be done.

Mr. Richardson said, furthermore, that he will also ask that the Senate Committee on the Judiciary hold a public hearing on the nominee, and added that he would welcome an "expression by the Senate as a whole of its confidence" in the man selected.

As a member of the Judiciary Committee, I wish to state that while I know of no precedent for such Senate committee action on a nonstatutory appointee, I likewise know of no factor that would prohibit such a course of action.

Moreover, I at this point would certainly have no objection to an expression by the full Senate, as has been suggested by Mr. Richardson, especially in view of Mr. Richardson's request for such action.

I have said on numerous occasions that the only way to get to the bottom of the Watergate mess is through an independent investigation, conducted under the direction of an independent, special prosecutor. That is the only way that the people of the United States are going to be convinced that the administration is seriously attempting to uncover the whole truth in this sordid affair.

Again, Mr. President, I commend Mr. Richardson for clearly indicating that if his nomination is confirmed by the Senate, he will use the authority given him by President Nixon, and I commend him for suggesting that the Senate participate in the selection process for the special prosecutor.

## PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, unless another Senator wishes time, I yield back the remainder of my time under the order.

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

## SENATE RESOLUTION 106, APPOINTMENT BY ATTORNEY GENERAL OF SPECIAL ASSISTANT, PLACED ON CALENDAR

Mr. BROOKE. Mr. President, I ask unanimous consent that Senate Resolution 106 be placed on the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

## ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that, on May 4, 1973, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 51) to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week."

## REPORT ENTITLED "JUDICIARY COMMITTEE INQUIRY AND INVESTIGATION" — SUPPLEMENTAL REPORT (PART 2 OF S. REPT. NO. 93-128)

Mr. TUNNEY, from the Committee on the Judiciary, submitted a supplemental report entitled "Judiciary Committee Inquiry and Investigation," which was ordered to be printed as part 2 of Senate Report No. 93-128.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD) laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION FROM DEPARTMENT OF THE AIR FORCE

A letter from the Assistant Secretary of the Air Force, Manpower, and Reserve Affairs, transmitting a draft of proposed legislation to amend title 10, United States Code, with respect to certain sections relating to strengths for the Army, Navy, Air Force, and Marine Corps (with accompanying papers). Referred to the Committee on Armed Services.

REPORT OF DISTAICT OF COLUMBIA BAIL AGENCY

A letter from the Director, District of Columbia Bail Agency, Washington, D.C., transmitting, pursuant to law, a report of that agency, for the year 1971 (with an accompanying report). Referred to the Committee on the District of Columbia.

REPORT ON U.S. FOREIGN POLICY

A letter from the Secretary of State, transmitting, pursuant to law, his report on U.S. foreign policy, for the year 1972 (with an accompanying report). Referred to the Committee on Foreign Relations.

REPORT ON OPERATIONS UNDER MUTUAL DEFENSE ASSISTANCE CONTROL ACT OF 1951

A letter from the Assistant Secretary for Economic and Business Affairs, Department of State, transmitting, pursuant to law, a report under the Mutual Defense Assistance Control Act of 1951 (Battle Act) for the year 1972 (with an accompanying report). Referred to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in Meeting Manpower Needs in the All-Volunteer Force," Department of Defense, dated May 2, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Ways To Improve Effectiveness of Rural Business Loan Program," Farmers Home Administration, Department of Agriculture, dated May 2, 1973 (with an accompanying report). Referred to the Committee on Government Operations

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers) Referred to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to temporary admission into the United States of certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

PROSPECTUS RELATING TO PROPOSED LEASING OF SPACE IN THE FORT LINCOLN URBAN RENEWAL AREA, WASHINGTON, D.C.

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus relating to the proposed leasing of space in the Fort Lincoln Urban Renewal Area, Washington, D.C. (with accompanying papers). Referred to the Committee on Public Works.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD):

A resolution of the House of Representatives of the State of Arkansas, Referred to the Committee on Appropriations:

"HOUSE RESOLUTION 53

"Resolution urging the Congress of the United States to appropriate funds for the development of the Big Clifty Public Use Area on Beaver Lake

"Whereas, the tourist industry in Carroll County has experienced an unprecedented period of growth and expansion due to the popularity of the Big Clifty Public Use Area on Beaver Lake; and

"Whereas, the waters of the Big Clifty Public Use Area have provided many thrills and hours of satisfaction for the fishermen of Arkansas and surrounding states; and

"Whereas, the Big Clifty Public Use Area has become a center of water-sport activities and is a favorite gathering spot for vacationing families; now therefore,

*"Be it resolved by the House of Representatives of the Sixty-Ninth General Assembly of the State of Arkansas:*

"That the Congress of the United States appropriate funds for the development of the Big Clifty Public Use Area on Beaver Lake."

A joint resolution of the Legislature of

the State of California. Referred to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION No. 4"—RELATIVE TO OIL IMPORTATION ON AMERICAN FLAGSHIPS

"Whereas, A vital piece of legislation is now being considered by Congress, which legislation will require at least half of all the nation's oil imports to be carried on American flagships; and

"Whereas, The United States is facing a growing shortage of domestic energy fuels, and in order to prevent our nation from being strangled by a lack of power supplies, we must import increased amounts of oil and natural gas; and

"Whereas, Nearly every maritime country in the world reserves 30 percent or more of its trade for home-nation ships—American flagships now carry only 5 percent of all our imports and exports; and

"Whereas, American-owned ships flying other countries' flags carry 41 percent of our oil imports; and

"Whereas, The U.S. flag tanker fleet, which had been limited largely to the carriage of oil from one domestic port to another under Jones Act protection, is being laid up because of the increased use of pipelines to transport oil; and

"Whereas, France guarantees the French fleet two-thirds of all oil import carriage; Japan reserves more than half of its oil import carriage to its own fleet; Peru, Chile, and Spain reserve all oil imports for their own tankers; and

"Whereas, The Soviet Union and other Iron Curtain countries see to it that ships of other nations are permitted into their trade only after their own fleets have been used to capacity; now, therefore, be it

*"Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation to strengthen America by requiring at least half of the nation's oil imports to be carried on American flagships, to the extent feasible; and be it further

*"Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint memorial of the Legislature of the State of Colorado. Referred to the Committee on Agriculture and Forestry:

"SENATE JOINT MEMORIAL No. 6

"Memorializing the Congress of the United States to renovate the administration of the "Federal Food, Drug, and Cosmetic Act", especially with respect to the so-called Delaney clause of the act relating to diethylstilbestrol (DES) as a feed ingredient for use in cattle and sheep feeding

"Whereas, It is recognized that there exists a worldwide shortage of animal protein, and domestic production of meat animals has been geared up to insure the citizens of the United States an adequate supply of high quality, nutritious beef more efficiently and at less cost to the consumers; and

"Whereas, The decision by the Federal Food and Drug Administration to ban the use of diethylstilbestrol (DES) as a feed ingredient for use in cattle and sheep feeding was dictated partly by the interpretation that the Delaney Clause of the 1958 Food Additives Amendment to the "Federal Food, Drug, and Cosmetic Act' carried a 'zero tolerance' concept; and

"Whereas, The result is that the consuming public is being deprived of a product that has helped substantially to produce a record amount of high quality beef to satisfy a record demand for such beef more efficiently and at less cost to consumers by virtue of the fact that feeds containing traces of DES enable cattle to reach market weight faster and with approximately fourteen percent less feed; and

"Whereas, Diethylstilbestrol (DES) stimulates the growth of tumors in test animals and has been known to have caused cancer in humans, though not as a consequence of use as an animal feed; and

"Whereas, current tests for detecting residues are becoming more refined and are already fantastically sensitive, with promise of becoming more sophisticated and sensitive to the point that the day may come when, under zero residue tolerance interpretation of the Delaney Clause, it would be necessary to abandon many things that have added to our food supply and which are very useful to society; and

"Whereas, what is needed now is to evaluate the Delaney Clause as coolly and calmly as possible in light of new residue detection devices, and some leeway must be allowed for the "rule of reason" of men and scientists to prevail; otherwise, it is conceivable that available supplies of beef and other meats will diminish, and the consumer will be faced with reduced supplies at higher costs; now, therefore,

*"Be it Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:* That the Congress of the United States is hereby memorialized to consider the need for a revaluation and renovation of the food and drug laws, with special emphasis on the interpretation of the Delaney Clause, and its application to the use of diethylstilbestrol (DES) as a feed ingredient for use in cattle and sheep feeding.

*"Be It Further Resolved,* That copies of this Memorial be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of Congress from the State of Colorado."

A joint memorial of the Legislature of the Senate of Colorado. Referred to the Committee on Finance:

"HOUSE JOINT MEMORIAL No. 1007

"Memorializing the Congress of the United States to enact legislation equalizing the Federal Income Tax burden borne by married and unmarried persons

"Whereas, There are more than thirty million unmarried persons in the United States paying federal income taxes; and

"Whereas, Because of gross inequities contained in the Internal Revenue Code, most unmarried taxpayers pay what amounts to a surtax because of their single status; and

"Whereas, For example, a single taxpayer having a taxable income of $8,000 pays $1,590 in federal income taxes, while by contrast, a married taxpayer having the same taxable income pays $1,380 in federal income taxes, a difference of $210; and

"Whereas, While it is only fair that the federal income tax laws recognize the varying living costs as between a family and single individuals, such differences should be reflected in the tax laws by the allowance of reasonable deductions and exemptions, not by the use of varying tax rates on the same amount of taxable income; and

"Whereas, There no longer exists any reason for the unfair and discriminatory treatment accorded single taxpayers under the federal income tax laws; now, therefore,

*"Be It Resolved by the House of Representatives of the Forty-ninth General Assembly of the State of Colorado, the Senate concurring herein:* That the Congress of the United States is hereby memorialized to enact legislation equalizing the tax burden of single and married taxpayers so that the two classes of taxpayers pay the same amount of tax on the same amount of taxable income.

*"Be It Further Resolved,* That copies of this Memorial be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of Congress from the State of Colorado."

A joint resolution of the Legislature of the State of Colorado. Referred to the Committee on Interior and Insular Affairs:

"SENATE JOINT MEMORIAL No. 1

"Memorializing the Congress of the United States to define and implement a national energy policy

"Whereas, Educational, governmental, and industrial facilities in the State of Colorado have been shut down because of a fuel shortage; and

"Whereas, This serious condition is expected to continue and worsen in the future, unless immediate action is taken to correct the causes thereof; and

"Whereas, The General Assembly of the State of Colorado considers the present fuel shortage to be an immediate threat to the health, safety, and welfare of the citizens of the state; and

"Whereas, Increased reliance on importation of fossil fuels presents a problem of national security and balance of payments; and

"Whereas, There is a need for a national policy which will provide adequate supplies of energy at reasonable cost and protect the environment; and

"Whereas, Such objectives can be achieved by private enterprise under wise governmental policy; now, therefore,

*"Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:* That the Congress of the United States is hereby memorialized to give top pricrity to immediately defining and implementing a National Energy Policy, including objectives to:

"(1) Encourage the economic and efficient use, as well as the conservation of energy by:

"(a) Encouraging and supporting research into additional methods to conserve energy and decrease per capita consumption of energy; and

"(b) Providing financial incentives to schools, educational institutions, and industries involved in research and education concerning energy conservation and the reduction of per capita consumption of energy; and

"(c) Supporting changes in technology designed to conserve energy and more economically utilize available resources;

"(2) Manage the leasing of federal lands located within the state of Colorado (which constitute thirty-five percent of the land of Colorado), so as to encourage their development for the production of energy resources giving consideration to the energy needs of Colorado's people and its environment;

"(3) Provide a tax policy which would encourage exploration and development in order to increase the supply of domestic oil and gas;

"(4) Encourage and facilitate an increase of refinery and transportation capacity for petroleum products;

"(5) Achieve a reasonable balance between protecting the environment and developing, processing, and transporting needed energy resources;

"(6) Gradually relax price controls on natural gas, but with provisions for equitable price treatment for consumers; and

"(7) Encourage the release of atomic energy blocks of land for development of nuclear power.

*"Be It Further Resolved,* That the Congress of the United States is hereby memorialized to do all that it deems necessary to promote the development of sources of clean and efficient energy through such means as:

"(1) Encouragement and support of research to determine the energy potential of resources, such as solar, geothermal, nuclear fusion and fission, oil shale, tar sands, and the gasification and liquefaction of coal;

"(2) Provision for tax incentives to industries involved in such research and development; and

*"Be It Further Resolved,* That copies of this Memorial be transmitted to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and the members of Congress from the State of Colorado."

A joint resolution of the Legislature of the State of Colorado. Referred to the Committee on Interior and Insular Affairs:

"SENATE JOINT MEMORIAL No. 8

"Memorializing the Congress of the United States to enact legislation to acquire water rights in accordance with State law, to state quantity of water claimed, and to pay compensation for vested water interests adversely affected

"Whereas, The federal government has filed numerous claims for water rights in the state of Colorado, in both the federal and state courts, seeking to establish federal claims to much of the water originating in Colorado, for the appointment of a federal water master, and for other relief; and

"Whereas, the federal government is claiming an unspecified and unknown amount of water for such purposes; and

"Whereas, The granting of the claims sought by the United States could seriously jeopardize the existing system of water rights within the state of Colorado, could create a dual system of administration and decrees, could require water users needlessly to readjudicate rights already acquired and decreed under state law, could adversely affect Colorado's rights under the Colorado River Compact and the Upper Colorado River Basin Compact, and will impose a heavy burden upon the citizens of this state to protect their individual water rights against the federal claims; and

"Whereas, The Colorado Water Conservation Board in regular session assembled at Denver, Colorado, the eighteenth day of January, 1973, recommended to the Governor of the state of Colorado, to the Attorney General of the state of Colorado and to the members of the Colorado General Assembly that all steps necessary and proper, including appropriate funding, be taken and authorized to require the United States to quantify its claims and to adjudicate them and thereafter administer them in accordance with state law; and

"Whereas, The Governor of the state of Colorado by Executive Order dated January 24, 1973, delivered to the Attorney General his requirement that the Attorney General represent and appear in all of the state cases wherein the United States of America has filed water claims, and to do any and all things necessary in the premises to defend and protect the interests of our sovereign state and its citizens as a whole; now, therefore.

*"Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:* That the Congress of the United States is hereby memorialized to enact legislation which would require all federal agencies to acquire water rights in the state of Colorado in accordance with state law setting forth the quantity of all water claimed by the federal agencies and if such rights adversely affect or diminish vested water interests within the state of Colorado that Congress shall provide compensation therefor.

*"Be It Further Resolved,* That copies of this memorial be transmitted to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and each member of the Congress from the state of Colorado."

A concurrent resolution of the legislature of the State of Hawaii. Referred to the Committee on Banking, Housing and Urban Affairs:

"HOUSE CONCURRENT RESOLUTION No. 12

"Requesting the Federal Cost of Living Council (Price Commission) to immediately consider the appeals of the rulings by the Honolulu District Office, Internal Revenue Service, on the applications for hospital rate exceptions for the 11 County/State Hospitals in the State of Hawaii

"Whereas, the determinations made on applications for exception to the Price Commission Rules and Regulations filed for 11 County/State Hospitals in the State of Hawaii by the Honolulu District Office, Internal Revenue Service, were not based on the facts and the extenuating events presented in the appeal document now before the Council; and

"Whereas, the reasons given by the Internal Revenue Service for its current rulings, based on the assertion that the Economic Stabilization Program had not imposed extreme hardship or gross inequity, are not shared by the State of Hawaii; and

"Whereas, the current rulings on the hospitals' applications preclude the use of the "Base Rate" concept as announced by the Price Commission Ruling 1972-267 of October 20, 1972; and

"Whereas, the Social Security Amendments of 1972 (P.L. 92-603, H.R. 1, October 30, 1972) effect changes in reimbursements of payments where customary charges are less than reasonable cost (Sec. 233), which will deny the hospitals from receiving reimbursements beginning July 1, 1973, resulting in gross inequity and hardship; and

"Whereas, raising the hospitals' customary charges would result in a more adequate cashflow from charges to patients on a monthly basis, which is in keeping with the Department of Health, Education, and Welfare request to maintain a close parity between interim charge and costs; and

"Whereas, the granting of these increased rates, to include exception to the base period net revenue margin, does not appear to directly affect the Economic Stabilization Program insofar as inflation is concerned, based on the fact that the hospitals are currently reimbursed for Medicare and Medicaid patients through the retroactive reimbursement process; now, therefore.

"Be it resolved by the House of Representatives of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, the Senate concurring, that the Federal Cost of Living Council (Price Commission) is urged and requested to immediately consider the appeals of the ruling of the Internal Revenue Service now before the Council on the application for hospital rate exceptions for the 11 County/State Hospitals in the State of Hawaii; and

"Be it further resolved that copies of this Concurrent Resolution be transmitted to the Hawaii Members to the United States Congress for their support and assistance, and to the Secretary, Department of Health, Education and Welfare; and

"Be it further resolved that copies of this Concurrent Resolution be transmitted to the Speaker of the U.S. House of Representatives and the President of the U.S. Senate for their support and assistance."

A concurrent resolution of the Legislature of the State of Hawaii. Referred to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION No. 30

"Requesting immediate enactment by the Congress of the United States of Appropriate Legislation to establish adequate duties and quotas on foreign pineapple imports to protect Hawaiian Pineapple Production

"Whereas, the State Legislature is gravely aware of the current crisis facing the pineapple industry in the State; and

"Whereas, it is reasonably clear that pineapple production in Hawaii is in a State of crucial economic strain when three out of the four companies making up Hawaii's pineapple industry have announced, by successive independent actions within one year, closings and cutbacks that will reduce Hawaii's pineapple production by one-third within the next three years; and

"Whereas, the State Legislature recognizes the urgent need for cooperative action by the industry and the State and the Federal government to insure the continued viability of Hawaii's pineapple industry; and

"Whereas, the Hawaii State Department of Agriculture has recently issued a comprehensive study which revealed that there is inadequate tariff protection for Hawaiian pineapple against foreign competition in the government to insure the continued viability of all other imported canned fruits; and

"Whereas, this lack of adequate duties and quotas to protect Hawaiian pineapple from foreign competition is evidenced by the fact that during the period between 1950 and 1971 imports of foreign pineapple into the United States increased by 3.8 million cases or 204 percent; and in terms of dollars, $32.2 million worth of foreign pineapple was imported in 1971 compared to $7.4 million of other canned fruits; and

"Whereas, since the mid-sixties, nearly all the increases in pineapple consumption on the United States mainland were accounted for by foreign pineapple because the United States does not have a quota system for pineapple and because the duty on pineapple is very low; and

"Whereas, in view of the potential statewide impact of any further decline in pineapple production and sales and the scope of legislative actions that must be taken to meet current problems, the Hawaii Legislature urges strong Congressional enactment to get United States industry, including Hawaii's pineapple industry, what it needs to meet the aggressive competition of overseas producers: an even break in the marketplaces of the world; now, therefore,

"Be it resolved by the Senate of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, the House of Representatives concurring, that the Congress be, and it is hereby urgently requested to establish adequate duties and quotas on foreign pineapple imports to protect Hawaiian pineapple production; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of Hawaii's Congressional delegation, and to the United States Secretary of Agriculture."

A concurrent resolution of the Legislature of the State of Hawaii. Referred to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION No. 40

"Requesting the Congress of the United States to pass legislation to effectively ban all foreign importation of fresh or processed pineapple and other fruit and vegetable products into the United States from countries which allow use of pesticide chemicals not cleared for use in the United States or which are produced under stand-



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ards of sanitation less stringent than required of United States producers

"Whereas, the State of Hawaii is symbolized throughout the world not only for its beautiful environmental setting, but also for its agricultural products—most notably, the unique and delicious pineapple fruit—which many visitors of our island State take back with them as gifts and tokens of remembrance of their trip to our "Pineapple State"; and

"Whereas, the golden image bestowed upon Hawaii through the pleasant experience of tasting this juicy tropical fruit can be drastically marred if the quality of the fruit is affected by some misuse of a pesticide chemical or other deleterious contaminants which are used to produce some foreign pineapple being imported into the United States; and

"Whereas, aside from the foregoing euphoric benefits derived from the Hawaiian pineapple, a growing area of concern in the State's economy lies in the potential for exporting more Hawaii produced pineapples to the United States mainland and foreign countries; and

"Whereas, in spite of the higher cost of pineapple production in Hawaii, the quality of the Hawaiian pineapple has been found to out-class most foreign competition; and

"Whereas, this quality production is a result of the dedicated efforts of industry, costing it tens of millions of dollars which was spent on research to make Hawaii the world's leading pineapple producer—and pineapple a major source of State income and employment; and

"Whereas, the Legislature acknowledges the fact that pineapple production could not continue in Hawaii without the use of certain agricultural chemicals—all of which are safely applied without hazard to people or the environment; and

"Whereas, the Legislature, however, expresses its concern over foreign grown pineapples which are sometimes produced in unsanitary conditions, and also the increased misuse of chemicals in some of these foreign countries and the attendant adverse effects on the health, safety, and welfare of the American people is a matter of national importance; and

"Whereas, the Federal government is strongly requested to conduct an increased and thorough inspection of imported foreign pineapple and all other foreign fruit products; and to stringently start enforcing its grade standards for the purposes of protecting the general health and welfare of the American consumer; and

"Whereas, the beneficial effects of such an enforcement program should be the improvement of foreign pineapple quality, and it should also help the Hawaiian pineapple industry in competing on a better cost basis; and

"Whereas, the Legislature hereby recognizes and affirms the urgent need to seek all reasonable avenues of action in the attempt to stem any further decline in Hawaii's pineapple production and to help maintain a viable pineapple industry as an important economic, social and environmental asset in the future of Hawaii; now, therefore,

"Be it resolved by the Senate of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, the House of Representatives concurring, that the Congress of the United States be, and it is hereby urgently requested to pass legislation to effectively ban all foreign importation of fresh or processed pineapple and other fruit and vegetable products into the United States from countries which allow use of pesticides chemicals not cleared for use in the United States or which are produced under standards of sanitation less stringent than required of United States producers; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of Hawaii's Congressional delegation, to the United States Secretary of Agriculture, to the United States Secretary of Health, Education, and Welfare, and to the United States Commissioner of the Food and Drug Administration."

A concurrent resolution of the Legislature of the State of Hawaii. Referred to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION No. 37

"Requesting the Congress of the United States to seek and provide more equitable treatment from Foreign Governments for Hawaii pineapple in the world market

"Whereas, the Hawaii Legislature is fully cognizant and deeply concerned over the decreasing role of Hawaii-produced pineapple in the national and world market, and of the increasingly bleak future that appears now on the horizon to face one of Hawaii's foremost export industries; and

"Whereas, pineapple production has been a mainstay in Hawaii's economy since the turn of the century, beginning in the year 1903, with a modest production of 1,893 cases and reaching a high peak of 30.8 million cases in 1957, and eventually leveling off to a production of approximately 29 million cases annually; and

"Whereas, pineapple is Hawaii's second largest agricultural industry, and the processed value of Hawaiian pineapple in 1972 amounted to $137 million; and

"Whereas, Hawaii's world-renowned pineapple industry employs 6,200 year-round workers who earn $42 million is annual wages and another 18,000 seasonal workers who earn over $10 million per year; and

"Whereas, in recent years, pineapple production has remained stable in spite of a reduction in the number of companies operating, from nine in 1950 to the four existing pineapple companies today; and

"Whereas, the recently announced plans to phase out Dole Company's and Del Monte's plantations on the island of Molokai and the scheduled closing of Hawaiian Fruit Packers, the single remaining pineapple operation on Kauai, represent actions that will result in substantial cutbacks in total pineapple production in the State; and

"Whereas, Dole's recent decision to cut Oahu's pineapple acreage by half and convert the remaining 4,500 acres from processed to fresh fruit production will also detrimentally affect the total output of the pineapple industry; and

"Whereas, Hawaii's share of total world pineapple production amounted to 72 per cent in 1950, but by the end of 1969, Hawaii accounted for less than one-third of the world's supply; and

"Whereas, with Hawaii's production remaining stable during this period, it is obvious that production in areas outside of Hawaii has increased substantially; and

"Whereas, the Hawaii State Department of Agriculture has recently prepared a study entitled "The Impact of Foreign Pineapple Production on the Hawaiian Pineapple Industry" which revealed, among other problems, that there exists highly discriminating tariff and quota practices of other countries that are intended to favor certain foreign pineapple producers by stringently restricting the Hawaiian pineapple trade in the world market; and

"Whereas, the Hawaiian pineapple industry is severely handicapped and it is virtually barred from being able to compete in the major foreign markets by trade barriers—notably the special import duties and quotas that are not only discriminating but also in violation of the General Agreement on Tariffs and Trade; and

"Whereas, effective federal action in removing these discriminating barriers on Hawaiian pineapple in foreign markets will definitely help Hawaii's pineapple production in this critical period; and

"Whereas, immediate action by industry and the State and Federal governments is necessary to insure the continued viability of Hawaii's pineapple industry; now, therefore,

"Be it resolved by the Senate of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, the House of Representatives concurring, that the Congress be, and it is hereby urgently requested to seek and provide more equitable treatment from foreign governments for Hawaiian pineapple in the world market; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of Hawaii's Congressional delegation, and to the United States Secretary of Agriculture."

A resolution of the Senate of the State of Hawaii. Referred to the Committee on the Judiciary:

"SENATE RESOLUTION 96

"Requesting the people of the State of Hawaii and the Nation to consider and discuss amnesty

"Whereas, the peace agreement ending the Vietnam war has been signed and provides for the final reconciliation of differences between the nations of South-East Asia and the United States; and

"Whereas, it is in the interest of world peace that the people of the countries involved in this long and tragic war put aside the hostilities of the past and seek to heal the deep spiritual and social wounds they have suffered, and rebuild what they have lost; and

"Whereas, it is imperative that the wide ranging and profound divisions generated by the Vietnam war within our own State and nation be reconciled; and

"Whereas, the Vietnam tragedy, for our own society, may not only be described in terms of those who died or are permanently disabled, but also those who refused to participate in the war; and

"Whereas, *these* men who rejected our government's participation in Vietnam and who are now *incarcerated or in exile* are tragic reminders of the divisive effect this war has had and still has upon our nation; and

"Whereas, it has been repeatedly suggested that these men be granted amnesty so that we may once again resume our quest for national unity and harmony; and

"Whereas, neither vindication of moral or political beliefs nor retribution against those who held these beliefs will contribute towards the resolution of the divisions within our society; and

"Whereas, since the founding of the nation, thirty-five amnesties have been proclaimed, the last occuring in 1950 when President Harry S. Truman pardoned men convicted of military desertion during the previous five years; and

"Whereas, the granting of amnesty by the President or Congress will aid in healing the differences among our people only if it is with the general consent of the people; and

"Whereas, it is only through sincere self-examination, reflection, and discussion that the divisive controversy of the Vietnam war will finally end; now, therefore,

"Be it resolved by the Senate of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, that the people of the State of Hawaii and the Nation consider and discuss amnesty; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii."

A concurrent resolution of the General Assembly of the State of Indiana. Referred to the Committee on Labor and Public Welfare:

"A SENATE CONCURRENT RESOLUTION"

"Memorializing Congress to continue its support of the community comprehensive mental health centers programs in order that Indiana's network of thirty-two community comprehensive mental health centers may be completed

"Whereas, In 1955 President Dwight David Eisenhower appointed the Joint Commission on Mental Illness and Health to study the problems of this nation's mentally ill; and

"Whereas, The Joint Commission of Mental Illness and Health in its report to the President in 1961 recommended, among other things, the creation of community comprehensive mental health centers to provide treatment facilities for this nation's mentally ill in close-to-home treatment facilities; and

"Whereas, In 1963 Congress passed the Community Mental Health Centers Act implementing the joint Commission of Mental Illness and Health report and authorized federal dollars to assist the several states in providing its network of community comprehensive mental health centers; and

"Whereas, Congress committed itself to becoming a full partner with the several states and local communities in the initial construction cost and staffing cost; and

"Whereas, The Indiana General Assembly and the several counties of this state enacted legislation and provided the state's and local government share to create a network of thirty-two community comprehensive mental health centers for the citizens of the state of Indiana; and

"Whereas, Ten centers are presently in operation in Indiana, five more will be operational within the next two-year period and the remaining seventeen centers will be operational by 1980; and

"Whereas, The state of Indiana and local governments have kept their pledge to the mentally ill of this state by enacting the necessary legislation and providing funds to complete the network of thirty-two communly comprehensive mental health centers: Therefore

"Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

"Section 1. That the General Assembly hereby memoralizes the Indiana Congressional delegation, the Federal administration and the Congress to renew the Community Mental Health Centers Act to permit the continuation and completion of the plan to provide community comprehensive mental health centers for all this nation's mentally ill and to authorize and appropriate the federal funds necessary to keep the national commitment as a full partner in combating mental illness.

"Section 2. The Secretary of the Senate is hereby directed to forward copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to all the members of Congress from the state of Indiana.

"Adopted by Voice Vote this 13th of April, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Armed Services:

"RESOLUTIONS

"Memorializing the Congress of the United States to take such action as may be necessary to prevent the relocating of the mooring of the Naval Frigate *Constitution* from Massachusetts

"Whereas, The citizens of Massachusetts are rightly disturbed over the alleged plans of the Department of Defense to relocate the famous Naval Frigate the *Constitution* from its mooring in Boston to a mooring in another state; and

"Whereas, Built at a Boston Shipyard in 1797 and one of the most famous vessels in the United States Navy, the *Constitution* has been moored at the Boston Naval Shipyard as a naval relic since May 7, 1934; and

"Whereas, In 1976, the year of the bicentennial of our country, millions of people will be visiting the Commonwealth especially Boston, the Cradle of Liberty, and it is only right and fitting that the *Constitution* should be moored in Boston or someplace nearby along the Massachusetts coast, the state where she was built; therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to take such action as may be necessary to prevent the relocation of the mooring of the *Constitution* from Massachusetts and insure that the mooring of this vessel will remain in Massachusetts; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of Defense, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, April 23, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Banking, Housing and Urban Affairs:

"RESOLUTIONS

"Memorializing the Congress of the United States to enact legislation providing for Federal payment of State constructed housing along interstate highways

"Whereas, There are insufficient structures to house the increasing population of our country; now, therefore, be it

*"Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to provide funds for states to construct housing along interestate highways; and be it further

*"Resolved,* That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"House of Representatives, adopted, April 11, 1973.

"Senate, adopted in concurrence, April 17, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Finance:

"RESOLUTIONS

"Memorializing the Congress of the United States to enact legislation that would preclude social security benefits from affecting Veterans Administration pension payments

Whereas, Many veterans are receiving benefits under the Social Security Act and Veterans Administration pensions; and

"Whereas, It would be unfair and unjust to allow any benefits under the Social Security Act to decrease or eliminate the Veterans Administration pensions to veterans receiving both; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to preclude any change in the Social Security Act from affecting any Veterans Administration pension to veterans receiving both; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, April 17, 1973.

"Senate, adopted in concurrence, April 25, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on the Judiciary:

"RESOLUTIONS

"Memorializing the Congress of the United States to allow greater immigration to the people of Ireland

"Whereas, Unfortunately, there seems to be a part of the new United States immigration policy which is neither just nor equitable toward the Irish and, as a practical matter, the average Irish person who desires to come and settle here in the United States will no longer be allowed to do so; and

"Whereas, If the present immigration law had been in effect one hundred and fifty years ago, at least ninety per cent of the Irish in America would not have been allowed to enter the United States; and

"Whereas, It is recognized that the old immigration law was unjust and unfair to some other nationalities but that the 1965 Immigration Act substituted a law which, now, is as unfair to Ireland as the old law was to these other nationalities; and

"Whereas, Irish nuns and brothers have, for many years, staffed schools, hospitals, orphanages and rest homes for the aged in our nation and these religious groups, who desire to come here to continue this work, must now wait their turns because of this new Immigration Act; and

"Whereas, In nineteen hundred and sixty-five, the Irish ranked fifth among the nationals immigrating to the United States and since then they no longer rank fifth or even tenth. Irish immigration is at an all time low. In nineteen hundred and sixty-seven, two thousand six hundred and sixty-five were admitted. Since the enactment of the new law in July, nineteen hundred and sixty-eight, a total of one thousand and seventy-six persons applied for visas and, through November thirty, nineteen hundred and sixty-eight, only seventy-two were issued; now, therefore, be it

*"Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to allow greater immigration to the people of Ireland; and be it further

*"Resolved,* That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"House of Representatives, adopted, April 17, 1973.

"Senate, adopted in concurrence, April 24, 1973."

Resolutions of the Commonwealth of Massachusetts. Referred to the Committee on Veterans' Affairs:

"RESOLUTIONS

"Memorializing the Congress of the United States to enact legislation to provide for Federal financial assistance for the Veterans' Service program similar to the assistance provided for the welfare program

"Whereas, The federal government financially assists the welfare programs presently administered in this commonwealth; and

"Whereas, the veterans of this commonwealth have had the benefit of the administration of the Veterans' Service program by well qualified experts in the field of rehabilitation in the community in which the veteran lives; and

"Whereas, The administration of this phase of the problem of the disadvantaged veteran by other than the Veterans' Service officers of this commonwealth would result



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in substantially affecting its efficiency; now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully request the Congress of the United States to enact legislation that will provide federal financial assistance to the Veterans' Service program to the same extent that federal financial assistance is presently provided to the welfare program; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth, and to the President of the United States."

"House of Representatives, adopted, April 17, 1973.

"Senate, adopted in concurrence, April 25, 1973."

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A joint resolution of the Legislature of the State of Montana. Referred to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 16

"A joint resolution of the Senate and the House of Representatives of the State of Montana to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana, the Honorable Richard Shoup and the Honorable John Melcher, Representatives from the State of Montana, and to the Congress of the United States asking that Federal block grant assistance to upgrade law enforcement and criminal justice in Montana be continued

"Whereas, statistical reports from the federal bureau of investigation show an increase in serious crime of eight percent (8%) in Montana during 1971, and

"Whereas, during the past four (4) years, state and local governments have developed plans and resources for a coordinated effort to reduce crime and increase the effectiveness of Montana's criminal justice system, and

"Whereas, if congress reduces or terminates block grant funding assistance to the state of Montana now available through title 1 of the Omnibus Crime Control and Safe Streets Act, coordinated statewide efforts to control crime will be greatly jeopardized.

"Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana: That the Congress of the United States maintain either a block grant or a special revenue sharing program of financial assistance to the state of Montana for the purposes of reducing crime and increasing the effectiveness of Montana's criminal justice system, and

"Be it further resolved, that copies of this resolution be sent by the secretary of state of Montana to the Honorable Mike Mansfield and the Honorable John Metcalf, senators from the state of Montana, the Honorable Richard Shoup and the Honorable John Melcher, representatives from the state of Montana, and to presiding officers of the senate and the house of representatives of the United States."

A joint resolution of the Legislature of the State of Nevada. Referred to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 9

"Memorializing the Congress of the United States to enact legislation which transfers Red Rock Recreation Lands to the Nevada park system

"Whereas, Red Rock Canyon located in the Spring Mountain Range in Clark County, Nevada, is an area of outstanding scenic and recreational opportunity, possessing scientific and educational, geological and ecological value; and

"Whereas, The Federal Government in 1967 recognized the natural values of Red Rock Canyon and by presidential executive order withdrew 77,000 acres from the public domain and designated these lands to be known as the Red Rock Recreation Lands; and

"Whereas, The Red Rock Recreation Lands are presently administered by the Bureau of Land Management and there is little indication that Congress or the Department of Interior intends to provide the Bureau of Land Management with adequate funds or necessary management for the protection and development of visitor facilities and recreational sites in the area; and

"Whereas, There exists a need for a major park and developed recreation area within easy access of a large and rapidly expanding urban area in Southern Nevada; and

"Whereas, The Nevada state park system has demonstrated expertise in managing areas under its administration, protecting natural resources, enhancing and developing suitable visitor facilities; and

"Whereas, it is in the best interests of Southern Nevada to transfer the administration of the Red Rock Recreation Lands to the Nevada park system in order to fufill recreational needs and protect natural resources; and

"Whereas, The 1971 Nevada legislature, desiring to fulfill the increasing recreational needs of Southern Nevada, authorized the acquisition of the lands in Red Rock Canyon and the 1973–1975 budget recommends funding for the development and operation of recreational facilities; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of Nevada, jointly*, That the legislature of the State of Nevada hereby respectfully memorializes the 93d Congress of the United States to adopt legislation enabling the Nevada state park system to acquire the 77,000 acres known as Red Rock Recreational Lands; and be it further

"*Resolved*, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Speaker of the House of Representatives, the President of the Senate and each member of the Nevada congressional delegation; and be it further

"*Resolved*, That this resolution shall become effective upon passage and approval."

A concurrent resolution of the Legislature of the State of Oklahoma. Referred to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION No. 1026

"A concurrent resolution petitioning Congress to call a convention for the purpose of proposing an amendment to the constitution of the United States

"Be it resolved by the House of Representatives of the 1st session of the 34th Oklahoma Legislature, the Senate concurring therein:

"Section 1. The Congress of the United States is respectfully petitioned by the Oklahoma State Legislature to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

"'ARTICLE —

"'No student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin.'

"SEC. 2. A duly authenticated copy of this Resolution shall be transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this State and to each House of each State Legislature in the United States.

"Adopted by the House of Representatives the 19th day of March, 1973.

"Adopted by the Senate the 25th day of April, 1973."

A concurrent resolution of the Legislature of the State of Pennsylvania. Referred to the Committee on the Judiciary:

"SENATE OF PENNSYLVANIA

"The Reverend Doctor Martin Luther King, Jr., was a modern apostle of liberty and justice for all peoples, regardless of race, color, or creed.

"Doctor King was an outstanding leader in the cause of Civil Rights and he used his position as head of the Southern Christian Leadership Conference to establish the principle of nonviolence.

"Whereas, The Reverend Doctor Martin Luther King, Jr., was a man who dedicated his life to the revolutionary principles that love and justice are the most powerful truths that mankind possess.

"The Reverend Doctor Martin Luther King, Jr., devoted a lifetime to the causes of the poor, to the civil and human rights of all peoples, and to the purpose of restoring to mankind domestic and world peace through the concept of nonviolence for which he was awarded the Nobel Peace Prize.

"The Reverend Doctor Martin Luther King, Jr., lived a life of service to his fellowman, he lived a life of love, that called for an end to war, and of the need for cooperation among men, of the need for brotherhood and unity among peoples of all races, colors and religions.

"Around the entire Nation there continues the good works begun by this great man whose birthday anniversary is celebrated on January 15 of each year and whose martyrdom we respect and pay reverence to; therefore be it

"Resolved, That this day, the forty-fourth anniversary of the birthday of Doctor Martin Luther King, Jr., a great American and a great humanitarian, that this Senate placed on record its appreciation and gratitude in recognition of the services rendered by him to the Nation and to mankind; and be it further

"Resolved, (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to designate January 15 as a National holiday in memory of the Reverend Doctor Martin Luther King, Jr.; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officers of each House of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States."

A joint resolution of the Legislature of the State of Utah. Referred to the Committee on the Judiciary:

"H.J. RES. No. 30

"A joint resolution of the 40th legislature of the State of Utah, requesting a memorial to the Congress of the United States

"*Be it resolved by the Legislature of the State of Utah:* That the Congress of the United States take without delay such action as necessary, including a Constitutional Amendment if needed, to preserve the right to life of unborn children and to forestall a wholesale wave of life-taking abortions which could result from the recent decision of the Supreme Court.

"Be it further resolved, that the Secretary of State send copies of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and to each member of the Congress from the State of Utah."

A joint resolution of the Legislature of the State of Utah. Referred to the Committee on Labor and Public Welfare:

"H.J. RES. No. 2

"A joint resolution of the 40th legislature of the State of Utah requesting the United States Department of Labor and the Congress of the United States to modify Federal jurisdiction and standards applicable to child labor and grant to the States more latitude to modify labor laws to conform with the needs of youth.



*"Be it resolved by the Legislature of the State of Utah:*

"Whereas, the conditions which prompted stringent protective legislation designed to interdict exploitation and abuse in the area of child labor have been largely ameliorated through the efforts of labor organizations and federal and state regulatory agencies; and

"Whereas, increased vocational and apprenticeship training programs now available to young people better equip them to enter the labor market with confidence and skill; and

"Whereas existing federal labor laws restrict meaningful employment for many young people qualified for available employment and impose restraints upon states attempting to effectively provide employment for youth.

"Now, therefore, be it resolved, by the 40th Legislature of the State of Utah, that the United States Department of Labor and the United States Congress consider modification of child labor legislation in order to provide states the opportunity to enact responsible labor legislation to provide more employment opportunities for qualified youth.

"Be it further resolved, that members of the Congressional delegation from the State of Utah use their efforts to effectuate fruition of this resolution.

"Be it further resolved, that the Secretary of State of Utah send copies of this resolution to the Senate and House of Representatives of the United States, to the Secretary of Labor of the United States Department of Labor and to each Senator and Representative from the State of Utah."

A joint memorial of the Legislature of the State of Washington. Referred to the Committee on Finance:

"HOUSE JOINT MEMORIAL No. 21

To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives of the United States, in Congress assembled, and to the Secretary of Health, Education, and Welfare:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, there exists in the State of Washington a recognized need for an effective program of social services to combat the multiple problems of mental illness, mental retardation, drug abuse, juvenile delinquency, alcoholism, child abuse, and child development; and

"Whereas, the Congress of the United States has clearly reaffirmed its belief in the necessity of these programs and has acted to continue these programs at their current level; and

"Whereas, The Department of Health, Education and Welfare, in implementing these programs, has previously advanced the principle of the New Federalism which is designed to expand the authority and responsibility of State and local governments and reduce the concentration of federal power and authority in Washington, D.C.; and

"Whereas, The Department's recently proposed amendments to the Social Services Regulations as codified in the Federal Register dated February 16, 1973 and affecting Titles I, IV A and B, X, XIV, and XVI of the Social Security Act are, in many respects, violative of specific statutory provisions and of expressed Congressional intent and are, in important respects, arbitrary, capricious and antithetical to the principle of the New Federalism and would impose upon the State of Washington and local governments within this state additional Federal controls, restraints, and infringements; and

"Whereas, These amendments to the regulations would seriously jeopardize and in some cases effect the termination of essentially needed programs currently operated within this state, especially those programs designed to serve the mentally ill and mentally retarded; and

"Whereas, The 43rd Session of the Washington Legislature is unalterably opposed to the recently proposed Social Services Regulations as circulated, inasmuch as they would drastically reduce the essential programs currently provided within this state, thwart the continuing attempts of this state to integrate and improve services, impose upon this state to integrate and improve services, impose upon this state cumbersome and unnecessary federal controls and administrative procedures designed to hamstring the program and arbitrarily infringe upon those areas of authority and responsibility reserved by the State of Washington and/or local governments:

"Now, therefore, Your Memorialists respectfully pray that the Secretary of Health, Education and Welfare withdraw the proposed regulations forthwith and that any future regulations in this area be designed to implement rather than thwart the purposes of existing law, the concept of New Federalism, and sound principles of administrative decision-making.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Richard M. Nixon, the President of the United States Senate, the Speaker of the House of Representatives, to the Secretary of the Department of Health, Education and Welfare, and to each member of the Congress from the State of Washington."

A resolution adopted by the Parish Council of East Baton Rouge, Louisiana, expressing opposition to the sale of wheat by the United States to Russia. Referred to the Committee on Agriculture and Forestry.

A resolution adopted by the Board of Directors, Wayne-White Counties Electric Cooperative, Fairfield, Illinois, praying for the enactment of legislation relating to financing for the electric cooperatives of the nation. Referrd to the Committee on Agriculture and Forestry.

A resolution adopted by the Council of the County of Maui, Hawaii, praying for the enactment of legislation to permit the extension of retirement benefits to members of the reserve components of the Armed Services. Referred to the Committee on Armed Services.

A resolution adopted by the Elmira Community Advisory Committee to the New York State Urban Development Corporation, Elmira, New York, praying for the enactment of legislation relating to housing and community facilities for victims of Hurricane Agnes. Referred to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the City Council of Torrance, California, praying for the enactment of legislation to convert the Highway Trust Fund to a Transportation Fund. Referred to the Committee on Finance.

A resolution adopted by the Parish Council of the Parish of East Baton Rouge, Louisiana, expressing opposition to proposed legislation to provide financial support for the rebuilding of North Vietnam. Referred to the Committee on Foreign Relations.

A resolution adopted by the City Council of Wasco, Michigan, endorsing a concurrent resolution of the Legislature of the State of Michigan, praying for an amendment of the Constitution. Referred to the Committee on the Judiciary.

The petition of M. D'Armon, Seattle, Washington, praying for a redress of grievances. Referred to the Committee on the Judiciary.

A resolution adopted by the Ventura County Community College District, Ventura, California, relating to confirmation of appointments made to certain United States Department of Health, Education and Welfare positions. Referred to the Committee on Labor and Public Welfare.

Two resolutions adopted by Cerritos College, Norwalk, California, relating to confirmation of appointments to certain United States Department of Health, Education and Welfare positions. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by Colorado Congress of Parents and Teachers, Inc., Denver Colorado, concerning the reduction and impoundment of certain funds. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the Scottish Rite Woman's Club, St. Louis, Missouri, relating to aid in the form of tax credits in the matter of education. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the Board of County Commissioners, Monroe County, Florida, expressing appreciation on the passage of revenue-sharing legislation. Ordered to lie on the table.

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## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT of Pennsylvania:

S. 1711. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 1712. A bill to amend title II of the Social Security Act to provide a special rule for determining insured status, for purposes of entitlement of disability insurance benefits, of individuals whose disability is attributable directly or indirectly to meningioma or other brain tumor. Referred to the Committee on Finance.

By Mr. BEALL:

S. 1713. A bill for the relief of Albert W. Small. Referred to the Committee on the Judiciary.

By Mr. McGOVERN (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. HATHAWAY, Mr. HUMPHREY, Mr. INOUYE, and Mr. MOSS):

S. 1714. A bill to establish a task force within the Veterans' Administration to advise and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era. Referred to the Committee on Veterans' Affairs.

By Mr. McGOVERN (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. HART, Mr. HATHAWAY, Mr. HUMPHREY, Mr. Mr. INOUYE, and Mr. MOSS):

S. 1715. A bill to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era, and for other purposes. Referred to the Committee on Armed Services.

By Mr. McGOVERN (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. INOUYE, Mr. MOSS, and Mr. CRANSTON):

S. 1716. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes. Referred to the Committee on Armed Services.

By Mr. McGOVERN (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. HART, Mr. INOUYE, and Mr. MOSS):

S. 1717. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam era veterans. Referred to the Committee on Veterans' Affairs.

XUM

By Mr. McGOVERN (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. INOUYE, and Mr. Moss):

S. 1718. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally. Referred to the Committee on Veterans' Affairs.

By Mr. GRIFFIN:

S. 1719. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are sixty-five years of age or older. Referred to the Committee on Commerce.

By Mr. CHURCH:

S. 1720. A bill to amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning. Referred to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 1721. A bill to designate certain lands in the Gallatin and Beaverhead National Forests, in Montana, as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. HARTKE (for himself, Mr. PASTORE, Mr. METCALF, Mr. BAYH, Mr. Moss, Mr. MONTOYA, Mr. RANDOLPH, and Mr. TAFT):

S. 1722. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself and Mr. HART):

S. 1723. A bill to provide for the continued supply of petroleum products to independent oil marketers. Referred to the Committee on Commerce.

By Mr. TUNNEY (for himself, Mr. BAYH, Mr. BENTSEN, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. DOLE, Mr. EASTLAND, Mr. HASKELL, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. McGEE, Mr. McGOVERN, Mr. McINTYRE, Mr. MONTOYA, Mr. PEARSON, Mr. WILLIAMS, and Mr. HART):

S. 1724. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States and for other purposes. Referred to the Committee on the Judiciary.

By Mr. DOMINICK (for himself and Mr. TAFT):

S. 1725. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. GRAVEL:

S. 1726. A bill to provide guidelines and limitations for the classification of information and material, to insure the integrity of the Congress as a separate branch of the Government by preventing the unwarranted interference in congressional functions by the executive and judicial branches, to establish an Office of the General Counsel to the Congress, to require the disclosure of information to Congress by the executive branch, to protect the confidentiality of information and sources of information of the news media, and for other purposes. Referred to the Committee on Government Operations.

By Mr. INOUYE (for himself, Mr. ABOUREZK, Mr. ALLEN, Mr. CRANSTON, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. HOLLINGS, Mr. HUGHES, Mr. PASTORE, Mr. RIBICOFF, Mr. STEVENS, Mr. THURMOND, and Mr. YOUNG):

S. 1727. A bill to incorporate the Pearl Harbor Survivors Association. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

**By Mr. SCOTT of Pennsylvania:**

**S. 1711. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.**

FOREIGN ASSISTANCE ACT OF 1973

Mr. SCOTT of Pennsylvania. Mr. President, I submit today, for appropriate reference, the foreign assistance bill of 1973, to amend the Foreign Assistance Act of 1961 and for other purposes, and ask unanimous consent that it be printed in the RECORD. Mr. President, I also ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1711

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Foreign Assistance Act of 1973".

DEVELOPMENT LOAN FUND

SEC. 2. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Development Loan Fund, is amended as follows:

(a) In section 202(a), relating to authorization:

(1) immediately after "fiscal year 1972," strike out "and";

(2) immediately after "final year 1973," insert "$201,400,000 for the fiscal year 1974, and $201,400,000 for the fiscal year 1975";

(3) immediately after "June 30, 1972," strike out "and"; and

(4) immediately after "June 30, 1973," insert "June 30, 1974 and June 30, 1975,".

(b) In section 203, relating to fiscal provisions, strike out "for the fiscal year 1970, for fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973" and insert in lieu thereof "for the fiscal year 1974 and for the fiscal year 1975".

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 3. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended as follows:

(a) In section 211(a), relating to general authority, in the last sentence immediately after the word "assistance", insert the word "directly".

(b) In section 212, relating to authorization, strike out "$175,000,000 for the fiscal year 1972 and $175,000,000 for the fiscal year 1973" and insert in lieu thereof "$165,650,000 for the fiscal year 1974 and $165,500,000 for the fiscal year 1975".

(c) In section 214, relating to authorization for American schools and hospitals abroad:

(1) subsection (c) is amended to read as follows:

"(c) To carry out the purposes of this section there is authorized to be appropriated to the President for the fiscal year 1974 $10,000,000, and for the fiscal year 1975 $10,000,000, which amounts are authorized to remain available until expended."; and

(2) subsection (d) is repealed.

HOUSING GUARANTIES

SEC. 4. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, relating to worldwide housing guarantees, strike out "$205,000,000" and insert in lieu thereof "$480,000,000".

(b) In section 222(c), relating to Latin American housing guarantees, strike out "$550,000,000" and insert in lieu thereof "$594,900,000".

(c) In section 223(i) relating to general provisions, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1976".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 5. Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Overseas Private Investment Corporation, is amended as follows:

(a) In section 231(d), relating to insurance operations, immediately after the word "risks" insert the words "with other insurers, public or private, and seek to assure that with respect to insurance issued after enactment of the Foreign Assistance Act of 1973 all costs of the insurance program will, over the long term, be borne by the private users of the services".

(b) In section 231(i), relating to the protection of the economic interests of the United States, immediately after the words "balance-of-payments" insert the words "and employment".

(c) In section 234(c), relating to direct investment, strike out "(1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation" and insert in lieu thereof "(1) in its financing programs, acquire debt securities convertible to stock or rights to acquire stock, but such debt securities or rights shall not be converted to stock while held by the Corporation".

(d) In section 235(a)(4), relating to issuing authority, strike out "June 30, 1974" and insert in lieu thereof "June 30, 1976".

(e) In section 239(d), relating to general provisions and powers, immediately after the phrase "in the conduct of its business" insert the words "including, notwithstanding any provision of law, contracts of coinsurance and reinsurance with insurance companies, financial institutions, or others, or groups thereof, employing the same, where appropriate as its agent in the issuance and servicing of insurance, coinsurance and reinsurance and the adjustment of claims arising thereunder, and pooling arrangements and similar agreements with other national or multinational insurance or financing agencies or groups thereof".

(f) In section 240(h), relating to agricultural credit and self-help community development projects, strike out "June 30, 1973" and insert in lieu thereof "June 30, 1975".

(g) In section 240A(b), relating to reports to the Congress, strike out "March 1, 1974" and insert in lieu thereof "February 1, 1975".

ALLIANCE FOR PROGRESS

SEC. 6. Section 252(a) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows:

(a) Strike out "for the fiscal year 1972, $295,000,000, and for the fiscal year 1973, $295,000,000" and insert in lieu thereof "for the fiscal year 1974, $236,100,000 and for the fiscal year 1975, $236,100,000".

(b) Strike out "$88,500,000 for each such fiscal year" and insert in lieu thereof $86,100,000 for each such fiscal year".

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 7. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "1972 and 1973" and inserting in lieu thereof "1974 and 1975".



INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 8. Section 302 of chapter 3 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows:

(a) In subsection (a), strike out "for the fiscal year 1972, $136,000,000 and for the fiscal year 1973, $138,000,000" and insert in lieu thereof, "for the fiscal year 1974, $124,800,000 and for the fiscal year 1975, such sums as may be necessary".

(b) In subsection (b)(2), strike out "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000" and insert in lieu thereof "for use in the fiscal year 1974, $15,000,000, and for use in the fiscal year 1975, $15,000,000".

CONTINGENCY FUND

SEC. 9. Section 451(a) of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended as follows:

(a) Strike out "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $30,000,000" and insert in lieu thereof "for the fiscal year 1974 not to exceed $30,000,000, and for the fiscal year 1975 not to exceed $30,000,000".

(b) Strike out all that follows immediately after the colon through the end of the subsection and insert in lieu thereof the following:

*"Provided,* That, in addition to the amounts authorized to be appropriated by this subsection, there is authorized to be appropriated such additional amounts, as may be required from time to time to provide relief, rehabilitation, and related assistance in the case of extraordinary disaster situations. Amounts appropriated under this section are authorized to remain available until expended.".

INTERNATIONAL NARCOTICS CONTROL

SEC. 10. Section 482 of chapter 8 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "1973" and all that follows and inserting in lieu thereof "1974, and for the fiscal year 1975 such sums as may be necessary, which amounts are authorized to remain available until expended.".

MILITARY ASSISTANCE

SEC. 11. Chapter 2 of part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$500,000,000 for the fiscal year 1972" and insert in lieu thereof "$652,000,000 for the fiscal year 1974".

(b) In section 506(a), relating to special authority, strike out the words "the fiscal year 1972" wherever they appear and insert in lieu thereof "any fiscal year".

(c) Section 514 is hereby repealed.

SECURITY SUPPORTING ASSISTANCE

SEC. 12. Section 532 of chapter 4 of part II of the Foreign Assistance Act of 1961, relating to authorization, is amended by striking out "for the fiscal year 1972 not to exceed $618,000,000, of which not less than $50,000,000, shall be available solely for Israel" and inserting in lieu thereof "for the fiscal year 1974 not to exceed $100,000,000".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 13. (a) Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"Chapter 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

"SEC. 541. STATEMENT OF PURPOSE.—The purpose of this chapter is to establish an international military education and training program which will:

(1) improve the ability of friendly foreign countries, through effective military education and training programs relating particularly to United States military methods, procedures, and techniques, to utilize their own resources and equipment and systems of United States origin with maximum effectiveness for the maintenance of their defensive strength and internal security, thereby contributing to enhanced professional military capability and to greater self-reliance by the armed forces of such countries.

(2) encourage effective and mutually beneficial relationships and enhance understanding between the United States and friendly foreign countries in order to maintain and foster the environment of international peace and security essential to social, economic and political progress; and

(3) promote increased understanding by friendly foreign countries of the policies and objectives of the United States in pursuit of the goals of world peace and security.

"SEC. 542. GENERAL AUTHORITY.—The President is authorized in furtherance of the purposes of this chapter, to provide military education and training by grant, contract, or otherwise including—

(1) attendance by military and related civilian personnel of friendly foreign countries at military educational and training facilities in the United States (other than the Service Academies) and abroad;

(2) attendance by military and related civilian personnel of friendly foreign countries in special courses of instruction at schools and institutions of learning or research in the United States and abroad;

(3) observation and orientation visits by foreign military and related civilian personnel to military facilities and related activities in the United States and abroad; and

(4) activities that will otherwise assist and encourage the development and improvement of the military education and training of members of the armed forces and related civilian personnel of friendly foreign countries so as to further the purposes of this chapter, including but not limited to the assignment of noncombatant military training instructors, and the furnishing of training aids, technical, educational and informational publications and media of all kinds.

"SEC. 543. AUTHORIZATION.—Appropriations to the President of funds to carry out the purposes of this chapter are hereby authorized. Such appropriations are authorized to remain available until expended.

"SEC. 544. ANNUAL REPORTS.—The President shall submit no later than December 31 each year a report to the Congress of activities carried on and obligations incurred during the immediately preceding fiscal year. In furtherance of the purposes of this chapter each such report shall contain a full description of the program and the funds obligated with respect to each country concerning which activities have been carried on in furtherance of the purposes of this chapter."

(b) The Foreign Assistance Act of 1961, as amended, is amended as follows:

(1) Section 503(d) of said Act, relating to general authority, is amended by striking out the comma and the words "including those relating to training or advice".

(2) Section 504(a) of said Act, relating to authorization, is amended by striking out "(other than training in the United States)".

(3) Section 510 of said Act, relating to restrictions on training foreign military students, is repealed.

(4) Section 622 of said Act, relating to coordination with foreign policy, is amended as follows:

(i) In subsection (b), immediately after the phrase "(including civic action)" insert the words "and military education and training";

(ii) Subsection (c) is amended to read as follows:

"(c) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.".

(5) Section 623, relating to the Secretary of Defense, is amended as follows:

(i) In subsection (a)(4), immediately after the word "military," insert the words "and related civilian";

(ii) In subsection (a)(6), immediately after the word "assistance", insert a comma and the words "education and training".

(6) Section 632, relating to allocation and reimbursement among agencies, is amended by inserting in subsections (a), (b) and (e) immediately after the word "articles", wherever it appears, a comma and the words "military education and training";

(7) Section 636, relating to provisions on uses of funds, is amended as follows:

(i) in subsection (g)(1), immediately after the word "articles", insert a comma and the words "military education and training"; and

(ii) in subsection (g)(2), strike out the word "personnel" and insert in lieu thereof the words "and related civilian personnel".

(8) Section 644 of said Act, relating to definitions, is amended as follows:

(i) subsection (f) is amended to read as follows:

"(f) 'Defense service' includes any service, test, inspection, repair publication or technical or other assistance or defense information used for the purposes of furnishing military assistance, but shall not include military educational and training activities under chapter 5 of part II."; and

(ii) there is added at the end thereof the following new subsection:

"(n) 'Military education and training' includes formal or informal instruction of foreign students in the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.".

(c) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken or entered into under authority of any provision of law amended or repealed by this section shall continue in full force and effect until modified by appropriate authority.

(d) Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purpose in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

ADMINISTRATIVE PROVISIONS

SEC. 14. Section 625 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to employment of personnel, is amended by adding at the end thereof the following new subsection:

"(k)(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve in the Agency for International Development shall become participants in the Foreign Service Retirement and Disability System:

"(A) Persons serving under unlimited ap-

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pointments in employment subject to section 625(d)(2) of this Act as Foreign Service Reserve officers and as Foreign Service staff officers and employees; and

"(B) A person serving in a position to which he was appointed by the President, whether with or without the advice and consent of the Senate, provided that (1) such person shall have served previously under an unlimited appointment pursuant to said section 625(d)(2) or a comparable provision of predecessor legislation to this Act, and (2) following service specified in proviso (1) such person shall have served continuously with the Agency for International Development or its predecessor agencies only in positions established under the authority of sections 624(a) and 631(b) or comparable provisions of predecessor legislation to this Act.

"(2) Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended.

"(3) The provisions of section 636 and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee.

"(4) If an officer who became a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection is appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, such officer shall not, by virtue of the acceptance of such an appointment, lose his status as a participant in the system.

"(5) Any such officer or employee who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection, shall be mandatorily retired (a) at the end of the month in which he reaches age seventy or (b) earlier if, during the third year after the effective date of this subsection, he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one; and thereafter, at the end of the month in which he reaches age sixty: *Provided*, That no participant shall be mandatorily retired under this paragraph while serving in a position to which appointed by the President, by and with the advice and consent of the Senate. Any participant who completes a period of authorized service after reaching the mandatory retirement age specified in this paragraph shall be retired at the end of the month in which such service is completed.

"(6) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(7) This subsection shall become effective on the first day of the first month which begins more than one year after the date of its enactment, except that any officer or employee who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation. Any officer or employee who becomes a participant in the system under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection, may retire voluntarily at any time before mandatory retirement under paragraph (5) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(8) Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with subsections 637(b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of section 625(e) of this Act shall apply to participants in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended."

SEC. 15. Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorizations for administrative expenses, is amended by striking out "for the fiscal year 1972, $50,000,000, and for the fiscal year 1973, $50,000,000," and inserting in lieu thereof "for the fiscal year 1974, $53,100,000, and for the fiscal year 1975, $53,100,000".

SEC. 16. Section 639 of chapter 2 of part III of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 639. Famine and Disaster Relief. Notwithstanding the provisions of this or any other Act, the President is authorized to furnish famine or disaster relief or rehabilitation or related assistance abroad on such terms and conditions as he may determine."

INDOCHINA POSTWAR RECONSTRUCTION

SEC. 17. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new part:

"PART V

"CHAPTER 1. POLICY

"SEC. 801. STATEMENT OF POLICY. The Congress, recognizing the importance of a stable peace in Indochina to the achievement of a lasting peace in Asia and throughout the world, believes that the United States can further these objectives by contributing to healing the wounds of war and by assisting the countries and peoples of Indochina in the realization of human aspirations in a peaceful manner. It is the sense of Congress that the objectives of a stable and lasting peace would be served by a program of humanitarian relief and reconstruction assistance in Indochina.

"CHAPTER 2. GENERAL AUTHORITY AND AUTHORIZATION

"SEC. 821. GENERAL AUTHORITY. The President is authorized to furnish, on such terms and conditions as he may determine, assistance for relief and reconstruction of South Vietnam, Cambodia and Laos, including humanitarian assistance to refugees, civilian war casualties and other persons disadvantaged by hostilities or conditions related to those hostilities in South Vietnam, Cambodia and Laos.

"SEC. 822. *Authorization*. There is authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $632,000,000, which amount is authorized to remain available until expended.

"CHAPTER 3—CONSTRUCTION WITH OTHER LAWS

"SEC. 831. *Authority*. All references to part I, whether heretofore or hereafter enacted, shall be deemed to be references also to this part unless otherwise specifically provided. The authorities available to administer part I of this Act shall be available to administer programs authorized in this part.".

FOREIGN MILITARY SALES

SEC. 18. The Foreign Military Sales Act, as amended is amended as follows:

(a) In section 23 of chapter 2, relating to credit sales, strike out "ten" and insert in lieu thereof "twenty".

(b) In section 24(a) of chapter 2, relating to guaranties, strike out "doing business in the United States".

(c) In section 24(c) of chapter 2, relating to guaranties:

(1) strike out "pursuant to section 31" and insert in lieu thereof "to carry out this Act"; and

(2) insert "principal amount of" immediately before the words "contractual liability" wherever they appear.

(d) In section 31(a) of chapter 3, relating to authorization, strike out "$400,000,000 for the fiscal year 1972" and insert in lieu thereof "$525,000,000 for the fiscal year 1974".

(e) In section 31(b) of chapter 3, relating to authorization, strike out "(excluding credits covered by guaranties issued pursuant to section 24(b) and of the face amount of guaranties issued pursuant to sections 24(a) and (b) shall not exceed $550,000,000 for the fiscal year 1972, of which amount not less than $300,000,000 shall be available to Israel only" and insert in lieu thereof "and of the principal amount of loans guaranteed pursuant to section 24(a) shall not exceed $760,000,000 for the fiscal year 1974".

(f) In section 33(a) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)"; and

(3) strike out "$100,000,000" and insert in lieu thereof "$150,000,000".

(g) In section 33(b) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "of cash sales pursuant to sections 21 and 22,";

(2) strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(h) In section 33(c) of chapter 3, relating to aggregate regional ceilings:

(1) strike out "expenditures" and insert in lieu thereof "amounts of assistance, credits, guaranties, and ship loans";

(2) strike out "of cash sales pursuant to sections 21 and 22,"; and

(3) strike out "(excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24(a) and (b)" and insert in lieu thereof "of the principal amount of loans guaranteed pursuant to section 24(a)".

(i) In section 36 of chapter 3, relating to reports on commercial and governmental military exports, subsection (a) is hereby repealed and subsections (b) and (c) are redesignated as (a) and (b), respectively.

(j) In section 37(b) of chapter 3, relating to fiscal provisions, insert after "indebtedness" the following: "under section 24(b) (excluding such portion of the sales proceeds as may be required at the time of disposition to be obligated as a reserve for payment of claims under guaranties issued pursuant to section 24(b), which sums are hereby made available for such obligations)".



A SECTION-BY-SECTION ANALYSIS OF THE PROPOSED FOREIGN ASSISTANCE ACT OF 1973

I. INTRODUCTION

The proposed Foreign Assistance Act of 1973 (hereinafter referred to as the "Bill") is an amendment to the Foreign Assistance Act of 1961, as amended (hereinafter referred to as the "Act"). The Bill also amends the Foreign Military Sales Act (hereinafter referred to as "the FMSA").

The principal new substantive provisions of the Bill are: (a) a new Part V dealing with Indochina Reconstruction, (b) a new chapter in Part II providing for a program of International Military Education and Training, (c) a new provision permitting personnel of the Agency for International Development ("A.I.D.") to participate in the Foreign Service Retirement System, and (d) provisions permitting greater flexibility in the conduct of disaster relief activities, operations of the Overseas Private Investment Corporation, and Foreign Military Sales programs.

The Bill makes authorization for two years for all development accounts and for narcotics control, and provides a one year authorization for Indochina reconstruction and security assistance programs.

II. PROVISIONS OF THE BILL DEVELOPMENT LOAN FUND

Section 2(a)—Authorization

(1) and (2). These provisions amend section 202(a) of the Act to provide authorizations for fiscal years 1974 and 1975 for development loans in the amount of $201,400,000 for each year.

(3) and (4). These provisions make applicable through fiscal year 1975 the second proviso in section 202(a), requiring that not less than 50 percent of the funds appropriated for development loans be used to encourage economic development through private enterprise.

Section 2(b)—Fiscal Provisions

This subsection extends the provisions of section 203 through fiscal year 1975.

*Technical Cooperation and Development Grants*

Section 3(a)—Authorization

This subsection adds the word "directly" to the sentence which limits to forty the number of countries to which technical assistance may be furnished under title II. The purpose of this amendment is to make clear that the forty country limitation applies only to bilateral assistance furnished directly by the government of the United States to the governments of less developed countries and is not applicable to assistance to private organizations, such as the International Executive Service Corps, which conduct programs in countries to which the United States government does not furnish bilateral assistance. The amendment is also intended to make clear that programs of research and experimentation authorized under section 241 of the Act are not considered assistance to countries within the meaning of section 211 or any other section of the Act.

Section 3(b)—Authorization

This subsection amends section 212 of the Act to authorize the appropriation of $165,650,000 for fiscal year 1974 and $165,650,000 for fiscal year 1975 for technical cooperation and development grants.

Section 3(c)—American Schools and Hospitals Abroad

(1) This provision amends section 214(c) of the Act to provide authorizations in the amount of $10,000,000 for fiscal year 1974 and $10,000,000 for fiscal year 1975 for assistance to American schools and hospitals abroad. It also eliminates unnecessary language pertaining to expenditures of funds appropriated for fiscal year 1970.

(2) This provision repeals subsection 214(d) which pertained to authorization of excess foreign currency appropriations for fiscal year 1970 and is no longer necessary.

*Housing Guaranties*

Section 4(a)—Worldwide Housing Guaranties

This subsection amends section 221 of the Act by increasing to $480,000,000 the amount of worldwide housing investment guaranty authority.

Section 4(b)—Housing Projects in Latin American Countries

This subsection amends subsection 222(c) of the Act by increasing to $594,900,000 the amount of Latin American housing guaranty authority.

Section 4(c)—General Provisions

This subsection amends subsection 223(i) of the Act to make housing guaranty authority available through June 30, 1976.

*Overseas Private Investment Corporation*

Section 5(a)—Risk Management and Risk Sharing

This section amends section 231(d) to strengthen OPIC's existing mandates to conduct its insurance operations with due regard to risk management and to share its insurance risks by confirming that OPIC's risk-sharing may be with other insurers, public or private, and by committing OPIC to seek in future insurance underwritings to assure that the costs of the program will be fully covered over the long term by the private users of the program.

Section 5(b)—Economic Interests of the United States

This section amends section 231(i) of the Act by specifying U.S. employment interests, as well as U.S. balance-of-payments interests, in the consideration of the effects of a proposed project on the U.S. economy.

Section 5(c)—Stock Rights

This section amends section 234(c) of the Act to permit the Corporation to acquire in its financing operations, warrants and other rights to acquire stock, but provides that such rights may not be exercised while held by OPIC. This change was adopted by the Senate in the Foreign Assistance Act of 1972 which for other reason was delayed in its enactment by Congress.

The amendment would not allow OPIC to purchase stock. Under present law, OPIC may acquire debt securities convertible to stock (for example, convertible debentures) and sell them to investors, but may not convert them to stock while they are held by OPIC. OPIC has found that rights to acquire stock are more flexible and more popular as a financing tool than convertible debt securities and that borrowers in less developed countries are often reluctant to issue convertible debt securities because of the legal technicalities associated with them. With broader latitude as to the form of stock rights OPIC could obtain and sell, OPIC would be able to spur private local participation to OPIC-financed projects because potential purchasers could be offered a choice of an equity or debt position is a project. This would be especially attractive to small financial institutions which might be reluctant to purchase debt securities containing complex conversion features.

The amendment also would make it clear that the authority to receive convertible debt securities and rights to acquire stock applies to all of OPIC's financing operations, that is to investment guaranties as well as direct loans.

Section 5(d)—Issuing Authority

This section would amend section 235(a)(4) of the Act to extend OPIC's investment insurance and guaranty authority from June 30, 1974 until June 30, 1976.

The Foreign Assistance Act of 1969, which was enacted December 30, 1969, authorized extension of the 25-year old political risk insurance program and the extended risk guaranty program for five years from June 30, 1969 and provided for the establishment of the Overseas Private Investment Corporation to operate these programs. The five-year extension of the insurance and guaranty programs was intended to provide a reasonable period for testing of the management of the programs by a public corporation and to determine the feasibility of further steps toward private management and financing of some or all of OPIC's services.

Because of the delayed enactment of the legislation and the further delay of one year in establishing OPIC, the actual period of testing will be only about three years when OPIC is scheduled to submit a report to the Congress next March and only three and one-half years when the present insurance and guaranty authorities expire on June 30, 1974. More time will be needed to establish a record of the new OPIC policies on which to base negotiation of possible arrangements for transferring parts of the program to private organizations, and to permit informed judgment of whether and how the program should be recast in long-term legislation. Consequently, an interim extension of two years is proposed, to June 30, 1976, consistent with the two-year extension of other chapter 2 programs sought by this Bill. (In addition, as provided in section 5(g) of this Bill, the deadline for OPIC's submission of a report to Congress analyzing the possibility of transferring all or part of its activities to private United States citizens or organizations would be extended 11 months, to no later than February 1, 1975. This would allow time for consultation and legislation based on the report before expiration of the authorities.)

Section 5(e)—General Provisions and Powers

This section would amend section 239(d) to clarify and expand OPIC's authority to enter into coinsurance and reinsurance agreements with private insurance companies and others, and to enter into pooling arrangements with other national or multinational insurance and financing agencies. The first part of this provision is similar to the authority contained in the Export-Import Bank Act of 1945, as amended. International risk-pooling arrangements can serve common interests by strengthening deterrence against confiscatory treatment of foreign investors. Risk-sharing with private United States insurance companies is an essential element of experimental steps toward private participation in OPIC's operations, now being discussed with the U.S. insurance industry.

Section 5(f)—Agricultural Credit and Self-Help Community Development Projects

This section would amend section 240(h) to extend for two years—to June 30, 1975—the authority for OPIC to establish pilot loan guaranty programs in five Latin American countries to encourage private banks and other local credit institutions to make agricultural and community development loans to organized groups and individuals who have been unable to obtain credit on reasonable terms. Experience in two years of pilot operation demonstrated the need for the participation of central banks in the program in order to assure increased lending capacity and to induce private banks to engage in such small scale lending. The extension would allow time to test the new system, which could not be installed until early 1973.

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Section 5(g)—Reports to the Congress

This section amends section 240A(b) to extend for 11 months, to no later than February 1, 1975, the deadline for submission to the Congress of an analysis of the possibilities of transferring all or part of OPIC's activities to private United States citizens, corporations, or other associations. The reasons for this change are set forth in the analysis of section 5(d) above.

*Alliance for Progress*

Section 6—Authorization

(a) This subsection amends subsection 252(a) of the Act by authorizing the appropriation of $236,100,000 for fiscal year 1974 and $236,100,000 for fiscal year 1975 to carry out development lending and technical assistance in Latin America.

(b) This subsection amends subsection 252(a) of the Act by limiting the amount of the total Alliance for Progress authorization which may be used for technical assistance to $86,100,000 for each of the fiscal years 1974 and 1975.

*Programs relating to population growth*

Section 7—Authorization

This section amends section 292 of the Act by continuing for fiscal years 1974 and 1975 the requirement that at least $125,000,000 of all funds made available for carrying out Part I of the Act be available only for programs relating to population growth.

*International organization and programs*

Section 8—Authorization

(a) This subsection amends subsection 302(a) of the Act by authorizing the appropriation of $124,800,000 for the fiscal year 1974 and such sums as may be necessary for the fiscal year 1975 grant contributions to international organizations.

(b) This subsection amends subsection 302(b)(2) by authorizing the appropriation of $15,000,000 for each of the fiscal years 1974 and 1975 for grants for Indus Basin Development.

*Contingency fund*

Section 9—Authorization

(a) This subsection amends section 451 of the Act, relating to contingency funds, by authorizing $30,000,000 for fiscal year 1974, and $30,000,000 for fiscal year 1975.

As in the past, disaster relief and reconstruction assistance furnished under this title would be limited to short-term assistance designed to alleviate and repair the consequences of a natural or man-made catastrophe rather than providing for long-term development assistance.

(b) This subsection provides a permanent authorization for appropriations for disaster relief assistance in the case of extraordinary disasters of large magnitude. This authority would permit prompt appropriations of funds to meet emergency requirements in those cases where the assistance required is in excess of the amounts made available by the Contingency Fund or by other accounts.

*International narcotics control*

Section 10—Authorization

This section amends section 482 of the Act by authorizing the appropriation of $42,500,000 for international narcotics control for the fiscal year 1974 and such sums as may be necessary for the fiscal year 1975.

*Military assistance*

Section 11

(a) *Authorization.* This subsection amends section 504(a) of the Act to authorize the appropriation of $652,000,000 for the fiscal year 1974.

(b) *Special Authority.* This subsection amends section 506(a) of the Act to extend without fiscal year limitation the President's special authority to order defense articles and defense services subject to subsequent reimbursement. This authority has previously been renewed from year to year in annual authorization acts.

(c) *Local Currency Deposits.* This subsection repeals section 514 of the Act which requires recipients of grant military assistance, including excess defense articles, to deposit in local currency an amount equal to ten percent of the value of such assistance for use by the United States to pay its local currency official costs in that country.

*Security supporting assistance*

Section 12—Authorization

This section amends section 532 of the Act to provide an authorization for security supporting assistance for fiscal year 1974 of $100,000,000.

*International military education and training*

Section 13

(a) *International Military Education and Training Chapter.*

This subsection adds to Part II of the Act a new chapter establishing a program of international military education and training, separate and distinct from the military assistance program which will henceforth be concentrated on materiel assistance. The chapter consists of four sections.

Section 541 contains a statement of the chapter's purpose, which emphasizes the differences between objectives of this new program and those of the military assistance program.

Section 542 authorizes the President to provide military education and training by grant, contract, or otherwise and describes the kind of activities that can be engaged in under this chapter. These activities include attendance by foreign military personnel and related civilians at U.S. and foreign military facilities for education or training purposes. This includes international military educational facilities such as those under NATO auspices. Also permitted is attendance by such foreign personnel at pertinent courses of instruction at nonmilitary public and private educational and research institutions. In addition, observation and orientation visits by foreign military and related civilian personnel would be provided under this chapter. Finally, section 542 provides for other activities to further the purposes of the chapter, such as the furnishing of noncombat military training instructors, media aids and publications.

Section 543 authorizes the appropriation of funds to the President to carry out the purposes of the chapter. Consistent with the establishment of a new, permanent authority for international military education and training, the authorization is not subject to a dollar ceiling or fiscal year limitation.

Section 544 requires the President to submit annual reports to the Congress concerning the activities carried on and obligations incurred for international military education and training on a country by country basis.

(b) *Amendments to the Foreign Assistance Act.*

This subsection amends the Act to eliminate all references to training from chapter 2 of Part II, which deals with military assistance, because military education and training programs will no longer be conducted as military assistance. Thus, for example, statutory requirements and restrictions applicable to "military assistance" (e.g. section 514, section 653, etc.) would not be applicable to military education and training programs under this chapter. The subsection also amends Part III of the Act, containing general, administrative, and miscellaneous provisions, to clarify the application of those provisions to the new chapter on international military education and training. The specific amendments made by this subsection are:

(1) This provision deletes the references to training or advice from section 503(d) of the Act, which authorizes the assignment of members of the U.S. Armed Forces to noncombatant duties.

(2) This provision deletes the exclusion of "training only" countries from the forty country limitation on the number of countries that can receive military assistance contained in section 504(a) of the Act.

(3) This provision repeals the restriction on the number of foreign military students to be trained in the United States. According to section 510 of the Act, this number cannot exceed in any fiscal year the number of civilians brought to the United States in the previous fiscal year under the Mutual Educational and Cultural Exchange Act of 1961.

(4) This provision makes clear that the roles of the Chief of the United States Diplomatic Mission and of the Secretary of State with respect to international military education and training will be the same as they are for military materiel assistance programs. This is achieved by inserting a reference to military education and training after the reference to military assistance in subsections (b) and (c) of section 622 of the Act.

(5) This provision extends the supervisory responsibilities of the Secretary of Defense under section 623(a)(4) of the Act to military-related civilian personnel, consistent with the scope of the new chapter on international military education and training. It also makes the supervisory responsibility of the Secretary of Defense over Department of Defense functions relating to military assistance expressly applicable to military education and training as well.

(6) This provision makes the provisions of section 632 of the Act, concerning reimbursement among agencies, expressly applicable to military education and training in the same manner as that section applies to military materiel assistance.

(7) This provision amends sections 636(g) of the Act to ensure that Part II funds are available for administrative, extraordinary and operating expenses incurred in furnishing military education and training. It also makes Part II funds available for reimbursement of expenses of military-related civilian personnel in connection with orientation visits, consistent with the scope of the new chapter on international military education and training.

(8) This provision modifies the definition of defense service in section 644(f) of the Act so as to exclude references to training. By this change, the authority to furnish training as military assistance under chapter 2 of Part II of the Act will be terminated. In addition, the definition of training formerly included within the definition of defense service is made a separate subsection, subsection 644(n), which will apply to the new chapter on international military education and training. The changes made by this provision are not intended to affect the sale of training as a design service under the FMSA.

(c) *Preservation of Existing Actions.*

This subsection makes clear that the amendments to the Act affected by this section will not call into question the continuing validity of actions taken under authority of any provision amended or repealed by this section, such as regulations and contracts.

(d) *Interim Funding.*

This subsection authorizes funds heretofore made available for activities which will be funded in the future under the new international military education and training chapter to be obligated and expended either in accordance with the originally applicable authority or under the new authority.



*Administrative provisions*

Section 14—Employment of Personnel

This section adds a new subsection (k) to section 625 of the Act to authorize the participation in the Foreign Service Retirement and Disability System of certain categories of A.I.D. Foreign Service Personnel. Under existing law, all A.I.D. employees, both Civil and Foreign Service, are participants in the Civil Service Retirement System.

The subsection equalizes conditions of overseas career service among the foreign affairs agencies. Of the three principal agencies, States, USIA, and A.I.D., only A.I.D. foreign service personnel do not participate in the Foreign Service Retirement System.

This amendment would not create a permanent foreign assistance career service and would not prejudice any future action that the Administration or the Congress may wish to take with respect to foreign assistance.

Paragraph (k)(1) designates the categories of personnel serving in the Agency for International Development who would participate in the Foreign Service Retirement and Disability System. Included among these categories are Foreign Service staff officers and employees who are serving under unlimited appointments. The Department of State is submitting proposed legislation that would eliminate a ten years prior service requirement for Foreign Service staff personnel in the Department of State and USIA. The Bill is consistent with that proposed legislation. It is the intention of this subsection to achieve comparable standards for retirement participation by Foreign Service staff personnel in the Department of State, USIA and A.I.D.

Paragraph (k)(2) provides that persons who become participants in the Foreign Service Retirement System shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with section 852 of the Foreign Service Act of 1946. This means that such persons' prior contributions to another Federal retirement system, generally, the Civil Service Retirement System, will be transferred to the Foreign Service Retirement and Disability Fund. Thereafter, the normal compulsory contributions will be made to the Foreign Service Retirement and Disability Fund.

Paragraph (k)(3) provides for the application of section 636 of the Foreign Service Act of 1946, as amended, to the A.I.D. participants in the Foreign Service Retirement System. Section 636 provides for the voluntary retirement of a participant who has attained the age of 50 years and who has rendered 20 years of service.

Paragraph (k)(4) continues a participant's coverage under the Foreign Service Retirement System whenever such participant might be assigned to positions not covered by the system. This authority is similar to that contained in section 571(b) of the Foreign Service Act of 1946, as amended.

Paragraph (k)(5) is a transitional provision. It provides for the gradual retirement over a 7-year period of participants in the system who are above the Foreign Service mandatory retirement age at the time they become participants in the system. The interim schedule for the gradual transition to the Foreign Service Retirement System is similar to the transition formula authorized when the staff personnel of the State Department were transferred to the Foreign Service Retirement System pursuant to the Foreign Service Act amendments of 1960, and when U.S. Information Agency Foreign Service Information Officers, Foreign Service Reserve Officers, unlimited, and staff officers and employees were transferred under the provisions of Public Law 90–494, enacted in 1968. A proviso exempts Presidential appointees confirmed by the Senate, while so serving, from the otherwise applicable mandatory retirement age.

Paragraph (k)(6) provides that the President may, whenever he deems it to be in the public interest, extend any participant's service for a period not to exceed 6 years after the mandatory retirement date for such participant. It is anticipated that this authority will be delegated to the Administrator A.I.D.

Paragraph (k)(7) provides that the subsection will become effective on the first day of the first month which begins more than one year after the date of enactment. It also provides that an eligible Foreign Service Reserve Officer or staff officer or employee may elect to become a participant before the mandatory requirements of the subsection become effective. Finally this paragraph provides for another transitional provision similar to that provided for Foreign Service staff personnel of the State Department in 1960, and for USIA Foreign Service Information Officers. Foreign Service Reserve Officers, unlimited, and staff officers and employees in 1968.

Paragraph (k)(8) provides that an A.I.D. participant in the Foreign Service Retirement System who is separated for cause shall be entitled to the benefits set forth in subsections 637(b) and (d) of the Foreign Service Act of 1946, as amended. Generally, these subsections set forth conditions under which contributions to the Foreign Service Retirement and Disability Fund may be refunded or continued in the system following separation for cause. This paragraph also provides that the selection-out authority contained in subsection 625(e) of the Foreign Assistance Act shall apply to A.I.D. participants in the Foreign Service Retirement System rather than the selection-out authority contained in the Foreign Service Act of 1946, as amended.

Section 15—Administrative Expenses

This section amends section 637 of the Act by providing an authorization for administrative expenses for the agency administering Part I of $53,100,000 for fiscal year 1974 and $53,100,000 for fiscal year 1975.

Section 16—Famine and Disaster Relief

This section amends 639 of the Act to give the President greater flexibility in carrying out programs of famine and disaster relief. Section 639 in its present form permits famine and disaster relief assistance in cases in which it would otherwise be prohibited. The section recognizes that humanitarian concerns in such cases over-ride the political considerations which, in some circumstances, should prevent the conduct of ordinary assistance programs.

The purpose of the proposed provision is to facilitate such humanitarian activities where operating procedures suitable in normal cases would unduly curtail them. Thus, for example, the provisions of the Merchant Marine Act of 1936 requiring transportation by American flag carriers would not apply in disaster situations when their use would result in delay in alleviating the consequences of the disaster. Similarly, the new authority would eliminate delays encountered in the past in responding swiftly and effectively to disaster situations because of the necessity of complying with such sections of the Act as 636(i), relating to vehicle procurement and section 604, establishing rules applicable to ordinary procurement activities.

*Indochina Reconstruction*

Section 17

This subsection adds a new part to the Act to provide for reconstruction of the war torn countries of Indochina. The new part contains four sections.

Section 801 is a statement of policy. It recognizes the importance of humanitarian relief and reconstruction assistance to the realization of a lasting and stable peace.

Section 821 authorizes the President to furnish assistance to South Vietnam, Laos and Cambodia. The assistance authorized may be furnished on a loan, grant, or other basis. Such aid may be used for a broad range of economic assistance activities, including relief, reconstruction, and development ranging from the most urgent emergency relief requirements, through programs to stabilize temporarily unsettled politico-economic conditions, to longer-range reconstruction projects designed to help the countries covered to resume their interrupted development. The provision contemplates that a full range of assistance mechanisms, including project, program, and technical assistance, may be utilized, and that such assistance may be furnished directly by the United States, or through private, regional, multilateral, or international organizations.

Section 822 authorizes appropriations for the purposes spelled out in section 821; $632,000,000 is authorized for fiscal year 1974. This figure does not include any amount for assistance to North Vietnam. The section makes clear that, while this part will be the principal source of funds for economic assistance for Indochina, funds otherwise available for these purposes, such as funds and authorities of the Overseas Private Investment Corporation (OPIC), may also be used. The funds authorized by this section may be appropriated to remain available until expended.

Section 831 provides that authorities for the performance of functions under part I of the Act shall also be available for carrying out this part of the Act. Some of those authorities in the Act are available to administer both part I and part II, while others are available for only part I. It is the intention of this section to make available for the administration of part V all authorities available to administer any part I program.

*Foreign military sales*

Section 18—Foreign Military Sales Act

(a) *Credit Sales Terms.* This subsection amends section 23 of the FMSA by extending from ten to twenty years the length of time for which credit may be extended.

(b) *Guaranties.* This subsection amends section 24(a) of the FMSA by eliminating the requirement that guaranties be issued only to financial institutions doing business in the United States. This change will permit the utilization of overseas sources of financing military exports at times when banks in the United States are unable to provide fully for such financing.

(c) This subsection amends section 24(c) of the FMSA in two respects:

(1) This provision is related to amendments contained in subsections (e), (f)(2), (g)(2), (h)(3), and (j) of this section of the Bill. Together, these amendments permit the sale and guarantee of promissory notes generated by credit sales under section 23 of the FMSA without additional charge against the current appropriation or the current program ceiling. Such direct credits are already charged against both the appropriation and the program ceiling in the year they are extended. These changes are intended to facilitate the Treasury Department's debt management functions and would not increase the amount of the FMS program.

(2) This provision is related to amendments contained in subsections (e), (f)(2), (g)(2), and (h)(3) of this section of the Bill. These amendments clarify the computation of the 25 percent guaranty reserve established by section 24(c) of the FMSA in conformity with the practice of the Export-Import Bank. The amendments specify that the principal amount of the loan guaranteed will be charged against the program ceiling

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and that 25 percent of that principal amount will be charged against the current appropriation for the guaranty reserve.

(d) *Authorization.* This subsection amends section 31(a) of the FMSA by authorizing the appropriation of $525,000,000 for the fiscal year 1974 to carry out the purposes of the FMSA.

(e) *Aggregate Ceiling.* This subsection amends section 31(b) of the FMSA by establishing for the fiscal year 1974 a ceiling of $760,000,000 on the aggregate total of credits and guaranties which can be issued under the FMSA. It also makes technical amendments to section 31(b) which are explained above in the analysis of subsection (c).

(f) *Latin American Ceiling.* This subsection amends section 33(a) of the FMSA by removing cash sales from the ceiling on aggregate military assistance and sales to Latin America. It also makes technical amendments to section 33(a) to bring it into conformity with the amendments explained above in the analysis of subsection (c). In addition, this subsection raises the Latin American ceiling from $100,000,000 to $150,000,000.

(g) *African Ceiling.* This subsection amends section 33(b) of the FMSA by removing cash sales from the ceiling on aggregate military assistance and sales to Africa. It also makes technical amendments in section 33(b) to bring it into conformity with the amendments explained above in the analysis of subsection (c).

(h) *Waiver of Regional Ceilings.* This subsection amends section 33(c) of the FMSA to bring its terms into conformity with the amendments made by subsections (c), (f) (1) and (2), and (g) of this section of the Bill.

(i) This subsection repeals section 36(a) of the FMSA, which requires the Secretary of State to submit semi-annual reports to the Congress of exports of significant defense articles on the United States munitions list. Section 657 of the Act, which was enacted in 1972 in Public Law 92-226, now requires the submission of annual reports containing all of the information included in the reports submitted under section 36 (a) of the FMSA.

(j) This subsection amends section 37(b) of the FMSA to permit the deposit of a portion of the proceeds from the sale of promissory notes into the guaranty reserve. This change is related to the amendment made by subsection (c)(1) and its purpose and effect are explained in the analysis of that subsection.

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By Mr. BEALL (for himself and Mr. MATHIAS):

S. 1712. A bill to amend title II of the Social Security Act to provide a special rule for determining insured status, for purposes of entitlement of disability insurance benefits, of individuals whose disability is attributable directly or indirectly to meningioma or other brain tumor. Referred to the Committee on Finance.

Mr. BEALL. Mr. President, I am sending to the desk, in conjunction with my distinguished colleague (Mr. MATHIAS) a bill that would provide a special rule for determining disability insured status for individuals who are disabled directly or indirectly by meningioma or other brain tumors.

Mr. President, this bill is identical to S. 686, which was introduced into the 92d Congress. This legislation resulted from information provided to us by Mrs. Irene C. Heap of Silver Spring, Md. Mrs. Heap has summarized her situation in a letter addressed to the Members of Congress, and I ask unanimous consent that the text of this letter be printed at this point in the CONGRESSIONAL RECORD followed by the text of this legislation.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

HONORABLE MEMBERS OF CONGRESS:

I, and the other Brain Tumor Victims in same predicament as I, have the Constitutional Right to be represented by Disability Laws; therefore, I request prompt enactment of the Brain Tumor Bill re-introduced in Congress. This Bill is necessary because Social Security Administration's Director of Appeals Council wrote me, as follows: "there would appear to be no basis on which the claim could be pursued under existing law."

Your so-called "Definition of Disability" Laws deny that my fifteen (15) year Brain Tumor existed prior to emergency brain surgery because man-made machines failed to detect it even one year prior to brain surgery; thus, I was supposed to have worked while growing it.

HEW turned down the previous Brain Tumor Bills because other disabling excluded diseases don't have special provisions covering them. Denying Disability Benefits to those who have survived brain surgery once and may undergo it again is Murder by Congress of the disabled and is not representation.

I demand justice!!!

MRS. IRENE C. HEAP,
SILVER SPRING, MD.

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S. 1712

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 223 of the Social Security Act is amended by adding at the end thereof the following:

"Special Rule for Determining Insured Status

"(e) Any applicant for disability insurance benefits, who for the month in which application for such benefits is filed does not satisfy the requirement of subsection (a)(1)(A), shall, nevertheless, be deemed to satisfy such requirement for such month if—

"(1) such applicant is under a disability;

"(2) the disability of such applicant is attributable, directly or indirectly, to the condition (whether past or present) of meningioma or other brain tumor;

"(3) prior to such month and prior to the date such applicant was first medically determined to suffer from meningioma or other brain tumor, such applicant experienced symptoms consistent with those produced by meningioma or other brain tumor; and

"(4) such applicant would have satisfied the requirement of subsection (a)(1)(A) for the month during which such applicant first experienced the symptoms referred to in clause (3), or, if later, the month following the month during which such applicant last engaged in any substantial gainful activity."

(b) The amendment made by subsection (a) shall apply with respect to monthly benefits under title II of the Social Security Act for months after the month in which this Act is enacted, but only on the basis of applications for such benefits filed in or after the month in which this Act is enacted.

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By Mr. McGOVERN (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. HATHAWAY, Mr. HUMPHREY, Mr. INOUYE, and Mr. Moss):

S. 1714. A bill to establish a task force within the Veterans' Administration to advise and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era. Referred to the Committee on Veterans' Affairs.

By Mr. McGOVERN (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. HART, Mr. HATHAWAY, Mr. HUMPHREY, Mr. INOUYE, and Mr. Moss):

S. 1715. A bill to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era, and for other purposes. Referred to the Committee on Armed Services.

By Mr. McGOVERN (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. INOUYE, Mr. Moss, and Mr. CRANSTON):

S. 1716. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes. Referred to the Committee on Armed Services.

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By Mr. McGOVERN (for himself Mr. ABOUREZK, Mr. CLARK, Mr. HART, Mr. INOUYE, and Mr. Moss):

S. 1717. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam era veterans. Referred to the Committee on Veterans' Affairs.

By Mr. McGOVERN (for himself Mr. ABOUREZK, Mr. CLARK, Mr. INOUYE, and Mr. Moss):

S. 1718. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally. Referred to the Committee on Veterans' Affairs.

PRISONERS OF PEACE

Mr. McGOVERN. Mr. President, there is a discordant note amid the cheers and accolades for our prisoners of war. The peace with honor we hear so much about appears more and more to have left tens of thousands of other veterans prisoners of peace.

All of us have been moved by the sight of our returning prisoners of war. Their arrival has been extensively televised; their ordeal has been anxiously recorded; their freedom has been joyously celebrated; their future has been a cause of concern from the White House to the boardrooms of great corporations, and in every community across the Nation. Nothing has been so indelibly imprinted on the American consciousness in the first moments of peace as the sight of those men walking off the planes that brought them home from Hanoi.

Yet for many others who served in Indochina, these days have been bittersweet. Like all of us, they welcome the release of the prisoners of war. But these veterans also wonder how long the country will continue to tell others who have done so much and lost so much, simply to ask what they can do for themselves.

What of the 25,000 paraplegics, quadraplegics, and shattered men who left their strength on a distant battlefield?



One of them said, as he sat in a hospital ward:

"When I saw the P.O.W.'s I cried. I cried out of self pity. I remember getting off the plane when I returned, and nobody met me. I envy the prisoners because they can walk. They were prisoners for five years and eight years, but I'm a prisoner within myself because I'm a prisoner in this wheelchair.

In hospitals and homes across this country there are young men without legs or arms or faces; men mangled or paralyzed who will never walk or father a child. No bands played for them. They came quietly back to a land that scarcely noted their return.

Almost 3 million Americans fought in Southeast Asia. Five hundred came home in the bright lights of television from the jails of North Vietnam. But 50,000 others came home in coffins—not to the cheers of a grateful country, but to the bitter tears of their families. And hundreds of thousands have come home to a dark night of frustration and deprivation. They are free from the dangers of war, but not from the indifference of peace. They are condemned to undergo addiction, to forego education, to go without employment. They are among the best of America's young, but often they have not even received adequate medical care or treatment for drug addiction. The Nation found them when it needed them to fight; but now that we do not need them, they cannot find the help they need from the Nation. They are fathers and sons, veterans, and citizens—and they are also the prisoners of peace.

Our leaders swore that they would never abandon the prisoners of war. But they have neglected the prisoners of peace.

Over 300,000 Vietnam-era veterans, ages 20 to 29, were unemployed at the beginning of 1973—nearly a third of a million men without jobs.

In February of this year, unemployment among veterans age 20 to 24 was 10.4 percent compared to 6.6 percent for nonveterans of the same age. The rate of unemployment among nonwhite veterans of that age bracket is much higher still.

As distressing as these figures are, they account for only the technically unemployed veteran—the serviceman who registers at a public employment office and maintains an active file. These unemployment figures do not include tens of thousands of others who have never registered nor those who have given up on public employment services and subsequently had their files deactivated. We really do not know how many hundreds of thousands of these Vietnam-era veterans are without jobs. A Harris survey published in early 1972 indicated that the actual unemployment rate for Vietnam veterans at that time was between 11 percent and 15 percent, with the figure as high as 21 percent for nonwhite veterans and 31 percent for those who are not high school graduates.

Mr. President, on various visits to Vietnam over the last 7 or 8 years, I was always impressed with the rather sizable number of these veterans who have not even completed high school. Yet, it is among that group, with deprived educational experience, that we find figures running up as high as one-third who are unemployed. So they are not only without adequate educational levels, but also without employment. I suppose that among this group we have the most serious cases of need.

One of the major problems faced by veterans seeking employment is what they refer to as "bad paper." Bad paper is a phrase used to describe a less than honorable discharge, and nearly 185,000 Vietnam veterans were turned out of the Armed Forces under these conditions—not with dishonorable discharges, but with what has been described as less than honorable. Most of these bad discharges, or bad paper, as they are referred to by the veterans—about 6 out of 7—are undesirable discharges, and are issued administratively, without the safeguards required at a court-martial, such as the right to counsel and adherence to rules of evidence.

Even though these men are eligible for employment counseling under the Department of Labor's Veterans' Employment Service, they will experience a great deal of difficulty in finding work. If they do find work it is usually demeaning and falls into the category of unskilled labor, with little hope of advancement.

The only real hope these men have is to have their discharges reviewed and recharacterized. But the process is slow, usually involving at least a year, assuming nobody has lost the records, and usually this process does not produce the desired result. Ninety-three percent of recent less than honorable discharge appeals have lost. It is particularly hard on veterans with poor education or from minority groups.

A Defense Department report says they get a higher proportion of undesirable discharges than white veterans with similar aptitudes and education.

Even with a bad paper discharge, a veteran is eligible for veterans' benefits. But he carries the bad paper with him, and his discharge form includes a code number that employers can translate very easily. These code numbers translate into drug abuse, homosexuality, and any number of other unsubstantiated charges that can haunt a man for life and make it nearly impossible for him to find decent employment.

The problem of veterans unemployment has been known to us for some time, and there has been no small effort on the part of Congress to rectify the situation. Time and time again, however, congressional proposals have been shunted aside or vetoed by Mr. Nixon on the grounds that they were "inconsistent with the national effort to contain inflation." It is still another aspect of the President's curious policy of protecting the dollar by neglecting people who need jobs.

Administration efforts to deal with veterans' unemployment have been characterized by great fanfare and minimal results.

A "Jobs for Veterans" program instituted in 1970 featured a mailing to 900,000 employers asking assistance in hiring and training veterans. Less than 2 percent of the employers even bothered to reply.

The administration has claimed that 140,000 veterans have attended veterans' job marts and job fairs. Yet a VA survey showed that only 14 percent of the eligible veterans had even heard of this program.

In June of 1971, Mr. Nixon set forth a six-point plan designed to help place unemployed veterans in jobs or training. Part of this plan took the form of an Executive order that required employers with Government contracts to publish job openings for veterans. To comply with this order, the Department of Labor requested $25 million. The administration cut the request back to $6 million.

Finally, in a much publicized effort to aid unemployed Vietnam veterans, Mr. Nixon gave them preference in Federal job openings for elevator operators, security guards, and custodians. That is not an opportunity for veterans—it is an insult to veterans.

More recently, the President has gone on radio to tell us of his concern for these men. He did not offer any new programs or any new funding. And quite understandably, he did not elaborate on how his 1974 budget affects veterans' unemployment.

But they are affected and very seriously. For example, 61,000 Vietnam veterans are employed under a program of subsidized jobs in State and local government. The Nixon budget proposes to cut the program from $1.3 billion to $407 million. The budget also calls for a cut in funds for manpower training from $1.4 billion to $1.2 billion for fiscal year 1974. That would mean a reduction of approximately 3,000 slots for veterans.

Yet in the face of all this evidence of neglect, the administration still attempts to plug the dike with public relations. Mr. Donald Johnson, Administrator of the Veterans' Administration, has come forward with a strange set of statistics claiming that unemployment among Vietnam veterans is at an all-time low. When he produced the figure of 5.7 percent, he did note that the figure applied to all Vietnam vets, but he did not say that the figure for veterans age 20–24 was over 10-percent—and that it was still higher for minority veterans. He also neglected to note that these statistics include student veterans who are working part time to make up for the inadequacies of the GI bill. And finally, he failed to mention that the VA considers a vet employed if he has worked only 3 days during the month in which the statistics are compiled.

Mr. Johnson's effort to paint a better picture with numbers and percentages has also been applied to the problem of educational assistance for Vietnam veterans. He says, for example:

The present single veteran allowance of $1,980 for a school year is nearly three times the World War II allowance and gives most veterans more monetary assistance than after World War II.

The statement stands in stark contrast to one made by a World War II veteran when he was interviewed by CBS during a recent five-part series on the plight of the Vietnam veterans. Let me quote him:



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In the old days, of the $75 a month that I received and the tuition, I wound up with about $1,400 a year, and I could go to the best college in the land, Harvard, and still have $100 a month pocket. Today the Vietnam veteran gets about $1,980 a year and he just can't cut the mustard. He cannot pay half the tuition, let alone his subsistence.

What Mr. Johnson said is true. The allowance is nearly three times what it was before. But he did not say that the GI bill after World War II paid tuition fees, up to $500 a year, plus a monthly subsistence allowance. At the present time, a GI is paid a flat $1,980 for everything. The difference is easy to illustrate.

The veteran enrollment at Harvard College in the school year 1947–48 was 3,300 out of a total student population of 5,600. In 1971–72, Harvard College enrolled 89 veterans out of a total of 6,000 students.

But the full story is told in a Harris survey which revealed that less than 35 percent of the Vietnam veterans eligible for educational assistance under the GI bill are taking advantage of the monthly subsistence allowance to further their education. This contrasts sharply with the nearly 60 percent participation by veterans of World War II and 42 percent following the Korean conflict. And only 14 percent of those with a high school education or less are participating. That means about 1 high school graduate in 7 and less than 1 high school dropout in 10 is participating.

So the story is the same with education as it is with employment. The younger, less advantaged veterans and the minority veterans are the ones who need our help the most—and they are the ones who are receiving the least assistance.

The simple fact, Mr. President, is that in the last 25 years, the cost of a higher education has risen three times as much as GI educational assistance.

On October 24, 1972, 2 weeks before the national election, the President signed into law a package of bills designed to close this incredible gap between available assistance and the minimum needs of Vietnam veterans seeking a higher education. In January of 1973, 2 months after the national election, he made it clear he had no intention of carrying out two of the most critical programs included in that package. He has impounded a $50 million fund that was intended to provide part-time jobs for student veterans and he asked Congress to rescind authorization of $25 million to be used to encourage private universities to admit and train Vietnam veterans.

But perhaps the most discouraging aspect of the arguments against increased educational benefits for Vietnam veterans is the notion that these benefits are some kind of handout—another part of the widespread system of government giveways. Nothing could be farther from the truth. Every survey conducted since the inception of the GI bill has borne out two vital facts. First, that veterans consistently rank as better students than nonveterans and second, that the money invested in veterans' education has been returned many times over in increased tax revenues.

The president of Harvard University in 1949 stated that veterans were "the most promising and mature students Harvard has ever had." In addition to producing 450,000 engineers, 360,000 teachers and thousands of professionals in the fields of medicine, law, and science, the World War II GI bill helped pay for the education of 21 U.S. Senators and 65 Congressmen.

It is hard for me to express my gratitude to the country that provided this opportunity for me after service in World War II. And it makes me all the more determined on providing the same opportunities for the Vietnam veterans.

Mr. President, in almost every area of veterans needs, one discovers that the response of the country to the problems of these Vietnam veterans has been less generous than it was at the end of World War II—not only in the field of unemployment, but also in the field of education, in the review of less than honorable discharges, and in providing educational assistance for eligible Vietnam veterans. In all these areas I think we have shortchanged our Vietnam era veterans.

I think of my own case, some 28 years ago, upon coming back from World War II, when I was permitted to attend one of the great universities of this country at full Government expense, with subsistence allowance to take care of my family. I came from a family of very meager means, where an education of this kind would not have been possible from my own resources. But because of the generosity of the World War II GI bill of rights, I was enabled to go through clear to the Ph. D. level. There is no question in my mind that it was that opportunity that made possible my later public career.

I think that the veterans from the Vietnam era are entitled to benefits at least as generous as those we provided after previous wars. We came back from World War II with the emotional and psychological support that comes from the knowledge that we had participated in a war widely supported and widely backed by the Nation. Veterans coming back from this war come back to a country that largely believes the war was a mistake. I share in that judgment. But one has to think about the impact on the young men who participated in the war; and as one who has been a long-time critic of our involvement in this conflict, I want to be in the forefront of those who recognize that it was not the veterans who participated in this war who charted the war, who set the policy, and who are responsible for our involvement. The mere fact that they now lack the kind of unified support for the war effort that we had in previous wars makes it all the more important that we offset that loss of psychological and emotional support by seeing that they are given generous educational job benefits, that they are provided compassionate opportunity for review of less than honorable discharges, and that in fact we develop a task force composed of Vietnam era veterans to review the various needs that confront these young men.

Mr. President, thousands of our veterans are prisoners of peace. And so are we. We are prisoners of our own desperate desire to escape the past, to free mind and memory from what we have done to ourselves and others in dubious battle half a world away. But the veteran who is crippled or addicted or unemployed rebukes our flight from truth—and so we are tempted not to see him. We are tempted to put aside the wreckage of this war and the oppression it has brought in its wake. We are tempted to turn away, consigning the lessons and costs of Vietnam to the historians of another day. But unless we learn those lessons, we may again lose our way. We can make real a resolve of no more Vietnams only if we understand what it was in our national character and leadership that created the first Vietnam—and only if we face what it has done to several million American sons.

With the advent of an all-volunteer Army and the increased salaries and benefits that accompany such a plan, the need for extensive veterans programs is due to decrease sharply in the years ahead. That makes it all the easier to forget the current group of veterans, to consign them to a place of oblivion in our society. And it increases the urgency for comprehensive legislation in this session.

In an attempt to compliment the tireless efforts of both Senator Hartke, the distinguished and committed chairman of the Veterans' Affairs Committee, and Senator Cranston, my good friend from California, to meet that urgent demand, I am today introducing five measures which I hope will meet with prompt consideration and approval.

I

These measures include creation of a Vietnam Veterans' Task Force—composed entirely of Vietnam veterans—to oversee and coordinate all existing programs available for their benefit and to expand outreach efforts within the VA to encourage participation in these programs. The task force will also work to evaluate the utilization of veterans' in-service training and experience. Billions of dollars and years of training are wasted, because America is unable to tap veterans' resources developed in the service.

Another major responsibility of the task force will be to initiate programs intended to create job opportunities for disabled veterans. It is to them we owe the greatest sacrifices in the Vietnam conflict. And it is to them we owe the greatest commitment to make life decent in the country that sent them off to war.

II

At the same time, I am reintroducing a bill from last session that seeks to correct the tremendous inequity between our treatment of the Vietnam era veteran and previous generations of veterans. This bill would provide direct payment by the VA for tuition, books and fees, similar to the program that was available to World War II GI's.

III

Also at this time I wish to introduce an amendment to title 38 that would allow a veteran to draw his full 36-month entitlement in accelerated payments over a shorter period of time. In doing so, it would help the veteran defray some of the cost of tuition and other fees while completing his degree in less than the standard 4 years.

IV

The next measure calls for the removal of discharge and reenlistment code numbers from the personal copies of Veterans' Discharge Form DD–214. These numbers make hundreds of thousands of veterans virtually unemployable for the rest of their lives.

V

Finally, Mr. President, I am advocating the creation of "Vietnam Era Military Discharge Review Boards." These boards would provide an appeal procedure for the many thousands of young veterans who have been turned out of the Armed Forces under less than honorable conditions.

The proposed legislation will have the effect of bringing our Vietnam-era veterans up to roughly the level of benefits provided to veterans after World War II. A number of Senators have joined in cosponsoring one or in some cases all five of these measures.

In the middle sixties, when the escalation of our involvement was at its greatest, the Army began taking men who previously did not meet the standards set by the Armed Forces. Many of these men were eventually forced to leave under less than honorable conditions. We owe them an opportunity to remove the black mark on their records that was nearly inevitable from the moment they were taken in.

It is estimated that 18,000 veterans were discharged less than honorably for drug abuse, who are not eligible for the current Department of Defense review program. The program itself appears woefully inadequate to meet the needs of those who are eligible. Between August of 1971, when the review program was established and, March 1, 1973, 3,398 veterans with drug abuse discharges applied for recharacterization of their discharges; of these, 1,367 were upgraded, 924 were reviewed and not recharacterized, and 1,107 cases are still pending.

Mr. President, I am extremely pleased by indications from within the administration that we should be doing more for these men. Just over a week ago, Dr. Richard S. Wilbur, Assistant Secretary of Defense for Health and Environment, released a report on drug afflicted veterans who have returned from Vietnam. During the course of his presentation he had this to say:

> Drug abusers in Vietnam are not highly deviant men. Instead, they are our sons who have succumbed to the heavy pressures of family separation, loneliness, ready availability (of drugs) and the drug culture that permeates our society. They deserve much better from society than they are receiving at the present time.

It seems to me that the very least society can do for them is to combine the opportunity for recharacterization of their discharges with the comprehensive drug treatment and rehabilitation program that has already passed the Senate.

I ask unanimous consent that the text of these bills be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. I have only one thing to add, Mr. President. I have spoken at length and on a number of occasions about the problems faced by our Vietnam veterans. But my case has been built on numbers and percentages that fall far short of expressing in human terms the very real tragedy of the men who have given their best to their country, but have gotten so little in return. I would like to share with the Senate one of the many letters I have had from hundreds of young veterans over the last few years. His words speak louder than all the statistics:

> I'm a paralyzed Vietnam veteran. I got shot in that miserable war making Vietnam safe from Vietnamese. Mr. McGovern, I can't work 'cause I can't walk. I'm not very educated and I need my pension to survive. Jesus, don't I rate something for my sacrifice. A sacrifice I didn't give willingly. I was drafted. I didn't say "send me to Nam and get me shot . . ." I'm in bad shape, but friends of mine . . . (one) he's got brain damage and a left hand like a lobster's claw, he can't sleep cause he sees the dead he killed haunting him. That's his gift from Vietnam. (Another one) has an arm like a pendulum, it just hangs on his shoulder. How can he work? We're just people without college degrees, sons of factory workers. We fought that crummy war and got shot up in it. Don't we deserve something?

They are fathers and sons, veterans and citizens—and they are also the prisoners of peace.

So, Mr. President, as we seek to free them, let us seek to free ourselves. Let us reject the easy temptation to accept peace without that quest for the causes of war and the willingness to pay its costs which alone can enable us to keep peace. And let us proceed in the spirit of charity that seeks reason instead of scapegoats, guides for policy instead of guilt for the past, and justice instead of indifference for those who have borne the weight of battle.

EXHIBIT 1

S. 1714

A bill to establish a task force within the Veterans' Administration to advise and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) part of title 38, United States Code, is amended by adding at the end thereof a new chapter as follows:

"Chapter 77—Vietnam Era Veterans' Task Force

"Sec.
"4301. Vietnam Era Veterans' Task Force.
"4302. Duties of the Task Force.
"4303. Executive director; assistant executive directors.
"4304. Advisory committee.
"4305. Authorization for appropriations.

"§ 4301. VIETNAM ERA VETERANS' TASK FORCE

"There is established in the Veterans' Administration a special task force to be known as the Vietnam Era Veterans' Task Force (hereinafter in this chapter referred to as the 'Task Force'). The membership of the Task Force shall be composed of the Administrator, the Secretary of Defense, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Secretary of Commerce, and an officer or employee from the Veterans Employment Service of the United States Employment Service, designated by the Secretary of Labor.

"§ 4302. DUTIES OF THE TASK FORCE

"(a) It shall be the duty of the Task Force to advise and assist in connection with, to consult on, and to coordinate the planning and implementation of all Federal programs pertaining to veterans of the Vietnam era. Such programs include, but are not limited to (1) veterans' educational and vocational training programs, (2) veterans' outreach programs, (3) veterans' medical (including drug treatment and rehabilitation) programs, (4) armed forces educational programs, (5) Project Transition, (6) the Veterans Employment Service Program, (7) the PREP program, (8) veterans programs administered by the Office of Education of the Department of Health, Education, and Welfare, and (8) the Jobs for Veterans Program.

"(b) It shall also be the duty of the Task Force to—

"(1) promote and encourage public and private efforts to (A) publicize the skills, experience, training, maturity, and leadership ability of veterans, and (B) find employment for veterans consistent with their abilities;

"(2) encourage, with the assistance of all departments and agencies of the Government concerned, the incorporation of relevant military training and experience into union apprenticeship programs;

"(3) seek the development of transition training programs or courses in the armed forces to augment the military training and experience of active duty personnel in order to help such personnel meet union apprenticeship standards after their release from active duty;

"(4) develop programs, in cooperation with business management, to utilize in management positions the leadership abilities and other skills of veterans;

"(5) work and consult with educational institutions to evaluate (and, where possible, grant academic accreditation for), the special education and training given to members of the armed forces, including, but not limited to, training received under the General Educational Development Program, the College Level Examination Program, and courses taught by the United States Armed Forces Institute;

"(6) assist in the revision, expansion and improvement of the 'Guide to the Evaluation of Education Experience in the Armed Forces';

"(7) encourage the development of programs under which employers and employment agencies will evaluate and give appropriate recognition to military occupational specialties of veterans;

"(8) promote the incorporation of medical training and experience received in the armed forces into civilian health service training and employment programs;

"(9) assist in the development of programs that encourage and provide for the employment of disabled veterans of the Vietnam era, including a compilation of lists of all schools, institutions, training programs, and employers that offer special services and programs for disabled or handicapped persons, and a description of the nature of such services and programs;

"(10) develop and assist in the implementation of a program to locate, contact, and inform Vietnam era veterans of programs available to them; and

"(11) perform such other duties and functions as the Administrator may assign to it consistent with the provisions of this chapter.

"§ 4303. Executive director; assistant executive directors

"(a) There shall be an executive director and at least four assistant executive directors of the Task Force all of whom shall be appointed by the Administrator. All such directors shall be veterans of the Vietnam era and at least three of them shall be 30 years of age or younger. The executive director may receive compensation at a rate not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5 and the assistant executive directors may receive compensation at a rate not in excess of the maximum rate for GS–17 of such General Schedule.

"§ 4304. Advisory committee

"The Administrator shall appoint an advisory committee composed of persons who are eminent in the fields of labor, management, education, State and local government, and the medical profession. He shall also appoint to such committee persons who represent appropriate veterans' organizations referred to in section 3402 of this title and persons who represent veterans' organizations established during the Vietnam era, including, but not limited to, the National Association of Collegiate Veterans, Concerned Veterans of Vietnam, and Vietnam Veterans Against the War. The Administrator is also authorized to appoint persons with expertise in other fields he determines would be useful to the Task Force, but the membership of the advisory committee may not exceed twenty-five. It shall be the function of the advisory committee to advise and consult with the Task Force regarding and all matters pertaining to the duties and responsibilities of the Task Force under this chapter. Members of the advisory committee shall serve without compensation but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such committees.

"§ 4305. Authorization for appropriations

"There are authorized to be appropriated not to exceed $3,000,000 for each fiscal year to carry out the duties and responsibilities of the Task Force under this chapter."

(b) The table of chapters at the beginning of title 38, United States Code, and at the beginning of part IV of such title are each amended by adding at the end thereof the following:

"77. Vietnam Era Veterans' Task Force 4301."

SEC. 2. (a) Section 1792 of title 38, United States Code, is repealed.

(b) The table of sections at the beginning of chapter 36 of such title is amended by striking out

"1792. Advisory committee."

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S. 1715

A bill to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 79 of title 10, United States Code, is amended—

(1) by inserting under the chapter heading following:

| "Subchapter | Sec. |
|---|---|
| "I. Correction of Military Records—General | 1551 |
| "II. Special Vietnam Era Discharge Review Boards | 1561 |

"Subchapter I.—Correction of Military Records—General"; and

(2) by adding at the end of such chapter a new subchapter as follows:

"Subchapter II.—Special Vietnam Era Discharge Review Boards

"Sec.

"1561. Establishment of discharge review boards.

'1562. Duties of discharge review boards.

"§ 1561. ESTABLISHMENT OF DISCHARGE REVIEW BOARDS.

"(a) There are established a number of discharge review boards to be known as Vietnam Era Discharge Review Boards (hereinafter in this subchapter referred to as the 'review boards'. The headquarters of such review boards shall be located, for administrative purposes only, in the Department of Defense.

"(b) The Secretary of Defense shall have authority—

"(1) to determine the number of review boards in session at any time, but such number shall be not less than four nor more than eight;

"(2) to determine the locations where the review boards shall conduct their business, such locations to be geographically disbursed on the basis of population concentrations of discharge appellants; and

"(3) to convene or dissolve review boards in accordance with the number of discharge and dismissal applications pending at any time.

"(c) Each review board shall be composed of eight members to be appointed by the President. The term of office for members shall be three years, except that the terms of office of members first appointed to any review board shall expire, as designated by the President at the time of appointment, four at the end of two years and four at the end of three years. The terms of office of all successors shall be for three years, but any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed may be appointed only for the unexpired term of his predecessor. Of the eight members on any review board—

"(1) at least two shall be veterans of the Vietnam era and under the age of 30 at the time of appointment.

"(2) at least one shall be a veteran who was in active service prior to the Vietnam era,

"(3) at least one shall be a non-veteran,

"(4) at least two shall be members of the armed forces serving on active duty, but may not be from the same branch of service, and

"(5) one shall be a medical doctor in the employ of the Veterans' Administration.

"(d) Each review board shall meet at least four times during each calendar year, unless a minority of such board determines that fewer sessions will be adequate for the expeditious performance of its duties. Five members of a review board shall constitute a quorum.

"(e) Members of review boards appointed under paragraphs (1), (2), and (3) of subsection (c) shall receive compensation at a rate of $50 for each day they are engaged in the work of the review board, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in Government service who are employed intermittently. Other members of review boards shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the official duties of the review boards.

"(f) A vacancy in a review board shall not affect its powers, and shall be filled in the same manner as the original appointment.

"(g) The President shall appoint an executive director for each review board and shall fix his compensation at a level not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. The executive director of each review board, with the approval of the board, may—

"(1) employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the review board, but no individual so appointed may receive compensation in excess of the maximum rate for GS–17 of the General Schedule under section 5332 of title 5, United States Code,

"(2) procure temporary and intermittent services to the same extent authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed $75 per diem.

"(h) The head of any Executive department or agency of the Federal Government may detail, on a reimbursable basis, any of its personnel to assist review boards in carrying out their work.

"§ 1562. Duties of discharge review boards

"(a) Notwithstanding any other provision of this title and regardless of any decision previously made by any board for the correction of military records established under subchapter I of this chapter, the review boards shall, upon application filed in accordance with regulations prescribed by the President, review any discharge or dismissal from the armed forces granted under less than honorable conditions to any person who served on active duty during the Vietnam era. If, upon the review of the discharge or dismissal of any such person, a review board finds that such person—

"(1) was denied reasonable recourse, solution, or alternatives to the situations or circumstances which precipitated or substantially contributed to his discharge or dismissal;

"(2) was discharged or dismissed under prejudicial, arbitrary, or unreasonably severe circumstances;

"(3) was physically, mentally, or emotionally unfit or incapable of meeting standards or performing assignments required of him by military service;

"(4) was discharged or dismissed primarily for the possession or use of a narcotic drug or marijuana or for dependency on a narcotic drug, but not for the sale of a narcotic drug or marijuana;

"(5) was discharged or dismissed primarily for political, moral, or religious beliefs or activities; or

"(6) no longer warrants or deserves, in the judgment of the review board, the classification of discharge granted him.

then the review board shall change the discharge or dismissal or issue a new discharge to indicate that such person was discharged or dismissed under honorable conditions.

"(b) A decision by a review board is final and is not subject to further administrative or judicial review.

"(c) The review board shall have the power to—

"(1) administer oaths;

"(2) require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of their duties;

"(3) in the case of disobedience to a subpoena or order issued under this subsection, invoke the aid of any district court of the United States to require compliance with such subpoena or order;

"(4) order testimony to be taken by deposition before any person who they may designate for that purpose and who has the power to administer oaths, and in such instances to compel testimony and the production of testimony in the same manner as authorized under paragraphs (2) and (3) of this subsection;

"(5) require directly from the head of any executive department or agency of the Federal Government available information which the board deems useful in the discharge of its duties, and all such departments and agencies shall cooperate with the review boards and furnish relevant information to the extent permitted by law; and

"(6) prescribe such regulations and procedures as may be necessary to carry out the purposes of this subchapter.

"(d) Any district court of the United States with requisite jurisdiction may, in case of a refusal to obey a subpoena or order of any review board issued under this subtitle, issue an order requiring compliance therewith, and any failure to obey the order of the court may be punished by the court as contempt thereof.

"(e) Any review board may review the discharge or dismissal of any person described in the first sentence of subsection (a) of this section upon its own motion or upon the request of such person or, if he is dead, his spouse, next of kin, or legal representative. Review boards may not receive or act upon any application for review of a discharge or dismissal if such application is filed with it on or after January 1, 1978.

"(f) Notwithstanding the provisions of subchapter I of this chapter, the review boards established under this subchapter shall have exclusive jurisdiction to review discharges and dismissals of persons described in the first sentence of subsection (a) of this section if the application for review is filed on or after the date of enactment of this subchapter and prior to January 1, 1978.

"(g) As used in this subchapter, the term 'Vietnam era' means the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

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S. 1716

A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 49 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"975. Prohibition against certain information appearing on discharge certificates

"The Secretary of Defense shall take such action as may be necessary and appropriate to insure that—

(1) discharge certificates issued to members of the Armed Forces shall not bear any letter or number code or other indicator of any kind whatsoever which discloses any reason why any such member was discharged or separated from service; and

(2) no information indicating or relating to any reason why any former member of the Armed Forces was discharged or separated from service may be made available to any private person (other than the former member concerned) or entity by any office or employee of any military department or agency."

(b) The table of sections at the beginning of chapter 49, of title 10, United States Code, is amended by adding at the end thereof a new item as follows:

SEC. 2. (a) The amendment made by the first section of this Act shall be applicable to all discharges issued by the armed forces of the United States on and after the date of enactment of this Act.

(b) Any former member of the armed forces of the United States who, prior to the date of enactment of this Act, was issued a discharge certificate and such certificate contained any information (in code or otherwise) described in section 975 of title 10, United States Code, as added by the first section of this Act, shall, upon application to the Secretary of the appropriate military department, be issued a new discharge certificate without such information appearing thereon.

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S. 1717

A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam era veterans

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 34 of title 38, United States Code, is amended by adding after section 1682 a new seotion as follows:

"1682A. Payment of tuition and certain other expenses for eligible veterans.

"(a) In addition to the educational assistance allowance payable to any eligible veteran under this chapter, the Administrator shall reimburse any eligible veteran enrolled in a full-time or part-time course of education or training under this chapter (including a cooperative program) for costs incurred by such veteran for tuition, for laboratory, library, health, infirmary, and other similar fees, and for expenses incurred for books, supplies, equipment, and other necessary expenses, exclusive of board, lodging, other living expenses, and travel, as are generally required for the successful pursuit and completion of the course of education or training in which such veteran is enrolled. In no event shall payment made to an eligible veteran under this section for any expense incurred by such veteran exceed the customary amount paid by other students in the same institution for the same service, privilege, material, or equipment; and in no event shall the total payments made to or on behalf of any veteran under this subsection exceed $1,000 for an ordinary school year, unless the veteran elects to have such customary charges paid in excess of such limitation, in which event there shall be charged against his period of eligibility the proportion of an ordinary school year which such excess bears to $1,000. No payments for tuition or enrollment shall be paid to any veteran for apprentice training on the job. Payments for tuition and other expenses incurred by any eligible veteran may be made by the Administrator to such veteran under this subsection on the basis of such reasonable evidence as the Administrator may require.

"(b) The Administrator shall prescribe such regulations as he deems necessary or appropriate to implement the provisions of this section."

SEC. 2. Section 1691(b) of title 38, United States Code, is amended by striking out the period after the word "title" and inserting in lieu thereof a comma and the following: "and shall reimburse an eligible veteran pursuing a course or courses under this section for tuition and other expenses as provided in section 1682A of this title.".

SEC. 3. The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by adding below

"1682. Computation of educational assistance allowances."

the following:

"1682A. Tuition and certain other expenses for eligible veterans."

SEC. 4. The amendments made by this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted. No benefits shall be paid to any person for any period prior to such effective date.

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S. 1718

A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1682 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Notwithstanding any other provision of this chapter, an eligible veteran pursuing a program of education on a full-time basis may elect to receive increased monthly payments under paragraph (1) and have his period of entitlement reduced proportionally, in accordance with regulations issued by the Administrator, but in no case may the monthly payment in the case of any eligible veteran be increased by more than twice the amount he would otherwise be entitled to receive."

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By Mr. GRIFFIN:

S. 1719. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older. Referred to the Committee on Commerce.

REDUCED TRAVEL FARES FOR OLDER AMERICANS

Mr. GRIFFIN. Mr. President, today I am reintroducing legislation to authorize a program of reduced travel fares for persons over 65 years of age on a space-available basis.

The bill is similar to legislation which I introduced in the last Congress.

At present, the high cost of air travel makes it impossible for many of our older Americans to fly. As a matter of fact, only about 5 percent of the airline passengers are over 65 years of age. My bill would authorize reduced-fare programs for senior citizens on buses and railroads, as well as the airlines.

The need for better transportation arrangements for the elderly was emphasized by the 1971 White House Conference on Aging which recommended that—

Appropriate legislation at all levels of government should provide that the elderly and handicapped be allowed to travel at half fares or less on a space-available basis on all modes of public transportation.

Near the close of the last Congress, the Senate adopted an amendment to an antihijacking bill, which I cosponsored, authorizing reduced air fares for the elderly on a space-available basis. Unfortunately, the legislation was not approved by the House of Representatives.

Subsequently, in December 1972, the Civil Aeronautics Board moved to end certain discount fares already in effect, such as youth standby and reservation fares and family fares, declaring that such fares were unjustly discriminatory.

Since those reduced fares were not specifically authorized under the law, there is doubt that similar discount fares for persons over 65 could be permitted without additional specific statutory authority.

Furthermore, most of the airline companies, with the notable exception of Hawaiian air carriers, have appeared unwilling to offer reduced fares for senior citizens. Accordingly, the legislation could be useful as a prod as well as in providing legal authority.



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In February of this year the Comptroller General of the United States commented on this subject by saying:

It seems to us that the proposed reduced standby fares, possibly at a lower discount from the regular fare than that now prevalent, might well be materially beneficial: more extensive travel arrangements would be available for youth and older persons which should increase the airlines' average load factor. The proposal also amends a part of the law which is permissive thus preserving the airlines' managerial discretion to condition the use of the reduced fares to nonpeak periods and as to govern the rate of discount to be given.

My legislation is permissive and would allow management flexibility to insure that regular fare passengers would not be injured. Instead of discriminating against persons in other age groups, reduced fares for persons over 65 would help eliminate reverse discrimination due to the inadequate fixed incomes of many of our older citizens.

Mr. President, I am pleased that the Subcommittee on Aviation of the Senate Commerce Committee has announced that hearings will be held in May. Hopefully, this early action in the Senate will pave the way for approval of legislation during the current session of Congress.

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By Mr. CHURCH:

S. 1720. A bill to amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning. Referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, I send to the desk for appropriate reference a bill to amend the Water Resources Planning Act to remove the termination date for the existing program of Federal assistance to the States to finance water resources planning.

The Water Resources Planning Act of 1965 was a landmark in Federal water resource policy. In the years since its enactment, it has greatly improved our ability to meet the increasing demands upon the Nation's limited water resources.

Perhaps the most significant aspect of the act is its emphasis upon State participation in the planning and management of water resources through the provisions of the act for coordinated planning and for financial assistance to the States. These assistance funds, which are matched by the States, have helped to support State agencies and programs which are capable of meeting greater and more varied social demands with a finite water resource.

The authority contained in title III of the act for annual planning grants to the States is limited to 10 fiscal years following the date of enactment. The authority for such appropriations, therefore, will expire with the fiscal year 1976 budget. It is timely for the Congress to consider the future of the program. The State agencies and programs which are partly funded from this source are essential, and their future must be assured. The States, some of which operate on 2-year budget cycles, must soon have assurances that the Federal funds will continue to be available.

I am introducing this measure today as a basis for the Water and Power Subcommittee of the Senate Interior Committee to obtain the views of the executive agencies on this matter and to begin consideration of the future of the planning grant program.

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By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 1721. A bill to designate certain lands in the Gallatin and Beaverhead National Forests, in Montana, as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. METCALF. Mr. President, I introduce for appropriate reference a bill by Senator MANSFIELD and myself to expand the Spanish Peaks wilderness area in the Gallatin and Beaverhead National Forests in Montana. With the exception of one minor boundary change, this bill is identical with S. 1849 which we introduced in the 92d Congress.

We are all aware of the enormous pressures which the march of "civilization" is putting on our remaining wilderness. The Forest Service has been putting final touches on its recommendations for areas considered sufficiently primitive to be included in the national wilderness system. By pinpointing one area, this bill demonstrates my conviction that, by and large, those recommendations are too little and too slow.

As for the Spanish Peaks proposal, the Forest Service recommends inclusion of some 63,000 acres. My bill would nearly double the area, adding land on all sides but principally in the Jack Creek area to the south. Hearings conducted by the Subcommittee on Public Lands of the Senate Interior Committee have revealed overwhelming citizen support for the expanded area. Those hearings, conducted last fall in Bozeman, Mont., solicited testimony from those who live closest to the proposed reserve and who know it best.

Mr. President, all the lands I wish to add to the Forest Service proposal are essentially unused rugged lands which belong naturally with the core area. Some private ownership is involved in the southern Jack Creek area, most of it by the Burlington Northern Railroad. Burlington Northern is an absentee owner, having acquired the land in a checkerboard pattern by trades for lands previously given the railroad through Federal subsidy. I continue to be hopeful that the company, which does not presently use the land, will be convinced that it could serve a high public good without prejudicing the company's vital interests. Having traded once for the property, it could certainly negotiate another swap with the Forest Service.

Mr. President, I ask unanimous consent that the proposed legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1721

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), the following described lands in the Gallatin and Beaverhead National Forests, Montana, comprising about 113,102 acres and depicted on a map entitled "Spanish Peaks Wilderness," dated May 1971, are hereby designated as wilderness:

Beginning at the northeast section corner, section 32, township 4 south, range 4 east, M.P.M.; thence south along section lines appoximately 1 mile to the southeast section corner, section 32, township 4 south, range 4 east; thence east along the township line approximately ½ mile to the north quarter section corner, section 4, township 5 south, range 4 east; thence south approximately 2 miles to the south quarter section corner, section 9; thence southeasterly approximately 3½ miles to the east quarter section corner, section 26; thence south along section lines approximately 1 mile to the east quarter section corner, section 35; thence west approximately ½ mile to the center of section 35; thence south approximately ½ mile to the south quarter section corner section 35, all in township 5 south, range 4 east;

Thence, east approximately ½ mile to the northeast section corner section 2, township 6 south, range 4 east; thence south along section lines approximately 2 miles to the northeast section corner, section 14; thence southwesterly approximately 3½ miles to the center of section 28; thence south approximately ½ mile to the south quarter section corner, section 28; thence west along section lines approximately 2½ miles to the southwest section corner, section 30; thence north approximately 1 mile to the northwest section corner, section 30, all in township 6 south, range 4 east.

Thence west along section lines approximately 1 mile to the southwest section corner, section 24; thence north approximately ½ mile to the west quarter section corner, section 24; thence west approximately ½ mile to the center of section 23; thence north approximately ¼ mile; thence west approximately ½ mile to the sixteenth section corner, section 23; thence north along section line approximately ¼ mile to the northwest section corner section 23; thence north along section line approximately ¼ mile to the sixteenth section corner; thence west approximately ½ mile; thence north approximately ¼ mile to the center of section 15; thence west approximately ½ mile to the west quarter section corner, section 15; thence north along section lines approximately ½ mile to the northwest section corner, section 15; thence west approximately ½ mile to the south quarter section corner, section 9; thence north approximately ½ mile to the center of section 9; thence west approximately ½ mile to the west quarter. section corner, section 9; thence north approximately 1 mile; thence west approximately 1 mile; thence south approximately 1 mile to the west quarter section corner, section 8; thence west approximately ¼ mile to the Madison-Gallatin divide; thence southerly along said divide approximately ½ mile to the intersection of the section line common to sections 7 and 18; thence west along section lines approximately ¾ mile to the northwest section corner section 18; thence south along section lines approximately 1¼ miles to the intersection of the Madison-Gallatin divide, all in township 6 south, range 3 east.

Thence southwesterly along the Madison-Gallatin divide approximately 2¾ miles to Lone Mountain in the southwest quarter of section 26; thence northwesterly along spur ridges approximately 4 miles to Fan Mountain in the center of section 19, all in township 6 south, range 2 east.

Thence northwesterly along apur ridges approximately 2¼ miles to the northwest section corner, section 13; thence north along section line approximately 1 mile to the northwest section corner, section 12; thence west along section line approximately 1 mile to the southwest section corner, section 2; thence north along section line approximately 1 mile to the northwest section corner, section 2; thence east along section line approximately 1½ miles to the north quarter section corner section 1; thence south approximately ¼ mile; thence east approximately ½ mile to the sixteenth section corner section 1, all in township 6 south, range 1 east.

Thence approximately 1 mile east to the sixteenth section corner, section 6; thence north along section lines approximately ¼ mile to the northwest section corner, section 5; thence east along the township line approximately ½ mile to the north quarter section corner, section 5, all in township 6 south, range 2 east.

Thence north approximately ¾ mile; thence west approximately ½ mile to the sixteenth section corner, section 32; thence west approximately 1 mile to the sixteenth section corner, section 31, all in township 5 south, range 2 east.

Thence west approximately 2½ miles to intersection with the Beaverhead National Forest boundary in section 34; thence north along said boundary approximately 2¼ miles to the north quarter section corner, section 22; thence east along section lines approximately ½ mile to the northwest section corner, section 23; thence north along section lines approximately 1 mile to the southwest section corner, section 11; thence west along section lines approximately 1 mile to the southwest section corner, section 10; thence north along section lines approximately 1 mile to the northwest section corner, section 10; thence west along section lines approximately 1 mile to the southwest section corner, section 4; thence north along section lines approximately 1 mile to the northwest section corner section 4, all in township 5 south, range 1 east.

Thence north along section lines approximately 1 mile to the northwest section corner, section 33; thence east along section lines approximately 1½ miles to a point on the north section line of section 34 which is approximately ¼ mile west of the Madison-Gallatin divide; thence southeasterly approximately 1¾ miles through sections 34 and 35 approximately ¼ mile west of the Madison-Gallatin divide to the south quarter section corner, section 35, all in township 4 south, range 1 east.

Thence southeasterly approximately 2½ miles through sections 2, 11, and 12, approximately ¼ mile west and south of the Madison-Gallatin divide to the sixteenth section corner on the east section line of section 12, all in township 5 south, range 1 east.

Thence northeasterly approximately ¼ mile crossing the Madison-Gallatin divide in the northwest quarter of section 7, township 5 south, range 2 east; thence northeasterly approximately 2 miles along the ridge dividing South Fork Cherry Creek and Alder Creek to the north quarter section corner, section 5, all in township 5 south, range 2 east.

Thence northeasterly approximately 2 miles along the ridge through sections 32 and 33 to the northeast section corner, section 33; thence east along section line approximately 3 miles to the northeast section corner, section 36, all in township 5 south, range 2 east.

Thence east along section lines approximately 1¾ miles to the sixteenth section corner, section 32; thence south approximately ¼ mile; thence east approximately ¼ mile to the sixteenth section corner on the east section line section 32; thence east approximately ¼ mile; thence north approximately ¼ mile to the sixteenth section corner, section 33, all in township 5 south, range 3 east.

Thence east along section line approximately 5¾ miles to the point of beginning.

SEC. 2. The wilderness area designated by or pursuant to this Act shall be known as the "Spanish Peaks Wilderness" and shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

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By Mr. HARTKE (for himself, Mr. PASTORE, Mr. METCALF, Mr. BAYH, Mr. MOSS, Mr. MONTOYA, Mr. RANDOLPH, and Mr. TAFT):

S. 1722. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped. Referred to the Committee on Labor and Public Welfare.

Mr. HARTKE. Mr. President, we can all agree upon the great importance of education in helping people to gain confidence in themselves and in their value to society. It is terrible to remain silent for fear of exposing ignorance, to shy away from involvement in public issues which concern their welfare, to be condemned, forever, to an unrewarding job—or no job at all—to feel inferior—in short, to lead a life which offers little reason for existence.

In order to avoid this stifling, second-class status in our society, we have created the largest, most accessible education system in the world. The American people have voiced their intention to educate every child in this country regardless of race, creed, color, sex, or economic status. For the most part, we are succeeding. Yet, in our sincere effort to provide an education to all, we have overlooked nearly 1 million of our children who fall into the category of homebound handicapped. These children may be required by their condition to remain home for months or years, and because of this they may have to forego their education.

States and local governments do recognize the problem, and many have taken action. The services they provide, however, vary widely—with some localities providing as much as 5 or more hours weekly, while others—for lack of funds—afford no instruction at all.

The bill I introduce today will provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped. This plan was praised by the Epilepsy Foundation of America in a recent letter which stated:

We are encouraged by this new and excellent approach to education of handicapped children. . . . particularly in favor of the special consideration to veterans and the emphasis on equipping homebound children for eventual assumption of a full role in community affairs.

In a similar letter, Goodwill Industries of America, Inc., said:

The interest in human resources demonstrated by this legislation will pay financial dividends in the future.

Mr. President, I believe, as do many organizations related to this area, that the type of legislation I am offering today for your approval is essential if we are to live up to our commitment of equal educational opportunities for all of our young people. I further believe that this particular bill offers a practical and resourceful method of assisting the handicapped.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1722

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Education of the Handicapped Act (20 U.S.C. 1421–1426) is amended by adding at the end thereof a new part H as follows:

PART H—USE OF COLLEGE STUDENTS AS TUTORS AND INSTRUCTIONAL ASSISTANTS FOR HOMEBOUND CHILDREN

AUTHORIZATION OF PROGRAM

SEC. 671. (a) The Commissioner is authorized to make grants to State education agencies to enable them to develop and carry out programs, at their and at local educational agency levels to provide, through the use of students in institutions of higher education, tutoring and instructional assistance, under the supervision of a qualified teacher, for homebound handicapped children who, though able to benefit from preschool, elementary, or secondary education, are prevented by their handicaps, by lack of facilities, or because they experience special difficulties when in school, from attending school. Homebound children for whom services under this part may be provided include but are not limited to those suffering from developmental disability and those as defined under section 602, paragraphs (1) through (15), and such services may be provided to children who are homebound for short or long terms.

(b) For a local educational agency to receive assistance under this part from a State education agency, it shall make a proposal to the State educational agency for a tutorial or instructional assistance program to be carried out through a cooperative arrangement with one or more institutions of higher education. The local educational agency shall give assurances that—

"(1) in selecting students to participate, (A) special consideration will be given to veterans qualified for vocational rehabilitation under chapter 30 of title 38, United States Code, and to other handicapped students (provided in either case that their handicaps do not make their working with homebound children ineffective); and (B) among students otherwise equally eligible to participate in the program, preference will be given to those having greater financial need.

"(2) the program will be administered by the local educational agency in accordance with its rules and regulations relating to homebound instruction,

"(3) participation in the program will not interfere with the academic progress of participating students,

"(4) compensation paid to participating students will be set by agreement between



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the local educational agency and the student's institution, the maximum to be established at the direction of the Commissioner. In no case shall the compensation be established below the prevailing minimum hourly wage,

"(5) funds will be used in such manner as to encourage equipping the homebound handicapped children for eventual full assimilation by society, with every effort to avoid development of a segregated, permanent system of education for the handicapped, and

"(6) Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local, and private funds.

"APPLICATION

"SEC. 672. (a) The Commissioner shall make grants under this part to State educational agencies on the merits of their proposals to him which shall be submitted on such application forms and under such guidelines, as he shall prescribe. Proposals shall contain, among other information as required by the Commissioner (1) all data from local education agencies' proposal to the State, as is required to support the total amount of funding requested by the State; (2) the State's detailed plans for conducting or providing for the conduct of, evaluation of the program supported under this part; and (3) the State's detailed plans for locating and identifying all of its homebound children who could benefit from this program.

"(b) An amount not to exceed 10 per centum of the total funds awarded to a State under this part shall be available to the State for it and its local education agencies to administer the program.

"AUTHORIZATION AND APPROPRIATION

"SEC. 673. There are hereby authorized to be appropriated $55,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for fiscal year ending June 30, 1975, and for fiscal year ending June 30, 1976, for carrying out the provisions of this part.

"ALLOTMENTS TO STATES

"SEC. 674. All of these sums shall be granted at the discretion of the Commissioner; however, the Commissioner shall set aside 25 per centum of the total appropriation and preliminarily allocate (but not automatically grant) to each State (as defined by section 602(6)) an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States. The Commissioner shall approve or disapprove applications from the States, and any funds preliminarily allocated to a State whose application is disapproved, or which fails to file timely application, shall be added to, and be included for distribution under, the remaining 75 per centum of the funds. The Commissioner shall not disapprove any State's application until he has offered and (if the State accepts his offer) provided technical assistance to that State in an effort to bring that State's application to a level of approvable quality, so that the State may then be granted its proportionate share of the 25 per centum set aside, and, if then applicable, an appropriate portion of the remaining 75 per centum."

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By Mr. KENNEDY (for himself and Mr. HART):

S. 1723. A bill to provide for the continued supply of petroleum products to independent oil marketers. Referred to the Committee on Commerce.

By Mr. KENNEDY (for himself and Mr. HART):

S.J. Res. 105. Joint resolution providing for the orderly review of fee-paid oil import licenses. Referred to the Committee on Finance.

INTRODUCTION OF INDEPENDENT OIL MARKETERS SUPPLY ACT OF 1973 AND JOINT RESOLUTION ON IMPORT SYSTEM

Mr. KENNEDY. Mr. President, I am introducing two measures today with Senator HART designed to halt the destruction of the independent segment of the American Petroleum industry. I am pleased that Congressman TORBERT MACDONALD is introducing companion legislation in the House.

The first bill, the Independent Oil Marketers Supply Act of 1973 would prevent the major oil companies and refiners from engaging in anticompetitive activities. Failure to halt these activities will mean the disappearance of thousands of independent companies who market gasoline and fuel oil.

The second measure, a joint resolution, will establish procedures under the new oil import program to condition the issuance of fee-paid licenses on a review of the marketing practices of the major oil companies and on their actions toward independent marketers and refineries.

The plight of the independent petroleum marketer and the small independent gasoline station has been documented in Senate testimony and headlines across the country describing the closings of independent gasoline stations.

Supplies to independent petroleum marketers are being cut off. The policies of the majors during this period of shortage is simple—to serve their own wholly controlled subsidiaries and to deny access to the independent dealers.

The shortage is clear and Government spokesmen are finally admitting that past policies have been abysmally inadequate. Yet the new import policies promise merely to increase the difficulties of the independent sector of the market.

On March 23, Office of Emergency Preparedness Acting Director Darrell M. Trent stated:

. . . spot shortages could occur much sooner this year because of the poor inventory position. As in the past, the independent gasoline retailers will probably experience shortages of gasoline first.

On April 5, Mr. Trent, according to an OEP release—

Expressed concern over both the current stock of inventories and production of gasoline by U.S. oil company refineries . . . Last week, U.S. refiner operations plunged to 88.7% of capacity—the lowest refining level of any period since early December 1972.

He then cited the reported closings of service stations owned by independents.

In a recent visit to my own State, independent stations already had shut their doors. The Independent Oil Men's Association of New England has reported nearly 100 stations closing already in the region. Reports from the Southeast of the country are similar and throughout the Nation, many nonbrand dealers are finding it necessary to reduce their hours of operations or to restrict the amount their customers may purchase.

Nor are we talking about a minor aspect of the supply picture. In New England, one-third of all gasoline stations are owned by independent distributors, some carrying major brands and some unbranded. In Massachusetts, 32 percent of all gasoline sold is by branded and unbranded independent wholesalers. Nationwide, the independents market between 20 and 25 percent of all retail gasoline. In some cities and States, their share of the market is substantially greater.

Yet they are being driven out of the market as their suppliers deny them the gasoline they need to survive. And what is particularly distressing, there has been little effort in any of the administration's actions thus far, to bring them relief. Last Tuesday, May 1, Deputy Secretary of the Treasury William E. Simon told the Senate Interior Committee that—

We should not let the independent segment of the industry be forced to shut down.

But he went on to add:

I would prefer to work, as we have done up to now, through incentives. It is better to encourage the major oil companies to do what we want them to do by their own choice, rather than try to force them to do it.

If we want the independent to survive, we are going to have to use the force of law to do it. Hearings before the Senate Antitrust and Monopoly Subcommittee have clearly provided evidence that the independents are the basic elements necessary to preserve competition in the oil industry, holding down cost and providing buyers with a choice in the marketplace.

I would emphasize as well that while the headlines focus on the gasoline crisis today, when fall comes we will be told of likely shortages of fuel oil and by winter we will face those additional shortages. And once again, only the majors will have the assurance of knowing they have control over supply from both the foreign and domestic well to the Boston heating furnace.

And the administration's recent energy message will abet the majors if they decide to carry out predatory policies. The Oil Policy Committee requested information from independent oil marketers before making their recommendations to the White House. They were told a minimum of 150,000 barrels of imported home-heating oil was needed and probably closer to 190,000. After much consultation, they and New England Senators as well were assured that 100,000 barrels per day would come in free from tariffs.

Somehow the decision was altered in a way that can only benefit the major oil companies. The independents were allowed 50,000 barrels free. Now they face a shortfall of some 150,000 barrels a day and they will be bid right out of business for the remaining barrels of oil by the majors.

In 1959, when the voluntary oil import quota system was established there were 24 independent terminal operators. By 1971, there were only seven, the remainder were taken over by the majors, according to the New England Fuel Institute. Now, the scenario is established under present policies for the final eclipse of these independent competitors.

If there is any doubt about the power of the majors, it merely should be noted that the five largest companies earned profits of over $11 billion during the past 3 years. According to a House Small Pusiness Committee report, the 23 largest oil companies account for 84 percent of the oil-refining capacity, 72 percent of the natural gas production and reserve ownership, 30 percent of the coal reserves, and 50 percent of the uranium reserves. Clearly, they have the economic muscle to endure any short-term costs to outbid the independents this year so that their monopoly will be complete in future years.

For that reason, I am introducing these two measures. The first declares it to be an unfair trade practice under the Federal Trade Commission Act for majors to refuse to supply independents reasonable quantities of gasoline, home heating oil, diesel fuel, and to drive at reasonable prices based on their historical patterns. Majors may not reduce supplies to independents by any more than they reduce their own wholly controlled outlets by the same amount. Nor may they raise the price to the independent by any more than they raise the price to their subsidiaries.

The bill exempts the small refiners—those companies with total refinery runs in all facilities of under 30,000 barrels per day.

The second measure attempts to provide formal procedures for the consideration of marketing practices of the majors before they were permitted to import oil from abroad.

It provides that a requirement for the issuance of a license to import by the majors will be that they continue to supply small independent refiners and independent marketers in reasonable quantities and at reasonable prices based on past supply relationships.

By requiring procedures for independents to have the opportunity to present evidence on the quantities and prices of crude oil and products, we will insure a self-policing element to the import program.

These review procedures can and should be established immediately by administrative action. However, in the absence of such action. I believe this measure is needed.

Both measures seek to prevent a coalescing of policies by Government and industry whose effect is to destroy the independent sector of the oil industry.

I ask unanimous consent that these measures be printed at the conclusion of my remarks along with relevant supporting documents.

There being no objection, the bill, joint resolution, and material were ordered to be printed in the RECORD, as follows:

S. 1723

A bill to provide for the continued supply of petroleum products to independent oil marketers

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Independent Oil Marketers Supply Act of 1973."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) Present and prospective shortages of petroleum products constitute a serious threat to the survivial of independent marketers and small businessmen.

(2) Such independent marketers provide an essential element of competition by offering alternative sources of supply and lower prices to consumers.

(3) The demise of the independent marketers will result in the petroleum market being completely controlled by a small number of large integrated refining companies.

(b) The purpose of this Act is to assure that independent marketers of gasoline, home heating oil, and other petroleum products are not subjected to unfair methods of competition and unfair trade and marketing practices during periods of supply shortage.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "refiner" means a person engaged in commerce in the business of refining crude oil into petroleum products, whose total average refinery input of crude oil exceeds 30,000 barrels per day;

(2) 'independent marketers" includes, but is not limited to, terminal operators, jobbers, dealers or distributors, at the wholesale or retail level, marketing under a refiner brand or a private brand, which are not owned or controlled by a refiner;

(3) "controlled marketers" includes, but is not limited to, terminal operators, jobbers, dealers or distributors, marketing under a refiner brand or a private brand, which are owned or controlled by a refiner;

(4) "petroleum product" means gasoline, No. 2 fuel oil, diesel fuel, kerosene; and

(5) "base period" means the period from October 1, 1971, through September 30, 1972.

PROHIBITED ACT

SEC. 4. (a) No refiner who during the base period was in the business of furnishing any petroleum product to controlled marketers for resale or sale to the public shall fail to offer to supply that product to independent marketers at reasonable prices in reasonable quantities, so long as he continues to furnish that product to controlled marketers.

(b) It shall be, prima facie, a violation of the provisions of subsection (a) for any refiner—

(1) to fail to offer to supply to an independent marketer, during any calendar month beginning after the date of enactment of this Act, a quantity of any petroleum product not less than the quantity that was supplied by him to that independent marketer during the corresponding month of the base period reduced by a percentage not to exceed the greater of—

(A) the percentage by which the quantity of such product furnished by the refiner to controlled marketers during the month next preceding was reduced from the quantity furnished to such controlled marketers during the corresponding month of the base period, or

(B) the percentage by which crude oil processed by that refiner during the month next preceding was reduced from the quantity processed by him during the corresponding month of the base period; or

(2) to sell a petroleum product to an independent marketer at any price during such month which is greater than—

(A) the average price at which he sold such product to such independent marketer during the corresponding month of the base period, increased by

(B) a percentage equal to the percentage by which the average price for such product sold during such month to controlled marketers exceeeds the average price for such product sold to such controlled marketers during the corresponding month of the base period.

UNFAIR TRADE PRACTICE

SEC. 5. Violation of the provisions of section 4(a) of this Act shall be an unfair act or practice in commerce in violation of the provisions of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

SEC. 6. The Federal Trade Commission shall report to the Congress within 6 months of the date of enactment of this Act whether any additional legislation is required to prevent acts or practices in commerce which adversely affect any independent marketer as defined in this Act.

S.J. RES. 105

A joint resolution providing for the orderly review of fee-paid oil import licenses

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Oil Policy Committee and the Office of Oil and Gas, Department of the Interior, shall establish by regulation formal procedures for review of applications filed by refiners for fee-paid licenses under the provisions of section 3 of Proclamation 3279, as amended, and section 32 of the Oil Import Regulation (Revision 5) prior to the issuance of such licenses.

(b) Such procedures and regulations shall provide that—

(1) every application filed by refiners for imports of crude oil, unfinished oils, and finished products into Districts I–IV, District V, and Puerto Rico be subject to review prior to issuance;

(2) such review consider the quantities and prices of crude oil which such refiners are making and intend to make available to small independent refiners;

(3) such review consider the quantities and prices of gasoline, No. 2 fuel oil, diesel fuel, or kerosene which such refiners are making and intend to make available to independent marketers of such products;

(4) such review provide independent refiners and marketers the opportunity to present evidence relating to the quantities and prices of crude oil and products supplied to them by refiners; and

(5) upon request made by an independent refiner or marketer, the Office of Oil and Gas will make a formal finding, supported by evidence, that an application from a refiner is accepted or denied.

(c) Any fee-paid license issued to a refiner for imports of crude oil, unfinished oils, and finished products into Districts I–IV, District V, and Puerto Rico, shall require that refiners supply to small independent refiners and independent marketers crude oil, unfinished oils, and finished products in reasonable quantities and at reasonable prices based on past supply relationships.

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[From the Boston Sunday Globe, Apr. 15, 1973]

INDEPENDENT GAS STATIONS HIT HARD

(By Robert J. Anglin)

The possibility that the tight supply of petroleum has led some major suppliers of gasoline to favor their own retail outlets at the expense of independent distributors may lead to antitrust actions.

Connecticut already has moved in that direction and Massachusetts authorities are looking into the situation, prompted by the fears of some in the industry that the days of the small, independent gas station chains are numbered.

Should this take place because of the tendency of the major companies to take care of their own during hard times, the consumer would lose out. Traditionally the independents sell their gasoline a few cents cheaper a gallon than the major companies.

Then there is the element of competition. Independent gasoline brands and the independent "jobbers" account for about 30 percent of the New England gasoline market. Jobbers are individuals who own one or more gas stations, but who operate under the brand name of a major company.





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In Connecticut a week ago, 31 gasoline distributors were subpoenaed by Attv. Gen. Robert K. Killian to explain their involvement in a reported effort by five major oil companies to ration supplies in the state. The distributors have until next Thursday to supply information concerning gasoline supplies and their correspondence with the companies since Jan. 1, 1971.

Killian also called upon US Atty. Gen. Richard Kleindienst to empanel a Federal grand jury to determine if there is a national conspiracy to limit gasoline sales. Killian said late last week that he has had no reply as yet.

Nor, he said, has there been a reply from John P. Dunlop, director of the Federal Cost of Living Council, who was asked to supply information detailing what impact gasoline and petroleum price ceilings would have on Connecticut.

Killian said the purported national gasoline shortage "may well have been created deliberately to drive the independent dealers out of business and drastically increase the wholesale and retail price of gasoline."

He supboenaed distributors of Atlantic Richfield (Arco, BP Oil, Cities Service, Mobil Oil and Texaco).

Atty. Gen. Robert H. Quinn's office is exploring the possibility of initiating similar action in Massachusetts. Staff attorneys are inquiring into the practices of the gasoline industry to determine if the policies of major suppliers are hurting the small, independent distributors.

Asst. Atty. Gen. Hugh O'Malley, acting chief of the Massachusetts Consumer Protection Division, said: "I want to talk to the people involved to find out the impact of the so-called rationing program and see if there is any determined, concerted effort to cut off allocations to the independent distributors, who are very concerned what effects the possibilitity of rationing may have on them.

"After an inquiry we may well serve subpoenas on the major companies to determine their relationships with the independents in the past and whether that is changing.

"If there is a violation we are concerned, and we would be alarmed if the Anti-trust Division of the U.S. Department of Justice did not become very active in this because of its national scope," O'Malley said.

John Neeley of the Massachusetts Office of Consumer Affairs, said: "The most immediate problem is whether the independents survive. In the past they relied upon the major companies for the bulk of their supplies. As supplies get short, they are the first to get cut off," he said.

Neeley said that some gas stations might close, either because they can't get gasoline or because they have to pay too much for imported petroleum to sell it at a profit.

John Buckley, vice president of Northeast Petroleum, which operates about 115 stations in Massachusetts, Maine, New Hampshire and Rhode Island under the Old Colony brand—said: "It's going to be a tight summer." He said, however, that his company has no immediate plans to close any stations.

Killian said of his subpoenas to the 31 distributors: "We've asked a lot of questions, the answers to which I expect will determine whether or not there has been a combination of prior arrangements in allocations or of limiting gasoline to the distributors."

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[From the Sunday Boston Globe Apr. 15, 1973]

AS NORTHEAST FEELS FUEL SHORTAGE'S BITE

(By Viola Osgood)

The question of a gasoline shortage may no longer be debatable. Boston and five suburban communities already face the possibility of a fuel shortage for police cars, fire engines and other municipal vehicles.

The gasoline shortage seemed more a reality Friday when the City of Boston, for a second time, received no bids for its annual gasoline contract. A joint contract was advertised by Brookline, Newton, Belmont, Watertown and Waltham and also came back bidless.

The shortage is not confined to municipalities. Not since World War II have gasoline stations closed down at the rate they are now. Many shorter hours of operation for lack of gas supplies.

Independent stations are closing all over New England, as well as the rest of the country. Sure Oil Co. of Worcester, has closed 12 of its 50 stations. Gibbs Oil, the largest independent dealer east of the Mississippi, has closed 15 stations and is afraid it may have to close 21 more. A Tulsa station in Winchester has shut off its pumps.

Major oil companies have curtailed the amount of gasoline they will sell to independent distributors and many have even alloted the amounts supplied to their own stations.

Almost all sources agree that the gasoline shortage is due to several factors: dwindling stocks of unrefined crude oil in the face of a worldwide tightness of supply; not enough refineries to meet the rapidly growing demand (no new refineries have been built in this country in two years and none are planned); antipollution devices on new cars, which greatly increases gas consumption; and inaccessibility of oil discovered on the North Slope of Alaska.

One thing all sources—major and independent oil dealers, Federal officials and congressional committees—agree on is that America is facing a gasoline shortage this summer.

Rep. Silvio O. Conte (R-Mass.) said another reason there is currently a shortage of gasoline in the country is that last winter refineries shifted much of their capacity to home heating oil and are just now switching back to gasoline production.

Conte said the independent distributors are being hit hardest by the gasoline shortage and the situation for them is "pretty grim." The independent marketers have captured about 22 percent of the retail gasoline trade in the country.

He said a bill in the House would authorize the President to ration gasoline at the wholesale level, thereby insuring that no region of the country is less supplied with gasoline than others.

Although New England is feeling the effects of the gasoline shortage, "The upper midwest is probably hit worse," Conte said. He said seven major oil companies already have pulled out of some midwestern states.

A spokesman for Sen. Edward Kennedy (D-Mass.) said the senator is concerned that refineries are operating below capacity. Kennedy has urged a greater increase in oil imports as well as more pressure by the Administration on refineries to completely utilize capacity.

Production in refineries is currently running about 42 million barrels per week, but Americans are buying about 43 million barrels per week. The excess is coming from gasoline inventories which are about 16 percent below those of a year ago. This summer's demand is expected to reach 50 million barrels per week.

Conte said the Cost of Living Council has ruled that the major oil companies cannot increase prices more than one percent between now and June and not more than one and one-half percent thereafter.

Further exacerbating the problem of the gasoline shortage are the 11 million new cars that came on the highways last year. In addition to the anti-pollution devices, many of them are equipped with air conditionera and other power options that further reduce gas mileage.

Darrell Trent, acting director of the U.S. Office of Emergency Preparedness, said state and local governments can aid in easing the tight gasoline situation by setting good examples in purchasing smaller vehicles and curtailing all unnecessary use of state and city vehicles.

Some Federal officials have suggested reducing speed limits as a means of conserving the gas supply. John Buckley, vice president of Northeast Petroleum, said that reduced speeds would conserve gasoline. He attributed almost half the increase in demand for gasoline over the past year to lowered efficiency for car engines due to emission control devices.

Buckley said that while the supply and demand problem is only being felt slightly at the retail level now, it will be felt a "heck of a lot in the summer."

Texaco, the nation's largest marketer of gasoline, has acknowledged spot shortages of gasoline supplies this summer and plans "to run its domestic refineries to the maximum available capacity and also to manufacture and supply as much gasoline as possible during the summer motoring season."

Texaco is already allocating its distributors only as much fuel as they received last year, even though demand is up about six percent over last year. Texaco has urged that government import policies facilitate access to crude oil supplies while recognizing that "the high costs of imported crude and imported products must be recovered in the market place."

Mobil Oil has suggested that the nation use all its energy more efficiently and control automotive emissions in a way that won't waste so much gasoline. Mobil also suggests that the Alaskan pipeline be built and that financial incentives be permitted to build more refineries.

Mobil further suggests that since the oil situation is tight everywhere and the United States can't import enough crude oil alternative fuel supplies such as coal, oil shale and nuclear power be sought.

Almost every other supplier, especially independents, is strongly in favor of more imports. The US is now importing more than 10 percent of its oil compared with five percent in 1970. By 1976 the projection is that America will be importing more than 50 percent of its oil.

In an attempt to alleviate the fuel shortage, President Nixon plans to abolish oil import quotas and to ask Congresa to end Federal regulation of natural gas prices.

Oil industry sources say, however, that unless environmental restrictions are relaxed and more refineries are built, more oil will not necessarily mean more fuel.

And while some independent marketers suspect that major oil companies have contrived the shortage to force them out of business, drive up prices, and silence environmental critics, the overriding consensus seems to be there is not enough crude oil and not enough refineries.

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[From the Washington Post, Apr. 16, 1973]

GASOLINE RUNS SHORT THROUGHOUT THE UNITED STATES

(By Thomas O'Toole)

What began 10 days ago as spot scarcities of gasoline in a handful of states has now blossomed into a coast-to-coast shortage.

It is not so bad that motorists can't buy gasoline, but it is serious enough to have forced the closing of hundreds of discount and off-brand gas stations whose supplies have been cut off by the major oil companies. It is also bad enough to have closed major-brand stations in states like Minnesota and Florida that are at the end of the gasoline distribution network.

"These are the states that are on the drag end of the pipeline system," said an official



of Gulf Oil Corp. "Things are very tight right now in Florida, where there isn't even a refinery to help things out."

The Middle West has been hit hardest by the shortage. Metro 500 of Minneapolis has closed 21 of its 22 stations. All last week, gas stations in northern Illinois found themselves out of either regular or premium gasoline. Gas stations throughout Iowa were being rationed to between 70 and 90 per cent of what they got last year, even though demand was running 10 per cent ahead of last year's pace.

Oil jobbers (wholesale distributors) insisted it would get worse in the Middle West. Over the weekend, a refining subsidiary of Kerr-McGee Oil Co. named Triangle Petroleum closed its storage terminals in Des Moines, Kansas City, Chicago and Madison, Wis., a move that cut off independent distributors in a four-state region from a 25 million gallon gasoline supply.

"There's no question it'a going to close a lot of independents," said William Deutsch, who represents all the independent marketers in Illinois. "It will even put some of the branded stations in trouble."

Things were almost as bad in New England, where an average of five stations were closed in both Connecticut and Massachusetts each day of last week.

Sure Oil Co. was forced to close 12 of the 50 stations it runs in Massachusetts and Connecticut. Sure said it had been getting 40 tankloads of gasoline per week, was cut back to 20 two weeks ago and has been told it will be down to 10 in another two weeks.

Rural Connecticut has been hit especially hard. Sure closed three Save-Way stations selling the only discount gas in the farm country of eastern Connecticut. Several distributors of bulk gasoline in the same region of the state have been told they will get no gas next month, which means that the farmers they serve exclusively will have trouble getting gas for their tractors.

Further south, things aren't that bad but neither are they very good. The Greenbelt Consumer Services, Inc., which runs a chain of 10 stations that discount BP gasoline in the Washington area, has just been told that the 9 million gallons that BP supplies it with every year will not be forthcoming after July 9.

"They've cut us off from the only supply of gasoline we've had for the last 10 years," said Eric Waldbaum, president of Greenbelt Consumers Services. "We've gone to other suppliers, who have all told us they don't have enough to service us or any other new customer that might come along."

One of the ironies of the sudden shortage of discount gas is that the major oil companies are getting into the discount business at the same time that the independents are being forced out of it.

Exxon is now marketing discount gas under the brand name Alert at 16 stations in four states. Gulf discounts gas under two labels, Economy and Bulko. Shell markets it under the brand name Ride, Mobil under the name Cello. Phillips Petroleum discounts Blue Goose and Red Dot gas.

The emergence of the big discounters comes at a time when major oil companies are closing their unprofitable brand name stations all over the U.S.—stations that are more than 300 miles from a refinery, have only a few pumps and do auto repair.

Exxon is in the process of closing 150 of its 400 retail stations in Illinois, Michigan, Wisconsin and Indiana. Gulf has put up for sale 3,500 stations in 21 states, from Illinois across the country to California and Washington State. BP has already pulled out of the Northeast, and Sun Oil Co. has withdrawn from Tennessee and most of the upper Midwest. Cities Services, Atlantic Richfield and Phillips Petroleum are also closing stations.

The oil companies insist that the big reasons for the gas shortage are a worldwide shortage of "sweet" (low sulfur) crude oil and nationwide shortage of refinery capacity. The claim they need five new refineries a year to keep up with demand. They point out that not one new refinery is being built in the U.S. today.

The refinery shortage is so acute that the independent refineries find themselves being courted with more fervor than at any time in memory. An aide to Rep. Robert H. Steele (R–Conn.) claims that the competition for refined products like gasoline is one reason Sure Oil has had to close some of its Connecticut stations.

"The company was about to negotiate a contract with a Canadian refinery," the aide said, "when a major oil company offered to buy the refinery's product at the same prices Sure offered but won the contract when it guaranteed to supply the refinery with crude oil."

The head-to-head combat between the major oil suppliers and the independent distributors is bound to get worse as the gasoline shortage gets worse.

Greenbelt Consumer Services has filed a formal complaint with the Federal Trade Commission protesting the move by BP that will cut them off from gasoline, and in the only known court action so far a federal judge in Phoenix ordered Phillips Petroleum to restore gasoline sales to a discount chain it tried to cut off.

Meanwhile, the gasoline shortage itself promises to get worse as motorists take advantage of the improving weather. Last week, Detroit, Indianapolis and Boston reported that they did not receive a single bid for contracts to fuel city vehicles. For the first time in history, they faced the prospect of being unable to run police cars and fire trucks because of the gasoline shortage.

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[From the New York Times, Apr. 23, 1973]

ENERGY INDUSTRY PROFILE: GIANTS POPULATE THE WORLD OF FUEL

(By James J. Nagle)

The production of energy is the world's second largest industry, exceeded only by agriculture in its essential importance to modern society.

It is also believed by many to be the world's most potentially explosive industry in political terms because it is essential to the size and the growth of the modern industrialized state.

Fossil fuels—oil, coal and natural gas—supply most of the world's energy needs, with nuclear power starting to play an increasingly important role. Hydroelectric power, geothermal (heat from within the earth) and wood make minor contributions to the energy mix. Other known sources, such as solar heat, are not expected to be much of a factor before the next century.

GOVERNMENT ROLE IN WEST

The control of energy varies throughout the world. In Communist countries and in many developing nations, the energy complex, including the sources, is controlled entirely by the state.

Last Wednesday, President Nixon outlined an energy policy that, he said, is designed to minimize shortages of fuels and power while the United States strives for greater development of its domestic energy resources, especially coal, offshore oil and natural gas.

In some Western countries the Government also owns all or part of the energy resources. For example, in Italy, the state owns Ente Nazionale Idrocarburi, which explores, produces, refines and markets oil and natural gas. In France, the Government owns Entreprise de Recherches et d'Activities Pétrolieres and also owns 35 per cent of Compagnie Francaise des Pétroles. In Britain, the Government holds a 48.6 percent interest in the British Petroleum Company, Ltd.

In the United States, which consumes about 33 per cent of the world's output of energy although having only 6 per cent of the population, the energy industry is generally privately owned. However, utilities, which produce electricity from fossil fuels or nuclear sources, are regulated by the Government and, in some major cases, such as the Tennessee Valley Authority and the Bonneville Power Administration, are actually owned by the Federal Government.

For much of this century, seven major integrated oil companies, often called the "seven sisters," have been the most dynamic factors in the world energy picture.

FIVE ARE AMERICAN

Five of them are American: The Exxon Corporation, formerly the Standard Oil Company (New Jersey), the Mobil Oil Corporation, Texaco, Inc., the Gulf Oil Company and the Standard Oil Company of California.

One is British: British Petroleum. And one is British and Dutch: the Royal Dutch Shell Group.

But all are what is known now as multinational.

The largest energy company in the world is Exxon, which last year had profits of $1.5-billion on revenues of $22.4-billion. Its sales were the second largest for any industrial enterprise in the world, behind the General Motors Corporation, but Exxon had larger assets.

Eight American oil companies in addition to Exxon rank among the 25 largest corporations in the Fortune list of the biggest 500: Mobil, Texaco, Gulf, California Standard, the Standard Oil Company (Indiana), Shell, Atlantic Richfield, and Continental.

NATURAL GAS IS BY-PRODUCT

Almost all of these companies have natural gas reserves as a by-product of their exploration for oil. It is estimated that 11 of the 25 largest oil companies also have holdings in coal and that 18 have uranium interests.

Exxon also has large coal reserves in Illinois, Wyoming, Montana, North Dakota, along with a uranium mine in Wyoming. Continental Oil owns the Consolidation Coal Company—the largest coal concern in the country—and also has uranium interests. The Kerr-McGee Corporation, basically an oil company, is said to be the largest uranium producer, accounting directly and through others for about 27 per cent of the total uranium output in the country.

Other major oil companies with substantial interests in coal or uranium, or both, include Mobil Oil, Standard Oil of both California and Indiana, Texaco, Shell, Phillips Petroleum, Atlantic Richfield, Cities Service, Sinclair Oil, the Getty Oil Company, the Sun Oil Company, Pennzoil United, Inc., Amerada-Hess, and Ashland Oil.

UNITED STATES HAS SMALL OPERATORS

The oil industry in this country differs from that of much of the rest of the world in that there are small operators at both the production and marketing ends of the chain. The major companies, however, are dominant in both.

The industry is broken down into integrated and nonintegrated companies. The former handles the oil and its products all the way from the wellhead to its final sale at the gas pump. Nonintegrated companies participate in only part of the operation, such as refining or marketing.

Natural gas is sold to pipeline companies, which, in, turn, sell it to utilities and other major users. Coal companies are mostly integrated, that is, they usually do both the mining and marketing themselves to their major customers.

XUM

A secondary but rapidly growing segment of the nation's energy mix is made up of the utilities that produce electricity. There are an estimated 3,242 Government and privately owned utilities, which are major users of oil, coal and gas as well as in recent years, nuclear power.

LITTLE NUCLEAR POWER

Thus far, there is relatively little nuclear power, and most of it is used by utilities to generate electricity in the East Coast and North-Central regions. The list of companies utilizing this prime energy source is growing. The first nuclear plant in operation was that known as the Dresden I, completed in 1959 by the Commonwealth Edison Company of Chicago, which has since built five more and has another under construction.

At present there are 16 utility companies, including Commonwealth Edison and the Consolidated Edison Company of New York, with nuclear plants. They and others are planning to establish 13 more plants in the late nineteen-seventies or early nineteen-eighties.

As for water power as a source of energy, the mountain streams and rivers on the West Coast are the chief source of supply, accounting for as much as 59 per cent of the total of hydro power used throughout the nation. It is used chiefly for creating electricity.

Numerous other companies also supply one or more of the prime energy sources—for example, the Pittston Corporation, a diversified company, is in coal mining and petroleum distribution.

Last Thursday Pittston filed with the Maine Board of Environmental Protection an application for construction of a $350-million oil refinery at Eastport, Washington County, Maine, which would process daily 250,000 barrels of fuel with a low sulphur content.

Others include the Kennecott Copper Company, operator of 41 bituminous mines in nine states in this country and one in Australia; the General Dynamics Corporation, and Eastern Gas and Fuel Associates. Eastern Gas is the sixth largest commercial producer of bituminous coal in the United States.

RAILROADS HOLD MINERAL RIGHTS

Most of the land that provides oil and gas and coal is not owned by the producers of energy. In this country much of it is the property of railroads. For example, the Burlington, Northern, Inc., a diversified transportation and natural resources company, owns 2.38 million acres of land and holds mineral rights in another 6 million acres. Other large landowners include forest products companies, farmers and real-estate developers.

About half of the oil and gas resources in the United States however, are in public lands, primarily the Outer Continental Shelf.

CONCERN BY CONGRESS

The fact that all the major and many of the smaller oil companies are in other aspects of the energy business is causing some Congressmen to fear that the nation's energy supplies are dominated by a few companies.

The House Small Business Committee said not long ago that as of 1971, the 23 largest oil companies accounted for 84 per cent of the oil refining capacity of the country; 72 per cent of the natural gas production and reserve ownership; 30 per cent of the coal reserves, and 50 percent of the uranium reserves.

A recent Federal Trade Commission study has tentatively concluded that the acquisitions by the oil industry have led to only a small increase in concentration of ownership of energy resources. The study, however, was based on production, not reserves, which means proved amounts of materials in the ground.

[From the New York Times, Feb. 26, 1973]

IMPACT MINIMIZED IN FUEL MERGERS

(By Edward Cowan)

WASHINGTON, Feb. 25—The Federal Trade Commission's staff has tentatively concluded that a series of mergers in the nineteen-sixties between oil companies and coal and uranium producers has led to only a small increase in concentration of ownership of energy resources.

The first draft of a study by the commission's Bureau of Economics is virtually complete. Reliable sources indicate that the report, to be issued next summer, is likely to disappoint those critics of the oil industry who believe the Government should be attacking such "interfuel" mergers on antitrust grounds.

The sources report that the increase in concentration of ownership shown by their calculations "won't be so large that its significance is immediately obvious to everyone."

At issue is whether even a small increase, past or prospective, in the proportion of the fuel industries owned by the largest companies should be regarded as an incipient trend toward monopoly that violates the Clayton Antitrust Act. There is no statute of limitations for seeking to undo such violative mergers.

Interfuel ownership is regarded as a question for thorough examination because of the prospect that technological advances will make fuels increasingly interchangeable and hence competitive. Federally subsidized research is under way on methods of turning coal into gas and oil.

Development of such techniques at commercially acceptable costs and with acceptable environmental consequences could intensify competition between coal, which exists in vast abundance in this country, and oil and natural gas. What the Federal Trade Commission wants to know is the probable effect on such competition of common ownership.

An economic report published by the commission a year ago found a high degree of interfuel competition in the electric utility industry. The author, Thomas D. Duchesneau, suggested that common ownership of the largest producers of the principal fuels could tend to diminish the competitive effects arising from the increased growth of substitute fuels.

One shortcoming of the study of interfuel mergers, the authors acknowledge, is that it is based on production rather than underground reserves of coal, oil, natural gas and uranium. Reserves are generally understood to be proven deposits or pools of minerals that can be extracted at reasonable cost.

The commission's economics staff believes that reserves would give better clues to the results of mergers because the reserves are a critical factor in determining how much individual producers can supply. But such information on individual companies is not available in most cases, according to the officials.

The study is likely to recommend that Congress require energy companies to report their reserves to some Government agency.

In a separate development, the commission is about to ask the Justice Department to take to court nine natural-gas producers that have allegedly refused to submit information on gas reserves that was demanded by the commission under its subpoena power.

TWO COMPLIED

Two other producers are said to have complied and one of the nine to have complied in part. Officials would not disclose the companies' names.

The data are wanted because the agency is trying to determine whether natural-gas reserve figures published by the American Gas Association tend to understate the facts. In addition, the commission wants to know whether any such under statement, if it has occurred, has resulted from collusion.

The association has reported decline in reserves in the 48 contiguous states in each of the last four years. The association publishers aggregate figure based on reports from individual producers.

It has given the commission its data for individual companies. The agency staff wants to compare those figures with data submitted by the companies in response to subpoenas. One such comparison, it is said at the commission, has shown the figures submitted to the American Gas Association to be low.

The 11 producers that have been ordered to report their reserves to the commission are in Louisiana, offshore and onshore. They are regarded as a sample for the whole industry.

WITHHOLDING CHARGED

The investigation is being made because of widespread accusations in Congress and in consumer-minded circles that gas producers, among which the major oil companies figure prominently, have understated reserves and withheld supplies to create the appearance of a shortage and thereby push up prices.

Some analysts believe rather that higher prices for natural gas in the intrastate market, which is not subject to Federal regulation, have contributed to the shortage of natural gas available to interstate pipelines.

The study of concentration of ownership is reported to find that for each of the major fossil fuels the share of the market held by the four largest producers is less than the share in manufacturing. For all manufacturing industries, the average "big four" share was said to be 39 per cent.

The Federal Trade Commission staff has come up with preliminary calculations of 'big four" market shares of roughly 30 per cent for oil, coal somewhat higher but less than oil. For uranium, the fuel of nuclear electric-power staitons, the ratio may be above 39 per cent, it was said.

The study is reported to have found that on a combined basis, concentration as a result of interfuel mergers has risen only a little. Preliminary calculations indicate that the increase is less than 10 percentage points.

The commission has under way a private investigation into the best known of the mergers—the acquisition six years ago of Consolidated Coal by Continental Oil. The commission has not formally challenged the acquisition as anticompetitive.

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[From Forbes magazine]

THE GREAT LAND RUSH OF 1973

In days of old when newspapers had Sunday supplements filled with wildly improbable stories, a perennial feature showed how it was possible to generate power from the heat of the earth's core. Like as not, it would carry pictures of one of the geysers of the American West, or the installation at Larderello, Italy, that had been generating electricity from natural steam since 1904.

Well, there are some new believers these days. Within two months, the Interior Department will put up for lease 59 million acres of potential geothermal federal land in 14 western states (*see map, which excludes North and South Dakota, Hawaii and Alaska*). About 1 million prime acres—where natural steam vents or hot water pools confirm the existence of thermal wells—are expected to go at competitive bidding for about $15 per acre per year. The rest, without obvious thermal signs but deemed geologically promising, will be leased at $1 per acre per year for ten years. If no geothermal steam is found, the lease can be converted to a mineral lease if anything else of value turns up.

There is, of course, a touch of magic in geothermal power. Wells sunk into the bowels of the earth yield apparently inexhaustible amounts of steam or boiling water whose heat can be used to spin turbines and generate vast amounts of electricity. Vast amounts? A recent study sponsored by the National Science Foundation estimated that the U.S. geothermal resources could generate 132,000 megawatts of electricity by 1985, *vs.* a current total U.S. capacity of about 350,000 Mw. It uses no foreign exchange, as imported oil would. It would probably be the cleanest power ever generated. And it's cheap: Pacific Gas & Electric already generates power from steam in the Geysers area of California for 5.3 mills per kilowatt hour—just over half a cent—*vs.* 7 mills per kwh for other thermally generated power in California and 8.5 mills to 9 mills for nuclear power.

After all, there's no fuel cost for geothermal power.

If geothermal power is so good, why hasn't it been developed already? "Because there were power sources available where the absolute costs were going down and there were no uncertainties," says Dr. Martin Goldsmith of the California Institute of Technology "Coal and oil were cheap and readily available, and when you built a fossil fueled plant you knew exactly what it would cost, how much power you would get and how long the plant would last. This wasn't so with geothermal power. Now there are uncertainties with conventional plants, and the costs are rising."

Among the companies currently exploring and drilling for geothermal energy are Union Oil, Standard Oil of California, Getty Oil, Phillips Petroleum, Gulf Oil and Mobil Oil. Most of these are expected to apply for leases on the federal lands, and many not now exploring are also expected to be bidders.

An additional reason for the widespread interest is the promising nature of test surveys to date, such as carried out by Senturion Sciences, a Tulsa-based geothermal research company. "We have found six very likely areas out of 31 tests we have conducted," says Senturion's President John Bailey. "We use the surface geology and underground vibrations to show us the best places to look."

The Geysers area project, like most in operation or under construction around the world, uses natural dry steam to spin its turbine generators. But San Diego Gas & Electric (FORBES, *Apr. 15*), working with Magma Power, hopes to complete a plant this year that will use heat from natural hot water, a far more common natural resources. Its success, says the Center for Energy Information, will make the northern Gulf of Mexico another likely area. Because such hot water often contains corrosive or contaminating minerals, it may be pumped back into the earth after heat has been extracted.

But perhaps the best indication of the potential of geothermal power is rising congressional interest in the subject. Two bills are expected to be introduced this session of Congress to stimulate geothermal development. They will initiate a $10-million, five-year program of research into geothermal power techniques, and establish a loan program, backed by a $20-million revolving fund, to finance private exploration and power generation from geothermal areas, the recovery of mineral by-products and even the possible desalination of water as a side benefit.

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By Mr. TUNNEY (for himself, Mr. BAYH, Mr. BENTSEN, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. DOLE, Mr. EASTLAND, Mr. HASKELL, Mr. HUMPHREY, Mr. JAVITS, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONTOYA, Mr. PEARSON, Mr. WILLIAMS, and Mr. HART):

S. 1724. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States and for other purposes. Referred to the Committee on the Judiciary.



THE BILINGUAL COURTS ACT

Mr. TUNNEY. Mr. President, in recent years we have witnessed a national effort to make the benefits of our legal system available to all Americans, whether rich or poor, old or young, black, white, or brown. Today I hope to contribute to this continuing effort. I believe that the legislation which I am introducing, the Bilingual Courts Act, will enable many Americans who in the past have been denied access to our Federal courts, or when actually in the courts, have been severely handicapped by their language disabilities to participate fully in our Federal court system. The non-English speaking of America have been the victims of generations of neglect. When seeking legal redress for wrongs inflicted upon them or when defending themselves in criminal or civil actions, they have had to participate in legal proceedings where the language employed was alien to them. To adequately represent one's interests in a courtroom, it is mandatory that there be a comprehension of all that is taking place. The Bilingual Courts Act attempts to remedy many of the inequities that now exist in our court system. By providing for the simultaneous translation of all courtroom proceedings—in a manner very similar to the method used by the United Nations—in both criminal and civil matters, the non-English speaking will be able to effectively participate in the Federal court system.

The Bilingual Courts Act will have a significant impact upon a vast number of persons residing in the United States. Most of us are well aware of the large Mexican-American population living in the Southwest. But in addition to the over 5 million Mexican-Americans in America, there are substantial numbers of other non-English-speaking minorities. Puerto Ricans comprise America's second largest national origin minority, numbering more than 2 million, one and one-quarter million living in New York City alone. In addition to the large Puerto Rican and Mexican-American communities in Chicago, there are large Puerto Rican communities in Boston, Philadelphia, and Newark. Though the Spanish-speaking minorities account for the majority of non-English-speaking persons in America, other minorities are concentrated in various regions throughout the country: the Chinese speaking in California, native Americans in the Continental United States and in Alaska, and the French-speaking persons in Maine and in Louisiana. Of course many of these individuals are already bilingual, and will not require the assistance provided by this comprehensive legislation. Nevertheless, there are many others who are in need of bilingual proceedings in order to secure justice. As a member of the Senate Judiciary Committee, which will have jurisdiction over this legislation, I will urge expeditious consideration.

The need for a Bilingual Courts Act is indeed critical. The sad state of affairs that now exists between the non-English-speaking minorities and the legal system in our country has been well documented in recent studies, most notably by the U.S. Commission on Civil Rights in its 1970 report, "Mexican Americans and the Administration of Justice in the Southwest." On the subject of court interpreters, the U.S. Commission found:

Interpreters are not readily available in many southwestern courtrooms:

(a) In the lower courts, when interpreters were made available, they are often untrained and unqualified;

(b) in the higher courts, where qualified interpreters were more readily available, there has been criticism of the standards of their selection and training and skills.

Among the recommendations in the Commission's report on rectifying the language disability and inequality before the law was that the—

Southwest should establish programs for the recruitment, training, and employment of court interpreters to be used in areas where there are large concentrations of Mexican Americans.

Various congressional committees also have found that in the areas of education, employment, and the administration of justice, national origin minorities have been discriminated against not only because of their color, but also because of their cultural and linguistic differences.

It is not surprising, then, that these minorities distrust America's institutions, including the courts, and view them as "Anglo" bastions, protectors of the status quo, and particularly insensitive to their needs. Since they feel that they cannot expect fair treatment, many of them express outright distrust and cynicism with regard to the law. Enactment of the Bilingual Courts Act can help to dispel these attitudes that we, as a nation, cannot afford.

The language barrier is one of the primary causes preventing many from becoming involved in our judicial system. The language disability affects not only their ability to defend themselves when in the courtroom but also their motivation to do so. To put it in another way, the language barrier acts as a "chilling effect" upon those who would otherwise seek justice within the legal system. Access to the courtroom and full participation once in it, must be available to everyone. How necessary it is that the very branch of Government assigned by the Constitution to uphold the law of the land must free itself from the influences of prejudice and discrimination, no matter how subtle or unintentional they may be.

The proposals contained in this legislation are certainly not novel or revolutionary. It is interesting to note that article 2(a) of the Canadian Bill of Rights, adopted in 1960, guarantees to every person the right to the assistance of an interpreter in any proceedings in which he is involved if he does not understand or speak the language in which the proceedings are conducted. The Constitution of the State of New Mexico explicitly provides that in all criminal prosecutions the accused is entitled "to have the charge and testimony interpreted to him in a language that he understands."

XUM

This bill is also not the first congressional attempt to eliminate the injustices suffered by those who must participate in legal proceedings where the language employed is foreign to them. On three occasions, Congress has enacted statutes which allow for the appointment of interpreters in cases involving indigents. Rule 28(b) of the Federal Rules of Criminal Procedure provides that a Federal district court may appoint an interpreter of its own selection and may fix the reasonable compensation of such interpreter.

In addition, the Criminal Justice Act of 1964, 18 U.S.C. § 3006 A(e) 1964, sanctions the payment for services other than counsel which are "necessary to an adequate defense," from the United States Treasury. On the civil side, rule 43(f) of the Federal Rules of Civil Procedure states that the:

Court may appoint an interpreter of its own selection and may fix his reasonable compensation. The compensation shall be paid out of funds provided by law or by one or more of the parties as the court may direct and may be taxed ultimately as costs in the discretion of the court.

Though these provisions manifest good intentions, they may be inadequate to meet the demands of the situation. First, the terms of these provisions do not mandate the appointment of an interpreter. Second, and perhaps of most significance, these provisions do not offer any guidance to the Federal courts or establish any machinery to effectuate the policy enunciated in the statutes. There is a compelling need for congressional action to establish the requisite judicial machinery to protect those rights guaranteed by the Constitution. Legislation must be enacted that spells out the responsibilities of the Federal court, that standardizes procedures to insure that in those districts where significant numbers of non-English speaking persons reside, adequate facilities and competent interpreters will be available on request.

According to the statistics cited in the U.S. Civil Rights Commission Report—Mexican Americans and the Administration of Justice in the Southwest, page 72—the response of Federal courts, thus far, to the needs of the non-English speaking persons has been less than overwhelming.

According to the Administrative Office of the U.S. Courts, there are only four full-time Spanish-speaking court interpreters in the Southwest. In California, the Federal district court in San Diego employs one full-time interpreter. And even in those districts where interpreters are available, there is no uniform procedure on how they are to be utilized nor adequate translation facilities to insure simultaneous translation.

In addition to the fundamental fairness that this statutory scheme provides, there are other considerations that support the enactment of the Bilingual Courts Act. I submit that the fifth and sixth amendments to the Constitution may require that non-English speaking persons be provided with the simultaneous translation of all courtroom proceedings, in both criminal and civil matters.

The sixth amendment states that in "all prosecutions, the accused shall . . . be confronted with the witnesses against him . . . and shall have the Assistance of Counsel in his defense." How can a defendant in a criminal proceeding be afforded these constitutional guarantees if he is unable to understand the language used in the courtroom? Such adjudication, it seems to me, loses it character as a reasoned and fair process.

The right to confrontation means much more than the mere physical presence of the accused and the witnesses against him. As the court in *Terry* v. *State*, 105 So. 386, 387 (1925), aptly stated:

The accused must not only be confronted by the witnesses against him, but he must be accorded all necessary means to know and understand the testimony given by said witnesses • • • Mere confrontation of the witnesses would be useless, bordering upon the farcical, if the accused could not hear or understand their testimony.

Simultaneous translation of all courtroom proceedings is mandatory if the non-English speaking party is to be accorded his sixth amendment guarantees of the right to counsel and the right of confrontation. Only through the aid of simultaneous translation will the party be able to communicate with his attorney to enable the latter to effectively cross-examine those English-speaking witnesses, to test their credibility, their memory, and their accuracy of observation in the light of the defendant's version of the facts.

The case law on the constitutional right of a defendant in a criminal trial to an interpreter is surprisingly sparse, but the U.S. Second Circuit Court of Appeals has recently held, in *United States ex rel Negron* v. *New York*, 434 F. 2d 386 (2d cir. 1970), that it is constitutionally required that a non-English speaking defendant be provided with a simultaneous translation of all the courtroom proceedings. In Negron the State had provided an interpreter for the defendant. However, the interpreter was merely required to periodically summarize what was happening in the courtroom. The second circuit stressed that this was not enough to protect the constitutional rights of the defendant. The court stated that it was:

Axiomatic . that the Sixth Amendment's guarantee of a right to be confronted with adverse witnesses . . . includes the right to cross-examine these witnesses as an essential and fundamental requirement for the kind of a fair trial which is this country's constituitonal goal, 434 F. 2d at 389.

The court went on to state that the:

[Defendant's] incapacity to respond to specific testimony would inevitably hamper the capacity of his counsel to conduct effective cross-examination. Not only for the sake of effective cross-examination, however, but as a matter of simple humaneness, [defendant] deserved more than to sit in total incomprehension as the trial proceeded. 434 F. 2d 390.

In sum, the Bilingual Courts Act is mandated by the sixth amendment guarantees of the right to effective counsel and the right of confrontation. Fundamental fairness, the integrity of the fact-finding process, and the potency of our adversary system of justice also demand its enactment.

The fifth amendment to the Constitution supports the contention that the Bilingual Courts Act should apply to both criminal and civil proceedings. The fifth amendment provides that:

No person shall . . . be deprived of life, liberty, or property without due process of law.

Surely any legal proceeding that allows a party to an action to be deprived of life, liberty, or property, without bothering to insure that he understand fully what is going on at the trial is so lacking in basic and fundamental fairness to be violative of the due process clause. Civil matters are of the utmost importance because problems may arise in civil cases that can lead to drastic personal consequences. One's ignorance of English can often result in the forfeiture of one's personal and property rights.

The movement to respond to the urgent needs of the non-English-speaking minorities in America has made significant gains in the past few years. In 1967, Congress enacted the Bilingual Education Act which provided for the establishment of bilingual-bicultural education programs. Congress finally realized that America is a multilingual multicultural society, and that this cultural diversity, rather than being some disability is a national asset that should be developed to the fullest extent possible. The recently enacted Education Amendments of 1972 affirmed Congress' commitment to promoting bilingualism. These acts were a recognition of the fact that the severe English language disability common to so many persons in America, makes it impossible for them to receive an adequate education without some type of compensatory program.

On November 14, 1972, the U.S. District Court for New Mexico, held that Chicano children in Portales, N. Mex., had been denied their constitutional rights to an equal education opportunity because the school district had failed to provide an educational environment and curriculum which met the needs of the Chicano students.

Just as we have recognized the necessity for educational reform, so too must we recognize the equally compelling need for court reform. Not only must we insure that the vestiges of discrimination be prohibited in the classrooms of America, but also in the courtrooms of America.

Manuel Ruiz, Jr. U.S. Civil Rights Commissioner, has provided us in his excellent book, "Mexican-American Legal Heritage in the Southwest," with a valuable insight into the extent to which the Spanish language has been used in legal proceedings in the Southwest. One of the chapters begins with an appropriate quote of Justice J. W. Edmunds of the Supreme Court of New York:

One of the most galling parts of the Norman yoke, to our Saxon ancestors . . . was the regulation that the proceedings of the Courts should be conducted in the language of the Conqueror.



Mr. Ruiz then goes on to say:

To accept Mexican American institutions and incorporate them into our legal structure, but reject the language which breathed life into them, has constituted provincialism foreign to our asserted principles of democratic government and world leadership.

Consumer protection, the administration of justice, equal employment opportunities, social security, education, voter rights, housing, apprenticeship programs, small business administration and fields of transportation are being impelled by need to use the Spanish language. Congressional recognition of this phenomena of necessity is in keeping with the practical requirements of a rapidly expanding economy and society, in which all ethnic segments are involved, and to eliminate the tragic deprivation of opportunity and cultural attrition illustrated so well by the late Ruben Salazar in his publication, "Stranger in One's Land."

So let us act in our country's interest and maintain the momentum generated by our previous accomplishments in the area of bilingual reform. Passage of this legislation will be another significant step forward in our Nation's struggle to secure equal justice for all.

Mr. President, I ask unanimous consent that the bill and a summary of the Bilingual Courts Act also be inserted in the RECORD together with the act.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1724

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Bilingual Courts Act".

FACILITIES AND PERSONNEL FOR BILINGUAL PROCEEDINGS

SEC. 2. Section 604(a) of title 28, United States Code (relating to the duties of the Director of the Administrative Office of the United States Courts), is amended—

(1) by redesignating paragraph (12) as paragraph (16); and

(2) by inserting immediately below paragraph (11) the following new paragraphs:

"(12) Determine from time to time, from the best and most current data available, each of those judicial districts in which at least five per centum or 50,000 of the residents of that district, whichever is less, do not speak or understand the English language with reasonable facility, and certify each such district as a bilingual judicial district by certificate transmitted to the chief judge of the district court for that district;

"(13) Prescribe, determine, and certify, for each such certified bilingual judicial district, the qualifications of persons to serve as interpreters in bilingual proceedings (as provided in section 1827 of this title) in that district who have a capacity (A) for accurate speech and comprehension of speech in the English language and in the non-English language, and (B) for the simultaneous translation from either such language to the other;

"(14) Prescribe from time to time a schedule of reasonable fees, at rates comparable to reasonable rates of compensation payable to expert witnesses of substantially the same degree of technical skill and experience, for services rendered by such interpreters;

"(15) Provide in each such bilingual judicial district, appropriate equipment and facilities for (A) the recording of proceedings before that court, and (B) the simultaneous language translation of proceedings in such court;

CONDUCT OF BILINGUAL PROCEEDINGS

SEC. 3. (a) Chapter 119 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"1827. Bilingual proceedings

"(a)(1) Whenever a district judge determines, upon motion made by a party to a proceeding in a judicial district, which has been certified under section 604(a) of this title to be a bilingual judicial district, that (A) a party to such proceeding does not speak and understand the English language with reasonable facility, or (B) in the course of such proceeding testimony may be presented by any person who does not so speak and understand the English language, that proceeding shall be conducted with the equipment and facilities authorized by section 604(a)(15) of this title. Any such proceeding or portion of such proceeding (including any translation relating to) shall be recorded verbatim. Such recording shall be made in addition to any stenographic transcript of the proceeding taken.

"(2) After any such determination has been made, each party to the proceeding shall be entitled to utilize the services of the interpreter, certified pursuant to section 604(a) of this title, to provide a simultaneous translation of the entire proceeding to any party who does not so speak and understand the English language and who so speaks and understands such non-English language, or of any portion of the proceeding relating to such qualification and testimony, from such non-English language to English and from English to such non-English language.

"(b) The party utilizing the services of a certified interpreter provided under this section shall pay for the cost of such services in accordance with the schedule of fees prescribed under section 604(a)(14) of this title, except that—

"(1) if the services of an interpreter are utilized by more than one party to the proceeding, such cost shall be apportioned as such parties may agree, or, if those parties are unable to agree, as the court may determine;

"(2) if the United States (including any department, agency, instrumentality, or officer or employee thereof) is a party utilizing the service of an interpreter, the cost or apportioned cost of the United States shall be paid by the Director of the Administrative Office of the United States Courts from funds appropriated to him for that purpose; and

"(3) if the services of an interpreter are utilized by a party determined by the court to be an indigent, the cost or apportioned cost of such party shall be paid by that Director out of funds appropriated to him for that purpose.

(b) The analysis of chapter 119, of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1827. Bilingual proceedings."

APPROPRIATIONS

SEC. 4. There are hereby authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out the amendments made by this Act.

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall take effect on the first day of the seventh month beginning after the date of enactment of this Act.

SUMMARY OF BILINGUAL COURTS ACT

1. Establishes the following additional duties of the Director of the Administrative Office of the U.S. Courts:

(a) Determine from time to time, from the best and most current data available, each of those judicial districts in which at least 5 per centum or 50,000 of the residents of that district, whichever is less, do not speak or understand the English language with reasonable facility, and certify each such district as a bilingual judicial district;

(b) Prescribe, determine, and certify for each such district, the qualifications of interpreters who have a capacity 1) for accurate speech and comprehension in English and in the non-English language, and 2) for simultaneous translation from either language to the other;

(c) Prescribe schedule of reasonable fees for interpreters;

(d) Provide in each such district appropriate equipment and facilities for 1) the recording of proceedings before that court, and 2) the simultaneous language translation of proceedings in such court;

2. Establishes the conduct of bilingual proceedings:

(a) Whenever a district judge determines, upon motion made by a party to a proceeding in a judicial district certified as bilingual, that 1) the party does not speak and understand English with reasonable facility or 2) testimony may be presented by any person who does not speak/understand English, that proceeding shall be conducted with the equipment and facilities. Any such proceeding or portion of such proceeding (including any translation) shall be recorded verbatim in addition to any stenographic transcript.

(b) After such determination, each party shall be entitled to the services of the interpreter to provide simultaneous translation of the entire proceeding, or of any portion of the proceeding relating to such qualification and testimony.

(1) The party utilizing the services of the interpreter shall pay for the cost except that a) if the services are utilized by more than one party, such cost shall be apportioned as such parties agree, or if unable to agree, as the court may determine.

(2) If the U.S. is a party utilizing the services of the interpreter, the cost or apportioned cost of the U.S. shall be paid by the Director of the Administrative Office from funds appropriated to him for that purpose, or

(3) If the services of the interpreter are utilized by a party determined by the court to be an indigent, the cost shall be paid by the Director from funds appropriated to him for that purpose.

3. Appropriations necessary to carry out this Act are authorized to the Administrative Office.

4. This Act shall take effect seven months after enactment.

Mr. HASKELL. Mr. President, it gives me great pleasure to cosponsor the Bilingual Courts Act being introduced this day.

The necessity for the passage of the Bilingual Courts Act has been most eloquently stated by my colleague from California in his introductory remarks. Without appearing redundant, I would like to extend to my fellow colleagues some additional remarks in regard to this legislation.

I share equally with the Senator from California deep concern that the courts of our Nation have not the capability to extend to all citizens the full measure of justice they deserve. Hopefully the Bilingual Courts Act will be a beginning toward that end. Yet, it is my concern that the protections which this legislation would insure will be extended to the defendant in criminal prosecution.

The need for such legislation is well known to those who have appeared before the courts of our Nation. Far too often the scales of justice have been un-

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equally weighted when persons lacking facility in the English language appear before them.

How shallow that right to justice becomes when a party before the court can only stand mute before it. Such is the situation which confronts those of our citizens with limited facility in English. It is my hope that the Congress will see the merits in this proposed legislation and proceed forthwith to act upon it.

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By Mr. DOMINICK (for himself and Mr. TAFT):

S. 1725. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes. Referred to the Committee on Labor and Public Welfare.

FAIR LABOR STANDARDS AMENDMENTS OF 1973

Mr. DOMINICK. Mr. President, on behalf of Mr. TAFT and myself, I introduce for appropriate reference a bill to amend the Fair Labor Standards Act to provide for increases in minimum wage rates, and for other purposes.

While this bill is similar to the one we offered last year as a substitute for the bill reported by the Labor and Public Welfare Committee, it contains several important changes.

First, it provides for somewhat larger increases in minimum wage rates. Under this bill, the minimum wage for nonagricultural employees would be increased from the present level of $1.60 an hour to $2.30 an hour in five steps stretched out over a 4-year period. The minimum wage would be raised to $1.80 an hour on the effective date of these amendments—60 days after enactment—to $2 an hour a year later, to $2.10 an hour 2 years after the effective date, to $2.20 3 years after the effective date, and to $2.30 4 years after the effective date. Assuming these amendments were to go into effect this year, the minimum wage for nonagricultural employees would reach $2.30 an hour sometime in 1977.

Unlike previous increases in minimum wage rates, these increases would apply equally to all nonagricultural employees within coverage of the Fair Labor Standards Act, regardless of when they were first covered. I understand why it is necessary to phase in newly covered businesses at lower rates initially, but I have never been able to understand why it makes sense to perpetuate the gap. I think the increases this bill proposes are moderate enough to avoid undue hardship on those industries first brought within coverage of the Fair Labor Standards Act by the 1966 amendments.

This bill would increase the minimum rate for farmworkers from its present level of $1.30 an hour to $1.90 an hour in three steps. It would be raised to $1.50 on the effective date, to $1.70 a year later, and to $1.90 a year after that.

The minimum rate for employees in Puerto Rico and the Virgin Islands would be increased by 37.5 percent above the most recent rate established by the special industry committees for each industry. The increase would be in three steps of 12.5 percent each, the first taking place on the effective date of these amendments, the second 1 year later, and the third a year after that. The total increase would be roughly comparable to that of employees on the mainland, and the existing industry committee system under which minimum wages are established on an industry-by-industry basis would be preserved.

The minimum rate for employees in the Canal Zone would remain at $1.60 in order to avoid worsening the already great disparity between wages paid workers in the Canal Zone and workers in Panama, where minimum rates range from 40 to 70 cents per hour.

I think the wage increases proposed in this bill are reasonable, and are stretched out over long enough periods of time that they could be absorbed without a great inflationary impact on the economy. They are based on the recognition that excessive increases have adverse inflationary and unemployment effects, and reflect an effort to minimize those effects. I certainly hope that these proposed increases will not influence others in the Senate to support even greater increases. I would strongly oppose any greater increases. At a time when inflation is soaring, we ought to be very careful not to aggravate it—particularly since those hurt most by inflation are those we are trying to help—low-income workers.

The second difference between this bill and the substitute I sponsored last year is that this bill would extend minimum wage coverage to some 4.7 million Federal, State, and local government employees not now covered by the Fair Labor Standards Act. Coverage would not be extended to military personnel, professional, executive, and administrative personnel, employees in noncompetitive positions, or volunteer employees such as those in the Peace Corps and Vista.

At present, about 3.3 million Federal, State, and local employees are covered for minimum wage purposes. The extension of basic minimum wage coverage to additional government employees, since it does not include overtime coverage, would have a relatively slight cost impact.

The wage levels of all Federal employees to whom coverage would be extended are above the current minimum wage. A 1971 report of the Department of Labor indicated that wage levels for State and local government employees not covered by the act are on the average, substantially higher than those of workers already covered.

This bill would provide for no other extensions of coverage, and would not revise existing exemptions. Before any attempt is made to revise the many complex exemptions which have been carved out for various industries, I think Congress needs more facts. Accordingly, the bill would require the Secretary of Labor to do a comprehensive study of the exemptions and submit to Congress within 3 years a report containing recommendations as to whether each exemption should be continued, removed, or modified.

The youth differential provision of this bill is considerably narrower in application than the provision I supported last year. First, the differential rate would be 85 percent of the applicable new minimum rates, rather than 80 percent as previously. Second, for youths under 18, the differential rate could be paid only during the first 6 months of employment. Full-time students would be eligible for the youth differential, but only for part-time work—not more than 20 hours per week—except where they are employed at the educational institution they are attending. Students working full time at off-campus jobs during vacations would not be eligible for the youth differential rate.

This narrowed application of the youth differential should meet the objections of those who felt the provision in the substitute bill last year would have reduced adult employment opportunities. The 6-month limitation would further reduce the already minimal possibility of competition between adult workers and teenagers for low-skilled jobs. This provision would encourage employers to provide inexperienced young workers with job training opportunities necessary in order for them to acquire marketable job skills. Also, few adults seek the kinds of part-time jobs held by students.

The effect of this youth differential provision would be to preserve job opportunities for students and teenagers which would otherwise be eliminated when existing minimum wage rates are increased. It is not a question of displacing adult workers. It is a question of whether marginal jobs are held by teenagers and students working part-time, or whether such jobs are simply eliminated. Every time the minimum wage is increased, many marginal jobs are eliminated because employers find it more economical to mechanize or use some other means to avoid paying employees at the increased rate. There is general agreement among the experts that minimum wage increases result in decreased job opportunities for low-skilled marginal workers—particularly inexperienced teenagers. The Labor Department's 1973 report to Congress on the Fair Labor Standards Act summarizes three recent studies analyzing the impact of minimum wage increases on youth employment. Each of the studies clearly indicates that youth employment is adversely affected by minimum wage increases. Without a youth differential provision, the increases implemented by this bill would worsen the already high teenage unemployment rate—which has been above 15 percent for several years.

The Fair Labor Standards Act contains a provision permitting an 85 percent "youth differential" to full-time students and youth under 18. But, it also requires that employers receive Labor Department certification prior to employment of youth at the special rate. This requirement, which has discouraged employers from fully utilizing the existing youth differential provisions because of the extensive forms and report-filing involved, would be removed by this bill. The bill would, however, require the Secretary of Labor to issue regulations insuring against displacement of adult workers. It also makes clear that employers found to be in violation of the conditions of the youth differential provision would be subject to the existing civil and criminal penalties under the act.



I think this youth differential provision merits at least a trial run. If it does not, work, we can always modify it, or repeal it and look for something better. The alternative is to simply turn our backs on the very critical problem of high youth unemployment.

The bill contains several other provisions amending the Fair Labor Standards Act—including several tightening up enforcement of the child labor provisions of the act. I ask unanimous consent that the text of the bill and a section-by-section analysis of it be included in the RECORD at the conclusion of my remarks, together with a statement by Senator TAFT in support of the bill.

In conclusion, Mr. President, I have strong views about minimum wage legislation, and feel very strongly that anything we do in this regard should take into account the potential adverse inflationary and unemployment effects. I think I made that clear last year. What I want to emphasize is that this bill was not drafted with the idea that it would merely serve as a starting point for negotiations in the Labor and Public Welfare Committee. On the contrary, it was drafted with the intent that it would be a reasonable compromise between the bill reported by the Labor and Public Welfare Committee last year and the substitute bill I sponsored with Senator TAFT. The substitute, which fell one vote short of Senate approval, was revised specifically with that in mind. This bill contains significant changes—most notably with regard to extending coverage to Federal, State, and local government employees, and narrowing the scope of the youth differential.

Mr. President, I feel this bill is a reasonable compromise which is in the best interests of the public, and which should be capable of getting the support of a majority of the Senate.

There being no objection, the bill and other material were ordered to be printed in the RECORD, as follows:

S. 1725

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That this Act may be cited as the "Fair Labor Standards Amendments of 1973".

DEFINITIONS AND APPLICABILITY TO GOVERNMENT EMPLOYEES

SEC. 2. (a) Section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C, 203 (d)), is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee, including the United States and any State or political subdivision of a State, but shall not include any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization."

(b) Section 3(e) of such Act is amended by adding at the end thereof the following:

"In the case of any individual employed by the United States, 'employee' means any individual employed (i) as a civilian in the military departments as defined in section 102 of title 5, United States Code, (ii) in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees who are paid from nonappropriated funds), (iii) in the United States Postal Service and the Postal Rate Commission, (iv) in those units of the government of the District of Columbia having positions in the competitive service, (v) in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and (vi) in the Library of Congress, and in the case of any individual employed by any State or a political subdivision of any State means any employee holding a position comparable to one of the positions enumerated for individuals employed by the United States.".

(c) Section 3(h) of such Act is amended to read as follows:

"(h) 'Industry' means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed.".

(d)(1) The first sentence of section 3(r) of such Act is amended by inserting after the word "whether", the words "public or private or conducted for profit or not for profit, or whether".

(2) The second sentence of such subsection is amended to read as follows: "For purposes of this subsection, the activities performed by any person in connection with the activities of the Government of the United States or any State or political subdivision shall be deemed to be activities performed for a business purpose.".

(e) The first sentence of section 3(s) of such Act is amended by inserting after the words "means an enterprise", the parenthetical clause "(whether public or private or operated for profit or not for profit and including activities of the Government of the United States or of any State or political subdivision of any State)".

(f) Section 13(b) of such Act is amended by striking out the period at the end of paragraph (19) and inserting in lieu thereof a semicolon and the word "or" and by adding at the end thereof the following new paragraph:

"any employee employed by the United States (A) as a civilian in the military departments as defined in section 102 of title 5, United States Code, (B) in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees who are paid from nonappropriated funds), (C) in the United States Postal Service and the Postal Rate Commission, (D) in those units of the government of the District of Columbia having positions in the competitive service, (E) in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and (F) in the Library of Congress, and any employee employed by any State or a political subdivision of any State holding a position comparable to one of the positions enumerated in this paragraph for individuals employed by United States."

INCREASE IN MINIMUM WAGE

SEC. 3. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(1)(A) not less than $1.80 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973,

"(B) not less than $2.00 an hour during the second year from the effective date of such amendments,

"(C) not less than $2.10 an hour during the third year from the effective date of such amendments

"(D) not less than $2.20 an hour during the fourth year from the effective date of such amendments, and

"(E) not less than $2.30 an hour thereafter."

(b) Paragraph (5) of section 6(a) is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than $1.50 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1973, not less than $1.70 an hour during the second year from the effective date of such amendments, and not less than $1.90 an hour thereafter."

(c)(1) Section 6(b) of such Act is repealed.

(2) Subsections (c), (d), and (e) of section 6 of such Act are redesignated as subsections (b), (c), and (d), respectively.

EMPLOYEES IN THE CANAL ZONE

SEC. 4. Section 6(a) of the Fair Labor Standards Act of 1938 is amended by striking out the period at the end of paragraph (5) of such section and inserting in lieu thereof a semicolon and the word "or", and by adding at the end thereof the following new paragraph:

"(6) if such employee is employed in the Canal Zone not less than $1.60 an hour."

EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 5. Paragraphs (A) and (B) of section 6(b)(2) of the Fair Labor Standards Act of 1938 (as redesignated by section 3(a)(2) of this Act) are amended to read as follows:

"(A) The rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 increased by 12.5 per centum unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendations of a review committee appointed under paragraph (C). Such rate or rates shall become effective sixty days after the effective date of the Fair Labor Standards Amendments of 1973, or one year from the effective date of the most recent wage order applicable to such employee theretofore issued by the Secretary pursuant to the recommendations of a special industry committee appointed under section 5, whichever is later.

"(B)(i) Effective one year after the applicable effective date under paragraph (A), the rate or rates prescribed by paragraph (A), increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C).

"(ii) Effective two years after the applicable effective date under paragraph (A), the rate or rates prescribed by subparagraph (i) of this paragraph increased by an amount equal to 12.5 per centum of the rate or rates applicable under the most recent wage order issued by the Secretary prior to the effective date of the Fair Labor Standards Amendments of 1973 unless such rate or rates are superseded by the rate or rates prescribed in a wage order issued by the Secretary pursuant to the recommendation of a review committee appointed under paragraph (C)."

PROOF OF AGE REQUIREMENT

SEC. 6. Section 12 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following new subsection:

"(d) In order to carry out the objectives of this section, the Secretary may by regulations require employers to obtain from any employee proof of age."

CHILD LABOR IN AGRICULTURE

SEC. 7. (a) Section 13(c)(1) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) the provisions of section 12 (relating to child labor) shall not apply to any employee employed in agriculture outside of school

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hours for the school district where such employee is living while he—

"(A) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person,

"(B) is fourteen years of age or older, or

"(C) is twelve years of age or older, and (i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent or such person is employed on the same farm.".

(b) Section 13 (d) of such Act is amended to read as follows:

"(d) The provisions of sections 6, 7, and 12 shall not apply with respect to any employee engaged in the delivery of newspapers to the consumer, and the provisions of section 12 shall not apply with respect to any such employee when engaged in the delivery to households or consumers of shopping news (including shopping guides, handbills, or other type of advertising material) published by any weekly, semiweekly, or daily newspaper."

EXPANDING EMPLOYMENT OPPORTUNITIES FOR YOUTH; SPECIAL MINIMUM WAGES FOR EMPLOYEES UNDER EIGHTEEN AND STUDENTS

SEC. 8. Section 14(b) of the Fair Labor Standards Act of 1938 is amended to read as follows.

"(b)(1) Subject to paragraph (2) and to such standards and requirements as may be required by the Secretary under paragraph (4), any employer may, in compliance with applicable child labor laws, employ, at the special minimum wage rate prescribed in paragraph (3), any employee—

"(A) to whom the minimum wage rate required by section 6 would apply in such employment but for this subsection, and

"(B) who is under the age of eighteen or is a full-time student.

"(2) No employer may employ, at the special minimum wage rate authorized by this subsection—

"(A) for a period in excess of one hundred and eighty days any employee who under the age of eighteen and is not a full-time student; or

"(B) for longer than twenty hours per week any employee who is a full-time student, except in any case in which any such student is employed by the educational institution at which he is enrolled.

"(3) The special minimum wage rate authorized by this subsection is a wage rate which is not less than the higher of (A) 85 per centum of the otherwise applicable minimum wage rate prescribed by section 6, or (B) $1.30 an hour in the case of employment in agriculture or $1.60 an hour in the case of other employment, except that such special minimum wage rate for employees in Puerto Rico, the Virgin Islands, and American Samoa shall not be less than 85 per centum of the industry wage order rate otherwise applicable to such employees, but in no case shall such special minimum wage rate be less than that provided for under the most recent wage order issued prior to the effective date of the Fair Labor Standards Act of 1973.

"(4) The Secretary shall by regulation prescribe standards and requirements to insure that this subsection will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this subsection is applicable.

"(5) For purposes of sections 16(b) and 16(c)—

"(A) any employer who employs any employee under this subsection at a wage rate which is less than the minimum wage rate prescribed by paragraph (3) shall be considered to have violated the provisions of section 6 in his employment of the employee, and the liability of the employer for unpaid wages and overtime compensation shall be determined on the basis of the otherwise applicable minimum wage rate under section 6; and

"(B) any employer who employs any employee under this subsection for a period in excess of the period prescribed by paragraph (2) shall be considered to have violated the provisions of section 6 in his employment of the employee during the period in excess of the authorized period."

CIVIL PENALTY FOR CERTAIN LABOR VIOLATIONS

SEC. 9. Section 16 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following new subsection:

"(e) Any person who violates the provisions of section 12, relating to child labor, or any regulation issued under that section, shall be subject to a civil penalty of not to exceed $1,000 for each such violation.

In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be—

"(1) deducted from any sums owing by the United States to the person charged; or

"(2) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

"(3) ordered by the court, in an action brought under section 17 to restrain violations of section 15(a)(4), to be paid to the Secretary.

Any administrative determination by the Secretary of the amount of such penalty shall be final, unless within fifteen days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be promulgated by the Secretary. Sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provisions of section 2 of an Act entitled 'An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof, and for other purposes' (48 Stat. 582)."

PENALTIES

SEC. 10. The first two sentences of section 16(c) of the Fair Labor Standards Act of 1938, as amended, are amended to read as follows:

"The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 6 or 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages."

NONDISCRIMINATION ON ACCOUNT OF AGE IN GOVERNMENT EMPLOYMENT

SEC. 11. (a) (1) The second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621) is amended to read as follows: "The term also means (1) any agent of such a person, and (2) a State or political subdivision of a State and any agency or instrumentality of a State or a political subdivision of a State, but such term does not include the United States, or a corporation wholly owned by the Government of the United States.".

(2) Section 11(c) of such Act is amended by striking out "or any agency of a State or political subdivision of a State, except that such terms shall include the United States Employment Service and the systems of State and local employment services receiving Federal assistance.".

(3) Section 16 of such Act is amended by striking the figure "$3,000,000", and inserting in lieu thereof "$5,000,000".

(b)(1) The Age Discrimination in Employment Act of 1967 is amended by redesignating sections 15 and 16, and all references thereto, as section 16 and section 17, respectively.

(2) The Age Discrimination in Employment Act of 1967 is further amended by adding immediately after section 14 the following new section:

"NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 15. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, of the government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement of hiring of employees with or without backpay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the review and evaluation of the operation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

"(2) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employment on account of age.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken or any complaint of discrimination filed by him thereunder. Reasonable exemptions to the provisions of this section may be established by the Commission but only when the Commission has established a maximum age requirement on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Any persons aggrieved may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act.



"(d) When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving a notice of intent to sue, the Commission shall promptly notify all persons named therein as prospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

"(e) Nothing contained in this section shall relieve any Government agency or official of the responsibility to assure non-discrimination on account of age in employment as required under any provision of Federal law."

EXEMPTION REVIEW

SEC. 12. The Secretary of Labor is hereby instructed to commence immediately a comprehensive review of the exemptions under section 13 of the Fair Labor Standards Act of 1938 and submit to the Congress not later than three years after the date of enactment of this Act a report containing: (1) an analysis of the reasons why each exemption was established; (2) an evaluation of the need for each exemption in light of current economic conditions, including an analysis of the economic impact its removal would have on the affected industry; and (3) recommendations with regard to whether each exemption should be continued, removed, or modified.

TECHNICAL AMENDMENTS

SEC. 13. (a) Section 6(c)(2)(C) of the Fair Labor Standards Act of 1938 is amended by substituting "1973" for "1966".

(b)(1) Section 6(c)(3) of such Act is repealed.

(2) Section 6(c)(4) of such Act is redesignated as 6(c)(3).

(c)(1) Section 7(a)(1) of such Act is redesignated as 7(a).

(2) Section 7(a)(2) of such Act is repealed.

(d) Section 14(c) of such Act is repealed and section 14(d) is redesignated as 14(c).

(e) Section 18(b) is amended by striking out "section 6(b)", and inserting in lieu thereof "section 6(a)(6)", and by striking out "section 7(a)(1)" and inserting in lieu thereof "section 7 (a)".

EFFECTIVE DATE

SEC. 14. Except as otherwise provided in this Act, the amendments made by this Act shall take effect sixty days after enactment. On and after the date of enactment of this Act, the Secretary is authorized to promulgate necessary rules, regulations, or orders with regard to the amendments made by this Act.

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SECTION-BY-SECTION ANALYSIS OF S. 1725

SECTION 2

Amends section 3(d) and 3(e) of the Fair Labor Standards Act to include under the definitions of "employer" and "employee" the United States and any state or political subdivision of a state. This would extend minimum wage coverage to an estimated 4.9 million federal, state and local government employees (1.7 million federal, 3.2 million state and local government). Military personnel, professional, executive and administrative personnel, employees in non-competitive positions, and volunteer-type employees, such as Peace Corps and VISTA, would not be included in the extension of coverage. The extension of coverage would be limited to minimum wage; existing overtime coverage under the Act would not be changed.

SECTION 3

Amends section 6(a)(1) of the Fair Labor Standards Act to raise the minimum wage for non-agricultural employees to $2.30 an hour in five steps over a four-year period. The minimum wage would be raised to $1.80 an hour on the effective date of these amendments (60 days after enactment); to $2.00 an hour one year later; to $2.10 two years after the effective date; to $2.20 three years after the effective date; and to $2.30 four years after the effective date. These increases would apply equally to all non-agricultural employees within the coverage of the Act, regardless of when they were first covered.

Amends section 6(a)(5) of the Act to raise the minimum wage for agricultural employees to $1.50 an hour during the first year after the effective date of these amendments, $1.70 an hour during the second year, and $1.90 an hour thereafter.

SECTION 4

Amends section 6(a) of the Fair Labor Standards Act to retain the present minimum wage of $1.60 an hour for employees in the Canal Zone.

SECTION 5

Amends section 6(c) of the Fair Labor Standards Act to raise the minimum wage in Puerto Rico and the Virgin Islands by three 12½ percent increases over the most recent wage order rate, the first increase to be effective either 60 days after enactment of the bill or one year after the effective date of the most recent wage order, whichever is later. The second increase would be effective one year after the first; the third increase would be effective one year after the second.

SECTION 6

Amends section 12 of the Fair Labor Standards Act to authorize the Secretary of Labor to require employers to obtain proof of age from any employee. This would facilitate enforcement of the child labor provisions of the Act.

SECTION 7

Amends section 13(c)(1) of the Fair Labor Standards Act, which relates to child labor in agriculture, to prohibit employment of children under 12 except on farms owned or operated by parents; and to prohibit employment of children aged 12 and 13 except with written consent of their parents, or on farms where their parents are employed.

Amends section 13(d) of the Act to extend the existing child labor exemption for newsboys delivering daily newspapers to newsboys delivering advertising materials published by weekly and semi-weekly newspapers.

SECTION 8

Amends section 14(b) of the Fair Labor Standards Act to establish a special minimum wage rate for youth under 18 and full-time students of 85 percent of the applicable minimum wage or $1.60 an hour ($1.30 an hour for agricultural employment), whichever is higher. The special minimum wage for the same employees in Puerto Rico, the Virgin Islands, and American Samoa would be 85 percent of the industry wage order rate applicable to them, but not less than the rate in effect immediately prior to the effective date of the Fair Labor Standards Amendments of 1973.

Non-students under 18 would qualify for the "youth differential" rate only during their first 6 months of employment on a job. Full-time students would qualify for the differential rate (a) while employed at the educational institution they are attending; or (b) while employed part-time (not in excess of 20 hours per week) at any job.

The existing requirement in the Act that employers receive Labor Department certification prior to employment of youth at the special minimum rate would be removed. The Secretary of Labor would be required to issue regulations insuring against displacement of adult workers. Employers violating the terms of the youth differential provision would be subject to existing civil and criminal penalty provisions of the Act.

SECTION 9

Amends section 16 of the Fair Labor Standards Act to provide for a civil penalty of up to $1,000 for each violation of the child labor provisions of section 12 of the Act.

SECTION 10

Amends section 16(c) to allow the Secretary of Labor to bring suit to recover unpaid minimum wages or overtime compensation and an equal amount of liquidated damages without requiring a written request from an employee. In addition, this amendment would allow the Secretary to bring such actions even though the suit might involve issues of law that have not been finally settled by the courts.

SECTION 11

Amends the Age Discrimination in Employment Act of 1967 (P.L. 90–202) to extend its coverage to federal, state and local government employees.

SECTION 12

Requires the Secretary of Labor to undertake a comprehensive review of the minimum wage and overtime exemptions under section 13 of the Fair Labor Standards Act and to submit to Congress within three years a report containing recommendations as to whether each exemption should be continued, removed or modified.

SECTION 13

Technical amendments.

SECTION 14

Provides that the amendments made by this Act would become effective sixty days after enactment, and authorizes Secretary of Labor to promulgate regulations necessary to carry out such amendments.

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STATEMENT BY SENATOR TAFT

Minimum wage legislation has been the subject of considerable discussion during the last two years, with extensive debate in this body and the other body. Senator Dominick and I today have introduced a bill that we feel is a very constructive approach to increasing the minimum wage. I understand Senators Williams and Javits also plan to introduce a minimum wage proposal in the near future. I am sure their proposal will be a great help in considering this important topic.

It is important to remember, however, that the Congress must be very careful in acting to amend the Fair Labor Standards Act. If we enact increases to the minimum wage too quickly, many employees may lose their jobs. Many of our nation's small businesses would also be severely affected if the minimum is increased too quickly. We must remember that the Fair Labor Standards Act is basically small business legislation, and any attempt to make it other than that can be fatal to many of our nation's small employers and their employees.

Another extremely important concept with regard to the minimum wage question is the concept of a youth differential. Any way you examine the unemployment situation for our nation's youth, you are readily apprised of extremely pressing problems. It is truly discouraging to see that many of our nation's youth, especially minority youth, do not have a job, nor do they have the prospect of obtaining one. Senator Dominick and I have suggested a sub-minimum wage proposal to be applicable for youth 18 years of age and under. We feel this proposal has merit and will help alleviate part of this youth unemployment problem. I realize the strong feeling of organized labor against this concept but I also know that they are quite aware

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and quite concerned about the problem of youth unemployment. I hope that they will again carefully consider this question and provide constructive alternatives in this area if they continue to oppose any type of youth sub-minimum.

Senator Dominick has already gone over the provisions of our proposal and included a summary thereof. I will not duplicate this effort. I would ask, however, that each Senator carefully examine the issues raised with respect to increasing the minimum wage and then consider our proposal.

All Americans desire to see the elimination of sub-standard and exploitive wage practices. Let us in the Congress work together in this session toward this goal.

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By Mr. GRAVEL:

S. 1726. A bill to provide guidelines and limitations for the classification of information and material, to insure the integrity of the Congress as a separate branch of the Government by preventing the unwarranted interference in congressional functions by the executive and judicial branches, to establish an Office of the General Counsel to the Congress, to require the disclosure of information to Congress by the executive branch, to protect the confidentiality of information and sources of information of the news media, and for other purposes. Referred to the Committee on Government Operations.

THE PEOPLE'S NEED TO KNOW

Mr. GRAVEL. Mr. President, the prerequisite of a free, self-governing people is an enlightened citizenry. If the American people are to be meaningful participants in the operation of their Government, they must have easy access to virtually all information. The Government's shrill claims of a "need" for secrecy must give way to the higher priority of the citizen's need to know, his right to know.

I have identified five areas in which it seems to me crucial, that we act in order to preserve the free flow of information:

First. We must control excessive secrecy by establishing guidelines and limitations for classification and declassification. This does not mean mandating secrecy itself, as the administration has proposed.

Second. We must assure the congressional role in gathering and disclosing information by protecting Members of Congress from intimidation by the Executive.

Third. We must put a stop to the abuse of Executive privilege. While the adviser relationship should be kept sacrosanct, it should never be used to keep information from the Congress.

Fourth. We should establish our own general counsel to preserve congressional immunity, defend our membership from Executive harassment, and act aggressively to halt Executive usurpation of power.

Fifth. We must grant newsmen immunity from disclosure of information and sources. A free press will assist Congress in informing the people, and it will keep the Congress itself honest.

I have attempted to deal with the problems in each of these areas in separate titles of a comprehensive bill, the "Public Information Act of 1973," which I am introducing today. I ask unanimous consent that this bill, together with an accompanying section-by-section analysis, be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1726

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Public Information Act of 1973".

TITLE I—AMENDMENTS TO FREEDOM OF INFORMATION ACT

SHORT TITLE

SECTION 101. This title may be cited as the "Freedom of Information Act Amendments of 1973".

ATTORNEYS' FEES

SEC. 102. Section 552(a)(3) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "The court shall award reasonable attorneys' fees and court costs to the complainant if it issues any such injunction or order against the agency."

CONFORMING AMENDMENTS

SEC. 103. Section 552(b) of title 5, United States Code, is amended—

(1) by striking out "(b) This section" and insertion in lieu thereof "(b)(1) subsection (a)";

(2) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively;

(3) by striking out subparagraph (A), as redesignated by clause (2), and inserting in lieu thereof the following: "(A) designated Secret Defense Data in accordance with subsection (d);"; and

(4) by inserting at the end thereof the following new paragraph:

"(2) Subsection (a) applies to any matter which is declassified under subsection (e)."

CLASSIFICATION OF INFORMATION

SEC. 104. Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

"(d)(1) The Congress finds and declares that the free flow of information among individuals, between the Government and the citizens of the United States, and among the separate branches of the Government is essential to the proper functioning of the Constitutional processes of the United States. The Congress further finds that certain unwarranted policies and procedures for the classification of information and to material have in the past unduly inhibited this free flow of information, and that in order to correct this situation it is necessary to prescribe certain guidelines and limitations for the classification of information and material which the President or the head of an agency determines to require limited dissemination in the interest of national defense. By prescribing such guidelines and limitations, it is not the intention of the Congress either to encourage the classification of information and material or to establish as a criminal offense, in itself, the unauthorized disclosure of any such classified information or material.

"(2) The President and the heads of those agencies listed under subparagraph (A) of paragraph (4) are authorized to classify as 'Secret Defense Data' any official information or material originated or acquired by them, the unauthorized disclosure of which may reasonably be expected to cause damage to the national defense. Official information or material may be classified as Secret Defense Data only if its unauthorized disclosure would adversely affect the ability of the United States to protect and defend itself against overt or covert hostile action. In no case shall information or material be classified in order to conceal incompetence, inefficiency, wrongdoing, or administrative error, to avoid embarrassment to any individual or agency, to restrain competition or independent initiative, or to prevent or delay for any reason the release of information or material the dissemination of which will not damage the national defense.

"(3) Except as otherwise provided by law, no designation other than 'Secret Defense Data' shall be used to classify information or material in the interest of national defense. The President or the head of the agency originating or receiving Secret Defense Data may use such routing indicators as may be appropriate to assist in limiting the dissemination of individual items of such Secret Defense Data to designated recipients.

"(4) (A) Official information or material may be originally classified as Secret Defense Data by the heads of—

"(i) such offices within the Executive Office of the President as the President may designate by Executive Order;

"(ii) the Department of State;

"(iii) the Department of Defense and the military departments, as defined in section 102 of this title;

"(iv) the Department of the Treasury;

"(v) the Department of Justice;

"(vi) the Department of Commerce;

"(vii) the Department of Transportation;

"(viii) the Atomic Energy Commission;

"(ix) the Central Intelligence Agency; and

"(x) the National Aeronautics and Space Administration.

"(B)(i) The President and the head of each agency listed under subparagraph (A) may authorize in writing senior principal deputies, assistants, and subordinate officials within each such agency to classify official information or material as Secret Defense Data. In no case may any individual occupying a position lower than the level of section chief or its equivalent be authorized to classify official information or material as Secret Defense Data, and no individual may be granted such authority unless his daily operational responsibilities require that he have such authority.

"(ii) Officers and employees of agencies other than agencies listed under subparagraph (A) may not classify official information or material; and the authority to classify may not be delegated or transferred to any other agency except by Act of Congress. An officer or employee of an agency who is not authorized to classify official information or material under this subsection, but who originates or supervises the origination of official information or material which he believes to qualify for classification as Secret Defense Data, may recommend classification of any such information or material by the head of the agency having both a direct official interest in the information or material and the authority to classify it.

"(iii) Each individual authorized by the head of an agency listed under subparagraph (A) to classify official information or material shall be furnished within written instructions advising him of the subject matter which he may classify and of any other requirements applicable to him in the exercise of his classification authority. The head of each such agency shall semiannually review his designation of authority to classify official information or material and shall revoke such designation in the case of any individual whose operational responsibilities no longer require that he have such authority.

"(iv) No individual authorized to classify information or material may redelegate such authority to any other individual.

"(v) Any individual who, acting in a clerical capacity, handles any classified information or material need not have authority to classify such information or material in order to copy or otherwise reproduce or to put classification markings on such information or material.

"(5) The head of each agency listed under paragraph (4)(A) shall compile and maintain a complete list of the names and official addresses of all individuals within such agency who are authorized to classify official addresses of all individuals within such list shall be submitted quarterly by each such agency head to the Comptroller General of the United States. A copy of each such list shall be made available, upon written request to the appropriate agency head by any Member or committee of Congress, to such Member of committee.

"(6) Official information and material shall be classified according to what it contains or reveals and not according to its relationship with or reference to other information or material. No document or other material may be classified unless it contains or reveals an element of official information specifically designated as Secret Defense Data pursuant to this subsection.

"(7) Any document or other material object, including communications transmitted by electrical means, containing or revealing information designated as Secret Defense Data shall be appropriately and conspicuously marked or otherwise identified to show—

"(A) the designation 'Secret Defense Data';

"(B) any routing designator which may have been assigned;

"(C) the office of origin;

"(D) the date of origin;

"(E) the name and title of the individual who classified the document or object; and

"(F) the date of original classification.

The marking or other identification shall be limited to thoses paragraphs or other separate segments of the document or other object which require protection, and the classification authority shall (i) mark or identify only those paragraphs or segments which require protection, or (ii) include with the document or other object a statement specifically describing those paragraphs or segments which require protection.

"(8) Information or material furnished to the United States by a foreign government or international organization, the unauthorized disclosure of which could reasonably be expected to cause damage to the national defense or to the defense of a foreign government with which the United States is allied, may be designated as 'secret defense data', except that any such information or material shall be provided to any Member or committee of Congress upon written request to the appropriate agency, notwithstanding any contrary agreement or stipulation.

"(9) Official information or material originated or acquired by an agency and classified as 'confidential', 'secret', or 'top secret' pursuant to any Executive order shall be subject to the provisions of this subsection. Subject to review procedures established by the President or the head of an agency, any officer or employee having custody of a document or other material classified as 'confidential,' 'secret', or 'top secret', which is in use or withdrawn from file or storage for use, shall mark it in accordance with the provisions of this subsection to show that it has been designated as Secret Defense Data, or to show that it has been declassified and cite this subsection or subsection (e) as the authority for such marking, unless declassification was accomplished before the effective date of this subsection.

"(e)(1)(A) Any official information or other material which—

"(i) is classified pursuant to the provisions of subsection (d) after the effective date of such subsection; and

"(ii) at any time thereafter ceases to meet the requirements of subsection (d) (2), or can no longer be protected against unauthorized disclosure,



shall be declassified promptly by the President or an individual within the appropriate agency who has the authority to classify such information or material.

"(B) Except as provided in paragraph (2), any official information or material which is classified pursuant to subsection (d) on or after the effective date of such subsection and which is not declassified as provided in subparagraph (A), shall be declassified automatically upon the expiration of two years after the end of the month of its classification, by the President or an individual within the appropriate agency who has authority to classify such information or material, regardless of whether or not the document or other material has been marked to show the declassification.

"(C) Except as provided by paragraph (2), any official information or material which was originally classified as 'confidential, 'secret', or 'top secret' pursuant to any Executive order during the two-year period immediately preceding the effective date of subsection (d), and which is classified as 'confidential', 'secret', or 'top secret' on such effective date, shall be declassified automatically upon the expiration of two years after the end of the month of the original classification of such information or material, by the President or an individual within the appropriate agency who has the authority to classify such information or material, regardless of whether or not the document or other material has been marked to show the declassification. If the original date of classification of such information or material is not known, it shall be declassified automatically not later than the expiration of two years after the effective date of subsection (d).

"(D) Except as provided by paragraph (2), any official information or material which was originally classified pursuant to any Executive order, directive, memorandum, or other authority prior to the two-year period immediately preceding the effective date of subsection (d), and which continues to be classified on such effective date, shall be declassified automatically upon the expiration of six months after such effective date, by the President or an individual within the appropriate agency who has authority to classify such information or material, regardless of whether the document or other material has been marked to show the declassification.

"(2)(A) Any official information or material which is classified and which is subject to automatic declassification as provided in subparagraph (B), (C), or (D) of paragraph (1) may be assigned a deferred automatic declassification date by the President or the head of the agency which originally classified such information or material or by the head of the agency which has responsibility for such information or material in the case of a transfer of functions from one agency to another, upon a determination by the President or the agency head that the information or material is of such sensitivity and importance to continue to satisfy the requirements for classification as Secret Defense Data. For each item of information or material for which the President or the head of an agency makes such a determination, he shall submit, in writing, to the Committee on Government Operations of the Senate, the Committee on Government Operations of the House of Representatives, and the Comptroller General of the United States a detailed justification for the continued classification of such information or material. Both such committees shall compile and print at least annually as a public document all such reports received by them, except that upon recommendation of the President or the head of the agency concerned, such committee may delete from printing any material which itself satisfies the requirements for classification as Secret Defense Data. Each such deletion shall be indicated in the printed document, and the complete document without deletions shall be kept in committee files and made available, upon request, to any Member or committee of Congress. In no case may the President or the head of an agency assign a deferred automatic declassification date of more than two years after the date of declassification provided for under subparagraph (B), (C), or (D) of paragraph (1), except that such official may assign an additional deferred automatic declassification date upon determination that the classified information or material continues to satisfy the criterion for classification as Secret Defense Data. For each such deferral such official shall submit a written justification as provided herein. The authority to defer declassification shall not be redelegated by the head of any agency. Any information or material assigned a deferred automatic declassification date may at any time be declassified in accordance with paragraph (1)(A).

"(B)(i) Any person may bring a civil action on his own behalf against the President or the agency head who is alleged to have deferred the automatic declassification date of official information or material which does not satisfy the requirements (as described in subsection (d)(2)) for classification as Secret Defense Data. The district court of the United States in the district in which the complainant resides, or has his principal place of business, or the district court for the District of Columbia, has jurisdiction to enjoin the President or the agency head from deferring the automatic declassification date of information or material and to order such declassification upon finding that such information or material does not satisfy the criterion for classification as Secret Defense Data. In such a case the court shall determine the matter de novo and the burden is on the President or the agency head to sustain his action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible official. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

"(ii) The court, if it issues any injunction or order against the President or the agency head in any action brought pursuant to subparagraph (B)(i), shall award reasonable attorneys' fees and court costs to the complainant.

"(3) The declassification of Secret Defense Data shall be accomplished by issuance of an official announcement describing or otherwise identifying the information or material to be declassified, or by the classification authority authenticating the declassification according to the procedures described in paragraph (4) on the record copy of a document or other material and notifying all holders of copies of such document or material that the information or material has been declassified.

"(4) Any information or material which is declassified, including information or material automatically declassified, shall be marked as soon as practicable in order clearly to show that it has been declassified. Such information or material also shall be annotated to show the date of the declassification and the name and title of the person who authorized the declassification. Information or material which is in storage when declassified need not be marked or annotated until it is withdrawn for use, and information or material which is declassified and which is designated for destruction need not be marked or annotated but may be destroyed according to procedures applicable to other non-classified material.

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"(5) The head of an agency which has responsibility for functions transferred from another agency shall exercise declassification authority for such Secret Defense Data as falls within the purview of the transferred functions, even if such agency does not have original classification authority. The Administrator of Services shall exercise declassification authority for such Secret Defense Data as has been transferred to the General Services Administration in order to be placed in the Archives of the United States. In order to carry out the provisions of this paragraph, heads of agencies may designate such senior principal deputies, assistants, and subordinate officials as they may require to accomplish declassification.

"(6) An officer or employee who has custody of Secret Defense Data which he believes no longer requires classification, and concerning which he does not have declassification authority, may recommend immediate declassification by the person or office having both a direct official interest in such Secret Defense Data and the authority to declassify it.

"(f)(1) The head of each agency which exercises authority to classify or declassify official information or material shall, in conjunction with the Comptroller General of the United States, prescribe such regulations as he considers necessary or appropriate to carry out the provisions of subsections (d) and (e) of this section, including regulations which prescribe administrative reprimand, suspension, or other disciplinary action for the improper classification of official information or material.

"(2) The Comptroller General of the United States shall monitor the actions taken by agencies to implement and adhere to the policies and provisions of subsections (d) and (e) of this section. To this end the Comptroller General shall perform, among others, the following functions:

"(A) Prescribe, in conjunction with heads of agencies, such regulations as may be necessary to achieve uniformity among agencies in the implementation of subsections (d) and (e) of this section.

"(B) Obtain and review agency implementing regulations and those of such subordinate components as may be necessary to determine the effectiveness of agency actions.

"(C) Inquire on a periodic basis regarding the need for assignment or retention of the Secret Defense Data designation on selected documents and other material.

"(D) Conduct visits on a periodic basis to observe the practical application of classification and declassification policy and the safeguarding of Secret Defense Data by officers and employees of agencies.

"(E) Investigate, when deemed appropriate, inquiries initiated by private citizens, officers or employees of the United States, or any other person concerning any allegation of improper classification of information or material, or concerning any allegation of the failure of any agency, or any officer or employee thereof, to comply with the policies and provisions of subsection (d) or (e) of this section, or any regulation prescribed under this subsection.

"(F) Transmit semi-annual reports not later than March 1 and September 1 of each year to both the Senate Committee on Government Operations and the House Committee on Government Operations, setting forth the findings of such reviews, inquiries, visits, and investigations as may have been conducted pursuant to subparagraphs (B) through (E) during the reporting period, as well as any other matters pertaining to the implementation of subsections (d) and (e) which may be of interest to the committees. Such reports also shall contain any recommendations for action by the committees relating to this Act which the Comptroller General may deem appropriate.

"(g) No person may withhold or authorize withholding information or material from the Congress, or any committee or Member thereof, or from any court of the United States on the basis that such information or material is classified or qualifies for classification as Secret Defense Data or is otherwise classified pursuant to any law. Executive order, directive, memorandum, or other authority."

ATOMIC ENERGY RESTRICTED DATA

SEC. 105. The provisions of this title shall not affect any requirement made by or under the Atomic Energy Act of 1954, as amended, regarding the designating and protection of Restricted Data, as defined in that Act.

EFFECTIVE DATE

SEC. 106. (a) Except as provided in subsection (b), the provisions of this title shall take effect on the first day of the fourth month that commences after the date of its enactment.

(b) Section 552(f), as added by section 104 of this title, shall take effect upon the date of enactment of this Act.

TITLE II—CONGRESSIONAL PROTECTION

SEC. 201. Part II of title 18, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 239—CONGRESSIONAL PROTECTION

"Sec.

"3791. Congressional protection.

"§ 3791. Congression protection.

"(a) Notwithstanding any other provision of law, the courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, the District Court of the Virgin Islands, the United States Commissioners, and the United States magistrates shall have no jurisdiction to conduct any criminal proceeding with respect to offenses against the laws of the United States if such proceeding relates to a legislative activity of a Member of Congress.

"(b)(1) If an attorney for the United States intends to issue a subpoena to any person, and such attorney has reason to believe that the subpoena, or any part thereof, relates to a legislative activity of a Member of Congress, then such attorney shall immediately notify the Attorney General of the United States. The Attorney General shall approve personally the issuance of the subpoena, and shall notify in writing such Member and the President pro tempore of the Senate, in the case of a Senator, or the Speaker of the House of Representatives, in the case of a Representative, a Resident Commissioner, or a Delegate of the House of Representatives, not less than 48 hours in advance of the issuance of the subpoena.

"(2) If at any time in the course of any criminal proceeding it appears that testimony which relates to the legislative activity of a Member of Congress is being heard or may be heard, and the provisions of paragraph (1) have not been complied with, then the court shall stay the proceedings and give such Member an opportunity to move, as provided in subsection (c), to quash the subpoena or subpoenas pursuant to which testimony is being taken.

"(c) If any subpena is issued to any person with respect to any activity of a Member of Congress, that Member may file a motion, before the court under whose seal the subpena was issued, asking that the subpena, or any part thereof, be quashed on the grounds that such subpena or part thereof relates to a legislative activity of such Member and is therefore beyond the jurisdiction of such court, commissioner, or magistrate, as the case may be. Upon the filing of such motion, the subpena, or part thereof, sought to be quashed shall be stayed. In any hearing on a motion to quash the subpena, the United States (1) is required to state with particularity the information it intends to receive as the result of the issuance of the subpena, and (2) shall have the burden of proving, beyond a reasonable doubt, that such subpena, or part thereof, does not relate to any legislative activity of such Member. If the United States fails to satisfy the provisions of both clauses (1) and (2) of this subsection, the subpena or part thereof shall be quashed. If the court finds that both such clauses have been satisfied, the court may order the enforcement of the subpena or part thereof. However, the order shall specify with particularity, and as narrowly as practicable, the information about which the United States may inquire or obtain under such subpena in order to assure that such information will not relate to any legislative activity of such Member.

"(d) For purposes of this section—

"(1) 'court of the United States' has the same meaning given that term under section 451 of title 28;

"(2) 'legislative activity' means any activity of a Member of Congress, while a Member of the Congress, relating to the due functioning of the legislative process and carrying out the obligations a Member of Congress owes to the Congress and to his constituents, and includes, but is not limited to, speeches, debates, and votes, in either House of Congress, committee or subcommittee conduct, gathering or receipt of information for use in legislative proceedings, speeches or publications outside of Congress informing the public on matters of national or local importance, and the motives and processes by which a decision was made with respect thereto; and

"(3) 'Member of Congress' means either a present or former Senator, or a present or former Representative, Resident Commissioner, or Delegate of the House of Representatives."

SEC. 202. The table of chapters of part II of such title 18, preceding section 3001, is amended by adding at the end thereof the following:

"239 Congressional protection."

TITLE III—OFFICE OF THE GENERAL COUNSEL TO THE CONGRESS

ESTABLISHMENT

SEC. 301. There is established in the Congress an office to be known as the office of the General Counsel to the Congress, referred to hereinafter as the "Office".

PURPOSE AND POLICY

SEC. 302. The purpose of the Office shall be to provide legal advice, legal representation, legal counseling, and other appropriate legal services to the Congress, its two Houses, and their respective committees, Members, officials and employees in those matters relating to their institutional or official capacities and duties. The Office shall maintain impartiality as to matters brought before it, and it shall provide services indiscriminantly to any committee or Member of Congress unless directed otherwise by either House or Congress as a whole. The Office shall maintain the attorney-client relationship with respect to all communications between it and any committee or Member of Congress.

FUNCTIONS

SEC. 303. The functions of the Office shall be as follows:

(a) Upon the request of the Congress, either of its two Houses, any joint committee of the Congress, or any committee of either House of the Congress, to commence civil action against the President or any other officer of the Government to compel compliance with any law.

(b) Upon the request of the Congress, either of its two Houses, any Member of the Congress, any joint committee of the Congress, any committee of either House of the Congress, or any subcommittee of any such committee, to commence civil action against the President or any other officer of the Government to compel compliance with any request for information.

(c) Upon the request of the Congress, either of its two Houses, any Member of the Congress, any joint committee of the Congress, any committee of either House of the Congress, or any subcommittee of any such committee, to represent the Congress, either of its two Houses, or any of their respective committees, Members, former Members, officers or employees before any grand jury proceeding or in any civil or criminal action arising from their performing or not performing any action relating to their institutional or official capacities and duties.

(d) Upon the request of the Congress, either of its two Houses, any Member of the Congress, any joint committee of the Congress, any committee of either House of the Congress, or any subcommittee of any such committee, to intervene as a party before any grand jury proceeding or in any civil or criminal proceeding.

(e) Upon the request of the Congress, either of its two Houses, any joint committee of the Congress, or any committee of either House of the Congress, to appear before the Supreme Court or any other court of the United States as amicus curiae in cases involving the intent and meaning or constitutionality of legislation or of any action of either House of Congress.

(f) To review rules and regulations from time to time issued by the various agencies of the Government and to report to the Congress as to whether such rules and regulations are authorized by the legislation under which they purport to be issued.

(g) To bring to the attention of the Congress such legal proceedings, actions of the Government, and other matters which relate to the institutional or official capacities or duties of the Congress or its Members.

(h) To furnish advice and other appropriate services to any Member of the Congress, any joint committee of the Congress, any committee of either House of the Congress, any subcommittee of any such committee in connection with the foregoing.

CONGRESSIONAL COUNSEL

SEC. 304. The management, supervision, and administration of the Office are invested in the General Counsel to the Congress who shall be appointed by the President pro tempore of the Senate, the Speaker of the House of Representatives and the majority leaders and minority leaders of the Senate and House of Representatives (referred to hereinafter as the "Leaders") acting unanimously, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. In the event of the failure of the Leaders to act, the appointment shall be made by majority vote of both the Senate and the House of Representatives. Any person so appointed shall serve for only one term of ten years, but may be removed from office by the Leaders, acting unanimously.

STAFF

SEC. 305. With the approval of the Leaders, or in accordance with policies and procedures approved by them, the General Counsel shall appoint such attorneys and other employees as may be necessary for the prompt and efficient performance of the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the General Counsel to the Congress with the approval of the Leaders, or in accordance with policies and procedures approved by the Leaders.

COMPENSATION

SEC. (a) The General Counsel to the Congress shall be paid at a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule of section 5314 of title 5, United States Code.

(b) Members of the staff of the Office other than the General Counsel to the Congress shall be paid at per annum gross rates fixed by the General Counsel with the approval of the Leaders, or in accordance with policies approved by the Leaders, but not in excess of a per annum gross rate equal to the rate of basic pay, as in effect from time to time, for level V of the Executive Schedule of section 5316 of title 5, United States Code.

EXPENDITURES

SEC. 307. In accordance with policies and procedures approved by the Leaders, the General Counsel to the Congress may make such expenditures as may be necessary or appropriate for the functioning of the Office.

OFFICIAL MAIL

SEC. 308. The Office shall have the same privilege of free transmission of official mail matter as other offices of the United States Government.

AUTHORIZATION OF APPROPRIATIONS

SEC. 309. There are authorized to be appropriated, for the fiscal year ending June 30, 1973, and for each fiscal year thereafter, such sums as may be necessary to carry out this title and to increase the efficiency of the Office and the quality of the services which it provides.

TITLE IV—PRIVILEGED INFORMATION

SEC. 401. Chapter 6 of title 2, United States Code, is amended by adding the following new section:

"§ 192a. Privileged Information

"(a) The Congress declares that information or material of, or under the custody or control of, any agency, officer, or employee of the Government is to be made available to the Congress so that the Congress may exercise, in an informed manner, the authority conferred upon it by article I of the Constitution to make laws necessary and proper to carry into execution the powers vested in the Congress and all other powers vested in that Government or any department or officer thereof.

"(b) For the purpose of this section—

"(1) 'agency' means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

"(A) the Congress;

"(B) the courts of the United States; or

"(C) the governments of the territories or possessions of the United States;

"(2) 'employee' means—

"(A) an employee in or under an agency;

"(B) a member of the uniformed services; and

"(C) an employee engaged in the performance of a Federal function under authority of an Executive act; and

"(3) 'Government' means the Government of the United States and the government of the District of Columbia.

"(c) Any officer or employee of the Government summoned or requested to testify or produce information or material before Congress, any joint committee of the Congress, any committee of either House of the Congress, or any subcommittee of any such committee (hereinafter the 'requesting body'), shall not refuse to appear on the grounds that the requested testimony, information, or material is privileged. Any such officer or employee appearing as a witness may be required to answer questions with regard to, or required to produce, any—

"(1) information or material within such person's immediate knowledge or jurisdiction; and

"(2) policy decisions that such person personally has made or implemented.

If such witness asserts that the requested information or material is privileged and refuses to supply the same, such person immediately shall provide a justification for the assertion of privilege, whereupon it shall then be a question of fact for the requesting body to determine whether or not the plea or privilege is well taken. If not well taken, the witness shall be ordered to supply the requested information or material. Upon such order, if the witness continues to refuse to supply the requested information or material, such person shall be held in contempt of Congress.

"(d) Any information or material of, or under the custody or control of, any agency, officer, or employee of the Government shall be made available to any Member of the Congress, any joint committee of the Congress, any committee of either House of the Congress, any subcommittee of any such committee, or the general accounting office, upon written request of any such Member, committee, subcommittee, or office to the head of the agency or other officer or employee of the Government who has custody or control of such information or material. Any information or material so requested shall be furnished within fifteen days of receipt of the request unless within such time the head of the agency or other governmental authority which receives the request asserts that the information or material is privileged and provides in writing to such Member, committee, subcommittee, or office a justification for the assertion of privilege. In the case of information or material requested by a committee or subcommittee, upon receipt of a plea of privilege it shall then be a question of fact for the committee or subcommittee to determine whether or not such plea is well taken. If not well taken, the head of the agency or other governmental authority which receives the request shall be ordered to supply the requested information or material, and if such information or material is still refused, such person shall be held in contempt of Congress.

"(e) Nothing in this section shall be construed to require any officer or employee of the Government to make available to the Congress, any Member of the Congress, any joint committee of the Congress, any committee of either House of the Congress, any subcommittee of any such committee, or the General Accounting Office the nature of any advice, recommendation, or suggestion (as distinct from any form of information or material included within or forming the basis of such advice, recommendation, or suggestion) made to or by such person in connection with matters solely within the scope of such person's official duties, except to the extent that such information may be required by some other provision of law to be made available to Congress or made public.

"(f) Nothing in this section is intended to recognize or sanction a doctrine of 'executive privilege' or to permit the refusal of information or material on the grounds that such information or material constitutes 'internal working papers'."

SEC. 402. The analysis of such chapter is amended by adding the following new item: "192a. Privileged information."

TITLE V—COMMUNICATIONS MEDIA PRIVILEGE SHORT TITLE

SEC. 501. This Title may be cited as the "Communications Media Privilege Act of 1973".

DEFINITIONS

SEC. 502. For the purpose of this Title, the term—

(1) "Federal or State proceeding" includes any proceeding or investigation before or by any Federal or State judicial legislative, executive, or administrative body;

(2) "medium of communication" includes, but is not limited to, any newspaper, magazine, other periodical, book, pamphlet, news service, wire service, news or feature syndicate, broadcast station or network, or cable television system;



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(3) "information" includes any written, oral or pictorial news, or other material;

(4) "published information" means any information disseminated to the public by the person from whom disclosure is sought.

(5) "unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes, or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated;

(6) "processing" includes compiling, storing, and editing of information; and

(7) "person" means any individual, and any partnership, corporation, association, or other legal entity existing under or authorized by the law of the United States, any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any foreign country.

SEC. 503. No person shall be required to disclose in any Federal or State proceeding—

(1) the source of any published or unpublished information obtained in the gathering, receiving, or processing of information for any medium of communication to the public, or

(2) any unpublished information obtained or prepared in gathering, receiving, or processing of information for any medium of communication to the public.

SECTION-BY-SECTION ANALYSIS

TITLE I—AMENDMENTS TO FREEDOM OF INFORMATION ACT

SEC. 101. Short title. This title would regulate and limit the classification of material by the Executive branch, amends the Freedom of Information Act to emphasize that the intention is to make much more information available to the public.

Sec. 102. Amends paragraph (a) (3) of the Freedom of Information Act to provide the award of attorneys' fees and court costs to individuals who show that they have been improperly denied information by an agency.

Sec. 103. Housekeeping amendments.

Sec. 104. Adds paragraphs (d) through (g) to the Freedom of Information Act.

(d) Classification of information.

(1) States that the purpose of providing guidelines and limitations for Executive branch classification is to control the abuse of classification as it has come to be practiced. This abuse is so severe that security experts agree that somewhere between 75 and 99 percent of all current classification is unnecessary. Such examples of classification of newspaper articles and the classification of whole documents, no individual part of which is itself classified, are common. Such overclassification has been accomplished not under law, but solely on the authority of Executive order. The Executive order under which classification is now carried out (No. 11652) became effective June 1, 1972, with the announced purpose of bringing the classification system under rein. It has failed to do so, and many think the situation has worsened since its issuance.

This paragraph specifically states that by passing legislation governing classification the Congress would have no intention of encouraging classification or making the unauthorized disclosure of classified material a criminal offense. Classification would remain an executive *prerogative*—it would *not be mandated* by the Congress. Consequently, it would not be illegal to disclose classified matters, just as it is not now illegal. It would continue, however, to be illegal under the Espionage Act to disclose information with intent or reason to believe that it could be used to the injury of the United States. This is as it should be. To make simple disclosure a crime, without intent to injure, would be tantamount to creating an Official Secrets Act—something the United States has always avoided. To make mere disclosure a criminal offense would give any person who could use a classification stamp the authority to make criminals of other citizens. Such a law would certainly show little respect for the First Amendment.

(2) Stipulates that only one designation, "Secret Defense Data", may be used to classify information. The present use of three categories of classification—"Confidential", "Secret", and "Top Secret"—serves no useful purpose in protecting the national defense; it only inhibits the availability to the public of large volumes of information. Information either deserves protection, or it does not. This was the practice followed by the Congress in the Atomic Energy Act of 1954, the only place where classification has a sanction in law. Information to be protected is there designated "Restricted Data". The use of only one category of classification will not prevent the limited dissemination of information within the executive branch. Paragraph (d) (3) provides for the use of appropriate routing indicators, which would be not unlike such present designations as "Eyes Only" and "Lim Dis".

The criterion of classification would be protection of the national defense against either overt or covert hostile action. The term "national defense" is chosen purposefully, rather than "national security". The latter term is much broader, including the economic condition of the United States for instance, and its use as the criterion of classification would more severely restrict the availability of information to the public. Of course no criterion should justify the use of classification to conceal incompetence, wrongdoing, etc., and this is specifically spelled out in the bill.

(3) Requires that "Secret Defense Data" will be the exclusive designation used in classification. Provides for the use of routing indicators, as explained above.

(4) Limits the authority to classify to the President and such offices within the Executive Office of the President as he designates; the heads of the Departments of State, Defense, Treasury, Justice, Commerce, and Transportation; the heads of the military departments; and the heads of the AEC, CIA, and NASA. The needless proliferation of wielders of classification stamps has had a significant effect in denying information to the public. The bill meets this problem by lodging the authority to classify in only those agencies where it is operationally necessary, and then only in the heads of the agencies and such principal deputies as they designate in writing. Only those individuals whose daily operational responsibilities require such authority will be allowed to classify, and the heads of agencies will be required to review this authority twice a year, to determine each individual's continuing "need to classify". Any individual exercising classification authority will be furnished written instructions which set the boundries within which he may classify. The redelegation of classification authority will not be permitted, but the mere handling of classified material, in a clerical capacity, will not require the authority to classify.

(5) The heads of agencies exercising classification authority will be required quarterly to submit to the Comptroller General lists of all individuals with the authority to classify. Such lists shall also be available to the Congress. This will insure a public check on who is classifying public information.

(6) Prevents the classification of information by association. Under the present system it is common practice to classify an entire document, even though only a very small portion is actually sensitive. In some cases, a document is classified even when *no* part of it, taken separately, is classified.

(7) Requires that all classified material will clearly show: the designation "Secret Defense Data", any routing designator which may have been assigned, the office of origin, the date of origin, the name and title of the classification authority, and the date of classification. It will be further shown what part or parts of the material require protection, so that the remainder may be used without the encumbrance of classification.

(8) Allows the classification of information received from foreign governments and international organizations if unauthorized disclosure could be expected to damage the national defense or the defense of an allied government. Any such information would be available to the Congress, however, even if the foreign government or international organization had stipulated otherwise.

(9) Brings information classified by the present system under coverage of the bill.

(e) Declassification of information.

(1)(A) Provides that information which no longer needs to be classified to protect the national defense, or which simply no longer can be protected from unauthorized disclosure, will be declassified promptly. The Pentagon Papers are a good example for both these cases. They were first kept classified unnecessarily, and then, even after they were released, not all released portions were declassified.

(B) Except as provided in paragraph (2) below, requires that information classified under the provisions of this bill will be declassified automatically at the end of two years, regardless of whether or not it was marked to show the declassification. The following points from the 1970 Report of the Defense Science Board Task Force on Secrecy are relevant:

"It is unlikely that classified information will remain secure for periods as long as 5 years, and it is more reasonable to assume that it will become known to others in periods as short as 1 year."

"Classification of information has both negative as well as positive aspects. On the negative side, in addition to the dollar costs of operating under conditions of classification and of maintaining our information security system, classification establishes barriers between nations, creates areas of uncertainty in the public mind on policy issues, and impedes the flow of useful information within our own country as well as abroad."

"The volume of scientific and technical information that is classified could profitably be decreased by perhaps as much as 90 percent through limiting the amount of information classified and the duration of its classification."

"More might be gained than lost if our nation were to adopt—unilaterally, if necessary—a policy of complete openness in all areas of information . . ."

(C) Except as provided in paragraph (2) below, requires that information classified during the two-year period preceding the establishment of the new classification system will be declassified automatically two years from the date of its classification, unless that date is not known, in which case it will be declassified two years from the effective date of the bill.

(D) Except as provided in paragraph (2) below, requires that information classified prior to the two-year period preceding the effective date of the bill will be declassified automatically six months after the effective date.

(2)(A) Provides that the President or the head of an agency (but no one else) may assign a deferred automatic declassification date of up to two years to any information, rather than allow it to become declassified as set out in paragraphs (B), (C), or (D) above. Any such deferred classification date would itself automatically expire in not more than two years, but it could always be deferred for another two years. In order to assign any such deferred declassification date, however, the President or head of an agency would be required to submit, in writing, to the Senate and House Committees on Government Operations and the Comptroller General a detailed justification for the continued classification. The committees, in turn, would be required to print these justifications as a public document at least annually. This process leaves the determination of whether or not information should be declassified in the hands of the agency which knows the material and circumstances best, but it assures periodic high level review and makes the Congress and the public aware that information exists, albeit in classified form. (Of course, some justifications for continued classification might themselves reveal information which should be kept secret. In this circumstance the bill provides that the justification will not be publicly printed, but will be available to the Congress.) This overall procedure also is in accord with the recommendation of the Defense Science Board Task Force on Secrecy that in each instance of classification there be set "a limit on the classification, as short as possible, which could be extended with detailed justification."

(B) Provides that any person (which would include the Congress) may bring a civil action to seek to enjoin a deferral of declassification or to order declassification on the grounds that such a deferral does not satisfy the requirements for classification, namely, protection of the national defense. In any such case, the burden would be on the President or the head of an agency to sustain his deferral. This procedure parallels the provision for judicial relief already contained in the Freedom of Information Act. It is essential if citizens are to have recourse in the face of needless governmental secrecy.

(3) Requires that the declassification of information will be made widely known through either an announcement describing the information declassified or notification of all holders of material which contains the declassified information.

(4) Provides that when material is declassified it will be so marked, showing the date of declassification and the name and title of the person who authorized the declassification. This requirement would not apply to material in storage or material to be destroyed.

(5) Provides that in cases of transferred functions or materials, the head of an agency need not have classification authority in order to declassify information if that information is under his jurisdiction.

(6) Provides that any officer or employee of the executive branch who has custody of classified material which he thinks should be declassified may recommend immediate declassification by the appropriate authority.

(f) Implementation.

(1) Provides that implementing regulations shall be prescribed jointly by the head of an agency and the Comptroller General. This will provide congressional oversight of executive classification procedures.

(2) Charges the Comptroller General with monitoring executive classification procedures.

(g) Prevents the withholding of information from the Congress or federal courts on the grounds that such information is classified. Although the Executive is reluctant to admit that it withholds information from the Congress on the basis of classification, it in fact does so. There can be only two possible justifications for this executive withholding. One would be that there is no "need to know" on the part of Congress, and the other would be that in the hands of the Congress information would soon lose its confidentiality. Neither answer suffices. There is assuredly a "need to know", for Congress must legislate, and it must have facts to do so. The argument for withholding information because Congress will destroy its confidentiality also fails. In the first place. Congress handles classified information all the time without "leaking" it. Executive withholding is selective. Secondly, it is a well-established constitutional principle that the fact that a power might be abused is no argument against its existence. Every power may be abused. Thirdly, the public release of information by the Congress is an important separation-of-powers check on excessive executive secrecy.

The need to specify that classification of information will not form the basis for withholding such information from the courts arises from the recent decision of the Supreme Court in *Environmental Protection Agency* v. *Mink*. In that case, it was the opinion of the Court that an examination of the Freedom of Information Act and the surrounding legislative history "negates the proposition that Exemption 1 [of the Freedom of Information Act, which allows withholding of information classified pursuant to executive order] authorizes or permits *in camera* inspection of a contested document bearing a single classification so that the court may separate the secret from the supposedly nonsecret . . ." Of course, the majority went on to say that ". . . in some situations, *in camera* inspection will be necessary and appropriate." But this concession is qualified by the further statement that *in camera* inspection may be ordered only after an agency first has been given the opportunity to ". . . demonstrate, by surrounding circumstances [without producing the documents], that particular documents are purely advisory and contain no separable, factual information." In the words of the majority opinion itself, an agency is ". . . entitled to attempt to demonstrate the propriety of withholding any documents, or portions thereof, by means short of submitting them for *in camera* inspection." The Court has in this decision adopted something less than careful judicial review of the executive's inclination to keep its secrets secret, and legislative clarification appears necessary to assure the free flow of information to the public.

SEC. 105. Exempts from the provisions of this title the classification of atomic energy information by the Atomic Energy Commission, which already is regulated by law and has not posed problems of the same order as other executive classification.

SEC. 106. Effective date.

TITLE II—CONGRESSIONAL PROTECTION

Sec. 201. Amends part II of title 18, United States Code, by adding at the end a new chapter 239 and a new section 3791. § 3791. Congressional protection.

(a) Provides that the courts shall have no jurisdiction to conduct criminal proceedings which relate to a legislative activity of a Member of Congress. Such an alteration of the jurisdiction of the courts—which the Congress has the undoubted power to regulate—is made necessary by the decisions in *United States* v. *Brewster* and *Gravel* v. *United States*, in which a majority of the Supreme Court held that the "Speech or Debate" clause of article I, section 6 of the Constitution does not bar grand jury investigations and criminal prosecutions against Members of Congress for deciding how to speak and vote, and for informing themselves and their constituents about maladministration and corruption in the Executive branch.

The Speech or Debate clause—which states that "for any Speech or Debate in either House, they [the Senators and Representatives] shall not be questioned in any other place"—has historically been construed broadly by the courts, to include much more than just speeches and debates delivered within the four walls of the Capitol. As Senator Sam Ervin has stated, it is the Congress' "First Amendment", preserving broad freedom to speak and act when Members of Congress do the people's business. The Constitution's Speech or Debate clause derives directly from a similar provision in the English Bill of Rights of 1689, which itself arose out of the case of Sir William Williams, Speaker of the House of Commons. Williams had republished, after it first appeared in the Commons Journal, a report about an alleged plot between the Crown and the King of France to restore Catholicism as the established religion of England. During the reign of James II, Williams was charged with libel and fined 10,000 pounds even though he had pleaded that the publication was privileged as necessary to the "counseling" and "enquiring" functions of Parliament. Shortly after Williams' conviction James II was sent into exile, and a committee was appointed by the House of Commons to report upon "such things as are absolutely necessary for securing the Laws and Liberties of the Nation." In reporting to the House, the chairman of the committee stated that the provision for freedom of speech and debate was included "for the sake of one . . . Sir William Williams, who was punished out of Parliament for what he had done in Parliament."

Flying in the face of this historical precedent, the Supreme Court in *Gravel* stated that "the English legislative privilege was not viewed as protecting republication"; and while acknowledging that prior cases have read the Speech or Debate clause "broadly to effectuate its purposes," and have included within its reach anything "generally done in a session of the House by one of its members in relation to the business before it," the Court severely narrowed its application by stating that:

"Legislating acts are not all-encompassing. The heart of the clause is speech or debate in either House, and insofar as the clause is construed to reach other matters, they must be an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House."

While the *Gravel* case involved the question of protection of a Senator's aide from interrogation about republication of the Pentagon Papers, the *Brewster* case concerned the very different issue of an indictment of a former United States Senator for the solicitation and acceptance of bribes "in return for being influenced . . in respect to his action, vote, and decision" on certain legislation. Though Senator Brewster's actions centrally involved legislative activity, the Court drew a distinction between the *performance* of a legislative act and an *agreement to perform* the same. It thus was able further to erode the protection of the Speech or Debate clause by holding that ". . . a Member of Congress may be prosecuted under a criminal statute provided that the Government's case does not rely on legislative acts or the motivation for legislative acts." Chief Justice Burger, writing for the majority, then went on to devise an apparently gratuitous distinction between political acts and legislative acts:

"It is well known, of course, that Members of Congress engage in many activities other than the purely legislative activities protected by the Speech and Debate Clause. These include a wide range of legitimate 'errands' performed for constituents, the making of appointments with government agencies, assistance in securing government contracts, preparing so-called 'news letters'



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to constituents, news releases, speeches delivered outside the Congress . . . Although these are entirely legitimate activities, they are political in nature rather than legislative. . ."

Thus, in the *Brewster* and *Gravel* decisions, the Court restrictively defined "legislative acts" and limited the scope of Speech or Debate immunity to those acts. The legislator has been left with no protective immunity from Executive branch harassments such as subpoenaing him to testify as to his confidential sources of information and prosecuting him for unpopular legislative acts on the grounds that they are improperly motivated. This danger was recognized by Justices White, Douglas, and Brennan, dissenting in *Brewster*:

"[T]he opportunities for an executive, in whose sole discretion the decision to prosecute rests . . ., to claim that legislative conduct has been sold are obvious and undeniable. These opportunities, inherent in the political process as it now exists, create an enormous potential for executive control or legislative behavior by threats or suggestions of criminal prosecution—precisely the evil which the Speech or Debate Clause was designed to prevent"

Similarly, Justice Brennan, writing in dissent for himself, Justice Douglas, and Justice Marshall, warned of the dangers to public dialogue posed by the majority's opinion in *Gravel:*

"Whether the Speech or Debate Clause extends to the informing function is an issue whose importance goes beyond the fate of a single Senator or Congressman. What is at stake is the right of an elected representative to inform, and the public to be informed, about matters relating directly to the workings of our Government. The dialogue between Congress and people has been recognized, from the days of our founding, as one of the necessary elements of a representative system. We should not retreat from that view merely because, in the course of that dialogue, information may be revealed that is embarrassing to the other branches of government or violates their notions of necessary secrecy. A member of Congress who exceeds the bounds of propriety in performing this official task may be called to answer by the other members of his chamber. We do violence to the fundamental concepts of privilege, however, when we subject that same conduct to judicial scrutiny at the instance of the Executive."

(b)(1) Provides that before a subpoena which relates to legislative activity of a Member of Congress can be issued it must be personally approved by the Attorney General. The Attorney General is also required to notify, at least 48 hours in advance of its issuance, the Member concerned and the President pro tempore of the Senate in the case of a Senator and the Speaker of the House in the case of a Representative. This procedure will assure that legislative immunity is not infringed upon without the Member or his House being aware of the government action. It also will allow time for the Member to move to quash the subpoena, as provided in subsection (c).

(2) Provides that if a Member and his House have not been notified as provided in paragraph (1), and if testimony is being taken in a criminal proceeding which relates to that Member's legislative activity, then the court will stay the proceedings and give the Member an opportuntiy to move to quash those subpoenas pursuant to which the testimony is being taken, as provided in subsection (c).

(c) Provides that if a subpoena is issued to anyone with respect to any activity of a Member of Congress, that Member may move to quash the subpoena on the grounds that it relates to his legislative activity, and hence is beyond the jurisdiction of the court. Upon such a motion, the subpoena in question shall be stayed and a hearing held to determine its proper disposition. The subpoena shall be quashed unless the government (1) states with particularity the information it intends to receive as the result of the issuance of the subpoena and (2) proves beyond reasonable doubt that the subpoena does not relate to the Member's legislative activity. If the government satisfies these conditions the court may order the enforcement of the subpoena, but the order shall specify as narrowly as practicable the information about which the government may inquire in order to prevent questioning concerning legislative activity.

These procedures provide Members of Congress a mechanism by which they can prevent executive inquiry into their legislative activity, either through requiring them to testify directly or through the testimony of third parties. This will prevent the abuses countenanced by the Supreme Court in *Brewster* and *Gravel*, where third party inquiry was in no way circumscribed and where protection against even direct questioning was limited to only the most narrowly conceived legislative activities.

(d) Definitions.

(1) "Court" is defined as under section 451 of title 28.

(2) "Legislative activity" is defined generally as any activity of a Member of Congress relating to the due functioning of the legislative process and carrying out the obligations a Member of Congress owes to the Congress and his constituents. This broad language includes all constitutionally delegated responsibilities of the Congress, and is meant to encompass legislative oversight of the executive departments and the function of informing one's constituents and one's colleagues. The term is further specifically defined to include speeches, debates, and votes, whether on the floor or in committee; gathering or receipt of information for use in legislative proceedings; speeches or publications outside of Congress informing the public on matters of national or local importance; and the motives and processes by which a decision was made with respect to any of the foregoing. This definition includes several activities specifically supposed by the Supreme Court not to be a part of legislative activity.

(3) "Member of Congress" is defined to mean either a present or a former Member, a protection clearly shown to be necessary by government prosecution of former Senator Brewster. Legislative integrity will not be preserved if Members are subject to executive harassment when they are no longer in office.

SEC. 202. Amends the table of chapters of part II of title 18.

TITLE III—OFFICE OF THE GENERAL COUNSEL TO THE CONGRESS

SEC. 301. Establishes a new entity within the Congress, to be known as the Office of the General Counsel to the Congress.

SEC. 302. Stipulates that the purpose of this new office will be to provide legal advice, representation, counseling, etc. to the Congress and its committees and Members in those matters relating to their official responsibilities. The services of the office could not be used on personal legal matters. The office would be required to serve all committees and Members equally, and to perform those functions set out in section 303 when requested to do so by the appropriate authority, unless directed otherwise by the House or the Senate or the Congress as a whole. This procedure will assure that each Member and committee will be able to obtain legal assistance in protecting his or its legislative prerogatives, even if the matter in question is an unpopular cause, unless there is in effect disciplining of the Member or committee by the body as a whole. This is in keeping with the constitutional provision that "Each House may determine the Rules of its Proceedings, [and] punish its Members for disorderly Behavior . . ."

The Congress and its committees and Members are, from time to time, involved as parties litigant. This has been increasingly true in recent years, and in the 92nd Congress alone some 205 Members were directly concerned with litigation affecting Congress. Many of these cases have been private suits against Members; some, such as *Mink* v. *Environmental Protection Agency*, have involved efforts by Members of Congress to obtain information from the Executive; and still others, such as *United States* v. *Brewster*, *Gravel* v. *United States*, and *Doe* v. *McMillan*, have concerned the question of legislative immunity under the Speech or Debate clause of the Constitution. Historically, representation in such cases has been by private counsel or by the Department of Justice. In a few cases—for example. *Powell* v. *McCormack*—the Congress has had its own counsel under special arrangement.

If the Congress is to preserve its independence as a separate branch of the government, it is important that it establish its own General Counsel to defend it, to compel executive compliance with the law and with requests for information, and to preserve its integrity through strong assertion of legislative immunity. The cost of retaining private counsel for these purposes is almost prohibitive, and in other ways not as satisfactory as having representation by an official of the Congress itself. The alternative of turning such matters over to the Department of Justice is not always available, as when congressional positions run counter to executive policy, but even when it is, such representation is often not particularly aggressive or enthusiastic. Each branch of the government, under the constitutional separation of powers, must ultimately discharge its responsibilities based on independent judgments, and one branch cannot and should not be dependent on the other branches for guidance and direction.

SEC. 303. Functions of the Office of the General Counsel to the Congress.

(a) Provides that upon request of the Congress, either of its Houses, or any of its committees, civil action may be commenced against any officer of the government to compel compliance with any law. For example, the Congress might wish, under this provision, to bring action against the President to force him to release impounded funds.

(b) Provides that upon request of the Congress, either of its Houses, any Member or any committee or subcommittee, civil action may be commenced against any officer of the government to compel compliance with any request for information. The legal assistance provided under this provision could have been used by Representative Patsy Mink and 32 other Members of the House when they sought to obtain several documents relating to the proposed underground nuclear test at Amchitka Island, Alaska. It also could be used, for instance, by the Senate or House Committee on Government Operations to challenge the assignment of a deferred declaration date, as provided by subsection (e)(2)(B) of the Freedom of Information Act, as amended by section 104 of title I of this bill.

(c) Provides that upon request of the Congress, either of its Houses, any Member, or any committee or subcommittee, the Office of General Counsel may represent any of the aforenamed or any former Member of Congress or any officer or employee of Congress in any civil or criminal action arising in connection with their official responsibilities. This provision would provide legal assistance to the many Members of Congress and the several committees against whom suits are brought. It also would have provided assistance to former Senator Daniel Brewster when he was indicted on charges of soliciting and accepting a bribe, if the Congress had so requested.



(d) Provides that upon request of the Congress, either of its Houses, any Member, or any committee or subcommittee, the Office of General Counsel may intervene as a party before any grand jury proceeding or in any civil or criminal proceeding. Under this provision Senator Mike Gravel could have received legal assistance when he moved to intervene in an action brought by aide Leonard Rodberg to quash a subpoena issued by a federal grand jury convened to investigate matters relating to the public disclosure of the Pentagon Papers.

(e) Provides that upon request of the Congress, either of its Houses, or any of its committees, the Office of General Counsel may appear before any federal court as amicus curiae in cases involving the intent and meaning or constitutionality of legislation or of any action of either House. This provision would have applied, for instance, when the Senate filed an amicus brief before the Supreme Court in the Gravel case.

(f) Provides that the Office of General Counsel will review periodically the rules and regulations issued by the various agencies, to determine if they are authorized by the legislation under which they purport to be issued. Oversight of this type would significantly increase congressional control over the agencies which often issue regulations which substantially alter the law enacted.

(g) Charges the Office of General Counsel with the responsibility of bringing to the attention of the Congress any matters which relate to the functions and duties of the Congress or its Members.

(h) Provides that the Office of General Counsel will furnish advice and other appropriate services in connection with its other functions.

Sec. 304. Provides that the Office will be under the direction of the General Counsel to the Congress, who will be appointed by unanimous action of the President pro tempore of the Senate, the Speaker of the House, and the majority and minority leaders of the two Houses. The General Counsel would serve for only one ten-year term, and he could be removed from office by unanimous action of the leaders.

Sec. 305. Provides that the General Counsel may appoint such staff as is required for the Office, subject to approval of the leaders. All appointments would be made solely on the basis of fitness to perform the duties of the position.

Sec. 306. Provides that compensation of the General Counsel will be at the rate of Executive level III, and that compensation of other staff will be at rates not to exceed that of Executive level V.

Sec. 307. Authorizes expenditures for the operation of the Office, in accordance with policies and procedures approved by the leaders.

Sec. 308. Provides that the Office will have the privilege of free transmission of mail.

Sec. 309. Authorization of appropriations.

TITLE IV—PRIVILEGED INFORMATION

Section 401. Amends chapter 6 of title 2, United States Code, by adding a new section 192a.

§ 192a. Privileged information.

(a) Declares it to be the policy of the United States that any information in the possession of the Executive branch is to be made available to the Congress in order that it may discharge in an informed manner those duties and responsibilities given it by the Constitution. In 1927, a unanimous Supreme Court in *McGrain* v. *Daugherty*, 273 U.S. 135, 174–5, stated that:

". . . the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. . . . A legislative body cannot legislate wisely or effectively in absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which frequently is true—recourse must be had to others who possess it. . . ."

The principle of Executive accountability to Congress was asserted from the outset of the nation's history. In 1789 Congress adopted a statute stating that:

"[I]t shall be the duty of the Secretary of the Treasury . . . to make report, and give information to either branch of the legislature in person or in writing (as he may be required), respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office. . ." [1 Stat. 65–66 (1789) (now 31 U.S.C. 1002)]

This provision was drafted by Alexander Hamilton himself, and the statute makes no provision for executive discretion to withhold. Not only was this a constitutional interpretation by the First Congress, but it also was approved by President Washington, who signed it. Since the First Congress, many other statutes have been passed requiring the various agencies to turn over information to the Congress upon request. But the original statute was itself at an early date applied by extension to all departments. In 1854 Attorney General Cushing furnished this advice to the President:

"By express provision of law, it is made the duty of the Secretary of the Treasury to communicate information to either House of Congress when desired: and it is practically and by legal implication the same with the other secretaries, and with the Postmaster and the Attorney General."

(b) Defines the terms "agency", "employee", and "Government" in such a way as to impose the requirements of the section upon all individuals within the Executive branch, including advisors to the President.

(c) Stipulates that any officer or employee of the Government summoned or requested to testify or produce information before the Congress or any of its committees may not refuse to appear on the grounds that the requested testimony or information is privileged. Although it is almost undeniable that some information will be privileged, the privilege clearly runs to *information* and not to individuals. Accordingly, if an employee of the Executive branch is requested to testify, even if he plans to claim that the requested testimony is privileged, he should appear to explain the reasons for his refusal. There is no reason to immunize the Executive from the burden of justifying its failure to testify. The Congress is entitled to at least an appearance.

This subsection further stipulates that any individual appearing as a witness may be questioned concerning (1) information within his immediate knowledge or jurisdiction and (2) policy decisions that he personally made or implemented. This procedure will assure that the Congress gets the information it needs, while at the same time preventing abuse of lesser officials by congressional committees. It is somewhat unseemly, not to say unproductive, for Congress to badger minor bureaucrats about matters over which they have no real control.

If a witness is questioned about matters within his authority, and he refuses to answer and asserts that the information requested is privileged, he will be required to justify his claim of privilege, and it shall then be a question of fact for the committee to determine whether or not the plea of privilege is well taken. There are several grounds on which a claim of privilege might be asserted, and which the committee would need to evaluate in the individual case. For example: (a) the information is made confidential by statute (b) the information is solely of the nature of advice to a superior (c) the information concerns pending litigation and must be protected to assure an individual his right of privacy. Each of these pleas of privilege, which might be considered well taken in a given instance, have frequently been included under the rubric "executive privilege", but a claim of executive privilege should not be accepted in such unrefined form.

Executive privilege—the alleged power of the President to withhold information, the disclosure of which he feels would impede the performance of his constitutional responsibilities—supposedly has its constitutional basis in article II section 3, where the President is charged with seeing that the laws are faithfully executed. But this can be no grounds for refusing information to the Congress, which, as shown above, has both a constitutional and a statutory right to require whatever information it needs to make those laws which shall be "necessary and proper" for carrying out its responsibilities. As early as 1838 the Supreme Court asserted in *Kendall* v. *United States* that: "To contend that the obligation imposed upon the president to see the laws faithfully executed implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissible."

A congressional request for information is too important to be blocked even by a refusal from the President. For this reason, it would be a mistake simply to require that the President personally direct an assertion of the privilege, as some have suggested. Although it is best that an assertion of privileged communication with the President, for instance, not be made without presidential approval, it would be a grave error to concede that the President has any such uncontrolled discretion to deny the Congress information. This is not a decision which can be made by the Executive alone. In a case in which the Congress has legitimate authority, but in which the President contends that disclosure would hinder the discharge of his constitutional powers, recourse must be had to the courts.

Subsection (c) provides this recourse by requiring that if a witness is ordered by a committee to comply with a request for information even after he has asserted the information to be privileged, he may be held in contempt if he still continues to refuse. If a standoff of this sort were reached, there would be two ways to get the matter before the court. One would be for the Congress to punish the contempt by having the Sergeant at Arms seize the offender and imprison him in the common jail of the District of Columbia or the guardroom of the Capitol Police. The case would then be brought before the court through the issuance of a writ of habeus corpus. Alternatively, under section 303(b) of title III of this bill, the committee could direct the General Counsel to the Congress to commence civil action against the recalcitrant official to compel compliance with the request for information. That the court would have authority to decide between the claims of the contending parties in such a circumstance is fairly well established. In *United States* v. *Reynolds* in 1953, the Supreme Court asserted that executive privilege was "not to be lightly invoked," that "the Court itself must determine whether the circumstances are appropriate for the claim of privilege," and that "judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers." In a much earlier case, *United States* v. *Burr*, Chief Justice Marshall ruled in 1807 that:

"That the president of the United States may be subpoenaed, and examined as a witness, and required to produce any paper in his possession, is not controverted. . . .

The occasion for demanding it ought, in

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such a case, to be very strong, and to be fully shown to the court before its production could be insisted on."

The Chief Justice did in fact require President Jefferson to produce the letter in question in this case.

(d) This subsection is the same as (c) above, except that it pertains to written requests for information rather than oral testimony, and it includes the individual Members of Congress and the General Accounting Office in its provisions as well as the committees of Congress. Individual Members and the GAO would not, however, have the contempt power.

(e) Provides that this section cannot be used as authority to require any member of the Executive branch to make available to the Congress the nature of any advice, recommendation, or suggestion made to or by such person in connection with matters solely within the scope of such person's official duties. Just as aides to Members of Congress and clerks for judges should not be required to reveal the advice they give their employers, so members of the Executive branch should not be so compelled. This exemption does not include, however, any information or material included within or forming the basis of such advice.

(f) Disclaims any intention of sanctioning a doctrine of executive privilege or permitting the refusal of information on the grounds that it constitutes "internal working papers".

Sec. 402. Amends the chapter analysis to include this new section.

TITLE V—COMMUNICATIONS MEDIA PRIVILEGE

Sec. 501. Short title.

Sec. 502. Definitions.

(1) "Federal or State proceeding" is defined to include proceedings or investigations before judicial, legislative, executive, and administrative bodies. State, as well as federal, proceedings are included because most of the current controversy over press freedom has arisen at the State level, and the law in even those States which have so-called "shield laws" has not been adequate to protect newsmen.

(2) "Medium of communication" is defined to include books as well as more traditional sources of news, and includes electronic as well as print media.

(3) "Information" is defined to include oral and pictorial, as well as written, news.

(4) "Published information" is defined to include all information disseminated to the public by the person from whom disclosure is sought.

(5) "Unpublished information" is defined to include all information not disseminated to the public by the person from whom disclosure is sought, regardless of whether published information based upon such material has been disseminated.

(6) "Processing" is defined to include compiling, storing, and editing of information.

(7) "Person" is defined to include partnerships, corporations, associations, etc. as well as individuals.

Sec. 503. Stipulates that no person will be required to disclose in any federal or State proceeding (1) the source of any published or unpublished information obtained in the gathering, receiving, or processing of information for any medium of communication to the public, or (2) any unpublished information obtained or prepared in gathering, receiving, or processing of information for any medium of communication to the public.

This section grants the unqualified privilege from disclosure recommended by the American Newspaper Publishers Association. Legislation to provide this immunity is required in face of the 5 to 4 Supreme Court decision in *United States* v. *Caldwell* that the First Amendment does not relieve a newspaper reporter of the obligation that all citizens have to respond to a grand jury subpoena and answer questions relevant to a criminal investigation. As Justice Stewart stated, writing for the minority:

"The Court's crabbed view of the First Amendment reflects a disturbing insensitivity to the critical role of an independent press in our society. . . . The Court . . . invites state and federal authorities to undermine the historic independence of the press by attempting to annex the journalistic profession as an investigative arm of government." If newsmen are required to reveal their confidential sources and information, press informants will "dry up", and the public will receive nothing but the official line on government actions. Similarly, inside coverage of crime and unpopular organizations and ideas will also be severely diminished.

It has been argued that the proposed unqualified immunity should not apply when a newsman is the defendant in a libel action. However, because of the decision in *New York Times Company* v. *Sullivan*, in which the Supreme Court ruled that in libel actions brought by public officials and public figures recovery can be had for a defamatory falsehood only if it is published with actual malice, there is almost no possibility of succeeding in such a case against a newsman, so little is lost by making the privilege absolute. On the other hand, to allow libel suits against newsmen when they are otherwise protected from government intimidation might simply subject them to harassment through frequent libel actions, even though they in all probability would not be successful.

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By Mr. INOUYE (for himself, Mr. ABOUREZK, Mr. ALLEN, Mr. CRANSTON, Mr. DOMINICK, Mr. ERVIN, Mr. FANNIN, Mr. HOLLINGS, Mr. HUGHES, Mr. PASTORE, Mr. RIBICOFF, Mr. STEVENS, Mr. THURMOND, and Mr. YOUNG):

S. 1727. A bill to incorporate the Pearl Harbor Survivors Association. Referred to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I have introduced a bill to incorporate the Pearl Harbor Survivors Association. This measure would bestow Federal recognition on this private nonprofit association but would not affect its legal, corporate, or other status.

The association is comprised of men and women who defended our Nation against the historic Japanese attack on the U.S. Pacific Fleet and bases around Pearl Harbor on December 7, 1941. Since 1941, survivors of the Pearl Harbor attack have formed many local and regional groups, and there are now 101 active chapters located in almost every State. Their national organization, the Pearl Harbor Survivors Association, was incorporated in Missouri in 1958.

An estimated 12,500 surviving members of the U.S. Armed Forces served at Pearl Harbor and in the area of Oahu Island during the December 7 attack. Of that number, the Pearl Harbor Survivors Association has an active membership of 5,259 men and women. Anyone who was a member of the Armed Forces on Oahu or who was stationed aboard a ship located within 3 miles of the island on December 7, 1941, is eligible to join. Members must either have been honorably discharged or still be a member of our Armed Forces. The association conducts regular chapter, district, and State meetings, and a biennial national convention.

The motto of the organization is "Keep America Alert," which the association seeks to accomplish by preserving historical momentos and chronicles of the Pearl Harbor attack; protecting graves of Pearl Harbor victims; and stimulating Americans to take a more active interest in the affairs and future of the United States. The association has been particularly active in veterans' causes and national preparedness.

The association is unique because it will exist only as long as there are Pearl Harbor survivors. In order for the association to be more effective, it is imperative that it be recognized through the granting of a Federal charter. I believe the association fulfills all of the necessary requirements.

I am proud to sponsor this legislation as are the cosponsors who joined me in this effort. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement by the Pearl Harbor Survivors Association. I believe it best summarizes the purpose of the organization.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMEMBER PEARL HARBOR

On that peaceful Sunday morning, December 7th, 1941, an enemy attack force hit Pearl Harbor with all its fury of death and destruction. In only 30 short minutes the attackers accomplished their most important mission, they had wrecked the battle force of the United States Pacific Fleet. We also lost half of the military aircraft on the island. We accounted for ourselves as military, by fighting back, not yet aware that history had been thrust upon us. Pearl Harbor was the actual beginning of the great war which was to change the entire political structure of the world. We Americans who were there, demonstrated that we were prepared to give our lives, and did give them when necessary. Our sacrifice at Pearl Harbor united the nation and gave rise to a determination to protect and keep the American freedom. Our sacrifice alerted a relaxed nation, brought it to its feet and caused it to win World War II. The lesson we learned by our sacrifice will not be easily forgotten. Many of us are no longer of use as sailors, soldiers, marines and airmen. We must make ourselves useful at home, by dedicating ourselves to the principals of freedom; by doing everything within our power to bring about a commitment of patriotism. We survivors who are still alive, and to those that did not survive, we can never permit ourselves to become vulnerable again.

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## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 151

At the request of Mr. HARTKE, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 151, the Foreign Trade and Investment Act of 1973.

S. 608

At the request of Mr. KENNEDY, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 608, a bill to authorize certain retirement and pay benefits to military and civilian personnel who were prisoners of war.

S. 1005

At the request of Mr. CASE, the Senator from Illinois (Mr. PERCY), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. HART), the Senator from California (Mr. CRANSTON), the Senator from Vermont (Mr. STAFFORD), the Senator from California (Mr. TUNNEY), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 1005, a bill to amend the National School Lunch Act, as amended, to assure that the school food service program is maintained as a nutrition service to children in public and private schools, and for other purposes.

S. 1167

At the request of Mr. HART, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 1167, a bill to supplement the antitrust laws, and to protect trade and commerce against oligopoly power or monopoly power, and for other purposes.

S. 1255

At the request of Mr. MUSKIE, the Senator from North Dakota (Mr. BURDICK) and the Senator from Utah (Mr. MOSS) were added as cosponsors of S. 1255, the Property Tax Relief and Reform Act of 1973.

S. 1423

Mr. ROBERT C. BYRD. Mr. President, at the request of Mr. WILLIAMS, I ask unanimous consent that at the next printing the following names be added as cosponsors of the bill (S. 1423) to amend the Labor-Management Relations Act to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services: Messrs. RANDOLPH, DOMINICK, GURNEY, PELL, NELSON, MONDALE, CRANSTON, and HATHAWAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1500

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the next printing the name of the Senator from Colorado (Mr. HASKELL) be added as a cosponsor of my bill (S. 1500) to establish a tenure of office of 7 years for the office of the FBI Director and the Deputy Director, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1541

Mr. ROBERT C. BYRD. Mr. President, at the request of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that at the next printing his name be added as a cosponsor of S. 1541, the Congressional Budgetary Procedure Act of 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1583

At the request of Mr. TUNNEY, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 1563, a bill to enable domestic growers or canners of seasonal fruits or vegetables or of fruit juices, fruit nectars, or fruit drinks prepared from such seasonal fruits, which were packed in hermetically sealed containers and sterilized by heat to secure an adjudication of certain claims for losses in the court of claims.

S. 1579

At the request of Mr. DOLE, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 1579, a bill to provide for the demonstration of models of living arrangements for severely handicapped adults as alternatives to institutionalization and to coordinate existing supportive services necessitated by such arrangements, to improve the coordination of housing programs with respect to handicapped persons.

S. 1664

At the request of Mr. CHURCH, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 1664, a bill to prohibit any material to be enclosed with any social security check which contains the name, signature, or title of any Federal officer other than the Commissioner of the Social Security Administration, and for other purposes.

S. 1666

At the request of Mr. ROBERT C. BYRD (for Mr. GRAVEL), the Senator from South Dakota (Mr. ABOUREZK) and the Senator form Nevada (Mr. BIBLE) were added as cosponsors of S. 1666, a bill to establish improved standards to achieve efficient mail service, to provide an effective method of reimbursing the U.S. Postal Service for public service costs while maintaining a reasonable postal rate structure.

S. 1682

At the request of Mr. HARTKE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 1682, a bill to amend the Foreign Assistance Act of 1961 to prohibit foreign assistance to those countries listed, not taking adequate measures to end illicit opium production, and for other purposes.

S. 1690

At the request of Mr. ROBERT C. BYRD (for Mr. GRAVEL), the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 1690, a bill to establish a National Amateur Sports Development Foundation.

S. 1708

At the request of Mr. CRANSTON, the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. HUGHES), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 1708, a bill to amend title X of the Public Health Service Act to extend appropriations authorizations for 3 fiscal years and to revise and improve authorities in such title for family planning services programs, planning, training, and public information activities, and population research.

SENATE JOINT RESOLUTION 4

At the request of Mr. DOLE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Joint Resolution 4, to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war in Southeast Asia.

SENATE JOINT RESOLUTION 98

At the request of Mr. HUMPHREY, the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of Senate Joint Resolution 98, a joint resolution relating to nationwide gasoline and oil shortages.

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## ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 106

At the request of Mr. BROOKE, the Senator from Wyoming (Mr. HANSEN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Ohio (Mr. TAFT), were added as cosponsors of Senate Resolution 106, a resolution urging the Attorney General to appoint a special assistant in connection with the Presidenital election of 1972.

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## ESTABLISHMENT OF A COUNCIL ON ENERGY POLICY—AMENDMENT

AMENDMENT NO. 109

(Ordered to be printed and to lie on the table.)

Mr. METCALF submitted an amendment, intended to be proposed by him, to the bill (S. 70) to promote commerce and establish a Council on Energy Policy, and for other purposes.

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## AMENDMENT OF PUBLIC HEALTH SERVICE ACT—AMENDMENTS

AMENDMENTS NOS. 110 THROUGH 113

(Ordered to be printed, and to lie on the table.)

Mr. DOMINICK submitted four amendments, intended to be proposed by him, to the bill (S. 14) to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes.

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## ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 61

At the request of Mr. NELSON, the Senator from New York (Mr. JAVITS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Oregon (Mr. PACKWOOD), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of amendment No. 61, intended to be proposed to the bill (S. 268) to establish a national land-use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land-use programs, and for other purposes.

AMENDMENT NO. 79

At the request of Mr. ROBERT C. BYRD (for Mr. JACKSON), the Senator from Louisiana (Mr. LONG) was added as a cosponsor of amendment No. 79, intended to be proposed to the bill (H.R. 6767) the Trade Reform Act of 1973.

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## NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD (for Mr. EASTLAND). Mr. President, the following



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nominations have been referred to and are now pending before the Committee on the Judiciary:

Louis O. Aleksich, of Montana, to be U.S. marshal for the district of Montana for the term of 4 years (reappointment).

Paul J. Curran, of New York, to be U.S. attorney for the southern district of New York for the term of 4 years, vice Whitney North Seymour, Jr., resigning.

William J. Deachman III, of New Hampshire, to be U.S. attorney for the district of New Hampshire for the term of 4 years, vice David A. Brock, resigned.

Benjamin F. Holman, of the District of Columbia, to be Director, Community Relations Service (reappointment).

James L. Treece, of Colorado, to be U.S. attorney for the district of Colorado for the term of 4 years (reappointment).

At Senator EASTLAND's request and on behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Monday, May 12, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

## NOTICE OF HEARINGS ON BILLS TO CODIFY, REVISE, AND REFORM THE FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President, I wish to announce for the information of the Members of the Senate and the public that open hearings have been scheduled for May 15 and 16 on bills to codify, revise, and reform the Federal criminal laws. The hearings on May 15 will commence at 10 a.m. in room 1318, Dirksen Senate Office Building; and the hearing on May 16 will begin at 10 a.m. in room 2228, Dirksen Senate Office Building. The following witnesses are scheduled to appear at this series of our hearings:

Tuesday, May 15, 1973, 10 a.m., room 1318, Dirksen Senate Office Building:

Hon. Henry E. Peterson, Assistant Attorney General, Criminal Division, Department of Justice; Offenses involving internal revenue, civil rights, elections, and private communications.

Wednesday, May 16, 1973, 10 a.m., room 2228, Dirksen Senate Office Building:

Dean Abraham S. Goldstein, Law School, Yale University; the insanity defense.

Mr. Harold W. Bank, Hawkins, Delafield & Wood, New York, N.Y.; national security.

Mr. George W. Liebmann, Frank, Bernstein, Conaway & Goldman, Baltimore, Md.; codification.

Prof. David E. Engdahl, School of Law, University of Colorado; jurisdictional concepts.

Additional information on the hearings is available from the subcommittee in room 2204, Dirksen Senate Office Building, telephone AC 202-225-3281.

## ANNOUNCEMENT OF FIELD HEARING ON "BARRIERS TO HEALTH CARE FOR OLDER AMERICANS"

Mr. MUSKIE. Mr. President, as chairman of the Subcommittee on Health of the Elderly, Special Committee on Aging, I would like to announce that the subcommittee will continue its inquiry into "Barriers to Health Care for Older Americans" with a hearing at 9:30 a.m. on May 16 in the Illinois Auditorium, Illinois Building, State Fairgrounds, Springfield, Ill. The subcommittee has already conducted 2 days of hearings on this subject in Washington, D.C., and a field hearing in Livermore Falls, Maine. Additional field hearings are contemplated.

## NOTICE OF RESCHEDULING OF HEARINGS ON S. 1636

Mr. STEVENSON. Mr. President, on behalf of the Subcommittee on International Finance of the Committee on Banking, Housing, and Urban Affairs, I announce that the hearings on S. 1636, a bill to amend the International Economic Policy Act of 1972, previously scheduled for May 9, 10, and 11 have been rescheduled. The hearings will be held on May 14 at 10 a.m. and 2 p.m. and on May 15 at 10 a.m. All sessions will take place in room 5302, Dirksen Senate Office Building. Questions and requests to testify may be addressed to Mr. Basil Condos, 456 Russell Senate Office Building—telephone 225-2854.

## AUTHORIZATION FOR SUBCOMMITTEE ON PRIVATE PENSION PLANS TO HOLD HEARINGS ON MAY 21, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, at the request of Mr. NELSON, that his Subcommittee on Private Pension Plans for the Finance Committee be permitted to hold hearings at 1 o'clock p.m. on May 21.

I assume that the Senator in making this request at this advanced date probably has in mind the scheduling of witnesses who may have to travel from afar. He would, therefore, be assured before scheduling such witnesses that the committee would be authorized to hold hearings.

I offer that as a possible explanation.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I note the observation of the distinguished majority whip, and on the basis of that observation, will not object, although it is rather unusual to get permission so far in advance, and I hope that it would not be anything that we would see on a continuing basis.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. If the distinguished assistant Republican leader would like me to do so—I could very easily do it—I could check with the Senator from Wisconsin (Mr. NELSON) to be sure as to whether or not those are the reasons.

Therefore, I withdraw the request for the time being.

Mr. GRIFFIN. Mr. President, I have no objection.

Mr. ROBERT C. BYRD. The Senator has no objection. Then, I renew my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## THE 25TH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. MUSKIE. Mr. President, today marks the 25th anniversary of the founding of the State of Israel. Last night, I had the pleasure of celebrating this historic occasion as the guest speaker at an Israel Bond Drive dinner in Cincinnati, Ohio. I would like to take this opportunity to repeat some of the thoughts I expressed yesterday.

Mr. President, I believe that America and Israel are joined together by the faith we share, really a utopian faith that men can live in justice, work toward perfection, committed to liberation and confident of success. Our common dream is our common bond.

In this year—the 25th since the founding of Israel, the 30th since the destruction of the Warsaw Ghetto, the 1,900th since the fall of the fortress at Masada—the lesson of past suffering often seems to be spelled out too bleakly in the sight of modern Israel's armed strength. Today an independence parade through the streets of Jerusalem will stress the nation's military preparedness.

Some Israelis are critical of plans to celebrate their nationhood through a display of armament. And outside Israel, we can hear even well-meaning critics complain of her apparent belligerence, her absorption with defense and readiness for war.

But such faultfinders—and many of them, of course, are not well meaning—miss the point about the tension between dream and reality in Israel. They overlook the promise Israel holds out to her neighbors and to the world and identify the legitimate concern for self-protection as a threat to peace in the Middle East.

No one who has been to Israel and had his eyes opened to her energy and her promise would foster such dangerous confusion. I was fortunate enough to visit Israel 2 years ago, and the images that remain with me are of strength, but not violence, of hope, not menace.

I remember, for instance, going to Kibbutz Gesher on the west bank of the Jordan River, where I saw the bomb shelters. The walls of those bunkers were decorated by children's pictures, and not one picture showed a scene of the fighting which was the everyday reality for the youngsters there.

The paintings were of flowers and of sunshine. The dream of the artists was of peace, not of the war that has been their fate.

And at a Nahal settlement in the Golan Heights, I remember talking to a 23-year-old farmer-soldier named Yeheskel. I asked him what, in that still



endangered and bitter terrain, he and his friends did with the little leisure they had.

"We have our books," he said, "and we love this view over the Sea of Galilee. And we talk about the future, about peace."

It is possible, of course, to go to Israel and to feel the inconsolable anguish of the memorial at Yad Veshem for the 6 million European Jews whose murder will always be a living memory. And it is possible to climb that forbidding hill at Masada and feel the spirit of intransigence of the besieged zealots who chose death in glory over submission to Roman rule.

But to see only the martyrdom, or the "Masada complex," or the military strength of Israel is to be blind to the resources and the resourcefulness of 3 million Jews who have created an oasis of progress and promise in the midst of hostility and backwardness.

I think of the words of the physicist, I. I. Rabi, about the great Weizmann Institute of Science:

> The meaning of Israel is moral.
> He said: It is a meaning of learning, of understanding, of extending man's knowledge throughout the world.

The fulfillment of that moral meaning will be the test of Israel's next 25 years. And the help America gives in answering that challenge will also be the test of our moral strength. Let me suggest some of the immediate, practical measures we can take to fulfill our responsibility to Israel and to ourselves.

First, we must answer recent threats of economic blackmail from oil-producing Arab states with total rejection. Two weeks ago in Washington, the Saudi Arabian Petroleum Minister is reported to have advised our Government that Saudi Arabia will not significantly expand its present oil production—of which American oil companies are the exclusive purchasers—unless we change our policy of support for Israel.

In the context of our energy problems the thrust of that threat is clear. But we must reject such threats if we are ever to help promote a genuine negotiated settlement in the Middle East and insure security for all nations and justice for all people there.

Second, we cannot let down the pressure we have brought to bear on the Soviet Union over its treatment of Jews in Russia.

The Congress has made it clear that much as we all want to liberalize trade relations with Moscow, we are prepared to defer such action because of higher goals. Before making new trade arrangements with the Soviet Union, we must be satisfied that Russian Jews are free to build new lives for themselves wherever they choose to go.

The clear resolve of Congress on this issue has already brought some progress. It appears that the head tax imposed on Jewish emigrants has been modified. But we cannot be sure that all such unfair restrictions have been eliminated.

For more than 2 million Soviet Jews, Russia's ratification of the universal declaration of human rights and provisions of its own laws are too often dead letters.

Soviet leaders would be profoundly mistaken if they underestimated American feelings on this issue. It is widely shared throughout our country, and its impact on Congress is heavy.

Our position comes from our recognition that an attack on human liberty anywhere endangers freedom everywhere.

Third, while maintaining pressure on the Soviet Union, we must continue the effort to help Israel help her new citizens. Last month I attended a ceremony at the State Department releasing $33 million in funds to assist Israel in resettling Soviet Jews and putting them on the path to new and fruitful lives.

The money was authorized in the last Congress, on my motion, as a pledge that in our own relative comfort and prosperity, we will not forget those who suffer and need our help. The Congress authorized $85 million in grants for the resettlement program. It appropriated $50 million, of which $33 million has now been released for the use of voluntary agencies in Israel.

Those funds will cover the costs of bringing 22,500 immigrants from the Soviet Union to Israel.

They will insure that, on arrival, they receive the language and vocational training, the health care and social services, most of all, the housing they need to rebuild their families and their futures.

But just as the bonds you give to build Israel can never equal all the needs, so this first American government grant cannot end our commitment to the refugees. I am hopeful that new appropriations, equal at least to the money authorized but not yet formally allocated, will be approved by this Congress, and I will do what I can to that end.

As we resist Arab blackmail, insist on fair treatment of Soviet Jews and support Israel's drive to build a better life, we must, of course, also maintain our pledge to the military security of Israel. Arms sales and credits to finance them are essential to that pledge, but more broadly we must gear our diplomatic efforts in the Middle East to the end of stopping the arms race and negotiating a permanent peace.

We must assure Israel of enough power to deter renewed war. And we must work from that base toward a satisfactory solution of the tensions for which war is no solution.

For I return to the idea with which I began this address: Israel offers a hope to her neighbors and to the world that transcends the special symbolism of Israel for Jews.

In an area which was the cradle of civilization, Israel is the new example of progress. In a land that history shunted aside, Israel is the force of modernity.

The 20th century ways of Israel have a special importance in the Middle East. There, until the birth of Israel, traditionalism had too often been a synonym for stagnation. Now a new nation born of our oldest Western tradition has shown the way to progress.

More than any other developing society, Israelis have found the elusive middle way to preserve the values of the past—ties of family, of religion, of culture—and to advance the values of the present—of free inquiry, of material development, of individual fulfillment. Among all the struggling nations of the third world, Israel stands out as a model for emulation, an instructor in the art of reconciling history and the future.

To the other "people of the book"—to Israel's Arab neighbors—the lessons learned, the failures suffered, the advances scored can be the textbooks for their own development. In an atmosphere of cooperation, the contribution Israel can make to the well-being of the region would be without limit.

It may seem rash and naive to talk of the Middle East in terms of an atmosphere of cooperation, when all the evidence points to continued conflict. But 25 years ago there was not much evidence to support the vision from which Israel was born. And there is no knowing what potential for good may have been realized 25 years from now.

There is, I know, one remarkable ground for hope. One-and-a-half million Arabs now live under the Israeli flag, either in Israel or in the occupied territories. The coexistence is tense; it has flared into violence on too many occasions. But the fact is that Jews and Arabs have traveled through history on parallel paths and again are living together in a measure of cooperation.

And that measure is not diminished by the slightest hint of racial or religious prejudice. Where there is hostility in Israel for the policy of Arab governments, there is none of the searing bigotry toward individual Arabs which Jews themselves once felt in European ghettoes. There are no nasty epithets for Arabs, as there are for minorities even in America. And if there is not love, there is, at least, respect, and tolerance.

This welcome reality is the result of conscious, but not artificial policy. Knowing the bitterness of official antisemitism, the Israelis have chosen understanding instead.

From that foundation I am confident that Israel can build toward peace—a peace based on strength and resolve but also on the promise of progress which is the reason for Israel's being. America can help promote that peace through a diplomacy which never wavers in its support for Israel's basic claim to security and which actively seeks to reconcile that claim with the legitimate concerns of Israel's neighbors.

And through Israel, America can find expression for the dream that is common to all democracies—the vision of a just and open society, tolerant of her neighbors, and inspired by the opportunities to advance the life of all peoples.

We in America have sometimes fallen short of that dream. In recent months we have seemed to lose some of the generosity of spirit that shaped our greatness. We have appeared unsure of ourselves, distrustful of our leaders and uncertain of our direction in the world.

Israel, as she comes of age, also faces great problems and the danger of mis-

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taking militancy for preparedness. But as it overcomes the threats she faces, and as America contributes to the realization of the promise of Israel, both nations reaffirm their shared vision.

That vision is, of course, the promise of Isaiah:

Out of Zion shall go forth the law and the word of the Lord from Jerusalem—they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more.

## VA ADMINISTRATOR TELLS OF BENEFITS FOR VETERANS

Mr. HELMS. Mr. President, the distinguished senior Senator from South Dakota (Mr. McGOVERN) recently visited my State, and made an address on the campus of the University of North Carolina at Charlotte.

I am always pleased when my colleagues in the Senate visit North Carolina. I am confident that the young people at UNC Charlotte were pleased to meet Senator McGOVERN, and to hear his views.

One of the fine things about being a Member of this body is that Senators of diverse views and political affiliations always agree to disagree agreeably. In the instance of Senator McGOVERN's comment in my State, my only knowledge of what he said in Charlotte is based on an account in the Charlotte Observer.

I was interested, however, in the information contained in a letter to the editor of the Charlotte Observer, written by Donald E. Johnson, Administrator of the Veterans' Administration. The letter contains information which would be of interest irrespective of whether Senator McGOVERN was quoted correctly or incorrectly in the Charlotte newspaper. Therefore, Mr. President, I ask unanimous consent that Mr. Johnson's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR
OF VETERANS' AFFAIRS,
*Washington, D.C.*

Mr. C. A. MCKNIGHT,
*Editor, Charlotte Observer,*
*Charlotte, N.C.*

DEAR MR. MCKNIGHT: Staff writer Bob Boyd's article on Senator George McGovern's recent "prisoners of peace" address at the University of North Carolina in Charlotte was factual and accurate. Unfortunately, the Senator was not.

Far from neglecting our Vietnam veterans, as the Senator charged, "we are now doing more than we have ever done before to help our American veterans," as President Nixon said in his March 24 statement on the debt owed our Vietnam veterans.

I am confident that Charlotte Observer readers will agree that the following facts speak for themselves; facts made possible, I need not add, by the willing support and gratitude of the American people.

MEDICAL CARE

The latest medical-care budget of $7.7 billion is 80 percent higher than the 1969 budget. More veterans are receiving health care than ever before, and they are receiving quality health care because we have augmented the staffs at VA's quality hospitals by thousands of employees in the past two years alone.

G.I. BILL ASSISTANCE

The President has twice approved increases in G.I. Bill education and training allowances, which have gone up from $130 to $220 a month for a single veteran taking full-time training. The present allowance of $1980 for a school year is nearly three times the World War II benefit for a single veteran, and gives most veterans more financial assistance than after World War II, even allowing for inflation and increased school costs. The World War II G.I. Bill paid tuition, books and supplies only up to $500, but unlike the current G.I. Bill, placed a $210 ceiling on a veteran's combined allowance and outside earnings.

In the past four years the number of veterans trained under the Vietnam G.I. Bill has tripled, going from 1.3 million at the end of Fiscal Year 1969 to 3.9 million at the end of March 1973. The growth rate has been even higher in North Carolina. At the end of Fiscal 1969, 23,150 North Carolina veterans had entered training. Today that total exceeds 81,000.

Nearly a million veterans, including more than 28,000 in North Carolina, have obtained VA-guaranteed home loans during the past four years. The value of these loans for North Carolina veterans is over half-a-billion dollars.

JOBS AND JOB TRAINING

President Nixon gave special emphasis in his March 24 statement to the need for greater assistance by the private sector as well as by government to Vietnam veterans in finding jobs and job training opportunities. But much has been done in this vital area.

A year ago the unemployment rate for veterans 20 to 29 years old was 8.3 percent. Today it is 5.9 percent, compared with 6.2 percent for nonveterans in the same age group.

Last year the President set a national goal of one million jobs and job training opportunities for Vietnam veterans. That goal was exceeded by 300,000. This year even the higher figure will be surpassed.

Last year Vietnam veterans got 25 percent of the available jobs, although they represented less than five percent of the civilian labor force.

In the past year-and-a-half, VA assistance officers have visited 138,000 business establishments throughout the country, with the result that 125,000 new job training slots for Vietnam veterans have been created.

Nearly a third-of-a-million veterans have taken VA-assisted job training under the Vietnam G.I. Bill.

As a Federal employer, VA now has 20,000 Vietnam era veterans in its work force, and is hiring an additional one thousand Vietnam veterans each month.

OUTREACH

Through one or more Outreach efforts—from first-time-in-history battlefield briefings in Vietnam, to counseling at stateside military hospitals and separation points, and by computer-generated letters, telephone, interviews at Veterans Assistance Centers, and personal visits to their homes, the Veterans Administration has contacted most of North Carolina's 137,000 Vietnam era veterans, and most of the 6.3 million Vietnam era veterans now back home, to inform them of their benefits and urge them to use the VA benefits and services to which they are entitled, particularly education and training assistance.

Now a new VA Outreach program has come to North Carolina.

Earlier this month VA began its mobile van service in the Tarheel State. During the next two months, a two-man team of specially trained VA representatives will visit some 40 North Carolina communities to bring front-door, one-stop convenient service to veterans. The mobile van team is prepared to assist these deserving Americans in applying for G.I. Bill schooling or training, home loans, hospital and medical care, disability compensation, or any of the other VA benefits and services which they have earned and need.

Service to those who served is VA's mission. I am sure you will agree that Charlotte Observer readers deserve to know how well we are carrying out this mission.

Sincerely,

DONALD E. JOHNSON,
*Administrator.*

## RETURN "OLD IRONSIDES" TO THE PORTSMOUTH NAVAL SHIPYARD

Mr. MCINTYRE. Mr. President, the closing of the Boston Naval Shipyard leaves in question a future berth for the U.S.S. *Constitution*—"Old Ironsides."

I would like to urge that the Portsmouth Naval Shipyard be considered as a future home for the *Constitution*. I have written the Secretary of the Navy urging this action.

"Old Ironsides" would feel comfortable at the Portsmouth Shipyard because twice in her historic life she was berthed at Portsmouth. At Portsmouth she would be available to the millions of tourists who visit New England each year. Her future would be assured because the President has declared that the Portsmouth Shipyard will remain open as a keystone in the Nation's Naval defense structure.

Mr. President, I am pleased that a resolution from Representative Kenneth Spaulding of Amherst, N.H., memorializing the Congress to transfer "Old Ironsides" to Portsmouth has been placed before the New Hampshire General Court. This resolution is timely, and I ask unanimous consent that it be printed in the RECORD together with my letter to the Secretary of the Navy.

There being no objection, the resolution and letter were ordered to be printed in the RECORD, as follows:

STATE OF NEW HAMPSHIRE RESOLUTION

Whereas, the USS Constitution, also known as Old Ironsides, is an historic vessel which has long been a part of the history and culture of New England; and

Whereas, Old Ironsides is currently berthed at the Boston Naval Shipyard, which will be closed in the immediate future and would no longer be able to maintain Old Ironsides; and

Whereas, the citizens of the state of New Hampshire wish to retain Old Ironsides in the New England area where it belongs because of history and tradition; and

Whereas, the Portsmouth Naval Shipyard will continue to serve the New England area and could provide the necessary visitation and maintenance facilities for an historic vessel such as Old Ironsides;

Now Therefore Be It Resolved by the House of Representatives, the Senate concurring:

That the Legislature of the State of New Hampshire hereby expresses its desire that Old Ironsides be transferred to the Portsmouth Naval Shipyard upon the close of the Boston Naval Shipyard and be maintained there for visitors to inspect and appreciate; and

That the Legislature memorialize the New Hampshire representatives to the Congress of the United States to take immediate action to implement the above request; and

That copies of this Resolution be forwarded to the Washington office of each of the United States Senators and Representatives from the State of New Hampshire.

JAMES E. O'NEIL, Sr.,
*Speaker.*

APRIL 30, 1973.

Hon. JOHN W. WARNER,
*Secretary of the Navy,*
*Washington, D.C.*

DEAR MR. SECRETARY: I understand that with the announced closing of the Boston Naval Shipyard questions have been raised about a future berth for the U.S. Frigate *Constitution*.

I would like to ask that serious consideration be given to the Portsmouth Naval Shipyard as a possible home port for "Old Ironsides."

This ship should feel at home at Portsmouth. Nearly twenty years of her life were spent there. Naval history shows that after her victories in breaking up the slave trade off the Coast of Africa between 1853 and 1855 she came to Portsmouth for rest, refitting and eventual recommissioning.

During the Civil War the *Constitution* served as a training vessel for officers in the Navy. Following that war she was decommissioned, rebuilt, provided training facilities for naval personnel and carried out various other special assignments. In 1884 she returned to Portsmouth to serve until 1897 as a receiving ship.

Because of the *Constitution's* significance in our history and the desire of people to have a chance to trod its decks and feel that history, she should be located in a place with a maximum public exposure. In my judgment, Portsmouth, New Hampshire meets the test because visitors from throughout the Nation come to New England each year, drawn by the beauties of the Maine and New Hampshire seacoasts, and such natural attractions as the White Mountain National Forest and the Presidential Mountain range, and the Autumn foliage. They come Winter and Summer as well and Portsmouth, on a main North-South interstate highway, is a popular crossroads for their travel.

I know that a decision to place the *Constitution* at Portsmouth would receive the wholehearted and enthusiastic support of the government, civic groups, service organizations, and the citizenry at large.

Because "Old Ironsidea" would be coming "home," she would receive a rousing welcome and be treated as "family" for the reat of her life.

I sincerely urge your early consideration of this proposal.

Sincerely,

THOMAS J. MCINTYRE,
*U.S. Senator.*

## TRIP TO THE MOVIES MIRRORS PLIGHT OF LIFE IN WHEELCHAIR

Mr. DOLE. Mr. President, the following article exemplifies one of the numerous reasons why Senator PERCY and I introduced legislation with respect to architectural barriers that the handicapped face. The legislation we recently introduced provides a tax incentive for the removal of architectural barriers for the handicapped. Hopefully this legislation will help to open the doors of the "public" buildings in any community to the handicapped.

Buildings do not contain signs saying "Handicapped keep out." Instead, there are thoughtless barriers, such as flights of stairs, narrow doorways, and unusable restrooms which prevent the handicapped from entering buildings, conducting their business, working, or enjoying themselves.

I ask unanimous consent that the following article "Trip to the Movies Mirrors Plight of Life in Wheelchair" by Karlyn Barker, which appeared in the April 9, 1973, issue of the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRIP TO THE MOVIES MIRRORS PLIGHT OF LIFE IN WHEELCHAIR

(By Karlyn Barker)

When you are a paraplegic, like William E. Howard, 48, going out to the movies can be like running an obstacle course and finding that you are the final obstacle—at least in the eyes of the theater management.

Howard, a Rockville resident who has been confined to a wheel chair for nearly four years, and his wife, Hazel, went to the Montgomery Roth Theater in Gaithersburg on a recent Friday night.

The movie was "Judge Roy Bean," and the couple had to wait in line to buy tickets. Then, Howard said, once inside, he had to leave the theater because its manager and an usher told him his wheelchair was blocking the aisle. His money was refunded.

"I'd gone there many times before, and I always try to find a seat on the outside for my wife so that I can sit next to her in the aisle," said Howard, a food services employee at Walter Reed Army Medical Center.

It was while working at Walter Reed three years ago last fall that Howard's back was crushed beneath a heavy crate that fell from the tailgate of a truck. He suffered permanent paralysis.

Since then, the father of four has had to make many adjustments to a society that he and an estimated 102,000 paraplegics like him throughout the country find neglectful toward the needs of the handicapped. Howard said architectural barriers can be the most vexing problem.

"Whenever I'm going to a restaurant or a theater or even a store for the first time," said Howard, "I give them a call. I ask them if they have what I want, but my second question is always one asking if I can get into their store with a wheelchair."

Howard said he has "never asked if I can sit in the wheelchair" in a theater because "the problem never came up. I've been to Roth theaters and others without this ever happening.

Paul Roth, owner and president of the theater chain, said the incident "doesn't show that Roth theaters are antihandicapped. But we cannot jeopardize the entire audience to accommodate a single person."

Roth said the theater manager asked Howard to move because his presence in the aisle violated fire regulations and blocked an exit.

"We asked him to move to a different place," said Roth. "He said he'd prefer to be lifted into one of our chairs and he wanted some of our staff to do it. They're not properly trained for that."

Howard said the "different place" he was asked to move to was behind a partition in back of the last row in the theater. "How am I going to look over that from my seat?"

Sitting in a regular theater seat to comply with fire regulations against blocking exits is more of a danger, said Howard, "because without my wheelchair, I'd be stranded there. I couldn't get out."

One aspect of theater safety that the fire regulations overlook, he added, "is that if there was an emergency and I'm in my wheelchair, I'm going to be moving just like everybody else."

Commenting on the incident, Montgomery County Fire Marshal Robert Smith said the theater had obeyed the "technical intent" of the law requiring the maintenance of aisle width and the prohibition of exit obatructions.

However, said Smith, the real problem is not the regulation "but the need to provide a place for these people so that they do not have to sit in the aisle." He said theater seating for the handicapped "is a problem that has never arisen before."

Roth said some theater operators have tried in the past to leave spaces for theatergoers in wheelchairs by taking out some of the regular seats.

"But there have been some bad incidents because some others, particularly older people, come in and sit down before their eyes have adapted to the dark. They end up falling on their spines, so this has created another problem."

Barriers exist everywhere for handicapped persons, said Roth, who complained that those in wheelchairs "can't cross some streets, ride the new Metro or go up the steps to the new Washington Post building."

Initial Metro designs do not include entry ramps or elevators for the handicapped, but legislation authorizing funds for them is pending in Congress. The L Street entrance to The Washington Post provides an unobstructed path to elevators inside the building.

He said he was caught between "what's the nice thing to do and what's the practical thing to do for handicapped people." He said Howard and others in wheelchairs could attend his theaters in the future "but where they sit will depend on the particular configuration of the theater and the good judgment of the management."

Gerard McIntyre, director of the country's office of architectural services, said a 1968 state law makes it a requirement that "there are facilities to accommodate the handicapped built into public buildings, such as theaters, arenas and auditoriums."

Bruce G. Eberwein, a member of Gov. Marvin Mandel's subcommittee on the elimination of architectural barriers for the handicapped, said "all of us are barred in some way because buildings are built for esthetics rather than the good of human beings."

Eberwein, an amputee, said commercial establishments are just "rationalizing" when they refuse to provide proper facilities for the handicapped. "There's no way that a special section for those in wheelchairs couldn't be lighted and marked off in a theater" to avoid confusion by other moviegoers.

Most architects, he said, "haven't thought to make buildings more accessible for the handicapped. But people don't worry about whether a door to a home is 33 inches wide until after you or I or grandma has to be put in a wheel chair."

## ISRAEL AT 25

Mr. CHURCH. Mr. President, the State of Israel is a 25-year-old fact. I salute this brave and bold nation on its silver independence anniversary; I hope and pray that one day soon Israel's neighbors will recognize its existence so that peace will also become a fact of life in the Middle East.

As the New York Times concludes in its editorial of May 7:

For its first 25 years physical survival more than enrichment of the human experience, was the challenge thrust upon modern Israel.

So far Israel has not been allowed the luxury of meeting the challenges of peaceful construction, of integrating its unique contributions with the restive humanity around. Having come this far, the people of Israel have no further need of self-justification; their only need is peace and grace to face the tasks remaining. For its 25th anniversary, peace is both the greeting and the wish of Israel: Shalom.

I ask unanimous consent that the editorial be printed here in the RECORD.





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There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SHALOM

In just one generation the Jewish people have experienced the deepest despair of holocaust and the most profound exhilaration of nationhood. These are epic events of our time to be measured against the chronology of millenia. Today the state of Israel marks its 25th year of existence in the modern world. This may be but a small milestone in 4,000 years of a people's recorded history, but it is an awesome human achievement of a living generation in the face of the forces arrayed against it.

A nation of despairing refugees has become a society of proud citizens of their ancient land. The problems that pressed upon earlier generations have been solved by nationhood; this solution of nationhood is what poses the problems for the generations to come.

Unreconciled still to the presence of the Jewish state, the neighboring peoples of Palestine and the Arab Middle East take solace in what they see as a historical analogy: the medieval Crusaders' states, imposed upon the Levant by aliens from Europe, only to shrivel up and disappear. Israelis know this analogy is false. The Crusading armies never saw themselves as settlers, only military conquerers. Only men came, never more than 50,000 of them, never families intent on dropping new roots. The ties, the loyalties of the Crusaders remained in feudal Europe. The 2.5 million Jews of Israel, by contrast, have left the life of the Diaspora behind them. For them there is no other home base, no place to return.

Entering its second in the world polity, from its immediate neighbors Israel longs for acceptance as just one more nation-state among all the others of the Fertile Crescent. Yet in the world at large, to be just one more nation-state like the others would seem to fall short of the Zionist ideal. The early visionaries of Zionism—and some of their present-day descendants retain that vision—perceived the land of Israel as a beacon for all the world, a society in which the intellectual vigor of the Jewish people could flourish for the benefit of all humanity, including those on the land before the Zionist settlers arrived. This has not come about; for its first 25 years physical survival more than enrichment of the human experience, was the challenge thrust upon modern Israel.

So far Israel has not been allowed the luxury of meeting the challenges of peaceful construction, of integrating its unique contributions with the restive humanity around. Having come this far, the people of Israel have no further need of self-justification; their only need is peace and grace to face the tasks remaining. For its 25th anniversary, peace is both the greeting and the wish of Israel: Shalom.

## COOK-BRECKINRIDGE BILLS ON MARYLAND TOBACCO ARE COMMENDED BY NEWSPAPER

Mr. HELMS. Mr. President, my distinguished colleague, Senator COOK, of Kentucky, recently introduced a bill (S. 1533) in this body which is designed to protect burley tobacco producers against competition from locally grown Maryland-type tobacco.

Maryland tobacco is not under price support or production control regulations, as burley is, but Maryland tobacco is often indistinguishable from burley when grown under the same conditions in Kentucky. Kentucky Congressman JOHN B. BRECKINRIDGE introduced a companion bill in the House.

The Lexington (Kentucky) Herald commented on this legislation in an April 28 editorial. This editorial presents a persuasive case on behalf of the legislation.

Mr. President, I ask unanimous consent that the Lexington Herald's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BRECKINRIDGE BILL SHOULD BE PASSED

It is too soon to predict the outcome of a bill introduced in Congress by Sixth District Rep. John B. Breckinridge to protect burley tobacco against locally grown Maryland-type leaf.

However, we believe a new law is the only satisfactory answer to the dispute on which rides a big chunk of the future of Kentucky's chief cash crop.

Maryland tobacco poses unfair competition to burley farmers. The Eastern leaf is not under support prices nor is it under production controls, as is burley. Further, when grown in this state's limestone-rich soil and overfertilized, it takes on characteristics similar to burley. Even expert graders have difficulty telling the difference between Kentucky burley and Kentucky-grown Maryland-type.

The USDA has long recognized the generic closeness of the two types and they adjoin on the official tobacco-type series. Burley is Type 31 and Maryland is Type 32.

Maryland-type tobacco was grown in several areas in the eight-state burley belt during the past season, mostly under contract, at a price of $60 per hundred pounds as compared to the belt hundredweight price average of $79.23 for burley.

Burley backers have hammered on four points raised by the Maryland threat:

The cheaper leaf with similar characteristics could be substituted for burley by cigarette manufacturers.

A surplus of burley could accumulate and hamstring the price-support program.

If growers can produce a leaf used like burley for only $60 per hundred pounds, Congress may put an end to higher price supports and protected quotas for burley.

Surplus burley could begin appearing in trade channels under the guise of "Maryland" leaf, thereby hampering production controls which keep up the price of burley.

Already, Maryland tobacco seed has been distributed to contract growers in Kentucky, Virginia and Tennessee for the 1973 crop.

Without a new law to clarify the situation, there will be more hassles among growers, warehousemen and USDA officials such as occurred earlier this year.

In recent months, of 111,721 pounds put up for inspection as "Maryland" leaf, 85,505 pounds—more than 76 per cent—was determined to be burley.

A protective law for the burley industry is needed. We endorse it and back Rep. Breckinridge's efforts to get the measure through Congress.

And we hope it will be in effect before another tobacco season of uncertainty and dissension.

## "DELTA QUEEN"

Mr. HARTKE. Mr. President, Americans are now realizing the value of our cultural heritage. We are striving to preserve for ourselves and our children many historically important structures and monuments.

Today, the steamboat *Delta Queen*, the last paddlewheel riverboat, remains a link to the Mark Twain era of our Nation. Congress, acting with foresight and historical sensitivity, should salvage this irreplaceable link with our past.

Mr. President, I ask unanimous consent that an article about the *Delta Queen* which appeared in the Washington Post, Sunday, April 15, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TURN-OF-THE-CENTURY DELIGHTS OF PADDLING DOWN "BIG MUDDY"

(By Sabin Robbins, Jr.)

"Daddy, do they really make you go through the paddlewheel if you're bad?" asked my 10-year-old son when he first boarded the Delta Queen. Robbie's questions continued at near flood tide—like the Mississippi River we traveled for five days recently from New Orleans to Memphis.

When it came time to sip the last "Huck Finn" (ginger ale liberally laced with grenadine), Robbie was a confirmed steamboater. He was an expert on shipboard nomenclature, a certified calliope player, and had even helped the pilot steer for a few Walter Mittyish moments. He had gained four pounds from eating too much food, played the role of a tree in an all-student production of a riverboat melodrama, and wore his Delta Queen captain's hat as if born with it.

And, of course, he had learned that the job of the paddlewheel was not for discipline but to push us along at a stately (if not speedy) seven miles an hour. In short, Robbie had a super time—just like the other 30 youngsters and 90 adults who had sampled life on the Mississippi during the annual spring cruise chartered by The National Trust for Historic Preservation.

Charter cruises usually offer extra attractions tailored to the group's interest—in our case special tours and receptions at antebellum homes, gardens, and Civil War sites at St. Francisville (La.), Natchez, Vicksburg, and Greenville (Miss.). We also had on-board classes, tours, and films for the young people conducted by a historian from Colonial Williamsburg.

Charters are on the upswing, reports Betty Blake, vice president of Greene Line Steamers, Inc., owner-operator of the Delta Queen. A dozen organizations from symphony societies to preservation groups like the National Trust run charters every year. Some use the steamboat for fund-raising events, banquets, and floating board meetings. One couple even had their wedding and reception aboard. ("Here Comes the Bride" was tooted out on the steam calliope.) The public can choose from 50 regular cruises that range from 19-day voyages between Cincinnati and New Orleans to one-day excursions out of St. Paul. Cost per day runs $30 and up, depending on accommodation.

Charter or regular, the special pleasures of steamboating remain pretty much the same. Although unlikely to be taken for the Queen Mary, the 285-foot Delta Queen dramatically dwarfs anything else that plies the Mississippi. Her bright red paddles churn up 40-foot plumes of the Big Muddy. The gold-plated whistles of the calliope echo five miles away. She may not have a swimming pool or sauna, but she does have lounges, reading room, library, two bars, gift shop, auditorium-dining room and plenty of deck space for strolling and snoozing.

Her 95 state rooms run from medium to minuscule. Getting dressed can sometimes count as early morning calisthenical. But in the end what really matters is the old-fashioned charm and ambience of America's last overnight steamboat. Far from the din of television, radios, telephones, and honking cars, you live in a world of churning water, gleaming brass, stained glass windows, fancy woodwork and strummin' banjos.

Each of our five daya was different—yet the same. Up early for a walk around the deck—11 times equals a mile. We were surprised to see that the close-by bank was wilderness—forests of willow and rolling pastures. Not a sign of houses or people. We had forgotten that this was flood plain shoreline—chancy land for any development. Out of sight behind the levee were the farms, cities, and crowded superhighways. We heard only the twitter of invisible birds, the swish of brown water spun endlessly by the paddlewheel.

Appetites whetted, it was down to the Orleans Room for juice, melon, cereals, eggs, bacon, sausage, pancakes, French toast, grits (of course!) and lots of coffee.

Classes and tours of the engine room and pilot house filled mornings for the young. Adults had their own slide lectures and films on Southern architecture, crafts, and history. Many just watched America slide by from their deck chairs. We paddled along just fast enough to get where we were going, but slow enough to savor the journey.

Each day there were shore tours of antebellum plantations and gardens ablaze with azaleas, dogwood and wisteria.

The cry "Steamboat's a comin'!" brought townsfolk to the levees just as it did a century ago. Sometimes we pulled into the main landing. Often we just tied up to a big tree along the bank. Returning from a shore excursion, we were always welcomed "home" by rollicking tunes on the calliope, played by Vic Tooker, the sternwheeler's interlocutor and master musician.

By departure time, half the town seemed to have lined the bank. Feeling like touring royalty, Robbie would wave back to envious children on shore.

After a bountiful buffet lunch, some read, wrote postcards or played cards. Others napped, watched birds, attended lectures or just chatted on the sun deck. Some flew kites over the paddlewheel. Later, passengers gathered in the Texas Lounge for a cock-tail before dinner. Afterward there were old-time movies, horse-races, or musical shows by versatile Vic Tooker.

Darkness cast a special spell aboard the Delta Queen. Lights winked from passing tugboats. Crickets chirped from the bank. One night Robbie and I sat in the pilot house with veteran Howard Tate. Reading the faint riffles of Old Man River with 42 years of practice, Tate nudged the bow closer to the shadows of the bank. When he consented to speak, his voice came out in a rusty growl.

"Mark Twain never done no piloting to amount to anything," he barked. "He never stood a pilot's watch more than six months in his life." After a studied pause, he added charitably, "But I guess he could write all right."

Although our voyage hailed straight back to the days of Twain, the Delta Queen was actually built in 1926 and designed for California rivers, not the Mississippi. Decommissioned as a World War II troop carrier in 1947, she was bought by the Greene Line of Cincinnati and revamped for Mississippi trade. Every year since then she has carried passengers some 35,000 miles, calling on 110 river towns in 17 states.

When legislators passed a Safety-at-Sea Law in 1966 to protect Americans from unsafe ocean voyages, the stern-wheeler was unexpectedly condemned because her superstructure was wood not steel. Since then, Congress has voted three times to exempt the antique riverboat. They felt she did not face the same hazards as ocean going vessels. "To knock off the Delta Queen because of a law designed for oceanliners would be like pulling down the Tower of London because it doesn't meet city fire escape regulations for public places," wrote one columnist.

In a modernization program, the owners installed more than $1 million worth of safety and fire prevention equipment.

Her current reprieve is due to expire on Nov. 1. Rep. Lenor Sullivan (D-Mo.), chairwoman of the House Merchant Marine and Fisheries Committee, introduced a bill last month calling for another five-year exemption.

At the same time, Greene Line unveiled a model of a $15.5 million riverboat scheduled for service in 1975. The new boat will carry 400 and boast such modern touches as pool, elevators, and airconditioning. But she'll still have a steam-powered paddlewheel.

"We considered propellers, gas turbines, even jet engines, but we finally decided on a paddlewheeler. It's still the most efficient, practical, and comfortable for the Mississippi," says William Muster, President of Greene Line.

Whether the old Delta Queen will be able to compete with the new boat is anyone's guess. The Greene Line thinks there are plenty of passengers for both, assuming that Congress continues to grant reprieve for the old boat. Either way, riverboat fans are assured there will be at least one overnight steamboat in their future.

Sooner than we wished, our own steamboat experience ended beneath the bluffs of Memphis. The "whish" of the paddles slowed, then stopped, to be replaced by the honk and roar of the city. As Robbie and I said goodbye to the Delta Queen and raced to the airport, we wondered whether we had entered the real world—or left it.

## PROMINENT NORTH CAROLINA BROADCASTER ADDS PERSPECTIVE TO ISSUE OF MEDIA CONTROL AND BIAS

Mr. HELMS. Mr. President, as a man who has spent many years participating in the management of a fairly large television station, I am keenly aware of the distinction of the input made by network news sources and the input generated from local sources. Many TV viewers do not always make the same distinction; whatever comes on the screen of their set contributes to their overall information and opinions. As a management professional, however, I often felt frustrated in my dealings with the networks, in my efforts to make the product broadcast by our station an example of responsible journalism with balanced and objective news along with clearly labeled opinion.

The Vice President recently touched upon this problem in his speech at Harding College when he said:

You may remember that I spoke a while back about "opinion-making media." I want to be sure you understand what I mean by that term. I do not refer to the typical newspaper or radio or television station. By "opinion-making media," I mean the media of more than local impact—the large newspapers and magazines which cover the Nation and the world with their own personnel—the networks—the wire services. Through their resources, multiple ownerships and wealth, they exert a clout far in excess of any combination of small media—even a combination with hundreds of times their circulation.

It is significant that most of the cries of "repression" and "conspiracy" which are being mounted today against the Nixon Administration come from the opinion-making media. Very few editors and station owners around the country share their fears. They do not trust the Government to be fair to them, but we do not think they have yet diversified their undertaking sufficiently to fairly report the activities of Government to the American people.

The Vice President has summed up very well the dilemma which faces many of my former colleagues in the TV business. A television station is required, under the FCC's "fairness doctrine," to present a balanced coverage of controversial issues. Yet the networks have no such requirement. Nevertheless, the networks, with their superior budgets and elaborate staffs, have by far the greatest impact on national and international news. The disproportionate influence of the networks, concentrated in a relatively few hands, is largely responsible for the undermining of public confidence in the profession of journalism.

One of my former colleagues has articulated the same thought in a forceful letter which he recently sent to me. The letter was written by Charlie Crutchfield, president of Jefferson Pilot Broadcasting in Charlotte, N.C. Charlie is a fine broadcaster and a conscientious journalist. He states the problem well:

It is obvious that there is no way that hundreds of local stations can balance network programming. Many simply don't have the staffs to do this, and even the larger stations would have to assign a separate department to monitor network programming, determine what has not been balanced, and undertake the time-consuming chore of countering imbalanced presentations at the local level. This, obviously, just isn't feasible; in fact, it's impossible.

Mr. President, the local broadcaster is often ignored in all the pious platitudes about freedom of the press. We have unlimited freedom for the opinion-making media, but severely limited freedom for the local broadcasters who apparently are supposed to take what the networks give them and shut up. Yet it is the local broadcaster who is, in the end, responsible for the journalistic judgment about what goes out over his station.

Mr. President, I want to make Mr. Crutchfield's entire letter available to my colleagues, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 26, 1973.

Hon. JESSE HELMS,
*U.S. Senate,*
*Washington, D.C.*

DEAR JESSE: As a former broadcaster, you realize better than most the problems confronting those of us in radio and television as we attempt to operate within both the letter and the spirit of the FCC's Fairness Doctrine. Commendably, most station operators make a conscientious effort to be fair—and succeed in this effort quite well.

In this area, however, we have an "Achilles Heel". I'm referring here to the fact that the networks, whose offerings make up the largest part of the broadcast day, are *not* required to operate under the Fairness Doctrine. As a result, network commentators and programs can espouse personal opinion night after night after night to national audiences numbering in the millions, and there is no requirement that the nets balance these opinions. To compound the problems, it is the *affiliates* which are held responsible for everything that goes over their air—*including* network fare. But it is obvious that there is no way that hundreds of local stations can balance network programming. Many simply



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don't have the staffs to do this, and even the larger stations would have to assign a separate department to monitor network programming, determine what has not been balanced, and undertake the time-consuming chore of countering imbalanced presentations at the local level. This, obviously, just isn't feasible; in fact, it's impossible.

The answer, it seems to me, is for the networks to operate under the same rules in this regard that govern the stations. After all, a network is made up primarily of affiliated stations—plus five TV stations which each commercial network owns. In other words, the stations are required to balance editorial opinion, but the networks broadcasting over these same stations are not.

Beyond this, there is another matter which concerns me very much. People talk about news bias, slanted news, imbalanced news, advocacy journalism, etc., etc., and admittedly, there is quite a bit of this included in entirely too much of the factual news we're getting from networks and from some stations.

I don't know how one judges bias or slant or "advocacy" journalism and still protect press freedom. The way I read it though (and I would appreciate your thoughts on this), the Bill of Rights did not—and could not—stipulate that a free press must simultaneously be a fair press. But the segment of the press that ignores its commitment to fairness risks undermining the faith of its readers and viewers and, in the long run, of destroying itself as effectively and as permanently as could any censor.

Quite frankly, Jesse, I think most of the arguments, pro and con the media, relate not to bias or slant or "advocacy journalism", but to a far simpler thing to define—*fairness*. This, I interpret as meaning protection not only for the newsman, but also protection for any person or organization which inadvertently or otherwise has not been allowed (via the same facilities) to defend himself or itself against attack by some reporter who inadvertently or otherwise harms such individual or group.

In closing, let me say that I am instinctively opposed to any more government regulation than is absolutely necessary, and know that you feel the same way. However, it makes no sense whatsoever for the government to impose a Fairness Doctrine on licensees, exempt the networks from such a requirement, and then turn right around and hold individual stations responsible and accountable for what goes over the airways.

I will deeply appreciate receiving your comments on the subject.

With kindest regards.

Cordially,

CHARLIE.

## TRAIN SERVICE IN COLORADO

Mr. HASKELL. Mr. President, Denver, Colo., has long served as a transportation center for the Rocky Mountain States and the western part of our country. Its strategic location has made it uniquely qualified to be the "crossroads" of the West.

The citizens of Denver are now faced with a new transportation problem which I believe deserves some special attention. Because of a decision made by the National Railroad Passenger Corporation, more commonly known as "Amtrak," Denverites must travel to Lamar or LaJunta before being able to board a passenger train.

I am not saying that the train service should be moved from Lamar and LaJunta. But it does seem strange that the nearly 1½ million people in Denver would be forced to travel to towns of less than 10,000 citizens for train service. I would hope that the Amtrak officials could find a way to serve the needs of all the citizens of Colorado and not just a few.

The Colorado State Legislature addressed this problem recently and forwarded a copy of House Joint Resolution No. 1011 to me. I ask unanimous consent that a copy of that resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION No. 1011

Whereas, At the present time, the only rail service from the State of Colorado to Kansas City, Missouri, is available from the cities of La Junta and Lamar, each of which has a population of less than ten thousand persons; and

Whereas, Metropolitan Denver and the front-range area of this state have a population in excess of one and one-half million people, and it is necessary for them, when traveling by rail to Kansas City, Missouri, to travel by bus or automobile to either Lamar or La Junta in order to travel between this state and Kansas City, Missouri; and

Whereas, Records reveal that when there was rail service between Denver and Kansas City, Missouri, such rail service was well patronized on a year-round basis up to the date of its discontinuance by the National Railroad Passenger Corporation, more commonly known as "Amtrak"; now, therefore,

Be it Resolved by the House of Representatives of the Forty-ninth General Assembly of the State of Colorado, the Senate concurring herein:

That this General Assembly hereby urges the National Railroad Passenger Corporation to review its policies with respect to the continuance of passenger rail service and to examine the feasibility and public interest in passenger service between Denver and Kansas City, Missouri, in order to avoid the creation of voids in passenger rail service between major metropolitan areas.

Be It Further Resolved, That copies of this resolution be transmitted to the National Railroad Passenger Corporation, the Secretary of the United States Department of Transportation, and to each member of Congress from the State of Colorado.

## MEDICAID PROGRAM IN NEW MEXICO

Mr. MONTOYA. Mr. President, I was pleased to read in the Washington Post this morning an article by Stuart Auerbach concerning the outstanding job being done by the State of New Mexico in the administration of its medicaid program. I commend the article to my colleagues and to the medicaid directors of the other 49 States because I believe the New Mexico experience shows what a little imagination and good administration can do.

The success of the New Mexico effort is twofold. On the one hand, millions of dollars have been saved in eliminating wasteful medical practices, some of which are described in the article. On the other hand—and this is the point most worthy of celebration—the quality of medical services provided to medicaid recipients in New Mexico has improved in absolute terms since 1971. Let me cite two examples:

Two years ago, before the Peer Review Organization concept was made operative, medicaid recipients in our State were limited to two visits per month to a physician's office. Any visits above that number were nonreimbursable. Today, there is no limit at all on these visits. A patient can go to his doctor as often as his medical needs require.

A second example concerns hospital care. Two years ago, New Mexico had a 30-day-per-year limit on hospital care. Today, because of improved administration and resultant savings, there is unlimited hospital care.

New Mexicans are receiving more and better medical care per medicaid dollar than ever before.

By now, the New Mexico experience is being held up as a model for the Nation. Large numbers of visitors are continuing to come to our State to study our system and to talk with our program administrators and participants. I invite any of my colleagues who are interested to come to New Mexico to see for themselves how the program works.

In bringing this to the attention of my colleagues, I want to give credit where credit is due. I congratulate Governor Bruce King, Director Richard W. Heim of the New Mexico Health and Social Services Department, and the physicians of New Mexico for their wisdom in recognizing the problem we were having with respect to medicaid, for their imagination in developing a workable solution to the problem, and for their determination to implement fully and successfully that solution.

I ask unanimous consent that Mr. Auerbach's article be printed in full in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICAID MODEL—NEW MEXICO: SELF-REFORM BY DOCTORS

(By Stuart Auerbach)

ALBUQUERQUE, N. MEX.—Two years ago New Mexico's medicaid program was bankrupt. The legislature threatened to jail the state health and welfare director for exceeding his budget. The doctors were mad because they weren't getting paid, and the patients were mad because they weren't getting treated.

Today New Mexico's program to provide health care to the poor is on firm financial footing. It offers one of the widest ranges of services of any plan in the nation, and most of the state's doctors participate willingly.

But more important, the method used to turn New Mexico's medicaid program around is now considered organized medicine's last chance to preserve the traditional way health care is delivered before the government is forced to step in.

Indeed, New Mexico's method of peer review—using an organization of doctors to monitor the quality and cost of all medicaid services—has been embodied into federal law. By 1976, doctors throughout the nation will have to set up their own organizations to review all claims for medicaid and medicare—programs which cover one-third of all Americans. If the doctors fail to act the law says the government must step in.

"The hope of the future is for the American doctor to take the responsibility," says Dr. Charles C. Edwards, HEW assistant secretary for health.

"If he doesn't, someone else will, and that's where the government comes in."

Sen. Wallace F. Bennett (R-Utah), who wrote the amendment mandating that doctors set up professional service review organizations (PSROs) and pushed it through Congress over the opposition of the American Medical Association, acknowledges that he used the New Mexico organization as a model.

CHANCE TO REFORM

"It's one of medicine's last chances to reform itself," says Bennett. "That's why we fought to make sure that each doctor has a chance to participate."

Nevertheless, American doctors—especially those who have had no experience with this type of review—are wary. For it is the first time that there has been a systematic effort to look over the shoulders of a doctor practicing in his office to make sure that he is treating his patients properly and not overcharging them.

"We are not telling them how to practice medicine. We just say that we will not pay for bad medical practices," says Dr. Henry E Simmons, Edward's top aide in HEW.

In New Mexico and California, where this type of review of medicaid started, doctors were found to be giving unnecessary injections, using the wrong drugs and keeping patients in hospitals longer than necessary.

New Mexico saved $1½ million in one year alone by cutting down on the unneeded injections and over-long hospitalizations.

By all accounts, it was New Mexico's doctors who took the lead in straightening out that state's medicaid mess.

"We thought it was so bad it couldn't get any worse," recalls Dr. George Boyden, who rallied the state's doctors to form the New Mexico Foundation for Medical Care and now serves as its president.

One-fifth of the state's doctors belong, and no doctor, dentist, drug store, hospital or other health care facility can get paid for treatments under medicaid unless their bills are reviewed.

The foundation was given the authority to review medicaid claims by Richard W. Heim, who took over as director of New Mexico's Health and Social Services Department two years ago to find that medicaid was the legislators' chief dislike.

Heim gave the foundation just four months to begin reviewing medicaid claims. At that point claims had not been paid by the state for two months and medicaid was running $5 million over its $19 million budget.

REVIEWING SYSTEMATIZED

New Mexico's doctors hired the Dikewood Corp., a defense-oriented computer think tank here, to develop computer programs for the reviewing and paying of medicaid claims.

The doctors drew up guidelines for claims examiners—listing recognized treatments for specific illnesses that people with no medical training could compare with the treatments listed on medicaid bills.

In reality, the doctors found that 200 diagnoses and treatments account for 80 per cent of all medical problems.

The guidelines defined what drugs should be given for specific ailments (the foundation will not pay for any medication that the Food and Drug Administration says is ineffective); do's and dont's for common diseases such as arthritis, and the tests needed to support diagnoses.

"There ought to be at least a urine test for urinary tract infection or a chest X ray to support pneumonia," says Boyden.

Dr. Donald Harrington of the San Joaquin Foundation for Medical Care in Stockton, Calif., which pioneered reviews of medical care 18 years ago, is now developing the first set of national norms for medical care.

These norms are being programmed into a computer. Currently Harrington and Celia Richards, executive claims officer in Stockton, are feeding dummy claims into the computer to see if the system works.

"We want to set up types of practice commonly used in this country," says Harrington. "The computer will remand any claims that do not meet this pattern."

Working under a federal grant, Harrington spent 2½ years conferring with leaders of clinical medicine in the country to develop these norms.

"Everyone wants it right now," he says. "But we're refusing until we get it tested."

Whether the checks are done by computer or by hand, claims examiners cannot refuse to pay a doctor's bill. They can only approve payment if the treatment follows the guidelines or refer it for further checks by reviewing doctors.

In New Mexico, more than 70 doctors, paid $25 an hour, serve as reviewing physicians. About 15 per cent of all claims get reviewed, and half of these reviewed claims are either partially or totally denied. If a doctor doesn't agree with the decision of the reviewing physician, he can appeal to a panel.

Medicaid saved $85,000 in New Mexico, reviewing doctor bills alone.

BETTER SERVICE

"We are not saving a whole lot of money," says Dr. Edward Herring, chairman of the review panel subcommittee in New Mexico. "But we think we are getting a better brand of medicine to the people."

Nevertheless, in California average medicaid costs per patient are $52 a day in the area served by the San Joaquin Foundation compared to $63 a day in Ventura County, which is similar in its socio-economic makeup.

Harrington, the San Joaquin medical director, says that cutting doctor bills doesn't save money. What does is cutting out unneeded services.

That was Herring's aim one day recently as he reviewed claims for New Mexico's foundation. A pathologist, he was looking especially hard at questioned claims for lab tests.

He found that one doctor gave every patient—no matter what the symptoms were—the same battery of tests done in his own lab. Because of that practice, all of the doctor's claims were being reviewed. "It looks like a routine to make money in the lab," says Herring. "If that's the way he treats everybody—and we can find out via the computer—we will send a reviewing doctor out to talk to him."

Meanwhile, Herring cut four tests (worth $50) from one claim and two tests from another claim. He said the tests medicaid paid for "are all we do at Presbyterian"—one of the best hospitals in the city.

TOO MANY INJECTIONS

Boyden said the first thing that became obvious from the medical reviews was that doctors were giving far too many injections. At first, 43 per cent of all medicaid office visits included injections which are more expensive (and provide more money to the doctor) than prescribing pills.

More important, said Boyden, many doctors were not even injecting the right kinds of medicine.

For example, he said, doctors still used tetracycline, an antibiotic, for strep throat even though most experts feel it does no good. Long-acting penicillin injections or pills are better.

"Tetracycline was thought in the 1950s to be good, for everything," says Boyden. "Now we know differently. If a doctor stopped reading about changes in medical practice, he's out date. But the foundation is raising the issues for him."

California reviewers also found that doctors were giving too many injections, although there the most abused drug was vitamin B–12, which many patients think will cure anything.

The San Joaquin Foundation found that one group of four doctors was giving 65 per cent of all the vitamin B–12 injections in Stockton at a cost of $6.50 a shot.

Dr. Jack Kortzeborn, a claims reviewer in Stockton, notes that some doctors believe "that evertyhing you do for a patient should be shot through their hides. We don't agree. It's more dangerous and more costly."

He questions the use of gamma globulin injections. "Like holy water and chicken soup," he says, "it sure can't hurt. But it doesn't help much either."

The New Mexico doctors also looked at the overuse of expensive hospital beds. They found a wide variation in the length of time different doctors leave patients in the hospital for the same ailment—from 7 to 16 days for a gall bladder operation and from 1 to 10 days for an appendectomy, for examples.

MIDDLE ROAD BEST

But they also found that the doctors at either extreme were in the minority; most doctors' practice fell in a narrow middle range. This range was adopted as the guidelines for hospital stays.

As a result of the guidelines, says Boyden of the New Mexico Foundation, "we are seeing a marked decrease in the length of hospital stays without any harm to the patients."

State officials estimate the average length of hospital stay has been decreased by a day—saving $500,000 a year on medicaid.

The New Mexico Foundation is now looking to eliminate unnecessary hospitalizations and operations completely by requiring preadmission certifications for all non-emergency cases.

Pennsylvania Insurance Commissioner Herbert S. Denenberg estimates that there are two million unnecessary operations each year in the country—20 per cent of all surgery—that account for about 24,000 deaths a year.

At one meeting of a preadmission panel—where neither the doctor's hospital's or patient's names are known—a panel member was surprised to find that a request for a tonsillectomy for one of his patients was denied.

Boyden quoted the doctor as saying, "My God you're right" after he had reviewed the case.

(One out of every 14 operations in the country is a tonsillectomy, and some doctors feel that many of them are unnecessary.)

Through its preadmission checks on hospitalization, the San Joaquin Foundation also has cut down on hospital use.

It does even more than make pre-admission reviews of hospitalizations; it has nurses checking on patients already in the hospital and arranging for their care after release. By finding less expensive means of treatment than a hospital—nursing homes or home care, for example—officials in Stockton estimate that this program can cut almost $1 million a year on bills run up at an average 300-bed hospital.

Aiming at high drug bills, the San Joaquin Foundation runs computer checks on doctors drug prescription habits.

According to Dr. Robert B. Talley, the foundation checks indicate that 12 percent of all prescription claims are either duplications or unneeded drugs, Projecting on the nation's $8.5 billion yearly drug bill, he estimates that patients across the country could save more than $1 billion a year if similar checks were instituted nationally.

"If the San Joaquin experience is typical, and I think San Joaquin is a typical community, the national implications are very substantial," says Talley, associate medical director of the San Joaquin Foundation.

These checks are more important than simply saving money—even though medi-



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cal costs are one of the fastest rising components of the cost of living index.

They are the first steps that government and medicine have taken toward insuring a high quality of health care in the country—an area where doctors feel threatened but where there is an ever increasing amount of public pressure based on patients' complaints.

Indeed, a special HEW commission concluded that the increasing number of medical malpractice suits are due in a large part to poor care by doctors.

AMA WANTS A VOICE

The AMA, which opposed the PSRO legislation in Congress, is now trying to insure that it has a large voice in the review organization that will be springing up across the country.

An AMA survey shows that 36 state medical societies—three-fourths of them—want to be designated the PSRO for their area.

(In Washington, the District Medical Society has formed a foundation so it can be the PSRO for the city. Prince Georges and Montgomery County doctors have also formed foundations.)

OPPOSITION RISES

Other medical groups to the right of the AMA, however, are attacking the PSRO concept.

The Association of American Physicians and Surgeons says that PSRO stands for "Physicians Should Roll Over." It calls the concept "political medicine (which) is bad medicine," and is collecting money to finance lawsuits against PSROs.

"For myself," says AAPS President Dr. Robert S. Jaggard of Olwein, Iowa, "I cannot conceive of how an ethical doctor would be able to cooperate with a PSRO.

"Sooner or later he would be caught in the cross fire of PSRO insistence that medical care not exceed computerized norms and ethical doctors' insistence that they are going to give their patients the best care possible, come hell or high water."

Nevertheless, medical foundations to do peer review are spreading throughout the country. The San Joaquin Foundation is the guiding light of the foundation movement, and so many doctors visit its headquarters in Stockton that it now charges for briefings.

As a result of the new interest in foundations, Harrington now spends as much time traveling around the country as he does tending to his patients and foundation in Stockton.

He is president of the Stockton-based American Association of Foundations for Medical Care which acts as an education group.

Boyd Thompson, executive director of the association, says there are now 115 foundations in operation or about to start with a membership of 90,000 doctors.

The San Joaquin Foundation launched the movement in 1954 when the longshoremen's union in Stockton, dissatisfied with the medical care its members were receiving, negotiated with the Kaiser-Permenente pre-paid group practice plan to move in.

As a counterproposal, the Stockton doctors formed a foundation and offered to provide medical care for the union, whose members would pay a fixed fee and be able to see any doctor who belonged to the foundation.

In effect, the foundation became a prepaid group practice plan of its own. But instead of having to go to a special clinic for treatment, the longshoremen could go to any doctor who belonged to the foundation. By now, 96 per cent of the doctors in the area belong.

From the years of reviewing doctors' performances, Harrington feels that fees are not the problem in medicine; overutilization of facilities is. Moreover, he says that most doctors want to practice good medicine. A few, though, "are absolute crooks. We stop them on shots and they go into labs."

With only spotty checks on a doctor's practices, a crooked physician can always move on if a foundation makes it hot for him in the city. Harrington tells about one doctor who wanted to sue the foundation for refusing to pay him $22,000 in lab fees. When a lawyer told the doctor that he would lose the suit, Harrington continues, the doctor pulled up stakes and opened an office in the next county.

Such examples would seem to back up Sen. Bennett's contention that PSROs must be spread around the country. The Utah senator also believes that the most important value of PSROs will be their impact in educating doctors in the latest wrinkles of medicine.

In New Mexico, Dr. Wallace Nissen, a former president of the state medical society who now works for the state government as a watchdog over the foundation, says that bad doctors are often placed on review committees "to try to teach them better medicine."

But Harrington feels that sometimes just teaches bad doctors how to avoid being reviewed.

"I think the PSRO thing is going to be very traumatic for doctors and patients," says Harrington. "But if the doctors think with their minds instead of their emotions, it's going to come out all right."

Adds Kortzeborn: "It seems that review upsets some individuals who feel their professional competence has been challenged. Well, they're right. But it's better to guard our own flock than to have it guarded by the wolves."

## ADMINISTRATION'S SOLUTION TO INFLATION: PROPAGANDA

Mr. HUMPHREY. Mr. President, two recent statements in the New York Times identify the ineffectiveness of the Nixon administration's economic policies.

The Nixon administration seems bent on following a "too little, too late" approach. Do nothing until it becomes unbearable. Keep exuding administration public confidence when in fact confidence is slipping. In short, the White House is trying to ride out the economic storm, just making a tiny adjustment here, tinkering with a policy there.

Economist Walter Heller has analyzed the situation this way:

Price Explosion, Profit Explosion, Cost Explosion. We are two-thirds of the way down the primrose path towards a mounting wage-price spiral.

And, the recent measures announced by the Nixon administration seem primarily designed to take the heat off in a temporary sense—no permanent long run solution to the galloping inflation that besets every consumer.

Said the New York Times editorial of May 4:

President Nixon still refuses to unleash the "stick in the closet" he promised to wield if phase III became the disaster it now clearly is. Despite an alarming upsurge in industrial prices on top of the meteoric climb already recorded in the cost of food, Mr. Nixon proposes nothing more than a minimal tightening of the restraints he weakened so prematurely last January.

And, George Meany, president of the AFL–CIO, correctly identified the Nixon administration's economic strategy:

The Nixon administration has embarked on a new propaganda campaign designed to hide the facts of soaring inflation, continued high unemployment, mounting budget deficits and a shocking drop in public confidence.

That, Mr. President, is the economic strategy of the Nixon campaign—to propagandize, to publicize; not to take the effective economic steps that might mitigate the current economic disaster.

Mr. President, I ask unanimous consent that the New York Times editorial, and the article by George Meany, be printed in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

FEEBLE PRICE RESTRAINT

President Nixon still refuses to unleash the "stick in the closet" he promised to wield if Phase 3 became the disaster it now clearly is. Despite an alarming upsurge in industrial prices on top of the meteoric climb already recorded in the cost of food, Mr. Nixon proposes nothing more than a minimal tightening of the restraints he loosened so prematurely last January.

Even with the newly-reported dip in wholesale farm prices last month, the Government's wholesale price index for all farm products, processed food and feed has gone up at an annual rate of nearly 35 per cent from December through April. Any hope for a lasting leveling off in that rate of climb is dimmed by the destructive floods and rains in the farm belt, factors beyond the Administration's control—or anyone else's.

Industrial prices, generally considered a truer barometer of inflation than the volatile **course of food, have started** moving up at a runaway rate. In April, the wholesale prices of industrial commodities took their biggest jump since the Korean war—an advance of 1.4 per cent. Regrettably, this was no flash in the pan. Since the beginning of the year the industrial commodity index has been advancing at an annual rate of 12 per cent.

Booming domestic and international demand provided a powerful spur for these huge industrial price increases, but their climb has been accelerated by anticipatory price increases put into effect by companies which correctly interpreted the laxity of Phase 3 as an opportunity to step up profits. The one surprise is that labor has thus far not joined the parade by striking for oversized wage increases. The squeeze on wage-earners' pocketbooks as prices soar makes it dubious that this moderation on the collective bargaining front can continue much longer.

In the face of all of these inflationary trends, the Administration appears determined to continue with the "too little and too late" approach it adopted after the relative success of Phases 1 and 2. The new requirement that 600 large corporations apply thirty days in advance for approval of price increases that average more than 1.5 per cent will have little inhibiting effect on the over-all upward trend of prices. At most, it represents Phase 3.1, no real change from the January step toward a free-floating economy.

Before the nation is confronted with a further worsening of inflation and increased dangers of a boom-bust cycle, the Administration should combine firmer fiscal and monetary policies with a return to mandatory controls over a much wider area of the economy. It should also adopt administrative procedures that would convince business and labor that it seriously intends to stop inflation.

OF LIES AND FACTS

(By George Meany)

WASHINGTON—The Nixon Admnistration has embarked on a new propaganada campaign designed to hide the facts of soaring inflation, continued high unemployment, mounting budget deficits and a shocking drop in public confidence. It is trying to convince the American public that "You're all right, Jack."

This is a 1973 version of the big lie technique. The latest example is an article on the Op-Ed Page signed by Roy Ash, director of the President's Office of Management and Budget. The following is a compilation of lies and the facts:

Lie No. 1—"By most of the usual statistics, the second Nixon Administration is off to an excellent start. . . . Unemployment is down from 6 per cent to 5.1 per cent."

Fact No. 1—It was the policies of the Nixon Administration that pushed unemployment up to 6 per cent.

In February, 1969, right after Mr. Nixon took office, there were 2.7 million Americans reported as unemployed—3.3 per cent of the labor force. In February, 1973, after four years of Nixon economic game plans, 4.4 million Americans were unemployed—5.1 per cent of the work force.

More Americans were forced to work part-time in February, 1973, than in 1969 because full-time jobs were not available. The Labor Department reports 2.3 million workers were working part-time in February, 1973, compared with 1.7 million in February 1969.

Unemployment among married men—the breadwinners—was 1.4 per cent in February, among unmarried men was 2.4 per cent.

Lie No. 2—"The Nixon policies have succeeded in reducing the rate of inflation from 6.7 per cent when the President took office to 2.9 per cent today."

[*Mr. Ash, in a letter in yesterday's Times, said that this sentence should have read: ". . . from 4.7 per cent when the President took office to 3.9 per cent today."—Editor, The Times.*]

Fact No. 2—According to Labor Department statistics for February, 1969, the Consumer Price Index showed living costs during that three-month period had risen at an annual rate of 4.5 per cent. For the same three-month period in 1972-73, the C.P.I. went up at a 6.3 per cent yearly rate.

On April 20, the Labor Department reported that living costs jumped 8 per cent in March—the second consecutive month in which consumer prices went up faster than at any time in the last 22 years.

The truth is that inflation is nearly twice as bad now as it was when Mr. Nixon took office.

Lie No. 3—"Confidence for the future is high. America's morale is also high."

Fact No. 3—On April 24, the day before Mr. Ash's article appeared, the Survey of Consumer Attitudes, conducted by the Survey Research Center of the University of Michigan's Institute for Social Research, reported:

"Rapidly rising food prices shattered consumer confidence and induced many people, with both high and low incomes, to become pessimistic. Because of the increase in living costs, the proportion of families saying that they were worse off than before and expecting to be worse off increased substantially. . . ."

Stock market prices, despite recordbreaking profits, have plummeted in recent days with experts citing a lack of investor confidence in Administration policies for the decline.

Lie No. 4—"When the President pledged to hold the Federal spending line at $250 billion in fiscal 1973 and $268 billion in fiscal 1974, he was greeted by howling cries of sour grapes by some members of Congress and in segments of the media."

Fact No. 4—The whole budget story must include deficits.

From fiscal 1970—the first full year of a Nixon budget—through the fiscal year ending this June 30, the Administration has accumulated budget deficits of $73.8 billion. This era of the greatest budget deficits since World War II is expected to continue through fiscal 1974 with an Administration forecasted deficit of $12.7 billion.

Lie No. 5—"The route that the big spenders in the Congress threaten to charge on every American's income tax. . . ."

Fact No. 5—The Federal Government could raise an additional $29 billion in tax revenues simply by closing some major tax loopholes that permit the wealthy and big corporations to avoid paying their fair share of Federal income tax. Closing these loopholes would eliminate any need for an across-the-board tax surcharge.

Expenditure of vast Federal funds never bothered Mr. Ash when they were spent on major costs overruns for Government contracts with Litton Industries when he headed that corporation.

Lie No. 6—Finally, Mr. Ash argues that the Nixon Administration is doing more for the poor, the sick, aging and the hungry than President Johnson.

Fact No. 6—It is the Nixon Administration that is cruelly dismantling social programs, terminating Federal health programs, forcing the elderly to pay more out of their own pockets for health care thus flouting the promise of Medicare, and halting starts of public housing for low and middle-income families.

The Nixon Administration opposed a 20 per cent Social Security increase, sought to slash the school lunch program for needy children, and seeks to cut Federal help to schools and libraries.

By inference and innuendo, Mr. Ash claims the 1972 election was a referendum on social programs and that these programs were repudiated. The choice in the 1972 election was between two political personalities and not a carte blanche rejection of important social programs. The President won the votes of millions of Americans who were dissatisfied with his economic and domestic policies but who were even more dissatisfied with his opponent.

Obviously, American consumers and workers can have no faith in an Administration that practices public deception. How could they?

## RAZA ASSOCIATION OF SPANISH-SURNAMED AMERICANS

Mr. TUNNEY. Mr. President, I wish to take this opportunity to bring to the attention of my colleagues the recent establishment of the Raza Association of Spanish Surnamed Americans or RASSA. This organization is the first Spanish-speaking nonpartisan citizens lobby in Washington, D.C.

The efforts to organize a permanent nonpartisan citizens lobby to represent the interests of the Spanish-speaking community at the Nation's Capital began in 1970 by a small interim committee of Spanish-speaking representatives in the Washington, D.C., area.

Their primary concerns were that many important legislative and political issues at the national level were passing by without effective representation of the Spanish-speaking community. In addition, Federal legislation and major administrative decisions affecting the Spanish-speaking were also being determined sometimes in ignorance of the unique needs for the Spanish-surnamed.

Certainly the idea for creating such an organization was not new or original. For the last 25 years there has been a development of new leaders and organizations dedicated to serving the needs of the Spanish-speaking. But this struggle toward self-sufficiency and dignity remained primarily local in scope.

The few regional or national organizations that effectively organized themselves into viable vehicles either addressed themselves to very specific goals or organized as tax-exempt associations prohibited from engaging in political advocacy.

It was for these reasons that RASSA was formed, to fill this gap with a sustained, sophisticated organization dedicated to serving the interests of the Nation's Spanish-speaking, Spanish surnamed population.

Today, RASSA is governed by a 26-member board of trustees, representing more than 17 States, who were elected at a national convention in the summer of 1972. Presently, representatives of over 100 national and local organizations have pledged their formal support to RASSA from throughout the country.

Among the general efforts of RASSA are the following:

Concise analysis of pending legislation and administration proposals.

Up-to-date research and information on Federal programs and Federal policies.

Careful analysis of Federal policies and current national issues from respected and recognized members of the Spanish-speaking community.

The RASSA newsletter, "RASSA Lobbyist," the official monthly publication, describing activities of RASSA, Congress, Federal Government, and the activities of other members of the Spanish-speaking community.

As to specific efforts, RASSA has been involved in the following activities:

On June 26, 1972, RASSA formulated and presented a position paper to the Democratic national platform hearings held in Washington, D.C. Sections pertaining to bilingual/bicultural programing, statistical data, administration of justice, and the immigration policy were incorporated directly into the Democratic national platform.

On July 2, 1972, RASSA compiled an explanatory paper regarding what revenue sharing means and how it will affect the state and local communities.

A position paper was formulated and members of RASSA attended the platform hearings in Miami, Fla. for formal presentation at the GOP national platform hearings.

RASSA also attended the Raza Unida Party Convention in El Paso, Tex. and made a brief presentation concerning RASSA's activities and goals.

On November 10, 1972, RASSA prepared a specific memorandum regarding the defeat of the Equal Educational Opportunity Act and its effects upon the Spanish surnamed community.

On December 21, 1972, RASSA prepared a position paper regarding discrimination of Federal height requirements prohibitive towards the Spanish-surnamed individual interested in law enforcement.

In January of 1973, RASSA reviewed the major legislative activity of the 92d Congress and sent its summary to its members and concerned individuals.



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Mr. President, I know that my colleagues will join me in commending RASSA for its historic accomplishments and for its dedication to a very important task.

## SPRING, THE TIME FOR OMINOUS NEW THREATS

Mr. PROXMIRE. Mr. President, we are presently witnessing that yearly phenomenon, a series of revelations about Soviet prowess in the military field that coincides with the congressional review of the military budget.

This is no coincidence. It happens every year. One year it will be the ominous giant SS–9 missiles poised to strike the U.S. deterrent force and destroy our retaliatory capability. Another year it might be Soviet submarines cruising off the east coast of the United States. Or it could be the threat of a Soviet MIRV program lurking around the corner.

Not surprisingly, these timely insights come at the very moment they are needed most—when the military budget is before Congress. More classified information leaks out of the Pentagon in the spring than any other time.

This year the Air Force is pushing the Soviet "Backfire" bomber, the Navy is concentrating on the U.S.S.R. fleet, and the Army is mumbling about new Soviet ground weapons including tanks.

Now there may be some truth in these selected releases of classified information. But the fact that they come at budget time more likely means that they are not so subtle pressures on Congress.

Mr. President, I ask unanimous consent that two recent articles dealing with this subject be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SPRING, DEFENSE, AND THOSE HANDY SOVIET SUBMARINES

It must be spring again. Not only are the birds and blossoms bursting out, but those pesky Soviet submarines are popping up off the Atlantic coast. They may well be cruising around there all year, but isn't it funny that the Defense Department only seems to get agitated in the spring—at budget time?

In March 1969, for instance, there was a lot of worrying out loud about a large Soviet naval force on maneuvers in the North Atlantic. When April came around the following year, the Pentagon "disclosed" that a Russian missile submarine was patrolling up and down the East Coast. Last year, the Russians even helped to dramatize the issue when, late in February, one of their submarines off Newfoundland became disabled and had to be towed home.

There's nothing like raising a patrol of enemy warships within missile firing distance of Washington, D.C., to discourage Congress from quibbling too long over the Defense Department's appropriation. That seems to be the motive behind the Washington-datelined reports last weekend, credited to "Navy sources," of at least three nuclear-missile carrying submarines based off Bermuda and Nova Scotia. And it's surely no coincidence that right now, the defense budget is facing heavy weather in Congress.

Unlike domestic spending, which the Nixon budget proposes to cut sharply, the Pentagon request contains a hefty increase for 1974—up $6.5 billion to a grand total of $85 billion—including several highly controversial programs. At a time of supposed detente, that's hard to sell. That's where the Soviet submarines come in handy.

SAC POURS ON PUBLIC RELATIONS IN FLEET BUILDUP

(By Patrick J. Sloyan)

VANDENBERG AFB, CALIFORNIA.—Faced with growing criticism of soaring weapons costs, the Strategic Air Command has opened a drive to win public support for its plan to acquire new strategic missiles and bombers.

SAC planes ferried into this oceanside base local businessmen, chamber of commerce officials, reporters and other community opinion makers who live near 10 major Air Force facilities around the United States.

Along with officials of major aerospace corporations and members of the Air Force Association, the citizens attended a three-day symposium of SAC plans.

"Whether we can afford our national security is becoming a very real day-to-day question in many quarters," said SAC commander Gen. John C. Meyer in the keynote address Wednesday.

"Yet we know that if we cannot assure our own security, we can assure nothing else."

There has been growing opposition in Congress to Nixon administration plans to buy a new fleet of SAC bombers and eventually a new fleet of tankers for the bombers.

Rockwell International of Los Angeles is attempting to overcome unanticipated cost increases and technical problems encountered in development of the B1, a supersonic replacement for the SAC B52 fleet.

"I'm concerned about the high cost of weapons," Meyer said later. "I'm also concerned about the high cost of meat and the high cost of everything."

While the public relations flights aboard Air Force planes were paid for with taxpayers dollars, the Air Force said most of the guests attending the session were paying their own motel and dining expenses.

Besides the meetings, the guests will see a launch of a Minuteman 3 intercontinental ballistic missile from the Vandenberg missile site.

The civilian guests were given details of the Minuteman that have never been made public by the Air Force before. During briefings, including films of B52 damage to North Vietnamese targets earlier this year, the Air Force disclosed that the latest missile carried three separate warheads that could strike different targets.

The number of warheads in this multiple independently targetable re-entry vehicle (MIRV) system have been withheld, for example, from the Pentagon press corps.

So far, the Pentagon wants only 500 Minuteman 3 missiles in its 1,000 rocket land-based missile force.

But Meyer said it was now time to deploy 50 more Minuteman 3s to have a complete MIRV system.

"It's necessary," Meyer said.

## CONGRESSMAN ANDERSON'S ADDRESS ON THE UNITED NATIONS

Mr. HUMPHREY. Mr. President, I would like to bring to the attention of my colleagues remarks made by Congressman GLENN M. ANDERSON, Saturday, April 28, at the Southern California Council of the United Nations Association.

As we all know, the efficiency of any organization is based on its ability to achieve stated goals. The United Nations has set down goals of maintaining international peace, furthering human understanding, and settling international disputes by peaceful means. The United Nations does have the potential—I feel the only available means—of bringing us closer to world peace. I agree with Congressman ANDERSON'S view that although the United Nations "may have disappointed many people, who can deny that it has played a certain role in preventing the outbreak of global war?" The U.N. presents the best means of promoting communication and understanding among nations and we must support it.

As Congressman ANDERSON states, a "recent Gallup poll indicates that the people of the United States, by an 86-percent plurality, still believe that the U.N. must be made stronger." Our people want world peace and many see this accomplished through the United Nations.

The Congressman suggests means of strengthening the U.N. by, first, "making it more visual"—allowing U.N. sessions to be broadcast to all member states; and also creating "propaganda for peace." I agree with Congressman ANDERSON that we should honor our heroes of peace as well as heroes of war. I like his idea of awarding the Congressional Medal of Honor not only for "heroic deeds in the course of armed struggle" but also to those who have contributed to the cause of peace.

Mr. President, I ask unanimous consent that Congressman ANDERSON'S address entitled "The Outlook for the United Nations Today," be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE OUTLOOK FOR THE UNITED NATIONS—TODAY

(By Congressman GLENN M. ANDERSON)

The fundamental purpose of the United Nations was and is, in the words of Article 1, Section 1 of the Charter, "to maintain international peace . . . and to bring about by peaceful means . . . settlement of international disputes . . ."

Quite obviously even the most uncritical supporter of the United Nations would have to concede that this high purpose has not been totally achieved. War has raged, and still rages, somewhere on this planet almost continuously since the founding of the United Nations. The arms race has escalated to such heights that it now threatens the economies of the wealthiest and most powerful nations, as well as insuring the smaller and poorer countries remain locked in poverty. There has been a steady erosion of public support for the U.N. in almost all nations. And this fact has been translated into economic crisis, diplomatic impotence and military irrelevance.

I do not mean to present too depressing a bill. But I must agree with those who have pointed out, that it is no service to the United Nations to ignore its problems.

And yet, despite the U.N.'s well-publicized failures to achieve all that many of us had hoped it might have achieved, a recent Gallup Poll indicates that the people of the United States, by an astonishing 86% plurality, still believe that the U.N. must be made stronger. In short, the common man seems to understand the salient fact that the United Nations is indeed indispensable to the future of mankind, and that, whatever its present shortcomings, it would be a kind of madness to abandon the search for those objectives and ideals which the U.N. embodies.

We may never be able to achieve perfect justice in our courts, or for that matter, in our ordinary relationships with other human beings, but that does not mean we



should not continue to strive after the ideal of a just society.

We may never be able to eliminate bigotry or murder, but clearly we have an obligation to keep on trying.

And so it is with the search for peace.

Perhaps a time of "peace on earth, good will toward men" will always be a dream. But we abandon that dream and despair of its achievement, at the price of our own humanity.

The relevant question before us today, then, is not what is wrong with the U.N. and why hasn't it worked more perfectly. The question we must ask ourselves is, what can be done to make it more effective in the future.

Nor is it very useful to obscure the difficulties we face in noble phrases and fine rhetoric about "peace-loving mankind." For the sad fact is that if mankind were all that peace-loving, the situation of the United Nations, indeed the imperative necessity for its success, would not be quite as critical as it is.

Our task, therefore, is not to yield to an easy and facile cynicism, the superficial wisdom of so-called practical men, whose practicality consists of resigning ourselves to inevitable outbreaks of global lunacy resulting in the loss of millions of lives and the destruction of all that we have labored to build since the last such outbreak.

Nor, is it to engage in equally facile idealism rooted in how we would like men and nations to behave rather than in how in fact they do behave,

Realistically then, what factors or forces exist in the world today which tend to advance our hopes for international peace and for a strengthened United Nations, and what are the forces taking us in the opposite direction?

First of all it is clear that the single greatest barrier to the achievement of the Charter's primary objectives for the past three decades has been the struggle between and among the Great Powers—the Cold War. Clearly this conflict has entered a new and perhaps more hopeful phase. The People's Republic of China has finally taken her rightful place within the world community of nations. Diplomatic and trade relationships between the U.S. and China and between the U.S. and the Soviet Union have opened new lines of communication and mutual respect. The peoples of the largest and strongest nations on earth are no longer continually subjected to cold war rhetoric and propaganda inevitably and perhaps deliberately designed to create a psychological readiness for war.

Secondly, the success of multi-national economic arrangements such as the European common market makes it clear that 19th Century notions about absolute sovereignty and rugged individualism when practiced by countries are just as silly and obsolete as the economic practices of the 19th Century Robber Barons within our own society.

Clearly the day is approaching, if indeed it has not already arrived, when the price of absolute sovereignty for any nation will be paid for by the poverty of its people and the scarcity of the world's goods. The rise of the multi-national corporations, while obviously posing some serious ethical and political problems, particularly when these powerful companies are so unwise as to attempt to use their great resources to control the political institutions of small or poor countries, is another reflection of the same trend; a growing recognition that the nation-state is no longer a viable economic entity in the age of jet planes and global communications—that international trade, tourism, and prosperity is essential to all modern economies.

Third is the virtual explosion of travel and the growing cultural exchanges between the peoples of the world. Hatred feeds on ignorance. The latest evidence for this fact came to millions of Americans as the result of President Nixon's visit to Red China. Almost overnight we witnessed a remarkable transformation in the image of China and the Chinese people on television and in the press, and hence a similar transformation in the way most of us perceived the Chinese experiment, and the daily lives of the Chinese people. This, of course, does not mean that we favor the experiment or were or are about to embrace the people or their government. It simply means that some stupid cliches were exposed, and we saw, not 700 million coolies sweating under Mao's lash—but a huge country and a great people struggling to build a new social order after centuries of chaos and humiliation.

Knowing some of the truth about one another, seeing each other in face to face contacts, trading with one another is no guarantee against future conflict or even war. But it does provide the individual citizen with some means of defending himself against the endless barrage of governmental propaganda.

Bertrand Russell once commented that war often acted as a kind of "reality therapy" for nations. The tendency of all of us to believe that our family, our class, our nation is the best and therefore the strongest, is sometimes corrected in the process of combat with others afflicted with a similar megalomania.

But it is the fool's way to learn.

It is wiser, less expensive and less painful to learn, by watching television and reading newspapers and books, that other nations have powerful and sophisticated weapons, brave soldiers and are made up of people who love their country just as much as we do.

Thus these three factors, and doubtless there are others one could name, represent relatively new and hopeful elements in the international climate. Opposed to them are the familiar forces still pushing us toward the apocalypse; explosive population growth racing ahead of national resources, ancient enmities, and the continuing popularity of all the old, terrible phrases about "our sacred national honor" for which mankind has always been willing to pay a terrible price in blood and devastation. Above all, war remains what it has always been, the real sport of kings and all those who would be kings, man's oldest profession.

Lately, of course, statesmen have learned to be a bit more discreet about their fondness for war. In Shakespeare's plays for example, a phrase such as "the warlike Prince," was meant to invoke the admiration and favor of the audience.

Today, calling a man "warlike" is not a compliment. But we have other words, "hawkish," "tough,"—which mean much the same thing.

Thus it seems to me silly to talk about the inevitability of war just as it is silly to talk about the inevitability of peace. Given the existing state of the world, either is possible. Collectively, mankind is free to choose.

Not long ago I read a small book by Professor Remak who, I am proud to say, teaches at our great University here in California. Professor Remak's book dealt with the causes of World War I. He set out to examine the widely held notion that the outbreak of this conflict was somehow inevitable, and that had this terrible tragedy not been precipitated by a relatively minor event like the assassination of an Archduke, something else would have come along and served as an excuse for conflict. The professor's conclusion was quite to the contrary. He demonstrates that all of the Great Powers recognized the danger of a general European war, and sought to avoid it. But that they were caught up in a fatal sequence of events which led to the common ruin of the major combatants. He believes that World War I might easily not have happened. In which case we would not have had Hitler and World War II.

I think we have to act on the premise that the professor is right. That we are free not to plunge periodically into this dance of death. Two decades ago many Americans said war between the United States and Russia was inevitable.

One decade ago these same people were saying war between China and the U.S. is inevitable.

Today they say war between China and Russia is inevitable, or a war between Israel and the Arab states which will engulf the world is inevitable.

I have not agreed with them in the past and I see no reason for changing my mind now.

The United Nations may have disappointed many people in many ways, but who can deny that it has played a certain role in preventing the outbreak of global war? We have had three decades without a world war. In view of the history of the first half of this century, that is not an accomplishment that can be easily dismissed.

The spectacle of diplomats and leaders of nations angrily denouncing each other across the table at the U.N. Security Council, of honorable men blandly lying through their teeth; of nations, large and small, ignoring the principles of justice, law and common decency and the U.N. charter itself, in pursuit of national aims and interest; this spectacle is all too familiar to the peoples of the world and has led to a kind of contempt and revulsion by honest men for the so-called leaders of the world.

But we live in a time of relative virtues, and of finite morality. Perhaps it is better to watch men lie for the sake of national honor than to watch them kill for it.

What then is to be done? I can only suggest a few specific things which I believe may contribute to strengthening the forces for peace in the world and the hopes for achieving the great aims of the United Nations.

First of all I think the U.N. should be strengthened, not weakened. One way to make the U.N. more important is to make it more visible. We are on the brink of a vast proliferation of the number of television channels which are to be made available in this country and ultimately throughout the world. I think that the U.N.'s proceedings should be far more widely telecast and indeed pressure should be brought upon the member states to allow broadcasting of U.N. sessions live and uncensored in every member state with the technical facilities to do so. I believe this would strengthen the tendency of men everywhere, when their leaders call for the nation to throw the iron dice, to ask themselves, privately, "Is this war necessary?" Very, very few wars in all human history would have happened if enough people had asked that question.

Secondly, I think we should consider ways to create a more sophisticated and effective propaganda for peace. At the time of the founding of the United Nations in San Francisco, young Jack Kennedy, but recently returned from the Pacific war, remarked that the prospects for peace would remain dim until such time as nations honored peacemakers as they do warriors; when, in short, the term peace hero becomes as common as war hero is today. It is sad to acknowledge that in our own country, the term, "peacenik" is often used as a kind of insult. Until very recently, virtually all of the literature of war tended to create and reinforce the mystique of war's nobility, excitement and terrible beauty. A man's willingness to die, even for the worst of causes, was all but universally admired.

Somehow we must begin to create what Henry James aptly called, "a moral equiv-



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alent of war."—A way of recognizing that the man of peace, of reason, of moderation and conciliation, is the true hero of humanity. Recently we have begun to read and to see books and films which make precisely that point. Naturally the authors and creators of such books get precious few invitations to White House dinners or Kremlin banquets. May I say that as a member of the United States Congress I propose to act on this idea by suggesting that the Congressional Medal of Honor or some similar recognition be awarded, not only for heroic deeds in the course of armed struggle, but to men and women who have made great contributions to and sacrifices for the cause of peace.

The United Nations is not yet a true parliament of man. Perhaps it will not be in our lifetime. But sooner or later this world body, or some succeeding organization, will have the power to control acts of terrorism and madness, whether committed by individuals or groups or by nations with real or imaginary grievances.

History is clear; either man will eliminate war or war with eliminate man.

And since none of us can imagine, or would even desire, a world in which people ceased to disagree with one another, some substitute for trial by combat and international anarchy simply must be found.

I believe we happen to be living in a time of transition between the anarchy of the past and the growth of international law which must emerge if there is to be a future.

Our task is to survive and to help the world to survive during this interim which right now means keeping the U.N. viable.

For whatever its shortcomings, the fact that the U.N. exists gives tangible evidence of humanity's willingness to at least profess a belief in the possibility of peace.

Should the United Nations collapse, the moral and psychological consequence would be catastrophic. And no man can predict the practical impact upon a world which, for the first time in human history, has the technical means to make the earth unlivable.

For these reasons I believe that this gathering is a useful one. For however we may abuse or ignore it, the U.N. represents our best hope of survival, and anyone who has thought about the subject for five minutes knows this to be true.

Only a short time ago, few would have believed it possible that we should be witnessing the President of the United States and the Chairman of the People's Republic of China toasting one another and pledging to work together in the cause of world peace. Miracles do happen.

I believe that such things happen, not merely because one man or one administration makes a sudden and dramatic decision. But rather they are the fruits of patient efforts by people like yourselves and your counterparts all over the world to build a foundation for international cooperation.

Everywhere in the world there are people, and their numbers are growing, who understand the simple fact that everything that makes life worth living, culture, art, economic well being, health, education, is achieved through human cooperation—usually cooperation that transcends national boundaries.

The food we share, the furnishings of the room, the ideas we share, the very words I am using now—are all the product of multinational and multi-cultural cooperation.

We are all members of a common market.

And we share a common destiny.

Understanding this fact is the price we pay for membership in another organization not confined by national boundaries, the republic of common sense.

## KENT STATE—3 YEARS LATER

Mr. KENNEDY. Mr. President, 3 years ago today four young students died and others were brutally maimed for their personal pleas for peace. As yet, there has been no grand jury convened to probe the circumstances, and our Department of Justice continues to refuse the Subcommittee on Administrative Practice and Procedure the documentation necessary for congressional review of the Executive decisionmaking on this still unsettled matter.

As a tribute to these young people, I ask unanimous consent to have printed in the RECORD the following poem by David E. Engdahl as a remembrance of that tragic day and a reminder of our hope for eventual justice.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

REMEMBERING KENT

We know of March 5, 1770,
And the symbol
The slaughter of that tragic day
Became to our fathers.
Remember May 4, 1970,
And the witness
The slaughter of that tragic day
Attests of our time.

Remember the soldiers—
Unwanted, unneeded—
Usurping power like invading foes;
Countermanding law, and improvising orders
As if civilian leaders were deposed.

Remember the people
Who at Kent, as at Boston,
Resent this intrusion of soldierly force
Into their sanctum of peace.
From this resentment the troops will soon provoke
Those scattered acts of violence
Which later they will claim as provocation
For their violent misdeeds.

They carry heavy rifles,
Loaded with deadly missiles,
Able to tear the soul from a body at three thousand yards.
Such weapons make Goliaths of the smallest men.
Against this army of Philistines
Only a handful of would-be Davids
Lob their ill-aimed stones.

The dwindled crowd dispersed,
The soldiers turn and march up a hill,
Glancing back as they march,
Falling out of formation,
Keeping in view the scattering youths they leave behind.

As if on a signal, on cresting the hill,
The vanguard of executioners
Wheel,
Retrace their last few steps,
And launch the attack against the youths they had left behind,
Now one hundred yards away.
Turning first in wonder,
Other soldiers eagerly join the fusillade.

Remember Allison—
Tall and alive—
Anticipating all of life's fullness;
Imagining all of youth's dreams.
Her offense was placing a flower in the barrel of a rifle
And whispering counsels of peace.
And shouting angry epithets against the gods of war.
Crumpled and small,
She dreams her fantasies of love and peace
No more.

Remember Jeff—
Spirited and bold—
Playing catch-the-cannister with the guardsmen's gas.
An easy target to remember
By his distinctive apparel
And his waving black flag.
His free-flowing blood is a crimson memorial
That cannot be rinsed
From the street where he lay.

Remember Sandy—
A mere passer-by
On her way to a class,
Uninvolved in events of the day;
Unsuspecting the missile that sped to its target,
Wrenching her life away.
From behind, at a distance of four hundred feet,
One long-hair looks much the same as another—
Whether boy or girl.

Remember Bill—
No radical, he;
He's ROTC,
Grooming to do his country's bidding on fields of war.
But who can tell a fellow soldier at one hundred thirty yards,
Out of uniform?
Bill need no longer remain a cadet;
The demons of war have collected his debt
Here, on the nation's home soil.

Remember also Jim and Don,
Dean, Bob, and Alan, Doug, Tom, and John,
And also Joe.
Remember Joe,
Standing near,
Well out of the main line of fire.
Incredulous,
Doubting the bullets were real,
He lifted his finger, defying the couriers of death.
They shot him twice on the spot.

These, nonetheless, were the lucky ones.
They survived.

Remember the questions the FBI asked;
Remember the answers they heard.
Despite all the efforts to cover it up,
Remember those critical words:
"Unnecessary."
"Unwarranted."
"Inexcusable."
A basis for criminal charges—
Egregious federal crimes.

What is this mocking of justice I hear?
"We only prosecute dissidents here!
Hide in the archives the proof of the crimes—
People forget with the passing of time!"

But have they a vault so large,
So secure,
That truth itself can be there entombed
Forever?
Justice and truth in the same crypt interred
Together?
Remember Kent.

Remember Kent!

Remember Kent . . .
And cry!

Cry for the nation
That turns the arms of her insolent war
Against her own children;
That rains the fury of her war-born hatred
Upon herself;
And tries to escape the shame of her madness
By turning her eyes away.

Cry tears of mourning;
Of outrage;
Of warning . . .
But cry not the tears of despair!

Cry out in voices resolved against silence,
Determined to speak for those silenced at Kent
Cry out for justice!
For peace!
For compassion!
Cry out in loud voices,
Remembering Kent!



## GENOCIDE CONVENTION DOES NOT THREATEN THE RIGHTS OF U.S. CITIZENS

Mr. PROXMIRE. Mr. President, one frequent objection to the Genocide Treaty is that it clears the way for U.S. citizens to be tried in foreign courts without the rights guaranteed by the Constitution. This is not the case.

At the present time, if a foreign power holds an American citizen, there is nothing this Nation can do to prevent that power from trying him on any charge it wishes to bring, from shoplifting to espionage, even to genocide. The Genocide Convention in no way changes this situation.

What about extradition? Would the United States, if we ratified the Genocide Convention, be required to extradite an American citizen to another nation to stand trial without constitutional safeguards for an alleged crime of genocide committed within the borders of that nation? The answer is "No."

The Genocide Convention is not self-executing. Congress would have to enact the implementing legislation, and the convention expressly provides that this legislation be in accord with our own Constitution. The problem of extradition would be dealt with through the negotiation of treaties with other nations—treaties which would have to be ratified by the Senate. Without an extradition treaty dealing with genocide, we would not be required to extradite a person accused of it. We have never negotiated an extradition treaty with a nation that does not provide either our form of due legal process or what we consider to be the equivalent of it. There is some doubt as to whether we could under the Constitution, as this would be an action of the Government that would infringe on the rights of the individual.

We now have extradition treaties with more than 80 nations, none of which gives away the rights of Americans. None of these treaties includes genocide. These treaties would have to be renegotiated before extradition for geneocide became possible. The same protection of constitutional rights that we now have would still be there. The only difference between the renegotiated treaties and the ones we have now would be the addition of one more crime to the list of extraditable offenses. This is what we have been doing with air piracy.

Mr. President, the Genocide Convention is a landmark in the struggle for international recognition for human rights. The United States was founded on the principle that every human being has the right to life, liberty, and the pursuit of happiness. The Genocide Convention upholds the first of these rights, the right to life itself. For over a quarter of a century the U.S. Senate has delayed ratification of this important document. We must delay no longer. Mr. President, I urge the Senate of the United States to ratify the Genocide Convention without further hesitation.

## WILLY BRANDT—MAN OF VISION

Mr. HUMPHREY. Mr. President, Chancellor Willy Brandt of the Federal Republic of Germany was in Washington last week for discussions with President Nixon and other administration officials. Chancellor Brandt's visit has taken place at an opportune moment, as the Congress begins consideration of trade and security measures which will have a great impact on American relations with Western Europe.

I believe that Chancellor Brandt has emerged as the spokesman and leader of the European half of the Atlantic Alliance. His preeminent role rests not only on his position of a leader of a great economic power, but on his ability to speak for Europeans of all nationalities.

In his role as the free world's leading democrat, Willy Brandt sees Western Europe striving to reach beyond the nationalism of days past to mold an economic and political force capable of being, in his words:

An example of the prevailing of reason over production, the prevailing of justice over the egoism of power, and the prevailing of humanity over the sickness of intolerance.

Chancellor Brandt brings to his position of leadership among allies a keen sense of the political and economic realities of the 1970's based on years of experience. A hallmark of his career has been his willingness and his courage to stand up for democracy and progressive social policies. He has never capitulated to extremism—either in Europe, Germany, or within his own political party.

As he deals with upcoming problems of European-American trade, security, and monetary matters, Willy Brandt's chief concern is with the needs of his own people. This is as it should be and the Chancellor's dedication to a "new deal" for the German people serves as an example for all countries eager to implement progressive policies which respond to the true needs of people. In short, Chancellor Brandt brings the best of international responsibility and domestic commitment to his own country and to the German people.

Recently, the Chancellor wrote an essay for the New York Times entitled "The Old World, the New Strength," in which he states his personal philosophy about the direction of Europe, Germany's role and its relations with the United States.

As the Congress begins the process of examining trade legislation in the coming weeks and then goes on to deal with other aspects of European-American relations, it would be well to remember Willy Brandt's words:

The identity of its interests will not estrange the integrating Europe from the United States. The Europeanization of Europe will, of course, mean that our own interests—not only economic and not only regional—will be attended to more effectively than has been possible in the past. Yet in the process of Europeanization lies also the opportunity for a new spiritual getting together.

Too often we take the new spirit of Europeanization which is so evident as an indication of rivalry and even antagonism. This need not be the case if we look to its philosophical roots in a self-awareness beyond nationalism.

Mr. President, I ask unanimous consent that Chancellor Willy Brandt's New York Times essay of April 29, 1973 be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

THE OLD WORLD, THE NEW STRENGTH
(By Willy Brandt)

BONN.—Everyday life in Western Europe is determined to an ever-increasing extent by the European Economic Community. In this process each step toward closer integration of the economic, social and political destinies of our nations and states is at the same time an undertaking of challenging soberness. I do not have the impression that this is sufficiently appreciated on the other side of the Atlantic.

By the way, this is no wonder, for our American friends do no lack problems of their own. Moreover, the process of European unification differs quite considerably from what the textbooks said. But let no one deceive himself: the European Community is growing beyond economic integration—slowly but surely.

We have the decision of the nine member states to see the Community's permanent shape not merely to economic and monetary union but also—and this, incidentally, on the proposal of my Government—to create a social union and thus improve and create a more even balance in the living conditions of its citizens. At the summit conference in Paris last October we said we wanted to establish the European union by the end of this decade. This means we are determined to qualify as a study in abstract architecture. We want to insure that 270-million or more West Europeans will be able to live a better and safer life together than they could in isolated nation-states.

The identity of its interests will not estrange the integrating Europe from the United States. The Europeanization of Europe will of course mean that our own interests—not only economic and not only regional—will be attended to more effectively than has been possible in the past. Yet in the process of Europeanization lies also the opportunity for a new spiritual getting together.

Indeed, some of us do not think merely in terms of our industries' production and of consumption in the big Common Market. We have introduced into our political discussions an element which is expresed by that key American phrase "quality of life." This not only includes material values but is also an appeal to us to prevent productivity for the benefit of civilization from turning into the destruction of civilization. We believe, incidentally, that the right to a better quality of life has its philosophical origin in Thomas Jefferson's "pursuit of happiness."

But it is the new democratic self-awareness of my countrymen more than the recognition of this fact which makes me feel justified in saying that the Federal Republic of Germany has become "more Western," has come nearer to fulfilling the ideals associated with the expressions "citoyen" and "citizen." And it is interesting to note that this process of "westernization" has coincided with, of all things, the opening to the East, the *Ostpolitik*. Here, there really is an internal and an external relationship, and it is not even very complicated, for every step taken by the Federal Republic of Germany toward détente and conciliation with its neighbors in the East has, at the same time, released energies for the construction of the common Europe.

The recognition and the acceptance of the realities resulting from the Second World War started by Hitler and lost by Germany was—like many an effort to meet a need—a painful act of liberation.

Before the treaties of Moscow and Warsaw, the German contributions to the quadripartite agreement on Berlin, and the treaty

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normalizing our relations with the other German state, the outside world unfairly saw in every political move we took a possibility of our attempting after all to subject the tragic history of this century to a highly dubious revision. We have dispelled that illusion.

Perhaps this means we have shed the burden of our "special" destiny and have at last become what we want to: a proper European state whose citizens realize that the world is tired of being confronted from generation to generation with the vexatious and in each case differently articulated "German question." Freeing ourselves from that illusion has enabled us to become a full-fledged negotiating partner of East and West. This does not mean we have abandoned our aim of making it possible for our own people one day—if they then so want—to live together again. But this has now been embedded in the major task of all Europeans: reuniting our divided continent.

The elimination of tensions in our relations with the East is one main element of our foreign policy; the systematic and vigorous development of the European community the other. Both fit smoothly into the worldwide diplomacy of détente by which President Nixon pursues his concept of establishing world peace through a new balance between the leading powers. Mr. Kissinger rightly pointed out recently that these are not isolated steps, but a collective effort.

In the days of Konrad Adenauer it was a common saying that progress toward European unification was only possible under the pressure of an acute threat. It may have been like that in the early stages. In the meantime, we have proved that it is now different: Europe needs détente in order to make decisive progress toward its unification.

The Atlantic Alliance was also believed to be doomed to disruption if the interests of its members were not again and again forged together by dramatic crises. Today we know that our alliance is more than the sum total of the surface aspects of military needs. Reliable security also presupposes the guarantee of military equilibrium. This is illustrated by the name of the conference which is currently the subject of preliminary talks in Vienna—which, understandably, are difficult—Mutual Balanced Force Reductions.

This affects a vital common interest of the United States and Western Europe which involves a sensitive question; that is, the presence of American forces on our continent. Only recently, President Nixon convincingly argued that a weakening of the United States potential in Europe could not serve his peace strategy. To me this is unequivocal, for it is the simple and irrefutable truth. Withdrawal by the United States would threaten the substance of the negotiations.

Again, a few days ago, it was said on his behalf that he strongly opposed a unilateral withdrawal of American forces. Indeed, America's presence in Europe is also a prerequisite to the political presence of the United States at the conference table in Vienna and Helsinki. Without the United States there can be no realistic negotiations on European security and cooperation—a fact which is now also accepted by the Soviet Union.

In Helsinki—to some extent in Vienna, too—harmonious coordination between the members of the European community and the United States has stood an important test. This is further proof that the closer integration of the members of the European community does not constitute a danger to the larger trans-Atlantic partnership but consolidates it on the foundations of a new self-awareness. Europe is growing toward the task which great postwar American leaders, among others, had intended for it.

The European reality of an emancipated partnership is a new, indeed, perhaps sobering, experience, not only for the Europeans but also for America. Another feature of this new situation is that the Europeanization of Europe is not complete by a long shot. We still find it hard to speak with one voice because some national facts of special character prevent us from reaching common decision.

However, it was in fact that stormy period in March, when the latest monetary crisis gave us a hard time, which proved that the consensus within the European community, which has formed around the nucleus of Franco-German solidarity, is only a hand's breadth from becoming a reality. This situation requires the United States generously and understandingly to negotiate with the members of the European community as if the community were already the single big partner. The forthcoming negotiations on world trade and international monetary problems will require the courage to act on the basis of the reality of tomorrow. America counts on its expectations being met fairly. This is also true the other way around, of course.

It should not be difficult for us to muster that courage, for the reality of today is already encouraging. Contrary to the legend, the Common Market has promoted rather than impaired trans-Atlantic trade. American exports have increased more than to any other part of the world. Even exports of agricultural products, as the statistics show, have developed better than is frequently maintained—not to mention American investments and the profits they bring.

Cutting oneself off, no matter what kind of barrier is used, will help neither side. The question whether America will be Europe's partner or competitor is, I feel, wrong. We want to be partners. But we will have no option—under the rules of market economy and competition—than to be competitors as well. As the merchant knows, competition promotes business. Timidity is out of place.

The European community is also aware that the strength which it acquires as a result of integration also requires it to share responsibility—not only by means of its own contributions to a worldwide policy of détente, not only in preserving its security, but also in its duty to the poor nations of the Third World. We must all give serious thought to how this partnership between America and the uniting Europe—and other factors of the industrial world as well—can be established. From the White House a few days ago we heard important proposals and suggestions on this subject. It will be understood that I do not wish to enlarge on this subject immediately before my talks with President Nixon.

Europe's new self-awareness I am speaking about derives from the will to accomplish now the task in which it has failed for so long in the bonds of nationalism, in its readiness to yield to injustice and in the arrogance of its high level of civilization. That is, to be an example of the prevailing of reason over production, the prevailing of justice over the egoism of power and the prevailing of humanity over the sickness of intolerance. Any progress we achieve in these fields will also benefit our partners around the world—and above all our friends in the United States.

## UPDATE ON IMPLEMENTATION OF INDIAN EDUCATION ACT

Mr. KENNEDY. Mr. President, I would like to report to my colleagues today some recent events relating to implementation of the Indian Education Act passed by Congress last year as title IV to Public Law 92-318. Last fall I placed in the CONGRESSIONAL RECORD a letter I sent to then-Commissioner of Education Sidney Marland (118 Cong. Rec. p. 26990, Aug. 7, 1972), in which I indicated the need and congressional desires for full implementation of the act during the second half of fiscal year 1973.

If there is a determination and commitment on the part of the Office of Education—commensurate with that of the congressional supporters of this legislation—to see it implemented as rapidly as possible, I feel that applications could be received and funds delivered before the end of 1972.

The Senate Committee on Appropriations included funds for implementation of the act during the second half of the fiscal year, and specified in its Report (S. Rept. 92-1297, page 25):

The Committee allowance for the Indian Education Act is intended to provide funds sufficient only for the second half of this fiscal year to get these new programs started. It is expected that the Office of Education will act expeditiously in this regard.

As passed and signed into law on October 31, 1972, the Appropriations Act contained $18 million for implementation of the Indian Education Act.

Yet the Office of Education failed to respond to these congressional mandates. Throughout the fall and winter no regulations were proposed. The names of nominees to the National Advisory Council were held up by the Secretary of Health, Education, and Welfare. Proposals for funding under the act were returned. And a request that Congress rescind the funds appropriated was included in the President's budget message.

On February 28, 1973, I wrote the Acting Commissioner of Education with specific questions relating to OE Indian education programs and to the administration's rescission request. Although my staff has inquired into the status of the reply to my letter, I am sorry to say that as of this date—over 2 months later—I have received no reply to this letter. The questions are still pertinent, and I ask unanimous consent that the letter be included in the RECORD at this point.

There being no objection, the exhibit was ordered to be printed in the RECORD, as follows:

FEBRUARY 28, 1973.

Hon. JOHN OTTINA,
*Acting Commissioner of Education,*
*U.S. Office of Education,*
*Washington, D.C.*

DEAR MR. OTTINA: Last summer I was most pleased with the commitment made by your predecessor, Commissioner Marland, concerning implementation of title IV of Public Law 92-318, the Indian Education Act. In a lengthy discussion in my office with Senator Mondale and our staff, we reviewed some of the problems arising from administration of the title but seemed to be in agreement as to the need for high priority on Indian education in the Office of Education and the importance of OE fulfillment of the congressional mandate reflected in title IV.

I was thus most distressed when month after month passed without appointment of the National Advisory Council established by the Act. I was dismayed by the slow pace of development of regulations and guidelines for implementation of the Act. And last month I was shocked when the administration requested rescission of the funds appropriated for initial implementation of its programs.

Because of the present limbo in which title IV has been placed by the rescission request, it is imperative that Congress assess the actions to date in the Office of Education relating to that title and the bases for the rescission request. I would thus like you to provide me with the following information as soon as possible:

1) What is the present situation with regard to appointment of the National Advisory Council? Has a list of nominees been transmitted to the President? If not, where is the list now and what is the cause of the delay in transmission?

2) To what extent have regulations or guidelines been established relating to structure and administration of the provisions of title IV (including the community-participation requirement imposed on P.L. 874 funds for Indian children)? Please provide me with copies of the most recent drafts of such guidelines or regulations, noting the stage of each and whether any has been circulated for comment outside the Department.

3) The Budget Appendix suggested that title IV duplicates "existing authorities and programs." Precisely where is this duplication, and why, in the areas where there may be duplication, cannot the incremental resources made available through title IV be effectively and constructively used?

4) The figure of $80 million has been used as representing the resource commitment of OE to Indian education. Please provide a detailed analysis of the origin of this figure.

5) Finally, as to the programs other than title IV administered by OE affecting Indians, to what extent have the recommendations of the Special Subcommittee on Indian Education (November 1969 final report) and of the 1972 Office of Education Task Force on Indian Education been carried out.

I will look forward to your response to these questions and to an opportunity to explore with you personally OE's involvement in Indian education.

Sincerely,

EDWARD M. KENNEDY.

Mr. KENNEDY. In March I provided this body with an update on what was happening—and what was not happening—with the Indian Education Act (119 CONGRESSIONAL RECORD, S6157, Mar. 29, 1973). At that time I introduced a resolution requiring the President to appoint the National Advisory Council on Indian Education within 10 days of passage of the resolution.

The next day a large contingent of Indian educators and spokesmen met with HEW Secretary Weinberger and were assured that HEW was going to send the list of National Council nominees to the White House. The Secretary also indicated that if Congress did not rescind the Indian education appropriations, HEW would move toward implementation of the act. Congress, of course, has not acted on this rescission.

Since the Indian Education Act mandates action by the Commissioner of Education and the President—action which they have not yet taken—potential beneficiaries under the act have brought their complaints to the Federal courts. On January 31 of this year the Minnesota Chippewa Tribe and other tribes and Indian organizations joined to bring suit against HEW and OMB officials, and the President, to require implementation of the act. The Department of Justice, defending the action, moved immediately for dismissal of the complaint as to the President, arguing that the claim against the President for nonappointment of the National Advisory Council is barred by the separation of powers doctrine. After considering the elements of the Government's argument, Judge June Green, on April 25, denied the Government's motion for dismissal of the case as to the President. Thus the court held in this case, as other courts have held before, that even the President is not above or beyond the requirements of the duly enacted laws of the land. I ask unanimous consent that Judge Green's opinion be included in the RECORD in full.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[U.S. District Court for the District of Columbia]

THE MINNESOTA CHIPPEWA TRIBE, ET AL, PLAINTIFFS VS. FRANK C. CARLUCCI, ETC., ET AL, DEFENDANTS

Civil Action No. 175-73, Filed April 25, 1973. James F. Davey, Clerk.

ORDER

In this action plaintiffs seek *inter alia* to require the President of the United States to appoint members of the National Advisory Council on Indian Education pursuant to The Indian Education Act, Title IV of Pub. L. No. 92-318, 86 Stat. 334, approved by the President June 23, 1972.* In answering the complaint, the government admitted that the President is charged with duties and responsibilities under the statute in question. The answer further admitted that the President has heretofore neither made any appointments to the Council, nor delegated his power to another.

The case is before the Court on the government's "Suggestion for Dismissal of Action as to Richard M. Nixon, President of the United States". Fed. R. Civ. P. 12(h)(3) provides,

"Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action."

In determining whether the Court has jurisdiction over the subject matter, the Court is reminded that

". . . where the complaint . . . is so drawn as to seek recovery directly under the Constitution or laws of the United States, the federal court, but for two possible exceptions later noted [and not here relevant] must entertain the suit. . . . Whether the complaint states a cause of action on which relief could be granted is a question of law and just as issues of fact it must be decided after and not before the court has assumed jurisdiction over the controversy. . . ." *Bell v. Hood,* 327 U.S. 678, 681-82 (1946).

Moreover, the complaint must be construed liberally where plaintiff's assertion of subject matter jurisdiction is questioned by defendant. *Caserta v. Home Lines Agency, Inc.,* 154 F. Supp. 356 (S.D.N.Y. 1957), *aff'd.,* 273 F.2d 943 (2d Cir. 1959).

A review of the complaint and plaintiffs' jurisdictional statement indicates that the Court has subject matter jurisdiction and that this case may eventually be decided on the merits. Plaintiffs have cited several statutes, e.g., 28 U.S.C. §§ 1331, 1337, 1361, 1362 and 5 U.S.C. §§ 701-06, and the Court is satisfied on the question.

Since the government contends that any claim against the person of the President is barred by the separation of powers doctrine, the Court now addresses itself to this issue.

The President of the United States is not completely immune from judicial process for the sole reason that he is President. *Atlee v. Nixon,* 336 F.Supp. 790 (E.D. Pa. 1972), (dictum); *cited with approval in Meyers v. Nixon,* 339 F.Supp. 1388 (S.D.N.Y. 1972) (dictum). The Supreme Court held long ago that the judiciary has jurisdiction over the President to compel him to perform a nondiscretionary act required by law. *United States v. Burr,* 25 Fed. Cas. 30, No. 14,692d (C.C.A. Va. 1807) (subpoena *duces tecum* against the President held proper).

Suits against the President have generally been unsuccessful for several reasons, none of which appears present in the case *sub judice.*

The first reason is lack of standing. *E.g., Mottola v. Nixon,* 464 F.2d 178 (9th Cir. 1972). In the case at bar, it appears plaintiffs have a personal stake and interest in the outcome of the controversy and might suffer actual injury in fact. Plaintiffs are intended beneficiaries of the Indian Education Act. The National Advisory Council clearly was intended to play a key role in administration of the Act. It appears that the implementation of the Act may be impossible or impracticable unless the Council is constituted by the President.**

The second reason suits against the President have foundered is that they relate to "executive" or "discretionary" acts. *Mississippi v. Johnson,* 4 Wall (71 U.S.) 475 (1866). More recently, the Supreme Court has defined a question as "political" if it involves one of the following:

". . . a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question." *Baker v. Carr,* 369 U.S. 186; 217 (1962).

Based on the present record it appears that this case does not fall within the *Baker* definition, and that *Mississippi* is distinguishable. Plaintiffs do not pray that the Court determine whether Indians are recognized as tribes. They do not ask that the Court alter the special relationship between Indians and the United States. Their claim does not involve the President's role as Commander in Chief of our armed forces or as an architect of our foreign policy. They do not seek to enjoin the President from executing the law.

Plaintiffs' suit does not relate to ongoing supervisory acts which require the exercise of judgment, but to single specific "one-shot" acts, appointments to the Council. Although the President clearly has discretion to choose whom to appoint to the Council, he apparently has no discretion to decide if the Council should or should not be constituted. The Indian Education Act, § 442(a) provides that ". . . appointments [to the Council] *shall* be made by the President. . . ." (emphasis added). *See McQueary v. Laird,* 449 F. 2d 608, 611 (10th Cir. 1971) (mandamus will issue to require the exercise of permissible discretion.)

*Part D, § 442(a) of the Act provides, "There is hereby established the National Advisory Council on Indian Education . . . which shall consist of fifteen members who are Indians and Alaska Natives appointed by the President of the United States. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and shall represent diverse geographic areas of the country." The complaint does not refer to any lists.

**The responsibilities of the Council are described in § 442(a)-(c) of the Act.



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In the third place, joinder of the President as a party defendant is generally unnecessary: a plaintiff may be afforded complete relief by suing a member of the President's Cabinet. *E.g., Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952). In the instant case, however, it appears that plaintiffs' only remedy is to sue the President directly. Only the President is given the power to make appointments to the Council. As earlier noted, the President has neither made such appointments nor delegated his power to another. The record does not suggest any implied delegation.

For the foregoing reasons, it is by the Court, this 25th day of April 1973,

Ordered that the Suggestion for Dismissal of Action as to Richard M. Nixon, President of the United States, should be and the same hereby is denied.

JUNE L. GREEN,
*U.S. District Judge.*

Mr. KENNEDY. Mr. President, also in conjunction with this lawsuit, the Acting Commissioner of Education filed with the Federal court an affidavit which stated that "The Office of Education has now determined that it will promptly take all appropriate steps within its authority to implement the programs under" the Indian Education Act. He also indicated that the list of nominees for the National Advisory Council has been "forwarded to the Executive Offices of the President with a request date of May 15, 1973 for the appointment" of the Council. This represents a major commitment, and a new one, on the part of OE, and I would like this affidavit inserted here in the RECORD with unanimous consent.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

[U.S. District Court for the District of Columbia]

THE MINNESOTA CHIPPEWA TRIBE, ET AL., PLAINTIFFS v. CASPAR W. WEINBERGER, ET AL., DEFENDANTS

Civil Action No. 175–73.

AFFIDAVIT

I, Duane J. Mattheis, being duly sworn do hereby depose and say as follows:

1. I am the Acting Commissioner of Education, U.S. Office of Education, Department of Health, Education, and Welfare, in the temporary absence of John Ottina. The duties of the Commissioner of Education include responsibility with respect to the recently enacted program under the Indian Elementary and Secondary School Assistance Act (Title III of P.L. 81–874), as added by Part A of the Indian Education Act (Title IV, § 411(a) of P.L. 92–318), and with respect to the programs authorized under parts B and C of the Indian Education Act (Title IV, Sections 421 and 431 of P.L. 92–318).

2. The Supplemental Appropriations Act, 1973 (P.L. 92–607) contained an appropriation, for fiscal year 1973, of $11,500,000 for carrying out Part A; $5,000,000 for carrying out Part B; and $500,000 for carrying out Part C of the Indian Education Act. The President's budget submission to the Congress requested a rescission of this fiscal year 1973 appropriation, and hearings were held before several committees of the Congress concerning the request for such rescission.

3. Pending Congressional action on the request for rescission of the fiscal year 1973 supplemental appropriation for the above-described programs, we have been drafting regulations for issuance in the event that Congress did not rescind the appropriation. In view of the impending close of the fiscal year without positive action by the Congress on the rescission request, the Office of Education has now determined that it will promptly take all appropriate steps within its authority to implement the programs under Parts A, B, and C of the Act.

4. To this end, the Office of Education is taking immediate steps promptly to effect publication in the *Federal Register* of proposed rules and criteria for the administration of these programs. We expect such publication to be possible by May 1. Immediate steps are also being taken to collect data necessary for the purpose of computing allocations under the program added by Part A of the Act. Application forms under these programs are being prepared and will be made available to eligible applicants. After completion and filing, the applications will be processed and approved in accordance with, and subject to, the provisions of the Act and other applicable provisions of law. Steps are also being taken to initiate the establishment, within the Office of Education, of the Office of Indian Education.

5. We have also prepared a list of nominees, furnished by Indian tribes and organizations, which have been forwarded to the Executive Offices of the President with a request date of May 15, 1973 for the appointment of the National Advisory Council on Indian education.

DUANE J. MATTHEIS.

Mr. KENNEDY. Mr. President, I should also like to mention the filing on April 10 of a second lawsuit by an Indian schoolchild and a number of Indian school districts and associations, including the Coalition of Indian Controlled School Boards, against the Acting Commissioner of Education to require implementation of the Indian Education Act. And, of course, there have been numerous telegrams, letters, and delegations dispatched to Washington urging the act's prompt implementation.

Mr. President, despite what I observed in an earlier statement to be the administration's negative, even hostile, attitude toward taking substantial steps to improve the quality of Indian education, it now appears that pressures from Congress and the continuing interest and supportive activity from the Indian community have brought about a reversal in attitude on the part of government officials. It also appears that the President may soon make his appointments to the National Advisory Council on Indian Education. I might add that if the 15th of this month passes without appointment of the National Council, I will make every effort to have my resolution passed by Congress before the month's end. Certainly Congress and American Indians are justified in running out of patience.

On May 1 the Office of Education published in the Federal Register (vol. 38, p. 10738) proposed regulations governing implementation of part A of the act. Comments from interested parties are invited and are due before May 21. HEW spokesmen are also now saying that funds appropriated for the present fiscal year will in fact be obligated before July 1.

So I am pleased to report to my colleagues, and to Indian people, that the time is drawing closer when the programs established by the Indian Education Act may become a reality.

## DELAWARE STATE POLICE

Mr. BIDEN. Mr. President, the Delaware State Police are currently celebrating their 50th anniversary of service to the State of Delaware.

Recently, Mr. William P. Frank, the dean of Delaware press corps, wrote an article in the Wilmington Morning News outlining the proud history of this law enforcement organization, which I would like to share.

I request unanimous consent that the article be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wilmington Morning News, Apr. 20, 1973]

STATE POLICE MARK GOLDEN ANNIVERSARY

(By William P. Frank)

They froze in winter, sweated in the heat of summer and risked their lives on motorcycles over dangerous roads, but they laid the foundations of the Delaware State Police tradition of loyalty to state service.

And they will be remembered, these pioneer patrolmen, tomorrow when the State Police marks the 50th anniversary of its formal organization.

The ceremonies and displays will take place at the State Police headquarters north of Dover, beginning at 11, when ground will be broken in front of the training academy for a memorial park as tribute to the 14 troopers who died in line of duty.

The formal beginning was April 28, 1923, when Gov. William D. Denney signed a bill that created what is virtually the State Police of today.

For decades legislators had been talking about creating a state police force, principally to take care of rowdyism and riots in and near Delaware towns on Saturday nights.

On Jan. 29, 1906, for example, an item appeared in the old Every Evening of Wilmington:

"A movement has been inaugurated looking toward the establishment of a state police force for Delaware to do duty in rural districts."

Nothing came of it. Delawareans seemed to be afraid of a statewide force that might invade local autonomy.

The improvement in Delaware highways, the increase of the automobile and speedsters roaring up and down the roads at a reckless 40 miles an hour prompted the General Assembly to take action.

Gov. John G. Townsend Jr., the innovator who served from 1917 to 1920, and the newly organized State Highway Commission, appealed to the attorney general about traffic hazards, but the attorney general threw the problem back into their laps.

The governor and commission acted. Charles M. Upham, chief engineer of the highway department was told to hire the state's first highway patrolman. He was Charles J. McGarigle of Wilmington. His pay was $90 a month.

Who McGarigle was, what his qualifications were, his uniform and his training are lost in State Police history, except that he eventually became "a captain of highway police" and left the service in 1922.

It is known, however, that as he patrolled the often pock-marked Philadelphia Pike he faced constant danger. His motorcycle, probably a World War I surplus was unreliable. He had no protection from the weather, not even a shack into which he could go during inclement weather.

And the law that permitted his employment forbade him from delaying vehicles more than 30 minutes.

It was soon discovered that the speeding on highways was increasing. So extra patrolmen were employed. Their beat at first ranged from Claymont only down to Dover.



Still the problem increased. So the highway commissioners undertook an experiment. They mobilized citizen-policemen who were given badges and identification cards and all the authority of the "regular patrolmen."

This didn't work out too well. In the first place, the citizen-police consisted of wealthy men such as Francis V. du Pont, John J. Raskob, Andrew Gray, Dr. Harold L. Springer, Coleman du Pont and Edmund Mitchell, powerful Republican leaders; Clement B. Hallam, managing editor of the Evening Journal; and doctors and lawyers who had political or social influence.

In the fall of 1922, newspapers began to complain that some of the citizen-highway police were themselves notorious speeders. One newspaper dubbed them "High 'Spy' Cops." Eventually, the corps of citizen-police was abolished.

But the problem still faced the state. In 1923, a bill created the State Police Department under the supervision of what was known as the State Military Board.

It provided for a superintendent at $3,000 a year; one sergeant, one corporal and 20 privates. Candidates had to be of good physical and mental constitution and had to be able to ride horses and motorcycles.

For the first time, the new State Police force could make all kinds of arrests instead of just for highway speeding. They had powers in criminal matters as well as violations of hunting laws.

A Pennsylvanian, August Ahlquist, was hired as the Baron Von Steuben for the new police force, nominally a superintendent to train the new police. For this he got $250 a month in the summer of 1923.

But the policemen were still on motorcycles and too many policemen were being injured. Two of the pioneer state policemen, John Conrad and Roger P. Elderkin, were so badly hurt in their motorcycle accidents, each lost a leg below the knee.

Elderkin was equipped with an artificial limb and he continued in the State Police until he retired after 20 years service.

In the absence of radios, patrolling police in the 1920s would check in at the post offices of towns through which they passed and had their work sheets stamped by the postmasters.

Also in the middle 1920s, flag stations were established on the patrol routes and when a policeman saw a red flag hanging outside of a store or house, he would atop. Important messages awaited him.

State Police of those years developed a system for keeping tab on habitual speeders. Police used punchers to put holes on the licenses of drivers they arrested or reprimanded. Three punch holes could mean the loss of a driver's license.

Eventually, Francis V. du Pont, a long time chairman of the state highway commission, came up with a proposition. He and his father, U.S. Sen. Coleman du Pont, benefactor of the state's highway system, offered to have special automobiles made for the State Police to be sold at cost.

There's no record whether this offer was accepted but late in the 1920s, automobiles began to replace the motorcycle.

Even in those days, there was the unmarked police car, with some attendant controversy as to whether it was exactly fair.

Police dogs, four German shepherds imported from Germany, by Francis V. duPont, were given by him to the State Police in 1925, first as mascots and later to guard what were then shacks used as police stations, and to accompany police on investigations.

The force underwent its first major overhauling in organizaton during the superintendency of Paul Haviland, a former FBI agent, in the middle 1940s. The troop formation was established and the superintendent got the rank of colonel.

Haviland became a victim of General Assembly politics however and was forced to resign in 1947. The overt issue involved whether or not the Penny Hill police station would be fully manned or operated with a skeleton force.

During prohibition years, particularly in the late 1920s and first few years of the 1930s, State Police were particularly active in trying to stem the bootleg and rum-running rackets.

However, some of the police became enmeshed in what was known as the Penny Hill Police Station liquor scandal. Confiscated liquor stored in the Penny Hill station disappeared between June and December of 1932.

As the result of an investigation, seven policemen were suspended but later reinstated.

The General Assembly got into the controversy and abortive efforts were made to have the State Police divorced from the state highway commission.

The investigation by highway and police officials continued and in April 1933, four troopers were dismissed and two reprimanded.

Stacked up against this one scandal are innumerable instances of heroism by State Police and courage in face of danger. There was the time, for example, in October, 1945, when 14 troopers faced and dispersed an angry mob of 200 in Milford who were protesting the arrest of one man by a Milford policemen.

There was Capt. Henry C. Ray who rode his motorcycle in 1924 from Wilmington at 80 miles an hour to bring medicine to a sick woman in Smyrna and thus saved her life.

And in September, 1954, not more than a half dozen State Police handled a highly explosive situation in Milford with considerable diplomacy and tact in Milford when an attempt was made to send Negro children to the white high school.

State police were finally removed from the administration of the old State Highway Department during the administration of Gov. Russell W. Peterson to become part of the Department of Public Safety with Lemuel H. Hickman as secretary. Hickman used to be a member of the highway commission.

The State Police uniformed personnel now numbers 403, with an authorized strength of 450. A bill is in the General Assembly which would increase the authorized strength to 500.

## GAO REPORT: "BATTLE OF BUDGET" PROPAGANDA KIT ILLEGAL

Mr. HUMPHREY. Mr. President, as chairman of the Subcommittee on Consumer Economics of the Joint Economic Committee I requested the General Accounting Office to initiate an investigation into the Nixon administration's use of a speechmaking and public information kit, "The Battle of the Budget, 1973."

The Comptroller General has just issued his report to me and to Senator MUSKIE who made a similar request.

Two points are evident from the General Accounting Office report. First, it is the opinion of the Comptroller General that there has been a clear violation of law in the preparation and use of this kit. Said the Comptroller General:

It is clear that the kit is part of an effort to defeat the 15 pieces of legislation pending in Congress which the Administration opposes. It explains the reasons for the Administration's opposition to the legislation and includes statements that people should be urged to write their representatives in Congress. In our opinion, this use of appropriated funds violates the provisions of section 608(a) of the Act.

On the basis of this opinion, I demand that the administration cease all use of this kit, that those responsible be required to account for these illegal activities.

Mr. President, there is a second point of the Comptroller General's report that merits Senate attention. The Comptroller General notes that an initial set of the "Battle of the Budget" documents were paid for by the Federal Government and sent to Cabinet officers, agency heads, and some Under Secretaries. A second set, however, was printed by the Republican National Committee and paid for by them. These copies were given to sub-Cabinet-level Presidential appointees. Since this whole effort is purely political in violation of public law, I want to know why the administration saw fit to print and pay for half of the documents from Government funds while the Republican National Committee paid for the second distribution?

There are also some unanswered questions in the GAO report. Who ordered the distribution of this kit? What were the specific instructions given to public affairs offices by the White House Office of Communications? Was there knowledge by appropriate officials that their activities directed toward the defeat of the 15 mentioned bills were illegal?

For these reasons, Senator MUSKIE and I have taken additional steps. We have written to the Comptroller General asking that the General Accounting Office pursue its investigation in detail.

And, we have asked the Attorney General to investigate the preparation of the kit and consider appropriate legal action if the preparation, printing, and distribution of the kit constituted a violation of the criminal provisions of the United States Code.

Mr. President, I ask unanimous consent that a copy of a press release issued by Senator MUSKIE and myself, containing the preliminary report of the General Accounting Office, be printed in the RECORD.

I also ask unanimous consent that our letters to Comptroller General Staats and Attorney General Kleindienst be printed in the RECORD.

Finally, I ask unanimous consent that two articles concerning the GAO report, "GAO Says Law Broken on Speech Kit," and "Nixon Budget Battle Illegal, GAO Charges," from the Washington Post and the Washington Star-News, and an article from the New York Times be printed in the RECORD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATORS SAY "PROPAGANDA CAMPAIGN" VIOLATES LAW

Senators Edmund S. Muskie and Hubert H. Humphrey have asked the Attorney General to launch an immediate investigation into the propaganda campaign being waged by the Administration as part of an attack on the Congress over the issue of Federal spending.

At the same time, the two Senators forwarded to the Attorney General a preliminary report of the General Accounting Office which found that the production of a propa-

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ganda kit, entitled "The Battle of the Budget, 1973," was a violation of Federal law. The kit was produced by the White House.

Muskie and Humphrey also asked the Attorney General to "take appropriate action" necessary to follow up the preliminary GAO report. That report, which they released, revealed:

Since the kit is part of an effort to defeat 15 pieces of legislation pending in the Congress, "this use of appropriated funds violates the provisions of section 608(a) of the Treasury, Post Office, and General Government Appropriations Act of 1973."

An estimated 120 to 150 copies of the same kit were printed and paid for by the Republican National Committee and distributed to subcabinet level Presidential appointees.

The accounting records of the White House are not maintained in a manner which permits identification of the cost of any material or work relating specifically to the "Battle of the Budget" propaganda kit.

In releasing the report, the two Senators asked the General Accounting Office to pursue its investigation in more detail. They asked the Comptroller General—

To determine if any kits printed and paid for by the Republican National Committee were distributed to civil service employees;

To obtain the specific written instructions that accompanied the distribution of the kits;

To make a detailed estimate of the total cost to the taxpayers of preparing the kit.

"We find it outrageous that the Administration has to resort to illegal propaganda campaigns to try to discredit the Congress," the two Senators said.

"We demand that all activity involving the use of the 'Battle of the Budget' kit immediately cease."

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PRELIMINARY REPORT OF THE GENERAL ACCOUNTING OFFICE—APRIL 30, 1973

This is in response to your letter of April 9, 1973, in which you requested that we conduct an examination into the use of speech-making guidelines—commonly referred to as the "Battle of the Budget" kit—being used by Federal officials. Enclosed is a complete copy of the kit which was obtained from Mr. Ken Clawson, Deputy Director of Communications for the Executive Branch.

We interviewed Mr. Clawson and Mr. Fred Fielding, Deputy Counsel to the President, on the matter. The results of our interview were as follows:

Question 1—Who prepared the kit titled "Battle of the Budget 1973"?

The "Battle of the Budget" had its origins in a TV speech made by the President during which the need to hold the line on the 1974 budget was emphasized. Following this speech Mr. John Ehrlichman, Assistant to the President for Domestic Affairs, held a press conference and discussed 15 bills under consideration by the Congress which the President intended to veto, if necessary. Fact sheets were passed out giving the administration's rationale.

Most of the substance of the fact sheets was developed by staff of the Domestic Council during preparation of the budget. Later the fact sheets became a part of the "Battle of the Budget."

Assembly of the "Battle of the Budget" was by White House staff writers.

Question 2—How many copies were produced and who received them?

There were two sets of copies prepared. The first set, estimated as numbering 30 to 50 copies, was prepared by the White House and distributed only to presidential appointees of the highest rank, such as cabinet officers, agency heads, and some undersecretaries. The second set, estimated as numbering 120 to 150 copies, was printed by the Republican National Committee and paid for by them. These copies were made available to subcabinet level presidential appointees, such as assistant secretaries, assistant administrators, and public affairs officers.

Question 3—What instructions were given on use of the "Battle of the Budget"?

The "Battle of the Budget" was discussed during routine meetings conducted by the Office of Communications with public affairs directors who were presidential appointees. The Office of Communications is responsible for coordinating and consulting on public affairs information in the executive branch.

The public affairs directors were advised by Mr. Clawson that presidential appointees should talk about the budget, where appropriate, as often as possible to get across the President's position.

Question 4—What were the costs of preparing the "Battle of the Budget" and how were they financed?

As noted earlier, we were informed that the "Battle of the Budget" kit included material developed during formulation of the budget. Inspection of the kit indicates that it is essentially a compilation, consisting largely of speech excerpts, letters, poll results, and fact sheets carrying various dates. Inasmuch as this material appears to have been originally prepared or accumulated by the White House staff for other purposes, its cost is not clearly assignable to the kit. In any event, the accounting records of the White House are not maintained in a manner which permits identification of the cost of any material or work which permits identification to the "Battle of the Budget" kit.

With respect to your question as to whether the "Battle of the Budget" kits violate 18 U.S.C. 1913, lobbying with appropriated moneys, it is our position that in view of the criminal nature of this statute, determinations as to its violation should be made by the Department of Justice. Since 18 U.S.C. 1913 contains fine and imprisonment provisions which may be enforced only through judicial criminal proceedings, it is not within our jurisdiction to determine the statute's applicability in any given circumstances.

However, there is also to be considered Section 608(a) of the Treasury, Post Office, and General Government Appropriations Act of 1973, Public Law 92-351, 86 Stat. 471, which provides that:

No part of any appropriations contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

It is clear that the kit is part of an effort to defeat the 15 pieces of legislation pending in Congress which the administration opposes. It explains the reasons for the administration's opposition to the legislation and includes statements that people should be urged to write their representatives in Congress. In our opinion, this use of appropriated funds violates the provisions of section 608 (a) of the act.

However, the action to be taken by our Office with respect to such improper use of appropriated funds is limited to recovery of the amounts improperly expended. Essentially, there is involved the cost of paper and printing and the time of personnel. While appropriated funds apparently were used in preparing the kit, it appears that the amount would be small and comingled with proper expenditures.

We hope that this report will serve your purposes.

Sincerely yours,

ELMER B. STAATS,
*Comptroller General of the United States.*

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U.S. SENATE,
*Washington, D.C., May 3, 1973.*

Hon. ELMER B. STAATS,
*Comptroller General of the United States, General Accounting Office, Washington, D.C.*

DEAR MR. STAATS: We have received your April 30 Preliminary Response to our request that the General Accounting Office undertake an investigation of the propaganda campaign, apparently directed by the White House, that the Administration has undertaken in an effort to launch an attack on Congress over the issue of Federal spending.

We look forward to receiving your final report as soon as it is completed.

In preparing your final report, it would be most helpful to us if your Office could pay particular attention to answering the following questions which were raised by your Preliminary Report:

1. To whom were the propaganda kits—entitled "The Battle of the Budget, 1973"—printed and paid for by the Republican National Committee, distributed?

2. Specifically, what written instructions accompanied the propaganda kits when they were distributed to government officials? In particular, we would like you to investigate the origin and distribution of the instructions the Department of Commerce apparently sent to its District Office officials along with the kit.

Senator Muskie forwarded a copy of those instructions to your Office on April 9. Those instructions request that District Office officials "immediately identify a minimum of two or more major forums for organizational meetings between April 6-23 at which a selected, senior departmental spokesman may deliver a basic business-oriented speech on the 'Battle of the Budget.'"

In addition, those instructions, apparently sent out by H. Phillip Hubbard, Acting Director of Field Operations at the Department of Commerce, request that the District Office officials "make arrangements to deliver such a speech yourself before a minimum of four additional groups during the same period (April 6-23) as well as handling on your own any of the major forums for which a departmental spokesman is not available."

Did other departments or agencies issue similar instructions when they distributed the propaganda kits?

3. Could you make a more detailed estimate of the cost to the taxpayers of financing this entire propaganda kit and the cost to the government of the personnel involved?

4. Should the violations of Sections 608(a) of the Treasury, Post Office, and General Government Appropriations Act of 1973 (P.L. 92-351), to which you referred in your Preliminary Report, be referred to the Department of Justice for prosecution?

We consider this investigation of the Administration's attempt to propagandize the budget issue to be of critical importance—especially in view of the hesitancy of key Administration officials to supply the Congress detailed budget information. We would appreciate receiving your final report as soon as practicable.

Thank you for your cooperation.

With best wishes.

HUBERT H. HUMPHREY.
EDMUND S. MUSKIE.

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U.S. SENATE,
*Washington, D.C., May 3, 1973.*

Hon. RICHARD G. KLEINDIENST,
*Attorney General,*
*Washington, D.C.*

DEAR MR. ATTORNEY GENERAL: We are forwarding you a copy of the General Accounting Office's preliminary report concerning the "Battle of the Budget" propaganda kit prepared by the White House Office of Communications.

This report concludes that Section 608(a) of the Treasury, Post Office and General Government Appropriations Act of 1973 has been violated. We respectfully request that your office investigate this matter and consider appropriate legal action.

We also request that your office make a finding of fact as to whether or not the "Battle of the Budget" kits constitutes a violation of 18 USC 1913; and if a violation is found, appropriate action should be taken. The General Accounting Office made no findings of fact as to the applicability of this statute since "in view of the criminal nature of this statute, determinations as to its violation should be made by the Department of Justice."

We consider this investigation to be of critical importance and we request that you give it your immediate attention.

Sincerely,

EDMUND S. MUSKIE.
HUBERT H. HUMPHREY.

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NIXON BUDGET BATTLE ILLEGAL, GAO CHARGES

(By Shirley Elder)

A White House campaign to rally opposition to 15 bills pending in Congress—with information kits entitled "Battle of the Budget 1973"—violates federal law against using tax dollars for propaganda, the General Accounting Office said today.

Sens. Hubert H. Humphrey, D-Minn. and Edmund S. Muskie, D-Maine, released a preliminary GAO report today stating that the kits were prepared by Ken W. Clawson, deputy director of White House communications, and distributed to high-ranking administration officials with instructions to make speeches and write letters to get the message out to the American public.

The two senators contend that the campaign also violates the law against lobbying with appropriated funds. They referred this question to the Justice Department today and asked for an immediate investigation.

In its report, the GAO said Clawson and Fred Fielding, deputy counsel to the President, both were interviewed about the budget kits.

Clawson and Fielding traced its origin to a television speech by the President in which he emphasized the need to hold the line on spending this year. Later, 15 bills under consideration by Congress were targeted for vetoes by presidential assistant John Ehrlichman.

GAO said it is impossible to determine exactly how much it cost to prepare the kits, but they were put together with White House funds.

Two sets were prepared. The first, 30 to 50 copies, was assembled at the White House and handed out to Cabinet officers; agency heads and some undersecretaries.

The second set, estimated at 120–150 copies, was printed by the Republican National Committee and paid for by them, GAO said. These were made available to sub-cabinet level presidential appointees and public affairs officers.

"It is clear," the GAO report says, "that the kit is part of an effort to defeat the 15 pieces of legislation pending in Congress which the administration opposes."

In a joint statement, the two senators called it "outrageous" that the administration has resorted to "illegal propaganda campaigns to try to discredit the Congress. We demand that all activity involving the use of the Battle of the Budget kit immediately cease."

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GAO SAYS LAW BROKEN ON SPEECH KIT

(By Mike Causey)

The General Accountng Office says the White House apparently broke the law against using federal funds to lobby on legislation when it produced and ordered agencies to use a combination speech kit, fact sheet and joke book attacking "big spenders" in Congress.

Sens. Edmund M. Muskie (D-Maine) and Hubert H. Humphrey (D-Minn.), who asked for the GAO probe, have demanded that the Justice Department get into the investigation and determine if White House aides and political appointees should be punished.

GAO said the kit, officially called "The Battle of the Budget—1973" does violate an antilobbying law because it directs bureaucrats to whip up public sentiment against members of Congress. The kit was distributed to key federal personnel early last month, and first reported here April 4.

The 147-page kits have detailed instructions for preparation of antispending speeches. Each also contains a chapter of "horror stories" on certain legislative programs, a list of antispending jokes, and a section called "Epithets to Be Used Against Congress." Purpose of the kits is to attack bills pending in Congress which Mr. Nixon opposes. The bills are called "The Far Out Fifteen" in the kits.

GAO's report to Muskie and Humphrey—the 1968 Democratic presidential ticket—said that from 30 to 50 of the closely guarded kits were originally produced at the White House and given to Cabinet officers and their top aides.

A second set of the kits—numbering between 120 and 150 copies—was printed by the Republican National Committee, "and paid for by them," GAO said. Those kits were given to top agency public relations officials, who were told to write anti-congressional speeches and articles, and arrange for audiences where they could be delivered.

GAO said that the "Battle of the Budget" had its origins "in a TV speech made by the President during which the need to hold the line on 1974 spending was emphasized."

"Following this speech, John Ehrlichman, assistant to the President for domestic affairs, held a press conference and discussed 15 bills under consideration by the Congress which the President intended to veto, if necessary." (Ehrlichman since has resigned.)

GAO says most of the data contained in the Budget speech kits was developed by the staff of the White House Domestic Council. The Washington Post has reported, however, that federal agencies were asked to research and prepare "horror stories" on some of their programs the administration wants to end.

GAO said it couldn't comment on whether the original 1913 antilobbying law had been violated by preparation and use of the kits because that statute "contains fine and imprisonment provisions which may be enforced only through judicial criminal proceedings," and it is not "within our jurisdiction to determine the statute's applicability in any given circumstances."

But the congressional agency said another general government appropriations law which bars use of appropriated funds "for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress" apparently had been broken.

"It is clear," wrote Comptroller General Elmer B. Staats to Muskie and Humphrey, "that the kit is part of an effort to defeat the 15 pieces of legislation pending in Congress which the administration opposes."

While Staats said that an antilobbying act was violated, in GAO's opinion, ". . . . the action to be taken with respect to such improper use of appropriated funds is limited to the recovery of the amounts improperly expended." This would amount to paper, ink and printing time of machines and personnel involved, and GAO noted that ". . . the accounting records of the White House are not maintained in a manner which permits identification of the cost of any materials or work relating specifically to the 'Battle of the Budget' kit."

Muskie and Humphrey clearly are interested in more than having the government reimbursed a few dollars for the value of the kits. They have asked Attorney General-designate Elliot L. Richardson to check on the possibility of criminal actions in the affair.

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PUBLICITY KIT ON NIXON'S BUDGET IS CALLED ILLEGAL BY THE GAO

(By James M. Naughton)

WASHINGTON, May 4.—The General Accounting Office said today that a 145-page publicity campaign kit designed to rally support for President Nixon in his dispute with Congress over spending "violates the provisions" of a 1973 appropriations act.

But the accounting office, a fact-finding agency of Congress, declined to make a determination on whether the White House kit might also have been prepared in violation of a criminal law forbidding the use of Government money for lobbying purposes.

In a report to Senators Hubert H. Humphrey of Minnesota and Edmund S. Muskie of Maine, both Democrats, the accounting office said that 30 to 50 of the kits had been prepared in the White House, that they included statements that "people should be urged to write their representatives in Congress" and that they thus appeared to conflict with Section 608 (A) of the act appropriating funds for the White House.

Section 608 (A) of the Treasury, Post Office and General Government Appropriations Act specifies that "no part of any appropriations contained in this or any other act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress".

The White House kit, titled "Battle of the Budget, 1973," was distributed early last month to Cabinet appointees throughout the Administration. It contains background information on the President's budget positions, "one-liners" or anecdotes to be used in speeches and suggested arguments for use against 15 specific bills enacted by or pending before Congress.

In a statement issued today with the G.A.O. report, Senators Muskie and Humphrey called on the Attorney General-designate, Elliot L. Richardson, to begin an investigation of the "propaganda campaign" that they said was "part of an attack on the Congress."

"We find it outrageous," the joint statement said "that the Administration has to resort to illegal propaganda campaigns to try to discredit the Congress. We demand that all activity involving the use of the 'Battle of the Budget' kit immediately cease."

At the White House, however, Ken W. Clawson, the deputy director of communications for the executive branch, defended the kit as part of the White House "informational function."

KIT IS DEFENDED

He said that he did not believe it violated any laws or that it was departure from practices of previous Administrations.

"Not only is it proper," Mr. Clawson said, "We would be derelict in our duty if we did not make an effort to get the President's perspective on such a vital issue to the public."

According to the accounting office report, "It is clear that the kit is part of an effort to defeat the 15 pieces of legislation pending in Congress which the Administration opposes."

The report, signed by the Controller General, Elmer B. Staats, said that the accounting agency would leave to the Department of Justice any decision as to whether the kit is in violation of the Federal criminal code.

Citing a provision of the code that makes it a violation—punishable by fine or imprisonment—to lobby with Government funds, the report said that the section should be enforced "only through judicial criminal proceedings" that are not within the G.A.O. jurisdiction.

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## NIXON TAX PROPOSALS IGNORE SMALL BUSINESS

Mr. BIBLE. Mr. President, unfortunately, the Nixon administration tax program has nothing in it for America's 12 million small business enterprises.

As chairman of the Senate Small Business Committee, I must express my disappointment that the series of pro-



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posals presented to the House Ways and Means Committee by Treasury Secretary George P. Shultz on Monday and Tuesday—April 30 and May 1, 1973—pointedly ignores the present unfairness of the tax system toward smaller firms, and the 6-year effort of both Democrats and Republicans in Congress to do something about it.

Since 1970, when the comprehensive Small Business Tax Simplification and Reform bill was first introduced, we have had the cosponsorship and support from Senators and Representatives of both political parties who understand that the present tax system disadvantages smaller firms.

The 1973 small business tax reform bill, which I introduced on March 6, has bipartisan support of about four dozen Senators and Representatives. In addition, there have been several alternative bills in past years by Senators BENNETT, TOWER and GRIFFIN, among others, offering some relief to the hard-pressed small business community that accounts for 44 percent of the jobs in the country and 37 percent of the gross national product.

In my testimony before the House Ways and Means Committee on April 17 on the 1973 version of the Bible-Evins bill (S. 1098 and H.R. 5222), I pointed out that, while most small and medium-sized manufacturing corporations pay more than 50 percent of their earnings in Federal taxes, the largest corporations as a class pay an effective rate of less than 25 percent.

Treasury Secretary Shultz made a competent presentation before the House Ways and Means Committee. But it is clear that President Nixon's tax program does nothing to relieve this discrimination in any way, or even to recognize it.

It is also well known that workers can have part of their wages withheld for over a year for taxes without payment of any interest, while other persons can postpone the payment of taxes on income for long periods of time through tax shelters. I am glad to see that the administration at least addressed this problem.

Secretary Shultz got off on the wrong foot, however, by stating that the Tax Reform Act of 1969 was a result of "(a)cting upon the President's 1969 recommendations."

To keep the record straight, I believe it was the Congress, and particularly Representative WILBUR MILLS, the distinguished chairman of the House Ways and Means Committee, who took the initiative on tax reform in 1969 and again in 1973. The recommendations of the Nixon administration, in both instances, emerged after long delays, and then have been inadequate. I feel that although there are a few steps in the right direction in the administration's 1973 message, as a whole it is unequal to the serious problems of tax unfairness and erosion of confidence on the part of wage-earners and small businessmen in a tax system which requires them to pay more than their fair share.

I will continue to do all I can to bring about meaningful tax reform and relief for new, small, local, family and independent businesses, and for the Nation's wage earners, so that our tax system can come closer to giving a fair reward for hard work and taking the risks of enterprise.

Mr. President, I have just learned of a statement made yesterday by Mr. Ray W. Sim, president of the National Small Business Association, which corroborates the points I have been making. The National Small Business Association recounts, considerable detail, the lip-service which the Nixon administration has paid to small business in the tax field and remarks correctly, I believe, that:

The pieties (and) platitudes about how great the small business community is . . . (cannot be) deposited at a bank.

I feel it is appropriate and timely that this fine statement by Mr. Sim be included in the RECORD for the information of all concerned, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADMINISTRATION BREAKS PROMISES TO SMALL BUSINESS COMMUNITY

WASHINGTON, D.C.—May 2, 1973—Ray W. Sim, President of the 40,000-member National Small Business Association and President of the Washington Woodworking Co., Inc. of Landover, Maryland today castigated the Administration for its *shocking betrayal of the small business community* in the Nixon tax measure presented to the House Ways and Means Committee by Treasury Secretary George P. Schultz. Mr. Sim's statement follows:

"Small Business has been once more shunted aside by the Federal Bureaucracy! On May 1, 1973 Treasury Secretary George P. Schultz presented the Administration's tax reform package to the House Ways and Means Committee. In 82 pages of prepared testimony and a total of 175 pages of testimony and explanation, the Administration has once again failed to come to grips with the importance of the Nation's 11 million small businesses to the economy and the inequities of the Tax Code forcing them to close their doors in increasing numbers. 'Benign neglect' seems once more to be the order of the day.

"The Administration's callous disregard of the small business community is a shock. In the summer of 1972, the Republican Convention included in its platform a plank specifically oriented toward small business. A direct quote from that plank is that 'Through tax incentives, encourage the start-up of more new businesses, and *work* for a tax system that more fairly applies to small business.'

"Both the current and immediate past Assistant Secretary for Tax Policy of the Treasury Department committed the Administration to support of several proposed small business tax reform provisions. In addition the Administration's bill to ease the taxation problems of small business was introduced by Senator Wallace Bennett (R-Utah)—S. 544—in the previous session of Congress. These important substantive provisions of the Administration's Small Business Taxation bill have been omitted in Secretary Schultz's statement.

"President Nixon in his Proclamation 4195 designating the week beginning May 13, 1973 as Small Business Week said that 'Nineteen out of every twenty firms are considered small business, and they provide approximately 35 million jobs, and contribute more than $420 billion to the gross national product.'

"Assuming that what Mr. Nixon said in his Small Business Week proclamation is true, why then has he and the Treasury chosen to ignore, in his tax proposals, this 95% of American commerce and industry.

"There is no way that the small business man can deposit at a bank the mouthings, the pieties, and the platitudes about how great the small business community is. What's needed more than anything else is a facing up to the issue by the Administration that the small business community is getting the dirty end of the stick in the application of the Federal Tax Code. The Congress seems considerably more attuned to this pressing problem than the Administration. One-fourth of the Senate is sponsoring small business tax reform legislation. The House Ways and Means Committee, the Senate and House Small Business Committees are all knowledgeable as to the need for reform and updating of the Code in this age of giantism where the big get bigger and the small get smaller.

"National associations are joining in this battle to bring about change for the neglected sector of our economy—small business. This government has enacted no major change in the Tax Code with respect to small business in 15 years. A representative list of the national associations representing more than 250,000 small business men fighting for small business tax reform is the following:

American Association of Nurserymen, Inc.
Associated General Contractors of America.
Industrial Fasteners Institute.
Menswear Retailers of America.
National Association of Black Manufacturers.
National Association of Small Business Investment Companies.
National Business League.
National Concrete and Masonry Association.
National Home Furnishings Association.
National Insulation Contractors Association.
National Office Products Association.
National Parking Association.
National Patent Council.
National Retail Hardware Association.
National Small Business Association.
National Society of Public Accountants.
Screen Printing Association International.
Tobacconists' Association of America.

"The Administration has broken faith with small business. The Secretary's failure to include any small business tax reform proposals shows an abhorrent lack of interest. How long must the small business community, the very backbone of our economy, continue to give, and give, and give, without getting any help in return?"

## NATIONAL EMERGENCY

Mr. CHURCH. Mr. President, the Special Committee on the Termination of the National Emergency, which Senator MATHIAS and I have the honor to co-chair, is investigating Executive emergency powers. An initial discovery by the special committee is that the United States has been in a state of national emergency since 1933, from which a plethora of emergency statutes, Executive orders, administrative rules and regulations have flowed to the point where the executive branch has the matrix to conduct Government without checks and balances. As the New York Times editorialized about the existence of emergency laws in its lead editorial of April 19, 1973:

Emergency powers are an incredible anomaly in the Constitutional structure of checks and balances. That anomaly should be set right.

I ask unanimous consent that the New York Times editorial of April 19 be printed here in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:



NATIONAL EMERGENCY

The United States has been in a state of national emergency since 1933. This is not a flippant statement, but a matter of law discovered—to the astonishment of members of Congress as well as many in the executive and judiciary branches—by a special Senate committee investigating the powers of the Presidency.

This state of emergency was declared by President Roosevelt on March 9, 1933, to enable him to enforce his bank holiday and assert Presidential control over the economic life of the nation. The emergency of the Great Depression was never declared at an end, even though new states of emergency have been proclaimed by successive Presidents to confront other crises, including the Korean war. The latest came in mid-August, 1971, when President Nixon proclaimed a national emergency giving him special powers to manage American participation in international monetary moves.

Emergency is a very special state of affairs, and there is, of course, an element of historical fantasy in the Senate study. But there is also an astonishing lapse of constitutional process, for over the years no less than 580 separate sections of the United States Code have been piled up to delegate extraordinary powers to the President any time he wishes to declare an emergency.

These include the right to dispatch American armed forces to any country of the world that he chooses to, the authority to regulate all civilian activity in any part of this country—or for that matter the whole country—that he decides to designate a military area. There are no restrictions on the President's ability to declare an emergency for any reason and duration. Once it is declared, neither Congress nor the courts can serve as check to any of the statutory emergency powers.

Under the bipartisan co-chairmanship of Senators Church of Idaho and Mathias of Maryland, the committee is trying to compile a basic list of Presidential emergency powers, something never done before across the whole Government. Then the Senators intend to propose ways to restore constitutional accountability while leaving sufficient flexibility for genuine emergencies.

Both the Senators and the Nixon Administration are rightly conducting this study in a nonpartisan spirit, wisely removed from the immediate struggle over Presidential authority. The emergency powers are an incredible anomaly in the constitutional structure of checks and balances. That anomaly should be set right.

## THE WATERGATE AND THE PRESIDENCY

Mr. HUMPHREY. Mr. President, I was recently asked by the Washington Post to reflect on the implications of Watergate since this issue is of great importance to all Americans.

Because of the wide effect that this issue may have on government and the political process, I ask unanimous consent that my article, which appeared in the Washington Post on May 6, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE THREAT TO THE PRESIDENCY

(By HUBERT H. HUMPHREY)

As Watergate unfolds, many thoughts rush forward. As a man of politics, I feel a deep sense of loss. A shadow of doubt and distrust has been cast over the entire political process.

As a man of government, I realize that the task of maintaining confidence and public trust in the fragile institutions of our democratic system has been greatly impaired.

As an American, I am appalled. It will be difficult for us to say that our country is a reservoir of hope and faith in the midst of cynicism and despair.

Like all Americans, I ask myself time and time again: How did it happen? Blind loyalty, selfishness and deceit are certainly the basic ingredients of the drama. But there is more. The essential morality of leadership which demands that those who lead be aware of the limits of their own power has been violated.

The basis for such violation originates at the philosophical heart of an administration which has been aggressive in demanding our loyalty and trust for the past five years. There have been few times in the history of this nation when a small group of men wielding such tremendous power were so aloof, so remote from the people, and so often contemptuous of institutions of government and the recognized norms of the political process.

Those in power have interpreted their electoral mandates as relieving them of any responsibility to respond to people's needs. The climate of "we know best" has been so pervasive that it has led some to believe that they were above and beyond the law.

I have worked in partisan politics most of my life. But I find no comfort or satisfaction in the incredible and disturbing events which confront us. This is certainly no time for partisan advantage or glee. The events of the past six weeks are, at best, depressing and, at worst, a national tragedy.

I recognize that politics and the personal loyalty that is linked with it must enter into government—not as a necessary evil, but as the mechanism of consensus and of trust.

But I have never seen a national administration more insistent on personal loyalty for its life's blood. Personal loyalty—rather than individual competence—has too often been the determinant in filling positions of high authority in this administration. It is no wonder that loyalty to administration and to friends seems to have been placed before loyalty to the constitutional institutions of government by those involved in this tragic crisis.

It has been suggested that Watergate was no different from the way things are usually done in politics. We continually hear the word "politician" linked to this event.

However, Watergate was not politics as usual. It was a flagrant violation of the law. Wiretapping, burglary, breaking and entering, conspiracy and obstruction of justice have absolutely no place in even the most vigorous partisan contest.

Even before the recent Watergate developments came to light, the President's ability to govern was being seriously impaired by his open and determined political and institutional confrontation with the Congress. This situation was most obvious in his struggle with Congress over the impoundment issue, where the President, choosing to ignore legislative mandate, recklessly cut back or eliminated entire programs established by law.

I urge the President to embark now on a course of political restraint and cooperation with the Congress, the kind of constructive partnership that alone can enable the nation to resolve or seek solutions to such urgent and pressing problems as inflation, unemployment, poverty, racism, the energy crisis, transportation, foreign trade policy, rebuilding our cities, providing good schools, assuring adequate health care and cleaning our environment.

A President cannot achieve such goals by himself, and surely the problems plaguing this presidency make such cooperation even more essential.

BROADENING THE CABINET

To develop a consensus and assure the country that the office of President is not narrowly partisan but speaks for all the people, he might well follow the precedents established by such Presidents as Roosevelt Eisenhower and Kennedy and recognize that his administration would be strengthened by including members of the opposition party in his Cabinet and at other high levels of government. Partisanship and blind personal loyalty must give way to restoring trust and confidence in government and in those who hold authority and responsibility.

The indictments, dismissals, resignations and prison sentences likely to result from the Watergate affair add to the growing public distrust of the American government. Before there can be any meaningful conduct of domestic and foreign public business, there must be a cleansing of the house of government. It is the people's trust and faith in their political leaders and institutions that give meaning to the social contract of popular government.

The loss of public confidence in any public official or in those who surround him can be rectified by an election. But the restoration of public confidence in the institutions of government is a slow process that requires constant building and rebuilding. This process will require more than punishing or censuring those who are found guilty of criminal acts. We must take positive steps:

The Senate has called for the appointment of an independent public prosecutor, a man of unquestioned integrity, the highest professional ability and the tenacity to get the job done. He must have the power, the authority and the resources to act independently to fulfill every requirement of thorough and impartial investigation and—where the facts warrant—prosecution.

The secrecy that pervades both the executive and legislative branches must be ended. Doors must be opened, so that the public's right to know is effectively upheld.

The remoteness of our President and his staff from the people and everyday life and problems of America should be discouraged.

DECENTRALIZING POWER

The relentless drive for centralization of power in the White House has occurred at the expense of public accountability and scrutiny of this powerful office. This entire process should be re-evaluated and checked. We must establish a strict code of conduct and ethics for all public employees at all levels of government.

We must press anew for urgent reform of our system of campaign financing. It is a cancer in the body politic. It lends itself to cynicism and distrust of public officials. It makes public office something to be bought and sold in the marketplace. We must close the loopholes in campaign financing laws and require full disclosure of receipts and expenditures. Strict limits must be placed on amounts to be contributed and expended. Forms of public financing—including tax credits, the dollar check-off from income tax, free television and radio time—might be provided.

Above all, we must renew our commitment to the First Amendment freedoms so necessary to safeguard the democratic process.

There is a familiar maxim—that power corrupts and absolute power corrupts absolutely. This admonition applies to both nations and individuals. With Watergate we have seen officials of our government commit criminal acts that strongly resemble the practices and methods directed against foreign governments and other peoples. Counterespionage, coverups, infiltration, wiretapping, political surveillance, all done in the name of national security in faraway places, have come home to haunt us. The spirit and the purpose of domestic policy is said to condition our foreign policy. The reverse is also true. What we do abroad influences what happens at home.

Finally, we cannot escape the ultimate implication of Watergate: that it may reflect the reality of today which permits some with money and power to live beyond the law. It is not possible to separate Watergate from

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the vast financial swindles, consumer frauds, growing white-collar and street crime that all Americans must deal with on a daily basis. Morality is more than a political issue: It is a public and private issue demanding the attention of all Americans.

## WILLIAM BENTON, INNOVATOR OF PRACTICAL POLITICAL IDEALISM

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the RECORD a tribute by Mr. Charles P. Taft, chairman of the Fair Campaign Practices Committee to William Benton.

There being no objection, it was ordered to be printed in the RECORD as follows:

WILLIAM BENTON

Among all the eulogies to William Benton the super-salesman, Benton the Philanthropist, Benton the intellectual, Benton the educator and Benton the public servant, we may forget too soon the part that William Benton played in our American political process. Benton the politician was more than a successful candidate for the United States Senate, more than an adviser and supporter of presidential candidates. He also deserves a share of the credit for two decades of effort to improve the political campaign climate.

William Benton, in the field of politics as in so many other fields, was an innovator. In the early 1950's when smear-by-innuendo was a standard tactic in political campaigns, William Benton urged Congressional action to uplift the moral tone of American political life.

But William Benton was more than an idealistic uplifter. Two Subcommittees of the United States Senate were investigating some of the campaign tactics of those days which seemed to indicate an underlying sickness in the political process. William Benton urged action upon the Subcommittees, but he was too much of a practical politician to believe that the Congress could legislate political morality.

Instead, he urged the establishment of "a continuing national commission of national citizens with a full-time staff to collect material, issue reports, and develop standards of behavior on the conduct of political campaigns." That was in the summer and fall of 1951, and both Subcommittee reports recommended a set of political campaign principles to be administered by a private, non-government group.

In 1954 the Fair Campaign Practices Committee was established to educate candidates, campaigners and voters on the practicality of clean campaign tactics. I became Chairman of the Committee—a post I still hold—in 1956 and William Benton officially joined the Board of Directors of the Committee in 1960.

The Fair Campaign Practices Committee certainly has not solved all the problems of dirty politics. William Benton, in his 1951 testimony which helped set the scene for the creation of the Committee, did not expect instant political honesty. William Benton, as a member of the Board of Directors of the Committee until his recent death, did not expect political miracles.

But he did urge upon all connected with the political process a belief in the sanctity of office and in the essential decency of the men selected to run for office. Because of men such as William Benton the political campaign climate is better today, and it is better because of the improvements he recommended 20 years ago.

## SENATOR RANDOLPH DISCUSSES KEY ISSUES TO BE RESOLVED IN HIGHWAY CONFERENCE

Mr. RANDOLPH. Mr. President, the Congress is now approaching the final step in its development of the Federal-Aid Highway Act of 1973. The Senate conferees on this measure have been appointed and the first meeting of the conference committee is scheduled for May 9.

It is unnecessary to remind Members of the Senate that this is extremely important legislation. It is also extremely controversial legislation. Seldom, in recent years, has public attention been so intensely focused on highway legislation as during the past year.

Mr. President, I do not anticipate that this will be an easy conference. There are a number of differences in the Senate and House versions of the highway bill. That, in itself, is not unusual. This year, however, there are major questions of policy on which a sharp divergence of views has been expressed in votes by the two bodies.

I have reviewed carefully the provisions of both bills, and I believe that the major obstacles to agreement lie principally in four issues. Even though we are dealing with highway legislation, two of the questions to be resolved deal with a nonhighway subject—mass transit.

The first of these questions, of course, is whether the resources of the highway trust fund should be used to finance mass transit activities. During the development of this legislation in the Senate, there were several proposals addressed to this question. The Senate Public Works Committee recommended approval of the use of trust funds for public transportation that is highway-related, including the purchase of buses. Our committee measure was amended on the floor to extend this authority to all forms of mass transit, including rail. The House rejected such provisions. Obviously, then, a critical objective of the conferees will be to reach accommodation on this point. This must be done if we can realistically expect to have a bill enacted.

Mr. President, I believe it is important for me to clarify my position on this subject. In recent weeks there has been published speculation that I would quickly accept the House position on mass transit. On March 18 the New York Times quoted an unnamed lobbyist as saying that I would cynically report to the Senate that I was unable to persuade the conferees to accept the Senate provision. A Washington Post writer, on April 16, asserted that there was not much doubt about what JENNINGS RANDOLPH would do in the conference. "He will simply give in to the House position," the article said.

There is absolutely no basis for this supposition. It is apparently founded on my opposition to the Senate amendment which would permit the use of the highway trust fund for rail transit purposes.

In the first place, the House bill does not reflect my belief as to the relationship of the highway program to public transportation. The House bill makes scant recognition of this relationship. I have long advocated that highway funds be used to assist transit programs that are highway related. In 1969, I introduced legislation to authorize trust fund usage for highway-related transit purposes. It was considered, at that time to be an unusual proposal and it was promptly rejected during development of the Federal-Aid Highway Act of 1970. Last year and again this year, however, a similar approach was adopted by the Senate Public Works Committee. So, for me to accede to the House bill on this point would mean the abandonment of what I believe to be a proper function of the highway program.

Furthermore, I could not participate in this conference unmindful of my responsibilities to the Senate. While all conferees may not be in total agreement about every provision, it is our duty to support the Senate bill. We must do this vigorously, consistent with our overall goal of producing responsible legislation. No Senator could long maintain credibility with his colleagues if he were not a reliable representative of this body.

A second potential stumbling block for the conferees is the provision in the Senate bill providing operating subsidies for mass transit. While the subsidies would not come from the highway trust fund, this is a new program to which the administration has expressed strong objections. In many respects, though, I believe operating subsidies are more important than construction funds if American cities are to have viable mass transit systems.

There are also significant differences between the two bills as to the funding levels for the highway program. These must be resolved before the Committee of Conference can return with a report to the two Houses. Even within the total authorization figures there are significant variants in the spending proposed for individual programs. In some instances, the recommended expenditures reflect major policy directives and, therefore, must be subjected to detailed scrutiny.

The fourth major point which must be resolved in conference is that known as interstate transfer. This is a complex issue on which there are many opinions. Basically, it is concerned with the removal of urban segments of the interstate highway system and the use elsewhere, or for other purposes, of the money allocated to these segments. Provisions for interstate transfer are intended to help resolve controversy associated with a number of interstate highway segments throughout the country, particularly in urban areas. Once again, the two bodies approach the subject from different philosophical and operational viewpoints, greatly compounding the difficulty of resolution.

In addition to the four major issues in the two bills, there are, of course, other provisions on which the Senate and House did not approve identical language. I anticipate that our discussion will be lengthy and intense on such subjects as highway beautification, highway safety, a number of individual programs, and the priority primary system which was first proposed last year by the House, and rejected by the Senate conferees.

There is much at stake in this bill that makes the forthcoming conference more than routinely important. Our actions will be closely watched by the public, but we must resist the temptation to do what is expedient or what will attract headlines. I welcome public scrutiny, but the Members of the Senate and the House of Representatives, who will meet next Wednesday, must approach their work with a seriousness of purpose which reflects their recognition of the central role the highway program occupies in the social and economic life of the United States. I am convinced that they will do this and, that working together, a highway bill that continues this important program in a responsible manner will be produced.



## DR. EUGENE BALTHAZAR, A REMARKABLE INDIVIDUAL

Mr. HUMPHREY. Mr. President, Eugene Balthazar is a remarkable individual. After 46 years as a very busy physician in general practice in Aurora, Ill., Dr. Balthazar has "retired" to do the kind of work he has been dreaming of for many years. Seven months ago, Dr. Balthazar established a clinic, open 3 days a week, to treat anyone who could not afford to go to other doctors. Dr. Balthazar collects no fees whatsoever, and has even had to put out some cash of his own to get the clinic started. The clinic is a great success and I believe that my colleagues will be interested to learn how one doctor is trying to meet the health care needs of the medically indigent in his community. I ask unanimous consent that an article from the American Medical News be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE'S THANKING TOWN WITH CLINIC

Last month, the Illinois State Medical Society presented its first Humanitarian of the Year award to Eugene R. Balthazar, MD, a retired general practitioner who established a free medical dispensary in Aurora last year after 46 years of practice in the area.

"If you can afford to pay, please see your family physician," is the motto of the clinic which presently is treating 80 to 100 patients mostly acutely ill children, on an average day.

"This community has been good to my family and me for decades, and I owe the people something," said Dr. Balthazar, 71, who never gives anyone a bill and is paying about $1,000 a month out of his own pocket to keep the clinic running.

"I had the idea for years," he added, "and wanted to end my professional career in this way."

The clinic, located in a former furniture store and leased to Dr. Balthazar for $1 a year, is open from 9 a.m. to 5 p.m. on Monday, Wednesday, and Friday. It is not uncommon to see a dozen or so patients lined up outside waiting for the doors to open. No appointments are needed, and patients are seen in the order of their arrival.

Dr. Balthazar emphasizes that "no fees of any kind will be accepted under any circumstances." Upon reading and hearing of his clinic, many citizens began sending him contributions—a practice which he quickly asked to be ended.

Included in Dr. Balthazar's expenses are the salaries he pays a registered nurse, Mrs. Catherine Weiland, who was with him in his private practice, and a receptionist, Mrs. Mary Paetzold.

Volunteering their efforts are seven registered nurses, a licensed practical nurse, and 19 community workers who do interpreting and clerical work. Interpreters are necessary because Mexican-Americans comprise a significant portion of the 75,000 population of Aurora, which is about 40 miles from Chicago.

Pharmaceutical houses have heard of his practice and contributed supplies. Local retiring physicians also have given him their supplies.

In addition to volunteer aid from the medical and nursing professions, area dentists also have agreed to take patients referrals on a free basis.

"Eighty per cent of the kids we see are violently ill," (but don't require hospitalization) said the friendly, gray-haired man who never sent out bills in his private practice. "When people could pay me, they did, and sending bills was a lot of work for nothing," he said. But enough people did pay him so he could fulfill the dream of a free clinic.

Dr. Balthazar said the clinic, in just seven months of operation, has exceeded his expectations. Because of patient demand, he expects to open soon on Saturdays.

The clinic does not treat obstetrical or venereal disease cases or patients who need hospitalization. Any patient, regardless of income, is treated on his first visit. But Dr. Balthazar wants to restrict the clinic to just poor patients.

On a recent visit by American Medical News, 25 handicapped children were brought to the clinic and received a physical examination.

How long will Dr. Balthazar keep the clinic running? "Until I run out of breath or money," he says. And what does he do on Tuesday and Thursday when the clinic is not open. "I recoup," he said.

Although the clinic is only open three days a week, he still is on call 24 hours a day.

"Dr. Balthazar is a wonderful, unbelievable man," said his receptionist, Mrs. Paetzold. "He is sort of a Santa Claus."

A volunteer sitting nearby in the crowded waiting room added, "This clinic must mean an awful lot to this community, or we wouldn't have so many people."

## WATERGATE

Mr. HASKELL. Mr. President, in view of recent developments surrounding the Watergate incident of last summer I thought a decision made by the San Francisco superior court in 1964 would be of interest to my colleagues.

The decision finalizes a preliminary injunction issued in 1962 in the case of the Democratic State Central Committee against Committee for the Preservation of the Democratic Party in California. The case involved a committee organized and financed by the Nixon for Governor Finance Committee, which masqueraded as a bona fide committee of Democrats.

The court found—

Mr. Nixon and Mr. Haldeman approved the plan and project. . . .

Mr. President, I ask unanimous consent that a copy of the judgment of the court be printed in the RECORD.

There being no objection, the judgment of the court was ordered to be printed in the RECORD, as follows:

[In the Superior Court of the State of California, in and for the city and county of San Francisco—No. 526150]

JUDGMENT

(Democratic State Central Committee, et al., Plaintiffs, vs. Committee for the Preservation of the Democratic Party in California, an unincorporated association, et al., Defendants)

The above entitled matter came on regularly for hearing on October 22, 1962, at which time the above entitled Court issued a temporary restraining order against the defendant Committee for the Preservation of the Democratic Party in California, hereinafter called the defendant Committee, Joseph Robinson, Robinson & Company Inc., a corporation, William Martin, Ed Fitzharris, Harry J. Boyle, Austin Healy, Crocker-Citizens National Bank, formerly Crocker-Anglo National Bank, Recorder Printing and Publishing Company, a corporation, and Bernhard A. Hansen, individually and as vice-president of said Recorder Printing and Publishing Company. Thereafter the matter was continued from time to time to November 2, 1962, at which time the Court issued a preliminary injunction against the defendants above named. Pursuant to court order the matter was then continued while plaintiffs herein took depositions of persons not parties to this action. The matter then came up for hearing before this Court, Department 5 thereof, Honorable Byron Arnold presiding without a jury, and upon the complaint (as amended to insert the names of certain appearing defendants sued as fictitious defendants) and the above defendants' demurrer, and Gerald J. O'Gara, Esq., Webster V. Clark, Esq., and Gerald Marcus, Esq., appeared as counsel for plaintiffs and Ralph Golub, Esq., appeared as counsel for the defendants Joseph Robinson, Robinson & Company Inc., William Marlin, Ed Fitzharris, Austin Healy and Harry J. Boyle, and Almon B. McCallum, Esq. appeared for defendant Crocker-Citizens National Bank, formerly Crocker-Anglo National Bank, and Brobeck, Phleger & Harrison by Robert Metz appeared for defendants Recorder Printing and Publishing Company, and Bernhard A. Hansen, individually and as Vice President of Recorder Printing and Publishing Company. The Court having read the depositions of six witnesses taken in San Francisco and Los Angeles and all said depositions having been admitted in evidence and the Court having examined the proofs, both oral and documentary, offered by the respective parties, and further evidence having been presented and admitted from time to time until October 30, 1964; and the cause having on that date been submitted for decision, and the Court having fully considered all the evidence and arguments of counsel;

Now, therefore, the parties having waived notice of time and place of trial and findings of fact and conclusions of law herein except as specifically set forth herein and the Court being fully advised in the premises hereby finds as facts the matters set forth herein and from the facts so found makes the conclusions of law set forth herein.

It is hereby ordered, adjudged and decreed that:

1. In October, 1961, Richard M. Nixon announced his candidacy for the governorship of California.

In October, 1962, a circular to Democrats was drafted which purported to express the concern of genuine Democrats for the welfare of the Democratic Party and their fear that the party would be destroyed if candidates supported by the California Democratic Council (hereinafter called the "CDC") including primarily Governor Brown, were elected in the November 1962 election. It appealed for the support and money of Democrats in fighting the CDC and certain policies attributed to it and cast aspersions on the Democratic candidates endorsed by it. It was drafted in the form of a postcard poll addressed to Democrats. This postcard poll was reviewed, amended and finally approved by Mr. Nixon personally in the form attached hereto as Exhibit A. It criticized the policies of the CDC and the Democratic candidates it surprised, notably Governor Edmund G. Brown, and asked the addressee Democrats to express their preference either for Governor Brown and the other statewide Democratic candidates or their Republican opponents, headed by Mr. Nixon.

Nowhere in Exhibit A or letters mailed by defendant Committee was it stated that the defendant Committee and its mailing of Exhibit A were supported and financed by the Nixon for Governor Finance Committee. Mr. Nixon and Mr. Haldemann approved the plan and project as described above and agreed that the Nixon campaign committee would finance the project.

Officials of the Nixon for Governor Committee then made an agreement with de-

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fendants Robinson and Company, a corporation and Joseph Robinson, whereby for the sum of $70,000 Robinson and Company agreed to print, address and mail the postcard poll as described above and to receive and compile the results of the poll as indicated on the return postal cards.

In accordance with that agreement defendants Robinson and Co. and Joseph R. Robinson mailed more than 500,000 postcards to registered Democratic voters in California in the month of October, 1962. That mailing continued until this Court enjoined further mailings and enjoined compilation or publication of any poll resulting from the distribution or mailing of the postcards.

As shown by the report of the Nixon for Governor Finance Committee filed with the Secretary of State of California and attached as Exhibit B, and by the testimony of members of the Nixon Finance Committee and Campaign Committee, the Nixon campaign paid $70,000 to defendant Robinson and Company for its work in connection with the distribution of the postcard attached as Exhibit A and with the taking of this poll in the name of the Committee for the Preservation of the Democratic Party in California.

The financial support for the defendant Committee consisted of the above sum contributed by the Nixon for Governor Finance Committee and approximately $368.50 which was contributed by Democratic voters in response to the postcard and appeals circulated and made by the defendants Robinson and Company, Joseph Robinson, the defendant Committee and other defendants.

The executive secretary of the defendant Committee was defendant William Marlin. He was paid $750 for his services by defendant Committee.

Defendant Ed Fitzharris was one of the publicists employed by the defendant Committee. He was paid $1000 for his services on behalf of defendant Committee.

2. Plaintiff the Democratic State Central Committee, also known as the California Democratic State Central Committee, is the official committee of the Democratic Party in California. The Democratic State Central Committee exists pursuant to the Elections Code of California and conducts the business and campaigns of the Democratic Party in California. It is the only official statewide Democratic organization in the State of California.

3. On December 10, 1962, John Robert White, as treasurer of the Nixon for Governor Finance Committee 1962 General Campaign caused to be filed with the Secretary a Statement. The statement Exhibit B contained under heading "Expenditures for Payment of Personnel, Item (d)" an entry as of State of California a General Campaign follows "Robinson and Co.—$70,000."

This payment was the largest single item of expenditure for payment of personnel in the statement.

Defendant Robinson & Company received the above sum from the Nixon for Governor Finance Committee for the mailing of the double postcard attached hereto as Exhibit A and related services. Payment was received by Robinson & Company in the form of two checks drawn on the Nixon for Governor Finance Committee account, one dated October 5, 1962, check No. 3530 for $35,000, and one on October 22, 1962, check No. 3837 for $35,000.

Said checks are attached hereto as Exhibits C and C1 respectively.

4. All accounts and ledger sheets which defendants Joseph Robinson and Robinson and Company Inc. carried on behalf of the defendant Committee were carried in the name of "Nixon for Governor Campaign—(Committee for Preservation of Democratic Party in California)" as reflected by the ledger sheet attached hereto as Exhibit D.

All statements for the work performed by defendants Joseph Robinson and Robinson and Company for and on behalf of the defendant Committee were sent for payment to H. Robert Haldeman, Campaign Manager of the Nixon for Governor Campaign Committee.

5. Richard Nixon in his campaign for the governorship of California, felt that the postcard and poll, Exhibit A would be very helpful to him since it reflected his own position concerning the relationship of Democrats to the CDC.

The list of seven so-called objectives or viewpoints purportedly held by the CDC, beginning with "Admitting Red China into the United Nations" and ending with "Refusal to Bar Communists from the Democratic Party," as recited in the postcard Exhibit A were substantially the same as charges made repeatedly by Mr. Nixon in his campaign speeches.

6. The defendant Committee for the Preservation of the Democratic Party in California consisted at most of 20 or 30 members. Defendants Austin Healy and Harry J. Boyle were and are co-chairmen of said Committee.

7. Defendant Joseph Robinson, president of defendant Robinson and Company, Inc. is a professional political pollster and fund raiser for campaigns. Defendant Robinson and his corporation arranged for printing and handled the distribution of the postcard Exhibit A.

8. In October, 1962 defendant Committee for the Preservation of the Democratic Party in California and its members, agents and/or employees, namely, defendants Joseph Robinson, Robinson and Company, Inc., a corporation, William Marlin, Harry J. Boyle, Austin Healy and Ed Fitzharris, directly and indirectly solicited funds upon representations, express and implied, that the funds were being solicited for the use of the Democratic Party.

In truth and fact, such funds were solicited for the use, benefit and furtherance of the candidacy of Richard M. Nixon for Governor of California.

None of the following persons gave their consent to the Committee for the Preservation of the Democratic Party in California to solicit funds for or on behalf of the Committee for the Preservation of the Democratic Party in California or the Democratic Party in California:

Stanley Mosk, Democratic National Committeeman from California;

Elizabeth Rudel Gatov, Democratic National Committee Woman from California;

Eugene Wyman, Chairman of the California Democratic State Central Committee;

Roger Kent, Chairman of the Northern Division of the California Democratic State Central Committee;

John Kerrigan, Chairman of the Southern Division of California Democratic State Central Committee.

Nor did any executive committee of any Democratic county central committee wherein the solicitation was made given such consent.

9. Defendants Committee, Marlin, Robinson and Company, Inc., Robinson, Boyle, Healy and Fitzharris made various misleading statements as specified below in connection with said postcard poll, Exhibit A, the letters of October 15, 1962 and October 17, 1962 attached hereto as Exhibits E and E1 respectively, and the press releases attached hereto as Exhibits H and H1.

(a) (Statement) That the Democratic Party or a qualified Committee thereof or members of the Democratic Party sincerely interested in preserving the Democratic Party were mailing postcard Exhibit A to Democratic voters in order to secure a poll of members of the Democratic Party answering the questions on Exhibit A relating to said party and its candidates and wished such Democratic voters to fill out the poll contained therein and return it to the defendant Committee organized, dedicated and operating for the preservation of the Democratic party and/or to the Democratic Party.

(Fact) Neither the Democratic Party nor plaintiff Democratic State Central Committee nor any qualified officer, official or committee thereof or any member of the Democratic Party primarily interested in its welfare or preservation had any connection with or knowledge of or in any way sponsored or approved the acts or conduct of defendants or any of them or said postcard Exhibit A, the letters Exhibits E and E1 or said poll. On the contrary plaintiffs representing said Democratic Party opposed said postcard Exhibit A, letters Exhibits E and E1, and said poll and the Committee's activities.

(b) (Statement) That the Democratic Party and its fundamental and historic policies were and are in opposition to the CDC and its policies.

(Fact) The Democratic Party and the CDC are dedicated to the same basic general objectives and principles.

The Democratic Party is the official organization and is represented by plaintiff Democratic State Central Committee, constituted as set forth below in this paragraph 9, subparagraph (f) below.

The CDC is an unofficial organization of volunteer Democratic voters.

In a relatively few instances plaintiff Democratic State Central Committee and the CDC have taken different positions on specific issues.

In those cases, plaintiff Democratic State Central Committee has not adopted or accepted the policies of the CDC. On the other hand, it has not attempted to destroy the independent character of the CDC by denying its members the right to express their opinions.

(c) (Statement and Implication) That the Democratic Party wished said voters to send money for the use and benefit of the Democratic Party and its statewide candidates to the Committee for the Preservation of the Democratic Party in California, Crocker Anglo National Bank, One Montgomery Street, San Francisco, California, and the defendant Committee was a bona fide committee of Democrats organized for the sole purpose of preserving the Democratic Party in California and was appealing to and soliciting Democratic voters for contributions of money to be used for the use, benefit and preservation of the Democratic Party in California.

(Fact) The defendant Committee and its postcard poll and its activities were financed by, for and in aid of the campaign to elect Mr. Nixon Governor of California.

Defendant Marlin in a memorandum attached as Exhibit I recorded the "queries I have had from the Press and the way I am answering them." in part as follows:

"1. How are you being financed?

"A. We have appealed to Democrats throughout the State, and so far their support has been most encouraging and helpful. An appeal has been sent to some 50,000 registered Democrats—along with a Poll on their reactions to the CDC. We are hopeful that we will receive enough financial support to expand this list to some one-million Democrats in California."

"2. Are you receiving any Republican money?

"A. We are not refusing any contributions—and naturally, the Republicans are interested in this campaign. We are considering extending our fund-appeal to Republicans, as we believe all citizens should be concerned with the power-grabbing strategy of the CDC."

"9. Are you urging Democrats to support Nixon and other Republican candidates?

"A. We are not conducting a campaign of *any* candidates. We are campaigning for the preservation of the Democratic Party by exposing the CDC's left-wing stands and power-grabbing tactics. We are making a plea to clean up the Democratic Party."

(d) (Statement) That the defendant Committee was a bona fide committee of Democrats organized, dedicated and operating for the sole purpose of preserving the Democratic Party, and desired and was sincerely endeavoring by the postcard Exhibit A to secure a fair and representative poll of all segments of the Democratic Party and to determine by such poll the general sentiment of the rank-and-file members of the Democratic Party toward the CDC, the policies of the CDC and the statewide Democratic candidates, and to determine whether members of the Democratic Party as a whole preferred to support the named statewide Democratic candidates, and in particular Governor Brown, or felt that in order to preserve their party from control and domination of the CDC they should vote for Republican candidates, and in particular for Richard M. Nixon for governor of California.

That the results of the poll would reflect the feelings of rank-and-file Democrats including liberal, progressive and middle of the road Democrats as well as conservative Democrats.

(Fact) The activities of defendant Committee, including its postcard poll, its letters and its publicity releases, were instigated, financed, prepared, implemented, supervised and executed by the Nixon for Governor Campaign Committee and the Nixon for Governor Finance Committee. This is evidenced by these facts:

The invoice dated September 19, 1962 from defendant Robinson & Company Inc. to Nixon for Governor Campaign Committee, attached as Exhibit G provided for a "statewide mailing to 900,000 *Conservative* Democrats, also handling and tabulating poll."

When returns were received from said postcard poll, however, they were publicized by the defendant Committee as representing the "voice of the rank and file Democrat."

In the publicity release attached as Exhibit H, distributed to and published substantially by various California newspapers, dated October 20, 1962 for release October 22, 1962, the defendant Committee stated in part:

"First returns of a Poll being circulated to more than one hundred thousand Democrats throughout California indicate that:

"Nine out of ten registered Democrats flatly reject the 'ultra-liberal' California Democratic Council (CDC).

"The voice of the rank-and-file Democrat is now being heard, and that voice is speaking out loud and clear against the CDC and all it represents.

"Financial support has been pouring in from all over the State, providing means of expanding our Poll, and permitting thousands of rank-and-file Democrats to express themselves on this imperative question."

Defendant Committee failed to inform the Democrats receiving the postcard poll Exhibit A and the public that said poll actually was mailed to precincts consisting predominantly of conservative Democrats.

In its publicity release attached as Exhibit H1, distributed and published substantially by various California newspapers, dated October 26, 1962 for release October 27, 1962, the defendant Committee stated in part:

"The order Kent has obtained, prevents our Committee from releasing to the Press the results of a valid poll of some half-million registered Democrats in California, on their reactions to domination of the Party by the left-wing CDC (California Democratic Council)."

For the reasons set forth above the questions in the postcard Exhibit A confused and misled Democrats and produced answers which served primarily the purpose of assisting Mr. Nixon in his campaign.

(e) (Statement) That "Governor Brown . . . has become their (referring to the CDC) captive." (Exhibit A).

(Fact) This statement is false.

(f) (Statement) That the CDC in the 1962 campaign dominated and directed the Democratic Party and captured and dominated Democratic nominees, the Democratic State Convention, and leadership of the Democratic Party.

(Fact) The State Convention of the Democratic Party is made up of nominees selected by the voters in free and open primary elections. The Democratic State Central Committee is made up of such nominees and their appointees and the Chairmen of the 58 Democratic County Central Committees. Such chairmen are duly elected by the members of their respective committees who in turn are elected by the rank-and-file Democratic voters. The officers of the Democratic State Central Committee are elected by members of the Committee. The nominees of the party and its officials are therefore directly selected by the rank-and-file Democratic voter and in the case of officers of the Democratic Party by representatives of the rank-and-file voters.

10. The postcard Exhibit A, the letters Exhibit E and E1, and the publicity releases Exhibits H and H1 were advertising by the defendants Committee, Joseph Robinson, Robinson and Company, Inc., Marlin, Boyle Healy and Fitzharris for the purpose of securing votes and money from members of the Democratic Party.

They were misleading in the particulars stated in paragraph 9 and elsewhere in this Judgment.

11. The postcard Exhibit A was a pamphlet and printed matter having reference to the 1962 general election and to the statewide candidates in said election and did not bear upon its face the name or address of the printer or publisher.

12. By reason of the facts herein stated plaintiffs were obliged to spend more than $10,000 in pursuing this action and enjoining the acts and conduct of said defendants Committee, Marlin, Joseph Robinson, Robinson & Company, Inc., Boyle, Healy and Fitzharris.

13. In response to the postcard Exhibit A and letters Exhibits E and E1, various Democratic voters contributed money to said defendant Committee. The balance of such money so collected amounts to approximately $368.50 and is now on deposit in the head office of the Wells Fargo Bank, 464 California Street, San Francisco, in an account entitled "Roger Kent and Gerald J. O'Gara, Trustees for the Democratic State Central Committee."

The parties have stipulated that plaintiffs shall be awarded damages in the sum of $100 and costs in the sum of $268.50 (or balance remaining in said Wells Fargo Bank account above described). All such damages and costs to be paid exclusively from such account.

14. The temporary restraining orders and the preliminary injunctions heretofore issued herein were properly issued by reason of the facts set forth herein and the reasons set forth in said temporary restraining order and preliminary injunction, including the following reasons:

(a) Because of the location of defendants and their agents in various widely separated parts of California, including San Francisco and Los Angeles Counties, a multiplicity of suits would have been necessary to secure damages.

(b) Any final judgment after November 6, 1962 would have been ineffectual and a preliminary injunction after November 6, 1962 would have been of virtually no value compared to the temporary restraining order issued October 22 and the preliminary injunction issued November 2, 1962.

15. Unless restrained during this action and permanently (except those defendants dismissed herein by stipulation) enjoined by this Court, defendants/intended to and were and/or are likely to

(a) Publish, post, mail, circulate and distribute the postcard and writing in the form of Exhibits A, E and E1 attached hereto or in some form substantially similar to said Exhibits.

(b) Publish, post, mail, circulate, reveal or distribute results from the poll which they conducted or could conduct by means of Exhibit A.

(c) Solicit, collect or accept money from Democratic voters by using directly or indirectly a postcard, pamphlet, folder, letter or writing in the form of Exhibits A, E and E1 or forms substantially similar to said Exhibits.

(d) Use, appropriate, spend and disburse money received from registered Democratic voters in response to or in connection with said postcard Exhibit A, and letters Exhibits E and E1.

(e) Use in some manner or through some medium said Exhibit A or the contents thereof and the matters or things growing out of or resulting from the publishing, posting, mailing, circulating or distributing of said Exhibit A or perform acts in furtherance of or in connection with the activities set forth in said Exhibit A. In this connection all defendants represent that according to their best knowledge, information and belief they do not have on hand, in their possession or under their control at various United States Post Offices in California or elsewhere postcards in the form of Exhibit A addressed to various Democratic voters and not yet delivered, return postcards part of said Exhibit A, tabulations of certain return postcards which were part of said Exhibit A or alleged polls based upon such tabulations or other memoranda, correspondence or writings purporting to show the opinions and positions of Democratic voters on the candidates and issues mentioned in said postcard Exhibit A.

However, defendants agree that if any such postcards, return postcards, tabulations, polls, memoranda, correspondence or writings are hereafter discovered by defendants and come into their possession or under their control defendants will cause all such material to be destroyed forthwith or will without disclosing or publicizing the same to any person (other than plaintiffs or to this Court) deliver the same to this Court for safekeeping or destruction as the Court may determine best.

16. Plaintiffs have filed herein undertakings of corporate surety, Peerless Insurance Company, a corporation, in due form as required by law in the sum of $10,000 as a bond given upon issuance of the temporary restraining order herein and $10,000 as a bond given upon issuance of the preliminary injunction.

17. In this action service of the complaint and other papers upon various defendants designated therein by fictitious names was made in accordance with law as follows:

FICTITIOUS NAME—TRUE NAME

First Doe—Ed Fitzharris.

Third Doe—Austin Healy.

Fourth Doe—Robinson and Co., Inc.

Eighth Doe—William Marlin.

Ninth Doe—Crocker-Anglo National Bank of San Francisco, now Crocker-Citizens National Bank.

Thirteenth Doe—Recorder Printing and Publishing Company, a corporation.

Fourteenth Doe—Bernhard A. Hansen, individually and as vice-president of Recorder Printing and Publishing Company.

18. All parties hereto have stipulated that this action shall be dismissed upon entry of judgment as to defendants, Joseph Robinson, individually, Crocker-Anglo National Bank, now Crocker Citizens National Bank of San Francisco, Recorder Printing and Publishing Company, and Bernhard A. Hansen, individually and as vice-president and general manager of Recorder Printing and Publishing Company, a corporation, and upon plaintiffs and said dismissed defendants exchanging mutual releases.

19. The postcard, Exhibit A, and the letters of October 15, 1962 and October 17, 1962, Ex-



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hibits E and E1 respectively, were instigated, written, financed and published by supporters of Richard M. Nixon as a candidate for governor of California, and their agents, including defendants Committee, Marlin, Robinson & Company, Inc., Joseph Robinson, Boyle, Healy and Fitzharris.

20. The paramount purpose for organizing the Committee for the Preservation of the Democratic Party in California and its related postcard, poll and activities was to obtain from registered Democrats votes and money for the campaign of Richard M. Nixon.

21. Plaintiff Democratic State Central Committee, also known as the California Democratic State Central Committee, as the official Committee of the Democratic Party in California and the only official statewide Democratic organization in the State of California, was and is entitled to bring and prosecute this action.

Plaintiffs Roger Kent and Elizabeth Rudel Gatov have brought and were and are entitled to bring and prosecute this action in behalf of themselves individually and in their official capacities respectively, (namely, Roger Kent as vice-chairman and member of the Executive Committee of the Democratic State Central Committee and now State Chairman of said Committee and Elizabeth Rudel Gatov as Democratic National Committeewoman for California) in behalf of all registered California Democratic voters and members and officers of the Democratic State Central Committee and its statewide candidates at the 1962 General Election.

22. Defendants Committee and its members, agents and/or employees, namely, defendants Joseph Robinson, Robinson & Company, Inc., a corporation, Marlin, Boyle, Healy and Fitzharris directly and indirectly solicited funds upon representations, express and implied, that the funds were being solicited for the use of the Democratic Party. This solicitation was in violation of Section 12301 of the Elections Code of the State of California.

None of the persons or Democratic Party officials or Democratic County Central Committees required to give such consent by said Section 12301 consented to such solicitation.

23. The acts and conduct of said defendants Committee, Marlin, Joseph Robinson, Robinson & Company, Inc., Boyle, Healy and Fitzharris, and each of them in circularizing members of the Democratic Party for votes and funds through the use of the postcard, Exhibit A and the letters of October 15, 1962 and October 17, 1962, respectively, Exhibits E and E1, constitute misleading advertising in the particulars stated in paragraphs 9 and 10 and elsewhere herein.

Such acts and conduct were and are subject to restraint by temporary restraining order, preliminary injunction and permanent injunction under the provisions of Civil Code Section 3369 of the State of California.

24. Failure of said defendants Committee, Marlin, Robinson & Company, Inc., Boyle, Healy and Fitzharris to print the name and address of the printer or publisher on the face of the postcard Exhibit A was a violation of Section 11592 of the Elections Code of the State of California.

25. Plaintiffs were damaged in a sum exceeding $10,000 which plaintiffs were obliged to spend in pursuing this action and enjoining the above recited acts of the defendants Committee, Robinson & Company, Inc., a corporation, Marlin, Boyle, Healy and Fitzharris.

26. The sum of approximately $368.50 collected from Democrats in response to the postcard Exhibit A and letters Exhibits E and E1 is now on deposit at the head office of the Wells Fargo Bank, 464 California Street, San Francisco, California, in an account entitled "Roger Kent and Gerald J. O'Gara, Trustees for the Democratic State Central Committee."

By stipulation plaintiffs shall be awarded $100 as damages and $268.50 for costs. The payment of these sums shall be made exclusively from said Wells Fargo Account. Judgment for such sums is hereby awarded against defendants Committee, Robinson & Company, Inc., a corporation, Marlin, Boyle, Healy and Fitzharris.

27. For the reasons stated herein plaintiffs were entitled to the temporary restraining order issued October 20, 1962 restraining defendants Committee, Joseph Robinson, Robinson & Company, Inc., a corporation, Marlin, Fitzharris, Boyle, Healy, Crocker Anglo National Bank of San Francisco, a corporation, Recorder Printing and Publishing Company, a corporation, and Bernhard A. Hansen, individually and as vice president of the Recorder Printing & Publishing Company. Said temporary restraining order was regularly and properly issued and the issuance thereof is hereby approved and confirmed.

For the reasons stated herein, plaintiffs were entitled to the preliminary injunction issued November 2, 1962, restraining the same defendants. Said preliminary injunction was a regularly and properly issued and the issuance thereof is hereby approved and confirmed.

28. For the reasons set forth herein, plaintiffs are entitled to and are hereby granted a permanent injunction forbidding defendants Committee, Marlin, Robinson & Company, Inc., Boyle Healy and Fitzharris to

(a) Publish, post, mail, circulate or distribute the postcard and writings in the form of Exhibits A, E and E1 attached hereto or in any form substantially similar to said Exhibits.

(b) Publish, post, mail, circulate, reveal or distribute results from the poll which said defendants conducted or could conduct by means of Exhibit A.

(c) Solicit, collect or accept money from Democratic voters by using directly or indirectly a postcard, pamphlet, folder, letter or writing in the form of Exhibits A, E and E1 or forms substantially similar to said Exhibits.

(d) Use, appropriate, spend or disburse money received from registered Democratic votes in response to or in connection with said postcard Exhibit A, or letters Exhibits E and E1.

(e) Use in any manner or through any medium said Exhibit A or the contents thereof and matters or things growing out of or resulting from the publishing, posting, mailing, circulating or distributing of said Exhibit A, or perform acts in furtherance of or in connection with the activities set forth in said Exhibit A.

29. The bonds heretofore filed by plaintiffs and their corporate surety, Peerless Insurance Company, as required by the Court for issuance of the temporary restraining order and preliminary injunction are hereby exonerated and said plaintiffs and said surety are hereby discharged and exonerated from any liability to any of the defendants (including dismissed defendants) herein growing out of or connected with the filing or prosecution of this action or the issuance of said temporary restraining order or preliminary injunction.

30. Pursuant to the stipulation by all parties hereto, this action shall upon entry of judgment be dismissed as to defendants Joseph Robinson, individually, Crocker-Anglo National Bank, now Crocker Citizens National Bank of San Francisco, Recorder Printing and Publishing Company, a corporation, and Bernhard A. Hansen, individually and as vice-president and general manager of Recorder Printing and Publishing Company, a corporation, when plaintiffs and said dismissed defendants exchange mutual releases.

31. To the extent there is any conflict between earlier orders of this Court and only to that extent, this judgment and permanent injunction immediately upon filing, shall supersede the orders of this Court restraining and enjoining the above named defendants.

32. The stipulations of the parties herein and in the stipulation attached, are hereby approved, confirmed and made a part of this judgment.

33. Except as herein specifically set forth, each party, (including defendants dismissed) shall pay his or her own costs, expenses and attorneys' fees.

34. Service of a copy of this judgment shall be effective upon delivery to the attorneys for said respective defendants of a certified copy of this judgment with the same force and effect as if such copy were personally served upon such defendants.

Done in open Court October 30, 1964.

BYRON ARNOLD,
*Judge of the Superior Court.*

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[Post Card]

POLL SELECTION

In view of the increasing domination of the Democratic Party by the CDC (California Democratic Council), we are anxious to obtain an opinion sampling of California Democrats. Please fill out and mail before October 23.

(NOTE.—The question to item No. 1 is: *Do You Agree or Disagree?*

1. The CDC leadership viewpoint favors:

Admitting Red China into the United Nations.

Moratorium on U.S. nuclear testing.

Allowing subversives the freedom of college campuses.

Abolition of State and Federal loyalty oaths.

Abolition of the House Committee on Un-American Activities.

Foreign aid to countries with Communist governments.

Complete national disarmament as ultimate goal.

Refusal to bar Communists from the Democratic Party.

(NOTE.—The answer to items Nos. 2 and 3 is "Yes" or "No.")

2. Can California afford to have a Governor indebted to the CDC—who has stated he will veto any legislation damaging to the CDC—who calls it "my strong right arm"—who declares, "I am proud of my membership in the CDC."

3. What course of action should be taken by independent Democrats who don't belong to the CDC and want no part of it?

Demand that Democratic candidates disclaim and abandon the CDC.

Refuse to support candidates who don't renounce the CDC.

Support a Republican candidate rather than sell out the Party and the State Government to CDC objectives.

(NOTE.—Mark one name in each category.)

4. Who in your opinion will win in November?

Governor: Brown or Nixon.
Lt. Governor: Anderson or Christopher.
Attorney General: Mosk or Coakley.
Secretary of State: Rose or Jordan.
Controller: Cranston or Reagan.
Treasurer: Betts or Busterud.
U.S. Senate: Richards or Kuchel.
Supt. of Public Instruction: Richardson or Rafferty.

If you, too, feel it important to preserve our Democratic processes and cut off the CDC handcuffs, please send a contribution today to the Treasurer, Committee to Preserve the Democratic Party in California, Crocker Anglo Bank, One Montgomery Street, San Francisco, California.

And please write us your views.

COMMITTEE FOR THE PRESERVATION
OF THE DEMOCRATIC PARTY IN CALIFORNIA.

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[Post Card]

DEAR FELLOW DEMOCRAT: This is not a plea for any candidate. This is to ask you: Are you aware of what has happened to our Party during the past four years? Many Democrats like ourselves are shocked over the domination of the Democratic Party by the CDC (California Democratic Council). Yet most Democrats are frankly revolted by the CDC leadership's objectives and viewpoint which have included:

Admitting Red China into the United Nations.

Moratorium on U.S. nuclear testing.

Allowing subversives to speak on college campuses.

Abolition of State and Federal loyalty oaths.

Abolition of the House Committee on Un-American Activities.

Foreign aid to countries with Communist governments.

Refusal to bar Communists from the Democratic Party.

These certainly are not the Democratic Party objectives. Yet, operating behind the Democratic Party screen, the CDC is directing the Party, is capturing and dominating Democratic candidates.

Our present Party ticket is composed entirely of CDC nominees, originally proposed, sponsored and handed to the Party by the CDC Convention in Fresno four years ago. Whether willingly or weakly, Governor Brown who was accepted by the CDC and endorsed by them, has become their captive. His capitulation is evident in his statement to the press that he would veto any legislation damaging to the CDC. He told their convention in January, 1962, "The CDC is the strongest political organization in America." He calls it "my strong right arm." He says, "I am proud of my membership in the CDC."

Who are other nominees loaded on our Party by the left-wing CDC? Generally they are men either approving CDC objectives, or undistinguished, unprepared for high office or weak and unwilling to oppose the CDC.

The grave situation was demonstrated at the Democratic State Convention where CDC leaders forcibly prevented adoption of a simple resolution to bar Communists from the Democratic Party organization. After the defeat, a Party spokesman told the press, "If we refuse to ban Communists from the Democratic Party—it means we welcome them!"

As a Democrat—what do you feel we can do to throw off the shackles of this left-wing minority, now so powerful it can dictate the course of our Party?

Should we act now and in the time ahead, to reclaim our Party and restore Party leadership selection to the rank and file membership? Should we repudiate the arrogant assumption that free men dedicated to revered Democratic principles will blindly follow the dictates of those whose objectives are foreign to our own?

We believe our one great weapon is a passive weapon—simple refusal to go along with them. We can break the power of the CDC by refusing to elect their candidates. Or we can take acceptable Republicans—if we can find any. Whatever we do, in the name of the Democratic Party—

*Let's Not Deliver California to the CDC!*

COMMITTEE FOR THE PRESERVATION
OF THE DEMOCRATIC PARTY IN CALIFORNIA.

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CHECK NO. 3530
NIXON FOR GOVERNOR
FINANCE COMMITTEE

*Los Angeles, Calif., October 5, 1962.*

Pay Thirty five thousand and no/100 Dollars ($35,000)

To the Order of Robinson & Company Inc.

Date: June 18, 1963.

Pay to the order of Crocker First National Bank of San Francisco, Robinson & Company, Inc.

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SECRETARY OF STATE,
*Sacramento, Calif., June 18, 1963.*

I, Frank M. Jordan, Secretary of State of the State of California, hereby certify:

That the transcript hereunto annexed, under heading "Nixon for Governor Finance Committee—1962 General Campaign Statement"—with first name thereon being Carol Arth and last name thereon being Helen Gale, is a true copy of one page of the December 10, 1962, Campaign Statement filed in this office on December 11, 1962;

That said Campaign Statement was filed on behalf of John Robert White, shown therein as the Treasurer of said Nixon for Governor Finance Committee.

In witness whereof, I hereunto set my hand and affix the Great Seal of the State of California this 17th day of January, 1963.

[SEAL] FRANK M. JORDAN,
*Secretary of State.*

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*Nixon for Governor Finance Committee—1962 general campaign statement*

Item (d)—Expenditures for payment of personnel—

| | |
|---|---|
| Campaign managers: | |
| Carol Arth | $5,000.00 |
| Charles Farrington | 6,250.00 |
| Harry Haldeman | 13,750.00 |
| Herbert Kalmbach | 1,533.08 |
| John Kalmbach | 8,000.00 |
| Alvin Moscow | 9,000.00 |
| William Spencer | 1,000.00 |
| Louis Quinn | 8,795.45 |
| Daniel C. Waters | 6,034.09 |
| Total | 57,362.62 |
| Advertising agencies and publicity agents: | |
| Joseph Agnello | 6,360.00 |
| Lennie Blondheim | 4,079.80 |
| Bozell & Jacobs, Inc | 29,094.49 |
| Braun & Co | 3,000.00 |
| Robert Carvajal | 1,023.75 |
| Thomas Caton | 1,281.34 |
| H. Blake Chatfield | 1,600.00 |
| Frank DeMarco | 1,150.00 |
| Stephen Hess | 15,000.00 |
| D. Hunter | 5,000.00 |
| Herbert Klein | 3,009.00 |
| Victor Lasky | 3,000.00 |
| Phillip W. Moore | 2,600.00 |
| Richard Quinn | $4,290.91 |
| Robinson & Co | 70,000.00 |
| Al Weinberg | 4,254.55 |
| Jay Williams | 85.00 |
| W. K. Wilson | 900.00 |
| Ronald Ziegler | 3,218.18 |
| Total | 158,947.02 |
| Stenographers and clerks: | |
| Marjorie Acker | 3,811.36 |
| Daphne Alley | 2,052.27 |
| Julie Anderson | 956.25 |
| Nancy Arth | 468.00 |
| Bonita Bailey | 278.47 |
| Joan Baldesarre | 1,500.00 |
| Barbara Baskerville | 250.00 |
| Wilma Battle | 900.00 |
| Lance Bozwell | 38.00 |
| Charles Brammer | 2,649.00 |
| John Carley | 510.00 |
| Joan Carroll | 709.09 |
| Rowland Carter | 1,473.73 |
| Dwight Chapin | 2,059.09 |
| Barbara Clem | 1,437.50 |
| Gladys Crane | 16.00 |
| Elby Cuniberti | 620.00 |
| Jane Dannenhauer | 3,518.18 |
| Peter Decker | 120.00 |
| Jean Dewey | 2,400.00 |
| Anna Mae Eckhoff | 80.00 |
| Dorothy Elliott | 1,012.50 |
| Virginia English | 161.77 |
| Paul Enseki | 403.13 |
| Norene Evans | 435.00 |
| John FitzRandolph | 487.50 |
| Helen Gale | 1,800.00 |

NOTES

Lawful expenses are limited to expenses for those purposes only which are set forth in the first column on the inside pages of this form.

11500. Expenses must be lawful. Neither a candidate nor committee nor any body of superior authority to which the committee is subject, whether before, during or after an election or primary, may directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses.

Note particularly the following pertinent sections of the Elections Code:

11501. Candidate defined. "Candidate" means any person who seeks nomination or election to a federal, state, county, judicial, or hospital district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this State. "Candidate" also includes persons seeking election to a county central committee at the direct primary election.

11561. Candidate: Municipal Office. A candidate or nominee for a municipal office or for election to the office of director of a hospital district need not file a campaign statement if the lawful receipts and expenses of his campaign do not exceed two hundred dollars ($200). However, elected candidates or candidates nominated at a primary election shall file a written declaration to that effect if their campaign receipts and expenses do not exceed two hundred dollars ($200).

11502. "Committee." "Committee" means a committee or group of persons organized for the purpose or charged with the duty of conducting the election campaign of any political party or of any candidate or group of candidates.

11530. Committee shall appoint treasurer. Each committee shall appoint a treasurer who shall receive, disburse, and keep a true account of all money contributed and disbursed for campaign purposes, and who shall, in the same manner and on the same type of forms as required of candidates, file a campaign statement. The county clerk, upon request, shall furnish the treasurer with the necessary forms for submitting the campaign statement required of him by this section.

11531. Candidate may act as campaign treasurer. A candidate may act as the campaign treasurer of his committee but may not act as treasurer for another candidate. When acting as a campaign treasurer, the candidate may sign the campaign statement of the committee.

11560. Campaign statement necessary: Verification. Except as provided in Section 11561, each candidate and the treasurer of each committee shall make and file a campaign statement following the election or primary, as the case may be.

A campaign statement filed with respect to a primary election shall be verified. The verification shall state that the candidate or treasurer has used all reasonable diligence in its preparation, and that it is true and is as full and explicit as he is able to make it.

11562. Responsibility for Illegal Payment. If a candidate at any election other than a primary seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out that illegal payment in the campaign statement and disclaim responsibility for it.

11563. Time for filing statement. All candidates for either nomination or election and the treasurer of each committee shall file their campaign statements within 35 days after the election or primary, or not later than the day preceding the day upon which the candidate takes office, whichever first occurs.

11564. Where filed. Candidates for office to be filed by the voters of the State or of any political division greater than a county, for Members of the Senate or Assembly, Representative in Congress, members of the State Board of Equalization, or judge of the superior court, and treasurers of committees for such candidates, shall file one copy of their campaign statements in the office of the Secretary of State and one copy with the clerk of the county in which the candidate resides.

Candidates for all other offices, except municipal and hospital district offices, and treasurers of committees for those candi-



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dates, shall file one copy of their campaign statements in the office of the clerk of the county wherein the election is held.

11568. Municipal candidates. Candidates for municipal offices and treasurers of committees for those candidates shall file one copy of their campaign statements, or written declarations as required in Section 11561, in the office of the clerk of the city in which the election is held.

11569. Hospital District Candidates. Candidates for hospital district offices and treasurers of committees for those candidates shall file one copy of their campaign statements, or written declarations as required in Section 11561, in the office of the secretary of the district in which the election is held.

11565. Certificate of nomination issued after filing. No officer shall issue any certificate of nomination or election to any person until his campaign statement or the written declaration required in Section 11561 has been filed. No other statement of expenses shall be required. The officer with whom campaign statements or written declarations must be filed pursuant to Sections 11564, 11568, or 11569 shall send to the candidate, not more than three days after the election, the necessary forms of submitting his campaign statement.

11566. No fees. No fee or charge shall be made or collected by any officer for the verifying, filing, or recording of any campaign statement.

11567. Preservation of statements. Campaign statements shall be held by the officer with whom they are filed during the term of office for which they are filed and for four years after the expiration of the term. Thereafter they may be destroyed by that officer.

See also Elections Code Sections 11500 through 11631, and Sections 12000 through 12057.

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COMMITTEE'S CAMPAIGN STATEMENT OF RECEIPTS AND EXPENDITURES

I, John Robert White was treasurer of the Committee for election of Richard M. Nixon to the office of Governor of California at the election held on the sixth day of November, 1962.

All money paid, loaned, contributed or otherwise furnished to the Committee, or for the Commitee's use directly or indirectly, in aid of the election and the name of all persons who paid, loaned, contributed or otherwise furnished such moneys and the specific purposes (if any) for which such moneys were contributed or loaned, were to the best of my knowledge and belief, as follows, to wit:

Receipts—See schedule attached.

Total amount received: $1,456,473.04

All moneys contributed loaned or expended by the Treasurer of the Committee, directly or indirectly by the Treasurer of the Committee or through any other person, in aid of the election and the names of all persons to whom such moneys were contributed, loaned or paid, and the services performed and by whom performed and the purpose and specific nature of each item, were to the best of my knowledge and belief, as follows to wit:

[Attachments]

*Nixon for Governor Finance Committee—1962 general campaign statement*

*Item (q)—Expenditures for repayment of loans:*

| | |
|---|---|
| Mrs. Susan V. Buckingham | $10,000.00 |
| Jack Drown | 10,000.00 |
| J. R. Fluor | 10,000.00 |
| J. S. Fluor | 10,000.00 |
| Stanley Freeman | 10,000.00 |
| H. L. Hoffman | 10,000.00 |
| Truman Johnson | 10,000.00 |
| Charles Jones | 10,000.00 |
| Willard Keith | 10,000.00 |
| Henry Kearns | 10,000.00 |
| Henry T. Mudd | 10,000.00 |
| Thomas Pike | 10,000.00 |
| J. D. Robinson | 5,000.00 |
| Robert Rowan | 5,000.00 |
| Henry Salvatori | 10,000.00 |
| Dana C. Smith | 5,000.00 |
| Edward R. Valentine | 80,000.00 |
| Mrs. Louie C. Valentine | 7,000.00 |
| United California Bank—interest | 2,786.80 |
| Total | 214,786.80 |

*Expenditures*

(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee: None.

(b) For the candidate's and campaign personnel's personal traveling expenses: $108,971.51.

(c) For rent, furnishing and maintaining headquarters, and halls and rooms for public meetings, including light, heat, and telephone: $60,934.10.

(d) For payment of personnel:

1. Campaign manager or managers.
2. Advertising agency or agencies and publicity agent or agents.
3. Stenographers and clerks.
4. Precinct workers.
5. Speakers.
6. Entertainers.
7. Payroll taxes.
8. Republican State Research Center: $341,972.34.

(e) For the preparing, printing, and posting of billboards, signs and posters: $112,-141.81.

(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills: $92,665.59.

(g) For newspaper advertising: $130,-248.54.

(h) For radio and television advertising and speech time: $315,969.31.

(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy: $29,333.12.

(j) For making canvasses of voters, and public opinion surveys: $5,000.00.

(k) For conveying voters to and from the polls: None.

(l) For supervising the registration of voters: None.

(m) For watching the polling and counting of votes cast: None.

(n) For photographs, mats, cuts, art work, and displays: $8,379.17.

(o) For petty cash items relative to candidacy. Various campaign office personnel as petty cash custodians: $1,523,66.

(q) Loans repaid, including interest: $214,-786.89.

Total amount expended: $1,421,653.04.

I have used all reasonable diligence in the preparation of this statement and it is true and is as full and explicit as I am able to make it.*

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed by me at Los Angeles, California, this 10th day of December, 1962.

JOHN ROBERT WHITE.

*P.S. All bills received as of November 21, 1962, are reflected herein. However, it is believed that certain telephone and travel bills remain outstanding, receipt of which will necessitate the preparation of an amended statement of expenditures.

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CHECK No. 3837

NIXON FOR GOVERNOR,
FINANCE COMMITTEE,
*Los Angeles, Calif., October 22, 1962.*

Pay thirty five thousand and no/100 dollars ($35,000) to the order of Robinson & Company, Inc.

Date: June 18, 1963.

_____ _____.

Pay to the order of Crocker First National Bank of San Francisco, Robinson & Company, Inc.

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COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA,
*Los Angeles, Calif., October 15, 1962.*

DEAR FELLOW AMERICAN: The enclosed Poll will be self-explanatory. We believe you will agree this is one of the most important steps ever taken in California history in behalf of decent Government.

It is not an easy step to take. But this Committee deeply believes that not only one of our great political parties—but our State government—is seriously threatened by the takeover by left-wing forces abhorrent to those who know the facts. The facts are, The CDC (California Democratic Council), which has espoused:

Admitting Red China into the United Nations.

Moratorium on U.S. nuclear testing.

Allowing subversives to speak on college campuses.

Abolition of State and Federal loyalty oaths.

Abolition of the House Committee on Un-American Activities.

Foreign aid to countries with Communist governments.

Refusal to bar Communists from the Democratic Party—today is taking over and absorbing the State government of California.

This is no "splinter group." Though it is a small minority, the CDC is called "the most powerful political force in California" by thoughtful magazines and newspapers including the C. S. Monitor, by the Governor of California—**and by itself. It has taken** over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one of whom has yet repudiated the organization's support.

The CDC's leaders refused at the last Democratic Convention to let the Party adopt a resolution to bar Communists from the Party organization—the last straw among people who simply don't want our State ruled by any organization whose objectives are foreign to most Americans!

Our voice is not as thunderous as the CDC's and even if we can make it heard only at election tme, then we will make it heard somehow. Will you help? Will you send a contribution today, in any amount you feel you can, to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker Anglo National Bank, Main Branch, San Francisco. It will be utilized to get this message to Californians, and by this Poll, test their own feelings before it is too late. Please let us hear from you today. Thank you.

Sincerely,

WILLIAM MARLIN,
*Executive Secretary.*

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COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA,
*Los Angeles, Calif., October 17, 1962.*

DEAR FELLOW AMERICAN: The enclosed Poll will be self-explanatory. We believe you will agree this is one of the most important steps ever taken in California history in behalf of decent government.

This Committee deeply believes that not only one of our great political parties—but our State government—is seriously threatened by the take-over by left-wing forces. These are the facts: The CDC (California Democratic Council) has espoused:

Admitting Red China into the United Nations.

Moratorium on U.S. nuclear testing.

Allowing subversives to speak on college campuses.

Abolition of State and Federal loyalty oaths.

Abolition of the House Committee on Un-American Activities.

Foreign aid to countries with Communist governments.

Refusal to bar Communists from the Democratic Party—and today the CDC is taking over and absorbing the State government of California.

Though it is still only a small minority, the CDC has been called "the most powerful political force in California" by thoughtful magazines and newspapers including the C.S. Monitor, by the Governor of California—and by itself. It has taken over the entire Democratic ticket for all State officers and presented them as its own candidates. Not one has yet repudiated the organization's support.

The CDC's leaders even refused at the last Democratic convention to let the Party adopt a resolution to bar Communists from the Party organization—the last straw among people who don't want our State ruled by any organization whose objectives are foreign to those of most Americans!

Some Republicans have commented that this move probably will result in electing a Republican ticket. This, as Democrats, we regret.

But if this is the only way we have of demonstrating that rank and file Democrats want their Party dedicated to the precepts of its founders—not those of left-wing minorities—then we are willing to make this sacrifice rather than have the left-wing cancer grow and spread.

Will you, as a citizen and as an American, help in this effort to block this left-wing take-over of California's political leadership? Will you send a contribution today to the Treasurer, Committee for the Preservation of the Democratic Party, Crocker-Anglo National Bank, 1 Montgomery Street, San Francisco. It will be utilized to get this Poll to California citizens and to test their feelings in this matter. Please let us hear from you today. With thanks.

Sincerely,

WILLIAM MARLIN,
*Executive Secretary.*

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ROBINSON & CO., INC.,
*San Francisco, September 19, 1962.*

To: Nixon For Governor Campaign Committee, Los Angeles, California.

Attention: Robert Haldeman, Campaign Manager.

Statewide mailing to 900,000 Conservative Democrats; also handling and tabulating Poll:

900,000 Double Post Cards, addressed to conservative Democrats, one to a family, throughout California; 8½x11, printed two colors, stock as selected; prepaid third class postage on mail going out at 2½¢ each; prepaid postage on returns up to 10% of mailing at the rate of 6¢ each, first class postage; assort by cities, tie and mail per agreement dated September 12, 1962.

Total for complete mailing: $94.500.

We understand that there is a present shortage of funds which Mr. Haldeman feels probably will be corrected in the course of the work. Under the circumstances, however, in order not to incur any indebtedness beyond the ability of the campaign to pay, we will halt the job when we have completed the appeal to only ⅔ of the Conservative Democrats of the State, and have spent up to $60,000. At this point in the work, which will occur about October 5, we will check with Mr. Haldeman to determine the financial feasibility of completing the job before continuing.

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COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA,
*Los Angeles, Calif., October 20, 1962.*

First returns of a Poll being circulated to more than one hundred thousand Democrats throughout California indicate that:

Nine out of ten registered Democrats flatly reject the "ultra-liberal" California Democratic Council (CDC).

An even higher percentage—95 percent—believe that California "cannot afford to have a Governor who is indebted to the CDC."



These figures were reported today by the Committee for the Preservation of the Democratic Party in California, which is polling members of its own Party to test reaction "to the CDC's ultra-liberal philosophy and its domination of the Party."

According to William Marlin, Executive Secretary of the Committee: "First returns on this Poll of our own Party members indicate overwhelming and emphatic disenchantment with the left-wing CDC which for the past four years has been maneuvering to capture the Democratic Party in California, and with it State domination. The voice of the rank-and-file Democrat is now being heard, and that voice is speaking out loud and clear against the CDC and all it represents."

Marlin revealed the Committee is now extending the Poll to cover "many thousands of additional Democrats."

He states: "Financial support has been pouring in from all over the State, providing means of expanding our Poll, and permitting thousands of rank-and-file Democrats to express themselves on this imperative question.

"The CDC has loaded the Democratic ticket with its nominees, hand-picked at pre-primary conventions. And not one candidate has repudiated either the CDC's endorsement, or its left-wing objectives."

Marlin continues: "What effect our Poll will have on the election we are not certain. But it is very evident from the returns that rank-and-file Democrats are deeply concerned about the CDC and its increasing domination of our Party."

Marlin said the Committee will release further figures on the Poll later this week.

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COMMITTEE FOR THE PRESERVATION OF THE DEMOCRATIC PARTY IN CALIFORNIA,
*San Francisco, October 26, 1962.*

Charging Democratic Party leader Roger Kent with acting as a "One-Man News Censor", the Committee for the Preservation of the Democratic Party in California today vigorously protested an injunction brought by Kent to "prevent public access to the results of one of the largest Polls ever undertaken in U.S. political history".

"As Americans to whom free speech is a God-given privilege, we find this political muzzling unbelievable, declared William Marlin, Executive Secretary of the Committee.

"The order Kent has obtained, prevents our Committee from releasing to the Press the results of a valid poll of some half-million registered Democrats in California, on their reactions to domination of the Party by the left-wing CDC (California Democratic Council).

"Every one of Kent's charges is completely false," Marlin stated, "and there is no valid basis for his dictator-like action. His sole objective is to prevent publication of a statewide poll of Democrats on how they feel about being dominated by a left-wing organization whose principles are foreign to most Americans!

"Kent has charged that our Committee is a front for Republicans. We have had offers of help from many sources—Republicans as well as Democrats—and are grateful for it. But every one of our members is a loyal and responsible Democrat whose single objective is to inform our fellow Democrats that left-wing forces are moving to capture the Democratic Party in California and with it the right to dictate the political direction and destiny of our State.

* * * * * *

1. How are you being financed?

A. We have appealed to Democrats throughout the State, and so far their support has been most encouraging and helpful. An appeal has been sent to some 50,000 registered Democrats—along with a Poll on their reactions to the CDC. We are hopeful that we will receive enough financial support to expand this list to some one-million Democrats in California.

2. Are you receiving any Republican money?

A. We are not refusing any contribution—and naturally, the Republicans are interested in this campaign. We are considering extending our fund-appeal to Republicans, as we believe all citizens should be concerned with the power-grabbing strategy of the CDC.

3. Who makes up your Committee?

A. As everyone knows, the CDC is a powerful organization difficult to oppose. For this reason we plan on releasing the names of our Committee on a day-by-day basis as they make their statements—thus keeping the timing of these announcements at our discretion, rather than the CDC's. We believe that these names, as released, will come as quite a shock to the CDC—for these are prominent Democrats of responsible views and position.

4. Do you have any other offices?

A. We have two offices at the present—in San Francisco and in Los Angeles. (S.F.—Central Consular Building; L.A.—National Oil Building.)

5. What are your sources for the statements and proposals attributed to the CDC?

A. The CDC's own Convention Reports and records, and statements by CDC leaders as reported in the press.

6. Are you asking fellow Democrats to stay away from the polls?

A. No. We are urging them not to vote for CDC nominees on the Democratic ticket. The CDC has loaded our Party's ticket with their own nominees, chosen at pre-primary conventions. We consider these candidates "captured men", because even though the left-wing aims of the CDC are clear and are anathema to the majority of Americans, not one of these men has repudiated the CDC or its endorsement.

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## INTERGOVERNMENTAL RELATIONS SUBCOMMITTEE CONDUCTS HEARINGS ON PROPERTY TAXES

Mr. MUSKIE. Mr. President, during 3 days last week the Senate Subcommittee on Intergovernmental Relations conducted hearings on a subject which is of concern to a great many Americans these days—the need for property tax relief and reform.

Most of us are fairly familiar by now with the inequities and inefficiencies of the property tax system. Low income households frequently face a property tax burden far in excess of their ability to pay, and far greater, relative to their income, than that of higher income households. Administration of the property tax is hampered by a lack of qualified personnel and other resources, a fragmentation of taxing jurisdictions, and out-of-date State laws which made efficient use of the tax an impossibility.

In this initial round of hearings, we concentrated on these problems, as well as on the broader question of whether the Federal Government has any role to play in bringing about relief and reform. The focus of the hearings was legislation I introduced with Senator PERCY—S. 1255—which would provide a program of limited Federal assistance to those States which undertake specified measures of relief and reform.

In addition, 1 day of the hearings was devoted to specific problems raised by the use of mass appraisal firms by States and local taxing jurisdictions.

During these hearings, we heard testi-

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mony from public officials at all levels of government, and from private citizens as well. Although there were differences of opinion as to how we should proceed, there was unanimous agreement that both relief and reform are urgently needed.

Because of the importance of this issue, I would like to bring to the attention of my colleagues some of the testimony offered at the hearings which clearly documents the need for action and which also outlines a number of the policy questions we are considering. I therefore request that the prepared statements of the following persons be inserted in the RECORD at this point: The Honorable Byron L. Dorgan, tax commissioner of North Dakota; Mr. John Shannon, Assistant Director of the Advisory Commission on Intergovernmental Relations; the Honorable Kenneth M. Curtis, Governor of Maine, on behalf of the Education Commission of the States; the Honorable Stenny Hoyer, State Senator from Maryland; Mr. Jonathan Rowe, of the Tax Reform Research Group; and Mr. Cyril Brickfield, legislative counsel for the American Association of Retired Persons and National Retired Teachers Association. In addition, I would like to ask unanimous consent to print in the RECORD articles from the Nashville Tennessean and the Nashville Banner concerning the testimony the subcommittee received on mass appraisal firms.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

STATE OF NORTH DAKOTA OFFICE OF STATE TAX COMMISSIONER

(Testimony by Byron L. Dorgan, Tax Commissioner, State of North Dakota. Presented to—U.S. Senate Subcommittee on Intergovernmental Relations on Senate Bill 1255)

Mr. Chairman & Members of the Committee: My name is Byron L. Dorgan and I am Tax Commissioner for the State of North Dakota, a position I have held for nearly 4½ years. Because North Dakota is one of the few states in which the position of Tax Commissioner is an elective position, I, perhaps more than some other tax administrators, have made it my business to be aware of the concerns and frustrations of the taxpayers and to try and do something about them. As a man in political life and as a former instructor in economics, I have been constantly speaking out for basic reforms in our tax structure with special emphasis on real property tax reform.

As State Tax Commissioner, one of my duties is to exercise general supervision over the assessment practices in the State of North Dakota. North Dakota, a state with a population of 620,000 has nearly 1,800 property tax assessors. Of those 1,800 assessors, I would estimate that no more than 75 would pass a minimum qualification test for the position of property tax assessor if such an examination were mandatory. Despite this knowledge, and despite the fact that the property tax is the single largest tax in North Dakota, the North Dakota Legislature has consistently failed to enact legislation that would establish minimum qualifications for assessing personnel. The fragmentation of authority and the decentralization of the assessment structure spells disaster for those who are concerned about establishing good, professional assessment practices in our states.

I believe people can and should expect their government to be run in a businesslike manner and yet property tax administration in North Dakota and many other states would, by comparison, make the U.S. Postal System a model of business efficiency. We are, in many instances, using 18th Century management practices to assess a property tax that has grown to 21st Century proportions.

Many local governments insist on clinging to an assessment function they can no longer afford to perform well and state legislatures in many cases steadfastly refuse to enact the sweeping law changes necessary to make the property tax a professionally administered tax. Indeed, there is plenty of blame to go around. The track record of state taxing authorities (including myself) is not much better than that of a housekeeper in a dwelling that needs remodeling.

Published sales ratio studies, minimum qualifications for assessors, full disclosure of estimated market value to taxpayers, and adequate training programs for assessing personnel are but a few of the areas in which state and local governments are failing sadly short of the needed initiative to clean up the property tax mess.

A British economist named Adam Smith said 200 years ago that "there are only two things wrong with property tax: (1) It is indefensible in theory and (2) it is unworkable in practice." I believe Adam Smith overstated his case, but his second premise has proven to be partly true only because of the lack of resolve of public officials to do something about it. I believe that the property tax is a legitimate part of a governmental revenue system that utilizes income, consumption, and wealth as a basis for distributing its tax burden. Frankly, I believe that many public officials have treated property tax as the ugly sister of the tax family and have used the recent state Supreme Court decisions as an excuse to run away from the challenge of making a respectable lady out of the property tax.

It does not seem reasonable that we should totally abandon the property tax. If it is proper to tax what people earn and what people spend, then it seems equally proper to tax what people own. To leave untaxed the wealth of real property that people have accumulated would have a serious economic effect upon the free movement of real estate in the market.

One of the criteria of a "good" tax is its' relationship to benefits received. While it is equally true that all services relate to people, many of the services provided for by taxes, benefit people through the real property that they own. For example, a capital improvement such as a new school building in the neighborhood, a hard surfaced road by a farm, these make the real estate more valuable and hence are a proper charge against the property.

Property tax is here to stay and indeed it should be here to stay. I believe Senate Bill 1255 is an responsible approach toward solving some of the administrative problems in the property tax area.

I would like to address comments to two areas of Senate Bill 1255 and relate them to experience in North Dakota. First, Senate Bill 1255 in Title IV fosters a "right to know" concept. That is, citizens should be able to readily determine the estimated market value of their property as established by an assessor and relate that to assessments on surrounding property to determine whether they have been treated fairly. Nearly a year ago I was petitioned by a group of taxpayers to conduct an investigation of the assessment of farmland in Richland County, North Dakota. I assigned an investigative team from our Property Tax Division to review the assessments. We found that if you owned a quarter of farmland in Richland County, the same quality of land could have had 21 different pricing schedules attached to it and the price could have varied as much as 100%, depending on where it was located in that county. Needless to say, I ordered a supervised reappraisal of all of the farmland in Richland County. This is the first time in the history of the state that this has been done. If the "right to know" philosophy had prevailed in North Dakota assessment practices, it wouldn't have been necessary for the State Tax Commissioner to point out and document property tax inequities in Richland County. Citizens would have been able to compare their assessments to assessments on adjacent property without making a trip to the county courthouse and trying to interpret fractional assessments. They would have determined for themselves that those inequities existed. At that point they could have sought relief from their levels of local government through their Board of Equalization or through an application for abatement of property taxes.

Assuming the states would adopt the reforms contemplated in Title IV of this bill, Richland County taxpayers and others like them will have two distinct advantages in the future. First, they will know the market value estimate placed on their property by the assessor and they will be able to readily compare it to other properties in the county. Second, the appeal procedure will be revised in order that the taxpayer will be sure of a fair, impartial hearing on his property tax assessment. In many jurisdictions a taxpayer who feels he is overassessed must appeal to the local governing board for relief. This is the same governing board that has hired the assessor and will very likely support the assessor's estimate of market value. An analogy is the dilemma of a man who gets a speeding ticket and who shows up in court only to find that the presiding judge is the patrolman who issued him the ticket. Thus an adequate system of disseminating information to taxpayers and an improved system of appealing an unfair tax bill are two results that I think this legislation will encourage.

The second area that I would like to make comment on is Title III in Senate Bill 1255 which provides relief to property owners whose property tax bill represents an overburdening amount of their gross income. In North Dakota we have a law that allows limited property tax relief for low income senior citizens. Our law is not inclusive enough, but it is a start. Our state is one that is losing population and while many of our young people are moving out-of-state, older North Dakotans who have worked and lived in North Dakota all of their lives are spending their retirement years there. As our citizens reach retirement age, their income decreases and their property taxes continue to increase.

After these citizens have contributed through the income tax, sales tax and property tax all of their lives, they are finding that the home they struggled to pay for is being assessed a property tax that eats away 10, 20 and even 30% of their total income. The increasing property tax coupled with our current inflationary spiral is strangling the economic lives of many of our senior citizens.

Recently I received a letter from a lady in Flasher, North Dakota. She and her husband had managed over a 25 year period to completely pay for a home that she is very proud of. She is now 75 years old and her husband passed away four years ago. Her total gross income is $119 a month from all sources. She has not been able to pay the past two year's property tax bill and she cannot pay this year's property tax bill. This lady doesn't enjoy some of the government services that they do in other parts of the country. There is no dial-a-cab in Flasher. They don't even have meals on wheels, and even though North Dakota is full of intercontinental ballistic missiles we don't have adequate bus and train service to provide transportation to the senior citizen who so desperately needs it.

I'm sure there are millions of senior citizens and low income citizens in this country in the same predicament as the lady from Flasher. Many of them will go without adequate clothing, without adequate heat in their homes and without adequate food and nourishment in order to pay their property tax bill and hang onto their most cherished possession, their home. We can and should do more for these people.

The problem isn't limited to just senior citizens, it also affects the small farmers who have a bad crop year, a Mom and Pop business that suffers a disastrous financial year, the low income residential home owner. Many of them need a pressure relief valve to prevent property taxes from spelling their personal economic disaster.

The legislation you have introduced, Mr. Chairman, will, I believe, entice state governments to adopt meaningful programs of property tax relief for those citizens who so desperately need it. The ability to pay theory is and always will be a sound economic theory for tax purposes. As a rule I think property ownership does relate to ability to pay, but there are many exceptions to that I believe this bill with the property tax relief feature provides the pressure relief valve that is necessary to prevent our property tax system from blowing up in our face in the coming years.

Senate Bill 1255 is a very measured response to an old plaguing problem. I have always been prepared to resist federal intervention in the property tax area. However, after studying your proposal I find that the type of limited federal help that this bill proposes represents the only meaningful way of encouraging local government to solve a problem that everyone has hoped would go away but won't.

In conclusion let me say that it is unfair if my remarks or those of other witnesses would paint with a black brush all of the efforts of property tax assessors in this country. In North Dakota, and I am sure in other parts of the country, we have some outstanding property tax administrators who I am very proud of. Also, it would be unfair to suggest that the failure of state legislatures to act is the sole cause of our property tax problems. The North Dakota legislature has enacted a law improving our appeal procedures and has just recently enacted a law requiring full disclosure of estimated market value on the property tax statement. So progress is being made, but it is not nearly rapid enough to attack those problems which are festering a tax revolt in this country.

Your legislation is substantial and will allow meaningful relief in our property tax system in the years to come. I will encourage North Dakota's Congressional delegation to support Senate Bill 1255. Senator Young, Senator Burdick and Congressman Andrews are interested, as I am, in an improved property tax system that responds to the needs and concerns of the people we serve.

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PROPERTY TAXATION: REFORM AND RELIEF COMMENTS ON S. 1255

(By John Shannon)

Mr. Chairman, let me express the appreciation of the Advisory Commission on Intergovernmental Relations for this opportunity to testify on Senate Bill No. 1255, "The Property Tax Relief and Reform Act of 1973."

Mr. Chairman, as you well know, the Commission on a closely divided vote recently rejected the idea of even a limited role for the Federal Government in the area of property tax relief and reform. Because you took an active part in the debate, it is not necessary to recite for you the reasons that led the majority to recommend that the Federal Government pursue a "hands off" property tax policy. However, I do think both the majority and minority views should be placed in the record. Therefore, if there is no objection, I will append to my statement Chapter I of the Advisory Commission's report, Financing Schools and Property Tax Relief—A State Responsibility. This seven page chapter sets forth the policy considerations that underpinned both the majority's contention that the property tax should remain the exclusive policy concern of the States and the minority advocacy of a limited Federal role.

FIVE KEY QUESTIONS

In order to help assist the Senate Subcommittee with its property tax deliberations, I shall restrict my comments to answering five questions.

What is the current status of State effort to provide property tax relief for low and moderate income families?

What policy implications can Federal legislators draw from State property tax relief action?

If the Federal legislators become convinced that the National Government should encourage the States to move more quickly in the area of property tax relief and assessment reform, should the National Government condition its property tax relief grants on a showing that the States are making progress on the assessment reform front?

Can Federal incentive grants for property tax relief be designed in a way that will not unduly reward the States that force local governments to make relatively heavy use of the property tax and not shortchange those States that make relatively light use of the property tax?

If the National policymakers are convinced that they should encourage the States to pull the regressive stinger from the property tax, should they then take the next logical step and include the sales tax in their anti-regressivity program?

CURRENT STATUS OF STATE TAX RELIEF EFFORTS

The State "circuit-breaker" movement is now moving so rapidly that it is extremely difficult for the ACIR staff to keep up with the latest developments. Yesterday, for example, we were informed that the Michigan Legislature had just approved Governor Milliken's massive $250 million circuit-breaker plan designed to help every household in Michigan—the non-elderly as well as the elderly, the renters as well as the homeowners. For those under the age of 65, the relief comes in the form of a substantial rebate on that part of the residential tax that exceeds 3½ percent of household income. For the elderly low-income households, the Milliken plan provides even greater aid.

This major breakthrough in Michigan comes hard on the heels of last week's news that Vermont had also adopted a universal circuit-breaker albeit with a somewhat different formula. The significance of these two State actions is that they represent "Phase II" of the circuit-breaker movement characterized by virtually universal protection for all low and moderate income families and with an estimated per capita cost of approximately $25 in both cases.

In sharp contrast, the typical "Phase I" State circuit-breaker was restricted to low-income elderly households with per capita cost ranging from $1 to $5.

In order to give the Subcommittee some feel for the momentum of State action in this area, we have prepared a detailed tabulation of State property tax relief action and placed it in the Appendix—Tables 5 and 6. Even the most casual examination of these tables will establish beyond doubt that the States are now moving decisively in the property tax relief area but in most cases, they still have a long way to go before they reach the Michigan and Vermont protection standards. For example the current State effort can be summarized as follows:

48 States now either finance, mandate or authorize property tax relief for low-income elderly homeowners. There is strong likelihood that the two remaining States—Arizona and Missouri—will soon take remedial action in this area.

12 States now finance property tax relief for low-income elderly renters.

7 States now finance property tax relief for low and moderate income—non-elderly homeowners.

3 States now finance property tax relief for low-income renters under the age of 65.

The point must be emphasized that most of this remedial State action has taken place since 1970.

STATE TAX RELIEF ACTION—POLICY INFERENCES FOR THE CONGRESS

There are several policy inferences that can be drawn from the dramatic upsurge in property tax relief action since 1970.

First, State legislators are not buying the new economic doctrine that claims that the property tax is a truly progressive tax if properly administered nor are State legislators buying the correlative policy implication—that property tax relief for low-income families should receive rather low legislative priority. Our evidence supports the State legislators' intuitive judgments. As a tax on housing, the residential property tax can and does impose truly extraordinary burdens on low-income families, both elderly and non-elderly. This pattern holds true for the Nation as a whole and for each geographic region (See Tables 2, 3, and 4 in the Statistical Appendix).

Because the States are now making such significant progress in the property tax relief field, the question of Federal involvement in this area boils down to one question—should the Federal Government "hurry history along?" Those who believe that the National Government should assume an "activist" role will say yes and point to the fact that 48 States still fall short of the protection standards now set by Michigan and Vermont. On the other hand, the traditionalist will emphasize the natural historical evolution from narrow to broad-gauged State tax relief action and argue that as an irreducible minimum, Federal policymakers should allow the States at least three or four more years to place their property tax relief houses in order.

If Federal policymakers decide to support the "activist" position, it would seem that the interest of federalism would be served better by Federal underwriting and encouragement of State tax relief programs rather than by the creation of Federally administered tax relief programs. Underpinning this inference is the obvious fact that the State fiscal property largely determinea the size of the local property tax rate. Therefore, the State, not the National Government, should be required to continue to play a primary role in underwriting local property tax relief.

If National Government policymakers decide to encourage the State to do more on the local property tax relief front, the Federal grant program should encourage the development of the "circuit-breaker" rather than the partial homestead exemption approach. The circuit-breaker is more efficient because it can maximize the local tax relief "bang" for the State expenditure "buck,"—the amount of State aid decreases as family income increases. In striking contrast, the typical partial homestead exemption approach does not diminish as family income rises. It is, therefore, a far less economical method for shielding family income from extraordinary property tax loads.

The great variations in State circuit-breaker formulas argue against Congressional imposition of a rigid "boiler plate" type formula along the lines of that set forth in Title III of S. 1255. It is obvious that those who drafted the tax relief formula in Title III did not want to have Federal dollars subsidize the partial homestead exemption plan. They, therefore, erred in the opposite direction by constructing such a tight list of qualifications as to exclude the two best State circuit-breaker programs—those of Vermont and Michigan.

I would recommend the deletion of the circuit-breaker formula now set forth in



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Title III Subsection d and the substitution of a broad qualifying definition—a state-financed plan of residential property tax relief that phases out aid as family income rises.

FEDERAL TAX RELIEF AID LINKED TO STATE ASSESSMENT REFORM

Should the National Government condition its Federal tax relief grants to a State showing of assessment reform? It is quite understandable that frustrated property tax reformers would seize upon the popular tax relief issue as their "lever" for forcing States to reform their local property tax assessment systems.

I would recommend that the Subcommittee divorce the issue of property tax relief from that of assessment reform. Low-income families should not be used as the "hostages" by the Federal Government for effecting State assessment reforms. This "Federal stick" approach also reinforces the case of those who are opposed to any Federal involvement in the property tax area. They argue that once the Federal Government moves into the property tax area, there is the irresistible temptation to impose coercive guidelines on State and local officials.

There is also a certain practical objection to this plan for denying Federal property tax relief aid to States that fail to measure up to the reform guidelines set forth in Senate Bill 1255. It might be difficult for the Federal administrator to obtain sufficient political support for rigorous enforcement of this carrot and stick approach to the property tax.

INTERSTATE TAX EQUITY ISSUE

As presently written, S. 1255 tends to reward unduly those States that make relatively heavy use of the local property tax and shortchange those States (located primarily in the South) that make relatively light use of this levy. This defect can be removed by adopting a flat per capita grant procedure—for example all States with a qualified property tax relief program would receive $5 per capita.

SALES TAX ISSUE

It can be argued that if Federal policymakers desire to pull the regressive stinger from the State-local tax system, they should take the next logical step and include the sales tax in their anti-regressivity program.

This argument illustrates the difficulties inherent in designing at the National level an equitable and comprehensive property tax relief program. Many States, particularly those located in the South, for all practical purposes, use the sales tax as a substitute for the property tax.

Mr. Chairman, our staff has examined the fiscal effects of various Federal aid proposals designed to encourage the States to pull the regressive stinger from both the property and sales tax. If your Subcommittee is interested in pursuing this matter, we shall be pleased to make our research findings available to your staff.

Again, let me express our appreciation for having been given the opportunity to testify on S. 1255.

TABLE 1.—WHO PAYS THE LOCAL PROPERTY TAX?

[Estimated local property tax collections by source, 1972[1]]

| Source | Amount (millions) | Percentage distribution |
|---|---|---|
| Nonbusiness: | | |
| Nonfarm residential realty[2] | $19,023 | 47.3 |
| Farm realty[3] | 817 | 2.0 |
| Vacant lots | 320 | .8 |
| Total nonbusiness realty | 20,160 | 50.1 |
| Nonfarm personalty[4] | 657 | 1.6 |
| Farm personalty | 113 | .3 |
| Total nonbusiness personalty | 770 | 1.9 |
| Total nonbusiness | 20,930 | 52.1 |
| Business: | | |
| Farm realty[5] | $1,860 | 4.6 |
| Vacant lots | 480 | 1.2 |
| Other realty[6] | 9,170 | 22.8 |
| Total business realty | 11,510 | 28.6 |
| Farm personalty[7] | 454 | 1.1 |
| Other personalty[8] | 4,287 | 10.7 |
| Total business personalty | 4,741 | 11.8 |
| Public utilities | 3,019 | 7.5 |
| Total business | 19,270 | 47.9 |
| Total | [9] 40,200 | 100.0 |

[1] ACIR staff estimates based on estimated 1972 collections distributed on basis of 1967 Census data, latest available statistics.
[2] Includes both single-family dwelling units and apartments. An estimated $14,000,000,000 or 36 percent of all local property taxes was derived from single-family homes: about $5,000,000,000 or 12 percent of property tax revenue came from multi-family units.
[3] Estimated collections from the taxation of the residential element of the farm.
[4] The collections produced through the taxation of furniture and other household effects.
[5] Estimated collections from the taxation of land and improvements actually used in the production of agricultural products—this is exclusive of the land and buildings used in a residential capacity by the farmer.
[6] Commercial and industrial real estate other than public utilities.
[7] The estimated collections from the taxation of livestock, tractors, etc.
[8] Estimated collections from the taxation of merchants' and manufacturers' inventory, tools and machinery, etc.
[9] This is the estimated grand total for local property tax receipts. In addition, there is an estimated $1,300,000,000 in State property taxes. The data needed for a similar distribution of State receipts is not available. However, it is estimated that approximately $450,000,000 of the State receipts are derived from general property taxes and could probably be distributed among the various sources of revenue in the same proportion as local receipts. The remaining $850,000,000 in State receipts consists mainly of State special property taxes on business personal property, but includes a substantial amount from special property taxes on motor vehicles, most of which is collected by the State of California.

Source: ACIR compilation.

TABLE 2.—REAL ESTATE TAXES AS A PERCENTAGE OF FAMILY INCOME, OWNER-OCCUPIED SINGLE-FAMILY HOMES, BY INCOME CLASS AND BY REGION, 1970

| Family income[1] | United States, total | Northeast region | Northcentral region | South region | West region | Exhibit: number and distribution of homeowners: Number (thousands) | Percent distribution[3] |
|---|---|---|---|---|---|---|---|
| Less than $2,000 | 16.6 | 30.8 | 18.0 | 8.2 | 22.9 | 1,718.8 | 5.5 |
| $2,000 to $2,500 | 9.7 | 15.7 | 9.8 | 5.2 | 12.5 | 1,288.7 | 9.7 |
| $3,000 to $3,900 | 7.7 | 13.1 | 7.7 | 4.3 | 8.7 | 1,397.8 | 14.1 |
| $4,000 to $4,999 | 6.4 | 9.8 | 6.7 | 3.4 | 8.0 | 1,342.8 | 18.5 |
| $5,000 to $5,999 | 5.5 | 9.3 | 5.7 | 2.9 | 6.5 | 1,365.1 | 22.8 |
| $6,000 to $6,999 | 4.7 | 7.1 | 4.9 | 2.5 | 5.9 | 1,530.1 | 27.8 |
| $7,000 to $9,999 | 4.2 | 6.2 | 4.2 | 2.2 | 5.0 | 5,377.4 | 45.0 |
| $10,000 to $14,999 | 3.7 | 5.3 | 3.6 | 2.0 | 4.0 | 8,910.3 | 73.6 |
| $15,000 to $24,999 | 3.3 | 4.6 | 3.1 | 2.0 | 3.4 | 6,365.6 | 94.0 |
| $25,000 or more | 2.9 | 3.9 | 2.7 | 1.7 | 2.9 | 1,876.9 | 100.0 |
| All incomes | [2] 4.9 | [3] 6.9 | [3] 5.1 | [3] 2.9 | [3] 5.4 | 31,144.7 | |

[1] Census definition of income (income from all sources). Income reported was received in 1970.
[2] Cumulated from lowest income class.
[3] Arithmetic mean.

Source: U.S. Bureau of the Census, "Residential Finance Survey, 1970" (conducted in 1971), special tabulations prepared for the Advisory Commission on Intergovernmental Relations. Real estate tax data were compiled for properties acquired prior to 1970 and represent taxes paid during 1970.

ABLE 3.—REAL ESTATE TAXES AS A PERCENTAGE OF FAMILY INCOME, OWNER-OCCUPIED SINGLE-FAMILY HOMES, HOMEOWNERS AGE 65 AND OVER, BY INCOME CLASS AND BY REGION, 197

| Family income[1] | United States, total | Northeast region | Northcentral region | South region | West region | Exhibit number and distribution of homeowners age 65 and over: Number (thousands) | Percent distribution[2] |
|---|---|---|---|---|---|---|---|
| Less than $2,000 | 15.8 | 29.3 | 16.6 | 7.8 | 21.5 | 1,280.8 | 20.3 |
| $2,000 to $2,999 | 9.5 | 14.4 | 9.3 | 5.3 | 11.5 | 906.1 | 34.7 |
| $3,000 to $3,999 | 8.0 | 11.9 | 7.6 | 5.3 | 8.5 | 825.9 | 47.9 |
| $4,000 to $4,999 | 7.3 | 10.6 | 7.2 | 3.7 | 8.7 | 651.6 | 58.2 |
| $5,000 to $5,999 | 6.2 | 9.6 | 6.1 | 3.5 | 6.5 | 437.5 | 65.2 |
| $6,000 to $6,999 | 5.8 | 7.7 | 6.1 | 3.4 | 6.1 | 388.8 | 71.3 |
| $7,000 to $9,999 | 4.8 | 6.5 | 5.3 | 2.5 | 5.7 | 714.7 | 82.7 |



| Family income[1] | United States, total | Northeast region | Northcentral region | South region | West region | Exhibit number and distribution of homeowners age 65 and over: Number (thousands) | Percent distribution[2] |
|---|---|---|---|---|---|---|---|
| $10,000 to $14,999 | 3.9 | 5.4 | 3.9 | 2.4 | 4.1 | 565.7 | 91.7 |
| $15,000 to $24,999 | 3.3 | 4.7 | 3.3 | 2.1 | 3.3 | 339.5 | 97.1 |
| $25,000 or more | 2.7 | 3.2 | 2.9 | 1.8 | 3.0 | 183.4 | 100.0 |
| All incomes | [3] 8.1 | [3] 11.4 | [3] 8.6 | [3] 4.7 | [3] 9.1 | 6,294.0 | |

[1] Census definition of income (income from all sources). Income reported received in 1970.
[2] Cumulated from lowest family income class.
[3] Arithmetic mean.

Source: U.S. Bureau of the Census, "Residential Finance Survey, 1970" (conducted in 1971), special tabulations prepared for the Advisory Commission on Intergovernmental Relations. Real estate tax data were compiled for properties acquired prior to 1970 and represent taxes paid during 1970.

TABLE 4.—REAL ESTATE TAXES AS A PERCENTAGE OF FAMILY INCOME FOR ELDERLY AND NONELDERLY SINGLE-FAMILY HOMEOWNERS, BY INCOME CLASS, 1970

| Family income[1] | Real estate tax as a percent of family income: Elderly (age 65 and over) | Nonelderly (under 65) | Exhibit: Number of homeowners (thousands): Total | Elderly: Number | Elderly: Percent of total | Nonelderly: Number | Nonelderly: Percent of total |
|---|---|---|---|---|---|---|---|
| Less than $2,000 | 15.8 | 18.9 | 1,719 | 1,281 | 74.5 | 438 | 25.5 |
| $2,000 to $2,999 | 9.5 | 10.1 | 1,289 | 906 | 70.3 | 383 | 29.7 |
| $3,000 to $3,999 | 8.0 | 7.2 | 1,398 | 826 | 59.1 | 572 | 40.9 |
| $4,000 to $4,999 | 7.3 | 5.5 | 1,343 | 652 | 48.6 | 691 | 51.4 |
| $5,000 to $5,999 | 6.2 | 5.1 | 1,365 | 437 | 32.0 | 928 | 68.0 |
| $6,000 to $6,999 | 5.8 | 4.3 | 1,530 | 389 | 25.4 | 1,141 | 74.6 |
| $7,000 to $9,999 | 4.8 | 4.1 | 5,377 | 715 | 13.3 | 4,663 | 86.7 |
| $10,000 to $14,999 | 3.9 | 3.7 | 8,910 | 566 | 6.4 | 8,345 | 93.6 |
| $15,000 to $24,999 | 3.3 | 3.3 | 6,337 | 340 | 5.4 | 5,997 | 94.6 |
| $25,000 or more | 2.7 | 2.9 | 1,877 | 183 | 9.8 | 1,694 | 90.2 |
| All incomes | [2] 8.5 | [2] 4.1 | 31,545 | 6,294 | 20.2 | 24,851 | 79.8 |

[1] Census definition of income (income from all sources). Income reported received in 1970.
[2] Arithmetic mean.

Source: U.S. Bureau of the Census, "Residential Finance Survey, 1970" (conducted in 1971), special tabulations prepared for the Advisory Commission on Intergovernmental Relations. Real estate tax data were compiled for properties acquired prior to 1970 and represent taxes paid during 1970.

TABLE 5.—PROPERTY TAX RELIEF FOR THE ELDERLY A GROWING STATE CONCERN, AS OF MAR. 1, 1973

| State, financed by | Date of adoption | Description of beneficiaries (estimated number of claimants) | Income ceiling | Tax relief formula (or general remarks) | Form of relief (estimated per capita cost) |
|---|---|---|---|---|---|
| Alabama: State (exemption applies to State taxes only). | 1971 | Homeowners 65 and over (NA). | None | The $2,000 general exemption of assessed value is increased to $5,000 for homeowners, 65 and over, for State ad valorem taxes only. | Reduction in tax bill (NA). |
| Alaska: State | 1972 | Homeowners 65 and over (1,000). | $10,000 | Total exemption | No tax liability ($1.54). |
| Arizona: Program under active legislative consideration. | | | | | |
| Arkansas: State (circuit breaker) | 1973 | Homeowners 65 and over (90,000). | $5,500 | Relief ranges from maximum of $400 for income below $1,500 to $175 for income to $5,500, on graduated scale. | State income tax credit or rebate ($1.39). |
| California: | | | | | |
| State (circuit breaker) | 1967, 1972 rev. | Homeowners 62 and over (292,999) all renters. | $10,000 net $20,000 gross. | Relief ranges from 96 percent of tax payment on first $7,500 of value if net household income is less than $1,400 to 4 percent of tax payment if net household income is $10,000 (in addition to homestead exemption of $1,750). | State rebate only ($2.93). |
| State | 1972 | (NA) | None | Relief ranges from $25 if adjusted gross income is less than $5,000 to $45 on income of $8,000 and over. | State income tax credit or rebate (NA). |
| Colorado: State (circuit breaker) | 1971, 1972, rev. | Homeowners and renters age 65 and over (11,000). | $2,400 single, $3,700 married (net) worth less than $20,000). | Relief limited to 50 percent of the tax payment and cannot exceed $250. The credit or refund is reduced by 10 percent of income over $500 for individuals and 10 percent of income over $1,80C for husband and wife. (10 percent or rent=tax equivalent). | State income tax credit or rebate ($0.32). |
| Connecticut: State | 1965 | Homeowners 65 and over (NA). | $3,000 single, $5,000 married. | Exemption of $1,000 assessed value [also a tax freeze as of year of qualification]. | Reduction in tax bill ($2.27). |
| Delaware: | | | | | |
| Localities (mandated) | 1965, 1967 rev. | Homeowners 65 and over (NA). | $3,000 | Exemption of $5,000 assessed value from State or County property taxes. | Reduction in tax bill (NA). |
| Localities (optional) | 1969, 1970 rev. | Homeowners 65 and over (NA). | $3,000 | Exemption of $5,000 assessed value from municipal property tax. | Reduction in tax bill (NA). |
| Florida: State | 1971 | Homeowners 65 and over (362,000). | None | The general homestead exemption of $5,000 for all homeowners is increased to $10,000 for homeowners 65 and over for taxes levied by district school boards for current operating purposes. | Reduction in tax bill ($1.47). |
| Georgia: | | | | | |
| Localities (mandated) | 1964, 1972 rev. | Homeowners 65 and over (100,000). | $4,000 | Exemption of $4,000 assessed value from State and county property taxes. | Reduction in tax bill ($1.48). |
| Localities (mandated) | 1972 | Homeowners 62 and over (NA). | $6,000 | Exemption of ad valorem taxes for educational purposes levied on behalf of school districts. | Reduction in tax bill (NA). |
| Hawaii: Localities (mandated) | 1969, 1972 rev. | Homeowners 60 and over (180,000). | None | Exemption of $16,000 of assessed value for homeowners age 60 to 69. Exemption of $20,000 of assessed value for homeowners age 70 or more. | Reduction in tax bill ($4.40). |
| Idaho: Localities (mandated) | 1969, 1971 rev. | Homeowners 65 and over (NA). | $4,800 (value of property not to exceed $15,000). | Elderly homeowners are exempt from property tax up to $75. | Reduction in tax bill ($0.72). |

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TABLE 5.—PROPERTY TAX RELIEF FOR THE ELDERLY A GROWING STATE CONCERN, AS OF MAR. 1, 1973—Continued

| State, financed by | Date of adoption | Description of beneficiaries (estimated number of claimants) | Income ceiling | Tax relief formula (or general remarks) | Form of relief (estimated per capita cost) |
|---|---|---|---|---|---|
| Illinois: | | | | | |
| State (circuit breaker) | 1972 | Homeowners and renters age 65 and older or disabled (290,000). | $10,000 implicit | Relief based on amount by which property tax (or rent constituting property tax) exceeds 6 percent of household income for that year on the amount of such income between zero and $3,000 plus 7 percent on that amount in excess of $3,000. Relief limit is $500 less 5 percent of household income. (25 percent of rent = tax equivalent:) | Direct rebate ($2.58). |
| Localities (mandated) | 1971 | Homeowners 65 and over (NA) | None | Maximum reduction of $1,500 from assessed value. | Reduction in tax bill (NA). |
| Indiana: Localities (mandated) | 1957, 1971 rev. | Homeowners 65 and over (80,000). | $6,000 (realty value not in excess of $6,500). | Exemption of $1,000 assessed value | Reduction in tax bill ($1.59). |
| Iowa: State | 1967, 1971 rev. | Homeowners 65 and over or totally disabled (NA). | $4,000 | Deduction from tax bill of $125 or amount of tax liability whichever is less. | Reduction in tax bill ($2.71). |
| Kansas: State (circuit breaker) | 1970, 1972 rev. | Homeowners 65 and over (NA) | $6,000 | Similar to Wisconsin but with different percentages. Limitation on amount of property tax liability considered for relief is $330. | State income tax credit or rebate ($2.88). |
| Kentucky: Localities (mandated) | 1971 | Homeowners 65 and over (125,000). | None | Exemption of $6,500 assessed value, except for assessment for special benefits. | Reduction in tax bill ($3.12). |
| Louisiana: A general homestead exemption of $2,000 for all homeowners with a reimbursement to local government. | | | | | |
| Maine: State (circuit breaker) | 1971 | Homeowners and renters age 65 and older for males, 62 and older for females (16,000). | $4,000 (in addition net assets must not exceed $30,000). | Relief equal to 7 percent of the difference between household income and $4,000. Limited to the total property tax levied. (20 percent of rent=tax equivalent) (at least 35 percent of household income must be attributable to claimant). | State rebate only ($1.60). |
| Maryland: | | | | | |
| Localities (mandated) | 1967, 1969 rev. | Homeowners 65 and over (61,000). | $5,000 | Credit of 50 percent of assessed value or $4,000, whichever is less, multiplied by the local property tax rate. | Reduction in tax bill ($1.81). |
| Localities (optional) | 1968, 1972 rev. | Homeowners 65 and over (females 62 and over in Cecil County). | Varies by county | Relief varies from an increase in the credit provided by the State mandated law to a lessening or modification of conditions of eligibility for such credit. | Reduction in tax bill (NA). |
| Massachusetts: Localities (mandated) | 1930, 1971 rev. | Homeowners 70 and over (74,000). | $6,000 single $7,000 married (maximum estate: $40,000 single, $45,000 married). | Exemption of $4,000 assessed value or the sum of $350, whichever would result in an abatement of the greater amount of taxes due. | Reduction in tax bill ($5.18). |
| Michigan: State | 1965, 1970 rev. | Homeowners 65 and over (220,000). | $6,000 | Exemption of $2,500 State equalized value | Reduction in tax bill ($3.06). |
| Minnesota: State (circuit breaker) | 1967, 1971 rev. | Homeowners and renters 65 and over (95,000). | $5,000 | A percentage of tax is given back as a credit, percentage declines as income increases. Not more than $800 tax considered. (20 percent of rent=tax equivalent). | State income tax credit or rebate ($2.38). |
| Missouri: (A constitutional amendment was approved in November 1972 to allow property tax relief by means of either a homestead exemption or a tax credit, to require that the State must reimburse the local government for any loss of revenue, and to permit such relief plans to include renters.) | | | | | |
| Mississippi: State finances a partial homestead exemption of $5,000 for all homeowners with a reimbursement to local governments. | | | | | |
| Montana: Localities (mandated) | 1969, 1971 rev. | Retired homeowners (NA) | $4,000 single, $5,200 married. | 50 percent reduction | Reduction of tax bill ($1.39). |
| Nebraska: State | 1972 | Homeowners 65 and over (60,000). | $2,800 single, $3,550 married, $4,300 married and spouse over 65. | Reduction of tax by 25 percent (maximum $125) in 1973 and by 50 percent (maximum $250) in 1974. | Reduction of tax bill ($4.41). |
| Nevada: New program | | | | See table 6. | |
| New Hampshire: Localities (optional) | 1969 | Homeowners 70 and over (9,300). | $4,000 single, $5,000 married ($25,000 asset test). | Equalized valuation reduced by $5,000 times the local assessment ratio. | Reduction of tax bill ($1.99). |
| New Jersey: State 50 percent, localities 50 percent (mandated). | 1953, 1972 rev. | Homeowners 65 and over (163,000). | $5,000 (excluding social security). | Reduction of tax bill by $160, but not more than amount of tax. | Reduction of tax bill (⅔ reimbursed by State) ($3.50). |
| New Mexico: State (circuit breaker) | 1972 | All persons (70,000) | $6,000 | Person receives credit based on all State-local taxes which he is presumed to have paid. Credit varies depending on income and number of personal. | State income tax credit or rebate ($1.88). |
| New York: | | | | | |
| Localities (optional) | 1972 | Renters in rent controlled housing, 62 and over (NA). | $3,000 (can be raised to $5,000 by locality). | Not to exceed amount by which maximum rent exceeds one-third of combined household income. | Reduction of maximum rent (NA). |
| Localities (optional) | 1966, 1972 rev. | Homeowners 65 and over (82,000). | $3,000 (can be raised to $6,000 by locality). | Assessed valuation reduced by 50 percent | Reduction of tax bill ($1.14). |
| North Carolina: | | | | | |
| Localities (mandated) | 1971 | Homeowners 65 and over (retired) (19,000) | $3,500 | Assessed valuation reduced by $5,000 | Reduction of tax bill ($0.16). |
| North Dakota: Localities (mandated) | 1969 | Homeowners 65 and over (5,000). | $3,000 | Assessed valuation reduced by $1,000 or 50 percent, whichever is less. | Reduction in tax bill ($0.47). |
| Ohio: State (circuit breaker) | 1971, 1972 rev. | Homeowners 65 and over (NA) | $8,000 | Benefits range from reduction of 70 percent or $5,000 assessed value (whichever is less) for incomes below $2,000 to 40 percent or $2,000 for incomes above $6,000. | Reduction of tax bill ($2.78). |
| Oklahoma: Homestead exemption of $1,000 of assessed value for all homeowners is mandated by State. No reimbursement to local government. | | | | | |
| Oregon: State (circuit breaker) | 1971 | All homeowners (100,000) | None | Relief based on amount by which property taxes exceed percentage of income ranging from 3 percent on income below $1,500 (max. relief $400) to 7 percent for income above $8,000 (max. $100). | Reduction of tax bill (reimbursed) or tax credit ($7.80). |
| Pennsylvania: State (circuit breaker) | 1971 | Homeowners 65 and over; widows 50 and over; totally disabled (264,000). | $7,500 | 100 percent of tax for income less than $1,000 (max. rebate $200). 10 percent of tax for income greater than $6,000. | State rebate ($2.30). |



| State, financed by | Date of adoption | Description of beneficiaries (estimated number of claimants) | Income ceiling | Tax relief formula (or general remarks) | Form of relief (estimated per capita cost) |
|---|---|---|---|---|---|
| Rhode Island: Localities (optional) | 1960, 1972 rev. | Homeowners 65 and over (19,000). | $4,000 ($5,000 in 1 locality). | Various formulas; most reduce assessed valuation by $1,000. [Also a tax freeze.] | Reduction in tax bill ($1.02). |
| South Carolina: State | 1971 | Homeowners 65 and over (78,000). | None | Not related to income. Assessed valuation reduced by $5,000. | Reduction in tax bill ($1.31). |
| South Dakota: Localities (mandated) | 1972 | Homeowners 65 and over (NA). | $4,000 married $2,400. | Assessed valuation reduced by $1,000 | Reduction in tax bill ($5.15). |
| Tennessee: State | 1972 | Homeowners 65 and over (81,000). | $4,800 | Equivalent to reduction of assessment by $5,000 | State rebate to taxpayer ($0.74). |
| Texas: Localities (optional) | 1972 | Homeowners 65 and over (NA). | None | Assessment reduced by $3,000 | Reduction in tax bill ($4.29) ($4.29). |
| Utah: Localities (optional) | 1967, 1969 rev. | Indigent homeowners (presumed to be 65 and over) (NA). | $2,500 single, $3,000 married. | Taxes may be reduced by $50 or 50 percent, whichever is less. | Reduction in tax bill ($0.16). |
| Vermont: State (circuit-breaker) | 1969, 1971 rev. | Homeowners and renters 65 and over (3,600). | $4,286 implicit | Taxes in excess of 7 percent of income, adjusted by local rate factor. Not more than $300 tax considered for relief. (30 percent of rent= tax equivalent). | State income tax credit or rebate ($0.88). |
| Virginia: Localities (optional) | 1971, 1972 rev. | Homeowners 65 and over (NA). | $7,500 ($20,000 asset test). | At discretion of locality | Reduction in tax bill ($0.13). |
| Washington: Localities (mandated) | 1971, 1972 rev. | Homeowners 62 and over, or disabled (72,000). | $6,000 | Income—Percentage of excess levies abated. $0 to $4,000, 100 percent; $4,000 to $6,000, 50 percent (minimum relief of $50 for income below $4,000). | Reduction in tax bill ($1.81). |
| West Virginia: State (circuit breaker) | 1972 | Homeowners and renters 65 and over (NA). | $5,000 | Relief based on ratio of property tax to household income. Taxes exceeding a given percent of income is remitted. These percents range from .5 percent to 4.5 percent not more than $125 tax considered for relief. (12 percent of rent=tax equivalent.) | Direct State payment ($0.84). |
| Wisconsin: State (circuit breaker) | 1964, 1971 rev. | Homeowners and renters 62 and over (79,000). | $5,000 | Income—Tax burden excessive when exceeding following percents of household income (cumulative rates). $0 to $1,000, 0; $1,000 to $1,500, 5 percent; $1,500 to $2,000, 10 percent; $2,000 to $5,000, 14 percent. Not more than $500 tax considered for relief. (25 percent of rent=tax equivalent). | Percent of excessive burden relieved, 75, 60, 60, 60. State income tax credit or rebate ($2.21). |
| Wyoming: State | 1973 | Homeowners 65 and over (2,000) | $2,000 single, $2,500 married. | Exemption of $1,000 assessed value | Reduction in tax bill ($1.16). |
| District of Columbia: Plan under active congressional consideration. | | | | | |

NA—Data not available.
Circuit breaker—A state financed program of property tax relief in which the amount of tax relief phases out as household income rises.
"Rev." indicates the year of the most recent liberalization of the above property tax relief program.

Source: ACIR Staff compilation based on Commerce Clearing House, State Tax Reporter, State of Washington, Department of Revenue, Property Tax Relief in Washington, October, 1972, and telephone and letter survey of the various States.

TABLE 6 (SUPPLEMENT TO TABLE 5).—NEW PROGRAMS (ENACTED BETWEEN MAR. 2 AND MAY 2, 1973)

| State, financed by | Date of adoption | Description of beneficiaries (estimated number of claimants) | Income ceiling | Tax relief formula (or general remarks) | Form of relief (estimated per capita cost) |
|---|---|---|---|---|---|
| Vermont (major extension of old program): State (circuit-breaker). | 1973 rev. | All homeowners and renters (60,000). | None | Income and tax excessive when exceeding following percent of income: 0 to $3,999—4 percent; $4,000 to $7,999—4.5 percent; $8,000 to $11,999—5 percent; $12,000 to $15,999—5.5 percent; $16,000—6 percent; maximum relief is $500. (20 percent of rent = tax equivalent.) | State rebate (or income tax credit for elderly) ($23.38). |
| Indiana: State (circuit-breaker) | 1973 | Homeowners and renters, 65 and over. | $5,000 | Relief ranges from 75 percent of property tax for incomes below $500 to 10 percent for incomes above $4,000. Limitation on amount of property tax liability considered for relief is $500. (20 percent of rent = tax equivalent, [15 percent if furnished or utilities provided]). | State income tax credit or rebete. |
| North Dakota: State (circuit-breaker) | 1973 | Renters 65 and over | $3,500 | Property tax in excess of 5 percent of income is refunded. (20 percent of rent = tax equivalent.) Maximum relief is $350. | State rebate. |
| Nevada: State (circuit-breaker) | 1973 | Homeowners and renters, 62 and over (13,000). | $5,000 | Property tax in excess of 7 percent is refunded. (15 percent of rent = property tax equivalent.) Maximum relief is $350. | State rebate ($1.42). |
| Michigan (replaces previous elderly homestead relief): State (circuit-breaker). | 1973 | All homeowners and renters | None | Excess taxes are taxes above 3.5 percent of income [various lower percentages for elderly with income below $6,000]. Credit = 60 percent of excess taxes [100 percent for all elderly]. Maximum relief is $500. [17 percent of rent = property tax equivalent]. | State income tax credit or rebate ($27.53). |

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POLICY CONSIDERATIONS AND RECOMMENDATIONS

In response to President Nixon's request of January 20, 1972, the Advisory Commission on Intergovernmental Relations conducted a study of a proposal for a major Federal program of residential property tax relief conditioned on State assumption of most of the cost of financing local schools and underpinned by a new or expanded Federal tax such as a value-added levy. This proposal was designed to deal with two interrelated problems—growing public resistance in many areas to higher property taxes and the current legal attack on heavy reliance on the local property tax as the primary source of funding local schools.

Before this Commission completed its investigation it considered four separate proposals for Federal entry into the property tax-school finance fields. Specifically, the Commission considered the need and the desirability of both a major and a limited Federal property tax relief action. The Commission also considered the desirability of a Federal aid program designed to hurry history along on property tax assessment reform. Finally, the Commission evaluated a proposal that called for a temporary and limited Federal incentive program designed to encourage the States to reduce fiscal disparities among school districts within each State.

CRITERIA FOR NATIONAL GOVERNMENT INVOLVEMENT

These proposals raised a critical intergovernmental issue—what criteria or tests should the Commission employ in order to evaluate the merits of proposals that call on the National Government to take remedial action in areas where the States have had exclusive policy responsibility? It is necessary to raise this hard question for several reasons.

With each passing day it appears easier to justify or at least rationalize a Federal "spill-over" interest in areas for traditional State-local concern. Witness the proliferation of Federal categorical aid programs, which have grown in number from a handful ten years ago to well over 500 now.

In urging Congressional enactment of rev-



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enue sharing legislation, this Commission recently noted that heavy reliance on the narrow categorical aid approach had tipped the power scales in favor of the National Government:

"The Congress is now dangling almost 500 large and small conditional aid carrots collectively worth more than $25 billion a year before State and local governments. The hope was that each conditional aid would provide sufficient financial incentive to spur the States and localities on to greater action in some more or less narrowly defined field of "National interest." But there is overwhelming evidence that State and local governments cannot readily absorb such a large number of diverse programs over restricted periods of time . . .

"Progressive loss of freedom of choice, therefore, is an additional price that must be paid by all State and local jurisdictions for categorical aid dollars. Professor Walter Heller, both a keen student of our intergovernmental fiscal system and a prominent member of the liberal establishment, has pointed up the dangers of this trend toward centralized power. "Unless this trend is reversed," he wrote, "Federal aids may weave a web of particularism, complexity, and Federal direction which will significantly inhibit a State's freedom of movement." The illusion of Congressional "control" has in reality disappeared into the dark jungles of bureaucratic redtape.[1]

The uneconomical allocation of public sector funds is an additional price that often must be paid for Federal categorical aid. A public service (or tax relief program) at some nationwide level may be perceived as good national policy but when extended uniformly across the country is extremely costly and often represents the solution to a problem that is not universal. Furthermore, the high cost of providing national solutions in a nation of diverse regional and local attitudes and needs results in expanding the public sector, thus raising questions concerning its appropriate relationship to the private sector.

DETERMINATION OF NATIONAL INTEREST—TWO TESTS

If our federal system is to retain its integrity it is not enough for Congress to build greater flexibility into its present aid system by means of general revenue sharing and the consolidation of narrow categorical aid programs into broader and more manageable block grants. Congress should also scrutinize closely all demands for the enactment of new Federal categorical aid programs.

In evaluating each of the four proposals that called on the National Government to move into an area that heretofore had been the exclusive domain of State governments, this Commission employed two tests to determine whether the proposal could be justified on the grounds of a strong National Government interest.

The problem that precipitated the demand for Federal intervention stems from a head-on conflict—a serious undercutting of a major Federal program objective by policies of most States.

The intergovernmental conflict can be resolved only by Federal Government action.

The "irreconcilable conflict" test for detecting the presence or absence of a strong national interest is so rigorous that it screens out all but the most persuasive proposals for new Federal initiatives in areas of traditional State-local concern. It is necessary to use this rigorous test in order to check or at least slow down the steady growth of Federal categorical aid. Simply to allege that a specific categorical aid proposal will "promote the general welfare" does not sufficiently justify its adoption on the basis of a strong national interest.

Footnotes at end of article.

THE MAJOR PROPERTY TAX RELIEF ISSUE

The Commission was asked among other things to evaluate a proposal that had two major objectives:

To cut the average residential property tax (approximately 50 per cent) by removing that part of the property tax that underwrites a local school operation.

To eliminate fiscal disparities among school districts in each State by encouraging the States to assume most of the cost of financing public elementary and secondary schools.

In order to accomplish these two objectives, the plan called for a Federal value-added tax designed to yield $18 billion the first year. Part of this revenue yield—approximately $5 to $6 billion—would be set aside to underwrite a system of personal income tax credits and rebates thereby removing the regressivity of the value-added tax for most taxpayers.

The remaining $12 to $13 billion was to be distributed by the Federal Government to the States for the support of public secondary and elementary education *provided* the States agreed to remove the local school tax on residential and nonresidential property and also agreed to refrain from levying a State tax on residential property for the support of local schools.

After a thorough examination of this proposal and the issues raised by it, this Commission concluded that a massive Federal effort designed both to cut the residential property tax substantially throughout the country and to encourage States to assume most of the cost for financing local schools was neither necessary nor desirable.

This negative conclusion is based on the following findings.

While there is clear evidence that some segments of the population—especially the low-income elderly are seriously burdened by the property tax, the evidence does not support the need for a Federal program designed to reduce substantially the property tax of every homeowner in the nation.[2] The simplest illustration of this lack of evidence to support general property tax reduction is that use of the property tax ranges in intensity from $39 per capita in Alabama to $262 per capita in California.

Although there are areas of the country where the property taxes are burdensome, not all homeowners, even in the high property tax jurisdictions, are overburdened by this levy. In some areas State and local income and sales taxes now take a larger bite out of the budgets of the families with average incomes than does the residential property tax and in most areas State and local income and sales taxes are growing at a faster rate than is the property tax. The Social Security tax now places a heavier burden on the average family than does the residential property tax while the Federal income tax is nearly three times as burdensome.

Most significantly, our study fails to reveal a strong national interest in a program designed to provide across-the-board tax reduction for every homeowner in the United States. Specifically, there is no evidence to suggest that a massive residential property tax program is necessary to protect a vital Federal interest, nor can it be demonstrated that the relatively high property taxes imposed by States such as New Jersey and New Hampshire cause serious economic harm beyond their boundaries.

It would also be extremely difficult to develop a Federal program capable of distributing tax relief equitably across the nation. The tremendous variations in the use of the property tax would create unequal windfalls both between jurisdictions and among various classes of property owners within the same jurisdiction. The so-called urban land speculators would be twice blessed by a major property tax reduction. First, the vacant land, like all taxable realty, would have more value in the market, and second, the cash cost of holding land off the market would be sharply reduced. Moreover, a proposal that stresses residential property tax relief but not business property tax relief might influence States to place heavier tax burdens on business property.

A multi-billion dollar Federal program of tax relief-school finance cannot be justified on the grounds that States lack the fiscal capacity necessary to place their local school districts on an equal fiscal footing. Our analysis reveals that only a few States would experience fiscal difficulty in bringing per-pupil expenditures to the relatively high levels needed to comply with the principle enunciated in *Serrano v. Priest*, the California Supreme Court decision that first demanded equalization of school district fiscal resources. The great majority of States have the necessary untapped relative tax potential. New York, Vermont and Wisconsin, however, stand out as the States that would experience greatest fiscal difficulty because of their current heavy use of all State and local taxes.

In order to construct a truly effective property tax relief program, Congress would have to exercise unprecedented Federal control over both State and local tax policymakers. Not only would the National Government have to force the States to refrain from use of a tax on residential property for school purposes, it would have to go further and encourage the States to place specific restrainta on local government so as to prevent cities and counties from moving into the property tax area vacated by the schoolmen.

The prospect for State-financed property tax relief is not entirely bleak. For example, late in 1972 California enacted a $1.1 billion property tax relief-school finance reform program financed in part with Federal revenue sharing funds and in part through more intensive use of non-property taxes. Governors in ten other States were reported to favor the use of revenue sharing funds for property tax relief.

In the final analysis, however, "property tax relief" is something of an illusion because it requires either a reduction of public service or a shift to other forms of taxation—intensified use of income or general sales taxes or the imposition of a new tax such as the value-added levy.

Early in 1972 ACIR conducted a public opinion survey that indicated widespread agreement on the proposition that the property tax was the worst tax; but there was far less agreement on what the National Government should do about it. Fourteen percent of the population favored an income tax substitute; 32 percent favored a consumer tax substitute (VAT); 44 percent opposed either the Federal income or consumer tax substitute; and 10 percent couldn't make up their mind.

The Commission concludes that the interests of our federal system are best served when States retain primary responsibility for shaping policies dealing with general property tax relief and intrastate equalization of school finances—two areas that traditionally have been within the exclusive domain of State policy-makers.

LIMITED PROPERTY TAX RELIEF ISSUE

This Commission considered a proposal for the National Government to provide an incentive grant to the States designed to encourage them to provide limited property tax relief to low-income homeowners and renters.

The majority of the Commission members rejected this proposal because it could not meet both national interests tests. Admittedly, there is considerable evidence to support the contention that this particular Federal aid proposal could pass the first test because to date most States have not shielded low-income homeowners and renters from property tax overload situations. This



State failure, in turn, clearly undercuts a major national program objective of income support especially through the Social Security system. In the view of the majority of the Commission, however, the proposal failed to meet the second national interest test—that only Federal action could resolve this intergovernmental conflict.

The Commission reaffirms its 1967 recommendation that States shield basic family income from undue burdens imposed by the property tax.

Given a few more years, there is reason to believe that the States will resolve the problem of property tax overburden especially for the low-income elderly. This rather optimistic assessment rests on the fact that the "circuit-breaker" idea has such basic popular appeal that it should be adopted in those States where it is most needed in a relatively short period of time. Over the last few years, 25 States and the Canadian Province of Ontario have enacted programs designed to shield low-income elderly homeowners and, in many cases, renters from property tax overload situations.

The 14 States that have now enacted circuit-breaker laws each have chosen a unique plan. As long as States retain the initiative for providing property tax relief for low-income households, better circuit-breaker techniques will continue to be developed. (Table 12)

It can also be argued that Federal incentive grants should not have to be used to induce States to do something that is morally right, highly popular, and relatively inexpensive. All of the States have sufficient fiscal capacity to underwrite a limited property tax-relief program for low-income households.

Perhaps the most persuasive argument for allowing States a few more years to put their own property tax relief houses in order arises from the fact that State fiscal policies are largely responsible for the weight of the local property tax. These jurisdictions, therefore—not the National Government—should finance circuit-breaker programs designed to shield low-income homeowners from property tax overload situations.

Unless constructed carefully, a Federal incentive grant for property tax relief could create an inequitable intergovernmental situation. Specifically, it would reward those States that force their local governments to make heavy use of the property tax and shortchange those States that make above-average use of nonproperty tax revenue.

In all of its recent reports, this Commission's recommendations have underscored the need to build a greater flexibility into our Federal aid system. A Federal incentive grant with its own set of guidelines and controls would add to an already overburdened Federal aid structure. For these reasons, such a grant proposal should be opposed.[3]

THE PROPERTY TAX ASSESSMENT REFORM ISSUE

Those who are most familiar with the operations of the property tax suggest that one reason for its unpopularity with the public is the widespread feeling that the tax is not administered fairly. Put another way, inequitable assessments tend to increase public disenchantment with the property tax because they result in random and unwarranted tax burden differentials. Moreover, poor assessment practices lead to taxpayer confusion about, and distrust of, the property tax system.

Means for improving property tax administration are available. A decade ago this Commission, building on the work that had been done by professionals in the property tax field, submitted a comprehensive list of prescriptions for strengthening the property tax.[4] Underpinning the 29 policy recommendations are the following basic principles:

Footnotes at end of article.

1. The prevailing joint State-local system for administering the property tax can work with a reasonable degree of effectiveness only if the State tax department is given sufficient executive support, legal authority, and professional stature to insure local compliance with State law calling for uniformity of tax treatment.

2. Professionalization of the assessment function can be achieved only if the assessor is selected on the basis of demonstrated ability to appraise property.

3. The perennial conflict between State law calling for full value assessment and the local practice of fractional assessment can be resolved most expeditiously by permitting local assessment officials to assess at any uniform percentage of current market value above a specified minimum level provided this policy is reinforced with two important safeguards:

a. A full disclosure policy, requiring the State tax department to make annual assessment ratio studies and to give property owners a full report on the fractional valuation policy adopted by county assessors, and

b. An appeal provision specifically to authorize the introduction of State assessment ratio data by the taxpayer as evidence in appeals to review agencies on the issue of whether his assessment is inequitable.

Significantly, the Commission directed its recommendations to the States on the ground that they are unquestionably responsible for effective and equitable administration of the property tax. The question of whether the Federal Government should become involved in a matter of such clear-cut State-local concern was not even raised a decade ago and not one of the Commission's 29 policy recommendations called on the National Government to take remedial action.

The Commission reaffirms its recommendations of 1962 that call on the States to strengthen assessment administration and thereby make the property tax a more effective and equitable revenue instrument for local government.

Our current research reveals that many States have taken steps to improve assessment administration and, in particular, to broaden their own activities in this area. Still, progress is slow. Tax administration is an ancillary and unglamorous aspect of government activity and initiatives for spending additional funds to improve it are usually given the lowest priorities. Indeed, the amounts that are now being spent by the State governments in supervising property tax administration are generally meager. Many States spend as little as one-twentieth or one-thirtieth of one percent of local property tax collections for this function.

The Commission considered, but turned down, the possibility of a small Federal categorical grant to encourage States to improve assessment administration.[5] We could find no major Federal program objective that has been seriously undercut because of poor property tax assessment administration on the part of State and local governments. Moreover, both States and localities can use any portion of their Federal revenue sharing funds for financial administration—including property tax assessment administration.

As in the case of a proposed Federal incentive grant for property tax relief, this proposal would add still another narrow purpose categorical aid program with its own set of Federal guidelines and controls. Enactment of this proposal would represent still another Federal attempt to dictate State and local spending priorities and would, therefore, also work against the objective of building greater flexibility into our Federal aid system.

Furthermore, before launching a new Federal initiative for property tax assessment reform the Commission urges the President and the Congress to take steps to coordinate and strengthen existing Federal programs that have clear potential for stimulating improvement of State and local assessment practices. Examples of such activities are:

The Department of Housing and Urban Development; under its research and demonstration program, can make grants to, or enter into contracts with, States and localities for innovation projects aimed at improving assessment administration.

The FHA appraisal activities of the Department of Housing and Urban Development might be extended and coordinated with those of the local assessors.

Other Federal agencies—such as the Department of Transportation, the General Services Administration and the Department of Defense—are continuously involved in land acquisition and undoubtedly conduct appraisals in connection with these activities. Such appraisals should also be coordinated with local assessment work.

The various mapping operations of the Department of Commerce and the Department of Interior might be available to the State property tax agencies as they develop land use maps in connection with property tax assessment.

Treasury regulations and practices regarding depreciation of buildings for income tax purposes should be examined to determine whether such practices do indeed as has been alleged—encourage over-assessment of improvements vis-a-vis the land on which the improvements stand.

The activities of the Civil Service Commission under the Intergovernmental Personnel Act might be expanded in the areas of assessor training and interchange of State and Federal personnel concerned with property appraisal.

The experience that has been gained by the Bureau of the Census in conducting sales-assessment ratio studies might be built upon to help States strengthen and standardize their own studies.

INTRASTATE SCHOOL FINANCE EQUALIZATION

The Commission also examined the issue of whether and to what extent Federal financial aid was necessary to help States meet the problems of school finance that may stem from recent court decisions. Evidence provided in this report indicates that, with few exceptions, States have ample untapped tax potential for this purpose. Obviously, action on school finance that requires States to alter substantially the degree of reliance on the local property tax for school support takes time and would require public acceptance.

In order to minimize the time period for accomplishing school finance equalization and help the States surmount the obvious political obstacles, the Commission considered a proposal for limited and temporary Federal assistance. The assistance might take the form of a general purpose grant in the range of $20 to $40 per school age child that could be used for any purpose so long as a State met equalization objectives specified by the Federal aid legislation. These features assure that a State like Hawaii, which has eliminated inter-local fiscal disparities by opting for a statewide school system, would not be deprived of the benefit of the aid program.

The assistance would be equipped with a self-destruct mechanism. For example, the aid legislation could be drawn so as to insure that it phased out automatically as the National Government relieved States of financial responsibility in, say, the public welfare field.

The Commission rejected the idea of limited and temporary Federal assistance designed to encourage each State to improve the ability of its school finance system to equalize the fiscal capacity of its local school districts. No vital national program objectives are currently being subverted by existing intrastate school finance disparities. Moreover, Federal aid for this purpose would

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represent a return to the pre-revenue sharing philosophy that the National Government is in a better position to determine State-local budgetary priorities.

The States have plenary powers in the education field and they also have an overriding self-interest in adequate provisions of this single most costly State-local function. States have at least four options in responding to any court decision invalidating a school finance system that relies too heavily on the local school property tax. They can reorganize their school districts to make each local district more in the image of the State as a whole. They can mandate a uniform school property tax rate the proceeds of which could be used to equalize financial capacity among districts. They could enact State property or non-property taxes the proceeds of which could be used to equalize local fiscal capacity. They could finance schools from non-property tax sources as does Hawaii. The States alone have the capacity to take any or all of these options should the need arise as a result of court action. Thus, Federal intervention is not a prerequisite to State solution of the intrastate school finance disparities issue.

The Commission concludes that the reduction of fiscal disparities among school districts within a State is a State responsibility.

Yet, in concluding that the reduction of fiscal disparities among school districts within a State is a State responsibility, the Commission hastens to emphasize four points:

The Commission is not addressing itself to the role the Federal Government should play in supporting public elementary and secondary education but to the narrower question of whether and to what extent Federal aid is necessary to encourage States to reduce fiscal disparities among school districts within each State.

The Commission believes time is needed to assess the impact of revenue sharing, particularly the extent to which it will enable the States to come to grips with the intrastate school finance question. California, for example, has already earmarked its State allocation of revenue sharing to finance part of its $1 billion school finance reform-property tax relief program.

The lower courts have lit warning signals on the intrastate school finance problem but the appropriate future path for State action will not become clear until the Supreme Court renders a decision on a case now pending before it.

The uncertainty surrounding the effectiveness of dollars earmarked for education, as it is presently delivered, illustrates the need for State systems to measure the effectiveness of school spending and to rebuild citizen confidence in public education.

SUMMING UP

The most significant and positive reference that can be drawn from the Commission's policy recommendations is this—it is not necessary to buck every problem up to Washington for resolution. Strengthened by revenue sharing and with the strong prospect for shifting an increasing share of the welfare expenditure burden to the National Government, the States can and should be held accountable for their traditional property tax and school finance responsibilities.

But revenue sharing and Federal takeover of welfare are not enough. If States are to play a strong role in our Federal system, Congress must resist the constant temptation to solve problems that should be handled at the State level. Congress would be in a far better position to resist this pressure if it subjected to a rigorous national interest test all proposals calling for new National Government initiatives in areas of traditional State-local concern. Only by applying a "tough" test can we strike a reasonable balance between National and State interests.

The Commission concludes that there is no need to enact a Federal value-added tax to provide revenue for property tax relief and to ameliorate fiscal disparities among school districts within each State, and therefore recommends that such a tax not be adopted for this purpose.

In view of our conclusion that no Federal aid should be extended for general property tax relief or intrastate school finance equalization, it follows that the introduction of a major new source of taxation for these purposes is not warranted.

This Commission, however, has conducted a thorough study of the value added tax and has also examined certain other means for strengthening the National Government revenue system and will release an information report on this subject.

FOOTNOTES

[1] ACIR, *Revenue Sharing—An Idea Whose Time Has Come*. December 1970, pp. 7–9.

[2] This statement should not be interpreted as an argument against *indirect* property tax relief that could result from Federal revenue sharing or Federal assumption of welfare financing.

[3] The following statement of dissent was submitted by Senator Muskie and concurred in by Governor Kneip:

"The recommendations adopted by the Advisory Commission on Intergovernmental Relations on the subject of property taxation place an unfairly heavy burden of relief and reform on State and local governments and dismiss the proper, limited contribution the Federal Government can make in this area.

"Where excessive property taxes undermine the Federal goal of providing security to the poor and the elderly, even diverting Federal help from needy recipients into local tax collections, there is a clear Federal interest in relieving the special burden. Where States are working to strengthen their own revenue systems through reforming inequitable and arbitary assessment practices, there is a clear Federal interest in assisting such progress.

"The excellent staff work that went into the thorough ACIR study of school financing and property taxation clearly demonstrates the national scope of the problem. Of 14 million Americans with incomes under $5,000 a year, 10.4 million people (4.5 million of whom are 65 or over) face property tax payments in excess of 6 percent of their total income. Nearly 1.3 million elderly homeowners with incomes under $2,000 pay an average of 15.8 percent of their income in property taxes. Additionally, ACIR staff research has shown that State governments have made "spotty" progress at best in implementing the ACIR's 1963 recommendations for upgrading their systems of property tax administration.

"In my view, a restricted national program that encourages the States to improve property tax administration while helping lighten excessive taxes on qualified low-income renters and homeowners is necessary. To the extent that the final recommendations foreclose the search for an appropriate Federal remedy, they compel my strong dissent."

Senator Percy submitted the following statement:

"I regret very much not being able to participate in the deliberations of the Commission at its meetings on December 14th and 15th because of my absence from the country.

"On reviewing the decisions of the Commission, I wish to express my regret that the Commission did not accept a somewhat more expanded view of the role of the Federal Government in encouraging the States to implement programs of property tax reform and relief.

"There is ample evidence that in many States property taxation comprises a very heavy burden on homeowners that sometimes exceeds their ability to pay. It is my view that reform of State property tax systems would lead to substantially more equitable taxes, and that in instances where property taxes exceed the ability of qualified homeowners to pay, State programs of relief should be encouraged. I do not believe that the Federal Government should interpose itself directly in the administration of State property taxation. But I believe there is a need for the Federal Government, in properly limited ways, to encourage the States to undertake such programs of reform and relief."

Treasury Secretary George P. Shultz submitted the following statement:

"I agree that the States have and should retain primary responsibility for shaping property tax relief and intrastate equalization of school finances. Yet I believe the evidence indicates that in some instances low income groups, particularly the elderly, have come to bear in recent years such a heavy burden of property tax that Federal action deserves consideration, pending the time that States are in a position to complete that action themselves.

"I would note that the Commission's action on this issue was taken by a closely divided vote."

[4] ACIR, *The Role of the States in Strengthening the Property Tax*, A–17, June 1963, Vol. I, Chapter 2.

[5] See statements by Senators Muskie and Percy and Governor Kneip in footnote on page 4.

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TESTIMONY OF GOV. KENNETH M. CURTIS, BEFORE THE SENATE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS, FRIDAY, MAY 4, 1973

Senator Muskie and members of the committee, as one of the Nation's Governors, I am extremely grateful to have this opportunity to appear once again before the subcommittee on intergovernmental relations.

In the nearly seven years I have been privileged to serve as a Governor, I have developed great respect and appreciation for the work of this subcommittee in searching for solutions to the severe revenue problems that have plagued the States and municipalities.

In many instances, I am afraid we seek new sources of revenue at the State and local levels, while failing to make efficient use of existing tax sources.

It has been most encouraging to see the States move to the income tax as a greater source of revenue.

However, nearly 40 percent of all State and local revenues still come from the property tax.

Nation-wide, it is probably the poorest administered of all taxes.

Undoubtedly, hundreds of millions of dollars could be collected through a reform of the property tax without a raise in the current rate of taxation.

In fact, reform of the Federal income tax, and property taxes would go far in relieving the almost uncontrolled increase in taxes for most Americans.

So, I am delighted this subcommittee is addressing itself to property tax reform.

I am also here representing the education commission of the States, who have concluded in a recent research brief that "the real property tax is the single most important revenue source for State and local governments in the United States."

Their report also concluded:

"Popular discontent with the property tax is caused to a great extent by poor administration of the tax, including unfair assessments and exemptions.

"This discontent adds to the difficulty school boards face in getting their budgets approved."

Because I am more familiar with my own State and know of its typically poorly administered property tax, I will use the situation in Maine as an example.

It is very much apparent in Maine that the property tax system is both poorly administered and grossly overburdened.

Furthermore, reliance on the existing property tax system to fund local schools has resulted in significant inequalities in educational opportunities for our children.

If we are to have meaningful property tax reform, we must deal with all of these problems.

The tax must be professionally and fairly administered.

The burden of property taxes on low and fixed income families must be reduced through a general reduction in property taxes or through a "circuit-breaker" provision.

And finally, we must insure equal educational opportunities for our children.

The administration of Maine's property tax system has not been substantially changed since the State separated from Massachusetts more than 150 years ago.

The system is administered in 496 separate assessment districts with State valuations ranging from $100,000 to $270 million.

Most of Maine's 1,500 local assessors are elected.

The only qualification to hold office is that one must be 18 years of age.

The State does have a certification and training program but assessors are not required to be certified.

In addition to the above, there are only 5 assessors to cover more than 10 million acres of Maine's unorganized territories.

Less than 1 percent of the 1,500 assessors are considered to be professionally qualified.

This is due in part to the nature of the assessor—

He is an elected, part-time official, who generally has other part-time municipal duties, but who, at the same time, must earn a living for himself and his family.

None of the institutions of higher learning in the State offer any formal programs oriented toward the training of assessing personnel, although the subject is aired from time-to-time in the training programs presently being conducted for municipal officials under title I of the Higher Education Act of 1965.

Formal State activity to train assessors is primarily evident in 12 week courses conducted at several of the vocational training institutes and the assessor's training school which has been offered for one week during the summer for a number of years under the auspices of the State Bureau of Taxation, in cooperation with the Maine Municipal Association and the Maine Association of Assessing Officers.

These programs have been worthwhile for a limited number of persons but have obvious short-comings in terms of the long-range needs.

As you might expect, unqualified personnel generally results in substandard assessing.

If the goal of quality assessing is that the determination made by the assessor should be as nearly equal to the current fair market value as is possible, then one can measure the quality in terms of deviation from this standard.

The statistical measure used for this purpose is the coefficient of dispersion—the ratio of the average deviation to the average assessment ratio.

The lower the coefficient of dispersion, the more uniform are the assessments in the area under study.

When the coefficient of dispersion is greater than 20, the quality of assessing can be considered substandard and probably when it is greater than 15 it should be suspect.

A study completed in 1969 indicates that 86 percent of Maine's municipalities have coefficients of dispersion greater than 20.

57 percent have coefficients greater than 30.

The other statistic which is important in evaluating the effectiveness of the assessment program is the average assessment ratio.

This statistic is discovered by indicating the ratio between the assessed value of each property in the sale-ratio study and its sales price, adding the ratios, and dividing by the number of items.

The average assessment ratio indicates generally how much the community's assessment differs from fair market value.

In 1965 through 1967 over 50 percent of the municipalities had assessment ratios less than 40 percent of fair market value.

When the majority of assessment ratios are below 40 percent of fair market value and when a majority of coefficients of dispersion are so great as to require immediate revaluation, it cannot be denied that the quality of assessing is generally substandard.

And, yet in 1972, Maine's property tax generated more than 200 million dollars in revenue, nearly twice as much revenue as any other tax.

The inescapable conclusion is that Maine's largest and most significant tax system is being administered generally by untrained, part-time, amateurs in 496 separate assessment districts with little in the way of uniform standards or procedures.

Unfortunately, the Maine Legislature has shown little inclination to remedy the situation.

The property tax currently provides approximately 60 percent of the funds for local education.

The poor administration of the property tax, therefore, has a direct impact on the quality of education offered to our children.

Poor administration reduces confidence in the tax and increases discontent of the taxpayers who often vent their anger and frustration by attacking school budgets.

Furthermore, substandard assessment practices may reduce the valuation of a municipality and in turn reduce the funds available for education.

But, perhaps more important than the above, increasing costs of local education have resulted in massive increases in property taxes.

During the last ten years, property taxes have increased nearly 100 percent.

Increasing property taxes have been particularly burdensome on Maine's low and fixed-income populations.

These increases have also exacerbated a very serious problem that has existed for many years.

Reliance on the property tax to fund local education has resulted in significant inequalities among our municipalities in the money that is available for education.

Maine, like every State, has its so-called wealthy and poor municipalities.

Per pupil valuation varies from as low as $3,000 per pupil to $145,000 per pupil.

The poor towns make a very great tax effort to raise grossly insufficient amounts of money to educate their children, while the wealthier towns make very little tax effort, but are still able to raise large amounts of money per pupil.

As an example, I will use 2 towns in Maine which I will refer to as town A and town B.

Town A raises $1,500 per pupil with a tax effort of 6.3 mills.

Town B raises $700/pupil with a tax effort of 18.4 mills.

Thus, town A is generating twice as much money per pupil as town B with one-third the tax effort.

I'm sure none of us would argue that availability of funds has a direct relationship to the quality of education offered.

I am also sure none of us would argue that every child in Maine and in every State throughout the country is entitled to equal educational opportunities.

Clearly, any effort to reform our property tax system must deal, not only with the burdensome property tax levels, but also with educational funding.

In Maine, efforts have been underway for several years to reform our property tax system.

To date, these efforts have been only marginally successful.

During the 105th Maine Legislature, a bill was enacted providing a "circuit breaker" type of property tax relief program for low income elderly citizens.

The last three sessions of the legislature have considered proposals to reform the finance of local education.

I have included in my legislative program for the current session of the legislature, a comprehensive tax reform package.

The main features of this package are the reform of the finance of local education and improvements in the administration of the property tax.

I have proposed that every municipality have the opportunity to contribute at an equal rate to the support of education.

Each municipality would be assessed a uniform school tax of 18 mills, based on State valuation adjusted to 100 percent.

This is much less than the current State average of 18.5 mills.

To make up for this reduction in the average property tax rate, the State's share of operating costs for non-property sources would be increased from 33.3 percent to 46 percent.

The State treasurer would issue warrants to each municipality to assess the required amount and remit them to the general fund for subsequent distribution under a new school aid formula.

The proposal would limit the amount of increased subsidy each year until the local system reaches the average per student level of $733, $630 per elementary student and $945 per secondary school student.

In addition to this distribution, the school units would be reimbursed for excess costs for vocational and special educational programs.

To ensure that our additional State funding will result in property tax decreases in most communities, municipalities would be subject to expenditure limits for education.

Each municipality would be allowed to increase its expenditures but only if approved by their town meetings or councils.

This proposal would also establish a State bureau of property taxation and a property tax appeals board to provide administrative review of local assessments subject to court appeal by either the taxpayer or the municipality.

Collection of property taxes has traditionally been left to the States, counties and municipalities.

Undoubtedly, there are those who will oppose Federal participation even in the limited manner envisioned in S–1255.

But, I don't believe it is particularly useful to quibble about tradition or philosophies of government when the need for reform is so apparent and solutions so readily available.

We need only to determine who, at this particular time, can best implement the kinds of reform that are so desperately needed.

I believe that in this instance, the most logical course of action is a cooperative effort with the federal government.

Clearly S–1255 does not threaten state control of property taxes.

It does provide financial incentives to improve the administration of the property tax system and to reduce the burden of property taxes.

The major provisions of the act are contained in titles III, IV and V.

Under Title III, the federal government would fund one-half the cost of a quali-



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fied program of real property tax relief, up to a limit of $6.00 per capita.

This provision would provide up to $6 million in federal funds for the state of Maine and would serve as a major incentive to expand our existing property tax relief law to cover all low income homeowners and renters, regardless of age.

Title IV would encourage states to provide property tax payers accurate information about property assessment and appraisals, uncomplicated appeals procedures, and detailed data on the value of real property exempt from taxation.

At this time, Maine law does not provide for the publication of data relating to assessments and appraisals.

In addition, a valuation of exempted property is conducted only at 5 year intervals.

Finally, there is no state-level appeals mechanism other than superior court which is costly to both the taxpayer and the municipality.

Although I have already introduced proposals to solve many of these deficiencies, title IV would greatly assist us in this effort.

Title V would encourage the states to improve the professional qualifications of property appraising and assessing officials by providing interest-free loans to state programs which meet the requirements of this title.

I have already referred to the desperate need for qualified personnel.

I would only emphasize here that no system can be effective without trained personnel available to administer it.

Although I would prefer a matching grant rather than loan provision, I also support this feature of the bill.

Although the education commission of the states has not yet taken a position on this legislation, I would like to express my support for S1255, the property tax relief and reform act of 1973.

I would welcome the technical and financial assistance of the federal government in reforming the property tax and, thereby, providing a better life for the people of Maine.

With the assistance envisioned in S–1255, I believe we will finally be able to achieve the kinds of reforms we have so long sought.

Senator Muskie, I want to commend you and your colleagues for introducing this bipartisan legislation.

I respectfully urge this committee and Congress to act favorably upon it.

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### Property Tax Reform

(Statement of Alan C. Stauffer and Thomas Laverne)

PREFACE

The following statement is testimony by Alan C. Stauffer, staff member of the Education Commission of the States (ECS) Finance Project, before the U.S. Senate Subcommittee on Intergovernmental Relations, May 4, 1973. The subcommittee is studying S.B. 1255, a bill providing for property tax relief and establishing incentives for state property tax reform.

ECS recently released a report on exemption and assessment practices in the states. The citation of the report is: Alan C. Stauffer, *Property Assessment and Exemptions: They Need Reform*, Research Brief No. 3 (Denver: Education Commission of the States, March 10, 1973). The report will be referred to in this statement as Research Brief No. 3.

STATEMENT

Schools suffer because of the haphazard and unjust system of property tax administration. School districts are often over or underpaid by the states because of errors in calculating local assessed valuations. Municipal competition to expand tax bases through annexation impairs school district long range planning ability since boundaries are constantly changing. Spiraling tax rates coupled with spreading discontent with local assessment practices and tax appeals procedures make it difficult for local school boards to get their budgets approved.

Property taxes are here to stay despite efforts in four states to outlaw them constitutionally (or severely restrict mill levies) and despite challenges in state and federal courts. The tax simply produces too much revenue (nearly 40% of state and local taxes)[1] to abandon lightly. Removal of the tax would have a massive effect on the real estate market and on other taxes.

The Supreme Court decision in San Antonio Independent School District v. Rodriguez means that locally raised dollars will continue to pay a major share of the school finance pie. This development makes it imperative that the administration of the tax be cleaned up in order that the services it supports (especially education) are not jeopardized.

The ECS Finance Project undertook a study of the property tax assessment and exemption practices because of the effect they have on school finance. We were convinced that no matter what the Rodriguez decision might be, education had nothing to lose and a lot to gain from property tax reform.

Our main concern in the study was property tax reform, rather than property tax relief. We took this approach because: (1) property tax relief is politically popular and is catching on in the states. Fifteen states have already adopted "circuit-breaker" property tax relief programs. I am aware of property tax relief legislation in fifteen other states. While there is a definite need for property tax relief, we are concerned that relief proposals will divert attention from the need for real reform. If relief is granted without reform, old inequities still exist, only sometimes in a lesser degree. Our idea was to encourage state legislators to focus their attion on the politically unpopular area of property tax reform. (2) There is a group of economists and tax reformers who claim that the property tax would not be regressive if it were administered properly.[2] The tax does not have to be burdensome. If the tax were administered uniformly and if exempt property owners paid for property services received and exemption loopholes were plugged up it would be possible to lower the tax rates considerably. Reform brings with it tax relief.

Research Brief No. 3 brings under one cover material on the property tax compiled by the Advisory Commission on Intergovernmental Relations (ACIR), the Bureau of the Census, the Russell Sage Foundation, the International Association of Assessing Officers (IAAO) and an original ECS survey. The survey was sent to all state property tax administrators. We got a 100% return. We also followed up the written survey with telephone interviews. The study found that the States have not taken the necessary steps to regulate the local assessor and to insure tax uniformity. For example, in one Louisiana tax district property assessments range from 1% to 550% of market value.[3]

Our original survey discovered that:

1. 17 states regularly assess exempt properties and publish the results for taxpayer use;

2. The majority of assessors in the United States are elected. Only 7 states appoint assessors. In two other states assessors are appointed under the merit system.

3. Assessors are required to be certified in only 9 states;

4. 22 states require assessment maps with no minimum standards; several states require maps but have not provided funds for the program;

5. 20 states require assessor training either before or after the assessor takes office;

6. Uniform assessment manuals are required in 26 states, 11 other states publish manuals but do not require their use;

7. State sales ratio studies are not conducted in 9 states;

8. 3½ states do not grant financial aid to upgrade local assessment practices;

9. 28 states can order reassessment of local properly or cause omitted property to be assessed;

10. Most states have far too many assessment jurisdictions to achieve economies-of-scale or to implement modern computer assisted appraisal systems. Consolidation has taken place only in Minnesota, Georgia, Tennessee, South Dakota, and Florida.

A major part of Research Brief No. 3 deals with the problems caused by property tax exemptions. One study claims that one third of the taxable real property in the United States is exempt.[4] Exempt properties range from church cemeteries to the 77 story Chrysler Building in New York. Thirty-three percent of the nation's land mass is owned by the federal government and is tax exempt.

Many exemptions were written into law with the intention of bringing tax relief to certain groups of people. Because of substandard assessment practices the exemptions actually relieve many property owners who can afford to pay. The way some exemptions are administered grossly violates the equal protection of the law principle. Under a single type of exemption, one individual may end up being relieved of 10% of his tax bill while another individual in the same jurisdiction is relieved of 30% or more. This problem can only be corrected by insuring uniformity of assessment both in and among tax jurisdictions.

We found in our study that the proper use of computer technology could revolutionize property tax administration. Computers have been used with considerable success to assist the assessor in determining the market value of individual properties. The bias of an assessor in determining property value can be reduced and countless hours can be saved. In California, computerized assessment of single-family homes has produced coefficients of dispersion[5] half as small as the nation's most accurate assessors have been able to achieve. There are two problems associated with the implementation of computer technology. First, assessment jurisdictions have not been able to afford electronic data processing equipment. The assessor usually has the lowest priority in jurisdictions where computer time is shared. Second, computer assisted appraisals have been found to work best in residential neighborhoods where there are frequent sales. There is a great need for research to develop the technology to apply to older neighborhoods and to complex industrial and commercial properties. Federal or state incentive programs in assessment administration should make provisions for implementation of computer technology and for further research into computer applications.

After analyzing the information available to us, we have presented the following alternatives to the states as ways in which property tax administration could be improved.

EXEMPTIONS

Review and clarify exemption laws.

Require the regular assessment of exempt property and publish the results.

Adjust the assessed value of property to compensate for differing assessment levels before applying exemption formulas.

Require that exempt organizations pay direct charges for specific property-related community services.

Reimburse local governments for mandated exemptions

Use "circuit-breakers" rather than exemptions to give tax relief.

ASSESSMENT

Require assessors, elected or appointed, to meet minimum professional standards.

Consolidate assessment jurisdictions to allow for economies-of-scale and regional mass appraisal systems.

Publish and require assessors to use uniform assessment manuals.

Require assessors to use assessment tax maps that meet minimum standards.

Conduct and publish the results of ratio studies.

Establish effective state property tax supervisory agencies that have the power to:

1. Establish a mandatory local assessment reporting system;

2. Grant financial and technical aid to local assessors;

3 Assess complex commercial and industrial properties;

4. Order reappraisals;

5. Locate and cause to be assessed property omitted from local assessment.

Avoid the use of local assessed values for purposes other than property tax administration.

Enforce existing laws providing for uniform property assessment.

Audit property tax reform laws when enacted to insure local conformity.

Similar alternatives were presented to the states following ACIR's 1963 study of property tax administration. What is needed to achieve reform is an incentive. The recent court cases involving schools and property tax systems are an incentive for reform. A program of federal and state loans and grants would provide another needed incentive.

FOOTNOTES

[1] Advisory Commission on Intergovernmental Relations data from unpublished report in Alan C. Stauffer, *Property Assessment and Exemptions: They Need Reform*, Research Brief No. 3 (Denver: Education Commission of the States, March 10, 1973), p. 45.

[2] See George E. Peterson, "The Regressivity of the Residential Property Tax," a working paper, (Washington, D.C.: The Urban Institute, November 1972), and Theodore R. Smith, "Sales Ratios and Property Tax Regressivity," *Assessors Journal VII* (October, 1972), pp. 25–42.

[3] *A Study of Louisiana Ad Valorem Tax and Property Tax Relief Fund* (Baton Rouge, Louisiana: Gulf South Research Institute, August 17, 1972), p. 30.

[4] Alfred Balk, *The Free List: Property Without Taxes* (New York: The Russell Sage Foundation, 1971), pp. 10–19.

[5] A Coefficient of dispersion measures the average departure of individual assessments from the middle or median level of assessment. Low coefficients denote uniformity of assessment. A coefficient below 10% is considered to be ideal. High coefficients (above 20%) show that properties are being assessed at various different rates and thus taxpayers are being treated unequally.

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### Testimony by Thomas Laverne

Chairman of the Education Commission of the States Advisory Committee on School Finance concerning Senate Bill 1255, legislation that:

1. Establishes the Office of Property Tax Relief and Reform within the Department of the Treasury to administer the property tax relief and reform programs established in the legislation (Title II);

2. Pays one half (but not more than 6 dollars multiplied by the population of a state) of the cost of qualified state property tax relief programs (Title III);

3. Authorizes grants and interest-free loans to states (up to 60%) for the purpose of providing property tax information to the residents of the states and for upgrading taxpayer appeals procedures. In order to qualify states must: (a) conduct annual assessment ratio studies and publish their results; (b) guarantee that coefficients of dispersion fall in a certain range; (c) provide a speedy tax appeals procedure; (d) assess and publish the value of exempt property within each tax jurisdiction (Title IV);

4. Provides for interest-free loans for state programs to train and certify property tax officials and for tax maps and other assessment improvement activities (Title V);

5. Provides for federal technical assistance to local assessors and for a survey of all federal exempt land (Title VI);

6. Allows standards to be set pertaining to mass appraisal firms (Title VII).

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STATEMENT

"Over the years, no tax has been more bitterly denounced than the property tax. Adverse criticism of the tax dates back at least 5,000 years to the Egyptian pharaohs when the first use of the property tax was recorded."[1] Recent court cases, and our ECS Research Brief No. 3 have reminded us that 5,000 years later we still suffer from inept, inadequate and unjust administration of local property taxes. Local assessors have not been able to keep up technologically with the rapidly changing American scene. We still select assessors the way we did a hundred years ago and require no more of them in the way of qualifications. Local special interest groups exert tremendous pressure on the assessor to keep tax values down. The assessor who withstands these pressures may find himself out of office the next year. The blame for the property tax mess should not fall completely on the local assessor or local government but rests also with the states. Most states have never rewritten their tax laws. States require uniform assessments but don't require the assessors to use the tools that would bring about that goal. Most important, the states have failed to exert leadership to bring about the needed change. Political pressure to keep the status quo has been most effective. There is a need for state and federal reform mandates to relieve the elected official from this political pressure.

Perhaps the area of greatest neglect has been that of financial assistance to aid local assessment reform. It is ironical that the tax that is hated the most and raises the majority of local revenues is neglected the most in the way of resources necessary to make a sound system. There are four areas where federal or state aid to local assessment administration would make a difference. They are: 1—mapping programs; 2—ratio studies; 3—uniform assessment manuals; 4—training and certification of assessors. While all four of these are important, I would like to focus my remarks on tax mapping to illustrate where aid is needed and how it would pay off.

Property tax assessment is the process by which real property is: 1—discovered, 2—given a tax value, and, 3—listed on the tax rolls. The first requirement of a good assessment system is a complete set of tax maps.[3] An accurate assessment map insures that all taxable land is *discovered* by the assessor. Mapping also facilitates the process of discovering and inventorying land improvements. *Millions* of parcels of property escape taxation simply because assessors do not know that they exist.

Assessment maps must meet certain minimum standards in order to be useful to the assessor and in order to promote assessment uniformity. Important criteria include:

1. Maps must contain a reference to a grid system

2. Maps must give location and name of all streets, highways, railroads, alleys, rivers, lakes, etc.

3. Location of lot lines and property lines—preferably both—drawn to scale, together with dimensions, bearings, areas and acreages must be given

4. The map number or other designation for each parcel of property; or township, range, and government lot number where areas are under government survey must be given.

5. Maps must meet acceptable standards of accuracy (standards depend upon the use to which the maps will be put).

6. Scale of the maps should be readily convertible from English to Metric systems.

7. The mapping process should depend upon aerial photography if accuracy is to be obtained.[9]

Our ECS study of assessment practices showed that in only 22 states are tax maps with minimum standards required. In eight states maps are required but no minimum standards are imposed.[4] A recent study by the International Association of Assessing Officers of state activity in assessment mapping showed that there are statewide mapping programs underway in only 10 states.[5]

Unfortunately, mapping, *the first requirement of a sound assessment program* is also one of the most expensive elements. The cost of aerial photography alone ranges between $10 and $20 per square mile.[6] Often monuments on the ground used to determine precise scale of aerial photographs are inaccurately placed. The cost of remonumenting may equal or exceed all other mapping costs.[7] The costs of complete assessment maps vary geographically. Project costs of $2.20 per parcel have been reported in Alaska as compared to $22.50 per parcel in Tennessee. In Kentucky it costs an average of $300 per square mile while Virginia reports costs of up to $1,000 per square mile. Some specialized maps where topographical information is needed cost around $2,000 per square mile.[8]

The states have not helped local government pay for the tremendous costs of mapping. Only seven states have financial assistance available for this purpose.[9] If local government took it upon itself to pay for mapping programs it would either have to float more bonds or raise local taxes (property taxes). It is politically difficult to ask property taxpayers to increase their burden in order to assure that all their property is being taxed!

If loans or grants were available to pay for mapping programs, local government would be immediately financially rewarded. In most cases 10% of local taxable properties will not be on the assessment roll prior to a mapping program.[10] The most complete case study found dealing with the value of assessment maps concerns a suburban township in Cook County, Illinois. Aerial photographs of the township were made in 1956–57 and again in 1961–62 survey. These maps were compared with information contained on property record cards maintained by the assessor. As a result of the survey 3,600 additional assessable improvements were discovered. The improvements were not appraised in the study. The 1956–57 study resulted in 232 properties being reappraised with a resultant increase in tax revenues of $432,673. The study cost $26,000.[11]

Mapping programs also produce many indirect benefits. One assessor reported that before maps were made it took seven months and over 2,500 miles of driving to assess an area. But after the maps were completed it took three months and 1,200 miles to complete a reassessment.[12] One authority holds that accurate assessment maps allow the assessment process to proceed at least thirty percent faster.[13]

It is plain to see that the *cost-benefit factor for investing money in tax mapping programs is very favorable.* The same could be said for the three other areas needing financial support (training, ratio studies, assessment manuals).

One reason why tax rates are excessive in some jurisdictions is that up to one third of the real property is tax exempt. Many of the exempt properties belong to the federal government. Often federal property receives the benefits of local services such as fire protection, sewer and water systems. The federal government could relieve local tax rates by paying local governments a tax equivalent

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Footnotes at end of article.



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for property it owns within the jurisdiction. The level of government that requires the exemption should pick up the tab for that exemption.

I would now like to turn my remarks to some areas where the federal government could assist the local assessor without spending significant amounts of money. One of the most difficult tasks that faces an assessor is the appraisal and assessment of complex business and industrial property. In half of the states, local assessors receive no help in assessing such properties.

The owners of complex and industrial property often hire consultant firms to help keep their assessed valuation down. Industry often lists a much different value figure on their federal income tax return than they supply to local assessors. Local assessors would be aided immensely if the federal government required that each corporation or firm which owns property in more than one taxing jurisdiction to list such properties and values separately on federal tax returns and make this information available to local and state assessors.

The federal government has several agencies that are involved in property appraisal work. Among these are the Dept. of Housing and Urban Development programs in urban renewal and community development, the Federal Housing Administration, and the Bureau of the Census. The information these agencies generate would be an invaluable supplement to local appraisal data and would serve as a check of local assessment accuracy.

SUMMARY

In this statement I have discussed the mess of our local property tax systems. Local assessors are caught between the pressures of assessing uniformly and of keeping assessed values down. The federal and state governments could partially relieve this pressure by mandating certain reforms. Reforms such as the establishment of tax mapping programs would make a difference in local assessment uniformity. Such programs are very expensive. Federal loans or incentives would help the situation.

One method of acquiring tax relief is to expand the property tax base. The federal government could help do this by paying tax equivalents on exempt property it owns. The level of government that requires property tax exemptions should pay for the exemption.

There are two areas in which the federal government could aid local assessors without spending a significant amount of money. One is by requiring corporations to list separately the value of property in a particular state on the federal tax return and make this information available to the assessor. The second is by making certain federal statistics and appraisal information available to local assessors.

I m pleased to note that there are provisions in Senate Bill 1255 that cover the points I have raised.

FOOTNOTES

[1] Utah Foundation, "Property Tax Reform—1972," Report No. 311, September 1972, p. 100.

[2] Committee on Minimum Assessment Standards, *Report on Minimum Standards* (Chicago: International Association of Assessing Officers, 1963), pp. 2–3.

[3] *Assessment Mapping and Parcel Identification Systems* (Chicago: International Association of Assessing Officers, February 15, 1973), pp. 10–13.

[4] Alan C. Stauffer, *Property Assessment and Exemptions: They Need Reform*, Research Brief No. 3 (Denver: Education Commission of the States, March 10, 1973) pp. 22, 77.

[5] *Assessment Mapping and Parcel Identification Systems*, pp. 57–59.

[6] Robert D. Campbell and Hugh L. LeBlanc, "An Information System for Urban Planning," Urban Planning Bulletin No. 1 (Washington, D.C.: Urban Renewal Administration, Housing and Home Finance Agency, 1965), p. 33.

[7] David Moyer and Kenneth P. Fisher, *Parcel Identifiers for Land Data Systems* (a draft of a report to be published by the American Bar Foundation, 1972), pp. IV–14.

[8] *Assessment Mapping and Parcel Identification Systems*, pp. 28–29.

[9] Alan C. Stauffer, *Property Assessment and Exemptions: They Need Reform*, pp. 33.

[10] William L. Shoemaker, "Tax Mapping," *Proceedings of the 1967 Northeastern Regional Conference of Assessing Officers* (Portland, Maine: The James Sewall Company, 1967), p. 82.

[11] *Assessment Mapping and Parcel Identification Systems*, p. 41.

[12] William L. Shoemaker, "Tax Mapping," p. 81.

[13] *Ibid.*

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TESTIMONY OF STATE SENATOR STENY H. HOYER, ON S. 1255, MAY 4, 1973

Mr. Chairman, members of the committee. I want to thank you for this opportunity to appear before you to testify on S. 1255. I am pleased to do so for many reasons, not the least of which is the fact that I am a constituent of one of the co-sponsors, Sen. Charles McMathias of Maryland.

My name is Steny Hoyer. I am a resident of Prince George's County, Maryland, and represent the southern half of that county in the Maryland Senate. During the seven years that I have been a member of the Senate, I have served on the Senate Finance Committee, which has the combined responsibilities of your appropriations and Finance Committees in that it is concerned with both budgetary and tax matters. In addition, I serve as Chairman of Maryland's Joint Commission on Intergovernmental Cooperation and represent our State on the Executive Committee of the Council of State Governments. I also serve on the National Legislative Conference's Intergovernmental Relations Committee and I am a member of its subcommittee on government operations.

Let me add at this time that I am not here today representing either the views of my Commission or of the National Legislative Conference. The latter groups Intergovernmental Relations Committee will meet in June to make recommendations which will be considered in the mid-summer by the annual meeting of the NLC in Chicago, Illinois.

First, let me say that I am not one who believes that the property tax as such has enough redeeming virtues to justify its retention. I believe that even assuming completely equitable and efficient administration of this tax that it would still be an anachronism left over from the days when property owners did, in fact, send part of their property, be it wheat, or cattle or the like to the central government in exchange for the protection that that government could provide. Notwithstanding my personal prejudice, it is apparent that this tax will be with us for a long time to come.

Indeed, from recent election returns, throughout the country, it would appear that although the voter abhors the property tax, he may well fear the alternative increase in sales and income tax even more. This concept was stated by Mason Gaffney in his presentation to the President's Advisory Commission on Intergovernmental Relations on September 14, 1972, when he observed that that property tax relief was in reality "Sales tax aggravation, or income tax or payroll."

In light of our inability or unwillingness to abandon or substantially decrease the property tax, it is necessary to increase, to the extent possible, the equity of that tax

I believe that S. 1255 is a step in that direction.

In the past session of the General Assembly of Maryland, more than a score of substantive bills dealing with the property tax were introduced and considered. These bills dealt with both the administration and the relief of the burden of that tax.

The most substantive of the bills to be enacted was H.B. 531, which by 1976 will have transferred full responsibility for the administration of the assessment function from its currently shared status to a fully state operated and funded one. We believe that this will move Maryland toward the end of realizing uniformity in its assessment procedures and policies throughout the state. It will also remove the cloud of suspicion over the assessor's head that local officials pressure him to raise assessments so that they need not raise the rate. (Parenthetically, I would say that as long as the base of property appreciates at the rate it is today, no amount of equity in assessment policies is going to give relief to the majority of property tax payers.)

P.G. EXAMPLE

In addition to legislation dealing with the administration of the property tax, there were a number of bills which were introduced to adopt the circuit breaker concept. One of those bills, S.B. 1090, was a major piece of legislation dealing both with reform and relief, and was sponsored by the Chairman of the Senate Finance Committee, who is also the majority leader. Had this bill passed, it would in my opinion, have substantially met the criteria for State Action established in S. 1255.

The cost of S.B. 1090, which as introduced extended relief to both owners and renters, would have been approximately $31 million. Although the relief granted was minimal to all but those below the 10,000-dollar income level, and therefore, politically not an answer to the cry for property tax relief, which comes most forcefully from the middle income homeowners whose household income in my area is between $10–20,000.00, it was a necessary step.

There was another similar bill introduced which authorized local subdivisions to adopt a circuit breaker, provided they funded it themselves. For all but a few subdivisions, this would have been an illusory act in that they could not have afforded to extend the relief because it would have simply meant a shift to those in a slightly higher income bracket.

It is imperative, therefore, for the states to fund any relief program proposed. In order to achieve that end, I believe funding incentives, such as are included in S. 1255, are essential.

Under the funding provisions of your bill, Maryland would be entitled to approximately $24 million. While that amount is certainly helpful and desirable. it is not substantial in light of total revenues in 1970 of $561 million in property tax.

Contrary to the views of the ACIR, which I understand was closely split on this question, I believe the federal government does have a role to play in property tax reform. I believe the State can beneficially use both the technical assistance available from the central government and the fiscal assistance necessary to preclude a mere shifting of the state and local tax from property to the local jurisdictions income or sales tax.

The efforts at reform and relief that I have observed in our State have convinced me that the fiscal magnitude of the problem and the complexity of the administration of this tax demand and need the efforts of every level of government, if meaningful results are to be realized.

S. 1255, nor any other single piece of federal or state legislation, is not a full solution to the problem. But it does address itself to some very fundamental and needed reforms. Its provisions for full disclosure of procedures and practices in assessments is necessary and I know is supported by the Maryland General Assembly.

The need for its provisions for checks on mass appraisal firms has been very cogently demonstrated to the NLC's Government Operations Subcommittee, by Clifford Allen of Nashville, Tennessee, whom I understand has already testified before this Committee.

My only fear and the fear of so many state officials is that there will be a slip between the cup of authorization and the lip of appropriation. Notwithstanding that fear, I would hope that the Congress would take the step proposed in S. 1255.

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PREPARED STATEMENT BY CYRIL F. BRICKFIELD, LEGISLATIVE COUNSEL, NATIONAL RETIRED TEACHERS ASSOCIATION AND AMERICAN ASSOCIATION OF RETIRED PERSONS, BEFORE THE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS, U.S. SENATE, ON S. 1255, MAY 4, 1973

NRTA–AARP STATEMENT: PROPERTY TAX RELIEF AND REFORM

I am Cyril F. Brickfield, Legislative Counsel of the National Retired Teachers Association and the American Association of Retired Persons, affiliated, nonprofit organizations representing a combined membership of over five million one hundred thousand older Americans. I am accompanied this morning by James M. Hacking, a member of my staff.

Our Associations appreciate the opportunity to appear before this Senate Subcommittee in order to present, on behalf of older persons in general and our membership in particular, our comments with respect to the correlative needs for property tax relief and administrative reform and with respect to the merits of S. 1255, the Property Tax Relief and Reform Act of 1973,[1] as a means of achieving those ends.

*I. Introductory remarks*

Our Associations fully appreciate the ascendancy and inevitability of the property tax among the revenue-raising mechanisms available to local government. Historically, it has helped to perpetuate our federalized system of government by promoting local autonomy. Through jurisdictional variations with respect to rates, the tax base and the manner of administration, it has manifested its responsiveness to local needs and interests. Above all, it has demonstrated a uniquely reliable capacity to generate revenue—currently at the rate of 40 billion dollars per annum—and at little cost.[2] While, it, therefore, appears necessary to accept the continued existence of the property tax, it is not, however, necessary to accept its more egregious deficiencies—its disregard of taxpaying ability and its administrative inequities.

*II. The property tax burden on the elderly and other low-income groups*

Our Associations, in a September 18th letter to Mr. William R. McDougall, Executive Director of the Advisory Commission on Intergovernmental Relations, vigorously concurred in the Commission's characterization as a "national scandal" the property tax burden on the elderly homeowner and renter. While his income is relatively fixed, there is nothing fixed about the property tax. Since January 1969, this tax has increased by 36 percent, nearly twice the rise in the overall cost-of-living.[3] In some communities, this regressive tax has doubled and even tripled within the last decade.[4]

More than any other age group, the elderly, with reduced taxpaying ability, have been burdened by this anachronistic revenue-raising mechanism. Aged homeowners pay, on the average, about 8.1 per cent of their incomes for real estate taxes.[5] In contrast, the non aged homeowners pay, on the average only 4.1 per cent.[6] The ACIR has disclosed that aged homeowners living in the Northeast on an income of less than $2,000 a year pay almost 30 per cent of their income into this tax system.[7] On a nationwide basis, the property tax collector is the recipient of 15.8 per cent of the annual income of elderly homeowners in this same income class.[8] Even more outrageous is the realization that almost one out of every five elderly homeowners—or approximately 1.3 million persons—falls within this category.[9]

The accuracy of these statistics and the dimension of the need they describe, are supported by the empirical evidence our organizations have received over the years through membership correspondence, a representative sampling of which is contained in appendix I. Repeatedly, members have described the personal sacrifice endured by them in purchasing and attempting to retain a home, and the anxiety, frustration and utter desolation felt by them in their retirement years as that home is gradually, but inexorably taxed out of their possession. There is obviously little fairness and no flexibility in a revenue raising mechanism which requires the payment of the property tax bill, determined without regard to the homeowner's ability to pay, or the sale of the property to someone who can. Moreover, the deficiencies inherent in this tax mechanism are aggravated by the often haphazard, irrational, inequitable assessment administration.

*III. Response of the ACIR—Property tax relief*

Our Associations are dismayed that the Advisory Commission on Intergovernmetal Relations, having acknowledged the scandalous proportions of the property tax burden on the elderly, failed to recommend in its report on school finance and property tax relief,[10] the enactment of legislation to make federal funds available to the states as an incentive to provide limited property tax relief for lower income groups and to improve tax assessment and administration practices,

As the rationale for rejecting a federal incentive grant program for promoting property tax relief, the report of the ACIR states:

"Given a few more years, there is reason to believe that the states will resolve the problem of property tax overburden especially for the low income elderly . . .

"Federal incentive grants should not have to be used to induce States to do something that is morally right, highly popular, and relatively inexpensive. All of the States have sufficient fiscal capacity to underwrite a limited property tax relief program for low-income households.

"[Federal incentive grants] would reward those States that force their local governments to make heavy use of the property tax and shortchange those States that make above-average use of non property tax revenue . . . [Such an incentive grant program] with its own set of guidelines and controls would add to an already overburdened Federal aid structure." [11]

Our Associations concede that some progress has been made at the state level, especially in recent years, in establishing property tax relief programs for elderly homeowners. Indeed, some relief provision has already been adopted by forty-four states.[12] Twenty-three of these states have programs that are solely state-financed.[13]

We also concede the apparent fiscal capacity of the states to finance property tax relief programs for low-income groups. Moreover, we are cognizant of the difficulty involved in drafting federal incentive fund legislation that will not inadvertently reward those states which have forced their local entities to rely heavily on the property tax, and we share the ACIR's concern over adding yet another burden to the federal aid structure.

Our organizations are not, however, persuaded by the ACIR's rationale, that the issue of property tax relief should be left to the states. Nor was the Administration which has elected to include a property tax credit for the elderly among its federal tax reform proposals.[14] The fact that progress has been made at the state level with respect to providing property tax relief does not mean that such progress will continue. Moreover, the relief programs that have been established are not of consistently high quality and effectiveness. Income ceilings for eligibility vary greatly.[15] Some are quite low.[16] Only nine states provide some form of relief to elderly renters and only three to low income groups regardless of age.[17]

The mere fiscal capability of a state to finance acceptable property tax relief does not automatically convert such relief into a state expenditure priority. Nor does the popularity of such relief or its moral or equitable justification convert such relief into a legislative priority. In the absence of a federal incentive, our organizations believe that effective, state financed, property tax relief programs for low-income groups are far less likely to be enacted.

In view of the extent to which the property tax tends to undermine the goal of providing adequate income security for the poor and the elderly through federal assistance and social insurance programs, our concern over adding the burden of another federal aid program is dissipated. We believe that such a program has the potential to assure high quality, property tax relief and fundamental administrative reform on a nationwide basis. The dual prospects of lessening the burdensome impact of this regressive revenue-raising mechanism on low-income groups and of promoting more equitable treatment of taxpayers through assessment and administrative reform persuades us that such a federal aid program is both desirable and necessary.

*IV. NRTA–AARP position with respect to title III of S. 1255*

Our Associations enthusiastically support the federal aid program of Title III of S. 1255 as an acceptable means of effecting property tax relief and reform. An amendment to the Internal Revenue Code to provide a credit against federal income tax liability (or in the absence of such liability, a refund) for property taxes paid would also provide relief and, in the absence of a preferable legislative alternative, would enjoy our support. However, we believe that the federal aid program of Title III is preferable, since the continued availability of federal funds under the program would be contingent upon conformity with the assessment and administrative reform of Titles IV and V.

We note with approval the minimum standards of section 302 of Title II under which relief would have to be available to both homeowners and renters. We also approve the graduated income schedule of subsection (d) of section 302 under which the amount of relief available would diminish as income rises. We find the standards of this section are more liberal and flexible than those of section 3 of S. 471, the Emergency Property Tax Relief Act.[18]

*V. Response of the ACIR-property tax assessment and administrative reform*

If the property tax is ever to become an acceptable means of financing the residual cost of local government, it must be administered equitably and at not more than moderate cost. The report of the ACIR on school finance and property tax relief acknowledged that:

"[I]nequitable assessments tend to increase public disenchantment with the property tax because they result in random and

Footnotes at end of article.

unwarranted tax burden differentials. Moreover, poor assessment practices lead to taxpayer confusion about, and distrust of, the property tax system." [19]

Obviously, the ACIR recognizes the relationship between inequitable assessment practices and taxpayer hostility to the property tax. Indeed, in 1963 the Commission issued recommendations for strengthening the administration of property taxes in the states. Since that time most states have taken some action to strengthen and reform property tax administration.[20] However, the ACIR concedes that progress is slow and cites the following as the reason.[21]

"Tax administration is an ancillary and unglamorous aspect of government activity and initiatives for spending additional funds to improve it are usually given the lowest priorities. Indeed, the amounts that are now being spent by the State governments in supervising property tax administration are generally meager. Many States spend as little as one-twentieth or one-thirtieth of one percent of local property tax collections for this function." [22]

Despite these findings, the Commission recommended against the enactment of legislation to provide federal funds to encourage the States to improve assessment administration stating:

"Enactment of this proposal would represent still another attempt to dictate State and local spending priorities . . ." [23]

In the opinion of our Associations, the very fact that property tax assessment administration has received such a low priority by state governments during the last decade, despite taxpayer discontent, the ACIR assessment reform recommendations, and the arguments of equity, makes it an ideal subject for a federal categorical aid program.

Our support of federal legislation designed to induce assessment reform is, however, tempered by cost considerations. It is probably not possible for every taxing jurisdiction to achieve acceptable assessment administration within the limits of reasonable cost. Centralizing the assessment function or the resources available therefor, on a multi-jurisdiction or state-wide basis may be necessary in instances where the taxing jurisdiction raises inadequate per capita property tax revenue.

VI. *NRTA-AARP position with respect to titles IV, V, and VI of S. 1255*

Our organizations wish to express their support for the grant and loan programs of section 401(a) of Title IV. Their availability should accelerate state compliance with the data gathering, publication and appeal procedures of sections 402, 403 and 404 and should be considered a necessary adjunct to the provisions of section 305 of Title III which predicates the continued availability of federal funds to otherwise qualified state relief programs upon such compliance.

We feel that the provisions of Title IV will promote more equitable treatment of property taxpayers and will assuage tarpayer dissatisfaction with irregular assessment practices and appeal procedure. We consider the provision of paragraph 1 of subsection 403(a) to be essential to achieving more uniform assessment and greater equity. Furthermore, we consider the publication requirements of section 402 and 404 (requiring annual publication of, and access to data with respect to assessment-sales ratios in each taxing jurisdiction) and the notification requirements of paragraph 2 of subsection 403 (a) essential to the effectiveness and fairness of the assessment appeals procedure required by paragraph 3 of subsection 403 (a). Requiring the assessment and separate public listing of tax-exempt properties under paragraph 1 of subsection 405(a) and the publication of revenue losses attributable to the exemption of such properties under paragraph 2 thereof should aid in restoring the credibility of the present system by exposing to public scrutiny an avenue of potential abuse.

While the position of our organizations with respect to Title IV is highly favorable, we believe that paragraph 3 of subsection 403(a) should be revised to specify in greater detail the means by which assessments may be appealed. The 1963 recommendations of the ACIR called for review machinery having a two-level organization, with both the local and state agencies serving only an appellate function and being professionally staffed by persons performing only this function. This would serve to reduce the possibilities for conflicts of interest and thus assure objectivity and fairness.

The loan program authorized by section 501 of Title V of the bill should, as with the grant and loan programs authorized under section 401, accelerate state compliance with Title V's objectives. Considerable progress in improving the quality of assessment should result from inducing, through the authorized loan program of section 501 and coercing, through the penalty provision of section 305, conformity with the certification, training and cost-sharing guidelines of section 502. Since improved assessment practice will add, perhaps considerably, to the cost of administering the property tax, and since individual taxing jurisdictions may lack the necessary resources, the cost-sharing guideline of paragraph 4 of section 502 is obviously essential. With respect to the certification guideline of paragraph 1 of section 502, however, it would appear desirable to require, as suggested by the ACIR,[24] that appraisers and assessors be appointed to office and that no person be permitted to hold such office in the absence of state certification.

The state assistance described in paragraph 4 of section 502 should contribute to the maintenance of accurate, current and complete data with respect to property, improvements and valuation and, in turn, contribute to improved assessment practice. Property assessment within a taxing jurisdiction can only be as accurate, fair and complete as the data on which such assessment is based.

As described in Title VI, the federal assistance to training and technical programs appears consistent with the limited federal role contemplated in the bill. Since federal assistance in the training appraisers and assessors and in conducting assessment-sale ratio studies should reinforce the immediate objective of Titles IV and V and the ultimate objective of improved assessment practice, such assistance merits our support and the support of this Subcommittee.

CONCLUSION

The dual objectives of S. 1255—property tax relief and reform—are issues of paramount concern to the combined membership of our organizations. Too many of our own members have suffered the gradual erosion of their limited retirement incomes by ever increasing property tax levies. If the volume of our correspondence on this issue is any indication, their willingness to accept even higher property tax levies and their patience in waiting for effective state relief are at an end. Too many states have failed to enact relief programs, and many of those which have acted, have enacted programs of questionable quality, fairness and effectiveness.

Our Associations appreciate the need for intervention by the Federal Government, in a limited and well defined manner. We feel that a program of federal aid, designed to induce the states to enact effective property tax relief for low-income groups, would minimize the federal role in achieving the objective of property tax relief. The initiative would rest with the states.

Our Associations support the approach adopted in S. 1255 as the means of effecting property tax relief at the state level. The program in this bill would leave the states the option of acting as the initiators of relief and reform and would provide the limited financial stimulus necessary to induce the states to exercise that option.

By making the continued availability of federal funds to qualified state property tax relief programs contingent upon assessment administration reform, S. 1255 would serve to accomplish a second, an increasingly desirable objective—property tax reform.

Our Associations urge that S. 1255 be considered by this Subcommittee in the light of the testimony offered during the course of these hearings, be strengthened and improved where desirable, and be favorably reported to the full committee.

FOOTNOTES

[1] S. 1255, 93d Cong., 1st Sess. (1973).
[2] ACIR, financing schools and property tax relief—State responsibility, A–40, 16 (Table 1) (January 1973) (hereinafter referred to as ACIR Report).
[3] 119 Cong. Rec. 952 (daily ed. Jan. 18, 1973) (remarks of Senator Church).
[4] *Id*
[5] *ACIR Report*, supra note 2, at 18 (Table 3).
[6] *Id*. at 19 (Table 4).
[7] *Id*. at 18 (Table 3).
[8] *Id*.
[9] 119 Cong. Rec. 952 (daily ed. Jan. 18, 1973) (remarks of Senator Church).
[10] *ACIR Report*, supra note 2.
[11] *Id* at 4.
[12] Subcomm. on Intergovernmental Relations of the S. Comm. on Gov. Operations, 93d Cong., 1st Sess., Status of Property Tax Administration in the States 17 (Comm. Print 1973) (hereinafter referred to as Subcommittee Report).
[13] *Id*.
[14] Dept. of Treas., *Proposals for Tax Change*, 116 (April 30, 1973).
[15] Subcommittee Report, supra note 12 at 18.
[16] *Id*.
[17] *Id*.
[18] S. 471, 93d Cong., 1st Sess (1973).
[19] *ACIR Report*, supra note 2, at 5.
[20] *Subcommittee Report*, supra note 12, at 1.
[21] *ACIR Report*, supra note 2, at 5.
[22] *Id*.
[23] *Id*. at 6.
[24] *Subcommittee Report*, supra note 12, at 7–8.

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APPENDIX 1

SEPTEMBER 13, 1972.

BERNARD E. NASH,
*Executive Director, NRTA–AARP,*
*Washington, D.C.*

DEAR MR. NASH: Your article in September issue of "News Bulletin" is very interesting.

I am in the position of many other oldsters. My years were planned with view of self-support if retirement age was reached. A home was purchased and some years later paid for; kids went to college; took part in local affairs; obligations cared for and on June 16th, last, reached my 81st birthday.

In 1940 I purchased a home (built in 1916) for $6,000.00, assessment was on basis of $5,000.00; taxes $126.00. Valuation of the property was gradualy increased until it reached $18,000.00 in 1970. Last year a corps of outside assessors was brought in and my assessment was increased to over $41,000.00.

I will "weather the storm" but thousands of other aged have not, and will not.

Many of us seek but one situation; a reduction in real estate taxes or a moratorium.

Of the many mistakes in a long life there are two glaring ones; I could not forsee or avoid; inflation, nor refrain from becoming 81 years of age.

Thank you.

Sincerely,

———, ———.

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SEPTEMBER 18, 1972.

Re 160–65–16.
Mr. KEN R. KUNES,
*County Assessor,*
*Phoenix, Ariz.*

DEAR MR. KUNES: On Sept. 8, we received our tax statement. We were shocked to see the tremendous increase.

| | |
|---|---|
| In 1970, the tax was | $334.72 |
| In 1971 | 371.06 |
| In 1972 | 462.66 |

The answer we received at the visit to the tax offices on 111 S. 3. Ave., Monday 9. 11 was, that the property was re-assessed, as the prices of the homes increased. This was partly understandable, but in our section the sales value has not increased in proportion to the new assessment.

We bought our homes as a retirement home and do not intend to sell it, so there is no profit for us to gain. We did not build any addition to the property.

We keep our place in ship-shape order. Your assessor, no doubt was impressed and punished our hard work with an excessive revaluation and higher taxes.

We live on a very modest income and don't believe your office is trying to tax elderly, retired people out of their homes.

Kindly look into this matter and oblige.

Very truly yours,

———, ———.

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OCTOBER 5, 1972.

To: The American Association of Retired Person.
From: The people on pension from Roselle City, N.J.:

We worked all our life, we raised our children and we helped to raise our grandchildren, we could not save much money, but we bought small (mostly 4 rooms) houses with the small gardens in order to enjoy the old ages and have the place to sit in the garden and to breath the fresh air, when we will not be able more to work. We payed off the houses.

Now we are not able to work more and our city raised the property tax on our houses (from 300 dol. to 900 dol.) that we will not able more to pay this tax. To sell the houses, where we lived so many years and where to go? The apartments are so expensive, that in couple years all our money that we will get from our houses will go. The situation is so desperate that many of us getting sick,

Please help us to save our small houses to stay there and to die there in peace blessing our government and our country.

Henry R. Juschtemo and my all neighbours on pension.

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I wrote a letter to our Senator Barry Goldwater. Asking if there is not some way we oldsters can get some tax relief. Explaining the enclosed reply. I live in a modest desert lot and mobile home. I just recently lost my wife (of 53 years). That, of course cut our S.S. severely but we were surviving on it. I just got my tax notice which had been raised 200% in the past year. I am 79 years old and totally disabled.

You no doubt have many such letters, but surely there must be some relief for such as us. We had never taken a cent from any branch of relief.

That petty no sales tax on perscriptions means nothing. Locally they merely raised their prices. In one month our perscriptions were over $100.

Just so you know what is going on in some places.



DEAR SIR: I don't know where it is best to send this. Will you please see that it gets into the hands of those it will do the most good.

DeKalb is a small town and the population of the school exceeds ours. Something should be done about this quickly. It is bad enough that whenever either city, state or county find a few extra dollars the first thing they do is raise their wages.

In every way the raise for senior citizens was quickly taken up by taxes. I'm paying $1,150 on a 43 year old home that cost $16,000. I know you can and do help. Thank you I'm a member

AMERICAN ASSOCIATION OF RETIRED PERSONS,

*To Whom It May Concern:*

I am writing to ask if there can be anything done about the big school tax older people have to pay. We are members of A.A. R.P. Number 3706572. (Violet & Arthur Ketchel) I realize it is properly a State affair but we just wondered. We do not care about land tax at our home but we pay a few cents less than $700 for school tax. We don't mind a little but our taxes are nearly $1000. We have a small swim resort that has paid off very poorly the last 5 years due to our wet cold weather. We have worked hard to save our place for a home in our old age and only reply we can get from some is "Sell it if you can't manage." Is this fair after you worked so hard and long to save yourself a place for old age? We sent our children to school and no one helped us. Why does one have to pay such a large school tax? If there is anything you could do to make them let up on older people we would appreciate it and could we have a answer on this please? One way or other. The state won't seem to do anything. Thank you in advance.

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Mr. BERNARD E. NASH:

DEAR SIR: There is something which concerns the elderly and should get immediate attention. (Real Estate Taxes) it seems to get a passing remark once in a while but that's all in spite of the fact that nearly every one in authority believes something should be done about it. Including the Governor of my State of New Jersey, Mr. Cahill. Even the President says something should be done but nothing is being done about it.

I am 70 now and by the time they do get around to it I will either be dead or forced to sell my home, and there must be a million others in the same position.

They claim its unconstitutional but they keep on trying just the same. Maybe the A.A.R.P. can do something to help push this along.

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FEBRUARY 24, 1973.

DEAR SIR: I am one that wants tax relief for the elderly people. So true elderly people are being taxed out of their homes and put in nursing homes and county and hospital insurance caring for hem.

There should be a better way out for me. I got double homestead tax and paid 112.78 per year 1971. The federal government freezes your tax and the state or county come along and raises the value of your house so they raise your tax and it's more than I paid before the freeze now $139.18 per year.

That's a lot when you can't work anymore and have been a widow for 30 years.

Is there anything that can be done about it? (Tax for elderly.) I don't want to sell my home and be on County and in a home for elderly.

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SIRS: I joined A.A.R.P. a few months ago and am pleased with the news bulletins and would like to add my voice to the protests against high taxes.

My wife and I retired to this section of Cape May County in 1962. My taxes then were $120.00 a year on a small 4 room ranch type home. They have gone up every year until now. My 1972 taxes were $351.00 of which 75% were school taxes. I have been paying school taxes for 44 years to put 3 children thru High School and I think I have paid my share of education and helped build enough schools. I don't think I should have to pay any more school taxes. I am paying more now than I did in my working years and it is coming out of my Social Security, and I have no other income so you can figure what we have left to live on. So I am asking the Asso. to work for the abolition of school taxes for the elderly.

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[From the Nashville Tennessean, May 4, 1973]

MUSKIE RAPS APPRAISAL FIRM CONFLICT

"LOOK"

(By Elaine Shannon)

WASHINGTON.—Sen. Edmund Muskie, D-Maine, admonished yesterday the president of a property appraisal firm employed by Nashville for displaying "the appearance of conflicts of interest" through its affiliation with a privately employed appraiser.

"The appearance of this is almost as critical to public confidence as the reality," Muskie told William Gunlock, president of Cole-Layer-Trumble Co. (CLT), a mass property appraiser whose sister firm, American Appraisal Associates, serves private business and industry.

Muskie, who is investigating property tax procedures, expressed particular concern about disclosures that E. Randall Henderson, former assistant director of Tennessee Division of Property Assessments, had been paid $60,000 by CLT for his interest in a bankrupt mapping company four months after he left state government.

Henderson had signed approval of contracts for several county jobs for CLT, the largest of which was a $2.5 million job in Knox County, Muskie's committee, the Senate Subcommittee on Intergovernmental Relations, was told in testimony by Albert Gore Jr., a reporter for the Tennessean.

In response to Muskie's statement about the appearance of a conflict of interest, Gunlock said:

"Under no circumstances was there any conflict of interest, was any wrongdoing, no matter how it looks."

"If I'd been in Mr. Henderson's shoes," Muskie replied, "I'd never got myself in that situation."

Earlier in the day, CLT officials and Metro Tax Assessor Clifford Allen exchanged barbs about the quality of the firm's work. Allen is suing CLT, alleging conflict of interest on the grounds that the firm, the nation's largest mass appraisal company, had given "consistently low" assessments to major industries and businesses.

Allen pointed to reports that CLT appraisals of service station property averaged "less than 44% of what the companies had paid for them." He said that he had been refused information on whether the stations were owned by oil companies who used the services of American Appraisal Co., an affiliate of CLT.

He also noted a Monday decision by Nashville Chancellor Ben Cantrell that CLT had violated state law in its appraisal of rural property, a decision which would affect 40% of the land in Davidson county.

Gunlock, in turn, accused Allen of laxness in his own past assessments. The tax assesser had consistently valued farm and residential land at rates far lower than those required by state law, he said.

"I'm not criticizing what Mr. Allen did," Gunlock said, "other than to say we corrected that situation which set off a chain reaction

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that was at least partially politically motivated."

Gore, who has written a series of articles about general appraisal procedures in the state, summarized his findings before Muskie's committee.

Gore said he had found that:

Following 1967 court decisions which ordered reassessment of property, the state spent $22 million. "And much of it was wasted," he said, through defaulted contracts and delays.

Assessment firms, lured by the prospect of "an entire state full of lucrative contracts," lobbied for jobs with "whisky, country hams, and free wheeling campaign contributions," Gore said, "an unpromising situation for a program whose goal is equity."

CLT bought the debt-ridden Tennessee Mapping Co. and Engineering Services company from Henderson and Robert C. Johnson, both former state property assessment officials, for $120,000.

Henderson, deputy head of the state office which controls local assessment work, had signed approval of jobs for CLT.

Henderson had signed approval of mapping contracts for L. Robert Kimball, who was associated with him in a venture called Outdoor Resorts.

Property owners dissatisfied with their assessments were forced to appeal to a state government hearing office directed by Henderson, "the same man . . . administering the mapping and reappraisal program."

After Gore's testimony, Muskie took two state officials to task for failing to initiate their own inquiry into the allegations of conflicts of interest and collusion.

William O. Beach, vice chairman of the state Board of Equalization, contended that neither the board nor the state attorney's office had the power to launch an investigation. He said that the matter should be settled through litigation, now proceeding in Nashville and Knoxville courts.

"It would seem to me to be a prima facie case of mishandling of this whole case that would merit further inquiry," Muskie said.

"What have you done about it?"

"What can we do about it?" Beach replied, explaining that the equalization board is "not equipped to handle such inquiries."

"I would have done something more about it than you appear to have done. You could default on contracts, couldn't you?" Muskie continued.

"You have a board, you can ask questions."

Beach said the board had decided that some of the allegations were "unfounded" and "in some cases, politically motivated."

"How can you make that decision without a formal inquiry," Muskie persisted.

"The State Board of Equalization," Beach said, "has never conducted a formal inquiry of this kind."

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[From the Nashville Banner, May 5, 1973]

MUSKIE INCLINED TO AGREE WITH ALLEN ON CLT TIES

(By Frank Van Der Linden)

WASHINGTON.—After hearing both sides of the argument, Sen. Edmund Muskie, D-Maine, is inclined to agree with Metro Assessor Clifford Allen's claim of an improper tie between the Cole-Layer-Trumble Co., and the American Appraisal Co.

Muskie, as chairman of a Senate subcommittee studying property tax law reform, heard Allen thundering his charges Thursday afternoon, and then listened to CLT president William L. Gunlock's emphatic denial of any conflict of interest.

Allen, who dramatically left a Nashville hospital bed to testify, said that "in the parlance of the international spy thrillers we see on TV," the American Appraisal Associates, Inc. of Milwaukee has two subsidiaries—the CLT company of Dayton, Ohio, appraising real estate for local and state governments, and the American Appraisal Co. which "acts as a secret double-agent" for property owners seeking lower valuations.

Thomas Wardlaw Steele, Nashville attorney for CLT, said Gunlock was "prepared to say he didn't know a single private client of the American Appraisal Co."

Steele said Allen was "wholly unable to substantiate his charges or to show that any revaluation by CLT favored the clients of the American Appraisal Co."

Muskie, noting that both were affiliates of the same Milwaukee concern, asked: "Isn't the association improper on its face?"

The Maine senator also asked, "Do you think it's a healthy arrangement that might compromise the objectivity of one side or another?"

Gunlock insisted that the two companies never became involved in ad valorem cases on "opposite sides of the table."

But Muskie said, "I don't think the public will be satisfied" with that assurance."

Gunlock retorted that Allen himself "has a conflict of interest because he owns property in Davidson County."

Allen waved Monday's Nashville Banner with its front-page streamer headline on Chancellor Ben Cantrell's decision overturning CLT's appraisals of Davidson County rural property.

"This means that 40 per cent of all the land in Davidson County will have to be reappraised by the local board of equalization because CLT violated both its contract and the laws of Tennessee," the assessor said, "These five men do not have the strength and endurance to hear all those people."

He predicted the resulting "Mess" would "stop bona fide farming" and drive the rural land into the hands of real estate speculators.

In reply, Steele said "the chancellor specifically found that while the so-called conflict of interest seems serious on its face, there is nothing in the record to prove it."

"The chancellor issued a gratuitous advisory opinion on the validity of the rural land values," the lawyer said. "Yes, he said they violate the law but he did not issue any injunctive relief."

Gunlock said "Allen did not really want the revaluation done by a professional firm, but he was told by the state to have it done." Gunlock said that when CLT was hired to make the mass appraisals, Allen told Mayor Beverly Briley, "You have selected the finest appraisal firm in the country."

The CLT president quoted Briley as saying: "Mr. Gunlock, those are the last kind words you'll hear from this man's mouth during the life of this contract."

"I know now what he meant," Gunlock commented.

"UNFAIR ATTACKS"

Gunlock also complained that his firm, the largest in its field, is being unfairly attacked by Ralph Nader's "crowd" and by "a politician who uses CLT to advance his cause."

Contrary to Allen's charges, the appraisal firm's president insisted there was "no wrongdoing" in his company's purchase of the bankrupt Tennessee Mapping and Engineering Services, Inc., for a $120,000 cash payment to its owners, E. Randall Henderson and Robert C. Johnson.

Henderson was involved in this transaction while still assistant director of the State Division of Property Assessments, Allen said, but Gunlock denied knowing anything about any conflict of interest.

Muskie said this episode showed "a certain naivete which we in politics don't embrace."

"If I were in Henderson's shoes, I would not have allowed myself to get into that situation" the Maine Democrat said.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

## VOTER REGISTRATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the unfinished business, S. 352, which the clerk will state.

The legislative clerk read as follows:

S. 352, to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The Senate resumed the consideration of the bill.

## QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending bill, S. 352, a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mike Mansfield, Robert C. Byrd, William D. Hathaway, Harold E. Hughes, George McGovern, John O. Pastore, Edward G. Brooke, George D. Aiken, Robert P. Griffin, Daniel Inouye, Lee Metcalf, James Abourezk, William Proxmire, Gale McGee, Alan Cranston, and Joe Biden.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily, with the proviso that it will be subject to recall as the unfinished business, as has been the case up to this time.

Mr. ALLEN. Mr. President, reserving the right to object—and I shall not object—this measure would come up, would it, and then would return to become the unfinished business, which is the voter-registration-by-postcard bill? Is that correct?

The PRESIDING OFFICER. The Senator from Alabama is correct.

Mr. ALLEN. I should like to inquire of the distinguished majority leader whether there has been any disposition on the part of those debating the post-card registration bill to impede in any way the orderly procedure of the Senate; that is, to allow the Senate to take up any bill which the majority leader desires to have brought before the Senate.

Mr. MANSFIELD. On that basis, the answer is that there has been nothing but cooperation.

Mr. ALLEN. I thank the majority leader. I withdraw my reservation of objection.

The PRESIDING OFFICER. Without objection, it is so ordered.



## PUBLIC BROADCASTING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 117, S. 1090, and that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1090) to amend the Communications Act of 1934 with respect to recess appointments to the Board of Directors of the Corporation for Public Broadcasting and to extend certain authorizations for such Corporation and for certain construction grants for noncommercial educational television and radio broadcasting facilities.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on Commerce with an amendment on page 2, after line 14, insert a new section, as follows:

SEC. 2 Section 399 of the Communications Act of 1934 is amended by inserting "(a)" after "Sec. 399." and by inserting at the end thereof the following new subsection:

"(b) (1) In order to assure compliance with this section and with other provisions of this Act requiring fair treatment of matters in the public interest, every licensee of a broadcast station which receives assistance under this title shall make audio recordings of each broadcast of a program in which issues of public importance are discussed, and shall maintain such recordings for a period of sixty days from the time such program is broadcast. Copies of these recordings shall be made available to the Commission upon its request, and to any member of the public upon payment of the reasonable costs associated with the making of such copies: Provided, That the foregoing requirement may be satisfied by retention of the audio tape by the Corporation for Public Broadcasting or any authorized entity.

"(2) The Commission shall by rule prescribe the manner in which such recordings shall be kept, and the conditions under which they shall be available to the members of the public, giving due regard to the goals of eliminating unnecessary expense and effort and minimizing administrative burdens.".

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 396(k)(1) of the Communications Act of 1934 is amended to read as follows:

"(k) (1) There is authorized to be appropriated for expenses of the Corporation $55,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975."

(b) Section 396(k)(2) of such Act is amended by striking out "1973" and inserting in lieu thereof "1975".

(c) Section 391 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1974, and each of the three succeeding fiscal years such sums, not to exceed $25,000,000 in any such year as may be necessary to carry out the purposes of section 390. Sums appropriated under this section for any fiscal year shall remain available for payment of grants for projects for which applications, approved under section 392, have been submitted under such section prior to the end of the succeeding fiscal year."

SEC. 2. Section 399 of the Communications Act of 1934 is amended by inserting "(a)" after "Sec. 399" and by inserting at the end thereof the following new subsection:

"(b)(1) In order to assure compliance with this section and with other provisions of this Act requiring fair treatment of matters in the public interest, every licensee of a broadcast station which receives assistance under this title shall make audio recordings of each broadcast of a program in which issues of public importance are discussed, and shall maintain such recordings for a period of sixty days from the time such program is broadcast. Copies of these recordings shall be made available to the Commission upon its request, and to any member of the public upon payment of the reasonable costs associated with the making of such copies: Provided, That the foregoing requirement may be satisfied by retention of the audio tape by the Corporation for Public Broadcasting or any authorized entity.

"(2) The Commission shall by rule prescribe the manner in which such recordings shall be kept, and the conditions under which they shall be available to the members of the public, giving due regard to the goals of eliminating unnecessary expense and effort and minimizing administrative burdens.".

The PRESIDING OFFICER. Debate on the bill is under control. The debate on each amendment is limited to 30 minutes and on the bill to 1 hour.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief quorum call, with the time for the quorum call not to be allocated under the time allocation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. PASTORE. For the purpose of the record, what is the pending business?

The PRESIDING OFFICER. The question is on the amendment of the committee to S. 1090.

Who yields time?

Mr. PASTORE. Mr. President, I yield back my time.

Mr. BAKER. Mr. President, I hope the Senator from Rhode Island will not yield back his time at this point. I understand the Senator from North Carolina (Mr. HELMS) may have a statement to make, and there is a possibility he may have an amendment in the nature of a substitute, and if that is the case, I am sure the Senator from Rhode Island would have remarks to make in that respect.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PASTORE. Mr. President, I withdraw my request.

Mr. BAKER. Mr. President, I do not think there is any need for a long and extended debate on this matter. We have a rather short time limitation, anyway, but I believe that the report itself comprehensively covers the bill.

By the way, Mr. President, I yield myself such time as I may require.

Mr. PASTORE. Mr. President, will the Senator yield so that I may make the opening statement, and then the Senator can take it from there, with his kind permission?

Mr. BAKER. Mr. President, I yield.

Mr. PASTORE. Mr. President, I might say, for the purpose of the record, that the bill we are considering is S. 1090, a bill which would extend the authorization for the Corporation for Public Broadcasting, and the authorization for grants, for construction of public broadcasting facilities.

It would also require all noncommercial radio and television stations receiving Federal assistance to keep audio recordings of each broadcast of a program in which issues of public importance are discussed. These audio recordings would be kept for 60 days from the time such programs are broadcast, and would be available to the public upon the payment of reasonable costs. The FCC would prescribe rules to implement the requirement.

Specifically, S. 1090 would authorize for the:

A. Corporation for Public Broadcasting

First. Fiscal year 1974—$55 million and up to an additional $5 million in matching funds.

Second. Fiscal year 1975—$75 million and up to an additional $5 million in matching funds.

B. Funds for construction of educational television and radio broadcasting facilities for the fiscal year ending 1974 and each of the 3 succeeding fiscal years such sums, not to exceed $25 million in any 1 year.

Mr. President, recently the Commerce Committee undertook what was probably the most comprehensive review of public broadcasting since enactment of the Public Broadcasting Act in 1967. The record that emerged completely justifies continued funding of the Corporation for Public Broadcasting and the construction facilities program at the levels provided in S. 1090.

When Congress enacted the Public Broadcasting Act it committed the Government to a program that went far beyond the initial $5 million appropriated as seed money. The idea was then and still is that many times that amount of money is necessary for an effective system. Ideally these funds will

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be provided by long-range financing. Meanwhile, however, realistic authorizations and appropriations must be the source of funds.

The recent hearings also established beyond peradventure of a doubt the necessity for a multiyear authorization for the Corporation.

In this connection the testimony of Mr. Henry Loomis, president of CPB who unequivocally supported the authorizations in S. 1090 was especially interesting. I would like to quote what he told the committee. He said:

> The production of programs for presentation by local public broadcasting stations is, and should be a careful, time consuming process. It takes time to consult with 147 television licensees and 138 qualified radio stations on their program needs, to analyze and react to their recommendations and their proposals, to decide upon production centers, to negotiate for rights, to produce a pilot, to produce the final series, schedule and present them for use by the stations.
>
> Compressing their entire cycle into a single year means compromising on the quality of the final product. Series like BBC's "Henry VIII" and "Civilisation" cannot be planned and produced in one year. It took almost three years of research, planning, and development before the first "Sesame Street" series could be aired.

Annual authorizations not only undermine the Corporation's stability and inhibit its ability to plan adequately and effectively, they strike at the very core of the system—the development of strong local stations.

Moreover, such a procedure is fiscally unwise. As financial stability increases, so too will the ability to plan and execute projects economically.

Mr. President, public broadcasting informs and entertains millions of Americans. The contributions it has already made to our cultural and intellectual life are immeasurable. I urge the Senate to demonstrate its support for this program by enacting S. 1090.

I want to say in conclusion, Mr. President, that I have received fine cooperation from the members of the other party on our committee, particularly the Senator from Tennessee (Mr. BAKER) and also the Senator from Kentucky (Mr. COOK). They are sincere men, who are very much imbued with the public interest.

Our difficulty in the beginning was the 1-year authorization, and for that reason we had appear before us the officers and directors of the corporation, most of whom had been appointed by President Nixon and are Republicans by political stamp. They all agreed that one year was insufficient to do the planning necessary to give us quality public television, and we adopted their view. They endorsed the bill and we adopted their recommendation. We made it 2 years.

Some people think it ought to be longer than that. Others think it ought to be confined to 1 year. We tried to reach a reasonable median.

Further than that, there was a matter of money. We authorized $55 million for the first year. $45 million was requested by the administration last year, but when we had the continuing resolution bill before us, we made it $35 million, and this bill provides a pickup of $10 million, which I think is helpful.

As far as the second year is concerned, fiscal 1975, we have stipulated $75 million. That is a debatable subject. I am not going to be picayune about it, and if any compromises can be worked out, I am amenable to them.

I think we ought to get rid of this authorization proposal; before long the corporation will be completely out of funds. We have some distinguished people who serve on the corporation, who have been called in from all parts of the country—very distinguished people, I might say—for whom the President has no apology to make.

Mr. President, for that reason I would hope that we could get together and in a very short time pass the authorization and pass it on to the House.

Mr. BAKER. Mr. President, I yield myself as much time as I might require.

At the beginning I pay my special respects to the distingushed senior Senator from Rhode Island (Mr. PASTORE), who serves so ably and energetically in his capacity as chairman and principal figure on the communication Subcommittee. He has done an outstanding job. He has a remarkable grasp of the affairs at hand. This is not meant, Mr. President, to be flattery. It is no more than a simple statement of the fact. It is a sheer pleasure to work with the Senator from Rhode Island, even when we are in disagreement as we sometimes are.

Mr. President, I have a short statement to make with reference to public broadcasting and will then have a suggestion which I would like to make in order to try to expedite the Senate consideration of this matter.

It is my understanding that the Senator from North Carolina (Mr. HELMS) and possibly the Senator from Michigan (Mr. GRIFFIN) may have remarks to make or amendments to offer. Of those matters I am not sufficiently aware at this point.

I would, however, like to advise the Members of the Senate that we probably will not utilize the full time allocated to the bill.

Mr. President, last year on several occasions, and again this year during our hearings on S. 1090, I expressed serious misgivings with the structure and operation of our public broadcasting system, and particularly the Corporation for Public Broadcasting—CPB.

The first few years of experience under the Public Broadcasting Act saw the development of a centralized, national network system, but only limited support for the particular program needs of the local stations and their growing requirement for improved broadcasting equipment. Since that time the membership of the Board of Directors of the Corporation has changed and efforts are being made to establish a new relationship with local public broadcasting stations. From time to time, reports on the progress of these efforts have appeared in the press with particular emphasis on the role of the Ford Foundation. On Saturday, the Washington Post contained a column by John Carmody which again highlighted the way the Ford Foundation is using the threat to withhold $8.4 million in grants from PBS, to obtain a reorganization that is acceptable to the foundation. The article also indicates that major corporate gifts are being withheld because the questions have not been resolved in favor of the network concept.

Mr. President, such a misuse of monetary influence is exactly what we hoped to avoid when the Congress passed the Public Broadcasting Act of 1967. The Congress sought to establish a structure that would insulate public broadcasting from commercial and governmental influences. Unfortunately, we now find that we did not accomplish that purpose—some say in either respect.

The Federal Government could provide all the funds for public broadcasting. However, the dominance of any one source of funds for public broadcasting or its national program service is a real danger whether that source be the Government, a private foundation like Ford or a commercial enterprise. We cannot permit any one institution to exert an unhealthy influence and deny noncommercial television "that freedom from the constraints, however necessary in their context, of commercial television * * *"; that "freedom" the Carnegie Commission regarded as essential to a vital public broadcasting service.

We must not permit Government, commercial interests or foundations to frustrate again in the words of the Carnegie Commission:

> The freedom and excellence that will persuade creative people that [public broadcasting] is a medium through which they can best express themselves.

During consideration of the public broadcasting legislation last year, I called for greater emphasis on the needs and desires of local stations. If that is what is achieved by these reorganizations that are taking place in the public broadcasting community, I look forward with optimism to the future of our public broadcasting system. If on the other hand, another centralized network is to be established, whether it be under the auspices of CPB or the Public Broadcasting Service, we have not progressed very far since the issue was raised last year.

There is a certain irony in the fact that those who are the most vocal in proclaiming the essentiality of localism are also the most effective in creating the kind of centralized decisionmaking process that comes closest to a network form of operation in the commercial sense. Any decisionmaking process for the expenditure of appropriated funds that forecloses individual station access to CPB, the entity with ultimate responsibility under the Public Broadcasting Act, is unsatisfactory. Any such process that forecloses the access of representatives of the public to CPB is likewise unsatisfactory. CPB's job is not an easy one. Balancing local, regional, and national interests of the stations and the public is a complex task. I have every confidence that the distinguished board and management at CPB will meet the challenge. Their failure to do so would certainly compromise the value of public broadcasting to the American public.

Nothing would enhance true localism more than equipping each local station in a fashion that gives it the real capacity to accept or reject, tape, delay, store, broadcast, or rebroadcast programs from whatever service in a locally determined schedule. We have heard testimony that only 25 percent of the stations have full video tape recording, delay and rebroadcast capability. I believe it is time for the Secretary of Health, Education, and Welfare to give a new priority to applications for video tape recorders under the educational broadcasting facilities program.

Correspondingly, I believe there must be meaningful consultation with the local stations in program development and scheduling. The Corporation is responsible under the law for the interconnection system; how it is used; what it is used for; and who uses it. This ultimate responsibility cannot be delegated or shared. As long as the Corporation received Federal funds, the Corporation must remain fully accountable to the Congress, not only for its use of federally appropriated funds, but also for the stewardship of the publicly subsidized and federally funded interconnection system.

I support S. 1090, although I am concerned about the level of funding in view of the severe budget restraints being experienced by other Federal programs. Public broadcasting does not need the instability created by continued disagreements over appropriate funding levels. I am hopeful that we can agree on a mutually acceptable solution to the problem, as there is much to be done to enable public broadcasting to fulfill its potential.

I have prepared an amendment which I do not now send to the desk for reporting by the clerk. It is an amendment which would simply reduce the funding level for the fiscal year ending June 30, 1975, from $75 million to $65 million for that period. This would provide CPB with $70 million for the fiscal year ending June 30, 1975, including $5 million in matching funds. I ask unanimous consent that the complete text of the amendment be printed at this point in the RECORD.

In the interest of time, I wonder if I might inquire of the distinguished chairman of the committee if he would discuss this matter and give me some indication of his reception to the idea of reducing the figure from $75 million to $65 million.

Mr. PASTORE. Mr. President, if the distinguished Senator from Tennessee would send the amendment to the desk, I would be very happy to accept it.

The PRESIDING OFFICER. There is a committee amendment pending.

Mr. PASTORE. Mr. President, I yield back the remainder of my time on the committee amendment.

Mr. BAKER. Mr. President, I yield back the remainder of my time on the committee amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the committee amendment (putting the question).

The committee amendment was agreed to.



Mr. BAKER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> On page 1, line 7, strike the following: "$75,000,000" and insert "$65,000,000".

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee (putting the question).

The amendment was agreed to.

Mr. BAKER. Mr. President, I see that our colleague from North Carolina is not in the Chamber. Out of my time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield to the distinguished Senator from North Carolina such time as he may require.

Mr. HELMS. I thank my distinguished friend from Tennessee.

Mr. President, the junior Senator from North Carolina is somewhat reluctant to get into the controversy surrounding the Corporation for Public Broadcasting. There are many able Senators much better versed in the complexities of this issue than I. The controversy has been going on for many months, and, as a new Senator, I realize that many arguments have been made and many actions taken long before I came to this body.

Nevertheless, having spent a considerable amount of my career in television myself, it remains an area of deep concern to me, particularly in regard to public policy for both commercial and educational broadcasting. As a former newsman, I have a keen interest in the current discussions of "freedom of the press," and the allegations by some that the administration is attempting to pressure the Corporation for Public Broadcasting and the Public Broadcasting System.

Some time ago I read into the RECORD some statements by Mr. John P. Roche in which he came to the conclusion that it was simply impossible for any government anywhere to set up a governmentally supported broadcasting system without creating a built-in bias. I agreed then and I still agree that the Government has no business in the television business particularly when the intention is to "educate" the citizens.

But the issue before us now is whether to fund CPB for 2 years at a time when CPB is in the midst of a crisis in its relations with PBS and the stations. Or, to put it another way, can we afford to give CPB that much independence when we do not know which way it is heading? It is only natural that the officials of CPB, PBS, and the public TV industry are all in favor of high funding for the longest possible period. We cannot, however, accept their arguments at face value without fulfilling our duty to give the most careful scrutiny to the problem. It seems that everybody would like to be able to do what they please without being responsible to anyone else. So we have a situation where administration spokesmen are supposed to be pressurizing the CPB Board, the Board Chairman has quit, PBS is in open confrontation with CPB, the Ford Foundation is withholding its grants until everyone conforms to its wishes, and production units are refusing to produce. Congress is just supposed to authorize the money and shut up.

Such a situation is inevitable in a governmentally supported broadcasting operation. An ideological elite captured the CPB with the help of Federal and foundation money. They set up a system with maximum centralization so that the program content was easier to control. When the administration introduced more balance into the CPB Board and recommended the dismantling of the so-called fourth network the elite screamed. This is what has actually happened, although many people associated with this controversy are pretending it is a matter of "freedom of the press."

Mr. President, in studying this bill I went back to the 1967 debate over the legislation setting up the CPB. The problems we are faced with today were farsightedly anticipated by those criticizing the bill. In particular, I was struck by the perceptive and prophetic comments of the senior Senator from South Carolina (Mr. THURMOND). In looking over them today I think that his remarks of 7 years ago were such that they could be endorsed by every political persuasion that is interested in freedom. At that time, Mr. THURMOND said:

> Despite the safeguards pointed to by the proponents of the bill, there can be no doubt but that it violates both the spirit and the letter of the First Amendment: "Congress shall make no law abridging the freedom of speech or of the press."
>
> While this bill would not abridge the freedom of any existing news media, it would set up new media financed at least in part by the Government. No one in America today believes that any media in the world, financed by any government, is truly free. By setting up a federally funded Corporation for Public Broadcasting, Congress would be setting up media that are not completely free. I believe that contributing to the growth of even a segment of news media not completely free would be an abridgement of freedom of speech.
>
> The Corporation for Public Broadcasting will have a profound influence upon the American people, and I find it strange that our American liberals are not up in arms against the proposals in this bill. Anyone who truly lives liberty must oppose this bill.

That is what the distinguished senior Senator from South Carolina said in 1967. Of course, the CPB was instituted under a Democratic administration. Instead of taking the broad issue of principle espoused by Mr. THURMOND, our liberal friends took the narrow view. It is only recently that liberals such as John Roche have had the courage to agree with our colleague. The point is that, no matter what political party is in power, the other party will complain of bias.

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Mr. President, the Senator from North Carolina wants to defer further to the senior Senator from South Carolina, because he went even further in 1967, and clearly identified the ideological problem that is plaguing us today. He spoke as follows:

Now I know that this bill has carefully excluded partisan politics from the programs of the Corporation for Public Broadcasting. Obviously, this is a wise move. American politics is not, however, composed only of partisan politics. We have ideological divisions as well. Nothing in this bill safeguards against the capture of the corporation by a small clique with definite ideological biases.

Moreover, the supposed independence of the corporation is called into question by the language of subsection (A), which . . . authorizes the corporation "to obtain grants from and to make contracts with individuals and with private, State, and Federal agencies, organizations, and institutions." This clause could be used to develop and disseminate propaganda promoting the policies and programs of the Department of Health, Education and Welfare, Housing and Urban Development; Justice; Agriculture; Commerce; and so on. We would have propaganda designed to influence pending legislation, whether authorization or appropriation. I say to every one of my colleagues who values his independent judgment in assessing legislative proposals backed by government agencies that those who vote for this bill are voting for something that has a vast potential to be used against them.

Mr. President, the words uttered by the senior Senator from South Carolina could not have been more clearsighted. The contract with PBS was negotiated under the subsection alluded to. The current dispute between CPB and PBS is precisely over who will control the so-called fourth network or interconnection. The Ford Foundation is using its enormous financial power under the same clause to pressurize for its concept of a strongly centralized network. And as for promoting Government programs, I cite, as the fairest example I can think of—because it is a program which I unreservedly admire and strongly support—last year's controversy over whether PBS would provide coverage for the Apollo 17 launch. Some people who are critical of the space program thought that such coverage might increase public support of the program. I think that the program deserves increased public support, but I certainly do not think that Federal funds, directly or indirectly, should be used to expose the public to coverage of Federal programs.

The problem, then, is to make sure that CPB, given the present situation, has the stability for long-range planning.

Now, Mr. President, I send to the desk an amendment in the nature of a substitute which would limit the authorization for the Corporation for Public Broadcasting for fiscal year 1974 to $40 million for 1 year.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). The clerk will state the amendment.

The assistant legislative clerk read as follows:

Strike out everything after the enacting clause and insert in lieu thereof, the following:

That (a) Sec. 396 (k) (1) of the Communications Act of 1934 is amended to read as follows:

"(k) (1) There is authorized to be appropriated for expenses of the Corporation for the Fiscal Year ending June 30, 1974, the sum of "$40,000,000."

(b) Sec. 396 (k) (2) of such act is amended by striking out "1973" and inserting in lieu thereof "1974".

Amend the title so as to read: "A bill to amend the Communications Act of 1934, to authorize appropriations for the Fiscal Year 1974 for the Corporation for Public Broadcasting.".

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. BAKER. Do I correctly understand that now that the amendment in the nature of a substitute from the Senator from North Carolina (Mr. HELMS) has been reported, the remainder of his time will be charged against that amendment, pursuant to the previous unanimous-consent agreement?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Presiding Officer.

The PRESIDING OFFICER. There is 30 minutes on the amendment.

Mr. BAKER. Mr. President, may I inquire how much time I have remaining on the bill.

The PRESIDING OFFICER. The Senator from Tennessee has 14 minutes remaining.

Mr. BAKER. I thank the Presiding Officer.

Mr. HELMS. Mr. President, at the appropriate time, either this afternoon or preferably tomorrow, depending on the wishes of the leadership, I shall serve notice that I would like the yeas and nays on my amendment.

Mr. President, the Public Broadcasting Act of 1967 envisaged a system of strong, local noncommercial radio and television stations, reflecting the diversity of interests and needs of their respective communities. This system was to be funded in part by Federal tax dollars, subject to annual congressional appropriation until such time that the new, untried system was firmly established.

Last year, the Congress passed a 2-year, $155 million authorization for the Corporation for Public Broadcasting. This was, by no means, a clear indication of congressional approval for long-term financing. The record reflects serious congressional reservations as to the degree to which the corporation and the stations had ironed out their problems. The President in recognizing these difficulties, particularly as evidenced in the 1972 congressional debate, vetoed the measure and asked the Congress to approve his budget request of $45 million, a 30-percent increase over the preceding fiscal year.

For fiscal year 1974, the Senate Commerce Committee has approved S. 1090, a 2-year, $140 million authorization. This represents a vast increase over the administration budget request of $45 million, a 30-percent increase over the actual funding level for fiscal year 1973. Again, serious questions must be asked as regards to the structural problems of public broadcasting.

We must ask whether serious problems still exist.

Although the corporation has endorsed S. 1090, this does not point toward the resolution of many of the structural problems that have beset the system since 1967. For example, the centralization, "fourth network" issue, which has been a particularly significant point of concern, has not been rectified. The corporation and the newly recreated Public Broadcasting Service have not resolved their serious disagreements, not the least of which is the question of control of the interconnection, each claiming responsibility for its operation. Nevertheless, as evidence of the corporation's sole responsibility for the interconnection, the Senate report on S. 1160, the Public Broadcasting Act of 1967, specifically stated on page 15:

(T)he committee was persuaded that Corporation needed this flexibility and discretion not to establish a fixed-schedule network operation but to take advantage of special or unusual opportunities that warrant the Corporation directly contracting for interconnection facilities. Even under these circumstances, however, it should be made clear that the decision to broadcast such a program remains with the local station. . . . It might wish to aid in the formation of a new organization or advisory group, including representatives of the local stations and the program suppliers, to handle day-to-day decisions on interconnection. *Whatever special administrative arrangements it makes in exercising its option, the Corporation must retain ultimate responsibility.*

That the corporation and PBS have failed to come to grips with this matter simply points up the inadvisability of long-term financing, even 2-year funding. Furthermore, the corporation presently is without its chairman who, on April 13, abruptly resigned. This leaves but no other effect than organizational disarray.

As to the methods by which the corporation makes program decisions, there is considerable cause for concern. During his appearance as CPB chairman before the Communications Subcommittee on March 28, Mr. Curtis, in response to questions regarding program selection methods, stated:

I don't know as Chairman how to go about it. . . . I don't know how shows get on. . . . Here we are being broadcast right now, and I don't know how that happened.

When, at the highest levels of CPB, there is no knowledge as to how program decisions are made, it must be concluded that serious structural problems within public broadcasting remain today. That Federal tax dollars to the amount of $140 million for 2 years seriously can be considered at this point in time is a disservice to the corporaton because it reduces the incentives to resolve their problems by removing the annual committee review process and providing vastly increased funding levels.

Funding for the Corporation for Public Broadcasting has increased sevenfold since its inception. In fiscal year 1969, the first Federal appropriation was $5 million. Today, the funding level stands at $35 million. My amendment proposed a healthy $5 million increase for fiscal year 1974, raising the Federal amount to $40 million. These increases represent continued support for public broadcasting and recognizes the excellence that public broadcasting has achieved in many of its endeavors. At the same time, my amendment recognizes many of the difficulties described above and proposes that the Communications Subcommittee annual review process be maintained until the system resolves its internal organizational problems.



The PRESIDING OFFICER. Who yields time?

Mr. BAKER addressed the Chair.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is an amendment pending at this time?

The PRESIDING OFFICER. An amendment by the Senator from North Carolina is pending.

Mr. PASTORE. How much time has the Senator from North Carolina remaining, and how much time do I have?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes remaining. The Senator from Rhode Island has 15 minutes. There is a total of 30 minutes on the amendment.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. I understood the Senator from North Carolina to say that he intended to ask for the yeas and nays on this amendment. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No request has been made for the yeas and nays.

Mr. HELMS. Mr. President, I ask unanimous consent that at the proper time the yeas and nays may be ordered.

The PRESIDING OFFICER. Is the Senator at this time asking for the yeas and nays?

Mr. HELMS. Yes.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, in response to the distinguished Senator from North Carolina, I point out that there has been an absolute misconception about public television and what it is supposed to do and what it is not supposed to do.

No one in this Chamber believes more in localization than I do. But the irony of it all is that down in the White House they talk about localization, and then they have the palace guards trying to run the country.

Mr. President, if this administration does not care for public television, they ought to stand up and say so and have the act repealed. But the fact still remains that if we are going to have public television—and we have approximately 234 stations today; we started out with only about 81 in 1962—it should be made to work.

In 1971, we put up approximately $25 million. The actual amount that was raised and spent by the industry—I am talking about educational television and public television—was more than $180 million, which means that the Federal Government only comes up with about 20 percent of the money.

Mr. President, with respect to the idea of 1 year or 2 years, let me read what Mr. Loomis said. He was selected by the corporation to run public television. This is what he said. This comes out of the mouth of a Republican, not a Democrat. With all this talk about who is running what, this is what he said:

The production of programs for presentation by local public broadcasting stations is, and should be a careful, time consuming process. It takes time to consult with 147 television licensees and 138 qualified radio stations on their program needs, to analyze and react to their recommendations and their proposals, to decide upon production centers, to negotiate for rights, to produce a pilot, to produce the final series, schedule and present them for use by the stations.

Here is the clincher:

Compressing their entire cycle into a single year means compromising on the quality of the final product. Series like BBC's "Henry VIII" and "Civilisation" cannot be planned and produced in one year. It took almost three years of research, plannings, and development before the first "Sesame Street" series could be aired.

That is what Mr. Loomis said.

I am being guided by what they said. I had the officers and directors of the corporation before our committee, and I took them one by one. I asked them, "Are you for the 1 year or for the 2 years?" To the man and to the woman—there is one woman on the corporation—they all answered in the affirmative: "You need 2 years."

Now we come on the floor and we hear this gobbledygook about conservatism and liberalism. Perhaps some programs are liberal; perhaps some are conservative. Perhaps I do not like some liberal programs or some conservative programs. But the one thing that Dr. Killian told us when we formed this corporation was that he wanted the nose of Congress and the White House out of programing, and that is what we are trying to do. He left it up to the distinguished persons who have been appointed by President Nixon to decide for themselves what it ought to be, and I do not think they ought to be dictated to by us in the Senate, by the Members of the House, or by any individual in the White House.

That is what this all amounts to. If you want it, you can have it. If you do not want it, stand up and say so, and let us repeal the law. But do not emasculate it this way, because I say that unless we are going to have good public television, we should do without it entirely.

What I am doing here, as a Democrat, on this side of the aisle? I am just echoing what the Republican members of that corporation have said. Who is fighting me? The Republicans, on the other side; not all of them, because I tip my hat to a man like Senator COOK and a man like Senator BAKER, who can understand it.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PASTORE. I yield whatever time the Senator needs.

Mr. COOK. Mr. President, I want to echo most of the thoughts that the chairman has stated, because during the course of the hearings it became very obvious that we were subject to a great deal of rhetoric.

As the chairman well knows, and as I put in my separate views which are filed in the report, we find that those from the Office of Telecommunications testified before the committee that they really did not want what is commonly referred to as a fourth network, which is the interconnect and yet they were not willing to have a 2-year appropriation so that localism could be established. As the chairman pointed out "Sesame Street" took 36 months to establish all the groundwork and research for the development of that program.

It is estimated that of all the major series on television today the shortest period of time it takes to do the groundwork, to develop research and study, is a minimum of 18 months. What we are really seeing is an approach by those who wish to limit the appropriation to 1 year, saying we should have more localism and more creativity at the local station level, and that the interconnect should not become a fourth network, and it should not. Yet can we appropriate on a 1-year level? We could do no more than to make it an interconnect.

When the Senator from Rhode Island said that Mr. Loomis had said they did not want the nose of Congress in this, that is what Congress said when they established this in the first place. It was not that the president of the corporation said this. He was doing no more than echoing the debate when this was established in the first place. What do we see? We see something that Congress established, something that Congress created, and suddenly we see Congress trying to destroy the very thing that it established.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. PASTORE. I did not say that Mr. Loomis said that. I said Loomis said he needed 2 years. But the man who said he did not want the nose of Congress in this was Mr. Killian of the Carnegie Commission who made the recommendation in his report. He recommended it to Congress and then Congress echoed what Killian said.

Mr. COOK. I would say what we have here, Mr. President, is the accusation that the interconnect is, in essence, a network and because we cannot appropriate more than one year, it is essential it be that. There are many small public broadcasting stations throughout the country with one camera, no video tape equipment, and yet they cannot pick up anything, which they must do this to stay on the air. If they did not have the interconnect, some of them estimate, their network would be closed as much as 50 percent of the time.

Mr. President, if you are going to ask these stations to make this kind of in-

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vestment, if you are going to ask them to establish localism, the only thing I can say is we have to either have an appropriation for more than 1 year or it will never happen.

We find by reason of this process the situation of a destroyer going through a mine field. On the one hand we hear Clay Whitehead say we need more localism; we cannot have another network, and yet we see them saying we should appropriate for only 1 year. If we appropriate for only 1 year the interconnect will be a network of necessity.

I hope this amendment does not succeed because if it does we should have hearings, not on whether we are going to appropriate for 1 year or 2 years, but whether we are going to repeal the act in its entirety.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. HELMS. The Senator from Kentucky and the Senator from Rhode Island know of my respect for them. I want to make clear two points. It is perfectly natural these people would want their appropriations for 2 years. It is less bother; they would not have to come up and be that accountable. The point that motivates me is that everything is in an uproar in this area. They cannot plan wisely for 2 years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. Can the Senator from Rhode Island yield?

Mr. PASTORE. Mr. President, how much time do I have? I am perfectly willing to yield.

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. COOK. Mr. President, is there any limitation?

The PRESIDING OFFICER. The limitation is 30 minutes.

Mr. PASTORE. If I have 7 minutes, I assign 5 minutes to the Senator from Kentucky.

Mr. COOK. I thank the Senator.

Mr. HELMS. I would be highly gratified if this appropriation process were settled before this question comes up again. I am not going to disagree with the philosophy of an appropriation for 2 years. I believe I am the only television executive in this body. I know the value of planning ahead, but I do not think that under existing circumstances we ought to give existing authority, the existing people, a 2 year appropriation. I simply say we should give a 1 year appropriation and then take a look at the situation the next time around.

Mr. COOK. I thank the Senator. I really want to get a point over, and I say this to the Senator from North Carolina——

Mr. PASTORE. Mr. President, we are not talking about an appropriation. The appropriation is still on a yearly basis. We are talking about an authorization.

Mr. COOK. Mr. President, that is correct. If I were convinced that we could get a 2-year appropriation, I would be delighted, somehow or other, to convince myself that the Senator from North Carolina let us. But let us look at what happened. We had the Chairman of the Public Broadcasting Corporation, who honestly tried to solve the problems, including public broadcasting, and the Community Broadcasting Board. But what happened? He worked himself to death to solve that problem. He found the Office of Telecommunications Policy in the White House actually calling everybody on the board that they ought to vote against the Chairman. As a result, the Chairman, appointed by the President of the United States, resigned his position. They went behind their own Chairman's back and defeated the agreement. We have no assurance that this will not be done again—none whatsoever. The only thing we are going to see is 40 million people in the United States who watch public broadcasting who will be spending another year watching reruns. We are certainly not going to establish creativity with that argument. In the first place, we want to establish it with the help of Congress, as the Chairman has so aptly put it.

However, 20 cents out of the public broadcasting dollar comes from the Federal Government with the rest coming from private sources. So I might say that if we find organizations throughout the United States which are actually sustaining 80 percent of the programing being totally and completely stymied, we reject the public broadcasting system, because of the 20 percent.

So that is where we are. If we are really going to consider seriously another 1-year appropriation, then let us pull this bill off the calendar. Let us go back to committee and determine whether public broadcasting in the United States is needed, because I believe we are at that juncture.

I close by saying that in this Senator's mind—there are Senators who may totally disagree with my reasoning—the interconnect will be unworkable if we continue the authorization on a 1-year basis.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. I yield 1 minute to the Senator from Kentucky.

Mr. COOK. The reason given was that stations throughout the United States, when they were properly equipped, could get service through the major national television laboratory, to be used for the purpose of submitting to viewers. If we want to get it back that way, we have to have more than a 1-year authorization; otherwise, the entire situation will be out sick. Therefore, I strongly oppose the amendment of the Senator from North Carolina. I must say that the hearings made it perfectly clear. We went right down the line to everybody, including everybody appointed by the President of the United States. They all made it perfectly clear that we must have a 2-year authorization.

I thank the Senator.

The PRESIDING OFFICER. All of the time of the Senator from Rhode Island has expired. The proponents have 5 minutes remaining.

Mr. BAKER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. On whose time?

Mr. BAKER. There is not any time left except mine. It is on the bill. There is no amendment pending.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Do I have 5 minutes remaining on the bill?

The PRESIDING OFFICER. The Senator has time remaining on the bill. The Senator has 14 minutes remaining on the bill.

Mr. BAKER. I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, the amendment offered by the distinguished Senator from North Carolina is one that I will not support. However, I would point out that I supported a similar measure last year after a bill was reported from our committee against which I fought very hard, and which was vetoed, and which I recommended to the President be vetoed. We ended up with a 1-year authorization. I voted for it at that time. Therefore, I cannot be critical of the Senator from North Carolina, and I am not.

I would point out, however, at this juncture I think we need a 2-year authorization at these funding levels, and I intend to support that authorization.

I make this final recommendation, and I hope I have the attention of the subcommittee chairman and the chairman of the full Commerce Committee: While I vote for the 2-year authorization this year at these funding levels, I think the problem is not over and we still have some deep philosophic soul-searching to do about the future of public broadcasting. I wanted to make that addendum as to my personal purposes, so that my vote against the Helms' amendment is not misunderstood.

I reserve the remainder of my time.

Mr. PASTORE. Mr. President, I ask for a short quorum, not to be taken out of the time of either side, because the Senator from North Carolina (Mr. HELMS) is not on the floor. I think it is his turn now.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina has 5 minutes remaining on his amendment.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina having yielded back his time, all time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. NUNN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), the Senator from North Dakota (Mr. BURDICK), and the Senator from Nevada (Mr. CANNON) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Utah (Mr. Moss), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 12, nays 62, as follows:

[No. 118 Leg.]

YEAS—12

| | | |
|---|---|---|
| Allen | Curtis | Scott, Va. |
| Bartlett | Fannin | Thurmond |
| Bellmon | Hansen | Young |
| Byrd, Harry F., Jr. | Helms | |
| | McClure | |

NAYS—62

| | | |
|---|---|---|
| Abourezk | Griffin | McIntyre |
| Aiken | Hart | Metcalf |
| Baker | Hartke | Montoya |
| Beall | Haskell | Muskie |
| Bible | Hatfield | Nelson |
| Biden | Hathaway | Packwood |
| Brooke | Hollings | Pastore |
| Byrd, Robert C. | Huddleston | Pearson |
| Case | Hughes | Pell |
| Chiles | Humphrey | Proxmire |
| Church | Inouye | Randolph |
| Clark | Jackson | Schweiker |
| Cook | Johnston | Scott, Pa. |
| Cotton | Kennedy | Stafford |
| Cranston | Long | Stevenson |
| Dole | Magnuson | Symington |
| Dominick | Mansfield | Talmadge |
| Eagleton | Mathias | Tower |
| Ervin | McClellan | Tunney |
| Fong | McGee | Weicker |
| Gravel | McGovern | |

NOT VOTING—26

| | | |
|---|---|---|
| Bayh | Cannon | Hruska |
| Bennett | Domenici | Javits |
| Bentsen | Eastland | Mondale |
| Brock | Fulbright | Moss |
| Buckley | Goldwater | Nunn |
| Burdick | Gurney | Percy |
| Ribicoff | Sparkman | Taft |
| Roth | Stennis | Williams |
| Saxbe | Stevens | |

So Mr. HELMS' amendment was rejected.



Mr. HART. Mr. President, while public and press attention have been absorbed by the Watergate transgressions, the administration is quietly doing violence to another of our basic institutions, namely, the first amendment. I refer to White House interference with public broadcasting and specifically to emasculation of public affairs broadcasts on public broadcasting.

We were all put on notice—if we had not already read between the lines—by a television program on March 22, 1973. On the Dick Cavett show of that date, one of the panelists was Patrick Buchanan, Special Consultant to the President. The conversation went this way, I quote:

CAVETT: You were going to explain what happened to public television.

BUCHANAN: Right. Now, last year the Administration proposed an increase of $10 million in the budget for Public Educational Television from $35 million to $45 million. It got down on Capitol Hill and the fellows in Public Television went to work and they elevated that up to $165,000—$165 million, I'm sorry, for two years. Now, when that came down to the White House, we took a look at that, and we also looked at the situation over there, I did personally, I had a hand in drafting the veto message; and if you'll look at Public Television you find you've got Sander Vanocur and Robin MacNeil, the first of whom, Sander Vanocur, is a notorious Kennedy sycophant, in my judgment, and Robin MacNeil, who is anti-Administration, you have the Elizabeth Drew Show on, which is anti—she, personally, is definitely not pro-Administration, I would say anti-Administration, "Washington Week in Review" is unbalanced against us you have "Black Journal" which is unbalanced against us . . . (laughter) . . . you have Bill Moyers, which is unbalanced against the Administration. And then for a fig leaf they throw in William F. Buckley's Program. So they sent down there a $165 million package, voted 82 to 1 out of the Senate, thinking that Richard Nixon would therefore—he would have to sign it, he couldn't possibly have the courage to veto something like that. And Mr. Nixon, I'm delighted to say, hit that ball about four hundred and fifty feet down the rightfield foul line right into the stands; and now you've got a different situation in Public Television. You've got a new board on CPB, you've got a new awareness that people are concerned about balance. And all this Administration has ever asked for on that, or on network television, frankly, is a fair shake.

Thereafter, the Corporation for Public Broadcasting, which is supposed to be independent from White House or congressional influence, terminated precisely those programs named by Mr. Buchanan.

During the excellent hearings conducted by the Communications Subcommittee Chairman, Senator PASTORE, this matter was explored with the new Chairman of the Corporation for Public Broadcasting, former Congressman Thomas B. Curtis. While Mr. Curtis could not explain how the decision was made to drop the programs named by Mr. Buchanan as "anti-administration," he assured the committee that in the future he would resist outside influence and maintain the independence of the Corporation for Public Broadcasting intended by Congress when it passed the Public Broadcasting Act.

So what happened? While the Commerce Committee was in the very act of voting to report the legislation before us, extending the public broadcasting authorization, the White House again launched an assault on the independence of the CPB. It persuaded a majority of the members to reject an agreement laboriously worked out over a period of 3 months by representatives of the stations and the CPB, setting up procedures for handling any future differences. Whereupon, Mr. Curtis—unable longer to defend the independence of the CPB—resigned.

Mr. President, I believe my colleagues here in the Senate and the Members of the House who are yet to consider this legislation should have "on the record" the comments of Mr. Curtis in resigning. This is not the outburst of an "elitist plugola" to quote Dr. Clay Whitehead. It is the concern of a nationally respected Republican from Missouri who served 18 years in the House.

Mr. President, the Nation needs public broadcasting, and I fully support the bill before us today. But the Nation needs a public broadcasting service which is not limited to children's programs, ballet and French cooking lessons. We need a public broadcasting system which offers public affairs programs that will help the American people anlayze and understand the public issues, the political issues. And this cannot be the case if every program considered "antiadministration" in Mr. Buchanan's eyes is forced off the air.

This is a very serious matter, Mr. President, and I am confident it will be thoroughly explored when hearings on this legislation are held in the House.

I ask unanimous consent to insert in the RECORD at this point the public statement of the President of Station WGBH, Boston, expressing concern that the Executive may be trying to take over control of public television to its own ends; the New York Times editorial of April 19, 1973, "Stifling Public TV"; the New York Times article of April 24, 1973 "Tampering Cited in Public-TV role", and an article from Congressional Quarterly of April 21, 1973, "A 'Very, Very Upset' Tom Curtis resigns from CPB."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 26, 1973.

PUBLIC STATEMENT BY DAVID O. IVES, PRESIDENT, WGBH BOSTON

We at WGBH have grown increasingly worried about signs that the Executive Branch of the Federal Government may be trying to take over control of Public Television for its own ends.

The first sign was the attack on the developing shape of our system, delivered in Miami a year and a half ago by Clay Whitehead of the White House Office of Telecommunications Policy. That was followed last summer by President Nixon's veto of the bill that would have substantially increased federal funds for public broadcasting. That

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forced the resignation of John Macy, first President of the Corporation for Public Broadcasting. His place was taken by Henry Loomis, and new persons were appointed to the Board of the Corporation, including Thomas B. Curtis, who became chairman, all of whom were said to be "Nixon men." Rumors and reports proliferated that the White House didn't like certain public affairs programs then being shown on Public Television, and they were followed by the failure of the Corporation Board to renew funding of several such programs for next season. In January the Board resolved to take back from the Public Broadcasting Service full control of funding, review, and network scheduling of national programs. Then on April 13, the Board failed to accept (instead, they deferred action) the compromise on program control which Corporation and PBS representatives had previously hammered out together.

Now the latest, and most worrisome, sign of all was the interview given to The New York Times on April 23 by Mr. Curtis, who said he resigned as Chairman because he felt he could no longer defend the integrity of the Corporation Board. That integrity had been tampered with, he charged, because someone in the Administration, on the very eve of the April 13 meeting, had telephoned several members of the Board in order to influence their votes on the proposed compromise. Mr. Curtis charged that this was improper interference, and that it was "contrary to what I had understood the White House had agreed to do—namely, keep hands off."

On April 23, the Times printed a denial of the Curtis charges by three other members of the Corporation Board and by a spokesman for Clay Whitehead, from whose office the calls were presumed to have come. Mr. Curtis' allegations were called "a phoney issue," "outrageous," and "totally ridiculous."

Ever since the Curtis interview appeared, we have been trying to find out just what communication took place between persons in the Administration and persons in the Corporation for Public Broadcasting. If such communication constituted an improper attempt to exert political influence on Public Television, that would have the gravest implications for WGBH and for all the stations in the system.

We have learned that, unquestionably, many contacts have been made in recent weeks and months between White House officials and the Corporation—sometimes with Board members, sometimes with staff members.

But that still leaves the question: Were those contacts improper? Did they exceed the bounds of what one can reasonably sanction as necessary in the Corporation's relations with one of the two branches of the Federal Government on which it depends for its funds? Can those contacts be fairly construed as breaches in the integrity of the Corporation and thus of WGBH and any other recipient of Corporation grants?

The explanation given for those contacts by everyone who has spoken out except Mr. Curtis, is that they were nothing more or less than the kind of exchanges in which any entity that is funded by the annual appropriations process must engage. That, of course, begs the basic issue, which was raised over five years ago when Congress and the President first created the Corporation for Public Broadcasting. It was argued then, and it has been argued ever since, but never remedied in the law, that as long as Public Television has to rely on annual appropriations for its funds, it will remain dangerously susceptible to political interference in its programming and other activities.

Congress tried, in 1967, to insulate the Corporation to some extent by designating it as private and nongovernmental. But as long as it is deprived of secure, long-term financing, the Corporation, like it or not, must act in some respects like a government agency. It must deal with the White House in the attempt to put the level of funds it needs into the President's annual budget. It must get Congress to authorize and then to appropriate those funds. And it must get the President's signature on that funding legislation. At the same time, the Corporation must satisfy all the local Public Television stations, in whose interest it was created, that the funds will be used in ways they approve.

As a consequence, the Corporation sees itself in a three-cornered negotiation—with the White House, the Congress, and the stations. Unless all parties can be accommodated, as the Corporation views it, there might well be no federal funding at all for Public Television. In this light, what one person may regard as "improper communication," another will think of as part of the bargaining process on the way to a successful appropriation. The important consideration, in this view, is not the *fact* of the bargaining, but what indeed is gained or lost in the process. Underlining that view is the sense there should be some things that will never be bargained away, or even permitted to be raised in the bargaining process, no matter what the eventual cost of a Presidential veto or a defeat in Congress.

The dangers of such a funding route for Public Television are now apparent to everyone. If the Corporation "bargains" with the Administration about its relationship with the stations or with their organization, the Public Broadcasting Service (PBS), what then prevents the Corporation from "bargaining" with the Administration about which programs to fund and which not to fund, about which programs to send out on the interconnection system and which to withhold? And if the White House influence is exerted at appropriations time, how are the stations, and how is the public, to know that it is not also being exerted at other times?

The threatening signs have become so persistent, we believe the Board of the Corporation of Public Broadcasting must respond in an open and forceful way. We call on the Board to declare publicly just what their rules are for dealing with the Executive branch. How far will they go in private discussions of the Corporation's business with the White House—or with Congress, for that matter? What will they talk about, and what will they *refuse* to talk about? Where will they draw the line, saying beyond this limit they will not permit a political interest?

We want, in particular, the absolute assurance that the Corporation will never permit their discussions with the White House or the Congress to include any bargaining for or against particular programs, be they in the area of public affairs or in any other area. We accept that the Corporation must engage in talks on its general funding requirements, but we most emphatically reject the possibility that it must bargain away certain programs in order to get its appropriation.

At all times, there is a vital decision of principle facing every Public Television station. Speaking now only for WGBH, we say frankly that we were so distressed by Mr. Curtis' charges that over several days we have earnestly considered refusing any further grant to WGBH from the Corporation until the Corporation could establish its integrity and independence of action in a way we all could accept.

We are not taking that step at this moment. Our inquiries have satisfied us that despite all the signs to the contrary, there is still a commitment to independence represented in the active membership of the Corporation Board—a commitment still strong enough to deserve a further chance at resolving the issues of control over Public Television.

We recognize, furthermore, that we at WGBH have never to-date received, much less had to respond to, a single suggestion that any one of the programs we produce—not even the most controversial—be produced in any way other than we intended. We would have spotted such a suggestion instantly, since we are second to no one, we believe, in our sensitivity to any outside influence on our program judgments.

But we do urge the Board of the Corporation to clear the air. We urge them to recognize that an atmosphere of deep suspicion and mistrust of government pervades the country today. We urge them to help dispel that atmosphere, at least as it affects Public Television, so we can get on with our work. Again, the first step to achieving that, we propose, is that the Board speak out precisely on the issue of what it will, and what it will not, permit even to be talked about in its private contacts with the Executive and Legislative branches of the Federal Government.

Finally, we at WGBH declare we shall be continuously alert to the possibility that improper influence may be brought to bear on the Corporation and therefore, inevitably, on WGBH. Should we become convinced it has occurred, we will not hesitate to refuse Corporation grants to WGBH, even if that means dismantling a large part of our activities. Should that day ever come, we put the Corporation Board on notice that we will make our decision public in the strongest terms.

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[From the New York Times, Apr. 19, 1973]

STIFLING PUBLIC TV

The resignation of Thomas B. Curtis as chairman of the Corporation for Public Broadcasting constitutes signal that public affairs programming may be close to extinction in noncommercial television. Mr. Curtis, a former Republican Congressman from Missouri, was named to the C.P.B. board last year by President Nixon. From the start the Administration, with Clay T. Whitehead, director of the Office of Telecommunications Policy, as spearhead, put growing pressure on him to eliminate any transmission of public affairs programs via the public Broadcasting System network. Mr. Curtis met this pressure by laboring patiently to put together a workable, moderate compromise.

The proposal that emerged would have given the network and the corporation an equal voice in determining whether or not a controversial program would be transmitted on the P.B.S. interconnection. Under the plan the board chairmen of the licensed local public television stations would have the right of decisions on whether to avail themselves of any network presentations. However, there was to be no prior restraint on the production of any program by the public network.

Even that minimal protection of the system's basic freedom appears to have been too much for the Administration's arbiters of public enlightenment. Although Mr. Curtis had every reason by last week to believe that the compromise would be approved by the C.P.B. board, the Administration's hardliners, again led by Mr. Whitehead, engaged in frantic last-minute lobbying to block it. The meeting that was to ratify the Curtis compromise turned into a rout of the moderates and a repudiation of Mr. Curtis.

The Administration's record on public broadcasting is a chronicle of double-talk. When Mr. Nixon vetoed the public broadcasting appropriations bill last year, he characterized P.B.S. as excessively centralized. But with its latest coup, the Administration has, in effect, let it be known that its goal is not a decentralized Public Broadcasting System, but one that is submissive to the will—and thus be disguised central control—of the Office of Telecommunications.

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"TAMPERING" CITED IN PUBLIC-TV ROLE

(By McCandlish Phillips)

CHICAGO, April 23.—Thomas B. Curtis, chairman of the Corporation for Public Broadcasting until he resigned abruptly a week ago, said today that the White House had "tampered with" the independent board, in express contradiction to assurances that he had received.

In a two-hour interview with The New York Times in his office here, Mr. Curtis made his first comments since his resignation, explaining that in his view the integrity of the board had been threatened by White House interference.

Mr. Curtis said it was now imperative that the board "reassert its independence and integrity" by devising procedures that would effectively insulate it from political pressures.

"I had the clear understanding that the President wanted us to so set up the Corporation for Public Broadcasting that public broadcasting could not be made a propaganda arm for the Nixon Administration or for any succeeding administration," the Republican appointee said.

Mr. Curtis said he had responded to that assurance by seeking to establish procedures by which "the whole Congress and the public" would have full confidence in the independence of the board.

"You can see what happens when officials in the White House constantly talk to members of the board, calling them privately and interfering with the process" of deliberation, he said.

Mr. Curtis continued:

"When it became clear that the White House was not respecting the integrity of the board, then I couldn't defend the integrity of the board the way I had.

"This board has been under very severe attack in the news media for the past 5 months, with people saying that it was involved in a 'Nixon takeover,' and I have defended it vigorously—and I underscore vigorously.

"I don't believe I could defend the board with that kind of vigor any more. When I felt I could no longer do that, I felt I better resign."

At no point in his lengthy analysis did Mr. Curtis name the individuals who had allegedly interfered with the deliberations of the board, saying that he was determined to discuss an important public issue and refrain from referring to personalities.

WHITEHEAD IS NAMED

His sole reference to an individual by name was in a side reference to Clay T. Whitehead, director of the White House Office of Telecommunications Policy.

"I asked Mr. Whitehead, when he testified (before the Pastore Committee) to state that the White House respected the integrity of the board and felt that it was essential to maintain it, and I thought he would, but he didn't," he said.

Mr. Curtis ventured that President Nixon's "ideas about this have been shot down by people in the White House who don't understand the basic importance of why this board has to act independently."

His resignation on April 14 came in the wake of a decision by the board, by a 10-4 vote, to defer action on a carefully worked-out compromise plan determining the operating structure of public broadcasting.

The plan was designed to adjust relations between the Corporation for Public Broadcasting, created by Congress to oversee public television, and the country's 233 public television stations. It would have assured that the stations would retain a large measure of control in public television's national programing.

"I was surprised," Mr. Curtis said, "I thought the board would agree to the plan, and I still think the members were ready to when the White House interposed. I felt that the board had been tampered with, and I told the board that. I sent the President a copy of my letter."

"KEEP HANDS OFF"

The compromise plan, far from being the sole viable solution, was just one of many possible plans that might have worked, he said.

"It wasn't the deferral that disturbed me, it was the fact of interference," Mr. Curtis explained. "That was contrary to what I had understood the White House had agreed to do—namely, keep hands off."

Mr. Curtis said that calls had been made to board members up to the very eve of the meeting on the compromise plan. "Four of the members told me they had been called, and two of them resented it," he said.

"I think the calls were primarily to shoot down the compromise," he asserted. "When a decision is about to be made, that's when they shouldn't be messing around.

"You don't interfere even by making phone calls. This kind of communication is improper."

His manner throughout the interview was good-humored, relaxed, plainspoken. "I'm not angry at anybody," the former Missouri Representative said. "I was there trying to do a job, and if I cannot defend the board as I did, I'm not useful any more.

"My aim was the integrity of the board. That was the sine qua non."

Mr. Curtis said that Congress had acted to create what it regarded as "an independent, nongovernmental corporation." The keys to it, he said, are a six-year term for board members, "thereby exceeding the term of office of the President," and staggered terms, so that no President could appoint a majority to the board in a single term of office.

He likened the position of the C.P.B. in the Government to such regulatory agencies as the Federal Trade Commission and the Federal Communications Commission. "They are arms of the Congress, not of the Executive," he said.

Congress ruled that "no more than 8 of the 15 board members of the corporation be of the same political party, and it required that the board itself elect its own chairman," Mr. Curtis pointed out. That, he said, showed Congress's intent.

Mr. Curtis said that "most of these agencies have developed procedures which insulate them against political pressures of the Executive, and this board should be doing the same thing."

"Unless this board reasserts its independence and integrity," he continued, "and all groups respect this, I don't think the Congress will go along with having the Government in public broadcasting, because then you don't have it insulated against normal political pressures.

"All that's happened here is that the Executive has tried to get its opinion into the board—it isn't necessarily a takeover—but there's a proper way to go about it: Write a letter and make the letter public, not going behind closed doors and saying God only knows what talking to one commissioner at one time, to one at another time."

Mr. Curtis said the C.P.B. must "adopt firm rules" and deliberate decisions on the basis of "facts and fair arguments." "The way you deliberate is by letting everybody hear the same thing in a common forum," he said.

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[From the Congressional Quarterly, Apr. 21 1973]

A "VERY, VERY UPSET" TOM CURTIS RESIGNS FROM CPB

Thomas B. Curtis, the board chairman of the Corporation for Public Broadcasting (CPB), resigned April 13 after a majority of the board refused to accept a compromise plan he had recommended. The proposal would have returned some control of public television programming to the local stations and cleared the way for selection of privately funded 1973–74 public television shows.

Curtis had been appointed to the CPB post by President Nixon in July 1972; his resignation was announced by the White House April 18.

A former member of Congress from Missouri, Curtis had assured a negotiating group representing 147 station managers that the board would accept a compromise giving the stations control of scheduling programs on the Public Broadcasting Service (PBS) and the authority to telecast programs that were privately financed.

Curtis was reported to have been "very, very upset" after the board decided to "defer action" on the agreement reached by PBS and a corporation committee. But, prior to the board's vote, Curtis had been warned, according to one board member, "not to make any commitments to PBS . . . because the majority of the 15-member board was not in agreement with his views," the Wall Street Journal reported April 18.

POWER CLASH

Congress created the corporation in 1967 to funnel federal funds to non-commercial radio and television stations throughout the country. PBS was incorporated by CPB in 1969 and until 1973, selected, scheduled and promoted public TV shows. (1967 Almanac p. 1042).

The clash between the two organizations stemmed from a Jan. 10 announcement by the corporation that it would absorb most of the functions of PBS, leaving the service to provide technical services necessary for operating the public television interconnection (network).

The station licensees, however, decided to fight that decision. Under the leadership of Ralph Rogers, a Dallas industrialist and broadcasting executive, PBS was reorganized and began discussions with Curtis and a three-member CBP panel.

The board's April 13 decision reportedly followed a telephone campaign by White House staff members, including Clay T. Whitehead, director of the administration's Office of Telecommunications Policy, who opposed returning programming power to PBS because of administration dissatisfaction with some public affairs programs PBS had scheduled.

WHITEHEAD

The debate over public broadcasting actually began in October 1971 when Whitehead charged that the public TV industry had wandered from the role Congress had originally intended it, evolving instead into a "fourth national network."

Testifying before the Senate Communications Subcommittee March 29 on a long-range financing bill for public television—another issue in the controversy—Whitehead, who once supported such a plan, recommended that Congress fund the corporation on an annual basis until the "basic problems" of non-commercial radio and television were resolved. (Hearings, Weekly Report p. 787).



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Whitehead singled out public affairs programming as an example of the "serious deficiencies" in public broadcasting. CPB's reliance on federal funds to support public affairs was "inappropriate and potentially dangerous," he charged, "especially in view of the tendency to centralize production in New York and Washington."

In January, the CPB board voted against funding several public affairs programs, including "Bill Moyers' Journal" and William F. Buckley's "Firing Line."

Although Curtis supported the cuts, he told Congressional Quarterly in a March 1 interview: "There are people in the White House who feel that you can't do public affairs objectively and with balance and therefore (they would) throw the baby out with the bathwater. And there are people in Congress who say that. . . . I happen to think that one can argue strongly for a point of view and do it with objectivity and balance." (Text of interview, Weekly Report p. 591)

Rogers. Taking aim at the reorganized PBS group, Whitehead suggested that the way to strengthen the local stations was to give broadcasters a realistic choice in deciding whether to televise any CPB-supported or distributed programs. But, he said, this could not be accomplished if the stations were represented by some organization that makes program decisions.

Whitehead's proposal, Rogers said during the Senate hearings, "is in complete opposition to what everyone is advocating." Rogers added that he refused to believe the President or Congress would subscribe to such a recommendation. "I guarantee to you that the stations will not."

Earlier, Rogers outlined the compromise agreement that PBS had negotiated with CPB, which the board rejected April 13. Under the terms of the plan:

Local broadcasters would have remained in control of scheduling on PBS.

CPB would have had final say on how federal funds were spent for programming.

The licensees would have had access to the network for programs privately funded.

To meet the 1967 public broadcasting act's requirements that programs of a controversial nature must be balanced and objective, Rogers explained that agreement had been reached between the negotiating panels to create a "monitoring committee," which would determine whether programs that were challenged violated the law on the question of balance and objectively. Both CPB and PBS would have had a three-member monitoring team, and a 4–2 vote would have been necessary to kill a contested program.

Mr. PELL. Mr. President, the bill now before us, S. 1090, represents a positive step toward aiding the fledgling public broadcasting system in our country. I strongly support the bill, for it will provide increased funds to the Corporation for Public Broadcasting to continue providing stimulating and innovative programing on a national level.

I am particularly pleased at the level of support proposed in this bill for the Corporation on Public Broadcasting because of the clear commitment made by the Corporation to broadcasting programs on both the arts and humanities. In that connection, Mr. President, I am especially pleased that both the National Endowment on the Arts and the National Endowment for the Humanities have become partners with public television in funding programs of outstanding quality.

Another facet of the measure before us will be of particular benefit to my own State and that of my senior colleague, the distinguished floor manager of the bill. That is the extension of the authorization for improving broadcasting facilities of individual education stations across the country.

In Rhode Island we have one educational station, WSBE–TV, channel 36. At present this station broadcasts from makeshift facilities located on the campus of Rhode Island College. I am pleased to have learned that the station plans to move to more adequate facilities in the city of Providence and I am also pleased that our general assembly in Rhode Island just last week approved funds for WSBE–TV that will make such a move to new facilities possible.

Mr. President, the station plans to apply during fiscal 1974 for Federal lands under the Educational Television Facilities Act to acquire cameras and allied equipment to use at its new location. The Federal funds could total as much as $300,000 and I believe that this legislation is farsighted in authorizing $25 million a year for aiding such local stations as channel 36.

I would hope, Mr. President, that the Appropriations Committees of both parties and the administration will see fit to fund this program at a suitable level so that such deserving projects as that at WSBE–TV can be supported.

Finally, I wish to commend my senior colleague, the chairman of the Subcommittee of Communications of the Committee on Commerce, for his outstanding leadership in guiding this measure to the floor and generally for his long record of concern for quality broadcasting on all levels in this Nation.

Mr. HUMPHREY. Mr. President, since the first educational television station went on the air in May of 1953, Congress has steadily supported the growth of noncommercial broadcasting. In 1962 the Congress passed the Educational Television Facilities Act to provide grants for the construction and expansion of educational television systems. And, in 1967, Congress passed the Public Broadcasting Act, which created the Corporation for Public Broadcasting and gave it four main responsibilities:

First, to assisting the development of high-quality programs for public television and radio.

Second, to develop interconnections among and between various educational and public television stations.

Third, to assisting the establishment and development of one or more systems of public broadcasting.

Fourth, to assure the maximum freedom of noncommercial educational broadcasting systems and stations from interference with or control over program content.

In designing the Corporation for Public Broadcasting the Congress deliberately attempted to insulate it from Government interference. Neither the White House nor the Congress was to have control over the programing.

In no way was public television supposed to become another arm of a Government propaganda machine or simply another commercial-type system.

The emphasis was to be educational—to develop those programs of high quality that would be interpretive, that would add to the educational enrichment of Americans.

Part of this educational mission, Mr. President, has been the development of public affairs programing. In the legislative history of the Public Broadcasting Act, there are clear references to the need for public affairs programs; not simply news programs, not a duplication of the commercial networks, but a public affairs programing that is interpretive, illustrative, and an addition to depth of public understanding and education about events, people, and circumstances.

It goes without saying that such programs have a need to objective, fair, and balanced in these presentations.

It is my judgment that public affairs programing has been fair, balanced, and objective. I question sometimes whether or not the public affairs programs have served their educational mission; but I do not question the sincere professionalism of probing, asking, and interpreting in the drive for first-rate, balanced journalism.

Lately, however, Mr. President, I have become aware, as I know other Senators have, of what smacks so much of a concerted attempt by those in the executive branch to cut the heart out of public affairs broadcasting. It seems that the Nixon administration, or at least some officials within the administration, believes that public affairs broadcasting is biased against the administration—and for that reason, must be curtailed, eliminated, and dropped from the public airwaves.

Mr. President, I deplore any attempt by the executive branch to interfere, or threaten those who operate under the first amendment freedom of this country.

We must resist all attempts to remake the airwaves into propaganda arms for any branch of government. Our freedoms are too precious, and a free press is too essential to our democratic well being to do anything less.

Mr. President, two programs that seem to be caught in the cross fire between the Corporation for Public Broadcasting, the White House, and the Public Broadcasting System are "Elizabeth Drew's Thirty Minutes With . . . and William Buckley's "Firing Line".

I would hope, Mr. President, that there might be accommodations reached that would permit the continuance of these two programs. And, I want to say that I believe both are educational, both are respected programs.

These are not simply talk shows, designed to elicit interesting comments from guests. These shows are much different. Both Miss Drew and Mr. Buckley probe their guest's thinking, reasoning, and assertions. They want to know the "why" of decisions or the "why" of reasoning.

Both shows are designed to explore public topics in a way few commercial news programs can—with follow up—not just to get a guest's additional comments but to analyze those comments, to have the guest explain those comments, and in so doing to enlighten the public in an educational sense, not merely in an awareness sense.

Yet, I have read that for some reason these two programs along with other public affairs type programs are being canceled—not, as I understand it because of a failing in the concept of the programs—but more because of interference of persons outside the public television system who have decided that these programs do not meet standards of fairness and balance.

Mr. President, I would hope that this interference with public television, as reported in our newspapers, would cease and cease immediately.

And, Mr. President, I would hope that the legislation before the Senate today will pass with a strong vote of confidence for public television. The legislation provides a 2-year authorization for the Corporation for Public Broadcasting. I support this 2-year authorization. Such a time frame would give the Corporation opportunity to fully plan programs, not subject to the fear of running out of money or the hazards of single year authorizations.

Mr. President, I urge the Senate to adopt this legislation, and I ask unanimous consent that an editorial from the New York Times, "Stifling Public TV," an article from the New York Times, "Tampering Cited in Public TV Role," and an article by John Carmody of the Washington Post, "A Funding Compromise?" all detailing the most recent lineup of the various programs that will be funded by the Corporation, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1973]

STIFLING PUBLIC TV

The resignation of Thomas B. Curtis as chairman of the Corporation for Public Broadcasting constitutes a signal that public affairs programing may be close to extinction in noncommercial television. Mr. Curtis, a former Republican Congressman from Missouri, was named to the C.P.B. board last year by President Nixon. From the start the Administration, with Clay T. Whitehead, director of the Office of Telecommunications Policy, as spearhead, put growing pressure on him to eliminate any transmission of public affairs programs via the Public Broadcasting Service network. Mr. Curtis met this pressure by laboring patiently to put together a workable, moderate compromise.

The proposal that emerged would have given the network and the corporation an equal voice in determining whether or not a controversial program would be transmitted on the P.B.S. interconnection. Under the plan the board chairmen of the licensed local public television stations would have the right of decisions on whether to avail themselves of any network presentations. However, there was to be no prior restraint on the production of any program by the public network.

Even that minimal protection of the system's basic freedom appears to have been too much for the Administration's arbiters of public enlightenment. Although Mr. Curtis had every reason by last week to believe that the compromise would be approved by the C.P.B. board, the Administration's hardliners, again led by Mr. Whitehead, engaged in frantic last-minute lobbying to block it. The meeting that was to ratify the Curtis compromise turned into a rout of the moderates and a repudiation of Mr. Curtis.

The Administration's record on public broadcasting is a chronicle of double-talk. When Mr. Nixon vetoed the public broadcasting appropriations bill last year, he characterized P.B.S. as excessively centralized. But with its latest coup, the Administration has, in effect, let it be known that its goal is not a decentralized Public Broadcasting Service but one that is submissive to the will—and thus the disguised central control—of the Office of Telecommunications.

"TAMPERING" CITED IN PUBLIC–TV ROLE

(By McCandlish Phillips)

CHICAGO, April 23.—Thomas B. Curtis, chairman of the Corporation for Public Broadcasting until he resigned abruptly a week ago, said today that the White House had "tampered with" the independent board, in express contradiction to assurances that he had received.

In a two-hour interview with The New York Times in his office here, Mr. Curtis made his first comments since his resignation, explaining that in his view the integrity of the board had been threatened by White House interference.

Mr. Curtis said it was now imperative that the board "reassert its independence and integrity" by devising procedures that would effectively insulate it from political pressures.

"I had the clear understanding that the President wanted us to so set up the Corporation for Public Broadcasting that public broadcasting could not be made a propaganda arm for the Nixon Administration or for any succeeding administration," the Republican appointee said.

Mr. Curtis said he had responded to that assurance by seeking to establish procedures by which "the whole Congress and the public" would have full confidence in the independence of the board.

"You can see what happens when officials in the White House constantly talk to members of the board, calling them privately and interfering with the process" of deliberation, he said.

Mr. Curtis continued:

"When it became clear that the White House was not respecting the integrity of the board, then I couldn't defend the integrity of the board the way I had.

"This board has been under very severe attack in the news media for the past 5 months, with people saying that it was involved in a 'Nixon takeover,' and I have defended it vigorously—and I underscore vigorously.

"I don't believe I could defend the board with that kind of vigor any more. When I felt I could no longer do that, I felt I better resign."

At no point in his lengthy analysis did Mr. Curtis name the individuals who had allegedly interfered with the deliberations of the board, saying that he was determined to discuss an important public issue and refrain from referring to personalities.

WHITEHEAD IS NAMED

His sole reference to an individual by name was in a side reference to Clay T. Whitehead, director of the White House Office of Telecommunications Policy.

"I asked Mr. Whitehead, when he testified [before the Pastore Committee] to state that the White House respected the integrity of the board and felt that it was essential to maintain it, and I thought he would, but he didn't," he said.

Mr. Curtis ventured that President Nixon's "ideas about this have been shot down by people in the White House who don't understand the basic importance of why this board has to act independently."

His resignation on April 14 came in the wake of a decision by the board, by a 10–4 vote, to defer action on a carefully worked-out compromise plan determining the operating structure of public broadcasting.

The plan was designed to adjust relations between the Corporation for Public Broadcasting, created by Congress to oversee public television, and the country's 233 public television stations. It would have assured that the stations would retain a large measure of control in public television's national programing.

"I was surprised," Mr. Curtis said. "I thought the board would agree to the plan, and I still think the members were ready to when the White House interposed. I felt that the board had been tampered with, and I told the board that. I sent the President a copy of my letter."

KEEP HANDS OFF

The compromise plan, far from being the sole viable solution, was just one of many possible plans that might have worked, he said.

"It wasn't the deferral that disturbed me, it was the fact of interference," Mr. Curtis explained. "That was contrary to what I had understood the White House had agreed to do—namely, keep hands off."

Mr. Curtis said that calls had been made to board members up to the very eve of the meeting on the compromise plan. "Four of the members told me they had been called, and two of them resented it," he said.

"I think the calls were primarily to shoot down the compromise," he asserted. "When a decision is about to be made, that's when they shouldn't be messing around.

"You don't interfere even by making phone calls. This kind of communication is improper."

His manner throughout the interview was good-humored, relaxed, plainspoken. "I'm not angry at anybody," the former Missouri Representative said. "I was there trying to do a job, and if I cannot defend the board as I did, I'm not useful any more.

"My aim was the integrity of the board. That was the sine qua non."

Mr. Curtis said that the Congress had acted to create what it regarded as "an independent, nongovernmental corporation." The keys to it, he said, are a six-year term for board members, "thereby exceeding the term of office of the President," and staggered terms, so that no President could appoint a majority to the board in a single term of office.

He likened the position of the C.P.B. in the Government to such regulatory agencies as the Federal Trade Commission and the Federal Communications Commission. "They are arms of the Congress, not of the Executive," he said.

Congress ruled that "no more than 8 of the 15 board members of the corporation be of the same political party, and it required that the board itself elect its own chairman," Mr. Curtis pointed out. That, he said, showed Congress's intent.

Mr. Curtis said that "most of these agencies have developed procedures which insulate them against political pressures of the Executive, and this board should be doing the same thing."

"Unless this board reasserts its independence and integrity," he continued, "and all groups respect this, I don't think the Congress will go along with having the Government in public broadcasting, because then you don't have it insulated against normal political pressures.



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"All that's happened here is that the Executive has tried to get its opinion into the board—it isn't necessarily a takeover—but there's a proper way to go about it: Write a letter and make the letter public, not going behind closed doors and saying God only knows what talking to one commissioner at one time, to one at another time."

Mr. Curtis said the C.P.B. must "adopt firm rules" and deliberate decisions on the basis of "facts and fair arguments." "The way you deliberate is by letting everybody hear the same thing in a common forum," he said.

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INDEPENDENT PUBLIC-TV ADVOCATE—THOMAS BRADFORD CURTIS

(By Lawrence Van Gelder)

"People say that I am a good advocate," Thomas Bradford Curtis observed the other day. "If that is so, it is because I advocate what I believe in." Yesterday, the round-faced, baldish, 62-year-old former United States Representative was advocating a reassertion of its "independence and integrity" by the Corporation for Public Broadcasting. On April 14, Mr. Curtis, a lifelong Republican, resigned abruptly from the corporation's board, and yesterday he accused the White House of tampering with the 15-member board appointed by the President to oversee public broadcastnig.

In a way, it seemed natural that distaste for what he regards as tampering should impel Mr. Curtis to dramatic action. It was distaste for Democratic political bossism rampant in Kansas City and St. Louis that launched him into Republican politics before World War II, despite the fact that he came from a traditionally Democratic family.

IN HOUSE 48 YEARS

Referring to rule by bosses, he said, "It just didn't strike me as being very good." During his Congressional career, he was to lash out at President Lyndon B. Johnson for "using wheeling and dealing tactics rather than appeals to reason to get measures enacted."

Mr. Curtis was elected to the House in 1950 from a largely Democratic district in his native Missouri and served for 18 years, until he was defeated in 1968 in a campaign for a Senate seat that pitted him against Thomas F. Eagleton, then Missouri's Lieutenant Governor.

One of the most influential Republicans in the House, Mr. Curtis served for 16 years on its Ways and Means Committee and became the ranking Republican on the Joint Economic Committee.

He was known as an expert on foreign trade and tariffs and a fiscal conservative of such respected principle that he managed the unusual feat of winning repeated endorsement from the New York-based Committee for an Effective Congress as well as backing from Americans for Constitutional Action, a conservative group.

OTHER POSITIONS

After leaving Congress, Mr. Curtis became a vice president and general counsel for the Encyclopedia Britannica, the position he now holds. But he continued in public affairs.

In 1969, he was appointed by President Nixon to an advisory commission to develop a plan for the creation of an all-volunteer armed force. In 1970, he headed a committee established by the Twentieth Century Fund that advocated full disclosure of all money given to Congressional campaigns.

In 1971, he served on a private commission on foundations and philanthropies, and late that year President Nixon appointed him to the Rent Advisory Board as chairman.

Last year, he was appointed by the President to the seat on the board of the Corporation for Public Broadcasting formerly held by John Hay Whitney.

On Sept. 15, 1972, four days after his confirmation as a director by the Senate, he was named chairman of the board.

DARTMOUTH ALUMNUS

Mr. Curtis was born in St. Louis on May 14, 1911, the second of five sons of the former Isabel Wallace and Edward G. Curtis, a lawyer.

He grew up in Webster Grove, a suburb, and after attending public schools entered Dartmouth, where he earned a letter as an inside left on the soccer team and an A.B. in 1932. He received his law degree in 1935 from Washington University in St. Louis, an institution his grandfather had served as dean.

Then he entered practice with his father.

Mr. Curtis is married to the former Susan R. Chivvis. They have five children. Mr. Curtis, whose wife describes him as a 'wrinkled and casual" dresser, spends his spare time reading and writing. He is at work now on his third book—about the House of Representatives.

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A FUNDING COMPROMISE?

(By John Carmody)

The Senate is expected to pass a two-year, $140-million authorization for public broadcasting sometime next week, in what would be the first step toward an invigorating injection of funds into the strife-torn industry.

Meanwhile, public TV faces a programming disaster for the fall and winter when most solid reruns could be offered to Public Broadcasting Service (PBS) audiences, which in recent years have numbered around 40 million a week.

The Ford Foundation, a consistent major donor to public TV in the past, appears adamant in its decision to withhold an $8.4 million grant from the network this year, pending a favorable decision in the long battle between the Corporation for Public Broadcasting and the supporters of PBS. Ford backs the network, which the CPB has threatened to take over.

In addition, major corporate gifts from firms like Mobil and Xerox, usually spent for major dramatic series, are being withheld.

As a result, PBS planners this week sketched in their fall schedule, working with a budget of only $6 million in federal money. Already short of public affairs programming, PBS officials currently fear that:

"New" prime-time programming for the network's 1973–74 season, will suffer a 75 per cent reduction, to as few as four hours weekly, compared to an average of 16 hours a week offered this past season. Reruns would be inserted to fill out the schedule.

Of the eight "new" shows scheduled for the fall season, only three are sure to last through the second half of the broadcast year. At the start of last season, 17 network shows were aired weekly.

Unless money is found soon, it is possible that by January, new shows would appear only one night in seven on PBS.

"The Advocates" now partially funded, will be cancelled since its producers in Boston would be unable to assemble a top research team unless a full 26-week schedule could be funded from the start.

Two new major drama series to be imported from England will be postponed—at best. They were to be funded by major corporations, but private funds continue to shrivel because of uncertainties over the federal budget and the outcome of public broadcasting's internal war.

A Xerox Corp. proposal to rebroadcast on PBS the acclaimed "America" series recently concluded on NBC is only one of the losses expected next season if current conditions continue.

Network officials, however, emphasize that daily daytime schedules for the important children's fare—"Sesame Street," "The Electric Company" and "Misterogers' Neighborhood"—are safe from the economy ax next season.

All three are funded by a $6-million portion of the PBS total grant of $13 million. They also have independent income sources to carry them through other seasons.

Another $1 million in PBS grants has been allocated to Children's Television Workshop in New York to research an adult health series, due perhaps in 1974.

Should the network-CPB fight be resolved by mid-summer, Ford would probably add at least four public affairs shows to the fall schedule. The status of the BBC-produced drama shows would be uncertain. Meanwhile, the weekly PBS viewer would be faced with an imbalance of new public affairs programming and a dearth of new drama and entertainment fare.

Meetings of the two public broadcasting boards involved are scheduled this month but no quick solution is expected by either side at this time.

Conceivably, network officials fear, the severe cutback to a 4-hour weekly prime-time schedule could endanger the PBS operation itself. The 234 public-TV station operators who support PBS might be forced to determine the cost effectiveness of a national "interconnection" offering such a minimum daily program diet.

Thus, the industry is focusing its attention on Senate action next week, as rumors of a funding compromise with the White House abound—and as both money and time run out for next year's schedule.

The two-year authorization is sponsored by Sens. Warren G. Magnuson (D-Wash.) and John O. Pastore (D-R.I.). It is similar to a bill passed by both houses last year but vetoed by President Nixon in June.

The White House for the past two years has urged a one-year, $45-million bill for public broadcasting, which would have increased public TV's annual programming budget to around $20 million annually. Following the veto the administration bill was attached to an HEW-Labor money bill last fall and failed to survive another presidential veto. Since then CPB—and PBS—have been operating on a $35-million continuing resolution, which maintains the $13 million level for the network but ignores an estimated 10 to 14 per cent annual inflation loss each year.

The Magnuson-Pastore bill would allow CPB $55 million plus $5 million in matching funds for fiscal 1974 and $75 million plus $5 million in matching funds the next year.

The bill has been endorsed by the CPB board of directors, despite its battle with PBS and its supporters over control of the network.

A Hill source said yesterday that the CPB support could mean that the administration—which had earlier submitted a $45-million, one-year bill which was not reported out of committee—is prepared to compromise.

These sources indicate that the White House would accept a one-year authorization of $60 million if Congress dropped the two-year funding, which the administration has opposed.

Meanwhile, PBS must plan on the "pessimistic" assumption that only a $35-million continuing resolution would be in force again next year.

Based on that pessimistic estimate, CPB approved a $13-million budget for PBS several weeks ago.

Six million dollars of that sum, however, goes to children's programming. A further $1 million has been ticketed for research into an adult health series this year by Children's Television Workshop.

PBS planners with only $6 million, from which they have managed to pencil in eight programs for next fall: "Zoom," "Masterpiece Theater," "Special of the Week," "Book Beat," "Black Journal," The Advocates" and "Wall Street Week."

"Zoom" was guaranteed a full season just this week, when the McDonald's Corp. matched the CPB programming money.

All of the others, except "Special of the Week" and "Book Beat" are underfunded for a full season, according to PBS officials, and must wait on not only the federal budget but Ford Foundation money as well.

In the wings for the winter half of the 1973–74 season are three other shows. They include the "Theater in America" drama series announced earlier this week by Exxon Corp. and CPB; a science program to be produced in Boston by WGBH, and a possible combination of specials produced by Channel 26 (WETA) here.

These could include "Interface," an all-black program and additional documentaries produced by the National Public Affairs Center for Television (NPACT).



Mr. MAGNUSON. Mr. President, when Congress enacted the Public Broadcasting Act of 1967, and thereby created the Corporation for Public Broadcasting, we declared unequivocably that the Corporation must be insulated from all governmental pressures—executive as well as legislative.

Even if Congress had not expressly said so, however, this freedom had to be axiomatic if the Corporation were to fulfill the mandate given it. Otherwise how could we expect it to serve public television in such sensitive areas as programing and disbursement of Federal funds.

As vital as this freedom is, however, it is equally important that the public, the individual stations, and the men and women in industry believe the Corporation is free from political pressures.

Even though the Corporation may in fact be insulated from governmental interference, if the contrary appears to be the case then confidence in its integrity and dedication to excellence will be weakened. In that event, the Corporation may just as well be subject to the political currents of the moment, because it will have lost the faith of its constituency and its demise will only be a matter of time.

Mr. President, I cannot emphasize too strongly the importance of the appearance of this freedom from government interference. To me loss of it is the great danger that confronts the Corporation for Public Broadcasting today. The air is full of charges and denials that officials in the administration are attempting to influence the activities of individual members of the Corporation's board of directors, and reshape public broadcasting according to its orthodoxy.

Significantly, these charges are not being made by special interest groups, or others whose objectivity or motives might be questionable.

Recently, the chairman of the board of directors of the Corporation, Mr. Thomas B. Curtis, an administration appointee—resigned because, in his words, the White House had "tampered with" the independent board, in express contradiction to assurances that he received.

At this point, Mr. President, I ask unanimous consent to insert into the RECORD a news story which appeared in the April 24 edition of the New York Times, based on a 2-hour interview with Mr. Curtis in which he discussed the circumstances surrounding his resignation, and his reasons for asserting that the White House had tampered with the independence of the board.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"TAMPERING" CITED IN PUBLIC-TV ROLE

(By McCandlish Phillips)

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"I had the clear understanding that the President wanted us to so set up the Corporation for Public Broadcasting that public broadcasting could not be made a propaganda arm for the Nixon Administration or for any succeeding administration," the Republican appointee said.

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"You can see what happens when officials in the White House constantly talk to members of the board, calling them privately and interfering with the process" of deliberation, he said.

Mr. Curtis continued:

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"This board has been under very severe attack in the news media for the past 5 months, with people saying that it was involved in a 'Nixon takeover,' and I have defended it vigorously—and I underscore vigorously.

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KEEP HANDS OFF

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"It wasn't the deferral that disturbed me, it was the fact of interference," Mr. Curtis explained. "That was contrary to what I had understood the White House had agreed to do—namely, keep hands off."

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"You don't interfere even by making phone calls. This kind of communication is improper."

His manner throughout the interview was good-humored, relaxed, plain spoken. "I'm not angry at anybody," the former Missouri Representative said. "I was there trying to do a job, and if I cannot defend the board as I did, I'm not useful any more.

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behind closed doors and saying God only knows what talking to one commissioner at one time, to one at another time."

Mr. Curtis said the C.P.B. must "adopt firm rules" and deliberate decisions on the basis of "facts and fair arguments." "The way you deliberate is by letting everybody hear the same thing in a common forum," he said.

Mr. MAGNUSON. Others have spoken out as well. One of the most successful and distinguished stations in the public broadcasting system—WGBH, Boston—has, according to an article appearing in the April 27 edition of the Washington Post, threatened to refuse Federal funding for the coming fiscal year unless assured that the Corporation is not subject to "improper influence" from the White House.

If this occurs it would mean the end of the very popular children's program "Zoom" as well as the cancellation of "The Advocates."

Another distinguished Washington newspaper, the Evening Star & Daily News, has expressed its apprehension in an editorial on public television dated April 26.

The point, I believe Mr. President, is obvious. The independence and integrity of the Board of Directors of the Corporation for Public Broadcasting is being questioned, and this fact in and of itself threatens to undermine public confidence.

I, therefore, urge the Directors to move quickly and decisively to allay the fears and suspicions that have arisen. The fact of their independence is not enough, the public must believe it.

Mr. PEARSON. Mr. President, I support strongly the passage of S. 1090, a bill to extend the authorization of the Corporation for Public Broadcasting, and the authorization for facilities for noncommercial educational broadcasting. I commend the leadership of our distinguished Commerce Committee chairman (Mr. MAGNUSON), and our distinguished Communications Subcommittee chairman (Mr. PASTORE), in advancing the cause of public broadcasting. The legislation before the Senate today is essential if public broadcasting is to survive and prosper in an atmosphere absolutely devoid of political pressure and influence.

At its March meeting the Board of Directors of CPB adopted a resolution strongly urging the enactment of the Magnuson-Pastore bill. In its resolution the Board declared:

> The Corporation regards the two-year authorization as basic to sound planning for public radio and television activities and to the efficient use of taxpayer dollars. The Corporation regards the $60 million and $80 million levels for Fiscal 1974 and Fiscal 1975, respectively, as essential to the maintenance of a pattern of deliberate growth in public broadcasting's quality and quantity of services to the American tpeople.

I share the view of the Board and would urge passage of S. 1090, the opposition of the administration notwithstanding. The increase in funding and the assurances provided by a 2-year authorization are needed in order to achieve the level of excellence and diversity called for under the Public Broadcasting Act of 1967.

COMMUNITY SERVICE GRANTS—TELEVISION AND RADIO

If the Magnuson-Pastore authorization package is adopted and funded, the Corporation for Public Broadcasting in fiscal 1974 will substantially increase direct support to local stations through community service grants. In fiscal 1973, approximately $6.6 million is going to local stations to be used for purely local services. In view of the fact that CPB is limited by its continuing resolution to an overall appropriation of $35 million in fiscal 1973, this commitment to community service grants must be regarded as substantial. The Corporation proposes to make such grants totaling $19 million in 1974—assuming that $60 million is appropriated for the year. An allocation of this magnitude will help guarantee the fiscal stability of the local station—an element indispensible to an effective system of public broadcasting.

OTHER PROGRAM INCREASES

CPB proposes to increase its commitment to programs for public television by $9.4 million in fiscal 1974. Programs for public radio will receive an increased commitment of $818,000. Although CPB envisions, under the terms of S. 1090, an increase in obligational authority of about $24.5 million, it proposes to increase its professional staff by only nine positions. Virtually all the proposed increase will flow directly to the production and distribution of programs, and to the support of local stations. The CPB, in short, proposes not to build an empire, but to materially increase the level of services provided the public broadcasting system in the United States.

THE INDEPENDENCE OF PUBLIC BROADCASTING

There are serious issues in public broadcasting involving the relationship between the Corporation and the Public Broadcasting Service—which represents the local TV stations. These issues have not been resolved by the parties in this relatively new and expanding field of public service. The legislation before the Senate today properly does not attempt to arbitrate disputes between the stations and the Corporation. There may be an opportunity in the future for our committee to consider substantive changes to the Public Broadcasting Act of 1967. Suffice it to say that both the stations and the Corporation will suffer if S. 1090 is not approved and signed into law. This legislation is a modest attempt to salvage and promote those values in public broadcasting which are universally regarded as worthwhile and in the public interest.

Mr. President, the independence of public broadcasting from political influence and interference must be maintained. This independence is a condition precedent to the continuation of public funding in broadcasting under the mandate of the first amendment to the Federal Constitution. If the Congress, the industry, and the American people cannot devise a public broadcasting system wholly independent of political influences, then the experiment must be abandoned. The issue, in light of our profound commitment to the Bill of Rights, is as simple as that.

It is estimated that public broadcasting has an audience of some 40 million Americans. There can be no compromise: public broadcasting must be free.

The prospects of 40 million citizens watching public affairs programing directly or indirectly controlled by elected leaders is anathema to our cherished concept of freedom of speech and press.

In this context, Mr. President, I cannot adequately describe my concern over certain remarks made by a high-level White House adivser to the President on the Dick Cavett Show in mid-March of this year. The adviser attacked several PBS public affairs programs as "unbalanced against us," whoever "us" is, and coupled the attack with an affectionate—almost gleeful—recollection of the Presidential veto of the CPB authorization package approved by the last Congress. The clear impression left with the Cavett audience after this performance was that CPB would be severely limited in funding until its programing conforms more closely to the perceived values of high-level political appointees. Reportedly because of lack of funding, CPB has announced the cancellation of all the programs mentioned critically by the White House adviser on the Cavett show—except "Black Journal," which was proclaimed as "unbalanced against us" but perhaps has other redeeming social merits.

I do not accuse CPB of callous disregard of its mandate to be wholly independent in performing its duties. And I can understand the need to abandon some program grants in light of the possible budgetary limitations in the fiscal 1974 cycle. I can even understand the decision to salvage educational and cultural programing at the expense of public affairs commentary.

In my judgment CPB need not sacrifice public affairs programing on the altar of expedience in order to salve educational and cultural programing. The CPB must be afforded adequate funding to insure the responsible growth of all of its important activities. And public affairs programing, insulated from political interference, is an important activity of public broadcasting.

Mr. President, I have the highest regard for the members of the Board of the Corporation for Public Broadcasting. As the distinguished Senator from Rhode Island has observed, if I may paraphrase his words, the Congress could not have selected a more distinguished or qualified Board from among all the people of this Nation. I believe the resignation of CPB Chairman Tom Curtis was a tragic loss to public broadcasting, and it is regrettable that the transcending need for Board independence was a factor in Mr. Curtis' decision to resign. The Communications Subcommittee during hearings on S. 1090, assured the Board of its continuing commitment to Board independence. And the Board in turn reaffirmed its commitment to this requirement, the sine qua non of the whole enterprise.

I trust the Senate today will communicate, in these deliberations, the strongest possible commitment to independence in public broadcasting as well as full confidence in the members of the Board of CPB. How petty it would be, and how unfortunate, if the Congress were to reduce appropriation levels for CPB because of a perceived affront to a powerful Member by some commentator on a public affairs PBS program. Neither the Congress nor the administration should use the power of the purse in retribution against the beneficiaries of any governmental program. It is particularly important to follow this proscription in considering support for public broadcasting, as the fundamental freedom of Americans to be informed by independent commentators hangs delicately in the balance.

Mr. President, the passage of S. 1090, as reported by our committee, will signal not only our commitment to the financial support of local stations, and the educational and cultural programing of public broadcasting, but also our commitment to true independence in publicly supported public affairs programing. This action will signal our confidence in the people who have been charged with the responsibility to carry out the mandate of the act.

It is a most important bill.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I yield back the remainder of my time on the bill.

Mr. BAKER. Mr. President, I yield back the remainder of my time on the bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1090) was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. Moss), the Senator from Georgia (Mr. NUNN), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS), is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Utah (Mr. Moss), would each vote "yea."



Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senators from New York (Mr. BUCKLEY and Mr. JAVITS), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 66, nays 6, as follows:

[No. 119 Leg.]

YEAS—66

| | | |
|---|---|---|
| Abourezk | Fong | Metcalf |
| Aiken | Gravel | Montoya |
| Allen | Griffin | Muskie |
| Baker | Hart | Nelson |
| Beall | Haskell | Packwood |
| Bellmon | Hatfield | Pastore |
| Bible | Hathaway | Pearson |
| Biden | Hollings | Pell |
| Brooke | Huddleston | Proxmire |
| Byrd, Harry F., Jr. | Hughes | Randolph |
| | Humphrey | Schweiker |
| Byrd, Robert C. | Inouye | Scott, Pa. |
| Case | Jackson | Stafford |
| Chiles | Johnston | Stevenson |
| Clark | Kennedy | Symington |
| Cook | Long | Talmadge |
| Cotton | Magnuson | Thurmond |
| Cranston | Mansfield | Tower |
| Curtis | Mathias | Tunney |
| Dole | McClellan | Weicker |
| Dominick | McGee | Young |
| Eagleton | McGovern | |
| Ervin | McIntyre | |

NAYS—6

| | | |
|---|---|---|
| Bartlett | Hansen | McClure |
| Fannin | Helms | Scott, Va. |

NOT VOTING—28

| | | |
|---|---|---|
| Bayh | Fulbright | Ribicoff |
| Bennett | Goldwater | Roth |
| Bentsen | Gurney | Saxbe |
| Brock | Hartke | Sparkman |
| Buckley | Hruska | Stennis |
| Burdick | Javits | Stevens |
| Cannon | Mondale | Taft |
| Church | Moss | Williams |
| Domenici | Nunn | |
| Eastland | Percy | |

So the bill (S. 1090) was passed, as follows:

S. 1090

An act to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 396(k)(1) of the Communications Act of 1934 is amended to read as follows:

"(k)(1) There is authorized to be appropriated for expenses of the Corporation $55,000,000 for the fiscal year ending June 30, 1974, and $65,000,000 for the fiscal year ending June 30, 1975."

(b) Section 396(k)(2) of such Act is amended by striking out "1973" and inserting in lieu thereof "1975".

(c) Section 391 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1974, and each of the three suceeding fiscal years such sums, not to exceed $25,000,000 in any such year as may be necessary to carry out the purposes of section 390. Sums appropriated under this section for any fiscal year shall remain available for payment of grants for projects for which applications, approved under section 392, have been submitted under such section prior to the end of the succeeding fiscal year."

SEC. 2. Section 399 of the Communications Act of 1934 is amended by inserting "(a)" after "SEC. 399." and by inserting at the end thereof the following new subsection:

"(b)(1) In order to assure compliance with this section and with other provisions of this Act requiring fair treatment of matters in the public interest, every license of a broadcast station which receives assistance under this title shall make audio recordings of each broadcast of a program in which issues of public importance are discussed, and shall maintain such recordings for a period of sixty days from the time such program is broadcast. Copies of these recordings shall be made available to the Commission upon its request, and to any member of the public upon payment of the reasonable costs associated with the making of such copies: *Provided*, That the foregoing requirement may be satisfied by retention of the audio tape by the Corporation for Public Broadcasting or any authorized entity.

"(2) The Commission shall by rule prescribe the manner in which such recordings shall be kept, and the conditions under which they shall be available to the members of the public, giving due regard to the goals of eliminating unnecessary expense and effort and minimizing administrative burdens.".

The title was amended, so as to read: "A bill to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes."

Mr. PASTORE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## WATERGATE

Mr. TUNNEY. Mr. President, never in our history has the foundation of trust in our Government been so severely shaken as now with the revelations of a vast political conspiracy coordinated from the White House.

Watergate has unleased a tidal wave of cynicism and doubt across our land, and credibility in our institutions is crumbling.

XUM

If credibility is to be restored—and if the doubts reflected in recent public opinion polls are to be resolved—swift action must be taken to assure an independent and thorough investigation of Watergate.

This morning, Elliot Richardson finally acknowledged that, as Attorney General, he plans to appoint a special prosecutor and "give him all the independence, authority and staff support" needed.

He gave no indication of how he plans to implement such a mandate. Nor did he say whom he will appoint.

He should do both when he makes his opening statement Wednesday at his confirmation hearing before the Senate Committee on Judiciary.

The committee, in my judgment, should jointly act on the qualifications of both Mr. Richardson and his designee as prosecutor.

Already, events may be getting beyond the control of an independent prosecutor. In Florida, one man has been indicted—a hasty event, which may foreclose needed testimony on the implications of the case. Only time will tell.

We need an independent prosecutor immediately with full authority to continue or to alter investigative activities or, indeed, to pursue presently unexplored activities.

Mr. Richardson insists that the man he will appoint must report only to him. It is imperative, therefore, that the Judiciary Committee, in the context of the ongoing Watergate investigation and related developments, consider not only Mr. Richardson's qualifications but also those of his subordinates.

Clearly, independence from any political string pulling is essential to the investigation into Watergate. All leads must be followed. All clues must be developed. All efforts at coverup must be overcome, so that all the facts are brought to light and the guilty are brought to justice.

Mr. Richardson, of course, owes a great deal to the President. Even though I have no doubt about Mr. Richardson's integrity, I feel that the American people want assurance that it will not be possible for anyone to interfere with this investigation.

I think it would be most helpful to all of us serving on the Judiciary Committee for Mr. Richardson, when the committee convenes on Wednesday to consider his qualifications, to announce who it is that he intends to name as the special prosecutor, assuming that Mr. Richardson is confirmed by the Senate.

Now, if it is impossible for the Attorney General-designate to give us an indication as to who he will name, I reserve judgment at the present time on whether or not I could vote for his confirmation. However, it seems to me that the Senate ought to consider the possibility of having Congress appoint the special prosecutor. It would seem that to do that, a resolution would be required which would duplicate procedures that safeguarded the investigation into the Teapot Dome scandal of an earlier generation.

Specifically, such a resolution would empower Congress to appoint a bipartisan prosecution team of two persons, one a Democrat and the other a Republican, both persons of consummate integrity. Such a team developed the truth in the scandal in the 1920's, and it certainly could do the same in this case. It would utilize the investigative facilities of the FBI and other arms of government, but its codirectors would be totally beyond the reach of manipulation or the silencing hand of superiors.

Although I do not feel that such a resolution at this particular moment is essential, if Mr. Richardson cannot give us some indication on Wednesday of who he plans to name and if he feels that he cannot give us any indication until such time as his nomination is confirmed by the Senate, then it may very well be appropriate for Congress to take action on a congressionally appointed special prosecutor resolution.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 7, 1973, he presented to the President of the United States the enrolled bill (S. 518) to abolish the Offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget.

## ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. PROXMIRE, Mr. GRIFFIN, Mr. BROCK, and Mr. ROBERT C. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate tomorrow upon the expiration of the 15-minute orders for the recognition of Senators, and that at no later than 10:59 a.m. the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. PROXMIRE, Mr. GRIFFIN, Mr. BROCK, and Mr. ROBERT C. BYRD.

At the conclusion of those orders, and not later than 10:59 a.m., the unfinished business will be laid before the Senate.

At no later than 11 a.m., the Senate will proceed to the consideration of the so-called EDA bill, H.R. 2246, on which there is a time agreement. Yea-and-nay votes will occur on tomorrow.

The unfinished business, S. 352, will be resumed upon the disposition of the EDA bill or upon the close of business tomorrow, whichever is the earlier.

## ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 3:27 p.m. the Senate adjourned until tomorrow, Tuesday, May 8, 1973, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 7, 1973:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Lewis M. Helm, of Maryland, to be an Assistant Secretary of Health, Education, and Welfare, vice Robert O. Beatty, resigned.

DEPARTMENT OF THE TREASURY

Edward C. Schmults, of New York, to be General Counsel for the Department of the Treasury, vice Samuel R. Pierce, Jr., resigned.

IN THE ARMY

The following-named officer to be placed in the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

*To be general*

Gen. Frank Thomas Mildren, 526-54-3094, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of Section 3066, in grade as follows:

*To be general*

Lt. Gen. Melvin Zais, 016-14-9359, Army of the United States (major general, U.S. Army).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Gloria E. A. Toote, of New York, to be an Assistant Secretary of Housing and Urban Development, vice Samuel J. Simmons, resigned.



# EXTENSIONS OF REMARKS

## SENATOR RANDOLPH STRESSES IMPORTANCE OF RECENT MEETING OF PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Monday, May 7, 1973*

Mr. RANDOLPH. Mr. President, last week the President's Committee on Employment of the Handicapped held its 26th annual meeting at the Washington Hilton Hotel for some 4,000 invited guests and almost 100 program participants and speakers during 3 action-oriented days. The focus of this year's meeting centered on employment of the handicapped, attitudes toward the handicapped, and civil rights for the handicapped.

Professionals and volunteers from every State and several foreign countries responded to the White House invitation to attend this event. Prior to the formal opening of the meeting, a symposium on "The Handicapped in Latin America," arranged by the Partners of the Americas, was held at the Pan American Health Building on May 2. That evening, at the opening banquet, Aida Gindy, chief, social integration and welfare section of the U.N. Center for Social Development and Humanitarian Affairs, was the featured speaker.

Miss Pearl Bailey emceed the Thursday morning opening ceremonies where tribute was given to the courage of this year's Handicapped American of the Year, Farris C. Lind, of Boise, Idaho. Mr. Lind, despite complete paralysis due to polio, operates from his bedside the largest chain of independent gasoline stations in the State of Idaho. The President's Trophy, which is the Nation's highest honor to its handicapped citzens, was presented to Mr. Lind by Mrs. Julia Nixon Eisenhower, who also addressed the assembly.

Prizes totaling $2,500 were awarded to the national winner of the "Ability Counts" survey contest, cosponsored by the Disabled American Veterans and the President's Committee. The prize money, intended for educational purposes, was distributed by Mrs. Eisenhower to five high school students from across the United States. I am happy to state that the fourth place winner was Miss Vickie L. Rothausen, of Bluefield, W. Va.

The AFL–CIO provided transportation funds and expense money to the first place winner from every State so that these students could attend the Washington meeting.

A college and high school student each received a cash scholarship of $1,000 from the American Veterans of World War II, Korea and Vietnam—AM VETS—for their winning entries in the National Poster Contest cosponsored by the AMVETS and the President's Committee. The AMVETS also provided transportation and expense money for the winners' trips to the Capital.

Both of these contests are designed to increase awareness of the problems and potential of handicapped workers among young Americans.

Presiding over a simulated congressional hearing on the rights of the handicapped were several Members of the Congress: Senator HARRISON WILLIAMS, Senator BOB DOLE, Representative JOHN BRADEMAS, and Representative ORVAL HANSEN. These gentlemen have vigorously supported legislation benefiting the handicapped.

Witnesses at this session included outstanding handicapped persons who have been spokesmen for the needs of the handicapped, or who have been active in solving problems faced by disabled Americans in housing, transportation, employment, recreation, rehabilitation, education, and civil rights.

Music was provided by the St. Coletta Chorus, a group of 40 mentally retarded young singers from Jefferson, Wis.

President's Committee Chairman Harold Russell presided over the meeting, with the help of dedicated volunteers such as Pearl Bailey and Bob Considine. It was my privilege to attend the Thursday evening banquet and to meet and speak with many of these volunteers and professionals who are devoting their energies to the betterment of life for the handicapped. That particular banquet honored a close and dear friend of mine, a valuable civil servant, William P. McCahill, retiring soon as Executive Secretary of the President's Committee after giving 26 years of his life to directing its activities from its very inception. I think the American people, and particularly our Nation's handicapped, owe a very deep debt of gratitude to Bill McCahill for the accomplishments won for the disabled over the past quarter century.

Other highlights of the meeting included workshop discussions addressed to such problems as the self image of disabled individuals, the Nation's view of the handicapped, and the crisis brought about by the changing nature of and regard for work. Another panel dealt with recent legislation and court actions on behalf of the handicapped, and another with practical approaches to getting jobs. A film festival brought the very latest medium for communicating, from a handicapped person's viewpoint, what it is like to be "different" or treated differently.

Many of the topics approached during these panels were set into perspective by a group of articulate handicapped persons in the final day's general session. They discussed the immediate realities of "How Life Goes On," focusing on the life style of the average disabled person.

The 3-day meeting closed with an international luncheon sponsored by the President's Committee, the Partners of the Alliance, the People-to-People Committee for the Handicapped, and the Social and Rehabilitation Service of the U.S. Department of Health, Education, and Welfare.

Mr. President, I ask unanimous consent to print in the Extensions of Remarks the following items:

First, the opening welcome of Chairman Harold Russell;

Second, the tribute to the courage of the handicapped American;

Third, a brief survey of the past year's accomplishments for the handicapped, reprinted from the meeting program; and

Fourth, an article, "PCEH's Bill McCahill Retires After 26 Years," which appeared in the spring, 1973 issue of Handy-Cap Horizons.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED,

*Washington, D.C., May 3, 1973.*

A TRIBUTE TO COURAGE

(Delivered by Pearl Bailey before presentation of the President's Trophy to Handicapped American of the Year, Farris C. Lind, at the Annual Meeting of the President's Committee on Employment of the Handicapped, Washington Hilton Hotel, Washington, D.C., May 3, 1973.)

Nothing could make me happier than to honor the very special person who's been named Handicapped American of the Year.

He's Mr. Farris Lind, of Boise, Idaho, on stage with us this morning.

Farris Lind was born in 1916, to parents who operated a small row crop farm. He graduated from high school at the height of the great depression, and worked at thinning sugar beets and doing other contract farm work. By the time he was 19, he had a license to fly a plane and during World War II, became a Navy pilot.

At the end of the war, Farris Lind settled down to civilian life as operator of a service station in Boise. He was hardworking and aggressive and making a successful living for his growing family.

Then, in 1963, along with others in his community, he took a vaccine prescribed to stamp out polio. Instead it had the reverse effect. Within two weeks, he was paralyzed from the neck down.

For the past ten years, there's been little improvement in Farris Lind's physical condition. He lives either in an iron lung or with an electrically operated breathing mechanism. However, he directs a chain of 81 gasoline stations over a four-state area and employs 112 people.

The years since 1963 must have been incredible ones. We can only guess at the initial shock, pain and despair. But we *know* they were years full of a family's love and devotion, of unceasing medical efforts to restore a helpless body. And most of all, they were years in which Farris Lind's faith and courage were equal to every test.

He threw himself into the struggle to maintain and build the business and found this helped him overcome pain and frustration. He harnessed every available medical and technological aid to rebuild his life as family man, business leader and active member of his community.

But never, in all this time, was Farris Lind too involved with his own struggle to forget that others need help along the way.

He visits by phone and by letter with handicapped people throughout the nation.

XUM

His employees include many who are physically disabled or socially disadvantaged. And *all* whose lives he touches are enriched by knowing him.

Farris Lind, your home State of Idaho is proud of you as a very special son. We here today salute you as a valiant brother. And your Country is honored to call you Handicapped American of the Year.

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THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

*Washington, D.C.*

GREETINGS BY HAROLD RUSSELL, CHAIRMAN

Charles Dickens said it over a hundred years ago, and it is just as true today: This is the best of times and this is the worst of times.

This is the best of times for growing numbers of handicapped people who are finding jobs in business and industry, in government and private enterprises . . . The best of times as more and more public and private sector employers are establishing hiring policies favoring the handicapped. The best of times as more and more government and private places of employment are being made accessible to the handicapped. The best of times as those being rehabilitated reach new records.

But, this is the worst of times for handicapped people who are not at work because society still has not completely accepted them, has not even listened . . . some with disabilities wrapped in age-old stigma such as epilepsy, facial disfigurement and mental illness; some with disabilities affecting communication such as blindness and deafness; some with disabilities impeding movement, such as cerebral palsy and paraplegia. And some young Vietnam disabled veterans with an unemployment rate three times higher than others.

This is the best of times for growing number of handicapped people who have found acceptance in their daily lives, on the job and off the job. It is heartening to see so many handicapped people taking an active part in social action, church work, recreation, shopping, travel, work, and play. Our American society, women's and youth groups in particular, is daily rubbing shoulders with handicapped persons.

But this is the worst of times for those handicapped people still frozen out of society by outmoded attitudes. For some who may look "different" or act "different" and are looked at with sidelong glances of alarm. For some who don't look or act "different," but who wear the tags "retarded", "mentally ill", "muscular dystrophied" or some other hidden disability, and are also looked at with alarm. We need a radical improvement in attitudes.

This is the best of times for growing numbers of handicapped people who are gaining their full civil rights in America by personal involvement, by activism, by vocal confrontation. So far, half a dozen States have passed laws including the handicapped in civil rights legislation and 48 have architectural barriers laws. The courts have handed down decisions bestowing upon the severely handicapped and retarded the rights to a decent education, to decent care in institutions, to a decent chance to make good lives for themselves. Governors' Committees and local volunteer citizens groups are daily opening up new opportunities, changing attitudes and emphasizing ability over disability.

But, this is the worst of times for so many handicapped people still deprived of their civil rights. For those who cannot get into voting booths or schools because of architectural barriers. For those still getting second-class treatment in our special education schools and in our institutions, who end up as America's forgotten people. For those whose full rights are not protected by law or by custom or by anything.

The best of times and the worst of times. Which brings us to why we are gathered here this morning.

We are here to examine what is going on in employment, in acceptance, in civil rights. We are here to do more than talk about the problems. We are here, most importantly, to listen. We are here to make our own decisions as to what we, singly or collectively, can do together with our handicapped brothers and sisters, to make this the best of times. The disabled among minority Vietnam veterans and among the poor have a particular message that requires our listening, with both heads and hearts.

Each of us can do something. Large or small, we can do something, talk, listen, act. All our "somethings" can add up to a revolution of acceptance of the handicapped, a revolution in public attitudes.

Individual "somethings" added up to an American revolution in 1776. And they can add up to another for the handicapped in 1973. But we can't just sit here. We have to do something. Now. Just like the people we will honor today. We have to persevere, to excell as volunteers and full-time professionals, listen, talk and act.

May God give us the strength and courage.

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ACTIVITY

The past year has been marked by an upsurge of activity on many fronts involving those who are handicapped. Highlights:

THE NUMBERS

As part of the 1970 Census, the U.S. Census Bureau conducted a national survey of the handicapped. Findings are just beginning to be published. Among them: some 10 percent of the adults of this country are handicapped . . . about one-fifth are living on incomes below the poverty level . . . their unemployment rate is twice as high as the national average.

Other statistics of the past year:

Nearly one-third of a million handicapped people were rehabilitated under State-Federal vocational rehabilitation programs, an all-time record and 12 percent above last year's total . . . another 64,000 trained under Department of Labor manpower programs . . . one-third of a million placements were made by the Nation's public employment offices . . . nearly half-a-million disabled veterans registered with public employment offices during the year . . . half received services of some kind or other . . . but only 14 percent found jobs through these offices (many, of course, found employment on their own) . . . more than 40,000 disabled Vietnam veterans so far have taken training under the veterans Administration vocational rehabilitation program . . . the Federal Government added 17,000 qualified handicapped men and women workers to its payrolls this past year.

THE PHYSICALLY HANDICAPPED

The President's Committee is engaged in joint promotional campaigns with the National Multiple Sclerosis Society, Muscular Dystrophy Associations, American Foundation for the Blind and Epilepsy Foundation, to accomplish three objectives: (a) encourage more employers to hire persons with these disabilities; (b) better inform rehabilitation counselors, placement specialists and other professionals of the work potentials of these persons; (c) encourage the disabled persons themselves to prepare for work and to look for work.

An example: the Multiple Sclerosis Society has disclosed nearly 50 case histories of persons with MS at work at every kind of occupation from coal miner to company president, belying the fact that MS victims usually are "unemployables."

THE MENTALLY RETARDED

An Employer of the Year awards program, co-sponsored by the President's Committee and the National Association for Retarded Children, drew a record 200 entries this year, indicating that growing numbers of employers are willing to stand up and be counted among the ranks of those who hire the retarded.

Two new publications were distributed during the year: "Jobs and Mentally Retarded People," a guide on how to prepare for work and how to seek work, and "Preparing for Work" a series of check lists for special educators, counselors and work-study coordinators. Both have been written so simply that most mildly retarded persons can comprehend them.

THE MENTALLY RESTORED

The President's Committee and the National Association for Mental Health are co-sponsors of another awards program honoring employers who have done the most to hire the mentally restored. More than 60 entries were received, despite predictions that few employers would be willing to admit that they hire former mental patients. Attitudes seem to be changing. . . .

During the year, attention has been focused on the problem of mental patients in institutions given duties to perform for either no wages or exceptionally low wages. Are these duties work or rehabilitation? Should full wages be paid? These questions have entered the courts in a number of States.

DISABLED VETERANS

The jobless rate of disabled Vietnam veterans is two to three times higher than the rate for other veterans. Hence, the promotion of jobs for these young men continues as a top President's Committee priority.

Several Federal agencies are cooperating with the President's Committee in promoting employment. Among them: the Department of Health, Education, and Welfare; Veterans Employment Service of the Department of Labor; Veterans Administration; Jobs For Veterans Committee; others.

The Veterans Employment Service has engaged in a $2,000,000 program to employ disabled Vietnam veterans to engage in disabled veteran outreach work on State Employment Service staffs.

Articles, speeches and radio and TV appearances by President's Committee officials have stressed problems and opportunities of veterans as their dominant theme.

THE DISADVANTAGED HANDICAPPED

Handicapped persons in disadvantaged neighborhoods do not avail themselves of rehabilitation services to the same degree as handicapped persons in more affluent neighborhoods. One reason: the disadvantaged are not aware of the existences of programs to help them. Another reason: they have a hard time coping with public transportation to rehabilitation offices.

To help meet the first problem, the President's Committee developed an experimental flyer for the handicapped in the inner city of Washington, D.C., giving all the facts about rehabilitation as well as the steps needed to receive services. The flyer seems to be making an impact. Later, similar flyers will be prepared for other cities and towns for similar distribution among the disadvantaged.

BARRIER-FREE DESIGN

There has been much activity across the country in eliminating architectural and transportation barriers against the handicapped. A mere sampling:

Forty-eight States now have legislation requiring that all buildings built with State funds be accessible to the handicapped . . . A young lawyer in a wheelchair won a suit against Cuyhoga County, Ohio, on the grounds that he was deprived of his civil rights because the county's public buildings were not accessible to him . . . In a growing number of cities, yellow page telephone directories are carrying the wheelchair symbol alongside advertisers whose businesses are accessible . . . Several States are promoting legislation making voting sites accessible . . . Washington's Metro system, now under construction, has adopted a policy requiring elevators at its stations so that the system will be fully accessible . . . The President's Committee is going to receive a directory of more than 3,000 buildings funded by various Government agencies, so that volunteers can conduct onsite inspections to make sure they comply with the law requiring that they be accessible . . . .

The third edition of the President's Committee's Guidebooks for Handicapped Travelers has been published . . . The International Conference of Building Officials changed its uniform building code (used as a model throughout the U.S.A.) to include requirements for accessibility . . . the huge Dallas/Ft. Worth Regional Airport is the first in the country to be remodeled making it fully accessible to the handicapped . . . And much much more.



BUSINESS AND LABOR

Representatives of the Employer Committee and Labor Committee have been working with the Occupational Safety and Health Administration of the Department of Labor and the National Institute of Occupational Safety and Health of the Department of Health, Education, and Welfare to advise in new safety regulations which in the name of "safety" would not discriminate against the handicapped nor put unnecessary barriers in their search for jobs.

Members of both Committees also have been active in encouraging improvements in State Workmen's Compensation programs which would benefit the handicapped.

WOMEN

"Project Volunteer Power," a demonstration project funded by the Manpower Administration of the Department of Labor, now is in operation in three cities: Birmingham, Ala., Minneapolis, Minn., and Malden, Mass. This project of mobilizing civic groups in the service of the handicapped already has made notable contributions—surveys of the handicapped population, elimination of architectural barriers, improvement of job opportunities.

Dr. Donna May Barras, pediatrician from Downey, Cal., has been named "Handicapped Professional Woman of the Year" by Pilot International.

YOUTH

Several service, fraternal and voluntary organizations have taken on projects involving the handicapped during the past year. A few of them:

Circle K, the collegiate arm of Kiwanis, has developed programs serving the handicapped . . . Civitan has announced a project involving young people in the service of the mentally retarded . . . Boys Clubs have adopted a project of improving attitudes of young people toward the handicapped . . . Boy Scouts and Girl Scouts have been devoting much more effort to extending their activities to handicapped boys and girls.

PUBLIC SERVICE

"American Profile," a summary of what each State merit system is doing (or not doing) to hire the handicapped as State employees, has been distributed. There has been a great demand for extra copies from personnel departments of State and local governments.

Another publication is being planned, summarizing the hiring programs of some 2,000 cities of various sizes across the United States.

RECREATION AND LEISURE

The new Recreation and Leisure Committee has adopted these projects as among its major activities:

Encouraging Governor's Committees to form their own Committees on Recreation and Leisure . . . Working with the Bureau of Outdoor Recreation to develop a national outdoor recreation plan for America which would provide full opportunities for the handicapped . . . Promoting careers in recreation for handicapped college students . . . Encouraging employment of mentally retarded persons in lesser-skilled occupations in the field of recreation and public parks.

OTHER ACTIVITIES

The Sheltered Workshop Committee has been distributing ideas on workshop operations to all the Nation's workshops . . . the Medical Committee is completing plans to promote employment of cardiac victims . . . the Physically Handicapped Committee has been advising the President's Committee about the dominant concerns of those who are physically handicapped . . . the Library Committee has been encouraging libraries to develop displays of books for and about the handicapped . . . the International Committee has been spreading information about employment of the handicapped to nations around the world . . . a busy year, indeed.

AROUND THE COUNTRY

There has been growing activity among Governors' and local Committees on Employment of the Handicapped. So far, 18 States have full-time Executive Secretaries. Of these 6 are funded by the employment service; 7 by vocational rehabilitation; 5 by State legislation. Another 33 States have part-time Executive Secretaries. Of these, 25 are funded by the employment service; 5 by vocational rehabilitation; 2 by State legislation; 1 by a junior college. Two States at present have no Executive Secretaries.

In a landmark move, the Manpower Administration has informed all the States that funds now are available for full time Executive Secretaries, "to assist Governors' Committees to increase their effectiveness in promoting and complementing State employment service efforts to place the handicapped."

The States Executive Committee, established by Governors' Committees themselves, has been actively engaged during the year in planning and conducting training conferences and other activities which strengthen State and local activities.

A NEW ACTIVISM

There is a new feeling across the land—of handicapped persons themselves seeking out their rightful place in the sun. Minnesota, for example, held a Statewide meeting at which more than 50 organizations representing the handicapped described the needs of the handicapped to the Governor and the State legislature. Several States have passed laws including the handicapped in State civil rights legislation.

In short, the handicapped no longer want to be on the fringes of society, grateful for whatever society tosses their way. The handicapped want to be in the thick of things, full-fledged citizens, with the same rights as all citizens.

The handicapped are on the move. . . .

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[From Handy-Cap Horizons, Winter and Spring, 1973]

PCEH'S BILL MCCAHILL RETIRES AFTER 26 YEARS

It was with dismay when we opened a note from William P. McCahill, and among other things read the statement, "I plan to retire as of June 30. . . ." After his serving 26 years in this wonderful work as executive secretary of the President's Committee on Employment of the Handicapped in helping to bring a much better life to our disabled citizens, it was hard to visualize anyone else filling his "shoes". However, we do know that a lot of thought will go into naming his successor, and we feel the most qualified person obtainable will be secured to follow through the work Bill has been so successfully doing.

The Committee which Bill, Jr.—as most of us call him—has headed in a full-time position is made up of voluntary citizens' groups working in informational and promotional fields to increase the job opportunities for qualified mentally and physically handicapped workers. (And in helping to increase the numbers of working handicapped, other benefits have resulted from the work of the Committee.) Handicapped groups, themselves, have always felt free to let Bill know how they felt on many matters of interest and beneficial to handicapped.

Born at Marshalltown, Iowa, June 29, 1916, Bill has lived in Mason City, Minneapolis, Fort Wayne, Dayton, Milwaukee, and Pittsburgh. Presently, he and his wife, Louise, and their three children reside in Arlington, Virginia. Bill is the son of William McCahill, Sr., well known to so many of our members—who after his own retirement seeks continuously to help others. For several years, he has served as volunteer consultant with People-to-People.

His civic and religious activities read like Who's Who (and we're sure he must be included in many such volumes). Try to name some worthwhile activity of which he's not a member . . . we'll bet you can't! There's DAV, VFW, AM-VETS, American Legion, Mar-Corps League, Catholic War Veterans, all types of Rehabilitation agencies, USA and International, personnel organizations, Boy Scouts, Advisor to Blinded Veterans Association, American Cancer Society, National Easter Seal Society, and a great many others. He's also chairman of the executive committee of the People-to-People Committee for the Handicapped (of which our highly-esteemed H-CH director, David Brigham, is executive director).

Bill, Jr. took his B.S. and M.A. degrees at Marquette University, majoring in journalism. He also received the MU College of Journalism By-Line Award.

Following graduation he served as Associated Press night editor, then joined the U.S. Marine Corps, of which he was a member from 1941 to 1946, now, Colonel of USMC Reserve. From service, he went to the President's Committee in 1947, working there until the present.

Bill is author of numerous articles and was general editor of The U.S. Marine Corps Reserve—A History, 1916–1966. Some of his articles include "Hit the Beach" (1943) and "First to Fight" (1947). He was executive director of the Marine Corps Reserve Officers Association from 1946 to 1953.

A Catholic, Bill is active in a great many Catholic organizations; he belongs to the Army-Navy Country Club, International Club, National Press Club, and has received dozens of honors and citations (several of which we've reported in previous issues).

We conclude by paying the sincerest tribute, by all Handy-Cap Horizons members, to this man of many accomplishments who has done so much to better the life of his fellow man! And, whether he remains "retired" or goes on to other endeavors, we wish for him and his family the greatest things in life—Good Luck, Bill!

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## FINANCING THE BOMBING OF CAMBODIA

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ASPIN. Mr. Speaker, I urge all Members to support Representative JOSEPH ADDABBO's amendment to delete the provision of the supplemental appropriations bill that would allow the

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administration $430 millon in new transfer authority to finance the bombing of Cambodia.

There are several excellent reasons for turning down this request for more bombing money. Most of them deal with the manner in which the administration has been conducting the war. First of all, the bombing of Cambodia is absolutely unconstitutional. Second, it is a clear violation of the Cooper-Church amendment, which Congress passed in 1971. Others have already discussed these questions at length. I can only add that I agree that either argument is ample reason for denying the administration's latest request.

There is, however, another serious aspect of this question that we may have been overlooking. That is the manner in which the administration has been financing the bombing of Cambodia. It has come to my attention that the administration has been paying for the bombing of Cambodia with money not authorized by Congress, in an apparent violation of law. Not only is it a slap in the face of the democratic process, but it is flat out illegal. It is my opinion that there has been a serious violation of title 31, United States Code, section 665(a), commonly known as the Deficiency Act. Someone, or several someones, could go to jail over this.

Very simply, the Deficiency Act makes illegal for officers or employees of the Government to spend money that Congress has not appropriated. It is one of the most basic laws on the books governing the management of public moneys. It is based on the constitutional guarantee that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law." Willful violations of the Deficiency Act are punishable by a fine of $5,000 or 2 years in jail.

In light of the seriousness of the matter, therefore, I feel it is my duty to report an apparent violation of that law connected with the administration's present request for additional transfer authority. According to the recent report of the Defense Appropriations Subcommittee, the Department of Defense has already spent $149 million of the $430 million transfer authority money it is now seeking congressional approval of. What this means is that the administration has already transferred the funds to pay for the bombing, and now it wants Congress to give it the transfer authority. It wants Congress to ratify its illegal spending. This is an outrage—and it is illegal under the Deficiency Act.

Transfer authority is authority granted by Congress for an agency to transfer a specific amount of money from one of its accounts to another. Traditionally, this transfer authority has been granted to allow the Executive flexibility to handle fiscal emergencies. In fact, it is sometimes called emergency authority. Transfer authority requires no new appropriation of funds, but Congress must approve each new authority and must set a dollar amount for it. Exceeding or anticipating an authorization for transfer authority is the same as exceeding a congressional appropriation. It is illegal.

The testimony of Department of Defense officials, cited in the recent report of the House Appropriations Committee on the second supplemental appropriations bill for fiscal year 1973, shows that $149 million has already been spent on Southeast Asia operations without congressional authority. The report says:

> Data submitted to the committee subsequent to the hearings indicate that in the third quarter of this fiscal year, January, February and March of 1973, $149 million above budgeted amounts has been obligated in support of military activities in Southeast Asia.

Testimony taken by the Defense Appropriations Subcommittee makes it clear that this money is part of the $430 million in transfer authority now being requested from Congress.

I call upon the Secretary of Defense to explain these apparent violations of law. In fact, under a provision of the Deficiency Act the responsible official must report on violations of the Deficiency Act directly to Congress. I have, therefore, asked William P. Clements, who is currently the ranking official of the Department of Defense, to make such a report as soon as possible. I have also requested the Justice Department and the General Accounting Office to undertake investigations of their own, with particular attention to possible criminal violations of law.

If indeed officials of the Department of Defense have violated the Deficiency Act, they are guilty of serious crimes and must be punished. The laws that appear to have been violated here are basic laws, essential to our whole governmental process. If the Pentagon is allowed to get away with this, we are all in trouble. If this goes, anything goes. Now is the time for Congress to take a stand against this illegal war and the illegal money that is going to finance it.

## RESOLUTIONS OF THE INDIANA GENERAL ASSEMBLY

### HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

*Monday, May 7, 1973*

Mr. HARTKE. Mr. President, I have received the following resolutions from the Indiana General Assembly memorializing Congress on subjects of interest to my colleagues. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION No. 14

A concurrent resolution congratulating Marvin Johnson for winning a bronze medal for boxing in the Twentieth Olympiad.

Whereas, The citizens of the state of Indiana take great pride in the many accomplishments of Marvin Johnson; and

Whereas, Marvin Johnson, at the age of fifteen, in 1970, won the middleweight division of the Indiana Golden Gloves boxing competition; and

Whereas, Marvin Johnson, also in 1971, won light heavyweight division of the Indiana Golden Gloves boxing competition; and

Whereas, Marvin Johnson, also in 1971, won the light heavyweight championship in the national Golden Golves boxing competition;

Whereas, In 1971, Marvin Johnson won the championship in the AAU light heavyweight boxing competition; and

Whereas, In 1971 in New York, Marvin Johnson won the championship in the North American boxing competition; and

Whereas, In 1971, Marvin Johnson toured Poland and England, where he won numerous boxing matches; and

Whereas, Marvin Johnson, in 1972, toured the Soviet Union and again won several boxing matches; and

Whereas, In 1972, Marvin Johnson won the championship in the heavy middle weight National Golden Gloves competition in Minnesota; and

Whereas, In 1972, Marvin Johnson won three fights in the Olympic trials in Fort Worth, Texas in the heavy middle weight class; and

Whereas, In 1972, Marvin Johnson won a boxing match in New York City to qualify for the United States boxing team; and

Whereas, Between August 26 and September 10, 1972, Marvin Johnson won two fights in the Twentieth Olympiad in Munich, Germany; and

Whereas, Because of the two victories in Munich, Marvin Johnson was awarded a bronze medal: Therefore,

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the General Assembly on behalf of the people of Indiana extends its congratulations to Marvin Johnson for his extremely successful participation in the Indiana and National Golden Gloves boxing competitions, his successful European tours, and especially for his outstanding performance on behalf of the United States Boxing Team in the Twentieth Olympiad.

SECTION 2. That the Clerk of the House of Representatives be directed to transmit copies of this resolution to the President of the United States, Richard M. Nixon; to each of the members of Indiana's delegation to the Congress of the United States; to the Governor of the state of Indiana, Dr. Otis R. Bowen; to Marvin Johnson; and to Colen Chaney, Marvin Johnson's boxing coach.

HOUSE CONCURRENT RESOLUTION No. 35

A concurrent resolution memorializing the Federal government to take actions to preserve and continue federal highway programs.

Whereas, The Congress failed to enact an appropriation act in 1972 which would have permitted the states to contract for projects to maintain a continuing highway program through the 1973 construction season; and

Whereas, The Federal government, through the Office of Management and Budget, has withheld federal highways funds from the states which have been appropriated by Congress; and

Whereas, Indiana's highway users pay $1.60 in federal highway taxes for every $1.00 returned to the state under the present distribution formula; and

Whereas, Proposals have been made to use highway user tax monies to subsidize uneconomical mass transportation systems; and

Whereas, Additional proposals have been made to dilute the apportionment of highway trust funds by providing for direct allocations to sub-divisions of state government which would have the effect of undermining the concept of long-range, comprehensive, and cooperative transportation planning between affected units of government; and

Whereas, Indiana's highway users pay both state and Federal user taxes to fund continuing and comprehensive road, street and highway programs; and

Whereas, Many citizens are maimed or lose their lives each year because the highway program continues to fall short of what it should be because of continued withholding and/or division of the dedicated Federal highway user funds; Therefore,

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. The Congress of the United States, and in particular the Subcommittees on Roads of both the Senate and the House of Representatives and the Indiana congressional delegation are hereby urged to take early action to appropriate monies, which are allocated by law to the states, from the Federal highway trust so that orderly state highway programs can be continued. Congress is also urged to enact a new highway bill which will better reflect Indiana's leadership in completing its interstate mileage, its importance to interstate commerce as a result of its location at the crossroads of America, and the contribution by the taxpayers of the State to the highway trust fund.

SECTION 2. The President of the United States and his subordinate agencies of the Office of Management and Budget and the United States Department of Transportation are hereby memorialized to take all steps necessary to apportion and make available for obligation, those highway trust funds which are due to the state of Indiana, legally apportioned and appropriated to the state of Indiana.

HOUSE RESOLUTION No. 25

Whereas, the continuing flooding conditions along the Indiana shores bordering on Lake Michigan are further aggravating an already critical erosion problem, and

Whereas, particularly in and around the towns of Long Beach, Michiana Shores and Dunesland Beach, the situation has reached near catastrophic proportions and

Whereas, the town of Long Beach has exhausted all of its resources and has gone into debt attempting to protect its water supply from flooding contamination and trying to keep access roads open so that the residents do not become isolated, and

Whereas, the general destruction of property and disruption of services is endangering the health and safety of all of the residents of the area, and

Whereas, the conditions are such that it is imperative that the State of Indiana take official action. Therefore, be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That we respectfully request Governor Bowen, that because of the flooding conditions he officially declare and designate the Indiana lake shore area bordering on Lake Michigan as a disaster area.

SECTION 2. That he communicate that fact to the responsible federal officials and urge them to take appropriate action, forthwith, in accordance with federal disaster relief laws which, among other things, would make it possible for the residents of the stricken area together with the towns, to obtain low interest loans to repair the damages to the residents' property, in particular, and the entire area in general.

SECTION 3. Be it further resolved that the Clerk of the House forward copies of this resolution to the Indiana Senators and Representatives in the Congress of the United States.

Adopted by the Indiana General Assembly, 1973 Regular Session.

HOUSE RESOLUTION No. 31

Whereas, the President through his "New Federalism" program has sought to restore the meaning of pluralism and true community; and

Whereas, the President has vowed his continued concern for ameliorating poverty; and

Whereas, the Community Action Against Poverty programs in Indiana have striven toward the involvement of poor communities in our social processes and the increase of citizen decision-making and responsibility for community affairs; and

Whereas, the Community Action Against Poverty programs in Indiana have worked hard for constructive, democratic and peaceful solutions to the problems of the day. Therefore, be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Legislature hereby memorializes the President and the Congress of the United States to make available sufficient funds for the continuation of those Community Action Against Poverty programs, which have shown their capacity for fruitful and positive work in ending poverty.

Adopted by the Indiana General Assembly, 1973 Regular Session.





## CORRUPTING OUR YOUTH

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. GAYDOS. Mr. Speaker, the shocked parents of three teenage daughters have brought to my attention a piece of pornographic filth whose effect, if indeed not its purpose, only can be the furtherance of the efforts underway nowadays to corrupt the morals and thus ruin the lives of the rising generation.

The article, entitled "After the First Kiss," appeared in what these parents and, unfortunately, thousands of others throughout the country had believed to be a decent and acceptable magazine devoted to the interest of young people.

The magazine is Ingenue which bills itself as "The Magazine of Today's Teenagers" and I understand it is readily available by subscription and on the newsstands where its covers and headings are devised to attract the attention particularly of young girls. In its April, 1973, issue it seeks to counsel them on how they should conduct themselves in intimate relations with their boyfriends—in "petting."

But the piece, appearing under the byline of Wardell Pomeroy, in truth is a parading of the worst rot that has been published anywhere outside the pages of those hard-core "porn" magazines bought and read by deviates. It goes far beyond advice on "petting" to instruct its teenage readers on acts of sexual perversion which it describes in detail with no words barred. Writer Pomeroy's language is not fit to be repeated here.

Not only this, but the writer has the gall to tell his readers that the acts which he depicts are the "things most people do before marriage," a bold lie and an ugly libel on the vast majority of Americans who are clean and normal. If the writer does not know this, then he needs to get out of the world in which he lives and associate with the decent elements of our society.

What are we going to do about matters such as this? Surely, as members of Congress, we bear a heavy responsibility of protecting our people, and especially Young America, from those who by design or through some stupid idea of permissiveness would rip out the moral undergirding of the Nation. I intend to do what I can and am forwarding the Ingenue article to the postal authorities.

I know the courts have fumbled on their duty and that the foes of decency have succeeded in filling many minds with confusion about what is morally right and what is morally wrong. Meanwhile the tide of filth keeps rising. Now that it has gotten to the place where, in a widely circulated youth magazine, it seeks to reach youngsters with claims that it is commonplace practice, action is demanded.

I quote from the letter sent me by an alarmed parent:

> I want to strike out at someone—it's hard to decide how to fight this kind of thing. But I will do several positive things, first, cancel the magazine subscription just as other parents I have talked with have indicated they will do, and, second, join an active anti-pornographic group such as "Morality on Media."

I hope all parents will so react: But the fight on filth is not for them to wage alone. The problem has become too big and too widespread. It needs to be smashed by government wielding whatever new laws are required to get the job done. I cannot state my feeling on this too strongly. Let us not let this Nation collapse as have others in the past from an inner moral decay. There is an historic pattern about this which must not be disregarded.

## THE 25TH ANNIVERSARY OF ISRAEL

### HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. PATTEN. Mr. Speaker, the foundation of the State of Israel 25 years ago today, was a reaffirmation of man's faith in freedom, justice, and dignity.

All Jews have made the journey to Israel: For some, it has been a spiritual journey to the land of their fathers. And for others, it has been a physicial journey to escape the cruelty and injustice of discrimination practiced in many nations.

Statehood did not end the challenges faced by the hardy and determined pioneers in Israel. The State of Israel, attacked by its neighbors, confronted with a barren land, burdened with economic and political problems, and faced with the Herculean task of forging a refugee populace into a unified and dynamic citizenry, has not only survived, but has thrived as no nation has done in the history of the world.

Mr. Speaker, throughout the brief history of the State of Israel it has been a proud distinction for the United States to be called Israel's friend. That we have made that friendship a pillar of our foreign policy is a credit to our Nation. Should the United States live for thou-

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sands of years, we could have no prouder moment than when President Harry S. Truman made the commitment to support the recognition of Israel—a small, but great nation.

In the House of Representatives, I have helped sponsor legislation to strengthen Israel's defense capabilities, to denounce the discriminatory treatment of Jews in the Soviet Union, and to deny Rusia the most-favored nation trade status if it continues its unfair emigration policy. Mr. Speaker, on Israel's 25th anniversay, I pledge my continued friendship and support.

## QUESTIONNAIRE FOR URBAN PLANNING SPECIALISTS

### HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. SYMINGTON. Mr. Speaker, America's urban problems continue barely abated as taxes increase and some cities near bankruptcy. In an effort to chart a new course for urban America, we in Congress need expert advice. Recently, a Ph. D. candidate at American University developed a questionnaire designed to elicit such advice from urban planning specialists. At this point, I insert the questionnaire in the RECORD. I ask that all planners carefully read this questionnaire and return their responses to me: Representative JIM SYMINGTON, 307 Cannon Building, Washington, D.C. 20515.

The questionnaire follows:

1. Are you (mark all that apply):
--White/Caucasian (1)
--Black/Negro/Afro-American (2)
--Anferican Indian (3)
--Oriental (4)
--Mexican American/Chicano (5)
--Puerto Rican-American (6)
--Other (7)

2. What is your age group:
--50 years or older (1)
--Over 35, but under 50 years (2)
--Under 35 years of age (3)

3. What type of city do you work in:
--Central City (1)
--Suburban (2)
--Independent/Rural Town (3)

4. What Form of Government does the city have:
--Mayor-Council (1)
--Council-Mayor (2)
--Other (3)

5. What size city do you work in:
--Over 500,000 (1)
--250,000 to 500,000 (2)
--100,000 to 250,000 (3)
--50,000 to 100,000 (4)
--25,000 to 50,000 (5)
--5,000 to 25,000 (6)

*6. Does the long-range solution to ghetto problems and the metropolis require the destruction of the ghetto? (Rain 1969)*
*Yes--(1)*
*No--(2)*

*7. Is desegregation desirable? (Longendorf 1969)*
*Yes--(1)*
*No--(2)*

*8. Is scatter-site, low density public housing the quickest method to desegregate suburbia? (Langendorf 1965)*
*Yes--(1)*
*No--(2)*

*9. Will advocacy planning have a significant effect on institutional racism? (Stafford 1969)*
*Yes--(1)*
*No--(2)*

*10. Are the majority of today's planners adequately trained & educated to deal with the problems of the ghetto? (Brooks 1968)*
*Yes--(1)*
*No--(2)*

11. Today's planners are more politically involved and authorize social planning more often than planners 10 years ago? (Hansen 1968)
*Yes--(1)*
*No--(2)*

12. Modern problems require more comprehensive plans and more diverse skills in planners than problems of the 1960's? (Loeks 1967)
*Yes--(1)*
*No--(2)*

13. Contemporary metropolitan issues require a redefinition of planning and more involvement with other disciplines? (Ferin 1967)
*Yes--(1)*
*No--(2)*

14. The American city was designed as a place for making money, not as a place for living—only the Federal government can reverse these priorities? (Blumenfeld 1967)
*Yes--(1)*
*No--(2)*

15. Mark in terms of overall effectiveness one of following citizen participation strategies: (Burke 1968)
(1)--education therapy
(2)--behavioral change
(3)--staff supplement
(4)--cooptation
(5)--community power

*16. The planner should be placed in the center of all non-routine affairs of the given city or department? (Friedmann 1965)*
*Yes--(1)*
*No--(2)*

*17. Planners' special competence rests with his or her comprehensive outlook? (Altshuler 1965)*
*Yes--(1)*
*No--(2)*

*18. Specialization is a denial of a planner's comprehensive outlook and negative his or her generalized "public interest" concern?*
*Yes--(1)*
*No--(2)*

*19. The more specialized the planner, the less relevant and effective is the planning produced? (Altshuler 1965)*
*Yes--(1)*
*No--(2)*

*20. The market place and free enterprise, not governmental planning are the most efficient distributors of commodities to achieve maximum overall utility? (Petersen 1966)*
*Yes--(1)*
*No--(2)*

21. New planning and modern planners are more concerned with process than end product, more concerned with social-economic than physical planning? (Mocine 1966)
*Yes--(1)*
*No--(2)*

22. Redistribution of resources to disadvantaged groups should be among the very top priorities of planners? (Frieden 1967)
*Yes--(1)*
*No--(2)*

23. Planners should become intimately involved in public management and the decisionmaking process? (Heikou 1960)
*Yes--(1)*
*No--(2)*

24. Should a goal of governmental planning be control of private development? (Heikoff 1960)
*Yes--(1)*
*No--(2)*

25. Should governmental planning be limited to protection of the public's safety, health, and welfare? (Heikoff 1960)
*Yes--(1)*
*No--(2)*

*26. A planner's proper purpose is to serve the public and success of planning depends on meeting one's professional obligations? (Lee 1960)*
*Yes--(1)*
*No--(2)*

*27. Key to social planning for economic development is seen as education and jobs? (Cohen 1963)*
*Yes--(1)*
*No--(2)*

*28. The history of urban planning has been more inspirational than accurate? (Piven 1964)*
*Yes--(1)*
*No--(2)*

*29. The knowledge and techniques of planners has failed to keep pace with the increasing complexity of cities? (Piven 1964)*
*Yes--(1)*
*No--(2)*

*30. Planners must broaden and deepen the comprehensiveness of their plans if desired social goals are to be achieved? (Webber 1963)*
*Yes--(1)*
*No--(2)*

31. Please mark the type planning you do most of the time (Dyckman 1961):
(1)--functional, associated with work of operating departments
(2)--Land and facility use planning
(3)--Management planning, integrating functions, setting priorities, sharing decision making

32. Are most planners dependent on acceptable audience such that most plans reflect a conservative bias (Dyckman 1961).
*Yes--(1)*
*No--(2)*

33. Emotional opposition from citizens is very likely if communities are caught unaware of major decisions which have already been made (Levine 1960)?
*Yes--(1)*
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*58. The concerns of most planners in the 1960's were poverty and racism?*
*Yes--(1)*
*No--(2)*

*59. Environmental legislation is now a more important/critical national problem than racism?*
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*60. More planners have become less adventurous in thought, more complacent about slums and social injustice, and more engrossed in details of traffic analyses and zoning questions. (Scott, 1969)*
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*76. The larger percentage of blacks in a city, the less likely private enterprise and state governments are to invest necessary capital for redevelopment.*
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*77. Generally speaking, unless a master plan for an entire area is adopted irreparable harm will be done. (Reed, 1937)*
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*Yes--(1)*
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91. Copy planning is municipal conservation; it is urban ecology.

XUM

*Yes*_ (1)
*No*_ (2)

92. Ecologically speaking—it is more important to conserve our open spaces and wilder areas than it is to improve central city life.
*Yes*_ (1)
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93. Most plans are developed out of wisdom, experience, and expertise.
*Yes*_ (1)
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94. Elected officials and big business make the most important changes in a city's life.
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109. *Experienced, older planners are more aware and tolerant of limitations imposed on them.*
*Yes*_ (1)
*No*_ (2)

110. *Experienced, older planners usually produce more practical, implementable plans than do younger planners.*
*Yes*_ (1)
*No*_ (2)

111. Ideally, planners should determine where the facilities they plan should be located.
*Yes*_ (1)
*No*_ (2)

again stronger than ever. The way it's supposed to work is that, every two years, in advance of the federal elections, the Census Bureau distributes registration cards to all households. You fill one out, mail it in, and get back notice that you're registered. Of course you have to go through the same thing every two years. But at no time does the Registration Board get any look at you. So, anyone willing to risk it can fill out a whole bunch of cards with phony names and vote under all those names later on. The possibilities for fraud are tremendous.

That nightmare aside, there is simply no reason to spend from 100-to-300 million dol-



agement structure than the AEC's womb where it now is. Moreover, the existence of sensible, businesslike criteria such as proposed by AEC are an essential prerequisite for movement in that direction.

This is despite the recent AEC move to relax to a small extent its provision for industrial access to enrichment technology. From the comments which were made after AEC proposed this move last January, I gather that no one seems to feel that the screws have been loosened sufficiently to give private industry the full data needed to support a timely decision to get into the business; i.e., a decision early enough to enable [illegible] to be started and [illegible]

In many ways, opening up these alternatives for evaluation will be facilitated by the existence of the businesslike criteria proposed by AEC. They will establish a pattern of customer relationships essential for comparing the alternatives and assessing their relative merit. For this reason, it is hoped that you and APPA will not persist in your opposition to the criteria. Their existence during the forthcoming "202" hearings on the future of uranium enrichment will enhance the excellence of this forum for intelligent discussion of the problem. It will move forward the date when a rational decision can be made concerning that future.

Cordially,

needed that they had not been forsaken either by God or by men. On April 15, 1889, Damien died among his people, of leprosy."

The sculptress Marisol Escobar, working from photographs of the dying priest saw in Damien "the mystery of physical transformations—as if he had become what he wanted to become."

## THIRTIETH ANNIVERSARY OF WARSAW GHETTO UPRISING

### HON. THADDEUS J. DULSKI

sands of years, we could have no prouder moment than when President Harry S. Truman made the commitment to support the recognition of Israel—a small, but great nation.

In the House of Representatives, I have helped sponsor legislation to strengthen Israel's defense capabilities, to denounce the discriminatory treatment of Jews in the Soviet Union, and to deny Rusia the most-favored nation trade status if it continues its unfair emigration policy. Mr. Speaker, on Israel's 25th anniversay, I pledge my continued friendship and support.

## QUESTIONNAIRE FOR URBAN PLANNING SPECIALISTS

### HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. SYMINGTON. Mr. Speaker, America's urban problems continue barely abated as taxes increase and some cities near bankruptcy. In an effort to chart a new course for urban America, we in Congress need expert advice. Recently, a Ph. D. candidate at American University developed a questionnaire designed to elicit such advice from urban planning specialists. At this point, I insert the questionnaire in the RECORD. I ask that all planners carefully read this questionnaire and return their responses to me: Representative JIM SYMINGTON, 307 Cannon Building, Washington, D.C. 20515.

The questionnaire follows:

1. Are you (mark all that apply):
--White/Caucasian (1)
--Black/Negro/Afro-American (2)
--Amferican Indian (3)
--Oriental (4)
--Mexican American/Chicano (5)
--Puerto Rican-American (6)
--Other (7)

2. What is your age group:
--50 years or older (1)
--Over 35, but under 50 years (2)
--Under 35 years of age (3)

3. What type of city do you work in:
--Central City (1)
--Suburban (2)
--Independent/Rural Town (3)

4. What Form of Government does the city have:
--Mayor-Council (1)
--Council-Mayor (2)
--Other (3)

5. What size city do you work in:
--Over 500,000 (1)
--250,000 to 500,000 (2)
--100,000 to 250,000 (3)
--50,000 to 100,000 (4)
--25,000 to 50,000 (5)
--5,000 to 25,000 (6)

*6. Does the long-range solution to ghetto problems and the metropolis require the destruction of the ghetto? (Rain 1969)*
*Yes--(1)*
*No--(2)*

*7. Is desegregation desirable? (Longendorf 1969)*
*Yes--(1)*
*No--(2)*

*8. Is scatter-site, low density public housing the quickest method to desegregate suburbia? (Langendorf 1965)*
*Yes--(1)*
*No--(2)*

*9. Will advocacy planning have a significant effect on institutional racism? (Stafford 1969)*
*Yes--(1)*
*No--(2)*

*10. Are the majority of today's planners adequately trained & educated to deal with the problems of the ghetto? (Brooks 1968)*
*Yes--(1)*
*No--(2)*

11. Today's planners are more politically involved and authorize social planning more often than planners 10 years ago? (Hansen 1968)
*Yes--(1)*
*No--(2)*

12. Modern problems require more comprehensive plans and more diverse skills in planners than problems of the 1960's? (Loeks 1967)
*Yes--(1)*
*No--(2)*

13. Contemporary metropolitan issues require a redefinition of planning and more involvement with other disciplines? (Ferin 1967)
*Yes--(1)*
*No--(2)*

14. The American city was designed as a place for making money, not as a place for living—only the Federal government can reverse these priorities? (Blumenfeld 1967)
*Yes--(1)*
*No--(2)*

15. Mark in terms of overall effectiveness one of following citizen participation strategies: (Burke 1968)
(1)--education therapy
(2)--behavioral change
(3)--staff supplement
(4)--cooptation
(5)--community power

*16. The planner should be placed in the center of all non-routine affairs of the given city or department? (Friedmann 1965)*
*Yes--(1)*
*No--(2)*

*17. Planners' special competence rests with his or her comprehensive outlook? (Altshuler 1965)*
*Yes--(1)*
*No--(2)*

*18. Specialization is a denial of a planner's comprehensive outlook and negative his or her generalized "public interest" concern?*
*Yes--(1)*
*No--(2)*

*19. The more specialized the planner, the less relevant and effective is the planning produced? (Altshuler 1965)*
*Yes--(1)*
*No--(2)*

*20. The market place and free enterprise, not governmental planning are the most efficient distributors of commodities to achieve maximum overall utility? (Petersen 1966)*
*Yes--(1)*
*No--(2)*

21. New planning and modern planners are more concerned with process than end product, more concerned with social-economic than physical planning? (Mocine 1966)
*Yes--(1)*
*No--(2)*

22. Redistribution of resources to disadvantaged groups should be among the very top priorities of planners? (Frieden 1967)
*Yes--(1)*
*No--(2)*

23. Planners should become intimately involved in public management and the decisionmaking process? (Heikou 1960)
*Yes--(1)*
*No--(2)*

24. Should a goal of governmental planning be control of private development? (Heikoff 1960)
*Yes--(1)*
*No--(2)*

25. Should governmental planning be limited to protection of the public's safety, health, and welfare? (Heikoff 1960)
*Yes--(1)*
*No--(2)*

*26. A planner's proper purpose is to serve the public and success of planning depends on meeting one's professional obligations? (Lee 1960)*
*Yes--(1)*
*No--(2)*

*27. Key to social planning for economic development is seen as education and jobs? (Cohen 1963)*
*Yes--(1)*
*No--(2)*

*28. The history of urban planning has been more inspirational than accurate? (Piven 1964)*
*Yes--(1)*
*No--(2)*

*29. The knowledge and techniques of planners has failed to keep pace with the increasing complexity of cities? (Piven 1964)*
*Yes--(1)*
*No--(2)*

*30. Planners must broaden and deepen the comprehensiveness of their plans if desired social goals are to be achieved? (Webber 1963)*
*Yes--(1)*
*No--(2)*

31. Please mark the type planning you do most of the time (Dyckman 1961):
(1)--functional, associated with work of operating departments
(2)--Land and facility use planning
(3)--Management planning, integrating functions, setting priorities, sharing decision making

32. Are most planners dependent on acceptable audience such that most plans reflect a conservative bias (Dyckman 1961).
*Yes--(1)*
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33. Emotional opposition from citizens is very likely if communities are caught unaware of major decisions which have already been made (Levine 1960)?
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95. To gain respect and be effective, planners must become part of the local bureaucracies.
*Yes--(1)*
*No--(2)*

*96. Cities should be required to form metropolitan governments based on SMSA data.*
*Yes--(1)*
*No--(2)*

*97. States should eventually be required to merge into Federal regions.*
*Yes--(1)*
*No--(2)*

*98. Far too much planning is merely the correction of past mistakes, too little attention is given to the future. (Lewis 1916).*
*Yes--(1)*
*No--(2)*

*99. Would central city governments' purchases of land and housing outside their legal boundaries further racial integration and metropolitan government?*
*Yes--(1)*
*No--(2)*

*100. All cities over 500,000 in population should be required and be given Federal funds to purchase 5 mile circular greenbelts around the cities' legal limits.*
*Yes--(1)*
*No--(2)*

101. The Federal government should initiate gas rationing and require all cities over 250,000 to keep autos from the central business districts.
*Yes--(1)*
*No--(2)*

102. Planners usually leave the implementation details to specialized city departments, utility companies, and private developers. (Olmstead, 1919)
*Yes--(1)*
*No--(2)*

103. The best solution for our 10 largest cities is statehood; turn these cities into separate states and many urban problems would disappear. (Batten, 1913)
*Yes--(1)*
*No--(2)*

104. Central cities are the most forceful, liberal and democratic units of government; most progressive governmental programs have come about because of pressure from central cities. (Howe, 1914)
*Yes--(1)*
*No--(2)*

105. No large town or city has taken city planning very seriously. (Nolen, 1919)
*Yes--(1)*
*No--(2)*

*106. Only an intellectual elite like planners can perceive indications of future emergencies and urban crises; the average person thinks of pollution and traffic jams as mere growing pains. (Scott, 1969)*
*Yes--(1)*
*No--(2)*

*107. The Planning process should insure special interests impose checks on administrators and politicians.*
*Yes--(1)*
*No--(2)*

*108. Usually only the governmental side of a controversy is aided by the expertise and techniques of planners.*
*Yes--(1)*
*No--(2)*

*109. Experienced, older planners are more aware and tolerant of limitations imposed on them.*
*Yes--(1)*
*No--(2)*

*110. Experienced, older planners usually produce more practical, implementable plans than do younger planners.*
*Yes--(1)*
*No--(2)*

111. Ideally, planners should determine where the facilities they plan should be located.
*Yes--(1)*
*No--(2)*

112. Ideally, planners should determine which current city policies and practices should be changed.
*Yes--(1)*
*No--(2)*

113. Ideally, planners should determine the levels to which programs are funded and revenue is distributed.
*Yes--(1)*
*No--(2)*

114. Most of the time, planners formulate their proposals only on the merits of an issue.
*Yes--(1)*
*No--(2)*

115. Non-partisan plans are usually better than partisan-supported ones.
*Yes--(1)*
*No--(2)*

*116. Bipartisan plans are usually better than plans supported by a single political party.*
*Yes--(1)*
*No--(2)*

*117. Virtually every ordinary citizen is qualified and able to decide most issues city administrators now decide.*
*Yes--(1)*
*No--(2)*

*118. Ordinary citizens should have as much input and influence in city plans and decisions as professional planners do.*
*Yes--(1)*
*No--(2)*

*119. The attitudes and opinions of professional planners are usually reflected in their work, in what they produce.*
*Yes--(1)*
*No--(2)*

*120. The professional and political beliefs of planners often have a major impact on urban governmental programs.*
*Yes--(1)*
*No--(2)*

## POST CARD REGISTRATION AGAIN

### HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. MARTIN of North Carolina. Mr. Speaker, I believe that many Members would be interested in reading an editorial on "Post Card Registration" which I received from the Jefferson Pilot Broadcasting—WBT/WBT-TV—of my district. I would like to insert in the RECORD the text of that editorial.

POSTCARD REGISTRATION AGAIN

In this station's view, anybody who's not interested enough to register just isn't interested in voting. For that and other reasons, we consider the Postcard Registration Act proposed in Congress to be an expensively wasteful, absurd and potentially dangerous scheme.

This same idea was mercifully shot down by Congress last year, but has popped up again stronger than ever. The way it's supposed to work is that, every two years, in advance of the federal elections, the Census Bureau distributes registration cards to all households. You fill one out, mail it in, and get back notice that you're registered. Of course you have to go through the same thing every two years. But at no time does the Registration Board get any look at you. So, anyone willing to risk it can fill out a whole bunch of cards with phony names and vote under all those names later on. The possibilities for fraud are tremendous.

That nightmare aside, there is simply no reason to spend from 100-to-300 million dollars on this sort of thing every two years. Most people who don't register just don't care to vote. In North Dakota, for example, citizens register at the time they vote. Yet in last year's presidential election, nearly a third of those eligible failed to show up. In Texas, you could register by mailing in a newspaper coupon. But more than half the voters stayed home. Our own Mecklenburg Elections Board did practically everything but lasso people to get them registered. Yet nearly 56% of the voting-age population *didn't* vote.

Postcard registration wouldn't even make a dent in this kind of apathy. It would merely throw away hundreds of millions of your tax dollars.

The Senate resumes debate on this horror when it returns from vacation Monday. By that time, we hope you will have shot off a card, letter or telegram to both your Senators urging them to hold fast against this senseless and dangerous waste of your money.

## CONGRESS SHOULD HAVE A SHARE IN THE RESPONSIBILITY FOR DETERMINING FUTURE STATUS OF THE URANIUM ENRICHMENT INDUSTRY IN AMERICA

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. HOSMER. Mr. Speaker, enriched uranium is a necessary fuel for nuclear power stations. Our capacity for enrichment is running out. Additional facilities will be needed beyond those presently operated by the AEC, and will be augmented by its diffusion plant cascade improvement and uprating program—CIP/CUP. There follows views I recently communicated in a letter to the American Public Power Association regarding the problem of providing the additional capacity in America:

MAY 3, 1973.

Mr. LARRY HOBART,
*American Public Power Association,*
*Washington, D.C.*

DEAR LARRY: This is a follow up to my telephone call to you commenting on your April 19th letter to me in which you contended that restoration of the ceiling on separative work unit sales from the government's gaseous diffusion plants to the plant's aggregate capacities as enhanced by CIP/CUP "effectively eliminates any justification of other criteria changes which are based on 'commercial' consideration related to possible private enrichment or new AEC facilities which may come into being in the future."

I believe that restoration of the ceiling does not have that consequence.

My reason is that possibilities still very much exist for uranium enrichment in the United States to go under some other management structure than the AEC's womb where it now is. Moreover, the existence of sensible, businesslike criteria such as proposed by AEC are an essential prerequisite for movement in that direction.

This is despite the recent AEC move to relax to a small extent its provision for industrial access to enrichment technology. From the comments which were made after AEC proposed this move last January, I gather that no one seems to feel that the screws have been loosened sufficiently to give private industry the full data needed to support a timely decision to get into the business; i.e., a decision early enough to enable a facility to be started and constructed in time to avoid a nuclear fuel gap sometime in the early 1980's.

This is also despite the fact that anonymous reports from unidentified sources from time to time ambiguously indicate that unnamed persons in the Nixon Administration already have determined that the next increment of enriching capacity shall be installed by private industry. The events of the past few days leave it uncertain whether these unidentified parties are even around any more. But more importantly, the decision as to the sponsorship of new capacity is not one for the White House to make all by itself. Even a superficial understanding of the real world circumstances involved should lead one to believe that the Joint Committee on Atomic Energy would share in it substantially. As a matter of fact, the Committee has already announced that it will schedule Section 202 hearings on the future of uranium enrichment in July.

I agree with you that presenting the need for the criteria exclusively in terms of it being a prelude to private enrichment was a mistake on the AEC's part. Apparently, AEC was conned by people at OMB into asserting, or at least intimating, that somehow long term purchase commitments are needed now to soften up the utilities for private ownership by eliminating their addiction to requirement type contracts, or to justify the government going ahead with new capacity if private industry turns it down, or something.

The fact is that the private entrepreneurs are not being held back by worry over marketing and financing arrangements. As everyone knows, they are deterred because the AEC still refuses to give them the sufficient technical data to make intelligent judgments on, among other things, the question of going the diffusion route or the centrifuge route. Nor are the long term commitments essential, as OMB seems to intimate, if the enrichment business is to remain an AEC monopoly. The President needs no such contracts to recommend authorization and appropriation of money for expanding the enrichment complex and certainly Congress doesn't need any contracts to vote the money for it. In fact, considering the lead times involved for construction and power supplies, if no alternative is developed very soon, the Congress itself is going to have to take the bull by the horns just to avoid the nuclear fuel gap threatened a decade from now by lack of foresighted action soon to start building additional enrichment capacity.

There are, of course, other alternatives for the provision of that capacity than just going private or merely staying AEC public. These are shifting to:

A government corporation with its own independent borrowing power; or,

To a Comsat type semi-public corporation; or,

To a co-op type arrangement as envisaged by the Sporn plan.

There are infinite variations to any of these alternative management structures. The choices will be many and difficult, particularly that between profit and nonprofit approaches to enrichment.

In many ways, opening up these alternatives for evaluation will be facilitated by the existence of the businesslike criteria proposed by AEC. They will establish a pattern of customer relationships essential for comparing the alternatives and assessing their relative merit. For this reason, it is hoped that you and APPA will not persist in your opposition to the criteria. Their existence during the forthcoming "202" hearings on the future of uranium enrichment will enhance the excellence of this forum for intelligent discussion of the problem. It will move forward the date when a rational decision can be made concerning that future.

Cordially,

CRAIG HOSMER,
*Member of Congress.*



## FATHER DAMIEN: A MODERN MARTYR

### HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. MATSUNAGA. Mr. Speaker, since its dedication several years ago, Hawaii's statue of Father Damien in the Capitol's Hall of Columns, sculptured by the renowned artist, Marisol Escobar, has inspired thousands of Capitol visitors.

Regrettably, only a few of those visitors know the story of Father Damien's exemplary Christian life and about his work in the leper settlement on the island of Molokai.

Almost 2 years ago, patients in the Carville, La., leprosy hospital visited the Capitol and suggested through their hospital newspaper that a suitably inscribed plaque outlining the main events in Father Damien's life be attached to the statue. Their suggestion was brought to the attention of Honolulu Star-Bulletin Editor A. A. "Bud" Smyser, who wrote to me. I am pleased to report that a beautiful bronze plaque, designed by Alfred Preis, executive director of the Hawaii Foundation on Culture and the Arts, has now been attached to the statue. The cost of designing, casting, and installing the plaque was borne by the State of Hawaii.

I strongly urge my colleagues to revisit the Father Damien statue and read the plaque's moving inscription, for I am sure that it will enhance their appreciation of the statue—a work of art and a monument to a modern martyr, Father Damien.

The text of the plaque's inscription, written by Gavan Daws, author of a biography of Father Damien, reads as follows:

*Greater love has no man than this, that a man lay down his life for his friends.*—John 15:13.

"Born a farmer's son at Tremeloo, Belgium, January 3, 1840, Damien joined the Missionary Congregation of the Sacred Hearts and was ordained a Roman Catholic priest at the Cathedral of Our Lady of Peace in Honolulu in 1864. In 1873 he volunteered to serve alone at the leprosy settlement on the island of Molokai. For sixteen years he lived and worked among leprosy victims of all faiths and races. He ministered to their doomed bodies and, by his presence, gave them the reassurance they so desperately needed that they had not been forsaken either by God or by men. On April 15, 1889, Damien died among his people, of leprosy."

The sculptress Marisol Escobar, working from photographs of the dying priest saw in Damien "the mystery of physical transformations—as if he had become what he wanted to become."

## THIRTIETH ANNIVERSARY OF WARSAW GHETTO UPRISING

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. DULSKI. Mr. Speaker, 30 years afterward there is very little outward sign of the Warsaw Ghetto to remind inhabitants and visitors of that tragedy. But there are many invisible scars on the minds and bodies of the survivors and free people everywhere, and it behooves us to reflect on the events that caused them.

Under Nazi occupation Polish Jews suffered from a systematic policy of degradation and extermination. By the end of 1940, nearly one third of Warsaw's population was crowded into less than one-twentieth of the city's area. The daily caloric ration was 184 per individual; sanitation was almost nonexistent; and starvation and disease were rampant.

The extermination was not swift enough for the Nazis, though, and deportations to death camps began in July 1942. Sealed off as they were, Jews in the Ghetto found arming for resistance almost impossible, and in 2 months over 300,000 of them were killed there or deported.

When the deportation "action" started up again in January 1943, the Jewish Fighter Organization—ZOB—though undermanned and underarmed, resisted with the meager means at their command. Their surprise tactics won them a victory as well as more time to organize, secure arms, and prepare their defenses.

April 19, 1943, marked the beginning of the Warsaw Ghetto uprising. On May 16, 1943, SS Gen. Juergen Stroop announced:

The former Jewish quarter of Warsaw is no longer in existence.

The fighting had been ferocious and the death toll terrible.

Certainly the bravery in fighting against overwhelming odds was admirable. But an even more remarkable resistance to tyranny sprang from the spirit of people in incredibly crowded and deprived conditions, walled off from the rest of the city by their oppressors.

Social, educational, medical, and cultural activities were formed. There were courses in music, literature, religion, science, and medicine; lectures, theaters, libraries, and clubs.

In the Washington Post, April 15, 1973, Genia Silkes, who was in Warsaw during the uprising, was quoted as saying:

The resistance was not only the uprising, but the illegal schools, the theaters, the lectures, the tremendous life, a spiritual Jew-

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ish life in the ghetto. That really was the resistance in the ghetto.

Mrs. Vladka Meed, who was also there said, according to the Post:

There were really very high moments in life. We had starvation, it's true. But at the same time we had a net of illegal schools. . . . In the beginning our philosophy was to survive as human beings. We didn't know when the ghetto was created that this was really destruction, absolute annihilitation. We didn't believe it. So the way was to survive as human beings. This was the ghetto philosophy and this was resistance, for living. Later on, the resistance was for a dignified death. But resistance was true all the time.

Surely these are the important points to remember in commemorating this 30th anniversary of the Warsaw Ghetto uprising. Faced with the horrors of everyday life and the fears of imminent death, those in the Ghetto used their courage and inner resources to sustain them. They have provided a great heritage for their children and all freedom loving people.

## DETERIORATION OF SERVICE IN THE POST OFFICE

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. WALDIE. Mr. Speaker, the Alameda-Contra Costa Postal Central Council, representing postal letter carriers in these two counties of California, have expressed to me their great concern for the deterioration of service in the post office. Additionally, they have drawn up a brochure, which they are sending to 24,000 homes, explaining in full the changes in administrative practices that have resulted in this decline of service.

Mr. Speaker, I have been greatly disturbed by the problems the Postal Service is facing, and I greatly commend this association of letter carriers for taking it upon themselves to bring the causes of these problems to the attention of the public. I am including in the RECORD a sample of this brochure for the information of other Members of Congress:

DEAR PATRON: Are you getting what you are paying for today in the postal service? As your letter carrier, I wonder! For years our dependable postal service has been a "way of life" for everyone. The downward trend in the postal service is affecting everyone in their business as well as private life. Below are some of the reasons behind the deterioration of the service.

A. Elimination of collection boxes in the residential areas and cutbacks in collection services to existing boxes.

B. Elimination of Saturday window service in some cities, while other areas are suffering cutbacks.

C. Cutting back on the number of times a day special deliveries are made. On some days, particularly Sundays and Holidays, many areas have no special delivery service whatsoever!

D. Managing or controlling the mail flow by:

1. Starting carriers later in some cities forcing later delivery.

2. Starting earlier in some cities (particularly business areas) delaying the mail to you since many dispatches reach the post office after the carrier has left the office for his route. This mail will not reach you until the next day.

3. Cut back in business deliveries from three to two and now to one a day, causing hardships in many cases.

4. Not meeting the time dates on some publications.

5. Having *ALL* mail from most cities sent to one sectional center for distribution and then returning it to the city for delivery thus causing a day or more delay in most instances right within a city.

6. Undue delay of third class mail (Special sales brochures).

7. Faulty postmarks which are unreadable to the public.

8. Elimination of all city and time identification on postmarks.

E. Exploitation of employees by:

1. Eliminating replacement of carriers retiring or leaving the service, causing reductions in work force.

2. Carriers absorbing work loads of absentee carriers forcing late delivery of mail.

3. Excessive pressures on carriers, injurious to health.

The National Association of Letter Carriers, and other postal unions have done all they can by law to prevent further deterioration of the postal service. Now we feel we must turn to you, and ask your help. I'm asking that you take a few minutes of your time to write to one or all of the following people, telling them how you feel about the deterioration of the postal service and how it has affected you.

Postmaster General E. T. Klassen, U.S. Postal Service, Washington, D.C. 20260

Senator Alan Cranston, Senate Office Building, Washington, D.C. 20510.

Senator John Tunney, Senate Office Building, Washington, D.C. 20510.

Congressman Robert Leggett, Fourth Congressional District, House Office Building, Washigton, D.C. 20515.

Congressman Ron Dellums, Seventh Congressional District, House Office Building, Washington, D.C. 20515.

Congressman Pete Stark, Eighth Congressional District, House Office Building, Washington, D.C. 20515.

Congressman Don Edwards, Ninth Congressional District, House Office Building, Wash-Washington, D.C. 20525.

Congressman Jerome Waldie, 14th Congressional District, House Office Building, Washington, D.C. 20515.

Thank you for aiding us in helping to give you the kind of service you deserve—and pay for. Please write! Now!

YOUR CONCERNED POSTAL EMPLOYEE.

## CONCERN FOR THE PROBLEMS OF THE ELDERLY

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. FINDLEY. Mr. Speaker, I am today introducing a proposal which would permit social security recipients to earn up to $3.300 annually without suffering the penalty of reductions in their regular cash benefits. I am concerned, not only by the need for action to help our older citizens to meet the burden of rising living costs, but by the fact that the present limitation serves to rob these citizens of the incentive to better their own circumstances. Many citizens, who could otherwise attain a higher standard of living by augmenting their social security incomes, hesitate to do so, because of the penalty of reduced benefits.

Other proposals I have introduced to alleviate the problems of the elderly include a bill to permit the airlines to reinstitute reduced fares on a standby basis for senior citizens and one which would allow a Federal tax credit to those 65 and older for expenses incurred, because of property taxes. The latter has been included in the President's suggested proposals for tax change.

## GETTING THE BENEFITS

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. GAYDOS. Mr. Speaker, this upset economic era is proving conclusively that the collectivism of the Soviet farm system has failed miserably on the job of keeping the Russian people fed.

Despite the vastness of Russia's tillable soil, unequalled in extent in any other major country, and more farm hands than can be counted, Soviet agricultural production has fallen sharply over recent years.

Bad weather has been blamed officially, but this is not the complete answer by any means and Moscow, on occasion, is honest enough to admit it. Bureaucratic foulups have been disclosed and castigated in the controlled Russian press since the days of Nikita Khrushchev.

Purchase of American wheat and other grains is serving currently to keep the Soviet larder from going dangerously bare. Russia also is buying heavily from the farms of Western Europe. Indeed, the so-called West has become the breadbasket not only for Russia, but for China, too—the food source which these Communist nations need so badly.

And, at this point, enters into the picture the most amazing paradox imaginable—an irony which demands far more attention from us than it is getting. The Western nations—the "Free World"—not only are feeding the Communists, but they are doing so at far less cost to the Communists than is being charged our people for our own food.

We know how the Soviet negotiators took the Nixon administration in the deal for 400 million bushels of U.S. wheat at a fixed price below that paid by Americans at the time, considering the subsidies and other Government tax supports involved. Now the Russian bargain is even greater in the light of present wheat quotations. Indeed, Representative HAYS said recently that his research showed the deal with Russia "just cost the American consumers about $2 a bushel more than they would have had to pay for grain if the deal had not been made."

Now we learn in United Press International dispatches from Brussels that the Russian buyers are doing equally as well for their food-short country in dealing with the European Common Market. A deal has been completed there whereby the Soviet Union will get 200,000 tons of Western European butter at a money loss to Western Europeans of more than $300 million.

The butter had been declared surplus and taken off the market at minimum price of $2,300 a ton and is being sold to the Russians for $420 a ton. The reason is the same as the one given here for the wheat deal. Stockpiling is too expensive over the long haul. Nevertheless, the deal figures out, according to UPI, that the Russians are getting Western European butter at about one-sixth the price Western European housewives are being charged for it.

We might let the Russian bonanzas pass as quirks in the world's jumbled economic situation and we are sure our negotiators and those in Brussels will attempt to rationalize them as such. But there can be no circumventing the truth that an arrangement which allows a flunking communistic agricultural system to reap the benefits of the Free World's production successes proves the absurdity of governmental farm policies here and in Western Europe and the need of drastic changes.



## TWENTY-FIFTH ANNIVERSARY OF ISRAEL

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ANDERSON of California. Mr. Speaker, the establishment of independent statehood has always been an impressive achievement. It was a heroic feat in the 19th century when, to gain independence, Greeks, Serbs, Italians, Hungarians, and others were compelled to wage long and bitter battles against their overloads. It was no less heroic in the mid-20th century in the era of the United Nations and "peaceful change," when the people of Indonesia and Ghana demonstrated their ability to translate a sense of national destiny into sovereignty and viability.

In the case of the Jews, however, who had not lived for generations on the soil they venerated, who had but recently lost two-fifths of their people in the greatest genocide in history, the task of building a nation was even more formidable.

They had no powerful allies, as did most nations of the world in their early struggles for independence. They were faced with the hostility of a mighty empire and thousands of armed Arab neighbors.

For a quarter of a century, Israelis have struggled through bloodshed and hardship to develop the progressive State of Israel that was brought into existence on May 14, 1948. The reality that today Israelis, and Jews around the world, are celebrating the 25th anniversary of nationhood gives evidence to their success.

For the first 25 years Israel has progressed in spurts of energy between wars with their Arab neighbors. Her existence has been one plagued by an implacable hostility of her neighbors. Unable to mitigate the Arab assaults, Israel nevertheless has bravely resisted them time and time again.

The first 25 years has been a chapter of this resistance, not only of the inherent hardships and hazards but also the victories.

In every field of endeavor, the Israelis have shown intellectual capabilities to provide new insights, approaches, and methods to meet the many challenges of everyday living.

Perhaps the need to make the most of scarce resources inspired the new state to rely on science and technology. Now Israel's research workers, engineers, and technologists have been placed high in the international scientific community.

Despite all the initiative and invention, the people of Israel have been unable to attain the formula which would bring peace to their soil. It is the hope and dream of all free men that wars between the Arab nations and Israel will be ended. On the event of the 25th anniversay, I cannot think of a more appropriate time for the nations to unite in peace.

Let this year be the year when the Israeli diplomats and statesmen will be successful in convincing the Arab nations to accept Israel's sincere offer of peace.

On this occasion, the 25th anniversary of Israel's independence, I join my friends of Israel around the world in offering my most sincere congratulations and expressing my hope that the next year's celebration will be a celebration of peace.

## TVA'S ESCALATING RATE INCREASES HIT CONSUMERS, ADVERSELY AFFECT INDUSTRY

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES.

*Monday, May 7, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, our Subcommittee on Public Works Appropriations recently completed hearings on the cause and impact of a series of escalating rate increases by Tennessee Valley Authority.

As indicated in my recent newsletter Capitol Comments, these rate increases are of great concern because the prosperity and economy of the Tennessee Valley are, to a measurable degree, conditioned by the actions and decisions of TVA.

TVA has done so many good things and rendered so many splendid services—flood control, power generation, navigation, attraction of industry, and recreation, among others—that one is reluctant to criticize this great agency.

However, with respect to the steadily escalating power rates, I feel constrained because of the numerous complaints received from people in the Tennessee Valley, to take action in fully developing the facts concerning the magnitude, impact, and causes of these rate increases.

Because of the interest of my colleagues and the American people in this subject, I place the newsletter in the RECORD herewith.

The newsletter follows:

CAPITOL COMMENTS

(By JOE L. EVINS, Fourth District, Tennessee)

TVA'S SERIES OF ESCALATING RATE INCREASES HITS CONSUMER POCKETBOOKS, ADVERSELY AFFECTS INDUSTRY IN AREA

The Subcommittee on Public Works Appropriations—of which your Representative is honored to serve as Chairman—this week conducted three days of hearings and review of the pattern of escalating power rate increases by Tennessee Valley Authority.

The hearings developed testimony and evidence that include the following:

Despite repeated assertions by TVA officials that the power rates of the agency are generally lower than in other sections of the Nation, spokesmen for industry in the Tennessee Valley testified that plants at other locations pay less for electric power than plants in the Tennessee Valley are required to pay. Testimony indicated that residential rates remain lower than rates by private utilities—but the gap between the TVA and private power rates is narrowing.

Since 1967 TVA has implemented six wholesale power rate increases totaling about 70 percent when compounded, which compares with rate increases averaging about 12 percent for investor-owned private utilities. TVA officials insisted that these statistics are misleading, although the facts were not disproven.

TVA's financial condition improved measurably between the time when TVA first alerted distributors of the last rate increase and when the rate increase was implemented and—according to an investigation by the staff of the Committee on Appropriations—TVA did not disclose its changed and improved financial condition at the time the increase was put into effect. TVA officials insisted that the increase was necessary to avoid a future deficit situation and that they were required by law to make the increases to cover increasing costs.

TVA's profit margin was 7 percent last year, which is almost twice that of investor-owned private utilities averaging about 4.5 percent annually.

TVA's retained earnings—profit retained for investment in physical plant, expansion and improvements—constitute 20.4 percent of the agency's total capital account while investor-owned utilities have only 11.8 percent of retained earnings in their capital structure. TVA officials took the position that rates would have risen even higher had this money not been retained to effect needed plant and equipment expansions.

TVA's steam generating plants cost more to build and require about twice as many personnel to operate than similar plants of like size of investor-owned utilities. TVA officials did not adequately explain such differences to the Appropriations Committee.

TVA does not hold public hearings to provide any adversary proceedings for the people of Tennessee and the Valley to have an opportunity to be heard when rate increases are proposed, although virtually all other public and private utilities are required to justify rate increases at some type of hearing.

TVA's rate increases since July of 1967 are as follows:

| Month rate increase effective | Percentage of increase | Additional annual revenues (millions) |
|---|---|---|
| July 1967 | 7.5 | $27.3 |
| March 1969 | 7.3 | 28.2 |
| August 1969 | 6.0 | 24.8 |
| August 1970 | 3.4 | 16.2 |
| October 1970 | 24.1 | 98.7 |
| January 1973 | 8.9 | 64.6 |
| Total | 57.2 | 259.8 |

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Although the total rate increases would appear to aggregate 57.2 percent, when compounded by consecutive rate increases, the total is almost 70 percent.

In an opening statement laying the foundation for the hearings, your Representative emphasized that as a longtime supporter and champion of TVA, he shares the pride of other residents of the Tennessee Valley in the agency's outstanding record of accomplishments in flood control, electric power generation, navigation, reforestation, and industrial development. However, as Chairman, I deplored the circumstances reportedly necessitating these huge rate increases on the people of the area served.

The fear was expressed that with rates escalating, TVA may lose its image as a low-cost power yardstick and further that these continuing rate increases pose a potential danger to the economy of the entire TVA area.

It was emphasized that the purpose of the hearings was to be helpful and constructive and to assist TVA in avoiding power rate increases in the future.

Many protests against these rate increases have been received from residents, small businessmen and industries in the Tennessee Valley.

It is my view that these hearings were helpful and productive, and it is my hope that they will assist TVA in averting and avoiding further excessive power rate increases. The TVA low-cost power yardstick must be maintained and preserved or major industries will not continue to locate plants in the Tennessee Valley area.

The prosperity and economy of our area, to a measurable degree, is conditioned by the actions and decisions of the Tennessee Valley Authority.

## THE SOVIET PRESENCE IN THE PERSIAN GULF

### HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. SPENCE. Mr. Speaker, it has long been my contention that the most dangerous aspect of the current energy shortage is our growing dependence on foreign oil reserves. It is particularly unfortunate that those countries on whom we place our greatest reliance for future oil requirements are generally located in a highly unstable area politically—an area which is especially vulnerable to Communist aggression.

I have warned time and again against depending too heavily on those minor potentates in the Mideast for our supplies. At any time, they could decide to up the ante for our oil, or even cut us off entirely. In addition, the possibilities available to Communist opportunism in that part of the world should be obvious.

Recently, columnist Joseph Alsop wrote a very thoughtful article on the fragile nature of our strategic posture in the Persian Gulf and the Indian Ocean and what might happen should the "crunch" come. To quote from his column:

If there is ever a crunch in the Persian Gulf and the Indian Ocean, in sum, the present outlook is that American naval power on the scene will necessarily be inferior to Soviet naval power. In such a crunch, our only base in the whole area would be the tiny, politically insecure facility we are now allowed to use on the Island of Bahrain, in the Gulf itself. But this could never sustain a U.S. force comparable to the much larger naval power their new bases will allow the Soviets to deploy in the area if they see a need for it.

Mr. Speaker, I have been to the island of Bahrain, and I have studied the situation over there very carefully. I can confirm that Mr. Alsop has provided valid information about the potential for serious difficulty in the future.

So that the attention of my colleagues may be alerted to these possibilities, as well as their import for the future security of this country, I include the article appearing in the April 25 issue of the Washington Post entitled "The Soviet Presence in the Persian Gulf" by Joseph Alsop in the RECORD at this point:

THE SOVIET PRESENCE IN THE PERSIAN GULF

(By Joseph Alsop)

Because of the energy crisis—which is really a strategic crisis—the jugulars of the United States, Western Europe and Japan now run through the Persian Gulf. So, it is deathly important news that the Soviet Union is now thoughtfully building its own naval base at the head of the Persian Gulf, where all these oil-jugulars can be cut.

The new Soviet naval base will be at Um Qasr, on the Iraqi shore of the Gulf. The story for publication is that the Soviets are generously helping Iraq to build an additional port. The actual fact is that the Soviets will have a fully operational naval base at Um Qasr in about one year.

Significantly, the construction at Um Qasr has already caused trouble at the head of the Persian Gulf, plus an obvious Soviet exercise in the old art of gunboat diplomacy. The trouble arose from an attempt by Iraq to infringe on the established border of the small but immensely rich neighboring oil-sheikdom of Kuwait.

While the row between Iraq and Kuwait was at its worst, between April 3 and 11 of this year, the Soviets sent the cruiser Sinyavin and lesser fighting ships to the head of the Persian Gulf, to give "moral" support to Iraq. The trouble has now simmered down into negotiations. But Iraq continues to lay claim to two islands belonging to Kuwait. These little islands simultaneously mask the approaches to Um Qasr, and would also put Kuwait in pawn, if controlled by a hostile power.

Behind all this, there has been a long, expensive and successful Soviet effort to buy up all the more important vipers in the viper-pit of Iraqi politics. The Soviet effort in Iraq has attracted far less attention than the much less adroit Soviet effort in Egypt. But the effort in Iraq is vastly more important, at least from the standpoint of Western interests and Soviet gains.

Nor is this the end of the story, by any means. Simply for want of feasible competition, the Soviets now enjoy effective naval predominance in the Indian Ocean, at the Persian Gulf's other end. As yet, they have not begun to keep a large force in the crucial western basin of the Indian Ocean—through which all oil tankers from the Persian Gulf must pass. It is a costly thing to do, since the nearest naval base on Soviet territory is Vladivostok, halfway around the world.

Yet what our navy calls ship-days (meaning number of days combat ships are at sea) were increased by the Soviets by a factor of eight in the Indian Ocean's western basin between 1968 and 1972. The Soviets have further built another important naval base at Berbera in Somaliland, on the Red Sea; and they effectively control the Somali snakepit, too. They also have fuel and water facilities in the Indian Ocean itself, on the island of Mauritius.

In contrast, the United States has nothing at all in the Indian Ocean beyond a communications set-up on the little island of Diego Garcia. After Diego Garcia, we have nothing else in range except another communications facility on the northern shore of Australia. This year, for the first time, the Soviets have also passed the U.S. in ship-days of their navy at sea all over the world.

If there is ever a crunch in the Persian Gulf and the Indian Ocean, in sum, the present outlook is that American naval power on the scene will necessarily be inferior to Soviet naval power. In such a crunch, our only base in the whole area would be the tiny, politically insecure facility we are now allowed to use on the island of Bahrain, in the Gulf itself. But this could never sustain a U.S. force comparable to the much larger naval power their new bases will allow the Soviets to deploy in the area if they see a need for it.

It is easy to understand, then, why President Nixon chose the very able former CIA Director, Richard Helms, as his new Ambassador to Iran. In Iran, Helms has two jobs. The first job is to assure the U.S. of an adequate supply of Iranian oil—and therefore non-Arab oil—in case of political difficulties with the Arab oil-producers. The second job is to give added toughness, direction and support to the Shah of Iran's effort to safeguard freedom of navigation in the Persian Gulf.

But this amounts to renting out to the Iranians the life-and-death job of protecting the American, Western European and Japanese oil-jugulars. It seems a dubious expedient, at best, as compared to the U.S. taking the needed but expensive precautionary measures.

But of course all this must seem dull stuff. Nowadays Washington is a bit like a house with a roof on fire and a cellar rapidly flooding, whose inhabitants can talk only of the wicked sins of the cleaning woman.

## EDWARD H. DICKSON

### HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. MOSS. Mr. Speaker, funeral services were held in Sacramento, Calif., today for Edward H. Dickson, a truly fine newspaperman and a long-time personal friend who passed away on May 3.

Ed, who began his newspaper career in 1925, was Washington correspondent for the McClatchy newspapers for some 23 years, returning to Sacramento in 1968.

When Ed was assigned to Washington in 1945 he was, among other things, given the difficult task of covering congressional activities not only of national scope but of particular significance and interest to the Sacramento, Fresno, and Modesto Bees, whose combined readership encompasses the major portions of central and northern California.

Ed more than lived up to his responsibilities, quickly winning the respect and admiration of all who came in contact with him. In writing about Members of the House and Senate and their activities, whether favorable or unfavorable, Ed earned the well-deserved reputation of being scrupulously fair and always of unimpeachable integrity.



As a writer and observer of the Washington scene, Ed made his mark in many ways. Perhaps one of his most consistently informative and entertaining contributions was his column, Echoes from Capitol Hill. This was often made up of offbeat items, many gleaned from careful reading of the CONGRESSIONAL RECORD. Ed's great sense of humor found an outlet in the column that was keenly appreciated by his many readers over the years.

Ed was also known as one of the Capital's best informed writers on matters relating to reclamation and power.

Mr. Speaker, following my remarks, I am including a story, in part, on Ed's passing, appearing in the Sacramento Bee on May 3, 1973. In closing, I join Ed's many friends in offering my heartfelt condolences to his gracious wife, Ruth, and their fine son, Sam:

BEE WRITER ED DICKSON DIES AT 65

Edward H. Dickson, 65, writer for the McClatchy newspapers and former Washington correspondent for the papers, died today in a Sacramento hospital. He collapsed Sunday in his home at 1130 Robertson Way and never recovered consciousness.

Dickson retired Jan. 31 from active newspaper work but continued to write his column, Echoes From Capitol Hill, for the Sunday editions of The Sacramento, Fresno and Modesto Bees.

A native of Vacaville, Dickson attended grade and high schools there before his family moved to Sacramento. After graduating from Sacramento High School and Sacramento City College he attended the University of California in Berkeley.

Dickson started working part time for The Sacramento Bee in 1925 and joined the staff full time in 1929.

STATE DUTY

In 1940 when Paul Peek, now a retired associate justice of the State Supreme Court, was appointed secretary of state, Dickson joined his staff as chief deputy.

He returned to newspaper work in 1943, becoming a correspondent on the Associated Press news staff in the Capitol. He became the McClatchy newspapers staff writer in Washington in 1945, returning to Sacramento in 1968. From that time until his retirement he wrote editorials, columns and feature stories.

One of Dickson's most significant contributions in his long career in journalism was his series in the McClatchy newspapers exposing the dangers in the Electoral College system of electing United States presidents.

He gave the McClatchy newspapers on-the-spot coverage of many major stories affecting California's Central Valleys and the West. He was regarded as one of the most knowledgeable writers in Washington on reclamation and other water matters.

SENSE OF HUMOR

Dickson covered the nation's capital, too, with great humor and it was reflected in his column, Echoes From Capitol Hill.

He was married March 30, 1935, to Ruth Stannert Lawrence. Mrs. Dickson, too, shared a love for the newspaper business and had been of outstanding help to her husband in his work. Her mother, Esther Stannert, had been a writer for the old Sacramento Star.

In choosing newspaper work as a career, Dickson followed in the footsteps of his late uncle, Edward A. Dickson, who started as a reporter in San Francisco and then went to the Los Angeles Express as political and editorial writer. In the 1920s he acquired the Express and operated it until its later merger with the Los Angeles Herald. The uncle was prominent politically in the gubernatorial administrations of Hiram J. Johnson and C. C. Young and had been chairman of the old State Board of Control, predecessor to the State Department of Finance. The uncle, who served as chairman of the Board of Regents of the University of California, was known as the "father of UCLA" because of his activity in establishing the campus.

SPORTS INTEREST

Edward H. Dickson always had a big interest in sports and once was a catcher and manager of his baseball team at Sacramento High School. Friends recall a promising athletic career was cut short as a result of a knee injury.

Fired with enthusiasm in a football game, he picked a formidable adversary. He tackled playfully on the Sacramento County Courthouse lawn one of the greatest football players of the day, George Theodoratos, who went on to become an outstanding college player.

In his first assignment as a sports writer for The Sacramento Bee, Dickson not only wrote a colorful story but he brought home a winner—the Sacramento City College football team.

MEMBER OF CLUBS

Dickson was a member of the McClatchy 25 Year Club and Provident Lodge, Free and Accepted Masons, in Sacramento. While in Washington he was a member of the National Press Club and the Harpoon Club.

His father, the late Samuel J. Dickson, was a Sacramento real estate man and who served in World War I as an Army officer. His mother, the late Gerna Dickson, was head of the Sacramento County Library for many years.

The Dicksons have a son, Samuel E. Dickson, a civil engineer working in Pakistan. He had just returned to his job a few days ago after visiting his parents in Sacramento. The son formerly was an engineer in the State Department of Water Resources in Sacramento. In addition to his wife and son, Dickson is survived by three grandchildren, Edward A., Scott E. and Kimberly Lee Dickson, and a stepson, Robert Elion Lawrence.

## RENDERING PLANT OWNER WANTS LETUP IN BUSINESS

### HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. SEBELIUS. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues a news item similar to many other stories that have appeared in the Great Plains this winter and spring.

This particular story is noteworthy, because it explains in graphic detail why we are experiencing increased meat prices and most important, it deals with a factual cause and effect factor as opposed to misinformation.

One of the basic reasons consumers in our urban areas are experiencing high meat prices is the fact cattlemen have just gone through a most severe winter and experienced record losses. If we pay attention to the basic laws of supply and demand in determining why beef prices have gone up as opposed to meat boycotts, price controls, and meat ceilings, I think it can be readily seen that we simply do not have the number of cattle ready for market necessary to stabilize the price of beef in relation to consumer demand.

I hasten to add, given a reasonable return on his investment, the American cattleman will increase these numbers, and given a reasonable amount of time, the market will stabilize so he will continue to provide the American consumer the best quality beef at the lowest relative price in the world.

I call to the attention of my colleagues the following article regarding the business boom experienced by a rendering plant owner in Ellis, Kans. within my congressional district:

RENDERING PLANT OWNER WANTS LETUP IN BUSINESS

ELLIS.—"Usually you want more business and more business," Don Kippes said describing almost any businessman.

Kippes, however, says he has lost his lust for greater business this winter.

Kippes is owner of the Ellis Rendering Plant. The rendering business, all over the midwest, has been booming this winter.

"I'm just hoping it slacks up," he said. "It'll just drive you nuts."

Kippes pointed at the phone. "That phone just never quits ringing," he said.

Kippes, who calls his operation "the used cow business," said the long, harsh winter has taken its toll among cattle.

Those who suffered heavy losses, he explained, aren't interested in publicity. "Farmers are kind of funny. They want everybody to think they're good farmers and never have any bad luck."

The cruel winter, he says is to blame for the heavy livestock losses. Cattle wear themselves out fighting the mud, water and cold.

Kippes told of one farmer who said he watched as one of his critters sank down in the mud and "Just died. He was just exhausted."

Also, he said, "they claim cattle get vitamin D from sunshine and they have had a deficiency in this vitamin because they haven't had sunshine."

The livestock death rate has put the Ellis Rendering Company behind one week.

"In 36 years we've always managed to keep this country clean (of dead animals) and there have been very few days when we had to run over 10 hours per day."

But, he added, 24-hour days have been common this winter.

Kippes has his 22-man crew working two 12-hour shifts and "it just wears you out."

The work load, he added, has left no time for preventive maintenance on the equipment all this winter. "It's just been patch and go," he said.

Kippes explained that his crews are running behind schedule despite the fact that they've been grinding whole animals—hide, bones, flesh and all.

Usually, he said, the animal is skinned and the hides are sold for about $10.

And, he added, animals that have been dead only a short while are boned and sold for dog food.

"We don't even have time to skin them," he said. "I'm still putting $10 hides into the cookers."

After grinding, the animal is cooked to eliminate moisture and the final product is a high protein meat and bone meal which is mixed into prepared feeds.

Besides the eight trucks that pick up dead animals in 19 counties, Kippes said, some farmers have even brought their own critters in and left them at the plant.

He estimates about 300 animals are piled outside and, in warm weather, they have to be buried.

"I've got them piled here and piled over there and trucks are due back in," he moaned.

XUM

## A SALUTE TO THE TULSA REHABILITATION CENTER DURING NATIONAL HOSPITAL WEEK

### HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. JONES of Oklahoma. Mr. Speaker, this week, May 6 through 12, is National Hospital Week, an event sponsored annually by the American Hospital Association and its member institutions to focus attention on the contributions of the Nation's 7,000 hospitals to the health care of the people of this country. In these days of extensive debate and well-founded concern about the high costs and unmet needs for health services in the United States, it is easy to lose sight of many of the accomplishments of hospitals, as well as other health service providers, in such areas as improved quality of care, cost containment, and increased operating efficiency. I feel sure that most of my colleagues can point, as I can, to hospitals in their States and districts, which have utilized new staffing patterns and technological advances to develop innovative service programs. Many have participated in activities such as group purchasing and shared services, community health planning and education, and outreach projects.

This week I would like to pay a well-deserved tribute to the hospitals in the First District of Oklahoma for their demonstration of community responsibility. Today I should like to cite as a specific example, the recent establishment of the Tulsa Rehabilitation Center by the Hillcrest Medical Center in that city.

The need for a hospital-based extended care facility for patients no longer needing acute care while recovering from illness, injury, or surgery was demonstrated by a pilot program conducted by Hillcrest in 1967. One of the statistics surfacing early in the pilot program was that approximately half of the patients in extended care received rehabilitation services. Thus a facility was planned to offer both types of medical care in a single structure. The construction was financed by a combination of public and private funds, including a loan insured by the Federal Housing Administration and a Hill-Burton grant. The Hill-Burton participation illustrates that program's support for continuing care facilities which complement the services of the acute care hospital.

The Tulsa Rehabilitation Center, located on the hospital grounds with easy access to all Hillcrest services, opened its doors in February 1972. Under the direction of James D. Harvey, Hillcrest's administrator, and Margaret Hinds, administrative coordinator of the center, the facility offers a wide range of inpatient and outpatient services designed to restore convalescing and disabled patients to independent and productive living. Active treatment by a multidisciplinary team of health service personnel is combined with intensive effort to assist patients in achieving and maintaining maximum self-sufficiency. Discharge planning involves members of the patient's families, who are taught how to follow up on therapy, advised on changes in the home necessary to accommodate a disabled person, and referred to appropriate community agencies when special assistance is needed. I believe that a special word of congratulations to the Hillcrest Medical Center and its rehabilitation center is in order for adding this new and vitally needed dimension to health care in Tulsa and in the State of Oklahoma.

## HARRY LITWACK OF TEMPLE UNIVERSITY RETIRES AFTER 21 YEARS AS HEAD COACH OF OWLS

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. EILBERG. Mr. Speaker, Harry Litwack is an institution in college basketball.

For 21 years he has been head coach of the Temple University Owls, leading his team to 13 post-season tournaments in the past 18 years and to 14 consecutive winning seasons.

A Temple alumnus and former basketball star, he has been associated with every tournament team the university has ever had.

He has helped to mold great athletes who became professional stars, but he is equally proud of the dentists, teachers, physicians, attorneys and other Temple graduates in all walks of life today who had the privilege over the years to share his wisdom and humanity while members of his teams.

Harry Litwack retired this season. During his extraordinary career, he has received many awards and presentations, including induction into the Temple University Hall of Fame. But, on May 15, a grateful Temple University will present its thanks to Harry Litwack for his contribution to athletics in the following citation from University President Paul R. Anderson:

CITATION BY UNIVERSITY PRESIDENT

In height, Harry Litwack stands only 5'7", but in stature he is a giant.

For 21 remarkable years he has guided the Temple University Owls' basketball team as head coach, with a rare genius for identifying hidden talent in young players and developing that talent to the fullest.

An outstanding basketball player in his own right at Temple in the 1920s, Harry Litwack thrust Temple into national prominence after becoming coach in 1952, providing sports fans throughout the United States with exciting, first-rate basketball.

Many students coached by Harry Litwack have gone on to play professionally, and four all-Americans have been forged by him in the gyms of Temple University.

In 1969 his team captured the National Invitational Tournament championship, 31 years after Temple won the first NIT with Harry serving as an assistant coach in 1938. This season he concluded a brilliant career with his 14th consecutive winning season. Harry's 21-year record is an incredible 373–193, with a .659 winning percentage that places him fifth among the nation's active coaches. This summer, he will have the privilege of coaching the United States Jewish basketball team at the Maccabiah Games in Israel.

In recognition of his professional abilities and his love of basketball, Temple University tonight honors this great alumnus and friend.

Harry Litwack, a great coach and a great human being, is truly a giant.

## CONGRESSIONAL VERSUS EXECUTIVE PRIORITIES—NOT SPENDING—IS THE ISSUE

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, as you know there have been a number of statements made critical of the Congress by bureaucrats representing the position that unless the President's budget is approved without change, this will constitute excess spending.

In this connection, as we all know, the issue is not spending, but where the spending will occur—whether we will spend funds for substantial foreign aid increases and for heavy increases in military appropriations, rather than on domestic programs needed at home. The issue is not whether the Congress will cut the President's recommended appropriations bills which Congress has consistently cut, but where the cuts should be made.

Because of the interest of my colleagues and the American people in this most important subject, I place in the RECORD herewith an article from the Cookeville Herald-Citizen entitled "Different Priorities for Executive, Congress" concerning one of my recent newsletters on this subject.

The article follows:

JOE L. EVINS: DIFFERENT PRIORITIES FOR EXECUTIVE, CONGRESS

Bills recently passed by Congress providing assistance to depressed areas, to the elderly and to farmers shows the difference between the executive and legislative branches of the federal government, according to 4th Dist. Rep. Joe L. Evins.

The House has passed both the Public Works and Economic Development Act and the Comprehensive Older Americans Service Act. Both the House and the Senate have passed the Rural Environmental Assistance Program to assist farmers in carrying out conservation projects. All three bills will soon be in conference before being referred to the president.

"Bills similar to each of the three were previously passed by the Congress last year and were vetoed by the president," said Rep. Evins.

"Their passage underlines the difference in priorities set by the administration and by Congress," the congressman said.

"The administration has either cut back, reduced, restructured or eliminated more than 100 domestic programs while proposing reparation payments for Hanoi-North Vietnam, increased foreign aid and a $4 billion increase in defense spending at a time when the Vietnam war is being terminated," Rep. Evins said.

"Many members (of Congress) favor cutting and reducing foreign aid and making cuts in unnecessary and wasteful defense spending while retaining and continuing vital and important domestic programs," he said.

"As both the president and members of Congress advocate economy, the point at issue is not spending, but whether the priorities set by each will be shifted within the budget," Rep. Evins said.

Of the three bills providing assistance to depressed areas, to the elderly and to farmers, Rep. Evins said, "All three of these recently passed bills represent vital and important programs that should be retained and continued in the public interest."

"The Public Works and Economic Development Act Amendments would extend for one year the life and programs of the Economic Development Administration which has been of great benefit to many depressed counties in Tennessee and throughout the nation by assisting in attracting industry, creating jobs and financing needed public works," the congressman said.

He said that the administration proposes to end the economic program on June 30, but the House-passed bill proposes $1.22 billion for public works and business development loans, public works grants and research and technical assistance.

"The Older Americans Service Act would provide a wide range of programs and services for the nation's 30 million senior citizens," Rep. Evins said.

This bill provides for the establishment by either lease or construction of centers for senior citizens through grants, contracts or mortgage insurance.

It also provides for the establishment of a federal council on aging and this, in turn, is expected to strengthen similar state agencies.

Also included are provisions for a nutrition program for the elderly, education programs and special programs for the elderly under the Library Services and Construction Act.

"The Rural Environmental Assistance Program has provided a strong foundation for farm soil and water conservation for a numbers of years," Rep. Evins said.

"This bill extending the program provides for assistance to farmers carrying out specified conservation practices. This program continues to be needed as it is estimated that of more than 7 million acres of cropland in Tennessee, 65 percent needs conservation measures to protect the soil and maintain its productivity for present and future generations," said Rep. Evins.



## SECRETARY MORTON ON ALASKAN PIPELINE

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. HUNT. Mr. Speaker, just 3 weeks ago today, Rogers C. B. Morton, Secretary of the Interior, sent a most interesting letter to the Washington Post, in rebuttal to a column written by Joseph Kraft about a week before.

The topic was the proposed trans-Alaska pipeline. Secretary Morton's letter deals with the ecological, political, and economic demands that must be considered in meeting our ever-increasing oil requirements.

I submit the Secretary's well-reasoned letter to the attention of my colleagues:

[From the Washington Post, Apr. 16, 1973]

INTERIOR SECRETARY MORTON ON THE TRANS-ALASKAN PIPELINE

In his April 5 column ("Political Route of Alaska Pipeline") Joseph Kraft makes some appalling misstatements of fact about the possibility of a trans-Canada alternative to the proposed trans-Alaska pipeline.

A trans-Canada route would not "avoid the ecological problem of oil spill;" at best it would merely move the problem of controlling such avoidable damage from coastal waters to Canada's river systems. In addition, because of its greater length, the Canadian line would cause more unavoidable ecological damage by affecting four times as much land—and thus damage more wilderness, permafrost, and fish and wildlife habitat than the Alaskan route.

The U.S. West Coast is not "practically self-sufficient" for oil. In 1972 its demand was 2.3 million barrels per day, of which 800,000 barrels per day (more than one-third) was imported; best available projections show that by 1980 it will need more oil than is available from Alaska to meet the gap between its demand and the combined amount of U.S. and Canadian oil deliverable there.

A trans-Canada route would not "provide a richer source of supply since it will tap vast new Canadian fields as well as North Slope (Alaska) deposits." There are, unfortunately, no vast new Canadian fields, and Canada recently imposed control on its oil exports because of its own tightening supply-demand squeeze.

Canada has not as Mr. Kraft implies offered to cooperate on oil matters on terms acceptable to the U.S. Canada's stated national interests hardly coincide with our own. Canadian officials have insisted on Canadian majority equity ownership of a pipeline crossing Canada (and the definition clearly does not include Canadian subsidiaries of U.S. companies); Canadian management of such a line; reservation of at least 50 per cent of pipeline capacity to move Canadian-owned oil which may go to Canadian rather than U.S. markets; and preference to Canadian-owned and controlled groups in construction and purchase of materials for the line. All this deserves serious thought at a time when our balance of payments is causing grave concern in the U.S., and when we need the jobs that would be created by the Alaska route.

It is true that the Alaskan pipeline proposal faces legal delays. But it is also true that these same problems will confront any pipeline carrying North Slope oil to the U.S. since even a Canadian route would have to cross hundreds of miles of U.S. public lands in Alaska.

A Canadian pipeline would face many more practical delays. No one has even offered to build an oil pipeline across Canada. Canadian officials do not have an application before them, and even the precise routing is still conjectural. There are no engineering plans. No one knows where the capital will come from to build a pipeline estimated conservatively to cost $5 billion. Environmental and engineering studies, including the drilling of thousands of core holes, are not yet complete. Compensation for the aboriginal land claims of native peoples along the route remains an unresolved Canadian issue, which the U.S. settled in Alaska by legislation in 1971 and U.S.-Canadian negotiations on building and operating a pipeline certainly would be complex and time-consuming. Furthermore, we would receive no practical advantage from a trans-Canada line because the existing pipeline system linking our two countries will carry all the oil that Canada is able and willing to export to us.

And in the meantime the U.S. faces an ever-increasing need to import oil. Last year we imported 1.7 billion barrels at a balance of payments outflow of about $6 billion. By 1980, without North Slope oil, it most probably will be 4 billion barrels and $16 billion, every year, and headed further upward. The North Slope discovery was announced more than five years ago, and has proved far and away the biggest in the history of North America, yet the oil remains in the ground for lack of a system to bring it to market, while economists predict 50-cent and dollar-a-gallon gasoline.

Mr. Kraft sees the issue in terms of U.S. regional political pressures. But the problem is national, not regional. All our country needs oil. All our lives are affected by potential shortages, by the threat of excessive dependence on Middle East sources, by inexorable worldwide economic pressures.

Few things could be more tragic than sectional infighting over how to bring Alaskan oil into the U.S. market. Maximum possible delivery of this oil to the Midwest—after long and costly delays involved in a trans-Canada route—still would not reduce the price, or substantially alleviate the need of the Midwest and the East for imported oil. Our national economy, our trading position in world markets, the options open to our policy makers as they seek to meet American commitments at home and abroad—these are the key issues, and they are national issues in every sense of the word.

ROGERS C. B. MORTON,
*Secretary of the Interior.*

Washington.

## OPPOSITION TO TRANS-ALASKA PIPELINE

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ASPIN. Mr. Speaker, it is often assumed that all of the residents of the State of Alaska favor the building of the trans-Alaska pipeline.

I am constantly amazed by the number of letters that I receive from ordinary citizens in Alaska who express opposition to the pipeline. In addition, the environmental movement in Alaska is opposed to the bulding of this pipeline.

Most of the environmental opposition in Alaska seems to be based on the need for a marine tanker shuttle from the Port of Valdez to the U.S. west coast if an Alaska pipeline is built.

The dangers of an Alaska pipeline are overwhelming. A Canadian pipeline will not involve most of the unacceptably high environmental costs that an Alaska pipeline entails.

For my colleagues' information I include in the RECORD, a letter I have received from the Fairbanks Environmental Center expressing the opposition of Alaskan environmentalists to the trans-Alaska pipeline. The letter follows:

FAIRBANKS ENVIRONMENTAL CENTER,
*Fairbanks, Alaska, April 27, 1973.*

Hon. LES ASPIN,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN ASPIN: The trans Alaska pipeline may be a well designed project. But the marine tanker shuttle (not the pipeline) is the major component of the current plan. It presents the greatest risk of the operation of the pipeline project, and it is unquestionably the weakest, most objectionable part of the trans Alaska pipeline plan.

XUM

The marine tanker shuttle, through our Prince William Sound and down over 1,000 miles of Alaska, British Columbia, Washington, Oregon and California coastline, through international waters, is the least talked about part of the project.

We Alaskans earnestly want you to begin talking about it—to your colleagues, your staff and your constituents. Marine tanker transit poses extremely critical questions which *no one* yet has been willing to ask. Will you ask them?

Marine tanker transport is unnecessary here because pipeline technology is far superior to marine tankers, and several all overland, all pipeline alternative routes are available. But the Interior Secretary refuses to thoroughly consider these. Will you?

March 7, 1973, the tanker Hillyer Brown grounded in 40 knot winds at Cold Bay, Alaska. It spilled over 200,000 gallons of partially refined fuel into the estuary. The San Francisco U.S. Coast Guard Strike Team arrived to implement the National Marine Oil Spill Contingency Plan. Because of the typical severe wind, they could do nothing to plug the leaking hold or contain the spilled fuel. They sat on shore several days to wait out the storm instead.

The marine tanker setting—Prince William Sound and the northern Gulf of Alaska—is subject to severe extremes of weather. Storms in the Gulf are sometimes accompanied by winds over 90 knots. The Sound and its narrow entrance to the Gulf provides difficult navigation conditions.

The most sophisticated navigational system and best constructed super tankers will never, ever erase possible human error or mechanical failure. A 250,000 deadweight ton supertanker accident in typical heavy seas could be catastrophic, especially to the rich coastal fisheries. This is why the men of Alaska's Cordova District Fisheries Union are united and are in court over their opposition to the marine tanker system.

We ask you to vigorously oppose the marine tanker system, and to support legislation which seeks instead to explore, compare and judge all alternative methods, routes and markets before a decision is reached.

May we provide you with more information?

Sincerely,

JAMES E. KOWALSKY,
*Director, Fairbanks Environmental Center.*

## NEW FEDERALISM AND HUNGRY CHILDREN

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. BRADEMAS. Mr. Speaker, I wish to call the attention of Members of the House to an article by Dr. John N. Perryman, executive director of the American School Food Service Association, in the April "School Foodservice Journal," describing the potential danger to child nutrition programs if the Nixon administration's so-called "new federalism" program is approved by Congress.

As Dr. Perryman points out in his cogent analysis of the new federalism and revenue sharing:

There is imminent danger that the meaning of new federalism to child nutrition programs will be the taking of our 1⅓ billion dollars, 'folding it in' with other educational appropriations and returning it to cities and states to be used at local option . . . And all we can say is, 'But the children are hungry.'

Mr. Speaker, the article also points out that the gentleman from Kentucky, the distinguished chairman of the Committee on Education and Labor (Mr. PERKINS) and the distinguished Senator from Minnesota (HUBERT H. HUMPHREY) have been among the many friends of child nutrition programs in Congress.

I am confident, Mr. Speaker, that my colleagues will join these two distinguished public servants in an effort to insure that programs for hungry children receive adequate funding in the years ahead.

Mr. Speaker, I insert Dr. Perryman's article at this point in the RECORD. The article follows:

THE NEW FEDERALISM—WHAT IT MEANS TO US

If you think that this title sounds academic and doesn't really apply to school food service, think again! Replacing the "old" federalism with the "new" could be revolutionary for our programs at best, totally destructive at worst.

Just to be basic, let's start by defining "federal". Contrary to popular belief, "federal" does not mean "national". The dictionary defines the word "federal" as "pertaining to a compact or league". When we refer to our form of government as a federal government, we are saying that it is a compact between the several states on the one hand and the national government on the other.

The federal-state relationship is deeply rooted in child nutrition programs. Those of us who have worked with such programs for many years have known innumerable occasions—not really of confrontation—but certainly of articulated differences between United States Department of Agriculture administrators and state school foodservice directors. No doubt this is good. No doubt the multi-government approach to child nutrition has worked well.

MILES FARTHER

On the one hand, appropriations from the national budget have been made to child nutrition programs in such meaningful amounts (now 1½ billion dollars a year) that substantive direction for such programs from Washington has been a reality. On the other hand, states have been given considerable latitude within which to spend their budget appropriations so as to best meet their own needs.

There is much that is harsh and critical that can—and is—said about direction from Washington. It can be arbitrary. It can be inflexible. It can be unyielding. It can be unimaginative. Yes, all of these and a few more descriptive adjectives can at times be used in describing direction from Washington. But does any one of us seriously doubt that we are miles farther down the road in child nutrition programs today than we would have been without direction from a central authority?

Would we have half the schoolchildren of the nation eating a good lunch without central direction? Would we have nationwide standards of definition as to what constitutes a good lunch without central direction? Would we even have a nationally-recognized concept of child nutrition at school without the grant-in-aid influence of "take-my-standards or don't-take-my-money"?

DARED TO DREAM

Would we even have dared to dream of a universal program of nutrition and nutrition education for all our schoolchildren without national direction and supervision of such a massive undertaking? National direction of child nutrition programs sometimes can be irksome as any direction usually is, but can any one of us doubt that more children are eating better food at lower prices in more schools by far, far, far than would have been the case without the involvement of the national government?

It is the purpose of this article to suggest to everyone whose eyes fall upon these words that the national government under the new federalism may well have decided to remove itself from the administrative responsibilities of feeding children. The working arm of the national government for child nutrition programs has always been the United States Department of Agriculture. Therefore, let us look at the "three C's" of involvement by USDA—commodities, control and cash. Let us examine what has happened to each.

In no way is it the author's purpose to criticize the National School Lunch Act of 1946. This must be one of the most forward-looking pieces of legislation of all time. Nevertheless, this Act had its root in the memory of the 1930's and the pathetically inadequate effort to bolster farm prices by destroying farm produce. The school lunch program gained its first breath of life as a farm-oriented project whose primary purpose was to solve "The Farm Problem", by removing surplus commodities and by supporting farm prices.

All told, there have been three different sources pumping farm produce into hungry children—one designed to support prices, one designed to take surplus commodities off the market and only one, by far the smallest of the three, specifically designed to meet the needs of children. From whatever source, commodities have made a substantial contribution to school foodservice—about 9¢ a meal at the beginning of the program, and hopefully pegged at 7¢ a meal in the current year.

FLAVOR OF THE PROGRAM

This splendid, multimillion dollar shopping list, each year containing cereals, fruits and vegetables, red meat items, poultry and dairy products, has produced a cohesive and appealing influence in school foodservice over the years. It has provided much of the flavor of the program, both literally and figuratively. In yesteryear, seemingly unlimited supplies of various commodities—flour butter, cheese, nonfat dry milk—were combined with love and skill to create such menu items as fresh, school-baked bread in lunchrooms throughout the country.

This year, we finally realize that shipments are not just late; it seems likely that the value of commodities will fall short of the promised amount by as much as 50 million dollars. There is every reason to believe that this contribution to school foodservice will continue to dry up. Let's face facts. With food prices up and with food stocks down, there is need for neither price support nor for surplus removal.

CONTROL SLIPPING?

If the leaven of commodities is disappearing rapidly from the staff of school foodservice life, what of the second "C" of USDA administration—control? Here, the exit of the national government from our arena of activity becomes more apparent because it is more deliberate. Clearly we cannot hold USDA responsible for low crop yields or prices so high that the Cost of Living Council forbids USDA to pay them. But we can and must ask why USDA let the control over competitive foods in the lunchroom slip from its hands unprotested. The proposed new regulations released on February 14 state that "foodservice for profit may be operated at the same time and place as the nonprofit food service under the program. . . ." Of course, there is a qualifying provision stating that proceeds must "inure" to someone connected with the school.

It would be interesting to know who chose the word "inure". According to my three dictionaries and the Denver Public Library, only an obscure third meaning of "inure" is "to accrue". The first meaning of the word is "to accustom, to discipline, to accept, to habituate". Perhaps the word is well-chosen after all. I am afraid it is becoming all too clear that we in school foodservice will be asked to accustom and discipline ourselves to accepting the profit motive as an habitué of the programs we have zealously guarded for children.

What does the new federalism mean to central direction of our programs? It means that the nation will be told that parents and local school administrators are better able to determine what is right for children than is "big government" in Washington, and that decisions will now be made locally. What it might mean is the beginning of the end for nationwide standards of excellence and nutritional integrity in school foodservice.

DISAPPEARING ACT

If we don't have meaningful amounts of commodities to hold our program together and if the glue of central direction is slipping, what will preserve the continuity of our programs? Well, there is still cash—the third "C" of USDA direction. At least through fiscal year 1974 national involvement will still be major. It will still be sufficient to be the "tail that wags the dog". (Percentages of contributions to the several child nutrition programs were carried in this column in the February, 1973 issue of the *Journal*.)

But alas we may find here the greatest disappearing act of all in the form of revenue sharing. The first fact to remember about revenue sharing is that it doesn't add any extra money—it simply realigns the authority to spend what there is. When President Nixon presented his new federalism to the nation early this year, he said, "it is time to get big government off your back and out of your pockets."

Translated into dollars and cents, the new federalism in the 1974 budget will return $6.9 billion to cities and states with considerable leeway as to how the money is to be spent. However, it should be carefully noted that the projects affected are of a social, people-oriented nature.

MAY—OR MAY NOT

Let us look at education as an example. Thirty separate programs are involved, including education for deprived and handicapped children, vocational education and impacted area aid. These programs received $2.5 billion in the 1973 budget and $2.5 billion in the 1974 budget. The major difference is that the money will now be distributed to cities and states which may use it in the same ways and in the same categories as before—and then again they may not!

With this picture in mind, add in the additional facts that the President speaks of a special revenue sharing bill to return more educational money to states and local communities, again with a strong element of local option as to how the money is to be used. He furthermore speaks of "folding in" school foodservice appropriations into the overall educational grants.

Just in case we haven't painted this picture in bold enough strokes, conjure in your mind's eye a board of education receiving a substantial grant of money not categorized other than that it is to be used for educational purposes.

In that same image we see that same board of education plagued by aging buildings, defeated bond issues and ever more militant and demanding groups that run the gamut from teachers to minorities. For what will the windfall from Washington be spent? Under these circumstances, quite possibly very little would be spent for school foodservice.

IMMINENT DANGER

In the judgment of this writer, there is imminent danger that the meaning of new federalism to child nutrition programs will be the taking of our 1⅓ billion dollars, "folding it in" with other educational appropriations and returning it to cities and states to be used at local option. The national government can say, "We are just being democratic and getting Washington off your back." The educational establishment can say, "We are using the money where it is needed most." And all we can say is, "But the children are hungry."

Child nutrition programs have many friends in Congress. Under the leadership of such stalwart veterans as Carl Perkins and Hubert Humphrey, they will endeavor to stop the dismemberment of school foodservice. But it will not be easy.

We are now 27-years-old. Let us hope that this is our prime, for we have ahead of us the fight of our lives.



## CARDINAL COOKE'S EASTER MESSAGE

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. KOCH. Mr. Speaker, in his Easter message, Terence Cardinal Cooke, Archbishop of New York, rejoiced at the end of the Vietnam war and the return of our soldiers and prisoners of war. But, he also remembered "the difficult situation of the different groups of young men who refused to serve in the Armed Forces." It is not surprising that the breadth of the cardinal's generosity and compassion should extend to those who are often neglected by lesser men in our country's thoughts of postwar renewal. Cardinal Cooke said:

Is it too much to hope that our nation's leadera will be able to balance a genuine respect for the laws of our land with true compassion in the case of those who for sincere reasons would not serve in the military? We pray that they will discover a way for those young men to offer a fitting substitute in service and to return to their homes.

Mr. Speaker, spring is a time of renewal for persons of all religions. And it is therefore also a time for reconciliation. The time has come to bind the wounds of Vietnam, to put behind us the divisions and enmity that the disagreements over Vietnam have etched in our society. As in any reconciliation, understanding must be forthcoming for all of the legitimate differences of those holding differing views. And this understanding must extend to those who left the country because they could not in good conscience fight in the Vietnam war. We must recognize that we will never achieve the sought-after reconciliation if we leave over 50,000 of our youths to live in exile.

It is interesting to note that in the same week the Cardinal, in the generosity of his spirit, asked for "true compassion" and understanding for those who left the country, Henry Kissinger asked for "compassion" for those administration officials involved in the Watergate affair. In my judgment it would be a gross injustice to include those who refused to fight what they considered to be an immoral and unconstitutional war in the same category as those administration officials who violated a public trust. But the juxtaposition of these two pleas for compassion lends an ironic chord to President Nixon's unyielding statements a few months ago that the draft resisters had broken the law and had to pay the penalty. Perhaps Henry Kissinger will recommend compassion to the President on behalf of those war resisters. I hope so.

May I suggest that with the perspective lent by Watergate, perhaps the President should reexamine his own conscience and his own severe judgment of the draft resisters. Can we not put together a "respect for our laws" and an understanding for the draft resisters, as suggested by Cardinal Cooke, by offering amnesty in return for 2 years of civilian service?

Mr. Speaker, on the first day of the Congress I introduced a bill, H.R. 675, to provide amnesty to draft resisters who returned to this country and provided two years of civilian service. I have suggested that they work in VISTA, Veterans' Administration and Public Health Service hospitals, and community social service agencies. It is time that we make this effort in self-renewal and provide our youth with this opportunity to return.

Archbishop Terence Cardinal Cooke's Easter message follows:

CARDINAL'S RESIDENCE,
*New York, N.Y., April 22, 1973.*

DEAR FRIENDS IN CHRIST: The spirit of Easter is perfectly embodied in the passage from the prophesy of Isaiah which Our Lord applied to Himself:

"The Spirit of the Lord is upon me;
Therefore he had anointed me,
He has sent me to bring glad tiding to the poor, to proclaim liberty to captives,
Recovery of sight to the blind and release to prisoners,
To announce a year of favor from the Lord."

The message of the Risen Christ is above all the message of hope. How fitting it is that we celebrate Easter in the Springtime when the very earth renews itself. All of nature springs to life in celebration of the fact that Christ has conquered death, and with it, despair.

In our gratitude to God for His loving-kindness, for His gift of a Risen Savior, may we contemplate in what measure we are blessed. Not the least of those blessings this Easter is the ending of the agony of a long and difficult war. We rejoice, this Easter, that our prisoners of war who have suffered so much are reunited with families and friends. We remember the sacrifices of those who, at the call of duty, were separated from their families—and those many thousands who will never be reunited with their families until all of us are met together in the Risen Lord.

His Resurrection is the root and cause of our salvation, and salvation, in Holy Scripture, means sanctification and redemption and the coming of the Kingdom of God. It also means reconciliation.

In a special way this Eastertime, we consider the difficult situation of the different groups of young men who refused to serve in the armed forces. Is it too much to hope that our nation's leaders will be able to balance a genuine respect for the laws of our land with true compassion in the cases of those who for sincere reasons would not serve in the military? We pray that they will discover a way for those young men to offer a fitting substitute in service and to return to their homes.

In Christian hope let us pray that the move towards reconciliation in South Vietnam may

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mark the beginning of a "year of favor from the Lord!"—a reconciliation which we pray will spread to the North of Ireland and to the Middle East. Reconciliation, of course, must begin first of all in our hearts. It must be present in our daily lives, in all our personal relationships. We must make it a reality in our families, between parent and child and between brother and sister. And we must be reconciled in our communities so that neighbor can live with neighbor in trust and love.

Christ's Easter greeting was "Peace be with you." This year may this Scripture message be fulfilled in our hearing.

Faithfully yours in Christ,

TERENCE CARDINAL COOKE,
*Archbishop of New York.*

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## CHAIRMAN ROGERS SPEAKS OUT ON CANCER RESEARCH AT FETE ON ROSWELL PARK'S 75TH ANNIVERSARY

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. DULSKI. Mr. Speaker, the 75th birthday anniversary observance last week of Roswell Park Memorial Institute in Buffalo, N.Y., offered a forum for our distinguished colleague, the gentleman from Florida (Mr. ROGERS) to give us a policy statement on cancer research.

Mr. ROGERS, chairman of the House Subcommittee on Public Health and Environment, spearheaded in this Chamber the enactment of the National Cancer Act 2 years ago.

Some 700 persons gathered for Roswell Park's anniversary affair, including the leaders of our community and distinguished cancer research scientists from around the world.

In his hard-hitting speech, Mr. ROGERS made it clear that the conquest of cancer "is not right around the corner, but I do believe we are filling the gap. We are still at arm's length with the killer."

He commended the broad support in Congress and elsewhere for cancer research, but bemoaned the lack of backing which was forthcoming from key areas, in particular, the Office of Management and Budget in the White House.

SPEECH DESERVES WIDE READING

Mr. ROGERS' excellent presentation on cancer research deserves wide dissemination and needs to be read in context. Therefore, I shall include the full text as a part of my remarks. He was accompanied to the dinner by his able subcommittee counsel, Steve Lawton.

Rosewall Park Memorial Institute had a humble beginning 75 years ago when the late Dr. Roswell Park and the late Edward H. Butler, Sr., then publisher of the Buffalo Evening News, joined forces to convince the State of New York that it should appropriate $10,000 to establish an institute for the exclusive study of cancer.

Over the years this institute has grown in every respect and now is not only the oldest cancer institute but also is one of the largest in the world.

Many significant discoveries in the treatment and control of cancer have originated at Roswell Park, and its staff includes many of the foremost researchers in the world.

DISTINGUISHED ALUMNI

As an example of its contributions in manpower to other research facilities, eight of the nine scientists who participated in a symposium preceding the anniversary dinner were alumni of Roswell Park. Two of the alumni are headquartered now in Canada and Australia.

Presiding at the dinner was the health commissioner of New York State, Dr. Hollis S. Ingraham, who paid tribute to the present director of Roswell Park, Dr. Gerald P. Murphy, and to his predecessors for their leadership over the years. He said of Dr. Murphy that he is "a noted scientist and administrator."

As part of my remarks I include the text of Congressman ROGERS' speech, as well as proclamations and messages from government leaders and a message from the Vatican on behalf of Pope Paul:

SPEECH BY THE HONORABLE PAUL G. ROGERS, CHAIRMAN, SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

I wish you a very happy 75th birthday. Roswell Park has two ingredients which are necessary for greatness. First, it has durability, after 75 years, the oldest comprehensive cancer center in the United States and indeed the world. Second, that tenure has been marked with brilliant men and women and major medical and scientific landmarks in the fight against cancer.

But Roswell Park's well-known talent of the past holds no superiority to the compassionate physicians, brilliant researchers and competent administrators that guide Roswell Park today—men such as Jerry Murphy and his colleagues.

Unfortunately, I need not remind anyone here tonight that we are still at arm's length with the killer. But fortunately, I think that we are on the trail and that the commitment which the Congress has placed on finding answers to this dread disease will bear fruits in the foreseeable future.

That is not meant to mean that I would take the overly optimistic stand that some have and say that a cure is right around the corner. But I do believe we are closing the gap.

I know that many, both inside and outside the cancer community, had their hopes raised by the passage of the National Cancer Act. The legislation promised no instant cures, no miracle against a dread disease that has baffled man for centuries. But the legislation signaled a renewed and expanded commitment of a portion of this nation's financial resources and human talent to the fight against cancer.

BILL PROVIDES MECHANISM

I am proud of the part that our subcommittee did play in that legislation. And I believe firmly that it represents a mechanism to accomplish many things—if this law is implemented in the fashion and spirit in which we wrote it.

Our subcommittee has followed closely the progress of the National Cancer Institute since sixteen months ago when the President signed the Cancer Act. There is much with which to be pleased.

Dr. Rauscher, the director, has brought immense talent and energy to the Institute and distinguished members of the Panel and the Board are pursuing their responsibilities with great dedication. But in all candor I must say that I am concerned with reports of bureaucratic rigidity—"Palace Guard" intrusions—and of deeds left undone.

I am concerned that the Administration not waver on its pledge to give cancer a unique position among this nation's priorities.

I am concerned that the very morass of bureaucracy which we intended the Cancer Act to help simplify is growing rapidly around the cancer program, again threatening to slow down progress and decisive action.

AREAS FOR CONCERN

I am concerned by recurrent reports that vital information on the needs of the cancer program is being filtered by certain "palace guards" who do not share the sense of urgency which we who wrote the law, the President who signed the law, the scientists who apply the law, and the American people, share.

And I am concerned that the proposed elimination of training grants in the National Cancer Institute—as well as those in all other institutes of NIH—will have a disastrous effect on the very research which is necessary to wage an effective fight against cancer.

The fact that there has been a position open on the National Cancer panel since February indicates that priorities assigned by Congress have slipped somewhat.

The fact that the Director of the National Cancer Institute has no deputy, and that the head of the division of cancer cure and prevention has yet to be named says that qualified men on the outside are hesitant to accept these jobs—perhaps and hopefully only because of financial reasons. And this too concerns, me.

Tell-tale signs of budget problems and indecisive support at OMB and at the staff level at the White House paralyzed the decision-making processes in the Cancer Institute for months. And it was only because Chairman Benno Schmidt, of the President's Cancer Panel had a personal entree to the White House over and above the Office of Management and Budget that the National Cancer Institute was assured of its $432 million spending level.

And it was not until Chairman Schmidt made a public announcement that there would be $432 million available that the decision became known, assured, and difficult to rescind. All of the reports called for by the law, due the Congress and the American people are late—unnecessarily.

CONTROL PROGRAMS MOVING

I am encouraged that one of the segments of the law which I feel very strongly about—the control programs— although slow to develop—is beginning to move. To me, this program represents a true opportunity to find and help target groups of the population at a time when we cannot offer total prevention via methods as we can in cases of communicable disease.

I have been deeply concerned over the power that the Office of Management and Budget has exercised over all health legislation over the past years. In far too many instances, the Congress writes law, the law is signed by the President, and then OMB comes in like a fiscal piranha and picks the program clean. Even the National Cancer Act, certainly one of the most heavily supported pieces of health legislation to come out of Washington in this century, did not completely survive the knife.

The swath cut by OMB through health programs, research, and education demonstrates little regard for the purposes of these programs or for the Congress. There can be no doubt that financial fat exists in some of these programs, and the Congress will examine these programs and take action. But conversely, the Congress wrote those laws to be administered in good faith and expect that they be so administered.

GENTLE ADMONITIONS

Since you know of my profound respect for the men and women dedicated to cancer research and since you know of my commitment to the promotion of cancer research through Federal efforts, I hope you'll forgive a few gentle admonitions which I will address—perhaps presumptuously—to the cancer research community in general.

The spotlight cast on biomedical research over the past two years is having a profound effect not only on cancer research, but on research activities in general. As you know, cancer and heart programs have achieved, through legislative action and President signature, a favored status.

Let me hasten to say that I applaud the new spotlight on cancer, and I agree that the Federal cancer program must be responsive to demands for results. Nevertheless, I submit two observations based upon our sixteen months of experience since passage of the National Cancer ACT.

First, the commitment to basic research must not be abandoned. New responsibilities for plans, goals, and quick application of findings to an immediate human payoff must not be allowed to obscure the critical need for continuation of fundamental research.

NEED BALANCE ON RESEARCH

If the new cancer money goes only to applied research, the continuing advancements toward eradication of cancer may be stalled a decade from now. Continuation of a proper balance of basic and targeted research is crucial if the conquest of cancer is to become a reality.

Secondly, and equally important, we must be on guard in order that the cancer program not be accused of holding other research programs hostage. The fact that heart and cancer research enjoyed budgetary increases and all other programs were either cut or remained substantially at the same level as last year is indicative of the new responsibilities that now fall upon the cancer research community.

You must, in my view, now lead the way toward a better public understanding of the need for research—not just for cancer, but for disease in general, both basic and applied. You must use your new status to attempt to bolster the research budget effort in general, not just cancer research.

LEADERSHIP IS NEEDED

You can lead the way in educating the public and indeed the executive branch of the necessity for continuation of traineeships and fellowships—to produce researchers and teachers.

But beware of promoting assistance only for cancer. Your new leadership should join the battle against the abandonment of commitment to all health programs—research, delivery, training.

There is only one reason why the health, medical, research and academic communities have been marked as the financial whipping boy for this budget and that is because health programs do not have highly organized constituencies and because the American public is not fully aware that work being financed and conducted by the Federal Government can and does effect the quality and availability of health care, the cost of health care and in essence, their health.

It is our job in the Congress to help bring together the greatest constituency in this Nation—the American public, for our entire population sooner or later is a health service consumer. And it is your charge to carry on the excellent work you are doing here to insure not only the best possible research and treatment for cancer—but the best possible leadership in the health field. I know you share this commitment.

You have done a great job for 75 years; I know you will not falter in the future.

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TELEGRAM FROM THE PRESIDENT

Dr. GERALD P. MURPHY,
*Institute Director,*
*Roswell Park Memorial Institute:*

The seventy-fifth anniversary of Roswell Park Memorial Institute celebrates a record of scientific accomplishments that has earned it national renown.

It was my privilege to sign into law the National Cancer Act of 1971 providing for an unprecedented expansion of the national cancer research and control effort. The work of institutes such as Roswell Park is basic to the success of the course we have charted to conquer this dread disease.

I find it particularly gratifying to commend those associated with the institute on their close cooperation with the Federal Government, and to express the hope that this same spirit will continue to mark our reinforced national cancer campaign.

My warmest congratulations go out to you and your colleagues on this auspicious occasion, as do my best wishes for every success in all your future endeavors.

RICHARD NIXON.

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APRIL 17, 1973.

DEAR DOCTOR MURPHY: Having been informed of the coming Seventy-fifth Anniversary of the Roswell Park Memorial Institute the Holy Father has asked me to convey his congratulations and best wishes.

His Holiness hopes that the celebration will be the occasion not only of grateful memories of past accomplishments but also of earnest resolution to expend even greater effort in the future in an area of research and medical service which is of such vital importance. He views the work as a worthy affirmation of human life and an effective expression of compassion towards those who are ill. The Holy Father prays that God may continue to bless you and your colleagues with those insights of science and those sensitivities of human concern which will not only enlighten the mind of man but will also ease his burden of suffering and pain.

With every good wish, I remain

Sincerely yours,

J. CARDINAL VILLOT,
*Vatican Secretary of State.*

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APRIL 20, 1973.

DEAR DR. MURPHY: The marking of Roswell Park Memorial Institute's 75th Anniversary is an occasion of great pride, not only for the State Health Department but for all the people of New York State.

Since its humble founding in a three-room laboratory in 1898, the Institute has developed into one of the largest and most respected cancer research and treatment centers in the world. The outstanding accomplishments of its highly skilled medical researchers—both past and present—have made Roswell Park an internationally recognized leader in man's continuing search for the causes and cures of this dread disease.

Thousands of New York residents owe their lives to the advanced diagnostic and treatment facilities of the Roswell Park Hospital. And hundreds of thousands of Americans are alive and well today thanks to the important medical breakthroughs made by Roswell Park scientists.

It is indeed fitting that national, international, and statewide leaders will gather on May second to pay tribute to this great Institution's 75 years of service to mankind.

My personal compliments to you and your dedicated staff and to all those in attendance at the anniversary celebration.

Sincerely,

NELSON A. ROCKEFELLER,
*Governor, New York State.*

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MAY 2, 1973.

DEAR DOCTOR MURPHY: The State of New York is richly endowed with facilities committed to safeguarding man's physical being and to the healing of those stricken by illness and disease.

None, in my view, can transcend in noble achievement the dedication and energy which have been expended to advance the Roswell Park Memorial Institute to world renowned prominence in cancer research.

Since its founding by Dr. Roswell Park, the Center has reflected extraordinary human qualities which have inured to the comfort of its patients for three-quarters of a century.

Many devoted, able and loyal men and women of medicine have contributed with a high degree of skill to the Center's many scientific accomplishments.

Upon this the 75th Anniversary of Roswell Park, I join with other residents of our State in expressing our gratitude and praise for outstanding service to humanity.

Sincerely,

JOHN P. LOMENZO,
*State of New York,*
*Secretary of State.*

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PROCLAMATION

Whereas, on May 2, 1898, Dr. Roswell Park and Edward H. Butler, Sr., founded what is today the oldest cancer research institute in the world—Roswell Park Memorial Institute and

Whereas, today, on its seventy-fifth anniversary, the citizens of Buffalo extend congratulations and thanks for Roswell's many contributions in the fight to conquer cancer; and

Whereas, we are proud to have here in Buffalo one of the most comprehensive cancer centers in the world, devoted to treatment, research and education of this dreaded disease; and

Whereas, we salute all at Roswell for the care, the hope and the comfort they have brought to so many patients—many of them our neighbors; and

Whereas, the development and sharing of knowledge born at Roswell must and will one day contribute to the successful control and eradication of cancer.

Now, therefore, I, Stanley M. Makowski, Mayor of the City of Buffalo, do hereby proclaim Wednesday, May 2, 1973 as "Roswell Park Memorial Institute Day" and hereby express the heartfelt gratitude of all our people who acknowledge with profound appreciation the worldwide recognition of Roswell's scientific successes in the fight to conquer cancer.

STANLEY M. MAKOWSKI,
*Mayor of Buffalo.*

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PROCLAMATION

Whereas Roswell Park Memorial Institute, the oldest and one of the most comprehensive cancer centers in the world celebrates its 75th Anniversary on May 2, 1973, and

Whereas since its founding May 2nd, 1898 by Dr. Roswell Park and Edward H. Butler Sr., its staff today of twenty five hundred dedicated men and women as a team continually search seemingly endless traits and careers to bring hope and comfort to those afflicted with this dreaded disease, many of them our neighbors-and-

Whereas Roswell's leadership and sharing of knowledge in treatment, research, education and rehabilitation must and will one day conquer cancer-and-

Whereas the people of Erie County all share the pride of having here in Buffalo, Orchard Park, Springfield and West Seneca world renowned research facilities where some of the world's finest scientific minds in biology, chemistry, physics and medicine concentrate on one of the deepest of all medical mysteries—cancer,

I, Edward V. Regan, Erie County Executive do hereby extend the heartfelt gratitude of all our people who acknowledge with deep appreciation the 75 year history of Roswell's world wide reown in the fight to conquer cancer and do hereby proclaim May 2nd, 1973 Roswell Park Memorial Institute Day.

EDWARD V. REGAN,
*Erie County Executive.*



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MEDICAL SOCIETY GREETINGS

The Western New York Medical Historical Society wishes to convey its good wishes and congratulations to the Roswell Park Memorial Institute on the anniversary of its 75th year.

This is an event which is significant both from medical and historical aspects and, since these are the concerns of this Society, we wish you to know that we are aware of the importance of the occasion.

The contribution of the Roswell Park Memorial Institute to medical research has brought international recognition to Buffalo and this renown is reflected upon the entire medical community.

We foresee many more years of excellence.

LOUIS BAKAY,
*President, Western New York Medical Historical Society.*

ANNIVERSARY INVOCATION

Following is the text of the invocation by the Reverend Lewis R. Bigler, Roswell Park chaplain:

Oh Lord, Our God, Thou art full of love, and we are fortunate to know Thee as Our Father. Help us to reach with the hands of our spirits to enfold Thee in our hearts where we can cherish Thee very close to our spirits. So that through this intermingling we may find the wisdom and the strength to search and find the solutions we seek. To wipe away the gloom of fret, brighten our eyes with hope, lift the heart that it may sing in faith; and in Thy time, O Lord, direct us out of our blindness. Until then, keep us in Your presence, continually guiding our work in Thy love. Amen.

## LET US TRY EMPTY MEAT COUNTERS

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ZWACH. Mr. Speaker, when I read our metropolitan daily newspapers, here in Washington and from Minneapolis and St. Paul, Minn., and the rural press, both daily and weekly, I am struck by the difference in outlook of the writers in regard to food prices.

While the metropolitan dailies, in general, complain about high food prices and mention little about high prices of everything else, the rural press, more often, tells it like it is, pointing out that while food prices are high, wages are higher and so are the costs of other things such as medical care, automobiles, etc.

Fred DeCoursey, editor of the Mille Lacs Messenger at Isle, in our Minnesota Sixth Congressional District, recently wrote an excellent editorial on food prices in which he pointed out that those prices, over the past 20 years, have not increased as sharply as did wages and other every day items.

Mr. Speaker, to give Editor DeCoursey's editorial the widespread readership it deserves, with your permission, I would like to insert it in the CONGRESSIONAL RECORD and commend its reading to every member of Congress:

LET US TRY EMPTY MEAT COUNTERS

We're still eating just as much meat at our house as we have been in the past. Meat prices have gone up, but so has everything else—and in the past 20 years, meat and food prices have not increased in the same proportion as wages and other every day items.

Twenty years ago most of us were making about one third or one quarter what we are today—food prices weren't that much lower.

In checking back in the 1953 file copies of the Messenger the grocery ads in Isle at that time showed the following comparison with today's average prices. Remember, the items listed in the ads 20 years ago were the specials—the sale items.

| | 1953 | Today |
|---|---|---|
| Bacon, 1 lb. | 69¢ | 79¢ |
| Beef roast, pound | 39¢ | 79¢ |
| Ground beef, pound | 49¢ | 99¢ |
| Picnic hams | 43¢ | 69¢ |
| Tube of 4 tomatoes | 37¢ | (1) |
| Frozen strawberries | 4/$1 | 3/$1 |
| Can baked beans, 28 oz. | 29¢ | 35¢ |
| Hills coffee, pound | 85¢ | $1.05 |
| Heinz ketchup, 14 oz. | 25¢ | (2) |
| Star Kist tuna | 33¢ | 39¢ |

[1] About the same.
[2] Same.

Grocers in 1953 seemed to be reluctant about advertising meat prices—probably because they were too high!

I get a kick out of reading where the big city housewives are boycotting the meat counters because beef is high when their husbands, plumbers, carpenters, electricians, etc., are now earning from $5 to $10 per hour. Small town folks are, of course, hurt worse when prices rise, because prices are the same in the cities as in the small towns while incomes are always higher in the cities than in the small towns.

What would really hurt would be having the farmer boycott the market and not market his beef! If meat counters were empty for a few weeks the consumer would get plenty tired of eating spaghetti (without meat), fish and vegetables.

## THE FEDERAL GOVERNMENT AS MODEL EMPLOYER?

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, at the request of the Senate Labor and Public Welfare Committee, the General Accounting Office has just recently presented a study on the effectiveness of the Occupational Safety and Health Act of 1971 in relation to the Federal Government.

Through the GAO, questionnaires were sent to 49 Federal departments and agencies requesting information on their progress in developing safety and health programs. In an attempt to gather first-hand information regarding Federal job safety, the GAO inspected the workplaces of four Federal Agencies in the Washington, D.C., area. As a result of these inspections Federal agencies were found to have over 200 instances of noncompliance with OSHA safety and health standards. Areas of noncompliance included mechanical, electrical, fire, and housekeeping hazards which could seriously injure employees.

Up to the present time, however, OSHA's enforcement and inspection practices have differed significantly between private business and Federal Government enterprises. Most of OSHA's activities in relation to Federal Agencies have involved only the dissemination of information and the planning of future efforts. This state of affairs must not be allowed to continue. In 1971, the Federal workforce suffered 37,000 disabling injuries which cost $118 million for compensation and medical expenses alone.

Following the release of these figures, President Nixon stated in regard to OSHA:

As the nation's largest employer, the Federal Government has a special obligation to set an example for safe and healthful employment.

Then, in an attempt to remedy the situation he issued Executive Order 11612 authorizing the Secretary of Labor to evaluate the safety and health programs of Federal Agencies and, with the consent of the agency head, conduct workplace inspections.

At this same time, OSHA developed a four-step safety plan for Federal agencies, devising new systems for recording and reporting accidents, establishing methods for evaluating programs, developing promotional campaigns creating the incentive for improved programs and designing model programs for use by agencies.

Forty-five of the 49 agencies surveyed by the GAO had some form of safety program. Forty of the 45 agencies having inspection programs documented violations of safety and health standards and 34 of those 40 maintained some record of inspection. These existing programs, however, lack consistency and overall direction with wide variations in the level of attention to which safety violations are brought. The time allowed for corrective action in the instance of safety violations varies greatly as well as the time between initial and followup inspections. The survey also uncovered the fact that Federal agency inspections tended to concentrate on safety hazards rather than on health hazards.

In all four of the Washington area agencies inspected by the GAO, mechanical hazards existed which could cause employees to be seriously injured. At three of the four agencies, noise levels were above those specified in OSHA standards. Ventilation problems existed in all four agencies as well. Of the 49 agencies surveyed, 33 said either their employees were exposed to toxic substances or harmful physical agents above standard tolerances or they did not know whether the employees were so exposed.

As a result of the investigation, the GAO came to the conclusion that OSHA's leadership role in improving Federal agency safety and health programs has been limited and needs to be strengthened. It was, therefore, recommended that OSHA should bear a responsibility in the Federal sector similar to that which it bears in the private sector.

It is my considered opinion that the Federal Government has the responsibility now more than ever of becoming the leader in job safety. I would like to put the OSHA administration on notice of my subcommittee's plans to hold oversight hearings on the act sometime this year, during which, I plan to delve into the area of Federal Government occupational safety. It is my intention to guarantee every Federal employee a safe and healthful place to work.



## PUBLIC ATTENTION DIVERTED FROM RECENT COMMUNIST ADVANCES

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. RARICK. Mr. Speaker, recent events leave little wonder why Americans are concerned over the direction their country is taking.

Dr. Henry Kissinger is in Moscow, sipping champagne and planning "most-favored nation" status for Russia so that they can obtain easy U.S. credit. He is also arranging for Comrade Brezhnev's June trip to Washington, D.C.—our Nation's Capital. At this same time Reds in Mexico have kidnapped the U.S. consul.

And while all this is going on, the Washington Post carries a human-interest story of a nun turned guerrilla who complains of torture in Bolivia when captured while serving in the Moscow-oriented Army for National Liberation. This is the same type Moscow-oriented "civil rights" group which kidnapped the U.S. Consul General Leonhardy, in Mexico. The communique from the kidnappers ended, "We shall overcome."

This is what has been happening while the attention of the American people has been focused on Watergate. Certainly the Watergate has served the opinion-makers well by diverting the attention of the American people, casting a shadow over their confidence in their Government and thereby shielding numerous Communist advances from the general public.

I include related newsclippings to follow:

[From the Washington Star, May 5, 1973]

BREZHNEV, KISSINGER CONFER

Moscow.—Foregoing the Kremlin for a wooded country estate overlooking the Volga River, presidential adviser Henry A. Kissinger began talks today with Communist party chief Leonid I. Brezhnev on a planned Brezhnev trip to Washington.

Brezhnev's chief reason for seeing Kissinger was to confer with him on talks with President Nixon expected next month.

"We hope to review bilateral relations and the possible summit agenda," said Kissinger as he arrived yesterday from Washington.

After sipping champagne for half an hour at the airport with the men who met him, First Deputy Premier Vasily Kuznetsov and Anatoly F. Dobrynin, the Soviet Ambassador in Washington, Kissinger and Dobrynin left for Brezhnev's hunting villa at Zavidovo, 75 miles northwest of the capital. U.S. Embassy officials said Kissinger was expected to stay until Monday at the hunting lodge.

Besides the Brezhnev trip to Washington, now tentatively planned for June 25, diplomatic sources said Kissinger also was expected to discuss reductions of military forces—Europe, further limitations in nuclear weapons and increased East-West trade.

The officials said they expected Kissinger to leave Monday for Leningrad. On his three previous trips to the Soviet Union, Kissinger said he would like to visit the former Czarist capital, but he has yet to get there.

[From the Washington Evening Star, May 5, 1973]

MEXICAN LEFTISTS HOLD U.S. CONSUL

GUADALAJARA, MEXICO.—Three leftist terrorists kidnapped U.S. Consul General Terrence G. Leonhardy yesterday evening and said they would kill him unless the Mexican government freed 30 prisoners and flew them safely to Cuba.

Reports said shots were fired during the kidnaping, but there was no indication whether the 58-year-old consul general, who is married and has two children, was injured.

Leonhardy was abducted between 6 p.m. and 8 p.m. as he drove home alone from the consulate after attending the inauguration of an antinarcotic campaign exhibition.

A boy who said he saw the kidnaping told police the men blocked the path of Leonhardy's car with two other cars, put him in one of them and then transferred him to another vehicle.

The armed Revolutionary Forces of the People claimed responsibility for the kidnaping and said the prisoners, to be named later, should be gathered in Mexico City tomorrow.

The group said Cuban Ambassador Fernando Lopez Muino should be interviewed on television at 4 p.m. that day; and if he confirmed the prisoners were in Havana; then Leonhardy would be freed.

It warned there should be "no vigilance or police-military mobilization in the State of Jalisco during the negotiations and until we return the bourgeois we have arrested."

Publication of the guerrillas' communique by leading Mexico City and Guadalajara newspapers, which it named, "will indicate the acceptance of the 'government' of our demands," the terrorists said.

"If newspapers published May 5 do not print (the guerrillas' communique,) as an answer to our demands, we will proceed to execute the arrested."

The terrorists said another "political communique directed by us to the workers and students of the country" should be transmitted by television and radio at 8 p.m. today and published on the front page of tomorrow's newspapers.

"We will admit no negotiations outside the stated demands.

"Any delay in completion of these demands will bring as its consequences the judgment of the bourgeois who is in our power, and this can be in any moment from the date of this document."

The communique ended with the phrases: "For the Proletarian Revolution We shall overcome."

Leonhardy was deputy chief of mission in San Salvador before coming to Mexico. A career diplomat, he entered the foreign service in 1942 as consul in Barranquilla, Colombia. He later served in Copenhagen, Madrid, Mexico City and the State Department in Washington, D.C.

Leonhardy's wife, Lee, was to fly to Guadadajara from San Antonio, Tex. She had left Thursday on a 10-day visit to Montana.

[From the Washington Post, May 6, 1973]

NUN TURNED GUERRILLA TELLS OF TORTURE AS BOLIVIAN PRISONER

(By Terri Shaw)

An American woman who made the long political journey from Maryknoll nun to guerrilla preaching armed violence in the barrios of La Paz sat in a Washington living room last week and calmly described what it's like to be a political prisoner in Bolivia.

"I was kept in a little closet about two by three yards with nothing in it," said Mary Harding, 41, in a soft, New England-accented voice. "They gave me nothing to eat. After midnight each night, two men came in. They stripped me and beat me with a piece of wood.

"I suffered a broken coccyx—that's the tailbone—and it was very hard to sit down. They handcuffed my right arm to my left leg so I had to sit down all the time.

"I was arrested on Tuesday, and I signed a confession on Friday," she said. "On Saturday and Sunday they didn't touch me and on Sunday they gave me food."

Miss Harding was held at the Bolivian Ministry of the Interior and later in the city jail of La Paz for more than six weeks. From Dec. 5 until Jan. 13, no formal charges were filed against her, but she was extensively questioned about the guerrilla group with which she worked.

She was released after intensive lobbying by her friends in Bolivia and in Washington, inquiries from several U.S. senators and efforts by U.S. diplomats in La Paz. She was deported from Bolivia to the United States on Jan. 14.

Juan Jose Loria, minister-counselor of the Bolivian embassy, said that U.S. diplomats visited Miss Harding several times during her imprisonment and reported that she was in good condition. State Department sources said that the men who visited the former nun reported that she did not appear to have been mistreated.

Loria said that Miss Harding had violated Bolivian laws by participating in the illegal Army for National Liberation, and that the Bolivian government had been "magnanimous" in allowing her to leave the country. "Now she is taking advantage of this to contribute to extremist propaganda against the present government of Bolivia," he said.

A small woman with an air of quiet strength, Miss Harding was in Washington recently on a lecture tour sponsored by the U.S. Committee for Justice to Latin American Political Prisoners and the Unitarian-Universalist Service Committee.

In an interview, she tried to explain how in 1970 she gradually reached the decision to leave the Maryknoll community and work with a small Marxist guerrilla group committed to "creating the conditions for revolution."

Miss Harding was sent to Bolivia by the Maryknoll order in 1959. Her first assignment was as a grammar school teacher in the hot, isolated town of Cobija in the jungle area of northwestern Bolivia.

It was there, she said, that her "gradual awakening" began.

The poverty of the people she lived with, their exploitation by middlemen and speculators who bought their rice cheap at harvest time and sold it later at inflated prices, and the rigidity of traditionalist priests who opposed the kind of teaching she wanted to do all contributed to her rising political awareness.

Miss Harding was later sent to the capital, La Paz, a cold, harsh city high in the Andes, where she came in contact with a different type of poverty and suffering. The experience increased her doubts about the effectiveness of a religious approach to social problems.

In 1968, Miss Harding was sent back to the United States for a rest period. Here, she was "exposed to a lot of thinking" that was new to her—the student uprising at Columbia University, the burgeoning peace movement, a new sympathy for revolutionaries in underdeveloped countries.

"When I returned to La Paz, I got permission to work in a factory," she said. "I became involved in union work, and, although I never took the responsibility of leadership, I was not liked by management. They described me as an 'agitator.'

"I didn't have to agitate though," she added. "I felt the agitation was right there. When one of the girls' baby died because she didn't have enough to eat and had to work while she was pregnant, the situation just lent itself to analysis."

She left the Maryknoll community, she said, because she was looking for an effective way to change the conditions she saw in Bolivia.

"The union could do a few things," she said, "but it couldn't make the factory operate for the benefit of the people who do the work. I knew I wanted to work for the liberation of the people of Bolivia, and I was looking for the most clear-cut answer."

Her first step was to organize evening meetings and Sunday afternoon teas for women to discuss the conditions they were living under and how they could be changed.



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"Later, I began to see that I had a responsibility to talk to these women about other noncapitalist options," Miss Harding said. "You can talk about social justice for just so long without putting it in concrete terms."

Eventually, she said, "I came to the conclusion that the answer was an armed group," the Army for National Liberation.

At first she provided "humanitarian assistance," collecting food and medical supplies for the guerrillas, mostly university students, who were attempting to gain a foothold in the countryside.

Their attempt failed when the group's leader, Nestor Paz, was killed in October 1970.

Later Miss Harding and other members of the group continued their political work among workers in La Paz.

She was asked if the decision to support violent revolution was a hard one.

She nodded, then said: "Violence becomes so relative when you live as a working class Bolivian. You live in one room with no plumbing or sewage system. You walk long distances uphill to carry water home. Your children play on those hills that are used as an outdoor bathroom at night. You're insulted and mistreated when you go to the government clinic.

"I saw too many cases of girls I worked with who lost their babies. I saw too many babies buried in those tiny white coffins.

"I thought I could help other people, mostly women to see one way of bringing about change—through armed resistance."

U.S. sources insisted that Miss Harding told the diplomats who visited her that she had not been mistreated, although one diplomat did report "some discoloration around her eye."

The sources said she was encouraged to cooperate with her captors "to get her out of there."

## NATIONAL STOCK MARKET

### HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. MOSS. Mr. Speaker, many of us in the Government are very concerned with the decline in the stock market. Much of this decline is attributable to a loss of confidence by individual investors, who are leaving the marketplace. Both the Congress and the Securities and Exchange Commission are taking steps to restore that confidence. Recently the SEC issued a position paper on the creation of a national securities market system. Under the Commission's plan all of the existing stock markets around the country, as well as the so-called third market, would be linked together via a communications network and stock brokers would be required to execute their customers' orders in that market that offered the best price, no matter where that market was located. I believe that the SEC's plan has considerable merit and include that the Commission's policy paper in full immediately following my statement:

POLICY STATEMENT OF THE SECURITIES AND EXCHANGE COMMISSION OF THE STRUCTURE OF A CENTRAL MARKET SYSTEM, MARCH, 29, 1973

I. INTRODUCTION

In the letter of transmittal accompanying the Institutional Investor Study, submitted to Congress on March 10, 1971, the Commission first endorsed the concept of a central market system to which all investors would have access, in which all qualified broker-dealers and existing market institutions would participate in accordance with their respective capabilities, and which would be governed not only by appropriate regulation but also by the forces of competition. Since that time, much has been said and written about the way in which such a system should be structured, how it should operate and who should be a part of it. Subcommittees of both Houses of Congress have held extensive hearings on this subject, have compiled numerous pages of testimony and have issued reports setting forth their conclusions and recommendations.[1] The central market system was also a frequently discussed topic at the Commission's market structure hearings held during the Fall of 1971 and was a focal point of the Statement on the Future Structure of the Securities Markets ("Market Structure Statement") [2] which the Commission issued on February 2, 1972 following those hearings.[3]

During the past year the Commission, with the assistance of its staff and the recommendations of three industry advisory committees,[4] has been devoting extensive study to the development of a central market system for listed securities and believes it is now appropriate to set forth in greater detail for public comment the fundamental principles, including the regulatory standards and competitive qualities, which shoud characterize such a system.

In undertaking this task, the Commission has been cognizant of and will continue to study with care the effect of fundamental changes already in progress. For example, it is almost universally recognized that many of the structural problems which have plagued our markets stem from the existence of fixed commission rates on stock transactions of institutional size. In addition to requiring the incorporation of volume discounts into the fixed rate system late in 1968, in April of 1971 the Commission required the introduction of competitively determined rates on the portion of orders in excess of $500,000, and a year later lowered that figure to $300,000. Since that time the Commission has indicated that competitive rates should continue to be phased in so that by the Spring of 1974, barring a showing of substantial damage to the industry, rates on the portion of orders in excess of $100,000 will be determined by competition.[5] The impact of these changes in rate structure, both past and prospective, on the structure of our markets has yet to be fully experienced.

Similarly, the Commission recently adopted a rule,[6] and bills have been introduced in both Houses of Congress,[7] to regulate the proper utilization of exchange membership on a uniform basis. Further, the Commission has adopted a rule mandating the creation of a composite last sale reporting system for listed securities [8] and has proposed another rule which would require the formation of a composite quotation system for such securities.[9] One can only speculate at this time as to the nature and magnitude of the changes which will be wrought by resolution of the issues relating to exchange membership and by the introduction of these communications systems, all of which should be accomplished in the near future.

The Commission is fully aware that much of what our markets have achieved must be preserved and strengthened, not dismantled and cast away. The United States trading markets have consistently provided a degree of liquidity unsurpassed by any other capital markets in the world. To a significant extent their performance may be attributed to the principles of full and fair disclosure of corporate and market information, coupled with vigorous enforcement programs, which have inspired the confidence of investors, large and small, at home and abroad, that our markets are fair and honest. This confidence must be maintained.

Nevertheless, the evolutionary process by which our markets change may fail to respond with sufficient alacrity to the needs of our dynamically changing economy. As the agency responsible for the fair and efficient functioning of the securities markets and the administration of the securities laws, the Commission has had extensive experience and a day-to-day familiarity with the workings of the securities markets of the United States. Therefore, we believe it is our responsibility, notwithstanding the caveats expressed in the foregoing paragraphs, to provide a reasonably detailed expression of our views concerning the ultimate form a central market system might take, particularly in light of the Congressionally expressed desire that the Commission assume a leadership role in the development of such a system.[10]

In our view, progress toward development of a central market system must be expedited, and to that end we intend to provide affirmative direction. To the extent the Commission can provide the securities industry and its self-regulators with a broad overview of the principles which we believe a central market system should encompass, they will be better equipped to exercise their initiative toward the attainment of those goals. They also will be able to plan their investments in plant and equipment so as to maximize the use of existing hardware and avoid investments which might prove incompatible with future needs.[11]

In the following sections of this paper, we set forth our preliminary conclusions and, where appropriate, the steps we plan to take, or to request the self-regulatory bodies to take, for their realization. It must be emphasized that the complexity of these issues, and the unique efficiency which our capital markets have already attained, dictate that any major structural changes be analyzed in depth before, and monitored closely after, their implementation. The Commission is desirous of receiving comments, therefore, from all interested persons on the views expressed herein.

II. GOALS OF A CENTRAL MARKET SYSTEM

Our capital markets are the foundation of our national economy because they perform the vital function of allocating one of our most precious resources—investment capital. To perform this function effectively, and to ensure the continuing availability of increasing quantities of investment capital, it is important that the markets value each security in a manner which reflects an accurate appraisal of overall supply and demand, affected as little as possible by temporary fluctuations therein. In other words, the price of a security should not vary substantially when there is little change in overall investor appraisal. The ability of our markets to work in this manner depends on their efficiency and their ability to provide liquidity. In the words of the Market Structure Statement:

"A central market system, primarily through its communications network, can maximize the opportunity for public orders to match each other and be executed in classic auction market fashion. In addition, such a system can greatly increase the depth and liquidity of the marketplace by maximizing market making capacity; that is, the ability and willingness of dealers, including specialists, market-makers and block positioning firms, to buy and sell securities for their own accounts on occasions when the other side of a public order is not readily available. This can be done by encouraging all such dealers to compete actively within the system, without any artificial restraints between component markets, to provide the necessary buying or selling power on such occasions".[12]

The Commission remains convinced that efficiency and liquidity can be maximized in these ways. All indications of investor buying and selling interest must be exposed to each other to the greatest extent practicable so as to increase the opportunity for them to offset one another. In addition, when the supply of or demand for a particular security are temporarily out of balance, it is crucial that there be market makers to help offset the imbalance.

Centralizing buying and selling interest within the central market system will ensure that a seller of a particular security can have his trading interest communicated to the greatest possible number of potential buyers (including dealers) so that he can trade with whoever is willing to pay him the highest price, maximizing the proceeds of his sale. The converse is true for buyers. The system should thereby facilitate a broker's ability to discharge the primary duty he has to his customer—to use reasonable diligence to obtain best execution of each order entrusted to him.

Specifically, the broker must have access to a communications system capable of bringing together and displaying in one location, such as a desk-top cathode ray tube (CRT) screen, the bids and offers currently available in each component market center of the system. He must also be able to execute the transaction for his customer without any artificial impediment, such as specific restrictions against dealing in particular markets within the system. In addition, there must be negotiable economic access between market centers, so that a broker can have the opportunity to be fairly compensated for his services even though not a member of the particular market center in which an order is ultimately executed.

Perhaps the most important objective of the system is to foster the development of strong competition among its participants. In discussing why and how competition among market makers should be enhanced, we said in our Market Structure Statement:

"The Commission believes that the liquidity needs of individual and institutional investors can best be provided by policies fostering the development of competition among dealers who are specialists, market-makers and block positioners. Such competition will mitigate the very difficult problem which now exists of developing and enforcing rules designed not only to prevent specialists from abusing their privileged position, but also to motivate them to perform satisfactorily under widely differing circumstances and in the light of varying risks and pressures. Nevertheless, the Commission recognizes that certain rules must be applicable to the competing specialists, third market maker and block positioning firms that will be the heart of the central market system.[13]

Normally, in order to earn a profit, competing market makers must be exposed to volume. The desire to attract business provides incentive to a market maker to bid higher or offer lower than his competitors, narrowing the spread between available bids and offers and enabling investors to buy for less and sell for more. Thus, the ultimate beneficiary of aggressive competition in market making is the investing public, particularly when that competition is reinforced by market responsibilities on the part of market makers.

Our securities markets have attracted the direct investment of savings by more individual investors than any other securities markets in the world. The fact that indirect investment through institutions has grown rapidly in recent years makes it more important than ever that the liquidity provided by the trading decisions of millions of individual investors be maintained.

If the participation of such investors is to continue, it is critically important to maintain the confidence of every investor, large or small, that his order will receive prompt and efficient handling and will have the fullest possible opportunity to meet the best available offsetting order, wherever in the system it may exist; that he can obtain prompt and complete disclosure of material facts pertaining to the trading in a given security, as well as its investment merits; and that his securities and funds will be safely and responsibly cared for.

The Commission will take all reasonable steps to ensure that the developing central market system will provide a welcome environment for the small investor.[14] For example, the Commission has initiated and vigorously will pursue regulatory action toward implementation of a composite quotation system. In the past, numerous brokers have been willing to expend the time and effort necessary to search out the best bid or best offer for those sizeable investors whose volume justified such expenditures. With the composite quotation system, however, brokers would be able to perform the same function economically for smaller investors. The early implementation of the quotation system, with appropriate regulatory safeguards, will be concrete evidence that broker-dealers and the self-regulatory organizations to which they belong remain committed to maximizing execution service for all investors.

III. THE ELEMENTS OF THE CENTRAL MARKET SYSTEM

In the Market Structure Statement the Commission defined the central market system in the following manner:

The term "central market system" refers to a system of communications by which the various elements of the marketplace, be they exchanges or over-the-counter markets, are tied together. It also includes a set of rules governing the relationships which will prevail among market participation.[15]

Following this general definition, the Commission listed certain important steps to be taken:

1. Implementation of a nationwide disclosure or market information system to make universally available price and volume in all markets and quotations from all market makers.

2. Elimination of artificial impediments, created by exchange rules or otherwise, to dealing in the best available market.

3. Establishment of terms and conditions upon which any qualified broker-dealer can attain access to all exchanges. . . .

4. Integration of third market firms into the central market system by including them in the disclosure system . . . and making them subject to appropriate market responsibilities and other regulatory requirements commensurate with the benefits they may realize.[16]

More specifically, the central market system will encompass a network of brokers and dealers, operating both from offices and on exchange floors, linked together by an electronic communications network and subject to a common regulatory framework.

As pointed out in Approach II of the two approaches set forth in the final report of the Advisory Committee on a Central Market System, issued March 6, 1973 (referred to herein as the "Central Market System Report"), participants in the system would consist of various kinds of securities professionals, such as floor brokers, non-floor (or "upstairs") brokers, specialists, odd lot dealers, third market firms, block positioners and, under certain circumstances, market makers who are exchange members but are not specialists in the traditional sense.[17] Members of the system would be free to engage in activities other than these [18] and would receive compensation for the services they perform in a variety of ways, including spreads, mark-ups, commissions, flat fees and other kinds of charges.

Certain joint functions of the system could be administered by a consortium of the stock exchanges and the NASD, which could act to ensure proper coordination among the various components of the system. This organization could be responsible for promulgating system housekeeping rules, establishing technical specifications, contracting with suppliers and operators of equipment needed for the system's mechanics, coordinating surveillance efforts and performing other appropriate tasks. The activities of this organization would be under the aegis of the Commission. In the event a member of the consortium found itself unable to concur in a decision reached by the group, or in case of the consortium's inability to take action at all, the Commission would have authority to determine the appropriate course.

In order to provide itself access to additional technical and market expertise to oversee these activities, the Commission could establish and draw upon the advice of a central market system steering committee, composed of representatives of the self-regulatory organizations, broker-dealers and the public. The Committee's public representatives, which would be selected by or with the consent of the Commission, might include members from government and the academic community, technical experts, investors and issuers of securities traded in the system. The steering committee would be constituted to reflect the needs and perspectives of all who would use the central market system and would advise the Commission in resolving fundamental policy issues relating to the system's operations.

The system initially would contemplate trading only in securities listed on at least one registered national securities exchange [19] although many of its features may subsequently be found appropriate to a system for trading unlisted securities. Furthermore, we agree with the recommendation contained in Approach II of the Central Market System Report that not all presently listed securities are necessarily qualified for inclusion in the system. As that Report suggested, eligible system securities must have sufficient investor interest to satisfy specific criteria based on the number and breadth of distribution of shares available for trading. In addition, the issuer should be able to meet minimum standards of financial substantiality, based, for example, on assets and earnings. As a practical matter, the actual criteria for system securities will probably be established initially, subject to Commission oversight, in the plans filed under Rule adopted, pursuant to which the last sale and quotation systems are to be implemented.

All members of the system would be free to trade in any eligible system securities. All transactions in system securities in which a registered broker-dealer (including an electronic communications system registered as a broker-dealer) or exchange member is involved, either as principal or agent, would have to be reported through the system and executed subject to its rules. Initially, so-called "fourth" market transactions would not be subject to these requirements, in large part because of the practical problems of imposing the obligations of the system on investors who deal with each other without the participation of a broker or a dealer. Should the fourth market develop as a means to avoid the reporting and other obligations of trading within the system, the Commission will give prompt consideration to corrective measures, including recommending legislation if necessary, to bring such transactions within the scope of the system.

*Trading rules*

One of the principal criticisms concerning present operation of the securities markets is that they are "fragmented", i.e., they do not centralize buying and selling interest. The consequences of this fragmentation are easily understood; for example, a sell order

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represented only by a broker on the floor of Market A may never have an opportunity to be offset against a bid, public or professional, represented only on the floor of Market B. A more complex hypothetical situation is illustrated by the case of an investor who tells his broker to purchase for him 100 shares of ABC if the price, now 41, drops to 40. The broker places this "limit" order, a bid for 100 shares of ABC at 40 with the specialist in Market A, where the broker is a member. During the course of the following day, ABC trades between 41 and 40½ in Market A but never trades below 40½; however, at noon 1,000 shares of ABC are crossed in Market B at a price of 39½. Although the book of the specialist in Market B was cleared of all limit orders down to the cross price, limit orders represented only in Market A were deprived of an opportunity to participate—even though the hypothetical investor was prepared to pay more than some of the buyers who did purchase stock.

An important goal of the central market system is to reduce or eliminate market fragmentation. Certainly implementation of a composite quotation system will do much to achieve this end, since a broker with instantaneous market information indicating the best bids and offers for each system security will be able to execute his customer's order in the best market available. It is when trades are completed at prices somewhat above or below the prevailing market price (usually because of their size) that the order execution process becomes more complicated because bids and offers "away" from the current price are not likely to be displayed through the quotation system, nor would any existing rules require that all markets be checked for such limit orders.[30] Indeed, under present rules disclosure of such orders would not even be permitted. Accordingly, if fragmentation is to be eliminated certain rules tying the individual market centers together must be adopted.

*Auction Trading Rule.* All securities included in the central market system would be subject to two basic trading rules, both of which were recommended in Approach II of the Central Market System Report. The first, which shall be referred to as an "auction trading" rule, would provide price priority protection for all public orders throughout the system.[31] All such orders—which would be entered into and stored in a central electronic repository by a specialist and would not be publicly available [32] would have to be satisfied, or "cleared," probably through exchange facilities, before a proposed transaction could take place.

For example, suppose the best bid in the system for ABC is 40 and the best offer is 40½. A broker representing a seller of 1,000 shares contacts Specialist A whose bid is 40 and learns that it is the specialist's own bid, that he will take 500 shares at 40, 200 shares at 39⅞ (for a bid on his book), and the remaining 300 shares at 39¾ (100 for a bid on his book and 200 for his own account). Under the proposed rule, before executing the trade the specialist would key into his desk terminal a planned sale of 300 shares at 39¾, the price furthest from the present market.[33] Instantaneously, his CRT screen would indicate, perhaps, that 100 shares were bid for on the book of Specialist B at 39⅞. Specialist A would know that to complete the trade, the order on the book of Specialist B would have to be satisfied before any transaction could be effected at 39¾. After supplying 100 shares to the customer of Specialist B and filling the 200 shares on his own book at 39⅞, Specialist A could then purchase the remaining 200 at 39¾, 100 for the bid on his book and the final 100 for his own account. Thus, any public order entered in the system would be "protected" against the execution of any transaction anywhere else in the system at an inferior price (a lower price, in the case of a bid, or a higher price, in the case of an offer) without prior satisfaction of that order.

The auction trading rule would operate similarly in the case of a "cross," a negotiated transaction arranged by the broker for the buyer or buyers and the broker for the seller or sellers (often the same broker), usually at a price away from the current market price. Unless the agreed price is equal to the best bid or offer in the system, or is between them, the proposed cross would be taken to a specialist who would have access to the electronic repository and would key in the transaction to determine how much of it would be "lost" to other limit orders recorded throughout the system.

It also may well be desirable to experiment with permitting such orders to participate in a negotiated transaction away from the market at the cross price, where that transaction involves a substantial "block" of securities.[34] Suppose a broker had found a buyer for a customer's order of 30,000 shares of ABC at a price of 39⅝. Under this version of the rule, the 200 shares on Specialist A's book and the 100 shares on Specialist B's book at 39⅞, and the 100 shares on Specialist A's book at 39¾, would participate at 39⅝. Although this would provide something of a "windfall" to customers whose limit orders are executed in this manner, it might well serve as an incentive to the insertion of limit orders, lending stability to the markets. The investor on the other side typically would not object to the added cost of satisfying intervening orders at the cross price since he has already indicated his willingness to complete the entire transaction at that price.

Under the auction trading rule brokerage would have to be allocated on a basis properly reflecting the various services performed. The brokerage commission customarily paid in respect of a limit order could be equitably allocated among those firms which participate in its execution.[35]

Consideration also should be given to whether limit orders entered in the system by specialists and other market makers should be accorded protection (subject to the public preference rule described below). If so, market makers would be better able to protect their positions, particularly in fast-moving markets, and would thus be encouraged to risk substantial positions, enhancing liquidity.[36]

*Public Preference Rule.* A second trading rule, also designed to strengthen the auction and agency characteristics of the central market system, would accord preferential treatment to public orders by preventing any member of the system from participating as principal in any system transaction unless his purchase price is higher, or his sale price lower, than any public bid or offer recorded in the system.[37] Thus, if a market maker were bidding 40 for 100 shares of ABC and a broker had entered into the system a bid representing a public order to buy 100 shares at 40, the market maker would not be permitted to buy until the public order was either filled or cancelled. In other words, a broker-dealer would be prohibited from participating in a transaction unless he were offering the investor on the other side a better price than could otherwise be obtained. Although this "public preference" rule would place some limitations on the flexibility, and in many cases the profitability, of market makers, its object would be to provide the maximum opportunity for public orders to meet. Assuming the practical problems can be resolved, we believe the rule will have this result. In effect, members of the system would surrender the rights to priority (based on times) and precedence (based on size) they would otherwise have, so that public orders could meet more-often.[38]

*Preservation of auction-agency principles*

The adoption of these trading rules would represent the Commission's commitment to the preservation of an auction agency market rather than a purely "dealer market" for listed securities. Presumably, the classic example of a dealer market is the over-the-counter market, in which it is virtually impossible for an investor's order to be executed without the participation of a dealer in the transaction. There is no facility whereby public orders can offset each other, except under the auspices of a market maker, and this rarely occurs. Since the intervention of a dealer involves an additional spread between the prices at which investors can buy and sell, it is likely that in many instances investors obtain less favorable prices on their trades than if they could trade with other investors. Further, if a customer trades directly with an integrated broker-dealer (one who acts as broker and market maker simultaneously) it is more difficult for him to determine whether he is really getting the most favorable price available than if the firm acted merely as a broker.

The Commission said in its Market Structure Statement, "to mandate the formation of a central market system is not to choose between an auction market and a dealer market. Both have an essential function and both must be put to work together and not separately in the new system." [39] Perhaps it is worthwhile to state again, unequivocally, that the Commission does not wish to encourage the creation of a purely "dealer market" for listed securities.[40] It seems clear that adoption of the above two trading rules, among other things, would preclude this result. No broker-dealer would be permitted to trade with a customer except at a price more favorable to the customer than any public order available anywhere in the system; thus, the customer could stand only to gain from a transaction with a dealer. Furthermore, by providing additional benefits for public orders, such as system-wide "protection", preference over dealers and possible participation in discounts and premiums, the entry of such orders would be encouraged, resulting in more offsetting, non-dealer transactions. In short, adoption of these rules would take the best features of the auction-agency market that exchanges now provide and expand them into principles to govern the functioning of the entire central market system.[41]

IV. COMPETING MARKET MAKERS

*Composite quotation system*

For competition among market makers to be meaningful, potential competitors must have the means to display their trading interest to the world at large so that they can compete actively rather than passively. By the same token, brokers representing investors must be able to determine at any given time the lowest price at which a particular security can be bought and the highest price at which it can be sold. It is therefore essential that a composite quotation system be put in operation as soon as possible.

Toward this end the Commission proposed Rule 17a-14. Specific advice was requested from the Commission's Advisory Committee on Market Disclosure as to how such a system should operate. That Committee's report, issued November 21, 1972, set forth a number of characteristics its members felt a composite quotation system should have. They said the system should be open to all listed securities, or at least should be coextensive with the central market system's securities. The information to be displayed in the quotation system would include a designation of each market maker who has entered quotations, or of the appropriate exchange in the case of a specialist, and their respective bids and offers.

Provision would be made to allow market makers to indicate the number of shares for which their quotations are good, if greater than a single unit of trading, but to enter quotations "in size" would not be mandatory. The last sale, cumulative volume and range for the day could also be made available, if desired. There would be no limitation on real time access to any information in the system by any user prepared to pay the applicable charges, subject to the need to regulate access to prohibit misuse of quotations and to permit pricing based on a charge per display terminal.

The Committee, with one dissent, also felt that in order to provide a central source of quotations there should be only one permissible quotation system for listed securities.[42] By this, they meant a single system in the sense of one set of rules prescribing minimum qualifications and one comprehensive data base; they did not intend to advocate any particular kind of equipment or proprietary device. Approach II of the Central Market System Report concurred in this view.

At the heart of the Report was the Market Disclosure Committee's view that, to maintain the public's expectation that reasonably continuous and orderly markets would be made in all securities quoted in the system, only market makers capable of meeting specified capital requirements and willing to assume certain obligations in respect of the market in the securities they quoted should be permitted to insert their quotations in the system. Thus, the Committee attempted to establish a nexus between the privilege of access to the quotation system and the duty to undertake market responsibilities. A variety of views as to the appropriate nature and scope of that duty is discussed below.

*Regulation of market makers*

In describing the kinds of obligations it felt users of the quotation system should assume, the Committee suggested that they should be prepared to: make a bona fide, continuous two-sided round lot (or other minimum unit of trading) market in a particular security in the quotation system for a specified minimum period of time, say, one year, and to deal in the system in such security in a stabilizing manner. . . . Furthermore, . . . a market maker should not be free, except for good cause shown, to drop out of the system in a given stock and then return at will; it should have to remain out of the system as to that stock for some suitable period, say, six months, before resuming its quotations. Any broker-dealer not prepared to make such a continuous market in a stock would be permitted to continue to act as a dealer therein, and to provide quotations upon request, but would only be able to enter bids and offers into the system through a market maker eligible to enter quotations in the particular security or through exchange facilities. Bids and offers representing customers' orders would be entered in the system in a similar manner.

The Report also recommended that, except under certain limited circumstances, any quote in the system would have to be "firm" for at least a unit of trading or any greater quantity bid for or offered.

The House Study took a somewhat different view. The Subcommittee felt that "An indispensable precondition (to creating a central market system) is that market makers be subject to rules akin to those currently imposed upon specialists which would require them to make continuous and orderly markets in those particular securities in which they have assumed responsibilities as market makers, as well as to rules against short selling and other manipulatory practices." [43] In effect, the Subcommittee took a stronger position than the Advisory Committee in that not only users of a composite quotation system but all market makers would be required to assume obligations to the market. In addition, they felt that such obligations should be akin to those currently applicable to specialists.

Approach I of the Central Market System Report took yet another position on this question—that any major changes in the way the securities markets are now regulated should come about slowly and only in response to demonstrated regulatory need. Its proponents felt that the best course would be to introduce the composite last sale reporting system and the composite quotation system and then to observe the impact on trading which results therefrom. If after a reasonable period of time it appeared that corrective regulation were desirable the Commission would be in a position to respond appropriately.[44] Approach II of that Report, while not in disagreement, emphasized the importance of assuring that any responsibilities imposed upon market makers were commensurate with benefits derived by them from the system.

After careful consideration of many alternatives on this issue of "unequal regulation" among markets, the Commission has reached a tentative conclusion which appears responsive to all relevant objectives. Prior to commencement of the kind of active competition the quotation system is expected to encourage certain basic rules affecting members of the various component market centers which will comprise the central market system must be made uniform. Specifically, there must be a uniform rule, applicable to all exchanges, regulating the proper use of exchange membership.[45] In addition, there should be a rule requiring the disclosure of completed transactions in *all* markets, which Rule 17a–15 would do; a revised rule to impose uniform regulation on short sales in all markets; and a uniform rule governing manipulative practices generally, such as the one proposed by the Central Market System Advisory Committee in its Interim Report to the Commission of October 11, 1972.[46]

Although the two basic trading rules discussed above under "Trading Rules" should eventually be applied uniformly throughout the entire system, they raise a number of technical problems, which relate principally to the need to adapt existing trading practices to new rules and new configurations of hardware and software. It is hoped they can be satisfactorily resolved prior to the implementation of the composite quotation system or as soon thereafter as possible.

On the question of market responsibilities for market makers in listed securities, the Commission is of the view that the privilege of making such markets should carry with it an obligation to contribute to the orderliness and depth of those markets, unless and until it can be demonstrated that the forces of competition can provide a sufficient incentive to the maintenance of orderly, liquid markets under most conditions. Accordingly, before the composite quotation system commences operation the Commission proposes to take two steps: it will rescind the exemption from Securities Exchange Act Rule 11b–1 now enjoyed by the regional exchanges,[47] and it will propose adoption of a rule which would require the National Association of Securities Dealers, Inc. (NASD) to file a plan providing for the regulation of its third market maker members in a manner as nearly comparable to the regulation of specialists as circumstances permit.[48]

Plans in respect of regional specialists and third market makers would not have to be filed prior to the system's introduction, however, since as the Central Market System Report has recommended, it would be unwise to attempt to design a regulatory framework for market makers prior to observing the pattern of trading which emerges after the system's implementation. These market centers will doubtless have a better notion of their regulatory needs, as will the Commission, after having had an opportunity to observe actual trading practices.[49] The plans submitted would not have to be identical to those now in effect on the New York and American Stock Exchanges (NYSE and Amex) but could be tailored to suit the individual requirements of the respective market centers adopting them. In preparing such plans the prevailing principle should be to impose responsibilities commensurate with the benefits which are realized by the members of the respective market centers.

With respect to the quotation system itself, the Commission agrees that only those willing to accept market obligations should be entitled to use the system for two-sided quotations. We also agree that there should be only one quotation system for listed securities, a system within which competition in terminal equipment, software and other features can flourish. The Commission's detailed views will be reflected in the republication of Rule 17a–14, as revised, for public comment.

*Upstairs market makers*

It is common for some exchange member firms to assume substantial security positions from time to time to facilitate block trades. A number of exchange members also act as quasi-market makers by standing ready to buy or sell medium or smaller size blocks of a limited list of securities from or to their institutional customers, usually at prices reasonably related to the current market. This phenomenon has been referred to as "upstairs" market making. As the Commission's Advisory Committee on Block Trading pointed out in its Report to the Commission issued August 7, 1972, such firms represent a source of additional market making capacity for the central market system. As long as such firms make markets in size, they have acted to complement the specialist system and are not generally considered to be in direct competition with specialists.

Once a composite quotation system is in operation, however, there is a possibility that these upstairs exchange members, as well as non-exchange market makers, may wish to compete more actively with specialists in transactions of all sizes, since they could disseminate their quotations broadly, by use of the system, without having a physical presence on the exchange floor. Further, a number of commentators have expressed the fear that if completely competitive rates become a reality many firms—particularly national wirehouses with a large retail clientele—will become dealers in many of the more active securities in which they now execute orders as agent and would choose to deal directly with their customers on a principal basis, relinquishing their exchange memberships if necessary. They conclude that the ultimate result of this activity would be the destruction of the auction market system. Accordingly, many of these commentators have called for the prohibition of trading in listed securities off the exchanges and of upstairs market making generally.

As previously indicated, however, the trading rules discussed above should effectively inhibit a firm from dealing with its customers as principal unless it were offering a price at least as good as any other in the system and better than any public order in the system. To take a further example, suppose an investor asked his broker to purchase 200 shares of ABC at the market.

The broker would promptly determine through his quotation system CRT screen that the best existing offer was 40 and that a market maker in Market A and a public customer in Market B were each offering 100 shares at that price. Under the proposed rules, the broker could sell his customer the full 200 shares as principal only at 39¾ (one eighth better than the public order) or, alternatively, he could sell 100 shares at 40

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after filling the public order. Under these circumstances, the customer would never stand to lose and often might stand to gain from dealing directly with his brokerage firm.[47]

Critics further contend that these and other well-capitalized firms would concentrate their trading in the most active securities, generally the most profitable, but would decline to deal in the less active ones. Specialists, on the other hand, are required by stock allocation practices on most exchanges to make markets in both active and inactive securities and would be placed at a competitive disadvantage. As a consequence, exchanges might seek to improve the competitive position of their specialists, it is argued, by permitting them to select the securities in which they wish to make markets; alternatively, specialists might leave the floor to make upstairs markets. If there were securities to which no specialist was assigned, the result might be a loss of continuity and orderliness in those securities at times when their interest to investors may be relatively slight.

The Commission is unable to predict whether in fact certain securities would fail to attract any prospective specialists or whether specialists, if required to compete with upstairs member firms engaged in market making without an allocation process, would decline to make markets on exchange floors. It is well to bear in mind, however, that despite its well-publicized shortcomings the specialist system has provided a reliable source of liquidity in listed securities and should not be put at risk without a proven replacement. Thus, before requiring that exchanges permit their members to engage in upstairs market making without an allocation system, the Commission intends to request its staff, with the cooperation of the exchanges, to study and report to it, perhaps on the basis of a pilot program, the likelihood of either of the consequences referred to above and their potential impact. This study would also advise the Commission on the disability of simply permitting listed securities unable to attract a specialist, absent an allocation procedure, to be placed in "cabinet" status or perhaps even delisted on the theory that their lack of activity (assuming this to be the reason for the dearth of interest in specializing) renders them unsuitable for trading on the particular exchange where they are listed.

Whether or not it is ultimately determined that upstairs market making must be accompanied by a securities allocation process, it should be noted that, as stated above, the privilege of engaging in market making on a regular basis must carry with it responsibilities to contribute to the fairness and orderliness of the market. Accordingly, if upstairs firms were to begin to make two-sided markets on a regular basis, as distinguished from taking positions to facilitate block trades in a variety of securities, they should be required to assume additional obligations to the markets in which they deal.[48]

*Direct dealing between specialists and institutions*

The Market Structure Statement questioned whether any restrictions were "necessary or desirable on dealings between specialists or other market-makers and institutions."[49] An investigation of the Amex conducted during the early 1960's discovered that the specialists on that exchange frequently held discretionary orders from their own customers which they were using to manipulate the market.[50] Following this scandal, and prior to the Special Study of Securities Markets ("Special Study") [51] the Amex adopted Rule 190 prohibiting dealings between specialists and corporate insiders. The Special Study reviewed the relationships between specialists and their direct customers, including insiders, institutions and other public customers (who often were friends or relatives). It concluded that the specialist's discretion in matching orders presented him with an opportunity to favor his own customers over those whose orders were forwarded by another firm and recommended that specialists be prohibited entirely from carrying accounts for direct customers.[52] A compromise was reached, allowing the specialist to carry public customers' accounts but prohibiting him from carrying the accounts of corporations in whose stock he specializes and their insiders, as well as accounts of institutions generally, because of the former's access to non-public information and the latter's market power.[53]

These rules have been said to place the primary market specialists at a competitive disadvantage as compared with third market makers and block positioners in respect of institutional-sized orders. The Institutional Investor Study concluded that a market maker's performance is a function of the total trading volume in any security to which he is exposed; [54] the specialist's insulation from indications of institutional buying and selling interest may render him understandably reluctant to commit his own capital, particularly to offset large orders. He lacks the "feel" of the institutional market in a stock that is available to block positioners, third market makers and, in some cases, regional exchange specialists, notwithstanding his possesion of the book, which seldom contains orders of substantial size. He may also be reluctant to assume the risk of a large position because of his inability to work actively to liquidate such a position.[55] In addition, the limitations placed upon his ability to carry the specified customers' accounts deprives him of a substantial portion of the commission revenue he might otherwise be able to generate.[56] These factors may well serve as an impediment to the development of a fully competitive central market system.

The need for Rules 113 and 190 is unquestionably more pronounced in the context of a single or dominant specialist, as distinguished from a system of competing market makers of relatively comparable stature.[57] A specialist would be deprived of virtually all opportunity to affect the market for the benefit of his own customers under circumstances where any price unjustified by market conditions could lead to a prompt response by his competitors; *i.e.*, an out-of-line quote would be subject to being "picked off" by other market makers.

When a system of competing market makers becomes a reality, it may be possible to eliminate some of the problems created by these rules without danger of permitting the potential for abuse which prompted their adoption. At such time consideration should be given to modifying the rules, as an experiment, to permit specialists to accept directly from institutional customers orders having a value in excess of $200,000. This would place the specialists in a more comparable position vis-a-vis other market makers not subject to restrictions on direct dealing and could be expected to provide needed additional market making capacity on institutional orders.[58]

The effects of modifying the rules could be carefully monitored by the exchanges and the Commission. Assuming no significant problems were observed, the stage would be set for a more substantial revision of the rules, perhaps leaving the prohibition in existence only as to corporations and their insiders.[59]

One word of caution is necessary in discussing possible modification of Rules 113 and 190. It has been pointed out that if direct dealing between institutions and specialists is permitted many institutional managers, particularly "external" managers such as advisers to investment companies, would feel obliged to deal directly with the specialists on every occasion[60] to avoid being charged with "interpositioning". They would thus forego the use of brokerage services except where virtually unavoidable.[61]

We believe such a result would be highly undesirable and is not supported by policy or law. Many institutional investors may not possess sufficient trading expertise to deal on their own in the marketplace. Even those who have sophisticated traders frequently require the services of a broker, particularly one with numerous institutional contacts, in order to acquire or liquidate a position efficiently. The desire for anonymity in many transactions also provides a legitimate and important reason for employing a broker. It would be unfortunate if the decision whether to use a broker had to be made under the threat of legal liability based on 20–20 hindsight. All investors should have discretion to determine whether and when in their judgment it is appropriate to utilize the services of a broker.[62]

This potential problem should not be particularly acute under the proposed modification, however, since the size of order as to which direct dealing would be permissible almost invariably requires the use of brokerage services. Nevertheless, if it appeared that institutional fiduciaries were under undue pressure to deal directly with market makers the Commission would take prompt action to investigate the circumstances to ensure that insitutional managers were not inhibited in exercising their judgment. If necessary, the Commission could adopt rules or recommend legislation to correct any such situation which might arise. However, the possibility that the duties of institutional managers may require clarification in the manner set forth above in no event should be permitted to deter a rational resolution of the issues raised by Rules 113 and 190.

V. MEMBERSHIP IN THE CENTRAL MARKET

*The principle of best execution*

The relationship between a customer and his stockbroker is that of principal-agent; as an agent the broker has a fiduciary duty to act in good faith with respect to his customer. Perhaps the most significant task a broker performs for most of its customers is obtaining the best available price in the execution of their orders.

Under the existing structure of the securities markets, several factors may either prevent a broker from obtaining the best execution of an order or explain his failure to do so. For example, it is now difficult in most cases for a broker to determine whether or not he has in fact obtained the best execution that was available at a particular time. Thus a broker may now feel, particularly if he holds a market order, that he is not only authorized but obliged to execute the order as soon as possible, which requires that he do so in the "usual market" for the security. Communications facilities presently at a broker's disposal make it virtually impossible for him to check all markets for a better price without the risk of "missing the market" in the usual marketplace.

In addition the rules of the particular marketplace of which a broker is a member may restrict his ability to take an order to another marketplace. These rules have been justified by the argument that a customer who engages a broker to execute an order on an exchange impliedly confers authority to conduct the transactions according to the established rules and customs of the exchange of which the broker is a member. Thus a restriction such as the NYSE's Rule 394, which inhibits a member's ability to execute an order away from the NYSE, may effectively reduce the broker's ability to discharge his fundamental duty of best execution.

The progress we anticipate towards implementation of composite last sale reporting and quotation systems should serve not only

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to facilitate but in most cases to require that a broker execute an order wherever the best price is obtainable. For one thing, a broker will be able to check all the quotations of all market makers and specialists in a particular security promptly and simultaneously. Furthermore, for reasons discussed in the next succeeding section, restrictions such as Rule 394, regardless of their past appropriateness, are incompatible with a central market system and will have to be rescinded by the time the quotation system is in operation. Thus it appears that within the near future brokers will be able, in many cases for the first time, to look beyond their own market centers to satisfy their basic agency duty to their customers.[63]

*Access between market centers*

Under existing exchange rules, a broker wishing to execute a transaction through the facilities of an exchange of which he is not a member must pay to a member of that exchange a nonmember commission, less a professional discount generally amounting to 40 percent. The fact that many exchange members (principally on regional exchanges) still use the technique known as "regular way reciprocity" to secure for themselves, indirectly, a return of a portion of the commissions they pay in executing transactions through exchanges of which they are not members, provides evidence that the 40 percent discount or "nonmember access" presently available may not reflect fully the existing economic realities of executing orders for correspondents. The necessity for a nonmember broker to enter into complex reciprocal arrangements or to sacrifice a substantial portion of the commission he has earned tends to obscure the factors on which competition for listed commission business should be based—obtaining the best security price and providing the best service to the customer.[64]

In the Market Structure Statement, the following were listed as two of the essential elements in the development of the central market system: "(e)limination of artificial impediments, created by exchange rules or otherwise, to dealing in the best available market," and "(e)stablishment of terms and conditions upon which any qualified broker-dealer can attain access to all exchanges." [65] The House Study took a further step and attempted to define the terms and conditions of such access:

"One must start with the assumption that all broker-dealers unless for some reason disqualified by lack of experience or inadequate financial resources should have equal access to a central market system. In this sense even a nonmember discount charged by members of one exchange to nonmember broker-dealers is difficult to justify. Membership in the central market system should imply equality of access, in economic terms, to all parts of the system. This is especially true if members of the system have a fiduciary duty to seek best execution of trades wherever within the system such trades are effected. This in turn requires that the concept of membership in individual exchanges be reexamined and, if necessary, replaced by a larger concept; namely membership in a central market system." [66]

This view would result in the replacement of the existing system of membership in individual exchanges with the concept of membership in a comprehensive market system comprised of all markets in which listed securities are traded.

The House Study goes on to describe the consequences of its access proposal in the following manner:

"This is not to say that exchanges themselves should be declared obsolete. Until the day when trading may be done exclusively through a nationwide electronics communications system there will be a need for trading floors. As long as this continues, it will be physically impossible to accommodate on one single trading floor all members of a central market system who might wish to trade thereon. Accordingly, some members of the system must be given priority in the use of an exchange's physical facilities. Such persons must be willing and able to perform transactions for others and should be entitled to reasonable compensation for doing so (i.e., what has been generally referred to as "floor brokerage"). In this sense, but only in this sense, should the concept of "seats" on a particular exchange have continuing validity. To put the matter differently, a seat on an exchange should not represent a monopoly on its use or economic advantages to exchange members which are disproportionate to the value of the functions they perform for others." [67]

Under the Subcommittee's proposal, membership in the system itself presumably would entitle a firm to deal at intramember rates in any component market of the system. Either such rates would be set by each exchange, or each professional member of the system would be entitled to negotiate his own rates with the members who provide execution and clearance services for him. In the latter case, members of the system would be free to negotiate their own financial arrangements with seatholders or other members for execution, clearance and any other desired services, much as is presently done by non-clearing or non-floor member firms and by nonmembers, in less direct fashion. Rates for such services would tend to reflect the true cost and value attributable to the services provided. Operational and administrative expenses could be shared by all members of the system on an equitable basis.[68]

As an illustration, suppose Broker X, a member of Exchange A, received an order from a customer to purchase 100 shares of ABC. Suppose further that Broker X then determined that the most favorable execution for the customer was available with the specialist on the floor of Exchange B, of which he is not a member. Broker X could obtain an execution by employing the services of any floor broker on Exchange B for a mutualy agreeable charge, negotiated in advance. If necessary, he could also have the transaction cleared for him through the facilities of any clearing member of Exchange B at whatever rate the two firms had previously agreed upon. Thus, Broker X would receive a nonmember commission from his customer and would have to pay charges for floor brokerage and clearance, resulting in net revenue to him roughly equivalent to what he would earn had he executed the transaction on his own exchange, assuming he did not have his own floor representative or clear his own transaction.

A system of negotiable access by all broker-dealers, as described above, appears not only to be logical and efficient but to provide the self-regulatory system.[69] Because of this the investing public can be properly served; however, its development presents a number of practical problems. Perhaps the most significant of these is the impact such a system would have on the existing structure of our self-regulatory system.[70]. Because of the need to proceed with caution when such a complex and delicate mechanism is at stake, the best course to establishment of the system described would necessarily be an evolutionary one. The House Study expresses similar sentiments:

"Although the Subcommittee believes that the foregoing describes the objectives to be sought from the standpoint of market planning, it would be unrealistic to assume that these objectives might be achieved in a single step, through legislative fiat or administrative directive. In this sense, the Subcommittee concurs with the Commission in its stress on the value of permitting markets to evolve, provided they do so in the general direction intended, and without market distortions detrimental to the public interest." [71]

It is clear that the problem of professional access to individual market centers also could be effectively resolved by the advent of fully competitive commission rates. In the absence of a fixed rate structure, each broker could negotiate his own access to any market center of which he was not a member. As has been indicated in previous expressions of the Commission's policy in this area, however, it is likely to be April of 1974 before the Commission requires that commission rates be competitively determined on the portion of all orders which exceeds $100,000, since movement toward that goal must be accompanied by thorough analysis of the impact of past changes in rates and other factors affecting the viability and health of the markets. Moreover, the question of whether fixed rates are appropriate on smaller orders has yet to be resolved.

The possibility remains, nevertheless, that the exchanges themselves may seize the initiative and determine to move toward increased rate competition on their own, prior to the commencement of the quotation system's operations. Another possibility is that the exchanges may determine to initiate a proposal for negotiated professional access before the quotation system is introduced. Should either of these events occur,[72] it would probably become less important to pursue further the concept of central market system membership as a means to economic access to all component market centers.

Assuming that neither event occurs, it will nevertheless become essential, by the time the composite quotation system is implemented, for brokers to have the ability to negotiate substantial economic access in order to compete effectively for listed business and to fulfill their duty of best execution without suffering financial hardship. Nonmember access appears to offer a suitable vehicle for moving toward this goal, but the fact that regional exchange members are still able to utilize reciprocal arrangements to achieve returns of 50 percent or more of the minimum commission indicates that at least some members are prepared to give away more than the 40 percent of a full commission permitted under the present nonmember access provisions. Thus, from an economic point of view, the present access level would seem too low in many cases.

Accordingly, it will apparently be necessary for each exchange to modify its rules substantially to increase the maximum permissible level up to which nonmember access can be negotiated. Although the exact amount of the appropriate increase has not yet been determined, it is clear that a substantially higher level of access is desirable, perhaps 60 percent. The maximum discount might well be set as high as the highest level of access currently being negotiated at arm's length by means of regular way reciprocity between regional exchange members and primary exchange members, since such rate can be expected to cover costs and provide a reasonable profit for both parties, at least for the most profitable kinds of business. Needless to say, smaller discounts could be agreed upon. The Commission's staff is presently attempting to gather data which would reveal the range of prevailing access levels.

Implementation of an increased access rate would serve several purposes. It would encourage competition, and hence efficiency, by permitting members of the primary exchanges to compete directly for the nonmember business they now compete for indirectly through reciprocal arrangements. In addition, by making access more readily available to nonmembers it would facilitate the satisfaction, on an economically viable basis, of their duty to obtain best execution

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and would enable them to shop for the best combination of price and service in execution and clearance. At the same time, it would be possible to observe the impact on stock exchange membership of this limited version of the broader proposal for system membership for all broker-dealers. This kind of an experiment should provide much valuable information, on a controlled basis, and would be of great assistance in determining whether an appropriate course is being pursued.[65]

It has been argued, as noted above, that to the extent a non-exchange member broker-dealer can execute transactions through exchange facilities at a cost comparable to that a member must pay (for execution and clearance) he will be less inclined to incur the regulatory obligations and expenses of exchange membership, unless he plans to conduct a floor-oriented business on the exchange. Under present circumstances, the principal benefit of joining an exchange, other than economic access and the right to presence on the floor, is the good will and prestige traditionally associated with membership. It is further argued that to discourage exchange membership might adversely affect the viability of exchanges as trading mechanisms by reducing the flow of orders to exchanges and would permit the proliferation of broker-dealers not subject to the pervasive regulation and standards which the exchanges historically have imposed on their members. The Commission is convinced that exchanges play a central role in the nation's capital markets and would be very concerned if either an increased access provision, or competitive rates, served to prompt an exodus of members from the national exchanges. While the following discussion indicates why the Commission believes that such an event will not occur, we intend to monitor closely the impact of any such change to determine whether the results are consistent with the public interest.

As to the question of orders flowing to the exchanges, any firm dealing with the public has a duty to obtain the best possible execution of each customer's order. This means that whenever the quote in a given security is more favorable on a particular exchange, or unavailable elsewhere, a broker will be obliged to execute the order there, whether or not he is a member. So long as any exchange continues to provide an efficient, liquid market, it will continue to attract a high level of orders. Even those firms which might wish to execute most of their listed business directly with their own customers would find it difficult to do so under the trading rules outlined above. More favorable bids or offers would be highly visible by means of the quotation system, and any trade consummated would have to appear on the composite tape. Trades between a firm and its customers would be subjected to the auction trading rule and the rule according preference to public orders, so the broker would be required on each occasion to bid higher or offer lower than any public order represented in the system. In short, it would be most difficult for a responsible broker to avoid doing much of its business on exchanges, even as a nonmember, so long as the market makers on those exchanges remain competitive. Thus, the trading mechanism provided by the exchanges should be unimpaired.

As to the effects of the self-regulatory structure, it may be that as nonmember access is increased some sort of basic redefinition of the membership status of a recipient of such access may be needed.[66] The principal issue is the extent to which the traditional economic benefits of exchange membership should be conferred free of the regulatory responsibilities shared by all members.

For example, it may be appropriate for the exchanges to explore and develop the concept of associate membership now in use on the Amex. Basically, a broker-dealer who becomes an associate member of that exchange pays a relatively small initial fee (plus a periodic assessment based on commissions earned) and is granted economic access at a rate not substantially higher than that available to members. He is not permitted to be present on the floor but is subject to the whole range of normal regulatory responsibilities of a full member. Thus, associate membership appears to afford economic exchange access to all qualified broker-dealers without jeopardizing the structure of self-regulation.

Another approach would be simply to adopt the recommendation of Approach II of the Central Market System Report that each broker-dealer transacting listed business would have to join at least one self-regulatory organization. The consortium of self-regulators referred to in Section III herein could ensure that the rules of the various bodies were enforced with equal vigor and that rules of a particular self-regulator relating to trading and similar matters could be enforced with respect to transactions by nonmembers utilizing the facilities of that self-regulator.

These and other alternatives should be studied carefully by all exchanges as promptly as possible so that a program of associate membership, or whatever approach is deemed appropriate, can be implemented by the time access is increased.

*Foreign access*

The interest of foreign investors in purchasing and selling U.S. securities has increased considerably within the last few years. Commensurate with this increased trading interest, foreign brokers and foreign banks performing the brokerage function have increasingly sought wider access to our securities markets to perform brokerage services for their customers. Subsidiaries of a number of such foreign banks and brokers currently are members of those national securities exchanges which permit such membership. In addition, several exchanges have submitted to the Commission proposals to permit extension of the present 40 percent nonmember discount to qualifying foreign brokers and, in one case, to foreign banks.

At least until competitive rates are introduced domestically, it may be expected that the interest of foreign broker-dealers and institutions in membership on and access to U.S. exchanges will continue to be strong. This interest, however, raises a number of problems, including difficulties of adequate exchange surveillance and inspection programs, particularly in view of secrecy laws in some countries, and foreign enforcement of exchange rules. These questions also exist with respect to foreign nonmember access, since the nonmember discount is intended to be limited to agency orders for unaffiliated customers.

In view of these potential regulatory problems, and the general paucity of data and expertise in this area, the Commission feels that it is necessary and appropriate to study and analyze the terms and conditions, if any, upon which foreign participation in our securities markets should be permitted. To assist the Commission in studying the subject of foreign access, we contemplate issuing a release in the near future requesting public comments on a variety of issues.

*Rule 394*

Much has been said and written about Rule 394 of the New York Stock Exchange.[67] The House Subcommittee concluded:

"In a central market system whose objectives are that customers should receive the best possible execution of their orders in any market wherever situated and that such orders be transacted at the lowest possible cost, Rule 394 has no justification. Accordingly, the New York Stock Exchange should immediately rescind the rule. If this is not done the Subcommittee will introduce legislation which will have the effect of abrogating the rule." [68]

Subsequently, the House Subcommittee introduced legislation to abrogate Rule 394.[69]

The Commission's 1965 staff study of Rule 394, however, recognized certain beneficial results flowing from a policy of centralizing execution on an exchange floor. As was pointed out in the report:

"Regulatory supervision is present on Exchange transactions. The highest bids and lowest offers are accorded priority. Public orders can often cross without the intervention of a professional dealing for his own account. Publicity is accorded to individual transactions by tape prints and to the collection of transactions by the stock tables." [70]

Nevertheless, the report concluded:

"Whatever are the advantages which these aspects offer the public, they must be balanced against the disadvantages as well as considered from the point of view of whether the same advantages could be preserved with certain adjustments in the Rule. On balance, the disadvantages seem to outweigh the advantages, and neither the Rule nor the current interpretations seem to be *sine qua non* for a healthy market operating in the public interest. It simply goes too far and encompasses too much." [71]

One of the basic reasons for creating a central market system is to enable the investing public to have the benefits of rules designed to centralize trading without impairing a broker's ability to obtain best execution. In order to achieve this centralization, all transactions in listed securities, or at least those in which a broker-dealer is involved, will have to be subject to the system's trading rules and reporting requirements. In other words, under a central market system Rule 394 would be replaced by a broader rule confining virtually all trading in listed securities to the system. The important distinction, however, is that the current disadvantages of Rule 394 would not be present.

The principal objection to Rule 394 is that it can have the effect of restricting the ability of a member firm to obtain the best execution of an order for its customer by limiting its ability to execute the order in a market away from the exchange. Since all market centers would be part of the central market system, a rule which required all transactions to be executed within that system, could never work to prohibit a broker from obtaining best execution. The broker would simply execute an order wherever in the system the best price was obtainable, subject to the system's trading rules, and report his completed transactions through the composite reporting system.

By the same token, once a composite quotation system is in effect retention of Rule 394 would create serious problems for brokers seeking expeditiously to discharge their duty to obtain best execution. Accordingly, it seems likely that the NYSE will find it in its member's best interest to rescind the Rule not later than the time when the composite quotation system is implemented. If this does not occur, the Commission will request its rescission.

VI. CONCLUSION

At the heart of the central market system we have described herein will be an efficient and comprehensive communications linkage between market centers consisting of a real-time composite transaction reporting system and a composite quotation system displaying the bids and offers of all qualified market makers in listed securities. The necessary steps which have to be taken to achieve the composite reporting system already are well under way. The next step will be to demonstrate a similar commitment to making the much-discussed composite quotation system a reality. To this end, the Commission intends to republish proposed Securities Exchange Act Rule 17a–14 in the near future.

It is clear to the Commission that the implementation of an operational communications system, without more, would necessarily precipitate some restructuring of the way securities are traded today. Rather than let such restructuring occur without rational direction, the Commission, in this policy statement, has attempted to anticipate some of the problem areas and to sketch out a broad regulatory framework within which this communications system could efficiently operate. For example, a broker will have the opportunity, for the first time, to see bids and offers in many different markets at once. To the extent the broker must execute his customer's order in a market to which he does not have the ability to negotiate economic access, he would be unfairly penalized in discharging his duty of best execution. This state of affairs would not be tolerable for long to a well-managed brokerage firm. In addition, with transactions from all markets appearing on the composite transaction reporting system, brokers must have some way of protecting their customers against transactions away from the current price which are executed in other markets. Accordingly, the Commission has suggested some approaches in this policy statement which would permit brokerage firms to accommodate their business to the realities of the new communications facilities.

The other major steps we propose may be grouped into three broad categories: first, regulation to maintain the integrity of the communications system, such as eligibility criteria for securities included, short sale regulation and anti-manipulative rules; second, regulation of competing market makers within the system, particularly with regard to their responsibilities to the market; and third, regulation to ensure that the system will maintain the best auction features of the exchange markets and thereby provide a welcome environment for individual public investors, such as the auction trading rule and the public preference rule.

A list of the steps to be taken includes:

1. Republication of Securities Exchange Act Rule 17a–14, as revised, for comment.
2. Adoption by the exchanges of a uniform rule regulating exchange membership.
3. Revision of the Commission's short sale rule to impose uniform regulation of short sales in all markets.
4. Adoption by all exchanges of a uniform rule regulating manipulative practices.
5. Revocation by the Commission of the exemption from Securities Exchange Act Rule 11b–1 for regional exchanges.
6. Adoption by the Commission of a rule requiring the NASD to file with it a plan imposing market responsibilities on third market makers.
7. Establishment of eligibility criteria for listed securities to be included in the trade reporting and quotation systems.
8. Adoption by all exchanges of a nonmember access rule which permits access to be negotiated up to a substantially higher level (to be determined by the Commission at a later date) than the 40 percent now in effect.
9. Rescission by the NYSE of Rule 394 and rescission of all comparable rules of other exchanges.
10. Adoption by the Commission of the trading rules described in Section III of this statement.

Furthermore, the Commission intends to have its staff commence a study of the potential implications of permitting widespread upstairs market making by exchange members and plans to solicit comments on the problems associated with access by foreign entities.

This statement is intended to serve as a guide for the future structural development of the securities market. The Commission recognizes that the present performance of these markets is far superior to that of capital markets anywhere else in the world and that care must be taken not to impair their functioning. Nevertheless, the markets are constantly evolving, and to the extent that a rational course can be charted for this evolution to follow it would appear desirable to do so.

This statement of the Commission's views should not be regarded as inflexible. The complexity and interrelationship of the many issues discussed herein make it imperative that they receive careful scrutiny from as many diverse sources as possible, including the self-regulatory bodies, which should be playing a leadership role in seeking to develop a central market system. Accordingly, the Commission welcomes comments on any of the views expressed herein from all interested persons. Such comments should be addressed to John M. Liftin, Associate Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

FOOTNOTES

[1] Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce, 92d Cong., 2d Sess., Securities Industry Study, at pp. 117–130 (Comm. Print, 1972) ("House Study"). Subcommittee on Securities, Senate Committee on Banking, Housing and Urban Affairs, 93d Cong., 1st Sess., Securities Industry Study, at pp. 89–135 (Comm. Print, 1973) ("Senate Study").

[2] Securities and Exchange Commission *Statement on the Future Structure of the Securities Markets*, (G.P.O. ed., 1972).

[3] In the Market Structure Statement we said that:

"In order to maximize the depth and liquidity of our markets, so that securities can be bought and sold at reasonably continuous and stable prices, and to ensure that each investor will receive the best possible execution of his order, regardless of where it originates, it is generally agreed that action must be taken to create a single central market system for listed securities. . . . This central market system must be one which will attract and reflect all bids, offers and market-making activity in order to maintain maximum liquidity and depth."

*Id.*, at pp. 7–8.

[4] The Commission has drawn heavily on the recommendations of all three committees in formulating many of the views expressed herein.

[5] *See* Hearings on S. 3169 before the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs, 92d Cong., 2d Sess., Part 1 at pp. 9, 19, 24 (1972) (Statement of William J. Casey) and the discussion of competitive rates at pp. 53–54. below.

[6] 17 C.F.R. 240.19b–2, Securities Exchange Act Release No. 9950 (January 16, 1973).

[7] S. 470, 93d Cong., 1st Sess., Sec. 2 (1973); S. 488, 93d Cong., 1st Sess., Sec. 2 (1973); H.R. 5050, 93d Cong., 1st Sess., Sec. 205 (1973).

[8] 17 C.F.R. 240.17a–15, Securities Exchange Act Release No. 9850 (November 8, 1972).

[9] Proposed Rule 17a–14, Securities Exchange Act Release No. 9529 (March 8, 1972).

[10] *See, e.g.*, H.R. 5050, n. 7 above, Section 208.

[11] Although it is not possible to estimate the actual expenditures the central market system will entail, in part because of our reluctance to present too definitive a design at this stage, we have been advised that those elements discussed herein can be implemented with existing technology and equipment.

[12] Market Structure Statement, n. 2 above, at pp. 10–11.

[13] *Id.*, at p. 11.

[14] The Commission's concern with creating this environment has been expressed in detail in Securities Exchange Act Release No. 9950 (January 16, 1973) at pp. 109–134, adopting Securities Exchange Act Rule 19b–2, 17 C.F.R. 240.19b–2.

[15] Market Structure Statement, n. 2 above, at p. 8.

[16] *Id.*, at pp. 8–9.

[17] It should be noted that Approach I of the Central Market System Report did not see a role in the system for the third market. Rather, proponents of that Approach felt that "trading in listed securities should be confined to the exchanges at the earliest possible date." While several other prominent industry spokesmen have expressed a similar view, the Commission firmly believes that third market firms have made and will continue to make important contributions to market liquidity. Assuming these firms are subject to the rules of the system, as discussed below, the Commission sees no reason to require them to join an exchange in order to conduct business.

[18] Members' activities might be subject to exchange or system rules requiring that the major portion of their revenues be derived from the securities business generally. Members also would have to be engaged in conducting a *public* securities business.

[19] This paper does not address the question of whether unlisted securities which satisfy system eligibility criteria should be traded in the system without initiative on the issuer's part, as suggested in principle by the Senate Study, n. 1 above, at pp. 133–135. Prior to 1964, Section 12(f) of the Securities Exchange Act permitted an exchange to apply for "unlisted trading privileges" in securities not listed on any exchange which offered disclosure substantially equivalent to that required in typical listing agreements. Since the 1964 amendments to Section 12 required such disclosure for many over-the-counter companies, Congress deleted this provision from Section 12(f). *See, id.*, at pp. 131–132. These issues should be dealt with at a later stage in the system's development.

[20] If a limit order were left with a specialist, and if that order were equal to or better than the specialist's own bid or offer, it would be displayed through the quotation system as one side of the specialist's quotation.

[21] After some experience with the proposed auction trading rule, it may prove desirable to extend time priority protection to orders entered in the system at the same price. If, for example, 5 bids are entered in the system at 49, the first bid in time would be executed first, and so on.

[22] It may be determined that the same result could be achieved more efficiently, although at the sacrifice of confidentiality, simply by making all limit orders available to all specialists.

[23] It would be prohibited to key in transactions merely to see the orders on the book.

[24] If limit orders are to participate in "premiums" and "discounts", they should probably be limited to those less than, say, $100,000 in value; otherwise, professional investors who learned of a potential block through the "shopping" efforts of a block broker (but were unwilling to commit themselves until the entire transaction had been arranged) could, perhaps unfairly, inject themselves or their brokers into the transaction and obtain a bargain by entering a bid ⅛ higher (or an offer ⅛ lower) than the proposed "cross" price.

[25] A broker who satisfies a limit order in a market center of which he is not a member should not have to incur any additional commission expense in so doing.

[26] If market maker orders are to be protected, it would be important to consider whether or not a broker should have discretion to fill all, or as much as possible, of a customer's order without the need to satisfy smaller but more favorable bids or offers by

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market makers, if he has reason to believe that in satisfying such orders he might lose his opportunity to execute the entire trade. It would be mandatory, however, that more favorable bids or offers representing public, *i.e.*, non-dealer, orders to be satisfied, even if smaller, so that complete public protection could be afforded.

[27] A bill pending in the U.S. Senate would achieve a similar result by requiring that any bid or offer by an exchange member would have to yield "priority, parity and precedence to public orders." S. 470, 93d Cong., 1st Sess., Sec. 1 (1973). However, the bill contemplates an exception for market makers, whereas under the proposed rule even they would be required to yield to public orders. Several exchanges presently have rules intended to accord certain preferences to public orders. *See, e.g.*, NYSE Rules 92, 108, 112(c); Amex Rules 111(d), 111.07, 150, 155.

[28] It has been suggested that market makers, in view of their responsibilities to the market, also should be accorded a trading preference over broker-dealers in the system not having such obligations, although they might still be required to yield to public orders. The advisability of this proposal would be better evaluated after nature of the respective obligations or different types of dealers has been definitively resolved and their performance observed for a period of time.

[29] *See* Market Structure Statement, n. 2 above, at p. 8.

[30] *See* the discussion at pp. 36–37, below.

[31] It might be noted that the House Study and the Senate Study recommended adoption of rules very similar to those proposed in the text. *See* House Study, n. 1 above, at pp. 128–129 and Senate Study, n. 1 above at pp. 111–112.

[32] The Committee's reasons for this recommendation are set forth in the following passage from the Report: We have considered whether the quotation system we have outlined should be the preferred, required or exclusive quotation system for listed securities. We believe the success of the central market system is dependent upon quotations from all sources appearing in one central location. Further, we believe that to permit the existence of other quotation systems, which may impose less rigorous conditions upon the entry of quotations than those we have recommended, could deprive the public of a central source of reliable, continuous quotations. Thus, even if qualification for and entry of quotations in the recommended system were to become a prerequisite to participation in any other system, we fail to understand what purpose would be served by permitting the existence of systems which at best would be duplicative and at worst incomplete and thereby misleading. Furthermore, the composite quotation system we propose would be compatible with most communications hardware and software now in use and would encourage, not restrict, the development of improved equipment and methodology. Moreover, by imposing no restrictions other than the bare minimum deemed necessary for public protection it seems reasonable to expect that the system would greatly enhance competition among market makers with the investing public the beneficiary. Accordingly, we have concluded that no broker-dealer should be permitted to quote a two-sided market through any other quotation system. Other communication systems, however, which might provide, among other things, various kinds of indications of buying or selling interest in particular securities, should be permitted.

[33] In addressing the broader question of uniform regulation of markets, the House Study reached the following conclusions:

"The keynote in the development of a central market system should be to achieve the highest measure of uniformity in rules consistent with the greatest amount of investor protection. As previously indicated, complete uniformity is not desirable if such uniformity is used as a contrivance to force upon some exchanges regulation which would have the effect of perpetuating the existing competitive advantages of various exchanges to the detriment of other exchanges and inhibiting the growth of regional exchanges. Determining the precise balance between uniformity and diversity in rules is a task which is best left to the expertise of the Securities and Exchange Commission, under appropriate guidelines established by the Congress. At a very minimum, there should be complete uniformity in standards for reporting of transactions and in prohibitions against manipulation, "painting the tape" and other undesirable trading activities. The rules requiring that public orders receive priority in trades should also be uniform. Similarly, rules governing membership on exchanges . . . should be uniform. On the other hand, there seems to be no reason why specialists on various regional exchanges which today have a comparatively low level of trading in New York Stock Exchange listed securities should be required to maintain the same minimum capital as specialists on the New York Stock Exchange." *See* House Study, n. 1 above, at p. 129.

*See also* the areas of unequal regulation referred to by William McChesney Martin in his *Report to the New York Stock Exchange* at 11–12 (August 5, 1971).

[34] The Senate Securities Industry Study Interim Report endorsed a similar position:

"Equal regulation of dealers is clearly appropriate, provided that the phrase is understood to mean that dealers enjoying similar privileges, performing similar functions and having the potential for similar market impact are treated equally. Regulation is to be imposed only when the public interest and the protection of investors requires it—never for its own sake. The call for 'equal regulation' is no guide for regulatory action, unless it is first determined who is equally situated in terms of the purposes of the regulation. The first order of business should be the achievement of a system of competitive market makers. The time to determine how the participants in a truly competitive system should be regulated is after this has been done and the configurations of a functioning competitive system are clear. Competition, in this case, must come before the regulatory questions can be answered, for until there is actually experience with a competitive system the regulatory needs cannot be known."

Subcommittee on Securities, Senate Committee on Banking, Housing and Urban Affairs, 92d Cong., 2d Sess., *Securities Industry Study Interim Report*, at 43 (1972).

*See also* Senate Report, n. 1 above, at 116–119.

[35] We believe the implementation by all exchanges of a uniform rule regulating the proper use of exchange membership, such as Securities Exchange Act Rule 19b–2, to be an essential first step in the structuring of any central market system. Without such uniformity, securities transactions may continue to be directed to particular market centers on the basis of the extraneous factors that have contributed to the fragmentation of the securities markets over the last few years. A uniform membership rule will insure that competition in the central market system we envision will be predicated on such meaningful factors as best price, execution and service.

[36] The rule recommended by the Committee would provide:

"No broker-dealer shall execute or cause to be executed, or participate in an account for which there is executed, a purchase of any listed security which is reportable in the composite transaction reporting system at successively higher prices, or a sale of any such security at successively lower prices, for the purpose of creating or inducing a false, misleading or artificial appearance of activity in such security or for the purpose of unduly or improperly influencing the market price for such security or for the purpose of establishing a price which does not reflect the true state of the market in such security."

The Committee's Report also outlined the provisions of a uniform short sale rule.

[37] Rule 11b–1 provides for the regulation of specialists. Securities Exchanges Act Release No. 7465 (November 23, 1964) announced the Commission's determination to exempt the regional stock exchanges from the Rule.

[38] After all market makers are subject to comparable regulation, it may be appropriate to experiment with the gradual removal of certain market responsibilities on an equitable basis so that it can be determined whether competition alone, or perhaps with the addition of certain other incentives, is capable of providing fair and orderly markets.

[39] We believe this point of view is consistent with the sentiments expressed by both Congressional Subcommittees on the subject of regulation for competing market makers.

[40] Should the possibility of large retail warehouses leaving the exchanges to become integrated over-the-counter firms in listed securities become real, the Commission would give consideration to the desirability and feasibility of preventing an upstairs market maker in listed securities from dealing as principal in these securities with its retail customers. The Senate Study has also suggested that it would consider the desirability of legislation either to assure that any such trading is surrounded by appropriate safeguards to prevent overreaching or to prohibit such activity. *See* Senate Study, n. 1 above, at p. 122.

[41] Those firms which take positions to facilitate block transactions may be an important market force in a particular security for a short period of time. We intend to consider whether different kinds of responsibilities, for example to maintain the orderliness of the market following a block trade, should attach to such activities.

[42] *See* Market Structure Statement, n. 2 above, at p. 12.

[43] *See In the Matter of Re, Re & Sagarese*, 41 SEC 230 (1962), 336 F. 2d 306 (2d Cir., 1964).

[44] Securities and Exchange Commission, *Report of the Special Study of the Securities Markets*, H.R. Doc. No. 95, 88th Cong., 1st Sess., (1963).

[45] *Id.*, Part 2 at 154–160, 167–171.

[46] Rule 113 of the NYSE and Rule 190 of the Amex prevent a specialist from accepting orders for the purchase or sale of any securities in which they are registered as specialists directly from the issuer or any officer, director or 10% stockholder of the issuer; any pension or profit-sharing fund; or any institution, such as a bank, trust company, insurance company or investment company.

[47] Securities and Exchange Commission, *Institutional Investor Study Report*, H.R. Doc. No. 92–64, 92d Cong., 1st Sess., Part 1 at XXII (1971) ("Institutional Investor Study").

[48] The Market Structure Statement noted that, "the ability to deal directly with institutions contributes substantially to a market maker's ability to find demand and supply (increasing his willingness to take positions and thus improving liquidity) . . ." Market Structure Statement, n. 2 above, at p. 12.

[49] The limit orders he handles do provide a flow of floor brokerage income, however.

[50] The Market Structure Statement expressed the view that "the presence of competing market-makers would reduce the likelihood of the abuses which gave rise to the existing restrictions on such dealings."



Market Structure Statement, n. 2 above, at p. 12.

[51] The Commission's Advisory Committee on Block Trading recommended that the limitations on dealing between a specialist and an institution be modified at least to permit disclosure of the identity of the institutional customer to the specialist. As to transactions between specialists and institutional customers, the Committee recommended an approach similar to that suggested in the text, *i.e.*, the specialist should be permitted to effect transactions in blocks in the specialty stock with an institutional customer. The Committee also recommended that specialists be permitted to register as "upstairs market-makers" for securities in which they do not specialize.

[52] As discussed above, in note 40, the Senate Report suggests that consideration be given to prohibiting all direct dealing between market makers of any kind and individual investors.

[53] This argument assumes specialists would be permitted to deal with these customers without charging a commission. The above proposal would not necessarily require that this occur.

[54] For example, it has been stated that:

"(I)nstitutions such as pension funds and foundations which trade for their own account more often availed themselves of the services of an agent when executing orders in OTC stocks than did those institutions acting in a fiduciary capacity. These self-managed accounts with their unencumbered best business judgment decided that the payment of an agency commission resulted in an advantage to them over dealing directly at net prices with the market-maker. The use of such agents, they believed, supplied them not only with better executions but also with valuable services such as research. Fiduciaries, on the other hand, fearing accusation of illegal interpositioning have tended to avoid the use of such agents except under unusual circumstances."

*See*, Hearings on S. 1164 and S. 3347 before the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs, *Institutional Membership on National Securities Exchanges*, 92d Cong., 2d Sess., Part 2, at 633 (1972).

[55] The kind of judgment involved in such a determination is similar to that discussed in Securities Exchange Act Release No. 9598 (May 9, 1972), which concerns itself with the selection of brokers and the negotiation of commissions in respect of institutional transactions.

[56] The legislation introduced in the House of Representatives would eliminate any rule such as Rule 394 and would specify the duty of brokers to obtain best execution of orders they hold for customers. *See* H.R. 5050, n. 7 above, Sec. 209.

[57] The House Study Report puts it another way:

"Aside from floor brokerage, the economic consequences of dealing in one market rather than another should be the same. Indeed, if a broker has a duty to seek best execution and the means of doing so (through a consolidated tape and composite quotation system, discussed hereafter), the cost of satisfying that obligation should be the same wherever the trade is accomplished."

House Study, n. 1 above, at 123.

[58] Market Structure Statement, n. 2 above, at 8.

[59] House Study, n. 1 above, at 122.

[60] *Id.*, at 122–123.

[61] Approach II of the Central Market System Report recommends a concept of system membership similar to that outlined by the Subcommittee.

[62] Under the concept of system membership recommended by Approach II of the Central Market System Report each member would have to be a member of at least one self-regulatory organization.

[63] House Study, n. 1 above, at 123.

[64] Such action would have to be accompanied by a Commission determination that no adverse effects on the viability and health of the markets would be likely to result therefrom and sustained by a finding that, after analysis of the impact thereof, no such effects in fact occur.

[65] Several exchanges presently have in effect rules which permit discounts through preferred rate memberships for certain classes of investors. Such rules generally relate to principal, rather than agency access and are not relevant here. The Commission has under review the question of whether such preferred rates are consistent with its position on the proper use of exchange membership, which is discussed at length in the Commission's release adopting Rule 19b–2, n. 6 above, a 182–183.

[66] The House bill recognizes this problem and proposes a revised definition of membership based not on the commission rate one pays but on the existence of a consentual regulatory relationship between an exchange and a broker-dealer. *See* H.R. 5050, Sec. 201, n. 7, above.

[67] Generally, the Rule prohibits the execution of transactions in listed securities other than on an exchange floor unless a complex procedure, sufficiently onerous to discourage its use in most cases, is followed.

[68] House study, n. 1 above, at 127. The Senate Study recommended amending Rule 394 "to permit exchange members to deal not with third market makers, without prior permission of the Exchange, subject to a requirement that public orders be given priority in the actual consummation of the transaction." *See* Senate Study, n. 1 above, at p. 105.

[69] H.R. 5050, n. 7 above, Sec. 209.

[70] SEC, *Report: Rule 394*, at 206–207 (September 14, 1965).

[71] *Id.*, at 207. The procedure which permits transactions to be executed "off-board" (Section 394(b)) was added to the Rule following the staff report. As noted in footnote 67, however, this procedure has been less than a total success in achieving its intended purpose of facilitating best execution.

## POLICEMAN'S HEROISM COMMENDED

### HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. PEYSER. Mr. Speaker, I would like to bring to the attention of the Congress a very heroic action which was recently performed by one of my constituents. Patrolman Theodore Miller, of 16 Regina Place, New York, saved the life of a 5-year-old boy who was drowning.

Patrolman Miller was on routine duty on March 31, 1972, when he was called to the scene of a backyard pool accident. Upon arrival, he found a 5-year-old boy face down in the pool. Patrolman Miller immediately pulled the child from the pool and began mouth-to-mouth artificial respiration which he continued until breathing was restored. Three days later the boy was released from the hospital fully recovered. The knowledge and skill of Patrolman Miller undoubtedly saved the life of the child.

I think the outstanding action of Patrolman Miller deserves the commendation of the Members of this Congress.

## TRIBUTE TO HON. JOHN V. CORRIGAN

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. STOKES. Mr. Speaker, the Cleveland Bar Association recently honored a distinguished jurist, the Honorable John V. Corrigan, for his outstanding contributions to the administration of justice. I have known Judge Corrigan for many years. I knew him as a fellow practitioner and an excellent trial lawyer. He came to the common pleas court bench with fine qualifications and became an exceptional trial judge.

For the past several years, Judge Corrigan served as chief justice of the Cuyahoga County Common Pleas Court. In that position, he made a remarkable contribution to the administration of justice in the county and in Ohio. There is no single individual who has been so deeply involved in all aspects of court reform in Cleveland and, indeed, in the State of Ohio. He was a leader in getting voter approval for a new justice center which will provide badly needed court and jail facilities for both the city of Cleveland and Cuyahoga County. He was a key figure in the changeover from Ohio's archaic procedural rules to new rules based upon the Federal Rules of Civil Procedure. He also spurred reforms in court management, particularly in the management of the court's docket.

Not content with all of these major accomplishments, Judge Corrigan ran for a seat on the Cuyahoga County Court of Appeals. He received virtually all possible endorsements and was unopposed for the seat. In his new role as an appellate judge, Judge Corrigan has continued to press for reform. In his remarks at a testimonial luncheon, he praised others who had been instrumental in the reforms for which he worked. He also urged the members of the bar to continue to work with him for constructive change. I want to insert here the text of Judge Corrigan's remarks on that occasion, from the April 1973 issue of the Cleveland Bar Journal:

REMARKS OF JUDGE JOHN V. CORRIGAN

All this praise heaped upon me is really misdirected because in speaking of:

JUSTICE CENTER

Thanks belong to many fine people, including H. Chapman Rose, Dave Leahy, Estal Sparlin, Commissioners Pokorny, Taft and Corrigan, George Crawford, Jack Gherlein, the League of Women Voters, Alan Wright, the media, and all who helped to sell the public on the great need.

INDIVIDUAL DOCKET

Honors should go to Chief Justice O'Neill, to the Supreme Court who ordered it, and to Chief Justice Tom Parrino and our local judges who have made it work and the lawyers who have cooperated.

CIVIL RULES

Deserving of the praise are the Chief Justice and the members of the Supreme Court—great lawyers like Tom Koykka, Craig Spangenberg, Harley McNeal, Chuck Crowley, and several judges—Manos, Fuerst, Merrick, Whitlatch, Gagliardo, McMonagle, Mc-

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Bride, Leach, Hoddinott, Schneider and others.

COMPULSORY ARBITRATION

Moving forces were Lou Paisley, Al Morhard, George McMonagle, Bob Williams and others bold enough to suggest change. Don't overlook the 1100 lawyers who volunteered as panelists.

COURT MANAGEMENT

Chappie Rose again and John Ladd Dean, John Lavelle, Chief Justice Brennan, Pete Roper, Einar Bohlin, Alan Wright, Steve Madsen, Jack Sweeney, Emil Masgay, Dave Smead, Howard Reid, Jim Kilroy, and many others.

I could go on into all the activities, but I think you see my point. I just grabbed the banner, ran out front and became the cheerleader and now I am receiving all this undeserved praise. Nevertheless, it all sounds great and I'm deeply grateful to all of you for your attendance. Indebted to Charlie Clark, Aaron Jacobsen, Alan Wright, Pete Roper, and the committee and to the speakers for all their flattering remarks—much of this blarney is attributed to the fact that St. Patrick's Day is a few days away.

Instead of quitting while I'm ahead may I trespass a little further on your time and repeat my old refrain about the need for further improvement in the administration of justice. We are still in the developmental stage despite the great strides the lawyers and judges of our community have made.

A line from an old variety show in the heyday of radio says it all. The master of ceremonies was a lovable old character named Captain Henry who interrupted the applause after each number with the words: "It's only the beginning, only the beginning." To be just a bit more modern, we might take the title from a song popularized by the Carpenters: "We've Only Just Begun."

Indeed, as far as the whole field of court administration and the implementation of new procedural rules are concerned, "It's only the beginning!" "We've only just begun!"

As we face the future we need to be aware of some hard facts. To begin with, we need to recognize always that a court system, from an administrative standpoint, is an extremely complex organization that is more difficult to manage than the typical business operation or governmental agency.

The key people in the courts are high level professionals—judges and lawyers—who are accustomed to working as individuals, and they do not take kindly to change or to regimentation of any nature.

We have placed a very high value, and rightfully so, on judicial independence, but in the process we have surrounded judges with a variety of protections against outside influences, even the more needed administrative ones.

Too, you must always recognize that all the various participants in the litigation process do not all have the same goal in mind, but actually are pursuing conflicting objectives.

But we all know the problems and complexities, so it behooves all the lawyers in this community to find and to formulate more solutions and play more significant roles in stimulating more public commitment to our legal system.

Today the courts, like every other traditional institution of the established order, are constantly being examined and criticized. Delays, over-emphasis on technicalities and formalisms, over-complicated procedures, endless appeals and retrials—all these familiar and formerly accepted incidents of court procedures had better be overhauled by us before they become the targets chosen for some rather rude and unsympathetic bulldozing by others. The Bench and the Bar for centuries have been proud of our tradition of free, open courts but we shouldn't confuse externals with essentials. We shouldn't treat as fundamental any procedural or substantive rule which has been around for a long time, even if its origins are dubious or accidental or related to situations which long ago disappeared.

As lawyers we cannot live in our own little worlds or as judges wrap ourselves in our robes and shrink from contact with what informed laymen consider to be the real problems facing today's court's—trial delays, especially in tort and criminal cases, growing delays in the disposition of appeals, judges' concern over their re-election, failure of bar associations to deal realistically with basic social problems, and preoccupation of bar associations with their own internal functioning and minor local problems.

To the credit of this bar association, all the lawyers of this community, and the judges who are trying harder, we have done a lot to upgrade the operation of the system, but we have a long way to go—it's only the beginning! We've only just begun!

Each lawyer in this room left law school and was admitted to the Bar with a pocketful of dreams. Each of us hoped that we would leave the profession and the court's a little better and a little more efficient because of our contribution. I suggest as a continuing reminder of both our present opportunity and our imminent danger the familiar lines of poet Robert Frost:

"For I have promises to keep,
And miles to go before I sleep!"

Ladies and Gentlemen, whatever miles-to-go are still allotted to me by the Lord, I assure you they will be much more pleasant because of the high honor you have given me this day.

Thank you one and all!

## RAILROAD RETIRED WORKERS NEED SUPPORT

### HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. HANRAHAN. Mr. Speaker, the health and well-being of the railroad retirement fund is of the utmost concern to me as it is to the many retired railroad workers in the Third Congressional District who depend on the fund for their livelihood. The proposals to amend the Railroad Retirement Act and keep the fund alive will soon be before us for approval as H.R. 7200. It is imperative that we adopt this legislation to maintain equitable benefits for our retired railroad workers.

The encouraging aspect about this legislation that we will hopefully approve is the fact that it is the embodiment of agreements reached together by workers and representatives of the railroad companies. Their joint commission has submitted to us their final agreements well in advance of the July 1 expiration date of the old act, thereby averting the threat of a strike. Their cooperation and agreement is testimony to the desirability of this bill.

There are critics of H.R. 7200. It has been said that the bill serves only as a stop-gap measure to keep the railroad retirement fund alive; what is really needed is an exhaustive overhaul of the entire system. There is validity to the arguments of these critics. The railroad retirement system has functioned awkwardly since its inception in 1935. Included in H.R. 7200 though, is an important provision to establish a Joint Standing Committee to make further revisions and recommendations to Congress. I sincerely hope, and would strongly urge, that this committee will make these forthcoming recommendations substantive ones, ones that will provide for a sound and permanent system. Bold and structural recommendations for change, if deemed necessary, would be welcomed.

In the meantime, however, H.R. 7200 will create the necessary provisions to maintain the financial solvency of the railroad retirement fund, and sustain the present level benefits for railroad retirees. This has been guaranteed by management's concession to increase their share of contributions to the fund. This agreement helps ease the strain on the fund caused by the ever increasing ratio of retirees to employees. In sum, we should applaud the efforts of both parties and adopt this legislation. To do otherwise would be to jeopardize the pensions of some of this country's most deserving retired workers; approval of H.R. 7200 is the least we owe them.

## CALIFORNIA BLACK TELEVISION COMMISSION

### Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mrs. BURKE of California. Mr. Speaker, I would like at this time to recognize the California Black Television Commission named by State Assemblyman Leon Ralph. Members of the Commission are:

Sonny Buxton, KGO–TV—San Francisco.

Belva Davis, KIPX–TV—San Francisco.

Joe Dyer, KNXT–TV—Hollywood.

Jake Jacobs—KNXT–TV—Hollywood.

Gerri Lange, KGO–TV—San Francisco.

Sandy McFolling, KLTA–TV—Los Angeles.

Joe Phillips, KHJ–TV—Hollywood.

Marilyn Seiffert, KCOP–TV—Hollywood.

Andrew Thornhill, Zachary Productions—Los Angeles.

Ben Williams, KPIX–TV—San Francisco.

The statewide commission was organized to promote the TV industry. They are responsible for research, development of liaison with other blacks in TV nationwide, promoting the hiring of blacks locally, and developing and monitoring training programs. This is the first commission of its kind in the country and it represents a major step forward in providing more opportunities for blacks in this critical communications media.



## SHIPPING ACTIVITY

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. EILBERG. Mr. Speaker, I am pleased to report that the Port of Philadelphia is continuing to establish new records in the increased handling of general cargo and international waterborne tonnage.

With the recent construction of our two modern terminals—Packer Avenue Marine Terminal and Tioga Marine Terminal—the Port of Philadelphia is making great progress in securing new containership lines bringing additional business through our port. This increase, in turn, stimulates the economic growth of the entire southeastern Pennsylvania and southern New Jersey region.

This month, the Philadelphia Port Corp., which is an instrumentality of the city, the Commonwealth of Pennsylvania and the Greater Philadelphia Chamber of Commerce, was established in 1965 to increase commerce and upgrade waterfront facilities so as to attract new business, issued the accompanying report.

In addition, the Philadelphia Port Corp. also issued statistics prepared by the Census Bureau of the Department of Commerce, showing that Philadelphia continues to be the second busiest port on the Atlantic Seaboard. I am pleased to present both the report and the statistical table for inclusion in the RECORD:

SHIPPING ACTIVITY

The Port of Philadelphia registered record-breaking general cargo shipping activity during 1972 by handling 8.7% more tonnage and increasing its competitive East Coast position while the Ports of Baltimore and New York showed declines in their shares of the market.

Philadelphia continued to be the second busiest port in general cargo tonnage on the Eastern Seaboard.

At the same time total international waterborne commerce reached an alltime high of 63,970,228 tons in 1972.

Statistics released by the Bureau of Census of the United States Department of Commerce showed that Philadelphia handled 6,095,843 tons of General Cargo compared to 5,608,820 tons in 1971. The increase amounted to 487,023 tons or 8.7%. (See attached figures.)

Frederick A. Potts, President and Chairman of the Philadelphia Port Corporation, explained that general cargo, economic impact in the Greater Philadelphia area is at least $25 per ton in direct benefits and that increased tonnage aided in keeping a healthy financial climate in port related business in Philadelphia.

The general cargo category—excluding bulk and ore movement—includes a wide variety of imports and exports. Among these are iron and steel, paper and transportation equipment, meats, fruit, vegetables, tobacco, chemicals, plywood, newsprint and machinery.

Mr. Potts noted that during 1972 that Port of Philadelphia became a port of call on every major container route in the world and that Philadelphia is now served on a regular basis by twelve leading container ship lines.

Harry R. Bellinger, City Representative and Director of Commerce, said the City was also gratified with the port's increasing trade since each additional ton of general cargo means more employment and more business income to the area.

COMPARISON OF GENERAL CARGO BUSINESS, PHILADELPHIA-BALTIMORE-NEW YORK

| | 12 months, 1972 | 12 months, 1971 | Difference 1972 versus 1971 | Percent |
|---|---|---|---|---|
| Tonnage of general cargo: | | | | |
| Philadelphia | 6,095,843 | 5,608,820 | +487,023 | +8.7 |
| Baltimore | 5,672,192 | 5,449,298 | +222,894 | +4.1 |
| New York | 15,789,114 | 15,205,950 | +583,164 | +3.8 |
| Total | 27,557,149 | 26,264,068 | +1,293,081 | |

| | 12 months, 1972 | 12 months, 1971 | Difference 1972 versus 1971 | Percent |
|---|---|---|---|---|
| Share of market (percent): | | | | |
| Philadelphia | 22.1 | 21.3 | | +0.8 |
| Baltimore | 20.6 | 20.8 | | −.2 |
| New York | 57.3 | 57.9 | | −.6 |
| Total | 100.0 | 100.0 | | |

Source: U.S. Department of Commerce, Bureau of Census.

## CLOSING OF GASOLINE STATIONS

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ASPIN. Mr. Speaker, more than 300 gasoline stations across the country have already been forced to close and nearly 1,000 are threatened with closing according to statistics that I am publicly releasing today.

The statistics, prepared by the Office of Emergency Preparedness, indicated that on April 23, 1973, 342 gasoline stations had already been forced to close and 930 were "threatened" with closures.

Mr. Speaker, these statistics are just the tip of the iceberg in what is developing into a major gasoline shortage this summer.

By the middle of August, thousands of gas stations, mostly independent stations that sell cut-rate gas will probably be closed and thousands more will be very short on supplies.

At present, the largest number of closures and threatened closures is in the Southeast, where 117 stations have already been closed and 437 face closures.

Similarly, in the Midwest, 136 stations have been forced to close down, and an additional 200 face closure.

The situation is changing and worsening every day. These statistics are based on information obtained before April 23 and I am sure the situation is worse today.

In addition, I am releasing today a list of 24 Government agencies—local, State, and Federal—who are experiencing difficulties in renewing fuel contracts with major oil companies to buy gasoline and other petroleum products.

Gulf, Mobil, Arco, Texaco, Exxon, Amoco, Shell, and others are all balking and are very reluctant to renew their contracts with Government agencies.

Ways must be found to make sure that all refiners, particularly independents, can operate at full capacity and more gasoline must be imported for this summer.

As many of my colleagues know, many independent refineries have been running below capacity as a result of their inability to obtain crude oil from the majors and until recently, gasoline imports were severely limited by the oil import quota system.

## MISSOURI HOUSE OF REPRESENTATIVES RESOLUTION

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. HUNGATE. Mr. Speaker, we hear much about Amtrak and the benefit it can bring to supply transportation. The enclosed resolution of the Missouri House of Representatives is respectfully directed to the attention of Congress, executive, and administrative officials for consideration in the administration of rail service in Missouri.

MISSOURI HOUSE OF REPRESENTATIVES RESOLUTION

Whereas, the Missouri House of Representatives has learned that the National Railroad Passenger Corporation has announced that a proposal to discontinue the National Limited which operates from New York to Kansas City; and

Whereas, this train represents the last mode of rail travel through Missouri's heartland in the revered tradition of such fine varnish trains as the Kay-See Flyer and

Whereas, if the National Limited is allowed to be discontinued, Missouri will have only one passanger train left; and

Whereas, thousands of Missouri's residents rely heavily on the National Limited to travel from the State Capital to St. Louis or Kansas City and between those strategic cities; and

Whereas, the residents of Missouri are strongly opposed to any further loss of rail passenger service in our state, and particularly a loss of service between the two largest cities in the state; and

Whereas, over the years, and particularly, with the emergence of Amtrak, Missouri has lost such fine trains as the Southern Belle, the Rock Island Rocket, the Eagles, the Sunnyland and the Bluebonnet; now, therefore

Be it resolved that for both economic and logistic reasons the Missouri House of Representatives strongly urges Amtrak to continue the National Limited's service between St. Louis and Kansas City; and

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Be it further resolved that the Chief Clerk of the House of Representatives be instructed to send a suitably inscribed copy of this resolution to Senators Stuart Symington and Thomas Eagleton and to each member of Missouri's Congressional Delegation, and to Mr. Roger Lewis, President of the National Railroad Passenger Corporation.

## PRESIDENT NIXON COMMENDS HOME STUDY SCHOOLS

### HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. BROYHILL of Virginia. Mr. Speaker, in this day when the public and government agencies are requiring all of education to be "accountable," it would be good for us to recognize those institutions providing a real service to thousands of students-correspondence schools.

President Nixon, in a personal message to the National Home Study Council, recognized the valuable contribution these schools are making.

Commending the participants of the annual conference of those schools, President Nixon stated:

Over the years the schools that are represented at this Forty-Seventh Annual Conference of the National Home Study Council have motivated millions of Americans to set new goals of personal achievement through home study. People of all ages, handicapped by inadequate education, have derived from this program new hope for a productive and rewarding future. They have broadened their knowledge, advanced their careers, enriched ability to contribute to the life of our society.

I warmly congratulate those who are associated with the council on its continuing expansion, and I wish you sustained success in your important work.

We are proud to have several of these contributing schools in the Washington area. One such school, the National School of Conservation has recently been accepted by the U.S. Civil Service Commission as college level training.

The Civil Service Commission is to be commended for recognizing the value of vocational training for Federal positions and the importance of what a man knows, rather than where he learned it.

The National School of Conservation was started in Washington, D.C., in 1958 as a response to the growing need for good, sound correspondence training in the various fields of conservation.

During the years following, while many people and companies have been talking about conservation and ecology, this school has been training people to do something constructive. National students are trained in basic conservation principles, including environmental pollution and control. They receive technical training in fish and wildlife management, forestry practice—which emphasizes multiple uses of the forests—soil and water conservation and practical training in the growing field of parks and outdoor recreation.

In addition to the thousands of better informed citizens who have completed this training, this school is training men and women in the Armed Forces, who will be ready to fill meaningful positions when they have completed their service to their country.

A recent survey, reported by the school, indicated that in a 2-year period, 60 percent of the students receiving veteran benefits had completed all of their lessons, and 25 percent were still enrolled and studying. These figures present a completely different picture of the service provided to the public, than we normally read.

One step that would help the veteran receiving this training, and all other students using this convenient, effective way of learning a new occupation, is for Federal, State, local and private agencies to recognize the value of the training, and accept it as proper job preparation.

After all, a student who has paid his own way, continued to hold a full-time job, or studied while in the service, should receive at least the same recognition, if the training is sound, as a college trained man does.

This country was built by men and women with self-initiative and self-reliance. These schools and their students should be congratulated for their positive contribution.

## IN HONOR OF ISRAEL'S INDEPENDENCE DAY

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mrs. GRASSO. Mr. Speaker, much of Jewish history reveals the torment, persecution, and ordeals endured by a people seeking to return to the Land that God promised them. For thousands of years, Jews have longed to be at home in their homeland—the land into which the patriarch Abraham led the ancient Hebrews in the 18th century B.C.

Homelessness is a recurring theme in Jewish history. After World War II, Palestine was a haven for hundreds of thousands of displaced European Jews. In 1948, after centuries of unfriendly exile in foreign countries, the Jews were finally rewarded for their hardships and perseverance when David Ben-Gurion proclaimed the establishment of the State of Israel. On May 15, 1948, which was the fifth day of the month of Eyar, 5708, according to the Jewish calender, a jubilant Israel celebrated her independence. With joy and thanksgiving, we celebrate the 25th anniversary of this miraculous historical event on May 7.

With the withdrawal of the British, who previously held administrative control over Palestine, the Israelis were immediately forced to defend their new nation against an attack by the Arab states. The Israelis successfully defended themselves, and have repeatedly overcome challenges to the freedom and sovereignty of their nation.

The progress that has been made in Israel since the founding of the Jewish State has been truly remarkable. From small villages, large cities have been built. From deserts, farms, and gardens have borne fruit. From a displaced and tormented people, the Israelis have achieved unity and identity in the promised land.

The Jews have always sought to help fellow Jews in need wherever they may live. The State of Israel provides that opportunity for displaced Jews throughout the world. So rich is their common heritage and their desire to be free that Jews have emigrated to Israel in large numbers over the years. They have found peace of mind and a chance to build a new life of hope.

Mr. Speaker, the very existence of Israel strengthens Jewish identity and helps maintain the wealth of cultural heritage which distinguishes the Jewish people. The 25th anniversary of Israel's independence is indeed a special milestone. It is my profound hope that the future will at long last usher in an era of peace in the Middle East so that the people of Israel will more fully enjoy the fruits of their achievements.

## HOW THE PEOPLE FEEL ABOUT IT

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. GAYDOS. Mr. Speaker, CBS has informed TV Critic Win Fanning of the Pittsburgh Post-Gazette that it received more than 250,000 protest letters as a result of false reports that it planned to show X-rated movies on its late show.

The rumors, according to Mr. Fanning, were entirely in error for neither CBS itself nor its affiliated stations, including Pittsburgh's KDKA-TV, had any such notion. And yet, for some unknown reason, the idea got about in various parts of the country and the public responded quickly.

It is gratifying to me that CBS and its stations had no intention of befouling their programing and now have made that certain. They can be held above this sort of thing and accredited deservingly with being mindful of their moral responsibility to the Nation whose airwaves have been placed at their disposal.

But equally gratifying, in my judgment, was the enormity of the protest even on the most flimsy of hearsay. The 250,000 letters, some carrying multiple signatures, served as additional evidence of the great concern of millions of Americans over the spread of obscenity and the official inability so far to stop it.

The blame for this failure rests mostly with the courts which insist on confusing the matter by quibbles over what is and what is not obscene. However, our decent people share no such bewilderment. They know filth when they see or hear it and they want it eradicated and, lacking proper representation on this point by their governmental agencies, they are increasingly taking the matter into their own hands.



The writers of the quarter-million letters to CBS served a warning to any venal airwaves manipulator who might have had a thought of sneaking filth into TV. He has notice now that the people will not stand for it and that public opinion would compel an official crackdown.

But what can be done to arrest the dissemination of the character-destroying rot that has taken over a part of the privately conducted movies and publishing industries? This question continues as a growing challenge to Congress whose power it is to enact laws to get around the judicial failures to act. The 250,000 letters to CBS—unwarranted as were the fears that prompted them in this particular case—cannot be dismissed as a big mistake. They showed the feelings of millions.

## BROKEN PROMISES TO THE ELDERLY

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. HARRINGTON. Mr. Speaker, with the high cost of living and rising prices today, the elderly need adequate incomes and health care coverage. Mr. Nixon has cut various benefits such as, medicare, social security, and housing and has abolished the Federal Administration on Aging. I would like to insert an article by Joseph Levin from the Boston Globe of April 11, 1973, which outlines the broken promises made to the elderly:

NIXON ADMINISTRATION WIDENS ITS BREACH WITH THE ELDERLY

(By Joseph Levin)

By every bureaucratic trick in the book, the Nixon Administration day by day widens the breach between itself and the American people. It seeks to cut Medicare benefits and raise their cost, it has the gall to make a sweeping assertion that because of the 20 percent Social Security increase (which it opposed) the elderly no longer need food stamps, it freezes construction of new housing, cuts social services to the elderly, moves to wipe out the Federal Administration on Aging. The list is endless.

These actions belie even the few limited commitments President Nixon gave the elderly at the 1971 White House Conference on Aging. Before me is the official two-volume Government report on the conference. Of course, he was all smiles and turned on the charm because he was then running for a second term and needed their votes.

Stating that White House Conferences usually produce volumes that simply gather dust in the Library of Congress, he promised it would not be so this time. "I will go over and shake off the dust myself to find out what was said here." He added: "I am going to give my close personal attention to the recommendations of this conference."

He promised to provide $100 million for an upgraded Administration on Aging (AOA) and instead vetoed the bill just before the 1972 election. That bill has been re-enacted by the US House and Senate this year and a House-Senate conference committee is reconciling the somewhat different provisions of the two bills. Their final report is expected to go to the two bodies just before the Easter recess. The strategy is to let the Congress find out what their home constituencies are thinking before the vote on final passage. It is believed that if a new veto comes, there may be enough guts in the two Houses to override. The rollcalls on passage, and on overriding a veto if it comes, will be watched closely by every elder citizen group in the nation.

Meanwhile, the National Council of Senior Citizens is rallying the elderly to protest the proposed Nixon cutbacks at meetings from coast to coast. This will culminate on June 6, 7 and 8 in Washington, where clubs are being urged to send representatives to participate in a mass legislative conference and direct appeals to their Congressmen.

## CONTINUED SUPPORT FOR AMENDING TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. QUIE. Mr. Speaker, over the past several weeks, I have entered into the RECORD several summaries of letters which I have received in support of H.R. 5163, my bill to amend title I of the Elementary and Secondary Education Act of 1965. My bill would substitute a measurement of educational need for the dated economic data based on census information which may be far less than perfect to begin with. As I pointed out last week, the 1970 census missed 2½ percent of the total population. The tragedy of that is evidenced by the fact that the rate of error was very unevenly spread throughout the population. For example, the rate among black children under age 5 was in excess of 10 percent.

The excerpts from recent correspondence included today is further evidence of the support which is rapidly building for the movement away from economic data to actual measures of need. I believe these comments will be of interest to all Members.

EDUCATIONAL DEVELOPMENTAL LABORATORIES,
McGRAW-HILL BOOK CO.,
*New York, N.Y.*

[We] wholeheartedly support this bill and are encouraging other educators to do the same. The use of criterion-referenced tests is certainly a more accurate and realistic means of identifying educationally deprived children than the incomplete and outdated census information. In addition, after individual educational need has been determined, it is critical that individualized programs of instruction be provided for remediation.

We are encouraged by your concern over the improvement of Title I funding procedures and urge your persistence in helping the passage of H.R. 5163 in the House of Representatives.

DONALD R. SENTER,
*Ed. D., Research Director.*
LEONA M. KOSMAC,
*Associate Research Coordinator.*
ELAINE SCHEIER,
*Research Coordinator.*
KAREN WEGNER,
*Research Assistant.*

GRADUATE SCHOOL OF BIOMEDICAL SCIENCES AT HOUSTON,
*The University of Texas.*

I am most grateful for the opportunity to respond to H.R. 5163: The Educationally Disadvantaged Children's Act of 1973. It is good to know you are in support of a bill designed for the education of children who are in need of supplementary educational services. Also, I would like to commend you for your reflected intention of not separating the 'handicapped' from the 'normal' population; this point of view is endorsed by currently accepted attitudes concerning the undesirable and destructive effects of separating children into diagnostic categories. I also would like to support the inclusion of a design to involve parents and children in the establishment of meaningful goals. This we have found to be an extremely important component to insure the potential success of educational programs.

VILMA T. FALCK, PH. D.,
*Associate Professor.*

MIAMI AREA SCHOOLS,
*Miami, Ariz.*

How excited I am to hear of your interest in individualized instruction and parental involvement in educational programs, because I am sold on both!

Our summer program was an individualized, success-oriented program that provided many opportunities for individual, small group, and large group participation. We devised ways for parents to take an active part in the child's progress at home and at school through various projects. We have found that parents are *happy* to be included and that progress was much greater when home and school worked together. Many parents were on hand at 8:30 a.m. for flag ceremonies, pet shows, field trips, programs, etc. We recognized parents as well as children for the progress made and both parent and child responded proudly to the role each had played . . .

The most important factor is that home and school *must* actively work together to provide better learning opportunities for children regardless of what type of program the child is in.

Mrs. MILDRED MAINE,
*IGE League Facilitator.*

DEPARTMENT OF PUBLIC INSTRUCTION,
*State of Wisconsin.*

We have reviewed with interest H.R. 5163 which you introduced in the House of Representatives on March 5, 1973. Speaking in reference to handicapped children, I can indicate that we believe that this legislation, if passed, would have significant impact on the education of handicapped children throughout the nation. . . .

We believe that H.R. 5163 which includes eligible children who have deficiencies "resulting from a physical or mental handicap" is a decided step in improving the operation of Title I programs. In addition, rather than a formula based on the use of census and AFDC data in computing Title I payments, but based on actual and demonstrated educational needs as determined through criterion referenced tests, is a move in the direction of the learning needs of disadvantaged and handicapped pupils. This should hopefully get us out of the bind alluded to above when operating under the current guidelines.

May we extend our personal appreciation for the assistance you are providing in Congress in the area of special education for the handicapped.

JOHN W. MELCHER,
*Assistant State Superintendent.*

STATE OF OREGON.

Thank you for sending me information on H.R. 5163 to amend Title I of the Elementary and Secondary Education Act.

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Dr. Dale Parnell, Oregon Superintendent of Public Instruction, testified in favor of this legislation in Washington, D.C. on April 9. I certainly support his position on this bill. Your proposal to eliminate use of economic levels as determinants of funding seems realistic. However, it is too early to estimate what this will mean to the State of Oregon allocation.

My office, through Dr. Parnell, will be following the progress of this legislation with great interest and with the hope that the amendments will make Title I a more effective instrument in remedying the problem of educationally disadvantaged children in this and the other states. Please be assured of my cooperation in development of any information you may find useful.

TOM MCCALL,
*Governor.*

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SPECIAL EDUCATIONAL SERVICES,
*San Francisco Unified School District.*

It is with considerable interest I reviewed this important legislation as it has direct bearing on the education of handicapped children.

There indeed does exist a great deal of inequity in the disbursement of Title I ESEA funds which results in either feast or famine, depending upon circumstances. Your emphasis on individualized instruction and parent involvement are also integral keys in raising the achievement level of handicapped and disadvantaged children. We in special education have stressed this philosophy for many years as necessary ingredients for program development and student success . . .

I do believe this legislation will be of considerable assistance to the handicapped and merits the support of educators, especially those in the areas of special education.

Please be assured that I will highlight this bill to my colleagues and to parents in order to obtain additional support for this measure.

My best wishes for your success in this endeavor.

MARTIN J. DEAN,
*Assistant Superintendent.*

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STANFORD UNIVERSITY,
*Stanford, Calif.*

Please accept my support for your proposals to base distribution of Federal funds for education on educational need rather than poverty as such. Several aspects of your proposal seem quite meritorious and reflect great sensitivity to the educational process.

ROBERT C. CALFEE,
*Professor of Education.*

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CENTER FOR THE STUDY OF EVALUATION,
*University of California at Los Angeles.*

There are a number of methodological and pragmatic issues that might be raised relative to proposed bill H.R. 5163.

1. Are the theory and methodology of criterion-referenced testing sufficiently well developed that valid and reliable tests could be developed in the time period permitted by the legislation?

There are always methodological questions that remain to be solved related to any problem area. Generally, however, the last five-year period has evidenced a considerable amount of effort in the development of objectives-related instructional systems and objectives-based evaluation systems. Much of this work, with attendant theoretical and methodological research, has taken place at the Federally funded research and development centers and laboratories. We are convinced that the state of the art is ready and able to undertake and complete the construction of a valid and reliable testing program consistent with the proposal set forth earlier, and within the time period permitted by the legislation.

Indeed, we believe that our own work on developing a system for objectives-based evaluation in reading at the center for the Study of Evaluation, UCLA, constitutes a well-developed prototype that could easily be adopted to meet the needs of this program with a one-year period of time. The development of the system in mathematics would also not be difficult. . . .

5. Would it be wise to conduct such research or experiments before making a commitment to the specific provisions of this legislation? If so, what would they be?

The possibility of implementing the plan and the availability, given current technology, of the instruments and procedures for such implementation do not require the conduct of research or experiments before making a commitment to the specific provisions of this legislation. However, there are a number of feasibility and practicality questions that would need to be addressed during the course of the development of the testing program (for example, the political impact of such a system at a local level). These are all relatively minor issues and we see no reason why the legislation could not be enacted at this time with the provisions already in the bill enabling the Commission to contract for outside services including research studies.

MARVIN C. ALKIN,
*Director.*

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## A TRIBUTE TO JOSEPH GERMANO

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ANNUNZIO. Mr. Speaker, on Saturday, April 28, a testimonial dinner was held in Chicago honoring Joseph Germano, director, District 31, United Steelworkers of America, upon his retirement after 40 years of dedicated service to the American labor movement.

As a former legislative and educational director for the steelworkers, and as a former director of labor for the State of Illinois, I have personally witnessed Joe Germano's dedication and sincere devotion to the working people of our city, our State, and our Nation. He is one of the architects of our industrial democracy which has uplifted the standard of living of every man, woman, and child in America. His contribution to the national scene and the Supreme Court decision under the one-man, one-vote rule shall not be forgotten for it reshaped the democracy of America in all of its legislative processes.

The contribution of Joseph Germano to the building of America will long be remembered by the labor movement and the people of Illinois, and in fact, the Nation. We are all better off because of his leadership, dedication, and devotion to his fellow man.

Although Joe is retiring from active service with the steelworkers, I cannot conceive of him resting on his laurels. My entire family wishes for him and his family long life and good health, and we hope he may continue for many more years in the service of the little people of America.

Mr. Speaker, at this point I wish to insert into the RECORD a biography of Joseph Germano. His biography follows:

BIOGRAPHY OF JOSEPH GERMANO

Joseph Germano was born on February 12, 1904 of humble Italian parents on Chicago's South Side. His formal education in Chicago public schools ended abruptly in the sixth grade when necessity forced him to help support the family.

Oddly enough, Joe's first job was a far cry from the role destiny had fixed for him in later life. He was hired as a floor messenger for a brokerage firm at the Chicago Board of Trade Building.

When World War I broke out, Joe decided to enlist. Although only 14, he boldly stretched his age and was accepted by a recruiting officer. It was on the day he was to leave, and after his buddies at the brokerage firm had tendered him a rousing farewell, that a red-faced Navy discovered Joe's right age. His enlistment was promptly cancelled.

Too embarrassed to go back to his job as messenger, he then hired in as a rivet-heater at the Morava Construction Company, now operated by Bethlehem Steel Corporation. It was here he first felt the great need for industrial democracy. The long hours, low wages and extremely poor working conditions left a lasting impression on the kid of 14 who certainly did not belong in a factory.

It was natural for Joe's ears to perk up when he heard tell of an organizing drive in the Steel Industry. The drive was the ill-fated Steel organizational campaign of 1919. Joe decided he wanted more than anything else to be in a Union.

Although the initiation fee was only three dollars and his first month's dues one dollar, he was unable immediately to get that much cash together. He approached the Plant Superintendent for an advance on his pay. When the company official asked how he planned to spend the money, the youngster, innocently enough, explained he was joining the Union. He got the loan, but two weeks later he also got a discharge notice. The incident taught Joe that joining a Union in those days was risky business.

In succeeding years, Joe worked as a millwright's helper at the Iroquois Steel Plant in South Chicago (now Youngstown Sheet and Tube), went to Southern Indiana where he became a drill operator in a stone quarry and shoveled coal on a steam locomotive as a road fireman for the Illinois Central Railroad.

In 1928, after acquiring a family, Joe returned to the steel industry and worked as a millwright at the Youngstown Sheet and Tube Company in South Chicago.

It was here, in 1933, that he led a spirited drive to organize the plant under the Amalgamated Association of Iron, Steel & Tin Workers of North America. He became the first president of Lodge 56 at the plant and was re-elected to that post repeatedly.

When the Committee for Industrial Organization was formed within the A. F. of L. in 1936, its leaders proposed a great steel industry organizing campaign. Members of the Amalgamated Association, the only semblance of a Union in Steel at the time, were undecided about the CIO proposal. One group, content with a small membership, resisted the CIO organizing offer. Another group, realizing the potentialities, argued that CIO help should be welcomed. At a convention in Cannonsburg, Pennsylvania, where the issue came to a head, Joseph Germano introduced the resolution accepting CIO help. The resolution was adopted and the campaign was on.

Early in this great drive to organize Steel, Joe was picked to serve as an organizer for the Steel Workers Organizing Committee. Two years later he became Sub-District Director at Indiana Harbor, Indiana.

In 1940, Philip Murray, Chairman of the SWOC, was looking for a good man to fill the job as Director of the Union in the Chicago-Calumet area. He chose Joe on the basis of his record of accomplishment. Joe was officially elected to the Director's post two years later at the first constitutional convention of the new Union, and has been re-elected by overwhelming votes of rank and file members in all succeeding elections.

Under Director Germano's administration, membership of District No. 31 has risen from 18,000 in 1940 to some 128,000 today. This is the largest membership of all the various Districts in the International Union.

Joe is happily married, has two daughters and seven grandchildren. His wife, Mary, is a gracous helpmate who enthusiastically endorses her husband's dedication to Labor's cause.

Others have come to regard highly Joe's admirable qualities. He served on the War Production Board and on the Regional Manpower Commission. He was honored by the United States Treasury Department. He was elected President of the Illinois State Industrial Union Council in 1947 and was re-elected continuously until that organization merged with the Illinois Federation of Labor in 1958. He is a Vice-President of the Illinois State Federaton of Labor and Congress of Industrial Organizations. He was honored by the Chicago Regional Red Cross. He served since its founding on the Civil Rights Committee of the United Steelworkers of America. The University of Illinois honored him by naming him an advisor to the Institute of Labor and Industrial Relations. Chicago's Mayor Daley appointed him to the Chicago Library's Board of Directors. He was cited by the Chicago Council against Racial and Religous Discrimination for vigorously supporting the non-discrimination policy in schools; Bishop Bernard F. Sheil presented the award. He sparked a drive against traffic in dope to high school children in Chicago. He traveled to Italy on an exchange visit and consulted with and advised Italian Steelworkers. While there, he met with members and officials of the International Confederation of Free Trade Unions. He was received in private audience by Pope Pius XII at the Vatican. Mr. Germano also traveled to Japan as a consultant to the Japanese Steelworkers Union.

Two of his outstanding achievements had state and national significance. In 1958, he gave leadership to the Committee for Modern Courts in Illinois to secure adoption of the Judicial Amendment to the Illinois State Constitution. The effort, eventually successful, resulted in a modernized Illinois Court system, one of the best in the nation. Then in 1962 Mr. Germano filed a suit to reapportion the Illinois State Senate on the basis of one-man one vote principle. The case was finally won in the U.S. Supreme Court and as a result the Illinois State Senate was reapportioned for the first time according to population. This case contributed to the move for reapportionment procedures nationally.

In 1963, Mr. Germano's International Union assigned him as a delegate to the International Metalworkers Federation, Foundry Workers Conference, which was held in Stockholm, Sweden.

Mr. Germano has served on Mayor Daley's Committee for Economic and Cultural Development for many years. In the past two years he has testified before air pollution control committees, both in Indiana and Illinois as well as on the Federal level, urging the adoption of tight standards governing the amount of pollutants that can be placed in the air.

Mr. Germano is a resident of Chicago and has offices for District 31 at 333 N. Michigan Avenue, Chicago, Illinois 60601.



## MAIL ROUTE LOSES FRIEND

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. DULSKI. Mr. Speaker, the mail man was the neighborhood's personal friend when I was a boy, and he occupied a very special place in the daily lives of his patrons.

Many things have changed since those days, and we are now deluged with reports of deteriorating postal service. But there are still examples of old-fashioned personal care and genuine friendliness offered by the letter carriers and returned by the people on their routes.

I am including such a heartwarming story, about Mr. Haskell "Huck" Singer, which recently appeared in the Buffalo Evening News.

It is a pity for a great many people that the U.S. Postal Service once again is substituting some more of its so-called efficiency for the concerned service Mr. Singer has been delivering with the mail.

The story follows:

HUCK'S POSTAL PATRONS SING HIS PRAISES, BUT FAIL TO KEEP HIM ON HIS ROUNDS

(By Tony Cardinale)

It's not a very prosperous neighborhood, so the man who delivers the mail—and sometimes a check—has a very special place there.

Cooling in the shadow of the Niagara Thruway, the scents from a chemical plant lingering in the air, Haskell Singer's adopted neighborhood in South Buffalo is a place where people still know each other.

In fact, when Roberta McLean, almost 17, circulated her petition throughout Peabody, Walter and Maurice Sts., she found only two residents who didn't know "Huck," as Mr. Singer is called.

Ninety-five signed the petition in pencil on lined school paper asking the U.S. Postal Service not to abolish Huck's route.

The Postmaster recently returned the petition, with his appreciation and regrets but the whole venture wasn't in vain. You would not believe some of the things the people on Huck's old mail route said about him.

You can depend on him," said Roberta. "He's like a big brother to me. And in the summertime I had a peeping tom and he helped me to try to catch him. I haven't been bothered since."

Down the street from Roberta, at Peabody & Scatcherd, Mrs. Shirley Parker was watching daytime TV in her upstairs flat.

"He used to be my insurance man," she began. "But now he's just my mail man. When my older daughter moved away, he gave me her mail till I got her change of address.

"I keep a lock on my mail box, but if the kids break the box and Huck knows I got a check in the mail, he won't leave it. He'll save it for me."

Mrs. Parker looked out her window on this rainy spring day and said she could tell Huck had been by because "I can see his foot prints on the next-door stairs."

Around the corner at Hank & Stell's Grill, corner of Seneca & Walter, bartender Stan Kaczmarczyk poured a foamy collar on a draft beer.

"Huck?" he said. "You just missed him. He parks his car out front every day while he's on the route. He comes in here and drops off our mail and is on his way. He's a happy-go-lucky guy . . ."

It had stopped raining and some kids were playing spring hockey on the damp surface of Walter St.

"When I moved, he helped me move," said Christina Smith, upstairs at 133 Walter St. She formerly lived a block away on Peabody.

"He let me use his car and he got a trailer for me and helped me move. He used to sell carpets to Lorretta Parker"—Mrs. Parker's daughter.

Every day, after finishing the rest of his route on Fulton and Perry and Elk Sts., Huck drives to Station D, which is where he will work from when he gets his new route.

Huck, 43, a 9-year postal veteran who lives in Eggertsville with his wife and 3 children, says the route he has walked for 6 years is to be split among other mailmen on adjacent routes as an economy move.

Postmaster Harold G. Tucker thanked Roberta for the petition and said the gesture "will be entered in his service record."

But, he went on, mail routes are reviewed each year and sometimes adjusted for better efficiency. Assigning carriers to routes must be done by bids according to a union contract, he said.

Roberta McLean still has the petition with 95 names, signed in pencil on lined school paper that has been folded and refolded on the same creases.

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## POLISH CONSTITUTION DAY

### HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ROONEY of New York. Mr. Speaker, in the epic struggle of man for human dignity and his personal freedom there are, I am sorry to say, precious few documents created over the years by his hand that can be pointed to with any pride or self-respect. Among those documents that can be so pointed to are the Magna Charta, the American Declaration of Independence and our Constitution and, I am proud to say, the Polish Constitution of May 3, 1791.

While the Polish document is probably the least known of these it might just be the most remarkable, for Europe in 1791 was awash with monarchies, plutocracies and aristocracies. And yet out of this sea of blue blood came the document, peaceably written and promulgated, that stated simply that—

All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and good order of society on equal scale and on a lasting foundation.

Such a thought as all power being derived from the will of the people was then considered heretical and dangerous in the eyes of most of the governments of Europe. Then, in less than 4 years Poland ceased to exist. While Poland was strong of spirit she was weak in arms and was no match for czarist Russia, militaristic Prussia and autocratic Austria. She was partitioned, her constitution voided and her people scattered.

Almost 200 years have passed since then but Poland today is no better off than she was after that partition. The oppressive rule of foreign nobility and

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despots has been replaced by the strangle hold of a Moscow-controlled puppet Red Communist government. The liberties practiced by the Poles under her constitution 200 years ago are nonexistent today.

And yet for all the brutalities committed against the Polish people even in the last 30 years, the Nazi invasion coupled with an equally brutal Russian one and the murder by the Russians of thousands of her future leaders in the Katyn Forest—the spark of liberalism and freedom has not been extinguished in the Polish soul. Witness the workers' rebellion in Poznan in 1956 and the recent unrest that brought about the ouster of that Red Communist puppet, Waldyslaw Gumulka. Poland today, as she has so many times in her tragic past, knows the cruelty and weight of the despot. But we also know that Poland will again be free. A millennium of history has already shown the world that to be alive in Poland is to be fighting for civil and religious freedom.

Mr. Speaker, I salute the Polish people everywhere and particularly those Polish-American organizations in this country that do so much to keep alive the indomitable spirit that is Poland and who remind us that we must never cease our efforts to bring freedom to those who so earnestly yearn for it.

## MAZEL TOV, ISRAEL

### HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. BADILLO. Mr. Speaker, I am proud to join with our colleagues and other men of good will throughout the world in observing the 25th anniversary of the State of Israel.

In a sense it is rather ironic to be celebrating only 25 years of existence when Israel is a nation with more than 35 centuries of history. However, throughout this entire period the Jewish people have had to suffer all forms of persecution and have struggled over these many centuries to establish and build their own homeland. For some 19 centuries, as Prime Minister Golda Meir recently observed, the Jews lived as a dispersed and persecuted minority throughout the world. Three years after the holocaust, during which more than 6 million Jews were ruthlessly murdered, a homeland for these valiant and energetic people was finally established. In 1948, for the first time since the first century of the Common Era, Jews became independent in their own land and the State of Israel was established as a full member of the family of nations.

Faced with what to many seemed to be insurmountable political, economic and geographic problems when independence was declared in May 1948. Israel has grown and prospered. It has a viable and healthy economy and a rapidly growing industry. The nation's gross national product has been increasing at a rate of 8 to 14 percent annually in recent years and private consumption in real terms, which has been increasing by 4.4 percent in 1971 and 3.4 percent last year, is expected to reach 8 percent by the end of 1973. Israel's exports exceed $2 billion annually and her foreign currency reserves have been at a high of $1.2 billion. Where there once existed barren and unpopulated desert, scores of new towns with populations in the thousands and tens of thousands have mushroomed and are actively contributing to Israel's economic development. This amazing economic condition is particularly impressive when one considers the fact that Israel is forced to spend some 25 per cent of its GNP on defense.

Unfortunately, the Jews have not been permitted to live in peace in their homeland and, commencing less than 24 hours after independence was proclaimed 25 years ago, Israel has been ceaselessly attacked by her Arab neighbors. As Mrs. Meir so aptly noted in a recent statement:

> Israel has known only armistice lines—until 1967—and since then only cease-fire lines. We have never known frontiers of peace, and even between wars the Arab Governments have intermittently directed terror and violence against our people.

It is clear that Israel does not want to maintain hostile relations with her Arab neighbors but is anxious to live in peace and harmony in order that all peoples of the Middle East may grow and prosper and find economic, political, and social security. In those areas which she has administered since 1967, for example, Israel has taken steps to open frontiers between her population and the Arab population of these areas and she has initiated the open bridges policy enabling a significant number of Arabs from neighboring states to visit Israel.

However, as long as the Arab States continue to perpetuate acts of armed hostility, sabotage, and terrorism against Israel she fully intends to maintain her defenses. In this regard it is incumbent upon the United States to insure that the territorial integrity of Israel is maintained and that she has the ability to protect herself against unwarranted Arab intrusions by affording her whatever aid is necessary to continue the delicate balance in the Middle East.

Mr. Speaker, Prime Minister Meir has proclaimed that the basic aspiration of Israel is "peace within secure boundaries." This is not only a noble goal but one which is essential if the Middle East ever hopes to make meaningful economic and social progress. Through word and deed Israel has given every indication that she is prepared to work with her Arab neighbors toward this necessary objective. It is now up to the leaders of the various Arab States to put aside bigotry, hatred, and suspicion and to take the hand of friendship which has been extended by Israel with a view toward undertaking programs of mutual interest and benefit. Shalom—peace—is both the greeting and wish of Israel.

I am hopeful that Israel's next 25 years will not only be more productive but that she will finally know a lasting peace.



## A QUESTION OF PRIORITIES

### HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ROGERS. Mr. Speaker, I believe a clear need has been established for this Congress to set a limit on expenditures, and to live within that limit by better balancing Federal receipts and expenditures. But in the name of such fiscal responsibility, President Nixon has undertaken budget cuts in programs that are vital to the health and well being of Americans, while leaving untouched literally billions of dollars in pet programs of less social value.

In a recent broadcast, the distinguished commentator Mr. Joseph McCaffrey addressed this question. I insert his remarks in the RECORD at this point:

Unfortunately the Watergate scandal has taken our eye off some of the things that have to be done by this Government, and especially it has taken our eye off some of the revolting things this Government is doing in the interests of "saving the taxpayers money."

If these things are allowed to stand the taxpayer will never be able to pay for the losses he will suffer. There is no economy in false economy, yet we are asked to underwrite false economy.

Let us, for horrible example take a thorough look at what is happening to one of our great universities, Johns Hopkins in Baltimore.

The budget sent to Congress by the Nixon administration means disaster for Hopkins. The budget means the loss of nearly $10 million a year in Federal support, and President Steven Muller says it also means frightening uncertainty about Federal aid to students.

This $10 million is about 10 percent of the total annual university budget, and more than 20 percent of Federal funds annually received.

Nearly $8 million will be lost over the next 3 years as a result of the termination of only one Federal program, the training grants of the National Institutes of Health. This will cut the medical school over $4 million, the School of Hygiene and Public Health nearly $2½ million and arts and sciences nearly $1.25 million. In addition, the medical school will lose roughly another $250,000 in general research support grants, the School of Hygiene and Public Health will lose $167,000 plus $462,000 a year which represents its share of a Federal program to support the Nation's 18 schools of public health, this program has been eliminated from the budget.

Almost all the money being lost to Hopkins School of Medicine and the School of Hygiene has been spent, in the past, on research and training programs. A number of faculty members working on research will now be asked to leave, and fewer students and researchers will be trained.

The administration is limiting research grants to specific areas, but there are many, many scientists, from time immemorial who say the best results come from general research, leaving the individual investigator free to design and follow his own inquiry and to leap from one problem to others if the results show useful application in a new context.

What Congress has to decide is whether it is more interested in the ledger sheet, than in general research. Whether it is willing to cut off medical schools which are already hard pressed.

Congress must decide in a day when we really need more medical schools whether it will lend itself in a movement which could do much to scuttle the medical schools we now have.

We can keep our billions and billions for bombs over Cambodia in the budget, but the health of America takes second place. In fact, based on what happens to Johns Hopkins, the health of the Nation can not even say it is in second place. But it sure will have to try harder—much harder, because it is getting little help.



## REPRESENTATIVE O'HARA ASSAILS CIVIL DEFENSE UNIT FOR LAW VIOLATIONS IN MAILING PARTISAN POLITICAL PUBLICATION

### HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. O'HARA. Mr. Speaker, the other day I received a letter from Mr. John E. Bex, Regional Director of Region Two of the Defense Civil Preparedness Agency, enclosing a copy of his agency's publication, "Survival."

The publication in question was produced with taxpayers' money by this agency of the Department of Defense, and was mailed at public expense to an undisclosed number of individuals under the guise of being "official business" of the U.S. Government. The penalty for misuse of this mailing privilege is $300 for each offense—and each individual piece mailed constitutes a separate offense.

I thought I had become accustomed, Mr. Speaker, to the ways in which this administration has cynically sought to circumvent the intent of the law with regard to the use of this "official business" mailing privilege over the years, in order to display the virtues of elected and appointed public officials. Through subtle public relations techniques, bureaucrats have, in the past, sought ways to endow high-ranking partisan leaders with special attributes, casting them in the most favorable of all possible lights.

But the issue of "Survival" which Mr. Bex sent to me—in the spirit of what he called "cooperation through communications"—has reached a new low in terms of the blatant partisan propaganda which it contains. Without any subtlety whatsoever, this publication editorially extols President Nixon for being a "concensus" President, and indicates that anyone who disagrees with the President has to be "quite an extremist of some stamp."

Further, the publication is guilty of a scurrilous attack on the late Lyndon Johnson—and in my view, Mr. Speaker, no "official business" is served by such an action. It is unthinkable that the American people should be asked to pay for the writing, printing, and mailing of literature which refers to a former President of the Unted States as a man "unresponsive and frozen into rigid positions, to the right of most Americans on the Vietnam war and to the left of them on domestic issues."

Finally, the publication proceeds to discuss the way President Nixon is handling such "tough problems" as the race issue, welfare, reform, and the environment. This commentary is, at best, gratuitous. In any event, these subjects are totally unrelated to the Defense Civil Preparedness Agency's mission and, therefore, improper ones to be discussed by this Agency at the taxpayers' expense.

Mr. Speaker, I am dismayed at the gross manner in which this Agency appears to be flouting the law with respect to the dissemination of propaganda under the guise of "official business," and I have asked the Comptroller General of the United States to investigate this matter with a view toward recommending appropriate criminal action against anyone who has violated the law.

Mr. Speaker, I include the full texts of the editorial and my letter to the Comptroller General in the RECORD:

A NEW KIND OF PRESIDENT

It is a fact that while both liberals on the left and ultra conservatives on the right may be discontented with President Nixon it is rather hard—you have to be quite an extremist of some stamp—to wax wholly indignant either. What we have in Richard Nixon is something very significant—a real consensus president moderate and close to the vital center on most issues. He is willing to listen to and respond to diverse factions and to learn from experience. Lyndon Johnson was sometimes spoken of in this consensus vein, and he may indeed have had some such intentions at the start but he ended up unresponsive and frozen into rigid positions, to the right of most Americans on the Vietnam War and to the left of them on domestic issues.

Nixon has, moreover, returned to what might be called the great pragmatic tradition of American politics, being neither doctrinate nor ideologically committed, in strong contrast to the strong ideological fixations of both the right and the left. Untied to any particular group, big business, big labor, the military, or even a single political party in a sense, he is his own man.

His moderate, "moving forward slowly" approach is most likely to result in real solid progress on tough problems such as the race issue, welfare reform, the environmental problem—and yes, on the Vietnam War, too. The historic facts of life seems to be that it requires a sort of conservative like DeGaulle or Eisenhower or Nixon to detach a nation from such an entanglement. Pragmatic, moderate, noncommitted, complex, adaptive, moving forward slowly—these qualities are not the sort of thing to stimulate wild enthusiasm among modern youth or among older people either for that matter. But they add up to a lot. They are what the country needs.

MAY 3, 1973.

HON. ELMER B. STAATS,
*Comptroller General of the United States, Washington, D.C.*

DEAR SIR: Enclosed is a copy of a publication entitled "Survival," which has been transmitted to me by Mr. John E. Bex, Regional Director, Region Two of the Defense Civil Preparedness Agency. This publication was produced and distributed by the Defense Civil Preparedness Agency and, as you can see, was mailed to an undetermined number of people under the guise of being "official business."

I call your attention to the editorial on page 2 entitled "A New Kind of President," which, far from being official business, is blatantly partisan and designed for the personal aggrandizement of President Nixon. Further, the alleged "editorial" indulges in some highly improper character assassination of a former President of the United States, Lyndon B. Johnson. Finally, the so-called "editorial" deals with matters such as race relations, public welfare and the environment—matters totally unrelated to the Defense Civil Preparedness Agency's mission to deal with disasters.

I would appreciate it if the General Accounting Office would instigate a thorough investigation of the facts surrounding the publication of this material at taxpayers' expense and the mailing of it at taxpayers' expense, with a view toward recommending appropriate action to punish those involved in any violations of law and to prevent the recurrence of such illegal activities.

I look forward to hearing from you in this matter.

Very truly yours,

JAMES G. O'HARA,
*Member of Congress.*

## JOHNNY HORIZON '76 CLEAN UP WEEK

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. FREY. Mr. Speaker, a county in my congressional district has just completed a very successful Clean Up America Month.

Orange County, Fla., through the efforts of the Orange County School Board, distributed thousands of Johnny Horizon litter bags to schoolchildren and encouraged them to keep their neighborhoods clean of unsightly litter.

The program, sponsored by the Interior Department, culminated in an outdoor rally at the Tangerine Bowl in Orlando, a rally attended by more than 10,000 school children.

These young men and women represented more than 90 elementary, junior and senior high schools and about 40,000 students who participated in many different activities during the first "Johnny Horizon '76 Clean Up Week" held in Orange County.

Prior to, but especially during the "Johnny Horizon '76 Clean Up Week," students from the various schools participated in environmental education projects in the classroom; conducted assigned schoolground, park and recreation area cleanup projects; organized and conducted beautification projects which extended from the school grounds to their own backyards in the form of tree, shrub and flower plantings; held recycling drives to reclaim discarded aluminum beverage cans, paper, steel and glass products; and created, through poster contests, school plays and community

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parades, a general awareness of the need to "Clean Up America For Our 200th Birthday,"—then keep it clean.

I have been advised by Andrew Wahlquist, national coordinator of the Johnny Horizon '76 Program, which is administered by the U.S. Department of the Interior and supported by a growing number of other Federal departments and agencies, that this countywide "Clean Up" was one of the most extensive environmental improvement projects ever conducted on a countywide basis.

I am proud of the example set by the schoolchildren of Orange County, and hope it will serve as an example of what young people can do when they decide to involve themselves in the environmental challenge.

Recognized as an official national bicentennial activity and authorized to use the symbol of the American Revolution Bicentennial Commission, Johnny Horizon '76 "Let's Clean Up America For Our 200th Birthday" is a nationwide, action-oriented, environmental program that has two major action phases.

The first is educational, to make all Americans—from schoolchildren through senior citizens—Aware that environmental improvement is everyone's responsibility and each and every individual can make a difference.

The second phase is on-the-ground action, designed to inspire people to work together to prevent litter, minimize pollution and use our resources wisely.

Johnny Horizon '76 simply asks all Americans to accept an "I'll help, too," attitude and to do their part to make this country a cleaner place to live.

In recognition of the major accomplishments of the thousands of students in Orange County, who participated in this project, I include the remarks of Assistant Secretary of the Department of the Interior, Nathaniel P. Reed, made before the awards rally in Orlando at this point in the RECORD:

REMARKS OF NATHANIEL P. REED

I am delighted to be here this morning representing the U.S. Department of the Interior. I'm particularly delighted to be in Orlando, in Florida, even though this weekend is "Cherry Blossom Time" in Washington, because there is no place like home and Florida is my home.

It's also appropriate, in my opinion, that the Johnny Horizon '76 Cleanup Week be supported by such a representative cross-section of the Orange County community, which is probably the most extensive effort of its kind conducted today anywhere in the United States.

You are to be commended for the results of your fine effort and the results in terms of an even cleaner Orange County.

Nationally the scene is less pleasant.

When we look closely at the environment, too often we see the high cost we have paid for success and progress at the expense of environment.

The trash in the streets, the debris in the water, the smog in the skyline, too much of the face of our nation today is not a pretty sight.

Thankfully, the environmental crisis has begun to capture the spirit, the vision and the concern of our people.

People are increasingly aware of environmental wrong-doings, ready to stop further degradation of our environment and to go one step further—to clean up the mess.

We Americans, I believe, have passed beyond mere sloganeering, into an era in which every project, every business, indeed every product, not only is measured by its mere utility but by its environmental impact.

These concerns, this citizen conscience have focused on a symbolic representative of the nation's environmental ethic—the Johnny Horizon '76 Program with its ringing slogan "Let's Clean Up America For Our 200th Birthday."

In your classrooms Johnny Horizon attempts to introduce the ever interesting fabric of environmental education to you young people with the stirring message. "When man adds pollution, the earth subtracts beauty; when man adds more pollution, the earth subtracts safety; and if the present pollution rate continues, our earth will, in the end, quietly subtract man."

I am proud to be here today where it is so apparent that Johnny Horizon has stimulated thousands of helping hands among you to clean up this corner of America.

You young people of Orange County have, during this past week of environmental improvement activity, I'm confident, sharpened your own personal relationship with the environment and gotten closer to the importance of what must be done throughout America.

Another urgent need today is to make maximum use of our natural resources and utilize resource recovery wherever possible so that tomorrow's generations will not be short changed.

With less than six percent of the world's population, America accounts for half of the world's consumption of raw materials. Last year alone, the 62 billion cans, 30 million tons of paper, 28 billion bottles and 7 million junked cars should give us cause to consider that our resources are not finite.

While the technology is at hand, municipalwide solid waste management and resource recovery still is not economically possible.

Therefore, the establishment and support of local community recycling centers is a positive step to begin reclaiming even a small part of that four billion tons of solid waste we generate each year in this country.

The Johnny Horizon '76 Program can't be defined by statistics alone—the tons of litter collected, greenery planted, endorsements by civic and business institutions, or even in the millions of volunteer man-hours spent in Johnny's behalf. For the goal is a new insight, a new determination among our people to "turn around the environment," to reshape attitudes for a vigorous and free social order that values its quality of life as much as its freedom.

The charge to the American people is a clear one: Let's clean up America and keep it clean!

You young people here today have accepted that challege. I know that what you have started this past week will not stop at the exits of the Tangerine Bowl.

Now it is time for Johnny Horizon to say "Thank you" with certificates and awards to those individuals selected to represent all of you here and to the thousands not here but who participated in the Johnny Horizon '76 Clean Up Week.

The first series of awards to be presented is the Johnny Horizon '76 Environmental Award for outstanding service in the interest of cleaning up America for our 200th Birthday. While we are presenting these awards to individuals, I'm sure they are accepted on behalf of the thousands of people involved this past week.

For a most outstanding effort we recognize Mr. Raymond Bassett, Chairman of the Orange County School Board.

Chairman Paul Pickett, Orange County Commission,

Mayor Carl T. Langford, City of Orlando,

Mayor James Driver, City of Winter Park,

Mayor Hubert Fox of Ocoee, Fla.,

Mr. Robert W. Williams, Principal of Ocoee High School, where the idea of conducting a community-wide Johnny Horizon '76 Clean Up Week originated.

In recognition of this firm's support of the Johnny Horizon '76 Clean Up Week, a special Sponsor's Certificate to Mr. Hal Street of National Beverage, Inc.

As I indicated earlier, a major effort like the one conducted here in Orange County requires thousands of helping hands. It is impossible to recognize everyone, but I'm advised the following individuals certainly deserve a Johnny Horizon '76 Certificate of Appreciation for helping clean up America for our 200th Birthday.

These certificates are presented with our sincere thanks to:

CERTIFICATES OF APPRECIATION

Mr. Fred A. Bishop, Information Specialist, Orange County School District; Carol Williams, Ocoee Girl Scouts of America; Melvin Grace—"Opportunity Line", WESH-TV Channel 2; Bill Nugent, WDBO–TV Channel 6; Harry Horn, WFVZ–TV Channel 9;

Beverly Jefferson, Mark Hammond, Charles Mears, Denise Lanko, Cathy Hazel, Jackie Jernigan, Julie Jackson, Terri Creech, Kevin Haynes, Debbie Browden, and Pam Tuscanny, all members of the Johnny Horizon '76 Committee.

Winter Park Junior High School, Grant Avenue Elementary School, Carver Junior High School, Randy Freeman, Karen Williams of Colonial High School, Richard Chap of Winter Park Senior High School, Steve Miller of Evans High School, Keith Strangenberg of Evans High School, Apopka High School, Mr. Lester Dabbs, Principal, Howard Junior High School, Mr. Bill Spoone, Principal.

Glenn Hubbard, The Delta Alpha Kappa Math Club, Randall Brunson, Melinda Holmes, Theresa Schmell, Bruce Getz, Alphonso Barnes, and Lila Griffin.

And finally, Mr. Ben Griffin, coordinator of the Johnny Horizon '76 Clean Up Week, would you again come forward?

This is an outstanding person who has personally dedicated considerable time and talent to promote this week as a viable program, with a major impact, in Orange County, Florida.

I personally want to add my thanks and present you with this Environmental Award.

Also, here are Certificates of Appreciation for the more than 90 schools that participated in this project. I feel you are just the "coordinator" who can see that they are properly presented.

Thanks to all of you, Orlando, Ocoee, Winter Park and all Orange County, Florida.

## IRISH-AMERICAN CULTURAL INSTITUTE

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. CONTE. Mr. Speaker, I would like to bring to the attention of the House of Representatives the fine work being carried out by the Irish-American Cultural Institute, the only international Irish cultural organization of its kind, whose headquarters are located in St. Paul, Minn.

In recognition of the vision and work of the IACI, His Excellency, Eamon de Valera, President of the Republic of Ireland, has extended to it his official patronage. This is a deserved tribute to the international cochairmen of the IACI, HSH Princess Grace of Monaco; Mr. I. A. O'Shaughnessey of St. Paul; and to Dr. Eoin McKiernan, the institute's founder-president.



The intent of the institute is to promote an understanding and interpretation of Irish culture. And its national council includes scholars, writers, and artists such as Pat O'Brien, Mike Douglas, and Bob Considine.

IACI, the premiere international Irish organization and publishers of the distinguished quarterly, Eire-Ireland, now runs an Irish Fortnight each year in five U.S. cities, including Washington, a unique concentration on Irish culture and civilization.

The institute has also developed 100 documentary films on Irish culture which have been shown on television in New York and Boston and has recently provided $100,000 in prizes for the best writing in Ireland in Irish and in English and for the best art and plastic art in Ireland—the Butler Literary Awards, and the Ganey Art Awards.

Formed in 1972, the IACI's Washington council has already sponsored the fall 1972 Irish imagination art exhibit at the Corcoran Gallery; worked with performers from the Irish Traditional Musicians Society; served as cosponsor of the 1973 Constitution Hall Irish concert of the U.S. Air Force Band, with the Catholic University student players, Sesame Street's Bob McGrath and Mercedes McCambridge; and presented the first performance of O'Riada's Irish—Gaelic—mass in the United States, sung by the Congregational Choir of Fairfax.

The IACI Washington council operates on a volunteer basis and maintains no office or staff; with administrative and financial activities carried on through the national headquarters at St. Paul, Minn. Other than the late John F. Kennedy and Poet Robert Frost, the institute's president, Dr. Eoin McKiernan, is one of the few Americans ever to receive an honorary degree from University College Dublin for contributions to Irish culture. Dr. Francis X. Gannon, Washington area resident, who was elected last year as member of the International Board of Directors of the institute, coordinates area activities.

Mr. Speaker, I congratulate the Irish-American Cultural Institute for once more uplifting our minds and spirits through its cultural leadership. I insert in the RECORD the text of their upcoming concert program and reception:

WASHINGTON CONCERT PROGRAM AND RECEPTION—AN EVENING OF TRADITIONAL IRISH MUSIC AND POETRY

Hartke Theatre, Catholic Univesity, May 20, 1973, 8:00 pm.

For tickets contact: Hartke Theatre Box Office, 529–3333.

Under the patronage of H. E. Eamon de Valera, President of Ireland.

Performers will include Ireland's most distinguished and best known violinist, Geraldine O'Grady, accompanied on the harp by Elly O'Grady; the premier Irish actor, Des Keogh, whose recent performances have been with Dublin's Gemini Players and screen roles in "Ryan's Daughter and "Ulysses"; Irish American tenor, Raymond McGuire, formerly the lead tenor with the National Opera Company; and, the much-acclaimed P Q Singers conducted by Martin Piecuch, whose appearances include the Lincoln Center.

Irish song and poetry, arranged in both traditional and art style, will be sung and dramatized; the ancient Irish airs, the popular art songs of Irish composers—Thomas Moore, Charles Villiers Stanford and Herbert Hughes—and the poetry and prose of J. M. Synge.

Geraldine O'Grady's name is a household word in Ireland. Formerly leader of the Radio Telefis Symphony Orchestra, she has won major musical prizes in France and most recently toured Brazil. Accompanying Miss O'Grady on the harp will be her sister, Elly, who has toured the U.S. four times as Director of the Clann Gael and also is the pianist on the record *Melodies of Ireland*.

Geraldine O'Grady is not only Ireland's best known professional violinist in the classical field but she also performs arranged versions of Irish airs, ancient and traditional, attracting a wide audience both within and outside the traditional field. On May 20, she will perform traditional airs.

Des Keogh formed his own theatrical company. Productions include "On Approval," "Chase Me Comrade" and "Blythe Spirit." His first wide screen film was "Ulysses" and in 1969 he spent five months on location in Co. Kerry playing in David Lean's "Ryan's Daughter."

Other films have included "The Flight of the Doves" and "Philadelphis Here I Come." On cross channel television he has appeared in the Granada series "The Sinners" and for BBC in "The Assassins," His love of music is evidenced every Tuesday evening on RTE radio when he presents the program "Music for Middlebrows." He is married to violinist Geraldine O'Grady. Mr. Keogh will dramatize the poetry and prose of Irish writer J. M. Synge at the IACI benefit.

Raymond McGuire, Tenor, is an Associate Professor of Music at Catholic University and has performed more than one hundred solo recitations in high schools and colleges. He was on tour with the National Opera Company for three years as lead tenor, performing one hundred productions a year. He has had several solo appearances with the New York City Symphony, as well as the lead in an original opera for NBC television. Mr. McGuire will sing airs by Irish composer Herbert Hughes at the May 20 event.

While serving as musical director and conductor of the Washington Civic Symphony Orchestra in 1966, Martin Piecuch organized the P Q Singers. This group, with a distinctive style, has performed with the National Symphony at Constitution Hall; New York Philharmonic under the direction of Arthur Fiedler; New Jersey Symphony at the Garden State Arts Center, the United Nations 25th Anniversary Concert in Newark, State Department testimonial for Howard Mitchell, conductor emeritus of the National Symphony Orchestra. The group has appeared in the White House with Gregory Peck for the Washington Performing Arts Society, at the Filene Center of Wolf Trap Farm Park and in the Concert Hall of the Kennedy Center.

During the past year the P Q Singers have been developing a repetoire of Irish airs and on May 20 will perform Irish music with texts by Thomas Moore and arrangements by Irish composer Charles Villiers Stanford.

## ALASKA PIPELINE

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ASPIN. Mr. Speaker, the Canadian Wildlife Federation has endorsed a statement which I have made that—

The environmental costs of a trans-Alaska pipeline are so overwhelming that a Canadian route probably should be built after adequate environmental safeguards have been taken.

I have been told by Canadian Wildlife Federation Director, Richard Passmore:

While we cannot presume to speak for other conservation groups in Canada, the Canadian Wildlife Federation would endorse your statement.

In short, we agreed that the environmental costs of moving oil from Prudhoe Bay across Alaska and hence by tanker down the west coast are so unacceptably high that every effort must be made to seek alternate routes which would permit transport of oil at lower levels of environmental cost.

Mr. Speaker, Mr. Passmore's letter is a strong hint that environmental opposition in Canada to a pipeline route would be minimal to possibly nonexistent. While it is not a flat-out endorsement of the Canadian route, clearly the alternative Alaska route is totally unacceptable to Canadian environmentalists.

Canadian environmentalists recognize the overwhelming environmental danger of the trans-Alaska route and will probably prefer the Canadian alternative.

For my colleagues' information I would like to include my original letter of April 18 and his response of April 24.

The letters follow:

APRIL 18, 1973.

Mr. RICHARD C. PASSMORE,
*Executive Director,*
*Canadian Wildlife Federation,*
*Ottawa, Canada.*

DEAR MR. PASSMORE: As you know, the controversy over the transportation of North Slope oil in the United States is reaching a crucial stage.

I believe that the environmental costs of a trans-Alaskan pipeline are so overwhelming that a Canadian route should probably be built after adequate environmental safeguards have been taken.

As the debate continues and reaches a climax, the views of Canada's environmentalists become increasingly important. Therefore, I am writing to you today to pose one question: assuming that a pipeline is built to transport North Slope oil, would you and your organization prefer a trans-Alaskan route (including the transportation of oil by tanker to the West Coast) or a trans-Canadian route through the MacKenzie Valley?

I hope that I may receive an answer from you shortly since the issue may be resolved within the United States rather quickly.

Sincerely,

LES ASPIN,
*Member of Congress.*

APRIL 24, 1973.

Congressman LES ASPIN,
*Cannon House Office Building,*
*Washington, D.C.*

DEAR MR. ASPIN: Your letter of April 18 has taken a rather long time to reach us—a condition which may be symptomatic of the current and recent failure to maintain appropriate communications between our two national capitals. On the one hand, your Administration is so determined to proceed with the trans-Alaska pipeline system that it avoids mutually beneficial exchange of information with Canada regarding possible alternative routes. On the other hand, the Government of Canada takes an ostrich-like stance and refuses to take further initiative to establish communications, using the excuse that it would be interfering in an internal issue which is the sole responsibility of your Government. We sometimes feel that the environmental groups in the United States and Canada are the only participants taking responsible positions in at-

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tempting to find the best solution to the problem of transporting crude oil from Prudhoe Bay to southern markets. Under these circumstances, you will appreciate that we are indeed pleased to receive your comments and your enquiry.

While we cannot presume to speak for all conservation groups in Canada, the Canadian Wildlife Federation would endorse the sentence which constitutes the second paragraph of your letter. In short, we agree that the environmental costs of moving oil from Prudhoe Bay across Alaska, and hence by tanker down the west coast, are so unacceptably high that every effort must be made to seek alternate routes which would permit transport of the oil at lower levels of environmental cost.

Fortunately, studies which were initiated in Canada some two to four years ago make it possible to assess alternate routes and modes of transport by the end of 1973 or very early in 1974, if a decision on this matter can be delayed for juat these few extra months. Even though we would fully expect that a route through Canada would be less damaging to the environment, we will not be in a position to give you a definitive answer to your quite straight forward question until completion of current studies permits the above-noted assessment to be made.

If some press reports we have seen coming out of Washington are at all accurate, it appears to us that a number of inaccuracies and misconceptions are helping to prevent proper consideration of alternate routes and modes of transport through Canada. A few of the major inaccuracies relate to time required for construction through Canada, costs of transport through Canada, and the need to settle native land claims prior to initiating construction. With regard to time of construction, the report "Arctic Oil Pipeline Feasibility Study, 1972", issued by Mackenzie Valley Pipe Line Research Limited, estimates that an oil pipeline through Canada would be in operation (at a throughput level of 1.8 million barrels per day) just four years after a decision to initiate construction. Additional pumping facilities, to be added later, would raise the throughput level to 2.5 million barrels per day.

Similarly, a twin-track railway, capable of carrying up to 6 million barrels per day could be in operation just four and one half years following the decision to begin construction (see the report "Railway to the Arctic" issued by the Canadian Institute of Guided Ground Transport). Projected tariffs, to transport oil from Prudhoe Bay to Edmonton, Alberta, are $1.15 per barrel (30 year average) for the pipeline and 77c per barrel for the railway. In either case, an additional tariff of 30 to 40 cents per barrel would have to be added to move the oil from Edmonton to Chicago.

It is true that native groups along part of the Mackenzie Valley route have not yet chosen specific lands to which they are entitled under the terms of an old treaty. In addition, the Government of Canada appears to recognize an obligation to deal with the more general question of aboriginal rights. In this connection, the position of the Government was stated recently by a member of the Federal Cabinet. The Honorable Otto Lang, Minister of Justice, speaking in Saskatoon on April 14, 1973 said, in response to a request to state the position of the Government of Canada on aboriginal rights:

"Well, I don't want to comment too much on this because, to the extent it is before the courts, I (would) normally avoid talking about it at all. But, without any doubt, we have to face up to the political and moral claims of the native peoples in both the Yukon and the Northwest Territories where, as the Federal Government, we are completely involved. In some of the provinces there are problems as well, but very often it is the province which has the greater responsibility in regards to land settlement. I talk about the political and moral responsibility, because I don't personally believe that the legal question is the end of the question. It is not really what was done is technically right or justifiable according to law. After all, according to law, a government can come in and expropriate without compensation and our constitution has never tried to protect against that kind of wrong. We have always taken the position that it is up to politics, not the courts, to stop wrong-doing and stealing and all sorts of other things.

"We obviously, therefore, have to deal with the problem and we are dealing with it. The Yukon Indians for instance, now have a very extensive brief and a negotiating system going on with us and the Indian Claims Commissioner, and that includes the desire to allocate certain lands to them and to allow certain rights of selection. But they are fully conscious of the fact that, within that right of selection, there has to be a right for a government to move to expropriation in the ordinary way. Indeed, the Yukon Indians specifically said that, if the land they selected is needed for something else, then they would ask, rather than simply for compensation, for the right to select some alternate lands. And that is really what is involved here. The lands that may be needed here for a pipeline or railroad or a highway, obviously, the state has to be able to take. It will take your farm, if necessary, to run a highway across it, so it will take the Indian lands. The only thing is whether they are entitled to something—they are entitled to that land or the equivalent. We have to give them the full equivalent and understand their claims in that regard."

Mr. Aspin, we do appreciate the efforts which you and several of your colleagues in the Congress of the United States are making to have alternate routes and modes of transport of Prudhoe Bay oil given proper consideration. Even though this would involve a brief delay, we believe that the delay is reasonable and responsible in view of the certain environmental costs of proceeding with the trans-Alaska route. Naturally, we wish you every success in your efforts and we offer any assistance we can provide.

Yours very truly,

R. C. PASSMORE,
*Executive Director.*

## ISRAEL AT 25

### HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. RODINO. Mr. Speaker, perhaps the most striking picture which for me best captures Israel at 25 is the view of a group of individuals patiently awaiting the arrival of the Egged bus, No. 15, to carry them home from their activities in downtown Jerusalem. Standing at the crowded terminal, amidst the heavy packages of groceries just purchased from the nearby shuk and the young mothers with children in strollers, all of which will also share space on this bus, one notices a tremendous cross-section of people—the Arab laborer who has tied back his headpiece during the hot noon hour, the 5-year-old Israeli child whose school uniform remains bright and crisp, the Hasidic boy, in dark dress, hat and payechs speaking yiddish to his nearby schoolmate, the healthy, tanned Israeli woman soldier home for a day's leave, the Nahal member returning to his border kibbutz, the Russian immigrant speaking excitedly in his broken Hebrew, a Moshav family in for a brief visit to the city, a Sabra returning home for his afternoon break from his job at the nearby bank, an oriental Jew beladen with fruits purchased at the Arab market and an American student trying to speak Hebrew while everyone else insists on practicing their English—all these people trying to get on bus No. 15 whose driver is usually filled with laughter and jokes, knows many of them by name, addresses each young girl as Motek—sweet—and whose radio rings with music from Italy to Turkey to England to the United States. After a little squeezing and perhaps a little pushing and a few rather sharp corner turns, bus No. 15 is on its way.

For Israel is her people, a people who possess an amazing directness and a firm, clear-eyed approach to the overwhelming need for them to stand on their own two feet and who are keenly aware that only their strength, their courage and the preciseness of their decisions will determine the future of this land. Israel is a people who despite their 16 political parties and their conflicting ideas and solutions for handling the occupied territories or for building developments in the Golan Heights, want only an end to their continually rising inflation and a final and lasting peace. Israel is a people who deeply cherish the value of friendship and who, once their friendship is established, expect the highest of respect, honest, generosity, and trust.

The radio on bus No. 15 is suddenly interrupted by five all too familiar beeps, as Kol Yesroel begins its broadcast. The country, for these 5 minutes each hour, practically stands still, awaiting the latest terrorist reports, listening for the names of any soldier wounded, and breathing a sigh of relief when the news is only routine. And then, just as quickly, the music resumes and the passengers on the Egged think again of their daily activities as their bus heads homeward.

A very happy 25th birthday to you, Israel and may the next 25 be years of continued prosperity, and bring with them peace, once and for all, to your beautiful and complex land.

## THE SPIRIT OF HITLER LIVES

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. BROWN of California. Mr. Speaker, I recently came across an excerpt from "The Life and Death of Adolf Hitler," a book by Robert Payne, in a newspaper published in my district. The San Bernardino Sun-Telegram published this excerpt as an article on April 15, and I believe many of our colleagues would find it of interest:

BOOK EXCERPT: HITLER IS STILL ALIVE
(By Robert Payne)

The flames in the Chancellery garden are still burning, and Hitler is still alive. The Third Reich ended in utter horror and despair but neither the Germans nor their enemies learned the lessons that should have been learned. The war against Hitler is still being fought, and there is as yet no sign of victory.

For what Hitler represented to a quite extraordinary degree was something that had long been in existence and still continues to haunt the people of the world.

Modern machinery and technology have made it possible for every chief of state to hold his people in subjection. Once elected, or once he has seized power, he is in a position to pervert the wealth of the state to his own uses and to employ the weapons of propaganda to serve his own interests.

His power is nearly absolute, for without too much difficulty he can always convince the people that he is essential to their well-being and that without him the state will dissolve into anarchy.

Hitler's rise to power coincided with the invention of the cheap mass-produced radio which enabled him, though unseen, to become a living presence in everyone's living room. He might have succeeded in dominating Germany without the advantages of absolute control over the German radio stations, but without these advantages he would never have been so successful in establishing his totalitarian regime.

So pervasive and all-encompassing was his power that the German people lost their identity; they became little Hitlers masquerading in his shadow. He was their daily bread, their wine, and their dreams.

Not even in Russia had there been such a total surrender to one man's will to power. Even when he lied outrageously, and they knew he was lying, the Germans preferred to believe his lies rather than face the consequences of truth.

One does not expect truth from politicians or from soldiers. By the very nature of their professions they must lie to the hilt. Hitler, both politician and soldier, lied more than most, and more successfully.

The time came when Hitler believed his own lies. Caught up in his own lies and fantasies of power, he saw himself as the destined ruler of a Germanic empire embracing most of the world.

Armed with the machinery of destruction, Hitler embarked on conquests so daring that even his own general staff took fright and warned him against overextending his limited resources. Since he despised his own generals, he had no difficulty in rejecting their advice.

He very nearly succeeded in accomplishing nearly all his objectives, and but for a few elementary mistakes he might have succeeded in conquering the world.

The moral to be learned from the life and death of Hitler is a very simple one: no man can be trusted with power.

To be endurable, power must be shared to the widest possible extent; the single ruler defeats the purposes of our common humanity. When the executive is powerful enough to overwhelm parliament, when he rules by edict and executive order, when he attempts to exercise the rights that properly belong to the community, then he places himself in the position of Hitler.

No man, once he has come to power, remains completely sane. Inevitably he surrenders to self-indulgent fantasies, rejoices in his own majestic utterances, and loses the most precious of his possessions, his humanity.

It is strange that we do not speak about Hitlers in the plural, as we speak about Quislings. The small Hitlers are around us every day, tormenting us with their promises, rejoicing in our weaknesses, demanding our trust, our votes, and our lives, while remaining totally indifferent to everything except their thirst for power.

Power to order the lives of other men consoles them for their own insufficiencies, their lack of humanity. They must have power or perish, and it is all one to them if they misuse their power or crush others in their efforts to seize power.

It is a law of nature that a man in power will use it to his own advantage. To ask of him that he should rule for the benefit of the people is to ask more than he is prepared to grant.

Compared with Hitler, the small Hitlers of the modern age have a tawdry look. Hitler at least asserted himself against the most formidable powers of his time, and was not entirely wanting. There was a certain grandeur in his daring and therein lies the tragedy. Until we have learned that dictators are no more than thieves and murderers, and should be treated like carrion, the tragedy will remain with us.

Many Germans voted against Hitler but few fought actively against him, and of those even fewer fought with clean weapons and clear consciences.

The colonels and generals who so ineffectively attempted to assassinate him on July 20, 1944, were already corrupted because they had fought in his wars and were accessories to his crimes. They worked to save their own skins and their traditional way of life, and when they spoke of "saving Germany's honor" they were speaking about something that was beyond saving.

The Germans who fought clearly against Hitler were so few that they can be counted on the fingers of two hands, and most of them were to be found among the young students of Munich University who formed a conspiratorial society called "The White Rose."

Hitler was the arch-destroyer, determined to stamp out and destroy everything in the world that did not serve his purpose. He was not content with half-measures; he must destroy utterly, Moscow must be reduced to rubble and then drowned at the bottom of a lake, so that no one would ever know where it had been. Leningrad and London must be leveled and rendered uninhabitable because their existence displeased him. Whole populations must be uprooted or exterminated because he took a dislike to them.

No one ever more studiously examined the theoretical possibilities of destruction or more successfully put his theories into practice. His militarism followed to its logical conclusion would lead only to transforming the whole earth into a graveyard.

In the short time given to him he did the best he could: some 25 million Russians died, but that was only the worst of his crimes; 12 million Germans and 6 million Jews were killed by fire or poison or guns. Before the war was over nearly everyone in the world had felt the weight of his destructive presence. He had only to nod his head and the blood flowed in rivers.

Yet the man who spilled so much blood, and was so bloodless, never dared to look at the dead or the dying, never visited a military hospital, and never showed any sympathy for the maimed, the wounded, the blind.

He drove millions of people insane, and millions died in his concentration camps. He never visited a concentration camp and never knew what happened there and had he known, it would have made no difference. When he traveled through bombed towns, he drew the window shades for fear that the sight of the destruction he had caused would weaken his resolution.

In darkness, behind shuttered windows, remote from the world as in a grave, he terrorized the world he never understood and never wanted to understand.

There remains the legend of the lean, hard apostle of destruction with the burning eyes or the seductive voice, who crowded into his life more victories than Alexander, Napoleon and Tamerlane combined. Politicians will study him to learn from his mistakes, and generals will envy him.

Even in our own time we see soldiers and politicians conspiring together to kill millions of people simply because it is the simplest way to solve the problems they are incapable of solving in any other way.

For all the foreseeable future he will remain to haunt us, more alive than ever although he is dead. He hides in shadowy places and at the pinnacle of power, always urging men to commit the ultimate crime, the perfect atrocity, the most ferocious massacres. Into the ears of generals and politicians he whispers: "Be merciless. It is very easy to kill people, and it simplifies problems.

"You will find it much easier now because I have lived. I have reduced the value of man to a fraction of what it was before. You will find, if you continue along the path I have opened for you, that the value of man will decline still further. Remember, mankind is almost valueless and its only use is to serve our interests. We alone are the transmitters of civilization, and the people are nothing but cattle."

So he whispers, and there are far too many ready listeners. The voice is seductive, and his logic, if his premises are accepted, is unimpeachable. The totalitarian way, with all that it means in terms of extermination camps and the suppression of liberties, of bombing defenseless villages or pouring flaming napalm on them, is always tempting to the politicians who find the complexities of democracy painfully inefficient.

The face of Hitler will be remembered, but he had many faces. He especially liked one portrait of himself with his eyes raised to heaven in angelic innocence. He also admired a portrait of himself in shining armor. But the true face of Hitler was written across ravaged landscapes, on burning cities, on the electrified barbed wire of the concentration camps, on the wounds of dying men, and in the ditches of Poland and Russia where the dead huddled together.

That, too, was the face of Hitler.

Mr. Speaker, accompanying the article in the Sun-Telegram was a brief biographical note about the author. I would like to insert that in the RECORD at this time as well:

ABOUT THE AUTHOR

Robert Payne is the author of distinguished biographies of Lenin, Stalin, Mao Tse-tung, and Andre Malraux.

The Life and Death of Adolf Hitler required three years of research and writing. As a student in Munich in 1933, Payne was introduced briefly to Hitler by Rudolph Hess, to whom he had a letter of introduction. Repelled by the tenets of Nazism, Payne could not help being impressed by Hitler, who, far from being the Charlie Chaplin caricature, radiated confidence and personal charm. A year later in Vienna, Payne was involved in an abortive plot to assassinate Hitler at the time of the Anschluss.

## KENT STATE REMEMBERED

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. RANGEL. Mr. Speaker, 3 years ago, on May 4, 13 students were shot by Ohio National Guardsmen on the campus of Kent State University. Four of those students died. On May 14, two students were shot dead by Mississippi highway patrolmen at Jackson State College.

In a perverse way, we as a nation, have come to accept and ignore official acts



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of killing in such far-off places as Hanoi, Haiphong and Mylai.

Do we still remain complacent and at peace with ourselves when our sons and daughters are riddled with bullets on the campuses of American universities?

Let "Kent" and "Jackson" and "Southern" be rallying cries for the days ahead. Let us commit ourselves to making our Government and, more importantly, our society, one that pursues decency and cares about justice. If the deaths of these kids move us in that direction, then maybe it was not all in vain.

## NICOLAUS COPERNICUS

### HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. RINALDO. Mr. Speaker, yesterday, Sunday, May 6, 1973, I was privileged to speak before the Elizabeth, N.J., Federation of Polish Organizations as they observed the 500th anniversary of the birth of Copernicus and the 181st anniversary of the Polish Constitution.

I would like to share with my colleagues the remarks I made on this important dual milestone:

NICOLAUS COPERNICUS

Today is a day that marks two important anniversaries for Polish people throughout the world.

I would like to confine my remarks to two dates—1472 and 1791. Although these dates are three hundred and nineteen years apart, they stand out like beacons in the long history of the Polish people, and indeed of mankind itself.

For in 1472, a man was born in Torum who has taken his place in the world's hall of fame. A man who stands beside Galileo, Newton, Einstein and Linnaeus as one of the truly great thinkers in the history of the world, one of the discoverers of basic scientific facts that have truly changed the life of man upon this planet.

Today, we celebrate the 500th anniversary of the birth of Nicolaus Copernicus, the great Polish humanist, scientist and father of modern astronomy. This observance should remind Americans and the world of the great debt we owe to the heritage of individual liberty and intellectual freedom that was nourished on Polish soil.

The 500th anniversary of Copernicus' birth reminds us anew of the vital contributions made by Polish people to mankind's store of knowledge. For in an age when knowledge was bound by rigid dogmas and unchallenged theories, it was Copernicus who pointed the way toward discovering the secrets of the Universe.

During the age of Columbus, Erasmus, DaVinci and Michaelangelo, this true Renaissance man from Torum spent 13 years travelling and studying in Italy, where he sat at the elbows of bishops, professors and astronomers. Copernicus was a practicing physician, a doctor of canon law, a brilliant financial expert, a famous mathematician, and an accomplished linguist who knew Latin, Greek, Italian and German, as well as his native Polish language. But all of his accomplishments pale into insignificance when one considers his work as an astronomer. He was the father of one of the few true scientific revolutions in the history of the world—a revolution which completely overturned man's vision of the universe and his own place in it.

It was Copernicus who refused to accept the prevailing view that the earth was the center of the universe. It was Copernicus who discovered and proved that earth revolved around the sun. Although this theory might seem self-evident today this was not the case during the time of Copernicus. His was a bold, sweeping, revolutionary teaching that shook the world.

One of the debts the world owes to the man whose birth we are celebrating is his spirit of humanism, with its faith in man's ability to reason and in the dignity of the individual.

For out of the flame of knowledge ignited by men like Copernicus, sprang the desire of men to be free. This desire fueled the revolutions that shook the world in America, France and Poland.

It was out of this desire to be free men that the people of Poland rose up against their oppressors and produced in 1971 the Polish Constitution. A document based on the spirit of the constitution in America, the Polish constitution was as revolutionary in its own way as its American counterpart. It was illuminated by principles that had their roots in the great cultural heritage of the Polish people . . . in the contributions of humanists and scientists like Copernicus, and in a profound dedication to individual liberty, dignity and equality.

And today, we mark these two important milestones in the history of knowledge and freedom. I have come from Washington to tell you that America has not forgotten Poland's glorious heritage of dedication to individual liberty and intellectual freedom. Nor have we forgotten the contributions of the Polish people to the winning of our own independence and to the enrichment of our culture and our society.

I am proud to join in paying a well-deserved tribute to that great heritage, and to join all Americans of Polish descent in celebrating the anniversaries of the birth of Copernicus and the Polish Constitution.

## INGLEWOOD ROTARY CLUB GOLDEN ANNIVERSARY

### Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mrs. BURKE of California. Mr. Speaker, I would like to make note in the CONGRESSIONAL RECORD of the golden anniversary of the Inglewood, Calif., Rotary Club.

The Rotary Club of Inglewood has exposed 2,500 men to leadership training of a type that is not available elsewhere. Its members and alumni have taken leadership roles in civic, social, school, and government affairs. The club has stated as its prime purpose the development of the individual and their various services to the community have involved such fine projects as Youth Counseling Service, Hire-a-Veteran, and sponsoring two major scholarships at Inglewood and Morningside High Schools.

They have done an outstanding job in the community with the Inglewood Health Department, the Y.M.C.A., the Department of Parks and Recreation, veterans affairs, and various other worthwhile service projects.

It is organizations such as this that make this country a better place in which to live.

## CITY OF HAWTHORNE, CALIF., ADOPTS RESOLUTION IN SUPPORT OF H.R. 261—THE ASIAN AMERICAN AFFAIRS ACT

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ANDERSON of California. Mr. Speaker, this Nation has been blind to the needs of a subculture in American society. The United States has been living with a myth that problems are nonexistent for Americans of Asian descent.

While it may be true that some Asian Americans have broken through economic, political and social barriers; prejudice and discrimination continue to plague the great majority of these people.

It is only too apparent that the problems which face most Asian Americans are beginning to reach crisis proportions.

Many progressive communities are realizing the need for Federal action which would relieve these ever-growing problems. One such community is Hawthorne, Calif., which on April 23, 1973 adopted a resolution in support of H.R. 261, the Asian American Affairs Act, which I authored with our colleague, SPARK MATSUNAGA.

I commend the city council of Hawthorne for their action; and for the benefit of my colleagues, I am inserting the resolution as passed by the Hawthorne City Council regarding H.R. 261:

RESOLUTION NO. 4449

Whereas, while it is true that Asian Americans over the years have surmounted legal, economic, political, educational, and social barriers, the true facts indicate that in all too many instances, the remnants of prejudice and bigotry still pervade our society and continue to confront the Asian American citizens in this country; and

Whereas, the problem of the Asian Americans include both the youth and the elderly of the country, partly because of the language barrier and partly because of social and cultural differences; and

Whereas, while the City of Hawthorne and many of its neighboring cities have taken constructive steps to help solve the many and complex problems confronting the Asian American citizens of the community, this City Council is of the opinion that only federal action can begin to investigate, isolate and rectify the many inequities; and problems relating to the Asian American population; and

Whereas, on February 22, 1973, the Honorable GLENN M. ANDERSON, Member of Congress, introduced H.R. 261, which he co-authored together with the Honorable SPARK M. MATSUNAGA, which would create a meaningful and effective Cabinet Committee for Asian American Affairs with the specific task of identifying the problems of Asian Americans, developing solutions to those problems and correcting the injustices that presently confront Americans of Asian ancestry;

Now, therefore, the city council of the city of Hawthorne, California, does resolve, declare and find and determine and order as follows:

Section 1. That this City Council does hereby support H.R. 261 in its entirety and does hereby urge its favorable passage.

Section 2. That the City Clerk is hereby instructed to forward a copy of this resolution to Congressman GLENN M. ANDERSON and SPARK M. MATSUNAGA, Senators JOHN V. TUNNEY and ALAN CRANSTON, the Board of Supervisors of Los Angeles County, and each city in Los Angeles County.

Section 3. That this resolution shall take effect immediately.

Section 4. That the City Clerk shall certify to the passage and adoption of this resolution, shall cause the same to be entered among the original resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

Passed, approved and adopted this 23rd day of April, 1973.

ROBERT P. REEVES,
*Mayor of the City of Hawthorne, Calif.*

Attest:

KENNETH L. KEEL,
*City Clerk.*

Approved as to form:

KENNETH L. NELSON,
*City Attorney.*

STATE OF CALIFORNIA, *County of Los Angeles, City of Hawthorne, ss:*

I, Kenneth L. Keel, City Clerk of the City of Hawthorne, California, do hereby certify that the foregoing Resolution, being Resolution No. 4449 was duly adopted by the City Council of the City of Hawthorne, California, at a regular meeting of the City Council held April 23, 1973, and that it was adopted by the following vote, to wit:

Ayes: Councilmen Moore, Miller, Clark, Mayor Reeves.

Noes: None.

Absent: Councilman Page.

KENNETH L. KEEL,
*City Clerk, City of Hawthorne, Calif.*

## RUTH O. ROBINSON HONORED AS DISTINGUISHED ALUMNI

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. EDWARDS of California. Mr. Speaker, I wish to call to the attention of my colleagues the presentation of the Distinguished Alumni Award of Albright College to Ms. Ruth O. Robinson, assistant counsel to the Civil Rights Oversight Subcommittee of the House Committee on the Judiciary. The award, which was first given in 1968, has only been bestowed three times since its establishment. Ms. Robinson, a 1965 graduate in political science, is the youngest recipient of the award and was honored at a luncheon reception on May 5, 1973, in Reading, Pa., site of the college.

This honor is recognition of Ms. Robinson's efforts to improve human relations throughout the country and to insure equal justice. Recently selected as one of the ten outstanding young women of America, she is a graduate of Vanderbilt Law School in Nashville, Tenn. She has served as the executive director of a federally funded Legal Services program in New Haven, Conn., and as an attorney/professor of law at the Antioch School of Law in Washington, D.C.

An active participant in several national organizations, she is on the executive committee of the National Legal Aid and Defenders Association and a member of the Washington Bar Association. Likewise she has served as a consultant to several professional groups including Sachem Fund and the National Task Force on Legal Paraprofessionals. Her lectures and published articles cover such subjects as women as agents of community change and developments in paralegal training. She received the Harriet Tubman Award for Community Service in 1972, and was selected a community leader of America in 1971.

Mr. Speaker, we are pleased to have Ms. Robinson with the House Committee on the Judiciary and feel certain that she will continue her efforts to insure that all of our citizens enjoy equal access to the resources of this Nation.

## ISRAEL: AT 25

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. RANGEL. Mr. Speaker, today, I join with men of good will everywhere in celebrating the 25th anniversary of the State of Israel.

The true meaning and significance of this anniversary should best be understood by the downtrodden and suffering among us. For they should find hope and renewed spirit in the saga of the Jewish people and the birth of Israel. That the Jews, nearly exterminated 30 years ago and now surrounded by nations dedicated to their destruction, have settled in and transformed a barren desert into a thriving and free nation is truly a cause for faith in a better tomorrow.

The Jewish people, with everything going against them, made it. Let this 25th anniversary serve as a symbol for what can be. No anniversary could be celebrated in a more meaningful way.

The New York Times on its editorial page today wished the State of Israel the birthday gift of peace. I share that wish.

The editorial follows:

SHALOM

In just one generation the Jewish people have experienced the deepest despair of holocaust and the most profound exhilaration of nationhood. These are epic events of our time to be measured against the chronology of millenia. Today the state of Israel marks its 25th year of existence in the modern world. This may be but a small milestone in 4,000 years of a people's recorded history, but it is an awesome human achievement of a living generation in the face of the forces arrayed against it.

A nation of despairing refugees has become a society of proud citizens of their ancient land. The problems that pressed upon earlier generations have been solved by nationhood; this solution of nationhood is what poses the problems for the generations to come.

Unreconciled still to the presence of the Jewish state, the neighboring peoples of Palestine and the Arab Middle East take solace in what they see as a historical analogy: the medieval Crusaders' states, imposed upon the Levant by aliens from Europe, only to shrivel up and disappear. Israelis know this analogy is false. The crusading armies never saw themselves as settlers, only military conquerors. Only men came, never more than 50,000 of them, never families intent on dropping new roots. The ties, the loyalties of the Crusaders remained in feudal Europe. The 2.5 million Jews of Israel, by contrast, have left the life of the Diaspora behind them. For them there is no other home base, no place to return.

Entering its second quarter century, Israel has yet to find its chosen place in the world polity. From its immediate neighbors Israel longs for acceptance as just one more nation-state among all the others of the Fertile Crescent. Yet in the world at large, to be just one more nation-state like the others would seem to fall short of the Zionist ideal. The early visionaries of Zionism—and some of their present-day descendants retain that vision—perceived the land of Israel as a beacon for all the world, a society in which the intellectual vigor of the Jewish people could flourish for the benefit of all humanity, including those on the land before the Zionist settlers arrived. This has not come about; for its first 25 years physical survivor more than enrichment of the human experience, was the challenge thrust upon modern Israel.

So far Israel has not been allowed the luxury of meeting the challenges of peaceful construction, of integrating its unique contributions with the restive humanity around. Having come this far, the people of Israel have no further need of self-justification; their only need is peace and grace to face the tasks remaining. For its 25th anniversary, peace is both the greeting and the wish of Israel: Shalom.

## SILVER ANNIVERSARY

### HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. COTTER. Mr. Speaker, from the last valiant stand of the Jewish defenders the Roman conquerors at Massada in 73 A.D. until May 15, 1948, there was no Jewish nation in Palestine. During those 18 centuries most of the Jewish people were in the "Diaspora"—dispersed throughout the world. It is from the Diaspora—and from the horrendous and diabolical "final solution"—that the Jews returned to Palestine to reestablish an independent Jewish State. And, on May 15, Israel will celebrate the 25th anniversary of that rebirth of nationhood.

I wish to join with countless others who have been privileged to witness the rebirth and maturation of this state in extending sincere best wishes to Israel and her gallant people. I call them gallant, because of the almost insurmountable odds they have had to overcome just to survive as a nation. Three times in this past quarter century the young State of Israel has met the challenge to its existence posed by its neighbors.

As a Member of Congress, I am also privileged by the opportunity to join with the overwhelming majority of my colleagues who have pledged support for the survival of Israel. This pledge is all the more easy to fulfill, because Israel asks little of us. She asks only the opportunity to be treated fairly in world councils and, when necessary, the opportunity to purchase the wherewithal of her defense.



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I fervently hope on the eve of this silver anniversary that by the time of her golden anniversary Israel's right to exist will no longer be a disputed issue, that after millenia of war, dispersion and unspeakable atrocities the return to the promised land will be a fact acknowledged by all men and nations.

## U.S. ARMY RESERVISTS IN COMMUNITY SERVICE

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. KEMP. Mr. Speaker, too often, in recent times, the Department of Army has been portrayed as a demoniacal machine which devotes itself to dehumanization and warfare. The outstanding contributions made to our society by our U.S. Army service members are completely ignored or disregarded. I, therefore, wanted to call to the attention of my colleagues the outstanding job which the members of the U.S. Army Reserve 4th Brigade are doing at the Protestant Home for Children in Buffalo, N.Y. The following article which recently appeared in the Buffalo Courier Express aptly describes the great contribution which members of the U.S. Army Reserve 4th Brigade are making to our community:

ARMY RESERVISTS IN COMMUNITY SERVICE

(By Jean D. Hartnett)

A group in the U.S. Army Reserve of this area is involved in transferring the military "buddy system" to civilian life in applying it to young boys in need of help.

The 35 reservists are members of the 4th Brigade, 98th Division; the 3d Battalion, 98th Regiment; and the 1st Battalion, 98th Regiment.

SOME HAVE SCHOOL WOES

With approval of the Army Dept., the men have volunteered to spend 90 of their required 196 hours of training a year working with youths who are under the care of the Children's Aid Society, the Protestant Home for Children's Aid Society, the Protestant Home for Children and the Urban League of Buffalo.

These are youngsters who have varying special problems. At Children's Aid the reservists are working with boys who have difficulties in their school work—or, who have so many difficulties in that area that it is a problem for them to stay in school at all.

Sometimes it is a matter of remedial reading assistance. In other cases, it might be one of the school curriculum. The agency, availing itself of the services of the military men, makes contacts with the boys' families' (natural or foster) and with the pertinent school officials for the necessary work materials.

It then sets up study-aid sessions for the men and boys—sometimes at its own headquarters, or at a branch library or in some other public building. The men engaged in such work through their reserve units are qualified for it on the basis of their being college graduates, some of whom are teachers.

TRAINED TO TEACH

Most have been trained by the Army to be instructors and spend two summer weeks at Army camp in that capacity—lecturing and training in a variety of fields.

At the Protestant Home for Children at 605 Niagara St., where Director Richard A. Bonneville praised the contributions of the men, the reservists work with poorly coordinated youngsters who can benefit from training in basic athletic skills.

At that same institution they also work with groups in more advanced athletic skills, arts and crafts programs and motivational therapy. Typical of some of the men who devote time at the home are Sgt. Raymond W. Poli, Pfc. William A. Prescott and Pfc. Daniel A. DeAngelo.

AID "SLOW" READERS

Other men, at the Urban League, provide remedial assistance to youths with specific reading deficiencies. There, they work on a "one-to-one" basis, similar to that involved in the Army's newest training procedures, with one reservist for every individual boy needing assistance.

League director Donald Pace also makes use of the University of Buffalo Reading Clinic as a first step, for pinpointing each boy's specific problem, for which he will then seek help, through the reservist volunteer workers or others.

C.O. PRAISES MEN

Col. Norbert J. Rappl, commanding officer of the 4th Brigade, cited Lt. Col. Robert S. Hager, commanding officer of the 1st Battalion, 39th Regiment of that Brigade, for spearheading this community action program. He also commended Maj. August H. Hein and Lt. Col. Richard D. O'Connor, commanding officers of the 98th Regiment of the 1st and 3d Battalions respectively, for their efforts.

Col. Rappl said he believes the project is "the start of one of the most unique and continuing programs of community service in which members of the U.S. Army Reserve can participate.

"It is structured so that it does not interfere with the individual reservist's normal military duties, helps him complete his military obligation and gives him a real feeling of doing something for members of his community."

## WATERGATE

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. HARRINGTON. Mr. Speaker, the break-in, bugging, and burglary of Democratic national headquarters last June was an unpardonable act of political espionage. The questions of who did what to whom, and why, must be answered and they must be answered promptly. Such behavior has no place in our political system.

At the same time, there are larger questions about the integrity of our government and our political parties that will linger long after the Watergate case itself is laid to rest. The questions involve the basic honesty of officials, elected and appointed to high office, and their ability to govern with the suspicion and distrust that has been created by this case. In the long run, these are more important questions, for no government can survive without the trust of its people. Unfortunately, these issues which should be central to the whole debate are too easily forgotten in the onslaught of headlines and disclosures regarding the Watergate break in.

On April 20, James Reston's column, "After the Watergate," and on April 23, a New York Times editorial raised these basic questions which deeply disturb me. I hope that the issues in those articles will not be forgotten by the public or by any Member of this body. I insert them in the RECORD at this time.

[From the New York Times, Apr. 23, 1973]

BEYOND WATERGATE

The questions of who did what and with whose approval in the Watergate affair must of course be asked in the effort to punish past wrongdoings and prevent future scandals of this nature. Inevitably too, any proceedings involving those close to the summit of power exercise a lurid hold on the public's fascination. But to pay attention merely to the specific criminal details or to the Who's Who of the cast is to miss the real significance of this sordid chapter of American governmental history.

What has happened is that a web of deception has been interposed between the American people and their Government. High-ranking officials act in secrecy, without holding themselves accountable to anyone. Their sole justification for such usurpation of power is that they are the President's surrogates. When the legality of their actions is challenged, they first deny knowledge of any wrongdoing, then hide behind the privilege of being accountable only to their master, and finally, under pressure of accumulated evidence admit that they knew that others were involved, while maintaining their own innocence. All the while, every effort is made—and President Nixon himself has until recently personally presided over that effort—to keep the investigation in the hands of those who are being investigated, or at best their close associates.

The scenario is not confined to Watergate. The abuse of power and the evasion of accountability is by now an established pattern.

Only after intensive questioning by the Senate concerning the relationship between the high commands of the Justice Department and of the International Telephone and Telegraph Corporation, while antitrust suits were pending against I.T.T. and after the company's secret offers of political contributions had come to light, did former Attorney General John N. Mitchell admit that he had discussed the Government's antitrust policies privately with I.T.T.'s president.

Once again in the Watergate affair, Mr. Mitchell has admitted at this late date that he had known of proposals of political espionage against the opposition party. It may be perfectly true that Mr. Mitchell opposed such action; but this does not answer the question why he—until recently the nation's highest legal officer—remained silent until now. The inference to be drawn from such silence can only be that high officials of this Administration consider themselves a class apart, not responsible to the people nor subject to those who try to uphold the laws that govern ordinary Americans.

Similarly, Richard Kleindienst, the current Attorney General, confronts the Senate with the astonishing doctrine that neither he nor any other member of the executive branch need respond to questions by Congress if the President commands silence. Less than one week later, Mr. Kleindienst voluntarily disqualifies himself from the Watergate investigation but only after it has become apparent that some of his close associates are under a cloud.

The combination of secrecy and arrogance on the part of a coterie of appointed officials in the inner sanctum of President power has created a serious threat to constitutional government. Such rule by an unresponsive oligarchy would be unacceptable even if the President's surrogates acted on the highest level of ethics and morality. It becomes an affront to lawful government when briefcases and safes are stuffed with hot cash to finance illegal activities.

When the ways of the mob become the ways of the President's surrogates, the people's faith in government is the victim. This is why the issue is no longer merely one of specific offenses or offenders. It is not just a matter—as some of Mr. Nixon's latest remarks suggest—of dropping the delinquent member of the crew and riding out the storm. What has been created is an essentially undemocratic apparatus of men, money and arrogant power. Until that apparatus is dismantled and its oligarchy stripped of its extralegal perogatives, the American people's trust in their Government will not be restored.

[From the New York Times, Apr. 20, 1973]

AFTER THE WATERGATE

(By James Reston)

WASHINGTON, April 19.—Even after the courts and the Senate have passed judgment in the Watergate case, we will still not know what happened here unless we understand the mood and assumptions of the Administration in which these bizarre events occurred.

The mood was conspiratorial. Mr. Nixon has come to the pinnacle of American political life, but always against great odds. From the first, he has been a "loner," fighting against the established institutions of the Congress, the press, the civil service and the universities—all of which he felt were hostile to him.

His assumptions, when he finally prevailed over all of them in one of the greatest personal triumphs in American history, were that they were still against him. So he isolated himself and concentrated power in his White House staff, now under attack.

He reduced the power of the Cabinet. He talked publicly about the "bureaucracy" in Washington as if it were a foreign enemy rather than his servant and ally. Even after his spectacular victory in the Presidential election last November, he defied the Congress to question his aides or appropriate funds he didn't want to spend, and assumed that the inquiries by the press into the Watergate case were not only frivolous but vicious, and maybe unpatriotic.

In short, fear and suspicion have been his companions. He had the example of President Johnson before him. Mr. Johnson had been drummed out of the White House by militant opponents of the Vietnam war. These same militants were still around and might try to defeat Mr. Nixon as they had defeated Mr. Johnson, and President Nixon was surrounded mainly by his friends on the White House staff, who shared his suspicions of the Congress, the bureaucracy and the press, and were loyal primarily to him.

This does not mean that the President knew about the Watergate conspiracy. He is too intelligent to approve such risks in an election against George McGovern which was never in doubt. Also, in fairness to him, he is too smart to get involved in raising funds laundered through Mexico, or recruiting C.I.A. characters to bug Larry O'Brien's telephones.

But the main thing seems to have been missed here. It is that President Nixon did create the atmosphere of fear and suspicion in which others working for him apparently felt that they could use any means to assure his re-election. It is not good enough to convict the burglars at the Watergate, or even to identify the officials who approved it or knew about it, or paid for it. They obviously have to pay the price for breaking the law, but most of them were the victims rather than the originators of the crime that came out of the atmosphere of conspiracy in which they lived.

This is why McCord, Magruder and the others are beginning to tell the Justice Department, the grand jury and the Senate investigating committee what happened. Aside from trying to save their own skins, they want it known that they were not acting on their own, but operating under instructions for reasons they thought were not only official but honorable.

It is the old problem of ends and means. If the President thinks his Vietnam policy is right, and the Democrats are opposing him, with the aid of a lot of radicals who might disrupt the Presidential election campaign, why not bug Democratic headquarters, and even sabotage the Democratic Presidential candidates? All this must have seemed reasonable under the atmosphere of conspiracy which has dominated the Nixon Administration.

Accordingly, even if John Mitchell, John W. Dean 3d and Jeb Stuart Magruder are indicted, and the President's chief of staff, Bob Haldeman, resigns—not because he knew what was going on but because he didn't protect the President—the problem will still exist.

For the root of the problem here is not criminal or even political but philosophical. President Nixon can easily dump John Mitchell, John Dean, Jeb Magruder and all the rest, but unless he explains that they were not faithful to the ideals and atmosphere his Administration created, they will insist that they were doing what they thought he wanted them to do, and he will still be in trouble.

President Nixon is already in difficulty on other fronts. He is in trouble with the economy, trade, labor, the price of food, and even with his own conservative colleagues like Barry Goldwater on handling Watergate.

After the Watergate case is settled, after the White House staff is cleaned out and reorganized, President Nixon will still need much more support from the public, the Congress and the press than he now has.

This will require a much different atmosphere than we have had during the last four years in Washington, and the President is in a much better position than anybody else to change it. Finding the culprits in the Watergate case won't do it. The problem is the atmosphere of fear and suspicion which made the Watergate tragedy possible, and this cannot be removed by removing Mr. Nixon's aides. The atmosphere of distrust, almost of war between the President on the one hand and the Congress, the press and the civil servants on the other, has been the main problem in the last few years, and this will not be changed, even with a new White House staff, unless the President himself changes it.

## PERSONAL ANNOUNCEMENT

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. STARK. Mr. Speaker, I regret that I was unable to be in attendance for the session of the House on Monday, May 7. Instead I was in Oakland, Calif., on official business, for the opening and dedication of the George Miller memorial hangar at Oakland International Airport.

I did, however, request a general pair so that I might be able to voice my support for the five bills considered by the House today. These five bills seem particularly important to many groups of people and I believe it essential that the funds in question be appropriated.



## ADMINISTRATION RECOMMENDS SOME TAX REFORM

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, it is heartening to note that the administration has decided to support some type of limited tax reform.

Although major reform is necessary to eliminate large loopholes, tax shelters and windfalls that permit many wealthy families and corporations to escape substantial taxation, the administration's recommendations mark a beginning.

It is certainly my hope—and this hope is shared by millions of Americans—that the Congress this year will enact some type of basic tax reform, plugging loopholes thereby providing for a more equitable tax structure.

In this connection and because of the interest of my colleagues and the American people in this most important matter, I place in the RECORD herewith an article from the Sunday New York Times concerning the President's proposals.

The article follows:

TAX SHELTERS: WIND SHIFT—PRESIDENT PROPOSES NARROWING LOOPHOLES

(By Edwin L. Dale Jr.)

WASHINGTON.—Attention, 130,000 doctors, lawyers, highly paid business executives, big investors using borrowed money and the tax-shelter departments of investment advisory firms: Life is likely to become more difficult.

The Nixon Administration's tax-reform proposals last week would significantly reduce (though not eliminate) the usefulness of tax-shelter types of investment for the well off: oil, real estate, agriculture and others. And they would limit the use of big deductions, chiefly for interest and charity, as a means of offsetting most or all taxable income.

These proposals may not pass Congress exactly as suggested, of course, and no tax-reform proposal is likely to become law this year. But the next tax bill very probably will tackle in a serious way the still-nagging problem of the man or woman who has a large cash income in a given year and pays little tax.

The relatively conservative Nixon Administration and Congress's liberal Democrats are in accord that the first "minimum tax" reform in 1969 did not solve the problem. The surprise proposals made last week by Secretary of the Treasury, George P. Shultz, backed by the President, would go much further in limiting the use of a combination of "preferences" and deductions by wealthy taxpayers to reduce their tax drastically.

But these proposals may also create some problems even on the assumption that the general objective is good—an assumption that will hardly be accepted by the officially estimated 130,000 taxpayers who would be affected by the reforms.

The general principles involved are not obscure. There are three ways by which the tax of a person with a big income can be reduced:

Exclusions. This is income that does not count as income for tax purposes: the untaxed half of capital gains, the "bargain" of executive stock options, part of the income from oil and other minerals under the depletion provision and some income from foreign sources.

Deductions. Everyone is familiar with these. The only important ones at issue in

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this connection are the huge charitable contribution deductions and particularly the huge interest deductions for the use of borrowed money to buy more investments of one kind or another. Sometimes these deductions can be so large as to eliminate or nearly eliminate tax.

"Artificial accounting losses," as the Administration proposal calls them. These are the items that appear inside brackets in the tax return and reduce taxable income. There might be an accounting "loss" to an oil investor for the first year's drilling expense, a "loss" to an investor in a new apartment building because of accelerated depreciation or a "loss" to a tax-minded farm investor from buying feed in that year for his young steers.

The Administration reforms, essentially, would tackle the first two of these by one change called "minimum taxable income" and the third by another change called "limitation on artificial accounting losses."

In the first case, no matter how many exclusions and deductions a taxpayer could find in a given year, he would have to pay a sizable tax—a good deal more than now, even with the 1969 "minimum tax" in effect.

The general principle, as enunciated by Secretary Shultz last week, is that the change "would prevent the combination of exclusions and itemized deductions from offsetting more than one half of a taxpayer's income, and every individual will be required to pay tax on at least the balance." And this tax would be at the regular progressive rates, not the flat 10 per cent rate of the present "minimum tax."

The Treasury gave two examples. In one, the "true" income of a couple is $350,000 in a year; the tax is $11,000 now and would be $88,340 under the change. In the other example, the "true" income is $275,000; the tax is $45,358 now and would be $64,620 under the change. It all depends, of course, on the sources of income and the deductions and exclusions that are used, but a significant increase in tax would occur almost every time.

The "artificial loss" provision, which tackles the third area of tax escape, is supposed to keep alive tax incentives for investments in minerals, housing and farms. But it is also designed to force wealthy investors to take their tax-allowable losses only against actual income from the related investment—which means mainly future income.

The losses denied this year would be available for use later. But the investor in a successful oil-drilling venture could not take as a loss the drilling expense in the year the well was drilled, before any income was produced. The investor in an apartment house would have limits on how much "loss" he could take in a year solely because of accelerated depreciation, though eventually he would be entitled to all of that depreciation.

The aim of all this, frankly stated by Mr. Shultz, is to improve the image of fairness in the tax system by reducing to zero if possible "horror stories" about the wealthy whose tax returns show little or no tax.

At stake, Mr. Shultz said, is the nation's "spectacularly successful" revenue-raising system that depends on individual compliance.

"We must deal effectively with aspects of the system that may undermine confidence in it and, therefore, cooperation with it," he said.

What, then, are the problems? Some emerge like this:

Universities and other recipients of large tax-deductible contributions are going to have to prick up their ears. It is possible, though not likely, under the new system that a man making a big contribution in a year could be tripped into the new "minimum taxable income" situation and, in effect, lose part of the tax deduction for his contribution even if he has no "sheltered" income at all.

Much more likely is that this man has a few exclusions, such as capital gains, and the combination of them with his contribution trips him into the M.T.I. (as it has been dubbed).

Some people will argue that "minimum taxable income" will further exacerbate the supposed "locking-in" problem in the case of capital gains. A person taking a large gain could not be sure that only half the gain would be taxed. If there are enough other exclusions plus deductions in that year, the taxpayer, again, may be tripped into the M.T.I. situation.

To cite an example, it could be silly in a tax sense for a wealthy taxpayer both to realize a large capital gain and to make a large contribution in the same year.

The elimination of "artificial" tax losses could reduce investment by individuals in oil and gas (which the nation needs) and in residential construction (which it also needs). The subsidized variety of construction for lower-income renters called Section 236, for example, has been a particular favorite of tax-shelter investors.

There are counter-arguments, but the possibility of reduced investment has already been raised by at least one member of the House Ways and Means Committee.

On the other side of the coin, the proposals (though far tougher than the present minimum tax) do little about the agonizing fairness problem of tax-exempt interest from municipal bonds. Mr. Shultz proposed a new alternative taxable bond, with an interest subsidy from the United States Treasury, that might gradually dry up the supply of tax-free bonds.

This, together with the lesser attractiveness of other tax shelters and a resulting rise in the demand for municipals, might well drive down their interest yield somewhat. Essentially, however, tax-free interest would remain an untackled loophole and therefore a problem.

The first three problems illustrate the clash of good motives involved in the tax system: the desire to stimulate or favor some kinds of investment (or donations) versus the need for a system that seems to the great majority to be fair.

It seems more and more likely that the latter motive will prevail, at least in the individual income tax. And tax-exempt interest may creep into reform, too. The best evidence of the general sentiment is that this Administration has decided that the aura of fairness in the system should have priority over the other considerations, though it has not proposed elimination of any important specific tax "preference."

That puts President Nixon in the same camp as George Wallace and George McGovern on a basic principle, though by no means on all details.

## DOES WASHINGTON NEED RENEWAL?

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. ASPIN. Mr. Speaker, a column entitled "Does Washington Need Renewal," recently appeared in the Baltimore Sun. The author Mr. Russell Kirk, points out that some of Washington's urban renewal schemes had adversely affected small businessmen and, in the long run, will do little to relieve existing urban blight.

I am sure that this article would be of interest to many Members. The article follows:

DOES WASHINGTON NEED RENEWAL?

(By Russell Kirk)

The city which is the capital of these United States has been growing ugly for the last three decades. Now, Washington has the prospect of becoming another Manhattan in appearance—all in the name of "urban renewal" and face lifting for the Bicentenenary.

Washington's Board of Trade, the organization called Downtown Progress, and the Redevelopment Land Agency are working hard to demolish more of the old commercial districts of Washington, particularly along the line of the subway system now being constructed.

Many of these commercial boosters desire to build high-rise towers of 20 to 25 stories, although at present no building in Washington is supposed to be more than 130 feet high.

"Renewal" in Washington has been confused and wasteful. Some $200 million in federal funds has been poured into such projects. The chief result, so far, is that the capital looks as if it had suffered heavy bombing raids. On the vacant sites or in derelict buildings scheduled for demolition, human predators lurk—as if Washington had not had sufficient crime already.

For the benefit of big commercial firms, the properties of small local businessmen in Washington are virtually confiscated—and then sold at a discount to the new "developers," public funds making up the difference in price. The little businesses cannot afford the high rents of the new business complexes; many of them vanish altogether, or are exiled to the fringes of the city.

The small business organization called BASYAP, Inc. (Businessmen Affected Severely by the Yearly Action Plans) does what it can to resist this effacing of the humane scale of business in the District of Columbia. The agency has turned to the Supreme Court for redress—unsuccessfully, so far, despite the court's solicitude for other forms of civil rights. There writes to me a gentleman active in the group:

"It may be doubted that the Congress, and President Nixon, ultimately would be very proud of an administration effort to use the powers of big government to destroy small business and to make the nation's capital safe for big business," he remarks. "Do you think it would be possible to appeal to President Nixon—since he comes from a small-business background, and knew adversity?"

Perhaps a public appeal could have some success in saving the capital from the shame of a total takeover by big business and high-rise Manhattanization.

President Nixon is earnestly interested in the improvement of Washington's appearance, particularly along Pennsylvania avenue, in connection with the bicentennial celebrations. Whether he can find time to give some personal direction to that effort is another matter. The big commercial interests and civic boosters in Washington tend to think of the city not as a splendid national capital, but rather as just another conurbation for development.

George White, the architect of the Capitol (a post controlled by Congress, not by the executive branch), takes a dim view of many schemes for the "development" of Washington.

"Some people would like to increase building heights in certain locations, particularly around the Metro stations as they are built, supposedly to attract new development and income for the District," he remarks. "But if you allow tall buildings around Metro stations, they'll soon spread and the first thing you know you'll have New York.

"I really believe that if tall buildings were the answer to urban woes, New York wouldn't be in the economic difficulty it is."

Amen to that. The highrise pattern of existence is inhumane: it increases rather than diminishes, street crime, and basically it is unsound on business principles. Doubtless with the best of intentions, the big commercial boosters are piling Manhattan's woes upon Washington's present tribulations.



## HIGHER FOOD PRICES, A BYPRODUCT OF INTERNATIONAL GENEROSITY

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 1973*

Mr. RARICK. Mr. Speaker, this past weekend the city of Washington saw a protest against inflation and higher prices. Tragically, the protestors, when given the podium of local television, were most vocal in blaming what they called "those rich farmers" for price increases.

Either the masterminds of the anti-inflation protest were misguided, or they were intentionally misleading the American people. With the national average income of American farmers being less than $7,000 a year, any protests against high prices should not be directed at the minority who produce our food.

Unfortunately, the protestors in Washington did not criticize the Federal Reserve System, the International Monetary Fund, the U.N. office, the Soviet Embassy, or the new Red Chinese diplomatic mission. These are the true culprits, along with continued foreign aid and continued U.S. contributions to the United Nations. The farmers are not to blame for financial blunders.

Thinking Americans realize this; they know that the clanking noise that haunts modern society is not from the chains of slavery, rather, it is the rattle of printing presses at the Treasury Department rushing off another truckload of nearly worthless paper money.

Thinking Americans are concerned over the continuation of foreign aid giveaways to subsidize foreigners and enable them to buy American goods at discount prices, thus cutting the supply and raising the price of these same goods to our domestic consumers.

Mr. Speaker, so long as "Alice in Wonderland" theories of financial progress though spending ourselves poor and sharing our wealth with the world continue to dominate American fiscal policy, domestic prices will continue to rise and higher taxes will be inevitable.

If political controls over our finances and economics are good, why aren't they working?

Related newsclippings follow:

[From the Washington Post, May 6, 1973]

MAO EMPHASIZES CLOTH PRODUCTION—CHINA BUYING MORE COTTON

(By John Sharkey)

China is buying cotton on world markets at a rate at least as high as last year's record purchases and may buy even more, according to sources in the U.S. government and the cotton industry.

The increased buying is a reflection, analysts believe, of a slippage in China's own production caused by bad weather and, perhaps more significantly, a decision to elevate cotton and cotton cloth to the level of grain at the top of the country's economic priorities.

No less a figure than Party Chairman Mao Tse-tung put new emphasis on cotton in a directive read to a National Conference on Cotton held in Peking in the latter part of January. Mao was quoted as instructing the conference, "We must pay close attention to grain, cotton and cotton cloth."

Since then, the communications media in the cotton-growing areas have been filled with stories on rallies and study groups dealing with questions on how to obtain a "bountiful" harvest of cotton.

Although China's outlay for raw cotton in recent years has been considerable, it is able to recapture some of this through its exports of cotton fabrics.

The emphasis on increased domestic production is undoubtedly designed to reduce China's dependence on foreign sources.

China's forward purchases of raw cotton for the period 1973–74 are estimated to be slightly more than 1.6 million bales, exactly the amount estimated for 1972–73. (For accounting purposes, the Department of Agriculture regards the cotton year as running from August, when harvesting begins in the United States, through the following July.)

The figure of 1.6 million bales represents a sharp increase over the years immediately preceding. From the period 1968–69 to 1971–72, imports of cotton rose gradually from an estimated 300,000 bales to 670,000.

A large share of the increase is being provided by U.S. growers. Last year, China bought an estimated 500,000 bales in this country but it is understood to have committed itself to buy 700,000 to 800,000 bales of the 1973–74 crop.

Several analysts think it possible China may boost its purchases even higher in coming months. They caution, however, that Peking may have decided to makes its commitments early because of the trend to higher cotton prices throughout the world. In that case, they said, Chinese imports might remain at the 72–73 level.

Analysts acknowledge that they are completely in the dark about the ultimate purpose of China's increased emphasis on cotton. Accounts carried in the Chinese press about the Peking conference and subsequent regional meeting offer no clue other than a frequent assertion that the crop is important to the national economy.

There are, however, two possibilities suggested. One is that more fabric may be made available for domestic consumption. Department of Agriculture estimates of domestic consumption in China show a total increase of only 1.25 per cent over the last five years, this at a time when China's estimated population of 700 to 800 million was growing at 2 per cent each of those five years. For years, cotton has been rationed in China; the amount an individual can buy is believed to be about three yards per year.

A second possibility is that China, the world's largest exporter of cotton textiles, may be planning to boost its exports even higher as a way to pay for its recently stepped-up buying of a variety of goods in the world markets. A combination of both goals may explain China's new priority on the production of cotton.

[From the Baton Rouge (La.) Morning Advocate, Apr. 13, 1973]

DIPLOMAT SAYS JAPAN WANTS ALL THE BEANS AMERICA CAN FURNISH

(By Smiley Anders)

"Japan wants to buy all the soybeans the United States can furnish," said Nobohiko Ushiba, Japanese ambassador to the U.S., as he toured the Cargill Inc. grain elevators in Port Allen Sunday.

Ambassador Ushiba arrived Saturday on a Cargill-sponsored trip down the Mississippi to inspect the company's facilities for shipping soybeans and grains.

The ambassador and his party started from Memphis by towboat, but took an airplane to Baton Rouge from Greenville, Miss., after having boat trouble there. He planned to return to Washington from New Orleans Sunday night.

Japan buys 80 per cent of its soybean supply from the U.S., with much of it shipped from the Mississippi River ports at Baton Rouge and New Orleans.

"Last year we purchased about three million tons of soybeans from this country, and this number is increasing," Ushiba said.

He pointed out that the Japanese have made much greater use of the soybean as a human food product than have Americans, who still regard the bean primarily as a source of cattle feed and oil.

"While the Japanese use soybean meal for cattle feed and make use of the oil in many ways, we have long used soybeans as a major source of protein, in bean curd, paste and sauces," he said.

Citing current American problems with high beef prices, he said they are much higher in Japan, which has difficulty raising and importing enough beef for the millions of people of the island nation.

HARD TO GET

"Beef is very hard to get, so we import mutton from New Zealand, some pork from the U.S., and our people eat chicken and especially fish a great deal," Ushiba said.

He said that in Japan, as in this country, the soybean is being used as a meat substitute.

"We've even had experiments on obtaining a protein-rich food from petroleum, but this wasn't very popular with our people," he observed.

Ushiba said Japan is seeking to increase its imports from the U.S., especially in agricultural goods. Japan now buys about $1½ billion annually in agricultural products from this country.

He said that in addition to soybeans, Japan was interested in purchasing wheat and other grains from the U.S.

James Hessberg, Cargill's new southern regional manager in Baton Rouge, said that Japan was the firm's biggest grain customer before the U.S.-Russian grain agreement, which has resulted in vast amounts of American grain being shipped to Russia.

LARGEST MOVEMENT

"The United States is currently involved in the largest movement of grain in history," Hessberg said, pointing out that U.S. agriculture was being called upon to supply much of the world with grain, both for cattle feed and for human consumption.

Also in Ushiba's party was Kenichi Muricami, first secretary of the ambassador, and Yoshiro Arino, Japanese consul-general in New Orleans.

A delegation of Baton Rougeans met the ambassador Sunday morning at the Cargill facilities in Port Allen. At the tour of the elevator were Charles Smith, executive director of the state Department of Commerce and Industry; Agriculture Commissioner Dave Pearce; William Thibodaux, president of the Greater Baton Rouge Port Commission; port executive director C. W. Herbert; mayor-president's representative Mike Walker; Baton Rouge Convention and Visitors Commission director Norman Bermes and Chamber of Commerce representatives Charles Stoma and Mike Kabel.

Other Cargill officials greeting the ambassador included assistant vice president Ad-

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dison Douglass, a former Baton Rougean now residing in Minneapolis, and Lloyd Graving, administrative manager of the southern region, from Baton Rouge.

RICE PROMOTION

Smith told the Japanese ambassador that Gov. Edwards was returning to Baton Rouge Sunday night from a trade mission to the Orient, which included visits to Japan, Vietnam, Formosa and Korea. The trip, he said, was primarily to encourage the Asian nations to purchase Louisiana rice.

Ushiba said he found the grain loading facilities at the Cargill elevator "very impressive," although it was a Greek ship, the Pandora, and not a Japanese vessel that was being loaded during his tour of the elevator.

At a luncheon at the Baton Rouge Country Club which followed the port tour, Ushiba remarked about the excellence of Louisiana crawfish, leading one observer to express the hope that this dish didn't catch on in Japan.

"Shipping them all our soybeans is one thing," he moaned, "but our crawfish . . ."

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# RESOLUTION CHART

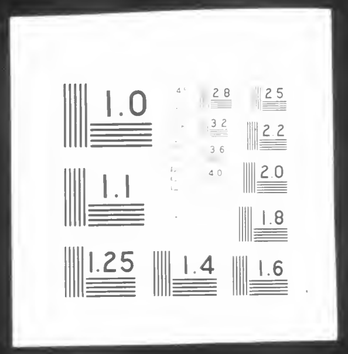


100 MILLIMETERS

**INSTRUCTIONS** Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.

UNITED STATES OF AMERICA

# Congressional Record

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FIRST SESSION

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United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—*Tuesday, May 8, 1973*

The House met at 12 o'clock noon.

Rev. Kermit J. DeGraffenreidt, Clinton A.M.E. Zion Church, Rockville, Md., offered the following prayer:

God of the universe, by whose providence we are the citizens of a land of hope and glory.

Humble us that in these moments we may sense our need of Thy direction; humble us that we may put aside the false pride and the preoccupation with self that mark our lives; humble us that we may see clearly that our best fulfillment come in the relationship and responsibilities, not in self-expression or self-indulgence.

Strengthen us to do the hard task that must be done, to try again when we have failed, to build together, that liberty might be preserved.

Give wisdom to all those entrusted with the welfare of the people. May they wisely use their authority to advance the common good. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1090. An act to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes.

### THE REVEREND KERMIT J. DeGRAFFENREIDT

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, the Reverend Kermit J. DeGraffenreidt, who led us in prayer this morning, has been the pastor of the Clinton A.M.E. Zion Church in Rockville, Md., for 10 eventful years, and has been executive director of the Community Action Committee of Montgomery County.

For his work in communicating cancer information to minorities, Mr. DeGraffenreidt was honored by the American Cancer Society last year as an outstanding young American.

In 1970, he was named "young man of the year" by the Rockville Junior Chamber of Commerce.

Mr. DeGraffenreidt is a graduate of the North Carolina Century University in Durham, N.C., and Hood Seminary. He took additional studies at the Wesley Seminary, connected with American University, here. He is married to the former Guytanna Horton and they have a daughter, Keisha, 7. I am proud to have this outstanding family in my congressional district. They are working to make their community stronger and better.

### CONGRESS SHOULD HAVE ALTERNATIVE OF CALLING FOR A NEW PRESIDENTIAL ELECTION

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, in these days when there is talk of impeachment of the President, it is worth noting that impeachment is a clumsy and destructive tool. Impeachment proceedings would virtually bring government to a halt and would destroy the already seriously impared confidence of the American people in the integrity of our democratic system.

What I am suggesting is that the Congress should have another alternative in the kind of situation we are in now: It should have the power and option to call for new Presidential elections.

I intend shortly to introduce a proposed constitutional amendment that would enable the Congress by law to call new Presidential elections whenever it determined that a loss of public confidence made it impossible for an administration to continue effectively to govern. Such a law would no doubt require a two-thirds vote of both Houses since it presumably would have to be passed over a Presidential veto.

I hope, Mr. Speaker, that the Judiciary Committees of the House and the Senate will begin immediately to consider appropriate specific changes in the Constitution to give the Congress this tool for reestablishing public confidence in the executive branch when it has been fatally impaired.

A President accused of pervasive misconduct in his administration should be allowed, if he chooses, to run in any such new Presidential election called by Congress. The effect of such new elections would then be to let the people decide whether a President and Vice President should be removed from office and, if so, who should replace them.

A new election is a constructive solution which would produce a new mandate to govern, in contrast to impeachment which tends to further weaken public confidence in government rather than reestablish it. The result of a successful impeachment proceeding would be to replace a discredited President with his Vice President, who may himself command little public confidence. Such an outcome would be particularly inappropriate in any case involving election frauds since the Vice President is elected on the same ticket and supported by the same political organization and staff as the President.

### PERSONAL EXPLANATION

Mr. PATTEN. Mr. Speaker, the CONGRESSIONAL RECORD of April 19, indicates that I was absent for Roll No. 110, the vote on the Anderson amendment to the Federal-Aid Highway Act of 1973 (S. 502). Mr. Speaker, I would like to state that contrary to the RECORD, I was present for the vote and did, in fact, cast my vote in favor of Mr. ANDERSON's amendment.

Mr. Speaker, the blame can be placed on the computer.

### AMTRAK'S PROGRESS

(Mr. HILLIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HILLIS. Mr. Speaker, last Thursday I had the opportunity of riding an Amtrak train from Washington to Indianapolis, and I was very much encouraged by what I saw and experienced.

Contrary to some derogatory reports I had read, I found the coaches to be clean and pleasantly appointed, and the service quite satisfactory. And the price of a coach fare to Indianapolis is still one of the best deals in town—under $30 for a ride of about 600 miles.

I was also pleased to see the train fairly well filled with passengers, most of whom seemed to be enjoying themselves.



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And I have to admit that I found it a relaxing experience, and one which I believe still has an important place in America's transportation system.

The conclusion which I drew from my ride was that Amtrak is progressing well in its appointed task of putting rail passenger service back on the level where it belongs.

I hope my colleagues will try to provide themselves a similar opportunity so they can experience first-hand how the system is improving. I also hope they will see the importance of continuing the Amtrak program so that this old-fashioned mode of transportation can continue modernizing its services to meet the demanding needs of today, and provide a viable alternative to other methods of transportation in the 20th century.

## STATEMENT OF POSITION

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, I regret that when the vote was held on H.R. 5293, authorizing continuing appropriations for the Peace Corps, I was with constituents and did not get to the Chamber in time to record my vote. Although I am paired on this vote, I would like the record to show that had I been present, I would have voted "yea," on rollcall No. 62.

May I most respectfully add that while I am enthusiastic about our electronic voting system, I feel that the new rules could well provide just a few more minutes for Members to cast their votes. In addition, Mr. Speaker, on April 19 it was necessary for me to be away from Washington. Had I been present I would have voted "yea" on rollcall No. 111.

## CHANGE OF LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I should like to make the announcement that the program for Wednesday has been changed. H.R. 7445, the Renegotiation Act Extension, will be first on the schedule for tomorrow. Other than that there will be no change.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished gentleman from Massachusetts yield?

Mr. O'NEILL. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Does that mean the other bill, H.R. 6370, will follow?

Mr. O'NEILL. It will immediately follow; yes.

Mr. GERALD R. FORD. I thank the gentleman.

## SEA GRANT AUTHORIZATION

Mrs. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5452) to extend and make technical corrections to the National Sea Grant College and Program Act of 1966, as amended.

The Clerk read as follows:

H.R. 5452

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the National Sea Grant College and Program Act of 1966 (80 Stat. 998), as amended (33 U.S.C. 1121–1124), is further amended as follows:

(1) In section 203(b)(1), after "the sum of $25,000,000", delete the word "and", and insert, after "for the fiscal year ending June 30, 1973, not to exceed the sum of $30,000,000," the following: "for the fiscal year ending June 30, 1974, not to exceed the sum of $30,000,000, for the fiscal year ending June 30, 1975, not to exceed the sum of $40,000,000, for the fiscal year ending June 30, 1976, not to exceed the sum of $50,000,000,".

(2) In section 204(a), delete subscript "(1)", and delete all after "in any such fields", substituting a period therefor.

(3) In section 204(d)(1), after the first sentence, insert the following: "The Secretary may grant total payments that exceed such per centum with respect to those programs or portions of programs requested by the Secretary on his own initiative, upon his determination that the requirement for payments of 33⅓ per centum of the cost thereof by the participant would be inequitable relative to the benefits which the participant would receive therefrom. The total amount of payments to be made by the Federal Government under all programs and portions of programs as to which the Secretary shall in any fiscal year exercise his authority under the preceding sentence to reduce or eliminate matching payments by the participant shall not exceed 1 per centum of the funds appropriated under this title for such fiscal year.".

(4) In section 204(d)(2), delete the period after "vessel", substituting a colon therefor, and add the following after the colon: "*Provided,* That the prohibitions of this paragraph shall not apply to non-self-propelled habitats, buoys, platforms, or other similar devices or structures, used principally for research purposes.".

(5) Except in section 204(g) and in section 205, delete "National Science Foundation" and "Foundation" wherever they appear in this title, susbtituting "Secretary of Commerce" and "Secretary", respectively; and make conforming changes by deleting "its" and substituting "his" wherever appropriate.

(6) Amend section 204(g) to read as follows:

"(g) Except as otherwise provided in this title, the Secretary, in carrying out his functions under this title, has the same powers and authority as has the National Science Foundation under the National Science Foundation Act of 1950, as amended, to carry out its functions under that Act."

(7) In section 204(l)(3), after "marine resources", insert "and which is so designated by the Secretary".

(8) Delete section 205, together with the heading therefor.

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

(Mrs. SULLIVAN asked and was given permission to revise and extend her remarks.)

Mrs. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill for consideration, H.R. 5452, as reported by the Merchant Marine and Fisheries Committee, is one that I believe deserves the support of every Member of the House.

The bill would extend and make technical corrections to the National Sea-Grant College and Program Act of 1966, by providing for a funding authorization for fiscal year 1974, fiscal year 1975, and fiscal year 1976, of $30, $40, and $50 million, respectively.

The National Sea-Grant College and Program Act was enacted in 1966, as a result of a very simple but effective idea, to do for marine resource development what the land-grant program had accomplished for agriculture. The results which have been obtained since the inauguration of the sea-grant program have more than justified the original legislation. Over a period of 7 years, more than $64,000,000 in Federal grants have been made to carry out the purposes of the act, more than 100 public and private institutions have inaugurated more than 700 different projects, almost 2,000 scientists and engineers are engaged in sea-grant activities, approximately 1,700 students are enrolled in various programs, and more than 100 private companies have contributed funds to various projects. As the report on this legislation states, it is estimated that various sea-grant projects have directly affected over 1 million U.S. citizens. In addition, benefits have been felt in other nations through the successful completion of research projects related to resources of the sea.

The ultimate goal of the sea-grant program is the establishment of a network of sea-grant colleges, which will serve as the focal points for research, education, and advisory services relating to marine resource utilization, management, and conservation. At present there are six designated sea-grant colleges. Five others are ready to be considered. If they are to be designated, sufficient funds must be authorized to meet the Federal commitment of support which is contained in the basic act.

The Committee on Merchant Marine and Fisheries and its Subcommittee on Oceanography have kept close watch on this program. The program was reviewed in 1968, in 1970, and again this year when authorization legislation was being considered. In addition, an annual review has been made of the program, pursuant to the requirements of the Legislative Reorganization Act of 1970.

The several reviews of this program have demonstrated its value, its liability, and its promise for additional successes. While all the results and benefits of such a program are not easily quantified, the projects which lend themselves to quantification often show a benefit ratio of more than 10 times the cost expended. The sea-grant program has been particularly effective in encouraging widespread cooperation among various elements of the population, not only in educational institutions themselves, but in the coordination by the institutions of concerted efforts involving State and local governments, industry, and the interested public.

When H.R. 5452 was introduced, it contained the administration proposal to provide such sums as may be necessary and, by amending the language of the basic act, proposed, in effect, to do away with future authorization process. Your committee declined to endorse that approach. A careful review of the program convinced the members of the committee that, while it was a valuable program, open-ended funding could not be supported. For that reason, specific authorization levels are included in the bill as reported. The question as to the level of those authorizations is another matter. They cannot be unreasonably high, and at the same time, they must authorize sufficient funding so that this program will continue to serve the purpose for which it was created, and more importantly, not, by virtue of unrealistic constraints, be forced into stagnation and disuse. The act requires matching funds of at least 33⅓ percent by the recipient of the Federal grant. These funds have been provided in many cases by line items in many State legislature budgets. The promise of the program has attracted more and more interest on the part of States, local governments, and private citizens, and if it is to be a complete success, it must continue to expand at a reasonable rate so that the ultimate goal of a national network of sea-grant institutions will be realized. It cannot be expected to succeed with a start and stop fund flow. It must be authorized at a level to meet the Federal commitment and the reasonable expectation of controlled growth.

The levels of funding authorized in this bill will accomplish the needs of the program without providing excess authorizations beyond rational needs. In these days of economic difficulties and fiscal constraints, it seems to me that we should be willing to support with our votes a program which, in the short space of its existence, has proved its worth and has reflected the able leadership under which it has operated. I solicit your support for this legislation.

Mr. GROVER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Speaker, I wish to join the distinguished chairman of our Merchant Marine Committee, the gentlelady from Missouri (Mrs. SULLIVAN), in support of H.R. 5452, to extend the authorization of funds for the National Sea Grant and Program Act, and I urge my colleagues to support passage of this bill.

H.R. 5452 will continue the sea grant college program through the fiscal year ending June 30, 1976, or in other words for a 3-year period. Legislation enacted in 1970 provided for an authorization of $30 million for the fiscal year ending June 30, 1973, and the Merchant Marine and Fisheries Committee has agreed upon that same level of funding for fiscal year 1974. Under the bill, the authorization will rise to $40 million for fiscal year 1975 and $50 million for the last year of this authorization, 1976.

The Department of Commerce, on the other hand, in its executive communication, recommended an open-ended authorization. Our committee did not agree to that.

Actual appropriations for the sea grant college program have not approached the level of funding authorized; however, there has been a steady growth in the appropriations for sea grant college activity. This authorization, therefore, represents the judgment of your committee as to the level of funds which should be made available, and although I do not expect appropriations to match this level, I am hopeful that the appropriations during this 3-year cycle will rise commensurately over the level of appropriations now being requested.

While I strongly support the President's effort to limit Federal expenditures, it is valid and necessary to distinguish here between an authorization, on the one hand, and the actual appropriation and expenditure of funds, on the other hand.

However, our committee feels a responsibility to provide vigorous leadership in support of the sea-grant programs. We believe the appropriations for these programs are an excellent investment in the national interest that is proving its worth. Therefore, this authorization bill reflects your committee's continuing belief in the basic concept embodied in the Sea Grant College Program Act whereby the full resources of a university system may be brought together to tackle a given area of scientific research or application. This so-called interdisciplinary approach to Federal support of scientific research is unique to the sea-grant college program.

The National Science Foundation, until the creation of NOAA, was the program manager for the Sea Grant College Act. By Reorganization Plan No. 4 of 1970, this authority was transferred to NOAA and the Department of Commerce. Fortunately, the same team of highly qualified individuals has remained with the program under the aegis of the National Science Foundation and NOAA. The encouragement of a multidisciplinary approach to the development of knowledge of the oceans and of our coastal zones has led to a breaking down of traditional barriers between the various disciplines within our university systems. Not only has this legislation contributed significantly to furtherance of team efforts drawing together specialists from many different fields, but it has also contributed to the involvement of groups of universities cooperating under a joint grant.

The majority of sea-grant program efforts has involved the coastal zone areas of the United States where the principal scientific, environmental, and social programs of the marine environment are found. For example, most recently sea-grant colleges have had a significant input in resolution of the issues confronting the Federal Government in the question of offshore marine terminals.

Six universities have been designated sea-grant colleges. These include the universities of Hawaii, Rhode Island, Washington, Wisconsin, Oregon State University, and Texas A. & M. University. As noted in the committee report, five additional institutions are ready for designation as sea-grant colleges pending only the availability of funds. Sea-grant projects are now being conducted in 25 States, trust territories, and the District of Columbia. The favorable reaction to the sea-grant approach to Federal support of academic research has been most gratifying for those of us who have worked with this program since its inception. It is noteworthy that this favorable climate has been created notwithstanding the fact that the Federal Government's share of the cost of any given sea-grant program is limited to a maximum two-thirds, and in practice, the Federal Government's share has averaged only 60 percent of program costs.

The principal thrust of the work done under the sea-grant college program has been directed toward the practical application of marine-related scientific advancement. Programs in the field of aquaculture, for example, have led to the creation of new industries in many parts of the country, creating employment and contributing new sources of shellfish, shrimp, and pan-size salmon. Thus, under the sea-grant college program, we are directly stimulating the economy, and not simply promoting the publication of learned studies which, no matter how desirable from the standpoint of advancing the basic knowledge, produce little or no immediate return.

As a member of the Science and Astronautics Committee, I believe I can state with some assurance that the work of the National Science Foundation in the support of basic marine science and the sea-grant college program are two essential and interrelated stages of Federal support for the increase and application of knowledge dealing with the oceans and our coastal environment.

Mr. GROVER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, this is another program which is apparently taking off fast, too fast. The first appropriation was $1 million in 1967. In the 7 years, including fiscal year 1973, according to my computation of the figures in the report, there has been expended on this program nearly $73 million.

For fiscal year 1974 the bill calls for an authorization of not to exceed $30 million; for 1975; $40 million; and for 1976, $50 million. This apparently means that if we approve this authorization here today we shall have to rely upon the Appropriations Committee, if anyone is to wield any kind of an ax on this program, because it is really taking off into the "wild blue yonder," financially speaking.

That would mean an expenditure in the next 3 years of $120 million as compared with some $72 million or $73 million in the past 7 years. If we are going to do anything about expenditures in this Government; if we are going to try to come somewhere near a balance of income and spending and stop inflation, it cannot be done this way.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield so that I may answer?

Mr. GROSS. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. In the past 7 years, if the gentleman will look at page 4 of the report, he will see it does give the authorization and also shows the portion of that authorization which was appropriated.

Mr. GROSS. Yes, but the actual appropriations were somewhere in the neighborhood of $72 million or $73 million.

Mrs. SULLIVAN. That is right. In a period of over 7 years more than $64



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million in Federal grants has been paid out to carry on the purposes of this program.

But as I mentioned in my statement, the law requires that there be a matching of funds at least up to 33⅓ percent, and the history of this shows the funds have gone up as high as 40 percent in matching funds.

Mr. GROSS. Well, I am only looking at the figures dealing with Federal funds, the money that is being requested in this bill to be authorized for the purposes of continuing the sea grant program, and all I am saying is that it is taking off fast.

Mr. Speaker, I am not prepared to say that it is an unworthy program. I am only saying that if the Committee on Appropriations makes available the amounts that are asked to be authorized in this bill, it will be acting improvidently for I have seen nothing to justify this proposed increase in expenditures.

Mrs. SULLIVAN. Mr. Speaker, I would just like to say this in continuance of the discussion, I do want to mention that it has been a very productive program. It has actually done a great deal of good for the money that has been spent.

The SPEAKER. The time of the gentleman has expired.

Mr. GROVER. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I would only say in response to the gentlewoman from Missouri (Mrs. SULLIVAN), that the letter which appears in the report from the Department of Commerce seems to be less than enthusiastic. It does not disapprove and it is not in opposition, but it appears to be less than enthusiastic.

Mrs. SULLIVAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Speaker, I rise in strong support of H.R. 5452, as reported by the Merchant Marine and Fisheries Committee, to provide funding authorization for the sea grant program and to make certain technical corrections to the Sea Grant Act.

The sea grant program has been an actively functioning program for more than 6 years, starting at a level of $1 million in the first year of its existence and gradually building until the current year appropriation of approximately $20 million. If it is to fulfill its promise as a program in basic support of marine resource development, management, and conservation, it will need to expand further until it reaches a level of approximately $50 million per year at which time it should reach its proper continuing funding level.

You have heard a general description of the program, its purpose, and its value to the Nation. I would like to call attention to a few additional details in elaboration of the basic description to illustrate some facets of the program which I believe contribute to its overall worth.

The sea grant program as constituted provides for three types of grant support on a maximum of two-thirds Federal funding to one-third matching funding. Practically speaking, the overall proportioning has more nearly worked out to a 60–40 ratio. This means, in effect, that over the years the Federal Government has provided for approximately $64 million of a total expenditure in excess of $100 million.

The benefits flowing from the program include many times the funds expended in addition to collateral benefits not readily susceptible to monetary valuation. It has repaid to the general public many times the funds expended. These benefits, on occasion, flow to a specific area of interest such as the fishing industry. In other cases, they have resulted in the creation of new industries with the utilization of previously discarded waste products, providing new jobs with their attendant economic benefits felt through the community. In other cases, sea grant projects have pointed the way to the utilization of resources previously undiscovered or unused. I cannot emphasize too strongly my belief that this is the type of program which deserves a high priority in the Federal scheme of coordinating, encouraging, and supporting actions at the local level which produces economic benefits to many segments of our society It is constructive federalism at its best.

The program supports institutional programs whereby a designated sea grant college develops, manages, and supervises an overall program reaching into all facets of marine interests in the area in which it is located. In addition, the program supports individual projects with definite goals and a definite time frame. In between those two, the program supports what is called coherent projects which, while not reaching the overall institutional programs of sea grant colleges, represent coordinated efforts of several institutions or organizations for particular program purposes.

In each of the three categories of grants, the proposals of the grant recipients are submitted to the Office of Sea Grant for its consideration for funding support. That office evaluates the potential benefits of the proposed activity, negotiates as necessary for changes in emphasis and thrust, and submits the proposals to its advisory committee for the committee's evaluation and recommendation. That committee is composed of a group of experts who are knowledgeable in various aspects of marine science and related fields and who contribute their services in order to insure the success of this vital program.

Only after receiving the recommendations of the Advisory Committee does the program director, with advice from his staff, finally determine, based upon available funds, which proposed programs will obtain funding support. It is significant to me that this very careful process including review, analysis, expert advice, and follow-up monitoring, is done at an administrative cost which, at the present time, is only slightly above $600,000—or about 3 percent of the total program funding. That fact alone demonstrates to me the effectiveness of the program management and attests to the dedication of the program staff.

During the course of the subcommittee hearings on this year's authorization legislation, the Subcommittee on Oceanography heard testimony from the Administrator of the National Oceanic and Atmospheric Administration and his Director of the Office of Sea Grant. Their report on their stewardship was complete and noteworthy. The single jarring note was the fact that, although the program was generally meeting its stated purpose, the Office of Management and Budget had impounded more than a million and a half dollars of the fiscal year 1973 funds appropriated by the Congress, and despite the fact that in the fiscal year 1974 budget the National Oceanic and Atmospheric Administration had requested the full $30 million of the current authorization level, and was supported in this request by the Secretary of Commerce. The Office of Management and Budget had approved fiscal year 1974 funding for only $19.5 million. The subcommittee was informed that with this level of funding, five universities, two in the State of California, one in the State of Florida, one in the State of Michigan, and one in the State of North Carolina, could not expect to be designated as sea grant colleges even though their developing programs would probably warrant their designation.

Additional testimony was received from public witnesses with detailed knowledge of the history and development of the sea grant program. They were unanimous in their support of the program itself and their recommendations for funding levels which will insure the continued progress of the program.

A series of sample projects was submitted to demonstrate the effectiveness, as well as the widespread coverage, of program subject matter. Two of these struck me because of their unusual nature as demonstrations of program value even though monetary benefits might not be readily attached. For instance, a medical college in the southeast, sponsoring research in the fight against leukemia, has found a promising development through a sea-grant research project. Extracts from a common marine organism have been found to prove active against two common tumors of the lymph glands, and further investigation may provide information on related chemical treatments for the dreaded disease of cancer.

This bill today is an authorization bill, and additional action must be taken by the Congress in the appropriations process to insure adequate funding for the program. Your committee is proposing a funding authorization level of $30 million—which is the same level authorized for fiscal year 1973 under previously enacted legislation. The least we can do, in my opinion, is to authorize for fiscal year 1974, the same amount of funds which we authorized for fiscal year 1973, and at the same time provide for the needed program expansion in the next 2 fiscal years thereafter. Unless the authorization is at least at the level suggested, and appropriations follow, the expansion of the sea grant college network will come to a grinding halt. The six colleges already designated and holding a moral commitment from the Federal Government will face constraints that will handicap their existing program severely. In my opinion, we cannot permit this to happen. I seek the support of every



Member to insure that it does not happen.

H.R. 5452, as reported by the committee, had the unanimous support of the Subcommittee on Oceanography and the unanimous support of the Full Committee on Merchant Marine and Fisheries. It is worthy of the unanimous support of the House.

On the west coast, a sea-grant college has sponsored the preparation of a project kit in marine science for 4–H Clubs. Aimed at the 11 to 14 year level, the kit has resulted in tremendous interest in youngsters involved in 4–H work and already more than 100 youthful participants have completed the project which involves principles of beach safety, tide and wave actions, and probing into marine biology. These are only two of the many diverse areas in which the sea grant program has spread. Its funds have supported applied research, education and training, and marine advisory services similar to the extension services developed through land grant colleges. Most reassuring of all is the fact that the results of the various projects are not placed upon a library shelf and forgotten, but project reports are given wide dissemination to all who may be interested or may benefit.

The other provisions of the bill before us would make technical changes in the act to reflect the shift of the program in 1970 from the National Science Foundation to the National Oceanic and Atmospheric Administration by virtue of reorganization plan No. 4 of 1970, would clarify certain minor areas of interpretation in the basic act, and would provide a very limited relaxation of the matching fund requirements in specific instances where the Secretary of Commerce deems that the national needs warrant this relaxation. This relaxation would involve only specific projects initiated at the request of the Secretary and with a benefit national in nature rather than a primary benefit to the participant. Such a relaxation is provided only as to 1 percent of the total appropriation. These changes were all proposed in the administration bill and are noncontroversial in nature.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. DOWNING. Yes, I will indeed yield to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I notice that the program indicates it will proceed on the pattern that has been established for the land-grant colleges. Now, I want to be certain that any university, although it may not have been a land-grant college, could be eligible for participation in the program.

May I ask the gentleman if any university or college could be eligible?

Mr. DOWNING. Mr. Speaker, I can assure the gentleman from Texas (Mr. PICKLE) that they could, and I am glad he asked that question.

It is not limited to land-grant colleges; there are five universities now participating in the program and six which have qualified for admission into the program. Hopefully it will spread across the Nation and involve many universities.

Mr. PICKLE. Mr. Speaker, I thank the gentleman. I am glad to have that assurance.

Mr. GROVER. Mr. Speaker, I concur in the statement of the gentleman from Virginia that this is a good productive program.

Mr. Speaker, I welcome this opportunity to express my support for the Sea-Grant College and Program Act. Since its inception in 1966, the financial backing of sea grant, and more importantly, the leadership have brought together many diverse elements within our academic institutions, Federal, and State governments, and the business community, to investigate and promote the rational and beneficial use of our marine environment.

Sea grant has been a catalyst, giving momentum to such projects as the rearing of pan-size salmon on both the Atlantic and Pacific coasts, a commercial endeavor of rapidly growing importance, as our ocean stocks of the most highly sought species are being depleted by intensive foreign-flag fishing off our shores. Related efforts in the field of shellfish culture have yielded dramatic results.

Sea-grant colleges have been a unifying force in their service areas conducting wide-ranging studies and conferences on coastal zone management, resource mangement, deep water and offshore ports, and other environmental problems confronting our coastal and estuarine areas. The sea-grant advisory services distribute the results of such efforts throughout the system, stimulating a broad interaction between the various institutional and regional segments of our marine-oriented community. The lead role of sea grant in promoting such communication may well be its most significant accomplishment.

An unhealthy degree of competition between academic institutions for Federal support and rivalry among individual researchers has been an unfortunate hallmark of Federal support for scientific research in the United States. This has led to an isolation of researchers at the most critical stage of their work when gathering and analyzing the basic raw data upon which their published works are premised. The sea grant approach, on the contrary, has stressed bringing together consortia of universities and State agencies traditionally competing for limited State and Federal funds. Sea-grant has even brought the university systems of neighboring States together under common program management to tackle problems of mutual concern.

This unifying approach to the funding of research at the institutional level has its counterpart at the personal level drawing upon individuals with diverse scientific and business interests to work as a team rather than in isolation.

The development of a resource or of a scientific technique and its application in a manner which yields measurable benefits is a multilevel process, which may in time succeed when these various levels of research and application proceed apart from each other, but sea-grant has demonstrated that far-reaching results can be achieved within a truly modest financial structure when there is a maximum degree of communication and cooperation between institutions and individuals.

Mr. Speaker, this authorization will insure the continued steady growth of the sea-grant program over the next 3 years. It enjoys broad bipartisan support in the Congress, and I urge its passage.

Mr. ROGERS. Mr. Speaker, I rise in support of the bill, H.R. 5452, which would extend and make technical corrections to the National Sea-Grant College and Program Act of 1966, as amended.

When I authored in the House the sea grant college program in 1966, our intention was to provide the same kind of Federal support to marine resources management research that had previously been extended to the field of agriculture in the land-grant college program.

Since that time I have followed the program closely, and it has met our projections. Matching grants have been made in 25 States to more than 100 institutions, participating in more than 700 individual projects. Estimates of the monetary benefits derived from these research projects demonstrate that such grants are among the soundest investments we have made.

In the next few years, as we develop the ability to retrieve mineral wealth from the ocean floor and to raise and harvest marine fish and plant life, wise management of our marine resources, attains even greater importance. If this management is to be effective, we must develop the necessary manpower and facilities to conduct research and to apply the results of this research to our new ocean resources problems. The present bill will insure continuation of these efforts, and I urge its adoption.

Mr. KYROS. Mr. Speaker, I rise today in support of the National Sea Grant Colleges Act, which is the parallel program to the land grant college system, so important in the development of our country. This valuable legislation was reported out by a unanimous vote by my Merchant Marine and Fisheries Committee. The intent of sea grant is, and has been since its inception in 1966, to develop our marine resources in the areas of manpower, facilities, and knowledge. This program has led to a rare cooperative effort among State governments, the academic community, and private industry in a matching funds partnership with the Federal Government.

The only problem surrounding this successful program is adequate funding. The Merchant Marine and Fisheries Committee has authorized $30 million for fiscal year 1974, with $40 and $50 million earmarked for fiscal years 1975 and 1976 respectively. This level of funding would permit the sea grant program to expand the number and scope of its projects. Unfortunately, the House had authorized this exact amount last year, but only $21.5 million was appropriated. This total was further reduced when the Office of Management and Budget impounded $2 million of the above amount. This year, the Commerce Department's National Oceanic and Atmospheric Administration—NOAA—has only requested $19.6 million for the entire sea grant program. This means that the over 700 sea grant projects in such areas as mariculture, marine mineral resource

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development, pharmaceuticals from the sea, coastal zone management, law of the sea, and educationl curriculum development will be severely restricted. In addition the number of sea grant colleges will not be increased beyond the current six in Washington, Oregon, Texas, Rhode Island, Wisconsin, and Hawaii; 25 of the 30 coastal States have sea grant programs, and eventually we would like to see some project in every State.

In my own State of Maine, sea grant has been one of the most successful Federal-State programs in existence. Maine had received $797,650 in funds from sea grant since 1968. The University of Maine is exceptionally pleased with the progress made under sea grant, and is hopeful to soon achieve the prestigious designation of a sea grant college. The Maine Department of Sea and Shore Fisheries has received funds for a marine fisheries extension service, which is extremely popular with the fishermen in my State. The Maine fisherman is definitely the "show me" variety, but the sea grant programs underway in fishing gear development and shrimp management have proved to be among the most popular programs in the State.

I could continue to cite example after example of the valuable work being conducted by sea grant. This was one of the few Federal programs receiving little or no criticism in hearings before the Merchant Marine Committee.

I am confident that the House will pass the bill today by an overwhelming margin, but I hope that the full amount authorized will also be appropriated, so that this worthy program will not have to restrict goals already advanced and approved by Congress.

The SPEAKER. The question is on the motion offered by the gentlewoman from Missouri (Mrs. SULLIVAN) that the House suspend the rules and pass the bill H.R. 5452, as amended.

The question was taken.

Mr. GROVER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 9, not voting 56, as follows:

[Roll No. 128]

YEAS—368

| | | |
|---|---|---|
| Abdnor | Bingham | Burton |
| Abzug | Blatnik | Butler |
| Adams | Boggs | Byron |
| Addabbo | Bolling | Camp |
| Alexander | Bowen | Carney, Ohio |
| Anderson, Calif. | Brademas | Carter |
| Anderson, Ill. | Bray | Casey, Tex. |
| Andrews, N.C. | Breaux | Cederberg |
| Andrews, N. Dak. | Breckinridge | Chamberlain |
| Annunzio | Brinkley | Chappell |
| Archer | Brooks | Clancy |
| Arends | Broomfield | Clark |
| Armstrong | Brotzman | Clausen, Don H. |
| Aspin | Brown, Calif. | Clawson, Del |
| Bafalis | Brown, Mich. | Clay |
| Baker | Brown, Ohio | Cleveland |
| Barrett | Broyhill, N.C. | Cochran |
| Beard | Broyhill, Va. | Cohen |
| Bell | Burgener | Collier |
| Bennett | Burke, Calif. | Collins |
| Bergland | Burke, Fla. | Conable |
| Biester | Burke, Mass. | Conlan |
| | Burleson, Tex. | Conte |
| | Burlison, Mo. | |
| Corman | Ichord | Rhodes |
| Cotter | Jarman | Riegle |
| Coughlin | Johnson, Calif. | Rinaldo |
| Cronin | Johnson, Colo. | Roberts |
| Culver | Jones, N.C. | Robinson, Va. |
| Daniel, Dan | Jones, Okla. | Robison, N.Y. |
| Daniel, Robert W., Jr. | Jordan | Rodino |
| | Karth | Roe |
| Daniels, Dominick V. | Kastenmeier | Rogers |
| | Kazen | Roncalio, Wyo. |
| Danielson | Keating | Roncalio, N.Y. |
| Davis, Ga. | Kemp | Rooney, Pa. |
| Davis, Wis. | Ketchum | Rose |
| Delaney | King | Rostenkowski |
| Dellenback | Kluczynski | Roush |
| Dellums | Koch | Rousselot |
| Denholm | Kuykendall | Roy |
| Dennis | Kyros | Roybal |
| Dent | Landrum | Runnels |
| Derwinski | Latta | Ruppe |
| Devine | Leggett | Ruth |
| Dickinson | Lehman | Ryan |
| Diggs | Lent | St Germain |
| Dingell | Litton | Sandman |
| Donohue | Long, La. | Sarasin |
| Dorn | Lott | Sarbanes |
| Downing | Lujan | Saylor |
| Drinan | McClory | Scherle |
| Dulski | McCloskey | Schneebeli |
| Duncan | McCollister | Schroeder |
| du Pont | McCormack | Seiberling |
| Eckhardt | McDade | Shoup |
| Edwards, Ala. | McEwen | Sikes |
| Edwards, Calif. | McFall | Sisk |
| Ellberg | McKinney | Skubitz |
| Esch | McSpadden | Slack |
| Eshleman | Macdonald | Smith, Iowa |
| Evans, Colo. | Madden | Smith, N.Y. |
| Evins, Tenn. | Madigan | Snyder |
| Fascell | Mahon | Spence |
| Findley | Mailliard | Staggers |
| Fish | Mallary | Stanton, J. William |
| Fisher | Mann | |
| Flood | Marazziti | Stanton, James V. |
| Flowers | Martin, Nebr. | |
| Flynt | Martin, N.C. | Stark |
| Foley | Mathias, Calif. | Steed |
| Ford, Gerald R. | Matsunaga | Steele |
| Ford, William D. | Mazzoli | Steelman |
| | Meeds | Steiger, Ariz. |
| Forsythe | Metcalfe | Stokes |
| Frenzel | Mezvinsky | Stratton |
| Frey | Miller | Stubblefield |
| Froehlich | Mills, Ark. | Stuckey |
| Fulton | Mills, Md. | Studds |
| Fuqua | Minish | Sullivan |
| Gaydos | Mink | Talcott |
| Gettys | Minshall, Ohio | Taylor, Mo. |
| Giaimo | Mitchell, Md. | Taylor, N.C. |
| Gilman | Mitchell, N.Y. | Teague, Calif. |
| Ginn | Mizell | Thompson, N.J. |
| Goldwater | Moakley | Thomson, Wis. |
| Gonzalez | Mollohan | Thone |
| Goodling | Montgomery | Thornton |
| Grasso | Moorhead, Calif. | Tiernan |
| Gray | Moorhead, Pa. | Towell, Nev. |
| Green, Pa. | Morgan | Treen |
| Griffiths | Mosher | Udall |
| Grover | Moss | Ullman |
| Gubser | Murphy, Ill. | Van Deerlin |
| Gude | Murphy, N.Y. | Vanik |
| Gunter | Myers | Veysey |
| Haley | Natcher | Vigorito |
| Hamilton | Nedzi | Waggonner |
| Hammer-schmidt | Nelsen | Walsh |
| | Nichols | Wampler |
| Hanley | Nix | Ware |
| Hansen, Idaho | O'Brien | Whalen |
| Hansen, Wash. | O'Hara | White |
| Harrington | O'Neill | Whitehurst |
| Harsha | Owens | Whitten |
| Harvey | Parris | Wiggins |
| Hastings | Passman | Williams |
| Hays | Patten | Wilson, Bob |
| Hebert | Pepper | Wilson, Charles H., Calif. |
| Hechler, W. Va. | Perkins | |
| Heinz | Pettis | Wilson, Charles, Tex. |
| Helstoski | Peyser | Winn |
| Henderson | Pickle | Wyatt |
| Hicks | Pike | Wydler |
| Hillis | Poage | Wylie |
| Hinshaw | Podell | Wyman |
| Hogan | Preyer | Yates |
| Holifield | Price, Ill. | Young, Alaska |
| Holt | Pritchard | Young, Fla. |
| Holtzman | Quie | Young, Ill. |
| Horton | Quillen | Young, S.C. |
| Hosmer | Railsback | Young, Tex. |
| Howard | Randall | Zablocki |
| Huber | Rangel | Zion |
| Hungate | Rarick | Zwach |
| Hunt | Rees | |
| Hutchinson | Regula | |

NAYS—9

| | | |
|---|---|---|
| Ashbrook | Crane | Hanrahan |
| Conyers | Gross | Landgrebe |
| Sebelius | Shuster | Symms |

NOT VOTING—56

| | | |
|---|---|---|
| Ashley | Hanna | Reid |
| Badillo | Hawkins | Reuss |
| Bevill | Heckler, Mass. | Rooney, N.Y. |
| Biaggi | Hudnut | Rosenthal |
| Blackburn | Johnson, Pa. | Satterfield |
| Boland | Jones, Ala. | Shipley |
| Brasco | Jones, Tenn. | Shriver |
| Buchanan | Long, Md. | Steiger, Wis. |
| Carey, N.Y. | McKay | Stephens |
| Chisholm | Mathis, Ga. | Symington |
| Davis, S.C. | Mayne | Teague, Tex. |
| de la Garza | Melcher | Vander Jagt |
| Erlenborn | Michel | Waldie |
| Fountain | Milford | Widnall |
| Fraser | Murphy, N.Y. | Wolff |
| Frelinghuysen | Obey | Wright |
| Gibbons | Patman | Yatron |
| Green, Oreg. | Powell, Ohio | Young, Ga. |
| Guyer | Price, Tex. | |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Widnall.

Mr. Fountain with Mr. Powell of Ohio.

Mrs. Green of Oregon with Mr. Frelinghuysen.

Mr. Shipley with Mr. Erlenborn.

Mr. Wolff with Mr. Vander Jagt.

Mr. Yatron with Mr. Johnson of Pennsylvania.

Mr. Wright with Mr. Price of Texas.

Mr. Brasco with Mr. Symington.

Mr. Boland with Mrs. Heckler of Massachusetts.

Mrs. Chisholm with Mr. Hanna.

Mr. Fraser with Mr. Carey of New York.

Mr. Gibbons with Mr. Hudnut.

Mr. Ashley with Mr. Guyer.

Mr. Reid with Mr. de la Garza.

Mr. Rosenthal with Mr. Hawkins.

Mr. Satterfield with Mr. Buchanan.

Mr. Stephens with Mr. Shriver.

Mr. Waldie with Mr. Michel.

Mr. Mathis of Georgia with Mr. Blackburn.

Mr. Jones of Alabama with Mr. Mayne.

Mr. Reuss with Mr. Steiger of Wisconsin.

Mr. Murphy of New York with Mr. Young of Georgia.

Mr. Obey with Mr. McKay.

Mr. Bevill with Mr. Badillo.

Mr. Biaggi with Mr. Jones of Tennessee.

Mr. Long of Maryland with Mr. Patman.

Mr. Davis of South Carolina with Mr. Milford.

Mr. Teague of Texas with Mr. Melcher.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 5452, the sea-grant authorization, just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

## OIL POLLUTION ACT AMENDMENTS OF 1973

Mrs. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5451) to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes, as amended.



The Clerk read as follows:

H.R. 5451

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Oil Pollution Act Amendments of 1973".

SEC. 2. The Oil Pollution Act, 1961 (75 Stat. 402), as amended (33 U.S.C. 1001–1015), is amended as follows:

(1) Section 2 (33 U.S.C. 1001) is amended—

(A) by repealing subsection (g):

(B) by redesignating subsections (c), (d), (e), and (f), as subsections (d), (e), (f), and (g), respectively;

(C) by adding a new subsection (c) to read:

"(c) The term 'instantaneous rate of discharge of oil content means the rate of discharge of oil in liters per hour at any instant divided by the speed of the ship in knots at the same instant;";

(D) in subsection (c) (redesignated (d) by subparagraph (B) of this paragraph):

(1) by deleting the word "marine"; and

(2) by deleting the words "American Society for the Testing of Materials" and substituting therefore the words "American Society for Testing and Materials";

(E) in subsection (e) (redesignated (f) by subparagraph (B) of this paragraph) by changing the period to a semicolon at the end of the first sentence thereof and by amending the second sentence to read "an 'oily mixture' means a mixture with any oil content;";

(F) by amending subsection (h) to read "The term 'Secretary' means the Secretary of the department in which the Coast Guard is operating;"; and

(G) in subsection (j) by changing the period to a semicolon and by adding the following to the sentence: "except that, for the purpose of this Act 'from the nearest land' off the northeastern coast of Australia means a line drawn from a point on the coast of Australia in latitude 11 degrees south, longitude 142 degrees 08 minutes east to a point in latitude 10 degrees 35 minutes south, longitude 141 degrees 55 minutes east—

"thence to a point latitude 10 degrees 00 minutes south, longitude 142 degrees 00 minutes east;

"thence to a point latitude 9 degrees 10 minutes south, longitude 143 degrees 52 minutes east;

"thence to a point latitude 9 degrees 00 minutes south, longitude 144 degrees 30 minutes east;

"thence to a point latitude 13 degrees 00 minutes south, longitude 144 degrees 00 minutes east;

"thence to a point latitude 15 degrees 00 minutes south, longitude 146 degrees 00 minutes east;

"thence to a point latitude 18 degrees 00 minutes south, longitude 147 degrees 00 minutes east;

"thence to a point latitude 21 degrees 00 minutes, south, longitude 153 degrees 00 minutes east;

"thence to a point on the coast of Australia in latitude 24 degrees 42 minutes south, longitude 153 degrees 15 minutes east.".

(2) Section 3 (33 U.S.C. 1002) is amended to read as follows:

"SEC. 3. Subject to the provisions of sections 4 and 5, the discharge of oil or oily mixture from a ship is prohibited unless—

"(a) the ship is proceeding en route; and

"(b) the instantaneous rate of discharge of oil content does not exceed sixty liters per mile, and

"(c) (1) for a ship, other than a tanker—

"(i) the oil content of the discharge is less than one hundred parts per one million parts of the mixture, and

"(ii) the discharge is made as far as practicable from the nearest land;

"(2) for a tanker, except discharges from machinery space bilges which shall be governed by the above provisions for ships other than tankers—

"(i) the total quantity of oil discharged on a ballast voyage does not exceed one fifteen-thousandths of the total cargo-carrying capacity, and

"(ii) the tanker is more than fifty miles from the nearest land.".

(3) Section 4 (33 U.S.C. 1003) is amended—

(A) by changing the word "shall" to "does" in the introductory clause thereof;

(B) by changing the semicolon to a period at the end of subsection (b) thereof; and

(C) by repealing subsection (c) thereof.

(4) Section 5 (33 U.S.C. 1004) is amended to read as follows:

"SEC. 5. Section 3 does not apply to the discharge of tanker ballast from a cargo tank which, since the cargo was last carried therein, has been so cleaned that any effluent therefrom, if it were discharged from a stationary tanker into clean calm water on a clear day, would produce no visible traces of oil on the surface of the water.".

(5) Insert a new section 6, to read as follows, following section 5:

"SEC. 6. (a) Every tanker to which this Act applies and built in the United States and for which the building contract is placed on or after the effective date of this section shall be constructed in accordance with the provisions of annex C to the convention, relating to tank arrangement and limitation of tank size.

"(b) Every tanker to which this Act applies and built in the United States and for which the building contract is placed, or in the absence of a building contract the keel of which is laid or which is at a similar state of construction, before the effective date of this section, shall, within two years after that date, comply with the provisions of annex C of the convention if—

"(1) the delivery of the tanker is after January 1, 1977; or

"(2) the delivery of the tanker is not later than January 1, 1977, and the building contract is placed after January 1, 1972, or in cases where no building contract has previously been placed, the keel is laid or the tanker is at a similar stage of construction, after June 30, 1972.

"(c) A tanker required under this section to be constructed in accordance with annex C to the convention and so constructed shall carry on board a certificate issued by the Secretary attesting to that compliance. A tanker which is not required to be constructed in accordance with annex C to the convention shall carry on board a certificate to that effect issued by the Secretary, or if a tanker does comply with annex C though not required to do so, she may carry on board a certificate issued by the Secretary attesting to that compliance. Tankers under the flag of the United States are prohibited from engaging in domestic or foreign trade without an appropriate certificate issued under this section.

"(d) Certificates issued to foreign tankers pursuant to the convention by other nations party thereto shall be accepted by the Secretary as of the same force as certificates issued by him. If the Secretary has clear grounds for believing that a foreign tanker required under the convention to be constructed in accordance with annex C entering ports of the United States or using offshore terminals under United States control does not in fact comply with annex C, he may request the Secretary of State to seek consultation with the government with which the tanker is registered. If after consultation or otherwise, the Secretary is satisfied that such tanker does not comply with annex C, he may for this reason deny such tanker access to ports of the United States or to offshore terminals under United States control until such time as he is satisfied that the tanker has been brought into compliance.

"(e) If the Secretary is satisfied that any other foreign tanker which, if registered in a country party to the convention, would be required to be constructed in accordance with annex C, does not in fact comply with the standards relating to tank arrangement and limitation of tank size of annex C, then he may deny such tanker access to ports of the United States or to offshore terminals under United States control."

(6) Section 6 (33 U.S.C. 1005) is renumbered section 7 and is amended to read as follows:

"SEC. 7. (a) Any person who willfully discharges oil or oily mixture from a ship in violation of this Act or the regulations thereunder shall be fined not more than $10,000 for each violation or imprisoned not more than one year, or both.

"(b) In addition to any other penalty prescribed by law any person who willfully or negligently discharges oil or oily mixture from a ship in violation of this Act or any regulation thereunder shall be liable to a civil penalty of not more than $10,000 for each violation, and any person who otherwise violates this Act or any regulation thereunder shall be liable to a civil penalty of not more than $5,000 for each violation.

"(c) A ship from which oil or oily mixture is discharged in violation of this Act or any regulation thereunder is liable for any pecuniary penalty under this section and may be proceeded against in the district court of any district in which the vessel may be found.

"(d) The Secretary may assess any civil penalty incurred under this Act or any regulation thereunder and, in his discretion, remit, mitigate, or compromise any penalty. No penalty may be assessed unless the alleged violator shall have been given notice and the opportunity to be heard on the alleged violation. Upon any failure to pay a civil penalty assessed under this Act, the Secretary may request the Attorney General to institute a civil action to collect the penalty. In hearing such action, the district court shall have authority to review the violation and the assessment of the civil penalty de novo."

(7) Section 7 is renumbered section 8.

(8) Section 8 (33 U.S.C. 1007) is renumbered section 9 and is amended—

(A) in subsection (a) by amending the first sentence to read as follows: "In the administration of sections 1–12 of this Act, the Secretary may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel, facilities, or equipment of other Federal agencies or the States.";

(B) in subsection (a) by amending the first part of the second sentence which precedes the first use of the word "shall" to read: "For the better enforcement of the provisions of said sections, officers of the Coast Guard and other persons employed by or acting under the authority of the Secretary";

(C) in subsection (a) by deleting from the last sentence thereof the words "Bureau of Customs and" and the words "in a prohibited zone or in a port of the United States"; and

(D) in subsection (b) by deleting in the first sentence thereof the words "of the Department in which the Coast Guard is operating" and by deleting the second sentence thereof in its entirety.

(9) Section 9 (33 U.S.C. 1008) is renumbered section 10 and is amended—

(A) by amending subsection (c) to read as follows:

"(c) The oil record book shall be completed on each occasion, on a tank-to-tank

basis, whenever any of the following operations take place in the ship:

"(1) for tankers—

"(i) loading of oil cargo;

"(ii) transfer of oil cargo during voyage;

"(iii) discharge of oil cargo;

"(iv) ballasting of cargo tanks;

"(v) cleaning of cargo tanks;

"(vi) discharge of dirty ballast;

"(vii) discharge of water from slop tanks;

"(viii) disposal of residues;

"(ix) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate logbook;

"(2) for ships other than tankers—

"(i) ballasting or cleaning of bunker fuel tanks;

"(ii) discharge of dirty ballast or cleaning water from bunker fuel tanks;

"(iii) disposal of residues;

"(iv) discharge overboard of bilge water containing oil which has accumulated in machinery spaces while in port, and the routine discharge at sea of bilge water containing oil unless the latter has been entered in the appropriate logbook. In the event of such discharge or escape of oil or oily mixture as is referred to in section 4 of this Act, a statement shall be made in the oil record book of the circumstances of, and reason for, the discharge or escape.";

(B) by changing the figure "9" in subsection (d) to read "10"; and

(C) by repealing subsection (f).

(10) Section 10 (33 U.S.C. 1009) is renumbered section 11 and is amended to make the sectional enumeration read as follows: "Sections 3, 4, 5, 6, 7, 9, and 10."

(11) Section 11 is renumbered section 12 and is amended by deleting the words "any prohibited zone" in subsection (b) thereof and by substituting therefor the words "violation of the convention but outside the territorial sea of the United States".

(12) Section 12 (33 U.S.C. 1011) is repealed.

(13) Sections 14 and 15 are renumbered sections 13 and 14, respectively.

(14) Section 16 (33 U.S.C. 1014) is renumbered section 15 and is amended by adding between the words "provisions of" and the word "the" the words "section 311 of", and by deleting the words "Oil Pollution Act, 1924 (33 U.S.C. 431–437),", and substituting therefor the words "Federal Water Pollution Control Act, as amended.".

(15) Section 17 (33 U.S.C. 1015) is repealed.

SEC. 3. (a) Except as provided in subsection (c) of this section, this amending Act is effective upon the date of its enactment or upon the date amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, adopted by the Assembly of the Inter-Governmental Maritime Consultative Organization on October 21, 1969, October 12, 1971, and October 15, 1971, are ratified or accepted with the advice and consent of the Senate of the United States, whichever is the later date.

(b) A rights or liabilities existing on the effective date of this Act shall not be affected by the enactment of this Act. Any regulations or procedures promulgated or effected pursuant to the Oil Pollution Act, 1961, as previously amended, remain in effect until modified or superseded under the authority of the Oil Pollution Act, 1961, as amended by this Act. Any reference to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, in any law or regulation shall be deemed to be a reference to the convention as revised or amended by the latest amendments in respect of which the United States has deposited an instrument of ratification or acceptance.

(c) Notwithstanding the foregoing provisions of this section, subsections (d) and (e) of section 6 of the Oil Pollution Act, 1961, as amended by section 2 of this bill, shall be effective upon the date of their enactment or upon the date the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended by the amendments adopted by the Assembly of the Inter-Governmental Maritime Consultative Organization on October 15, 1971, enters into force pursuant to article XVI of that convention, as amended, whichever is later; and no authority shall be exercised pursuant to article VI bis (3) and (4) of such amendments prior to the effective date of such subsections.

The SPEAKER. Is a second demanded?

Mr. RUPPE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5451, as reported by the Merchant Marine and Fisheries Committee is straightforward and uncomplicated in concept, although its provisions are somewhat technical in nature.

The bill proposes to amend the Oil Pollution Act, 1961, as amended, to reflect in that act three sets of amendments to the International Convention on Prevention of Pollution of the Sea by Oil, 1954, as amended.

The 1954 convention, of which the United States is signatory, was the first international action addressing itself to the reduction of oil pollution in the oceans. Even at that early date, it was apparent that it was necessary to take measures to prevent the oceans from becoming more and more polluted from oil discharges. With increasing carriage of oil by tankers, now at a level of 1,300 million metric tons per year, more and more stringent controls must be applied.

As a result of its continuing concern, the Inter-Governmental Maritime Consultative Organization—IMCO—took action in 1962 to tighten the provisions of the convention, and the United States ratified those changes in 1966. Again in October 1969, IMCO took additional measures, and those 1969 amendments are one of the three sets of provisions which this bill before us today will incorporate into domestic law. The other two sets of amendments were adopted in IMCO in October 1971.

The three sets of amendments which we propose to implement in this legislation do the following things:

First, as to the 1969 amendments. This set of amendments abolishes the so-called "free zones" of the oceans, generally existing in areas more than 50 miles from the nearest land, and extends the "prohibited zones" to cover the entire ocean. The result is that in the discharge of oil from vessels through ballasting and tank washing operations, the vessels covered by the convention, tankers above 150 tons and other vessels above 500 tons, may discharge oily mixtures during their operations only when the vessel is proceeding en route on its voyage, the rate of discharge of the oil content in the oily water does not exceed 15 gallons per mile, the oil content is less than 100 parts per oil per 1 million parts of mixture, and the vessel is as far as practicable from land. As to tankers, discharge of effluent with any oil content is prohibited unless the tanker is proceeding on its voyage, the rate of discharge does not exceed 15 gallons per mile, the total quantity of oil discharged on a ballast voyage does not exceed one fifteen-thousandths cargo-carrying capacity, and the tanker is more than 50 miles from the nearest land.

Under present conditions, it is estimated that a total of almost 1 million metric tons of oil are discharged into the oceans each year from tank washings and oily ballast discharges. Of this amount, U.S. registered tankers are estimated to contribute approximately 53,000 or about 6 percent of the total. With the provisions of the 1969 amendments in force, the maximum quantity of oil at present cargo levels for U.S. tankers would be something less than 5,000 metric tons or a reduction of approximately 90 percent. The same computation would reduce the overall world discharge to less than 90,000 metric tons per year.

Mr. Speaker, the 1969 amendments, adopted in IMCO in October 1969, were referred to the Senate for advice and consent to ratification, and on September 20, 1971, that body by a vote of 75 to 0, adopted the resolution of ratification. In the second session of the 92d Congress, the Merchant Marine and Fisheries Committee reported favorably H.R. 15627, to implement those 1969 amendments. The bill was passed by unanimous consent in the House late in the second session and, unfortunately, the Senate did not take action on the bill. Therefore, as to these 1969 amendments, this House has already spoken, and I solicit your support to move this implementing legislation forward once again.

As to the two sets of amendments adopted in IMCO in 1971, each of which is also contained in this implementing legislation, the first relates to the Great Barrier Reef, off the northeast coast of Australia. Because of its fragile nature and its protection to the continent of Australia, the IMCO Assembly adopted a resolution amending the convention to treat the Great Barrier Reef as if it were land, so that no tanker discharges with any oil content could occur within 50 miles of that reef.

The second set of 1971 amendments is anticipatory in nature. Faced with the prospect of increasingly large tankers and discussions looking to the possibility of large tankers of from 500,000 to 1 million deadweight tons, IMCO with the leadership of the U.S. delegation, established certain tank size limitations and tank arrangements in these large tankers which would result in limiting the outflow of oil in the event that one of these tankers should suffer collision or stranding casualty. The net effect of the amendments would be that no tanker could be constructed after a certain date wherein the wing tanks could exceed 30,000 cubic meters. The center tanks could not exceed 50,000 cubic meters. The formula adopted would begin to have practical effect in any tanker approaching 300,000 deadweight tons or larger.

The two sets of 1971 amendments have not yet been acted upon in the Senate. However, hearings were recently held by a subcommittee of the Foreign Relations Committee, and there is every reason to believe that favorable affirmative action will be taken on those amendments within the early future.



In addition to implementing the three sets of amendments which I have described, H.R. 5451, as reported, makes certain other technical and conforming changes to the Oil Pollution Act, 1961, and increases the penalty provisions in order to provide a more realistic sanction for violators. The new penalties provide for a maximum fine of $10,000 and imprisonment for not more than 1 year for willful discharges in violation of the act, a civil penalty of not more than $10,000 for either a willful or negligent discharge in violation of the act and a civil penalty of not more than $5,000, for any other violation of the act or regulation not amounting to a discharge. Under the present provisions of the act, the maximum fine is $2,500, and no civil penalties are provided for.

Finally, the bill, as reported, will, with a single exception, place the implementing provisions into effect as soon as the bill is enacted or the amendments are ratified by the United States, whichever is later. The exception referred to relates to actions against foreign vessels trading in American ports or offshore terminals. This provision will become effective only after the second set of 1971 amendments goes into effect, upon completion of the international ratification process.

I commend this legislation to the House, and I solicit the support of all Members in the enactment of this bill. It is legislation which is effective and practical, a combination which is not always possible.

Mr. RUPPE. Mr. Speaker, I rise in support of H.R. 5451, a bill to amend the Oil Pollution Act of 1961 to implement the 1969 and 1971 amendments to the International Convention for the Prevention of Pollution of the Sea by Oil.

The Oil Pollution Convention of 1954 was the first international attempt to control the growing threat of oil pollution at sea from the routine operation of tankers and other vessels. In essence, the convention established the concept of prohibited zones extending 50 miles from shore within which oil may not be discharged. While this convention was a step in the right direction in that it at least minimized the international discharge of oil close in shore, it did nothing to stop the growing use of the oceans generally as a dumping ground for oily residues from the thousands of ships daily transiting the sealanes of the world.

Following the *Torrey Canyon* disaster of 1964, the principal maritime nations of the world under the auspices of the International Maritime Consultative Organization—IMCO—began to seriously reevaluate the full spectrum of Safety at Sea and Marine Pollution Conventions. The 1969 and 1971 amendments to the Oil Poliution Convention which this legislation would implement were the result of this post-*Torrey Canyon* reappraisal.

As amended in 1969, the Oil Pollution Convention expands upon the prohibited zone concept to establish a more rational criteria for the discharge of oil. Discharges from tankers continue to be flatly prohibited within 50 miles from the nearest land. In addition, discharges beyond 50 miles at sea, heretofore unregulated, may not exceed 60 litres, or about 16 gallons, per mile, and the total quantity of oil discharged on a ballast voyage may not exceed one fifteen-thousandths of the cargo-carrying capacity of the ship. Comparable, though not identical, provisions governed discharges of oil from all other ships. Stringent recordkeeping provisions have been adopted to insure compliance with these requirements.

The existing Oil Pollution Act provides only criminal penalties for violations. The bill establishes a $10,000 civil penalty for willful or negligent discharge of oil in violation of the act and raises the criminal fine from a maximum of $2,500 to a maximum of $10,000.

The 1971 amendments to the convention recognize the Great Barrier Reef off the coast of Australia as if it were land for the purposes of the 50-mile limitation and establish regulations governing the size of individual cargo tanks in newly constructed tank vessels. The uniqueness of the Great Barrier Reef, a living coral formation that is the habitat of a tremendous variety of tropical fish and other marine life amply justifies its treatment as a land mass for the purpose of prohibiting totally any discharge of oil within 50 miles. The second set of 1971 amendments is a first step toward limiting the volume of oil which might escape into the sea in the event of a stranding, collision, or explosion involving large tankers.

The impact of these regulations will be felt upon ships in the 300,000-deadweight-ton-and-above category. While no ships of this size are registered under the American flag or even under construction in the United States, there are many in use or on order worldwide.

In essence, the main cargo tanks would be limited to a maximum volume of 50,000 cubic meters and wing tanks to a maximum of 30,000 cubic meters. Once this amendment becomes operative following ratification by the requisite number of nations, the Secretary of Transportation will be authorized to deny entry to U.S. ports or offshore terminal facilities to any tanker which does not conform to these limitations.

This legislation is an important step forward in our effort to reduce and eventually eliminate all intentional discharges of oil at sea resulting from routine shipboard operations and to lessen the impact of a pollution incident in the event of a stranding or collision.

There has been steady growth in the size of supertankers since adoption of the 1969 and 1971 amendments. More contracts have been signed for the construction of ships in the 500,000-ton category. It seems clear that tankers well above that tonnage are inevitable. This has resulted in a call for further refinements to international regulation of tanker construction. I was privileged earlier this year to attend the Preparatory Conference for the 1973 Oil Pollution Convention at which time a draft convention was hammered out, which hopefully will be adopted later this year and submitted to the member nations of IMCO for ratification. The new convention will prescribe more stringent standards for the construction of these truly immense petroleum carriers. The other body has given its advice and consent to the 1969 amendments and will shortly consider the 1971 amendments. Our maritime industry strongly supports these internationally agreed measures to protect the marine environment. I therefore urge the passage of this legislation as a much-needed step toward achieving the goal of protecting the global marine environment from the toxic effects of oil.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from New York.

Mr. MURPHY of New York. The committee has watched the development of IMCO, and the balanced requirements of ocean ships, particularly as very large crew carriers, becoming larger than very large, are developed. The committee, with the gentlewoman from Missouri (Mrs. SULLIVAN) as chairman, will undertake hearings later this month on the impact of balanced requirements, as that appears to affect the American shipbuilding industry.

And, of course, the impact is that there is one thing we certainly want to assure, and that is that certainly this is not an international standard that is imposed only on the United States which would, in effect, price the United States out of the shipbuilding business, whether it is a very large crew carrier or whether it is another type of carrier. The committee will go into in-depth hearings on this matter later this month.

Mr. RUPPE. Mr. Speaker, I thank my colleague, the gentleman from New York (Mr. MURPHY). He brings out a very good point.

I do know, as a result of my attendance at the last London convention of IMCO, that the American delegation was very strong in supporting those amendments, the two amendments to existing conventions that would tighten up regulations on discharges of oil at sea or discharges of chemicals or other toxic substances.

I think, however, that we will want to support these measures, fully understanding that in no way is this going to impair the future or the viability of our American Merchant Marine or certainly those organizations and companies engaged in the construction thereof.

I think the idea of hearings which my colleague, the gentleman from New York (Mr. MURPHY) has suggested is a very wise one, and I think they will be very helpful in connection with this problem.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. RUPPE. I am very happy to yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of this legislation.

I would like to have the attention of the gentleman from Michigan (Mr. DINGELL). I would like to direct a couple of questions to the gentleman, representing as I do a very long coastline of California;

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that is, northern California. Mr. Speaker, the question I would like to direct to the gentleman is whether or not this number of miles will apply seaward from the shoreline or from the territorial sea.

Mr. DINGELL. If the gentleman will yield, the answer is that it would apply from the coast, beginning at the coast, to the territorial sea.

Mr. DON H. CLAUSEN. Mr. Speaker, the next question will relate to the enforcement proceedings beyond the territorial sea.

Will this come under the Environmental Protection Act?

Mr. DINGELL. No, this will be administered under the statute. We are considering that it will be administered by the Coast Guard, and it will be handled in that fashion.

Mr. DON H. CLAUSEN. Well, what about on the Continental Shelf itself?

Mr. DINGELL. This is within the territorial sea. The Federal Water Pollution Act will apply, and they will apply the more stringent standards, so that we could well have application as to vessels, tank and dry cargo and other vessels, both under international agreement and also under this particular statute.

Mr. DON H. CLAUSEN. So for the territorial sea the Environmental Protection Act would control it pretty much?

Mr. DINGELL. The Federal Water Pollution Control Act, as amended, would apply.

Mr. DON H. CLAUSEN. And then seaward it would be up to the Coast Guard to enforce this in concert with other agencies?

Mr. DINGELL. Well, the Coast Guard will be the administrative agency and will carry out the enforcement procedures set forth in the statute with regard to reporting, keeping records, and so forth, with regard to discharge. This statute requires any discharge to be reported in a record book, and failure to report or false reports in the record books make a person subject to rather severe penalties.

Mr. DON H. CLAUSEN. Mr. Speaker, may I ask the gentleman further: This is going to require increasing responsibilities on the part of the Coast Guard to enforce this kind of pollution control, at least with regard to oil pollution?

Mr. DINGELL. It is going to increase the responsibilities of the Coast Guard.

The gentleman is correct.

Mr. DON H. CLAUSEN. It may be that the gentleman is addressing himself to this in other legislation, but will the Coast Guard be adequately funded in order to meet these responsibilities?

Mr. DINGELL. Mr. Speaker, that is a question we will have a chance to address ourselves to in the next bill, which will be the Coast Guard authorization bill.

Mr. GROVER. Mr. Speaker, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from New York (Mr. GROVER), the ranking member of this committee.

Mr. GROVER. Mr. Speaker, I thank the gentleman for yielding to me.

Those of us, Mr. Speaker, in maritime or coastal States are growing more and more sensitive to the great threat of oil pollution, not only with regard to pollution of our beaches, but with regard to the degrading of our marine environment.

As the gentleman from Michigan (Mr. DINGELL) said, this legislation is a step beyond the Water Pollution Control Act of 1972, an act which has teeth in it for our territorial waters; the legislation at hand applies to oil spills and oil dumping in the open seas.

It is a very good piece of legislation.

Mr. Speaker, the United States has taken a position of world leadership in the effort to protect the oceans from further oil pollution. We have pursued this goal on the domestic front and at the international level.

President Nixon devoted a message to the Congress on May 20, 1970 to call attention to the growing threat to our marine environment from the routine spillage of oily wastes at sea and from the growing number of tanker collisions and grounding occurring principally in coastal waters.

Again on February 8, 1971, the President in his environmental message called for an international effort to terminate all intentional discharges of oil from ships by 1975 if possible, and no later than the end of this decade.

Protection from the threat of massive pollution incidents and from the more insidious routine discharge of oily wastes, principally contaminated ballast water, is being achieved along two lines; first, prevention of accidents and their consequences and deliberate discharges, and secondly, development of cleanup techniques and legal remedies to insure that those who cause pollution will be held responsible.

The prevention of accidental pollution involves primarily the development of techniques to enhance the navigation of ships in those congested areas where the risk is greatest. In this regard, the 92d Congress witnessed the enactment of the Ports and Waterways Safety Act authorizing the Coast Guard traffic control systems and regulation of vessel movements under appropriate circumstances; the Vessel Bridge-to-Bridge Radio-telephone Act to insure that ships will be able to communicate their intentions in passing situations—heretofore a leading cause of collisions; and the Towing Vessel Licensing Act to insure that the operators of barge tows, which have been involved in numerous collisions with ships in the lower Mississippi, for example, are qualified to pilot our inland and coastal waterways.

These domestic laws will undoubtedly contribute to a far higher degree of vessel safety within territorial waters of the United States. They, of course, apply with equal force to U.S. and foreign-flag vessels which may enter our jurisdiction. We will never, of course, totally eliminate the possibility of a massive pollution incident involving a supertanker. It is, therefore, essential that we take parallel steps to insure that the impact of such a maritime casualty be minimized. Since the vast majority of petroleum carriers entering our ports and transiting sea lanes of the world fly foreign flags, unilateral action on the part of the United States could only be partially effective; hence, the effort at the international level, as outlined by the President to achieve a much higher standard worldwide for tanker construction and operation.

As has been stated here, the bill before us today implements a series of amendments to the 1954 Convention on the Prevention of Pollution of the Sea by Oil. The 1969 amendments to the convention deal with the routine discharge of oil from tankers and other ships arising principally from tank cleaning operations while sailing in ballast. These routine shipboard operations produce a very significant degree of oil pollution throughout the world. With the great growth in size of tankers, the amount of oil left as a residue inside the the tanks after discharging has been completed amounts to many hundreds of tons. Various operational measures have been developed to minimize the discharge of this oil after ballast water has been taken on, including the so-called load-on-top technique, and the establishment of shore-based waste water discharge facilities. None of these measures have proven completely satisfactory, and due to the highly competitive nature of the oil transportation industry, all of the principal maritime nations must act in consort to insure that shipowners cannot escape their obligation to protect the marine environment by flag shopping. The 1971 amendments to the convention are a first step at the international level toward developing tanker construction standards which will minimize the impact of a casualty by limiting the volume of oil that may be carried in each cargo cell of the ship. Far more stringent tanker construction standards are now being studied, including segregated ballast tanks and double bottoms, in anticipation of the 1973 IMCO conference on marine pollution. The 1971 amendments to the 1954 convention may, therefore, be considered to be of an interim nature.

Since ocean pollution respects no boundaries, it is to be hoped that the solutions can be found at the international level. We have, however, taken steps domestically to provide for unilateral action on the part of the United States should these international efforts not bear meaningful fruit. Title II of the Ports and Waterways Safety Act of 1972 directs the Secretary of Transportation to promulgate tanker construction standards for all vessels which may enter our waters according to a well-defined timetable which gives the international community a reasonable time within which to act.

These, therefore, are the highlights of our effort over the past several years to eliminate deliberate and accidental oil spills by improving the design of ships and by providing for greater navigational safety. H.R. 5451 represents an important aspect of this overall effort.

Mr. RUPPE. Mr. Speaker, I yield to my colleague from New York.

Mr. WYDLER. I would like to address a couple of questions to somebody who has charge of this bill.

Do I understand under the terms of this bill that it makes or sets legal standards in effect for the dumping of oil at sea? Is that the understanding?

Mr. RUPPE. It sets limitations. There have been no restrictions on dumping of oil beyond a distance of 50 miles. To my understanding, this set very tight limitations on the amount of dumping that can be permitted. For instance, dumping cannot exceed 16 gallons per mile and the total dumping cannot exceed one fifteen-thousandths of the cargo capacity of a ship. In other words, there are very strict limitations with severe civil and criminal penalties for violation hereof and generally for any discharge of oil in the open sea.



Mr. WYDLER. I understand that, but what I am driving at is I understand the need for such regulation, but what I think I understand is under the terms of this bill certain types of dumping of oil at sea are made legal. Is that right?

Mr. DINGELL. Will the gentleman yield?

Mr. RUPPE. I yield to the gentleman.

Mr. DINGELL. The answer to that question is categorically no. This bill restricts very significantly both the amount, that is the quantities, and the areas in which oil may be dumped now. This legislation implements an international agreement to which the United States is a signed participant and says for the first time that vessels which bear the American flag may no longer dump oil anywhere in the ocean outside the 50-mile limit of a coast without limitation and it imposes limitations as to the amounts.

For example, one fifteen-thousandths of the total amount of cargo capacity of a ship. Sixty liters per mile is a limitation. That is the total limitation. It is one fifteen-thousandths of the total cargo carrying capacity of a vessel on a voyage.

It also restricts it so that there can no longer be any dumping inside the 50-mile limit of any shoreline. This is a substantial restriction. IMCO intends to address itself to an absolute zero dumping of oil in the oceans by 1980. That is the next step, and this committee will be very vigorous in looking into that matter when it arises.

Mr. WYDLER. I appreciate the explanation of the gentleman, but if I understood it correctly, it comes down to this fact. If you dump a certain distance from the land and a set amount per square mile——

Mr. DINGELL. Per liter.

Mr. WYDLER. Then that dumping is a legal dumping of oil at sea. Is that correct

Mr. RUPPE. Any dumping is legal beyond 50 miles now and you can dump at sea whatever you want to. This for the first time puts severe limitations on the discharge of oil at sea. Recognizing the fact that there are possible accidents or small discharges that might occur, we have provided that they do not exceed 16 gallons per mile or one fifteen-thousandths of the total cargo carrying capacity of a ship on a voyage. That would not be considered legal under the legislation. This takes the dumping which was heretofore legal and restricts it very severely.

I believe the chairman of the full committee has said that we dump over 1 million barrels of oil annually now, and this will restrict it to under 100,000 barrels of oil.

Mrs. SULLIVAN. That is absolutely correct.

Mr. WYDLER. Then, where does the other 900,000 barrels of oil go?

Mr. RUPPE. That will stay in the vessel.

Seriously, they will not be dumping. It will force people who might have been careless in their operations or sloppy in the management of vessels to be very careful about it. Very definitely they will have to adhere to these regulations, as stringent as they are, and it will stop 90 percent of any discharges of oil in the open sea beyond the present 50-mile limit.

Mr. WYDLER. Was any thought given to burning? I assume they have to get rid of the oil in some fashion. I make that assumption although I do not know about it, but on that assumption of having to get rid of the oil in some fashion, was any thought given to burning it instead of dumping it?

Mr. DINGELL. Will the gentleman yield?

Mr. RUPPE. I yield to the gentleman.

Mr. DINGELL. The 90-percent reduction will come about in a number of ways. Three of them involve loading the oil on top of the ballast so that the ballast continues to be carried and the salt-water contaminated oil will be run through a processing facility for refining. And the oil will be removed in that fashion.

In some areas they will set up on-shore facilities where the ballast will be pumped out, and the oil will be permitted to separate out through gravity. Those are the two principal ways in which the matter will be handled.

Mr. WYDLER. I thank the gentleman from Michigan for that explanation, but I still say that what is bothering me is the fact that I come from an area where we have an ocean coastline, and from time to time there are oil spills that wash up on our beaches, and a great to-do is made of this, about the terrible pollution that is thus created.

But if I understand this bill correctly then that dumping of oil could be legal, or would be legal. Is that correct?

Mr. DINGELL. If the gentleman will yield further, the answer is no, because under the treaty there can be no dumping of oil or no pumping out of ballast tanks whatsoever within a 50-mile zone. The bill and the treaty provide for complete recordkeeping, and for severe civil and criminal penalties for failure to keep proper records, or for filing false records outside of the 50-mile zone, and the bill for the first time imposes restrictions on the amount of oil that may be dumped per mile traveled, or in terms of total tonnage. This bill treats the American-flag vessels in the same fashion that other signatory nations will treat their own flag vessels. Of course, obviously this applies only to our own vessels, but in addition the bill provides for methods of reporting and penalties for failures to tell the truth in their recordkeeping, and also would provide penalties for violating new prohibitions against dumping both as to where and as to the amount.

Mr. WYDLER. The gentleman from Michigan is telling me that this cannot be done within the 50-mile zone from the coastline, but is there any magic about that number of 50 miles? And is oil dumping beyond the 50-mile limit—is there anything to keep that oil from being washed up on the coastal shorelines, and why is not that oil also covered by this bill?

Mr. DINGELL. If the gentleman will yield further, the answer is not actually, because the IMCO Conference could not agree upon this subject, but I hasten to say that IMCO will be able to address itself to a complete zero prohibition of oil dumping within the near future.

Mr. RUPPE. Mr. Speaker, I might also point out to my colleague that the present IMCO group is meeting now to develop new restrictions such as that which will require separate ballast tanks in which to pump the oil so that when they do have the separate ballast tanks they will not have this problem at all, and there will be no discharging of oil of any kind.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RUPPE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would ask the gentleman from Michigan (Mr. DINGELL) does this bill in any way add to or subtract from the territorial rights of States with regard to offshore oil drilling?

Mr. DINGELL. If the gentleman will yield, the answer to that is a categorical no, I will say to the gentleman.

Mr. GROSS. I thank the gentleman.

Mr. TEAGUE of California. Mr. Speaker, Santa Barbara, Calif., is associated in many minds with the disastrous 1969 offshore oil blowout. This spectacular occurrence focused the attention of the world upon the valiant efforts of concerned citizens to clean up the stickly black crude oil which fouled beaches, marine life, and sea birds.

Yet as serious as this occurrence was, it and similar dramatic accidental petroleum spills are not the most significant contributors of polluting oil to be discharged into the sea. The gradual, but constant, and therefore more insidious release of oil bilge water, clearing of fuel bunkers, and other deliberate discharges of petroleum products are equally deserving of our attention and concern. The Coast Guard estimates that there will be 12,000 oil spills this year.

Thor Heyerdahl quoted in the New York Times following his Atlantic voyage in the reed boat, *Ra*, stated that there is "a continuous stretch of at least 1,400 miles of open Atlantic polluted by floating lumps of solidified asphalt-like oil." Scientists have observed that DDT and other insecticides are more soluble in oil slicks than water. What effect this phenomena could have on the microscopic life-forms of the sea—which renew the oxygen in our atmosphere—is unclear at this time. I do not believe we can afford to learn from experience about the possible effects of continued pollution.

International cooperation is essential to curtail pollution of the sea. As one great circulating system, the oceans of the world can carry the wastes of one thoughtless nation to opposite ends of the earth, or the oil discharged from one merchant ship onto the beaches of any coastal nation.

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The principle of freedom of the high seas is an ancient one. In practice, it has come to include the freedom to pollute. Attempts to put an end to marine pollution collide headon with this principle. The U.S. delegations to the various Intergovernmental Maritime Consultative Organization meetings have contributed to world understanding of the urgency of pollution control efforts. We must therefore strengthen our ability to police infractions and apply sanctions which are sufficient to be deterrent.

The Committee on Merchant Marine and Fisheries should be recognized for its prompt and forthright action to assure that the United States is a leader in accomplishing the environmental protection objective of the International Convention for the Prevention of the Pollution of the Sea by Oil. I urge my colleagues to support H.R. 5451.

Mr. ROGERS. Mr. Speaker, I rise in support of the bill, H.R. 5451, the Oil Pollution Act Amendments of 1973.

I joined in sponsorship of the original Oil Pollution Act in 1961 in recognition of the increasingly grave menace continued oil pollution posed to our national waters and shoreline. Since then much progress has been made in decreasing the incidence and effects of oil spills and dumping, and it is my belief that the present legislation will go a long way toward tightening up the regulation of oil discharge on the seas.

By incorporating these latest amendments to the Oil Pollution Convention into our domestic law, the Congress can demonstrate that the United States intends to remain on the forefront of world efforts toward environmental protection, and take another step forward in the protection of our own shoreline from the hazards of oil spills on the seas. I urge the Members of the House to join me in adoption of the bill.

Mr. DON H. CLAUSEN. Mr. Speaker, I want to take this time to comment both on the Oil Pollution Act which we now have before us and the Coast Guard authorization bill which will be debated later this afternoon.

Last year, we went as far as we could go by including in the Water Pollution Control Act stringent controls prohibiting the discharge of oil in our territorial waters. As a matter of jurisdiction we are limited to 3 miles offshore as the extent of our ability to improve water quality on a unilateral basis.

During hearings on water pollution program, our committee received testimony from Thor Heyerdahl, leader of the *Ra* expedition. He pointed out that pollution from oil and other sources is seriously affecting the Atlantic Ocean even hundreds of miles from any coastline.

At that time, I pointed out that we would make as much progress as we could on our own but that in the face of international law, multilateral action is required. This is why I so strongly support the Oil Pollution Act we are considering today.

This bill complements our efforts to control oil pollution within the 3-mile territorial sea by implementing the International Convention for the Prevention of the Pollution of the Sea by Oil.

Through the adoption of this measure we will be prohibiting the discharge of any oil up to 50 miles at sea and more stringently regulating any discharges beyond that distance. In addition, civil penalties are provided in addition to the criminal sanctions included in the bill.

Mr. Speaker, this legislation continues the long string of efforts we have made to make certain our water pollution control programs are both continuously updated and responsive to changing needs. In conjunction with the Water Pollution Control Act it will help reduce and control pollution and I urge the House to give it overwhelming support.

Mr. VANIK. Mr. Speaker, oil pollution of the world's waterways is a serious situation that is getting worse every day. As a Great Lakes Congressman, I am particularly shocked that 27 percent of our country's oil spillage occurs on these inland lakes.

The National Oceanic and Atmospheric Administration, recently surveying the Atlantic Ocean, reported that several of its ships encountered conditions where the nets were befouled by oil clumps so thick they tangled through the nets "like spaghetti." The NOAA research ship, *Albatross IV*, reported being surrounded by globs of oily substances 75 percent of the time. This oil pollution was not only limited to the Atlantic Ocean. Even in the Mediterranean. Jacques Cousteau, the French undersea explorer, reports that sea life and vitality in the Mediterranean has declined 30 to 50 percent in the last 20 years. Oil globules and plastic debris in massive proportions are infecting bodies of water throughout the world.

In light of this situation, today's bill is so inadequate—it is a placebo. The bill, for instance, allows a tanker to dump one/fifteen-thousandth of its oil-carrying capacity. This does not sound like very much, but it works out to a total of 38 million gallons a year, the equivalent of almost 4,000 major oil spills as defined by the U.S. Coast Guard. The infamous Santa Barbara oil spill produced only 700,000 gallons during the entire period of spillage and leakage; this bill allows 55 equivalent spills each year.

And although nontanker vessels contribute one-fifth of the world's oil pollution. the bill gives them even more lenient guidelines than it gives to tankers. According to this bill, a ship can legally dump 48,000 gallons of oil in the course of a 3,000-mile voyage. This is the equivalent of five major oil spills as defined by the Coast Guard. Considering that it costs $420 to clean up each barrel of oil that is spilled, it would cost $380 million to attempt to clean up the amount of oil that this bill allows to be dumped.

Although the bill does represent a step forward, it is a very meager step, and a great deal more will have to be done in the near future if the problem of oil pollution is ever to be effectively contained.

Mr. Speaker, I support the passage of this bill today—but I hope that it will be just the beginning of new and major efforts to develop international agreements to end oil pollution in the world's oceans and waterways. Let the Congress take note of the warning that we are rapidly destroying the lakes and oceans of the world. This legislation today just does not go far enough.

Mr. CLEVELAND. Mr. Speaker, I rise in support of H.R. 5451, the Oil Pollution Act Amendments of 1973, as a measure to maintain U.S. leadership in the worldwide effort to reduce oil pollution of the seas.

By passing legislation to carry out changes in the International Convention for the Prevention of Pollution of the Sea by Oil, we can help do much to reduce accidental spillage from tanker mishaps, as well as deliberate dumping of oil-bearing wastes from ships at sea.

Furthermore, I regard this as a means of forestalling to the maximum extent one potential source of environmental damage which could result from steps taken to relieve the energy shortage.

As the President indicated in his energy message, he has removed current tariffs on crude oil and products as an incentive to increase imports. At the same time, it is administration policy to encourage development of greater domestic refining capability.

On the basis of costly but environmentally clean operations on the west coast, there have been proposals to establish new refinery capacity in New England. This, in conjunction with possible deepwater port development and possible exploitation of oil and gas reserves off the east coast, points to a considerable increase in tanker usage.

I think it is noteworthy that our colleague from Massachusetts (Mr. CONTE) and Senator MCINTYRE, of New Hampshire, have endorsed the principle of a new refinery in New England. And Governor Thomson, of New Hampshire, has taken the lead in inviting establishment of a refinery within the State. This offers real encouragement for the solution of some of our region's most pressing problems, including gasoline and oil shortages and high prices.

In any event, the tankers are getting bigger. There will be more of them. New refineries are coming. So may offshore exploration. The bill before us can help assure that environmental damage from them will be kept to a minimum.

New construction standards for new large tankers, governing tank placement and volume, should limit oil discharge resulting from tanker collisions. These provisions, in addition to those limiting deliberate discharges, removal of exemptions outside the so-called prohibited zones, increases in criminal penalties and the addition of civil penalties combined to produce a measure well worthy of support. I urge colleagues to join me in voting for its enactment.

Mr. RUPPE. Mr. Speaker, I have no further requests for time.

Mrs. SULLIVAN. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentlewoman from Missouri (Mrs. SULLIVAN) that the House suspend the rules and pass the bill H.R. 5451, as amended.

The question was taken.

Mr. RUPPE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.



The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 370, nays 1, not voting 62, as follows:

[Roll No. 129]

YEAS—370

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| Abdnor | Devine | Kemp |
| Abzug | Dickinson | Ketchum |
| Adams | Dingell | King |
| Addabbo | Donohue | Kluczynski |
| Alexander | Dorn | Koch |
| Anderson, Calif. | Downing | Kuykendall |
| Anderson, Ill. | Drinan | Kyros |
| Andrews, N.C. | Duiski | Landgrebe |
| Andrews, N. Dak. | Duncan | Latta |
| Annunzio | du Pont | Leggett |
| Archer | Eckhardt | Lehman |
| Arends | Edwards, Ala. | Lent |
| Armstrong | Edwards, Calif. | Litton |
| Ashbrook | Ellberg | Long, La. |
| Aspin | Esch | Lott |
| Bafalis | Eshleman | Lujan |
| Baker | Evans, Colo. | McClory |
| Barrett | Evins, Tenn. | McCloskey |
| Beard | Fascell | McCollister |
| Bell | Findley | McCormack |
| Bennett | Fish | McDade |
| Bergland | Fisher | McEwen |
| Blester | Flood | McFall |
| Bingham | Flowers | McKinney |
| Blatnik | Flynt | McSpadden |
| Boggs | Foley | Macdonald |
| Boland | Ford, Gerald R. | Madden |
| Boiling | Ford, William D. | Madigan |
| Bowen | Forsythe | Mahon |
| Brademas | Frenzel | Mailliard |
| Bray | Frey | Mallary |
| Breaux | Froehlich | Mann |
| Breckinridge | Fulton | Maraziti |
| Brinkley | Fuqua | Martin, Nebr. |
| Brooks | Gaydos | Martin, N.C. |
| Broomfield | Gettys | Mathias, Calif. |
| Brotzman | Gialmo | Matsunaga |
| Brown, Calif. | Gilman | Mazzoli |
| Brown, Mich. | Ginn | Meeds |
| Brown, Ohio | Goldwater | Metcalfe |
| Broyhill, N.C. | Gonzalez | Mezvinsky |
| Broyhill, Va. | Goodling | Michel |
| Burgener | Grasso | Miller |
| Burke, Calif. | Green, Pa. | Mills, Ark. |
| Burke, Fla. | Griffiths | Mills, Md. |
| Burke, Mass. | Gross | Minish |
| Burleson, Tex. | Grover | Mink |
| Burlison, Mo. | Gubser | Minshall, Ohio |
| Burton | Gude | Mitchell, N.Y. |
| Butler | Gunter | Mizell |
| Byron | Haley | Moakley |
| Camp | Hamilton | Mollohan |
| Carney, Ohio | Hammer-schmidt | Montgomery |
| Carter | Hanley | Moorhead, Calif. |
| Casey, Tex. | Hanrahan | Moorhead, Pa. |
| Cederberg | Hansen, Idaho | Morgan |
| Chamberlain | Hansen, Wash. | Mosher |
| Chappell | Harrington | Moss |
| Clancy | Harsha | Murphy, Ill. |
| Clark | Harvey | Murphy, N.Y. |
| Clausen, Don H. | Hastings | Myers |
| Clawson, Del | Hays | Natcher |
| Clay | Hébert | Nedzi |
| Cleveland | Hechler, W. Va. | Nelsen |
| Cochran | Heckler, Mass. | Nichols |
| Cohen | Heinz | Nix |
| Collier | Helstoski | O'Brien |
| Collins | Henderson | O'Hara |
| Conable | Hicks | Owens |
| Conlan | Hillis | Parris |
| Conte | Hinshaw | Passman |
| Corman | Hogan | Patten |
| Cotter | Holifield | Pepper |
| Coughlin | Holt | Perkins |
| Crane | Holtzman | Pettis |
| Cronin | Horton | Peyser |
| Culver | Hosmer | Pickle |
| Daniel, Dan | Howard | Pike |
| Daniel, Robert W., Jr. | Huber | Poage |
| Daniels, Dominick V. | Hungate | Podell |
| Danielson | Hunt | Preyer |
| Davis, Ga. | Hutchinson | Price, Ill. |
| Davis, Wis. | Ichord | Pritchard |
| Delaney | Jarman | Quie |
| Dellenback | Johnson, Calif. | Quillen |
| Dellums | Johnson, Colo. | Randall |
| Denholm | Jones, N.C. | Rangel |
| Dennis | Jones, Okla. | Rarick |
| Dent | Jordan | Rees |
| Derwinski | Karth | Regula |
| | Kastenmeier | Rhodes |
| | Kazen | Treen |
| | Keating | Riegle |
| | | Rinaldo |
| | Roberts | Smith, Iowa |
| | Robinson, Va. | Smith, N.Y. |
| | Robison, N.Y. | Snyder |
| | Rodino | Spence |
| | Roe | Staggers |
| | Rogers | Stanton, J. William |
| | Roncallo, Wyo. | Stanton, James V. |
| | Roncallo, N.Y. | Stark |
| | Rooney, Pa. | Steed |
| | Rose | Steele |
| | Rostenkowski | Steelman |
| | Roush | Steiger, Ariz. |
| | Rousselot | Stokes |
| | Roy | Stratton |
| | Roybal | Stubblefield |
| | Ruppe | Stuckey |
| | Ruth | Studds |
| | Ryan | Sullivan |
| | St Germain | Symms |
| | Sandman | Talcott |
| | Sarasin | Taylor, Mo. |
| | Sarbanes | Taylor, N.C. |
| | Saylor | Teague, Calif. |
| | Scherle | Thompson, N.J. |
| | Schneebeli | Thomson, Wis. |
| | Schroeder | Thornton |
| | Sebelius | Tiernan |
| | Seiberling | Towell, Nev. |
| | Shoup | Udall |
| | Shuster | Ullman |
| | Sikes | Van Deerlin |
| | Skubitz | Vanik |
| | Slack | Veysey |
| | | Vigorito |
| | | Waggonner |
| | | Walsh |
| | | Wampler |
| | | Ware |
| | | Whalen |
| | | White |
| | | Whitehurst |
| | | Whitten |
| | | Wiggins |
| | | Williams |
| | | Wilson, Bob |
| | | Wilson, Charles H., Calif. |
| | | Wilson, Charles, Tex. |
| | | Winn |
| | | Wyatt |
| | | Wylie |
| | | Wyman |
| | | Yates |
| | | Young, Alaska |
| | | Young, Fla. |
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| | | Young, S.C. |
| | | Young, Tex. |
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NOT VOTING—62

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|---|---|---|
| Ashley | Hanna | Reuss |
| Badillo | Hawkins | Rooney, N.Y. |
| Bevill | Hudnut | Rosenthal |
| Biaggi | Johnson, Pa. | Runnels |
| Blackburn | Jones, Ala. | Satterfield |
| Brasco | Jones, Tenn. | Shipley |
| Buchanan | Landrum | Shriver |
| Carey, N.Y. | Long, Md. | Sisk |
| Chisholm | McKay | Steiger, Wis. |
| Conyers | Mathis, Ga. | Stephens |
| Davis, S.C. | Mayne | Symington |
| de la Garza | Melcher | Teague, Tex. |
| Diggs | Milford | Thone |
| Erlenborn | Mitchell, Md. | Vander Jagt |
| Fountain | Obey | Waldie |
| Fraser | O'Neill | Widnall |
| Frelinghuysen | Patman | Wolff |
| Gibbons | Powell, Ohio | Wright |
| Gray | Price, Tex. | Yatron |
| Green, Oreg. | Railsback | Young, Ga. |
| Guyer | Reid | |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Price of Texas.

Mr. Rooney of New York with Mr. Frelinghuysen.

Mr. Gray with Mr. Railsback.

Mrs. Green of Oregon with Mr. Shriver.

Mr. Long of Maryland with Mr. Runnels.

Mr. Brasco with Mr. Milford.

Mr. Bevill with Mr. Biaggi.

Mr. Rosenthal with Mr. Johnson of Pennsylvania.

Mr. Shipley with Mr. Erlenborn.

Mr. Sisk with Mr. Davis of South Carolina.

Mr. Jones of Alabama with Mr. Buchanan.

Mr. Stephens with Mr. Blackburn.

Mr. Wolff with Mr. Vander Jagt.

Mr. Carey of New York with Mr. Thone.

Mrs. Chisholm with Mr. Ashley.

Mr. Landrum with Mr. Powell of Ohio.

Mr. Mathis of Georgia with Mr. Wright.

Mr. Hanna with Mr. Conyers.

Mr. Diggs with Mr. de la Garza.

Mr. Reuss with Mr. Steiger of Wisconsin.

Mr. Hawkins with Mr. Badillo.

Mr. Fountain with Mr. Mayne.

Mr. Fraser with Mr. Hudnut.

Mr. McKay with Mr. Guyer.

Mr. O'Neill with Mr. Widnall.

Mr. Yatron with Mr. Gibbons.

Mr. Reid with Mr. Young of Georgia.

Mr. Melcher with Mr. Jones of Tennessee.

Mr. Obey with Mr. Mitchell of Maryland.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5451.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

## PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

## COAST GUARD AUTHORIZATION, 1974

Mrs. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5383) to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength for active duty personnel, to authorize for the Coast Guard average military student loads and for other purposes, as amended.

The Clerk read as follows:

H.R. 5383

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That funds are hereby authorized to be appropriated for fiscal year 1974 for the use of the Coast Guard as follows:

VESSELS

For procurement and increasing the capability vessels, $23,979,000.

A. Procurement:

(1) 75-foot inland construction tenders.

(2) small boat replacement program.

(3) design of vessels.

B. Renovation and increasing capability:

(1) renovate and improve buoy tenders.

(2) reengine and renovate coastal buoy tenders.

(3) abate pollution by oily waste from Coast Guard vessels.

(4) abate pollution by nonoily waste from Coast Guard vessels.

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $72,510,000.

(1) Portsmouth, Virginia: Construct new Coast Guard base, phase IIa.

(2) Portsmouth, Virginia: Construct new communications station.

(3) Monterey and Santa Cruz, California: Rebuild Monterey station, construct Santa Cruz unmanned moorings.

(4) Montauk Point, New York: Control erosion at Montauk Point Light Station.

(5) Cape May, New Jersey: Construct dining hall at recruit training center.

(6) Brooklyn, New York, and Wildwood,

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New Jersey: Expand interim centralized electronic systems maintenance facilities.

(7) Carolina Beach, North Carolina: Construct barracks at Loran-C Station.

(8) Fort Lauderdale, Florida: Increase capability of Fort Lauderdale Station.

(9) New Orleans, Louisiana: Expand New Orleans Air Station.

(10) San Diego, California: Control erosion at Light Station Point Loma.

(11) San Diego, California: Improve San Diego Air Station.

(12) Astoria, Oregon: Expand Astoria Air Station.

(13) Attu Island, Alaska: Rebuild airstrip bridge.

(14) Kodiak, Alaska: Renovate and consolidate Kodiak Base.

(15) Cheboygan, Michigan: Construct moorings for Coast Guard Cutter Mackinaw.

(16) Loran-C: Expansion project—Phase I, United States West Coast.

(17) Loran-C: Equipment Replacement.

(18) Various locations: Waterways aids to navigation projects.

(19) Various locations: Abate pollution at Coast Guard shore stations.

(20) Various locations: Lighthouse automation and modernization program.

(21) Various locations: Large navigational buoys to replace lightships.

(22) New York Harbor and Long Island Sound, New York: Establish Vessel Traffic System, Phase I.

(23) Puget Sound, Washington: Vessel Traffic System Part 1 of Phase III.

(24) New Orleans, Louisiana: Establish Vessel Traffic System, Phase I.

(25) Various locations: Public family quarters.

(26) Various locations: Advance planning, survey, design, and architectural services; project administration costs; acquire sites in connection with projects not otherwise authorized by law.

SEC. 2. For fiscal year 1974 the Coast Guard is authorized an end strength for active duty personnel of 37,482; except that the ceiling shall not include members of the Ready Reserve called to active duty under the provisions of Public Law 92-479.

SEC. 3. For fiscal year 1974 military training student loads for the Coast Guard are authorized as follows:

(1) recruit and special training, 4,001 man-years.

(2) flight training, 86 man-years.

(3) professional training in military and civilian institutions, 231 man-years.

(4) officer acquisition training, 1,208 man-years.

SEC. 4. For use of the Coast Guard for payment to bridge owners for the cost of alterations of railroad bridges and public highway bridges to permit free navigation of navigable waters of the United States, $7,000,000 is hereby authorized.

SEC. 5. Section 475 of title 14, United States Code, is amended by amending subsection (e) thereof to read as follows:

"(e) The authority provided in subsections (b) and (c) of this section shall expire on June 30, 1976."

The SPEAKER. Is a second demanded?

Mr. RUPPE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out that the copy of H.R. 5383 that is being considered at the Speaker's desk contains a printer's error on page 8, line 13, which has been corrected. It should read "37,482" and not "33,482."

Mr. Speaker, I would like to voice my strong support for H.R. 5383, which would authorize appropriations for the procurement of vessels and the construction of shore and offshore installations. This bill also authorizes appropriations for bridge alterations and for an end-year strength for active duty personnel for the Coast Guard.

The House Merchant Marine and Fisheries Committee increased the original amount of the bill of $81,500,000 by $21,989,000 so that the total authorization in the bill for acquisition, construction, and improvements—A.C. & I.—is $103,489,000, broken down as follows:

First, $23,979,000—for procurement and increasing capability of vessels.

Second. $72,510,000—for development and establishment of Coast Guard installations and facilities.

Third. $7,000,000—for the cost of bridge alterations.

Fourth. 37,482—for end-year strength for active duty personnel for fiscal year 1974.

The original Coast Guard fiscal year 1974 budget request to DOT was $215,283,000. The Department cut this request to the Office of Management and Budget to $153,500,000, and the final total in the President's budget as originally set out in H.R. 5383 was $81,500,000, which included $74,500,000 for construction of installations and facilities, and $7,000,000 for bridge alterations under the Truman-Hobbs Act.

I would like to say, Mr. Speaker, that the members of the House Merchant Marine and Fisheries Committee were greatly concerned over the budget request of DOT on behalf of the Coast Guard which was considerably reduced from the Coast Guard's original request. We were even more concerned over the final budget figure, which was again considerably reduced and the lowest figure in recent years. For example, the Coast Guard budget figure for fiscal year 1973 was $135,660,000 and the figure for fiscal year 1972 was $100,000,000. Thus, this year's budgetary request for A.C. & I. is considerably lower than previous years. This concerns our committee because this comes at a time when the Coast Guard's duties and responsibilities are expanding considerably. In recent years, the Coast Guard has had enlarged pollution responsibilities and increasing problems and work in the area of surveillance. For example, the Coast Guard is responsible for the vast water areas off Alaska, which must be patrolled for fishing violations, pollution and search and rescue. These responsibilities in this extensive marine area are served by a total of 17 vessels, four fixed wing aircraft, and six helicopters. I would like to point out that most of these 17 vessels only make sporadic appearances in Alaskan waters. I submit that this is not sufficient hardware or manpower committed to give proper coverage to this vast area. Obviously, four fixed wing aircraft cannot adequately police against search and rescue help.

As another example, we have only to look off our Northeastern shores where the Communist bloc fishing fleets have decimated our fishing stocks. Surely this is a situation which cries out for increased surveillance and patrol by the Coast Guard and yet we have a budget request which is reduced significantly from prior years. It is the committee's belief that the Coast Guard budget should reflect greater funding for vessel and aircraft acquisition. With respect to the availability of vessels, the Commandant agreed that the Coast Guard does not now have sufficient cutters patrolling the fishery areas off the coast of the United States, including Alaskan waters.

We all understand the necessity of keeping the budget within reasonable bounds, but depriving the Coast Guard of essential hardware and equipment is false economy. Our committee, Mr. Speaker, will look for significant vessel and aircraft items in next year's Coast Guard authorization bill.

I will not take the Members' time to go into all the areas covered by this Coast Guard authorization of appropriations bill. I would, however, like to comment briefly; several subjects contained in this authorization bill and other important matters will be touched on by my colleagues in the committee.

In the important area of pollution abatement, there are items to abate pollution from Coast Guard vessels and from Coast Guard shore stations. Since the Coast Guard administers and enforces various marine environmental protection laws relating to discharges of oil, it is incumbent on the Coast Guard itself to take the lead in these areas. Over the last several years, the Coast Guard has been taking steps to control pollution from its vessels and shore stations. In addition, the Coast Guard has been working on recovery equipment for oil and hazardous polluting substances. Unfortunately, research and development has not advanced sufficiently far on this pollution recovery equipment to justify the Coast Guard's moving ahead with a request for authorization for this necessary equipment. As a consequence, the committee found that $2,170,000 was eliminated from the Coast Guard request for the procurement of recovery equipment. Hopefully, the next fiscal year authorization request will have funding sufficient for a quantum acquisition of this necessary recovery equipment.

On July 10, 1972, the President signed into law the Ports and Waterways Safety Act of 1972 (Public Law 92-340). Among other things, this act authorizes the establishment of vessel traffic control systems. Originally, the Coast Guard established a pilot advisory vessel traffic control system in San Francisco Bay. This advisory system lent itself to early adaptation under the Ports and Waterways Safety Act. In the authorization of appropriations for A.C. & I. for fiscal year 1974, vessel traffic control systems are authorized for the New York Harbor-Long Island Sound area, and the New Orleans, La., area. Last year, the authorization bill included $2 million for the establishment of a vessel traffic control system in the Houston ship channel.

H.R. 5383 authorizes $4,200,000 for the New York Harbor-Long Island Sound system, and is justified on the basis of Corps of Engineers statistics which cite 350,465 vessel transits of New York Harbor in 1971, with casualty statistics of 34 collisions and 21 groundings. The bill also authorizes $1 million for part one of a three-phase program to provide radar coverage of the most critical area of Puget Sound because of narrow straits, one-way traffic, frequently restricted visibility, strong currents, and a proposed supertanker route to the Cherry Point refinery. In addition, H.R. 5383 authorizes $1,700,000 for the establishment of the New Orleans system and is justified on the basis of 116 collisions or groundings from 1969 to 1971 in the lower New Orleans area. There were three serious collisions which resulted in the loss of 63 lives in a 13-month period. This waterway is one of the heaviest traveled in the Nation, with approximately 150,000 ships and barges traveling the lower Mississippi River annually. The project will be a phased approach to provide an integrated traffic system using VHF-FM communications, improved aids to navigation, limited electronic surveillance, and a manned traffic center for coordination of traffic movements on the waterway.



These are just some of the important matters covered by this Coast Guard authorization of appropriations. My colleagues will discuss other equally significant matters. I think we are all aware of the vast range of Coast Guard activities and I do not feel that it is necessary to dwell on the efficiency and competence of the Coast Guard in the discharge of these activities.

I believe that this bill speaks for itself and the members of our committee strongly urge the House to support this reasonable and necessary Coast Guard authorization of appropriations.

There are Members of both the majority and minority of our committee who are present and who may wish to speak in behalf of this bill.

Mr. RUPPE. Mr. Speaker, I rise in support of H.R. 5383, a bill authorizing annual appropriations for the Coast Guard for the procurement of vessels and aircraft, construction of shore establishments, bridge alterations, and to authorize year-end active duty strength levels and military student training loads, and for other purposes.

The fiscal year 1973 authorization measure—Public Law 92-343—provided for a total funding level of $158,380,000. The fiscal year 1973 appropriation provided for a total funding level of $144,050,000. By way of comparison, this fiscal year 1974 authorization provides for a total funding level of $103,489,000. The original Coast Guard request to the Department of Transportation was for a total of $215,283,000, the DOT's request to OMB was for a total of $153,500,000, and the amount finally approved by OMB, after appeal of some items by Coast Guard and DOT, and contained in the President's fiscal year 1974 budget estimate was $74,500,000, plus $7,000,000 for bridge alterations, thus totaling $81,500,000.

As the Members of this body are aware, the U.S. Coast Guard is a multimission agency, whose responsibilities in the areas of law enforcement, fisheries patrols, search and rescue, and environmental pollution have increased tremendously over the past several years with the enactment into law of innumerable legislative measures such as the Ports and Waterways Safety Act, Small Boat Safety Act, Radio-telephone Communications Act, Federal Water Quality Act amendments, Water Pollution Control Act, Marine Protection Act, and others. A large part of the moneys provided for the fulfillment of the Coast Guard mission under these new laws is provided within the Operating Expense/Research and Development Appropriation bill also reflect the everchanging roles of the Coast Guard.

H.R. 5383 places emphasis on all aspects of maritime environmental protection, from abating pollution from Coast Guard units and vessels to establishing sophisticated vessel traffic systems to decrease vessel collisions which may result in massive oil spills in the Nation's congested ports and harbors. In this regard, a portion of the $23,979,000 provided in the vessel procurement category of the bill will be allocated for the construction of new 41-foot search and rescue, 30-foot port safety and aids-to-navigation boats with a mission assignment for port safety, harbor pollution patrols, and escorts for hazardous cargo.

Again, the annual measure provides for specific construction, renovation, and improvement projects at various Coast Guard shore stations located at specific points on the coasts of the United States, including funds for the construction of moorings for the Coast Guard cutter *Mackinaw*, Cheboygan, Mich. Significant projects within the total of $72,510,000 for this authorization category include the establishment and continuation of vessel traffic systems at Puget Sound, Wash.; New Orleans, La.; and New York Harbor and Long Island Sound. The committee added two additional projects in this category to provide for the replacement of outdated and over-age loran-C navigation system equipment, and to expand the loran C system in the coastal confluence zone on the west coast—where there exists no loran C system at the present time. The cost of the replacement equipment is $8,737,000, and the cost for the expansion on the west coast is $13,252,000, for a total of $21,989,000.

Section 2 provides for the year-end active duty strength level of the Coast Guard of 37,482 personnel, which represents an increase of 246 men to reflect the administration's decision to continue the operation of the loran A navigation system for the balance of the fiscal year. In the event that funds are not appropriated and actually expended for such continued operation, the active duty levels would be at a ceiling of 37,236—as originally requested in the administration bill.

Section 3 of the bill is new and is required pursuant to section 604 of Public Law 92-436, which imposed the obligation on each segment of the Armed Forces, which includes the Coast Guard, to obtain annual authorization from Congress for military training student loads. These levels represent ideal numbers necessary to provide expertise as a result of personnel losses, attrition, technological advances, et cetera. The committee amended these man-year numerical levels to reflect the administration's decision to continue loran A navigation system in operation. In the event that such moneys are not appropriated and expended, the man-year levels would be reduced to 3,946 in subsection 1, and 1,200 in subsection 4.

Section 4 of the bill provides for bridge alterations under the Truman-Hobbs Act at the following locations, all of which have been previously funded. There are no new requests in this item:

First, Chattahoochee River, Ala.

Second. Elizabeth River, Norfolk, Va.

Third, Calumet River, Chicago, Ill.

Fourth, Illinois River, Beardston, Ill.

Section 5 was added by the committee to extend the authority of the Coast Guard to lease public facilities in areas where Coast Guard facilities are nonexistent or substandard for housing of its personnel and dependents. Subsection (a) of 14 U.S.C. 475 was amended in the fiscal year 1973 authorization bill to provide the Commandant, Coast Guard, with permanent leasing authority; whereas subsections (b) and (c) thereof, to designate and rent inadequate quarters, expires on June 30, 1973. The committee amendment simply extends this authority another 3 years to June 30, 1976, and there are no additional costs for which authorizations would have to be made in the bill associated with this authority extension.

The Committee on Merchant Marine and Fisheries has scrutinized this authorization request with great care. Quite frankly, the total Coast Guard budget, including the funds provided by this legislation, is barely enough to enable the Coast Guard to continue its traditional maritime safety and law enforcement functions, much less cope with the many responsibilities which this Congress and the executive branch have assigned to it in the environmental field. We continue to deceive ourselves and the public if we continue to enact legislation increasing Coast Guard missions without, at the same time, providing this agency with the moneys required to carry them out. In the past, this committee has authorized funds substantially in excess of those actually appropriated and allocated to the Coast Guard. These levels have consistently recognized the responsibility of this body to bring the Coast Guard's outdated and aging facilities, vessels and aircraft into today's modern world of sophistication and technological advances. If I can parody a time-honored jingle: For want of a shore station—lives were lost; for want of a rescue vessel—merchant seamen and vessels in distress were lost; for want of a plane—our fishery laws were violated and our fishermen's vessels and gear were destroyed; for want of a vessel traffic control system—our fragile environment in ports and harbors were destroyed by massive oil spills ad infinitum.

This year's authorization represents a modest increase over and above the budget estimate. It is a holding action and nothing more. Within this atmosphere of budget nad fiscal restraint, the bill does reflect the changing needs of the Coast Guard in attempting to fully and completely meet the responsibilities given to it under new laws. I urge its adoption.

Mr. Speaker, I yield to my colleague



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from New York, the ranking minority member of the committee.

Mr. GROVER. Mr. Speaker, I rise in support of H.R. 5383, the 1974 fiscal year Coast Guard authorization bill, and strongly endorse the views expressed by the gentleman from Michigan (Mr. RUPPE). He has adequately explained the details of the bill and I will not duplicate their efforts.

I am concerned about the apparent lack of attention which is being paid to the budget, fiscal, and personnel needs of the Coast Guard, within the Department of Transportation and the Office of Management and Budget, particularly in light of the fact that many, if not all of the Coast Guard's increased responsibilities have been added in past Congresses as a direct result of administration legslative proposals. It appears paradoxical that these increased duties are not provided for in the context of an increased level of funding for the acquisition, construction, and procurement of the required number of vessels, aircraft, and other hardware in the original budget request.

A significant portion of this year's A.C. & I. bill pertains to the procurement of equipment for actual implementation and construction of facilities for the various vessel traffic control systems to reduce harbor and port congestion and to protect the environmental quality of these areas in the most critical areas of the country—one of which is New York Harbor and Long Island Sound.

Phase I of the New York system will cost $4.2 million and is provided for in this year's authorization. It will include the establishment of an operations center located on Governor's Island and manned on a 24-hour basis, acquisition of sites for radar and electronic surveillance purposes, improved aids to navigation in the New York Harbor area, and a VHF-FM communications system.

New York Harbor, Long Island Sound, Raritan Bay, and other bodies of water surrounding New York City metropolitan area represent a playground for well over 12 million people. Over 185,000 pleasure craft of all sizes and shapes are registered in areas around Long Island Sound.

Importation of oil into the United States from foreign sources is expected to increase substantially over the next few years.

The New York area will be a major transshipment point for such oil to American consumers. Commercial marine shipping in and out of the Port of New York included more than 20,000 vessel movements in 17—twice as much traffic as the next major east coast port of Philadelphia. Projected vessel traffic movements will be 204,000 by the year 2015.

In light of this increased vessel traffic congestion and the increased use of the waters and beaches of Long Island Sound and New York by boatmen, swimmers, and sport fishermen, immediate implementation of the New York vessel traffic system is a necessity if this area is to be given additional protection from tanker collisions, accidents, and oil spills. Thus, I am particularly pleased that planning and actual implementation of the vessel traffic system for New York is taking place now and will become a reality within a few months.

Included within this year's A.C. & I. authorization bill is a project, costing $66,000, to control a serious erosion problem at the historic Montauk Point Light Station, situated on a 70-foot bluff at the eastern tip of Long Island Sound. The light station has been in existence since the 1700's and was placed on the National Register of Historic Places in 1969. Successful completion of this project will preserve a traditional landmark which has been enjoyed by New Yorkers for many years and which has assisted small boatmen, mariners, and other water users in their navigation for centuries.

I urge passage of the bill.

Mr. RUPPE. Mr. Speaker, I yield to my distinguished colleague from Wisconsin.

Mr. FROEHLICH. Mr. Speaker, in the last few months the Coast Guard has moved to close some 13 search and rescue stations in different areas of the country.

Word that a station in my district was to be "disestablished" came quite suddenly last March 1, in a letter from Coast Guard Commandant Chester R. Bender. The letter stated that the station would be disestablished without delay on April 1, 1973.

Because I was not thoroughly familiar with the operation of this station—located at Plum Island, off the northern tip of Door County in northeastern Wisconsin—I reacted cautiously and tried to get all the facts before I made a judgment.

Today, I have the facts, and I want to share them with Members of the House.

I also want to advise the Department of Transportation that the closing of the Plum Island Station is totally unacceptable, and I am prepared to wage a protracted conflict, with every ounce of energy at my disposal, to see that the Coast Guard's decision is reversed.

Mr. Speaker, the Coast Guard has a responsibility under the law to maintain aids to navigation and rescue facilities for the promotion of safety on waters subject to the jurisdiction of the United States. Pursuant to this statutory command, the Coast Guard has for a number of years operated a station at Plum Island, which is located off the coast of the Door County peninsula.

For the information of the Members, Door County is one of the supreme recreation areas in Wisconsin. Thousands upon thousands of boaters and sailors and fishermen visit this area throughout the year. Last year almost 100,000 passengers were transported by ferry between the mainland and Washington Island, the major island off the tip of the peninsula. It would be difficult to estimate how many hundreds of thousands of people make use of the waters surrounding Door County.

In the past, the Coast Guard has recognized its responsibilities in this area by maintaining stations at Sturgeon Bay and Plum Island. The waters in this area are rough and treacherous. Plum Island itself is located in a body of water which, for good historical reason, is called Port des Morts or Death's Door.

All in all, the two Coast Guard stations in Door County have participated in a great many search and rescue operations in these waters over the past few years.

Although the Sturgeon Bay Station is the larger and busier of the two stations in terms of search and rescue operations, the Plum Island Station has been performing important work. It was involved in 31 search and rescue operations in fiscal 1972, more than twice its caseload in fiscal 1970. Its personnel have had the responsibility for operating two fog signals and seven minor lights. They provide assistance to cross-lake traffic. And they cooperate in important ways with the Door County sheriff in reaching Washington Island.

The functions and activities of the Coast Guard have been integral to life in this area, and they must not be abruptly discontinued.

But, in fact, this is precisely the decision that the Coast Guard has made. I am informed that search and rescue operations in the Washington Island area will be undertaken from the Sturgeon Bay Station. Yet the Coast Guard has been forced to concede that—

> The 40-foot utility boat at Sturgeon Bay Canal Station would require approximately 2 hours and 10 minutes to arrive at the Plum Island station location.

Mr. Speaker, it should be obvious that any rescue operation that takes 2 hours and 10 minutes after notification to get to the scene is likely to find no survivors to rescue. It is also obvious that for all practical purposes the Washington Island area will have been abandoned if the Plum Island Station is closed.

Although the Coast Guard is closing the Plum Island Station, it is doing nothing to augment the Sturgeon Bay Station, which will assume Plum Island's responsibilities. What this means is that the present personnel at Sturgeon Bay will have to undertake as many as 30 to 40 additional search and rescue missions this summer over a vast new expanse of water.

The results are predictable.

Plum Island is certainly not the first search and rescue station to be closed. According to a GAO report prepared for Congressman ASPIN last fall, 20 stations have been disestablished since 1967. Thirteen additional stations are being disestablished now.

I concede that people do not have an inherent right to have a Coast Guard station in their area. But I deny that the Coast Guard can even approach its responsibility under the law in the Washington Island area if the Plum Island Station is abandoned.

The Coast Guard is not meeting its responsibility for the public safety if its nearest rescue operation, in an area where boating and fishing and water recreation are of paramount importance, is 2 hours and 10 minutes away.

That is scandal and a farce.

Mr. Speaker, people begin to lose faith in their Government when they continue to pay high taxes—very high taxes—but the most important and vital public services are precipitously withdrawn from them.

That is the situation in Door County today.

Against this background, the projected savings of $113,000 is not a persuasive reason for disestablishing the Plum Island Station.

I find it very difficult to support this authorization bill that increases the budget request of the Coast Guard by almost $22 million, when these people refuse to spend any money on Plum Island.

As I understand it, the Coast Guard has a budget of approximately $760 million, but not 1 cent for Plum Island.

Believe me, Mr. Speaker, I will support the President and the administration whenever possible in an effort to achieve a responsible fiscal policy and economy in Government.

But not at the risk of public safety.

This is a situation in which economy is achieved at the serious risk of human life. This is a situation in which economy is achieved by the discontinuation of an absolutely vital governmental program of long standing.

I could never support such a move.

Although today is not the day to seek remedial action through the legislative process, the Department of Transportation's appropriation bill will be coming up in the future. I will be watching that bill very carefully, along with several of my equally interested colleagues.

Moreover, I am now going to undertake a careful investigation of the statutory authority possessed by the Secretary of Transportation and the Commandant of the Coast Guard to establish and disestablish Coast Guard stations. It may need a revision.

Perhaps we in the Congress should have a little more oversight of the decision to close Coast Guard stations. Perhaps we should be plugged into the decisionmaking process. Perhaps we should have a veto.

These are two areas of potential initiative that immediately come to mind. But there are more. I am going to do everything in my power to persuade the Coast Guard that it is not right, it is not just, it is not logical to close a Coast Guard station in the center of a major recreation area, when the numbers of people who depend on that station continues dramatically to increase.

Mr. Speaker, I ask to include at this point in the RECORD several of the strong letters I have received from concerned individuals about the Plum Island Station:

STATE OF WISCONSIN,
DEPARTMENT OF NATURAL RESOURCES,
*Madison, Wis., May 3, 1973.*

Adm. C. R. BENDER,
*Commandant, U.S. Coast Guard,*
*Washington, D.C.*

DEAR ADMIRAL BENDER: It has recently come to my attention that the Coast Guard plans to deactivate its Plum Island Station and the fog horn on the entrance light to Detroit Harbor, at Washington Island.

Pleasure boating is extremely popular in this area as many fine public marine facilities have been developed, and this Department has invested considerably in the development of state parks on Rock Island and the Door County Peninsula. Access to the Rock Island Park is dependent solely upon water transportation and other parks in the area have boating facilities. Because of the high concentration of pleasure boaters on the inland lakes and the development of a good coho and trout fishery in Lake Michigan, the Department has encouraged boating in this area by persons who previously limited their activities to smaller inland waters.

With boating activities on the increase I feel that the deactivation of these facilities will have a serious effect on boating safety in this area. Consequently, I respectfully request the Coast Guard to reconsider its decision to deactivate the Plum Island Station and the Detroit Harbor fog horn.

Very truly yours,

L. P. VOIGT,
*Secretary.*

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ANCHOR MARINE, INC.,
*Sister Bay, Wis., March 28, 1973.*

Representative HAROLD FROEHLICH,
*Cannon Office Building,*
*Washington, D.C.*

DEAR REPRESENTATIVE FROEHLICH: The Coast Guard's decision to close the Plum Island Station at the natural entrance to Green Bay is disastrous. Their service to our area is absolutely vital.

I take real issue with the decision of the Coast Guard to spend millions on helicopters, and now their consideration to spend many many millions on a fleet of ice breakers to keep shipping channels open for the sole benefit of the commercial carriers, when all that is required is men on the spot to guarantee immediate rescue. Something must be done to reverse this decision which puts the lives of our boaters in Wisconsin in serious jeopardy.

Please give this matter your most complete attention. My letter to those directly responsible is enclosed. May I hear from you by collect telephone call?

Most sincerely,

FRANKLYN R. FORKERT, *President.*

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ANCHOR MARINE,
*March 27, 1973.*

Admiral BENDER,
*Commandant, U.S. Coast Guard,*
*Washington, D.C.*

DEAR ADMIRAL BENDER. It was with real horror that I learned of the decision to close the Plum Island Station. Located just 13 water miles to the southwest on Green Bay I know how absolutely vital this station is, not only to thousands of local summer boaters, but also to cross lake traffic. I just can't believe that you really understand the situation—and have assigned such a vast area to the Sturgeon Bay Station with only two boats and 13 men!

These are remote waters. They are unusually capricious waters, and there just isn't anybody else with either the skill or the equipment to do search and rescue.

I write with some knowledge of the problems as we work with the Plum Island Station on occasion. We too get calls because we are the only complete marine facility between Sturgeon Bay and Escanaba. I know your Sturgeon Bay Station just won't be able to cope. We only have a 16' outboard as a yard boat, so obviously we can't do much.

Consider the extra cost in cutting out the Plum Island Station—the extra miles, men and boats required for Sturgeon Bay Station to cope with this same area—and now with fewer men and boats! Also, consider the impact this will have on lives and boats lost because there really isn't anybody else here to replace the Coast Guard! Metropolitan areas have organized auxiliaries, properly equipped police services, and a lot more boaters around to help!

I look forward to working intelligently with you, and your local stations to correct what will be a disastrous situation if you close this station. Kindly make this problem your top priority concern. I expect to hear from you personally, if no other way by collect telephone call. Something has to be done!

Most sincerely,

FRANKLYN R. FORKERT,
*President.*



WASHINGTON ISLAND FERRY LINE,
*Washington Island, Wis., March 28, 1973.*

Congressman HAROLD FROEHLICH,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN FROEHLICH: I am real concerned about a recent decision that the U.S. Coast Guard just made. They are closing the Plum Island Coast Guard Station and are discontinuing the fog horn on the entrance buoy to Detroit Harbor.

I am enclosing a copy of a letter I addressed to the Secretary of Transportation. Will appreciate whatever you could do to prevent this from happening.

Sincerely yours,

ARNI RICHTER.

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WASHINGTON ISLAND FERRY LINE,
*March 28, 1973.*

Mr. CLAUDE BRINEGAR,
*Secretary, Department of Transportation,*
*Washington, D.C.*

DEAR MR. SECRETARY: I own and operate the Washington Island Ferry Line, Inc. The Ferry Line operates between Washington Island and the Mainland of Door County, both being in Wisconsin. We transport passengers, automobiles, U.S. Mail and supplies that are needed to sustain a permanent population of 400 people and a summer population of several thousand. We operate three boats and they are in the motor boat class. We operate 365 days of the year. From the enclosed schedule you will notice that we make one trip a day during the winter months. Because of the severe ice conditions, it sometimes takes all day to make the one trip.

In the year of 1972 we made 2,236 trips and transported 97,648 passengers, 32,496 vehicles, 69,885 tons freight and the U.S. Mail. We are called on many times a year to transport sick or injured people to the Mainland, day or night and in foul weather.

In addition to our operation there are other passenger, commercial fishing, charter fishing and cargo boats operating from Washington Island. There are also hundreds of pleasure craft that visit Washington Island yearly.

We have just received official notice that the Plum Island Coast Guard Station is being closed and the fog horn on the entrance light buoy to Detroit Harbor will be discontinued May 15, 1973. Upon receipt of this communication, I immediately called Captain Lindenman, Chief of Aids to Navigation, U.S. Coast Guard, Cleveland, Ohio to verify this. During our conversation he stated it was for economy reasons. Sir, I think this reason is questionable.

Washington Island is solely dependent on water transportation and a good share of its economy is derived from water activities. The Plum Island Coast Guard Station and the horn on the entrance to Detroit Harbor are *very* important to our operation, the people of Washington Island and the boating public in general. If Plum Island Coast Guard Station is closed, the nearest Coast Guard Station will be approximately 50 miles from here. This also means that there will be no communication with a shore station. Instead of closing the Plum Island Station, plans should be made to operate it on a 12 month basis as it was for many years.

I know that our government is doing all it can to improve our transportation system and I also know they are trying to encourage people to stay in rural areas. It is ironic that one of its agencies is trying to do just the opposite.

Mr. Secretary, I realize that Washington Island is a pretty small part of our great country, but nevertheless our problems seem large to us. I, and I know the people of Washington Island would welcome a visit from someone in your department to view and discuss this problem with us.

Sincerely yours,

ARNI RICHTER, *President.*

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KRAUSS CONCRETE CORP.,
*Sturgeon Bay, Wis., April 16, 1973.*

Congressman HAROLD FROEHLICH,
*Cannon Building,*
*Washington, D.C.*

DEAR SIR: In regards to the Coast Guard's decision to eliminate the "Search Rescue" facilities from the Plum Island Coast Guard Station. I am a licensed operator of the tug "John G. Beck," based out of Sturgeon Bay, Wisconsin. We operate in the Green Bay-Upper Lake Michigan area, primarily in the area covered by the Plum Island Coast Guard Station.

Knowing the amount of shipping and pleasure-boat operations in this area, which is increasing more and more each year, I think the Coast Guard's decision was not a very timely or wise one. The length of time that it would take a boat from the Sturgeon Bay Canal Coast Guard Station to get to the area due East of the Plum Island Coast Guard Station, four to five miles out in the Lake, if they knew exactly where the vessel was, would be close to three hours. In case of a person in the water in that area, at any time of the year, his chance for survival due to water temperature, is almost nil. It would take the Plum Island Coast Guard boat in the vicinity of one-half hour to get to the same accident. In the case of that area there is considerable fog throughout the season, which would make it impossible to know exactly where the boat is and lengthening the time needed to accomplish the rescue. Any area further north than this would take more time and make almost no probability of survival in the water if we had to depend on a boat from Sturgeon Bay.

This particular area, as you know, has large recreation boating facilities in and around all the islands. To jeopardize just one life or many, I don't think warrants the money they are going to save by eliminating the "SAR," facilities or eliminating the fog signal at the entrance to Detroit Harbor on Washington Island.

Very truly yours,

Capt. PETER KRAUSS,
*Tug "John G. Beck."*

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RESOLUTION 27–73

*To the Door County Board of Supervisors:*

Whereas, the U.S. Coast Guard has issued an order that the Plum Island Coast Guard Station will be disestablished and the fog signal at Detroit Harbor entrance light, Washington Island, Wisconsin will be secured on May 15, 1973; and,

Whereas, Washington Island is solely dependent on water transportation and a good share of its economy is derived from water activities; making the Plum Island Coast Guard Station and the horn on the entrance light to Detroit Harbor essential to these activities and to the Washington Island Ferry Line—the life line to the mainland; and,

Whereas, this order will affect all marine travel, and closing the Plum Island Station will put the nearest Coast Guard approximately 50 miles distant; meaning a loss of shore communication for boats in trouble in this area; and,

Whereas, the Township of Liberty Grove, with its 52 miles of shoreline, as well as the many miles of shoreline along the rest of Door County are experiencing greatly increasing boating activity each year.

Now, therefore, be it resolved, that the Door County Board of Supervisors, assembled in regular session this 17th day of April, 1973, go on record of strong opposition to the U.S. Coast Guard order closing the Plum Island Coast Guard Station and the horn on the entrance light to Detroit Harbor.

Be it further resolved, that the Door County Board of Supervisors hereby requests the U.S. Coast Guard to rescind their order and the Plum Island Station be kept open 12 months of the year for essential aid to navigation and insurance of the safe passage and well being for the people of Washington Island and the boating public from the Island to the Mainland.

Be it further resolved, that the County Clerk is hereby directed to send copies of this resolution to U.S. Secretary of Transportation, Mr. Claude Brinegar; U.S. Senator William Proxmire, U.S. Senator Gaylord Nelson and Congressman Harold Froelich.

PERCIVAL JOHNSON,
*Supervisor, District IX.*
HARVEY GRASSE,
*Supervisor, District VIII.*

Mr. RUPPE. Mr. Speaker, I now yield to my distinguished colleague from Michigan.

Mr. DINGELL. Mr. Speaker, I think my statement can be appropriately described as: "They are gutting the Coast Guard."

Mr. Speaker, I rise to protest the totally inadequate funding for the Coast Guard provided in the authorization bill now before us. I think it is outrageous that, at a time when there are increasing demands on the Coast Guard and its facilities, equipment and manpower are strained to the breaking point, the adminstration should approve less than half of the funding requested by the Coast Guard.

Let me briefly review the figures involved in the gutting of the Coast Guard. Last year, the Congress authorized a total slightly over $158 million for fiscal year 1973. This year, because of the increasing pressures on it, the Coast Guard's fiscal year 1974 preview estimate was $215 million. The final request submitted to OMB was $153.5 million. But the budget as submitted to the Congress by the President contained only $81.5 million. This represents a cut of nearly 50 percent of the Coast Guard's final request, as well as a cut of nearly half, in fact, from last year's authorization. Mr. Speaker, I really wonder, has the Office of Management and Budget found a way to cut our coastline in half in order to match their cut in the Coast Guard's budget?

Mr. Speaker, the Committee on Merchant Marine and Fisheries has increased the Coast Guard's authorization by nearly $22 million, in the bill we have before us today. I applaud this action on the part of the committee but I feel it does not go nearly far enough. Even with this increase, the total authorization would still be only $103.5 million—and this would still be nearly $55 million below last year's authorization and this year's departmental request.

In order to show how important the Coast Guard really is, let me summarize its principal duties. First, the Coast Guard is responsible for navigation and merchant shipping within the territorial waters of the United States. Its role in rescuing sailors in distress—from huge tankers to tiny pleasure boats—is perhaps the best known of all the Coast Guard's duties. Second, the Coast Guard is responsible for the enforcement of laws relating to customs, revenue, immigration, and other matters in which violations may be committed in American territorial waters or along the American coastline. As one very important example in this area, I would point out that drug smuggling has reached near epidemic proportions in some areas of this country, that one of the most popular methods of importing narcotics into the United States is by small boat, and that the Coast Guard has the responsibility for stopping this kind of activity. Third, the Coast Guard is responsible for the enforcement of laws relating to fish and wildlife. And perhaps the most significant problem in this area is that of foreign fishing vessels—from Russia, from Japan, and from many other nations—which encroach on our exclusive fishing zone, often illegally, and deprive our own fishermen of their livelihood. Many instances have been reported to the Coast Guard where foreign vessels have been fishing illegally in American waters, but were able to leave before the Coast Guard would arrive—because the Coast Guard is simply undermanned and underequipped for its job. Fourth, the Coast Guard engages in oceanographic research—and the future of this Nation, and indeed of all mankind is so bound up with the oceans that we dare not slacken our efforts in this area. Fifth, and finally, the Coast Guard must maintain a state of military readiness, in order to function as an arm of the Navy in the event of war. The fact that Coast Guard units only recently returned from Vietnam is evidence of the fact that this military responsibility of the Coast Guard is a real one. And the Coast Guard is responsible for maintaining our vital Loran C station in the Southeastern Asia area, without which our naval forces in that critical region would be greatly handicapped.

I would now like to turn to a few specific points which relate to my own experiences and interests as one Member of Congress, in the hope that a few examples can help to persuade my fellow Members of the need to increase this authorization. First, I have recently received a letter from Governor Milliken of my home State of Michigan, in which he deplores the sudden closing of Coast Guard lifeboat stations in Michigan—this at a time when recreational boating along the Great Lakes is at its alltime peak. Surely we cannot allow the safety of our citizens to be compromised in this way. Next, I would like to recall to you that, as chairman of the Subcommittee on Fisheries and Wildlife Conservation, I visited Alaska in 1969 and held hearings there on the subject of violations of our 12-mile fishery zone by foreign vessels. At that time, the Coast Guard had only three long-range aircraft in the area to patrol the entire Alaskan coast. When I was there two of these aircraft had been grounded for repairs, which meant that one lone aircraft was available for the entire Alaskan coastline. I understand that things are no better now than they were in 1969 with respect to the Coast Guard's Alaskan patrol aircraft. Finally, you all know my deep concern for the environment. One of the greatest threats to that environment is the threat to marine life resulting from oil spills. The Coast Guard is responsible for enforcing the Oil Pollution Act in order to prevent such environmental damage if possible, to identify the guilty parties if an oil spill does occur, and to assist in monitoring the cleanup operations.



Mr. Speaker, the Coast Guard is too valuable, too vital to the safety and well being of our citizens, to allow it to be cut in half by OMB's budgeteers. We simply cannot allow this to happen. I urge my fellow Members of Congress to join with me in supporting H.R. 5383, which includes the $22 million added on by the Committee on Merchant Marine and Fisheries, and to work with me in the future in restoring an adequate level of funding to the Coast Guard in order to allow it to carry out the many duties that it has had thrust upon it. The Coast Guard has often rescued those who are in distress. Now it is the Coast Guard itself which is in distress, and in imminent danger of drowning. Mr. Speaker, it is time for us to rescue the Coast Guard.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. RUPPE. I yield to my colleague from Iowa.

Mr. GROSS. On page 4 of the report, about the fourth paragraph from the bottom of the page, it is stated:

> The Federal Water Pollution Control Act, as amended, requires vessels to have marine sanitation devices which meet standards of performance promulgated by EPA. $2,000,000 is provided in the bill for Phase III of the installation of this type equipment started in fiscal year 1972 on selected vessels.

Is that money to be expended exclusively on Coast Guard vessels?

Mr. RUPPE. Yes. Very definitely. Exclusively on Coast Guard vessels.

Mr. GROSS. I thank the gentleman.

With respect to this loran navigation system, is this to make the Coast Guard compatible with systems already installed by other operators of vessels, or what is the reason?

Mr. RUPPE. There are two responses to that. I think my distinguished colleague from New York, the chairman of the subcommittee, would like to answer that in a moment, but my understanding is part of the money is for new Loran C equipment and part of it is for extension of the equipment beyond the west coast confines.

I now yield to my distinguished chairman.

Mr. MURPHY of New York. The Loran A system is a long-range navigation system for ocean shipping, commercial airlines, and commercial fishermen. It is a very necessary system for our fishermen and allows them to pinpoint areas so that our fishing fleets can properly identify schools of fish. The Loran A series is also vital to our Defense Establishment and is manned by the Coast Guard.

The committee amended H.R. 5383 to provide funds for the replacement of Loran C equipment, Loran C being an up-dated version of Loran A, and for the expansion of our Loran C program on the west coast. The replacement money is earmarked for the Mediterranean area. The electronic equipment presently installed in the Mediterranean is the oldest in operation. The equipment is becoming increasingly difficult to repair, and technican time required for maintenance and repair is also increasing. Supplies of spare parts are only required to honor government contracts for ten years, consequently spares are more difficult to obtain. Present electronic equipment was installed in 1959. Using the present equipment, Coast Guard capability to meet mission requirements in these areas is limited and will decrease in the future.

As for the west coast Loran C expansion project, this chain is needed to provide radio navigation coverage in the Coastal Conference Region of the U.S. west coast. Various radio navigation systems are used in this area, however, the coverage which these systems provide does not meet the requirements defined in the National Navigation Plan.

Mrs. SULLIVAN. Mr. Speaker, for further discussion I yield such time as he may consume to the gentleman from New York (Mr. MURPHY), the chairman of the Coast Guard Subcommittee, for further information on the loran navigation system, and such other points as the gentleman may desire to take up.

Mr. MURPHY of New York. Mr. Speaker, the chairman of the House Merchant Marine and Fisheries Committee has described H.R. 5383 as a "modest" bill. I consider this description as charitable. For an organization with the missions given to it by the Congress, the Coast Guard authorization bill is a "bare bones" proposition. While I can appreciate the need for economy in government, I am concerned over saving a little bit of money at the risk of losing a whole lot of needed services and protection for America and the American people. The Coast Guard has always been supposed to do just that—guard the coast. But in this decade, it is asked to do much more. It is supposed to guard against pollution, piracy, poachers, and personal injury—among other things. It has a big job and not a whole lot of wherewithal to do it. So I commend my distinguished chairman for calling to the attention of the Congress the financial plight of this fine service.

As Mrs. SULLIVAN pointed out, the original authorization bill came to the Coast Guard Subcommittee with serious flaws—shortcomings, which were taken care of by committee hearings and amendments. And while I am not happy with what we have got, it is better than what we had.

Because of committee action, we have restored some navigational aid programs important to the lives and safety of international marine and air commerce.

LORAN A

Coast Guard Subcommittee hearings uncovered a reduction in administration expenditures and Coast Guard personnel in the Loran A—or long range navigation—system—developed during World War II to provide long range navigation information for ships operated by the Coast Guard.

The maintenance of the Loran A navigational system would have had a serious detrimental economic impact on United States airlines, U.S.-flag merchant ships, and American fishermen in both the Atlantic and Pacific Oceans.

As a result of these hearings, objections arose from concerned State officials and those who were affected in industry.

According to the budget submission of the President, the Department of Transportation proposed decommissioning four Loran A long range navigation chains during this calendar year. One is near Greenland, the Baffin Bay chain. Three—the Marianas, Marshalls, and the Far East chains—are in the Pacific Ocean area.

However, the three Pacific Ocean area Loran A chains will be required by the scheduled airlines until other long range navigation services can be substituted for them.

Accordingly, the airlines strongly opposed administration plans to recommission much of the remaining Loran A during fiscal year 1975.

Further, the premature phase-out of these programs would greatly impair the future of merchant marine operations and would be highly detrimental to U.S.-flag navigation.

The proposed phaseout could have had a serious economic effect on the American fishing industry which depends on this program for locating and pinpointing fishing areas.

Finally, the Department of Defense in its agency report to the subcommittee stated that the U.S. Coast Guard plans to close the Baffin Bay, Marshall Islands, and Marianas Islands Loran A chains by the end of this calendar year would have an adverse operational impact on the military user forces in performance of their designated missions.

As a result of the above, Deputy Secretary of Transportation Theodore C. Lutz told the committee on April 4, 1973, that all Loran A stations now operating will be continued through fiscal year 1974. To accomplish this, Secretary Lutz requested and the committee authorized the Coast Guard end-of-year strength be increased from 37,236 to 37,482 and the training workload from 5,463 man-years to 5,526 man-years.

The Department of Transportation has advised Chairman McFall of the Subcommittee on Transportation, Committee on Appropriations, of the decision to keep Loran A in operation through fiscal year 1974.

LORAN C

Loran C is an updated version of Loran A and was developed primarily for use by Polaris submarines. It is ostensibly the replacement system for Loran A under the national navigation plan, although the airlines, merchant ship operators, and our fishing fleets would prefer to maintain the Loran A system as long as possible for economic reasons.

The Department of Defense has the greatest stake in the continued efficient operation of the Loran C stations in existence and for the continued expansion of the program. The Coast Guard and Department of Transportation had originally requested funds for this which were cut by OMB. In order to sustain these needed programs, several amendments to H.R. 5383 were adopted. They included:

First, the restoration of Loran C equipment replacement moneys in the amount of $8,737,000, and

Second, the restoration of Loran C expansion project—phase I, U.S. west

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coast moneys in the amount of $13,252,000.

There was overwhelming evidence of the need for putting the Loran C replacement and expansion items into H.R. 5383.

Since Loran C is the only fully operational U.S. system and has the highest accuracy where needed, it is already provided in many receivers of the air and maritime industries, can be used both in coastal areas and the high seas, can be used by commercial, military, and private vessels and aircraft at the least expense to them for purchase of additional receivers, and since the administration seems committed to phasing out the Loran A program—the committee felt it vital to accelerate the phasing in of the Loran C program.

HOUSING AUTHORITY

The Coast Guard's inadequate housing authority in subsections (b) and (c) of section 475 of title 14, United States Code, expires on June 30 of this year, and there was nothing in the authorization bill to extend that authority.

It appeared unlikely, because of the schedule of the Congress, that the Coast Guard omnibus bill will receive favorable consideration before the inadequate housing authority expires. In view of this, it developed during our hearings that the extension be added to the authorization bill which will be acted upon much sooner. In view of this, the committee added a new section 5 to H.R. 5383 which amends section 475 of title 14, United States Code, to authorize the extension of the authority of the Coast Guard to utilize inadequate quarters for military personnel, now scheduled to expire June 30, 1973, to June 30, 1976.

Since Public Law 92–343 extended this authority to June 30, 1973, the Navy transferred the base at Kodiak, Alaska, to the Coast Guard. That base presently includes approximately 200 units which fall into the inadequate housing category. Additionally, recent budgetary restrictions imposed a delay in the replacement of inadequate housing at the Cape May Training Center. These additional problems in the replacement of inadequate housing area require that the authority in subsection (b) and (c) of subsection (e) of title 14, United States Code, be extended beyond 1974. The Coast Guard estimates based on current information that the inadequate housing presently held by the Coast Guard can be replaced or eliminated by June 30, 1976.

SEARCH AND RESCUE BASE CLOSINGS, CUTTER DECOMMISSIONINGS, ET CETERA

The questions of search and rescue base closings, cutter decommissionings, and other Coast Guard missions that were eliminated by the Office of Management and Budget ax are not germane to H.R. 5383. However, an excellent record was developed during our hearings and I plan to appear before the House Appropriations Committee to make a strong plea to retain those bases and those ships which are warranted based on the hearings. The frustration, indignation, and anger that surfaced during our hearings on the part of the citizens and Representatives in the areas concerned is quite significant. While the Coast Guard Subcommittee had no authority to change the above matters, the hearings were used as a forum to let the administration and the Congress know of the strong objections to these penny-wise pound-foolish moves. I take this opportunity to assure every Member who expressed his views to the Coast Guard Subcommittee on these closings and decommissionings that I will take their case to the Appropriations Committee.

Mr. Speaker, I ask Members to support this very necessary bill, and urge them to read the report and consider the fate of this most necessary of services.

Mr. Speaker, I would ask unanimous consent at this time that letters from the Air Transport Association and the American Institute of Merchant Shipping may be inserted at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The letters referred to follow:

AIR TRANSPORT ASSOCIATION OF AMERICA,
*Washington, D.C., May 3, 1973.*

Hon. JOHN M. MURPHY,
*Chairman, House Merchant Marine Subcommittee on U.S. Coast Guard and Navigation, Longworth House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: We wish to express the appreciation of the scheduled airline members of the Air Transport Association to your Committee for the prompt action taken to identify and eliminate the disruption in service that would otherwise have been created by the proposal of the Office of Management and Budget (OMB) and the Department of Transportation (DOT) to phase down prematurely three Loran A chains during the Calendar Year 1973. As you are aware, those three Loran A chains currently provide navigational guidance to some 150 weekly scheduled U.S. airline flights operating across the Pacific between Hawaii and points to the West, and in addition provide navigation services to the maritime interests operating in those areas.

For such use as it may be to your Committee, we would summarize the present situation with regard to user, worldwide requirements for Loran A as follows:

1. Thousands of coastal ships, and about one-half of all over-ocean operating airline flights, currently employ Loran A as a navigational aid. In terms of volume, the majority of this use is contiguous to U.S. shores (called coastal confluence areas by the DOT).

2. The U.S. Government has indicated its desire to replace Loran A with another system, such as Loran C or OMEGA. The U.S. scheduled airlines, in selecting long range NAV systems equipment for airline use, select on a cost/benefit basis from among those systems capable of meeting the requirements of the intended service. It appears that at present the trend in the case of new aircraft for transocean service is to inertial systems. However, in the past a number of aircraft were equipped to use the then available worldwide Loran A system.

Many of these aircraft are still in use by the world's airlines. Accordingly, it would appear that Loran A service, or a suitable replacement, will be required for the remaining service life of presently operating aircraft which are now:

(a) Primarily dependent upon Loran A for long range NAV, or

(b) Secondarily dependent upon it for the purpose of updating another system, for example, Doppler NAV systems.

At the present time, it appears that the only potentially viable alternative to Loran A is Loran C; however, not enough is presently known as to its suitability as a replacement.

As you may know, the U.S. scheduled airlines, in cooperation with FAA, currently are planning to conduct developmental trials utilizing Loran C, beginning first in the Caribbean and, if these flights prove promising, continuing in the Pacific in the same area where the DOT attempted to phase down Loran A during this calendar year. The current schedule calls for having at least limited operational data by about the end of this calendar year.

Accordingly, the airlines are unable to establish a position with regard to whether the replacement system for Loran A, either for worldwide or for coastal confluence use, should be Loran C or Omega as now being proposed by the U.S. Government. This results not only from the fact that not enough is known about either system for aeronautical use but also the fact that the coastal confluence system is being designed primarily to serve maritime interests. The airlines could probably adapt to the Government's selection once it is shown as being suitable to airline use, and is announced, funded, and scheduled.

I realize of course that the above comments do not address the obvious major problem of the large number of maritime users that would be required to convert to a replacement system when Loran A service is terminated.

Thank you, again, for your assistance. We wish to assure you that the U.S. airlines will cooperate in any manner they can, consistent with operational requirements, with the Government's efforts to phase down Loran A chains as rapidly as possible.

If we can be of any further help to you and your Committee, please do not hesitate to call us.

Sincerely,

WILLIAM T. HARDAKER,
*Assistant Vice President, Air Navigation/Traffic Control.*

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AMERICAN INSTITUTE OF MERCHANT SHIPPING,
*Washington, D.C., May 4, 1973.*

Hon. JOHN M. MURPHY,
*Chairman, Coast Guard and Navigation Subcommittee, House Merchant Marine & Fisheries Committee, U.S. House of Representatives, Washington, D.C.*

DEAR MR. MURPHY: The purpose of this letter is to express the appreciation of the American Institute of Merchant Shipping, spokesman for most of the ocean-going vessels registered under the U.S. flag, for the action of your Subcommittee in forestalling premature closure of certain Loran-A stations.

Members of the Institute consider these navigational aids essential to safe operation of their ships.

Once again, thank you for offsetting a decision by the Office of Management and Budget which would have had an adverse effect on this radionavigation system operated by the U.S. Coast Guard.

Sincerely,

JAMES J. REYNOLDS, *President.*

Mr. VANIK. Mr. Speaker, I would like to associate with the remarks of my distinguished colleague from New York (Mr. MURPHY) who has pointed out the reference in the committee's report on the Coast Guard authorization for fiscal year 1974, to the closing of some 13 Coast Guard Search and Rescue Stations.



It is understandable that some increased efficiency could be obtained by consolidation of facilities, but as a Member from one of the Great Lakes States, I find it particularly shocking that 11 of the 13 closings occur on the Great Lakes.

The Great Lakes are in the industrial heartland of the Nation. Some 40 million people live in the Great Lakes Basin. The recreation use on the Lakes is fantastic. On a weekend, literally tens of thousands of boaters, water skiers, and swimmers are using the waters of the Great Lakes. Yet these Lakes, because of their characteristics, are subject to sudden and intense storms; nearly instantaneous storms of gale force are a frequent occurrence.

The Coast Guard has been called on, time and time again, to help capsized boaters, save swimmers and protect life and property. Again, I do not understand why the closings of these rescue stations is so concentrated on the Great Lakes.

I realize that this is an issue before the House Appropriations Committee and is not involved in the authorization bill before the House today. Nevertheless, I hope that all of those members who represent the Great Lakes States will watch this development closely and make every effort to ensure the continued necessary protection of our constituents.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Speaker, I would like to commend the gentleman from New York (Mr. MURPHY) for his aggressive leadership in the management of Coast Guard legislation, and particularly in seeing that this bill is brought to the floor of the House in this timely fashion.

I would like to ask, however, about a phase of the Coast Guard that apparently is suffering from a benign Congress, to wit: the Coast Guard Reserve—and I know that the gentleman from New York has conducted a series of inquiries along this line—so I would like to ask the gentleman from New York, seeing we have degenerated from the 15,000 man level to the projected 10,400 man level by the end of 1974, where are we going with the Coast Guard, and what is the Coast Guard doing about it?

Mr. MURPHY of New York. Quite frankly, I could not respond adequately to the gentleman from California on that very question at this time. However, during recent hearings I directed similar questions to the Commandant of the Coast Guard. He deferred to the Department of Transportation on this matter and consequently, I addressed a communication to the Secretary of Transportation. I asked him for an in-depth survey of the missions of the Coast Guard and the possibility of expanding its role into some of the programs inaugurated in recent years such as NOAA. I want to find out what the role of the Coast Guard is, and, of course, the Coast Guard Reserve. The answer to these questions will be forthcoming when that survey comes back from the Department of Transportation, and it will be an early matter of business for the committee.

I will assure the gentleman the Coast Guard and the Coast Guard Reserve will continue and that the work of this committee will be dedicated to expanding their missions in the areas that other legislation in the Congress has brought about and that there will be a substantial expansion of the Coast Guard Reserve and the Coast Guard itself.

I think everyone, in the Midwest particularly, knows and understands the Coast Guard Reserve was the first uniformed service activated during the recent floods there. The activities of the Coast Guard and the Reserve in saving lives and saving livestock certainly are well known to many people in the Midwest, and should be known throughout the country.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to my colleague, the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I am also very interested in the question propounded by the gentleman from California (Mr. LEGGETT) but really it does not come under the auspices of the gentleman's committee on the Reserves. It does come under the auspices of the Committee on Armed Services.

If the gentleman will recall, last year we had to put the money for the Resreves in the appropriation bill because the Committee on Armed Services did not bring out the authorization bill. It is my hope that this year the gentleman's committee will bring out their authorization bill before we get the appropriation bill before the House so that we can see that the 15,000 reserve status is maintained in the Coast Guard. I feel very strongly that it should be maintained. Because of what the gentleman's fine committee did in giving the Coast Guard Reserves now a dual purpose, a peacetime mission where they are being involved—and being involved right this week here down in Mississippi in the flood—I feel that a 15,000-man Reserve is a minimum strength for the Coast Guard Reserve.

Secretary Brinegar's report and remarks of the first peacetime callup of military Reserves pointedly outlines what good has been done.

SECRETARY BRINEGAR SUPPORTS EMERGENCY CALL-UP OF COAST GUARD RESERVISTS FOR FLOOD RELIEF WORK

"I have today requested and received authorization from President Nixon for the immediate call to duty of a force of Coast Guard Reservists to assist in emergency operations in flooded areas along the Mississippi and its tributaries.

"This action has been taken under a law approved last October which permits the call to duty of Coast Guard Reservists to assist in operations made necessary by natural disasters or emergencies such as that created by the present floods. A request for the action was transmitted to me by Admiral Chester R. Bender, Commandant of the Coast Guard, after it became apparent that Regular Coast Guard personnel working in the flood area were being overtaxed. Under the President's authorization for activation of the Reserve forces, three units will be called to duty immediately. This is the first time in the history of the Coast Guard that such peacetime action has been taken."

This first time invoking of peacetime call-up resulted from heavy flooding throughout the Mississippi River basin. As early as 13 March, in response to a call for assistance from authorities at Elsberry, Missouri, Regular Coast Guardsmen from Base St. Louis and other Coast Guard facilities were relieved of their normal duties to assist in flood relief operations on a round-the-clock basis. By 3 April, after an extensive reconnaissance flight over the flooded areas, Rear Admiral Owen W. Siler, Commander, Second Coast Guard District, determined that additional support was needed and requested authority from the Commandant for the immediate call-up of Reserve units in St. Louis and Peoria consisting of 143 officers and men.

By 4 April, the first call went out for 50 reservists who together with a few Regulars formed as Disaster Relief Group 2.10 with responsibility for portions of St. Louis, St. Louis County, and Jefferson County. A portable communications center was deployed and Coast Guard Reservists swung into action manning flood relief boats; assisting in evacuations; conducting safety and security patrols; and transporting law enforcement personnel.

During the 7-day period of emergency recall, 271 man-days of duty were performed by reservists. Approximately 75 persons and a number of animals were evacuated to positions of safety. Also, 187 sorties were performed in support of other governmental agencies.

In a debriefing that followed release, the consensus of opinion was that Coast Guard Reservists had met the challenge of this first peacetime call-up in an outstanding manner. Secretary Brinegar expressed high satisfaction with the responsiveness and the competence displayed by Second Coast Guard District reservists. "The manner in which these Coast Guard Reservists answered the call-up and took over their assigned duties deserves highest praise," he stated. He further added, "This real-life test of the readiness of our Selected Reserve leaves no doubt as to their ability to respond and their capability to perform." He also praised those Coast Guard reservists who had voluntarily participated in flood relief operations in Missouri and neighboring states prior to the emergency call-up.

Secretary Brinegar emphasized the importance to the Coast Guard of the emergency call-up legislation. "This legislation assures the Coast Guard of trained and readily available personnel to meet the heavy demands placed upon the Coast Guard during domestic emergencies such as this," he stated. "At the same time it is the most realistic test of the readiness of the Selected Reserve." He commented favorably on the support of the employers of reservists who were activated in this emergency.

[EDITORS NOTE: As this article goes to press word has been received that a second group of 79 Coast Guard Reservists has just been activated under the emergency call-up authority.]

Certainly I hope that the gentleman's committee brings the authorization bill out so that we can bring out the appropriation bill for the 15,000-man Reserve.

Mr. MURPHY of New York. The gentleman's remarks are well taken. The Coast Goard, being a uniformed service, is still under the jurisdiction of the Department of Transportation, and yet its Reserve and authority comes from the armed services. We are down to a strength of around 22,000 men. We are trying to get it back to a strength that we feel is adequate. I think the 15,000 figure the gentleman from Massachusetts mentioned is closer to the needed figure.

Mrs. HECKLER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to my colleague, the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. I

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should like to say to the gentleman that I was extremely encouraged to hear that they are going to consider the question of the decommissioning of the cutters before the Committee on Appropriations, since I know my colleague, the gentleman from Massachusetts (Mr. STUDDS), represents a concern there—and I am also—but in relation to this specific piece of legislation I am concerned about the overall question of the use of the Coast Guard and the adequacy of the existing vessels on the Northeast Coast to patrol the shores.

As the gentleman may well remember, 2 years ago I sponsored an amendment which would increase the appropriations for the Coast Guard in order to provide this surveillance, and it has actually, through the actions of the Committee on Appropriations of both Houses, been increased in the last session, and as a matter of fact, it operates like a "cop on the beat." This is the only source of assistance to the local fishing vessel.

In view of the fact that the Coast Guard has decommissioned a number of vessels, and in view of the fact that it is transferring personnel, will the level of patrol be maintained, particularly in the Northeast? This affects a number of local fishermen in my district, and it is desperately needed.

What was the attitude of the chairman and gentlemen of the committee with respect to this?

Mr. MURPHY of New York. The gentlewoman brings up a point on which we deliberated many hours, both with the Coast Guard and the Department of Transportation. The Coast Guard's argument for the decommissionings is the fact that in their ocean stations program they could update types of moored equipment that would replace the ships. They state they will now utilize these cutters for the kinds of activities my colleague has described, including the surveillance of foreign fishing vessels.

The committee and I and the gentlewoman questioned very seriously whether or not we could adequately police not only our northeast coast, but also our Pacific areas. We have had actual sightings of as many as 800 Japanese and Russian fishing boats in a month. How do we adequately police those with the two cutters assigned to patrol thousands of miles of ocean. And the same problem exists on the northeast coast.

The problem is we have had actual sightings by aircraft who have reported poached lobster pots on the decks of foreign vessels, with nothing in the way of sanctions being done about it. They merely report it to the Coast Guard headquarters and that is about all we can do with our present coverage. We are going to go in with the next appropriation for more cutters and more physical surveillance.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, the chairman of the subcommittee brings out a very excellent point. We pursued this in our appropriation hearings when the Coast Guard was before us. They did take a cutter out of New Bedford, which is very important to the patrol area of the Cape and the eastern shore of Massachusetts. It is my understanding that maybe there is a strong likelihood that OMB is going to reverse themselves and two of these cutters will be replaced, and maybe in the next couple of weeks we will have news on that.

Mrs. HECKLER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Speaker, in view of Admiral Bender's testimony wherein he has said he will assign eight to nine cutters to the northeast, I would like to say I do recognize this is a nationwide problem, but in view of the recent decisions of the Coast Guard decommissioning cutters, we can identify only six at this time which are available cutters, four in the Boston area and two in Maine. All of the six are of the 1936 vintage.

I wonder if the gentleman has considered the possibility of transferring available vessels when they become free from duty in Vietnam. Is that a possible source of relief?

Mr. MURPHY of New York. No; I do not think the vessel situation, as far as the vessels from Vietnam are concerned, will be any source of relief. The relief we can look forward to is new construction. There are additional cutters presently in this bill, but it is not enough. We plan that, next year, we will work for the additional construction of these much needed vessels.

Mr. RUPPE. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Speaker, I would like to direct a question to the chairman of the Committee on Merchant Marine and Fisheries. This committee in this bill and those bills which have been brought out in prior years is to be commended for having required and set the pattern for licensing of the vessels and for inspecting of the vessels by the Coast Guard, but as is pointed out in the request for authorization one of the problems that the Coast Guard is faced with is the proposition of safety. At present there is no requirement whatsoever in any present legislation for a licensing of operators of vessels unless they carry passengers. Has the committee ever considered the possibility of requiring owners or operators of vessels both on inland waters and the coastal waters to have an operators' license?

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, it was noticed as far back as 11 years ago that this was true. Last year, we finally passed legislation to require all vessels—I am not talking about pleasure boat vessels now—all vessels operating in the inland waterways and the coast line, that the operators must have a license to operate in those waters.

That goes into effect September 1 of this year.

Mr. SAYLOR. Mr. Speaker, that is commendable, but the committee should include or consider including pleasure boats for the reason that, from information that has been furnished to me by members of the Coast Guard, this is one of the sources of many of the accidents which have happened. Inexperienced individuals operating pleasure boats without any knowledge of the proper methods of boat handling or of the rules of the road.

Mrs. SULLIVAN. Mr. Speaker, I might say to the gentleman from Pennsylvania, if he will yield further to me, that this has been a matter for discussion for something like a decade.

A decade ago, there were some 300,000 pleasure boats on the waters. Today, there are something like 8 million vessels.

Mr. GROVER. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from New York (Mr. GROVER).

Mr. GROVER. Mr. Speaker, when we developed the Small Boat Safety Act legislation within the past 2 years, it seems to me that this was explored somewhat, and the Coast Guard simply does not have the manpower or facilities to enforce that type of legislation, the licensing legislation; but the Small Boat Safety Act legislation which we passed made an effort to encourage the States to come up with registration and licensing and enforcement provisions.

Mr. SAYLOR. Mr. Speaker, I might say that I think all of the States are now requiring licenses of pleasure boats themselves, but nothing in regard to licensing operators.

This is a great hazard on every inland waterway and coastal waterway.

Mr. GROVER. Mr. Speaker, the idea of having the present manpower of the Coast Guard cover the administration and enforcement would be very difficult.

Mr. DANIELSON. Mr. Speaker, would the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, apropos of the colloquy just had, I served for a number of years in a State legislature. I would like to caution the Committee concerning the trap it can get itself into.

In the State legislatures, when efforts were made to require the licensing of boat operators, the interested groups always responded that this was properly the function of the Federal Government, that the States should not do anything about it, that it should be left to the Federal Government.

Mr. Speaker, I now find, as is logical to expect in this forum, that the contention here is that such licensing should be left to the States.

Mr. Speaker, regardless of who may be the proper authority, I am convinced that the Federal Government does have the authority and it is a problem that needs to be resolved. I certainly commend the committee for taking steps in this direction. I know of no other form of transportation except the pleasure boat, which can cost $50,000, or more, which can be operated on the public waterways with a novice at the helm.



Mr. SAYLOR. This is correct, and it is causing problems not only to the Coast Guard, but to every other boat owner trying to operate properly; as well as all state officials who have the responsibility of patrolling our waterways.

Mr. DANIELSON. That is correct. It is dangerous to life, limb and property, especially with the large increase in the number of pleasure craft.

I am grateful the committee is going to look into this problem.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, I think that on this point of safety, the work on pleasure boats has been done by the Coast Guard Auxiliary, which is a voluntary organization trying to police and to teach the users of pleasure boats the need for greater safety.

Until we have some kind of legislation, federal or state, I think we have to commend those in the Coast Guard Auxiliary.

Mr. RUPPE. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Speaker, I thank my good friend, the gentleman from Michigan. I would like to raise a question with the leadership of the committee on both sides of the aisle as to the adequacy of authorization funds for pollution abatement.

In asking this question, I would like to point out that it is very refreshing to see an agency such as the Coast Guard which has taken a very venturesome, aggressive, and independent attitude in connection with various instances of oil and chemical pollution in the inland waterways in my congressional district.

Comdr. Bobby Burns and his able Coast Guard staff have done a remarkably good job with a limited staff. I believe many other Federal agencies could well derive good lessons from the vigorous defense of the public interest which the Coast Guard has exhibited in many instances.

Now that tremendous new responsibilities have been placed on the Coast Guard, as a result of actions of the 92d Congress and the Federal Water Pollution Control Act, I should like to raise a question as to whether or not the chairman of the committee, the chairman of the subcommittee, and my distinguished colleague from Michigan feel that sufficient funds indeed have been included for pollution abatement in this great work the Coast Guard is carrying on.

Mrs. SULLIVAN. I do not believe we have sufficient funds in this. We will continue to press. That is all I can tell the gentleman.

Mr. HECHLER of West Virginia. I thank my colleague, the gentleman from Missouri. I regret that greater funding for pollution abatement is not being made available to the Coast Guard, which has ably demonstrated its high competence in protecting the environment.

Mr. ROGERS. Mr. Speaker, I rise in support of the bill, H.R. 5383, the Coast Guard authorization for fiscal year 1974.

I would say to the Members of the House that I have always had the deepest respect for the fine works performed by the Coast Guard, and have sought through my years in this body to give their program my strongest support. In its search and rescue operations, the maintenance of aids to navigation, and the patrolling of our coastal waters and fisheries, the Coast Guard performs one of the most worthwhile functions undertaken by the Federal Government. The funds spent on the Coast Guard's operations are among our best spent Federal dollars.

In supporting approval of this authorization, therefore, I join the other members of the committee in expressing my concern over the administration's budget request for the coming fiscal year.

I would point out that the Coast Guard's original request to DOT was for a total of $215,283,000. This request was cut by the Department to $153 million, and then was further reduced by the Office of Management and Budget to $81,500,000. The request was increased by the committee to $103,489,000, providing $21,989,000 to provide for long-range navigational aids.

It is important to note, Mr. Speaker, that the responsibilities of the Coast Guard have recently been expanded through the enactment of the Ports and Waterways Safety Act, the Federal Boat Safety Act, and the Federal Water Pollution Control Act. Moreover, increasingly fierce competition in our contiguous fishing zones has put new strains on the patrol activities of the Coast Guard. To meet these increasing demands for service will necessitate increases in manpower and equipment. I, therefore, urge adoption of the present authorization, and its full implementation by the Appropriations Committee and the Executive.

The SPEAKER. The question is on the motion offered by the gentlewoman from Missouri (Mrs. SULLIVAN) that the House suspend the rules and pass the bill H.R. 5383, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 5383.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

## OFFICE OF ENVIRONMENTAL QUALITY AUTHORIZATION

Mrs. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1379) to authorize further appropriations for the Office of Environmental Quality, and for other purposes, as amended.

The Clerk read as follows:

S. 1379

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended to read as follows:

"SEC. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality $1,500,000 for the fiscal year ending June 30, 1974, and $2,000,000 for the fiscal year ending June 30, 1975. This authorization is in addition to those contained in Public Law 91-190."

The SPEAKER. Is a second demanded?

Mr. GROVER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1379. The bill grants a 2-year authorization for appropriations under the Environmental Quality Improvement Act of $1.5 million for fiscal year 1974 and $2 million for fiscal year 1975. This authorization will supplement the $1 million annual authorization in the National Environmental Policy Act of 1969.

The bill before the House, S. 1379, is very close to a companion bill referred to my committee as an administration proposal, upon which hearings were held April 3. That bill proposed an open-ended authorization extending into the indefinite future, and the committee felt that such action was undesirable. Consequently we approved amendments to the administration bill, and ordered the bill reported to the House as amended. As approved, H.R. 5932 would have authorized appropriations in the amount of $1.5 million for the next 3 fiscal years.

The differences between the bill which our committee ordered reported and the bill which is now before the House are inconsequential. H.R. 5932 was a 3-year bill, with an annual authorization of $1.5 million, and the bill now under consideration, S. 1379, is a 2-year bill, authorizing $1.5 million for the first and $2 million for the second. The Senate committee explained the need for the increase of $500,000 as allowing funds for increased office rentals under the Public Buildings Act, for modest salary increases, and for a small increase for contract studies. The difference in funding is not great, and their reasons seem well founded.

The present authorization to the Council on Environmental Quality under this act is due to expire on June 30 of this year. Prompt and favorable House action on this measure will permit the orderly extension of the Council's operations. There has been no disagreement as to the value of this legislation, and we feel that it should go forward for Presidential approval at the earliest possible date.

Our committee authored the original House legislation which set up the Coun-

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cil on Environmental Quality, and we feel that the Council is continuing to play the useful role we planned. Basically, it is performing five main tasks.

First, it assists in the preparation and coordination of the President's environmental program. The Council performs a coordinating role, drawing the many agencies involved, including EPA, the Interior Department, AEC, the corps, DOT, Agriculture, and others together into coherent environmental policy initiatives.

A second activity of the Council is the preparation of the annual report on environmental quality called for under the National Environmental Policy Act. The first annual report suggested a variety of directions for Federal, State, and local action, both legislative and administrative. The second annual report examined in depth two fundamental aspects of environmental quality: Economics and legal developments. The third annual report covered Federal and State activities, the development of environmental indices, the legal implications of the National Environmental Policy Act, international aspects of environmental quality, local environmental quality activities, the national park system, and a chapter on forecasting the future. The Council is now in the process of preparing a fourth annual report, to be submitted later this summer.

A third major assignment of the Council is its continuing effort to further improve implementation of the National Environmenal Policy Act and the Environmental Quality Improvement Act in the Federal Government, particularly through the environmental impact statement process required by NEPA. Through guidelines and through assistance to agencies in improving their procedures for and performance in implementing NEPA, the Council assists agencies in building NEPA's policy objectives into their decisionmaking process. The Council's role in this process is to provide oversight so that the entire 102 process functions in all Federal agencies as intended by the Congress.

A fourth major function of the Council is the preparation of special environmental policy studies, some of which are prepared in-house and some of which are prepared by contract. Its report 2 years ago on ocean dumping, for example, led to a bill which passed our committee last year to control this problem. This year the Council has done special studies on integrated pest management, resource recovery, and coal surface mining and reclamation.

Lastly, the Council has been and will continue to be very active in international environmental affairs, as it was in the United States-Soviet Environmental Cooperation Agreement which President Nixon signed with President Podgorny last May, the United States-Canadian Great Lakes Water Quality Agreement, the U.N. Conference on the Human Environment, the June Meeting of the International Whaling Commission, the November Ocean Dumping Convention Conference, and the recently concluded Endangered Species Convention Conference.

The Council has been active in the intergovernmental maritime consultative organization efforts to control pollution from ships, has provided U.S. leadership with the State Department in the Environmental Committee of the Organization for Economic Cooperation and Development, and provides leadership to the NATO Committee on the Challenges of a Modern Society.

In future years, we anticipate the Council's activities will follow much the same pattern, although areas of emphasis will undoubtedly be different each year.

The Council on Environmental Quality, which our committee helped initiate, is performing vitally important functions in our national environmental programs. We have gotten excellent value to date from our investment. I anticipate that it will continue to be most useful.

I support the bill, S. 1379, and urge its immediate passage.

Mr. DINGELL. Mr. Speaker, will the gentlewoman yield?

Mrs. SULLIVAN. I yield at this time to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank the gentlewoman from Missouri for her kindness in yielding to me.

This is an excellent bill. The House version of the bill was reported unanimously from the Committee on Merchant Marine and Fisheries, and the Senate bill, according to the chairman of the Committee on Merchant Marine and Fisheries, and that was true when we reported the bill to the House.

Mr. GROVER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I wish to endorse the support of the distinguished members of our committee for S. 1379. As they have pointed out, the bill grants a 2-year additional authorization for appropriations under the Environmental Quality Improvement Act for activities of the Council on Environmental Quality. The annual authorization in this bill augments the $1 million standing authorization in the National Environmental Policy Act, producing approximately $2.5 million total which is the same as that applicable to the Council for the current fiscal year.

Under Russell Train, Chairman of the Council, the CEQ has developed a broad range of programs needed to deal with our environmental problems. The CEQ has made its annual environmental quality report and the annual Presidential environmental message reflects substantial resources, both in developing the tools we need and measuring our progress.

When the Council was first established in 1970 under Public Law 91-190, authored in our committee—I was a cosponsor—it was made clear that the Council on Environmental Quality would be the keeper of our environmental conscience and promote efforts to prevent damage to the environment. As our committee stated at that time, the purpose of the act is to create a council "which can provide a consistent and expert source of national policies, environmental problems and trends, both long term and short term."

Today, 3 years later, it is gratifying to see how well this has worked out. Our modest investment in the Council is a sound one and its record amply warrants this 2-year extension of the Environmental Quality Improvement Act authorization.

Mr. GROVER. Mr. Speaker, I rise to urge favorable passage of S. 1379, and I concur in the remarks of my distinguished colleague, the gentlelady from Missouri (Mrs. SULLIVAN), and the gentleman from Pennsylvania (Mr. GOODLING).

The successes of the Council since its creation, by this committee and the Congress in 1969, have been noteworthy. The Council has played a significant and lead agency role in the negotiation and acceptance of environmental agreements with the Soviet Union and other countries, has served as an executive branch focal point for the effective implementation of the National Environmental Policy Act of 1969, and has materially assisted in the development of environmental awareness in all segments of the Federal Government through their NEPA guidelines on environmental impact statements, contract and other studies on such controversial and important environmental issues as deepwater ports, Alaska pipeline, coastal zone management/land use, ocean pollution, and a myriad of others.

Responsible for the preparation and publication of an annual environmental report, the Council on Environmental Quality has assisted all segments of government and the American public in understanding our environmental problems and finding solutions thereto.

The bill, as opposed to the version, provides for a specific timeframe authorization instead of an open-ended authorization and for a sum certain of moneys for each year of 2-year authorization at $1.5 million for fiscal year 1974 and $2 million for fiscal year 1975. I am satisfied that this authorization amount is fiscally responsible, and yet will meet the need of the Council in the next few years. I know of no opposition to the bill and urge its adoption.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

I wonder if the specific amounts authorized in the Senate bill were considered by the Committee on Merchant Marine and Fisheries.

Mr. GROVER. Mr. Speaker, I will yield to the gentleman from Michigan (Mr. DINGELL) for an answer to that question.

Mr. DINGELL. Mr. Speaker, I did not hear the question of the gentleman.

Mr. WYLIE. Mr. Speaker, my question was:



Have the specific amounts which have been authorized in the Senate bill been considered by the Committee on Merchant Marine and Fisheries?

Mr. DINGELL. Mr. Speaker, the answer to that question is "Yes."

The difference between the House bill and the Senate bill is really very slight. The Senate bill is a 2-year bill; the House bill is a 3-year bill. The amount in the House bill is a million and a half for each of 3 years; the Senate bill provides for a million and a half for the first year, 2 million for the second year, and there is no third year.

So, Mr. Speaker, the total difference is one-half million dollars, and that matter will have to go to the Committee on Appropriations.

Mr. WYLIE. So the total increase for next year, fiscal year 1975, is one-half million?

Mr. DINGELL. The gentleman is correct. The total increase for the next year is one-half million.

Mr. WYLIE. I was wondering if that specific amount was ever considered by the Committee on Merchant Marine and Fisheries.

Mr. DINGELL. Mr. Speaker, the matter was never specifically the subject of consideration. However, we are faced, as the gentleman knows, with the substantial problem of getting funding down to the Council on Environmental Quality, and the reason we are taking the Senate bill in preference to the House bill is so the Committee on Appropriations can get the money authorized so that the Council can continue to do its important work.

Mr. WYLIE. Will the gentleman yield so that I may ask one more question?

Mr. GROVER. I will yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, does the gentleman know what the budget request by the administration is for fiscal year 1975?

Mr. DINGELL. Mr. Speaker, I must confess that I do not. For 1974 it is a million and a half.

Mr. WYLIE. For 1974 it was a million and a half.

Does the gentleman from New York (Mr. GROVER) know what it is?

Mr. GROVER. No. I think the administration was based on a 3-year level of 1.5.

The feeling, I believe, of the Members of the committee was that in view of the broadening scope of conducting operations by this Council, it could justify going along with the Senate bill and taking another look at it next year. If they do not spend the moneys, they will revert to the general fund, and the committee will have to reexamine future years' funding.

It will still have to go to the Committee on Appropriations in any event.

Mr. WYLIE. Mr. Speaker, I thank the gentleman.

Mr. ROGERS. Mr. Speaker, I rise in support of the bill H.R. 5932, to authorize further appropriations for the Office of Environmental Quality.

In passing the Environmental Policy Act in 1969, the Congress made it clear that the Federal Government had decided to carefully weigh the consequences its programs would have for our environment, and would consider the quality of the environment as a factor in planning for the conduct of its programs. In pursuit of these goals, the Council on Environmental Quality was established and has played an integral part in the Federal effort to maintain and enhance the quality of our environment. The Council's duties include publishing an annual report on environmental quality, issuing guidelines for use in writing environmental impact statemets, and reviewing the consequences for many proposed Federal programs.

At the present time, the continued performance of these duties is more necessary than ever before, and I urge authorization of this authority for appropriations for the coming fiscal year.

The SPEAKER. The question is on the motion offered by the gentlewoman from Missouri (Mrs. SULLIVAN) that the House suspend the rules and pass the bill S. 1379, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5932) was laid on the table.

## GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (S. 1379) just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

## PERSONAL EXPLANATION

Mr. DULSKI. Mr. Speaker, I missed three rollcalls on May 2 and 3. Had I been present, I would have voted "yea" on rollcalls 119 and 122, and "nay" on rollcall 121.

## THE 25TH ANNIVERSARY OF ISRAEL

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, the 25th anniversary of the State of Israel is an occasion celebrated by people throughout the free world by those who cherish the hope for a day when all people will be free. The Congress of the United States and other national leaders have met with Israel's new Ambassador to the United States, His Excellency Simcha Dinitz, who carries on the tradition of outstanding representatives which Israel has selected for positions of responsibility in world affairs.

At a time when tensions and frustrations in the Middle East continue to concern all of us, it is important to consider our close ties with the free nation of Israel and the importance of her position in that troubled area of the world. Israel remains a strong and responsible symbol of democracy in an area which is far from committed to freedom and peace. Israel has not lost her desire for a peaceful settlement of the Middle East controversy despite repeated provocation and irresponsible actions by her enemies. Israel has faced her enemies before and she knows the constant dangers which are present in the Middle East from those who still strive to drive her into the sea.

For the past 25 years Israel has built upon a foundation of spirited, determined people and that foundation now supports a viable nation ready, willing and able to assume and assert responsible leadership in the world body of nations. The United States must continue to extend the hand of friendship which keeps our two countries in close relationship and together I am confident we can build a solid and lasting peace on the now divided Middle East.

I join my colleagues in the House and free people everywhere in wishing Israel a bright future on this, her 25th anniversary.

The lead editorial of the Long Island Press of Sunday, May 6, carried an excellent article on the State of Israel, which I insert in the RECORD. I am confident the editorial will be of interest to my colleagues:

ISRAEL: HAPPY 25TH BIRTHDAY

Twenty-five years ago (by the Jewish Calendar) the State of Israel was born. To be more accurate, the Jewish homeland that had existed centuries before, was reborn.

As in ancient days, the new Israel was beset with problems and surrounded by enemies. The Israeli Declaration of Independence had hardly been proclaimed when Arab armies attacked from all sides, determined that the new nation be stillborn.

But the Arab goal was not to be. Israel somehow weathered the initial onslaught, then grew and prospered. Where there had been desert, soon there was fertile land producing food for the people. Where there had been oppression, there was now democracy. And there again was a homeland for a people who had been scattered around the world, who had seen their numbers depleted by the millions at the hands of Hitler, who had yearned to return one day to the land of their ancestors.

Israel's first 25 years weren't easy. The nation had to survive two more wars with the Arab states, whose armies outnumbered the new nation's many times over and whose leaders were determined to drive Israel into the sea. But survive Israel did.

The industrial development grew, its tourist business thrived, its self-sufficiency increased. And it stood like an oasis, as a bastion of democracy in an area lacking in elected government, individual liberty or even freedom of thought.

Sadly, Israel remains surrounded by nations not only unfriendly, but still hostile and still dreaming of destroying the Jewish state rather than living together in peace. Thus, Israel must devote more of its time, money and energy to defense and survival instead of the good things of life.

And it must count on its friends—governments and individuals—around the world more than it would like. Happily, the United States and its people have been good friends. Unhappily, too many other nations are more concerned with Arab oil than the right of Israel to live in peace with its neighbors.

There are encouraging signs that peace can prevail despite the bellicose Arab leaders. The U.S. has been striving to achieve an agreement. And the Soviet Union seems more interested in Europe and its detente with the

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U.S. than to take many risks on the Arabs' behalf.

Without strong Soviet support, the Arabs may be able to harass Israel, but they are not a real threat. Still, they resist a real peace, which is what Israel wants and the world needs.

Israel has proven it can be a good neighbor. It has opened Jerusalem to all faiths—Christian, Jewish and Moslem—which regard it as the Holy City. It has provided work for thousands of Jordanian Arabs on the west bank of the River Jordan. It has governed fairly and helped provide for the helpless refugees of the Arab-Israeli wars. It has proven in the past 25 years that it is a nation of justice, of compassion, of reason and of progress.

Twenty-five is a happy addition of 18—the Hebrew word "chai," for life—and seven, the number for luck. We wish the State of Israel a long life and good luck.

## STATEMENT OF CONGRESSMEN B. F. SISK, ROBERT MATHIAS, AND WILLIAM KETCHUM IN THE HOUSE OF REPRESENTATIVES, ON NATIONAL RAISIN WEEK

(Mr. SISK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SISK. Mr. Speaker, in the interests of bipartisanship my colleagues, Congressmen BOB MATHIAS, WILLIAM KETCHUM, and I are joining in a statement on a distinctly nonpartisan issue and one on which there is no disagreement—the California raisin.

This industry is celebrating its 64th National Raisin Week from May 8 through May 15 and, in addition, is celebrating its centennial anniversary as a producer of a vital food that, in a normal crop year, produces, processes, and markets one-half the world's raisin supply.

National Raisin Week, the Nation's oldest food festival, calls attention to a quarter-billion dollar industry involving many thousands of people in the production, distribution, and sales of raisins in the retail grocer and industrial and institutional handling of raisins in all forms.

Well over 200,000 tons of delicious raisins are produced, processed, and distributed by California vineyards and related industries for use in baked foods, gourmet dishes, or eating out-of-hand.

This year it is essential that California raisin producers do their utmost to maximize production of raisins to replenish the short supply of the much-desired dried fruit caused by adverse weather conditions last year. In a year following 1972's smallest raisin crop in history, a maximum effort is required to maintain our domestic and export markets.

High commendation for effective efforts in meeting the challenge of this, and especially demanding 100th year of the industry, is merited by the California Raisin Advisory Board. Its progressive activities in the fields of research, promotion, and advertising has maintained the California raisin industry as a vital economic entity.

Utilizing funds provided by the participating and processor members, and also from the U.S. Department of Agriculture's Foreign Agricultural Service, CALRAB maintains an effective program of advertising and promotion not only domestically but in countries throughout the world.

Results of the well-aimed programs of the California Raisin Advisory Board can be seen in the development of the Japanese market from almost nonexistence to the No. 1 outlet, consuming more than 20,000 tons of California raisins each year.

Another important role in the California raisin industry is assumed by the Raisin Bargaining Association. In its brief existence of 7 years, the RBA has successfully united raisin growers in a concerted effort to give them a respected voice in determining the marketable price for their products.

Additional organizations within the raisin industry meriting special commendation include the Federal Raisin Advisory Board and the Federal Raisin Administrative Committee. Operating under Federal Marketing Orders, the two organizations have done a great deal to enhance orderly marketing procedures and the development of export markets for raisin products.

The raisin industry, which effectively utilizes the self-help tools of sales promotion and advertising in the best American tradition, well deserves a special salute.

## MIDDLE EAST DEMANDS FOCUS OF DIPLOMATIC EFFORT

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, recent developments in the Middle East demand that the United States focus its diplomatic efforts in this volatile area. The drift of events in recent weeks signals the very real possibility that more serious hostilities may be imminent.

News sources indicate that Egypt is building an air defense system for Libya with Soviet supplied surface-to-air missiles. At the same time, there appears to be growing evidence that Libya has shifted a number of its Mirage jets to Egypt, and that efforts are underway, or, perhaps, have been completed to construct the necessary ground installations in Egypt needed to service the Mirage aircraft.

Whether this action is designed to protect Libya's jet force or, as has been suggested, to indicate Libyan support for Egypt's latest mobilization for war with Israel, the implications are ominous.

In addition, news accounts indicate that Iraq has sent a squadron of British-built Hunter interceptors to Egypt.

Reports that oil-rich Arab states will not cooperate with the United States in meeting the growing fuel shortage here is another serious factor which must be considered.

Indicative of the growing tension in the Middle East is action taken by the U.N. Security Council recently in adopting a resolution calling on the Secretary General to prepare a review of U.N. initiatives to negotiate a Middle East settlement since June 1967. This report is to serve as the focus of additional consideration in the Security Council of the Middle East crisis.

Violence, terrorism, and reprisal have become commonplace in the Middle East. These developments require the full attention of our diplomatic machinery.

Mr. Speaker, we must pursue new and vigorous efforts to end the stalemate in hopes that meaningful negotiations, direct or indirect, between the Arab States and Israel may resume. I have today written to the Secretary of State urging that this situation be given the full attention it demands. The text of my letter follows:

CONGRESS OF THE UNITED STATES,
*Washington, D.C., May 8, 1973.*

HON. WILLIAM ROGERS,
*Secretary, Department of State,*
*Washington, D.C.*

DEAR MR. SECRETARY: The situation in the Middle East appears to be rapidly deteriorating. The increasing incidence of violence and terrorism, and reports of a substantial military build-up in Egypt, signal a very real possibility that more serious hostilities may be imminent.

I support the Department's efforts to encourage direct or indirect negotiations between the Arab States and Israel, and agree that we must not pursue a policy which envisions any imposed settlement. It appears, however, that new and vigorous efforts are required by the United States to focus the full attention of our diplomatic machinery on this volatile area.

In my judgment, the continuation of a perpetual state of crisis in the Middle East constitutes the most serious continuing threat to world peace, and I respectfully urge that you again redouble our efforts to prevent further outbreaks of hostility and to end the negotiations stalemate.

Sincerely,

DANTE B. FASCELL,
*Member of Congress.*

## ENERGY CRISIS INTERTWINED WITH OTHER NATIONAL CONCERNS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, many words have been spoken and written in recent days about the energy shortages which face our country now and in the future. We are beginning to realize how intertwined the energy crisis is with other national concerns, such as the balance of trade, national security, the stability of the dollar, cleaning up the environment, and the health of our domestic economy. We see that decisions the Congress makes in one of these areas send out ripples which affect postively or negatively one or more of the other areas.

I am cosponsoring legislation today which requires that U.S.-flag vessels carry a minimum of 20 percent of U.S. imports of petroleum and petroleum products. A minimum of 30 percent would be required by 1977.

Imports of petroleum are at a high level today and are expected to increase substantially over the next 10 years and beyond. If we rely on foreign-flag vessels to carry these imports, our dependence on foreign interests increases and questions of national security arise. If the United States is paying unnecessary shipping charges to foreign-flag vessels, our balance of payments worsens and we lose a chance to support our own merchant fleet.

Mr. Speaker, we have a national commitment, articulated in the Merchant Marine Act of 1970, to pump new blood into our merchant marine and to strengthen our shipbuilding industry. Insuring maximum participation by U.S.-flag vessels in the petroleum import trade can help accomplish these goals.

The U.S. merchant marine has always contributed to the strength and development of our Nation. The rapid growth of world trade provides a solid testimonial to the great importance of our merchant marine to the country's economy and security, both now and in the future.

I am confident that the many Americans who work in seafaring, in shipbuilding, and in related industries will measure up to the challenges which lie ahead. New, more efficient ships must be built, existing port facilities must be improved, and work on the feasibility of deepwater ports must continue. Congress can do its part by assuring fair and reasonable participation by U.S-flag commercial vessels in the oil import trade.



## THE UNITED STATES IN SPACE—THE MANNED PROGRAM

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, within a very few weeks, my colleagues will be asked to consider the NASA authorization bill for fiscal year 1974. This bill, as drawn up by the Science and Astronautics Committee, defines a program addressed to two primary goals: maintaining the momentum that our space program has achieved through the amazing successes of the Apollo program and providing a maximum return to the taxpayer on his space investment.

This article is the second in a series over the next few weeks which will discuss the United States in space. It is my earnest hope that this background will provide my colleagues a fuller understanding on this country's commitment to space—a commitment leading to a better tomorrow.

It is all the more appropriate to discuss our manned program on this the concluding day of man's first 12 years in space. On May 5, 1961, Freedom 7 was launched, carrying with it the hopes and prayers of the entire free world. For Astronaut Alan Shepard the 15 minutes of his first journey in space contained as much the element of victory as his first step on the moon almost 10 years later. Twelve years ago this Nation dedicated itself to landing a man on the Moon and returning him safely to Earth. As a single goal, this project became as important and as challenging—and as expensive—as any major activity the country had ever undertaken.

Twelve years later the success we have enjoyed has exceeded even our wildest expectation. As a nation we met the challenge; we achieved our goal. And undeniably the most remarkable aspect of the entire program was the performance of man himself—with man proving to be the most versatile and valuable of the entire complement of equipment our lunar crafts contained.

But today with our Apollo triumph behind us we are faced with a serious question. The question is not whether we should have adopted our lunar goal or directed our resources to its accomplishment. The question instead asks what is man's role in space? What should his role be today and in the future, given the dollars we have invested in manned space and the results we have obtained.

No one can deny that the experience we have gained in our manned program represents a base of knowledge which has had beneficial impact on virtually every phase of our daily lives. Nor can anyone deny that the investment we have made in skills and facilities will be returned to our Nation a thousandfold within this very decade. Finally, in the strictest sense of man in space, no one can deny that until we are able to produce a machine with the intelligence, experience, judgment, and physical mobility of man, man does and must have a role in space. Man, we must concede, is the most highly sophisticated data sensing, data gathering, and data processing "device" in existence.

Interestingly, one of the major encumbrances of our present space program is the overwhelming amount of data returned by our unmanned automated satellites. Much of the information is valuable, but an inordinate amount is repetitious or otherwise nonessential. The system has simply been choked by unnecessary information. In contrast, man with his proven ability to discriminate and assess has provided a significantly higher return of essential and meaningful data than any of the unmanned space-borne missions. Man, as he is uniquely able to go to the heart of the problem, has relieved a major burden from the scientific and technical community here on earth.

The value of man is also that he is motivated. He is goal oriented. When he is impeded, he creates, evaluates, and pursues an alternative. And finally, man is creative and imaginative, a capability hardly challenged by even the most complex of equipment.

How does this translate to man in space? Apollo 13 is an example. First, the entire fate of this $400 million mission hinged on the ability of man to overcome a catastrophic failure of the power system and touch down in safety. As an unmanned, remote controlled mission then, Apollo 13 would have failed.

What of the Apollo programs' accomplishments? The geographical area covered, the scientific instruments set up, the experiments performed, no robot will be able to duplicate before the turn of the century.

The obvious comparison is the U.S. Apollo versus the Soviet launched Lunokhod moon rover. Consider the clumsiness of the Lunokhod. Consider the lack of mobility of the device, the limited number of experiments it could perform and the meager amount of data it gathered.

This is not to deprecate the value of the unmanned mission. The manned and unmanned will, in fact, continue in existence as a complement to one another. But it has been man in space who has greatly expanded our knowledge of the phenomena of space and established the potential value of his role. It has also been man who has clearly demonstrated a high degree of effectiveness as a space experimenter. In the estimation of the National Academy of Sciences, through our manned space program, we "now possess the keystone for a near-term understanding of the entire process of planetary evolution." Thus, the capacity of man in terms of his total ability and overall performance would, therefore, compellingly dictate his continuing role in space. And what of man's new role?

Now that Apollo is completed, our next manned effort will be to orbit a space laboratory, Skylab. Skylab is a direct adaptation of the Apollo system in which the last stage of the Saturn V rocket will be converted into a laboratory and crew living quarters.

A primary task of the Skylab will be solar observations with the orbiting crew working in conjunction with special ground observation teams. The mysteries of our solar system were chosen as a principal focal point of activity because of their fundamental impact on virtually all of the natural processes here on Earth. With the systems on board Skylab, including a large telescope, intensive and continuous examination of the entire solar system will be permitted for the first time.

The Skylab has numerous other important objectives. In the course of the program three teams of three men each will visit the laboratory for periods of time extending up to 56 days. Therefore, one of the program objectives will be the determination of the effects of weightlessness on man over extended periods of time. Major emphasis, in fact, will also be placed upon investigating and solving many of our most pressing terrestrial problems. The entire topic of ecology, particularly pollution detection and monitoring, will be one focus. Oceanography, the study of current and water heat patterns, and food location will be studied. Water management and control, and forestry will be investigated. Agriculture will be another focus with stress upon crop production and disease detection. Finally, geography, cartography, and geology, including natural resource location and earthquake detection, will be studied. In essence, the mission of the Skylab will be the utilization of space to achieve a better life on Earth. As a basic element of the mission, the Skylab work will play a fundamental role in determining the optimum mix of man and machine for all future space efforts.

Two years after Skylab, this country, in cooperation with the Soviet Union, will conduct an unprecedented joint manned space flight project, the Apollo-Soyuz test project—ASTP. ASTP is a radical departure from the competitive nature of all other United States and Soviet space activity. The ASTP proj[illegible]

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is a major step towards making space a place where the community of man can work to improve the quality of life here on earth. ASTP is a direct consequence of President Nixon's intention to make international cooperation in space one of the basic purposes of the U.S. space program.

As the decade of the 1970's closes, the Space Age will enter a new era based on a manned space transportation concept as bold and as far-reaching as the Apollo program and as innovative as the ASTP—the space shuttle. The shuttle is one of the most futuristic, efficient, and cost-saving concepts ever envisioned. Picture a cluster of four elements standing on the launch platform: a 737-sized orbiter vehicle, an expendable propellants tank, and twin recoverable solid rocket motors. At launch, the twin solid rocket motors and the orbiter's liquid hydrogen/oxygen engines are ignited simultaneously. They burn together until an altitude of about 40 km is reached at which point the solid rockets detach and descend by parachute, to be recovered, refurbished, and reused at least 10 times. The orbiter continues into space to place its cargo of people or equipment into orbit. When its mission is completed, the orbiter will return to earth, landing much like a conventional airplane. In a maximum of two weeks that same orbiter vehicle can be ready for another flight. This is the concept for the space travel of tomorrow; a concept which promises space transportation so superior to current systems that it will be used for almost all of the scientific, commercial, national security, and cooperative international space projects launched in this country during the 1980's and beyond.

The shuttle's feature of reusability will permit expensive elements such as engines, electronics, and structures to be amortized over many missions, possibly as many as 100 flights, rather than be charged to the cost of each mission as in the case of our present program of space flight operations. With the versatility and the economy of this vehicle, the United States will be able to place into space scientists and engineers as well as almost any size and shape manned and unmanned vehicles.

This impact on savings cannot be overemphasized. In the first days of our space program, the cost to place 1 pound in orbit was $100,000. By comparison, the Apollo vehicle was orbited at a cost $1,000 per pound. The promise of the shuttle will be to reduce this cost to an average of $300 for all shuttle flights and to as little as $160 if the maximum payload of 65,000 pounds is put into orbit.

But the source of even greater cost savings will be the new satellite designs permitted. Today's sophisticated and complex spacecraft cost on the order of $15,000 to $30,000 a pound to build because of the high reliability, redundancy, and structural strength we must provide to guard against failure. With the availability of the shuttle, our spacecraft can then be built using cheaper, more conventional design and more standard components. In addition to placing satellites in orbit, the shuttle will also be able to investigate any type of random satellite failure as well as to undertake periodic in orbit repair and maintenance. The end result will, therefore, be satellites less sophisticated and less costly to design, launch, and operate.

As a final note, let me touch for a moment on the activities of the Soviet Union and its manned program. In terms of the total number of manned spaceflights, we might casually conclude we possess a clearly defined lead. We have flown 27 manned missions; the Soviet 18. But a comparison of the number of manned launches yields a very erroneous impression. Perhaps we can discount that the U.S.S.R. accomplished the first manned orbital flight; the first full day of manned space flight; the first simultaneous flight of two manned spacecraft; the first flight with three men; the first space walk; and the first docking of two manned spacecraft. These accomplishments after all were duplicated by the United States—sometimes years later.

But what about the first simultaneous flight of three manned spacecraft, the record for the longest manned flight and the first attempt to assemble a manned orbiting space station? In terms of the longest flight, with time and good fortune the record will be ours with the successful completion of the Skylab mission.

Perhaps the measure of success the Soviets have enjoyed will permit history to repeat itself. Recall for a moment your reaction when the Russians launched their Sputnik I, then their 1,000-pound Sputnik II with an animal on board—and then 1 month later, when our widely advertised first launch attempt with a 4-pound "satellite" on board exploded on the launch pad. Imagine also your feelings if we had landed but a small mechanical tractor on the moon as a "grand" accomplishment to counter six teams of astronauts.

Man in space has made a monumental contribution. The list of benefits we have derived—tangible and intangible—is already endless. Yet we have just started to reap the benefits from our work and investment in space. To stop now is to waste the money already spent. To stop now is to give up just when man in space can become productive.

To stop now is to relinquish the use and control of space to the U.S.S.R.

To stop now is to ignore the needs of tomorrow.

There is no justification for retreat.

## PRAYER ON THE 89TH BIRTHDAY OF HARRY S. TRUMAN ON MAY 8, 1973

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, since coming to the Congress in 1959, on May 8 of that year and each succeeding year it has been our high privilege and great honor to stand in the well of the House and speak some words of eulogy for our number one constituent, fellow townsman and great President, Harry S. Truman.

This year, he is not with us. During Christmas week of 1972, he was called by the Great God of the Universe to his heavenly reward. All of the events of his lifetime were reviewed and recited again before and after the memorial services which were conducted at the Truman Library in Independence, Mo. All of the things about his life and times, his personal characteristics and the greatness of his accomplishments were reported and recorded. Accordingly, this year upon the occasion of what would have been his 89th birthday were he with us today, it is not the time for further eulogy or to recount again the important happenings of his lifetime. Rather, it should be an occasion to pause and with bowed head offer up a prayer for the repose of the soul of this great American.

Almighty God, our Father from whom we come and unto whom our spirits return, thou hast been our refuge and strength in every age and our present help in every hour of need. Grant us thy blessings in this moment when we call to mind the birthday of our beloved President, Harry S. Truman.

We remember his indefatigable energy, his dauntless courage, his rugged honesty and his complete devotion to the service of his country. His beliefs were firm, his faith sound and his confidence without parallel, yet, his heart overflowed with friendliness and his spirit reached out to others for good. He stands in the foreground in the progress of our beloved land.

We thank thee for him and pray that thou will grant unto him the peace that comes for those who cease from their worthy labors upon earth.

Bless his wife and family with the strength of thy divine spirit, the peace of thy comforting companionship.

We pray for them through thou who art the resurrection and the life. Amen.

## ALASKA FISHING INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, the fishing industry in Alaska is the largest private employer in my State. More Alaskans are directly or indirectly dependent on fishing than on any other industry. It is second only to oil in the amount of revenue it brings into the State.

Fishing in Alaska involves thousands of independent fishermen living in dozens of small towns scattered over thousands of miles of Alaskan coastline. Should one of these fishermen have serious mechanical trouble with his boat, he is immediately faced with substantial financial loss because his boat is likely to be out for the entire fishing season.

The reason for the problem is that there are few places where the repairs can be effected in Alaska. The owner will often have to take his boat to the "lower 48" to have it repaired. The round trip to the nearest marine ways consumes almost the entire fishing season.

The solution to this problem is simple. Facilities for the repair and maintenance of vessels should be built right at the fishing communities. But there is not enough capital available in these small communities to finance the large investment required to provide adequate marine ways facilities.

I am, therefore, introducing a bill which will provide for Federal grants covering up to 50 percent of the cost of such facilities and provide Federal loans for the remainder. The Department of Commerce already provides loans for fishing vessels and for many other profishing vessels and for many other projects. But this bill will put special emlarly acute in Alaska. The loan portion of the marine ways facilities would be made from the fisheries loan fund. Additional capital would be added to the fund to compensate for the additional demand the marine ways program would generate.

The grant portion of the program would be financed by a $5 million appropriation and would be operated by the National Oceanic and Atmospheric Administration. Grants would be made only to communities which are located at least 100 statute miles by sea from the nearest existing marine ways facilities adequate to their needs. This requirement would limit the program to those areas which have great need, but have thus far been unable to find the required capital.

Mr. Speaker, the present lack of marine ways facilities in my State makes a malfunction in a vessel that would normally be an annoyance a financial disaster. The program I am proposing will generate the capital necessary to allow these fishermen to help themselves by collective action in their local communities.

I include a copy of the bill at this point.

H.R. 7608

A bill to create a program to facilitate the construction of community marine ways, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Fish and Wildlife Act of 1956 is amended by adding at the end thereof two new sections as follows:

"FEDERAL MARINE WAYS GRANT AND LOAN PROGRAM

"SEC. 13. (a)(1) There is authorized to be appropriated the sum of $5,000,000 for the fiscal year ending June 30, 1972, for grants to carry out the provisions of this subsection. From the sum available therefor, the Secretary of Commerce is authorized to make grants to any community or communities to enable it or them to construct marine ways facilities for the maintenance and repair of fishing and fish processing vessels.

"(2) Such grants shall be limited to 50 per centum of the actual cost of site acquisition, planning and design, and construction of such marine ways facilities, and shall be made on such conditions as the Secretary determines necessary to carry out the provisions of this subsection; except that such grants shall be made only to a community or communities which, on the date of the enactment of this section, does not have adequate maintenance and repair facilities for fishing and fish processing vessels, and is located at least one hundred statute miles by the most direct sea route from any existing marine ways facilities. Payments under this subsection may be made in advance or by way of reimbursement, as determined by the Secretary.

"(b)(1) The Secretary of Commerce is authorized, under such rules and regulations and under terms and conditions prescribed by him, to make loans for the financing and refinancing of the construction, maintenance, renovation, repair, and operation of such marine ways facilities with respect to which assistance was provided under subsection (a) of this section, including the remaining portion of the cost of any such facility receiving a grant under such subsection.

"(2) Any loans made under the provisions of this subsection shall be subject to the following restrictions:

"(A) Bear an interest rate of not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (ii) such additional charge, if any, toward covering other costs of the loan program carried out under this subsection as the Secretary of Commerce may determine to be consistent with its purpose; and

"(B) Mature in not more than twenty-five years.

"(c) Loans made pursuant to this subsection shall be made from the fisheries loan fund established pursuant to section 4 of this Act. There are authorized to be appropriated to the fund the additional sum of $10,000,000 to provide additional capital."

RECORDS AND AUDIT

"SEC. 14. (a) Each recipient of a grant under this Act shall keep such records as the Secretary may prescribe, including records which can be used to support fully the amount of his grant, and such records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant under this Act which is pertinent to such grant."

## ISRAELI INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RINALDO) is recognized for 10 minutes.

Mr. RINALDO. Mr. Speaker, yesterday was the 25th anniversary of the founding of the State of Israel.

Israel's existence today is a result of the bravery and determination of a people who wish to be free to pursue their cultural and religious heritage.

As we look back over that quarter of a century, we see a world torn by wars and conflicts. Here in America we talk about prospects for a generation of peace. But Israel's only memory is a generation of war. Even when there is an absence of open warfare in the Middle East, there have been constant threats and incidents of violence.

Despite this ugly shadow, Israel has, in hostile surroundings, become a showcase for democracy in an area where democracy is almost unknown and has exemplified the dedication of a brave people to the principles of freedom.

Israel has demonstrated to the world its tremendous ability to stand on its own, rally its defense and progress by its own genius.

Today, as a nation of almost 3 million people, Israel can rightfully boast of its outstanding record of economic, political and social accomplishments. Despite the continuing problems of heavy armament expenses and the assimilation of many new immigrants, Israel has not abandoned its dynamic spirit or interest in humanity.

In a mere 25 years of existence, the State of Israel has contributed immeasurably to our hopes and dreams for the growth of freedom and democracy. We share much with Israel: our love for freedom, our pioneering past, our desire for peace, our hopes for the future and our desire for good relations with the world.

Today, once again we extend our good wishes to the State of Israel and we reaffirm the inseparable friendship of the American and Israeli peoples.

## WATERGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS), is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon has taken the proper course in trying to get to the bottom of the Watergate incident.

Not discounting the merits of having an outside special prosecutor, I feel Elliot Richardson, appointed by the President to lead an investigation into the situation, is a very scrupulous individual and I think he will be extremely fair but hardnosed in tracing evidence of what happened and who was at fault.

The sad thing about the entire incident is that the American political system as a whole has suffered and, as a result, the country has suffered.

Day after day newspaper headlines have screamed Watergate. Day after day television and radio newscasts have led off with Watergate stories. The public has been saturated with Watergate.

I am not saying that the news media should have played down the Watergate reports. Quite the contrary, I think the Watergate incident has shown us the real value of having a system where broadcast and print journalists are free to investigate and tell what they can prove to be the truth.

My point is that the American public for many months has been subjected to numerous detailed stories spelling out, to the embarrassment of many, what appears to be politics at its worst.

The reports would lead one to believe that Watergate is the norm, and good, honest public servants are the exception. Well, that is simply not the case. Just as the many good, honest actions taken every day by public officials do not mean that the whole system is perfect, a deplorable act does not mean that the political process is ready to be scrapped.

As in most other situations of this nature, it is the few bad apples that spoil the barrel. Many have to suffer for the actions of a few.

How many times in recent weeks have you heard the comment, "Why all the fuss over Watergate? They all do it. They are all crooks."

This upsets me. Such comments are grossly unfair to the thousands of truly dedicated persons who serve their communities, their States and their country through elected office. We would surely be in a sad state if those derogatory comments were true.

I was glad to see the resignations from the President's staff that have come. Not



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because I am prepared to pass judgment on these men, but because I feel their names have been mentioned so often and so prominently that their staying on at the White House would have a bad effect on the President's effort to lead the country. As the President put it, the integrity of the White House must be above question.

A jury will hear the evidence and pass judgment on those accused.

From a practical standpoint, and without regard to Watergate, I think relations between the President and Congress should improve.

It is no secret around here that H. R. Haldeman and John Ehrlichman, as the President's chief advisers, were very difficult to work with and this clearly hurt the President's legislative program.

It is unfortunate that the President was apparently not given the full facts on the Watergate incident from the beginning. I believe he was treated shabbily by those in whom he placed a great deal of trust.

Mr. Speaker, one of the greatest problems to be faced as a result of Watergate is a potential loss of confidence in the Government and in the President. We must not let this happen. Those involved in Watergate are not typical. They are a blot on the political system. They are to be scorned by every officeholder who is trying to do a good job. Every citizen should condemn their actions. But we must not lose confidence in our system of government. As a matter of fact, it is that very system of government which will ultimately bring the guilty to justice.

## FORTIETH ANNIVERSARY OF MOSCOW'S MANMADE FAMINE IN THE UKRAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, while efforts are being made to reach various understandings with Russian Moscow, it becomes all the more necessary to keep up our guard and to strengthen it if we are not to lapse into any naive and weak posture.

One sure way of attaining this objective is to learn as much as possible now about the Soviet Union, its origin and history, and the many nations and peoples held captive within it.

For example, this year is the 40th anniversary of Moscow's manmade famine in Ukraine. Under Stalin in 1932–33 it is conservatively estimated that some 7 million Ukrainian farmers and workers were starved to death in order to overcome Ukrainian national resistance to Moscow's Russification and collectivization control programs. This month, Americans of Ukrainian ancestry are observing this anniversary and reminding their fellow citizens of the lessons of Russian totalitarian and imperialist history.

As yet, Mr. Speaker, it is not generally known and sufficiently appreciated that the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe is Ukraine.

With a population of over 45 million, Ukraine is one of the most resourceful nations in Europe, and if it were not under the domination of Russian Moscow, it would certainly again become "the granary of Europe" but in an advanced economic framework of industry and agriculture.

Also, the country's geographic location, extending from the Carpathian Mountains toward the Caucasus and above the Black Sea, is a most strategic one as concern developments in Europe, Asia, and the Middle East.

Mr. Speaker, because we shall hear more about this largest captive nation in Europe, I submit for our popular edification the illuminating section on "Ucrainica in American and Foreign Periodicals" published in the world-respected scholarly journal of East European and Asian affairs, the Ukrainian Quarterly.

The section, prepared by Dr. Lev E. Dobriansky of Georgetown University, Washington, D.C., regularly shows the growing interest in this captive nation and, above all, the prominent myths and misconceptions that many in the West still cling to when analyzing or commenting upon the Soviet Union, Russia, or Ukraine.

On this 40th anniversary of Russia's man-made famine in Ukraine, it is high time these myths were dissipated, and a Select House Committee on the Captive Nations would be the most effective way of doing it. From the Ukrainian Quarterly, winter 1972:

UCRAINICA IN AMERICAN AND FOREIGN PERIODICALS

HISTORY LESSON FOR LEGISLATOR

(An article by Nikolai Maksimovich, *Novosti Press Agency*, Moscow, October, 1972.)

The writer of this article is a deputy of the Supreme Soviet of the Ukrainian S.S.R. and rector of the Lviv State University. His article was distributed world-wide in October by the Novosti Press Agency and was published among other places in the *Daily World* issue of October 25 in this country. It is basically an attack upon Congressman Edward J. Derwinski and Dr. Lev E. Dobriansky for their advocacy of the captive nations.

With no doubt tongue in cheek, the deputy or rector accuses the Congressman of not being responsible to his electorate, who ostensibly do not support the captive nations since we are all in an "era of negotiations" not "the era of confrontation." As he puts it, this "unfortunately, cannot be said of Congressman Edward J. Derwinski of Illinois, who with the professional anti-Soviet from Georgetown University, Lev. E. Dobriansky, never tires of voicing support for the so-called 'captive nations' allegedly existing 'under totalitarian red rule.'"

The writer then goes into a lengthy account of the presumed accomplishments of Ukraine while in the USSR. As expected, he never raises the question of how much more could have been accomplished and at considerably less human cost had the Ukrainian people been free of Russian domination. He characteristically impugns references made "to the narrow nationalistic views of Moroz, Sverstyuk, Dzyuba and their like—a small group of people who wish to gain publicity at any price," and then with false implication brings up the oppressed Puerto Ricans, Mexicans, Indians and Blacks without also raising the point of their opportunities to bespeak their so-called oppressions. The article is a perfect example of a bought intellectual.

GREETINGS TO THE 11TH TRIENNIAL CONGRESS OF AMERICANS OF UKRAINIAN DESCENT

(A statement by the Honorable Frank M. Clark, *Congressional Record*, Washington, D.C., Oct. 6, 1972)

Congressman Clark of Pennsylvania added his statement of greeting to numerous others on the occasion of the recent Congress of Americans of Ukrainian Descent in New York City. The Ukrainian Congress Committee of America has been in existence since 1940. His statement begins, "through many centuries of oppression and persecution, the Ukrainian people have persevered with courage and tenacity in their determined resolve to be free."

The Representative extends every good wish to the Congress and assures it of his continuing support for the aspirations of the Ukrainian community. He emphasizes, "May the spirit of your triennial gathering deepen the bonds which unite Ukrainian Americans—and all our citizens—in a common concern for the preservation of American freedom and the restoration of independence to the Ukrainian people in their ancient homeland." This, properly, is how our officials view us.

ELEVENTH ANNUAL CONGRESS OF AMERICANS OF UKRAINIAN DESCENT

(A statement by the Honorable WILLIAM V. ROTH, CONGRESSIONAL RECORD, Washington, D.C., Oct. 6, 1972)

Just as another example from the other chamber of the U.S. Congress, this statement by Senator Roth of Delaware salutes the Ukrainian Congress Committee of America and its recent convention in New York. The Senator states quite emphatically, "The Ukrainian Congress Committee of America has been a powerful advocate of freedom and independence for Ukraine. It has also been a strong supporter of American democracy and freedom."

In pointing out the pride that Ukrainian Americans take in their contributions to America, the Senator observes also that they remain proud of Ukraine—"a great land, and as populous as France or Britain, which was the cradle of Slavic civilization during the period of the Kievan state." Briefly, the entire statement reflects a firm grasp of all the essentials pertaining to the UCCA and Ukraine. One need only contrast this, presented by a non-Ukrainian legislator to the first item above, written by one who seems forced to say "I am a Ukrainian myself."

FRANK SHAKESPEARE: MAN WHO DIRECTS THE USIA

(A commentary by Dumitri Danilopol. *The Rising Tide*, Washington, D.C., Nov. 6, 1972)

The main speaker of the Nixon Administration at the 11th Ukrainian American Congress was the Honorable Frank Shakespeare, the director of the USIA. Mr. Shakespeare was also awarded on the occasion the coveted "Shevchenko Freedom Award" for his many contributions to a strong Ukrainian desk and section in the Voice of America and a broader American understanding of the non-Russian nations in the Soviet Union.

In this commentary it is accuratey pointed out that the "award bears the name of the 19th century poet laureate Taras Shevchenko, a patriot who called for a 'Ukrainian George Washington' to liberate that land from Czarist oppression." The piece is inaccurate in stating that, comparably, the "Ukrainian tribute is only the latest in a series from ethnic Americans." In this particular form this is the first; in other forms, such as literary expressions, Ukrainian Americans were with others over three years ago. What's more important and significant is that this latest Ukrainian tribute precipitated quite a propaganda blast against the director from the Ukrainian S.S.R. and others.



UKRAINIAN DISSIDENT GETS NEW SENTENCE

(A report Associated Press, Moscow, Oct. 13, 1972.)

Mass arrests continue in Ukraine as individuals suspected of nationalism are being searched and rounded up. According to this AP report, a Danylo Shumuk, 58 years old was recently sentenced to ten years in a Russian labor camp. His crime was indulgence in anti-Soviet slanders.

The victim has spent half of his life in Russian prisons and camps. The report states that a search of his apartment led to the seizure of a manuscript purported to be his memoirs of this ordeal. He was arrested in January, 1972 on suspicion of Ukrainian nationalistic activity. The victim is only one of the latest in a long list of arrests during this past year. Indicative of all this is the apparent fear of Moscow regarding the persistence and spread of Ukrainian nationalist involvement.

UKRAINIAN DANCERS IN CITY AFTER 6 YEARS

(A report by Robert Jacobson, New York Post, New York, July 26, 1972.)

As perhaps can be expected, the reporter vividly describes the performance of Pavel Virsky's Ukrainian Dance Company in New York's Metropolitan Opera House, relating almost everything to a Ukrainian production and then winds up by saying "Virsky's 20-year-old company has returned to prove that it remains one of Russia's most glowing exports." In national terms this doesn't make sense, but there is the end product of the impressions made.

The report itself is a most glowing one with superlatives and high praise for all parts of the program. As the writer states it, "Not only is the program shrewdly built in terms of pacing, alternating the frenzied with the slow-paced, and climaxing the two halves, but each large number is sent skyrocketing to a whirling climax as well." The "Dnieper Cossack Dances," the "Hopak" and the "Round Dance" seem to have impressed the writer most.

DANCE: UKRAINIANS SHOW CHOREOGRAPHIC VIGNETTES

(A report by Clive Barnes. The New York Times, New York, July 26, 1972.)

Corroborating in full the preceding report this one also is full of superlative praise for Virsky's ensemble. At the very outset, it states "The Ukrainian Dance Company is one of the most engaging and endearing in the world." This recent engagement was its third in New York, the preceding one having been six years ago.

There appears to be common agreement among the critics that the Ukrainian dance is a man's world, with little room for woman's lib. All reviews seem to point this out. Here, too, the critic is most impressed by the Sailor's Dance and the famous "Zaporozsets" the Dnieper Cossack Dance. In contrast to other reviews, this outstanding critic doesn't inject any incongruous preconception of a Russian product.

HISTORIANS SUE FOR ACCESS TO HISS, WAR DATA

(An article by Paul Hodge, the Washington Post, Washington, D.C., Nov. 17, 1972)

"Operation Keelhaul" or the shameful forced repatriation of different nationals from the Soviet Union following World War II is the prime topic of this article. In cooperation with the American Civil Liberties Union a suit has been filed by three scholars against the Department of the Army for the declassification of the records of this operation. Tens of thousands of innocent lives—Russian, Ukrainian, Georgian and others—were involved.

As the article points out, "The Army's position is spelled out in letters from Froebike to historians Lev E. Dobriansky of Georgetown University; Bertram D. Wolfe, Russian history professor and fellow at the Hoover Institution on War, Revolution and Peace in Stanford, California, and Julius Epstein, professor of international law at Lincoln University in San Francisco." The Army is actually willing to release the documents, and so is the President, but the obstacle seems to be the British government. After twenty-five years it is about time that the record of this blemish on the American tradition be revealed.

DISURBIOS EN UCRANIA

(An article by George Luckyj, Ariente Europeo, Madrid, Spain, Mar. 1972)

This well-written article by a well-known scholar and professor covers the range of intellectual dissidence in Ukraine for more than a decade. His treatment is necessary along national lines, and is undertaken against a broad background extending back to Taras Shevchenko, the poet laureate of Ukraine. The influence of Shevchenko is concisely depicted.

The arrests and persecutions of the recent period are vividly described in terms of a struggle not only for basic human rights but also of a natural dedication and devotion to the cultural freedom of the Ukrainian nation. Chornovil and his documents are emphasized in the articles, as are also the works and arrests of Ivan Dzyuba.

UNITED STATES—U.S.S.R. TRADE AND UKRAINE

(A statement by the Honorable DANIEL J. FLOOD, CONGRESSIONAL RECORD, Washington, D.C., Sept. 28, 1972)

Congressman Flood of Pennsylvania has regularly taken upon himself to introduce this section of the journal in the *Congressional Record*. His purpose is to make it a permanent part of this Nation's history, along with the hope that influential Americans will become increasingly aware of development surrounding Ukraine.

In his prefatory remarks the Congressman begins, "with the opportunities for trade between the U.S.S.R. and our country being broadened, the fund of knowledge and understanding of the numerous captive non-Russian nations in the Soviet Union cannot but expand to both our cultural and strategic benefit." He continues, "What we may gain in economic advantage and return will perhaps be far exceeded by what our people will have learned from this cyclical experience as concerns the nature of this empire state and the many non-Russian nations held captive within it." These are well-spoken words, and the possibilities for such a development do exist. The real question is whether sufficient latitude will be allowed by Moscow for the type of mobility implied here.

THE CREATIVE ART OF KREMLINOLOGY

(An article by Robert G. Kaiser, The Washington Post, Washington, D.C., June 11, 1972)

The bulk of this lengthy article deals with the emotion of Ukrainian party leader Pyotr Shelest at the time of President Nixon's visit to the USSR. Shelest, a Politburo member, was replaced by V. V. Shcherbytsky in Ukraine. An attempt is made to put all the pieces of the jigsaw puzzle into place.

Shelest as an independent power in Ukraine is cited, as is also some of his "liberalism on the touchy issue of Ukrainian nationalism." In addition, his negative stance toward the Nixon visit soon after the mining of North Vietnam's waters is mentioned. However, the writer leans toward the explanation that Brezhnev saw an opportunity to settle some old scores with Shelest when he obtained the positive vote of Shcherbytsky concerning the summit, an indication that Ukraine was divided on the issue. As he puts it, "Shelest was then in an untenable position according to this version, especially since Mr. Nixon was scheduled to visit Kiev, the capital of the Ukraine." To put it mildly, the art of Kremlinology is certainly "creative."

MORTE E RESSURREZIONE IN UCRAINA

(A reproduction from the ELTA Information Service, Il Tridente Foggia, Italy, June 24, 1972.)

Death and resurrection of the Ukrainian Catholic Church is the theme of this lengthy article that was published first in French from the ELTA Information Service. The article was written by the famous Protestant theologian, Professor J. G. H. Hoffman. By its contents the writer displays a keen familiarity with the death of this Church, as well as that of the Ukrainian Orthodox Church in times of the Stalin reign.

But also, because of the ecumenical movement and all the developments surrounding the Ukrainian Cardinal Slipy, the writer discerns a clear resurrection of the Ukrainian Catholic Chuch. His leanings are definitely in favor of the position taken by the newly constituted Ukrainian Catholic Synod. In this country a move is on in Congressional quarters to establish a hearing aimed at official action seeking the formal, institutional resurrection of both Churches in Ukraine.

TRADE IN THE CONTEXT OF "U.S.A. AND THE SOVIET MYTH"

(A statement by the Honorable Daniel J. Flood, Congressional Record, Washington, D.C., September 25, 1972)

Before the adjournment of the 92nd Congress much concern was expressed with regard to the directions of U.S. trade with the Soviet Union. This isn't the first time we've embarked on a program of extensive trade with that empire-state. Among those concerned was the Honorable Daniel J. Flood of Pennsylvania. As he opens his statement "as our business interests plunge into the prospects for trade with the Soviet Union they would do well to brief themselves on the background of this state, its nature, multinational system, and its basic motivations."

The legislator refers his readers to the recent work of Dr. Lev E. Dobriansky on *U.S.A. and the Soviet Myth*, particularly the chapter on "The Russian Trade Trap." Incorporated in his statement are several book reviews of this work which appeared in the *Social Justice Review*, *America's Future*, *The New Guard* and other periodicals.

CAPTIVE NATIONS WEEK IN FREE CHINA

(A statement by the Honorable Philip M. Crane, *Congressional Record*, Washington, D.C., August 10, 1972)

The pursuit of *détente* does not in any case preclude systematic penetrations by the world's powers. On more than one occasion Brezhnev has stressed the need for an intensified conflict with the capitalist system. By the same token, there is an even greater need for illuminating and concentrating our efforts on the captive system of the so-called communist world. The 1972 Captive Nations Week observance did just this.

Reports on the 14th observance of the Week have been published in the July and August issues of the *Congressional Record*, and they are quite extensive. In this statement Congressman Crane of Illinois points out that these "reports are most encouraging because they indicate that large segments of our people are still realistic about the existence of the 'Red Empire' and its more than 27 nations and the continuing threat of totalitarian Communist imperialism to the free world."

Appended to his remarks are reports on the highly successful observance in the Republic of China. Also one finds the proclamation of Governor Dale Bumpers of Arkansas who speaks of "the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine . . ." and others.



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## NEED FOR REVISION OF THE ALIEN LABOR CERTIFICATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, during the floor debate on H.R. 982 last week several of my colleagues made mention of the fact that many jobs in the United States remain unfilled or are filled by illegal aliens simply because American workers refuse to accept these jobs. This argument has particular validity with respect to service-related jobs in our urban areas, as well as agricultural employment in our rural areas.

We are constantly reminded by housewives that they are unable to locate domestic workers and by restaurant and hotel managers that they simply can not find Americans who are willing to accept such jobs. Furthermore, farmers are continuously plagued with the problem of locating persons to work in their fields or to harvest their crops.

Because I have long recognized this problem I have introduced legislation—H.R. 980, 93d Congress—which would to some extent alleviate this problem. The bill I have introduced does not represent a complete solution to the problem but rather a clear recognition that a problem does exist and that corrective legislation is urgently needed.

Furthermore, as a member of the Immigration and Nationality Subcommittee for several Congresses and as chairman of this subcommittee during the 92d Congress, I have been extremely perplexed and disturbed by the position of the Department of Labor regarding this particular problem.

They consistently have maintained that there is a surplus or availability of American workers to fill the positions that I have mentioned and have steadfastly ignored the pleas of employers who, despite sincere efforts to locate American workers, are unable to do so.

Section 212(a)(14) of the Immigration and Nationality Act expressly provides that a labor certification should be granted if: First, there are not sufficient workers in the United States who are able, willing, qualified and available for the job intended to be filled by the alien; and second, the employment of such alien will not adversely affect the wages and working conditions of American workers. In implementing the first requirement, the Department of Labor notwithstanding the statutory language considers only the availability of workers and not whether such workers are, in fact, willing to accept such employment.

Another problem which has surrounded the implementation of an effective labor certification program is the lack of close cooperation between the Department of Labor and the Departments of State and Justice. Our extensive hearings on illegal aliens clearly indicated the need for greater coordination between these agencies of Government in formulating policies regarding the permanent and temporary admission of aliens for employment purposes.

This lack of cooperation is exemplified by the disagreement which exists between these Departments regarding an amendment to 101(a)(15)(H)(ii) of the Immigration and Nationality relative to the admission of temporary workers. In commenting on a revision of this section known as the H–2 program to allow temporary workers to take jobs which are permanent in nature, the Justice Department stated:

> The purpose of this change is to enlarge the opportunities for American employers to obtain needed temporary labor through lawful processes, with safeguards to American labor . . . . it would provide flexibility in fulfilling the needs of American employers, and in diminishing the incentive to use workers who are illegally in the United States.

Likewise the State Department commented:

> The Department does recognize that there will be occasions in which there is a legitimate need for the temporary service of [non-immigrants] due to a temporary unavailability of qualified workers, either regionally or on a nation-wide basis.

In each of these cases, however, the Departments of State and Justice deferred to the Department of Labor's position on this matter. The Department of Labor, however, exhibiting a total lack of imagination, has vehemently opposed an amendment of this nature.

Similarly, in commenting on my bill, H.R. 980, the Department of Labor indicated that—

> In light of our experience with the use of temporary alien workers, I oppose any expansion of our admissions policy for nonimmigrant aliens or broadening the existing job limitations. If Congress deems it advisable to authorize admission of more aliens to perform work, an increase in the number of immigrant visas for workers would be preferable to the arrangement provided for by this bill.

This position presupposes that the majority of aliens are desirous of entering this country on a permanent basis. This view is not accurate since our hearings have revealed that a large number of aliens—including the vast majority of illegal aliens who are presently filling these undesired jobs—do not intend to enter the United States permanently. Instead, they seek to come to the United States temporarily in order to earn sufficient money to sustain their families and then return to their native country.

In addition, the 1965 amendments to the Immigration and Nationality Act instituted new procedures for obtaining labor certifications. Many witnesses who have appeared before the Immigration Subcommittee have indicated that the revised procedures have resulted in extreme hardship to many intending immigrants who are unable to satisfy the job offer requirement. It has been suggested that it is unrealistic to require an alien to obtain an offer of employment from an unknown employer or for an employer to make such an offer to an employee whom he has never interviewed or observed. If these procedures have proved to be unduly burdensome to employers, intending immigrants or even to the Department of Labor itself, why has the Department of Labor failed to come forward with positive recommendations for remedial legislation? Unquestionably, these problems are not new and have existed for many years. For example, on March 23 of last year the Associate Manpower Administrator stated—

> The Labor Department feels strongly that it should remain in the [labor certification] business in connection with temporary certification . . . On the other hand, we have had a considerable amount of discussion within the Department as to really what effect permanent certification has in terms of the over-all labor market and in terms of economic policy and that debate continues. We do not have a position other than the one that we are in the business and we are responsible for effectively administering the law.

If they, in fact, do intend to remain in the business, I believe it is incumbent upon the Department of Labor to formulate specific legislative recommendations regarding: The labor certification program and the need to revise present certification procedures in an effort to alleviate any hardships which may have unintentionally resulted from the 1965 legislation.

I am very pleased that the chairman of the Immigration and Nationality Subcommittee, the Honorable JOSHUA EILBERG, has scheduled further hearings this week on immigration from the Western Hemisphere and to consider the overall impact of the labor certification requirement as well as the need to amend section 212(a)(14) of the Immigration and Nationality Act. I am hopeful that these hearings will be productive and that the Department of Labor will depart from its traditional "negative" approach to this very vexing problem.

## CONGRESSMAN DANIELS PLEDGES FULL SUPPORT TO ISRAEL—HAILS ISRAELIS ON 25TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, this week we observe the 25th anniversary of the founding of the State of Israel. A quarter century has gone by since the gallant little nation was established in what was previously part of the British mandate in Palestine.

In that critical year it seemed likely that Israel would be crushed at birth. Almost immediately it was invaded by the vaunted Arab Legion commanded by King Abdullah of Jordan. The world held its breath as the Israelis fought with a tenacity and a dedication that earned them the respect of the world community. The dream of Theodore Herzl and the other Zionists had become a reality. Israel was now fait accompli. In the next 25 years, Israel has successfully withstood the apparently unending hostility of its neighbors and become a model democratic nation, unique in the troubled Middle East.

In the last 25 years, Israel has accomplished some outstanding feats. Its economy is flourishing. It now exports 10 percent as many finished goods as Japan, a nation 50 times its size. Its merchant marine is half that of the United States. Life expectancy in Israel is now exceeded only by that of Sweden among the world's nations.

During my 15 years in the Congress, I have given the strongest possible kind of support for Israel for the simple reason that I love justice and the democratic way of life. But I would be less than candid if I did not—like most Americans—support underdogs and instinctively rally to the side of the little guy. I thrill to think of the notion of 2.5 million Israelis holding off 100 million hostile neighbors.

Mr. Speaker, on this great day, I pledge my full support to the State of Israel, America's only ally in the Middle East. We must continue to rededicate ourselves to the concept that Israel must continue to exist and prosper.

## THE PLIGHT OF THE JEWISH COMMUNITIES IN SYRIA AND IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, two of the tragic consequences of the Arab-Israeli conflict since the 1940's have been the dislocation of thousands of Palestinians who lived in what became Israel after 1948 and the dislocation of thousands of Jews who had lived for centuries throughout the Arab world. The yearly appropriation of funds for the United Nations Relief and Works Agency provides Congress with a constant reminder of the plight of many Palestinians who continue to live in desperate circumstances in refugee camps in Lebanon, Jordan, Syria, and the territories occupied by Israel in the 1967 war.

Less is known in the United States about the plight of the Jewish minorities in the Arab countries for two principal reasons. First, many thousands of the members of these communities—a majority—left for Israel in the late 1940's and early 1950's and they have been Israeli citizens ever since. Today, few remain. Second, in recent years, because of its size and the many problems it has encountered, the Jewish community of 3 million in the Soviet Union has been a focal point of humanitarian concern. The worldwide attention to the plight of many Soviet Jews and the desire of some to emigrate have tended to overshadow some of the depressing circumstances in which the dwindling Jewish communities in some Arab countries live.

### JEWISH COMMUNITIES IN IRAQ AND SYRIA

The Subcommittee on the Near East and South Asia was able last week to spend a couple of hours talking to four young Syrian and Iraqi Jews who recently escaped from these two countries in search of greater freedom and rights and an opportunity to live in societies where they could have hope for a better tomorrow and not in places where the fear of harassment by secret police was a daily reminder that there might not be a tomorrow.

These four individuals described, in vivid detail, the increasing despair among Jews in Iraq and Syria and the heightened desire by most to emigrate. Few members of these communities, however, have been able to leave, because of rigid government restrictions and specific policies designed often arbitrarily against these Jewish groups and against permitting them to emigrate anywhere.

In Iraq, there was once, before 1948, a thriving Jewish community of some 250,000, but today there are fewer than 700 remaining. The terror of public executions witnessed in 1969 has given away to arbitrary arrests and the tendency of individuals to disappear according to one recent emigre. Over a dozen members of this small community are in jails awaiting trials that may never come. But what make current Iraqi policies even less understandable is that in recent months several Jews have apparently received passports and have been allowed to walk out of the country.

In Syria, what was once a community of over 25,000 now numbers fewer than 5,000, the majority living in Damascus with a small community in Aleppo and a still smaller group in Qamishli, along the Turkish border. The many restrictions on this Syrian community include the inability to find good or even steady employment or to move more than a few miles from their residences. While only a few are presently in jail, some without specific charges against them, there has been an increasing sense of frustration and despair in the community since June 1972, when there was a demonstration by the community in Damascus against what many Jews believed to be increasingly repressive policies of the government. The government's reactions to this event, according to one emigre, included attempts to cover up discontent and further harassment of and restrictions on this community.

### HELPING THESE COMMUNITIES

Mr. Speaker, these unfortunate victims of the Middle East conflict need our help; today, they cannot leave Syria and Iraq, but they are not welcome either. They live in constant fear of raids and reprisal, of secret police detachments descending upon them, of arrests, imprisonments, and even physical abuse, according to these recent emigres. Yet, they are not and could never be any danger to the security of Iraq and Syria. They are only pawns for the frustrations of these two governments.

As one of the ingredients to bringing peace to the Middle East and giving all its people—Arab and Israeli—a greater hope for a better life in the future, these small Jewish communities in Syria and Iraq should be allowed, as a matter of human right, to decide freely whether they wish to leave or stay. I believe that most want to leave. The agony of these communities is as old as the Arab-Israeli conflict, and an end to that agony is essential in helping to build a better environment in the Middle East.

It may appear, in the absence of relations between the United States and Syria and Iraq, that there is little we, in this country, can do to help these 5,000 individuals.

But there is something we can do. Governments friendly with the United States have good relations with Syria and Iraq. France is a case in point, and France should use its good offices to help these people. The United Nations community, so often concerned with issues of human rights, should address this issue in the near future.

And, finally, the restoration of relations between the United States and Syria and Iraq will be essential in creating some kind of dialog necessary for improving the political climate between us and them. These states, it appears, do not at present seek diplomatic relations, but they are expressing interest in commercial and economic dealings. Perhaps, in our limited dealings with these states, we should try to persuade the Iraqis and Syrians that it is in their interests and in the interest of peace and human rights to let these small communities go.

## EL MALPAIS—GRANTS NATIONAL MONUMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RUNNELS) is recognized for 5 minutes.

Mr. RUNNELS. Mr. Speaker, today I have introduced legislation which would establish the El Malpais—Grants National Monument in Valencia County, N. Mex.

In 1971, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments found that the Malpais region located south of the city of Grants, N. Mex., is fully qualified for national monument status. The Board recommend to the Secretary of the Interior that action be taken to authorize the area as a unit of the National Park System.

The Malpais area consists of three lava flows, McCarty's flow, the Laguna flow, and the Zuni Canyon flow, covering thousands of acres of Federal, State, and private land. Within this area are a large number of volcanic features including lava tubes, cinder cones, and ice caves. Geologists report that certain water ponds and lava formations found in the Malpais area are unique to the North American Continent. The McCarty flow has been dated by archeological evidence as being less than 1,000 years old.

The Malpais area is one of the greatest volcanic exhibits in our Nation. It is comparable, and perhaps superior in certain respects to the Lava Beds National Monument and the Craters of the Moon area. For the aforementioned reasons, it is appropriate that Congress consider legislation which would establish a national monument to preserve a portion of the Malpais area for posterity.

The bill I have introduced is an attempt to accommodate the interests of the Grants community as a whole as well as the interests of landowners and lessees within the Malpais region. My interest is to have a national monument created which will preserve the geological, ecological, and archeological resources involved without adversely affecting as many existing interests as possible in the area. After months of discussion with community leaders, ranchers, and other interested parties. I have been able to obtain agreement on a national monument of an area encompassing over 26,000 acres.

## ISRAEL'S 25TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, I want to take this opportunity to extend my con-



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gratulations to Israel and to her courageous people as they celebrate their 25th anniversary.

The people of Israel have with their courage and dedication forged ahead—over the past 25 years—to create a new nation. They have persevered in the face of the constant hostility of their neighbors. They have reclaimed the desert and built a modern state which stands as a symbol of their determination.

Today, as Israel and her people pause to celebrate their 25th anniversary and to contemplate the future, I join with their many friends to congratulate them on their achievements and to wish them well in the years ahead.

This morning's Washington Post contained a column by Jim Hoaglund entitled, "Proud Israel Marks Its 25th Anniversary." It was a thoughtful analysis which I should like to place in the RECORD at this time:

PROUD ISRAEL MARKS ITS 25TH ANNIVERSARY

(By Jim Hoagland)

JERUSALEM.—Insistently confident about their future and proud of their past, tens of thousands of Israelis filled the streets of their young nation tonight to begin the celebration of the 25th anniversary of the creation of the modern Jewish state of Israel.

Fireworks, joyful street dancing, and somber ceremonies honoring the dead of the three wars of Israel's first quarter century began shortly after sundown here in Jerusalem. Similar public gatherings were taking place all across Israel's 8,000 square miles.

In those 25 years, Israel has grown from a seemingly fragile and truncated version of the Zionist dream of a homeland for the world's Jews into a nation that possesses overwhelming military superiority over its hostile Arab neighbors, a sophisticated if debt-burdened economy, and a stable democratic system.

For many Israelis, the successes of the past 25 years have helped erase much of the bitterness and tragedy of the 2,000 years of diaspora that scattered the Jews from their Biblical homeland here in the East Mediterranean.

But those successes have brought a host of new problems that Israelis have been intently debating in the weeks and months leading up to their biggest-ever national festival.

Chief among them is the continuing lack of peace with, or acceptance by, the 100-million-strong Arab world that surrounds this nation of 2.5 million Jews.

The successful wars of 1948 and 1967 have created for Israel the still largely unresolved dilemma of how to deal with the 1.5 million Arabs they have brought under their rule, and the more than 500,000 Palestinian refugees who still claim the homes they say they were chased from in 1948.

No solutions to these problems appear on the horizon, as peace efforts appear still to be deadlocked. But the 25th anniversary has provided a sharp focus that Foreign Minister Abba Eban calls "a self-appraisal" of the nature of Israel as a Jewish state and its future.

In the view of some leading Israeli political thinkers, the consequences of the success of at least part of the Zionist ideal has created a need for an urgent redefining of Zionism, especially as a new generation born in Israel and more familiar with the problems of the Arab conflict than with those of the diaspora begins to make its mark on Israel.

"A major aim of Zionism now has to be to live in peace with the Palestinian Arabs," says Arie Eliav, former secretary general of Prime Minister Golda Mier's Labor Party. "The debate on the future of the Arab territories is a debate on what kind of Israel we want, geographically, morally, socially."

Other leaders who stress the need for pragmatism and technological solutions to Israel's problems see ideology as a declining force in Israel, however.

"The Sabra [Israeli-born] generation is impatient with poetry and vision," says Transportation Minister Shimon Peres. "They have been born free and independent Jews, with no sense of apology" about being Jewish and with "an admiration for systems and the real life."

Sitting in his office in a glistening new high-rise office building in Tel Aviv, Peres proudly ticked off a number of Israel's major accomplishments over the past 25 years, noting that the small country has:

Built industries that consume 30 per cent as much oil as India;

Possesses a merchant marine fleet half the size of that of the United States;

Export 10 per cent as many finished goods as Japan.

Has the world's second highest life expectancy rate. Only Sweden exceeds Israel's average death age of 73 for women and 70 for men.

The turning of the Sabras (the name of a prickly but sweet-centered cactus that flourishes in Israel) to technology may be reflected in these statistics: although only two of Mrs. Meir's 19 Cabinet ministers are Sabras, eight of the 12 top military leaders in Israel were born in this country.

The two Sabra Cabinet members are Yigal Allon, who helped build up Israel's modern defense forces, and Moshe Dayan, the defense minister and Israeli's top soldier.

Since its creation, Israel has been governed largely by East European immigrants who arrived before the turn of the century or around World War I. About two-thirds of the members of Israel's Cabinets since 1948 were born in Czarist Russia or Eastern Poland.

These leaders insisted that Israel would build a strongly socialistic economic and political system. But the past 25 years have sharply modified this part of the dream also, as Israel has developed a mixed private and public economy that is seen by its top planners as shifting increasingly toward science-based industries.

Israel has doubled its exports, which totaled some $2 billion in 1972, in the past four years. Polished diamonds, citrus fruits and clothing are now main exports to Western Europe.

Israel's rapidly developing electronics and arms industries provide much of the hope for future export expansion. Manufacturing 60 per cent of the equipment required to meet its own extensive defense needs, Israel expects to export about $200 million worth of arms this year.

But foreign aid and financial help from Jews outside Israel have been essential in keeping the state afloat in its first 25 years, as defense spending has risen sharply to the point that it consumes 30 per cent of the budget today.

Grants from the United States, World War II restitution payments from West Germany and private donations and bond purchases by Jews abroad brought in nearly $1 billion last year, government officials report.

Israel must also devote 20 per cent of its budget to repayment of a mounting foreign debt that now stands at $4 billion and which will grow by another $500 million this year.

The defense and debt burdens have sharply curtailed the social-welfare concepts of the 1948 dream, and have aggravated some of the accumulating social problems confronting culturally divided Israeli society.

Many Israelis see the closing of the gap between the "oriental" Jews from Middle Eastern and North African countries and those who came from Europe or America as their greatest domestic problem.

The oriental Jews make up about half the population now, but only about four per cent of their children attend universities and the standard of their housing and employment is well below that of the Western Jews.

Urbanization has also significantly altered the reality of Israel when compared to the Agrarian dreams of its Zionist founders. More than 85 per cent of the Jewish population here lives in urban areas now.

Although Israel is famed for the inventiveness of its kibbutz system of collective its population now lives on the kibbutz farms, and there are now reportedly more than 200 small factories in the increasingly industrialized kibbutz communities.

Most of the energy in the debate on defining Israel at age 25 is consumed now by the question of dealing with the Arab population under its control and its Arab farms, only 3.5 per cent of neighbors, with whom there appear to be no immediate prospects of reaching binding peace agreements.

Finance Minister Pinhas Sapir, widely viewed here as Mrs. Meir's favorite to succeed her if she does not run in this year's election, has warned that Israel could ultimately lose its identity as a Jewish state if it were to retain the populated areas of Jordan's West Bank.

Twenty five years from now, Sapir said last week, Arabs would make up 45 per cent of Israel's population if the West Bank and Gaza Strip areas were annexed, as Israeli hawks demand.

Sapir sees Jewish population in Israel at the end of the century of 5 million, based on an annual inflow of 50,000 to 60,000 immigrants a year.

Those favoring annexation maintain that increased immigration, especially from the West and the Soviet Union, can provide a demographic counterweight to natural growth in the Arab population.

"If this country isn't run so as to attract a population of 5 to 6 million Jews soon, it isn't going to make it anyway," says Ezer Weizmann, former commander of the Israel air force and a rising force on the political right.

At the other end of the political spectrum, a growing concern about the effect of prolonged occupation on what Foreign Minister Eban calls "the spiritual map of Israel" is evident.

For Eban, annexation poses the question of Israel being "a Jewish state or a state ruling other people." Israel's main goal, he says, "is to determine how to deal with removal of Jews from the Soviet Union, not the removal of Arabs from Nablus," a west bank town.

## THE FARM LABOR CONTRACTOR REGISTRATION ACT AMENDMENTS OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD), is recognized for 10 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today I am introducing the Farm Labor Contractor Registration Act Amendments of 1973. This legislation would strengthen and expand the Farm Labor Contractor Registration Act of 1963. I am happy to say that my friend, the distinguished gentleman from Michigan (Mr. O'HARA), who preceded me as chairman of the Subcommittee on Agricultural Labor has joined me in cosponsoring this legislation.

The existing law became effective on January 1, 1965. Evidence compiled since then has indicated that it has not achieved its original stated purpose of freeing the "channels and instrumentalities of interstate commerce" from abuse by "certain irresponsible contractors" who "exploit producers of agricultural products, migrant agricultural laborers, and the public generally."

Testimony presented before the Subcommittee on Agricultural Labor, as recently as April 6 and April 7, 1973, has demonstrated clearly the need for an improvement of the existing law. During those hearings the subcommittee received testimony to this effect from farmworkers, growers, and even a farm labor contractor.

It is for these reasons that I have prepared the bill I am introducing today. This legisaltion is designed to overcome the shortcomings which have been clearly demonstrated in the years that have passed since the present law became effective.

Mr. Speaker, since many of my colleagues may not be familiar with the provisions of the existing law, before explaining my amendments, I would like to provide this Chamber with some background information on how the farm labor contractor system works and how it is affected by the existing law.

1. THE ROLE OF THE "CREW LEADER"

Some farmworkers are "freewheelers" or "walk ons," and find their own jobs. Others are recruited directly by large farmers, by associations of farmers, or by packinghouses and cannery companies that purchase in advance the crops to be grown by farmers. Most workers, however, travel in crews; and the farm labor contractor, who is more commonly known as the "crew leader" is the bridge between the farm operator and the migrant agricultural laborer.

A brief description of the "recruitment" of farm labor by New York farmers is typical of most States:

> Along about the end of February, most New York crop farmers are estimating their seasonal labor requirements. At that time, however, most migrant crews are working in harvest areas in and near Florida. A very few New York growers—the wealthier ones—will either go themselves or send a representative South to negotiate for labor. But, by and large, crop farmers in New York State use the service provided by the farm placement office of the State department of labor's division of employment for their contact with crew leaders and workers.
>
> In late February, farm placement office representatives go into the field to interview growers, to ascertain their estimated needs, and to gather information about every aspect of work conditions. Specific data on housing, transportation facilities, types of work to be performed, rates of payment, are discussed with each interested farmer. . . .
>
> All these details are translated into a report which is forwarded to the Florida State Employment Service. This agency, a clearinghouse for similar reports from other States in the crop cycle, schedules an itinerary conference. All local FSES officers are notified, and through them, all crew leaders in the area are alerted.
>
> In early April, farm labor agency representatives from all concerned States and crew leaders meet in a joint interview at which projected itineraries, arrival and departure schedules, work conditions, and other relevant subjects are discussed and coordinated.

It is at that April meeting in Florida that crew leaders arrange to supply the necessary labor at the farms up and down the east coast.

2. CREW LEADERS PROVIDE MANY SERVICES AND FUNCTIONS

Crew leaders provide some or all of many functions in addition to supplying labor. Generally, they provide transportation for their workers. Some act as foremen or supervisors in the fields when the work is being done. Some manage the camps where the workers are housed and provide food facilities. Some use their vehicles to haul the produce from the farm to the market. They pay their workers, with wages received from the farmer.

The crew leaders are independent businessmen, and depend for their profits on striking a good bargain with the farmer on the one hand, and with his crew members on the other, always careful not to let the right hand know what the left hand is doing.

3. SOME CREW LEADERS ABUSE AND EXPLOIT THOSE WITH WHOM THEY DEAL

Some crew leaders exploit the farmers. The crew leader may simply fail to show up with his crew at the appointed time because of better opportunities elsewhere. Or, he may agree to harvest the entire crop and leave after the first picking because the second and successive pickings are more difficult and less profitable.

Some crew leaders exploit their crews. They transport them in unsafe vehicles. They fail to furnish the contemplated housing. They exploit the worker in the sale of food. They withhold for their own profit part of the promised wage. Sometimes they even traffic in marihuana, bootleg whiskey or prostitution.

Many of these problems were recently brought to light by events which transpired in Dade County, Fla. They resulted in criminal proceedings which are presently underway.

4. PURPOSE AND OUTLINE OF THE 1963 ACT

The Farm Labor Contractor Registration Act of 1963 was designed to eliminate some of this duplicity and doubledealing.

First, it requires that all "crew leaders"—as broadly defined—be registered with the Secretary of Labor, and prohibits the issuance of registration certificates to crew leaders who have been convicted of designated crimes; who have failed to perform agreements entered into with farm operators; or who have given false or misleading information to migrant workers concerning the terms, conditions, or existence of agricultural employment, and so on.

Second, it requires all crew leaders to inform each worker at the time of recruitment (i) the expected area of employment, (ii) the crops and operations on which he may be employed, (iii) the transportation, (iv) the housing, (v) the insurance that will be provided, (vi) the wage rates to be paid, and (vii) any charges that the crew leader may make for his services. Upon arrival at any given place of employment, the crew leader must post the terms and conditions of employment at that particular place. If he manages the housing facilities, he must post the terms and conditions of occupancy. If he is the paymaster, he must keep payroll records, and deduct from the wages all payments required under Federal law.

Third, the crew leader must provide insurance during the transportation of his crew.

Violation of the law may result in revocation of the "certificate," or in criminal prosecution with a fine of up to $500.

5. THE PRESENT LAW HAS NOT ACHIEVED THE HOPED FOR RESULTS

A Senate study, published in 1969, indicates that the 1963 Crew Leader bill has not brought about the hoped for results.

This study indicates that, under the act, some 2,978 crew leaders had filed for certificates of registration in 1968, but an estimated 8,000 to 12,000 farm labor contractors were not registered. In 1968, the Secretary had denied one application and had suspended the certificates issued to 358 crew leaders. The Secretary had completed 358 investigations of law violations in that year. The failure to enforce the Act results in large part from the fact that the field staff of the Labor Department's Farm Labor Contract Registration Section was "limited in 1968 to five professional employees.

6. THE FOLLOWING AMENDMENTS ARE DESIGNED TO PLUG THE LOOPHOLES

The proposed amendments are designed to cure the weaknesses discovered in the actual operation of the act which became operative on July 1 of 1965.

The Farm Labor Contractor Registration Act Amendments of 1973 contain nine amendments to the existing law. At this point I would like to present a brief explanation and justification of each proposed amendment.

First. Section 2 would exempt the "day hauler" from coverage under the act. This amendment is proposed because there are so few inspectors assigned to policing the Farm Labor Contractor Registration Act that it is felt they should be assigned to the "core" problem areas; It is the feeling of many people familiar with these problems that the "day hauler," who recruits and hauls each day, is not a major part of the evil. If the "day hauler" mistreats or misleads his "crews," they can simply ignore him the next day.

Second. Section 3 would eliminate the restrictive applicability of the act to only those who lead crews "from one State to another, or from any place outside of a State to any place within a State." This amendment is necessary because many crew leaders operate entirely within one State. This is most evident in States with high concentration of agricultural workers such as California, Texas, Florida, and my own State of Michigan. There is no reason why these intrastate operators should not be regulated, since they, too affect interstate commerce.

Third. Section 4 would eliminate the requirement that crew leaders "subscribe and swear to" their applications. It is often difficult to get the crew leaders to register in the first place, and this is just



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another, and unnecessary, step which makes the process more complicated. A false statement is punishable anyway, even if not subscribed and sworn to.

Fourth. Section 5 would increase the amount of insurance required from $5,000 for bodily injury or death to $10,000; from $20,000 for bodily injuries or death of all persons injured or killed in any one accident, to $50,000, and the amount of property damage coverage from $5,000 to $10,000.

Fifth. Section 6 would extend from 1 year to 3 years the life of a registration certificate. Our major concern is not in registering those previously registered, but getting unregistered contractors to register. For instance, in 1968, there were 2,978 registered crew leaders, and an estimated 8,000 to 12,000 crew leaders who were not registered.

Sixth. Section 7 would require crew leaders to exhibit their certificates prior to utilizing the facilities and services authorized by the Wagner-Peyser Act. The Wagner-Peyser Act authorizes the U.S. Employment Service to maintain a farm placement service through the State employment office system. If crew leaders were required to present certificates when using these facilities, many more "unregistered" crew leaders could be identified.

Seventh. Section 8 would authorize the Secretary of Labor to issue subpenas in connection with his investigations. Currently, he has no such power, and having this power available to him would strengthen his hand and permit him to enforce this act more effectively.

Eighth. Section 9 would increase the penalty for operating without a license. The penalty is now a fine of $500. The amendment would authorize a 6-month jail sentence in addition to the fine and would also authorize the Secretary to seek injunctive relief in addition to criminal penalties.

Ninth. Section 10 would authorize aggrieved parties to bring private suits for damages without prepayment of court costs or filing fees, and to recover a statutory amount in damages, plus attorney fees, for each and every violation of the act. There is no such provision under the present act.

## CHAIRMAN MILLS DEDICATES INVESTOR-OWNED HOSPITAL

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, last month our colleague, the distinguished chairman of the House Committee on Ways and Means, the Honorable WILBUR D. MILLS, dedicated Doctors' Hospital and Office Building in Little Rock, Ark. His remarks convey an important message about the role of investor-owned hospitals in our health care delivery system.

The 300-bed hospital will be operated by Hospital Affiliates, a multifacility hospital management company which owns more than 30 hospitals, including several in my own State of Louisiana. A very significant development in hospital management occurred recently when Hospital Affiliates signed a contract with the Tulane Medical Center to manage the university's new 300-bed teaching hospital at New Orleans.

Because of the growing concern over rising health care costs, I believe Chairman MILLS' remarks about the contribution of private enterprise and professional management to the health field are both timely and informative. For these reasons, I include the text of Chairman MILLS' groundbreaking address to be placed in the RECORD at this point:

REMARKS OF CONGRESSMAN WILBUR D. MILLS

Good afternoon, ladies and gentleman, it is good to be here with you this afternoon on this Spring day to dedicate these new health facilities which will serve the people of Arkansas. It seems especially appropriate to me to have a groundbreaking in the Spring when nature herself is breaking the ground with new green growth all around us.

And this new growth remiuds us of the economic growth which we are experiencing today in the central Arkansas region. The signs of that growth are all around us—new buildings, new shopping centers, new highways. And we are seeing the development of new health facilities to keep up with the growth in our population and new demands and techniques in health care.

Dr. Satterfield and all the others who are responsible for developing the concept of these new facilities for which we break ground today are to be congratulated for your vision and foresight in anticipating the need for new health facilities in central Arkansas. The new Doctor's Hospital, like too few of our hospitals, will be much more than an inpatient facility. It will be a truly community-oriented organization which will offer a wide range of health services—from intensive care units and emergency services to an automated laboratory and a radio-isotope scanner—with modern technology and equipment. The availability of its ambulatory operating rooms should assure that patients can receive surgery on an outpatient basis when medically indicated rather than having to be hospitalized. Not enough hospitals offer physicians and patients that choice.

This hospital will soon be ready to take its place among the health service organizations of Little Rock. It is important to realize that the various health organizations in this area are gradually becoming a highly developed system of health care delivery which serves not only central Arkansas but the entire region. The hospital which we begin building today will contribute to the development of Little Rock as a major regional health center in a very significant way. And I know that the leaders of this new hospital stand ready to work with other leaders in the community in assuring a rational and coordinated relationship among the various providers of health services in the region.

Let me make a brief aside at this point about the role of the community in health matters since what you are illustrating here is extremely important to the future.

When the health care leaders and the interested public can move together to plan realistically to meet community health needs we have an example of the American spirit at work which needs to be more active than it is now.

You are also illustrating that private initiative can blend in well with public and non-profit health care organizations.

As you know, the capital used to construct these new facilities came solely from our private enterprise system. There is no government money and no public subscription money involved. I am pleased that investor-owned health facilities are playing an increasingly important role in meeting our health care needs, not only here but throughout the Nation. Many such hospitals are developing a well-deserved reputation for improving the image of profit hospitals.

Many investor owned hospitals are leading the way in applying sound business methods and financial practices to hospitals. And the expertise is already improving, directly and by example, the administration of non-profit hospitals. No longer do so many proprietary hospitals avoid providing the many subsidized community type services which other hospitals have provided. No longer do so many proprietary hospitals tend to admit only short-term patients where income-to-cost ratios are favorable.

It is clear that the planning and foresight which have gone into these facilities should provide a high level of quality in the health services provided. And it is also clear that these services are intended to be provided at the lowest costs possible. The professional management which will administer the hospital on a day-to-day basis should help achieve this objective. But the day-to-day activities of physicians who are conscious of costs to patients and third party payers will contribute just as much I am sure.

In closing, it seems to me that we break this ground under very auspicious circumstances. Success seems to be assured because the ingredients of success are all here—the need for new health services, a group of dedicated people who see the need and are willing to meet it, a carefully constructed plan for meeting the need, and the private capital to finance it all.

To all of you who have worked so hard to see this day come true. I borrow an old phrase from our Navy and say simply, "well done."

## SECRETARY RICHARDSON'S CLEAR AND FORTHRIGHT STATEMENT ON TRANSFER AUTHORITY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, there is controversy over the proposed transfer authority for defense purposes which is carried in the supplemental appropriations bill. I feel that the issue is clear and I have no misgivings about the need for the transfer authority. The matter was dealt with in a clear and forthright manner when Defense Secretary Richardson appeared on May 7 before the Defense Subcommittee of the Senate Appropriations Committee. The facts which he set forth should be studied carefully, particularly by those who find that the question poses a serious problem for them.

I submit the Secretary's statement for printing in the CONGRESSIONAL RECORD:

STATEMENT OF HON. ELLIOT L. RICHARDSON, SECRETARY OF DEFENSE

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear before you to discuss the request now pending before this Committee to provide to the Department of Defense an additional transfer of $500 million.

This additional transfer authority is needed to cover existing critical shortages of military personnel and operation and maintenance funds for baseline forces worldwide. These are all annual appropriations. If the transfer authority is not provided, it will be necessary to curtail drastically the operations of our forces—those in Europe, the Mediterranean and the Pacific, and the CONUS training and support establishment as well.

This shortage of operating funds arises from three causes, primarily: (1) currency revaluation—about $110 million; (2) higher subsistence costs, in turn resulting from the increase in food prices—about $60 million; and (3) a higher-than-programmed rate of activity in Southeast Asia during the second half of FY 1973—about $175 million, most of which has been obligated to date.

Because of these three developments, the Department of Defense has been obligating funds from Military Personnel and Operations and Maintenance accounts at a deficiency rate, that is, at a faster rate of obligations than was programmed or budgeted and appropriated. There are, therefore, inadequate amounts remaining in these accounts to sustain the baseline forces to which the accounts are applicable for the remainder of the fiscal year.

The troops must be fed, for example, and the higher food costs, as well as current forces and levels of activity, must be financed from these operating accounts. Meantime, there are very limited possibilities for effecting offsetting cutbacks within these same appropriations in the short period of time remaining in this fiscal year. Separating personnel, for example, could not provide any relief in the last few months of this fiscal year; one-time separation costs, incurred after lengthy notification periods, would more than offset any payroll savings. Since about 80% of Defense operating costs involve pay, a cutback in the non-pay area, concentrated in the two remaining months, would be crippling.

The only recourse available to the Department is to propose that the shortages in annual operating funds be covered by transfers from other accounts. This would be accomplished by deferring or eliminating longer-term investment programs. While this is not a desirable alternative, it is nevertheless, all things considered, clearly the least undesirable. If this alternative is foreclosed by denying the transfer authority, the impact cannot be restricted to the factors which caused the shortage. We are already paying, and cannot avoid, the higher costs for food and foreign exchange, and the cost of the higher level operations in Southeast Asia.

If the transfer authority is not provided, then a number of drastic actions would have to be considered immediately. The would include standing down forces; curtailment of flying hours and steaming hour programs; reduction or elimination of scheduled training operations; cancellation of supply procurements, leading to gaps in operational support; deferral or cancellation of maintenance; and a freeze on promotions, military enlistments, and civilian and military personnel accessions.

These actions would have to be general and worldwide in nature. They would not be felt in Southeast Asia operations, both because of the priority nature of these operations and because during the next two months they will consume only a relatively small proportion of our Defense effort.

Let me be specific. The relationship of the issue of whether we continue U.S. air operations over Cambodia between now and the end of Fiscal Year 1973 bears only to a very slight degree on our requirements for the additional transfer authority. No authority is being sought to obtain funds for munitions procurement accounts. The only costs related to the U.S. air operations which we seek authority to transfer funds are those for POL used on the missions—a relatively small amount. Indeed, the incremental impact on the degree of stand down of baseline forces which would result from continuing air operation over Cambodia through June 30, as compared to the impact of a denial of the requested transfer authority, would not by any means be determinative of the question of whether such operations are to be continued. The cost impact on the accounts which have been obligated at a deficiency rate would probably be on the order of $25 million, some 5 percent of the total transfer authority requested.

Should the requested transfer authority be denied, therefore, the bulk of the cuts would fall with near-crippling effect upon other units: forces in Europe, the Mediterranean, and the Atlantic; other areas in operational, training and support units in the United States.

The readiness of our worldwide forces would be degraded to a dangerously low level during the next two months, with recovery extending for several more months into the next fiscal year.

As you know, Mr. Chairman and Members of the Committee, the implementation of this transfer authority would be accomplished by reprogramming actions, each of which would be submitted to this Committee for its specific approval.

While the circumstances which bear on two of the three primary causes of the need for additional transfer authority—currency revaluation and increased food prices—are self-evident, I would like to comment in some detail on the factors related to one aspect of the higher-than-programmed rate of activity in Southeast Asia during the second half of fiscal year 1973, that is, the U.S. air operations over Cambodia since January.

For many years the United States has pursued a combination of diplomatic and military efforts to bring about a just peace in Vietnam. These efforts were successful in strengthening the self-defense capabilities of the armed forces of the Republic of Vietnam and in bringing about serious negotiations which culminated in the Agreement on Ending the War and Restoring Peace in Vietnam, signed at Paris on January 27, 1973. This Agreement provided for a cease-fire in Vietnam, the return of prisoners, and the withdrawal of United States and allied armed forces from South Vietnam within sixty days. Article 20 required the withdrawal of all foreign armed forces from Laos and Cambodia and obligated the parties to refrain from using the territory of Cambodia and Laos to encroach on the sovereignty and security of other countries, to respect the neutrality of Cambodia and Laos, and to avoid any interference in the internal affairs of those two countries. The inclusion of this Article rested on the fact that the conflicts in Laos and Cambodia had long been so inter-related to the conflict in Vietnam as to be necessarily considered parts of a single conflict.

Years before the Paris Agreement, the conflict for control of South Vietnam had spread into Laos and Cambodia. Cambodian territory was used by the North Vietnamese for essential lines of communication. It was in large measure the restrictions on these lines of communication which permitted the strengthening of the South Vietnamese military posture; a strengthening that contributed to the North Vietnamese decision to undertake meaningful negotiations. Cambodia was and is now in every sense an integral part of the battlefield in the conflict for control of South Vietnam. Should the North Vietnamese be permitted to gain control of Cambodia, it would permit them to establish a staging area from which to renew large-scale attacks aimed at accomplishing a military take-over in South Vietnam.

Consequently, at the time the Vietnam Agreement was concluded, the United States made clear to the North Vietnamese that the armed forces of the Khmer Government would suspend all offensive operations and that the United States aircraft supporting them would do likewise. We stated that, if the other side reciprocated, a *de facto* cease-fire would thereby be brought into force in Cambodia. However, we also stated that, if the communist forces carried out attacks, government forces and United States air forces would have to take necessary counter measures and that, in that event, we would continue to carry out air strikes in Cambodia as necessary until such time as a cease-fire could be brought into effect. These statements were based on our conviction that it was essential for Hanoi to understand that compliance with Article 20 of the Agreement would have to be reciprocal.

In short, Cambodia was included in the Paris Agreement, since the conflict there was an integral part of the war in Vietnam.

Despite the fact that the Government of Cambodia did, in compliance with Article 20 of the Paris Agreement, unilaterally declare a cease-fire, the forces attacking the Government of Cambodia continued the conflict, and, indeed, substantially increased the tempo of their offensive. Currently, there are at least 70–75,000 troops located in Cambodia opposing the Government of Cambodia, of which about half are Vietnamese.

Prior to January 27, 1973, the President had the authority to use the means at his disposal to bring the conflict to a conclusion and as we are all aware the means used were military, political and diplomatic in character.

The Agreement on ending the war and restoring peace in Vietnam signed on January 27, 1973 embodied a plan for the termination of the conflict to which the parties agreed. The actual termination of the conflict, however, remained contingent on the implementation of the Agreement. That implementation has not yet been accomplished in full, particularly with respect to the provisions of Article 20 as they relate to Cambodia. Consequently the conflict in that portion of the battlefield continues. It follows that the President's authority to use military, political and diplomatic means to fully terminate the conflict must also continue. The mere signing of the Paris Agreement on a plan for terminating the conflict could not in itself terminate such authority.

Our current efforts in Cambodia have as their objective preserving the military status quo there while we continue to pursue the implementation of Article 20 by political and diplomatic means. As you all know, Dr. Kissinger is currently on a trip to Moscow. He will soon be participating in negotiations with the North Vietnamese in Paris. It is imperative, in the meanwhile, that we continue to assist in preventing the North Vietnamese from gaining any significant military objective through violation of the Paris Agreement.

I have discussed the situation in Cambodia at some length, Mr. Chairman, because our activity there has been by far the most controversial contribution to the need for additional transfer authority. It must be emphasized again, however, that the denial of the requested authority will not impact on U.S. air operations in Cambodia, but across the board on operations of our baseline forces worldwide. As I have pointed out, the readiness of our forces would be degraded to a dangerously low level during the next two months.

I cannot urge too strongly the approval of our request for this additional reprogramming authority.

That completes my statement, Mr. Chairman. I will be pleased to answer the Committee's questions.

## ISRAEL'S 25TH ANNIVERSARY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, this week the state of Israel observes the 25th anniversary of the founding of that valiant nation.

It was on May 15, 1948, that Israel came into being, bringing into reality the dreams which Jewish people worldwide had nurtured for centuries. Barely larger than the State of New Jersey, Israel is populated by 3 million dedicated people striving to create for them-



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selves freedom and opportunity, a sound economy, and a solid niche in international affairs.

Israel is no stranger to adversity. Its people have overcome adversity from the beginning. Nor has it failed to prove its mettle as a nation. Forces from the hostile outside environs have striven to topple the country's government through terrorism and outright war. But in each case, the people of Israel have risen to the challenge and have come out the victor.

Today, controversy still swirls around the country as rumors of war and near war surround its every diplomatic move. But it is a strong country with strong-willed people who are determined to remain a free and independent state.

Back in 1948, there were those who saw little chance Israel would survive as a nation for even a few years let alone a quarter century. They foresaw the possibility of early domination by the Arab States by which Israel is surrounded and which see Israel as a threat to Middle East political and economic stability. Yet Israel has survived because of the fortitude, spirit and dedication of the people who live there. Now people around the world admire the courage and determination of this small band of people who settled in the land of their fathers and who have overcome bleak prospects and hostile environment to prosper. Israel lives on, hopefully in peace, but its people are prepared to defend themselves to their last breath if it is required of them.

I join freedom-loving people across the globe in expressing my best wishes to Israel on the occasion of its 25th anniversary as a nation, and I further join in the fervent hope that true peace soon will come to the Middle East and that all people there—Arab and Israeli—some day will live in harmony and mutual trust.

## BILL INTRODUCED TO OVERSEE "APOLITICAL" CIA

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, the Central Intelligence Agency's cooperation in the burglary of the office of Daniel Ellsberg's psychiatrist in September 1971, stands in stark contrast to protestations of apolitical conduct made by Director Richard Helms in September of last year. In Helms' report to the House Armed Services Committee on a bill I introduced in 1971 and have reintroduced today, the Director of the CIA stated that enactment of the bill would "jeopardize the performance of the functions imposed upon this Agency" because it would "tend to politicize that which must remain apolitical to retain its value."

Helms also affirmed that my bill would "diminish the Agency's resources and capability to serve any one of its clients and inevitably lead to irreconcilable conflicts of priority and interest" and would appear to be "in conflict with the constitutional separation of powers by subjecting the Agency to executive direction from two separate branches of Government."

The CIA obviously needs new direction. The Agency was formed to serve the foreign policy and national security objectives of the United States, not to aid and abet in the burglary of a psychiatrist's office. Director Helms' intimation that the CIA should serve only the President is clearly without foundation. The National Security Act states that the CIA should "provide for the appropriate dissemination of such intelligence within the government."

The Government includes the Congress.

To borrow Director Helms' own words, the burglary of Ellsberg's psychiatrist's office shows that the CIA is already involved in "irreconcilable conflicts of priority and interest."

Congress needs to establish means of determining just what the Central Intelligence Agency is doing, at home and abroad. I think I can safely say that fewer than a dozen Members of Congress have any idea how much money the CIA spends each year, and probably none of them has much of an idea what the Agency actually does with that money. My hunch is that the CIA spends more than $2 billion a year. Certainly no Member of Congress knew the Agency was spending congressionally appropriated money to burglarize a psychiatrist's office. How many more outrages of this kind are being perpetrated?

The bill I am introducing today, which was sponsored by Senator JOHN SHERMAN COOPER and reported favorably by the Senate Foreign Relations Committee last year, would require the CIA to report regularly to the House Foreign Affairs and the Senate Foreign Relations Committees, as well as the two Armed Services Committees. The reports would deal with all "intelligence information collected by the Agency concerning relations of the United States to foreign countries and matters of national security."

Oversight of the CIA, which this bill would clearly establish, needs to be squarely lodged with the appropriate committees of Congress. Nothing demonstrates that more than the recent activities of that Agency.

Text of Helms' letter follows:

SEPTEMBER 28, 1972.

Hon. F. EDWARD HÉBERT,
*Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for recommendations concerning H.R. 10204 and an identical bill, H.R. 16334, "To amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency."

Generally, H.R. 10204 and H.R. 16334 require the transmittal of certain Agency information and analysis and the performance of certain activities for the Senate Armed Services and Foreign Relations Committees and the House Armed Services and Foreign Affairs Committees. Specifically, the bills:

(a) require full and current Agency reporting and analysis to the committees of all intelligence information collected by the Agency concerning relations of the United States to foreign countries and matters of national security;

(b) authorize any one of the four committees to impose special reporting, analysis, and, implicitly, related collection requirements upon this Agency;

(c) provide access to this information and analysis to all Members and all congressional employees designated by a Member and determined by the committee concerned to have necessary security clearances.

As you know, we have consistently made ourselves available to a number of congressional committees to provide substantive intelligence briefings and to answer questions which fall within their jurisdiction. The principal recipients of these briefings are: the Aeronautical and Space Sciences, Appropriations, Armed Services, and Foreign Relations Committees of the Senate; the Appropriations, Armed Services, Foreign Affairs, and Science and Astronautics Committees of the House; and the Joint Committee on Atomic Energy and the Joint Economic Committee. This current arrangement appears to have been satisfactory from the standpoint of the committees and has not been inconsistent with the responsibilities Congress has imposed by law upon the Director of Central Intelligence to protect intelligence sources and methods.

H.R. 10204 and H.R. 16334, on the other hand, pose a number of serious problems:

(a) The authority of congressional committees to impose special reporting, analysis and related collection requirements upon the Agency appears to be in conflict with the constitutional separation of powers by subjecting the Agency to executive direction from two separate branches of Government;

(b) The five-fold increase in the number of statutory clients for the Agency from one (the President as Chairman of the National Security Council) to five (the President and four separate committees of the Congress) would diminish the Agency's resources and capability to serve any one of its clients and inevitably lead to irreconcilable conflicts of priority and interest;

(c) Widespread access throughout the principal political branch of our Government to all Agency information and analysis made available to the four committees would tend to politicize that which must remain apolitical to retain its value;

(d) It is impossible to divorce completely all of the intelligence information subject to the bills from the sources and methods used in its collection. Any derogation in our ability to protect such information increases the possibility that vital sources of information will be irretrievably lost.

In view of the above considerations, I believe that enactment of either H.R. 10204 or H.R. 16334 would jeopardize the performance of the functions imposed upon this Agency by the National Security Act of 1947 and recommend against their favorable consideration by your Committee.

The Office of Management and Budget advises that there is no objection to the submission of this report and that enactment of either H.R. 10204 or H.R. 16334 in their present form would not be consistent with the Administration's objectives.

Respectfully,

RICHARD HELMS,
*Director, Central Intelligence Agency.*

## CAMBODIA BOMBING HALT

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, Thursday, during consideration of the second supplemental appropriations bill, at least one amendment will be offered to limit U.S. military activities in and over Cambodia. Recent statements by the Secretary of Defense indicate that simply eliminating the authority to transfer funds as provided in section 735 of H.R. 7447 will be inadequate to accomplish the desired goal.

The Secretary maintains that such a move as proposed by Congressman GIAIMO and others would not prohibit the use of funds for bombing Cambodia but would harm our defense and security position in other parts of the world.

In order to overcome this difficulty, a more restrictive amendment has been proposed by Congressman LONG, strictly limited in its impact to funds provided for Cambodia. However, it may be interpreted by the Executive to restrict the use only of those funds transferred in the supplemental and not to apply to those funds otherwise appropriated in the act for defense spending. To preclude such an unwarranted distinction from being made and to give the restriction the broadest effect, it is my intention to offer the following amendment to the bill to make it abundantly clear that no funds provided by the bill should be used for Cambodia.

"On page 6, after line 12, insert the following new paragraph:

"None of the funds provided by this Act shall be used to support bombing or other combat operations in Cambodia by United States military forces."

It is possible that some justification can be advanced for the continued bombing in Cambodia, but as of yet, none has been presented to Congress. Secretary Rogers told the Senate Foreign Relations Committee last week:

Unilateral cessation of our United States air combat activity in Cambodia without the removal of North Vietnamese forces from that country would undermine the central achievement of the January agreement as surely as would have a failure by the United States to insist on the inclusion in the Agreement of Article 20 requiring North Vietnamese withdrawal from Laos and Cambodia. The President's powers under Article II of the Constitution are adequate to prevent such a self-defeating result.

Time and again, Secretary Rogers cites article 20 of the Paris Peace Agreement, which he says:

Recognizes the underlying connections among the hostilities in all the countries of Indochina and required the cessation of foreign armed intervention in Laos and Cambodia. The importance of this article cannot be overestimated.

In fact, I think that its importance has been vastly over-estimated. The thrust of the Secretary's statement is that bombing is justified because an international agreement was broken.

The President cannot draw from a peace agreement the power to initiate combat against those who break that agreement. That power must come from the Constitution.

Just as the President cannot imply the carrot of aid to rebuild North Vietnam from his constitutional powers to conduct foreign relations, he cannot apply the stick of war to those who ignore or break agreements into which the President has entered. Under the Constitution, Congress must approve both the carrot of aid and the stick of war, or neither can legally be used.

Secretary Rogers also affirms that:

The purposes of the United States in Southeast Asia have always included seeking a settlement to the Vietnamese war that would permit the people of South Vietnam to exercise their right of self-determination.

Yet Congress has never affirmed this as U.S. policy, nor authorized its implementation. If this is to be U.S. policy, certainly Congress must first approve the use of military force for such a purpose.

Last week, in a letter to President Nixon, I suggested that he request a limited authorization from Congress for the bombing being conducted in Cambodia. My letter, dated Friday, May 4, 1973, stated:

DEAR MR. PRESIDENT: On Thursday the House will consider an amendment to strike the funds for bombing in Cambodia from the Second Supplemental Appropriations bill of 1973, H.R. 7443. It is the belief of many Members that, abent Congressional approval, you lack authority for the continued bombing. For that reason, some may vote to strike the funds regardless of policy arguments in favor of continued bombing such as those advanced by Secretary Rogers before the Senate Foreign Relations Committee on April 30.

The gist of the Secretary's statement was that bombing is justified because an international agreement was broken. If that justification is accepted, the President could engage our forces in hostilites in the future without Congressional approval whenever any peace agreement is broken.

As you know, the Senate is considering war powers legislation similar to that passed last year, which would limit the authority to commit troops to hostilities without prior approval of Congress, and the House Foreign Affairs Committee is expected soon to take up a similar resolution which has been reported from subcommittee. Substantial support for these measures exists in Congress.

I have no way to forecast the outcome of the vote on Thursday, but it seems possible, perhaps likely, that the motion to strike will be accepted.

My purpose in writing is to suggest that you give consideration to placing before the Congress a request for a limited authorization for the bombing. This would provide an orderly means through which the Congress could consider the merits of the proposal. It would satisfy Congressional determination to participate in decisions involving war powers.

I am hopeful and confident that if such a request is made, the House will defer a decision on the motion to strike until hearings can be completed on your request.

Sincerely yours,

PAUL FINDLEY,
*Representative in Congress.*

All through the history of U.S. military forces in Indochina, serious question was raised over the constitutionality of the engagement. President Johnson asserted that Congress conveyed authority in the Tonkin Gulf Resolution for all the military actions that ensued.

Personally, I was never satisfied that the resolution was adequate. Nevertheless, it was regarded by Mr. Johnson as adequate, and on several occasions he challenged the Congress to repeal the resolution if it did not wish military operations in Indochina to continue.

The question of the effectiveness of the resolution was settled with its repeal 2 years ago. Since then, in my view, the President has had authority to continue with military operations in Indochina only to the extent that such were required to facilitate the safe withdrawal of our military forces remaining in that area. When our forces invaded Cambodia on the ground, and when air strikes against North Vietnam were resumed and the harbors mined, I defended these actions. I considered them justified as a part of the withdrawal program.

Now that withdrawal has been completed, and our prisoners of war returned, I believe that no authority whatever exists for the President to continue military action in Cambodia, or elsewhere in Indochina.

For these reasons, I believe the House should accept an amendment to the supplemental appropriation bill to deny funds for bombing in Cambodia by U.S. forces:

Bombing is not presently authorized by any law or treaty, nor by any reasonable interpretation of the reserve war powers of the President as Commander in Chief. No report has been made by the President to Congress, nor has any request for authorization of the bombing. The Congress, not the President, should pass judgment.

If amendments to shut off funds for bombing Cambodia are all rejected, the President inevitably will interpret this as clear endorsement of his assertion that he has the right to act without congressional approval.

The fundamental issue is not whether bombing should occur, but who should decide.

STATEMENT SUBMITTED TO THE SENATE FOREIGN RELATIONS COMMITTEE BY THE HONORABLE WILLIAM P. ROGERS, SECRETARY OF STATE

The purpose of this memorandum is to discuss the President's legal authority to continue United States air combat operations in Cambodia since the conclusion of the Agreement on Ending the War and Restoring Peace in Viet-Nam on January 27, 1973, and the completion on March 28, 1973, of the withdrawal of United States armed forces from Viet-Nam and the return of American citizens held prisoner in Indochina. The memorandum also discusses the background of the Agreement of January 27 and the purposes of various United States actions in order to clarify the legal issues.

For many years the United States has pursued a combination of diplomatic and military efforts to bring about a just peace in Viet-Nam. These efforts were successful in strengthening the self-defense capabilities of the armed forces of the Republic of Viet-Nam and in bringing about serious negotiations which culminated in the Agreement on Ending the War and Restoring Peace in Viet-Nam, signed at Paris on January 27, 1973. This Agreement provided for a cease-fire in Viet-Nam, the return of prisoners, and the withdrawal of United States and allied armed forces from South Viet-Nam within sixty days. The Agreement (in Article 20) also required the withdrawal of all foreign armed forces from Laos and Cambodia and obligated the parties to refrain from using the territory of Cambodia and Laos to encroach on the sovereignty and security of other countries, to respect the neutrality of Cambodia and Laos, and to avoid any interference in the internal affairs of those two countries. This Article is of central importance as it has long been apparent that the conflicts in Laos and Cambodia are closely related to the conflict in Viet-Nam and, in fact, are so inter-related as to be considered parts of a single conflict.

At the time the Viet-Nam Agreement was concluded, the United States made clear to the North Vietnamese that the armed forces of the Khmer Government would suspend all offensive operations and that the United States aircraft supporting them would do likewise. We stated that, if the other side



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reciprocated, a *de facto* ceasefire would thereby be brought into force in Cambodia. However, we also stated that, if the communist forces carried out attacks, government forces and United States air forces would have to take necessary counter measures and that, in that event, we would continue to carry out air strikes in Cambodia as necessary until such time as a cease-fire could be brought into effect. These statements were based on our conviction that it was essential for Hanoi to understand that continuance of the hostilities in Cambodia and Laos would not be in its interest or in our interest and that compliance with Article 20 of the agreement would have to be reciprocal.

It has recently been suggested that the withdrawal of all US armed forces from South Viet-Nam and the return of all US prisoners has created a fundamentally new situation in which new authority must be sought by the President from the Congress to carry out air strikes in Cambodia. The issue more accurately stated is whether the constitutional authority of the President to continue doing in Cambodia what the United States has lawfully been doing there expires with the withdrawal of US armed forces from Viet-Nam and the return of American prisoners despite the fact that a cease-fire has not been achieved in Cambodia and North Vietnamese troops remain in Cambodia contrary to clear provisions of the Agreement. In other words, the issue is not whether the President may do something new, but rather whether what he has been doing must automatically stop, without regard to the consequences even though the Agreement is not being implemented by the other side.

The purposes of the United States in Southeast Asia have always included seeking a settlement to the Vietnamese war that would permit the people of South Viet-Nam to exercise their right to self-determination. The President has made this clear on many occasions. For example, on May 8, 1972, when he made the proposals that formed the basis for the ultimately successful negotiations with North Viet-Nam, he said there were three purposes to our military actions against Viet-Nam: first, to prevent the forceful imposition of a communist government in South Viet-Nam; second, to protect our remaining forces in South Viet-Nam; and third, to obtain the release of our prisoners. The joint communique issued by the President and Mr. Brezhnev in Moscow on May 29, 1972, in which the view of the United States was expressed, said that negotiations on the basis of the President's May 8 proposals would be the quickest and most effective way to obtain the objectives of bringing the military conflict to an end as soon as possible and ensuring that the political future of South Viet-Nam should be left for the South Vietnamese people to decide for themselves, free from outside interference. The recent opinion of the United States Court of Appeals for the District of Columbia Circuit in *Mitchell* v. *Laird* makes it clear that the President has the constitutional power to pursue all of these purposes. In the words of Judge Wyzanski the President properly acted "with a profound concern for the durable interests of the nation—its defense, its honor, its morality."

The Agreement signed on January 27, 1973, represented a settlement consistent with these objectives. An important element in that Agreement is Article 20 which recognizes the underlying connections among the hostilities in all the countries of Indochina and required the cessation of foreign armed intervention in Laos and Cambodia. The importance of this article cannot be overestimated, because the continuation of hostilities in Laos and Cambodia and the presence there of North Vietnamese troops threatens the right of self-determination of the South Vietnamese people, which is guaranteed by the Agreement.

The United States is gratified that a cease-fire agreement has been reached in Laos. It must be respected by all the parties and result in the prompt withdrawal of foreign forces. In Cambodia it has not yet been possible to bring about a cease-fire, and North Vietnamese forces have not withdrawn from that country. Under present circumstances, United States air support and material assistance are needed to support the armed forces of the Khmer Republic and thereby to render more likely the early conclusion of a cease-fire and implementation of Article 20 of the Agreement. Thus, U.S. air strikes in Cambodia do not represent a commitment by the United States to the defense of Cambodia as such but instead represent a meaningful interim action to bring about compliance with this critical provision in the Viet-Nam Agreement.

To stop these air strikes automatically at a fixed date would be as self-defeating as it would have been for the United States to withdraw its armed forces prematurely from South Viet-Nam while it was still trying to negotiate an agreement with North Viet-Nam. Had that been done in Viet-Nam, the Agreement of January 27 would never have been achieved; if it were done in Cambodia, there is no reason to believe that cease-fire could be brought about in Cambodia or that the withdrawal of North Vietnamese forces from Cambodia could be obtained. It can be seen from this analysis that unilateral cessation of our United States air combat activity in Cambodia without the removal of North Vietnamese forces from that country would undermine the central achievement of the January Agreement as surely as would have a failure by the United States to insist on the inclusion in the Agreement of Article 20 requiring North Vietnamese withdrawal from Laos and Cambodia. The President's powers under Article II of the Constitution are adequate to prevent such a self-defeating result. It is worth noting that in reaching a similar conclusion, the report entitled "Congress and the Termination of the Viet-Nam War" recently prepared for your Committee by the Foreign Affairs Division of the Congressional Research Service, arrived at the same general conclusion as to the President's Constitutional power.

One must recognize that the scope and application of the President's powers under Article II of the Constitution are rarely free from dispute. Under the Constitution, the war powers are shared between the Executive and Legislative branches of the Government. The Congress is granted the powers "to provide for the common defense," "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water," "to raise the support armies," "to provide and maintain a navy," "to make rules for the government and regulation of the land and naval forces," and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . . On the other hand, the Constitution provides that "the executive power shall be vested in a President," that he "shall be Commander-in-Chief of the army and navy of the United States," and that "he shall take care that the laws be faithfully executed." The President is also given the authority to make treaties with the advice and consent of two thirds of the Senate, to appoint ambassadors with the advice and consent of the Senate, and to receive ambassadors and other public ministers.

The proceedings of the Federal Constitutional Convention in 1787 suggest that the ambiguities of this division of power between the President and the Congress were deliberately left unresolved with the understanding that they were to be defined by practice. There may be those who wish the framers of the Constitution would have been more precise, but it is submitted that there was great wisdom in realizing the impossibility of foreseeing all contingencies and in leaving considerable flexibility for the future play of political forces. The Constitution is a framework for democratic decision and action, not a source of ready-made answers to all questions, and that is one of its great strengths.

There is no question but that Congress should play an important role in decisions involving the use of armed forces abroad. With respect to the continuation of US air combat activity in Cambodia, what is that role. The Congress has cooperated with the President in establishing the policy of firmness coupled with an openness to negotiation which has succeeded in bringing about the Agreement of January 27 and which can succeed in securing its implementation. This cooperation has been shown through consultations and through the authorization and appropriation process. The Congress has consistently rejected proposals by some members to withdraw this Congressional participation and authority by cutting off appropriations for necessary military expenditures and foreign assistance. The Congress has also enacted several provisions with specific reference to Cambodia. The President's policy in Cambodia has been and continues to be fully consistent with these provisions.

It was, of course, hoped that the Agreement signed at Paris on January 27 would be strictly implemented according to its terms, including the prompt conclusion of cease-fires in Laos and Cambodia and the withdrawal of foreign troops from those two countries. What has happened instead is that, in Laos, the cease-fire has been followed by continuing communist stalling in forming the new government and, in Cambodia, the communists responded to the efforts of the Khmer Government to bring about a *de facto* cease-fire with a fierce, general offensive. North Vietnamese forces remain in Laos and Cambodia and continue to infiltrate men and war material through these countries to the Republic of Viet-Nam. North Vietnamese forces in Cambodia continue to participate in and to support Communist offensive operations.

United States air strikes in Laos were an important element in the decision by North Viet-Nam and its Laotian allies to negotiate a cease-fire in Laos. If United States air strikes were stopped in Cambodia despite the communist offensive, there would be little, if any, incentive for the communists to seek a cease-fire in that country, and the temptation would doubtless be great for North Viet-Nam to leave its troops and supply lines indefinitely in Laos and Cambodia. Such a situation would be the opposite of that prescribed by Article 20 of the Viet-Nam Agreement and would so threaten the viability of the settlement in Viet-Nam and the right to self-determination of the South Vietnamese people as to be totally unacceptable to the Republic of Viet-Nam and the United States. In light of these facts, it seems clear that the argument that the Constitution requires immediate cessation of US air strikes in Cambodia because of the Paris Agreement is, in reality, an argument that the Constitution which has permitted the United States to negotiate a peace agreement—a peace that guarantees the right of self-determination to the South Vietnamese people as well as the return of United States prisoners and withdrawal of United States armed forces from Viet-Nam—is a Constitution that contains an automatic self-destruct mechanism designed to destroy what has been so painfully achieved. We are now in the process of having further discussions with the North Vietnamese with regard to the implementation of the Paris Agreement. We hope these discussions will be successful and will lead to a cease-fire in Cambodia.

## CONGRATULATIONS BOB BOYD AND CLARK HOYT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I know our colleagues will want to join me in extending congratulations to two outstanding journalists who have just been awarded the coveted Pulitzer Prize for distinguished national reporting. They are Bob Boyd and Clark Hoyt of the Knight Newspapers' Washington bureau.

The Pulitzer was awarded to them for their responsible handling of the revelation of Senator EAGLETON's medical history last summer. Having uncovered the story of the Senator's record of treatment for mental health difficulties—a story that could have been the scoop of the year—Boyd and Hoyt took their information to Senator MCGOVERN first, instead of immediately printing it. Senator MCGOVERN then announced the disclosure to the media.

It has been my privilege to know and work with both of these gentlemen for many years. They have always exhibited this same sense of responsibility and fairness in their reporting, while at the same time, digging in to find out the facts and to carry out the tradition of the people's right to know.

I call to our colleagues' attention the brief background sketches on Boyd and Hoyt as printed in this morning's Miami Herald, along with the justifiably proud remarks of Knight Newspaper executives, John S. Knight and Lee Hills. I concur wholeheartedly with these remarks and again congratulate Bob Boyd and Clark Hoyt on receiving this recognition for a job well done.

[From the Miami Herald, May 8, 1973]

BOYD, HOYT—EXTRAORDINARY REPORTERS

WASHINGTON.—Pulitzer Prize winner Robert S. Boyd, chief of Knight Newspapers Washington Bureau, is a first rate newsman.

Thirteen years in Washington—the latest eight as bureau chief—have earned him a reputation as a digger. Just within the last week, Washingtonian Magazine listed him among the top three bureau chiefs in Washington.

In guiding the growth and unique approach to Washington news of the Knight Newspapers Bureau, he has managed to stay among the city's top reporters while still carrying administrative responsibility.

He was born in Chicago on January 11, 1928, and educated at Andover Academy and Harvard University, where he received a BA in history in 1949. He spent one year in the Army and three in the State Department, then joined the Lafayette, La., Daily Advertiser as a reporter in 1953. He was state editor of the Benton Harbor, Mich., News-Palladium from 1954 through 1957 and a reporter for the Detroit Free Press from 1957 through 1960, when he moved to the Washington bureau. He became the bureau's news editor in 1965 and bureau in 1967. He is co-author, with David Kraslow of a novel called "A Certain Evil," published by Little, Brown in 1965.

Boyd's reporting in Washington has focused on the presidency and politics, but he has also reported from almost every Communist country. He toured the Bay of Pigs battlefield with Castro in 1961, covered the Dominican Revolution in 1965, toured the Soviet Union in 1967—the 50th year of Communist rule—and spent two weeks in North Vietnam in 1970. He also covered the Nixon visit to Peking in 1972.

He has two teenage sons, a daughter in college, and one Harvard graduate son. He and his wife, Gloria, live in Mohican Hills, Md.

As the Miami Herald's man in Washington, Clark Hoyt's usual beat was Florida's congressional delegation.

Hoyt, who Monday won a Pulitzer Prize for his reporting on the Tom Eagleton story, was sidetracked into national reporting first by the Florida presidential primary and then by the national political conventions, both of which were held in Miami Beach.

Then, he moved to the Eagleton story and other national presidential campaign assignments. After the November elections, Hoyt was assigned to cover the Watergate trial for the Miami Herald and other Knight newspapers.

He returned to his old Florida beat briefly before he was moved in April of this year to the Knight bureau's national staff.

Hoyt, whose mother, Mrs. Charles Hoyt, lives in Coral Gables, joined the Miami Herald in 1970 after two years on the Detroit Free Press, another Knight newspaper. He began his newspaper career with the Lakeland (Fla.) Ledger.

Hoyt, 30, is a native of Providence, R.I., graduated from the Hill School in Pottstown, Pa. and from Columbia University, New York. After graduation he spent two and a half years working on Capitol Hill for Senator George Smathers of Florida.

With this background, Hoyt developed a deep appreciation for the detailed checking and relentless pursuit which are reflected in his newspaper reporting. After his experience on Capitol Hill, he chose newspapering as a career, he said, because "I wanted to be on the other side of the fence."

He and his wife, Jane, live in Washington where they are restoring a townhouse just a few blocks from the Capitol.

STATEMENT ON PULITZER BY KNIGHT AND HILLS

John S. Knight, editorial chairman of Knight Newspapers, and Lee Hills, president and executive editor of Knight Newspapers, Monday praised reporters Clark Hoyt and Robert S. Boyd for their Pulitzer Prize winning reporting.

Knight said:

"I enthusiastically congratulate Bob Boyd and Clark Hoyt on their Pulitzer Prize for national reporting. It is a splendid tribute to these two correspondents for their responsible treatment of a delicate situation involving Sen. Thomas F. Eagleton, then Sen. George McGovern's vice-presidential running mate.

"The award speaks much for newspaper enterprise and fairness in an era when press critics are unable to separate fiction and fact, or to distinguish between truth and rumor."

In his statement, Hills said:

"The work of Bob Boyd and Clark Hoyt in winning for Knight Newspapers its 15th Pulitzer Prize was, we believe, an extraordinary example of the American press functioning at its best.

"Boyd and Hoyt vigorously searched out facts, then acted within self-imposed restrictions to be certain that the public would have full opportunity to judge for itself all sides of the news before it.

"At a time when the credibility of the press was suspect in many quarters, when the press itself seemed often under attack, we believe their handling of the Eagleton story provided a benchmark by which both our critics and our colleagues might measure press performance at its best."

## THE NEED FOR CAREFUL HEARINGS ON THE TRADE REFORM ACT OF 1973

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, tomorrow, the Ways and Means Committee begins public hearings on the trade reform bill proposed by the Nixon administration.

The committee has unfortunately scheduled all of the Government witnesses in a 3-day period, beginning tomorrow.

It is incredible to expect that in this 3-day time frame our committee can adequately hear and interrogate five Cabinet members and seven other high Government officials and agency heads. The scheduling tends to provide the Government witnesses with an opportunity to make their statements, rush away and be sheltered from essential interrogation. Only through careful cross examination can the committee members endeavor to determine the direction and extent of the countless requests for discretionary authority liberally provided throughout the bill.

This is one of the most important bills before the Congress—perhaps the most important in the past decade. The administration bill stakes out extensive authority for executive discretion—and this discretionary authority is carved out of the little that remains of the shattered and torn carcass of congressional authority and responsibility under the Constitution.

Administration intentions must be set forth on the public record, so that legislative history may set the course and the pattern of administrative regulations which will guide the flow and development of trade.

This is a necessarily slow and deliberate process. Members of the Ways and Means Committee and the Congress are entitled to a complete and detailed explanation of administration intentions. This is no time and this is not the kind of legislation on which legislative shortcuts should be permitted.

I do not believe that the administration either deserves or expects to receive the full extent of executive discretion which this legislation provides. Nor do I believe that the Congress would assign its constitutional responsibility for trade carte blanche to the President.

If the Congress should pass this bill in the form in which it has been submitted, it will move the Congress a considerable distance toward becoming an unnecessary branch of the government. As far as trade is concerned—there will be little left for the Congress—but remorse for its own folly.

If this bill is really to reform our approach to trade, it must be widened in its scope and dimension. It must be extended to include all agricultural commerce, mineral commerce, defense material, as well as commerce in licenses, technical services and leasing arrangements. If this bill is to really alter our approach to trade, it must be widened to cover the role of taxpayer-supported credits, loans, and guarantees. Trade decisions seem to depend more heavily on credit than on any other criteria.

AGRICULTURAL TRADE

Balanced trade policy cannot be achieved if large portions of agricultural trade remain exempt and separate from general trade policy. Agriculture in America is a mature industry which must take its proper place along with all other

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production. Agricultural trade policies must not be permitted to drive America from sufficiency to shortage. Nor should agricultural trade policy be permitted to unreasonably escalate domestic food prices by pitting the dependable, constant, and consistent American consumer against foreign purchasers who temporarily enjoy a bonanza of dollar accumulation in the bargain prices of devaluation. The magnificent productivity of the American farmer is to his credit—but it is not entirely the property of the American farmer. It also belongs to the American consumer and taxpayer who paid for the research and development of agricultural productivity through generations of support for research, subsidy, loans, and land bank payments to support unutilized land. For these reasons the American taxpayer and consumer is entitled to a preference for American farm production. He certainly cannot be expected to pay for export subsidies, market subsidies, and shipping subsidies which make his food cupboard bare and multiply the cost of his daily bread and meat. Trade policies must be designed to preserve reserves of food and fiber in America for domestic needs.

TRADE IN MINERALS AND OIL

If this bill is to really reform our approach to trade and provide trade balance, it must be widened in scope and dimension to fully cover commerce in oil and mineral products, where tremendous trade deficiencies are expected.

This bill should provide approaches and methods to deal with these trade deficiencies, develop orderly marketing and dependable supplies at reasonable prices.

MILITARY SALES

If we are to provide trade reform and balance, we must know the role of military sales and the extent of American defense dependency on offshore and foreign production. America cannot remain secure, if it is dependent on foreign sources and loses the capacity to produce vital component parts which are currently being acquired from foreign sources utilizing sophisticated production techniques and skills.

MOST FAVORED NATION TREATMENT

Trade reform also involves getting for giving—it must be reciprocal. Most favored nation treatment must be a two-way street for trade. If the Soviets are to receive MFN treatment, it must be contingent upon reciprocity. America must share the same trade benefits as the Soviets extend to the bloc countries. MFN treatment must also be withheld until the deplorable emigration-education tax is ended. There can be no trade reform, if humanity is sacrificed for economic gain.

CREDITS

There can be no trade reform if American credit policy for foreign trade is handled outside of this bill. Credit and trade are interchangeable and interdependent. The trade bill must direct trade credit policies to maximize the advantage of taxpayer-supported credit. Subsidized credit sales must be restrained with rich and prosperous trading partners who have dollars to spare.

A few months ago the Export-Import Bank made an incredible taxpayer subsidized 6-percent loan to a foreign air carrier to purchase an American-made plane, while an American carrier had to pay 10-percent interest on loans to purchase equipment to fly identical and competitive routes. Credit for foreign purchases should never be made discriminatory to domestic enterprise.

TAXATION AND DOMESTIC SALES INTERNATIONAL CORPORATION

The trade bill must include tax provisions which will detour the movement of American production from American shores. The present tax laws harshly discriminate against domestic enterprise in favor of offshore production. This imbalance in operating advantage must be corrected.

The role of Domestic International Sales Corporations in prompting and developing trade must be carefully analyzed. The identity of DISC's must be placed in the record so that the Congress can determine if the program meets the expectations of the Congress and the promises of its supporters. It must also be determined if there is a sufficient benefit-cost ratio between tax loss and trade increment attributable to this tax incentive. It must also be determined if the authority of DISC has developed into a tax abuse.

OVERSIGHT

It is important to decide whether the Tariff Commission will serve any remaining useful purpose if huge discretionary authority is shifted to the President. The American people were stunned and shocked at the incredible Soviet wheat deal and the manipulations which surrounded it. In its present form, the trade bill will "reform" the American people and their elected representatives out of the trade decision process.

CONCLUSION

This bill would make the President into a trade czar. The bill seeks an unprecedented transfer of authority from the Capitol to the White House. Once this power is surrendered, in many trade matters congressional changes in the law could be stopped by the President and one-third of the Congress plus one; majority rule in many matters would be ended.

I am for a trade bill. I think it is important for America. This bill, however, would permit the President to arrange trade deals in specific areas, for specific companies, and for special individuals. It would give the President authority in trade matters to fatten his friends and destroy his enemies.

I cannot give the White House authority to enter into secret and star-chamber trade deals and then permit the dealers to shroud their action in Executive privilege.

Trade must be open—above board—and provide equal opportunities for all American producers, large and small, who produce the same commodity. The fairness doctrine must be enacted into the trade laws.

Congress can write a trade bill which meets the requirements of the Nation without providing wide-ranging and arbitrary authority to bypass the Congress.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SAYLOR, for May 9, on account of official business.

Mr. RONCALIO of Wyoming (at the request of Mr. MCFALL) for today on account of death in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RANDALL, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. HANRAHAN) to revise and extend their remarks and include extraneous matter:)

Mr. ROBISON of New York, for 30 minutes, on May 10.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. RINALDO, for 10 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

(The following Members (at the request of Mrs. BOGGS) to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. RODINO, for 10 minutes, today.

Mr. DOMINICK V. DANIELS, for 5 minutes, today.

Mr. HAMILTON, for 15 minutes, today.

Mr. RUNNELS, for 5 minutes, today.

Mr. BURTON, for 5 minutes, today.

Mr. WILLIAM D. FORD, for 10 minutes, today.

Mr. BROWN of California, for 10 minutes, on May 9.

Mr. MITCHELL of Maryland, for 30 minutes, on May 10.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RANDALL in two instances and to include extraneous matter.

Mr. BURTON and to include extraneous matter notwithstanding the fact it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $680.

(The following Members (at the request of Mr. HANRAHAN) and to include extraneous matter:)

Mr. ROBISON of New York.

Mr. BLACKBURN.

Mrs. HOLT.

Mr. PEYSER in 10 instances.

Mr. FREY in two instances.

Mr. DON H. CLAUSEN.

Mr. DERWINSKI in three instances.

Mr. TREEN in two instances.

Mr. HORTON in two instances.

Mr. SYMMS.

Mr. CONTE.

Mr. WYMAN in two instances.

Mr. BAKER.

Mr. BROTZMAN.

Mr. ANDERSON of Illinois in two instances.

Mr. ABDNOR.

Mr. BURGENER in two instances.



(The following Members (at the request of Mrs. BOGGS) and to include extraneous matter:)

Mr. BINGHAM in two instances.

Mrs. HANSEN of Washington, in 10 instances.

Mr. GONZALEZ in three instances.

Mr. DRINAN in five instances.

Mr. MOLLOHAN.

Mr. RARICK in three instances.

Mr. MAZZOLI.

Mr. HOWARD in two instances.

Mrs. MINK in two instances.

Mr. HARRINGTON in three instances.

Mr. HUNGATE.

Mr. COTTER in five instances.

Mr. DOMINICK V. DANIELS in two instances.

Mr. NIX.

Mr. WOLFF in two instances.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1090. An act to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

## ADJOURNMENT

Mrs. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 9, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

886. A communication from the President of the United States, transmitting the report of the Presidential Study Commission on International Radio Broadcasting; to the Committee on Foreign Affairs.

887. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value, by country, of support furnished from military functions appropriations for the support of the Vietnamese and other free world forces in Vietnam and the support of local forces in Laos, covering the third quarter of fiscal year 1973, pursuant to section 737(b) of Public Law 92-570; to the Committee on Appropriations.

888. A letter from the Acting Assistant Secretary of State for Congressional/Relations, transmitting a report on assistance-related expenditures for Laos during the third quarter of fiscal year 1973, pursuant to section 602 of Public Law 92-436; to the Committee on Armed Services.

889. A letter from the Secretary of the Treasury, transmitting a report on the audit of the Exchange Stabilization Fund for fiscal year 1972, pursuant to the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a); to the Committee on Banking and Currency.

890. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on assistance related funds obligated for Cambodia during the third quarter of fiscal year 1973, pursuant to section 655(f) of the Foreign Assistance Act of 1961, as amended by Public Law 92-226; to the Committee on Foreign Affairs.

891. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation urging the States to take decisive action to reduce the highway death and injury toll by adopting laws requiring the use of safety belts in motor vehicles; to the Committee on Interstate and Foreign Commerce.

892. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(28)(I)(ii)]; to the Committee on the Judiciary.

893. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to extend and improve the Nation's unemployment compensation programs, and for other purposes; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

894. A letter from the Comptroller General of the United States, transmitting a report on the Army SAM-D program; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Texas: Committee on Rules. House Resolution 389. A resolution waiving certain points of order against H.R. 7447. A bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 93-167). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 388. Resolution providing for the consideration of H.R. 7445. A bill to amend the Renegotiation Act of 1951 to extend the act for 2 years; with amendment (Rept. No. 93-166). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 390. Resolution providing for the consideration of H.R. 5777. A bill to protect hobbyists against the reproduction or manufacture of certain imitation hobby items and to provide additional protections for American hobbyists; with amendment (Rept. No. 93-168). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERGLAND:

H.R. 7585. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. BROTZMAN (for himself, Mr. GERALD R. FORD, Mr. ANDERSON of Illinois, Mr. BAKER, Mr. BARRETT, Mr. COUGHLIN, Mr. HARRINGTON, Mr. PETTIS, Mr. RHODES, Mr. ROONEY of Pennsylvania, Mr. WILLIAMS, Mr. YATRON, Mr. FORSYTHE, Mr. WINN, Mr. ROBINSON of Virginia, Mrs. CHISHOLM, Mr. DONOHUE, Mr. HECHLER of West Virginia, and Mr. THONE):

H.R. 7586. A bill to require that all school-buses be equipped with seat belts for passengers and seat backs of sufficient height to prevent injury to passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 7587. A bill to waive governmental immunity against the District of Columbia in suits in which members of the Metropolitan Police Department are sued for assault and battery, false arrest, false imprisonment or malicious prosecution; to the Committee on District of Columbia.

H.R. 7588. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on District of Columbia.

By Mr. COCHRAN:

H.R. 7589. A bill to increase an authorization of appropriations in order to complete the Mission 66 Bypass Road at Vicksburg, Miss.; to the Committee on Interior and Insular Affairs.

By Mr. DOMINICK V. DANIELS:

H.R. 7590. A bill to amend title II of the Social Security Act to provide for the payment at age 62 (rather than only at age 65) of widow's or widower's insurance benefits equal to 100 percent of the deceased worker's primary insurance amount; to the Committee on Ways and Means.

By Mr. DIGGS (by request):

H.R. 7591. A bill to amend the District of Columbia Public Assistance Act of 1962; to the Committee on the District of Columbia.

By Mr. DINGELL (for himself, Mr. ECKHARDT, Mr. MCCLOSKEY, Mr. BREAUX, and Mr. STUDDS):

H.R. 7592. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. DRINAN:

H.R. 7593. A bill to establish the Federick Law Olmstead Home and Office in Brookline, Mass., as a national historic site; to the Committee on Interior and Insular Affairs.

By Mr. DUNCAN:

H.R. 7594. A bill to amend the Internal Revenue Code to encourage an increase in production of coal; to the Committee on Ways and Means.

H.R. 7595. A bill to amend the Internal Revenue Code to encourage development of processes to convert coal to low pollutant synthetic fuels; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 7596. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency; to the Committee on Armed Services.

By Mr. WILLIAM D. FORD (for himself, Mr. THOMPSON of New Jersey, Mr. O'HARA, Mrs. GRASSO, Mr. MEEDS, and Mr. LEHMAN):

H.R. 7597. A bill to amend the Farm Labor Contractor Registration Act of 1963 by extending its coverage and effectuating its enforcement; to the Committee on Education and Labor.

By Mr. FULTON:

H.R. 7598. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purpose; to the Committee on Veterans' Affairs.

By Mr. KASTENMEIER:

H.R. 7599. A bill to amend the Trademark Act of 1946 and title 35 of the United States

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Code to change the name of the Patent Office to the "Patent and Trademark Office"; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.R. 7600. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 7601. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER:

H.R. 7602. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

By Mr. MILLS of Arkansas:

H.R. 7603. A bill to establish a Joint Committee on Foreign Trade; to the Committee on Rules.

By Mr. MORGAN:

H.R. 7604. A bill to establish a national program of Federal insurance against catastrophic disasters; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 7605. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may disapprove the President's action and require him to cease such impounding; to the Committee on Rules.

By Mr. PEPPER:

H.R. 7606. A bill to amend the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. RUNNELS:

H.R. 7607. A bill to establish the El Malpais-Grants National Monument in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska:

H.R. 7608. A bill to create a program to facilitate the construction of community marine ways, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ZWACH:

H.R. 7609. A bill to make permanent the dairy indemnity program, the armed services and veterans hospitals dairy programs, and the suspension of the butterfat support program; to the Committee on Agriculture.

By Mr. FREY:

H.R. 7610. A bill to require the Secretary of Transportation to take into consideration the public interest in the freedom of movement of surface land transportation when prescribing rules and regulations to govern the opening of drawbridges across the navigable rivers and other waters of the United States; to authorize the Secretary of Transportation to assess a civil penalty for any violation of such regulations; and for other purposes; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ST GERMAIN introduced a bill (H.R. 7611) for the relief of John Craig Spence; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

210. The SPEAKER presented a petition of Richard D. Shaver, Pinetop, Ariz., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

# SENATE—*Tuesday, May 8, 1973*

The Senate met at 10 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of all mankind, come upon this Nation with Thy forgiving and renewing power. Grant healing to our troubled spirits. Send some anodyne to our aching hearts lest we stumble into baser follies and more heinous transgressions. Bring us with penitent and contrite hearts under the shelter of Thy grace that we fail Thee not.

O Lord, grant to the President and all in authority over us, the wisdom and courage to do only what is right and good. And to all the people grant a complete loyalty to Thy law and a full measure of love and compassion that Thy kingdom may go forward and Thy will be done on earth.

In His name, who is Lord of Life, we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 8, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 7, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CAMBODIA

Mr. MANSFIELD. Mr. President, the bombing activity now underway in Cambodia is being undertaken without the consent or the advice of the Congress. The administration is now asking for the transfer of funds to continue the bombing to the end of the present fiscal year and is doing so despite the fact that there is no legal, constitutional or other justification for such action.

Furthermore, we have been told that even if the Congress voted against the request of the Pentagon to transfer money for continued bombing in Cambodia that, notwithstanding such an action, the U.S. bombing of Cambodia would continue.

I would point out that recent court decisions have stated the approval of funds for the carrying out of activities of war implies approval of the policy inherent therein. In other words, approval of the Pentagon request to transfer funds which are allegedly being held in escrow at the present time would indicate approval of the bombing policy now underway in Cambodia.

Furthermore, we have been informed that the continuation of this policy would be of an indefinite nature. What the approval of this policy implies, in my opinion, is, in effect, a back door Tonkin Gulf resolution. I, for one, will not vote for the transfer of funds contained in the supplemental appropriations bill and I would hope that the Congress would uphold its constitutional authority and not bow to the type of procedure which confronts us in the Appropriations Committee at the present time, which will confront the House of Representatives on Thursday of this week and which, if approved in the Senate Appropriations Committee, will be before the Senate shortly thereafter.

What we are doing in Cambodia is wrong because it only intensifies the tragedy of Indochina. What we are doing in Cambodia is illegal because it is not sanctioned in the law or the Constitution. What we are doing in Cambodia cannot be legitimatized because it is a continuation of a war which was supposedly ended. What we are doing in Cambodia would not "undermine the essential agreement of the January agreement in Paris" because the "central achievement" was to get all Americans out of Vietnam and all our POW's released. This has been accomplished.

What we are doing is creating more refugees, killing more people, and if we follow the Pentagon's line of reasoning we are, in effect, "destroying Cambodia to save it." Even now, the press is blocked out by the American Embassy in Phnom Penh. Therefore, they do not have access to whatever meager information that Embassy would be able to compile.

The answer to the situation which confronts us in Cambodia is to stop the bombing now—today—and to do what we can to bring about the return of Prince Norodom Sihanouk so that he will be able to bring about a return to neutrality and unity in that war-stricken woebegotten country.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire recognition?

Mr. SCOTT of Pennsylvania. No, Mr. President; I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, first of all, I join the distinguished majority leader in his statement concerning Cambodia. I was present at the hearings at which the Secretary of Defense explained the position of the administration on Cambodia. I certainly intend to support Senator MANSFIELD in whatever position he desires to take and others take in opposing the bombardment of Cambodia and to prevent more funds from being used by the President to continue the unnecessary bombardment of Cambodia.

## IN FAIRNESS TO PRESIDENT NIXON

Mr. PROXMIRE. Mr. President, some of the statements made by the press concerning the Watergate affair have, in my judgment, become grossly unfair to President Nixon. I say this recognizing that the press has done a tremendous job in covering one of the most important scandals in American history. The Washington Post has received the Pulitzer Prize for its reporting of this affair. I certainly think the investigation must continue until the whole story is told, no matter whom it touches or destroys, including the President himself.

But the actions of the press in printing sensational charges against the President made to lawyers investigating a grand jury is grossly unfair.

When former White House Counsel John Dean is reported throughout this country to have privately told grand jury investigators that the President was directly involved in a Watergate coverup, President Nixon is being tried, sentenced, and executed by rumor and allegation.

Who were the investigators?

What was Dean asked by the investigators?

Did the investigators have any testimony that contradicted Dean's story?

Another alleged eyewitness to this alleged meeting was John Ehrlichman. He will also testify to the grand jury. What will be his testimony? If he, as expected denies the Dean charge, can he provide any basis for disproving it? Will he agree that the meeting took place? If he denies that the meeting took place, can he prove his denial?

If Ehrlichman agrees that he met on this occasion with the President and John Dean, can Ehrlichman produce convincing testimony that Dean's version is wrong, and that the President, as he has told the Nation flatly and directly, did his best to uncover the facts, and did not participate in any way in a coverup?

Mr. President, all of this can and should be developed in good time, step by step. This story is unfolding, and nothing can hold it back. My point is this: It is unfair, unjust, and unwise to the President and to the country to rush into print with such a flat allegation against the President of the United States based on a charge that certain unidentified investigators for the grand jury have elicited certain information from a witness. The witness has not told this to the press. Some anonymous investigators allegedly have done so. But the story is partial; it is wholly unconfirmed. It may or may not have been disclosed to investigators. It may or may not be confirmed or refuted later. There is simply no way of knowing now whether it is true or not. But it may very well have gone a long way toward destroying the President of the United States.

I succeeded the late Senator McCarthy in the Senate. I was very much opposed to his motives and his tactics, which were to make severely damaging charges, such as accusing a person of being a Communist, knowing that they would be denied; but no matter how strongly they were denied, the charges still remained. I find this kind of persecution and condemnation without trial McCarthyism at its worst.

Mr. President, I ask unanimous consent that the Newsweek article be printed in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Any responsible newspaper should regard as outrageous the printing of a secret allegation against even a convicted felon if that allegation were made by a witness as part of his bargain for immunity from his own prosecution.

Does not the President have the same simple right that every other American has—to be innocent until proven guilty?

Does not a man who has spent more than 20 years in the pitiless glare at the summit of national political life deserve to be believed, when he directly tells the Nation that he had no knowledge of these matters, until there is proof that he lied?

Does he not deserve at least this measure of faith until proven a liar?

The press is rapidly developing a reckless momentum of reporting innuendo and rumor in this Watergate case against President Nixon. The alleged direct involvement of the CIA itself on White House orders in the break-in to the files of Daniel Ellsberg's psychiatrist is only the latest example.

The Watergate investigations by the Senate, the grand jury, an independent special prosecutor and at least 20 of the best investigative reporters in the business is not going to stop until every significant fact is uncovered, examined, and given the full mass media treatment.

This is now far too rich and big a story—this scandal involving the most powerful man in the world—to smother or suppress. Literally no force on Earth can now hold it back.

With the rushing, careening momentum of these charges against the President, there is very serious question that the people of this Nation will be able to find in their hearts the sense of justice and fairness which President Richard Nixon, like every other American, deserves to have before he is ruined.

I am a Democrat. I have consistently voted against the President when he ran for office. I have opposed many of his major proposals when they have come before the Senate.

But let us not forget that this is the same Richard Nixon who is principally responsible for bringing this country, at long last, into a peaceful posture with the world's largest nation, mainland China.

He has successfully negotiated the first strategic arms limitation talks with Russia and greatly improved our relations with the world's other superpower.

He has made some very bad appointments but also some of the very best. Henry Kissinger, Arthur Burns, Elliot Richardson, and William Ruckelshaus are among the best appointments made in my memory by any President.

His private life has been a superlative example to the Nation. His two gracious and lovely daughters speak eloquently of his success as a father.

I fully recognize the reprehensible nature of his campaigns when he ran against Jerry Voorhis for Congress in 1946 and Helen Gahagan Douglas for the Senate in 1950. I deplore his ruthless orders for all-out bombing of Vietnam last Christmas and his continuation today of the cruel and useless bombing of Cambodia.

But none of this justifies the McCarthyistic destruction of President Nixon that is now going on with increasing vehemence daily in the press. The discovery and publication of facts proving wrongdoing by whoever may be guilty, including the President, is the American press at its best.

The present runaway tendency to rush into headlines with disputed, unproven secret charges against the President is the press at its worst.

EXHIBIT 1

JOHN DEAN POINTS A FINGER

The torrent of Watergate disclosures last week left no remaining doubt that there had been widespread shady activities—and a massive cover-up—at the topmost levels of the White House. By the weekend only one major question was still to be answered—whether Richard Nixon himself could remain clear of political and moral involvement. And John Wesley Dean III, the boyish, 34-year-old White House counsel who was fired by the President last week, was preparing to associate Mr. Nixon with the cover-up.

Mr. Nixon had cast his lot with John Ehrlichman and H. R. Haldeman, the White House palace guards who were sacrificed (however euphemistically) at the same time as Dean but still stood ready to challenge his story with whatever credibility they had left. But nearly a score of other Nixonians, past or present—including former Attorney General John N. Mitchell and such Administration figures as Jeb Stuart Magruder, Charles W. Colson, Herbert (Bart) Porter, Frederick C. LaRue, Dwight L. Chapin, Gordon Strachan and Robert C. Mardian—were dangling from the grand jury's fingertips and the predictable orgy of intramural accu-

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sation among the Nixon team had broken out into the open. Last week, two more names were added: White House aide Egil (Bud) Krogh Jr., who admitted ordering the burglary of the office of the psychiatrist of Pentagon papers defendant Daniel Ellsberg, and California lawyer Donald Segretti, who was indicted and arrested for alleged violations of campaign law.

In the end, the President's fate might well depend on how many of these increasingly frightened men might join Dean in linking him to the conspiracy—and whether their testimony would outweigh Haldeman's and Ehrlichman's. But for the moment, the story that mattered most was Dean's. As Newsweek's Nicholas Horrock and John Lindsay pieced it together, it was a self-serving tale, tailored to give Dean minimum exposure to criminal charges and maximum leverage in his haggling for immunity from prosecution. In Key Biscayne, a high Administration official heatedly denied its key accusations. But Dean seemed determined to press them, and they were explosive.

"THIS INCREDIBLE STUFF"

Dean first heard about the break-in, he told investigators, as he completed a weary-ing journey back to the U.S. from Manila on June 18, 1972, the day after the burglary. He called Washington to report that he would lay over in San Francisco for the night, but when they told him of the Watergate arrests he hopped the next plane east. Dean had not known of the break-in and bugging scheme, he said, but on the long flight to Washington he recalled some incidents that seemed disturbingly pertinent—especially two meetings in Mitchell's office in which political espionage had been discussed. One of these meetings was the now-famous presentation session in which G. Gordon Liddy flipped through a series of specially prepared charts as he outlined his plans for the 1972 campaign. "Dean sat there in shocked silence," according to a source, "while Liddy was talking about mugging, bugging, kidnaping and even a prostitution squad." After a second meeting, Dean said, he protested to Haldeman, "This incredible stuff shouldn't even be discussed in the Attorney General's office." Haldeman reportedly agreed.

This was the last time the Watergate plans had been mentioned in his hearing prior to his phone call from San Francisco, Dean insisted. But when he walked back into the White House, the place was bustling. Dean said Gordon Strachan, a Haldeman lieutenant, told him that there had been wiretap logs in Haldeman's office that Strachan, under orders from Haldeman, had sifted from the files and immediately destroyed. In another meeting in Ehrlichman's office, Ehrlichman and Chuck Colson agreed to have the safe in E. Howard Hunt's office opened in the Executive Office Building. The contents were brought to Dean's office the following morning, two and a half days after the break-in.

Dean went through the contents of Hunt's safe with his assistant, Fred Fielding. They found a pistol, electronic bugging equipment, a psychiatric profile on Daniel Ellsberg and the phony cables tying the death of former South Vietnam President Ngo Dinh Diem to President John Kennedy. Dean's reaction, as he told friends, was, "Holy s—!"

"GOOD JOB, JOHN"

Dean said he reported that same morning to Ehrlichman, and it was at this point that Ehrlichman made the suggestion that Dean dump it all in the Potomac on his way home to Alexandria, Va. Dean said he told Fielding later, "They want me to destroy this stuff," but both men agreed the move would be unwise. Dean instead gave most of the material to the FBI; the fake JFK cables were given in two folders to acting FBI director L. Patrick Gray III in the celebrated meeting in which Dean suggested to Gray that the documents "should never see the light of day." As Gray later testified, he put the incriminating papers in the FBI "burn bag" a few days later.

As Dean told his story to investigators last week, however, it differed in one vitally important detail from earlier versions: he said he was never asked for any report or investigation of White House involvement in the Watergate break-in, by either Mr. Nixon or anyone representing him. Indeed, Dean claims to have set eyes on the President only once between the time of the break-in and Aug. 29, when Mr. Nixon announced publicly that the White House counsel had assured him that no one "presently employed by this Administration" had been involved in Watergate. That one meeting was on Aug. 14 with about twenty other people present, Dean said, and the first he heard of his own supposed report was in a news broadcast on Aug. 29 when he was in California with the Presidential party.

Dean said he did not see Mr. Nixon personally until several days after the indictment of the Watergate Seven on Sept. 15, when he said Haldeman summoned him into the President's office. The two leaders "were all grins," Dean told investigators, because they had half expected Jeb Magruder to be indicted and were pleased that he hadn't been—presumably because of Dean's efforts 'to keep the lid on.'' "Good job, John," Dean says the President told him. "Bob told me what a great job you've been doing."

Dean did not try to absolve himself of all connections with the Watergate, according to investigators. The lawyer has acknowledged his role in the White House cover-up and admitted that he was involved in obtaining legal help for the Watergate defendants—though he said that the hush-money payments were made by Fred LaRue, Mitchell's assistant at the Committee for the Re-election of the President. Dean also said he talked with Liddy about the break-in two days after it occurred. Liddy told him then that Magruder had "pushed me and pushed me" to make the second Watergate raid. "We had been in the Watergate before, but they wanted us to go back," Dean quoted Liddy.

Months later, after the December plane crash that killed Hunt's wife as she carried $10,000 in $100 bills to an unknown rendezvous in Chicago, Dean's connection with the coverup became more intimate. Hunt, unnerved by his wife's death, sent his lawyer, William Bittman, to Chuck Colson with the message that "something had to be done" to prevent a long jail sentence for Hunt. Colson met with Ehrlichman and Dean, the counsel told investigators, and Ehrlichman said, "I'll check." He went in to see the President. When Ehrlichman returned, Dean said, he brought with him what he said was Mr. Nixon's promise of executive clemency for Hunt, Ehrlichman allegedly told Colson to reassure Bittman that "everything is okay," but not to be "too specific."

IF I GO, THEY GO

Sometime this spring—perhaps because the investigation was beginning to focus on Dean—the counsel lost his "good boy" status in upper White House circles and came under pressure from Haldeman, Ehrlichman and the President to resign. Mr. Nixon summoned Dean into the Oval Office, Dean told investigators, and pushed a document—a resignation that was a virtual confession—across his desk to Dean. "This has been prepared for your signature," the President reportedly said. Dean refused to sign, he said, because there was no provision for Haldeman's and Ehrlichman's departure—and Dean had resolved that "If I go, they go." After another discordant meeting with Mr. Nixon, Dean said he came under increasing pressure from Ehrlichman and Haldeman to resign, and eventually they suggested he take a weekend at Camp David to "do some thinking." In earlier accounts, this was the weekend in which Dean was supposedly asked to submit a written version of his earlier verbal "report" absolving the White House staff of any complicity in Watergate, but Dean said last week that all he was really asked for was his resignation.

Dean said he refused to submit it, and he went to see the President again on March 21—the date on which, as the President later asserted, he first learned that his staff may have been deceiving him. "Nobody seems to understand that my resigning is not the problem," Dean assertedly told Mr. Nixon. "The problem is that there is a massive cancer on the Presidency and it must be cut out." He thereupon spelled out the story of the Watergate cover-up, including details of the effort to hush it up by paying off those who had been indicted the previous September.

Dean also bore down hard, he said, on the fact that there had never been any study clearing White House staffers. Mr. Nixon replied that he had had verbal reports of Dean's work, but the counsel insisted. "Nobody asked me for a report, Mr. President," he said. "I did not go around asking people questions in their offices. There was no report." At this point, sources quoted Dean as saying that "the President came out of his chair" into a half crouch of astonishment and shock. In Dean's account, he reminded Mr. Nixon that the President had gone on national TV to absolve his staff on the basis of the non-existent report—and whatever Mr. Nixon may have been thinking, the exchange ended the demands for Dean's immediate departure from the White House entourage.

What finally broke the White House silence was not Dean's doing so much as Pat Gray's. After the former acting director of the FBI disclosed in Senate confirmation hearings last March that Dean had "probably" lied to agents during the early investigation, Dean sent an emissary to Federal prosecutors with information implicating Magruder, Ehrlichman, Haldeman and Dean himself—the details to be forthcoming, the emissary said, in exchange for a promise of immunity. Without making any deal, the prosecutors began following up leads given them by the emissary. About ten days later, on April 13, Jeb Magruder got wind that he had been implicated and asked to see the prosecutors, telling them a story that pointed the heaviest finger at John Mitchell.

PEOPLE ARE GOING TO JAIL

A day after that, Newsweek has learned, Magruder bumped into Bart Porter in Lafayette Park, across from the White House. "It's all over," the distraught Magruder reportedly said. "I just came from the White House. The President has directed everyone to tell the truth." Magruder said he had just confessed everything to Assistant U.S. Attorney Earl Silbert. "A lot of people are going to jail," Magruder told Porter. "Mitchell, LaRue, Mardian, myself, Dean, Colson, Strachan and maybe Haldeman. Silbert may indict *you*."

From that point onward, the case gathered steam on all fronts—including the White House, where Mr. Nixon was trying to resolve the showdown between Dean and the Haldeman-Ehrlichman group. On the face of it, there wasn't much of a contest. Dean was a Mitchell assistant brought into the Justice Department in 1969 after having been fired from his only job in private law for "unethical conduct" (he was accused by a senior partner of having promoted his own name rather than his client's in a contest over a St. Louis broadcasting license). Haldeman, on the other hand, was a Nixon loyalist of seventeen years' standing and Ehrlichman had been on board for fourteen years.

Was Mr. Nixon looking for a way to keep Haldeman and Ehrlichman while getting rid of Dean? According to Newsweek's sources, the White House counsel made that impossible when he told prosecutors three weeks ago that Ehrlichman knew about the burglary of Ellsberg's psychiatrist. Dean's main motive, according to associates, was to establish his own credibility with Federal and Senate investigators, but it may not have done him much good. "If we need his testimony," said a prosecution source last week, "we'll have to give him immunity. If we don't, we'll just hang the ———."

The Administration's housecleaning may have been the shocker of the week, but it hardly stoppered the flood of other Watergate-related developments, great and small. Haldeman and Ehrlichman spent two days with the grand jury and Ervin's committee. Martha Mitchell, wearing baby blue, appeared at a lawyer's office in New York to give a deposition in connection with the Democratic Party's $6.4 million civil-damage suit against several principals in the Watergate case. Her rambling, two-hour statement, attorneys said later, was "amusing" and dealt mostly with the "creeps" and "kooks" from CRP who guarded her during the campaign.

Another famous relative, Mr. Nixon's 26-year-old nephew Donald—or someone who looked very much like him—appeared before a New York grand jury investigating Robert L. Vesco, the financier who shuffled $200,000 in secret cash to the Nixon campaign chest three days after a law went into effect requiring disclosure of such gifts. Young Nixon has worked as an assistant to Vesco since 1971 and describes the financier as his "best friend." Vesco himself reportedly sat out the week in Costa Rica, refusing to honor a bench warrant except in exchange for immunity. And the Justice Department responded to a sharply worded prod from the General Accounting Office, finally filed suit against CRP's financial arm because of the same Vesco contribution.

Two pieces of dirty work laid to CRP's espionage team moved a little closer to prosecution last week. Donald Segretti, the California lawyer hired as a trickster by former Haldeman assistant Dwight L. Chapin, was indicted on charges of trying to sabotage last year's Florida Democratic primary—allegedly by sending out campaign literature, attributed to Sen. Edmund Muskie, in which two rival Democrats were accused of sexual peccadilloes (the tales: that Sen. Hubert Humphrey had been caught with a prostitute in his car in 1967 and that Sen. Henry M. Jackson had twice been arrested for homosexual activities in the 1950s).

RX FOR A BURGLARY

Across the country, meanwhile, defense lawyers in the Ellsberg trial were permitted to introduce testimony from the Washington grand jury disclosing that Howard Hunt and Gordon Liddy had been ordered to break into Ellsberg's psychiatrist's office of Bud Krogh—at the time an Ehrlichman protégé in the White House and more recently a Department of Transportation Under Secretary. Krogh abruptly left, and was reported to have begun singing to Federal prosecutors in Washington.

But the most dramatic late-week revelation belonged, fittingly enough, to John Dean. Four days after being fired by Mr. Nixon, Dean disclosed that he had removed nine classified documents related to Watergate from his White House office prior to his departure. In papers filed with the U.S. district court in Washington, Dean asked Judge John J. Sirica to take custody of two keys to a safe-deposit box in Alexandria, Va., where the papers are stored. Just before that maneuver, the White House had rushed forth a ruling that all classified material was barred from disclosure by security laws—but whether this would be enough to top Dean's latest ploy is an open question.

For all the cascade of new information, the week's events left Federal prosecutors in a curious state of gloom about their ultimate chances of tracking the Watergate case to its last White House cranny. "When these people make statements under oath and they lie," said a prosecutor, "what the hell can you do? You can't go into the Prime Minister's office anywhere in the world and look at his files and slap handcuffs on his people. If you think government works that way, you're crazy. Maybe what I'm saying is that there are some things beyond redress."





Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the 5 minutes normally allotted to me at this time be reinstated.

Will the distinguished Senator yield to me the remainder of his time?

Mr. PROXMIRE. I reserve my time.

Mr. SCOTT of Pennsylvania. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. SCOTT of Pennsylvania. Mr. President, I congratulate the distinguished Senator from Wisconsin, not because he speaks as a Democrat but because he speaks responsibly as a Senator.

As I recall, it was the Senator from Wisconsin who, about the 19th of June, first proposed a special prosecutor.

Mr. PROXMIRE. That is correct. I proposed that John Williams and Arthur Goldberg be appointed to investigate and get to the bottom of this matter, as two men who would have the faith and trust of the Nation and Congress.

Mr. SCOTT of Pennsylvania. That is correct.

The Senator and I had a colloquy about the desirability of proceeding to clear up this entire mess 2 days after it happened. There was this discussion on the floor of the Senate.

The Senator again has justified the respect in which he is held in taking the position he has taken against McCarthyism. I, too, am glad that as a sitting Member of the other body, I was the first Member of Congress to criticize the late Senator McCarthy for his tactics of those days; and I agree with what the Senator has said here. The end does not justify the means.

A Pulitzer prize was awarded in one instance to someone involved in the publication of the Pentagon papers. The Pentagon papers—I am not going to argue that whole case over—were stolen documents. The Pulitzer prize was given for action which was based upon theft and thievery; and a great newspaper has argued continually that the end justifies the means, that the national interest compelled the publication of the Pentagon papers. I am not arguing that case with them. I am simply saying that the end does not justify the means where the means was wrong.

As the Senator has pointed out, this brings me to the point on which I wanted to agree with him: The revelation of rumors of what was said in the grand jury, the revelation of the desperate tactics of the people caught in this web, in an attempt to gain immunity for themselves, people who are willing to bring down everybody, including the President, if they can—the publication of that kind of thing as alleged front-page news or magazine news is unwarranted, is unfair, and is not in the best tradition of journalism.

The Senator may recall that I apologized to the press quite recently for the fact that many of us had said derogatory things about the Watergate investigation. It turned out that this free press had done a good job, and we have said so. But it is not a good job to publish wrongfully the unpublished and unauthorized release of grand jury transcripts. It is not right to publish the rumors of what a witness allegedly said in the grand jury, as the Senator has said.

I think that while we are praising the journalists and the media, while we at least have had the decency to apologize for having derogated their efforts—at least, I have said this—we have the same duty, as the Senator has so well put it, to make clear that there are limits beyond which neither Senators nor journalists nor anyone else should go.

None of us can say that a wrongful means justifies a desired end. It is certainly not even a desired end to try to bring down the President through malice, through rumor, through unsubstantiated whisperings, through the quotation of what a scared man allegedly said in an effort to ease the penalties he fears will fall on himself.

I have not said much about this aspect of the matter before; but I think that the Senator from Wisconsin, with the instinct he has shown so many times for the right time to say the right thing, has made an important point, and I hope that the media will treat it accordingly.

The media, when they are responsible, are the finest press in the world. But when they ride momentum and suddenly decide that a whisper can be turned into a charge, or a rumor into a fact, or a wrongful deed by one person into an alleged wrongful deed by another, up to that point unconnected, then the media are acting irresponsibly as well.

I am glad the Senator has pointed it out. I think it is time we realize what we are doing to this country when we run wild, when demagoguery appears, be it on this floor or be it in the media or anywhere else, because we are shaking and alarming and scaring the people of this country, who have no way of assessing the fairness of these charges. What the people hear over television or what they read in the newspapers is that somebody has said something terrible about the President. It is not clarified to them. Television always says, "Oh, there is not time." Well, there is always time to tell the truth, especially if you are going to tell something wrong first.

But there is not time, the argument goes, to tell the people, "Look, the President did not do this. There is no proof he did it."

This is simply a statement of a scared person who is supposed to have said something in the grand jury. We do not know what he said, and on which, as the distinguished Senator from Wisconsin said, he has not been cross-examined. As he said, we do not know if it is true.

None of this is analyzed for the benefit of the people. All they know is that a great miasma sweeps through Washington bringing clouds of suspicion on everyone from the President on down.

I end up by congratulating the Senator for saying what he did not need to say. There was no compulsion on him to say what he said, and he said it out of a sense of fairness, and it needed to be said. I want to pay my respects to him

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for having made a timely observation that fairness is fairness, whether it be in the media, public life, or anywhere else.

Mr. PROXMIRE. I thank the distinguished minority leader. I wish to conclude by saying that those who feel that it is possible that the Watergate scandal may be suppressed, that facts the country has a right to know may not come out, should stop and reflect. They should reflect on the momentum that is present today. There is the Ervin committee that will conduct a thorough investigation; there will be an independent prosecutor; some 20, 30, or 40 of the best investigators in this country are working on this matter also, some of them full time. There is no question the facts will come out. The one thing that could prejudice the truth is premature charges that are shown later to have been false; the denial never catches up with the initial smear and charge. If we are simply more careful and thoughtful about this and if the press will be more careful and thoughtful about it, I am convinced the country will be far better served.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield.

Mr. MANSFIELD. I wish to commend the distinguished Senator from Wisconsin for his sense of fairness and understanding of the law. I am one, along with those others who have spoken this morning, who has a great veneration for the office of the Presidency, just as I have a great veneration and dedication for the Senate and the Congress as an institution. But we do have grand juries operating at the present time. We do have hearings in Federal courts on both coasts at the present time. We do have a Senate committee made up of some of the outstanding Members of this body who, I think, will do a good, fair, impartial job. They will get at the facts and the facts should be laid bare because what the distinguished Senator is saying, if I interpret him correctly, is, in effect, to let the facts speak for themselves.

So I would hope that rather than judge people ahead of time we will wait until the evidence is in, as it was in the case of the Watergate trials, where the men had a fair trial before Judge Sirica, were judged guilty and sentenced to various terms of imprisonment.

But rumors and innuendos flourish and take hold. From the seed comes plants of various kinds. But rumors, innuendos, and the like are not facts, and the innocence or guilt of any individual involved in this messy, sordid situation will have to be determined on that basis and that basis only.

So I commend the distinguished Senator for his sense of fairness, understanding of the law, and the forthright speech he made in the Senate this morning.

Mr. PROXMIRE. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I, too, congratulate the distinguished Senator from Wisconsin (Mr. PROXMIRE), and I associate myself with the remarks of the able and distinguished majority leader just made in connection with the Senator's prepared speech.

Mr. PROXMIRE. I thank the Senator.

Mr. President, I yield the floor.

## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BIDEN). Under the previous order, the Senator from Michigan is recognized for not to exceed 15 minutes.

Mr. BEALL. Mr. President, I ask unanimous consent that the time allotted to the Senator from Michigan under the order be allotted to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, I yield such time as he may require out of my time to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROCK. Mr. President, I thank the Senator from Maryland.

Before I begin my prepared remarks. I wish to add my sincere appreciation to the Senator from Wisconsin for his contribution. I think it was statesmanlike and entirely consonant with our system of jurisprudence and due process of the law, and his recognized respect for the law. I very much appreciate his remarks, and I am grateful that he took this occasion to deliver them. I hope they will be heeded.

## CAMPAIGN REFORM

Mr. BROCK. Mr. President, if anything decent is going to come out of the Watergate affair I think it is going to come in the area of campaign reform, and I think it must.

Public reaction to the scandal surrounding the attempted bugging of the Democrat National Headquarters and to other political espionage in the 1972 presidential campaign, to date has centered on the guilt or innocence of the persons charged as responsible.

It is both normal and necessary that these persons be identified and prosecuted if culpable. However, in the final analysis, it is necessary to look beyond the personalities and address ourselves to the preservation and strengthening of our political system, and to those reforms which have been proven necessary if we are to eliminate future assaults on its integrity.

Those in both parties who seek short-term political advantage may achieve their goal by sensationalism and name-calling, but those who are truly concerned as I think the Senator from Wisconsin just demonstrated, about the basic fundamental implications of the Watergate affair, have a more difficult, and perhaps less headline-grabbing job to do.

We must address ourselves to the root causes of the problem and seek to correct them.

We need new legislation on campaigns and campaign spending. We need new thinking, and a fresh approach, and I would like to call on the Congress to direct its attention to shaking up the whole campaign situation, top to bottom.

There are a number of bills already introduced which bear on the campaign problem, but I believe we need a much more comprehensive approach.

I have some ideas, which I would like to discuss today, and I would hope that others would come forward with new concepts as well. Now, when Watergate-fueled public concern has heated the iron, is the time to strike a blow for true campaign practices reform.

Particularly in my role as chairman of the Republican Senate Campaign Committee, it is my hope that any new legislation may become law in time to be in force for the 1974 congressional elections. In that instance, it may be possible to judge any changes that might be necessary prior to the 1976 presidential campaign, so that by that time a tested and ironed-out law may be in force at that time.

Before detailing the thrust of my proposal, I would like to spend just a moment on the question of the Watergate affair itself and what it represents to our political process, its integrity, and its preservation.

It is important to remember that this is a scandal quite different from those great scandals in past American history. No one had their hand in the Federal till. No one was taking bribes in return for governmental favors. No one was selling secret documents to foreign powers, or to anyone else.

What it was, instead, was a case of dirty campaigning, illegal and unethical. In sum, it was a political crime. Viewing it so, it is to our campaign laws that we must look if we seek to apply the lessons of Watergate to the future.

Campaign workers come in all sizes and shapes. Volunteer or paid, they run the gamut in terms of their contribution, their commitment, and their attitude.

Some make but a desultory contribution to the campaign effort. Others may work quite hard indeed, without ever knowing exactly why.

And there are those who, by their very nature, are motivated by extremely strong commitments to the policies and programs of their candidates. More than other citizens, they regard the potential triumph of their opponents as a great blow to the country. Given this intense commitment, they behave perhaps somewhat differently than their less-political neighbors.

Clearly, the proverbial Ivory soap percentage of all these people would never, under any circumstances whatever, act in a way that was not totally honorable and ethical. Indeed, they are the very backbone of the American policial process. Without them, and their commitment, no candidate has a chance of election. Without them, the American system fails.

But there are subtle and compelling forces at work on the intensely committed people, and a very few may take the first step toward compromising their principles. It may begin with tearing down an opponent's posters, repeating a rumor about him they really do not believe, or in some other small way seeking to damage his campaign.

These little sins, or misdemeanors, really, may seem to them to be relatively



harmless, but somwhere along the continuum that stretches from decent, legitimate support to the monstrous illegality of the Watergate affair is a point where the end by no description can justify the means.

At some point too, a new element enters. It is the element that makes the wrongdoing truly criminal and serious criminality possible. It is money.

The simple fact is that few persons have the resources to escalate their misdemeanors into wholesale criminality. Taken to its final step, it was the existence of huge sums of money, in suitcases, safes, and special bank accounts, that permitted the Watergate affair to happen.

Without ready money, conspirators, in such limited numbers as they are, are relegated to daydreaming a "mission impossible" plot out of thin air while they clip newspapers in campaign headquarters.

Without ready money, there would have been nothing to cover up—indeed, there would have been no incident at all.

It is therefore, the existence of uncontrolled, unreported, large quantities of money—and in this specific instance, cash—that is the corrosive element, and it is to the question of campaign financing and spending that I turn my attention in seeking meaningful and workable reform.

There have been a number of attempts to legislate new policies regarding the vast sums of money which now seem necessary for a modern political campaign, but regrettably, they have not been greatly effective. They have been difficult to enforce, discriminatory against certain groups and candidates, and—to which the Watergate is eloquent testimony—ineffective.

No less an expert than Phillip Hughes, Director of the Office of Federal Elections, testified before a Senate subcommittee this year that current laws are inadequately enforced, and that the current machinery imposes great difficulties for those charged with its administration. Additionally, he points to substantial legal, constitutional, and administrative problems in enforcing the existing law, or any quantitative extension of it.

What is called for, then, I think, is a new concept, and a new approach. May I suggest the following attack on the problem:

First, all Federal election candidates should be required to designate a single financial institution which would be the repository for all of their funds. It would be illegal for them to have any other funds whatsoever, under any name, anywhere else, except for a small imprest petty cash fund, itself funded from the central repository. The designation of the repository would be made to the General Accounting Office of the United States.

Second, all campaign contributions must be forwarded directly to the repository, along with the name, address and social security number of the donor and no cash contribution in excess of $100 could be accepted. Campaign treasurers may accumulate small donations—less than $100—for a period not greater than 5-working days, then transmitting them to the repository. As is presently the case, the treasurer must keep records on the cumulative contributions of small donors, so as to identify any that may, by a series of donations, contribute in the aggregate more than $100, at which point the treasurer must notify the repository.

Third, the repository shall weekly publish a list of all donors, together with their addresses, social security numbers, and the amounts of their donations. It shall include under a separate heading all "miscellaneous" donations, and the name, address, social security number, and aggregate donated amount of any persons whose aggregate small contributions shall exceed $100. A copy of these lists shall be mailed to the General Accounting Office, as well as published, and both the repository and the GAO must make other copies available to the public.

Fourth, all disbursements from the campaign treasury must be made in the form of a check drawn on the repository institution—except for petty cash expenses. No other method of payment from a campaign organization shall be considered legal.

Fifth, the repository must publish a weekly list of disbursements, based on canceled checks in a manner similar to that discussed above, and in accordance with procedures drawn up by the GAO.

Sixth, contributions in kind—and this is a particularly interesting and difficult area that must be addressed in the future by legislation—must be reported by the treasurer to the repository, together with an estimate of their value and such other information as the GAO may require. The estimate of value must be certified as reasonable by the campaign treasurer, as well as the purpose stated to which the donated item or service is to be put.

Seventh, severe penalties for the violation of these provisions shall be in force, and may be applied to the candidate, campaign treasurer, repository, or officer thereof, or to any other person who knowingly and willfully violates the law.

The essence of these seven suggestions is to come up with a law which will assure that campaign contributions are totally exposed to public scrutiny and are open and above board. No more cash, no more bank accounts under various names, no more delayed reporting.

It will, I believe, go a long way toward making the subject of campaign financing the honest business that all of us believe it should be. But an additional step is needed, and that is to do something about the incredible cost of the campaign itself.

This is a terribly thorny problem, but one of great importance. There have been a number of attempts to limit the cost of campaigns, going back at least to the Corrupt Practices Act of 1925. In 1940, the Hatch Act contained a provision which provided that no Presidential campaign or committee could spend more than $3 million.

This law, as amended, is a mockery because all it has done is to create a proliferation of committees on behalf of one candidate. Thus, in 1968, the three major candidates, their parties, and special committees, spent at least $60,000,000 on the Presidential campaign, despite the law that would have limited that campaign spending to $9 million.

The most recent law attempts to place a direct, per-voter limit on the amount of money that can be spent on communications media advertising, but does not affect other forms of campaigning, although there have been measures introduced in this session of the Congress that would make such an extension.

In so many words, Mr. President, no matter how we try and what we write as to the extent of our legislation and the specificity of it, these limitations have not worked. I really wonder whether they can work, because they are all subject to attempts on the part of candidates and their managers and others to get around it when they feel that something has to be done. I question whether it is really the basic way to go about cutting the costs of campaign spending.

Let me suggest an alternative. I think that perhaps a much easier way to deal with the problem, and one that would have great appeal to the American people, is to limit campaigns in terms of time. This would have the effect of measurably reducing campaign costs.

Only so many television commercials or newspaper ads can be run during a given time; shorten the time reference and we reduce the costs.

In so many words, my idea is to limit campaign advertising to 35 calendar days, 5 weeks, preceding a general or primary election or a national political nominating convention.

Candidates could still make speeches, shake hands and make news. But that is the right of any citizen, and it would be both unnecessary and improper to interfere with it. But that it is the right of any citizen. It would be unnecessary and improper for us to attempt to interfere with it.

Provision would of course have to be made to provide for the payment of such expenses as may be required to meet the candidate filing laws of any State, and to provide for the operation of the ongoing political party organizations.

I would also envision a system whereby committees promoting a candidate, or seeking to draft him to run for office, would be permitted to exist prior to the announcement of this candidacy.

But at the time of that announcement, so far as all expenditures and all receipts are concerned, they must cease. They must give way to the candidates as far as expenditures are concerned. They could continue to exist in name, as could such usual groups as "Labor for Jones" and "Youth for Smith," but these groups would be prohibited from maintaining or spending funds on their own.

And of course, none of the committees could spend any money for advertising prior to 35 days before the election and then only by donation through the single campaign repository.

Finally, I would like to see changes dealing with contributors to political campaigns, and new regulations for the contributions of the candidate himself,

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his family, and other classes of potential contributors including corporations and labor unions. We need new thinking on maximum limits to contributions, and revisions in tax deduction provisions so as to encourage small donations on the part of individual citizens. It can be done. It was done in 1964, and it can be done on a regular basis in my opinion.

The general tone of these aspects should be liberal. It is my opinion that the key to honesty and impartiality lies in making donations broadly based and subject to full public disclosure.

Knowledge is the basis of rational decision. I fully believe that given access to all the facts, the American people will make the right decision.

We have a great many urgent needs in America today, vital needs to which those in and out of government must address their energies and abilities. If we are to get on with them, we need to put the Watergate affair behind us. The judicial process will see to it that those who are personally guilty of criminal acts relative to Watergate are fully dealt with.

Let us do something positive now. Let us try to get some real reform. Let us try to demonstrate our faith in the finest system of government history has bestowed on a free people.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BROCK. Mr. President, I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to congratulate my friend, the Senator from Tennessee (Mr. BROCK), for a splendid statement, a statement that is well thought out. It is a statement that I hope will have an effect on the appropriate committee in this body so that we can attempt to pass meaningful legislation.

As the Senator knows, I occupied the job he now has for 7 long years. I was constantly stunned and shocked by what I received from the various States of this Nation on behalf of various candidates in terms of money.

I am afraid that one major obstacle will stand in the way of meaningful reform, and that is that people still contribute in terms of $100 bills. There is no way on God's green earth that this can be accounted for if the contributor does not want it accounted for and if the candidate does not want it accounted for.

That, however, constitutes a relatively small part of the overall money received in a campaign. It is so small, in fact, that I question whether there is any substantial impact involved.

I like the Senator's suggestion about shortening campaigns. I think that the British have the right idea. I think that 5 weeks might be too long. I have often said that both campaigns should begin by Labor Day and that the candidates then have 4 or 5 weeks in which to campaign and make their points.

I remember at one time when we were dealing with this subject, I asked the late Walter Reuther if he would agree that a candidate would have to approve of each committee formed to raise money for him. He made a very cogent remark when he said,

No, it was his constitutional right to give up to $5,000 for any Senatorial campaign that he wanted to, and that the candidate need not know about this.

He could, for example, buy $5,000 worth of radio time and speak for or against a candidate. And he could do the same thing in the newspapers.

I cite this merely to show that there are some constitutional obstacles and some legal obstacles. However, I believe that they can all be overcome.

I think that every committee organized to help a candidate should have the knowledge and the blessing of the candidate. That is the only way to get around it. A man that wants to give more than $5,000 could have a left-handed, red-haired secretary's committee for Brock. And he could give money to that committee or to any other committee all down the line.

These are points that I want to raise so that we can understand them as we get into this problem. We are faced with a very serious problem. I remember in my first campaign for the Senate that it cost a little under $45,000. My last campaign cost more than $400,000. I have told my committee that I will not spend more than $200,000 in my coming campaign.

I think that spending more than that is wasteful. I think that there are better and more honest ways to campaign.

I remember that the late President Jack Kennedy and I had agreed that if we ran against each other, we would, in effect, travel together, make speeches from the same stump and debate each other, which is old-fashioned, but still the best way to get away from the Madison Avenue impact where they can literally tailor the man to meet the job. He or she—since we now have to consider that in politics—can have his or her face lifted. He or she could have sparkling things put in his or her hair and look like the brightest young thing that ever came down the pike.

That is the way you sell soap. That is not the way to sell the United States, or Members of Congress, or the Presidency; but we are into that.

So I am hopeful, I say in all seriousness to my friend from Tennessee, that we will pay attention to what he has suggested today, and to other suggestions that I know are lying dormant somewhere around here. I am sure there is not a Member of this body who would not want to see the process of running for public office shortened, cheapened, and cleaned up. When I say cheapened, I refer, of course, to the amount of money involved.

I assure my colleague that in the year ahead, in this job, he is going to have an opportunity to witness some of the things I have witnessed, and in time will be more sure of what he was saying.

Mr. BROCK. Mr. President, the Senator is very kind. I say that not only because of my respect for the Senator from Arizona's past experience as a national candidate, a senatorial candidate, and a member of the Senate campaign committee, but because of my respect for his integrity and his knowledge of the constitutional process. I am deeply grateful, and very much appreciate his remarks, because this is a problem that affects Democrat and Republican, liberal and conservative, and affects the integrity of the people of this country and of the political process itself, and that is something sacred beyond any individual, and always must be if we are to preserve it.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. BROCK. I yield.

Mr. BEALL. I, too, would like to join in congratulating the Senator from Tennessee for what appears to be a very worthwhile proposal to do something about the too long and too costly election campaigns to which we are all subjected these days.

Unfortunately, it seems that one of the first considerations that an individual has to make as he seeks to run for or seeks reelection to public office is the consideration of how to raise the money to pay the tremendous expenses incurred in acquiring the necessary advertising and other campaign machinery to get elected or reelected. I note that many of our colleagues who are going to be running in 1974 are now going about the business to see that proper fundraising efforts are put forth.

I have not had a chance to read the Senator's statement, but from listening to it I gather that the basis of his suggestion is that there be full and frequent public disclosure of all expenditures that take place during a campaign. I think that must be at the heart of any meaningful reform. It seems to me the one way we can control what happens in an election and the one way we can make the public concerned about what happens in an election is to make sure that, on a regular and frequent basis, there is a full disclosure of the amount of money being received by every candidate and a full disclosure of the amount of money being spent by the candidate. I think this must be the basis of any meaningful reform that takes place, and I congratulate the Senator.

I would like to say further that I agree that campaigns are too long. I was interested in the Senator's proposal that we limit to 35 days the time in which campaign advertising can be run. I guess that would probably work. I am wondering, since Labor Day seems to be the traditional starting point of all political campaigns in this country, whether the Senator would agree that perhaps it would be worthwhile to consider moving the election day forward also, as a method of getting at the length of campaigns.

Mr. BROCK. I think that would be perfectly logical. If we want to start at Labor Day, let us just add 35 days to that, or 30, if you like. I think we all might benefit from the process. I think the politicians might find it refreshing to note that they were not boring the American people to death, which extensive campaigns can on occasion do.

Let me tell the Senator how much I appreciate his remarks, and state that he has found the cogent point of this entire matter, and that is disclosure, public disclosure. Let the people know what is going on, and then we will not have any problems relative to contributions. Let them see how much was received on what dates. Let them see where they spent the money, for what purposes, and on what dates, at every stage of the campaign.



Mr. BUCKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Tennesee has expired.

Mr. MANSFIELD. Mr. President, would the Senator like a minute or so of my time?

Mr. BUCKLEY. Yes, I would appreciate it.

Mr. ROBERT C. BYRD. Mr. President, may I be recognized?

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may yield my time to the majority leader, the full 15 minutes if he needs it, and that the order for laying down the unfinished business at 10:59 a.m., to be followed by proceeding immediately to the consideration of the EDA bill, be modified accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. I thank the distinguished majority leader.

Mr. President, I too, want to compliment the Senator from Tennessee for focusing our attention on what so urgently needs to be done: A thorough review of our whole approach to national elections, not only in the light of our Watergate experience, but also in the light of our experience with the recently enacted campaign bill. We have had our first shakedown cruise, as it were.

I understand from those who have worked within its limitations that much improvement needs to be made. I think one thing we need to address, and the Senator has alluded to it, is to make sure that any new approach will really go across the board and affect everyone, labor unions and everyone else. This, as we know, last year was somehow avoided. It must be made to apply to everyone who would contribute.

One question in my mind has to do with the limitation of 35 days. I would only say that, while the thought of any such limitation is delightful, as one who was relatively unknown in a State as large as New York, I doubt if I could have made it with the campaign limited to that length of time.

I believe the limitation on total campaign spending, rather than on time, would be the right approach.

Mr. BROCK. The Senator may be correct. We have just simply failed to do that heretofore; we have not limited campaign costs, and they have increased enormously, even after the passage of the bill.

I frankly think perhaps we can achieve a basis of limiting the total cost by limiting direct media advertising to 35 days, but not by any description limiting campaign activities. Then the Senator could have conducted his campaign and engaged in all kinds of campaign activities, including direct mail and other forums.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROCK. I thank the Senator from New York for his comments.

Mr. MANSFIELD. Mr. President, before I start on my remarks, I commend the distinguished Senator from Tennessee for offering his proposals, and I would hope it would not be too long before we could jointly bring to the floor legislation dealing with the need for campaign reform, because campaigns are too long, and they are too expensive and too tiring, not only on the candidates but on the people themselves, with too much repetition. I would hope something could be done on a bipartisan basis to bring about these reforms, which would be not only in the interest of the people as a whole, but in the interest of those of us who are running on an individual basis.

I commend the distinguished Senator.

Mr. BROCK. I thank the Senator from Montana, and he has my unqualified commitment to support such a measure.

## THE WATERGATE CONSPIRACY

Mr. MANSFIELD. Mr. President, on January 16, 1973, at the request of Senator SAM ERVIN, chairman of the Senate Select Committee on Presidential Campaign Activities, I dispatched identical letters to the following:

Hon. Richard Helms, Director of Central Intelligence, Central Intelligence Agency, Washington, D.C. 20505.

Committee To Re-elect the President, 1701 Pennsylvania Avenue, Washington, D.C.

Hon. Richard Kleindienst, Attorney General of the United States, Department of Justice, Washington, D.C.

Hon. Patrick L. Gray III, Director, Federal Bureau of Investigation, Washington, D.C.

John W. Dean III, Esq., Counsel to the President, Executive Office of the President, The White House, Washington, D.C.

Hon. Elmer B. Staats, Comptroller General of the United States, General Accounting Office, Washington, D.C.

Maurice H. Stans, chairman, finance, Committee To Re-elect the President, 1701 Pennsylavnia Avenue, Washington, D.C.

The Republican National Committee, 310 First Street, SE., Washington, D.C.

Earl L. Silbert, Esq., Principal Assistant U.S. Attorney, U.S. District Courthouse, Third and Constitution NW., Washington, D.C. 20001.

Each of the above individuals and organizations acknowledged the receipt of the communication through the person to whom it was delivered.

The signed receipts follow:

OFFICE OF THE MAJORITY LEADER,
*Washington, D.C., January 17, 1973.*

Hon. RICHARD HELMS,
*Director of Central Intelligency,*
*Central Intelligence Agency,*
*Washington, D.C.*

ROBERT J. KELSO.

COMMITTEE TO RE-ELECT THE PRESIDENT,
*1701 Pennsylvania Avenue,*
*Washington, D.C.*

MELAINE O'GORMAN.

Hon. RICHARD G. KLEINDIENST,
*Attorney General of the United States,*
*Department of Justice,*
*Washington, D.C.*

BERNETTA EVANS.

Hon. PATRICK L. GRAY III,
*Director, Federal Bureau of Investigation,*
*Washington, D.C.*

C. CARSON.

JOHN W. DEAN III, *Esquire,*
*Counsel to the President, Executive Office of the President, The White House, Washington, D.C.*

F. J. CARRALL.

Hon. ELMER B. STAATS,
*Comptroller General of the United States,*
*General Accounting Office,*
*Washington, D.C.*

GLADYS M. RIGSBY.

MAURICE H. STANS, *Chairman,*
*Finance Committee to Re-elect the President,*
*1701 Pennsylvania Avenue,*
*Washington, D.C.*

ELAINE O'GORMAN.

THE REPUBLICAN NATIONAL COMMITTEE,
*310 First Street, S.E.,*
*Washington, D.C.*

JEAN M. DAVENPORT.

EARL J. SILBERT, *Esquire,*
*Principal Assistant U.S. Attorney, United States District Courthouse, Third and Constitution, N.W., Washington, D.C.*

PIERCY N. LASSIKAS for E.J.S.

The following communication, identical in each case, was sent to the above listed individuals and organizations and reads as follows:

As you may be aware, the Senate is to conduct a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. This investigation is to include an examination of the events surrounding the break-in at the Democratic National Committee headquarters in the Watergate, the reports of political sabotage and espionage, questions concerning the receipt and accounting of campaign funds, and the practices and procedures of the various agencies and officials in their investigation of such activities.

I am writing to request that you not destroy, remove from your possession or control, or otherwise dispose or permit the disposal of any records or documents which might have a bearing on the subjects under investigation, including but not limited to all records pertaining in any way to the financing and operations of any activity related to or affecting the nomination or election of any person during the recent Presidential campaign.

Sincerely yours,

MIKE MANSFIELD.

Late in the afternoon of Friday, May 4, 1973, the press began calling my office on the basis of a statement made by Mr. John Dean and/or his attorney at which time I instructed Mrs. Salpee Sahagian, administrative assistant to the majority leader, to read the contents of the communication in full and the names of those to whom the communication was sent. This was done. I received several inquiries from the press since and the same procedure was followed.

I also ask unanimous consent to have printed at this point in the RECORD copies of the replies I received from Attorney General Richard G. Kleindienst, Comptroller General Elmer B. Staats, Acting FBI Director Patrick L. Gray III, and Principal Assistant U.S. Attorney Earl J. Silbert.

There being no objection, the replies were ordered to be printed in the RECORD, as follows:

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THE ATTORNEY GENERAL,
*Washington, D.C., January 18, 1973.*

Hon. MIKE MANSFIELD,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR: I have your letter dated January 16, 1973 pertaining to the Senate conducting a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. You can rest assured that the request contained in your letter will be complied with.

My most sincere best personal regards and respect as always.

Sincerely,

RICHARD G. KLEINDIENST.

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COMPTROLLER GENERAL
OF THE UNITED STATES,
*Washington, D.C., January 22, 1973.*

Hon. MIKE MANSFIELD,
*U.S. Senate.*

DEAR SENATOR MANSFIELD: This is in reply to your letter of January 16, 1973, calling our attention to the impending Senate investigation of allegations of illegal or improper activities during the recent national election and requesting that we not dispose or permit the disposal of any records or documents which might have a bearing on the investigation.

The Federal Election Campaign Act of 1971, Public Law 92-225, contains provisions requiring the extended retention of records related to our activities under this law. Most, if not all, of the relevant records under the control of the General Accounting Office would be covered by this statute. Even were this not the case, however, we have no intention of disposing of any of the records now in our possession or which might come into our possession during the course of the audits now in process by the Office of Federal Elections which might have a bearing on the matters under investigation.

Sincerely,

ELMER B. STAATS,
*Comptroller General of the United States.*

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U.S. SENATE,
*January 23, 1973.*

SENATOR: Peggy received a call from Dave Bowers of the FBI.

Mr. Bowers said that Mr. Gray received your letter of January 16 but he understood that the Attorney General had replied on Jan. 18 and this reply was for the whole Department including the FBI. Therefore, the FBI Director would not be replying.

If there are any questions, contact Mr. Bowers. 175-2541.

DONNA.

Mr. MANSFIELD. Mr. President, I did not hear any further from the other individuals or organizations contacted initially.

This morning, I received in the mail a "Motion To Lodge Document with the Court" filed in the U.S. District Court for the District of Columbia and signed by Charles Norman Shaffer, 342 Hungerford Court, Rockville, Md. 20850, attorney for John Wesley Dean III. The document filed with the court reads as follows and includes, in addition, a certificate of service that the motion to lodge document with the court was mailed to me on May 4, 1973, and to Earl J. Silbert, Esquire, Seymour Glanzer, Esquire, and Donald Campbell, Esquire, assistant U.S. attorneys, U.S. Courthouse, Washington, D.C. 20001.

Also returned with the motion was a copy of the letter which I dispatched to Mr. John Dean on January 16, as well as a copy of the envelope in which the letter was enclosed and also, under exhibit B, photostatic copies of an advertisement put out by the Alexandria National Bank of Alexandria, Va.

In order to keep the record straight, and in view of the fact that my office has been approached by the press on various occasions, I ask unanimous consent that all the communications, documents, and whatever, be printed in the RECORD, so that they will be there for all to see.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.S. District Court for the District of Columbia]

MOTION TO LODGE DOCUMENT WITH THE COURT

United States of America v. John Doe, et al., criminal case No. 1827-72.

Comes now John Wesley Dean, III, by his attorneys, Shaffer, McKeever & Fitzpatrick, for the relief and upon the grounds hereinafter described:

1. That John Wesley Dean, III (hereinafter referred to as "Dean"), for a substantial period prior to Monday, April 30, 1973, had been a member of the President's Staff serving at the White House in the capacity of Counsel to the President of the United States.

2. That on or about Monday, April 30, 1973, at approximately 12:00 noon while in another jurisdiction some distance from the Federal City his secretary advised him by long distance telephone that the wire services were then carrying a news bulletin that the President had demanded and received from him and others their resignations from their White House Staff positions and that later during the evening of the same date the President, on nationwide television, would formalize the announcement.

3. Thereafter on the same date at approximately 2:00 p.m. Ronald Ziegler, the Presidential Press Secretary, by a long distance telephone call confirmed to him the Presidential action earlier reported by the wire services' news bulletin.

4. That during the tenure of his appointment as Counsel to the President of the United States and prior to his termination in that office on or about Monday, April 30, 1973, Dean carried a total security clearance covering his possession and use of classified security information which lapsed immediately upon his termination.

5. That on or about January 16, 1973, during the period of his tenure and while possessing or having under his control classified material the Honorable Mike Mansfield directed a letter to Dean which he shortly thereafter received, copies of which are attached hereto marked Exhibits A and A-1, and prayed to be taken as a part hereof, reading in relevant part:

"The Senate is to conduct a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. This investigation is to include an examination of the events surrounding the break-in at the Democratic National Committee headquarters in the Watergate, the reports of political sabotage and espionage . . . and the practices and procedures of the various agencies and officials in their investigation of such activities.

"I am writing to request that you not destroy, *remove from your possession or control*, or otherwise dispose or permit the disposal of any records or documents *which might have a bearing* on the subjects under investigation. . . ." (Emphasis added.)

6. That although Exhibit A describes itself as a "request" there are reasonable grounds to believe that the letter has directory effect to preserve autoptic evidence for the Senatorial inquiry described therein and any violation of its terms may expose Dean to subsequent charges of contempt of that body and obstruction of its investigatory endeavors.

7. On the other hand, Title 18, United States Code, Section 798, among other things, forbids anyone to communicate, furnish (excepting the lawful demand of information to any regularly constituted committee of the United States of America or joint committee thereof), transmit or otherwise make available to an unauthorized person or publish any classified information.

"(3) concerning the communication intelligence activities of the United States. . . ." under penalty of felony criminal prosecution leading to fine and/or imprisonment.

8. That for a substantial period prior to and since his termination from office abovedescribed in Paragraphs 2 and 3, Dean has had within his possession and subject to his control a certain document containing forty-three (43) numbered pages together with eight (8) related supplementary documents plastic bound in a blue cover and carrying a security classification.

9. That Dean has reason to believe that some, if not all, of the content of the documents described in Paragraph 8, above, fall within the scope of the coverage of Exhibit A and that the said documents may have "a bearing on the subjects under investigation" by the Senate; however, a reasonable interpretation of the character of Exhibit A supports the view that the Exhibit does not meet the statutory exception of Title 18, United States Code, Section 798(c) reading:

"Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof."

10. That prior to April 30, 1973, Dean, anticipating the reasonable likelihood of either (a) a covert break-in to his office before his termination by persons unknown or (b) sealing of his files after his termination by governmental agents and thereby run the risk of illegitimate destruction of the documents involved, removed the documents described to a safe and secure place under his custody and control.

11. That following Dean's return from the other jurisdiction above-described in Paragraph 2, on or about Thursday, May 3, 1973, he contracted in his name for a safe deposit box located within the Alexandria National Bank (hereinafter referred to as "the Bank") at Alexandria, Virginia, and was assigned Safety Deposit Box No. 592 and placed therein the documents above-described in Paragrapn 8.

12. That the Bank delivered to Dean two (2) duplicate safety deposit box keys both of which are affixed to a paper attached hereto marked Exhibit B and prayed to be taken as a part hereof.

13. That short of breaking the locks to the said safety deposit box access can only be obtained by the use of one of the keys affixed to Exhibit B in conjunction with a separate key maintained by the Bank at its banking house in Alexandria, Virginia.

14. That if this Honorable Court should grant the within Motion, then (a) Dean will have effectively transferred the documents involved beyond his own actual or constructive possession and control, which Dean believes he, as a terminated White House Staff member should no longer exercise, and (b) the problem of a statutorily unauthorized delivery to Senator Mansfield or members of the government's prosecutorial staff, none of whom may carry the requisite security clearance will be obviated, and (c) the risk of an unauthorized destruction of relevant evidentiary material "which might have a bearing on the subjects under investigation" either by the United States Senate or the District of Columbia Grand Jury inquiring into the matters under investigation.

15. That because of the events abovedescribed in Paragraphs 2 and 11, Dean was not previously confronted with the problem concerning the appropriate disposition of the classified material herein described and he did not sooner file the within Motion.

Wherefore, the premises considered, Dean respectfully prays this Honorable Court to pass an Order:

1. Directing the Clerk of this Honorable Court to remove the two (2) keys attached to Exhibit B and hold them in a safe place subject to the further Order of the Court; and

2. For such other and further relief as to this Honorable Court shall seem appropriate.

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EXHIBIT A

U.S. SENATE,
*Washington, D.C., January 16, 1973.*

JOHN W. DEAN III, Esquire,
*Counsel to the President, Executive Office of the President, the White House, Washington, D.C.*

DEAR MR. DEAN: As you may be aware, the Senate is to conduct a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. This investigation is to include an examination of the events surrounding the break-in at the Democratic National Committee headquarters in the Watergate, the reports of political sabotage and espionage, questions concerning the receipt and accounting of campaign funds, and the practices and procedures of the various agencies and officials in their investigation of such activities.

I am writing to request that you not destroy, remove from your possession or control, or otherwise dispose or permit the disposal of any records or documents which might have a bearing on the subjects under investigation, including but not limited to all records pertaining in any way to the financing and operations of any activity related to or affecting the nomination or election of any person during the recent Presidential campaign.

Sincerely yours,

MIKE MANSFIELD.

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EXHIBIT B

SAFE DEPOSIT KEY ENVELOPES

Why risk loss
of both keys
KEEP
ONE
SAFE DEPOSIT BOX KEY
IN THIS ENVELOPE
ALEXANDRIA NATIONAL BANK
ALEXANDRIA, VA.
MEMBER OF THE FEDERAL DEPOSIT
INSURANCE CORPORATION

Why risk loss
of both keys
KEEP
ONE
SAFE DEPOSIT BOX KEY
IN THIS ENVELOPE
ALEXANDRIA NATIONAL BANK
ALEXANDRIA, VA.
MEMBER OF THE FEDERAL DEPOSIT
INSURANCE CORPORATION

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## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may yield the remainder of my time to the distinguished Senator from Illinois (Mr. STEVENSON).

The PRESIDING OFFICER (Mr. HUDDLESTON). Without objection, it is so ordered.

(The remarks Senator STEVENSON made at this point on the submission of Senate Resolution 109, dealing with the appointment of a special prosecutor, are printed in the Routine Morning Business section of the RECORD under "Submission of a Resolution.")



## VOTER REGISTRATION ACT

The PRESIDING OFFICER (Mr. HUDDLESTON). Under the previous order the Chair now lays before the Senate the unfinished business, S. 352, which the clerk will state.

The legislative clerk read as follows:

S. 352, to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The Senate resumed the consideration of the bill.

Mr. McGEE. Mr. President, for several weeks, as the New York Times noted editorially today, the subject of voter registration by mail has occupied the attention of this body. The time to vote is upon us. Not today, as the Times has written. But it will be here tomorrow. A substantial majority of the Senate favors the bill. Opponents, to quote the Times editorial, "talk of fraud, but what they fear is democracy."

Mr. President, the time to expand America's democratic processes is now. The bill is before us. It is well considered. It has been long debated. There is no reason on Earth for not calling a halt to this senseless filibuster and acting on good faith. I ask unanimous consent that the Times editorial entitled "Time To Vote," which gives the case for acting on this bill now briefly, but persuasively be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME TO VOTE

For several weeks an informal coalition of some Republicans and Southern Democrats has been conducting a quiet filibuster in the Senate against a bill to permit voter registration by postcard. Supporters of the bill have abundantly demonstrated that inconveniently located registration offices, inadequate time and arbitrary deadlines make it unnecessarily difficult for would-be voters to get their names on the registration lists. These man-made obstacles explain to a considerable extent why the United States has the lowest rate of political participation of any democracy.

However, Congressional diehards steadfastly oppose a simplified registration system because they are unenthusiastic about anything that makes it easier for poorer and less well-educated persons to vote. The opponents talk of fraud but what they fear is democracy.

A substantial majority of the Senate favors the bill. A recent effort to break the filibuster fell two votes short of the necessary two-thirds. Today the Senate tries again to impose cloture. The time to stop talking and start voting has clearly arrived.

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## CONTROL OF TIME ON CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow the time during the debate on cloture under rule XXII, which will be 1 hour, be equally divided between and controlled by the distinguished Senator from Wyoming (Mr. MCGEE) and the distinguished Senator from Hawaii (Mr. FONG).

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXTENSION OF AUTHORIZATIONS OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

The PRESIDING OFFICER. Under the previous order, the unfinished business will be laid aside temporarily, and the Senate will now proceed to the consideration of H.R. 2246, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2246) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period.

The Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with an amendment to strike out all after the enacting clause and insert:

SECTION 1. The first sentence of section 105 of the Public Works and Economic Development Act of 1965, as amended, is amended by striking out the word "and" after the words "June 30, 1971," and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $200,000,000 for the fiscal year ending June 30, 1974.", and by striking in the last sentence the words "and June 30, 1973," and inserting in lieu thereof ", June 30, 1973, and June 30, 1974,".

SEC. 2. Subsection (e) of section 201 of the Public Works and Economic Development Act of 1965, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and shall not exceed $50,000,000 for the fiscal year ending June 30, 1974."

SEC. 3. (a) Subsection (b) of section 301 of the Public Works and Economic Development Act of 1965, as amended, is amended by inserting in the first sentence immediately after the word "hereof" the following: ", except that in the case of a grant under this subsection to an Indian tribe the Secretary is authorized to defray up to 100 per centum of such expenses".

(b) Section 302 of the Public Works and Economic Development Act of 1965, as amended, is amended by striking out the word "and," after the words "June 30, 1969," and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and $12,500,000 for the fiscal year ending June 30, 1974."

SEC. 4. Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965, as amended, is amended by inserting after "1973", the following: "and not to exceed $25,000,000 for the fiscal year ending June 30, 1974,".

SEC. 5. The first sentence of subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and for the fiscal year ending June 30, 1974, to be available until expended, $75,000,000.".

SEC. 6. (a) Section 2 of the Act of July 6, 1970, as amended (Public Law 91-304), is amended by striking out "1972" and inserting in lieu thereof "1974".

(b) The amendment made by subsection (a) of this section shall take effect May 31, 1972, and any area designated as a redevelopment area for the purposes of the Public Works and Economic Development Act of 1965, as amended, on or before that date and which has had such designation terminated or modified in accordance with section 402 of such Act of 1965 on or before the date of enactment of this Act shall, for the purposes of such Act of 1965, be held and considered as a designated redevelopment area during such period and shall continue to be designated as a redevelopment area until

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otherwise terminated or modified in accordance with the provisions of section 402 of such Act of 1965 and section 2 of the Act of July 6, 1970, as amended by this Act (Public Law 91-304).

The PRESIDING OFFICER. Debate on this bill is under control, with time on each amendment limited to 30 minutes, except an amendment by the Senator from Tennessee (Mr. BAKER), on which there will be 1 hour, and an amendment by the Senator from New Hampshire (Mr. COTTON), on which there will be 1 hour. Time on the bill is limited to 2 hours, to be divided as follows: 30 minutes to the Senator from New Hampshire (Mr. COTTON), 45 minutes to the Senator from New Mexico (Mr. MONTOYA), and 45 minutes to the Senator from Tennessee (Mr. BAKER).

Who yields time?

PRIVILEGE OF THE FLOOR

Mr. MONTOYA. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Public Works be permitted the privilege of the floor during the consideration of and all votes on H.R. 2246, a bill to amend the Public Works and Economic Development Act of 1965: M. Barry Meyer, Bailey Guard, John Yago, Philip T. Cummings, Judy Parente, David Sandoval, Richard Herod, and Robert Baca.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield to the distinguished Senator from Idaho.

Mr. McCLURE. Mr. President, I make a similar request for Mr. Michael Hathaway of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MONTOYA. I yield myself such time as I may require.

Mr. President, the bill before the Senate (H.R. 2246), extends for 1 year the programs authorized by the Public Works and Economic Development Act of 1965, continues the moratorium on the de-designation of redevelopment areas for an additional year, and provides 100-percent funding for technical assistance to Indian tribes under title III of the act. The bill also reduces authorizations from the present level of $1.2 billion to $362.5 million for fiscal year 1974, thereby approximating this year's appropriation level of $367 million. This reduction is offered in a spirit of cooperation with the President and in recognition of the need to maintain a fiscal balance as we seek to provide fundamental public services.

In the 1974 Federal budget, the administration offers an alternative set of programs to take the place of those that would be extended by the bill we have before us today. Basically, the administration recommends that various programs authorized by the Public Works and Economic Development Act be distributed to programs authorized by the Rural Development Act, the Water Pollution Control Act, the Small Business Act, and the Housing and Urban Development Act. Other activities would be incorporated within manpower and better communities revenue sharing proposals. Economic assistance to Indian communities would be taken over by the Bureau of Indian Affairs.

There is merit in some of these proposals and suggestions. Recognizing the need for improvements in existing economic development programs, I submitted during the 92d Congress and in this session of Congress legislation that would establish a new regional development program, a program that would incorporate the lessons learned from past experience and that would better address the unique problems of today. The response to this legislation (S. 232) has provided the Subcommittee on Economic Development, of which I am chairman, with suggestions that must also be considered in the formulation of any new development program. Hearings by my subcommittee are being scheduled to consider these proposals. They may also serve as a forum to discuss the merits of the administration's proposals. The extension of current programs is essential, however, because assistance to the Nation's economically disadvantaged areas must continue uninterrupted. Congress is not yet prepared to offer a new development program or to accept the administration's revenue-sharing proposals.

Furthermore, there is no reason to believe that the dispersal of the activites now carried out by the Economic Development Administration would improve or strengthen efforts to assist economically distressed areas. There is greater reason to believe that this diffusion would weaken or eliminate such efforts.

Our Nation has not been able to solve the problem of economic stagnation or deterioration with respect to every region of our country. It is doubtful that it ever will, completely. Economic progress itself creates disruption—"creative destruction" as one renowned economist described it. New technology, increased competition, depleted resources, changing trade patterns, changing tastes, obsolescence—all these factors have an economic impact, an impact that can fall disproportionately among the Nation's regions. And we must not forget the shock to a regional economy that can be initiated by a change in national priorities. We are told, for example, that a changing defense posture and budgetary considerations call for a shutdown of 40 military bases throughout the land and a cutback at 234 more. Again, the economic impact of this federally created shock would not be absorbed equally across the country. Rhode Island and Massachusetts would bear the brunt of this particular blow. Similarly, an area struck by a natural disaster can suffer the same economic distress as that caused by an economic downturn or a base shutdown. The Nation now faces the massive task of revitalizing economies disrupted by tropical storm Agnes and by recent flooding.

There is nothing inherently wrong in adjusting national priorities to meet changing national needs, just as there is nothing inherently wrong in the economic process of "creative destruction." Changes in policy will be made. Progress will hopefully continue. Nature will have its way. But we need not sit idly by while a stricken community struggles for its very existence. Why put up with this unnecessary suffering? Why put up with this unnecessary waste? Persons and communities caught stranded by a changing economic tide need assistance to establish a new and steady course. Most often the assistance provided by society is insignificant when compared with the benefits repaid. Why should we as a society not provide this timely assistance. In this regard and as a part of the hearings devoted to formulating a new development program, I intend to determine what action has been planned by our Government in order to provide economic assistance to communities and persons to be affected by defense cutbacks.

The American economy is a complex set of interrelated and dynamic systems. Private and public decisions can have large and far-reaching implications; implications of regional and even national scope. We no longer live in a simple shopkeeper economy where economic disruption to one productive unit has little or no affect on another. We need an agency in Government that concerns itself primarily with economic dynamics. We must have specialists in this important area. The programs authorized by the Public Works and Economic Development Act have done much of the job up to now, within their legislative and budgetary constraints.

An indiscriminate observation of these programs might see duplication with activities of other Federal agencies because similar tools are often used, but the fact that similar tools are being used does not necessarily mean that the same objectives are being sought. For example, neurologists and cardiologists both use many similar instruments, and they are both concerned with the physical well-being of the people. Should society, therefore, eliminate one of these specializations?

The Economic Development Administration and the regional commissions are interested in the social well-being of our citizens, as are the Departments of Housing and Urban Development and Agriculture; but the Economic Development Administration and the commissions concentrate on providing the services needed to guarantee economic well-being to those communities that need special consideration—special treatment to get back on their feet. Of course, HUD is concerned with the social ills of our urban communities. Of course, Agriculture is concerned with the health of our rural communities. But the know-how and expertise focused upon the concerns of economic development are found within the Department of Commerce. They are the ones that have researched new methods to cure the most difficult cases of unemployment and underemployment. They are the ones that have through timely and appropriate action given a new lease on life to hundreds of communities throughout the land.

Under the leadership of Paul Douglas, former Senator from Illinois, a renowned economist in his own right, Congress in 1965 saw the need for a special effort in the area of regional economic development. Have we now eliminated the plight of economic stagnation throughout the land? Have we come to grips with the process of "creative destruction"? Do Federal decisions no longer disrupt entire segments of our society that we may relax our economic surveillance? A glance at economic statistics tells one that we have not yet won a final victory over economic distress, that we have not yet found adequate methods for adjusting to economic change. I remind my colleagues that there are still four and a half million persons in this country that cannot find work. Over two million persons that seek full-time jobs can find only part-time work. Close to three quarters of a million persons have given up hope of finding a job, altogether. Unemployment has remained at 5 percent or more for 2½ long years. Close to 26 million persons have incomes below the poverty level. No, we have not yet solved the problem of economic distress.

It has been argued in recent years that we must live with an unemployment rate of 5 percent or more, that aggregate economic growth required to reduce unemployment beyond this level would create inflationary pressures too great for the economy to bear. I find this line of reasoning faulty on two counts. First, I do not accept the inevitability of a 5-percent rate of unemployment. Second, I believe that the medication for an unemployment problem at the margins of our economy is not the stimulation of the entire economy. The effort must concentrate in those areas, geographic and human, where the problems exist. These problem areas call for swift, precise, and specialized action.

The programs we discuss today represent a concentrated approach to the Nation's problem areas. They, by design and by budgetary constraint, are not policy instruments for aggregate economic growth. They attack the hardest and most difficult problems of unemployment. They create little inflationary pressure, for they activate idle resources and do not compete for scarce resources. In short, they represent a workable policy for reducing marginal unemployment—without fanning the fires of inflation.



There are today over 1,000 areas in the country that because of low incomes or high unemployment, or both, qualify for assistance under these programs, and I ask unanimous consent to have printed in the RECORD at this point a table listing the number of qualified areas by basis of qualification, from the inception of these programs to present time. These figures tell me once again that we have not yet found the solution to economic distress. We are not yet ready to dismantle our concentrated effort, inadequate though it may now be. Indeed, this information shows that since 1969, the number of qualified areas has risen steadily to the record high of today—this, after a record of steady improvement during the late 1960's. It appears to me that our efforts should be intensified, not abandoned, that new solutions should be sought.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUALIFIED AREAS BY BASIS OF QUALIFICATION, FISCAL YEARS 1966-72

| Basis of qualification | Begin fiscal year 1966 | End fiscal year 1966 | Begin fiscal year 1967 | End fiscal year 1967 | Begin fiscal year 1968 | End fiscal year 1968 | Begin fiscal year 1969 | End fiscal year 1969 | Begin fiscal year 1970 | End fiscal year 1970 | Begin fiscal year 1971 | End of fiscal year 1971 and begin fiscal year 1972 [4] | End of fiscal year 1972 and begin fiscal year 1973 [4] | Mar. 31, 1973 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Title I: | | | | | | | | | | | | | | |
| 102(a) Substantial unemployment | 99 | 115 | 153 | 178 | 64 | 52 | 46 | 63 | 33 | 36 | 29 | 179 | 380 | 474 |
| Title IV: | | | | | | | | | | | | | | |
| 401(a)(1): Substantial and persistent | 353 | 353 | 458 | 486 | 401 | 453 | 465 | 491 | 477 | 528 | 518 | 482 | 502 | [5] 407 |
| 401(a)(1): Population loss | 52 | 52 | 93 | 101 | 119 | 106 | 106 | 106 | 106 | 106 | 106 | 152 | 152 | (?) |
| 401(a)(2): Median family income | 188 | 188 | 163 | 177 | 184 | 178 | 172 | 172 | 172 | 172 | 172 | 205 | 335 | [6] 295 |
| 401(a)(3): Indian reservations | 54 | 54 | 55 | 66 | 74 | 78 | 78 | 89 | 89 | 106 | 106 | 118 | 125 | 137 |
| 401(a)(4): Sudden rise in unemployment | 1 | 1 | 1 | 7 | 7 | 29 | 26 | 31 | 21 | 29 | 29 | 62 | 83 | 127 |
| 401(a)(5): ARA holdovers | 533 | 533 | | | | | | | | | | | | |
| 401(a)(6): [3] Special impact | | | | | | | | | | 1 | 3 | 4 | 9 | 12 |
| 401(a)(7): Decline in per capita employment | | | | | | | | | | | | | 131 | [6] 182 |
| 401(d): One redevelopment area per State | | | 12 | 12 | 12 | 13 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 10 |
| Total, all qualified areas | 1,280 | 1,296 | 940 | 1,027 | 861 | 909 | 905 | 964 | 910 | 990 | 975 | 1,214 | 1,729 | 1,644 |
| Designated areas (Title I and IV) | | 810 | 812 | 936 | 779 | 845 | 796 | 880 | 821 | 906 | 906 | 989 | 1,140 | 1,184 |

[1] As a result of the 1970 and 1971 amendments to the Public Works and Economic Development Act of 1965, there were no area-qualification terminations in 1971; thus, the numbers of qualified areas shown for the end of fiscal year 1971 (June 30, 1971) are identical to those shown for the beginning of fiscal year 1972 (July 1, 1971). Moreover, the 1972 annual review and area-qualification terminations were not completed until Dec. 29, 1972; thus, the number of areas shown at the end of fiscal year 1972 (June 30, 1972) are identical to those shown at the beginning of fiscal year 1973 (July 1, 1972).

[2] This is the number of areas qualifying solely on the basis of substantial and persistent unemployment. Additional areas meeting this criterion are counted in other categories as noted below.

[3] Areas previously qualified in this category with 1950-60 net outmigration of 25 percent or more and median family income between 40 percent and 50 percent of the national median. Areas now qualify on the basis of median family income not in excess of 50 percent of the national median regardless of population loss. Accordingly, no areas are currently included in this category.

[4] This is the total number of areas meeting the low income criterion. 68 of these areas also currently qualify as 401(a)(1) unemployment areas, and 2 qualify as 401(a)(7) areas, but they are not included in the numbers shown for these categories.

[5] Figures relate only to the urban program.

[6] This is the total number of areas meeting the "decline in per capita employment (p.c.e.)" criterion, except for 2 areas which also qualify as low income areas and are counted in that category. 31 of these p.c.e. areas also currently qualify as 401(a)(1) unemployment areas and 8 of them qualify as 401(a)(4) "sudden-rise" areas, but they are not included in the numbers shown for those categories.

Mr. MONTOYA. History will show that economic strength is the major life force behind a great nation. How then can we budget $8.5 billion for research and development in defense and at the same time budget zero for research and development in economic development? Does this difference represent an appropriate allocation of our national energy? We have only a limited supply of human and natural resources at our disposal. We must invest a greater share of these resources for more productive and creative endeavors.

The struggle for clean air and pure water is one such endeavor, but let us not thereby forget the mandate to provide economic integrity to all citizens. In our fervent efforts to cleanse the environment, let those of us who already have had economic opportunity and that now have economic security not forget the needs of our less fortunate citizens. Is it wise, for example, to provide $7.4 billion in budget authority for EPA one year, then turn around and provide zero in budget authority for EDA the next? In concern over one problem, let us not forget the other.

And nowhere is a misallocation of resources more evident than in the field of education. Soaring unemployment among our young adults is testimony to the inadequacies of our educational system. For example, the average annual rate of unemployment in 1971 for persons 16 to 21 years of age was 14.3 percent. For blacks and other races it was 28 percent. The rate of unemployment for persons 16 to 19 years old was 16.2 percent. For blacks it was 33.5 percent. That is, one out of three of these young adults that went out seeking work were told "no, you cannot work." Yet, too often do these same individuals, now anxious to assume adult responsibilities, waste precious years stuck in a regimen that is totally inadequate for their wants and for their needs. And let me quickly point out that this is not simply a problem among blacks. Of the 1.8 million persons of age 16 to 21 that found themselves unskilled and unemployed, 1.4 million or 78 percent were white.

Little has been done to correct the imbalance of our educational system, but a good part of what has been done has been accomplished with the assistance of the programs we are considering today. Since its inception and as of February 1973, the Economic Development Administration has helped to construct 86 badly needed technical and vocational schools throughout the country. I would like to submit the listing of these projects and I ask unanimous consent that

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it may be printed in the RECORD at this point.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

VOCATIONAL SCHOOLS AND SKILL TRAINING CENTERS FUNDED BY EDA PUBLIC WORKS PROGRAM

| | EDA amount | Number of projects |
|---|---|---|
| Fiscal year— | | |
| 1966 | $7,504,000 | 4 |
| 1967 | 3,863,000 | 8 |
| 1968 | 12,635,000 | 16 |
| 1969 | 20,981,000 | 14 |
| 1970 | 13,314,000 | 11 |
| 1971 | 8,629,000 | 12 |
| 1972 | 9,719,000 | 16 |
| 1973 (as of Feb. 20, 1973) | 3,205,000 | 5 |
| Total | 79,850,000 | 86 |

VOCATIONAL SCHOOLS AND SKILL TRAINING CENTERS FUNDED BY EDA PUBLIC WORKS PROGRAM AS OF FEB. 20, 1973

| Location | EDA money | Date approved |
|---|---|---|
| Arkansas: | | |
| Pocohontas | $500,000 | Feb. 11, 1971 |
| Malvern | 570,000 | June 16, 1970 |
| Fort Smith | 765,000 | Mar. 13, 1970 |
| East Camden | 750,000 | Nov. 3, 1966 |
| Fayetteville | 480,000 | Feb. 25, 1969 |
| Alaska: | | |
| Fairbanks | 2,250,000 | Jan. 19, 1972 |
| Nome | 851,000 | June 26, 1970 |
| Arizona: | | |
| Gila River Indian Reservation | 1,151,000 | Apr. 10, 1969 |
| Whiteriver | 290,000 | May 7, 1968 |
| California: | | |
| Fresno | 82,000 | Mar. 22, 1972 |
| Columbia | 251,000 | Nov. 28, 1970 |
| Stockton | 750,000 | Nov. 4, 1968 |
| San Diego | 150,000 | Oct. 10, 1966 |
| San Jose | 350,000 | May 25, 1967 |
| District of Columbia | 2,907,000 | May 18, 1971 |
| Georgia: Clarke Athens | 250,000 | June 18, 1968 |
| Idaho: | | |
| Fort Hall | 882,000 | June 1, 1972 |
| Desmet | 82,000 | Jan. 24, 1972 |
| Lewiston/Nez Perce | 750,000 | Nov. 14, 1969 |
| Illinois: Chicago | 6,452,000 | Dec. 31, 1968 |
| Kentucky: | | |
| Glasgow | 551,000 | June 16, 1972 |
| Mayfield | 478,000 | June 9, 1972 |
| Benton | 482,000 | Apr. 17, 1972 |
| Fulton | 326,000 | Mar. 8, 1972 |
| Murray | 195,000 | Dec. 31, 1970 |
| Louisiana: Opelousas | 291,000 | June 7, 1971 |
| Massachusetts: Fall River | 3,053,000 | Mar. 25, 1966 |
| Minnesota: South St. Paul | 153,000 | May 18, 1972 |
| Mississippi: | | |
| Clarksdale | 349,000 | Sept. 24, 1969 |
| Fayette | 242,000 | June 4, 1968 |
| Kosciusko | 101,000 | Mar. 25, 1966 |
| Missouri: | | |
| Louisburg | 1 458,000 | Dec. 22, 1971 |
| Doniphan | 379,000 | Dec. 23, 1971 |
| Lilbourn | 1,625,000 | Nov. 14, 1969 |
| Montana: | | |
| Rosebud | 216,000 | Sept. 23, 1970 |
| Box Elder | 545,000 | Mar. 24, 1969 |
| Silver Bow | 425,000 | May 18, 1966 |
| Nevada: Owyhee | 82,000 | Feb. 13, 1973 |
| New Jersey: | | |
| Newark | 5,823,000 | Jan. 31, 1969 |
| Do | 1,541,000 | June 14, 1968 |
| Camden | 1,650,000 | June 14, 1967 |
| Passaic | 3,925,000 | June 29, 1966 |
| New Mexico: | | |
| Rio Arriba | 160,000 | Mar. 16, 1972 |
| Santa Fe | 990,000 | Oct. 4, 1968 |
| Zuni Reservation | 254,000 | Sept. 20, 1968 |
| Mescalero, Apache Reservation | 281,000 | June 18, 1968 |
| Espanola | 811,000 | May 10, 1968 |
| Acoma Reservation | 325,000 | Mar. 19, 1968 |
| Jemez Pueblo | 230,000 | Oct. 22, 1968 |
| San Juan Pueblo | 75,000 | Oct. 3, 1968 |
| Bernalillo | 223,000 | May 18, 1967 |
| New York: Brooklyn | 1,446,000 | Sept. 15, 1972 |
| North Carolina: | | |
| Lumberton | 861,000 | May 22, 1970 |
| Morehead City | 881,000 | Feb. 18, 1970 |
| Elizabethtown | 181,000 | June 12, 1968 |
| Kenansville | 215,000 | Apr. 5, 1968 |
| Sylva | 275,000 | May 10, 1968 |
| Wilson | 510,000 | May 7, 1968 |
| North Dakota: Fort Yates, Standing Rock Reservation | 515,000 | May 21, 1971 |
| Oklahoma: | | |
| Vinita | 2,059,000 | Apr. 6, 1971 |
| Ardmore | 425,000 | Nov. 18, 1969 |
| McAlester-Kiamichi | 1,328,000 | May 7, 1968 |
| Purcell | 978,000 | Apr. 30, 1969 |
| Wilburton | 718,000 | May 9, 1968 |
| Shawnee | 1,224,000 | May 20, 1968 |
| Puerto Rico: | | |
| San Juan | 461,000 | Mar. 22, 1972 |
| Do | 4,585,000 | Jan. 28, 1970 |
| Yauco | 1,264,000 | June 11, 1969 |
| Guayama | 2,075,000 | Apr. 30, 1968 |
| South Carolina: | | |
| McCormick | 1 142,000 | Oct. 20, 1972 |
| Orangeburg | 1,320,000 | Nov. 7, 1972 |
| Aiken | 408,000 | Sept. 17, 1971 |
| Bamberg, Denmark | 976,000 | May 20, 1971 |
| Greenwood | 246,000 | Dec. 31, 1970 |
| Florence/Darlington | 1,652,000 | May 20, 1970 |
| Kingstree | 1,490,000 | Apr. 10, 1969 |
| South Dakota: Rosebud | 40,000 | Nov. 4, 1966 |
| Texas: | | |
| Beeville | 215,000 | Sept. 28, 1972 |
| Gonzales | 120,000 | Nov. 25, 1970 |
| Waco | 500,000 | Jan. 30, 1969 |
| Lower Rio Grande Valley | 2,369,000 | Apr. 9, 1968 |
| Rio Grande | 10,000 | Apr. 19, 1967 |
| Virginia: Warsaw | 720,000 | Jan. 17, 1972 |
| Virgin Islands: St. Thomas-St. Croix | 250,000 | July 23, 1970 |
| Washington: Seattle | 1,846,000 | Mar. 16, 1972 |
| Wisconsin: Antigo | 680,000 | Dec. 28, 1966 |

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Mr. MONTOYA. Mr. President, these vocational schools which have been constructed in different areas of the country have become showcases, and other areas are beginning to follow the example by mustering financial resources to build such schools in those areas. So, in effect, this seed we have planted has stimulated the interest of the whole country in the concept of vocational education for our youth.

Most nations have long since recognized and nurtured the potential of their young adults, not so severely separating the earning process from the learning process. We must do better in terms of technical training and in terms of on-the-job training at nonpoverty wages. We must remember the 80 percent of those entering high school that do not go on to get college degrees. This is an area for which I have great concern, and this is one of the many areas in existing programs for which the administration has provided no acceptable alternative—eliminating, in fact, the only source of Federal assistance for the construction of needed technical and vocational facilities.

We must increase our efforts in the area of vocational education, not reduce them. We must strengthen our efforts in the area of regional economic development, not dilute them. Administration alternatives offer uncertainty for certainty. Some proposals are completely unacceptable. We must pass this bill extending the life of the Economic Development Administration and the Regional Action Planning Commissions until a suitable and certain alternative is provided. We must continue an economic development effort in this country.

Mr. President, I have discussed in some detail why it is important to maintain on-going programs of economic development. The continuation of these programs has been a matter of priority for the Subcommittee on Economic Development and the Committee on Public Works.

We could not have brought this bill to the Senate at this time without the support and participation of the distinguished chairman of the committee, the Senator from West Virginia. Senator RANDOLPH was an early advocate of federally sponsored economic development programs.

He is the father of the Appalachian Regional Commission.

He saw the problems that existed in his own State and found them reflected in other distressed areas throughout the United States. Without his leadership, programs enacted 10 years ago and those that followed, including that specifically directed at the problems of the Appalachian region, would not have come into being. It is his experience in this field and his inspiration as an effective legislator and chairman that have greatly facilitated our work in this area.

I am grateful to the members of the subcommittee for their diligence in these matters and for their participation in the development of this legislation. Senators MUSKIE, GRAVEL, BENTSEN, BURDICK, MCCLURE, STAFFORD, SCOTT, and DOMENICI all have made important contributions to the measure now before us. At the full committee level, the ranking minority leader, the distinguished Senator from Tennessee (Mr. BAKER), was of great assistance, as were Senators CLARK, BIDEN, and BUCKLEY.

Mr. President, this bill was carefully prepared by the Subcommittee on Economic Development and the Committee on Public Works. Its provisions were thoughtfully considered in their relationship to the needs of our country and within the framework of the existing governmental structure for executing economic development programs. I am convinced that it meets existing needs in these respects, and I strongly urge the Senate to approve this legislation.

Mr. NELSON. Mr. President, I support the Senate Public Works Committee version of H.R. 2246. This bill extends the Economic Development Administration for another year, and provides an authorization of $362.5 million for fiscal year 1974.

There has been much discussion in recent months about the effectiveness of the assistance programs of the Federal Government. Questions have been raised about the cost-benefit ratio of such programs, about administrative mishandling of programs on the local level, and about the vast duplication of programs which has resulted from our sincere efforts to provide relief to Americans who have not shared in the American dream.

Certainly it is the obligation of Congress to keep a constant and watchful eye on our programs for public assistance to be sure that they provide that assistance to those who are in need of such help, and to guarantee that these programs accomplish the ends they were meant to accomplish.

Speaking from a knowledge of the extremely beneficial work of the Economic Development Administration in northern Wisconsin—and especially of the Upper Great Lakes Regional Commission created under title V—it can be said that this program is one that has ably demonstrated its worth to the people and to the Government.

Northern Wisconsin has for many years been a depressed area. Since the decline of the mining, logging and shipping industry in the area, the northern half of the State has suffered from a whole series of economic problems which have placed a severe hardship on the citizens.

First. Unemployment in the area consistently ranks higher than the national average. In the upper Great Lakes region, the unemployment rate is 6.3 percent, while the national average is 5 percent.

Second. Per capita income ranks more than 20 percent lower than the national average. Upper Great Lakes area per capita income is $8,268, while the national average is $9,590.

Third. Throughout the three-State area in the upper Great Lakes region, the number of families below the poverty level was 11.3 percent of the total population. The national figure was 10.7 percent.

Fourth. In the upper Great Lakes region, there are 19.1 medical personnel for every 10,000 people. Nationally, there are 26.5 medical personnel for every 10,000 persons.

Fifth. In the upper Great Lakes region, population between 1960 and 1970 declined by 2.7 percent, while the total three State area average population change was a gain of almost 1 percent.

While these statistics illustrate the extent of economic depression that has gripped the upper Great Lakes region, nothing can better convey that problem than the realization that this area once boomed from an extensive lumber, mining and shipping industry. Blessed with thousands of square miles of forest land, and abundant mineral resources under the ground, and the Great Lakes system to carry the raw material to market, northern Wisconsin gave its heart to the development of the Nation. But the forests were logged out, the deposits were depleted, and now the area stands as a shadow of its former prosperity.

Public officials and citizens have been aware for many years what kind of action was necessary to restore the quality of existence for northern Wisconsin. Businesses would have to be started so that jobs could be provided to the unemployed, transportation facilities would be required to make it easier to travel to the area, local residents would have to be aided in their efforts to protect the environment in order to expand the recreation industry in the area.

Early in 1965, I cosponsored an amendment to the Appalachian regional development bill with Senators HART, MONDALE, and MCCARTHY to create an Upper Great Lakes Development Authority. The purpose of the amendment was to give emphasis to the fact that in dealing with poverty and economic depression, Congress should concentrate on all areas suffering from such problems, not just those which have received extensive national publicity. This was the first effort to recognize the need for areawide coordination of economic assistance outside of Appalachia. Although that specific amendment was not approved, the leadership of the Senate and the administration assured me that they would wholeheartedly support future efforts at regional development legislation. In August of 1965, the Public Works and Economic Development Act was passed.

Title V of that act created the Upper Great Lakes Regional Commission, which covers 119 counties in northern Wisconsin, Minnesota, Michigan, and the Michigan Upper Peninsula. The principle of the commission was simple: to provide a mechanism for local, State, and Federal cooperation what would result in coordinated action to encourage the sound economic development of the upper Great Lakes area.

Through the years 1966 through 1971, the Upper Great Lakes Regional Commission funded 58 supplemental grants in Wisconsin. Total project costs amounted to $32 million of which $4.5 million was supplied by the commission. In 1972, 18 projects totaling $6.7 million received Upper Great Lakes Commission grants of a little over $1 million. So far in 1973, the commission has approved grants totaling $3 million for 17 projects and involving $770,544 in commission funds.

Such statistics do not provide an indication of the scope of Upper Great Lakes aid to the citizens of northern Wisconsin, but a few examples will:

The village of Wausaukee in Oconto County had been able to attract some beneficial industry to the community, but was unable to raise the money needed as its share toward the construction of improved water and sewer facilities needed for this expanding industry. The Upper Great Lakes Regional Commission not only provided a $33,000 grant to the community, but aided in raising an additional $16,000 needed in order to allow the community to proceed with the project. The facilities will provide service to a business which will employ 40 new workers who were previously out of jobs.

Job training has been a large part of the Upper Great Lakes activity. While it is possible to attract new industry, it is important that local citizens be given the opportunity to fill the job openings made available. Upper Great Lakes established job training centers in health occupation skills in Marshfield, shipbuilding skills in Sturgeon Bay, and forester skills in Rhinelander. The commission is also embarking on a program of training native Americans for resource management positions in the forests of the area.

Regional isolation has been a major problem for some areas. The Upper Great Lakes Regional Commission helped finance improvements at the Minocqua-Woodruff Airport where $1.2 million in additional revenue has been generated each year since the projects' completion.

The commission has also provided assistance which leads to development efforts on a longer range scale which are innovative, demonstrative, and regional in nature. One such project enabled the three State departments of natural resources in Minnesota, Wisconsin, and Michigan to coordinate their activities to develop strong procedures for the preservation and restoration of the more than 17,000 inland lakes in the 119 county region.

It is important to note that not only does the Upper Great Lakes Regional Commission provide the basic funding for many programs, its supplemental investments of $32 million in the 6-year history of the Commission have alone generated more than $125 million in additional State, Federal, and local assistance. This shows approximately a ratio of four dollars generated by every one dollar of Great Lakes Commission funds invested. Clearly, the benefits which have been provided by the Upper Great Lakes Regional Commission, even with limited funding, provides persuasave evidence of the value of the program.

Mr. President, the bill that is before us will provide the very minimum amount of funding necessary to carry on the functions of title V and the Economic Development Act. Support for the 1-year extension has come from many local and State leaders in Wisconsin. Gov. Patrick J. Lucey, who serves as the chairman of the title V governors, as well as the State legislature and scores of local government leaders have offered their support for the extension of the EDA. In a telegram to the entire Wisconsin delegation earlier this year, the Governor and the leaders of both parties in the legislature said—

> This legislation is critical to the economic development of central and northern Wisconsin. Significant gains have been made despite limited funds during the past six years . . . The Commission decision-sharing effort provides cooperation in making investments to meet resource development needs in northern Wisconsin.

The Milwaukee Journal, one of the most distinguished papers in the Nation, has supported the EDA extension in saying:

> There is too little understanding of the importance of the federal catalyst in trying to revive the economy and livability of depressed northern counties in the Great Lakes region. The highly promising catalyst for the last six years—the Upper Great Lakes Regional Commission—would be eliminated under President Nixon's 1974 budget . . . This federal state partnership could be seized as the model for the 'new federalism' that President Nixon says he is pursuing. It would be a serious blow to Wisconsin and the whole upper lakes region if this effective vehicle for both planning and action were wiped out.

The Economic Development Administration is one Government program that has demonstrated that it deserves to be extended, at least for another year. In that time, there can be additional investigation as to ways in which we can make the whole Government assistance program more coordinated and less costly.

But to fail to extend the EDA would be to ignore our basic responsibility to the citizens of this country to preserve and improve the programs which provide significant aid to people and areas which have suffered economic hardship.

It has been stated that we ought not to approve the Senate committee version of H.R. 2246 because it is unlikely that the President will sign the bill. If we were to act in such a manner, there would be no progressive legislation approved by Congress. For too long, we have allowed ourselves to lose the power of appropriation and legislation that is given to Congress in the Constitution. We have heard much this year about the battle between the White House and the Congress, and how the President has won the first two rounds.

Mr. President, we are not involved in any boxing match in this Chamber. We cannot rest after every 15 minutes, and the battle does not end after 15 rounds. What is at stake is the very essence of the Constitution, the balance of power



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which is designed to provide laws which aid the people, not the special interests.

The bill that we have before us is a good bill, although the funds authorized are not nearly enough to deal adequately with the problems at hand. But Congress must demonstrate its concern for the economically depressed areas of the United States.

It can do that by giving its approval to H.R. 2246 this afternoon.

Mr. BUCKLEY. Mr. President, I appreciate this opportunity to state for the RECORD my position with respect to the proposed 1-year extension of the Public Works and Economic Development Act and the alternatives to this bill offered by my colleagues, Senators McCLURE and BAKER and Senator DOMENICI.

During consideration of the Public Works and Economic Development Act in committee I voted against extending authority for the Economic Development Administration for 1 year and filed views dissenting from the majority opinion of the committee. I ask unanimous consent that my statement, as it appears in the Senate Public Works Committee report, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF MR. BUCKLEY

As a matter of political philosophy it has long been my position that the solutions to society's problems are best sought in the private sector or, where public action is required, at the lowest level of government competent to handle a specific problem. I believe, in other words, in the ancient rule of "subsidiarity," as it places responsibility on the appropriate level of government that is closest to the problem and most responsive to the people directly affected.

During the 1960's, we fell into a careless and lazy habit of referring an increasing number of problems to Washington. This habit has not only failed to produce the anticipated results; it has not only wasted limited resources, raised taxes to an all-time high and produced an almost uncontrollable inflation—but it is threatening to produce a sprawling bureaucracy too large for any President or any Congress to control.

We have found that, to the body politic, this habit of turning to government can be addicting. A new governmental program begins as a means of "solving" a problem, but ends up by making the supposed beneficiaries dependent on it.

I have often argued that it is essential that we work to return areas of public responsibility to levels of government which are more responsive to the people; likewise that it is necessary for Congress to exercise discipline in voting federal authorizations to a far greater extent than it has so far been willing to do.

For these reasons I have strongly and enthusiastically endorsed the efforts of President Nixon to restore a more effective distribution of power and responsibility within the federal system and to return authority and accountability for public programs to state and local government officials through the device of special revenue sharing.

One element of this effort has been the proposal, as evidenced in the Administration's 1974 budget, to phase out the Economic Development Administration programs and to substitute a plan of action which would meet the policy objectives of the Public Works and Economic Development Act to stimulate economic development while reducing the federal presence and consolidating the modest federal effort which remains in effect.

There appears elsewhere in this report a letter to the Chairman of this Committee from the Secretary of Commerce which outlines the specific features of the Administration's blueprint for the termination of the Economic Development Administration. While there are likely to be differences of opinion as to how such a reorganization should be ideally effected, I believe the Administration's proposal is reasonable and adequate to sustain the on-going planning efforts through fiscal year 1974, until such time as state and local officials decide which programs and which organizational units ought to be continued.

The federal role will continue in evidence in the effort to encourage economic development principally through the Rural Development Act. However, the nature of the federal response to economic development will be shifted from that of extending categorical grants to a greater reliance on business and industrial loans and an expanded community facilities loan program. As stated in Secretary Dent's letter to the Committee, guidelines and procedures to implement the Rural Development Act are now in preparation and are expected to be ready by July 1, 1973. Thus, from the standpoint of both the planning and the program for economic development, the Administration's proposals already provide an adequate mechanism for the orderly "transition" between existing programs and their successors. This is another way of saying that now is as good a time as any to terminate the Economic Development Administration.

It is understandably difficult for members of this Committee, which has been responsible for writing the Public Works and Economic Development Act, to agree to the termination of the entire program which that Act created. It is also difficult for those of us whose constituents might benefit from a continuation of the program as it now exists to take the risk of embracing a new and untested approach to economic development. Furthermore, there is great temptation to increase expenditures on existing programs in the belief that the problems would be more readily solved if only there were adequate funding. These are examples of the difficult choices which must be made by the Congress if we are to do more than talk about fiscal responsibility and the need to reverse the flow of power to Washington, as many of us believe must be accomplished. Only if special revenue sharing and executive reorganization are supported by the Congress can we expect to see State and local governments revitalized as they are weaned of their dependence on Washington. For this reason, I dissent from the majority opinion of the Committee and oppose the extension of the Public Works and Economic Development Act.

Mr. BUCKLEY. Mr. President, as my statement indicates, I am personally satisfied that appropriate machinery can be in place to enable State and local officials to continue operating economic development programs by the time the authority for the Economic Development Administration expires at the end of the current fiscal year. On the other hand, I can also appreciate the concern of some of my colleagues that the Congress has not yet had sufficient opportunity to fully consider certain administration proposals which have only recently been submitted, such as the Better Communities Act introduced in the House of Representatives on April 19, 1973.

The proposed substitute offered by Senator DOMENICI, to authorize a 4-month extension, has the advantage of giving Congress ample time to consider the special revenue sharing proposals. As Senator DOMENICI argues, this would commit the Congress to examine without delay the administration's proposals for program reform. I support the Domenici amendment both for the discipline it imposes on the Congress to consider special revenue sharing as quickly as possible, and because it is a step in the desired direction of reducing the commitment of Federal dollars to programs that ought to be eliminated. I also support the proposed substitute sponsored by Senator BAKER and Senator McCLURE to extend for 1 year only three of the programs authorized under the Public Works and Economic Development Act because it is preferable to a 1-year extension of the entire program from the standpoint of keeping unessential Federal expenditures to a minimum.

Finally, I would like to restate my wholehearted support of the thrust of President Nixon's domestic initiatives in returning responsibility for Federal programs, such as those administered under the Public Works and Economic Development Act, to State and local governments. I believe that the proposed special revenue sharing programs promise to be the most effective mechanisms for achieving this objective and I urge my colleagues to consider them quickly and sympathetically.

Mr. President, I ask unanimous consent that the prepared statement by the administration outlining their objections to the 1-year extension of the Public Works and Economic Development Act be printed at the conclusion of my remarks. In doing so, I do not wish to suggest that I support each and every argument advanced by the administration. I do feel, however, that it will help place the discussion in perspective.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION STATEMENT IN OPPOSITION TO H.R. 2246, AS AMENDED

The programs of the Economic Development Administration (EDA) have helped to some extent to alleviate unemployment in the depressed areas of the nation.

However, on the other hand, the EDA programs have been far too localized and have unnecessarily involved the federal government in the details of local development. The categorical nature of EDA has also led to a distortion of local priorities.

In general, the achievements of EDA's programs have not lived up to expectations and the Administraion is therefore opposed to enactment of H.R. 2246, as amended.

President Nixon's 1974 Budget proposes to reduce this needless federal local involvement by returning decision-making to the states and localities as well as by reducing the undesirable overlap and duplication among those federal agencies which are involved in community and area development. EDA's phaseout coupled with President Nixon's budget proposals for the federal assistance for economic development will provide a big step forward in the right direction. In keeping with this new emphasis, the Administration has provided that EDA's objectives will be assumed by other departments and agencies which will administer their programs to accomplish these goals.

THE EDA PROGRAM

Since September 1965, the programs under the Public Works and Economic Development Act and administered by EDA have tried to resolve national economic problems by attempting to stimulate the creation of jobs in economically depressed areas.



However, EDA's programs have not proven successful in accomplishing the objective of overcoming the national problem of imbalances in employment and income. EDA's impact has instead been localized; there is no need for the strong federal decision-making role in localized kinds of projects with which EDA has been involved.

RURAL ECONOMIC DEVELOPMENT

The new Rural Development Act to be administered by the Department of Agriculture is a program which will encourage the participation of the private sector in helping to meet economic and social needs and provide state and local officials greater authority in project decisions.

Under this Act, the Department of Agriculture will have the primary responsibility for rural development activities including water and other community facility projects which have represented over half of the past EDA funding. The President's 1974 Budget provides $678 million for Agriculture's new activities under the Rural Development Act, an increase of $346 million over the fiscal year 1973 obligation level. Most of these funds will be used for community facilities and commercial and industrial development. Funds in the amount of $645 million will be available July 1, 1973 under the Act to insure and guarantee loans for water and community facilities and industrial development.

The appropriate agencies of the Department of Agriculture are now preparing guidelines and procedures to implement the Rural Development Act and will be ready by July 1, 1973. In some instances, relatively small changes have been required in existing regulations and the program is already being implemented. On the other hand, in those activities involving the business and industrial loans and the expansion of the Department's community facilities loan program, the guidelines are requiring more intensive preparation and review within Agriculture and other departments. It is expected that these programs will be promptly initiated following the necessary clearance and administrative preliminaries. Procedures are also being developed to allow for greater state and local involvement and control of investment decisions.

The Department of Agriculture has already approved a number of loans for electric and telephone service under the Rural Development Act.

Industrial development loans authorized under the Act may be made in communities with a population of 50,000 or less. All other programs under the Act are available to communities with populations of 10,000 or less. The majority of EDA's assistance has been placed in communities of similar size. For fiscal years 1966 through 1972, 81.5 percent of EDA's obligations have been made for projects located in localities of 50,000 or less people. Sixty percent of EDA's obligations went to localities of 10,000 or less.

In addition, communities of all sizes will obtain assistance for waste disposal facilities in 1973 and 1974 through an additional $5 billion already made available for grants for such facilities under the Federal Water Pollution Control Act Amendments of 1972. $2 billion of this amount will be available for interceptor sewers. The above programs will involve the requisite state and local control to assure that funds expended thereunder may be used for industrial project purposes.

HUD PLANNING AND MANAGEMENT ASSISTANCE

In 1974, all planning and management grants under the proposed Responsive Governments Act (currently HUD "701" program) will be made to states, thereby allowing Governors to make suballocations to local governments and other eligible recipients in accordance with their state priorities. The 1974 Budget request for this vital program is $110 million, a $10 million increase over 1973. The $10 million is provided specifically to permit the states, if they wish, to continue the interstate regional commission planning programs heretofore funded by EDA.

If the states decide to retain the current regional commissions, they will determine the budgets for the commissions and how the funds are to be used. States which are not in commissions may establish commissions. There will be no unilateral federal decision to abolish any current regional commission, except to eliminate the federal veto, the federal staff, and direct federal involvement.

Also, because of the increased discretion available to the states under the planning and management program, they will be able to continue district planning efforts previously funded by EDA.

The Administration has stated that in the event the Public Works and Economic Development Act is not extended EDA funds will be provided this year to district planning organizations to ensure EDA support through all of fiscal year 1974. Additionally, the Administration will provide administrative expense funds to member states to help cover FY 1974 administrative costs of regional commissions. This will guarantee a smooth transition for these districts and for the existing regional commissions.

ECONOMIC DEVELOPMENT TO AID SMALL BUSINESS

The Small Business Administration (SBA) programs will be expanded to allow for more loans and guarantees to businesses. The 1974 Budget proposes a $642 million increase for SBA programs of which $632 million is for loan guarantees under the SBA 7(a) and economic opportunity programs.

INDIAN PROGRAMS FOR ECONOMIC DEVELOPMENT

EDA's Indian program is being phased down. However, as proposed in the 1974 Budget, $25 million will be shifted to a new Indian block grant program in the Bureau of Indian Affairs to assist federally recognized tribes in carrying our development projects as provided in tribally prepared plans.

Indian leaders were consulted on this approach prior to its being included in the President's Budget.

SPECIAL REVENUE SHARING PROPOSALS

Local comprehensive manpower programs under Manpower Revenue Sharing will be phased in beginning July 1, 1973 under existing authorities. For fiscal year 1974 an appropriation of $1,340,000,000 is requested for such programs as vocational counseling and skill training. Administrative regulations will be issued by July 1, 1973.

The Administration has submitted legislation to authorize a Better Communities Act for special revenue sharing which will involve sharing $2.3 billion during the first full year beginning July 1, 1974.

All of the activities and kinds of projects now eligible for assistance under urban development categorical grant programs, including the EDA program, will be eligible for assistance from this new special revenue sharing fund. The proposed Better Communities Act will also be a source of funds for smaller communities.

In addition, the Administration will propose another program of Special Revenue Sharing for Education to begin in FY 1974. $2.8 billion will be requested for this program and will include funds for vocational and adult education.

SUMMARY

The President's Budget for 1974 will terminate EDA's programs to allow for more consolidated efforts to stimulate economic development. The program recommendations of the President, if utilized by state and local authorities under sound areawide development plans, will not only build on the experience of past programs such as EDA's but will increase the amount of funding for rural areas and improve state and local management and decision-making flexibility.

The President's 1974 Budget will also contribute to the continuing fight against inflation by redirecting on-going federal programs so as to avoid duplication and thereby increase their efficiency.

Notwithstanding the fact that H.R. 2246, as amended, reflects a cut in EDA and regional commission appropriations authorizations, these amounts are still above 1973 actual appropriation levels, exclusive of the supplemental appropriations for Tropical Storm Agnes. To extend the Public Works and Economic Development Act would be fiscally unwise and improvident.

Mr. FULBRIGHT. Mr. President, as an original cosponsor of the Public Works and Economic Development Act of 1965, I strongly support its extension and shall vote for H.R. 2246 as reported by the Senate Committee on Public Works.

We are considering this measure today because of the President's veto of similar legislation after the 92d Congress adjourned last year. Subsequent to that veto, the President requested in his 1974 budget message that the programs under this act be phased out.

Under the heading "Economic Development Assistance", the President's budget message classifies these as "low priority programs" to be "curtailed in 1973 and terminated in 1974 as part of the governmentwide effort to reduce nonessential expenditures."

These so-called "nonessential expenditures" have in many cases in the past made the critical difference in keeping small rural communities alive in my State, and in revitalizing and aiding in the development of many others.

Extending the Public Works and Economic Development Act by enacting this legislation today will enable the Economic Development Administration and the regional commissions to continue their important work which, as I say, has greatly benefited the people of Arkansas.

Since its inception EDA has spent over $55 million on some 228 projects in Arkansas accounting for 29,000 new jobs. The Ozarks Regional Commission project funds add 11.1 million to this total and have provided over 4,500 jobs and placed over 2,000 students in continuing programs which provide them with needed technical and vocational skills.

Such statistics attest to the significant role that the Public Works and Economic Development Act has played in stemming outmigration in Arkansas and reversing this trend in the State. I have frequently emphasized this factor over the years in supporting funds for EDA and its programs for I believe that in helping to make our small rural communities attractive places to live and in providing them the grants and loans for public facilities to attract industry and business we help alleviate the pressures on our already over crowded and troubled urban areas.

Mr. MONDALE. Mr. President, I rise to give my full support to H.R. 2246, the 1-year extension of the Public Works and Economic Development Act. While I can appreciate the President's concern for cutting out wasteful and unproductive Federal programs, I cannot agree that EDA is such a program. Time and

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time again, this program has demonstrated its usefulness as a tool for expanding the economic base and increasing employment in those communities that have suffered severe economic hardship. Through technical assistance, public facilities grants and loans, business loans, and other assistance, EDA has enabled economically distressed communities to "help themselves" back to the road of economic recovery. I am advised that the EDA and the regional commissions have created more than half a million jobs in this country since 1965 and these are important jobs located in those areas suffering from staggering unemployment.

In Minnesota alone, some 55 economically depressed areas qualified for EDA assistance. As a result of some 220 EDA approved projects, Minnesota communities have built recreation projects, industrial parks, vocational training facilities, and sanitation and sewer facilities. These projects have created new jobs and have expanded existing industry and attracted new industry.

The 40 public works projects alone completed in Minnesota have created some 5,600 direct new jobs at a cost of $9.7 million—about $1,700 per job. This is indeed a bargain investment when one considers the taxes generated by this employment. If each worker pays $1,000 per year in taxes, some $5.6 million is recovered in one year. This does not include the additional indirect jobs and economic benefits provided by these projects.

In Alexandria, Minn., 389 new jobs were created directly from a $699,000 EDA sewer and water treatment project.

Thief River Falls with a population under 10,000, received a $370,000 EDA grant for a water and sewer line extension to a junior college, nursing home, and industrial park. Eight hundred and twenty new jobs were directly created and new industry attracted.

Through an EDA grant, Detroit Lakes has started developing an industrial park that has already created 200 jobs, with an additional 260 new jobs anticipated.

In 1969, South St. Paul suffered a severe economic setback when a meat packing company closed down and left 2,700 workers unemployed—representing an annual payroll of $10 million. The EDA joined in partnership with South St. Paul in 1970 to launch a program of economic recovery. The city has since received a grant to construct water and sewer line extension, a new well and pumphouse to serve a large industrial area and allow for the location of new industry and creating an estimated 525 new jobs. In addition, EDA has provided a technical assistance grant to help provide the professional capability for the economic development program of South St. Paul and a grant to help construct a vocational training facility to provide training for the unemployed and underemployed in the meat packing industry.

While South St. Paul has had a slow economic recovery, it is fair to say that without the assistance of EDA, the progress would have been much slower.

These few examples demonstrate that EDA is indeed a useful and productive program and should continue without interruption. The vital job that this program is performing is needed today as much as ever and I urge its extension.

Mr. MUSKIE. Mr. President, today's consideration of the Economic Development Act extension gives us the opportunity to respond meaningfully to some of the most critical problems facing our economy. In the last few weeks the economic crisis facing this country has been temoprarily pushed off the front pages. But the economic problems of depressed communities throughout America continue unabated. The legislation we are considering today represents an extension of the Federal Government's commitment to solve these special economic problems.

The programs funded by the Economic Development Act have not been perfect. They have been but the first small step in our attempt to bring imagination and emphasis to solving the special economic problems of depressed areas. And these programs have made valuable progress. They deserve to be continued during the next year. And while this commitment continues, Congress will have an opportunity to thoroughly evaluate proposals to restructure the Federal economic development effort.

The administration's alternative to continuing EDA represents irresponsible neglect of the need for economic development.

The administration has proposed that EDA be terminated and that its functions be assumed by other agencies in the Federal Government. These proposals are unproven. They are unexplained and they deny our commitment to solve the special problems of economically depressed areas.

The value of continuing EDA programs is shown by the progress they have made in my own State of Maine. For instance, through EDA loans of over $8 million Eastern Fine Paper in Brewer, Maine, and Lincoln Pulp and Paper Co. in Lincoln, Maine, restarted their plants and are now thriving industries, providing hundreds of jobs. Clearly without EDA loans—loans which the Small Business Administration could not grant—these industries would not have survived.

Another example is the Saco Valley Independent Development Corp. in York, Maine. In 1970 the corporation received several million dollars in business loans from EDA to successfully diversify their product line, insuring jobs for years ahead.

EDA public works grants and business loans to the Bangor area helped the construction of the Bangor International Airport, and the development of an industrial park in Brewer. These projects have provided an incredible economic impetus to this area of the State. The airport provides access to Bangor, the industrial park, and jobs. Without public works grants aimed specifically at economic development, there would be no Bangor "growth center" now and much less future economic potential in that area of the State.

Not every area or community in my home State will be a potential "growth center," like Bangor. However, several towns and cities in the State have begun projects which could be critical to their economic prosperity. For example, an airport in Lincoln is depending on EDA funds; a company in Howland needs technical assistance to decide the best possible use for an empty plant which once employed 300 people; and pollution abatement programs in Machias, Searsport, and Guilford require funding.

A planned Lewiston industrial park has been seeking EDA funds for nearly 2 years. The park, which has a total of 117 acres and is projected to generate a total of over 600 jobs, clearly has the potential for a major employment impact in the Lewiston area. The city of Lewiston is ready to commit resources—ready to expand its economy. Yet the administration is saying, "No, you must wait for new, untried programs—programs whose futures are not certain." This makes no sense to me.

And, so, in Maine as in other States and areas across the country EDA is desperately needed. Economic development is not easy, nor are its results quickly realized. However, the key to its success lies in a greater degree of coordination and increased effective targeting of areas with growth potential—not, as the administration tells us, with a decentralization of programs, not with the termination of a program whose results have, for the most part, proven its effectiveness.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. McCLURE. On the time of the Senator from Tennessee (Mr. BAKER).

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUDDLESTON). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, when I entered the Senate, the Economic Development Administration was a new tool created to grapple with the problems of impoverished areas. Since the mid-1960's, EDA has been effective in fostering community growth in many areas that were afflicted with high rates of unemployment and low rates of investment.

But, over the last decade we have witnessed the unprecedented proliferation of Federal categorical grant programs. These well-intentioned efforts to meet needs for establishment of basic community facilities and to promote industrial and commercial growth in lagging areas have resulted in a vast increase in Federal spending and more unfortunately in a greatly diminished role for our States and cities in formulating growth policies. Federal bureaucracies have burgeoned and the responsiveness of government to the people has decreased proportionately.

In the face of this trend the present administration has called for a reevaluation of the Federal role in State and local economic development area. With public and congressional support the administration has begun to implement a bold policy of realining domestic programs, consolidating some and returning more of the responsibility for economic growth programs to the State and local governments.

In general I applaud and support these efforts. I hope and expect that the future will record this as a turning point, marking the beginning of a new attitude toward growth policy and programs.

During the next few years we will be confronted by a difficult period of transition, and care must be taken during this period not to abandon efforts to rationalize and coordinate remaining Federal categorical grant programs and not to disestablish delivery systems which might provide or perform valuable services under future programs.

The EDA program has enabled many Americans to find new work and hope for the future. In my own State, it has produced important results. Tennessee, for example, has 39 title IV regions, more than all but five other States. Tennessee has 17 title I regions; only six States have more such regions.

But, as with many programs, the particular needs of one decade are not necessarily met by the programs of the previous decade.

The response of the administration has been to suggest that we abandon EDA, melding its components into broader programs funded by revenue sharing and new community development programs.

Such a proposal sounds very attractive—possibly more attractive than an across-the-board extension of the existing EDA effort. But a consolidation and restructuring of the Federal community development effort will not, by itself, solve many of the problems confronted by communities now eligible for EDA assistance.

Yet the alternative proposed in the committee version of H.R. 2246 also lacks the imagination we need to realistically meet the problems of economically deprived areas of our Nation. A flat reduction in the authorization of all EDA programs fails, I believe, to meet the goals of either the administration or the Congress.

The committee report admits this much when it states on page 2:

> The programs authorized under this Act may not have lived up to the hopes of the Congress or to the goals set by the Administration—and any shortfall may be legislative as well as administrative. But the need for reform and improvement does not justify abandoning needy communities or discarding the effort to direct specific attention to problems which are admittedly complex and stubborn.

Mr. President, I agree, and that is why I believe the Senate should turn its attention later in the day to an alternative embodied in the proposal of the distinguished Senator from Idaho (Mr. McCLURE), which would prune away unnecessary programs from the Economic Development Act while holding firmly to the more essential aspects of the EDA efforts.

Later today we will debate proposals by the Senator from Idaho (McCLURE) and by the Senator from New Mexico (Mr. DOMENICI).

May I say that it has been a distinct pleasure for me to work with the distinguished ranking Republican member of the Economic Development Subcommittee, the Senator from Idaho (Mr. McCLURE) in the consideration of these measures in the Public Works Committee, and with the distinguished Senator from New Mexico (Mr. DOMENICI), as well.

The Senator from New Mexico is striving in another manner to bridge the gap between the expiration or abolition of EDA on the one hand and the recognition of the efforts of the administration to redesign and restructure the delivery system for local economic development projects.

Mr. President, I have further remarks I intend to make later about the merits and the attractiveness of the McClure and the Domenici approaches. However, I will reserve those statements until these measures are called up.

I conclude my opening remarks by simply saying that while these amendments which will be offered later by the Senator from Idaho and the Senator from New Mexico are attractive and appealing, and while I believe that we have done the job of reducing the level of expenditure of the EDA program, I cannot frankly say, because I frankly do not know, that they will receive favorable consideration by the administration. However, the amendments are designed to establish priorities and avoid duplication and limit the scope of the program to its most essential elements.

In closing, I commend the chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH), for his efforts to develop an acceptable approach to a complex problem and for his leadership in being able to bring to the floor a proposal that recognizes the existing need by cutting the authorization to one-fourth of the House-passed bill.

Thus clearly we have in our proposal a minimum program for this bill that we can enact in order to assure a continuation of the Economic Development Administration.

Mr. President, may I say a particular word of commendation to our colleagues, the Senator from New Mexico and the Senator from Idaho. I also pay a word of commendation to the chairman of the subcommittee and to all members of the subcommittee on both sides of the aisle for having tried to produce in the Senate a series of proposals and amendments, each with merit, which, with fair and honest debate by the membership, will help in the adoption of the bill.

Mr. BAKER. Mr. President, at this time I understand that under the unanimous-consent order the control of the time for debate on the bill on this side was awarded to the senior Senator from Tennessee. If there is no objection, I should like to designate the Senator from Idaho (Mr. McCLURE) to control the time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have two unanimous-consent requests, if I might make them at this time.

I ask unanimous consent that the Senator from Utah (Mr. BENNETT) be added as a cosponsor of amendment No. 86 to S. 2246, which is referred to as the McClure-Baker substitute for the Public Works Development Act of 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MONTOYA. On mine.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I yield such time as he may require to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I have followed with interest the statements of the Senator from New Mexico (Mr. MONTOYA) and the Senator from Tennessee (Mr. BAKER). They, with other members of the Subcommittee on Economic Development and the parent committee, given very careful consideration to the importance of the economic development program.

I join the chairman of the Subcommittee on Economic Development (Mr. MONTOYA) in support of H.R. 2246, a 1-year extension of the Public Works and Economic Development Act of 1965.

Since the creation of our Subcommittee on Economic Development, the Senator from New Mexico (Mr. MONTOYA) has exercised leadership that reflects his own energy and his deep concern for the people of our country who have not shared in its general economic well-being. Two years ago, the subcommittee under Senator MONTOYA began a comprehensive examination of economic development programs in this country and ways in which our past experience could be applied on a broader scale. He has pursued this effort with diligence and, in the 93d Congress, has continued the work which will result in proposals for a new national economic development program.

Authorizations for the programs under the act are as follows: $200 million for direct and supplementary public works grants under title I; $50 million for public works and development facilities loans under title II; $12.5 million for technical assistance and research under title III; $25 million for loans and grants to growth centers and for bonuses to economic development districts under title IV; and $75 million for the regional commissions programs under title V. Total authorizations for fiscal year 1974, therefore, are $362.5 million. This amount compares with an authorization of $1.2 billion for fiscal year 1973.

Appropriations for fiscal year 1973 were



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$367 million, including a $40 million supplemental appropriation for disaster assistance. Thus, what we offer today is the bare minimum. We do this in order to help bring the Federal budget under control and at the same time continue needed Federal assistance to economically distressed areas.

We do not intend, by this reduction in authorizations, to condone the wholesale dismantling of the Economic Development Administration or the Regional Action Planning Commissions. I recognize that the administration has the responsibility to manage agency personnel and other resources in the most efficient manner, but I cannot accept the actual or threatened discharging or transferring of large numbers of employees while Congress is still considering an extension of these programs or while the transition to a new program is being undertaken. I am concerned that any person transferred or separated as the result of administrative reorganization be given full protection in accordance with Civil Service Commission procedures. If Congress determines to transfer all economic development responsibilities to the Department of Agriculture, the Department of Housing and Urban Development and others, I expect that the training and expertise of the employees of the Economic Development Administration and the Commission would qualify them for priority consideration for any positions to be filled and that they would be granted such preference.

An important feature of this bill is the moratorium it imposes on the dedesignation of areas eligible to participate in programs of the Economic Development Administration. Last year there were plans developed to designate some 300 such areas in 36 States, including 13 counties in West Virginia, which badly need the assistance offered by these programs. It is important that eligibility be maintained for all areas and that no dedesignation take place until the total economic development program is examined.

The programs of the Economic Development Administration and the Regional Commissions have been successful in promoting regional cooperation and in providing the public investment basic to economic development and job creation. Over half a million jobs have been created since these programs began. Hundreds of needed public facilities have been put in place and will continue to serve community needs for years to come. All this has been accomplished with an 8-year expenditure of $2.4 billion. The United States spends 10 times this amount each year alone for unemployment and welfare payments. Certainly there can be no doubt that these programs have succeeded in fulfilling a useful and needed service.

In addition to jobs and facilities, these programs have initiated and nurtured innovative experiments in Federal, State, and local cooperation. The partnerships as represented by the economic development districts, and the regional commissions have succeeded in mobilizing limited human and natural resources, and directing them to the areas where they might do the most good and reap the greatest returns.

Districts have been so successful as multicounty agents that in most instances they have been adopted by other Federal agencies as well. In fact, more than two-thirds of the funding for 120 surveyed development districts comes from Federal sources other than the Economic Development Administration. Similarly, two-thirds of the surveyed districts are designated A–95 "clearinghouses." This review procedure was initiated by the Office of Management and Budget to improve coordination at all levels of government and to give local people a stronger voice in the decisionmaking process. The composition of district boards reflects widespread participation by local groups. As of October 1972, for example, 55 percent of board members were elected officials. Seventeen percent were representatives from the business and industry community, and 10 percent were representatives of various minority groups.

As with the districts, the regional commissions have also been succesful as decision-sharing partnerships and have received strong bipartisan support from the Nation's Governors. These commissions have proven to be action as well as planning and coordinating agencies. The first five commissions—New England, Coastal Plains, Ozarks, Great Lakes, and Four Corners—helped fund over 800 projects through 1972. The value of these projects was $468 million, of which the commissions, utilizing the leverage of supplemental funding, provided $78 million.

Clearly, these two experiments in regionalism have been successful. They have encouraged cooperative efforts to solve common problems. They have mobilized resources to attack the results of economic distress. But the struggle for economic equity goes on. Should the Federal Government now withdraw its support from these partnerships? Many communities do not have the capability or the resources to make heavy lumpsum investments in needed public capital. They will continue to need outside help. In addition, they may not have the expertise required to plan for needed development projects. They will need assistance to provide for this expertise. They may pool their resources, but even this might fall short. They may use shared revenues—if they are forthcoming, but even this would require a cooperative effort. They may cooperatively succeed in undertaking a development program, but even then it would have to be in accord with State and Federal programs and priorities.

As I understand it, the administration proposes that Federal assistance specifically to economically lagging areas and that Federal participation in the development process at the regional level be terminated. In place of the economic and planning assistance programs authorized by the Public Works and Economic Development Act, the administration proposes general community assistance under the Rural Development Act and the Better Communities Revenue Sharing Proposal.

Additional community assistance is promised under the Water Pollution Control Act. Planning and lending activities would be undertaken by the Department of Housing and Urban Development and the Small Business Administration, respectively. Economic assistance to Indian tribes would be undertaken by the Bureau of Indian Affairs. This dispersal of activities will, we are told, provide a more concentrated effort to stimulate economic development. I fear, however, that the net result of this scattering of programs would be to dilute, not strengthen, efforts to assist economically lagging areas.

The administration argues that the programs of the Economic Development Administration have been too localized, that they unnecessarily involve the Federal Government in loval development, and they distort local priorities. On the other hand, the administration maintains that these programs have fallen short of expectations because they have not overcome the national problem of imbalances in employment and income. I remind the Senate that the programs we speak of today involve an annual expenditure of only $350 million, providing for grants, loans, technical assistance, research, and administration. We cannot expect a program of this magnitude to counteract all the resultant dislocation associated with a trillion-dollar economy.

The authors of this legislation never expected these programs to provide general equilibrium in the labor market. Indeed, private industry, supported by aggregate economic measures, can and should bring full employment to the country—with full employment defined at 4 percent or less unemployment. The authors of this legislation were concerned for those persons and areas of the country that, because of their peculiar circumstances, have not shared in general economic growth. The programs were designed to assist those communities that needed help; and they have addressed problems identified by State and local officials. These programs have been the last resort for many communities. I doubt these communities would label this assistance as an act of unnecessary involvement.

The administration has offered the activities authorized by the Rural Development Act as the primary alternative for current economic development programs. But in presenting the conference report on the Rural Development Act, Senator TALMADGE, Chairman of the Agriculture and Forestry Committee stated:

> . . . I wish to point out at this time that the bill before us does not duplicate . . . loans and grants available from Small Business Administration, Economic Development Administration, Department of Housing and Urban Development, and the Environmental Protection Agency.
>
> "We seek here not to duplicate or supercede these other programs, but to supplement and strengthen them. The bill specifically provides for cooperative participation in joint loans and grants with these other agencies.

Thus, the authors of the rural development program saw it not as a substitute for, but as a complement to the programs of the Economic Development Administration. Further, the rural program as it has been offered by the administration would be a loan program, not a grant program. Loans are of no use to a community that has no borrowing capabilities—be they rural or urban. A grant program is still needed in any effort to assist economically lagging areas.

There has been much concern that 81.5 percent and 60 percent of all obligations by the Economic Development Administration have been made for projects located in communities with populations of 50,000 or less and 10,000 or less, respectively. These statistics are cited as rationale for allowing areawide economic development efforts to be shifted out of the Department of Commerce and into the Department of Agriculture. This information is frequently quoted because no community with a population greater than 50,000 can qualify for industrial development loans under the rural development program, and no community with a population greater than 10,000 can qualify for any of the other programs. Thus, over a third of the population lives in areas that would not be eligible to receive any assistance under this program. Over half of the population, 55 percent, would not be eligible for programs other than industrial development loans. About 65 percent of the population would be eligible for these loans. The economic assistance programs in the Department of Commerce have no such population restrictions. In fact, a comparison of population concentrations with obligated funds for economic development shows much less disparity in effort on a per capita basis than one might expect.

The administration argues that communities of all sizes will obtain assistance for waste disposal facilities from the Environmental Protection Agency under the Federal Water Pollution Control Act Amendments of 1972. But grants for sewage collection systems for new economic development projects cannot be made under this act. The limited funds being made available to the States will be urgently needed to meet Federal water quality standards and must be used for waste treatment plants, not for new water and sewer systems.

The business loan and loan guarantee program administered by the Economic Development Administration would, under the administration proposal, be taken over by the Small Business Administration. The loan programs of these two agencies, however, are entirely different. The Small Business Administration does not specifically address the problems of depressed areas. They make loans to small businesses, and these loans can be no larger than $350,000 to any one firm. In contrast, loans by the Economic Development Administration are used as part of an overall economic program to help secure major employers for low-income, high-unemployment areas. Further, EDA provides mainly direct loans based on interest rates charged to the Federal Government for its borrowing. The Small Business Administration provides mainly loan guarantees at going market rates. There is considerable fluctuation in these two rates, both through time and on an individual basis, but as of April 1973, the allowable rate for guaranteed loans was 9¼ percent while the rate for Government borrowing stood at 6⅞ percent. Government rates were 4¼ percent at the beginning of the EDA program.

The administration would provide $10 million, or $200,000 for every State, for planning and management grants under the "701" program of the Department of Housing and Urban Development. This alternative will be part of the proposed Responsive Governments Act and is offered in place of the program now offered by the Title V-Regional Action Planning Commissions. Again we find that the administration's proposal gets away from providing targeted assistance to needy areas and offers in its place general community assistance. This planning assistance to all States is undoubtedly needed, but it will not take the place of the "Title V" commissions. In addition, the proposed alternative would eliminate Federal participation in development efforts, and it would eliminate any supplemental funding authority. This latter provision in the current act has allowed these commissions to be truly action commissions. Supplemental funds provided by these multistate bodies have attracted much needed resources and expertise into specified areas. An important fiscal leverage would be lost if this provision is eliminated.

Assistance to Indian tribes would be shifted to the Bureau of Indian Affairs. Correspondence to the Committee on Public Works from Indian leaders throughout the land, however, support the Indians' program of the Economic Development Administration and again, I fear that the focus on economic problems might be lost by such a transfer.

The proposed Better Communities Act is offered as the substitute for the urban activities of the Economic Development Administration. This would again substitute a general community development approach for a program aimed at the economically lagging areas, only this time the areas are in our urban centers.

We have been offered a package that does not take the place of existing and needed public services. We have been offered a package that does not now exist and may never exist—that is, special revenue sharing. Even if these special revenue sharing packages are accepted, what will the communities that need assistance do in the interim. The least we can do is to extend the programs authorized by the Public Works and Economic Development Act for an additional year. Improvements in these programs can be made, as they can in most programs. The Subcommittee on Economic Development has been formulating legislation that would provide a new impetus to economic development at the regional level. We must now work together to develop a program that Congress and the administration can agree will constitute a genuine step forward in this critical area of concern.

Mr. President, I send to the desk an amendment which I offer on my behalf, and I am joined by Senator PASTORE, Senator PELL, Senator BROOKE, Senator KENNEDY, Senator MONTOYA, and Senator TUNNEY.





The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 4, line 12, strike "$12,500,000" and insert in lieu thereof "$25,000,000"; and on page 4, line 17, strike "$25,000,000" and insert in lieu thereof "$12,500,000".

Mr. RANDOLPH. Mr. President, this amendment brings to the attention of our colleagues an important subject that has been raised by the distinguished Senator from Rhode Island (Mr. PASTORE). I received a letter from Senator PASTORE yesterday and I ask unanimous consent to have it printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *May 7, 1973.*

Hon. JENNINGS RANDOLPH,
*Chairman, Committee on Public Works,*
*Washington, D.C.*

DEAR MR. CHAIRMAN: The major cutbacks in military facilities recently proposed by the Department of Defense will have a serious impact on the economy of Rhode Island. The scale of these reductions and base closings will create economic and social problems for large numbers of workers, and the communities in which they live, throughout the New England region. As many as 5,000 positions may be eliminated in Rhode Island alone.

The New England Regional Commission was created in an attempt to deal with the serious economic problems which beset that area of the nation. Governor Philip W. Noel of my State has written me asking that the Public Works and Economic Development Act be amended to require Regional Commissions established under Title V of that Act to address the problems created by base closings and to authorize grant assistance in such circumstances. His letter is enclosed.

Legislation extending the life of the New England Regional Commission and the program conducted under the Public Works and Economic Development Act will be on the Senate floor tomorrow. I believe that it is important to assure that the New England Regional Commission will be able to respond on a regional basis—to the critical employment loss associated with these proposed base closings. We must authorize sufficient funds for planning and other technical assistance and for project grants to be used in reducing the adverse economic impact on communities. If in your judgment as Chairman of the Committee on Public Works an amendment to the legislation before us is necessary to bring the capabilities of the New England Regional Commission to bear on this problem, I hope you will join me in seeking such an amendment.

The New England Regional Commission and the economic development programs as a whole have been our most flexible programs in responding to the varied and changing economic problems of the New England states. We cannot afford to lose this program now, when we are faced with Federal actions having a major effect on the level of employemnt in the region. And we must have the ability to focus this tool created to address problems of unemployment and low income shared by the region, on this most recent challenge to the economic future of the region.

Thank you for your consideration, and your help with this subject of such importance to Rhode Island.

Sincerely yours,

JOHN O. PASTORE,
*U.S. Senator.*

Mr. RANDOLPH. Senator PASTORE outlines a critical problem that faces the

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people of his State—in fact, the New England region and many other places throughout the country. It is the problem of a severe economic impact on many communities because of the proposed closing or reduced operation of a large number of military bases. I have talked with Senator PASTORE at length about this problem, and he has mentioned it to other Senators. It was a matter of discussion within the past 2 weeks. This letter points out certain situations that have arisen.

Also, there is a letter from the Governor of Rhode Island, Philip W. Noel, to Senator PASTORE, and I ask unanimous consent to have that letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PROVIDENCE, R.I., *April 26, 1973.*

Hon. JOHN O. PASTORE,
*U.S. Senator,*
*New Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR PASTORE: While we are undertaking a major effort to deal with and respond to the unprecedented cut of military facilities in our State proposed by the Department of Defense, it has also occurred to me that the impact of these base closings is region-wide in its economic impact.

The one vehicle which we have had in the New England states to deal with matters having a regional impact on our economy has been the New England Regional Commission. In my recent testimony before the House Public Works Committee urging a one year extension of Title V Commissions and particularly the New England Regional Commission, I would certainly have mentioned the severe implications to the region of these base closings had they been announced at that time.

Now that the proposed closings have been publicly announced, it appears to me that it would be useful if the legislation relating to the Title V Commissions were amended to include language requiring the Commissions to address the problems created by such actions. This would at least yield economic planning assistance on a regional level. If the New England Regional Commission were also authorized to provide grant assistance in such circumstances, the result would be even more valuable to Rhode Island.

It is indeed ironic that the Administration should propose the termination of the Economic Development Act including the Title V Commissions at virtually the same time as it announces major cutbacks in this region's defense installations. The New England Regional Commission was specifically designed to address this area's unemployment problems. Rhode Island is now facing the likelihood of having an unemployment rate which is twice the national average. A federal mechanism to assist with unemployment problems is to disappear at the same moment when federal action profoundly affecting the employment situation is taking place.

Your consideration of the above is much appreciated.

Very truly yours,

PHILIP W. NOEL,
*Governor.*

Mr. RANDOLPH. In the communication from Senator PASTORE, he asks if an amendment would be necessary to insure that the New England Regional Commission could attack the region-wide economic dislocation which will result from these base closings.

Mr. President, it is my feeling that the Public Works and Economic Development Act of 1965 has ample authority for the New England Regional Commission and for the Economic Development Administration, in the Department of Commerce, to promptly and effectively respond to the unemployment caused by these military base closings.

We created these commissions, as Senator MONTOYA knows, to provide a comprehensive approach to the economic problems within their regions. They were given very wide latitude to provide planning assistance and assistance in matters of location of new industries, the securing of sites, and providing the necessary investments to attract new employers. The authority within the New England Commission to extend this type of assistance in response to sudden increases in unemployment is contained in sections 505(a)(2) and 509 of the act. I do not believe they could be improved upon.

We also have technical assistance, which is very helpful, under title III of the act, and that can provide additional flexibility. One of the advantages of this title is the assistance that is not tied to just a designated redevelopment area but can be used throughout the region to identify potential employers, to fund industrial site feasibility studies, and to aid in the conversion of former military facilities, such as we find closing in Rhode Island, to facilities in which new employers can locate. The Commission and the Economic Development Administration, I have found, have worked very closely with State and local governments to provide new jobs through the private sector.

There is a third form of assistance. As the Senator from New Mexico (Mr. MONTOYA); the ranking minority member of our subcommittee, the Senator from Tennessee (Mr. BAKER); and a new member of our committee, very active and very helpful, the Senator from Idaho (Mr. MCCLURE) have studied the legislation, they know that we can respond to sudden unemployment which has been created by base closings in the so-called special impact area program. This authority within the act allows grants for needed public works projects in those communities or neighborhoods, and these are defined without regard to political boundaries.

These are sections suffering an actual or threatened abrupt rise in unemployment due, as in this instance, to the closing of bases, causing a curtailment of a major source of employment, in which we can move forward with assistance. We can give grants to produce immediate, useful work to unemployed persons in the communities that are faced with these problems.

The real question as to the adequacy of the act to cope with these closings is one of money. That is the situation we face. We need to enact now the bill before the Senate, in order to provide the authorizations for appropriations in the coming fiscal year. Then Congress must appropriate the funds it feels necessary to make these authorizations and the implementation of the act a reality, a working agreement.

I think that Senator PASTORE has helped us by coming to the Senate, by raising this issue. He has focused attention on the fact that in these large-scale base closings, which are desired by the administration to strengthen the fiscal management of the executive branch, severe dislocations will take place in many instances. Certainly, that is a fact in Rhode Island.

So we come here today, proposing that EDA and the title V commissions have the effective tools to provide for an adjustment of these economic dislocations at the same time these activities are slated by the administration for elimination at the end of this fiscal year. This underscores the need for the passage of H.R. 2246, as discussed here by Senator MONTOYA and by me and by others.

I believe we need to perfect the bill before the Senate, and in that desire I am proposing this amendment, as I have indicated, with Senator PASTORE, Senator MONTOYA, Senator KENNEDY, Senator PELL, Senator BROOKE, and Senator TUNNEY. We think we must have a flexibility and the technical assistance for the sudden or abrupt rise in unemployment as a result of these base closings.

There would be no increase, as I understand it, in the overall authorization if this amendment were agreed to.

Mr. MONTOYA. That is correct. We merely are switching the figures from one title to the other. Under title III the authorization called for $12.5 million. We are switching that authorization to title IV, and the authorization in title IV of $25 million we are moving to Technical Assistance, title III. So actually there is no increase in the overall figure. It is merely a switching of priorities in the authorization.

Mr. RANDOLPH. I see the able Senator from the Commonwealth of Massachusetts in the Chamber. I do remember that the Senator from Massachusetts (Mr. KENNEDY) presented a resolution which bears exactly on this amendment. That was adopted, as I recall in our Democratic conference on May 2, just a few days ago.

At that time the Senator from Massachusetts very properly and helpfully discussed assistance for those areas affected by military base closures. That resolution in part said:

That to insure the earliest community readjustment . . . immediate efforts shall be extended to provide technical assistance necessary to plan and implement an economic development plan to make full use of the local (military) facility.

So the amendment I have offered, on which the Senator from Massachusetts has joined, is consistent, I think, with the resolution which the Senator from Massachusetts presented in the Democratic conference. I think it is helpful to fulfill the responsibility that we have to those affected by these military base closings.

I am not going to discuss the need for military base closings. That is another point entirely, related to the executive branch of the Government.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MONTOYA. Mr. President, I associate myself with the statements made by the distinguished Senator from West Virginia. I wish to compliment him for his statement.

I would like to say there is ample precedent for EDA to undertake the rendition of technical assistance to these areas which have faced an air base or other military installation closing.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of instances where closings have taken place.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TECHNICAL ASSISTANCE FOR DEFENSE READJUSTMENT, ECONOMIC DEVELOPMENT ADMINISTRATION

MOSES LAKE, WASH.—A study of the feasibility of re-utilization of the former Larson Air Force Base for agricultural and industrial purposes.

Novco, California.—A study of the industrial and commercial potential of the Novco (California) area—to counteract declining employment and income in the areas as a result of a decrease in defense-related activities.

Marianna, Fla.—Planning and developing services for an Airport Industrial Park at the former Marianna Air Force Base.

Courtland, Ala.—A study of the feasibility of utilizing the facilities of the former Courtland, Ala. Air Force Base or Industrial and/or Commercial purposes.

Crane, Indiana.—Crane Center for Economic Development—(To assist 4 Indiana Counties suffering from the impact of decreased employment at the Crane Naval Ammunition Depot—Center will provide advice and assistance to local governments, business and industry in the area.

Port Clinton, Ohio.—An Economic Development Study for Port Clinton, Ohio—(Study was requested by the community in order to deal with the loss of employment and income resulting from the closing of the Erie Army Depot.

Sault Ste Marie, Michigan.—A study of the feasibility of utilization of the facilities of the former Kincheloe Air Force Base for Industrial (Park) and commercial purposes.

Duluth, Minn.—A study of the feasibility of establishing an industrial park at the Duluth International Airport, to help increase local employment and income to offset the phasing-down of defense related activities at this airport.

Wildwood Air Force Station-Kenal, Alaska.—Planning and implementation of an Action Program for Beneficial Re-use of the Wildwood Air Force Station. To develop the facilities for activities in support of municipal operations, for the education and training of native groups.

Schenectady, N.Y.—A study of the Economic potential of reconversion of Schenectady County Airport and the adjacent Flight Test Center for Civil and Commercial use. Test Center was formerly used by General Electric for development and testing of items produced under military contracts.

Springfield, Mass.—A study of the feasibility of utilization of the Springfield Armory and Arms Production Facilities for Industrial and Commercial purposes.

Brooklyn Navy Yard, N.Y.—A study of the economic feasibility of converting the former Brooklyn Naval Shipyard for use by Civil Industry, with the objective of increasing employment and to make maximum use of existing facilities and structures.

Clinton-Sherman AFB, Okla.—A study of the Industrial and Commercial suitability of the area surrounding Clinton-Sherman Air Force Base, and of its Base Facilities for Industrial and Institutional utilization.

Sanford, Florida.—A study of the feasibility of utilization of the former Sanford Naval Air Station for Industrial and Commercial use. Both Aviation and non-aviation oriented.

Bangor, Maine.—A plan for the Correct and Most Advantageous use of 105 acres located on Bangor Int'l. Airport (The former Dow Air Force Base)—Including identification of target industries and a program for new and improved facilities.

McAlester, Okla.—A study of the feasibility of an industrial park near McAlester, Okla.—This new, industrial site was intended to attract industries which could generate employment for workers laid off as a result of decreased activity at the McAlester Naval Ammunition Depot and by local branch plants, local defense-oriented industries.

Clinton County AFB, Wilmington, Ohio.—A utilization plan for the industrial area of the former Clinton County AFB, Wilmington, Ohio.

Phoenix, Ariz.—A study to determine the feasibility of establishing a National Program for training skilled aviation personnel (at the former Litchfield, Ariz. Naval Air Station and the Goodyear Auxiliary Airfield, near Phoenix.

Bremerton, Washington.—A study of the feasibility of an Industrial Park in or near Bremerton. (To attract industry which may create employment to take up the slack resulting from decreased level of activity and employment at the Bremerton Navy Yard.)

Mr. MONTOYA. Mr. President, title III of the act, sec. 301, as stated by the Senator from West Virginia, provides, and this is one of the basic purposes of the title, which is to provide technical assistance:

Such assistance shall include project planning and feasibility studies, management and operational assistance, and studies evaluating the needs of, and developing potentialities for, economic growth of such areas.

I have discussed this amendment with the Senator from Rhode Island (Mr. PASTORE), who is very concerned about base closures, and I know the Senator from Massachusetts also is very concerned, as are other Senators who are affected by this economic illness.

The Senator from Rhode Island (Mr. PASTORE) felt that an emphasis of technical assistance might aid the State of Rhode Island in trying to reestablish the economy in that particular State.

It is my feeling that the transferring by this amendment of the priorities with respect to the authorization amounts is in good order. I sincerely endorse the tenor, effect, and substance of the amendment. I understand that our colleague on the other side of the aisle is willing to accept the amendment. Is that correct?

Mr. MCCLURE. I am happy to agree that the amendment is in order. I think that each of us, as we look at the changing requirements of our Defense Establishment, recognize that there are adjustments that have to be made from time to time.

The purpose here is not to debate whether that is right or wrong, but to recognize the difficulty which has been imposed and the role that the Economic Development Act can play in authorizations made where base closures do occur.

I think the amendment offered by the distinguished chairman of the committee reflects my own scales of priority in emphasizing the value of the technical assistance program under title III, because it adds emphasis, because it does respond to immediate needs. We are very happy to accept the amendment.

The PRESIDING OFFICER. Does the Senator from Idaho yield back the remainder of his time?

Mr. MCCLURE. On this amendment, I yield back the remainder of my time.

Mr. RANDOLPH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment [putting the question].

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, after line 17, insert the following new section:

SEC. 7. The President's Inter-Agency Economic Adjustment Committee established under Presidential memorandum of March 4, 1970, shall submit to the Congress within thirty days following enactment of this Act a report. Such report, with respect to each community affected by the defense facility and activity realinement announced on April 17, 1973, shall—

(1) contain details as to the facilities or portions thereof affected by the realinements which are excess to the Government's security needs and which can be turned over to the local jurisdiction for civilian use;

(2) describe procedures providing for the most expeditious transfer of such facilities to civilian use;

(3) contain comprehensive analyses of the community economic impact of a realinement which reduces or terminates activities resulting in a decrease in military or civilian personnel employed at a facility;

(4) describe technical assistance and program resources made available by Federal agencies to communities in planning and carrying out economic development plans to utilize facilities transferred to civilian control;

(5) contain an estimate of the Federal program resources and the anticipated cost to fully implement community economic development plans, and, where necessary, contain recommendations for increased appropriations to meet those anticipated costs.

Mr. KENNEDY. Mr. President, first, I wish to extend my personal appreciation to the distinguished Senator from West Virginia (Mr. RANDOLPH), the distinguished Senator from New Mexico (Mr. MONTOYA), and the distinguished Senator from Idaho, all of whom bore the responsibility for accepting the previous amendment, which I cosponsored together with a number of my colleagues whose States have been adversely affected by the closing of various military bases.

This technical planning assistance will be extremely important in helping to assist those communities to recover from a difficult economic situation. I think the Senate has acted wisely in accepting the amendment.

It also carries out an important portion of the resolution adopted by the Democratic Conference which I introduced last week. That resolution, which I ask unanimous consent to be printed at this point in the RECORD, clearly calls for technical assistance to the communities affected by this decision.

The PRESIDING OFFICER. Without objection it is so ordered.

KENNEDY RESOLUTION ON ASSISTANCE TO THOSE AFFECTED BY MILITARY BASE CLOSINGS

The Conference hereby finds that in light

of recent decisions announced April 17, 1973, to close or transfer functions at defense facilities and or other consolidations throughout the United States.

1. that such reductions in defense facilities place heavy economic, social and health burdens on the communities and individuals affected;

2. that many of the workers affected by recent defense base closings are older workers who have the greatest difficulty in acquiring new employment.

3. that to reduce unemployment it is essential that the government provide adversely affected workers with short-term assistance;

4. that such assistance for unemployed workers shall include income benefits, health benefits, relocation benefits, public service job opportunities and job counseling and retraining opportunities;

5. that to insure the earliest community readjustment from the economic dislocation caused by the government decision to close a facility, immediate efforts shall be extended to provide technical assistance necessary to plan and implement an economic development plan to make full use of the local facility.

Mr. KENNEDY. I personally extend my appreciation to the chairman of the full committee, the Senator from West Virginia, for showing an understanding of the needs that communities in New England, California, and other States are facing. Obviously, he has shown a sensitivity to the fact that the readjustment and realinement of our national defense posture should not force particular sections of our country to bear the full brunt of these decisions.

The amendment which I have offered is really a complement to the action which the Senate has just taken. What we are including in this amendment is a requirement that the President's Inter-Agency Economic Adjustment Committee, established under Presidential memorandum on March 4, 1970, submit to Congress within 30 days after the enactment of this act a report covering its plans and operations. The report will cover:

First, which facilities or portions of facilities are excess to defense needs and can be turned over for civilian use.

Second, what procedures are being established for the expeditious transfer of those facilities to civilian use.

Third, what the economic impact of the realinement on each community is expected to be.

Fourth, what technical assistance and Federal program resources are being made available to the communities.

Fifth, what additional Federal resources are required to carry out economic recovery plans.

In other words, what we are attempting to do is have the President's Inter-Agency Economic and Adjustment Committee, which bears very significant responsibility in trying to help various communities, report to the Congress as to exactly what the situations are in relation to the 274 bases affected in the different States. I think that would be enormously informative to different Members of Congress who come from areas which are most particularly affected. I think it would be important to Congress itself in knowing what the impact of these various decisions has been and which communities are facing the most difficult adjustment periods, it would at least alert the Congress, and the Senate, as to the specific additional resources these communities require to adjust to the Defense Department decisions.

This amendment will require expeditious assessment and decision by the interagency committee. They are really going to have to fish our cut bait with reference to many of these defense facilities. I think it is important to the communities to know ultimately and finally, exactly what will be the impact of these closings, and exactly, again, what they might expect from the Federal Government. They will then know precisely, at the earliest possible time, what must be done to adjust to the Defense Department decisions.

I hope the floor manager of the bill would feel this was a useful and not unduly burdensome amendment. I would think it would be of great value to the communities which have been affected. The various business leaders, labor leaders, and community representatives I have talked with have felt this kind of step would be most useful and helpful to them in making plans for the future.

I hope the amendment will be accepted.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. MONTOYA. I think the amendment has a very good concept. I think it is sorely needed now that we have had quite a few closures of military bases. I think it will be of aid to many communities that find themselves in a quandary to replace already lost jobs or jobs that will be lost. I commend the Senator from Massachusetts for offering the amendment at this particular time. I think it is appropriately a part of this bill. I am willing to accept the amendment.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. McCLURE. Mr. President, while I think there is some problem in getting the comprehensive analysis and reports within the time frame required by the amendment, all of us share the sense of urgency these communities feel with respect to the adjustments they must make. I think the amendment directs our attention toward finding solutions.

Therefore, I am happy to accept the amendment.

Mr. KENNEDY. Mr. President, I wish to thank the distinguished Senator from Idaho for his understanding of this particular problem. As I mentioned earlier, this proposal will be extremely helpful. His recognition of the problems facing other parts of the country is of great value to us.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. McCLURE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Massachusetts [putting the question].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, will the Senator from New Mexico yield me about 5 minutes?

Mr. MONTOYA. Mr. President, I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I have asked the distinguished chairman to yield me just these few minutes, because I want to express my hope that the bill as it came from the committee will be overwhelmingly adopted.

I think all of us recognize that this measure as reported by the committee, the authorization for public works and the Economic Development Act, is a very, very modest request. It has been reduced substantially from the 1973 authorizations. In fact, the bill before us, H.R. 2246, is in the sum total of $362.5 million. The authorization in 1973 was $1,052,500,000.

Mr. President, the Economic Development Administration—EDA—has performed a vital function by providing long-term employment opportunities in many economically depressed areas of our country. This has been true, despite the inadequate level of funding EDA has received since it began operations in the mid-1960's.

I believe that EDA programs, and those of the regional action planning commissions, are vital in helping people living in areas of economic decline, like some parts of northern Minnesota, gain a fair share of this Nation's abundance.

Today, despite the generally high level of economic activity that prevails in America, many communities are still experiencing excessively high rates of joblessness, slow rates of expansion in income and population decline. These communities need the kind of help that EDA has provided, and more of it.

In northern Minnesota, for example, the communities of Fosston, Onamia, Bemidji, Detroit Lakes, and Warren all have unemployment rates that are more than double the national average, ranging from 10 percent to nearly 14 percent. Population decline has also been continuing in many of our rural counties. In the counties of Pine, Norman, Elbow Lake, and Marshall, for example, populations have gone down continually since at least 1950. Family income in such areas is substantially below the statewide average and the portion of the population in the prime of their working lives continues to go down.

Since 1968, EDA and the Upper Great Lakes Regional Commission have provided more than $20 million to help promote economic growth in communities like those above in Minnesota. These funds, while small compared to the needs that exist, have been used to stimulate substantially larger public and private investments in the State. As a result, these funds have had a much larger effect on jobs and incomes in economically distressed areas than one would expect.

EDA and Upper Great Lakes Regional Commission projects have, for example:

Saved 125 jobs in Clearbrook, Minn., where grants from EDA and the Upper Great Lakes Regional Commission—UGLRC—enabled water and sewer facility construction that kept one employer from moving out of a small industrial park;

Created 30 new jobs and made 105 secure by a joint EDA–UGLRC grant to the Red Lake Indian Reservation for remodeling and upgrading of a sawmill; and

Provided roughly 300 new jobs in Duluth in the next few years as a result of a new chemical plant, for which an EDA business loan was in part responsible.

The impact of these projects on people's lives has been direct and significant.

With these facts in mind, it is hard to understand how the President could possibly term these "lower priority" programs in his budget. I for one believe that they deserve to be among the highest of our national priorities. If the richest Nation in the world cannot afford programs that put unemployed people to work and increase their incomes, what can it afford to do?

In response to a request to Mr. Ash at the OMB from Senator PROXMIRE and me, a detailed justification of all of the proposed budget cuts was prepared. In that report the OMB said:

> EDA programs will be phased out by the end of 1973, in favor of more focused and consolidated programs to stimulate economic development.

Who can be opposed to "more focused and consolidated programs," regardless of their substance? Certainly not this Senator. But we must look behind this facade of bureaucratic hyperbole to see what the proposed "consolidation" really means to people's lives.

The main fact is this: While EDA and the regional commissions were specifically required to direct all of their energies and resources to the poorest communities in our Nation, the so-called more focused administration substitute would provide less money and distribute it to rural communities regardless of need. The words "focused" and "consolidated" now seem to mean that we have given up any priorities for helping underdeveloped or distressed communities.

As one of the authors of the Rural Development Act of 1972, I know that its programs were not intended to and, particularly as implemented by the administration to date, will not, in fact, be sufficient to meet the urgent development needs of the most distressed rural areas of the United States.

We need an adequately funded EDA and regional commission program. Without such help, I have grave doubts about the ability of these poor communities to break the cycle of economic depression that has for too long afflicted them.

Today we are considering H.R. 2246 to authorize funding of EDA and the regional commissions, knowing full well that the President has threatened to veto whatever is passed.

With this in mind, I would have preferred to see us vote a bill that authorized at least the full $1.2 billion proposed by the House. It seems to me that Senate passage of a reduced bill could be interpreted as a lack of confidence in the EDA program. I hope that in our debate today we can at least make it perfectly clear to all concerned that this is not the view of the Senate.

Mr. President, I would like the record just to note that prior to the administration's termination of this program, or the announced termination of the program of EDA, an independent survey had been made, at the request of Office of Management and Budget and at the request of the White House, as to the efficiency and the cost effectiveness—the cost-benefit ratio effectiveness—of the Economic Development Administration program. This revealed that the program was the most effective, in terms of the benefits realized from the investments under the program, of any of the programs of the Federal Government.

After that survey had been completed and the results had been tabulated and the results and conclusions presented to the Office of Management and Budget, they arrived at the incredible decision of terminating the program—terminating it because it was successful, terminating it because it was well managed. The former Director of EDA, Mr. Podesta, I think was one of the better of our Federal officers. He has a fine business background. He came here to Washington to do a good job, and he did just that. However, despite the success of the program, it suffered a meat-ax approach from the Office of Management and Budget. It was to be cast aside.

I compliment the chairman, the Senator from New Mexico (Mr. MONTOYA) on his work in bringing this program back to us again and permitting the Senate and the House to take affirmative action for authorization, even though that authorization, in my mind, is very, very modest.

I hope that Members of the Senate will take a look at this program and compare it with some of the requests that have been made for other countries in the name of foreign assistance and helping depressed or economically disabled areas in other parts of the world.

Mr. President, we are so generous when it comes to faraway places and we are such a bunch of pennypinchers when it comes to taking care of our own.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MONTOYA. Mr. President, I yield 2 additional minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 additional minutes.

Mr. HUMPHREY. Mr. President, the Economic Development Act is not a giveaway program. It is an investment. It represents loans. It represents loans and grants for economic development and industrial expansion. It represents technical assistance to local communities, and all of that is outlined in the titles we have here, from title I to title VII.

The committee has worked very carefully to provide us with a legislative proposal that is acceptable. I hope that there will be no amendments adopted that would in any way weaken or diminish the effort that the committee has brought to our attention.

The PRESIDING OFFICER. All time of the Senator from New Mexico has expired.

Mr. McCLURE. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I will be very brief. I do have an amendment that I will speak to later. However, I want to commend my distinguished senior colleague from New Mexico for his presentation today and for his in-depth analysis of this measure and what it can do.

I want to publicly state that immediately after my election to the U.S. Senate, I traveled my State from one end to the other, and I found unanimity among the mayors and city commissioners and all those charged with the problems at the local level where poverty prevailed and where technical assistance was not available as it is in the cities. They were all of one voice and said that this program provided great assistance for their being able to furnish to their areas any needed improvements and much incentive for new enterprise and potentially new jobs.

Mr. President, on my arrival in the Senate I was fortunate to find myself appointed to this subcommittee. And during the hearings that I heard from Governors and local leaders around the country who were almost unanimous in feeling that the effects and goals and objectives of this act were unparalleled as far as Government assistance to rural and the depressed areas is concerned and that there were none to take its place, at least none of the statute books of the United States.

It is my observation, having served at the local level as a local official, that one of the things about the program which is being overlooked is the fact that it is versatile, it is flexible, and it is not nearly as rigid as the grants-in-aid system that has developed in this country over the years.

Those who say that there is waste and a need for improvement in the program might also find that the same things are true with regard to other grant-in-aids programs and that this should not be separated out for a killing or dismantling without substituting something for it.

I want my colleague to know that my amendment proposing to extend the program for 4 months instead of 1 year is submitted in good faith and in an effort to continue the program.

I hope that if we continue the program, either for 4 months or for 12 months, we will look into it in Congress. I also hope that the administration will make an in-depth analysis and will continue the program.

Mr. President, I have heard ideas as to how we could do it better. However, I have not seen any bills which propose that we do it.

I want it understood that my proposal



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to extend the program for less than 1 year is intended to give us an adequate period of time to look at substitutes. If an extension is needed thereafter, I would hope that we would then extend it as requested by the distinguished Senator from New Mexico in the committee bill.

Mr. President, if I have any further time, I yield it back.

AMENDMENT NO. 86

Mr. McCLURE. Mr. President, I call up amendment No. 86.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof:

SEC. 2. Section 105 of the Public Works and Economic Development Act of 1965 is amended by inserting "(a)" after "SEC. 105." and by inserting at the end thereof the following:

"(b) There is authorized to be appropriated not to exceed $100,000,000 for the fiscal year ending June 30, 1974, to carry out the provisions of this title, except that such amount shall be available only for grants for projects for public water supply systems, public sewage collection lines, or for other essential public facilities which cannot be constructed with funds available under the Rural Development Act of 1972, the Housing and Urban Development Act of 1965, the Housing Amendments of 1955, or the Federal Water Pollution Control Act as amended, and with respect to which—

"(1) the sponsoring State, political subdivision, Indian tribe or organization or association establishes to the satisfaction of the Secretary that such facilities are necessary to protect against an imminent danger to the public health or safety; or

"(2) the Governor of the State in which the project is to be located establishes to the satisfaction of the Secretary that such facilities are necessary for the establishment of industry providing new jobs and that such industry will be established if such facilities are provided."

SEC. 3. Section 302 of the Public Works and Economic Development Act of 1965 is amended by inserting "(a)" after "SEC. 302." and by inserting at the end thereof the following:

"(b) There is authorized to be appropriated not to exceed $6,000,000 for the fiscal year ending June 30, 1974, to carry out the provisions of section 301(b) of this title, except that such amount shall be available only for grants to organizations which operate in economic development districts, designated pursuant to part B of title IV, and which organizations are designated by the Governor as the clearinghouse agency for federally assisted projects pursuant to the provisions of Circular A-95 of the Office of Management and Budget."

SEC. 4. Section 505 of the Public Works and Economic Development Act of 1965 is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) There is authorized to be appropriated not to exceed $9,000,000 for the fiscal year ending June 30, 1974, to carry out the provisions of this section."

SEC. 5. Section 509 of the Public Works and Economic Development Act of 1965 is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) There is authorized to be appropriated to the Secretary to carry out this title for the fiscal year ending June 30, 1974, not to exceed $10,000,000 for each regional commission which has a comprehensive long-range economic plan approved under section 503(a)(2) of this Act, and not to exceed $1,000,000 for each regional commission which does not have such an approved plan."

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. McCLURE. Mr. President, I have called up amendment No. 86 which was introduced on April 12 by the Senator from Tennessee (Mr. BAKER), the ranking minority member of the Public Works Committee, and myself as ranking minority member of the Economic Development Subcommittee. I hope to give the Senate an opportunity to consider an alternative. The Senator from Utah (Mr. BENNETT) has been added as a cosponsor. This is the same amendment I offered in committee and which was defeated by a vote of 8 to 6.

Before continuing I refer each Senator to my supplemental views in the committee report, along with those of Senator BAKER, and the colleague letter sent to all Members and available on each Senator's desk today.

Our amendment is a substitute proposal extending three programs of the existing act for 1 year: the title I grants for water and sewer and other essential public facilities, the multicounty economic development districts and the multistate regional commissions.

The bill recommended by the committee extends all titles of the act for another full year with the authorization levels in the bill reduced from $1.2 to $365.2 million. This compares with last year's appropriation of $367 million. I want to commend Senator RANDOLPH for his fairness and cooperation throughout consideration of this legislation. We share his concern that an extension of the basic EDA authorities be secured at least for another year.

Senator MONTOYA, ranking member of the Economic Development Subcommittee, is also to be commended for his diligence and efforts on behalf of the economic development legislation.

While the committee sharply reduced the authorization in the bill, we believe our substitute has certain advantages over the committee bill: it establishes priorities, by selecting and clearly directing three programs of the existing act; it avoids duplication with other Federal programs by restricting the public works grants to projects which cannot be carried out under other programs; and it sets realistic authorizations at a minimum level—$167 million—which could be appropriated without a major impact on the budget.

The substitute establishes priorities by selecting three programs of the act which many consider the most innovative and useful:

It authorizes $100 million for grants under title I, the public facilities grant program which is the practical heart of the EDA program. This compares to $136.5 million appropriated last year for title I. An additional $30 million in disaster moneys was provided in a supplemental bill, bringing the total appropriation for title I to $166.5 million.

It keeps the institutional structures established under the act in place by authorizing administrative funds—$6 million for the multicounty economic development districts which also serve as the local A-95 clearinghouses and $9 million for the title V multistate regional commissions. These authorizations are approximately the levels appropriated last year for these programs.

Finally, the amendment authorizes $10 million in program grant funds for each of the five regional commissions which have completed comprehensive plans as required under the act plus $1 million for each of the newest commissions, the Pacific Northwest and the Old West Regional Commissions, which have not completed their plans.

One of the administration's principal criticisms of existing EDA activities is that they duplicate other program authorities, particularly the Rural Development Act of 1973 and the Environmental Protection Agency programs. It is the administration's contention, in terminating EDA, that its objectives can be carried out under other programs either already authorized or being proposed. The administration's alternative proposals were discussed by the Secretary of Commerce, Mr. Dent, when he testified before the committee in February, and were also outlined in official comments filed by the Office of Management and Budget. The alternative proposals may be found in the agency views in the committee report.

After reviewing the administration's proposals, members of the committee had serious reservations that an adequate transition from the ongoing programs would be provided under the administration's proposals, and we believed some extension of the act necessary beyond June 30, 1973. The substitute we are offering would provide a sound transition to any future policy which may be decided upon—whether this would mean relocating the act's function in other agencies or programs, consolidating them into special revenue-sharing programs, or folding them into future alternative legislation such as is being proposed by this committee in S. 232. In continuing this basic authority, however, I believe every effort should be made to avoid duplication among programs. Therefore, our substitute focuses the present program by restricting the title I grants to water and sewer or other public works necessary to protect public health or safety, or where the Governor certifies to the Secretary of Commerce that such facilities are essential for the location of job producing industry in depressed areas.

In addition and more importantly, the substitute prevents duplication by specifying that title I grants shall be available only for projects which cannot be constructed with funds available under the Rural Development Act of 1972, the Housing and Urban Development Act of 1965, and the Housing Amendments of 1955 or the Water Pollution Control Act as amended—four basic programs authorizing water and sewer and other public facility projects.

Based on our evaluation of the President's alternate proposals we considered it necessary to continue the grant program. Areas eligible for EDA assistance are hard-pressed areas, characterized by low incomes and chronic unemployment. Such areas are the least able to compete with more fortunate communities and to finance needed projects solely with loans. Such depressed areas or areas with scattered populations have found they could not finance water and sewer projects with loans—as the amortization of the debt would be too great in relation to potential user charges. In addition, many communities have a very restrictive indebtedness limitation. For these reasons we have continued the title I grants for an additional year.

Sufficient loans may be available under the Rural Development Act, but there is no indication that any special consideration or assistance will be given depressed areas now served by EDA. The grants will provide this assistance where necessary.

Recognizing the serious budget restraints facing Congress at this time, our substitute reduces the total authorized by the bill to $167 million—less than half the committee amount and more than a billion dollars less than the House-passed bill. As stated in my supplemental views, unrealistically high authorizations which bear little relation to the actual funding level and which cannot, in the aggregate, be accommodated in the budget, have helped to bring about the present situation which in effect leaves it to the executive branch to establish priorities and determine to what extent many program authorizations are actually carried out. It is my position that authorizations should express the finding of the legislative committee as to the appropriate and realistic funding level. Indications of total need or ultimate goals are better made in the committee report.

The program level authorized in the substitute could be carried out by the reduced EDA staff contemplated in the President's budget. According to Secretary Dent's testimony the EDA staff will be reduced from 600 persons to 390 during fiscal year 1974.

In maintaining the economic development districts, my substitute is directed to those districts certified by the Governor as the local A-95 clearinghouse agency. The A-95 clearinghouses are established under the direction of the Office of Management and Budget to coordinate other Federal programs in an effort to increase efficiency and avoid waste. Ninety-two of the 123 districts now supported with EDA funds have been designated as clearinghouses. I value this coordinating role and believe the districts already serving this function should be preserved.

Serious questions about the effectiveness and value of the title V regional commissions and their future structure and role has been expressed. While the commissions have not been wholly successful or effective as anticipated, this Federal-State partnership is a unique experiment and should not be hastily abandoned before its potential and use can be given close scrutiny by the participating Governors. The commissions themselves are now engaged in an evaluation and Gov. Patrick J. Lucey of Wisconsin, representing the Council of Title V Governors before the committee, testified strongly in favor of a 1-year extension. I believe this time could be used by the Governors to assess the present regional structure and program and alternatives being proposed, and to make recommendations to Congress on future directions of intergovernmental relations and regional development.

I would like to outline the existing authorities which are not continued under the McClure-Baker substitute. Our amendment does not provide funds for the old "accelerated public works" program, now known as public works improvement program, which the administration strongly opposes and cited among the reasons for vetoing H.R. 16071 last fall and S. 575 in 1971. It contains no authorization for business and industrial loans, authorized under title II, which the administration intends will be handled by Small Business Administration programs. It contains no funds for research, title III, which has produced numerous studies since 1965 and no funds for technical assistance, also authorized under title III. While activities funded under these various titles have contributed to the overall work of EDA and have produced acknowledged results. The purpose of the substitute is to select the most innovative and useful programs and those where a hiatus in the basic authority would be most detrimental.

I believe the substitute we propose agrees with the objectives of the bill recommended by the commitee that areas of continuing high unemployment require a special effort to provide them additional jobs; that grants, not loans only, are needed to construct public facilities in such low-income high-unemployment areas; that institutions which have brought local and State jurisdictions together in cooperative planning and execution of federally assisted projects ought not be hastily dismantled; and the termination of EDA by July 1 will fail to provide a satisfactory transition to existing or proposed authorities which might be administered and funded to meet its objectives.

If no extension of EDA authorities is agreed to by June 30, the entire EDA program—its functions of established utility, the institutions developed over the years with considerable effort, and those portions which the committee acknowledges should be reformed or replaced—will all be lost.

It is for these reasons—to keep alive the institutions we have developed, and to maintain authorization for grants for needed projects which cannot be funded under other or prospectively proposed programs—that we offer the amendment.

We have no assurance from the Appropriations Committee or the administration that our proposal will be funded. But the substitute we have developed is designed to respond to criticisms which could be directed against a simple extension on the entire existing act.

Because our substitute establishes priorities, avoiding duplication of other Federal programs, and sets realistic authorizations at a minimum level, I believe our alternative is superior to the House and Senate committee approach of simply extending the present act or arbitrarily reducing the authorization for each title of the act and provides stronger grounds for securing an extension of basic EDA authority.

Mr. President, I reserve the remainder of my time.

Mr. BAKER. Mr. President, will the Senator from Idaho yield to me for some comments on the amendment?

Mr. McCLURE. Mr. President, I yield to the distinguished Senator from Tennessee such time as he may consume.

The PRESIDING OFFICER (Mr. HASKELL). The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, the details of this proposal have been developed with particular care by the distinguished Senator from Idaho (Mr. McCLURE). I have been privileged and honored to work with him on it and should like to take this opportunity to commend him for his service to the committee and the Congress. As the ranking Republican on the Economic Development Subcommittee, he is doing an extraordinarily good job. He approaches his task with realism, with idealism, and with practicality.

It is the purpose of the amendment to keep those essential portions of the EDA program until future programs can be established and implemented. I am deeply concerned that if we do not now take such careful action the Economic Development Act will lapse.

The McClure proposal would maintain the essential features of the program—primarily sewer and water grants in depressed areas where they cannot be constructed through loans alone, the multicounty economic development districts, and the multi-State regional commissions. It would provide a transition to programs which may be implemented under other existing authority, or under administration programs which may be later enacted. The substitute would allow to lapse those portions of the program which have been least effective, which are essentially duplicative of other Federal programs or which might more adequately be addressed by other programs or by the private sector.

This alternative would prune away some of the EDA programs of lesser value, while holding firm to the more essential aspects of the EDA effort.

Areas of chronic, high unemployment require special consideration for the creation of new and additional jobs. Our amendment provides such consideration.

Grants, not simply loans, are needed to assist in the construction of public facilities in areas of low incomes and high unemployment. Our amendment provides such grants.

The maintenance of institutions that have brought together local and State jurisdictions in cooperative planning work is essential. Our amendment provides such maintenance.

The sudden termination of EDA less than 2 months from now would fail to provide a satisfactory transition period to something better. Our amendment provides such a reasonable period and mechanism for transition.

Possibly most important, it preserves



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the institutions developed under the act, both the multi-county economic development districts and the multi-State regional commissions. Our amendment establishes priorities through the termination of those types of assistance that have proved less valuable than other programs in the act. Our amendment would cast adrift those programs that have proven the least effective and which are essentially duplicative of other Federal programs. These include business and industrial loans—title II—programs that could more adequately be addressed by other laws—such as the so-called accelerated public works—and research and technical assistance—title III—which could be more effectively undertaken by the private sector.

The administration has rightly pointed out the danger in EDA's potential duplication of other Federal programs. For this reason, our amendment would bar a title I grant if the local government could receive such support from another Federal effort, such as the Federal Water Pollution Control Act grants program.

What is essential about this amendment is its establishment of a reasonable, 1-year transition period, keeping much of the EDA program in place while the Congress works with the administration to build a realistic follow-on program for the future.

I anticipate that the committee proposal, even though it reduces sharply the level of previous authorizations, will not win administration acceptance. Nor, frankly, can I say that our amendment will receive favor from the administration. However, the amendment is designed to establish priorities, to avoid duplication, and to limit the scope of the program to its most essential elements. For that reason, it is a proposal that is responsible in the fullest sense of that word. It is a proposal we can send to the White House with every confidence that we have carried out our duty to the families who live in economically depressed areas.

I again want to commend the distinguished chairman of the full committee, Mr. RANDOLPH, and the chairman of the subcommittee Mr. MONTOYA, and to the Senator from Idaho (Mr. MCCLURE) for their efforts to develop a response to a difficult problem in a relatively short space of time.

The difference in our positions lies in our appraisal of the minimum program which can be finally enacted to achieve the purpose of keeping intact the essential and valuable institutions and programs of the Economic Development Administration. I anticipate that the committee bill, even though it reduces the level of previous authorizations, will not be accepted by the administration. As I remarked previously, I have no assurances that the substitute will be either. However, it is designed to establish the priorities and I believe it appeals to logic and to reason.

I strongly support the concept of the EDA. I realize the difficult circumstances we are involved in from the fiscal standpoint and those inherent in a period of transition. I commend the Senator from Idaho (Mr. MCCLURE) for facing the reality of the situation and bringing before the Senate what I believe to be a responsible and a reasonable transitional measure calculated to have the greatest chance of passage and to do the most good under the circumstances. I commend its passage to my colleagues and thank my colleagues for their management of the bill and the Senator from Idaho for yielding me this time to make these comments.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the able Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that his time on the amendment be reserved until an hour later in the day.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, is there any further discussion by Senators on the amendment?

Mr. MCCLURE. We have no pending requests for time, but I should like to reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, may I ask the Senator from Tennessee (Mr. BAKER), do I correctly understand that the Senator from New Mexico (Mr. DOMENICI) has an amendment which he will want to call up after the time on the pending amendment has expired?

Mr. BAKER. That is correct. The Senator from New Mexico (Mr. DOMENICI) does have an amendment which I believe is at the desk and I know that to be his request. I am also aware of the fact, as is the distinguished assistant majority leader, that we have certain difficulties with time. Some of your colleagues are otherwise committed and would find it difficult, perhaps, to discuss further or vote at this point. Since I know of no further requests for time and no other amendments except that of the Senator from New Mexico (Mr. DOMENICI), I wonder whether the Senate could proceed to other business or perhaps recess for a short time?

Mr. ROBERT C. BYRD. Does the Senator know whether or not the distinguished Senator from New Hampshire (Mr. COTTON) wishes to offer an amendment, or whether Mr. COTTON merely wishes to address himself to the bill under time that is controlled by him?

Mr. BAKER. Mr. President, I have no information to that effect. I had that query put to me earlier, and I have made an effort to check and find out; but at this point I cannot say with certainty, although it is my impression that he does not.

## RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, if Senators do not wish at this time to discuss the pending amendment further—and in recognition of the circumstances that have been alluded to by the distinguished Senator from Tennessee (Mr. BAKER)—I move that the Senate stand in recess until the hour of 2 p.m. and that the time for the recess not be charged against either side.

The motion was agreed to; and at 1:11 p.m. the Senate took a recess until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

## RECESS UNTIL 2:30 P.M.

Mr. MANSFIELD. Mr. President, I move that the Senate Stand in recess until the hour of 2:30 p.m. today.

The motion was agreed to, and the Senate recessed until 2:30 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 721) to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 29. An act to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the Fund due to increases in benefits for Postal Service employees, and for other purposes;

H.R. 3867. An act to amend the Act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes; and

H.R. 6574. An act to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve, and for other purposes.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 29. An act to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the Fund due to increases in benefits for Postal Service employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3867. An act to amend the Act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6574. An act to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve, and for other purposes; to the Committee on Veterans' Affairs.

## EXTENSION OF AUTHORIZATIONS OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

The Senate continued with the consideration of the bill (H.R. 2246) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period.



The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, I yield 10 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, in our State of West Virginia there are at the present time 13 counties that face uncertainty as to whether they will be able to continue to participate in the economic development program. There are more than 200 counties throughout the United States, these counties in West Virginia included, that are facing a revocation of their eligibility for these programs.

The bill, H.R. 2246, would impose a moratorium on this dedesignation. The amendment by the able Senator from Tennessee (Mr. BAKER) and the capable and knowledgeable Senator from Idaho (Mr. MCCLURE) includes no such moratorium and would effectively cut off many American communities from the assistance that is provided by this program.

We think the moratorium is a valid one. We feel the amendment is injurious to a degree that even they, the sponsors of the amendment, might not at this moment anticipate.

That is not the only feature of the proposal before us today, of course, Mr. President, but it is an important one, and I believe that it sets forth graphically the differences between the bill as reported from the Committee on Public Works and the amendment which carries the philosophy of the two Senators, who worked very diligently within our committee.

Why should we retain the eligibility? That is the question. It is not a matter of simply wishing to continue pouring money into areas even when those areas have substantial needs, but I believe it is important to maintain the program until our committee, until the Congress, can complete the new economic development program with application nationwide.

I know the Senator from Tennessee and the Senator from Idaho are sympathetic, just as we are, to the necessity for economic development programs. I think they want very much, as do I, to see this legislation pass and, more important to see it signed into law by the President of the United States. I do not believe, however, that the amendment they propose, if adopted, would give us any assurance that the President of the United States would sign the measure.

I think such an amendment—and I say this with full knowledge of their desire to continue this program—if it were adopted and actually became a part of this bill, would seriously restrict the effectiveness of this program.

We responded within the committee in a proper way, to the need for fiscal restraint. We proposed authorizations at approximately the level of the appropriation we have for the current fiscal year. But the amendment of the two able Senators would cut this funding by more than half—I repeat: by more than half. It would not supply the funds that would actually be needed if the program is to be viable. It is not necessary to have a shell of the program. Intent is not enough. We must, in the Senate today, bring forward the supply of substance. This is necessary if we are to do our job. I think that eliminated from the amendment are portions of the program that are good.

If it were approved today in the Senate and became a part of the bill, I think it would place the economic development program in limbo, or beyond what it is at this moment. It would actually induce a decline that we might be unable to reverse.

As do other Senators, I know, and I speak from personal experience, that there are many American communities which, through no fault of their own, have not been able to participate in the general prosperity that is nationwide.

What does this program do—a reduced program—for 1 year? It is intended, of course, to alleviate inequities. I think it would be extremely unwise—and I say this in good purpose to my colleagues—to abandon the effort while it is being only partially carried forward. If a program is good, it is wrong to think in terms of cutting off parts of the body, because the body then becomes incapacitated to move.

I think the amendment would stimulate, whether intended or not, the abandonment of the economic development program. I say that from careful consideration, but I make a very earnest appeal to the Senate that the amendment be rejected.

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

I thank the Senator from West Virginia for his statement, and I associate myself with his remarks.

The amendment offered by the Senator from Tennessee (Mr. BAKER) and the Senator from Idaho (Mr. MCCLURE), I think, in my opinion—and I humbly submit this—is an attempt to restrict radically the scope and effectiveness of these programs. I am frankly at a loss to understand why that is done at this time.

When the Subcommittee on Economic Development, and then the Committee on Public Works, considered the bill, there was hanging over our heads the threat of a Presidential veto. It was not vetoed on the basis of specific portions of the bill; it was based on an attempt to scuttle the entire program. We recognized this, but we also recognized the need for an economic development bill of national scope and impact.

The committee was considerate of the President's program. We feel we have taken almost the last step to satisfy the President's wishes in this matter.

While we were considering H.R. 2246, we attempted to tailor it so that it would continue these important programs, but in such a manner as to effect overall control of Federal spending.

The substance of the proposals offered by Senators BAKER and MCCLURE was presented to the committee and turned down.

Several days ago, Members of the Senate received a letter from Senators BAKER and MCCLURE attempting to rationalize this amendment and to obtain support for it. I noticed almost immediately that this letter admitted that its sponsors could not insure the acceptance of these provisions by the administration.

If this amendment has no hope of approval by the President, then what is its purpose? I submit, Mr. President, that on the face of it, its purpose is to sharply restrict the areas in which EDA can operate and, more importantly, drastically reduce the assistance needed by States and communities that are struggling to strengthen their economic basis and to improve the lives of their citizens. Its real impact is to effectively kill the program without admitting it.

As a practical matter, the amendment limits the EDA program to one of grants for sewer and water systems. These facilities are, of course, important to the economic development of communities, but they are only part of a multifaceted approach to community betterment. If there is a choice to be made, I remind the Senate that there are other Federal programs that also provide assistance for sewer and water systems. If this choice has to be made, we may be advised to drop these activities from our economic development programs and commit our limited resources to other activities.

Sewer and water systems by themselves improve communities, but they constitute an incomplete economic development package. Communities that are struggling to raise incomes and create jobs need vocational schools. I know from personal experience the enormous impact that vocational training facilities can have. These communities need hospitals. They need libraries. They need a variety of public buildings. They need improved transportation to bring people to jobs and to move products to markets.

This amendment, we are told, is intended to improve the EDA program, but the logic of how this would be accomplished escapes me. I fail to see how the program can be improved by limiting its operations or by reducing the money available to it.

I do not pretend that the authorizations in the bill as reported by the committee are adequate. They are far from it, and I wish more realistic figures could have been presented to this body. The committee, however, has to face realities. The authorizations in the bill, while not enough to do the job we would like to see done are adequate to keep the EDA program functioning and responding to community needs. There is, Mr. President, a vast difference between the fiscal responsibility of the bill and the miserly authorizations contained in this amendment.

The irony of this situation is that this amendment is brought to us by the Senator from Tennessee, whose own State is benefiting from the activities of the Appalachian regional development program which is in the unique position of enjoying relatively full funding. I would think that his experience with the Appalachian program would encourage him to want to extend the benefits of similar

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programs to distressed areas of the country.

I am not bemoaning the fact that the Appalachian Regional Commission has received potential authorization from Congress for a period of years to come. I am not bemoaning the fact that they can be adequately funded. I handled the Appalachian bill in my subcommittee. I joined the Senator from Tennessee and the Senator from West Virginia in recommending such worthy legislation. However, I want to say that in the present budget, the administration has recommended that this Congress appropriate $328 million for the Appalachian Regional Commission. And we are only asking for an authorization which is a little over that, $362.5 million.

Appalachia serves 10 percent of the population of the United States. The budget does not provide for the other 90 percent of the population. We are only asking for $362.5 million. I am trying to appeal to reason and trying to say to the Senator from Tennessee that we have done our job in Congress for Appalachia and for the Appalachian Regional Commission and for all of those in its area.

We hope that we can excite his compassion so that he can try to help us do something on a meager basis for the rest of the people.

That is what is at stake in the legislation. That is what is at stake today.

The funding authorized by the bill as reported totals $362.5 million. This is within $5 million of the amount appropriated for EDA during this fiscal year. Both figures are about one-quarter of the amount authorized. Therefore, the committee recommendation is a substantial concession. I also serve as a member of the Appropriations Committee and have sought the feelings of other members of that body as to what our commitment to EDA programs should be. Such colleagues as the distinguished chairman of the committee, the Senator from Arkansas (Mr. McCLELLAN) and a distinguished minority member, the Senator from New Hampshire (Mr. COTTON), have indicated their belief that this is a reasonable level of funding and both are known for their dedication to fiscal responsibility.

Two features of the existing program are of immediate concern because of recent developments. Last year, there was a larger than normal number of disasters in our country. In all parts of America, people were made homeless, communities were destroyed and disrupted. Industry was closed and great hardship took place. Even though we have Federal programs ready to cope with these disasters, the events of last year were of such magnitude that special legislation was introduced and passed.

More recently the administration has, for reasons of its own, decided to close a number of military installations. In many cases, these military bases constitute a substantial part of community income. Their loss will be a severe shock comparable in many ways to that of a natural disaster.

The Economic Development Administration has a great responsibility to assist communities affected by disasters whether they be natural or man made. Its ability to do so, however, will be sharply compromised by this amendment which eliminates the public works impact program. EDA is an important adjunct to the emergency relief efforts of the Office of Emergency Preparedness. It cannot, however, fulfill this role with the budgetary restrictions of the Baker-McClure amendment.

The amendment proposes cutting authorizations by more than half. Public works and business development loans and loans and grants for growth centers would be eliminated entirely. Technical assistance would be maintained at only a subsistence level and the regional commissions organized under title V of the act would receive such a pittance that they could not conceivably function with any effectiveness. These multi-State commissions plus the local development districts are the keystone to the long range planning that is the heart of any sustained development program. The Congress cannot turn its backs on the promise it made in the earlier legislation to these regional commissions and development districts.

The committee bill considers one of our Nation's most serious social problems in providing extra assistance for our country's Indians. As a country, our treatment of Indians over the years approaches that of a national disgrace. What we provided in the bill is only a modest beginning within the confines of our self-imposed budgetary restrictions. It was, however, a beginning and one that demonstrated the commitment we feel to increasing the hopes and improving the opportunities for America's Indians. The amendment now before us would revoke that commitment.

In addition, more than 300 areas in 36 States are now facing dedesignation as eligible for participation in EDA programs. Our committee bill properly imposes a moratorium on this dedesignation. This, too, is not mentioned in the Baker-McClure amendment. Many of these are chronically depressed and must be allowed to continue their efforts to reverse trends of long standing.

Finally, Mr. President, we are told that the proposals by the administration for revenue sharing and in other areas have made EDA programs obsolete. I remind my colleagues that for the most part, these proposals remain just that, proposals. There is no assurance that they will ever be translated into law or if they are, when that will take place. Regardless of whether revenue sharing provides additional resources to communities, it is still a program that will provide the greatest benefit to communities that are already relatively affluent. The program whose fate we consider today is for the have-nots of America. With regard to other Government programs, their implementation and certain built-in restrictions severely inhibit their ability to respond to the needs of economically distressed communities.

The benefits from EDA and from other programs are not interchangeable and it is folly to view them as such. Economic development efforts are intended to supplement other programs so that those communities with the most severe needs will have supplemental resources at their disposal.

Mr. President, I say again, that with respect to the sponsors of this amendment, that it is neither feasible nor desirable to impose its restrictions on the program that is already restricted. We are working toward a new economic development program and until it is brought into being, we cannot create a void.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MONTOYA. Mr. President, I yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I take this time to say that the Senator from Tennessee (Mr. BAKER), and the Senator from Idaho (Mr. MCCLURE) know the value of the economic development program. Where we differ at times is in the details of the total effort. I understand that.

There is a reason, however, as I have stated, for my opposition to their amendment. If we take the body politic and take parts of that body away, if a body is operated on and an arm is taken away or a leg is severed, we destroy the strength of the body and the ability of the program to function.

Mr. President, that is what is involved here. I hope that the amendment, as I have stated before, will be rejected. I do not believe its sponsors would intentionally destroy this program, because I think that basically the two Senators are as one with us.

I know that they are with us in the carrying forward of this work.

Mr. MONTOYA. Mr. President, I would like to say to the chairman of the full committee that I fully recognize that the offerers of the amendment are trying to perform what they conceive to be a public service. However, as I have stated before, the impact of the amendment goes beyond their expectations in my opinion.

I have stated that once this amendment is adopted, it will wipe out a very valuable program that we have embraced within the different titles of EDA.

I will give the Senate an example. It would affect the State of Tennesssee. Sixteen counties would be dedesignated if this amendment were agreed to.

They will no longer be eligible, in Tennessee, to receive assistance under the EDA program. I am certain that the Senator from Tennessee did not intend that. The same situation exists with respect to two counties in Idaho, and I am certain that the Senator did not intend that.

The committee bill considers one of our Nation's most serious economic problems by providing assistance for the country's Indian tribes. This amendment would destroy that. The amendment would destroy the 100 percent funding for technical assistance to Indian tribes throughout the country.

Where are they going to get 25 percent matching? They have not been able to up to now.

So goes the impact of the amendment.



It also destroys many of the great programs. For instance, the amendment's main thrust is to provide for sewer and water systems, $100 million. It does nothing for development loans: zero. It does nothing for loans and grants for growth centers and bonuses for development districts: zero. It cuts down on technical assistance and supplemental grants for regional commissions.

So I say in all sincerity, in good faith, and with great respect, that the amendment would destroy the basic purpose of the EDA legislation which we have worked out through 5 years of experience. We have worked it out in the committee through extensive hearings all over the country. We went to Alaska to try to develop worthwhile concepts in economic development. We gave birth to regional commissions for areas that need sustenance for economic restructuring. Mr. President, this amendment destroys all those things that we in Congress have worked for throughout the years.

That is why I say that we should defeat the amendment. We should stay with the committee bill, because the committee bill represents the collective wisdom of this Congress, the experience of many Governors who have come in to endorse the bill, and the experience of many people interested in economic development, chambers of commerce, and local leaders, who have paraded into the Senate Office Bulding to testify, to give great testimonials that the EDA concept is working in this country.

Let us not destroy it. Let us not restrict it. Let us go with the committee bill.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time for that purpose?

Mr. COTTON. I have some time reserved on the bill which I think I may yield myself.

The PRESIDING OFFICER. The Senator has 30 minutes remaining on the bill.

Mr. COTTON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. If it is desired to offer an amendment to the pending amendment, must the amendment be deferred until the time for debate on the pending amendment is exhausted or yielded back?

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. I thank the Chair. How much time remains on the pending amendment?

The PRESIDING OFFICER. Each side has 7 minutes remaining.

Mr. COTTON. I thank the Chair.

Mr. MANSFIELD. Mr. President, will the Senator yield for a question?

Mr. MONTOYA. I yield 2 minutes to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, could the distinguished manager of the bill state what the status of the Old West Commission is at this time? That is the one that covers the Dakotas, Nebraska, Wyoming, and Montana.

Mr. MONTOYA. As the distinguished majority leader knows, the commission was fully authorized, and it is provided for in this bill with equal dignity as the other commissions.

Mr. MANSFIELD. I thank the Senator. I appreciate that.

Mr. COTTON. Mr. President, will the Senator yield me a moment?

Mr. MONTOYA. Yes, I am glad to yield 2 minutes to the Senator from New Hampshire. I want to reserve a few minutes for closing the debate, but I yield 2 minutes to my distinguished friend.

Mr. COTTON. I merely wanted to say, for the information of the distinguished Senator from New Mexico as well as the distinguished Senator from Idaho, that the interest of the Senator from New Hampshire is very much in preserving the opportunities of these various regions. The administration, as I understand it, is trying to cut them down.

These regions were created and authorized at the same time as the Appalachian region. Two of the regions have been formed very recently; one the so-called Old West, which contains Montana, Nebraska, North Dakota, South Dakota, and Wyoming, and the other the Pacific Northwest, which contains Oregon, Washington, and Idaho.

Neither of those regions have had time nor opportunity to fully develop their programs. I believe one of them had $1.6 million, and the other only a million dollars allocated for this year.

My own region, consisting of six New England States, has been active since 1966, and I think doing its job effectively.

This amendment would curtail the authorization. It may well be that the authorization in the amendment would be sufficient to take care of these regions. But when the time expires, the Senator from New Hampshire is going to offer an amendment to the amendment to substitute the language in the bill for the language in the amendment. This will be done in order that we may preserve the same authorizations for the regions that we now have this year, and I think it is important, because I do not want to see us begin to retreat from a right that was given to us at the very critical time, when the Appalachian region was created.

The PRESIDING OFFICER. Who yields time?

Mr. MCCLURE. Mr. President, let me take just a minute or two to respond to the arguments that have been leveled against the amendment which the Senator from Tennessee and I have offered.

I am sorry that the Senator from New Mexico found it necessary to question the motives of the Senator from Tennessee and myself, because, of course, he can only infer from our actions what our motives are, and in doing so he has chosen to ignore our words.

Mr. MONTOYA. Mr. President, will the Senator yield at that point?

Mr. MCCLURE. I yield, without yielding my right to the floor.

Mr. MONTOYA. I want to make it specifically clear that I did not question the Senator's motives. I merely stated that I lend one interpretation to the effect of the Senator's amendment and he lends it another. That is what I intended to say.

Mr. MCCLURE. I thank the Senator for his explanation, because certainly while it may be the feeling of some that this amendment which we have offered is intended to destroy the EDA program, I want to assure the Senator from New Mexico, other Senators who may be listening, and the Senate that that is far from our motive.

The Senator from West Virginia, the chairman of the Public Works Committee (Mr. RANDOLPH), mentioned that it was necessary to defeat this amendment in order to rescue the program from limbo. I would say that is exactly what the intention of the amendment is: To rescue the program from the limbo of uncertainty as to whether or not it can be continued.

Certainly, as has been pointed out, and I think in honesty had to be pointed out by those of us who support the amendment, there is no guarantee; we have no guarantee from the administration that they will accept the point of view which we have put forward here, that there is a hope. I would suggest that those of us who do support the EDA program and recognize its value will be serving that program best, and a continuation of the program best, by adoption of the amendment which has a hope of success. If we want a solution to the problem and a continuation of the program, rather than to create an issue in the form of a confrontation with the wishes of the administration, then it seems that we should adopt the amendment because there is a realistic hope that what we have focused on is demonstrably worth the cost. It is the hope that, because its impact on the budget is relatively minimal, they can be funded and that the program will continue. Much better if we extend this hope and get this kind of assurance now, than to indulge ourselves in the far more remote hope that the committee measure or even the House measure as passed by the House might be adopted and approved by the administration.

Mr. President, I know that the distinguished Senator from Tennessee (Mr. BAKER) has supported my amendment, not because he has already satisfied the needs of his State and his constituency through the Appalachia program, but because he recognizes the value of the EDA program, and because of the demonstrated success of the Appalachia regional program. It is because he recognizes that value that he and I were seeking means by which we could extend the greatest possible opportunity for success in the legislative forum by offering a moderate extension and continuation of EDA programs.

I do believe that the suggestion made by the distinguished Senator from New Hampshire (Mr. COTTON), that the regional commissions that are just new in two areas of the country and are limited

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in their funding, might be increased in their funding. I appreciate the motivation which prompted that remark, which may perhaps have prompted the amendment which he will offer; but the fact is that the commissions are so new that experience will dictate to us, by looking at other regional commissions, that their real requirements this year can be satisfied with a $1 million authorization, and that, therefore, there is no real impingement on the expectation of what the commissions can and would accomplish within this year.

Mr. President, I can only read from the minority views of the distinguished Senator from Tennessee (Mr. BAKER) when he said in regard to this amendment:

I believe the proposal offered by Chairman Randolph, which the Committee adopted, is similar in its purpose to the McClure substitute which I support: that is, it recognizes the need for reconsideration, modification and reform of the EDA program as it has developed over the years, but urges a continuation of that authority until revised and improved programs are actually put into place.

The difference lies in our appraisal of the minimum program which can be finally enacted to achieve this purpose.

I submit, Mr. President, that this is the real crux of the difference between the committee's action and the action which I urge on the Senate by way of this amendment. I do urge adoption of my amendment.

The PRESIDING OFFICER (Mr. HELMS). Who yields time?

Mr. COTTON. Mr. President, is it now in order to offer an amendment to the substitute, or has all time first to be yielded back?

The PRESIDING OFFICER. There still remain 5 minutes on the pending amendment.

Who yields time?

Mr. COTTON. Mr. President, I ask unanimous consent that I may be permitted to offer an amendment as a substitute at this point, even though all the time has not yet elapsed in debate on the subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. McCLURE. Mr. President, reserving the right to object, I am prepared to yield back the remaining time on this side on the pending amendment, if the Senator from New Mexico will also yield back his time.

Mr. MONTOYA. I am not prepared to do so, but I have no objection to the request of the Senator from New Hampshire.

Mr. McCLURE. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I send an amendment to the desk as a substitute and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it very quickly.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 3 strike out lines 7 through 22 and substitute therefor lines 19 through 24 of page 4 of the bill as reported by the committee.

Mr. COTTON. Mr. President, this amendment would strike out from the pending substitute on page 3, lines 7 to 22—that is the part of the substitute that authorizes certain sums for various regions in the country—and to substitute therefor lines 19 through 24 of the committee bill, which is the provision in the committee bill for the regions.

Now, Mr. President, as to the background at the very beginning, when the Senate was striving on the Appalachia bill, it was felt—with some justification—by Senators who represented other regions in the country which were in many cases sparsely populated, and with inadequate transportation facilities, that they were as deserving of aid and development as Appalachia, and that Appalachia should not be singled out without some provision for other particular regions.

As a result, the so-called title V regions were authorized. The authorization last year, for instance—not the appropriations—was $152.5 million. That would cover seven regional setups in the Nation, not counting Appalachia.

The committee, in its bill, reduced that authorization this year to $75 million. The amendment offered by the distinguished Senators from Tennessee and Idaho would further reduce it to a total of $61 million.

Now, Mr. President, in the first place, I do not want to see—even though undoubtedly the appropriations might not exceed that amount—the authorization for these regions whittled away, because each time it is whittled away, it weakens the opportunity of the regions to do their job.

As I already mentioned, the last two regions created were the so-called "Old West" containing Montana, Nebraska, North Dakota, South Dakota, and Wyoming; and the last one was the "Pacific Northwest" containing Oregon, Washington, and Idaho.

They have scarcely gotten underway. The so-called Old West region had appropriated to them only $1.6 million this year and the "Pacific Northwest" was allocated around $1 million.

In my own New England region, we had, last year, approximately $7.5 million for our programs.

I want to say frankly that in some of the regions—I must say I think my own—there has been some waste. I think they were overstaffed. That is already being remedied, because in the last few months, in the New England region, the personnel have been reduced from 36 to 23. I anticipate, and the words of the Governor of Massachusetts and the Governor of my own State indicate to me that this is not an idle promise, that the personnel will be still more curtailed, so that what money we use will be used as it is being used now—to try to maintain our region.

We have great problems. Our greatest problem, perhaps, at the present time is transportation. We have almost no railway transportation in the three Northern States of New England. We have absolutely no adequate, or anywhere near adequate, airline transportation, something for which I have been fighting a long time. We even have problems with our Interstate Highway System, which at present is interrupted and made less efficient.

That is something with which we have to cope. After the implied pledge that was made by Congress when we all turned to and enacted the necessary statute and authorized and appropriated money for Appalachia, I do not want to see these other regions whittled away.

For that reason, if I did not offer this amendment at this point and the substitute of the distinguished Senators from Tennessee and Idaho should be adopted, then I would be precluded, because that would be it, and I could not offer this amendment. So I am offering this amendment to their substitute. I ask that it be adopted. Should their substitute fail, this is the language of the original bill, and if some other amendment should affect this, it is my understanding from the Parliamentarian that I could still offer it again.

My purpose is not only to protect our region but all the other regions as well, especially—though I carry no brief for them, but it is only in the interest of fairness—the sixth and seventh regions, that have been in operation for less than 12 months.

That is my amendment. I hope it will not be opposed by the author of the substitute; but if necessary, when a sufficient number of Senators are in the Chamber, I shall ask for the yeas and nays.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Who controls the time in opposition?

Mr. COTTON. This is not the amendment on which I asked an hour limitation. This is just an amendment that is subject to the allotment of 30 minutes.

The PRESIDING OFFICER. That is correct.

The time in opposition will be controlled by the manager of the bill, unless he is in favor of the amendment. Then it will be controlled by the minority leader or his designee.

Mr. MONTOYA. I am willing to yield to the Senator such time as he may require.

Mr. McCLURE. Is the Senator from New Mexico opposed to the amendment of the Senator from New Hampshire?

Mr. MONTOYA. I am trying to listen to the argument at this juncture. The Senator may proceed, if he wishes.



Mr. COTTON. I yield myself a half minute. I cannot understand how the Senator from New Mexico would find himself opposed to my amendment, because it is from his bill, word for word.

Mr. MONTOYA. I inform the Senator from New Hampshire that if I announce myself in favor of his amendment at this time, I lose control of all the time.

Mr. COTTON. I see.

Mr. McCLURE. Mr. President, I am not exactly certain that I understand by whose authority or under what circumstances I am now addressing the Senate, but I appreciate the opportunity. [Laughter.]

I wish to make just this comment, so far as the pending amendment offered by the Senator from New Hampshire is concerned.

If I correctly understand the amendment, it strikes both section 4 and section 5 of my amendment and substitutes therefor section 5 of the committee bill now pending.

If I further understand the effect of the amendment, it is this: My amendment, under section 4, calls for $9 million, and under section 5 it calls for $10 million for each of 5 regional commissions and $1 million for each of two others, making a total, under sections 4 and 5, of $61 million.

The amendment offered by the Senator from New Hampshire calls for $75 million. So there are two differences between his position and mine at this time.

One difference is that my amendment calls for $61 million in these categories, and his calls for $75 million in these categories.

A second distinction which I think must be understood is that the $75 million under the committee bill, which the Senator now suggests be put into the substitute, is an unrestricted lump sum that can be put into any one of these areas without any direction as to where it should be put; and the amendment I have offered calls for a division of the sums of money into the regional commissions and into the various purposes for the commissions.

If I may pose just one example of the danger I perceive in the Senator's approach as compared to mine, it is that there are five existing regional commissions plus two new ones, making a total of seven. If each of the seven shares equally in this fund, there is slightly less than $11 million apiece in the total, which is not much different for the majority of the regions—as a matter of fact, less for the majority of the regions, less for the New England region—than is provided under my amendment, unless, indeed, there is an unequal distribution of the funds under the Senator's amendment, in which he would expect one region or another to get more than its proportionate amount of money under it.

I suggest that if that is the result of the amendment, then the Senator is holding forth a promise to some of the regions of this country that they would be helped by his amendment when, as a matter of fact, they would be hurt by it. If he expects the New England Regional Commission to benefit by it, it is the necessary implication that other regions must thereby suffer from it, with the exception of the two new regional commissions, which, under my amendment, would receive only $1 million instead of the $10 million as specified and set out with some degree of certainty under the amendment.

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield.

Mr. MONTOYA. By way of further explanation of what the Senator has just said, there is a provision in the law, section 509(d), which provides for a method of allocation to the regional commissions.

Mr. President, I will read as follows:

The Secretary shall apportion the remainder of the sums appropriated under this authorization for any fiscal year to the regional commissions, except that not less than 10 per centum nor more than 25 per centum of such remaining amount shall be allocated to any one regional commission.

So on the basis of the funding available under the Senator's amendment which is $61 million, the commission would receive a minimum of $6.1 million. Now, under the Cotton amendment, if it prevails, the minimum would be $7.5 million.

Mr. McCLURE. I think in connection with what the Senator said there is not much difference between the two bills if there is that kind of equal distribution of funds. If there is not, it has no other implication.

Mr. COTTON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 20 minutes remaining.

Mr. COTTON. Mr. President, I had only 15 minutes to begin with.

The PRESIDING OFFICER. Did the Senator want 1 hour on this amendment?

Mr. COTTON. No, I am offering this amendment under the rule.

The PRESIDING OFFICER. In that case the Senator has 5 minutes remaining.

Mr. COTTON. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. COTTON. Mr. President, I think if the distinguished Senator from Idaho came from a region that had been working long and faithfully and developing itself under this approach, and he found his region cut from $7.5 million to $6 million we would hear a loud outcry. As a matter of fact, not only are there restrictions in the law, but these are only authorizations and the Committee on Appropriations has something to say about how it is allocated to regions within the limits of the law.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. COTTON. No. I do not have time to yield. The Senator has more time left than I.

Now, this money is appropriated with full knowledge or how faithfully, how efficiently, and effectively the regions are using the money. The Committee on Appropriations can be trusted to exercise that authority. But we have to guard most carefully our rights in these regions when the administration itself wants to cut us down and give $200,000 to each of the States which is, of course, a mere pittance and practically destroys the regions.

When I see the committee reduce the total from $152.5 million total authorization for all regions to $75 million, and then I find the amendment offered by the Senator from Idaho and the Senator from Tennessee reducing it further to $61 million, which would mean almost inevitably my own region would be cut. I certainly am going to try to do something about it. I think perhaps the Senator from Idaho did not take that into consideration.

Mr. MONTOYA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MONTOYA. I would like to inform the Senator from New Hampshire that he is actually improving the bill to come close to the committee version, except he does not go far enough with his amendment in that the Baker-McClure amendment wipes out the loan program entirely from the EDA legislation. It also wipes out the loans and grants for "growth centers" and bonuses for economic development districts.

Under their amendment there is no authorization whatever. They wipe it out completely. Then, on the technical assistance and research which will enable these States to provide contractual know-how with regard to transportation, airports, and industrial parks, there is a whittling down by the Baker-McClure amendment to $6 million, which is not adequate.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. COTTON. The Senator from New Hampshire is thoroughly aware of that fact. The Senator from New Hampshire has no intention of voting for this amendment even if his amendment is adopted. He is supporting the original committee bill but he would at least want to preserve this part if this amendment should be adopted.

Mr. MONTOYA. In view of the Senator's assurance and explanation, I rise to accept his amendment.

I yield as much time as the Senator from Idaho may require.

Mr. McCLURE. Mr. President, I am not sure under what circumstances I hold the floor, but I appreciate the opportunity to mention a couple of things I think the Senator from New Hampshire missed in his development of the alternative proposal, and that is that under my substitute amendment the New England region would be authorized $10 million plus their share of the $9 million under section 4, and, in effect, the authorization for the New England Regional Commission is being cut by the Senator from New Hampshire and not increased. I am not certain that is what he had in mind, but that is the effect.

The question of loan and grant authority is a separate question from the amendment pending. I suspect that is another of the arguments we can get into about the effect of the substitute, but the effect of this substitute, I would

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say to the Senator from New Hampshire, is not to cut from $7.5 million to $6.1 million; it is to cut from over $10 million to $7.5 million in minimum funding if the full amount was appropriated.

Of course, the Committee on Appropriations has an authority here. It has an authority that will be exercised later on, but we should understand the effect of the pending amendment and the amendment to my amendment because I am not certain that the debate at this point indicates that there is a clear understanding.

Mr. COTTON. I do not understand how a total of $61 million for all regions gives more than $75 million.

Mr. McCLURE. Mr. President, each of five regional commissions would get an authorization of $10 million for project grants, plus a share of the $9 million under section 4 for administrative expenses.

Mr. COTTON. How does the Senator get seven $10 millions out of $61 million?

Mr. McCLURE. There are not seven $10 millions. There are five $10 millions plus two $1 millions.

Mr. COTTON. I see. The Senator is taking the two newest regions and giving them less.

Mr. McCLURE. If the Senator will refer to the pending amendment, page 3, lines 20 through 22, it states: "and not to exceed $1 million for each regional commission which does not have such an approved plan."

That refers to the two newest regional commissions.

Mr. COTTON. Yes; but I would expect the two newest to come up with a plan for approval.

Mr. McCLURE. They may, and if they do they can be back next year asking for more money.

Mr. COTTON. I say to the Senator that I do not want to waste money even on New England. In my opinion the slightly more than $7.5 million that the New England region now gets for their program is all it deserves and can effectively use, and that is all I, as a member of the Committee on Appropriations, want to see them get.

Mr. McCLURE. Well, I would say to the Senator they got almost $9 million.

Mr. COTTON. That is a great surprise to me, because the last time I checked I was told that they got $7.5 million for their program. I have their most recent annual report here and it indicates the congressional appropriation was $8,314,296, which after subtracting $594,000 for administrative expenses left $7,720,000 for program.

Mr. McCLURE. According to the figures I have from the agency, the New England Commission obligated something over $8.8 million in fiscal year 1972 for all expenses—planning assistance, commission expenses, and supplementary grants. Some of this may have been unobligated balances carried forward which accounts for our different totals.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from New Hampshire has 3 minutes remaining on the amendment.

Mr. COTTON. Mr. President——

Mr. McCLURE. Does the Senator want the yeas and nays?

Mr. COTTON. I certainly do.

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. As I understand it, there are 3 minutes remaining to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Is there any time remaining in opposition?

The PRESIDING OFFICER. Not on the amendment.

Mr. McCLURE A further parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. It is my understanding that we are trying to stack the votes on all these matters if they are other than voice votes. It is my understanding the Senator from New Hampshire desires a rollcall vote on his amendment. Is it possible for us to reserve the vote on this matter?

The PRESIDING OFFICER. The Chair has no knowledge of that.

Mr. COTTON. Mr. President, if the vote is reserved, then the Senator from New Hampshire loses the final 3 minutes. Is that correct?

The PRESIDING OFFICER. Not necessarily.

Mr. COTTON. Mr. President, I ask unanimous consent that my 3 minutes be reserved, because I want to explain further the matter that has been raised first.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MONTOYA. Mr. President, I ask unanimous consent that we may have a call of the roll pursuant to the suggestion of the absence of a quorum without taking the time from either side.

Mr. COTTON. Mr. President, will the Senator withhold his request for a moment?

I yield myself 1 minute.

The figures the Senator from Idaho has been giving I believe contain some carryover money from the fiscal year before, and that is why he is asserting that New England had more than $7.5 million for their program. As I indicated, we had $7.7 million appropriated. We had some carryover money from the year before. And that is enough. As a member of the Appropriations Committee, I am not sure we can get $10 million, but I do not want to see the future of these regions gradually whittled away by reducing their authorizations. I would not close the door on the region of my friend, the distinguished Senator from Washington, which is only the most recent one which has not had time to develop its plans; and the Old West, which takes in five of the other Western States.

The committee has cut the authorizations to all the regions in their bill from $152 million down to $75 million, and I do not want to see it cut further, by this amendment, down to $61 million.

That is the reason why, if there were enough Senators on the floor, I would ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

Mr. COTTON. Mr. President, then I ask unanimous consent that we have a quorum call without the time being taken from any Senator's time, until we can get the yeas and nays ordered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that John Adams, of the Small Business Committee staff, may be permitted on the floor to help me with the EDA bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, earlier today during the colloquy on the McClure-Baker amendment to S. 2246 statements were made while I was away from the Senate floor which may have cast some doubt upon my motives for supporting that measure. The implication of these statements, I am told, was that the effectiveness of the Appalachian Regional Commission in my State of Tennessee has led me into a parochially callous attitude toward the continuation of those portions of the EDA program which would not be continued under the McClure-Baker substitute.

I am sure that among those who are familiar with my participation in this legislation no response to this allegation is required. But these remarks will be reprinted in the RECORD and people less aware of my efforts might be misled. Thus, for the sake of charity, and without malice toward those who have raised this issue, I would respond.

Statistically, the State of Tennessee ranks sixth among all States in the number of designated areas. It ranks sixth also in the number of dollars received under the program during its first 6 years. Tennessee ranks just behind the State of West Virginia and far ahead of the State of New Mexico in the amount of project funding received as of June 30, 1971—the latest date for which cumulative figures are available. Thus the implication that my State does not have a great interest in the EDA program is unfounded in fact.

I share the deep commitment of those who would continue the program at its present level of funding. If the amendment fails I intent to vote with them on this bill. I simply do not think that such an approach is at this time feasible in light of political realities. Thus, I have determined to support an approach that offers better prospects for continuing the valuable features of the program so that Tennessee and the rest of the Nation will continue to receive assistance in coping with the problems of economically distressed communities.



Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, how much time remains on the amendment by Mr. McCLURE?

The PRESIDING OFFICER. A total of 5 minutes, 4 minutes for the proponents and 1 minute for the opponents.

Mr. ROBERT C. BYRD. How much time remains on the amendment by Mr. COTTON?

The PRESIDING OFFICER. None.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from New Mexico (Mr. DOMENICI), may at this time be allowed to call up his amendment for debate and proceed thereon until the time is consumed on that amendment or yielded back, and that, at no later than 4:15 p.m., the Senate proceed to vote on the amendment offered by the distinguished Senator from New Hampshire (Mr. COTTON); that that vote then be followed by a vote on the amendment by the Senator from Idaho (Mr. McCLURE), and that depending on the outcome of that vote the Senator from New Mexico (Mr. DOMENICI), if he wishes, then pursue his amendment further.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire will state it.

Mr. COTTON. If the time comes when the McClure amendment should fail, and the Domenici amendment is to be called up, in order to protect myself on my amendment would it be in order to offer an amendment?

Mr. ROBERT C. BYRD. My understanding is that his amendment, if the Senator chooses to offer it, would be in order and would be a 1-hour amendment.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the order of voting would begin at 4:15 p.m. I point out that the time would not be available to run for the full 30 minutes if the order for 4:15 prevails.

Mr. COTTON. Mr. President, I ask unanimous consent that if the McClure amendment should fail, and the Domenici amendment has been offered, then regardless of the previous agreement the Senator from New Hampshire be allowed 10 minutes, 5 minutes to a side, to offer his same amendment to the Domenici amendment.

Mr. ROBERT C. BYRD. The Senator would have a right to offer that amendment in that circumstance. As I understand, he is suggesting that the time for debate therein be reduced.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, would the distinguished Senator from New Mexico, after he sends his amendment up, yield me 1 minute?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. The Parliamentarian points out that the Senator still has pending a unanimous-consent request.

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Does the Senator still desire a vote at 4:15 p.m.?

Mr. ROBERT C. BYRD. As I understand, there is a 5-minute reservation of time.

Mr. MONTOYA. Four minutes.

Mr. ROBERT C. BYRD. And 1 minute by the junior Senator from New Mexico. So that would make it 4:20 or 4:25.

The PRESIDING OFFICER. 4:21.

Mr. ROBERT C. BYRD. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

AMENDMENT NO. 94

Mr. DOMENICI. Mr. President, before Senators leave, I intend to ask for the yeas and nays on my amendment No. 94.

Mr. ROBERT C. BYRD. Mr. President, will the Senator call his amendment up?

Mr. DOMENICI. I call up my amendment No. 94, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, beginning on line 16, strike the words "and not to exceed $200,000,000 for the fiscal year ending June 30, 1973." and insert in lieu thereof "and not to exceed $133,000,000 for the period from July 1, 1973, through October 31, 1973.".

On page 3, beginning on line 23, strike the words "and not to exceed $50,000,000 for the fiscal year ending June 30, 1974." and insert in lieu thereof "and not to exceed $28,000,000 for the period from July 1, 1973, through October 31, 1973.".

On page 4 delete section 3 beginning on line 1, strike all through the end of line 7 and renumber succeeding sections accordingly.

On page 4, beginning on line 12, strike the words "and $12,500,000 for the fiscal year ending June 30, 1974." and insert in lieu thereof "and $8,000,000 for the period from July 1, 1973, through October 31, 1973.".

On page 4, beginning on line 16, strike the words "and not to exceed $25,000,000 for the fiscal year ending June 30, 1974," and insert in lieu thereof "and not to exceed $17,000,000 for the period from July 1, 1973, through October 31, 1973,".

On page 4, beginning on line 23, strike "and for the fiscal year ending June 30, 1974, to be available until expended, $75,000,000," and insert in lieu thereof "and for the period from July 1, 1973, through October 31, 1973, to be available until expended, $25,000,000.".

On page 5 delete section 8 beginning on line 1, strike all through the end of line 17.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 1 minute?

Mr. DOMENICI. I yield.

Mr. ROBERT C. BYRD. Now, if I may answer a private inquiry from my distinguished senior colleague, as I understand it, the Senator from New Mexico (Mr. DOMENICI) has offered an amendment. There will be a discussion of that amendment until 4:21 p.m. At that time, a yea and nay vote will occur on the amendment by Mr. COTTON to the amendment by Mr. McCLURE.

A vote on the amendment by Mr. McCLURE would then follow, after the remaining time that has been reserved thereon is consumed.

If the amendment by Mr. McCLURE is agreed to, then the amendment by Mr. DOMENICI would be withdrawn. If the amendment by Mr. McCLURE fails, then Mr. COTTON would offer an amendment to the amendment by Mr. DOMENICI, and a vote would then occur on Mr. COTTON's amendment, after which there would be a vote on Mr. DOMENICI's amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. MONTOYA. Mr. President, may I have the attention of the distinguished majority whip?

Mr. ROBERT C. BYRD. Yes.

Mr. MONTOYA. I reserved 4 minutes to be used immediately prior to the rollcall on the Baker-McClure amendment. With that understanding, I would have no objection.

Mr. ROBERT C. BYRD. I ask unanimous consent that that be a part of the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. I am now operating under what time limitation? Has it been changed from the original 30 minutes to something else?

The PRESIDING OFFICER. There was a limit of 30 minutes, 15 minutes to each side, of which the Senator has 13 minutes remaining.

Mr. DOMENICI. I thank the Chair.

Let me say at the outset that during the discussion today, I have on various occasions expressed my interest in continuing operative the program as it is before us in the committee bill presented by the senior Senator from New Mexico, and it is in the spirit of continuing it that I offer an amendment. I shall soon send a modification of the amendment to the desk, but I wish to express my intention at this point. That is what it is that I intend by my amendment, as modified in the next few minutes.

Throughout the committee hearings on this bill, we have continued to receive from the administration their remarks that these programs, the programs within the EDA, needed modifying, changing, or adjusting, and regularly we were told that there was something in the offing to take their place.

We were also told that we ought not to fund all the programs, because if we did, the process of dismantling that had

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already begun to occur would reach some final stage, and eventually whatever we proposed, if we tried to include all of the programs, would be vetoed.

It was my concern that we come up with something that would tell the administration yes, that some of these programs need to be reexamined, some have to be altered, some have to be changed, but that we tell the administration loud and clear that nonetheless, there are many that are good, there are many that, for States like my own and others, there are no real substitutes for.

So, in the spirit of saying to them, "Let us come up with a transitional-type program, one that will recognize the needs and the programs that are within the proposal submitted by the committee today," within that framework we extend them, instead of for 1 full year, for 4 months after June 30.

I know that the distinguished senior Senator from New Mexico, my colleague, will obviously say, "We do not usually do this; we do not usually extend programs of this import for 4 months."

However, Mr. President, we do not usually find ourselves in the position where programs have already been stopped in many parts of the country, when we have reached a confrontation stage, where many good programs might not continue at all unless we can get on with getting the administration to approve a bill, even if it be for 4 months.

I was a party to the very serious effort on the part of the committee to reduce the funding level, and I compliment the senior Senator from New Mexico and the chairman of our committee for their concern in that regard. We are not asking for $1.2 billion, but rather for $363 million. This is indeed some concession. But we have no assurance that even that, the $362 million level, the 1-year extension will be granted. It is out of concern that we not permit any further dismantling, and that we fund at reasonable levels, that I have offered my printed amendment heretofore, a modification of which I now send to the desk.

The PRESIDING OFFICER. The modification will be stated.

Mr. DOMENICI. I can assure the senior Senator from New Mexico that it does just what I have told him; it extends all of the programs, including those he has changed, to funding at 100 percent levels instead of 75 percent, and will continue even those districts which were dismantled, that I had taken out in my original amendment. They are included, but only for 4 months.

In other words, you would just divide each program by one-third, and that would be my amendment as I propose that it be modified.

The PRESIDING OFFICER (Mr. NUNN). The yeas and nays having been ordered, is there objection to the Senator's modification of his amendment? The Chair hears none, and the amendment will be so modified.

Mr. DOMENICI's amendment (No. 94), as modified, is as follows:

On page 3 beginning on line 16 strike the words "and not to exceed $200,000,000" for the fiscal year ending June 30, 1973." and insert in lieu thereof "and not to exceed $67,000,000 for the period from July 1, 1973, through October 31, 1973."

On page 3 beginning on line 23 strike the words "and not to exceed $50,000,000 for the fiscal year ending June 30, 1974." and insert in lieu thereof "and not to exceed $17,000,000 for the period from July 1, 1973, through October 31, 1973."

On page 4, beginning on line 12, strike the words "and $12,500,000 for the fiscal year ending June 30, 1974." and insert in lieu thereof "and $8,300,000 for the period from July 1, 1973, through October 31, 1973."

On page 4, beginning on line 16, strike the words "and not to exceed $25,000,000 for the fiscal year ending June 30, 1974," and insert in lieu thereof "and not to exceed $4,200,000 for the period from July 1, 1973, through October 31, 1973,".

On page 4, beginning on line 23, strike "and for the fiscal year ending June 30, 1974, to be available until expended, $75,000,000." and insert in lieu thereof "and for the period from July 1, 1973, through October 31, 1973, to be available until expended, $25,000,000."

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. MONTOYA. Does the modification now enable the Indian tribes to participate as under the provisions of our extension bill, to the tune of 100 percent?

Mr. DOMENICI. Yes, it does.

Mr. MONTOYA. And with respect to those districts for which we had granted a moratorium for eligibility, does the Senator's amendment take care of and restore that moratorium which was excluded from his original amendment?

Mr. DOMENICI. Yes, it does. The levels would remain intact.

I might say that in my original concept of the amendment, I did not have that in, because it seemed to me that perhaps, especially as to the Indians, we were in need of some longer term program, and if we took it out from under the 4-month extension, we could perhaps consider some new program for it. But in view of the discussion, so as to make it as simple as possible, my amendment will do precisely what I have said.

In response to the comments of my senior colleague, Mr. MONTOYA, it would merely extend all funding at the levels suggested in his bill, but only for 4 months—one-third of the total.

As to the 1-year provision for a moratorium as to the Indians, it would be back in as per the committee bill.

With that, let me state once again to those who are interested in this program, that my intentions certainly are not to do away with the program. Although I agree with the Senators from Tennessee and Idaho in their concern that at least we keep intact most of the program. I think that my approach is better than theirs, because we have not gone along and picked portions here and there, deciding which ones to keep or abandon but, rather, until we find a better way, let us continue with what we have in the original committee bill.

I also would say, in conclusion, that I am very much concerned when the administration comes to the subcommittee and says to us that there are better ways to do this, and to suggest that perhaps they could show us better ways, and to suggest, perhaps, that there are ways that the States could do it better, and the cities and the counties could do it better, that the Rural Development Act could do some of this work better; yet we are approaching the period of time when, in reality, the function under the EDA will cease, where we are approaching the time when the dismantling may make it irrevocable and yet we have not passed any bill which would accomplish the approach suggested. This is, indeed, a dangerous position to put the many entities participating in the program, to put them in that posture.

I believe that if nothing is forthcoming after 4 months, or 6 weeks before that, we could proceed once again to reinstate this for the entire year. I put the 4 months in only to remind the administration and ourselves that there are better ways. Perhaps to take 1 full year is not acceptable. On the other hand, I am aware of the fact that it will be difficult at this late date to find substitutes to fit other bills into this enormous jigsaw puzzle, because we are starting a new approach to some of the administration's suggestions.

With that in mind, Mr. President, I yield back the remainder of my time on this matter.

Mr. MONTOYA. Mr. President, I rise in opposition to the amendment of my distinguished colleague, Mr. DOMENICI. He is seeking to continue the economic development program for 4 months. As he stated, and anticipated that I would say, this is a most unusual procedure. I have been here in Congress since 1957 and I do not recall an instance where we had an authorization of an important program for 4 months. It is unheard of. During the committee hearings, I asked the distinguished chairman of that committee, if he had heard of any, and he has been here since 1934, and he said that he had not, that he could not recall of any instance where there had been a request for 4 months.

This is an activity that has been under way for nearly 8 years and has given a Federal boost to many, many American communities to help build a better life for their citizens. In those 8 years we have made much progress, but the tremendous job is far from being completed. He asks us to go on for 4 months when what is really needed is a program through which we can express the commitment of many years.

I wish that I were able to tell the Senate what purpose Senator DOMENICI has in mind when he asks for a 4-month extension to a program that is designated for extinction. I regret that I cannot provide that enlightenment, for it is a meaningless extension. In all honesty, I cannot foresee that in 4 months we could come to this Chamber with legislation significantly different from H.R. 2246 as reported by the Committee on Public Works.

I am not questioning the motives of my distinguished colleague, but I have been in this program, working in the vineyard, and have held hearings all over the country, so that I know what it takes to get an application through the pipeline and to get it approved. I know that it takes more than 4 months. I know that it takes a lot of leadtime from one year to another.



Just the other day, in one of the areas of New Mexico, EDA approved a grant. That application had been pending for 4 years, Mr. President. It took 4 years leadtime and much pleading with EDA to get that grant approved for a vocational school in Las Vegas, N. Mex. Now, 4 months time will not enable any district in America, even to complete an application, much less provide a feasibility study.

This legislation was developed with the knowledge that the administration not only opposed it, but opposed all of our efforts in economic development. We tried sincerely to accommodate the legitimate objections of the administration through the provisions of H.R. 2246 and I think we did so in a responsible fashion. Frankly, an additional 4 months would not bring us any closer to agreement with the administration than we are at this time.

Members of the Senate know that it is extremely difficult to develop good legislation on such a restricted timetable. I remind Senator DOMENICI that legislation to extend the Economic Development Administration was introduced on January 18. The bill before us now was ordered reported on April 12, nearly 1 month ago. It has taken 4 months to bring this legislation to the floor, during a time when congressional activity was relatively light and there were relatively few demands on the time of Members.

If we agree to a simple 4-month extension, there is no assurance that another bill could be advanced to the floor in that time. The Congress could be out of session in 4 months, or if not, could have the calendar crowded by more pressing matters. Under these circumstances, there would exist a crisis situation on which we could not legislate responsibly.

Furthermore, the administration could seize upon a 4-month extension as another opportunity to kill this program entirely.

Mr. President, economic development programs require long-range planning and execution. How could any State or local development organization possibly undertake long-range planning knowing that the EDA program could be abandoned or drastically revised in 4 months? This extension, rather than continuing a vigorous program, would simply impose stagnation and inertia in communities and regions where vigorous activity is most needed. This is not a stop-go program, but one that depends on a sustained level of activity for success.

There are many States in the regional commissions now that have not completed their development plans. They need more time—just like Appalachia, just like the New England Commission, and just like the Ozark Commission, and the others. They need leadtime to prepare all the data and economic planning necessary to be eligible for EDA grants and loans, technical assistance, and all the other aids that are needed to restructure their local economies. This 4-month extension would rob them of such an opportunity. I do not think it is practical.

hearings on economic development needs

For the past 3 years I have conducted in locations throughout the United States. We have gone from the southern Atlantic coast to the northern reaches of Alaska to look at individual development programs and to assess the need for strengthened and expanded Federal assistance. Not once in the past 3 years—and we have heard from literally hundreds of persons and groups—has there been an unfavorable statement on the need for economic development programs that are strong and responsive to local requirements.

The testimony is replete with statements by Governors—Republicans and Democrats—that EDA has worked, that the EDA concept is needed in order to stimulate the interest among local people to try to do something by way of economic development and planning.

A 4-month extension of the existing program now, when there are no other active legislative proposals under consideration, is totally without merit. There have been past occasions when program extensions of brief duration were approved. But I remind the Senate that these were merely stopgap measures at a time when legislation was being developed.

Legislation was already in being, possibly pending in conference, pending resolution by the conferees of both Houses. But the situation was not parallel to this.

Finally, I am convinced that we would have more difficulty continuing an EDA program in 4 months than we do now. It is almost impossible, in view of the attitude of the administration, to resurrect EDA if it is gasping for breath during its last 4 months of existence. The measure offered by Senator DOMENICI is not really a continuation. It is simply the first step in a slow death that could see successive short-term extensions and, finally, nothing. If this program must die, it would be far more merciful to administer the coup de grace now without further agony.

I submit, however, that what is needed is a strong commitment of support from the Congress to those Americans who took us at our word when we offered them a helping hand.

If we read the testimony presented in hearings held over the last 2 years, Governor after Governor, Republicans and Democrats, appeared before us and asked us to do something about economic development at the regional level, stating that the concept had worked and that they were ready to continue their efforts in their own localities, because economic development has been the real catalyst in trying to assemble the talents of local communities toward the objective of better economic development in the particular regions involved.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MONTOYA. I yield.

Mr. COTTON. I commend the Senator for what he has just said. I commend the chairman of the committee and the members of the Committee on Public Works.

I believe that the budget for Appalachia is somewhere in the vicinity of $1.5 billion. Appalachia covers parts of 14 States. It is in a separate bill. I have seen no inclination on the part of this administration, and I do not expect to see any—I would not share any such inclination—to cut off Appalachia.

But in this bill, where a very small amount of money, comparatively, is allocated to these other States—and the committee has been most fair and generous with it—the administration clearly intends to kill this. It is their purpose to kill it. I expect that the President will veto it. It will give me great pleasure to vote to override it.

As a matter of fact, when they offer us a mere pittance of $200,000 for each of the New England States, after we have worked through these years on this program, it is ridiculous. When they want to kill off the two new regions in the West, it is ridiculous.

The only thing to do is to pass the committee bill and send it up. If it is vetoed, all right; we will meet it.

Let us not be like the Dutchman who was going to be merciful and cut off the dog's tail 1 inch at a time. If this program is prolonged for months, it is like granting a condemned man a reprieve of 1 hour and hanging him at 8 o'clock in the morning instead of 7 o'clock.

If the administration has decided to kill this program, let us send it up to them as the committee reported it, and let them kill it. Then we will see what we can do. But this way we are simply going to confuse the issue.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. The Senator from New Mexico has the floor.

Mr. MONTOYA. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I associate myself with every utterance on the part of the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired. The junior Senator from New Mexico has 6 minutes remaining, but the time of the senior Senator from New Mexico has expired.

Mr. PASTORE. Will the Senator yield me 2 minutes?

Mr. DOMENICI. The Senator may have 3 minutes, if he wishes.

Mr. PASTORE. I am not on the Senator's side, however.

Mr. DOMENICI. I understand that.

Mr. PASTORE. I thank the Senator doubly for his courtesy.

Without giving us any opportunity of a challenge, without ever telling us what they were going to do, after the Committee for the Re-election of Nixon published on November 2, 1972, in Rhode Island newspapers, the fact that if McGovern were elected President, they would shut down the naval installations in Rhode Island, but that if the present President were reelected, this would not come to pass—that assurance was given us on November 2, 1972—lo and behold, in April of 1973, what do you think they did? They shut down every establishment they said Nixon was going to keep alive.

I tell the Senate that this is serious. It is putting 5,000 people out of work in



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my State, and we have to rehabilitate them. We have to find jobs for these people. We are economically depressed.

What do you think they did to us. They took the fleet out of Newport, where we have 6.4 percent unemployment, and they sent it down to Norfolk, Va., where the unemployment rate is only 2.5 percent below the full employment level; they sent another part of it to Charleston, S.C., where the unemployment rate is only 3.4 percent; and they sent the rest of it to Mayport, Fla., where the unemployment rate is only 3.1 percent. They crucified us, where the unemployment rate is 6.4 percent.

All we are asking here is a little understanding, a little heart. We are dealing with people, and that is why we want this bill and this money. We need it to rehabilitate. We need it to put people back to work. We need it in the event we cannot review and cannot change the edict of the Defense Department, so that if that property is given back to the State and industrialized, we will have some money for planning and design. We will have something to help us. After all, we in Rhode Island have been forgotten. We in New England have been forgotten.

Mr. DOMENICI. I assure the Senator that I would have yielded even had I known in advance that he was going to depart from the bill to such an extent.

On the other hand, let me assure the Senator that I support his request today to modify the bill to the extent that it would provide more help for his part of the country.

Furthermore, I assure Senators that I had no intention by my extension approach to deny that this kind of approach by our Government would continue; but, rather, it seems to me that it would have a better chance to continue as an operative program if we did it this way than to proceed on a 1-year basis, while there is some evidence that there are better ways to do some of the things in the bill.

On the other hand, let me say that I have already discussed with the distinguished Senator from New Mexico my position in the event my extension is not adopted. I certainly will not vote against this bill just because my approach to extending it does not work.

Mr. PASTORE. I realize the position of the distinguished Senator. He knows the affection and regard and respect I have for him. I am very happy that he is going to vote for the passage of this bill.

The only thing I wanted to point out was that he was relinquishing time to me and I was not in favor of his amendment, and I wanted to be honest about it.

Mr. DOMENICI. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. DOMENICI. Does the Senator from West Virginia wish to be recognized?

Mr. RANDOLPH. Mr. President, I recognize the intent of the able Senator from New Mexico (Mr. DOMENICI) in offering an amendment to continue the programs of the Economic Development Administration for only 4 months. He participated actively during our committee's consideration of this legislation and worked with other Members of the Committee in attempting to find solutions to the very difficult questions raised by this legislation.

I know that Senator DOMENICI is sympathetic to the purposes of this program. He comes from a State that has benefitted from the economic development efforts that are carried out under this law, and I know he desires to see it continued.

Extending the act for 4 months, however, will not achieve the goals that many of us see as desirable. As the able chairman of our Subcommittee on Economic Development (Mr. MONTOYA) has observed, a short extension could well be another step toward total extinction of this program.

If this is a desirable program—and I believe the record indicates that it is—then we should not hesitate to give it our full support with a 1-year continuation. To do otherwise would be a concession to those who wish to abandon this economic development activity, and would hand to them additional time and a weakened program.

Senator MONTOYA has spoken of the uncertainty of acting within 4 months. There is ample precedent for his statement. I remind Members of the Senate that last year, while we were considering a new Water Pollution Control Act, the Congress had to approve extensions of the existing law on three different occasions. Therefore, who is to say that at the end of 4 months we will not have to once again extend the Economic Development Administration because of our failure to resolve the issues, and therefore cast further confusion over the total effort.

Mr. President, I am convinced that nothing is to be gained by delay and that we should be willing to do what we know is right and continue the program for a full year. I hope that other Senators will join with me in voting against this amendment.

Mr. DOMENICI. Mr. President, in conclusion I wish to say that——

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Minnesota (Mr. HUMPHREY) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 81, nays 15, as follows:

[No. 120 Leg.]

YEAS—81

| | | |
|---|---|---|
| Aiken | Fannin | McIntyre |
| Allen | Fulbright | Metcalf |
| Baker | Gravel | Mondale |
| Bartlett | Griffin | Montoya |
| Beall | Gurney | Moss |
| Bellmon | Hansen | Muskie |
| Bentsen | Hart | Nelson |
| Bible | Hartke | Nunn |
| Biden | Haskell | Pastore |
| Brock | Hatfield | Pearson |
| Brooke | Hathaway | Pell |
| Burdick | Helms | Percy |
| Byrd, Robert C. | Hollings | Randolph |
| Cannon | Hruska | Ribicoff |
| Case | Huddleston | Roth |
| Chiles | Hughes | Schweiker |
| Church | Inouye | Scott, Pa. |
| Clark | Jackson | Sparkman |
| Cook | Javits | Stafford |
| Cotton | Johnston | Stevens |
| Curtis | Long | Stevenson |
| Dole | Magnuson | Symington |
| Domenici | Mansfield | Talmadge |
| Dominick | Mathias | Tunney |
| Eagleton | McClellan | Weicker |
| Eastland | McGee | Williams |
| Ervin | McGovern | Young |

NAYS—15

| | | |
|---|---|---|
| Abourezk | Fong | Scott, Va. |
| Bennett | Kennedy | Taft |
| Buckley | McClure | Thurmond |
| Byrd, Harry F., Jr. | Packwood | Tower |
| Cranston | Proxmire | |
| | Saxbe | |

NOT VOTING—4

| | | |
|---|---|---|
| Bayh | Humphrey | Stennis |
| Goldwater | | |

So Mr. COTTON's amendment was agreed to.

Mr. DOLE. Mr. President, as a Senator from a State which has benefited significantly from the Federal economic development program, I believe H.R. 2246, the Public Works and Economic Development Act Amendments of 1973, deserves serious and detailed attention. However, as one who is also greatly concerned with economy in government and the need to put Federal funds to the best possible use, I am also apprehensive about the movement toward bureaucratic self-perpetuation at high authorization levels contained in both the House bill and the measure reported from the Committee on Public Works.

After having given careful consideration to the competing considerations, I believe the McClure-Baker substitute provides a sound solution in terms of maintaining the economic development program at reasonable levels while undertaking a transition to new and more effective programs. It would authorize $100 million for title I public works and supplemental grants, $6 million for title III, and $61 million for the title V regional commissions.

These realistic authorizations in conjunction with the establishment of reasonable priorities and avoidance of unnecessary and wasteful program duplication are, I believe, the best approach to providing reasonable answers to the questions raised by the bill and the different views of its programs.

In the State of Kansas—part of which is included in the title V Ozarks Regional Commission and in which several economic development districts have been organized—the value and possibilities of a well-organized and publicly supported economic development program have been clearly demonstrated. I believe it would be unwise at the present time to bring about a full-scale termination of the EDA program, even though its present functions are intended to be carried out under other existing programs or new departures such as the Rural Development Act. A great deal of planning, coordination and community involvement go into the development of any EDA plan. I do not feel it would be wise to simply cut off plans presently underway without real assurances that they can or will be continued elsewhere in the Federal structure. In the priority areas covered by the McClure-Baker substitute—especially the vital title I grants for public health and safety projects which are not duplicated by other Federal programs—there is a real need for continuity in planning and assurance of support.



Therefore, I believe the McClure-Baker substitute is a sensible, practical and necessary approach to the transition from a full EDA operation into new or different administrative approaches to the problems encountered in areas of chronically high unemployment. It moves in the right direction at a reasonable pace. It avoids unnecessary and harmful disruptions to on-going community efforts. And it demonstrates a commitment to the idea of helping economically impacted areas to help themselves to a brighter future.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that the roll calls from now on take up a total of 10 rather than the usual 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question recurs on the amendment of the Senator from Idaho. The Senator from New Mexico has 4 minutes and the Senator from Idaho has 1 minute.

Who yields time?

Mr. MONTOYA. Mr. President, I yield back my remaining time.

Mr. McCLURE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the substitute amendment of the Senator from Idaho, as modified.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Minnesota (Mr. HUMPHREY) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 33, nays 63, as follows:

[No. 121 Leg.]

YEAS—33

| | | |
|---|---|---|
| Allen | Domenici | Proxmire |
| Baker | Dominick | Roth |
| Bartlett | Fannin | Saxbe |
| Bellmon | Fong | Scott, Pa. |
| Bennett | Griffin | Scott, Va. |
| Brock | Gurney | Taft |
| Buckley | Hansen | Thurmond |
| Byrd, Harry F., Jr. | Helms | Tower |
| Cook | Hruska | Weicker |
| Curtis | McClure | Young |
| Dole | Packwood | |
| | Percy | |

NAYS—63

| | | |
|---|---|---|
| Abourezk | Hart | Metcalf |
| Aiken | Hartke | Mondale |
| Beall | Haskell | Montoya |
| Bentsen | Hatfield | Moss |
| Bible | Hathaway | Muskie |
| Biden | Hollings | Nelson |
| Brooke | Huddleston | Nunn |
| Burdick | Hughes | Pastore |
| Byrd, Robert C. | Inouye | Pearson |
| Cannon | Jackson | Pell |
| Case | Javits | Randolph |
| Chiles | Johnston | Ribicoff |
| Church | Kennedy | Schweiker |
| Clark | Long | Sparkman |
| Cotton | Magnuson | Stafford |
| Cranston | Mansfield | Stevens |
| Eagleton | Mathias | Stevenson |
| Eastland | McClellan | Symington |
| Ervin | McGee | Talmadge |
| Fulbright | McGovern | Tunney |
| Gravel | McIntyre | Williams |

NOT VOTING—4

| | | |
|---|---|---|
| Bayh | Humphrey | Stennis |
| Goldwater | | |

So the substitute amendment, as modified, was rejected.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Is the next action on the amendment offered——

The PRESIDING OFFICER. The Chair cannot hear the Senator.

Mr. COTTON. Does not the next vote occur on the amendment offered by the distinguished Senator from New Mexico?

The PRESIDING OFFICER. That is correct.

Mr. COTTON. I send to the desk an amendment to that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON's amendment is as follows:

Strike out the last 4 lines on page 2 and insert in lieu thereof lines 19 through 24 of page 4 of the bill as reported by the committee.

Mr. COTTON. Mr. President, this is precisely the same amendment that I offered to the substitute offered by the Senators from Idaho and Tennessee. It was overwhelmingly agreed to.

It simply gives the same protection to the already established regions in case the Domenici amendment were adopted that it would have given in the case the substitute had been adopted; and I ask unanimous consent for the adoption of this amendment. I understand that my friend the Senator from New Mexico, who is always very fair, is willing to accept it, but the yeas and nays have been ordered, so I ask unanimous consent that it be incorporated in the Senator's amendment without a rollcall vote.

Mr. MONTOYA. Mr. President, reserving the right to object, and I shall not object, if the amendment is adopted, what is the effect of the amendment on the bill?

Mr. COTTON. The effect of my amendment would be that the seven regions would not be cut off after 4 months, but would have the same authorization that came from the committee, though they would, of course, be curtailed in their activities.

Mr. MONTOYA. Do I understand that the Senator is for a 1-year authorization?

Mr. COTTON. I am supporting the committee bill.

Mr. MONTOYA. I have no objection.

Mr. RANDOLPH. Mr. President, reserving the right to object, and I shall not object, I think on the point in discussion which is raised by the able Senator through his two amendments, we should recall that when the Appalachian regional development program was first brought to the Senate in 1965 I gave a pledge to the members of this body that these regional development programs, like that for New England, would be brought into being, that they would come from the Committee on Public Works. That word has been kept.

Certainly these newer regions, regions that had to begin anew while the Appalachian program had been under development for a year and a half before legislation formally creating it came to the floor of the Senate. The newer regions, too, need time to develop and implement their programs. The distinguished Senator from New Hampshire recognizes this and has been a strong supporter of these regional commissions.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COTTON. May I say to the distinguished Senator from West Virginia, the chairman of the committee, that indeed he has kept his pledge. When the Appalachia bill was first passed, and many of us felt that there were other sections of country that faced the same problems, and we should not be closing them out. The agreement was made, and year after year my distinguished friend from West Virginia, whom I so greatly respect, as well as the senior Senator from New Mexico, has played fair with us all the way. They have reduced the overall authorizations, but the reductions were reasonable. I feel that the authorization for 1975 of $1 million is reasonable and ample, and in keeping with policies of frugality.

So I am most grateful to him. I wish to support my friend the junior Senator from New Mexico (Mr. DOMENICI), for whom I have the highest regard. I have been deeply impressed with this ability and sincerity since he entered this body. But certainly we have been treated with absolute fairness, and the Senator and

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his committee has our pledge that we will assist them with Appalachia.

Mr. RANDOLPH. I wish to join our chairman of the Subcommittee on Economic Development in approving the proposal of the Senator from New Hampshire (Mr. COTTON).

Mr. DOMENICI. Mr. President, I do not intend to object, but I have an inquiry concerning the proposed amendment. Have the yeas and nays been ordered on the amendment of the Senator from New Hampshire?

Mr. COTTON. I have asked unanimous consent that the yeas and nays, which have been previously ordered, be vacated.

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. In view of the fact that the same amendment received an 81 to 15 vote, I hope that unanimous consent will be granted to accept the amendment.

Mr. DOMENICI. On the amendment to the amendment, I have no objection.

The PRESIDING OFFICER. Is there objection to the amendment? The Chair hears none, and the amendment is agreed to.

The question now recurs on the Domenici amendment, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 28, nays 69, as follows:

[No. 122 Leg.]

YEAS—28

| | | |
|---|---|---|
| Baker | Dominick | Percy |
| Bartlett | Fannin | Roth |
| Bellmon | Fong | Saxbe |
| Bennett | Griffin | Scott, Pa. |
| Brock | Gurney | Scott, Va. |
| Buckley | Hansen | Taft |
| Cook | Helms | Tower |
| Curtis | Hruska | Welcker |
| Dole | McClure | |
| Domenici | Packwood | |

NAYS—69

| | | |
|---|---|---|
| Abourezk | Hart | Montoya |
| Aiken | Hartke | Moss |
| Allen | Haskell | Muskie |
| Beall | Hatfield | Nelson |
| Bentsen | Hathaway | Nunn |
| Bible | Hollings | Pastore |
| Biden | Huddleston | Pearson |
| Brooke | Hughes | Pell |
| Burdick | Humphrey | Proxmire |
| Byrd, Harry F., Jr. | Inouye | Randolph |
| | Jackson | Ribicoff |
| Byrd, Robert C. | Javits | Schweiker |
| Cannon | Johnston | Sparkman |
| Case | Kennedy | Stafford |
| Chiles | Long | Stevens |
| Church | Magnuson | Stevenson |
| Clark | Mansfield | Symington |
| Cotton | Mathias | Talmadge |
| Cranston | McClellan | Thurmond |
| Eagleton | McGee | Tunney |
| Eastland | McGovern | Williams |
| Ervin | McIntyre | Young |
| Fulbright | Metcalf | |
| Gravel | Mondale | |

NOT VOTING—3

| | | |
|---|---|---|
| Bayh | Goldwater | Stennis |

So Mr. DOMENICI's amendment, as modified, was rejected.

Mr. BELLMON. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill insert the following new section:

SEC. — The President shall instruct the Secretary of Commerce and the Office of Management and Budget to reexamine current and past Federal efforts to secure balanced national economic development and shall submit to Congress within six months after the enactment of this Act a proposal for the restructuring of the various Federal economic development programs into a well coordinated plan of assistance.

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. I yield myself such time as I may require.

Mr. President, the purpose of this amendment is to cause the President to instruct the appropriate agencies in the administration to reexamine this Nation's efforts toward balanced national economic development and to try to come to Congress with a restructured program to accomplish the objectives we all want.

The proposed budget for fiscal year 1974 calls for the phaseout of programs authorized under this legislation. The President should by now be aware that these programs have been extremely popular in the Nation's depressed areas, and hence with elected representatives in Congress. The success of these programs in bringing thousands of new job opportunities to smaller communities in need of them at reasonable cost has been demonstrated again and again.

By including this amendment I believe that the President, instead of simply vetoing the bill, as would be indicated by the fiscal year 1974 budget document, would then give serious consideration to utilizing acquired Federal economic development expenses in new and innovative ways.

Mr. President, a few words of description might help in understanding what might be proposed by the administration after careful restudy of this program. Currently EDA operates a program with strong ties to local government and private enterprise. Major program responsibilities are assigned to regional directors located in six regional offices based upon the standard Federal regions.

There are now seven title V commissions in existence. They emphasize delivery of assistance through State government. Following an administration moratorium, the policy was altered less than 2 years ago to permit and encourage the formation of new commissions. As a result two new ones, the Pacific Northwest and the Old West, were established. Three of the commissions are composed entirely of whole States and two are completely coincident with the standard Federal regions.

EDA and the title V can undoubtedly be operated as a single program. Indeed, it was so intended by Congress, as the act indicates. They could be brought together and run under a single administrative structure. All States could be brought into regional commissions with boundaries altered where required to conforms with the standard Federal regions. The Federal responsibilities could be administered by what formerly would have been known as EDA's regional directors.

The broad program tools and strong local support of EDA could be combined with the greater reliance upon States government favored by the administration and practiced by the commissions. Duplicative costs and interagency rivalries would be eliminated. Closer coordination with other Federal agencies utilizing the standard regions would be substantially enhanced. Delivery of funds and technical assistance to recipients would be simplified. There would be an ability to respond to economic problems at all levels of government in a coordinated manner, using the unique capabilities of each.

Multicounty economic development districts, presently supported by EDA would continue to develop their programs based upon local needs. The district program, perhaps EDA's most successful innovation, could be encouraged to encompass the entire Nation. States would then undertake a statewide economic development investment plan, including specific projects and funding priorities, drawn from both the district plans and the State's own requirements.

Presidential initiative in developing a restructured national balanced economic growth policy would assist in the attainment of a number of stated administration objectives.

First, putting the private sector to work toward public objectives.

Often private firms would like to be able to locate in smaller communities away from the large congested metropolitan areas. There are many indications that such a trend is already occurring and would be even more notable were it not for the economic inequities of locating there. A comparatively small public investment in the establishment of permanent job opportunities can many times make these small, often depressed communities economically and socially viable. A single economic development structure, encompassing local, State, regional, and national viewpoints could materially assist in planning for the rational delivery of those public investments.

Too often Federal rhetoric has emphasized the need to revitalize rural America, and too often the Federal response has been inadequate—ill-conceived and ill-coordinated. Part of the reason for this has been the lack of recognition that what rural areas and small towns need to make them stable, attractive communities are adequate numbers of adequately paid jobs. The Rural Development Act, passed last year, has taken this into account, but it has been slow in reaching operational stride. The expertise that could be applied by a unified economic development organization to the task of bringing jobs to rural America as an essential ingredient of rural development, is considerable, and could lead to a much earlier realization of the goals envisioned in the Rural Development Act.

Most of the decisionmaking responsibility could be removed from Washington and distributed to appropriate regional, State, and local levels. It is clear that a Federal economic development organization could operate with lower overhead, devoting attention to purely national aspects of economic growth. At the same time, continuation of the component programs would assure that no violent disruption to local economic development process would occur.

The adoption of this amendment would cause the administration to restudy the Federal role in balanced national economic development.

Mr. President, I want to be candid. Many changes are occurring in the White House and in the administration. I am of the opinion that the administration may wish to take another look at previous decisions in this area. Including this amendment may give President Nixon a valid reason to keep EDA and the title 5 programs alive while the study proceeds.

I urge its adoption.

I have discussed this matter with the author of the bill and with the minority——

Mr. MONTOYA. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. MONTOYA. I have discussed this matter with the committee members on this side of the aisle, and we will accept the amendment.

I yield back the remainder of my time.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. McCLURE. We have discussed this amendment. I think it is a very constructive amendment. It will be of very great assistance to the committee in evaluating these proposals, and I accept the amendment.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. RANDOLPH. Earlier today, I discussed this matter with the able Senator from Oklahoma. It is very important for Senators to realize and to understand—regardless of this amendment, which I support—the necessity, to study very carefully, in depth and scope beyond anything we have yet done, the problems of unemployment in this country. We must examine the need for realistic development programs which will strengthen our economy generally, so that people can work rather than receive public assistance instead of being in the general program of productivity.

That is why I believe the amendment offered is very helpful. We must take a very searching look, and perhaps we will come up with some answers we do not now have.

Mr. BELLMON. I thank the distinguished Senator.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I wish to add my support to this legislation—H.R. 2246—which would extend regional commissions for 1 year at the same level of funding. It is my long-held belief that the concept of a Federal-State partnership to serve the needs of a region is not only sound and effective but also the most workable instrument to determine and provide for the needs of adjoining States whose major economic and social problems are basically regional. This is dramatically demonstrated when you examine the geographical as well as the economical structure of the six New England States.

These States comprise a region remote from the sources of electricity, gas, and oil, a region with few natural resources, a region whose economy is interdependent and a region which has many of its skilled workers living in one State and depending upon jobs in another. The waters of New England's rivers course through two or three States so that you cannot deal with a water pollution problem in one State without applying similar attention in another. The same is true for the region's transportation needs, its environmental protection, air pollution problems, even the broad scope of law enforcement.

In recent years, New England has witnessed the tragic decline of its fishing industry, and now we see the only hope of salvage in a regional effort to preserve this vital national food source in the five of the six New England States whose borders run to the sea. We see a regional effort to provide, for example, adequate technical vocational education and adequate health services in three of the region's northern States.

These problems and most of the major economic needs of State and local governments cross State and county lines making it evident that solutions must be found on a broader level.

The New England Regional Commission, in the 5 years since its establishment, has approached these problems with a regional view. It has produced worthwhile studies in some areas, such as long-range energy requirements for the entire six-State area. The Commission has begun encouraging and helping to fund industrial development projects throughout the region. It has made promising efforts in developing occupational skills among prison inmates and secondary occupational school students, and has stimulated a growth in low-income housing with financial support.

Congress has been aware that adequate funding is necessary to make such Commissions a potent force and has increased annual authorizations for all Commissions. But the actual amounts appropriated have been at a bare minimum, depriving them of the opportunity to commit large-scale programs to the task of revitalizing the region's economic growth.

Some shortcomings in the direction and the effectiveness of the New England Regional Commission were identified in a series of newspaper articles in the Boston Globe last October. The Globe performed a notable service in examining the progress and programs of the Commission, calling to public attention some of its inadequacies. It is my understanding that this public scrutiny has served a useful purpose and has stimulated our six New England Governors to make changes which will translate into sounder planning and more efficient operations and response to the region's needs.

As a principal supporter of the New England Regional Commission 8 years ago, I felt then that the bill which created it was one of the most significant legislative proposals to come before the Congress. I hold an even stronger view today because the New England Regional Commission has clearly demonstrated that coordination can be effective among the communities, among the States, and between the States and the Federal Government.

Moreover, if New England is to restore its economy and provide new industrial growth in the decades ahead, it will require sound planning and bold and dramatic programs. And its only hope and promise rests with a Federal-State-and local partnership team, pulling together in a make-sense effort. The Regional Commission concept deserves congressional support—and the funds to do the job. I am hopeful the Senate will act affirmatively on H.R. 2246 to provide that funding.

Mr. PELL. Mr. President, we are today considering legislation to help economically depressed and distressed areas, and particularly those areas with high unemployment rates.

This legislation is badly needed, and it has my full support.

There is a particularly pressing need for economic development legislation at this time. The Defense Department recently announced plans to close, consolidate, and realine 274 military activities in 32 States, the District of Columbia, and Puerto Rico. The base closings and transfers will eliminate 42,800 military and civilian jobs.

Now if the impact of these actions were evenly distributed across our country, the economic adjustment required would be manageable. But the impact is not evenly distributed across the country.

In fact, almost half of the military and civilian jobs affected are being eliminated in my own State of Rhode Island—more than 20,000 military and civilian jobs.

This would be a sharp economic setback to any State, and in a small State like Rhode Island it is devastating. With State officials and other members of our congressional delegation from Rhode Island, I am hoping that the administration will review and reverse these base closings, which in my view are not based on sound economic, strategic, or defense arguments.

But we are nevertheless confronted with the prospect of an economic disaster, and we must be prepared for it.

The economic crisis facing Rhode Island is a manmade disaster, planned, prepared, and promulgated by the executive branch of the U.S. Government. Accordingly, I believe the Federal Government has a direct and strong responsibility, if these base closing decisions are not reversed, to provide adequate assistance for economic recovery.

The administration has an Economic Adjustment Committee charged with the responsibility of coordinating Federal Government assistance efforts. But while it pledges assistance with one hand, the



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administration with the other hand is trying to cripple or abolish the very programs, including Economic Development Act programs, that are of critical importance to any meaningful adjustment assistance.

I am pleased that the Senate has today given some recognition to the economic assistance needs brought about by these base closing decisions by adopting the amendment requested by my senior colleague, Senator PASTORE, and cosponsored by me and the amendment presented by the senior Senator from Massachusetts (Mr. KENNEDY) also cosponsored by me.

These amendments will provide a start toward the economic adjustment assistance that will be needed.

Quite frankly, I believe much more in the way of assistance will be needed if these base closing decisions are sustained by the administration.

The Defense Department estimates it will save three and a half billion dollars through these base closings during the next 10 years. I think it entirely reasonable to ask that some portion of those projected savings be used to finance programs, such as the Economic Development Act programs, that are designed specifically to assist areas hard hit by economic disasters.

Mr. President, during the recent Presidential election campaign, the voters of Rhode Island were promised in newspaper advertisements that the naval bases in Rhode Island would not be closed if the incumbent President were reelected. Now, we are told the naval bases will be closed, and we are asked to accept promises by the administration that it will give "full energies" to adjustment assistance.

Unfortunately, the people of Rhode Island cannot pay the rent and the food bill with promises. I believe it is up to the Congress to make certain that economic adjustment and development assistance is provided, even if we must do it over the opposition of the administration.

Mr. RANDOLPH. Mr. President, I have always been greatly appreciative of the seriousness of purpose shown by members of the Committee on Public Works. In the development of this legislation, there was detailed examination of all proposals and a thorough discussion that enabled us to bring to the Senate a reasonable and workable answer to the questions we faced.

We did not always agree on details, but members worked together to resolve our differences of approach in the cooperative spirit that characterizes our committee. Special mention is due to the distinguished ranking minority member, Senator BAKER, for his leadership and untiring efforts to achieve a compromise position acceptable to the administration.

I have mentioned the considerable contributions of the chairman of the Subcommittee on Economic Development, Senator MONTOYA, who brought to this bill his knowledge of the subject and his skill as a legislator. Important contributions to our understanding of the subject and to the creation of this bill were made by other committee members.

Senator MUSKIE is immediately familiar with the needs of the New England region which were discussed in some detail today and is well qualified to help resolve them. Likewise, Senator GRAVEL ably represents a State with requirements unique in our country, and he has helped us to realize that special approaches are sometimes needed for Alaska. Senator BENTSEN, as always, utilized his ability to analyze legislation to greatly assist the committee. The ability of Senator BUCKLEY to see potential improvements in legislation continues to be an asset to the committee. Senator STAFFORD is another committee member who knows firsthand of the situation in New England and who has the capacity to approach them with proposals that are both well-reasoned and forcefully articulated.

The contributions and involvement of our newer committee members has been indicated here today by the sponsorship of amendments by Senators MCCLURE and DOMENICI, both of whom have taken an active interest in economic development. Senator BURDICK is a Senator of much experience and wide vision who has recently been welcomed to the Public Works Committee where his talents are welcomed. Senators CLARK, BIDEN, and SCOTT of Virginia are other new Members who have accepted their committee duties with vigor and who have made major contributions to this and other legislation considered by the committee. To all members of the committee I express my thanks for their efforts.

Mr. MONTOYA. Mr. President, the staff of the Committee on Public Works has again functioned in an exemplary manner and enabled us to act on this bill and bring it to the Senate for consideration. Our thanks and our appreciation are owed to those staff members who contributed to the preparation of this legislation: M. Barry Meyer, A. David Sandoval, John W. Yago, Philip T. Cummings, Bailey Guard, Judy Parente, Richard Herod, Steven Swain, Eleanor Putz, Polly Medlin, Birdie Kyle, Barbara Bjornson, Veronica Holland, and Jan Fox.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is open to further amendment. If there is no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MONTOYA. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 81, nays 16, as follows:

[No. 123 Leg.]

YEAS—81

| | | |
|---|---|---|
| Abourezk | Ervin | Mondale |
| Aiken | Fong | Montoya |
| Allen | Fulbright | Moss |
| Baker | Gravel | Muskie |
| Bartlett | Griffin | Nelson |
| Beall | Hart | Nunn |
| Bellmon | Hartke | Packwood |
| Bentsen | Haskell | Pastore |
| Bible | Hatfield | Pearson |
| Biden | Hathaway | Pell |
| Brooke | Hollings | Percy |
| Burdick | Huddleston | Randolph |
| Byrd, Harry F., Jr. | Hughes | Ribicoff |
| | Humphrey | Schweiker |
| Byrd, Robert C. | Inouye | Scott, Pa. |
| Cannon | Jackson | Sparkman |
| Case | Javits | Stafford |
| Chiles | Johnston | Stevens |
| Church | Kennedy | Stevenson |
| Clark | Long | Symington |
| Cook | Magnuson | Talmadge |
| Cotton | Mansfield | Thurmond |
| Cranston | Mathias | Tunney |
| Dole | McClellan | Weicker |
| Domenici | McGee | Williams |
| Dominick | McGovern | Young |
| Eagleton | McIntyre | |
| Eastland | Metcalf | |

NAYS—16

| | | |
|---|---|---|
| Bennett | Hansen | Saxbe |
| Brock | Helms | Scott, Va. |
| Buckley | Hruska | Taft |
| Curtis | McClure | Tower |
| Fannin | Proxmire | |
| Gurney | Roth | |

NOT VOTING—3

| | | |
|---|---|---|
| Bayh | Goldwater | Stennis |

So the bill (H.R. 2246) was passed.

Mr. MONTOYA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the bill just passed, H.R. 2246, be printed as passed by the Senate, and that the Secretary of the Senate be authorized to make necessary technical and clerical corrections in the engrossment of the Senate amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AIRPORT DEVELOPMENT ACCELERATION ACT OF 1973

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator CANNON, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 38.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Airport Development Acceleration Act of 1973".

SEC. 2. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended by inserting immediately after "Federal Aviation Act of 1958," the following: "and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport,".

SEC. 3. Section 14(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(b)) is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,400,000,000; and

(2) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,120,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,400,000,000 prior to June 30, 1975".

SEC. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part may not exceed—

"(1) 50 per centum for the sponsor of any airport which enplanes not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Borad; and

"(2) 75 per centum for the sponsor of any airport which enplanes less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board."; and

(2) by adding at the end thereof the following new subsection:

"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.".

SEC. 6. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712 (a)) is amended by striking out "two years" and inserting in lieu thereof "three years".

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom; except that any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until December 31, 1973.

"(b) Nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans.

the provisions of subsection (a) shall not apply to such authority until December 31, 1973.".

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CANNON, I move that the Senate disagree to the amendment of the House on S. 38 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. CANNON, Mr. HART, Mr. COTTON, and Mr. PEARSON conferees on the part of the Senate.



## ORDER AUTHORIZING THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator WILLIAMS, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized until midnight tonight to file its report on S. 1423, to amend the Labor Management Relations Act of 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

## PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, as I recall, there has been no period today for the transaction of routine morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1379) to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

The message also announced that the House had passed the bill (S. 49) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

## PROPOSED PREPAREDNESS AND ASSISTANCE ACT OF 1973—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. JOHNSTON) laid before the Senate a mes-

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sage from the President of the United States, which, with the accompanying paper, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

*To the Congress of the United States:*

I am today submitting for the consideration of the Congress the Disaster Preparedness and Assistance Act of 1973. This legislation has resulted from a comprehensive review of all our disaster assistance activities as called for under Public Law 92–385, enacted last August.

A major objective of this bill is to consolidate the responsibility for disaster assistance, reducing the number of Federal agencies involved in these efforts, eliminating overlapping responsibilities and distributing benefits on a more equitable basis. Reorganization Plan No. 1 of 1973, in which the Congress has already concurred, provides the organizational structure for achieving this consolidation under the Secretary of Housing and Urban Development. This new legislation would also do a great deal to strengthen the role of State and local governments and of private institutions in meeting this important challenge.

In addition, as its name clearly implies, this bill would place greater emphasis on protecting people and property against the effects of disasters before they occur. In this same connection, I would call once again for prompt enactment of the Flood Disaster Protection Act of 1973 which I submitted to the Congress several weeks ago.

The Disaster Preparedness and Assistance Act of 1973 represents a comprehensive new approach to a very crucial problem. To ease the transition to this new system, I propose that during its first year of operation a special Federal grant of $250,000 be provided to each State to help it increase its disaster preparedness and assistance capabilities.

Last year set a new record for the number of disasters which had to be formally declared by the President of the United States—48 in all. Already this year, spring floods and tornadoes have brought tragedy to many areas of our country.

While we cannot fully control the occurrence and the impact of disasters, we must do all we can to prepare for them, to prevent them, and to mitigate and remedy their effects. The legislation I am submitting today can help us do all these things more efficiently and more effectively and I strongly urge its prompt enactment.

RICHARD NIXON.

THE WHITE HOUSE, *May 8, 1973.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. JOHNSTON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received today are printed at the end of Senate proceedings.)

The PRESIDING OFFICER. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BURDICK) laid before the Senate the following communication and letters, which were referred as indicated:

REPORT OF PRESIDENTIAL STUDY COMMISSION ON INTERNATIONAL RADIO BROADCASTING

A communication from the President of the United States, transmitting, pursuant to law, a report of the Presidential Study Commission on International Radio Broadcasting (with an accompanying report). Referred to the Committee on Foreign Relations.

REPORT ON FINAL DETERMINATION IN CLAIM OF TUSCARORA INDIAN NATION

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on final determination of Docket No. 321, Tuscarora Indian Nation, Plaintiff, v. The United States of America, Defendant (with accompanying papers). Referred to the Committee on Appropriations.

REPORT RELATING TO ASSISTANCE-RELATED EXPENDITURES FOR LAOS

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report relating to assistance-related expenditures for Laos, during the third quarter of fiscal year 1973 (with an accompanying report). Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 32, United States Code, to authorize additional medical and dental care and other related benefits for reservists and members of the National Guard, under certain circumstances, and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations, and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE AIR FORCE

A letter from the Assistant Secretary of the Air Force, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend section 8371 of title 10, United States Code, to authorize officers of the Air National Guard of the United States to be considered for promotion to the reserve grade of colonel by the Air Force Reserve overall vacancy board (with an accompanying paper). Referred to the Committee on Armed Services.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement From Small and Other Business Firms, for July 1972—February 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

PUBLICATIONS OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, publications entitled "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1971," and "Hydroelectric Power Resources of the United States, Developed and Undeveloped, 1972" (with accompanying documents). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE SECRETARY OF TRANSPORATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation urging the States to take decisive action to reduce the highway death and injury toll by adopting laws requiring the use of safety belts in motor vehicles (with an accompanying paper). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE SECRETARY OF COMMERCE

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to further amend the International Travel Act of 1961 as amended (with accompanying papers). Referred to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA

A letter from the Commissioner, The District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to amend the District of Columbia Public Assistance Act of 1962 (with an accompanying paper). Referred to the Committee on the District of Columbia.

REPORT ON ASSISTANCE-RELATED FUNDS FOR CAMBODIA

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report showing the assistance-related funds obligated for Cambodia, during the third quarter of fiscal year 1973 (with an accompanying report). Referred to the Committee on Foreign Relations.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, the text of international agreements other than treaties (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on advantages and limitations of computer simulation in decisionmaking, Department of Defense, dated May 3, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE ATTORNEY GENERAL

A letter by the Deputy Attorney General, transmitting a draft of proposed legislation to implement the Convention on the Prevention and Punishment of the Crime of Genocide (with accompanying papers). Referred to the Committee on the Judiciary.

A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to amend title XII of the Organized Crime Control Act of 1970, and for other purposes (with an accompanying paper). Referred to the Committee on the Judiciary.

A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to provide for the appointment of U.S. marshals by the Attorney General



(with an accompanying paper). Referred to the Committee on the Judiciary.

REPORT OF NATIONAL MEDIATION BOARD

A letter from the Chairman, National Mediation Board, transmitting, pursuant to law, a report of that Board, including the report of the National Railroad Adjustment Board, for the fiscal year ended June 30, 1972 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

INTERNATIONAL LABOR CONFERENCE CONVENTION NO. 132

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting the text of ILO Convention No. 132, concerning annual holidays with pay (with accompanying papers). Referred to the Committee on Labor and Public Welfare.

REPORT ON NATIONAL VISITOR CENTER

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the National Visitor Center and all other facilities for 1972–73 (with an accompanying report). Referred to the Committee on Public Works.

PROPOSED AMENDMENT TO ATOMIC ENERGY COMMISSION AUTHORIZATION BILL

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of a revised, superseding version of the proposed legislative amendment transmitted earlier to authorize appropriations to be made to the Atomic Energy Commission for fiscal year 1974 (with accompanying papers). Referred to the Joint Committee on Atomic Energy.

## REFERRAL OF S. 496 TO THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. HANSEN. Mr. President, on January 23, I introduced a bill for the relief of Mario Temperini and James H. Groutage which was erroneously referred to the Committee on the Judiciary.

I had introduced the same legislation last year in the second session of the 92d Congress, and that measure was correctly referred to the Senate Committee on Government Operations, since the issue of the bill relates to the application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of my bill, S. 496, introduced on January 23, 1973, and that it be referred to the Senate Committee on Government Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1002. A bill for the relief of Giuseppe Paul Pinton (Rept. No. 93–136).

By Mr. JOHNSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 1752. An original bill prescribing the objectives and functions of the National Commission on Productivity and Work Quality (Rept. No. 93–138).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with an amendment:

S. 1432. A bill to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services (Rept. No. 93–139).

## REPORT OF SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS—REPORT OF A COMMITTEE

(S. REPT. NO. 93–137)

Mr. EASTLAND, from the Committee on the Judiciary, submitted a report of the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws, for the fiscal year ending February 28, 1973, which was ordered to be printed.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. EASTLAND:

S. 1728. A bill to increase benefits provided to American civilian internees in Southeast Asia. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1729. A bill for the relief of Erlinda Garma Salvador. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself, Mr. LONG, Mr. HUMPHREY, Mr. MONDALE, Mr. EAGLETON, Mr. PELL, Mr. PASTORE, Mr. TUNNEY, Mr. GRAVEL, Mr. ABOUREZK, Mr. MCGOVERN, Mr. MOSS, Mr. EASTLAND, Mr. MCGEE, Mr. CANNON, Mr. BAYH, and Mr. CLARK):

S. 1730. A bill to amend the Public Health Service Act to provide physician's services in physician-shortage areas through the establishment of a Physicians' Community Service Program. Referred to the Committee on Labor and Public Welfare.

By Mr. YOUNG:

S. 1731. A bill for the relief of Dr. Manuel Javier Mariano and his wife, Lilia Zapanta Mariano. Referred to the Committee on the Judiciary.

By Mr. LONG:

S. 1732. A bill to establish a Joint Committee on Foreign Trade. Referred to the Committee on Finance.

By Mr. FULBRIGHT (by request):

S. 1733. A bill to promote the foreign policy of the United States by prohibiting travel in a restricted area. Referred to the Committee on Foreign Relations.

By Mr. MAGNUSON (by request):

S. 1734. A bill to amend certain laws affecting the Coast Guard. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1735. A bill to assure that the public is provided with safe drinking water, and for other purposes. Referred to the Committee on Commerce.

By Mr. MCCLELLAN:

S. 1736. A bill to amend title 38, United States Code, to authorize eligible wives and widows to pursue on-farm training. Referred to the Committee on Veterans' Affairs.

By Mr. ERVIN (for himself and Mr. ALLEN):

S. 1737. A bill to amend the Civil Rights Act of 1964 to provide for freedom of choice in student assignments in public schools. Referred to the Committee on the Judiciary.

By Mr. NUNN (for himself and Mr. TALMADGE):

S. 1738. A bill to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CANNON (by request):

S. 1739. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters, and for other purposes. Referred to the Committee on Commerce.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1740. A bill to establish the Lake Berryessa National Recreation Area in the State of California, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 1741. A bill for the relief of Leonardo Falcones. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 1742. A bill to prohibit the use of leghold, steel jaw traps or other inhumane snaring devices on animals in the United States. Referred to the Committee on Commerce.

By Mr. SPARKMAN (for himself and Mr. TOWER) (by request):

S. 1743. A bill to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities. Referred to the Committee on Banking, Housing and Urban Affairs.
Urban Affairs.

S. 1744. A bill to provide Federal assistance to local governments in support of community development activities. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE (for himself, Mr. BAYH, Mr. BURDICK, Mr. CHURCH, Mr. EAGLETON, Mr. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. MOSS, Mr. PASTORE, Mr. PERCY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENSON, Mr. TUNNEY, Mr. WEICKER, and Mr. WILLIAMS):

S. 1745. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS:

S. 1746. A bill to incorporate the Catholic War Veterans of the United States. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. INOUYE, and Mr. COTTON) (by request):

S. 1747. A bill to amend the International Travel Act of 1961 with respect to fees and charges for travel exhibits and publications and authorizations of appropriations. Referred to the Committee on Commerce.

By Mr. GRAVEL:

S. 1748. A bill to amend the Ship Mortgage Act, 1920, in order to provide that a State, the District of Columbia, the Commonwealth of Puerto Rico, and a territory of the United States shall be considered to be a citizen of the United States for the purposes of such Act. Referred to the Committee on Commerce.

By Mr. MONDALE:

S. 1749. A bill to provide continued rail transportation in rural America. Referred to the Committee on Commerce.

By Mr. KENNEDY (for himself, Mr. BROOKE, Mr. JAVITS and Mr. BUCKLEY):

S. 1750. A bill to establish the Frederick Law Olmstead Home and Office in Brookline, Mass., as a national historic site. Referred

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to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. RANDOLPH, Mr. COTTON, Mr. FANNIN, Mr. JOHNSTON and Mr. BAKER) (by request):

S. 1751. A bill to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities. Referred jointly to the Committees on Interior and Insular Affairs, Public Works and Commerce by unanimous consent.

By Mr. JOHNSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 1752. An original bill prescribing the objectives and functions of the National Commission on Productivity and Work Quality. Placed on the calendar.

By Mr. HARTKE:

S. 1753. A bill to amend the Interstate Land Sales Full Disclosure Act to provide for the licensing of developers in order to insure the maintenance of high professional standards, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HATHAWAY:

S.J. Res. 106. Joint resolution proposing an amendment to the Constitution of the United States to require the advice and consent of both Houses of Congress before any treaty or agreement providing for the commitment of U.S. armed forces to a foreign nation may be made. Referred to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF (for himself, Mr. LONG, Mr. HUMPHREY, Mr. MONDALE, Mr. EAGLETON, Mr. PELL, Mr. PASTORE, Mr. TUNNEY, Mr. GRAVEL, Mr. ABOUREZK, Mr. MCGOVERN, Mr. MOSS, Mr. EASTLAND, Mr. MCGEE, Mr. CANNON, Mr. BAYH, and Mr. CLARK):

S. 1730. A bill to amend the Public Health Service Act to provide physician's services in physician-shortage areas through the establishment of a physicians' community service program. Referred to the Committee on Labor and Public Welfare.

PHYSICIANS' COMMUNITY SERVICE PROGRAM

Mr. RIBICOFF. Mr. President, today I am introducing legislation to create a physicians' community service program Joining with me as cosponsors are Senators LONG, HUMPHREY, MCGEE, MOSS, EASTLAND, CANNON, ABOUREZK, MCGOVERN, GRAVEL, TUNNEY, MONDALE, EAGLETON, PELL, PASTORE, BAYH, CLARK.

The need to reform our Nation's medical manpower resources is increasing While the number of new doctors we need is not certain—the conventional wisdom says that there is an overall doctor shortage of 50,000—there is no doubt about the critical shortage of physicians in many rural and urban areas. Traditionally, our society has had difficulty encouraging physicians to locate in areas with no doctors or areas where there are not enough physicians to meet the needs of the population. Recently, a disturbing lack of general practitioners needed to provide the basic health care which most Americans require has also developed.

In comparison with other countries, the physician-patient ratio in America is not alarming. The 346,000 doctors now available in the United States provides one physician for every 612 potential patients. While this is 69,000 doctors short of meeting the ratio of one doctor for every 500 patients which is widely regarded as desirable, the patient-doctor ratio in Japan is 900 to 1. In France the ratio is 750 to 1. In the Soviet Union, on the other hand, the ratio is 420 to 1.

While many areas in the United States have an adequate supply of doctors, however, residents of both rural areas and city slums have access to far fewer physicians than they need. In fact, there are 133 counties in the United States which have no physician at all. Rural counties with fewer than 10,000 residents average only 1 doctor for every 2,000 people and rural counties with 50,000 inhabitants or more average only 1 physician for 1,000 potential patients.

In large cities, the only medical care available for many is the understaffed, overcrowded hospital emergency room. Those Americans who need good health care the most—the poor—are relegated to substandard conditions in these emergency rooms.

Hospitals, critically short of personnel, are increasingly recruiting doctors from foreign medical schools whose standards are generallly inferior to American guidelines. In December of 1970, for example, there were more than 63,000 foreign medical graduates in the United States—triple the number who were here in 1959. Less than half the foreign trained doctors caring for patients in American health facilities today are licensed to practice medicine in the States where they work.

An equally alarming problem in health care is the increasing specialization of physicans which limits the number of doctors trained to deliver primary health care—general practitioners, pediatricians and internists. In 1950 there were 75 such physicians for every 100,000 people. By 1971 there were fewer than 50 per 100,000. In 1971 there were only 55,000 general practitioners, less than 1 in every 5 of the physicians involved in patient care. And only 17,000 pediatricians—6 percent of the practicing physicians—were providing health care.

In Connecticut, for example, the number of general practice physicians is dropping each year as older doctors retire and new ones do not take their places. In 1963 there were 933 general practice physicians in Connecticut. By 1970 there were only 664—a decline of almost 29 percent. On a national scale, the decline was 22 percent.

In the past, the Federal Government and private organizations, including the American Medical Association, have tried through grants, loan and loan forgiveness programs, to encourage physicians to locate in medically underserviced areas to provide primary health care. All of these programs have been small and, at best, only marginally successful. The National Health Service Corps, which provides a draft deferment for participating doctors, has only 300 physician-participants. The State and national loan forgiveness programs have attracted less than half their participants to shortage areas on a permanent basis. And the physician shortage area scholarship program under the Public Health Service Act has never been implemented.

The legislation I am proposing is a major step forward in providing incentives to medical schools to train primary care physicians and inducing young doctors to practice in shortage areas. Under my proposed Physicians' Community Service program, the Federal Government would subsidize the education of a substantial number of young physicians. In return, these doctors would agree to serve in medically underserved areas for a period of at least 3 years following completion of their medical education.

This approach would eliminate the financial barrier to a medical education for qualified students. Preference for enrollment would be given to otherwise qualified students whose resources and those of their families are inadequate to finance the necessary education without hardship. By supporting such students in full, the Physicians' Community Service program would also free substantial amounts of scholarship funds in medical schools for other necessary purposes.

The program would improve the distribution of physicians by providing 7,000 or more primary-care doctors to physician-short rural and urban areas. Another effect would be to provide almost every physician in the program with experience in general medical practice—not specialty medicine—for at least 3 years.

Medical schools would benefit substantially through bonus payments, amounting to as much as $40 million annually. Such payments would aid these schools in enhancing their educational programs and permitting employment of additional professional personnel. The schools would also have a direct incentive to increase enrollment so as to earn additional bonus funds.

DESCRIPTION OF PROGRAM

The program would operate as follows:

In each medical school up to 20 percent of each class would be permitted to enroll in the Physicians' Community Service program. Where a school increased its enrollment, it would be permitted a one-for-one increase in student's eligible to participate. For example, a school with 100 students in the freshman class could have 20 of those join the Physicians' Community Service program. If the school increased the class to 103, its enrollment could go to a total of 23 in the Physicians' Community Service program. A school which does not use its full 20 percent would have the unused allocation applied to a school where more than 20 percent of a class desired to participate.

Preference for enrollment would be given to otherwise qualified students whose resources and those of their families are inadequate to finance the necessary education without hardship. For each participating student, the school would be paid full tuition and fees, plus a bonus of $5,000 per student per year. The student would receive a stipend of $5,000 per year for living expenses, books, and so forth.

This legislation would give medical schools an incentive to encourage students to enroll in the Physicians' Community Service program apart from the incentives to the students themselves. Bonus sums could be used by a school only to improve educational activities, and not for bricks and mortar.

Following completion of an internship or at least 1 year's residency in a specialty in short supply, the physician would be assigned to service as a primary-care physician for a period of 3 years in a physician-short area. The areas would be determined by the Secretary of Health, Education, and Welfare following consultation with State and local public and private health care organizations, as well as other interested groups representative of the community.

At least two physicians, or a physician and an R.N., would be assigned to each area. The reason for having at least two professionals in each location is to assure reasonable coverage; thus Physicians' Community Service program physicians will not be locked into a 6- or 7-day, 24-hour schedule. Another doctor could cover for the first one.

Doctors would be provided with a fully equipped office and such means of communication as would assist in necessary supportive consultation, such as direct phone lines and closed circuit TV. To the maximum extent feasible and appropriate, the Secretary would be expected to arrange for the involvement of Physicians' Community Service program physicians in continuing education. These young doctors should not be isolated professionally, given present technology and continuing education programs. Physicians' Community Service program doctors would be paid at proper professional levels.

The physicians would charge prevailing fees for their services; however, those fees would revert to the Federal Government as an offset to the cost of maintaining the physicians' office and equipment and the payment of adequate salaries to the doctors. The physicians would be Federal employees during the 3-year period and the program is expected to be directed by the Assistant Secretary of Health.

These physicians could not be used to provide care under other Federal programs nor could they be assigned to administrative work. Their job would be to furnish primary care.

Where one or more of the physicians assigned to an area agreed to stay on following completion of 3-year requirement, they would be given use of all of the office equipment without charge.

Any physician or student dropping out of the program, except for good cause, would be obligated to repay the Government $20,000 a year for each year of the 3 years of mandatory service not completed. Certainly, one of the problems encountered in getting physicians into shortage areas has been the relative ease with which loans have been repaid and the physician's obligation thereby cancelled. The magnitude of the repayment obligation in the Physicians' Community Service program should help in assuring completion of the required period of service.

The estimated cost of a fully implemented program would be $150 to $175 million annually. This assumes enrollment of 10,000 students and that Physicians' Community Service program physicians' fees received will offset costs of office overhead and salaries.

Participation in the Physicians' Community Service program would be in lieu of any other service obligation which may be required by the Federal Government, such as military service. Additionally, in assignment of physicians to underserved areas, the Secretary would be required to accommodate to the extent feasible, individual preferences for area assignment.

The Physicians' Community Service program represents a comprehensive and substantial approach to getting thousands of physicians into shortage areas. The legislation would supplant existing limited Federal efforts including the following sections of the Public Health Service Act:

Section 741F—The Loan Cancellation program, but this would be repealed only for physicians;

Section 784–786—Physician Shortage Area Scholarship program, which was never implemented; and

Section 225—The National Health Service Corps.

Mr. President, this program would potentially provide a pool of 7,500 physicians for assignment to areas of need. It would, through the bonus payments to medical schools, provide vitally needed funds for medical education.

Some form of national health insurance will be enacted in the next few years. Unless our medical manpower resources are adequate, any health insurance program is doomed to failure. Without an expansion and redistribution of our medical manpower, the demand for health care will outstrip the supply of health care services and the result will be massive cost inflation. My proposal, by reforming our health care delivery system, is a critical first step on the road to comprehensive national health care.

Mr. President, I ask unanimous consent that summaries, articles, and the text of the bill be printed in the CONGRESSIONAL RECORD following these remarks.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

PHYSICIANS' COMMUNITY SERVICE PROGRAM

In order to assist in making doctors available in rural and urban areas, which presently have a shortage of physicians, the Federal Government would subsidize the education of a number of young physicians and, in return, these young physicians would serve in a medically underserviced area for a period of at least three years.

This approach would virtually eliminate the financial barrier to a medical education for qualified students. Preference for enrollment would be given to otherwise qualified students whose resources and those of their families are inadequate to finance the necessary education without hardship. (By supporting such students in full, the Physicians' Community Service Program would also free-up substantial amounts of scholarship funds in medical schools for other necessary purposes.)

The program would improve the distribution of physicians by providing doctors to physician-short rural and urban areas.

Another effect would be to provide physicians in the program with experience in general medical practice—not specialty medicine—for at least three years.

Medical schools would benefit substantially through the bonus payments, which might aggregate as much as $40 million. These funds would be required to be utilized in enhancing their educational programs by means such as employing additional professional personnel, paying higher salaries so as to attract those personnel, etc. The schools would also have definite incentives to increase enrollment so as to earn additional bonus funds.

Organized medicine should not object to the proposal as creating unfair competition because medical societies would be among those consulted in determining physician-short areas and because the PCSP doctors would be charging prevailing fee levels.

OUTLINE OF PHYSICIANS COMMUNITY SERVICE PROGRAM

1. In each medical school up to 20 percent of each class would be permitted to enroll in the Physicians' Community Service Program. Where a school increased its enrollment, it would be permitted a one-for-one increase in students eligible to participate. For example, a school with 100 students in the freshman class could have 20 of those join the PCSP. If the school increased the class to 103, its enrollment could go to a total of 23 in the PCSP. A school which does not use its full 20 percent would have the unused amount applied to a school where more than 20 percent of a class desired to participate.

2. For each participating student the school would be paid full tuition plus a bonus of $5,000 per student per year. The student would receive a stipend of $5,000 per year for living expenses, books, etc.

Bonus sums could only be used by a school to improve educational activities (no bricks and mortar). For public medical schools, a maintenance of effort requirement would apply to prevent reduction of appropriations for the school because of bonus payments.

3. Following completion of internship (or a residency in a specialty in short supply) the physician would serve for a period of three years in a physician-short area. The areas would be determined by the Secretary of H.E.W. following consultation with State and local public and private medical organizations, as well as other interested groups representative of the commnuity.

4. At least two physicians (or a physician and an R.N.) would be assigned to each area. They would be provided with a fully equipped office and such means of communication as would assist in necessary supportive consultation (such as direct phone lines and closed circuit TV).

5. The physicians would charge prevailing fees for their services; however, those fees would revert to the Federal Government as an offset to the cost of maintaining the physicians' office and equipment and the payment of adequate salaries to the doctors (for example, $25,000 a year). The physicians would be Federal employees during the three-year period and the program directed by the Assistant-Secretary of Health.

6. Where one or more of the physicians assigned to an area agree to stay on for an additional two years following completion of the three-year requirement, they would be given all of the office equipment (in effect, a form of subsidy to encourage them to establish roots in that area.)

7. Service in the Physicians' Community Service Corps would constitute completion of any military service requirement.

8. Any physician or student dropping out of the program (except for good cause)



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would be obligated to repay the Government $20,000 a year for each year of the three years of mandatory service not completed.

9. Estimated cost: $150-$175 million annually. Assumes enrollment of 10,000 students and that PCSP physicians' fees received will offset costs of office overhead and salaries.

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ABE FIGHTS DOCTOR CRISIS

(By Ron Georgeff)

NEW HAVEN.—U.S. Sen. Abraham Ribicoff (D.-Conn.), said today he would introduce legislation in the Senate tomorrow to provide federal funds to encourage more medical students to go into family medicine and to practice in cities.

The family physician, or general practitioner, is fleeing the cities these days, Ribicoff said, and creating a hardship on hospital emergency rooms and a hardship on rural citizens who often must travel great distances to get medical care.

Ribicoff's proposed bill would give federal assistance to medical students who agree to serve three years as family doctors in cities and other areas that have a shortage.

The problem in Connecticut, although not as acute as in other parts of the country, is present nevertheless and has been increasing over the past few years, according to a state Department of Health official.

Sarah Hirakis, director of the department's Comprehensive Health Planning, said there were 814 family physicians in the state according to latest available statistics. The number has been decreasing over the years. Family practice is losing to the more financially lucrative specialty practices, she explained.

The shortage of doctors is a problem of distribution, according to health officials. One official of the Connecticut Academy of Family Physicians noted for example, that in February, 1972, there were 33 Connecticut towns (92,000 people) without any doctors at all.

Another 13 towns had only one physician, and 11 towns had only two physicians, he added.

The shortage of inner-city family doctors is one reason for the use of hospital emergency rooms by persons who don't really have an emergency problem, Ribicoff said in remarks today at United Church on the Green.

He cited the example of Yale-New Haven Hospital, where 90 percent of the 83,000 persons treated last year in the emergency room were not in urgent need of care. These same persons could have been treated by a private physician, he explained.

A regional Department of Health, Education and Welfare official speaking before the Connecticut Public Health Association last week, corroborated this, saying that across the country 70 to 90 percent of hospital emergency room treatment did not involve true emergencies.

Connecticut may be turning the corner, however, by taking measures to strengthen the practice of family medicine.

The University of Connecticut School of Medicine, for example, has 14 first and second-year students working in family physicians' offices, and hopes to begin a graduate program in family medicine by July 1, 1974.

General hospitals throughout the state are gradually initiating three-year residencies in family medicine. Bridgeport Hospital and St. Raphael's Hospital in New Haven have already begun, and Middlesex Memorial Hospital in Middletown recently announced plans for its residency program.

The federal government has also promised medical students it will reimburse them up to 60 percent of their loan costs for their medical education if they agree to practice family medicine for two years in one of 91 designated towns in Connecticut.

The promise, given by HEW's Bureau of Health Manpower, came as a result of a study of the distribution of physicians in Connecticut by the Health Department's comprehensive health planning office, Mrs. Hirakis said the designated towns had fewer than .67 physicians per 1,000 population.

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S. 1730

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 1 of the Public Health Service Act is amended by striking out "titles I to XI" and inserting in lieu thereof "titles I to XII".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XII (as in effect prior to the enactment of this Act) as title XIII, and by renumbering sections 1201 through 1214 (as in effect prior to the enactment of this Act), and references thereto, as sections 1301 through 1314, respectively.

(c) The Public Health Service Act is further amended by adding after title XI the following new title:

"TITLE XII—PHYSICIANS' COMMUNITY SERVICE PROGRAM

"GRANTS TO SCHOOLS WITH RESPECT TO PARTICIPATING STUDENTS

"SEC. 1201. (a)(1) The Secretary shall make annual grants, in accordance with the provisions of this title, to each school of medicine or osteopathy which has entered into an agreement under subsection (b) for the improvement of the educational program of such school. The amount of the annual grant to each such school shall be computed for each fiscal year as follows: $5,000 for each full-time student enrolled therein who, for the school year, is a participant (as defined in section 1202), plus an additional $5,000 for each such student who is an enrollment bonus student (as defined in subsection (c)(2)).

"(2) The Secretary shall by regulations constitute an 'improvement of the educational program' of a school, as that term is used in paragraph (1); except that such term shall not include construction or remodeling of any building or other facility.

"(b)(1) Any school of medicine or school of osteopathy desiring to receive grants under this section shall enter into an agreement with the Secretary under which such school agrees—

"(A) not to enroll, for any school-year class, a number of students who are participants (as defined in section 1202(a)) in excess of the number of participant-student places allotted to such school under paragraph (2);

"(B) will utilize the grants received by it under this section for the purposes (as determined under regulations of the Secretary) for which such grants are made;

"(C) in selecting individuals for enrollment as participants—

"(i) will apply the same academic and other standards as obtain in determining eligibility for enrollment in such school in the case of students who are not participants; and

"(ii) give a preference to individuals who are in need of assistance in the financing of their education in such school, as determined (in accordance with criteria prescribed by the Secretary) on the basis of the income and resources of such individuals and of their families;

"(iii) establish (in accordance with regulations of the Secretary) procedures which will assure that individuals desiring to apply for selection as participants will be given a reasonable opportunity to do so, and that applications for selection as participants will be acted upon with reasonable promptness, and without regard to race, religion, national origin, or sex;

"(D) to establish and maintain such fiscal control and fund accounting procedures as may be necessary (as prescribed by regulations of the Secretary) to assure proper disbursement of and accounting for funds received by the school under this section;

"(E) to make such reports (in such form and containing such information as the Secretary may reasonably require) to the Secretary, and to keep such records and afford such access thereto by the Secretary or his delegate as the Secretary finds necessary to assure the correctness and verification of such reports; and

"(F) to serve as the agent of the Secretary in the execution of the agreement required under section 1204 between the Secretary and participants.

"(2)(A) Each school of medicine or osteopathy, which has in effect an agreement with the Secretary under this subsection, shall be allotted, with respect to its first-year class for each year, a number of participant-student places equal to:

"(i) 20 per centum of the total number of full-time students enrolled in such class; plus

"(ii) the number of enrollment bonus places (as described in subsection (c)(1) for such class; plus

"(iii) such additional number of participant-student places as may be allotted to such school by the Secretary under subparagraph (C).

"(B)(i) Except as provided in clause (ii), there shall be no limitation on the number of participants enrolled in any school of medicine or osteopathy for any class of such school which is senior to the first-year class.

"(ii) Of the students, who are enrolled in any school of medicine or osteopathy for any year in a class which is senior to the first-year class of such school, and who were not participants for a preceding year (whether in such school or another such school), not more than 20 per centum thereof shall be participants.

"(C) Whenever the Secretary determines that, for any school year, the total number of participant-student places for the first-year class of all schools of medicine or osteopathy (as determined under subparagraph (A), but without regard to clauses (ii) and (iii) thereof) is in excess of the total number of participants which will be enrolled in such class of all such schools, he may make additional allotments of participant-student places from such excess among the various schools of medicine and osteopathy.

"(c)(1) For purposes of subsection (b)(2)(A)(ii), the number of enrollment bonus places for any school for any year shall be equal to the number by which—

"(A) the number of full-time students enrolled in the first-year class of such school for such year exceeds

"(B) the number of full-time students enrolled in the first-year class of such school for the school year which immediately preceded such year.

"(2)(A) In determining, for purposes of subsection (a), the number of 'enrollment bonus students' in the first-year class of any school of medicine or osteopathy for any year, such school shall be deemed to have, in such class, a number of enrollment bonus students equal to the number of full-time students who are enrolled in such class and who (i) are participants, and (ii) occupy, in such class, bonus places (as determined under subparagraph (C)).

"(B) In determining, for purposes of subsection (a), the number of 'enrollment bonus students' in any class, which is senior to the first-year class, of any such school for any year, each such class shall be deemed—

"(i) in the case of the second-year class, to have a number of enrollment bonus students equal to the number of enrollment bonus students in the first-year class of such school for the preceding year,



"(ii) in the case of the third-year class, to have a number of enrollment bonus students equal to the number of enrollment bonus students in the first-year class of such school for the second preceding year, and

"(iii) in the case of the fourth-year class, to have a number of enrollment bonus students equal to the number of enrollment bonus students in the first-year class of such school for the third preceding year,

reduced, in the case of any such senior-year class, by the number by which the number of enrollment bonus students deemed to be in such class exceeds the number of participants in such class.

"(C) In determining, for purposes of subparagraph (A)(ii), the number of bonus places occupied by participants, enrolled in the first-year class of any such school for any year, each such school shall be deemed to have occupied a number of such places equal to the excess of—

"(I) a number equal to (I) the number of bonus places for such school for such year (as determined under paragraph (1)), plus (II) 20 per centum of the total number of full-time students enrolled in such class, over

"(II) the total number of participants enrolled in such class for such year (disregarding, in determining such total number, any participant enrolled in such class by reason of the application of subsection (b)(2)(A)(iii)),

"(d) If any school of medicine or osteopathy has a training program designed to permit students enrolled therein to complete, within six years after completing secondary school, the requirements for the degree of doctor of medicine or doctor of osteopathy, then, for purposes of this section, the fourth year class in such program shall be treated as the first-year class, the fifth year class in such program shall be treated as the second-year class, and the sixth year class in such program shall be treated as the third-year class, of such school.

"(e) As used in this section, the terms 'school of medicine' and 'school of osteopathy' mean a school which (1) provides training leading, respectively, to a degree of doctor of medicine, or to a degree of doctor of osteopathy, and (2) is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that a new school which (by reason of no, or an insufficient, period of operation) is not, at the time it enters into an agreement with the Secretary under this section, eligible for accreditation by such a recognized body or bodies, shall be deemed to be accredited for purposes of this subsection if the Commissioner of Education finds, after consultation with the apropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of the first entering class in such school.

"DEFINITION OF PARTICIPANT

"SEC. 1202. For purposes of this title, a 'participant' is an individual who—

"(1) is enrolled as a full-time student in a school of medicine or osteopathy (which has in effect an agreement with the Secretary under section 1201) in accordance with such agreement, and

"(2) has entered into an agreement with the Secretary (through such a school, acting as the Secretary's agent, or otherwise) under section 1204.

"TUITION AND STIPENDS FOR PARTICIPANTS

"SEC. 1203. The Secretary shall pay to (or on behalf of) each individual who is a participant, for each school year that such individual is a participant—

"(1) the full regular tuition and fees imposed by the school in which he is enrolled (the amount of which shall not exceed the amount of the tuition and fees imposed by such school for students enrolled therein who are not participants); and

"(2) an annual stipend of $5,000, which may be paid in such installments, and at such times, during the school year, as the Secretary may determine to be appropriate.

"AGREEMENTS BETWEEN SECRETARY AND PARTICIPANTS

"SEC. 1204. (a) No individual shall be a participant under this title until and unless he has entered into an agreement with the Secretary under this section.

"(b) Any such agreement with any individual shall provide that such individual will, upon completion of his professional training, serve, as an employee of the Federal Government, for a period of three years in any physician-shortage area to which he is assigned by the Secretary. For the purpose of the preceding sentence, an individual shall be considered to have completed his professional training when he has received the degree of doctor of medicine or osteopathy, and has completed his internship (or completed a residency of at least one year in a specialty in short supply, as determined by the Secretary). In assigning physician-participants to an area, the Secretary shall take into consideration requests of such participants for assignment to specific areas and shall to the extent feasible accommodate such requests.

"(c) If any individual, being a party to an agreement under this section—

"(1) fails, without good cause (as determined by the Secretary), to commence, within a reasonable time (as determined by the Secretary) after the completion of his professional training, the performance of his obligation to serve in a physician-shortage area to which he is assigned by the Secretary, such individual shall be obligated to pay to the United States the sum of $60,000, or

"(2) commences, within a reasonable time (as determined by the Secretary) after the completion of his professional training, to perform such obligation, but fails to complete such obligation, shall be liable to pay to the United States the sum of $60,000, in case he performs service under such obligation for a period of less than one full year, $40,000, in case he performs service under such obligation for a period equal to one full year but less than two full years, and $20,000, in case he performs service under such obligation for two full years but less than three full years.

"(d)(1) The obligation of any individual to perform service under any such agreement shall be cancelled upon the death of such individual.

"(2) The Secretary shall by regulations provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to such individual would be contrary to equity and good conscience.

"(e) Any individual who is a party to an agreement with the Secretary under this section may, prior to completing his studies for the degree of doctor of medicine or doctor of osteopathy, terminate such agreement, but only if such individual agrees to pay to the United States, within such period of time and in such installments as the Secretary shall prescribe, $15,000 for each school-year (or part thereof) that such individual has been a party to such agreement.

"(f) Moneys collected from individuals, who are parties to agreements with the Secretary under this section, under this section shall be deposited in the Treasury as miscellaneous receipts.

"SERVICE IN PHYSICIAN-SHORTAGE AREAS

"SEC. 1205. (a)(1) For the purposes of this title, the term 'physician-shortage area' means a geographic area which the Secretary determines, after consultation with public health and other appropriate agencies concerned with the provision of health care services in the area and with appropriate professional organizations (including, but not limited to, organizations consisting of licensed doctors of medicine or osteopathy engaged in the practice of medicine or surgery in such area), to have an insufficient number of doctors of medicine or osteopathy practicing in such area to meet the needs of the residents thereof for primary care (as defined by the Secretary under section 768(c)(3)(B)).

"(2) As used in this title, the term 'physician-participant' refers to an individual whose obligation, under an agreement entered into under section 1204, to perform service in a physician-shortage area has commenced.

"(b)(1) The Secretary shall, to the extent that they are available, assign at least two physician-participants to each physician-shortage area, or a physician and a registered nurse to each such area.

"(2) The Secretary shall provide for physician-participants assigned to any area such office space, equipment, and supplies, and such other appropriate supportive services and assistance, as may be necessary to enable them to practice their profession in meeting the needs for primary care of the residents in such area.

"(3) Patients receiving care provided by physician-participants shall be charged fees therefor based on the prevailing charges imposed for similar care provided by physicians (who are not physician-participants) engaged in the practice of their profession in such area (or if there be no such physicians practicing in such area, in an area comparable to such area). Fees collected by any physician-participant shall be deposited (in such manner as the Secretary may prescribe) in the Treasury, as miscellaneous receipts.

"(c) Physician-participants performing service in any area shall be compensated for their services in accordance with the provisions of chapter 51 and subchapter III of chapter 53, of title 5, United States Code, relating to classification and General Schedule pay rates.

"(d) Physician-participants shall not be utilized in the rendering of health care services to patients who are entitled to receive such care from the Public Health Service, the Veterans' Administration, or the Department of Defense, and shall not be required to perform administrative functions (other than those directly related to their activities in providing health care for residents in the physician-shortage area in which they serve.

"(e) During any period that any physician-participant is performing services in a physician-shortage area to which he has been assigned by the Secretary in satisfaction of his obligation to perform such service under this title, such physician-participant shall be exempt from induction and service under the Military Selective Service Act; and, any physician-participant who fully satisfies such an obligation shall thereafter be exempt from induction and service under such Act.

"ENCOURAGEMENT OF PHYSICIAN-PARTICIPANTS TO CONTINUE THEIR PRACTICE IN PHYSICIAN-SHORTAGE AREA

"SEC. 1206. (a) Whenever the physician-participants performing health care services in any physician-shortage area have completed their obligation (under this title) to perform such service, the Secretary may enter into an agreement with such physician-participants under which they agree to continue to render health care services in such area, and, during any period that they so continue to render such services, the facili-

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ties, supplies, and equipment provided them during their performance of such obligation will remain available (without charge) for their use.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated, for each fiscal year, such sums as may be necessary."

(d) Section 225 of the Public Health Service Act is hereby repealed.

(e) Subpart III of part F of title VII of the Public Health Service Act (relating to physician shortage area scholarship program) is hereby repealed.

(f) Notwithstanding any provision of part C of title VII of the Public Health Service Act, no loan under (or pursuant to an agreement under) such part shall be made to any student in a school of medicine or osteopathy for any school year, which commences after the date of enactment of this Act, unless such student has received a loan thereunder as a student in such a school for a school year preceding the first school year which commences after the date of enactment of this Act.

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By Mr. FULBRIGHT (by request):

S. 1733. A bill to promote the foreign policy of the United States by prohibiting travel in a restricted area. Referred to the Committee on Foreign Relations.

A BILL TO PROMOTE THE FOREIGN POLICY OF THE UNITED STATES BY PROHIBITING TRAVEL IN A RESTRICTED AREA

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to promote the foreign policy of the United States by prohibiting travel in a restricted area.

The bill has been requested by the Attorney General of the United States and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I must say I was tempted not to introduce this bill even by request because it illustrates a technique which the executive branch has too often utilized in dealing with the Congress. That technique is to ask for a vast delegation of power to the President, illustrated here in section 970(a)(4). That section would enable the President to prescribe a foreign policy toward Sweden, for example, which would give the Secretary of State authority to prohibit an American from traveling to Sweden if the Secretary determined Sweden was an area "to which travel would seriously impair the conduct of foreign policy." There is a criminal penalty for violation of such a determination.

Therefore, I note with more than my usual vigor my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Attorney General to the Vice President, dated April 12, 1973.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1733

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Chapter 45 of title 18 of the United States Code is amended by adding the following section:

"§ 970. TRAVEL IN A RESTRICTED AREA.

(a) Subject to such policy as the President may prescribe, the Secretary of State may restrict travel into or through a foreign area by citizens and nationals of the United States if he determines that it is an area—

(1) which is at war,

(2) where insurrection or armed hostilities are in progress,

(3) whose military forces are engaged in armed conflict with forces of the United States, or

(4) to which travel would seriously impair the conduct of United States foreign policy.

(b) An area restriction shall be announced by publication in the Federal Register and shall state the grounds for imposing the restriction. The restriction shall expire one year from the effective date of the restriction unless sooner revoked by the Secretary. The Secretary may extend a restriction for periods not to exceed one year at a time by publication in the Federal Register.

(c) The Secretary may authorize travel to a restricted area by a citizen or national of the United States if the Secretary deems such travel to be not inconsistent with the national interest.

(d) Whoever willfully enters or travels in or through a restricted area without authorization from the Secretary shall be fined not more than $1,000, imprisoned not more than one year, or both."

SEC. 2. The analysis of chapter 45 is amended by adding at the end the following new item:

"970. Travel in a restricted area."

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OFFICE OF THE ATTORNEY GENERAL,
*Washington, D.C., April 12, 1973.*

The VICE PRESIDENT,
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal, "To promote the foreign policy of the United States by prohibiting travel in a restricted area."

The Supreme Court has sustained the authority of the Secretary of State to endorse passports as invalid for travel to specified areas. Existing criminal statutes do not make it a crime to travel to a restricted area, even though a passport is not valid for such travel. If the person actually uses his passport to enter the restricted area, he may be subject to criminal prosecution under 18 U.S.C. 1544, for use of a passport in violation of the restrictions contained therein. As a practical matter, it is virtually impossible to obtain sufficient evidence that a person has used his passport in violation of the area restrictions in order to sustain a prosecution under that law. The only remaining action which the Secretary may possibly take is to deny or revoke a passport when the sole travel intended is to a restricted area. (See *Lynd* v. *Rusk*, 389 F.2d 940 (1967)). The narrow scope of this possible action is inadequate to deter travel to restricted areas by persons who are so inclined. As a result, area restrictions are ineffective since the Secretary has no realistic means of enforcing them.

This legislative proposal would add a new section to the United States Criminal Code, authorizing the Secretary of State, subject to policy prescribed by the President, to restrict travel by United States citizens and nationals to a foreign area if he determines that area is either: (1) at war; (2) experiencing insurrection or armed hostilities; (3) engaged in armed conflict with the United States; (4) one to which travel would impair United States foreign policy. Area restrictions would have to be published in the Federal Register and would be subject to at least annual review. The Secretary would be empowered to authorize a particular individual to travel to a restricted area in the national interest. Criminal penalties of fines up to $1,000 or one year imprisonment, or both, would be available against willful violators of restrictions.

This legislative proposal removes the present weakness in the Secretary's authority to restrict travel to specified areas by creating criminal penalties for unauthorized travel to these areas. At the same time it takes full account of the constitutional liberties of United States citizens by authorizing the designation of a restricted area only when there is a compelling national interest. Moreover, it continues to permit the Secretary to authorize travel to restricted areas in the national interest.

The Department of State joins the Department of Justice in sponsoring this legislation.

The Office of Management and Budget has advised that enactment of this proposed legislation would be consistent with the Administration's objectives.

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By Mr. MAGNUSON (by request):

S. 1734. A bill to amend certain laws affecting the Coast Guard. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend certain laws affecting the Coast Guard and ask unanimous consent that the letter of transmittal and changes in existing law be printed in the RECORD wtih the text of the bill.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
*Washington, D.C., March 23, 1973.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To amend certain laws affecting the Coast Guard," together with a comparative type showing changes made in existing law.

The proposed bill would make changes to title 14 and 10, United States Code, to permit more efficient administration of the Coast Guard, to resolve several problems and ambiguities which have become apparent in the administration of the personnel laws, and to preclude greater obsolescence of several provisions which should be updated.

From time to time in recent years various departments and agencies have been admonished by the Congress to seek permanent legislation to replace substantive provisions which inappropriately appear in appropriations bills. This proposal responds to that advice by incorporating into title 14 provisions of that type relating to the continuing availability of construction funds, authority for schooling of dependents outside the United States when not otherwise available, and authority for the payment of confidential investigative expenses.

A second category of amendments responds to factual and legal issues, relating principally to officer personnel, which have arisen in recent years and the uniqueness of which did not permit anticipation prior to enactment of P.L. 88-130, the most recent major revision of Coast Guard officer personnel laws. For example, the current officer promotion scheme provides that officers twice passed over for promotion and who have completed at least 18 years of service shall be retained until they complete 20 years of service and then shall be retired. The general retirement entitlement for officers requires that an officer shall have completed 20 years of service of which at least 10 years have been commissioned service. If an officer who has completed 20 or more years service with less than 10 commissioned is twice passed over for promotion, theoretically he is not entitled to retirement nor does the above described provision for involuntary retirement apply. Certainly it was never contemplated that an officer with over 20 years of service would be discharged while an officer of lesser service would be retained so that he could retire at the completion of 20 years service. The proposed amendments to sections 283 and 285 of title 14 will provide express authority for the retirement of an officer in the situation described. Other amendments in this category relate to overcoming a suggestion that captains completing 30 years service may only be retired involuntarily vice voluntarily on the same date, the distinction in some cases resulting in differences in subsequent benefits; altering the fact that officers selected for exemplary performance from below normal promotion zones can in some cases be subject to earlier involuntary retirement than they would otherwise have been; and eliminating the reduction in pay that some warrant officers suffer when being promoted to higher commissioned grade.

Regarding the updating of certain provisions, 14 U.S.C. 475 contains authority for inadequate housing used as public quarters. That authority will expire on June 30, 1973, and it is important that it be extended. Also, the $300 statutory figure assumed to be a temporary reservist's monthly pay for benefit computations when he suffers disability or death on duty was established in 1956. Our proposed bill raises the figure to $600.

The remaining provisions effect other minor substantive and technical changes. They include portal to portal entitlement to death and disability benefits by auxiliarists engaged in Coast Guard business under orders, authority to pay auxiliarists actual necessary expenses under some circumstances, and clarification of the right to exercise certain authority over floating as well as fixed structures within the navigable waters and beyond. As to the single change to title 10, section 2683 now permits the Secretaries of the military departments to relinquish, if appropriate, legislative jurisdiction over United States lands within their control. The amendment would provide the Secretary of the department in which the Coast Guard is operating with the same authority.

The cost implications of the proposed bill are relatively slight. No increases result from the transfer of provisions from the appropriations bills to title 14. Some of the provisions have indeterminate but minor cost implications such as the authority to pay auxiliarists under some circumstances for expenses incident to travel to or from assigned duties. Enactment of the proposal will result in pay computation adjustments for a few warrant officers. It can be stated with a fair degree of certainty that total budget implications will be less than $25,000 for 1974 and can be absorbed within funds available.

It would be appreciated if you would lay the proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget had advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

CLAUDE S. BRINEGAR.



COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE PROPOSED BILL

(Matter proposed to be omitted is enclosed in brackets; new matter is italic)

TITLE 14

§ 83. Unauthorized aids to maritime navigation; penalty.

No person, or public body, or instrumentality, excluding the armed services, shall establish, erect, or maintain any aid to maritime navigation *in or adjacent to the navigable waters of the United States, its territories or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States,* without first obtaining authority to do so from the Coast Guard in accordance with applicable regulations. Whoever violates the provisions of this section or any of the regulations issued by the Secretary in accordance herewith shall be guilty of a misdemeanor and shall be fined not more than $100 for each offense. Each day during which such violation continues shall be considered as a new offense.

§ 85. Aids to maritime navigation [on fixed structures]; penalty.

The Secretary shall prescribe and enforce necessary and reasonable rules and regulations, for the protection of maritime navigation, relative to the establishment, maintenance, and operation of lights and other signals on fixed *and floating* structures in or over [navigable] waters *subject to the jurisdiction* of the United States *and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States.* Any owner or operator of such a structure, excluding an agency of the United States, who violates any of the rules or regulations prescribed hereunder, commits a misdemeanor and shall be punished, upon conviction thereof, by a fine of not exceeding $100 for each day during which such violation continues.

§ 86. Marking of obstructions.

The Secretary may mark for the protection of navigation any sunken vessel or other obstruction existing on [any] *the* navigable waters or *waters of the continental shelf* of the United States in such manner and for so long as, in his judgment, the needs of maritime navigation require. The owner of such an obstruction shall be liable to the United States for the cost of such marking until such time as the obstruction is removed or its abandonment legally established or until such earlier time as the Secretary may determine. All moneys received by the United States from the owners of obstructions, in accordance with this section, shall be covered into the Treasury of the United States as miscellaneous receipts. This section shall not be construed so as to relieve the owner of any such obstruction from the duty and responsibility suitably to mark the same and remove it as required by law.

§ 214. Original appointment of temporary officers.

(a) * * *.
(b) * * *.
(c) * * *.

(d) Temporary appointments under this section do not change the permanent, probationary, or acting status of persons so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. A person who is appointed under this section may not suffer any reduction in the pay and allowances to which he was entitled because of his permanent status at the time of his temporary appointment under this section [.], or *any reduction in the pay and allowances to which he was entitled under a prior temporary appointment in a lower grade.*

(e) * * *.
(f) * * *.

§ 283. Regular lieutenants; separation for failure of selection for promotion; continuation.

(a) Each officer of the Regular Coast Guard appointed under section 211 of this title who is serving in the grade of lieutenant and who has failed of selection for promotion to the grade of lieutenant commander for the second time shall:

(1) be honorably discharged on June 30 of the fiscal year in which his second failure of selection occurs; or

(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

(3) if, on the date specified for his discharge in this section, he *has completed at least 20 years of active service or* is eligible for retirement under any law, be retired on that date; or

(4) if, on the date specified for his discharge in clause (1), he has completed at least eighteen years of active service, be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removal under another provision of law.

(b) * * *.
(c) * * *.

§ 285. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.

Each officer of the Regular Coast Guard serving in the grade of lieutenant commander or commander, who has failed of selection for promotion to the grade of commander or captain, respectively, for the second time shall:

(1) *if he has completed at least 20 years of active service or is* eligible for retirement under any law on June 30 of the fiscal year in which his second failure of selection occurs, be retired on that date; or

(2) if ineligible for retirement on the date specified in clause (1) be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removed under another provision of law.

§ 288. Regular captains; retirement.

(a) Each officer of the Regular Coast Guard serving in the grade of captain whose name is not carried on an approved list of officers selected for promotion to the grade of rear admiral shall, [if not earlier retired] *unless retired under some other provision of law,* be retired on June 30 of the fiscal year in which he, or any captain junior to him on the active duty promotion list who has not lost numbers or precedence, completes thirty years of active commissioned service in the Coast Guard. *An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone is not subject to involuntary retirement under this section earlier than if he had not been selected from below the zone.*

(b) * * *.

§ 475. Leasing and hiring of quarters; rental of inadequate housing.

(a) * * *.
(b) * * *.
(c) * * *.
(d) * * *.
(e) The authority provided in subsections (b) and (c) of this section shall expire on June 30, 197[3]6.
(f) * * *.
(g) * * *.

§ 656. [Use of appropriations to restore, replace, establish, or develop facilities.] *Use of monies appropriated for acquisition, construction, and improvement; for research, development, test and evaluation; and for the alteration of bridges over the navigable waters.*

*(a) Funds appropriated to or for the use of the Coast Guard for acquisition, construc-*

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*tion, and improvement of facilities; for research, development, test and evaluation; and for the alteration of bridges over the navigable waters shall remain available until expended.*

[(a)](b) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to restore, repair, or replace facilities that have been damaged or destroyed, including acquisition of sites.

[(b)](c) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to acquire, construct, convert, extend, and install at Coast Guard installations and facilities, needed permanent or temporary public works, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters, costing not more than $200,000 for any one project.

§ 657. Dependent school children [; transportation of].

*(a) Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents.*

[(a)](b) Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility.

*§ 658. Confidential investigative expenses.*

*(a) Monies appropriated for necessary expenses for the operation of the Coast Guard shall be available for investigative expenses of a confidential character, to be expended on the approval or authority of the Commandant and payment to be made on his certificate of necessity for confidential purposes, and his determination shall be final and conclusive upon the accounting officers of the Government.*

*(b) The Commandant may delegate the authority granted in this section to any person in, or employed by, the Coast Guard, with or without the authority to make successive redelegations.*

§ 760. Disability or death benefits for temporary members.

(a) In case of physical injury, or death resulting from physical injury, to any temporary member of the Reserve incurred incident to service while performing active Coast Guard duty, or engaged in authorized travel to or from such duty, the provisions of law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties, subject to this section, shall apply, and shall be administered by the Secretary of Labor in the same manner and to the same extent as if such person were a civil employee of the United States and were injured in the performance of his duty. For benefits computation, regardless of pay or pay status, such person shall be deemed to have had monthly pay of [$300] *$600*.

(b) • • •.
(c) • • •.
(d) • • •.
(e) • • •.

*§ 765. Enlistment of members engaged in schooling.*

*To permit the enlistment of Reserve members without interruption of full time schooling in which they are engaged, the four month initial period of active duty for training requirement of subsection (d) of section 511 of title 10, United States Code, may be divided into two successive annual periods of not less than two months each.*

§ 830. Availability of appropriations.

Appropriations of the Coast Guard shall be available for the payment of actual necessary traveling expense and subsistence, or commutation of ration allowance in lieu of subsistence, of members of the Auxiliary assigned to authorized specific duties, *including authorized travel to or from such duties,* and for actual necessary expenses of operation of any motorboat, yacht, aircraft, *vehicle,* or radio station when assigned to Coast Guard duty, but shall not be available for the payment of compensation for personal services, incident to such operation, other than to personnel of the Coast Guard or the Reserve. The term "actual necessary expenses of operation," as used in this section, shall include payment for fuel, oil, power, water, supplies, provisions, replacement or repair of equipment, repair of any damaged motorboat, yacht, aircraft, *vehicle,* or radio station and for the constructive or actual loss of any motorboat, yacht, aircraft *vehicle,* or radio station where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment, or for the damage or loss, constructive or actual, of such motorboat, yacht, aircraft, *vehicle,* or radio station rests with the Coast Guard.

§ 832. Injury or death in line of duty.

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing any specific duty to which he has been assigned by competent Coast Guard authority, such member or his beneficiary shall be entitled to the same benefits provided for temporary members of the Reserve who suffer physical injury or death resulting from physical injury incurred incident to service. Members of the Auxiliary who incur physical injury or contract sickness or disease while performing any specific duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same hospital treatment afforded officers and enlisted men of the Coast Guard. *The performance of a specific duty as the term is used in this section includes time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a member of the Auxiliary.*

TITLE 10

§ 2683. Relinquishment of legislative jurisdiction.

(a) Notwithstanding any other provision of law, the Secretary [of a military department] *concerned* may, whenever he considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.

(b) The authority granted by this section is in addition to and not instead of that granted by any other provision of law.

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S. 1734

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title 14, United States Code, is amended as follows:

(1) Section 83 is amended by inserting the words "in or adjacent to the navigable waters of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States," between the word "navigation" and the word "without" in the first sentence thereof.

(2) Section 85 is amended—

(A) by deleting the words "on fixed structures" from the catch line;

(B) by inserting the words "and floating" between the word "fixed" and the word "structures" in the first sentence thereof;

(C) by deleting the word "navigable" between the word "over" and the word "waters" and by inserting the words "subject to the jurisdiction" between the word "waters" and the words "of the United States"; and

(D) by adding the following words at the end of the first sentence thereof: "and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States".

(3) Section 86 is amended by deleting the word "any" preceding the words "navigable waters" and substituting therefor the word "the" and by inserting the words "or waters of the continental shelf" between the words "navigable waters" and the words "of the United States" in the first sentence thereof.

(4) The analysis of chapter 5 is amended by deleting the words "on fixed structures" in item (section) "85".

(5) The second sentence of subsection (d) of section 214 is amended by changing the period at the end thereof to a comma and by adding the following to the sentence: "or any reduction in the pay and allowances to which he was entitled under a prior temporary appointment in a lower grade."

(6) Subsection (a) of section 283 is amended by inserting the words "has completed at least 20 years of active service or" between the word "he" and the word "is" in paragraph (3) thereof.

(7) Section 285 is amended by inserting the words "he has completed at least 20 years of active service or is" between the word "if" and the word "eligible" in paragraph (1) thereof.

(8) Section 288 is amended—

(A) by deleting in subsection (a) the words "if not earlier retired" and substituting therefor the words "unless retired under some other provision of law";

(B) by adding at the end of subsection (a) a new sentence as follows:

"An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone is not subject to involuntary retirement under this section earlier than if he had not been selected from below the zone."

(9) Section 475 is amended by amending subsection (e) to read:

"(e) The authority provided in subsection (b) and (c) of this section shall expire on June 30, 1976."

(10) Section 656 is amended—

(A) by amending the catch line to read:

"§ 656. Use of monies appropriated for acquisition, construction, and improvement; for research, development, test and evaluation; and for the alteration of bridges over the navigable waters.";

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(C) by inserting a new subsection (a) as follows:

"(a) Funds appropriated to or for the use of the Coast Guard for acquisition, construction, and improvement of facilities; for research, development, test and evaluation; and for the alteration of bridges over the navigable waters shall remain available until expended."

(11) Section 657 is amended—

(A) by deleting from the catch line the semicolon and the words following "children";

(B) by designating the existing section as subsection (b); and

(C) by inserting a new subsection (a) as follows:

"(a) Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents."

(12) Chapter 17 is amended by adding the following new section after section 657:

"§ 658. Confidential investigative expenses.

"(a) Monies appropriated for necessary expenses for the operation of the Coast Guard shall be available for investigative expenses of a confidential character, to be expended on the approval or authority of the Commandant and payment to be made on his certificate of necessity for confidential purposes, and his determination shall be final and conclusive upon the accounting officers of the Government.

"(b) The Commandant may delegate the authority granted in this section to any person in, or employed by, the Coast Guard, with or without the authority to make successive redelegations.

(13) The analysis of chapter 17 is amended—

(A) by amending item (section) "656" to read:

"656. Use of monies appropriated for acquisition, construction, and improvement; for research, development, testing and evaluation; and for the alteration of bridges over the navigable waters.";

(B) by amending item (section) "657" to read:

"657. Dependent school children."

(C) by adding the following after item (section) "657":

"658. Confidential investigative expenses.

(14) The last sentence of subsection (a) of section 760 is amended by deleting therein the figure "$300" and substituting therefor the figure "$600".

(15) Chapter 21 is amended by adding after section 764 the following new section:

"§ 765. Enlistment of Members Engaged in Schooling.

"To permit the enlistment of Reserve members without interruption of full time schooling in which they are engaged, the four-month initial period of active duty for training requirement of subsection (d) of section 511 of title 10, United States Code, may be divided into two successive annual periods of not less than two months each."

(16) The analysis of chapter 21 is amended—

(A) by inserting the following after item (section) 764:

"§ 765. Enlistment of members engaged in schooling.";

and

(B) by inserting the following after item (section) 795:

"§ 796. Failure of selection for promotion.
"§ 797. Promotion; acceptance; oath of office.
"§ 798. Rear admiral; maximum service in grade."

(17) Section 830 is amended—

(A) by inserting in the first sentence thereof:



(i) the phrase ", including authorized travel to or from such duties," between the words "duties" and "and";

(ii) the word "vehicle," between the words "aircraft," and "or"; and

(B) by inserting in the second sentence thereof the word "vehicle," between the words "aircraft," and "or" the three times those words occur.

(18) Section 832 is amended by adding at the end thereof a new sentence as follows:

"The performance of a specific duty as the term is used in this section includes time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a member of the Auxiliary."

SEC. 2. Paragraphs (5) and (8) of section 1 of this Act are effective as of the original date of enactment of the sections thereby amended.

SEC. 3. Subsection (a) of section 2683 of title 10, United States Code, is amended by deleting the words "of a military department" in the first sentence thereof and substituting therefor the word "concerned".

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By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1735. A bill to assure that the public is provided with safe drinking water, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to assure that the public is provided with safe drinking water, and for other purposes, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the RECORD with the text of the bill.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
*Washington, D.C., February 27, 1973.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I am pleased to transmit a proposed bill, "The Safe Drinking Water Act of 1973," which is designed "to assure that the public is provided with safe drinking water, and for other purposes."

The proposed bill is forwarded in accordance with the Environmental and Natural Resources State of the Union Message of the President.

The Safe Drinking Water Act of 1973 would provide an effective solution to the problem associated with providing safe drinking water for the public. The legislation would insure that adequate standards are developed, require that citizens receive prompt notification if their drinking water fails to meet health standards, and provide that primary enforcement, reporting, and monitoring authorities will rest with State and local governments where they properly belong. The proposal is essentially a preventive measure intended to assure safe drinking water now and for the future.

Under the proposed bill, the Administrator of the Environmental Protection Agency would establish national mandatory drinking water standards, designed to protect the public health. Recommendatory standards relating to non-health characteristics of drinking water would also be issued. States would have responsibility for implementing and assuring compliance with the mandatory national standards. In the event of non-compliance, the supplier of water would be obliged to notify users, the State, and EPA. We believe that the public awareness to be achieved through the notification requirement will best assure continuing safe drinking water to the Nation. Additional assurance of compliance would be achieved through a citizen suit provision. Direct Federal enforcement would be available in the event of an imminent health hazard. Research and studies addressed to drinking water supply problems would also be provided.

We recommend that the bill be referred to the appropriate Committee for consideration and that it be enacted.

The Office of Management and Budget has advised that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
*Administrator.*

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SECTION-BY-SECTION ANALYSIS, SAFE DRINKING WATER ACT OF 1973

*Section 1* of the bill provides that the Act may be cited as the "Safe Drinking Water Act of 1973."

*Section 2* declares the findings of the Congress which include: potentially hazardous drinking water affecting interstate commerce is reaching many consumers due to inadequate treatment and distribution facilities, inadequate monitoring and surveillance, and lack of sufficient information and technology; the public should receive prompt notice if the water is not safe; primary responsibility and enforcement authority should continue in State and local governments; and the Federal government should establish health related standards, recommend aesthetic related standards, and provide research, technical assistance, and information with regard to drinking water supplies.

*Section 3* contains definitions of terms used in the bill including "public water systems," "contaminant," "allowable limit-health," and "recommended limit-aesthetic."

*Section 4* provides that the Administrator of the Environmental Protection Agency shall establish national primary drinking water standards (those related to health) as soon as practicable, and may issue recommended national secondary drinking water standards (those related to aesthetics). In establishing or revising these standards the Administrator must consider the views of recognized experts in water supply and public health and consider the costs and benefits of such standards and their alternatives. When standards are issued, information on effects of contaminants, drinking water treatment and technology, and other information must be published.

*Section 5* provides that the States shall have primary enforcement responsibility with regard to the drinking water standards except for Federal facilities. The Environmental Protection Agency is required to monitor the activities of the States and public water supply systems only to the extent necessary to determine if States are establishing and maintaining an adequate program to enforce the national primary drinking water standards.

Section 5 also provides that if the drinking water is not in compliance with the national primary drinking water standards, the suppliers of such water must notify the users, appropriate State agencies, and the Environmental Protection Agency of the non-compliance and of the possible health effects of such non-compliance. The notification received or information obtained by the exploitation of such notification shall not be used against such person in any criminal case, except a prosecution for perjury or for giving a false statement. Section 5 also provides that from any information available to the Environmental Protection Agency, if it should find that any public water supply system does not meet the national primary standards and necessary remedial action is not being taken, it must notify the State.



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*Section 6* provides that if the Administrator of the Environmental Protection Agency determines that an imminent hazard exists (a violation of the primary standards or other condition which would result in a serious risk to public health) he may institute enforcement proceedings to eliminate the hazard.

*Section 7* provides that the Administrator of the Environmental Protection Agency shall conduct research, studies, and investigations and render financial, technical, and other assistance to appropriate public agencies, institutions, water supply utilities, and individuals relating to safe drinking water supplies. The Administrator is also authorized to make available information pertaining to research and investigations and to make the Environmental Protection Agency's research facilities available to appropriate groups and agencies engaged in studies and research relating to water supplies.

*Section 8* requires each State to file an annual State program plan with the Environmental Protection Agency outlining its methods and resources for establishing and maintaining an adequate program to enforce the national primary drinking water standards, beginning one year after enactment of the legislation. Section 8 also sets out the requirements of the State plan.

*Section 9* provides that the Administrator may issue regulations to carry out the purposes of the legislation. This section also sets out procedures for issuing regulations, holding public hearings, and requiring findings of fact on which regulations are based.

Section 9 also makes provisions for judicial review of proceedings of the Administrator under the Act.

*Section 10* requires suppliers of water and others subject to the requirements of the Act to submit reports and to make available records and information to the appropriate State agency as necessary for implementation of the State program. Provision is also made for employees of the Environmental Protection Agency to make inspections of water supplies to determine compliance with the national primary drinking water standards.

*Section 11* provides that no provision of this legislation will affect the authority of State and local governments to establish drinking water standards, except that such shall not be less stringent than the national primary drinking water standards.

*Section 12* lists the prohibited acts, which includes failure by a supplier of water to make proper notifications when there is a non-compliance with the primary standards, failure by a supplier of water to comply with standards for monitoring and reporting, and the refusal to allow entry and inspection of establishments, facilities, and other property.

*Section 13* establishes criminal penalties for willfully committing the prohibited acts under the bill of up to $15,000 for each violation, or one year imprisonment, or both. Civil penalties of up to $10,000 for each violation is authorized for unwillful violations. The Attorney General may also bring an action for injunctive relief.

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S. 1735

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Safe Drinking Water Act of 1973".

DECLARATION OF POLICY

SEC. 2. (a) The Congress finds—

(1) that potentially hazardous drinking water directly or indirectly affecting interstate commerce is reaching many consumers due to inadequate treatment and distribution facilities, inadequate monitoring and surveillance, and a lack of sufficient information and technology to adequately treat raw water to assure its potability;

(2) that the public should be provided with water that is safe for drinking and other human uses;

(3) that the public should receive prompt and accurate notification if its water is not safe for drinking and other human uses;

(4) that the primary responsibility and enforcement authority for ensuring the quality of public water supplies has rested and should continue to rest with State and local Governments;

(5) that the Federal Government has the responsibility for establishing minimum national primary drinking water standards and for recommending national secondary drinking water standards for all public water systems and for supplying where appropriate technical assistance, research and development information, monitoring, and testing information.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Agency" means the Environmental Protection Agency.

(3) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico.

(4) The term "municipality" means a city, town, borough, county, parish, district or other public body created by or pursuant to State law and having jurisdiction over the supply of water to the public and an Indian tribe or an authorized Indian tribal organization.

(5) The term "person" includes a State or political subdivision thereof, municipality, corporation, partnership, association, private or public nonprofit institutions or an individual.

(6) The term "public water system" means—

(A) any system which provides drinking water, (i) to ten or more premises not owned or controlled by the supplier of water or (ii) to forty or more individuals receiving such drinking water from a system.

(B) any system which provides drinking water to carriers, or facilities or establishments serving travelers in interstate commerce.

The term "public water system" does not include relocatable systems set up during disasters or emergencies or used in military field operations.

(7) The term "supplier of water" means any person who controls, owns or operates a public water system.

(8) The term "contaminant" means any physical, chemical, biological, radiological, or other substance or matter which causes or transmits infectious disease, chemical poisoning, chronic disease, or other impairment to man.

(9) The term "allowable limit—health" means that water, delivered to any user of the public water system, containing substances above these limits presents a substantial risk to the health of humans and shall not normally be used for drinking or culinary purposes.

(10) The term "recommended limit—aesthetic" means that water delivered to any user of the public water supply system, containing substances above these limits may be objectionable to an appreciable number of persons but is not hazardous to health.

NATIONAL DRINKING WATER STANDARDS

SEC. 4 (a) The Administrator, after consultation with the Secretary of Health, Education, and Welfare, (A) shall promulgate national primary drinking water standards as soon as practicable after the date of enactment of this Act and (B) may issue recommended national secondary drinking water standards for adoption and enforcement by State and local governments at their option. The Administrator shall specify in such regulations for national primary drinking water standards the date on which such regulations shall take effect, which shall be as soon as is practicable. The Administrator shall from time to time, revise such standards as appropriate.

(b) (1) National primary drinking water standards shall be standards, the attainment and maintenance of which are requisite to reasonably protect the public health, except that the Administrator shall not prescribe the addition of any substance other than for the purpose of treating contaminants. Such standards—

(A) shall prescribe the allowable limits—health for any contaminants which may exist in any public water system in the United States which may cause or transmit disease, chemical poisoning, or other impairments to man, allowing adequate margins of safety, and (B) shall include standards for the adequate monitoring and reporting of water quality.

(2) Recommended national secondary drinking water standards, as described under subsection (a) of this section, shall specify the level of quality of drinking water the attainment and maintenance of which is requisite to reasonably assure aesthetically adequate drinking water. Such recommended standards may apply to any constituent of drinking water (A) which may affect the taste, odor, or appearance of such water, or (B) which may otherwise be necessary to assure aesthetically adequate drinking water. These standards shall be designated as recommended limits—aesthetic.

(3) In establishing or revising standards or publishing recommended standards under this section, the Administrator shall take into consideration (A) the views and recommendations of recognized experts in the field of water supply engineering and public health and (B) the economic and social costs and benefits of such standards and their alternatives.

(c) The Administrator shall publish simultaneously with the issuance of any proposed national primary or recommended national secondary drinking water standard under this section—

(1) Such criteria and information as, in his judgment, are necessary to accurately reflect the nature and extent of identifiable effects on public health or welfare which may be expected from the presence of the contaminant which is the object of such proposed drinking water standards.

(2) Information and data on drinking water treatment methods and technology for the control of the contaminant which is the object of such proposed drinking water standard. Such information and data shall apply to features of the water supply system at which control of the contaminant may be exercised including, but not limited to, treatment, storage, and distribution facilities and the adequate construction, maintenance, and operation thereof. Such information and data shall include where available the costs and the effectiveness of such treatment and the time period necessary to control such contaminant.

(d) the Administrator shall, at least every 3 years review the adequacy of any national primary or recommended national secondary drinking water standard under subsection (a) of this section and the criteria, information, and data published under subsection (c) of this section. The Administrator shall publish his findings in the Federal Register.

ENFORCEMENT OF STANDARDS

SEC. 5. (a) For the purposes of this Act, the States have primary enforcement responsibility except for Federal facilities which will comply with section 15(a). The Administrator shall monitor the activities of the States and public water systems only to the extent necessary to determine if States are establishing and maintaining an adequate program to enforce the national drinking water standards.



(b) Whenever the water delivered by a water supply system is not in compliance with national primary drinking water standards, the supplier of such water shall notify its users, appropriate State agencies, and through the State, the Administrator, in accordance with regulations promulgated by the Administrator, of the noncompliance and the extent and nature and possible health effects of such non-compliance. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(c) Whenever, on the basis of information available to him, the Administrator finds that any public water system does not comply with any national primary drinking water standard and that necessary remedial action is not being taken, he shall so notify the State in which such water system is operating.

IMMINENT HAZARDS

SEC. 6. (a) An imminent hazard shall be considered to exist when there is reason to believe that a violation of the national primary drinking water standards by a public water system or any other condition will result in a serious risk to public health.

(b) If he determines that an imminent hazard exists, the Administrator may request the Attorney General to petition an appropriate district court of the United States to order such action as is necessary to eliminate the imminent hazard. The Administrator shall simultaneously, if he has not previously done so, propose any regulation which might be necessary under section 4 of this Act, or he may commence an action under section 13 of this Act.

RESEARCH, TECHNICAL ASSISTANCE, INFORMATION

SEC. 7. (a) The Administrator shall conduct research, studies, and investigations and render financial, technical, and other assistance to appropriate public agencies, institutions, water supply utilities, and individuals in the conduct of research, studies, and investigations relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of man resulting directly or indirectly from contaminants in drinking water. Such research, studies, or investigations may include, but shall not be limited to, the development of—

(1) new and improved methods to identify and measure the existence of contaminants in drinking water and to identify the source of such contaminants;

(2) new and improved methods to identify and measure the health effects of contaminants in drinking water;

(3) new and improved methods of treating water to prepare it for drinking, to improve the efficiency of water treatment and to remove contaminants from the water; and

(4) new and improved methods for providing safe water for drinking to the public, including improvements in water purification and distribution, and methods of assessing the health-related hazards to other characteristics of drinking water supplies, and studies of the health implications of the reclamation, reuse, and recycling including both indirect and direct reuse of waste waters as sources of public water supplies.

(b) In carrying out this Act, the Administrator is authorized to—

(1) collect and make available information pertaining to research and investigations, with respect to providing adequate quality and quantity of safe drinking water together with appropriate recommendations in connection therewith; and

(2) make available research facilities of the Agency to appropriate public agencies, institutions, water supply utilities, and individuals engaged in studies and research relating to water supply.

STATE WATER SUPPLY PROGRAM PLANS

SEC. 8. (a) Each State shall file an annual State Program Plan with EPA defining the methods and resources to be applied in establishing and maintaining adequate programs to enforce the national primary drinking water standard for each type of public water system as defined in section 3(6) beginning one year from enactment.

(b) Such State plan shall be satisfactory if it—

(1) provides for the adoption by the State of the national drinking water standards or standards which are no less stringent than the national primary drinking water standards;

(2) provides for the adoption by the State of appropriate regulations and procedures for the implementation and enforcement of the standards adopted pursuant to paragraph (1) of this subsection;

(3) provides for the enforcement of the standards violation notification procedures under section 5(b) of this Act;

(4) provides for administration or for the supervision of administration of the plan by the State agency charged with the responsibility for the safety of drinking water;

(5) sets forth the plans, policies, and procedures to be followed in carrying out the State plan;

(6) provides for such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan;

(7) provides for the establishment of an emergency plan of action for each public water system within the State for use in case of an emergency affecting the safety of the treated drinking water or the effective operation of the treatment facility, including provision for emergency reserves or alternate sources of water suitable for drinking and culinary purposes.

REGULATIONS, PROCEDURE, AND JUDICIAL REVIEW

SEC. 9. (a). At his own initiative, or upon the petition of any person, the Administrator is authorized to issue regulations to carry out the purposes of this Act and to amend or rescind such regulations at any time.

(b) The Administrator shall publish any regulations proposed under this Act, or proposals to amend or rescind such regulations, and his justification therefor in the *Federal Register* at least sixty days prior to the time when such regulations shall become final. The Administrator shall also publish in the Federal Register a notice of all petitions received under subsection (a) and, if such petition is denied, his reasons therefor. Such notice shall identify the purpose of the petition and include a statement of the availability of any data submitted in support of such petition. If any person directly and adversely affected by a proposed regulation files objections and requests a public hearing within forty-five days of the date of publication of the proposed regulation, the Administrator shall grant such request. If such public hearing is held, final regulations shall not be promulgated by the Administrator until after the conclusion of such hearing. All public hearings authorized by this subsection shall consist of the oral and written presentation of data, views, or arguments in accordance with sueh conditions or limitations as the Administrator may make applicable thereto.

(c) Proposed and final regulations issued under this Act shall set forth findings of fact on which the regulations are based and the relationship of such findings to the regulations issued.

(d) Any judicial review of final regulations promulgated under this Act shall be in accordance with section 701–706 of title 5, United States Code, except that, with respect to relief pending review, no stay of an agency action may be granted unless the reviewing court determines that the party seeking such stay (a) is likely to prevail on the merits in the review proceeding and (b) will suffer irreparable harm pending such proceeding.

(e) Except as expressly modified by the provisions of this section, the provisions of 5 U.S.C. 551 et seq. shall apply to proceedings conducted by the Administrator under this Act.

(f) If the party seeking judicial review applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court either (1) that the information is material and was not available at the time of the proceeding before the Administrator or (2) that failure to include such evidence in the proceeding was an arbitrary or capricious act of the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendations, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

RECORDS AND INSPECTION

SEC. 10. (a) Suppliers of water and others subject to the requirements of this Act shall submit such reports and make available such records and information to the appropriate State agency as necessary for implementation of a State program required under section 8 of this Act.

(b) Any officer or employee duly designated by the Administrator, upon presenting appropriate credentials and a written notice of inspection authority to any supplier of water subject to a national primary drinking water standard prescribed under section 4 of this Act or any grantee (or person in charge of any of its property) is authorized to enter any establishment or facility or other property of such person in order to determine whether such supplier or grantee has acted or is acting in compliance with this Act, including for this purpose, inspection, at reasonable time, of records, files, papers, processes, controls and facilities, or in order to test any feature of a public water system, including its raw water source. Each inspection shall be commenced and completed with reasonable promptness and the supplier or grantee notified of the results of such inspection.

(c) For purposes of this section, the term "grantee" means any person who receives financial assistance under this Act.

STATE REGULATIONS

SEC. 11. Nothing in this Act shall affect the authority of any State or local government to establish drinking water standards or to make other requirements for purposes similar to those contained in this Act, except that any such standards or requirements shall not be less stringent than the requirements of the national primary drinking water standards under this Act.

PROHIBITED ACTS

SEC. 12. The following acts and the causing thereof are prohibited:

(1) Failure by a supplier of water to comply with the requirements of section 5(b)

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of this Act, or dissemination by such supplier of any false or misleading information with respect to remedial actions being undertaken to achieve compliance with national primary drinking water standards.

(2) Failure by a supplier of water to comply with the standards for monitoring and reporting pursuant to subparagraph (B) of paragraph 4(b)(1) of this Act; or

(3) The refusal to allow entry and inspection of establishments, facilities, or other property pursuant to section 10(b) of this Act.

PENALTIES AND REMEDIES

SEC. 13. (a). Any person willfully violating section 12 of this Act shall on conviction be fined not more than $15,000 for each violation or imprisoned for not more than one year, or both.

(b)(1) Any person not willfully violating section 12 of this Act shall be liable to the United States for a civil penalty of a sum which is not more than $10,000 for each violation, to be assessed by the Administrator after notice and opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after he has considered the nature, circumstances, and extent of such violation, the difficulties of achieving compliance with the provisions violated, and any good-faith efforts to comply with such provisions.

(2) Upon failure of the offending party to pay the civil penalty, the Administrator may request the Attorney General commence an action in an appropriate district court of the United States to secure such payment.

(c) The Attorney General may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 12 of this Act, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

CITIZEN CIVIL ACTION

SEC. 14. (a) Except as provided in subsection (b) of this section, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any national primary drinking water standard promulgated under section 4 of this Act; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator. Any action under paragraph (a)(1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred and any action brought under paragraph (a)(2) of this subsection shall be brought in the district court of the District of Columbia.

The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to any alleged violator of such standard and (iii) to the State in which the violation occurs.

(B) if the Attorney General, or the State has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with such standard.

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section to which the United States is not a party, the Attorney General at the request of the Administrator may intervene on behalf of the United States as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any national primary drinking water standard or to seek any other relief.

FEDERAL FACILITIES

SEC. 15. (a) Except as provided for in subsection (b) of this section, each Federal department or agency having jurisdiction over a federally owned or maintained public water system, shall comply with all national primary drinking water standards prescribed under section 4 of this Act and shall, to the maximum extent practicable, comply with any recommended national secondary drinking water standard prescribed under such section. Notification required by section 5(b) will be submitted to the Administrator in lieu of the appropriate State agency.

(b) The Administrator may waive compliance with the requirements of subsection (a) of this section, in whole or in part, upon receiving information from the Secretary of Defense or from the Secretary of the Department in which the United States Coast Guard is operating that such waiver is in the interest of national security. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for good cause shown by the Secretary of Defense or by the Secretary of the Department in which the United States Coast Guard is operating, in the interest of national security, unless the Administrator has been requested by the applicable Secretary to omit such publication because it would be contrary to the interests of national security.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 16. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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By Mr. McCLELLAN:

S. 1736. A bill to amend title 38, United States Code, to authorize eligible wives and widows to pursue on-farm training. Referred to the Committee on Veterans' Affairs.

Mr. McCLELLAN. Mr. President, I am today introducing a bill which will remove an inequity in the system of benefits for veterans' dependents. Under the present law, wives and widows of servicemen cannot participate in on-farm training programs which are available to veterans themselves. The Vietnam-Era Veterans' Readjustment Assistance Act of 1972 (Public Law 92-540) generally extended most available veterans' educational programs to the eligible wives and widows of veterans. However, provision for the training of rural wives and widows in farm management and operation was omitted from the 1972 act.

Mr. President, this omission discriminates against families of veterans who are farmers by denying to them benefits comparable to those which are available to the families of veterans engaged in the operation of a business. This discrepancy in the present law should be removed so that farm families may receive the equitable treatment they deserve. The bill I am introducing will amend present law to provide equal benefits for the families of farmer veterans.

Mr. President, the mechanization of farming has progressed to the extent that women can, with proper training and preparation, manage the family business alone, if necessary. The purpose of this bill is to enable eligible wives of veterans who desire to carry on the operation of a family farm to prepare themselves to do so.

Estimates supplied by the Veterans' Administration indicate that the costs of this program would be nominal with only about 100 projected trainees per year throughout the country.

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By Mr. NUNN (for himself and Mr. TALMADGE):

S. 1738. A bill to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

CHATTAHOOCHEE RECREATION AREA BILL

Mr. NUNN. Mr. President, few resources can rival the qualities of a river flowing free through its natural environment for a rewarding recreation experience. Such an experience awaits each visitor to the Chattahoochee River, a favorite recreation area and hallowed retreat for thousands of Georgians who live in or near the city of Atlanta.

The bill I am introducing today, which is cosponsored by Senator TALMADGE, would set aside areas along a 48-mile stretch of the Chattahoochee River near Atlanta as a national recreation area. I am proud to announce that a similar bill has already been introduced in the House this week and has the support of all 10 Georgia Congressmen. The proposed recreation area will extend from Buford Dam downstream to Peachtree Creek, and encompasses some of the most beautiful river vistas and natural scenic woodlands in the Southeast.

At a time when open space continues to disappear under concrete blankets and high rise complexes, our rate of use of available recreation areas has been rising at least 10 percent each year. That is one reason why it is particularly important that we recognize the need to provide additional recreation opportunities for the citizens of large urban centers.

I am pleased to offer this legislation, on behalf of Senator TALMADGE and myself, which will preserve the natural beauty of the Chattahoochee River for the enjoyment of generations of future Georgians.

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By Mr. CANNON (by request):

S. 1739. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters, and for other purposes. Referred to the Committee on Commerce.

Mr. CANNON. Mr. President, I send to the desk a bill which I am introducing at the request of the National Air Carrier Association, a trade group representing some of the Nation's certificated charter airlines.

The bill, reflecting policy changes which at this time I have reserved judgment on, would change the regulatory framework relating to "inclusive tour charters." Inclusive tour charters, or "ITC's" as they are known, are vacation or recreation programs in which the consumer purchases transportation, hotel rooms, meals, and other ground arrangements as part of one complete package.

Presently, ITC's are regulated by Civil Aeronautics Board regulations and the Federal Aviation Act in a manner which greatly restricts their marketability to the traveling public. For example, ITC tours must make at least three overnight stops at locations at least 50 miles apart and the charge for the service must be not less than 110 percent of the lowest applicable scheduled air fare between the points involved. These restrictions have made it difficult for tour operators to market such packages particularly to those consumers who are interested in short-term vacations.

Additionally, supplemental air carriers, who provide the air transportation portion of ITC's, are precluded by law from marketing their product or from owning or controlling companies which market the tours or vacations.

The bill I am introducing would abolish the requirements I have outlined above and would authorize the Civil Aeronautics Board to devise less stringent regulations in hopes of broadening the interest of the traveling public in vacation or tour packages.

While ITC's have not been particularly popular among American Consumers, because of the restrictions, the situation in Europe is entirely different. ITC's are a huge industry in Europe and enable Europeans to buy total tour and vacation packages at costs which would be prohibitive if the services were purchased individually and independently. It is clear that the European system has fostered a tremendous growth in the use of air transportation and has led to extremely low cost vacation programs suited to the economic conditions of lower-middle and middle-income individuals.

While I do not necessarily support all of the provisions of this bill, I have long believed that the U.S. Government's regulations of ITC's are needlessly restrictive. I am introducing the bill today in hopes of stimulating further discussion both within the Government and within the travel industry as to how we might better utilize our Nation's resources to promote tourism, short vacations, and the greater use of air transportation.

My Subcommittee on Aviation will begin hearings on the subject on May 14 and the bill's introduction today will provide a focal point from which various segments of the travel industry may express their views as to the desirability of deregulation of inclusive tour charters.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1739

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Federal Aviation Act of 1958, as amended, is further amended as follows:

(1) Paragraphs (20) through (36) of section 101 are renumbered as paragraphs (21) through (37), respectively, and a new paragraph (20) is added to read as follows:

"(20) 'Inclusive tour charter trip' means a charter trip which combines air transportation, pusuant to a contract between an air carrier or foreign air carrier and a person authorized by the Board to sell inclusive tours, and land arrangements at one or more points of destination, sold to members of the public at a price which is no less than the just and reasonable fare for charter air transportation plus a compensatory charge for land arrangements, and subject to such other requirements not inconsistent herewith as the Board shall by regulation prescribe."

(2) Renumbered paragraph (35) of section 101 is revised to read as follows:

"(35) 'Supplemental air transportation' means charter trips, including inclusive tour charter trips, in air transportation, other than the transportation of mail by aircraft, rendered pursuant to a certificate of public convenience and necessity issued pursuant to section 401(d)(3) of this Act to supplement the scheduled service authorized by certificates of public convenience and necessity issued pursuant to sections 401(d)(1) and (2) of this Act. Provided that nothing in this Act shall be construed to prohibit an air carrier from marketing directly or from controlling or being under common control with a person authorized by the Board to sell charter trips, including inclusive tour charter trips."

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By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1740. A bill to establish the Lake Berryessa National Recreation Area in the State of California, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

LAKE BERRYESSA NATIONAL RECREATION AREA

Mr. TUNNEY. Mr. President, I am introducing today legislation to establish a national recreation area at Lake Berryessa, Napa County, Calif. This bill of particular concern and importance to citizens of northern California, and I am pleased to have my California colleague, Senator ALAN CRANSTON, join me in sponsoring this legislation.

Lake Berryessa is a large and beautiful body of water which was created when the U.S. Bureau of Reclamation built Monticello Dam. The lake is situated in a delightful area of wooded hills and canyons, and enjoys a temperate year-round climate. It lies within easy driving distance of the San Francisco Bay area and Sacramento-Stockton metropolitan area. The federally owned lake, the second largest man-made body of water in California, thus presents unequaled recreational opportunities for the people of northern California's major cities. Yet, even though this Federal lake has been in existence since the mid-1950's, its full recreational potential has never been developed. In a time of increasing public demands for quality recreation, I think it imperative that Congress investigate this unfulfilled potential and attempt to remedy the problem.

BACKGROUND

Lake Berryessa was formed with the construction of Monticello Dam, part of the Solano Reclamation project. It was designed as a flood control and irrigation project, not for recreational purposes. At normal water level, the main body of water is approximately 10 miles long and three miles wide; at this level, the shoreline length is about 170 miles.

However, because of the anticipated seasonal fluctuations of the lake level, it was not believed that the lake would become a major recreation area, and no recreational facilities were provided.

Nevertheless, as the waters began to form behind the partially completed dam, the area began to receive heavy public use. During this period, there were no sanitary or garbage disposal facilities at the lake, and the only access to the lake was by narrow roads which were inadequate for the traffic. Both the National Park Service and the California State Division of Beaches and Parks made studies in the Berryessa area, but neither agency seemed interested in supervising recreational development at the lake. Finally, after abdication or refusal of responsibility by nearly everyone else, a solution was reached. In the spring of 1958, the county of Napa offered to assume responsibility for provision and management of recreational facilities at Berryessa. The management agreement between the county and the Bureau of Reclamation was finally signed on July 31, 1958.

Unfortunately, no funds were provided by the Federal Government for even minimum basic public use facilities, roads, or parking areas of any kind. Therefore, the county contracted with seven private concessionaires who agreed to develop the lake for recreational day use with their own funds, at no cost to the Napa taxpayers.

THE PROBLEM

It was here that the plans for recreational development began to fall apart. The concessionaires were clear in their intentions to make a fair profit; however, the legal requirements spelled out in the concession agreements were thought to be sufficiently strong to guarantee protection of the public interest.

Instead, Mr. President, we find that Lake Berryessa today provides an example of inexcusable mismanagement by the concessionaires, the county of Napa and the Bureau, for their part, must also share much of the blame for their apparent disregard of the control requirements, and even acquiescence in the illegal incursions.

The concessionaires have violated the obligations spelled out in the management agreement and the contracts. Instead of picnic tables, campsites, public beaches, public restrooms, the visitor finds gates, fences, private trailers and prefabricated homes, private security police, and so on. In short, the lake has



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become a private residential area complete with sleazy developments instead of a public recreational center as intended by the original public use plan prepared by the National Park Service. Two-thousand mobile homes have been moved onto the Federal land, despite clear language in the management agreements to the contrary, some of these "mobile" homes have not been moved for as long as 10 years.

Unsurprisingly, in the process of establishing this semipermanent residential community on Federal land, the concessionaires have substantially barred large portions of the public from large portions of the lake.

When I visited Lake Berryessa, I was astonished to see "Private Property, No Trespassing" signs forbidding entrance to what is clearly Federal property. Facilities at some of the resorts are so crowded and congested that slum conditions exist, while there is a complete paucity of facilities at other "free" areas along the shoreline. I saw open, unfenced sewage treatment ponds in some areas where the public use plan called for public beaches and picnic areas. In short, Mr. President, everything at Berryessa seems calculated to discourage the day-use visitor whom the concessionaires were originally contracted to serve.

In June of 1970, an "Environmental early morning memorandum" was filed with the Department of the Interior by a staff member of the Bureau of Sport Fisheries and Wildlife, noting that:

> Recreation developments appear to be geared to benefit a very few with apparent disregard for the needs of the general public.

By late 1970, conditions at the lake had reached such a state that the Bureau of Reclamation at last put out a moratorium on all further developments by concessionaires until the management agreement could be reevaluated. The National Park Service was asked to study the Berryessa area and draft a new plan for recreational development, one which would guarantee the public access to the $50 million resource. Meanwhile, things continued to get worse.

In early 1971, my staff in Washington and San Francisco began an intensive investigation that lasted nearly 6 months. The results of that investigation led me to write Secretary of the Interior, Rogers C. B. Morton requesting an explanation and inviting his comments on an appropriate remedy to the shocking misuse of public lands under the jurisdiction of the Bureau of Reclamation at Berryessa.

In May 1971, the General Accounting Office conducted a survey of Bureau of Reclamation projects which included Berryessa. The results of that survey confirmed my findings—the Bureau concluding that:

> Public recreational facilities at the lake had not been adequately developed, and that . . . contrary to the requirements of the public use plan . . . access to and use of lake Berryessa by the general public was restricted severely by private developments.

In February of this year, I sent another letter to Secretary Morton in which I again expressed my concern over the problems at Lake Berryessa and asked him to answer specific questions concerning operations and management of the lake facilities. The Secretary's response confirmed my position more than ever that definite action was needed.

I ask unanimous consent to insert a copy of my letter and his response in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
*Washington, D.C., February 26, 1973.*

Hon. ROGERS C. B. MORTON,
*Secretary, Department of the Interior*
*Washington, D.C.*

DEAR MR. SECRETARY: Despite repeated denials from Bureau spokesmen in Sacramento, I continue to receive disturbing reports from constituents as to your agency's policies and plans for administration of Lake Berryessa in Napa County, California. These reports have been echoed in the California press. In order to set the record once and for all, therefore, I would appreciate answers to the following questions:

1. Is the development moratorium which the Bureau imposed on the seven concessioners at Lake Berryessa in October, 1970, still in effect?

a. If so, is it being vigorously enforced?

b. If so, have there been violations reported, and what sanctions have been imposed?

c. If so, is there presently any intention within the Bureau to either lift or relax the moratorium this year?

d. If the moratorium is not presently in effect, who made the decision to lift it, when was the decision made, and for what reasons?

2. Does the Bureau presently have any plans to allow the concessioners at Lake Berryessa to introduce more trailers and prefabricated, semi-permanent homes onto federal land?

a. If so, when was this decision made, by whom, and for what reasons?

b. If so, how can this decision be justified in light of the National Park Service's 1971 plan which called for a phasing-out of the trailers over the next five to seven years?

3. Does the Bureau presently have any plans to renegotiate the current management agreement with Napa County and the seven concessioners?

a. If so, what changes are contemplated?

b. If so, is there any intention to delete or substantively amend the "termination clause" in s of the Agreement?

4. What is the current status within the Bureau of the 1971–72 National Park Service Plan for Recreational Development at Lake Berryessa?

Thank you for your assistance in this matter.

Sincerely,

JOHN V. TUNNEY,
*United States Senator.*

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U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., April 25, 1973.*

Hon. JOHN V. TUNNEY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR TUNNEY: This is in response to your letter of February 26, 1973, to Secretary Morton regarding the administration of recreation at Lake Berryessa. We are pleased to provide you with information in reply to the questions posed in your letter.

The Bureau of Reclamation has an agreement with Napa County, originally entered into in 1958 and, subsequently, revised under the date of January 17, 1962, for the management of recreation at Lake Berryessa. This agreement was entered into to take care of the recreating public when no other public agency was willing to accept this responsibility and, at a time, when public funds had not been provided for recreation facilities. The Bureau continues to have a basic responsibility that it cannot ignore at Lake Berryessa, and must find some means of providing for the recreating public until such time as some other plan is put into effect.

You have asked if the development moratorium "which the Bureau imposed on the seven concessioners at Lake Berryessa in October 1970, is still in effect." As previously indicated, the Bureau's agreement is with Napa County which, in turn, has entered into agreements with the seven concessioners at the lake. The Bureau's dealings are with the county rather than with the concessioners. The Bureau notified county representatives by letter dated July 20, 1970, that they should approve no new concession developments or additions until a new management agreement between the Bureau and Napa County was executed and placed in effect. This letter has been referred to as the moratorium. These restrictions have not been removed by the Bureau of Reclamation, and are still being vigorously enforced However, the county, on advice of counsel, has contended on numerous occasions that there is nothing in the 1962 agreement that permitted the Bureau to impose a moratorium.

Although there have been some minor violations of the so-called moratorium, the Bureau, working through the county, has made every effort possible to enforce this restriction, and has had an employee reviewing the area at least once weekly to assure that the concessioners are working within the spirit of writen agreements and understanding. Where violations have been found, the Bureau has called them to the attention of the county asking it to take appropriate action. The Bureau has insisted that where public safety and health was involved certain improvements had to be made. Bureau sanitary engineers have been working very closely with county health authorities to upgrade the sewage treatment facilities in the concession areas. Maintenance services necessary to keep the overall facilities operational and of service to the public have also been permitted.

Recognizing that the ultimate solution to Lake Berryessa recreation needs might take some time and that existing situations must be corrected, the Bureau and the county, in July 1972, jointly began the preparation of a set of standards for the development and management of recreation at the lake. Initially, these standards are intended for all new construction and, ultimately, existing facilities will be upgraded to meet these standards. Considerable progress has been made in this effort. The county has adopted planning, design, construction, operation, and maintenance standards for six important categories of recreation facilities. These standards, as adopted by the county, are in essential agreement with standards jointly developed by the Bureau and Napa County, and reviewed by a representative of the National Park Service.

In the meantime, the Bureau is negotiating with Napa County to amend the existing agreement on an interim basis whereby the concessioners would continue to operate the seven areas with all new construction governed by the new standards developed by the Bureau and Napa County. This interim management agreement was proposed to the county in December 1972. Under the interim agreement, the Bureau would have an active part in the administration of the recreation areas by having a full-time employee stationed at the lake.

This interim agreement also would require each concessioner to develop additional day-use facilities within the concession areas before any additional mobile home spaces could be established. The new interim agreement would partially lift the moratorium, and as additional day-use facilities are provided by the concessioner, additional mobile home spaces would be allowed on a quid pro quo basis so long as all spacing, density, and other upgraded standards are met by the concessioner, and the areas are not needed for other public recreation.

The present arrangement is providing recreation experiences for nearly two million visitors each year. Under the present management agreement, as supplemented by the proposed interim management agreement, and assuming reasonably efficient concession management practices, the concessioners should have an opportunity to operate economically viable enterprises. Until financing is available from some source other than the county or concessioners, it will be necessary for the concessioners to rent space for mobile homes if the concessions are to remain financially solvent, and other concession charges are to be kept at reasonable rates for the general public. It does not seem unreasonable to permit some mobile homes in Government land around Lake Berryessa as long as they do not prevent or seriously interfere with the primary obligation to provide facilities and an environment for other public recreation enjoyment. Occupancy of this Government land must be in conformance with strict standards to assure desirable conditions. It presently appears that public funds will be required for the development of day-use areas outside the concession areas.

The National Park Service Plan for phasing out the trailers over the next 5 to 7 years was based on the premise that Government funds would be provided to purchase the entire investments the concessioners have made in recreational facilities for the lake.

The proposed interim agreement could well be followed by a new management agreement between the Bureau and the county. This, of course, would depend upon a final decision regarding the nature of recreation management of the lake. Any new agreement between the Bureau and Napa County would undoubtedly require revised agreements between the county and the concessioners. All parts of the present agreement would be reviewed and appropriate changes would be made. Certainly, the termination clause will be considered when any new agreement is prepared. The proposed interim management agreement includes the following language: "The Bureau agrees that no action will be taken during the term of this agreement to terminate activities of the county or any concessioner without cause. The Bureau agrees to support enactment of applicable executive and congressional actions, as may be appropriate, to provide for reimbursement to the county of Napa or concessioners at Lake Berryessa for improvements financed by the county or concessioners in the event of the unilateral termination by the Bureau of the agreement of January 17, 1962." Napa County has pointed out on several occasions that the National Park Service has authority to compensate concessioners under circumstances similar to those in the language just quoted.

The National Park Service's Advisory Report dated August 1972 has not been released to the public, as that extensive plan has not been adopted by the Department. Thus, any public release of the report would be highly misleading. This Department has a continuing responsibility to the public at Lake Berryessa. The general public will continue to use the lake whether or not a final plan has been developed. The Bureau has a valid agreement with Napa County, and pending a final solution, it will make every possible effort to correct existing problems and provide the general public with recreation under present authorities.

Sincerely yours,

W. R. WILSON,
*Acting Deputy Assistant Secretary of the Interior.*



Mr. TUNNEY. Mr. President, my bill to designate Lake Berryessa as a national recreation area is a first step toward opening this entire area to the public. However, bringing Lake Berryessa under the control of the National Park Service is not the entire answer. Numerous actions will be necessary to halt the accelerated eutrophication which threatens to destroy the natural beauty of the lake. I have written a letter to Secretary of Interior Morton today which outlines the interim steps which I believe must be initiated while this bill is pending in the Congress. These include the curtailment of expansion plans for existing "resort areas," implementation of a water quality monitoring system, correction of present inadequacies in the sewage treatment system, establishment of a temporary information/orientation facility in the Moskowite Corners area, immediate curtailment of installation of new mobile homes anywhere on the lakeshore, and enforcement of the applicable California health and safety codes in all existing mobile homes. The moratorium on development of mobile home parks was relaxed last month by the Bureau of Reclamation, an action which will only serve to further complicate the problem of restricted public access to the lake and increase the pollution visible in many areas along the shoreline.

In establishing a national recreation area at Lake Berryessa, Mr. President, the Federal Government must assume responsibility for the entire area as soon as possible. This means that the Government must purchase all existing utilities, roads, launching ramps and structures from the present concessionaires, and must provide such services as maintenance, garbage collection, pickup campers, and motorhome facilities. The establishment of adequate day recreation facilities must be the first priority.

My bills calls for the acquisition of land presently under the control of the Bureau of Reclamation. In addition to these lands, I would strongly recommend that the National Park Service consider purchasing the following parcels of land, for reasons specified under each:

A. A series of presently undeveloped parcels of land between Knoxville Road and the lake south of Rancho Monticello to Capell Creek, excluding the large area presently outside the boundary between Sugarloaf Park and Spanish Flat Resort. These 2.5 acres would enable the scenic setting of the lake east of Knoxville Road to be maintained, preclude undesirable strip type development along the east side of Knoxville Road, provide overlooks at appropriate points, and preclude possible management problems.

B. A parcel of land directly south of the Pope Creek Bridge bounded by the highway, the existing boundary, and the Berryessa Park subdivision. These 25 acres would be used to provide access to and parking for the Pope Creek area.

C. A parcel of land south and adjacent to the existing boundary in Wragg Canyon, including but not limited to the existing easement. These 80 acres would accommodate development at South Shore and eliminate management difficulties inherent in the easement.

D. A parcel of land nearly but not exactly coincidental with the existing easement along Putah Creek. These 1,640 acres are necessary to insure compatible shoreline lands in this area. Potential management problems and use conflicts could be avoided when no private lands separate the highway and the park.

G. A parcel including all lands between Knoxville Road and the existing Federal boundary south of the Berryessa Park subdivision, extending south to the point where Knoxville Road and the Federal boundary cross. These 100 acres would accommodate development.

H. A parcel at the northernmost end of the lake along Eticuera Creek, to include but not limited to lands presently under easement. These 1,050 acres would protect the scenic beauty of the area and accommodate development.

I. A parcel directly to the west of parcel "F". These 400 acres would provide access and management protection to development on the heights between Putah Creek and the Lake.

J. A parcel adjacent to the southerly tip of the existing boundary along the creek in Steele Canyon, which is coincidental with the existing easement. These 30 acres are necessary to insure compatible uses of all waters impounded by the Monticello Dam, including surcharge waters, and to eliminate the possibility of management problems.

K. A parcel located in the Moskowite Corners/Capell Valley area (final location to be determined following the adoption of the Wooden Valley/Capell Valley freeway route). These 2–3 acres would accommodate development of an information/orientation/interpretation center, and should be located near or adjacent to the intersection of the freeway and Route 128.

We can no longer permit this beautiful public resource to be exploited for private gain. If we act now, with comprehensive and aggressive action, we can develop Lake Berryessa into the magnificant recreational area it was intended to be.

It is with the firm commitment to making this lake a beautiful recreational facility for all the public to enjoy that I submit the following bill "to establish the Lake Berryessa National Recreation area in the State of California, and for other purposes."

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By Mr. WILLIAMS:

S. 1742. A bill to prohibit the use of leg-hold, steel jaw traps, or other inhumane snaring devices on animals in the United States. Referred to the Committee on Commerce.

THE STEEL JAW TRAP

Mr. WILLIAMS. Mr. President, I am today introducing for consideration by the Senate, a bill which would make it

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the public policy of the United States to prohibit the manufacture, sale, and use of leg-hold, steel jaw and spring traps in this country.

This bill would virtually outlaw the leg-hold, steel jaw traps by prohibiting the shipment into interstate or foreign commerce of fur, leather, and other by-products from animals trapped in any State or nation which permits the use of such devices. It also bans the import of fur, leather, or other byproducts of animals from any and all foreign countries which have not banned the manufacture, sale, and use of these traps. I believe that this bill will effectively eliminate these barbaric traps, not only in this country, but also in other countries which desire to export fur and leather to the United States.

The bill would, however, allow farmers and other landowners to protect their property and livestock or domestic animals against damage from predators.

Unfortunately, steel jaw traps make no distinction between the wild animals for which they are intended and someone's pet dog or cat or even a child.

The Humane Society of the United States special report on trapping clearly points out the need for this legislation, as it describes the pain and suffering inflicted upon an animal unfortunate enough to step into one of these torturous devices.

Mr. President, at this point in my remarks, I ask unanimous consent to include the text of the above-mentioned report.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE STEEL JAW IS ONE OF THE CRUELEST DEVICES INVENTED BY MAN

Every year several million American wild animals are killed for their fur by trappers. Most of them die slowly and painfully, after having a leg or a paw caught in a powerful steel jaw (or leghold) trap.

The steel jaw trap is one of the cruelest devices invented by man. It can be hidden under grass along a well-trodden animal path, under water, or among the leaves of a tree. When triggered by an animal's weight, the heavy steel jaws spring shut over a paw or a leg with such force that bones are sometimes broken. Some leghold traps contain sharp steel teeth that pierce all the way through flesh and muscles

As the animal realizes he is trapped, his fear mounts to the point of panic. He bites frantically at the trap, often breaking his teeth. He twists and pulls his leg to free himself, increasing the pain even more. As the pain becomes unbearable, many animals completely chew or twist off their own legs to free themselves. They then face death from loss of blood, gangrene, or infection. At best, they will spend the rest of their lives at the mercy of predators because of their reduced mobility.

For the ones that remain in the traps, hunger and thirst soon set in. Because most animals are trapped in winter when their furs are in prime condition, the victims are exposed to the cold and often soaked by rain and snow. Their tongues sometimes get stuck against the cold steel as they try to free themselves. And, in his helpless situation, the trapped animal often finds himself at the mercy of a predatory animal who soon senses his victim's inability to flee or defend himself.

A trapper who checks his traps frequently at least offers an end to his victim's misery. But few people work at trapping full time today, and, although 16 states require checking traps in 24 hours or less, such laws are almost impossible to enforce. Consequently, the suffering drags on until the animal loses consciousness or is killed by a predator.

On top of all this, the steel jaw trap is not selective. It will spring shut on a non-target animal as quickly and as painfully as on the animal desired. For example, ducks often use ponds built by beavers as feeding grounds and, consequently, get caught in beaver traps that crush their legs or break their necks. Dogs and cats are often caught in the traps, too, especially near urban areas. The Humane Society of the United States assisted in the rescue of a German Shepherd who had caught two legs in a trap set for muskrats outside Washington, D.C. One leg and part of a second one had to be amputated. The number of non-target animals caught is often as high as double a trapper's total useable catch. These "trash animals," as trappers call them, are merely discarded, having been tortured and killed for no reason.

Furthermore, the catching of a mother in a trap is likely to result in the starvation of an entire litter. And, because there are no seasonal limits to trapping, pregnant animals are often killed, resulting in the useless destruction of many unborn animals.

Forty-eight of the 50 states still permit this barbaric method of catching animals. With the opening of new territories in the early 19th century, the steel jaw trap was introduced as an expedient method of obtaining food and building a base for commercial trading. This practice is as unjustified in the 1970s as the use of a torture chamber or a guillotine.

The Humane Society of the United States believes there is no justification for the taking of any wild animal when the motive is merely fashion or decoration. The synthetic fur industry has developed fabrics that look so much like the real thing that only the experienced eye can tell the difference. And mink ranchers have demonstrated that they can raise and kill animals in captivity without causing suffering or fear.

Yet there are enough Americans still buying the skins of wild animals to maintain a market for any American who wants to earn a few extra dollars by trapping. Sadly, a large percentage of trappers today are students, who find the irregular hours required for trapping convenient to their schedules.

Many trappers claim their work is necessary to reduce surplus populations of certain wild animal species and to control disease. The Humane Society can find no justification for such statements. On the contrary, trapping often *causes* infection and disease when animals twist or chew off their paws to escape.

Most trappers regard themselves as lovers of nature, including the very animals they trap. Veteran trappers are eager to teach trapping to their children at an early age. The Humane Society believes that exposing children to the torture of animals will desensitize them to the feelings of other living creatures. It deplores the U.S. Department of the Interior's telling you, in *Trapping Tips for Young Trappers*, that trapping is "wholesome outdoor recreation" and "deep-seated American Tradition."

A YEAR'S CATCH

Almost 6.5 million wild animals were trapped in 1971 in the 42 states that voluntarily reported to the U.S. Department of the Interior: 7,941 badgers, 12,245 ringtail cats, 85,944 beavers, 12,235 bobcats, 47,563 coyotes, 2,431 fishers, 123,989 foxes, 218 Canadian lynxes, 764 martens, 114,453 minks, 3,714,988 muskrats, 1,253,066 nutrias, 100 394 opossums, 15,954 otters, 930,050 raccoons, 11,423 skunks, 5,073 weasels.

Mr. WILLIAMS. My own State of New Jersey recently banned the use of the steel jaw, leg-hold trap in urban counties of the State and I am hopeful that the bill I am introducing today will be acted upon without delay, in order that we may see an end to this unnecessary cruelty throughout the United States.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1742

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

DECLARATION OF POLICY

SECTION 1. (a) It is hereby declared to be the public policy of the United States to discourage the needless maiming and suffering inflicted upon wild animals by the use of leg-hold or steel jaw traps; and

(b) In furtherance of this general policy, it shall also be the public policy of the United States to prohibit the manufacture, sale, and use of leg-hold, steel jaw, and spring traps in the United States.

PROHIBITION

SEC. 2. (a) No fur, leather, or other by-products, whether raw or in finished form, shall be shipped into interstate or foreign commerce if such fur, leather, or other by-products come from animals trapped in any state or nation where such traps and devices are used.

(b) The Secretary of State shall ban all imports of fur, leather, or other byproducts from animals from any and all foreign countries which have not banned the manufacture, sale, and use of such leg-hold, steel jaw, or spring traps.

CURRENT LIST

SEC. 3. The Secretary of State shall compile, publish, and keep current a list of foreign countries which have not banned the manufacture, sale, and use of leg-hold, steel jaw, and spring traps.

PENALTIES

SEC. 4. Anyone shipping or receiving fur, leather, or other byproducts in contravention of section 2 of this Act shall, for the first offense, be fined not more than $2,000; for the second or subsequent offenses, he shall be fined not more than $5,000 and imprisoned for not more than one to three years.

EFFECTIVE DATE

SEC. 5. The provisions of this Act shall become effective one year after the date of its enactment.

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By Mr. SPARKMAN (for himself and Mr. TOWER) (by request):

S. 1743. A bill to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities. Referred to the Committee on Banking, Housing and Urban Affairs.

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By Mr. SPARKMAN:

S. 1744. A bill to provide Federal assistance to local governments in support of community development activities. Referred to the Committee on Banking, Housing and Urban Affairs.

COMMUNITY DEVELOPMENT BILLS

Mr. SPARKMAN. Mr. President, I am introducing two alternative bills to establish a new program of Federal assistance to the Nation's communities for urban development.



The one bill entitled "The Better Communities Act" I am introducing by request for myself and the distinguished senior Senator from Texas (Mr. TOWER). This bill, which was sent to the Congress by Hon. James T. Lynn, Secretary of Housing and Urban Development, on April 20, would carry out the President's recommendations in his message to the Congress of March 8, 1973, on community development. It is one of several special revenue sharing proposals that the President is submitting to the Congress as part of his legislative program for 1973. According to the President's message, the bill would provide $2.3 billion a year, beginning July 1, 1974, to communities to be spent as they desire to meet their community development needs. It would replace seven existing categorical grant and loan programs, retain existing levels of Federal funds to communities by a hold-harmless provision, upgrade the role of State governments by delegating to them the authority of distributing part of the funds, assure a specific level of funding by formula for metropolitan cities and urban counties, and reduce Federal redtape by distributing the funds automatically to units of local government without the requirement of an application.

The other bill I am introducing is identical with the provisions of chapter III of S. 3248, which the Senate passed early last year by a vote of 80 to 1. The only change is the dates of reference in view of an anticipated passage in 1973 rather than 1972.

Last year's provisions grew out of a bill, S. 2333, which I introduced in 1971 to bring about a consolidation of existing community development programs into a single block-grant program. Our committee had before it both S. 2333 and S. 1618, the administration's special revenue sharing community development bill sent to the Congress in 1971. The resulting product, developed by the committee after extensive hearings and many hours of committee meetings in executive sessions, has provisions from both bills, but basically contains the block-grant principles of S. 2333.

Some of the same issues considered by the committee in connection with last year's bill will be before us again this year. However, much has happened in the last year; and I know that the committee will want to take a new look at each of the issues and make independent judgments to develop legislation for recommendation to the Senate this year. The important differences between the two bills follow:

1. REVENUE SHARING

The principle of special revenue sharing has not yet been accepted by the Congress. It carries with it a transfer of responsibility for meeting national objectives from the Federal Government to local governments with no built-in means for directing or evaluating how the Federal funds are spent, other than a postaudit for accounting and auditing purposes. Under the administration bill, communities would be automatically eligible regardless of plans or national goals, the only requirement being a 60-day time period for local comment and a requirement to meet Federal civil rights and other laws.

The Senate-passed bill of last year had a number of built-in requirements to insure that eligibility would be limited to those communities preparing and implementing plans to meet the national objectives spelled out in the law. This obviously would require HUD review and some delays. The committee would probably want to reexamine its decision of last year which required an application and a year-end review to seek a procedure which minimizes the inevitable bureaucratic application approvals, while at the same time insuring that the program is being administered to meet community development national objectives and not just to reduce local taxes or other purely parochial, partisan or narrow local objectives not considered in the public interest.

2. HUD PROGRAMS REPLACED

The major program difference between the two bills is that the administration bill proposes to terminate the model cities and the rehabilitation loan programs, while last year's bill does not. Last year's Senate bill contemplated the eventual inclusion of the model cities program into the new program, so I see no problem over model cities. However, the termination of the rehabilitation loan program proposed by the administration this year appears to leave a serious gap in the tools for an effective rehabilitation program.

3. FUNDING LEVELS

Last year's Senate bill authorized $5.9 billion in contract authority over a 2-year period of time, fiscal years 1974 and 1975. Such contracts could be liquidated subject to an appropriation act by a maximum of $2.7 billion in fiscal year 1974 and $3.2 billion in fiscal year 1975.

The administration's bill would authorize an appropriation of $2.3 billion for fiscal year 1975 with an equal amount contemplated for each of the 4 years thereafter. Considering the inclusion of the model cities program in the administration bill, which last year was at a program level of $600 million, the sharp reduction in the proposed funding becomes quite apparent.

4. ADVANCE FUNDING

Last year's bill contemplated a 2-year advance funding program to insure continuity from year to year. Two-year contracts would be made by the Secretary which would be renewed each year in order to provide for continuing support on a 2-year cycle subject to adequate contract performance.

5. BASIC ENTITLEMENT FOR METROPOLITAN CITIES AND URBAN COUNTIES

The administration's bill would establish a different allocation procedure than the one approved in last year's Senate bill; however, the basic provisions for hold-harmless and the primary distribution of program funds to metropolitan cities in accordance with population size and need would be retained. Entitlement for large metropolitan counties was not covered in last year's bill, but I see no problem in having such counties included.

The distribution of funds through the States rather than by HUD for small communities proposed by the administration is a new proposal that needs to be considered by the committee. Last year's bill made States eligible for funds to carry out community development funds, whereas the administration's bill would contemplate them only as passive distributors of funds. Considerable work needs to be done on the computers to insure that the formula for basic entitlement of funds and hold-harmless provisions are equitable and fair.

6. HOUSING

The administration's bill makes no provision to insure that a recipient community would undertake a program to meet its housing needs as part of its community development efforts. Also, no provision is made in the administration bill to meet the statutory requirement for relocation housing for families displaced by this program or, in fact, by any other current Government program.

Last year's Senate bill not only contemplated a prerequisite plan to meet housing needs, but also a plan to carry out programs to eliminate slums and blight and to improve and upgrade community services and facilities in areas affected by community development programs.

7. LOANS

No provision is made in the administraton bill for Federal support to enable a community to borrow funds at reasonable rates to carry out costly development programs like urban renewal. The bill merely recognizes the right of the community to use whatever financial mechanisms that are available.

Last year's bill made provision for Federal loans to States and communities for planning and operating activities. Our committee has been told that without federally supported loan funds, any substantial development or redevelopment program would not be feasible for most U.S. communities. Land acquisitions, for example, under urban renewal have been largely financed with temporary loans locally issued, but backed by a Federal loan commitment.

Mr. President, you can see that there are many fundamental issues that need to be ironed out. Most of the issues were considered last year, so they are not new to the committee. I have introduced both bills to lay before the committee and the Senate the choices before us and to solicit comments from the public and users of the programs well in advance of hearings. To speedup consideration of a community development bill that will be acceptable to the committee and the Congress and, I hope, to the administration, I am having extensive work done to update the provisions of chapter III of last year's bill. I want an updated bill which will reflect the testimony submitted to the Housing Subcommittee in the recent oversight hearings; also, the current thinking of the administration as indicated in supporting material of its Better Communities Act, which I am also introducing today by request. An example of provisions to be added are those proposed by the administration, which I am sure the committee will support, to

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add model cities to the list of categorical programs replaced and the addition of a special allocation for urban counties.

Another reason for introducing last year's community development provisions as a separate bill at this time is the concern I have that mayors and other community leaders are being confused by the current distribution of proposed revenue-sharing funds coming out of the administration's nationwide drive to inform the public on the terms of its revenue-sharing better communities bill. Many Members of Congress are receiving calls complaining about the figures on the assumption that they are final, are, in fact, approved by the Congress. By having my bill introduced as an alternative I hope to eliminate this speculation, making it clear that there is an alternative and that Congress has not yet acted on the matter.

Mr. President, the Congress is facing a very important policy issue at this time involving the reestablishment of Federal programs for housing low- and moderate-income families which were cut off by the President in early January of this year. Over 4 months have gone by and no acceptable plan has been advanced for reinstating these programs or developing new ones. I am fearful that, at the rate we are going, the President's original 18-month moratorium may end up as a 24-month moratorium or longer. The President sent a message to the Congress on March 8 in which he promised to send a report to the Congress in 6 months—that is, by September 8—on his policy recommendations based upon the results of a major study he is making of the housing subsidy programs. Presumably based on these recommendations, some legislative action could be taken at some later date to reinstate Federal subsidy programs, or it is possible that the recommendations would not favor any such program at this time. This latter possibility is credible in view of the lack of housing subsidies for new programs in either the fiscal year 1974 budget or projected fiscal year 1975 budget estimates.

Mr. President, I do not believe that Congress should hold up our normal procedure and wait for this indefinite product. We must remember the long lead-time required to initiate programs. Cutting off programs is so simple compared with reinstating or initiating new ones. Once the authorizing legislation is passed, appropriations must be made, regulations must be written and communities and sponsors need time to prepare for program funds, apply for assistance and finally initiate action at the local level.

I believe that Congress has the responsibility for enacting legislation this year to have the authorization ready for the President's fiscal year 1975 budget message and, even more important, to insure its consideration by the Congress under the new budget procedures recently recommended by the Joint Study Committee on the Budget which would require authorizations 1 year in advance. Any authorization approved by Congress during early calendar year 1974 would have little chance of being included in an appropriations act for fiscal year 1975.

Mr. President, I have another strong feeling about our pending legislation, which I believe would be strongly supported by Members of the Congress; that is, that a community development bill without provision for housing subsidies would be a disservice to our communities and to our needy and ill-housed families. These programs should go together and I propose to move ahead with the preparation of housing legislation to accompany the community development bill. I have already taken steps to draft such a bill consistent with the testimony received in our recent oversight hearings. I hope that our work in drafting a new housing bill can be completed and hearings held on both the housing legislation and the community development legislation this summer. This would give adequate time for passage of legislation in both the Senate and the House this fall.

This is my plan. I have every reason to believe we can meet the schedule I have outlined. I believe that Congress owes this to the Nation and must proceed as rapidly as possible, hopefully bringing the administration along, but proceeding in any event to meet our congressional responsibility.

Mr. President, there is one more matter which I should add here, that is, that we expect to concur with the House in passage of a simple extension bill before the June 30, 1973, deadline for FHA and many of our programs. It has been proposed that such an extension bill extend both dates and funding authority, leaving an option to the Appropriations Committees to appropriate funds for fiscal year 1974 to carry certain programs through until the new programs can be implemented on July 1, 1974. I support that plan.

Mr. President, I ask unanimous consent that the two bills I am introducing today, with section-by-section summaries thereof, be printed in the RECORD.

There being no objection, the bills and summaries were ordered to be printed in the RECORD, as follows:

S. 1743

A bill to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Better Communities Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) States and units of general local government are the most appropriate levels of government to develop and to carry out community development programs and activities.

(2) Federal assistance for community development is presently so excessively fragmented and controlled at the Federal level, channeled through so many separate overlapping and independent grant programs, and to so many different special purpose bodies and agencies that it has become an ineffective use of the Federal funds devoted to assistance for community development.

(3) The effectiveness of Federal assistance for community development would be improved by making Federal resources allocated for such purposes available to States and units of general local government to use with broad discretion in light of their evaluation of their own community development needs and the resources available to them to meet those needs:

(b) It is therefore the purpose of this Act to help States and units of general local government to deal more effectively with the broad range of community development concerns by replacing inflexible and fragmented categorical programs of Federal assistance with a simpler, more certain, and more expeditious system of Federal revenue sharing assistance which will encourage the exercise of State and local responsibility.

DEFINITIONS

SEC. 3. (a) As used in this Act—

(1) the term "Secretary" means the Secretary of Housing and Urban Development;

(2) the term "unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions recognized by the Secretary; the District of Columbia; and the Trust Territory of the Pacific Islands;

(3) the term "State" means any State of the United States; the Commonwealth of Puerto Rico; Guam; Samoa; and the Virgin Islands.

(4) the term "metropolitan area" means a standard metropolitan statistical area as established by the Office of Management and Budget;

(5) the term "metropolitan city" means a city having a population of 50,000 or more or a central city in a metropolitan area;

(6) the term "urban county" means any county which is within a metropolitan area and which has a population of 200,000 or more, excluding the population of metropolitan cities therein;

(7) the term "population" means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

(8) the term "extent of poverty" means the number of persons whose incomes are below the poverty level, as determined by the Secretary pursuant to the definition provided by the Office of Management and Budget, and based on data referable to the same point or period in time;

(9) the term "extent of housing overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled by the United States Bureau of the Census and referable to the same point or period in time; and

(10) the term "fiscal year" means that period of time extending from July 1 of any calendar year through June 30 of the subsequent calendar year and receiving the numerical designation of the calendar year in which the period ends.

(b) To the extent practicable, the definitions in subsection (a) shall be based upon the most recent data compiled by the United States Bureau of the Census and the latest published circulars of the Office of Management and Budget. The Secretary may by regulation make technical modifications in the terms defined in subsection (a) where necessary to reflect modifications in Bureau of the Census data categories made subsequent to enactment of this Act.

COMMUNITY DEVELOPMENT ACTIVITIES ELIGIBLE FOR ASSISTANCE

SEC. 4. Community development activities for which a recipient may utilize shared Federal revenues provided under this Act may include—

(1) acquisition of real property (including air rights, water rights, and other interests therein) which is (i) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth, (ii) necessary for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development, (iii) determined to be appropriate for rehabilitation or conservation activities, (iv) to be used for the provision of public works, facilities, and improvements eligible for assistance under this Act, or (v) for other public purposes;

(2) relocation payments and assistance for individuals, families, businesses, nonprofit organizations, and farm operations displaced by community development activities;

(3) clearance, demolition, removal, and rehabilitation of buildings and improvements (including financing rehabilitation of privately owned properties when incidental to other activities);

(4) acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements—including water and sewer facilities, community and neighborhood facilities, historic properties, utilities, streets, street lights, foundations and platforms for air rights sites, pedestrian malls and walkways, parks, and playgrounds;

(5) elimination, by code enforcement and other means, of harmful physical conditions constituting a danger to public health and and safety;

(6) disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this Act or its retention for public purposes; and

(7) the provision of community services (including activities to further the purposes of section 9(a)) which the recipient determines are necessary to achieve its community development objectives.

STATEMENTS OF COMMUNITY DEVELOPMENT ACTIVITIES

SEC. 5. (a) Prior to the first receipt in any fiscal year of funds by any State or by any unit of general local government under Section 7, the recipient of such funds shall have prepared a final statement of community development objectives and projected use of funds for such fiscal year and shall have provided the Secretary with the certification required in the last sentence of this subsection. The statement shall also reflect the degree to which activities assisted under this Act relate to any State and area wide programs and activities for community development. In order to permit public examination and appraisal of community development projects and activities proposed to be carried out with shared revenues, to enhance the public accountability of recipients of funds and to facilitate coordination of activities with different levels of government, at least 60 days prior to preparation of a final statement, a proposed statement shall be published in such manner as to afford the citizens of such State or unit of general local government a reasonable opportunity to examine its content and to submit comments on the proposed statement. In preparing the final statement, the recipient shall consider any such comments and may, if deemed appropriate by the recipient, modify the proposed statement. The final statement shall be made available to the public, and a copy shall be furnished to the Secretary (and, in the case of any recipient unit of general local government, to the Governor of the State in which it is located as well) together with a certification that the recipient is in full compliance with the publication requirements of this subsection as well as the other provisions of the Act.

(b) With respect to funds to be received in fiscal year 1975, the requirements of subsection (a) may be met by actions taken prior to the effective date of this Act.

(c) Within 60 days after the close of any fiscal year in which the recipient receives funds under this Act, the recipient shall make public and shall forward to the Secretary a report concerning the community development projects or activities paid for or expected to be paid for in whole or in part by funds received under Section 7 which were initiated or carried out during the then preceding fiscal year. The report shall include an assessment of such activities in relation to the community's development objectives.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. For the purpose of carrying out this Act there are hereby authorized to be appropriated, without fiscal year limitation, such sums as may be necessary for fiscal year 1975 and the four succeeding fiscal years.

ALLOCATION AND DISTRIBUTION OF FUNDS

SEC. 7. (a)(1) From the funds provided in any fiscal year from appropriations to carry out this Act, the Secretary shall pay to each metropolitan city and urban county an aggregate amount equal to the greater of its formula entitlement, as computed under paragraph (2), or its hold-harmless amount, as computed under paragraph (3).

(2)(A) Subject to subparagraph (C), the Secretary shall compute the formula entitlement of each metropolitan city or urban county by allocating 65 per centum of the total of the funds made available in the fiscal year from appropriations to carry out this Act so that each metropolitan city or urban county is allotted an amount which bears the same ratio to such 65 per centum as the average of ratios among—

(i) the population of the city or urban county and that of all metropolitan cities and urban counties;

(ii) the extent of poverty in the city or urban county and that in all metropolitan cities and urban counties; and

(iii) the extent of housing overcrowding in the city or urban county and that in all metropolitan cities and urban counties.

(B) In applying subparagraph (A), the ratio involving the extent of poverty shall be counted twice for purposes of determining the average ratio, and urban counties shall be considered as if they did not include metropolitan cities. For fiscal years 1975 and 1976, in computing entitlements under subparagraph (A), the Secretary shall exclude from urban county data the population, poverty and housing overcrowding data from units of general local government which are located in such counties and which qualify for hold-harmless funds. For fiscal year 1977, he shall exclude two-thirds of such data and for fiscal year 1978 he shall exclude one-third of such data.

(C) During the first three years for which funds are allocated under this Act, the entitlement of a metropolitan city or urban county as computed under the two preceding subparagraphs shall be adjusted as provided in this subparagraph if the amount so computed for the first year exceeds the city's or county's hold-harmless amount as determined under paragraph (3) of this subsection. Such adjustment shall be made so that—

(i) the entitlement for the first year equals one-third of the full entitlement computed under subparagraph (A), or the hold-harmless amount, whichever is the greater,

(ii) the entitlement for the second year equals two-thirds of the full entitlement computed under subparagraph (A), or the hold-harmless amount or the amount allowed under clause (i) of this subparagraph, whichever is the greatest, and

(iii) the entitlement for the third year equals the full formula entitlement computed under subparagraph (A).

(3)(A) The hold-harmless amount of each metropolitan city or urban county shall be determined on the basis of prior grants or other assistance the city or county has received. During fiscal years 1975 and 1976, such amount shall be the full amount computed for the city or county in accordance with subparagraph (B) of this paragraph. In fiscal years 1977, 1978 and 1979, if such amount is greater than the formula entitlement of the metropolitan city or urban county for that year, as computed under subparagraph (A) of subsection (a)(2), it shall be reduced so that—

(i) in fiscal year 1977, the excess of hold-harmless over the formula entitlement shall equal two-thirds of the difference between the amount computed under paragraph (B) and the formula entitlement for such year,

(ii) in fiscal year 1978 the excess of hold-harmless over the formula entitlement shall equal one-third of the difference between the amount computed under paragraph (B) and entitlement for such year, and

(iii) in fiscal year 1979 there shall be no excess of hold-harmless over formula entitlement.

(3)(B) The full hold-harmless amount of each metropolitan city or urban county shall be the sum of (i) the sum of the average during the five fiscal years ending prior to July 1, 1972, of (1) commitments for grants pursuant to part A of title I of the Housing Act of 1949; (2) loans pursuant to section 312 of the Housing Act of 1964; (3) grants pursuant to section 702 and 703 of the Housing and Urban Development Act of 1965; (4) loans pursuant to title II of the Housing Amendments of 1955; and (5) grants pursuant to title VII of the Housing Act of 1961; and (ii) the average annual grant made in accordance with part B of title I of the Housing Act of 1949 during fiscal years ending prior to July 1, 1972, or during fiscal year 1973 in the case of a metropolitan city or urban county which first received a grant under part B of title I in such fiscal year. In the case of a metropolitan city or urban county program under section 105 of title I of the Demonstration Cities and Metropolitan Development Act of 1966 which has been funded or extended in fiscal year 1973 for a period ending after June 30, 1973, determinations of the hold-harmless amount of such metropolitan city or urban county shall be made so as to include, in addition to the amounts specified in clauses (i) and (ii) of the preceding sentence, an amount equal to the average annual grant (excluding grants for Planned Variations) made during the fiscal years ending prior to July 1, 1972, in accordance with such section, except that such amount shall be added annually only for a number of years which, when added to the number of funding years for which the city or county received grants under section 105 of title I of the Demonstration Cities and Metropolitan Development Act of 1966, equals five. For the purposes of this subparagraph the average annual grant under part B of title I of the Housing Act of 1949 and section 105 of title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall be established by dividing the total amount of grants made to a participant under the program by the number of months of program activity for which funds were authorized and multiplying the result by twelve.

(C) In making determinations under subparagraph (B), of this paragraph (3), the Secretary, in the case of urban counties, shall exclude grants or other assistance extended to metropolitan cities and other units of local government within those counties. He shall also exclude from determinations under subparagraph (B), grants or loans made to assist in recovery from natural disasters, and grants made to assist in the initial implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

(b)(1) From the funds provided in any fiscal year from appropriations to carry out this Act, the Secretary shall pay such hold-harmless amount if any, as may be deter-



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minable under subsection (a)(3) to any unit of local government which is not a metropolitan city or urban county, if on June 30, 1974, it was carrying out a model cities program under title I of the Demonstration Cities and Metropolitan Development Act of 1966, or if during fiscal year 1968 or any subsequent fiscal years preceding the date of the enactment of this Act, one or more urban renewal projects or neighborhood development programs were being carried out by such unit of general local government pursuant to commitments for grants or grants entered into or made during such period of fiscal years under title I of the Housing Act of 1949.

(2) In fiscal years 1977, 1978 and 1979, in determining the hold-harmless amount of units of general local government qualifying under this subsection, the third sentence of subparagraph (A) of subsection (a)(3) shall be applied as though such units were metropolitan cities or urban counties with entitlements of zero.

(c)(1) From the funds available from appropriations to carry out this Act that are not paid in any fiscal year to metropolitan cities, urban counties or other units of general local government (other than funds that are not paid and become available for other uses in fiscal year 1977 and subsequent fiscal years solely by virtue of the operation of the third sentence of paragraph (A) of subsection (a)(3), which funds shall be allotted in accordance with subsection (e) of this section), the Secretary shall pay to States 90 per centum of such funds in accordance with paragraph (2) of this subsection. The sums paid to any State under this subsection shall be available for use for community development purposes in that State, subject to the provisions of paragraph (3).

(2)(A) From the amounts allocated under paragraph (1), the Secretary shall pay to each State an amount which bears the same ratio to the amount available for allocation to all States as the average of ratios among—

(i) the population of metropolitan areas in the State and that in metropolitan areas in all States;

(ii) the extent of poverty in metropolitan areas in the State and that in metropolitan areas in all States; and

(iii) the extent of housing overcrowding in metropolitan areas in the State and that in metropolitan areas in all States.

(B) In applying subparagraph (A), the ratio involving the extent of poverty shall be counted twice in determining the average of ratios, and metropolitan areas shall be considered as though they did not include metropolitan cities.

(3) To receive funds under this subsection a State must certify through its Governor that in the distribution or use of funds there will be made available to units of general local government in each metropolitan area, with no deduction for State administrative costs, an amount which is equal to at least 50 per centum of the amount, if any, of the allocation to the State under paragraph (2) which is attributable to inclusion of data pertaining to population, poverty and housing overcrowding in that metropolitan area. Funds not used in or made available to particular metropolitan areas pursuant to the preceding sentence shall be available for distribution by the Governor to units of general local government in the State and may also be used, in a reasonable amount, subject to regulations of the Secretary, for administrative expenses incurred by the State in carrying out this Act.

(4) In the case of a metropolitan area extending to two or more States, the portion of such area in each State shall be deemed a metropolitan area for purposes of this subsection.

(d) The funds made available from appropriations for carrying out this Act which are not provided for and used pursuant to any of the preceding subsections of this section, of which are allotted but not paid pursuant to subsection (e)(2) of this section, shall be available to the Secretary for payments to States and units of general local government, subject to such terms and conditions as he may prescribe, or for such other uses as the Secretary may determine are consistent with the purposes of this Act including evaluation, directly or by contract or otherwise, of the use of shared revenues disbursed under this Act.

(e) Funds which become available in fiscal year 1977 and subsequent fiscal years by virtue of the third sentence of paragraph (A) of subsection (a)(3) shall be allotted as follows:

(1) Ten per centum of such sums shall be allotted to the Secretary for use in accordance with subsection (d) of this section;

(2) The balance of such sums shall be allotted so that—

(A) one-third is allotted among metropolitan cities and urban counties in the same manner as funds are allotted under subparagraph (A) of subsection (a)(2);

(B) one-third shall be allotted among the States in the same manner as funds are allotted under paragraph (A) of subsection (c)(2) but without regard to the exclusion for metropolitan cities provided for in subparagraph (B) of such subsection, and shall be available in each State for distribution only in metropolitan areas, with each such area being entitled to the amount of the State's allotment which is attributable to inclusion of data pertaining to population, poverty and housing overcrowding in that metropolitan area;

(C) one-third shall be allotted among the States in the same manner as funds are allotted under clause (B) of this paragraph (2) and shall be available to the Governors for distribution to any unit of general local government and for other uses in accordance with the second sentence of subsection (c)(3).

(3) No amount allotted under paragraph (2)(A) of this subsection shall be paid in any fiscal year to any metropolitan city or urban county if such payment would result in such city or county receiving an aggregate amount pursuant to this subsection and subsection (a) of this section which is in excess of its full hold-harmless amount as computed under subparagraph (B) of subsection (a)(3), except that this limitation shall not apply with respect to any city or county if the sum of the amount allotted under such paragraph (2)(A) and the formula entitlement as computed under subparagraph (A) of subsection (a)(2) exceeds such full hold-harmless amount.

(f) All computations and determinations by the Secretary under this section shall be final and conclusive.

LOANS

SEC. 8. Nothing in this Act shall be deemed to prohibit a unit of general local government from obtaining loans to finance any community development activity, and from pledging, or offering as security for a loan, any asset which it otherwise has authority to pledge or offer as security.

NONDISCRIMINATION

SEC. 9. (a) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

(b) Whenever the Secretary determines that a recipient has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State or, in the case of a unit of general local government which has not received shared revenues from the State, the chief executive of such unit of local government, of the noncompliance and shall request the Governor or the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the Governor or the chief executive officer fails or refuses to secure compliance, the Secretary is authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); (3) to exercise the powers and functions provided for in section 15 of this Act; or (4) to take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

LABOR STANDARDS

SEC. 10. All laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project financed in whole or in part with shared revenue funds received under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). This section shall apply to the construction of residential property only if such residential property is designed for residential use for twelve or more families. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

MATCHING GRANTS

SEC. 11. (a) Funds provided under this Act may be used by a recipient as its non-Federal share under any Federal program providing assistance for community development activities.

(b) Neither the Secretary nor any State shall require any matching or other expenditure of State or local funds as a condition to assistance under this Act.

USE OF SHARED REVENUE TO CLOSE OUT URBAN RENEWAL PROJECTS

SEC. 12. The Secretary is authorized, notwithstanding any other provision of title I of the Housing Act of 1949, or of this Act, to terminate any urban renewal project being carried out under such title as soon as practicable after consultation with the agency carrying out the project and the chief executive of the locality in which it is located, and to effect a financial closeout as if the project had been fully completed on the termination date. Any funds available to such project at the time of closeout will continue to be available to the unit of general local government for the area in which the project is located for use in meeting its statement of community development objectives and projected use of funds. Such closeout shall be based upon the costs incurred and capital grants earned for the project to the date of termination. If such closeout does not result in full repayment of the principal of, and accrued interest on, any temporary loans made under title I for the project, the Secretary is authorized, notwithstanding any other provision of this act, to condition distribution of funds pursuant to section 7 of this Act to the unit of general local government for the area in which the project is located, upon



the use of such funds, in such amounts, and staged over such time periods as the Secretary deems appropriate, to repay such temporary loans.

RECORDS, AUDIT, AND REPORTS

SEC. 13. In order to assure that revenues shared under this Act are used in accordance with its provisions, each recipient shall—

(1) use such fiscal, audit, and accounting procedures as may be necessary to assure (A) proper accounting for payments received by it, and (B) proper disbursement of such payments;

(2) provide to the Secretary and the Comptroller General of the United States access to, and the right to examine, any books, documents, papers, or records as he requires; and

(3) make such reports to the Secretary or the Comptroller General of the United States as he requires.

RELOCATION

SEC. 14. (a) Sec. 217 of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (42 U.S. 4601) is amended by—

(1) Striking out "or" after "Housing Act of 1949, as amended"; and

(2) adding, "or as a direct result of any community development activities, 25 percent or more of the cost of which is paid for with shared revenue funds received under the Better Communities Act" after "Demonstration Cities and Metropolitan Development Act of 1966".

(b) Notwithstanding section 211 of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (42 U.S.C. 4601) or any other provision of law, no Federal contribution in addition to shared revenue funds under this title shall be made to recipients for costs incurred in providing relocation payments and assistance for those displaced by community development activities assisted under this Act.

REMEDIES FOR NONCOMPLIANCE

SEC. 15. (a) If the Secretary, after reasonable notice and opportunity for hearing finds that a recipient of revenues shared under this Act has failed to comply substantially with any provision of this Act, the Secretary, until he is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to such State under this Act, or

(2) reduce payments under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act, or

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

(b)(1) In lieu of, or in addition to, any action authorized by subsection (a), the Secretary may, if he has reason to believe that a recipient has failed to comply substantially with any provision of this Act, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

(2) Upon such a referral the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover revenues shared under this Act which were not expended in accordance with it, or for mandatory or injunctive relief.

(c)(1) Any recipient which receives notice, under subsection (a), of the termination, reduction, or limitation of revenues shared may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

(2) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

GENERAL PROVISIONS

SEC. 16. (a) The Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act.

(b) The Secretary shall include an evaluation of the effectiveness of this Act in his annual report to the President on departmental activities required by section 8 of the Department of Housing and Urban Development Act.

(c) Each recipient shall provide for the expenditure of amounts received under this Act only in accordance with the laws and procedures applicable to the expenditures of its own revenues.

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 17. (a) This Act shall be effective upon enactment but no funds shall be allocated under section 7 for any year prior to fiscal year 1975.

(b) Except with respect to projects and programs for which funds have been previously committed, no new grants or loans shall be made under (1) section 312 of the Housing Act of 1964, (2) section 702 or section 703 of the Housing and Urban Development Act of 1965, (3) loans pursuant to title II of the Housing Amendments of 1955, (4) title VII of the Housing Act of 1961, or (5) title I of the Demonstration Cities and Metropolitan Development Act of 1966. After June 30, 1974, no new grants or loans shall be made under title I of the Housing Act of 1949 except with respect to projects or programs for which funds have been committed on or before such date.

(c) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is amended by adding at the end thereof a new paragraph as follows:

"(22) For payments required from time to time under contracts entered into pursuant to section 103(b) of the Housing Act of 1949, as amended, with respect to projects or programs for which funds have been committed on or before June 30, 1974, and for which funds have not previously been appropriated."

(d) The Secretary is authorized to transfer the assets and liabilities of any superseded or nonactive program of housing or urban development to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriation Act of 1955 (Public Law 81-428; 68 Stat. 272, 295).

S. 1744

A bill to provide Federal assistance to local governments in support of community development activities

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Development Assistance Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a)(1) The Congress finds and declares that the Nation's cities, towns, and smaller urban communities face critical social, economic, and environmental problems arising from, in significant measure—

(A) the growth of population in metropolitan and other urban areas, and the concentration of persons of lower income in central cities; and

(B) inadequate public and private investment and reinvestment in housing and other physical facilities, and related public and social services, resulting in the growth and persistence of urban slums and blight, and the marked deterioration of the quality of the urban environment.

(2) The Congress further finds and declares that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic, and political entities, and requires—

(A) systematic and sustained action by local governments to eliminate blight, to conserve and renew older urban areas, and to develop new centers of population growth and economic activity;

(B) substantial expansion of the scope and level of Federal assistance and increased continuity of programs in support of community development activities; and

(C) continuing effort at all levels of government to streamline program procedures and improve the functioning of agencies responsible for planning, implementing, and evaluating community development efforts.

(b) The purpose of this Act is to meet the requirements referred to in subsection (a) by improving the present system of Federal assistance for community development. Improvement is to be accomplished chiefly through—

(1) simplifying and consolidating various existing categorical programs, replacing them with a single, more comprehensive community development assistance program; and

(2) authorizing a new financial assistance program which is intended to assure greater continuity of Federal support and to increase public and private investment in community development.

The improved program of Federal assistance provided in this Act is designed to support community development activities which are directed toward—

(A) conserving and expanding the Nation's housing stock in order to provide a decent home and a suitable living environment for every American;

(B) eliminating slums and preventing the deterioration of property and facilities which significantly affect the general welfare of the community;

(C) achieving more rational utilization of land and other natural resources, and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers;

(D) expanding and improving the quantity and quality of community services which are essential for sound community development and for the development of viable urban communities;

(E) restoring and preserving urban prop-

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erties of special value for historic, architectural, or esthetic reasons; and

(F) eliminating conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Secretary" means the Secretary of Housing and Urban Development.

(2) The term "community development agency" means any State or unit of general local government.

(3) The term "State" means any State of the United States; the Commonwealth of Puerto Rico; the Trust Territory of the Pacific Islands; the territories and possessions of the United States; and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States.

(4) The term "unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State; a consortium of such political subdivisions recognized by the Secretary; and the District of Columbia. One or more public agencies, including existing local public agencies, may be designated by a unit of general local government to undertake the community development program in whole or in part.

(5) The term "metropolitan areas" means the standard metropolitan statistical areas, as established by the Office of Management and Budget.

(6) The term "metropolitan city" means a city within a metropolitan area which is the central city of such metropolitan area, as defined by the Office of Management and Budget, or which is a city having a population of fifty thousand or more.

(7) The term "population" means the total resident population based on data compiled by the Bureau of the Census and referable to the same point or period in time.

(8) The term "extent of poverty" means the number of persons (or alternatively, the number of families and unrelated individuals) whose incomes are below the poverty level, as determined pursuant to criteria provided by the Office of Management and Budget, and based on data referable to the same point or period in time.

(9) The term "extent of housing overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled by the Bureau of the Census and referable to the same point or priod in time.

(10) The term "extent of program experience" means the sum of the average, during the five fiscal years preceding the date of enactment of this chapter, of (A) loans pursuant to title II of the Housing Amendments of 1955, (B) grants pursuant to title VII of the Housing Act of 1961, (C) advances pursuant to section 702 of the Housing Act of 1954, (D) grants pursuant to title VII of the Housing and Urban Development Act of 1965, and (E) grants pursuant to title I of the Housing Act of 1949.

COMMUNITY DEVELOPMENT ACTIVITIES ELIGIBLE FOR ASSISTANCE

SEC. 4. Community development activities assisted under this Act shall further the purposes set forth in section 2 and may include—

(1) acquisition in whole or in part by purchase, lease, donation, or otherwise, of real property (including air rights, and other interests therein) which is necessary to achieve the objectives set forth in the community development program and is (i) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth, (ii) determined to be appropriate for rehabilitation or conservation activities, (iii) necessary for the preservation of restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources and scenic areas, the provision of recreational opportunities, or the guidance of urban development, (iv) to be used for the provision of public works, facilities, and improvements eligible for assistance under this Act, or (v) to be used for other public purposes, including the conversion of land to other uses where necessary or appropriate to a community development program;

(2) disposition (through sale, lease, donation, or otherwise) at its fair value for uses in accordance with the community development program of any real property in whole or in part acquired pursuant to this Act, or its retention for public purposes;

(3) clearance, demolition, and removal of buildings and improvements in whole or in part;

(4) acquisition, construction, reconstruction, or installation of, community facilities and site or other improvements necessary to achiere the objectives of the community development program, including water and sewer facilities, neighborhood facilities, fire-protection services and facilities, historic properties and beautification areas, streets, utilities, street lights, foundations and platforms for air right sites, pedestrian malls and walkways, parks, playgrounds and recreation facilities, and other similar and necessary improvements required for the execution of a community development program;

(5) designing and providing interim financing for the construction of public facilities, other than facilities, encompassed within the provisions of paragraph (4), which are necessary or apppropriate to a community development program;

(6) relocation payments and assistance for individuals, families, businesses, nonprofit organizations, and farm operations displaced or temporarily dislocated by community development activities;

(7) conservation and rehabilitation of existing properties and facilities through code enforcement, interim assistance, or other programs of rehabilitation; or the elimination of slums and harmful physical conditions which constitute a danger to public health and safety through demolition or other activities;

(8) development or redevelopment of surplus real property within the meaning of the Federal Property and Administrative Services Act of 1949 acquired pursuant to section 414 of the Housing and Urban Development Act of 1969, or otherwise;

(9) provision of technical or financial assistance to persons or organizations providing necessary or appropriate services, including advisory services, to the planning and execution of a community development program;

(10) provision, where necessary or appropriate to the execution of a community development program, of grants or loans for the rehabilitation and conservation of properties;

(11) provision of necessary or appropriate additional public services when not otherwise available which are directed toward (i) improving the community's public services and facilities, including those concerned with the employment, health, drug abuse, education, welfare, or recreation needs of persons residing in areas in which community development activities are being carried out, and (ii) coordinating public and private development programs;

(12) payment of administrative costs and carrying charges related to the planning, execution, and evaluation of community development programs;

(13) payment of financial incentives (not to exceed 15 per centum of the total Federal contribution to the cost of the facilities involved) to encourage the timely construction of public facilities, such as schools and libraries, which are not otherwise eligible and are required for the execution of a community development program;

(14) carrying out unspecified local-option activities, necessary or appropriate to the conduct of a community development program, in an amount not to exceed 10 percentum of the total annual grant authorized for a locality under this Act; and

(15) payment of the Federal share of the cost of completing a project funded under title I of the Housing Act of 1949.

AUTHORIZATIONS

SEC. 5. (a) To finance grants under this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating such sum not exceeding $5,900,000,000 as is approved in an appropriation Act. The amount so approved shall become available for obligation on July 1, 1974, and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligation incurred under this section not to exceed $2,700,000,000 prior to July 1, 1975, which amount may be increased to not to exceed aggregate of $5,000,000,000 prior to July 1, 1976. Sums so appropriated shall remain available until expended.

(b) The Secretary shall report annually to the Congress with respect to outstanding grants or other contractual agreements executed pursuant to subsection (a). To assure program continuity and orderly planning, the Secretary shall submit to the Congress timely requests for increased authorizations for the fiscal years commencing after June 30, 1976, and concurrently with those authorization requests he shall submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations.

ALLOCATION OF FUNDS; BASIC GRANT ENTITLEMENT; REPORT

SEC. 6. (a) Of the amount approved in an appropriation Act pursuant to section 5 and available for obligation, 75 per centum shall be allocated by the Secretary to metropolitan areas. Except as provided in subsection (d), each metropolitan city shall be eligible for annual grants in an aggregate amount at least equal to the greater of its basic grant entitlement amount computed pursuant to subsection (b), or its hold-harmless amount computed pursuant to subsection (c).

(b)(1) The Secretary shall allocate for each metropolitan area an amount which bears the same ratio to the allocation for all metropolitan areas as the average of the ratios between—

(A) the population of the metropolitan area and that of all metropolitan areas;

(B) the extent of poverty in the metropolitan areas;

(C) the extent of housing overcrowding in the metropolitan area and that in all metropolitan areas; and

(D) the extent of program experience in the metropolitan area and that in all metropolitan areas.

(2) From the amount allocated to each metropolitan area, the Secretary shall determine for each metropolitan city therein a basic grant entitlement amount for that city which shall equal an amount which bears the same ratio to the allocation for the metropolitan area as the average of the ratios between—

(A) the population of the metropolitan city and that of the metropolitan area;

(B) the extent of poverty in the metropolitan city and that in the metropolitan area;

(C) the extent of housing overcrowding in the metropolitan city and that in the metropolitan area; and



(D) the extent of program experience in the metropolitan city and that in the metropolitan area.

(3) In determining the average of ratios under paragraph (1) or paragraph (2), the ratio involving the extent of poverty shall be counted twice.

(c) The Secretary shall determine the hold-harmless amount for each metropolitan city, which shall be an amount equal to the sum of (1) the sum of the average, during the five fiscal years preceding the date of enactment of this Act, of (A) loans pursuant to title II of the Housing Amendments of 1955, (B) grants pursuant to title VII of the Housing Act of 1961, (C) advances pursuant to section 702 of the Housing Act of 1954, (D) grants pursuant to title VII of the Housing and Urban Development Act of 1965, and (E) grants pursuant to part A of title I of the Housing Act of 1949; and (2) the average annual grant made in accordance with part B of title I of the Housing Act of 1949.

(d) Whenever the Secretary determines that a metropolitan city would have except for the provisions of this subsection a basic grant entitlement for the first year in an amount exceeding 135 per centum of the city's hold-harmless amount, as determined under subsection (c), he shall adjust the amount of such basic grant entitlement over a period not exceeding three years, so that the city's basic grant entitlement will be increased, by such steps as the Secretary determines to be equitable and feasible, from the hold-harmless amount up to the full basic grant entitlement of the city. Any amounts not used by virtue of the operation of the preceding sentence shall be available for use by the Secretary pursuant to subsection (g)(3).

(e) The remainder of the allocation for each metropolitan area shall be allocated by the Secretary to community development agencies within that metropolitan area, taking into consideration such factors as population, extent of poverty, extent of overcrowding, extent of program experience, and other social and fiscal conditions prevailing in the metropolitan area. Any portion of the remainder of the allocation for each metropolitan area unused at the end of the fiscal year for which it was allocated shall be available for use within metropolitan areas.

(f) Any unit of general local government which is not a metropolitan city shall be eligible for annual grants in an aggregate amount at least equal to the hold-harmless amount for that locality as computed under the provisions of subsection (c), if, during the five years preceding the date of enactment of this Act, one or more urban renewal projects or neighborhood development programs were being carried out in such locality and assisted (or with respect to which commitments for assistance have been entered into) under title I of the Housing Act of 1949.

(g) Amounts which are not allocated under subsection (a), or which are allocated but rejected by the recipient or disapproved by the Secretary under section 7, shall be allocated by the Secretary in aid of community development activities to be undertaken by community development agencies in—

(1) localities outside metropolitan areas where such use of funds is necessary to comply with subsection (f);

(2) other localities outside metropolitan areas; and

(3) localities within metropolitan areas where such use of funds is necessary to comply with subsection (a) or (f).

(h) If at the time the Secretary computes the amount of any allocation or the amount of any annual grants to which a community development agency is entitled under this Act, the full amount of funds authorized to be appropriated are not available for obligation as prescribed in section 5(a), the Secretary may (notwithstanding any other provision of this Act) make such adjustment in that computation as he deems desirable to maintain a distribution of funds consistent with the objectives of this Act.

(i) Not later than September 1, 1975, the Secretary shall make a report to the Congress setting forth such recommendations as he deems advisable, in furtherance of the purposes and policy of this Act, for modifying or expanding the provisions of this Act relating to the method and level of funding and the allocation of funds, and the determination of the basic grant entitlement, and for the application of such provisions in the future distribution of funds under this Act.

GENERAL REQUIREMENTS APPLICABLE TO THE GRANTING OF FINANCIAL ASSISTANCE

SEC. 7. (a) Financial assistance shall be granted under this Act only upon the basis of an annual application by a community development agency. Each application shall contain the following:

(1) An outline of community development needs and objectives, and the actions to be taken during the next three-year period—

(A) to meet the housing needs and needs arising from the installation or relocation of Government facilities, including replacement and relocation needs, of families who may reasonably be expected to seek housing in the community, particularly those families with low or moderate income;

(B) to prevent and eliminate slums and blight, and upgrade neighborhood environments through renewal, code enforcement, and other community improvement programs; and

(C) to improve and upgrade community services and facilities to meet the social needs of residents in areas affected by community development activities.

(2) A description of the activities to be undertaken over the next two-year period which are designed to meet community development objectives and their estimated costs, the general location of these activities, and any requirements for federally assisted housing units and rehabilitation loans.

(3) A certification that the applicant—

(A) has determined that activities to be carried out under the community development program are consistent with local and areawide comprehensive development plans and national growth policies;

(B) has afforded or will afford an adequate opportunity for public hearings prior to any acquisition of private land included in the proposed development activities pursuant to reasonable prior notice; and

(C) has afforded adequate opportunity for citizen participation in the development of the annual application and has provided for the meaningful involvement of the residents of areas in which community development activities are to be concentrated in the planning and execution of these activities, including the provision of adequate information and resources.

(4) A report concerning the community development activities which were carried out during the previous calendar year and their costs, including an assessment of such activities in relation to the community's development objectives.

(b) The Secretary may waive all or part of the requirements contained in subsection (a), if (1) the application for assistance is in behalf of a locality having a population of less than 25,000 according to the most recent data compiled by the Bureau of the Census which is located either (i) outside a standard metropolitan statistical area, or (ii) inside such an area but outside an "urbanized area" as defined by the Bureau of the Census (or as such definition is modified by the Secretary for purposes of this Act), (2) the application relates to the first community development activity to be carried out by such locality with assistance under this Act, (3) the assistance requested is for a single development activity under this Act of a type eligible for assistance under the provisions of law referred to in clauses (1) through (4) of section 15(b), and (4) the Secretary determines that, having regard to the nature of the activity to be carried out, such waiver is not inconsistent with the purposes of this Act.

(c)(1) The Secretary shall make his determination with respect to any application and give written notice of his approval or disapproval within ninety days after submission of the application. Each application providing for continuation or revision of an ongoing community development program shall be deemed approved by the Secretary within ninety days after submission, unless the the Secretary notifies the applicant in writing of his disapproval of the application, or any part thereof, setting forth the reasons therefor with respect to performance by the community development agency or the eligibility of proposed activities.

(2) Except as otherwise specifically provided, no application for financial assistance under this Act shall be approved by the Secretary unless he has concluded that the community has (A) set forth a meaningful program to meet its urgent development needs to achieve the purposes of this Act, and (B) carried out its contractual commitments pursuant to any previous applications.

(3) Upon approval of any application, the Secretary shall reserve funds, to the extent he deems it to be necessary and feasible, to meet the housing requirements specified in the application.

GRANTS

SEC. 8. (a) The Secretary is authorized to make grants to assist community development agencies in carrying out community development activities. Such grants shall be made pursuant to contracts providing for payments with respect to activities to be carried out over a period of two years. Except as otherwise herein provided, the amount of any such grant to any such agency shall not exceed 90 per centum of the total net program cost as determined by the Secretary. In any case where the execution of a community development program involves the making of rehabilitation grants or relocation payments, any grant made to any such agency may be increased, notwithstanding any other provision of law but subject to the limitations prescribed in section 6, to include the full costs of making such rehabilitation grants and, in the case of relocation payments, the full costs of making such payments but not to exceed $25,000 for any displaced person as such term is defined in section 101(6) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Secretary shall require that any part of the total net program cost which is to be provided by local or other non-Federal sources shall consist of cash grants, the cash value of donated property, or public improvements or services at their costs, contributed by such sources in furtherance and as part of the community development program for which Federal assistance is made available under this Act.

(b) In determining the total cost of carrying out any community development activity there shall be excluded that part of such cost as is payable under any other Federal grant program.

(c) As used in subsection (a), the term "rehabilitation grant" means a grant not exceeding $4,000 made to a low-income individual or family who owns and occupies real property and only for the purpose of covering the cost of repairs and improvements necessary to make such real property conform to public standards for decent, safe, and sanitary housing as required by applicable codes or requirements of the community development program.

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LOANS

SEC. 9. (a) (1) After June 30, 1974, the Secretary is authorized to make loans to community development agencies to provide financing for planning and operating activities pending the receipt by such agencies of grant assistance under section 8 and to provide interim financing for activities authorized under section 4(5).

(2) Loans under this subsection shall bear interest at such rates (not less than the applicable going Federal rate, as defined in section 110(g) of the Housing Act of 1949), and shall be secured in such manner and be repaid within such period of time as the Secretary shall prescribe.

(3) (A) To obtain funds for advances and loan disbursements under this subsection, the Secretary may issue and have outstanding at any one time notes or other obligations for purchase by the Secretary of the Treasury in an amount which shall not, unless authorized by the President, exceed $1,500,000,000. For the purpose of establishing unpaid obligations as of a given date against the authorization contained in the preceding sentence, the Secretary shall estimate the maximum amount to be required to be borrowed from the Treasury and outstanding at any one time with respect to loan commitments in effect on such date.

(B) Notes or other obligations issued by the Secretary under this paragraph (3) shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations of the Secretary issued under this paragraph (3) and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and other obligations. The Secretary of the Treasury may at any time sell any of such notes or other obligations so acquired. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(b) Section 312(a)(1) of the Housing Act of 1964 is amended—

(1) by striking out the colon at the end of subparagraph (C) and inserting in lieu thereof "; or"; and

(2) by adding at the end thereof a new subparagraph as follows:

"(D) the property is determined to require rehabilitation, and such rehabilitation is necessary or appropriate to the execution of an approved community development program under the Community Development Assistance Act of 1973;".

CONSULTATION

SEC. 10. In carrying out the provisions of this Act, including the issuance of regulations, the Secretary shall consult with other departments and agencies administering Federal grant-in-aid programs.

TECHNICAL ASSISTANCE

SEC. 11. (a) The Secretary is authorized to undertake such activities as he determines to be desirable to provide technical assistance to smaller communities to assist such communities in planning, developing, and administering community development programs. Such assistance may be furnished either directly or by contracts or other arrangements, including contracts or arrangements with rural development and area planning agencies. The Secretary may utilize for demonstration purposes smaller communities carrying out meritorious programs involving community development, or comprehensive city demonstration programs under title I of the Demonstration Cities and Metropolitan Development Act of 1966.

(b) Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary shall make a report to the Congress setting forth his findings and recommendations with respect to—

(1) existing and recommended Federal, State, and local programs relating to community development in smaller communities;

(2) the significance of such programs in assisting the larger urban areas to solve their acute problems by reducing population density;

(3) the need for unified Federal agency coordination, control, or direction of such programs;

(4) the extent to which the Department of Housing and Urban Development should participate in such coordination, control, or direction, and the manner and method of achieving that participation; and

(5) the appropriate allocation of Federal funds for community development in smaller communities and in the larger urban areas.

(c) As used in this section, the term "smaller communities" means any municipality or other political subdivision having a population of fifty thousand or less according to the most recent census.

LABOR STANDARDS

SEC. 12. The provisions of section 109 of the Housing Act of 1949 shall be applicable in the administration of the authority conferred by this Act.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

SEC. 13. Section 217 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended—

(1) by striking out "or" after "Housing Act of 1949, as amended," and

(2) by adding after "Demonstration Cities and Metropolitan Development Act of 1966" the following: ", or as a direct result of any community development activity assisted under the Community Development Assistance Act of 1973".

INTERSTATE AGREEMENTS

SEC. 14. The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of community development planning and programs carried out under this Act as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

EFFECTIVE DATE; TRANSITIONAL TERMINATION OF EXISTING PROGRAMS

SEC. 15. (a) This Act takes effect on the date of its enactment.

(b) After June 30, 1974, no new grants or loans shall be made (except with respect to projects or programs for which funds have been committed on or before that date) pursuant to—

(1) title II of the Housing Amendments of 1955;

(2) title VII of the Housing Act of 1961;

(3) section 702 of the Housing Act of 1954;

(4) title VII of the Housing and Urban Development Act of 1965; and

(5) title I of the Housing Act of 1949.

(c) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is amended by adding at the end thereof a new paragraph as follows:

"(22) For payments required from time to time under contracts entered into pursuant to section 103(b) of the Housing Act of 1949 with respect to projects or programs for which funds have been committed on or before June 30, 1974, and for which funds have not previously been appropriated."

(d) The Secretary is authorized to transfer the assets and liabilities of any superseded or nonactive program of housing or urban development to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriation Act of 1955 (Public Law 81-428; 68 Stat. 272, 295).

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SECTION-BY-SECTION SUMMARY—BETTER COMMUNITIES ACT

To provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities.

SECTION 1. *Short Title.*

This section would provide that this Act may be cited as the "Better Communities Act."

SECTION 2. *Statement of Findings and Purpose.*

This section would set forth Congressional findings and declarations that:

(1) States and units of general local government are the most appropriate levels of government to develop and carry out community development programs and activities.

(2) The current method of distributing Federal assistance for community development is seriously deficient because it is so excessively fragmented and controlled at the Federal level, and channeled through so many separate, overlapping and independent grant programs, to so many different special purpose bodies and agencies, that it has become an ineffective use of the Federal funds involved.

(3) The effectiveness of community development would be improved by making Federal resources for such purposes available to States and units of general local government to use with broad discretion in evaluating their community development needs and allocating resources to meet those needs.

Section (b) would declare, therefore, that it is the purpose of the Act to help States and units of general local government to deal more effectively with the broad range of community development concerns by replacing inflexible and fragmented categorical programs of Federal assistance with a more efficient system of Federal revenue sharing assistance which will encourage the exercise of State and local responsibility.

SECTION 3. *Definitions.*

Subsection (a) would define certain terms as follows:

(1) "Secretary" would mean the Secretary of Housing and Urban Development;

(2) "Unit of general local government" would mean any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political Subdivisions recognized by the Secretary; the District of Columbia; and the Trust Territory of the Pacific Islands;

(3) "State" would mean any State of the United States; the Commonwealth of Puerto Rico; Guam; Samoa; and the Virgin Islands.

(4) "Metropolitan area" would mean a standard metropolitan statistical area as established by the Office of Management and Budget;

(5) "Metropolitan city" would mean a city having a population of 50,000 or more or a central city in a metropolitan area;

(6) "Urban county" would mean any county which is within a metropolitan area and which has a population of 200,000 or more, excluding the population of metropolitan cities therein;



(7) "Population" would mean total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

(8) "Extent of poverty" would mean the number of persons whose incomes are below the poverty level, as determined by the Secretary pursuant to the definition provided by the Office of Management and Budget, and based on data referable to the same point or period in time;

(9) "Extent of housing overcrowding" would mean the number of housing units with 1.01 or more persons per room based on data compiled by the United States Bureau of the Census and referable to the same point or period in time; and

(10) "Fiscal year" would mean that period of time extending from July 1 of any calendar year through June 30 of the subsequent calendar year and receiving the numerical designation of the calendar year in which the period ends.

Subsection (b) would provide that to the extent practicable, the definitions in subsection (a) must be based upon the most recent data compiled by the United States Bureau of the Census and the latest published circulars of the Office of Management and Budget. The Secretary would be authorized to make technical modifications in the terms defined in subsection (a) by regulation where necessary to reflect modifications in Bureau of the Census data categories made subsequent to enactment of the Act.

SECTION 4. *Community Development Activities Eligible for Assistance.*

This section would set forth the community development activities for which shared Federal revenues provided under this Act may be used.

These activities may include:

(1) acquisition of real property (including interests therein) which is blighted or inappropriately developed, needed for public or community facilities, historic preservation, beautification, conservation, recreation, the guidance of urban development, or for other public purposes;

(2) relocation payments and assistance for those dispiaced by community development activities;

(3) clearance, demolition, removal, and rehabilitation of buildings and improvements (including financing rehabilitation of privately owned properties when incidental to other activities);

(4) provision of public works, facilities, and sites or other improvements;

(5) elimination, by code enforcement and other means, of harmful physical conditions constituting a danger to public health and safety;

(6) disposition (by sale, lease, donation, or otherwise) of acquired real property or its retention for public purposes; and

(7) the provision of community services (including activities to further the purposes of section 9(a)) which the recipient determines are necessary to achieve its community development objectives.

SECTION 5. *Statement of Community Development Objectives.*

Subsection (a) would provide that prior to first receipt in any fiscal year of funds by any State or by any unit of general local government under Section 7, the recipient of such funds is required to have prepared a final statement of community development objectives and projected use of funds for such fiscal year. In order to permit public examination and appraisal of community development projects and activities and to facilitate coordination of activities with different levels of government, at least 60 days prior to preparation of a final statement, a recipient must publish a proposed statement in such manner as to afford the citizens of such State or such unit of general local government a reasonable opportunity to examine its content and to submit comments on the proposed statement. In preparing its final statement the recipient would have to consider any such comments and may, if deemed appropriate by the recipient, modify the proposed statement. A recipient's statement must reflect the degree to which activities assisted under this Act relate to any State and area wide programs and activities for community development. Every final statement of community development objectives and projected use of funds must be made available to the public, and a copy must be furnished to the Secretary (and, in the case of any recipient unit of general local government, to the Governor of the State in which it is located as well) together with a certification that the recipient is in full compliance with the publication requirements of this subsection as well as the other provisions of the Act.

Subsection (b) would provide that with respect to funds received in fiscal year 1975, the requirements of subsection (a) may be met by actions taken prior to the effective date of this Act.

Subsection (c) would provide that within 60 days after the close of any fiscal year in which the recipient receives funds under this Act, it must make public and forward to the Secretary a report concerning the community development projects or activities paid for or expected to be paid for in whole or in part by funds received under Section 7 which were initiated or carried out during the preceding fiscal year. The report must include an assessment of such activities in relation to the community's development objectives.

SECTION 6. *Authorization of Appropriations.*

This section would authorize to be appropriated without fiscal year limitation such sums as may be necesary for fiscal year 1975 and the four succeeding fiscal years.

SECTION 7. *Allocation and Distribution of Funds.*

Subsection (a) would provide for payments by the Secretary to metropolitan cities and urban counties as follows:

(1) From the funds provided in any fiscal year from appropriations to carry out this Act, the Secretary would be required to pay to each metropolitan city and urban county an aggregate amount equal to the greater of its formula entitlement, subject to a phase in adjustment, as computed under (2), or its hold-harmless amount as computed under (3).

(2) The Secretary would be required to compute the formula entitlement of each metropolitan city or urban county by allocating 65 per cent of the total of the funds made available in each fiscal year from appropriations to carry out this Act so that each metropolitan city or urban county is allocated an amount which bears the same ratio to such 65 per cent of the total of the funds made available in each fiscal year as the average of ratios among (1) the population of the city or urban county and that of all metropolitan cities and urban counties, (2) the extent of poverty in the city or urban county and that in all metropolitan cities and urban counties (counted twice), and (3) the extent of housing overcrowding in the city or urban county and that in all metropolitan cities and urban counties. In computing the entitlement of urban counties the Secretary would be required to exclude population, poverty, and housing overcrowding data which are derived from metropolitan cities located within such counties. In addition, in computing entitlement for fiscal years 1975 and 1976, the Secretary would be required to exclude population, poverty, and housing overcrowding data which are derived from units of general local government located within any urban county and which qualify for hold-harmless funds. For fiscal year 1977, he would be required to exclude two-thirds of such data and for fiscal year 1978, he would be required to exclude one-third of such data.

Some metropolitan cities and urban counties would be allotted considerably more funds under this needs formula than these communities have received in past years from participation in the categorical programs being replaced by this Act. Formula entitlements would be adjusted in the case of metropolitan cities and urban counties having metropolitan entitlements which are more than their hold-harmless amount as determined under (3). During the first three years for which funds are allocated under this Act, the entitlement of such metropolitan cities or urban counties would be subject to an adjustment so that (1) the entitlement for the first year equals one-third of the full entitlement, or the hold-harmless amount, whichever is the greater, (2) the entitlement for the second year equals two-thirds of the full entitlement, or the hold-harmles amount, or the amount allowed under clause (1) whichever is the greatest, and (3) the entitlement for the third year equals the full formula entitlement.

(3) Each metropolitan city or urban county would be guaranteed a hold-harmless amount computed on the basis of prior grants or other assistance the city or county has received as a result of its participation in categorical grant programs being replaced by this Act. The full hold-harmless amount for each metropolitan city or urban county would be made up of the sum of (1) the sum of the average during the five fiscal years ending prior to July 1, 1972 of (1) commitments for grants which the city or county has received under the urban renewal program (part A of title I of the Housing Act of 1949), (2) loans under the rehabilitation loan program (section 312 of the Housing Act of 1964), (3) grants under the basic water and sewer facilities and neighborhood facilities programs (sections 702 and 703 of the Housing and Urban Development Act of 1965), (4) loans under the public facilities loan program (title II of the Housing Act of 1955), and (5) grants under the open space land program (title VII of the Housing Act of 1961); and (ii) the average annual neighborhood development grant (Part B of title I of the Housing Act of 1949) made during fiscal years ending prior to July 1, 1972, or during fiscal year 1973 in the case of a metropolitan city or urban county which first received a neighborhood development grant in such fiscal year. In the case of metropolitan cities and urban counties which have been participating in the model cities program the hold-harmless amount would be increased on the basis of their model cities experience. The amount of additional hold-harmless would be the amount of the average annual grant (excluding grants made for Planned Variations) made to these communities pursuant to section 105 of the Model Cities Act during fiscal years ending prior to July 1, 1972. This additional amount would be credited however only for a period that permits the community a five year combination of model cities funding years and hold-harmless additions. The amount of the average annual grant resulting from participation in the model cities or NDP programs would be established by taking the total dollar amount of the grants made to a participant under the program, dividing by the number of months for which those grants were authorized and multiplying the result by twelve.

Grants or loans made to assist in recovery from natural disasters, and grants made to assist in the initial implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act would be excluded when determining hold-harmless amounts. In addition, for the purpose of determining the hold-harmless amount in



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the case of urban counties, the Secretary would be required to exclude grants or other assistance extended to metropolitan cities and other units of local government within those counties.

During fiscal years 1975 and 1976, the hold-harmless amount for each metropolitan city or urban county would be the full hold-harmless amount computed for the city or county. The hold-harmless provision would begin to be phased out after fiscal year 1976. In fiscal years 1977 and 1978, if the hold-harmless amount is greater than the formula entitlement of the metropolitan city or urban county for that year, it would have to be reduced so that in fiscal year 1977 the excess of hold-harmless over the formula entitlement would equal two-thirds of the difference between the full hold-harmless computation and the formula entitlement for such year, and so that in fiscal year 1978 the excess of hold-harmless over the formula entitlement would be equal to one-third of the difference between the full hold-harmless amount of the formula entitlement for such year. After fiscal year 1978, there would be no hold-harmless amount.

Subsection (b) would provide hold-harmless payments to a unit of general local government which is not a metropolitan city or urban county if it was participating in the model cities program on June 30, 1974, or if during fiscal year 1968 or any subsequent fiscal years preceding the date of enactment of this Act it was carrying out urban renewal or neighborhood development programs pursuant to grants and commitments for grants entered into during that period.

Subsection (c) would provide that of the funds available from appropriations to carry out this Act that are not paid in any fiscal year to metropolitan cities, urban counties or other units of general local government under subsections (a) or (b) (but not including funds that become available in fiscal year 1977 and subsequent fiscal years solely by virtue of the phase out of hold-harmless) the Secretary would allocate 90 per cent of such funds for use by States for community development purposes.

The Secretary would be required to allot such funds to the States on the basis of the relative needs of metropolitan areas in the States. The factors used in establishing need would be population, poverty (counted twice) and housing overcrowding. For the purpose of determining the amount to be allocated to each State under this subsection, metropolitan areas would be considered as though they did not include metropolitan cities.

To receive funds under this subsection (c) a State would have to certify through its governor that in the distribution or use of funds allocated to the States among different metropolitan areas in the State, each of its metropolitan areas will receive at least 50 per cent of the amount of the States allocation which is attributable to inclusion in the allocation formula of data pertaining to that metropolitan area without any deduction for State administrative costs. Funds not allocated and used in or made available to particular metropolitan areas as required in the preceding sentence would be available for distribution by the governor to units of general local government in the State and, in reasonable amounts, for State expenses in carrying out the Act.

Subsection (d) would provide that any funds not allocated and used under any preceding subsection or which are allotted but not paid pursuant to subsection (e)(2) of this section would be available to the Secretary for payments to states and units of general local government subject to such terms and conditions as he may prescribe or for such other uses as he determines would be consistent with the purposes of the Act including evaluation, directly or by contract or otherwise, of the use of shared revenues disbursed under this Act.

Subsection (e) would provide that funds which become available in fiscal year 1977 and subsequent fiscal years by virtue of the phase out of hold-harmless would have to be allotted as follows: ten per cent of such sums would be allotted to the Secretary for use in accordance with subsection (d) of this section and the balance of such sums would be allotted so that (1) one-third is divided among metropolitan cities and urban counties in the same manner as funds are allotted to them under subparagraph (A) of subsection (a)(2), (2) one-third is divided among the States in the same manner as funds are allotted to them under subparagraph (A) of subsection (c)(2) but without regard to the exclusion of metropolitan cities required by subparagraph (B) of that subsection and this amount would be available in each State only for distribution in metropolitan areas with each metropolitan area being entitled to that amount of the State's share of these funds which is attributable to inclusion of data pertaining to its population, poverty and housing overcrowding, and (3) one-third is divided among the States in the same manner as in (2) above and this amount would be available to the Governors for distribution to any unit of general local government, and subject to regulations of the Secretary for administrative expenses incurred by the State in carrying out this Act. No amount allotted among metropolitan cities and urban counties out of the balance of funds remaining in any fiscal year by virtue of the phase out of hold-harmless (after the 10 per cent of such funds are allotted to the Secretary) would be paid in any fiscal year to any metropolitan city or urban county, if such payment would result in such city or county receiving an aggregate amount which is in excess of its full hold-harmless amount, except that this limitation would not apply with respect to any city or county if the amount allotted by reason of such extra payment when added to the formula entitlement exceeds such full hold-harmless amount.

Subsection (f) would make the Secretary's determination and calculations of allocations and entitlements final and conclusive.

SECTION 8. *Loans.*

This section would provide that nothing in this Act prohibits a unit of general local government from obtaining loans to finance any community development activity, and from pledging, or offering as security for such loan, any asset which it otherwise may pledge or offer as security.

SECTION 9. *Nondiscrimination.*

This section would provide for the nondiscriminatory use of Federal assistance made available under the act.

Subsection (a) would provide that no person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

Subsection (b) would provide that whenever the Secretary determines that a recipient has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State (or, in the case of a unit of local government, which has not received shared revenues from the State, the chief executive of such unit) of the noncompliance and shall request the Governor or the chief executive to secure compliance. If within a reasonable period of time, not to exceed 60 days, the Governor or the chief executive fails or refuses to secure compliance the Secretary would be authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964; (3) to exercise the powers and functions provided for in section 15 of this Act; or (4) to take such other action provided by law.

Subsection (c) would provide that when a matter is referred to the Attorney General pursuant to subsection (b), or whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SECTION 10. *Labor standards.*

This section would require that all laborers and mechanics, employed by contractors or subcontractors in the performance of work on any construction project financed in whole or in part with shared revenue funds, must be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. This section would apply to the construction of residential property only if such residential property is designed for residential use for twelve or more families.

SECTION 11. *Matching Grants.*

This section would provide that shared revenue funds may be used as matching shares for Federal programs which provide assistance for community development activities and that neither the Secretary nor any State shall require any matching of State or local funds as a condition to making payments under this Act.

SECTION 12. *Use of Shared Revenue To Close Out Urban Renewal Projects.*

This section would authorize the Secretary to terminate any urban renewal project being carried out under title I of the Housing Act of 1949 as soon as practicable after consultation with the agency carrying out the project and the chief executive of the locality in which it is located, and to effect a financial closeout as if the project had been fully completed on the termination date. Any funds available to such project at the time of closeout would continue to be available to the unit of general local government for the area in which the project is located for use in meeting its community development objectives. Such closeout would be based upon the costs incurred and capital grants earned for the project to the date of termination. If such closeout did not result in full repayment of the principal of, and accrued interest on, any temporary loans made under title I of the Housing Act of 1949 for the project, the Secretary could, notwithstanding any other provision of this Act, condition distribution of funds pursuant to section 7 of this Act to the unit of general local government for the area in which the project is located upon the use of such funds, in such amounts, and staged over such time periods as the Secretary deems appropriate, to repay such temporary loans.

SECTION 13. *Records, Audit, and Reports.*

This section would provide that in order to assure that revenues shared under this Act are used in accordance with its provisions, each recipient must (1) use such fiscal, audit, and accounting procedures as may be necessary to assure proper accounting for payments received by it, and proper disbursement of such payments, (2) provide to the Secretary and the Comptroller General of the United States access to, and the right to examine, any books, documents, papers, or records as he requires, and (3) make such reports to the Secretary or the Comptroller General of the United States as he requires.

SECTION 14. *Relocation.*

Subsection (a) would amend Sec. 217 of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to add a provision that permits relocation payments for displacement as a direct result of any community development activities, 25 percent or more of the cost of which is paid for with shared revenue funds received under the Better Communities Act.



Subsection (b) would provide that notwithstanding section 211 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (which makes the cost of relocation payments and assistance a project expense and authorizes a Federal payment for the first $25,000 of relocation costs for each displacement which occurs prior to July 1, 1972) no Federal contribution in addition to shared revenues shall be made to recipients for costs incurred in providing relocation payments and assistance for those displaced by community development activities assisted with community development special revenue sharing funds.

SECTION 15. *Remedies for Noncompliance.*

This section would provide for remedies for noncompliance with any provision of this Act as follows:

Subsection (a) would provide that if the Secretary, after reasonable notice and opportunity for hearing finds that a recipient of revenues shared under this Act has failed to comply substantially with any provision of this Act, the Secretary, until he is satisfied that there is no longer any such failure to comply, would be required to terminate payments to such State under this Act, or reduce payments under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act, or limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

Subsection (b) would provide that if in lieu of, or in addition to, any action authorized by subsection (a), the Secretary may, if he has reason to believe that a recipient has failed to comply substantially with any provision of this Act, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted. Upon such a referral the Attorney General could bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover revenues shared under this Act which were not expended in accordance with it, or for mandatory or injunctive relief.

Subsection (c) would provide that if any recipient which receives notice, under subsection (a), of the termination, reduction, or limitation of revenues shared could, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner would have to transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

The Secretary would be required to file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United State Code. No objection to the action of the Secretary could be considered by the court unless such objection has been urged before the Secretary.

The court would have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, would be conclusive. The court could order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary could modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he would also be required to file such modified or new findings, which findings with respect to questions of fact would be conclusive if supported by substantial evidence on the record considered as a whole, and he would also file his recommendations, if any, for the modification or setting aside of his original action.

Upon the filing of the record with the court, the jurisdiction of the court would be exclusive and its judgment would be final, except that such judgment would be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

SECTION 16. *General Provisions.*

Shared revenues would be paid to recipients in such installments as the Secretary may determine into account the objective that the time elapsing between the transfer of funds from the United States Treasury and its disbursement by a recipient shall be minimized.

Subsection (a) would provide that the Secretary must prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act.

Subsection (b) would require the Secretary to include an evaluation of the effectiveness of this Act in his annual report to the President on departmental activities required by section 8 of the Department of Housing and Urban Development Act.

Subsection (c) would require each recipient to provide for the expenditure of amounts received under this Act only in accordance with the laws and procedures applicable to the expenditures of its own revenues.

SECTION 17. *Conforming and Technical Amendments.*

Subsection (a) would provide that this Act shall be effective upon enactment, but no funds would be allotted before fiscal year 1975.

Subsection (b) would provide that no new grants or loans may be made under section 312 of the Housing Act of 1964, section 702 or section 703 of the Housing and Urban Development Act of 1965, title VIII of the Housing Act of 1961, or title I of the Demonstration Cities and Metropolitan Development Act of 1966 after the effective date of this Act; after June 30, 1974, no new loans or grants could be made under title I of the Housing Act of 1949. In certain limited cases, new grants and loans—but not amendatories—could continue to be made on the basis of previous commitments.

Subsection (c) would amend Section 3689 of the Revised Statutes, as amended, (31 U.S.C. 711) to provide for payments required from time to time under contracts entered into pursuant to section 103(b) of the Housing Act of 1949, as amended, with respect to projects or programs for which funds have been committed on or before June 30, 1973, and for which funds have not previously been appropriated.

Subsection (d) would authorize the Secretary to transfer the assets and liabilities of any superseded or nonactive program of housing or urban development to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriation Act of 1955.

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SECTION-BY-SECTION SUMMARY—COMMUNITY DEVELOPMENT ACT OF 1973

SHORT TITLE

Section would cite this bill as the Community Development Assistance Act of 1973.

FINDINGS AND PURPOSE

Section 2 would recite Congressional findings that—

(1) the Nation's cities, towns, and smaller urban communities face critical social, economic and environmental problems arising from the growth of population in urban areas and the concentration of lower-income persons in central cities, and from inadequate public and private investment in planning physical facilities, public and private services.

(2) the Nation's future welfare depends on the establishment and maintenance of viable urban communities and declares that the purpose of this bill is to improve the present system of Federal assistance through simplifying and consolidating existing categorical programs and authorizing a new program to assure greater continuity of Federal support and to increase public and private investment in community development.

The new program is designed to support community development activities which are directed toward (a) conserving and expanding the Nation's housing stock, (b) eliminating slums and preventing deterioration of property and facilities, (c) achieving more rational utilization of land, (d) expanding and improving the quality of community services, (e) restoring and preserving properties of special value, and (f) eliminating conditions which are detrimental to health.

DEFINITIONS

Section 3 would define:

A community development agency as a State or other unit of general local government.

A unit of general local government as a city, county, or other general purpose subdivision of a State, or a consortium of such political subdivisions recognized by the Secretary. One or more public agencies, including existing local public agencies, may be desgnated by a unit of local government to undertake all or part of any community development activities assisted under the bill.

A metropolitan area as a standard metropolitan statistical area as established by the Office of Management and Budget.

A metropolitan city as a central city within an SMSA or one within a metropolitan area with a population area with a population of 50,000 or more persons.

Population as the total resident population according to U.S. Bureau of the Census.

Extent of poverty as the number of persons (or families and individuals) whose incomes are below the poverty level according to data compiled by the Office of Management and Budget.

Extent of overcrowding as the number of housing units with 1.01 or more persons per room according to U.S. Census data.

Program experience as the sum of the average of loans or grants received by a locality during the five preceding fiscal years under—

Title II of the Housing Amendments of 1955,

Title VII of the Housing Act of 1961,

Section 702 of the Housing Act of 1954,

Title VII of the Housing and Urban Development Act of 1965,

Title I of the Housing Act of 1949.

ELIGIBLE ACTIVITIES

Section 4 would set forth a variety of activities which further the purposes of the Act as set forth in Section 302, including:

(1) acquisition of property which is blighted or inappropriately developed; appropriate for rehabilitation or conservation; necessary for preservation, beautification, conservation or future development; to be used for public works, facilities or other public purposes;

(2) disposition of property at its fair value;

(3) clearance or demolition of buildings;

(4) acquisition, construction or reconstruction of community facilities;

(5) designing and interim financing for the construction of certain public facilities;

(6) relocation payments;

(7) conservation and rehabilitation of existing properties through code enforcement and other programs;

(8) development of surplus property;

(9) provision of technical or financial as-

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sistance to persons or organizations participating the planning and execution of community development programs;

(10) provision of grants or loans for rehabilitation and conservation;

(11) provision of additional public services which are not otherwise available;

(12) payment of related administrative costs;

(13) payment of financial incentives to encourage the timely construction of community facilities;

(14) carrying out unspecified activities necessary to the program;

(15) payment of the Federal share of the cost of completing a project funded under the Title I of the Housing Act of 1949.

AUTHORIZATION

Section 5(a) would authorize the Secretary to incur obligations in an amount not exceeding $5.9 billion as approved in an Appropriation Act, beginning July 1, 1974. Authority to liquidate obligations would be limited to $2.7 billion prior to July 1, 1975, and $5.9 billion prior to July 1, 1976, with sums appropriated remaining available until expended.

Subsection (b) would require the Secretary to report to the Congress annually, and to submit requests for (a) increased authorizations and (b) any needed adjustments in the schedule for liquidation of obligations in a timely manner.

ALLOCATION OF FUNDS; BASIC GRANT ENTITLEMENT, REPORT

Section 6(a) would require that 75% of appropriated funds for community development be allocated to metropolitan areas.

Each metropolitan area would be eligible for annual grants in an amount which is the greater of (a) basic grant entitlement amount or (b) a hold harmless amount.

Subsection (b) would provide for the allocation of funds (1) to metropolitan areas and (2) to metropolitan cities according to a formula incorporating population, extent of poverty, extent of housing overcrowding and the extent of program experience.

Subsection (c) would define the hold harmless amount as an amount equal to the sum of the average during the five fiscal years preceding the date of enactment of (a) loans pursuant to title II of the Housing Amendments of 1955, (B) grants pursuant to title VII of the Housing Act of 1961, (C) advances pursuant to section 702 of the Housing Act of 1954, (D) grants pursuant to title VII of the Housing and Urban Development Act of 1965, and (E) grants pursuant to part A of Title I of the Housing Act of 1949; and the average annual grant made in accordance with part B of Title I of the Housing Act of 1949.

Subsection (d) would require the Secretary to adjust in an equitable manner the basic grant entitlement of any metropolitan city which would have an entitlement exceeding 135 percent of the city's hold harmless amount in the first year.

Subsection (e) would provide for the retention and distribution of any remainder of a metropolitan area allocation within metropolitan areas.

Subsection (f) would provide that any nonmetropolitan city would be eligible for annual grants in an amount at least equal to its hold harmless if during the five preceding years, one or more urban renewal or neighborhood development projects or programs were being carried out in the locality with assistance under title I of the Housing Act of 1949.

Subsection (g) would authorize the Secretary to distribute any unallocated funds to localities outside of metropolitan areas and to any locality to meet its hold harmless entitlement.

Subsection (h) would authorize the Secreary to make such adjustments as he deems necessary to maintain a distribution of funds consistent with the objectives of the Act in the event that the full amount of funds authorized to be appropriated are not available for obligation.

Subsection (i) would require the Secretary to report to the Congress his recommendations for modifying or expanding provisions related to the method and level of funding and the allocation of funds, the determination of the basic grant entitlement, and for the application of such provisions in the future distribution of funds under the Act.

GENERAL REQUIREMENTS

Section 7(a) would provide that financial assistance shall be granted only upon an annual application by a community development agency.

Each application would be required to contain:

(1) an outline of community development needs and objectives, and actions to be taken during the next three year period (a) to meet the housing needs of families who may reasonably be expected to seek housing in the community, (b) to prevent and eliminate slums and blight and upgrade neighborhoods through code enforcement and other community improvement programs; and (c) to improve and upgrade community services and facilities to meet the social needs of residents in areas affected by community development activities.

(2) a description of activities to be undertaken over the next 2-year period, the general location of these activities and requirements for federally-assisted housing units and rehabilitation loans.

(3) a certification that the applicant:

(A) has determined that the proposed program is consistent with local and areawide comprehensive development plans and national growth policies;

(B) has afforded, or will afford, adequate opportunities for public hearings prior to any acquisition of land, pursuant to reasonable prior notice; and

(C) has afforded adequate opportunity for citizens participation in the development of the annual application, and has provided for meaningful involvement of residents in areas affected by community development activities in the planning and execution of these activities, including provision of adequate information and resources.

(4) a report covering community development activities carried out during the previous year, their costs, and an assessment of these activities in relation to the community's development objectives stated in the previous application.

Subsection (b) would permit the Secretary to waive all or part of these requirements if the application is in behalf of a locality outside an SMSA or inside an SMSA but outside an "urbanized area", and having a population of less than 25,000 according to the most recent Census data; covers the first development activity under the act (except for an urban renewal activity); and is determined by the Secretary not to be inconsistent with the purposes of the Act.

Subsection (c)(1) would require that the Secretary make his determination with respect to any application and give written notice of his approval or disapproval within ninety days following submission of the application. Any application providing for renewal or revision of an on-going program would be deemed approved within ninety days after submission, unless the Secretary notifies the applicant in writing of his disapproval and sets forth the reasons with respect to performance by the applicant agency or the eligibility of proposed activities.

Subsection (c)(2) would provide that no application for assistance under the Act may be approved by the Secretary unless he has concluded that the community has set forth a meaningful program to meet its urgent development needs and to achieve the purposes of the Act, and has carried out its contractual commitments pursuant to previous applications.

Subsection (c)(3) would provide that the Secretary shall reserve funds to meet the housing requirements specified in the application, to the extent he deems it to be necessary and feasible.

GRANTS

Section 8(a) would authorize the Secretary to enter into contracts to make grants to community development agencies for activities to be carried out within a two year period. No grant may exceed 90 percent of an agency's total net program cost. Where the program involves rehabilitation grants or relocation payments the grant may be increased, subject to prescribed limitations, to include either the full cost of making rehabilitation grants, or the full cost up to $25,000 for each displaced person for relocation. Non-federal contributions to the program cost must be in the form of cash grants, property donated at cash value, or public services or improvements at their cost.

Subsection (c) would define "rehabilitation grant" as a grant of under $4,000 made to a low-income owner-occupant to finance repairs and improvements necessary to conform the property to requirements of applicable codes or of the community development program.

LOANS

Section 9(a) would authorize loans at not less than the going federal rate to community development agencies to finance activities pending receipt of grant assistance. It also would provide interim financing for construction of public facilities. These funds may be obtained by issuance of obligations not to exceed $1,500,000,000, under conditions prescribed by the Secretary with the approval of the Secretary of the Treasury, who is further authorized to purchase and sell any of these obligations as public debt transactions.

Subsection (b) would authorize the Secretary to make rehabilitation loans where the rehabilitation is necessary or appropriate under an approved community development program.

CONSULTATION

Section 10 would provide that the Secretary in carrying out the provisions of this Act shall consult with other Federal agencies which administer grant-in-aid programs.

TECHNICAL ASSISTANCE

Section 11(a) would authorize the Secretary to provide technical assistance directly or through contracts to smaller communities in planning, developing and administering community development programs. He may use for demonstration purposes, smaller community programs being carried out under Model Cities or other community development programs.

Subsection (b) would require the Secretary to report to the Congress within 180 days his findings and recommendations with respect to:

(1) Existing and recommended programs of Federal, State and local governments relating to community development in smaller communities as defined above;

(2) The significance of such programs as they relate to the relief of acute problems in communities of greater population, and population density;

(3) The need for unified federal agency coordination, control or direction of such programs;

(4) The extent to which the Department should be involved in such coordination, direction or control and the manner and method of such participation;

(5) The appropriate allocation of federal funds and resources as between the community development of rural areas as herein defined and community development in urban areas.

Subsection (c) would define the term smaller community to mean any municipality or other political subdivision having a population of 50,000 or less according to the most recent census.



LABOR STANDARDS

Section 12 would provide that the provisions of section 109 of the Housing Act of 1949, relating to the protection of labor standards, will apply to the administration of this Act.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Section 13 would extend the definition of a person displaced as the result of the acquisition of real property to include those who discontinue business or move from their dwelling as a direct result of activity assisted under the Community Development Assistance Act of 1973.

INTERSTATE AGREEMENTS

Section 14 would approve multi-state agreements and agencies for cooperative effort in support of community development programs which have an interstate impact.

EFFECTIVE DATE; TRANSITIONAL TERMINATION OF EXISTING PROGRAMS

Section 15 would provide that this Chapter is to take effect on the date of enactment, and that after June 30, 1974 no new grant or loans are to be made except where funds have been committed before that date pursuant to title II of the Housing Amendments of 1955; title VII of the Housing Act of 1961; section 702 of the Housing Act of 1954; title VII of the Housing and Urban Development Act of 1965; and title I of the Housing Act of 1949. An amendment would be made to Section 3689 of the Revised Statutes to deal with payments pursuant to contracts entered into under section 103(b) of the Housing Act of 1949. The Secretary would be authorized to transfer assets and liabilities of superseded or nonactive programs to a revolving fund for liquidating programs.

Mr. TOWER. Mr. President, I take pleasure in introducing today, along with the distinguished senior Senator from Alabama, the administration's proposed Better Communities Act, transmitted to the Senate on April 30, 1973, by Hon. James T. Lynn, Secretary of the Department of Housing and Urban Development.

In 1971, the administration submitted to the Congress the Community Development Act which embodied its urban community development special revenue sharing proposal. The Better Communities Act also proposed to share revenues with State and local governing bodies and is similar in content to the administration's proposal of 2 years ago.

As you will recall, last year the Senate passed the Housing and Urban Development Act of 1972 which contained provisions which allowed block grants to be used by local governments for community development purposes. This was the result of extensive hearings held by the Committee on Banking, Housing and Urban Affairs and represented the best of the many proposals submitted. Communities would receive their fair share of Federal funds to be used in activities which were determined by local priorities. Unfortunately, a bill which contained similar provisions never passed the House.

This year the Better Communities Act provides that initial funding be at a $2.3 billion level. The act proposes that funds go directly to State and local units of government. Funds would be distributed on a formula basis taking into consideration factors such as population, poverty, and the extent of overcrowding in housing.

Additionally, a "hold harmless" provision is designd to assure those communities that have ongoing projects that funding will continue at a level so that particular projects might be completed if that is the community's priority.

Mr. President, while the Better Communities Act proposes to alleviate the problems that have resulted from the present system of categorical grants, there are certain portions of this bill which I think should be explored in committee hearings. Some of the concerns I have regarding the proposal deal with the amount of funds available to small communities. Additionally, the amount of funds available to the States, and the phaseout provisions for certain hold harmless communities merit further consideration. It is my hope that these matters could be examined in hearings to be held as early as scheduling will permit.

As you know the President and Secretary Lynn have repeatedly assured us that the administration's housing policy recommendations would be submitted to Congress by September 7, 1973. I think all of us agree that despite the increased number of housing starts in the past few years, there is still a significant shortage of housing that low- and moderate-income families can afford. It is highly important that this need be met. Much of the testimony received in the past has shown, however, that the present programs do not effectively solve the housing problems of those persons who are at the very lowest rung of the income scale. It is hoped that the proposal to be submitted by HUD will offer solutions to this very pressing problem.

Nevertheless, it is also my hope, Mr. President, that the Committee on Banking, Housing and Urban Affairs will not wait to commence action on the Better Communities Act until these housing proposals have been submitted. The importance of its provisions are evident in that the Senate last year passed a bill which was similar in scope. It is important that the frustration and headaches that our local officials now go through be eliminated. It is important that a community be able to decide what it wants to do with funds rather than being locked into spending money on a project which might not be its No. 1 priority. It is important that the taxpayer's money be used as efficiently as possible.

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By Mr. MONDALE (for himself, Mr. BAYH, Mr. BURDICK, Mr. CHURCH, Mr. EAGLETON, Mr. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. MOSS, Mr. PASTORE, Mr. PERCY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENSON, Mr. TUNNEY, Mr. WEICKER, and Mr. WILLIAMS):

S. 1745. A bill to provide financial assistance for research activities for the study of Sudden Infant Death Syndrome, and for other purposes. Referred to the Committee on Labor and Public Welfare.

SUDDEN INFANT DEATH

Mr. MONDALE. Mr. President, today I am introducing legislation which I hope will result in a national commitment to finding the cause and cure of Sudden Infant Death Syndrome or crib death. This disease is the largest killer of infants between the ages of 1 month and 1 year in this country. It strikes at least 10,000 children each year.

Babies who die of SIDS die unexpectedly and from no apparent medical cause. Because so little is known about SIDS the pain it causes can envelop entire families and can have wide-ranging psychological implications. Grief-stricken families are sometimes even ostracized by other members of the community who wrongly blame them for the death.

As chairman of the Subcommittee on Children and Youth, I have a long standing interest in trying to expand research into SIDS. In January 1972, the subcommittee held a hearing in which parents and doctors testified to the pressing need for a systematic SIDS research program. In addition, they pointed out that the grief of families who lose children to SIDS could be considerably alleviated if hospital and similar personnel—such as doctors, nurses, and social workers—were more aware of the nature and effects of crib deaths.

Last year I introduced and the Senate passed a resolution calling on the Department of Health, Education, and Welfare to make crib death research a top priority; and to develop education, information, training and statistical resources on the disease. The resolution was not acted on by the House.

During the summer of 1972 the National Foundation for Sudden Infant Death, Inc. conducted a study of the treatment of SIDS cases by the authorities in various parts of the United States. The final report of this study is not available yet. But preliminary findings indicate that there is a desperate need for an immediate focus on SIDS to relieve the suffering of families who lose children and to find out why these children continue to die so mysteriously.

For this reason today I am introducing legislation authorizing the creation of SIDS research centers; and authorizing support for information, counseling and training activities related to SIDS.

No institution could receive a grant in excess of $50,000, and grants would have to be matched by a 50-percent contribution.

I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1745

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it is the purpose of this Act to provide financial assistance to identify the causes and the preventive measures needed to eliminate sudden infant death syndrome, to provide in-

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formation and counseling services to families affected by sudden infant death syndrome, and to personnel engaged in research for the prevention of sudden infant deaths.

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to make grants to or enter into contracts with public or private nonprofit institutions to pay the Federal share of the cost of research, designed to identify the causes and to develop preventive measures to eliminate sudden infant death syndrome.

(b) Activities for which a payment may be made under this Act include—

(1) the establishment of research centers for the study of sudden infant death syndrome;

(2) the collection, analysis, and furnishing of information with respect to the causes of sudden infant death syndrome;

(3) counseling services to families affected by sudden infant death syndrome; and

(4) short-term training and other professional services for personnel engaged in preventing sudden infant death syndrome.

(c) No grant under this Act may be made and no contract may be entered into under this Act unless—

(1) an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require; and

(2) provision is made for such reporting and fund accounting procedures as the Secretary deems neecssary.

(d) Payments in any fiscal year to any single institution under this Act may not exceed $50,000.

SEC. 3. (a) The Federal share of the cost of any activities for which application is made under this Act shall be 50 percent.

(b) Non-Federal contributions may be in cash or in kind, fairly evaluated, including plant, equipment or services.

SEC. 4. Not later than September 1, 1975, the Secretary shall prepare and submit to the President and to the Congress a detailed and complete report of the findings and conclusions developed pursuant to activities assisted pursuant to this Act.

SEC. 5. There are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1974 to carry out the provisions of this Act.

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By Mr. WILLIAMS:

S. 1746. A bill to incorporate the Catholic War Veterans of the United States. Referred to the Committee on the Judiciary.

Mr. WILLIAMS. Mr. President, I am privileged today to introduce a bill which will provide the Catholic War Veterans of the United States with a national charter by act of Congress.

Since 1935, the Catholic War Veterans have been in the forefront of protecting rights and benefits and promoting fellowship for men and women of the Catholic faith who honorably served in our Nation's armed services during wartime.

As loyal Americans and defenders of our national interest, the Catholic War Veterans of the United States are committed to the moral and ethical principles of their faith and the advancement of those principles as a guide in the conduct of our national affairs. It is in the American tradition that the more than 8,000,000 living Catholics who served in our Nation's defense and whose interests are advanced by the Catholic War Veterans should receive a charter from Congress.

In his second inaugural address, President Lincoln pledged the Nation—"to care for him who shall have borne the battle and for his widow and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations." The Catholic War Veterans of the United States preeminently helps carry out that pledge.

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By Mr. GRAVEL:

S. 1748. A bill to amend the Ship Mortgage Act, 1920, in order to provide that a State, the District of Columbia, the Commonwealth of Puerto Rico, and a territory of the United States shall be considered to be a citizen of the United States for the purposes of such Act. Referred to the Committee on Commerce.

Mr. GRAVEL. Mr. President, today I am introducing a bill which will enable the State of Alaska and any other State, district, Commonwealth, or territory to make loans to commercial fishermen for the repair and rehabilitation of their fishing vessels. This legislation amends the Ship Mortgage Act of 1920 [46 U.S.C. 922(a)(5)] by including a State within the definition of a citizen for purposes of that act.

Since State statutes require them to obtain a first lien on the collateral which secures the loan, most applicants are unable to offer any collateral other than their fishing vessel; and this creates the problem. In most cases the only first lien obtainable on a vessel is a preferred ship mortgage created and held in accordance with the Ship Mortgage Act of 1920. This act requires that, in order to have a preferred ship mortgage, the mortgagee must be a citizen of the United States. Unfortunately, a State is nowhere defined as being a citizen. This legislation will correct that oversight by enabling States to create and hold preferred ship mortgages.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1748

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection D(a)(5) of the Ship Mortgage Act, 1920 (46 U.S.C. 922(a)(5)), is amended by inserting after "Reconstruction Finance Corporation" the following: "and a State, the District of Columbia, the Commonwealth of Puerto Rico or a territory of the United States".

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By Mr. MONDALE:

S. 1749. A bill to provide continued rail transportation in rural America. Referred to the Committee on Commerce.

Mr. MONDALE. Mr. President, I am introducing legislation to establish within the Department of Transportation a Rural Rail Transportation Administration.

This legislation is designed to provide rural community groups with a way to continue rail service when it is important to the economic growth and development of communities.

The Rural Rail Transportation Administration would have the responsibility of aiding the continuation and improvement of rail service in rural America. It would be authorized to make loans or loan guarantees to reestablish service of an abandoned rail line or to continue and improve service on a line to be abandoned. This type of financing program would enable cooperatives or other nonprofit organizations made up of shippers and residents to purchase and operate short-line railroads.

I have not included in the bill a ceiling on the size of loans. This was done on the assumption that the Commerce Committee, through hearings and appropriate study, will be able to establish fair and practical limits and percentages.

Increased reliance on motor carriers is not the answer for farmers or for other residents of rural America. In my home State of Minnesota, a recent study indicates that 304 communities will lose railroad service by 1980. Of those communities, 98 now have roads which are restricted to less than 9-ton carrying capacity. The Minnesota Highway Department informed me that it would cost State and county governments $79.7 million in additional highway construction money to provide unrestricted access to those communities. I am afraid that many rural communities would be left to die, because of the prohibitive cost of providing adequate transportation facilities to replace railroads.

But even if it were possible to obtain the vast investment required to improve rural roads in the next 5 years, it is becoming more and more apparent we should not permit rail service to be discontinued.

This spring the Nation is experiencing serious gasoline shortages, and industry spokesmen predict that there is almost an even chance of gas rationing. Independent distributors throughout the Midwest and Northeast regions of the country may be forced to close for lack of fuel supplies.

The fuel shortages are in many ways related to the growing agricultural transportation crisis. As we become more and more dependent upon overseas sources for oil, the Federal Government is looking toward a dramatic expansion in domestic agricultural production to feed world markets, and to alleviate the balance-of-payments deficit created by large-scale imports of oil. Reports indicate that by 1980, the United States may be spending $18 billion overseas to pay for oil imports alone, compared with a $4.2 billion expenditure in 1972.

The promising outlook in world demand for farm products is viewed by administration strategists as the major hope of preventing a sharp deterioration in the U.S. balance of payments. In fiscal 1973, it is estimated we will export $11.1 billion in farm commodities for a net surplus of $3.3 billion in agricultural trade. The Department of Agriculture has recently moved to remove Government controls on farm production. In a report prepared for Presidential Assistant Peter M. Flanigan, officials of the Agriculture Department concluded optimistically



that the United States could achieve $18 billion in agricultural exports by 1980.

We see already the vicious cycle which could occur. The U.S. imports greater supplies of oil from overseas. The Agriculture Department opens up millions of acres of farmland to production to pay for these imports. Rail transportation is reduced while we increase the amount of agricultural produce which must be moved. Thus we are forced to rely more and more on trucks to haul not just present but also greatly expanded production. Yet highways in many cases are not capable of replacing rail transport without costly improvements. And the increased reliance on trucks adds to the skyrocketing demand for fuel.

Trains can move one ton of freight for nearly one fourth the fuel required by trucks.

It is therefore critical to not only the agricultural community but also to the Nation's over-all economic future, that we maintain rural rail lines.

Corporations which presently own the railroads want to abandon rural lines. They have shown clearly that they do not want to live up to their responsibilities. Service to rural communities has been declining for a number years.

A year ago, I had an opportunity to examine some of the rail lines in the State of Minnesota, which were slated for abandonment. The rails were old, ties were rotted out, and in many places it was difficult to tell whether there were any ties at all because the entire roadbed was covered with sod.

The railroads argue that this faulty equipment is a reason to be granted permission to abandon the branch lines. But the poor condition of the track and roadbed are not the fault of the shippers and rural communities serviced by the lines. Who else but the companies owning the railroads is at fault?

Not long ago, railroads were allowed to abandon passenger service to many major cities. They said that was necessary in order to run freight trains profitably. Now they want to abandon freight service in rural areas. They say they must do this to keep main freight lines operating. And so it goes on. A dangerous trend continues and rural America is the victim.

In my judgment, we should initiate a transportation program similar to the Rural Electrification Administration. The REA has been one of our Nation's truly great rural development successes. Rural electric cooperatives, owned and operated by rural residents and farmers, provide services that big business cannot or will not provide. And REA's pay back all loans that they get from the Government.

Three or four decades ago opponents of the REA effort said it would never work. They said farmers don't need electricity, and if they had it, they could not pay for it.

Today rural America has electric power. All the bills get paid. And I am convinced that the labor saving, accomplished by electricity on the farm, has contributed greatly to the farmers' productivity, which has made American agriculture the bright spot of our international payments crisis.

I believe investing in people and entrusting our Nation's resources to organizations run by the people. Rural electric cooperatives have a fine record showing what can be done by such organizations. The Rural Rail Transportation Administration authorized by this legislation would do so also.

Mr. President, I do not claim that this will completely solve the transportation crisis. As put forth in this bill, I strongly support efforts to declare a moratorium on the abandonment of railroad lines until a national transportation plan can be developed. But the Rural Transportation Administration is needed to help continue rail service in rural communities.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1749

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That this Act may be cited as the "Rural America Rail Transportation Act of 1973."

RURAL RAIL TRANSPORTATION ADMINISTRATION

SEC. 2. The Secretary of Transportation (Hereinafter referred to as the "Secretary") shall establish within the Department of Transportation a Rural Rail Transportation Administration which shall be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate provided for level IV of the Executive Schedule in title 5, United States Code. The Secretary shall carry out his functions under this Act through such Administration.

STUDIES, RESEARCH, AND DEMONSTRATION PROGRAMS

SEC. 3. (a) In order to promote the continuation and improvement of rail service in rural areas of the United States the Secretary is authorized to contract or enter into other arrangements for studies, research, and demonstration programs as may be necessary to—

(1) develop improved equipment for such service;

(2) determine means of continuing and improving such service under existing railroad management;

(3) determine means of restoring such service where it has been discontinued.

(b) In carrying out the provisions of this section the Secretary shall consult and cooperate with appropriate State and local agencies, shippers, railroads, and other appropriate organizations and groups.

LOANS AND LOAN GUARANTEES TO RESTORE ABANDONED SERVICE

SEC. 4. (a) The Secretary is authorized to make loans or loan guarantees pursuant to this section to reestablish service on an abandoned railroad line, or to continue service on a line to be abandoned, in any case in which he determines—

(1) a valid need for such service in order to maintain economic growth and development of areas along the line;

(2) that the applicant has the capability of providing such service and for the purpose of this section any applicant which is a nonprofit organization made up of shippers and residents, or is a State or local government agency, of the area to be served, shall be given preference;

(3) that the applicant has complied with the provisions of the Interstate Commerce Act to provide such service; and

(4) that the provision of such service is, or can be made, economically feasible.

(b) Any such loan or loan guarantee—

(1) shall be made in accordance with the provisions applicable to loans and loan guarantees made pursuant to section 7(b)(5) of the Small Business Act (15 U.S.C. 636(b)(5)), except as otherwise provided in this section;

(2) may be made for costs of any necessary acquisition of tracks and right-of-way and other real property and necessary acquisition and improvement of equipment;

(3) may be made for not to exceed —— per centum of such costs or $——————; and

(4) may be made subject to such other terms and conditions as the Secretary determines necessary to carry out the purpose of this Act.

(c) As part of any loan guarantee under this section the Secretary shall pay such portion of the interest on the guaranteed loan as may be necessary to make the cost of such interest to the borrower equal to the interest cost of a direct loan from the Secretary.

AMENDMENT OF INTERSTATE COMMERCE ACT

SEC. 5. Part I of the Interstate Commerce Act is amended by inserting after section 13a a new section as follows:

"ABANDONMENT OF LINES

"SEC. 13b. (a) The Commission shall not consider the request of any common carrier by railroad for a certificate authorizing the abandonment of all or any portion of a line of railroad, or the operation thereof, until after a five-year period following the date of such request to the Commission and during which the carrier has provided public notice of such request, in accordance with regulations of the Commission in the area affected by such abandonment. In determining whether the public convenience and necessity permit the granting of such request, the Commission shall give thorough consideration to the economic importance of such line to all areas which it serves.

"(b) As a condition to the granting of any certificate authorizing such abandonment the Commission shall require such carrier to—

"(1) cooperate to the extent possible with communities served by such line in efforts to restore operations on such line, including making the right-of-way and tracks available for lease on a reasonable basis; and

"(2) not disturb the tracks and roadbed of such line for five years after the date on which such certificate was granted.

"(c) The Commission shall notify the Secretary of Transportation of the receipt of any request for a certificate of abandonment pursuant to this part and shall, to the extent possible, give priority to any proceedings initiated to continue or restore rail operations on an abandoned railroad line.

"(d) The Commission may reduce the five-year period required by subsection (a) or subsection (b)(2) of this section in any case in which it determines, after notice and public hearing, that the public convenience and necessity does not require such period."

AUTHORIZATION

SEC. 6. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

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By Mr. KENNEDY (for himself, Mr. BROOKE, Mr. JAVITS, and Mr. BUCKLEY):

S. 1750. A bill to establish the Frederick Law Olmsted Home and Office in Brookline, Mass., as a national historic site. Referred to the Committee on Interior and Insular Affairs.

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FREDERICK LAW OLMSTED HISTORIC SITE

Mr. KENNEDY. Mr. President, I am introducing legislation to establish the Frederick Law Olmsted Historic Site in Brookline, Mass. I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks. Today in the House of Representatives, Congressman ROBERT DRINAN is introducing companion legislation.

Mr. President, we are celebrating this year the 150th anniversary of the birth of Frederick Law Olmsted, the father of landscape architecture, enlightened city planning, the man who brought public green space into our urban centers. Olmsted is probably most famous for Central Park in New York City and in my own State of Massachusetts, the Emerald Necklace, a parkland that sweeps along the Charles River through the Fenway, across Jamaica Pond to Franklin Park.

From October of 1972 to January of 1973, we had the opportunity to see a complete exhibition of Olmsted's accomplishments at the National Gallery of Art in honor of the anniversary of his birth. The exhibit included Olmsted's plans for the 17 major urban parks he created including Jackson Park in Chicago and Belle Isle in Detroit, his complete residential community outside Chicago, Riverside, and the college campuses he designed from one coast to the other.

Every day, we in the Congress walk through the Capitol Grounds which Olmsted designed and created, and while we most often take this simple beauty for granted, I think all of us are struck at different moments by the quiet, peaceful charm and grace of these grounds.

Olmsted's efforts contributed to the founding of the National Park System. He was instrumental in preserving the setting of Niagara Falls and was chairman of the original Yosemite Park Commission in 1865.

But Olmsted's greatest contribution was in the cities. For so long it was assumed that urban residents had to travel to enjoy the kinds of natural beauty that add so much to our quality of life. No one else had attempted to set aside green space in the rapidly growing cities, much less to create green spaces where none existed. Central Park in New York and Belle Isle in Detroit were not scenic locations; Olmsted created them out of swamplands and dumps. It was Olmsted who promoted the idea that city dwellers had a right to enjoy scenic beauty and the city itself could only grow and mature if it balanced beauty and development, charm and functional facilities, peace and activity, tranquility and commercial bustle.

Prior to his death in 1903, Olmsted predicted that "the further progress of civilization is to depend mainly upon the influences by which men's minds and characters will be affected while living in large towns." And it was this vision of Olmsted's that prevailed; and it is because of this vision that we have in our major cities the kind of planning that encouraged beautiful landscape as well as buildings. Boston, New York, Milwaukee, Detroit, Buffalo, and Louisville all benefited from the implementation of Olmsted's plans.

Olmsted, in recommending the greenway through Boston wrote to the Boston Commissioner of Parks in 1880 that "pleasing rural scenery" is an antidote for urban ills including "excessive nervous, overanxiety, hasteful disposition, impatience and irritability." The development of the greenway along the Boston Fens changed a public nuisance due to odors, flooding, and disease to the "Emerald Necklace," a parkland of unsurpassed elegance and simple natural beauty.

I ask unanimous consent to include in the RECORD at this point an article by William Alex of the Olmsted Sesquicentennial Committee outlining Olmsted's place in the history of urban planning in this country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SESQUICENTENNIAL OF A GREAT AMERICAN

In the 19th century America produced a man who could look on a piece of land, understand the quality of the earth in it, ascertain the kinds of trees and grasses it could nourish, assay its capability to absorb and drain water, perceive the effect of prevailing winds and the action of the seasons. He knew the structure of the land and how it conducted the organic interchange of sun, air, water and life. He also knew how to rearrange—not break or interfere with—these organic linkages in a viable, constructive way so that the land could serve man's purposes, because he was a firm believer in growth and progress.

In this same way this same man could also look at a city, understand the course of its development, predict the places where industry and trade would concentrate, where workers' houses would then follow, perceive where the problems of crowding would fester most, pinpoint the impending tangles of transportation and communication lines, foresee the inadequacies of provision for sewage and waste disposal with consequent pollution and, when permitted the opportunity, could plan for and obviate these problems with remarkable vision.

And, in between these ecological and urban spheres, this man knew how to mediate nature's way, providing for crowded cities great parks that re-created almost totally for those deprived of it, the countryside, charming and complete, or; providing in a country area the amenities of an entire town, intelligently urbanized only to the extent required and rationally connected to the big city it served.

A small boy, exploring the hills and woods and lakes of his native New England countryside till after night fall, self-confident he would knock for shelter at the nearest farmhouse door he could find.

A man, directing one of the greatest American civil engineering projects up to that time, managing over 4,000 men, he had the courage to face up to one of the most extraordinary and sustained barrages of subterfuge, vituperation and abuse ever directed against one man by machine politics from both a state and municipal level. And he won.

During his lifetime, whose dimensions are just barely hinted at above, he expressed his faith in America devotedly. Responding to the needs of its growth he wrote endlessly, worked tirelessly, travelled almost constantly and fought small minds every step of the way.

Here are five areas of his accomplishments in environment—there are many others in other fields—a series of American firsts of the highest order:

1. America's first major conservationist whose actions and writings formulated the basis for our national and state park systems.

2. America's first regional planner who conceived, designed and built this country's first metropolitan scale park and parkway system for Boston and its surrounding areas.

3. America's greatest designer of major urbans parks, seventeen of them in our central cities across the United States, many of them with associate Calvert Vaux, the first of which was New York's Central Park.

4. America's first urban planner and theorist of note who designed an extensive series of residential communities that were carefully connected to the expanding urban centers they served.

5. Founder in America of the profession of landscape achitecture through his own work in which he conceived plans, detailed land programs and physically supervised the siting and landscaping of innumerable public and private institutions, college campuses, estates and railroad stations, and by training a body of men to do this work and providing professional standards for them.

It is ironic that just as the argument is being taken up all over the world as to whether man has actually succeded in severing the links of the biosphere, the organic chain that binds his very existence on this planet, this country's and perhaps the world's most important environmental artist-engineer, Frederick Law Olmsted, comes to take his place on the stage of history. It must be explicitly understood that the celebration of the sesquicentennial of his birth marks nothing less than a rededication to the idea of human survival. It is against this American that we must measure the captains who must now guide spaceship Earth.

Mr. KENNEDY. Mr. President, several years ago the Frederick Law Olmsted home and office was designated a National Historic Landmark in recognition of Olmsted's outstanding contribution to the history of this Nation. But it has become clear through the years that if this site is to be preserved for generations to come, assistance from the Department of Interior will be needed.

This legislation establishes the home and office of Olmsted as a National Historic Site authorizing the Secretary of Interior to conduct the maintenance and preservation efforts of the site as well as to protect the hundreds of drawings, prints, photographs, and documents which outline the history of Olmsted's achievements.

In addition the bill sets up an Advisory Commission to be made up of those with expert knowledge of Olmsted, his work, and his papers to work with the Department of Interior to assure that none of the material is lost and that it is protected against time and misfortune.

Olmsted's home in Brookline, Mass., is an 18th century house built by Joshua Clark. Olmsted went to live there in 1883 at the age of 61 and began making the house suitable for his work and office. After Olmsted's death in 1903, his son Frederick, Jr., lived there until his retirement in 1950. Through the years the structure has been altered to form to not only an interesting group of buildings, but a perfect setting for the work of Olmsted Associates, the firm carrying on the work of Olmsted.

There is an immediate need to provide protection for the enormous collection of papers and drawings in the office which



have been cherished and preserved through the years by Olmsted's family, friends, and associates. This legislation will authorize the Secretary of Interior to determine the most effective methods of guarding these treasures with the expert advice of the Advisory Committee made up of those who have shown their deep concern for Olmsted's history through the years.

I ask unanimous consent to insert in the RECORD at this point articles from papers and journals which have appeared recently in celebration of Olmsted's birthday.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Newsweek, November 6, 1972]

PROPHET IN THE PARK

(By Douglas Davis)

Frederick Law Olmsted, America's first landscape architect and first city planner, liked to call himself an "unpractical" man. He used the term in jest but the joke was spiced with a terrible irony. For he spent his long and tumultuous career in deadly conflict with the "practical" men who ran society—politicians, financiers and civic leaders. Occasionally he won, and those triumphs, some of them miraculous, are being celebrated now in two major museums, the Whitney in New York and the National Gallery in Washington, D.C., 150 years after his birth.

Olmsted is now a culture hero, but it should not be forgotten how often he lost, how soon wilted were the garlands of his victories, and how accidental was his rise to fame. Like Buckminster Fuller, Olmsted was a fortuitous freak, obsessed with a lonely grandeur of vision. In one of his classic confrontations with the New York Board of Public Parks he objected that the city's planners had plotted meanly, with the timidity of "a small, poor, remote provincial village." The city should consider itself instead a "metropolis," he said, serving not only the needs of commerce but of "humanity, religion, art, science and scholarship." What folly! How they must have laughed and turned to other things.

SLOPES

But they laughed to themselves, not in public. By 1877, Olmsted was something of a public hero. He had created Central Park in New York, the first work of its kind in the United States; it was by then a national treasure, to which millions flocked—and other sites by Olmsted followed, dotting the countryside, along with areas such as Yosemite, which he preserved. He had virtually invented the "art" of landscaping in the U.S., and many artists ranked him with Leonardo da Vinci and Rembrandt. "He paints with lakes and wooded slopes," said one of them, "with lawns and banks and forest-covered hills."

Olmsted's rise in middle age was a stunning reversal of his early fortunes, prompted as much by luck as by skill. He was raised in the lap of gentility by his merchant father, educated by a series of clergyman instructors, and wandered among places and professions. Finally, his father bought him a farm in Staten Island, which Olmsted tended by scientific methods, convinced that rural living nourished the soul. But soon he was employed in the city as a journalist, and later he founded an ill-fated monthly magazine. By 1857, when he applied for the unlikely post of superintendent of Central Park—and got it—he was a conspicuous, unsettled dilettante.

ENERGY

Olmsted had been mightily impressed by the "people's" park in Birkenhead, near Liverpool, in England. But he brought to his job nothing more than a horticulturist's skills, and enthusiasm. The plan he submitted to build a "central" park in the city was at least 50 per cent the work of Calvert Vaux, an architect. But the premise behind it was Olmsted's; so was the rhetoric and energy that kept the plan going, against all odds, political and financial.

For the making of Central Park was a massive, sweaty, earthy business. It involved thousands of laborers, tons of soil, millions of shrubs; lakes were excavated; cozy grottoes and walkways erected; four different kinds of pathways were built, many of them below ground level, preserving the pedestrian's right to walk. And, all the while, Olmsted was fighting to keep his sweet, sylvan plan free from pork-barrel political projects, from race-tracks and athletic fields. When the park was finally finished, in the 1860s, it was instantly acclaimed and instantly popular. But it was—and is—a nineteenth-century park, sculpted to cultivate nature and civilize man. Olmsted did not love nature wild and pagan. He wrote: "No matter how rural a park may be . . . there is no place where the work of man ought to be done with greater skill, or . . . a franker artificiality."

Olmsted was Emerson with a hoe, in brief, not an organic gardener. Nothing is clearer than this fact in the rows of photo blowups and drawings, accompanied by slide shows in the round, that characterize the New York and Washington shows. Along with these visual delights is an accompanying text, deploring the gamy and vulgar modifications that have been visited upon Olmsted's parks in New York, Boston, Detroit, Chicago and beyond. But these are liberal pieties, missing the real value of the man. Olmsted was more than a genteel maker of parks. He saw—like Fuller—the sweep of the future. Mixed in with the pretty pictures on the museum walls are quotations from his writings and speeches; they are stunning both in their prophetic awareness of a system esthetic in man and nature and of rampant, accelerating urban growth.

Long before the end of the nineteenth century he foresaw the choked, crowded Manhattan we now see, the need for green, grassy suburbs, the interdependence of adjoining urban regions, and the threat to the air itself. When asked to build Prospect Park in Brooklyn—his finest park—he tried to lift the eyes of the politicians to a regional system of parks and roads running from the Atlantic Ocean to the Hudson Valley. But they kept their eyes to the ground, "practicality" triumphed, and we are left today with the debris of that practicality. Olmsted died a broken, sick man. The lessons of both his defeats and victories have yet to be learned.

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(From Time, Dec. 11, 1972)

THE PRESCIENT PLANNER

"The main object and justification of [Central Park] is simply to produce a certain influence in the minds of people. . . . The character of this influence is a poetic one and it is to be produced by means of scenes, through observation of which the mind may be more or less lifted out of moods and habits into which it is, under the ordinary conditions of city life, likely to fall." Frederick Law Olmsted's words on his noble design for Manhattan may ring with some irony in a New Yorker's ears today as he promenades his German shepherd past a sniffling junkie on a park bench and settles down to meditate on the future of *rus in urbe* among the tattered newspapers and paper cups surrounding some graffiti-sprayed rock. But the fact is that New York, to the extent that it is still habitable, remains so partly by virtue of Olmsted's prescient and humane planning.

Many of his urban designs have since been bastardized, and the parks he completed have been eroded by careless crowds, inadequate maintenance and spurious development. Consequently some of Olmsted's New York projects—Morningside Park in Manhattan, Tompkins Park and Prospect Park in Brooklyn—are now parodies of their 19th century selves. Moreover, a changed idea of leisure has bitten into the patterns that Olmsted left. Parking lots, baseball diamonds and 27 playgrounds, not to mention the Metropolitan Museum's expansion, have severely damaged Central Park itself. So grasping Olmsted's work is partly a matter of archaeology: the achievement must be reconstructed. This is the aim of a fascinating exhibition at Washington's National Gallery organized and directed by William Alex in commemoration of the 150th anniversary of Olmsted's birth.

The son of a prosperous Connecticut merchant—his ancestors had immigrated to America in the early 17th century—Olmsted was a capable writer, and his thoughtful, closely researched books on conditions in the South were acclaimed as the best record of the slave society that had been written before the Civil War. He farmed too, and dabbled (with disastrous results to his purse) in publishing. His career as a planner and designer spanned more than a generation, from his appointment in 1857, at age 35, as the superintendent of an as yet undesigned Central Park to his retirement in 1895. Throughout, Olmsted was known as a landscape architect. This "miserable nomenclature," as he called it, fretted him; but what else could Olmsted call himself? "For clearness, for convenience, for distinctness," he complained, "you do need half a dozen new technical words at least." The fact that his culture had no exact name for his work is an interesting proof of Olmsted's originality.

As Elizabeth Barlow writes in a graceful new study, *Frederick Law Olmsted's New York* (Praeger; $12.50): "At the time of his birth" his type of activity "was almost beyond imagining." America's image of itself was still Arcadian and rural; the city was generally considered to be past redemption, a sink of iniquity and profit. Even by the mid-19th century, there was no American equivalent of the royal parks in which Londoners could refresh themselves. From Boston to Buffalo to Chicago to Minneapolis, Olmsted set out to supply them. He also designed a park for San Francisco, which unfortunately was never built. As Mrs. Barlow puts it, he "did not turn his back on the process of American urbanization; rather, he took the Jeffersonian rural ideal and carried it into the heart of the city."

COMPLETE SYSTEMS

His prototypes were, naturally, English. Olmsted had absorbed the lessons of the "picturesque" on his first visit to England and Europe in 1850—that mode of articulating a landscape or a park so that it seemed not designed, but modulated, into a suggestive wildness. The sight of hawthorn hedges and coppices, glistening under the mild English sun, threw him into transports of delight; two of the key texts on English romantic gardening, Sir Uvedale Price's *On the Picturesque* and William Gilpin's *Forest Scenery*, so influenced him that he later enjoined his pupils to read them "seriously, as a student of law would read *Blackstone*."

Olmsted's mind, so delicate in its attention to detail and so wide in its grasp of social issues, was of a sort not often found elsewhere in 19th century America; he was, in fact, the first American planner to think holistically, in terms of complete systems. Architect, sociologist, ecologist, engineer and conservationist, he felt an abiding concern for the refreshment of human life by an interaction with nature, but with a nature that was planned or, if not planned, lovingly preserved. He drew up a project that restored Niagara Falls after its defacement by com-

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mercial exploiters; and the conservation of Yosemite Park, whose rock outcroppings were already splashed with patent medicine ads as early as 1860, is largely the result of his dedication.

But it was in urban design that his genius revealed itself. No living architect could propose a more humane suburb than the cellular plan for Riverside, Ill., with its soclably curving layout and "character of informal village greens," which Olmsted and his partner Calvert Vaux drew up in 1868. Similar master plans for The Bronx and other areas of New York were not carried through; instead, the builders and real estate speculators imposed the mechanically uniform grid system that was a special target of Olmsted's anger—and remains today. The landscape of New York City—which, well into the 19th century, was still a landscape, mostly farm land—vanished under the relentless leveling, cutting and filling, and one of history's greatest urban bungles was consummated.

WASTE SPACE

Except, fortunately, in Central Park; there, Olmsted and Vaux had a free hand. They won it with great difficulty against a phalanx of businessmen and politicos who could see no point in creating such "waste space" in Manhattan. Olmsted's tenacity was such that when his thigh was broken in three places by a carriage accident, he insisted on being carried round the park in a litter while he issued his orders to the foremen and struggled to complete, in grass and trees, his "gallery of mental pictures." Though he disapproved of such grand formal gardens as Versailles, the park entailed a stupendous effort of engineering. Ten million cartloads of earth and stone were dragged in and out of the area, millions of trees, vines and shrubs were planted, the brooks that traversed it were turned, by an impressive feat of hydraulic engineering, into lakes and reservoirs; even the four systems of traffic circulation, which Olmsted designed with unusual finesse, still work admirably after more than a century. No detail, from the marble inlay of a niche or the angle of a fountain jet to the disposition of a hickory grove, escaped him or Vaux. The result was a masterpiece.

Its uses have changed—the dubious honor of driving the first car in Central Park went to one Winston Buzby in 1898, and the present infestation of buildings and ugly monuments was no part of Olmsted's plan. Today, the character of Central Park is stretched to its elastic limit. But it still survives, and Olmsted's words to his partner Vaux (who got dispirited sometimes) still speak for many New Yorkers: "I have none of your feelings of nauseousness about the park. There is no other place in the world that is as much home to me. I love it all through, and all the more for the trials it has cost me."

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[From the Boston Sunday Globe, July 23, 1972]

BOSTON CELEBRATES PARK FESTIVAL HONORING OLMSTED

(By Christina Robb)

After 150 years, Frederick Law Olmsted is venerated as a landscape architect. His first week long festival starts today in the half dozen Boston Parks he designed.

In 1848, he'd never thought of landscaping. At 26, he had written four books about Southern slave society and a fifth about English farmers. Just back from Europe, he was sitting in a harbor tavern in New York when Fernando Wood stopped by and mentioned that the superintendency of Central Park—which was then as undeveloped as Olmsted's landscaping art—was up for grabs.

The politically chosen park site, Olmsted wrote, "was a very nasty place. In fact, the low grounds were steeped in the overflow and mush of pig-sties, slaughterhouses and bone-boiling works, and the stench was sickening."

Wood was a rich merchant, Tammany leader and future Democratic mayor of New York. But in 1848 he was fighting for his political life and wanted to prevent the appointment of a Republican to the park superintendent's job. He suggested that the apolitical Olmsted think about it.

"I take it? Olmsted mused aloud. I'm not sure I wouldn't if it were offered me. Nothing interests me more in London than the parks, and yet I thought a great deal more might be made of them."

"Well, it will not be offered you," Wood told him. "That's not the way we do business; but if you'll go to work, I believe you may get it."

A week later, Olmsted presented the New York City parks commissioner with an application backed by the weighty signatures of cultural worthies like Washington Irving.

Olmsted described the interview in a fragment of the unfinished autobiography he wanted to call "Passages from the life of an Unpractical Man:"

"The practical Democratic commissioner having ascertained that I had no experience in practical politics, even no personal acquaintance with the Republican leaders in the city, that my backing would be from unpractical men, and that I responded warmly to virtuous sentiments with regard to corruption in both parties. After a long conversation, he gave me the impression that I might hope that, if the Republicans brought me forward, he should be less inclined to oppose me than a possible Republican who had been deep in the mire and who disapproved of the practice of virtue in politics."

Olmsted got the job.

When he reported for work, the engineer sent him out with the foreman on a tour of the park site, "in the black and unctuous slime of which," Olmsted remembered, "I sometimes sank nearly half-leg deep."

The foreman was a talkative tour-guide. "Under all the circumstances," Olmsted judged years later, "it was plain enough that when foreman Smith pleasantly remarked that he supposed they would be 'pushed up now,' and the men laughed with him at the suggestion. It was because of the idea that I might expect a day's work from them for each day's due bill was thought a good joke."

Ten years later, Olmsted's design for the world's largest park had been accepted. Twenty years after that, in the 1870's when Central Park was near completion, he started work on Boston's "Emerald Necklace"—the string of riverside and city parks that stretches from the Fenway via the Common and Arnold Arboretum to Franklin Park.

When he died in 1903, Frederick Law Olmsted was the most famous landscape architect in America. He had designed 16 major metropolitan parks—notably Central Park in New York, Golden Gate Park in San Francisco, Mt. Royal Park in Montreal, South Park and the world's Columbian Exhibition Grounds (now Jackson Park) in Chicago.

The Boston's seven-mile green spoke—a park system rather than a single park—was his most ambitious project. It is unfortunate that he left no record of his "unpractical" experience in getting that monumental job done.

Olmsted's son, also called Frederick Law, lived from 1870 to 1957. He landscaped the Lincoln and Jefferson memorials in Washington and taught landscaping at Harvard.

Writing in the Boston Post of 1912, the younger Frederick characterized his father as "the earnest, clear-sighted American citizen. He was anxious as to the political conditions and tendencies of his country. He suffered from no illusions as to the proximate inefficiency, waste and corruption of our governmental agencies, but had unshaken confidence in the principle of the Democratic rule as the only safe basis for ultimate human progress."

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[From the Smithsonian, December 1972]

RENEWED ACCLAIM FOR THE FATHER OF AMERICAN LANDSCAPE ARCHITECTURE

(By Tanya Edwards Beauchamp)

A 150th birthday salute to Frederick Law Olmsted, who not only designed city parks but also promoted a national parks system.

In the mid-1860s, when construction of New York's Central Park was under way, the *Herald Tribune* editorialized on the folly of the undertaking, prophesying that it would "be nothing but a great beer garden for the lowest denizens of the city," that decent citizens could not safely venture there, that real estate bordering the park would be adversely affected, and that only the grog shops would benefit from its presence. The park, of course, was successful.

Citizens of all classes flocked to this idyllic 840-acre expanse of trees and grass and water. In a single day, visitors often numbered as high as 80,000 persons on foot, 30,000 in carriages and 5,000 on horseback. It was the scene of family outings, of wedding parties, of school excursions. Doctors sent their patients there to convalesce. As a lure in attracting tourists and wealthy new residents to the city, it was said to outweigh "all the colleges, schools, libraries, museums and art galleries which the city possesses." Ruffianism was negligible (at least then), the neighboring grog shops were emptied, to be replaced by classier establishments, and the value of real estate along its seven-mile boundary appreciated by leaps and bounds.

Frederick Law Olmsted, who collaborated on the design of Central Park with architect Calvert Vaux and supervised its construction went on to design 16 more large parks and as many smaller ones in cities across the country. He also designed suburban developments and college campuses, private estates and institutional grounds, becoming America's first landscape architect and city planner. In an era of unprecedented industrial and urban growth, he saw the opportunities and responsibilities in his time for favorably influencing the health and spirit of city dwellers for generations to come. Yet he referred to himself as a "wholly unpractical man" to distinguish himself from those men—all too numerous then as now—who prefer to define practicality entirely in terms of the nearest dollar.

This year marks the sesquicentennial of Olmsted's birth. Probably more acclaimed now than at any time during his lifetime, Olmsted is being honored with numerous exhibitions, parties in the parks, newly published books and environmental festivities in many American cities. Currently, his work is being celebrated in two major exhibitions—"Frederick Law Olmsted's New York" at the Whitney Museum of American Art in New York (through December 3) and "Frederick Law Olmsted/U.S.A." at the National Gallery of Art in Washington, D.C. (through January 7). A supplemental version of the latter show will be circulated by the American Federation of Arts to several other cities, including San Francisco, during the next two years.

Born in Hartford, Connecticut, in April 1822, Olmstead was the son of a well-to-do merchant. Unable to attend Yale because of an illness temporarily affecting his eyesight, he was apprenticed in 1837 to a civil engineer. In 1843, he sailed as a crew member on a ship bound for China. The following year he joined his brother John—then a pre-medical student—at Yale. Though he did not matriculate, he participated in the life of the college, attending lectures on scientific agriculture. In 1846 he apprenticed himself to a farmer in Onondaga County, New York. With the financial backing of his father, he then established himself as a farmer, first in Guilford, Connecticut, and then, in 1848, on Staten Island, New York, where he operated a fruit tree nursery and began writing for various agricultural journals.



In 1850, Olmstead, accompanied by his brother and a Yale friend, made a walking tour of Great Britain and parts of Western Europe. His published account of this tour, *Walks and Talks of an American Farmer in England*, led the *New York Times* to send him on reporting assignments through the troubled South and Southwest. Making three trips between 1852 and 1854, he filed dispatches that earned him a lasting reputation as an observer of unusual perception. His three books on the antebellum South were eventually compiled into one volume, *The Cotton Kingdom*, which is still in print.

Olmstead was 35 in 1857 when he sought and obtained the post of superintendent of the site set aside as Central Park. Until then he had never seriously considered becoming a landscape architect. But the following year Calvert Vaux persuaded him to collaborate on what was to be the winning park design.

Later, defending himself against charges that he had become an instant landscape gardener, he answered: "It is true that I had not set up to be a landscape gardener before I came upon the park. I had not thought myself one, and had been surprised and delighted when I was asked if I would accept even a journeyman's position in the intended work. Why? Simply because I held the art in such reverence, that, to that time, it had never occurred to me that I might rightly take upon myself . . . it's public practice. My study of it had been wholly a study of love, without a thought of its bringing me pecuniary reward. . . ."

Indeed, with his careful and sensitive observation of parks and natural scenery here and abroad, his theoretical studies, his practical experience with drainage, nursery stock and the management of agricultural labor, he was well qualified for the undertaking. But Olmsted's work at Central Park was marred by political infighting as he obstinately refused to put the interests of Tammany Hall ahead of those of the Park. He was maligned in the press and received threatening letters. His plans were frequently obstructed by "practical men," workmen and politicians. At one point he was brought close to nervous collapse. During the 21-year span in which he worked intermittently on the Park, Olmsted occasionally resigned, always to be reappointed.

Though he often had trouble with clients who didn't quite understand what he was doing or who weren't willing to spend enough money to do a thorough job, he never again experienced the bitter opposition he had met in the protracted construction of Central Park. During the late 1860's and early 1870s, Olmsted and Vaux went on to design Prospect Park in Brooklyn, the Buffalo and Chicago park systems as well as several college campuses and suburban areas in Riverside, Illinois, and Tarrytown, New York. He also devised a comprehensive plan for the development of Staten Island.

PARK SCENERY SHOULD BE PASTORAL

The urban landscape park was the nucleus of Olmsted's design thought. He envisioned it in its simplest form as a place where large numbers of people might find recreation in moving "among scenes that should be gratifying to their taste or imagination." A park should present the "greatest possible contrast with the restraining and confining conditions of the town, those conditions which compel us to walk circumspectly, watchfully, jealously, which compel us to look closely upon others without sympathy." In a park people should be able to meet in an open and friendly manner, finding pleasure in "a sense of enlarged freedom." The scenery should be pastoral—including greensward, with the light and shade of sunlight filtering through trees, a pleasing variety of foliage, expansive lakes, swiftly running streams and grazing sheep and deer. The city should be obscured from view by thick plantings of trees, architectural effects should be minimized, and distant views should be opened up.

Such a park would be, according to Olmsted, a "sustained landscape poem" wherein the visitor would himself become an element in the landscape. That the landscape was indeed a work of art and not a mere imitation of nature should always be evident.

While touring England, Olmsted had paid a visit to Birkenhead Park, designed by the architect Joseph Paxton. English parks so impressed Olmsted that he wondered: "What artist, so noble . . . as he who, with far-reaching conception of beauty and designing power, sketches the outline, writes the colors, and directs the shadows of a picture so great that Nature shall be employed upon it for generations." In practice, as Olmsted discovered, nature was far from the docile assistant this romantic idea implies. Topography had to be altered by blasting, excavating, filling and grading. Soil had to be drained and manured. New plant materials had to be selected with a view to their adaptability to climate and exposure. Even after all these preparations the success of the work was subject to the vagaries of weather, time, disease and maintenance. It is no wonder that after his career was under way Olmsted referred to landscape architecture as a fresco rather than an easel painting (see Dubos, p. 18).

In his design for Central Park, Olmsted drew heavily upon the vocabulary of the English landscape garden with its conceit of idyllic countryside, its illusion of unlimited extent. At Prospect Park in Brooklyn, which he and Vaux undertook in 1866, Olmsted brought his own version of the naturalistic style to perfection. Here he designed magnificent expanses of subtly shaped lake and meadow, surrounded by open woodland. Earth fills at the boundaries of the park were thickly planted to screen views of the town. Provision was made for concerts with the band playing from a pavilion on an island in a bay of the lake, while the audience listened from a natural amphitheater on the shore. In the woodland between the lake and meadow, a mountain stream was created, providing a charming diversity of scenic effects. At one side of the park a fenced grazing ground for deer was created. A well-thought-out system of carriage roads, riding trails and walkways threaded their way through the park, providing maximum access.

To Olmsted the urban park was kinetic in concept. Parkways could extend its benefits throughout a city, connecting with other recreational areas, cultural facilities and residential zones. It was in this development of the spatial dynamics of the urban park that Olmsted is most original and most divergent from his English antecedents. His linear parks, such as Seneca Park in Rochester, follow river banks for long distances, integrating river scenery with the city in a way that is far removed from the 18th-century English garden. His park and parkways system for Boston—the so-called "Emerald Necklace"—connected the parks and waterways of an entire region with continuous greenery.

At South Park in Buffalo in 1888 he proposed to unite the parks and parkways system of the city with the grandeur of Lake Erie. Here, a flat, featureless, treeless, lakeside tract, subject to frequent flooding, was to be sculptured into an aquatic park. Boaters would glide through lagoons among islands designed to provide an intricate variety of scenery. There would be a protected haven for excursion boats and facilities for bathing. Unfortunately this park was never built.

In 1871 Olmsted and Vaux had proposed a similar system of interconnected parks for Chicago, a city that Olmsted considered "unfavorable to parks." But their plans for Jackson and Washington Parks were not realized. Two decades later, Olmsted took on the prestigious job of site designer for the Chicago World's Columbian Exposition of 1893—his last major effort in urban design. He chose a swampy site on the shore of Lake Michigan, the area that had formerly been set aside for Jackson Park. He dredged the marshes, deepened the lagoons, and designed the grounds to provide a pleasing variety of scenery. He deliberately planned the grounds so that after the neoclassical Exposition buildings were removed in 1895 the site could be easily and cheaply converted into what is now Jackson Park.

As a visionary, Olmsted did not limit his horizons to the urban landscape. He felt that superb natural scenery was a national resource that should be held in trust for the people by the government and that such land should be "devoted forever to popular resort and recreation." In 1864 he was appointed to head the commission drawing up a report on the future management of the Yosemite Valley, the first scenic area to be preserved by Congress. The "sublimity of the Yosemite," he wrote, required that prime consideration be "given to the danger that such scenes might become private property and through the false taste, the caprice or the requirements of some industrial speculation of their holders, their value to posterity be injured." He recommended that the area be kept as nearly as possible in its natural state, allowing only a minimum of access roads and other public accommodations. His report established a philosophical rationale for the preservation of national and state parks. Later he became involved in a protracted fight to save Niagara Falls from the encroachments of industry and preserve it as a public pleasure ground.

In 1872 Olmsted and Vaux dissolved their partnership by mutual agreement. Afterward, Olmsted's most notable new works included the design of the grounds and west front of the U.S. Capitol, the grounds of the New York State capitol at Albany, Mount Royal Park in Montreal, and an elaborate ocean resort at Rockaway Point, New York.

In 1883, five years after his connection with Central Park was finally severed, Olmsted permanently moved his home and office to Brookline, Massachusetts. Although he continued to design urban parks, his work became more diversified; his projects included the Smithsonian Institution's National Zoo, many private estates, and several train stations for the Boston and Albany Railroad. While he often collaborated with Henry Hobson Richardson, and other architects of national reputation, he increasingly came to rely on the assistance of men trained in his own prospering firm, including his stepson, J. C. Olmsted, and his own son, Frederick Law Olmsted Jr. In 1895, Olmsted, his mind failing, entered McLean Asylum—the grounds of which he had designed—in Waverley, Massachusetts. He died there in August 1903.

Not all of Olmsted's designs were executed. Some were done only halfheartedly, others have not been well maintained or have fallen prey to bulldozers, roadbuilding or simple encroachment by non-landscape factors. Central Park is under constant threat of "improvements," ranging from new restaurants to new wings of the Metropolitan Museum of Art. And currently Olmsted's work on the Capitol is endangered by a Congressional commission that proposes to demolish the terraces and extend the west front.

Olmsted left an unusually complete record of his life and work. In addition to published records, the Library of Congress holds a collection of 24,000 items of personal papers, and more than 170,000 items comprising the records of Olmsted Associates, Inc. The latter covers the complete scope of the firm's work from 1858 until the present time. In

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addition, there remain in Brookline drawings, sketches and photographs documenting the work of this entire period. It is hoped that funds will soon be found so that these may be safeguarded, microfilmed and made available to scholars. The drawings are, after all, the real record of Olmsted's work and it is with them that all serious consideration of his design legacy must begin.

Toward the end of his life, Olmsted, looking back on the 17 large public parks and many smaller ones that he had worked upon, noted with satisfaction that "as they stand, with perhaps a single exception, they are a hundred years ahead of any spontaneous public demand. . . . And they are having an educative effect perfectly manifest to me—a manifestly civilizing effect." The renewed interest in Olmsted surely reflects a healthy concern for environmental design.

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[From the Washington Post, Jan. 29, 1972]

FROM THE MAN WHO GAVE YOU CENTRAL PARK

(By Wolf Von Eckardt)

A new national hero is emerging.

Frederick Law Olmsted, whose sesquicentennial will be celebrated this spring, has so far occupied only a relatively minor place in the American pantheon.

People interested in the history of our cities know him as "the father of landscape architecture" and the designer of New York's Central Park, the first park to bring generous open space, sunshine and fresh air into a modern industrial city.

What promises to make Olmsted a hero whom school children will be taught to admire along with Benjamin Franklin and Thomas Alva Edison, is that the nation's new concern for the quality of urban life is finally catching up with his.

We are now beginning to realize that protecting the natural environment, the traditional kind of conservation, is not enough. The principles of conservation of "sympathetic cooperation with nature," as Olmsted called it, must also be applied to the man-made environment—the city and metropolitan area—if both man and nature are to survive. Man is part of the much-talked about natural ecology.

And this, in essence, is what Olmsted preached and practiced in the course of a long (1822 to 1903), varied and productive lifetime that has left its mark all around us. People still enjoy not only Central and Prospect Parks in New York and the Golden Gate Park in San Francisco, but also the great parks that act as the "lungs" of Chicago, St. Louis and a dozen or so other American cities.

More importantly, perhaps, are Olmsted's theories on city planning. They herald those of the English "garden city movement." Lewis Mumford and Jane Jacobs, and are just now beginning to make their influence felt. Olmsted saw the need to create new communities, and designed one at Riverside, Ill. He recognized the need to make whole urban regions wholesome, showing how this can be done with his proposal for an "emerald necklace" of urban parks and parkways in Boston.

Olmsted, in fact, stands at the beginning of a new urban vision, a new concept of how we must guide rapid urbanization and, in the fact of mechanization and pollution, make our place to live human and livable. He was a pioneer in civilizing American cities.

Truly great men make a new contribution to every new age that succeeds their own. Every generation discovers some new aspect of the great man's wisdom. In his own time, Olmsted was mainly looked upon as a successful landscape architect who rode a fashionable wave of romantic love for nature and the picturesque. The fashion was partly a reaction to "the shame of the cities." It was exemplified by the paintings of Monet and the architecture of H. H. Richardson.

The last generation saw him primarily as an artist, who, in contrast to the rigid formality of baroque park design, created Monet landscapes complete with random rocks, meandering roads and brooks, dreaming meadows and utterly natural-looking artificial lakes, in the center of the city.

Today we see not only the esthetic, but the social implications and intentions of his work. Olmsted foresaw that Central Park, which was out in the sticks when he and his partner, Calvert Vaux, laid it out in 1858, would be hemmed in by a wall of skyscrapers. He foresaw the crush of traffic and was the first to separate people and vehicles by way of under- and overpasses in his park designs.

Today we see that Olmsted's approach to urban planning, had it been more fully accepted, might have saved us much of the misery of slums, ghettos, traffic jams, urban disorders, physical and mental health problems and other urban disasters. Olmstead warned, a hundred years ago, against building cities "little by little and chiefly to suit the views of landowners, acting only individually and thinking only of how what they do is to affect the value in the next week or the next year of the few lots that each may hold at the time."

But that, of course, is exactly what we did and are still doing.

The answer to the resulting chaos is comprehensive community planning that is focused, much as Olmsted prescribed, around parks and open spaces. This prescription is now being returned to us from England where it was developed and refined by the "garden city" movement and its "new towns" which Ebenezer Howard launched at the turn of the century.

But it seems that Howard, who visited America as a young man, was inspired by Olmsted's new community at Riverside. Howard is very likely to have visited this first modern, American "new town," according to Walter L. Creese, an eminent urban historian.

Olmsted, at any rate, was surely concerned with far more than beauty and commodious urban design. He stood, as Lewis Mumford quotes Charles Eliot Norton as saying of him, "first in the production of great works which answer the needs and give expression to the life of our immense and miscellaneous democracy."

He knew that life as an inveterate traveler and early in his career, as a reporter, writer and editor who worked for a number of newspapers and publications, including The New York Daily Times, Putnam's and The Nation. His reports on the state of the South before the Civil War are among the most valuable historic sources we have.

Olmsted's "very temperate picture of the beating of a young Negress," writes Mumford, "calmly, coolly, by a matter-of fact overseer, was far more damning than the violent melodramatics of Mrs. Harriet Beecher Stowe. Olmsted's account of the antebellum South has well been compared with Young's picture of France before the Revolution."

A number of determined environmentalists, historians and other admirers of Frederick Law Olmsted's led by architecture historian Frederick Gutheim, are busy planning an "Olmsted Sesquicentennial" celebration in honor of this remarkable man.

Plans include the issue of a commemorative postage stamp, forums and symposia in various cities where Olmsted works are found and a comprehensive exhibition, designed by William Alex, to be held at New York's Whitney Museum next summer.

The exhibition is to be shown in a number of cities, including Washington. The Architect of the Capitol, George M. White, has expressed interest in showing it on the Capitol's West Front Terrace, which Olmsted designed. An extension of the West Front would inevitably destroy this design.

Gutheim sees the sesquicentennial as one of his committee's most important tasks, however, to raise funds for the preservation of the Olmsted office, house and grounds in Brookline, Mass., and to microfilm its fund of letters and drawings. The Library of Congress has recently acquired 400 boxes of these papers. But far more are still inadequatsly stored and in danger of deterioration and fire.

Another central idea of the Olmsted celebration is to call public attention to the plight of our troubled urban parks, said Gutheim, "In a way they are the victims of their success. They mirror such national problems as crime, delinquency, overcrowding, drugs, traffic and environmental pollution.

"The result is an extensive invasion of chain-link fences, blacktopped play areas, bright illumination, highways and parking. These piecemeal responses by hard-driven park administrators can eventually destroy the original creations of a century ago."

But the main focus is on the man. The 150th anniversary of Olmstead's birth, says William Alex, "marks nothing less than a rededication to the idea of human survival. It is against this American that we must measure the captains who must now guide spaceship Earth."

Mr. KENNEDY. Mr. President, the Congress has the opportunity with this legislation not only to protect and preserve the heritage of Olmsted's work by preserving his home and papers, but we have the opportunity to renew the commitment of Olmsted to a better quality of life for urban residents. Olmsted envisioned a "sense of enlarged freedom" for those who would enjoy the cool, green spaces set among the concrete and pavement of our cities; and it is to renew this same vision that we introduce this bill today.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1750

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by gift or by purchase with appropriated or donated funds the lands, including improvements thereon, in Brookline, Massachusetts, comprising the Frederick Law Olmstead Home and Office, together with such additional lands as the Secretary may deem necessary for the purpose of establishing the Frederick Law Olmstead Home and Office as a national historic site. In addition, the Secretary is authorized to acquire by gift or by purchase with appropriated or donated funds those materials as deemed appropriate for historic preservation which may include original drawings and prints and reproductions, photographic negatives and prints, mechanical and technical equipment, written and printed documents and reports, books and publications, libraries, memorabilia and any other such material deemed appropriate by the Secretary.

SEC. 2. The property including any of the aforementioned materials acquired by the Secretary under the first section of this Act shall constitute the Frederick Law Olmstead Home and Office National Historic Site. Such historic site shall be administered by the Secretary, through the National Park Service, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935.

SEC. 3. In furtherance of the purposes of this Act, the Secretary is authorized to enter into cooperative agreements with public and private agencies, institutions, organizations and other entities to assist in the preservation and interpretation of the aforementioned properties and materials, or portions thereof, and to authorize such agencies, institutions, organizations, and entities to utilize the facilities of, and any aforementioned materials in, the Frederick Law Olmstead Home and Office National Historic Site.

SEC. 4. (a) There is hereby established the Frederick Law Olmstead Home and Office Advisory Commission (referred to in this section as the "Commission"). The Commission shall consist of 13 members who shall have professional knowledge of, and concern for, the work of the Olmstead architecture firm, and who shall be appointed by the Secretary as follows:

(1) one member on the basis of a recommendation by the American Society of Landscape Architects;

(2) one member on the basis of a recommendation by the American Institute of Architects;

(3) one member on the basis of a recommendation by the American Institute of Planners;

(4) one member on the basis of a recommendation by the Frederick Law Olmstead Papers;

(5) one member on the basis of a recommendation by the Olmstead Sesquicentennial Committee;

(6) one member on the basis of a recommendation by the Library of Congress;

(7) one member on the basis of a recommendation by the Archives of American Art;

(8) one member on the basis of a recommendation by the National Gallery of Art;

(9) one member on the basis of a recommendation by the Commission of Fine Arts;

(10) one member on the basis of a recommendation by the National Endowment for the Arts;

(11) one member on the basis of a recommendation by the National Endowment for the Humanities;

(12) one member on the basis of a recommendation by the National Historical Publications Commission; and

(13) one member on the basis of a recommendation by the Smithsonian Institution.

(b) It shall be the function of the Commission to advise and otherwise assist the Secretary in carrying out his duties under this Act, including, among others, the control, protection, and conservation of such drawings, prints, reproductions, photographic negatives and prints, mechanical and technical equipment, written and printed documents, reports, books, publications, libraries, memorabilia and other such materials referred to in the first section of this Act.

(c) Members of the Commission shall serve without compensation as such, but may be reimbursed by the Secretary for actual expenses incurred by them in carrying out their duties under this section.

(d) The Secretary shall designate one of the members of the Commission to serve as Chairman.

(e) Members of the Commission shall serve for terms of one year, but may be reappointed.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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By Mr. JACKSON (for himself, Mr. RANDOLPH, Mr. COTTON, Mr. FANNIN, Mr. JOHNSTON, and Mr. BAKER) (by request):

S. 1751. A bill to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities. Referred jointly to the Committees on Interior and Insular Affairs, Public Works, and Commerce by unanimous consent.



Mr. JACKSON. Mr. President, for myself, the senior Senator from West Virginia (Mr. RANDOLPH), the senior Senator from Arizona (Mr. FANNIN), the junior Senator from Louisiana (Mr. JOHNSTON), the senior Senator from Tennessee (Mr. BAKER), and the senior Senator from New Hampshire (Mr. COTTON), I introduce, by request, a bill submitted by the Acting Secretary of the Interior to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities. The short title of this measure is the "Deepwater Port Facilities Act of 1973."

The bill was submitted as part of the President's energy message.

Mr. President, I have discussed the bill with my distinguished colleagues, the chairman of the Committees on Public Works and Commerce. Because this bill contains matters which affect the jurisdictions of each of our committees, we are agreed that all three committees should give it early attention. We have agreed to establish a procedure to insure joint hearings and consideration of the proposal.

Mr. President, I ask unanimous consent that the bill be referred jointly to all three committees: Interior and Insular Affairs, Commerce, and Public Works.

I also ask unanimous consent that the text of the letter from the Acting Secretary of the Interior accompanying the proposed legislation be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. JOHNSTON). The bill will be received and referred as requested by the Senator from Washington; and, without objection, the letter will be printed in the RECORD, as requested.

The letter is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
*Washington, D.C., April 18, 1973.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: In accordance with today's Presidential Message on Energy, I am enclosing our proposed bill "To amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities."

We recommend that it be referred to the appropriate committee and that it be enacted.

Regardless of the policies adopted to increase domestic supplies, imports of crude oil and products into the United States are projected to probably double by 1980 and could continue to increase dramatically in succeeding years.

Most United States ports, already heavily congested, are not equipped to handle this increased trade. With few exceptions the largest ship which can enter United States ports fully loaded is 65,000 deadweight tons (DWT). (Compared to the new deep draft tankers which are now being built in excess of 200,000 DWT.) The use of small vessels is the least desirable method of importing large quantities of crude oil and products into the United States, both because of environmental and economic considerations. As imports of crude oil and products increase, our conventional ports will become more congested and the risks of collision and groundings will increase.

An alternative to this prospect which promises significant benefits both environmentally and economically is the construction of deep-water port facilities. Deep drafttankers could use these facilities, generally connected to shore by a pipeline. These tankers make possible substantial cost savings and can be designed to reduce the risks of pollution through use of multiple tanks, double bottoms, segregated ballast and other design improvements.

If we do not act, it is highly possible that transshipment terminals to the United States will be built in the Caribbean or in Canada. This not only deprives this Nation of an essential transportation asset, but we also lose associated employment and incur balance of payment deficits. More importantly, these foreign terminals service the United States through increasing numbers of small and medium sized tankers, many of them old.

The bill we are proposing would remove any legal impediments to the development of such deepwater terminals off the United States coast by establishing authority in the Department of the Interior for licensing the construction and operation of ports beyond the 3-mile limit. This process would include strict environmental controls and specific provision for navigation and safety. Licenses would be issued to any United States citizen, domestic corporation, State or local government when the Secretary finds that the applicant is financially responsible and has demonstrated an ability and willingness to comply with all applicable laws and conditions. Prior to issuing any license, the Secretary is required to consult with the governors of adjacent coastal States to ensure that the facility and its directly related land based activities would be consistent with the States' land use planning programs.

The construction and operation of proposed deepwater port facilities will not unreasonably interfere with international navigation or other reasonable uses of the high seas. Such construction and operation and the regulation of related activities will constitute a reasonable exercise, fully consonant with the principle of freedom of the high seas and will be consistent with international obligations of the United States.

The license required by this Act would be additional to permits or licenses which may be required under existing legislation from other Federal agencies. However, the proposed bill provides a mechanism whereby all Federal permits necessary for the construction of the deepwater port facility will be handled through a single application filed with the Interior Department. This Department will be responsible for ascertaining that the other Federal agencies with jurisdiction over the construction of the facility have given necessary approvals.

It should be emphasized that the basic planning and design of these deepwater port facilities will be left to non-Federal initiatives—as will the financing thereof. The Federal Government's role will be largely confined to reviewing the plans to assure that the facility will meet the requirements of the Act and comply with other applicable laws.

This legislation is an essential step towards significantly reducing the environmental risks associated with increased marine traffic carrying oil imports. In addition, this legislation will result in substantial cost savings to the American consumer. We therefore urge its speedy enactment.

The Office of Management and Budget advises that enactment of this bill would be in accord with the President's program.

Sincerely yours,

JOHN C. WHITAKER,
*Acting Secretary of the Interior.*

XUM

By Mr. HARTKE:

S. 1753. A bill to amend the Interstate Land Sales Full Disclosure Act to provide for the licensing of developers in order to insure the maintenance of high professional standards, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HARTKE. Mr. President, in 1968 the Interstate Land Sales Act was enacted to combat certain practices in interstate land sales. The legislative action was the result of the uncovering of widespread abuses—particularly in land sales to the elderly. Abuses included such things as selling swamp land or parcels of land lying under several feet of water, as retirement property by mail or phone. Unfortunately, many of the practices against which the legislation was directed have continued. It is for this reason that I send a bill to the desk for appropriate reference which will strengthen the present law. My bill would amend the Interstate Land Sales Full Disclosure Act to provide for the licensing of developers in order to insure the maintenance of high professional standards. I first introduced this legislation in April 1972. Unfortunately no action was taken in the 92d Congress on this issue.

The reintroduction of my legislation is not intended to imply that the professionals who engage in interstate land sales are not decent and honest entrepreneurs; rather, my concern is that too often the consumer has been subjected to inequitable activity in interstate land sales.

The mobility of the 20th century has made interstate land sales a very attractive market. Most of the purchases are of vacation homes or of land to be used when the buyer retires. The ownership of such property continues to rise sharply. In 1967, 1.7 million households owned second homes. In 1970, this rose to 2.9 million, about 4.9 percent of all households. In order to insure that prospective customers can be reasonably safe in their investments, we must provide for the licensing of those who engage in such land sales. Until 1968, this was an area in which the consumer was afforded very little protection. The legislation that I reintroduced today would strengthen the 1968 law.

Under the provisions of my bill, persons engaged in interstate land sales would be required to possess a license issued by the Secretary of Housing and Urban Development. The Secretary would issue a license after he determines that the applicant has satisfied certain standards. My bill suggests some standards that might be used for evaluation. These standards are not intended to be the exclusive means for evaluating the professionalism of the licensee but will be an important part of the evaluation process.

The step towards licensing requirements is a substantial change of direction from the present law, but serious questions have been raised about the adequacy of the present law which provides only for the disclosure of information. The Department of Housing and Urban Development's Office of Interstate Land Sales recently has been making significant strides under new leadership. Particularly pleasing has been the effort exerted to publicize the work of their office so that citizens can become cognizant of the problems of buying property. The purpose of my legislation is to enhance the ability of the Office of Interstate Land Sales to perform their job.

Under my bill, in addition to granting licenses the Secretary will be required to revoke licenses under certain circumstances. If the licensee has been held liable for damages under the Interstate Land Sales Act, or has engaged in any act or practice which constitutes a conflict of interest or breach of trust, the Secretary shall have the authority to suspend his license for up to 5 years. In addition, the Secretary shall also have the power to suspend a license if a developer has practiced discrimination in the sale of land covered under this act.

In conclusion, I reiterate that I have the highest respect for the professionals who engage in interstate land sales. Nonetheless, I do feel that many of the harsh practices which land buyers have been subjected to should be curbed. I am certain that the real estate industry will welcome this legislation as a means of enhancing their reputation and professional standing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1753

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. The Interstate Land Sales Full Disclosure Act is amended by inserting after section 1410 the following new section:

LICENSING OF DEVELOPERS

SEC. 1410A. (a) No developer or agent shall make use of any means or instruments of transportation or communication to sell or lease any lot in any subdivision or offer to sell or lease any such lot unless such developer or agent has a license issued by the Secretary under this section.

(b) The Secretary shall issue a license to a developer or agent if the Secretary determines, on the basis of an application in such form as the Secretary may prescribe, that the developer or agent—

(1) is of good character or business reputation;

(2) meets such requirements as the Secretary may prescribe with respect to education, training, or experience; and

(3) has not committed within the five years preceding the date on which the application is filed any act which would be grounds for suspension of a license under subsection (c).

Any developer or agent whose application is denied shall promptly be given an opportunity for a hearing to show cause why the license should be issued.

(c) The Secretary shall suspend for not less than one year or more than five years any license issued by him under subsection (b) if he determines that—

(1) the licensee has submitted untrue information or has omitted to state any material fact, in connection with the issuance of the license;

(2) the licensee has been held liable for damages in an action under section 1410 of this title;

(3) the licensee has been convicted of any felony;

(4) the licensee has failed to exercise proper supervision of his agents or employees and such failure has resulted in the imposition of liability referred to in clause (2) on, or in a conviction referred to in clause (3) of any such agent or employee;

(5) the licensee has violated any term, condition, or limitation imposed in connection with the issuance of his license;

(6) the licensee has engaged in any Act which is unlawful under section 804, 805, or 806 of Public Law 90-284; or

(7) the licensee has engaged in any act or practice which—

(a) constitutes a conflict of interest or breach of trust, and

(b) results in the imposition of any criminal or civil action by any Federal, State, or local regulatory authority or professional association.

All actions of the Secretary under this subsection shall be subject to the provisions of section 554 of title 5, United States Code.

SEC. 2. The amendment made by section 1 of this Act shall become effective upon the expiration of one year following the date of enactment, except that the Secretary may take such actions as may be necessary or appropriate prior to such effective date in order to issue licenses referred to in the amendment made by the first section of this Act prior to such date.

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By Mr. HATHAWAY:

S.J. Res. 106. Joint resolution proposing an amendment to the Constitution of the United States to require the advice and consent of both Houses of Congress before any treaty or agreement providing for the commitment of U.S. Armed Forces to a foreign nation may be made. Referred to the Committee on the Judiciary.

Mr. HATHAWAY. Mr. President, I am today introducing a joint resolution proposing a constitutional amendment to require the advice and consent of both Houses of Congress before any treaty or agreement involving the commitment of U.S. Armed Forces in a foreign nation may be made.

Under the Constitution, the treaty ratification function is given to the Senate alone. But the same Constitution requires action by both Houses of Congress in declaring war. In contemporary circumstances where there is no declaration of war, decisions of war, peace, and the deployment of our troops are often made on the basis of treaty arrangements. I believe the House of Representatives should play a role in approving these treaties.

Since 1945, the United States has entered into numerous multinational treaties. One of these, the Southeast Asian Treaty Pact, was the justification for our involvement in the Vietnam war, a war that cost us dearly in lives and dollars; 46,000 Americans lost their lives in that war, and nearly $137 billion in tax dollars was spent.

Approval of the SEATO pact by the Senate was interpreted as permitting the dispatch of our Armed Forces to Indochina to implement the security treaty. It eventually was interpreted as authorizing acts of war. I seriously doubt that action by the Senate alone in these cases meets the general intention of the framers respecting congressional involvement in war decisions.

The possibility of giving the Senate alone the power to declare war was specifically considered and rejected at the constitutional convention. This would indicate a deliberate intent to include the House of Representatives, with its popular representation, in the warmaking decision. Today when wars are waged sans declarations, on the basis of treaty commitments, both Houses of Congress should have a say in approving or disapproving treaties which call for American military involvement.

Both Houses of Congress must be allowed to serve as a strong source of examination and advice on the basic philosophy and direction of U.S. foreign policy, particularly as regards the commitment of our military forces to action in foreign lands.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 106

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"The President may not without the advice and consent of both Houses of Congress make any treaty or agreement of any kind with one or more foreign nations or with any international organization if such treaty or agreement would bind the United States to commit or to provide to such country or organization for any reason any armed force of the United States."

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## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 158

At the request of Mr. BAKER, the Senator from Kentucky (Mr. COOK), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Delaware (Mr. ROTH), and the Senator from Connecticut (Mr. WEICKER), were added as cosponsors of S. 156, to require the termination of all weapons range activities conducted on or near the Culebra complex of the Atlantic Fleet Weapons Range.

S. 651 AND S. 652

Mr. McCLURE. Mr. President, I have worked against gun controls ever since I have been in Congress. I was the first Member of the House of Representatives to introduce a bill to repeal the entire Gun Control Act and I was the first Member of the Senate to do so this year. S. 652 would simply repeal the Gun Control Act of 1968, a law passed at a moment of national hysteria and a law that has proved to have no adverse effect on anyone other than the law-abiding citizen.

Recently the distinguished Senator from Utah, Senator BENNETT, and my fellow Senator from the great State of Idaho, Senator CHURCH, have asked to cosponsor my bill. I welcome this support and respectfully ask unanimous consent that their names be added as cosponsors to S. 652.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, additionally, Senator BENNETT and Senator BIBLE of Nevada have asked to cosponsor S. 651. I introduced this bill in an effort to take a more practical approach to crime in which a gun is used. S. 651 would require an automatic additional penalty of from 5 to 10 years for anyone convicted of using a firearm in the commission of a Federal crime. I am grateful to Senator BENNETT and Senator BIBLE for their support of this bill. I ask unanimous consent that their names be added as cosponsors to S. 651.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 780

At the request of Mr. SPARKMAN, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 780, to amend the Clayton Act by adding a new section to prohibit sales below costs for the purpose of destroying competition or eliminating a competitor.

S. 868

At the request of Mr. WILLIAMS, the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of S. 868, to provide computation of social security benefits based on combined earnings of married couples.

S. 869

At the request of Mr. WILLIAMS, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 869, to provide computation of social security benefits for men at age 62.

S. 919

At the request of Mr. GURNEY, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor to S. 919, to permit spouses and widows of medicare beneficiaries and early retirees, to purchase medicare coverage at cost.

S. 978

At the request of Mr. EASTLAND, the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from North Carolina (Mr. HELMS), and the Senator from Ohio (Mr. SAXBE) were added as cosponsors of S. 978, to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful.

S. 1188

At the request of Mr. BROCK, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 1188, to promote the utilization of improved technology in federally assisted housing.

S. 1197

At the request of Mr. HARTKE, the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of S. 1197, the Food Consumers' Protection Act of 1973.

S. 1218

At the request of Mr. GRAVEL, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor to S. 1218, to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing.

S. 1245

At the request of Mr. MATHIAS, the Senator from Minnesota (Mr. HUMPHREY) was added as cosponsor of S. 1245, the Interstate Taxation Act.

S. 1298

At the request of Mr. GOLDWATER, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1296, the Grand Canyon National Park Enlargement Act.

S. 1361

Mr. FULBRIGHT. Mr. President, I wish to comment on the proposal by the Corps of Engineers to charge recreation use fees for Federal lakes administered by the Corps of Engineers.

The proposal to begin charging recreation use fees at federally constructed lakes in Arkansas has been met with an intense negative reaction on the part of Arkansas residents. Of particular concern to the citizens of Arkansas is the Corps of Engineers proposal to charge use fees for day-use recreation areas.

Mr. President, the Corps of Engineers has designated 104 day-use facilities, nationally, where fees are to be charged. However, this figure does not reflect the geographical location of these day-use facilities. In fact, seven of these day-use areas are located in the State of Arkansas. Similarly, 14 of these designated day-use areas are in the neighboring State of Oklahoma. In another neighboring State, Missouri, there are 17 day-use areas—on only four lakes—where use fees are to be levied by the Corps of Engineers. For the thousands of Arkansas residents who rely on these day-use areas as a major source of recreation, the proposed use fees simply limit public access to these areas.

In many instances it is not the amount of the use fee which is unacceptable; rather it is the idea that Arkansas taxpayers must pay a fee for the use of general facilities which have been contracted, initially, at the expense of the taxpayer.

Mr. President, I do not argue with a special collection of recreation use fees for the use of facilities, equipment, sites, or services furnished at Federal expense. However, I am not in favor of recreation use fees to be charged for day-use or recreational use of general facilities which virtually all visitors might reasonably be expected to utilize.

In this respect, I commend and support the Senator from Oklahoma (Mr. BARTLETT) for introducing S. 1381, which would amend the Land and Water Conservation Fund Act of 1965 to prohibit the collection of recreation use fees for day-use or recreational use of facilities or areas which virtually all visitors might reasonably be expected to utilize.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of S. 1381.

The PRESIDING OFFICER. Without objection, it is so ordered.



XUM

S. 1423

At the request of Mr. ROBERT C. BYRD, for Mr. WILLIAMS, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Maryland (Mr. BEALL), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 1423, to amend the Labor-Management Relations Act to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

S. 1436

At the request of Mr. HARTKE, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 1436, to eliminate the social security payroll tax for persons over 65 years of age.

S. 1475

At the request of Mr. PEARSON, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 1475, allowing a double investment credit for property in rural areas providing new employment opportunities.

S. 1611

At the request of Mr. MONDALE, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1611, to amend the Federal Crop Insurance Act to extend insurance coverage under such act to all areas of the United States and to all agricultural commodities.

S. 1624

At the request of Mr. THURMOND, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 1624, to amend title XIX of the Social Security Act to clarify the standards which apply in determining the basis on which Federal matching will be accorded toward State expenditures for skilled and intermediate care facility services provided under State plans approved under such title.

S. 1666

At the request of Mr. GRAVEL, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor to S. 1666, to amend title 39, United States Code, to establish improved standards to achieve efficient mail service, to provide an effective method of reimbursing the U.S. Postal Service for public service costs while maintaining a reasonable postal rate structure.

S. 1695

At the request of Mr. KENNEDY, the Senator from Nevada (Mr. BIBLE) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of S. 1695, the Emergency Manpower and Defense Workers Assistance Act of 1973.

S. 1722

At the request of Mr. HARTKE, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1722, to amend the Education of the Handicapped Act to provide educational assistance for homebound handicapped students.

## ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. THURMOND, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Concurrent Resolution 20, commending the President for terminating the involvement of the United States in hostilities in Vietnam.

## SENATE RESOLUTION 109—SUBMISSION OF A RESOLUTION RELATING TO APPOINTMENT OF A SPECIAL PROSECUTOR BY THE ATTORNEY GENERAL-DESIGNATE

(Referred to the Committee on the Judiciary.)

Mr. STEVENSON. Mr. President, I am encouraged by Mr. Richardson's announcement yesterday that if his nomination as Attorney General is confirmed by the Senate, he will appoint a special prosecutor in the Watergate affair. I am also encouraged—but not yet satisfied—by Mr. Richardson's assurance that the special prosecutor will be given "all the independence, authority, and staff support needed" to enable him to carry out his difficult assignment. Without an impartial and thorough investigation, this dismal affair will corrupt our politics for many years, and in the end the public may still not know the truth, nor justice even then be done.

The coverup can continue, or the search for truth can begin in earnest. On May 3, 28 Members of this body joined with me in a letter to the Attorney General-designate. We called for the appointment of an independent prosecutor, as have others, indeed, as has the Senate by resolution. But we went beyond the mere question of his appointment. We set forth our understanding of the term "independent." A prosecutor is not made independent by virtue of an adjective or Senate approval. We laid down the minimal powers and resources of a truly independent prosecutor.

Mr. President, I ask unanimous consent that a copy of the letter sent to Mr. Richardson be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, D.C., May 3, 1973.*

HON. ELLIOT L. RICHARDSON,
*Attorney General-Designate,*
*Department of Justice,*
*Washington, D.C.*

DEAR MR. RICHARDSON: As Attorney General you would immediately be faced with an unprecedented task of restoring public confidence in the integrity of the Federal government. We know you share our concern that justice prevail in all questions of official misconduct and that the public receive speedy assurance that an impartial investigation of the so-called Watergate Affair will be conducted thoroughly and relentlessly.

The Senate has called for appointment of an "independent" prosecutor. The true independence and impartiality of the prosecutor is essential. You have the power to make such an appointment. But a prosecutor is not made independent by virtue of an adjective. Neither his selection from outside the Justice Department, nor his approval by the Senate assures independence and a truly thorough and impartial investigation. That depends upon the character of the prosecutor and his authority, powers and resources.

We trust you to select for this position a man of unquestioned integrity, the highest professional ability and the tenacity with which to get the job done. We also expect you to make the scope of his inquiry broad enough to encompass all illegal conduct arising out of the conduct of the President's recent campaign and the growing evidence that justice has been obstructed in conjunction with that illegal activity. But that is not enough. The minimal powers and resources of a thoroughly independent prosecutor must include:

(1) The power to convene and conduct proceedings before a special grand jury, to subpoena witnesses, and to seek in court grants of immunity from prosecution for witnesses;

2) The power and financial resources with which to select and hire an adequate staff of attorneys, investigators and other personnel, answerable only to himself;

3) Assurance that the funds to pay for the services of staff and prosecutor will be continued for the time necessary to complete the investigation and prosecute any offenders;

4) Assurance that the prosecutor will not be subject to removal from his duties except for the most extraordinary improprieties on his part;

5) Full access to the relevant documents and personnel of the Department of Justice and all other offices and agencies of the Executive Branch; and

6) Assurance that the prosecutor would be able to cooperate with any appropriate congressional committees.

The law appears to give you the authority to confer these powers, resources and assurances upon a special prosecutor. If the need arises for legislation to insure these perquisites of independence and thoroughness, we will cooperate to that end in every way we can.

In closing we reiterate our trust in you, our confidence in your ability and our hope that forthright action now by the Executive will be enough to resolve these trying matters to the satisfaction and benefit of the nation.

Sincerely,

Adlai E. Stevenson III, Harold E. Hughes, Stuart Symington, Gaylord Nelson, Edmund Muskie, Philip A. Hart, Thomas F. Eagleton, James Abourezk, Lloyd Bentsen, Dick Clark, Joe Biden, William Proxmire, Alan Cranston, Lawton Chiles, Hubert Humphrey, John Tunney, Walter F. Mondale, Lee Metcalf, Walter D. Huddleston, William D. Hathaway, Abraham Ribicoff, Harrison Williams, Frank Church, Quentin Burdick, Mike Mansfield, Jennings Randolph, Thomas J. McIntyre, J. Bennett Johnston, Jr., and Claiborne Pell.

Mr. STEVENSON. Mr. President, without the powers and resources set out in this letter, the "independent" investigator would be the employee and agent of the investigated. Mr. Richardson yesterday expressed his conviction that "the Attorney General must retain final responsibility for all matters coming within the jurisdiction of the Department (of Justice)." He then went on to state that the special prosecutor will be an employee of the Department of Justice and will "report" to the Attorney General who, of course, answers to President Nixon. It is thus apparent that the administration rejects the suggestion I and 28 of my colleagues made in our letter of May 3. The Nixon administration proposes to conduct the investigation of the Nixon administration. Convinced as I am that the letter set forth the minimum standards of independence necessary to the restoration of public confidence in Government and the proper conduct of the investigation.



On behalf of myself and Senators HART, MUSKIE, EAGLETON, PELL, MANSFIELD, RIBICOFF, RANDOLPH, CRANSTON, HATHAWAY, CHILES, ABOUREZK, METCALF, BURDICK, MONDALE, HUGHES, BENTSEN, BIDEN, HASKELL, HUDDLESTON, MCINTYRE, CLARK, NELSON, GRAVEL, MCGEE, MOSS, HUMPHREY, CHURCH, MCGOVERN, and WILLIAMS, I now submit a Senate resolution calling upon Mr. Richardson to implement those minimum standards.

I send the resolution to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. HUDDLESTON). Without objection, the resolution will be received and appropriately referred.

Mr. STEVENSON. Mr. President, no matter the character and ability of the man, without the staff and the power to subpena witnesses, to conduct proceedings before a grand jury, initiate prosecutions and grant immunity to witnesses like John Dean, the prosecutor would be independent in name only. Another deception would be practiced upon the public.

The President has himself already stated that immunity will not be granted to executive branch personnel in this case, unlike routine cases handled by the Justice Department. The Justice Department has filed a criminal information against the Committee for the Re-election of the President but not against those responsible for its actions. The Watergate investigation is itself, or should be, an investigation of justice obstructed by the administration. The question is whether that investigation shall be controlled by the administration.

The Percy resolution passed by the Senate said the prosecutor should be selected from outside the Justice Department. The Brooke resolution says he should be appointed from outside but serve as a "special assistant" to the Attorney General. For the sake of appearances the prosecutor should be appointed from outside. What counts most though is the character and ability of the man—not whether his employment happens at the moment to be in or out of government. The appearance of independence is worth maintaining and for that reason an outside selection would be wise. But under these resolutions and Mr. Richardson's statement, the prosecutor, once selected, would become another employee of the Justice Department. The prosecutor ends up working for the prosecuted. At that point neither the appearance, nor the reality, of independence exists.

Senate approval of an "independent" prosecutor confers nothing—except again an appearance without the substance of independence.

The public has had enough of such deception. The appearance without the reality of independence is not enough.

What is needed is a prosecutor backed up by the resources of the Government and armed with the powers we enumerated in the letter to Mr. Richardson. Without those powers, the administration investigates the administration, and from what we have seen to date, it is not likely to do so with any special zeal.

It is time the Government got on with the business of the Nation and left the corruption in the Nixon administration to a truly independent prosecutor and the judiciary. The prompt enactment of the resolution I now introduce will help to achieve that goal.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 109

Whereas, the Attorney General-Designate has announced his intention to appoint a special prosecutor to investigate the Watergate case and related matters; and

Whereas, it is essential to the proper conduct of the investigation and to the restoration of public confidence in the federal government that the special prosecutor be in a position to perform his functions in an independent manner;

*Be it resolved by the Senate of the United States, That:*

1) The Attorney General-Designate should vest the special prosecutor with all necessary attributes of independence, including but not limited to the following:

a) Final authority over questions of convening and conducting proceedings before grand juries, subpoenaing witnesses, initiating prosecutions, framing indictments and seeking in court grants of immunity from prosecution for witnesses;

b) Final authority over the selection of an adequate staff of attorneys, investigators and other personnel answerable only to himself;

c) Assurance that the investigatory and other resources of the Department of Justice and funds to defray all expenses incurred in connection with the activities of the special prosecutor will remain available for the time necessary to complete the investigation and prosecute any offenders;

d) Assurance that he will not be subject to removal from his position except for malfeasance in office;

e) Assurance that he will enjoy full access to the relevant documents and personnel of the Department of Justice and all other officials and agencies of the Executive Branch; and

f) Assurance that the special prosecutor can freely, and upon their request, appear before, consult with and cooperate in other respects with all Congressional committees having jurisdiction over any aspect of the special prosecutor's activities.

## DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974—AMENDMENT

AMENDMENT NO. 114

(Ordered to be printed, and referred to the Committee on Armed Services.)

Mr. HUGHES submitted an amendment, intended to be proposed by him, to the bill (S. 1263) the Department of Defense Appropriation Authorization Act, 1974.

## DISASTER ASSISTANCE IN COUNTIES OF ALAMEDA AND CONTRA COSTA IN CALIFORNIA—AMENDMENTS

AMENDMENT NO. 115

(Ordered to be printed, and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. CRANSTON submitted amendments, intended to be proposed by him, to the bill (S. 1697) to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California.

## ESTABLISHMENT OF A COUNCIL ON ENERGY POLICY—AMENDMENT

AMENDMENT NO. 116

(Ordered to be printed, and to lie on the table.)

THE GASOLINE SHORTAGE

Mr. HUMPHREY. Mr. President, today I wish to present some conclusions I have drawn from 2 days of hearings last week on the gasoline shortage. I had the privilege of chairing the hearings before the Subcommittee on Consumer Economics of the Joint Economic Committee.

First, how extensive will the gasoline shortage be this year and in the future?

The testimony and other items in the hearings record indicate that supply this summer will fall short of demand by between 2 and 5 percent. This does not sound like much of a shortage. Coming on the heels of subnormal gasoline production last winter, however, it will require us to draw down our already depleted gasoline inventories to a level equal to less than 30 days' consumption. At this level, the distribution system can no longer avert the occurrence of some dry pumps.

As things are taking shape now, however, the hardships from the shortage will not be shared equally. People in most metropolitan areas, especially those near the oil distribution hubs, will be able to get gas this summer at one station or another. The empty pumps will be concentrated in certain parts of the country.

If the integrated companies curtail distribution on a profit-maximizing basis, for instance, areas beyond perhaps 200 miles from major distribution centers may fare worse than those closer in. Sparsely settled rural areas may fare worse than more densely populated ones. Unless something is done, regions served disproportionately by refiners and marketers not owned or franchised by the large, integrated oil companies will fare badly. The independent dealers themselves face commercial extinction. Witnesses testified that supplies to the independent dealers already have been cut back by about 25 percent nationwide with more cutbacks coming. Thousands of them already have shut down. Moreover, the outlying areas that are less well served by the majors tend for this reason to be the very same ones that rely heavily on the independent dealers that now are being forced to close down.

The State of Minnesota, for example, is not unlike some others in the Midwest. The State director of civil defense ex-



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pects our gasoline supplies to be short 10 percent or more this summer. As I have mentioned before, our difficulties arise partly because we have been served historically to a larger extent than many regions by independent refiners and distributors, which now are being left without supplies. You may think that big companies are moving in where independents have been driven out, but this is not the case in Minnesota. Our State also is being deserted by the distributors of two major companies themselves, namely Sun and Gulf, because they can make better profits selling their available gasoline closer to their refineries without trucking it all the way to Minnesota.

These problems come on top of our winter and spring shortages of heating oil, tractor fuel, and propane and natural gas. I do not see why we and other areas in our position should take the brunt of a situation not of our making.

Up to now I have dealt only with the picture as it looks for this summer. Barring extraordinary measures, the relatively mild gasoline shortage expected this summer will become markedly worse each summer for at least 4 or 5 years. This is because output from domestic refineries is limited to about its present level for that period. Several new refineries are now in the planning stage, but they cannot be completed before late 1976 or early 1977. And gasoline imports are severely limited by very tight supply conditions overseas.

The shortfall, therefore, can be expected to grow by about the growth in demand. Although several unknowns will affect demand, it probably will increase by at least 5 percent per year, unless much more effective gasoline conservation is undertaken. Thus a 5-percent shortage this summer could turn into a 10-percent shortage next summer and a 15-percent shortage by 1975. Before this happens, remedial action clearly must be taken.

GASOLINE ALLOCATION

First, the available supplies of gasoline and other scarce fuels must be allocated fairly among localities, among distributors and between cities and outlying areas. While this will not reduce the overall shortage, it can prevent it from causing drastic harm. It can prevent oil companies from conserving supplies by simply lopping whole regions off their distribution networks, as has happened to Minnesota. After all, if fuel shortages hamper the economy of the upper Midwest, the consumers of meat and grain all over the Nation and even abroad will be badly hurt by a renewal of the food price spiral. Allocation can prevent the majors from retrenching by simply terminating their supply relationships with independent marketers and putting them out of business. It could prevent the closing of installations that are vital to a sparsely served region, although some filling stations can be closed in most places without hardship to customers.

Several pieces of legislation have been introduced to achieve fairer allocation of fuels. Under the amended Stabilization Act, the President already has standby authority to direct the allocation of petroleum products, but apparently he does not intend to use it at present. I have introduced Senate Joint Resolution 98, a joint resolution that would require the President to establish appropriate priorities and a system of allocation of petroleum products to meet the vital needs of all parts of the country and to forestall the tendency of the shortage to reduce competition in the petroleum industry. It also requires the establishment of an Emergency Fuels Allocation Board in the executive officers to expedite the directives of the President to these ends.

Among the objectives of the Board specified in my resolution are:

First, importation of enough crude oil to meet requirements of coastal refineries with simultaneous allocation of adequate domestic crude supplies to inland refineries; this arrangement is to be guaranteed on a long-term basis to encourage refinery expansion;

Second, importation of gasoline to coastal areas with reallocation of domestic gasoline from those markets to inland shortage areas;

Third, importation to rebuild No. 2 fuel oil stocks;

Fourth, allocation of sufficient fuel to essential public and infrastructure services;

Fifth, uniform percentage reductions in supplies of refined products to all distributors, regardless of whether such distributors market under the refiner's brand name or their private brand names;

Sixth, expansion of domestic refinery capacity consistent with reasonable environmental protection.

I am pleased to note that some major companies have adopted their own allocation systems along the same lines, and that a vice president of Atlantic-Richfield is said by the press to agree with me that Federal allocation will be needed. I say that it is needed now.

I am considering offering Senate Joint Resolution 98 as an amendment to bill S. 70, the Energy Policy Act of 1973, which will come before the Senate this week.

In closing on the subject of allocation, let me say that I am well aware of the problems encountered in trying to regulate supplies in a complex industry like petroleum. I have instructed members of my staff and the Joint Economic Committee staff to consult with the oil people about these difficulties. Congress should provide the mandate for an allocation system, and the method of allocation should be worked out between business and Government without delay.

ANTITRUST ENFORCEMENT

In addition to providing for fair allocation of supplies in the future, I believe that we should demand a vigorous investigation by the antitrust authorities of the major oil companies' recent and present behavior toward the independent gasoline and fuel oil marketers.

It is obvious that concerted action is being taken by the major companies that is substantially reducing competition in gasoline distribution, whether or not this is being achieved through conspiracy. When the majors force thousands of independent storage terminals, jobbers and filling stations out of business, they are eliminating price competition from the industry, for only the independents engage in regular price competition.

Moreover, one of our hearings witnesses, Prof. Fred Allvine of Georgia Tech, provided some very striking circumstantial evidence of joint action by the majors to halt price competition and jack up prices in four Western cities for which he has data. In mid-August 1972, the vigorous price competition that had prevailed in these markets suddenly stopped, and prices became bafflingly stable overnight. There are indications from the trade press and Professor Allvine's private conversations that false rumors of an impending price freeze were spread by some firms to impel dealers to raise their prices. There also are indications that supplies to the independent dealers were tightened at this time, and that the 20 major oil companies with retail outlets in these markets ceased simultaneously to pay support to their own stations for waging price wars.

Professor Allvine stated:

For the past 37 weeks (through April 22) in comparison to the prior 37 weeks, the average price of major-brand gasoline increased by 3.5 cents per gallon in Los Angeles, 2.4 cents in Portland, 3.9 cents in Seattle, and 2.4 cents in Phoenix. Price increases of this magnitude have been fairly general throughout the country. For example, the price of gasoline to major-brand dealers for 100 cities has increased by about 2.1 cents per gallon for 1973 in comparison to the same period for 1972. This means pump price increases of around three cents per gallon. The general stabilization of wholesale prices to dealers also occurred around mid-August 1972 . . . The additional cost to the public for gasoline runs close to $2 billion per year.

Contacts by the JEC staff with appropriate officials of the Justice Department indicate no apparent intention of initiating any action either against specific actions of the major firms or against the elimination of competition in general. The Federal Trade Commission is now considering whether to investigate the recent anticompetitive actions in the petroleum industry. This does not offer much hope. I think it is time that we demand an intensive investigation of the circumstances of the widespread change in pricing behavior and the broad cut-off of supplies to the independents.

OIL PRICES AND PRICE CONTROLS

Twenty-three major oil companies are under mandatory price controls limiting their price increases on all products to an annual average of 1 percent over the course of 1973. There are some indications that these controls are not very effective.

First, the wholesale price indices released last Friday by the Bureau of Labor Statistics reported a 1-month increase in prices of refined petroleum products of no less than 7 percent from March to April. Crude oil rose by 2 percent. I am informed that the BLS index is based on inadequate and unrepresentative information. Thus, in fact, the public has no idea what oil prices are doing. The question arises: Why do we not have a good price index for this vital sector? Does the Cost of Living Council have a much better idea than the BLS about what oil prices are doing?

We know also that most retail outlets for gasoline and heating oil are franchised but not actually owned by the major companies. Therefore, their prices to consumers are not even under control. If our ultimate purpose in controlling prices is to protect the consumer, this loophole will become more and more serious as the shortage spreads. We should give serious consideration to extending the controls to cover these outlets.

How should price controls be managed in the future. It seems clear that we must import some of our gasoline, but foreign gas prices have been driven to a level higher than can be recouped by the majors under U.S. price controls. We had testimony by a senior vice president of Texaco that cost of imported gas would be 5 to 10 cents per gallon higher than current U.S. prices. How then can we get the necessary supplies?

The first part of the answer to this question is that domestic gasoline production should be turned up as high as possible at U.S. refineries even at the expense of heating oil and other products. Another few percent can be squeezed out of our facilities. The middle distillates can be imported both in more timely fashion and at more reasonable cost than gasoline, because the foreign supply is more elastic. The second part of the answer is that the price controls must allow the averaging in of higher cost gasoline so that there will be no disincentive to import.

However, proposals by the companies and others that the price controls be abolished to encourage imports are a disservice to the public. This would mean paying the 5 to 10 cents extra on all gasoline—that produced at home as well as the small amount that is imported. Moreover, the price of gasoline in a shortage market might be expected to jump even higher because the inflexibility of demand for this crucial commodity means that sellers still could sell all they have available.

Oil company profits already have taken a phenomenal leap in the past year. They have gone up by from 12 to 70 percent with the largest—Exxon—boosting profits by 43 percent. Now I have nothing against profits. But it would be intolerable if these large firms were permitted to profit without limit from price increases, exploiting a crisis of this nature.

GASOLINE CONSERVATION

In closing, let me say something about gasoline conservation. This subject is perhaps the most important in the whole picture, for conservation is the only way to curb the gasoline shortage significantly over the next 4 or 5 years.

Government and company witnesses at the hearing offered mainly suggestions relying on constraint by individual citizens, such as tuning engines, driving slower, and using car pools and public transport. While these approaches are important, they have been discussed a long time and cannot be expected to avert our problem. I do not consider this sort of response to be adequate at all.

Somewhat more hopeful testimony was given by an automotive specialist, Mr. Wayne Anderson of a Department of Transportation Fuel Economy Panel. Mr. Anderson stated that it is realistic to alter the conventional type of automobile within the next 5 years in ways that would save 30 percent on gas consumption. For instance, the introduction of steel-belted radial tires will yield 10 percent more gas mileage by reducing rolling resistance. But conversion to this type of tire will take place slowly over several years. At the moment, U.S. tire firms cannot produce enough of them to refit a sizable number of cars. Mr. Anderson also had a number of other suggestions for large gas savings. Smaller cars and engines head the list. But it is estimated also that a change so simple as the installation as standard equipment of a now optional "economy rear axle ration" would permit gas savings of another 10 percent without marked loss of performance. Why are there no apparent plans to do this?

It is my view that we must now get serious about gas economy. Transportation is the biggest waster of fuel among our many uses, and Americans can move in reasonable comfort with far less fuel than is burned today. If we move now, we may at least succeed in forestalling the loss of fuel economy expected from our present emission control program. If the only way to propel Detroit to produce and the U.S. consumer to convert to autos with reasonable gas economy is through Government standards, then we may have to go this route. The problem is exactly parallel to that of air pollution controls on which we already have acted.

GASOLINE SHORTAGES

Mr. President, last week the Subcommittee on Consumer Economics of the Joint Economic Committee held 2 days of hearings on gasoline and fuel oil shortages. I will be reporting in greater depth on those hearings. But, at this time I want to call particular attention to the testimony of one of the witnesses, the Honorable William E. Simon, Deputy Secretary of the Treasury, and Chairman of the Government's Oil Policy Committee.

During the hearings I specifically asked Mr. Simon to look into the gasoline and fuel oil problem in Minnesota. I am pleased to report that Mr. Simon sent me a letter the next day informing me that he had been in touch with Minnesota Governor Wendell Anderson about this situation. He asked Governor Anderson to supply him with specific information as to which contracts to supply fuel for vital services in Minnesota are not being fulfilled. Mr. Simon said he will act on this information immediately.

During the hearings, I also expressed concern with the way the Oil Import Appeals Board has been operating. Mr. Simon assured me that the Board will continue to respond fully to the needs of the petroleum industry, particularly the independent sector. He enclosed a press statement in his letter, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TREASURY NEWS—NEW IMPORT AID TO INDEPENDENT FUEL FIRMS

Gasoline grants totaling more than 128 million gallons to 17 independent petroleum firms in 10 states as well as new guidelines to implement expanded functions of the Oil Import Appeals Board, were announced today by William E. Simon, Deputy Secretary of the Treasury and Chairman of the President's Oil Policy Committee. The Board, chaired by James M. Day, is composed of representatives of the Departments of the Interior, Justice and Commerce.

The gasoline awards were granted under the Board's new authority provided as a result of changes in the Mandatory Oil Import Program announced by the President on April 18 when he released his Energy Message.

"Today's action opens an important new opportunity for independent petroleum firms to bring in foreign oil free of license fees if they can show that they are experiencing hardship", Deputy Secretary Simon said.

In approving applications based on hardship, the Board considers the petroleum needs of each firm's customers, the needs of the community, and the protection of the public interest in preserving the independent segment of the petroleum industry.

Simon and Day estimate that speedy action by the Board and the liberal use of the grant authority will help significantly to alleviate shortages of crude oil and finished products in the United States.

Action by the President on April 18 gave the Board authority to make allocations of fuel for which no import fees will be charged. These awards are designed to help independent refiners and established independent marketers who face hardships in obtaining supplies and who petition the Board for help.

Firms authorized the gasoline grants, which are worth 1¼ cents per gallon, and the amount that each independent refiner or independent marketer can import free of license fees in 1973 are listed at the end of this press release.

Simon and Day reported that the new guidelines are being mailed to more than 300 firms who have petitioned the Board for authority to import petroleum. The guidelines provide the Board a standard to use in exercising its major responsibility to alleviate the supply problem of established independent elements of the petroleum industry, including refiners, marketers, and jobbers.

To speed relief to hard hit areas, Deputy Secretary Simon also announced that independent refiners and independent marketers facing extreme hardships may wish to obtain immediately import licenses from the Department of Interior by payment of import fees and later petition for rebate from the Board.

Several petitions before the Board were not acted on because they were incomplete, Simon reported. Each of these petitioners is being urged again to file in conformance with the new guidelines being mailed today. And he assured that vigorous action will be taken on these filings as soon as the information is received by the Board.

The new jurisdiction was provided to the Board so that it could open its doors and fully respond to the needs of the petroleum industry, particularly the independent sector. Major oil companies may obtain Board awards also. However, they must first demonstrate their inability to obtain, by exchange, import licenses already distributed and their willingness to supply independent refiners and marketers.



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Simon and Day emphasized that the Board now has unlimited authority to grant import licenses which are license fee exempt and, furthermore, that the Board will be liberal in fulfilling the requirements of the petitioners in order to respond to the Nation's fuel needs. Importers not holding fee exempt licenses must pay 10½ cents a barrel for crude oil, 52 cents a barrel for gasoline and 15 cents for all other petroleum products. Because the independents will be receiving a major share of the grants from the Board, this will help them to import oil at less cost than the large major companies. We are hopeful, Simon said, that as a result of this additional market advantage given to independents, the majors will have greater incentive to provide them crude and products. However, our overall goal is to assure the consumer adequate supplies of petroleum products at lowest possible cost.

OIL IMPORT APPEALS BOARD AWARDS

| Name | Location | Total amount of award | |
|---|---|---|---|
| | | In barrels | In gallons |
| Mo-Park Industries Inc. | Cedarhurst, N.Y. | 73,000 | 3,066,000 |
| Blue Ridge Oil Co., Inc. | Hickory, N.C. | 273,750 | 11,497,500 |
| Dean Oil Corp. | Fanwood, N.J. | 109,500 | 4,599,000 |
| Johnson Products, Inc. | Boston, Mass. | 292,000 | 12,264,000 |
| Self Service Systems, Inc. | San Diego, Calif. | 182,500 | 7,665,000 |
| Tetco Oil Co., Inc. | South Royalton, Vt. | 73,000 | 3,066,000 |
| Qual-eco, Inc. | Greenville, S.C. | 127,750 | 5,365,500 |
| Tryon Fuel Supply, Inc. | Greer, S.C. | 18,250 | 766,500 |
| Associated Oil Co., Inc. | Greenville, S.C. | 36,500 | 1,533,000 |
| Associated Oil Co., Inc. | Greenville, S.C. | 73,060 | 3,066,000 |
| Palmetto State Oil Co., Inc. | Greer, S.C. | 54,750 | 2,299,500 |
| Palmetto State Oil Co., Inc. | Greer, S.C. | 36,500 | 1,533,000 |
| MFC Services (AAL) | Jackson, Miss. | 109,500 | 4,599,000 |
| Gladieux Service Stations, Inc. | Ft. Wayne, Ind. | 36,500 | 1,533,000 |
| J. D. Streett & Co. | St. Louis, Mo. | 912,500 | 38,325,000 |
| Vantage Petroleum Corp. | Melville, N.Y. | 109,500 | 4,599,000 |
| Star Service and Petroleum Co. | St. Louis, Mo. | 547,500 | 22,995,000 |
| Total | | 3,066,000 | 128,772,000 |

Mr. HUMPHREY. Mr. Simon also informed me in his letter of May 3 that he plans to meet this week with representatives of the regular subcommittees of the Oil Policy Committee to discuss State environmental standards which he said "are related to the difficulties we are facing." He informed me he is contacting the Governor's Office of each State and will invite their senior representatives to attend these subcommittee meetings.

Mr. President, I want every Member of the Senate to know that Mr. Simon was a responsive witness before our committee and that he gave assurances that he will do all in his power to help solve this vital problem of gasoline shortages.

EMERGENCY GASOLINE AND FUELS ALLOCATION BOARD

Mr. President, I wish to announce that I will seek Senate adoption Wednesday of my bill requiring the President to create an Emergency Gasoline and Fuels Allocation Board. Unless the administration states firm plans to deal with the gasoline shortage, I will propose my bill as an amendment to S. 70, the energy policy council bill scheduled for Senate consideration tomorrow.

Administration action shows this is not a matter that can be left any longer to the discretion of the President, as was done under previously enacted legislation. Unless the administration acts this week we must make it mandatory that he act at once on this most urgent energy problem.

My bill gives an Emergency Gasoline and Fuels Board full enforcement powers to ensure that dwindling petroleum products are equitably allocated to all areas of the Nation.

My amendment also directs the Justice Department to prevent anticompetitive practices in the petroleum industry, particularly the cutting off of gasoline supplies to independent gasoline marketers.

I originally introduced this legislation on April 18. Seven Senators (Mr. BIBLE, Mr. RIBICOFF, Mr. ABOUREZK, Mr. CLARK, Mr. HUGHES, Mr. MONDALE, and Mr. STEVENSON) have joined in cosponsoring it.

In introducing the amendment today, I believe it is urgent to keep pushing this legislation in whatever way will give it the best chance of being enacted into law.

We simply must take immediate action to require the major oil companies to think of the good of the country.

It is absolutely essential that they be stopped from unfairly cutting off supplies to the independent gasoline marketers, thereby driving up the price of gasoline and causing thousands of persons across the country to be ruined financially.

Rather than curtailing their own operations because of the gasoline shortage, the big oil companies are opening new stations of their own and expanding as fiercely as ever.

The major oil companies now control about 95 percent of the oil used in this country. And they control 68 percent of the retail gas outlets.

If the majors are allowed by this administration to use the present fuel shortage for their own purposes and to allocate petroleum products according to their own formulas and priorities, they could end up monopolizing every phase of the oil production and distribution system.

The estimate of the shortfall of gasoline nationwide is between 2 and 5 percent, but do not be deluded by this figure. The States like Minnesota, that rely extensively on independent gasoline marketers and as a result are at the mercy of the big oil companies, the percentage of shortage right now is much higher—somewhere around 10 percent.

I am aware that an amendment to the Economic Stabilization Act, signed into law May 1, authorizes the President to establish an equitable allocation system for petroleum products during periods of shortage and to prevent anticompetitive practices.

But the newly granted authority to the President clearly does not go far enough.

To insure Presidential action on this urgent matter, the language must be made mandatory instead of being left to his discretion. And this is what my amendment attempts to do.

Mr. President, I ask unanimous consent that an editorial from the Minneapolis Star be printed in the RECORD, together with the amendment.

There being no objection, the editorial and amendment were ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star, May 7, 1973]

ALLOCATING SCARCE FUELS

Sen. Hubert Humphrey and a number of other sponsors have introduced a proposal aimed at seeing that all sections of the country share fairly in the scarce supplies of petroleum products.

The senator wants a five-man Emergency Fuels Allocation Board created with several duties, including allocation of scarce fuels to provide essential services and allocation to assure all sections of the country a fair share of crude oil, fuel oil, gasoline and other petroleum products in short supply.

Shortages now threaten the Midwest and other sections of the country, he said. Because the Midwest states are at the end of the pipeline, he added, they are first to feel the effects of shortage. At the moment, there aren't any handy measures to establish the relative fuel poverty of the Midwest, but it stands to reason that some sections of the country are going to feel the pinch sooner and more severely than others.

In times of shortage, and that's right now and for some distance into the future, apparently, it makes sense to approach the fuels problem on a national basis. If rationing should be required, it should be nationwide. If conservation measures are required, and we think they are, we should all be under the same obligation to undertake them. And if fuels are scarce, it's hard to justify starving one section of the country while others manage nicely. Humphrey's idea deserves approval.

AMENDMENT NO. 116

At the end of the bill insert the following:

EMERGENCY GASOLINE AND FUELS ALLOCATIONS BOARD

SEC. 9. (a) the President shall, after public hearing, conducted with such notice, under such regulations and subject to such review as the exigencies of the case may, in his judgment, make appropriate, provide for the establishment of priorities of use and for systematic allocation of supplies of petroleum products including crude oil in order to meet the essential needs of various sections of the Nation and to prevent anti-competitive effects resulting from shortages of such products.

(b) To expedite the implementation of directives by the President, as authorized by this second there shall be created in the Executive Office of the President an Emergency Gasoline and Fuels Allocation Board (hereinafter referred to as the "Board"). The Board shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The members of the Board shall serve through the duration of authorities provided for under this resolution. The President shall designate one of the members of the Board to serve as Chairman. The members shall be representative of the production, transportation, protection, and use and consumption of all fuel resources, and of executive departments and agencies having a significant responsibility in these respective areas.

(1) Regular meetings of the Board shall be held at least twice each month, with emergency meetings scheduled on the call of the Chairman.

(2) Three members shall constitute a quorum, and decisions of the Board shall be made by majority vote.

(c) In order to carry out the provisions of this resolution, the Board is authorized to—

(1) appoint and fix the compensation of personnel of the Board in accordance with the provisions of title 5, United States Code;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Board and delegate authority to any officer or employee;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise it with respect to its functions under this resolution;

(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 3676 of the Revised Statutes;

(7) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(8) take such actions as may be required for the accomplishment of the objectives of the Board; and

(9) make contracts with public or private nonprofit entities to conduct studies related to the purposes of this resolution.

(d) Upon request made by the Board, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Board in the performance of its functions with or without reimbursement.

(e) Each member of a committee appointed pursuant to clause (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall be compensated at the rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including travel-time) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

(f) (1) The Board or any duly authorized subcommittee or member thereof may, for the purposes of carrying out the provisions of this section, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Board or such subcommittee or member may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Board, and may be served by any person designated by the Chairman or such member.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Board, shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or a subcommittee or member thereof, there to produce evidence as so ordered, or there to give testimony touching the matter under inquiry. Any failure of such person to obey any such order of the court may be punished by the court as a contempt thereof.

(g) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Chairman, Emergency Gasoline and Fuels Allocation Board."

(h) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(96) Members, Emergency Gasoline and Fuels Allocation Board (4)."

(i) Specific policy objectives to be carried out by Presidential directive and Board actions shall include, but not be limited to, the following:

(1) The importation of crude oil in sufficient amounts to meet the input requirements of coastal refineries, simultaneous with the allocation of adequate domestic crude supplies to inland refineries and guaranteed on a long-term basis in order to encourage the expansion of refining capacity;

(2) The importation of number 2 fuel oil in amounts sufficient to build up stocks for the next heating season;

(3) The importation of finished gasoline to east and gulf coasts under conditions that insure that domestic product which would otherwise be distributed in those markets is channeled for delivery to inland shortage areas;

(4) The allocation of sufficient supplies of diesel and other fuels to railroads, electric utilities, and motor transport to provide essential services;

(5) Under any policy or practice of allocations by refiners to marketers, any reduction of supplies by a refiner to any customer whom he has supplied regularly over a reasonable past period shall be in line with quotas established by the Board utilizing this base period in which regional supplies and demands were in approximate balance, and the same percentage reduction shall be applied to all customers of such refiner, regardless of whether such customers market under the refiner's brand name or their private brand names;

(6) As an alternative to price controls on fuels and to meet emergency fuel shortages in the absence of refinery expansion, it shall be a general policy to permit expanded importation of crude oil and gas and to encourage maximum gasoline yields by domestic refiners.

(j) The Board shall implement specific programs to promote—

(1) the expansion of domestic refinery capacity consistent with reasonable requirements of environmental protection; and

(2) public awareness of the dimensions of the fuel shortage crisis in the United States, and voluntary action to curtail nonessential use of private transportation and of living conveniences requiring electric power.

(k) The Attorney General is directed to take such steps as may be necessary to assure that during the existing fuel storage emergency, marketing practices by major refiners and fuel allocation policies by the Government of the United States are not detrimental to the maintenance of a viable competitive domestic petroleum industry and do not result in a foreclosure to independent marketers of supplies from major oil companies.

(l) The authorities provided for in this resolution shall be effective through the fiscal year ending June 30, 1975.

(m) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.



REMARKS OF MINNESOTA'S DIRECTOR OF CIVIL DEFENSE ON THE GASOLINE AND FUEL SHORTAGE

Mr. HUMPHREY. Mr. President, Mr. James Erchul, the director of Minnesota's Civil Defense, testified last week before my Subcommittee on Consumer Economics. His testimony supplied an up-to-date analysis of the gasoline supply problem in my State, hence, I ask unanimous consent that his opening statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS BY F. JAMES ERCHUL

The supply of transportation fuels in Minnesota continues to dwindle. As we approach the time of year when gasoline and diesel fuel consumption will reach its peak, we find that the supply of these products to the independent dealers is a mere trickle compared to what it was.

Minnesota's plight in the fuel shortage is somewhat unique in that we are experiencing all of the factors contributing to the nationwide petroleum supply problems such as inadequate refining capacity, need for further offshore drilling, and a cumbersome system of import quotas. In addition, however, two major suppliers, Gulf and Sun, have stated that they intend to discontinue marketing in Minnesota. Bell Oil and Triangle Refineries have already discontinued their independent operations. The Koch Refinery of Pine Bend has been operated by supervisory personnel for several months while their usual work force is out on strike. The Koch Refinery produces about 100,000 barrels per day under normal circumstances and is down to about 60% of that at this time.

Petroleum supplies ordinarily provided by the cooperatives have been drastically reduced because they have not been able to get the crude oil necessary to operate their refineries at anywhere near capacity. Midland Cooperatives, for instance, only recently reopened their refinery at Cushing, Oklahoma. They had closed it just after the first of the year due to the lack of crude oil. At present they are able to operate at only 60 percent of capacity. In Minnesota the cooperatives account for about 60% of the fuel supplies sold to farmers. Unfortunately the land-locked refineries such as Midland's have no access to foreign crude. Prior to the lifting of import quotas they were able to get domestic crude by trading their import tickets. Now with no quotas involved, their tickets are not tradeable. In the instance of most inland refineries they would not be able to use the kind of crude oil that is available on the foreign market today. Most available foreign crude is apparently of the "sour" variety and not compatible with the refining capability of the refineries.

Some people insist there is no shortage and that it is only a figment of imagination. But it can happen, and it is happening here, right now. In recent weeks we have received the following reports, as examples:

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1. Metro 500 has been forced to close all of its gasoline stations and to lay off over 200 workers. No gasoline.

2. Planned expansion at Duluth International Airport is threatened because the major charter airlines planning stops there are unable to secure contracts for 12–14 million gallons of jet fuel.

3. It is reported that Advance United, Werner Continental, Briggs and Glendenning, all major freight transport truckers, are unable to renew contracts for gasoline and diesel fuel.

4. In Glencoe, the municipal electric plant is unable to secure a diesel fuel contract to operate its generators.

5. The State of Minnesota is able to get contracts for fuel only on a short term basis (30 days).

The fuel shortage is more than just the requirements of one state. It is a part of the world wide energy crisis now facing us. The short term explanation for why the shortage is occurring is this: Our shortage is due to a combination of factors that have suddenly converged—ecology, technology, and economics each playing an important role. Industry spokesmen cite the need for the Alaskan pipeline, further offshore drilling, and the lack of refining capacity, as major reasons for the shortage. In addition to these reasons, the fact remains that we, first as a nation and ultimately as a planet, are just plain running out of oil. Where the petroleum industry used to be able to easily tap gushers of crude, they now get only a trickle. There is enough crude oil underground to supply the world for perhaps another hundred years. Unfortunately, it is located in the wrong place as far as the United States is concerned.

National demand for oil at this time is for about 15 million barrels per day. The best our domestic oil fields can produce is about 11.5 million. Thus we must turn to imports for the balance. It has been estimated that imported oil will account for some 30 percent of our total supply by 1975. The world oil market is somewhat unstable and there is very little happening that would indicate improvement in the near future. The over all foreign trade picture demands that we limit the purchase of foreign oil. Overbuying of oil could very well increase our trade deficit to endanger the dollar in the world monetary market. For security reasons we must avoid too great a dependence on foreign oil. We cannot place ourselves in a position where the oil rich nations can maneuver us to suit their desires or ambitions. Already a group of the oil rich nations have gotten together to sucessfully manipulate prices. What is to stop them from next demanding arms or political concessions?

We have monitored the situation carefully here in Minnesota. In recent weeks it has been deteriorating rapidly. For the most part the problem is out of our hands. Minnesota is not in a position to take unilateral action. All of our fuel must come from outside the State.

If the nationwide shortage is going to be as harsh as what is indicated for Minnesota one of the immediate needs is for a plan that will apportion an appropriate share of the supply available to each state. If a state could be assured of, say 90 percent of the amount used the previous year, there would at least be a basis from which to plan allocations and establish priorities. If industry is allowed to establish their own allocations it will be profit oriented rather than based on a balanced share.

In some instances industry has begun programs of conservation. I believe very strongly that government and industry together should get together in a unified appeal to the public asking everyone to take suggested steps in conserving fuel. Such things as lower driving speeds, using public transportation and organizing car pools could actually have a market effect on fuel usage if the general public were approached properly. The best possible effect could be achieved by having the President take a leadership role with a public appeal for appropriate conservation.

Alaskan Oil, offshore drilling, and new refineries, are 5 to 7 years away. In order to avert a disaster we must take these short term steps now.

## RELIEF OF RAYMOND ELDON DAVIS—AMENDMENTS

AMENDMENT NO. 117

(Ordered to be printed, and referred to the Committee on the Judiciary.)

Mr. McINTYRE submitted amendments, intended to be proposed by him, to the bill (S. 1047) for the relief of Raymond Eldon Davis.

## RELIEF OF LEONARD DAVIS—AMENDMENTS

AMENDMENT NO. 118

(Ordered to be printed, and referred to the Committee on the Judiciary.)

Mr. McINTYRE submitted amendments, intended to be proposed by him, to the bill (S. 1048) for the relief of Leonard Davis.

## ESTABLISHMENT OF A QUALITY HEALTH CARE COMMISSION—AMENDMENTS

AMENDMENT NO. 119

(Ordered to be printed, and to lie on the table.)

Mr. TAFT. Mr. President, I submit amendments, intended to be proposed by me, to the bill (S. 14) to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes. I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 119

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Health Maintenance Organization Assistance Act of 1973".

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 2. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to XI" and inserting in lieu thereof "Titles I to XII".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XII (as in effect prior to the enactment of this Act) as title XIII and by renumbering sections 1201 through 1214 (as in effect prior to the enactment of this Act), and references thereto, as sections 1301 through 1314, respectively.

(c) The Public Health Service Act is further amended by adding after title XI the following new title:

"TITLE XII—ASSISTANCE TO HEALTH MAINTENANCE ORGANIZATIONS

"CONGRESSIONAL FINDINGS

"SEC. 1200. (a) The Congress finds that—

"(1) the medical care system is not organized in a manner which encourages the provision of medical care at reasonable costs;

"(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventative health services; and

"(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

"(b) The purpose of this title to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas. This purpose is to be accomplished through grants and contracts to encourage the establishment and expansion of health maintenance organizations.

"DEFINITIONS

"SEC. 1201. For the purposes of this title—

"(1) the term 'health maintenance organization' means a public or private organization which—

"(A) provides to enrolled participants, either directly or through arrangements with others, at least those physician, hospital, and health maintenance services determined by the Secretary to be necessary for the provision of comprehensive health care and generally available on an insured or prepaid basis in the locality served by the organization;

"(B) is compensated for the provision of such services to enrolled participants solely on a predetermined periodic rate basis except for such co-payments by participants as the Secretary may, by regulation, authorize; and

"(C) meets such requirements concerning its organizational structure and financial arrangements as the Secretary may, by regulation, prescribe for the purpose of assuring that—

"(i) the organization bears the responsibility for the efficient and effective utilization of health care resources to meet the health care needs of participants,

"(ii) the individuals, groups, and institutions within the organization or cooperating with it in the provision of health care services to participants share in that responsibility, and

"(iii) the organization provides clearly identifiable focal points of responsibility for the performance of all managerial, administrative, and service functions;

"(2) the term 'medically underserved area' means an area designated by the Secretary, after consideration of the recommendations (if any) of the appropriate State comprehensive health planning agency (designated by the State as required by section 314(a)(2)(A)) and the local area health planning agency (if any), as an area with a shortage of health services;

"(3) the term 'local area health planning agency' means the agency or organization responsible for the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) and covering the area in which the health maintenance organization operates or proposes to operate, or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria included in regulations, similar functions.

"GRANTS TO AND CONTRACTS WITH HEALTH MAINTENANCE ORGANIZATIONS

"SEC. 1202. (a). The Secretary is authorized, during the period beginning July 1, 1973, and ending with close of June 30, 1978, to make grants to any public or nonprofit private health maintenance organization, and to any public or nonprofit private entity intending to become a health maintenance organization, and to enter into contracts with any health maintenance organization or any entity intending to become a health maintenance organization, to—

"(1) assist it in planning for the development or expansion of a health maintenance organization, and

"(2) pay all or part of its initial operating costs incurred as a result of its operation in or expansion into a medically underserved area.

"(b) No grant or contract may be made or entered into under subsection (a) unless the applicant for such grant or contract has provided assurances satisfactory to the Secretary that—

"(1) it intends to form, create, or expand a health maintenance organization, if the application is for a grant or contract under clause (1) of subsection (a); and

"(2) it intends to operate in a medically underserved area, if the application is for a grant or contract under clause (2) of subsection (a).

"(c) A grant or contract pursuant to clause (1) or (2) of subsection (a) may not provide the assistance described therein for more than two years in the case of clause (1) or three years in the case of clause (2).

"(d) In making grants and entering into contracts under clause (1) of subsection (a) the Secretary shall give priority to those applicants which will provide new or expanded health services to medically underserved areas.

"GENERAL CONDITIONS

"SEC. 1203. No grant or contract may be made or entered into under this title unless—

"(1) the applicant provides assurances satisfactory to the Secretary that, at the time of its application or at such time thereafter as the Secretary may specify, it (A) meets or will meet such standards of financial responsibility as the Secretary may by regulation provide; (B) has or will have the capability to provide prompt, efficient, and economical comprehensive health care services, including institutional services, which meet quality standards established by it in accordance with regulations of the Secretary; and (C) has or will have a governing board which includes members who (i) have no financial interest in the organization other than as enrolled participants, (ii) are not receiving compensation for the provision of goods or services to the organization other than reasonable compensation for services as members of the governing board, and (iii) are neither employed by, nor members of the immediate family of, persons who have such an interest or are receiving such prohibited compensation;

"(2) the State comprehensive health planning agency (referred to in section 1201(2)) and the local area health planning agency (if any) have had an opportunity to comment upon the application in a manner prescribed by the Secretary; and

"(3) the applicant agrees to keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may find necessary for purposes of this title.

"JOINT FUNDING

"SEC. 1204. Pursuant to regulations prescribed by the President, where funds are advanced for a single project or program by more than one Federal agency to an organization assisted under this title, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"WAIVER OF CONTRACT LIMITATIONS

"SEC. 1205. Whenever the Secretary determines it to be in furtherance of the purposes of this title, contracts authorized under this title may be made, performed, amended or modified without regard to such provisions of law or other regulations relating to contracts of the United States as the Secretary may specify.

"AVAILABILITY OF APPROPRIATIONS

"SEC. 1206. Sums appropriated for any fiscal year ending prior to July 1, 1977, for grants or contracts under this title shall remain available for obligation until the the end of the fiscal year following such fiscal year."

SERVICES FOR INDIANS

SEC. 3. Section 1 of the Act of August 5, 1954 (42 U.S.C. 2001) is amended by inserting "(a)" before "All functions" and by adding at the end thereof the following new subsection:

"(b) In carrying out his functions, responsibilities, authorities, and duties under this Act, the Secretary is authorized, with the consent of the Indian people served, to contract with private or other non-Federal health agencies or organizations for the provision of health services to such people on a fee-for-service, prepayment, or other basis."

Amend the title so as to read:

To amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes.

## ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 86 TO S. 2246

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senator from Utah (Mr. BENNETT) be added as a cosponsor of amendment No. 86 to S. 2246, the McClure-Baker substitute to the Public Works and Economic Development Act Amendments of 1973.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5 TO S. 706

At the request of Mr. MONDALE, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor of amendment No. 5 to S. 706, to extend certain authorizations of the Office of Economic Opportunity.

## NOTICE OF CONTINUATION OF HEARINGS ON DISASTER RELIEF ACT OF 1970

Mr. BURDICK. Mr. President, as chairman of the Public Works Subcommittee on Disaster Relief, I wish to announce the continuation of field hearings to investigate the adequacy of the Disaster Relief Act of 1970.

On May 11 and 12, 1973, the subcommittee will meet in Wilkes-Barre, Pa., and on June 1 and 2, 1973, hearings will take place in Corning-Elmira, N.Y.

Those who wish to submit a statement for inclusion in the hearing record should communicate as soon as possible with the Subcommittee on Disaster Relief, room 4202, Dirksen Office Building, extension 56176.

## NOTICE OF HEARINGS ON S. 1463 AND S. 1678

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 1678, legislation to amend section 4082, title 18, United States Code, relating to the extension of limits of confinement for prisoners in Federal correctional institutions, at 10 a.m., in room 4232, New Senate Office Building.

At 11 a.m. the same morning, the subcommittee will take up S. 1463, legislation to establish a U.S. Parole Commission.

Witnesses invited to testify at these hearings include representatives of the U.S. Department of Justice, including the Bureau of Prisons and Board of Parole and other interested parties. Anyone who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, extension 225–8994.

## NOTICE CONCERNING NOMINATION BEFOPE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD, for Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Allen L. Donielson, of Iowa, to be U.S. attorney for the southern district of Iowa for the term of 4 years (reappointment).

At Senator EASTLAND's request and on behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, May 15, 1973, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.



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## ADDITIONAL STATEMENTS

### WATERGATE

Mr. BROCK. Mr. President, there have been a great many comments on President Nixon's address to the Nation Monday night.

One of the most statesmanlike is the statement issued by the distinguished Senator from South Dakota (Mr. McGOVERN).

I would like to request unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

WATERGATE

(Statement by Senator GEORGE MCGOVERN, before American Society of Newspaper Editors, May 2, 1973)

No one is more aware than I am that the second Nixon Administration began with a record landslide. But the end of the beginning has come, perhaps sooner than any of us expected, with the Watergate scandal.

For weeks every other issue—from impoundment to Cambodia—has been swept aside by a tide of revelation that has mounted higher every day. Suddenly the whole future of this Administration seems to depend upon the results of the Watergate case.

Many of the answers must come from the President himself. And he has taken the first steps to cleanse the Presidency of the stain and the taint of suspicion.

There is no direct evidence to implicate Mr. Nixon in the planning of political espionage or the subsequent obstruction of justice. Like all of you, I hope he was not involved. He denies that he was—and I, for one, must believe him.

It is not an easy thing for a President to admit a mistake—but it is perhaps essential to the nation that he can. On Monday, President Nixon did. Now the essential thing for him and for us is to restore fully the credibility and capacity of the government he leads.

He must insure that the Administration is rid of all officials who have broken the law, hidden the truth, or betrayed the ethics of public service. In his speech Monday night, he seemed to recognize that it will not be enough for him to say that there are no convicted criminals in the White House; he must be able to say with certainty that there are only honorable men.

The President has also given his nominee for Attorney General the authority to remove the Watergate investigation from the antechambers of a compromised Administration to the office of an independent special prosecutor. Mr. Richardson should do so immediately. The investigation can no longer even appear to be controlled by the Administration which is under investigation.

These are difficult days for President Nixon. He is the elected leader of the nation, and he is struggling to restore his leadership. We must help him, for the sake of the office he holds.

Above all else, that means that we must not make the Watergate crimes and cover-up a cause for partisan exultation or exploitation.

It has been written in recent weeks that the Democratic Party has been strengthened for the 1974 election by the Watergate scandal. But just as Watergate has reminded us that even in politics some things simply are not done, so Democrats must now remind themselves that even political victory is not worth the damage that has been done to the American system. No one in the profession of politics really stands to gain from this subversion of the political process.

Nor do Republican candidates in 1974 deserve to lose because of Watergate. No shred of evidence has been raised against them, and no breath of rumor has been heard about them. Indeed, Republicans have been among the most effective voices calling for full disclosure of all the facts. Obviously, I would like to see Democrats win next year—but on the issues for which they stand, not on a scandal we all deplore.

So once more we need to ask, not what we can do for ourselves, but what we can do for our country in a critical time. And it is our common task. The President must be open; his opponents must be fair; and together, we must find the guilty, confirm the innocent, and turn away from the betrayal of democratic values back to the true business of democracy—to debate the great issues honestly, and to seek what is best for America, not what is worst in ourselves. We must become one country again.

In this effort, we should be sustained by the bravery and tenacity of those who have given our system a few shining moments of vindication during the Watergate scandal—men like Judge Sirica, Senator Ervin and Senator Weicker, newspapers like The Washington Post, and networks like CBS. And from this travail, let us take a new resolve that no matter how much we may disagree about policy, we will be united by the deepest commitment to a politics of civility and decency.

Now more than ever, whether we are partisans of the Administration or partisans of the Democratic cause, let us also be partisans of principle—so that our country and all who serve it may be equal to the proud traditions of our history.

For the Watergate scandal is not, as the President implied, typical of the political process. Our politics is better than that. And Watergate is worse than the tactics of any national campaign in my memory or modern times. What was wrong with Watergate was not just that the President's associates got caught, but what they did. The standard of conduct set by the Committee to Re-Elect the President was simply unprecedented. I have no doubt that the ethical standards of American politics can be improved. But we must wonder about Mr. Nixon's reference to "campaign excesses that have occurred on all sides." I emphatically reject the notion that I or my colleagues or my party in the Presidential election condoned or would have countenanced activities of a criminal nature. Any such insinuation is unworthy of Mr. Nixon's pledged determination to avoid ". . . actions which would appear to reflect on innocent people."

Let me close on a personal note. I take no satisfaction from this sad affair. Indeed, since the election last November, I have repeatedly refused to respond to press inquiries about Watergate. And I take no joy today from the President's difficulties. With him, I hope they will be resolved soon so that he and we can fight out the future on other, better issues.

### NEWSPAPER TRIBUTE TO SENATOR SAM ERVIN

Mr. ROBERT C. BYRD. Mr. President, the people of North Carolina, and we in the U.S. Senate, who have had the privilege of close association with Senator SAM ERVIN, have long known of his dedication, industriousness, and foresight. For the past 19 years, Senator ERVIN has been preparing himself for the role of leadership that is now his.

On April 29, 1973, an article about the current undertakings of the distinguished senior Senator from North Carolina appeared in the Charlotte Observer.

Mr. President, I ask unanimous consent that this article, entitled "Sam Ervin: Integrity and a Touch of Outrage," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAM ERVIN: INTEGRITY AND A TOUCH OF OUTRAGE

Arrests were made at the Watergate on June 17, 1972. Seven men subsequently were convicted of direct involvement in the break-in. Richard Nixon, who had described the low points of his life in a book called "My Six Crises," soon was faced with his seventh crisis.

Seven men were drawn from the Senate to conduct an investigation; and in his 77th year, Sam J. Ervin, as chairman, undertook the task.

When a band of table-thumping liberals met in Washington a few days ago to talk about threats to civil liberties, there was not an unkind word about Sam Ervin. It might as well have been a gathering of his down-home conservative friends at Red Thompson's barber shop in Morganton, who were saying at about that same time that they had known all along he was a great man. His admirers these days seem to span most of the ideological territory between Abbie Hoffman and the John Birch Society, and it would not be surprising to hear nice words about him from even those quarters.

Suddenly he is Gideon rallying the Israelites against the Midianites and Leonidas marching to meet the Persians at Thermopylae.

A MAN OF MODESTY

He loves it. But he will not be killed by adulation, as was a Greek orator whose admirers applauded by throwing their cloaks upon him in such numbers that he was smothered. His tenacious modesty will save him. He is blessed with a talent for looking away from the paths of glory and toward, instead, the abstractions of history and the ambiguities of life.

Evidence of that was to be found during the past week in his quiet brick house on Lenoir Street in Morganton, where he was relaxing before returning to Washington to conduct the Watergate hearings. Each day's news had brought fresh revelations of scandal, corruption and intrigue, chasing the palace guard from the palace. In the midst of these cataclysmic political events, Sen. Ervin was secluded in his home library, an unpretentious room with book shelves from floor to ceiling.

WHAT THOUGHTS?

Arranging his thoughts about the separation of powers? Contemplating the role of Congress in a perilous showdown with the President? Making notes about the evidence?

No, finishing a speech about John Paul Jones for the dedication of a bust in Raleigh and writing another about the Huguenots for delivery in Charleston.

The White House was awash in questions about how Richard Nixon could survive the crisis without being rendered powerless. Sam Ervin was emerging as the chief protagonist. And Sam Ervin was at home reflecting upon the 17th century, with occasional forays into the 18th.



He also was looking forward to a little driving in his dusty, black Chrysler, a 1965 model that now registers 90,000 miles. He had driven himself and "Miss Margaret," his wife, from Washington to Morganton. Shortly he would drive to Charleston, then back to Raleigh, and then on Sunday to Washington "Driving is something of a relief," he said. "None of my aides can get to me."

A SOLITARY FIGURE

In some ways, in fact, nobody can get to him. He is a solitary, self-directed man, of another era perhaps. Time magazine probably was right in calling him "the most formidable senator that this proud body could choose to lead its cause."

It is not that Sen. Ervin is so powerful. In fact, for a decade and a half after he went to the Senate in 1954 he was, although a member of that inner group known as the "Senate club," far below the ranks of the most powerful.

Among the Southerners, Richard Russell, Harry Byrd Sr., John Stennis, Allen Ellender, John McClellan, Lister Hill and others—men of his generation but with greater seniority—were the obviously powerful ones. Ervin was plodding along in the ranks below, somehow suspended between those mighty patriarchs and a group of younger and increasingly influential Southerners such as Russell Long and Herman Talmadge, who would arrive at great power before he would. He had no weighty committee chairmanship or senior seat on Finance or Foreign Relations.

At times he ran the risk of being dismissed as a charming story-teller but perhaps a bit of a joke. That was unfair. Essentially shy rather than flamboyant, he consistently did his homework and took his legislation seriously.

HIS HONESTY SHINES

And in that city of seductive influences and easy balm for politicians in the make, no one has found a serious flaw in his reputation for straightforward honesty and integrity: a reputation that now shines like deep-cut crystal against the cynicism and casual corruption of the Nixon Administration.

The trouble was, he didn't seem to fit. He not only lacked committee power until recently; he also lacked influence because he did not deliver other people's votes. No trader or maneuverer, he might be taking a stroll in the zoo while other senators were hobnobbing in the halls, exchanging schemes and promises.

Like his father, a lawyer who wore a cutaway coat and wingtip collars around the dusty streets of Morganton, he loves books, and they often have been his retreat. He likes to spend time in the Capitol library, doing his own research and forming his own conclusions. Off-handedly, sometimes, he mentions that he has read 1,600 pages of background on some question, or appears with a legal decision pertinent to the issue but long forgotten.

His staff members, who include bright young men quite different from some assistants he benignly kept in the past, know they may pile up proposal after proposal before moving him—and then it is because they have intersected his own thoughts. He does not "administer" their work. He soars above it, scooping something up when it seems to meet a need his mind has identified.

MOVING TO HOT ISSUES

Lately he has had the advantage of bossing the staffs of interrelated committees, and he seems to make the most of it. As chairman of the Government Operations Committee and chairman of Judiciary's subcommittees on constitutional rights and separation of powers, he can bring formidable forces into play. Now he also has the staff of the select committee on Watergate.

These committees put him in the vortex of some of the hottest issues of the day, so much so that recently he had a lively press conference that was only the third of his Senate career.

Exactly when the country began to take note of Sam Ervin is not altogether clear, but probably it was about three years ago. That was when the Senate was pressing ahead with the Nixon Administration's "D.C. Crime Bill," which had "preventive detention" and "no-knock" entry provisions that Ervin called "the trappings of a police state." It was, he said, a "garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented."

Whose was this stout voice so eloquently fighting this "liberal" cause? It was the same one that had similarly deplored civil rights bills, a fact that seemed to bemuse the senator's liberal former foes. But with less notice, this voice also had been speaking against other encroachments on individual liberties: military justice procedures that denied GIs due process; the jailing of indigent defendants unable to raise bail or hire lawyers; harassment of civil servants because of their political views.

His sights more recently have been trained upon efforts by the Administration (the "most oppressive" one he has known, he said) to extend executive power. "Executive privilege" as used by these people, he said, is "executive poppycock." Impoundment of funds, as practiced by President Nixon, is a usurpation of Congress' authority, he has contended.

The Ervin pattern of late, then, is clear. His is the strongest voice for individual freedoms being heard in Washington.

THE GREAT CONTRADICTION

And yet there is the great contradiction: his opposition to civil rights bills, even a voting rights bill, and his current anti-busing labors to change the Constitution in a way that would compromise the Fourteenth Amendment's "equal protection" clause. A powerful influence for individual freedom, he remains nevertheless a captive of the Old South's racial bugaboos. It is an old story. The South is always shackling its better men.

Sen. Ervin, of course, does not see it that way. He sees his record as one of always working to limit federal power, to preserve the separation of powers and to protect the states' prerogatives.

But the real common thread seems to be his devotion to abstract principles, apart from flesh-and-blood realities. The bare bones of the law sometimes have loomed larger than the evidence that the law was being subverted.

And right now the law's bare bones themselves are under assault. That has made Sen. Ervin the man of the hour; an ideal choice to lead a fight against the erosion of Congress' authority and the growing power of the presidency.

THE SHOW IS ON

So the show is on. Sen. Ervin's select committee to investigate Watergate and other scandals of the 1972 campaign is to begin hearings on May 15. By then much of the Watergate story will be known and more indictments may have come. He thinks the committee may spend less time on Watergate than on other campaign scandals.

"I think the more important question has arisen out of the misuse of campaign funds and the alleged use of sabotage against presidential candidates," he said as he relaxed in Morganton. "That's more important than burglary. That is a more direct attack on the integrity of the process by which we elect the President."

Sen. Ervin's personal honesty and his preoccupation with the law are not the only bases of his concern about abusive executive power. He approaches the venal and the tawdry with quiet outrage and disbelief that may arise in part from the relative innocence of the state he represents. It has yet to produce a tyrannical governor or a state machine built upon election fraud, greed, and patronage. Nor is it a state that easily tolerates oily political chicanery grounded in calculated sellouts to special interests.

GOING TOO FAR

In North Carolina a politician can still go too far. But until recently it appeared that Washington had become so jaded, and perhaps the voters' cynicism about politics had become so great, that nothing was going too far. Sen. Ervin seemed to remain in perpetual astonishment at that.

Now, armed with evidences of criminality in high places and riding a new tide of public concern, he may chasten that city like some biblical scourge.

That would be fitting for a solitary and dedicated man who sees himself as a Jeffersonian, who incessantly ponders the structures and relationships of federal power and who summons the farewell words of George Washington to warn of power's corruption. It is not without some reason that Sam Ervin is being called "the last of the Founding Fathers."

### THE PROPOSED FEDERAL CRIMINAL CODE: NATIONAL DEFENSE AND CLASSIFIED INFORMATION

Mr. SCOTT of Pennsylvania. Mr. President, on March 27, the distinguished ranking minority member of the Committee on the Judiciary (Mr. HRUSKA) introduced on behalf of the administration S. 1400, the proposed Criminal Code Reform Act of 1973. Since that time, some critics have characterized the proposed code's treatment of national defense and classified information offenses as unduly repressive. Unfortunately, however, most of these statements have provided us with far more heat than light.

On May 2, the Subcommittee on Criminal Laws and Procedures held hearings on this subject as part of its continuing efforts to revitalize title 18 of the United States Code, Crimes and Criminal Procedure. I ask unanimous consent that the opening statement of my friend from Nebraska (Mr. HRUSKA) and supporting memorandum be printed in the RECORD, along with the Statement of Kevin T. Maroney, Deputy Assistant Attorney General, Criminal Division, Department of Justice. Hopefully, my colleagues will find this material to be informative and reassuring.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT OF SENATOR ROMAN L. HRUSKA

Today the Subcommittee on Criminal Laws and Procedures resumes its hearings on S. 1 and S. 1400, two bills to revise, reform and codify the federal criminal laws.

The focus of our inquiry this morning will be on certain of the provisions concerning Offenses Involving National Security contained in Chapter 11 of S. 1400, the Admin-

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istration's proposed "Criminal Code Reform Act of 1973," and in Chapter 5 of S. 1, the "Criminal Justice Codification, Revision, and Reform Act of 1973." More specifically, we will want to concentrate on proposed sections 1121 through 1126 of S. 1400 and sections 2–5B7 and 2–5B8 of S. 1, dealing with espionage and protection against unauthorized disclosure of national defense and classified information.

I think it is no exaggeration to say that this is an area of the law of utmost concern to all of us, within and without government. It is also an area in which difficult questions abound, questions to which there are no easy solutions. The difficulties arise, it seems to me, because we are dealing here with two fundamentally competing interests: protection of our national security on the one hand, and preservation of an informed public opinion on the other. To quote from the thoughtful opinion of Mr. Justice Stewart in the *New York Times* case:

"[I]t is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy. Other nations can hardly deal with this Nation in an atmosphere of mutual trust unless they can be assured that their confidences will be kept. And within our own executive departments, the development of considered and intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely, frankly, and in confidence. In the area of basic national defense the frequent need for absolute secrecy is, of course, self-evident." (*New York Times Co. v. United States*, 403 U.S. 713, 728 (1971)).

On the other hand, as Justice Stewart pointed out, secrecy is by no means the only consideration. Quoting again from his *New York Times* opinion:

"[W]hen everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection of self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained." (*Ibid*, at 729.)

Thus, we are faced with the difficult task of balancing the need for an effective internal security system against the desirability of maintaining an informed electorate. The provisions of S. 1400 which we will be discussing this morning represent one considered approach to this problem. In the few weeks since Senator McClellan and I introduced S. 1400, these proposals have already received considerable attention and comment. Much of the comment reflects the understandable concern of those who fear that the Administration's proposals will stifle the public's legitimate right to be kept informed of what its government is doing. Some have gone so far as to suggest that the bill would drastically alter present law and would, in effect, impose on this nation a "national secrecy act".

To these critics of S. 1400 let me say that I have examined the proposed national security provisions very carefully. To me, they do not appear to represent a radical departure from what I understand to be present law. More important, I believe that these proposals represent a conscientious attempt to arrive at a reasonable solution in the area, a balanced solution which eschews the notion of secrecy for its own sake. Obviously, reasonable minds may differ as to the wisdom of these proposed statutes. Indeed, I am not prepared to endorse them fully without further study and consideration of available alternatives. But before we arrive at any firm judgments, let us be certain that we understand these proposals, how they relate to existing law, and how they would operate in practice.

To help us find the answers to these questions, we have invited to testify before us today. Mr. Henry E. Petersen, Assistant Attorney General, Criminal Division, Department of Justice, who will be represented by Mr. Kevin T. Maroney, a Deputy Assistant Attorney General under Mr. Petersen. Mr. Maroney has a long background in the internal security area.

Before we proceed with our witness, I submit for the record a Memorandum which answers criticisms that have been made by members of Congress and representatives of the press concerning certain sections of the proposed Criminal Code Revision contained in S. 1400.

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MEMORANDUM: THE ESPIONAGE SECTIONS OF THE PROPOSED FEDERAL CRIMINAL CODE, S. 1400

This memorandum is prepared in answer to criticisms that have been made by members of Congress and by representatives of the press concerning certain espionage sections of the proposed Criminal Code Revision contained in S. 1400. The memorandum will describe the proposed sections, compare the proposed statutes to the provisions of present law, and will discuss the criticisms which have been made.

I. THE RELEVANT PROPOSED ESPIONAGE SECTIONS

The espionage provisions of the proposed Code are §§ 1121–1126, with the latter section being a general definition section applicable to the espionage statutes. Most relevant to this memorandum are Sections 1124 and 1122.

*A. Section 1124*

This proposed section makes it an offense for a person who is or has been in authorized possession of classified information or has obtained such information as a result of status as a Federal public servant to knowingly communicate such information to a person not authorized to receive it, that it is not a defense that the information was improperly classified at the time of its classification or at the time of the offense, and that the recipient of the classified information is not subject to prosecution either as an accomplice or as a conspirator. The section also provides that the communication of the information to a regularly constituted committee of the Congress pursuant to lawful demand is not prohibited. The punishment is seven years imprisonment if the person to whom the information is communicated is an agent of a foreign power and is three years imprisonment in any other case.[1]

As noted, the statute proscribes a *knowing* communication of such information. The general culpability section, § 302 of the proposed Code, provides that:

"A person acts knowingly, or with knowledge, with respect to his conduct when he is aware of the nature of his conduct. A person acts knowingly, or with his knowledge, with respect to circumstances surrounding his conduct when he is aware or believes that the circumstances exist, or is aware of a high probability of their existence, or intentionally avoids knowledge as to their existence. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware or believes that his conduct is substantially certain to cause the result."

*B. Section 1122*

Proposed § 1122 relates, not to classified information, but to national defense information. Section 1122 provides that a person is guilty of an offense if he knowingly communicates information "relating to the national defense" to a person not authorized to receive it. The basic difference between the two proposed sections is, of course, that under the latter, § 1122, the Government would have the burden of proving that the information in fact related to the national defense while under the former, § 1124, it would have the burden of proving that the information was classified. In view of the definition of classified information in proposed § 1126, such proof would include the fact that the document or information at issue had been marked or designated pursuant to authority.[2]

*C. General comments*

As will be discussed in more detail in the next section of this memorandum, the only departure from present law in these proposed sections is found in § 1124 and, more specifically, in that section's applicability to all individuals having received classified information pursuant to authority being liable for communication of that information to anyone not authorized to receive it. Present law prohibits either (1) the communication of a *specific and limited type of classified information* to anyone not authorized to receive it, or (2) the communication of any classified information *only* by Government employees and *only* to agents of a foreign power or members of specified Communist organizations.

The need for a statute prohibiting the communication of classified information arises from the fact that in prosecutions under the general espionage laws, it is the Government's burden to demonstrate that the information at issue in fact relates to the national defense. Therefore, in order to criminally prosecute under other statutes, it is necessary to disclose the very information which the law seeks to protect. While it is true that in many cases there will have already been a communication of the information to someone not authorized to receive it or, more specifically, to someone acting for a foreign government, it is also true that in these circumstances the initiation of prosecution and the disclosure of the information in court with proof that "it relates to the national defense" constitutes a validation of the information transmitted in addition to providing for broader communication of the information to, for example, other foreign government. In brief, any such prosecution requires the Government to endanger national security in order to protect national security.

The proposed statute relating to disclosing classified information has been very carefully limited. Only those individuals who have received the information in a position of trust, individuals well aware of their obligation toward classified information, may be liable for the offense. The statute by its terms specifically excludes the unauthorized recipient of classified information from possible prosecutions.[3]

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[1] Proposed Section 1125 makes it an offense for an agent of a foreign power to obtain classified information he is not authorized to receive. This section has not been criticized.

[2] The section could not, then, apply to documents which had been stamped classified by someone without authority to classify or who was not purporting to act in accordance with such authority.

[3] Of course, a recipient may be prosecuted under the general espionage statutes, if the Government is willing to disclose the information in order to establish that it related to the national defense.



II. THE RELEVANT PROVISIONS OF PRESENT LAW

*A. statutes related to proposed section 1124 prohibiting the disclosure of classified information*

As just discussed, Section 1124 does constitute some departure from the present statutes. The statutes relating to the proposed section are 18 U.S.C. 798, 50 U.S.C. 783(b), and 42 U.S.C. 2277.

1. *50 U.S.C. 783(b)*. This statute makes it a crime for any Government employee or officer, or an officer or employee of any corporation the stock of which is owned in major part by the United States, to communicate classified information to any person whom the individual has reason to believe to be an agent of any foreign government or an officer or member of specified Communist organizations. The Communist organizations include the Communist Party itself. Communist front organizations or Communist infiltrated organizations as defincd in the Internal Security Act of 1950, 50 U.S.C. 782. All three of these organizations can and do include within their memberships citizens of the United States. The statute, 50 U.S.C. 783(b), is not limited by its terms to those Government employees or officers having received classified information pursuant to authority. This statute, then, insofar as the individuals to whom it can be applicable casts a broader net than the proposed Section 1124 which is intentionally limited to individuals who have received the information lawfully and under a condition of trust. Of course, it is more limited than the proposed Section in that the communication must be to agents of a foreign government or to members of specified Communist organizations.

2. *18 U.S.C. 798*. This Section makes it a crime for anyone to knowingly and willfully communicate to an unauthorized person classified information relating to communications of intelligence. This Section then is broader than the proposed Section 1124 insofar as it is applicable to *anyone* who communicates such information rather than being limited to those who received the information in an authorized manner and it is consistent with the proposed Section 1124 in that the proscribed communication may be to any unauthorized person. It is narrower than the proposed Section, however, in the type of classified information which it concerns. This narrowing is not as significant as it may appear upon a first reading of the statute. This is so because the classified information protected also includes information obtained by the process of communications intelligence from any foreign government.

3. *42 U.S.C. 2277*. A third statute relevant to the proposed Section 1124 is 42 U.S.C. 2277 which makes it a crime for anyone who is or has been a Government employee or a member of the Atomic Energy Commission or of the Armed Forces or who is or has been a contractor or an employee of a contractor of the AEC or the United States or is or has been an employee of a licensee of the AEC to communicate any Restricted Data to any person not authorized to receive such Restricted Data. Under this Section the burden of proof should only be showing that the information was classified as Restricted Data and satisfied the definition of Restricted Data in general terms, rather than having to disclose the content of the information.[4]

This brief review of the three statutes indicates that the proposed Section 1124, while an extension of present statutes, is not a radical departure from present law. Moreover, since Section 1124 is the only Section in the proposed Code prosecuting the disclosure of classified information and it specifically excludes recipients from its application the Section also narrows these Sections of current law since, under each of those Sections, prosecution as an aid or abettor and/or as a conspirator is possible either under 18 U.S.C. 2, permitting punishment as a principle all who aids, abets, counsels, commands, induces or procures a commission of an offense against the United States, or the Federal conspiracy Section, 18 U.S.C. 371, or, in the case of 42 U.S.C. 2277, by the inclusion of a specific conspiracy prohibition in the statute itself.

These statutes are important as demonstrating Congressional authority for and Congressional concern about the protection of classified information.

*B. Statutes related to proposed § 1122 prohibiting the disclosure of national defense information.*

Unlike § 1122 relating to classified information, § 1122 does not constitute an extension of the present law. It is a recodification and redrafting of the provisions now found in 18 U.S.C. 793(d) and 793(e), and 18 U.S.C. 793(c).

1. *18 U.S.C. 793(d)*. This present statute provides that anyone having lawful possession of any document, writing, code book, signal book, or other specified item "relating to the national defense," or having lawful possession of "information relating to the national defense which information and the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation" willfully communicates or attempts to communicate such items or such information to any person not entitled to receive it or willfully retains such items or such information and fails to deliver it on demand is guilty of a crime. It must be carefully pointed out that the phrase "which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation" only modifies the last item specified "information" so that as to the enumerated items, including documents, photographs, notes, etc., it is only necessary to prove that those items related to the national defense and that the individual willfully communicated them to a person not entitled to receive them.[5]

2. *Section 793(e)*. This Section is identical to 793(d) except that it applies to anyone having *unauthorized* possession of the items specified relating to the national defense or unauthorized possession of information relating to the national defense which information the individual has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation.

3. *18 U.S.C. 793(c)*. This Section applies to the same specified types of tangible form such as documents, writings, code books, etc. of "anything connected with national defense" and makes it a crime to receive or obtain or attempt or agree to receive or obtain national defense information for the purpose of obtaining such information and with knowledge or reason to believe it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter. This Section is carried forward in the proposed code because, unlike § 1124 relating to classified information, proposed § 1122 does not exclude prosecution of aiders and abettors or conspirators and the activity proscribed in 18 U.S.C. 793 (c) would in most cases be sufficient to establish aiding and abetting or to establish a conspiracy.

4. *Information relating to the National Defense*. At this point it is necessary to examine what is meant by the phrase "relating to the national defense." Since that phrase has been used in the proposed draft the past legislative gloss and court interpretations of the phrase are intended to be carried forward in the proposed statute. The explanation of the phrase in the proposed general definitions section § 1126, does not attempt to define the phrase but merely indicates the types of information which the phrase is to include. The appropriate subsection of § 1126 also imposes a requirement that the information must involve the security of the United States; see § 1126(g)(10).

The two leading cases which have interpreted the phrase are *Gorin* v. *United States*, 312 U.S. 19 and *United States* v. *Heine*, 151 F. 2d 813 (C.A. 2). The retention of the phrase "relating to the national defense" incorporates the concepts of those cases. This means that the question of the connection of the information with the national defense is a question of fact to be determined by the jury and the jury decides the sensitivity of the information in question regardless of whether the government has classified the information. The prosecution must attempt to convince the jury that the information disclosed was information connected with or related to our military, naval, and air establishments and related activities of national preparedness and the jury can examine documents and or must hear witnesses' testimony as to the contents of documents or other information and the significance of same to the national defense.

The courts have held that the term "national defense" is a generic concept of broad connotations referring to the military and naval establishments and the related activities of national preparedness, *Gorin* v. *United States, supra*, 312 U.S. at 28. The connection with the national defense must not be strained or arbitrary, but must be reasonable and direct, *id*. at 30–31.

Another result of the continued use of the phrase is that the defenses that were available under prior law are similarly available in the proposed code. The courts have held that no one can be convicted of violating § 18 U.S.C. 793 (and 18 U.S.C. 794, the other general espionage statute) if the information was made available to the public; or if the government did not attempt to restrict its dissemination; or if the information was available to everyone from lawfully accessible sources, see *United States* v. *Heine, supra*.

5. *General Comments*. In view of the provision of 18 U.S.C. 793 (d) and (e) and of 18 U.S.C. 793(c), just discussed, the only manner in which the proposed § 1122 differs from current law is in its blanket prohibition on the communication of "information relating to the national defense." This is in contrast to the requirements of 793 (d) and (e) that when the information is something other than tangible objects such as code books, documents, photographs and notes, etc. it must be further be shown that the possessor of the information had reason to believe it could be used to the injury of the United States or to the advantage of any foreign power. However, the concept of "national defense information" and the defenses that

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[4] This concept would also apply to other statutes, with much more severe penalties, which makes it a crime to communicate Restricted Data with specific harmful intent, 42 U.S.C. Section 2274, 2275.

[5] The district court in the *New York Times* case refused to accept this interpretation. In the Supreme Court decision in that case, however, Justices White and Steward specifically confirmed our view of the statute, see *New York Times Company* v. *United States*, 403 U.S. 713 at 737–738. The plain language of the statute and its punctuation clearly support our interpretation. See Senate Report 427, 80th Cong., 1st Session (1949) p. 7; House Report 3112, 81st Congress, 2nd Session (1950) p. 52. *Cf., United States* v. *Coplon*, 88 F. Supp. 910 (S.D. N.Y., 1949).

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have been judicially drafted to that concept result in making this an insubstantial difference. Establishing that the information related to the national defense and did not fall within the enumerated defenses would appear to be tantamount to showing that the information was of a type that the individual would have reason to believe could be used to the injury of the United States or to the advantage of any foreign nation. And, under the proposed section, the communication must be done "knowingly" which culpability element is described above, p. 2, *supra*.

III. CRITICISM OF THE PROPOSED SECTIONS

(1). Critics claim that the proposed legislation would punish Government officials who disclosed almost any kind of defense and foreign policy information whether or not its disclosure would endanger national security.

As noted, the section related to the communication of classified information would require that that information be classified pursuant to the authority of statute or executive order. Executive Order 11652 issued by the President in March of 1972 significantly tightened the classification procedures by limiting the number of individuals who had the authority to classify and by providing for stricter standards for the classification of information. Most important here, moreover, that Executive Order provided for a specific and effective review procedure to insure that the standards of the Executive Order were not violated. The Executive Order in Section 7 establishes an Interagency Classification Review Committee and charges it to take action to insure compliance with the Executive Order and that same section of the Executive Order, Section 7, directs each department handling classified information to designate appropriate officials to insure strict compliance with the Order and mandates the creation of Departmental Committees to oversee each Department's administration of the Executive Order. In setting up the Government-wide review committee and the departmental committees, the Executive Order specifically states that those committees should have the authority to act on all suggestions and complaints with respect to the actions of each and every department in administering the Executive Order.

This Executive Order for the first time provides for administrative penalties for any officer or employee of the United States who unnecessarily classifies or overclassifies information and directs the review committees just discussed to make a report to the head of the department concerned in any case where they find that unnecessary classification or overclassification has occurred. These provisions are set forth in Section 13 of the Executive Order.

In short, the Executive Order is an attempt to insure that the only information classified is information which satisfies the strict standards of the Order, standards contained in the Order's definitions of the classification categories "Top Secret," "Secret" and "Confidential." These standards are set forth in Section 1 of the Executive Order.

In view of the strict prohibitions of the Executive Order the proposed Code does not seek to punish the disclosure of "any kind of defense and foreign policy information whether or not its disclosure would endanger national security." Insofar as comments are made that the Government could punish a Government employee who disclosed information concerning fraud or deceit or matters such as cost overruns under the proposed Section 1124, there are two answers. First, as just discussed, Executive Order 11652 sets up procedures by which a Government employee who felt that information was classified for improper purposes could bring it to the attention not only of his superior but of the departmental Review Committee and indeed to the Interagency Review Committee. Secondly, even if it were assumed that these procedures would not work concerning information relating to fraud, deceit or inefficiency and a Government employee communicated such information so that remedial steps could be taken, any "retaliatory prosecution" would, as a practical matter, be highly unlikely in view of the impact of public opinion and in view of the aggressive steps the press and the Congress itself could and would take to highlight such retaliation.

In view of these considerations and in view of the determined attempt of the President to provide a well-managed, workable and tightly controlled classification system, and in view of the considerations just discussed, there is little merit to the criticism that the proposed statutes would permit staggering penalties for the disclosure of information even when the information is totally misclassified or classified only to prevent public knowledge of waste, error, dishonesty or corruption. The courts have pointed out that the responsibility for the protection of classified information rests with the Executive branch. They have similarly pointed out that the judiciary should be reluctant to interfere with the Executive determinations in this area stating that "in a mature democracy, [such choices] must be made by the Executive branch and not by the Judicial. If too many mistakes are made, the electorate will in due time reflect its dissatisfaction with the results achieved," *Greene v. McElroy*, 254 F. 2d 944, at 954, reversed on other grounds, 360 U.S. 974. In addition to the protection which would be afforded by the check by the electorate upon attempts to punish individuals for seeking to disclose waste, error, dishonesty or corruption would be the check that Congress itself would have. First, the proposed section 1124 specifically provides that it is not a violation of the statute to communicate the information to a duly authorized committee of Congress pursuant to a lawful demand. Second, if the statute is used in any case to protect information other than that related to the security of our Country, Congress may repeal the criminal sanctions contained in 1124.

(2). It has been claimed that the proposed Code would punish newsmen who received information unless they promptly reported the disclosure and returned the material to Government officials whether or not the disclosure of the information would endanger national security.

The proposed Code would only permit a prosecution where the Government was willing to and able to prove that the information related to the national defense. Such prosecutions would be possible under proposed sections 1122 and 1123. As pointed out above, these sections carefully and intentionally carry forward the concepts of "information relating to the national defense" with all the limitations and safeguards provided by the legislative and litigative gloss on that phrase. Moreover, the proposed sections 1122 and 1123 are but reenactments and recodifications of current law and absolutely no extension or expansion of current law is intended. See the present sections 18 U.S.C. 793 (c), (d) and (e).

(3). It is stated that the proposed Code would punish not only reporters but all responsible officials of the publication or broadcasting company who participated in making the unauthorized information public.

Again, such prosecutions could only be undertaken if the Government was able to establish that the information in fact related to the national defense. Again, as is pointed out by Justice White and Justice Stewart's opinions in the *New York Times* case, *supra*, that is exactly the situation in current law.

(4). It is also stated that the proposed Code would punish Government employees who knew of colleagues unauthorized disclosure aid failed to report their colleagues action.

Here again this could only be accomplished under proposed section 1123 which intentionally and carefully requires the Government to establish that the information related to the national defense. Again, this is but a recodification of current law. See 18 U.S.C. 793(f).

(5). It is next stated that most penalties would be imposed on actions which are not now considered crimes but are, instead, the "applauded work of investigative journalists."

The section relating to the communication of classified information, 1124, is specifically limited so as to exclude any possible application to the recipient of that information. The only prosecutions that could be brought against "investigative journalists" under the proposed Code are exactly those that could be brought under the current statutes. Since those statutes have been on the books for either 60 or 20 years depending on which sections of the espionage statutes are involved and have not been used to subject the "applauded work of investigative journalists" to prosecution, it is difficult to understand what change will be brought about by the mere recodification of current law.

(6). It has also been commented that no law now gives the Government the power to prosecute newsmen not only for revealing what they determined the public should know but just for possessing information the Government says they should not have.

This, of course, has been answered in reply to some of the previous criticisms but, since it is a repetitive charge, it should be noted that the proposed Code could only permit punishment of newsmen for revealing information or for possessing information when the Government is able to carry the burden of proving that the information in fact relates to the national defense. The statement that no such law now gives the Government the power to prosecute in these circumstances can just not be supported in light of the provisions of 18 U.S.C. 793 and specifically subsections (c), (d) and (e) of that section, and in light of the clear and well-reasoned opinion of Mr. Justice White concurred in by Mr. Justice Stewart, Mr. Justice Blackmun, and Mr. Chief Justice Burger in the *New York Times* case, *supra*.

(7). It has been stated that all of the sections of current law which are not restricted to the communication of classified information but relate to the compromise of national defense information are limited in two ways: they deal with strictly military related matters and/or they require an intent to injure the United States or to aid a foreign nation.

The observation is incorrect on both limitations. As set forth in the discussion concerning the phrase "information related to the national defense," *supra*, that phrase has a legislative and litigative gloss which gives the phrase a broader meaning than strictly military related matters, though it is limited to matters reasonably related to national defense and national preparedness. In any event, however, the proposed Code intentionally and carefully contains the same limitations by the use of the same phraseology. Next, as the discussion of 18 U.S.C. 793 (c), (d), and (e) demonstrates, the current law is not limited in application only to those communications of national defense information done with an intent to injure the United States or to aid a foreign nation.

(8) It is also stated that the proposed legislation is an attempt to jail reporters for publishing classified information even if that information was improperly classified, related to abuse, dishonesty and waste in the Federal Government, and it served the national interest to make it public.

Again, proposed section 1124, relating to classified information, is strictly limited so as not to apply to the newspaper reporters who may publish classified information which they receive. The only prosecution against the press permitted by the proposed Code is, as has been already discussed numerous times, in those instances where the Government establishes that the information relates to the national defense and this is strictly in accordance with current law.

(9). It is claimed that the proposed section 1124, insofar as it does exclude reporters from its application, would deny to reporters their Fifth Amendment right to refuse to respond to questions concerning the sources of classified information in their possession.

There are two answers to this criticism. First, as discussed, a reporter may under both present law and the proposed code be prosecuted for the disclosure of information related to the national defense. Information classified in accordance with the Executive Order would, in almost every conceivable instance, be information related to the national defense, or at the very least, there would be a reasonable presumption that it was, so that a reporter would retain his Fifth Amendment privilege because of the possible applicability of other criminal statutes. Secondly, insofar as the concern is that the reporter may be forced to identify other individuals engaged in crime, the Fifth Amendment has never been held to permit one to protect a third party.

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STATEMENT OF KEVIN T. MARONEY ON ESPIONAGE AND RELATED PROVISIONS OF S. 1400

Mr. Chairman and Members of the Subcommittee, I would like to convey at the outset the apologies of Assistant Attorney General Henry E. Petersen for his inability to testify before this Subcommittee this morning. Mr. Petersen has been in overall charge of the development of the Department's proposal for a new Federal Criminal Code, and has looked forward to the opportunity to explain to this Subcommittee the rationale underlying the various provisions in the Department's proposal. Due to his unavoidable absence, however, he has asked me to discuss with you today this first series of particular offenses being reviewed by the Subcommittee.

I am a Deputy Assistant Attorney General, Criminal Division of the Department of Justice. Prior to my recent appointment I served as Deputy Assistant Attorney General of the Internal Security Division. I am accompanied by Robert L. Keuch, Deputy Chief of the Appellate Section and Ronald L. Gainer, Deputy Chief of the Legislation and Special Projects Section, both of the Criminal Division. I am pleased to have the opportunity to present the position of the Department of Justice with respect to the provisions concerning Offenses Involving National Security contained in Chapter 11 of S. 1400, the Administration's proposed "Criminal Code Reform Act of 1973." I have with me a memorandum setting forth those provisions, and relating them to existing law and to similar provisions proposed by the National Commission on Reform of the Federal Criminal Laws and by the sponsors of S. 1. We would appreciate having this memorandum inserted in the record of today's proceedings.

I wish to assure the Subcommittee that the Department of Justice fully appreciates the problems and concerns that impel debate on portions of the legislation we are discussing today. Concern about this general area is legitimate. It causes us all concern. It causes us concern because it involves the necessity of striking a sensitive yet realistic balance between two matters of fundamental importance to our nation. On the one hand we have the need to maintain a free and open society with as much information as is possible concerning the operations of its government. On the other hand we have the need of that society to protect itself from foreign attack and external disasters that can befall it. It is a problem that differs from the usual sort of criminal statute which involves a necessity of balancing the rights of the individual against the needs of society; here we have involved two rights of society itself, to some extent intertwined, to some extent conflicting. It is a difficult balance to strike.

We have made a studied effort, and we think a reasonable and responsible one, to strike this balance giving recognition both to destirability of the fullest possible disclosure of the public business and to the recognized need to protect information the disclosure of which could adversely affect the national defense. For the most part, we have attempted to parallel the existing law—Section 1124 being the exception in this area. Questions have been raised, however, as to whether these sections do, in fact, parallel the existing provisions. To examine this question, however, requires first, a clear understanding of the exact reach of the current law, and second, a recognition that any attempt at recodification—in seeking simplicity and clarity—will of necessity vary in language from the existing provisions of law.

At this time, I would like, if I may, to direct my remarks to a few specific provisions of chapter 11 which appear to have generated considerable interest. I refer, of course, to sections 1121 through 1126 of S. 1400, which deal with espionage and related offenses, and particularly sections 1122 (Disclosing National Defense Information), section 1123 (Mishandling National Defense Information) and section 1124 (Disclosing Classified Information).

Prior to discussing each of these sections, however, I would like to take a few moments to review the state of existing law in the area. Espionage and related offenses are presently covered by a number of provisions in Titles 18, 42 and 50 of the United States Code. The relevant provisions for purposes of this discussion are Title 18, section 793 and 798; Title 42, section 2277; and Title 50, section 783(b).

18 U.S.C., section 793(d) deals with various materials "relating to the national defense" and with persons in lawful possession of such materials. It prohibits the wilful communication, delivery, or transmission of such materials to persons not entitled to receive them and the wilful failure to deliver such materials on demand to government employees entitled to receive them. In enumerating the materials sought to be protected, the statute distinguishes between such tangible things as documents, writings, code books, signal books and other specified items on the one hand, and "information" on the other. To be protected, the tangible items need only relate to the national defense; "information", however, is afforded protection only if it relates to the national defense *and* the possessor has reason to believe that it could be used to the injury of the United States or to the advantage of any foreign nation. This distinction, clearly set forth in the legislative history of the statute,[1] was made, we believe, since the sources of information otherwise specifically enumerated in 793 (d) and (e), are tangible objects which will, in all likelihood, contain on their face a classification or which, by their very nature, will indicate to the individual handling them that they constitute the type of matter protected by the statute. With respect to information not derived from tangible sources, however, the possessor may or may not be put on notice that this is so.

18 U.S.C., section 793(e) is identical to section 793(d) except that it applies to anyone in *unauthorized* possession and prohibits the retention of national defense materials and requires delivery to an authorized person without a demand being made.

These Sections, 18 U.S.C. 793(d) and (e), are the primary basis for proposed Section 1122 and are in part recodified by the proposed Section. As the Subcommittee will note, Section 1122 provides that a person is guilty of an offense if he knowingly communicates information relating to the national defense to a person not authorized to receive it. The phrase "relating to the national defense" has been intentionally and carefully used in a deliberate attempt to preserve the judicial interpretations of existing law, including defense, and the recitation in Section 1126 of the categories of information included within the phrase has also been drafted to reflect current law.

At this point it becomes necessary to consider what is meant by the statutory phrase "relating to the national defense". The Supreme Court has approved jury instructions defining the term as a "generic concept of broad connotation referring not only to military, naval and air establishments, but to all related activities of national defense"[2] and has held that the phrase includes all matters directly and reasonably related to the national security in the context of protection of the United States against our enemies, holding also that the relation to national preparedness must be reasonable and direct, not strained or arbitrary.[3] Also as construed by the courts, the phrase is not limited to matters, and I quote, "vitally important or actually injurious. The document or information must be, however, connected with or related to the national defense."[4]

I would particularly note that the question whether information relates to the national defense is a jury question and that in reaching its decision a jury must examine the documents or information, consider the testimony of witnesses as to the significance of the information and as to the purpose and use to which the information contained therein could be put.[5] Finally, most important, there can be no violation of statutes protecting "information relating to the national defense" if the information has been made available to the public by the Government, if the Government did not attempt to restrict its dissemination, or if the information was available to the public generally from lawfully accessible sources.[6]

As already noted, the proposed statute has been intentionally drafted to embrace all these concepts of the phrase "information relating to the national defense."

The proposed Section 1122 therefore, is not a departure from current law. The only manner in which it could be considered a departure from current law at all is that where written or other tangible material is not involved, and where the residual category "information" is the subject of the offense, there is not a specific inclusion of the present language that the possessor of the information has reason to believe that it could be used to the injury of the United States or to the advantage of a foreign power. However, analysis demonstrates that this distinction is one of form rather than sub-

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stance; the essence of the requirement still remains, and it was intended to remain. As noted, 18 U.S.C. 793(d) and (e) reflect the specific notice element, not in a case of an individual possessing the tangible items specified, but only in a case involving the residual category "information". The proposed statute requires that the communication of any information—from tangible or intangible sources—be a knowing communication. Under the terms of Section 303(b) of the proposed Code, that culpability standard must apply to the conduct of the individual, any result and any surrounding circumstances. Thus, 1122 would require a knowing communication of information which the person knew to be "information relating to the national defense" to a person or persons the individual knew were unauthorized recipients.[7] Thus, as to any type of information—whether in tangible or intangible form, the proposed Section requires a showing of the individual's knowledge as to the nature of such information before subjecting the individual to criminal penalties for its disclosure. Again, the nature of the information must be "information relating to the national defense" which includes all the concepts discussed earlier.

The proposed Section 1123 covers intentionally or knowingly failing to deliver information relating to the national defense to federal public officials or employees authorized to receive it (now covered by 18 U.S.C. 793(d) and (e)), recklessly permitting its loss, destruction, theft or communication to a person not authorized to receive it (now covered by 18 U.S.C. 793(f)(1)), and knowingly failing to report such loss, destruction, theft or communication (now covered by 18 U.S.C. 793(f)(2)). As is true of Section 1122, Section 1123 is intended to do no more than carry forward existing concepts of what constitutes information relating to the national defense and what activities are prohibited with respect to such information.

The final proposed Section which I will discuss in detail is Section 1124 which seeks to protect information which has been classified in order to restrict its dissemination for reasons of national security. In this section, as opposed to Sections 1122 and 1123, clear changes in current law are proposed. Some would expand current law; some would contract it. I would like briefly to examine that existing law. As mentioned earlier, the statutes most relevant are 18 U.S.C. 798, 50 U.S.C. 783(b), and 42 U.S.C. 2277.

18 U.S.C. 798 makes it a crime for anyone to communicate a specific type of classified information—classified information relating to communications intelligence—to anyone not authorized to received it. While the classified information covered would appear to be very limited, it should be noted that by definition the phrase "communications intelligence" includes information obtained through communications intelligence methods which constitutes a very significant portion of the intelligence information we have concerning other countries. I would note that the statute applies to anyone, and is not limited to those who have received the classified information pursuant to lawful authority.

50 U.S.C. 783(b) makes it a crime for any Government employee or any employee of any corporation the stock of which is held in whole or in major part by the United States to communicate any classified information to an agent of a foreign power or to officers or members of certain communist organizations, including the Communist Party, communist fronts and communist infiltrated organizations. I would note that this statute, while specifying the type of recipient, is applicable to any classified information and applies to any government employee or employee of certain corporations and is not limited to those employees who have received the classified information pursuant to lawful authority.

Finally, to complete this brief review of the most pertinent present legislation, there is section 2277 of Title 42. This statute makes it a crime for anyone who is or has been a Government employee or a member of the Atomic Energy Commission or of the Armed Forces, or who is or has been connected with the Atomic Energy Commission under a contract with the AEC to communicate any restricted data to any person not authorized to receive it. This statute is apparently limited to those who are most likely to receive the classified information pursuant to lawful authority, applies to a special type of classified information and prohibits the communication to anyone not authorized to receive the information.

The concept inherent in these present statutory provisions that it is not a defense that the information was improperly classified has been judicially sustained.[8] Thus, in prosecutions brought pursuant to these statutes, it is not necessary to establish that the information related to the national defense but only that the information was marked or designated pursuant to lawful authority as affecting the security of the United States.[9] The Congressional purpose in establishing these procedures was, of course, to permit prosecution for the compromise of national security information without the necessity at trial of disclosing the very information the statutes seek to protect.

Proposed Section 1124, like 18 U.S.C. 798, 50 U.S.C. 783(b) and 40 U.S.C. 2277 deals with the disclosure of classified information. This section is limited in its application to persons who have or have had authorized possession of classified information or who have obtained such information as a result of being a federal public servant. Such persons are prohibited from communicating the classified information which they have received in trust to persons who they know are not authorized to receive it. While it is a defense to prosecution under this section that the information was communicated to a regularly constituted committee of Congress pursuant to lawful demand, it is not a defense that the information was improperly classified as to substance, either at the time of its classification or at the time of the offense. The section is aimed only at disclosure by persons *entrusted* with classified information; it specifically precludes prosecution, either as an accomplice or co-conspirator, of a person to whom the information is communicated.

"Classified information" is defined in Section 1126 as any information which has been marked or designated pursuant to the provisions of a statute or executive order, or a regulation or rule thereunder, as information requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

As I mentioned earlier, unlike the proposed provisions relating to national defense information, this section does propose certain changes in current law. As just discussed, present law prohibits either (1) the communication by *anyone* of *specific* types of classified information to *anyone* not authorized to receive it (18 U.S.C. 798, 42 U.S.C. 2277) or (2) the communication of *any* classified information by *specific* categories of persons (Government or certain corporate employees) to *specific* categories of persons (agents of a foreign power or members of specified Communist organizations (50 U.S.C. 783(b)). The proposed statute departs from current law in combining the concept of the protection of *all* classified information of 50 U.S.C. 783(b) with the prohibition of communication to *any* unauthorized person or persons of 18 U.S.C. 798 and 42 U.S.C. 2277.

While this approach thus broadens present law to some extent, the proposed section also departs from current law by narrowing it. Unlike 18 U.S.C. 798 which applies to *any* person and unlike 50 U.S.C. 783(b) which applies to *any* government employee or any employee of certain corporations, proposed Section 1124 applies to a limited class—those individuals who have or have obtained classified information pursuant to authority or as a result of being a federal public servant. In short, 1124 applies only to those who obtain classified information in a position of trust—*not* to *any* person or to *any* government employee. A much more significant departure from current law, moreover, is the treatment of recipients of improperly divulged classified information under proposed Section 1124. As I have mentioned, no recipients are subject to prosecution under this section. Under the law presently in effect, unauthorized recipients of classified information could be prosecuted either as accomplices or as conspirators consistent, of course, with the terms of the statutes discussed.

Perhaps at this point it might be useful to say a few words about the legal basis upon which classification authority and responsibility have been vested in the Executive Branch and what the Executive has done in the exercise of that authority and the discharge of that responsibility. Numerous statutes, including some of those discussed today and including the Freedom of Information Act, and numerous court decisions have recognized the President's authority and responsibility to protect information vital to the national security. The President, in turn, in the discharge of his responsibility, has issued Executive Orders. The most recent such Executive Order is Number 11652, issued in March of 1972 to replace Number 10501, issued in November of 1953. This new Executive Order, significantly tightens procedures for classification of national defense information, both by limiting the number of individuals with authority to classify and by imposing stricter standards for the classification of information. Equally important, the Executive Order for the first time establishes the principle of individual accountability for classification, provides specific review procedures to ensure that the standards imposed are not violated, and establishes an Interagency Classification Review Committee to monitor the implementation of the Order. This Committee is expressly directed to receive and take action on suggestions and complaints from persons within or without the government concerning the administration of the Order, including complaints about unnecessary classification or overclassification of information so that individuals who feel that information is improperly classified for improper purposes are given ample opportunities under the Executive Order for thorough review of such matters. In short, the Executive Order represents a vigorous attempt to ensure that the only information classified is information which meets stringent standards of potential for damage to national security if disclosed to unauthorized persons. That this attempt has already met with success is attested by last week's interim report by the Committee to the President. Among other accomplishments already reported by the Committee was a 63% reduction in the number of all authorized top secret, secret and confidential classifiers (exclusive of CIA) from almost 49,000 to fewer than 18,000. This achievement and others detailed in the report and the continuing efforts along these lines should go a long way to ensure the success of the reform of classification procedures initiated by Executive Order 11652.

The statutes and cases to which I referred as recognizing the Executive power and duty to protect classified information flow from a recognition that there must be restrictions on the dissemination of certain information

Footnotes at end of article.



to protect the national security or as put more succinctly by Justice Stewart, "[i]n the area of basic self-defense the frequent need for absolute secrecy is, of course, self-evident."[10] If information, vital to our national security is to be protected, the need for the provisions of Section 1124 is readily demonstrated.

Simply consider the situation that would exist in the absence of such a provision. Absent a prohibition of disclosure of classified information to persons not authorized to receive it, an individual who violated his trust by wrongfully disclosing such information could be prosecuted only under laws relating to disclosure of information relating to the national defense. In such a prosecution, we would be required to prove to a jury beyond a reasonable doubt that the information in fact related to the national defense. I would hasten to note that the point here is not the difficulty of sustaining this burden of proof; the point is the consequence of doing so. In attempting to prove this element of the crime we would have to reveal the very information which the law seeks to protect. As we have pointed out above, it was the result which Congress sought to avoid in the present 18 U.S.C. 798 and 50 U.S.C. 783(b). We believe it is unreasonable to be able to protect national security only at the expense of endangering it in this manner. This is a concern generated by very real problems. In recent years the Department of Justice has had to forego a significant number of prosecutions for misuse of information vital to the national security because the information could not be made public for security reasons. Proposed Section 1125, as does present 50 U.S.C. 783(c), makes criminal the obtaining of classified information by an agent of a foreign power. If an individual who received the classified information under conditions of trust were apprehended in the act of passing such information to such a person, it would be unthinkable that we could prosecute the agent for doing his job, but not prosecute the transmitter for violating his trust without disclosing vital national security secrets in order to do so

By the same token, the individual should be similarly subject to prosecution when he discloses classified information to any unauthorized person in violation of his trust. Again, individuals who feel that information is improperly classified or classified for improper purposes are not without a remedy. They are given ample opportunities under the Executive Order for thorough review of such matters.

These considerations are underscored by the consideration that it is, of course, the most sensitive information that generally cannot be disclosed for prosecution purposes under the more serious espionage statutes so we can well have the ironic result of being able to protect less serious information under the more severe statutes, while not being able effectively to protect extremely important information from betrayal of trust.

Mr. Chairman, I hope my remarks today have been helpful to the Subcommittee in facing the issues raised by the national defense information and classified information provisions proposed in S. 1400. These provisions have been carefully drafted in a studied and earnest attempt to permit maximum disclosure consistent with safeguarding the national defense. We believe we have succeeded in this attempt, and we urge favorable consideration of our proposals by this Subcommittee.

FOOTNOTES

[1] Senate Rept. 427, 80th Cong., 1st Session (1949), p. 7; House Rept. 3112, 81st Congress, 2nd Session, (1950), p. 52.

[2] See *Gorin* v. *United States*, 312 U.S. 19, 28 (1941).

[3] *Gorin* v. *United States*, *supra*, 312 U.S. at 30–31.

[4] *Gorin* v. *United States*, 111 F.2d 712, 717; see also *New York Times Co.* v. *United States*, 403 U.S. 713 at 740 (Justice White concurring).

[5] *United States* v. *Drummond*, 354 F.2d 132 (C.A. 2), *cert. denied*, 384 U.S. 1013.

[6] *United States* v. *Heine*, 151 F.2d 813 (C.A. 2, 1945).

[7] "Knowingly" is defined by Section 302.

[8] *Scarbeck* v. *United States*, 317 F.2d 546 (C.A. D.C.), *cert. denied*, 374 U.S. 856, involving 50 U.S.C. 783(b).

[9] *Id.* 317 F.2d at 557–560.

[10] *New York Times Co.* v. *United States*, 403 U.S. 713, 728.

## WHO NEEDS THE SPACE SHUTTLE?

Mr. PROXMIRE. Mr. President, in April the Appropriations Subcommittee on HUD-Space-Science-Veterans, which I chair, completed its hearings on the fiscal year 1974 budget for the National Aeronautics and Space Administration. Our hearings have been most revealing.

Our hearings opened with testimony from NASA Administrator James C. Fletcher. Much of his testimony concerned the space shuttle, the No. 1 priority program for NASA for the coming decade. Dr. Fletcher testified that nonrecurring expenses for the space shuttle would amount to $8.1 billion by the end of this decade. This would include research and development costs of $5.15 billion, $1 billion for an additional three orbiters, $363 million to develop the space tug, $500 million to procure the tugs, $300 million to modify facilities at the Kennedy Space Center, and $500 million for new and modified facilities at the Air Force's western test range.

Even these gigantic costs are only the tip of the iceberg. Over the period 1979 to 1990, when the shuttle will be operational, $34.7 billion will be spent on payloads and shuttle operating costs.

The total: a staggering $42 billion.

To my knowledge, this is the most costly single technological adventure the United States has ever undertaken. This is more than the Apollo moon landing program. And it is certainly more than the cost of any single weapons system.

NASA offers two main justifications for requesting such a massive expenditure of funds. First, that the shuttle will save money in the long run. And second, that it will satisfy certain critical transportation needs in space—particularly military needs.

I will have more to say about the military question a little later. But since cost-saving seems to be the principal argument, let me address myself to that in some detail.

LAUNCH COSTS MAY BE HIGHER WITH THE SHUTTLE

NASA's original claim for the space shuttle was that it would reduce the cost of putting a payload into orbit from the current $800 to $900 per pound to $160 per pound. NASA arrived at the $160 figure by taking the shuttle's launch vehicle costs of $10.5 million—a figure, incidentally, which does not include the dividing $10.5 million by the shuttle's maximum capacity of 65,000 pounds. Result: $160 per pound.

But the fact is that NASA would not launch 65,000 pounds of payload every time it sends the shuttle into space. To find out how much it would launch, I asked NASA to supply me with the most recent mission model for the shuttle. The model is dated March 1973, and it lists all the planned missions for the shuttle, and the anticipated payload weights of each launch. The total number of new launches is 216; the total payload on these launches is 1,109,133 pounds. The average payload weight per launch is thus 5,100 pounds. If we use this figure instead of the shuttle's total 65,000 pounds capacity, the launch cost per pound is not $160, but $2,059—more than double the launch cost we now have on existing boosters.

During our recent hearings I asked Dr. Klaus Heiss, a NASA consultant, about this. He agreed that NASA's use of the $160 per pound figure was misleading, and should never have been used. But he argued that because of varying types of launches, the possibility of multiple payloads, and the fact that cargo weight differs from payload weight, it would also be misleading to use my figure of $2059 per pound for the shuttle. However, Dr. Heiss could supply no figure that actually could be used, and left the whole matter extremely unclear.

What is clear, however, is that NASA has no idea whether the shuttle will actually reduce launch costs. In fact, it is a good bet that it may actually increase launch costs. This is hardly reassuring when we are asked to commit such massive resources for the express purpose of saving money over the long run.

NASA also argues that the shuttle will permit constraints on payload size and weight to be relaxed, thereby enabling payloads to be assembled at lower cost. But we have already made great strides in perfecting miniaturization techniques as a result of the Apollo program. Hence, most of the research costs in this area have already been expended, and any savings in this area are questionable at best. The same holds true for NASA's claim that with the shuttle we can refurbish and repair satellites already in orbit; it remains to be seen that this will be cheaper than simply discarding the old satellites and using expendable boosters to launch new ones.

SHUTTLE DEVELOPMENT INVOLVES TRADEOFFS

One of the major drawbacks of the shuttle is the extent to which tradeoffs are involved in developing it. Dr. Brian O'Leary, former scientist-astronaut and now a professor of astronomy at Hampshire College, presented data to the subcommittee on the long-term run-out costs of various aspects of the NASA program. He pointed out that between fiscal year 1973 and fiscal year 1978, there will be a more than five-fold increase in spending on the shuttle, from $200 million in fiscal year 1973 to $1.09 billion in fiscal year 1978.

During the same period, the budget for space science is being reduced from $679 million to $256 million, a reduction of more than 60 percent. Similar reductions will take place in the space applications budget, from $189 million to $74 million over the 6-year period.

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In other words, in order for NASA to keep its pledge of maintaining the space program at its current level—which is now approximately 1.2 percent of the Federal budget—and still pay for development of the shuttle, other programs will have to be sacrificed. And unfortunately, the programs being sacrificed are those that have the greatest scientific yield.

Dr. James Van Allen testified to the subcommittee that more than 80 percent of the new scientific results in space and virtually all the utilitarian applications of space technology have come from the nonmanned areas of the space program. Among other things, Dr. Van Allen cited the high energy astronomy observatory—HEAO, the orbiting solar observatory, the Pioneer-Venus mission, and the ATS–G satellite. These are all programs of high promise that have already had to be cut or delayed to make room for the shuttle.

In light of this, it seems extremely difficult to justify deep cuts in all these programs in order to pay for the space shuttle—a shuttle whose economic justification, or any other justification, is marginal at best.

DOES THE MILITARY NEED THE SHUTTLE?

Mr. President, let me return briefly to the other principal stated reason for going ahead with the shuttle: that it will provide a new space transportation capability, particularly for military missions. Shuttle opponents have argued that if the military wants and needs the shuttle, the military should pay for it: that the shuttle's development costs, or at least a portion of them, should be borne by the Defense Department. Our argument has been that if we put it in the military budget, the shuttle will have to compete for funds with military programs—the B–1 bomber, the AWACS system, Trident, et cetera—and that only by forcing it to compete in this fashion can we determine how much the military really needs this program.

There is no question that if the Pentagon gets a "free ride" with the shuttle, and gains the shuttle's capacity without having to kick in a cent, it is going to be for it. But the real question is, will the Pentagon be for the shuttle if it has to be stacked up against other military needs? If it cannot stand up on this basis, then the shuttle cannot be justified as a military-civilian program. And without the military, there is not enough space business to justify the shuttle.

Some insight on how the shuttle would stack up in the military was provided by one of the witnesses before our Appropriation Subcommittee. Dr. Courtland Perkins is chairman of the Department of Aerospace and Mechanical Sciences at the Engineering School at Princeton University. He served as Assistant Secretary of the Air Force for Research and Development during the Eisenhower administration.

I asked Dr. Perkins why the shuttle—or at least part of it—should not be funded as part of the Defense Department budget. Dr. Perkins said that if that was done, the shuttle could not survive—that it could not make it if forced to stack up against other military priorities.

Here is the way our dialog went:

Dr. PERKINS. The second question was, on the priorities in the Air Force there is no question, and I would be leading you astray if I testified to the fact that if we put the shuttle program into the Department of Defense, that it would survive. It would not survive in the Department of Defense, I do not believe.

Senator PROXMIRE. It wouldn't survive in the Department? That is an interesting observation. You say it wouldn't survive?

Dr. PERKINS. As you said, it would be in competition with all the other things that the Department of Defense would like to do and doesn't have the money to do today; and to inject another program there, I don't think it would survive very long.

Dr. Perkins' testimony is extremely telling. If the shuttle cannot survive in the Pentagon, and if it is not going to save money in the civilian sector, what do we need it for?

I think the answer is becoming increasingly obvious. The shuttle seems to be simply a massive bootstrapping program for NASA and the entire aerospace industry.

Mr. President, this would be indefensible enough at any time. But it is doubly indefensible when the President is cutting back on vital social programs—housing, water and sewer grants, health care, vocational rehabilitation, anti-poverty legislation—on the grounds that the money is not available. Perhaps it is not available. But then how can $475 million this year—$850 million next year—$1.1 billion the year after that—and so on and so on—be justified to build the space shuttle? The shuttle will not cure one sick child. It will not provide housing for one indigent family. It will not educate one illiterate youngster. It will not provide food for one hungry household.

Mr. President, the shuttle is totally out of keeping with out current national priorities. We simply cannot afford the folly of a space extravaganza at the present time. Our other needs are simply too compelling.

I strongly urge my colleagues to take a renewed look at this program, in light of the recent testimony before our subcommittee. I am confident that anyone who does will conclude that the space shuttle should be relegated to the back burner and denied further funding.

## NATIONAL RADIO MONTH

Mr. THURMOND. Mr. President, the month of May has been designated National Radio Month. I would like to take this opportunity to commend broadcasters across the country for the outstanding service they are rendering to the public.

In a dynamic and progressive society such as ours, it is a trait among the American public to accept the miraculous as commonplace. The gestation period of the American psyche to be astounded is short. For example, we were all amazed and awed when Neil Armstrong first set foot on the surface of the moon. But the profundity of this technical achievement was readily accepted and we hardly blinked an eye today as we talk about future space explorations.

The same point can be made about radio. In the first decade of the 20th century, a young man named Lee De Forest had one ambition. "My present task," he wrote, "is to distribute sweet melody over the city and the sea so that even the mariner far out across the silent waves may hear the music of his homeland." The dream of broadcasting was also shared with other men whose names are synonymous with the industry: Sarnoff, Marconi, and Bell.

These dreams were realized when radio station KDKA in Pittsburgh broadcast live reports on the Harding-Cox Presidential elections on what was then termed the "music box." The advent of radio led one historian in 1926 to call radio "the miracle of the ages."

This miracle was soon displaced for a time by another miracle—television. The advent of a medium with both visual and audio capability led many to predict the demise of radio. The miracle of the ages of 1926 was considered to be a relic of the past in 1943.

The radio not only survived but flourished in subsequent years and it ultimately became the giant it is today. Ninety-seven percent of all Americans own at least one radio. Every day, 100 million persons listen to radio. Researchers tell us that 9 out of 10 radio families listen an average of 19 to 20 hours each week. There are now more than 6,000 radio stations in operation and more than 300-million radio sets in use. Radio is as much a part of our daily lives as automobiles and telephones.

But radio is no better or worse than the broadcasters who own and operate broadcasting facilities. At its worst, it can be used as a powerful and effective force of propaganda to hide the truth from the people and enslave them. One needs only to look behind the Iron Curtain for results of this misuse. At its best, radio can be a forum for expressing divergent viewpoints unencumbered by ideological censorship. It can be a free and open medium for a free and open society. We are indeed fortunate to have access to the latter in the United States.

The broadcasters in this country deserve credit for exercising responsibility and good judgment as their medium enters our homes. They are men of impeccable ability and integrity who have not only followed—but enhanced—the precepts of a democratic society.

Mr. President, I salute the Nation's broadcasters during National Radio Month. On behalf of the American people, I want to thank them for a job well done.

## FEDERAL FUNDING FOR BEHAVIOR MODIFICATION

Mr. ERVIN. Mr. President, recently, the Senate Subcommittee on Health, chaired by Senator KENNEDY, conducted hearings on the broad topic of participation of human beings in scientific experiments. These hearings, which covered such diverse subjects as unapproved uses of certain drugs and the philosophical aspects of human experimentation, were



of particular interest to me. As chairman of the Subcommittee on Constitutional Rights. I have been concerned for a long time with the protection of individual rights, especially when the private citizen comes face to face with the Federal Government. In light of the growing number of data banks in America, which daily collect more and more information on our citizens, and the proliferation of psychological testing programs, we in the Congress should be aware of the threat these mechanisms pose to individual privacy.

I have submitted a statement for the record of the Subcommittee on Health's hearings. This statement deals with the problem of behavior modification programs funded by the Federal Government. I believe that the protection of individual rights in all scientific programs utilizing Federal appropriations must be paramount to considerations of scientific advancement. The right to privacy and freedom of individual thought must be protected. It is essential that the Congress maintain oversight in regard to programs in which human life is at stake. I ask unanimous consent that the statement be printed in the RECORD at this point so that the material it contains may be brought to the attention of all the Members of this body and may be available for their consideration.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SAM J. ERVIN, JR.

I wish to thank the Subcommittee and the chairman, Senator Kennedy, for this opportunity to submit a statement for the record of the Subcommittee on Health's hearings on biomedical research and human experimentation.

The Subcommittee deserves a good deal of praise for the work it is doing in this area and for the large number of important public issues raised in these hearings. The questions surrounding control of the uses of scientific knowledge constitute a most complex and serious problem. We must always make a conscientious effort to avoid curtailing the freedom of scientific inquiry necessary to expand the boundaries of human knowledge. The freedom of science to work and explore by orderly research has long been a boon to our American way of life and we have benefited enormously by that research in technological and medical achievements which have outpaced the rest of the world.

These hearings have come at an opportune time, for after fifty years of scientific research and experimentation in laboratory settings, we have reached a breakthrough in the biological sciences that may promise a more disease-free and healthy life for all citizens. Experimentation and treatment now have turned their focus from the laboratory to human subjects. In the face of this application of scientific methods, we cannot allow individual rights to be endangered or lost because of a blinding faith in science and medicine. Constitutional safeguards must be assured at the same time that government funding nurtures scientific research and medical treatment.

Many research projects involve experimental therapies which, even in a clinical setting, pose threats to constitutional rights. These therapies may be dangerous when either by their mode of application or by the very nature of the therapy itself, they impinge on individual liberties. If a therapeutic method is to be imposed on a patient without his consent or as a punishment, then the therapy is not necessarily at fault but the method is. On the other hand, if a party consents to the application of a therapeutic method which either he or his physician does not fully understand or which will unalterably affect his life, then the therapy itself may pose a threat to individual rights.

In light of these problems and the threats to cherished freedoms which may be created by certain scientific experiments or medical treatment, I wish to commend the Health Subcommittee for its foresight in this matter by calling for hearings which allow an airing of the matters involved prior to the funding of further research. We must strengthen the means by which Congress is informed of scientific programs affecting individual rights before federal money is used to support such research. Whatever legislation is recommended by the Subcommittee, I hope it will include a requirement of disclosure and review by Congress before federal financing can be granted.

My experience in this area has taken me through several years of hearings on the various threats to individual liberties posed by governmental invasions of privacy. The Subcommittee on Constitutional Rights has seen psychological tests and other methods used to attempt to develop classification systems for our citizens. We have seen sensitivity training, polygraphs and the growth of federal and private data banks threaten the security of the individual and impose on his dignity. We have seen government monitoring of the activities of Congress and military surveillance of our citizens.

So far there is no national identification system. A citizen may still enter a store, present a credit card, and know that his entire past is not available to a store clerk by the flick of a switch. But the time may soon come when this is no longer true. Already state, federal and private data banks are being created which collect large amounts of data on individuals, data of often dubious accuracy and relevancy, but data which is instantaneously available across the country. Already work is being done on a universal identifier so that every person can be numbered, and then catalogued by that number. Already work is in progress on a single universal identification card to replace the dozens of credit cards, memberships, licenses, and IDs in a citizen's pocket.

As the chairman knows, the problems being studied by the Constitutional Rights Subcommittee are fundamentally the same as those before this subcommittee. That is why I wish to present some of the information we have gathered for your consideration.

I would like first to discuss a problem which I believe has reached the critical stage today in the area of scientific experimentation and treatment—federal funding for behavior modification. The chaos which exists in this field is partly due to a lack of control, a lack of review and a lack of interest on the part of the Congress. I believe there are serious constitutional problems when federal funding is doled out unchecked for behavior modification projects.

Behavior modification involves psychological techniques applied as treatment for behavioral problems.

Behavior modification attempts to alter or change the attitudes and actions of a person; it does not seek to cure the behavioral illness but rather to change the behavior. Behavior modification may involve relatively mild methods such as individual or group therapy as well as more persuasive and more permanent methods as, for example, operant conditioning (reward/punishment concepts). Whatever questions exist with respect to these methods, behavior modification today has an even larger arsenal of methods to draw upon than ever before, and these other techniques present critical issues for individual rights. Drugs can be used to punish and thereby secure a desired behavior (aversive therapy). They can also blunt certain emotions (tranquilizers and psychoactive drugs). Shock therapies can jolt the memory. Finally, the physical brain itself is subject to alteration by surgical or drug means. Behavior modification ranges from rewarding school children with gold stars to punishing prisoners with drugs that simulate Parkinson's Disease or cause convulsions. Naturally, it is not easy to decide which type of behavior modification programs are dangerous to constitutional liberties and which are not. I would like, however, to deal with three separate cases where abuse has occurred or possibly is occurring and where the federal government has a responsibility for the preservation of individual rights and the prevention of injury to our citizens.

One of the most flagrant examples of a lack of congressional control and oversight in the area of behavior modification came during the past fiscal year. In 1971 a program was begun at Boston City Hospital by Dr. William Sweet, one of the world's leading neurosurgeons, to explore violent behavior. The project was funded by a $500,000 grant from NIMH. The project employed various means of studying and treating violent behavior; among these methods were the implantation of electronic devices in the brain, the use of massive drug doses which can permanently affect behavior, and psychosurgery. The goal of the program was to develop psychological tests to identify violent behavior and develop treatment methods. The project was so controversial that the first hospital approached, Massachusetts General Hospital, refused the grant.

At the same time as this NIMH project was going on, some of the doctors from the project were working on a similar behavior research project funded by the Law Enforcement Assistance Administration. This project was intended to develop a classification system to identify a tendency for violence among prisoners. This project, conducted at a federal male prison and a female multistate prison, was terminated early due to funding abuses arising within the project. Neither project has submitted a completed report, and neither project has submitted a summary of its activities that show any conclusive evidence of success or rationale for further funding. Yet, in hearings before the Senate Appropriations Committee, Dr. Sweet testified that the work had been successful in Boston and at the prisons. Dr. Sweet also stated that one million dollars was desired, under the auspices of NIH, for further work and expansion of the project at Boston City General.

It was only at the last minute that Senator Magnuson addressed a letter to Director Marston of NIH urging caution and care in further funding of violent behavior research. Dr. Marston replied stating that NIH would make the greatest efforts to safeguard individual rights. In response to letters from the Subcommittee on Constitutional Rights, former Secretary of Health, Education and Welfare Elliot Richardson and Secretary Caspar Weinberger have promised that reporting would be made to the Subcommittee on any funding by HEW for behavioral research involving violent behavior studies. Copies of the correspondence dealing with the NIH funding and from HEW are attached to my statement.

Now it should be obvious that programs which aim at typing certain citizens as "violence prone" raise serious problems of individual rights. The issue is no less and no different from a government program of labelling individuals as "radicals," "subversives," or "Communists." Certainly before any such project is funded by Congress, these problems should be exhaustively considered. They never were when these first grants were approved.



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The absence of congressional inquiry and of congressional oversight allowed an NIMH project to submit individuals to what many regard as inhuman and degrading abuse by physicians. Projects which involve experimental techniques or techniques which sharply curtail an individual's independence and freedom of thought deserve the utmost concern on the part of the Congress. Reporting of projects such as those funded by LEAA and NIMH would have allowed debate and review by the Congress. No such programs should be funded by NIMH or any government agency unless and until the closest scrutiny is given to them.

Prisons exist as a closed society, eluding the public eye behind high walls and restricted contact. Only recently has there been any interest in assuring prisoners the benefits of those constitutional rights which follow them into the prison or jail. Only in the last decade have court decisions sought to insure the rights to counsel, legal materials, correspondence and of freedom from cruel punishment. Testimony before the Health Subcommittee has revealed that in the coercive atmosphere of a prison, inmates are more than willing to submit to drug experiments and other experimental programs in order to secure money or a change of location and conditions or to please the parole board by a record showing cooperation with the prison authority. The use of behavior modification in such a setting poses serious threats to constitutional liberties. Behavior modification is not simply an experimental concept. It is a treatment to which a prisoner is asked or ordered to submit.

There has been no definitive court case involving behavior modification in the prisons; however, cases are now pending before the courts. One case in California is challenging aversive conditioning therapy which employs a drug known as anectine to produce respiratory convulsions. Cases dealing with medical treatment in prisons have dealt primarily with allegations of malpractice and negligence in treatment or with the administration of drugs-which-produce-injury civil suits. Most courts have rejected complaints alleging unauthorized uses of drugs as punishments.

To understand the Bureau's attitude toward treatment of its mentally disturbed offenders, the following statements by Director Norman Carlson are of note as a preface to the discussion that will follow. Speaking before the Subcommittee on National Penitentiaries [*Future Role of the U.S. Bureau of Prisons* (92d Cong., 2d Sess.)], Director Carlson noted the Bureau's attitude toward mentally ill offenders and the need for treatment by the government . . . nearly 20 percent of all offenders committed to our custody suffer from some type of mental disorder, not necessarily psychotic, but certainly present mental illness. It is a fact which we have long been aware of and I think Butner is going to be a facility which will certainly enhance our capabilities to work with this type of population.

In later testimony before the same subcommittee, in June of 1972, the Director indicated what might be the major factors behind this mental disorder in inmates. . . . correctional institutions throughout the country have been plagued with serious problems. These have included work strikes, violent incidents and racial tensions. In the Federal System, we have experienced a number of difficulties, but fortunately none have involved violence. These recent incidents have highlighted the root causes of the problems in our present correctional systems: overcrowded, archaic institutions, inadequate treatment programs, and, in some instances, policies and procedures which serve to dehumanize individuals in confinement.

The Bureau of Prisons cites overcrowding as the major contributing cause of the dehumanization and violence of federal inmates. The Bureau, therefore, creates behavior modification programs to institutionalize the inmate and make him amenable to the best problem of overcrowding.

The Federal Bureau of Prisons has an active program of behavior therapy. In the Springfield, Missouri Medical Facility, Project START attempts "to develop behavioral and attitudinal changes in offenders who have not adjusted satisfactorily to institutional settings." One criterion for transfer to this project is that the inmate should be "from the sending institution's segregation unit." There are no volunteers, only involuntary transfers. (*Operations Memorandum*, 7300.128, Bureau of Prisons, October 25, 1972.) Group therapy and other psychological techniques have been employed in Marion, Illinois, and in Terre Haute, Indiana, as well as elsewhere in the federal system.

An example, which raises the constitutional questions surrounding behavioral modification in the prison setting, comes from my own state. As part of the Bureau of Prisons' ten-year construction plan, a Behavioral Research Center is nearing completion at Butner, North Carolina. The facility, for which plans have been in the making for several years, will house a treatment center for mentally disturbed inmates and a research facility to develop correctional programs for export to federal and state institutions. To gain more information about the Butner facility, the Subcommittee on Constitutional Rights contacted Director Norman Carlson of the Bureau of Prisons. In response, the Director stated that safeguards will exist at Butner to protect inmates and that all programs will conform to established guidelines for programs involving human subjects. The guidelines employed, the Director explained, were the Nuremburg standards and a directive by the Public Health Service on experiments involving human subjects. Both documents, it should be noted, require that an individual be free from coercion in making his decision to participate in a project and so situated that he is free to refuse. The Bureau hopes that prisoners will volunteer to go to Butner. However, in order to secure certain types of inmates for the research section, involuntary transfers may be required. Director Carlson also assured the Subcommittee that no psychosurgery or massive drug doses will be employed.

The Director's reply leaves a number of problems unresolved.

Behavior modification creates problems for privacy and individual dignity when administered in a custodial setting where coercion is a practical fact. True voluntary participation is difficult if not impossible in a prison. The Supreme Court in *Stanley v. Georgia*, 394 U.S. 557 (1968) stated the problems that governmental invasions of privacy pose for the First Amendment.

Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds. . . . Whatever the power of the state to control public dissemination of ideas inimical to the public morality, it cannot constitutionally premise legislation on the desirability of controlling a person's private thoughts.

This same right of privacy of the individual from governmental invasion was strongly stated in *Griswold v. Connecticut*, 381 U.S. 479 (1965), which was based as well on the Fourth, Fifth and Ninth Amendments.

A prisoner's rights are not infringed by his involuntary transfer to a higher security grade or to a medical facility because he is overtly psychotic. But when he is forced to participate in a treatment or experiment which is not to treat a present illness, but rather to fit a goal set by the Bureau for rehabilitation, and which involves drugs or coercive measures to change his very personality, due process and equal protection requirements come into play. One must ask, should a prisoner who is not judged mentally ill by the court after psychiatric tests be judged so by the Bureau of Prisons after incarceration and then forced to accept treatment? Indeed, in any place where consent is coerced or not given freely, there seems to be a violation of a basic human right, be it in a prison or conceivably even in a private doctor's office. If treatment is forced without a hearing or inquiry and without true consent, is not the due process assured every citizen—inmate or free—denied?

The programs exemplified by Butner raise some very serious issues:

1. How does a rehabilitation program which involves behavior therapy, be it transactional analysis (game theory) or operant conditioning (reward/punishment theory), fit the Bureau's statutory authorization under Title 18 of the United States Code?

2. The Constitution secures privacy and due process for all Americans. Are these rights violated when an inmate is forced to undergo a psychological therapy because his consent occurred in a coercive setting? Can an inmate freely volunteer for a program to alter his mind when he is in a prison setting? Testimony before the Health Subcommittee indicates that prisoners took part in programs in a prison that they would never consent to in a free world setting.

3. The records of a stay at Butner and any treatment will be integrated with an inmate's files. Is his privacy assured where such records can be disseminated to the parole board or beyond the confines of the Bureau of Prisons? The problem here is similar to that uncovered by the Subcommittee on Constitutional Rights in its continuing investigation of data banks and the dissemination of arrest records and other highly personal information.

4. The Eighth Amendment protection against cruel and unusual punishment may be violated where an inmate is involuntarily sent to a therapy program. Does this not constitute a sentencing beyond that of a judge? Does it not amount to an extra punishment? Therapy programs which employ aversive therapy—inflicting pain to dissuade certain behavior by the use of drugs or prolonged isolation—as part of their treatment could well be violations of the Eighth Amendment.

My concern with Butner is not that it's program development concept will develop new programs for managing prisons, but rather that the development will be costly to the rights of inmates and that the developed programs may not resolve the prison system's dehumanizing effect. My concern with the psychiatric treatment center at Butner is not that psychotic patients will be removed from the general prison population, but that there are problems of identification of inmates for treatment; that inmates will undergo treatment in a coercive atmosphere, signing a consent form they may never understand or because they want to appear cooperative to the parole board; and that there are possibilities of abuse in transfers to the unit. Congress has a duty to maintain some form of oversight over prison research and treatment to assure that constitutional liberties are not lost under the rationale of prison experimentation and prison management.

Equally voiceless in our society, because of segregation from the general population, are patients in mental institutions and Veterans' Administration hospitals. Here the problems are somewhat different than in a prison setting. Often the problem for a mental patient is to secure treatment and not just be maintained in a custodial setting. Behavior modification is a part of treatment. In hearings before the Subcommittee on Constitutional Rights in 1970 on the rights of the mentally ill, it was pointed out that 90 percent of all mental hospital inmates were there by judicial commitment. Certainly when the court places a person in a confined hospital setting, as in a prison, there must be maintenance of constitutionally guaranteed liberties. The problems of behavior modification in a mental hospital are not the correctness or appropriateness of treatment but rather problems related to the protection of the rights of an individual undergoing treatment. The recent abuses exposed in the Willowbrook hospital and in mental hospitals in Alabama point to the need for improved oversight of federally funded private and public mental hospitals to insure that patients are given the basic courtesies and dignities afforded other citizens.

The extent to which mental patients or veterans are used for experimentation and development of new methods of therapies has not been investigated. It is appropriate that such an investigation occur and that the Congress consider some form of permanent review of a problem which affects the lives of nearly a million Americans daily and a larger number of our citizens indirectly. The constitutional problems for the veteran or mentally disturbed person are similar to those of the prisoner—coercion for treatment and experiment, lack of informed consent, where possible, and lack of control over custodial care and medical practices. The involuntary nature of judicial commitment and the subjection to imposed treatments demands the congressional concern for the patient who cannot speak for himself. I will not go into detail about the rights of the mentally ill; the hearings speak for themselves. I want only to express my concern at this point for the possible abuses in hospitals and the need to ensure that basic constitutional guarantees are not denied without due process of law.

I would like to reiterate that I fully understand the difficulties inherent in intervention into the realm of scientific experiment. I commend you on your willingness to venture into this area. Some of the shocking abuses you have exposed as in the Alabama syphilis study and the unapproved uses of approved drugs need to be brought to the attention of the Congress. The constitutional problems are of great consequence. Any citizen may seek mental care assistance at some point in his life and suddenly find himself to be a subject for a doctor conducting an experiment. To assure that all constitutional protections are afforded in medical experimentation and treatment programs is a goal of the utmost importance. Whether that assurance is in the form of congressional control, professional self-restraint or state intervention is secondary to the basic humanitarian and social considerations.

## MILITARY SUPPORT OF THE CAMBODIAN GOVERNMENT

Mr. GOLDWATER. Mr. President, much of the discussion now taking place in regard to our military support of the Cambodian Government—discussion critical of that support—ignores recent developments in that beleaguered country which suggest that its situation is far less hopeless than some might have thought several weeks ago.

Foremost among these is the restructuring of General Lon Nol's regime to include a broader range of leadership. The effective purging of the general's brother has now permitted creation of a four-man political council which promises to be much more responsive to the present crisis than the cabinet which it has replaced, particularly in shaking the Cambodian army out of its recent state of paralysis. Already, we may have witnessed some benefits of this shakeup: There were reports at the beginning of the week that Cambodian forces had demonstrated new vigor in repulsing insurgent attacks and had taken the offensive in recapturing portions of the east bank of the Mekong River. In addition, supplies are now moving more freely by both road and river into Phnom Penh, easing a situation which had appeared to be desperate only a few weeks ago.

Certainly, our support of the Cambodian Government has been vital to its survival thus far, and our support will continue to be vital in the weeks ahead. If we end that support and permit Communist seizure of the country we will simply encourage North Vietnamese forces to remain there in violation of the January cease-fire agreements. We will simply encourage them to plot and prepare for further aggression against South Vietnam.

On a broader scale, as others have noted this afternoon, we will be demonstrating to the world—not only to Russia and China, but also to Arab terrorists and other disruptive forces—that we do not have the resolve to see our commitments through. And along that road lies disaster.

I think we should be encouraged by the recent favorable reports from Cambodia and renew our resolve to seek full compliance by all parties to the terms of the cease-fire.

## GENOCIDE: DOES SILENCE MEAN APPROVAL?

Mr. PROXMIRE. Mr. President, one can argue that under our law silence means approval. For example, the Constitution says that if the President does not explicitly veto a bill, Congress being in session, then that bill becomes law. His silence is taken to mean approval.

Could the same thing happen regarding the failure of the Senate to ratify the Genocide Convention? Could our silence be taken to mean that we approve of the crime of genocide? I certainly hope not. But some argue that that is so, because the Genocide Convention has been before the Senate for 22 years without being ratified. How can we explain away our silence?

Fortunately we have a chance to correct this misconception. On March 6 the Committee on Foreign Relations issued a favorable report on the convention, and it is now on the Executive Calendar of the Senate. By ratifying the convention we can show the world that we do indeed abhor the crime of genocide.

Mr. President, our silence condemns us. We must act before it is too late. I urge the Senate to ratify the Genocide Convention as soon as possible.

## TWENTY-FIFTH ANNIVERSARY OF ISRAEL

Mr. HATFIELD. Mr. President, I take the floor this afternoon in a spirit of celebration to commemorate the 25th anniversary of the founding of the State of Israel.

A quarter-century ago, it was by no means clear that this great anniversary would ever come to pass. But the courage, zeal, and vision of those who settled and built upon those barren lands have caused the desert to bloom and made a Jewish homeland a reality.

Within the past several years, I have traveled to Israel and met with her principal leaders. I have returned from that experience enormously impressed with the vitality and devotion which they bring to their leadership. In Israel, their people have finally found a place where Judaism may be freely practiced without the centuries-old fear of castigation, purges, and banishment.

America has been and must remain a true friend of Israel. Firmly committed to her survival, we must promote a political climate in which Israel and her neighbors may achieve the mitzvah of a genuine and lasting peace.

## INTERVIEW WITH LOUIS FISHER

Mr. ERVIN. Mr. President, the Congressional Research Service of the Library of Congress is fortunate to have on its staff Dr. Louis Fisher, a political scientist who has become an expert on the relationship between the Congress and the executive branch of Government.

During the past 2 years Dr. Fisher has rendered invaluable service to the Committee on Government Operations and the Judiciary Subcommittee on Separation of Powers, both of which I am honored to serve as chairman.

His expert advice and scholarship aided first the subcommittee and late the committee to thoroughly study the practice of Executive impoundment of appropriated funds and to perfect the Impoundment Control Procedures Act, S. 373, which has been reported by the committee and already has passed the Senate in the form of an amendment to another bill.

Dr. Fisher is the author of an excellent book entitled "President and Congress: Power and Policy," which was published last year by the Free Press and recently reissued in paperback. I have found his book to be a valuable tool in understanding all the ramifications of the doctrine of separation of powers as it is practiced in this day and time.

Dr. Fisher's knowledge and expertise was recognized by U.S. News & World Report, which published an extensive interview with him in its editions of April 23, 1973, under the title, "Power Struggle in Washington."

In this interview, Dr. Fisher analyzes the present conflict between Congress and the President, and he concluded that what we need is a "good-faith relationship" between the administration and the Congress.

Mr. President, I ask unanimous consent that the interview with Dr. Louis Fisher which was printed in the April 23 issue of U.S. News & World Report be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:



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POWER STRUGGLE IN WASHINGTON

(Interview With Dr. Louis Fisher)

How serious, in history's perspective, is the widening rift between the White House and Congress? Can it be closed—and, if so, how?

For one view of this problem, "U.S. News & World Report" invited to its conference room a political scientist who has first-hand knowledge of congressional operations.

Q. Dr. Fisher, is the power struggle that is now going on between Congress and the White House really any different from conflicts in the past between the two branches of the Government?

A. This one certainly is different from those of the past. It is becoming a crisis, and I don't know of anyone who can see how it's going to be resolved.

I should make it clear at this point that the views I express here are entirely my own, based on my long interest in this general subject, and in no way do I speak for the Library of Congress.

Q. What kind of crisis do you foresee?

A. We are moving toward a stalemate in Government—we're far too close to one right now—and it could have very serious consequences for the country.

Part of the crisis comes from the fact that some of the programs authorized and funded by Congress are not being carried out by President Nixon and his Administration.

But the more serious part of the crisis, which can have long-term results on the country, is a growing sense in Congress that this is part of a grand design by the Administration to enlarge presidential powers beyond anything yet assumed by Chief Executives of the past.

Q. Why would this produce a crisis in the Government?

A. Because it is destroying the good faith that is essential if the two branches are going to carry out their related functions effectively. You see, there's nothing in the Constitution itself which defines exactly how the two branches are to work together. Always this has been done by self-restraint on both sides in defining the limits of their respective powers.

This factor, throughout most of our history, has made Government more effective. Congress could then give the Administration some discretionary authority in carrying out terms of the legislation to make allowance for administrative or other difficulties that could not be foreseen.

Now we are seeing the Administration, through the Office of Management and Budget, impounding money voted by Congress for specific programs—that is, refusing to release it to the agencies designated by Congress and doing so for political rather than administrative or technical reasons. They do this by abusing the customary discretion given them in the legislation itself.

As a result, Congressmen have to wonder if all legislation is going to be treated this way. There is the ultimate danger that perhaps they will conclude that the only defense is to write the bill in such a rigid and inflexible way as to eliminate discretionary phrasing.

This might curb the practice of impoundment, but it would also reduce efficiency in the spending of that money. And you might go from that to absolute stalemate, to ineffectiveness in Government.

Q. In effect, does impoundment give the President another type of veto over legislation he doesn't like?

A. Yes, that is the effect. It is even more powerful than a veto because Congress lacks a means of overriding an impoundment action.

We have a case in the water-pollution bill that was passed last year over a presidential veto. Here was a clear declaration of congressional insistence on a program on which there had been much deliberation as to what was in the national interest. Yet the President has ordered an impoundment of contract authority that has cut the program by 55 per cent. This was not a mere deferral of spending for technical reasons; it was a political decision by the President that the legislation involved too much "budget busting."

Congress had made a national commitment to clean up the waters. That commitment, unlike earlier ones to build highways or put a man on the moon, has been subordinated to other presidential goals. It isn't a case, as Mr. Ehrlichman [presidential assistant John D. Ehrlichman] has said, that we lack the contractor capability to spend all of the water-pollution money. If you make the commitment, the contractor capability will come—as it did with highways and the space program.

Q. On the other hand, doesn't President Nixon feel that Congress is paying very little attention to his budget?

A. No doubt he does, but his budget is merely a recommendation. There is nothing sacrosanct about it. Congress can alter it and modify it any way that Congress wants.

I suppose the President feels that at a time of inflation and tremendous deficits, the economic stakes justify his action. A lot of this reasoning borders on the philosophy that the end justifies the means.

It could be argued that congressional inability to match revenue with appropriations has, in a sense, created a situation where the President felt he had to make these impoundments in order to attain his fiscal goals. On the other hand, the Administration has contributed to deficits through its own spending programs and tax-relief measures, so I don't think the argument is very strong. It was President Nixon who first adopted the "full-employment budget" concept, justifying deficits in the 25-billion-dollar-a-year range.

In short, I think both Congress and the President have been party to the fiscal situation, and if I had to allocate responsibility, I would place more of it on the Administration than on Congress.

Q Don't people generally tend to blame Congress more than the President when something like this happens?

A Yes, because Congressmen individually often criticize the performance of Congress as a whole. You don't often see anything like that in the Administration when errors occur in the economic or military realm.

It does no good to repeat the refrain: "Congress has been bad; Congress has been irresponsible." It merely reinforces the view—a distorted one—that Congress is the culprit and the President is the benefactor.

Q Have any Presidents in the past gotten into trouble over the impoundment issue?

A Not nearly as much as at present. I recall that during President Truman's Administration, Congress authorized and funded the building of a flush-deck supercarrier. The Administration stopped that program after the keel was laid and went ahead with what it considered to be better-designed carriers. And President Johnson got into some trouble for impounding.

What we are dealing with now, however, is impounding entirely different in nature. It isn't altogether a matter of dollars involved. You could have Administration "A" impounding 10 billion dollars for administrative or technical reasons, and it would be less serious than Administration "B" impounding 5 billion dollars, half of the time for political reasons—it doesn't like the programs and has no intention of going forward later with the same program or choosing an alternative—and the danger to effective government would be worse.

Q Do you see any signs that the Administration might back down on the matter of impounding money for approved programs?

A To the contrary, there is every evidence that it is becoming more aggressive.

Take the program authorized last year by Congress to give financial assistance to returning veterans wanting to go to college or university. This became public law, and 25 million dollars was appropriated, with the Department of Health, Education, and Welfare designated to run the program. The interesting thing is that this 25 million dollars has not been "impounded." The Office of Management and Budget has apportioned the money to HEW, but Secretary Caspar W. Weinberger has no immediate intention of implementing the program. Why? Because the Administration has made a request to Congress to rescind the appropriation and will not put the program into effect until Congress acts on that request.

Furthermore, Secretary Weinberger communicated to Senator Jacob K. Javits [Republican, of New York] the news that even if Congress rejected the request to rescind the appropriation for this program, there could be no assurance that the program would go into effect because of the Administration's target for a spending limit of 250 billion dollars for the present fiscal year.

This, to me, seems astonishing, and it's an approach that is being used not only for the program of financial aid to veterans going to college but to other programs. Altogether, I think the total appropriations involved come to 383 million dollars. Here is a very novel kind of "veto power."

For the President to fall back on precedents and say that "Thomas Jefferson did it" does not change the fact that, right or wrong, what he is doing is something much different in nature from past impoundments.

Q How useful are precedents, generally, in this conflict between the White House and Congress—not only in the use of impoundments but in other exercise of presidential authority such as "executive privilege" to deny information to Congress and use of "executive orders" to achieve legislative results?

A There are really two difficulties in using precedents:

First, some are very limited in scope and not really applicable outside of very narrow issues.

Second, precedents sometimes lose their acceptability as conditions change. Take, for instance, the many precedents to support malapportionment in the legislatures. After years of accepting these precedents, the Supreme Court in 1962 decided they were no longer acceptable and subsequently ordered reapportionment of voting districts for Congress and State legislatures.

Q If precedents don't help much, does it then boil down to a matter of what either side thinks it can get away with in extending its powers?

A That's right. As I said before, it is self-restraint in exercise of separate powers that makes the system workable.

Q Have there ever been so-called "strong" Presidents who did not engage Congress in heated battles over the exercise of presidential authority?

A By definition, an assertive President is going to have conflicts with Congress. But these struggles can take place within the system without challenging the system itself. Many Presidents have tried to assert their authority, and many have met with and accepted rebuffs.

Franklin D. Roosevelt tried to change the Supreme Court, and Congress didn't let him get away with it, as one example. He tried to undermine his congressional opposition in the primaries, and didn't get away with that either.

For the tenacles of power to reach out now and then, probing, is in the nature of our system, but the situation today is not just one of "feeling around." It's a frontal challenge to congressional prerogatives.



Q Many political scientists applauded the "strong" Presidency of John F. Kennedy in the early 1960s. Now they're critical of the "strong" Presidency of Richard M. Nixon. Why?

A It probably has something to do with the fact that so many academicians are on the liberal, Democratic side, and Democrats were in control of the White House for so many years they got used to the idea of "strong" Presidents as inherently better for the nation.

I think there's a lesson to be learned here: that a clear definition of institutional responsibilities is a better way of judging a man's performance than his personality or party. The Senate Foreign Relations Committee noted a few years ago, during action on the National Commitments Resolution, that Congress had committed the error of making a personal judgment as to how President Johnson would implement the Tonkin Gulf Resolution when it actually had a responsibility to make an *institutional* judgment.

Q Is a "strong" President likely to become more aggressive when the opposing party is dominant in Congress?

A I don't think we know about that because it is so recently that the power struggles have intensified. Suppose that a Democrat is elected President in 1976 while the Democrats retain control of Congress. If he keeps all of the national-security machinery that has accumulated in recent Administrations, a lot of the power struggle is going to be built into the system, even if he is dealing with a "friendly" Congress.

Q. What about landslide victories such as those won by Franklin D. Roosevelt, Lyndon Johnson and Richard Nixon? Do they tend to make a President more assertive?

A There does seem to be considerably more boldness in the second Nixon term than in the first. But I don't know whether that is the result of the landslide or of his lame-duck status, where he feels he has nothing to lose because he is constitutionally unable to run for a third term, anyway.

Supposedly his interest in the future of his party would cause him to be careful, but the 1972 election strongly suggests that he places his own personal success far above that of his party. There was great disappointment by Republicans in the lack of White House support for congressional elections.

Q Isn't the President—not Congress—supposed to make policy?

A He contributes, but with the advice and consent of Congress. That's the qualification that is often forgotten, and certainly is not in evidence at the present time. I don't know that the present Administration has sought counsel, for instance, with the chairmen of the Agriculture Committees or of the Agriculture Subcommittees or the Appropriations Committees on impoundments of money for farm programs authorized by Congress.

Q The President recently said that he spoke for "the national interest," while Congress spoke for "special interests." Would you agree with that statement?

A Well, there's another aspect to the "special interests"—namely this: In a democratic system, private interests are entitled to access to the political process. Often they bring useful information and insights to that process for both the executive and legislative branches. So I think it is an exceptionally crude generalization to suggest that the President operates for the "general" interest and Congress for "special interests."

AN ISSUE RIGHT AT THE BEGINNING

Q In addition to impoundment, what other weapons does a President have in a power struggle with Congress?

A One type of action is the use of "executive privilege," which became an issue right at the beginning, in the Administration of George Washington.

The House wanted to investigate the American military defeat of General St. Clair [Arthur St. Clair, whose Ohio forces were decimated by Indians in 1791], and President Washington discussed the matter with members of his Cabinet. There was some question whether the papers relating to this defeat should be given to Congress, but in the end they were handed over.

Q Was that the instance of which President Nixon spoke recently when he said that George Washington set the precedent for exercise of "executive privilege" in withholding information from Congress?

A Perhaps, or he could have been referring to another instance when the House asked for papers relating to the Jay Treaty [with Great Britain, signed in 1794]. In that case, the President decided not to give the papers to the House. But I don't think this instance is a good precedent either, because the real question was whether the House had a constitutional right to treaty papers which are a matter between the President and the Senate.

In other words, it was an explicit constitutional issue—not one of confidentiality. Washington said that if the House had established a constitutional right, such as if it wanted to impeach someone, he would have given them the papers.

Q Just what is "executive privilege"?

A President Nixon himself defined it when he said he would use it only for confidential communications between himself and his assistants on matters relating to the national interest—he also used the words "public interest"—and not used in an expansive way simply to protect the Administration from embarrassment.

The question is: How does that principle apply to the Watergate incident? There is the impression, even among Republicans and conservative columnists, that the President's exercise of "executive privilege" relates more strongly to the question of "embarrassment" than of "public interest."

LEGISLATING BY EXECUTIVE ORDER

Q Can the President, in effect, legislate with an executive order?

A Yes, and that practice has increased in recent decades. There's no way for me to know the exact situation in the last few years because, while there are clear cases of legislating by executive order—setting up or expanding programs without prior congressional approval—there are many cases, too, of legislating by other means so that they don't have to be published in the "Federal Register" or the "Weekly Compilation of Presidential Documents."

For instance, presidential communications to his subordinates can affect the carrying out of legislation—but Congress isn't even informed of these communications.

Q. Doesn't the pendulum swing back eventually, even to the point where it is Congress that is accused of overreaching its powers?

A. In the past, Congress has occasionally reached out, too—the most notable example of recent times being the investigations of [the late] Senator Joseph McCarthy into the State and Defense Departments.

And not all cases of "reaching out" by Presidents are initiated by the White House. In some instances, you have to decide how much of it came from presidential initiative and how much as a result of delegation of authority by Congress—just as Congress a couple of years ago gave President Nixon the authority to go ahead with the Economic Stabilization Act.

On the whole, I would say that recent Executives tend to initiate the contest for power more often than Congress does.

Q. Did the Founding Fathers foresee this at all? Weren't they fearful of tyranny by a strong Executive?

A. That's a popular but oversimplified idea. Historically it would not hold up. Any fears of executive power the Revolutionary leaders had from their dealings with George III began to recede after 1776, when the Continental Congress not only had to pass laws but administer them and even handle judicial issues.

As a result of that experience, the Constitutional Convention saw the need for a separate executive for reasons of efficiency, accountability and responsibility. But I don't think their experience enabled them to foresee who would become dominant. The executive qualities discussed in "The Federalist" papers—energy, unity, decision, secrecy, dispatch—were what the framers hoped the President would possess, more imaginary than real.

Q. Is the pendulum likely to swing away from the recent emphasis on presidential power?

A. It's a question of how much presidential power is getting built into the system. For instance, back in 1939 the Reorganization Act gave the President six special assistants, who became very close to the President—so close they could claim executive privilege along with the President himself. They did not make policy.

Presidential special assistants are now starting to get their own bureaucracies. Henry Kissinger is developing a staff of 150 or so and beginning to be more of a policy maker than the Secretary of State. President Nixon's successor may introduce some modifications, but basically the setup could continue, whoever his successor is.

Q What about appointment of key persons such as the Director of the Office of Management and Budget who do not require confirmation by Congress? Should that be changed?

A I don't know how much more responsive to Congress such persons would be, even if the appointment required Senate approval. The Director of the Central Intelligence Agency is appointed subject to Senate confirmation, but that doesn't assure his responsiveness to congressional queries. And I'm not sure that anything would change much if Roy Ash, the new director of OMB, became subject to confirmation. Still, the budget has such awesome dimensions that Congress has to make the process more responsive to legislative priorities.

WHEN CONGRESS IS DOWNGRADED

Q Some critics picture Congress as weak and unable to combat presidential authority. Is that a true picture?

A No. Members of Congress, through their constituents and contacts with private organizations, are kept abreast of current problems. There is a good deal of expertise among men who have not only had a number of years' experience but understand the political system.

Q Does Congress have the research machinery to match that made available to the Administration by the federal bureaucracy?

A No, and I do think that Congress ought to have greater access to the reports and expertise generated by the executive branch. Hearings were held last year on Senator Cooper's bill [Senator John Sherman Cooper, Republican, of Kentucky] to make studies on national security and intelligence available to the Foreign Affairs and Foreign Relations Committees.

Q Do you see any sign of that happening?

A No, I don't.

Q Does that mean that Congress then will set up its own research establishment?

A First, I'd like to see what happens to the bill by Senator Edmund S. Muskie [Democrat, of Maine] which would make the raw budget data from federal agencies available to Congress. It would be a pity if Congress finds that the very agencies it sets up and

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funds won't give information—including national-security data that is already prepared and could be shared under whatever injunctions of secrecy are necessary.

Q What about Administration complaints of "leakages" of classified information on Capitol Hill? Is that an obstacle to giving Congress more data from the executive branch?

A I'm not impressed by that argument. Even if information is disclosed to the Foreign Affairs and Foreign Relations committees and some staff officials, you may still find that fewer than 100 people get access to that information. Any one of them might leak the information, but so might the thousands of people who have access to it in the executive branch—and they're just as big a risk.

In fact, information leaks are pretty commonplace in the executive branch. To say that Congress can't be trusted is much too arrogant.

Q Congressmen are always saying they can't get the information they want. Why can't they get it? Are their requests ignored?

A Here we get into strategies, stratagems and motivations in the executive branch. I'm not in a position to know why information is withheld. I know in my own dealings with federal-agency people that sometimes the information is just not available even to them.

Some months ago I spent some time trying to find out about the so-called "feed and forage" law used by the Pentagon, which has been on the books for a little more than a century. Normally, Congress authorizes and appropriates funds; then the federal agency can obligate the money. But the "feed and forage" law reverses the process. So the Pentagon can obligate the money first; then Congress has to appropriate funds later to liquidate the contractual obligations.

Statistical information on that law had been compiled then boxed because of storage difficulties and was somewhere around the D.C. area. But whoever knew where it was stored no longer was at the Pentagon, and nobody professed to know where all the information was. I didn't get the sense that they were trying to withhold information; they just didn't know where the material was.

Q. You do get lots of reports from Government agencies—

A Yes, there's a flood coming down from the executive branch, but often the information is in a form that is of no use to Congress while creating the illusion that the executive branch is making relevant information available to Congress. Staff people on Capitol Hill who look for certain information in computerized reports often just can't find it—and when they call down agency experts to help them look, the agency people can't find it either.

Q Do you get co-operation occasionally from officials of federal agencies?

A Oh, yes. They're generally very cooperative.

Perhaps an official feels that his agency will survive better in the budget by cooperating with Congress—and if he believes he can survive politically, he may try it.

However, it's sometimes risky—especially since President Nixon has given so much power to the Office of Management and Budget to control those officials who get out of line.

The former Bureau of the Budget was also subject to presidential control, but the reorganization plan of 1970 changed the situation substantially. All of the former BOB statutory functions were vested in the President, who then redelegated those powers to the OMB.

Instead of merely being an arm of the President, OMB is part of the President. That can have profound effects on professional standards of budget officials.

Q When you speak of additional presidential powers being built into the system, would that include the tightening presidential control over the entire Administration?

A I think so. The OMB would have not only Mr. Nixon's personal appointee, Roy Ash, but a number of people, such as Fred Malek and others, who have been on the White House staff. The former Bureau of the Budget certainly was always responsive to the President, but its career professionals were not as politically charged in their judgments as seems to be the case now.

Q Are you saying that it will be even more difficult to get occasional co-operation from individual officials?

A You see that happening already, just in the extraordinary case of A. Ernest Fitzgerald, a civil-service employe and management analyst with the Air Force who was laid off in an "economy move" in 1969 after telling Congress about huge cost overruns on the C–5A airplane contract.

Then there was the case of Gordon W. Rule, the contract specialist in the Navy who was shifted out of his job after telling us about costly contract "ball outs" sought by defense contractors who claimed they needed more money to fulfill their obligations. Happily, he has just been reinstated in his job.

But the examples of Fitzgerald and Rule set a tone that will discourage frank and candid judgments by career professionals.

Q Could Congress strengthen its hand if it had tough discipline and leadership such as that provided by Lyndon B. Johnson in the Senate and Sam Rayburn in the House, rather than the more open and less disciplined leadership of today?

A There are two aspects of leadership: One involves personality; the other involves the much less explored question of the kind of help that can come from the party caucus which is representative of the party and can participate in the making of policies to be executed by the leader.

LEADERSHIP VS. "HORSE TRADING"

Q Does that, in effect, put 535 legislators—often at odds with each other—against one man who has the prestige of his office, access to the media and a bureaucracy to do his bidding?

A. Yes, it is hard to get half of 535 people to pass a law, or to get two-thirds to override a presidential veto. Actually, however, what the party has to do in either house is essentially the same brokerage job—the balancing of interests and "horse trading"—that goes on within the Administration.

Quite often the White House comes out not with what Richard M. Nixon wants but what a galaxy of forces is compelling him to support. The public simply doesn't see the logrolling that goes on among the military services for weapons systems or the competition that goes on within a department for a bigger share of the budget. If it did, the public would be less harsh on Congress.

Q Are legislators diffident in dealing with presidential authority because they don't want to hinder the President's handling of today's very complex and sometimes overwhelming problems?

A This undoubtedly explains a lot of the delegation of authority to the President. It's reasonable that if you recognize a need for housing—without knowing exactly how to set up a program for it—you will delegate fairly broad authority to the Administration to get a housing program started. I don't think this is abdication; it's realism.

EXPLODING A "CULT OF EXPERTISE"

Q Is this especially true in areas of national security?

A Yes, but I hope that one of the lessons of the past decade has been that even on national security, Congress is quite capable of reaching as sound a judgment as the Administration. The congressional challenge to the Safeguard anti-ballistic missile system exposed one shortcoming after another and showed the capabilities of Congress in dealing with very technical matters.

I think the "cult of executive expertise" carries less weight today. The Administration has access to expertise, but that is not the same thing as saying that it acts on it. There are numerous examples to show how CIA estimates have been doctored or ignored by the Administration because the information didn't square with political needs.

Q Are you saying that Congressmen, by and large, are just as knowledgeable as members of the executive branch?

A Well, if you look at Congress in personnel and product, and apply that yardstick to the executive branch, I think Congress comes off quite well.

Q Are there giants in Congress to compare with those of the nineteenth century such as John C. Calhoun, Henry Clay and Daniel Webster?

A I don't know why they're such legendary figures. Anyone looking at Congress today can come up with quite a handful of extremely competent members of the House and Senate who would rival those of any period.

Q Suppose Speaker Joseph G. Cannon, who ran the House with an iron hand in the early years of this century, were to be on hand today. Could he exercise the same authority?

A Not with committees as strong as they are. He didn't have to worry as much about the independence of committee chairmen. It's expertise that makes the system go now, because problems today are very complicated. There has to be a division of labor in Congress, just as in the executive branch.

Q Will broadening the representation in committees strengthen Congress or weaken it?

A Well, [Missouri] Representative Richard Bolling's Committee on Committees is just starting work, and it could run for a year and a half before a plan is drawn up for committee structure and jurisdiction.

But the reforms adopted by Congress in the last few years—starting with the 1970 Legislative Reorganization Act and including changes in the caucus and floor organization—at least show that Congress is not a rigid institution and can make some very far-reaching reforms.

Q Is there any way that Congress can frontally challenge presidential power—by going to court, for instance?

A It could go to court on the issues of impoundment or "executive privilege," but I don't think there is anything the Supreme Court can do to instill the quality of self-restraint and co-operation, which is really what is required to make the system work.

Whatever the Court said quite possibly could be interpreted in whatever way the Administration wanted to interpret it—or the Court's decision might be on very narrow grounds and avoid the larger issues. I suspect this would be the case with impoundment, where there are many different types not easily covered by a general statement. I think also that the Court would be very reluctant to get into a matter which strikes so deeply at administrative discretion. In the question of "executive privilege," you get into equally complex considerations involving national security and confidentiality between the President and his assistants.

Q Has the Supreme Court ever tackled the issue of impoundment?

A Four or five years ago I did an article for the "George Washington [University] Law Review" on the Supreme Court cases in the past which were held to be applicable to impoundment. It was my own conclusion that they were not really applicable—that only by singling out little phrases here and there would they seem to deal broadly with the impoundment issue.

There is the Missouri decision last year [upheld April 2 by U.S. Court of Appeals] on impoundment related to highway funds, and this went against the Administration. But even if the Supreme Court sustained that decision, it would be hard to apply to other cases because it deals with trust funds.

An interesting decision was handed down a short time ago in Minnesota regarding Secretary [of Agriculture Earl L.] Butz's termination of the FHA [Farmers Home Administration] emergency-loan program, and that, too, went against the Administration. The Court held that Butz had violated due process and the Department's own regulations. This is an important case because it attempts to show where an administrator has discretion and where he doesn't.

Q Does this then leave it to Congress to pass statutes of its own, defining its powers more clearly, and let the executive branch respond as it will?

A I think that if Congress feels there is a court remedy available for impoundment or "executive privilege," it might postpone action on the matter.

Q In the last resort, Congress could bring impeachment proceedings—

A It could. That power is vested in Congress by the Constitution, and this fact should be taken seriously.

The Founding Fathers were uneasy about giving Congress this power because they feared it might jeopardize the President's independence. But they felt that misconduct by the President should be subject to that challenge.

Impeachment is something to be taken seriously and used when necessary. If it were interpreted in that light, an Administration probably would behave in such a way as to avoid the possibility.

WHAT IS NEEDED IS GOOD FAITH

Q Can Congress coerce the White House by withholding funds for Administration housekeeping and other programs?

A There has been a little bit of this in the past, but I can't see it as more than a short-term effort to restore some of the balance of power.

To me, the remedy has to be recognition on the part of both branches—particularly, at this moment, the Administration—of what is needed in a political system where Congress ordinarily must give the executive branch broad chunks of discretionary power.

What is needed, simply, is a good-faith relationship. If the Administration is not willing to abide by that, it is going to generate a lot of inflexibility and rigidity—quite possibly an impasse, as I have said—because it is within the powers of Congress to replace discretionary authority with mandatory directives.

The harmful effects of such a situation could be felt by the American people for years and year.

## NEBRASKA AND THE ERA

Mr. HANSEN. Mr. President, I have been an interested observer of a peculiar legal question that has arisen in Wyoming's neighboring State of Nebraska.

The Nebraska Legislature recently voted to reverse its former decision concerning ratification of the equal rights amendment. By a vote of 31 to 17, Nebraska's earlier decision to ratify the amendment was rescinded.

Interestingly, it is my understanding that a reversal of this procedure occurred in Connecticut, where the equal rights amendment was rejected first and then there was a reversal with that State making a second decision in favor of the equal rights amendment becoming an amendment to the U.S. Constitution.

I am unaware of any problems which may have been created by the Connecticut switch, but it has been brought to my attention that the Nebraska reversal has stirred activity, and the question has been brought up as to whether a State, once voting for ratification, can rescind legally that ratification.

This is a legal question that may lend itself to extended discussion throughout the Nation, not only among those of us charged with making the laws, in the Congress and in the legislatures, but in the legal profession, and among many citizens not involved directly in Government.

The syndicated columnist, Mr. Frank Van Der Linden, in an article printed March 30, noted the situation, and it was his view that if the advocates of the equal rights amendment cannot muster the necessary 38 States—required for ratification—without counting in the backslider, Nebraska, then the Supreme Court can be asked to decide whether or not Nebraska's revocation is legal.

Mr. President, I ask unanimous consent that Mr. Van Der Linden's brief article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EQUAL RIGHTS AMENDMENT

(By Frank Van Der Linden)

WASHINGTON.—The high-pressure drive to ratify the Equal Rights Amendment to the Constitution by mid-1973 is running into a few roadblocks in state legislatures and a puzzling loss of active support in the White House.

The number of states ratifying the amendment, which assures equal rights for women, is stalled at 28, or ten short of the 38 required for a three-fourths majority of the 50 states. Connecticut, after first rejecting it, has ratified it; but Nebraska, the second state to approve it, has rescinded its ratification.

Nebraska's reversal has touched off a storm of criticism from Common Cause and other groups leading the lobbying campaign for the amendment. Common Cause claims the states have no power "to reject their ratification once it has been given."

But a contrary view, with great authority, has been expressed by Charles L. Black, Jr., Luce Professor of Jurisprudence at the Yale University Law School.

"I warmly favor the Equal Rights Amendment," Professor Black told me in an interview. "I'm strongly for it. But I'm opposed to such 'Mickey Mouse' tactics as claiming that, once a state has ratified the amendment, it's locked in forever, as in a lobster trap. Clearly, a state can change its mind either way before the amendment is officially declared to be ratified."

Suppose several states ratified an amendment soon after its approval by Congress but turned against it as conditions changed and new facts came to light, Professor Black suggested. "You can't tell me," he said, "that it would be sound policy to tell those states, 'You're trapped. You can't get out.' You could then have a situation where a majority of states had turned against an amendment but were still counted as voting for it, and it could even be declared officially 'ratified'."

"The crucial question," Professor Black said, "is whether or not three-fourths of the states favor the amendment at the same time." If they do, then either the General Services Administration or Congress can declare it a part of the Constitution.

If the advocates of the Equal Rights Amendment cannot muster the necessary 38 States without counting in the back-slider, Nebraska, then the Supreme Court can be asked to decide whether or not Nebraska's revocation is legal. The Court has never ruled on this question.

In 1868, Congress declared the Fourteenth Amendment ratified although Ohio and New Jersey had rescinded their earlier approval of it. "But parading precedents is a fallacy," Professor Black declared. "The Supreme Court has reversed itself, sometimes, and it is Congress' responsibility to do the rational thing. The states may freely withdraw their ratification at any time before an amendment is officially declared a part of the Constitution. It would be very dangerous to have any states corralled into approving it."

A "stop-ERA" campaign, led by the writer, Phyllis Schlafly, has killed the amendment in the Virginia legislature and slowed it in several other states. Mrs. Schlafly and her adherents charge the amendment would nullify labor safety laws, make women liable to combat duty in the armed forces, and invalidate all state laws which require the husband and father to bear the primary burden for family support.

The amendment says simply: "Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex."

President Nixon said a year ago: "Throughout twenty-one years I have not altered my belief that equal rights for women warrant a constitutional guarantee."

His counsellor, Mrs. Anne Armstrong, the bright and beautiful Texan who is the first woman given cabinet status by Nixon, thought she had the President's approval for a whirlwind campaign to clinch ratification of ERA.

Publicity-minded White House aides visualized pictures of Mrs. Armstrong at the G.S.A. building, hailing each state as it joined the ratification band. But the right-wing drive against ERA apparently has cooled off the administration's ardor for it. Now the "game plan" seems to be to let the states settle the issue without involving the President any further.

## INFLATION

Mr. HASKELL. Mr. President, we have been hearing a great deal in recent months and weeks about the causes of and cures for inflation, and we have received many complaints, justifiably so, from consumers who are fed up with high prices and the steadily increasing cost of living situation. But we are also beginning to hear from the other side of the issue, and I have received one such letter from a Colorado citizen, who in spite of feeling the pinch of inflation herself, can stop to give thanks for the many blessings we enjoy and that are available to us. I ask unanimous consent that a copy of her letter to the editor of the Loveland Reporter-Herald be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TIME FOR THANKS

To the Editor:

"Ah to be in America and be worried merely about the price of food." This caption beneath a newspaper cartoon picturing a starving man has haunted me.

While millions of people around the world face starvation from the very lack of anything to eat, we are complaining about the so-called high prices we have to pay for food. We blame the farmer, the middle man, the supermarkets, the government—everyone



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except ourselves for the current high costs of food.

Yet no where in the world is there such an abundance of nourishing food available at such relatively low prices. Statistics show that an average family of four in America spends 16 percent of their income for essential food products. In England, 43 per cent of a family's income must go for food, in Russia it's 67 per cent, and in China 85 per cent of a family's income goes for food.

Let's face it, food is a bargain in our country! And yet, no one can deny that during the last few months, food prices have risen steadily. We can't help but ask, "Why?"

Let's look at the situation of the farmer, the middle man, the retailer who all work to produce the food products in the quantity and quality that we, the consumers, demand.

Food doesn't come from the supermarket, it comes from the farm.

A cattleman usually figures 25 cents per pound-gain. This winter during the severe cold his costs soared to 50 cents per pound-gain. Little wonder meat prices had to go up.

Research has shown that rats who were fed a diet high in DES in some cases developed cancer, and because of our high standards of food and drug purity, legislation to ban the feeding of this growth stimulant were enacted. One would have to eat 66 pounds of liver a day for the traces of DES found in liver to be toxic to humans.

Not many people eat that much liver in a year, let alone a day. The ban on DES has increased the cost of feed by $35 per head to get the cattle to the same degree of finish. This increased production cost is being passed on to the consumer as well.

Another point to remember concerning the farmer, is the fact that the prices he gets for his products are set by the purchaser. For example, when he takes his cattle to market, he does not set the price, rather he asks, "What will you give me for these cattle?"

Today, the price of beef received by the cattleman has finally reached the price he received in 1951. The tractor he bought in 1951 cost $2,000, but today the price is $10,000. How many times have wages, services, and most items we purchase gone up since 1951?

Much criticism has been leveled at the middle man as the culprit in the higher food prices. It costs money to package food in attractive, flavor retaining and convenient containers. Converting farm products into time-saving "Instant," "Brown & Serve," or "Heat & Eat" meals is expensive, but they have been viewed as godsends to the busy housewife or working mother. We have been willing to pay for these conveniences.

The supermarkets are also blamed for our high food prices, and yet their profits are lower than ever before with little or no profit from the sale of meats and produce. Their profits come from the convenience items we buy.

In talking with a local retailer, he told me that of the 15,000 items stocked on his shelves, 3,200 items are non-edible items such as soaps, paper goods, drug and hardware products. Yet we tend to lump these 3,200 items in with the costs of food since they are purchased at the same time.

We lived in Venezuela for several years and had to shop in the native markets. The meat, tough and without any fat or marbling, had to be sold the same day it was butchered because they had no refrigeration. We could not buy fresh milk because there were no pasteurizing or bottling plants.

The bread often had weevils and was never wrapped to protect it from dust and flies. We were advised not to eat the native grown fresh vegetables which had been fertilized with human manure. After such experiences, I feel it is a privilege to be able to shop in our immaculate and convenient markets with such a wide variety of products for selection.

As consumers, we have a broad latitude in determining what our food costs will be. If we are lured by out-of-season fresh fruits and vegetables, prepared TV dinners, expensive cuts of meat, our food costs will be high. Saving money, whether in buying food, a car, or a home takes time and planning.

Did you ever stop to think that when you buy a one pound sack of potato chips that you are paying 10 times the price of potatoes purchased whole in a bag. The potatoes as chips have little food value, but are easy and convenient. The choice is ours.

Markets today give unit costs so that we can select the size package that best fits our needs. The choice is ours, and thank goodness for these choices.

We live in an age of great dependence upon all our fellow men. The free exchange of our products and services makes a livelihood for everyone. No one can raise his own food, build his own home, manufacture his own car, be his own doctor, lawyer, teacher, minister, defend his country alone. We desperately need each other.

How much better it would be if instead of complaining, boycotting, having marches, asking for price ceilings, etc., we took time to say thanks to God and each other.

Instead of hiring a baby sitter so that you can march this Saturday to protest the price of food and then hurrying home to heat up TV dinner for your family, how about saying thanks to your husband or each other for working hard to provide for your family, fix a hearty homemade beef stew, and enjoy making cookies from scratch with your children. Could be the bset day you've had in a long time!

Mrs. KENNETH D. KNIEVEL.

## PUBLIC NEEDS TO BE AWARE OF MEDIA BIAS AND DISTORTION—BUT IT IS A CITIZENS' JOB

Mr. HELMS. Mr. President, there is considerable discussion these days about setting up some sort of mechanism to monitor the news media, and to make sure the public understands that there is a great deal of bias and distortion in the news distributed by some of the Nation's major newspapers, television networks, and so forth.

This discussion is quite worthwhile and necessary, I believe. On the other hand, I would counsel against the establishment of any such organization having even the remotest connection with government at any level. If the job is to be done, and I hope it will, let it be done privately by concerned citizens willing to devote the time and resources to making certain that the arrogant hand of some news media is exposed to public view.

Mr. President, I have had very little to say about the so-called Watergate affair for the simple reason that as a new Senator, I have no knowledge of what went on last year. Of course I do not condone any act of lawlessness. And like most other Americans, I believe that corruption in politics should be cleaned out.

Still, I find it a bit nauseating to see some of the liberal elements of the news media falling all over themselves in self-adulation as a result of the Watergate journalism. Where were these same newspapers and commentators in prior years when the muddy shoes were on the other feet—the wholesale fraud, for example, in the 1960 Presidential election; the callous character assassination in 1964 of Senator GOLDWATER, and other instances of corruption which—unlike the tragic and stupid activities of 1972—did, indeed, have an effect on the outcome of elections?

And why is it, do you suppose, Mr. President, that these same media have scarcely mentioned this year that there are those of us who tried, vainly, to have a complete investigation of irregularities in American politics? Not just a Watergate investigation, but a full-fledged investigation that would constructively address itself to improving a situation that has been admittedly bad for decades—not just destructively designed to injure a President who has been the target of these same news media since the early days of his career.

Yes, Mr. President, there ought to be some method, some organization, to keep the American people informed about the powerful news media who would ruthlessly misinform them. But I reiterate: It is not a job for government, even in the remotest sense.

John Lofton, Jr., editor of First Monday, has written an interesting piece about why he believes there ought to be a national press council. This article was published in the May issue of First Monday, which as Senators know is a publication of the Republican National Committee. I commend it to the attention of my colleagues, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONAL PRESS COUNCIL COULD RESTORE PUBLIC CONFIDENCE IN MEDIA

("Certainly the press is in trouble with the public. I don't need any polls to tell me that; all I need is a watch. Everytime I walk into a party I look at my watch to see how long it will be before somebody starts slamming the press. Average time: two minutes, 42 seconds."—New York Times managing editor A. M. Rosenthal, writing in the New York Times Magazine, Feb. 11, 1973.)

Because there is a clear conflict of interest in asking the media to police itself—to act as its own judge and jury—the establishment of a national press council, a truly balanced group which would do more than simply reflect and most likely reaffirm the present left-liberal bias in the national media, could do much to restore public confidence in the Fourth Estate, thus benefitting not only the viewing, reading and listening public, but also the media as well.

That the press is in trouble with the public is a fact. That the press is in trouble even with the people with whom A. M. Rosenthal parties indicates that the trouble may be more widespread than anyone has yet realized.

As a matter of fact, it is this very trouble that the press is in with the public that has prompted a task force of the Twentieth Century Fund to recommend the establishment of a national news council "to receive, to examine, and to report on complaints concerning the accuracy of news reporting in the United States, as well as to indicate studies and reports on issues involving freedom of the press."

Noting that the concentration of nationwide news organizations—like other large institutions—"has grown increasingly remote from and unresponsive to the popular constituencies on which they depend and which depend on them," the task force report declares that while the U.S. press is among the best in the world and still improving, "until now, the citizen who was without benefit of special office, organization, or resources had no place to bring his complaints. Until now, neither the public nor the national news media have been able to obtain detached and independent appraisals when fairness and representativeness were questioned. The proposed council is intended to provide this recourse for both the public and the media."

There are many reasons why the press is in trouble, why a Harris Survey showed in November of last year that leaders of the mass media with a confidence rating on only 18 percent do worse than any other leadership group in our society except for organized labor.

Lester Markel, for years editor of the Sunday *N.Y. Times*, has put it as well as anyone when in *World* magazine on Sept. 15, 1972, he listed the "solid reasons" for the mistrust of many newspapers:

"Inaccuracy (shoddy reporting, sensational editing, lack of perspective); irresponsibility (abandonment of objectivity, disregard for national security, disinterest in the public interest); inaccessibility (blindness to minority viewpoints, identification with the Establishment roster and dogma.)"

There are other counts in the indictment, says Markel, such as the staging of events, incitement to violence, pandering in general, but irresponsibility, inaccuracy and inaccessibility are the three that have added significant dimension to the media's credibility gap.

Now, ideally, it would be preferable if the press were able to adequately deal with its own shortcomings. Because if it had been doing so all along, the public's lack of confidence would probably not be so great.

Eric Sevareid made this very point at the Fourth Annual Elmer Davis Memorial Lecture at Columbia University on April 29, 1970 in arguing for an hour long network news show:

"I do not see how we could do a markedly better job of it, how to get the better balance, unless these programs go to an hour's length. Many of us have wanted, and worked for this. In that hour, we could do what we should always be doing, in my long sustained opinion; we could provide room for rebuttals to our practices from ordinary listeners; letters to the editor, if you wish. For years the situation has cried for this and had we been doing it for these years, perhaps much of the accumulating gas of resentment would have escaped the boiler in a normal fashion."

But the record of those in the media who correct or criticize themselves is not a good one. Testifying for the idea of a national press council on the PBS show "The Advocates," March 3, 1973, Norman Isaacs, former president of the American Society of Newspaper Editors, said that the "worst mistake" the press makes is not correcting the many errors it makes.

"This goes on day after day," Isaacs declared. "I've just been having a study made of newspapers around the country; and of 112 newspapers checked, only 12 have any formal policy of making corrections. Eighty-eight of those which do not have any policy have no intention of instituting any formal policy of making corrections. It's just paranoid."

Using the example of columnist Jack Anderson's unsubstantiated charge that Sen. Thomas Eagleton had been convicted of drunk driving, Isaacs pointed out:

"Jack Anderson's charges made page one news all over the country. The Associated Press subsequently made a check of page one after Jack Anderson had said he made a grievous error. Only 15 out of 50 newspapers saw fit to publish that on page one. And that report was available to all the newspapers in the United States through the AP's log, which the AP has encouraged editors to reprint at will. And to my knowledge, not a single newspaper has commented on this fact."

Another admission that the press performs poorly when asked to criticize itself comes from the *Washington Post's* national political reporter David Broder. Writing in the Feb. 1969 issue of "The Washington Monthly," Broder said that the adaptive response of the press to the forces of change "has been more sluggish than that of any major institution."

As to why the press is so "laggard" in responding to criticism of its own performance, Broder offered as a reason "that most of us in journalism have not really taken a reflective view of our own functions and responsibilities. We are in the habit of asking politicians and businessmen, labor leaders and general to justify their actions and policies, but we do not often make the same demand of ourselves."

For others in the media, such as CBS Evening News anchorman Walter Cronkite, the refusal to indulge in self-criticism appears to stem not so much from a lack of reflection on ones own functions but rather a belief that to even nibble at the hand that feeds would be an inexcusable act of *lese majeste*.

In an interview (Feb. 9, 1973) on a local Washington, D.C. station, when asked if CBS placed any restriction on his right to speak out, Cronkite replied:

"No, absolutely not. None. Never been any suggestion of such. Now I think we ought to be fair about that. Everybody knows his place. It's an unfortunate way of saying it but in a sense this is true. I'm not going out and make a speech that deliberately lambasts the broadcast industry, CBS, my own position or anything else simply because it would be an ungracious thing to do. I'm being paid and employed here. Fortunately, and the marvelous thing about CBS is that I've never been in that position . . . I believe in CBS' stands on things. I've got no quarrel. Well, I quarrel, small things, but not the basic philosophy of the way CBS has operated its news department and the freedom we are given here. And I have no problems making my conscience fit anything they believe because we're down the same line."

But regardless of the reasons why the media has been reluctant and ineffective when it comes to self-criticism, the fact is that it has.

Last November in an address to the Commonwealth Club of California, Katherine Graham, president of the *Washington Post* Company, declared:

"I do not subscribe to the view held by some in journalism that engaging the wrath of both sides in any dispute means—as the saying goes—that 'we must be doing something right.' On the contrary, it seems to me that one must not discount the possibility that it means we are doing everything wrong."

While there are no serious critics who believe that everything the media does is wrong, there are many, both in and out of journalism who believe that enough wrong is being done and the job of righting it is one that has not been taken too seriously by most of the media. Therefore; let a thousand press councils bloom.

## THE CONTRIBUTIONS OF THE HUGUENOTS TO AMERICA

Mr. ERVIN. Mr. President, on April 26, 1973, I had the privilege of delivering an address on the Contributions of the Huguenots to America before the Huguenot Society of South Carolina at Charleston, S.C., which was celebrating the 88th anniversary of its founding.

I ask unanimous consent that a copy of such remarks be printed at this point in the RECORD.

There being no objection, the address was ordered printed in the RECORD as follows:

THE CONTRIBUTIONS OF THE HUGUENOTS TO AMERICA

I am grateful for the invitation which brings me to the charming and historic city of Charleston, and permits me to share with you the 88th Anniversary of the founding of the Huguenot Society of South Carolina, which appreciates and treasures, as I do, the magnificent contributions of faith and valor of the French Huguenots to the America we love.

None of us is privileged to choose his own ancestors. Consequently, none of us can justly claim for himself any credit for their worthiness. Notwithstanding these considerations, I am constrained to confess that I am proud to be a descendant of French Huguenots.

Among my Huguenot ancestors were Claude Philippe de Richebourg, who came from France to South Carolina by way of England, Mannakin Town, Virginia, and Trent River, North Carolina, and succeeded the venerable Pierre Robert in the pastorship of the Huguenot Church at Jamestown on the Santee; and Major James Conyers, who maintained liaison between his fellow Huguenot, General Francis Marion, and the Continental Generals, Horatio Gates and Nathanael Greene, and was killed in a skirmish with a foraging party of British who emerged from Charleston in the closing days of the Revolution.

It is said that on a grim November day in 1793, during the era known to history as The Terror, a brave and forthright woman, Madame Marie Jeanne Roland, standing at the scaffold and confronting the guillotine, turned toward a statue of Liberté and cried out: "O Liberty what crimes are committed in thy name!" Those dying words of Madame Roland serve to remind us all of how the ideals by which men live can be degraded by fanaticism, intolerance, and hatred. Even religion, embracing as it always has mankind's noblest and loftiest ideals, has in the hands of small-minded bigots, been used as an instrument of oppression and cruelty. So, in the ancient world,the great Lucretius, in his epic *De Rerum Natura*, could declare bitterly, "How many evils has religion caused!"

The truth is, of course, that religion—like liberty—has never caused any evil nor has it perpetrated any crime. It is men, acting in the name of religion, who have yielded to that lust for intolerance, that brazen identity of human pride with the will of God, which has too often marked the history of our race.

I read the other day of how, in Soviet Russia today, despite over half a century of persecution, religion continues to survive and even, given the unhappy conditions faced by believers, to flourish. A recent report from a Russian Baptist Council of Prisoners, Relatives, which keeps church members informed of persecutions and encourages prayer for those in need, tells the dramatic story of a young Russian Baptist soldier killed "after he had resisted all attempts to stop him from bearing witness to Christ." The Soviet Major who escorted the body of the martyr told his parents before witnesses that their son had "died a Christian." So it is, my friends, that persecution for belief is no stranger to our modern world—and, alas, we need not journey so far as Russia to find evidence of it.

But, of course, the tragic saga of the Huguenots, writ in blood and tears, was somewhat different and worse: for here was persecution of Christians by other Christians,



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and all in the name of Christ, surely the most distressing and saddening of the ways in which the divisions among the Christian family have manifested themselves in a spirit far indeed from the mind of Christ.

A noted scholar has lately—Peter Brown, *Religion and Society in the Age of St. Augustine*—traced the appearance and seeming triumph of religious intolerance in the Christian community during the critical period of the 3rd and 4th centuries of our era, the period celebrated by Gibbon in his *Decline and Fall of the Roman Empire* when he speaks of the rise of the Church, a period which give birth to much that was creative, inspiring, and civilizing and, alas, to much that pertained to what has been called "a new intolerance," that fierce and passionate religious prejudice which would cause so much suffering in history: the odium theologicum of the Middle Ages, man's natural propensity to imagine his views are God's, and to act as if God's views were his.

Happily, we in America have been spared, by and large, the bitter conflicts and searing religious hatreds which have marked the history of Europe and, indeed, of most peoples everywhere in the world. Under a tradition of complete religious freedom, guaranteed by the separation of church and state, all religions have enjoyed peace, prosperity, and untrammeled freedom of worship, belief, and practice, limited only by the common good. We may well thank God for the blessings of religious liberty which have been ours, and dedicate ourselves to strengthening them for our posterity.

Why have I alluded to those concerns on this occasion when I speak to you of the contributions made by the Huguenots to America? Precisely because their greatest contribution lay in their wholehearted dedication to religious freedom: they knew at first-hand and from bitter experience the value of liberty and the meaning of intolerance. Let me indicated briefly why this was so.

Earth never knew a more faithful, a more courageous, and a more persecuted folk than the French Huguenots, whose lives and deaths over a period of generations illustrated the truth that adversity is the diamond dust with which life polishes its jewels. The Huguenots initiated the Protestant Reformation in France at a time when French Catholics dominated that country and were intolerant of dissent in matters of religion. The word "Huguenot" is said to be a nickname originally given to the Protestants at Tours because they assembled for divine worship under cover of darkness near the gate of King Hugo, who was regarded by the people as a spirit that wandered abroad during the nocturnal hours.

The Huguenots drew their earliest inspiration in large measure from Jacobus Faber, who translated the New Testament into French as early as 1523, and preached justification by faith, which was the cardinal religious doctrine of the Huguenots.

In subsequent years, the Huguenots were much strengthened in their religious faith by the great theologian John Calvin, a French Protestant who was driven by persecution from his native land to Switzerland where he pleaded the cause of the Protestant Reformation with logic and eloquence, and established an ecclesiastical discipline which afterwards became the model for all Calvinist churches.

The Huguenots merely desired to bow their own knees and lift their own voices to God in their own way. This made them heretics of the darkest hue in the eyes of the Catholic clergy and their followers, who were determined to exterminate the Huguenots or their religious faith.

The saddest story of history is that of the Huguenots of France between 1525, when their first martyrs, Jacques Pavannes and Louis de Berquin, were burned at the stake, and 1789 when the Declaration of the Rights of Man affirmed the right of all Frenchmen to religious liberty.

During early years, the Huguenots, who merely sought to exercise their religious faith in peaceable fashion, suffered much persecution at the hands of the Catholic clergy and their followers. Finally, however, they decided to offer armed resistance to their oppressors. As a consequence, the history of France from about 1560 until almost the end of the century is that of warfare between the French Huguenots, who fought for what they called "The Cause", and the Catholics, who fought for what they called "The Holy League."

These wars illustrated a strange truth which was enunciated in succinct fashion by Chief Justice Walter P. Stacy of the North Carolina Supreme Court in the famous decision of *State v. Beal*, 199 N.C. 278, 302.

"For some reason too deep to fathom, men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth * * * (and) it would be almost unbelievable if history did not record the tragic fact that men have gone to war and cut each other's throats because they could not agree what was to become of them after their throats were cut."

During a period of almost 40 years, thousands of Huguenots were slaughtered simply because they desired to worship God according to the dictates of their own consciences. During the Massacre of Saint Bartholomew, which began in Paris at daybreak on Sunday, August 24, 1572, spread throughout France, and continued until September 17, 1572—a period of 23 days only—at least 50,000 Huguenots were slain by the Catholics.

In 1594, the Holy League suffered defeat at the hands of the Huguenots, and an enlightened monarch, Henry of Navarre, ascended the throne of France. Four years later, i.e., on April 13, 1598, he promulgated the Edict of Nantes, which constituted a charter of political and religious freedom for the Huguenots.

The Catholic clergy refused to accept the validity of the Edict of Nantes. Subsequent to the assassination of Henry of Navarre, they stirred up further persecutions of the Huguenots, who once more took up arms under the leadership of Henri de Rohan.

In 1628, however, the Huguenots were compelled to surrender their last fortress, La Rochelle, after a siege distinguished by their extraordinary heroism, and from that time on they suffered untold political and religious discriminations at the hands of the Catholic clergy, which dominated the rulers of France, and inflicted upon thousands of Huguenots unspeakable mental and physical tortures in an effort to compel them involuntarily to renounce their religious faith.

At long last, i.e., on October 18, 1685, Louis XIV, who was a stooge of the Catholic clergy, revoked the Edict of Nantes on the pretext that the adherents of Protestanism had embraced Catholicism, and in consequence the Edict of Nantes had become unnecessary.

It is impossible to overmagnify what the persecution of the Huguenots cost France in human, material and spiritual resources. About the middle of the 16th century, the Huguenots formed more than one-tenth of the total population of France. When the persecution ended, only a few hundred thousand of them remained in that land. Their churches were reduced in number from 751 to 171, and their ministers were reduced in number from 809 to 121.

After the revocation of the Edict of Nantes, approximately 400,000 Huguenots, who remained steadfast to their religious faith, abandoned all their material possessions and forsook France for England, The Netherlands, Prussia, and other lands where they could enjoy religious freedom. Multitudes of them came to America.

One scholar—Otto Zoff—has written this of the Huguenots:

"In the decades following the repeal of the Edict of Nantes—when emigration from France became a general flight and the number of arrivals in this country (America) grew into the thousands, scattered over the entire Atlantic seaboard—a correlated picture of activities became an impossibility. But whatever pursuits they followed, these noblemen, bankers, tanners, hatmakers, physicians, printers, vintners, factory laborers, weavers, and musicians, they never abandoned the first principles of their ancestors: to let their faith, and their generous philosophy with its libertarian and egalitarian ideas, guide their daily lives. Nor did they change when for America, too, the 'critical and formative' period arrived."

Recounting the heroic story of the Huguenots, their persecution and their diaspora, the author rightly describes them as "Fighters for God and Human Freedom."

Although Jean Ribaut's attempt to establish a colony of French Huguenots on Parris Island in 1562 proved unsuccessful, French Huguenots began to come to South Carolina in small numbers during the succeeding years. After the revocation of the Edict of Nantes, they came in multitudes. As a consequence, none of the thirteen original colonies received a stronger infusion of Huguenot blood, faith, and valor than South Carolina. The story of what they and their descendants have meant to the civic, the cultural, and the industrial, the military, and the religious history of South Carolina is well known to you, and needs no recounting by me.

The contributions of the Huguenots of the dispersion to the history of South Carolina and America have been amply documented by Huguenots societies such as this in many of our States and by the National Huguenot Society, formed in 1950. Abroad, the Huguenot-Walloon Card Index, listing Protestants who fled France and Belgium between 1566 and 1800, now contains a million and a half names by given names and families, in their files at Leyden in the Netherlands. Research continues in this country and in Europe in the records of emigrant families and in our knowledge of Huguenot history in France—cultural, doctrinal, political, social, and economic.

Here in South Carolina, you rightly take pride in your Huguenot heritage. I hasten to add that there never has been a time in our National history when the spirit of the Huguenots was more needed—that spirit of integrity, fidelity, and civic loyalty which has sustained our country from the beginning and apart from which all else will surely perish.

To recall—even briefly—the Huguenot contribution to America would require more time than we have today. Suffice it to note that our first Chief Justice, John Jay, a President of the Continental Congress, was of Huguenot ancestry, an ancestry he shared with two other presidents of that historic body, Elias Boudinot and Henry Laurens. Among our eminent patriot figures the names of Paul Revere, Francis Marion (the Swamp Fox), Gabriel Manigault, John Sevelier, John Bayard, and James Bowdoin stand out. Alexander Hamilton, the great Federalist, was born of a Huguenot mother. Presidents Tyler and Garfield and both Roosevelts, Admiral George Dewey, the La Follettes of Wisconsin, the Duponts, and many more illustrate the presence of Huguenots descendants in every walk of life all through our history. The sculpture of St. Gaudens, the drawings of Audubon, the continuing legacy of Stephen Girard, the civic largesse of Peter Faneuil and of Matthew Vassar—all this and more is part of the Huguenot story in America. Among famous writers of the last century the names of Longfellow, Whittier, Freneau, Thoreau, and Dana are among those with Huguenot ancestry. It has been said that George Washington's first American ancestor, Nicolas Martiau, was a Huguenot. Certainly, Huguenots and their descendants have served with distinction not only in all our wars, but in the settlement and development of this whole land.

Nevertheless, when all is said and done, it is not in my roll-call of the great and illustrious that the most important and enduring Huguenot contribution is to be found. Rather, it is in those qualities of frugality, thrift, sobriety, hard work, the domestic virtues of family life and loyalty, and the traditions of skilled craftsmen—these are the areas of inestimable Huguenot service to America and to her national spirit and character. Centuries ago, Peter Stuyvesant paid tribute to the Huguenot settlers of colonial New York (then New Amsterdam) in words which still ring true—"the most respected, respectable, and valued accession ever made to the population of our country."

Above all, they were possessed of a lively, sustaining faith in God and in freedom, a faith which is at the heart of our free society. May that faith be renewed in our people today, and may the spirit of the Huguenots—the spirit of heroic courage and of steadfast loyalty—inspire us to do all that is needful in our day to preserve that precious gift, "freedom's holy light."



## TODAY'S CHALLENGE: REMOVING BARRIERS

Mr. HANSEN. Mr. President, last week saw a number of persons from throughout the United States in Washington for the annual meeting of the President's Committee on Employment of the Handicapped.

Miss Valerie Snow of Cheyenne was among those persons from my State of Wyoming who attended the meeting. She did so as the winner of Wyoming's "Ability Counts" essay contest, an annual effort sponsored by the Governor's and President's Committee on Employment of the Handicapped to call attention to the important contribution that the handicapped make in Wyoming and in all other States.

The theme of this year's meeting was "The Handicapped at Work: Tomorrow's Challenge."

And Valerie Snow's essay was subtitled "Removing the Barriers: Today's Challenge."

Because she makes some valid points, I ask unanimous consent that her essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

REMOVING THE BARRIERS: TODAY'S CHALLENGE

(By Valerie Snow)

Few of us ever think of the employment situation in the United States. We take for granted that we will grow up, go to high school, to college, and get all the necessary skills and knowledge to enter our chosen profession and find employment after graduation. But for the physically handicapped individual, the way is much harder, since nothing in his life is taken for granted.

Lyndon Baines Johnson said:

"Given encouragement and hope, our handicapped citizens can competitively earn a useful place in our great land of opportunity. They have the courage—all they need is a chance to prove themselves."

For one young girl in a wheelchair, born with a physical handicap, many obstacles have had to be overcome and many are yet to be faced.

Because her parents were mature enough to accept the handicap, they started immediate plans to help make her life as normal as possible. She was able to attend public grade school. Fortunately, most elementary schools involve only one level.

Entering the two-story junior high, she found she could not take several courses important in everyday life, among which were home economics and science. Because ninth grade English was upstairs, the school "suggested" she take eighth grade English a second time. Consequently, her sophomore English grades were poor. All this happened because of no provision for an elevator, and because school authorities refused to make simple changes, such as moving a class downstairs.

She unfortunately found the same situations and attitudes at the two-story high school. All business classes were on the second floor. These courses are very advantageous to the handicapped because business skills are almost always within their ability. Again, authorities refused to move a typing class downstairs—a simple accommodation. Sociology and certain English classes were upstairs also. Only after many frustrating discussions was an elevator installed with Federal funds, providing the three wheelchair students and others with temporary injuries a wider choice of classes.

A high school student has many research projects that require materials from libraries. The new County Library (built in 1970) is partially designed with the handicapped in mind. The ground level entrance is commendable, and one does not find too much trouble obtaining books and reference materials. However, other facilities such as the public wall phone, drinking fountain, and restroom entrances with "tandem" doors present problems for the wheelchair patron. The phone and drinking fountain are high even for a small standing child, but when the girl inquired whether she could use a desk phone instead, she was told "If we let you use it, we'll have to let everyone else use it too."

In high school she received second place in the "Hire the Veteran" poster contest sponsored by the Cheyenne Elks Lodge. Savings bond awards were presented in the BPOE Lodge on 17th Street—it has two flights of stairs, one outside, one inside, and no other entrance. This young girl thought it ironic since the theme "Hire the Veteran" could very well mean a veteran in a wheelchair.

She has known for many years what she wants to do for her life's work—become a teacher of pre-school deaf. This of course, takes a college education and because of her special problems, she had a hard time finding the right place. She began her search in the tenth grade and now has found three suitable for wheelchair students which offer the proper studies. She will be going out of state because the University of Wyoming is not well equipped for those in wheelchairs. In short, the employment problem does not start with the employers. It starts with the education system where a handicapped person, especially in a wheelchair, is often prevented from getting an education necessary for a meaningful job.

This young lady, who does believe that "Ability Counts" wants to be employed in a clinic or deaf school, and has already inquired at two whether they would hire a handicapped person. They informed her that they would not because the job could not be handled by a disabled person and/or their building would not allow free movement because of steps and other barriers. This information was very defeating. She has had quite a bit of trouble getting an education because of architectural and attitudinal barriers, and now finds she may have just as much or more trouble gaining employment in the career of her choice.

Many businesses in downtown Cheyenne have entrances with steps and narrow doorways that cannot be negotiated in a wheelchair. This limits where the handicapped may work even though they may be qualified. The Wyoming Tribune building has steps to the floor where people are employed. The only entrance to one of the major banks has steps. Those businesses cannot be patronized by a wheelchair-bound individual without help, let alone permit a person to work there.

Buildings in the community can and must be renovated so their facilities can be used more freely by the handicapped. The curbs of Cheyenne have been sloped to the streets which is a major accomplishment, benefitting mothers pushing carriages, as well as handicapped individuals. However, currently some of the curbs are in disrepair. Automatic doors for businesses and stores would make the handicapped more independent, helping them to go about their daily lives with dignity. Moreover, these improvements would not hamper non-handicapped people, and would also aid those with heart disease, emphysema, and illnesses which are not always visible.

All architects should become aware of these problems and incorporate accessibility standards at the time of construction. They should spark community concern to renovate buildings built before so much attention was given to the problems of the disabled. Due to medical advances and greater acceptance, more handicapped are surviving and fewer are housebound, and we should encourage them to become out-going and self-sufficient. Many states do have building codes specifying access for the handicapped, but they are either not enforced or too lenient stating "To the extent deemed feasible" or "Insofar as possible and reasonable", even though it has been proven that the cost of renovating or inclusion of standards in new buildings would be very low.

If the handicapped cannot enter and fully utilize public buildings, they cannot vote, conduct business, worship or otherwise become self-supporting members of society. If they cannot get an education equal to that of non-handicapped persons, they cannot get the knowledge needed for a good job. If employers will not give them a chance they will not become confident that their ability does count.

Throughout history, many well known people overcame their handicaps. Deafness did not stop Thomas Edison. Polio did not stop Franklin Roosevelt, and handicaps needn't stop this young girl. I am very aware of the problems encountered by this young girl because I have just related my personal story.

## THE WATERGATE INVESTIGATION

Mr. STEVENSON. Mr. President, in this morning's issue of the New York Times, Mr. Orville H. Schell, Jr., president of the Association of the Bar of the City of New York, addressed himself to the manner in which the President and Attorney General-Designate Richardson propose to conduct the Watergate investigation.

Mr. Schell's cogent article concludes that "the President's program will not provide the thorough and impartial investigation which the people can reasonably expect," and that the special prosecutor should not be "part of the Department of Justice or responsible to the Attorney General." Yesterday Mr. Richardson stated that the special prosecutor would be in the Department, and that as Attorney General he would retain final responsibility over the Watergate investigation.

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A fundamental issue has thus been joined: How much independence does the Watergate special prosecutor need in order to do his job? Mr. Schell's article buttresses my conviction that, at a bare minimum, he needs substantially more independence than Mr. Richardson is now willing to give him. The resolution I introduced today calls upon Mr. Richardson to make the special prosecutor independent and defines independence in terms of six minimum standards which closely resemble those set forth in Mr. Schell's article.

In the event that Mr. Richardson persists in his unwillingness to meet those standards, it will be incumbent upon the Congress to confer the necessary independence on the special prosecutor through legislation. The public wants and deserves no less.

I ask unanimous consent that Mr. Schell's letter be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR THE PEOPLE

(By Orville H. Schell, Jr.)

For too long the reins of the Watergate investigation have been held in the hands of the very people being investigated. The people of the United States have a right to demand that the investigation immediately be put into the hands of an independent, able, special counsel who will act for the people, in whom they can have full confidence and who will have full authority to look down every dark alley of the whole affair.

President Nixon's decision to place absolute authority to make all decisions bearing on the Watergate case in the hands of his new Attorney General, including the authority to name a "special supervisory prosecutor" if he wishes, does not meet the crisis. It leaves the matter where it has been for the last eleven months: entangled in a serious issue of conflicts of interest and professional ethics. For special counsel, however competent, if appointed by the Attorney General and brought under the Department of Justice, will still be the President's man, the President's lawyer and not the people's lawyer.

Whether we like it or not, the President himself may be involved, and at least 50 per cent of the people are reported to suspect that is the case. If, then, the President and his Administration must be investigated, it cannot be done by his own lawyers. No matter how well known, competent and honest the Attorney General and his special counsel may be, when everything is said and done, the conflict of interests in this situation will leave a suspicion of their integrity in the minds of many people.

A man cannot serve two masters. This obvious truth from the Sermon on the Mount has been part of the tradition of the Anglo-Saxon legal system for centuries. It is presently embodied in Canon 5 of the Code of Professional Responsibility which sets forth the principles by which lawyers should be guided in practicing their profession. That Canon specifies that "A lawyer should exercise independent professional judgment on behalf of a client," explaining that "the professional judgment of a lawyer should be exercised within the bounds of the law, solely for the benefit of his client, free of compromising influences and loyalties."

We must conclude that the President's program will not provide the thorough and impartial investigation which the people can reasonably expect. If the President will not take the action that is needed, Congress must move immediately and decisively to exercise its constitutional powers and provide a plan of action which should include the following points:

The President should be authorized and directed to nominate, after consultation with leaders of the national bar, an eminent member of the bar as special counsel to handle all aspects of the Watergate affair.

The individual so nominated should be confirmed by the United States Senate after public hearings on his qualifications.

The special counsel should have the broadest possible powers, including all the powers of the Attorney General, but should in no way, shape or form be part of the Department of Justice or responsible to the Attorney General.

While as a matter of constitutional law it appears that the President must appoint such special counsel, it would be desirable that the President's subsequent contact with that individual be at an absolute minimum until he has completed his mission. At that time it would be appropriate for him, after all prosecutions, if any, have been completed, to submit a final report of his activities to the President.

In addition to reporting to the President, the special counsel should assist the grand jury in preparing a public report of whatever noncriminal misconduct, malfeasance or misfeasance on the part of public officers or employees is uncovered during the course of the grand jury investigation. (Provision for a similar report is made under the Organized Crime Control Act of 1970.) While admittedly Senator Ervin's committee will explore many of these matters, it would surely do well to have the grand jury look into these questions as well.

The activities of special counsel should be adequately funded to enable him to have an effective staff with which to accomplish his task in fullest manner and in the shortest period of time.

So far, as the President has well stated, credit for the disclosure of Watergate should go to one courageous judge and to a devoted and hard-working, albeit much maligned and hampered, press. Now it is Congress' turn. The people of the United States need a lawyer.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1973

Mr. PEARSON. Mr. President, because I was participating in a trade mission in Eastern Europe when the National Foundation on the Arts and the Humanities Amendments of 1973 were under consideration, I was unable to participate in the debate and subsequent vote. Nevertheless, I would like to say a few words at this time on the merits of the legislation and indicate my support for its adoption into law.

The National Foundation on the Arts and the Humanities, created by the Congress in 1965, have encouraged creative expression through the arts and humanities across the country. Not only has the quality of excellence of endowment programs been maintained, but the scope and effectiveness of such programs has been broadened.

The people of Kansas have been especially fortunate to have been the beneficiaries of grants in the form of summer stipends, younger humanist fellowships, assistance programs for museums and orchestras, residencies such as artists-in-schools, and other worthy activities.

Mr. President, the endowment's impact has been felt across the Nation, and I want to express my strong support for the continuation of the foundation. I believe that the funding levels approved by the Senate are appropriate and constitute a sound investment in the cultural well-being of our country. I fully support continued, strong efforts in this area.

## AMERICAN LEGION EXPRESSES OPPOSITION TO RATIFICATION OF GENOCIDE CONVENTION

Mr. ERVIN. Mr. President, the American Legion is composed of American men and women who have served their country honorably in World War I, World War II, the Korean war, and the Vietnam conflict. It is the largest organization of its kind in the world, having nearly 4 million members together with the American Legion Auxiliary. For over 50 years, the American Legion has dedicated itself to the promotion of the American way of life at the local, State, regional, and National levels. Its endeavors and contributions in the fields of civil programs, education, health, and youth programs are literally too numerous to recount here.

Recently, the national commander of the American Legion, Mr. Joe L. Matthews, communicated to me his and the Legion's opposition to Senate ratification of the Genocide Convention. In August 1972, at its 54th annual convention in Chicago, the American Legion adopted a resolution expressing disapproval of the Genocide Convention and opposition to ratification.

Mr. President, I ask unanimous consent that Commander Matthew's letter to me concerning the Genocide Convention and the American Legion's Resolution No. 101 on this subject be printed at this point in the RECORD.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
*Washington, D.C., April 10, 1973.*

Hon. SAM J. ERVIN, Jr.,
*U.S. Senate, Russell Senate Office Building, Washington, D.C.*

DEAR SENATOR ERVIN: As you know, the Committee on Foreign Relations has favorably reported the Genocide Convention, thus setting the stage for a vote in the Senate.

On behalf of nearly four million American Legionnaires and members of the American Legion Auxiliary, I urge you to oppose ratification of this Convention. The Legion believes it is an unwarranted interference in our domestic legal system which has adequate laws and penalties for the crimes contemplated under the international convention. The Convention is vague, ambiguous and—in the current international atmosphere—incapable of being enforced, as the many examples of recent genocidal warfare in Africa and Asia have amply demonstrated. A treaty that is poorly drafted and ignored, even by its signatories, should not be ratified by this Nation.

For your information, I am enclosing a copy of our current resolution on this subject which expresses more fully the reasons why The American Legion is opposed to ratification of the Genocide Convention.

Very truly yours,

JOE L. MATTHEWS,
*National Commander.*



FIFTY-FOURTH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION, CHICAGO, ILL., AUGUST 22-24, 1972

Resolution No. 101
Committee: Foreign Relations.
Subject: Genocide Convention.

Whereas, since June 16, 1949, there has been pending before the United States Senate a UN recommended treaty known as the Convention on the Prevention and Punishment of the Crime of Genocide; and

Whereas, the Convention would make genocide a crime against international law and would require the governments of countries which accede to its terms to punish their national for certain enumerated acts, with all disputes relating to the Convention's application and interpretation to be referred to the International Court of Justice; and

Whereas, the U.S. Senate has not given its advice and consent to ratification even though the Convention is considered to be in force among those countries which have become parties to it; and

Whereas, all States of the United States already have laws providing for the punishment of acts, which, regardless of terminology applied, would fall within the Convention's definition of "genocide", and

Whereas, while the U.S.S.R. has commited genocide on "political" grounds, and caused the words "political genocide" to be excised from this Convention; and

Whereas, genocide is defined as not only killing but causing "bodily and mental harm" to a group, or individual members of a group, on the basis of nationality, ethnic origin, race or religion; and

Whereas, it would nullify the Connally reservation unless the U.S. insisted upon the appropriate reservation thereto; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that The American Legion:

1. Deplores acts constituting genocide no matter how or where practiced;

2. Believes there should be no question on the part of other nations—including those which have ratified the Convention and those which have not—of this Nation's dedication to the principles that underline the Convention;

3. Insists that the Government of the United States continue to uphold those principles and to take all steps—consistent with the U.S. Constitution and the division of powers upon which that Constitution is based—to bring about the elimination of the crime of genocide in the world, and to use its influence to cause suitable punishment to be meted out to those who continue such practices in defiance of all the laws of morality and civilization;

4. Opposes U.S. ratification of the original terms of the Genocide Convention; and

5. Does not favor ratification of the Genocide Convention even with the attachment of reservations on the grounds that it is both unnecessary and unwise.

## MEDICAID PROGRAM IN NEW MEXICO

Mr. DOMENICI. Mr. President, yesterday my distinguished colleague from New Mexico, Senator MONTOYA, had printed in the RECORD an article which was published in Sunday's Washington Post.

The article focused on the administration of the medicaid program in New Mexico and pointed out that the New Mexico program has become a model for the Nation. I would like to add my praise to this fine program—one in which I have consistently held a strong interest.

And I have special praise for the New Mexicans who have built the program into one that is respected nationwide. They have provided expertise and leadership that is unmatched.

Dr. George Boyden, one of the prime movers behind the New Mexico Foundation for Medical Care, and Dr. Edward Herring, chairman of the review panel subcommittee in New Mexico, are tremendously important to the program. And there are many other physicians as well as administrators who have worked hard to provide quality health care to medicaid patients in our State.

I am pleased that the residents of our State are benefiting from this program, and I hope that the lessons learned in New Mexico can be taught to other States throughout the country.

## UTAH STATE LEGISLATURE FAVORS REAP

Mr. MOSS. Mr. President, I ask unanimous consent to place in the RECORD a joint resolution passed by the Utah State Legislature asking the President of the United States to immediately reinstate the rural environmental assistance program.

This resolution outlines the many ways in which the REAP program has assisted Utah farmers, and the lasting benefits it has provided our State. It is an eloquent plea for continuation of the program.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

H.J. RES. No. 6

A joint resolution of the 40th legislature of the State of Utah requesting the President of the United States to immediately reinstate the rural environmental assistant program

*Be it resolved by the Legislature of the State of Utah:*

Whereas, by Executive Order, the Rural Environmental Assistance Program has been terminated by the U.S. Department of Agriculture;

Whereas, the Rural Environmental Assistance Program in Utah has assisted farmers in Utah with enduring-type practices to:

(1) Increase water use efficiency;

(2) Improve the efficiency and safety in water conveyance systems to farms;

(3) Control erosion and minimize the runoff from fields; and

(4) Minimize the pollution in streams from sediment, animal waste, and salt;

Whereas, the recent federal and state pollution regulations are placing an increased burden on farmers and the rural people in Utah;

Whereas, the policies of the federal government are aimed at improving the life and giving greater stability to the economy of rural areas; and

Whereas, the control of erosion and the maintenance of a quality water supply is vital to the health and welfare of all the citizens of the state;

Now, therefore, be it resolved, that the 40th Legislature of the State of Utah respectfully request the President of the United States to immediately reinstate the Rural Environmental Assistance Program, with adequate funding to carry out the objectives and purposes of the program, which past experience has proven to be of vital importance and benefit to all the people of the State of Utah.

Be it further resolved, that the Secretary of State send copies of this joint resolution to the President of the United States, the Secretary of Agriculture and to each member of the congressional delegation from the State of Utah.

## ISRAEL'S 25TH BIRTHDAY ANNIVERSARY

Mr. DOMENICI. Mr. President, although I was in my home State on the date of Israel's anniversary, I do not want to miss the opportunity to congratulate her on her 25th birthday. And I am pleased to see that the United States is taking special notice of the occasion. I believe we should, indeed, share in the joyous celebration that marks the birth of this democratic country that has risen to world prominence in its short history.

Israel and the United States have much in common. Both are strong and prosperous nations; both seek peace at home and in the world. And both are unified in their diversity. This country was born a nation composed of citizens from many countries with diverse backgrounds and cultural heritages. So was Israel.

And this country was founded giving each citizen a chance to have a good life with equal opportunity for all. Israel was, too.

Both countries are having troubles—especially the plague of spiraling inflation.

Mr. President, I believe we are proud of Israel and her successes as we are proud of the United States of America and her successes. Together, I believe we can continue to grow and prosper and together we can strive to make our countries truly live up to the democratic ideal we both cherish.

## DR. ELMO STEVENSON—A PERSON WHOSE INFLUENCE WILL BE MISSED

Mr. HATFIELD. Mr. President, a man long identified with higher education in Oregon, Dr. Elmo N. Stevenson, died suddenly last month. As Governor, I worked closely with Dr. Stevenson, whose identification with Southern Oregon College, helped that school grow and prosper. I valued not only his advice on matters of education, but also his friendship.

I ask unanimous consent that a news article sorting out some background about his life, as well as an editorial from the Ashland, Oregon "Daily Tidings" of April 23, appear in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

ELMO STEVENSON, SOC EMERITUS PRESIDENT, DIES

ASHLAND.—Dr. Elmo Nall Stevenson, 69, president emeritus of Southern Oregon College, died unexpectedly at his home, 969 S. Nevada St., Ashland, Friday evening. Cremation services were held yesterday morning with Litwiller Funeral Chapel in charge.

A memorial service will be held with the date awaiting word from his son Kenneth Stevenson, in Adelaide, South Australia. Dr. Stevenson also is survived by his wife, the former Caroline Miles, and two daughters, Mrs. Raymond L. Loche, Ashland, and Miss Rosemary Stevenson, Culver City, Calif.

SOC PRESIDENCY

Dr. Stevenson served as president of Southern Oregon College from 1946 until his

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retirement in 1969. Prior to that he had served as a professor of science education and coordinator of personnel at Oregon State College. He received his Bachelor of Science degree in 1927, his Master of Arts in 1929 and took his Doctorate in Science Education from Stanford University in 1938. He was a native of Yuba City, Calif.

Dr. Stevenson was a member of a number of educational honor societies, and was active in community service and available as a speaker at civic events. Since retirement, he served as chief administrator of Rogue Valley Council on Aging. He was a contributor to numerous magazines and author of several books on natural history.

He retained an interest in Southern Oregon College and was a member of the Southern Oregon College Foundation.

College President James K. Sours, who succeeded Dr. Stevenson, said Saturday morning, "Certainly Dr. Stevenson's death is a great and sudden loss to our community. Probably no other person has had more influence on more lives in the entire history of Southern Oregon than he did. Certainly Southern Oregon College would not be what it is today if he had not performed so well as its president. His death is not only an institutional loss, but a personal loss to me and others at Southern Oregon College."

The family has suggested that donations in Dr. Stevenson's memory may be made to the college.

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WE'RE GRATEFUL FOR ELMO STEVENSON'S LIFE

They call some people "boosters," and the meaning of the term is clear.

Many things might be said of Elmo N. Stevenson, who died Friday. One of the things that can be said is that he was a booster.

The list of his affiliations and associations during his adult life is long. It is testimony to Dr. Stevenson's life-long dedication to the betterment of man and the conservation of nature.

Above all, Dr. Stevenson's dedication was spent on Southern Oregon College, the institution he guided through a period of 23 years. During that period the school changed from a provincial academy to a top-notch liberal arts college with an important place in the higher education program of Oregon.

Testimony from long-time faculty members and officials of the state system of higher education confirmed that much of the college's development was due to the efforts of its president. It's doubtful whether the college would have advanced as it did without Stevenson constantly prodding and badgering the higher-ups for needed programs and facilities.

It's hard to imagine a scholar and academic who had less of an ivory-tower image than Stevenson. He was a man who helped shape the community, a man who took part in service club affairs, the programs of the business community and the efforts of agencies like the United Fund and the Red Cross.

In 1969 Stevenson retired as college president. Since then he became a widely known spokesman for the interests of retired people, even though he himself was hardly "retired" in the sense that he had nothing to do.

Countless people join his family today in mourning Elmo Stevenson's death. But we are also profoundly grateful for what he gave us during his lifetime.

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## THE HARD HAT VIEW

Mr. HUMPHREY. Mr. President, Edward J. Carlough, president of the Sheet Metal Workers International Association, AFL–CIO wrote an eloquent article clearly showing the unfairness and inequities that have accompanied the Nixon administration economic policies.

The long and the short of it all is this: The taxpayer, the taxpaying consumer, the average working man and woman, the working people of this country end up paying the price of Mr. Nixon's economic program.

Whether in profits or tax loopholes or housing cost or interest rates or dividend cashing or coupon clipping, the average working family is simply cut out. And, the wealthy, the giant corporations, and the privileged few are cut in.

Noted Mr. Carlough:

President Nixon's Phase 3 has become, in the title of a best-selling novel, the Day of the Jackal, and the guy in overalls is the prey.

I might not agree with all of Mr. Carlough's prescriptions for ending inflation. But I agree entirely with his theme: There is no joy in Nixon Land for Mr. and Mrs. Worker.

Mr. President, I ask unanimous consent that the article from the New York Times, "The Hard Hat View," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HARD HAT VIEW

(By Edward J. Carlough)

WASHINGTON.—The working people of this country are being swindled down to their socks by a political Administration that's either too ignorant to understand or just doesn't give a damn. Despite President Nixon's professed admiration for the "hard hats," we need more than a "hard hat" to help us. We need a full suit of armor to protect us from the economic body blows of this Administration.

Item—A magazine has disclosed that the 880 biggest companies in the United States last year made profits—after taxes—of $52.6 billion, an all-time record. This was in a year when the guy in overalls had his wages frozen part of the year, and controlled the rest of the year.

Item—During the period January, 1971 to January, 1973, over-all lumber prices rose by 56 per cent in this country. This rise in lumber prices alone has added $1,200 to the site cost of a $28,000 home during the last two years. During this entire period, of course, the wages of construction workers who build these houses have been controlled.

Item—During the period Jan. 1, 1972 to Dec. 31, 1972, profits of building material suppliers rose by an overall rate of 31 per cent.

Item—Recently, several leading banks announced a .5 per cent rise in their prime interest rate, further squeezing the ability of working people to buy the necessities of life on credit.

President Nixon's Phase 3 has become, in the title of a best-selling novel, The Day of the Jackal, and the guy in overalls is the prey. And the biggest jackal of them all is the food industry.

When President Nixon went on national television to announce a freeze on beef, lamb and pork prices, excluding sales of live cattle, I got the feeling he thinks a lot of the rest of us are what the Secretary of Agriculture called "damn fools."

First, he didn't roll back meat prices, he froze them—and at their highest levels in twenty years. Second, his action left untouched live cattle prices, and the morning after the President's speech the Agriculture Department announced that live cattle prices rose another 9 per cent the previous thirty days. Third, he took no action whatsoever on any other food prices, nothing on interest rates, nothing on rent, nothing on lumber or home prices, nothing on soaring medical costs.

Earl Butz calls us "damn fools" and his boss, Richard Nixon, advises us to eat fish. When the French peasants protested about the price of bread in the 18th Century, Marie Antoinette told them to eat cake. Two hundred years later we get a guy in our country who tells us to eat fish. That's what it's all about. To this Administration we're a bunch of peasants.

We so-called great and powerful American trade unionists have become a tray of cream puffs. We're being gouged by the price fixers and clobbered by the tax collectors, while all the time our unemployment rate continues at over 5 per cent nationally, and over 10 per cent for construction workers. We're so puffed up and polite with our middle-class status—we great "silent majority"—that the jackals are eating us alive.

It's time to remember where we came from. It's time to remember again what militant trade unionism is all about. It's time to start marching to the sound of a different drummer—that old drummer who screamed and scratched and got us where we are. It's time to begin being ourselves again.

Our position is straightforward. It's the same one we've had since controls began in the construction industry in early 1971. We'll support controls that are fair and equitable to all; we won't buy a straitjacket for our members' wages while price jackals roam the countryside. We're asking for an immediate freeze—and rollback—on food, rent, medical prices and interest rates, and effective price control on all the other necessities of life.

And we won't accept any "eat fish" answers. The next thing you know they'll tell us to go barefooted to protest rising shoe prices. What are we supposed to do when the price of our pants goes up? Get arrested?

If all of this doesn't work, maybe we'll just throw a picket line around the White House and start Phase 4.

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## HATFIELD TESTIMONY OPPOSING APPROPRIATIONS FOR THE SELECTIVE SERVICE

Mr. HATFIELD. Mr. President, recently, I testified before the Senate Appropriations Subcommittee on HUD, Space, and Veterans against the requested $55-million appropriation for the Selective Service System. Particularly when the Congress must hold down Federal spending and eliminate waste in the budget, I can seen no reason whatsoever for continued funding of a bureaucracy that has outlived its proper function. I ask unanimous consent that my testimony before the subcommittee appear at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

HEARINGS ON APPROPRIATION FOR THE SELECTIVE SERVICE SYSTEM BEFORE THE SENATE APPROPRIATIONS SUBCOMMITTEE ON HUD, SPACE, AND VETERANS

Mr. HATFIELD. I wish to thank you and the members of your subcommittee for allowing me to testify before you today.

Mr. Chairman, we are considering in these hearings a $55 million request by the Administration for the Selective Service System. After a review of this proposal, Mr. Chairman, I can see no strategic, economic, political or moral justification for this expenditure.

The Administration has indicated that an extension of the President's authority to induct men into the Armed Forces will not be requested, which is consistent with the President's stated goal during his 1968 campaign to create an all-volunteer military. It has further indicated that due to the nature of modern warfare we need only to have strategic stockpiles sufficient for one year—anticipating that any major war would not last that long. This should also, then, be the case for military manpower. In this situation the draft would be virtually useless regardless of whether or not we had a standby draft.

Historically, and understandably, the National Guard and Reserves have been our second line of defense after the active duty forces. They have been the immediate source of additional combat and support personnel in any wartime situation when men were quickly needed. The draft by its very nature cannot rapidly supply the manpower necessary for a large-scale war. This is because a draftee needs to be trained, which under present conditions requires five to six months for basic infantry jobs and up to 18 months for more sophisticated roles.

Under the present realities of technological warfare, the only contingency, in which we would need large numbers of men, and thus necessitate a draft, would be if another Vietnam or series of Vietnam-like wars occurred. And assuming that the nation were supportive of such a policy a draft set up at the time of the conflict could more than adequately help meet our manpower needs. Wars of this nature grow slowly; we do not suddenly need thousands of men more one day than we did the previous day. Even at the beginning of World War II, when we could see our involvement increasing, it took two months and two days (September 16, 1940, to November 18, 1940) to sign the law and induct the first men. In 1948, after the passage of the Selective Service Act of that year, when intricate plans had been made by General Lewis B. Hershey and his staff beforehand, it took a little over five months from June 24, 1948, to November, 1948, to sign the legislation into law and induct the first men. In other words even with the equivalent of a standby draft it took the Administration in 1948 five months to induct the first man into the Armed Forces, after the President signed the law into effect. It might well be that with modern technology we could move more quickly, but the fact remains that irrespective of how rapidly we might be able to get a man from his home to the induction station he would still have to be trained and transported to the strategic location where he was needed. Consequently, the existence of a standby draft, however defined, would make little if any difference.

In other words, Mr. Chairman, we are being asked to appropriate $55 million to register 2 million men a year for no constructive purpose whatsoever. In spite of the fact that this dollar figure represents a cut of one-third of the Selective Service System's previous budget, I can see no strategic need for it, let alone any potential economies involved. At a time when we should be cutting away needless expenditures which are compounding our inflationary problems, the $55 million, as well as the innumerable indirect costs, requested for the Selective Service System should be a prime candidate for elimination.

The situation with which we are presented is an excellent example of a bureaucracy continuing of its own momentum after the purpose for its existence has vanished. It is my understanding that the Administration is considering recommending further cutbacks if not the abolition of the Selective Service System next year. I see no reason why we should not move that date back one year.

Mr. Chairman, it is the Constitutional responsibility of the Congress to raise the Armies and control the Budget. We have an excellent opportunity to exercise both of those responsibilities in the budget request before us. The existence of the draft too easily allowed us to slip into Vietnam and Southeast Asia without the fullest consideration of its implications. The Congress abdicated its Constitutional responsibilities by creating a peacetime draft and consequently gave up any effective role in declaring war.

Mr. Chairman, the draft is the most severe form of deprivation of liberty that can be exacted by any government agency outside the criminal justice system. Before the Congress makes any move to compromise the individual citizen, we should make most certain that the move is well justified. There has been no attempted justification for such an action except for the allegation that it has been mandated by Congress. While there is some disagreement over this point the easiest way to eliminate the contention would be to abolish the Selective Service System.

Mr. Chairman, there is no strategic, economic, political, or moral justification for the continued existence of a military draft mechanism. I therefore urge strongly your subcommittee to reject the Administration's request for the $55 million appropriation.



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## PEACEFUL USES OF THE SEABED AND THE OCEAN FLOOR

Mr. MAGNUSON. Mr. President, as many of my colleagues know, I have long been interested in matters pertaining to the ocean, since I serve as chairman of the Senate Commerce Committee which has jurisdiction over a number of ocean-related legislative matters, and since the State of Washington borders the ocean and has one of the most important seaports in the United States. Not only is the ocean of importance to my State, but the freedoms of the sea are important to our Nation not only for its great maritime industry, but for its defense posture, and fishing industry as well.

Representatives of our Government are now engaged in preparing for a new Conference on the Law of the Sea. The last Conference was held in 1960 and a previous one was held in 1958. I was active in formulating U.S. policy for both of those Conferences and I served as a congressional adviser to the U.S. delegation for the most recent session preparatory to the new Conference which has just ended in New York. The Conference itself is now scheduled to begin near the end of 1973 and continue on through 1974. Hopefully, the U.S. objectives of maintaining wide freedoms of the sea while providing greater protection for our coastal fisheries will become a reality as a result of this Conference. In addition to my interest in maritime and fisheries matters, I come from a State with a great university, the University of Washington, which has been a leader in carrying out ocean research in all parts of the world. Our fisheries school is known throughout the world and citizens of many countries come to study there and use its fine facilities.

One of the things that I have been interested in throughout my career in Congress is the need for a strong ocean research program by this Nation. I think it has brought us the lead in technology and once gave us the lead in fishing. Unfortunately, we have fallen behind, and to some extent this has been caused by the lack of adequate resources for oceanographic research. I was particularly pleased by a recent statement made by Dr. Philip Handler, a distinguished President of the National Academy of Sciences of the United States, before the Seabed Committee in New York on March 29, 1973. This distinguished scientist clearly stated before the 91 members of the Seabed Committee the importance to all mankind of strong and independent ocean research programs. I ask unanimous consent, Mr. President, to print this outstanding statement in the RECORD, and I hope that every Member of the Senate will read the arguments Dr. Handler makes for a strong ocean research program for this Nation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY DR. PHILIP HANDLER, PRESIDENT, NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA, BEFORE SUBCOMMITTEE III, ON THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR, MARCH 29, 1973

Mr. Chairman, I am deeply honored to appear before this Committee to present my views regarding the issue of promoting scientific research at sea and its value to mankind

I am the President of the National Academy of Sciences of the U.S.A. The Academy is a private organization which was brought into being by the Congress of the United States in 1863 at the request of President Lincoln to provide to our government, when required, objective advice on scientific and technical matters from the most highly qualified scientists in our country. Election to membership is one of the highest distinctions that can come to an American scientist. I am the President elected by that body.

It is through the Academy that the United States adheres to each of the international scientific unions and to the International Council of Scientific Unions. Academy committees also play a leading role in United States participation in such international cooperative ventures as the International Biological Program, the International Geophysical Year, the International Decade of Oceanic Exploration, and the Global Atmospheric Research Program. It is also through the Academy that the United States participates in such institutions as the International Institute of Applied Systems Analysis, the International Centre of Insect Physiology and Ecology and the newly founded International Foundation for Science. Our Academy arranges the programs of exchange of scientists between the United States and other nations and we also engage in a modest program of technical assistance by cooperation with appropriate bodies in various nations.

We operate the non-governmental National Research Council which, through more than 500 committees on which serve more than 8,000 scientists, engineers, physicians and others, provides advice to our government on matters as diverse and variously significant as the nutritional requirements of humans and of domestic animals, the safety and efficacy of drugs, the construction of highways, the design of new cities, earthquake detection, environmental problems and the uses of computers as well as the magnitude and forms of support necessary to assure the vitality of the American scientific enterprise. Indeed, the present vitality of American oceanography finds its origins in a key report on the importance of oceanography submitted by the Academy to our government in 1965. Our concern with the oceans is focused in our Ocean Affairs Board of which Dr. Robert Morse is Chairman, but numerous other committees of NAS NRC are also concerned with the many aspects of the ocean. It is the views of this distinguished

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body of ocean scientists which are blended with mine in the statement I share with you today.

I come before you, then, with two obvious biases. As a scientist myself, I am committed to further the growth of scientific understanding and thus I look with favor on all those measures which would enhance the effectiveness of scientific pursuits anywhere in the world. Second, my own nation conducts an active, exciting oceanographic program, and I hope that this program will continue to flourish. Hence, my plea today is for international arrangements which will facilitate, rather than impede, the conduct of science at sea by all scientists, regardless of nationality.

The study of the oceans is relatively new. Last year the scientific community celebrated the centenary of the Challenger Expedition. The three year cruise of the English research vessel *Challenger*, sponsored by the Royal Society of London, is generally acknowledged as the beginning of modern oceanography. From that beginning, there is now a worldwide community of scientists working individually, and collectively, on understanding the ocean. They work in many ways. Some scientists spend years at sea on ships, measuring, collecting and sampling. Others collect their data from instruments floating on the surface suspended on buoys, or placed on the ocean floor. Most marine scientists are employed by universities or government supported laboratories dedicated to understanding the ocean. Some work individually on smaller projects of their own choosing. Others cooperate in multi-ship, multi-institutional, international programs. All are dedicated to gathering greater understanding of that 70 percent of the world which is ocean.

In the century between first finding life in the ocean depths and the recent spectacular evidence of seafloor spreading, marine scientists have described—and partially explained—the major ocean currents. They have made some progress in understanding why the ocean has its present salt content, have begun slowly to unravel the great complex of plant and animal interrelationships within the ocean, and have revolutionized our concepts of the history of the planet.

Some of the discoveries of ocean science are simple and seem rather self-evident. Others are complex, and very difficult to interpret. Some of the discoveries of the ocean have had important economic consequences. Other discoveries may yet have applications as yet unanticipated, for example. The manganese nodules of the seafloor were actually discovered on that first Challenger Expedition, but as is evident from that simple instance, discovery, in itself, did not lead to immediate exploitation. Science does, indeed, contribute to technological and economic development, and scientific understanding is our most powerful instrument for improving the condition of man everywhere, but the goal of science itself is to understand the world in which we live.

Although there are still relatively few marine scientists, their number is increasing. The number of countries with research vessels that operate far from their home shores is also limited but steadily growing. At the time of the Challenger Expedition, less than ten countries had scientists actively studying the ocean. Today, there are more than 30 nations associated with the Scientific Committee on Oceanic Research of the International Council Scientific Unions and 73 nations are members of the Intergovernmental Oceanographic Commission.

Although much ocean science is still based on the work of individual scientists or of small groups working from a single research vessel, much of today's ocean science is conducted as coordinated multiple ship and multiple nation efforts. Regional programs in such areas as the Baltic, North Sea and Mediterranean have existed for years. The first global international ocean study was carried out as one of the major programs of the International Geophysical Year of 1958–59. This international concentration of attention was followed by the International Indian Ocean Expedition of 1960–65. Since then the number of international coordinated programs have continued to grow in number and complexity, currently culminating in the International Decade of Ocean Exploration, a program for the 1970's. The information and understanding so gained by the world's community of ocean scientists immediately becomes part of the common wealth of mankind, much as is the sea itself. It cannot be in the common interest to limit this enterprise to the ocean deeps when so much of what we seek to understand can only be learned in the region of the continental shelves.

The challenge, then, is to ensure, through appropriate treaty agreement, that the realization of the commonly accepted goals of scientific research at sea be facilitated—not hindered.

Since the world community commenced these most recent deliberations to revise the law of the sea, in an effort to make that body of law more responsive to contemporary human needs, a confusing, complex set of conflicting proposals has been presented which this body must resolve in our common interest. The scientific community is deeply disturbed by the suggestion of some nations that scientific research at sea be subjected to the exclusive control of a coastal state, not only in the confines of its territorial sea, but also in maritime zones beyond. Presumably, one purpose of such control in these zones would be to regulate the possibility of exploitation of offshore living and non-living resources in the interest of the economic well-being of the coastal states, and to assure that foreign research vessels will not acquire unshared information previously unkown about nearby ocean areas.

In the course of your deliberations, some countries, including the United States, have argued that the traditional freedom of science should be retained in all of the ocean beyond narrowly defined limits of national jurisdiction, whereas other nations have suggested that the proposed international seabed authority should regulate research in the entire area of its jurisdiction.

The contending interests in these negotiations, however, can be as meaningfully classified by function as by nationality. As the uses of the oceans multiply, interest groups are developing which cut across political boundaries. Fishing, oil and mining interests, conservationists, ship owners, as well as governments must be heard and be accommodated in the search for the optimum benefit of all mankind. The variety of competing interests indicates the difficulty of the task that confronts you.

The linkages between basic research and economic payoff are complex and uncertain. But some connection obviously does exist, and to the extent that it does, the apprehension that basic research may, if only by accident, lead to exploitation is not groundless. But is it not our task to learn from history? The challenge is to assure equitable use of resources, not to minimize the possibility of their discovery. Scientific oceanography is not a hunt for commercially valuable resources although all of us may hope that such will occasionally be encountered. Arrangements can be made whereby the nearest coastal state can be fully informed of such developments as they occur—if indeed they do occur. I shall speak to these arrangements shortly.

The equipment required for oceanographic research may, albeit quite needlessly, seem to pose another potential source of misunderstanding. Many of you have visited one of the modern research ships now operating throughout the world. I hope that all delegates and staff will find it possible to accept the invitation to visit on board the Research Vessel Knorr of the Woods Hole Oceanographic Institution when it stops in New York City next week. It will just be completing a nine-month cruise as part of the International Decade of Ocean Exploration. But some may gain the impression from this unusually well-equipped ship that oceanography is an activity available only to the richer nations. This is far from true. Much fine research will continue to be done by smaller vessels with similar equipment. And qualified scientists from all nations can find opportunity to utilize the more elaborate facilities of others, including the Knorr. I can also hope that many of you will take a few moments to visit the exhibit; here at the U.N., describing the Deep Sea Drilling Program. Although an initiative of U.S. scientists, this highly successful research program has become truly international. However, confronted with these technical marvels the non-scientists may wonder whether it is possible to verify that all that equipment is really intended for the uses described. This is a concern readily demonstrated to be groundless and again, the arrangements the Academy has proposed should alleviate any such concerns.

These factors—the desire to protect potential resources, and the technical nature of oceanography itself touched, perhaps with the natural pride of every nation, sometimes understandably tinged with bitter recollections of a colonial past—combine to influence the attitudes of those who would tend to regulate scientific activities at sea.

The traditional concept of freedom of the seas is in complete harmony with the new and expanding uses of the sea. Science, like many other activities, must also be measured by the contributions it can make to the future benefit of mankind. And I oppose restrictions on the conduct of research in the oceans precisely because I believe such restrictions do not serve our happier visions of the future of man.

To understand that position, let us consider the attitudes of those who wish to maintain maximum freedom to conduct scientific research within broad areas of ocean space. The effort to understand the natural world is one of the noblest pursuits of the human mind. Free intellectual inquiry about the oceans should be encouraged not only because of its importance in understanding our world but also because of its importance to the human spirit. Recent studies of the ocean seabed have led to revolutionary new concepts of the history of the earth. Present studies of ocean circulation not only expand our understanding but may lead in the future to better understanding and prediction of climatic fluctuations. Many biologists are convinced that the clues to unravelling the complex puzzle of species development and differentiation are to be found in a study of oceanic life.

To be sure, the society which allocates some of its resources to the support and conduct of ocean science hopes that the knowledge obtained will contribute to more than just intellectual and spiritual growth. And *some* of the information of marine science *may* eventually become of some economic significance. For example, earlier in this session, Dr. Albers indicated how new ideas about sea floor spreading and continental drift (subsumed under the theory of plate tectonics) may lead to better understanding of the distribution of metal-rich ores as well as of the processes that engender such phenomena as earthquakes and volcanic eruptions. However, it cannot be emphasized too strongly that the primary purpose of marine geologists in pursuing such work is to fulfill a serious commitment to better understanding of the recent geological history of the earth. It is others who must consider whether the research findings have economic value. And the mode of assurance of the equitable use of those findings is a clearly separable question for your consideration.



There is also the risk—I cannot estimate its magnitude—that close regulation of scientific oceanography will have the classical consequence of stifling scientific creativity. Certainly, this rare human attribute has never flourished under rigid bureaucratic management. I urge that, even in the face of the understandable political pressures for regulation, you do not unduly attempt to minimize scientific creativity by agreement to intrinsically unnecessary controls and regulations.

To be sure, regulations would not mean the end of oceanography. Research will continue, but, the more it is subject to controls, the greater the danger that it will become second class research. Progress will be slower, research will be more expensive and new avenues of inquiry will not be pursued.

By directing science toward short term goals, we may lose the unique scholar driven only by his own curiosity, who has been responsible for so many of the great scientific discoveries of the past. I submit that mankind cannot afford such a loss.

We need science to help in the quest for finding and developing new resources and we need science to improve management of known resources. Worldwide harvesting of the living resources of the sea continues to increase, but soon must reach a "steady state," when we may no longer dare to increase our catches for fear of depleting the stocks. In many parts of the world the size of the fish catch may already have reached that state. Few scientists believe that present understanding of the complex ecological relationships in the sea is sufficient to assure rational management schemes for these fisheries. Yet, the nations of the world, collectively, are now faced with the necessity of managing the living resources of the oceans. If this is to be successful, much, much more scientific knowledge about these problems is required, and this knowledge cannot be obtained by directed research alone.

Consequences of pollution are now evident in estuaries, bays, and coastal areas. Although most oceanographers who have studied this problem are satisfied that there is no immediate threat to man or to nature from ocean pollution—except in certain limited coastal areas—many are concerned for the future. Because the ocean environment is relatively uniform, some scientists consider that a relatively low level of pollution might disturb the present ecological balance in the deep ocean, as compared with estuaries or coastal waters where conditions have always been more variable and the living forms more adaptable. It is vitally important that ocean pollution levels be closely monitored, and that scientists learn more about the level of stress that oceanic plants and animals can sustain. Such knowledge is critical to understanding the effects of ocean pollution on marine life and on man himself. Establishment of artificial boundaries which prevent or impede such studies cannot be considered to be genuinely in the interest of humanity.

Many ocean phenomena are global in scope and do not respect political boundaries. The "Benguela Current" runs within 200 miles of most of the countries of West Africa. The "Peru Current" is found off the coast of Ecuador and Chile as well as that of Peru. Some of the most exciting science programs planned for the next decade are directed to the study of the large scale processes by which the ocean and atmosphere are coupled. In ways only dimly perceived at present, it appears that small changes in the average ocean circulation pattern cause significant changes in world weather patterns. To study adequately these large scale ocean-atmosphere interactions requires an observational program that is truly global in scope and not hampered by unwise restrictions.

Progress in the science of meteorology has contributed to ever better short-term weather forecasting. One can hope that, in the future, additional knowledge and understanding of air-sea interactions will contribute to more accurate forecasting of large storms. Other geophysical studies in the ocean may permit understanding and perhaps prediction of such phenomena as storm surges of the type that resulted in the tragic death of thousands in Bangladesh in 1971, or the earthquake generated tsunami which, in the past, have devastated the coasts of Japan, Chile, Portugal, Alaska and Hawaii, among others.

Thus far the oceanographer has been fortunate not to have been unduly encumbered in the awesome task of probing the dark, still depths of the oceans. The impressive advances, to date, in the understanding of our marine world have been made possible, in no small part, by the freedom oceanographers have enjoyed to explore the oceans beyond narrow national limits.

This returns us to whether we can afford any reduction in the quantity or quality of ocean research. I think not. The world has embarked on a course from which there is no turning back. Poets may yearn for simpler days, for seemingly better times. And all of us may, at times, wonder if the material benefits generated by science and technology are worth the cost. The brute fact is that even if science and technology have been important contributors to some of our current troubles, only science and technology can provide acceptable solutions. No matter what the price of industrial development, there seems little chance in this era that any country will voluntarily restrain its economic growth and no one could seriously so propose for those nations of lower per capita income. Hence, the pressing need for all possible scientific understanding for the mutual benefit of all.

Accordingly, I call on scientists of all nations to work together to allay the fears of those who have been led to mistrust the purposes of consequences of unrestricted ocean science. A year ago, the Academy which I head, exercising its traditional independence, proposed to other Academies of Science around the world that all recognize the distinction between open scientific research and what we call "limited commercial exploration."

While there may be other equally valid ways of expressing this distinction, we proposed the following:

By open research is meant that which is intended for the benefit of all mankind and is characterized by prompt availability and full publications of results. It is directed at improved understanding of the planet, not at searching the sea floor for exploitable resources. It is protection of such open scientific research which is my concern today.

Limited exploration, as we use that term, is that which is intended for the economic benefit of a limited group, as evidenced by restrictions on publication and on the availability of data and samples.

The Academy also recommended to other Academies and today urges that international arrangements permit and encourage open research in the area of the territorial sea and we believe that the following provisos offer adequate assurance to the interests of coastal states. These provisos are that the coastal state shall:

(1) be given reasonable advance notice, a period of 60 days normally being adequate.

(2) have the opportunity to participate or be represented in the research and have access to all equipment, compartments and instruments aboard the research vessel.

(3) have the right to receive copies of all data on request, and the right of access, for study, to all samples which it is not feasible to duplicate.

(4) be assured that significant research results will be published in the open scientific literature; and

(5) be assured that these scientific activities will present no hazard to the resources or uses of the sea or seabed.

We believe that basic research cannot flourish in a regulated environment and we think that it must flourish if the contribution of science to the benefit of mankind is to continue to be truly meaningful. Accordingly, we urge that the new regime which you are engaged in constructing impose no restrictions on basic research beyond the territorial seas.

Admittedly, there is no foolproof system for differentiating between these two proposed categories of marine activity and no set of definitions will be interpreted uniformly by all. But our community interests demand that in this small decree we risk trusting one another.

Although the results of science can have technological and economic consequences, there is a major difference between the amount and kind of information required to study oceanic phenomena for increased understanding and the amount and kind of information required by those specialized investigations which lead to resource exploitation. Dr. Knauss described this difference in a presentation to this group last summer in Geneva. Further, the route from understanding to exploitation is unpredictable, at times nonexistent, and usually long and uncertain. Although the application of understanding to practical problems is more rapid now than in the past, most of the applications that we can foresee in the oceans are still far in the future. For these several reasons not only can a coastal state be certain whether it is scientific inquiry, or commercial exploration which is underway at any given time, the provisos stated earlier should also reassure that the national interests of the coastal state are being safeguarded when open research is conducted in territorial waters.

In conclusion, let me emphasize that I appreciate how much work and understanding is needed in order to affirm the goals I have set forth and to negotiate procedures which will permit achievement of these goals. There may seem to be risk in accepting the degree of mutual trust and cooperation I am urging. But it is my belief that the small risk taken in the process of fostering trust amongst us is far less hazardous than that entailed in institutionalizing unwise regulations.

Happily, the vast stretches of the ocean are available in which to start a new experiment in the political behavior of mankind. International cooperation has not been the principal characteristic of most historical agreements and treaties concerning the land portion of the earth—except for the noble example of Antarctica. But it can and must be the basis of man's use and enjoyment of the oceans. Let us investigate the oceans together and let us promote the resultant knowledge as rapidly and in as many ways as possible for the benefit of all men, everywhere. In so doing, we may yet fulfill man's highest aspirations for the world ocean.

Thank you, Mr. Chairman.



## EDITORIAL SUPPORT FOR REPEAL OF DRAFT PROPOSALS

Mr. HATFIELD. Mr. President, on February 7, I introduced two joint resolutions pertaining to the abolition of the Selective Service System. Since that time, I am pleased to say, Senators FRONMIRE, CRANSTON, STEVENSON, HUGHES, GRAVEL, and ABOUREZK have joined me as cosponsors of Senate Joint

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Resolution 54, which repeals the Military Selective Service Act and thus dismantles the Selective Service System.

Since the introduction of my legislation, there has been considerable controversy and misunderstanding about the necessity of continuing the Selective Service System on a standby basis beyond July 1, 1973. A recent editorial from the Oregonian of Portland, Oreg., cogently argues the reasons for the abolition of the Selective Service System. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DRAFT MARKS TIME

Most Americans probably believe the Selective Service System will come to an end at mid-year. But that is not quite the case. The only provision of the Selective Service Act that will expire June 30 will be that giving authority to the government to induct young men into the armed forces. The stinger will be extracted, but otherwise the system will continue to operate much as it has in the past.

Men turning 18 will be required to register. Each year there will be a drawing to determine priority of induction. The membership and number of draft boards will remain the same. So will the appeals boards and the Selective Service headquarters in each state.

"We visualize a full range of activities," the acting director of the national Selective Service System, Byron V. Pepitone, has informed members of Congress. The purpose, he says, is to maintain "an active standby organization" capable of immediate action in an emergency.

It will be pretty expensive for Selective Service just to go through the motions. Its proposed budget for the fiscal year beginning July 1 is $55 million, as compared to $83.5 million this year. Its paid employes will be reduced from 7,403 (last November) to 4,340 by the end of this calendar year. Draft boards will remain the same in personnel (unpaid) but will be encouraged to combine their facilities. The goal is to reduce administrative draft locations from the present 2,700 to a total of 925.

This is quite a housekeeping detachment to keep the breath of life in a government service which has no end product whatever. Granted that it will be necessary to have some organization for the custody of draft records and facilities on a stand-by basis, this appears to be overdoing it. We fail to see the benefit, if any, in continuing to register, classify and give priority numbers to men who, in all probability, will never be inducted.

The intention of the Administration and of Congress is to depend on an all-volunteer military force. It may not work. Enlistments could languish despite new incentive pay. But experience thus far is that recruiting figures are adequate.

In any case, emergency military mobilization could not depend on young inductees without any training whatever. It would depend on the regular armed forces and on the National Guard and Reserves, as it has in the past. It should not take long to throw draft machinery back into gear if needed. It should not require a $55 million-a-year charade to keep the system itself on standby.

## MILITARY SERVANT PROGRAM ANALYZED BY BALTIMORE SUN

Mr. PROXMIRE. Mr. President, the Baltimore Sun magazine has recently published an excellent article on the practice of using enlisted men as personal servants to high ranking officers.

The author of this article, Frederic Kelly, took the trouble to go to the Army's Enlisted Aides School at Fort Lee, Va., where enlisted men are trained as servants. His story is accompanied by several photographs which graphically demonstrate just how absurd this practice has become.

The author notes how the training these enlisted men receive actually consists of a long series of activities directly related to the skills of a domestic servant. He correctly points out the costs associated with the program.

One of the most interesting observations of Mr. Kelly comes with his treatment at Fort Lee. Apparently out of concern that enlisted men might say something embarrassing, Mr. Kelly was escorted by a colonel who went along "in case his men made false statements." The author also makes the observation that the colonel in charge, a major, a master sergeant and an information specialist, did not seem "to have anything more important to do than walk around the school with a reporter-photographer team."

FILM SHOWN OF FOOD SPECIALTIES

Mr. Kelly was treated to a dizzying slide reviewing the products of Fort Lee training including a prize-winning crown roast stuffed with wild rice, a cake decorated with the Michigan State seal, a cake supported by champagne glasses, a graceful swan carved out of ice, and the specialty of the house, six lobsters pulling a chariot carved from a watermelon.

He sat in on some of the lectures being given the enlisted men: the lecture on the pros and cons of garlic and onions as sandwich ingredients and talks on flower arranging, ice carving, bartending, and telephone courtesy.

Mr. President it almost has to be seen to be believed. I thank Mr. Kelly for bringing it to our attention. It is almost unbelievable that this pampering of the brass could be allowed to go on in this country. We are not an 18th-century aristocracy. Why should we continue to cater to the every whim of our officer class. They make more than enough to pay for their own servants if they want them.

Mr. President, I ask unanimous consent that the Baltimore Sun magazine's article by Frederic Kelly be printed in the RECORD so that others may profit by its reading.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AS A GENERAL'S AIDE, YOU MAY LEARN FLOWER ARRANGING, GOURMET COOKING, CAKE DECORATING

(By Frederic Kelly)

The sergeant stepped to the lectern, surveyed the small Army class before him and quickly began his lecture. Instead of a spirited talk on the principles of land warfare, though, he launched into a discussion of the pros and cons of garlic and onions as sandwich ingredients. A few hours before, another sergeant had given a lecture and demonstration on the preparation of soups and gravies. Coming up were talks on flower arranging, ice carving, bar-tending, cake decorating, gourmet cooking and telephone courtesy.

It is all part of the curriculum at the Army's Enlisted Aides School at Fort Lee, Va. There, in a converted World War II barracks, volunteer Army and Air Force men are given eight weeks' formal training "in the duties and responsibilities of enlisted personnel assigned to public quarters occupied by General Officers."

The training includes instruction in everything from the proper way to clean ashtrays to the selection of chinaware, glassware and silverware for a formal dinner party. Enlisted aides learn, for example, how to water plants, how to answer the door, how to mix and serve drinks, how to plan menus and how to select and purchase food. They learn that the general's uniforms must be kept clean and pressed, that his bathtub must be scrubbed daily, that his porch is to be swept, his windows washed, his books dusted and his coffee ready for him in the morning.

Once on the job, some of them may be given a few other chores as well.

"What they aren't told at school," says Senator William Proxmire (D., Wis.), an outspoken critic of the enlisted aides' program, "is that they may be called upon to perform such jobs as walking the general's dog, doing his gardening, cleaning his swimming pool or running his wife to the hairdresser—duties that are clearly personal and nonmilitary and in violation of a Defense Department directive issued in 1960.

"The directive is intended to prohibit the use of enlisted aides as personal servants. It states that enlisted men are authorized to perform duties that would otherwise interfere with the military and official duties of the officer. These duties, however, must accomplish a necessary military purpose. There is a specific provision against using aides for personal benefit and for duties that have no reasonable connection to the officer's official responsibilities."

It is about a 4-hour drive from Baltimore to Fort Lee, Va. The post is a few miles outside Petersburg, a pretty town that seems to have retained a distinctive Southern flavor. Fort Lee would probably be unrecognizable today to thousands of GI's who trained there during World War II. The post is in the midst of an ambitious renewal program. Many of the old wooden barracks have been torn down and replaced by modern brick buildings.

The Enlisted Aides School is an exception. It was taken over in 1969, when the school was started, given a fresh coat of buff paint, and remodeled into five fully furnished apartments resembling generals' quarters. Each apartment contains a living room, dining room, bedroom, kitchen and bath. There is a small lecture-demonstration room on the first floor. Officers for the school's 14 instructors, all the equivalent of sergeant or above in rank, are scattered throughout the building.

The 8-week course, consisting of 320 hours of instruction, is given six times a year. Class size is normally 24 students. All are volunteers who are selected—and in some cases ardently recruited—on the basis of a background in cooking. Selection for the school is handled by a personnel office (Enlisted Aide Unit 1E680) in the Pentagon.

Aides are allotted to general officers on the basis of one aide per star. But there are exceptions to the rule. Some general officers have no aides, either because they don't want them or because they haven't yet been assigned them (at last count, there were 80 officers eligible for aides on the Pentagon's waiting list). Others like the chairman and the chiefs of the Joint Chiefs of Staff have seven or eight aides each.

In addition to enlisted aides, generals and admirals are allowed between one and three officers as aides-de-camp. Thus, for example, a lieutenant general (three stars) is eligible for three enlisted aides and a captain and a major as aides-de-camp.

At the present time, according to the General Accounting Office, 970 U.S. general officers (out of 1,317 eligible) are sharing 1,722 enlisted aides—a ratio of about 1.7 enlisted aides per general officer. (The ratio increases impressively in Washington, where there are now about 2.6 aides for every general and admiral.)

The annual cost to taxpayers in pay and allowances for enlisted aides is in excess of $13 million. A GAO breakdown shows that the Army spends $3.6 million, the Navy $4.4 million, the Air Force $4.3 million and the Marine Corps $838,000. No figures are available on the indirect cost (recruiting, training) of the program.

The average length of service for an enlisted aide varies from about 8 years in the Army to 16 years in the Air Force. On the average, an Army enlisted aide earns $7,131 a year. The average pay for a Marine Corps enlisted aide (called a cook specialist or a food service technician specialist) is $8,878. Navy stewards, 98 per cent of whom are Filipino, earn an average of $7,788 a year.

The Army's Enlisted Aides School, a division of the Subsistence and Food Service Department of the Quartermaster School at Fort Lee, is under the command of Col. James T. Moore. Colonel Moore is a stocky, heavy-set man who gives the impression of wondering what in the world all the fuss is about. After all, he lets it drop, the school has been there for nearly four years and nobody ever said anything about it before.

Besides," he shrugs, "we teach nothing more than the hospitality trade. Our graduates can walk out of here into good-paying jobs in the hotel-motel-restaurant field. Our program dovetails with what a man has to know, for example, to manage a restaurant. We're giving him valuable training and a marketable skill. Is that bad?"

Colonel Moore and a couple of aides will be happy to "lay-on" a guided tour of the Enlisted Aides School and to answer any questions about its operation. ("One thing you'll discover here," he boasts, "is that we're not trying to hide anything.") But first he insists on presenting a brief color slide show that "will put everything in its proper perspective."

The show, narrated by the colonel, turns out to be a somewhat less-than-engrossing overview of the operations of the Subsistence and Food Service Department. Only a few slides relate directly to the Enlisted Aides School. That, beams the colonel, is exactly what he meant when he said he wanted to put things in perspective. "I'm not downgrading it," he says, "but the fact is the Enlisted Aides Division is only a small part of he overall food service and subsistence picture."

The "brief" show stretches out to nearly an hour. Colonel Moore drones on, reading from each slide as he clicks it in with a touch of the remote control switch. The slides present a dizzying array of graphs, tables, statistics and slogans ("Motivation and confidence through achievement!" says one. "We learn best and retain it longer when we do it!" says another).

The show grinds to an end with a few last slides of the post's culinary arts team. The team, the colonel explains, is made up of cooking instructors and competes in nationwide culinary arts shows. Proudly, he lets it drop that the team won "best in show" at a competition in Richmond a few months ago. In Detroit a few weeks later, the team finished second to a Canadian cooking team. The cost for the Detroit trip was $5,700. "It's good for our image," says the colonel, "and it helps in our recruiting drives." He flashes an unctuous smile, "It's not the same old Army today, you know," he says.

As he talks, Colonel Moore squeezes off slides with the remote control switch. *Click*. A shot of the team posed around a large, prize-winning crown roast stuffed with wild rice. *Click*. A closeup of a cake decorated with the Michigan State seal. *Click*. Another cake, white, with its top two tiers supported by champagne glasses. *Click*. A graceful swan carved from ice. *Click*. The team specialty—six lobsters pulling a chariot carved from a watermelon.

The Enlisted Aides School is only a short drive from the colonel's office. Tulips have been planted in front of the long, two-story building. Tall pines form a majestic backdrop. Colonel Moore has been joined by the post information officer, Maj. Harlan Brady, and one of his civilian assistants. Inside, waiting to conduct the tour of the school is M. Sgt. Lawrence Hettinger, a former enlisted aide and now non-commissioned officer in charge of instruction.

Sergeant Hettinger is the prototype of the career NCO, tall, crewcut, ramrod-straight, unfailingly courteous. He wears a small airborne badge pinned over his breast pocket. Like his colonel, Sergeant Hettinger, too, wonders what the fuss is about. He, personally, was never asked to perform servant's chores for any of the generals he worked for. He couldn't remember if he had ever heard about other aides who had. Rumors, maybe, but . . .

Anyway, "I never felt I was being used," he says. "I believe I had a job to do and it was my responsibility to do it. I think the vast majority of men feel the same way. If they didn't they'd get out. One of the things stressed here is that we're all volunteers and if someone doesn't think he's going to like being a general's aide, then now is the time to get out of the program."

Both Colonel Moore and Sergeant Hettinger balk at the suggestion that it might be too late to get out later, when they're on the job. "No, sir," insists the colonel, "you can stop being an aide any time you want to. All you have to do is tell the general you no longer wish to be his aide and he'll usually arrange an immediate transfer."

Sergeant Hettinger is nodding vigorously. As a matter of fact, he says, he knows about a case a couple of years ago where an aide had a mild personality conflict with a general and requested a transfer. He got it, with "no hard feelings." It happens, shrugs the sergeant, and if an aide isn't happy, then a general would rather get someone else. "Right," says the colonel.

In the classroom, a sergeant-instructor is just finishing a demonstration on preparing canapes. The men will go back to their apartment kitchens (anywhere from two to four men are usually assigned to each kitchen) and prepare individual trays of canapes. The sergeant will inspect them later and offer suggestions. In the meantime, he has a few last-minute instructions. "Remember," he urges them, "to utilize left-overs whenever possible and always make your canapes to suit the taste of the general you'll be working for."

The reference room and library is just down the hall from the classroom. There, in their spare time, the men can consult a variety of sources dealing with the subject they're studying. For background in the Care and Cleaning of General Officers' Quarters in Garrison and Field, for example, prospective aides may study "The Army Wife." To learn more about the Selection of Table Service for Formal Functions, they choose either "The Correct Waitress" by Susan Dietz or "Party Service" by Myrtle Ericson. Julia Child's book, "Mastering the Art of French Cooking," is recommended for courses in Gourmet Menus and Recipes and the Preparation and Serving of Formal Meals.

The enlisted aide's bible, however, is a Quartermaster Corps publication called "The Enlisted Aide's Booklet," which covers such subjects as how to select and serve wine, how to prepare cocktails, how to set up a receiving line and how to seat guests. The aide learns that there may be times when he'll be called upon to serve as cook, butler, waiter and bartender, and on those occasions, he's told, he should be prepared to alternate between wearing his butler's coat and his mess jacket. He learns, further, that his centerpieces must "create a mood of cheerful freshness" and his floral arrangements must "harmonize with the table setting."

To help him plan meals, there is a section in the booklet devoted exclusively to menus for all occasions. Thus, for example, if the general's wife is having her bridge ladies in for lunch, he is prepared to serve them a light buffet of Avocados Stuffed with Crab Meat or Salmon Mousse en Bellevue. For a formal dinner, he is ready with a menu that might include Smoked Salmon Mousse with Cucumber Sauce, Roast Stuffed Quail, Gnochi Romana with Bechamel Sauce, Peas Paysanne, Parker House Rolls and Coffee.

Upstairs in one of the kitchens, Air Force Tech. Sgt. Louis Green spreads cream cheese on a cracker, adds a bit of olive and arranges his creation carefully on a tray. He is a former aircraft maintenance man who is grateful to be in the enlisted aides program. But nobody, he vows, is going to make him walk any general's dog. No way. He glances covertly at the figure of Major Brady lurking near the kitchen door. Of course, he concedes, a man can make a job as easy or as hard as he wants.

Army Spec. 5 George A. Southerland, a five-year veteran of Army mess halls, finishes adding frilly toothpicks to his tray of canapes. He pauses to wipe his hands on a towel and allows that he, too, is happy to be in the program. He's thinking ahead to when he gets out of the Army. What he learns now, he says, will be a big help to him then. He isn't sure he believes all the stories he's heard about aides becoming servants. People exaggerate, he concludes.

The stories, many of them from former aides and a few from aides now on active duty began pouring into Senator Proxmire's office shortly after he announced his intention to introduce a bill that would prohibit the use of enlisted men as personal servants to general officers and their families. The bill would also close the Army "charm school" rt Fort Lee and a sister school run by the Marine Corps at Camp Lejeune, N.C.

Senator Proxmire called the enlisted aides program "one of the last trappings of aristocratic privilege," and said that, while there might have been a time when the program was justified because of extremely low military salaries, that time has passed. "Pay has increased dramatically," the senator says. "A lieutenant general or a vice admiral, for example, receives $33,685 in basic pay plus $2,775 in tax advantages, $575 in subsistence and $3,450 in quarters allowances, for a total of over $40,000."

Many people agree with him. Says one former aide who asked to remain anonymous, "The job that a soldier has to perform is not the way it was written in the book. Some of my duties were walking the dog, washing the car, cleaning the bathroom, mopping floors, making beds, washing clothes, ironing, shopping and running errands for the wife and cleaning up behind her. When the wife takes a bath, for instance, afterward she calls you to clean the bathtub."

"I know for a fact," adds the wife of a Navy steward stationed in Norfolk, Va., "that the stewards clean the house, cook all the meals for the admiral's family (and house guests), do the laundry (not only the officer's uniforms, but also their wives' clothes), act as butlers, drive wives on errands (or run errands for them), work as bartenders (at which my husband has become proficient) at official and unofficial parties (family gatherings as during the Thanksgiving and Christmas holidays), and serve at the bridge games and picnics of the officers' wives."

A former Marine Corps aide, who also requested that his name not be used, tells about a general's wife who loved to run her



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finger along the furniture or the venetian blinds to pick up dust. "She had two children, a 14-year-old daughter and a 19-year-old-son," she says, "and half the time after her daughter went to school and the mother was too busy to make her daughter's bed, she'd ask one of us aides to come and to straighten up her room. We'd wash their car once a week and we'd also wash their son's car while he was at college just so he would have a clean car when he came home on weekends.

"Once when their washing machine broke down in October, I had to take their wash in to Quantico and wash it in a coin laundromat. They didn't buy a new washer until after Christmas. When the general and his wife went out, one of us would have to come back in the evening just to cook their daughter her dinner, like a hamburger. When their son was home for the summer, he had a job at a construction site. We'd fix his breakfast, as well as his father's, and we'd make him a sandwich for lunch, and sometimes he would complain because the lettuce was gritty or the sandwich wasn't right or something."

At the Enlisted Aides School, Colonel Moore is sipping his fourth or fifth cup of coffee of the day. He is sitting, surrounded by his staff, in one of the upstairs living rooms. The colonel makes $30,209.63. Major Brady makes $19,908.74. Master Sergeant Hettinger makes $13,355.31. The civilian public information specialist probably makes around $11,000.

None of them seems to have anything more important to do than walk around the school with a reporter-photographer team. The colonel finally says he has got to be there in case of any of the men makes false statements. It's his . . . if they do, he says, and he is not about to get his . . . in a sling. Besides, adds the major in a somewhat petulant voice, it is not a question of censorship. Anybody's free to say anything he wants about the enlisted aides program. The sole reason they're there, he says, is to make sure that whatever is said is accurate.

The colonel swishes his coffee around in his cup and finishes it in one gulp. An instructor appears with a refill. If anybody asked him, Colonel Moore says, he'd have to say that most generals could make a lot more money in civilian life than they do in the military, and if Senator Proxmire is proposing to do away with the enlisted aides program, well, then, he'd also better give some thought to paying generals $150,000 a year.

"What everybody easily forgets," he says, "is that a general not only has a commitment to the military, he also has a commitment to the local community. So has his wife, usually. They're constantly in demand, constantly on the go. They're expected to be. They're also expected to entertain. Protocol demands it. In my opinion, having an aide isn't a luxury, it's a necessity. It frees the general to devote more time and service to both the military and local community."

The crux of the matter, of course, is whether enlisted aides are being used as domestic servants and, in the words of Senator Proxmire, whether they should be trained at taxpayer expense "in gourmet meat preparation for generals and admirals when our soldiers are eating hamburger." The training, incidentally, includes "graduation exercises" in which aides prepare either an informal buffet or a formal dinner.

Guests on these occasions are frequently from outside the post. For example, 275 guests from the Petersburg area were on hand in early March for a "Founders Day" banquet. A few days later, a formal dinner was served for 290 Boy Scout executives and their guests from Petersburg and Richmond. "Until recently," says Senator Proxmire, "these events were provided to guests and military personnel free—or rather at taxpayer expense. Now, however, in response to my investigations, a nominal charge is being levied, but that does not include reimbursement for service as well as food."

Colonel Moore is aghast. He doesn't know where the senator got his information, he fumes, but it is certainly not accurate. All cost to the U.S. government, he says, is reimbursed 100 per cent and, what's more, it always has been. Never at any time, he adds, has the Enlisted Aides School thrown free banquets for civilian groups. The Boy Scouts, for example, paid the government $1,683.80 for its party. Was a service charge included? Well, no, says the colonel, of course not, because that's part of the training program, anyway. They have to cook dinner for someone in order to complete the course and the government is just lucky groups like the Boy Scouts come along and pay for the cost of the food.

Contrary to what most generals fear, Senator Proxmire is not suggesting that enlisted aides be eliminated entirely. "When used strictly for legitimate military purposes, they're fine," he says. His aim is pretty much the same as the aim of Public Law No. 165, Section 3, passed during the Civil War:

Whenever and officer of the Army shall employ a soldier as his servant, he shall, for each and every month during which said soldier shall be so employed, deduct from his own monthly pay the full amount paid to or expended by the Government per month on account of said soldier.

In other words, the senator is telling the generals, if you want domestic servants, pay for them out of your own pockets.

## PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

Mr. BROOKE. Mr. President, a recent speech by Alan A. Reich, Deputy Assistant Secretary of State for Educational and Cultural Affairs, contains many excellent suggestions as to why people-to-people diplomacy is an important aspect of our continuing involvement in world affairs. I commend this speech to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

Technological advances have made nuclear war a threat to mankind's existence. Fortunately, new initiatives and agreements in the disarmament field offer hope that the deadly cycle of weapons build-up may be broken. Prospects for increased government-to-government cooperation look better now than at any time since World War II. The great powers are focusing on areas of common concern and not only on their differences. The results appear promising.

But while technology has made nuclear annihilation possible, it also has sparked a revolution in communication and transportation which brings increasing numbers of people in all walks of life into direct, open, and immediate contact. International diplomacy, traditionally the task of men behind closed doors, has become a public matter. Many foreign offices no longer confine themselves to speaking with other foreign offices for peoples; they help and encourage peoples to speak for themselves across national boundaries. People-to-people communication has become a dominant force in international relations throughout the world.

Many Americans ask why we should concern ourselves with international problems when we have so many serious domestic concerns demanding attention. There are several good reasons for our getting "involved with mankind": First of all there is common charity. Then there is a sense of common humanity. In addition, there is common sense. Modern transportation and communications, not to speak of modern weapons, have brought our neighbors' problems to our doorstep. We have no choice but to become involved, because if the problems next door are ignored, they soon become our problems.

Poverty, illiteracy, hunger and disease recognize no nation's borders and travel under no country's passport. It is not a matter of the world's poor getting poorer while the rich get richer. The poor are getting richer, too. But their lot is improving so slowly that the difference—the gap—between rich and poor is widening, not closing. Unless some way can be found to reverse this trend, those who are better off must one day suffer the horrible consequences. Neither we nor our children will have the luxury of working on our domestic problems if we do not succeed in bringing about a climate of peaceful cooperation throughout the world during the next few years. Whether we cooperate with our international neighbors because it is good, or right, or necessary, we must get on with it *while* we are improving the quality of life at home. We can also take some solace in knowing that the job is not ours to do alone. Many other nations share with us the desire and the capacity to help close this gap between the have and have-not peoples of the world. The facts of international life today are that common sense and common survival dictate common action to solve common problems.

As societies and their problems have become more complex, more and more people are educated in international affairs and have become concerned citizens. Mass media reach and stimulate increasing numbers of people. The number of individuals and institutions that influence major decisions in every country is growing. This is true in international as well as in domestic matters.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

When people-to-people bonds and communications networks are more fully developed, there will be a greater readiness to communicate, to seek accommodation, and to negotiate. The likelihood of international confrontation will diminish, and prospects for peaceful solutions will be enhanced. This rationale governs the interest of the State Department in the furtherance of meaningful people-to-people exchange.

In the past few years, social scientists have increasingly studied the relevance of informal nongovernmental communications activities to matters of war and peace. Research scholars such as Dr. Herbert Kelman at Harvard University are attempting to develop a more scientific base for these transnational cross-cultural communications activities. Their research suggests that the existence of informal communications tends to reduce the level of tension when conflicts of interest occur; they contribute to a climate of opinion in which conflicts may be negotiated more effectively. Second, their research indicates that informal relationships create a greater openness in individual attitudes toward other nations, peoples, and cultures; these predispositions also lead to greater readiness to communicate and to resolve differences peaceably. Third, social scientists tell us that international cooperation and exchange contribute to world-mindedness and to an internationalist or global perspective on what otherwise might be viewed either as purely national or essentially alien problems. Finally, international people-to-people relationships help develop enduring networks of communication which cut across boundaries and reduce the likelihood of polarization along political or nationalist lines.



DEPARTMENT-SPONSORED EXCHANGES

When you think of the State Department's conduct of our international affairs, the exchange-of-persons program does not come immediately to mind. It is, nonetheless, a significant and important activity of the Department. The Bureau of Educational and Cultural Affairs works constantly and quietly to improve the climate for diplomacy and international cooperation. The exciting, challenging job of the Bureau is to utilize its modest funds and manpower to reinforce the work of American individuals and organizations who want to help construct, a little at a time, the foundation of better relationships with the rest of the world. It also coordinates, as necessary, the activities of other government agencies with international exchange programs in substantive fields such as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come not too long ago from the business world, I have a great appreciation for what is being done for an investment of $40 million annually. There are several major elements of the Department's exchange program:

The Fulbright-Hays exchange program over 25 years has engaged more than 100,000 people in academic exchanges. Annually, some 5,000 professors, lecturers, and scholars are exchanged to and from the United States.

The international visitor program brings to the United States about 1,500 foreign leaders and potential leaders annually for one- or two-month orientation programs. This includes nonacademic leaders and professionals, from Cabinet officers to journalists. One out of every 10 heads of state in the world today has been a State Department exchange visitor, as have some 250 Cabinet ministers of other nations.

The Department of State sends abroad annually several leading performing arts groups and athletic stars; for example, in the past year Duke Ellington toured the Soviet Union; several jazz groups performed in Eastern Europe; the New York City Ballet is currently on tour in the Soviet Union; and Kareem Jabbar (Lew Alcindor) and Oscar Robertson of the Milwaukee Bucks visited Africa. (Of course, the U.S. table-tennis team visit to China was totally a private effort.)

Some 150 prominent U.S. lecturers went abroad for six-week lecture tours in 1971.

Nearly 500 United Nations specialists selected by their home countries and funded by the U.N., are programed annually by the State Department through 30 other government agencies for six- to nine-month training programs in the United States.

The State Department's small but catalytic exchange-of-persons program with 126 countries stimulates constructive communication among leaders and future leaders in many fields here and abroad. It creates durable reservoirs of information, understanding, and empathy. It develops rewarding and lasting contacts of key people of other countries with their counterparts here.

PRIVATE SECTOR PARTICIPATION

These programs depend heavily on the willing cooperation of countless private individuals and organizations throughout the United States. Their response has been outstanding. The Department contracts with a number of organizations to assist in carrying out these activities. For instance, COSERV—the National Council for Community Services to International Visitors—is a network of 80 voluntary organizations throughout the United States which enlists some 100,000 Americans to provide hospitality and orientation for international visitors. They serve voluntarily because they believe in the importance of their work to strengthen international understanding. This makes an indelible impression on the foreign visitors they serve.

Another organization, the National Association for Foreign Student Affairs, counsels many of the 150,000 foreign students now studying in American colleges and universities. The Institute of International Education and several private programing agencies help carry out the Fulbright and international visitor programs.

We in the Department of State are aware that our programs represent only a portion of the total private-public participation in exchanges aimed at furthering international mutual understanding. In addition to service organizations, professional associations of doctors, lawyers, journalists, municipal administrators, and others link their members with counterparts throughout the world. More than 30 American sports organizations carry on international programs involving their athletes in competition, demonstrations, and coaching clinics here and abroad; several youth organizations conduct international exchanges involving nearly 5,000 Americans and foreign teenagers annually. Numerous foundations, businesses, and institutions throughout American facilitate the private studies of many of the nearly 150,000 foreign students who come to study in the United States annually and approximately half that number of Americans who study abroad each year. Private American performing arts groups tour other countries; reciprocal opportunities are offered to counterpart groups from abroad. The People-to-People Federation and its various committees actively promote and carry out meaningful exchanges; the sister city program of the Town Affiliation Association links 420 American cities with communites in 60 countries of the world.

Before we undertook to encourage new exchange activities in the private sector last year, we asked the cultural affairs officers in our Embassies around the world whether they wanted an increase in exchanges by private groups. They were also asked whether these activities further our long-term purpose of increasing mutual understanding with their respective countries. Almost without exception the posts replied that they want increased exchanges. They want them to occur both to and from the United States. They confirmed that these activities contribute to removing barriers to understanding and to forming durable cooperative relationships.

Last year the Bureau of Educational and Cultural Affairs set up a special office to respond to the needs of private organizations seeking to participate in international person-to-person programs. This Office of Private Cooperation, on request, helps private organizations to become active internationally.

*The contribution of service organizations*

In government and in the private sector, there is much to be done. Service organizations, such as Rotary International through its people-to-people programs, are doing an outstanding job. Rotary's international youth exchange, involving 700 youths throughout the world annually, is a model program with considerable impact.

The Rotary Club matching program, which links Rotary Clubs in 150 countries with counterpart clubs for direct Rotarian-to-Rotarian relationships and shared service programs, is equally impressive. Rotary's world community service program has helped people throughout the world. Through Rotary International's small business clinic programs, many individuals in less developed countries have been helped to self-sufficiency and community contribution.

Two other elements of the overall Rotary International outreach are especially meaningful. First, the mere existence of some 15,000 Rotary Clubs joining 750,000 Rotarians in 150 countries is a potent force for mutual understanding. Rotary is made up of leaders from all segments of society; this fraternal relationship—professional to professional, businessman to businessman, and so on—generates good will among millions throughout the world.

Another service which Rotary Clubs perform is the furtherance of international person-to-person relationships by others in their communities. In visits throughout the United States, I have been impressed with the extent in which Rotary and other service clubs have initiated and developed sister city affiliations, people-to-people exchanges, international hospitality programs, and international activities of local perfoming arts and sports groups. These activities contribute to strengthened bonds between participating local groups and their counterparts in other nations.

I have been asked by leaders of private organizations what they might do to increase international understanding. Frankly, I cannot imagine a more significant organizational outreach, either in concept or in program, than that of Rotary International.

I would urge Rotary and other organizations to do more of the same—demonstrating so well the capacity for commitment of the American people in solving that most important of all human problems, the achievement of a sustained world peace, by sponsoring exchanges, providing community leadership in international programing, helping peoples of other natons to become less dependent, and strengthening international ties among key individuals and groups. Specifically, I urge you to undertake in whole or in part the following 12-point program:

1. Expand home hospitality and community orientation programs for foreign students and international visitors (including professional, business, diplomatic, military and government leaders).

2. Develop programs for the international alumni of area universities and colleges.

3. Strengthen your sister city program and affiliate with a new sister city.

4. Expand youth exchanges and community programs for international students.

5. Internationalize your community involvement by affiliating with an appropriate international organization in cooperation with the U.S. National Commission for UNESCO.

6. Participate directly in and support the international exchange programs of the People-to-People International and of the People-to-People Sports, Music, Handicapped and other exchange committees.

7. Internationalize your state and local American Revolution Bicentennial Commemoration programs as they are planned and implemented.

8. Invite foreign professional counterparts and students to conferences and seminars.

9. Help expand the international public service activities of U.S. corporations operating internationally.

10. Form international institutional linkages affiliating universities, hospitals, rehabilitation centers, schools, libraries, and museums for exchange relationships.

11. Strengthen the Partners of the Americas Program linking U.S. states and Latin American countries.

12. Maximize the goodwill generated by ensuring public visibility for these activities both here and abroad.

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In addition, I hope you will continue your community-wide cooperative efforts, now underway, to further Boston's contribution to world understanding. Many other organizations represented here today will find their place in such a program. Boston could, as you have in so many other areas of human concern, provide a model for the nation in expanding meaningful people-to-people relationships. As you move ahead, please do keep us informed; come down and share your ideas with us. We might be able to help.

On behalf of the President and the official foreign affairs community of the United States, I extend my thanks to the Boston Rotary Club, the other clubs of Rotary International District No. 793 and all of you here today, not only for improving the climate for diplomacy, but for your individual and collective leadership in furthering world peace.

## THE CONSTITUTION AND THE SEPARATION OF POWERS

Mr. MOSS. Mr. President, as any reader of the Federalist papers would know, our Founding Fathers labored long and hard on the doctrine of separation of powers.

In these days of our great concern for the solidity and strength of this Government, it is imperative that we bolster our faith in the Constitution and turn to it again, as the rallying point upon which our governmental ethic can be revitalized.

In the New Yorker magazine for April 28 in the column entitled, "The Talk of the Town," faith in the Constitution and in the doctrine of separation of powers is renewed. I ask for unanimous consent that the article be printed in the RECORD for the benefit of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOTES AND COMMENTS

We were in Washington in the momentous days before and after the Watergate story broke open and the walls around the White House—walls of silence, deception, and denial—came tumbling down. We arrived in a grim and worried town a week or so before the President released his aides to testify before Congress. All in all, the past few months had been a confusing time in the headlines. In Cambodia, American planes were at work turning one more country into a desolation of casualties and refugees; at home, the citizenry had been displaying its outrage at the price of red meat; and on Capitol Hill prominent men of both parties were announcing that the United States Constitution was threatened. This last was a matter that some people seemed to see as a quarrel between politicians—a wrangle strictly local to Washington—rather than as something of general interest. Moreover, in the public eye all these events—the boycott, the bombing, the battle for the Constitution, and the then still simmering Watergate story—were apparently unrelated like the acts of a three-ring circus. It was as though Americans were living not in one nation but in several, which were not so much divided against each other as disconnected from each other. In this slack, dispiriting atmosphere, a growing number of legislators had been sending up fearful warnings. Senator Edmund S. Muskie, not a man renowned for reckless overstatement, had warned of "one-man rule," and so had Senator George S. McGovern. Senator John C. Stennis—no hothead—had worried publicly from his hospital bed about the erosion of the powers of Congress, and, speaking of the war power, had declared that "the fabric of our Republic . . . cannot long withstand the strain of asking citizens for the ultimate sacrifice without permitting them to participate in the decision of whether to make that sacrifice." Senator J. William Fulbright had expressed fear that we might "pass on, as most of the world has passed on, to a totalitarian system." In the press, it was becoming popular to refer to our Constitutional government as an "eighteenth-century system." Remarks like these sent a chill of real fear down our spine. Yet not only were the warnings evidently failing to stir the country but they were failing, it sometimes appeared, to stir even the men who were issuing them. The country's listlessness sometimes seemed to have reached the very men who were trying to rouse the country out of it. At the beginning of last week, the country seemed to be sliding into a dangerous stupor. By the end of the week, it seemed about to revive and to recognize itself around one issue—Watergate.

When we got to Washington, we went first to the Capitol, to talk with Senator Mike Mansfield, the Senate Majority Leader, who has spent thirty years in Congress, serving in both the House and the Senate. He welcomed us into the Majority Leader's office—an ample eighteenth-century room with complex gilt-edged molding on the ceiling and walls—and poured us a cup of coffee. There were cookies and brownies on a low table in the center of the room. We sat down across the table from our host. Senator Mansfield holds his chin upraised, and his gaze often seems fixed on something high in the distance. His expression is perfect, unreadable poker. The answers to the questions we asked came back loud and clear, with astonishing promptness, in a high, flat voice speaking short, brisk sentences without any hemming and hawing.

We asked Senator Mansfield about the state of the Constitution.

"It comes down to two fundamental issues," he said. "One is impoundment. The other is executive privilege." The President, of course, had not yet made his announcement. "There is some room for impoundment, but not to the tune of twelve billion dollars. The President is entitled to some executive privilege, but it certainly doesn't apply to all present and former employees. There is no Constitutional ground for that."

We asked whether, in his opinion, this was a full-scale Constitutional crisis.

"Not yet. It could come to that, and it will if these actions are not reversed."

"Are we really headed in the direction of one-man rule?" we asked.

"The trend is in that direction. But Congress has only itself to blame for having its power diluted. It handed its power over to the President on a silver platter. It gave away its war power several decades ago, and now, because of this last war, it's waking up to the fact. It's finding that power is easy to give away but hard to get back."

It struck us that here was one possible explanation of why Congress sometimes seemed muted even as it delivered dire warnings. Presumably, it's more difficult to get indignant at yourself than at some other culprit. We went on to ask, "If there is a threat of one-man rule, doesn't that mean that we are in danger of losing our republican form of government?"

"No. I wouldn't say that," Senator Mansfield replied, with his usual alacrity. "Right now, the balance of power is dangerously tilted in the direction of the executive. If the trend continues, the Constitution will become null and void and worthless."

"But doesn't that mean that we will lose the Republic?" we asked. "Wouldn't we then have lost our liberty and everything that goes with it?"

"I can't envisage those things in the United States. The Congress is waking up now. We have a suit against impoundment in the courts. We have legislation started on executive privilege and impoundment. Even if the Constitution becomes, shall we say, weakened, I can't see us losing our liberty. Of course, it's true that the media are under attack, too, and this increases the sense of uneasiness."

"Then there's no real danger of the Constitution's collapsing?"

The Senator answered with a declaration of personal conviction. "I still have great faith in the Constitution, in our institutions, and in our freedoms: the freedom of speech, the freedom of assembly—peaceful assembly, that is." He raised an admonitory forefinger. "I guess it's just an enduring faith I've had all my life. If I lost that faith, it would be time for me to resign as a senator."

"But if we lose the Constitution—" we began, but the Senator interjected "We won't lose the Constitution!" and rose to his feet.

We next started in the direction of the law firm of Covington & Burling, on Sixteenth Street, just a few hundred yards from the White House, for we were to meet John Sherman Cooper, the former Republican senator from Kentucky, there; he had retired from the Senate several months earlier, and was now practicing law. But first we stopped in at the Everett McKinley Dirksen Senate Office Building, where three subcommittees were holding joint hearings on the subject of executive privilege. At this particular session, as it happened, Attorney General Richard G. Kleindienst had asserted unlimited executive privilege for all two and a half million employees of the executive branch, and had just told the senators that if they had any objections they could impeach the President. Now, with Kleindienst still in the witness chair, the committee members had, to their evident surprise, wandered into the subject of impeachment. Senator Sam Ervin pointed out that if Congress couldn't call witnesses from the executive branch, it probably couldn't get the evidence for an impeachment, to which Kleindienst replied that no evidence was needed—only the votes of enough senators and representatives were necessary, Ervin then pointed out that the Chief Justice of the Supreme Court presides over an impeachment trial, and would be likely to require some evidence. Kleindienst replied that Congress could then impeach the Chief Justice. Earlier, he had said that if they didn't like aspects of his own behavior they could impeach him too. The senators were visibly shaken up and embarrassed by all this talk of impeachment.

We continued on our way to see Senator Cooper. When we arrived, he showed us into an office adorned with photographs, most of them of the Senator in the company of Presidents. Senator Cooper is a tall, slender man with a gentle, almost shy manner. We asked for his views on the Constitutional questions before the country. As it happened, he said, he was preparing a speech on just that subject, and he asked us if we would like to hear some of the ideas as he had sketched them out. We said we certainly would.

Senator Cooper's view of the country's recent history turned out to be a kindly one. There were no villains in it; indeed, Senator Cooper spoke hardly a word that could be construed as direct criticism of anyone at all. The whole atmosphere was agreeable, in contrast to the conversation about impeachment in the Senate hearing room. Senator Cooper began by reviewing the performance of recent Presidents. Truman's period was one of "high hope, generosity abroad, and confidence in our role as guardian of the world's security." Eisenhower was "much loved and respected, probably universally respected." Kennedy "brought new spirit to the country, and probably to the whole world." Johnson opened up new opportunities for disadvantaged people here at home. On Vietnam, "his advisers misled him." President Nixon, Senator Cooper said, is probably "the hardest worker" of them all, and is also "an excellent student." Furthermore, he "may be the most *determined* President." Turning to the question of the war power, the Senator noted that in the nineteen-fifties Congress gave over its power willingly and not even the press raised any objections. "The bilateral treaties all had the same language. If an ally was attacked, we would go to its aid but would do so 'in accordance with Constitutional processes,'" the Senator noted. "Now, in my judgment the Congress's only real power in this business lies in the power of the purse. The war-power legislation can't do it very well. It allows the President to go in for thirty days without approval. That's enough. Once the troops are in and get fired on, the national honor's at stake, and the President assumes his responsibilities as Commander-in-Chief. You can only cut off the funds. Of course, Congress is reluctant to do that." The Senator laughed. He saw impoundment as an "inchoate area," for which it would also be difficult to frame effective legislation. Both the impoundment issue and executive privilege might prove to be non-litigable areas as well, and the courts might simply decline to hand down rulings.

We asked Senator Cooper whether he would care to comment on the Watergate story.

A look of distaste and uneasiness passed over his face, and he said, "Too much has been said about that already."

We remarked to Senator Cooper that he did not offer much hope of recourse in any area.

"Well, there is some question whether this system is meeting its objectives, and more effort must be made in these areas I have been speaking of. But I'm optimistic. I believe that the majority has common sense. And I believe also that the courts, which really are the backbone of our system, will protect the delicate balance between the other branches from getting too far out of line."

Just around the corner from Covington & Burling is another law firm—Clifford, Warnke, Glass, McIlwain & Finney. Its senior partner is Clark Clifford, who was a close advisor of Presidents Truman, Kennedy, and Johnson, and who finally became Secretary of Defense under Johnson. That day, he had testified at the hearing we'd attended, but not until after we had left. We learned later that Senator Ervin had described Mr. Clifford's presentation as "the most total and succinct statement I've ever read on executive privilege." We met Mr. Clifford in his offices in the late afternoon. He introduced us to Miss Mary M. Weiler, who has been his secretary for forty-five years, and then he showed us into a long, spacious, dimly lit office. There were Oriental scatter rugs on top of wall-to-wall carpeting, and, behind his desk, a row of windows with the blinds drawn. Mr. Clifford is a distinguished-looking gray-haired man with something delicate and precise in the set of his mouth.

Mr. Clifford offered to show us his view, and parted the slats of one blind. In the foreground, and below us, was the White House; in the back was the Washington Monument. We asked Mr. Clifford about the mood in Washington and in the country. He answered us in soft-spoken, measured sentences:

"This country has traditionally rested on a deep sense of decency and compassion and on a respect for freedom. But it's not being led in that direction now. Recently, we saw a drive to help the nation's unfortunate. But that is changing. There was an attempt to strengthen the rights of the individual. Now that's all gone. Instead, we're being guided by a driving ambition to make the country more powerful. Power, armed might, a reputation for 'toughness'—these are the goals with which the present Administration seems to be replacing our old purposes. And the new aims are being pushed forward with proved public-relations methods of salesmanship. In the process, I believe, deception has been practiced. Even our prisoners returning home are encouraged to sound a sales theme. No public-relations detail is overlooked in these campaigns. I find it cold, pragmatic, and chilling."

We asked whether he took seriously the warnings about the nation's losing its system.

"I'm not prepared to say we're about to lose it, because I still think the American people will wake up to the enormity of what's been going on. The Watergate case may help in this respect."

"What *has* been going on?"

"It is the centralization of governmental power in the Presidency. The executive branch is engaged in a planned campaign to denigrate the legislative branch and in a planned campaign to malign the press. The press has grown muted already. It feels obligated always to give 'two sides' to every story. This is an entirely new concept in journalism. The intention is to shake the people's confidence in Congress and the press, so that in the end they will trust only the President. If we Americans aren't careful, we could end up controlled and regimented to an extent never realized before. President Nixon has a vision of America which encompasses his statement that 'the average American is just like the child in the family.' A child has to be led, and President Nixon sees himself as that leader. An American way of life that we older people have known and taken for granted is beginning to seem not secure at all. This is the first time in twenty-five years that *fear* has become a recognizable, vital force in Washington. It is the fear of retaliation against anyone who attempts to impede this march toward the Administration's goals. Sometimes one can even see a startling resemblance between these developments and similar developments in countries where one-man rule has developed."

The next day, Senator Barry Goldwater made his statement: "The Watergate. The Watergate. It's beginning to be like Teapot Dome. I mean, there's a smell to it. Let's get rid of the smell." The issue, he said, was "Can you trust Dick Nixon?" In retrospect, his statement appears to have been the first intimation that this story, which many people had thought to be one that *should* shake the nation, actually *would* shake the nation.

On the same day, Representative John B. Anderson, of Illinois, the Chairman of the House Republican Conference, made his statement: "The Attorney General has thrown down the gauntlet. If this Congress is to preserve even a semblance of integrity and independence, it must act immediately to nullify the sweeping claim of executive power asserted by the Attorney General."

The morning after that, Senator Cooper got in touch with us and said he would like to add that not only did the three branches of the government have to maintain their delicate balance but "the people also have to be able to maintain their trust in the government as a whole."

A few days later, we called on Senator Muskie in a small auxiliary office he keeps in the basement of the Capitol. Among the senators who had spoken of the danger to our system, Senator Muskie had shown himself to be one of the most strongly aroused. At the hearing on executive privilege, it was he who had most persistently drawn out the Attorney General's testimony, and it was his questioning that had clarified the full, sweeping implications of the executive-privilege claim. We had noticed flashes of real anger in his questioning. In addition to having warned earlier of one-man rule, he had spoken at the hearing of proposed legislation that would restrict the flow of information from the government as leading us toward "the silence of democracy's graveyard." The familiar tall figure welcomed us into his office. He was looking trim and vigorous in a blue suit and a red tie—fresher and more robust, we thought, than when we had last seen him, on television on the campaign trail. A couple of weeks before, we knew, he had offered the one-man-rule speech to television on behalf of the Democratic leadership of Congress in rebuttal to the President's recent nationwide speech in which he announced a ceiling on meat prices and went on to attack Congress for its budgetary policies. The networks had turned Senator Muskie down. We asked the Senator about that rejection.

"It's clear now that television is a critical instrument of enormous power which can be a great influence in shifting power from one branch to another. And this occurs without any Constitutional amendment or any decision on the part of the people. Congress has now developed a system for designating spokesmen to answer the President, but the networks won't put us on the air. Yet if it's established that *one* branch of the government—the executive branch—alone has the right to speak to the entire nation, and therefore *for* the entire nation, depriving the other branches of that right, then we've taken the step: the system has broken down."

We asked him what he thought one-man rule might look like in America.

"You don't have to look down the road," he said. "You can look at what's already happening. Probably the man in the street isn't worrying about executive privilege or impoundment directly. But Watergate may get him worried. You know, I was giving a speech near Galveston, Texas, the other day—not the most radical place you can think of—and the people in the audience were asking how the President had got so much power. I answered, 'Because *you* people gave him that mandate; a man like him shouldn't be given such a mandate,' and there was a wave of applause in the room."

"But how can the people grasp the seriousness of the situation when the Congress refuses to reassert its own power?" we asked.

"Don't forget where the power comes from," he said. "It's from the people. And if Congress loses access to the people through television and the other media, then it's powerless to mobilize the people's support and to win the battle of public opinion. And when Congress is cut off from popular pressure it can be mobilized by other pressures—the interest groups. The President can organize opinion. For instance, he was able to organize opinion on the war. He simply comes out the winner in the P.R. race."

Here, it occurred to us, was another possible answer to the question of why the country, and even the Congress, seemed so muted. Communication between Congress and the people had been disrupted by Presidential preemption of the main channels of public access. It was in the nature of Congress not to speak or act boldly, or even to reassert its Constitutional power, until it had received a strong signal from the people. It did not have the executive's capacity for initiating elaborate public-relations campaigns to influence opinion. And without greater command of television Congress was cut off. It was only talking to itself—or, worse, discrediting itself as a disruptive element, disturbing the great calm of the Presidential consensus.

We mentioned some of this to Senator Muskie and asked if the term "one-man rule" had a frightening import for him.

"If I went as far as to say that all this could one day lead to a Hitler or a Stalin regime, that would be regarded as unfair or inaccurate—as a little too much. Look what happened to McGovern when he merely *mentioned* Hitler. I suspect that things like the Kleindienst testimony are giving people an idea of what *could* be, though. It wasn't



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just what he said, you know; it was his attitude. So casual and arrogant. When he sat there and said, 'You do not need facts to impeach the President,' he was saying that the impeachment of the President is a *political* trial." Senator Muskie struck his fist in his palm. He was speaking with strong feeling now. He continued. "And if that is so why, then, *any* trial could be a political trial. If you look at things that way, then *facts* mean nothing, *legality* means nothing, and *legitimacy* means nothing; only *power* means anything—power employed by the man in charge for *political* ends. This has been the thinking behind authoritarian government since the world began. And in this Administration everything seems to come down to political power. This was the most frightening part of the testimony to me—even more frightening than the part about executive privilege itself. The whole idea behind our system is that power is divided. But not the President can even make war *all on his own*. He announces that the war is over, says that he's won, and then he goes right on, with no color of authority. Experience tells us that when power is concentrated it is not likely to be used for the benefit of the great masses of people. And the least fortunate are always the first to suffer. This is the lesson learned by the makers of our Revolution. It's the basis of what we've practiced for two hundred years, and I don't want to see it lost."

We thanked the Senator, and went over to the Justice Department, where we were to meet Donald E. Santarelli, an Associate Deputy Attorney General who was just about to take on a new job—head of the Law Enforcement Assistance Administration. The Justice Department is a five-story, block-square building with office numbers running into the thousands. Here and there on the corridor walls of this large bureaucratic building are framed photographs of other large bureaucratic buildings (as if the building itself had put up photographs of its building friends). When we arrived in the anteroom of Mr. Santarelli's office, we found it in something of an uproar, with files being sorted and packed for the move to his new job. Shortly, he came out and invited us into his office. Mr. Santarelli is a thin, restless-looking man in his mid-thirties with an authoritative, booming, rapid-fire voice and a set of expansive, vigorous gestures to go with it. We had the impression of almost a superabundance of energy. On one wall of his office there were photographs with inscriptions by L. Patrick Gray, the Acting Director of the F.B.I., and Attorney General Kleindienst. An American flag stood behind his desk. We knew that Mr. Santarelli had had a hand in drafting many of the Nixon Administration's crime bills, and we asked him to tell us something about the job he was leaving.

"This is an idea shop," he told us, putting his feet up on his desk. "We work on concepts, develop them, delve into them." He gestured broadly toward piles of paper on his desk. "What you see before you is thoughts. We don't handle cases; we work on the large picture. 'Give me a plan,' the President says. Or 'Here's a concept. Flesh it out. Give me some options.' This job didn't exist in its present scope before this Administration. It was developed by the President for me."

"How does it all work?" we asked.

"Well, we might start with an analysis. Then it might turn into a combination of any of the following—a Presidential speech, a legislative package, a press release. We'll develop the idea at each stage. Of course, there's a lot of interface. I work closely with the White House staff. Our office devised a system to reform the administration of justice in Washington. In 1951, there were only two thousand one hundred felony prosecutions in Washington a year. Now there are four thousand two hundred felony prosecutions. We have more than tripled the number of felony judges. But none of these things got as much attention in the press as some relatively unimportant legislation such as no-knock and preventive detention."

"How did you first get in touch with Mr. Nixon?"

"I was working on the Hill as special counsel to the Senate Judiciary Committee, and I was one of the few staffers on the pro-prosecution side up there. Most of the guys were pro-defense."

"But how can there be such a thing as a pro-defense side and a pro-prosecution side in a situation like that?" we asked.

"There shouldn't be, but there is. I was prosecution-oriented. Anyway, that was the President's program: to 'strengthen the peace forces' against those concerned exclusively with defense."

We went on to ask Mr. Santarelli for his reflections on the Constitutional questions that were on our mind. As a point of departure, we gave him an article in the April 23rd *Newsweek* to look at. It was by Kevin P. Phillips, a former campaign aide to President Nixon, and was called "Our Obsolete System." Phillips suggested that the system of balancing governmental powers against each other was a mistake conceived by Montesquieu. "Our Constitution freezes Montesquieu's mistake in legal concrete," he wrote. "Congress's separate power is an obstacle to modern policymaking. . . . In sum we may have reached a point where separation of powers is doing more harm than good by distorting the logical evolution of technology-era government." Phillips suggested, as a remedy, calling a Constitutional convention to abolish the separation of powers and perhaps establish a parliamentary system. We asked Mr. Santarelli what he made of all this.

"I don't agree with his proposal," he said. "But I like the substance of his concepts. His main point is that the separation of powers is obsolete in modern decision-making, and I agree. They didn't have modern affirmative-decision-making in the eighteenth century to the extent that we do. They didn't need such hurried, precise decisions. They didn't have the kind of dynamic national purpose that we have now. The balance of power turns every issue into a great political power struggle, and obscures the business of actually running the country, of reaching national goals."

We asked our old question—was there a Constitutional crisis?

"We're living in a very historic time," he said. "You can see the manifestations everywhere. This is a time of great changes. The legislative branch, which was preeminent, has gradually lost power to the judiciary and the executive."

"How do you mean, the judiciary?"

"I mean the so-called judicial revolution—the Supreme Court rulings in favor of civil rights and criminal rights. All that is changing now. But the liberals gained power by it. They benefited. The strenghtening of the judiciary—or the judicial usurpation, as I would call it—was an unbalancing element."

"And the executive?"

"The executive branch has gained power. It was *inevitable*. Its basic design is geared for efficiency; it has adopted management tools—computers, executive techniques. Congress fell behind, and now it is fussing in a stew of its own making. An unpopular war has given Congress a toehold again, and it's taking up things like executive privilege. But executive privilege isn't a legal question; it's a political question. That's the key thing. Don't be fooled. These battles are basically political. Each age defines the Constitution for its own needs. It's evolutionary. I'm sounding like Ramsey Clark here. The Clarkian view takes the Fourteenth Amendment as very flexible and accordionlike, but if you so much as mention changing the Fourth Amendment, against unreasonable searches and seizures, in order to bring it up to date with modern prosecution needs, you find it's locked in stone. That's natural. If you're on the side that's gaining power, you praise the changes. If the changes mean you lose power, you bitch about them."

"Which are you doing?" we asked.

"I'm mildly praising."

"But this isn't exactly a strict-constructionist viewpoint," we observed.

"No, sir. That's a misnomer. The Constitution is flexible. Period. Your point of view depends on whether you're winning: 'My side won! I'm happy!' If you're against busing, you think an anti-busing amendment should be in the Constitution; if you're for busing, you complain that the Constitution is being wrecked. The Constitution isn't the real issue in this; it's how you want to *run the country*, and achieve national goals. The language of the Constitution is not at issue. It is what you can interpret it to mean in the light of modern needs. In talking about a 'Constitutional crisis' we are not grappling with the real needs of running the country but are using the issues for the self-serving purpose of striking a new balance of power. Times are changing now. The Constitution is flexible." And then he added a remark that no one we had recently spoken to in Washington would have fully disagreed with. "Today, the whole Constitution is up for grabs."

While we had been talking with Senator Muskie and Mr. Santarelli, the President had been telling the nation of "major developments" in the Watergate story.

A short time later, we ran into Senator Fulbright in the Dirksen Senate Office Building. He was on his way to a vote, and he invited us to ride with him in the little subway car to the Capitol. News of the President's Watergate announcement was just reaching Capitol Hill.

We asked Senator Fulbright how large he thought the stakes of the dangers he had referred to were.

"*If* we don't turn things around, *if* we throw over the Constitution and establish executive rule, then, in the long run, we might expect the same kind of ruthless tyranny that you had under Hitler or Stalin. Don't expect some sort of simple, benign dictatorship. This country never goes halfway. That's not our style. We go all the way. You've seen what we did in Vietnam. Our capacities are great. We can display great compassion and show great concern over one little girl, perhaps, or maybe a dog. But we can be ruthless and savage, too. It was when we got the idea that we are a chosen people that we went wrong. We're really just the same as everybody else. We're all people, and, given certain conditions, we'll do certain things." When we arrived at the Capitol, Senator Fulbright went in to vote and asked us to wait outside the Senate chamber.

He came out again, and invited us to ride back with him to the Senate Office Building. "I just want to add one thing," he said in the subway car. "I want you to know that right at the moment I am feeling better about the prospects of avoiding these terrible things than I have for almost ten years. The Watergate case is regrettable, of course, but, looking at the turn it seems to be taking now, I have hopes it may serve to draw people's attention to these other threats, which have been building all those years. It may bring people to the limit of how much they're willing to take."

The next morning, we woke up in a different Washington—perhaps in a different country. Watergate had blown sky high. Everyone we had interviewed in Washington, whatever his politics—and we, too—had seen an executive branch in the ascendant over the other powers in our society. Now, at a stroke, all this was altered. A staggering reversal of fortune had taken place. The wall of executive privilege was down. And when we saw what was inside, it was almost enough to make us wish it could be put back up. The executive campaign to undermine and discredit the press had itself been undermined and discredited. Executive moves to take over congressional powers had been checked—at least for the duration of the present Administration. Indeed, all across the board the executive reach for new powers had been blocked. For the whole country had now had a shattering glimpse into that "technology-era government" in whose name Congress and the other institutions of our democracy were to hand over their powers to the executive. Now the Congress, the judiciary, the press—even Common Cause—found themselves in positions of renewed authority and strength. Senator Sam Ervin, Judge John J. Sirica, the Washington *Post*, and John Gardner had been heard. All the former accused were suddenly in the judges' seats. (It can be hoped that these judges will act *with* pity.) The President of the Newspaper Guild was calling for a "public apology" to the press from President Nixon. An entire style of governing had been buried. Scenes of recent weeks—of the Attorney General discoursing on impeachment, of the President lashing out at Congress as "irresponsible," of Administration officials lecturing the country on law and order—had overnight become part of a closed chapter in our history. This Administration's drive to change the face of our national life had not, it turned out, been an effort to bring our eighteenth-century principles and institutions in line with the twentieth century; it had been a sheer grab for power, ending with a coverup of a second-story job on the political opposition. The news was tearing an entire Administration apart, but at that moment in the spring of 1973, for the first time in many years, the old eighteenth-century system looked to be alive and well.



## MR. HOLLIS DOLE

Mr. HATFIELD. Mr. President, I want to express my pleasure and pride in knowing that the Nation's first commercial oil shale plant will be built under the guiding genius of a man who has won a reputation as one of the country's outstanding experts on mineral development and conservation: Hollis M. Dole.

I have known Hollis Dole for many years, and have worked closely with him during my entire time in public service. He received his education in Oregon universities, and was for 23 years associated with the Oregon State Department of Geology, including 14 years as its director. During all this long period of stewardship of Oregon's mineral resources, Hollis Dole strove constantly to keep a balance between the needs of today and those of tomorrow; between the rights of one segment of the population and those of another; between the requirements of our economy and those of our ecology. Indeed, it was he who pointed out that the terms economy and ecology are both derived from the same Greek word, "oikos," which means house. He saw, as clearly as anyone I know, the need for reconciling the demands of the household of man with those of the household of nature.

During the 4 years of his service as Assistant Secretary of the Interior, Hollis Dole continued to operate under this basic philosophy, eschewing extremism on either side of the environmental controversy. His views are best summed up in an address he made in New York before the American Bar Association on July 6, 1971. I ask unanimous consent that a copy of that address be printed in the RECORD as a reminder of the need for mutual understanding and tolerance that the American people must develop in order to negotiate the hazardous straits of this divisive issue.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### CAUSES, COSTS, AND CHOICES

Whatever else might be said about mankind's upward march from savagery to civilization, no one can claim it has been a very orderly process. The transactions of the human community have always been messy, inconclusive, and chaotic. The historic pattern of social advancement has, on the whole, been characterized by a series of great spasmodic lunges which overturned, modified, redirected, or otherwise altered the way in which affairs had been conducted. Some, but by no means all, of these eruptions succeeded in leaving a residue of progress for succeeding generations, and these have become such monuments of history as the elimination of slavery and the development of representative government.

These changes derive their traumetic character from the fact that the interia of a large society is so great that it often requires an extraordinary amount of applied energy to pursuade it to change its manner of doing business in any significant way. The stored energy of unrealized hopes and unredressed grievances builds up within the society, like stresses in the earth's crust, until the rigid structure that contains them breaks in a convulsive upheaval that is shattering to those who happen to go through it.

The energy required to effect these societal earthquakes is mobilized and focused through the mechanism of the cause, usually modified by such laudatory terms as "sacred," "holy," "just," "righteous" or even something as unpretentious as "worthy." These appellations may or may not be truly descriptive of the movements to which they are applied; indeed, some of the most odious projects that have ever been put forward have been designated as the will of God by their proponents. But whatever their true merit, and regardless of how extravagantly they are advertised, causes have this much in common: they derive their dynamism not from fact and logic, but from the fiery emotionalism of the advocate, the prophet, the annointed custodian of the revealed Word.

It is a judgment upon the self-satisfied rationalism of our society, I suppose, that so much of our basic social progress has been achieved by those strong but essentially non-rational currents of popular feeling. There is a place, I concede, for enthusiasm, for romanticism, for the whole range of emotions from outrage to euphoria as conditioners of public attitudes. We need these powerful supplements to reason and logic in the social process. We need the Sacred Cause and the True Believer. But we need also to remember that the fabric of a society is held together by relationships that are founded in law, in logic, in system and in order. Causes, great and small, form an interesting and essential counterpoint to the basic rationality of these enduring tenets of a society or social structure. But the spirited rambunctiousness of a holy cause has a poor sense of direction and perspective. It needs to be heavily ballasted with truth if it is to serve society rather than disrupt it.

And this, I submit, is our first difficulty as we struggle to integrate the new cause of environmental conservation into a useful set of relationships with the established features of our society.

In many large areas of intense public concern, we simply do not know what we are talking about. We do not know the full effect—the real effect qualitatively and quantitatively—of many things we are doing which are reported to have deleterious effects upon the environment. We do not know the extent of the environmental costs of these activities; still less do we know the costs we shall be required to bear to neutralize their effects. In the absence of a firm basis in fact, the subjunctive mood has taken over, and we have been treated to an assortment of terrors limited only by the imagination of those who propagated them. The operative terms describing the imminence of disasters are words like "might," "could," "assuming that," "possibly," "potentially," and "if."

Some of the more gross of these legends have, thankfully, been laid to rest. It is at least reasonably apparent by now that we are not about to poison the earth's atmosphere, we are not going to kill the oceans, or burn up our oxygen supply, or melt the ice caps, or precipitate any of the global catastrophes that we were warned about last year. Man is just not all that important as a geologic agent. Three volcanic eruptions within the past 90 years have ejected more particulate matter and more combined gases into the atmosphere than have all man's activities to date—without any notable effect upon the earth's habitability. Enormous quantities of natural contaminants are deposited in our streams by springs and rainfall—chlorides, sulfates, carbonates—not to mention such nutrients as phosphates and fixed nitrogen which have caused us so much concern about our fertilizers and detergents. Earthquakes, floods, storms, and forest fires work immense havoc upon the earth, as they have done for millions of years before man ever evolved. What we have succeeded in doing is to make life thoroughly unpleasant for people who inhabit certain localities by dumping high concentrations of waste into the air or watersheds that serve them, or onto the land in their immediate vicinity. Man's impact is still local, but because he is both numerous and ubiquitous, the problems he has created for himself are quite large. But they are not cosmic, as some would lead us to believe, and they are not insoluble.

So there is an urgent requirement for more knowledge, for a better understanding of the true nature of our problems so that we shall at least be able to differentiate between problems and non-problems, and between solutions and non-solutions. The legal profession, concerned as it has always been with precision and definition and exactitude can make a great contribution to this essential search for truth which we must continue to pursue.

In particular we need the disciplined approach of the legal mind as we begin to assess the cost of what we propose to do to alleviate the conditions which we find objectionable. We pay a great deal of lip service to the costs identified to cleaning up our environment. Awash in rhetoric, we profess to be quite willing to pay whatever price is necessary to make the air pure, the streams clear, the earth green and productive.

And pay them we must, and will. But I suggest that the full cost of this restitution effort is going to amount to something very much more than a few cents at the gasolene pump, a few dollars a year more for facilities and a few minor inconveniences along the way as we go marching forth to set the world right. The Environmental Protection Agency Administrator was impeccably honest about the meaning of the new air quality standards that were established which are to be met by July 1975. In the briefing at the time the standards were published questions were raised running to the basic diurnal routine of city commuters, noting that

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big cities will need to go to car pooling, rapid transit, and staggered work hours in order to meet the standards. It was stated that certain sections in some cities may have to be closed to motor traffic during certain periods of the day. Insofar as I can observe, the nation received this announcement without batting an eye, as if no one really expected any of these awkward and grossly inconvenient things to happen.

Moreover, we have been told that just to meet the 1975 particulate standards in seven large cities will require an additional volume of gas equal to 15 percent of the total consumed by the Nation. At current levels of consumption, this is 3.3 trillion cubic feet a year, and there is virtually no prospect that this much additional gas can be made available to these localities by the specified date. In every case, the major concern of gas pipeline and distribution companies is now focused upon protecting existing firm residential and commercial commitments—at the expense, if necessary, of industrial and power plant loads. Yet, the sales push persists in many cities to get people to use gas to air-condition their houses, including favorable rates for these large economy-size consumers.

The newspapers are well along with their seasonal warnings about the potential shortage of electric power to meet peak demands this summer. We have been reading these warnings every summer for at least the past three years. Meantime, all during the winter months, we read advertisements urging us to take advantage of low, off-season installation rates to put central air conditioning in our houses.

I have the distinct impression that somebody isn't getting the word.

The word is simply this: We have decided that it is worth whatever it costs to clean up our air and water and garbage dumps and junkyards. It is going to cost a bundle, and not one American in ten thousand is as yet even remotely aware of that fact. In Fairfax County, Virginia, the estimate for the cost of sewage treatment is forecast to rise from the present $50 a million gallons to $230 a million gallons by 1974. This is nearly a fourfold increase over a period of three years, and the users of the service will pay for it, as they should. But I wonder just how many householders in Fairfax County have taken the trouble to sit down and work out the dollar cost of the increase in their sewage bills they can expect over the next three years.

We happen to have a price tag for this particular reform. We do not, as yet, have comparable data on the additional cost of electricity, of motor fuel, of car maintenance, of taxes, both direct and indirect, of home heating, of virtually every item that is grown, mined, or manufactured in the United States. We shall know a great deal about these cost increments in 1980. It would be helpful if we know more than we do about them in 1971. These costs will be discernable not only in the prices and taxes we pay, but also in terms of employment, and payrolls, in levels of personal comfort and convenience, in trade balances and dollar flows abroad, in the degree to which we become dependent for our energy supplies upon sources over which we have no control.

Ironically, these environmental costs will be dramatically evident in their impact upon other goals which are the object of other equally worthy causes. One illustration will suffice. The money cost of environmental programs will impinge directly upon some of the most basic outlays the typical family must make to sustain itself: Upon what it must pay for water, for electricity, for home heating, for sewage and waste disposal, for taxes, for gasoline and maintenance to the vehicle which is the breadwinner's transportation to and from work. These expenditures are essential, not discretionary. Unlike the progressive income tax, the added costs do not differentiate according to ability to pay. To the more prosperous residents of Westchester County, these increments may be more of an annoyance than a burden. But in Harlem, where a fourth of the residents are on some kind of public assistance, the studied efforts of programs designed to bring a measure of relief to the hard-pressed families there may be subverted by the added costs assessed against their basic necessities. Let's not kid ourselves: The costs of rescuing our environment will be heavy, and they will fall with singular force upon the poor and the disadvantaged. We need to do some sober thinking about how we intend to deal with the poignant aspects of this unintended fallout upon so large a portion of our fellow Americans.

The legitimate costs of environmental preservation and rehabilitation will be heavy enough once we begin to feel their weight. We can afford these. But what troubles me deeply are the costs which are not legitimate, and which represent charges incident to frivolous and capricious acts arising out of ignorance, irrationality, and a misguided excess of missionary zeal. We cannot afford these.

All over the Nation we are witness to a rising tide of opposition to the construction of essential facilities for the extraction and transport of minerals; for the generation and transmission of electrical energy; for the processing and fabrication of a thousand things needed by people. Some of this is legitimate, and we have created adequate mechanisms through laws and courts and regulatory boards for the satisfactory resolution of valid differences. But in providing these mechanisms, we have facilitated—indeed, we have almost invited—lawsuits and complaints by individuals and groups who previously had no standing before adjudicating bodies, and whose claims to relief may rest on nothing more substantial than a professed concern for the environment. Laws are being proposed whose effect will be to frustrate, delay, and even prohibit operations which were once thought to be in the general public interest. Those of you who are on the Natural Resources Committee are aware of the bill now before Congress which would require the cessation of all strip mining in the United States within six months after its passage.

The effect of this bill, if passed, would be to reduce coal production by one-third, and employment in the coal mining industry by more than 20 thousand workers. The groundswell caused by the precipitate shutdown of a third of the Nation's coal mining industry would demoralize the electric power industry, and impact upon the economics of a dozen states. I do not expect the bill to be passed, but the mere fact that such a measure could be introduced at all by the national legislature says something significant about the temper of our times.

My point is that the enthusiasm and elan of a worthwhile cause is in danger of overreaching the proper objective of its concern. We want a revival of some values that have temporarily been lost in the rush to achieve our present levels of material well being. We want clean air and clear streams. We want an end to ugliness and stridency. We want reminders around us, within sight and sound, of the fact that we are kin to every living thing, closely or remotely. We want the time and the space to sit in quiet meadows, to walk by sunlit waters, to look upon the desert glory after a spring rain, to stand in awe at the work of wind and water upon the weathered face of the earth over geologic time.

We want all these things, and we shall have them. But we must not abandon or postpone the important goals that depend upon our steadily increasing production and use of food, fuel, and fiber. For the simple truth is that we shall have to go on building power plants, drilling oil wells, opening mines, laying pipelines, building and operating factories and mills and ships, and do so at a rate which is responsive to the ever-increasing demands that will be made for the goods and services they provide. There are now 205 million of us, and even at the lowest birthrate in our history, there will be 300 million Americans to be fed, clothed, housed, and otherwise cared for by the turn of the century, and it cannot be done with cottage industries and 40-acre farms.

Last month President Nixon spoke to the imperative necessity for an expanding energy supply to sustain our economic growth upon which our aspirations for a better quality of life for all Americans depends. On no other occasion in our history has an American President addressed an entire message to the subject of energy. This one fact speaks far more eloquently of the importance of an adequate, secure supply of energy than anything I could possibly utter.

The President devoted much attention in his message to plans and programs for clean energy—for accelerating the development of the breeder reactor, or gasifying coal, for control of sulfur oxide emissions. He also dealt specifically with the central problem confronting electric utilities, calling attention to his proposals now before the Congress to provide administrative measures to facilitate long-range site planning for power plants. Throughout his message, the President noted the inter-relationship between energy and the environment. He devoted an entire section of his message to the need for an integrated energy policy and the administrative apparatus to put it into effect. This done, energy considerations can be handled through a mechanism congruent to the one established to deal with environmental problems.

By implication, the President has stated the case I wish to make today. Within the stipulation that we must continue to expand our production of goods and services, certain trade-offs and choices are possible for the protection of the environment. The performance levels that we demand of our producing and consuming activities can be adjusted to accommodate reasonable expectations of technological advances. We can work around the hard spots. We have the time and the resources which permit this flexibility in our approach to solving our problems.

But as between the basic objectives of continued economic expansion and environmental protection, we have no choice. Both goals are possible. Both are essential. It remains for us to proceed, in reasonableness and good faith, along lines of action designed to bring both within our reach.

So I would like to close with a plea for reason, for perspective, for an approach to our problems at manageable levels of emotional intensity by all participants in what is in essence an adversary process.

But adversaries need not be enemies, and when they must share the benefits derived of common resources, they cannot afford to be. Obstruction and intransigence and self-righteous uptightness can bring us nothing but trouble and grief. My message is that we can rescue the environment and still produce the material means to honor the claims of those other causes which have also been advanced in the hope of a better quality of life for our people. The costs are within our capacity to pay, provided we choose wisely among the courses open to us.

## SOCIAL SERVICES FOR THE ELDERLY—A BACKWARD STEP REVERSED

Mr. EAGLETON. Mr. President, on May 3 I called to the attention of the Senate a provision of the final social services regulations issued by the Department of Health, Education, and Welfare which had the effect of denying social services to any elderly person not receiving public assistance.

This change had been made between the time the regulations were published for comment on February 16 and the publication of the final regulations on May 1.

I was very pleased to learn from HEW today that the regulations will be modified so that elderly persons who are potential assistance recipients will be eligible to receive those services designed to enable them to remain in their homes and avoid dependence on institutional care.

Although I am still of the opinion that the definition of a potential elderly recipient contained in the final regulations is unnecessarily restrictive, certainly the first order of business is to assure that that definition is an effective one and that services can be provided to those who meet it.

## S. 1090—THE FUTURE OF PUBLIC BROADCASTING

Mr. BROOKE. Mr. President, I support the public broadcasting authorization bill we passed yesterday, but I regret that I did not have an opportunity to comment on this legislation. I would like to make a few comments today.

The funds dispensed annually by CPB serve a most worthy and crucial purpose in strengthening and upgrading the programing quality of public television and radio stations across the country. Swift enactment of this legislation is essential if funds are to be available in time to salvage the coming program season for public television. An article which appeared in the Washington Post 2 days ago underlines the seriousness of public broadcasting's financial woes. The article indicates that, at current funding levels, public television will suffer a 75-percent reduction in new programing for the 1973–74 season and that reruns of old programs will have to supplement the rest of the schedule.

But, Mr. President, while I wholeheartedly support the provisions of this bill, I would feel remiss in failing to bring to my colleagues' attention some inadequacies of the legislation in facing squarely the present status of public broadcasting. Adequate financing of the public broadcasting system is but one of the serious unresolved questions facing the system. Two other matters are at least equally grave: How to guarantee that programing decisions are insulated from governmental influence and how to distinguish between the proper role of the Corporation for Public Broadcasting and the proper role of local stations in making programing decisions.

The committee report on this bill presents strong and solid arguments in support of the legislation, but unfortunately events have outdated the report. Over the past weeks, there have been repeated reports of political pressure brought to bear upon the Corporation for Public Broadcasting, and meanwhile the stations and CPB remain at loggerheads over who should call which shots.

On April 13, the Board of the Corporation for Public Broadcasting voted to table a compromise measure which had been arduously hammered out with repesentatives of the Nation's 234 public television stations. The compromise would have sealed the terms of a partnership between the licensee's organization—the Public Broadcasting Service—and the Corporation in sharing decisionmaking responsibility for the national public television system. The CPB Board's vote to defer action on the compromise precipitated the abrupt departure of the Board President, Mr. Thomas Curtis, who charged that he could no longer vouch for the integrity of the CPB Board. Mr. Curtis said that Board members had been contacted by the White House on the eve of the vote and had been pressured to vote against the compromise. These charges of improper pressure have since been denied by the Office of Telecommunications Policy and the exact nature and propriety of communications between the executive branch and the CPB Board on this matter are in dispute. But Mr. Curtis, a former Congressman from Missouri who is known by many Members of this body, is a man of honesty and integrity and a man not given to making wild charges. Whatever the nature of the contacts between the executive branch and the CPB Board may have been, Mr. Curtis quite evidently felt the Board's independence had been seriously violated and, he, therefore, felt he could not in good conscience continue as Chairman of the CPB Board.

Mr. Curtis' resignation and subsequent charges have sent tremors of apprehension throughout the public television community. Mr. David Ives, the very distinguished president of Boston's public television station, WGBH, stated on April 26 that WGBH stood ready to refuse sizable program production grants from the CPB if the station became convinced that the Corporation Board has been subject to improper political influence from the executive branch. Mr. Ives, too, is a responsible and temperate man; he is not one to issue public statements capriciously. And yet, he has felt it necessary to spell out in the clearest possible terms his growing concern about signs that the executive branch of the Federal Government "may be trying to take over control of public television for its own ends."

One of the consequences of the turmoil has been to remove practically all of their public affairs programs including Washington Week in Review, Bill Moyers, and Bill Buckley, who announced that as of May 18, his popular public television program, Firing Line, may be offered on a syndicated basis to commercial stations.

Firing Line and these other outstanding programs will be financially out of reach of most public television stations which now can broadcast them weekly. While it is very clear that public broadcasting needs the increased funding levels provided in the legislation now before the Senate, it is equally clear that more is needed than money to correct the present disarray in Public Broadcasting Corporation's Board and the repeated—and, I maintain, erroneous—insistence of the Board that operative control of the national interconnection system lies solely in its jurisdiction causes me great concern.

The Congress recognized that the Corporation Board, no matter how honorable its members may be, would be subject to inappropriate pressures. This would be true for the simple reason that they are appointed by the President. We attempted to create a decentralized system in which program production and program distribution would be in the hands of those at the local, rather than national, level so that these pressures would be minimized and local people would determine local needs free of interference. I believe this system has worked well and I disagree emphatically with attempts by the Corporation to reserve for itself more control over the local stations.

Since recent events have exacerbated the gulf between the Corporation and the local stations, events occurring too late for us to take positive action on. I hope the House will be convinced to make as clear as possible that this system must be based on local control. Only by creating and maintaining true localism in public broadcasting can the system both effectively serve the people and protect itself from inappropriate political interference.

## THE MEANING OF WATERGATE

Mr. McGOVERN. Mr. President, one of the most perceptive commentaries I have seen on the Watergate scandal is an essay by Mr. Hedley Donovan, editor of Time magazine, which appears in the May 14, 1973, issue of Time. Mr. Donovan's essay entitled "The Good Uses of the Watergate Affair" contends that there are constructive benefits that can be gained from the sad lessons of the Watergate affair. The author argues that in recent years the Presidency has been removed from needed restraints either by the Congress or by the American people.

"It may be that the greatest service of Watergate is to deflate swollen notions of the Presidency as well as Mr. Nixon," writes Mr. Donovan.

I agree with this observation and with the other points of this excellent essay.

I am also impressed by a thoughtful piece written by Mr. Stewart Alsop in the May 14, 1973, issue of Newsweek entitled, "War, Not Politics."

I ask unanimous consent, Mr. President, that these two articles by Mr. Donovan and Mr. Alsop be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE GOOD USES OF THE WATERGATE AFFAIR

Some Americans—it might even be a majority—catch themselves in guilty sensation: they are glad about Watergate.

They should not feel guilty. Watergate could have highly salutary consequences.

To be sure, there are those who are pleased for reasons of petty partisanship or from a vulgar enjoyment of that dependable old theme, The Mighty Brought Low. But there are deeper reasons for taking satisfaction in the whole squalid affair.

Watergate has already destroyed a White House palace guard that "sheltered" the



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President from Congress, from many high officials of his own Administration and from many regions of public opinion. It is possible that President Nixon will try to reconstruct another palace guard as arrogant, zealous and narrow as the one built by the banished Haldeman and Ehrlichman. They would be difficult to match, however, and the President's first moves this week suggest that he will now try for a somewhat more loose and relaxed staff around him. This would be good for Nixon and for the country. If Richard Nixon were as jovial and gregarious as, say, William Howard Taft, he might have needed a Haldeman ("I'm Nixon's s.o.b.") to protect him from his own openness. That is not his problem.

One of the many mysteries left over from the President's TV speech of April 30 is why he gave such lavish praise to Haldeman and Ehrlichman. If they were indeed among "the finest public servants it has been my privilege to know," why was he forcing them to resign? Was this praise the price for their going quietly (so far)? One prefers to think that it was an oblique acknowledgment of the President's own responsibility for the general style, if not all the specific acts of his staff, and that the President would now be wary of comparable "devotion."

Another good result of Watergate could be a clearer understanding in the country as well as in Washington of the role of a free press in a free society (*see* PRESS). There will be "adversely" elements in the relationship between the press and any President, but the Nixon Administration has been paranoiac on the subject. Until the past fortnight, the White House was treating journalistic pursuit of the Watergate story as though it were malicious or downright unpatriotic. In his April 30 speech, belatedly but generously, the President actually praised the press for its work in exposing Watergate. Ron Ziegler picked up the cue the next day and, under some prodding, apologized for his contemptible attacks on the Washington *Post*. Amateur Zieglers, Agnews, Haldemans, Ehrlichmans all over the country will have to take notice.

The freedom of the press does not exist for the private enjoyment and self-esteem of journalists but to keep people—even Presidents—informed. Watergate could be a turning point, after several years of Government hostility and harassment, toward a renewed national perception of why a fully independent press (with its abundant faults and excesses) is essential to the American system.

Most salutary of all, Watergate could be a historic check upon the long and dangerous aggrandizement of the presidency. The Federal Government is not really the same thing as the United States; it is one institution in America; and the President is not really synonymous with the Federal Government; he is the head of only one of its three branches.

The growth of the modern presidency began with the Depression and New Deal, World War II and F.D.R.'s own immense zest for power. The atomic bomb added an awesome new dimension to presidential responsibility, though the first two nuclear-age Presidents had a nice way of not taking themselves too seriously. Truman was fond of remarking that any of a million other men (this was pre-Women's Lib) were as well qualified to be President. Ike had a genial instinct that the republic would still be standing tomorrow morning if he played a round of golf this afternoon.

But under Kennedy, Johnson and Nixon, for all their differences, there has been a driving personal urge to power, a philosophical view of the presidency as the central institution in American life, and a whole series of external events and circumstances that gave vast scope for presidential activity.

We need a strong presidency, of course, but in recent years the Executive-Legislative relationship has tilted far out of balance. Johnson and Nixon both assumed an utterly autocratic control over the power to make war. Nixon has threatened to carry Executive impoundment of funds voted by Congress to further lengths than any previous President. And until he had to reverse himself a few weeks ago, he was asserting fantastic claims of "Executive privilege" to give his men immunity from testifying before Congress about anything he chose to have them silent about.

None of these controversies will ever be the same again, at least for the balance of Nixon's term, and one hopes for longer. Congress is stronger than it was a month ago. The courts are stronger. The citizen's rights of dissent and skepticism are fortified.

Will the pendulum swing too far? One of the ablest of Nixon's appointees (in no way tainted by Watergate) sometimes broods: "It is much too easy to destroy a President." The fact is, it is not easy at all. The American governmental system gives tremendous security to a President. He can sustain severe political defeats, even scandals, and still function reasonably effectively as President. What he *cannot* do after defeat and scandal is pose as the supreme embodiment of American history and purpose or some democratic monarch by divine right. But he was never meant to be that—even without defeat and scandal. It may be that the greatest service of Watergate is to deflate swollen notions of the presidency as well as Mr. Nixon. He has lost his "landslide" of last November. He seems now to have just squeaked in, less honorably than he squeaked in back in 1968.

It is interesting that in the past fortnight, some of the most anguished comments about "preserving the presidency" have come from liberal Democrats profoundly unsympathetic to Richard Nixon the man, but devout believers in the near mystical view of the presidency. The lament "the crippling of the presidency," a "collapse" of the American form of government, etc., etc. Nonsense. The presidency was never meant to be so majestic that it could not accommodate lapses of judgment or even ethics.

Admittedly Watergate is a very large lapse, with no near parallel in our past. In his speech the President was much too quick to put Watergate behind him and turn to the "larger duties" of his office—the economy, foreign policy, etc.

But his instinct is right for the longer run. His best reparation to the American people will be in redoubled effort on the stubborn problems of domestic policy and follow-through on his statesmanlike openings in foreign policy. The public, for its part, is already coming down off some of the more overblown views of the presidency, and that is why so many people are able to see considerable good coming from Watergate. The public has perceived that the President of the United States, even as other men, can be very good at some things and quite deficient in others.

For the short term there is no question that the Government and the country suffer a loss. There will be confusion, even paralysis, in some areas of policy for weeks or even months to come. Good men in no way contaminated by Watergate may quit the Government; other good men may hesitate to join it.

There is obviously more to come about the Watergate affair and more the President himself will have to do, including eventually a fuller and franker account of his own discussions and decisions from the beginning. Meanwhile, we are all much indebted to a privately employed night watchman who was on his toes; three District of Columbia policemen who reacted very fast; a posse of persistent journalists; the courageous judge, John Sirica, who reminds us what an independent judiciary means; the looming figure of Senator Sam Ervin, whose impending hearings surely helped loosen various tongues. In short, the American democratic "system," an even grander and more important thing than the presidency, is still running.

WAR, NOT POLITICS

WASHINGTON.—The Watergate scandal, it is clear by now, is different—truly different, different in kind—from all the scandals that have preceded it in American history. It is this difference that makes Watergate so frightening.

All those other scandals—Credit Mobilier, the Whisky Ring, Teapot Dome, Sherman Adams and his vicuña coat, Bobby Baker and his wheeling and dealing—were motivated by greed, an emotion effortlessly understood by almost all of us. But although the Nixon campaign was awash with hundred-dollar bills, none of the Watergate men seems to have stuffed large quantities into his pockets. They seem to have been motivated by more complex emotions—by a certain self-righteousness, by fear, by a special kind of political-ideological hatred.

As a result, the people who were running the President's election campaign were not really running the kind of campaign this country has known since the party system was founded. They were not practicing politics. They were making war, a special kind of war. The kind of war they were making has been made between nations for a long time now, and it is still being made. But this special kind of war has not before been made within a nation, certainly not within this nation.

FROM OSS TO CREEP

The spiritual ancestor of the Committee to Re-elect the President, better known as CREEP, is OSS. Gen. William Donovan's Office of Strategic Services, in which this writer served for a while, was this country's first serious attempt to wage war by covert and unconventional means. OSS was patterned on the British Secret Services, and the Central Intelligence Agency has in turn been patterned on OSS. In fact, all the world's secret services, including Russia's KGB, have four main missions.

In OSS they were called S.I. (Secret Intelligence), S.O. (Secret Operations), M.O. (Morale Operations) and X–2 (Black Propaganda—in the KGB it is called "Department of Disinformation"). These branches overlapped and competed bitterly, of course. But in general, all OSS covert operations fitted into one category or another.

So did CREEP's covert operations. The ludicrously bungled Watergate break-in itself, for example, was a classic combined operation between S.I. and S.O. The letter to The Manchester Union Leader during the New Hampshire campaign accusing Senator Edmund Muskie of sneering at "Canucks" was a classic X–2 operation. So was the faked telegram from President John Kennedy to the Saigon mission, calling, in effect, for the assassination of Diem.

The burglarization of the office of Daniel Elisberg's psychiatrist was essentially an S.I. operation, as was the much earlier attempted burglarization of the office of the doctor who was treating John Kennedy for Addison's disease. If either had been successful, it would no doubt have been used as part of a major morale operation.

MORALE OPERATIONS

The operation in which CREEP arranged to flood the White House with telegrams supporting the President's Vietnamese policy was of course a morale operation. (It might have been named Operation Gub-Gub, after the pig in "Doctor Dolittle's Post Office" who, to bolster his own morale, sent himself numerous letters, filled with banana peels.) Another morale operation was that in which homosexuals were allegedly hired to give ostentatious support to Senator McGovern.

The basic mission of Donald H. Segretti, whose services were generously rewarded by Mr. Nixon's private lawyer, Herbert W. Kalmbach, was to head an intelligence network—what the French and many intelligence officers call a *reseau*. Segretti was clearly also expected to do some morale operations work.

One even recognizes in the people who have surfaced in CREEP some of the same sort of people as in wartime OSS. There were many brave and good men in OSS, as well as many creeps. Curiously enough, in another time, G. Gordon Liddy would have been regarded as among the bravest and the best.

Like all secret services, OSS was compartmentalized, so that if one operative was captured and broken by the Gestapo, for example, he could not betray the whole reseau. Agents who went behind the lines in Europe were given "death pills," to give them an option to being broken by the Gestapo.

In all secret services, it has to be assumed that any captured agent can in time be broken. But there were a few—a very few—captured OSS agents who remained unbreakable, and they were regarded as true heroes. In the case of CREEP, the stubbornly silent G. Gordon Liddy seems to be the only operative to fall into this category.

His closed mouth and sardonic salute when he was condemned to a long jail term somehow recalled to this writer's mind the magnificently childish *beau geste* of one of the first OSS agents in Germany. He mailed a postcard, in English, to Adolf Hitler, Wilhelmstrasse, Berlin: "Dear Hitler: F--- you. An American IN GERMANY.

In wartime, G. Gordon Liddy would have been festooned with decorations rather than slapped into jail. As so often in wartime, his stubborn silence did no good. As the pressure mounted, other members of the reseau cracked—James McCord, Jeb Stuart Magruder, John Dean III. Perhaps CREEP should have distributed some death pills as a precaution.

The Watergate operation has provided a giggle or two, as OSS did in its day. But Watergate is a deadly serious business all the same, as deadly and as serious as this reporter has seen in a quarter century of covering politics. For Watergate has been an attempt to alter the very nature of the ancient American political system.

TERRIFYING INNOVATION

Politicians have played tricks on each other since politics was invented. But this is not politics; this is war.

The special form of warfare waged by OSS against Adolf Hitler was morally justified by the moral necessity to destroy Nazism. The more limited and circumspect form of warfare waged by the CIA against the KGB, and vice versa, is also justified by hard necessity. But to transfer such secret-service techniques, on an obviously planned and organized basis, to the internal American political process is a genuinely terrifying innovation.

Any person proven to have used these techniques should not only be punished by the law; he should be banned forever from participation in American politics. Every sensible American—including, as he has said in a fine speech, George McGovern—deeply hopes that Richard M. Nixon is not such a person. But if the Niagara of evidence, which will surely now result from the breaking of the CREEP reseau, conclusively proves the contrary, Mr. Nixon, who has been a good President in many ways, must resign, or be impeached.

## OREGON YOUTHS PERFORM HEROIC SERVICE

Mr. HATFIELD. Mr. President, all too often, the many good deeds of young people today are overlooked as attention focuses on the bizarre or the outlandish actions of only a few people of this age.

Recently, a friend of mine in Oregon, Mr. Stan Malo of Dallas, Oreg., called to my attention the very heroic actions of two Oregon high school students.

These two young men, both high school sophomores, rescued people from a burning house at great risk to their own safety. The article-editorial I will insert in the RECORD details their actions.

Through the initiative of Stan Malo, the two young men, Melvin Broaddus and Keith Richardson, were honored at an insurance convention by the National Association of Mutual Insurance Agents, who awarded them its "Alert Youth Award."

I want to add my congratulations to these two outstanding students, who deserve the accolades they are receiving.

I ask unanimous consent that the editorial from the Dallas, Oreg. Itemizer-Observer of May 2, 1973, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORE UNDERSTANDING OF HUMAN NATURE

An interesting story crossed our desk recently involving two young men from Milwaukie, Ore. and a group of Oregon insurance agents.

It seems that the National Association of Mutual Insurance Agents wanted to put the spotlight on today's young people. An "Alert Youth Award" was sponsored by the Oregon Insurance Agents. The insurance men felt the award would give credit to deserving youngsters, and at the same time, counteract a lot of the bad news about young people headlined in today's media.

Finding recipients for the award was not difficult. Stan Malo heard about, and sponsored, Melvin Broaddus and Keith Richardsor of Milwaukie who saved five children trapped in a flaming house. The two youths were doing remodeling work on a house in northeast Portland when they heard the cries of children in the house next door. Soaking their clothes with water, the two young men broke open the front door and struggled through the heat, smoke and fire billowing from the building. Then Richardson ran to the nearest fire box to summon the fire department. According to the local fire chief a few more minutes and the children would have died of smoke inhalation.

About a month later the two boys' parents were contacted about the "Youth Alert Award." The parents agreed to permit the insurance agents to present the award to the boys, but with a mild admonishment "not to give them too much because they were brought up to do right and not for rewards."

The story might have ended with the award presentation at the Warm Springs Convention Center, and with the congratulatory telegrams from Oregon senators and congressmen. However, this wasn't to be the case. Human chemistry went to work. After the convention ended the visiting insurance agents returned to their hometowns a little bit wiser and with a great deal more understanding of human nature. It seems that the two young men the insurance agents were anxious to reward left more at the convention than they received. The humility and sincerity of the young men captivated the convention delegates. The insurance agents agreed to the man that the "Alert Youth Award" was successful as a means of bridging the generation gap.

But none of them expected that the award presentation would also help bridge the racial gap. But then again that was before they learned that the first year's recipients, Melvin and Keith, were two youthful ambassadors from Oregon's black community.

## KGW RADIO RECEIVES PEABODY AWARD

Mr. HATFIELD. Mr. President, this past week, one of the respected Peabody Awards was presented to Mr. Dean Woodring, general manager of KGW Radio, in Portland, Oreg. For many years, this station, and its parent, King Broadcasting, have been leaders in Portland and in other Northwest cities where it has radio or television outlets.

The Peabody recognizes excellence among programs, certainly a worthy goal of any communications enterprise. I call attention to this award, and ask unanimous consent that a news release from KGW Radio discussing the award shall be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

NEWS RELEASE

KGW Radio, a Division of King Broadcasting, has been named a recipient of a George Foster Peabody Award for their Public Affairs series "Open Door." Called the "Pulitzer Prize of Broadcast Journalism," the Peabody awards are given each year to honor the most distinguished and meritorious public service by radio and television stations, networks and individuals. KGW Radio, one of the 22 recipients of the Award, is the only local commercial radio station in the nation to receive a 1972 Peabody Award.

"Open Door," a ½ hour weekly religious/youth program, is directed by Bud Frimoth, Pastor of Sunset Presbyterian Church and produced by the KGW Public Affairs Department in conjunction with the Greater Portland Council of Churches.

Written by young people, the weekly program reflects the themes of today's youth (i.e., isolation, war, feelings) interwoven with contemporary music. The series fuses the emotional intensity of youth with a probing view of their atttiudes toward the world they live in.

Beginning in October, 1970, "Open Door" has broadcast 113 programs. During that time, 30 to 40 young people have participated by writing, directing and producing the show. The program is heard on KGW Radio at 10 a.m., Sunday and is also aired in Seattle on KING Radio.

"Open Door" joins an outstandnig group Award. Other winners include Alistair Cooke for his "America" series, NBC for "Search For the Nile," Bill Monroe for news reporting on the "Today" show and ABC for its coverage of the Summer Olympics in Munich, West Germany. Formal presentation of medallions and certificates will take place in New York City on May 2.

## THE WATERGATE AFFAIR

Mr. TOWER. Mr. President, on April 28, 1973, the Dallas Morning News carried an interesting column by its senior political analyst, Mr. Robert E. Baskin, concerning the Watergate affair. I feel Bob Baskin has placed this whole unfortunate episode in perspective, and request that the full text of his column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:



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ATMOSPHERE OF GLOOM NOTICED IN WASHINGTON

(By Robert E. Baskin)

WASHINGTON.—You come out of the countryside of Texas—as we did the other day—and into the heady atmosphere of Washington and you find that this is a strange and baffling nation.

We spent the Easter weekend in West Texas before coming to this great city of marble monuments and frenzied oratory. It was like lunging from daylight into a grim darkness.

Out in West Texas we made it a point to inquire everywhere we could about the reaction to the Watergate affair. Somehow we had got the notion that this was the burning issue of our time. It's not anything like that in West Texas.

Most of the reaction we encountered was of a "so-what" variety. There was a strong feeling evident that Watergate was primarily a political controversy and that it did not have serious moral or ethical connotations.

Arriving in Washington on a cold, clammy day, we found just the opposite view of Watergate.

Washington is a city of desperation. It is also a city of many frustrations. The Nixon administration is responsible for much of this, but it should not be condemned out of hand for this syndrome.

MUCH UNHAPPINESS

In the bureaucracy, for example, there is much unhappiness and unease because of the president's deliberate effort to cut down the size of the federal establishment. This contributes to a wave of leaks about what is going on in the federal government—some of it perhaps true and some of it merely calculated vindictiveness.

But above this, and as a result of the Watergate affair, we are witnessing a wave of hysteria in Washington. There is an unparalleled attack upon the presidency—the office, the man and the system.

One of Washington's more conservative columnists this week denounced Nixon in strong terms and spoke of the "disintegration of the presidency." This is hard language, by any standard.

There is no question that an assault of major proportions has now been mounted against Nixon and his administration. At this moment it is highly effective in Washington and on the East Coast. But whether it has relevancy to the citizens out beyond the Appalachians is quite another matter.

Washington in many respects is a sick town. The Watergate story is feeding upon itself in an ugly sort of way. And this is doing neither the country nor the government any good. If there has been wrongdoing, let it be decided through customary legal channels.

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But as it now stands the indictments against Nixon and his cohorts have been returned by others than constituted authority. These indictments have been severe, and they do not relate solely to the events of 1972. Now we are having dredged up for us Nixon's campaigns for the House, the Senate, the presidency, (in 1960) and the governorship of California.

This is not fair play. We have largely forgotten Harry Truman's days with Pendergast, Lyndon Johnson's 87-vote victory in 1948 and the theft of Illinois and Texas by the Kennedy people in the presidential election of 1960.

Watergate, of course, is a sordid affair, and it is essential that the full facts about it should be brought out.

But the hysteria that reigns in this town at this moment should be of major concern to the country. The government is virtually at standstill until this unfortunate political episode is ended. If Richard Nixon is the astute politician that we believe him to be, he will shortly take drastic steps to clear up this matter.

## INDOCHINA—COMMENTS OF THE FOREIGN MINISTER OF SWEDEN

Mr. PELL. Mr. President, there has been some concern expressed by the administration concerning the view of the Foreign Minister of Sweden's comments on Indochina.

For the sake of clarity and for the interest of my colleagues, I ask unanimous consent that the remarks of the Swedish Foreign Minister in his Parliament on April 26, 1973, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REPLY BY THE FOREIGN MINISTER TO A QUESTION IN PARLIAMENT APRIL 26, 1973

Mr. Takman has asked me about the Government's attitude to the U.S. bombings of Cambodia in view of the Paris Agreement of 27 January 1973 and about the steps which the Government has taken to make known its attitude to the continued aggression of the United States in Indochina.

The provisions of the Paris Agreement dealing with Cambodia are to be found in Article 20 which stipulates the following. The parties shall respect the 1954 Geneva Agreement, which recognized the independence of the Cambodian people. The parties shall further respect the neutrality of Cambodia. They undertake to refrain from using the territory of Cambodia to encroach on the sovereignty and security of one another and of other countries. Foreign countries shall put an end to all military activities in Cambodia, totally withdraw from and refrain from reintroducing troops, military advisers and military personnel, armaments, munitions and war material. The internal affairs of Cambodia shall be settled by the people of that country without foreign interference. There are corresponding provisions for Laos.

In the opinion of the Government it is of decisive importance that the parties to the Agreement observe these provisions.

The provisions of the Paris Agreement pertaining to Cambodia and Laos are also confirmed in Article 8 of the Final Act of the International Conference in Paris. With the stated aim to strengthen and guarantee the peace in Indochina the participating parties acknowledge in this Article the commitment of the belligerent parties to respect the independence, sovereignty, unity, territorial integrity, and neutrality of Cambodia and Laos as stipulated in Article 20 of the Paris Agreement.

The continued American bombings should also be seen from a general political and humanitarian point of view. The situation in Cambodia after the signing of the Paris Agreement has been characterized by continued fighting between the parties in the civil war, which for a long time have been receiving material support from foreign powers. It is naturally difficult to assess the extent of this support. But in the Government's view it is not acceptable that a great power with superior military resources intervene in a civil war in a small country. The bombings appear all the more provocative since they indiscriminately hit the civilian population as was previously the case in Vietnam.

The Government reacted very sharply when Cambodia in 1970 became a theatre of war due to the American extension of the Vietnam war. The Government naturally takes an equally critical attitude towards the renewed military activity in Cambodia and Laos. The views which influenced the Government's attitude towards the Vietnam conflict remain unchanged in the present situation.

A lasting peace in Cambodia and Laos, based on respect for their neutrality, which was confirmed anew in the Paris Agreement and the Final Act, can only be guaranteed by a settlement between the national forces.

Mr. PELL. Mr. President, apparently the last five sentences of the penultimate paragraph have caused anger in the executive branch of our Government. These sentences read:

But in the Government's view it is not acceptable that a great power with superior military resources intervene in a civil war in a small country. The bombings appear all the more provocative since they indiscriminately hit the civilian population as was previously the case in Vietnam.

The Government reacted very sharply when Cambodia in 1970 became a theatre of war due to the American extension of the Vietnam war. The Government naturally takes an equally critical attitude towards the renewed military activity in Cambodia and Laos. The views which influenced the Government's attitude towards the Vietnam conflict remain unchanged in the present situation.

I must say that I agree with these sentences and would only hope that we would cease waging war or, rather, intervening in a civil war in this small country.

I would also hope that the oversensivity in the executive branch would not continue indefinitely and that we might have more normal relations on the ambassadorial level with Sweden, a nation probably more akin to us, except for Great Britain, than any other country in the world and with a standard of living highest in the world except for our own.

## THE 25TH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. HATHAWAY. Mr. President, this week the State of Israel celebrated its 25th anniversary, marking a quarter century of social and industrial progress that is remarkable for a country which came into being such a short time ago. Those of us who have watched this growth have been all the more impressed because it has taken place in the midst of adversity which has accompanied the Israelites for over 35 centruies.

A nation or a state does not happen because documents are signed or pronouncements made. Nations are built, and those of us living in the middle and latter half of the 20th century are the fortunate witnesses of what Israel has already accomplished and the hopeful observers that it will soon be able to live in peace, its boundaries peaceful and secure, its position as a leading world nation acknowledged.

Mr. President, I join with the well-wishers throughout the world in offering congratulations to the people of Israel and the Jewish people throughout the world who have all, in their own way, built Israel.

## POLITICIANS AND THE PRESS—REMARKS BY CLIFTON DANIEL

Mr. MUSKIE. Mr. President, several weeks ago, one of our Nation's most distinguished news executives, Mr. Clifton Daniel of the New York Times, addressed a group of Washington editors and press spokesmen on "Politicans and the Press."

Mr. Daniel's remarks were structured around the Times' decision to publish the Pentagon papers. Never in his 40-year career in journalism, Mr. Daniel tells us, has he felt the press "so persistently questioned and challenged as it has been lately." Never has he felt the challenge "to be so ominous."



Part of this challenge, Mr. Daniel points out, comes from a government which characterizes members of the press as "sensationalists who dispense elitist gossip," and one which overclassifies Government documents with little concern for the public's right to know.

In his address to the Public Relations Society of America, Mr. Daniel explains how the Times views its responsibilities under our constitutional system to "publish information of interest and importance to the people, in the performance of their rights and duties as citizens, voters, and taxpayers." I ask unanimous consent that Mr. Daniel's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE PRESS AND THE POLITICIANS

(By Clifton Daniel)

Most Americans don't believe in freedom of speech, freedom of the press, and freedom of assembly.

To be more precise, they don't believe that those rights, as defined in the First Amendment to the Constitution, are absolute. Most Americans would be willing to see them restricted.

They claim the right of free speech for themselves, but not necessarily for other people.

What's my evidence?

Last year I received from Louis Harris and Associates—the Harris Poll—some unpublished data from a series of questions put to 1,609 persons—a national cross-section—in 1970.

They were asked, "Do you agree or disagree that every citizen in the United States should have the right to express any opinion he wants to"—freedom of speech.

Ninety-one per cent agreed.

"Do you agree that every citizen should have the right to print any point of view he wants to"—freedom of the press.

Seventy-three per cent agreed.

"Do you agree that every citizen should have the right to hold a meeting on any subject he pleases"—freedom of assembly.

Sixty-six per cent agreed.

But in the same year, 1970, when the same questions were asked in a different context, when they were applied to the conduct of other people, the answers were conspicuously different.

The C.B.S. News Poll, which interviewed 1,136 adults, found that 76 per cent of them believed that "extremist groups should not be permitted to organize demonstrations against the government, even if there appeared to be no clear danger of violence."

Fifty-four per cent "would not give everyone the right to criticize the government, if the criticism were thought to be damaging to the national interest."

Fifty-five per cent felt, that, even in peacetime, "newspapers, radio and television should not be permitted to report some stories considered by the government to be harmful to our national interests."

In brief, a majority would restrict the rights to demonstrate, criticize and report, even though these rights are clearly and unequivocally guaranteed in the First Amendment.

Let me recall the words of the amendment:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

I call attention especially to these words, "Congress shall make no law . . . abridging the freedom . . . of the press," because that's what I'm here to talk about—freedom of the press.

Never in all my career in journalism, which is now in its 40th year, have I known freedom of the press to be so persistently questioned and challenged as it has been lately.

Never have I felt the challenge to be so ominous.

It seems especially menacing because, in part, it emanates directly from the White House.

It began, this official challenge, with Vice President's Agnew's famous speech of November 13, 1969, in Des Moines.

That was the speech in which Mr. Agnew charged that broadcasting was in the hands of a "small and unelected elite" whose views "do not . . . represent the views of America."

Such attacks on the news media subsided during the 1972 Presidential campaign.

Supporters of the President observed that Senator McGovern was, if anything, getting a worse press than Mr. Nixon.

Actually, only 17 per cent of television viewers thought T. V. reporting of the 1972 election was biased against the administration. That was the finding of a poll taken for T. V. Guide.

After the election, however, the challenge to the press was renewed, this time by Clay T. Whitehead, director of the White House Office of Telecommunications Policy. He said station managers and network officials "should correct the so-called professionals who confuse sensationalism with sense and who dispense elitist gossip in the guise of news analysis."

But when I speak of the challenge to freedom of the press in America, I am not thinking only of the government, only of Clay Whitehead and Vice President Agnew. I am also thinking of that 55 per cent of the people polled by C.B.S. who favor government censorship of the press.

They don't use the word "censorship." They may not even be aware that they are advocating it. They simply ask questions such as this one about the publication of the Pentagon Papers, the secret history of our involvement in the Vietnam War: "Who gives you the right," they ask, "to decide which government documents should be made public? Who elected The New York Times?"

That is a hard question. It deserves an honest answer. I shall try to answer it here and now.

The New York Times was elected, so to speak—the press in general was elected—by the Congress that recommended and the states that ratified the first ten amendments to the Constitution in 1971.

The press was not elected to classify and declassify public documents. It was elected to seek out and publish information of interest and importance to the people, in the performance of their rights and duties as citizens, voters and taxpayers—especially information that the authorities might improperly withhold from the people.

The press was elected to scrutinize, publicize and criticize the acts of public officials.

Freedom to publish was guaranteed without restriction.

Freedom of the press, as defined by the First Amendment, means freedom of the press. It does not meau freedom if, or freedom but. It means freedom period.

It is because I interpret the First Amendment in that absolutist sense that I tend to be dubious about so-called shield laws—laws to protect newsmen in their refusal to disclose confidential sources and confidential information.

Defining freedom of the press, as these laws would do, could result in limiting freedom of the press—that is, abridging freedom of the press, which the Constitution forbids.

That is my personal view. Most of my colleagues, through their professional associations, seems to be in favor of shield laws, state and Federal.

Freedom of the press, in their view, and in mine, means freedom to gather news as well as publish it.

That aspect of freedom was seriously eroded by the Supreme Court decision last June in the case of Earl Caldwell of The New York Times.

The court held that newsmen have no Constitutional right to withhold confidential information from grand juries, although lawyers, doctors and priests do have such a right.

Four newsmen have already gone to jail to protect their sources. Many more are prepared to go.

While news-gatherers and news sources must be protected from official harassment and intimidation—whether by statute or the Constitution, they must act within the law.

The First Amendment is not a license to rob or steal.

The New York Times did not steal the Pentagon Papers. I do not know, in fact, exactly how The Times obtained those documents.

They came into the possession of Neil Sheehan, a reporter with long experience in the problems of Vietnam. Daniel Ellsberg says he gave the Pentagon Papers to the press.

Whether Dr. Ellsberg misappropriated the papers and violated the law in making them public—those are issues to be decided in the case now proceeding against him in Federal Court in California. I cannot anticipate the verdict.

In actual fact, government secrets can be had for the asking—or even without asking.

When the Department of Justice tried to prevent the publication of the Pentagon Papers, The New York Times was prepared to go into court and demonstrate that public officials routinely give out classified information for their own purposes, and that secret documents are habitually used in the writing of books by former Presidents and lesser officials.

It is not generally known, I believe, that there is no law providing for the classification of government documents, and there is no law against disclosing government secrets—except in espionage cases.

Documents are classified by Executive Order—that is, on the authority of the President, and the system of classification is notoriously capricious. Parts of the Pentagon study, for example, were based on articles from The New York Times. Indeed, several of the volumes contained page after page of footnotes citing The Times, all classified "Secret."

Equally capricious is the system of declassifying documents—as the government has acknowledged. After the Pentagon Papers case a review of the procedures was ordered, and they were supposedly liberalized by a Presidential order last June 1st.

When he issued Executive Order 11652, President Nixon said it was designed—and I am quoting—"to lift the veil of secrecy which now enshrouds altogether too many papers written by employees of the Federal establishment."

"The full force of my office," the President said, "has been committed to this endeavor."

The full force of the President's office has not been conspicuously effective. Since June 1972, The New York Times has formally requested declassification of 51 sets of documents, all at least 10 years old, and many going back 25 years or more.

In four cases, The Times succeeded without appeal, although one declassification

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took ten months. Another case succeeded only after an appeal and a re-appeal. Two more cases are pending.

"That gives us a batting average so far of 5 for 49, or .102—not good enough even for the minor leagues," as Harding Bancroft, executive vice president of The New York Times, told a group of three Senate subcommittees last week.

The Pentagon Papers manifestly would never have been made available under such a procedure.

The issue that confronted The New York Times in the Pentagon Papers case was not how the documents were obtained, but whether to publish them once their existence was known.

The issue really was whether the press was justified in suppressing the Pentagon Papers, knowing that they contained information that the public was reasonably entitled to have—the story of how successive administrations were led deeper and deeper into the Vietnam war, while Congress and the people were deliberately deceived.

The decision of The New York Times to publish was not taken lightly. It was agonizingly and endlessly debated among the paper's highest executives and editors. The verdict was not instantaneous, obvious or automatic. The newspaper's own counsel, Lord, Day and Lord, advised against publication, and, when the Federal government filed suit to halt publication, three days after it had begun, Lord, Day and Lord declined to defend The Times.

There were several factors in favor of publication:

The Pentagon Papers dealt with a public issue of the greatest importance—the conduct of the war in Vietnam.

They contained information that the public was entitled to have, but, which, in many instances, had been deliberately withheld or misrepresented.

The Pentagon Papers were history. They did not touch on current operations. They did not disclose future military plans or policies.

In its suit to stop publication of the Pentagon Papers, the government contended that "grave and irreparable" injury would be done to the national interest.

If irreparable harm did result, there has so far been no evidence of it.

None of our operations in Vietnam, Laos and Cambodia was compromised. Nobody—not even the suspicious Chinese, Russians and North Vietnamese—has refused to deal with us because we allegedly cannot assure the secrecy of diplomatic negotiations and communications.

Nevertheless, for 15 days in the last two weeks of June, 1971, The New York Times and The Washington Post were enjoined by the Federal courts from publishing anything further about the Pentagon Papers.

It was the first time in American history that the Federal government, in peacetime, had exercised prior restraint on the publication of news—in other words, had imposed censorship on the press.

It took 15 days for the case to work its way through the courts to ultimate resolution by the Supreme Court itself.

On June 30, 1971, the Supreme Court announced its decision—a 6-to-3 vote in favor of freedom of the press, as defined by the First Amendment.

As Justice Brennan remarked, "the First Amendment tolerates absolutely no prior judicial restraints of the press predicated upon surmise or conjecture that untoward consequences may result."

Why should that be so? Why did the authors of the First Amendment grant such an absolute right of publication?

Because, as Justice Black said in his opinion in the Pentagon Papers case, "only a free and unrestrained press can effectively expose deception in government."

It is common knowledge, Justice Douglas said, that the First Amendment was adopted to stop the practice of punishing people for publishing things that were "embarrassing to the powers-that-be."

"The present case (against The New York Times and Washington Post) will, I think, go down in history as the most dramatic illustration of that principle," Justice Douglas added.

I myself would say that the decision in the Pentagon Papers case was the greatest victory for freedom of the press in America since John Peter Zenger was acquitted in 1735 of libeling the British royal Governor of New York.

A victory—and yet. . . .

While a majority of six members of the Supreme Court voted against preventing the publication of the Pentagon Papers by injunction, three of those six indicated that they might vote differently if the issue were presented to them in another form and under other circumstances.

Indeed, the initial verdict might have been different if there had been four conservative Nixon appointees on the court instead of just two.

Then there is that majority of 55 per cent in the C.B.S. News Poll who felt that, even in peacetime, "newspapers, radio and television should not be permitted to report some stories considered by the government to be harmful to our national interests."

How can they—how can you—be convinced that freedom of the press—absolute freedom of the press—is worth preserving, that it belongs not merely to newspaper publishers, but to all the people, and that those four newsmen who were imprisoned in 1972 went to jail to defend your liberties as well as their own?

Let me seek some simple and homely words.

Freedom of speech, freedom of the press and freedom of assembly are parts of the same whole.

The loss of one diminishes the others. The loss of them all is the loss of liberty itself.

Show me a country where a citizen is not free to speak out against the government—whether in a newspaper, on the airways, or in a public square—and I will show you a nation in chains.

Why do you suppose that the first two people arrested in the effort to suppress the Hungarian uprising in 1956 were journalists? And why do you suppose that the first demand of the students who were in the vanguard of the uprising was for freedom of the press?

Why do you suppose that the first action of Alexander Dubcek, who tried to establish a more liberal regime in Czechoslovakia in 1968, was to grant more freedom of speech and assembly? And why do you suppose that the first demand of the other Communist countries, which invaded Czechoslovakia and deposed Dubcek, was that the press and radio be controlled and public dissent forbidden?

Why do you suppose that, when President Marcos imposed a military regime on the Philippines last September, he closed down all but one newspaper and all but one radio station, and had 16 newspapermen arrested?

Why do you suppose that the heavy hand of tyranny always falls first on the ears of communication?

Those who would deliver the press into the hands of the government—those 55 per cent—they may not realize it, but they are handing over their own freedom with freedom of the press.

I agree with the man who said last June, "Fundamental to our way of life is the belief that when information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies."

That man was Richard M. Nixon.

## BANKING AND CONSUMERISM

Mr. HARTKE. Mr. President, this is an age of consumerism, and few areas of our society will be exempt. People are demanding to know more about the products and services they consume. They have a right to this knowledge.

Banking is one area of our society which has yet to feel the consumer pinch. To be sure, many banks are no longer keeping strict "bankers' hours," but there are far more important concerns to the consumer which have yet to be met.

The Hartke Consumer Savings Disclosure Act (S. 1052) seeks to inform potential and existing depositers about their savings accounts so that they may make wise decisions about the placement of their savings in an institution, and so that they may check a bank's calculation of earnings. The principles of truth in savings are no different than those already adopted in the Truth in Lending Act.

An article which appeared in the January 1973, issue of Banking magazine discusses the consumer thrust as it relates to banking. Within that article there is a checklist of potentially questionable banking practices. The second item listed pertains to the subject matter of S. 1052:

Savings Accounts—Are savings account plans stated in a manner that allows easy comparison among competing bank plans? Are savers clear about the penalties for premature withdrawal of principal? Do they understand statements about methods of computing interest?

Mr. President, the answer to each of these questions is an unequivocal "No." Unless the banking industry wakes up to this lack of comprehensible knowledge, the consumer movement will catch up with them.

I ask unanimous consent that the text of the article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW TO ANTICIPATE CONSUMERISM'S COMING THREAT TO BANKING

(By Philip Kotler)

(NOTE.—This article was adapted from an address being delivered at the National Marketing Conference of the American Bankers Association in New Orleans, Jan. 14–17. The full text will be available as part of a forthcoming ABA publication, "Banking in the Age of Consumerism.")

Bankers are used to the normal shocks of doing business. A sudden economic downturn dries up lending activity. A competitive bank carries out extensive remodeling and draws scores of customers away. A new computer installation ends up costing the bank twice as much as it budgeted. These are the normal shocks of doing business.

But shocks of a different character have been occurring recently. A poor people's group charges that banking practices and services discriminate against the poor. A militant black group wants the bank to stop making loans to certain slum landlords. Some elderly people called the Gray Panthers demand free checking accounts and safety boxes from a Philadelphia bank. Some debtors refuse to pay bank loans because the original merchants sold them shoddy goods. Other customers complain that a certain calculating custom makes them pay more interest than is formally specified by the bank.



These last shocks are just random episodes today, but they may be "the handwriting on the wall." They have the common denominator of constituting a protest against some current banking practices and standards defining the relationship of customers to the bank. Their message implies that bankers are considered to be guilty of unfair or inadequate treatment of certain consumer needs, rights, and interests. These episodes will increase in number.

1. WHY THERE HAS BEEN LITTLE THREAT UP TO NOW

The banking industry has largely escaped serious consumer criticism until now because of *structural* and *performance* factors in its favor.

The major structural factor in its favor is that the banking industry does not produce a tangible product. A tangible product raises questions of public safety and health. Is the product safe to handle and to use? Is it packaged well? Is there full information on the label about its ingredients and its freshness? Are product changes designed to add value or hasten obsolescence? These and other questions do not have their clear counterpart in a service industry.

A second factor is that advertising and promotion, another powder-keg factor for consumerists, has stuck relatively close to the truth in the banking industry. In the world of soap, toothpaste and cigarettes, advertisers take great liberties in "sexifying" and "statusizing" their products to make up for a lack of real differentiation. Claims and implied benefits border on the extravagant and are broadcast with such frequency and intrusiveness as to create a basis for consumer criticism. Bank advertising, with few exceptions, has not been guilty of the same promotional vices as many consumer products.

On the performance side, to the everlasting credit of the banking industry, there has been a steady improvement in services and customer orientation.

This is not to say that all banks have reached a mature concept of marketing. Many banks claiming to practice the marketing concepts are at best confusing it with one or another phase of what we might call pre-marketing.

The typical bank, like other service industries that "discover" marketing goes through four stages in moving toward a full and mature concept of the marketing process.

First, they think of marketing as equivalent to promotion. The job of the new marketing man is mainly to get out some good advertisements and promotions. If he is good at his job, new customers will be drawn to the bank. The bank will then discover a new problem. Once drawn to the bank, many of the new customers will be turned off by the personnel.

When banks recognize the shortcomings of employees in dealing with the public, they move into a second pre-marketing stage—that of personalizing the bank. They train the employees to be customer-oriented; they modernize the banks' interiors to be lighter and more inviting; and they take other steps to make the customer feel welcome to, indeed loved by, the bank. This works wonders for the first banks that try it, but soon all banks begin to personalize their services as a competitive necessity and this soon loses its distinctive advantage.

Banks then search for a new key to the marketing orientation and discover it in the concept of innovation. Banks undertake better research of their customers' evolving financial needs, looking for profitable service opportunities. They began to introduce credit cards, alternative savings plans, personal tax services, and other new services. Other banks are drawn to do the same. Finally, a few banks recognize that not all innovations are profitable and that indeed they lack information on the profit on their various services.

The realization that market targets and sales resources can be handled in a better way leads to the fourth and present stage of bank marketing—the marketing-system stage. The idea takes over that bank marketing calls for integrated systems for marketing research, analysis, planning and control. Instead of simply seeking to achieve a little more sales and profits each year, banks begin to undertake the development of detailed plans establishing reasonable sales and profit objectives based on measured potentials, programs for securing this business, detailed sales quotas for various officers, and marketing controls to make sure results are coming in on target.

The evolution of bank marketing through the successive stages of promotional, personal, innovational, and managerial marketing has helped create substantial consumer value in real and in felt terms. Banks have done a good job, avoiding thereby a lot of potential consumer criticism.

My thesis is that, on the contrary, consumerism and other "isms" will increasingly catch up with the banks, and their marketing will have to pass into a fifth stage in the movement toward a mature marketing orientation—that which I would call the societal marketing stage.

The following section explains why I believe this will occur.

2. WHY THE THREAT IS INEVITABLE

"Three characteristics of the industry could eventually draw banks into the storm center of consumerism. They are: (1) the possibility of depersonalization of banks; (2) the central position of banks in the economy; and (3) certain questionable banking practices."

*Depersonalization*

Banks give considerate and meticulous service to their individual wholesale customers because of the amount of money involved. But they find it hard to give generous attention to individual needs of their retail customers. Yet the bank is of central importance to the retail customer's financial welfare. The bank holds his money. The bank holds the key to the safe and productive use of this money. Customers want to feel that the bank is on their side and eager to help them use their money right. Customers get anxious when the bank fails to cater to these feelings.

As banks get larger and more complex, the danger increases that the customers will feel anonymous and helpless *vis-a-vis* the bank. As the bank adopts more technological devices to improve its operations and cut its costs, the danger increases that the customers will feel confusion or experience unintentional errors. The worst thing that can happen is for customers to start feeling that the banks are manipulating them or are being careless with their money.

This is an era when people are pressing to humanize their institutions, to cut them down to scale, to make them responsive. The major problem of retail banking is to find a way to operate economically on the one hand and deliver a genuine feeling of individual customer concern on the other. A few of the large retailers such as Sears and Penney's have learned how to be personal with their millions of customers. Certainly their methods would repay careful study by banks.

*The central position of banks*

Because banks occupy a central position in the economy, they cannot avoid being a major target for many social causes. The social movement known as consumerism is only one part of a broad protest movement against the quality of life in American society. There is an affinity among consumerism, environmentalism, welfarism, racism, and feminism.

It is hard to know where consumerism ends and these other social movements begin. They attract many of the same people. Banks are a natural target for their criticism.

Because of their wealth and critical position of influence in the economy, banks are a natural target for all sorts of protest groups. These groups may seek consumerist issues to attack banks as part of a strategy to wrest other concession.

The operational complexity and centrality of banks are facts that banks have to live with. A third factor—traditional and evolving practices—is more subject to the discretion and control of banks. Banks can alter those practices which are most likely to provoke consumer criticism.

What are these practices? They are summarized on the checklist (p. 21).

As one can see from scanning the list, the issues vary tremendously in seriousness. The banks are largely free from criticism in their handling of checking and savings account services. But there are also other areas, some of which are potentially dangerous.

3. WHAT TO START DOING ABOUT IT NOW

What should banks be doing today in order to be in the strongest posture when they face their critics tomorrow? It is possible to distinguish five hypothetical positions they might take, ranging from the most conservative to the most reformist.

My feeling is that the banking industry at this stage should at the very least organize a better monitoring system of its publics to anticipate possible problems, and at the same time should start revising those practices which contribute most to the irritation of critics.

*A monitoring system*

The design of a public monitoring system must begin with the attempt to distinguish all the conceivable publics surrounding the banking industry.

A bank faces an unusually large number of publics.

First there is a set of "input" publics, among them support publics (such as shareholders), supplier publics (material, machine, and service suppliers), and government publics (federal, state, and local publics). Their inputs are processed by the bank through internal publics consisting mainly of bank directors and bank staff. The bank's "outputs" are carried by agent publics such as mass media, financial intermediaries, and retail outlets. The final outputs are consumed by client publics (individual customers, small business customers, and large business customers) as well as by general publics (local community public, mass public, business community, activist groups, and competitors).

Thus, there is a considerable number of publics to monitor. Not all of them have the same importance to the banking system. The allocation of monitoring time and resources must be based on the relative potential impact of these varying publics on the banks. The banks must ask themselves what are the needs, perceptions, interests, and intentions of each of these groups as they might affect the banking industry.

The anatomy of a bank's publics does not fully suggest the dynamic interrelations that might exist among these groups. The most basic relation is that between the bank and its client public. The client public defines the basic reason for the bank's existence. Passing between the bank and its clients is a steady flow of money and services. The other publics would normally be quite peripheral to the essential relation between the bank and its clients.

However, suppose some of the clients grow dissatisfied with one or more aspects of the bank's customer services. It might not even the fault of the bank's management so



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much as how the bank's staff carries out management policies. What recourses does the client public have? It has at least five.

First, the client public can attempt to negotiate its differences directly with the bank's management. If this fails, the client public can attempt to enlist the sympathy of the general public through editorial letters, demonstrations and so on. The client public can also attempt to enlist the support of federal or state banking authorities or legislators. Or the client public can seek the support of various action groups who may be only too happy to bring pressure on banks. Finally, some of the client public can switch their business to other banks or institutions, a most potent ultimate resort in a competitive society.

Thus, overlaying the simple transactional relation between the bank and its clients are at least four other publics who might be drawn into the transaction if the clients are dissatisfied or if their interests are seen by someone as not being served in the best possible way. It is essential, therefore, for the banks to monitor the feelings of their customers and also the interests of other publics as they may be affected by the bank's operations.

Segmenting the bank's publics also provides a way to estimate the potential seriousness of any potentially questionable bank practices. Different publics will be bothered by different bank practices in different degrees.

Information collected on issues and publics is vital to the banking industry's continued health and adaptation to new and evolving private and public needs. The banking industry, along with other industries, is coming under new public scrutiny regarding the industry's economic and social contributions to society. The old days, when the industry was considered innocent until proved guilty, when its products, services, and methods were not questioned unless there appeared to be a violation of the antitrust laws, are on their way out.

The consumer movement, instead of a threat to banking, is in reality an opportunity for the industry to reexamine its practices and, what's more important, to examine its soul. Such self-examination may lead to a feeling of pride that a good job is being done. Or it might lead to awareness of deficiencies that need correction.

CHECKLIST: POTENTIALLY QUESTIONABLE BANKING PRACTICES

*Checking accounts*

Are the fees and conditions surrounding checking accounts fair? Do fees based on minimum balances discriminate against the poor? Is it fair for banks to extend free checking accounts to certain groups and not to others?

*Savings accounts*

Are savings account plans stated in a manner that allows easy comparison among competing bank plans? Are savers clear about the penalties for premature withdrawal of principal? Do they understand statements about methods of compounding interest?

*Loans*

a. Will the public accept increased bank interest rates as a fact of supply and demand rather than a conspiracy of the moneylenders to take advantage of the borrower?

b. Do traditional lending standards discriminate unfairly against the poor in the sense that those who need money most have the least chance of getting it and have to pay the most for it? Should banks be required to develop assigned-risk pools to finance loan to the poor?

c. When money is tight and banks have to refuse loans to some part of the market, are the standards they use fair?

d. Is the interest-rebate system that uses the "rule of 78" adequately explained to borrowers and worth the cost of potential customer dissatisfaction?

e. Should banks have the right to extend loans at prime interest rates to the officers of companies which deposit at their bank?

*Collections*

a. Is the practice of some banks of sending harsh notices to delinquent accounts an insult to borrowers? Is it as constructive as trying to elicit the borrower's cooperation in refinancing his debts?

b. Is the garnishment and repossession system operating fairly to all parties concerned?

c. Should the borrower have the right to refuse to pay a bank loan when the merchandise he bought was shoddy and he is seeking redress from a recalcitrant retailer?

*Investments*

a. Should the banks refrain from making loans and investments to merchants and landlords widely believed to be dealing unfairly with ghetto consumers? Should the bank take some responsibility in trying to get these businessmen to clean up their practices?

b. Are the banks investing enough in banking facilities in low-income areas to give comparable banking services to the poor?

c. Should the banks refrain from making loans and investments to organizations whose operations are not seen by all to be serving the best interests of society—e.g., polluting companies, war industry companies, companies doing business in South Africa, underworld organizations?

*Miscellaneous services*

a. Are the standards used to distribute credit cards fair to all groups, particularly low-income individuals and families? On the other hand, are banks sometimes too aggressive in distributing credit cards to certain groups who will be tempted into more impulse buying?

b. Is it fair that the banks do not pay interest on money being held in escrow?

*Service quality*

a. Are certain aspects of the banking business becoming so depersonalized that some reaction is bound to set in? Is there a danger that save-by-mail plans, night depositories, and other devices will sharply reduce the human contact people have with their banks?

b. Are billing errors being held below the rate which would cause an organized consumer reaction?

c. Is it easy for unhappy customers to complain to the right person in a bank? Are their complaints handled swiftly and fairly?

d. Are bank personnel remaining friendly? Are banks able to recruit, train, and motivate competent personnel?

e. Are banking hours set up for the convenience of the bank or the customers? Should banks increase or shift their open hours?

*Information and promotion*

a. Is the information available to consumers on competitive offers regarding checking accounts, savings plans, and loans comparable enough to allow them to make an easy judgment as to where to find the best terms given their criteria? Or is the information confusing and in some cases misleading?

b. Are banks' advertisements informative, honest, and in good taste?

c. Are banks guilty of encouraging impulse buying, especially by individuals not in a position to do it responsibly? For example, how about "loan sales"?

d. Are banks dealing fairly with consumers in offering gift premiums?

e. Are banks providing, on a regular basis, useful information that will enable users of bank services to achieve "optimization" in financial transactions?

POSSIBLE POSTURES OF BANKS CONFRONTING CONSUMERISM

1. Do nothing: Defend current practices.
2. Organize "we care" campaign to improve bank's image.
3. Monitor moods of different publics toward banking.
4. Organize consumer advisory boards, national and local.
5. Revise all practices apt to be questioned.

## THE CALIFORNIA DESERT

Mr. CRANSTON. Mr. President, the fact that the 16 million acres of California desert lie so near the rapidly growing major population centers of southern California makes it an important recreational and educational resource. While the desert seems vast enough to provide space for everyone and every activity, its resources are, in fact, quite limited. The total ecosystem of the desert is extremely fragile, easily scarred and slowly healed. With recreational activities in the desert on the increase, we must make decisions now to determine how we will use the desert before its resources are lost forever.

I recently introduced a bill to establish the California Desert National Conservation Area, S. 63. This bill would require the Department of the Interior to develop a plan for preservation and administration of the California desert. On April 22, the Los Angeles Times, printed an editorial entitled "Making a Mess of the Desert." This article shows a sensitive awareness on the part of the Los Angeles Times to the need for constant vigilance to protect our natural resources.

Mr. President, I would like to call this editorial to the attention of my colleagues, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MAKING A MESS OF THE DESERT

The first Europeans who came in mass by land to Southern California wasted no time crossing the inhospitable California desert. Now, two centuries later, we 10 million Californians of the crowded and urbanized coastal plain are pouring back into that desert. And we are making a mess of it.

Once the desert was considered a trackless wasteland, a hell, a place to scurry across and not to halt and ponder its empty mountains, its sand, strange animals and exotic vegetation. It is trackless no longer. The entire desert, stretching from Mexico to Death Valley and from the Colorado River to the Los Angeles area, has been invaded by urbanized Californians. We go by car, motorcycle, dune buggy and off-road vehicle, looking for recreation, space, beauty and clean air. We crowd the roads on weekends. Where no roads exist, we make our own. The litter and destruction we leave behind is awful to behold.

Most of the desert is public land. The federal government, which owns 12 million acres of it, is concerned that, carelessness and vandalism will, unless checked, destroy a fragile national treasure. The responsibility to protect the public's land from the public lies with the Department of Interior's Bureau of Land Management.

But the bureau—understaffed, underfunded and still uncomfortable in its new role of preserving waterless land it once sought to give away—finds itself unable to cope. Five years ago an estimated 5 million persons visited the desert each year. The count is now more than 9 million, and it is increasing at about 25% a year. Worried bureau officials have besieged Congress for help. They want their annual budget increased. They want the present desert ranger force of eight men increased to 72 and given enforcement authority that they now do not have. And they want legislation to protect the resources of a desert that is in danger of being loved to death. So far, Congress has refused. Desert legislation died quietly last year. Now a new package has been introduced in Congress. It warrants approval.

U.S. Sens. Alan Cranston and John V. Tunney have introduced a bill (S 63) to designate the threatened desert as the California Desert National Conservation Area and to provide protection and administration. Rep. Andrew J. Hinshaw (R-Mission Viejo) is sponsoring a companion bill (HR 6451). The two bills direct the Interior Department to prepare a long-range management plan by 1978 and an interim management and development plan to control desert use while the master program is being completed.

Providing the money and authority to properly guard and control the desert will require additional federal funding. Priority for such funds should rank high. The alternative is an expense that the public cannot in good conscience permit. Time is running out on the desert and, as the bureau warned more than a year ago, "If uncontrolled use of the California desert is allowed to continue, widespread deterioration is inevitable and irrevocable."

## IN COMMEMORATION OF THE TRUMAN LEGACY

Mr. SYMINGTON. Mr. President, today marks the 89th birthday of the No. 1 citizen of Missouri. The U.S. Postal Service has chosen to honor the memory of the late President by issuing a stamp bearing his portrait in ceremonies at the Truman Library in Independence.

The Postmaster General, E. T. Klassen, will preside today at the ceremony, and Margaret Truman Daniel will represent the Truman family.

It is appropriate that the first issue of this 8-cent commemorative stamp again focuses attention on the library to which Mr. Truman dedicated so much of his time and effert in the years following his presidency.

As the Kansas City Star noted in an editorial shortly after his death, President Truman never regarded the library as a personal monument. Quoting from his memoirs, they pointed out his hope for the library's role in advancing public knowledge of the Presidency:

I encouraged the building of the library only because it was to be a center for the study of all the Presidents and the Presidency as well as the history of the United States.

Each passing year of the past quarter century has added understanding and a deepened appreciation for Mr. Truman's accomplishments. He had brought to the office of President not only the experience of administering a metropolitan county government and serving as a U.S. Senator, but a deep appreciation for the history of his country, which he had studied throughout his life.

When suddenly faced with his new responsibilities, his instinct for decisive action and sense for orderly administration promptly moved his administration to a new world role of leadership for the United States.

Upon leaving office, President Truman felt a strong sense of responsibility to preserve the record of his administration, and those of other Presidents, so that those who followed him would share his appreciation for the study of the decisionmakers in our Nation's past.

The Harry S. Truman Library truly is a "memorial to a man and his 8 momentous years in the White House, although, in keeping with his wishes, the scope is larger. The room devoted to the American Presidency contains some of the most important documents in the history of the Republic, dating from George Washington to the present day."

In recognition of the accomplishments of this great Missourian and President, I ask unanimous consent that the editorial, "Heritage of Truman Library," from the January 14, 1973, Kansas City Star be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HERITAGE OF TRUMAN LIBRARY

Although Harry S. Truman, the most distinguished citizen of Mid-America, has died, his library and museum will remain a permanent legacy to the area where the 33rd President spent a large part of his life. The names of Hyde Park, Springfield and Abilene have taken on a special significance in American history because of the Presidents who were closely associated with those communities and who were finally buried there.

Independence has the same status. From the start Mr. Truman presided over every detail in the planning and construction of the library that bears his name. He never regarded it as a personal monument. In his memoirs Mr. Truman wrote: "I encouraged the building of the library only because it was to be a center for the study of all the Presidents and the presidency as well as the history of the United States."

Try as he might, Mr. Truman could never completely escape the inevitable. Essentially the Truman Library is a memorial to a man and his eight momentous years in the White House, although in keeping with his wishes the scope is larger. The room devoted to the American presidency contains some of the important documents in the history of the Republic, dating from George Washington to the present day.

Mr. Truman wanted to create a capsule of history in the Middle West. He saw no reason why most of the nation's treasures should be concentrated along the Atlantic shoreline in libraries, museums and public shrines that were remote to most of the people. As a result visitors can read Thomas Jefferson's letter requesting funds for the Lewis and Clark expedition. Nearby is Woodrow Wilson's proclamation of war against Germany in 1917 and the final version of Franklin Roosevelt's message to Congress Dec. 8, 1941.

The people responded as Mr. Truman knew they would. From 1957, when the library opened, through Jan. 1, 1973, almost 2½ million visitors passed through the heavy glass doors to inspect the rare documents on display. Hundreds of scholars have spent thousands of hours poring over the 9,804,000 manuscript pages, the 59,619 photographs and 41,687 books stored there. Since Mr. Truman's death an additional 100,000 people have visited the library and the courtyard grave.

The library keeps growing. In his will Mr. Truman specified that his remaining personal papers would be deposited there permanently. The late Dean Acheson, who served as secretary of state from 1949 to 1953, made a similar provision. The Acheson papers are yet to arrive. When they do, they should bring an extra dimension to the Truman files of the same period.

Based on the experience at Springfield and Hyde Park, it is reasonable to assume that the crowds will continue to arrive in Independence into the distant future. Today there are other presidential collections in the center of the nation. But Harry S. Truman's was the first. His dream and his legacy of the Truman Library put Mid-America on the historical map of the United States.

## CBS REPORT: THE VIETNAM VETERANS' DILEMMA

Mr. HARTKE. Mr. President, the Senate Committee on Veterans' Affairs, which I am privileged to chair, continues to be greatly troubled by the plight of this Nation's 6 million Vietnam veterans. These brave young men have encountered serious problems returning to civilian life for several years without public notice.

We have worked hard on behalf of the current generation of veterans. Last year, educational and employment opportunities were improved by the Vietnam-Era Veterans' Readjustment Assistance Act (Public Law 92-540). So far this year, the Senate has passed S. 234, the Veterans' Drug and Alcohol Treatment and Rehabilitation Act, and S. 59, the Veterans' Health Care Expansion Act. But, we must do more.

The CBS Evening News this past month carried a five part series by Bruce Morton on the unique readjustment problems facing our country's newest veterans. The matters investigated included educational benefits, unemployment, and less-than-honorable discharges.

I believe the transcript of these stories, which were aired between April 4 and 10, 1973, will be of interest to my colleagues and I request unanimous consent that they be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD as follows:

THE VIETNAM VETERANS' DILEMMA

CRONKITE. Most of the almost six hundred former POW's have been hailed as returning heros. They've been offered gifts and good jobs. But for tens of thousands of other Americans, the welcome home has been a different story, as we see in the first of a series of reports by Bruce Morton.

MORTON. There are over six million veterans of the Vietnam years. Over three million men served in Indochina. About one out of ten was wounded. Fifty-six thousand died. It was the longest war, but not everybody went. Some people stayed in school; some started families, joined the reserves. Having money for school or marriage helped. The men who went to Nam and came back aren't just like everybody else.

MURRAY POLNER, Ph.D., Historical Sociologist: The saddest part that most of us recognize is that what we did was create a whole class of new expendables here. And the most vulnerable kids from the most vulnerable families, the lower-middle income and the working class families, white and non-white, had their kids conscripted or conned into being—enlisting by the wagonload.

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(Band music: The Caissons Go Marching Along)

MORTON. After World War II, the bands played. The troops came home together—winners!

MILITARY PUBLIC ADDRESS. May I have your attention in the (indistinct) area. Detachment 5—loading for departure . . .

MORTON. They came home from Vietnam one at a time, as soon as their 365-day tours were done. Every man carried a calendar.

PILOT. . . . take this opportunity to welcome you aboard, and—for myself and the rest of the crew and Universal Airlines—we're very happy to have you with us on your return flight to the States.

MORTON. They came home to silence.

LONNIE GENTRY, Lima, Ohio. It's difficult just to zip right out of Vietnam and 72 hours later be standing on Main Street. It's kind of like a dream.

MORTON. Some liked the dream. For others, it turned sour. Many came back distrusting the military and carried that over into distrust of the Veteran's Administration, the establishment's offer of help. Some found government programs for veterans being cut back. Others found the GI Bill wouldn't pay their way through college. Still others found they couldn't use their military skills and couldn't get a job.

They came back to the world and didn't like it. Max Cleland, ex-Captain, Georgia State Senator, triple amputee: one vet who's made it.

CLELAND. Well, your basic plight is that he's participated in a combat situation, where much of the reason for that participation has been taken away. And it causes him some problems with his own identity when he gets back, and this affects his potential for employment, his potential for a full life, because he will always be thinking about that experience and he can never totally reject it, nor totally accept it.

Atlanta veteran K. C. MARKS. I was in Vietnam when Dr. King was killed. I think probably that had more to do with my own personal bitterness than anything else. It was, I feel, at that particular time that I began to question: why was I here, why was I fighting this white man's war?

Veteran JIM DUGGAN, East Alton Ill. I don't have any use for 65-year-old men sitting in high places making judgments on pieces of territory and getting young people killed and old people killed. I don't think there's any sense in it.

Veteran ARTHUR COHEN, Newark, N.J. Okay, you go fight for this country. You come back, you pay your taxes in this country, and you still can't find a decent job.

Veteran LARRY MILLER, Alton, Ill. People many times do seem rather leery of you when you report that you're a Vietnam veteran. And their questions are: Well, have you ever taken drugs?

New York City Veteran EZEKIEL CHAPLIN. What I'm keyed up about is what happens after you get back. You understand? You know, you're just like a top—top of a soda bottle, you know. When you take it off, you throw it away. You don't need a top, you know. You only need what's in the bottle. So the bottle is empty and they don't need you, you know. You're just wasted, period.

MORTON. Not all Vietnam veterans agree with Ezekiel Chaplin that they are wasted men. Many—no doubt a majority—came comfortably home. But others—a million, two million—of those six million veterans did not. And it seems, although there are no statistics, that the men closest to the war felt the waste most strongly. They find frustrations here: stone walls—a country full of people who don't know where they have been. For them, the end of the war has not brought peace with honor.

Bruce Morton, CBS News, New York.

THE VIETNAM VETERANS' DILEMMA—PART II

WALTER CRONKITE. Many Vietnam veterans whose education was interrupted by the war are having difficulties readjusting to civilian life. Tonight, in the second of a series of reports, Bruce Morton examines the GI Bill and how its value has changed.

MORTON. The government spends a lot of money changing civilians into soldiers. Now, some veterans ask, will the government spend what it takes to change them back again?

If a Vietnam veteran complained that his GI bill doesn't give him the educational benefits the World War II bill gave his father, he'd be right, though Veteran's Administration head Donald Johnson disagrees.

JOHNSON. I think that if you will look at the figures that the $220 is slightly better than what his World War II father received. In the cost of education, the cost of living today, all factors involved, it is slightly better.

MORTON. But the old bill paid tuition, even at a high-priced place like Harvard. The new bill pays $220 a month for everything; tuition, room, board, books. It doesn't come close to what Harvard costs.

World War II VETERAN. In the old days, of the $75 a month that I received and the tuition. I wound up with about $1400 a year, and I could go to the best college in the land, Harvard, and still have $100 a month pocket. Today the Vietnam veteran gets about $1980 a year and he just can't cut the mustard. He can't even pay half the tuition, let alone his subsistence.

MORTON. After World War II, the veterans came home together in masses, and went to college that same way—a quiet revolution in American education. At Harvard, at Notre Dame, the class of 1948: over 50% veterans. The class of '72: less than 2%. Vets must seek lower-cost education, state universities, community colleges; good in some states, crowded in others. And the vets who need the most schooling are getting the least.

ANGEL RODRIGUEZ, Rutgers veteran program. When monies are needed to develop programs for veterans, we are seeing now that all monies are being impounded and cut off from these programs.

MORTON. Angel Rodriguez had some poverty program money to recruit veterans at Rutgers. The money ran out. He worries because, while almost half the veterans who had some college go back for more, only about one high school graduate in seven returns to school—less than one high school drop-out in ten.

UCLA has a crash program for drop-outs. Three months, a high school diploma, a push toward college. It works!

HANK MARTY. Being finished here, you know, it's an accomplishment that I've never had before, you know, achieving something in school. And it's kind of a thrill to me.

MORTON. But very few schools do this. Government funding comes to less than $6,000,000 nationwide. Last year, Congress appropriated $25,000,000 to pay schools which increase their enrollment of veterans. Administration officials called this bribing schools to sign up vets. They haven't spent the money and want Congress to repeal the program. The National Association of Collegiate Veterans has sued to force the government to spend the money.

JIM MAYER, National Association of College Veterans. Vietnam veterans may be a priority with a number of people in government. The basic question is: When it comes down to spending money, will the money be spent? But when it comes to the decision of whether to spend a lot of money, too many people—in my mind—from the government are saying no.

MORTON. And there's one other problem. Every veteran we talked to, who was in school, said his checks came irregularly and late.

LARRY BLUE, East St. Louis. And you start going to school—I went to school in September; I got my first check in December. I got to pay $150—No, $180 tuition, $40 a month for rent, got to buy books, got to eat. Man, look here!

MORTON. The Armed Forces Journal says the Veterans' Administration central office had a quarter of a million non-payment complaints in 1971. Administration officials not in the VA said they thought a new computer system had corrected the problem, and were concerned that it has not.

Bruce Morton, CBS News, New York.

THE VIETNAM VETERANS' DILEMMA—PART III

CRONKITE. Since 1970, more and more Americans have become aware of how difficult it is to get a job. Vietnam veterans were—and are—no exception. And not only are they finding it's no advantage to have served in the Armed Forces, but many are learning it can be a handicap.

In the third of a series on the plight of veterans, Bruce Morton reports on employment.

MORTON. You may learn your job in the service. The question is: Can you work at it once you're out? The answer is often no. There are so many veterans on welfare in New York City they have their own welfare center with some 4500 Vietnam veterans on the rolls. They mostly don't like it here.

EZEKIEL CHAPLIN. This is my first time here, which is now rock bottom. I don't have no place else to go. You understand?

MORTON. For most of the war, unemployment among Vietnam veterans was actually worse than among other young men. Now the rates among vets and non-vets are about even. Veterans Administration head—Donald Johnson.

JOHNSON. More effort, I think, has been exerted for this veteran than any other war in finding jobs. And the response from the private sector has been tremendous, as is illustrated, I think, by the latest unemployment figures among veterans.

MORTON. With small ups and downs, between 250- and 400-thousand Vietnam vets have been unemployed at any time over the last few years. About 300-thousand are unemployed now. And the Administration wants to cut back two programs—Public Service Employment and Manpower Development—which have given jobs to 100-thousand more. So *they* may be looking for work. Still, it's not all government. Max Cleland—Georgia State Senator and Vietnam veteran.

CLELAND. We have been taken out of the mainstream of our economic life, our educational life, and you come back and—whereas your peers have moved on—they have maybe two or three years in seniority ahead of you in school or in the job that you're interested in. So we find that it's not really a plus at all, as far as economics and employment is concerned.

MORTON. Some military skills aren't transferable to civilian life. There's no market for marksmen. But a lot of military skills *are* transferable, if you can find an employer who'll give you a chance.

Ex-medic Lonnie Gentry drives an ambulance now—$95 a week. He learned other medical skills in the service, but couldn't find anyone who wanted them back home.

GENTRY. In the past, perhaps, you've been in charge of an emergency section for many months. And you come out and you halfway expect to get a halfway decent position in an emergency room somewhere around the country or wherever you desire to work. And you can't get it. And you *won't* get it—because you are not certified.

LARRY MILLER. A person has three or four years' experience driving one of these rigs, then comes home and tries to get a job as a truck driver. No! You can't. The best we can hope for, in many cases, not in every case—but in many cases, is to get the guy enrolled in a school to learn how to drive a truck that he already knows how to drive.

MORTON. Some veterans think—and some surveys show—that employers distrust Vietnam vets, see them as My Lai baby killers or junkies. Chris Kelley talked with Howard Walton about one job interview.

WALTON. It seemed like: "If it—you know, if you don't think I'm going too far, man, you know, just let me see your arms, you know. Not that I'm saying that you're lying to me, but—Well, when we go for the physical, they'll know it anyway, 'cause, you know——"

KELLEY. He asked to see your arms?

WALTON. Yeah.

KELLEY. Did you show him your arms?

WALTON. I did.

KELLEY. Have you ever used drugs?

WALTON. Never.

MORTON. A Vietnam veteran's group borrowed this bus so some veterans could go apply for factory jobs. Companies are supposed to tell the State Employment Service about jobs, and it gives veterans a preference. But a lot of companies just don't bother. These men got there too late.

The government and businessmen have sponsored job fairs, but most vets who came unemployed left unemployed. This job fair in Chicago ended in a shouting match. A government Jobs-for-Veterans program, a public relations campaign, contacted 900-thousand employers. Fewer than one percent replied. And a lot of veterans say the jobs they do get are dead-end: $2.00 an hour and nowhere to go.

Alton Ohio Veteran BILL VARBLE. One of the great problems is that if a man cannot get a decent job, if he finds that, you know, he has no other outlet, then sooner or later he's going to try to change it—in maybe the only way that he really knows. And maybe that's going to be violence, because he has had some training in this area.

MORTON. Bruce Morton, CBS News, New York.

THE VIETNAM VETERANS' DILEMMA—PART IV

CRONKITE. For ex-servicemen seeking jobs or benefits, discharge papers could make or break their chances. Tonight, in the *fourth* of a series on Vietnam veterans, Bruce Morton examines the problems encountered by some of the tens of thousands of men with less-than-honorable discharges.

[BAND MUSIC—The Caissons Go Rolling Along]

BRUCE MORTON. For some veterans, the units stood down, their war ended, and that was that. Honorable discharge. Hello world.

But others carry paper scars.

VETERAN. I had three and a half good years served there, and right at the end, you know, when—then, then I got busted, and they gave me a general instead of an honorable.

MORTON. John Revenbourgh works at a veterans' service center, and he's talking to this veteran about his less-than-honorable discharge, what the vets call "bad paper". There's a lot of bad paper around. Most people get honorable discharges, of course, but not all. About a hundred and eighty-eight thousand Vietnam vets got less-than-honorable discharges—not dishonorable, usually; those are rare, awarded after a court martial. Most bad discharges, about six out of seven, are undesirable discharges, given administratively, no court martial safeguards like lawyers or rules of evidence. Ray Bonner, once a lawyer in the Marines now working on bad discharges with Ralph Nader's law group.

RAY BONNER. The bad kind of discharge can only be awarded by a court martial, and based upon my experience as a lawyer in the service, I think the court martial system is pretty fair. I cannot say the same about administrative process by which an individual receives an undesirable discharge.

MORTON. These St. Louis University law students working with the ACLU in Washington help vets with bad paper get their discharges reviewed. But the process is slow, at least six months, if nobody's lost your records, and usually the review board refuses to change the discharge. A man with an undesirable discharge can apply for veterans' benefits, the GI Bill, for instance, but the way the Veterans' Administration interprets the law, he usually doesn't get them. Ninety-three percent of recent bad paper applications lost.

It's hardest on black veterans. A Defense Department report says they get a higher proportion of undesirable discharges than whites with similar aptitudes and education.

The military used to give bad discharges for drugs, so that a man with a drug problem couldn't get treatment from the VA. Now they give a general discharge and are willing to upgrade old undesirable ones. Nader's law group is suing to force the Pentagon to notify each veteran who's eligible to have his discharge changed.

BONNER. What we have attempted to do is to get the Defense Department to demonstrate their good will and their good faith in this area by individually notifying all veterans who might be entitled to have their discharges reviewed, that is all veterans who received drug-related discharges.

MORTON. With a general discharge—and about two hundred thousand Vietnam vets have them—a man is eligible for veterans' benefits, but he can still be hurt. His discharge may carry a code number. Two hundred, for instance, means the military found him unsuitable. Three eighty-four is a drug offense. Employers know the code, and a man with that drug number on his form, even if it means just one brush with marijuana, may have permanent trouble getting a job. General discharges—bad discharges—almost four hundred thousand of them among Vietnam veterans. That piece of paper can haunt a man for years, and getting it changed isn't easy.

Bruce Morton, CBS News, Washington.

THE VIETNAM VETERANS' DILEMMA—PART V

CRONKITE. In the first parts of our series on Vietnam veterans, Bruce Morton has explored such things as jobs, schooling and GI benefits. Today, in our final report, a look at the Veterans Administration and its apparent generation gap with some of its clients.

[Music: "Give My Regards to Broadway"]

BRUCE MORTON. New York had a home-with-honor parade after 12 years of war in Vietnam: Old songs, old faces.

Veterans at parade [chanting in protest]. Vets want jobs, not parades!

MORTON. And some Vietnam veterans who felt out of step with this old-timey celebration. They take that feeling with them when they look for veterans benefits.

The Veterans Administration is the government's third largest bureaucracy. But most of its clients are older veterans of older wars. Three-quarters of its $12-billion budget goes to them. The VA turns some younger veterans off.

JIM DUGGAN (East Alton, Ill.). You take a number, and you stand in line, and you get a card, and you sit down, and you fill out the card, and you get in another line; and you get another piece of paper; you sit down and you fill that out, and you go to see a counselor, and she tells you to get back in line. It's very frustrating. A lot of times you quit; you say the hell with it. It is not worth it.

DONALD JOHNSON (Veterans Administration). Well, of course, this so-called alienation with the establishment is prevalent with some. However, we certainly have shown that they are seeking assistance from us, and, in addition, we are going out to them.

LARRY BLUE (Student, East St. Louis). Nothing wrong with the VA, but it just don't work. What—what it said is all right. What's on the paper is cool, but that's just like a—a '73 Cadillac with no motor. It looks good, but once you get in it, you know nothing's happening.

MORTON. That student at an East St. Louis community college doesn't like the VA. He was talking to a man from another agency, an experimental veterans' service center funded through this June by the State of Illinois. The theory? The VA is too remote, too old-fashioend, to reach young veterans suspicious of bureaucracy. So the state financed two centers—in mostly black East St. Louis and in Alton—staffed and run by Vietnam veterans trained to deal with the VA bureaucracy three hundred miles away in Chicago.

CURTIS THOMAS. We follow the concept of veterans working with veterans, instilling confidence, you know, in the veterans to come to us for service, and we're going to make contact with people that the VA office will never see.

MORTON. They work in pool halls.

VET COUNSELOR. Well, if you want to, like you can come down to the Veterans Service Center [indistinct] sometime, and we can put you back in the files, that you're not unemployed—that you're unemployed.

MORTON. The theory is outreach. Go find veterans. Try to help. Jobs. Schools. Whatever! John Welle from the Alton Center talked with a friend about help for a veteran with a drug problem.

JOHN WELLE. In staff meetings he says he can't find out everything about the case, but he says he'll give a brief tonight. He's going to give me a call tonight.

FRIEND. He will. All right. I think that all we can do is we can get the information together. I don't want to do anything until she says "This is what I want done." In other words, I don't want us to run in there and cause more trouble.

MORTON. And with another veteran who may know still others who need help.

WELLE. And another thing, if you see any other vets that you know that are having any kind of difficulty—finding a job, dealing drugs—if they don't want to—if they want to get off the heroin or whatever, you know, send them to us, will you, because we can help them.

MORTON. The veterans in Alton and East St. Louis think they're doing a job the VA cannot do. Some high Administration officials agree the massive VA isn't reaching out. They find the Illinois experiment interesting. The officials say most veterans have made it back into the world, which is true, but they concede that many haven't, especially the poorest, the least educated. They are back, these different veterans of a different war, still searching for a decent job, an education, searching, above all, one veteran in Alton told me, for respect.

Bruce Morton, CBS News, Washington.

## WHAT IS WRONG WITH THE PROPERTY TAX?

Mr. MUSKIE. Mr. President, last Thursday the Subcommittee on Intergovernmental Relations held hearings on a relatively little known but growing problem of property tax administration—the use of mass appraisal firms by States and local tax jurisdictions to perform reassessments.

The use of mass appraisal firms is a direct result of the shortage, in most States and localities, of qualified professional personnel to perform the assessment function. When, as a result of court orders or legislative mandates, entire



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counties, metropolitan areas or even States must be completely reassessed, public officials have no recourse but to turn to mass appraisal firms to do the job.

The availability of mass appraisal firms permits States to postpone the development of substantial in-house assessment capabilities, and although such firms are not in and of themselves bad, there have sometimes been conflicts of interest. One such firm in particular—Cole-Layer-Trumble of Dayton, Ohio—was a focus of our hearings last week and is the subject of an article appearing in the May 7 issue of the Nation.

In this article, the author, Peter Gruenstein, has provided a substantial accounting of the questionable activities of Cole-Layer-Trumble, the largest of all mass appraisal firms with past or present contracts in at least 20 States. The facts presented in this article argue strongly for Federal certification of mass appraisal firms—a step which I have proposed in S. 1255, the Property Tax Relief and Reform Act of 1973. I ask unanimous consent that this article, entitled "What's Wrong with the Property Tax," be inserted in the RECORD at the conclusion of my remarks.

In addition, I ask unanimous consent that testimony received during the subcommittee's hearings last week from Mr. Jonathan Rowe, of the tax reform research group, which was inadvertently omitted from yesterday's printing, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT'S WRONG WITH THE PROPERTY TAX

(By Peter Gruenstein)

The Supreme Court's approval in the *Ferrano* case of the property tax as a way to finance local education means that this most maligned of revenue raisers will be with us for some time to come. While there is no doubt that the vast majority of present local property tax system are steeply regressive and grossly discriminatory, much of the criticism leveled at them has been misdirected. It is one of the "least understood subjects of public and official discussion today," says Ralph Nader. "Indications are that the property tax could be a fair, equitable and progressive tax. If the revenues currently lost through underassessment and maladministration could be regained, the burden on small taxpayers could be much less even under existing laws."

Mason Gaffney, an economist with Resources for the Future in Washington, agrees. Gaffney believes that the property tax is potentially more progressive than the income tax, for the reason that property is more inequitably shared in the United States than is income. Almost everyone has some income, but many own no taxable property; 10 per cent of the population gets 30 per cent of the income but owns 50 to 60 per cent of the real estate. Also, a good property tax can serve to plug income tax loopholes.

In other words, the property tax (which now raises more than $40 billion a year) is reformable, although local property tax systems are usually so riddled with incompetence, inefficiency, conflict of interest and sometimes outright corruption, that it will be no easy task. In fact, if the federal income tax were administered as poorly as the property tax, we would probably have lacked the funds to fight in Vietnam.

A large part of the property tax morass stems from unprofessional or dishonest assessments which produce tremendous tax breaks for large corporations and the wealthy. For example, a study made by Texas University law students found that oil-producing properties in Hector County, Tex., were underassessed by about 56 per cent as opposed to about 7 per cent for home owners. Union Camp, a large South Carolina corporation, sold to the state for $2,000 per acre land that was being assessed at $20 per acre. Even after the sale, adjoining Union Camp land that was not sold continued to be assessed at $20 per acre. In Appalachia, rich coal lands are being assessed at $10 per acre or less, even though they sell for $200 to $500 per acre on the open market.

One of the most disturbing trends in the assessment of property has been the rise of large national appraisal firms—companies with which municipalities contract to reassess all the real estate within their jurisdictions. By far the biggest of the fifteen or more such firms is Cole-Layer-Trumble, based in Dayton, Ohio. In a number of cities where CLT has been hired to do reassessments, allegations of gross inefficiency, discrimination and conflicts of interest have been leveled at the firm. Its corporate history and recent troubles provide a fascinating glimpse into the property tax mess.

In April 1970, American Appraisal Co. (AAC) bought out CLT and formed a holding company called American Appraisal Associates (AAA), with AAC and CLT as subsidiaries. Individual companies hire AAC to make private appraisals of their property; such valuations can then be used to fight a property tax assessment or to determine depreciation or insurance rates or help to set terms for sales, mergers, loans and collateral. Another AAA subsidiary, Stone and Youngberg, advises local governments on how to finance various projects such as water and sewer systems. The potential for conflict of interest among the three subsidiaries is blatant.

For example, might CLT, when making citywide assessment of property, be tempted to give a break to a corporate client of AAC? Might it be inclined to accept a prior appraisal made by AAC of one of its corporate clients property (which may have been purposely assessed as low as possible) rather than make its own higher assessment and risk the indignation of the client? Suppose CLT does make its own assessment of an AAC client and the client challenges the new figure, how hard will CLT fight to sustain its valuation? What about potential clients? Will CLT tend to be more lenient with corporations than with ordinary home owners, hoping that grateful companies will subsequently call on the services of AAC? Similar questions can be asked about the activities of Stone and Youngberg which, for example, advises its municipal clients on how to finance a new sewer system. Will the system be financed by issuing bonds (which corporations like) or through a user fee (which corporations, as the largest users, tend not to like)?

Ettore Barbatelli, president of the AAA holding company, maintains that there is no conflict of interest. In a letter dated February 15 he stated:

"American Appraisal Company and CLT operate completely separately from each other. They do not communicate with each other, have no access to the other's records, no knowledge of the other's clients. They do not exchange information; each uses separate and different valuation procedures because of the nature of the work; they do their own pricing and research; they take separate records, and have separate staffs that are not co-mingled in any way. Each company manages itself, elects its own slate of officers, has its own Board of Directors, and fashions its own policy."

On January 18 Barbatelli told the Nashville *Tennessean*, "There is absolutely no relationship or interchange between [AAC and CLT]." Not quite so.

The day the merger between CLT and American Appraisal Company was completed, CLT sent a memo to its clients, stating:

"This merger combines our services in the governmental appraisal field with the most outstanding company providing full valuation service for private business.

"In our first discussions with officials of American Appraisal . . . it developed that each company had the same goals and objectives for business development in our respective fields . . . We feel that the alliance of the two companies will enable us to better serve our clients *through the exchange of technical knowledge* and will enable us to offer you total valuation services" (emphasis added).

On February 21, William Gunloch, president of CLT, and Barbatelli, who is president of AAC as well as the holding company, admitted that one AAC employee was transferred to CLT and then back to AAC. Even more revealing was a memo dated November 30, 1970, from AAC in Pittsburgh to CLT in Columbus, Ohio, thanking the public assessing company for providing "sales and field data" to the private company. Six weeks later, CLT in Pennsylvania gave AAC in Columbus appraisal data for an Alcoa plant in Westmoreland County, Pa.

Barbatelli's statement that "each company manages itself, elects its own slate of officers, has its own Board of Directors, and fashions its own policy," is at best misleading. Five of the ten CLT officers and directors own stock in the holding company and thus have a direct interest in the success of American Appraisal Company (which accounts for 44 per cent of the holding company's receipts of more than $40 million). The five CLT officers and directors have almost $6 million invested in American Appraisal Associates and seven of the twenty-seven officers of the holding company have $257,210 invested in the success of CLT.

But CLT's conflict-of-interest problems are more than potential or theoretical. On January 16, the Nashville tax assessor, Clifford Allen, charged that twenty-one gas stations owned by major oil companies had been given assessments by CLT, which had been hired to do citywide reappraisals. That was as much as 60 per cent below fair market value. (Since all twenty-one stations had been bought after 1970, it was easy enough for Allen to determine their minimum market price.) Said Allen:

"This appraisal company had the purchase prices staring them in the face when they made the appraisals. These are not mere isolated mistakes made by some inexperienced appraiser. Rather, they are typical of the low appraisals which this out-of-state firm has placed on properties owned by the major oil companies throughout the country. They follow a consistent pattern and deliberate policy, obviously established by those in a policy-making position, to favor the big oil companies with low appraisals."

Allen, a past president of the International Association of Assessing Officers, also charged that a third of the 35,000 to 40,000 Nashville properties sold in the previous three years were appraised either too high or too low. (General assessment standards allow a deviation of 15 per cent from the purchase price of property sold within the previous three years.)

On February 13, Allen filed suit in federal court to enjoin CLT and the holding company from engaging in monopolistic practices, and requiring the conglomerate to disclose the names of its corporate clients in Nashville. The class-action suit charged the conglomerate with conspiring to give large Nashville corporations tax breaks at the expense of home owners, farmers and small businessmen. Allen was prompted to go to court by a strong suspicion that at least some of the corporations favored with low assessments were AAC clients. While continuing to maintain there was no conflict of interest, AAC declined to list the names of its Nashville clients.

Allen's charges stemmed partly from the experience of his principal appraiser, William S. Nichol, who was assigned to work full time on CLT's assessments. In a sworn deposition taken for the suit, Nichol states:

"There are innumerable other parcels of rural property in the out-lying sections of the country, which are miles removed from any access to public water, sewers and other necessary public utilities that have been appraised by Cole-Layer-Trumble Company on pure speculative values, in violation of the express provisions of its contract and Sections 67–605 of the Code, at 100 to 200 per cent higher than the amount paid for such properties within the past one, two and three years by their new owners.

"By contrast, CLT's appraisals on large industrial and commercial properties are almost consistently low. This is true not only of the properties recently acquired by the major oil companies, twenty-one of which are appraised at more than 56 per cent below what the oil companies paid for them, but also with respect to innumerable other properties owned by large, national corporations such as make up the clientele of CLT's affiliate, the American Appraisal Company, Inc.

Nichol cited several examples of such corporate favoritism: a Sears-Roebuck store, built in 1969 at a reported cost of $2,661,000, was given a CLT appraisal of $1,755,030—a depreciation of $905,970. (Sears's concern for favorable assessments is suggested by the fact that each year it throws a party for the assessors at their national convention.) A J. C. Penney store was assessed in 1972 by the local Board of Equalization at $5,009,000; CLT appraised it at $4,309,890. A representative of the Oscar Mayer Meat Packing Plant in Nashville admitted in sworn testimony before the Tennessee Board of Equalization that the plant cost $11 million to build; CLT appraised it at $7 million.

When Nichol cited these underassessments as examples of poor CLT work, he had no idea which Nashville corporations were clients of AAC. Under court order, the firm in March released the names of its Nashville clients. J. C. Penney, Oscar Mayer, American Oil Co., Shell Oil, Chevron, Exxon and Mobil Oil were among those on the list.

CLT also ran into trouble on a $1 million reappraisal study in Westmoreland County, Pa., just east of Pittsburgh. On December 22, 1972, several tax groups, including Ralph Nader's Tax Reform Research Group, asked the Pennsylvania Attorney General to investigate the "irregularities" of the CLT assessments. In 1971, the tax groups charged, Richard Mellon Schaife purchased 178 acres in Westmoreland County for $589.55 per acre. CLT appraised the property at $132.65 per acre. Yet another 312-acre tract of Mellon property was appraised at 64¢ per acre. The former chairman of the assessment board in Ligonier Township, Westmoreland County, charged that CLT had increased appraisals on Mellon property by only 2 per cent, while non-Mellon property in the township was being appraised at an additional 40 per cent. A Chrysler plant, whose construction cost was $50 million to $60 million, was assessed by CLT at $10 million.

Troubled by the apparent irregularities, the Westmoreland County Comptroller and District Attorney ordered a study to be made of CLT's appraisal activities. The report concluded, among other things, that in many cases, CLT had simply copied the county's old assessment records; failed even to look at some buildings it was appraising; used nonprofessional employees who had been given only a few days of training in assessment practices; used assessment formulas invalid under Pennsylvania laws; broke various provisions of the contract; and failed to return maps and provide progress reports to the county. The Pennsylvania Attorney General's office is now investigating CLT's Westmoreland reassessments.

When Newcastle County in Delaware decided to update nineteen-year old assessments, it contracted with CLT for the job. The chief county assessor, David R. Reed, became suspicious of CLT's assessments of downtown office buildings and discovered that "apparently, some of the offices have taken tremendous cuts," according to the *Wilmington News-Journal*. According to Reed, who had worked twelve years for CLT before becoming Newcastle assessor, among the buildings which had been devalued were several owned by the Dupont Co. Less than three weeks later, a CLT official admitted that its sister subsidiary, American Appraisal Company, had performed work in Delaware for Dupont and other Newcastle County companies. (Dupont was also listed as an American Appraisal Company client in Nashville.) A month later it was reported that Dupont had persuaded CLT to reduce its original assessment of its property by $4 million. When assessor Reed asked CLT for data on which the reduced assessment had been made, the firm refused. In usual practice, such data are routinely made available to the public officials who contracted for the assessment study in the first place. The Newcastle County government has hired a new firm to assess the CLT assessments.

In the 1960s, West Virginia undertook a reassessment of all of the properties in the state. Cole-Layer-Trumble was engaged to do more than half of the work, including the industrial properties in Mercer, McDowell, Wyoming and Harrison Counties. As part of its work, CLT appraised properties owned by Consolidation Coal Company in these counties at $39.7 million. A year later, however, CLT reduced the coal company's assessed value by $12.3 million. The new assessments were distributed to the four county assessors without the knowledge of the state tax commissioner and other top tax officials. The state tax department learned of the new "Consol" assessments when one of the four county assessors called the state office and said he couldn't understand why the assessment had been reduced $3.6 million in his county when Consol had just built an expensive new plant. The state then decided to reassess Consol's property in the four counties, using its own assessors. The $12 million cut was restored.

A Fulton County (Atlanta), judge on April 9, 1971 voided all CLT assessments there on the basis that there was "potential discrimination. . . . There exists innumerable inequities and a lack of uniformity growing out of the reappraisals, between properties of the same classification."

In Cleveland, city officials were deluged with 48,000 complaints from homeowners after CLT completed a reassessment. Many complained that inexperienced college students were making the on-site assessments. (CLT said this was common practice.) One woman's chicken coop was inaccurately appraised at $10,048. In Hamilton County (Cincinnati), the president of the county commissioners called the CLT assessments inequitable after more than 10,000 complaints were received.

It is difficult to generalize about mass-appraisal firms because very little is known about them. Some certainly have better records than does CLT; others probably have worse. Reassessing an entire metropolitan county—especially when it has been many years since the last assessment—is no easy task. Even when the appraisals are done well, the taxpayers are very likely to be irate when their property assessments jump 30 to 40 per cent in one leap.

Yet, there is little question that something is radically wrong with the mass-appraisal system used by most cities. Jonathan Rowe, the Nader Tax Group's property tax expert, believes that cities should avoid mass-appraisal firms and do the job themselves. He notes, for example, that in many states mass-appraisal firms may not be subject to conflict of interest criminal statues, freedom of information statutes, or other laws designed to protect the public. Attributing much of the unpopularity of the property tax to infrequent assessments, Rowe wants states and local governments to develop a permanent, in-house assessing capacity, so that reappraisals of property can be made far more frequently, perhaps every year.

Unfortunately, few politicians in Washington have taken a serious interest in property tax reform. The extent of the Administration's interest was some noises about a Value Added Tax (in essence, a national sales tax), the receipts of which would have been used to reduce the property tax burden. The silent majority's reaction to the regressive VAT was deafeningly negative and the proposal was withdrawn. Sen. Edmund Muskie (D., Maine) began hearings last spring on property tax reform in his Inter-Governmental Relations Subcommittee. At the urgings of Rowe and others, he has agreed to hold hearings on mass-appraisal firms some time in the future. Muskie and Sen. Charles Percy (R., Ill.) have introduced legislation that would subject the mass-appraisal industry to federal regulation.

Muskie and Percy have also introduced legislation in the Senate, entitled "The Property Tax and Relief Reform Act of 1973," which, among other things, would provide grants and interest-free loans to state and local governments willing to make their assessment procedures more open, honest and professional.

A system of intelligent federal incentives to get local governments to reform their property tax structures makes sense. Unfortunately, most members of Congress and the Administration seem uninterested. "Nixon is always criticizing liberals for wanting to throw money at the problems," states Rowe, "and yet, how does he propose to revitalize state and local governments? By throwing revenue-sharing money at them. The mass-appraisal quagmire illustrates that it is going to take much more than federal money."

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STATEMENT OF JONATHAN ROWE BEFORE THE SENATE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS, MAY 4, 1973

Mr. Chairman and members of the Subcommittee. Thank you for inviting us to testify on S. 1255, the "Property Tax Reform Act of 1973," which the Chairman has introduced. I head the property tax reform project of the Tax Reform Research Group, which is associated with Mr. Ralph Nader's Public Citizen Inc. With me is my colleague, Barry Greever, who also has been working on property tax matters, and especially on problems arising from mass appraisal firms.

I will address the Chairman's bill generally. Mr. Greever will focus on mass appraisal problems.

At this time last year, members of both political parties were proposing wholesale, across-the-board cuts in property taxes. This year the focus has shifted to more carefully targeted relief, and to reform.

The reasons are important. First, it is becoming clear that taxes on property, in some form, will not be wished away. Second, the Supreme Court has refused to uphold a school financing case which would have been a spur to property tax reform. Third, it is clear that not everyone *needs* property tax relief. Many wealthy homeowners and renters—let alone commercial and industrial taxpayers—reside in low tax havens and could well afford to pay more. Cutting *everyone's* property taxes would lavish benefit on those



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who don't need it, while depriving those who do.

But most important people are realizing that there is nothing inherently wrong with a tax on property. Property is wealth, and such a tax need not be regressive or unfair. The problem with taxes on property today is the way they are structured and applied.[1]

Actually, two kinds of reform are necessary. One concerns property tax structure—the property that is taxed, the size of taxing jurisdictions, rate structures, and the like. Closing property tax loopholes could relieve excessive property tax burdens even more than closing income tax loopholes could help take the income tax burden off the wage earner.

The second kind of property tax reform is more modest. It concerns administration—enforcing the tax laws as they already stand. This means making asessment and tax collection effective and fair making sure that taxpayers have convenient ways to appeal unfair assessments. Above all, it means providing taxpayers the information they need to evaluate their local property tax administration.

The Chairman has introduced legislation, S. 1255, which combines carefully targeted relief with the second, more modest type of reform—the better enforcement of existing law. Under this legislation, the Federal government would provide half the cost of state programs to relieve excessive property tax burdens of the low income and elderly. In return, the states would have to administer their property taxes openly and fairly. They could still structure their property taxes in any manner they wished. And they would have very broad leeway in choosing how to administer these taxes. The Federal government would require, in the main, only a set level of uniform performance, however, the states chose to reach that level.

The goals of this legislation are responsible and progressive. The bill would encourage long-needed overhaul in the way property taxes are applied. And reform in administration could lead as well to reform in the way the property tax burden is structured.

Last year President Nixon announced a different plan. He sought to cut everyone's property taxes in half, and to replace the revenue with a national sales tax. Whether or not he has abandoned this wasteful and regressive plan, we do not know. But this week Treasury Secretary Shultz submitted a more limited relief plan to the House Ways and Means Committee. Under this Administration plan, the Federal government would provide property tax relief only to persons over 65; households up with to $25,000/year adjusted gross income would be eligible. The plan would do nothing to help or encourage the states to clean up and improve their methods of taxing property. Nor would it help overburdened property taxpayers who are not over 65. The first question is whether this Administration plan is "cost-effective"—whether it targets the most aid to those who need it most. We are mindful of the needs of the elderly. But a $25,000/year income hardly classifies one as needy. In 1971, less than 6% of all taxpayers filed tax returns showing income of $20,000 or more. It's true that the Administration plan would phase out relief at income levels over $15,000 a year. But people with incomes $15,000 and over still represent the top 15% of all filing tax returns.

Do persons over 65 making that much really need relief more than middle-aged breadwinners making much, much less?

There are other serious defects in the Administration Bill.

1. It steps in with relief only after property taxes exceed 5% of income, at all levels of income covered. The Chairman's bill, by comparison, steps in faster where need is greater. When household income is under $3,000, relief is triggered when property taxes exceed that income by 3%. When income is between $3,000 and $7,000, the bill would relieve property tax burdens over 4% of that amount.

2. It falls prey to the "Reagan Effect," where very wealthy individuals report little or no income. Under the Administration bill, the measure of income is "adjusted gross income"—AGI. (Plus certain items like social security and interest from tax-free municipal bonds.) But AGI can conceal more income than it reveals. It does not show income from the very tax preferences the wealthy use to bury their gains: one half of capital gains, percentage depletion, intangible drilling costs, excess depreciation on real estate, the bargain element of stock options, exempt earnings from foreign sources, interest on life insurance savings, and the like. In other words, the Administration proposal would grant additional benefits to wealthy taxpayers already profiting from income tax "loopholes."

The Chairman's bill moves toward a more realistic measure of income. But it seems to leave much discretion to the Secretary of the Treasury in deciding whether or not certain key items—such as capital gains—are included.

The bill should specifically include gains of every kind in its measure of income. This is a time to be closing loopholes, not extending them. As suggested by economist Henry Aaron, the bill should contain wealth, or net worth, limits as well as income limits, as do the circuit-breaker plans in Maine and Colorado. This would prevent relief from being wasted on wealthy households that contrive to report low incomes.

3. The Administration bill lays down an inflexible 15% as the amount of rental payments it considers as property taxes. Such a rigid amount is neither realistic nor fair. The percentage of rental payments that goes for property taxes varies from state to state and from locality to locality. It even varies for property of different value. By contrast, the Chairman's bill recognizes the need for flexibility. It allows the states to set any level between 15% and 30% as the amount of rent it deems paid for property taxes.

4. The Administration bill shuts out from relief people who receive family assistance or who benefit from any state, federal or local housing subsidies. It is arbitrary and unfair to single out for punishment people who receive assistance of these kinds, especially when the Administration bill shuts its eyes to income from the tax "preferences" listed above. Why should wealthy persons who get hidden welfare through the income tax laws remain eligible, while persons who receive an open welfare payment be cast out?

Actual need should be the only criterion.

5. The Administration bill sets up a separate federal system of property tax relief. The Chairman's bill, by contrast, works through, and strengthens, state relief/reform programs.

The most important question, however, is that of reform. It would be simply wasteful to bail out local property tax systems without giving them a beneficial nudge towards reform. The aim of federal property tax relief, and of this Subcommittee, should be to make state and local governments stronger and more effective. The Chairman's proposal, by encouraging reform, would do just that. The Administration proposal, relief without reform, does just the opposite. It would increase reliance on Washington.

True, that is probably the easier way, politically. But as the President has so often reminded us, the path that is politically the easiest is not always the correct one.

One result of relief without reform would be to tempt state and local governments to increase assessments on the elderly, knowing that the U.S. Treasury would pick up the tab. The elderly would then become mere conduits for extra revenue sharing from Washington. Thus assessment fairness tests, such as those in the Chairman's bill, not only help strengthen state and local government. They protect the federal treasury as well.

But most important, the Administration bill cuts most American property taxpayers out of what should be theirs. It is not only the elderly, or even the elderly and low income together, that deserve a better property tax shake. *Everyone* who pays property taxes deserves relief from unfair and arbitrary property tax administration, just as much as *some* need help meeting property tax bills. For decades, studies have deplored the glaring defects in the way property taxes are administered and applied. These defects affect *all taxpayers*. They open up the tax to the under-the-table dealing with which it is rife. Problems with mass appraisal firms, for example, are just a symptom of these basic defects.

Relief alone will just diffuse much of the pressure now building for reform.

The Administration cannot say that making property taxes open and fair is strictly a state and local matter. The federal government already has hand and foot in the property tax system—among other ways through the $2.7 billion in property taxes it allows homeowners to deduct from taxable income. The new Admhistration proposal is still further federal interference of exactly the wrong kind. In effect, it would be an expensive federal crutch for shoddy administration. If anything, it would delay needed reforms.

Is the Chairman's bill the best way to encourage the desired revamping? The bill would establish an office in the Department of the Treasury called the Office of Property Tax Relief and Reform. This office would make certain that the state relief programs meet the broad guidelines that the bill lays down, and that tax administration is sufficiently open and fair. Among other functions, the office would certify private firms that contract with state and local governments to perform property tax appraisals.

The bill stresses fairness of performance rather than specific practices the states must adopt. That is the right direction. Bureaucracy and red tape should be cut to a minimum—and then some. One way to do that is to strengthen those parts of the bill dealing with access to information.

The property tax can be, in large measure, a self-enforcing tax. Taxpayers need only the tools to do the job. These tools include complete, accurate, property tax information, and effective, convenient forums in which to challenge inequities.

To an extent, the Chairman's bill, S. 1255, would help provide these tools. But there is more the federal government can do to encourage effective citizenship in the property tax arena, and to help state and local property tax administrators as well.

1. *Corporate Property Data:* The federal government should collect from corporations detailed accountings of their real estate holdings, including location and value. Such properties are major sources of local property tax revenue; information about them would be of great benefit to both assessors and taxpayers.

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[1] Many recent articles explore this point, e.g.:

G. Gney, Mason. "In Praise of the Property Tax," *The Washington Monthly*, February 1973.

Gaffney, Mason. "The Property Tax is a Progressive Tax," paper available from Resources for the Future, 1755 Massachusetts Ave., Wash. D.C. 20036.

Peterson, George E. and Solomon, Arthur P., "The Property Tax and Populist Reform," *The Public Interest*, Winter, 1973.

"How to Cut Property Taxes", *The New Republic*, January 27, 1973.



Corporate real estate information is important for other uses, as well:

(a) Investor Protection. Such recent episodes as the Penn Central bankruptcy and the Equity Funding scandal show the need for much fuller reporting of corporate assets generally—of which real property holdings are an important part.

(b) Aid Land-Use Control. Before we can decide how to use our land, we need to know who owns it, how they are using it, and how they plan to use it in the future.

(c) Plot Trends in Housing, Agriculture, Resource Development, and Other Important Areas of Economic Activity.

The SEC, the Census Bureau, the IRS, the Office envisioned in the Chairman's bill, or some combination of agencies, could assemble this data on corporate real estate. Or the bill could require states to compile aggregate property holdings for large taxpayers.

Such disclosure is practical and tested. The SEC already requires a degree of corporate asset disclosure, so does the IRS. The State of Minnesota requires corporations to report all their farm holdings. In Wisconsin, corporate income tax returns have been made available to the public.

2. *Sales Price Data:* The federal government should reenact the nominal property transfer tax which lapsed in 1968. It should apply this tax, moreover, to the full sales price, not just to the equity transferred (price minus mortgage) as was the case before. Property transfer tax data appeared right on the deed of sale. Reenactment of the tax would provide valuable information to assessors, and would give taxpayers a way to check the accuracy of property tax assessments.

3. *Census of Governments:* Since 1957 the Census Bureau has included in its Census of Governments a volume called "Taxable Property Values." This volume gives detailed state by state breakdowns of property tax data, including total assessed valuations, and average assessment levels, for each type of property.

This volume could be a key tool for both assessors and local taxpayers in making the property tax work. The first "Taxable Property Values" study in 1957 helped spark the landmark, two-volume ACIR study, *The Role of the States in Strengthening the Property Tax*, from which in large part, current reform proposals and efforts have sprung. The property values study is a federal effort that can make the federal system stronger and. it should be expanded. The property values study should be done more often—each year at best—so that taxpayers have up-to-date information on property values and assessments. It should show the "dispersion ratio" along with the average assessment level for each type of property and at different levels of property value.[2] Moreover, it should do so not just for each state, but for taxing jurisdictions within each state as well.

Most important, the Census should include assessment studies of the highest value properties, since these are the most important revenue providers. Currently, the Census excludes all property worth over $500,000, since there are so few sales of such property to compare with assessments. But the Census could check assessment levels of this high-value property through spot appraisals. States like New York do so in comparing local assessment levels for school aid purposes.

These spot appraisals can be of great benefit to local taxing jurisdictions. For example, in 1968 a state appraisal showed that the Reynolds Aluminum plant in Massena, New York, was underassessed by at least 60%. Previously, the town had accepted figures Reynolds itself provided because it could not afford to make an appraisal of its own.

Despite the importance of these Census Bureau studies, essential parts of the program are being slashed this year for budget purposes.[3] This is wrong. The administration has oft repeated its commitment to strengthening the governments that are closest to the people. The Census of Governments is one means to that end.

And it is a low-cost means. The estimated cost of the *entire* 1972 Census of Governments—of which the Property Values Study was just one part—was only $1.4 million. By contrast, the Commerce Department spent twice that amount, an estimated $2.8 million merely to offer a "Business Research and Data Service" for major industries.

4. *Coordination of Existing Federal Government Appraisal, Property-Holding, and Value Data.*

The Advisory Commission on Intergovernmental Relations, in its recent study, "Financing Schools and Property Tax Relief—The Report in Brief," lists at page six existing federal programs which could provide valuable data to property tax administrators and taxpayers. I submit this brief summary for the record. The Chairman's bill should specifically instruct the Office it would set up to coordinate this data and make it widely available. This could help cut the costs of property tax administration. And it could weed out overlapping federal information programs as well.

5. *Develop Specific Ways for the IRS to Share Data on Property, Especially Intangible Property, with the States.*

Recent studies[4] have shown that we could cut property tax rates an average of one-third nation-wide, by restoring modest taxes on intangible property—stocks, bonds, and the like. Originally, the property tax included such property. But most states have stopped trying to tax intangibles because of enforcement problems. Now, however, the IRS has data on all dividend and interest payments of over $10. And federal law specifically provides for the sharing of such information with the states. The IRS should devise specific ways to effectively share this data, so that states can, if they choose, tap intangible property as a way to ease the property tax burden of homeowners and renters.

PROPERTY TAXES AND LAND USE

The Chairman's bill also directs the contemplated Office to develop plans to "coordinate state and local real property tax policy with the requirements of sound land use planning." Property taxes and land use are a major problem. In cities, underassessment of land and over assessment of buildings encourage decay, blight, and acres of vacant lots and parking lots. On urban fringe areas, sprawling suburbs and real estate manipulators drive up property values and force small farmers to sell their land.

The Committee should avoid the false start many states have made in dealing with this problem. And it should consider steps it can take now without waiting for the hoped-for report from the office the Chairman'a bill would establish.

Many states have passed laws to allow special low assessments for "farmland" and open spaces. Backers usually sell these bills to the public as ways to preserve open lands and protect them from development. But for the most part, special "farmland" assessments have turned out to be just bonanzas for real estate speculators and developers.

Maryland was the first state to enact such a law. USDA and other studies[5] have shown that the market for farm tracts in fast-developing Montgomery and Prince Georges Counties, where farm land most needed protection, remained brisk. In 1965, nine years after the act was passed, one-third of all farm tracts there had been acquired in the preceding five years. About one-half had changed hands in the preceding ten. And it wasn't farmers that were buying this land. The sales prices ranged between $2,000 and $4,000 per acre—far more than genuine farmers could afford.

The *Washington Post* shed light on who was buying this land. Levitt and Sons and Boise Cascade had both bought up thousands of acres of "farmland" in Montgomery County, the *Post* reported. In one case, the family of Washington mortgage banker Floyd Davis had a 194 acre tract on busy U.S. Route 270 across from a shopping mall. The tract was zoned for commercial and industrial use and was worth at least $13 million. But the Davis family made sure a small part of it was farmed. So this $13 million tract received a special farmland assessment of $38,590.

The *Post* estimated that it was costing county residents up to $10 million to provide property tax breaks for landowners like the Davis family, Levitt and Sons, and Boise Cascade. That came out to $52 for the owner of a $30,000 home.

A recent study by the Center for the Analysis of Public Issues, Princeton, N.J.[6] reached a similar bleak conclusion regarding New Jersey's farmland assessment law. The Center found that 20% of New Jersey's land gets special low assessments. Other taxpayers in the state or paying $48 million per year to make up the difference. (The state, by contrast, has invested only $140 million over the past 11 years to purchase land under a "Green Acres" program.) In 50 New Jersey municipalities, taxes on a $25,000 home have gone up over $200.

Who gains? Again, big gains are going to large scale land developers. The study found, for example, that a land developing subsidiary of the Interstate Utilities Corporation, one of the nation's one-hundred largest corporations, was getting special low assessments on 5,000 acres in one county. Levitt and Sons, the land development subsidiary of ITT, saved over $40,000 on 500 acres in one

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[2] Studying assessment differences between different levels of property value would help lay bare the regressive assessments uncovered in a recent HUD study of 10 cities. These regressive assessments inflict undue property tax burdens on the poor and promote urban blight. (This study is now a Committee print, entitled "A Study of Property Taxes and Urban Blight.)

[3] In past years, the Census has shown the total assessed value of different types of property within each taxing jurisdiction. This study helped show how such of the tax load each type of property was bearing. Now, however, only information for about 28 jurisdictions will appear.

[4] Hagman, Donald, "VIT for Vat: Is a Valorum Intangibles Tax a Democratic Alternative for a Value Added Tax", 1972. Institute of Government and Public Affairs, University of California, Los Angeles.

Snyder, Lester B., "Taxing the Unlanded Gentry: A New Trend in Taxation of Intangible Property," *Connecticut Law Review*, Vol. 4, No. 2, Fall, 1971.

[5] See House, Peter, "Differential Assessment of Farmland Near Cities * * * Experience in Maryland Through 1965," (USDA-ERS, ERS-358 Oct. 1967).

Murray, Ray A., and Cissel, Edwin L. "The Transfer of Farm and Open Country Real Estate in Maryland, 1964–1965." (Agricultural Experiment Station, University of Maryland, College Park, Md., Misc. Pub. 753, 1970).

Walker, William Paul, "Farm Ownership Valuation and Taxation in Rural-Urban Maryland" (Dept. of Agricultural Economics, U. of Md., College Park, Md., December 1967, Misc. Pub. 639).

[6] "Misplaced Hopes, Misspent Millions—A Report on Farmland Assessments in New Jersey," The Center for the Analysis of Public Issues, 924 Nassau St., Princeton, N.J. 08540.

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county. A subsidiary of the Atlantic City Electric Co., the study said, is getting a 90% assessment reduction for land already approved for development.

In state after state the story is similar. In California, "Dun and Bradstreet Sodbusters" like J. G. Boswell Inc., the Kern County Land Co., The Irvine Co., and the Southern Pacific Railroad are getting millions of dollars in property tax breaks under that state's "Williamson Act." These same landholders, it turns out, are cashing in on Federal Crop subsidy payments in a big way, as well. For example, the J. G. Boswell Co., which in 1970 received a Williamson Act property tax break of almost three million dollars, that year received the single largest Federal Crop Subsidy payment in the nation—almost four and one half million dollars. Giffen Inc., which received the nation's second largest farm subsidy handout, also gleaned a $183,000 tax break from California taxpayers. And far from preserving open spaces, the Williamson Act seems to be forcing development onto prime but unprotected lands close to cities.

A Rhode Island official responded candidly to this Subcommittee's inquiry about the state's farmland assessment law, ". . . . the law is largely ineffective in preserving open space, but it does provide a tax shelter for land speculators."

It is clear that property tax breaks for developers will not preserve farms and open spaces. Still, genuine small farmers do need property tax relief. And properly applied, such relief could indeed help preserve farmland. To that end, the Subcommittee could extend the relief under the proposed bill to genuine small farmers. To qualify for this relief, a state program should have to meet several minimal conditions. For example:

1. *Residency requirements:* relief should go only to farmers who actually live on their farms. Absentee landowners and corporations should not be eligible.

2. *Size limitations:* these could be in terms of acreage, value, and or number of employees, depending on the kind of farm and its location.

3. *Effective deterrent to development:* this deterrent could be the recapture of all taxes that were forgiven, for at least the five most recent years, plus interest at the normal commercial rate; a stiff land transfer tax; an "unearned increment tax"; a "zoning-up" tax; and/or some similar measure. The goal would be to make sure the public really gets farmland and open space for its tax dollars.

Such programs could apply to non-agricultural land, such as forests and open spaces, with like safeguards.

Further steps are a subject for future hearings. But before embarking on solutions to the property tax/land use problem, the Subcommittee might well consider how the federal government is helping to create the problem to begin with. Property taxes on farmland and open spaces go up largely because land values go up. And federal programs and policies are partly to blame for the enormous increases in rural and urban-fringe land values. These programs and policies include:

1. Mortgage-guarantee programs which encourage people to build and buy homes in the suburbs.

2. Highway programs which send development sprawling further and further out into the countryside and inflate property values there.

3. Federal tax preferences for real estate development that encourage new building and discourage rehabilitation of existing buildings.

4. Federal income tax deductions for homeowner property taxes and mortgage interest, but not for taxes and interest borne by renters.

5. Capital gains treatment of unearned increases in land value.

6. Exemption of land value increases until sale. This encourages developers and speculators to buy up rural land long before they intend to develop it. Property values leap and small farmers then have to sell their land.

7. Provisions which allow tax-loss farming. These further sweeten the pie for developers and speculators. They can farm their tax losses until they are ready to sell or develop.

Reversing such Federal policies could save taxpayer money, recoup extra revenues for the Treasury, promote better land use. Most of all, it would reduce the need for the Federal government to step in to solve a problem it was helping to create.

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## A NUCLEAR JAPAN?

Mr. CRANSTON. Mr. President, whether Japan acquires nuclear weapons or not is a major question that bears heavily on the future of world politics.

Mr. Lowell Ponte, a columnist for the McNaught Syndicate in Redlands, Calif., has recently written a series of articles challenging the Nixon administration to talk more openly about how our missiles and atomic secrets sold or given to Japan might prompt her to become a nuclear superpower. He discusses actions taken by the United States against the background of the internal debate taking place within Japan.

Mr. President, the whole subject of Japan's possible nuclear armament deserves far more public discussion. I ask unanimous consent that Mr. Ponte's articles, together with a statement and a wire service story, be printed in the CONGRESSIONAL RECORD.

There being no objection, the articles, statements and story were ordered to be printed in the RECORD, as follows:

LOWELL PONTE STATEMENT ON JAPAN'S CHANGE OF DECLARED NUCLEAR WEAPONS POLICY

It is good that reportage of my newspaper column series (the fourth & final part running today) by many newspapers in Japan has impelled Prime Minister Tanaka to admit the possibility his nation may acquire "defensive" nuclear weapons.

Questions raised in my series, which began March 14 and was given—at their request—to the Japanese consulate in Los Angeles, remain to be answered.

(1) Is the Nixon Administration following a policy calculated to make Japan at least "eight months pregnant" with nuclear weapons potential? Certainly the secret atomic and missile technology being offered to Japan could take her to that delicate condition.

(2) Why has Japan clandestinely developed a missile similar to America's Minuteman II Intercontinental Ballistic Missile?

(3) How far does Japan consider her "vital territory" to extend? To South Korea? To Indonesia? Does she include such areas in her "self-defense" perimeter? The so-called "three arrows plan" leaked by their defense agency in 1965 suggests it lies well outside Japan's islands.

(4) Are statements by Japanese leaders, including today's by Mr. Tanaka, designed to help change Japanese public attitudes to make such weapons more acceptable?

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NUCLEAR

TOKYO.—Prime Minister Kakuei Tanaka said Tuesday that he does not rule out the possibility Japan may arm itself with "defensive" nuclear weapons.

"We are not able to have offensive nuclear weapons," Tanaka said. "However, it is not a question of saying we will have no nuclear weapons at all."

Tanaka's aides said "defensive" weapons could include antiaircraft missiles and nuclear landmine devices designed to thwart an invasion.

Tanaka said the government still follows its longstanding three-point nuclear policy—Japan will not build nuclear weapons, own them, or allow them on her soil.

Opposition deputies, opposed to all forms of Japanese rearmament, pressed for a clear definition of what "defensive" nuclear weapons meant.

"It is difficult to judge when weapons are offensive or defensive," said Ichiro Yoshikuni, Chief of the cabinet's legislation office. "However, nuclear land mines for defense against military forces that had landed in Japan would be in that class."

Takuya Kubo, the top civilian servant of the Japan self-defense agency, added nuclear air defense missiles to Yoshikuni's example of land mines.

The 1947 constitution forbids the country to engage in war and forbids the maintenance of armed forces.

However, that constitution was "reinterpreted" in 1950 by its chief architect, the late Gen. Douglas MacArthur, to allow Japan to maintain forces for defense of its islands.

Though some conservatives have long wished to amend the constitution to put the armed forces on the same footing as other countries, they have not been able to muster the two-thirds majority in both houses of Parliament that is necessary to make the shift.

The constitution does not mention nuclear weapons.

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A NUCLEAR NIPPON?—PART I

(By Lowell Ponte)

The American Federation of Labor has raised a good question: Why is the Nixon Administration so eager to sell advanced missile secrets to Japan?

The AFL–CIO sees this as a pocketbook issue. The White House-approved sale of Thor-Delta rocket-launching hardware and know-how could bring a quick $100,000,000 in profits to the McDonnell Douglas Corp., but according to the AFL–CIO, it will hurt American workers.

As taxpayers it cost us plenty to perfect this technology, which now may be exported at bargain rates to foreign manufacturers who soon will be competing with us in the world missile market and costing us jobs.

But more than bread and butter is at stake. The larger question is: Why, since 1968, has our government pursued a policy calculated to make Japan a nuclear-weapons superpower in the near future? Why are we hurrying to share missile secrets and atomic secrets with the Japanese, and to transfer large amounts of weapons-usable radioactive materials into Japan's hands?

Our government runs away from such questions. The official position on the Thor-Delta system, for example, is that it will help Japan launch satellites beginning in 1975. In the words of State Department Spokesman Charles Bray, the system has "very little or no military potential."

Is this true? Suppose you gave someone a rifle but no bullets, knowing full well that he could produce his own bullets easily and quickly; only by stretching truth to its limit could you say the bulletless rifle has "no military potential."

We are selling them early variety of Thor-Delta, including a first-stage booster and second-stage rocket, but minus a guidance system. By itself this could launch a 300-pound pay load into orbit but would have "no meaningful military capability without a guidance system," our government assures us.



The trouble is, Japanese electronics are superb; they can easily provide a guidance system. Moreover, they have already devised an upper stage "Q" engine that will, at a minimum, increase Thor-Delta's pay load to 2,200 pounds—giving the rocket capacity to carry not only one nuclear warhead, but even multiple warheads.

And where might Japan get nuclear materials to make a warhead? A sizable amount comes from us directly. For example, on Feb. 26, 1968, our two nations signed an agreement for the cooperation in the peaceful uses of atomic energy which, among other things, authorized the transfer of 365 kilograms of Plutonium to Japan from our Atomic Energy Commission under weak and ineffective safeguards. The bomb used on Nagasaki during World War II required less than 6 kilograms of Plutonium.

Cooperation has grown, and last September Japanese Prime Minister Kakuei Tanaka emerged smiling from a meeting with President Nixon in San Clemente to tell waiting reporters his country and ours would probably soon be sharing many atomic secrets and even constructing a jointly run billion-dollar uranium enrichment plant in the U.S.

Few people quarrel with the ideal of atomic energy used peacefully, but few experts deny that any "peaceful" nuclear power reactor or enrichment facility is at least "eight months pregnant" with military potential. The Plutonium and enriched uranium associated with producing electricity could readily be diverted and converted into weapons. Likewise, a missile technology used to launch large satellites can provide the hardware for a military missile program.

We are systematically taking Japan to a condition "eight months pregnant" with military potential in missilery, in nuclear technology, and in radioactive materials. And Japan is cooperating with us enthusiastically.

But Japan is the one nation to have had cities destroyed by atomic bombs, and a large segment of the population opposes nuclear weapons. This March Japan put a plan to end all nuclear testing around the world before the 25-nation Geneva Disarmament Conference.

On the other hand, Japan has pride. She is the fastest-growing economics superpower on our planet. But in mid-February United Nations Secretary General Kurt Waldheim ended a five-day visit to Japan by scorning her bid for a permanent seat with the nuclear superpowers on the ruling UN committee, the Security Council. The extra status nuclear weapons give a nation were one factor in Japan's reticence to sign a nonproliferation treaty.

Japan's motives for getting her own nuclear arsenal, and President Nixon's motive for helping her do so, will be detailed in my next column.

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A NUCLEAR NIPPON?—PART II

(By Lowell Ponte)

NEW YORK.—If Japan decided to become a nuclear weapons superpower, the atomic and missilery secrets now being offered by the Nixon Administration could give her that status almost overnight.

The White House's motive seems clear for making such offers: We want a strong Japan in Asia to counterbalance the influence of Chairman Mao's China as we pull back our forces from that part of the world. Who better could take our place than "the yellow Yankees" with whom we share so many values and interests?

Japan's motives for joining the nuclear club are harder to see in perspective, but, since Japan is now in the process of accepting our offer in laying the base for an atomic arsenal, we should consider the world from her viewpoint before judging this decision.

Japan's an island nation, and like that other island nation, Great Britain, she lacks the natural resources to support her people. Like Britain, she has survived and grown by trade of conquest.

The Meiji founders of modern Japan a century ago had a slogan: "Risk country, save army." That army became the vehicle for Japanese imperialism and trade; it made the nation rich, but then led it to defeat by attacking too powerful a nation, the United States.

Before World War II, Japan had no army at all, in the usual sense, just a "National Self-Defense Force" unable to wage war outside Japan.

Thus Japan's emergence today as the world's number three economic power—bested only by the resource-rich U.S. and U.S.S.R.—is a unique miracle in our planet's history. A century ago Great Britain had similar success, but her trade followed her flag and her navy, which was the most crushing military power of its age.

Sad to say, Japan's success is a fragile miracle. She thrives at the whim of a more powerful nation, and she acutely feels her weakness as a near-economic power.

To the proud Japanese it must have come as a slap in the face when, this February, United Nations Secretary General Kurt Waldheim scorned Japan's bid for a permanent seat on the UN's ruling body, the Security Council.

This scene had been played before, in 1970, when former Secretary General U Thant called Japan's bid "completely unrealistic."

But why is it unrealistic for Japan to sit on the highest council of nations? Is the only standard for membership the megatonnage of the nation's atomic arms? As Japan is insulted by UN leaders, and shamed when, without promised prior consultation, President Nixon winged to Peking, it must occur to some Japanese leaders that soon Japan's survival may depend on whether she can command the respect owed to members of the superpower club.

Japan could no more "win a nuclear war than could the United States. But atomic weapons can be used for a host of diplomatic purposes short of war. Experts admit they give a nation possessing them more status, more independence, a bigger voice in all international councils—in a word—clout.

Japan's vulnerability make such clout a necessity, for she cannot withdraw from the world as we could. A case in point, half her food comes from trade; trade is made possible by her industries, which convert raw materials from other nations; her industries run on oil. Japan imports 99 per cent of her oil, 90 percent of it coming via tanker and super-tanker from Africa and the Middle East by way of Indonesian territorial waters.

In the October 1972 issue of United States Naval Institute *Proceedings*—the journal that does some of the best analyses of Japan available—Capt. Richard Miller evaluates Indonesia as "Japan's jugular" and suggests an analogy: "If, in the future, almost the entire supply of oil for the U.S. had to come via the port of Tampico in Mexico, we Americans would feel rather insecure as regards the sources of our energy for the nation. This is not too unlike the situation facing the Japanese." Their only sure alternative, Captain Miller notes, would be to send their super-tankers around Australia; this would involve 6,000 miles of extra travel per ship each way, and add up to $6 billion per year to the price Japan pays for oil. Indonesia claims the right, on a whim, to close its waters to any and all foreign shipping.

Would Japan go to war over oil? In the November 1972 *Proceedings* Air Self-Defense Force Lieutenant General Masatake Okumiya, ret., said in passing, that "one of the greatest reasons" Japan struck Pearl Harbor was that an American and European embargo on Japanese oil supplies was incapacitating his country. But General Okumiya spoke in the context of showing that Japan might never gain security by having weapons of aggression, being too vulnerable to survive any hostility.

Would Japan acquire nuclear weapons if they provided the diplomatic leverage needed to protect her oil supplies? Perhaps. And an active nuclear reactor program would be of double benefit; it could provide a non-oil using source of electrical power, and as a byproduct it could turn out thousands of kilograms of weapons-usable radioactive materials yearly.

In assessing Japan's decision to "go nuclear," we must keep these things in mind: Japan is an empire without an army. She has life-and death interests extending far beyond her own territory. She relies for her security on a treaty with the United States, but now the United States is pulling back its influence and its military forces from much of Asia. National security for Japan will soon mean the amount of international diplomatic respect she could command—if not through a seat on the U.N. Security Council, then through other means.

Technological and political patterns have impelled Japan to make a fully nuclear commitment; these changes will be the subject of my next column.

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A NUCLEAR NIPPON?—PART III

(By Lowell Ponte)

NEW YORK.—The Nixon Administration has used both the carrot and the stick in prompting Japan to become a nuclear superpower. On one hand, Japan has been offered secrets of our missile and nuclear technology, and possible cooperation in joint U.S.-Japanese atomic facilities.

On the other hand, the President slapped Japanese leaders in the face by winging to Peking without promised prior consultation. Through this and a thousand other gestures he has reminded them that without the status of nuclear weapons they may forever be treated as a second-rate nation.

Japan prefers to see herself as a first-rate nation, as she was at the height of empire three decades ago. As the third economic power of the world, Japan today again calls herself Nippon, "the land of the rising sun," a big and important country. If anything has led her to opt for nuclear weapons, it is this pride.

Nippon has the opportunity and the motive to "go nuclear," so one question remains: Can the technology and political climate allow for such weapons? Patterns evolving in both areas suggest an affirmative answer.

We often hear that, because she was the first victim of atomic war, Japan has a "nuclear allergy," that, because public feeling is dead set against these weapons, no politician would dare advocate them.

How, then, shall we explain public opinion polls in Japan showing that up to 45 per cent of the people favor Nippon having its own nuclear arsenal? More important, a wide range of polls show a huge majority of Japanese—especially the nation's future leaders now going to college—say Japan "inevitably" will acquire such weapons; at worst, Japanese are resigned to "going nuclear" and at best they are expectant.

Apparently it is as former U.S. diplomat to Japan John K. Emmerson says: "Unquestionably, as pride in country grows, aversion to things nuclear will also diminish."

But where Japanese leaders are concerned, respect for nuclear weapons was never absent. The ruling Liberal Democratic Party has resolved that Japan should not "produce," "keep," or "permit the introduction of" nuclear weapons in the country, but it has blocked all legislation that would make this resolution a permanent policy.

Quite the opposite, since 1957 it has been consistent Japanese policy that, if ever needed, the government would permit "de-

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fensive" nuclear weapons in the nation. This position was affirmed in the government's Defense White Paper issued Oct. 20, 1970, and has never been rejected.

Moreover, the government has pushed ahead with development of a major nuclear reactor industry, nuclear centrifuge technology, and pleas for more nuclear information sharing with the United States. The loudest plea came in 1970 from head of the Japanese Defense Agency Yasuhiro Nakasone, a hawk by any standard, who wants Japan to adopt an "autonomous defense" posture. This spring the Nixon Administration will begin plans for just such nuclear information sharing.

Some people are comforted to note that Japan still spends a much lower percentage of her gross national product on defense than does the United States. These people overlook that much crucial Japanese military research never appears in defense budgets.

A case in point is the history of Japan's intercontinental ballistic missile. In the mid-1950s the University of Tokyo began a "weather research" program by building a pencil-sized rocket called, oddly enough, the "pencil." These "weather rockets" got a little bigger each year, and in 1966 the Aviation Magazine International pictured that evolution. By 1966 the Japanese had a "weather rocket" called the Mu-4 which was 72 feet tall and had payload, thrust, and other specifications comparable to our Minute Man II missile.

Gradually such rockets could no longer be justified as "weather" devices, so they became the Japanese "space program," and in 1970 the government turned the program over to Mitsubishi Heavy Industries, Ltd. This subject of nuclear Japan will be concluded in my next column.

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A NUCLEAR NIPPON?—PART IV

(By Lowell Ponte)

NEW YORK.—To help iron out bugs in Nippon's missile program, the Nixon Administration is now letting McDonnell-Douglas sell many of our missile technology secrets directly to Mitsubishi Heavy Industries, Ltd., which is working on the Japanese "space program." This will of course be of inestimable help to Japan's rocketry.

In the budget of a space program, Japan is perfecting missile technology. In the budgets of a civilian nuclear power program, Japan is perfecting nuclear fission and fusion techniques. Neither program shows up in military budgets. The U.S. Government aids these programs.

And in Japan, while such programs go on, politicians raise their voices to speed the change in public attitudes. The Japanese Constitution renounces war as proper national policy, but last May 3 the chairman of the Liberal Democratic Party's constitution revision committee, Osamu Inaba, declared in his "Constitution Day" speech that "Not to make war is certainly the wish of the Japanese people . . . However, at this stage of history there is no reason for unarmed neutrality."

Two months before, on March 1, the secretary general of the Liberal Democrats Shigeru Hori, had warned that American leaders should not consider the U.S.-Japan Security Treaty a "restraint" on possible Japanese rearmament. If they did, he said ominously, "Japanese will be forced to rethink their position" on the security part, the pact that puts a now-leaky and incredible American nuclear umbrella over Japan.

Opinion polls in Japan conducted by the government show that 81 per cent of the Japanese favored "defending the country by themselves" with but 4 per cent content to rely on American guarantees.

The government did not help this by leaking an early draft of the 1970 Defense White Paper saying Japan was in danger, being surrounded by "superior military powers." No wonder the public mind is changing.

In 1972 Japan began its fourth "Five Year Plan" to create a defense "system capable of effectively dealing with all armed aggression involving localized or minor warfare . . ." But "localized" has never been defined, and this too is significant.

In 1965 another leak let the world in on the Japanese Defense Agency's so-called "Three Arrows" plan, which ordered that in the event South Korea was invaded by the North with help from Maoist China, the prime minister was to go on television and address the nation, explain the crucial threat this posed to Japan, and call for defense "of the fatherland."

Some Pentagon planners secretly assume Japan considers Korea, Taiwan, and perhaps even her shipping routes through Indonesia all part of her vital territory and would react to attacks on them with whatever force she could muster, nuclear or otherwise. Japan sees herself as an "extended country," but how far she plans to extend is anybody's guess.

Only history will judge the wisdom of President Nixon's decision to push Japan towards nuclear weapons and missile capability, but we can judge some of its implications now. They are hazardous, a gamble.

Since they involve the security of the American people, as well as the world, they deserve a more open and honest airing than we have heard to date.

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## TRIBUTE TO THE HAMM BREWING CO., ST. PAUL, MINN.

Mr. HARTKE. Mr. President, I was recently privileged to address the National Convention of the National Association of Concerned Veterans, April 13, 1973, in Phoenix. This group of Vietnam-era veterans was founded in 1968 as the National Association of Collegiate Veterans, by a group of veterans attending school under the GI bill. The new name, adopted at last month's convention, reflects the organization's intention to represent the interests of all 6 million Americans who served in the military during the Indochina war.

Today there are some 30,000 dues-paying members of NACV in 130 chapters around the country. This is an impressive record of growth, all the more so because NACV has overcome a number of obstacles that other organizations, in less dedicated and capable hands, might have found insurmountable. Vietnam-era veterans face serious and unique readjustment problems. Unfortunately, too often some people would like to forget the Indochina war and would also like to forget those who fought that war. This has meant tough sledding for NACV.

It is encouraging to note the assistance provided NACV by the Theodore Hamm Brewing Co. of St. Paul, Minn. Since 1970, this public-spirited firm has provided NACV with yearly grants, which have been used in part to establish a NACV Washington office, provide outstanding members with scholarships, and establish additional chapters. Hamm's has established a college coordinator staff position to assist NACV chapters, and has aided in the development of new branches in its 38-State marketing area.

I believe that Hamm's should be complimented for two very important reasons. First, of course, it has assumed its responsibility to improve our Nation in a generous and timely manner. More uniquely, however, it has had the insight to assist the veterans of the Vietnam era by helping these brave young Americans to help themselves. The young veterans who need help the most are least likely to seek or accept it from institutions they distrust. Hamm's has recognized this, and by working to strengthen the National Association of Concerned Veterans, the Theodore Hamm Brewing Co. has exhibited, not only commendable generosity, but rare insight.

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## ECONOMIC DEVELOPMENT PROGRAMS

Mr. MOSS. Mr. President, the Congress today faces another in the series of confrontations concocted by the Nixon administration. Will we continue to have a Federal program helping depressed areas with their economic problems? Will the Federal Government lend a hand in aiding well-planned economic growth to create opportunities in areas other than the major expanding urban centers of the country? The President has said "no." By appling a pocket veto last fall to legislation that would have continued the programs of the Economic Development Administration and the regional development commissions, he has indicated that this effort is to be abandoned.

THESE PROGRAMS HAVE WORKED

The prime mission of the programs we are considering has been to create jobs and stable economic development. Studies done in 1970 indicate that the cost of creating such jobs has been roughly $2,200. Average income from each job created amounted to $6,500. In a very short period of time the taxes on such salaries will more than pay back the cost of creating these jobs. On an individual level and a community level, these programs have worked.

They have not been large enough, of course, to override the general trends of the economy. We cannot expect the expenditure of a few million dollars to counter the hugh variations in a trillion dollar economy. But at a realistic level, many successes have been accomplished.

The citizens of Utah recognize the importance of this development that has occurred at Park City with subsequent jobs and stimulation to the economy. This project first began through funds granted by the Area Redevelopment Administration for its planning and implementation. The ARA program was the predecessor of the present EDA program now under discussion here in the Senate.

In project after project, areas of the State of Utah have been opened up to development through the aid of EDA and the Four Corners Regional Development Commission. If EDA had not provided $2.6 million for construction of a road from Hanksville to Bullfrog Basin and $2.5 million for the road from Hall's Crossing, the development of the Canyonlands area of southeastern Utah would have been severely hampered.

The programs of EDA have been particularly sensitive to the needs of Indian tribes in depressed areas. One of the most encouraging success stories has occurred with the Ute Indian Tribe in Utah. The Tribe had approximately 75 percent unemployment in the mid-1960's. Through the help of EDA and other self-help programs, that unemployment rate has been cut in half and has a chance of being virtually wiped out in the next year or two. The change began with EDA's funding of the Ute Bottle Hollow Development with a $1.2 million grant for a tourism complex in 1967. This area is now a model Indian development project. In addition, EDA and OEO have combined to provide funds for an Indian-owned and Indian-run business corporation, Utefab, which produces fabricated plastic laminated furniture. To allow for expansion of this corporation and other tribal activities, EDA has granted in the present fiscal year $470,000 for an industrial park and $251,000 for a multipurpose building. With these funds, the corporation, which has sustained a profit during each year of its operation, may well come close to eliminating unemployment among tribal members.

In recent months, the Utah Paiute Tribal Corp. has received a grant of $514,000 to begin business development projects at Richfield, Cedar City, and Kanosh, Utah. These are meaningful contributions and are perhaps the brightest spot in all of the developments relating to Indian tribes in the 1970's. If these programs die, Indian tribes throughout America will be faced with the bleak prospect of settling back into a future of welfare and joblessness.

I have attached an appendix to this statement listing EDA and Four Corners Regional Commission projects granted over the last 2 years to communities in my State. I believe it provides a good sample of the kind of helpful activities undertaken through these programs.

The impending cutoff of these programs could not be more untimely. The Four Corners Regional Development Commission has recently compiled a development plan for the entire area under its jurisdiction. These plans have taken too long, but they are now completed. The appropriate step would be to use the results produced by the cooperation of four Governors and the Federal Government. Instead, the administration would discard all this work. The planning that has occurred under EDA's multicounty district program would also be abandoned.

The President has been misled by advisers who have told him that the activities of these programs can be absorbed by other Federal agencies. These alternatives are not true replacements, for their activities do not cover the programs he would abandon.

The EDA provides direct grants, planning money, technical assistance, and loan funds to deal with basic economic problems in areas needing growth. The Small Business Administration's loan program is not equivalent to nor a proper replacement for EDA's loan program. SBA's program aids small businesses and cannot exceed loans of $350,000. EDA, on the other hand, can make larger loans to attract significant industry into an area. EDA provides direct loans, with the Government subsidizing some of the interest. SBA operates through the private market system. If EDA is eliminated, these loans will simply disappear. They will not be replaced by SBA activities.

Likewise, grants for the construction of basic support services for economic activities will find no direct replacement. Industrial park money will simply disappear, and the jobs that would have been created through such grants will vanish. Multicounty planning efforts, now funded through EDA's "district" program will collapse, in most cases.

The administration's rationale for cutting such programs is that the economic well-being of the country requires it. Yet expenditures in the Federal programs we are considering are designed precisely to enhance economic well-being. They are targeted into areas where economic problems exist and where inflationary cycles are least likely to be stimulated.

General community development programs, funded through community development revenue sharing under the Nixon proposal, simply will not place funds in economically distressed areas under an equivalent economic program. The selective and targeted approach of the regional development commissions and EDA will be disbanded into a scattergun approach that will not yield the consolidated economic gains of EDA.

I would prefer that reductions in this program not be made. But the committee bill makes such cutbacks, and I understand the necessity of paring down these programs in order to avert a Presidential veto. I therefore support the committee's position, but I urge my colleagues to avoid making any further slashes in these vital programs. If the President vetoes this bill, then it is an indication that he is totally unwilling to compromise with the Congress. This bill, H.R. 2246, as modified by the Senate Public Works Committee, provides authorization for $362.5 million over a 1-year period. The bill vetoed previously by the President authorized $1.2 billion. The Senate will have gone a long way toward meeting the President on this issue. I urge my colleagues to support the committee bill.

Mr. President, I ask unanimous consent that the material to which I have previously referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*EDA grants for fiscal year 1973*

[In dollars]

| | |
|---|---|
| Ute Indian Tribe industrial park | 470,000 |
| Ute multipurpose building | 251,000 |
| Utah-Paiute Tribal Corporation (Richfield Cedar City, Kanosh) | 514,000 |
| Dixie Medical Center—St. George, Utah | 400,000 |
| Southeastern Utah Economic Development District, Price, Utah | 39,000 |
| Weber County industrial park | 423,000 |

*EDA grants for fiscal year 1972*

[In dollars]

| | |
|---|---|
| Nephi City water treatment lagoons | 5,940 |
| Goshute Indian Reservation tribal building | 100,000 |
| Fillmore County industrial park | 230,000 |



| | |
|---|---|
| Moroni City waste water facilities | 668,918 |
| Ephraim City industrial park | 378,400 |
| Ephraim City sewage improvement | 128,000 |
| Salina City water and sewer | 369,600 |
| Ute Indian Tribe water line | 205,000 |
| St. George City industrial park | 430,000 |
| Green River improvement project | 385,000 |
| University of Utah industrial services program | 162,000 |

*Four Corners Regional Development Commission projects for fiscal year 1973*

[In dollars]

| | |
|---|---|
| Salina water | 123,200 |
| Salina sewer | 53,600 |
| Price sewer | 18,600 |
| Cottonwood Reservoir | 42,000 |
| Leeds Dam | 5,700 |
| Beaver Westside ditch | 20,000 |
| Milford sewer | 7,500 |
| Minersville irrigation | 49,160 |
| South Lyman irrigation | 41,000 |
| Virgin canal | 25,800 |
| Delta airport | 63,728 |
| Cedar airport | 20,500 |
| Ute fabrication plant | 150,600 |
| Manti-Ephraim airport | 7,780 |
| Richfield sewer | 5,665 |
| Kingston water | 37,800 |
| Lost Creek irrigation | 4,800 |
| Brooklyn water | 6,600 |
| Newcastle water | 14,200 |
| Blanding vocational school | 160,000 |
| Dixie hospital | 300,000 |
| Oak City water | 25,500 |
| Henryville water | 13,500 |
| Hurricane sewer | 5,665 |
| Annabella irrigation | 30,000 |
| Payson water | 54,748 |
| Juniper oil demonstration project | 3,500 |
| Blanding water investigation | 40,000 |
| Goshute manager | 28,340 |
| Recreational multipurpose mapping | 38,400 |
| Kanosh manager (transfer lettering) | 26,500 |
| Duchesne water study | 4,000 |
| Hatchtown Dam study | 21,000 |
| Navajo developers | 28,000 |
| Paiute economic developer | 21,380 |
| Reducing fruit frost | 43,400 |
| High purity metals | 30,000 |
| Intensive agriculture demonstration project | 30,000 |
| Soy bean feasibility study | 6,000 |

*Four Corners Regional Development Commission Projects for fiscal year 1972*

[In dollars]

| | |
|---|---|
| Eureka water | 28,500 |
| Fillmore sewer | 202,200 |
| Moab airport | 76,070 |
| Jensen water | 73,500 |
| Helper water | 20,040 |
| Blanding airport | 21,910 |
| Washington County sewer | 94,150 |
| Meadow irrigation | 3,600 |
| Mount Pleasant irrigation | 3,500 |
| Minersville irrigation | 200,000 |
| Manti water | 25,000 |
| Wayne airport | 10,680 |
| Green River water | 55,000 |
| Beaver airport | 14,490 |
| Fillmore industrial park | 138,000 |
| St. George industrial park | 200,000 |
| Provo sewer line | 78,900 |
| Price hospital | 60,000 |
| Manti Ephraim airport | 10,920 |
| Price Vocational-ed planning | 23,000 |
| Emery County health study | 13,300 |
| Airport systems plan | 22,140 |
| Provo storm drain study | 39,850 |
| Feed lot meat packing study | 15,000 |
| Juniper oil demonstration project | 14,700 |
| Coddling moth experiment | 8,850 |
| Kaiporowits plan | 21,000 |
| Lead zinc study | 13,500 |
| Intensive agriculture demonstration project | 14,000 |
| Potato study | 7,000 |
| Utah County feasibility study | 3,460 |

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RETAIL FOOD PRICES—CONTINUED

Mr. MOSS. Mr. President, we now have come to expect the curious and bizarre each time an administration spokesman comes forth with a pronouncement on the economy. Just over a month ago, Mr. Butz, the Secretary of Agriculture, was proclaiming almost daily that a food price freeze would not work and that those who believed it would were "damn fools." President Nixon, however, apparently decided to rush in where angels fear to tread. He decided that a freeze would work and imposed a ceiling on meat prices.

The latest curiosity from the realm of Nixonomics is a speech delivered yesterday by Mr. Herbert Stein, Chairman of the President's Council of Economic Advisers. Mr. Stein presented himself as a bearer of good tidings and declared that the food price surge has finally "peaked."

At first glance, it would appear that Mr. Stein has brought us very good news indeed. For some time ago the administration predicted that the rise in food prices would continue at least until midyear. It would take that long, Mr. Nixon said, for supply to catch up with demand.

Unfortunately, however, Mr. Stein's statement on food prices does not mean what it as first appears to mean. When he says that food prices have "peaked," he really means that they will continue to rise slowly for several months, and then level out at a point much higher than the administration previously had predicted.

Back in February, the Agriculture Department had projected a 6-percent food price increase for 1973. But Mr. Stein was talking yesterday about a whopping 10.5 percent increase in retail food prices. This may be good news in the eyes of the administration, but it will hardly set the American consumer jumping for joy.

In a literary turn of phrase, Mr. Stein told the American consumer yesterday that "we never promised you a rose garden." Let me say that it has been clear for some time that Nixonomics would never take us anywhere near the rose garden. When reflecting upon the administration's economic policy, I think not of rose gardens, but of the Mad Hatter's tea party. I am reminded of a world where words have no meaning, clocks have no hands, and where no one can agree on how much food there is on the table.

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SENATOR PROXMIRE'S FORTHRIGHT STATEMENT IS COMMENDED

Mr. HELMS. Mr. President, I have just become aware of a statement released today by the senior Senator from Wisconsin (Mr. PROXMIRE) with regard to the conduct of certain elements of the news media in the Watergate affair. I have read this statement, and I find it heartening. Our colleague's political position in regard to many of the President's programs is well known; yet he has the magnanimity to call for fairplay and for an acceptance of the President's word as the truth unless and until proved otherwise.

Our distinguished colleague rightly characterizes the press situation as "a reckless momentum of reporting innuendo and rumor." He says that as a result of this reckless momentum, "There is a very serious question that the people of this Nation will be able to find in their hearts the sense of justice and fairness which President Richard Nixon, like every other American, deserves to have."

As one with some background in the news business, I am deeply distressed by the lack of professionalism and balance in the handling of this case. I can think of no other story in which the papers seemed driven more by bloodlust than by the public interest. It is the fruit of a bitter enmity which has been growing unchecked throughout the Washington press corps during the past 4 years. No one can condone illegal activities. Certainly I do not. By the same token, no one can condone irresponsible and venomous reporting based upon half-truth and allegation. It does journalism no credit to use deceit and self-serving accusations as techniques to ferret out the truth. The emotional pressure may create a climate in which the guilty parties break down and confess; but at the same time this sort of sensationalism may destroy the rights and reputations of the individuals accused and deny them due process of law. If the Watergate case has any lesson, it is that the ends do not justify the means. The newspapers involved should go back and learn the lessons they claim, often piously, to be teaching.

I cannot agree with all the policies which our distinguished colleague from Wisconsin espouses. But I can wholeheartedly agree when he states, as he did today:

> Any responsible newspaper should regard as outrageous the printing of a secret allegation against even a convicted felon if that allegation were made by a witness as part of his bargain for immunity from his own prosecution. Doesn't the President have the same simple right that every other American has to be innocent until proven guilty. Doesn't a man who has spent more than twenty years in the pitiless glare at the summit of national political life deserve to be believed when he directly tells the nation that he had no knowledge of these matters until there is proof that he lied?

Just as I have indicated that I do not always agree with Senator PROXMIRE, I have also made it plain on many occasions that I do not always agree with President Nixon. Civilized men must often agree to disagree. But the senior Senator from Wisconsin has, in my view, gained in stature for his forthright statement at a time of heated political pressures and I commend him for it.

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TESTIMONAL STATEMENT BY CONGRESSMAN CHARLES C. DIGGS, JR.

Mr. KENNEDY, Mr. President, I would like to place in the RECORD the remarks of Chairman CHARLES DIGGS, of the House District of Columbia Committee. Last Thursday, May 3, in ceremonies honoring Congressman DIGGS' service on that committee, the citizens of Washington, D.C. enthusiastically praised his skillful service.

Mr. DIGGS eloquently described his goals for the Capital City and he explained how the Congress can contribute to the fulfillment of those ideals.

For that reason, I request unanimous consent to print Mr. DIGGS' remarks in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

REMARKS BY CONGRESSMAN CHARLES C. DIGGS, JR.

While tonight is very special to me in a personal sense, it also marks a momentous occasion in the history of this city.

On this day in 1802, a new world capital was incorporated.

Now, 171 years later, a new chapter is being written by the District of Columbia.

In just 38 months America will celebrate its Bicentennial, marking another milestone in the continuing quest for liberty.

I predict that the people of the district will join in that celebration, not as members of the "last colony", but having at last become full citizens with all the rights and responsibilities that home rule will bring.

No freedom is real, no emancipation is enduring which does not provide the power to protect the people's rights. Granting self-determination is not a question of charity; it involves the redistribution of power. For 171 years, Washingtonians have been bartered and manipulated. For 171 years, Washingtonians have been tokenized and homogenized. Now comes the changing of the guard, when Washingtonians will be the masters of their own fate.

In the evolution of power the only hope for Washington, the only hope for America, lies in the creative use of partnerships—partnerships built on mutual respect and mutual trust, permanent yet flexible alliances among all elements of the community.

The 1960s showed us that mistrust, hatred and prejudice breed violence, despair and injustice.

The 1970s offer a new challenge. Since the partnerships of the 60s have become strained under increasing pressures, new and more permanent bonds must be woven to secure the rights and responsibilities of citizenship.

Strong forces for change are on the move.

We are summoned to a fateful task—to ensure that the turmoil will signal birth instead of decay.

If we stand still we will be overtaken by events. We dare not entrust our lives to the uncertainties of chance. By reflection and choice, we must turn the impulse for change into an agent for orderly progress.

In this city people have patiently lived with hopes long deferred, with grievances long tolerated. They are now impatient with patience.

Their demands for change must not only be heard, they must be answered. No republic can long disregard disaffection at the seat of the central government.

*Now is the time* to strengthen the fabric of our society by making peace, justice and equity the cornerstones of order.

Rebellions will not end until democracy begins. We *have* the techniques. We *have* the means. Only the *will* stands between us and a rational society.

As Ancher Nelsen and his commission point out in their report, the colonial institutions which are being sullenly left on our hands will not begin to work just because newly strengthened brokers have assumed power.

We have to experiment with everything, not just popular representation and participation. That is simply the beginning point. We have to experiment with new forms of public safety and crime prevention; with pioneering forms of education; with innovative patterns of planing, housing, environment, health, transportation, tax and fiscal policy, and human relations. Washington can help America save itself, as this country has saved others in places whose names we can hardly pronounce.

Let us not remain strangers to each other, either in this city or in this Nation. Let us not allow suspicion and cynicism to pervade our lives. Whites should not fear non-whites; the Cross should not fear the Koran or the Star of David; the old should not fear the young; the wealthy should not fear the poor.

Let us not barricade our suburbs and watch the cities die. Instead, let us strengthen the bridges that unite us. Society and government are both founded on principles of working together for a common goal.

The people of the District and the people who cross its boundaries daily must recognize their common interests: Bridges across the Potomac must be augmented by bridges of understanding and cooperation. The life of the city and the life of the suburb are intermingled: No geographer's line or river's current can separate them.

Neighbor is not just a physical term. It is a moral concept. It means our collective responsibility for the preservation of individual dignity and integrity.

The people of Washington must see self-government as an opportunity for a new urban experiment. It is possible to create better ways of developing cities than we have experienced. And we can find solutions not only for Washington but our other urban areas as well.

That is why I propose the establishment of the District of Columbia Institute For Research. The purpose of the institute would be to coordinate and supplement analytic and planning programs designed to be of benefit to the District of Columbia. It will assist in financing task force and consultant activities which could not be otherwise provided. It will provide a focal point toward which a variety of private resources would be directed. It would be an instrument which could be used by the academic community, national organizations, and others, to initiate in Washington those innovatixe and pragmatic urban concepts applicable to similar communities across the country.

As another step, yesterday I introduced in the House bills which would deal with the transfer of power in the legal and economic areas. One bill would establish a law review commission, made up primarily of local lawyers and public officials who will examine the archaic District Code and bring it in line with current needs. The other bill would establish an economic development bank for the District to encourage and mobilize public and private assistance in economic growth. This enterprise would involve the total community in finding the most constructive patterns of economic growth for the area.

This is a long, difficult, unromantic vista. We cannot perhaps expect any other major group in America to lead the way towards the humanity we all so badly need in our cities. Our exhaustion must be replaced with energy: our cynicism with hope: our resignation with determination and our destructive anger with constructive activism.

Our American cities are crime-haunted fortresses. Huge sectors of our youth and a multitude of others face recurring unemployment. Those of us who have steady incomes find our capacity to purchase diminishing. Neither the courts nor the prisons adequately deal with justice or reformation. The schools are unable—or unwilling—to educate many of our children for the real world. The uncontrolled epidemic of drugs threatens to wipe out the minds and strength of our young. Economic, cultural and spiritual depression stalk America and the price for survival often appears to be more than we are able to pay. As the glacier-like ghetto spreads, "runsmanship" becomes the newest sport. But it cannot go on forever. Arithmetic, time, the fourteenth amendment, the spirit of the age, and four-lane highways are against it.

But the most disgraceful, the most shameful and the most tragic problem is silence. In too many places we are a community of silent onlookers in the face of brutality and in the face of man's exploitation of man.

We have allowed race baiters, hoodlums, demagogues, anarchists, and misguided super patriots blandly singing "God Bless America" to disrupt domestic tranquility and threaten the very foundations of our society.

We must speak up and act, from the President down to the humblest among us, for the sake of the image, the concept, and the very existence of this country. The need is critical for honest, effective communications between all Americans. Communication is non-existent in many areas and satisfactory in none.

We are faced with a total crisis in the heart of America. Before the end of the seventies, this country must make a decision which will echo down the long corridors of time. It must choose how it will respond to the petitions of the dispirited, disinherited, and the disadvantaged. It must decide whether to fulfill the dream of America which was promised but never fully realized. Here again Washingtonians can play an important part. Just as I said in January, our national capital is a reservoir of unused, underused and misused human resources. In the international community, in representatives of national organizations, in the transit daytime community among the proud 800,000 who call Washington home, there are some of the world's most talented people.

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ADDRESS BY AMBASSADOR TO INDIA, DANIEL P. MOYNIHAN

Mr. PERCY. Mr. President, it is with much pleasure that I call the attention of my colleagues to the text of an address made in Bombay on April 9, 1973, by our distinguished Ambassador to India, Daniel P. Moynihan. I am certain that my colleagues will share my delight in Mr. Moynihan's alternately light hearted and hard hitting remarks. We have every reason to expect that his presence in India will serve to strengthen relations between India and the United States.

I ask unanimous consent to print Ambassador Moynihan's remarks in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS TO THE INDO-AMERICAN CHAMBER OF COMMERCE, BOMBAY, INDIA, APRIL 9, 1973

(By U.S. Ambassador Daniel P. Moynihan)

It is the seeming ineluctable lot of a new Ambassador to be asked repeatedly what he thinks of the nation to which he is newly assigned: what he thinks of its people, its food, its climate, and such like.

These enquiries are never addressed with any large expectation of eliciting information. It is assumed that the new comer hasn't got any ready answer, but that he will come through with some muffled courtesy. (Save possibly on the subject of the weather!)

For an American, however, this experience, on arriving in India, is just possibly different. It has, in any event, been for me.

First, to that omnipresent subject of the weather. I was raised on the sidewalks of New York, and I assure you that no Bombay summer, no Himalayan winter holds any terror for a son of Gotham. I may come to repent this imprudence, but it is bred into any true New Yorker. We have the worst weather in the world, interspersed with the best. As a matter of fact, we tend in general to have the very worst and the very best of everything. Ours is not what the Romans would have described as a *via media*. But then neither exactly is that India's way, which is almost the first fact that makes an American, or at least a New Yorker, feel at home here.

But there are many further facts, of which quite the most relevant is that to have grown up in the 20th Century United States, especially in the urban United States, is to have been continuously in contact with Indians: their dress, their food, their religions, their politics. Sometimes these are Indian visitors. Far more often they are merely Americans who happen to have come from India. We are now, as we have always been, a nation of immigrants, and increasingly our immigrants are from this part of the world also.

And so it comes easily to me to respond to the question, How do I like India. There is much that is different here, but also much that is familiar. On the occasion that I presented my credentials to your distinguished President Mr. V. V. Giri we sat down at one point for that inevitable and always welcome cup of tea and got to talking about what you might call family things. I mentioned to him my close acquaintance in the United States with the daughter of a great friend of his from the days of the liberation struggle. "A daughter to me!" the President exclaimed in his warm and generous way, and proceeded to talk about her and her family. And surely she is just that; but she is also one of the dearest friends and neighbors my wife and I have at home. There is scarcely a day that she is not in our house, or we in hers. Her husband is among the most distinguished of American scholars. At their dinner table the politics and culture of India are as normal-seeming subjects as the weather in Cambridge. I shall forebear to suggest which is the stormier: my point simply is that India is no distant land in America. To the contrary, it is the land from which many Americans have come. Its restaurants, its manufactures, its religions, its culture (perhaps especially its music) are part of our way of life.

To be sure, the Asian presence generally in the United States is now very noticeable. On Thursday of this week I had the honor to address the Indian National Defense College in New Delhi; a superb group of officers, who treated me with great courtesy, and then subjected me to some very tough questioning. So tough, that I decided to question them back. My subject was domestic developments in the United States, and so I ask *them* what ethnic group did they think had the highest combined educational-occupational status in the United States. It took quite a while before a bright brigadier came up with the correct answer: Chinese. After that it was not so difficult to elicit the correct answer for second highest: Japanese. (One colonel trying to be friendly had ventured the answer "Irish." I replied, that the Irish were first only in civic-mindedness, a notoriously ill-paid profession.)

It would be difficult now to state with accuracy just how many Americans are of Indian descent, but some notion may be had from the fact that there are 300,000 persons with Indian passports, which is to say persons not yet American citizens, or not intending to become such, residing in the United States. The number of Indian "immigrants" has been rising steadily. This year our consular officials will grant some 20,000 immigration visas—five times the number of just five years ago—and some 34,000 visas of other kinds.

Anyone much associated with American universities will know that Indian students and scholars are very much part of that community. But I was surprised to learn that



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Indian students make up the *largest* single contingent of foreign students in America. I would have sworn that Canada, with which we share thousands of miles of a virtually nonexistent border, would have provided the largest number of "foreign" students, for there is a great moving back and forth between Canadian and American universities; but no, the largest group comes from India.

It is moreover a most distinguished group. Seven thousand are pursuing post-graduate study at the Master's and Doctoral levels, most of them in engineering and sciences. Similarly, there are about 900 Indian scholars teaching or doing research in the United States. This is the third largest group of foreign scholars, exceeded only by those from the United Kingdom and from Japan.

This statistic of 11,000 Indian students in the United States contrasts with the figure of only 1500 Indian students in the United Kingdom and 350 in the Soviet Union, two great industrial nations, each with close ties to India.

I need hardly say that your students and scholars are welcome in America. They enrich our lives: we hope that we enrich theirs. May their numbers grow.

I could wish the return flow of Americans to India were more vigorous than it has been in recent years. In all of India there are only some 2004 resident Americans, which is to say Indian residents in the United States out number their counterparts by 150 to 1. In 1972 there were fewer than 300 American students here, a fact which I must say surprised me.

Even so, there are some 55,000 tourists who come to India each year from the United States. If the management of the Taj Mahal Hotel will allow me to mention their competition, I came to Bombay in part to help dedicate the new Oberoi-Sheraton Hotel, an event which brought a great deal of pleasure to me and, as Finance Minister Chavan's remarks would suggest, to the Government of India as well. There are, of course, many Indians who in return visit the United States as tourists. All in all, I think we can say that we have here an exchange relation of great importance both to the economy and to the cultures of our two nations.

The most important of these exchange relations is, of course, that of trade. Here, however, I pass from subjects that are well known and understood both in the United States and India, to matters not so well known.

It is not so well known, in the United States, for example, that the United States is India's largest trading partner. In 1972 we bought 17.5 per cent of India's exports: more than any other nation.

I am sure this fact is well known in India. However, I would not be surprised if it were less widely known that the proportion of Indian trade with the United States has been growing. During the past decade, as India's overall economic growth rate averaged about 3.7 per cent, and overall trade grew by 4.5 per cent, exports to the United States have grown by about 5.4 per cent per year, which is to say almost half again as rapidly as the Indian GNP. Further, India now enjoys quite a *surplus* in its trade with the United States.

We may all hope that this exchange of goods and services and people will grow and grow and grow. There is no one thing more impotrant for the future relations of our two countries.

The United States wishes this exchange to grow. Just Wednesday, Honorable Peter M. Flanigan, the President's advisor on foreign trade matters, told a committee of our Congress that the Administration's forthcoming trade bill will definitely contain a request for authority to extend generalized preferences to countries such as India, and that the Administration intends to extend such preferences.

We must be clear on one thing, however. The United States finds itself in a deficit position with respect to foreign trade with which it must be concerned. We cannot import if we do not export. And we cannot export if tariff or non-tariff barriers are raised against our goods and services. There have been too many such barriers in the world, and the time is past when anyone would wish to see them perpetuated.

Any nation which enjoys a surplus in its trade with the United States must expect us now to be actively and concretely concerned to obtain equal access to their market, even as they have equal access to ours. We cannot accept the "least favored nation" status to which we have often been relegated by some governments, animated either by fiscal or political considerations. We can no longer accept the non-tariff barriers which keep us out of such markets.

I might add, and I hope I will be understood, that we are not any the less complacent about what might be termed "non-tariff barriers" to the free flow of persons between our country and others. Each nation has an absolute right to establish any rules it wishes with respect to such matters, but the time has come when we must take note of what rules are formally or informally established.

But let me not dwell on what to you, as international traders, will be self-obvious facts. Let me dwell on what a new and more open international trading world can mean to India.

Here are some numbers. In 1972 the Gross National Product of the United States was 864,000 crores. In 1973 it will be some 950,000 crores, a growth in one year of 86,000 crores. I am told the GNP of India was some 47,600 crores in IFY 1972–73. This Indian GNP includes, of course, exports to the United States. In 1972 our total United States imports—which is to say the exports of other nations—came to some 41,700 crores. If we assume that U.S. imports will grow by about 10 per cent, commensurate with roughly the same growth in GNP, in 1973 U.S. imports will be some 45,900 crores.

In other words, this year the United States will import an amount of goods roughly equivalent to the GNP of India.

Now India in 1972 sent us 319 crores of goods, or 0.8 per cent of our total imports. Our total imports are now likely to grow by 4,200 crores. If India merely maintains its share of this growth, that is to say 0.8 per cent, its exports to the United States in 1973 will grow by 34 crores to 353 crores.

*If*, however India, were to double its share of the growth alone, that is to say receiving 1.6 per cent of the growth, it would add 67 crores to the 1972 level of exports to the United States.

I stress these figures because they are, as it were, available to India without displacing any present traders with the United States. While the American economy is growing, the growth of one nation's exports need not be at the expense of another nation's.

But consider this possibility. If India were to double its share of the American import market, rising to 1.6 per cent—surely not a vast proportion—its sales to the U.S. in 1973 would approximate 720 crores, an increases of 401 crores over 1972.

These are not imaginary numbers: we are not talking about play money. This growth is going to take place, and many nations are going to benefit from it. One of these nations ought to be India. And on the basis of a decade of solid performance, one of those nations *can* be India. All that the United States asks in return is equal treatment and equal access for our side of the exchange. I have no doubt that this will be forthcoming, and that year from now a meeting such as this will gather in even more auspicious circumstances.

Thank you.

## SWEDISH PARLIAMENT TO DEBATE ATOMIC POWERPLANT DANGERS

Mr. GRAVEL. Mr. President, I have just been informed by Dr. Hannes Alfven at the Royal Institute of Technology in Stockholm that on May 15, the Swedish Parliament will open debate on the hazards of atomic powerplants. Pressure in Sweden for a nuclear power moratorium appears to be increasing, as it is in this country.

The Swedish Parliament is apparently ready to face some of the serious security and health problems which accompany nuclear electricity.

In contrast, the U.S. Congress has not debated the wisdom of developing civilian atomic power since 1954.

It is time for Congress to recognize that civilian nuclear powerplants are definitely not the same as nuclear submarine reactors.

Just one successful attempt at sabotage on a civilian nuclear powerplant, or one severe accident; could ruin agriculture and water supplies in an area as large as the State of California, force the evacuation of some major cities, industrial centers, and defense installations, cause massive unemployment and economic chaos overnight, and take a grisly toll in cancer and birth defects in years later.

Civilian atomic powerplants are the only kind of generating plants whose vulnerability to sabotage makes President Nixon's statement on March 6, 1973, all too true: This country could be destroyed by terrorists.

It is easy to understand the innocent hope of the 1954 Congress that nuclear submarine reactors could be adapted and enlarged for civilian use on land, but 19 years later, the effort has outrageously compromised national security and public safety.

Therefore it is urgent for the 1973 Congress to reexamine the many obsolete assumptions about the so-called peaceful atom. I ask my colleagues to give careful consideration to S. 1217, a bill to phase out the operation, construction, and export of civilian nuclear powerplants by 1980. Safe, available replacements for all present and projected atomic power are described in my introductory remarks in the RECORD of March 14, pages 7741–7742.

## BOBBY SEALE FOR MAYOR?

Mr. KENNEDY. In the 1960's, our cities sweltered in the heat of discontent and riot. Every American was disturbed by the acts of violence that erupted from the frustration of years of discrimination. That was the time when we had to search ourselves for answers to the questions these rioters and protesters raised. It was also the time when an organization called the Black Panther Party was created. Born from the civil rights movement of the 1960's, the Black Panther Party was thought to be much more reactionary than traditional organizations like the NAACP or SCL. Like it or not the Panthers taught many meaningful lessons during this violent era.



When our young protesters were told to work within the system, many of them listened. And Bobby Seale, the former chairman of the Black Panther Party, is one of those who heeded that appeal. He is an example of what the discontented youths of the 1960's can do and are doing in the decade of the 1970's. Presently, he is campaigning to become the mayor of Oakland, Calif.

In the Washington Post, May 7, 1973, Roger Wilkins graphically describes the goals that Mr. Seale has set for himself. He clearly demonstrates that Bobby Seale understands the impact political institutions have upon America's communities. The problems of housing, education, and jobs can be solved easier by becoming politically aware and participating in the political process.

I am happy to see Mr. Seale make the change. I hope that his example will steer even more of our youth and discontented to begin the work within the system, to begin to work for America. Together, we can truly make America the type of country our forefathers had intended for us to be.

I believe every Member of the Senate will profit from reading this article and I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be prnted in the RECORD, as follows:

BOBBY SEALE FOR MAYOR?
(By Roger Wilkins)

There is something poignant now, in looking back at the young black leaders of the 1960s—some of whom were feared and despised as no Americans since the days of Dillinger. There was Julian Bond of Georgia—out of the Student Nonviolent Coordinating Committee and an outspoken opponent of the war—now a respected member of the Georgia State legislature and one of the hottest items on the lecture circuit. There was Andrew Young of the Southern Christian Leadership Conference, now the first black congressman from the old Confederacy since reconstruction. And now, there is Bobby Seale running for mayor of Oakland. Bobby Seale for mayor?

Seale is a complicated man. When he was a child his father batted him around a little and when he grew up he became a stand-up comedian and a sheet metal worker. He spent some time around a college, but most of his wisdom came from the streets. When he got serious about the problems of poor blacks, he took a job with the Neighborhood Youth Corps and worked with the children of Oakland. That was in the mid-1960s—a time when the police and members of the poorest black communities were rubbing each other raw.

Black youngsters all over the North, watched television and saw Dr. King and others gassed and hosed and bitten by police dogs. Occasionally, they would hear of someone being killed. They heard of great civil rights advances too, but they still slept four to a bed. There were not enough jobs for their fathers and what jobs there were did not bring in enough money. There were still rats in the kitchen, miserable schools and the food and the clothing were thin. Hopelessness turned to profound alienation when it looked as if no efforts, no matter how large, would change a thing. The alienation became the rage that set the cities aflame. Whites became fearful and the police viewed themselves as the line between black anarchy and the retention of civilization. Young blacks viewed the police as the bearers of the scepter of white oppression.

That was as true in Oakland—a desolate Cleveland West—as it was in most other American cities in those days. It was in that environment that Seale went to work for the Youth Corps to try to do something for the young black poor. It was like trying to move mountains with toothpicks. "Many of the brothers," he later wrote, "really dug the poverty program and the way I ran it." But he thought the young people should learn more than the poverty program could teach them and he listened to Huey P. Newton, who said, "They should be taught by people who are really concerned with the brothers and not by those old-time racists who are trying to control them and misguide them away from unifying black people and serving black people." Newton and Seale agreed that a new black organization both of and from the black community should be created to protect and serve that community.

To accomplish that end, they sat down one day and Newton dictated and Seale copied down the Ten Point Platform and Program of the Black Panther Party for Self Defense. That document called for many things, but mainly it called for freedom, food, an end to the robbery by whites of the black community, for decent education, for housing and for an end to police brutality. It ended with the declaration of independence. Then, Huey said, "Who'll be chairman?" Bobby answered that it didn't matter to him, so Huey said, "You be chairman and I'll be minister of defense." And, so an organization was born that they thought would teach young people self reliance and service and would serve as a shield against white oppression.

Inevitably, the police came to the core of their consciousness and the gun became the symbol of their toughness and their seriousness. But, guns couldn't put butter on the table, black people in jobs or good houses on the streets where they lived. The rage grew into a kind of intellectual hysteria and the iron discipline of the early days in Oakland couldn't hold as the idea spread across the country. The movement attracted some of the most idealistic of the young street-wise intellectuals, but it also attracted some thugs. The gun as organizing tool and rallying symbol, mixed with the frustration and the rage, brought death to some of them and ultimately became the undoing of the old Panthers. Some of them were killed and others went to jail. They were feared and hunted and Newton and Seale became folk heroes to tens of thousands of young blacks all over the country.

Finally though, Huey was sent to prison and Bobby was indicted for conspiracy to riot in Chicago and for murder in New Haven. The Chicago indictment was unjustified. He didn't even know his "co-conspirators" and had only been in town long enough to make one speech. He screamed in the courtroom for his constitutional rights, was bound, gagged, shackled and cited for contempt. Ultimately, the case against him was dropped. In New Haven, in a case growing out of internecine Panther warfare as the organization was crumbling, the jury couldn't agree to his complicity in a murder and the judge decided that there would be no second trial. The old Panther organization was virtually crushed in a series of police raids in cities across the country in the winter of 69–70. Newton got out of prison because of defects in the case against him.

Conditions hadn't changed, but the two old Panthers had. They still cared about the poor, but they put away the gun and began in earnest a series of service program in Oakland. Much of the rhetoric was gone and some of their most inflammatory colleagues were either in prison or in exile. These two young men had started a movement that had engaged the imagination of a whole generation of black youngsters—had engendered a spirit of revolution and violence that far outstripped their own original ideas or even their actions. But in the end, the politics of the gun and revolution by the black "lumpenproletariat," as Seale calls the black street people, had failed.

Through all of that, and for all of his rhetoric, Bobby Seale always seemed very human. I never thought he was a killer and he always argued that the Panthers were not racist and I believed him. Now, he's turned down from the politics of frustration and rage and is working within the system. He probably won't win the runoff with the incumbent mayor, but suppose he does? The conditions that produced the intellectual frenzy of the 1960s still exist. What could Mayor Seale do about them? The central question still remains: what are idealistic young blacks who hate the oppression suffered by their mothers, fathers, brothers and sisters to do? The gun, at least as it was used by the old Panthers is not the answer. Nor is the individual explosion of a Mark Essex on top of a motel in New Orleans an answer. Nor are heroin and alcohol. Elective politics only works when there is a substantial base of white support for what the successful black politician is trying to do. The hostility of the Nixon administration has shattered that.

So, the lessons of the failures of the old Panthers have been learned. They and other activists have been turning to conventional politics. Oppression of blacks continues and the systematic destruction of the hopes and futures of tens of thousands of black children all over the country goes on space. If the turn to conventional politics doesn't work, then what? It is a question to haunt the nights of the sturdiest spirit.

## PREDATOR CONTROL

Mr. McCLURE. Mr. President, perhaps the greatest dilemma in dealing with environmental questions is finding and maintaining a true balance between man and his surroundings, be it cityscape, suburb, or the outer edges of true wilderness. And in any of those environments, there are habitat pressures that squeeze one species on another, but man is the only species that can manage those pressures both to his advantage and to the advantage of feral animals. He can create a balance. There are those among us who have forgotten that man is indeed part of "the environment;" that man's needs for survival are equally important as those of any of the wild animals which surround him. These people have not begun to understand that concept of balance.

I am pleading a case for predator control, and I have no doubt that anyone who takes such a position will be forever branded in some quarters as a staunch "antienvironmentalist."

If I were making an appeal for control of the rat populations that plague our cities, there would be no such brand, no such charge. There is no hue and cry from those who live in our city ecological systems demanding that all antirat programs be banned. There is no standard charge that there is something inherently evil in controlling the Norway rat. There is no effort to slur or discredit the motives of those who take the position that rats do untold damage to man. Yet the rat is a real part of an ecosystem, and there are concerted efforts to control the species, because, quite simply, this animal has encroached on man's habitat.

I am, however, making an appeal for control of coyote and feral dog popula-



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tions, which, unmanaged, have wrought terrible damage on the sheep ranches of Idaho, Wyoming, Nevada, Montana, and Utah.

No one I know likes the idea of using chemical compounds to control predators. Farmers and ranchers have long seen the potential environmental dangers of careless use of toxic agents, but after 15 months of the absolute ban on this method of predator control, we have learned a grim lesson: the balance has been tipped disastrously. Our sheepmen have paid dearly, and soon the effects of that painful tribute will be felt by the housewife through the upward spiral of lamb prices.

I have received scores of letters which spell out in human terms the economic suffering brought about by the administration's ill-conceived predator control policies announced by the President, February 8 of last year. And no one can be more eloquent in illustrating the depth of the hardships than the sheepmen themselves. I have copies of several of these letters, and ask unanimous consent that they be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLURE. Mr. President, John Keithley of Midvale, Idaho wrote simply:

I have advised my son to go into business. . . . This means the end of an agricultural enterprise (family) which began on this ranch in 1873. I will be the last generation to work this place. Why? I was forced out of the sheep business by coyotes.

Buck Howland of Cambridge, Idaho, tells us of an equally painful situation in which he was forced out of sheep raising—in his case, a 70-year family business.

The loss from predators and dogs was the greatest reason for my decision.

Buck wrote me that—

On three different instances in the past few years, there has been a loss of 60, 17, and 18 losses in one night, known to be coyote kills.

Other south Idaho sheepmen, like Tommy Hubbard, Cecil Kellar, Wayne Schlehuber, Melvin Munk, must now try to convert range use for cattle, but even then, the same dangers exist.

Munk, of Rockland, Idaho, who has been forced to convert his range warns—

If the coyote numbers continue to build up, they will also endanger the cattle industry.

Obviously, the ban on the use of chemical agents to control harmful predators must be lifted, or an option found that is equally effective.

The alternative is continued hardship for the West's sheepmen and cattlemen, a hardship that will surely be felt in America's retail marketplace.

I would also like to bring to the Senate's attention something that demonstrates a paradoxical situation which we constantly encounter: In many instances, the Federal Government has exempted itself from harsh regulations it fosters and enforces. It has come to my attention that USDA's Beltsville Agriculture Research Center near Washington, D.C., has a situation much akin to the one suffered by sheepmen in the West. The research center has seen considerable sheep kills in the last 2 years, due to wild or free-running dog packs. I understand that in one kill, researchers found an entire experimental group of purebred sheep slaughtered by wild dogs. I further understand that to deal with the situation, baited poison is among controls used on these predators.

I would ask that if this holds true, why can the Federal Government use this method of predator control on Federal lands, when Idaho sheepmen and cattle ranchers cannot?

EXHIBIT 1

IDAHO WOOL GROWERS ASSOCIATION,
*December 21, 1972.*

Hon. Senator JAMES MCCLURE,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MCCLURE: We are sending to you a number of letters from sheepmen in Idaho who have either gone out of the business of sheep raising or have been seriously damaged due to the predator problem. As you know, sheep losses are mounting due to predators—particularly coyotes—and there doesn't seem to be any solution in sight to control these predators.

The presidential executive order banning the use of toxicants dealt our industry a severe blow. This was increased by the order of Secretary Ruckelshaus in banning the shipment of toxicants. We were also seriously damaged with the closing down of our bait station in Idaho which had operated for a long time in Pocatello.

I have the original of each of these letters in our files in the Boise office. You will note that many of these are small growers, but a number of them are also the larger sheep operators. In the case of Simplot Livestock their numbers are down some 7,000 head; and according to John Basabe, Manager, it will be impossible for them to stay in this business unless these losses can be held within reason.

Some environmentalists may question the accuracy of the statements made in these letters. We can assure you that these are the feelings and sentiments of the sheepmen listed. We have many others who are in a like position. It seems that the sheep industry is fighting for its very existence in our state.

Over 80% of the sheep in Idaho are grazing on public land, and the argument presented by some environmentalists that only 3% of the livestock in the nation are grazed on public land do not hold for our western states.

We are hopeful that something can be done to save the sheep industry—especially in the western states.

These letters are provided to you that you might have some first hand information from bona fide sheepmen in Idaho for your reference file.

Thanks for your consideration and help.

Sincerely,
IDAHO WOOL GROWERS ASSN.,
L. M. WILLIAMS,
*Executive Secretary.*

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FIRST BANK & TRUST OF IDAHO,
*Malad City, Idaho, December 12, 1972.*

Mr. L. M. WILLIAMS,
*Idaho Wool Growers Association,*
*Boise, Idaho*

DEAR LEN: Thank you for your letter of November 17, 1972 concerning coyote and predator controls. We are definitely concerned with the present predator control because it is vital to the survival of our great sheep industry.

We have a number of loans with the larger sheep men in the State of Idaho and the death losses from predators is becoming a major problem. If the present trend continues, we will be forced to liquidate their accounts in order to protect our interests, but we will be reluctant to pursue this course of action.

I have been in the sheep industry for over 40 years. Each year the problem has been more acute. Our expansion loans to sheep men have been limited in order to evaluate the future of the sheep industry.

We are strongly in favor of the Idaho Wool Growers supporting a predator control program to eliminate one of the major problems to our sheep men.

We feel the sheep business is an important industry and any contribution or help we can give please contact our bank in Malad.

Very truly yours,
LAWRENCE JONES,
*President.*

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NOVEMBER 28, 1972.

Mr. Little is deceased; so most of our sheep were sold in 1961. However, I kept 100 ewes (just because I liked them). These I tried to keep near the ranch house, but after about 8 years I gave up.

Coyotes came from all direction. Each year they ate over ½ the lambs and an old ewe now and then. So I gave up.

MYRN H. LITTLE.

My daughter is married to Bill Brailsford Jr., and they lost some 375 lambs to coyotes this past season. So they are very concerned.

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NOVEMBER 21, 1972.

Thank you for your letter of November 16 concerning our sheep losses because of predators.

In the last two years we have lost approximately 4,000 ewes and lambs because of coyotes. This year alone we lost approximately 2,500.

The coyotes have gotten so thick now we cannot operate any more.

JOHN BASABE.

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DECEMBER 12, 1972.

After 40 years in the sheep business, it was a hard decision to sell our sheep, but the predator and labor problems required us to do so.

We feel that coyotes and predators were a major problem to our sheep business, resulting in considerable losses. I am strongly in favor of a strict predator control program and I would be glad to render any help I can to promote this cause.

LAWRENCE JONES.

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DECEMBER 7, 1972.

A notarized statement from Highland Livestock Co. of Emmett by Robert Naylor which he provided to the Forest Service showing his losses from lambing to shipment August 15 and from August 15 to November 1.

During this period he lists a total of 780 head of ewes and lambs. They were divided as follows: losses to cougar—89 ewes and 81 lambs; to bear—39 ewes and 56 lambs; to coyotes—57 ewes and 206 lambs; and to poisonous plants—11 ewes and 87 lambs. This covered the period to August 15 when the lambs were shipped.

There were 5,100 ewes with lambs, 1,400 yearling and dry ewes, and 7,500 lambs with the 5,100 ewes. Total 14,000 head and 7 bands—after the lambs were shipped there were 6,900 head in 4 bands and from August 15 to November 1 they listed 16 ewes to bear, 110 to coyotes, and 28 to poisonous plants.

The notarized statement of this statement had been provided to Forest Service and a copy is on file in the Idaho Wool Growers Association office.

The Boise National Forest is the range where these sheep are grazed.

IDAHO WOOL GROWERS ASSOCIATION,
L. M. WILLIAMS,
*Executive Secretary.*

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DECEMBER 8, 1972.

This is in regard to your request for information on why I was forced to go out of the purebred sheep business.

I had questioned the wisdom of going out for a period of some years, but as the family had been in this business for at least 70 years it was a hard choice to make.

The loss from predators and dogs was the greatest reason for my decision. This season's health problem helped make the decision to quit.

On three different instances in the past few years there has been a loss of 60, 17 and 18 loss in one night, known to be coyote kills.

In 1971 I lost 40% of my lambs by coyotes, and when the trouble started again this spring, that was the biggest factor in my decision.

These losses have helped influence L. D. Warfield and Andy Lay to quit. Three of my neighbors, Frank Shirts, Cecil Kellar and Wayne Schleuber have been hit hard this fall. The last I heard Wayne had lost 40.

I lost a few calves this spring from coyotes and the worry now is whether this business will be unprofitable in the future if something is not done to stop the increase of coyotes.

BUCK HOWLAND.

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NOVEMBER 20, 1972.

In answer to your letter, we went out of the sheep business because of the coyotes. During the last week we had the sheep, we lost five sheep to them and they were right over the hill from the house. We wrote to the Predator Control when we sent in our check, and complained that nothing was being done in this area, and they sent a trapper out, who looked over the situation and as far as we know, did nothing. At least nothing was accomplished. Until there is an outbreak of rabies in the coyotes, we don't expect anybody to do anything to help the situation, because of this new government protection of them. Our neighbor has kept his sheep and took the losses. He said he had 200 lambs this spring, and at last report several weeks ago, had only 80 left. During the last two weeks, we have seen three coyotes, and they are starting to move in close to the house in the winter and spring. We can see no future for the sheepman in this area until something is done, so we went out of the business.

TOMMY HUBBARD.

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NOVEMBER 20, 1972.

I was forced out of the sheep ousiness by coyotes. I was running 500 purebred suffolks at my peak. We were advised by the Government planners to fence our range and run loose to cut labor and become more efficient. This we did.

Predators were under control and it worked good. Then gradually the predator control was eased and our losses started to climb. In my last year of operation I lost 20% of the ewes and their lambs. I now have a great investment in sheep tite fenced range I have no use for.

To say the least I am very bitter about the good (?) advice I received on how to run a bunch of sheep. I got taken every way.

JOHN C. KEITHLEY.

P.S. I have advised my son to go into business with a MBA which he is in the third year of school. This means the end of an agriculture enterprise (family) which began on this ranch in 1873. I will be the last generation to work this place.



NOVEMBER 20, 1972.

My sheep operation has been greatly reduced because of the coyote problem in the Rockland Valley.

I can no longer send the lambs out with the ewes in the spring. I have to wean the lambs and feed them in the feed lot. This is an added expense and additional labor.

This fall I had to bring the sheep in off the range early because of losses to coyotes. Even when I had the sheep in the fields the coyotes still worked on them. I finally had to bring the herd in every night to the house.

I am now feeding the herd hay at the home place because the coyotes are so bad and numerous. This is an extra month of feeding that I just can't afford.

I am sure that next spring will be much worse unless some poisoning is done this winter.

I will be unable to turn even the ewes out next spring. This will force me to sell the sheep and convert the range to cattle at a loss of grazing capacity.

If the coyote numbers continue build up they will endanger the cattle industry. They are already running in packs of 4 to 5 and I know of two cattle ranchers that have lost calves (new born) from coyote packs. The ranchers are Farold Nelson and Melvin Nelson. Both are interested in helping and getting help to reduce the number of coyotes.

MELVIN R. MUNK.

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NOVEMBER 24, 1972.

Another convention has come and gone and a very successful one it was. I really enjoy attending to hear the latest about the business even though I no longer have any sheep. After having had a ranch flock for over 40 years the coyotes, at least, succeeded in putting us out of business. When coyotes kill 20% of a lamb crop along with 5 or 6% of the ewes with costs being what they are it is time to change. The change to cattle is not without its problems with predators also. We lost 4 calves killed by coyotes last spring.

Lew, I hope the association can influence someone to understand the seriousness of predators. There are those who think they can live on blue sky, clear water, bare ground and love without any improvement upon mother nature's methods. Perhaps the worm will turn we hope.

VARD CHATBURN.

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NOVEMBER 23, 1972.

I was glad to get your letter of the 16th and to know that my old friends are still fighting for the good cause of predator control or balance of nature. I was doubly glad for the letter as I was in the hospital with a heart attack. I am better and home now.

Lew, there is no question, the coyotes put me out of the registered sheep business. Coyotes got about one third of the lamb crop in 1968 and 1969. I also had a loss of about 10% of young ewes. Incidents of coyotes killing young ewes occurred regularly. In a 3 nights period 6 ewes were killed or put another way $360 of breeding stock was killed. The government trapper caught 9 or 10 coyotes in about 2 weeks including the "professional coyote" that killed the six ewes. We had used 1080 bait in the right season, so there was no way left, but to quit.

Coyotes are increasing without the sheepmen to control them. The result here now is no pheasants to enjoy or hunt and almost no deer. But of course the environmentalist will not believe the truth or are too dumb to try.

Other sheepmen to quit are Jerry Balderson, Pete Gilman, Glen Peterson, John Stover and many others all of the Council area.

In meetings with the local people of planning interest we find multiple use and balance of nature results in the best return to all. Such fantastic ideas as "save the coyote" certainly gives sanctuary to a killer of good game and livestock and defeats the "true environmental desire of the majority". Let us get the facts from the local people and save Idaho from a "wilderness mess".

ANDY LAY.

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NOVEMBER 21, 1972.

I am somewhat reluctant to provide the following information since it is difficult for me to believe what has happened during the past year in the way of ewe and lamb losses, it seems like a nightmare. Consequently, I can appreciate the inability of someone that has not been near these losses to be able to digest and realize what has and is happening and to believe what I have experienced.

During 1971 I concluded our lamb losses to predators to be fifty and the ewe losses thirty-five. Although not severe it was the largest loss to predators that I had experienced in my association of twenty years in the sheep business. As a young boy, in the '30's I had heard my father talk about losing 50 to 100 lambs to the band of coyotes, but I did not get the impact of it until I had my own experience in 1972.

Prior to turning out on the grazing lands this spring I had prepared myself to expect to lose 150 lambs to predators. During the months of April and May our losses from all causes were 550 lambs or 12% of our lamb crop. In past years our maximum loss has been about 150 lambs, and most years less than 100.

I calculated the loss causes of the 550 lambs as follows:

(1) 150—disease, poisonous plants, malnutrition, etc.

(2) 50—tularemia (Experienced a heavy tick infestation)

(3) 350—predators.

I am satisfied that a portion of the losses within the 150 were from predation also but I have attempted to be conservative about the predator losses and not exaggerate the issue.

During the past 20 years we have purchased ewe lambs each year for replacement purposes and this year I did not purchase any lambs. My mind and my heart wouldn't allow it. I have been working and planning towards solutions for some of our problems in the sheep business such as labor and the economics by range improvement and fencing but the predator problem at this point is more than I can overcome with the knowledge and ability that is available to me.

MAURICE GUERAY, Jr.

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NOVEMBER 28, 1972.

I understand from Andy Lay that you are gathering information on predator losses. You may be able to use these figures. They are the result of a 1971 survey among the producers in the Upper Country Pool.

There were 8,000 head of sheep owned by 60 producers, 8 of whom reported no losses and 8 more did not respond.

The total loss from all causes was 707 head broken down as follows: Coyotes 304, Dogs 97, other predators 30, and all other causes 276.

As you can see the coyote loss alone in our small pool amounted to well over $6.000 in 1971. This also came at a time when our pool sold its wool for the lowest price in our history.

I hope you will be able to use some of this information.

CHAD GIBSON.
*Extension Agricultural Agent.*

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DECEMBER 1, 1972.

Yes, I went out of the sheep business due to the number of lambs I lost for a period of three years.

The way it looks here in our locality we will have no deer herd for the same reason if something is not done to control the coyote. I hated to have to sell my sheep because I liked to raise them, but I guess

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some people like coyotes and the damage they do.

RAY MCCAMMON.

DECEMBER 3, 1972.

Yes, we did sell the sheep on the account of the coyotes. There are a lot of them and you would have to be right out there all the time.

You have to have the cows in close while calving, or they'll get the calves, too.

They have gotten a dozen of my fryers this year, too.

Mr. Chalnce Gidel who lives down closer to Orofino, the coyotes got a baby calf last winter and it wasn't far from the house.

We were riding after cattle and two coyotes were after a mother deer and fawn. We took after them and got them off from her. The poor deer's tongue was hanging out. The fawn just dropped right down by a log. The mother turned and ran right after the coyotes with us. It was really something, but the coyotes are really hard on deer too.

Sure would be nice to get rid of them.

Mr. and Mrs. GLEN PHILLIPS.

## THE NEW WORLD FRONTIER

Mr. MUSKIE. Mr. President, several weeks ago, Mr. P. A. Gorman, chairman of the Board of the International Paper Co., spoke before the Colby Institute of Management at Colby College in Waterville, Maine. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE NEW WORLD FRONTIER

(By P. A. Gorman)

It is a great pleasure for me to be here this evening. As you may know, my company has been deeply involved with the State of Maine and its forests for a long time. For as long as we've been a company, in fact. Personally, I know of few places that can claim the beauty and grandeur one finds in this state.

I am particularly pleased to be able to talk to you here on the campus of Colby College. Colby exemplifies a meeting ground which combines the needs of youth, of business and the environment. Its growth as an educational and cultural center is proof of its service to youth. These annual management seminars—now in their 22nd year—have been serving the business community well. Colby's dedication to the environment is amply demonstrated not only by its extensive arboretum and bird sanctuary right here on campus, and its Colby Marston Bog project in the Belgrade Lake area, but also by the fact that it has been one of the first colleges in the nation to offer a major in environmental studies.

The conjunction is symbolic. Our environment and our economic structure cannot be separated, and the strategic directions that both must take should be forecast by the needs of our people at least 30 years from now. Colby students of today will be more at the heart of that populace than others of us here in this room.

Today we are somewhat in the position of Alice, lost in the woods of Wonderland, who chanced upon the Cheshire Cat.

"Would you tell me please," asked Alice, "which way I ought to go from here?"

"That depends on where you want to go," replied the cat.

"I don't much care where," said Alice.

"Then," said the cat, "it doesn't matter which way you go."

Which way we go—particularly with regard to the environment—does matter. It matters a great deal. And what matters most is that we decide where we want to go—or perhaps more accurately, where *we must go*. We're dealing with the strategic side of tomorrow.

We are facing a new world frontier, where nations compete vigorously with each other not to capture territory or men's minds as in the past, but to earn the favor of the world's industrial and consumer purchasers—a frontier where we, as Americans are importing nine out of ten home radios, fifty percent of our nails, and, among other things, one out of six of our new cars.

Competing on the new frontier has become a complex process, indeed: a process deeply involving each nation's own standard of living for its people, its economic policies, the effectiveness with which it allocates its natural and human resources, and the efficiency with which it converts those resources to goods and services to which others attach value.

One very potent force within this new world frontier is the matter of environmental concern. Within the last decade people throughout the world, and in this country especially, discovered that, in the drive for a constantly higher standard of living, our physical environment has been degraded. So, with some confusion, we all set out, in multiple directions, to "do something"—clean the air, save the forests, eliminate all potential hazards.

The issue has been clouded with emotion. As Herbert Stein, chairman of President Nixon's Council of Economic Advisors, said recently: "Decision makers are constantly struggling against sentimentality, prejudice and myopia. People start from the presumption that since a better environment is a good thing, anything that improves the environment is a good thing, regardless of the cost."

But environment is not just scenery. It involves the relationships between the physical world and man's social, economic, technical and philosophical patterns. A change in any part affects all the others.

I think it is time we slowed down a little to be sure of where we are going, what we're going to get, what it will really cost, and who will pay for it on this new world frontier, we need to examine not only the original dollars required to meet our goals, but also the long-range effects on our social and economic structure—and where, if at all, we may have to compromise.

Because this overall question is enormously complicated, I would like to address myself this evening to just two aspects in which this state and my company have parallel interest: First, the reduction of contaminants in our air and waterways; and second, the conservation and development of our forest resources. I believe we are trying to go farther and faster with the first than is advisable, and not nearly far or fast enough with the second.

There is no question that there has been a degradation of the physical environment, and in some areas a serious degradation, from an outpouring of more material into our air and waterways than nature can process and absorb on its own.

Certainly further degradation must be stopped. Here in Maine, this has long been recognized. Corrective action by both the people and the industry of this state has managed to reverse the trend in many of Maine's principal waterways.

Nationally, the petroleum industry is spending an average of $1.5 million each and every day on environmental protection. In the past two years, the chemical industries spent more than $1.5 billion for pollution abatement. The hard pressed iron and steel industry during the past 5 years has poured more than three billion dollars into ecology betterment. Electric power companies spent $650 million anti-pollution dollars in 1971 and upped the figure substantially in 1972.

The forest oriented industries have been a leader in this effort. International Paper alone—has spent or committed some $145 million for this purpose.

Totally, the nation's pulp and paper companies have spent over $1 billion for environmental controls, and another $1 billion is planned.

Industry, of course, is not alone. Governments at all levels are involved. And this is only the beginning.

The Council on Environmental Quality has estimated that between 1971 and 1980, a total cost of $92 billion will be needed in capital investment by industry and governments to meet air, water and solid waste requirements. Additional cumulative operating costs of these facilities will bring the total cost to $194 billion by 1980—and, of course, the operating costs at a rate of $10 billion a year continue indefinitely.

These estimates were in 1971 dollars. Inflation has already raised the figures and will again. Even these staggering amounts may be too low, since nobody knows exactly what future standards should be, or if the proper technology can be developed within this time span.

Who pays for all this? Until now, it has been mostly industry. But let me quote William D. Ruckelshaus, head of the Environmental Protection Agency:

"So far, there has been little real public dislocation. It is easy to be in favor of clean air and water as long as there doesn't appear to be a price to pay. We are now coming to the point where the public is going to have to start paying."

Ultimately the public, you and I, are going to pay for it in higher prices for goods and higher taxes for government facilities. Maybe it won't seem very much each time if a child's school pad goes from 19 to 23 cents, a can of paint goes from $7 to $8, gasoline rises two or three cents a gallon—or even if we have to pay ten percent more to the IRS or the village tax board every April. Multiply these little things by the hundreds for every individual, and then the cost of environmental improvement really hits home.

And there, I think, we are at a crucial moment. In many areas, we do not know whether the environmental benefits will justify the costs. In many cases, we do not know what the environmental benefits will be, regardless of cost. In many cases we have leapt to a conclusion before we looked carefully at these matters. We have legislated or regulated before all the facts were known. The implications for this new world frontier of ours are enormous.

Speaking very literally, every emission, even including the breath we exhale, can be considered a pollutant. I submit that too little research has been done to define, in terms of our current society, at what point any material really becomes a pollutant.

Today it's been generally accepted that the greatest single cause of air pollution is the automobile, and that auto emissions must be reduced. The Air Resources Board of California—the state that has the longest experience with adverse effects of automotive pollution—said in a 1969 report that if we can again achieve the air quality of the early Forties, that would be quite acceptable to human health and comfort. To reach that standard, the Board said, the three principal auto emissions would have to be reduced by approximately 83%. But Washington, responding to emotional pressure from a vocal minority, mandated a 95% reduction.

As far as I know, no case was made for the health necessity of the additional increment. Studies made by government agencies as well as private consultants indicate that the extra 12% "improvement" nationally will add another $4 billion every year to motorists' out-of-pocket costs, and possibly create some driving hazards. Costs of this



kind, it must be noted, hit proportionately hardest at those least able to afford them. Remember that this, and similar expenses in other areas, will be in addition to the approximately $200 billion I mentioned earlier for basic facilities.

In our own case, we have found that a 95% reduction in air and water contaminants from paper production is technically feasible, although meeting that standard is shaving our already slim returns even further. The removal of each additional one percent becomes increasingly prohibitive. Removing the last five percent—and neither the necessity nor the desirability of a so-called "zero discharge" has been demonstrated—would certainly price essential products out of the market.

Financial resources of any business and even of governments are limited. We are really talking about a large-scale reshuffling of our economic resources. If we must be prepared to spend hundreds of billions to improve the physical environment, we must be equally prepared not to spend an equal amount for other purposes, and to accept the social dislocations that may result. I am sure that few people have yet considered what they may have to give up in return.

They fail to recognize the truth—that people—and only people—pay for all of this. The people pay in higher prices, or higher taxes or lower dividends, or a combination of all three. Therefore, before we rush to change our lives, before we spend these vast resources, I believe we should spend a small fraction of them to determine, definitely, and accurately what the real dangers might be, at what point they really become dangerous, and the best way to stabilize below that point. Then, let's do what is necessary, based on knowledge, not fear or emotion.

On this new frontier, we cannot just wander. Unlike Alice, we'd better know where we have to go—and if necessary, pause long enough to learn the best way to get there. Otherwise, we may lose our way.

If on this aspect, we have been moving forward with too little knowledge, in another area we have a great deal of knowledge and we seem to be moving back from it. That is the question of how to get the most effective use of our forest lands—for the benefit of the whole society.

Good healthy forests are vital to our civilization. They will always be necessary to generate the oxygen that keeps our atmosphere in balance, to help maintain ground water systems, to provide recreation for people and a haven for wildlife—and to supply to our people vital products for which there are no substitutes. Obviously, they must be maintained. And our experience shows they very definitely can be maintained while meeting the nation's growing needs for forest products.

This country uses a great deal of wood. In 1971, consumption of timber products in the United States, according to the Department of Agriculture, was about 13 billion cubic feet. Luckily, unlike most other major natural resources, the forests are renewable, and new growth is running about 8% ahead of the amount cut. Were everything to remain static—our population and our usage—there would be no problem.

But population and per capita use are growing. Assuming a continuation of current trends, the annual demand for forest products by the year 2000 is conservatively projected to reach 23 billion cubic feet, an increase of 75% over current levels. Can that need be met?

Since it takes at least 25 years to grow a merchantable tree, we are already late in making the decisions that will affect the timber supply at the end of this century, only 27 years from now.

We have a choice of two main directions. We can limit the demand or we can increase the yield.

The U.S. Forest Service has said that if we continue at our 1970 overall levels of forest management, total domestic supplies of softwood-sawtimber will fall 20 billion board feet short of projected demands by the year 2000.

Almost half of the total annual timber harvest goes into home-building and construction. Available housing now is below the amount considered necessary. To meet a reasonable standard of housing for our increased population, perhaps twice as much lumber, plywood and other wood construction materials will be required annually as was produced yearly in the Sixties. There are no currently known effective substitutes for wood in housing, not technically, economically or ecologically.

We could decree that the new housing rate of the future is to be no greater, or perhaps even less, than that of the past—and if that means intolerable crowding of people, so be it.

We could also decree that total consumption of paper must not pass current levels, that per capita use must decline. In this civilization we are surrounded by paper from our birth certificate to our death certificate. We might ask which uses of paper the public will choose to give up first—newspapers, magazines, school books, grocery bags, business records, bathroom tissue, stationery? But would these actions be the real answer to the problem?

Of course, we probably would not have to ration anything. Supply and demand interaction would raise the price of forest products sufficiently high to limit demand.

Recycling has been offered as a possible solution. The technology is not now available except in limited areas. The economics are not yet practical. They both may become more so in the future. When they are, they may take some of the pressure off the supply problem. But recycling would offer little help in construction and other wood uses.

The situation is compounded by the possibility of far less forest land being available in the future.

Currently 51% (392 million acres) of all land classified as forest in the country is owned by federal and state governments. Only about one third of that (142 million acres) is available for commercial tree production.

Other forest land is being nibbled away. In recent years, up to one million acres of forest has disappeared annually due to conversion to farms, highways and other uses, as well as to the steady expansion of urban areas. The expansion of the wilderness system being advocated by preservationists, and apparently getting a receptive ear in some segments of government, could represent a major loss.

The wilderness system established in 1964 by Congress included last year some ten and a half million acres. Another four and a half million acres have been classified as "primitive areas" with essentially the same restrictions. And right now, 100 million acres more—or 13% of the total forest of the United States—are being considered for permanent withdrawal as wilderness.

I think it is time for reconsideration of this concept.

Putting a man into solitary confinement does not prolong his life—nor that of a tree. Consider some of the restrictions of the wilderness concept. No roads of any kind; no vehicles of any kind; no structures of any kind; no access—and therefore no way of fighting fire or disease and insect infestation. The Forest Service has said that because of access problems in the Federal commercial forests, more wood is lost to fire, insects and disease in the area under its jurisdiction than the entire amount cut for commercial purposes. In totally restricted wilderness, that problem is compounded. Even aside from those hazards, trees age and die, and instead of being put to productive use, must be left to decay pointlessly.

This is not conservation—this is waste.

Nor can it be justified as a trade-off for recreation. With no roads, no eating or sleeping facilities, no sanitation, no replenishment of supplies, no assistance if help is needed, potential visitors to the wilderness are limited to those with the taste and the stamina for hardship. This discriminates needlessly—it eliminates most families with children, most people over thirty, most urban dwellers untrained for the wilds. In short, while our supplies grow tighter, the wilderness advocates are asking that some 15% of our total forest land base be restricted solely for a very narrow aspect of recreation for the benefit of less than one percent of the population. Perhaps never before in history have so few done so much to deny access to so many.

In addition to withdrawal of forest land from productive use, pressures are being generated to reduce the current levels of timber cut in federal commercial forest. This is perhaps the most significant single influence on the current timber supply, and underlies in large measure the rapidly rising cost of construction lumber. Even with the events of this past week, we are a long way from managing our nation's forests productively. And now proposals are cropping up to restrict the amounts and techniques of harvesting even on private lands.

If we continue down this road, not only can we not meet the needs of the next generation, we cannot even continue to adequately supply our current population.

Luckily, there is another road . . . to increase the yield to levels that will supply our future needs adequately. It is already clearly proven that this can be done without destroying the forest. In fact, we know that—with intensive management, the nation's forests can meet supply requirements and actually improve the forest resource.

Industry-owned forests represent less than 9% of the total U.S. Forest—and provide nearly a third of the total supply of forest products. Effective management of the land has increased both yield and new growth sharply. On public lands, the growth of new wood averages 26 cubic feet per acre per year; in the industrial forests it averages 52 cubic feet. That gap has been increasing steadily for years.

Effective management means assuring more new growth than is harvested, whether by even-age harvesting and replanting, as in the South, or by selective cutting and thinning to aid natural regeneration as is done here in the Northeast. It means controlling erosion; protecting against fire and disease; enriching the soil; developing new genetic strains of trees that grow faster and yield more usable fiber. And at the same time, providing more access for recreation and improved habitat for wildlife.

It also means reduction of waste in forest resources. Small trees once considered as weeds, chips and slabs from sawmills, shavings and other residues are today all being used in the paper-making process. Some 25% of the wood fiber now being used in paper-making comes from material once left behind. As many of you here in Maine know, we even use bark and material recovered in the manufacturing process to reduce our fuel consumption.

With the continuation and refinement of these intensive management practices,—within the concept of effective management of this uniquely renewable resource—the forest industries expect to increase the annual growth on its lands by 50% over current levels at the turn of the century.

The obvious answer is the extension of intensive management techniques to the federal and state forests. More than half the nation's merchantable softwood timber lies in the commercial lands under federal man-

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agement. These lands do not provide their proportionate share of yield and growth. They can and should.

But there is a peculiar myopia, on the part of both government and public, in this regard. These federal lands are viewed as a dormant resource, to be saved indefinitely. By failing to use it properly, we are not saving it, we are wasting it.

Currently, Forest Service budgets and permissable harvests are being reduced. The proposed cut of some $70 million in the current budget from funds for forest roads on federal lands will mean that far more than that value in useful timber will be lost every year to fire and other devastation.

There is a noticeable slowdown in the time it takes to arrange for harvesting in the national forest. Too much time is being taken up in placating the emotional attacks from professional environmentalists. Wheels that used to spin are grinding to a halt.

The bitter paradox within this myopia is that everybody really wants the same thing—to insure the perpetuation of the resource. But given the needs of the American people, the resource can only be perpetuated and improved if it is effectively managed, not if it is locked up and left to die.

Since it takes three decades or more for the effects to be really felt, we are significantly overdue in applying the knowledge now at hand to all our lands.

Does it seem strange for a representative of private industry to encourage more direct economic competition from government? Perhaps so. But I am talking about a unique and valuable national resource that should and must be managed to meet the needs of the nation, not to quiet the clamor of an uninformed, if well intended minority.

The need and the potential ability to increase the supply for coming generations is utterly clear. There is no necessity whatever for this country to develop a "forest products crisis" that might parallel our current "energy crisis", which has been created partially by the conflict between the need for power and the cry to "improve the environment at any cost."

Ladies and Gentlemen, this is the time to stop, look and plan.

You here in Maine have a vital stake in this question. Forests cover 88% of your land—17 million acres, or 17 acres for each of your one million people. Forest oriented operations represent 38% of your state's manufactured products, or close to a billion dollars with a value of three and a half times the total cash farm income, almost 60% as much as total retail sales. Nearly one out of every four jobs in Maine is directly or indirectly dependent on the forests. Per capita income for people employed in paper and allied fields is $7,935 per year compared with $3,257, the average income for all workers in your state. The forest oriented industries of Maine are among the few that have clear growth potential. Many of your other industries are declining.

Decisions are now being made, in Washington, in Augusta, Maine, and in some other state capitals, that could limit the best use of forest lands, public and private. Nowhere will those decisions have a greater impact than here in Maine. Without productive use of this great renewable resource, the economic vitality of your great state may be in jeopardy indeed, the state of Maine and each of its citizen are very much a part of this new world frontier.

In the interests of future generations and ourselves, pollution must be alleviated and the use of our forests improved. But in closing, I would like to repeat that I think the facts clearly show that we are moving too fast with too little knowledge in matters of air and water control, and much too slowly in applying the knowledge we have already gained in forest management. Fortunately, it's not too late to determine what we really need and how far and how fast we must go to get it.

The Cheshire Cat was right, of course. If you don't care where you go, it doesn't matter what direction you take. We have too much at stake not to care. We want a better environment *and* a sound economic structure. Clearly we can have both, but, we may get neither unless we consider all of the interrelated issues in the context of this new world frontier which surrounds us. Thank you.

## WHAT DOES SECOND AMENDMENT MEAN TODAY?

Mr. KENNEDY. Mr. President, guns and their proper role in modern society have been the topic of public debate for many recent years. A central theme in that debate has developed because reasonable observers interpret the second amendment to the Constitution in different ways. Observers on both sides of the gun controversy are somewhat victimized by the confusion about the so-called right to bear arms.

On May 5, the Evening Star-News published an outstanding account of the second amendment and its meaning today. Written for the Star-News, by S. I. Hayakawa, this column expertly points to the problems caused by too many firearms in modern society. Mr. Hayakawa also notes that we should—

Try to decide together how to interpret the words of 1790 in the context of the densely populated, technological world of 1973, in a way that will insure both our freedoms and our safety.

This is clearly a worthwhile treatment of the issue relating constitutional authority to private gun ownership and I commend it to each Member of this Senate.

For that reason, I request unanimous consent to print in the RECORD "What Does the Second Amendment Mean Today," from the Star-News of May 5, 1973.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT DOES SECOND AMENDMENT MEAN TODAY?

(By S. I. Hayakawa)

The Second Amendment to the Constitution of the United States remains one of the least understood parts of that document. It says, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." What does it mean?

What does "militia" mean? Funk & Wagnalls Standard College Dictionary says of the word, "U.S. Able-bodied male citizens between 18 and 45 years of age not members of the regular military forces, and legally subject to call for military duty."

The American colonists had no use for standing armies. The Declaration of Independence makes opprobrious reference to King George's army. What the colonists wanted for themselves was a citizens' army—parttime soldiers. Hence in post-revolutionary America all able-bodied men were militia members. Their effectiveness in an emergency depended on their having fire-arms conveniently at hand and being ready to use them.

Today, of course, we live in a different world. Instead of local citizens' armies, we have a huge standing army and a National Guard trained by the federal government in sophisticated weapons unsuited for private possession. Certainly the widespread ownership of firearms, originally needed for national defense, can no longer be justified on this basis. Wars are bigger now, and infinitely more technological.

But the fundamental ambiguity of the Second Amendment remains a topic of intense debate. What does it mean for us today?

Currently there are two contrary interpretations, which may be described as the national view and the individualist view. The national view states that since the purpose of the amendment was to provide for strong local militias, the right of the individual citizen to keep and bear arms need be protected only as long as he is a member of a militia.

The individualist position, however, is that the maintenance of a militia is only one of the purposes of the Second Amendment. They say that it also safeguards the right of the individual to protect himself not only against dangerous intruders on his home and property, but also against government oppression. The thought of government oppression is important here because in the early days of our country people were extremely distrustful of centralized government, which they saw as leading almost inevitably to tyranny.

I have received many letters in response to my two columns in support of the bill introduced by Rep. John Dingell, R-Mich., to forbid the sale of cheap handguns known as "Saturday night specials." It is interesting to note how often this ancient fear of centralized tyranny remains a concern for some of my correspondents, who feel that a bill forbidding the sale of any kind of gun must lead inevitably to the forbidding of all guns in private hands—which in turn would leave the nation helpless against Fascist or Communist dictatorship.

The few courts that have passed judgment on the proper interpretation of the Second Amendment have been divided in their interpretations. Some have supported the national view that the right to keep and bear arms is conditional upon the existence of a militia. Other courts have said that the individual's right to bear arms cannot be infringed. Another unresolved question is whether the federal or state government is responsible for regulating this right—if, indeed, it is held that individuals have such a right.

The Supreme Court has not passed on these issues. Meanwhile, we are faced with the puzzling question: How does the Second Amendment apply to our 20th century society?

It might help to try to be extensional—as the semanticists say. In other words, fact-minded. What did the word "arms" mean to people in 1790 at the time the amendment was adopted? Flintlocks, surely. It must have included the famed Kentucky rifle. Also dueling pistols.

But breechloading had not been invented. Nor had the metallic case. Nor the revolver. Automatic pistols and submachine guns were still a century or more away, as were bazookas and fragmentation bombs.

What we should all be doing—advocates as well as opponents of gun controls—farmers, hunters, woodsmen as well as terrified city-dwellers—is to try to decide together how to interpret the words of 1790 in the context of the densely populated, technological world of 1973, in a way that will ensure both our freedoms and our safety.

Meanwhile, the people with bumper-stickers saying, "When guns are outlawed, only outlaws will have guns," can relax. No one is trying to "outlaw" the private possession of firearms.

## DEPARTMENT OF DEFENSE INDEPENDENT RESEARCH AND DEVELOPMENT REPORT

Mr. McINTYRE. Mr. President, section 203, paragraph (c) of the 1971 Department of Defense Appropriation Authorization Act—Public Law 91-441—requires the Department of Defense to submit an annual report to the Congress on independent research and development and bid and proposal costs. I ask unanimous consent to have the following documents printed in the RECORD:

First. The language of section 203, Public Law 91-441.

Second. Copy of letter of transmittal dated March 14, 1973, from the Assistant Secretary of Defense for Installations and Logistics, and the report for calendar year 1972.

Third. Copy of DOD instructions dated September 27, 1972, for completing I.R. & D. project technical evaluation forms.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 203, PUBLIC LAW 91-441

SEC. 203. (a) Funds authorized for appropriation to the Department of Defense under the provisions of this or any other Act shall not be available after December 31, 1970, for payment of independent research and development or bid and proposal costs unless the work for which payment is made has, in the opinion of the Secretary of Defense, a potential relationship to a military function or operation and unless the following conditions are met—

(1) the Secretary of Defense, prior to or during each fiscal year, negotiates advance agreements establishing a dollar ceiling on such costs with all companies which during their last preceding fiscal year received more than $2,000,000 of independent research and development or bid and proposal payments from the Department of Defense, the advance agreements thus negotiated (A) to cover the first fiscal year of each such contractor beginning on or after the beginning of each fiscal year of the Federal Government, and (B) to be concluded either directly with each such company or with those product divisions of each such company which contract directly with the Department of Defense and themselves received more than $250,000 of such payments during their company's last preceding fiscal year;

(2) the independent research and development portions of the advance agreements thus negotiated are based on company submitted plans on each of which a technical evaluation is performed by the Department of Defense prior to or during the fiscal year covered by such advance agreement; and

(3) no payments for independent research and development or bid and proposal costs are made by the Department of Defense to any company or product division with which an advance agreement is required by subsection (a)(1) of this section, except pursuant to the terms of that agreement.

(b) In the event negotiations are held with any company or product division with which they are required under subsection (a)(1) of this section, but no agreement is reached with any such company or product division, no payments for independent research and development or bid and proposal costs shall be made to any such company or product division during the fiscal year for which agreement was not reached, except in an amount substantially less than the amount which, in the opinion of the Department of Defense, such company or product division would otherwise have been entitled to receive, subject to appeal by such company or product division under regulations to be prescribed by the Secretary of Defense.

(c) The Secretary of Defense shall submit an annual report to the Congress on or before March 15, 1971, and on or before March 15 of each succeeding year, setting forth—



(1) those companies with which negotiations were held pursuant to subsection (a)(1) of this section prior to or during the preceding fiscal year of the Federal Government, together with the results of those negotiations;

(2) the latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the independent research and development or bid and proposal payments made to major defense contractors, whether or not covered by subsection (a)(1) of this section during the preceding calendar year; and

(3) the manner of his compliance with the provisions of this section, and any major policy changes proposed to be made by the Department of Defense in the administration of its contractors' independent research and development and bid and proposal programs.

(d) The provisions of this section shall apply only to contracts for which the submission and certification of cost or pricing data are required in accordance with section 2306(f) of title 10, United States Code.

(c) Section 403 of Public Law 91-121 (83 Stat. 204) is hereby repealed.

ASSISTANT SECRETARY OF DEFENSE,
*Washington, D.C., March 14, 1973.*

HON. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: The Secretary of Defense has requested that I prepare and submit to you the report of Independent Research and Development and Bid and Proposal costs required under Section 203, Paragraph (c) of the 1971 Department of Defense Appropriation Authorization Act (PL 91-441). This Section requires the submittal of an annual report to the Congress on or before March 15 each year setting forth—

(1) those companies with which negotiations were held pursuant to subsection (a)(1) of this Section prior to or during the preceding fiscal year of the Federal Government, together with the results of those negotiations.

(2) the latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the Independent Research and Development or Bid and Proposal payments made to major defense contractors, whether or not covered by subsection (a)(1) of this Section during the preceding calendar year; and

(3) the manner of his compliance with the provisions of this Section, and any major policy changes proposed to be made by the Department of Defense in the administration of its contractors' Independent Research and Development and Bid and Proposal programs."

The report is in three parts corresponding to the three items quoted above. Parts I and II were compiled from detailed data pertaining to individual companies. This detailed company information is very sensitive and is not included in the report; however, it will be made available for review.

Sincerely,

HUGH MCCULLOUGH,
*Acting Assistant Secretary of Defense (Installations and Logistics).*

REPORT TO THE CONGRESS ON INDEPENDENT RESEARCH AND DEVELOPMENT COSTS AND BID AND PROPOSAL COSTS

PART I

Companies with which negotiations were held pursuant to Section 203 prior to or during the preceding fiscal year of the Federal Government and the results of those negotiations.

In accordance with the above requirement the attached Schedule A provides data pertaining to the negotiations conducted in the Government's fiscal year 1972.

PART II

Latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the Independent Research and Development (IR&D) or Bid and Proposal (B&P) payments made to major defense contractors, whether or not covered by Subsection (a)(1) of this Section [203, PL 91-441] during the preceding calendar year.

The statistics required are provided in the attached DCAA report. The report shows total IR&D and total B&P costs incurred by the contractors reviewed, the amount accepted or recognized by the Department of Defense and the DoD share. In addition, total sales of the contractors are shown along with the portion representing DoD sales.

The amount listed on Page 1 under the column heading "Amount Accepted by Govt." represents the sum of the ceilings negotiated with individual contractors as well as the sum of amounts recognized for other contractors who had no advance agreements. These accepted amounts are not the costs reimbursed by the DoD but are the amounts that the DoD recognizes for allocation to all the contractors' business. The DoD portion is shown under the column headed "DoD share."

On pages 2 and 3 of the report the totals shown on page 1 are broken down to show, respectively, the portions applicable to contractors covered by advance agreements and the portions applicable to contractors for which advance agreements were not required.

We would like to call attention to the note at the bottom of page 1. A revision to the Armed Services Procurement Regulation which has now become effective requires contractors to allocate overhead costs to IR&D and B&P effort. Some contractors were already doing so, others were not. The effect is to increase the apparent cost of performing IR&D and B&P effort. This does not necessarily increase contract costs; but rather, reflects a more accurate method of allocating overhead costs to contract work.

In the report furnished last year we advised that the cost principles in the Armed Services Procurement Regulation had been revised to include, in their definitions of IR&D and B&P certain technical costs not previously included. These revisions were not yet effective in 1971 and we therefore furnished data on certain other technical effort associated with IR&D and B&P. The changes have, since, became effective and separate data for these technical costs are therefore not included in this report.

It will be noted that data for both 1971 and 1972 are furnished. It has been the practice to update data previously furnished because latest year figures include significant amounts of estimated information. The 1971 figures presented here have had most of the estimated data replaced with actual data. The report furnished next year will similarly update the 1972 data furnished herewith.

A complete explanation of the information contained in the report is provided in the foreword which precedes Page 1. You will note that the criteria for selecting major defense contractors is identical to that in last year's report, but the number of contractors meeting the criteria has dropped slightly from last year (84 to 77). This reflects the decrease in overall defense procurement that has taken place.

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED BY MAJOR DEFENSE CONTRACTORS IN THE YEARS 1971 AND 1972

FOREWORD

This summary report presents the latest available Defense Contract Audit Agency (DCAA) statistics, estimated to the extent necessary, on the independent research and development (IR&D) and bid and proposal (B&P) payments made to major defense contractors. The statistical data are submitted for inclusion in the annual report to be submitted by the Secretary of Defense to the Congress on or before 15 March 1973, in accordance with paragraph (c), Section 203, Public Law 91-441. The data set forth in this

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statistical summary report are similar in nature to the information previously furnished to the Office of the Assistant Secretary of Defense (Installations and Logistics) (OASD (I&L)), for contractor fiscal years 1970 and 1971.

The summary on page 1 is an overall presentation of IR&D and B&P costs incurred by 77 major defense contractors during their fiscal years 1971 and 1972, amounts accepted by the Government, and the Department of Defense (DoD) share of amounts so accepted. The column "Amount Accepted by the Government" contains amounts considered allowable and allocable to all contractor work performed—Government and commercial. The DoD share of the costs accepted each year is the contractor's actual allocation of such costs to DoD work. In addition, this summary shows related sales achieved by the 77 contractors, comprising 167 reporting divisions and/or operating groups.

The defense contractors represented in this summary are those who had an annual auditable volume of costs incurred of $15 million or more as of 31 December 1972, and other contractors who, although not meeting the auditable volume criterion, required 4,000 or more man-hours of DCAA's direct audit effort per year. As in prior DCAA reports, contractors specifically excluded from this summary are construction companies; educational institutions; foreign contractors and overseas operations of U.S. contractors; Government-owned-contractor-operated (GOCO) plants; insurance companies; Job Corps Training Center contractors; major laboratories (Jet Propulsion Laboratory, California Institute of Technology; Massachusetts Institute of Technology; Applied Physics Laboratory, Johns Hopkins University; etc.); marine transport contractors; and military medicare contractors. The contracting activities incurred nominal or no IR&D and B&P costs. Details in support of the summary are contained in a separate statistical report, designated "FOR OFFICIAL USE ONLY," copies of which are available through OASD (I&L) or DCAA.

DCAA obtained the IR&D and B&P cost and sales data from contractors' records, but such data do not necessarily represent audited amounts. Included in the costs shown are amounts accepted by the Government in overhead negotiations and through advance agreements. Where actual cost and sales data were not available, as in the case of calendar year contractors who had not completed the closing of their books for 1972, DCAA auditors obtained reasonable estimates. It should be noted that the contractor sales shown do not necessarily equal total contractor sales, but rather the sales of the individual contractor divisions and/or operating groups that are listed in DCAA's detailed supporting report. DCAA did not attempt to determine the reasons for increases or decreases in contractor costs and sales between the years 1971 and 1972.

Defense Procurement Circular 90, dated 1 September 1971, revised the cost principles applicable to IR&D and B&P (Armed Services Procurement Regulation, Section XV, Part 2, Paragraphs 15–205.3 and 15–205.35). The principles, incorporated by ASPR Revision 11, dated 28 April 1972, required that IR&D and B&P costs include an allocation of all applicable indirect costs except general and administrative expense. This requirement was to be effective for all contracts entered into at the beginning of the first fiscal year of the contractor which started on or after 1 January 1972. Note A contained in the schedule on Page 1 shows the amount of burden applied to IR&D and/or B&P costs as a result of this new requirement for those contractors who had not previously burdened such costs prior to the year 1972.

The summary on Page 2 indicates the extent of advance agreements in effect during either one or both years. The summary on Page 3 shows costs not subject to advance agreements.

SCHEDULE A.—I.R. & D./B. & P. REPORT—PT. I

NEGOTIATIONS COMPLETED IN FISCAL YEAR 1972 AND RESULTS OF THOSE NEGOTIATIONS

[Dollar amounts in thousands]

| Contractors' fiscal year | Number of companies | Total program dollars proposed by contractors | | | Total advance agreement ceiling dollars negotiated by DOD | | | Estimated DOD share of ceiling dollars negotiated | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | I.R. & D. | B. & P. | Total | I.R. & D. | B. & P. | Total | I.R. & D. | B. & P. | Total |
| 1971 | 50 | $702,164 | $363,405 | $1,065,569 | $550,238 | $313,344 | $863,582 | $274,877 | $223,488 | $498,365 |
| 1972 | 48 | 622,319 | 358,863 | 981,182 | 497,343 | 306,394 | 803,737 | 294,096 | 222,032 | 516,128 |
| 1973 | 10 | 43,540 | 31,867 | 75,407 | 30,593 | 25,546 | 56,139 | 20,629 | 22,101 | 42,730 |

Note: 1973 data represents only those negotiations that were completed in the Government's fiscal year 1972. Additional negotiations were completed in the last half of calendar year 1972 and these will be included in the report for next year. 1971 ceiling dollars and DOD share of ceiling dollars include an amount allowed by the contracting officer for a contractor which has appealed the contracting officer's decision. The case is now in the U.S. Court of Claims.

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED AND SALES ACHIEVED BY MAJOR DEFENSE CONTRACTORS FOR CONTRACTOR FISCAL YEARS 1971 AND 1972

[In millions of dollars]

| | 1971 | | | 1972 | | |
|---|---|---|---|---|---|---|
| | Costs incurred | Amount accepted by Government | DOD share | Costs incurred | Amount accepted by Government | DOD share |
| Independent research and development (I.R. & D.) | 703 | 568 | 354 | 776 | 620 | 400 |
| Bid and proposal (B. & P.) | 428 | 390 | 265 | 469 | 432 | 304 |
| Total I.R. & D. and B. & P. costs | 1,131 | 958 | 619 | 1,245 | 1,052 | [1]704 |
| Sales: | | | | | | |
| Total Government and commercial | | 32,065 | | | 31,061 | |
| Total DOD | | | 19,568 | | | 18,385 |

[1] Included in the 1972 DOD share of I.R. & D. and B. & P. costs is an amount of $32,000,000 representing burden applied to such costs for the 1st time under the requirements of ASPR 15-205.3 and 15-205.35 (revision 11, Apr. 28, 1972) by those contractors who had not previously followed this practice. Additionally, it should be noted that an amount of $8,000,000 was allocated to other than DOD contracts because of this new requirement. The $32,000,000 DOD share does not necessarily represent an increase in total costs absorbed by DOD contracts since this burden may have otherwise been allocated to direct costs of DOD contracts had it not been applied to I.R. & D. and/or B. & P. costs.

PART III

The manner of his compliance with the provisions of this section, and any major policy changes proposed to be made by the Department of Defense in the administration of its contractors' Independent Research and Development and Bid and Proposal Programs.

Last year it was reported that new forms for use in conducting technical evaluations were being developed. These forms have now been issued for use by all technical evaluation teams. A copy of each form is attached to this report.

Except for the above no significant changes have been made in our policies for implementation of the IR&D/B&P legislation. We believe the policies are resulting in full compliance with the law.

MEMORANDUM FOR THE I.R. & D. TECHNICAL EVALUATION GROUP

Subject: Instructions for Completing IR&D Project Technical Evaluation Forms (DD Form 1855 and DD Form 1856).

The enclosed instructions have been prepared to provide assistance in the completion of the IR&D Project Technical Evaluation Forms dated 1 May 1972.

Kindly circulate these instructions to all persons within your organization who may have a need to know how to complete the forms.

ELLIOTT B. HARWOOD,
*Deputy Assistant Director,*
*(Plans and Policy).*

INSTRUCTIONS FOR IR&D PROJECT TECHNICAL EVALUATION (DD FORM 1855)

ITEM AND INSTRUCTIONS

Date—Place date on which evaluation is completed in this block.

1. Indicate full Company/Division name and company fiscal year.

2. Self explanatory.

3. Given in Tabular Synopsis of project being evaluated. Abbreviated as necessary.

4. Give name, e.g., Maj J. G. Doe, and full organizational symbol, e.g., AFRPL/MKED.

5. Self explanatory.

6. Mark each square that is appropriate. Thus, if you are personally familiar with the particular project, indicate so in "c" in addition to answering the questions for "a" and "b",



7. Indicate your qualifications for rating this project on a scale ranging from minimal qualifications ("a") to most qualified ("d"). In answering this question note that a "d" work on projects similar to the one being evaluated, whereas, a "c" evaluator only has specific knowledge of current work going on in the general technical area of the project.

8. This is the most important section of the evaluation form. If the objective statement is not given, vague, or too broad for a meaningful evaluation, check block "a" beside the objective and do not complete the rest of the form. If the project duplicates known work, be sure to provide specific information, such as contract number, report number, and so forth. The requested funding information is given in the tabular symposis in the technical plan. Note that progress is not rated for new projects and only progress is rated for completed projects.

9. Include any comments that might be of value either to the government negotiator and technical personnel or to the contractor. Comments are particularly desired when a project is rated high or low or its designation is questioned.

10. Indicate the category into which you feel this technical effort falls. Codes a, b, c, and d, are the four categories of IR&D effort. Since the contractors recovery for an IR&D project may differ depending on its designation, please indicate which of these four categories is appropriate. If the project is not IR&D, but falls into categories g, i, j, k, l, m, or n, the contractor should not include it in his IR&D, but will recover his costs through different overhead category Costs for B&P effort (category e) are also recovered by the contractor provided they are within the negotiated B&P ceiling. If the project is Effort in Support of a Contract or Grant (f) or Unplanned Effort (h), the costs will not be reimbursed by the DOD as overhead. If you feel the project falls into any category other than the one chosen by the contractor, please provide supporting comments in Section 9.

11. Indicate the potential relevance of the project to your agency (DOD or NASA, whichever is appropriate).

COMPLETION OF DD FORM 1856

The individual project evaluations on completed DD Forms 1855 are summarized on the DD Form 1856. The ratings should be collected by project and each individual rating should be included on the summary form, along with the weighted average project scores for current year plans and for progress.

An example of a properly completed Form 1856 is included as attachment 1. The first column is for project number. The first line of the listing for a project includes project number, title, and funding for current and past year. The individual evaluations are listed on the lines immediately following the project title. The evaluator's organization; objective, approach, resources, and progress scores; the information from blocks 5, 6, 7, 10, and 11 of DD Form 1855 are listed for each evaluation. The evaluator's name is not listed, since the contractor will be provided a copy of the form 1856. Funding is listed only on the line on which project title is listed. The average current year plan score is listed in the current year funding column and the average progress score is listed in the prior year funding column; both in the line immediately below funding data. Individual project comments from block 9 on the DD Form 1855 are assigned codes numbering from 1 up to the total number of comments and are included on the back of the form or on a separate page.

The codes in Column 8 for objective, approach, resources, and progress should include both the number and letter code (i.e., "3e" rather than "3" or "e" under "Approach"). Projects should be listed in some meaningful order, such as the order they appear in the technical plan. Projects which were not evaluated should be listed in the appropriate position, with the comment "not evaluated" in the space provided for evaluation results. This will facilitate revision of the ratings if evaluations of those projects can be subsequently obtained.

Mr. McINTYRE. Mr. President, this is the third year of reporting, and it covers the second full year of implementation since section 203 was enacted. When I reported to the Senate last year on May 11, 1972, I stated, and I quote:

. . . in my opinion the Department of Defense is doing a commendable job of implementing the provisions of section 203. The documents which I have provided for the record attest to the extensive efforts which have been made to establish and place in operation the required organization and procedures. DOD has even gone beyond the letter of the law by creating a centralized data bank in the Department of Defense which makes knowledge of contractor I.R. & D. efforts available to major Defense organizations. At the same time, Mr. President, it is generally agreed that this program is still in a shakedown period and requires more time to achieve a high degree of efficiency.

The problems which have been encountered, as reported by Defense, by GAO, and by industry bear additional study as the provisions of section 203 are further implemented. I intend to continue to employ the GAO to assist in this process and to seek solutions to these and any other new problems which may arise as experience is gained.

I will continue to monitor the performance of the Department of Defense to insure effective compliance with the provisions of section 203, and to report to the Senate as appropriate.

Following my statement of last year, the Armed Services Committee requested the Comptroller General, by letter dated June 5, 1972, to conduct a further examination of the actions taken by the Department of Defense to implement section 203, and of the effects of that implementation in order to provide the committee with a more current and complete status. This examination was required to include the sampling of the activities of additional contractors who were not previously covered. The Comptroller General was requested to submit a report of findings, including appropriate comments and recommendations, for consideration by the committee of any further actions which may be appropriate in conjunction with the review of the fiscal year 1974 budget. I ask unanimous consent that the letter and the report of the Comptroller General, B–167034, dated April 16, 1973, be printed at this point in the RECORD.

There being no objection, the letter and report were ordered to be printed in the RECORD, as follows:

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED BY MAJOR DEFENSE CONTRACTORS FOR CONTRACTOR FISCAL YEARS 1971 AND 1972

[Dollar amounts in millions]

| | 1971 | | | | 1972 | | | |
|---|---|---|---|---|---|---|---|---|
| | Costs incurred | Amount accepted by government | DOD share | Number of contractor divisions | Costs incurred | Amount accepted by government | DOD share | Number of contractor divisions |
| WITH ADVANCE AGREEMENTS | | | | | | | | |
| Independent research and development (I.R. & D.) | $680 | $546 | $350 | 138 | $736 | $583 | $386 | 133 |
| Bid and proposal (B. & P.) | 397 | 360 | 247 | 136 | 415 | 381 | 275 | 133 |
| Total I.R. & D. and B. & P. costs | 1,077 | 906 | 597 | | 1,151 | 964 | 661 | |
| WITHOUT ADVANCE AGREEMENTS | | | | | | | | |
| Independent research and development (I.R. & D.) | 22 | 21 | 4 | 29 | 40 | 37 | 14 | 34 |
| Bid and proposal (B. & P.) | 31 | 30 | 18 | 31 | 54 | 52 | 29 | 34 |
| Total I.R. & D. and B. & P. costs | 53 | 51 | 22 | | 94 | 89 | 43 | |

COMPTROLLER GENERAL OF
THE UNITED STATES,
*Washington, D.C.*

Hon. JOHN C. STENNIS,
*Chairman, Committee on Armed Services,*
*U.S. Senate.*

DEAR MR. CHAIRMAN: In accordance with your request of June 5, 1972, we have further examined the matters discussed in our April 17, 1972, report entitled "Implementation of Section 203, Public Law 91–441, on Payments for Independent Research and Development and Bid and Proposal Costs."

Due to time limitations, we did not obtain formal comments from the Secretary of Defense, although we did discuss the report with Defense officials.

As agreed to by your office, we are sending copies of the report to the Chairman of the House and Senate Government Operations Committees, the House and Senate Appropriations Committees, and the House Armed Services Committee.

We are also sending copies to the Director, Office of Management and Budget; the Secretary of Defense; the Executive Secretary, Council of Defense and Space Industry Associations; and the seven contractors we reviewed.

Sincerely yours,

ELMER B. STAATS,
*Comptroller General of the United States.*

(Report to the Committee on Armed Services, U.S. Senate; by the Comptroller General of the United States)

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## PAYMENTS FOR INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS—DEPARTMENT OF DEFENSE

### ABBREVIATIONS

ASPR—Armed Services Procurement Regulation.

B&P—bid and proposal.

CODSIA—Council of Defense and Space Industry Associations.

DOD—Department of Defense.

GAO—General Accounting Office.

IR&D—independent research and development.

NASA—National Aeronautics and Space Administration.

PMR—potential military relationship.

### DIGEST

*Why the study was made*

On June 5, 1972, the Chairman of the Senate Committee on Armed Services requested the General Accounting Office (GAO) to further examine matters discussed in its report entitled:

"Implementation of Section 203, Public Law 91-441, on Payments for Independent Research and Development and Bid and Proposal Costs" (B-167034, April 17, 1972).

In that report, GAO stated that the effectiveness of the actions taken by the Department of Defense (DOD) and the effects of section 203 could not be measured because enough time had not elapsed since the law was enacted.

In accordance with the Committee's interests, GAO directed this examination to determining DOD's progress in implementing the law, the impact of the potential military relationship test on contractors, and the reasonableness of the application of this test.

The Committee also requested that GAO determine whether the contractors' concern about the constraints implied by the relevancy test are valid or whether it is only the threat of these constraints causing concern.

Due to time limitations, GAO did not obtain formal comments on this report from the Secretary of Defense, although it did discuss the report with DOD officials and they agreed generally with GAO's findings and recommendations. Their comments have been noted in the report where appropriate.

*Background*

Section 203 places certain conditions, restrictions, and requirements on DOD's payment of independent research and development (IR&D) and bid and proposal (B&P) costs to defense contractors after December 31, 1970. Among other things, it requires that:

Funds authorized for appropriation to DOD shall not be available for payment of IR&D or B&P costs unless the Secretary of Defense determines that the work for which payment is made has a potential relationship to a military function or operation.

DOD negotiate advance agreements to establish dollar ceilings on such costs with all companies which, during the last preceding year, received more than $2 million of IR&D or B&P payments from DOD.

IR&D portions of the negotiated advance agreements be based on company-submitted plans that are technically evaluated by DOD prior to or during the fiscal year covered by the agreement. (See p. 6.)

*Findings and conclusions*

The potential military relationship provision of section 203 continues to be vague. As interpreted and applied by DOD, it has had no measurable effect on DOD's ceilings or on IR&D or B&P payments. (See p. 10.)

DOD has taken a number of steps to improve its surveillance and administration of major contractors' IR&D and B&P activities. For example, it has:

Established an IR&D Policy Council, delegated responsibility for determining potential military relevancy for IR&D projects to the IR&D Technical Evaluation Group, and delegated responsibility for determining potential military relevancy for B&P efforts to the negotiator.

Issued regulations to require the negotiation of advance agreements, relevancy determinations, and technical evaluations by the military services.

Issued standard forms for the military services to use in performing technical evaluations.

Conducted an internal servicewide review of IR&D and B&P management and control. (See p. 7.)

Notwithstanding general DOD policy guidance, the lack of specific directives has permitted inconsistent implementation among the services. These inconsistencies and other problems in developing and negotiating IR&D and B&P advance agreements persist.

Although advance agreements are now negotiated on a more timely basis, most agreements are not negotiated before costs are incurred. (See p. 19.)

Negotiation procedures are neither uniform nor consistent; negotiators' files are frequently incomplete and do not specify the basis for determining the ceilings. (See p. 23.)

There is little evidence that technical evaluations are adequately considered in negotiating ceilings or that they are used to motivate contractors to improve performance. (See p. 15.)

Not all negotiators are conforming with the intent of the Armed Services Procurement Regulation which prohibits cost sharing within the ceiling limitation. (See p. 21.)

After-the-fact reviews to determine relevancy, especially for B&P efforts, are excessively delayed; more timely reviews should be made to provide additional data for negotiating the subsequent year's ceiling. (See p. 25.)

Contractors frequently are not given adequate feedback concerning results of technical evaluations. (See p. 21.)

Comments on the impact of the law were obtained from the Council of Defense and Space Industry Associations and from individual contractors. (See p. 27.) Contractors feel that sufficient time has not elapsed to accurately assess the full impact of section 203 or DOD's implementation of it. They are concerned, however, that "the law will have a detrimental effect upon the national interest." They are particularly concerned about the repressive effect that the potential military relevancy requirement may have on innovative IR&D. However, neither the Council of Defense and Space Industry Associations nor any of the companies contacted provided GAO with specific evidence to validate these concerns.

*Recommendations to the Secretary of Defense*

DOD should:

Issue guidelines to the services to insure more consistent determinations of potential military relevancy. (See p. 14.)

Continue to emphasize the desirability of negotiating advance agreements either prior to cost incurrence or early in the contractor's fiscal year and to seek alternative means of solving this problem. (See p. 20.)

Establish uniform negotiation procedures and policies for negotiators to aid in the consistent and equal treatment of contractors. (See p. 25.)

Establish guidelines that uniformly recognize, during ceiling negotiation, the technical quality of contractors' IR&D programs with reward or penalty, as appropriate. (See p. 18.)

Require the services to maintain negotiation files which record the rationale and show the dollar effect of the factors considered in establishing the ceiling. (See p. 25.)

Insure compliance with the intent of the Armed Services Procurement Regulation which prohibits cost sharing within the ceiling. (See p. 22.)

Perform after-the-fact reviews as soon as possible after the contractor's fiscal year ends to provide additional data for subsequent negotiations. (See p. 26.)

*Matters for consideration by the committee*

In its prior report, GAO suggested that the Congress clarify section 203. Since then, however, the Government's support of IR&D and B&P has been the subject of several intensive studies.

GAO does not recommend that any changes be made in the law at this time, pending thorough consideration of the results of these studies and the suggestions for improvements and alternative actions which emanated from them. GAO plans to use these studies and to continue its examination of the area, considering such matters as:

Recommendations on IR&D and B&P by the Commission on Government Procurement and dissenting positions.

Recommendations from a study by DOD's IR&D Policy Council.

Possible inequities to the Government when contractors develop products under IR&D programs in defense/space cost centers and market them in commercial cost centers.

Concerns of industry that some smaller companies receive inequitable treatment.

Alternative means of insuring equitable allocation of IR&D and B&P costs. (National Aeronautics and Space Administration officials are concerned about the impact that DOD's relevancy test could have upon them and their contractors.)

Upward trends in contractors' B&P expenditures and a corresponding reduction in innovative IR&D, which could possibly adversely affect the national industrial technology base. (See p. 37.)

### CHAPTER 1. INTRODUCTION

Independent research and development (IR&D) is that part of a contractor's research and development program initiated by the contractor; it is not directly sponsored by, or required in the performance of, a contract, grant, or similar agreement. In an IR&D program, a contractor directs its resources to any effort it feels necessary to maintain or advance the company's technology.

Bid and proposal (B&P) costs are those costs the contractor incurs in preparing, submitting, and supporting bids and proposals for potential contracts. B&P effort is conducted at the discretion of the contractor to convince the buyer that the contractor is the most acceptable supplier for a particular product.

The Department of Defense (DOD) treats IR&D and B&P costs as indirect costs (overhead items). Accordingly, DOD and other Government agencies bear part of the contractor's IR&D and B&P costs by applying overhead costs to contracts, grants, or similar agreements. The extent to which DOD absorbs these costs depends on the business mix (the ratio of DOD sales to other Government/commercial sales) of each contractor. Therefore, if a contractor's work is primarily for DOD, DOD will generally absorb the major portion of the contractor's IR&D and B&P costs.

*I.R. & D. and B. & P. costs*

DOD's share of total costs incurred by major defense contractors for their IR&D and B&P efforts increased steadily (as did DOD sales) from $459 million in 1963 to $778 million in 1969. In 1970 and 1971 these costs decreased (as did DOD sales) as shown in the table below. DOD sales continued to decrease in 1972, but DOD's share of IR&D and B&P costs went up during 1972.



TOTAL COSTS FOR I.R. & D. AND B. & P.

[In thousands of dollars]

| Cost element[1] | 1968 | 1969 | 1970 | 1971 | 1972 |
|---|---|---|---|---|---|
| Cost incurred | 1,286 | 1,412 | 1,318 | 1,252 | 1,245 |
| Amount accepted by Government | 1,057 | 1,191 | 1,093 | 1,038 | 1,052 |
| DOD's share | 673 | 778 | 714 | 673 | 704 |
| Sales to DOD | 22,275 | 22,692 | 21,315 | 19,655 | 18,385 |

[1] Cost data includes varying amounts of other technical effort

A summary of pertinent IR&D and B&P cost information for the seven contractors that we reviewed is included in appendix IV.

*Provisions of Public Law 91-441*

The Congress enacted Public Law 91-441 on October 7, 1970. Section 203 of the law placed certain conditions, restrictions, and requirements on DOD for paying IR&D and B&P costs to defense contractors after December 31, 1970. Among other things, section 203 provides that:

Funds authorized for appropriation to DOD shall not be made available after December 31, 1970, for payment of IR&D or B&P costs unless the Secretary of Defense determines that the work for which payment is made has a potential relationship to a military function or operation and unless:

The Secretary of Defense, prior to or during each fiscal year, negotiates advance agreements establishing a dollar ceiling on such costs with all companies which during their last preceding fiscal year received more from DOD.

The IR&D portions of the negotiated advance agreements are based on company-submitted plans that are technically evaluated by DOD prior to or during the fiscal year covered by the agreement.

### CHAPTER 2. DOD ACTIONS TO IMPLEMENT THE LAW

In implementing section 203, DOD issued Defense Procurement Circulars Nos. 84, 86, 87, and 90. These circulars were to furnish guidance on the negotiation of advance agreements and to amend the Armed Services Procurement Regulation (ASPR) 15-205.35 and 15-205.3 concerning IR&D and B&P costs. On April 28, 1972, the provisions of the circulars were incorporated into ASPR.

DOD Insrtuction 5100.66, published on February 29, 1972, (1) prescribed the role, mission, and composition of the IR&D Policy Council and (2) assigned responsibilities and outlined procedures for the technical evaluation and review of IR&D programs.

The IR&D Policy Council is responsible for developing and securing the Secretary of Defense's approval of policy and guidance for the IR&D program and realted B&P activities. The Council determines the proper level of DOD support required, outlines IR&D and B&P goals, establishes the mechanisms to be used to increase or decrease the overall level of effort, provides the guidance necessary to insure valid potential relevancy determinations, determines appropriate negotiation policies, and responds to congressional inquiries.

The IR&D Policy Council consists of its Chairman, the Director of Defense Research and Engineering; the Assistant Secretaries of Defense (Installation and Logistics, and Comptroller); and the Assistant Secretaries for Research and Development and for Installation and Logistics from the Army, the Navy, and the Air Force. Representatives of the National Aeronautics and Space Administration (NASA) and the Atomic Energy Commission participate as observers.

The IR&D Technical Evaluation Group (formerly the Armed Services Research Specialists Committee) is composed of a chairman appointed by the Director of Defense Research and Engineering and three IR&D departmental managers—one each from the Army, the Navy, and the Air Force. This group is responsible for establishing criteria, methodology, and evaluation forms to be used by the military departments for the technical evaluations and ratings of IR&D programs.

These evaluations determine the relevance and quality of each IR&D project and categorize each project as research or development in accordance with the ASPR definition.

The IR&D Technical Evaluation Group is also responsible for:

Establishing uniform procedures for debriefing companies whose IR&D programs have been reviewed.

Determining the standard format for submitting companies' IR&D project descriptions.

Establishing a schedule for submission of companies' IR&D brochures.

Establishing procedures for providing the Defense Contract Administration Services with technical evaluations of company-submitted IR&D project descriptions to support their negotiation of advance agreements required by law.

Establishing an annual schedule for onsite reviews of contractors' facilities.

Establishing procedures for providing the Department-designated negotiator with a technical evaluation of each IR&D program to be used in determining the IR&D advance agreement with each company.

Assisting contracting officers on an as-needed basis in determining the relevance of B&P effort.

DOD has also issued standard forms for use by the military departments in the performance of technical evaluations.

Since enactment of the legislation, DOD has increased the number of advance agreements negotiated with companies and cost centers from 104 in 1970 to 125 in 1971 and to 122 in 1972, thereby increasing visibility over contractors' IR&D and B&P efforts.

In September 1971 the IR&D Policy Council organized a working group to provide the Council with a concise definition of IR&D—including its objectives (as seen by DOD, other Government agencies, and industry), its accomplishments, its deficiencies, and any impediments to the realization of the defined objectives.

The working group submitted its report, including recommendations for corrective action, to the Council for review in November 1972. GAO was advised by the Chairman of the working group that, except for the recommendations, the report has been approved. A copy of the working group's draft report, without the recommendations, was informally released to the General Accounting Office on January 15, 1973.

### CHAPTER 3. REQUIREMENT FOR POTENTIAL MILITARY RELATIONSHIP

In our April 1972 report we noted that section 203 failed to provide criteria for determining when a project was considered to have a potential military relationship (PMR) or any indication as to what the provision was intended to achieve. We found in our current review that DOD still had not issued uniform criteria for determining PMR. As a result, the services have inconsistently applied the PMR provision.

The seven contractors we visited had experienced no measurable change in the amount of DOD's reimbursement for their IR&D and B&P effort as a result of the PMR requirement. DOD officials advised us that the PMR provision has had no effect on the ceiling negotiated with any contractor during either 1971 or 1972.

*Lack of clarity in law*

In September 1972 an official from the Directorate of Defense Research and Engineering pointed out that the law was not as clear as it might be concerning PMR and that it was inconsistent with the present administration's policy of encouraging more research and development.

Several contractors included in our review also commented on the lack of clarity in the law. One contractor claimed that the PMR review was largely subjective and unproductive because of the unclear definition of relevancy. Another maintained that relevancy standards should be developed if the test was to be continued so industry could take appropriate and consistent action to satisfy the criteria of such a test.

*Lack of DOD criteria*

Although DOD has initiated actions to improve its surveillance and administration of IR&D and B&P activities, it has not developed uniform criteria for determining PMR.

DOD Instruction 5100.66 delegated to the IR&D Technical Evaluation Group the responsibility for establishing criteria and methodology for uniform PMR determinations of IR&D. The DOD contracting officer was delegated responsibility for PMR of B&P.

The instruction did not provide definite criteria for the services to apply in determining whether IR&D and B&P projects meet PMR requirements. This probably was due to the lack of clarity in the law and the difficulty of delineating objective criteria for determining PMR.

Technical evaluators acknowledge that the determination is purely judgmental. Of about 1500 IR&D projects and tasks proposed by the 7 contractors in 1971 and 1972, about 97 percent were determined to have PMR. Those projects determined to not have PMR had no effect on the ceilings negotiated or on DOD's payments to the contractors for IR&D costs.

*Air Force PMR criteria*

The Air Force recognized the need for a uniform interpretation of PMR. An informal document prepared by the Air Force entitled "Guidelines for Potential Relationship Determination for IR&D Projects" contained the following statement:

"Section 203 requires that IR&D payments by the DOD be made only for work which has a potential relationship to a military function or operation. Obviously, if potential relationship is taken in its broadest sense, *almost any R&D effort could qualify*, since military functions and operations involve at least incidentally almost every aspect of human life. But it seems clear that *Congress intended to eliminate DOD payment* for those IR&D efforts whose relationship to military functions or operations is remote or incidental.

"In order to obtain a consistent determination of the potential relationship, for the varied technologies represented in the programs, this paper defines the degree to which a potential relationship must exist to be considered within the intent of the law."

Following this statement was a matrix and a discussion of the basic considerations in determining PMR. Clearly, the Air Force matrix was designed to identify projects which were only incidentally related to a military function or operation to eliminate DOD's cost for those projects.

Under the matrix, all projects must have *substantial* military application before they can be termed potentially relevant. However, some projects can have substantial military application and still be termed not relevant if another Government agency is responsible for that field of research and development.

Such a determination, however, is not al-

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ways upheld. For example, a technical evaluator determined that a space shuttle project was nonrelevant. The Office of the Director, Defense Research and Engineering, overruled this determination and said that the space shuttle project had PMR. We believe the Air Force matrix would support the technical evaluator's determination since NASA had prime responsibility for the space shuttle project.

DOD has not directed that the military services use the Air Force matrix and criteria but is considering such a policy. In our opinion, the Air Force matrix, if properly applied, would provide a greater degree of consistency in relevancy determinations. The other services have voluntarily adopted the matrix or similar criteria for a guide when evaluating the relevancy of IR&D. Even so, PMR application is inconsistent.

*Inconsistent PMR determination*

In 1971 and 1972 the Army considered one contractor's NASA projects relating to deep space applications to be relevant. However, the Air Force considered similar deep space IR&D efforts of another contractor to be nonrelevant.

In another instance, Navy evaluators considered as relevant a marine sciences project which concentrated on developing an understanding of the water environment and pollution in the New York area. The evaluators considered the project relevant because the Navy had a social responsibility to protect the environment in areas where it has bases and because information on coastal environment was important to the Navy in amphibious-warfare planning. However, the project's contractor did not consider it to have PMR; we believe that application of the Air Force's PMR matrix would confirm the contractor's opinion.

AIR FORCE MATRIX FOR DETERMINING PMR

| Is the DOD precluded, by law or otherwise from funding such R. & D.? | What is the nature of the military requirement for the end product? | What will be the application of the end product? | Is another Government agency responsible for this field of R. & D.? | Conclusion: Is the I.R. & D. project potentially relevant? |
|---|---|---|---|---|
| Yes | | | | No. |
| No | Urgent | | | Yes. |
| No | None (not used by military). | | | No. |
| No | Routine | Primary military. | | Yes. |
| | | Primarily nonmilitary but has substantial military application | Yes | No. |
| | | | No | Yes. |
| | | Only incidental military application | | No. |

At another location, the contracting officer requested assistance from the Defense Contract Audit Agency to determine relevancy for B&P projects. The audit agency, in turn, requested help from the Air Force plant representative. The plant representative examined nine projects and determined that six were relevant. The audit agency, on the other hand, determined that four of the six deemed relevant by the plant representative were not relevant and that one of the three considered not relevant was relevant.

*Conclusion*

These inconsistencies demonstrate the need for better PMR criteria to be applied consistently on a servicewide basis for both the contractor's IR&D *and* B&P efforts. The military services are not using the same criteria; at the time of our review, there was no DOD requirement that uniform PMR criteria be developed.

Uniform criteria would provide contractors with consistent treatment under the law and with a clearer understanding of DOD's basis for evaluating their IR&D and B&P efforts. This would help contractors manage their programs and would provide them with additional information to determine the scope of their IR&D and B&P efforts.

*Recommendation*

We recommend that DOD issue guidelines to the services to insure more consistent determination of PMR.

CHAPTER 4. EFFECT OF TECHNICAL EVALUATIONS ON NEGOTIATED CEILINGS

Section 203 requires that DOD technically evaluate each contractor's proposed IR&D program. The evaluation should give the negotiator a basis for judging the quality of the contractor's efforts against a standard and other contractors in similar product areas. The evaluation is to be considered in negotiating the IR&D dollar ceiling included in the advance agreement.

DOD's IR&D Technical Evaluation Group is responsible for insuring that technical evaluations are performed and that the results are communicated to the cognizant service negotiator. DOD generally recognizes that the technical quality of a contractor's program should have some effect on the level of DOD funding. However, DOD has not provided the necessary guidance to specify how the technical quality rating will be recognized or how the contractor should be rewarded or penalized. Nor has DOD insured that all contractors will receive equal treatment under the law. As a result, each service has its own view concerning the significance of the technical evaluation and how the results will be considered in negotiating an advance agreement.

The proposed 1971 and 1972 IR&D programs of the seven contractors were technically evaluated. In three instances negotiator's records did not identify the effect, if any, that the technical rating had on the ceiling negotiated, nor were the negotiators able to identify or quantify the impact it had on the ceiling. For the other four contractors, the negotiator stated that he considered the technical evaluation but felt that the change from last year's rating did not warrant an increase or decrease in the contractor's program.

*Use of technical evaluations*

The Army regulation governing technical evaluations stated that it is the intent of the Government to reward high quality effort with higher than normal support and low quality effort with lower than normal support. The regulation recommended a level of support commensurate with the technical quality of the IR&D program—identified in such terms as minimum, average, and maximum—but not quantified.

The Army member of the IR&D Technical Evaluation Group advised the Army negotiator who was negotiating the IR&D ceiling for one contractor that, on the basis of a cursory examination of the 1972 program and considering the 1971 evaluation, a tentaive rating of "good" was assigned. The contracting officer took the position that the evaluation did not jusify increasing or decreasing the ceiling. Army regulations, however, do not provide any guidelines as to what a good rating should support.

The Navy has not issued any guidelines which prescribe the technical rating system to be used or how the results of a technical review will be considered in negotiating a ceiling.

In negotiating a contractor's 1972 ceiling, the Navy considered the contractor's program to be "average to good" and rated several areas "superior." The contractor's 1972 ceiling was about 6 percent higher than its 1971 ceiling. Ceilings negotiated increased from 1970 to 1972 by almost $2 million while DOD sales decreased by about $143 million during the same period as shown below.

[In thousands of dollars]

| | Program year | | |
|---|---|---|---|
| | 1970 | 1971 | 1972 |
| Proposed program | 34,000 | 35,000 | 35,000 |
| Ceiling negotiated | 27,750 | 28,000 | 29,660 |
| Sales to DOD | 739,215 | 618,040 | 1 596,000 |

1 Contractor estimate.

The responsible Navy negotiator informed us that the technical evaluations were one of several factors considered during negotiations. However, he could not identify or quantify the impact they had on the ceilings.

The Navy also negotiated another contractor's 1972 ceiling. On the basis of the 1971 technical evaluation, the program was considered "average or slightly above average." The 1972 negotiated ceiling increased about 8 percent over the 1971 ceiling, but sales to DOD decreased slightly. The Navy negotiator informed us that, although the technical evaluation was considered during negotiation, it was not reasonable to quantify these factors.

During 1972 the Air Force negotiators were instructed to adjust the negotiation position by stated percentage rates to recognize a change in a contractor's technical evaluation rating. This was to provide contractors with an incentive to improve the technical quality of their IR&D programs.

For the three contractors we reviewed who had negotiated ceilings with the Air Force, the change in the technical rating was insufficient to warrant a change in the negotiation position.

We also examined statistics concerning advance agreements with contractors other than those seven we reviewed. However, we were not able to establish any meaningful or consistent pattern of correlation between technical ratings and adjustments in the negotiated ceilings.

According to the DOD IR&D study group's November 1972 report, most contractor officials felt that one of the principal weaknesses in the IR&D ceiling negotiation procedures was the lack of reward and motivation for the technical quality of their programs. The contractors said that the negotiations did not sufficiently emphasize the technical quality of their IR&D programs. The study group recognized that all contractors did not receive equal treatment and that quantification, at least to some degree, of the process for determining the Government's negotiation position would alleviate some of these problems.

*Conclusions*

To treat all contractors consistently and equitably and to acknowledge the technical quality of the proposed IR&D programs, DOD should issue guidelines that prescribe a quantified means for adjusting the level of DOD support on the basis of the technical quality of the IR&D program. The guidelines should also reward or penalize a contractor for changing the quality of its effort.

*Recommendation*

DOD should establish guidelines that uniformly recognize, during ceiling negotiations, the technical quality of contractors' IR&D programs with reward or penalty, as appropriate.

CHAPTER 5. OTHER PROBLEM AREAS

*Delays in negotiating advance agreements*

Section 203 requires DOD to negotiate an advance agreement with each major defense contractor to establish a dollar ceiling for IR&D and B&P costs. The negotiated ceiling limits the amount of IR&D and B&P costs that the Government will pay. It also provides some assurance to the contractor that its IR&D and B&P costs will be recovered and that disputes concerning the reasonableness of allocability of the costs will



be minimized or avoided. Section 203 states that such agreements will be negotiated prior to or during the contractor's fiscal year. To be most effective, such agreements should be negotiated prior to cost incurrence.

Our April 1972 report stated that DOD was aware of the problems associated with delays in negotiating advance agreements and was attempting to bring about earlier negotiations of 1972 agreements by requiring earlier submissions of proposed programs, better scheduling of technical evaluations, etc.

The following table shows how long it took to negotiate advance agreements with contractors in 1971 and 1972.

TIMELINESS OF CEILINGS NEGOTIATED

| | Army | | Navy | | Air Force | | DSA | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1971 | 1972 | 1971 | 1972 | 1971 | 1972 | 1971 | 1972 | 1971 | 1972 |
| Negotiated prior to contractor's fiscal year | 1 | | 2 | | 3 | | | | 6 | |
| Negotiated during contractor's fiscal year: | | | | | | | | | | |
| 1 to 3 months | 1 | 5 | 9 | 3 | 18 | | 8 | 28 | | |
| 4 to 6 months | 1 | 5 | 13 | 25 | 9 | 20 | 2 | 2 | 25 | 52 |
| 7 to 9 months | 2 | | 8 | 5 | 12 | 10 | 1 | 2 | 23 | 17 |
| 10 to 12 months | 6 | 1 | 13 | 1 | 39 | 14 | 5 | 2 | 63 | 18 |
| Total | 9 | 7 | 39 | 40 | 63 | 62 | 8 | 6 | 119 | 115 |
| Negotiated subsequent to contractor's fiscal year | | | 3 | | 3 | | | 1 | −6 | 1 |
| Total advance agreements | 9 | 8 | 42 | 42 | 66 | 65 | 8 | 7 | 125 | 122 |

DOD has made considerable progress in the timeliness of advance agreements. Approximately 33 advance agreements were negotiated during the first 6 months and 86 were negotiated during the last 6 months of the contractor's 1971 fiscal year. During 1972, however, 80 were negotiated during the first 6 months and 35 during the final 6 months.

Nevertheless, many contractors are still incurring substantial program costs before negotiation. For example, the 1972 advance agreement for one of the contractors we reviewed was not signed until November 21, 1972, less than 6 weeks before the end of the year covered by the agreement. The 1971 advance agreement for the same contractor was not signed until December 30, 1971.

The timeliness of negotiations could be improved by using multiyear agreements. Both the Army and the Air Force used multiyear agreements during 1972. Three of eight 1972 advance agreements negotiated by the Army and 8 of 62 advance agreements negotiated by the Air Force included the contractor's 1973 IR&D and B&P programs.

The timeliness of the technical evaluation may directly affect the negotiation date of the advance agreement since this information should be available for use by the negotiator. When current technical evaluations are not available, the Air Force inserts a clause in the agreement which provides that the negotiated ceiling represents an interim agreement pending an evaluation of the contractor's current year program. The clause provides that, if the current year's technical rating is less than the rating used in the interim agreement (usually the previous year's rating), the Air Force can reopen the agreement to negotiate an appropriate reduction.

*Recommendation*

DOD should continue to emphasize the desirability of negotiating advance agreements either prior to cost incurrence or early in the contractor's fiscal year. DOD should also seek alternate means of solving this problem, such as using more multiyear agreements and using prior year evaluations for current year negotiations with subsequent adjustments (upward as well as downward) as necessary.

*Need for consistency in technical evaluation debriefing procedures*

There is no uniform policy as to whether a debriefing will be given to a contractor following an onsite technical review. As a result, each service has a different practice. The Navy does not debrief the contractor, but the Air Force conducts a detailed briefing. The Army practice is somewhere in between.

Six of the seven contractors included in our review received an onsite technical evaluation during 1972. The seventh contractor had received an onsite review in late 1971. Only two of the seven contractors were given both a timely and a meaningful debriefing, another contractor was given a general debriefing 6 months after the evaluation, and four contractors did not receive any debriefing.

The onsite review provides DOD with first-hand knowledge of the quality of IR&D efforts and maintains technical communication between DOD and the contractor. If properly conducted, the onsite review, coupled with more detailed debriefing procedures, can give the contractor valuable insight into how a major customer views its IR&D efforts. The contractor can then improve the quality and change its IR&D programs to better meet the needs of DOD.

After our review the Office of the Director of Defense Research and Engineering implemented a policy whereby each contractor will be debrifed when the onsite technical review is completed. The debriefing will include a discussion of the quality of the contractor's IR&D program, covering any major problems and what should be done by the contractor to improve its program.

In view of the action taken by that Office, we are not making any recommendation.

*Cost sharing*

ASPR 15-205.35, as revised in April 1972, states in section (d)(1)(D) that:

Ceilings are the maximum dollar amounts of total costs for IR&D work that will be allowable for allocation to all work of that part of the company's operation covered by an advance agreement. Within the ceiling limitations contractors will not be required to share IR&D costs * * *.

This section of ASPR was to assure the contractor that DOD would accept an allocable share of the contractor's IR&D costs which do not exceed the negotiated ceiling. We recognize that contractors frequently spend more than the agreed ceiling, presumably where such expenditures are expected to benefit the company in the long run. To the extent that the ceiling is exceeded, the contractor must absorb the excess cost.

The Navy is practicing a form of cost sharing by requiring the contractor to exceed the ceiling negotiated. Fr example, the Navy negotiated a ceiling of $29.7 million with one contractor on the basis of the contractor's proposed program of $35 million for 1972. The Navy said it expected the contractor to spend $32.7 million, or $3 million above the negotiated ceiling. The Navy negotiator stated that he felt the contractor would exercise better program control because of its increased financial participation. He stated that, if the contractor did not spend the full $32.7 million, this would be considered in the negotiation of the subsequent year's ceiling.

We were advised that the Navy negotiates all of its advance agreements with similar understandings.

In our opinion, this practice has the effect of negotiating two ceilings, one for the contractor which requires cost sharing and a lower one for DOD reimbursement purposes. We believe that it is the company's prerogative to exceed a ceiling if it so desires, but the Navy practice of forcing cost sharing is contrary to the ASPR provision.

*Recommendation*

DOD should insure compliance with the intent of the ASPR provision which prohibits cost sharing within the ceiling.

*Need for consistent negotiation procedures and records*

We examined numerous negotiation records to determine the various factors used to establish contractors' ceilings. We found that negotiators' files are frequently incomplete, and do not specify how ceilings are determined. The files may show the factors considered but do not show the dollar effect of each factor. These factors also vary among and within the services; these inconsistencies have resulted in inequities to some contractors.

In its draft report, the IR&D Policy Council recognized the need to develop uniform negotiation guidelines, criteria, and policies for negotiators to insure similar treatment for all contractors. Contractors have stated that this is a major weakness in DOD's administration of IR&D.

The IR&D Policy Council's findings support our observations. The following information was extracted from its draft report.

The factors considered by the DOD in reviewing contractors to determine reasonableness of IR&D and B&P costs included a four year historical review and one to three year projections of the following data submitted by each contractor:

IR&D costs.
B&P costs.
Sales.
Allocation Base Data.
Customer Mix.
Product Line Information.
Mix of Contracts.
Burdening Procedures.
IR&D Technical Effort.
B&P Technical Information.

Other data considered include the following:

Departmental Budgets.
General Business Trends.
Reliability of Contractor Estimates.
Potential Relationship of Contractor Program to DOD Needs.
Technical Evaluation.
Ceilings.

Use of these factors helps provide some uniformity of approach to determining the reasonable level of governmental participation in contractor's programs. The weights given to the factors identified above vary considerably, however, between Departments, among contractors, reviewed, and from year to year.

Procedurally, all contractors are supposed to receive uniform treatment of their IR&D and B&P costs. The same data are requested from all contractors; the negotiation objectives are derived from the analysis of these data.

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Despite procedural intent, all contractors may not, in fact, receive uniform treatment. Each service considers the factors described above in different ways. For all services, the considerations are basically subjective, and thus the danger of inconsistency is great. No overall guidelines have been developed within or between the services. It appears, for instance, that the ceilings established in recent years by Navy negotiators have been generally somewhat higher in proportion to proposed programs than those established by Army and Air Force negotiators. Furthermore, even within the Services, treatment has not always been consistent. In the case of the Air Force, for example, the major factor considered in establishing the government's negotiation position has been the previous year's ceiling of the contractor. This policy has tended to perpetuate any inequities already existing.

The negotiation process also results in IR&D reimbursement being partially based on the effectiveness and tenacity of the contractor's negotiator. A contractor with an excellent technical program, but an agreeable negotiator, will accept a lower relative ceiling than a contractor with a poorer program and a more aggressive negotiator. This may result in cancellation of a portion of an excellent program and expansion of the poor program over a period of years. Quantification (to at least some degree) of the process for determining the government's negotiation position would alleviate this problem.

*Recommendations*

The IR&D Policy Council's draft report clearly outlines the problems confronting negotiators in their attempts to establish reasonable ceilings. We recommend that, in accordance with the Policy Council's suggestion, DOD establish uniform negotiation procedures and policies for negotiators to aid in the consistent and equal treatment of contractors. We also recommend that DOD require the services to maintain negotiation files which record the rationale and show the dollar effect of the factors considered in establishing the ceiling. Such records would provide a documentary reference against which a contractor's progress in technical merit and other factors could be measured and used in future negotiations.

*PMR reviews*

Section 203 states that payments cannot be made unless IR&D and B&P projects have PMR. Tests for PMR are made on a before-the-fact and an after-the-fact basis. Before-the-fact reviews are performed to determine the relevancy of proposed projects and to establish a dollar ceiling for such costs. Because the contractors' proposed program changes throughout the year, after-the-fact PMR reviews are performed to give final assurance that the costs spent on PMR projects equal or exceed DOD's allocable share.

The before-the-fact review of B&P is inadequate; it appears to be of little help to the negotiator. The lack of detailed B&P data submitted by a contractor is a problem inherent with the nature of B&P itself. The contractor is not fully cognizant of all B&P projects which may develop during the year, and those anticipated may be postponed or may not materialize. We noted that no before-the-fact PMR determinations were performed for about 16 percent of the 1972 advance agreements negotiated by the Army, the Air Force, and the Defense Supply Agency.

Timing of after-the-fact reviews depends to a great extent on the contractor because the Government cannot perform such reviews until the contractor submits after-the-fact data. Time limits have not been established for the submission of a contractor's after-the-fact data or for when DOD will perform its after-the-fact tests.

*Conclusion*

After-the-fact reviews are seldom completed in time to be of much value to a contractor or to a negotiator in establishing the subsequent year's advance agreement ceiling.

At the present time, contractors have no real assurance that DOD will share in the cost of certain projects, especially B&P, because they may or may not be considered to have PMR. This is not known until the after-the-fact reviews have been performed.

*Recommendation*

In conjunction with our recommendation that advance agreements be negotiated prior to cost incurrence (see p. 20), we also recommend that DOD perform after-the-fact relevancy reviews as soon as possible after the close of the contractor's fiscal year to provide additional data for subsequent negotiations.

CHAPTER 6. INDUSTRY VIEWS ON THE TREATMENT OF IR&D AND B&P COSTS UNDER PUBLIC LAW 91-441

*Comments of contractors visited*

We asked the seven contractors to give their views on DOD's implementation of section 203 and the impact of the law on their IR&D and B&P programs. Comments on the law's impact are in some respects preliminary, since audits have not been completed and amounts of recovery have not been finalized.

Some of the contractors noted that the requirements of section 203 are more restrictive than previous requirements. Although most of the contractors would not state that DOD has used the law to negotiate reduced ceilings for IR&D and B&P, they were concerned about the strong authority the statute gave DOD. Contractors cited DOD's authority to decide ceilings; if the contractors do not accept DOD's ceiling, they are limited to no more than 75 percent of the amount to which they are otherwise entitled as determined by the contracting officer.

The contractors feel that the most repressive aspect of the law is the PMR or relevancy requirement which the statute added. They believe that the requirement is not susceptible to precise definition or interpretation.

No contractor identified specific projects which had been dropped from IR&D programs as a result of the PMR requirement; however, they generally agreed that new projects had been screened out by contractors in favor of those projects which tended to satisfy a near-term military requirement. They feel that limiting the independence of IR&D is not in the best national interests and that the requirement should either be dropped or broadened to encompass any project undertaken in the Government's interest.

All of the contractors replied that DOD's efforts to insure compliance have increased the amounts of time and money spent by the companies and DOD.

*PMR*

The contractors believe that the PMR requirement is unclear and subject to arbitrary interpretation. For example, one contractor expressed the need for a reasonable, realistic set of guidelines, since the national interest would be served best by a rule-of-reason or, even more so, by complete elimination of the relevancy test.

Another contractor stated that, since no instructions or definitions have been published, DOD personnel have used a limited interpretation, imposing an immediate requirement for a DOD product only. This contractor believes that limiting its technological efforts to military needs will not be in the best interests of the Government or the Nation in the long run. Other contractors expressed similar sentiments.

We asked the contractors if the PMR test had forced them to drop IR&D and B&P projects. One contractor replied that it had not undertaken certain new IR&D projects and had not spent what it might otherwise have spent on established projects because of the PMR provision. The contractor did not wish to provide specific examples.

None of the other contractors reported that they had dropped projects because of the PMR requirement. However, one contractor reported that it was screening out projects in the planning stages and that its technical people were undoubtedly not proposing efforts they might have proposed if, in their opinion, it would be difficult to prove PMR. This contractor suggested that section 203 be modified to allow reimbursement for any project which has a potential Government relationship.

Another contractor stated that, in the long run, the PMR requirement may inhibit initiation and request for authorization of projects directed to solutions of nonmilitary problems. A third contractor saw an added deterrent to the pursuit of opportunities for applying defense/aerospace technologies to solution of problems in the civil sector.

Military Relevancy and NASA

One contractor foresaw a potential problem when a contractor's work is for both DOD and NASA. For a number of years DOD and NASA have recognized the commonality of procurements by joining in the negotiation of overhead and advance agreements. There frequently is a disparity between the amount of IR&D and B&P effort applicable to a specific customer in a given year and in the overhead base upon which such costs are allocated to the customer. However, DOD, NASA, and industry have recognized that these disparities are temporary and, in the long run, application of IR&D and B&P costs through overhead would result in equitable treatment to all parties.

Under the relevancy requirement, some costs incurred for related IR&D and B&P for DOD or NASA in a given year, although otherwise acceptable, may not be reimbursed. If such costs exceed the share allocable to that particular customer on a percentage-of-sales basis and cannot be shared by the other customer because of nonrelevancy, they could be disallowed. According to this contractor, the problem is further compounded when a contractor does work for other Government agencies as well.

Another contractor stated that the PMR requirement was unreasonable in that B&P expenditures did not parallel the sales mix in any given year. In 1 year, one-third of this contractor's sales were to NASA and most of the B&P expenditures were for proposals for military aircraft. If IR&D and B&P costs allowed to be allocated to NASA had been limited to projects that had NASA relevance, the contractor's ability to bid on the military aircraft programs would have been restricted. Similarly in a later year, 80 percent of sales were to DOD and most B&P funds were expended on a NASA program. If this program had not had military application, the contractor's effort would have been adversely affected.

Reduced IR&D and B&D Ceilings

Although none of the contractors flatly stated that DOD had used the law to reduce its IR&D and B&P payments, some were concerned that this has been the effect. A contractor informed us that it had been subjected to arbitrary disallowances of otherwise reasonably incurred and allocable IR&D and B&P costs on DOD contracts. The contractor said this is contrary to DOD's policy of reimbursing contractors for DOD's share of such expenditures.

The other contractors are also concerned with the strong authority available to DOD. One contractor noted that, although the law does not specifically provide for arbitrary levels in the amount of allowable IR&D and B&P costs, its implementation results in such a policy.

This contractor said that DOD negotiators have unfair leverage because DOD's implementation procedures provide that a major contractor without an advance agreement not receive more than 75 percent of the amount to which the company would be entitled with an advance agreement. The contractor also cited an appeal procedure which it considered less fair than the normal recourse to the Armed Services Board of Contract Appeals. It also pointed to a clause in the advance agreement which calls for a downward-only adjustment in the ceiling if the technical rating is lower than a stipulated rating based on prior experience.



Another contractor stated that it has accepted reduced ceilings as a result of negotiations conducted in a reasonable and businesslike manner. Nevertheless, the contractor is concerned with the extent of authority the statute and ASPR grant to DOD.

Advance ceiling on B&P

Several contractors advised us that the requirement for including a B&P ceiling in the advance agreement is unrealistic.

One contractor believes that the requirement for an advance agreement ceiling on B&P costs is not equitable; that B&P efforts cannot be determined months in advance; and that, by attempting to do so, the contractor's bidding efforts are limited during a given year.

A second contractor also believes that B&P should not be part of the advance agreement. Unlike B&P, IR&D programs are planned in advance, primarily on the basis of prior years' successes and failures, and are susceptible to planning and control. Actual B&P efforts required during any year, however, may differ greatly from what was planned. Major requests for proposals may be issued, canceled, or reissued in a time frame which was not anticipated in the planning, budgeting, and negotiation of advance agreements. The results could cause a serious overrun of the negotiated ceiling.

Increased Administrative Costs

All seven contractors advised us that the increased emphasis on technical evaluations and PMR reviews had increased administrative costs for them and DOD. Four of the seven contractors furnished estimates which showed, cumulatively, increased annual costs of between $500,000 and more than $1 million. The other three contractors did not attempt to quantify the amount that their expenditures have risen.

One contractor is concerned with increases in indirect costs attributable to the voluminous documentation and the expensive professional time devoted to the IR&D reviews DOD requires. The contractor contends that annual expenditures have very little, if any, positive impact on the productivity of IR&D and B&P programs but, nevertheless, have increased three-fold since implementation of the new statute.

Another contractor said that the law placed more emphasis on the technical evaluation of the contractor's IR&D program. Since the rating is one of the factors considered in setting the dollar ceiling in the advance agreement, the contractor has to display its work to the DOD evaluators in sufficient depth and detail to receive an equitable rating. Generation of this technical documentation involves a much greater iterative effort between investigators and the administrative staff, with substantial increased costs not readily susceptible to quantitative measurement.

A third contractor stated that, in addition to preparing an additional brochure to satisfy the advance PMR review, it has to analyze each IR&D and B&P project actually performed to permit postaudit of its potential relationship.

A fourth contractor estimated that it has incurred between $50,000 and $100,000 in additional annual costs because of the law, but it feels that it now has beetter management control of its programs.

A fifth contractor stated that it is spending a great deal of time complying with demands for (1) preparing preliminary and final technical brochures, (2) furnishing data for the DOD IR&D technical data bank, (3) responding to technical, administrative, and auditing requirements, (4) communicating with all levels of Government in support of IR&D, and (5) presenting and arguing relevancy of projects. The contractor stated that this effort could cost up to $750,000 in some years.

*Views of Council of Defense and Space Industry Associations*

The Council of Defense and Space Industry Associations (CODSIA) advised us on November 21, 1972 (see app. II), that sufficient time has not elapsed to fully assess all implications of section 203. Industry has experienced only the negotiation of advance understandings, not the full cycle of actual cost recovery. Nevertheless, CODSIA finds that certain significant trends are continuing.

CODSIA believes that it has become increasingly clear that the statute will detrimentally affect the national interest and that this effect is contrary to recent concern expressed by some members of Congress and the executive branch. CODSIA cited, as an example, the President's mesage on science and technology which stressed the need for technology advancement in solving many of the critical domestic and environmental problems facing the Nation.

CODSIA stated that its member companies continue to question the need for a statutory constraint or limitation on selected segments of overhead costs—in particular, on IR&D and B&P costs. The companies feel that the natural forces of competition, close management controls, and Government scrutiny insure the reasonableness of IR&D and B&P expenditure levels.

*PMR requirement*

CODSIA believes that the PMR requirement has a repressive effect on highly innovative research and development and that appropriate corrective action should be taken. Its arguments were similar to those of the contractors we visited.

1. A narrow interpretation of PMR inevitably reduces the focus of projects to those emphasizing today's military problems.

2. The PMR test materially restrains the solution of critical problems in nondefense areas.

3. The PMR test seriously impedes and erodes the independent ingredient in contractor-funded research and development programs and proposal efforts which may contribute to high-priority national objectives.

4. The program content is affected because proposed projects are screened out by company management at an early stage to make the program responsive to the requirements of section 203.

Arbitrary Reduction of Proposed Costs

CODSIA believes that, although the Congress desired an improved understanding and control of IR&D and B&P costs, it recognized that continuing such efforts was in the national interest.

According to CODSIA, its companies feel that DOD has interpreted the legislation as a mandate from the Congress for continued yearly reductions in the national total of such expenditures, irrespective of national needs and priorities. CODSIA feels that DOD has used this assumed mandate to establish internal pricing objectives which result in arbitrarily imposed ceilings. This often results in cost sharing of otherwise reasonably incurred and allocable IR&D and B&P expenses. This, coupled with threat of a penalty for failure of agree, has resulted in a reduction in the total amount of recovery.

CODSIA submitted tables showing that real dollar totals for IR&D have declined about 8 percent since 1969. However, the direct man-hour effort has decreased by 24 percent over 3 years. Recognizing the growing national need, CODSIA believes that this decline in technical effort should not be compounded by a narrow interpretation of congressional desires.

Technical Evaluation

CODSIA informed us that using brochures for reviews required considerable time and effort of scientists and engineers and cost much more than onsite reviews. There is evidence that onsite evaluations result in a substantially better understanding by the Government of a contractor's technical activities.

Because DOD's technical ratings are used in establishing dollar ceilings for IR&D work, CODSIA believes the key problem to be solved is how DOD and the contractors can obtain an economical but effective review of at least the key elements of a contractor's program. CODSIA supports DOD in looking for improvements in this area.

*Our evaluation of industry comments*

Our review showed that the statute in general and the PMR requirement in particular have not had any measurable effect on DOD's reimbursements to defense contractors for their IR&D and B&P expenditures. DOD's payments declined in 1970 and 1971, and CODSIA views this decline as a result of the repressive effect of section 203. A recent DOD study, however, attributed these reductions in IR&D and B&P spending to economic conditions. Our analyses of the correlation between increases and decreases in contractors' sales to DOD and payments for IR&D and B&P supports the DOD study.

Where contractors have accepted reduced ceilings in the negotiation process, it cannot be conclusively determined that these reductions are any more attributable to DOD's interpretation of the law than to economic considerations or the quality of the proposed program. The PMR requirement has not affected the dollar amounts of the negotiated ceilings. This was true for the seven contractors we visited and we were advised that this has been the case for every contractor with an advance payment.

Since enactment of section 203, contractors have referred to vital projects in the national interest which have been dropped from proposed programs because of the PMR requirement. None of the seven selected contractors or CODSIA, however, provided specific examples to support such comments.

We specifically inquired at three companies identified for us by CODSIA. However, company officials could not or would not provide examples of projects they had screened out as nonrelevant, as had been cited in CODSIA's letter. We were advised that company projects had generally been eliminated because (1) short-range payoff potential was lacking, (2) an excessive amount of resources were required to implement the projects, or (3) the projects were not in line with the company's business plan.

We concur that clarification of the intent of the PMR requirement would be helpful. As stated in our April 1972 report, almost any project could be determined to have PMR, even though it may be primarily for commercial or nondefense purposes. We could find no evidence, however, that the requirement has had a repressive effect in view of the lack of dollar impact on contractors' ceilings.

The contractors' contention that IR&D and B&P efforts are emphasizing short-term military needs to the detriment of long-range technology may be valid, whether due to PMR or economic considerations. This appears to be a legitimate concern which we are considering for further study. (See p. 37.)

CHAPTER 7. RECOMMENDATIONS

Although considerable work is being done to comply with section 203, numerous problems still exist. We recognize that some improvements can be made within the law, and we are making recommendations to DOD. We are also recommending to the Committee that any changes in the law be deferred.

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*Recommendations to the Secretary of Defense*

We recommend that DOD improve the administration of contractors' IR&D and B&P programs by:

Giving guidance to the services which will lead to greater uniformity in determinations of PMR. Such consistent treatment of contractors will provide them with a basis for being more responsive to DOD's requirements in formulating and managing their programs. (See p. 14.)

Emphasizing timely negotiation of advance agreements, prior to cost incurrence or early in the contractor's fiscal year, to provide the contractor and DOD with an understanding of the costs the Government will accept for reimbursement. (See p. 20.)

Establishing uniform negotiation procedures and policies so contractors will receive consistent treatment regardless of which service acts as negotiator. (See p. 25.)

Establishing guidelines that require a quantification of the technical quality of contractors' programs to be uniformly recognized in the negotiation of ceilings with reward or penalty as appropriate. (See p. 18.)

Requiring the services to maintain complete negotiation files which record the rationale and show the dollar effect of the factors considered in establishing the ceiling. (See p. 25.)

Eliminating the practice of requiring contractors to spend more than the agreed-to ceiling, since ASPR prohibits cost sharing. (See p. 22.)

Providing for more timely review of contractors' after-the-fact data, especially of B&P costs, to aid the contractors in expeditiously completing their transactions in a businesslike manner and to provide a basis for subsequent negotiations. (See p. 26.)

*Recommendations to the Committee*

Our April 1972 report suggested that the Congress clarify section 203. Since issuance of that report, however, the Government's support of IR&D and B&P has been the subject of several intensive studies. Although there obviously are many problems associated with determining DOD's optimum share of contractors' IR&D and B&P, no clear-cut alternative has been devised which would warrant any change in the present statute at this time.

We therefore are recommending that changes in the law be deferred pending thorough consideration of these studies and the suggestions for improvements and alternative actions emanating from them. We plan to use the studies and to continue our examination of the area, considering such matters as:

Recent recommendations by the Commission on Government Procurement which, if implemented, would affect all Government agencies and their acceptance of contractors' IR&D and B&P programs. (See app. III.)

Recommendations under consideration by the IR&D Policy Council to improve DOD's management of its IR&D and B&P programs.

Inequities that may arise when contractors spin off to commercial cost centers products developed under IR&D efforts in cost centers primarily engaged in defense/space work, wherein DOD and NASA absorb most of the IR&D costs.

Concerns expressed by representatives of smaller companies not required to enter into advance agreements about the inequity of applying DOD's formula approach to determine the reasonableness of their IR&D and B&P expenditures. They feel that the cent sales and IR&D and B&P costs incurred, is inadequate for young, fast-growing companies. They contend that their right to appeal for an advance agreement is too burdensome and costly. Our study did not include such companies. We plan to look into this matter.

Alternative means of insuring equitable allocation of IR&D and B&P costs. NASA officials are concerned about the impact that DOD's relevancy test could have on NASA and its contractors. Contractors have expressed concern that, if other Federal agencies applied their own relevancy tests to IR&D and B&P, it could lead to accounting complexities and exclusion from any Government reimbursement of some IR&D and B&P costs believed by the contractor to be legitimate.

Concerns of Government agencies and contractors about the trend toward increased short-term IR&D and B&P efforts with a corresponding reduction in longer range and innovative research and development. Reasons cited for this trend include the relevancy requirement, tighter Government scrutiny of IR&D, excess capacity in the defense/areospace industry, and the discretion given defense contractors to interchange IR&D and B&P effort. We want to consider whether the influence of these factors on IR&D and B&P programs has reduced the contractors' incentives for innovative technical effort.

We believe that our examination of such areas of concern will assist the Congress in any future assessment of section 203.

CHAPTER 8. SCOPE OF REVIEW

Our review was directed primarily to determining DOD's progress in implementing section 203, the impact of the relevancy test on contractors, and the reasonableness of the test's application. We also inquired into contractors' concerns to determine whether the restrictions implied by the relevancy test are valid or whether it is only the threat of this constraint causing concern.

Our review covered the treatment of IR&D and B&P efforts at seven major defense contractors—one under the direction of the Army, two under the Navy, three under the Air Force, and one under the Defense Supply Agency. Two contractors were carryovers from our 1971 review, and five were new contractors to provide the coverage requested.

We examined DOD's policies, practices, and procedures for compliance with the legislation. We reviewed records and obtained information from officials responsible for the management and administration of IR&D and B&P in DOD; the Departments of the Army, the Navy, and the Air Force; and the Defense Supply Agency. We also reviewed statistics concerning negotiated advance agreements for 1971 and 1972, contractors' data, and Defense Contract Audit Agency reports. We held numerous discussions with appropriate DOD, military, and contractor personnel at both the field and headquarters levels.

We obtained the views of CODSIA and of contractors included in our examination. We examined the Commission on Government Procurement's recommendations concerning IR&D and B&P and the results of a DOD study directed by the IR&D Policy Council.

Due to time limitations, we did not obtain formal comments on this report from the Secretary of Defense, although we did discuss the report with DOD officials. They agreed in general with our findings and recommendations, and we noted their comments where appropriate.

APPENDIX I

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, D.C., June 5, 1972.*

Hon. ELMER B. STAATS,
*Comptroller General of the United States,*
*General Accounting Office,*
*Washington, D.C.*

DEAR MR. STAATS: Reference is made to your report number B–167034 dated April 17, 1972, covering Independent Research and Development as implemented by the Department of Defense pursuant to Section 203 of the Fiscal Year 1971 Military Procurement Authorization Act.

The subject report indicated that because DOD implementation had not been completed when the review was made, it was still too early to make a conclusive evaluation of either the actions taken or the effects of the provisions of Section 203. To provide the Committee with a more current and complete status of implementation of Section 203, it is requested that a further examination of these matters be conducted, including the sampling of the activities of additional contractors who were not previously covered.

A report of findings, including appropriate comments and recommendations, should be submitted by March 1, 1973, for consideration of any further actions which may be appropriate in conjunction with the review of the fiscal year 1974 budget. The report also should address recommendations made in the previous report, which have not been acted upon by the Congress, if such recommendations are still valid in the light of more current and complete information.

Sincerely,

JOHN C. STENNIS.

APPENDIX II

COUNCIL OF DEFENSE AND SPACE INDUSTRY ASSOCIATIONS (CODSIA),
*November 21, 1972.*

Mr. OSMUND T. FUNDINGSLAND,
*Assistant Director, Procurement and Systems Acquisition Division, U.S. General Accounting Office, Washington, D.C.*

DEAR MR. FUNDINGSLAND: This is in response to your letter of August 23, 1972 requesting the views of the Council of Defense and Space Industry Associations (CODSIA) on Section 203, Public Law 91–441, concerning Independent Research and Development (IR&D) and Bid and Proposal (B&P) costs, and related implementation by the Department of Defense.

Our CODSIA letter of January 31, 1972 to Mr. Lindcome of the GAO, advised that sufficient time had not then elapsed to assess accurately all of the effects of Section 203 and DoD's implementation. Sufficient time still has not elapsed to assess fully all of the implications. Industry has experienced only the negotiation of advance understandings, not the full cycle of actual cost recovery from such understandings. Nevertheless, certain trends continue which are of such significance that consideration should be given to them promptly.

Responsive to your inquiry on the law, it has become increasingly clear that the statute will have a detrimental effect upon the national interest. This effect is contrary to the more recently expressed concerns of the Executive Branch as well as by members of the Congress. For example, in his historic Message to the Congress, March 16, 1972 on Science and Technology, the President stressed the need for technology advancement in solving problems not only for defense but for increased productivity in our national economy and for solution of many of our critical domestic and environmental problems which face the nation. Also in respect to the law, our member companies continue to question the need for a statutory constraint or limitation on selected segments of overhead costs and, in particular, on IR&D and B&P costs. The natural forces of competition, close management controls, and government scrutiny, assure the reasonableness of IR&D and B&J expenditure levels.

We indicated in our January 31, 1972 letter that some evidence of potentially harmful effects of the legislation and DoD's implementation were emerging. Some of these effects are now clearer as contractors continue to encounter the problems discussed below. It is urged that appropriate action be taken promptly to correct these inequities.

1. THE REPRESSIVE EFFECT OF THE REQUIREMENT FOR A POTENTIAL MILITARY RELATIONSHIP UPON HIGHLY INNOVATIVE R&D

A most serious concern regarding statutory and regulatory constraints is the repressive effect of statutory requirement that IR&D and B&P have a "potential relationship to a *military* function or operation."

Any attempt to determine the usefulness of IR&D and B&P work on the basis of a military relationship test inevitably focuses on *today's* military problems. This leads to a progessively restrictive interpretation of what constitutes "related" IR&D and B&P and therefore places undue emphasis on meeting only the known military requirements. Such a narrow interpretation is evidenced by DoD determinations that IR&D and B&P costs are not "potentially relevant" when the customer is non-military even though the product or service does not have a definite potential relationship to a military function or operation.

Additionally, the potential relationship test will materially restrain the solution of critical national domestic problems in such fields as pollution, transportation, health, and housing. Through recent activities, mentioned earlier, the legislative and executive branches have recognized that technological advance is vital to solving these domestic problems as well as providing for a strong economy, both of which impact on the security of the United States. Therefore, an anomaly exists in the military relationship test of P.L. 91–441 that, whether intended or not, seriously impedes and erodes the vital independent ingredient in contractor funded research and development programs and proposal efforts which may contribute significantly to attaining these high priority national objectives.

The GAO report of April 17, 1972 errs in its conclusion that the test requirement has had no negative effect on non-military oriented effort "because the cost of projects found to be non-related has been relatively insignificant." The report did not deal with the fact that the content of IR&D and B&P programs can be adversely affected prior to their formal submission for DoD scrutiny and evaluation. Proposed IR&D is screened-out as non-related by company management at an early stage of its IR&D program formulation in order to make its program responsive to the requirements of P.L. 91–441. It does not take long before the system becomes conditioned. Engineers and scientists will then more and more refrain from proposing work which may be difficult to prove to be "potentially related." It is this cumulative, repressive effect that industry regards as highly inimical to the national interests, and irreconcilable with increasing Congressional and Presidential concerns to stimulate the transfers of defense technology to the solution of problems in the civilian sector and to encourage private sector research and development.

In summary, the restrictive nature of the statutory requirement is contrary to broader national interest. It is strongly recommended that the statute be amended to replace the military relationship test with a requirement for potential relationship *to the interest of the U.S. Government.*

2. ARBITRARY REDUCTION OF CONTRACTOR'S PROPOSED IR&D AND B&P PROGRAM COSTS RECOVERABLE UNDER GOVERNMENT CONTRACTS

It is clear that while Congress desired an improved understanding and control of IR&D and B&P expenditures recoverable under DoD contracts, it further recognized that continuance of such efforts is in the national interest. Unfortunately, experience shows that many DoD people are laboring under the impression that Congress in desiring better "control" has, in fact, mandated a continuing yearly reduction in the national total of IR&D and B&P costs reimbursed to contractors irrespective of national needs and priorities. With this assumed "mandate" as a guide, and despite long established DoD technical evaluation criteria and allowability criteria, such reductions have been primarily accomplished by establishing internal DoD pricing objectives which result in arbitrarily imposed ceilings which often result in cost sharing of otherwise reasonably incurred and allocable IR&D and B&P expenses.

The selective use of this arbitrary technique, coupled with the threat of "failure to agree" (discussed in our letter of January 31, 1972), results in a reduction in the total amount of IR&D and B&P costs recovered under DoD contracts.

The actual dollar reductions reflect only part of the real impact of these cost reductions upon technical effort. As shown in the attached chart (TAB A), the dollar totals for IR&D and B&P have declined some 8% (in real dollars) since 1969. However, the additional effects of increased costs for labor and materials and rising overhead rates (as a consequence of the decline in business level) have combined to reduce the direct manhour effort by 24% over the three years. This serious decline in technical effort is a very disturbing trend, especially when recognized as being a reduction of a vital national resource.

In summary, in view of the growing recognition of the national need to maintain and advance technology, the inevitable attrition of technical effort due to rising costs must not be compounded by narrow interpretation of Congressional desires.

3. TECHNICAL EVALUATION OF IR&D PROGRAM

The April 17 GAO report states: "In view of the time and cost required to make on-site reviews, we believe that after a contractor's program has once been subjected to a thorough onsite review, the annual reliance thereafter on paper (brochure) reviews augmented periodically with on-site reviews, is a reasonable practice." This conclusion overlooks the fact that much time and effort are spent endeavoring to state, clearly and concisely, the objective and technical approach being pursued by a contractor's principal scientists and engineers. As a consequence, the total costs, in many cases, for brochure preparation, publications, and supporting services, far exceed the more visible costs normally associated with on-site reviews. Conversely, the lack of discussion and the corresponding need to anticipate and address the evaluator's every question, when the paper (brochure) review is the only medium of communication, usually result in inadequate reviewer understanding. Further, the government reviewer's ability to offer constructive comment on the contractor's work is limited to a sentence or two on his IR&D project evaluation form, and such comments may never reach the contractor. There is evidence that on-site evaluations results in a substantially better understanding by the government of contractor's technical activities than can be drawn solely from brochures and related data banks.

It is clearly in the national interest to provide for an effective two way flow of technical evaluation information. The use of the DoD established technical rating by the DoD negotiators in establishing dollar ceilings for IR&D work makes this imperative. Thus, the key problem to be addressed is how to obtain an economical but effective review of at least the key elements of a contractor's IR&D program. It is understood that the DoD is now considering improved ways of conducting technical evaluations, and our member companies strongly support improvement in this area.

We have not provided specific examples to support our comments since such case examples frequently would require disclosure of information which companies consider private. In all probability, some examples may have already been furnished to GAO representatives during the selected company audits now underway. However, other individual member companies of the CODSIA will be pleased to furnish your field auditors with such examples if that should be necessary.

CODSIA appreciates the opportunity to comment once again upon Section 203, P.L. 91–441 and its implementation, and to have our letter made a part of the GAO report to Congress. CODSIA representatives will be available to discuss our letter and to clarify any aspects. Please do not hesitate to contact us if you desire further information.

Very truly yours,

JAMES G. ELLIS,
*Defense Liaison Department, Motor Vehicle Manufacturers Assn.*
J. A. CAFFIAUX,
*Staff Vice President, Electronic Industries Assn.*
KARL G. HARR, JR.,
*President, Aerospace Industries Assn.*
JOSEPH M. LYLE,
*President, National Security Industrial Assn.*
GEORGE E. LAWRENCE,
*Executive Vice President, Scientific Apparatus Makers Assn.*
ROBERT E. LEE,
*President, National AeroSpace Services Assn.*
EDWIN M. HOOD,
*President, Shipbuilders Council of America.*
JOHN C. BECKETT,
*WEMA.*

APPENDIX III

RECOMMENDATIONS ON IR&D AND B&P AND DISSENTING POSITIONS AS SUMMARIZED BY THE COMMISSION ON GOVERNMENT PROCUREMENT

*Recommendation 10.* Recognize in cost allowability principles that independent research and development (IR&D) and bid and proposal (B&P) expenditures are in the Nation's best interests to promote competition (both domestically and internationally), to advance technology, and to foster economic growth. Establish a policy recognizing IR&D and B&P efforts as necessary costs of doing business and provide that:

(a) IR&D and B&P should receive uniform treatment, Government-wide, with exceptions treated by the Office of Federal Procurement Policy.

(b) Contractor cost centers with 50 percent or more fixed-price Government contracts and sales of commercial products and services should have IR&D and B&P accepted as an overhead item without question as to amount. Reasonableness of costs for other contractors should be determined by the present DOD formula with individual ceilings for IR&D and B&P negotiated and trade-offs between the two accounts permitted.

(c) Contractor cost centers with more than 50 percent cost-type contracts should be subject to a relevancy requirement of a potential relationship to the agency function or operation in the opinion of the head of the agency. No relevancy restriction should be applied to the other contractors.

*Dissenting position 1*

A number of Commissioners[1] do not support the concept presented as the Commission position, although they accept the opening paragraph and subparagraph (a) of Recommendation 10. They believe that the propriety and feasibility of subparagraphs (b) and (c) are questionable. Their opinion is that subparagraph (b), if adopted, would result in increased costs of between $50 million and $100 million annually. Furthermore, it may encourage contractors to realign their organizations in order to qualify under the 50-percent rule, thus leading to even greater annual DOD costs for IR&D.

Under subparagraph (c), a number of small companies (particularly those engaged in research and development work) may fail to qualify under the 50-percent rule and thus would become subject to the test of relevancy. They conclude that this subparagraph would complicate administration of the program

[1] Commissioners Chiles, Holifield, Horton, Staats, and Webb.





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and would penalize these small business firms.

Dissenting Position 1 is intended to retain the current DOD procedure covering IR&D and B&P costs, which was adopted pursuant to Section 203 of the Fiscal Year 1971 Military Procurement Authorization Act. Subparagraph (d) was added in the dissenting position to enable the Government to obtain assurance that IR&D and B&P costs are allowable, as explained below.

*Dissenting Recommendation 10.* Recognize in cost allowability principles that IR&D and Bid and Proposal expenditures are in the Nation's best interests to promote competition (both domestically and internationally), to advance technology, and to foster economic growth. Establish a policy recognizing IR&D and B&P efforts as necessary costs of doing business and provide that:

(a) IR&D and B&P should receive uniform treatment, Government-wide, with exceptions treated by the Office of Federal Procurement Policy.

(b) Allowable projects should have a potential relationship to an agency function or operation in the opinion of the agency head. (These will be determined in the negotiation of advance agreements with contractors who received more than $2 million in IR&D and B&P payments during their preceding fiscal year.)

(c) Agency procurement authorization and appropriation requests should be accompanied by an explanation as to criteria established by the agency head for such allowances as well as the amount of allowances for the past year.

(d) A provision should be established whereby the Government would have sufficient access to the contractor's records for its commercial business to enable a determination that IR&D and B&P costs are allowable.

(e) In all other cases, the present DOD procedure of a historical formula for reasonableness should be continued.

(f) Nothing in these provisions shall preclude a direct contract arrangement for specific R&D projects proposed by a contractor.

*Dissenting Position 2*

One commissioner [2] believes that in addition to the prime and dissenting recommendations mechanisms exist that, if adequately explored, may offer reasonably acceptable solutions to the IR&D dilemma.

He believes the current IR&D process is an attempt to balance the need to stimulate innovation against the need for reasonable control over the funds channeled into such R&D endeavor, and the argument that funds spent to finance IR&D effort cycle back into the economy is in many ways valid and desiring of much broader understanding.

To meet this objective he proposes eleven alternative devices that should be explored on a test case basis, either singly or in various combinations, by various agencies to determine their suitability as mechanisms to replace the current IR&D and B&P procedure. Commissioner Sampson also recommends that these alternatives be explored.

[2] Commissioner Sanders.

APPENDIX IV

SUMMARY OF PERTINENT I.R. & D. AND B. & P. COST INFORMATION FOR THE 7 CONTRACTORS REVIEWED

[Dollar amounts in millions]

| Contractor, responsible negotiating organization, and year | Month of final agreement: Month | Year | Negotiated ceiling: Proposed program | Amount | Percent of program |
|---|---|---|---|---|---|
| A—Army: | | | | | |
| 1970 | May | 1970 | $39 | $37 | 94 |
| 1971 | October | 1971 | 39 | 37 | 94 |
| 1972 | April | 1972 | 39 | 34 | 87 |
| B—Navy: | | | | | |
| 1970 | August | 1970 | 31 | 31 | 90 |
| 1971 | August | 1971 | 35 | 31 | 89 |
| 1972 | June | 1972 | 35 | 33 | 93 |
| C—Navy: | | | | | |
| 1970 | June | 1970 | 9 | 8 | 85 |
| 1971 | March | 1971 | 7 | 7 | 99 |
| 1972 | March | 1972 | 9 | 8 | 89 |
| D—Air Force: | | | | | |
| 1970 | March | 1970 | 45 | 35 | 76 |
| 1971 | December | 1971 | $35 | $28 | 81 |
| 1972 | April | 1972 | 39 | 34 | 86 |
| E—Air Force: | | | | | |
| 1970 | August | 1970 | 31 | 26 | 83 |
| 1971 | June | 1971 | 32 | 26 | 81 |
| 1972 | December | 1971 | 32 | 28 | 87 |
| F—Air Force: | | | | | |
| 1970 | December | 1970 | 6 | 6 | 89 |
| 1971 | December | 1971 | 7 | 6 | 82 |
| 1972 | November | 1972 | 11 | 7 | 66 |
| G—Defense Supply Agency: | | | | | |
| 1970 | December | 1970 | 3 | 2 | 61 |
| 1971 | December | 1971 | 6 | 5 | 84 |
| 1972 | July | 1972 | 6 | 6 | 100 |

APPENDIX IV

SUMMARY OF PERTINENT I.R. & D. AND B. & P. COST INFORMATION FOR THE 7 CONTRACTORS REVIEWED—Continued

[Dollars in millions]

| Technical evaluation: Score | Scale used | Sales [1]: Total sales | DOD sales | DOD percent | Percentage of ceiling to total sales |
|---|---|---|---|---|---|
| Not available | Not available | $758 | $577 | 76 | 5 |
| 2.4 | 4 point | 758 | 583 | 77 | 5 |
| Not available | Not available | 783 | 645 | 83 | 4 |
| (2) | (2) | 973 | 739 | 76 | 3 |
| (2) | (2) | 770 | 618 | 80 | 4 |
| (2) | (2) | 740 | 596 | 81 | 4 |
| 54.8 | 100 point | 103 | 72 | 70 | 8 |
| 63.0 | 100 point | 116 | 69 | 60 | 6 |
| 7.12 | 10 point | 165 | 95 | 58 | 5 |
| 3.68 | 5 point | 409 | 288 | 70 | 9 |
| 3.70, 6.50 | 5 and 10 point | 513 | 413 | 81 | 5 |
| Not available | 10 point | 745 | 562 | 75 | 5 |
| 3.7 | 5 point | 760 | 735 | 97 | 3 |
| 3.62 | 5 point | 714 | 673 | 94 | 4 |
| 6.41 | 10 point | 647 | 600 | 93 | 4 |
| 3.56 | 5 point | 176 | 173 | 98 | 3 |
| 3.44, 6.09 | 5 and 10 point | 166 | 161 | 97 | 4 |
| 7.55 | 10 point | 216 | 212 | 98 | 3 |
| 3.0 | 5 point | 73 | 52 | 72 | 3 |
| 3.0 | 5 point | 75 | 53 | 71 | 7 |
| 2.7 | 5 point | 80 | 56 | 70 | 8 |

[1] 1972 sales are estimates.

[2] A composite technical evaluation score was not furnished to the Navy contractor negotiator.

Mr. McINTYRE. Mr. President, I have introduced a substantial volume of information for the RECORD which will be available for the convenience of the Senate. However, at this time I would like to summarize the significance of these documents and highlight their contents.

First, to summarize the financial data reported by the Department of Defense, the amount of payments to contractors for I.R. & D. and B. & P., and including OTE for comparability, as reported a year ago, was $754 million for 1969, $714 million for 1970, and $673 million for 1971. The Department of Defense estimated that 1972 would be within a few percentage points of the amount reported for 1971.

The revised amount for 1971 is $668 million, which is approximately the same as the $673 million estimated for 1971 last year, and covers 77 contractors. On a comparable basis, the current estimate for 1972, covering the same 77 contractors, amounts to $738 million, an increase of $70 million over 1971. The Department of Defense has provided an analysis titled "Comparison of 1971–72 I.R. & D., B. & P., OTE and Reconciliation of Differences." I ask unanimous consent that this analysis be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

COMPARISON OF 1971–72 I.R. & D., B. & P., OTE AND RECONCILIATION OF DIFFERENCES

[In millions of dollars]

| | 1971 preliminary, 84 contractors | 1971 final, 77 contractors | 1972, 77 contractors | 1971–72 difference (decrease), (7) contractors |
|---|---|---|---|---|
| I.R. & D. + B. & P. DOD share | $627 | $619 | $704 | $85 |
| OTE costs DOD share | 46 | 49 | 34 | (15) |
| Total DOD share | 673 | 668 | 738 | 70 |



*Reconciliation of differences*

| | |
|---|---|
| IR&D+B&P+OTE: | |
| Difference in Total DOD Share 1971 to 1972 | $70 |
| Less: Increase due to burdening in 1972 | $32 |
| Net increase in IR&D/B&P due to increased expenditures | $38 |
| Percent of increase over 1971 (38÷668) | 5.7 |
| IR&D+B&P (excludes OTE): | |
| Difference in Total DOD share 1971 to 1972 | $85 |
| Less: Increase due to burdening | $32 |
| Increase due to reclassifying OTE expenses to IR&D/B&P | $12.44 |
| Net increase due to increased expenditures | $41 |
| Percent of increase over 1971 (41÷619) | 6.6 |

1. Part 2 of the IR&D/B&P Report to Congress provides data on the IR&D B&P costs of defense contractors and the amounts reimbursed by the Department of Defense (DOD share). The report furnished a year ago covered 84 contractors while the report furnished this past March included information on 77. The reduction from 84 to 77 is due to the fact that in 1972 fewer contractors either incurred $15 million or more of auditable cost or required 4000 or more manhours of DCAA audit effort.

2. The report of last year (84 contractors) showed that for 1971 the DOD share for IR&D/B&P was $627 million. In addition, information on OTE was also furnished showing a DOD share of $46 million. This made a total of $673 million.

3. In the report recently furnished the 1971 data was updated. This later information shows the DOD share of IR&D/B&P to be $619 million as compared to the $627 million above. The change reflects not only revised information but the reduced number of contractors. Information on OTE also has been updated and shows the DOD share to be $49 million as compared to $46 million. Thus the updated total for DOD share of IR&D/B&P/OTE is $668 million.

4. The 1972 data furnished in the latest report shows the IR&D/B&P share for DOD to be $704 million. Information received on OTE shows the DOD share to be $34 million. Adding this to the IR&D/B&P makes a total of $738 million as compared to the $668 million for 1971. These figures ($738 million for 1972 and $668 million for 1971) are directly comparable since they pertain to the same 77 contractors.

5. The increase in the total IR&D/B&P/OTE from 1971 to 1972 is caused by two factors. The first is an increase of $32 million in burdening as explained in note "A" on page 1 of the DCAA report. The remainder, $38 million, reflects some increased expenditures of contractors for IR&D and B&P and a slight decrease in OTE expenditures. The net effect is a 5.7% increase, but the validity of this comparison is questionable since IR&D/B&P costs include some OTE costs that do not relate to IR&D/B&P costs. A better comparison would be to consider only the IR&D/B&P costs for each year.

6. The difference between IR&D/B&P costs for 1971 and 1972 is $85 million when OTE is excluded. Analysis of this increase shows that it includes the $32 million of additional burden as discussed above and also includes $12 million that has been reclassified from OTE to IR&D/B&P. The remaining $41 million represents increased expenditures for IR&D and B&P or a 6.6% increase of these costs over 1971. It appears reasonable to conclude that the 6.6% is about the amount required to offset increases caused by inflation.

7. It will be noted that while these increases for burdening, for OTE reclassification, and for inflation were taking place, contractors were experiencing a reduction in sales, both to the government and to other contractors. This smaller base for distributing costs caused the ratio of IR&D/B&P costs to sales to increase. In the short term, such fluctuations are to be expected, but when contractors do not demonstrate the ability to find new business, subsequent IR&D/B&P ceilings negotiated by the DOD will have to be reduced to a level corresponding to the lower levels of business activity.

8. The present cost principles with their revised definitions of IR&D and B&P are proving to be effective in causing OTE to be purged of IR&D and B&P type costs. These new cost principles became effective for most contractors in 1972. In some few cases the new cost principles did not become effective until 1973. In any event all contractors are now required to comply with these regulations. Under the circumstances, IR&D or B&P expenses are not expected to be found classified under other account names (generally referred to as OTE) in the future. If they are, the costs will be reclassified into the IR&D or B&P accounts before they are considered for allowance.

9. With IR&D and B&P costs properly classified there is no longer any reason to continue gathering information under the heading of "Other Technical Effort" (OTE). The term is not well defined, but vaguely refers to a wide variety of overhead efforts that require some type of technical support. The DCAA has therefore planned to discontinue accumulating this information in the future.

Mr. McINTYRE. Mr. President, from this DOD analysis it is apparent that the relationship between the 1971 and 1972 amounts is much closer than a simple comparison of dollar amounts would indicate. In fact, the Department of Defense advises informally that aside from increases due to inflation, the estimate for calendar year 1973 should approximate that reported for 1972.

It is also noteworthy that total expenditures for 1972 of $738 million are lower than the $754 million reported for 1969. If inflation is taken into account, the amount for 1972 would be significantly lower than this $16 million difference.

The Department of Defense also states that no significant policy changes have been made involving implementation of the I.R. & D./B. & P. legislation, and the existing policies are resulting in full compliance with the law.

Mr. President, let me quote the recommendations made in the General Accounting Office report concerning matters to be considered by the Armed Services Committee, and I quote:

In its prior report, GAO suggested that the Congress clarify section 203. Since then, however, the Government's support of IR&D and B&P has been the subject of several intensive studies.

"GAO does not recommend that any changes be made in the law at this time, pending thorough consideration of the results of these studies and the suggestions for improvements and alternative actions which emanated from them. GAO plans to use these studies and to continue its examination of the area, considering such matters as:

Recommendations on IR&D and B&P by the Commission on Government Procurement and dissenting positions.

Recommendations from a study by DOD's IR&D Policy Council.

Possible inequities to the Government when contractors develop products under IR&D programs in defense/space cost centers and market them in commercial cost centers.

Concerns of industry that some smaller companies receive inequitable treatment.

Alternative means of insuring equitable allocation of IR&D and B&P costs.

Upward trends in contractors' B&P expenditures and a corresponding reduction in innovative IR&D, which could possibly adversely affect the national industrial technology base."

Mr. President, from the volume of material that I have provided for the RECORD, and from the statements that I have made it is clear that substantial and satisfactory progress has been made during the past year in further implementing the provisions of section 203. It is also clear, however, that while there is general satisfaction to date in the Department of Defense and in industry, with some qualifications, as stated in the GAO report, additional time is needed to complete the implementing actions and acquire more experience as a basis for any changes which may be indicated as necessary to existing law. The General Accounting Office is in agreement with the need for additional time, and has expressed its intention to continue with its examination of this subject.

I will continue to monitor the performance of the Department of Defense and report to the Senate as appropriate.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

## ORDER FOR TIME LIMITATION ON S. 590

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 590, a bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate, is called up and made the pending business before the Senate, there will be a time limitation thereon of 2 hours, to be equally divided between the Senator from Illinois (Mr. PERCY) and the Senator from Missouri (Mr. SYMINGTON); that there be a time limitation on any amendments, debatable motions, and appeals of one-half hour on each, and that all time be divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement reads as follows:

*Ordered*, That, during the consideration of S. 590, a bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate, debate on any amendment, debatable motion, or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee.

*Ordered further*, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Illinois (Mr. Percy) and the Senator from Missouri (Mr. Symington).

XUM

### ORDER FOR TIME LIMITATION ON S. 70

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 70, a bill to promote commerce and establish a Council on Energy Policy, is called up and made the pending business before the Senate, there be a time limitation for debate thereon of 2 hours, the time to be equally divided and controlled between the Senator from South Carolina (Mr. HOLLINGS) and the Senator from New Hampshire (Mr. COTTON); that the time on any amendment thereto, debatable motion or appeal be limited to 30 minutes; provided, however, that on an amendment by the Senator from Minnesota (Mr. HUMPHREY), there be a 1-hour limitation, the time to be equally divided between the mover of the amendment and the manager of the bill, the Senator from South Carolina (Mr. HOLLINGS), and that all time be divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR TIME LIMITATION ON REA FINANCING CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the conference report on the REA Finance bill there be a time limitation of 20 minutes, to be equally divided between and controlled by the distinguished Senator from South Dakota (Mr. MCGOVERN) and the distinguished Senator from Vermont (Mr. AIKEN).

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR RECOGNITION OF SENATOR GRIFFIN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Michigan (Mr. GRIFFIN) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR CONSIDERATION OF THE REA CONFERENCE REPORT AND A VOTE THEREON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Michigan (Mr. GRIFFIN) on tomorrow, the Senate proceed to the consideration of the conference report on the REA financing bill and that a vote occur on that conference report at 11:45 a.m.

This would mean, Mr. President, that quite possibly there would be a little more than 20 minutes on the conference report.

Mr. President, I, therefore, modify the time limitation on the conference report to provide that the time limitation on the debate on the conference report be limited to not less than 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR CONSIDERATION OF LEAD-BASED PAINT POISONING PREVENTION ACT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the vote on the motion to invoke cloture on tomorrow—in the event the motion to invoke cloture does not prevail—the Senate proceed to the consideration of Calendar No. 121, a bill to amend the Lead-Based Paint Poisoning Prevention Act, and that upon the disposition of that bill, the Senate proceed to the consideration of Calendar No. 122, a bill to establish a National Institute on Health Delivery Care; that the unfinished business be temporarily laid aside and remain in a temporarily laid aside status until the close of business tomorrow or until Calendar No. 122 has been disposed of, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that there is no opposition to either of these bills, Calendar No. 121 or Calendar No. 122, and that in reality they were cleared for unanimous consent action. However, the author of the bill, S. 607, has a statement he wishes to make on the bill.

It may very well be that statements would also be made on the second bill, S. 723, Calendar No. 122.

Mr. President, I have no further unanimous-consent requests at this time.

### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN), will be recognized for not to exceed 15 minutes.

At no later than the hour of 11:25 a.m., the Senate will proceed to the consideration of the conference report on the REA financing measure.

A vote will occur on the adoption of the conference report at 11:45. That vote, although the yeas and nays have not been ordered, will be a rollcall vote. The time for the vote, being 15 minutes, will expire at 12 o'clock noon.

At the hour of 12 o'clock noon, the Senate will resume its consideration of the unfinished business, S. 352, the so-called Voter Registration Act, and the 1 hour for debate on the motion to invoke cloture will begin running at 12 o'clock noon. At 1 p.m., a mandatory quorum call will begin. Upon the establishment of the presence of a quorum, the Senate will then proceed to the automatic vote on the motion to invoke cloture. That vote will occur at 10 or 15 minutes after 1 p.m. tomorrow.

If the vote on the motion to invoke cloture should fail, the Senate will then proceed to the consideration of S. 607, an amendment to the Lead-Based Paint Poisoning Prevention Act. That bill will be followed by S. 723, a bill to establish a National Institute of Health Care Delivery. Other business may also be transacted tomorrow.

The unfinished business will remain in a temporarily laid aside status until the disposition of those two measures or until the close of business tomorrow, whichever is the earlier.

If the motion to invoke cloture is adopted, the Senate will then proceed to the consideration of the unfinished business, in accordance with the rule, to the exclusion of other business.

### ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and at 5:48 p.m., the Senate adjourned until tomorrow, Wednesday, May 9, 1973, at 11 a.m.

### NOMINATIONS

Executive nominations received by the Senate May 8, 1973:

DIPLOMATIC AND FOREIGN SERVICE

Charles S. Whitehouse, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Laos.

IN THE MARINE CORPS

First Lt. William D. Rusinak, U.S. Marine Corps, for appointment to the grade of captain.

IN THE AIR FORCE

The following-named officers for promotion in the U.S. Air Force, under the appropriate provisions of chapter 839, title 10, United States Code, as amended:

LINE OF THE AIR FORCE

*Major to lieutenant colonel*

Aaron, George B., 450-44-0448.
Abbott, Joseph S., Jr., 142-28-9387.
Abel, Jerry L., 482-38-8883.
Abel, David R., 443-36-8870.
Abernathy, John B., 451-52-4739.
Acker William L., Jr., 314-32-3900.
Adams, Floyd P., 226-46-7050.
Adams, James H., 574-10-1776.
Adams, Robert S., 004-34-7237.
Adams, Thomas R., 528-40-8902.
Adams, Willis A., 452-58-3006.
Adcox, Alfred W., 237-50-3682.
Agnor, Albert S., III, 226-40-0898.
Ahlborn, John F., 183-26-6860.
Aho, Arthur C., Jr., 561-46-9286.
Akerlund, Edward T., 474-34-2814.
Akers, Ronald L., 542-38-8478.
Akin, John C., 008-16-4093.
Albertson, Robert L., 155-26-7204.
Albrecht, John R., 397-32-6125.
Albrecht, Ronald L., 008-24-5127.
Alewine, Martin A., Jr., 249-58-5707.
Alexander, Fernando, 454-36-3155.
Alexander, Jack L., 448-28-4522.
Alexander, Jimmie M., 456-66-4612.
Alley, Gerald W., 519-34-0892.
Allington, Maynard F., 545-36-5222.
Allred, Ralph L., 528-32-5186.
Allsman, Gerald F., 447-32-1720.
Ames, Ivan G., 109-26-8229.
Anderson, Alan H., 008-26-6829.
Anderson, Arthur H., 208-14-2243.
Anderson, Calvin C., 246-62-3208.
Anderson, Dana R., 284-26-8117.
Anderson, Floyd R., 573-42-7949.
Anderson John S., 251-52-2767.
Anderson, Marcus A., 533-36-8770.
Anderson, Nell R., 506-34-8095.
Anderson, Philip J., 499-34-5653.
Anderson, William G., 223-40-9417.



Andrews, John F., 311-30-5952.
Andrews, Leonard E., 155-28-5802.
Anessi, Thomas J., 577-44-0445.
Angell, Jerry W., 074-28-3969.
Anonsen, Charles E., 476-30-3456.
Applegate, James E., 289-24-7253.
Armistead, Samuel E., Jr., 416-54-6066.
Armstrong, Wallace O., 497-30-5980.
Arnau, Robert R., 262-42-4081.
Arnold, Albert G., 565-36-2941.
Ashley, Clifford B., 230-36-6841.
Ashley, Donald L., 248-42-3574.
Atkinson, Corinne G., 086-26-5078.
Atterberry, Edwin L., 451-46-0126.
Aunan, Wallace N., 728-05-0839.
Ayres, James H., 453-56-6845.
Baca, Manuel J., Jr., 525-54-7434.
Bache, Ronald H., 188-26-4463.
Baer, Richard T., 144-26-0363.
Bagwell, Robert E., 241-46-6937.
Bailey, Bruce M., 425-66-1869.
Baird, Orville B., 405-48-1801.
Baird, Richard L., 449-52-8057.
Baker, Charles L., 457-52-1700.
Baker, Duane A., 536-32-4112.
Baker, William E., 317-34-8954.
Bale, William F., 301-28-0206.
Ball, James P., 547-42-2104.
Bald, Ronald L., 277-30-6860.
Baltzell, Robert E., 382-32-4850.
Banholzer, Alfred E., II, 287-30-2470.
Banner, Hastings W., 230-36-7801.
Bannon, Paul W., 417-44-9746.
Banta, John W., 317-40-3479.
Barbay, Lawrence, 434-48-2771.
Barbel, Richard C., 335-30-7404.
Barckhoff, Richard L., 162-26-2494
Barger, James S., 094-20-3235.
Barger, Philip J., 233-56-4039.
Barikmo, Norman M., 386-32-6197
Barker, Cole W., 565-44-7547.
Barlow, Robert C., 461-56-0858.
Barndt, Stephen E., 538-32-4397.
Barnes, John C., 233-54-7495.
Barnes, Thomas B., 491-38-1452.
Barnes, William A., 527-50-0986
Barnette, Benjamin H., Jr., 242-46-6874.
Barnt, Pat E., 551-38-6098.
Barnum, Charles W., Jr., 213-30-0529
Barrett, Archie D., 460-46-0040.
Barrett, John C., 579-34-4118.
Barry, Daniel P., 542-40-8042.
Bartels, Allan E., Jr., 298-26-4381.
Bartlett, Ronald A., 459-52-0643.
Bartlett, Russell H., 002-26-5628.
Basel, Gene I., 531-32-6899.
Bass, Stanley A., 578-46-5310.
Bates, John A., 581-34-0751
Bates, Neil G., 251-64-3500.
Bathke, Robert K., 468-34-0470.
Batts, James S., 242-54-3152.
Baumann, Paul K., 145-26-8419.
Baumann, Walter G., 342-20-8472.
Bavousett, Conrad L., 525-56-3605
Baxter, Robert H., 499-42-6565.
Bays, Brooks G , 450-48-7455.
Beale, Robert E., 309-34-6423.
Beck, Lyle A., 529-46-0262
Beckett, Ronald C., 562-44-1272.
Beckham, Donald D., 249-48-0222.
Beeble, Peter, 057-24-2767.
Beers, Alva E., 294-28-5342.
Belcher, Ronald H., 335-30-9033.
Belford, Willis A., Jr., 496-30-5305.
Bell, William D., 479-34-2853.
Belles, Robert G., 564-44-8244.
Benet, Lorenzo P , Jr., 032-24-8162.
Bennett, William T , Jr., 144-26-0417.
Benson, Frederick J. R., 057-22-0737.
Bergman, Erwin, 552-50-1919.
Bergstein, Robert A., 128-26-0425.
Bernd, David P., 207-28-1023.
Bernert, George W., 539-32-2463.
Bethea, Herman R., 419-34-6899.
Beyer, Douglas A., 451-52-0823.
Bigelow, Daniel J., 292-30-0480.
Bigham, Larry J., 541-40-7625.
Billy, George J., 083-24-7437.
Binford, Richard L., 523-42-5852.
Bingham, Jack E., 267-48-6910.
Birchman, Clifton A., 457-40-6978.
Bird, John R., 411-44-0263.
Birt, Joseph A., 206-28-6733.
Bischoff, Keith M., 298-28-8109.
Bishop, Erastus N., 721-12-4268.
Bishop, Richard F., 376-28-2835.
Bishop, Warren E., 514-32-7999.
Bithell, Wayne, 528-38-3739.
Bitton, John B., 519-28-4048.
Bjornson, Loren F., 478-32-3673.
Blackwell, James R., 226-38-8252.
Blair, George A., 006-12-1136.
Blaisdell, Allan C., 227-48-7851.
Blaker, William A., 515-26-7174.
Blanch, Claude, C., 529-38-7434.
Blankenship, Jesse L., 420-40-1495.
Blanton, William, I., Jr., 249-40-9288.
Blaufuss, Philipp R., 478-34-0224.
Blaylock, Bobby G., 437-40-1018.
Blom, Roger L., 438-50-0649.
Boatwright, Charles A., 252-50-6241.
Bohlen, George A., 249-54-0966.
Bond, Doyle H., Jr., 257-48-3736.
Bond, Parker L., 441-32-1450.
Bond, Robert L., 534-32-1293.
Bond, Ronald A., 276-28-7736.
Bonner, William T., Jr., 138-28-5819.
Bonnette, John C., 433-50-1314.
Borland, Jack G., 510-28-1761.
Boston, Leo S., 523-42-4133.
Boulware, Robert H., 296-28-8348.
Bourcier, Lucien E., 036-24-0447.
Bourgeois, Gerald F., 436-44-4536.
Bowen, Phillip K., 363-32-5941.
Bower, James N., 388-30-4588.
Bowlden, Max S., 529-38-8394.
Bowles, Neil H., 501-34-1114.
Bowman, Robert M., 557-48-6232.
Boyd, John T., 261-54-7668.
Bozeman, Gerald E., 251-44-6786.
Bracken, Edward R., 050-30-2680.
Bradach, Bernard, 349-26-6608.
Bradberry, Harold E., 249-40-6772.
Bradbury, John N., 099-28-4172.
Braden, Robert H., 509-26-5091.
Bradley, Bruce V., 022-26-1781.
Bradley, Edgar A., 436-40-4109.
Bradley, Martin G., 085-28-8114.
Bradley, Mitchell H., 419-40-5184.
Bradshaw, John B., 307-26-4594.
Brahan, Marvin L., 485-36-0340.
Branan, Carl K., 265-50-6579.
Branby, Harlan E., 473-32-2600.
Branch, James A., 408-50-4000.
Branch, Leonard J., 376-26-4504.
Brandau, Robert E., 408-50-3550.
Brandli, Henry W., 024-28-1130.
Branham, Ruel K., 313-32-9592.
Brant, Raymond F., 372-34-6928.
Brashear, William J., 547-46-1207.
Braun, Cecil O., 563-40-7681.
Brazelton, Douglas W., 461-40-8991.
Breaud, Alfred A. Jr., 433-48-7926.
Brecher, James D., 332-26-0103.
Breedlove, William D, III. 452-48-1606.
Brees, Anton D., 266-50-0654.
Brestel, Max C., 505-32-9385.
Brewer, George A. III, 465-48-7030.
Bridges, John R., 438-44-3709.
Briggs, Roger M., 458-48-0934.
Bright, Mahrlon R., 559-40-0723.
Brinkstool, Edward P., 525-66-2026.
Britos, Peter J., 576-30-6734.
Brittain, Charles R., 238-42-5304.
Broberg, Paul W., 530-18-9044.
Brockman, Lawrence E. Jr., 458-44-1303.
Brog, David, 166-24-7637.
Brookbank, David A., 190-28-8225.
Brooks, Donald L., 521-42-7262.
Brooks, Kenneth L., 113-26-5133.
Brooks, Richard L., 395-28-0658.
Brooks, William W., 231-20-8254.
Broske, Bernard J., 289-28-0255.
Broussard, Ray E., 439-46-2968.
Brown, Billy J., 454-50-7359.
Brown, Charles L., 304-36-6665.
Brown, Clarence E. Jr., 246-48-1330.
Brown, Donald N., 254-48-1148.
Brown, James T. Jr., 579-48-6605.
Brown, Ralph L., 214-28-9363.
Brown, Richard A., 465-48-3037.
Brown, Richard C., 389-32-8414.
Brown, Robert M., 159-24-2645.
Brown, Troy M., 269-26-3868.
Brown, Walter T., Jr., 293-32-3297.
Bruce, Robert B., 268-30-6474.
Brunton, Jack D., 512-28-2094.
Bucciarelli, Marco A., 051-26-6190.
Buckland, Frank P., Jr., 533-36-2360.
Bucko, Edward P., 202-26-6703.
Buddi, John F., Jr., 264-50-2425.
Budzowski, Benjamin M., 174-24-6554.
Buglewicz, Francis J., Jr., 508-34-4006.
Bumgarner, Robert R., 240-36-3520.
Burbey, Gene P., 399-32-9806.
Burer, Arthur W., 577-44-5726.
Burger, Jack T., 217-32-6216.
Burke, Donald M., 293-28-7603.
Burkett, Theodore J., 278-26-6410.
Burnthorne, Bryan R., 438-44-4958.
Burton, Kenneth E., 352-28-1804.
Busbee, John H., 465-48-6292.
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Chason, Lloyd R., 245-42-2053.
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Gregory, Joseph B., 232-52-6080.
Hill, Robert D., 252-46-1357.
Jacquin, John H., 051-22-6498.
Johnson, Glenn E., 275-24-3679.
Katz, Stewart H., 103-28-8531.
Kennedy, Charles L., 237-44-1522.
Lensch, John P., 573-36-7112.
Marquis, Don B., 557-40-3810.
Nestor, Aloyslus F., 289-20-6748.
Parker, Lester B., 558-34-8046.
Perri, Frank J., 206-24-7733.
Poole, Nathan E., 241-40-2650.
Redman, Ronald A., 543-30-9489.
Riley, John F., 554-42-9019.
Rowney, Stanley V., 063-26-2204.
Silvka, William R., 047-22-7551.
Small, Arthur H., 126-20-7348.
Smith, Thomas L., 405-38-9759.
Sorem, David N., 512-28-5405.
Tamse, Jacob G., Jr., 486-40-6829.
Ussery, Wendell O., 254-46-9788.
Walker, Kenneth C., 505-40-3679.
Matson, John R., 460-36-5342.
Yeomans, Richard C., 573-36-7991.

VETERINARY CORPS

Brown, Richard J., 523-32-4770.
Flentge, Robert L., 429-64-5172.
Lynn, Marvin, 251-54-4121.
New, Albert E., 509-36-2878.
Vanriper, Donald C., 137-22-8264.
Wood, David H., 491-38-3395.

BIOMEDICAL SCIENCES CORPS

Black, Gerald N., 015-26-2058.
Bottom, Bobby D., 405-40-3728.
Braatz, James H., 243-36-0738.
Briggs, Thomas H., Jr., 237-50-5698.
Bruce, Jean H., 253-50-4390.
Burns, Carol H., 051-28-5786.
Coyne, Robert V., 473-32-7456.
Devincentis, Joseph G., 123-18-6079.
Dunsky, Irving L., 330-20-4637.
Endicott, James E., 287-26-5118.
Farrell, Hugh R., 104-24-7449.
Gasaway, Donald C., 455-50-0352.
Greene, Omar V., Jr., 190-22-9634.
Gunter, James J., 427-52-7755.
Hamlyn, Hugh W., 465-60-1983.
Harkleroad, Lionel E., 400-42-8867.
Hill, Sherwood S., 205-26-5702.
Hodges, James M., 445-34-7086.
Kilton, Roger M., 324-24-9160.
Kingsley, Willard E., 195-22-6168.
Kuchta, John C., Jr., 218-28-9084.
Lahood, George A., 451-48-1098.
Mabson, William E., 437-50-9516.
Margolis, Hannah S., 075-28-7435.
Maxwell, Muriel O., 011-24-3494.
Mockler, Nedd D., 047-26-7818.
Moll, Marlene J., 336-30-6181.
Morton, Dorthea J., 290-18-2814.
Nikolewski, Robert F., 561-44-8866.
Page, Carolyn T., 373-28-2468.
Pilmer, Richard B., 553-36-7192.
Ramirez, Jose B., 575-30-1225.
Sears, William J., 485-32-7742.
Silva, Donald G., 089-28-4979.
Steffen, Robert, 552-34-2335.
Suggs, Harry J., 242-38-2582.
Targove, Bertram D., 119-24-6703.
Taschner, John C., 561-54-9816.
Wexler, Seymour, 207-22-4056.
Wilder, Nelson E., 293-22-5959.

The following-named Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, under the provisions of section 1210 and 1211, title 10, United States Code:

LINE OF THE AIR FORCE

*To be major*

Wilson, William E., Jr., 549-20-7942.
Zamkoff, Leonard J., 109-28-6462.

William E. Wilson, Jr., 549207942, for appointment in the temporary grade of lieutenant colonel, under the provisions of section 8444, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force.

IN THE ARMY

The following-named officers for promotion in the Army of the United States, under the provisions of Public Law 92-129.

ARMY PROMOTION LIST

*To be colonel*

Adessa, Anthony J., 156-24-8969.
Ahearn, David C., 034-20-8267.
Allen, James R., 119-20-7265.
Alley, Wayne B., 544-32-1602.
Ambrose, Thomas J., 155-20-9403.
Anderson, Paul F., 153-20-7204.
Atkinson, Frank W., 240-42-9328.
Austin, Maynard H., 241-44-3253.
Bagby, Herschel H., 308-20-9195.
Bagnal, Charles W., 247-44-8391.
Bailey, Rusian B., 416-30-2123.
Ballantyne, John L., 461-42-6547.
Baughman, Larry J., 512-24-8141.
Beasley, Horace B., 423-28-9633.
Beekman, Gerald R., 390-22-1842.
Bell, Wiley W., 441-20-7792.
Belteau, Robert J., 341-20-6420.
Benedit, Edward B., 149-22-1185.
Bente, James A., 282-24-5757.
Bethea, John D., 428-36-8253.
Bournes, William V., 376-40-7054.
Brannon, William W., 256-40-1005.
Bremer, James H., 251-34-8743.
Brewer, John F., Jr., 561-54-8202.
Brewington, Charlie, 246-44-8406.
Brill, James H., 084-24-2190.
Broadhurst, Hugh H., 257-34-6384.
Brooks, Leo A., 579-38-3487.
Brown, Frederic J., 220-38-5785.
Brown, Howard E., 160-22-1019.
Brown, John P., 223-32-0531.
Bruns, Bernard W., 459-40-4689.
Bryan, Lawrence E., 447-24-6276.
Bunyard, Jerry M., 440-28-8915.
Busck, Albert A., 262-38-5302.
Campbell, James E., 274-24-4004.
Cannon, Sammy J., 555-40-9046.
Carrell, Robert P., 297-24-4324.
Carroll, Anthony, 185-22-3100.
Chamberlain, William, 319-26-1358.
Chandler, Victor E., 346-32-9263.
Cheaney, Frank H., Jr., 514-40-2996.
Churchill, Jack B., 266-32-8564.
Claybrook, John H., 052-24-8688.
Clingempeel, William, 229-21-1029.
Cluxton, Donald E., 520-32-9504.
Coleman, Richard C., 240-40-0509.
Colombo, James L., 001-20-5224.
Cook, Ralph J., Jr., 201-24-6069.
Corbett, Cleveland, 241-44-1151.
Corley, Robert J., 249-36-4341.
Creed, William H., 238-36-5830.
Crocker, Merle M., 012-24-1381.
Culton, William H., 526-34-3666.
Dawson, George R., 365-26-6849.
Decamp, William S., 561-42-4002.
Demuynck, Jack E., 342-20-0673.
Deverill, Arthur P., 125-20-6772.
Dewey, Arthur E., 449-64-4407.
Digison, Donald K., 346-22-7100.
DiSmore, William E., 309-28-3443.
Dombrowsky, Albert, 074-24-3750.
Donahue, Robert J., 023-24-4584.
Doran, Fred R., 292-24-7670.
Dorsey, Frank J., 533-22-4402.
Dotson, Richard F., 481-26-5383.
Dribben, Charles P., 491-28-8682.
Dunne, William A., 093-22-0436.
Durany, John A., 189-20-8505.
Dyke, Charles W., 229-40-9184.
Early, Felix L., Jr., 231-34-8962.
Ebaugh, Irvin E., 218-10-7904.
Elliott, Wayne H., 518-26-5671.
Ellis, James N., 356-26-6294.
Erickson, Alfred H., 534-28-4547.
Eubanks, James M., 424-30-3137.
Evans, Robert B., 152-22-3247.
Evans, Winston K., 457-52-4816.
Everhart, Tommy L., 245-38-7081.
Everhart, Tommy L., 245-38-7081.
Evrard, James A., 042-24-7366.
Eyman, Robert F., 516-32-4733.
Falter, Vincent L., 296-28-1228.
Ferris, Gordon F., 016-22-2903.
Fields, Charles E., 249-34-3165.
Fincham, Jack L., 224-32-0786.
Finley, Thomas R., 492-30-4770.
Fleich, Raymond L., 137-24-1377.
Forman, Robert C., 461-38-0273.
Fox, John C., 318-22-0622.
Franklin, Charles D., 492-34-2422.
Franklin, Joseph P., 217-28-9800.
Frechette, Joseph P., 003-12-0788.
Gallant, George W., 026-24-1151.
Galloway, Gerald E., 577-44-3603.
Gardner, Jack J., 506-22-7646.
Garibay, Raul A., 462-28-8611.
Gibney, John V., 185-22-1374.
Glasgow, Robert E., 230-30-9500.
Glore, Ray C., 286-20-3295.
Godwin, Ralph L., 242-34-4226.
Gooch, Kaye W., 496-28-9477.
Granger, John D., 192-28-7105.
Grant, Samuel J., Jr., 248-56-3514.
Gray, George B., Jr., 433-30-8919.
Green, Albert P., 016-24-7552.
Greenlaw, Kenneth N., 040-24-7153.
Greenquist, James C., 031-20-4900.
Griffin, Bobby P., 417-36-1236.
Griffin, Guilford W., 412-34-2157.
Hammaker, Charles A., 217-28-2303.
Hand, Lee H., 529-36-3785.
Hand, Robert P., 226-34-3533.
Harrick, Stephen R., 235-42-8797.
Harris, John R., 463-38-1653.
Hastings, C. Frederick, 308-32-0384.
Hatch, Henry J., 361-26-6617.
Hawley, Richard S., 569-26-6404.
Hayward, Barton M., 083-24-5417.
Healy, Thomas F., 019-24-4071.
Heath, Harry D., 008-16-2307.
Heflin, Henry S., Jr., 420-52-7138.
Heiss, John L., III, 427-46-5544.
Hertel, Robert G., 515-18-8192.
Hetherly, James H., 458-42-2874.
Higgs, Irwin L., 402-32-9843.
Hobby, Thomas K., 440-20-9064.
Hodges, Albert P., 723-03-7591.
Holden, William B., 006-26-3769.
Holland, David K., 406-30-1277.
Holmes, Arthur, Jr., 411-36-9944.
Honor, Edward, 224-52-5229.
Houy, Edward W., Jr., 464-38-1690.
Howitz, Ivan H., Jr., 403-40-4694.
Hudachek, John W., 483-48-4927.
Huebner, Robert W., 391-24-0946.
Hufnagel, David A., 336-22-1192.

XUM

Hutchison, Jarold L., 522-38-9982.
Hyde, Richard C.,290-22-5579.
Ingram, Harvie T., 417-34-0467.
Irwin, Thomas G., 508-30-7082.
Isaacson, Roger M., 533-28-2577.
Islin, John A., 174-26-4727.
Jacobs, Kenneth R., 174-22-4380.
Jameson, John G., Jr., 401-36-7273.
Jenkins, William M., 244-40-9629.
Johns, Harvey B., Jr., 444-30-0362.
Johnson, Ernest B., 242-20-3048.
Johnson, Frank P., 033-22-9675.
Johnson, Harold R., 260-44-3342.
Johnstone, Homer Jr., 557-40-6246.
Jones, Albert F., 248-32-1528.
Jones, Bernard P., 052-22-7405.
Jov, Jesse D., Jr., 424-30-5065.
Joy, Robert S., 135-20-2569.
Joyce, Robert M., 282-24-8281.
Judah, Floyd G., Jr., 525-58-1497.
Kanainine, Theodore, 507-30-3458.
Kaser, William T., 295-24-4307.
Kasson, Darrell D., 389-24-7667.
Katayama, Robert N., 575-16-6656.
Keith, Norman A., 429-74-3918.
Kelley, Philip G., Jr., 451-30-7822.
Kempf, Neil H., 397-24-6037.
Kidwell, Birtron S., 224-40-5797.
Kilgore, James A., 453-48-6321.
Kitis, Richard A., 164-24-6428.
Kloke, John G., 395-26-8716.
Knoebel, Frederick, 137-24-2013.
Koen, Clyde H., Jr., 410-48-5515.
Kotas, Nicholas S., 370-28-2517.
Kramer, John C., 264-50-6042.
Kunze, Melton H., 457-44-1527.
Khasigroch, John F., 346-22-1771.
Labarbera, Albert, 118-22-6842.
Labarrie, John H., 370-28-8469.
Langford, Richard J., 459-40-6367.
Lawrence, William A., 546-38-1843.
Lewis, William E., 243-44-1039.
Lichtenwalter, Leon, 497-22-7036.
Lilley, Aarun I., Jr., 216-14-1363.
Lindberg, Charles F., 535-24-6020.
Lowrey, Patrick R., 206-24-1198.
Lynch, Gordon P., 039-18-2284.
Maddox, Chesley B., 265-32-0726.
Magill, Henry P., 246-26-0779.
Magruder, Lewis F., 430-30-1168.
Mahaffey, Fred R., 525-70-4649.
Maloney, James P., 463-38-9576.
Manning, Thomas J., 361-20-0719.
Marchut, Chester E., 218-10-7904.
Martin, David O., 284-28-8062.
McBrier, Robert W., 035-14-4585.
McCaffree, Robert J., 448-22-7179.
McDowell, Chester W., 317-24-1569.
McGahee, Mack M., 254-32-4680.
McGillicoddy, Corne, 019-24-9340.
McKenzie, Culin W., 008-18-1608.
McKinney, John W., 420-52-6716.
McKnight, James R., 202-24-2245.
McNair, Carl H. Jr., 263-38-8269.
McNealy, Richard K., 405-56-3277.
McNeill, Charles L., 091-22-3884.
Mehl, Walter J., 560-36-6160.
Melnhardt, Harry P., 183-26-0960.
Mennona, Edward, 051-24-7765.
Meredith, Alvin L., 200-20-1689.
Mitchell, Corwin A., 510-26-1466.
Mitchum, Dwyer K., 413-32-4782.
Mode, Albert K. Sr., 245-32-3172.
Mollichelli, Edward, 036-22-2389.
Moreau, Donald M., 019-22-1542.
Morgan, Ernest R., 225-38-9199.
Morrissey, Robert J., 347-20-8324.
Mountel, Robert A., 294-24-9610.
Murphy, Donald C., 349-24-8945.
Myers, Lawrence S., 523-24-5920.
Neal, Robert W., 430-50-7555.
Nelson, Leunart N., 004-28-4136.
Noble, James E., 456-60-1804.
Norcross, John C., 465-42-7638.
Odonnell, Matthew B., 002-20-8955.
Odonohue, John D., 110-24-4520.
Olsen, Edmond J., Jr., 136-24-5423.
Orr, Carson D., 302-26-7714.
Overdahl, Norman L., 538-24-4608.
Paige, Emmett, Jr., 267-32-1935.
Palastra, Joseph T., 576-28-7763.
Pannier, Leon G., Jr., 029-22-1226.
Parmenter, Russell, 505-38-9597.
Patterson, James N., 017-24-4474.
Peck, Darrell L., 387-26-7389.
Petrenko, Glenn, 524-40-6220.
Petterson, Charles, 146-22-1829.
Phillipp, Ronald E., 204-26-3657.
Pilk, Jack R., 523-30-8434.
Pinhram, David C., 008-16-5926.
Poe, Donald E., 438-30-7427.
Pogoloff, Boris, 146-22-7554.
Pollard, Arnold R., 455-46-8125.
Poor, William T., 255-44-7254.
Poorman, Donald C., 084-26-5404.
Porter, Bobby B., 429-64-0821.
Pratt, Joseph B., 301-26-7511.
Prince, Ivan R., Jr., 436-38-4940.
Pruitt, James R., 425-44-3589.
Putnam, Lawrence H., 081-32-6263.
Ralph, James R., Jr., 535-26-9431.
Ramsay, Donald A., 385-24-3345.
Relman, Donald I., 102-24-3875.
Richards, David A., 532-28-5618.
Rife Byard N., 517-28-0950.
Riley, Leonard J., 012-24-0835.
Roberts, George W., 253-36-3876.
Roddy, Patrick M., 535-32-6593.
Rodney, Richard M., 132-22-3782.
Ropp, Ralph E., 437-34-7092.
Roscher, William G., 545-32-2103.
Royals, Gerald E., 054-22-1860.
Runion, Roger O., 508-28-7310.
Russell, Donald N., 376-20-6734.
Rutkowski, Joseph F., 073-22-9347.
Samouce, Warren A., 110-28-6608.
Schiesser, Charles, 501-30-2020.
Schultz, Paul E., 116-20-3189.
Schuver, Rudy P., 481-38-8120.
Selby, Carman T., 487-30-1338.
Shallcross, George, 204-20-5594.
Shields, Roger J., 033-24-3150.
Short, Frisco W., 432-62-6033.
Simkus, Anthony P., 330-24-1358.
Simmons, John E., 460-64-1234.
Singletary, R. M., 264-46-6270.
Skaff, Joseph J., 233-46-6270.
Skeen, Henry G., 252-41-4379.
Small, Harold I., 033-22-1368.
Smith, James D., 538-20-0894.
Smith, James D., 454-38-8598.
Smith, Scott B., 044-26-9950.
Solomon, Robert D., 216-28-7812.
Spinks, Raymond F., 248-44-3250.
Stewart, Bernard L., 368-30-6787.
Stillions, Eugene L., 431-56-5342.
Stockelman, James C., 295-26-3957.
Stone, Howard F., 447-32-5655.
Stotser, George R., 410-50-9185.
Stouffer, Clair J., Jr., 203-10-9740.
Strong, William R., 465-30-9494.
Stubblebine, Albert, 042-32-5318.
Swygert, Donald R., 247-34-0199.
Tanner, Eugene P., 402-36-4245.
Taylor, Arthur E., Jr., 330-24-0362.
Thrasher, Billy J., 507-34-8480.
Tipton, John H., Jr., 412-42-7894.
Todd, Edgar F., 215-26-4569.
Toepel, Adalbert E., 535-24-6121.
Toner, Francis J., 146-24-6513.
Tow, James L., 436-36-3401.
Turner, James M., Jr., 439-42-0209.
Turner, Robert C., 328-22-2750.
Tyson, Wallace S., 410-38-7335.
Underhill, George R., 336-22-5907.
Underwood, Bibb A., 460-34-9679.
Utegaard, Rolf W., 398-24-4151.
Vancamp, Joseph L., 235-46-9550.
Vance, Larkin B., 236-22-9326.
Varnum, Charles S., 517-26-4601.
Vivaldi, Joseph R., 186-26-6702.
Vorhles, Harold W., 569-34-3373.
Vuono, Carl E., 198-26-8686.
Wagner, Louis C., Jr., 490-44-9852.
Walker, Jack A., 266-46-8589.
Wallace, Robert J., 099-22-1703.
Wallis, Charles R., 112-32-5826.
Walton, Ben L., 464-32-9833.
Warren, William R., 451-34-4649.
Watson, Robert W., 375-22-5188.
Webb, Harold T., 111-20-7793.
Wells, Don R., 327-24-3991.
Wenn, Kenneth L., 435-42-5448.
Whelan, William E., 028-22-2781.
Wilcox, Edward C., 577-44-0857.
Williams, Cyrus L., 132-16-6224.
Williams, James A., 149-22-4991.
Williams, Royce C., 253-44-5804.
Wilson, Dwight L., 456-46-0710.
Wisdom, Donald A., 101-24-2841.
Withers, George R., 578-46-1168.
Woodhansee, John W., 311-34-0886.
Wooley, Wilson C., 421-30-8328.
Wootten, James P., 183-20-5935.
Young, James L., 075-24-8958.
Zimmer, Charles E., 291-26-3727.
Zorn, Jack L., 526-26-7784.

CHAPLAIN

*To be colonel*

Adickes, Donald K., 126-26-4505.
Brennan, John F., 721-18-4738.
Ettershank, John P., 147-24-1067.
Hulme, John W., 409-36-6509.
McCullagh, John P., 122-20-9743.
Murphy, James J., 424-54-2723.
Quelch, Theodore W., 148-16-7084.
Wichmanowski, Walter, 198-24-6856.

WOMEN'S ARMY CORPS

*To be colonel*

Hinton, Edith H., 425-54-2207.
Rossi, Lorraine A., 026-22-0900.

MEDICAL CORPS

*To be colonel*

Bagg, Raymond J., Jr., 047-24-3048.
Bivens, Hollis E., 525-40-1902.
Brownlee, Willlam H., 557-28-2741.
Burham, William A., 480-16-9604.
Bzik, Karl D., 234-70-7715.
Canales, Luis, 219-38-7484.
Cataldo, Joseph R., 021-20-5531.
Cooper, Neill S., Jr., 128-26-6327.
Dinapoli, Raphael J., 050-26-8222.
Doane, David G., 034-05-2785.
Franger, Alfred L., 458-46-5627.
Fulton, Nolen W., Jr., 426-66-4563.
Gamber, Herbert H., 484-32-3712.
Gardner, Richard M., 577-30-2139.
Gastineau, Robert M., 445-34-3172.
Gregory, Kelly G., 415-58-7608.
Gunderson, Carl H., 317-34-4290.
Hagen, Raoul O., 483-28-5498.
Hernandez, Fragoso I., 580-36-9664.
Herrick, Clyde N., 529-36-0033.
Herrington, Peter N., 228-26-9278.
Hnott, Archer D., 107-22-8098.
James, Frank K., Jr., 529-24-4115.
Lafollette, Bruce F., 523-34-1836.
McDowell, Frank, Jr., 239-36-0773.
McDowell, Milton K., 544-32-1223.
Mears, William W., 146-26-6994.
Mendelson, Janice A., 579-20-5548.
Meyer, James A., 025-28-5892.
Montegut, Ferdinand, 434-48-1163.
Moten, Franklin C., 578-54-1763.
Muir, Robert W., 188-28-0172.
Nelson, Ronald A., 484-28-4502.
Newton, John K., 543-34-0163.
Nowosiwsky, Taras, 100-26-5056.
Ness, Donald D., 445-30-4475.
Nusynowitz, Martin, 090-24-6778.
Park, Robert C., 184-26-5722.
Pettera, Robert L., 392-22-2997.
Pitcher, James L., 327-26-2150.
Raffety, John E., 545-36-3507.
Reeder, Maurice M., 216-30-1034.
Rich, Norman M., 527-44-1370.
Scheetz, Walter L., 200-24-6425.
Siegal, David L., 059-28-7702.
Simsen, Donald A., 154-22-7069.
Sollie, Stanley C., 477-30-5915.
Stewart, James L., Jr., 247-42-3101.
Tomlinson, Fred B., 052-28-6063.
Treasure, Robert L., 521-38-2064.
Valpey, Jack M., 562-36-6858.
Wegleitner, Mark J., 472-24-1412.
Wettlaufer, John N., 005-30-2592.
Whaley, Robert A., 397-26-8224.
Zurek, Robert C., 087-26-8779.

MEDICAL SERVICE CORPS

*To be colonel*

Bigham, Harral A., 459-18-7608.
Burris, Carshal A., 286-26-5572.
Copeland, Francis A., 115-26-7614.



Fisher, James B., 529-32-0341.
Gilley, William F., 251-64-3617.
Howlett, Byron P., Jr., 432-42-1499.
Huncharek, John, 204-12-4648.
Kershner, Edward C., 542-24-2570.
Krueger, George R., 502-16-0264.
Lask, Alphonse F., 350-12-2394.
Meadow, Seymour, 065-20-9301.
Patch, Charles E., Jr., 427-44-2054.
Pearson, William G., 427-38-2467.
Schlavone, Albert L., 051-22-2024.
Territo, Joseph R., 144-22-6603.
Thompson, John M., Jr., 494-24-1561.

ARMY NURSE CORPS

*To be colonel*

Decker, Julia E., 496-28-8372.
Frazier, Doris, 499-22-6225.
McLean, Mary F., 456-30-1879.
Nichols, Glennadee, 316-20-7340.
Pishak, Irene R., 168-18-1209.

ARMY MEDICAL SPECIALIST CORPS

*to be colonel*

Westhoven, Mary F., 300-26-8860.

VETERINARY CORPS

*To be colonel*

Trevino, Gilberto S., 460-30-5037.
Warne, Robert J., 514-20-2076.

DENTAL CORPS

*To be colonel*

Amando, Donald S., 576-28-8069.
Brudvik, James S., 502-30-3249.
Burger, Robert B., 406-34-2015.
Call, Robert I., 528-28-2833.
Cureton, William S., 545-28-2590.
Cutcher, William S., 378-24-3163.
Dash, Carl L., 578-38-3191.
DiPietro, Girard J., 203-26-7061.
Duncan, Bernard, 131-20-6208.
Fronsdahl, Donald E., 480-01-2075.
Gamble, Glen S., 725-05-2850.
Hall, James B., 427-60-9132.
Lucksinger, Henry C., 450-46-8220.
Olson, Robert A., Jr., 024-26-4400.
Parris, Sam H., 252-44-0332.
Ross, Lincoln A., Jr., 579-40-9571.
Shannon, Charles J., 154-24-4454.
Shaver, Lloyd F., Jr., 162-28-1295.
Smith, Paul E., 491-32-6461.
Vatral, John J., 074-24-1428.
Young, Leslie, Jr., 481-32-6932.
Zingale, Joseph A., 285-28-4802.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

*To be lieutenant colonel*

Strum, Major, 422-22-5940.

ARMY PROMOTION LIST

*To be major*

Dalton, Joel P., 451-52-0432.
Priest, William W., 543-44-9209.
Schwendinger, Charles J., 484-30-1714.
Shephard, David A., 575-36-6482.

MEDICAL SERVICE CORPS

*To be major*

Collman, Richard H., 174-24-7284.

ARMY NURSE CORPS

*To be major*

Ebert, Maureen A., 567-40-1197.

DENTAL CORPS

*To be major*

Laduzenski, Eugene, 017-30-6894.

ARMY PROMOTION LIST

*To be captain*

Anthony, Henry G., Jr., 346-36-3794.
Beamer, Ralph D., 233-52-1382.
Bolz, Farrell, 507-56-7154.
Booterbaugh, Jaul L., 226-46-8977.
Bratcher, Arnold T., 560-58-5726.
Brockington, Anthony, 251-62-2967.
Brown, Clyde C., 445-32-2455.
Carthage, Phillip G., 137-34-1551.
Clemens, Judd L., 181-32-8932.
Crawford, David H., 257-66-7787.
Cummings, Charles G., 213-36-5691.
Daniels, Jerry W., 113-30-1946.
Delaney, Russell J., 208-30-7479.
Edwards, Kenneth P., 236-42-6587.
Elders, James F., 253-58-6901.
Engel, Joseph J., 100-32-1629.
Evans, Melvin R., 511-40-3572.
Fields, Harold D., 232-66-3136.
Fortenberry, Cleveland, 527-42-9591.
Gerald, Stuart W., 004-40-7333.
Gibson, Stephen C., 397-38-5080.
Grassa, Alfred E., 160-34-2959.
Hagler, Ralph L., Jr., 404-52-0207.
Harrell, Gary W., 356-30-8262.
Harris, Nick C., 518-48-6761.
Harvard, Albert F., 379-34-5187.
Huchun, Kim, 475-44-9097.
Jackson, Jesse Jr., 421-42-8640.
Johnston, Clifford, 019-30-8229.
Keane, John M., 063-34-9856.
Kearns, Philip F., 043-32-2385.
Lackey, Jimmie R., 423-56-9399.
Lambert, John D., 407-56-7763.
McCoy, James P., 194-34-2388.
McWherter, Patrick, 574-14-1416.
Monahan, Carole, 158-32-5405.
Pettit, Ronald B., 440-42-0690.
Pomeroy, Charles J., 280-36-6369.
Raschke, Phillip E., 558-54-2100.
Rodgers, Patrick J., 563-58-6232.
Roland, Clarence H., 255-46-8593.
Shaw, Robert W., 212-46-0156.
Skolochenko, Steven, 220-40-4763.
Smart, Richard F., 181-34-2521.
Starr, Donald J., 398-40-6971.
Stubbs, Fred J., 450-52-4378.
Stutts, Marvin E., 002-32-3138.
Szubo, Bela III, 523-54-7397.
Szymanski, James G., 130-34-8568.
Thomas, Edward R., 246-66-1048.
Tison, Joseph T., 256-68-4147.
Vandel, Robert H., 524-50-2916.
Vanzant, James W., 258-52-4952.
Vogt, Robert V., 196-34-5740.
Wilson, Edward L., 286-36-1765.
Woods, Gerry W., 220-38-7712.
Workman, Earsal C., 235-62-9418.
Yeager, Robert W., 205-28-3668.
Zwirner, Adolf A., 515-40-9439.

MEDICAL SERVICE CORPS

*To be captain*

Bearce, Gerald, 004-34-2214.
Hrubetz, John E., 364-38-6630.

DENTAL CORPS

*To be captain*

Divita, Carl L., 098-34-1894.
Wampole, Harry S., 176-36-9208.

VETERINARY CORPS

*To be captain*

Gordon, John C., 300-32-1052.
Henry, Charles W., Jr., 231-54-3885.
Kolaja, Gerald J., 363-42-8073.
Volkmann, Heiko W., 537-40-5243.

ARMY MEDICAL SPECIALIST CORPS

*To be captain*

Liu, George K., 575-40-1724.

ARMY NURSE CORPS

*To be captain*

Brown, Barbara D., 312-40-3814.
Dingbaum, Herbert H., 352-40-5429.
Guilbeault, Jeanne, 034-30-1357.
Jones, Jane A., 353-36-0732.
McArthur, Kathleen, 329-36-0967.
Oliver, Randall L., 463-52-4519.
Shaffer, Suzanne E., 272-46-7735.
Wimmer, Sidna P., 225-48-8595.

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3370 and 3383:

ARMY PROMOTION LIST

*To be colonel*

Anderson, C. A., Jr., 413-22-4888.
Baker, Cornelius O., 197-16-3024.
Bealke, F. C., Jr., 220-14-7791.
Bunting, Wilber I., 144-24-5512.
Capp, Clifton C., 319-20-8636.
Fee, Richard W., 307-32-6640.
Flynn, Donald L., 539-24-1191.
Foster, Ruric W., 233-24-7108.
Harpainter, Robert, 553-28-6254.
Jackson, Wayne P., 351-20-3159.
Jacobs, Gordon B., 398-18-6187.
Landrith, G. S., Jr., 512-12-4913.
Liebschutz, S. J., 057-24-1761.
Mittelstadt, R. J., 399-24-6989.
Ramsey, Eugene H., 234-30-6132.
Ryan, Clifford G., 382-18-7743.
Trubitt, Hiliard J., 354-18-1225.
Wiggins, M. L., Jr., 458-12-8242.
Yonis, David, 118-18-0297.

CHAPLAIN

*To be colonel*

Hanson, Kenneth C., 469-05-6045.
Parsons, Forest L., 381-03-6749.

ARMY NURSE CORPS

*To be colonel*

Amend, Elfrieda L., 550-54-2256.
Anderson, Betty J., 218-66-2363.
Anspach, Imogene, 294-16-1554.
Antonucci, H. H., 079-16-7782.
Arola, Mamie I., 202-16-6214.
Balog, Margaret L., 175-18-8645.
Barnum, Eva J., 261-40-4493.
Barthelemy, Irene L., 358-26-3147.
Battle, Cecilia G., 363-38-9234.
Beaudry, Betty A., 010-12-3013.
Behnke, Bernice I., 578-22-6504.
Berglund, Lora E., 245-14-5995.
Bittenbender, L. K., 202-30-4952.
Bonner, Eillen M., 122-09-9440.
Bowman, Esther L., 437-26-6018.
Brown, Alice P., 024-26-9049.
Bryant, Stella G., 016-22-9598.
Burkhardt, Barbara, 520-14-3902.
Bynum, Jessie W., 526-36-4456.
Cargill, Eddie M. W., 230-12-3747.
Chalmers, Wilma G., 455-30-0717.
Chambers, Dorothy E., 016-12-2778.
Clorite, Dorothy L., 019-18-1062.
Condon, Joanna A., 096-12-1669.
Coopersmith, L. B., 077-18-5931.
Culver, Margaret J., 258-42-3253.
Delcarlo, Marianne, 559-22-5006.
Dickens, Merlyn M., 452-58-0984.
Eicherly, E. E., 210-26-9210.
Fager, Mary V., 535-32-3561.
Fish, Doris M., 110-26-5808.
Fisher, Virginia M., 176-24-5959.
Flickinger, William, 197-16-3847.
Fry, Doris J., 324-14-5521.
Guerrero, P.G., 455-10-6648.
Guthrie, Carol, 536-36-2144.
Harder, Helen I., 485-34-5409.
Hermeler, Lois C., 485-20-8365.
High, Jane, 407-34-4961.
Homewood, Vera M., 520-26-7656.
Kennedy, Eunice J., 194-14-1497.
Kleca, Joan M., 188-22-7054.
Kletke, Lucy E., 361-32-2253.
Ligon, Ester R., 259-60-2732.
Macritchie, Mary G., 014-22-7108.
Martin, Ruby M., 358-30-6317.
McKenzie, Mary A., 135-18-4900.
McKeon, Doris P., 022-18-4391.
McKimmon, Cecelia M., 336-26-2779.
Mogan, Mary M., 044-30-6637.
Moore, Alice R., 228-05-9950.
Mulqueen, Mary G., 097-24-9929.
Nally, Barbara V., 006-16-0952.
O'Donnell, Mary I., 186-14-3463.
Panek, Nellie A., 909-26-2422.
Platt, Joyce A. H., 540-24-5550.
Regus, Mary L., 439-14-7498.
Richardson, Marion, 035-24-3704.
Ritchie, Jean M., 509-46-7903.
Satake, Irene A., 550-38-7204.
Shawver, Leslie E., 053-28-4350.
Sheehan, Jane P., 471-14-5012.
Shugart, Ernestine, 467-20-6335.
Skiffington, Mary M., 031-30-0426.
Smith, Mildred A., 403-44-3087.
Stoops, Frances M., 391-10-7407.
Sullivan, Anne E., 028-30-5513.
Taczy, Margaret, 148-22-2826.
Talbert, Virginia, 559-18-4256.

XUM

Timms, Sarah E., 274–36–7509.
Voorsanger, E. L., 397–16–5254.
Walker, Minnie S., 237–48–9255.
Walstead, Pernell I., 579–05–8265.
Weinman, Wilda M., 282–24–5777.
Wilkins, Mary L., 486–07–7093.
Young, Helen J., 215–38–9960.
Zachar, Hazel Y., 481–30–8879.
Zalabak, Dorothy E., 563–26–7288.
Zarnick, Florence A., 155–16–3755.

DENTAL CORPS

*To be colonel*

Bargo, Everett V., 400–36–6531.
Blancher, Robert B., 532–22–3923.
Brown, Paul R., Jr., 410–48–1499.
Burton, John R., 230–14–5860.
Capouya, Morris N., 256–10–7916.
Caradine, John F., 294–14–0119.
Corriveau, William, 029–18–0773.
Day, Warren E., 364–24–0664.
Drechsel, R. H. W. Jr., 459–30–2457.
Dupree, Louis J., Jr., 242–60–9221.
Ebner, Deane A., 477–18–3059.
Goldschmid, James D., 409–52–0107.
Gordon, Kenneth K., 023–12–5129.
Hamilton, Palmer L., 063–20–5020.
Hanley, C. J., Jr., 039–14–5909.
Hoopingarner, J. W., 515–12–2031.
Ketcham, William S., 246–20–6232.
Kirsch, Mitchell, 500–12–2203.
Kmen, Walter J., 050–16–4854.
MacDonald, E. T., 288–16–9392.
Marchbanks, W. H., 466–38–0273.
Matta, Jose N., 582–30–2975.
McCormick, J. P., 394–16–1412.
McCullough, William, 542–18–7417.
Melendez-Gonzalez, R., 580–68–5737.
Morris, Frank C., 720–03–5107.
Overbey, Robert M., 413–46–0060.
Parker, C. E., Jr., 517–30–0219.
Pearce, Jacob A., 242–16–4154.
Rushmore, Richard C., 200–16–0861.
Salatich, P. B., Jr., 438–05–7115.
Schoessler, Richard, 503–22–9207.
Schwartzburg, E. S., 111–18–1081.
Silfies, J. H., Jr., 183–18–0465.
Singer, Burton H., 099–16–8603.
Skoney, Charles E., 715–01–1066.
Smith, Charles M., 400–28–6482.
Sosna, Morton M., 130–09–5541.
Synodis, John S., 044–18–9471.
Thornton, Richard S., 235–42–5307.
Traxler, Fred W., 550–14–4085.
Vollmer, Eugene J., 115–16–6650.
Whitney, Alonzo M., 140–20–4095.
Williamson, Bious W., 238–26–4011.

MEDICAL CORPS

*To be colonel*

Aldis, Henry, 233–44–5516.
Arkins, John A., 388–20–0789.
Atkinson, Roy J., 524–22–3871.
Baker, Eugene M., Jr., 248–44–5135.
Batcheller, D. E., 252–36–8739.
Brandetsas, Peter G., 241–60–9479.
Bunch, Littleton J., 240–16–2096.
Burnett, George H., 388–30–8402.
Cobb, Allon B., 427–58–8115.
Crago, John A., 072–12–9373.
Crudo, Frank S. Jr., 561–05–9367.
Dabbs, Clyde H., 427–24–3791.
Daugherty, Joseph F., 403–64–8502.
Davis, Harry R., 203–10–6384.
Diehl, Leonard R., 511–12–4994.
Dill, James E., 304–26–4295.
Doane, David G., 034–05–2785.
Finney, Joseph C. J., 545–50–2479.
Ford, Charles P., Jr., 225–20–1689.
Garrison, J. M., Jr., 236–40–0963.
Gould, Russell L., 547–07–9839.
Green, John E., Jr., 717–14–1949.
Greth, Carlos V., 527–36–6981.
Grosenbaugh, C. H., 301–16–0406.
Gutierrez, Oscar F., 489–38–1816.
Haley, R. C., Jr., 408–34–1499.
Haltiwanger, E., Jr., 261–32–6953.
Harris, Walter P., 432–72–5811.
Harvin, James S., 249–38–0417.
Holt, Leslie G., 431–05–9013.
Holyoke, Edward D., 141–24–4431.
Hubbard, Benjamin A., 231–09–7389.
Hyde, John R., 559–22–9069.
Inman, Fred C., 429–48–3996.
Kilgore, William E., 265–30–2990.
Kistler, Philip E., 171–26–2886.
Krause, Manfred E., 273–24–8630.
Lackey, Dixon A., Jr., 245–40–1881.
Lahti Richard E., 544–10–8054.
Landis, Richard M., 203–07–9233.
Lindsay, Kenneth E., 544–22–0253.
Lopez-Plascencia, J., 526–46–9822.
Loucks, James E., 447–34–6349.
MacDonald, Murdo G , 008–14–7087.
MacDonald, Neil A., 502–05–3799.
Majoska, Alvin V., 004–16–1462.
Marienfeldt, Hans F., 225–54–4415.
May, Lloyd P., 404–14–6968.
McConnell, Graham S., 531–18–3049.
McLaughlin, J. F., Jr., 251–22–1688.
Morris, Robert G., Jr., 291–18–3690.
Odesky, Louis T., 351–07–1639.
Pines, Stuart S., 073–18–2959
Rodriguez, Roberto, 581–56–4400.
Rosario, Victor M., 581–62–8592.
Rosendale, Albert F., 431–26–7380.
Rugani, Peter R., 053–24–5065.
Saloom, Albert G., 168–22–2742.
Sandberg, Douglas H., 263–46–3049.
Sargent, John P., 528–22–9884.
Silliman, Eugene, 146–16–7972.
Sleisnski, Frank A., 017–18–6017.
Sprenger, Thomas R., 400–38–9619
Steinkruger, V. W., 506–28–2673.
Strong, L. C., Jr., 726–07–7802.
Taylor, Vann S., 461–12–8326.
Urban, Stanley T., 134–07–9664.
Warwick, Warren J., 398–24–0955.
Young, Roscoe C., 053–24–3131.
Zone, Robert M., 048–22–3673.

MEDICAL SERVICE CORPS

*To be colonel*

Erdeljon, Charles U., 290–14–1311.
Foy, John V., 153–18–2635.
Hassell, Joe W., 417–32–1610.
Henson, Ellis G., 432–28–2544.
Kolgaklis, Theodore, 259–26–8132.
Ozaki, Ronald H., 576–22–5712.
Schultz, Harvey L., 145–24–6936.
Stuart, Kenneth, 065–12–9455.

ARMY MEDICAL SPECIALIST CORPS

*To be colonel*

Case, Beatrice L., 232–34–4618.
Clinkingbeard, J. R., 517–26–5262.
Gross, Marie L., 536–16–3187.
Maguire, Majorie C., 143–16–8707.
Schnebly, Martha E., 213–16–1760.
Slade, Mary C. H., 535–28–3018.
Spelbring, Lyla M., 365–20–1899.
Sweeney, Cora W. B., 229–07–1565.
Thompson, Marian E., 047–20–6526.
Warren, Anne, 005–22–9692.

VETERINARY CORPS

*To be colonel*

Bertolet, Roy D., 210–16–6833.
Brown, Walter W., 408–46–3631.
Ford, Duane F., 336–12–1317.
Thornberry, Robert, 531–12–5332.

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, sections 3366, 3367, and 3383:

ARMY PROMOTION LIST

*To be lieutenant colonel*

Argabright, W. V., 512–14–4642.
Badders, Richard G., 514–32–2652.
Beckett, G. W., Jr., 266–42–0464.
Bras, Armando, 582–10–4382.
Brazenor, R. G., Jr., 116–26–4170.
Brown, Benny J., 424–42–4129.
Butler, Thomas J., Jr., 278–36–3922.
Carlan, Ralph W., 031–12–1556.
Chancellor, H. C., Jr., 420–28–6101.
Chapa, Alfonso, 46–144–5794.
Clark, Gilman L., 330–28–9313.
Craig, James T., 376–30–4278.
Dellaqualla, Louis J., 178–26–4650.
Drennon, C. C., Jr., 409–52–0690.
Edmondson, Jack L., 337–32–4686.
Ernst, Adolph H., Jr., 439–50–7309.
Price, Gene M., 560–26–6467.
Harris, William I., 264–44–9897.
Humphrey, Carl H., 337–24–4434.
Ivey, Marvin L., 264–42–5734.
Jackson, Gary D., 450–52–1362.
Kirkland, Glynn D., 426–36–7391.
Krinke, Gordon C., 368–20–5838.
Kruger, Arthur J., 504–22–5042.
Le Claire, James F., 043–26–2044.
Mickelson, Duane E., 432–26–0346.
Modeas, Harry G., 060–22–7499.
Mueting, James A., 335–12–3335.
Myrick, Ronald E., 311–34–3917.
Parker, Charles R., 171–16–1103.
Parks, John R., 190–22–5775.
Paul, James H., Jr., 074–28–8989.
Petno, Carl J., Jr., 210–28–5425.
Potteric, H., Jr., 415–52–4957.
Raymond, William V., 476–18–9394.
Rodgers, Wayne R., 466–28–0674.
Roeder, Frederick W., 135–30–2457.
Sanders, Louis F., 467–48–4933.
Shertzer, James A., 197–20–0961.
Smith, Harry E., Jr., 193–20–4201.
Spangler, David A., 197–24–7571.
Thompson, Allen L., 397–26–2830.
Tillman, Robert J., 444–24–6960.
Todd, James P., 539–34–2186.
Tollin, Milroy J., Jr., 471–26–6655.
Tracy, Richard T., 438–40–9238.
Trapp, George A., 262–36–4301.
Unger, Andrew J., 210–18–4889.
Wills, Homer L., 409–20–1428.

ARMY NURSE CORPS

*To be lieutenant colonel*

Christ, Linda N., 135–24–2825.
Farrell, John D., 083–18–7153.
Fugowski, Helen T., 095–16–8681.
Gallagher, Helen V., 196–26–3253.
Giroux, Marguerite, 059–28–2958.
Hovey, Thomas C., Sr., 019–22–9703.
Kasselman, Mary J., 512–26–1032.
King, Joyce W., 222–05–7552.
Konz, Amelia F., 396–18–8429.
Land, Margaret A., 305–38–0278.
McDowell, Patricia, 376–20–7628.
McKool, Grace, 193–18–2354.
Miller, Arlean V., 204–20–9761.
Motherway, F. L., 419–26–9438.
Nakamoto, Annie C., 576–22–1510.
Roy, Frances L., 433–32–0432.
Spivack, Marie D., 185–24–7102.
Springmier, Joyce L., 303–32–5909.
Tate, Mary E., 252–46–6178.
Varklet, Marian, 218–32–4594.
Veazie, Ylene W., 427–52–6312.
Zilonka, Bernice M., 184–24–0951.

DENTAL CORPS

*To be lieutenant colonel*

Floyd, Daniel E., 398–28–0903.
Martinez-Chinea, E., 099–24–7482.
McKinney, Ralph V., 291–26–9996.

MEDICAL CORPS

*To be lieutenant colonel*

Hospers, William D., 323–22–5956.
Prezio, Joseph A., 089–32–1153.
Printen, Kenneth J., 360–26–2020.
Scharff, Louis, III, 255–40–9636.

MEDICAL SERVICE CORPS

*To be lieutenant colonel*

Addison, Jeff M., 454–28–7019.
Agustin, Benjamin, 575–14–5158.
Baird, John B., Jr., 181–14–5127.
Boldt, Lavaughn A., 508–48–7041.
Bone, Bobby G., 461–36–2837.
Butler, John C., 578–40–1871.
Cacciotti, Natalino, 021–18–9205.
Comitos, Nicholas, S., 261–30–9701.
Cox, Russell K., 224–2–9851.
Cross, Leroy B. Jr., 549–07–8094.
Curry, Carl H., 487–18–7631.
Elliott, James T. I., 447–26–6703.
Etten, John F., 352–22–2089.
Evans, Peter Jr., 537–16–8549.
Goodin, Leonard P., 049–12–4923.
Greenfield, Gerald, 412–26–5952.
Hall, James L., 577–44–5216.
Hastings, Harry D., 419–36–8105.
Hemecker, Ralph C., 116–24–0869.
Hilton, Howard G., 428–40–9030.
Jackman, George T., 462–36–6014.
Jeffers, Donald A., 317–12–6637.
Josehart, Harold E., 373–34–224.
Kelley, Robert E., 014–14–3169.
Kemp, Harold L., 253–20–5324.
Labrecque, Joseph L., 025–22–3524.
Lock, John H. A., 406–26–3462.
Mason, Jaque V., 261–46–3998.
McHardy, Louis W., 436–38–4725.
McLaren, C. R., 265–14–1654.
Muirhead, James A., 462–50–8470.
Olson, Clarence F., 391–20–6307.
Roisum, Robert C., 399–26–8153.
Roseman, Arnold S., 017–22–1149.
Rosenthal, Charles, 294–24–4884.
Terrell, Leroy S., 428–50–7310.
Timour, John A., 048–16–1791.
Tucker, Guy H. Jr., 089–18–5890.
Vick, James A., 471–22–5116.
Ward, William S., 529–28–5806.
Williams, Earl M., 519–32–8530.
Willis, George M., 461–40–7377.
Wiser, Rey L., 528–34–8241.
Wotring, Robert W. J., 232–42–6223.
Young, John H. Jr., 251–20–0249.
Ziegler, H. E. Jr., 274–30–3482.

ARMY MEDICAL SPECIALIST CORPS

*To be lieutenant colonel*

Haag, Charles M., 208–18–7559.
Hartman, Charles W., 337–22–0505.
Santosespada, Carme, 065–30–6887.
Ulrich, Frank T., 184–26–3393.

VETERINARY CORPS

*To be lieutenant colonel*

Sawyer, John C., 507–32–5530.

The following officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Sections 591, 593, and 594:



MEDICAL CORPS

*To be lieutenant colonel*

Bailey, Richard H., 003–18–8024.
Bradford, Thomas G., 422–10–9306.
Campbell, John B., 476–32–9974.
Didier, Edward P., 048–12–9835.
Vaughn, James W., 299 18–6685.

The following-named officers for appointment in the Army of the United States, under the provisions of Title 10, U.S.C., Section 3494:

MEDICAL CORPS

*To be lieutenant colonel*

Conteras, Jose J., 580–92–1367.
Diaz, Miguel G., 459–02–0514.
Gleichauf, John G., 093–24–5049.
Kovacic, Joseph J., 153–32–0474.

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3385:

ARMY PROMOTION LIST

*To be colonel*

Andrews, Eric H., 001–10–8797.
Cook, Ernest W., Jr., 044–16–3175.
Dabadie, Joseph L., Jr., 434–32–8978.
Healey, Joseph A., 072–22–2314.
Himrichs, Warren W., 512–16–7527.
Johnson, Walter L., 222–14–6598.
Jones, Robert Q. 235–44–6958.
Mulrooney, Francis T., 221–12–8928.
Scholl, Sidney J., Jr., 427–36–4611.
Sherman, Harold S., 523–12–2306.
Stewart, Edwin P., 267–20–2661.
Stone, Richard B., 416–30–0211.
Tatnall, Phillip R., 221–10–2989.
Tucker, Harold J., 369–18–9060.
Ueberroth, Arthur J., Jr., 384–22–9195.
Wolf, John W., Jr., 371–14–1427

MEDICAL CORPS

*To be colonel*

McLaughlin, Max V., 419–28–1862.
Tillman, William F., 426–64–3767.

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3385:

ARMY PROMOTION LIST

*To be lieutenant colonel*

Bennett, James F., 259–36–9416.
Birch, Robert D., 002–20–9509.
Darby, Harry C., 438–42–4249.
Davis, Jack R., 428–48–2481.
Decatur, James A., 368–22–3562.
Della Bitta, Larry H., 567–34–3304.
Engel, William F., 530–14–4237.
Fretterd, James F., 220–26–8507.
Grady, Russell, J., 003–18–5789.
Herbst, Richard D., 471–22–6564.
Jarrell, Richard P. M., 413–22–2362.
Larkin, Richard G., 155–22–9631.
Lockwood, Roy L., 570–32–7270.
McLeod, Claude H., 267–26–0937.
McPhaul, Elbert Jr., 245–40–7872.
Moody, Charles H., 419–28–3268.
Nielsen, Chris, Jr., 389–30–5849.
Schueler, Donald A., 393–20–2623.
Stark, James M., Jr., 428–60–2237.
Tidler, John W., 490–26–6083.
White, James E., 305–26–8634.
Williams, Lawrence C., 416–28–3192.
Wood, Bobby G., 431–50–4645.
Yearout, James L., 514–14–7482.
Zalopany, Peter E., 420–52–7381.

# EXTENSIONS OF REMARKS

## A SALUTE TO ST. JOHN'S HOSPITAL DURING NATIONAL HOSPITAL WEEK

### HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. JONES of Oklahoma. Mr. Speaker, today, as a continuation of my tribute to the hospitals in my district during National Hospital Week, I would like to salute the historical accomplishments of the Sisters of the Sorrowful Mother and their institution, St. John's Hospital.

Gen. John J. Pershing broke ground for St. John's Hospital and School of Nursing, Inc., in 1920, and the doors of the 50-bed hospital were opened in 1926 to serve the community of Tulsa—then an oil-boom town. But the Sisters of the Sorrowful Mother, the Catholic order which owns and operates the hospital, had a monumental struggle to place even these few beds at the city's disposal.

The hospital continued to expand, as one unit after another was completed and put into service. In 1926, admissions were close to 2,000. By 1936, they were over 5,000; and in 1945 almost 11,000 patients were admitted.

During the 10-year period 1943–53 hospital admissions doubled, and the polio epidemic of the early 1950's saw 10 iron lungs in simultaneous use at St. John's, with additional chest respirators to help out. Bed space was short in all areas—cots lined the halls in the obstetrical department and waiting rooms were converted into patient rooms.

The Salk vaccine has brought polio under control; and research has made iron lungs a thing of the past. St. John's has continued to build, and is now up to 552 beds. Their technical people and equipment are top quality. Their medical staff is talented and dedicated. All of this is used to save lives that could not have been saved a decade—or even a few years—ago. Just last month a 4-hour-old infant, critically ill with hyaline membrane disease—where the lungs are unable to open after contracting—was successfully treated, and has gone home to his happy parents.

The only iron lungs you see at St. John's now are historical objects; but history is repeating itself in the crowded conditions. Again waiting rooms are sacrificed for patient bed space, and the demand for more and more diagnostic services and outpatient treatments has also cut down on room for beds.

But the Sisters of the Sorrowful Mother and others in administrative positions at the hospital have been busy. There has been a logical progression of building plans, and early in 1971 the Tulsa Area Health and Hospital Planning Council approved the construction of a 14-level medical-surgical tower. This North Tower, which will bring total beds to 603—with the capability of going to 723—is being built with no interruption to patient care. Nor will their vital programs of teaching and research be lessened.

A leader in medical education, St. John's achieved a 100-percent quota on filling their intern slots this last year. They also take an active participation in residency programs and maintain a school of nursing, school of medical technology, and school of radiological technology.

Voluntary charity is an important part of this hospital's philosophy. Last year over 19,000 visits were recorded from patients unable to afford a private physician.

Their last increase to patients on semi-private rooms was in 1969, and in March of 1970 for some intensive care rooms.

An affirmative action employer, over 30 percent of St. John's employees are blacks, and educational opportunities are offered to each of their 1,700 plus employees. They were awarded the "Employer of the Year" distinction by the Oklahoma Rehabilitation Association for employment of the handicapped.

Earlier this year—just 53 years to the exact day from their first groundbreaking—and even using the same shovel used by Gen. John G. Pershing—ground was broken for St. John's North Tower. Completion date for this project is scheduled for late 1975.

For the record, it is important to point out that private financing has been arranged. Funds to repay the $40.8 million—which includes all associated loan costs—will be obtained by St. John's through an amount set aside monthly for depreciation. Moneys have been earmarked for this purpose since 1969, and these funds are now invested so that accumulated interest is continually



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added to the original and ongoing investment. This loan is the second largest Federal Housing Authority-insured hospital loan in the United States. Ten banks have already been lined up by the Lomas & Nettleton Co., national mortgage banker, to issue Government National Mortgage Association Certificates.

Planning never stops at St. John's Hospital, and they are achieving the seemingly impossible task of a coexistence between economics and progress.

## UNIVERSITY OF TEXAS AT AUSTIN STUDENT NEWSPAPER WINS KUDOS

### HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. PICKLE. Mr. Speaker, with praise and awards being bestowed on various newspapers and newsmen, I want to point out that the University of Texas student newspaper, the Daily Texan, has also been singled out as an outstanding paper.

Today, on the heels of awards for Watergate reporting, the American press stands tall in the saddle.

Mr. Speaker, awards for the Daily Texan are a yearly affair, considering that the University of Texas at Austin paper has been cited for outstanding journalism for 3 years in a row. I ask that the full story on this paper's distinction be placed in the RECORD as follows:

DAILY TEXAN WINS AWARDS IN JOURNALISM COMPETITION

(By Gayle Reaves)

For the third consecutive year, The Daily Texan has swept the field in the annual Southwestern Journalism Congress awards for college newspapers, winning 11 first place spots.

The awards were announced Friday night in Dallas.

The Texan accumulated more than twice the number of total points in judging as the second place paper from Oklahoma State University. North Texas State University in Denton placed third.

Editor David Powell and fall managing editor Cliff Avery received the first place award for the best single issue, for the Nov. 8 Texan reporting the results of national, state and local elections.

First place in the best spot news category was taken by staffers Bill Bray, Mark Peel, and Bruce Powell for their story on the riot in Travis County Jail last fall.

Texan staffers took first and second places in the best general news category. Steve Renfrow took top honors with his coverage from South Dakota of presidential hopeful Sen. George McGovern on election eve and John Triplett placed second with an advance story on the debate in the Texas House over insurance reform during last summer's fourth special session.

Texas photographers landed several of the awards. John Van Beekum's work took first place in general photographs and second in feature photographs. First place in sports photographs went to The Texan's Mike Fluitt, as well as second in general photographs.

Other Texan first place awards were taken by Mark Sims in Page 1 makeup, Quin Mathews for best editorial page, Cicely Wynne in movie reviews and Suzanne O'Malley for best magazine article.

First and third places in the special editions and supplements category were taken by Texan staffers. Steve Hogner and Suzanne Schwartz took first with their New Students Edition, and Avery and Dotty Griffith won third with the supplement on primary elections.

The Texan supplement, Pearl, was named the best general readership campus magazine.

## SENATOR JESSE HELMS PAYS TRIBUTE TO YOUNG AMERICANS FOR FREEDOM

### HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. SYMMS. Mr. Speaker, on April 14 of this year, I had the pleasure to introduce Senator JESSE HELMS of North Carolina, at a dinner held in his honor. The dinner was hosted by a local chapter of Young Americans for Freedom. This organization—YAF—devoted a great deal of time and resources to Senator HELMS' campaign and to mine.

Senator HELMS' speech that evening was a glowing tribute to this organization of dedicated young conservatives. In these times when political principles have taken a distant back seat in the American political scene, I feel that my colleagues in the Congress should have the benefit of Senator HELMS' thoughts. Consequently, I am including in my remarks the text of the Senator's speech:

REMARKS BY SENATOR HELMS

Greetings. The past decade was a topsy-turvy era on American campuses. And I cannot escape the notion that things are a bit topsy-turvy here this evening. We have got three things reversed.

First, I am here to be honored by you. But *you* are the people who have earned the highest reward to which any American can aspire—you have earned the heartfelt gratitude of the American people—because you have been willing to stand up and be counted for principles that deserve to survive.

There is another thing reversed tonight. I am privileged to be your guest tonight because I am a Senator. But I would not be a Senator had it not been for the wisdom, energy and dedication of citizens like you.

And there is another paradox about this evening. As regards the future, any good that I may do in the Senate will not be nearly as significant as the good that you and others like you can do for our troubled Nation.

Let me elaborate upon these three points.

You—the high-principled young men and women in the Young Americans for Freedom, have been front line fighters in the most serious, most bitter, most important struggle that ever confronted the American educational system. You have been fighters—and you have won.

In the 1960's, on campus after campus, the pattern was the same. One after another, a relatively small band of left-wing extremists sought to capture control of one institution after another, for the purpose of turning it into a politicized instrument for waging war against American society.

On campus after campus the extremists met little resistance from spineless faculty and administrators.

And on campus after campus the militants found their task made easier by the apathy of the silent majority of students. Most students were serious but docile. They wanted to get on with their studies, but they did not understand that there are times when people must struggle for their rights—indeed, fight for their very honor.

But on campus after campus there was a small but determined band of dedicated young Americans ready to fight for the freedom of their institutions. Through the Young Americans for Freedom, the silent student majority found its voice.

From one end of this Nation to the other, while the major news media were mesmerized by the antics of the student leftist, the young Americans for Freedom were organizing the fight for freedom. While the drama of the past decade was being acted out, student leftists got the headlines and the television coverage, and the satisfaction of being the darlings of the media.

But if and when any honest history of the past decade is written, conservative students will get the credit for having won the fight, for having calmed the storm. The leftists won the publicity, but they lost the war. The conservatives wanted to be effective, and they won the lasting gratitude of the silent majority of their own generation.

That is one reason why I think it is you, not I, who deserve all the honors we can give. But there is another, more personal reason why I want to honor you tonight. The plain truth is that I would not be a Member of the United States Senate were it not for the hard work and valuable counsel I received in my campaign from young men and women like you.

When I allowed myself to get talked into running for the Senate, I knew two things. I knew I needed help. And I knew I wanted the kind of help that dedicated young American conservatives can give.

I got it. I shall never forget those lonely days, early in our campaign last year—those days when we were groping for the handle, trying to put together a campaign organization with very little money and with scarcely more hope.

And then was when a call came from Atlanta, from a young friend who said, simply: "Do you need me, sir?"

You bet I needed Harold Herring, and he was there within a couple of days with a new bride, and with his sleeves rolled up, ready to go to work on what had already been declared by the pundits as a "hopeless cause."

I had met Harold some years ago, when he was a college sophomore. He had come to my office at the television station asking for help in his efforts to promote YAF. It seemed to me at the time—and it still does—that it was a remarkable thing for one so young to undertake, in North Carolina, a cause that was unquestionably worthy yet so impossibly remote in terms of potential success.

But, then, the very fabric of America has been spun of impossible dreams that came true.

So I am proud that Harold Herring is still standing by my side, and I by his, to this very day. He is my very competent and efficient Administrative Assistant. I need not identify Harold to you as a former State Chairman of YAF for North Carolina and Georgia; a former member of YAF's national board of directors, and a former southern regional representative of YAF.

Two other splendid Young Americans for Freedom are members of my Senate staff. They are:

Charlie Black, now a legislative assistant on our Senate staff, worked tirelessly in our campaign last year. Charlie is a former national director of YAF, and a former director of chapter services in the national YAF office, and a former state YAF chairman in Florida.

George Dunlop, a former YAF state vice-chairman for North Carolina, who is now our Senate field representative for Eastern North Carolina.

Other YAF leaders who served last year in key positions in our campaign are:

David Adcock, a member of the National Board of Directors and a former State Chairman of North Carolina YAF served as our State Youth Co-ordinator.

Bill Saracino, a member of the National Board of Directors and former State Chairman of California YAF served as a Special Assistant.

Tim Baer, the State Chairman of Florida YAF served as Field Representative for the Piedmont area of our state.

Jim Minarik, a member of the National Board of Directors served as Director of Scheduling.

Fil Aldridge, the Southern Regional Representative of YAF served as an Advance Man.

Pat Reilly, Western Regional Director of New York YAF served as Special Assistant to me in last year's campaign.

Three other full-time members of our campaign staff were chapter level leaders of YAF.

So, as you can see, our campaign last year and our Senate staff this year have been delightfully infiltrated by YAF people.

It is, as the Prince of Denmark once observed, a consummation devoutly to be wished, and vive la the infiltration.

I am not one of those persons who was thirsting to get into the Senate. This is so, because I do not believe government is as important as it thinks it is, and I do not think government should be as important as it has become.

But because our government is so big and powerful;

Because our government is up to its elbows in everyone elses business;

Because our government is up to its jowls in granting favors;

Because our government is so confoundedly meddlesome;

Because of all these reasons, there never is a shortage of people who want to help a person get elected to the Senate.

There always are a lot of people who think that if they help you get elected, you will help them in their scramble for government favors. They want the government to do profitable things for them.

But there are *never* enough people who want to help someone get into the Senate so that the Senate will do less.

There *never* are enough people who believe, as Lord Balfour believed, and as I believe, that the politician's duty is to tell people what government *cannot* do.

But the fact that, today, I am a Member of the Senate, testifies to the fact that in 1972, at least in North Carolina, there were enough people like Young Americans for Freedom—people who believe in honest government for the country, instead of more government for themselves.

And I am not the only man in the Senate today who benefited from the help of dedicated conservative young people. Jim Buckley of New York is another. Pete Domenici of New Mexico is another. Jim McClure of Idaho is another. And there are others.

The fact that there are as many conservatives as there are in the Congress is powerful testimony to the effectiveness of organized conservative young people.

And that is a second reason why, in this topsy-turvy world, *I* should be honoring *you*.

But there is a third reason why I should be honoring you. It is this. I know that you can do more for the country outside of government than I can do from inside government.

I am not being modest.

I mean what I say.

As a conservative, I have always been deeply skeptical of the power of government to solve the problems of individuals and societies. And nothing I have seen thus far in my tenure in Washington has changed my mind.

The government is now proving that it cannot control what some bureaucrat thinks is the "rational" price of a pork chop. Are you surprised about that? I am not!

The government cannot run local schools better than local people can. Are you surprised by that? I am not!

The government cannot spend and spend and spend without decreasing the value of the dollar and increasing the price of everything else. Are you surprised about that? I am not!

We conservatives understand that government is a blunt instrument. A wise man has recently written that government can do only two things—it can wage war and inflate the currency. But when government bites off much more than that, it is biting off more than it can chew.

Government today pretends to be a cure-all for every ailment, real or imagined, that people have. I think it is more accurate to say that, all too often, government is the disease for which it pretends to be the cure.

And I think the most important social task in the United States today is to drum this truth into the consciousness of the American people and the politicians they must try to endure.

And this is where Young Americans for Freedom comes in.

As members of Young Americans for Freedom, you are not the "property" of any party.

You are free from entagling alliances in the sense that you can speak out for principles, with a persistence and a consistency that our parties cannot match.

Today your job is to tell the truth to government, and to tell the truth about government to the American people.

We in this city can easily forget how hard it is for people elsewhere to understand the reality behind Washington appearances. Most Americans are too busy with their private lives to pay close attention to the details of government. And as we well know, Americans certainly cannot rely on the news media to give them the truth.

Am I exaggerating? I think not. Just consider the matter of the current budget—Mr. Nixon's budget submitted for fiscal year 1974.

Now, to hear the liberals in Congress tell it, you would think the President had drastically cut federal spending.

And to hear the liberal media tell it, you would think the President was repealing the New Deal and the Great Society all in one fell swoop.

For once I wish I could believe what the liberal politicians and their media friends are saying. But, as usual, they are wrong—dead wrong.

The facts—the facts that the mass of Americans do not get to hear—are very different.

Here are some facts!!

The new budget does not cut spending drastically. It does not cut spending at all.

The new budget calls for an *increase* of *$19 billion* over the last budget. That is a staggering sum.

In fact, this $19 billion *one-year* increase is *larger* than the *total* of *all* federal spending in the one hundred and twenty-six years from 1789 through 1906.

Let me emphasize this.

If you took all the federal spending—every dollar of it—from the year we ratified the Constitution, through the entire nineteenth century, and six years into the twentieth century, and piled all those dollars up, you would have a pile of dollars no bigger than the pile of dollars by which the 1974 budget exceeds the 1973 budget.

Do you want some more facts?

This new budget calls for a *planned deficit* of $13 billion. The deficit probably will be closer to $20 billion. But, just for fun, let's suppose the deficit is kept to "only" $13 billion. Do you realize that it was not until the second year of the second World War—until 1942—that the total annual tax receipts of the U.S. Government in any year equalled the sum of this year's *planned* deficit.

That is right. In no year prior to 1942 did federal receipts exceed $13 billion.

Do you want still more grim facts about this so-called "austerity" budget?

Try this fact.

Today the Soviet Union has a larger standing Army, a larger strategic arsenal and more ongoing military programs than we have.

But under this new Nixon budget we will spend more than 50 percent more for *domestic* programs than for the defense of this country.

Think of it!

The facts prove that we need a stronger defense. The facts prove that domestic spending programs have failed. Yet the new Nixon budget increases *domestic* spending relative to defense spending.

Do you want even more facts about this so-called "austerity" budget? Consider this.

Seven percent of this budget will be spent just to pay interest on the national debt. We will spend as much this year in interest on the national debt as FDR spent in the first four years of the New Deal.

Why are we paying so much on the debt?

Because the debt is so large.

Why is it so large? Because more than one-fifth of the national debt has been piled up just since 1968!

Now, I have only burdened you with this recitation of appalling statistics to emphasize two points.

First, we are not even close to winning the battle for smaller, more responsible government.

Second, the terrible facts about our serious condition are not really getting through to the American people.

There are precious few people in this country who stand for the politics of public principle as opposed to the politics of private gain. There are precious few people who can be counted on to stand against the tide of liberal opinion, the tide of liberal distortion. And we also need to stand against the tide of propaganda that always comes from whatever group is in power.

I know some people will think it rude of me to mention this. Some people think it is disloyal to inject a note of reality into the Administration's presentation of its new budget as a great roll-back of Federal spending.

Well, I am just sorry. I was not sent to the Senate to be a cheer leader for half-measures.

I was not sent here to serve a particular party or a particular administration or a particular President. I campaigned as a man loyal only to certain principles and I was sent here to defend those principles. And that is why I feel so at home here tonight.

Young Americans for Freedom are young Americans free from the old bankrupt ideologies that have produced the fat, flabby, swollen and nearly bankrupt government of today.

You are free to serve as keepers of the American conscience. You are free to fight the loneliest fight of all—the fight for the spiritual values that alone make a nation worth serving—or worth saving.

The problem, as I say, is to get the facts across to the American people.

I have illustrated this problem with reference to runaway spending, a problem that is no where near to being solved. But I do not want you to think that I think spending is the most fundamental problem facing this country.

Far from it. The passion for spending money—the frantic belief that money can solve the deepest longings of our lives—only reflects a more basic problem.

Somehow, many Americans have come to believe that we can spend our way to national greatness and strength.

But the frantic way our government spends money attests more than just misguided political thinking. The full budget reflects a spiritual emptiness that is the gravest threat to the Nation.

No nation can spend its way to greatness and strength, any more than an individual can become better by amassing material possessions. If America is to continue to be great, it will be because some people care enough to stand for the principles that made



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her great. These principles—limited government; freedom; self-reliance; and love of God—must be the special concern of organizations like Young Americans for Freedom.

And that is why I say things are topsy-turvy when you gather to honor me. I know full-well that Senators are less important, less valuable, less essential than dedicated citizens armed with the philosophy of freedom. There is always a full set of Senators. But there is not always a full battalion of people, like yourselves, ready to defend the politics of principles.

None of us can *forecast* our destiny. But we *can* (—and we *must*—) decide what we want to *be*, and what we want to try to *do*.

*You* have *done* this. But it is not a one-time decision. Life is a *continuous series* (of judgments) and *decisions*. Not a day passes without each of us being required to look to our conscience, (and our ideals,) and our *principles*.

I claim no particular qualification for offering advice. I can simply tell you what has worked for me.

This is not to suggest that I am any paragon of *success*, and *certainly* not of *wisdom* or *virtue*. But I *do* enjoy a certain sense of *serenity* in terms of not *worrying* about decisions.

Long ago, I adopted a set of *governmental, economic* (and *personal*) principles which I *believe* were *right*. Many who have *disagreed* with me have called me all sorts of names—none of which has ever bothered me. Sticks and stones, (as the saying goes,) may break my *bones*—and all the rest of it.

I do not intend to *sermonize*, but let me *suggest*, (my young friends,) (with all of the *earnestness* and *sincerity* in me,) that you must *begin* with an *absolute faith* in God!! Don't be *reluctant* (or ashamed) to practice your *faith*, or to *articulate* it—*because* . . . We *never* stand *taller*, than we are on our *knees*, asking *guidance* and *forgiveness*.

I mentioned our unpredictable *destiny* a moment ago. None of us has *any assurance* (whatsoever) that we will even be here tomorrow morning, or even five *minutes* from now.

And it doesn't really matter. What *really* matters is how we *spend* these next minutes, (or hours,) or years. Or, (more accurately,) it matters how we *"invest"* our time, rather than merely spend it.

*Nobody* knows (*better than I*) that there's nothing *"great"* about Jesse Helms. I have never *pretended* that there is. But *each* of you has the potential of greatness of spirit. You have *most* of *your* years ahead of you—*most* of your opportunities lie *ahead*. Live (every day) with your *conscience*, and with your *principles*—and never "follow the crowd" simply to be *"following* the crowd." Find out, (*first*,) where the crowd is *"going"*—and *then* decide if *that's* where *you* want to go.

So, I come here tonight to express my *gratitude* for what you are, but—more importantly—what you can *be* . . . and what can *mean* to a *great* nation which *desperately needs* your *character* and *dedication*.

Thank you for having me here tonight. And, most of all, from the bottom of my heart, I thank you for being what you are—proven servants of the Nation, and a beacon of hope for the future.

God bless you.

## JOURNALIST FROM FLORIDA WINS PULITZER AWARD

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. FREY. Mr. Speaker, Mr. Clark Hoyt, a fine journalist from Miami, Fla., is one of this year's winners of the Pulitzer prize.

Mr. Hoyt won the coveted award for his responsible investigative reporting of the events surrounding the composition of last year's national democratic ticket.

I am proud to say that I know Mr. Hoyt personally.

My contact with him and my knowledge of his fine reporting abilities stem from his previous assignment with the Knight newspaper chain.

Mr. Hoyt covered the Florida beat for the Miami Herald for 2 years and I found his reporting to be as accurate and responsible during that time as it was during the assignment which won him the Pulitzer.

I know my colleagues join me in congratulating Mr. Hoyt and the Knight Washington Bureau Chief, Mr. Robert Boyd, for winning this highest of journalism awards.

## COAST GUARD PROTECTION OF FISHING VESSELS

### HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mrs. HECKLER of Massachusetts. Mr. Speaker, one of the most worthwhile functions of the U.S. Coast Guard is the surveillance of vessels which might interfere with U.S. fishing vessels in the great expanses of our Atlantic and Pacific coastal waters. It is of special importance to me since this activity represents the life work of many of my constituents.

According to testimony given in hearings held recently by the Committee on Merchant Marine and Fisheries, Adm. Chester R. Bender, commandant of the Coast Guard, stated that the number of boardings of foreign-flag vessels was 18 for calendar year 1971; 33 for 1972; and two for 1973, as of March 23. These figures do not include routine inspections made with permission of the foreign vessel's master. I believe this to be a significant accomplishment, considering that the Coast Guard is charged with many other varied duties—ranging from search and rescue to oceanography, meteorology and polar operations. I am gratified to learn that the high endurance cutters—HEC—involved in the ocean station service will be able to spend even more time on the fisheries patrol because of the gradual phasing out of the ocean station program. This is in conformity with an amendment I sponsored during the appropriation process in the last Congress, which granted $1,000,000 for the purpose of close coastal patrol.

While I appreciate the continued increase in the number of cutter-days for fisheries patrol, I must express concern over the decommissioning of the Coast Guard cutters *Mendota* and *Escanaba*, whose recent responsibilities were mainly focused on the close coastal patrol, and the transfer of two of the newer cutters from Boston to Seattle. It must be noted that three of the remaining six cutters stationed in New England are 36 years old, some 11 years over the 25-year nominal age planned for such vessels. I hope that the Coast Guard has firm plans for a proper replacement program. Men who risk their lives daily on the high seas deserve the full protection that only the Coast Guard can provide.

Those who share the concern of the fishing and lobster fleets are confident that the Coast Guard will continue its 190-year record of proved accomplishment, and will always be prepared to meet the responsibility of protecting U.S. vessels in home fishing areas, and on the high seas.

## IT IS TIME TO STOP THE BOMBING AND BEGIN BUILDING AGAIN HERE AT HOME

### HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. NIX. Mr. Speaker, I have introduced a Joint Resolution 536, which would cut off all appropriated moneys for bombing in Cambodia and Laos.

I have specifically restricted my resolution to Cambodia and Laos in order to spotlight what I believe to be the President's lack of constitutional authority to carry out such bombing in Cambodia.

In addition, it seems to me that the bombing in Cambodia and Laos, but more especially in Cambodia, has not achieved its objectives.

For instance, in Cambodia insurgent troops continue to advance against the Cambodian Army irregardless of our air support. They are now 2 miles from downtown Phnom Penh. If they continue to advance at all they would walk our bombing into Phnom Penh.

The bombing costs at least $4.5 million a day and we have been bombing for at least 11 weeks. The cost of such bombing will soon approach $300,000,000 for bombs and gasoline. Damage to our planes has not been figured into these cost figures.

Beyond the question of the bombing as an instrument for winning the hearts and minds of the Cambodian people is the issue of whether or not the President has the constitutional authority to carry out such bombing.

If the President has the authority to carry out military action on this occasion in Cambodia by virtue of his office, he can begin a battle anywhere, anytime, with anyone.

The usual props for constitutional presidential combat are not present.

American troops, property or lives are not in danger.

The Tonkin Gulf resolution has been repealed.

The SEATO agreement according to Secretary Dulles' testimony before the Senate Foreign Relations Committee at the time of ratification hearings was not designed to deal with internal subversion. We have had no consultations with the remaining and active member countries belonging to the SEATO pact and Cambodia, a protocol state, a nonmember has declared its neutrality as to SEATO.



We have no agreement with Cambodia, certainly not a treaty ratified by the Senate.

There has been no congressional action committing us to the defense of Cambodia. In fact in section 7(b) of the Special Foreign Assistance Act of 1971, as amended the Congress specifically stated:

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

The same section forbids the introduction of American military personnel, intelligence personnel, or even police into Cambodia. Yet the President feels that he is within the letter of the law in introducing mass bombing into Cambodia even though he is forbidden to send American policemen under our AID programs.

The issue is one relating to our own Constitution and not to international law for which a precedent can be found for any national action.

Litigating such an issue as the President's authority to conduct military operations in these circumstances would be so time-consuming that the point of Presidential authority would be academic by the time the decision was handed down.

Therefore, I have introduced Joint Resolution 536 in order to stop the spending of Federal funds for bombing which will have the effect of stopping it. I would point out to Members of the House that the Secretary of State has referred to the defeat of such measures in the past as authority for Presidential action. I hope therefore, that Members consider carefully this resolution and that it is enacted to end destruction in Cambodia and Laos.

It is time to stop the bombing and begin building again here at home. We need and need badly funds spent on destruction for programs for Americans and America.

I would also like to point out to Members that my Subcommittee on Asian and Pacific Affairs will hold hearings on the Cambodian situation tomorrow, May 9, beginning at 10:30 a.m. and on May 10, beginning at 9:30 a.m. in room 2255 of the Rayburn Building.

## COLTON ELECTRICAL DEPARTMENT HONORED FOR 5-YEAR ACCIDENT-FREE WORK RECORD

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. BROWN of California. Mr. Speaker, my home town, the city of Colton, recently was honored by the American Public Power Association for the astonishing safety record maintained by Colton's electrical department. The department has now gone for 5 straight years without a single accident, which I am sure you will agree is an enviable record.

The APPA may envy Colton's record, since the association's members are all city-owned electricity systems, but they overcame their envy and gave Colton this special award. Only five other similar awards were given out in the entire Nation, I might add.

Mr. Speaker, as we consider various industrial safety legislation which may come up this year I think we might keep in mind Colton's record. More than 54,000 man-hours were put in just last year by the electrical department—that's just in 1 year, mind you—and not a single accident in 5 years. I, for one, am going to be just a little bit more skeptical when some of these industry representatives tell me that proposed safety laws are unrealistic, or that a certain level of accidents "can't be avoided." I am going to tell them to go look at the electrical department of the city of Colton, and then come back and tell me what they can and cannot do.

Before I sit down, Mr. Speaker, I think I should add that a record like Colton has achieved does not come about without some very dedicated and competent work from both the leadership and employees of the department. I have been a member of the International Brotherhood of Electrical Workers for over 20 years, and I have some familiarity with the field. Therefore, I would like to take this opportunity to commend Superintendent Harold Preece and every one of the workers in the department for the superior jobs which they have obviously been doing. And I hope that I will have the opportunity to stand up here 5 years from now to announce that they have doubled their record.

## PULITZER PRIZE WINNER ROGER BOURNE LINSCOTT

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. CONTE. Mr. Speaker, yesterday's announcement of the 1973 Pulitzer Prize brings to national and international attention what we in the Berkshires of Massachusetts have long recognized, the talent of Roger Bourne Linscott, associate editor of the Berkshire Eagle and former editorial page editor of that same fine newspaper.

Mr. Linscott, who has captured the Pulitzer Prize for editorial writing, is well known in my hometown of Pittsfield, Mass., for the thoughtful and thought-provoking articles that daily flow from his pen.

Speaking as one who has been the subject of Mr. Linscott's essays on more than one occasion, I can testify that his observations are always forthrightly put, incisive and based on all of the knowledge of a situation that he can gather.

Although Roger Linscott does not work in invective, his gentlemanly articles are often far from gentle—not skirting an issue but hitting it headon.

The Pulitzer Committee characterized his work in this way in announcing the criteria on which it based Mr. Linscott's award:

For distinguished editorial writing, the test of excellence being clearness of style, moral purpose, sound reasoning and power to influence public opinion in what the writer conceives to be the right direction, due account being taken of the whole volume of the editorial writer's work for the year.

A native of Winchester, Mass., Mr. Linscott is a Harvard graduate. After discharge from the Navy, following duty in the South Pacific during World War II, he joined the staff of the New York Herald Tribune. At the Tribune, he was the author of the "On the Books" column in the weekly book review.

He came to the Eagle in 1948 and has been on the staff ever since that time. This past December he was promoted from editorial page editor to associate editor.

I know that all of my distinguished colleagues join me in extending congratulations to this fine journalist.

## THE 25TH ANNIVERSARY OF ISRAEL

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. HARRINGTON. Mr. Speaker, "Next year in Jerusalem"—those words, fervently spoken each year at the feast of Passover, were once just a hope, a dream.

Now that the dream has become a reality, and the state of Israel is celebrating its 25th birthday, the words are still spoken. They are said in gratitude by those Jews who, once homeless and despairing, have found a home in Israel. They are said in joy by those Jews who, content to live outside Israel, see Jerusalem as their spiritual home, the place where the soul can rest. And they are said in expectation by those Jews who, eager to leave countries where they cannot practice their faith, must surmount obstacles before they can come to the Promised Land.

Israel is 25 years old. That fact in itself is remarkable—a testimony to the courage and endurance of the nation.

For sheer physical survival in a land surrounded by countries which resent the very existence of Israel has been a demanding, constant problem and has consumed a good deal of the nation's energies.

Yet despite what seemed to be almost insurmountable political, economic, and geographical problems; despite three wars, Israel has not only survived but prospered.

Out of a barren land, the Israelis have created a flourishing, healthy state which can proudly take its place among the nations of the world.

The Israelis have made the Negev Desert bloom. They have also built a viable economy and a rapidly growing industrial capacity. In the last 5 years, Israel's industrial output has more than doubled and its currency reserves have hit an all-time high of $1.2 billion, Newsweek magazine reported.

There have been some problems, of course—problems faced by any society coming of age: poverty, inflation, tensions created by attempting to integrate

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people of diverse social and cultural backgrounds. Yet the Israelis recognize these problems and are making serious attempts to solve them.

But the greatest, and most tragic, problem is that there is still no lasting peace. As Prime Minister Golda Meir once observed:

Israel has known only armistice lines until 1967, and since then, only cease fire lines. We have never known frontiers of peace.

It is sad to see, as Israel celebrates its 25th birthday, the tanks and heavy artillery going through the ancient streets of Jerusalem, sad to note that Israel must spend roughly half its budget on defense.

The Israelis have had enough of war. They want peace.

Israel will "not rest until the cherished peace has been established between us and our neighbors." Deputy Premier Yigal Allon said at birthday celebrations at Safad, scene of some of the most bitter fighting in the 1948 War of Independence.

The Israelis richly deserve a chance to live in a society free from hostility, free from fear.

We sincerely hope the next 25 years will bring that peace.

## RECOGNITION OF CONGRESSMAN SHUSTER

### HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today in recognition of my good friend and colleague from Pennsylvania, Mr. SHUSTER.

In my judgment, the gentleman from Pennsylvania is one of the truly bright, capable young freshmen whose presence in the Congress represents a valuable asset not only to the people of his congressional district but to the Nation as a whole.

It is truly unfortunate that Mr. SHUSTER's many constituents did not have the opportunity to witness his recent participation in the debate on the House version of S. 502—the Federal Aid Highway Act of 1973. His eloquent, effective, and persuasive performance on the floor was, in my judgment, a key factor in maintaining the integrity of the Highway Trust Fund through passage of the Wright-Clausen amendment of the Public Works Committee-approved bill.

This, however, is only part of the story of BUD SHUSTER's talented and capable service in the Congress. I have had an opportunity to view his performance in a variety of complex, challenging situations, and I am sure that I speak for the entire membership of the House Public Works Committee when I say that Congressman SHUSTER is a well-respected, hard-working, and dedicated Member whose keen insights and sound judgments are highly valued. We who hold senior ranking positions on the Public Works Committee will be calling on Congressman SHUSTER more and more in the future to accept a broader leadership role in advancing legislation through our committee.

As one who originally cosponsored his membership on the House Public Works Committee, it gives me great pleasure to note the outstanding performance of the distinguished Representative of Pennsylvania's Ninth Congressional District.

## FREEING THE CHANNELS OF INFORMATION

### HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. HORTON. Mr. Speaker, the events of recent months point up the urgent need for Congress to assume responsibility in freeing the channels of communication in Government. The Government's obligation to keep the public informed fully and currently has been undergoing serious erosion. Our society is now facing a crisis in Government, a crisis caused to a large extent by the executive branch's increasing reluctance to trust the judgment of the people or their representatives in Congress. The misuse of the doctrine of executive privilege, the failure to effectively administer the Freedom of Information Act, the harassment of newsmen, the overclassification of information, and the continued closing of advisory committees in contravention of the law are all part of one pattern designed to shield the executive branch from the purview of the public. The future health of our society requires this state of affairs to be terminated. The time has come for Congress to assume its constitutional responsibility.

To this end, I have authored several legislative proposals to open up the channels of information. A most important one involves a major strengthening of the Freedom of Information Act. Hearings are now being held on this proposal, H.R. 4960, as well as legislation introduced by Congressman MOORHEAD of Pennsylvania, and on Monday I presented the following statement in support of this important issue:

STATEMENT OF CONGRESSMAN FRANK HORTON ON H.R. 4960, AMENDING THE FREEDOM OF INFORMATION ACT, BEFORE THE FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE, MAY 7, 1973

Mr. Chairman, I welcome your scheduling of hearings on H.R. 4960 and H.R. 5425 to amend the Freedom of Information Act. Both H.R. 4960, which I co-sponsored with you and several other members, and H.R. 5425, which you have authored, are designed to strengthen the public's right to be informed of their government's activities. Nothing can be more essential to the safeguarding of our democratic society—now in the midst of a severe shock.

George Washington stated that secrecy was a form of deceit. How true those words ring today when executive privilege, security classification, executive secrecy, and harassment of newsmen have been orchestrated to a degree unknown before in our society in an effort to conceal wrongdoing from Congress and the public.

Our form of government—in fact the foundations of our society—rest upon an informed citizenry and their representatives in Congress. To participate effectively in the decision-making process and to maintain a watchful eye over those who administer the laws, Congress and the public require access to information which they believe necessary and pertinent. This is even more true today than it was 100 or 200 years ago because the management of our society has come to be centered to an increasing degree in the Federal Executive Branch. What is worse, perhaps, is that until recently, at least, there has developed an acceptance in the public and in many Members of Congress that secrecy in government—not to mention central direction of government—are good and essential activities.

I hope that this state of mind will now change in light of current events and that Congress and the public will now exert their rights fully—as conferred upon them under the Constitution—to obtain all the information they require.

To this end this subcommittee has held a series of hearings recently on legislation coauthored by Congressman Erlenborn and myself which sets necessary and narrow limits on the use of executive privilege. Soon this subcommittee plans to issue a report recommending changes in the security classification system. And, here today, we are exploring the means in these hearings to strengthen the hand of the people to find out what their government is doing.

Some seven years ago our Government Operations Committee initiated the Freedom of Information Act. This law provides that all information in the possession of Federal agencies shall be made available to the public except information falling within nine specific categories (e.g., classified data, internal communications, investigatory files, trade secrets). This constituted an important breakthrough—one not yet attempted by any other country if I am not mistaken. In hearings held last Congress which explored the administration of this Act, we were informed that the Act has served the public well on many occasions. Without question, vastly greater amounts of information are now being made available to the public than occurred prior to the law's passage. But, the hearings also brought to light many problems and failures in the administration of the Act. Among these failings were:

Serious bureaucratic delays in responding to requests for information.

Need of individuals to pursue cumbersome and costly legal remedies.

Inadequate record-keeping by agencies.

Undue specificity required in identifying records.

Narrow interpretation of the Act, thereby excluding greater amounts of information from disclosure.

Imprecise wording of statutory language, leading to inconsistency in interpretation and a restrictive interpretation of the Act's provisions.

Promulgation of legally questionable regulations.

Overclassification of millions upon millions of government documents.

Following closely on the heels of these findings was the Supreme Court decision in *EPA v. Mink*. This decision, in my opinion, sadly misinterpreted the Freedom of Information Act and the intent of Congress in enacting it. Two exemptions incorporated into the Act provide that a Federal agency has the discretion to withhold information if it is classified for national security purposes under statute or executive order or if it constitutes an internal agency communication which would not have to be disclosed in a court of law. Overturning a lower Federal court order upholding a request by 33 Members of Congess for information in the Government's possession concerning the Amchitka nuclear test explosion, the Supreme Court held (1) that the lower court's finding that the exemption could not be used as a shield for withholding was erroneous and that the government agencies involved could withhold such information on the basis of the above two claimed exemptions and (2) that the lower court could not challenge an agency's classification of documents and was not required to challenge an allegation that documents were properly withheld on the basis of the internal communication exemption.

This decision of the court cannot be allowed to stand, nor can we continue to permit the Freedom of Information Act to be administered in its present form.

To meet these objections, I have introduced H.R. 4960.

Title I of this bill overturns the *Mink* decision and directs a Federal court to look behind an agency's claim of security classification or internal communication and decide for itself whether a requested document meets the narrow requirements of the law regarding exemption from public disclosure. Moreover, the title seeks to put a stop to the practice of some agencies which have commingled exempt material with non-exempt information in order to screen the entire lot from public view. The courts are authorized to make those portions of a document public which are not covered by an exemption unless to do so would seriously distort the meaning or seriously jeopardize the integrity of the exempt portions.

Title I also amends three existing exemptions under the Freedom of Information Act to further narrow their application and to further clarify their meaning.

One such amendment would restrict trade secrets and other commercial or financial information to those instances in which some other law specifically confers an express grant of confidentiality and in which the agency in receipt of the information specifically confers an express written pledge of confidentiality. This amendment is designed to overcome the practice under the existing exemption to (1) confer confidentiality on the basis of the Freedom of Information Act itself, (2) to exercise the exemption in cases of other types of confidential or privileged information, and (3) to extend confidentiality solely on the basis of a claim for protection made by the supplier of information rather than under an express grant of confidentiality. At this point, Mr. Chairman, I urge your subcommittee to seek the views of other witnesses on the ramifications of my proposed amendment on the protection of trade secrets.

A second amendment narrows the internal communication exemption which has been widely used to date to withhold information from the public. The amendment would limit the exemption to internal memos or letters which contain recommendations, opinions, and advice supportive of policymaking processes. This is the primary area, I believe, which such an exemption is designed to protect.

The third amendment seeks to alter the exemption on investigatory records compiled for law enforcement purposes. This exemption has also been widely used to conceal information by extending its coverage to include inactive or closed investigative material, as well as that which, if revealed, would not hinder effective law enforcement. The amendment narrows coverage under the exemption to investigatory records to the extent that their production would constitute a genuine risk to enforcement proceedings, or a clearly unwarranted invasion of personal privacy, or a threat to life.

Improving the contents of a law without enhancing enforcement procedures will be of little or no benefit, however. To accomplish the latter, therefore, Title II of H.R. 4960 creates a seven-member commission—four members to be appointed by Congress and three by the President for a term of 5 years—to assist the Federal courts in determining whether requested information is being properly withheld by an agency under the Freedom of Information Act. As has been recognized by courts and other authorities, such assistance is essential because the courts at present lack sufficient time or expertise in many instances to enforce the act effectively. In addition to the courts, the bill also authorizes Congress, committees of Congress, the Comptroller General of the United States, and Federal agencies to petition the commission for a review of an agency's denial of information. An individual citizen may also obtain a review by the commission if three members of the commission agree to a review. Authority to enforce the Freedom of Information Act would remain with the courts and the findings of the commission would only be advisory.

However, a commission finding that an agency has improperly withheld information from the public shall constitute prima facie evidence before the court that information has been improperly withheld. This shall have the effect of placing the burden of proof upon the agency in the court proceedings to show that its action in refusing to make information available is consistent with the law.

Finally, H.R. 4960 provides in Title III for certain additional amendments to the Freedom of Information Act which, as a result of subcommittee hearings last Congress, were found to be necessary if the public is to have access to all the information it is entitled to. These amendments first, lay down reasonable time limits for an agency to respond to a request for information, second, authorize a court to award reasonable attorney's fees and court costs to private parties who have been found to have been improperly denied information by a Federal agency, third, direct a court to enjoin an agency's improper withholding of information, and fourth, require agencies to file annual reports with the appropriate committees of Congress detailing their administration of the Freedom of Information Act.

Mr. Chairman, almost seven years ago Congress took a giant step toward throwing the doors of informational freedom open to the public. Disclosure of information was to be the rule, not the exception; the burden of disclosure was to take precedence over the burden of concealment. Regretfully, these requirements have all too often been ignored or interpreted too narrowly. The state of our society today and the need to maintain effectrestraints upon a giant Federal bureaucracy require that more stringent steps be taken. I believe enactment of H.R. 4960, amending the Freedom of Information Act, together with that on executive privilege, will go far to correct existing imbalances.

Mr. Chairman, a number of excellent proposals are pending before this subcommittee. I am confident that with the leadership of Chairman Moorhead, my colleagues Mr. Moss and Mr. Erlenborn, and indeed all the members of this subcommittee, a tremendously important piece of legislation will emerge from these hearings.

## U.N. DIPLOMATIC DEADBEATS SHOUT: "CHARGE"

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. RARICK. Mr. Speaker, diplomatic deadbeats from the United Nations have been using their diplomatic pouches to carry around an abundance of unpaid bills and fixed parking tickets, and according to reports local New Yorkers are "up in arms."

An international incident may be brewing on Manhattan Island. Businessmen, doctors, shopkeepers, and telephone company officials who have extended credit to the U.N. crowd want to get their money, but in many cases the deadbeats have skipped town leaving a string of unpaid bills blowing in the breeze. U.S. embassies abroad have been pressed into service as collection agencies to try to recover at least some of the money from the foreign governments.

More than a dozen individual diplomats are reported to be in danger of having their residential telephone service disconnected for nonpayment. Some missions are said to have run up thousands of dollars in telephone bills, and refused to pay them for several months.

The U.S. taxpayer ends up footing the bill for the U.N. crowd's bad debts. The business people who sold them goods on credit can declare the loss as an "UN-collectable debt" on their income taxes.

In addition to their financial habit of ripping off local business people, the neo-international citizens are accused of using their diplomatic immunity to flount United States and local laws. Police report that during the past 26 months a total of 7,982 parking tickets have been issued to the 1,300 diplomatic-licensed cars in New York. Most diplomatic cars are not ticketed out of courtesy. So the ones that do receive citations are in flagrant violation of the law and present a hazard to local citizens—such as parking in front of fire hydrants.

The U.N. internationalists consider themselves a breed apart from the laws governing the rest of society. They are working for peace, not justice, law, and order.

Rather than ticketing the world citizens' automobiles, New York police may serve the safety of the city better by towing them away. And while they are at it—tow the entire U.N. away—to Moscow, Havana, Peking, or Hanoi. However, the diplomatic deadbeats may find it more difficult to live on credit there.

The related newsclippings follow:

[From the Evening Star and Daily News, May 5, 1973]

U.N. DIPLOMATIC DEBTS

UNITED NATIONS, N.Y.—U.N. missions of several foreign governments and more than a dozen diplomats are in danger of having their telephone service cut off because of unpaid bills, U.S. officials warned today.

And New Yorkers "are up in arms over undisciplined and dangerous parking practices" such as leaving diplomatic cars at fireplugs, a U.S. report to the U.N. Committee on Host Country Relations said. It disclosed that, starting June 1, it will be harder for U.N. diplomats to get their parking tickets fixed.

This was the second time in less than a year that the United States has complained formally to the committee about the conduct of certain U.N. diplomats and missions. Out of diplomatic courtesy, however, the offenders were not named.

A U.S. complaint to the committee last June stressed unreasonably large imports of tax-exempt liquor and cigarettes by U.N. missions and diplomats. The implication was that the goods were being resold.

William E. Schaufele Jr., a U.S. official at the United Nations, said most large imports have dropped off, although, "in certain instances, very large orders seem to continue."

The latest complaint stresses unpaid bills. "Diplomats have left New York leaving strings of unpaid bills, unpaid loans, unpaid credit card accounts and unpaid medical bills," Schaufele said. "I am not exaggerating when I say, frankly, that the situation is most serious.

"Telephone service is essential to our



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work, yet there are several missions in New York today on the verge of having their telephone service cut off," he continued.

"One mission owed $5,000 in March and still owes $3,000; another did not pay its phone and Telex bill for seven months. There are more than a dozen individual diplomats today who are in danger of having their residential phones cut off."

In some cases, the problem is the long time it takes for foreign governments to transfer money to their people in New York. U.S. embassies in some foreign capitals have had to press for payment of the unpaid bills, U.S. sources said.

On an average night in Manhattan, 20 cars with "DPL" diplomatic plates are found parked overnight in front of fire hydrants, Schaufele said, adding: "Human life is at stake. Parking in front of fire hydrants is just not an acceptable practice in New York."

He reported that police issued 7,982 parking tickets to diplomatic cars in New York during the past 26 months, but this covered only the most flagrant violations. "Most DPL cars are never ticketed," he explained.

He also reported that 63 of the 1,300 diplomatic-licensed cars in New York are driving around with expired 1972 plates.

## LINDA FUGATE, CHATTANOOGA, WINS FIRST PLACE IN TENNESSEE'S "ABILITY COUNTS" SURVEY CONTEST

### HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. BAKER. Mr. Speaker, a high school senior from Chattanooga, Miss Linda Fugate, has won first place in the 25th annual "Ability Counts" survey contest cosponsored by the Governor's Committee on Employment of the Handicapped, the State department of education, the Disabled American Veterans, and the Tennessee State Labor Council, AFL–CIO.

Linda, who attends Redbank High School in Chattanooga, won a $1,000 cash scholarship for her report on the subject: "Employment of the Handicapped: Tomorrow's Challenge." In addition to placing first in the State competition, her report was judged second best in the Nation and she received a $600 prize during the annual meeting of the President's Committee on Employment of the Handicapped last week in Washington.

All Tennessee has reason to be proud of Linda Fugate. She not only understands the problems of the handicapped and their role in today's society, she works constantly to improve their everyday enjoyment of life. She works with deaf people who attend the White Oak Baptist Church in Chattanooga. She uses sign language to interpret songs and sermons. She also translates daily news broadcasts into sign language for the benefit of the deaf.

It is my privilege to bring her prize-winning report to the attention of my colleagues. I submit Linda Fugate's report, "Employment of the Handicapped: Tomorrow's Challenge," in the RECORD, as follows:

EMPLOYMENT OF THE HANDICAPPED TOMORROW'S CHALLENGE

(By Linda Fugate)

A child is born with a clubfoot. In ancient times this child would have been left to die of starvation and exposure, along with any others who were considered weak or defective. The mentally retarded were once locked in dungeons or exhibited as public spectacles. The old were abandoned as soon as they were of no use to their people.

Yet today we believe that every human being born into the world has the right to live a full and meaningful life, regardless of his handicaps. We dream of a world where the blind, the deaf, the lame, and all other handicapped people can find a useful place in our society and enrich our lives by their own happiness. This dream is yet unfulfilled. It is tomorrow's challenge.

The first phase of this challenge is to find jobs for the handicapped. The ancients realized correctly that a society cannot long exist supporting the helpless. Yet employment of the handicapped does much more for the individual than for the group: it is the only way to give the handicapped person the sense of independence and security which everyone needs.

Employers are more willing to hire the handicapped today than ever before because of the drastic reduction in absenteeism, in turnover, and in accidents noted when the handicapped are given a chance. Many employers also observe that disabled people tend to be more proud of their jobs; therefore, they try harder to do their best work than do other employees. However, there are still many barriers to be overcome in finding jobs for the handicapped. The main barriers are the lack of understanding, the time and effort required for selective placement, the extra time and expense of job orientation, and the unusual risks of some handicaps. This last barrier is being overcome to some extent by better placement and by the good safety records of the handicapped, but it is still a problem in some cases.

These barriers are greatest to those with the severest handicaps. Consequently, only one-third of the blind are employed; one-half of the paraplegics; one-fourth of the epileptics; and one-seventh of those with cerebral palsy. Disabled veterans and the handicapped from extreme poverty situations also present a special challenge, for they may need encouragement and motivation to overcome their frustrations.

Yet if the handicapped are sometimes frustrated, we must not be. Remember that Beethoven, Thomas Edison, and Alexander Graham Bell were deaf; Magellan and Handel were lame; John Milton was blind; and Franklin D. Roosevelt was paralyzed. Truly it is ability that counts, not disability. Let us continue the work that has already been started in bringing out the ability of the handicapped. It may take some extra effort to learn sign language for the deaf, or to count taxi fare for a mentally retarded person on the job, or to move a blind person's work station closer to the door, but or efforts will be amply rewarded.

The second phase of our challenge is to train the handicapped for and to place them in the jobs found for them. Chattanooga is fortunate to have four major organizations for training and/or employing the handicapped: Vocational Rehabilitation Center, Abilities Incorporated, Goodwill Industries, and Orange Grove Center. The Vocational Rehabilitation Center identifies the handicapped, refers them to proper agencies, and provides funds from state and federal sources to pay for training and other services. This center helped 12,000 people in 1972. Abilities Incorporated, organized and managed by Mr. Mize Lawrence, a Korean War amputee, provides very practical on-the-job training and employment for about 60 people at present in a sheltered workshop. Goodwill Industries provides a variety of useful services which include pre-vocational evaluation, work conditioning and training, placement in other work opportunities, and either temporary or permanent employment in its own sheltered workshop. This workshop also employs about 60 people at present.

Orange Grove Center is another valuable service agency rendering assistance especially to the mentally handicapped. Orange Grove has approximately 475 students in its structured school program, 275 workers in on-the-job training and the sheltered workshop, and 80 people who received training at Orange Grove now working in the community.

The really great challenge of vocational training is to coordinate the many organizations across the country which work with the handicapped and link them with federal agencies working on matters concerning the handicapped, so the voices of the disabled will be heard. This is the ultimate goal of the Physically Handicapped Subcommittee of the President's Committee on Employment of the Handicapped.

The final consideration of our challenge is social. First, the handicapped person must accept his own disability and have the will to succeed; second, the public must be aware of and accept the handicapped. Chattanooga is a prime example of public awareness and interest. Almost every industry in Chattanooga hires some handicapped people. Brock Candy Company has won a state award and the national American Legion Award for employment of the handicapped. Chattanooga is blessed with Hamilton County and Chattanooga classes for educable mentally retarded, the Siskin's 365 Club, Moccasin Bend Psychiatric Hospital, whose work in chemical therapy has been phenomenal, and many others. But we have more than organizations here—we have people who care. People from about six counties in our area have just given approximately $80,000 to the March of Dimes Telerama. Recently Shoney's Restaurant gave one day's profits to the mentally retarded, and the Psi Kappa Chapter of the Alpha Phi Omega is planning a "Bike Hike" for the Chattanooga-Hamilton County Mental Health Association next May. Yet the way is only being paved. Do we really understand the epileptic? Do we accept the alcoholic? Do we respect the mentally retarded janitor? This is tomorrow's challenge.

## POSTAL SERVICE ISSUES STAMP HONORING COPERNICUS

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. DULSKI. Mr. Speaker, the opening feature of Nicolaus Copernicus Week was the issuance of a special commemorative stamp honoring the great son of Poland, Nicolaus Copernicus, whose theory about the universe changed the course of science.

Nicolaus Copernicus, whose baptismal name was Mikolaj Kopernik, was born 500 years ago in Torun, Poland, and the scientific communities throughout the world lead the way this year in honoring his pioneering contributions to modern science.

In recognition of the quincentennial, the U.S. Postal Service issued a special 8-cent commemorative stamp at a formal ceremony in the auditorium of the National Museum of History and Technology, at the Smithsonian Institution.

The stamp was designed by Alvin Eisenman, modeled by Howard C. Mildner, and engraved by Albert Saavedra and Arthur W. Dintaman.

At the stamp ceremony, David Challinor, Smithsonian Assistant Secretary for Science, presided. The excellent invocation was given by the Very Reverend Walter J. Ziemba, president-rector of Saint Mary's College and Seminary, Orchard Lake, Mich.

The official welcome was extended by the Secretary of the Smithsonian, S. Dillon Ripley, and the honored guests were introduced by Daniel J. Boorstin, Director of the National Museum.

GREETINGS FROM POLAND

Greetings from Poland were extended by Janusz Groszkowski, honorary chairman of the Copernican Quincentennial Symposium.

The principal address was by Murray Comarow, Senior Assistant Postmaster General, substituting for Postmaster General E. T. Klassen. Mr. Comarow presented special souvenir albums to the honored guests and received in turn special albums from Poland presented by Mr. Groszkowski.

The response was by Peregrine White, of the National Academy of Sciences, which cooperated fully with the Smithsonian Institution in arranging the well-attended and inspiring weeklong scientific symposium.

It is fitting at this point to express my sincere commendation and appreciation to both the Smithsonian and the National Academy for their all-out effort and cooperation in giving national—and international—recognition to the Copernicus quincentennial. No stone of potential was left unturned.

Mr. Speaker, Nicolaus Copernicus Week—designated by President Nixon for the week of April 23 as a result of my legislation—now is history, but the memory lingers on. The interest and response to the Copernican quincentennial have been most gratifying.

Without question, the honors paid this year to Poland's famous son have done much to enhance the relationship and understanding between our two countries and, particularly, to convey to our citizens the depth and wealth of Polish heritage.

Mr. Speaker, as part of my remarks, I include the texts of Mr. Comarow's speech, Father Ziemba's invocation, two scientific dedications, and two newspaper articles:

SPEECH BY MURRAY COMAROW, SENIOR ASSISTANT POSTMASTER GENERAL, AT COPERNICUS STAMP CEREMONY, APRIL 23, 1973

One of the more pleasant rituals of our society, it seems to me, is to honor a great man or woman with a humble, useful postage stamp.

Copernicus, whose awesome presence we evoke today, is undoubtedly smiling his approval from the heavens he set straight.

This great Pole is generally perceived as the man who moved the Earth from its starring role at center stage to its more appropriate position as a minor spear-carrier in the wings. He was more than that.

He was a theologian, an economist, a diplomat, a physician, and a humanitarian. He took degrees:

1. In mathematics and astronomy from Cracow
2. In canon law from Bologna
3. In law from Ferrara
4. In medicine from Padua

As an economist he advised the King of Poland on monetary and tariff reforms. As a diplomat, he was involved in Poland's relations with the Teutonic Knights.

As a theologian, he saw himself as God's servant: this man, obsessed with the pursuit of scientific truth, yet found time to settle Polish peasants on abandoned farms, and work among the poor as a physician.

BUT NOT A STAMP COLLECTOR

I trust you will not feel let down if I tell you what Copernicus was not. He was not a stamp collector.

It is true that stamps had not yet been invented—the word comes, as you know, from the impression or "stamp" of a seal into soft wax—but still, such a man . . . well.

Copernicus' theory that the Earth revolved around the sun was roundly condemned, of course, by the establishment of his day, and well beyond. But too late, for this man was as practical as he was wise. He delayed publishing his great book for some years, and when he did, in 1540, he dedicated it to Pope Paul III.

Even so, Martin Luther called Copernicus "a fool who wishes to reverse the entire science of astronomy." And the Vatican did not remove his works from its index of prohibited books until 1822.

Now, of course, he is claimed by all. Germans say that he is really a German. Italians point out that he studied in Italy. Greeks say that their astronomer Aristarchus had the idea 2,000 years before Copernicus. Other nations have yet to be heard.

It puts me in the mind of Louis Agassiz's remarks that "Every great scientific truth goes through three stages. First, people say it conflicts with the Bible. Next, they say it has been discovered before. Lastly, they say they have always believed it."

COPERNICUS STANDS TALL

No matter. These competing claims cannot diminish this great man of the Renaissance. He belongs to all of us, in his towering genius, and his simple humanity.

Not that we necessarily deserve him. The first edition of his immortal book sold seven copies. Today, distinguished scientists, diplomats, and artists join with the rest of us to salute him.

The world will honor Copernicus in many ways this year. This beautiful stamp, designed by the brilliant Alvin Eisenman of the Yale School of Art, is our way, our tribute, at this ceremony.

This is an unusual occasion. The Citizens Stamp Advisory Committee, which agreed on Copernicus, rarely goes beyond our national borders for stamp subjects.

Nor do men of science often find themselves on our stamps. I'm afraid, although we did do one on Albert Einstein a few years ago.

Today we remind ourselves that there are minds which transcend national boundaries. Some call this the Age of Aquarius. It might better be called the Age of Copernicus.

INVOCATION BY FATHER WALTER J. ZIEMBA, PRESIDENT–RECTOR OF SAINT MARY'S COLLEGE AND SEMINARY, ORCHARD LAKE, MICH.

God of the House of Jacob, Yahweh, Adonai, Father who art in Heaven, Lord, Hope and Strength of all who trust in You, bow our heads and bend down to listen to our prayer.

You Who in the beginning created the inverted bowl of the heavens and this spinning ball of earth, who said "Let there be light," shed Your Light upon us as we gather on this great day of special joy to mark the five-hundredth anniversary of the birth of one of your gifted genius-children—Mikolaj Kopernik: Nicolaus Copernicus.

Divine Master, You make blessings to fall from the heavens. You give clouds to prepare the rain for the earth. You make the grass to grow on the mountains, and see to it that herbs are for the service of all.

You bless and sanctify, open Your hand, and all are filled with good; and if You turn away Your Face, all shall be troubled. You have made all men to Thy own image and likeness; You have made our American nation a member of the world's family of nations; You have blessed its people with physical resources, technical know-how, and potential wisdom to sustain prosperity.

We want to obey Your every wish, the Law by which we move along the way of Your providence. We gather as your family Your children, to give You thanks and invoke Your blessings. How often in the past we realized that we are but reeds swaying in the wind, as we searched for stability that only Your grace can give us.

Heavenly Friend and Companion, through life man has learned so much: that life is always both a tear and a smile, a joy and a pain, a blessing and a cross, a coming and a going, a living and a dying, a losing and a finding.

Through the genius-talents for your son, Nicolaus Copernicus, posterity has been endowed with new and fresh insights into Your creation, has been given a new world-picture new power for progress. Through his searching and creative mind, You taught us new respect for Your laws—in the universe, in nature, among men, among nations of men.

For Copernicus, Life was a rock and God's law a chisel with which he carved that rock in Your image and likeness, who stood in Your sunlight and drew light from Your Law, who knew that man can muffle the drum or loosen the strings of the lyre, but that none can command the skylark not to sing.

Inspire us, Bountiful and Provident Creator, as you did your servant Nicolaus, with the courage to face truth, to harmonize astronomy with theology and philosophy with science; inspire us with the strength to give evidence, as did your servant Nicolaus, of our sense of responsibility for the common good of all, to make crystal clear our will for peace and harmony with all, to preserve and revere the rich and hallowed cultural and religious traditions of our forefathers—as did your servant Nicolaus of his Polish forefathers—so worthy of our imitation, to remember, as did your servant Nicolaus, that to work is to fulfill a part of God's dream for this earth and the total universe, to love those who nourished our needs and helped shape our life's foundation stones, and to fear nothing save that knowing what is the truth and what is right, we fail to do it.

Give unto all of us the grace to serve You courageously, together, working in redemptive charity toward the religious advent of Your eternal kingdom, wherein as Isaias said, "The eyes of the blind shall be opened, and the ears of the deaf shall be unstopped; then shall the lame man leap as the hart, and the tongue of the dumb shall be free, and the redeemed shall come with praise, and everlasting joy shall be upon their heads." We ask these blessings; we ask Your blessing. Amen.

THE QUINCENTENNIAL—A FESTIVAL OF RENEWAL

(By Dr. Wilton S. Dillon, Smithsonian Director of Seminars)

What is night, and how is it produced? This seemingly elementary question brought forth some revolutionary answers by a man who, born 500 years ago, is being honored all over the small planet which produced him.

The quincentennial of the birth of the father of modern astronomy, Nicolaus Copernicus, now is reflected in a commemorative stamp issued today by the U.S. Postal Service. It gives further recognition of our intellectual debts to the man who dared to say that the earth revolves around the sun, and thus paved the way for modern space exploration. An American unmanned space observatory called Copernicus already orbits the earth with its ultraviolet telescope. UNESCO and the International Council for Scientific Unions have declared 1973 Copernicus Year. Recent issues of the Congressional Record and proclamations of govern-



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ors of a number of American states give new energy to public education about the meaning of the Copernican revolution for modern mankind, and a recognition of the cultural patrimony of Americans of Polish ancestry. The Polish-American Congress has helped to stimulate continent-wide tributes in many American communities.

The first day of issue ceremony of the Copernicus stamp launches a major international symposium, "The Nature of Scientific Discovery, under auspices of the National Academy of Sciences and the Smithsonian Institution. The symposium, organized in cooperation with the Copernicus Society of America, is embellished by exhibitions of Renaissance treasures from Cracow, Polish crafts and graphich, medals, film premieres, newly commissioned music by Leo Smit, Sir Fred Hoyle, and Leon Kirchner, public forums on innovation in technology and education, a visual presentation by Charles Eames, and a new portrait of Copernicus by Leonard Baskin—in short, a Renaissance cultural festival in modern idiom. The U.S. National Commission to UNESCO has joined with the Smithsonian in sponsoring "Education Day honoring Copernicus April 26. Under separate auspices, Copernicus will receive further tribute this week with a Kennedy Center concert of traditional and contemporary Polish music, and Polish Day activities near the Washington monument.

MAN BEHIND TRIBUTES

Who was the man behind these tributes and why the celebration?

Born Mikolaj Kopernik or Niklas Kopernik in Torun, Poland, February 19, 1473, the Renaissance genius, best known by his Latin name, represents nothing less than the origin of modern science, a half-millennium of progress in understanding the physical universe.

(Serious students of Copernicus in English should consult the works of Prof. Edward Rosen, City University of New York, who will be honored this week by the Copernicus Society of America for his new biographical work on Copernicus contained in Rosen's *Three Copernican Treatises*. New York. Farrar, Strauss, and Giroux, 3rd edition, 1971. See also Rosen's article, "Copernicus' Place in the History of Astronomy," *Sky and Telescope*, February, 1973.)

Left fatherless at age 10, Nicolaus was brought up by his mother's influential brother, the Bishop of Warmia, and at age 18, in 1491, started his studies at the royal Jagiellonian University in Cracow, then the capital of Polish kings. There he learned from the observational and computational tools (exhibited today in the Smithsonian) which helped launch his diverse career. He studied canon law at Bologna, medicine at Padua, and received a doctorate from Ferrara before returning to Poland in 1505, where he spent his adult life as canon for the Cathedral of Frauenburg (now Frombork). There, starting in 1512, he wrote *Concerning the Revolutions of the Heavenly Spheres*, published in Nuremberg in 1543—the work destined to overthrow the long-held view that the earth was the center of the universe. His masterwork, printed the year of his death, acted like a delayed time bomb exploding scientific and religious dogmas. Protestant and Catholic authorities were more comfortable with seven centuries' acceptance of Ptolemy's geocentric theory that the sun and planets moved around a fixed earth. Invention of the telescope helped confirm Copernicus' theory.

HIS MATHEMATICAL SKILLS

Though centuries before computer technology evolved to help astronomers, Copernicus produced tables in his *De Revolutionibus* which reflect his decades of penetrating reflection and precise computation. His mathematical skills also were reflected in a treatise on coinage which anticipated Gresham's Law.

Though anticipated himself by a Greek astronomer, Aristarchus, 2000 years earlier, Copernicus was the first man to work out the numerical details so that the positions of the planets could be predicted in a sun-centered system. Before Copernicus, the prevailing common sense idea was that the sun, after rising in the east in the morning, and passing nearly overhead at noon, disappeared from sight in the west and then went behind or below us to produce night. But Copernicus calculated that the sun was at absolute rest: night occurs at those places where, as the planet rotates on its axis once every 24 hours, the light from the sun is cut off by the opaque bulk of the earth itself. Kepler, Galileo, and Newton extended his revolutionary theory to produce the foundations of modern science. Celestial motions no longer could be explained in terms of strivings inherent in matter itself.

By assigning the earth its true place in the cosmos, Copernicus, according to Prof. Rosen, made an imperishable contribution to cosmological thought. He serves as an important reminder of the curiosity, discipline, and versatility needed today in an epoch marked by social and intellectual fragmentation. Some blame science and technology for environmental problems and fail to recognize that new Copernican revolutions are required to solve them. Copernicus' legacy provides a focus and a model for individual and cultural renewal. As a churchman, patriot, physician, economist, diplomat, mathematician and painter—in addition to his work as astronomer—Copernicus combined gifts which still can pop up in new combinations in new generations, within the same individual. The persistence of the Copernican spirit may be analogous to the survival of the Polish nation and the overseas carriers of Polish culture who make up Polonia.

"In an age of specialization, the tribute to Copernicus, who embodies the Renaissance ideal, should have special meaning for the continuing education of modern Americans, and other people in the world who need such reminders of the interdependence of learning," S. Dillon Ripley, Secretary of the Smithsonian Institution, recently wrote. "Though identified with Poland, Copernicus transcends ethnic and national origins."

The Smithsonian Magazine observed that Copernicus has become one of the immortals. (Special articles on Copernicus appear in both the March and April, 1973 issues.) He is one of the names like Plato, Shakespeare, and Leonardo da Vinci, which shed a permanent glow of glory on the nations which can claim them for their own. German and Italian cultures contributed to making Copernicus a great European. (Coincidentally, the first day of issue of our stamp to Copernicus falls on Shakespeare's birthday.)

BASIS FOR HUMILITY

Yet, along with national pride in his achievements, the Copernican legacy brings with it a basis for humility. "Psychologically, Copernicus' contribution to man's self-image was far more important even than his epochal correction of astronomers' ideas," the *New York Times* observed in a birthday tribute. "His work exposed the folly of human arrogance. Before Copernicus, men could imagine their home planet was the center of the universe and mankind thus the focal point of creation. Today, after centuries of development of Copernican ideas we know that the earth and this solar system are a relatively unimportant byway in a universe with billions of stars and of similar solar systems."

And for what Copernicus means to earth-bound truth-seekers today, in the face of declining public support for science, Prof. Owen Gingerich of the Smithsonian Astrophysical Observatory and Harvard University, wrote: "From his 'remote corner of the world' Nicolaus Copernicus set into motion not only the earth, but the entire spirit of inquiry that has so richly increased our understanding of the universe. But the ultimate reason for the anniversary celebration—and indeed its challenge—is a rededication to preserve the fragile freedom of inquiry and the resources that make inquiry possible." Prof. Gingerich serves as editor of a volume, "The Nature of Scientific Discovery," to be published next year by the Smithsonian Press. (See also his "The Copernican Celebration," in *Science Year, The World Book Science Annual*, 1972, Field Enterprises Educational Corporation, and "Copernicus and the Foundation of Modern Science," *UNESCO Courier*, 1973.)

Another legacy of United States participation in Copernicus Year will be a popular book of essays on Copernican and quasi-Copernican revolutions being assembled under the auspices of the National Academy of Sciences and the editorship of Prof. Jerzy Neyman of the University of California, Berkeley. Destined for the general public and younger students, this new work will give further testimony to the universal man who made such an "imperishable contribution" to human thinking about the cosmos.

Such thinking may be as practical as survival. "If a man is not to disappear he must learn to know himself and the universe through which his planet soars," Neil Armstrong said. "Copernicus lifted eyes to the stars and this one year birthday party hardly seems long enough."

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COPERNICUS—DEDICATION BY KENNETH F. LEWALSKI, RHODE ISLAND COLLEGE

It is good to be reminded on this anniversary of Copernicus how much a single individual can do to bring about a change in the consciousness of man . . . an occasion to reflect upon the power of mind . . . an eternal monument to the power of ideas in history. As a man of the Renaissance, Copernicus was both a scientist and humanist. He represents our continuing quest for an integrated understanding of man and nature, a harmony between science and society, and the mastery of man over himself and his universe.

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[From the AM-POL Eagle, Buffalo, N.Y., Apr. 26, 1973]

POSTAL SERVICE DEDICATES COPERNICUS STAMP

The U.S. Postal Service Monday officially dedicated a commemorative stamp to the memory of Nicholaus Copernicus.

The Smithsonian Institution & National Academy of Sciences in Washington sponsored a symposium observing the 500th Copernican anniversary.

The seven-day ceremony was launched Sunday night with a concert featuring a cantata, Copernicus, Narrative and Credo, composed by Leo Smith of the State University of Buffalo.

Rep. Thaddeus J. Dulski (D., Buffalo), who introduced the congressional resolution that designated this week as Nicholaus Copernicus Week, was on hand at the dedication at the Institute.

A pen which was used by President Nixon to sign the resolution, Mr. Dulski announced, had been sent to him by the president, and he, in turn, will give it to the Buffalo & Erie County Historical Society.

The dedication was made by Murray Kamarow, senior assistant postmaster general. A number of bound volumes of the first day was presented by Mr. Kamarow to Ambassador Witold Trampczynski.

Guests at the ceremony included Dr. Matt A. Gajewski, of the Buffalo Board of Education, Arthur Koscinski and Chester Kendra, all members of Adam Plewacki American Legion Post Stamp Society in Buffalo.

Also attending were the following: Buffalo Committee, Dr. Francis Siemankowski, Buffalo State College; Fred Jablonski, Buffalo Copernicus Exhibit Committee; Chester Jarmusz, also Buffalo Copernicus Exhibit Committee.



[From the Buffalo (N.Y.) Evenings News, Apr. 24, 1973]

COPERNICUS STAMP UNVEILED AT POSTAL SERVICE CEREMONY

(By Roland Powell)

WASHINGTON.—The U.S. Postal Service Monday officially dedicated a commemerative stamp to the memory of Nicolaus Copernicus.

Copernicus, born Feb. 19, 1473, in Torum, Poland, is best known for the theory that the earth rotated around the sun instead of being the center of the universe.

His 500th anniversary observance includes a current symposium here sponsored by the Smithsonian Institution & National Academy of Sciences.

The week-long ceremonies were launched Sunday night with a concert featuring a cantata, "Copernicus, Narrative and Credo," composed by Leo Smith of the State University of Buffalo . . . held in the Smithsonian's National Museum of History & Technology. Among those on hand was Rep. Thaddeus J. Dulski (D. Buffalo) who introduced the congressional resolution that designated this week at Nicolaus Copernicus Week.

Mr. Dulski announced that the pen used by President Nixon to sign the resolution had been sent to him by President Nixon and he, in turn, would give it to the Buffalo & Erie County Historical Society.

The dedication was made by Murray Kamarow, senior assistant postmaster general. Mr. Kamarow presented a number of bound volumes of the first day to members of the Smithsonian, the National Academy of Sciences and to Ambassador Witold Trampczynski.

Guests at the ceremony included Dr. Matt A. Gajewski, of the Buffalo Board of Education, Arthur Koscinski and Chester Kendra, all members of Adam Plewacki American Legion Post Stamp Society in Buffalo.

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WAR SCARS

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. RANGEL. Mr. Speaker, now that the Vietnam war is officially over, and words such as "honor" and "victory" are bandied about with increasing frequency, it is time to face reality. The harsh reality of the difficult adjustment ahead for our Vietnam veterans.

In the New York Post of April 18, Harriet Van Horne wrote an interesting and necessary column entitled "War Scars." Is is now submitted for this body's collective interest.

WAR SCARS

(By Harriet Van Horne)

One of the solemn idiocies of war is trying to add up the total cost in dollars and sense, and ignoring the agonizing cost in shattered lives, national despair and a demoralized military system.

The Pentagon, ever modest in its public calculations, has estimated the cost of the Vietnam war at $110 billion. That's a staggering sum, all right, but it's only the beginning.

The Pentagon estimate takes no account of the billions in aid to Saigon, Cambodia and Laos. It ignores the long range cost of veterans' benefits and medical care, which will eventually total $220 billion. It ignores the loss to the Gross National Product of the 55,000 war dead, currently written off as a waste of $33 billion in human labor.

It was not a lovely war, and Robert Lekachman, the distinguished economist, has said that the ultimate cost of our Vietnam adventure will be $400 billion, *plus*.

A good part of that plus is the damage to human lives—to the fighting men and their families, to the society that produced them and must now share their anguish, their reentry pains. Some terrible truths about the mental suffering of Vietnam vets are finally beginning to surface. We shall ignore them at our peril.

For years to come, these men will constitute one of our most serious social problems. For theirs are the sort of problems that cannot be cured by college on the GI bill, or by a few months of "rap sessions" with a psychotherapist.

"Vietnam veteran syndrome" is a new phrase born of peace and entering the language as a scream in the night.

To say that our veteran population is alienated, is to understate the matter. Dr. Robert Jay Lifton, the Yale psychiatrist who has made an 18-month study of servicemen's psychoses, says the men are "hurting" and desperately in need of help. Sadly, a great many of them avoid contact with the Veterans' Administration because it is linked in their minds to the military establishment, which they have come to hate and distrust.

One of the searing aspects of the Vietnam war, Dr. Lifton has written, was that it offered "no honorable encounter, no warrior grandeur." Instead there was a malignant obsession with body counts. "Only killing could affirm power, skill and worth," the psychiatrist notes.

Killing for the sake of killing has left deep scars in the veterans' minds. Many are violence prone and their drug addiction is a particularly vicious kind.

The Federal Prison Authority estimates that 30 percent of the nation's prison population now consists of Vietnam veterans. From 23 to 27 per cent of Vietnam-era veterans admitted to psychiatric care have attempted suicide. Several psychiatrists have said that they expect the suicide rate among veterans to increase as the years pass. The memories, the guilt, the bitterness do not recede under the influence of home cooking and the love of a good woman.

I was impressed—and deeply troubled—by a sensitive article in the current Redbook on Vietnam Veterans by Catherine Breslin. One telling anecdote says all you need to know about war nerves: A young woman, having left her bed in the night, silently returned to the side of her sleeping husband. The pressure on the mattress woke him. Barely conscious, he struck her fiercely, breaking her nose.

A psychologist, James Smith, is quoted as saying that "No group in America is potentially as dangerous as the veterans."

A psychiatric researcher at Harvard studied 60 ex-Marine enlistees for a period of two years. During that time, two were indicted for murder and five for attempted murder. Later, the researcher, Charles Levy, was consulted in eight widely scattered trials of veterans who had committed major crimes, including murder, kidnaping and rape. Their control had snapped, in every case, during a "flashback condition" in which they felt themselves completely and unaccountably back in Vietnam.

Society, one observer has said, requires nothing of the Vietnam veteran except "invisibility." We are guilty about this war and morally responsible for the young Americans sent to fight it. Dr. Lifton has summed up our mood perfectly: "Even Americans who have not seen Vietnam feel something of a national descent into Existential evil, a sense that the killing and dying done in their name cannot be placed within a meaningful system . . . The result is a widespread, if vague, feeling of lost integrity at times approaching moral-psychological disintegration."

A bitter, four-page newspaper comes to my desk occasionally, published by Vietnam Veterans Against the War. Says a recent issue, "Home with honor—what kind of joke is that?" Is it an honor to stand in the unemployment lines, to starve while going to school on the pinched and begrudging GI bill? the editorial asks.

Miss Breslin worries that there are not enough benefits, enough therapists, enough jobs. It's an enormous, soul-destroying problem. And the basic question must be stated: Is there enough concern, enough love, enough decency in this land to cope with the Post-Vietnam Syndrome?

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REPEAL THE SECOND LAW OF THERMODYNAMICS

## HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. HOSMER. Mr. Speaker, it is common these days to receive pontifical suggestions for the relief of the energy crisis. Mostly these have us turning to solar power or geothermal sources or controlled hydrogen fusion and the like at once, without an intervening period of research and development. A man in England is selling do-it-yourself kits whereby methane gas to run automobile engines is generated from manure power. The opposite side of this coin is the proposition of conserving and reusing energy. The demand for new energy is thus cut back or eliminated by the conservation and reuse of old energy, usually in the form of Btu's which have been salvaged. As explained in the following article from Nuclear News magazine for May, written by Bill Minkler, all these things can set in motion the necessary prerequisites for legislative repeal of the Second Law of Thermodynamics:

OUR TOWN'S FUEL CRISIS—SOLVED

(By Bill Minkler)

Two months ago I told you about our town's fuel shortage, and how we shivered all winter. Now we've solved the problem and can face next winter without fear.

Our solution is based on an established electrical engineering technique, which, in case you haven't heard of it, I shall now describe. This will be today's science history lesson, so please take careful notes. There will be a quiz at the end of the hour.

When electricity was discovered in 1800 by Alessandro Volta and his young assistant Thomas Wattson, it was shown that electric current is the flow of electrons along a wire. Early motors, toasters, iron, etc. had only one wire, which carried electrons from the power company to the appliance. The used electrons were simply dumped into the air.

No atmospheric pollution resulted from this, because the electrons rose quickly to the stratosphere and formed an invisible cloud, which we now call the Van Allen belt.

However, since the electrons were being discarded after one use, and since natural matter contains less than 0.03 percent electrons by weight, an acute electron shortage developed. A separation plant was established at Oak Ridge, Tenn., to strip electrons from matter by gaseous diffusion for distribution to power companies. Heavy elements were used, as these contain more electrons per atom than light elements. But since known heavy element deposits were quite limited, it was feared that electricity was doomed. The convenient automatic appliances, with their familiar single black wire, would soon disappear.

Fortunately, a young genius from New Jersey named Thomas Edison got the idea—why not use two wires? One to carry electrons to the appliance, and the other to recycle them back to the generator. Edison's

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scheme proved so successful that it was adopted immediately.

With the electron population thus stabilized, the gaseous diffusion plant was needed only for expansion and makeup of irrecoverable losses. And Edison soon devised a way to eliminate it altogether. He found that by attaching a third wire to an appliance and tying the other end of the wire to a sewer pipe, electrons would rise out of the ground to the appliance along this third wire by jet pump action. The rise rate was greater than sufficient to make up all losses, and so he termed this phenomenon "electron breeding." From thenceforward Edison's three-wire concept was designed into all large appliances, and the diffusion plant was turned over to the government for experiments on an obscure metal called uranium that will probably never amount to anything.

Recalling Edison's success at conserving electrons, the engineers at our local Gas Co. said, why not adapt his method to conservation of BTU's—the tiny particles of heat energy we had been throwing away after one use just as early appliance users had thrown away electrons?

Realizing that BTU's don't travel on wires, the engineers researched ways of capturing and storing them. They found that the best way is to pick the used BTU's off the floor with insulated tweezers and pack them in thermos jugs. By soaking them in water first to remove their labels and then crushing them underfoot, it is possible to pack two or three million used BTU's into a one-gallon container.

Neighborhood Recycle Centers have been established, manned by authentic recycle workers in sweatshirts and beards. All of us flock their with our weekly buckets of BTU's (except the French restaurant on Main Street, which brings calories—these must be packed separately). Since March our town's seasonally adjusted fuel consumption has dropped 90 percent, and the Town Council has voted to repeal the Second law of Thermodynamics.

## WATERGATE EDITORIALS

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. MICHEL. Mr. Speaker, two editorials from the Peoria Journal Star, one from the April 30, 1973, edition entitled "Nixon's Timing Problem" and the second from the issue of May 2, 1973, entitled "Watergate Lynching Parties" discuss some aspects of this Watergate mess in a down-to-earth, commonsense manner which is typical of so many of our grassroots newspapers and I include both editorials in the RECORD at this point:

WATERGATE—NIXON'S TIMING PROBLEM

(By C. L. Dancey)

The fun and games these days for those who, a year ago, were calling Mr. Nixon a murderer and a warmonger who had no intention of ending the war, center around whether or not he was sinful last August when he accepted White House Aide Dean's assurance that the Watergate burglary did not involve anyone in the White House.

It ranges from those who argue, in tune with the way they argued about the China visit being a fraud and the Russian treaty talks a pretense-that-would-never-happen, that Nixon was probably the author of the Watergate "bugging"—or "covered up" and tried to dismiss it when he did find out about it—to those who say he was a chump to believe Dean and proceed as if nobody near him was touched by it.

The presumption that Nixon authored or knew about the plan is akin to the presumption 20 years ago that the Truman administration had to have somebody who was responsible for Alger Hiss, and that the Soviet "spy" couldn't be operating at a top echelon "all alone."

If you supported Senator Joseph McCarthy's line of reasoning in 1952, you could reasonably take the same attitude today and find Nixon "guilty" by the process of "guilt by association," and proceed with his "character assassination," ala Carl Rowan and others.

If you denounced these methods as immoral, sinful, and a clear violation of American basic principles, you really are obliged to give Mr. Nixon the same benefit of the doubt as you demanded then.

It doesn't work that way in practice, of course, but it does in principle—and when the practice is reversed to suit political prejudices, we have to recognize that it is unprincipled action.

But what about the "cover up," which innocently or deliberately was fostered by Mr. Nixon? That is a legitimate charge, although the language may be strong. He certainly did belittle the whole matter, dismiss the idea that it might require investigation of his own official family, etc.?

That action does not commend him highly.

Does the criticism of his belittling the matter commend most of the present baying hounds of the Senate any better, however?

Let us go back to the scene of the "crime"—to last August, when the best evidence currently available tells us that Mr. Nixon was told the White House was "clean" or "safe" in the Watergate affair—which had just broken.

What was he doing last August?

It was the climax of a whole series of carefully executed chess moves, with all of them somewhat up in the air at the same time for the grand finale—the Russian arms treaty, the breakthrough to diplomatic ties with China, the opening phase of real peace negotiations with Hanoi, and the election itself dead ahead.

Can you think of a political figure on the scene today who at such a critical juncture in the labors of four years as head of state would have said: "Drop everything, and give this Watergate burglary the first priority! Announce a full White House investigation—and don't worry about the Chinese, the war, the Russian treaty, or the election and its effect on our success at this juncture in any of these matters."

Who would not have said: "Get this Watergate thing on the backburner, as best you can, where it will do the least possible harm, while we finish the job in Vietnam and this Chinese-Russian-Vietnamese triple play."

Would you believe Charles Percy would have taken the first or the second course?

Hubert Humphrey?
Ed Muskie?
George McGovern?
Ted Kennedy, of all people!
Who?
Who among the critics?

Can you honestly find one that you truly believe would have gambled last August with the state of the world to make a grand personal gesture about a piece of political spying at Democratic headquarters by four "buggers?"

I can't.

Then, what kind of standard are we talking about, and where is the Superman we seek to bring to power?

Even Abe Lincoln put the Civil War and freedom for the slaves ahead of investigating Lafayette Baker (another over-zealous "spy.")

WATERGATE LYNCHING PARTIES

(By C. L. Dancey)

There is one demand in the Watergate case that is totally impossible and unreasonable, and the commentators who have been fostering it (and the politicians) need to be remembered for their irresponsibility.

These are the demands to have "the President" clear up the whole thing by "naming names" and spelling it all out.

Such an action on his part would extend the very "executive power" and violate the limitations of powers that said commentators and politicians have been howling about.

It would make the chief executive, suddenly, the prosecutor, judge and jury over a criminal matter. Among other things, it would make a constitutional trial virtually impossible and thereby guarantee acquittals for anyone accused after such a massive public "conviction."

The President cannot pre-empt the grand jury.

He has no such authority, and if he did so, the same critics would then, indeed, crucify him for such an irresponsible and arrogant act—and they would be right, for a change.

As it stands, the legal process has been mightily abused—but it is that legal process which has been grinding away and moving this matter forward.

We do not cure the real evils—or imagined evils—of this affair by abandoning due process.

In their fervor people forget that the real "crime" involved in the Watergate charges is precisely that—a violation of process.

"Bugging" to get information is what is alleged here.

Eavesdropping on the opposition is what this is all about.

It hardly improves the morality of operations if we corrupt due process totally in pursuing that case.

At this point, Watergate is the Crime of the Century because it is the News Story of the Month . . . and it is the News Story of the Month in part, because the world is rather quiet for a change, and the Congress isn't doing anything but make hay out of it either.

But if there is any legal process here involving the President, it is not his proclaiming "guilty verdicts" by fiat instead of by judicial trial—it would have to be one with the President as defendant—in an impeachment proceedings.

If Congress wants to pursue this case, that is the only possible proper and Constitutional way they can do so . . . and that would chain them rather quickly to much more restrained and responsible "due process" as well.

The circus approach to Watergate is becoming as disgraceful as the bugging of the INN was in the first place.

It is not improving the moral climate of our government and our society—it is corrupting it still further.

We've gone all the way through the McCarthy Method now, from "guilt by association" to "character assassination" to demands for "guilt by accusation" without trial.

Let's do it right. Political lynching hardly elevates the participants, and will have a future, soberer evaluation. Some folks grabbing for headlines these days may find that when they thought they were building their careers—they were disqualifying themselves for future consideration.

It is time to remember the advice Ralph Waldo Emerson gave to the Phi Beta Kappa society when he was asked to talk about the "duties" of the American scholar—and instead of proclaiming them the leaders and the wave of the future, he advised them to keep their perspective to recognize that "a pop-gun is still a pop-gun even when the ancient and honorable of the earth proclaim it to be the crack of doom . . ."



## PROFESSORS, POLITICS, AND THE GOVERNMENT

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, the autumn edition of the Midwest Quarterly featured an article by Clifford E. Landers and Arthur E. Nudelman entitled "Professors, Politics, and the Government" in which the two men offered some challenging views on the Ph. D. glut.

Mr. Speaker, Dr. Landers is a distinguished member of the political science faculty at Jersey City State College and his views are highly respected in the academic world. I know that my colleagues will find the article he coauthored well worthy of their time.

The article follows my remarks:

[From the Midwest Quarerly, vol. XIV, No. 1, autumn 1972]

PROFESSORS, POLITICS, AND THE GOVERNMENT

(By Clifford E. Landers and Arthur E. Nudelman)

The United States has established a tradition of underutilizing certain of its natural resources while nonetheless maintaining a high level of material prosperity, a luxury available only to a fortunate few of the world's nations. The paradox of poverty in the midst of plenty has become a hoary cliché to Americans long accustomed to vast surpluses of grain rotting in storage while hundreds of thousands at home and tens of millions abroad suffer from malnutrition.

For all its profligateness, however, America has historically maximized its use of its one most irreplaceable natural resource—the brainpower of its citizenry. Endowed by its Creator with roughly the same proportion of genius as any other nation, the U. S. has extended educational opportunity to a larger percentage of its population than any other country, with results which are obvious to the most casual observer. If nations in the third world can be said to suffer from intellectual underdevelopment (*i.e.*, failure to tap their resources of potential brainpower), the United States today reflects the opposite tendency. It has unconcernedly generated a population explosion among highly specialized personnel which could conceivably undermine the very system which produced it.

*Origins of the problem.* While it is an exaggeration to say that American government functions from one crisis to another, governmental machinery in this country does seem to respond more rapidly and more decisively when faced with what decisionmakers perceive as a threat. Wartime acts are the obvious example, but even in peacetime the tendency is still evident. For our purposes the relevant case is the Soviet sputnik of 1957. Beeping its way across the then-uncrowded heavens it touched off a revolution of major proportions in the higher education system of the United Staes, a revolution which even now has yet to run its full course.

Faced with the Russian *fait accompli*, the U.S. responded in the only way it knew, in a manner which had served so well in the past—it appropriated money. A seemingly endless cornucopia opened up for educational undertakings even remotely related to "national defense"— and what wasn't? The National Defense Education Act among its multitudinous provisions set aside funds to train teachers in many fields but especially in mathematics, the physical sciences, and foreign languages—not coincidentally three of the hardest hit fields in the current academic recession which we shall discuss later. In a kind of educational defense mobilization the nation geared up to produce scholars in the fields which the government deemed "critical."

It took a few years; mobilization never takes place immediately. But by the mid-1960's our graduate schools had begun pouring out record numbers of Ph.D.'s in all fields, with the concentration in the NDEA-impacted fields mentioned above. In an expanding economy unparalleled in this century there were jobs for all, and some positions even went begging in the rush to lure bright young Ph.D.'s into government posts, defense industries, and teaching. The euphoria lasted three or four years, but like the stock market in 1929 it was to come crashing down almost, it seemed, overnight. By late 1969 the situation was clear for all to see; suddenly many a new doctoral sheepskin had become the ironic symbol of shattered dreams. As one embittered Ph.D in physics remarked after months of fruitless searching for employment. "With that diploma and a dime you can make a phone call."

In the last two years the academic recession has worsened, and it has not yet bottomed out. In 1970 this country produced 27,000 new doctors of philosophy; last year the figure was almost 30,000, despite the ready evidence of a job shortage. Theoretically doctoral programs require about three years to complete, but the average time is 5.7 years because the majority of students take a job and finish their dissertation away from graduate school. It will probably be 1974 before the nadir is reached and supply-demand curves begin to approximate rational proportions. Those who have already started Ph.D. programs will want to finish them, while even now graduate school enrollment, *mirabile dictu*, was up by one percent in 1971, according to the Council of Graduate Schools. Admittedly the growth rate has declined from the 7.5 percent it averaged from 1968 to 1970.

What are the new Ph.D.'s finding when they leave the campus and seek a job? To quote from one disillusioned mathematician, "B.A.+M.A.+Ph.D.=0." Take the case of Betty B., a 25-year-old Ph.D. in math who lives in Houston. After applying at four colleges, ten junior colleges, and three high school districts in the area, she contemplated secretarial work and even a job as a waitress before she found a position teaching undergraduate engineering students at her alma mater. Considering the discrimination against females which exists even in Academia, she feels herself lucky.

Less fortunate is a 32-year-old Ph.D in political science who has been out of work since September of 1971. He is in a field (Latin American government) in which demand has dropped while NDEA funding was increasing output. A former assistant professor at a well known state university, he is now hopefully applying to schools which two years ago he would have considered a stopgap at best.

Experts predict things will get worse before they get better. Lewis B. Mayhew of Stanford foresees 67,000 doctorates annually by 1980, while the need for new teachers with the Ph. D. is actually declining. Allan M. Cartter, one of the nation's foremost authorities in the field, has stated that curtailment of college expansion during the next decade means that replacement of personnel during the coming twenty years will be dependent on death and retirement only—about two percent per annum, hardly a bright prospect for those now starting out.

The effects of the crunch are manifold, but some of the more obvious which may come about include lower starting salaries for new Ph. D.'s, larger teaching funds, more rigorous publication demands, especially on younger professors, and in some schools a diminution of academic freedom stemming from the reluctance of academicians to speak up for rights lest they be thrown into a hostile job market.

Painful as these effects are on the individuals involved, the consequences for the nation are even more ominous. For the first time in its history America is facing a period when unemployment among the highly trained threatens to outstrip joblessness among the unskilled and semiskilled. Already the national unemployment rate—slightly over six percent at this writing—is surpassed by physicists and some other physical science categories.

What happens to the "overeducated" who become unemployed? During the Depression many of them succumbed to the lure of communism, an alternative today thoroughly discredited. In the 1970's the alienated turn elswehere. As one young history professor on the West Coast told me. "If (this college) ever went under and I couldn't find another job, I think I'd become a full-time revolutionary." A romantic, a visionary? Perhaps. But the fact is indisputable that modern technology has made Everyman a potential terrorist, and even undergraduate chemistry majors have the knowledge and access to materials needed to construct a plastic bomb. Embittered, disillusioned, angry at "the System," the jobless academician might become the likely dupe of terrorists, anarchists, and other anti-Establishment forces.

We do not mean to overdramatize. Perhaps not one out of a hundred would find such a path appealing, but despair can be a politicizing force, and many who were apolitical in their laboratories and classrooms would become radicals after months of futile search searching for a non-existent job. Can any system, however smug and secure, afford the luxury of creating hundreds and even thousands of malcontents, many possessing the intelect and training to wreak havoc within that system? The lesson of history is clear on one point: revolutions are engendered by the intelligenstia, a scion of the middle class.

Post-1945 developments have given the period the label Age of the Guerilla. Algeria, North Vietnam, Cuba—all underline the role of the irregular in bringing down an established government. This is not likely to happen in America, but Watts, Newark, and other urban riots point up the inescapable conclusion that a small group, even a leaderless mob, can create disorder far out of proportion to its numbers. Latin America provides numerous illustrations of the use of "symbolic violence"—e.g., exploding a bomb at midnight in a soccer field—aimed at reminding the authorities of what might have been, the same explosion during an internationalized violence. Although American campuses are quiet at the moment—some would say forebodingly so—the possibility for renewed radicalization still exists, and what better leader than an ex-academician?

The problem, then, is more than just a small number of unemployed Ph. D.'s. Besides the obvious humanitarian question involved, there is the hard-to-answer contention that any society which casts on the discard heap its most highly trained and intelligent members forfeits any claim to their support. Comparisons are indeed odious, but one recalls Nazi Germany's refusal to utilize Jewish intellectuals even where no suitable substitute existed, and Hitler's prejudice against "Jewish physics" may have cost him the secret of the atomic bomb and hence the war. Can America simply cut adrift large numbers of its specialized talent to sink or swim during the next decade or so? If it does so, it is at its own risk.

*Some proposals.* First it must be recognized that the so-called glut of Ph. D.'s is an artificial creation. There is no true surplus, merely underutilization. During the 1960's simultaneously with its effort to generate more Ph. D.'s quickly, the U.S. educational system allowed its student professor ratio to slip disastrously. In the period 1965-70 the ratio increased ten percent, meaning

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that the average professor was meeting 33 students for every 30 he had taught just five years before. By merely maintaining the ratio of 1965 this country could have created another 50,000 teaching jobs and obviated unemployment in higher education. That this was not done is to the discredit of a system which pays lip service to constant upgrading of its institutions. Priorities at that time were such that the war in Southeast Asia and the race to the moon must take precedence. Today the war is winding down and the moon bears an American flag, but the student/professor ratio continues to worsen. The chance has been lost, and a recessionary economy precludes anything but a holding action in higher education.

Solutions have been proposed, but most are half-measures at best. One such idea is to restructure the curriculum so students can get a Bachelor's degree in three years instead of four. Commendable, certainly, but hardly the answer to the difficulties outlined above. Ronald Peieris, a physicist with the Brookhaven National Laboratory, has gone so far as to advocate the elimination of the Ph. D. degree—not the course work, just the degree itself. By eliminating the degree, he contends, the student would gain greater flexibility and avoid overspecialization, thereby increasing his acquaintance with a variety of fields and broadening his employability.

Without going into the merits of this proposal, we must admit that the Ph. D. degree does in general encourage "knowing more and more about less and less" and sorely needs reforming. The median number of years spent in acquiring Ph. D. in English is 9.7, four more than the national average for all fields. One can but stand in awe at the perseverance of those who finally win their union card. But whatever its defects, the Ph. D. is here to stay; competing degrees such as the Doctor of Arts are foredoomed to second class status. Part of the problem, to be sure, is to find some method of eliminating the glaring shortcomings of existing doctoral programs while retaining their positive features, but that is not the main thrust of this essay.

Ultimately the supply and demand curve will exert its inexorable sway over higher education as it does over all economic activities, but until then there is an urgent need to take steps to ameliorate the problem. Loath as we are to suggest a further extension of the federal bureaucracy, truth compels us to argue that only the federal government has the resources to deal with a situation of this magnitude. The states, faced with dwindling funds and rising demands, could not act effectively even if tight-fisted legislatures were in the mood to expand appropriations to colleges which many feel to be breeding grounds for radicals and anarchists: Business has traditionally restricted its participation to endowments and foundation largesse. In short, only federal government has the wherewithal to meet the challenge.

For political reasons the government must approach the problem gingerly. To the average taxpayer, already financially overburdened and constantly on the verge of revolt, higher education has a rather low priority. Barring another Russian space spectacular such as landing men on Mars, it is unlikely that American colleges and universities will witness another windfall such as marked the period 1958–65. The approach, then, should stress utilization of a vital national resource, the providing of jobs for those willing to work. This is something which the average American understands and sympathizes with; many now living benefited from such techniques during the Depression and acknowledge with gratitude the role of government in helping them weather a time of personal and national crisis.

Some may term the following program ruthless, and admittedly it does entail a carrot-and-stick approach. Federal funds should be phased out as quickly as possible in those fields such as physics and foreign languages which burgeoned under the impact of NDEA but are now overcrowded. Why encourage more students to seek a Ph. D. in fields already blessed with a surfeit? Funds could be rechanneled into fields where there is still a shortage, few though they are. One such area is Black Studies, where increased spending might have a desirable side effect politically. Another possibility is using such freed money for construction of medical schools and encouraging Ph. D.'s in chemistry, biology, and related fields to retool themselves for medicine; a sort of Job Corps could be established to help them make the transition with a minimum of fuss. The U.S. desperately needs M.D.'s, while Ph. D.'s are a dime a doctorate; here is a way of meeting two large-scale national problems simultaneously. Political opposition might be expected from more conservative elements of the American Medical Association but could be overcome if public opinion were mobilized behind the proposal. This should not be difficult once the urgency of the predicament was made clear.

Government intervention created the alleged glut of Ph. D.'s by encouraging expansion of graduate school programs and by fostering output beyond the foreseeable demand. It is only reasonable, then, to ask government to take the lead in helping quell the onrushing flow of excess doctorates, but cutting down the supply—however necessary—is a basically negative approach. There is something the federal government can do in a positive direction: it can undertake to restore the numerical balance between professor and student which was lost in the frantic rush of expansionism in the 1960's. First step in this direction would be a requirement that future federal grants-in-aid for higher education go only to those institutions which could demonstrate that they did not exceed a stipulated maximum level of undergraduate students per professor; seminars of three and five students could not be used to skew the figures and make the overall university ratio more respectable. By adopting this approach the government would gear its aid program to reduced student/faculty ratios and promote the hiring of additional instructional staff.

But this alone would not be enough, for it might be merely an *ad hoc* measure unless an ongoing national commitment were made to quality higher education. As James Cicarelli has pointed out ("The Government and the Economy," this QUARTERLY, Winter, 1972), the U.S. government reacted to the Great Depression by passing the Employment Act of 1946, which in effect pledged that it would be a "*de facto* employer of last resort." Our proposal is to extend this promise upward to include the professionals as well as the blue collar workers who have been the traditional beneficiaries of such a policy. During the Depression the government created writers' projects and other activities for those whose training and background fitted them for mental rather than physical labor. We suggest that the federal government fund a permanent agency somewhat on the model of the Works Progress Administration to investigate the chronic problems that confront America.

How would it work? In aims and concepts it would resemble the massive effort the nation made in landing an American on the moon, but it would not cost $25 billion, nor even a tenth that much. With appropriation of $500 million and provision for additional funding where necessary, this country could set in motion a major attack on some of its perennial social problems—urban blight, poverty, the ghetto, pollution, and yes, even racism. There is no guarantee that we would solve any of these within five or ten years even with a crash program such as we envision, nor should the public be misled into expecting quick solutions to problems that in some instances have taken hundreds of years to come to fruition. But the existence of a department-level entity called, say, the Department of National Goals (DNG) would help assure that our efforts at healing these open sores on the body politic did not depend on the vagaries of any one administration. The fate of the War on Poverty and the Alliance for Progress offers mute testimony to the wisdom of installing such safeguards.

The DNG would establish a continuing research center to study problems, employing highly trained personnel in many fields. Urban blight, for example, is a question which calls into play the specialized knowledge of sociologists, economists, demographers, political scientists, health service workers, pedagogues, biologists (how do you get rid of rats?), psychologists—the list is virtually endless. In effect the DNG would be the employer of last resort for academicions as the WPA was for manual workers, but the benefits accruing to the nation would be vastly more far-reaching. The social ills that beset America will never be eliminated without the kind of massive moral commitment which we describe, and is any price too great to pay for an end to prejudice, for example?

If it falls within the capitalist ethic to pay U.S. senators, among others, not to grow cotton or alfalfa, we contend it is equally justifiable to pay professors not to teach. A kind of nationwide "brain bank" might be established, analogous to the soil bank which has existed for decades. Professors would be paid to keep themselves on reserve in case they were needed by the government; in the meantime they could pursue whatever research they wished during their extended sabbatical. Every two or three years they would have the option of returning to teaching, taking a job in the DNG or continuing in the brain bank. The total cost of such a program would be less than the annual expense currently underwritten by the government in supporting the soil bank and would serve to maintain a far more precious resource than corn or barley.

A utopian scheme? Quite possibly. But Social Security, Medicare, and other advances in social legislation were all similarly denounced while in the idea stage. And the unhappy alternative to governmental intervention is a steady decline in the quality of university instruction as class size continues to mount, a loss of self-esteem for thousands of "overtrained" savants reduced to driving taxis or working as plumbers' assistants, and an unpardonable reneging on the unwritten national promise to reward hard-won skills by utilizing them with humaneness and dignity in the common interest.

## TRADE DEFICIT AND OUR PRODUCTION-COST INFLATION

### HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. FISHER. Mr. Speaker, one of the Nation's most respected authorities on international trade is O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy. At a time when the Congress is dealing with this subject, a statement prepared by Mr. Strackbein on various aspects of this problem should be helpful.

The statement follows:

TRADE DEFICIT AND OUR PRODUCTION-COST INFLATION

(By O. R. Strackbein)

The trade deficit of 1972 at $6.4 billion was a rude reminder that governmental efforts to reverse our adverse trade trend were so far a failure. That the second devaluation of the dollar will be effective toward restoring our trade balance is doubtful.



The deficit, it should be made known, was much wider than our official trade statistics reflected. Our competitive position has been much weaker for some years than official import and export statistics revealed. Instead of a $6.4 billion deficit in 1972 our deficit in terms of private competitive foreign trade was in the magnitude of $13–$14 billion. Yet, even on the basis of our official statistics we swung from a surplus of $4.4 billion in 1967 to a deficit of $6.4 billion in 1972. This was a swing of nearly $11 billion in five years.

In 1972 our deficit with Japan was $4 billion according to our official statistics. However, that figure leaves out of account the cost of bringing our imports from Japan to this country. Total 1972 imports from Japan are shown at $9 billion. If the freight and marine insurance costs had been added, as they should have been, the deficit would have been that much higher. These charges were in the magnitude of some 20%, so that in 1972 our deficit was nearer $6 billion than the reported $4 billion in our trade with Japan. The swingabout was rapid. Even on the official basis our deficit in 1965 was only $334 million. In 1970 it was $1.2 billion and in 1972 $4 billion.

However, there are other areas of the world where our trade deficit is also large. Canada, for example, exported $2.5 billion more to us in 1972 than we sent to Canada. This was a record deficit, and was double our deficit in 1969.

We also had a record deficit in our trade with West Germany in 1972. It was $1.4 billion compared with $800 million in 1971 and $290 million in 1970. The rise, again, was rapid.

American industry has been accused by relative inefficiency in relation to the industry in the countries with which we suffer a deficit, other than Canada. Unquestionably productivity has risen more rapidly in Japan, West Germany and Italy than in the United States, but they were playing catch-up ball in terms of technology and their progress was measured from a lower base than ours. This is also true of wage rates, which is to say they rose faster in Japan etc., but here, too, they started from a much lower base. In dollars and cents our rates went up more than in those countries.

MAJOR CAUSE OF HIGHER U.S. COSTS

American wage levels are usually blamed for our higher costs but wage increases have had causes of their own, as we shall see, quite aside from collective bargaining.

Federal budgetary outlays, combined with those of the States, and Local government have mounted steeply in recent years. Since these outlays are outside of our productive system they inevitably increase the cost of production, just as do the outlays for national defense and veteran benefits, and, indeed all governmental expenditures.

It will therefore be enlightening to examine the trend in these outlays. The following Table gives the Federal, State and Local outlays for public social welfare programs over a period of years:

FEDERAL, STATE, AND LOCAL SOCIAL WELFARE EXPENDITURES UNDER PUBLIC PROGRAMS

[In millions of dollars]

| | 1950 | 1955 | 1960 | 1965 | 1970 | 1971 |
|---|---|---|---|---|---|---|
| Social insurance | 4,947 | 9,835 | 19,307 | 28,123 | 54,653 | 66,075 |
| Public aid | 2,496 | 3,003 | 4,101 | 6,283 | 16,476 | 21,819 |
| Health and medical | 2,064 | 3,103 | 4,464 | 6,246 | 9,568 | 10,620 |
| Veterans programs | 6,856 | 4,833 | 5,429 | 6,031 | 8,018 | 10,[illegible] |
| Education | 6,674 | 11,167 | 17,626 | 28,108 | 50,332 | 55,542 |
| Other social welfare | 448 | 619 | 1,139 | 2,066 | 4,605 | 5,302 |
| Total | 23,508 | 32,640 | 52,293 | 77,175 | 145,350 | 170,752 |

Source: Statistical Abstract of the United States, 1972, Table 451, p. 278.

In 1971 the Federal share of the total combined expenditures was an estimated $92 billion or 54.1%. In 1965 it was 66.4%. State and Local outlays have risen very rapidly.

From this table we can see the sharp increase in outlays for welfare programs in this country. From 1965 through 1971 the Federal outlay rose from $37 billion to $92 billion, or by nearly 150%. State and Local outlays increased from $39 billion in 1965 to $78 billion in 1971, or a doubling of the amount. The two combined (Federal and State and Local) rose from $77 billion in 1965 to $170 billion in 1971.

Expenditures for National Defense and Veterans Benefits also increased during this period, moving upward from $55.3 billion in 1965 to $89.1 billion in 1972. This was an increase of $33.8 billion or 60%.

Expenditures for welfare programs, like those for national defense, do not directly increase the output of goods in our factories, mines or from our farms. They therefore come to rest in our economy as costs that must be borne by the goods we do produce.

The next Table will show our expenditures for National Defense and Veteran Benefits, and their relation to the total Federal budget and to the Gross National Product:

DEFENSE EXPENDITURES—NATIONAL DEFENSE AND VETERAN BENEFITS

[Dollar amounts in billions]

| | 1950 | 1955 | 1960 | 1965 | 1970 | 1972 |
|---|---|---|---|---|---|---|
| Total Federal outlays | $43.1 | $68.5 | $92.2 | $118.4 | $196.8 | $236.6 |
| National defense and veterans benefits | 21.9 | 44.6 | 51.3 | 55.3 | 88.5 | 89.1 |
| National defense only | 13.1 | 40.2 | 45.9 | 49.5 | 80.2 | 78.9 |
| Percent of total Federal budget | 30.4 | 58.7 | 49.8 | 41.9 | 40.8 | 33.9 |
| National defense as percent of gross national product | 4.6 | 10.2 | 9.3 | 7.6 | 8.3 | 7.2 |

Source: Statistical Abstract 1972, table 397, p. 248.

At the height of the Viet Namese conflict national defense represented 45% of the total Federal budget and 9.7% of the Gross National Product. The 45% had, however, declined to 33% of the total budget in 1972 and to 7.2% of the GNP.

It is possible to relate these nonproductional expenditures to the output of our industries, agriculture and mines. The next table will show the gross product of our producing operations as represented by agriculture, mining, contract construction and manufacturing:

GROSS PRODUCT BY INDUSTRY

[In billions of dollars]

| | 1950 | 1955 | 1960 | 1965 | 1970 | 1971 | 1972 |
|---|---|---|---|---|---|---|---|
| Agriculture | 20.8 | 19.8 | 21.7 | 25.4 | 30.8 | 26.5 | 29.1 |
| Mining | 9.2 | 12.3 | 12.7 | 13.5 | 16.89 | 54.2 | 57.8 |
| Contract Construction | 12.7 | 18.0 | 22.7 | 31.6 | 45.84 | | |
| Manufacturing | 83.8 | 120.8 | 144.4 | 198.5 | 253.2 | 223.2 | 248.4 |
| Total | 126.5 | 170.4 | 201.5 | 269.0 | 346.6 | 303.9 | 335.2 |

Source: Statistical Abstract, United States 1972, table 511, p. 314; "Survey of Current Business," March 1973, table 7, p. 15.

From this table we see an increase in the gross product of our producing operations from $260 billion in 1965 to $303 billion in the recession year 1971, or $34 billion. This was an expansion of 12.6% whereas the expenditure for social welfare programs, Federal, State and Local, rose by $93 billion or by 120%. If the increase in Defense expenditures is added the $93 billion grows to $127 billion or nearly four times as much as the $34 billion increase in the industrial sector. (72 State and local expenditures not on hand.)

In other words, as a consequence of these rising expenditures our industrial sector was

made to carry an added burden of $127 billion in 1972 beyond the burden it carried in 1965. Except for rising productivity and population increase this burden came to rest on the industrial sector as that much additional cost of production.

In the next table the cost of our social welfare programs is compared with the gross product of the industrial sector (including agriculture, mining and contract construction as well as manufacturing):

FEDERAL, STATE, AND LOCAL SOCIAL WELFARE EXPENDITURES UNDER PUBLIC PROGRAMS AS PERCENT OF THE GROSS PRODUCT OF INDUSTRY

[Dollar amounts in billions]

| | 1950 | 1955 | 1960 | 1965 | 1970 | 1971 |
|---|---|---|---|---|---|---|
| Gross product of industry | $126.5 | $170.9 | $201.5 | $269.0 | $346.6 | $303.7 |
| Social welfare expenditures, Federal, and State, and local | 25.3 | 32.6 | 52.3 | 77.1 | 145.3 | 170.3 |
| Percent of social welfare outlays to gross product of industry | 20.0 | 19.1 | 25.8 | 28.9 | 41.9 | 56.2 |

Source: Statistical Abstract 1972, table 511, p. 314, p. 278. "Survey of Current Business," March 1973, table 7, p. 13.

Here we merely have an affirmation of what the previous Tables demonstrated, namely that the social welfare expenditures were running very fast compared with the growth of the industrial sector. This fact of itself would forecast higher costs of production. From 28.9% of the gross industrial product in 1965 the social welfare expenditures rose to 56.3% in 1971, a veritable doubling in the proportion.

The following table will show the relation of Defense and Veteran outlays to our gross industrial product:

DEFENSE EXPENDITURES, INCLUDING VETERANS BENEFIT AS PERCENT OF GROSS PRODUCT OF INDUSTRY

[Dollar amounts in billions]

| | 1950 | 1955 | 1960 | 1965 | 1970 | 1972 |
|---|---|---|---|---|---|---|
| Gross product of industry | $126.5 | $170.9 | $201.5 | $269.0 | $346.6 | $335.2 |
| Defense and veterans expenditures | 21.9 | 44.6 | 51.3 | 55.3 | 88.9 | 89.1 |
| As percent of gross product of industry | 17.3 | 26.2 | 25.0 | 20.5 | 25.6 | 26.6 |

Source: Statistical Abstract 1972, table 397, p. 248; Survey of Current Business, March 1973, table 7, p. 15.

Our defense and veterans outlay was 26.6% of our industrial product in 1972.

We next combine defense and veterans outlays with the outlay for social welfare and compare the combination with the gross industrial product.

SOCIAL WELFARE EXPENDITURES, FEDERAL, STATE, AND LOCAL DEFENSE EXPENDITURES, PLUS INCLUDING VETERANS' BENEFITS AS PERCENT OF GROSS PRODUCT OF INDUSTRY

[Dollar amounts in billions]

| | 1950 | 1955 | 1960 | 1965 | 1970 | 1971 |
|---|---|---|---|---|---|---|
| 1. Social welfare and defense expenditures | $45.1 | $77.2 | $103.5 | $132.4 | $234.2 | $259.8 |
| 2. Gross product of industry | 126.5 | 170.9 | 201.5 | 269.0 | 346.6 | 303.2 |
| Percent line 1 is of line 2 | 35.9 | 45.0 | 51.3 | 51.0 | 67.6 | 85.6 |

Source: Statistical Abstract, 1972, table 451, p. 278; table 511, p. 314; "Survey of Current Business," March 1973, table 7, p. 13.

This table shows the 1971 expenditures for social welfare, Defense and Veterans benefits, to be equal to 85.6% of the product of industry or well over half again as high a proportion as in 1965. Naturally our production costs snowballed and our competitiveness in world markets declined.

These several tables, of course, leave out other public expenditures of our government, Federal and non-Federal. These have also increased.

Total expenditures, Federal, State and Local, in 1965 were $186.9 billion. In 1971 they had risen to $341 billion; and, of course, ran to a still higher level in 1972 and will go upward yet farther in 1973. The Federal expenditures alone in 1972 exceeded those of 1971 by $20 billion and will increase by some $35–$40 billion more in 1973, reaching some $368 billion. State and Local expenditures have also increased since 1971. These galloping increases were the forerunners of our rising deficits in foreign trade.

The effect of the outlays on production costs should, of course, have been foreseen. The increase in total public expenditures from 1965 to 1971 was $155 billion, or equal to half the total gross industrial product. A simplistic but quite correct conclusion would be that wages would rise in the order of 50% since those who work at production carry the burden of the outlay for public employees. As previously noted, however, rising productivity would offset the higher costs of production to some extent.

Average wages in the manufacturing establishments did rise from $2.62 per hour in July 1965 to $3.56 in 1971. This was an increase of 36%. Output per man-hour increased from 98.3 in manufacturing in 1965 to 111.6 in 1971 where 1967 equals 100. This was a rise of 13.5%; and would be expected to retard the increase in production cost attributable to wages to that extent. By March 1973 the average hourly manufacturing wage was $3.97, or still upward, as public expenditures also continued to rise. The latter, indeed, would be expected to generate the rise in wages.

EFFECT OF PUBLIC OUTLAYS ON PRODUCTION COSTS

If doubt exists about the effect of public outlays for non-productional activities, such as social welfare and national defense, it may help to use an example. Let us say that 1,000,000 are employed at producing all that we eat, wear, live in, move around in, i.e., all the consumer goods that we use plus all the capital goods needed to produce these goods; and, again, let us assume that this total employment produces $10 billion worth of such goods.

Employee compensation, let us say, would be $7.5 billion. Then let us assume further that there were no government outlays of any kind. (Actually in 1972 the number of governmental workers, Federal, State and Local was 13.29 million. The number employed in manufacturing, agriculture, mining and contract construction was 26.5 million. In other words, government workers number 50% of those employed in the private industry field.)

Now make a switch and assume that alongside of the million workers in the field of production were 500,000 governmental workers. The total employment would therefore be 1,500,000 in these two groups. We would now have 1,500,000 producing what the 1,000,000 produced before, so to speak. The added 500,000 would not increase the product of the million workers, although there might be some roundabout increase in production because of governmental services. These 500,000 governmental workers, let us assume further, would be paid as much per capita as the production workers in industry. Their wages would then be $3.75 billion per year. This would bring the total wage bill to $11,250 billion ($7.5 billion plus $3,750 billion).

With the volume of goods remaining the same, or virtually so, the cost would rise 50%, or more or less, if labor compensation was not to fall behind. This is to say wages must rise 50% minus the amount that productivity had increased. There was an actual increase in manufacturing wages of 36% (i.e., from $2.62 in 1965 to $3.56 per hour in 1971). Productivity, as we saw, had increased 13.5%. This must be deducted from the 50% if costs were to remain steady. The 50% would thus be reduced to some 36.5% or equal the actual wage rise. (Sources: Stat. Abs., 1972, Table 361, p. 223; Table 965, p. 585; Survey of Current Business, December 1965, p. S–15 and March, 1973, p. S–15.)

Should governmental employment as assumed in the example, continue to rise, perhaps reaching 1,000,000 workers in a decade while industrial employment remained steady, the public outlay for employees would be as high as in the private industrial field. The total bill for employee compensation would then be $15 billion, and the goods produced would cost twice as much as they would if governmental employment were zero. This is simply to say that a relative increase in governmental outlay in relation to the level of production of goods, will also increase the cost of the goods. The relationship would approximate our calculation but would vary according to productivity of the workers in the private production sector. No precise mathematical relationship should be expected.

Consumer prices, moreover, rose at a similar magnitude, with some time lag as might be expected. In 1965 the consumer price index, where 1967 equals 100, stood at 94.5. In 1971 it had risen to 121.3. From there it continued upward to 128.6 in February 1973.

The increase in 1971 had been 28.3% over 1965. By February 1973 it had risen by 36%. This, once more, was in keeping with the rise in wages (taking into account the time lag of price increases) and the increase in governmental employment, which rose 33%, from 1965 to 1972. While wages had risen by 50% the accompanying rise in productivity, which was 13.5%, as already noted, should have retarded the increase in production cost. (See Stat. Abs., 1972, Table 565, p. 348, and Sur. of Cur. Bus., March 1973, p. S–8).

IMPORT COMPETITION

As we face import competition increasing costs in this country greatly affect our competitive standing. Inasmuch as employee compensation represents from 75% to 80% of corporate cost of its product output, any factor that increases wages substantially also increases costs substantially unless productivity also increases in proportion. The cost of government greatly affects production costs for reasons already set forth.

The next Table gives the number of employees in the productional activities of the private economy and in the government, Federal, State and Local:

EMPLOYMENT—1965–72

[In thousands]

| | 1965 | 1972 |
|---|---|---|
| Agriculture | 4,761 | 3,472 |
| Mining | 638 | 607 |
| Contract construction | 3,178 | 3,521 |
| Manufacturing | 18,105 | 18,933 |
| Total | 26,682 | 26,533 |
| Government, Federal, State, local | 9,942 | 13,290 |

Source: (Survey of Current Business, December 1965, pp S–12, 13; March 1973, p. S–13).

Notable in this Table is the stationary character of employment in the industrial sector (as assumed in one of our examples) (26,682,000 in 1965 and 26,533,000 in 1972), while public civilian employment increased from 9,942,000 to 13,290,000 in the same period, an increase of 3,348,000 or 33%. Public employment, in other words, rose from 37% of the number employed in the industrial sector in 1965 to 50% in 1972. Other things being equal production costs should have risen an average of 50%, subject, to repeat, to the offsetting affect of rising productivity. (From 1965–1971 employment in wholesaling and retailing and in the service industries, such as medical, hotels, laundries, motion pictures, etc., increased 24%, thus adding further cost burdens).

CONCLUSION

The extent to which we are committed to such high governmental expenditures so long will we need restrictions on imports. These are advantaged by low foreign wages compared with our own and by the great rise in productivity in other industrial countries, guided by our technology. When our outlays for social welfare, defense, etc. rise more sharply than the foreign we suffer a competitive disadvantage. Our industries, agriculture and mines will find foreign competition insuperable as long as foreign wages continue to lag woefully, thus retarding the purchasing power at home that would reduce dependence on exports, and as long as foreign productivity continues to rise faster than ours as their technology advances toward our level.

Realignment of currencies under the circumstances should be regarded only as temporary expedients, not as long-range remedies.

If our rising public expenditures are to continue, import quotas as a means of containing the damage that imports inflict on our production represent the better instrument of regulation. Quotas may be designed to be both flexible and adjustable in keeping with needs and conditions confronting different industries. As a regulatory instrument they are the most manageable and responsive of the various alternatives.





## RARICK REPORTS TO HIS PEOPLE: THE FEDERAL POLICEMAN, SPEAK SOFTLY AND CARRY A COMPLIANCE GUIDELINE

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. RARICK. Mr. Speaker, a month or so ago the Federal Bureau of Investigation gave the American public the good news that for the first time in 17 years, crime in the United States declined. Even though the drop was slight, just 3 percent, it was hailed at all levels as some sort of major breakthrough in law enforcement. The U.S. Attorney General heralded it "a day we have been looking forward to for many years."

Certainly, any reduction in the soaring crime rate in this country should be welcomed. But if we look a bit more closely at the report, there is more cause for alarm than rejoicing.

While property crimes, those involving burglary, auto theft and theft of more than $50, did take a slight dip, violent crimes are still on the rise. Murder was up 4 percent, rape up 11 percent, and assault up 6 percent. Robbery was the only crime of violence that was down during 1972—and then only 4 percent. Crimes that people fear most, violent attacks on their physical person, still pose a threat to their safety and well-being.

The former executive director of the President's Crime Commission said:

The real test (in crime reduction) is whether people in any city feel safer than 1, 3 or even 5 years ago.

His conclusion, and the feeling of many people across the country, is NO. People still do not feel it safe to walk the streets of our cities at night.

Another significant part of the FBI's 1972 crime picture was that while serious criminal activity was going down in the large metropolitan cities, it was making gains in the suburbs and in rural areas. Several explanations have been offered as to why this is true.

One theory is that crime in the cities has simply peaked, and suburbs offer richer pickings. Another is that brighter street lighting and more visible police patrols are driving people out of the inner cities to commit their crimes in the surrounding areas.

As with most statistics, crime figures are susceptible to manipulation. A much more accurate gage of crime in our cities are the daily headlines that continue to bombast us with reports of violent crimes and lawlessness. Considerable controversy surrounds much of the crime reporting, especially in light of the pressure that police agencies are under from bureaucratic funding agencies to make federally funded programs look good on paper. Suspensions have been raised in several areas of under-reporting of crime.

Pressure from Washington is being exerted over local law enforcement agencies to an increasing degree. Congress funded and set up the multi-billion-dollar, string-pulling bureaucracy called the Law Enforcement Assistance Administration in 1970. Under political pressure from the people back home to "do something about rising crime," Congress responded with a heavy dose of Federal money and Federal control of local police activities. The political impulse always seems to be to do something, even if it is wrong. Massive expenditures of Federal money has really done little to make our streets any safer from the criminal element that roams them—protected by defacto Supreme Court decisions and LEAA guidelines that tie the hands of the police. What the flow of funds from the LEAA has accomplished is to condition local police departments to expect Federal money and to expand their budgets with these additional funds. The money, rather than upgrading law and order to combat crime at the local level, has been used as a level to force compliance with Washington bureaucratic edict.

New guidelines continue to handcuff police and do nothing related to crime in the conventional sense. The LEAA leadership is more concerned with experimenting with theories of social justice and favorable news reports than with giving the American people a top-notch, effective police force. According to a late edict from LEAA published in the FEDERAL REGISTER, continued funding of local police programs has nothing to do with whether or not the local authorities have taken positive action to control crime or make our streets safe. Now our police departments are threatened with the cutting off of Federal funds if they do not hire short people.

The LEAA says now that minimum height requirement used by most departments across the country are discriminatory in that employment opportunity may be denied to many Puerto Ricans, Mexican Americans, Japanese Americans, and women because they are not tall enough. In the same order, State and local law enforcement agencies were instructed to take special steps to recruit minorities to work in jails and prisons "even if they are located in suburbs or rural areas where minorities do not live." The directive did not explain how this would be accomplished. However, it may be presumed that busing of the new recruits may be ordered to achieve this "minority balance" the bureaucrats desire.

The nearly $1 billion that the LEAA will dole out to 40,000 federally con-

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trolled police departments, correctional institutions and courts across the country is moving us toward a nationally controlled police force. The new breed of Washington oriented policeman has been dubbed the "Fed-Cop". "Un-police" may be more appropriate, since much of the money and efforts are spent on non-police related activities.

Our police departments are being used for sociological experimentation not only by the Federal Government, but such progressives as the tax-exempt Ford Foundation are now getting into the act. In the summer of 1970, the Ford Foundation launched the Police Foundation with a $30 million allocation and a 5-year plan to effect change in existing law enforcement procedures.

Since 1971 the Police Foundation has spent about $6.6 million in a wide range of tax-free foundation-directed programs. In the Foundation's progress report called Experiments in Police Improvements, the aim of the huge amounts of spending is described as developing "better ways of doing the police job and to promote police and public support of those ideas and practice." So, not only is the Ford Foundation money going to experiment with ways to change the present system of police activity, it is also being spent as a public relations tool to lobby for implementing those experiments into law.

For the Ford Foundation to get into the area of "improving" police activities is in itself a paradox. It looks as if now the Ford Foundation is working both sides of the law and order street. In the past, tax-free money from this Foundation has found its way into the bank accounts of a number of radical groups whose subversive activities have been directed against the police to evade law and order. The same source of money that financed street demonstrations and the anti-police activities of the last few years, is now being used for the announced purpose of funding better law and order techniques. Rather than implementing the public's demand for sterner law enforcement, the programs of the Police Foundation are aimed at liberal changes which are of questionable value.

The Ford Foundation's staff has been nosing around over 100 major police and sheriff's departments with seed money in hand. And a number of departments have taken the bait. But as with Federal money, tax-free Foundation money also carries with it strings of control.

In many of the cities which have accepted Police Foundation money, advisors and controls, the local police officers have assumed more the role of social engineer and tour director with their activities directed by college professors and other "eminently qualified educators." One "police recruitment of new kinds of people: women, non-law enforcement college graduates, minorities and civilian professionals and technicians." Management experts and psychologists are becoming the new prototype of the Un-Police.

Department management by people trained in law enforcement work is being criticized as "undermining both the quality of police forces and their delivery of police services." Not only is the Foundation attempting to recruit "new kinds of people," but "to develop new selection systems for police officers, to provide new promotion and lateral entry opportunities for police administrators." What this "lateral entry" has meant in Dallas and some other cities that have taken foundation money and accepted the programs, is that outside authorities and social scientists have been brought in to make department policy.

Dallas police officers are being trained by "eminently qualified educators" at SMU under yet another police foundation grant. Rather than being a policeman to enforce laws enacted by the authorized legislative body of Texas, the new Fed-Cops are "visualized as elite team of diagnosticians, general practitioners and specialists who treat social ills" within the community.

The foundation experts admit that "key foundation project personnel can be given regular status within the municipal civil service, personnel and pension systems." This "lateral entry" of non-law enforcement experts into police ranks in upper management positions is supposed to free the cop on the beat to do a more effective job of enforcing the laws. More police will be in the field while the unexperienced experts carry out policy and guidelines from the Police Foundation and the taxpayers subsidized Law Enforcement Assistance Administration.

But, rather than being allowed and encouraged to do the job that the citizens expect from the police, the new un-policeman is pressed into playing the role of social worker and public apologist to the lawbreaker. Public attitudes must be changed before the new Fed-Cop is fully accepted, the Police Foundation admits. It is presently spending some more of its tax-exempt money to look for some system of new measures which can substantially change police and public ideas about what good police performance is.

Reducing the rising rate of violent crimes in this country is evidently not accepted as a proper measurement. "Experiments in Police Improvements" admits that the Police Foundation "is now trying to develop formal alternatives to arrest, booking and prosecution" of lawbreakers. What the foundation is attempting is to deceive the public into believing that black is white and that crime is being curbed by not arresting those who commit the crimes.

What federally controlled police programs, as well as those dictated by foundations, boils down to is that our police are expected to be a nonfighter of crime at a time when law enforcement by the courts is at an all time high in permissiveness. Our police are being told to "speak softly and carry a big law book." In fact, it has been suggested by experts that if we abolish the crimes there will be no criminals. This way the police can show a crime reduction.

Police power under the Constitution, with rare exception, has historically been reserved for the State and local governments under the guardian eye of the local citizen where it should be. I am reminded of a statement made a number of years ago by former FBI Director J. Edgar Hoover, when he warned against Federal control of police.

America has no place, nor does it need a national police force. Effective law enforcement is basically a local responsibility. Law-abiding citizens and local officials should vigorously oppose attacks against law enforcement and the devious moves to negate local authorities and replace it with Federal police power.

Now, more than ever before, our local police need strong support from local citizens if they are to remain independent and to carry out the mission of retaining law and order.

If you want to keep your local police yours—then defend them and cooperate with them fully. Your local police wear a gun so that you do not need to.

## DR. WLADISLAW KOLAKOWSKI RECEIVED THE GRAND CROSS OF THE ELOY ALFARO INTERNATIONAL FOUNDATION OF THE REPUBLIC OF PANAMA

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. WOLFF. Mr. Speaker, one of my constituents, Dr. Wladislaw Kolakowski, editor and publisher of the "Copernicus Portfolio," celebrating the 500th anniversary of the birth of Nicolaus Copernicus, has been honored by the Eloy Alfaro International Foundation of the Republic of Panama, with the top honor—the Grand Cross and Diploma, "in recognition of his outstanding contribution to mankind in the field of science and humanities, in keeping with the aims, ideals, principles and purposes of the Eloy Alfaro International Foundation of the Republic of Panama."

Among the group of distinguished individuals who have been similarly honored in the past are: former Presidents Franklin D. Roosevelt, Herbert Hoover, Dwight D. Eisenhower, Vice President SPIRO AGNEW, Senator HUMPHREY, Governor Nelson A. Rockefeller, Governor Harriman, Senators MANSFIELD, J. WILLIAM FULBRIGHT, SYMINGTON, President Kennedy, President Nixon, President Truman, who typify the caliber of those individuals holding this high honor.

I, too, was honored by the Eloy Alfaro International Foundation in Washington, D.C., with the former Speaker, Mr. McCormack making the investiture, several years ago.

Dr. Kolakowski is actively participating in the quincentennial observances. As chairman of the Copernicus Portfolio Committee, he has prepared historical documentation to enable all levels of our society to enjoy and understand the achievements of Nicolaus Copernicus.

The Portfolio presently consists of six lithographs, beautifully and artistically done. The contribution of Copernicus to our space exploration and scientific accomplishments cannot be overestimated, and the recognition being given to this pioneer, the father of modern science, is reflected in these art work.

The Copernicus Portfolio had its beginning in the National Shrine of Our Lady Of Czestochowa, Pauline Fathers, Iron Hill and Ferry Road, Doylestown, Pa., where Dr. Wladislaw Kolakowski received encouragement and inspiration from Very Reverend Michael M. Zembrzuski, O.S.P. Vicar General-Director, who was then in charge of national Copernicus activities.

The Copernicus Portfolio has been given distinguished acknowledgements from such personages as President Nixon, Kurt Waldheim, Secretary-General of the United Nations, and has received an Apostolic Blessing from Pope Paulus VI.

The Trade Mark insignia "Quincentennial of Copernicus 1473–1973" for the project Copernicus Portfolio, originated by Dr. W. Kolakowski, was adopted in the form of a stylized globe of the world on which is superimposed the face of Nicolaus Copernicus, to signify the influence of Copernicus on the world. The theme of the insignia will be recurrent throughout the entire project of the Copernicus Portfolio.

Dr. Wladislaw Kolakowski, born in Baltimore, Md. holds honorary degrees from London College of Applied Science, doctor of business administration; Sheffield University, London, doctor of economy; University Degli Studi "CD," Rome, consular degree. He is a professional philatelist, member of the leading philatelic societies, has published over 100 works, received the Bronze Medal for his "Groszy Overprints" research book in 1956 at the International Philatelic Exhibition in Literature in New York. He is a member of the United Nations Association, a Consul, Knights of Malta, received the C.I.S.C.A.—International Guild of the Star and Silver Cross—Grand Cross with four stars from Pope John XXIII, and for his work on the Copernicus Portfolio, was awarded an honorary doctor of fine art degree from Marconi University in Italy. Alliance College, Cambridge Springs, Pa., present location of the National Copernicus Committee, has endorsed the Copernicus Portfolio in its February 1973 issue of Copernicus Newsletter, as follows:

The value and importance of the Copernicus Portfolio is inestimable as a visual record for future generations, of the progress of our times. Descriptive illustrations recording important events of the past, present and knowledgeable predictions making up the Copernicus Portfolio will be released from time to time at irregular intervals, closing the era of 500 years, on January 1, 1974.

## MORE SUPPORT FOR ALL-YEAR DAYLIGHT TIME

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. HOSMER. Mr. Speaker, I am pleased to share with the membership the following support for what is coming to be known as "Enlightened Time." It is all year daylight saving time, the subject of editorial support by KNXT which serves the Los Angeles-Long Beach metropolitan area. KNXT's editorial screened on April 28 and 29 follows:

YEAR-ROUND DAYLIGHT SAVING TIME

(Broadcast: April 28 and 29, 1973)

Tonight, we will all turn our clocks ahead one hour and go on daylight saving time. In other words, if you go to bed at midnight, be sure to set your clock to 1 AM. But where was daylight saving when we needed it all winter?

During the past few months, while a major energy crisis began to develop, we had to turn our lights on an hour early in the evening, because we did not have daylight saving time. When days were short, we battled traffic going home after dark, instead of doing it more safely in daylight.

Furthermore, twice a year we have to go through this confusion of "spring behind, fall ahead"—or whatever the slogan is that tells us which way to reset all the clocks in the house.

Congressman Craig Hosmer and more than two dozen others in the House are sponsoring a bill to establish year-round saving time, and it's a good idea.

Hosmer said it would reduce crime, reduce traffic accidents, save electricity and fuel, and give us more time for outdoor recreation. That's a lot of benefit for a relatively easy change. All we have to do is set the clock ahead an hour and leave it there all year round.

This is an idea long talked about. Maybe now the energy crisis will help bring it to life. It can happen if you let your Congressman know that you support daylight saving all year long.

## TWENTY-FIFTH ANNIVERSARY OF ISRAEL

### HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. REES. Mr. Speaker, I would like to take this time to add my sentiments of joy to those expressed on the occasion of the 25th anniversary of the State of Israel.

Israel today is a nation which exemplifies its creation, born of the same spirit which has kept alive the Jewish people. Oppression has, rather than diminishing the Jew's will to survive, strengthened it and fostered the spirit of nationhood. It is a spirit of independence, graced by a love of learning and a respect for history. This spirit has built a nation and produced leaders and scholars equal to the task of guiding it. While 25 years is but a moment in the scope of Jewish history, these past two and a half decades have seen the fulfillment of the Biblical injunction, "Next year in Jerusalem."

Yet the Israeli experience is still an experiment in nationhood. Seldom has a country asked so little from the community of nations and been so dependent upon its own human and material resources of support; and never, in the history of mankind, has its success been so pronounced.

Mr. Speaker, I think we, through our actions of support for the State of Israel, can insure that the experiment of the past 25 years will continue, and in so doing, promote the qualities of nationhood—courage and justice—which Israel embodies.

Time, I think, is on Israel's side. So long as the spirit which created the Jewish state endures, Israel will serve as a homeland to Jew and non-Jew alike.

## THE ATLANTIC UNION RESOLUTION

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. CRANE. Mr. Speaker, Virginia Czuba, a senior at Maria High School in Chicago, Ill., participated in the Washington workshops program last month. As part of her assignment, she researched the question of the Atlantic Union resolution. Students of today, recognizing that they will be the leaders of tomorrow, have a keen interest in decisions which will affect the future of our country and the world. I am pleased to share with the Members this very interesting and impressive report by a talented young student:

THE ATLANTIC UNION RESOLUTION

(By Virginia Czuba)

The Atlantic Union Resolution is the latest in a series of attempts to form a single world government. Many early sovereigns, among whom are Caesar Augustus, Alexander the Great, and Napoleon Bonaparte, sought conquest of other nations and acquisition of a single world-encompassing empire. The idea developed through time into colonization and imperialism. Yet once the world became totally known to man, the idea lay fallow.

A new awareness of the one-world concept was brought about by President Woodrow Wilson. President Wilson advocated a League of Nations to preserve post-World War I peace. However, critics in the Senate prevented United States participation, and the League, possessing only nominal jurisdiction, collapsed.

But other Americans carried forth the idea of a world union. Wendell Wilkie, in 1943, wrote *One World*, a ringing declaration of the need for international cooperation and understanding. Though the book was a best-seller, the United States was involved in World War II, and neither time nor funds were available to develop such an idea. He continued to fight for his theory, and succeeded in coercing the Republicans to publicly support a postwar pence organization.

Willkie saw partial fulfillment of this dream when World War II ended in August, 1945. The United Nations was formed to preserve international peace and security and to provide a forum for diplomatic discussions. One of the component parts, the International Court of Justice, was planned to settle disputes between member nations. But the UN could not singlehandedly stop Soviet Russia's desire for more land. The European nations watched with increasing alarm as the Soviet Union expanded westward into Europe. They sought to block this expansion in a way more definite than any that the United Nations could provide. Thus, the North European nations and the United States and Canada met in April, 1949, and signed the North Atlantic Treaty, forming NATO.

The NATO Treaty reaffirms the Charter of the United Nations, but advances to unite



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the North Atlantic nations in a closer economic and military unit. The Treaty's focal point is the defense of the 16 member nations. (This number has since been reduced to 14.) The Treaty states the particular reason for the Organization in Article 5:

"The parties agree that an armed attack against one or more of them in Europe shall be considered an attack against them all."

As a demonstration of their close affiliation with the UN, the NATO members agreed to proceed to the UN Security Council and let it decide upon the action to be taken.

NATO is also an attempt at "economic collaboration".[1] It hopes to open free trade routes between the member nations, and provide stability to the currencies of each. In addition, the Treaty provides for the establishment of a NATO Council to guarantee the execution and enforcement of every point in the Treaty.

As the world progressed through the 50's and into the 60's, the industrial nations of the free world desired additional economic stability. The Common Market experiment was conducted by 6 European powers in 1957, and the result became known as the European Economic Community. (Their number has since increased to 10.) The purpose of the EEC, or Common Market as it is generally referred to, is to provide for an increased, stable economy by opening all European markets to all European goods. This has easily been accomplished by the removal of all intra-Market commercial barriers.

The Organization for Economic Cooperation and Development (OECD) strove for goals similar to those of the EEC, but the OECD was primarily established in the interest of expanded industry. Formed in 1961, it is an attempt by the free-world industrial nations to raise economic growth, rate of employment, and standards of living to the highest levels possible.

During the post-World War II years, the United States Congress became increasingly aware of the strong economic, cultural, and democratic ties between the European nations and the United States. These ties covered areas above and beyond the commonalities of either the UN or NATO. Clarence K. Streit, aware of the criticism that the UN was receiving as early as 1948, proposed the Union of Atlantic nations into one supra-national government. As both the UN and NATO seemed to be losing their binding force and power, proponents of the Atlantic Resolution kept it alive in Congress.

As Clarence Streit moved on to become the founder of the International Movement for Atlantic Union, the new Representative from Illinois succeeded him. In 1960, Paul Findley began championing the Atlantic Union cause, and continues to do so even at the present time.

The Resolution, which has appeared in any number of instances during any one year, authorizes the creation of an Atlantic Union delegation. The 18-member delegation is to be chosen by the President, the President of the Senate, and the Speaker of the House, each man choosing six. There is to be no official instruction given to any delegate, in order to provide flexibility to the convention. These delegates will meet with similar delegations in an Atlantic Convention, designed to explore the possibilities of such a Union. This Union would take the place of NATO, and would be founded on basic Federal principles.

At this time, the Resolution needs further clarification. The member nations must have two prerequisites: 1) They must recognize the inherent individual liberties of each of their citizens. This is an assurance that the nations involved are acting in the interest of the citizens and not as a satiation of their desire for more power or territory. 2) They must have a parliamentary form of government. This stipulation rules out all those nations which are democratic in name but oligarchic in form.

*Federal principles* means that each nation must be willing to give up a certain amount of its sovereignty in order to cooperate in the proposed parliamentary government. Each government would be subject to the laws and decisions of the Union government, and would be represented in the Union in much the same way as the dual-House government of the US.

Representative Findley (R.-Ill.), along with the other supporters of the Union, view the Resolution as the solution to many problems. Economic instability plagues most of the Atlantic nations; Communism continues to spread; nuclear arms increase in number on the Sino-Soviet frontier. Nothing can be done about these problems by either the UN or NATO because they lack the binding force necessary to impose decisions on member nations.

Mr Findley and his followers contend that the Atlantic Union will provide that missing force, and will increase the total strength and effectiveness of the world democracies. They do not feel that there will be any friction between the United States and Europe. In fact, they contend that:

"(the Europeans) recognize full well that our presence in Europe is a very important stabilizing factor in the relationships between East and West."[2]

They also are of the opinion that the combined economies of the industrial nations of North America and Europe will stabilize the world's economy. The total assets in gold of the Union would equal $27.9 billion, while the foreign claims on Union gold would be reduced to $20.7 billion. The intra-Union trade and the combined gold reserves would greatly reduce the foreign claims upon the members' gold supplies. Thus, the probability of a world-wide depression would be greatly reduced.[3]

Regarding the Sino-Soviet nuclear buildup, supporters of the Union contend that the combined democracies would constitute a very definite check on the two Communist powers. They agree that the combined nuclear strength of the proposed Union members is considerable, and that the two powers are unwilling to tangle with a third, possibly stronger government.

Peter H. Frelinghuysen (R., N.J.) and Edward J. Derwinski (R., Ill.) lead the House fight against the Resolution. Along with other members, they argue that the proposal should not even be considered at this time. Their arguments foNow.

Firstly, the nationalism in Europe is too strong to allow the transference of loyalties from the national to the supranational government. This is quite evident in DeGaulle's withdrawal of French troops from NATO in 1966. If France could not even feel a sense of loyalty to NATO, how could she be expected to freely surrender even more of her sovereignty to the Union government.

Secondly, the United States is greeted with suspicion in the European community. The European nations feel that joining in an organization with the United States is like asking for political and economic subservience. They fear that the U.S. will take away their European markets and decrease their economic status.

A second argument against the Resolution is that the decisions of the Union would be binding upon ALL members, regardless of their previous policies. This takes away a very large part of the nation's autonomy, a part that most nations are unwilling to part with.

Finally, Frelinghuysen charges that the appointment of the delegates by the three top government officials cast a semi-official aura about the delegation. In that way, the delegation loses its spontaniety, its flexibility, and becomes another hindrance to the Convention. In order for the delegation to properly perform its duties, the members *must* be able to follow their own convictions.

Mr. Derwinski supplies a workable solution to the crises in our peace organizations. He wrote a series of recommendations for the Foreign Affairs Committee (House) while serving as one of the members of the United Nations delegation from Sept. 22 to Dec. 21, 1972. Among the most worthy of mention here are:

"1. (It is recommended) that the United States press within the United Nations system for administrative and financial reform, including measures to speed the activities of the General Assembly.

2. The Department of State end its excessive control of the U.S. Mission to the United Nations thereby giving the U.S. Representative, the delegates, and the staff the flexibility to more effectively implement U.S. policy in the United Nations. When instructions are transmitted the Department should insure that such instructions are fully coordinated within the bureaucracy.

3. The Department of State should take positive action which is clearly necessary to end the comparative isolation of the U.S Mission to the United Nations from the policymaking machinery of the Department of State. A beginning could be made by requiring the Assistant Secretary of State for International Organization Affairs to be present in New York during the entire session of the General Assembly. This is his major responsibility . . ."[4]

In my opinion, the idea of an Atlantic Union has some merit and deserves further consideration—in about 15 more years. It seems that no country is ready to surrender precious self-government at this time, and will not be for some time.

It appalls me to think that no consideration has been given to the opinions of the nations other than those in Europe and North America. For example, how do the newly independent African nations feel about the monopoly on the world's wealth which will come about as a result of the Union? Has any provision been made to settle conflicting treaties within the Union? What about the UN? Will it become a puppet to the Union, inasmuch as the Union will have 15 votes? And, finally, is the Union itself a direct challenge to the authority of the UN?

I don't think that these questions are easily answered, nor are they easily ignored. I think that before any more proposals on the Atlantic Union are brought before the Congress, these questions Must be answered.

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[1] North Atlantic Treaty, Article 2.

[2] George S. Springsteen, Deputy Ass't. Sec'y. of State, appearing before the House Foreign Affairs Committee, Sept. 22, 1972.

[3] At the present time, the world claims upon US gold total $46 billion, while US reserves total only $10.9 billion. Thus, the instability rate is 4.2:1, with an even 1:1 being stable. It is evident, therefore, that unless something is done to alleviate the present U.S. financial strain, the nation will be plunged into another depression.

[4] Edward J. Derwinski, Report 76-079, May 31, 1972.



## HOUSE BUNGLED PRICE CONTROLS

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. HARRINGTON. Mr. Speaker, on April 16, the House of Representatives had the opportunity to mandate effective price controls when we considered the Economic Stabilization Act. Instead, we passed a straight extension of the President's authority to implement an economic stabilization program.

The wholesale price index rose by almost 25 percent on an annual basis in March, and the President has thus far refused to take the actions that will be required to get this significant problem under control.

In a situation like this, it might be a good idea for us all to pause and consider the reasons for our failure to pass the legislation the consumers and workers of this country need and want.

Mr. Albert Hunt recently had an article in the Wall Street Journal outlining what actually happened within the walls of the Congress, writing in detail about events with which few of our constituents are familiar. I insert that article in the RECORD at this time, both for my colleagues, and for any constituents who may be interested.

The article follows:

HOW THE DEMOCRATS BUNGLED THE PRICE ROLLBACK

(By Albert R. Hunt)

WASHINGTON.—On March 28, Cost of Living Council Director John Dunlop spent an uncomfortable morning with House Banking Committee Republicans. They told him that Phase 3 was in deep political trouble, that Congress was itching to legislate tougher price controls and that the administration seemed headed for a certain political defeat in the House.

Michigan's Garry Brown, one of the Congressmen present, remembers the admonitions. "We generally told him the administration's request for a simple extension of wage-price control authority was dead," he recalls.

Three weeks later, however, the simple extension of the Economic Stabilization Act requested by the administration, sailed through the House unscathed. All Democratic efforts to impose price ceilings and rollbacks, and to otherwise toughen up the controls program were defeated overwhelmingly.

The most common explanation for this surprising turnabout is that the House caved in to the business lobbyists who swarmed over Capitol Hill. And lobbying certainly was a key factor. But even more important was the bungling of the House Democrats. Without their political ineptitude, it's doubtful the administration could ever have won its victory.

Indeed, the Democratic defeat can serve as a case study of how intramural wrangling and weak leadership can sometimes turn certain victory into sharp defeat. Responsibility in this case must rest on the strife-ridden House Banking Committee, which managed to turn the legislation into a political liability, and House Speaker Carl Albert, who failed to lead effectively.

"Carl Albert was more concerned about getting votes for extending the west front of the Capitol than with the controls bill," says one bitter House Democrat. "That's real priorities for you."

"We never dreamed the Democrats could pull us through by fouling up so badly," confesses one administration official.

Initially, the controls legislation seemed tailor-made for White House foes in Congress. Phase 3 plainly wasn't working and the public clamor for tougher controls was growing by the day. The legislation would be considered right in the middle of the highly visible consumer meat boycott, and at a time when wholesale prices registered their most shocking rise in over 22 years.

The Nixon administration's own lobbyists were bringing back ever more gloomy news to their downtown bosses. The Senate had passed a bill imposing some mandatory rent controls, and inflation was heating up even more as the House took up the measure. "Realistically, we had given up on our simple extension," recalls one administration lobbyist. "Most of us felt the House was going to do something horrendous that would make the Senate bill look great in comparison."

Even Wilbur Mills, probably the shrewdest analyst of congressional sentiment, flatly predicted the House would approve severe price rollbacks and a freeze. When the House Banking Committee held hearings last month, most of its Democrats agreed on a bill that would roll back prices and interest rates to March 16 levels, then impose those levels as ceilings. Almost half the committee's Republicans also were anxious to approve a tough bill.

The bill, as drawn up by committee Democrats, had its share of problems. First, the freeze was to be of indefinite duration, and could be lifted by the President, on a case-by-case basis, only when he found it was causing "gross inequities." Then too, as originally written, the measure seemed likely to cause political and economic difficulties by including raw agricultural products and even market interest rates in the rollback. Further, the legislation encroached on the jurisdiction of other congressional committees in setting up a vast consumer counsel office and moving to regulate credit for commodity futures trading.

Despite all this, the legislation was given a fair chance of making it through the House—until the committee actually started to write the bill in public session. This, in an uproarious session, some committee members started competing to see who could sound and act the toughest in going after the "price gougers."

The clear winner was Chicago Democrat Frank Annunzio, who proposed rolling back all food prices to May 1, 1972, levels. With support from a few conservative Republicans anxious to kill the bill, and urban Democrats fearful of consumer protests, the panel approved this measure 23 to 11. Nobody was more surprised than Mr. Annunzio. "I never would have offered it, if I thought it would carry," he later admitted.

At this point, the House Democratic leadership stepped in. Realizing that such a severe measure never could pass the floor, Mr. Albert and others worked feverishly overnight with some committee members to repair the damage. The next day the Democrats endorsed a proposal which "only" rolled back all prices and interest rates to levels prevailing Jan. 10, the last day of Phase 2. "In that emotional atmosphere, we really believed this was a moderate proposal," recalls one distressed Democrat.

This version got through the banking panel, but immediately ran into a roadblock at the more conservative Rules Committee, which must clear all legislation for House action. Typically, the Democratic response was to quickly improvise a patchwork substitute that rolled back most prices and nonmarket interest rates to March 16 levels. This cleared the Rules Committee, but by this time the whole situation was in shambles.

"You have to be very sensitive when you start to formulate important legislation like this," notes Rep. Thomas Ashley (D., Ohio), a senior member of the banking panel. "When things start to go wrong, there tends to be a snowball effect. By the time we got this bill to the floor the damage was irreparable."

One of these insensitivities was the absolute exclusion of Republicans all along the way, even though a number of moderate and liberal GOP lawmakers favored a tough controls bill. These Republicans played almost no role in the Banking Committee's deliberations, and only at the last minute were they informed of the substitute bill before the Rules Committee. "We were never given a chance to vote for a viable alternative to Phase 3," complains Rep. Margaret Heckler (R., Mass.).

As a result, in an almost unprecedented show of unanimity, all House Republicans teamed up with a number of disgusted Democrats to defeat the substitute in a procedural vote and pave the way for the simple extension the President sought.

While the Banking Committee clearly mishandled the legislation, the House Democratic leadership did little to straighten things out. Although Speaker Albert and his cohorts said all along that the controls measure was a "priority" item for Democrats, the leadership permitted the situation to steadily deteriorate.

When House leaders finally did step in to try and correct the foulups, they vacillated back and forth between different strategies, ignoring the substance of any legislation. "The leadership has always let the committees handles these things and they just can't break this cord," complains Rep. Thomas Rees (D., Calif.).

It may be argued that Congress simply can't legislate effectively in an area so complex as specific controls covering the whole economy. If so, the leadership shouldn't have encouraged such a bill in the first place. In any event, once the legislative process begins, and a committee proves itself unable to deal with the complexities involved, then the function of effective leadership should be to straighten matters out.

But that isn't the way it worked this time, which points out a much bigger problem. Earlier in this session, the House Democratic leadership received deserved credit for pushing through important procedural changes, which were intended to promote a more effective and responsive House. But these leaders still lack any real program, even in such a gut Democratic area as economic controls.

As long as this is true, the White House will continue to win most of its battles with the Democratic Congress. With opponents like this, it's tough to lose.

## CONGRATULATING THE STATE OF ISRAEL ON ITS 25TH ANNIVERSARY

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. FREY. Mr. Speaker, I join my colleagues in congratulating the State of Israel on its 25th anniversary.

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Israel and its people represent a microcosm of the world, a representation of man's basic desire to live in freedom and the century-long struggle by the Jewish people to overcome all obstacles to achieve that freedom should stand as a symbol to all mankind.

It is refreshing, indeed, inspiring to know that after these many years of overcoming tremendous odds, the State of Israel is achieving its goal of freedom of religion and freedom to pursue a free and peaceful life.

The Jewish people have paid tremendous personal costs in their efforts to achieve a life with dignity and if Israel can do this as a small nation surely we can do likewise.

The success and freedom of the State of Israel and its efforts to insure an even better life for its people should be an inspiration and example to us all.

## WESLEY COMMUNITY HOUSE CELEBRATE 70TH ANNIVERSARY

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. MAZZOLI. Mr. Speaker, it is with a special sense of pride that I call the attention of the membership to the 70th anniversary of the Wesley Community House in Louisville, Ky.

Through its many years of service to the Louisville community, the Wesley Community House has made a unique and valuable contribution to the quality of life of all the individuals with whom it has worked.

Whether it be in the areas of transportation, housing, day care or recreational activities, this community house has earned a reputation for service and assistance to whomever was in need of its facilities.

Mr. Speaker, I ask that the article on the Wesley Community House which appeared in the April 27 issue of the Louisville Courier-Journal be printed at this point in the RECORD.

The article follows:

WESLEY COMMUNITY HOUSE TO MARK 70TH ANNIVERSARY

(By Yvonne Eaton)

When Wesley Community House marks its 70th anniversary with a special program Sunday, those attending may find that the needs of the community have changed throughout the years but the house's basic purpose has not.

"Trite as it may seem," Wesley House's purpose, said Miss Helen Mandlebaum, director, "is helping people help themselves—just being available" to help them.

Miss Mandlebaum, who has been with the agency since 1938 and has served as director for 15 years, recalled that in earlier years there was much emphasis on cooking and sewing, but "today anybody can bake a cake out of a package."

Today, housing in the community is a concern of the agency. Miss Mandlebaum said that Wesley Community House, 801-809 E. Washington, works closely with Butchertown, Inc., for better housing.

The immediate community served by Wesley House is an area roughly bounced by the Ohio River, Beargrass Creek, Broadway and Jackson, which includes Butchertown.

In recent months transportation has become a real need for older citizens, whom the agency did not serve so much in earlier years as it does now.

The neighborhood supermarket closed, Miss Mandlebaum said, which left senior citizens without a place to shop, and the area has no drugstore. So the agency began running a bus twice a month for groceries and medical supplies for senior citizens.

To help keep some youngsters in Woerner Junior High School, 1418 Morton, the agency has arranged for a small bus to transport between eight and 15 youngsters to school for the past five months.

When Wesley Community House was started in 1903 by the Board of City Missions of the Methodist Women's Home Mission Society of the Louisville Conference, it was a missionary-type settlement for the immediate neighborhood, but today people come from all over.

"Many come for the fun of coming" and participating in the social, recreational, cultural and educational activities offered by the agency, Miss Mandlebaum said. In 1973, there are 2,000 members—male and female—from all over Jefferson County, ranging in age from infants to senior citizens.

And the agency, she said, believes in "crossing all kinds of lines—economic, social, cultural and racial."

There are about 120 volunteers with diverse backgrounds coming each week to teach crafts to senior citizens, to provide transportation for senior citizens, to work with boys and girls, to help fill whatever need there is.

In addition to the volunteers, there are 35 full-time staff members and 19 part-time staff members. And three of the staff members live at Wesley Community House, which Miss Mandelbaum thinks is probably the only resident settlement in this part of the country now. Four other staff members live in the immediate community.

Still funded in part by the United Methodist Church, the agency now receives more than 65 per cent of its funds from Metro United Way. It also receives money from dues and fees which are paid, if a person can afford to pay.

The 1973 general budget, Miss Mandelbaum said, is $166,041. In addition, the agency has a budget of $94,352 for its day care center, which was begun in 1965 and which is funded largely through Metro United Way and Community Coordinated Child Care of Louisville and Jefferson County.

Wesley Community House also receives a $35,000 grant through the Kentucky Crime Commission to operate a group home at 817 E. Main.

Last year 354 campers used the facilities at Camp Merry Ledges, near Corydon, Ind., which the agency opened in 1956.

Since 1947 Wesley Community House has also had an extension program in a nearby neighborhood, and since 1950 this program has been conducted at Grace Immanuel United Church of Christ at 1612 Story Ave.

One of the agency's earliest organizations—the mothers club which began about 1905—is still in existence.

Not only have the programs expanded throughout the 70 years at Wesley Community House, but so have the facilities.

By 1907 the agency moved from 834 E. Jefferson to larger quarters at 809 E. Main, and then to its present location in 1925 where a gymnasium was built in 1928. In 1952, property directly behind Wesley House, on Shelby and Franklin, was given to the settlement for a playground.

In the earliest years the main emphasis was on work with women and children, although men attended the Sunday School and gospel services. But today, whatever the need, the agency seeks to meet it or to help a person establish contact with some agency which helps in the situation.

The 70th anniversary program Sunday, beginning at 3 p.m., at Wesley Community House, will center on the programs and services offered.

"We are still interested in helping people become better citizens," Miss Mandlebaum said.

## THE RETURNING VIETNAM VETERANS

### HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. HOWARD. Mr. Speaker, the March 1973 edition of the United Methodist Relay, the official publication of the United Methodist Church's New Jersey area featured a most informative article concerning our esteemed colleague, DOMINICK V. DANIELS of the 14th District of New Jersey and a speech he gave on Sunday, February 11 at the Trinity United Methodist Church of Jersey City on the subject of the returning Vietnam veteran. All of us know that Mr. DANIELS has played a leading role in programs designed to benefit Vietnam era veterans and as chairman of the Select Labor Subcommittee he had written special provisions into his manpower bill for these veterans.

His views are so valuable that I ask that article alluded to be inserted following my remarks. I know that all Members of this House will find Mr. DANIELS' views of interest.

The article follows:

HON. DOMINICK DANIELS SPEAKS AT TRINITY ON RETURNING GI'S

NNJ.—On Sunday morning, Feb. 11, the congregation of Trinity Church, Jersey City, welcomed to its service the Hon. Dominick Daniels, local congressional representative. Mr. Daniels came in response to the invitation of the Rev. David A. Winslow, the minister.

Rep. Daniels chose the day before the release of the first American POW's to discuss what the Vietnam war had meant to the United States in human terms. He pointed out that the plight of the returning G.I. is one of the most difficult of this century. After other wars, the soldiers were welcomed home with parades and aid. But many of these men come home with no marketable skills, few manpower training programs, and to public apathy about the war, or open hostility to it. Soldiers suffer from both Doves and Hawks. The Hawks resent the fact that the war was fought too weakly; The Doves react against the soldiers because they represent the war visibly.

The Congressman pointed out that 500,000 G.I.'s have returned with a drug abuse problem, and 200,000 have returned severely disabled. This latter figure is higher than in previous wars because medical care was swifter and closer in many cases, saving lives, but unable to save maimed limbs.

Only 20 per cent of the returnees, he said, are presently using the G.I. bill educational opportunities, as compared with 50 per cent in previous wars. Daniels pointed out that this, together with the generally poor skills held by the G.I.'s is making employment difficult to find, adding additional problems to their lives.



The Representative urged churches to look for ways to help the Vietnam vets in their communities. Finding jobs and job training for them is a big job in which the governmental agenices could use the assistance of private citizens. G.I.'s with drug problems need special care and attention while they try to overcome the habit, which the community can provide. Citizen participation in all aspects of G.I. rehabilitation is crucial.

This war has produced one-quarter million unemployed vets, a potential source of unrest in low-income and low-employment areas. Rep. Daniels urged all church people to search out ways to help vets, and to let their representatives in the Congress know that they have a concern for these men who have served in this war, which is "different from any other."

## ASK NOT

### HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. ABDNOR. Mr. Speaker, the announcement made Sunday, May 6, 1973, that an agreement to end the 69-day-old armed occupation of Wounded Knee, S. Dak., comes to me and the people of my district as most welcome news.

The people of South Dakota, and many of my colleagues as well accept this news somewhat apprehensively; however, earlier announcements of negotiated settlements have proved false, and cause us to wait for further evidence that the volatile situation is finally ended before expressing any great sense of relief.

As I understand the agreement, a disarmament will occur this Wednesday. Then the news media, and the Nation will again direct their attention elsewhere.

It is my hope, however, that the Nation, and this body does not entirely forget about Wounded Knee. Hopefully, the problems that have been defined by this confrontation will be solved by understanding and by legislation that addresses itself to problems that exist on our Indian reservations.

Hopefully, a lesson in law enforcement will have been learned, and a similar situation will not be allowed to paralyze the Pine Ridge Reservation, or anywhere else in this Nation again.

Hopefully, those who sustained losses will not be forgotten by the Government whose action and inaction contributed to the circumstances that allowed those losses to occur.

To exemplify the loss that has been sustained because of Wounded Knee, I insert into the CONGRESSIONAL RECORD an editorial which appeared in the Bennett County Booster II, Martin, S. Dak., describing the losses sustained by George Coats, who lived near Wounded Knee. The editorial puts his loss in the perspective of our national priorities.

The editorial follows:

ASK NOT

We now possess a more complete understanding of the oft-repeated cliche, "Ask not what your country can do for you, ask what you can do for your country."

Residents of this area of the United States saw this graphically portrayed in a series of incidents that reached a climax Sunday night, April 15, one and one-half miles north of Wounded Knee.

The series of incidents began many years ago when a group of international criminals unleashed a sneak attack on Pearl Harbor in the Hawaiian Islands in 1941 and destroyed a large part of the United States Pacific fleet.

It plunged the United States into war with Japan in order to keep a group of renegades from over-running this nation and subjugating its people.

The nation's young men were mobilized into an armed force that put a stop to any ambitions for world domination.

Among those who answered the call to the defense of his country was George Coats. He didn't desert to Canada or Sweden. When his country called, he felt an obligation to risk his life in order to help provide protection for his fellow Americans.

He entered military service November 2, 1943, and on May 7, 1944, he was sent to the Pacific theatre of operations where he served honorably and with credit to himself and his country.

George was honorably discharged from service to his country on January 5, 1946, following the end of hostilities.

Upon his return to civilian life, George set about building a future for himself and his family. Being part Indian he was able to obtain leases on Indian trust land on the Pine Ridge reservation near Wounded Knee. He borrowed some money to buy cattle and set up a ranching operation.

Through many hardships and toil and sweat, George was able to build a fairly successful ranching business. He bought some land of his own, paid taxes, paid the interest on his note, provided for his family and was able to pay some back on the principal of his loan.

Then one day in February, 1973, a group of renegades led by national criminals moved into the areas near George's home and seized the village of Wounded Knee.

This group of law breakers had no respect for the rights of any one, taking what they wanted, when they wanted, regardless of who was hurt.

They began to take George's cattle, a few at a time, even though the renegades who occupied the village were surrounded by federal marshals and other police officers.

A total of 43 head of George's herd, on which he still owes money, had been stolen when one night George noticed four armed thieves from among the Wounded Knee invaders attempting to drive some more of his cattle away.

George tried to stop them, when the rustlers turned on him, opening fire on him and his home in which was his wife and two children. The situation was tense but surely he could get help from the United States law enforcement officers who were just one-half mile away. George sent his young son to ask for help.

"Sorry," was the reply," but we have no authority to go any closer to Wounded Knee than this point."

George and his family were able to escape with their lives but as the Coats left, the renegades set fire to George's home, completely destroying all his family's belongings, his ranch outbuildings, and some hay—while his country looked on unconcerned. The Coats family loss exceeds $50,000.

A later statement by Willis Selden of the U.S. Justice Department was that "if the location was outside the 'DMZ' (demilitarized zone) the Federal Bureau of Investigation would be investigating by now or have completed its investigation.

"However," he continued, "nothing can be done until hostile armed forces are out of the neighborhood."

George and the other Americans who were sent to defeat the Japanese didn't have to wait "until the hostile forces are out of the neighborhood." The American boys, risking their lives and many of them giving their lives, drove the hostile forces out of the neighborhood. But when his country had an opportunity to help George protect his home and his family, and had ample force available to do it, George's country deserted him.

"Ask not what your country can do for you. . . ."

America must know that it can do for George Coats, the Oglala Sioux tribal government, and those who lost their time, property, and money because of the seige at Wounded Knee.

## CLARIFYING THE IMPOUNDMENT ISSUE

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. ASHBROOK. Mr. Speaker, while I do not believe that Presidents should impound funds, I am amused by congressional critics who protest the use of this device as though it were a new and reprehensible weapon. Actually, impoundment as an Executive tactic dates back many years, with the Democrat administrations of the 1960's not at all bashful in continuing its use. To settle the matter once and for all time, the constitutionality of this issue should be thoroughly debated and resolved. In the meantime, let the record show that impoundment did not originate with the Nixon administration.

I insert at this point my Washington Report of April 18, 1973, which deals with this problem:

THE "IMPOUNDMENT" ISSUE

One of the basic reasons why most people tend to be turned off by politics and politicians in general is the tendency to mislead and manipulate issues. I believe public officials should take a stand on issues. I respect those who take firm stands, fight for their cause through thick and thin and are consistent. At the same time, I find particularly unfortunate a growing way of life in politics, "Issue Development."

I have never been one to point the finger at the other side and say, "They do it." Republicans and Democrats alike utilize "issue development" as a weapon in their arsenal to get public support. Last year, for example, I noted that many of my fellow Republicans were now pointing with pride to the same policies which they had viewed with alarm under Lyndon Johnson. Certain issues have developed a special ring and have become generally known to the public—environment, civil rights, poverty, law and order.

During this session, it is very obvious that the Congressional Democrats are trying to develop an issue which I do not believe deserves public acceptance. That is their increasing reference to the so-called "impoundment of funds" issue. President Nixon is viewed by critics as arbitrary, a one-man government, a virtual dictator who has decided to spend or not spend. On close examination, this is not the fact at all.

First, impoundment is nothing new. It has been done as far back as the administration of Thomas Jefferson and virtually every president at one time or another simply refused to spend money appropriated by the Congress. Recent examples: In the Truman Administration, he impounded funds rather than build a super carrier. Ike impounded

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ABM funds, President Kennedy impounded funds for the B–70 bomber, and LBJ impounded highway funds. These are only single examples of what has been a general tendency. In the Eisenhower years, for example, Ike took the position of no new starts in Public Works and would not implement projects authorized and funded by the Congress.

I do not happen to believe Presidents should impound funds, but the Congress has been totally irresponsible in many areas and the simple fact is that necessary cuts have been made by the device of not spending money authorized and appropriated by the Congress.

The Democrats should not make an issue on impoundment. By comparison with the two previous administrations, the money now being withheld by the Nixon Administration is only two-thirds of the level held back in the last year of the Johnson Administration. The Nixon average of approximately 5 percent is still less than the 5.4 percent of the budget which LBJ held back during his years and much less than the impoundment of funds during the Kennedy years. President Kennedy's administration held back 6 percent of appropriated funds.

Thus, it can be seen that this issue is really not an issue—at least as far as the political context is concerned. I happen to believe that it is a constitutional issue and should be properly debated as to whether or not the Executive has this authority. However, any effort to make politics out of impoundment simply falls short.

The simple fact, as stated before in this column, is that the President also has a responsibility. When the Congress cannot add, the President must subtract. Subtraction often comes in a way which can honestly be questioned—in this case, impoundment of funds. A debate on this issue should be put in its proper historical context. At any rate, my Democratic friends should honestly tell the public that impoundment did not originate with Richard Nixon.

## TRIBUTE TO CLYDE ARBUCKLE, SAN JOSE HISTORIAN

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. EDWARDS of California. Mr. Speaker, on May 18, the Citizens Advisory Committee of the City of Santa Clara, Calif., will honor Clyde Arbuckle, San Jose historian and a dedicated student and teacher of local and early California history.

Mr. Arbuckle first became San Jose historian in 1945 and also served at that time as city curator of the Statehouse Museum at the Santa Clara County Fairgrounds. A few years later he began teaching courses in history at local colleges and universities and adult education programs.

Serving as the president of the Conference of California Historical Societies comprised of 200 organizations across the State, he helped make the historical groups of California a cohesive, vital organization. In addition, he has served on the board of directors of California Pioneers of Santa Clara County since 1946, as founding secretary of the San Jose Historic Landmarks Commission, and as Grand Noble Humbug, of Yerba Buena Chapter of the Ancient and Honorable Order of E. Clampus Vitus, a group of lovers of Santa Clara history.

Unselfishly, Mr. Arbuckle has contributed his time and energies to many voluntary activities and community services. As a speaker who has both a remarkable wealth of knowledge and delightful sense of humor, he is in great demand. His enthusiasm and genuine love of history have made the past come alive for hundreds of people in Santa Clara County and served as an inspiration to many young historians.

## GOLDEN JUBILEE MASS AT NEUMANN SHRINE

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. EILBERG. Mr. Speaker, I am pleased to announce that the Reverend Francis J. Litz, C.SS.R. will con-celebrate mass at St. Peter's Church in Philadelphia on Saturday, May 19, on the occasion of his golden jubilee in the priesthood.

The mass is also in celebration of the 10th anniversary of the beatification of Bishop John N. Neumann, fourth bishop of the Philadelphia Archdiocese.

Father Litz has contributed a great deal to the development of the Neumann Museum in Philadelphia and has extensively traveled throughout the United States lecturing on the accomplishments of Bishop Neumann.

At this time I enter into the RECORD a short biography of the Reverend Francis J. Litz:

GOLDEN JUBILEE MASS AT NEUMANN SRHINE

On Saturday, May 19, 1973, 11:00 a.m., Rev. Francis J. Litz, C.SS.R., Vice Postulator for the Canonization of Blessed John Neumann, C.SS.R., will con-celebrate Mass at St. Peter's Church, 5th St. & Girard Ave., Philadelphia, Pa., on the occasion of his Golden Jubilee in the Priesthood.

This Mass will also mark the 10th Anniversary of the Beatification of Bishop John N. Neumann, Fourth Bishop of the Philadelphia Archdiocese from 1852–1860.

Rev. Francis (Frank) Litz was born July 7, 1898, in Philadelphia and attended St. Boniface School, Diamond and Hancock Sts., where he graduated in 1911. He then entered the Redemptorist Preparatory at North East, Pa., and was ordained to the Priesthood in 1923 at Esopus, N.Y., by Archbishop J. Hayes.

After eight years as a young priest on the Lower East Side of Manhattan, N.Y., Father Litz, at age 31, was made Pastor of St. Mary's Church in Buffalo, N.Y., where under his enthusiastic encouragement, the Novena in honor of Our Lady of Perpetual Help attracted close to 10,000 people each Wednesday.

From 1939 until the end of World War II, Father Litz was the Pastor of his home parish St. Boniface in Philadelphia. The next five years he worked in the country section of Saratoga Springs, helping to establish the parish at Gansevoort, N.Y.

In 1950 he was again called upon to be Pastor this time in Our Lady of Perpetual Help parish East 61st St., Manhattan, N.Y., where he developed a Redemptorist Mission Band for the Italian-Americans in the parish and another for Spanish-speaking people.

Rev. Francis Litz was sent to St. Peter's in Philadelphia in 1956 where he was named to be Vice Postulator for the Canonization of Blessed John Neumann and has since then directed the development of the Neumann Museum, the restoration of the Lower Church with beautiful stained glass windows, depicting the high points of the career of Blessed Neumann. The remains of the Bishop, exhumed for identification before Beatification were enshrined in a crystal casket under the main altar.

During the past seventeen years, Father Litz, as Vice Postulator has traveled, lectured and preached in almost every Church and Catholic School in Philadelphia, in many parts in Pennsylvania, New Jersey, New York and many other regions of the USA. He has given talks to many societies and organizations on the heroic life and virtues of Bishop John Neumann. Due to his untiring zeal and co-operation from many sources the Beatification of Blessed Neumann was accomplished. Father Litz also made many thousands of visits to hospitals and is being very ably assisted by Rev. Bernard Krimm, C.SS.R.

## THE NEED FOR A NEW MANNED BOMBER

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. CRANE. Mr. Speaker, much has been said in recent days against the development of a new manned bomber; namely, the B–1 aircraft.

Many of those who have urged us to cancel plans to develop this bomber, such as Senator GEORGE MCGOVERN, have argued that such bombers are obsolete and that the Soviet Union has abandoned the development of new aircraft of this type.

Those who express this view seem unaware of the fact that the Soviet Union is building a new long-range bomber, which is known by its NATO code name, "Backfire."

This new bomber has an unrefueled range of between 4,300 and 6,000 miles, which places it definitely in the strategic aircraft category.

Aviation Week and Space Technology magazine notes:

Since all NATO targets can be covered from Russia by an aircraft with a combat radius of 2,000 miles, strategists from the West believe "Big Swinger" was designed specifically with U.S. targets in mind.

The manned bomber, in addition, is far from obsolete. Gen. Bruce K. Holloway, former commander of the Strategic Air Command, notes that—

The bomber is the only strategic system which can be applied across the spectrum from show of force (as in the Cuban crisis) to jungle combat (as in Viet Nam), to conventional conflict (as in Korea), to nuclear holocaust and post-attack conditions.

In a recent article with regard to the manned bomber, Human Events discussed a number of the essential features of the proposed B–1 aircraft.

The article noted:

This aircraft will penetrate Soviet defenses flying 700 miles per hour at tree top level . . . it will carry almost three times as much nuclear firepower as the B 52 . . . it will use shorter runways and less fuel than the B 52s and can thus "scramble" from a much wider selection of American airfields.



In addition, states Human Events:

The B–1 will offer a very small and confused radar image to defense controllers and will incorporate vastly improved ECMs and decoys. Some of its decoys will actually carry nuclear warheads.

The debate over the B–1 will occur during the current session of the Congress. It is essential that those who will make decisions in this area familiarize themselves with the facts concerning the B–1, as well as concerning Soviet advances in this field.

I wish to share the article concerning the whole question of the manned bomber which appeared in Human Events of December 23, 1972, with my colleagues, and insert it into the RECORD at this time:

THE MANNED BOMBER ISSUE FLIES AGAIN

WILL THE RUSSIANS BEAT THE FREE WORLD TO IMPORTANT STRATEGIC OPTIONS?

"Many will recall Mr. Khrushchev's famous remark in 1957: 'Bombers are obsolete. You might as well throw them on the fire.' In view of Russia's continued reliance on their manned bombers, one wonders whether Khrushchev made this comment as a matter of conviction or in an effort to influence U.S. national defense policy."—Rep. Robert Price (R.-Tex.) in the House of Representatives

For years, those opposing maintenance of America's fleet of B–52s and development of the new B–1 manned strategic bomber have said the long-range bomber is obsolete.

To support their argument they like to point out that the Soviet Union has supposedly abandoned bomber development to concentrate on building up its force of intercontinental and submarine-launched ballistic missiles.

Sen. George McGovern, one of the leading advocates of unilateral American disarmament, has stated: "The minimal Soviet effort on strategic effort on strategic bombers indicates that they place little emphasis on that form of delivery."

In the absence of any Soviet disclaimers and in spite of the warnings of those who watch Soviet strategic developments closely, such statements have become widely accepted. Just last week Jerome H. Kahan, formerly with the U.S. Arms Control and Disarmament Agency, wrote in the Washington Post:

"The United States is developing a new generation strategic bomber, while the USSR has shown no evidence of a comparable program."

The trouble with Mr. McGovern's assumption (and it is echoed by many others in the highly organized "peace lobby") is that it implies "if the Russians aren't doing it, why should we?"

It is obviously fallacious (and would be disastrous) to predicate our weapons development simply on what the Soviets do or do not do. But in the case of strategic bombers, it is beside the point.

The plain fact is, the Soviet Union is building a new long-range bomber. Known by its NATO code name, "Backfire," the aircraft is a product of the famous Tupolev design group, which has created Russia's supersonic transport and several other reliable bomber designs.

American observers, who have followed the covert development of this plane for some time, have dubbed it "Big Swinger" because of its moveable wing design (similar to our FB–111).

This needle-nosed Soviet bomber is powered by two gigantic Kuznetsov NK 144 turbofan engines (with afterburners) and has an unrefueled range of between 4,300 and 6,000 miles, which places it definitely in the strategic aircraft category. *Aviation Week & Space Technology* magazine notes:

"Since all NATO targets can be covered from Russia by an aircraft with a combat radius of 2,000 miles, strategists in the West believe 'Big Swinger' was designed specifically with U.S. targets in mind."

Test and evaluation prototypes of Backfire have been flying for several years in a program shrouded in secrecy exceptional for even the Russians. The Soviets may have wanted to achieve a "technological surprise" with Backfire similar to the one they pulled with their supersonic Foxbat fighter.

But the West has been rapidly gathering intelligence on the new bomber. Last year, one of the Backfire prototypes was discovered while being refueled in flight from a giant Myasishchev Mya–4 Bison tanker. After its "drink" the Backfire streaked away on a 10-hour flight.

*Aviation Week* reports "production of operational aircraft has begun," and now there are at least 20 Backfires completed or on the production line. The production model of the aircraft has been modified with lengthened wings (to improve range) and further cleaning of the fuselage to improve aerodynamics.

Backfire has a speed at altitude in excess of Mach 2 and a limited supersonic dash capability when flying "on the deck" to penetrate radar and anti-aircraft defense.

In a typical example of Soviet adaptation of "civilian" research and development technology, the Backfire's powerful in-fuselage twin engines are the ones originally developed for the Tupolev Tu–144 supersonic transport.

Little is known of the Backfire's armament, but the Soviets are believed to be working on an improved air-to-surface strategic missile to use with it. This would be a stand-off weapon, similar to the U.S. short-range attack missile (SRAM), a supersonic nuclear missile now being fitted to the Strategic Air Command's B–52s and FB–111s.

These stand-off weapons permit bombers to strike their targets without flying into the heavy defense areas around them.

The soviets now have three stand-off missiles operational, evidence they have never really abandoned the manned-bomber concept. One is the somewhat crude Kangaroo. Another is the Kipper, designated mainly as an anti-ship missile.

The third is a much more sophisticated missile, the Kitchen. An outgrowth of this missile may be destined for use with Backfire.

Backfire presents substantial evidence that the Soviets intend to copy the U.S. "nuclear triad" mix of bombers, ICBMs and sub-launched missiles more fully. Much discussion in Soviet military and political circles has centered around the degree of flexibility the manned bomber affords in confrontation situations and this has added momentum to the development of the new aircraft.

Because of this, manned bombers will now emerge as a much more important factor in the current round of SALT talks than had at first been expected.

The Soviets never really lost sight of the efficacy of bombers. They pushed a number of strategic bomber projects during the 1950s and 1960s, none of which really panned out.

In fact, some of the great secrecy surrounding Backfire stems from a Soviet reluctance to chance any more embarrassments like its two former strategic bomber projects. There were both Myasishchev designs—the huge Mya–4 Bison, with its curious design mixture of the modern and the antique, and the truly formidable-looking Bounder.

Both of these planes developed what the Soviets vaguely referred to as "short-comings" and never became operational as strategic bombers. The Bounder has been used for "research," while the Bison has been used for "maritime reconnaissance" and tanker service.

The less than praiseworthy performance of these two planes in a strategic bomber role bolstered the arguments of those in the Soviet military who maintained that no manned aircraft, however fast, could successfully penetrate a modern air defense.

However, this argument did not take into consideration "penetration aids," electronic devices to fool radar, mislead homing anti-aircraft missiles, and allow for precise navigation while flying close to the ground at high speeds.

Meanwhile, the United States, capitalizing on its advanced electronics know-how, has succeeded in bringing penetration aids and electronic countermeasures (ECMs) to new heights.

In doing so, we have succeeded in making the B–52, a plane designed in the 1940s, a continuing and awesome threat. The bag of penetration secrets in the B–52 has so discomfitted Moscow that it has been the target of a terrific espionage effort in this country and anywhere the giant aircraft are based.

For several years now, every American aircraft shot down in North Viet Nam but still somewhat intact has been shipped back to Soviet laboratories for examination of its electronics devices. The highest priority item (and one so far not delivered, fortunately) has been to get hands on a B–52.

As the Soviets have become stronger and achieved equality if not superiority in strategic weapons, they have become more disposed to throw their weight around. They quickly discovered that missiles, which you either fire or don't fire, don't have that certain quality of coercion the Soviets like so well.

A manned bomber, however, possesses that quality in abundance.

It allows a very precise control over events in a power play scenario. The Kremlin saw this very clearly during the Cuban missile crisis of 1962. One of the most tangible evidences of the American power that made Khrushchev back down was the B–52.

For one solid month, every hour of the day, the Strategic Air Command "leaned on" the Soviet Union with clouds of B–52s on the periphery of the Russian air defense radar. Soviet air defense controllers couldn't look at their boards without seeing the blips.

Gen. Bruce K. Holloway, former commander of SAC, notes that "the bomber is the only strategic system which can be applied across the spectrum from show of force (as in the Cuban crisis), to jungle combat (as in Viet Nam), to conventional conflict (as in Korea), to nuclear holocaust and post-attack conditions."

This admirable flexibility from a politico-military standpoint sometimes obscures a very important military economic advantage of the manned bomber: It must be defended against.

It is estimated the Soviets spend at least 15 per cent of their defense budget to counter our bombers. One of the priority functions of new Soviet fighters, like the Foxbat, is combat radius that will enable them to engage incoming bombers before they launch stand-off weapons. One of the priority targets of Soviet missile submarines off our coasts is SAC airfields. (Our B–52s have already been dispersed because of this threat.)

For this reason, development of the B–1 is of primary importance. This heir to the fabulous legacy of the B–52 will severely compound Soviet defense problems:

It will penetrate Soviet defenses flying 700 miles per hour at tree top level, guided by terrain-reading radar and an automatic pilot.

It will carry almost three times as much nuclear firepower as the B–52.

It will use shorter runways and less fuel than the B–52 and can thus "scramble" from a much wider selection of American airfields.

It will offer a very small and confused

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radar image to defense controllers mainly because it will be obscured by "ground clutter" (radar images of trees, buildings, etc.)

It will incorporate vastly improved ECMs and decoys. Some of its decoys (cruise missiles that appear to be bombers on radar screens) will actually carry nuclear warheads.

On the other side of the ledger it must be noted that Backfire will present problems for American air defense. And at the moment, that defense is in a pretty sad state.

In fact, because of rapid development of Backfire, upgrading of the U.S. Aerospace Defense Command (ADC) is a top priority item for the Air Force. It will take most of this decade to bring the system up to a standard where it will be proof against Backfire.

Procurement of three main items is involved:

1. The so-called IMI (improved manned interceptor), probably the McDonnell Douglas F-15 air-superiority fighter.

2. Boeing E-3A airborne warning and control system (AWACS) aircraft (modified Boeing 707s) to enhance early warning and control IMI squadrons.

3. An "over-the-horizon backscatter (OTHB) radar system which could detect Soviet bombers virtually from take-off.

This will involve an initial investment of between $4 and $5 billion and yearly operating costs of about $800 million. But it is vitally needed to counter Backfire or its successor, for it seems certain the Soviets will put the same kind of developmental energy into long-range bombers that they have put into their navy in the past decade.

One reason for this development may be to offset any SALT II agreements on offensive strategic missiles.

The Soviets know that our air defense has declined sharply since the heydays of the late 1950s when there were about 240,000 people in ADC. Now there are about 100,000.

Where there were once 67 active-duty aircraft squadrons there are now seven (plus 19 Air National Guard units serving part time).

Where there were once 116 long-range radar squadrons there are now 57.

The primary interceptor in ADC service now is the 13-year-old F-106—no match for Backfire.

Despite all the glitter of ballistic missiles, the bomber age is not over. Both our Defense Department and the Soviets realize this. The question is: does Congress?

The battle for the B-1 and for our aging air defense will be fought in the coming session of Congress. The development of the Backfire demands the upgrading of our bomber defense, while the proven flexibility of the manned bomber demands production of the B-1.

In fact, everything possible should be done to enhance the formidability of so important a deterrent.

## REFLECTIONS OF ECOLOGY THROUGH EDUCATION

### HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mrs. HOLT. Mr. Speaker, during the week of April 9, the Frederick Sasscer Junior High School in Upper Marlboro, Md., observed Earth Week. Their program entitled, "Reflections of Ecology Through Education" was a most innovative and educational program.

The diversified activities of this week ranged from a junk art contest to a student debate on the desirability of congressional action to limit the number of automobiles a family can own. In addition, the students collected over 900 pounds of aluminum for recycling. Representatives from business, public utilities, governmental agencies, and environmental groups participated in the program and were available for informal discussion with the students.

I would like to take this opportunity to commend the students and faculty of Frederick Sasscer Junior High for the content of their program and for the balanced approach they have taken in creating awareness of our environmental problems. The presentation of all sides of the complex environmental questions undoubtedly resulted in a meaningful educational experience for all involved parties.

I salute this program and wish it every success in the future.

## DOES THE NIXON BUDGET DO JUSTICE TO THE NATION'S HUMAN SERVICE NEEDS?

### HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. TREEN. Mr. Speaker, the following article by Mr. Wayne Valis, which recently appeared in the Catholic Virginian, asks the question: "Does the Nixon Budget Do Justice to the Nation's Human Service Needs?" This has been a widely debated question and I believe Mr. Valis' answer to this question merits the attention of my colleagues.

I include the article at this time:

[From the Catholic Virginian, Apr. 27, 1973]

DOES THE NIXON BUDGET DO JUSTICE TO THE NATION'S HUMAN SERVICE NEEDS?

(By Wayne H. Valis)

The President's proposed 1974 budget is one designed to move America toward prosperity without war and, hopefully, without inflation. To achieve these goals the President is cutting back on programs that don't work and concentrating efforts on those that do. He is also reforming many programs so that through revenue-sharing people will have greater control over their own lives. In his latest speech on the budget, the President warned that unless his efforts to control expenditures are successful, Americans will face an increase of as much as 15 per cent in their income tax.

Government at all levels—federal, state, and local—now takes 32 per cent of the entire national—meaning your—income. This figure was barely 20 per cent in the mid-1950s. The federal government's slice of the personal income pie has doubled from 10 per cent in 1950 to over 20 per cent. Government has mushroomed and expanded out of control, and it is now almost impossible to keep track of government programs. In 1963, for example, there were only 160 individual grant programs, in 1973 there are over 1,000.

The President is now attempting to fulfill his campaign pledge to hold down federal spending in order to prevent an income tax increase. To do this, he proposes: (1) a leaner federal bureaucracy (113 programs have been marked for reduction, termination, or reform into special revenue-sharing); (2) a greater reliance on state and local governments to make their own decision (with the creation of new special revenue-sharing programs this year, the President seeks to turn over $6.9 billion to state and local governments which they might spend as they wish on education, law enforcement, manpower training and community development; and (3) ultimatley proposes greater freedom for the American people to make their own decisions about what is best for them.

Unless spending is brought under control now, inflation is bound to soar. This is especially true in prosperous periods, which the U.S. economy is now in. Inflation, as we have all learned, is the cruelest tax of all, cutting into the pocketbook of the average working man and robbing him of financial gains he has made. Inflation strikes most cruelly at the elderly, the poor, and those on fixed incomes. In addition, inflation has potentially disasterous effects on the U.S. position in world trade and the international money markets. For example, the two recent devaluations of the dollar were due largely to American inflation. In addition, if inflation is allowed to continue unchecked the government will be forced to borrow more and more money to pay for the new programs, thus forcing up interest rates for homeowners and businessman alike.

In order to understand the battle over the budget it is important to realize that total spending is being *increased* by a substantial $18.9 billion from 249.8 billion in fiscal year 1973 to $268.7 billion in fiscal year '74. From accounts in the media one might think the President had taken a meat axe to the budget, especially to the "starved" human resources, or social sector.

There has been so much confusion about the relative proportion of federal expenditures on the defense budget versus the budget for social and "human resources" that some facts are in order. *Fact:* the defense budget today has been reduced to its lowest level since the end of World War II. Total defense spending (FY 1974) amounts to 29.2 per cent of the budget, or 6.2 percent of the total gross national product (GNP), compared to 43.9 per cent of the budget as recently as 1968, and 8.8 per cent of GNP in 1964, and 9.4 per cent of GNP in 1961. *Fact:* while the 1974 defense budget is $600 million more than it was six years ago, spending for social programs has more than doubled, from $72.8 billion to $153.4 billion. *Fact:* allowing for inflation, the defense budget has *dropped* in buying power by 31 per cent since fiscal 1968. The charge against the President's proposed budget that "cuts come at the expense of the poor and the elderly" is totally false and reflects the failure of the President's critics to do their homework.

The facts are that the President's budget contains 66 per cent more to help the poor than was the case four years ago, 67 per cent more to help the sick, 71 per cent more to help older Americans, and 156 per cent more to help the hungry and malnourished. Because the President has eliminated some familiar programs with many special interest group friends, especially in the press, there are no grounds for accusing him of a lack of compassion for the unfortunate or needy.

A careful case-by-case analysis of the affected programs will prove that the President's cuts, terminations and freezes are absolutely justified.

The Office of Economic Opportunity (OEO) is to be broken down and its functions given to other appropriate government agencies. The Community Action Programs (CAP) will cease June 30, 1973, and will be replaced by revenue-sharing. These actions have been widely criticized, despite the fact that CAP has failed to help the poor. Although set up with the best of intentions, CAP now spends 78 per cent of all its funds on administrative costs and to pay the salaries of those who are supposed to help the poor. Only 22 per cent is spent on the poor themselves. It is this form of "trickle down" program that the President is attempting to end.

Not all OEO money is wasted or spent on bureaucracy and administration, however. Some money does get through the pipeline, and some even has important results. For example, the militant American Indian Movement (AIM) which recently violated the law and occupied Wounded Knee, S.D., has been well-financed by OEO. AIM has been receiving generous OEO grants for the last four years, a substantial proportion of which probably helped them to occupy Wounded Knee. On June 21, 1972, AIM received $113,000 from OEO, $60,000 of which was spent for "survival schools."

This is just one of many instances where federal money has been used to fund radical groups. The familiar argument that budget cuts will "drive the poor to violence" seems to be exactly the reverse of the actual situation. In fact, the government has been financing radicals who attempt to organize the poor, often for violent ends. This must be stopped.

In a lighter vein, OEO's CAP has financed two-month trips to Europe, South America, Asia and Africa (at $60,000) for "underprivileged" youngsters. One commentator noted: "It's too bad they missed Australia."

The President's actions will see to it that OEO's useful functions are merely shifted to other agencies, but that programs such as those described above will be ended.

For the entire manpower training programs sector, the President proposes cuts of a modest 9.3 per cent. This reflects almost entirely the phasing out of just one program—the Public Employment Program (PEP), which evaluative studies show is a very inefficient way to combat unemployment, especially of disadvantaged, hard-to-employ groups.

Most PEP jobs slots would have been funded by local or state governments, even had there been no PEP. Not surprisingly, the characteristics of PEP's 150,000 employees is anything but a profile of the disadvantaged, poor population. For example, 78 per cent were graduates of high school or college, "including many old, retired military officers who slipped in under a veterans preference clause that was supposed to apply to Vietnam veterans!" Thus the Administration's treatment of manpower programs is in line with available evidence of program cost-effectiveness.

Perhaps the most important cuts are those in the housing area. Urban renewal and Model Cities will be phased out and HUD-subsidized housing programs "frozen" for 18 months. A lot is at stake in this battle, since the HUD budget for 1974 has grown to $4.8 billion, with an additional $7.4 billion in "carry-over" funds to "finance already approved Model Cities, urban renewal and related projects at current levels for several years to come."

Recent studies have indicated that, unless halted or slowed by presidential or congressional action, spending for low-income housing programs alone will reach $7.5 billion by fiscal 1978. One report states that "long-term commitments to pay for housing already completed or started would cost . . . at least $65 billion and possibly as much as $92.7 billion over the next 40 years." Interest charges alone on housing-related debt service will total $41.4 billion during this period.

The administration has charged that these expenditures primarily have benefited developers and speculators rather than the poor, and have "tended to undermine the capacity of local government to respond to the needs of their citizens." Kenneth R. Cole Jr., director of the President's Domestic Council, described federal housing programs as "inequitable, wasteful and ineffective in meeting housing needs."

No doubt the Administration had the now infamous Pruitt-Igoe public housing project in mind, among others, when it reached such a conclusion.

Pruitt-Igoe, designed to be one of the showpieces of low-rent housing programs, was built to house 10,000 low-income residents of a rapidly deteriorating St. Louis neighborhood. Constructed at a cost of over $75 million dollars, the 60-acre site contained 33 high-rise units which were widely regarded as excellently constructed buildings.

Problems arose from the outset. The project's residents included many drug addicts, and crime, violence and vandalism soon became rampant. It also became apparent that too many people with too many problems had been crowded into too small an area. As the situation deteriorated, HUD planners and St. Louis officials resorted to the ultimate remedy. First, 24 of the 33 units were closed, and the population of Pruitt-Igoe was reduced to 2,000. Since it is widely known that vacant buildings attract the worst elements in society, HUD realized that something had to be done with the empty buildings.

Showing the creativity for which bureaucracy is justly famous, a demolition program was begun in early 1972. Several of the high-rises were immediately blown up and "an indeterminate number" were slated to have their top seven stories lopped off. The cost of this creative solution: $38 million, which, when added to construction costs, brings total costs to about $114 million, or $57,000 per Pruitt-Igoe resident.

In an interview, [ex]Rep. John S. Monagan, D-Conn., said, "We are destroying it in order to save it. It sounds like something out of Jonathan Swift, or better yet, Voltaire. It's a satire on the public housing program, the ultimate proof that nobody wants it."

Those who would contend that Pruitt-Igoe's high cost is an exception should note former HUD Secretary George Romney's estimate that a $17,500 apartment unit built under the usual 40-year interest-subsidy program will cost the taxpayer between $108,358 and $141,854 during the 40-year span.

The most severe and damaging charges against federal low-income housing programs, however, are the allegations of widespread fraud and corruption. Probes of such charges have resulted in grand jury hearings in nine cities, and indictments have already been returned in New York, Philadelphia, Chicago and Detroit.

In the four cities where indictments have been returned, FHA officials, realtors, contractors, builders and accountants have been indicted on a wide variety of counts, including bribery, falsification, conspiracy to defraud, conflict of interest and income tax evasion.

The U.S. House of Representatives' Government Operations Committee reported that "incompetent administration" *in Detroit alone* could cost up to $200 million. In Detroit high-ranking local HUD officials and FHA officials were in collusion on a variety of schemes involving default and foreclosure of over 20,000 FHA-insured homes—and it is the same in many other cities.

The fraud and corruption victimize not only the taxpayer, but also the poor, and therein lies an even more scandalous tale. Marginal and deteriorating neighborhoods are "blockbusted" by real estate dealers, who acquire houses, most of them in various stages of decay, at extremely cheap prices. The houses are given inexpensive facelifts, and then reappraised at unrealistically high levels by local FHA appraisers (many of whom are local realtors).

The FHA then backs inflated mortgages on the deteriorating, over-priced homes, which, are then sold to poor people—quite often, by design, to the worst risks realtors can find. This process has led to the mass abandonment of entire neighborhoods by low-income owners, largely black and Puerto Rican, who either can no longer afford or who simply are unable to maintain and keep their houses. At this point, as one study notes, "Once the mortgage is in serious default, the private lender holding the note will foreclose on the property, and HUD, as the guarantor, must pay the lender and take possession."

In this tragic and expensive way HUD has become the largest slumlord in the U.S. owning thousands of unprofitable homes throughout the country. In fact, HUD is now the largest home owner in several U.S. cities.

Urban renewal has been an equally dismal and costly failure, resulting in profitable land and real estate speculations for the rich, but the displacement of over one million (mostly poor) people from their homes. The great majority of these displaced poor people were black or Puerto Rican, and less than half ever received Federal housing to replace their destroyed homes.

One of the major defects with HUD, and many other governmental, social programs, is that it often substitutes political values for market (economic) forces. An amusing, if expensive, illustration took place in December, 1972, in Wyoming.

For political reasons, HUD decided to bring urban renewal to downtown Cheyenne (population 40,000) despite the fact that it is an uncrowded, unpolluted, lovely little town built right on the edge of the prairie. One of the major programs was the construction of a parking lot designed to relieve congestion in the "center city" business district. For three years federal and city officials planned the lot, which was to accommodate 171 cars. Finally, at a cost of $300,000, the lot was opened to the public. There was only one problem: nobody came.

Unfortunately the urban renewal lot was further away from the heart of the business district than the old-fashioned, "congested," metered parking spaces, and, consequently, people wouldn't use it. Realizing the potential for embarrassment, the city council lowered the monthly parking fee from $12 to $7. Alas, to no avail. After six full weeks of operation the total revenues brought in were 75 cents. A telling case of the futility of attempting to replace the law of supply and demand by bureaucratic decree.

The entire housing program has reached enormous proportions. It has grown in bits and pieces, with far too little hard-headed economic analysis of its provisions. The time is long since past for a halt in these programs and, at least, a pause for consideration of the entire program. The President's proposed housing subsidy freeze is directed to this purpose and should be supported.

Another program which deserves trimming is that of farm subsidies. Originally introduced to keep the price of agricultural goods at moderately high levels, farm subsidies have more than succeeded, which should now be clear to anyone who has been even near a grocery store during the last year. Each passing day brings news of still higher food prices, while farm income last year reached $19 billion, an all-time record. Farm subsidies "support" food prices by preventing lower prices—and are one of the main causes of scaring food prices to the consumer. The President's efforts to end this situation by cutting farm price supports by $694 million should be ardently supported.

The examples cited here are but a handful of the programs which have failed. The point, however, is clear: the President's budget is an attempt to keep faith with the American people. If a tax rise is to be averted and inflation checked, as the President has pledged, then fiscal discipline is needed. Com-



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bine the necessity for fiscal responsibility with the growing awareness that government has, in many instances, become unresponsive, unmanageable and counterproductive, and the proposed budget should be interpreted as a start, in Mr. Nixon's words, "to get government off your back and out of your pocket."

The President's proposed "new Federalism," as embodied in his bold revenue-sharing initiatives, is an attempt not only to restore fiscal discipline, to reorder American political life. Upon his success or failure in this effort rests the possibility for humane, responsive and responsible government in the 1970's.

## THE 25TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. HELSTOSKI. Mr. Speaker, I rise to commemorate the 25th anniversary of the State of Israel. People the world over celebrate this culmination of the dream of a people without a country for so many centuries. The anniversary is particularly significant in light of the tremendous opposition faced by the Jewish people over the centuries.

Ancient Hebrews entered the "land of Israel" about the 18th century B.C. when the patriarch Abraham led his people to what was then called Canaan. The Hebrew people settled around the periphery of the Canaanite civilization, and were captured along with their neighbors during the Egyptian attacks of the 14th century B.C. Four hundred years later Moses led the Hebrews in exodus from Egypt back to the Promised Land.

From the last valiant stand of the Jewish defenders against the Roman conquerers at Masada in A.D. 73, until May 15, 1948, there was no Jewish nation in Palestine. A series of conquerors and empires controlled Palestine and the few Jews who remained in the land. The remainder of the Jewish people were in "diaspora"—scattered throughout the world, but without loss of their identity. It was from this diaspora that the Jews returned to Palestine to reestablish an independent Jewish state.

It was traditionally held that the return to the promised land would be accompanied, symbolically, by the appearance of the Messiah, but in the late 19th century the concept of a political return began to develop and gain acceptance. In 1895 Theodore Herzel wrote "Der Judenstaat," a political treatise on the establishment of a Jewish state that became the expression of political Zionism and a basis for the creation of Israel.

Political Zionists were at first divided on where to establish the Jewish state, but finally agreed on Palestine after considering and rejecting such areas as Uganda, Somalia, South America, and other possibly more practical but less emotionally attractive areas. World War I saw the consolidation of the Zionist movement under the leadership of Dr. Chaim Weizmann, who was later to become the first president of Israel.

November 2, 1917, saw the official British policy on Palestine enunciated in what has come to be called the "Balfour Declaration:"

His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people . . . nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

This, with the mandate for the Palestine region awarded to the United Kingdom by the League of Nations in 1922 constitutes the international legal sanction for Zionism.

Jews begin emigrating to the Palestine area under pressure of discrimination in their adopted lands. In 1909 the city of Tel Aviv was founded, serving as the headquarters of the growing community of Jews in Palestine. Immigration increased after World War I to the point that officials feared conflict from the resulting cultual imbalance. Jews considered the Balfour Declaration a mandate for a national home; the British envisioned a protected community within the Palestine state; the Arabs viewed the immigration as another invasion of alien cultures.

Conflict was staved by the common enemy in the Axis during World War II, when Jew, Arab, and British served side by side against Germany. After the war, the battle lines were drawn by the General Assembly plan partitioning Palestine into separate Jewish and Arab States.

With the Israeli proclamation of statehood and the British withdrawal in May, 1948, the Arabs launched an attack they claimed was justified by Israeli acquisition of territory beyond the partition plan boundaries.

In 1956, the Israeli nation was faced with another Arab attack, commonly known as the Suez crisis. Again, a U.N. sponsored cease-fire ended the visible conflict after the Israeli defense forces had demonstrated their mobility, efficiency, and competence in their attempt to end the Egyptian practice of excluding Israeli ships from the canal and to curtail raiders from the Sinai area by destroying their bases.

In 1967, the young State of Israel again met the threat to its existence posed by its Arab neighbors after the removal of the U.N. emergency force by Egyptian request and the increasingly violent threats against Israel by radical Arab leaders. Again they demonstrated their efficiency and tactical courage, to the embarrassment of the Arabs.

What is perhaps the most impressive and significant of all is that Israel, itself a developing nation beseiged on all sides, engaged in a farflung program of assistance to other developing countries. Believing that the gap in living standards between prosperous and poor nations is a danger to international stability and peace, Israel sent hundreds of instructors, advisers, and survey missions, as well as builders, to dozens of countries in Africa, Asia, and Latin America.

They continue to do so today. Israel serves as a beacon light to other emerging nations of the world. Surrounded by enemies, Israel has prospered, accomplishing miracles in farming and building in its quarter century of existence. She has successfully defended herself against attack, becoming a power to be reckoned with in only 25 years.

Mr. Speaker, I am certain that Members of this Congress will join to congratulate the leaders and people of the State of Israel on the celebration of their 25th anniversary, and look forward to more years of successful development and contribution to the world.

Thank you.

## DRINAN VERSUS NIXON

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. DRINAN. Mr. Speaker, on May 7, 1973, I, together with three of my colleagues and an active-duty serviceman, filed suit in the Federal district court in Boston, Mass., against the President, the Secretary of Defense, and the Secretary of the Air Force. In the suit, I, together with Congressman JOHN J. MOAKLEY, GERRY E. STUDDS, and MICHAEL HARRINGTON, and Alc. James H. Hayden, seek a judicial declaration that the actions of the Nixon administration are in violation of article I, section 8, clause 11 of the Constitution of the United States, various congressional enactments, the Paris accords, and principles of international law.

My coplaintiffs and I are presently awaiting a hearing date to be set by Judge Tauro of the district court in Massachusetts.

Mr. Speaker, because of the interest which has been generated in this lawsuit, I thought it would be helpful for my colleagues to reprint in the CONGRESSIONAL RECORD a copy of the affidavit and complaint filed in this case in the U.S. District Court for the District of Massachusetts.

The affidavit and complaint follow:

[U.S. District Court for the District of Massachusetts]

COMPLAINT

(Robert F. Drinan, Michael J. Harrington, John J. Moakley, and Gerry E. Studds, individually and in their capacity as Members of the United States House of Representatives, and Airman First Class James H. Hayden, Plaintiffs, v. Richard M. Nixon, President of the United States, Elliot L. Richardson, Secretary of Defense, and Robert C. Seamans, Jr., Secretary of the Air Force, Defendents)

I. NATURE OF THE ACTION

1. Plaintiffs seek a determination that the aerial combat operations currently being conducted in Cambodia by military personnel under the direction of the defendants are in violation of domestic and international law.

II. JURISDICTION

2. This is a civil action seeking a declaratory judgment pursuant to Title 28 U.S.C. § 2201 *et seq.* and appropriate equitable relief, if necessary, pursuant to Title 28 U.S.C. §§ 1331(a) and 1361, adjudging that the military operations currently being conducted in Cambodia under the direction of defendants are in violation of domestic and international law, and that the defendants may not engage in any such future activities in Cambodia or elsewhere in Indochina without specific Congressional authorization and then only to the extent and in a manner permitted by international law. Jurisdiction is conferred upon this Court by Title 28 U.S.C. §§ 1331 and 1361; Title 5 U.S.C. §§ 701–706; Article I, Section 8, Clause 11, and Article I, Section 2, Clause 5 of the Constitution of the United States and the Fifth Amendment thereto. The matter in controversy involves rights, privileges and immunities valued in excess of $10,000 exclusive of interest and costs.

III. PLAINTIFFS

3. Plaintiff Robert F. Drinan is the duly elected Member of the United States House of Representatives from the Fourth Congressional District of Massachusetts, residing at 140 Commonwealth Avenue, Newton, Massachusetts.

4. Plaintiff Michael J. Harrington is the duly elected Member of the United States House of Representatives from the Sixth Congressional District of Massachusetts, residing at Bayview Road, Beverly, Massachusetts.

5. Plaintiff John J. Moakley is the duly elected Member of the United States House of Representatives from the Ninth Congressional District of Massachusetts, residing at 1812 Columbia Road, Boston, Massachusetts.

6. Plaintiff Gerry E. Studds is the duly elected Member of the United States House of Representatives from the Twelfth Congressional District of Massachusetts, residing at 16 Black Horse Lane, Cohasset, Massachusetts.

7. The above-named four plaintiffs, hereinafter referred to as "Congressional Plaintiffs", have been deprived by the action of the defendants of their Constitutional right and obligation to participate, with other Members of Congress, in deciding where American forces are to be committed to combat. In addition, they are entitled to a determination as to the legality of defendants' actions complained of herein, under their Constitutional duty to determine whether a resolution of impeachment is called for.

8. Plaintiff JAMES H. HAYDEN, is an Airman First Class, serving in the United States Air Force, residing at 23 Hartford Street, Bedford, Massachusetts. He is currently assigned to duties at L. G. Hanscom Field, Massachusetts, and his present tour of duty is due to expire on September 21, 1975. Plaintiff Hayden believes that defendants' activities complained of herein are illegal and that, if forced to participate directly therein, he may be deprived of life or liberty without due process of law, either by being killed or taken prisoner in illegal combat operations, or by being disciplined for disobeying an illegal order.

IV. DEFENDANTS

9. Defendant Richard M. Nixon is the President of the United States and, upon information and belief, is personally responsible for the decision to commence aerial combat operations in Cambodia on February 16, 1973, and to continue such operations.

10. Defendant Elliott L. Richardson is the duly appointed Secretary of Defense, continuing to serve in that capacity pending his confirmation as Attorney General. As Secretary of Defense, he is the official responsible for executing the President's decision to commit American forces to combat in Cambodia.

11. Defendant ROBERT C. SEAMANS, JR. is the Secretary of the Air Force and, in that capacity, is the civilian official directly responsible for and in control of the bombing operations being conducted by the United States Air Force in Cambodia.

V. THE INCIDENTS AT ISSUE

12. On February 27, 1973, the United States signed, in Paris, the Agreement On Ending The War And Restoring Peace In Vietnam, Article 20(b) of which obliges the United States to put an end to all military activities in Cambodia.

13. On March 29, 1973, pursuant to the terms of the above Agreement, the last American serviceman was withdrawn from the Republic of Vietnam, and the last American prisoner of war captured during the Vietnam war was released on April 1, 1973.

14. Since February 16, 1973, despite the termination of American combat activities in Vietnam, defendants have ordered United States Air Force personnel to engage in intensive aerial bombardment of Cambodia. Such bombardment continues to this day, at levels reaching 250 sorties per day, including as many as 50 to 70 sorties by B–52s.

15. On information and belief, the bombing in Cambodia is for the sole or primary purpose of intervening in a civil war and is being conducted on a "saturation" basis, resulting in great and irreparable damage to civilian life and property and in the death, mutilation or displacement of vast numbers of Cambodian civilians.

16. The Secretary of State, William B. Rogers, who must be presumed to speak in such matters with the authority and approval of one of the defendants herein, President Nixon, stated to the Senate Foreign Relations Committee on April 30, 1973, that "we have had to intensify our air combat support, at the request of the Cambodian Government, due to the heightened military offensives by Communist Forces". Dept. of State Press Release No. 124, p. 2. The Secretary's Statement, and his accompanying memorandum "On Presidential Authority to Continue United States Air Combat Operations in Cambodia" make it clear that current United States policy is to continue such operations until "Communist Forces" in Cambodia, internal as well as external, have been bombed into submission. Dept. of State Press Release No. 125.

17. As widely reported in the press, within the past few days Ambassador William H. Sullivan, our negotiator in Paris, and President Nixon himself, have served notice on the other side that, if, in our judgment, they do not comply fully with the terms of the Paris Accords, we reserve our right to resume military operations, presumably in Vietnam and Laos.

18. Not only are the bombing of Cambodia and the threat of resumption of military activity elsewhere in Indochina totally devoid of any Congressional authorization, express or implied, but Congress has repeatedly stated its firm desire to see all military activity by the United States in Indochina come to a complete halt, subject only to the safe withdrawal of all U.S. forces from Vietnam and the return of all prisoners of war, both of which conditions have been fulfilled. See, e.g., Title VI of PL 92–156, the "Mansfield Amendment".

VI. CAUSES OF ACTION

19. Defendants' actions in ordering American military forces to engage in combat operations in Cambodia, all without the authorization of Congress, are in violation of Article I, Section 8, Clause 11 of the Constitution, which confers the exclusive power to authorize war upon the Congress. The resumption of U.S. military activities elsewhere in Indochina, which has been imminently threatened, would likewise be in violation of Congress' warmaking powers under the Constitution.

20. Defendants' actions referred to in par. 19 above are, or would be, in direct violation of PL 92–156 and other specific Congressional mandates.

21. Defendants' actions in Cambodia are in violation of international law.

22. Plaintiffs have no adequate remedy at law.

Wherefore, plaintiffs pray that this Court:



1. Declare that defendants' actions in ordering U.S. forces into combat in Cambodia are in violation of Article I, Section 8, Clause 11 of the Constitution and of Title VI of PL 92–156 and other specific Congressional enactments.

2. Declare that defendants' actions in ordering U.S. forces into combat elsewhere in Indochina, without prior Congressional authorization, would be in violation of Article I, Section 8, Clause 11 of the Constitution and of Title VI of PL 92–156 and other specific Congressional enactments.

3. Declare that defendants' actions referred to in pars. 1 and 2 above are, or would be, in violation of the Agreement On Ending The War And Restoring Peace In Vietnam of January 27, 1973.

4. Declare that the manner in which the bombing operations in Cambodia are currently being conducted is in violation of the Nuremberg Principles and the body of international law known as the Laws of War.

5. Grant, if necessary, appropriate equitable relief enforcing its declaratory judgments, and

6. Grant such other and further relief as to it may seem just and proper.

Dated: Boston, Massachusetts, May 7, 1973.

PETER WEISS,
ALAN ROSENBERG,
*Attorneys for Plaintiffs.*

[U.S. District Court for the District of Massachusetts]

AFFIDAVIT

(Robert F. Drinan, Michael J. Harrington, John J. Moakley, and Gerry E. Studds, individually and in their capacity as Members of the United States House of Representatives, and Airman First Class James H. Hayden, *Plaintiffs*, v. Richard M. Nixon, President of the United States, Elliot L. Richardson, Secretary of Defense, and Robert C. Seamans, Jr., Secretary of the Air Force, *Defendants*)

STATE OF NEW YOAK SS: COUNTY OF NEW YORK

Peter Weiss, being duly sworn, deposes and says;

1. I represent the plaintiffs herein, and I make this affidavit in support of their motion for a declaratory judgment that the continuation of United States military activity in Cambodia and elsewhere in Indochina is in violation of domestic and international law, and for such equitable relief as the Court may deem appropriate.

2. As stated by Secretary of State William P. Rogers before the Senate Foreign Relations Committee on April 30, 1973, the United States has conducted air combat operations in Cambodia subsequent to the conclusion of the Agreement on Ending the War and Restoring Peace in Vietnam on January 27, 1973, and intends to continue such operations.

3. On April 27, 1973, Senator Stuart Symington, Chairman of the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee, released a previously classified staff report of the Subcommittee, "U.S. Air Operations in Cambodia: April 1973", dated April 27, 1973, by James G. Lowenstein and Richard M. Moose, two members of the Committee's staff, based on field investigations during the period immediately prior to its preparation. According to this report,

a. The aerial bombardment of Cambodia by fighter bombers and B–52s of the U.S. Air Force has increased steadily from an average daily rate of 23 tactical sorties and 5 B–52 sorties during the period from February 16 to February 28, 1973, to an average daily rate of approximately 180 tactical and gunship sorties and 58 B–52 sorties by April 18.

b. These bombing missions are directed by

the U.S. Embassy in Phnom Penh, on the basis of antiquated maps which make it impossible to observe elementary standards of safety in preventing loss of civilian life and property.

c. Although these air strikes were originally aimed primarily at interdiction of North Vietnamese supply routes leading to South Vietnam, by the first part of April the vast preponderance of such strikes were aimed against Cambodian insurgent forces engaged in a civil war with the U.S.-backed regime of Marshal Lon Nol.

4. As stated by the Court of Appeals for the District of Columbia Circuit in *Mitchell v. Laird*, 41 LW 2526, on March 20, 1973, the Congressional plaintiffs herein "have a duty under the Constitution to consider whether defendants in continuing the hostilities [are committing] high crimes and misdemeanors so as to justify an impeachment of the individual defendants, pursuant to the United States Constitution, Art. I, Sec. 2, Clause 5." 41 LW 2526, at p. 2527; Slip Opinion, p. 3.

5. The doctrine of the First Circuit, as enunciated in *Massachusetts v. Laird*, 451 F.2d 26 (1971), is that questions concerning the legality of "Presidential" wars are justiciable and that, in a situation where the executive branch is engaged in a war to which the legislative branch is clearly opposed, a court "might well" hold that the Constitution has been breached.

6. Whatever Congressional authorization may have existed at one point for American military operations in Indochina became inoperative with the signing of the Paris Accords last January and the subsequent withdrawal of U.S. grand forces from Vietnam and release of U.S. prisoners of war held by the enemy. Congress not only has failed to condone, expressly or implicitly, the resumption of bombing in Cambodia on February 16, but has repeatedly declared its firm disapproval of any military operations in Cambodia in support of the Lon Nol Government or any other Cambodian Government. Thus,

a. Title VI of the Military Procurement Authorization for Fiscal 1972 (PL 92-156), known as "The Mansfield Amendment," declared it to be "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces."

b. Title VI of the Draft Extension Act of 1971 (PL 92-129) contained virtually identical language, but in terms of "the sense of Congress," rather than "the policy of the United States."

c. All six military appropriations bills enacted since the Camodian invasion of 1970 have contained the following language, commonly known as the "Fulbright Proviso":

". . . nothing [herein] shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the government of Cambodia or Laos: Provided further, that nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war." PL 91-441, 84 Stat. 905; PL 91-668, 84 Stat. 2010; PL 92-156, 85 Stat. 423; PL 92-204, 85 Stat. 716; PL 92-436, 86 Stat. 734; PL 92-570, 86 Stat. 1184.

d. The Foreign Assistance Act of 1971 (PL 92-226) contains a number of provisions, known as "The Cambodian Assistance Limitations", which clearly express the concern of Congress lest the United States become more deeply involved in the Indochina quagmire through support of the Cambodian government. Specifically, the number of U.S. personnel authorized to be present in Cambodia at any one time is limited to two hundred (22 U.S.C. § 2416) and the President is required to submit quarterly reports to Congress containing the amount of funds obligated in or for Cambodia and their purpose (22 U.S.C. § 2415(f)). Even more significantly, 22 U.S.C. § 2415(g) provides that the foreign aid authorization for Cambodia "shall not be construed as a commitment by the United States to Cambodia for its defense."

Combat air operations over Cambodia are exempted from these limitations, but the legislative history of PL 92-226 leaves no doubt that the sole purpose of such exemption was to prevent any possible jeopardy to the continuing withdrawal of U.S. forces from Vietnam (Senate Report No. 92-431, U.S. Code Cong. & Admin. News, 92nd Cong., 2nd Sess., pp. 1896-1899.)

7. Article 20 of the Agreement on Ending the War and Restoring Peace in Vietnam imposes a solemn obligation on the United States to recognize "the independence, sovereignty, unity, and territorial integrity" of Cambodia, to "put an end to all military activities in Cambodia" and to allow the internal affairs of Cambodia to be settled by its people without foreign interference. Even if it were true that the government of North Vietnam is interfering in a significant way in the civil war now raging in Cambodia—a point on which the Senate Foreign Relations Subcommittee Report, mentioned in Paragraph 3 above, casts considerable doubt—this would not relieve the United States of its obligations under Article 20 of the Agreement. The Act of the International Conference on Vietnam, signed in Paris on March 2, 1973 by the United States and a number of other countries, provides, in Article 7(2), that "In the event of a violation of the Agreement or the Protocols . . . the parties signatories of the Agreement and Protocols shall either individually or jointly consult with the other parties to this Act, with a view to determining the necessary remedial measures." Thus, continuing U.S. aerial bombardment of Cambodia constitutes a violation of the treaty obligations assumed by the United States in Paris on January 27, 1973 and March 2, 1973.

8. Regardless of the legality or illegality of current United States military operations in Cambodia under the Constitution and the Paris Accords, the manner in which such operations are being conducted is in violation of the body of international law condemning the mass destruction of the lives and property of innocent civilians, including the Nuremberg Principles and the applicable provisions of the Hague and Geneva Conventions.

9. Under Article I, Sec. 8, Clause 11 of the Constitution, vesting power to declare war in the Congress, the Congressional plaintiffs are entitled to a determination whether the military activities being conducted in Cambodia under the direction of defendants constitute a usurpation of that power.

10. Under Article I, Sec. 2, Clause 5 of the Constitution, the Congressional plaintiffs are entitled to a determination whether the military activities being conducted in Cambodia under the direction of defendants are in violation of domestic and international law, so as to justify their impeachment for high crimes and misdemeanors.

11. Plaintiff Hayden, a member of the United States Air Force whose current tour of duty is not scheduled to terminate until September 1975, may, at any time prior thereto, receive orders involving him in the conduct of military operations in Indochina. He holds the belief that the current operations in Indochina, as well as possible future operations, are illegal, and seeks judicial corroboration thereof. He is entitled to such a determination because if, in fact, such operations are illegal he would, in the absence of the requested judicial determination, be placed in the intolerable position of either subjecting himself to punishment for disobeying his military superiors or failing in his duty to disobey illegal orders. In addition, if plaintiff is ordered to participate directly in combat in Indochina, pursuant to illegal orders, he would be subject to the loss of his life or liberty in violation of his rights under the Fifth Amendment.

12. As has been widely reported in the press, within the past several days, President Nixon has announced that he may order U.S. combat operations in or over Vietnam to resume if the other side to the Indochinese conflict does not comply fully with the terms of the Paris Accords.

13. Upon information and belief, the daily cost of the U.S. combat operations in Cambodia, at their current level, is in excess of $1,000,000.

14. No prior request for the same or similar relief has been made by the plaintiffs herein to any court. A request for similar relief was made by Congresswoman Elizabeth Holtzman in the United States District Court for the Eastern District of New York on April 18, 1973; *Holtzman v. Richardson*, 73 Civ. 537. That proceeding is currently pending.

15. Because of the emergency nature of this application, it would be impossible to proceed by Notice of Motion. Moreover, the need for expeditious relief renders it impossible to await the service of defendants' answer prior to seeking judgment.

PETER WEISS.

## ENVIRONMENTAL PROTECTION ACT OF 1973

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. DINGELL. Mr. Speaker, I am today introducing legislation to amend the National Environmental Policy Act of 1969 by enlarging the capability of citizens to prosecute legal actions in cases where present law inhibits such actions.

The bill which Congressmen ECKHARDT, MCCLOSKEY, BREAUX, STUDDS, and I are introducing is a counterpart to a bill introduced in the Senate by Senators HART and MCGOVERN and a number of their colleagues. It has received support from a wide selection of public organizations: conservation groups, consumer groups, labor unions, environmental groups, and others.

It was almost exactly 4 years ago that our committee began hearings on the legislation that ultimately became the National Environmental Policy Act of 1969. Events since that time have indicated the validity of the premise upon which NEPA was based: That citizen involvement in environmental decisionmaking improves the quality of the decisions made, and that accessibility or accountability of the decisionmaker is an important element in the process.

The bill which we are introducing today takes the next important step in assuring that the decisionmakers remain fully accountable. It counteracts a tendency, already visible within the bureaucracy, to treat the National Environmental Policy Act as a formula requiring paper compliance and little if any active and positive consideration of the environmental significance of proposed Federal actions.

For the information of my colleagues, I ask to have reprinted in the RECORD a strong letter of support for the proposed bill, together with a copy of the bill which we are introducing today.

The documents follow:

COMMITTEE FOR THE ENVIRONMENTAL PROTECTION ACT

MAY 3, 1973.

Hon. JOHN D. DINGELL,
Hon. ROBERT ECKHARDT,
*House of Representatives,*
*Washington, D.C.*

DEAR MESSRS. DINGELL AND ECKHARDT: Environmentalists and public interest lawyers around the country consider the passage of the Environmental Protection Act of 1973 to be one of the highest priorities in this session of Congress. We appreciate your action on introducing this bill in the House of Representatives.

The Environmental Protection Act of 1973 provides a necessary tool for citizen participation in the prevention of environmental degradation. With respect to suits against federal agencies, existing statutes impose, in our view, excessive limitations on judicial review of administrative actions. Suits against private parties under traditional common law nuisance are severely limited by the need to show special damages. This bill is designed to resolve those problems.

The following groups have either testified in favor of similar legislation in the last session of Congress or otherwise indicated their support for the principles embodied in the act: Aviation Consumer Action Project, Center for Science in the Public Interest, Environmental Defense Fund, Fisherman's Clean Water Action Project, Fund for Animals, Izaak Walton League, Maryland Wilderness Association, National Parks and Conservation Association, National Wildlife Federation, Natural Resources Defense Council, The Wilderness Society, Trout Unlimited.

We, the undersigned, wish to convey our strong support and concern for this vital legislation.

Most sincerely,

Americans for Democratic Action.
Arizonans for a Quality Environment.
Campaign Clean Water.
Citizens Committee on Natural Resources.
Common Cause.
Emergency Committee on the Transportation Crisis.
Environmental Action, Inc.
Environmental Policy Center.
Friends of the Earth.
Marvin L. Goldberg, chairman, Federation of American Scientists.
Metropolitan Coalition for Clean Air.
Michigan Student Environmental Federation, Doug Scott, Washington Representative.
League of Women Voters of the United States.
National Coalition on the Transportation Crisis.
Northern Virginia Conservation Council.
Oil, Chemical and Atomic Workers Union.
Sierra Club.
Zero Population Growth.

(Contact: Doann Haines, Jim Conroy, Environmental Action, Inc., 833-1845.)



H.R. 7592

A bill to amend the National Environmental Policy Act of 1969 to provide for citizens actions in the United States district courts against persons responsible for creating certain environmental hazards

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) is amended by adding at the end thereof the following new title:

"TITLE III—ACTIONS TO PROTECT ENVIRONMENTAL QUALITY

"SUBTITLE A—GENERAL PROVISIONS

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Environmental Protection Act of 1973'.

"FINDINGS AND PURPOSES

"SEC. 302. (a) The Congress finds and declares that each person is entitled by right to the protection and enhancement of environmental quality and that each person has a responsibility to contribute to the protection and enhancement of the environment as a trustee for the benefit of future generations.

"(b) The Congress further finds and declares that it is in the public interest to provide each person with an adequate remedy to protect environmental quality from impairment and degradation.

"DEFINITIONS

"SEC. 303. As used in this title.

"(1) The term 'environmental quality' means those aspects of life and those objectives which are delineated in section 101(b) of this Act and which it is the purpose of this Act to protect.

"(2) The term 'federal agency' means the executive departments and independent establishments of the United States and corporations primarily acting as instrumentalities of the United States.

"(3) The term 'includes' or 'including' should be read as if the phrase "but is not limited to" were also set forth.

"(4) The term 'person' means an individual, partnership, corporation, unincorporated association or organization; or a department, agency, or instrumentality of the United States, a State or political subdivision of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a territorial possession of the United States.

"PROCEDURE

"SEC. 304. (a) Suits may be brought under this title by any person or persons who are adversely affected or aggrieved by the action or activity which is the subject of the suit or who speak knowingly for the environmental values asserted in such suit.

"(b) When two or more actions, at least one of which is brought under this title and all of which involve the same defendant and a common question of law or fact, are pending in two or more jurisdictions, such pending proceedings, upon application of any party reasonably made to the court of one such jurisdiction, may, if the court so decides, with the concurrence of the courts of the other jurisdictions concerned, after giving due consideration of the convenience of parties and witnesses and the order in which the suits were originally filed, be consolidated for trial by order of such court. The court granting such order of consolidation shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby. Nothing in this suosection shall be construed to preclude consolidation in any case not specifically referred to in this subsection.

"(c) Upon clear and convincing evidence offered by any defending party in a suit under this title that a temporary restraining order or preliminary injunction will result in irreparable damage to such party, the court may condition the issuance of such order or injunction upon the plaintiff or plaintiffs giving security to cover the costs and damages that may be incurred and suffered by such party if relief is wrongly granted. Such security shall not be required if, in the judgment of the court, imposition would unreasonably hinder the plaintiff or plaintiffs in the maintenance of the suit, would tend unreasonably to prevent a full and fair hearing on the action or activity complained of, or would otherwise not be in the public interest. Except as provided in this subsection, no bond shall be required by the court of any plaintiff in a suit under this title.

"(d) In a suit under this title, the court may appoint a master to take testimony and to make a report. The court or master, as well as the parties to the suit, may subpena expert witnesses and have the assistance of nationwide service of process for the production of records, documents, and other information reasonably necessary for just disposition.

"(e) Any suit under this title shall be supported by the affidavits of not less than two technically qualified persons stating that to the best of their knowledge the action or activity complained of will or reasonably may impair or degrade environmental quality.

"(f) The costs of litigation, including reasonable attorney's and expert witness fees, may be apportioned to the parties whenever the court determines that such an award is appropriate.

ACTUAL NOTICE

"SEC. 305. (a) The Administrative Office of the United States Courts shall establish an environmental registry under the direction of the Director. The Director shall list the names and addresses of all persons in the United States who request to be listed as persons (1) interested in environmental quality and the protection and preservation of the environment from impairment or degradation; and (2) who wish to receive the notice provided under subsection (b) of this section as to actions pending in one or more geographical regions. The Director shall operate the environmental registry, maintain materials relating to the rights recognized in this title, and provide for payment of membership fees to cover the cost of the notice provided under subsection (b) of this section.

"(b) Upon the filing of the original complaint in a suit under this title, the clerk of the court in which such suit is filed shall promptly send a copy of the complaint and attached exhibits and affidavits to the Director. Upon receipt, the Director shall promptly send a notice of such pending litigation to each person listed in the environmental registry as of that date. The notice shall state—

"(1) the names of the parties to the action;

"(2) the date on which the complaint was filed;

"(3) the name and address of the court in which the suit is pending;

"(4) the allegations in the complaint and the relief requested, in summary form; and

"(5) the procedure for obtaining expeditiously a copy of the documents in the suit, including the cost of a reproduction copy. Upon receipt of a copy of an original complaint pursuant to this subsection, the Director shall also cause a copy of such com-

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plaint, or a summary thereof, to be published in the Federal Register.

"(c) Any person who is entitled to bring a suit under this title may, in accordance with applicable rules of civil procedure, intervene as of right as a plaintiff in any suit under this title with respect to any questions of law or fact in common with the original complaint. In deciding the timeliness of applications to intervene, the court shall consider the operation of the notice provisions referred to in subsection (b) of this section and shall insure that there is adequate opportunity to respond to the notice provided.

"(d) The Director shall submit annually to the Congress, together with copies of the annual report required to be submitted under section 604(a)(4) of title 28, United States Code, a statement of the number of actions brought under this title, the number of such actions dismissed, settled, or brought to trial, and the number of such actions which appear to arise out of the same transaction or occurrence as any previous suit under this title or any other Federal statute relating to environmental quality.

"LIMITATIONS

"SEC. 306. (a) No suit may be brought under this title against the Congress of the United States.

"(b) Nothing in this title shall be construed to affect the specific statutory obligations of any Federal agency or any other person—

"(1) to comply with criteria or standards of environmental quality;

"(2) to coordinate or consult with any other Federal or State agency; or

"(3) to act or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency,

to the extent that such obligations are more protective of environmental quality than those arising under this title.

"OTHER REMARKS

"SEC. 307. Nothing in this title shall be construed to restrict any right or remedy which a person may have under any other provision of law or at common law, to seek relief or redress to protect himself or environmental quality.

"SUBTITLE B—SUITS TO REVIEW ACTIONS OF FEDERAL AGENCIES

"APPLICABILITY

"SEC. 311. (a) A person, on his own behalf or on behalf of other persons similarly situated, may maintain a suit in accordance with this title for review of an action of a Federal agency, including promulgation or failure to promulgate a rule or regulation, if—

"(1) such agency action allegedly constitutes an impairment or degradation of environmental quality under subsection (b);

"(2) such agency action allegedly constitutes a major action significantly affecting the quality of the human environment within the meaning of section 102 of this Act; and

"(3) such suit seeks enhancement of environmental quality through agency action more protective of environmental quality.

"(b) An action of a Federal agency constitutes an impairment or degradation of environmental quality if—

"(1) with respect to action taken pursuant to the Clean Air Act (42 U.S.C. 1857 et seq.), or the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.), the agency action fails to comply with any explicit substantive or procedural requirements for the protection of environmental quality prescribed for agency action in such statute;

"(2) with respect to action taken pursuant to any other Federal statute—

"(A) such action fails to comply with any explicit substantive or procedural requirements for the protection of environmental quality prescribed for agency action in such statute, or

"(B) notwithstanding that such action is consistent with such requirements, to the extent that the agency has discretion in the matter—

"(i) the environmental and economic costs of the action exceed the benefits to be derived from such action, or

(ii) the agency fails to select, within the limits of its discretion, an alternative to the action in question which creates less risk of environmental damage, is of comparable social (including environmental) benefit, does not involve unreasonable additional costs, and meets a similar need; or

"(3) with respect to any action taken, such action is in violation of a Federal agency standard, order, permit, or other regulation for the protection of environmental quality.

"(c) A suit under this subtitle may be brought without regard to the amount in controversy in any district court of the United States in which venue is appropriate under section 1391 of title 28, United States Code; except that if such suit concerns a specific agency action under a Federal statute which includes a provision for review of any such action affecting environmental quality under such statute, the suit shall be brought in conformity with the venue requirements and time limitations of such provisions.

"REMEDY

"SEC. 312. (a) The court shall grant whatever equitable relief is necessary to prevent impairment or degradation of environmental quality, including declaratory judgments and mandatory or prohibitive injunctive relief, upon an affirmative finding with respect to paragraphs (1), (2), and (3) of section 311(a).

"(b) The court is authorized to grant interim equitable relief in suits under this subtitle. Such relief may include relief against any agency pending the completion of agency procedures leading to an agency action or against any person whose activities may be prohibited, controlled, or authorized by such agency action.

"(c) The court may refer the parties or remand the action in any suit maintained under this subtitle to the administrative and regulatory procedures provided by other law or regulation. The court shall order such reference or remand upon a finding that expeditious and informed resolution of the action would be advanced by reference or remand in whole or in part. Nothing in this subsection shall be deemed to prevent the granting of interim equitable relief necessary to protect the rights recognized in this title.

"(d) If an action is remanded under subsection (c), the court may direct the agency in question to take additional evidence subject to such terms and conditions as the court may prescribe. The court may also take additional evidence itself in any suit under this title if it determines that the taking of such evidence will most effectively and efficiently protect the rights recognized in this title.

"(e) In a suit under this subtitle any determination of questions of fact by a Federal agency and agency action, findings, and conclusions based on such determination shall be presumed to be correct unless such presumption is rebutted by a preponderance of the evidence.

"(f) In a suit under this subtitle, all questions of law shall be determined by the court. There shall be no presumption as to the correctness of agency determinations of questions of law.

"(g) Except as otherwise provided or as otherwise required to effect the provisions and purposes of this title, the provisions of chapter 7 of title 5, United States Code (relating to judicial review), shall apply to all suits under this subtitle.

"SUBTITLE C—SUITS TO ENFORCE AGENCY REGULATIONS AND TO ENJOIN ENVIRONMENTALLY HARMFUL ACTIVITY

"APPLICABILITY

"SEC. 321. (a) A person, on his own behalf or on behalf of other persons similarly situated, may maintain a suit in accordance with this subtitle for declaratory or temporary or permanent equitable relief, including mandatory relief, to protect environmental quality from activity if—

"(1) such activity allegedly constitutes an impairment or degradation of environmental quality under subsection (c);

"(2) such activity allegedly constitutes a major action significantly affecting the quality of the environment;

"(3) such suit seeks enhancement of environmental quality through activity more protective of environmental quality; and

"(4) such activity allegedly affects interstate commerce.

"(b) A suit under this subtitle may be maintained against any person to the extent permitted by the eleventh amendment to the Constitution of the United States, except that no suit may be brought under this subtitle against any Federal agency.

"(c) An activity constitutes an impairment or degradation of environmental quality of—

"(1) where standards, orders, permits, or other regulations for the protection of environmental quality issued by a Federal agency are applicable to the activity in question; or where standards, orders, permits, or other regulations issued by a State or political subdivision thereof, pursuant to the Clean Air Act (42 U.S.C. 1857 et seq.), or the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq), are applicable to such activities; such activity is in violation of such regulations; or

"(2) where no such standards, orders, permits, or regulations are applicable—

"(A) the environmental and economic costs of the activity exceed the benefits to be derived from such activity; or

"(B) the defendant can accomplish the purpose of such activity in an alternative manner which creates less risk of environmental damage, is of comparable social (including environmental) benefit, and does not involve unreasonable additional costs.

"(d) A suit under this subtitle may be brought without regard to the amount in controversy in any district court of the United States in which venue is appropriate under section 1391 of title 28, United States Code. Such jurisdiction shall be concurrent with that of the courts of the several States.

"REMEDY

"SEC. 322. (a) The court shall grant such relief as is necessary to prevent impairment or degradation of environmental quality upon an affirmative finding with respect to paragraphs (1), (2), (3), and (4) of section 321(a).

"(b) The court may grant interim equitable relief where required and for such period of time as is necessary to protect the rights recognized in this title.

"(c) The court may refer the parties or remand the action in any suit maintained under this title to the administrative and regulatory procedures provided by other law or regulation. The court shall order such reference or remand upon a finding that expeditious and informed resolution of the action would be advanced by reference or remand in whole or in part. Resort to such procedures shall not be required if such suit is maintained to enforce administrative regulations as provided in section 321(c)(1). This subsection shall not be construed to limit the authority of the court under subsection (a) or (b).

"NOTICE

"SEC. 323. (a) No suit may be commenced under this subtitle—



"(1) until the plaintiff has given notice of intention to commence such suit to—

"(A) the defendant;

"(B) the attorney general of the State or States in which the activity which is the subject of such suit has occurred; and

"(C) the Council on Environmental Quality; except that upon a showing by the plaintiff of irreparable harm, this notice requirement may, in the discretion of the court, be waived or modified; or

"(2) if a Federal or State agency is diligently pursuing a suit for relief similar to that sought by the plaintiff, under this subtitle or otherwise; except that such plaintiff may intervene as a matter of right in any such suit to protect the rights recognized in this title.

"(b) In any suit brought under this subtitle, any government agency whose jurisdiction extends to the environmental impact of the activity in question may, if not a party, intervene as a matter of right.

"COORDINATION WITH STATES

"SEC. 324. (a) No suit may be brought under this subtitle with respect to an activity which is specifically authorized or approved by the government of any State or political subdivision of such State. This subsection is inapplicable if such activity (1) results in or reasonably may result in a significant effect on environmental quality outside such State or political subdivision, or (2) is in violation of standards, orders, permits, or regulations referred to in section 321(c)(1).

"(b) If a judgment is rendered under this subtitle against a political subdivision of a State, such State shall assume financial responsibility for any expenses which are incurred as a result of such judgment if the laws of such State limit the capacity of the political subdivision to raise the revenues needed to pay such expenses. In any suit which might lead to any such judgment, the State shall be joined as a party."

## FOUNDATIONS AND WOMEN: A POOR RECORD

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Ms. ABZUG. Mr. Speaker, I would like to draw the attention of my colleagues to the testimony of Prof. Franziska Hosken, delivered before the House Ways and Means Committee on Friday, April 20.

Professor Hosken testified on the subject of the employment and grant-making policies of our Nation's foundations. As you will discover in reading her testimony, the foundations of America, while receiving the benefits of tax-exempt status, practice blatant discrimination in the hiring of professional staff, in the appointment of women and minorities to their boards and in the types of activities which receive their funds.

I hope that the members of the Ways and Means Committee and all Members of the House will pay particular attention to this matter, and I include at this point in the RECORD Professor Hosken's excellent statement:

FOUNDATIONS AND WOMEN: A POOR RECORD

I am grateful for the opportunity to testify on behalf of the National Organization for Women. My name is Fran Hosken; I am a journalist in urban affairs and write for many papers including the *Christian Science Monitor* and as correspondent at large for the *Architectural Forum*. I am a professor of urban studies at the University Without Walls in Roxbury, Mass., and I am a member of the Housing Committee of the National Urban League, and chairperson of the New Towns Subcommittee. I hold a professional degree in architecture from Harvard.

Today I speak for N.O.W., the largest civil rights organization for women, founded in 1966 with over 500 chapters in every state of the union.

The purpose of this testimony is to seek redress for continuing illegal discrimination by tax free institutions, specifically universities and grant-making foundations. Women of all races and minority men are compelled to pay the taxes these institutions do not pay and therefore they subsidize them. Also the federal government subsidizes these same institutions every time that a donor deducts his or her contribution to one of them. These same institutions continue to exclude women and minority men illegally from equal participation as staff, as students, as teachers, as administrators, and especially on their policy making boards, except occasionally as tokens.

Taxes have increased enormously and they have increased out of all proportion for the lowest paid sector of the population. The large majority of the lowest paid work force is women. Women will not tolerate this doubly discriminating situation any longer. The participation of women in the labor force is constantly increasing.

In 1920 only 23% of the labor force were women.

In 1970 only 38% of the labor force were women.

Today only 43% of all workers are women.

While women are increasing rapidly among workers in less skilled jobs according to Labor Department statistics they are decreasing in the professions on the managerial level, and in all decision making jobs: precisely in the areas where a great deal of education is required.

Women furthermore according to the Department of Labor are underutilized in relation to their educational achievement and inadequately represented in the leading professions. Discrimination at higher education institutions and professional schools is very much to blame for this, especially at the prestigious private universities that take the lead (see education chart).

Universities have been ordered to comply with the Equal Employment legislation, Title VII of the Civil Rights Act of 1964, as amended, and specifically by making Affirmative Action Plans. But these plans, especially in the case of the large prestigious private universities, for instance at Harvard (which has an endowment of over two billion dollars) have had hardly any positive results (my case study of the group complaint I initiated against the Graduate School of Design at Harvard will serve as an example. A year long investigation by the Civil Rights Office of the Department of Health, Education and Welfare resulted in showing not only that my complaint was justified at the GSD but that discrimination exists throughout the university but especially in the administration and graduate schools. The case study is on file in Mr. Martin's office or may be obtained from me.) Yet in only very isolated cases has the Civil Rights Office of the Department of Health, Education and Welfare moved against any universities to temporarily withhold government funds.

Tax free foundations, especially the largest ones, led by the Ford Foundation (with a capital of almost three billion dollars) give millions annually to universities, educational institutions and institutes (all tax free) without requiring that the recipients observe employment laws and take effective affirmative action.

Women, a voting majority (51.3% of the population) are almost totally excluded from foundation boards and executive positions and therefore from all decision-making by foundations. Women are quite under-represented in all higher salaried staff positions in all foundations, but especially at the largest one, (the Ford Foundation). Foundations use their enormous wealth and power against women by omitting equal employment clauses in their funding of programs and institutions. My case study of the Ford Foundation where I applied for a job clearly shows discrimination. My analysis of foundation annual reports shows an almost total absence of women on all foundation boards and staffs. Both studies are on file and may be seen in Mr. Martin's office or can be obtained from me.

Almost all tax free educational and grant making institutions show a similar situation: a total absence of women, especially in well paid decision making positions. One result is that grants almost invariably go to men and/or organizations run by men. Scholarship granting organizations and honor societies of all kinds almost entirely exclude women from their decision making bodies, and consequently from their honors and grants. Until quite recently many prestigious scholarships were only available to men, though their donors and organizations are tax free that is subsidized by women.

Statistics show that 27.1% of the budgets of private universities and 24.7% of the budgets of public universities come from foundation grants according to the National Association of State Universities and Land Grant Colleges.

While public moneys and contracts may not be used where discrimination exists, foundation grants, though they are publicly subsidized, continue to go to universities even if HEW withholds public funds due to the institutions' non-compliance with the law. On top of that universities and foundations while they actively discriminate and break the law, continue to enjoy tax exemptions worth billions of dollars—taxes that have to be made up by those who suffer most from this discrimination: women. That is, women are compelled to finance their own exclusion from society and from education and from all well paid decision making jobs.

It is not the intention of the tax-free status of the universities and foundations to give them the license to illegally discriminate. It is not in the interests of Congress to permit the arrogant administrators, especially of the large rich private universities (led by Harvard) and the enormously wealthy powerful foundations (led by the Ford Foundation) to subvert not only the responsibility and mandate of being granted tax privileges but in addition to wilfully subvert the equal employment legislation of the land. We must again remind the lawmakers that large corporations have accepted equal employment legislation and that women are a majority of the electorate.

Women due to discrimination are unable to advance in the labor force though they work in ever larger numbers. The taxes women must pay as the largest group of the working poor are among the highest in the land. As Fortune Magazine in the December issue states in an article "The Right Kind of Tax Reform" by Richard Armstrong (based on numerous technical studies including the Brookings Institute) "One group clearly discriminated against by the present tax system is the working poor—families are paying a tax of 50 percent—a rate not reached again until the highest bracket."

As shown above, these working poor are by a large majority women and especially the growing number of women-headed families. According to Labor Department



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statistics the earning gap between similarly employed men and women which is a staggering monument of discrimination is getting even worse. The median income of women was 63.9% of the median income of men in 1955. But the 1970 statistics show women earn only on the average 59.4% for equal work of similarly employed men.

We submit that this committee should address itself to these urgent problems that are responsive to tax legislation in general and specifically to the tax exemptions granted to the educational institutions and grant making foundations who break the law and keep women from attaining equal educational administrative and decision making positions. We submit the country can no longer tolerate the loss of talent resulting from the wilful illegal exclusion of women. Foundation administrators reserve especially the prestigious well paid decision making jobs to their own "in group." One look at the present foundation presidents, trustees and decision makers and their counterparts at private universities confirms this statement. The president of the Ford Foundation Mr. McGeorge Bundy, his administrative vice president, Mr. Arthur Trottenberg, are former Harvard Deans.

The former president of Harvard is now president of the Andrew W. Mellon Foundation, Mr. Nathan Pusey, and the examples of exchanges between foundation and university administrators are endless: all excluding women in the entire educational establishment and funding process which discriminates against women and minorities yet women must support these institutions with their taxes.

We ask to have the tax-free status of the universities and foundations reexamined and suspended until such time as they make some realistic and fundamental changes and become the open and equal institutions they were meant to be: they must honestly carry out their responsibilities to the nation and to all the citizens, female and male, black, brown and white, for which they were granted the tax privileges they enjoy. Specifically we ask that the same clauses that apply to public moneys should apply to foundation funds so they cannot be used where discrimination exists. Foundations should be made responsible for carrying out this mandate or lose their tax exemptions.

The best way to allow women to enter the mainstream of American professional life is to require the private foundations and the tax exempt institutions to stop practicing discrimination. If they refuse, their tax exempt and tax deductible status should be terminated by the Internal Revenue Service in the same manner in which the IRS has terminated tax deductible status for private schools and colleges which practice racial or religious discrimination.

Universities and foundations as tax exempt, publicly subsidized institutions must by any and all means, including affirmative action and with the help of N.O.W., materially enlarge immediately the participation of women on their boards, in all decision making positions, on their staffs and student bodies on pain of jeopardizing their tax exemptions. And the same goes for minorities. Women's organizations can provide large numbers of qualified candidates.

It is especially important that not another generation of young women be sacrified to the discriminatory, illegal self-serving policies of exclusion practiced by the administrators at universities and foundations.

This nation and the democratic process is in serious trouble if it continues to discriminate against women who have a voting majority. Most of all we can no longer afford to permit the talents of over half the population to go un-used or under-used. Women must actively participate in the future of the country: they are the country's greatest hope for peace. Women if they are to fully develop their abilities in our society must first of all be guaranteed equal access to all educational institutions and positions and to all foundation moneys supporting education because without education they cannot succeed. Women as a voting majority will not tolerate their exclusion for the benefit of a few. But most of all Congress must realize that the nation can no longer tolerate such a loss.

## LEGISLATING ENERGY DRAIN: TWO SIDES OF ENVIRONMENTAL REFORM

### HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. MATSUNAGA. Mr. Speaker, at a time when environmental concerns are so critical and require so much of our legislative efforts, it is important not to overlook potential environmental harm which proposed solutions may themselves create.

Recently Dr. Richard E. Marland, head of Hawaii's Environmental Quality Control Office, offered an illumination of the problems caused when the diseconomies of certain controls overweigh the economies, both in a monetary and an environmental sense.

In the belief that Dr. Marland's thoughts will prove beneficial to my colleagues, especially as they relate to the need for careful balancing of all environmental gains against all costs, I submit an excerpt from Dr. Marland's speech for inclusion in the RECORD:

ENERGY NEEDS IN COPING WITH ENVIRONMENTAL PROBLEMS, A PRESENTATION TO THE SEMINAR, "ENERGY, THE ULTIMATE ENVIRONMENTAL PROBLEM?" APRIL 13, 1973

(An excerpt of a Speech by Dr. Richard E. Marland, Interim Director, Office of Environmental Quality Control, State of Hawaii)

As one may judge from the title of this paper, our efforts to control pollution of our water, air and land place a new and significant demand on the energy resources of the world. With few exceptions the processes which we are applying to waste water treatment, removal of air pollutants from factory and automobile emissions and the improved management of our solid wastes all call for energy input.

An obvious result of these new demands is the further depletion of our existing sources of energy. Thus, as environmentalists, we find ourselves on the horns of a dilemma. On the one hand, we seek to implement energy-consuming practices and processes which will preserve the quality of our environment, and on the other, we seek to conserve the dwindling supplies of non-renewable energy sources. Further, to complicate the problem, one cannot simply decide that the importance of one aspect is so great that we should ignore the other.

. . . Another area of potential solutions to our problem lies in more careful cost-benefit analysis of environmental benefits which require energy input. In this respect, I refer to an ecological cost-benefit, not only an analysis in terms of dollars. Let me cite one example, but a very important one.

The City and County of Honolulu is about to start construction of the long-awaited waste water treatment plant on Sand Island. Careful study of this system has produced the following facts:

1. The existing discharge of raw wastes is unacceptable. The pollution is harmful to our waters, threatening to our health, and aesthetically repugnant to society.

2. Treatment to the extent called "advanced primary" has been agreed upon by competent scientists and engineers. This degree of treatment will prevent environmental degradation to the receiving waters, remove the threat to human health and provide an aesthetically acceptable system.

3. Federal law now requires that this waste discharge be subjected to "secondary" treatment, without regard to other extenuating circumstances.

No one would argue against the application of the primary degree of treatment as having a favorable ecological cost-benefit. However, let us look at the energy costs of the alternative treatment processes. It may help us to establish a basis for obtaining an exemption from the arbitrary requirement of secondary treatment at this location.

The planned system of advanced primary treatment will require an annual energy input of 12,864,000 kilowatt hours at a cost of $225,000.00, and requiring 22,450 barrels of fuel—all this over and above the current energy utilization. If secondary treatment with hypochlorite generation as now required is added, the increase alone for these additions would be 17,200.000 kilowatt hours of power, costing $300,000.00, and requiring an additional 30,000 barrels of fuel oil per year.

There is little doubt in my mind that the benefits to our environment from increasing the degree of treatment in no way justify the more than double energy demand and economic cost. In fact, there is a stronger case for alleging that the application of secondary treatment plus chlorination would result in environmental harm.

Surely, conservation minded citizens should not accept this excessive cost in wasted energy. We hope the Federal Government will agree.

## THE OPPORTUNITY FOR BLACK BUSINESS IN CLEVELAND, 1973

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr STOKES. Mr. Speaker, the necessity to develop minority business is a subject upon which there is agreement among disadvantaged people and members of the establishment. James C. Davis is a distinguished Cleveland attorney and a senior partner in a prestigious law firm. He is chairman of the Greater Cleveland Growth Association, the organization which works to stimulate business development in the Cleveland area.

Jim Davis has always had a real interest in minority affairs. Several years ago he spoke to the Cleveland Bar Association. He urged the white establishment to work for a community in which people of both races could "live together harmoniously in mutual respect and prosperity.'" Recently, he spoke to the annual meeting of the Cleveland Business League, a group of black businessmen. He described the racial progress which had been made in Cleveland since his earlier speech and discussed the prospects for continued progress and the expansion of minority business. I am sure his remarks will be of interest to my colleagues. The full text of his speech follows:



THE OPPORTUNITY FOR BLACK BUSINESS IN CLEVELAND, 1973

(By James E. Davis)

In appraising the opportunity for black business in Cleveland in 1973, one must examine the present in light of the past and thereby seek to forecast the future. Where we are today is the inevitable result of where we were yesterday and our experiences of both today and yesterday, provide our best guide to where we will find ourselves tomorrow.

Just seven years ago I spoke to the Cleveland Bar Association on the subject "Cleveland's White Problem." At that time, I made clear my belief that probably the most fundamental problem confronting 20th century America was—how masses of black and white people—suddenly crowded together in major cities of this country—could come to live together harmoniously in mutual respect and prosperity. At that time—I said:

"Cleveland's present community image is not good, either at home or abroad. Its failures in urban renewal, its loss of business, its shrinking population * * * are obvious for all to see. At this moment, no one can deny that Cleveland is pointed down, not up * * *."

Further I then said:

"No observer of the Cleveland scene can fail to be aware of the conflicting charges and countercharges about the causes for Cleveland's present plight and who is responsible for them. The Mayor [then Mayor Locher] blames the Federal Government, the Federal Government castigates the Mayor, the white community blames the Negro who vigorously reciprocates. The business community charges responsibility to the political establishment and the politicians charge businessmen with trying to take over city hall."

I believe that what I said then was a fair thumb nail sketch of Cleveland in 1967. In that same speech I further said:

"We must either improve the seaworthiness of the vessel or go down with the ship. But the Cleveland ship need not go down. It is inherently sound if the present creeping dry rot can be halted and the necessary restorative repairs made."

How did we reach that low state—and what has been done about it? And, where do we—as black and white business and professional people—go from here?

In 1967, Cleveland's black population was four times as large as it had been at the beginning of World War II. Moreover, since World War II, over 200,000 whites had left Cleveland. As a result, not only was there a four time increase in the actual black population of Cleveland, but the black proportion of Cleveland's total population increased even more. By 1967, it had reached some 38% to 40% of the city's total. A relationship which has remained fairly level since that time.

Most of this tremendous black migration into Cleveland came from rural areas of the country. It was part of a massive shift in the Nation's black population from predominantly rural areas to the inner cities of the Nation's industrial centers.

This massive influx into the black communities of Cleveland and other northern industrial centers was dislocating and disruptive to social and economic life and to existing political alignments and accommodations. Educational facilities became more inadequate and more segregated. Not enough housing was available—and—due to overcrowding and—in part—to inexperience with city living by many of the new migrants—much of the housing that was available rapidly deteriorated. Not enough jobs could be found. Unemployment soared—welfare rolls rose sharply. Police-citizen relationships were at a low ebb.

And then came the riots, the burnings and large scale civil disturbances—not only in Cleveland—but in Detroit, Chicago, Washington, D.C. and other major American cities.

That was a time when only radicals seemed to be heard—both radical blacks and radical whites. The riots were destructive—they produced bloodshed and death—they increased racial polarization and hatred—but they did accomplish one constructive result. And in my judgment—only one.

These disturbances served for the first time to awaken much of our white population to the breadth and depth of our interracial problems. As a result, both white and black leadership have since seen the need to work together to find their solution.

In Cleveland, the years since 1967 have witnessed increased recognition in both the white and black communities that the problems which we face are basically not white problems or black problems, but common problems—in the face of which blacks and whites must rise or fall together.

It was his recognition which made possible the election and reelection of the first black man to serve as mayor of a major American city—and a city—where the majority of the population was white. It was this recognition which brought home to white business leadership the need to strengthen the black economic base, to strengthen black business.

No matter that Carl Stokes was succeeded in office by a white Mayor—no matter that as a result of political controversy between Mayor and Council leadership increased political racial polarization resulted. The net effect of the Stokes years must be recognized as productive of an affirmative improvement in the climate for black business. They stand as irrefutable proof, that even politically, black leadership will be accepted by substantial segments of the white community on an equal basis with white leadership provided the black leadership is devoted to the mutual good of our people as a whole. Once black and white leaders proved their ability to work together in the steam heated political areas—it was evident that they certainly could do so in the less emotionally charged area of business and the professions.

The years since 1967 have shown a substantial improvement in the white business community's understanding of the problems of black business. The white businessman has come better to understand that the black businessman wants to stand on his own feet and wants to achieve his own success—that given fair opportunity—he can do both. That white paternalism the black businessman neither wants nor needs. True, this understanding is not yet universal—what is important—is that it exists and is growing.

More and more, white businessmen have come to realize that the black man, just as the white man, desires position, status, and self-respect—that each of us, without regard to the color of his skin, wants to be somebody—and to be recognized as such—and each of us wants these achievements to come through the use of his own capacity and effort—not as a paternalistic reward.

What is required—and what black business has the right to expect from white society, government and business—is the creation of a climate in which the black business or professional man has a fair opportunity to achieve his own salvation. Further the realization has been growing in the white community that a healthy, self-sufficient black business economy contributes substantially to the success of white business.

As a result, since 1967, substantial efforts have been made by the white business community in Cleveland to open opportunity for leadership and economic success for black business and professional men and women. Admittedly, the substantially of the effort has not yet fully achieved the desired result. However, the problems are much easier of recognition than they are of immediate solution—but progress has been—and is being—made.

Increasingly, black business and professional men have emerged and been accepted as leaders in the counsels of our major business and professional organizations.

Perhaps the largest professional organization in Cleveland is the Cleveland Bar Association, and certainly the principle organization of Cleveland business is the Greater Cleveland Growth Association. Blacks have assumed and successfully discharged responsible staff positions in both of these organizations. Blacks are represented in increasing numbers in the governing councils of both organizations. Here, the voice of black leadership is today heard with increasing effectiveness, where seven years ago, it was simply not present.

In 1968, the Greater Cleveland Growth Association was organized through a combination of the Chamber of Commerce and the Greater Cleveland Growth Board. One of the motivations which underlay the creation of the Growth Association was a recognition—on the part of white Cleveland business—that if Cleveland was to go forward, Cleveland business had to concern itself with a much broader spectrum of social and political problems than normally had been the concern of the Chamber of Commerce or the Growth Board. The white business community recognized that the problems of minority enterprise—primarily black business—were truly of concern to business as a whole in the Cleveland community.

It was recognized that minority businessmen and women did not enjoy equal opportunity in obtaining financing—particularly in the extension of credit by commercial banks and that, to a substantial degree, black business did not receive equal acceptance in white markets. In its efforts to equalize opportunity in these areas, the Growth Association utilized its affiliate, the Greater Cleveland Growth Corporation.

The efforts of the Growth Corporation to aid minority business have been directed first, to provide technical, financial, and educational assistance to existing minority businessmen. Second, to encourage and aid in the creation of new minority businesses—and third, to assist existing minority businessmen to expand their current operations. In pursuing these objectives, the Growth Corporation has worked closely with Cleveland's commercial banking community and with the Small Business Administration of the Federal Government.

Today, most of Cleveland's commercial banks have officers who specialize in loans to minority owned businesses. Many of these specialists from the commercial banks participate in the Growth Corporation's Loan Review Committee which is made up of representatives of Cleveland's nine largest banks. This committee affords a channel, which never existed before, through which the problems of Cleveland's black business can be made known, under favorable circumstances, to Cleveland's commercial banking community.

During the three years ending in 1971, Cleveland banks—in many instances with the support of the Small Business Administration—provided loans to minority small businessmen in the amount of approximately $5,000,000. In the same period, through the efforts—and the financial assistance of the Growth Corporation—145 small businesses obtained financing in excess of $4,500,000. Admittedly, this provision of nearly $10,000,000 in financing to minority business is only a door opener." However, it is the opening of a door which for many years has been tightly closed to black business.

Another "door opener" has been provided by the Annual Business Opportunities Exposition which the Growth Corporation has coordinated since 1970. These expositions have been trade shows in reverse. In these expositions, Cleveland's large predominantly white controlled business firms—have supported

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demonstrations of the products they wish to buy—not sell. This has given black business the opportunity to learn the extent of the local market both for existing products and for those new products for which production capability exists.

Another "door opener" which the Growth Corporation has provided for black business is a free counseling services designed to aid a businessman properly to evaluate his business, plan sales and marketing programs—install necessary accounting procedures and develop financial projections and statements.

Fair appraisal of the future of Cleveland's black business requires evaluation of what has been learned from these first openings of the doors of equal opportunity.

In the first place, we have learned that black people are much the same as white people. Some are smart—some are not so smart. Some are industrious—some are lazy. Some are honest—some are not. In short, people are people, no matter what may be the color of their skins.

As the result of the first lesson, we have learned a second one. No matter how business opportunity be equalized—business success depends on business aptitude—but most important on hard work. Just as was the case with white men and women who started businesses, so it has proved to be with black businessmen or women. No amount of cash or credit—no amount of market opportunity—and, no amount of business counseling can make a success of a black business where the proprietor lacks aptitude for the business or is unwilling to work long hard hours to make it a success.

In order to check Cleveland's experience, the Growth Association sent teams of black and white business and professional men to study black business in Atlanta, Chicago, and Los Angeles. In each city, the experiences were the same as ours. In each city, experience showed that it was not fruitful to advance credit or expend time and money to create or assist black business until it had demonstrated its ability to gain at least a business foothold through the aptitude and industry of its proprietor.

In short, if we are to have a healthy black business community—we should follow the precept of the Lord—and help most those who have shown the ability to help themselves.

Before I close, I want to talk to you briefly about Cleveland and its future as a strong, healthy community. It is in the future of Cleveland that all business and professional people—black and white alike—have their principal stake. I believe in Cleveland. I believe in the desire and ability of the business and professional leadership of Cleveland working with leaders of government to move our city ahead. The fact that Cleveland business has responded to the challenge of the Greater Cleveland Forward campaign and has already pledged 80% of the goal of $4,820,000—with new pledges constantly being received—is proof positive that Cleveland business will support, not just with words, but with hard cash—the future of our city.

The Cleveland Forward Funds are being used solely for the purpose of insuring Cleveland's future. Hopefully, the studies which they are making possible will produce a major hub jet airport for Cleveland—an airport which will bring some 70,000 new jobs to our city and will once again make Cleveland one of the major transportation centers of the United States.

These funds are also a principal source of the efforts of the Growth Corporation to provide special aid to minority business. They have also provided a major effort to keep existing businesses of all kinds in Cleveland and to attract new job producing business to Cleveland. Through extra staff work made possible by these funds, the Growth Association has been able to assist State, county, and local governments in the development of programs and improvements for Cleveland's overall growth and progress.

Despite the growth of our suburbs—I believe that if we but look around us—we will see that Cleveland is truly about to be reborn.

One whose only observation of Cleveland was made seven years ago, would never recognize our city today. At that time there was no Cleveland State University—no community college—no Erieview Tower—no investment plaza—no Central National Bank Building—no Cleveland Trust Tower—no Park Centre. Similarly, if we could see Cleveland seven years from now, it would again be so changed as to be unrecognizable. The new development now underway, such as the Justice Center and the Bond Court Hotel—and developments now realistically to be expected such as the Terminal Tower Development—with a new state office building, new hotel and new downtown department stores, gateway, revitalization of the stadium and hopefully improvements at playhouse square—all show—Cleveland's dry rot has been arrested. Our ship is no longer sinking and certainly—today our course is pointed up—not down.

True the developments to which I have just referred are primarily in downtown Cleveland, and one may fairly ask what do these do for the areas of Cleveland's inner city which are still depressed? This is a fair question. But bear in mind that no part of our city—East side—West side—South side—Hough—or Glenville—can prosper unless the entire city moves forward. The fact that downtown is being reborn is proof positive that institutions and individuals are willing to bet heavily on Cleveland's future. These investments involve smart money and lots of it. They carry a message we can believe in.

I am distressed about one thing however—and I would be less than frank if I did not mention it tonight. The Greater Cleveland Growth Association, the only major business organization directing its efforts to the overall economic good of the entire community—black and white alike—has mounted, and is implementing, the Greater Cleveland Forward program with the purposes which I have just outlined. Although the Association has some 5,000 members, very few—very few—of these members are black business or professional men. Further, very few—very few—black businesses have contributed to this campaign. In my judgment, this is not a healthy situation—and reflects no credit on black business and professional men and women.

Rejection of white paternalism and assertion by black business and professional people of their right and ability to be recognized and rewarded according to their own merits and with equal opportunity should carry with it the responsibility to join with their white brethern in the support of joint efforts for the common good.

At the time I announced the Greater Cleveland Forward campaign, I suggested to the white business community that if we expected credibility for its views and programs, we should put its dollars where its mouth had been. I assure you tonight that I firmly support equal opportunity for black dollars.

At the outset of these remarks I stated my belief—expressed seven years ago—that the most fundamental problem which confronts our city and our country, is how we as blacks and whites can come to live together harmoniously with mutual respect and common prosperity—this is still my belief.

I am convinced that during the past seven years we, in Cleveland, have made substantial progress toward the achievement of that goal. We are still a long way from the end result—we still are embroiled in substantial racial polarization—we whites and blacks do not yet either fully understand or fully trust each other—but we are making progress. We are talking together. Increasing numbers of us are trying. The very fact that you have invited me to speak to you tonight—and that I was willing to speak and speak frankly—is clear evidence that we are moving forward.

In our trips to Atlanta, Los Angeles and Chicago, we found that in each of those cities—white business and professional leaders, and black business and professional leaders, were increasingly meeting together to discuss and identify community problems—problems of special interest to each group and those held in common and to identify solutions which both whites and blacks could support. In each city, we were told—by black and white leaders alike—that in this type of communication and solution lay the greatest hope for the eventual elimination of racial animosities and the achievement of forward progress for their cities.

Our own experience confirms that of Atlanta, Chicago, and Los Angeles. More and more, through the Cleveland Bar Association, the Growth Association, the Growth Corporation and other groups—we have been able to gather in one room representative black and white leaders who are increasingly able to speak frankly and with understanding to each other. This type of communication continues to grow and as understandings improve—continues to be more effective. We, blacks and whites alike, must support and extend these efforts.

The great middle groups of blacks and whites alike hold most of their basic goals in common. They both want equal opportunity to achieve productive work commensurate with their skills and with equivalent rewards. They both want equal opportunity for decent and suitable housing. They both want equal opportunity for appropriate education for their children. They both wish to live in peace and security—free from violence and radical assault. And finally, they both want to maintain themselves and their families and raise their children in an atmosphere where all may achieve and be afforded that respect and recognition which by their own efforts they can earn and achieve.

The fundamental problem which all of us must strive to overcome is that even though blacks and whites hold these basic goals in common, so long as they work separately, polarized by misunderstanding and racial animosity—the goals will not be reached. It is my belief—and I hope that I am correct—that in Cleveland today, enough of the leaders in both the black and white communities have come sufficiently to understand that their goals are the same—that they will be motivated to continue to work closer and closer together until these goals have actually been realized.

Only then will Cleveland fulfill its potential and provide the opportunity which all of us—black and white alike—have the right to look forward to.

## WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. GUDE. Mr. Speaker, as many of my colleagues know, I have long been deeply concerned over the present operation of the airport facilities for the Washington Metropolitan region. Under the ownership of the Federal Aviation Administration, jet traffic and passengers have been "shoe horned" into Washington National Airport, a facility constructed at a time when commercial jet traffic was, to the majority of citizens, science fiction.

Dulles International Airport was constructed at the taxpayers expense to be the jetport for this city. While it certainly has grown, in terms of numbers of flights, from the time it opened to the public, it remains woefully underutilized. Further, Maryland's Friendship International has suffered greatly due to the unrealistic favoritism shown National and Dulles by the FAA.

I have introduced legislation, H.R. 5509, to help solve this problem. This measure would transfer National and Dulles to the Washington Metropolitan Area Transit Authority, and would empower WMATA to negotiate with the State of Maryland for Friendship, assuming Maryland wished to sell it. In this way, all of our regional airports could be brought under single ownership and operation, assuring a better distribution of air traffic and assuring local citizen input into the operation.

At this point, I would like to include in the RECORD the text of that legislation for the information of my colleagues:

H.R. 5509

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Washington Metropolitan Area Transportation Act of 1973".

STATEMENT OF FINDINGS AND PURPOSES

SECTION 1. The Congress finds that (1) an adequate and economically sound transportation system or systems, including airport operation and management, serving the Washington metropolitan area is essential to commerce among the several States, and among such States and the District of Columbia, and to the health, welfare, and safety of the public; (2) economics and improvement of service will result from the unification of airport operations as well as from integration of other transportation facilities within the Washington metropolitan area; (3) the Washington Metropolitan Area Transit Authority is a body corporate and politic organized pursuant to interstate compact among the States of Maryland and Virginia and the District of Columbia, with the consent of Congress, to plan, develop, finance, and operate improved transit facilities in the Washington metropolitan area transit zone; (4) an appropriate solution to the current problems in airport operations and management is unified public ownership and operation of airport facilities within the Washington metropolitan area; and (5) to these ends it is necessary to enact the provisions hereinafter set forth.

TITLE I

CONSENT TO COMPACT AMENDMENT

SEC. 101. (a) The Congress hereby consents to amendments to articles II, III, and XII of title III of the Washington Metropolitan Area Transit Regulation Compact (D.C. Code, sec. 1-1431 note) substantially as follows:

(1) Section 2 of article II is amended by striking out "transit" where the same is found, and inserting in lieu thereof in each instance "transportation".

(2) Section 3 of article III is amended (A) by striking out "and Fairfax" and inserting in lieu thereof "Fairfax and Loudoun"; and (B) by striking out "and Prince Georges" and inserting in lieu thereof "Prince Georges and Anne Arundel".

(3) Section IV of article II is amended by striking out "Transit" and inserting in lieu thereof "Transportation." Any and all laws referring to the Washington Metropolitan Area Transit Authority are similarly amended.

(4) The first sentence of section 5(a) of article III is amended to read as follows: "The Authority shall be governed by a Board of nine Directors consisting of three Directors for each signatory."

(5) Section 56 of article XII is amended by adding at the end thereof the following paragraph:

"(f) The Authority may acquire and operate the terminal facilities, and all functions incident thereto, of National Airport, Dulles International Airport, and Friendship International Airport and may acquire and operate air transportation services and facilities within the zone. Nothing in this paragraph shall be construed as granting to the Authority the right or power to acquire or operate any air transportation service extending from any point within the zone to any point outside of the zone.

TITLE II

TRANSFER OF FEDERAL INTEREST

SEC. 201. (a) There is transferred to the Washington Metropolitan Area Transportation Authority all right, title, and interest of the United States and to National Airport, in Washington, District of Columbia, and to Dulles International Airport, in the Commonwealth of Virginia.

(b) So much of the real and personal property, records, assets, and liabilities of National Airport and Dulles International Airport, as the Director of the Office of Management and Budget determines are used, held available, or to be made available in connection with the operation of such airports are transferred to the Authority.

(c) No contract for services or supplies, leases, or other agreements lawfully entered into before the date of enactment of this Act by the officials of National Airport or Dulles International Airport shall be invalidated by the enactment of this Act.

TITLE III

PURCHASE OF FACILITIES AT FRIENDSHIP AIRPORT

SEC. 301. (a) The Authority is authorized to enter into negotiations for the acquisition of all real and personal property of the State of Maryland at Friendship Airport.

(b) All costs of such acquisition shall be financed by issuance of Authority bonds, which bonds shall be subject to Federal guarantees as provided in title I of the National Capital Transportation Act of 1972 (Public Law 92-349, 86 Stat. 464). Such bonds shall be in addition to those bonds authorized by Public Law 92-349.

TITLE IV

EFFECTIVE DATE; DISTRICT OF COLUMBIA AUTHORIZATION

SEC. 401. (a) The transfer provided for in section 2 of this Act shall take effect on and after the day next following that day on which all signatories to the Washington Metropolitan Area Transit Regulation Compact have ratified the amendments to the compact substantially as set forth in the first section of this Act.

(b) The Commissioner of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth in title I of this Act, to the Washington Metropolitan Area Transit Regulation Compact with the Commonwealth of Virginia and the State of Maryland.



## SOFT-HEADED JUDGES AND PROBATION OFFICERS

### HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. BLACKBURN. Mr. Speaker, when President Nixon in March called on "soft-headed judges and probation officers" to show as much concern for the victims of crime as the criminals, some people in the press jumped on him. An article in this month's issue of First Monday, edited by John Lofton, Jr. and published by the Republican National Committee, strikes back with facts and figures of interest to all my colleagues. I would like to include the article in the RECORD:

SOFT-HEADED JUDGES AND CRIME: WHO'S RIGHT, THE PRESIDENT OR TOM WICKER AND MILTON VIORST?

("The time has come for soft-headed judges and probation officers to show as much concern for the rights of innocent victims of crime as they do for the rights of convicted criminals."—President Nixon in a national radio address, March 10, 1973)

Since the President has the temerity, the unmitigated gall to suggest a Skull-Thickness-Rating (STR) of less than rock-hard for those judges and probation officers who show more concern for the rights of convicted criminals than for the rights of their innocent victims, a few people, obviously soft on the soft-headed judge issue, have become a little bent out of shape.

Washington Star-News columnist Milton Viorst cavalierly dismissed as "blatant nonsense" the idea that soft-headed judges have anything to do with crime in the streets; N.Y. Timesman Tom Wicker denounced the President's entire law and order speech as "most depressing," lamenting that it was the "usual American political response to the fear of crime rather than to the hard fact of crime itself."*

What are the facts? Are there soft-headed judges? Probation officers? And if so, does their soft-headedness—that is, their refusal to make the punishment fit the crime—exacerbate or ameliorate the crime problems? Whose STR rating is most solid? The President's? Milton Viorst's? Tom Wicker's? Read about the following crime surveys and reach your own conclusions. You might even want to let Mr. Viorst and Mr. Wicker know how you feel.

Philadelphia Survey. The Philadelphia Inquirer this past February ran the results of a seven-month, sophisticated computer analysis of the way violent crimes were handled in the courts in that city during 1971. The survey was based on the cases of 1,034 persons indicted for murder, rape, aggravated robbery and aggravated assault and battery.

Included in the findings of the Inquirer survey were the following facts and figures:

There is no evidence to support the argument that long prison sentences deter crime

*The problem with this form of argumentation is that it really says nothing. Using this illogical formulation, Wicker could just as easily be denounced for the usual knee-jerk, ultra-liberal appeal to the fears of those who are afraid of those who respond only to the fear of crime rather than responding to the hard fact of crime itself.

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"because judges have not been imposing long sentences for some time. In those isolated cases in which long sentences are meted out, they are seldom served. (The Inquirer defined a long sentence as five years or more for a violent crime.) Although the defendant had a prior police record in 78 percent of the cases, several dating back to the 1930s, many for other serious crimes, fewer than half a dozen had served more than five years for one offense."**

Defendants who pleaded guilty or were convicted were given probation or a suspended sentence in 39 percent of the cases. "Remember, too," the Inquirer survey points out, "that these offenders were charged with the most serious crimes committed in the city—murder, rape, aggravated robbery or aggravated assault and battery."

Of the 19 judges surveyed who handled 20 or more cases, one judge placed defendants on probation or gave them suspended sentences in 69 percent of the cases. (Tom, Milt—an STR rating, please.)

Judges handed out sentences of one year or less in 54 percent of the cases where a defendant pleaded guilty or was convicted of a serious crime. Sentences of more than five years were handed out in only 10 percent of the cases. In fact, the survey shows, 11 of the 19 most active judges "did not impose a single sentence of more than five years." Two judges sent all their defendants to jail for one year or less. (STR?)

Judges who decided cases without a jury found the defendant guilty of at least one charge in 59 percent of the cases, but found him guilty of the major charge in only 37 percent of the cases. (STR?)

In a section headlined "How to Commit Murder and Avoid Jail," the *Inquirer* survey showed: A parent who kills his child will probably be put on probation; an adult who kills someone else's child probably will be sent to jail, but not for long; a parent who kills at least two of his children probably will be sent to jail for a longer time than someone who kills one child yet his sentence is still likely to be shorter than the sentence an armed robber receives for a series of holdups in which no one is injured.

The Philadelphia paper's investigation found that there were elements of first degree murder—according to statements made during trials by judges or assistant district attorneys—in 29 percent of the second degree murder cases in the study. In some of these cases, the judges were clearly reluctant to go along with the sentencing recommendations of the district attorney's office, but bowed to pressure—for one reason or another—to eventually accept them. (STR?)

What is happening in the City of Brotherly Love in most rape cases, the Inquirer survey shows, is:

"Once convicted or found guilty, a rapist has a better than 50-50 chance of being placed on probation rather than sent to prison. In fact, a robber is more likely to be sent to prison than a rapist.

"Persons who plead guilty or are convicted of rape are sent to jail in 44 percent of the cases, while persons who plead guilty to robbery are sent to jail in 69 percent of the cases.

"Even when a convicted rapist is sent to jail, it is seldom for very long." (STR?)

As for robbery—the crime most on the increase and the one "many Philadelphians fear most"—the survey shows that despite the fact that robbers are more likely to have prior records than murder, rape and assault defendants, the courts are continually placing these repeat offenders on probation with the result being that they are soon arrested for new crimes.

"Persons convicted of armed robbery who are sent to jail receive prison terms of one year or less in 38 percent of the cases," the survey shows. "Even in instances where victims of unarmed robberies were hurt and required hospitalization, judges were still likely to impose relatively short sentences on the offenders." (STR?)

Of those robbers sent to prison, 61 percent received minimum sentences of one year or less. In only seven percent of the cases did the judges impose a sentence of more than five years.

"But what might be even more revealing about the way serious offenders are dealt with by Philadelphia criminal courts," says the survey, "is the fact that 31 percent of those persons who pleaded guilty or were found guilty of aggravated robbery were placed on probation." (STR?)

New York City Survey. A New York State Commission of Investigation interim report on the operations of the "Special Narcotics Parts" of the New York City Supreme Court shows that of the 1,966 defendants involved in narcotics felony cases from Sept. 5, 1972 to March 22, 1973, 59 percent sentenced received no jail term.

"Even taking into consideration those sentenced to the custody of the Narcotics Addiction Control Commission, better than two out of every five defendants have walked out of court with no incarceration of any kind," the report declares. "These sentences support the conclusion that judges in New York City apparently do not consider narcotics felonies to be serious crimes warranting substantial jail sentences and the removal of narcotics peddlers from our streets." (STR?)

But the problem of lenient sentencing for narcotics violators goes far beyond New York City. A recent study by the Bureau of Narcotics and Dangerous Drugs (BNDD) reveals that over 25 percent of the February convicted violators were not even sentenced to jail; more than 70 percent of those accused of violations were freed on bail for a period of three months to one year between the time of arrest and the time of trial. "Many of the examples of post-arrest trafficking activity show subsequent violations which occurred only days and sometimes hours after release," the study notes. (See boxes for examples.)

Chicago Study. The Chicago Tribune reports on a Chicago Crime Commission survey which shows less than seven percent of the persons arrested for crimes in the Windy City in 1972 were indicted or formally charged and less than three percent of those were sentenced to jail terms. Crime Commission President Lee Schooler describes the situation as "appalling" and says the survey proves that "one of the most serious factors contributing to violent crimes is the gap that exists between the number of arrests and convictions.

DECLINE IN SERIOUS CRIME PROVES PRESIDENT'S DEMOCRAT CRITICS WRONG

"(Restoring respect for law and order) will be the first priority of the Nixon Administration. You give me the chance and we will stop the rise of crime in America."—Richard Nixon, Buffalo, New York, October 7, 1968.

Since making that pledge approximately four and a half years ago, President Nixon has waged a relentless and successful battle against crime in the United States. According to the latest announcement by the Deparment of Justice, serious crime in America declined by three percent in 1972. This represents the first decline in 17 years.

Specifically, the Justice Department pointed out that in 1972:

Robbery, the violent crime most likely to strike the unsuspecting person on the street, declined four percent.

Burglary, auto theft and larceny of $50 or more decreased by approximately four percent nationwide.

Ninety-four major cities reported actual decreases in serious crime, compared with 53 cities in 1971, 22 cities in 1970, and 17 cites in 1969.

With these facts in mind, it is extremely interesting to note some of the statements made by President Nixon's critics.

"The Administration has repeatedly claimed that the crime increase is tapering off, for the most serious crimes. These claims are a cruel hoax. . . ."—Sen. George McGovern, press release, Aug. 28, 1972

"The tragic prospect we face is for another backward step on crime. . . . We need better leadership on law and order, and we need it right away."—Sen. Edward Kennedy, speech at California State Democratic Party Fundraiser, Feb. 19, 1972.

"The fact is that law enforcement has been going downhill in America under this Administration's Department of Justice."—Sen. Hubert Humphrey, press release, Feb. 22, 1972.

Obviously, the facts show these Democrats to be wrong.

The reduction in crime can be attributed to an overwhelming commitment by the Nixon Administration to make America a safer place to live. This commitment can probably best be illustrated by reviewing the following statistics showing some of the budget increases for the Department of Justice during the Nixon Administration.

Criminal Division: The budget has been increased 157 percent from $4,559,000 in FY 1969 to $11,708,000 in FY 1974.

Law Enforcement Assistance Administration (the agency which specializes in assisting State and local governments in the fight against crime): In FY 1969, the LEAA was funded at the $59,407,000 level. Approximately 15 times that amount has been requested for FY 1974—$891,124,000.

Bureau of Narcotics and Dangerous Drugs: The budget has been increased by 318 percent from $18,533,000 in FY 1969 to $77,400,000 in FY 1974.

Federal Bureau of Investigation: The FY 1974 request of $366,506,000 is a 67 percent increase over the FY 1969 figure of $219,591,000.

U.S. Attorneys and Marshals: The budget has been increased 135 percent from $42,376,000 in FY 1969 to $99,528,000 in FY 1974.

Antitrust Division: The FY 1974 request of $13,019,000 is a 56 percent increase over the FY 1969 figure of $8,352,000.

Civil Rights Division: The budget has been increased 137 percent from $3,028,000 in FY 1969 to $7,179,000 in FY 1974.

Perhaps nowhere in this country has the decrease in crime been more dramatic than in Washington, D.C. In his 1968 campaign, this city was of particular interest to the President:

"There is another area where the Federal Government can not only play a leading role—but where it has the opportunity to make a dramatic demonstration of its concern with the problem of crime, it's commitment to new solutions and the efficacy of its proposals. That is in Washington, D.C.—the nation's capital where the authority of the Federal Government is great and its prerogatives many," he declared in New York on May 8, 1968.

The latest District of Columbia crime statistics reveal that the President's concern has been transmitted into effective action. Overall, serious crime decreased 26.9 percent in 1972. (The decrease in 1971 was 13 percent). Specifically, the Crime Index figures revealed that in 1972:

Burglary decreased 32 percent.

Auto theft decreased 33 percent.

Robbery decreased 31 percent.

Larceny $50 and over decreased 18 percent.

Murder decreased 11 percent.

Aggravated assault decreased 2 percent.

Democratic rhetoric aside, President Nixon has fulfilled his campaign pledges and as a result, America's streets are a safer place to walk.

** If a partisan note might be allowed. The survey shows that a Republican judge is "slightly more likely" to convict a person charged with a serious crime than a Democrat judge, "slightly more likely" to impose a longer jail term than his Democrat counterpart.



## SELLING AMERICA'S FINEST PRODUCT

## HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. BURGENER. Mr. Speaker, believing very strongly that the true story of the United States of America has not been adequately told to the rest of the world, I commend to each Member of Congress, and indeed to the entire Nation, a most perceptive and thought provoking speech on the subject. This address was given in Salt Lake City, Utah, on April 11, 1973. It was delivered by Mr. Arthur Meyerhoff, a distinguished citizen who has spent a lifetime in the essential art of persuasion.

I am convinced Mr. Meyerhoff gives sound advice and the action can result in a more accurate world understanding of our Nation, if we will but heed his words.

The speech follows:

SELLING AMERICA'S FINEST PRODUCT

(By Arthur E. Meyerhoff, chairman of the board, Arthur Meyerhoff Associates, Inc.)

(Text of a speech deliverd to the Fifth Annual Brotherhood Award Dinner of the National Conference of Christians and Jews, Hotel Utah, Salt Lake City, Utah, April 11, 1973.)

I am one of those people that sociologists, political scientists, educators, novelists and others have referred to during the past twenty years as "hucksters," "men in gray flannel suits," "Madison Avenue boys," and "hidden persuaders."

No, we haven't been exactly spoiled by flattery. The late Bernard DeVoto referred to advertising as "a cult, a system of magic practiced by magicians, witch doctors, sorcerers, and shamans." Arthur Schlesinger, Jr. offered us the cheerful news that our work "has been successful in retarding the arts, tarnishing the virtues, and confusing the manners of our country."

Advertising is nothing more than the arts of persuasion practiced in mass media.

And persuasion is practiced in almost every human endeavor—the doctor with a good bedside manner, the professor whose classes are crowded, the baby with a sweet smile, and even the little coed who wiggles her way across the campus. But it is the skilled people in advertising who practice persuasion in depth scientifically.

Many people think advertising means a page in a newspaper or an irritating interruption in their favorite television program. They don't understand that advertising of some breed or shade is being practiced all the time by all people, in all media, and for all purposes, and the skills developed by advertising people are widely used in propaganda for good and bad purposes.

A little freedom symbol on the side of a stone wall can be an advertisement, too.

Two things led me to write my book, *The Strategy of Persuasion*. The first was the experience of a lifetime in attempting to show schools, public service organizations and Government how to make use of advertising and public relations skills in support of their activities. The second thing was the crucial propaganda problem that is facing our country today. And while my subject this evening deals primarily with my frustrations in working with the United States Information Agency, I hope you will see the parallel as it applies to the Conference of Christians and Jews and their approach to the job of selling brotherhood.

For some years now, I—and many other Americans—have been deeply concerned about the way our country's image is being interpreted abroad.

In the thirty years since World War II, we have helped to feed both friend and foe. The U.S. Government has spent in excess of 100 billion dollars for foreign aid. We have no imperialistic nor expansionist designs whatsoever, yet the enemies of freedom have successfully labeled us "imperialists." By using the skills of persuasion and propaganda, they have organized anti-U.S. demonstrations all over the world and have convinced millions of people everywhere that America has conducted a "criminal war of aggression" in Viet Nam.

There is evidence to indicate that our fallen prestige is due, in part, to the fact that in dealing with our international tensions, our government's informational service, the United States Information Agency, follows the same methods that were developed in the horse and buggy days.

Consequently, they have not developed the craftsmanship to cope with the rapidly expanding mass media communications systems, nor have they taken advantage of the new selling skills to achieve a better understanding of what the United States represents to the freedom and self-determination of other governments. On the other hand, our ideological competitors and the destructive forces of our country are developing professionalism in making more use of mass media for propaganda purposes. In actual practice, they are using the new psychological skills to persuade, and I am afraid that our information agency is not.

Many Americans don't realize that a propaganda offensive can pack the lethal power of that snake called a python—and can coil and choke just as effectively, too. Now, everybody knows about H-bombs, that a 5-megaton bomb will knock out a city, and a 50-megaton bomb will knock out a county. But what they don't understand is that a megaton of effective propaganda, repeated over a period of time, can knock the resistance out of a continent—or of the world itself.

Charles Brower, former head of the fourth largest advertising agency in the country, BBDO, once gave a speech with a 46-word title. Here is the title:

"When in the Hell is the United States of America Going to Stop Acting Like a Rube at the Fair—and Start Using the Advertising and Public Relations Skills with which it Abounds to Win the Cold War which it is Presently Losing Like Nobody's Business."

More and more Americans in recent years have been asking this question: "What is wrong with the way we are being interpreted abroad?" Our peaceful intentions, our humanitarian acts, and our desires for freedom everywhere should be products that are easy to sell. But we have a competitor that is selling our friends against us all over the world, using the very selling skills that were perfected by the advertising profession in the United States. Our military can cope with the enemies of freedom in a clash of firearms, but we are dropped pitifully in our tracks in any war of words. Word-fighting, you see, is not a specialty of our army. Propaganda is a highly specialized science and one simply doesn't turn the job over to amateurs.

Why aren't we using the skills of mass persuasion in improving our image abroad? Actually what paralyzes us are not sinister forces in our government that are secretly the enemies of freedom. My studies indicate that the real resistance stems largely from sociologists, political scientists, educators, and journalists who lack an understanding of the process of advertising and find it fashionable to express an indiscriminate hostility to all advertising and selling.

In an ideal world the United States would have no need to advertise the advantages of freedom or the democratic way of life. Everyone would be intelligent, educated and able to recognize the truth at once. No enemies would dedicate themselves to misinterpreting our motives, but unfortunately this is not quite the best of all possible worlds, and silent merit does not sell itself right away. It usually takes a promoter. To be virtuous is fine, but you need to advertise, too. This may sound cynical, but believe me, I speak not as a theorist, but as an ex-newspaperman and advertising executive with forty-five years of highly practical experience.

It is generally believed that knowledge and education are the best protection against being influenced by propaganda. However, I have worked with heads of schools, colleges and public service organizations, helping them apply advertising and promotion skills to their own purposes, and I find them remarkably naive in this area.

For example, our organization had the assignment of rewriting an introduction in a booklet of exercises designed specifically for professional ball players. It was written by a Ph.D. in one of the leading universities. Here is an excerpt from his introduction:

"This program has been created to satisfy an imperative need which has existed at all levels since its inception. The need for a year around conditioning regime specifically oriented for baseball players, based upon proven scientific experimentation, statistical preciseness, kinesiological and physiological surety, and divorced from the many traditional empiricisms and professional naivete."

Beautifully stated, but we couldn't find a ball player who understood it.

Our job was to put this thought into simple language that a ball player can understand, and in a way that will make him want to use the program. Here is the way we rewrote the introduction:

"An experienced baseball trainer, working with university scientists, has at last developed a training program that exactly fits your needs as a ball player. The program of exercises illustrated in this book has been tested and it works."

We don't try to win literary awards. Our aim is to get results by presenting the message in the simplest possible way.

A survey of college men reveals a remarkable pile of prejudices against advertising and selling. Three-fourths of the college men thought that selling at best was a job; at worst, a racket. Many students charged that sales work is "forcing people to buy things they don't need." A Yale student said that selling was both too frustrating and prostituting. An Oregon youngster, who was trying to be open-minded, said he wouldn't mind selling a product of "profound significance to the consumer." But he'd never found such a product!

Many people in the State Department and the United States Information Agency have not emerged from the rarefied atmosphere of the academic world and still quiver in horror at the thought of mass persuasion as practiced by the advertising profession. No wonder they are fumbling their number one job—improving our image in the world. Any effort to convey ideas through selling skills represents "indoctrination" or "brain-washing" to them.

These people, as you see, are suffering from hardening of the opinions. They heard some half-truths and have decided once and forever that all advertising and public relations men are unscrupulous people.

Obviously, then, as an advertising man I must be very unscrupulous. Well, maybe I am. Let me mention at the outset some of my very insidious ideas.

I favor igniting a conflagration of truth,

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for example, so that it burns its way through all international curtains. I favor a murderous, withering attack against ideological misconceptions. I favor shooting out some explosive facts—favorable to these United States—so that they will be heard distinctly everywhere and by everyone. I favor stirring up certain suppressed desires in submerged people around the world—desires for *freedom* and *brotherhood* and *free speech*.

Our diplomats and information services are eminently qualified to deal with intellectual leaders and diplomats, or people they refer to as "opinion leaders," yet carefully avoid modern techniques for persuading the mass of people to accept an idea.

We are flunking the simplest test of common sense. We are overlooking the fact that the masses are not necessarily influenced by a few leaders, but that the leaders can be influenced by the masses.

If we examine history, we must admit that our democratic truths once had to be disseminated as a selling message in the day of Patrick Henry and the Federalist Papers and repeated over and over again—otherwise they would never have been accepted. Imagine that! Even our own nation once had to be sold a bill of goods—a wonderful bill of goods called democracy.

On the basis of our skill in selling our products through mass media, we have built the most prosperous society in history; yet we have not effectively applied our sales techniques to selling ourselves and our ideas to other countries. Therefore, we have not adopted a persuasive program of truth which would offset the propaganda of the enemies of freedom with their unscrupulous exploitation of the techniques of manipulating men's minds.

Over the years, whenever a leader in our industry has urged that we use our advertising talent to win the propaganda battle, the same official objection has come from our government information agency: that you cannot sell government ideals the way you sell soap.

This statement was reiterated by a former head of the United States Information Agency. He said, in part: "I am quick to concede that the American advertising industry is a highly skilled and effective force in the American marketplace. But I hasten to say that it is a naive person indeed who assumes that because a man is a top salesman of soap or deodorant he is automatically an expert at selling ideals or a political outlook." The selection of "soap and deodorant" as an illustration was not only unkind, but also showed a lack of objectivity as well as a deep-seated emotional resistance to any approach involving the use of salesmanship to sell government ideals.

Well, of course you don't sell ideals the way you sell soap and deodorant! Neither do you sell Cadillac cars the way you sell soap. Inherent in the product is the means for selling that product. Naturally, a good salesman adjusts his technique to his product or idea—and to the people he is trying to sell.

Advertising men make their living finding out how to reach people and developing the right words and symbols to get people to act in a predictable way—whether those symbols happen to be words or pictures or music.

Of course, I don't condone all advertising and advertising men. Some of them produce material in bad taste and do not always adhere to the highest ethics. By that same virtue, some mothers are alcoholics and beat their kids—but I don't condemn motherhood as a consequence. The better advertising is imaginative and informative, and I think you will agree it can be pleasant and even fascinating—yes, and astonishingly successful at times. Yet, in my many contacts with the United States Information Agency, I find no one in a responsible position with any experience in the arts of persuasion as practiced in the United States.

With their backgrounds in journalism, education and foreign affairs, it is easy to see why officials of the USIA emphasize Voice of America news broadcasts, information centers, lending libraries, and efforts to improve the cultures of people. Yet they have not designed these activities to present a direct, convincing story that will bring masses of people to the side of the Free World.

USIA's avowed aim is to tell the truth about what goes on in the United States through its own news facilities. Of course, the truth of what goes on in the United States—as you and I know it—has far more to offer to the world than the controlled societies can offer. In spite of our problems, no rational man would exchange our way of life for that of the man behind the Iron Curtain. And yet, there is a fallacy in the USIA approach.

The USIA believes that by getting into the news business along with the free press of the world, and broadcasting the news, as they say, "warts and all," people in foreign countries will understand our policies and how our free society works. Unfortunately, news does not always reflect the truth of what goes on in our country as a whole, nor does it illustrate our humanitarian purposes.

In fact, we know that the events which make the headlines are the events that are unusual. That's *why* they are in the headlines. If riots and scandals were common occurrences, they would not be given such heavy coverage. When we hear of unusual or newsworthy events, we automatically contrast them with what is normal and familiar. My research overseas indicates that people who know virtually nothing about life in the United States cannot do this. They believe the events they hear about are typical and commonplace. Because they do not understand how our free press operates, they get a picture of our country overwhelmed by crime and dissension.

And yet we have the spectacle of the USIA broadcasting day after day, throughout the world, stories of crime and scandal in the United States. Yes, these unpleasant events do happen, but do they represent the real United States that you and I know? I don't think they do.

There are many more law-abiding citizens than there are law-breakers. There are infinitely more responsible teenagers than wild or delinquent teenagers. There are many more enduring marriages than divorces. Yet none of this is news.

It is a sad fact that the truth is not usually news. And news does not necessarily reflect the truth.

The constructive things about our society and what it represents to the welfare of others don't seem to be newsworthy and can be completely overshadowed by the violence in the daily headlines.

You cannot sell an idea or product by emphasizing the flaws in it. The flaws often are so fascinating that they overshadow the vast benefits that the product has to offer.

A few people are killed annually by slipping in their bathtubs, but if you are trying to popularize bathing you'd better dwell on the well-known advantages of bathing rather than the rare, though interesting, accidents. This does not mean that you suppress facts—but you simply do not confuse a newsfunction with a selling function. Giving the statistics of people killed in bathtubs is a news function, but telling the advantages of bathing is a selling and advertising function.

There is hardly a product or an event that doesn't have its negative factor—and I imagine that even Utopia has its shortcomings. But in selling we emphasize the positive benefits a product has to offer. The news headlines about what goes on in our country have no more relationship to the benefits we have to offer to people throughout the world than the internal problems of a family have to do with their charitable acts in community. One does not ask a humanitarian if he quarrels with his wife.

I have been advocating that our government should get out of the news business and get into the selling business; that is, that our information agency should no longer attempt to cover the news for the people of the world. This vital function is best left in the hands of the free press of the world, the non-governmental commercial news services that do such a magnificent job of serving the Free World. And for those behind the Iron Curtain who do want news, there are Radio Free Europe and Radio Liberty—both privately operated broadcasting operations that are, by some reports, more effective than Voice of America.

There is no question of the responsibility and dedication of the men who staff the upper echelons of the USIA. Some of them gave up prominent positions and good incomes to work for the government. Many of them have extensive experience in journalism and foreign affairs and invaluable knowledge of certain areas of the world. But because of their training, their output is long on information and short on persuasion and selling.

An important difference between advertising and journalism—between copywriting and news writing—is the type of reaction each tries to get.

A news story usually gives the facts about a certain event, or tells what is happening in a certain situation. But the objective news story is supposed to inform, and not supposed to sell.

On the other hand, a good advertising campaign is designed to sell. And people do not resent it as long as it is clear that you are trying to sell—what they resent is the slanting of the news, with the purpose of promoting a point of view.

I believe that the Voice of America can increase its coverage tremendously and get far greater results by putting on programs that people want to listen to rather than the long-winded, boring dissertations that are now being broadcast throughout the world. Then, to intersperse these programs with brief selling messages (call them spot announcements, if you will), emphasizing in an interesting way some of the good things that our society represents. Unfortunately, the personnel of the Voice of America was so loaded with newsmen and educators that it was almost impossible to gain their sympathy or interest in the idea.

Any American will grant that in a court of law each side should, without distorting facts, be as persuasive as possible. We accept this as proper. We'd be quick to fire our lawyer if he kept stressing the spectacularly negative aspects of our case. The opposition uses every emotional trick in the book. But our own counsel persists in citing only so-called news facts, sometimes highly damaging to us—and conscientiously refuses to use professional techniques to persuade the jury of the world.

I recommend, in all seriousness—let American advertising and selling techniques operate abroad for a couple of years, preferably in some country where our diplomatic prestige has been slipping.

Once our strategy has proven itself in one limited location, I am confident that Americans will demand the expansion of such persuasive techniques to a world-wide front. The USIA stands to risk little—except an embarrassing success.

Leonard Marks, a former pragmatic head of the United States Information Agency, thought enough of my studies and recommendations to send me on an inspection mission abroad. Subsequently, a test program was planned under the auspices of the American Association of Advertising Agencies. Three of the most outstanding advertising men in the United States consented to serve with me in developing this program.

As this test program was being planned, there was a change of administration. Henry J. Loomis, a career government employee, whose primary education was as a research physicist, was selected to administer the United States Information Agency. His antagonism toward any approach involving advertising techniques was immediately manifested. I think, all told he gave me five minutes in his office. Although he has since passed on to assignments in public broadcasting, through his influence the program was tabled, and any effort to revive it has been completely ignored by the United States Information Agency.

I would like to say here that I believe that the National Conference of Christians and Jews, with their noble aims, can get the cooperation of a knowledgeable local advertising agency to volunteer their services in helping them to accomplish their aims.

One area that seems worthwhile studying is to consider covering fewer subjects in order to do a more effective job on the more important ones. As time goes on, manufacturers often add items to their line—and then discover that their sales are down because their most important products are being neglected. Periodically, they have a housecleaning, cutting down the number of items that they market, with good results. In other words, using the target approach instead of scattering their shots.

I would also like to suggest that they take a good look at their vocabulary to see if it cannot be brought down to the level of the average man on the street in order to increase their coverage. Frequently, the insiders of a movement use a vocabulary that is understandable to the insiders but which goes over the heads of those who are not associated with the organization.

As a further suggestion, slogans could be invented that would in effect be selling messages for brotherhood and disseminated to the mass media.

And if I may take another liberty, I would like to talk briefly about your name. The name, National Conference of Christians and Jews, seems to me to be what I would call a working title without a definite appeal, and has the connotation of a negotiating group which is conferring, but which has not settled on its objectives.

From our point of view, we like to have a name that states the purposes of the organization, such as "Christians and Jews for Brotherhood." As an example of what some organizations have done, I cite the following:

Citizens for Better Environment.
Crusade of Mercy.
Head Start Program.
Travelers' Aid.
Little Brothers of the Poor, Friends of the Elderly.
Operation Bootstrap.
Youth for Christ.

Your organization has a marvelous product to sell. The United States of America has a marvelous product to sell.

My message is simple. Why not get the best qualified people into the act to help make the sale?

It is high time to call in the experts—not the Hollywood version of the Madison Avenue huckster, but the trained, imaginative, dedicated men who have proved they have precisely the skills to make people yearn for what is good—and motivate them to obtain it.



## BROADCAST PIONEER ESSEX DIES

### HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. MIZELL. Mr. Speaker, just recently one of the great pioneers of the broadcasting industry, Harold Essex, died in his beloved city of Winston-Salem.

As I said on the day he died, Harold Essex and I were friends for a long time, and through that most rewarding association I came to know him as a man of great dedication and skill in his profession and as a man who held deep convictions that strengthened his life and the lives of those around him, especially the young people with whom he was so actively involved and whom he influenced so much for good.

I knew him as a man who loved his fellow man, his community, and his country, and did his best to enrich them all, and as a man who in his own way was one of the most outstanding public servants in the history of the area I am privileged to represent.

Mrs. Mizell and I joined with thousands of people whose lives have been touched by Harold Essex, either personally or through his broadcasting career, in expressing our deepest sympathy to his family and in mourning the loss of one of the finest men I have ever known.

The Winston-Salem Journal and the Twin City Sentinel published stories on the day of Mr. Essex' death, April 11, and in those stories provided some of the rich details of his life. I would like to insert the text of these articles in the RECORD for my colleagues' information and reflection.

The articles follow:

[From the Winston-Salem (N.C.) Journal, Apr. 11, 1973]

BROADCAST PIONEER ESSEX, DIES

William Harold Essex, a leader in the broadcasting industry for more than 30 years and president of Triangle Broadcasting Corp. here, was found dead yesterday morning in his car in front of the Glade Street YWCA, several blocks from his office. He was 68.

A spokesman for the broadcasting company said Mr. Essex was apparently on his way to work at the company's new headquarters here when he was stricken.

He pulled his car over to the side of Glade Street near the walkway of the YWCA and remained under the wheel. He put the car in park but did not turn off the ignition.

Mr. Essex' body was discovered shortly afterwards by passersby.

His body was taken to Forsyth Memorial Hospital, where his family physician, Dr. John R. Bender, said the cause of death was apparently a heart attack.

The funeral will be at 11 a.m. Friday at Volgers Main Street Chapel. Burial will be in Forsyth Memorial Park.

Mr. Essex had watched the broadcast industry grow from small radio stations to giant television-radio complexes.

A native of Stokes County, he was the son of Alexander Jacob and Lyda Essex. He was a graduate of Hickory High School and the University of North Carolina.

His career started in 1927, when for six months he worked on a semi-weekly newspaper in Hickory. After that he worked for a year as a member of the news staff of the Hickory Daily Record.

After traveling about the country and promoting circulation for a number of newspapers, Mr. Essex joined the staff of the Greensboro Record, where he served as telegraph editor. Later, he was named managing editor and general manager.

While in Greensboro, Mr. Essex became acquainted with radio. He presented news over WNRC, predecessor of Greensboro's WBIG.

In 1930, he moved to Chicago as promotion manager of the Chicago Daily Times.

When the Times became affiliated with WBBM, he became Chicago's pioneer newscaster, and he conducted newspaper promotion campaigns over the radio station.

In 1939, Gordon Gray, then president of Piedmont Publishing Co. and Radio Station WSJS, picked Mr. Essex to be director of operations of station WSJS and Gray's FM station W41MM on Clingman's Peak.

Mr. Essex was named manager in 1924, vice president of Piedmont Publishing Co. in charge of radio in 1946, and a director of Piedmont in 1948.

In 1953, when WSJS-TV went on the air, he became its general manager, giving up that job last year when the station was sold.

He recalled once that he had entered the broadcasting in 1927 after his graduation from college when he worked for a newspaper which owned a radio station.

He said he got the play-by-play of a baseball game off a news printer and then described it over the air.

He was a member of committees and boards of the National Association of Broadcasters, the National Broadcasting Co. and the N. C. Association of Broadcasters.

When WSJS-TV was sold to Multimedia of Greenville, S.C., last year, he remained with Triangle Broadcasting Corp., which had separated from Piedmont Publishing Co.

Triangle continues control of WSJS-Radio and its FM affiliate and the television cable operation here.

Because of the funeral, Dick Barron, executive vice president of Triangle Broadcasting Co., said the business office and the telecable office will be closed all day Friday.

Mr. Essex has been awarded many honors, including the Abe Lincoln Award presented to him this year.

He was inducted into the N. C. Association of Broadcasters' Hall of Fame last October in Wilmington.

He was chairman of the Beverage Control Board and of the North Carolina Council of the National Council on Crime and Delinquency.

He was also a member of the First Presbyterian Church, Salem Lodge No. 289 and the Oasis Temple. He was also a member of the Forsyth Country Club and the Twin City Club.

Mr. Essex and his wife, the former Margaret Teague, lived at 2427 Fairway Drive.

The family requests that any memorials be made to a charity of the donor's choice.

[From the Twin City (N.C.) Sentinel, Apr. 11, 1973]

RADIO-TELEVISION PIONEER, HAROLD ESSEX, DIES AT 68

(By Bill East)

William Harold Essex, a pioneer in the radio and television industry and president of Triangle Broadcasting Corp. here, was found dead in his car in front of the Glade Street YMCA this morning.

Mr. Essex, 68, apparently was on his way to work at the company's new headquarters at Summit and Fifth streets when he was stricken.

He pulled his car over to the side of Glade Street near the walkway to the YWCA and remained under the wheel. He put the car in park but did not turn off the ignition.

He was believed to have been dead when passers-by discovered his body. The cause of death was not immediately determined.

His body was at Forsyth Memorial Hospital pending announcement of funeral arrangements.

Mr. Essex was a nationally known figure in the broadcast field who watched the industry grow from small radio stations to the giant television-radio complex of today.

"I've enjoyed every minute of it," Mr. Essex told a friend at a club meeting only a few weeks ago.

Mr. Essex was born Sept. 26, 1904, in Stokes County to Alexander Jacob and Lyda Essex. He was educated at Hickory High School and

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the University of North Carolina at Chapel Hill, where he was graduated in 1927.

He started his career in the days when many newspapers had their own radio stations. His joint association with newspapers left a mark on him that made him want his radio and television stations in later years to have strong news coverage.

He worked for the Hickory Daily Record as a reporter. Then he went to the Greensboro Record successively as a reporter, managing editor and general manager. All the time he was working with radio.

He was serving as promotion manager (and in radio, too) with the Chicago Daily Times—and admittedly hoping for an opportunity to come back to his home territory in North Carolina—when he got a job offer from WSJS.

On September 1, 1939, he moved to a corner desk in what is now the newsroom of the Journal and Sentinel to assume responsibility for building up the sales business of the growing radio station.

Mr. Essex frequently kidded with his associates in the newspaper field about his former close connection with newspapers, claiming that he intended to stay in radio because "it is a new and growing field and I intend to be in on the ground floor."

Less than three years later, Gordon Gray, then president of Piedmont Publishing Co. and Radio Station WSJS, picked Mr. Essex to be director of operation of Station WSJS and Mr. Gray's frequency modulation station W41MM on Clingman's Peak.

Mr. Essex' association with the pioneering frequency-modulation station started a long list of "firsts" with which he was associated in the broadcast industry.

"An idea isn't necessarily good because it's an idea," Mr. Essex once told the Winston-Salem Lions Club about the broadcast industry. "It's got to work and to work right and there must be a good result from it."

He recalled that he had entered the broadcasting field first in 1927 after his graduation from college when he worked for a newspaper which owned a radio station.

He said he got the play-by-play of a baseball game off a news printer and then described it over the air, making a listener feel as though he was actually there.

He said that today's television, which takes the viewer to the plate with the batter, "is the new idea for today . . . one which technology permitted and which the viewer thoroughly enjoys."

When television came on the horizon after World War II, it was preordained that Mr. Essex would be on the ground floor.

But he insisted on one principle: he would not go into television until he could give Winston-Salem and the surrounding territory "a station we can all be proud of."

Because of that, some stations got on the air earlier than WSJS-Television, but Mr. Essex later quipped, "I doubt if any station was as ready to go on as we were when the time came."

From the time that WSJS-Television went into its spot on the dial in the early 1950s, Mr. Essex joined in solving its growing pains.

He became a key member of committees and boards of the National Association of Broadcasters, the National Broadcasting Co. and the N.C. Association of Broadcasters.

A close associate of Mr. Essex said last year, "When we wanted some calm, deliberate good thinking, we always got Harold Essex on the telephone."

He helped to bring the television cable business to Winston-Salem and when it arrived, he said, "I guess we've done about everything now."

When WSJS-Television was sold to Multimedia of Greenville, S.C., officially last year, Mr. Essex remained with Triangle Broadcasting Corp.

The corporation continued control of WSJS-Radio and its frequency modulation affiliate and the television cable operation here.

WSJS had kept its offices at Broadcast House on Coliseum Drive (where the television station was changed to WXII) until recently when it moved to the former IBM building at Summit and Fifth streets.

Mr. Essex had a long list of honors, but the one he told associates he cherished most was being inducted into the N.C. Association of Broadcasters' Hall of Fame last October in Wilmington.

He noted that the Hall of Fame also had such notables as David Brinkley, Grady Cole, Billy Graham, Andy Griffith, Kay Kayser, Ray Reeve and Edward R. Murrow.

"That's big company," he said.

Mr. Essex lived with his wife, the former Margaret Teague, at 2427 Fairway Drive. He once said he enjoyed living in Ardmore. He served in 1948 as the second president of the Ardmore Community Club.

He also has been active in the development of the Alcohol Beverage Control system here from its inception and was elected in 1971 as the system's chairman.

## BRONX HOSPITAL HELPS TERMINAL CANCER PATIENTS

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. BINGHAM. Mr. Speaker, Calvary Hospital of the Bronx is located in my congressional district. The outstanding work which this hospital performas in caring for terminal cancer patients is a shining example of dedication and public service. It is the only hospital in New York State devoted exclusively to the care of the terminally ill cancer patient, and it follows a firm policy of admitting patients without regard to their religious affiliation or their ability to pay.

The New York Times recently published a fine feature article on Calvary Hospital, and I include it in full in the RECORD:

CALVARY GIVES TERMINAL PATIENTS AN "INTEGRATED" APPROACH TO DEATH

(By J. C. Barden)

All of the patients who are admitted to Calvary Hospital in the Highbridge section of the Bronx have three things in common: They are medically indigent; they have cancer; they have a life expectancy of three to six weeks.

Yet 15 percent of the more than 700 patients admitted to the hospital every year are discharged and many more live for months past their predicted death dates.

Calvary is the only hospital in the state devoted exclusively to the care of the terminally ill, and the purpose of the 110-bed hospital, according to the associate administrator, William A. Oliff, is "to give patients the best quality of life possible during their last days and help them die with dignity and grace; clean, out of pain, and, if possible, with all fear of death removed."

To achieve this, Calvary has developed what it calls "an integrated approach to death" in which the medical and nursing staffs, the chaplains and visiting clergymen, and the social service staff work together to meet the physical, spiritual and psychological needs of the dying.

The concept has worked so well that it has resulted in the seemingly miraculous comebacks by those thought to be near death. "A dying patient often takes a renewed interest in life when he finds people genuinely concerned about him," Mr. Oliff explained.

FOUNDED IN 1899

Nearly all of those discharged from Calvary are still terminally ill, however, and many of them return to the hospital "when it is time for them to die," Mr. Oliff said.

At a time when more and more hospitals are instituting programs to care for the dying, Calvary is dealing with death under a concept developed over a period of years and in a tradition that began in 1899 when the institution was founded by a group of Irish Catholic lay women as a home for the destitute dying of cancer.

It was known then as "The House of Calvary," a name selected by the founders because of its association in Christianity with death and eternal life. Calvary was the hill on which Jesus was crucified.

Owned by the Roman Catholic Archdiocese of New York, Calvary admits patients without regard to faith or ability to pay. The hospital is remunerated in some cases, however, by Medicare, Medicaid and private insurance policies. (In 1971, the deficit was $504,165.)

THE PATIENTS ARE TOLD

A visitor to Calvary, at 1600 Macombs Road, would not suspect it is an institution for the terminally ill. The radio in the visitors' lounge is tuned to a station with upbeat music, rambunctious children defy exasperated parents to play in the hallways (visitors are welcome eight hours a day), and doctors and nurses joke with patients about their love lives.

The Calvary concept of care begins with frankness. Calvary found long ago what recent surveys have shown—that the dying prefer to know their fate. Many patients admitted to Calvary have never previously been told that they have cancer, much less that they are going to die.

"They're told they're coming here to rest, or to a place where they can get better care, whatever euphemism is handy," said Dr. Anthony R. Riario, one of Calvary's five full-time doctors on a patient-care staff of more than 200.

Dr. Michael J. Brescia, president of the medical staff, said that if a patient did not know his diagnosis, or his expected fate, he would be told by his doctor at Calvary "after a strong personal bond has been established."

Dr. Brescia, a big man with an affable manner, let a visitor accompany him one afternoon on his hospital rounds. Almost as soon as the two stepped off an elevator, the doctor was with his first patient.

An unshaven man of about 60 who had undergone extensive face and neck surgery was sitting on a sofa in the hallway and conversing with a nun by means of a note pad. The nun was Sister Agnes Connors of the Dominican Sisters of the Sick Poor, known at the hospital as Sister Visitor because of her daily visits with the patients. (The names of the patients used are fictitious.)

YOU LOOK LIKE A BUM

"Hi, Bill," said Dr. Brescia, draping his arm around the man's shoulders. He ran his fingers lightly along Bill's neck, then the stubble of his beard, and asked: "Why didn't you shave this morning? You look like a bum. I bring a visitor down here and you haven't even shaved."

Bill smiled broadly, and later Dr. Brescia said he should be able to go home soon.

In the first room the doctor entered, a man of about 70 named Rodrigues was asleep, breathing oxygen through a mask and receiving food and antibiotics intravenously.

Standing near the bed, Dr. Brescia said: "Here is a man whose quality of life is not worth keeping him alive, but his wife wants him alive at all costs. [He later said Mr. Rodrigues felt the same way.] She has been here day and night since they brought him in."

Outside the room, a small, elderly woman was standing across the hallway staring at the doctor. "Mrs. Rodrigues," Dr. Brescia said to the woman, and motioned for her to come over. "How long has your husband been here?"

She answered in Spanish. "Three weeks, she says," Dr. Brescia interpreted, "and she hasn't left the hospital. She sleeps in a chair." Dr. Brescia, like some others on the hospital's staff, has learned a little Spanish because of the number of Spanish-speaking patients and employes.

Down the hallway, out of range of Mrs. Rodrigues's hearing, Dr. Brescia said: "I am not proceeding in what I feel is the correct way in this case [by doing evcrything medically possible to keep Mr. Rodrigues alive], but with the overwhelming pressure of her faith, I couldn't do anything else."

Mr. Rodrigues died within a few days without showing improvement.

In another room, an 81-year-old woman was asleep with covers to her chin.

"This lady," said the doctor, "the quality of her existence is nothing. She is riddled with cancer. She is unable to appreciate anything. I presented her case to my colleagues and she will continue to get the essential things for life and all the drugs she needs to ease her pain. But there will be no heroic measures taken to save her life. She is dying the way I want someone I love to die. When I go home at night I feel good about this patient."

When possible, Calvary patients decide whether they are to be kept alive as long as medically possible. This has been a long-time Calvary policy, and last January the American Hospital Association recommended it as a policy for all hospitals.

If the condition of a patient at Calvary is such that he cannot give an informed opinion about how he wants to die, his family is consulted, and if there is no family, the doctors often must make the decision. The hospital's policy is to administer proven drugs and treatment so long as there is a possibility of meaningful life.

HELPING PATIENTS

Miss Maureen Flannery, the young director of the social service department, said that one of the primary roles of her staff and the clergymen at Calvary is helping the dying patients and their families "bridge the communications gap" that sometimes develops.

The Rev. John D. Mitchell, the Calvary chaplain, told of a 58-year-old woman who was prepared to accept death and was only upset because her husband and children were unable to do so.

"They would come and say, 'You're looking fine, you're looking great, everything is going to be O.K., and this disturbed her. After I counseled with them and told them how she felt, they accepted the situation and everything was fine."

Although there are nursing homes in the state and across the country that care exclusively for the dying, Calvary is the only hospital in the state that admits only the terminally ill, according to the State Department of Health. And the American Hospital Association, in Chicago, said that it did not know of any other hospitals that admitted only the dying.

Since Calvary patients are medically indigent, they have not always received the best attention, Miss Flannery, the Calvary social service director, said:

"Many of the patients who come here have never known what it is to be cared for. I walked into the room of a new patient not long ago and called her by name and introduced myself and she started crying. I said, 'What's wrong?' She said, 'I've been in hospitals for two years and that's the first time anyone ever called me by my name.'"



## REMARKS OF CONGRESSMAN HOWARD W. ROBISON

### HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. ROBISON of New York. Mr. Speaker, last month I introduced a bill in Congress which called for stiffer penalties for the "high-echelon" drug trafficker. At that time it was my hope that this piece of legislation would put an end to our present state of affairs in which, for a variety of reasons, these key members of the illicit narcotics distribution system have been getting light or suspended sentences or have been released on probation in many judicial jurisdictions throughout the United States.

This is particularly true in my own State of New York. Just recently, a Gannett News Service survey produced the following statistics from a statewide sampling:

For upstate New York: 70% of all offenders indicted in major drug cases were allowed to plead guilty to reduced charges. As little as 30% of all accused drug pushers are sentenced to jail or state prison.

For New York City: only 45% of defendents sentenced in New York City ever land in prison.

The net effect of this practice is to release many of the big-time pushers to continue their criminal enterprise on our streets throughout the Nation. It has been proven that the certainty of punishment is the only effective deterrent to potential criminals. Surely, these statistics demonstrate to the drug trafficker that they have not been running much of a risk in the past few years.

More often than not, those who are caught for drug code violations are experienced criminals. I include some statistics prepared by the Bureau of Narcotics and Dangerous Drugs to illustrate that many of these offenders have previous records. In a sampling of figures from a BNDD survey, the following statistics came to light:

64 percent have prior felony arrests.

40 percent have prior drug arrests.

20 percent have prior drug convictions.

This evidence tends to suggest that their latest arrest is a further episode in a continuing criminal career.

We still have a long way to go in solving the Nation's drug problem. It is obvious that past judicial practices have had little impact in encouraging drug traffickers to stop dealing in drugs. To be effective in our enforcement, we must make sure that a uniform method of sentencing is established to help stem the flow of heroin in our country.

I think that all Members of Congress share the belief that, if stronger penalties are to be effective, they must be unyielding and clearly understood by the potential violators. My proposal addressed this part of the problem. An additional aspect of my proposal was for judicial spotlighting. This procedure would require that the Justice Department release, on a monthly basis, all information for convictions of narcotics traffickers including the length of the prison sentence and the name of the judge who handed down the sentence. The main purpose of this section of the bill was to demonstrate the certainty of punishment to present and potential narcotics traffickers, as well as spotlight judges who continually hand down short or suspended sentences to the big-time pushers of hard drugs.

I hope that in light of these recent figures, that Members of Congress will give my bill thorough consideration. We must be sure that those persons who are making a living from encouraging and supplying addiction are dealt with in the most expeditious and effective manner, both to prevent them from selling drugs in the future and to express societal contempt for their actions.

Our present laws have proven to be ineffective in dealing with the problem. We must take steps to minimize the chance a given offender has of repeating his crime, and we must also establish a sentence that would be sufficiently severe as to discourage potential criminals from again committing the same offense.

Hopefully, I have demonstrated my feelings about the need for further action relating to drug traffic. Heroin addiction is not an easy issue to resolve. If we hope to eliminate this problem, we must attack it on the fronts of public education, rehabilitation, treatment, international control, and strict law enforcement. To make inroads on this dilemma, all of these areas must be made more effective in practice and more far-reaching in scope.

H.R. 6272 follows:

H.R. 6272

A bill to amend the Controlled Substances Act to increase the penalty under that act for the illegal distribution of certain drugs by high echelon pushers

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended—

(1) by inserting after "person" each time it occurs the following: ", unless such person is a high echelon pusher,",

(2) by inserting immediately before the last sentence thereof the following: "A high echelon pusher who violates this paragraph shall be imprisoned not less than twenty years, or for life, and, notwithstanding any other provision of law, the court shall not suspend the sentence of such pusher under this paragraph, or give such pusher a probationary sentence, nor shall such pusher be eligible for parole during the term of such imprisonment."

Src. 2. Section 102 of such Act (21 U.S.C. 802) is amended by adding at the end thereof the following:

"(26) The term 'high echelon pusher' means any person engaged in a conspiracy to import, smuggle, or purchase for further distribution a controlled substance in schedule I or II which is a narcotic drug."

Sec. 3. The Attorney General shall release to the public each month a statement which shall identify each high echelon pusher convicted of an offense under section 401(b)(1)(A) of the Controlled Substances Act during the preceding month, together with the sentence imposed with respect to such conviction, the name of the judge imposing such sentence, and the factual allegations of the indictment relating to such offense.

XUM

## IMPACT OF THE RAIL CRISIS ON FARMERS AND THE FERTILIZER INDUSTRY

### HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. PICKLE. Mr. Speaker, more often than not we read articles and stories concerning the economic loss of businesses because of the freight car shortage problem. Lately, the situation has been worsened due to the demand for cars to move Soviet-purchased grain to port.

I've stated before the effect on the economy the car shortage has had. Food and lumber prices have risen, and one can trace part of these increases to the transportation problem. Another area of concern is the fertilizer industry. It's debatable whether or not farmers will be able to get sufficient fertilizer for their crops which will drive food prices up again if they can't meet production demands.

The following two articles from the Christian Science Monitor show the impact which the rail crisis is having on farmers and the fertilizing industry. I would like to insert them into the RECORD for other Members' information:

The article follows:

U.S. FERTILIZER INDUSTRY IS PINCHED—MATERIAL CARS ARE IN SHORT SUPPLY

(By Martin Skala)

LAKELAND, FLA.—Handicapped by a domestic rail car shortage and tight supplies of key raw materials, the U.S. fertilizer industry is straining to meet a soaring demand for its products.

Although unusually wet weather in the Midwest farm belt has been a key factor in holding back spring plantings of wheat, corn, and other feed grains, farm groups and government officials are concerned that transportation bottlenecks may prevent farmers from obtaining as much fertilizer as they need in the coming weeks.

Adequate supplies of crop nutrients are vital to the success of the Nixon administration's drive to reduce food prices by bringing idle farm acreage into production and boosting farm yields.

As farmers strive to take advantage of higher grain and livestock prices and booming export demand, fertilizer use this year could jump as much as 8 to 10 percent, according to industry projections. An excessively wet spring season, coupled with the diversion of thousands of rail cars to ship grain to the Soviet Union, may keep this potential from being realized.

NORTH FLORIDA BIND

The Fertilizer Institute estimates that as many as 4,000 covered hopper cars normally used to ship bulk fertilizers are tied up moving grain to overloaded Gulf and East Coast ports.

Freight-car shortages are especially critical in northern Florida, center of the nation's phosphate rock industry, the raw material in tightest supply. Florida phosphate producers, who mine more than one-third of the world's output of this essential ingredient of most "high analysis" fertilizers, are "sold out" in a booming seller's market that is taxing the industry's productive capacity.

"We've had to ration supplies to major overseas customers, and are having trouble shipping the rock that is available," says William W. Chadwick, president of the Phosphate Rock export Association (Phosrock).

Mr. Chadwick views the transportation bind as a major deterrent to increasing the association's $100 million-a-year export business.

Phosrock, a legal cartel set up to control export prices and allocate overseas markets among member companies, recently had to turn down millions of dollars of orders from customers in Germany, the United Kingdom, and Eastern Europe.

Because of a worldwide shortage of phosphorous, some fertilizer producers in Canada and Western Europe have had to curtail their operations. They can't get enough phosphate chemicals with which to make blended fertilizers containing nitrogen and potash. In some cases, shortages of natural gas, the basic feedstock for nitrogen fertilizers, are slowing down the delivery of finished product.

Despite the premium prices obtained on export business, most phosphate producers are trying hard not to shortchange the domestic market.

International Minerals & Chemicals Corporation (IMC), for example, expects to fill most of its U.S. orders on time, provided the rail car pinch does not get worse. Under normal conditions most of this fertilizer moves during a six-week period in midspring.

RAINS EASE DEMAND

By delaying fertilizer applications, the heavy rains in the Midwest are "giving us a chance to accumulate rail cars and catch up on shipments," says the company's economist, D. Teleki.

Like the rest of the Florida phosphate industry, International Minerals did not anticipate the strong surge in demand for phosphates which began to develop a year ago.

During the late 1960's, excess capacity and sagging prices discouraged Florida producers from investing in new facilities. Ambitious expansion plans of state-owned fertilizer companies in Morocco, Israel, and the Spanish Sahara threaten to create fierce competition for profit-oriented U.S. exporters. A shake-out ensued, with major producers such as Armour, Continental Oil, and Cities Service dropping out of the phosphate business.

The pessimistic forecasts proved unwarranted. The "green revolution" in developing nations of Asia and Latin America, combined with the emergence of Eastern Europe and China as sizable importers of plant nutrients, caused demand to shoot up dramatically. While Phase 2 inflation controls were in effect, export prices of phosphate chemicals surged 30 percent and more ahead of domestic quotes, which were under controls.

UNITED STATES PRESSURED TO ACT ON RAIL FREIGHT-CAR SHORTAGE

(By Philip W. McKinsey)

WASHINGTON.—The railroad industry's perennial crisis, the freight car shortage, is in full flower again—and this year it's worse than usual.

Compounded by the demand for freight cars to move Soviet-purchased grain to port, shortages of rolling stock are not just causing their usual quota of inconvenience and frustration. Instead, the ripple effect is spreading far through the economy, interfering with the administration's economic policies by worsening pressures on sky-high lumber and grain prices and threatening longer-range consequences by raising questions whether farmers will be able to get the fertilizer they need for expanded plantings this year.

As a result, the administration and Congress may finally be galvanized into taking new action to help railroads expand their car fleets.

EMPTY CARS HOARDED

Freight car shortages are nothing new. Sen. Warren G. Magnuson (D) of Washington, chairman of the Senate Commerce Committee, recalls that the first meeting of the committee he attended as a freshman senator 28 years ago dealt with the boxcar shortage. And it was an old issue even then. Mr. Magnuson notes that the first case tackled by the Interstate Commerce Commission (ICC) 82 years ago was a petition from a group of North Dakota farmers who couldn't get boxcars to move their grain to market.

Usually the crunch is caused by the same factors that are creating the current pinch. Demands for cars to move grain siphon off cars for other shipments, especially the standard boxcars that also are the backbone of the transportation of lumber from forest to market. As the pressure tightens wary shippers make it worse by ordering more cars than they need on the assumption that they won't get as many as they ask for, and by hoarding empty cars until the loads they are waiting for are ready on the assumption that once they let a car go they might not see another for a long time.

BUSY WINTER

ICC regulations over the past few years have increased the cost of such defensive maneuvers and improved the overall utilization of the existing freight car fleet. But in the face of the extraordinary demand of the Russian wheat shipments, this hasn't been nearly enough.

The railroads have had a busy winter. They carried 204 billion ton-miles of freight in the first quarter of this year, more than 9 percent above last year's rate. And their grain hauls are up 40 percent.

But across the Midwest grain elevators are chock full awaiting any kind of freight car, even inappropriate open hopper cars, to move their grain to port. Some are facing bankruptcy.

Many farmers are in a similar fix: Not only are they unable to get their grain to market to take advantage of current high prices, but also they are watching their grain deteriorate as it lies out in the open because there is no room for it in the grain elevators.

WHEAT SHIPMENTS INCOMPLETE

Much of the Russian grain is still to be shipped; the contracts call for shipments to be completed by May 31.

Although this year's demand was clearly unusual the crunch has added to the perennial pressures on both Congress and the administration to do more than they have yet to either augment the nation's freight car fleet or at least increase its effective use.

The administration isn't willing to go as far as congressmen and senators from affected states. It will press for creation of a national car-control system to improve utilization of existing cars, a step that could significantly increase the availability of freight cars, even though it doesn't sound dramatic.

Officials believe that regulatory changes might help, too—for example, by permitting railroads to set lower rates in times of offpeak traffic. But experience has shown that such changes are difficult, if not impossible, to get through Congress.

## WATERGATE CHRONOLOGY

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. HARRINGTON. Mr. Speaker, the daily volume of news, opinion, quotations, and allegec' facts about the Watergate episode is enough to bury any of us in detail we cannot possibly absorb. The facts, for one who is not intimately involved in any aspect of the situation, seem



to disappear in the sheer magnitude of data.

A segment of the hour-long WTOP program, "Agronsky and Company," on the Watergate, put together by Gil Butler of WTOP news, puts the facts of the matter together in a nutshell. I would like to insert the text of Mr. Butler's segment at this time.

The text follows:

GIL BUTLER—WTOP NEWS

MITCHELL slide. The day after the Watergate breakin, then Nixon Campaign Director John Mitchell quickly denied any official sanction for the affair, he said:

QUOTE slide. They were not operating either in our behalf or with our consent.

ZIEGLER slide. At the White House, press Secretary Ronald Ziegler declined to give any Presidential reaction:

QUOTE slide. The President would not comment on a third rate burglary, certain elements may try to stretch this beyond what it is.

AGNEW slide. Vice President Agnew raised the possibility of a Democratic plot.

QUOTE slide. What I'm saying is that someone set these people up and encouraged them to embarrass the Republican Party.

NIXON slide. President Nixon spoke out for the first time on August 29th based on an investigation by his counsel John Dean.

QUOTE slide. No one in the White House staff, no one in this administraton presently employed was involved in this very bizarre incident . . . what really hurts is if you try to cover it up.

KLEINDIENST slide. Defending his investigation of the Watergate, Attorney General Richard Kleindienst compared it to the Kennedy assassination probe.

QUOTE slide. Anybody who has a fair mind would be able to conclude that this has been the most comprehensive, deep, thorough investigation that the FBI has ever made with the exception of the Kennedy Assassination.

ZIEGLER slide. Press Secretary Ziegler, stung by continued disclosures in the Washington Post, was moved to say on October 16th:

QUOTE slide. It was shoddy and shabby Journalism based on hearsay, character assassination, innuendo, and guilt by association.

MCGRUDER slide. Jeb Stuart McGruder, now mentioned in news reports as a participant in the planning for Watergate, had this to say last October:

QUOTE slide. Listen, when this is all over, you'll know that there were only seven people who knew about the Watergate and they are the seven who were indicted by the grand jury.

SCOTT slide. Senator Hugh Scott emerged from a meeting with the President last month to report Mr. Nixon had told him:

QUOTE slide. I have nothing to hide, the White House has nothing to hide, I repeat: We have nothing to hide, and you are authorized by me to make that statement.

ZIEGLER slide. Press Secretary Ziegler was still defending the President's counsel John Dean on March 26th.

QUOTE slide. I specifically deny as absolutely false that Dean had prior knowledge of the bugging. The President has absolute, total confidence in Dean.

MITCHELL slide. Linked to Watergate planning by conspirator James McCord, John Mitchell on March 29th:

QUOTE slide. I have previously denied any prior knowledge of or involvement in the Watergate affair, and again reaffirm such denial.

NIXON slide. Then, on the 17th of this month, the President changed his position, no longer did he maintain no White House aides were involved.

QUOTE slide. I can report today that there have been major developments in the case concerning which it would be improper to be more specific now, except to say that real progress has been made in finding the truth.

NIXON slide. Later, Ziegler said the President's April 17th statement is the operative one, all previous statements are inoperative.

This is Gil Butler, Eyewitness News.

## OSHA SETS PESTICIDE STANDARD

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Occupational Safety and Health Administration recently set temporary emergency standards to protect farmworkers from the grave health hazards caused by exposure to pesticides.

This action is long overdue and should be a major contributor to a substantial reduction in the number of deaths and serious illnesses suffered by this group of American workers.

I commend to the attention of my colleagues a May 1 article about this subject in the Wall Street Journal and insert it at this point in the RECORD:

TEMPORARY RULES TO SHIELD FARMWORKERS FROM PESTICIDE ILLS ISSUED BY LABOR UNIT

WASHINGTON.—The Labor Department issued temporary standards designed to protect farm workers from harmful exposure to pesticides.

The standards, which take effect June 18, set "reentry" periods of two to 14 days controlling how long workers must stay out of a crop area after pesticides have been used. The rules cover six fruit crops plus tobacco, and 21 chemicals. In addition, employers must post warning signs and require protective clothing for workers.

Pesticides pose a "grave danger" particularly to migrant farm workers, said John Stender, assistant labor secretary for the department's Occupational Safety and Health Administration. Exposures cause an estimated 800 deaths and ill effects to 80,000 workers a year, he said.

The "emergency" standards will be replaced in six months by permanent rules reflecting further studies. The department has issued only one other emergency health standard, covering asbestos exposure.

As a result of the new pesticide rules, two public-interest groups said they agreed to drop a lawsuit seeking to force the department to act. "It is a good standard insofar as it is a good precedent for the future," said Miriam Guido, a staff attorney of the Migrant Legal Action Program, a plaintiff in the lawsuit along with the National Health Law Program, Los Angeles. However, she said, the standard should cover other pesticides and more crops, and further studies are needed to be certain the reentry times are long enough.

The crops covered by the standards are oranges, lemons, grapefruit, peaches, grapes, apples and tobacco. The pesticides are azinphosmethyl (sold under the brand name Guthion), carbophenothion (Trithion), demeton (Systox), diazinon, dimethoate (Cygon) dioxation (Delnav), disulfoton (DiSyston), EPN, ethion, imidan (Prolate), malathion, methyl parathion, mevinphos (Phosdrin), monocrotophos (Azodrin), naled (Dibrom), oxydemethonmethyl (Meta-Systox R), parathion, phosalone (Zolone), phosphamidon (Dimicron), TEPP and trichlorfon (Dylox).

The reentry periods vary depending on the crop, the pesticide and the weather.

On Capitol Hill yesterday, Rep. J. Kenneth Robinson (R., Va.) predicted there will be "wholesale disregard" for the standards, which he contended are unfair. The Congressman insisted there isn't any evidence of an "emergency" that would require the expedited action on interim standards.

## TAX REFORM: FROM THE VIEWPOINT OF A SELF-MADE MAN

### HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. HORTON. Mr. Speaker, especially in this era of budget ceilings and resource crises, a great deal of discussion is being devoted to the structure of our tax system, both in terms of its equitability and its ability to produce revenues adequate to meet the needs of the Nation. The recent submission to Congress of a tax reform proposal by the administration has helped to continue public attention to this issue.

During the Easter recess, I talked with a gentleman who has spent a great deal of time and thought on the issue of taxation of investment income and taxation of persons in high income brackets. While his viewpoint is a controversial one, he speaks with authority because he is a man whose fortune is self-made.

Maurice B. Frank, hotelman, philanthropist, real estate investor, horse breeder and author, has dedicated a great deal of his energy in the past few years to helping himself and others gain maximum benefits from some of the more controversial provisions of the Internal Revenue Code. His efforts to provide legal tax sheltered investments to others are a theme of his life at this point and are very well described in a recent autobiography he has written entitled "Success Is a Crime." I first met Maurice Frank several years ago through my very close friend Herman Schwartz, who is from my home community of Rochester and who is the publisher of "Success Is a Crime."

Because of the high level of current controversy over tax reform proposals, some of which would dissemble the tax-sheltering that Mr. Frank has so successfully pursued, I thought my colleagues would be interested in reading a recent article that appeared in the Palm Beach Post-Times. In this article, Mr. Frank outlines his views on tax reforms and on the essence of incentive in the American economic system.

Mr. Speaker, I should like to insert this article into the RECORD at this point.

TAX REFORMS CALLED DESTRUCTIVE TO INCENTIVE

(By Maurice B. Frank)

With all the talk of tax reform going on, I am reminded of the story going the "rounds" during the F.D.R. days.

A man riding in a taxi in Washington happened to say to the driver that Roose-

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velt was talking about raising taxes for the war effort to the end that the government would seize all income over $50,000 per year. The cab driver replied that he thought it was a "great idea." The passenger then said, facetiously, he heard a prominent Senator had suggested that everything over $10,000 should go for taxes, to which the cab driver retorted, "They can't do that, I make more than $10,000."

Much has been said about tax reforms but mostly by people wasting no time on thinking. Do they not realize if tax-free bonds were eliminated, as has been suggested, all the public improvements using this form of financing, with the municipality paying only about half the normal interest rate, would have to be subsidized by the city, county, state or government? The enormous amount of money they formerly saved by issuing tax-free bonds would then be spread over thousands of small taxpayers.

Millions of blue collar workers own stocks and homes. Shall we eliminate capital gains, which take only as much as 35 per cent on their once-in-a-while gains, and raise it to 70 per cent? If the ordinary man who bought a house 20 years ago for $20,000 suddenly decides to sell it for the $80,000 it's now worth and rent an apartment for his declining years, should he pay 70 per cent tax on the profit, as the reformers suggest?

Now, let's talk about depreciation. Thousands of middle income people are buying condominium apartments. Remove the tax incentive of deducting depreciation, interest and taxes, and you remove the primary reasons for their sale. When construction stops, thousands of people stop working, car sales decline and those people who build them go on relief. Then what? Taxes go up at the state and federal levels . . . who pays them? The little man? Yes!

I presume we could change the tax laws in such a way as to catch those approximately 1,000 people in the United States who avoid paying taxes on their income, and when we do, let's prepare to pay 100 times or more as many dollars into our state and government coffers. It will come from the pockets of those who are screaming the loudest.

Let us not forget that most of the fortunes of great names in American history have already been wiped out with inheritance taxes or grants to worthy charities for the benefit of all mankind. Had these same beneficiaries of the government's present method of taxation not built the hospitals and universities, and furnished the hundreds of millions of dollars for research and other charities, the government would have had to spread the cost over millions of its citizens.

In their absence, it would make our country a far more unattractive place in which to live, trying to get even with a thousand people who admittedly have it easier than the rank and file general public. Let us not cut off our nose to spite our face! This thousand will finally turn over most of their money to the government in estate taxes or charity, and in the meantime keep the "wheels of progress" moving, investing in business ventures that employ thousands. Break them and you break the country.

Every man strives to become a millionaire. Remove that incentive by making it impossible and you remove the reason for America becoming great. Let us not forget most of our millionaires started with nothing. Just a few had their millions left to them, because our tax laws won't permit it to happen.

One third of our municipal bonds are owned by individuals.

Hundreds of irresponsible politicians are screaming, "Soak the rich. Let's get those few people who pay no taxes". But let them not forget that in so doing they may wreck the whole economy and themselves, but most of all, their constituents, who are looking at the hole instead of the doughnut.

Reams of publicity have appeared about the so called inequity of our tax laws, which have been written and rewritten by "thinking" congressmen and senators and their tax advisors. Can they possibly be "the nitwits" some writers accuse them of being? These very writers, if at all successful, are availing themselves of some form of tax shelter, or if earning $50,000 per year, would be paying over half of it to the government, plus all the other hidden taxes and in state, county and city taxes as well.

As one Supreme Court Justice once said, "To evade taxes is a crime, not to avoid them is a sin." Tax shelters are not available only to the super rich. One third of all municipal bonds are being purchased by individuals, from all walks of life in denominations as small as $1,000.

As for real estate tax shelters in the form of limited partnerships, one can invest as little as $5,000, but one should be in a fifty per cent bracket to get the most advantage from such an investment. Don't be misled into thinking that all the published statements are true, that it is a one-way street for the wealthy or for any other investor in a real estate limited partnership. I deal in them but always point out to my partners that a piece of property which we buy must be held for 16 years to avoid recapture—if sold or foreclosed before that time, most of the benefits taken are wiped out in the "year of the happening". So in effect the taxpayer merely borrowed the money he deferred in taxes and it becomes payable in its entirety that year. None of the writers bother to say anything about recapture of depreciation. A perfect case in point was my advent into the tax shelter business in 1965.

I sold my four Holiday Inns, which I started in 1949, for $3,300,000. The downpayment of $500,000 on my sale was not enough to pay my first installment on my income tax, mostly on account of that little used word "accelerated depreciation," which merely means putting back what you borrowed.

Philip Stern in his latest book says that a computerized survey by two prominent Brookings Institution economists reveals that by simply doubling the rate on capital gains $14 billion could be raised. They are probably conservative in their estimate, but most of the billions would come from the rank and file population and not the 1,000 people he would like to see clobbered.

The bright economists, unnamed, are also quoted as saying that another $21 billion could be saved if the joint return were eliminated, and then blithely move on to the charitable deduction and mortgage interest deduction, the elimination of which he says is scare talk to frighten churches, colleges, hospitals, and universities, and why not? Billions have been donated yearly to these worthy causes.

Eliminate this so called tax loophole and the government picks up the tab and spreads it on everyone, or shall we simply close them? Mr. Stern concludes his book with the statement, "End these billions of tax welfare for the rich." Once that's done we can all talk sensibly about personal deductions and exemptions.

Unfortunately, governments don't work that way. Sure, a way might be found to get even with these people and destroy their ability to keep the wheels of progress moving, but as for the government giving that money back in any form to the rank and file, forget it. Governments raise taxes, they don't lower them. As our taxi driver friend said, "They can't do that. I make more than ten thousand a year."

If Washington takes a good hard look at that $35 billion they could pick up, they may do it. It won't take long to think of a way to spend it, but as for turning it back to the little guy, forget it.

Our economists who came up with that statement may have a problem finding a hospital in their later years or an endowed university for their children, but what the hell, we soaked the rich, didn't we?

As I said earlier, most of our wealthy people started from scratch. Let's not conspire against our sons and grandsons. Give them a chance to become wealthy, if they earn it. Destroy incentive and you destroy the country.

## VOLUNTEER FIREMEN HONORED

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. WOLFF. Mr. Speaker, recently the citizens of my home community of Great Neck, N.Y., had the opportunity to honor a group of volunteer firemen for acts of courage and heroism. The men they honored exemplified not only the best traits of people in their field, but also the best traits of our people. It is in this light that I would like to join with the people of Great Neck, and all Americans in recognizing the tremendous service that volunteer firemen perform for their communities, and I would like to recommend that my colleagues take note of the following editorial which appeared in the Great Neck Record, and the article which details some of the actions which were specifically honored:

THANKS TO OUR FIREMEN

Members of the Vigilant Fire Company honored nine of their own at their recent dinner-dance at Temple Emanuel, and it behooves us all to add our own words of appreciation, admiration and gratitude for a service which does in fact often make the difference between life and death. There are few jobs in society that make that kind of difference, but firemen still operate at that real-life level where a job well done can mean that a man, woman or child will live and not die. And here in Great Neck, where we are served by volunteer fire companies, the fireman who saves a life may be doing so at considerable risk to his own and with absolutely no recompense.

And so to First Lieut. James Dunn, to Chief Michael Okon, to Capt. Edward Canfield, to Fireman Edwin Holic, to Fireman Robert Lincoln Sr., to Fireman Lee A. Ielpi, to Second Assistant Chief Frank Gilliar Jr., to Fireman George Psarudakis and to Fireman Leon Kane, we at the Record want to extend the deepest thanks of an entire community for a job so well and so vitally done. We hope that in your lifetimes you will encounter friends and neighbors who will serve you as selflessly in times of need as you have served all of us.

VIGILANTS HONOR NINE VAMPS

Nine members of the Vigilant Fire Company received credit where credit was due at the company's recent 68th annual dinner-dance at Temple Emanuel. This was the first year the company has made formal awards, and Chief Michael Okon said he hopes to make it a tradition.

Medals of Valor went to four firemen for fire rescues in which lives were saved. Fireman Edwin Holic received his medal for evacuating seven tenants from a boarding house on Park Pl. where fire broke out on March 1, 1971.

Captain Edward Canfield received his medal for rescuing a fellow fireman during the fire at Bernard's hair salon on Aug. 14, 1971. Under extreme heat and smoke conditions, Capt. Canfield located the fireman, whose air mask had expired.

Capt. Okon said First Lieut. James Dunn each earned a medal for a joint rescue of an elderly woman in a first floor apartment at 12-14 Bond St. which caught fire on July 5, 1965. The two firemen braved extreme heat and smoke conditions to find the unconscious woman, whom they brought to safety and revived by mouth-to-mouth resuscitation.

The Fireman of the Year Award went to Fireman Robert Lincoln Sr. for "constant active devotion to duty beyond the normal requirements." Lincoln was captain of the company from 1938 to 1940, assistant chief in 1941, company treasurer from 1967 to date, exempt president from 1970 to date, and fund drive chairman in 1970, 1971, and 1972.

The Ambulance Award for "outstanding effort to preserve human life" was made to four men for their performance while serving on the ambulance crew. The four men made extraordinary efforts to resuscitate patients while on ambulance calls. They are Fireman Lee A. Ielpi, Second Assistant Chief Frank Gilliar Jr., Fireman George Psarudakis and Fireman Leon Kane.



## HOUSING AND URBAN DEVELOPMENT

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mrs. MINK. Mr. Speaker, within a very short time urban development has developed a mythology, a series of cliches which has too often led its supporters and detractors to extremes of optimism and pessimism. On one hand now you have the disillusioned who are willing to give up the whole effort and on the other you have those whose views are embodied in the President's budget, who are willing to oblige them by terminating or radically deemphasizing urban development programs.

In a recent address to the Hawaii Chapter of the National Association of Housing and Redevelopment Officials—NAHRO—Mr. John B. Williams, president of NAHRO, challenged the mythology surrounding urban development and the discriminatory nature of the Nixon budget. In a lucid, well-constructed and considered address, Mr. Williams points to the success our Federal housing programs have had and urges that the Federal commitment to desperately needed low and middle income housing can ill afford the moratorium that is now in progress.

Mr. William's address is eloquent testimony on the implicit costs of the Nixon budget. The poor and those struggling to get by will be sacrificing the necessities of life and dignity to achieve Nixon's fiscal responsibility. I offer Mr. William's comprehensive and perceptive examination of housing and the wider issue of urban development here for your consideration:

HOUSING AND COMMUNITY DEVELOPMENT CRISIS—1973 MYTHS AND REALITIES, PROBLEM AND RECOMMENDATIONS

Mr. Chairman, honored guests, ladies and gentlemen.

I want to share with you today some of my concerns as to the current picture we are facing in the housing and urban renewal policies and programs of this nation. While some of the politicians may argue that the crisis of our cities has passed, your national officers in NAHRO believe that this is not the case. For we have been in continuous communication with the 1100 communities which are now involved in community development programs throughout our 50 states.

Believe me, these communities are facing major dilemmas in how they can continue to execute their present commitments and plan future priorities in providing "a decent home and a suitable living environment for *every* American family."

Policies and actions out of Washington in the past four months have been highly disruptive, poorly conceived, and ill-timed in their execution, as the Administration, after four years in office, only now begins its tardy evaluation of past programs in order to shape future directions and Federal policy. The Administration's continuous use of catchphrases—such as "local determination of priorities" . . . "all is peaceful in the cities" . . . and "urban renewal is a total failure"—have only served to disguise the many successes of urban renewal efforts. They have provided an excuse for termination of community development programs and a halt to those particular federally assisted housing programs benefitting the nation's poor, the elderly, and disadvantaged minorities.

Simplistic cliches and Federal funding time-lags have only served to disrupt the cities and bring a sudden halt to the progress that has been made in the past decade toward improved comprehensive community development programs.

First of all, I want to sketch for you a more exact picture of the crippling effects of the Administration's program terminations and housing moratoriums—and to document the effects of the gap occurring between vital urban needs and the uncertain and proposed low-levels of future Federal funding.

Secondly, I wish to refute a whole mythology that has developed concerning the alleged failure of urban renewal and community development efforts.

Thirdly, I want to summarize some of the immediate problems facing localities using urban renewal programs.

And finally, I will share with you NAHRO's recommendations to deal with them.

I am a proud man . . . and I believe, in touch with reality.

As each day I read newspaper articles and other reports on the attitude toward the social programs at work in this country, I personally and collectively resent the opinion that these programs have failed. Quite the contrary, I know that *the vast majority* of these programs are succeeding.

I resent the wholesale slaughter of these social programs.

I strongly resent the implications that the administrators of these programs are threatened by change, and not objective enough about the current programs. In truth, we are not wedded to the present way of doing things. We are professionals ready to accept the challenge of creating inventive methods to solve existing problems.

If you listen closely, you will hear the funeral march being played. It is playing for us. Those of us involved in these social programs are expected to willingly climb into our coffins while we are still alive and progressive enough to improve on the programs already in progress. Let's not oblige the mortician!

What sense does it make to fail the entire class because a small percentage of students can't pass the course? Nothing is perfect . . . we all admit that fact. Subsidized housing methods—and the entire approach to redevelopment itself—can be improved. But we don't need and can't accept an 18-month dead-halt while evaluating how to improve on the approach.

There are desperate people out there counting on us. We, in redevelopment, cannot turn our backs on them just when they have learned what "hope" and "trust" mean. The disadvantaged have no place else to turn. Let us continue our endeavor while we refine and improve the system.

Whether that refinement is called "new federalism" or "special revenue sharing" or "housing allowances," its success will depend ultimately on how deeply it involves *all* segments of the public and private sectors.

We know that to have successful housing and community development programs requires the involvement from the steps of the White House to the ghettos of America. To spell it out . . . a network of active participation from the President, the Congress, to the state governments, mayors, city councilmen, public and private officials and *all* the people of our local communities.

Most important, we know that the Federal government should not and cannot abdicate its moral domestic responsibility and leadership role in providing a decent home for each citizen. Yet it appears that this is precisely what is happening.

Previous Administrations and Congress, over a period of years, have developed agreed-upon housing goals to meet the nation's needs . . . 26 million new and rehabilitated units projected over a 10-year period. Housing production, which requires a long lead-time, has been gradually stepped up. It has been only in this past year, however, that we are finally beginning to approach a level of home building which can bring us within the realm of achieving the 10-year goals established in 1968.

More than 700,000 units of subsidized housing have been produced under the Section 235 homeownership and Section 236 rental programs during the past five years since passage of the 1968 Housing Act . . . almost as many as had been produced in the preceding 30 years. Yet they have in effect been declared failures by this Administration, primarily because of a few distorted and sensationalized instances of difficulty. Thus 35 years of increasing concern and effort to relieve the housing plight of the nation's less fortunate citizens has been brought to a halt.

The Administration's proposed 1973-74 budget would now impound 392 million dollars in Congressionally approved but unused contract authorizations, and calls for no new authorizations for these programs.

If the Administration's effort to control inflation calls for a reduction in overall Federal spending, I personally believe that such a reduction should be fairly and *evenly spread throughout the economy, and in consultation with Congress.* I feel that the current moratorium is inequitable with respect to low and moderate income housing. Families in those categories are the ones least able to sustain a reduction in economic assistance—yet they are being asked to bear a major brunt of the Administration's current efforts.

Progress is *not* going backwards. From a high of 25% during the recession year of 1970, federally subsidized housing can be expected to shrink to less than 10% of "total starts" by the end of fiscal 1974. All because of the decision of January 5, 1973.

Statistics are cold, even when they are dealing with life and death social issues. However, it is necessary for clear understanding to face *these* statistics.

The housing units committed to contract or approved and in the pipeline before the moratorium took effect, will provide a level of new construction starts of 250,000 units next year.

But, there are some disturbing facts to consider. These quarter million units projected for the coming fiscal year represent a

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27% deficit from the current year. While this reduced level is supposed to be maintained through the following fiscal year, I wonder what really happens in fiscal 1975, if there are no new commitments planned and authorized in fiscal 1974?

If the present moratorium should extend much beyond the next 6 months, by the end of fiscal 1974, the nation will have fallen 45% behind in its efforts to keep up with the 10-year housing goals Congress approved in 1968.

Failure to make good on anticipated new-housing starts that would have been spread over the remainder of fiscal 1973 and the following two years could result in a direct loss to the economy of 7.5 billion dollars in new-housing construction, plus an additional loss of 12 billion dollars from related facilities and services.

The total economic impact of an extended moratorium would be a loss of more than 19 billion dollars . . . and 2.2 million man-years of employment.

These national figures are almost too large to have any meaning. In short, the freeze could cripple the whole 1968 Housing Act. More important, it is a crushing blow to the hopes of millions of Americans. Unemployment in the construction field and related services, plus manufacturing businesses, would rise to tragic proportions. Thousands of families and elderly citizens will remain ill-housed and out of work . . . unable to contribute to our economy and forced to seek public assistance requiring increased taxes for welfare.

Let me illustrate the specific effects of the impoundment and moratorium by citing a few examples of its impact on several local communities.

*The Washington, D.C., area* faces a special dilemma. In response to specific Federal encouragement, Metropolitan Washington last year became the first urban area in the nation to plan its subsidized housing needs on a region-wide basis, with concentrations of housing in the suburbs as well as the city. Last June, as a bonus for that pioneering effort, the Department of Housing and Urban Development pledged the area sufficient subsidies to cover 6,247 units. As recently as two months ago, local and Federal officials were actively negotiating the program's implementation.

Now, with an estimated 100 million dollars worth of housing promised and some 11,000 families on waiting-lists for public housing, the status of the whole program remains in doubt.

*In Georgia*, the suspension of all subsidy programs will cost private industry an estimated 383 million dollars in lost business over the next 18 months, including 44 million dollars in the city of Atlanta.

*Nine counties in the Oakland-San Francisco Bay Area* stand to lose 355 million dollars in construction and more than 20,000 jobs in the next year if the housing moratorium stands. There were 16,600 units of federally subsidized housing in the Bay Area pipeline when the Housing Secretary shut off the valve.

*The New York State Division of Housing* will have to halt plans for 27 projects with 7,500 apartments which were ready to go into construction but were awaiting approval for Federal subsidy. According to Abram Hyman, Deputy Commissioner of the New York State Division of Housing, during the next 18 months they won't be able to go ahead with plans for another 20,000 units because they can't be built without Federal funds. To quote Mr. Hyman, "When it gets to construction, that's the end of the road. It will take 36 to 40 months to get going again. Developers won't sponsor projects when they know subsidy is not available."

Nationwide, the loss of some 500,000 units of assisted housing over the next two years will have serious consequences for our efforts to revitalize our cities, regardless of whether we have special revenue sharing or continue with urban renewal and other categorical aid programs. The ability of our cities to survive as fit places to live will depend on how well we are able to address housing needs, particularly low and moderate-income housing needs.

Some low-moderate income housing programs for low and moderate income families have been poorly administered by the government's bureaucratic approaches and deficient operations. In some few places there has been waste and corruption. But it is ridiculous and destructive to try and cure these problems with meat ax tactics. It would seem that the appropriate way for a civilized nation to conduct responsible government would be to not truncate these vital, but perhaps imperfect, existing programs until viable alternatives have been created.

Studies have clearly shown that federally-assisted housing—be it public housing, the 235, 236, 312 or 117 programs—incorporates generally effective methods which have helped this nation achieve its housing goals, and benefitted many low-income families, the very people who these programs were designed to serve. Even as other government-assisted FHA mortgage insurance subsidy programs with provisions for tax deduction allowances, have housed and benefitted well-to-do families.

From our years of experience, it is obvious that without the direct Federal subsidy, it will be impossible for developers to build except for the middle and upper-income market.

The anti-inflation efforts of the Administration appear to protect the economically and socially privileged, rather than improve the performance of the economy in serving the poor and disadvantaged of our society.

Let me address some comments now to a whole mythology that has developed concerning the alleged failure of urban renewal. These myths are as follows:

1. *Myth:* Urban renewal is only a big city problem.

*Reality:* Urban renewal is active in nearly 1,000 communities in every state, with ¾ of the localities with a population below 50,000.

2. *Myth:* Urban renewal is a narrow program.

*Reality:* Urban renewal encompasses all of the major elements required to revitalize local communities.

Removes slums and blight.

Stimulates housing development, especially for low and moderate income families.

Rehabilitates the existing housing stock.

Conserves and preserves the existing housing stock: code enforcement.

Provides supporting public and community facilities.

Revitalizes the community's commercial capacity.

Generates additional industrial capacity.

Utilizes undeveloped land.

Utilizes inappropriately developed land.

Assists in the development of new towns-in-town.

Enhances the community's environmental quality.

Provides additional cultural opportunities.

Affords additional recreational opportunities.

Facilitates the development of related economic and social programs.

Encourages historic preservation.

Demolishes unsafe buildings.

Sustains areas through interim assistance.

3. *Myth:* Urban renewal is a piecemeal, categorical program.

*Reality:* Urban renewal is being used in many localities not as an isolated response to a particular problem, but as a consolidated, comprehensive strategy for community-wide development.

4. *Myth:* Urban renewal focuses on only a few activities (mainly reviving central business districts), involves a long lead time, and is not people-oriented.

*Reality:* Based on evolving experience, urban renewal has undergone a series of legislative and administrative changes which concentrate more attention on housing and jobs, accelerate program results, and respond to human needs:

More emphasis on existing housing stock: 1964–65 Legislative amendments.

Redirection to housing and jobs: National Urban Renewal Goals: Administrative Policy, 1968.

More emphasis on low and moderate income housing: Proxmire amendment.

Assurance of adequate replacement housing: Weicker Amendment.

Citizen participation: HUD Administrative Policies.

Acceleration of program results: Neighborhood Development Program (NDP)—Housing and Urban Development Act of 1968.

Increased assistance to displaced families and businesses: Uniform Relocation Act of 1971.

More responsibility to local communities and less by Federal government: Proclaimer Policy.

5. *Myth:* Urban renewal has a totally disruptive impact on local communities, adding few positive aspects to community life.

*Reality:* Urban renewal has only begun to demonstrate its positive economic, social, and physical by-products in terms of:

Generating non-Federal investment.

Increasing the local tax base.

Creating new jobs.

Improving the general economy of the community and neighoorhood.

Expanding the availability of public facilities.

Raising the quality of neighborhood environment.

Influencing the progress and environment of areas surrounding renewal activity.

Multiplying the number and quality of social service programs.

6. *Myth:* Urban renewal is public funds used to support public activity.

*Reality:* Urban renewal is a generator of private investment, encouraging private sponsorship and ownership, and stimulating private activity in areas which would otherwise be neglected.

These myths have served to retard our efforts in effectively evaluating present programs. As professionals, we stand always ready to learn from the successes and failures of our renewal efforts. While much of the criticism of urban renewal can be attributed to the fact that the few failures of programs always gain prominent attention, while the more numerous successes and benefits go unnoticed, it is my belief that urban criticism stems mainly from the current lack of a comprehensive analysis of the nation's urban renewal programs. This analysis should be an integral function and priority of our national administration. It is unfortunate and poor management that the Administration has had more than four years to complete such analysis, but is only now beginning to conduct this review.

Without such an analysis, we lack the tools to properly evaluate past efforts and shape future Federal policy.

Because of this lack of knowledge, of data, studies and evaluation of the impact of urban renewal and community development programs, it is our intention in NAHRO—with the assistance of yourselves and other of our local professional associates scattered in hundreds of communities across our nation—to erase these myths by informing the National Administration of the realities we find in our local communities. Your data is already coming in, and it will be summarized and presented to the Administration and Committees of Congress forthwith.



I will now highlight what I believe to be the major current problems confronting localities brought about by the Administration's moratorium and recent actions:

1. *The abrupt termination of new urban renewal activity as of June 30, 1973.*

This program termination will have serious effects on hundreds of communities which planned new activities during the next fiscal year. These will have to be curtailed, delayed, or even cancelled.

In addition to postponing or eliminating scheduled new activities, the termination will also result in the lack of planning for future programs and therefore create a "leadtime gap" for scheduling new activities in the future.

One of the rationales for this termination is that $5.7 billion in urban renewal appropriations remain unspent and available for use by cities during FY 74. This is a false figure in view of the fact that a large portion of this money has been committed spent by localities, though grants have not been paid on these amounts to date. For NDP alone, the lag between appropriation and grant payout by HUD can be two years, though a locality has most of that money obligated many months before grant payout. The lag for conventional programs is much longer and also does not mean that the money hasn't been committed/spent by localities.

2. *Suspension of new activity for concentrated code enforcement and neighborhood improvement under the Section 117 program.*

In Fiscal Year 1973, the Administration did not allocate any funds from the Title I urban renewal appropriation for Section 117 activities. The Fiscal Year 1974 HUD budget continues to ignore code enforcement.

This lack of funding can most generally be attributed to the expressed reluctance on the part of the Administration to provide adequate financial support for programs scheduled for eventual consolidation into a community development block grant program. This will mean not simply a loss of continuity in program activity, but also will result in an accompanying loss to the field of the trained specialists who have gradually built up the competence to give the program momentum and make it work, and delay in conserving localities' housing supply.

3. *The impoundment and eventual termination of the Section 312 rehabilitation loan program.*

The Citizens Planning and Housing Association of Baltimore, Maryland has termed this program "the most important housing program in Baltimore City." This is a statement which has been echoed nationally in support of "this program within a program" which provides direct loans for rehabilitation activities.

HUD estimates show that the program is working; only 4% of 312 loans are over 90 days delinquent in payment, and only 40 homes have had to be repossessed over the eight year life of the program. Yet this program has continually been the victim of impoundments of appropriated funds. In addition, recent stringent rehabilitation loan priorities established by HUD have reduced its effective coordination with other community development activities.

The absence of funds for Section 312 is particularly damaging to local officials in that it destroys their capacity to continue with programs already underway and destroys their credibility with property owners in communities.

4. *The announcement of administrative regulations limiting acquisition and rehabilitation activities under urban renewal.*

Administrative regulations issued by HUD within the past three months have had the effect of crippling outgoing renewal programs. Those regulations all but eliminated acquisition from the NDP program for the next year. The Department has also required rehabilitation alternatives to the 312 loan program prior to Federal approval of local programs.

The practical effect of these policies is to emasculate greatly the programs and permit minimal activity in the cities during the next year.

5. *The imposition of the moratorium on new commitments for Federally-assisted low and moderate income housing, which affects housing planned on urban renewal sites and for relocation.*

Renewal projects have programmed into their plans, the reuses of significant land for Federally-assisted low and moderate income housing. HUD has never been willing to commit the necessary number of units when the projects were approved. As a result of the current housing moratorium, many units will not be approved for renewal projects.

In addition to violating the urban renewal plans, possibly forcing localities to violate statutory requirements for those units, the moratorium will result in many families, including relocatees from HUD-assisted projects, not being adequately housed.

Special care has been taken in the past few years to involve the community in renewal projects, and a great level of expectation has been generated as a result. The effects of these problems can therefore be serious, damaging and longlasting, reducing the credibility of government (Federal and Local) in the eyes of the people.

I think we should be taking this time during the moratorium to reaffirm or reidentify for the American people the nation's real housing needs, particularly the need for low and moderate-income housing. I would urge you to give your support to the new National Ad Hoc Housing Coalition, which is doing that very thing.

I believe that we should look closely at the proposal for community development revenue sharing to see what opportunities it offers and how it could be improved or refined both through the legislative and administrative process.

The most immediate problem is the method chosen for making a transition from our existing categorical aid programs to special revenue sharing. In fact, there appears to be no transitional plan.

The major categorical aid programs such as Model Cities and urban renewal are to be terminated as of June 30. Special revenue sharing is not supposed to start until a year later.

In the meantime, we are told, local community development efforts are to limp along as best they can with whatever money is on hand as of June 30. Furthermore, severe restrictions have been placed on the money that is available. Local public agencies will not be able to acquire new land; wherever possible, existing projects are to be closed out and staff capability reduced. I think this is the wrong way to go about it.

We need a decent interval of transition in which cities can continue at their own option to use the categorical aid programs to continue necessary activities. The magnitude and scale of the community development needs of our cities are too urgent. We can't afford to lose a year or more of new activity.

The categorical aid programs *must* be allowed to continue *at the same time* special revenue sharing is being initiated and all the kinks are being ironed out.

In addition to seeking a decent period of transition, I think we ought to seek safeguards in the use of these special revenue sharing funds. For example, we ought to be skeptical of any automatic pay-out, such as now exists for general revenue sharing.

While we would favor a formula that assures a community a certain basic grant to carry out a development program, we do not favor a dole-out which gives money away without some specific plan of action.

Since funds will be short to begin with, we ought to make sure the money goes where it is most needed. Cities should have to make application for these funds, certainly not in as detailed a form as they now have to make for urban renewal and other categorical aid programs, but, at a minimum, showing what their development needs are and how they intend to meet them.

In short, while we favor the flexibility and local autonomy, a checks-and-balance Federal review is essential to insure that the true needs of *all* our citizens are being met. If this new program is not carefully devised, we may find ourselves trading excellent social and economic programs of the past for nothing more than a glorified public-works program.

I also think that we should be proposing a much more equitable level of funding for community development revenue sharing. The 2.3 billion dollars proposed for fiscal 1974–75—when revenue sharing is to begin—barely keeps us even with where we are today. It doesn't take into account ever-rising costs nor the fact that our categorical aid programs are already on a starvation budget.

In comparison, the final 1974 defense-spending plan marks a jump of 4.7 billion dollars over the current year—which is twice the amount proposed for special revenue sharing—even though the United States is out of the Vietnam war and the 2.2 million Americans in uniform will be the smallest number in 24 years.

While we turn our backs on the humanities, we are at the same time pumping more money into military spending. Consider an 81.1 billion dollar spending program for national defense in the next fiscal year.

This will rank second only to the record of 81.6 billion dollars for fighting around the globe and developing the first atomic bomb in 1945.

Furthermore, a still bigger defense budget totaling 85.5 billion dollars . . . an additional 4.4 billion dollar increase . . . is forecast for fiscal 1975.

Where is our social conscience?

What are our priorities?

In God's name, how can we find resources to expand our defense budget and propose to redevelop North and South Vietnam while we remain blatantly insensitive to our very own?

Unless we wake up to the fact that the mandate of last November was to build and not to destroy, to help and not to hinder, to address problems and not to avoid them, we will have misread the spirit of the American people. We have a unique opportunity to fashion well-conceived and workable solutions which will clearly define our Federal commitment to housing. We must meet this challenge in a spirit of compassion and understanding.

Let us not be guilty of underestimating the intelligence of the American people by minimizing their ability to be extremely articulate on matters which reflect their well-being . . . housing, quality environment and employment.

I have no crystal ball, and I do not want to be an alarmist. But the reality of past experience reminds us . . . lest our memories be so short . . . that frustration in these areas brought blood to our streets before.

Let us unite and avoid a reinvitation to disaster.

We, as professionals, offer the weight of our long experience. We intend to make that experience count.



XUM

# SENATE—*Wednesday, May 9, 1973*

The Senate met at 11 a.m. and was called to order by Hon. GAYLORD NELSON, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose rulership transcends all earthly realms, rule over our hearts and minds in this place. May all lesser loyalties be subordinated to our love of Thee. May every human law be subject to Thy divine law written in hearts and revealed in Thy Word. Forgive our sins and overrule our ignorance. Show us the way to advance Thy kingdom on Earth. And may goodness and mercy, wisdom and strength be in us this day and in all the days to come. When our work is done, may we hear Thee say, "Well done, good and faithful servant."

We pray in the name of Him who went about doing good. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 9, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. GAYLORD NELSON, a Senator from the State of Wisconsin, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. NELSON thereupon took the chair as Acting President pro tempore.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills in which it requested the concurrence of the Senate:

H.R. 5383. An act to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes;

H.R. 5451. An act to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes; and

H.R. 5452. An act to extend and make technical corrections to the National Sea Grant College and Program Act of 1966, as amended.

## ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1379) to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. NELSON) subsequently signed the enrolled bill.

## HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Commerce:

H.R. 5383. An act to authorize appropriations for the Coast Guard for the procurement of vessels and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes; and

H.R. 5451. An act to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954, as amended; and for other purposes.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 8, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## REORGANIZATION OF FOREST SERVICE REGIONAL OPERATION

Mr. MANSFIELD. Mr. President, this morning, when I appeared before the Appropriations Subcommittee on the Interior, chaired by the distinguished Senator from Nevada (Mr. BIBLE) I asked the committee to give the most serious consideration to doing all within its power to overturn the order issued by Secretary of Agriculture Butz on April 24, which reduced the number of Forest Service regions from nine to six and transferred the headquarters of Forest Service Region No. 1 at Missoula, Mont., to Denver, Colo., approximately 1,000 miles away.

May I say that this, I think, is a most serious and costly misconception of the part of the Federal Government. In this connection I would point out that the Colorado State Senate, a few days ago, passed a resolution by a vote of 29 to 4 asking the Forest Service not to transfer the affected additional personnel to Denver.

Not only is Missoula, Mont., involved, but Ogden, Utah, is also involved, as is Albuquerque, N. Mex.

Mr. President, believe it or not, some of the functions of the regional headquarters at Albuquerque, N. Mex., have been moved as far away as Atlanta, Ga. How that will look in the scheme of regionalization being put into operation by this administration, I do not know. But all I want to say, Mr. President, is that this is not decentralization of government but rather a new and aggravated kind of centralization on a regional basis at the expense of the States.

If the Government really wants to decentralize, it should move many of its offices and bureaus out of Washington, D.C., and the metropolitan area, where they are an octopus and where they are running hog wild.

Mr. President, I ask unanimous consent that the statement I made before the Subcommittee on Department of the Interior Appropriations concerning the phasedown of region No. 1 of the Forest Service, and also on MHD and the energy crisis, as well as other aspects of my testimony, which will be printed in the hearing record, be printed also in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT—SENATORS LEE METCALF AND MIKE MANSFIELD: INTERIOR APPROPRIATIONS—FISCAL YEAR 1974

We would like to submit for the record the recommendations of Senator Metcalf and myself on the remainder of items of interest to Montana.

With respect to the Forest Service, the prime consideration is to release impounded funds and bring the funding level up to that intended by Congress. According to the OMB figures of 14 April of this year, the Administration is holding $664.4 million in Forest Service funds. Virtually every program of the Forest Service is affected, from personnel to road and trail construction and from wilderness management and research to insect and disease control. In the Administration's new budget, additional cuts are made.

We cannot think of a more short-sighted approach to the critical problem of caring for or harvesting a precious renewable resource like our forests. We are not talking about a bureaucratic shuffling of papers, or storage of vehicles, or the guarding of a fence. We are talking about the care of living, growing things which represent a precious asset for this and future generations. Just as no farmer would cure a problem in his fields with further neglect, so we should not be meeting the many problems of our forests with impoundments, budget cuts and counterproductive closures of installations.

Special attention should be made to the restoration of cuts for personnel. They are desperately needed for timber sales and management if the expanded harvest announced by the President is to have any real impact on relieving the current lumber crisis. They are also needed to conduct the necessary environmental impact statements if we are to have a truly meaningful survey of areas which might be upgraded into Wilderness areas.

Personnel are also needed for the valuable SEAM program. SEAM, or Surface Environment and Mining, is a cooperative effort of federal agencies, States, the Northern Great Plains Resource Program and the mining industry to produce needed minerals without undue harm to the environment. Coal seams thick enough for exploitation underlie 34 million acres of the 11 Western States. Land distributed by surface mining has increased 30 per cent in the last seven years. Pressures to extract minerals other than coal have also grown in recent years. We must move swiftly to control this mining boom, and SEAM can be a valuable tool in that effort.



Also needed are funds for the FALCON (Forestry, Advanced Logging, and Conservation) program. The aim of this program is development of timber harvesting techniques for environmentally sensitive areas. Congress has already appropriated $5 million for it; the OMB has impounded all of the funds. We urge restoration of these funds and whatever else is necessary to do the research on regeneration, water, soils and logging techniques. We need to explore alternative methods of getting logs out of the forests, such as use of helicopters, balloons and aerial cable systems.

Other areas needing funding include reforestation, forest roads and trails, forest fire prevention, recreational facilities at the Libby Dam, forest research at the University of Montana in Missoula and Montana State University in Bozeman, acquisition of the valuable American Bar property near Helena for a bird sanctuary and the French property on Beaver Creek, also near Helena, for a fish and wildlife preserve.

Turning to appropriations items in the Interior budget, we draw your attention first to the needs of our Indian citizens.

With regard to Indian education, Mr. Chairman, we make our requests in accordance with the Conference Committee's admonition of last year that "funds appropriated for public schools shall be available for construction when it has been determined that local school authorities have incurred bonded indebtedness for the construction of local schools to the fullest possible extent, in accordance with applicable State laws and have otherwise levied maximum school taxes as permitted by State law.

We ask for appropriations for construction of the following schools for Indian children in Montana.

Heart Butte, at the southern edge of the Blackfeet Reservation, has long needed an elementary school. The district has no bonding capacity whatever. At present, 195 pupils (of which 189 are Indian children) attend classes in a ramshackle, patchwork building that should be condemned. The District has requested $2,000,000 for a new school, remodeling, a teacherage, sewer improvements, etc. Efforts to secure funding under Public Law 815 have been unsuccessful.

Hays on the Fort Belknap reservation in north central Montana has a bonding capacity of $16,000. The school district desperately needs to improve and modernize its elementary school for 120 pupils. We reiterate our request of last year for $400,000 for this purpose.

In 1972 we asked the Committee to approve an appropriation of $428,000 to expand and modernize the grade school at Lame Deer operated by Public School District Number Six. The Committee recommended and the Senate agreed but the amount was unfortunately deleted in conference. (You will perhaps recall that the Administration requested $230,000 in Fiscal 1973 to plan a high school. It is our understanding that the Northern Cheyenne have now agreed on a site and that the Bureau of Indian Affairs expects shortly to let a contract for the design.)

Of the 340 pupils in the elementary school, 322 are Indian children. The present facilities consist of a sound building that is too small, supplemented by several trailers, all of which are terribly crowded. Lame Deer has a bonding capacity of $38,000. We believe that their request for an addition to the existing school should have a high priority.

We should remind the committee that at some time in the future the school district's ability to sustain indebtedness or levies will no doubt improve with the development of coal on the Northern Cheyenne Reservation. At present, however, the Tribe is attempting to secure a review of coal leases that have been purchased in order to assure protection of the reservation from environmental damage. The review could take years. Until this is settled, the district is unable to help itself.

Mr. Chairman, the Committee will recall that the Senate last year deleted $70,000 for assistance to Brockton High School on the Fort Peck Reservation, but that the sum was restored in conference. The appropriation permitted the District to complete its plan for a new building. They ask $1,300,000 for construction, site development, furnishings and architectural-engineering costs and contingencies. We hope that the Committee will approve this sum so that the pupils, who are housed in what has been described as a building unfit for pigs or cattle, can attend classes in a safe and proper facility. The District has a bonding capacity of $56,000 which it intends to use for teacher housing.

It is our understanding that representatives of the Pryor Elementary School District will speak to the Committee in behalf of a request for appropriations. The District has a bonding capacity of $89,000, and a current indebtedness of $25,900. We hope that the committee will find it possible to approve their request.

We would like to conclude this portion of our testimony with a strong appeal for the Committee's assistance in obtaining the release of all of the appropriation provided in Fiscal 1973 for the Rocky Boy's Elementary School. The Congress approved $450,000 and the entire amount has been impounded. The Office of Management and Budget has said it will release $125,000 after 1 July. The School District, with a bonding capacity of $8,200, is wholly unable to provide for capital improvements, as the Congress has recognized. The $450,000 appropriation was the second increment of a total of $1,050,000 approved by Congress to permit planning and construction of an elementary school.

The Rocky Boy's Elementary School has earned nationwide praise for its remarkable work in Bilingual Education. Under the leadership first of Bert Corcoran and now of Superintendent Gerald Gray, parents, teachers and pupils have written and illustrated, and printed in their own offset press, textbooks and story books in English and Cree used for instruction in the school. The existing facility is a bechive of activity with every foot of space in use from seven in the morning when the school is opened until ten at night when it is closed. The new building will be ready to open in September. The $450,000 is needed for construction for a lagoon, for furnishings for the school, for teacher housing and site development.

As was true last year, there is an enormous backlog of applications for allocations under Public Law 815. Of the unfunded total of $208 million, $41.3 million represents applications to construct schools for Indian children. The Administration requested $19 million for P.L. 815 in FY 1974, but has said it wishes to expend two-thirds of it for construction of schools for military-connected children. If this is done, the $7.6 million remaining would fund less than one-fifth of pending requests.

Busby School, a boarding school for Indian children now operated by the Northern Cheyenne under contract to the BIA, has asked for an additional $109,000 in operating money for FY 1974, to permit improvements in curriculum, to hire more teachers and other purposes. The BIA budget does not include this sum but we hope the Committee will see fit to favor the addition.

Finally, the Administration has requested the same amount that was appropriated in Fiscal 1973 for Johnson-O'Malley programs, a total of $23,247,000, of which $1,080,000 would be allocated to Montana. Our State Department of Public Instruction informs us that our needs will be adequately met with such an appropriation. We hope it will be approved.

In other matters, Mr. Chairman, we call your attention to the wealth of historic sites and ghost towns which are worthy of preservation. We hope the Committee will see that such preservation is adequately funded and that the funding will come early enough to protect the sites from the ravages of time and vandals.

We are also concerned about the delay incurred in building the Big Horn Canyon Road to service the recreation area which has been created around the Yellowtail Dam. The road, which now extends north from Lovell, Wyoming, should be extended at least to Fort Smith at the site of the dam itself—and ultimately on to Billings.

LIKE 10 VACUUM CLEANERS

One of the things both government and business have discovered in recent years is that administrative fragmentation often is more efficient than monolithic unity.

The American Management Association, serving business, calls this the "unit president" concept. The chain of command is kept intact, but the top administrator of each unit is in full charge of that unit. He plans that unit's future with his subordinates, who in turn are in full charge of their units, and so on down the line to the lowest level.

That means the company president has less authority over the lowest unit than the foreman. If the president interferes with the foreman's management, the president makes a major mistake.

The idea is to delegate authority for management and planning because it's been discovered, people like to take responsibility for planning their work and seeing to it that it's done. The result is greater efficiency, higher output and more job satisfaction. It's a form of organized fragmentation, and it works.

Come we now to the federal government, which evidently believes in disorganized fragmentation.

A few years ago some thinkers in Washington thought it would be nice to get government out of the District of Columbia and back to the provinces. (The thinkers in Moscow, it might be noted, occasionally are smitten by similar thoughts.)

So 10 regional administrative units were set up in such outlying spots as Denver and San Francisco and Boston. This was getting government back to the people to make it more efficient and responsive.

It was a stab at doing right, but now, under the guise of efficiency, the regional administrative binge is having exactly the opposite effect which the unit president—or organized fragmentation—concept postulates.

First bureaucracy is dispersed to the 10 regions, and then—in direct violation of the principle of getting government back to the people—the regional headquarters suck in the outlying bureaucracy like 10 vacuum cleaners.

If the federal government was truly interested in getting government back to the people, it would further fragment administrative controls.

But now Missoula and other regional Forest Service headquarters are being closed so the Forest Service ". . . improve its efficiency and effectiveness in carrying out its resource management, research and state and private forestry programs," in the words of Secretary of Agriculture Earl L. Butz.

Butz has smashed the administration's own theory of making government responsive. He has violated every management principle by his administration diktat. And he has sugar coated this monumental blunder with drivel.

XUM

[From the Sunday Missoulian, Apr. 29, 1973]

FOREST SERVICE

On the same day the announcement was made that three Forest Service regional offices—including Missoula's—were being recycled off to Denver and other more efficient spots, the chief of the Forest Service announced that 1.8 billion more board feet would be cut on federal forests this year than last.

Each announcement lent poignancy to the other. If some of the demand for more wood cuts western Montana forests and would lead to timber mining in some areas, the dialogue about it will have to be conducted between here and Denver rather than between here and here. Distance from the ground helps foolish men do foolish things, and makes protest concerning any action more difficult.

The key question facing Missoula forest products employes and environmental buffs is not the loss of local payroll. It is this: What administrative tentacles will link western Montana to Denver? What administrative conduits will be laid so that communications concerning all aspects of forestry will be efficient and responsive?

Despite claims that this reorganization off to Denver is being done for more efficiency, that crucial communications question remains unanswered. Until an answer is forthcoming, the real uncertainty and heartache about all this will persist.

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EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, D.C., May 4, 1973.*

Hon. MIKE MANSFIELD,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR MANSFIELD: I looked into the matter of Forest Service regional boundaries immediately following our conversation the other evening.

It turns out that the decision to alter the boundaries and the regional office locations had already been made and was announced on April 24. I am assured that your views on the matter were on record and had been considered in the decision. I also understand that your office was notified prior to official announcement. You will shortly receive an explanatory reply to your letter to the President outlining the reasons for the decision and the expected benefits.

There appears to be little inclination either in the Department or in OMB to reopen this decision so recently announced. However, I am sure that the Department will do all it can to minimize the potential adverse consequences in your area, and, if you wish, I would be pleased to arrange for Assistant Secretary of Agriculture Long and Chief McGuire of the Forest Service to meet with you to provide a detailed explanation of the reasoning behind this decision and a briefing on their transition plans.

I'm sorry I cannot be of more assistance in this particular matter.

Sincerely,

JOHN C. SAWHILL,
*Associate Director*

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U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
*Washington, D.C., May 8, 1973*

Hon. EARL L. BUTZ,
*Secretary, Department of Agriculture,*
*Washington, D.C.*

DEAR MR. SECRETARY: In connection with the proposed centralization of national forest supervision announced on 24 April 1973, you are hereby requested to make available the following information.

1. Each and every study, report and analysis with all of the supporting evidence, which shows the efficiencies (or inefficiencies) of the proposal to transfer regional offices and personnel, and consolidate or change national forests.

2. For Region 1 for the fiscal years 1971, 1972, 1973 through 1 April 1973 separately by years:

(a) travel by individuals and purpose from Regional office to one or more Forest offices including time, distance, mode of travel and cost for the portion from the Regional office to first stop. Please show comparable cost under proposed change.

(b) travel by individuals and purpose from each national forest to Regional office with data as above. Please make similar comparison as above.

3. Decsribe facilities to be vacated or abandoned by move, cost, value, etc., and the cost of new facilities in Denver and Portland and the net financial impact. Show cost to move equipment, etc.

4. By job title list personnel affected by proposed transfer.

(a) show estimated cost to transfer, including movement of household goods, sale of home, relocation expense and cost to move family, etc.

(b) for each position to be "abolished" show results of various inspections over past four years that discuss the position and summarize whether they recommended strengthening or abolishing position.

(c) for each position to be transferred show results of various inspections over past four years that discuss position and summarize whether they recommended transfer and the reasons therefor and whether they recommended transfer as now planned.

5. Based on the proposal, show analysis of how cost of doing business and effectiveness will be changed by making the changes advocated.

6. One part of your proposal suggests that New Mexico, which has five national forests, be attached to the proposed Atlanta Region. However, Alaska, which has three national forests, is proposed to remain as a Region. Please list the most direct mileage by the most expeditious modes of transportation from:

(a) Atlanta to each New Mexico forest headquarters.

(b) Albuquerque to each New Mexico forest headquarters.

(c) Denver to each New Mexico forest headquarters.

Show the differences in time and cost for each and time as above.

(d) Distance from Missoula to each forest headquarters in Region 1 as now existing.

(e) Same information from Denver or Portland to each forest in proposed revision.

Show the differences in time and cost for each.

(f) Show distance and time from Juneau to each Alaska national forest.

(g) Show same data from each Alaska national forest to Portland.

Show distance in time and cost for each.

(h) Show the key elements of business for each national forest in Alaska, Region I, and New Mexico, and using time to travel, distance and cost explain the logic of retaining the Alaska "Region" rather than attaching to Portland, the logic of attaching New Mexico to Atlanta rather than leaving as is or attaching to Denver, and the logic of attaching Region 1 forests to Denver and Portland, rather than leaving "as is."

In summary, we want a full and complete explanation of all pertinent facts that demonstrate the efficiency of your proposal. If such studies were not made prior to the date when this proposal was ordered into effect and these data would have to be developed specially to answer our request, any such question can be answered by the statement "Do not know." However, you are advised that the absence of such studies and hard cost and benefit analyses will be considered as extremely significant factors in weighing whether the proposed revamping of the Forest Service structure advances or significantly retards efficient operation of these public assets in the national interest.

We will appreciate a reply at your earliest convenience. Please send a copy of your response to Senator Alan Bible, Chairman, Subcommittee on Interior and Related Agencies, Senate Committee on Appropriations.

Very truly yours,

MIKE MANSFIELD,
*U.S. Senate.*
LEE METCALF,
*U.S. Senate.*

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U.S. SENATE,
*Washington, D.C., May 3, 1973.*

THE PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: We were extremely disappointed to learn that the Department of Agriculture has decided to adjust its regional organization to fit within the standard federal region structure and thus phase out the regional offices at Ogden, Utah, Albuquerque, New Mexico, and Missoula, Montana, and the experiment station headquarters at Ogden and Asheville, North Carolina.

We respectfully request that this proposal be reconsidered. Although the new regional concept is sold as an economy move to increase efficiency and effectiveness in managing the national forests, we see it as a negative action which will result in less staff responsibility for more area, increased bureaucracy, and the creation of more distance between the forest managers and the users.

We can understand the logic of concentration in the standard regional offices of those organizations which exist to administer programs emanating from Washington. But the essential program of the Forest Service is to manage national forest land areas, and the present locations were chosen because they were most convenient to those areas. It does not seem wise to us to destroy this convenience simply to satisfy the theoretical desire to get all regional offices in one place.

Because of the serious effect these proposed changes will have on our states' economies, we have met with Department of Agriculture officials to try to resolve this problem. Now we must turn again to you to urge that this order be rescinded.

As you know, from the very beginning of the Forest Service, these regional offices have been located in Ogden, Albuquerque and Missoula. Region I headquarters at Missoula, Montana is one of the most active regions where there are mounting demands for increased timber sales requiring additional on-the-ground management of the forests. Moving the headquarters from Missoula to Denver as proposed would create very difficult problems of communication and transportation. This would place this large Region some eight hundred miles away from Denver. In addition, Region I operates the smokejumper school and the Forest Fire Research Laboratory and associated research facilities at both Montana Universities at Bozeman and Missoula. This proposed move would be an economic blow to this western Montana city and would not provide any great economic benefit to the government. It would, in fact, reduce the proper management of one of the nation's busiest national forest areas.

Of all the announced changes in the regional reorganization of the Forest Service, the relocation of the Albuquerque office to Atlanta is the most nonsensical. The abolition of a regional office that has successfully administered over 20 million acres of forest land since 1908 is completely unwarranted. It would be impossible for Atlanta to successfully administer New Mexico's forest which contain half of the region's total acreage, from over 1,500 miles away. It is equally unlikely that New Mexico will receive the proper representation from the Atlanta region since the areas have completely different topographic, climatic and forestry problems.

Another case in point is the Intermountain Region, which includes all of Utah, southern Idaho, western Wyoming, all of Nevada and a tiny segment of California. For the most part, this is Great Basin country with high temperatures in the summer, moderately cold ones in winter and precipitation amounts that are less than generous. These factors, plus a general similarity of soil have created plant groupings that lend themselves to the same general management techniques. To split the Intermountain Region would run the risk of taking a team of experts, skilled in managing one particular vegetative situation and scattering team members to where they would no longer be effective. This is hardly an efficient use of taxpayer monies. In addition, closing the Ogden Regional Headquarters will leave the Ogden Federal Building almost empty, leaving a very bitter taste in the mouths not only of the Forest Service employees, but also of the local voters.

We cannot accept the explanation that the regional Forest Service offices must conform to the standard Federal regional structural concept. Since the Forest Service's objective is to administer forests, its regional offices must be located where the majority of the forests are.

Again, we strongly urge that this proposal be reconsidered and that practical values be put above theoretical conformity.

Sincerely,

WALLACE F. BENNETT,
MIKE MANSFIELD,
PETE V. DOMENICI.

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APRIL 28, 1973.

THE PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: On my return to the city from an official visit to Mexico, I was very disturbed and disheartened to learn that the Secretary of Agriculture had announced the U.S. Forest Service Regional reorganization during the Easter recess. You may recall that I discussed this matter with you at our last breakfast meeting.

In my estimation this effort to adjust this agency's regional organization to fit with the standard Federal regional structure is unwise and unnecessary. As I recently indicated to you, I am very much opposed, not only because it would mean the closing of the Region I headquarters at Missoula, Montana, but it will create similar problems elsewhere in the west. Moving the headquarters from Missoula to Denver will create some very difficult problems of communication and transportation. Region I, which administers one of the largest National Forest areas, would be some eight hundred miles away from Denver, which now administers Region II.

The Forest Service can be logically exempted from the Federal regional structure because of the nature of its business. Our National Forests are a renewable resource and require continual on the ground management. At a time when there are greater demands on our National Forests it is necessary that the administrative and operational personnel be located in close proximity. Also National Forests are scattered throughout the nation, and they are not uniformly located so as to conform to the United States regional structure.

This proposed reorganization is inefficient, and I cannot envision any financial savings whatsoever. Candidly, I feel that whoever developed this plan is not aware of the resources or the land area involved. You may remember that on your trip to Libby Dam in Montana you flew over a part—a very small part—of Region I's area.

I cannot let this matter rest, and I will be discussing the situation with my colleagues. In your capacity as Chief Executive you can perform a much needed service, in full accord with your policies, by rescinding the Secretary's order.

Respectfully,

MIKE MANSFIELD.

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APRIL 24, 1973.

Senators Mansfield and Metcalf said the announcement by the Nixon Administration that the Regional Forest Service Office at Missoula will be transferred to Denver "is another example of this Administration's distorted view of our natural resource priorities.

"This is not an economy move, but rather a stupid, shortsighted, ill-advised decision which will hinder the proper management of forest resources which are basic to the economy of Montana and the nation," the Montana Senators said in a statement from their Washington offices.

"President Nixon's budget ax has now fallen on an effective facility for the management of important timber resources.

"The personnel most familiar with forest management problems and programs and who have first-hand knowledge and experience will now be required to make decisions in an urban area far from the forest resource they must manage.

"The transfer of management from the immediate vicinity of programs and from the center of the resource will only result in misunderstanding and additional bureaucratic red-tape."

Another important factor, according to the Montana Senators, is that the citizens living in the Forest Service area will not be able to present their views effectively to the officials who will make the decisions.

"Instead, they will have to travel some 800 miles to Denver to present their views, which in our opinion is not in line with the Nixon Administration's policy directive that the government should be close to the people," the Senators said.

"Previous Administrations have considered the Forest Service facilities at Missoula as an outstanding example of how a Federal agency can work with the local citizens in the effort to establish sound management policies and practices.

"But this Administration doesn't want citizen participation in the decision-making process on managing the resources of our national forests.

"The Regional Office in Missoula, along with the fire control center, the forestry research center and the School of Forestry, University of Montana, are important groups attempting to solve many of the problems of forest management."

"This effective team must not be dismantled," the Senator said. "Instead, it would be economically sound to continue the various forest service and university facilities in the same community, and near the center of the resource that they must protect and manage for our benefit and for future generations."

"We will fight this move. We will not stand by and approve a closure decision made by a so-called management expert who doesn't know the difference between chip wood and a tree."

LEE METCALF,
*U.S. Senate.*

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STATEMENT OF SENATOR MIKE MANSFIELD (D. MONTANA) INTERIOR APPROPRIATIONS—FISCAL YEAR 1974

Mr. Chairman, it is always a pleasure to appear before the Subcommittee on Interior Appropriations because this is one of the appropriations bills which has significant influence on my State of Montana. Montana is a large rural state with an abundance of natural resources. The management of these resources by the Federal government is of vital concern. There are two items I wish to address myself to this morning. Senator Lee Metcalf joins me in expressing our concern and will appear before the Subcommittee tomorrow, May 10th.

Mr. Chairman, I also bring with me a prepared statement on behalf of Senator Metcalf and myself on a number of items in the Interior Appropriations Bill for Fiscal Year 1974. I ask that these recommendations be made a part of the record of this hearing at the conclusion of my remarks.

Now, I turn to a matter of extreme concern and overriding importance to the Montana Congressional Delegation. During the Easter recess, the Secretary of Agriculture announced the reorganization of the U.S. Forest Service regional operation, reducing nine regions to six to conform with the existing Federal regional complex. At the outset, such action may appear useful. However, anyone aware of the activities of this Federal agency immediately recognizes that such a reorganization is ridiculous, impractical, and will not save the Federal Government one cent. I am sure that my sentiments are shared by my colleagues from the States of Utah, New Mexico, and North Carolina, all of whom are being hard hit by such action.

Region I which is located at Missoula, Montana, and has been since the Forest Service established its regional system. Region I administers one of the most active national forest areas in the Nation. There are great demands for increased timber sales, improved management. Several important research facilities are located in the area. The Administration now proposes to move the Regional Headquarters to Denver and consolidate Region I and II. Denver is some 800 to 900 miles away without direct public transportation between the two points. The other regional headquarters under this plan in the area is Portland, which is equally inaccessible. There is no way in which I can be convinced that the affairs of Region I can be administered more efficiently from Denver. There are indications that the residents of Denver are not too happy about absorbing this new influx in a city experiencing some serious growth problems.

The problems and day to day business of Region II will obviously receive more attention because of their near proximity. Region I will suffer and become a stepchild. Incidentally, the Colorado State Senate passed a Resolution by a vote of 29 to 4 asking the Forest Service not to transfer the affected additional personnel to Denver.

Region I is made up of the State of Montana, northern Idaho, eastern Washington, and the grasslands in North Dakota and northern South Dakota. Region I headquarters in Missoula administers 26,126,940 acres of National Forest lands. There are 16 national forests within its jurisdiction, 10 in my State, five in Idaho, and one in Washington. The vast majority of the national forests in Montana are in western Montana and if we look at a map we can see that Missoula is the logical, central location. Region II administers 20,000,000 acres of national forest. There are 186,000,000 acres in the entire national system of forest lands. The United States is a very large landholder and it does not seem unreasonable to ask that they continue to be administered from nine regional headquarters. Building up an even larger administrative monster in Denver, in addition to the one in Washington, D.C., is not going to simplify matters. Such action takes away more responsibility and action from local authority.

This is not decentralization of gov't but rather a new and aggravated type of centralization on a regional basis at the expense of the states. If the gov't wants to really decentralize it ought to move many of its offices and bureaus out of Washington, D.C. and the metropolitan area where they are an octopus and where they are running hog-wild.

I do not know what the lumber industry thinks about this move but, if the national forests in Western Montana and Idaho, and nearby areas are to be properly administered, with necessary management, timber sales, surveillance and research, it is going to have to be from the Regional Headquarters in Missoula.

The proposed move of the Regional Headquarters from Missoula would admittedly

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be a severe economic blow but, in any other terms, it is also very impractical. The activities of the Forest Service are not the same as other Federal agencies. This agency is involved with the day-to-day management of a renewable resource and, if these personnel are to do a good job, they can't do it from afar. That is just exactly what would happen if the administrative arm of the agency is moved to Denver. There are rumors that the Department wants to move more personnel into the forests for on-the-ground management. I think this is an excellent plan but that does not mean that regional administrative management should be from afar. Movement of some personnel now in the regional office into the individual national forests would be useful.

The U.S. Forest Service has been an active and innovative Federal agency for most of its lifetime and I am now concerned with an obvious effort to clip its wings. If given the proper budget and number of personnel, I am confident that they will provide the management of this great national resource that the citizens of this Nation deserve.

My colleague, Senator Metcalf, and I are adamantly opposed to this reorganization plan for the Forest Service. It is ridiculous to think that it can be effectively made to conform with the overall Regional plan for other Federal activity. One of the fallacies of the computer age in which we live is that everything can conform to an IBM card but not necessarily to people. I ask why not? I think that the members of the Committee know that one of the difficulties we encounter in the legislative process is how to apply national legislation and regulations to the urban and rural, the large and the small, the corporate interests, and the individual. We must have accommodation and I firmly believe that the activities and purposes of the U.S. Forest Service are unique and the present regional setup should be maintained.

After discussing this matter with my concerned colleagues, it is quite apparent that Congress is going to have to take some appropriate action to prevent this reorganization. I propose that the Appropriation Bill for the Department of the Interior and Related Agencies, Fiscal Year 1974, include language in the text of the bill prohibiting the use of any existing funds or those appropriated in the new bill for purposes of reorganizing the Regional operations of the U.S. Forest Service. I intend to pursue this matter through other avenues, but I am confident that a restriction through the appropriation process is the most immediate.

If there are questions about the current effectiveness of the Regional setup, then I suggest a special Commission to review the Regional operations to determine their usefulness. Such a study group should include the Federal agencies, Congress, the lumber industry, and the environmentalists. Such a study should be a prerequisite before any Regional reorganization proceeds.

Mr. Chairman, before proceeding to another subject I ask permission to include in the record of this hearing a series of clippings and correspondence pertinent to U.S. Forest Service Reorganization.

MHD AND THE ENERGY CRISIS

Mr. Chairman, I would now like to turn to another subject of tremendous importance to Montana. The "Energy Crisis" is demanding a considerable amount of attention in recent weeks. Any number of solutions are being offered.

One of the most often discussed new sources of energy is the vast deposits of low-sulphur coal in Eastern Montana and our neighboring states of North and South Dakota and Wyoming. The people of the Big Sky Country are alarmed at the potential of unregulated and poorly planned extraction of these resources. The need for preplanning, reclamation, and other controls are not matters of concern to this Committee other than to impress upon you the need to provide the appropriate Federal agencies with sufficient financial resources to plan and monitor developments in this area.

My purpose this morning is to restate the sentiment of my colleagues and many others—these coal deposits are not the only and most immediate answer to the energy crisis. Most of the information available to me indicates that the real answers to the crisis are a combination of improved practices of conservation and expanded research in new areas of energy production.

If the coal resources of Eastern Montana are to be developed with proper planning and reclamation, this should be done with a maximum of efficiency and a minimum effect on our water resources and the environment. It is for this reason that I appeal to the Subcommittee to increase the funds appropriated for research and development of the magnetohydrodynamics process most frequently referred to as MHD. There are a number of processes which can use low sulphur coal but none more efficiently than MHD. This promises to be the cleanest coal energy system, providing better utilization and a minimum requirement for water which is such a precious resource in the West. MHD technology has not come along as far as I had hoped, due in part to inadequate interest and support within the Administration. The time has come to proceed rapidly to the pilot scale laboratory state of experimentation. I concur in recommendations that a minimum of $8 million be appropriated for this program in the next Fiscal Year. I believe the Administration has requested $3 million. It is time that we move forward—the prospects are encouraging. No other source of power generation is available before another five to eight years.

Extraction of coal can proceed to feed less efficient systems now in operation, but only at the expense of the eastern half of the Nation's fourth largest state. I do not intend to let this happen. I am confident that people of Montana stand behind me in this regard. MHD provides a far more efficient utilization of these resources. It is my hope that the Subcommittee will increase funds requested for MHD research and development in the next Fiscal Year to a level of $8 million.

Senator Metcalf will appear tomorrow and intends to reinforce what I have said today. In addition, he will introduce a panel of experts who will report on what has been done in MHD, where we are going, and how best the Federal Government can support this effort.

Thank you.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting minority leader desire recognition?

Mr. GRIFFIN. No, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Michigan yield me 1 minute?

Mr. GRIFFIN. I yield.

## REFERRAL OF H.R. 5452 TO COMMITTEE ON COMMERCE AND COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5452.

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives on H.R. 5452, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 5452, to extend and make technical corrections to the National Sea Grant College and Program Act of 1966, which passed the House of Representatives yesterday and is now at the Senate desk for reference, be jointly referred to the Committee on Commerce and the Committee on Labor and Public Welfare, since a like Senate bill has already been so referred.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the distinguished acting minority leader.

Mr. GRIFFIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## VICTORY FOR CONGRESS

Mr. MUSKIE. Mr. President, yesterday, the U.S. District Court for the District of Columbia handed down a significant decision which upheld the intent of Congress to assure adequate financial resources to clean up the Nation's waterways in the next decade.

The court, in deciding City of New York against Ruckelshaus ordered EPA to allot the full $11 billion in construction grant funds authorized by Congress last year over the President's veto. As we know, the President had ordered withholding of $6 billion of these allotments. In reviewing that action, the court stated:

> The language of the pertinent sections of the Act, read in the light of their legislative history, clearly indicates the intent of Congress to require the Administrator to allot, at the appropriate times, the full sums authorized to be appropriated by § 207. Hence, this Court has no choice other than to declare that § 205(a) of the Act requires the Administrator to allot among the states $5 billion for fiscal year 1973 and $6 billion for fiscal year 1974.

This court decision is a victory for the Congress, for the cities, for the American people, and for clean water.

I ask unanimous consent that the full text of the decision be printed in the RECORD at this time.

There being no objection, the text of the decision was ordered to be printed in the RECORD, as follows:



[U.S. District Court for the District of Columbia, Civil Action No. 2466–72]

OPINION

(The city of New York, on behalf of itself and all other similarly situated municipalities within the State of New York, Plaintiff, the city of Detroit, Plaintiff-Intervenor, v. William D. Ruckelshaus, as Administrator of the United States Environmental Protection Agency, Defendant)

This is an action for a declaratory judgment and mandamus to compel the defendant, William D. Ruckelshaus, until recently Administrator of the United States Environmental Protection Agency ("the Administrator") to comply with the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816 (hereafter termed "the Act").[1] Plaintiff is the City of New York, suing on behalf of itself and all similarly situated municipalities within the State of New York. The City of Detroit has been granted leave to intervene as a party plaintiff seeking the same relief. The action is brought pursuant to § 505(a) of the Act and 5 U.S.C. §§ 701–706; jurisdiction is alleged on the grounds of 28 U.S.C. §§ 1331, 1332, and 1361.

Plaintiff and plaintiff-intervenor allege that § 205(a), taken together with § 207, of the Act requires the Administrator to allot among the states the sums of $5 billion for fiscal year 1973 and $6 billion for fiscal year 1974, thereby making such sums available for obligation on sewage treatment works construction approved by the Administrator for federal funding. It is further alleged that the Administrator has violated this statutory requirement by promulgating, at the express direction of the President of the United States, a regulation, effective December 8, 1972,[2] which allotted among the states for fiscal years 1973 and 1974 "sums not to exceed $2 billion and $3 billion respectively." The case is now before the Court on plaintiff's motion to determine that this suit may be maintained as a class action, defendant's motion to dismiss, and the motions of plaintiff and plaintiff-intervenor for summary judgment.[3] Also before the Court for consideration are the pleadings, oppositions, affidavits, and arguments by counsel in open Court.

The Court's characterization and analysis of the issues in the case will be clearer if the mechanism set up under the Act for funding the construction of sewage treatment works is briefly outlined. The Act reverses the normal procedure whereby sums are appropriated by Congress and thereafter contractually obligated by the appropriate agency. Instead, Congress has, in § 207, authorized certain specific sums to be appropriated to carry out the purposes of Title II of the Act, Grants for Construction of Treatment Works. The Administrator is required by § 205 to allot the sums among the states according to a time schedule and needs formula set up under the Act.[4] (Whether the full sums authorized to be appropriated must be allotted or only a portion of them—the size of the portion being within the Administrator's discretion—is the central issue disputed by the parties.) Once allotted, the sums become available for obligation, i.e., contract authority exists up to those amounts. The Administrator reviews grant applications submitted by States and municipalities for federal funding of particular waste treatment projects to determine whether they satisfy criteria set forth in the Act, e.g., in § 204. Once the Administrator approves the plans, specifications, and estimates for a project, a contractual obligation arises to pay the federal share allocable to that project.[5] Funds are then appropriated to liquidate the obligations as they fall due; the final step, actual disbursement of the funds, is then made. It is clear from this sequence that *allotment* is not tantamount to *expenditure* or even commitment of the funds.

Footnotes at end of article.

Another feature of the Act which is of some importance in the resolution of issues before the Court is the reallotment provision in § 205(b)(1) of the Act. Once allotted to a State, sums are available for obligation for approved projects there "for a period of one year after the close of the fiscal year for which such sums are authorized." If for any reason the sums allotted are not fully obligated within that period, they are to be reallotted "generally on the basis of the ratio used in making the last allotment of sums under this section." Such reallotted sums remain available for obligation and are added to the State's allotment for the next fiscal year. Any sums authorized but not allotted at the appropriate time are lost to the State under the provisions of this Act. Thus, by refusing to allot the full sums authorized, the Administrator controls the absolute amount (as opposed to the rate) of spending without regard to the standards set forth in, e.g., § 204, for determining whether sums should be obligated.

Having set forth the framework of the Act within which the dispute now before the Court has arisen, the Court will proceed to the issues. First to be dealt with are jurisdictional issues raised in the defendant's motion to dismiss and his opposition to plaintiff's motion for summary judgment. Defendant contends that this Court lacks the requisite jurisdiction because the doctrine of sovereign immunity bars the suit and because the action fails to present a justiciable case or controversy. The Court does not agree with these contentions and will deal with them only briefly.[6]

Two well-settled common law exceptions to the doctrine of sovereign immunity are set forth in two cases cited by defendant, *Dugan v. Rank*, 372 U.S. 609, 621–22 (1963), and *Larson v. Domestic & Foreign Commerce Corporation*, 337 U.S. 682, 689–90 (1949); and plaintiff's action falls squarely within the exception covering suits challenging actions by federal officers which go beyond the scope of their statutory powers. Defendant is not aided by the general rule set forth in *Land v. Dollar*, 330 U.S. 731, 738 (1947), to the effect that where the judgment sought "would expend itself on the public treasury or domain, or interfere with the public administration," the suit is in reality brought against the sovereign; for as subsequent discussion will reveal, the relief sought by plaintiff in the action does not require the expenditure of unappropriated public funds (or indeed of any public funds at all), nor will it interfere with the lawful exercise of defendant's discretionary powers under the Act.

A second reason for rejecting the sovereign immunity defense as a bar to this action is the fact that plaintiff is seeking review in part on the basis of the Administrative Procedure Act, 5 U.S.C. §§ 701–706; the rule in this Circuit is that the A.P.A. constitutes a waiver of sovereign immunity in actions to which it applies. *Scanwell Laboratories, Inc. v. Shaffer*, 137 U.S. App. D.C. 371, 385, 424 F. 2d 859, 873 (1970); *Constructores Civiles de Centroamerica, S.A. v. Hannah*, 148 U.S. App. D.C. 159, F. 2d 1183 (1972). Defendant has sought to distinguish *Scanwell* by contending that there was no question there of any "disposition" of government funds, whereas the instant case presents a "demand" for such funds. As already indicated, this argument must fail because defendant has misconstrued the nature of the relief sought. Plaintiff is demanding only that funds be *allotted* as, in its view, Congress required.

Defendant contends that this action fails, for two reasons, to present a justiciable case or controversy. First it is argued that the action is hypothetical and premature and hence does not fall within the limits of federal court jurisdiction as defined by Article III of the Constitution.

It is true that Article III confines federal courts to the adjudication of cases and controversies and forbids the rendering of advisory opinions. *Golden v. Zwickler*, 394 U.S. 103, 108 (1969). Where a declaratory judgment is sought, the plaintiff must show a "substantial controversy between parties having adverse legal interests of sufficient immediacy and reality" to warrant its issuance. *Maryland Casualty Company v. Pacific Coal & Oil Company*, 312 U.S. 270, 273 (1941). Defendant contends that because plaintiff has no guarantee that projects for which it seeks funding under the Act will be approved, refusal to allot, and thus make available for obligation, the full amounts authorized to be appropriated in § 207 of the Act does not amount to action that is adverse to any real or immediate interests of plaintiff. This argument fails on several grounds. Plaintiff has filed an affidavit of the Commissioner of the Department of Water Resources for the City of New York averring that the City has received approval from the United States Environmental Protection Agency (EPA) for two waste treatment projects, and that because of the reduced allotments, plaintiff's share of available federal funds "will permit only a token start toward completion." (Affidavit of Martin Lang dated April 3, 1973, 115–6).[7] Defendant has not disputed these assertions of fact. Even were plaintiff's grant application still under study, however, there would be more than a merely speculative injury; for as affidavits filed by both plaintiff and plaintiff-intervenor indicate, the reduction in allotments has resulted in serious planning delays that will necessarily retard the development of sewage treatment facilities. (Affidavit of Martin Lang, dated February 8, 1973, 111; affidavit of Gerald Remus, dated March 15, 1973, 112). The seriousness of the planning problem was understood by Congress. It was one of the reasons for utilizing the device of allotment, thereby making funds available for obligation, in lieu of the ordinary appropriations procedure.

Congressman William Harsha, one of the managers of the bill, observed during debate on a proposed amendment to H.R. 11896 which would have substituted the normal appropriations process for the allotment mechanism that "it is essential that the States, the interstate agencies and the cities have both the ability for and a basis for long-range planning, construction scheduling and financing waste treatment plants, including the sale of bonds that they have to sometimes negotiate." CONGRESSIONAL RECORD, vol. 118, pt. 9, pp. 10757–10758. When there is uncertainty concerning how much will be allotted in a given year, municipalities cannot properly plan the scale of projects for which to seek federal funding.

Still another way in which plaintiff is injured by the Administrator's refusal to allot the full amount of the sums authorized to be appropriated by § 207 lies in the permanent loss of funds not allotted at the appropriate time. Such funds cannot thereafter be made available for obligation even if grant applications which, in the Administrator's determination, meet all the requirements of the Act are submitted and the current allocations are insufficient to pay the authorized federal share.

Considering all of the ways in which plaintiff's interests are imminently threatened by the Administrator's action under challenge here, it seems clear that there exists an injury sufficiently concrete to create a real controversy in which plaintiff has a genuine stake; and in ruling on the legality of the Administrator's action alleged to be the cause of this injury, the Court is not rendering a mere advisory opinion.

Defendant's other ground for urging the Court to find the subject matter of this action nonjusticiable is the contention that the matter at issue is a "political question" which the Court is barred from considering by reason of the doctrine of separation of powers. Certainly it is true that this Court could not decide a case if it presented a political question. *Powell v. McCormack*, 395

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U.S. 486, 518 (1969); *Coleman v. Miller*, 307 U.S. 433 (1939). Criteria to be used in determining whether a political question is presented have been set forth by the Supreme Court in *Baker v. Carr*, 369 U.S. 186, 217 (1962). There Mr. Justice Brennan, writing for the majority, declared:

"Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question."

The Administrator contends that at least two of the considerations listed by Mr. Justice Brennan are applicable to the instant case, namely, (1) something "very close" to a "textually demonstrable" commitment of power to control spending in the grant of executive power in Article II of the Constitution; and (2) a "lack of judicially discoverable and manageable standards for resolving" the question whether particular expenditures should be made. Even assuming arguendo that the Constitution gives to the President and his subordinates unreviewable authority to determine whether particular expenditures authorized by Congress should be made at a particular time, it is clear that the instant case presents none of the problems cited by the defendant. Counsel's position on this point must fail simply because he has not correctly characterized the issue before the Court. The Court is not being called on to determine whether the Administrator should spend any given amount of money for sewage treatment works. Rather the Court is being asked by plaintiff to require the Administrator to perform what it alleges to be a purely ministerial duty under the Act, that of allotting—and thus making available for obligation—the sums authorized to be appropriated in Section 207 of the Act.[2] There is no "textually demonstrable constitutional commitment" of this responsibility to the executive branch, and there is no difficulty in discovering standards for resolving the issue before the Court. Either the Administrator is required by the Act to allot the full amount of the sums authorized to be appropriated in § 207 or he is not so bound.

The Court is not overstepping its authority in deciding this question, for as our Court of Appeals recently declared: "In our overall pattern of government, the judicial branch has the function of requiring the executive (or administrative) branch to stay within the limits prescribed by the legislative branch." *National Automatic Laundry and Cleaning Council v. Schultz*, 143 U.S. App. D.C. 274, 280, 443 F.2d 689, 695 (1971). Even more recently, the Eighth Circuit Court of Appeals, citing *inter alia* the opinion in *National Automatic Laundry* determined that a challenge to the legality of a decision by the Secretary of Transportation to defer obligation of funds already apportioned to the State of Missouri under the Federal-Aid Highway Act of 1956, as amended, 23 U.S.C. § 101 *et seq.* (1970), presented a justiciable issue. The question was whether the Secretary had any discretion at all so to act. *The State Highway Commission of Missouri v. Volpe*, Civil No. 72-1512 (8th Cir., April 2, 1973).

It seems clear, then, that for the reasons given and on the basis of the authorities cited, this Court is not barred from reaching the merits of this case either by the doctrine of sovereign immunity or by a lack of a justiciable case or controversy. *Hence, it is appropriate now to proceed to the question raised in plaintiff's summary judgment motion, i.e., whether the Administrator had discretion to refuse to allot the sums authorized to be appropriated in § 207 of the Act, or—put the other way around—whether allotment of those sums is a purely ministerial act. The Court may resolve this question on summary judgment because the defendant, in his Statement submitted pursuant to Local Rule 9(h), has not set forth any specific facts showing that there is a genuine issue for trial. See* Rule 56(e), F. R. Civ. P.

Resolution of the issue whether the Administrator is required under the Act to make the allotments in question here turns primarily on the meaning of § 205(a) and § 207 of the Act, which read as follows:

"ALLOTMENT

"SEC. 205. (a) Sums authorized to be appropriated pursuant to section 207 for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Such sums shall be allotted among the States by the Administrator in accordance with regulations promulgated by him, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For the fiscal years ending June 30, 1973, and June 30, 1974, such ratio shall be determined on the basis of table III of House Public Works Committee Print No. 92-50. Allotments for fiscal years which begin after the fiscal year ending June 30, 1974, shall be made only in accordance with a revised cost estimate made and submitted to Congress in accordance with section 516(b) of this Act and only after such revised cost estimate shall have been approved by law specifically enacted hereafter.

"AUTHORIZATION

"SEC. 207. There is authorized to be appropriated to carry out this title, other than sections 208 and 209, for the fiscal year ending June 30, 1973, not to exceed $5,000,000,000, for the fiscal year ending June 30, 1974, not to exceed $6,000,000,000, and for the fiscal year ending June 30, 1975, not to exceed $7,000,000,000."

In urging its interpretation of these sections, plaintiff places emphasis on the phrase "shall be allotted" in § 205(a), contending that the use of "shall" rather than "may" makes plain the mandatory character of this section. The Administrator defends his interpretation (namely, that he has discretion to decide how much to allot) primarily on the grounds that H.R. 11896, the bill from which § 205 and § 207 of the Act are derived, was amended in conference by the insertion of the phrase "not to exceed" before each of the sums specified in § 207 and by the deletion of the word "all" before the phrase "Sums authorized to be appropriated" in § 205(a); both amendments, it is contended, are substantive changes meant to give the Administrator the discretion to withhold allotments as he has done. Given the arguments of the parties, a "plain meaning" analysis is obviously inadequate to the task at hand. Rather, the Court must examine the relevant legislative history to determine whether Congress intended to give the Administrator the kind of discretion he claims to have under the Act. *The Wilderness Society v. Morton*, Nos. 72-1796, 1797, 1798 (U.S.App.D.C., February 9, 1973), slip op. at 22.

Of particular importance are the views of sponsors of the legislation in question. See, e.g., *First National Bank of Logan, Utah v. Walker Bank and Trust Co.*, 385 U.S. 252, 261 (1966); *Schwegmann Bros. v. Calvert Distillers Corp.*, 341 U.S. 384, 395–95 (1951); *Kansas City, Mo. v. Federal Pacific Electric Co.*, 310 F.2d 271, (8th Cir. 1962), *cert. denied*, 371 U.S. 912, and 373 U.S. 914. *Specifically, the Court can properly look to the expressed views of Congressman William Harsha, who is the ranking minority member of the House Committee on Public Work, which reported H.R. 11896, and who was also the bill's floor manager and a member of the conference committee which worked out the final language of the Act, and the views of Senator Edmund Muskie, who is Chairman of the Senate Subcommittee on Air and Water Pollution, which reported the Senate version, S. 2770, and who was floor manager of that bill and a member of the conference committee. It was Congresman Harsha who sponsored the amendments on which the Administrator relies.*

An examination of pertinent portions of congresional debates quoted by both plaintiff and defendant reveals that *Congressman Harsha intended his amendments not to make any substantive change in the bill but rather to clarify* (or "emphasize," to use his own term) the point that the Administrator was to have discretion regarding the *obligation and expenditure* of funds authorized to be appropriated under the Act. Thus, in explaining his amendments, Congressman Harsha said: "I want to point out that the elimination of the word 'all' before the word 'sums' in section 205(a) and insertion of the phrase 'not to exceed' in section 207 was intended by the managers of the bill to emphasize the President's flexibility to control the *rate of spending.*" CONGRESSIONAL RECORD, volume 118 part 25, page 33754 (emphasis added). Moreover, it is clear from an exchange of remarks by Congressman Robert Jones of Alabama, Chairman of the conference committee, Congressman Gerald Ford of Michigan, and Congressman Harsha, that this intent was made known to the House, which later voted in favor of the legislation as amended. That exchange is recorded as follows:

"Mr. GERALD R. FORD. Mr. Speaker . . . I think it is vitally important that the intent and purpose of section 207 is spelled out in the legislative history here in the discussion on this conference report.

"As I understand the comments of the gentleman from Ohio [Harsha], the inclusion of the words in section 207 in three instances of "not to exceed" indicates that is a limitation. More importantly that it is not a mandatory requirement that in 1 year ending June 30, 1973, there would be $5 billion and the next year ending June 30, 1974, $6 billion and a third year ending June 30, 1975, $7 billion *obligation or expenditure?*

"Mr. HARSHA. I do not see how reasonable minds could come to any other conclusion than that *the language means we can obligate or expend up to that sum*—any thing up to that sum but not to exceed that amount. * * *

"Mr. GERALD R. FORD. Mr. Speaker, I would like to ask the distinguished chairman of the House conferees whether he agrees with the gentleman from Ohio (Mr. HARSHA).

"Mr. JONES of Alabama. . . . My answer is "yes." Not only do I agree with him, but the gentleman from Ohio offered this amendment which we have now under discussion in the committee of conference, so there is no doubt in anybody's mind of the intent of the language. It is reflected in the language just explained by the gentleman from Ohio (Mr. HARSHA).

"Mr. GERALD R. FORD. Mr. Speaker, this clarifies and certainly ought to wipe away any doubts anyone has. *The language is not a mandatory requirement for full obligation and expenditure up to the authorization figure in each of the 3 fiscal years.*" *Id.*, at page 33755 (emphasis added).



The Administrator is not supported in his interpretation of the Act's legislative history by citing remarks of Congressman Harsha concerning authority for Executive "impoundment" of funds. During the debates on H.R. 11896, Congressman Harsha took note of recent impoundments by the Executive branch of moneys allocated among the States under the Federal-Aid Highway Act of 1956, and made the following observation:

"[T]he Committee on Public Works is acutely aware that moneys from the highway trust fund have been impounded by the Executive. Expenditures from the highway trust fund are made in accordance with similar contract authority provisions to those in this bill. Obviously *expenditures and appropriations* in the water pollution control bill could also be controlled. However, there is even more flexibility in this water pollution control bill because we have added "not to exceed" in section 207, as I indicated before.

"Surely, if the administration can impound moneys from the highway trust fund which does not have the flexibility of the language of the water pollution control bill, it can just as rightly *control expenditures from the contract authority produced in this legislation by that same means.*" *Id.*, at page 33754 (emphasis added).

The impoundments of Federal-Aid Highway Act moneys referred to by Congressman Harsha were of funds already allotted, i.e., the controls were being exercised at the obligation level rather than at the allotment level.[10] Thus, these comments tend to support the position of the plaintiff rather than that of the defendant in regard to which administrative functions are discretionary and which are mandatory under the Act which this Court is called on to construe. It seems obvious from the remarks just quoted that, as Senator Muskie observed:

"Under the amendments proposed by Congressman WILLIAM HARSHA and others the *authorizations for obligational authority* are "not to exceed" $18 billion over the next 3 years. Also, 'all' sums authorized to be obligated need not be committed, though they must be allocated. These two provisions were suggested to give the Administration some flexibility concerning the obligation of construction grant funds." *Id.*, at page 33694 (emphasis added).

The President appears to have concurred in the views of the sponsors concerning § 205 and § 207 of the Act, for in his message explaining his veto of the bill, he stated:

"Certain provisions of . . . [the bill] confer a measure of *spending discretion and flexibility* upon the President, and if forced to administer this legislation I mean to use those provisions to put the brakes on budget-wrecking expenditures as much as possible.

"But the law would still exact an unfair and unnecessary price from the public. For I am convinced . . . that the pressure for full funding under this bill would be so intense that funds approaching the *maximum authorized* amount could ultimately be claimed and paid out, no matter what technical controls the bill appears to grant the Executive." CONGRESSIONAL RECORD, volume 118, part 28, page 37055 (emphasis added).

In other words, the President believed that the Act required the Administrator to allot the full amount authorized, and he feared that once the Administrator had made the allotments, he might be under great pressure to approve grant applications up to the amount of the allotments. Congress, believing that the needs to which the Act was addressed were sufficiently urgent that expenditure of the full amounts authorized might be necessary,[11] and believing further that the Administrator was given sufficient discretion to avoid any hasty and improvident obligation of funds, passed the bill over the President's veto.

The question whether the entire amount should be *obligated* is, of course, not before this Court. The only question is whether the full allotments must be made, and the answer to that on the basis of the foregoing review of the sponsors' comments seems clear. The language of the pertinent sections of the Act, read in the light of their legislative history, clearly indicates the intent of Congress to require the Administrator to allot, at the appropriate times, the full sums authorized to be appropriated by § 207.[12] Hence, this Court has no choice other than to declare that § 205(a) of the Act requires the Administrator to allot among the states $5 billion for fiscal year 1973 and $6 billion for fiscal year 1974.

The only question remaining for decision is whether plaintiff's action may be maintained as a class action on behalf of all similarly situated municipalities within the State of New York. Defendant has opposed maintenance of this suit as a class action solely on the ground that plaintiff does not satisfy subsection (a) (3) and (a) (4) of Rule 23, Fed. R. Civ. P., i.e., it is contended that plaintiff's claim is not typical of those of the proposed class members and that plaintiff cannot adequately represent the class. The Court does not find these points well taken. Differences in amounts which various municipalities might receive from the State allotment have no bearing on the legal issue of whether the allotment as a whole should be increased. Neither can such differences make the City of New York something less than an adequate representative of the class as required by Rule 23(a)(4). Competition for shares of a common fund does not bar a class action on behalf of all competitors when the relief sought would lead to an increase in the total amount of that fund. *Berman v. Narragansett Racing Association*, 414 F.2d 311, 317 (1st Cir. 1969), *cert. denied*, 396 U.S. 1037 (1970). The Court finds that plaintiff satisfies all the requirements of Rule 23(a) and 23(b)(1)(A), (b)(1)(B), and (b)2; accordingly, the suit can be maintained on behalf of the proposed class.

OLIVER GASCH, *Judge.*

Date May 8, 1973.

FOOTNOTES

[1] This action was originally brought against William D. Ruckelshaus, who was serving as Administrator at that time. During the pendency of the action, Mr. Ruckelshaus resigned and his successor has not yet been appointed and confirmed. By operation of Rule 25(d), Fed. R. Civ. P., the Acting Administrator is automatically substituted as the defendant. The action continues unabated unless the new Administrator comes forward with evidence showing such a discontinuance of his predecessor's policy as to make the action moot. See Rule 25(d), 1961 Notes of the Advisory Committee on Rules; 3B J. Moore, Federal Practice, § 25.09 [3], at 25–402 (2d ed. 1969). Since no such showing has made in the instant case, the actions of Mr. Ruskelshaus are chargeable to the Acting Administrator for purposes of this action, and the Court's order is binding upon the Acting Administrator and his successors in office.

[2] 37 Fed. Reg. 26282, § 35.910–1(a) (1972.

[3] The contentions of the plaintiff-intervenor are substantially the same as those made by the plaintiff. In the interest of brevity, references throughout will be solely to the plaintiff unless the context requires otherwise.

[4] According to § 205(a) sums are to be allotted among the States "in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States." Congress has supplied the figures for determining the ratios to be used for the fiscal years ending June 30, 1973, and June 30, 1974. (Table III of House Public Works Committee Print No. 92-50). For subsequent fiscal years, the allotments are to be made in accordance with a revised cost estimate submitted by the Administrator to Congress and "approved by law specifically enacted hereafter."

[5] Section 202(a) sets the federal share of the cost of construction of projects, as approved by the Administrator, at 75 percent. Section 203 of the Act specifies that the Administrator's approval creates contractual obligations on the part of the United States.

[6] It should be noted that these same contentions were made recently in motions to dismiss by the defendant in three consolidated civil actions before Judge Jones of this Court. *Local 2677, American Federation of Government Employees v. Phillips*, Civil Action Nos. 371–73, 375–73, and 379–73 (D.D.C., April 11, 1973). In those suits, as in the instant case, plaintiffs were challenging the actions of a federal officer on the ground that they were in violation of his statutory authority; Judge Jones rejected the defendant's contentions and proceeded to the merits of the case.

[7] Attached as Exhibit "B" to the affidavit is a copy of a letter dated March 1, 1973, from Gerald M. Hansler, Regional Administrator, EPA, announcing approval of the plaintiff's grant application for the two projects.

[8] H.R. 11896 was the House version of the bill later enacted as P.L. 92–500, 86 Stat. 816, the provisions of which are disputed in the instant case.

[9] For this reason the instant case is distinguishable from *Housing Authority of San Francisco v. U.S. Department of Housing and Urban Development*, 340 F. Supp. 654 (N.D. Cal. 1972), cited by the Administrator. In *Housing Authority* the Court found the issue presented to be nonjusticiable because it found in the statute in question a legislative "intention of allowing spending discretion in the executive" and "no manageable standards for determining whether the discretion had been abused." 340 F. Supp. at 656.

[10] It should be noted that the Court of Appeals for the Eighth Circuit has construed the Federal-Aid Highway Act as requiring obligation of allotted funds, and has thus declared the impoundments referred to by Congressman Harsha to be illegal *State Highway Commission of Missouri v. Volpe*, — F. 2d —, Civil No. 72–1512 (8th Cir., April 2, 1973).

[11] The central purpose of the Act as set forth in the first section is to effectuate "the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985." § 101(a)(1). Congressman Harsha recognized that achieving this goal might well require spending the entire $18 billion authorized to be appropriated; and he observed: "To say we can't afford this sum of money is to say we can't afford to support life on earth." CONGRESSIONAL RECORD, vol. 118, pt. 28, p. 37056.

[12] As previous discussion has indicated, pp. 10–12, *supra*, this construction of the Act does not infringe upon any prerogative of the Executive branch. The Court is thus not confronting any delicate constitutional question of the kind which Mr. Justice Brandeis, in *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 345–48 (1936), counseled courts to avoid. Hence defendant's reliance on *Ashwander* as authority for the proposition that the Act should be construed so as to enhance his powers at the expense of those of the Congress is not well taken.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the REA Conference Report, S. 394, with the vote to occur on that conference report at 11:45 a.m.

The Senator from South Dakota will submit the report.

Footnotes at end of article.

## RURAL ELECTRIFICATION FINANCING—CONFERENCE REPORT

Mr. McGOVERN. Mr. President, I submit a report of the committee of conference on S. 394, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such Act be fully obligated in said year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 394) an Act to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such Act be fully obligated in said year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That it is hereby declared to be the policy of the Congress that adequate funds should be made available to rural electric and telephone systems through direct, insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the Rural Electrification Act of 1936, as amended, and that such rural electric and telephone systems should be encouraged and assisted to develop their resources and ability to achieve the financial strength needed to enable them to satisfy their credit needs from their own financial organizations and other sources at reasonable rates and terms consistent with the loan applicant's ability to pay and achievement of the Act's objectives. The Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), is therefore further amended as hereinafter provided.

SEC. 2. Title III of the Rural Electrification Act of 1936, as amended, is amended by striking out all of sections 301 and 302 and inserting in lieu thereof the following new sections:

"SEC. 301. RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND.—(a) There is hereby established in the Treasury of the United States a fund, to be known as the Rural Electrification and Telephone Revolving Fund (hereinafter referred to as the "fund"), consisting of:

"(1) all notes, bonds, obligations, liens, mortgages, and property delivered or assigned to the Administrator pursuant to loans heretofore or hereafter made under sections 4, 5, and 201 of this Act and under this title, as of the effective date of this title, as revised herein, and all proceeds from the sales hereunder of such notes, bonds, obligations, liens, mortgages, and property, which shall be transferred to and be assets of the fund;

"(2) undisbursed balances of electric and telephone loans made under sections 4, 5, and 201, which as of the effective date of this title, as revised herein, shall be transferred to and be assets of the fund;

"(3) notwithstanding section 3(a) of title I, all collections of principal and interest received on and after July 1, 1972, on notes, bonds, judgments, or other obligations made or held under titles I and II of this Act and under this title, except for net collection proceeds previously appropriated for the purchase of class A stock in the Rural Telephone Bank, which shall be paid into and be assets of the fund;

"(4) all appropriations for interest subsidies and losses required under this title which may hereafter be made by the Congress;

"(5) moneys borrowed from the Secretary of the Treasury pursuant to section 304(a); and

"(6) shares of the capital stock of the Rural Telephone Bank purchased by the United States pursuant to section 406(a) of this Act and moneys received from said bank upon retirement of said shares of stock in accordance with the provisions of title IV of this Act, which said shares and moneys shall be assets of the fund.

"SEC. 302. LIABILITIES AND USES OF FUND.—(a) The notes of the Administrator to the Secretary of the Treasury to obtain funds for loans under sections 4, 5, and 201 of this Act, and all other liabilities against the appropriations or assets in the fund in connection with electrification and telephone loan operations shall be liabilities of the fund, and all other obligations against such appropriations or assets in the fund arising out of electrification and telephone loan operations shall be obligations of the fund.

"(b) The assets of the fund shall be available only for the following purposes:

"(1) loans which could be insured under this title, and for advances in connection with such loans and loans previously made, as of the effective date of this title, as revised herein, under sections 4, 5, and 201 of this Act;

"(2) payment of principal when due (without interest) on outstanding loans to the Administrator from the Secretary of the Treasury for electrification and telephone purposes pursuant to section 3(a) of this Act and payment of principal and interest when due on loans to the Administrator from the Secretary of the Treasury pursuant to section 304(a) of this title;

"(3) payment of amounts to which the holder of notes is entitled on insured loans: *Provided*, That payments other than final payments need not be remitted to the holder until due or until the next agreed annual, semiannual, or quarterly remittance date;

"(4) payment to the holder of insured notes of any defaulted installment or, upon assignment of the note to the Administrator at his request, the entire balance due on the note;

"(5) purchase of notes in accordance with contracts of insurance entered into by the Administrator;

"(6) payment in compliance with contracts of guarantee;

"(7) payment of taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application, and transmittal of collections or necessary to obtain credit reports on applicants or borrowers, expenses for necessary services, including construction inspections, commercial appraisals, loan servicing, consulting business advisory or other commercial and technical services, and other program services, and other expenses and advances authorized in section 7 of this Act in connection with insured loans. Such items may be paid in connection with guaranteed loans after or in connection with the acquisition of such loans or security thereof after default, to the extent determined to be necessary to protect the interest of the Government, or in connection with any other activity authorized in this Act;

"(8) payment of the purchase price and any costs and expenses incurred in connection with the purchase, acquisition, or operation of property pursuant to section 7 of this Act.

"SEC. 303. DEPOSIT OF FUND MONEYS.—Moneys in the fund shall remain on deposit in the Treasury of the United States until disbursed.

"SEC. 304. FINANCIAL TRANSACTIONS OF THE FUND.—(a) The Administrator is authorized to make and issue interim notes to the Secretary of the Treasury for the purpose of obtaining funds necessary for discharging obligations of the fund and for making loans, advances and authorized expenditures out of the fund. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be agreed upon by the Administrator and the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yield of outstanding marketable obligations of the United States having maturities comparable to the notes issued by the Administrator under this section. The Secretary of the Treasury is authorized and directed to purchase any notes of the Administrator issued hereunder, and, for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Administrator. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States: *Provided, however*, That such interim notes to the Secretary of the Treasury shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(b) The Secretary of the Treasury is authorized and directed to purchase for resale obligations insured through the fund when offered by the Administrator. Such resales shall be upon such terms and conditions as the Secretary of the Treasury shall determine. Purchases and resales by the Secretary of the Treasury hereunder shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(c) The Administrator may, on an insured basis or otherwise, sell and assign any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury or in the private market. Any sale by the Administrator of notes individually or in blocks shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, notwithstanding the fact that the Administrator, under an agreement with the purchaser or purchasers, holds the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser or purchasers of the individual note or of the certificate of beneficial ownership in a number of such notes. Security instruments taken by the Administrator in connection with any notes in the fund may constitute liens running to the United States notwithstanding the fact that such notes may be thereafter held by purchasers thereof.



"SEC. 305. INSURED LOANS; INTEREST RATES AND LENDING LEVELS.—(a) The Administrator is authorized to make insured loans under this title and at the interest rates hereinafter provided to the full extent of the assets available in the fund, subject only to limitations as to amounts authorized for loans and advances as may be from time to time imposed by the Congress of the United States for loans to be made in any one year, which amounts shall remain available until expanded: *Provided*, That the Congress in the annual appropriation act may also authorize the transfer of any excess cash in the fund for deposit into the Treasury as miscellaneous receipts; and *Provided further*, That any such loans and advances shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and not lending (budget outlays) of the United States.

"(b) Insured loans made under this title shall bear interest at either 2 per centum per annum (hereinafter called the 'special rate'), or 5 per centum per annum (hereinafter called the 'standard rate'). Loans bearing the special rate shall be available only for an electric or telephone borrower which meets either of the following conditions:

"(1) has an average consumer or subscriber density of two or fewer per mile, or

"(2) has an average gross revenue per mile which is at least $450 below the average gross revenue per mile of REA-financed electric systems, in the case of electric borrowers, or at least $300 below the average gross revenue per mile of REA-financed telephone systems, in the case of telephone borrowers: *Provided, however*, That the Administrator may, in his sole discretion, make a loan at the special rate if he finds that the borrower:

"(A) has experienced extenuating circumstances or extreme hardships; or

"(B) cannot, in accordance with generally accepted management and accounting principles, produce net income or margins before interest at least equal to 150 per centum of its total interest requirements on all outstanding and proposed loans with an interest rate greater than 2 per centum per annum on the entire current loan, and still meet the objectives of the Act, or

"(C) cannot, in accordance with generally accepted management and accounting principles and without an excessive increase in the rates charged by such borrowers to their consumers or subscribers, provide service consistent with the objectives of the Act.

"(c) Loans made under this section shall be insured by the Administrator when purchased by a lender. As used in this Act, an insured loan is one which is made, held, and serviced by the Administrator, and sold and insured by the Administrator hereunder; such loans shall be sold and insured by the Administrator without undue delay.

"SEC. 306. GUARANTEED LOANS; ACCOMMODATION AND SUBORDINATION OF LIENS.—The Administrator may provide financial assistance to borrowers for purposes provided in the Rural Electrification Act of 1936, as amended, by guaranteeing loans, in the full amount thereof, made by the Rural Telephone Bank, National Rural Utilities Cooperative Finance Corporation, and any other legally organized lending agency, or by accommodating or subordinating liens or mortgages in the fund held by the Administrator as owner or as trustee or custodian for purchases of notes from the fund, or by any combination of such guarantee, accommodation, or subordination. No fees or charges shall be assessed for any such guarantee, accommodation, or subordination. Guaranteed loans shall bear interest at the rate agreed upon by the borrower and the lender. Guaranteed loans, and accommodation and subordination of liens or mortgages, may be made concurrently with a loan insured at the standard rate. The amount of guaranteed loans shall be subject only to such limitations as to amounts as may be authorized from time to time by the Congress of the United States: *Provided*, That any amounts guaranteed hereunder shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States. As used in this title a guaranteed loan is one which is made, held, and serviced by a legally organized lending agency and which is guaranteed by the Administrator hereunder.

"SEC. 307. OTHER FINANCING.—When it appears to the Administrator that the loan applicant is able to obtain a loan for part of his credit needs from a responsible cooperative or other credit source at reasonable rates and terms consistent with the loan applicant's ability to pay and the achievement of the Act's objectives, he may request the loan applicant to apply for and accept such a loan concurrently with a loan insured at the standard rate, subject, however, to full use being made by the Administrator of the funds made available hereunder for such insured loans under this title.

"SEC. 308. FULL FAITH AND CREDIT OF THE UNITED STATES.—Any contract of insurance or guarantee executed by the Administrator under this title shall be an obligation supported by the full faith and credit of the United States and incontestable except for fraud or misrepresentation of which the holder has actual knowledge.

"SEC. 309. LOAN TERMS AND CONDITIONS.—Loans made from or insured through the fund shall be for the same purposes and on the same terms and conditions as are provided for loans in titles I and II of this Act except as otherwise provided in sections 303 to 308 inclusive.

"SEC. 310. REFINANCING OF RURAL DEVELOPMENT ACT LOANS.—At the request of the borrower, the Administrator is authorized and directed to refinance with loans which will be insured under this Act at the interest rates provided in section 305 any loans made for rural electric and telephone facilities under any provision of the Consolidated Farm and Rural Development Act."

SEC. 3. Section 3(f) of the Rural Electrification Act of 1936, as amended, is repealed.

SEC. 4. Section 405 of the Rural Electrification Act of 1936, as amended, is further amended by striking subsection (e) in its entirety and by inserting in lieu thereof a new subsection (e), as follows:

"(e) Thereafter, the cooperative-type entities and organizations holding class B and class C stock, voting as a separate class, shall elect three directors to represent their class by a majority vote of the stockholders voting in such class; and the commercial-type entities and organizations holding class B and class C stock, voting as a separate class, shall elect three directors to represent their class by a majority vote of the stockholders voting in such class. Limited proxy voting may be permitted, as authorized by the bylaws of the telephone bank. Cumulative voting shall not be permitted."

SEC. 5. The second sentence of section 406(a) of the Rural Electrification Act of 1936, as amended, is further amended by striking "from net collection proceeds in the rural telephone account created under title III of this Act" immediately after the word "appropriated".

SEC. 6. Subsection (a) of section 407 of the Rural Electrification Act of 1936, as amended, is amended by striking out "eight" in the second sentence and inserting in lieu thereof "twenty", and by striking out all of the third sentence.

SEC. 7. Section 407 of the Rural Electrification Act of 1936, as amended, is amended by adding a new subsection (c) as follows:

"(c) Purchases and resales by the Secretary of the Treasury as authorized in subsection (b) of this section shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

SEC. 8. Subsection (a) of section 408 of the Rural Electrification Act of 1936, as amended, is amended (a) by inserting the words "or which have been certified by the Administrator to be eligible for such a loan or loan commitment," immediately following the term "this Act," where it first appears; and (b) by adding at the end thereof the following sentence: "Loans and advances made under this section shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

SEC. 9. Subsection (b) of section 408 of the Rural Electrification Act of 1936, as amended, is amended by striking out all of paragraph (3) and inserting in lieu thereof a new paragraph (3) reading:

"(3) Loans under this section shall bear interest at the 'cost of money rate.' The cost of money rate is defined as the average cost of moneys to the telephone bank as determined by the Governor, but not less than 5 per centum per annum."

SEC. 10. No funds provided under the Rural Electrification Act of 1936, as amended, shall be used outside the United States or any of its territories.

SEC. 11. The right to repeal, alter, or amend this Act is expressly reserved.

SEC. 12. This Act shall take effect upon enactment.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

GEORGE MCGOVERN,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
GEO. D. AIKEN,
ROBERT DOLE,
*Managers on the Part of the Senate.*

W. R. POAGE,
FRANK A. STUBBLEFIELD,
BERNIE SISK,
FRANK E. DENHOLM,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
GEORGE A. GOODLING,
*Managers on the Part of the House.*

Mr. McGOVERN. Mr. President, I ask unanimous consent that the printing of the report as a Senate report be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, both the Senate bill and the House amendment had a common objective, to restore the rural electric and telephone programs to operation. Their approach to this objective, however, differed in many respects, and I ask unanimous consent to insert a list of those differences in the RECORD at this point.

There being no objection, the list of differences was ordered to be printed in the RECORD, as follows:

DIFFERENCES BETWEEN S. 394, AS PASSED BY THE SENATE, AND THE HOUSE AMENDMENT THERETO

*The Senate* bill requires that REA direct rural electric and telephone loans be made in the full amount appropriated therefor.

*The House amendment*—

(1) creates a revolving fund with unlimited borrowing authority, and requires insured rural electric and telephone loans to be made and sold to the full extent of the assets in the fund, subject only to limitations imposed by Congress;

(2) provides that such insured loans will bear interest at five percent or at two percent if the borrower—

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(A) has an average subscriber density of two or fewer per mile; or

(B) has an average gross revenue of at least $450 below the average (for electric borrowers) or $300 below the average (for telephone borrowers); or

(C) has experienced extenuating circumstances or severe hardship; or

(D) cannot produce net income before interest of at at least 150 percent of its total interest requirements and still meet the objectives of the Act; or

(E) cannot without an excessive rate increase provide service consistent with the Act. (Note: The amendment specifically conditions (C), (D), and (E) on the "sole discretion of the Administrator".)

(3) authorizes the guarantee of rural electric and telephone loans made by other lenders;

(4) forgives interest on REA borrowings from the Treasury under section 3(a) of the Rural Electrification Act of 1936;

(5) provides for separate elections by commercial and cooperative stockholders of Telephone Bank of three directors by each group and prohibits cumulative voting in such elections (as currently prohibited by by-laws);

(6) raises limit on telephone debentures to twenty (instead of eight) times paid-in-capital and retained earnings;

(7) provides for appropriation from the Treasury general fund (instead of the Rural Telephone Account) of capital for the Rural Telephone Bank;

(8) authorizes Telephone Bank loans to applicants who have not previously borrowed from REA;

(9) provides that Telephone Bank loans shall bear interest at the cost of money to the bank, but not less than five percent (in lieu of a range of rates based on ability to pay).

(10) prohibits the use outside the United States of funds provided under the Rural Electrification Act of 1936;

(11) repeals the requirement that telephone debentures contain a disclaimer of federal guarantee; and

(12) provides that transactions in "interim notes" under section 304(a), insured obligations under section 304(b), loans and advances under section 305(a), and guaranteed loans under section 306 "shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

Mr. McGOVERN. Mr. President, the conference substitute generally follows the House amendment; but differs from it in one major respect, and that is that the mandatory language of section 305 directing the Secretary to make loans was removed. This was done upon the assurance of the Secretary of Agriculture, speaking for the administration, that during each of the next 3 years an REA program at levels not less than budgeted for fiscal year 1974 will be operated under the provisions of this bill, and that not less than $105 million—$80 million for the electric program and $25 million for the telephone program—will be made available at the 2-percent rate. I ask unanimous consent that the letter of the Secretary of Agriculture be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
*Washington, D.C., May 8, 1973.*

Hon. W. R. POAGE,
*Chairman, House Committee on Agriculture, Washington, D.C.*

DEAR BOB: I am pleased to provide you and the members of the conference committee the Administration's position on the REA financing bill now in conference, S. 394. As I told you during our meeting in your office last Thursday, speaking for the Administration, we can assure you that during each of the next three years an REA program at levels not less than budgeted for Fiscal Year 1974 will be operated through the REA under the authority of S. 394 as finally passed and that not less than $105 million—$80 million for the electric program and $25 million for the telephone loan program (of new loans)—will be made available at the 2% rate.

This commitment is conditioned on but one cardinal principle—mandatory language relating to criteria in Section 305 be stricken from the legislation. Further, there will be no legislative direction with respect to hardship cases beyond the criteria set forth in the House-passed bill. As you know, the Secretary would, of course, have authority to exceed this minimum level for 2% loans.

On behalf of the Administration and every American, I want to thank you and the conferees for your efforts to achieve constructive legislation which will ensure a viable rural electric and telephone system.

Sincerely,

EARL L. BUTZ,
*Secretary.*

Mr. McGOVERN. Mr. President, the program level budgeted for fiscal 1974 is $758 million, consisting of $618 million for electric loans and $140 million for telephone loans. Under the terms of the letter this would mean at least $105 million for loans at a 2-percent rate of interest, and at least a balance of $653 million for loans at 2 or 5 percent.

Mr. President, the important point to keep in mind on this conference is that the Senate conferees largely accepted the House bill with one change, that we drop the mandatory requirement that the administration especially objected to, and that has been replaced with the one to which I have referred.

I am convinced on the basis of conversations we had with the Secretary of Agriculture yesterday that this bill, if passed by the Senate and the House, will not be vetoed. I think it is the strongest possible rural electrification bill we can pass in the Senate that is veto-proof. It should have the support of the administration; every indication is that it does. I believe it provides a reasonable level of financing for both our rural electric system and our rural telephone systems. I am hopeful the conference report will be overwhelmingly adopted by the Senate and that action will follow in the other body very shortly.

Mr. DOLE. Mr. President, the distinguished Senator floor leader on our side, the Senator from Vermont (Mr. AIKEN), has authorized me to proceed.

I concur in the statements made by the distinguished Senator from South Dakota. I would also urge Senators to act favorably in considering the conference committee report on S. 394.

As a member of the conference, I can testify to the diligent efforts of every member of that conference, and I also would make special note in praise of the efforts of Secretary of Agriculture, Mr. Butz, and others on his staff for their efforts, flexibility, and reasonableness which brought about the agreement that I believe, as already indicated, has provided a good REA and RTA bill. It does provide for adequate funding. Certainly rural America needs this legislation. It provides the financial means to make power and communications available to our farmers and rural residents.

The conference report assures the continuation of loans on an insured and guaranteed basis through a special REA account in the Treasury. The majority of the loans made will be insured loans at 5-percent interest rate, or guaranteed loans at commercial rates of interest. A limited number of insured 2-percent loans will be made to REA's and rural telephone companies in sparsely populated areas or for extreme hardship circumstances.

This is an area in which there was considerable discussion, but in the end, because of the efforts of the conference and because of the willingness to cooperate by Secretary Butz, that matter was resolved, as pointed out by the Senator from South Dakota.

I would urge Senators to adopt the conference report. There never has been any doubt in my mind about the administration commitment to both REA and RTA.

I share the view expressed that this measure will not be vetoed. It meets the requirements of the administration. I believe, with the Secretary of Agriculture's strong endorsement, with the letter he willingly provided the committee, he indicates the commitment many of us hoped for.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. McGOVERN. Mr. President, I yield such time as he may require to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator.

Mr. President, as a member of the conference committee, I recommend to the Senate this report and its adoption by the Senate. I feel that this is an outstanding bill, a bill that will meet the needs of the REA program throughout the country. It is a 3-year authorization. It allows the Rural Electrification Co-ops to have long-range plans.

I want to commend the administration which, through Secretary of Agriculture, Mr. Butz, indicated from the very start a sincere desire to arrive at a sound solution of this matter. They cooperated in every way with the conference committee, and we have come up with an excellent bill, in my opinion.

Over a 3-year period, it authorizes a total of $758 million each year, divided $140 million for rural telephones and $618 million for electric co-ops.

Of the $618 million for electric co-ops each year, at least $80 million shall be at 2 percent, and of the $140 million for rural telephones each year, at least $25 million shall be at 2 percent.

This is a well-rounded program, a program that electric co-ops and electric telephone systems throughout the country can depend upon.

I think it is an excellent recognition of the role that the Rural Electrification Administration throughout the country and the rural telephone systems are playing. It evidences a sincere desire on the part of the administration to see that electricity is carried into all of our rural areas and also that the rural areas of this country get the benefit of telephone systems.

I recommend the adoption of the conference report.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I am most pleased to vote in favor of the conference report on S. 394 this morning. The conferees are to be congratulated on coming up with this final version which should satisfy all parties involved.

The legislation recognizes the need for continuing financial assistance for rural electric and telephone cooperatives which is provided, but also recognizes the fact that the cost of money to the Government has gone up and those cooperatives that can afford to more fairly pay their own way should do so.

As provided in the conference report, $763 million will be made available for fiscal 1974 with the understanding from the Secretary of Agriculture that at least this amount would also be made available in fiscal 1975 and in fiscal 1976. This amount is broken down by providing $618 million for rural electric cooperatives and $145 million for rural telephone cooperatives; $80 million of the rural electric funds would still be available at 2 percent and $25 million of the rural telephone funds at 2 percent for those cooperatives in shakier financial condition. However, all other cooperatives would either get money at 5 percent or an insured loan at the cost of money.

I think this is a fair resolution of this problem. The funds needed will be provided but more on the ability-to-pay basis. I commend the conferees and I am pleased to vote for the conference report.

Mr. TOWER. Mr. President, I am pleased today to support the conference report on S. 394, a bill which I feel will provide an adequate rural electric and telephone program. My past experience with Texas cooperatives has illustrated the tremendous assistance provided to rural areas by such cooperatives. I am extremely pleased that it was possible to arrive at an effective program which is palatable to electric and telephone cooperatives as well as to those who administer the Rural Electric and Telephone Administration.

After the announcement of major procedural changes in December, I began looking into possible alternatives which would still provide money to those cooperatives who cannot afford to pay more than 2-percent interest. These cooperatives are primarily ones still serving truly rural areas which require many miles of line to serve a few customers. This report provides for these low interest loans. It also provides authority for insured and guaranteed loans under the Rural Electric Administration Act rather than the rural development legislation. While I strongly support the concepts of the Rural Development Act of 1972, I feel the problems facing electric cooperatives can best be solved by the original programs outlined in the REA Act.

Since the December announcement, representatives of Texas electric and telephone service companies have contacted me providing information concerning their desires for a workable program. I understand those needs and have supported a program much like the one we now have before us which provides needed funds for continued expansion of services at a smaller cost to the Federal Government.

Adequate capital, obviously, is the prime consideration if we are to continue the excellent record of service by these rural cooperatives. Legislation which provides adequately for the needs of all parties concerned is desirable in all programs, and generally results in more effective administration and more successful results in the long run. I commend the members of the Committees on Agriculture of the Senate and the House of Representatives, and those members of various cooperatives who have been so helpful and cooperative in working out a program which promises to become a major plus factor in the success of the rural electric program of the future.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 11:45 having arrived, the Senate will proceed to vote on the conference report on S. 394. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. TUNNEY) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY) and the Senator from Mississippi (Mr. STENNIS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BROCK) and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

The result was announced—yeas 93, nays 3, as follows:

[No. 124 Leg.]

YEAS—93

| | | |
|---|---|---|
| Abourezk | Buckley | Dole |
| Aiken | Burdick | Domenici |
| Allen | Byrd, Harry F., Jr. | Dominick |
| Baker | Byrd, Robert C. | Eagleton |
| Bartlett | Cannon | Eastland |
| Bayh | Chiles | Ervin |
| Beall | Church | Fannin |
| Bellmon | Clark | Fong |
| Bennett | Cook | Fulbright |
| Bentsen | Cotton | Gravel |
| Bible | Cranston | Griffin |
| Biden | Curtis | Gurney |
| Brooke | Dole | Hansen |
| Hart | Mathias | Randolph |
| Hartke | McClellan | Roth |
| Haskell | McClure | Saxbe |
| Hatfield | McGee | Schweiker |
| Hathaway | McGovern | Scott, Pa. |
| Helms | McIntyre | Scott, Va. |
| Hollings | Metcalf | Sparkman |
| Hruska | Mondale | Stafford |
| Huddleston | Montoya | Stevens |
| Hughes | Moss | Stevenson |
| Humphrey | Muskie | Symington |
| Inouye | Nelson | Taft |
| Jackson | Nunn | Talmadge |
| Javits | Packwood | Thurmond |
| Johnston | Pastore | Tower |
| Kennedy | Pearson | Williams |
| Long | Pell | Young |
| Magnuson | Percy | |
| Mansfield | Proxmire | |

NAYS—3

| | | |
|---|---|---|
| Case | Ribicoff | Weicker |

NOT VOTING—4

| | | |
|---|---|---|
| Brock | Stennis | Tunney |
| Goldwater | | |

So the conference report was agreed to.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

## ANNUAL REPORT OF CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. NUNN) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Post Office and Civil Service. The message is as follows:

*To the Congress of the United States:*

I hereby transmit the Civil Service Commission's annual report for fiscal year 1972.

The past year was one of significant initiatives in the field of Federal personnel management. Persistent challenges such as simplifying the complexities of the appeals system and broadening the scope of labor-management bargaining were effectively addressed. The first full year of operations under the Intergovernmental Personnel Act showed impressive results, as State and local governments responded enthusiastically in working with Federal agencies to improve personnel resources. Substantial progress was also made in carrying out the Equal Employment Opportunity Act of 1972, strengthening our commitment to employment practices which are scrupulously fair to all our people.

We can be grateful for the cooperation from all sectors and levels of government which made this record possible. And we can be proud that Federal personnel management not only enables us to serve the public more effectively but also stands as a respected model for all employers.

RICHARD NIXON.

THE WHITE HOUSE, *May 9, 1973.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. NUNN) laid before the Senate messages from the President of the United States submitting sundry nomi-



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nations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## VOTER REGISTRATION ACT

The PRESIDING OFFICER (Mr. NUNN). Under the previous order, the hour of 12 o'clock having arrived, the Senate will resume the consideration of the unfinished business, S. 352, which the clerk will state.

The assistant legislative clerk read as follows:

S. 352, to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The PRESIDING OFFICER. Under the previous order, the hour allocated before the Senate proceeds to vote on the cloture motion will be equally divided and controlled by the Senator from Wyoming (Mr. McGEE) and the Senator from Hawaii (Mr. FONG).

Who yields time?

Mr. McGEE. Mr. President, I yield to the Senator from Ohio (Mr. TAFT) for a unanimous-consent request.

Mr. TAFT. Mr. President, I ask unanimous consent that the amendments, under my name, now at the desk, on S. 352, be considered as presented and read for the purposes of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I now yield to the distinguished majority leader for 3 minutes and then to the Senator from Washington (Mr. JACKSON).

Mr. MANSFIELD. Mr. President, before the Senate votes a third time on a motion to invoke cloture on the pending voter registration proposal, I think it might be of benefit to all Senators to consider for a moment just what is here at stake. While it is true that the pending bill is fully in accord with the movement toward a broader based democracy, more secure civil liberty guarantees, and expanded enfranchisement that the Senate to its everlasting credit has led in recent years, it seems to me frivolous that those who oppose this measure would seek to refuse to consider its disposition unless two-thirds of the Senate agree.

Is this such an issue of enormous overriding importance that requires opponents to resort to unlimited debate as a means of denying the opportunity for the majority to work its will? I think not.

I have now listened to the debate for the past few weeks and am frank to say that I am simply at a loss to understand the opponents' fear with respect to this pending bill. What is to be feared, it is asked, by assuring to citizens the broadest possible opportunity to participate in the exercise of the most precious right a citizen has—the right to have his voice heard; the right to vote.

Certainly no Senator will say that he fears democracy. Why, then, should he fear a vote on this bill? It has been thoroughly considered, not only in committee, but here on the floor. Few proposals in my memory have been subjected to such protracted debate, to such close scrutiny, to such careful investigation. S. 352 has been the pending business of the Senate for a month. Clearly, every Senator has had the time and the opportunity to determine whether this bill does, indeed, serve to improve upon this Nation's practice of democracy.

If there is a problem of apathy abroad in our land—an apathy which causes millions of Americans to refrain from exercising their rights as Americans, does that constitute a reason for apathy here in the Senate of the United States? Is that reason for this body to shrug its collective shoulders and do nothing? I think not.

The role of the Senate is to lead. We have effectively exercised that role in the past. Let us do so now. I would ask Senators to join me in voting cloture on this issue today so that we might proceed to a vote on the merits of the bill itself.

I urge the Senate to say "no" to this resort to unlimited debate on this issue. If ever the demands forced upon us by rule XXII have been overdone, it has been with the extended debate on the voter registration bill.

Mr. McGEE. Mr. President, I now yield 4 minutes to the distinguished Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Mr. President, voter registration laws began to appear in the statutes of the various States during the latter part of the 19th century, they had quick impact. Up to that time, Americans had a relatively admirable record of participation in the Nation's electoral process, twice exceeding an 80 percent turnout. Since 1900, we have not seen 70 percent. Last year we barely saw a 50-percent turnout.

Voter registration, I believe our history will show, came into being concurrent with a heavy influx of immigrants, especially immigrants from Eastern Europe. Voter registration laws were undoubtedly well meant. They were meant to insure honesty in our elections, for instance. But they were also largely intended to restrict the exercise of the ballot—to deny the vote to these new Americans, and to some who had been around a long time as well. It worked and it worked well, as our dismal record of voter participation clearly demonstrates.

This is not the 19th century. America has come a long way in the past 73 years. I have no doubt but that descendants of some of the very immigrants at whom early registration laws were largely aimed are sitting in this Chamber today. We have come that far. But those old laws are, in very many places still working to restrict the access of many working people, of poor people, of aged people, of the infirm and of rural people to the voting booth. And this is so despite the fact that the Nation and this Senate have moved constantly toward an expansion of the franchise, toward a broadening of the base of our participatory democracy.

In 1976, concurrent with our next Presidential election, this Nation will celebrate the bicentennial of the Declaration of Independence. Just how we will celebrate is, perhaps, a good question. But, Mr. President, I can think of no better way to mark that occasion than to demonstrate at the polls that democracy has not withered but has grown. I hope for a record turnout of voters in that election year, and I believe this bill can facilitate the realization of that goal by making sure our citizens are not denied their rights as Americans.

Too often, we encounter officials who consider voting to be a privilege. It is not. It is a right firmly rooted in the Constitution. It is the right of every American 18 years of age or older. But for millions, it is a right difficult to exercise, because of archaic and obsolete registration laws which, if they did have a useful purpose at one time have outlived that purpose. Registration laws are a means of manipulating the electoral processes. Let us be done with manipulation of our political system. It is time to take affirmative action to enroll more Americans in the system.

There is much talk these days, Mr. President, about the need to preserve and protect our political institutions—the means by which we the people govern ourselves. Well, here is a bill, S. 352, which will help to do just that.

Opponents of this bill have raised, time after time, the potential of fraud. But, Mr. President, we have a record of testimony from people long and closely associated with election administration which holds that fraud is not a major problem in the registration process, even when registration is permitted by mail. No, fraud is something that originates with and takes place, because election officials permit it, inspire it, sponsor it. The hearing record of our Committee on Post Office and Civil Service supports this conclusion, as does our experience if we reflect on it. Let us cease this debate and demonstrate our faith in the process and our faith in the people.

Mr. SYMINGTON. Mr. President, will the Senator yield 30 seconds?

Mr. JACKSON. I yield.

Mr. SYMINGTON. Mr. President, I would like to associate myself with the wise and constructive remarks just made by the distinguished Senator from Washington.

Mr. JACKSON. I thank my good friend from Missouri.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, I yield 4 minutes to the Senator from Ohio.

Mr. SAXBE. Mr. President, I do not rise to debate the merits of S. 352, the Voter Registration Act. I am more concerned with the Senate attending to the business of Government and not wasting its time by stuffing the legislative conduit with verbal garbage designed to impede final votes on this or any bill.

Last session, a bill to which I was very much opposed came to the floor. At that time, this body once again chose to implement the filibuster as a tactic to indefinitely delay a vote. Seeing the hopeless situation before them, proponents of that bill called for three unsuccessful cloture votes. And, despite the fact that I was opposed to the legislation, I voted in favor of ending prolonged debate.

I cast my vote in this manner, because I am more interested in getting to the issue at hand rather than to stymie the legislative process. I cannot emphasize strongly enough the immediate need for this body to throw out our time consuming and antiquated rules and develop a workable system of procedural efficiency.



One of my first undertakings as a U.S. Senator was joining an unsuccessful effort to change rule XXII. I believed then and still resolve that if we continue to shackle ourselves with the filibuster, we must lower the requirement for ending debate to 51 percent of those present and voting. It is inconceivable to me that, since 1917, this body has entertained 71 cloture votes—of which only 12 were successful.

Today at 1 o'clock, the Senate will attempt, for the third time, to invoke cloture on S. 352. It is my hope that two-thirds of my colleagues present and voting will agree with me that this bill deserves an up or down vote, so that the majority of the U.S. Senate can determine its destiny.

I ask my colleagues who either favor or oppose this measure to join me in voting to invoke cloture on the extended debate so that we can get on with the business of the Senate.

Mr. MOSS. I yield myself 5 minutes.

Mr. President, I, too, cast my first vote in the Senate on the amendment of rule XXII, because of my beliefs about it then, and those beliefs exist today.

The obstructionist tactics of the opponents of this bill have now reached the point of absurdity. We have been debating the bill on the Senate floor since April 10, and we still have not had the opportunity to vote on the merits. Earlier this year, the committee held extensive hearings on the subject of voter registration in which all viewpoints were solicited and considered.

Last year, the Senate debated at great length a bill similar to the one before us now. Our committee also held comprehensive hearings on voter registration back in 1971. In addition, study after study has been held on the subject—going all the way back to the 1963 President's Commission on Registration and Voting Participation.

The Senate surely has had ample opportunity to inform itself on the subject of voter registration, and it is time we voted on the merits of the bill before us. It has become obvious that a majority of the Senate wishes to vote on the bill, but opponents of the measure have droned on and on with a filibuster that thwarts the will of the majority. If there ever were a time that cloture should be voted—that time is now.

I believe that the Senator from Ohio (Mr. TAFT) argued the case for cloture very cogently in the debate on May 3. Allow me to quote from the remarks of the distinguished Senator from Ohio:

> The matter has been fully discussed, and the problems well understood by all Members of the Senate. We have been engaged in debate now for many days. For that reason it would be defeating the will of the majority of this body not to exercise the right to vote for cloture on this measure at this time.
>
> In taking this position, I am not saying that in all instances when cloture is proposed I would vote for cloture. Indeed in many instances I have not, because I have felt there were facets of the measure involved which had not been made clear. But in this instance, it seems to me that the issues are clearly drawn, and therefore it would be my position, regardless of my ultimate position on the bill, to vote for cloture.

Senator TAFT has expressed a position that strikes me as eminently reasonable. Further debate on S. 352 surely serves no useful purpose. By now, the Senate is fully informed on the proposal, and the issues are clearly drawn. The only conceivable purpose of the filibuster is obstruction—pure and simple.

Mr. President, one should note that, despite the lack of democratic spirit displayed by the opponents of this bill, they have at least displayed an admirable consistency. Opponents of S. 352 would deny to millions of Americans the right to exercise their political franchise. In fully consistent fashion, they would also deny to the Senate the right to exercise its will on the merits of the bill before us. I urge my fellow Senators to vote in favor of this cloture motion, which would enable us to vote freely on the issue of voter registration by mail.

There is no need for me to again state the strong arguments in favor of this bill. I have made these arguments during the committee hearings on the bill, and again on the Senate floor. But I would like to clear up one point concerning my home State.

Opponents of this measure have cited Utah as an example of a State with a high level of voter registration, and concluded that Utah proves that a measure such as S. 352 is unnecessary. As Senator from the State of Utah, let me say that just the opposite conclusion should be drawn from Utah's experience. For the experience of my State illustrates what can be done through modern, liberal, voter registration laws.

I am proud to say that the State of Utah traditionally has had one of the top percentages of voter turnout in the Nation. In 1972, Utah ranked third in turnout with 69.4 percent, or more than 13 percentage points higher than the Nation as a whole. One of the reasons for this wider participation is the high degree of public spirit among the citizens of Utah. But another important factor is Utah's progressive voter registration laws. In such matters as residency requirements and the preelection time period open for registration, Utah's laws are more liberal than most other States. As a result, approximately 90 percent of the eligible voters in Utah were registered before the last election. I am certain that if the bill before us is enacted, Utah will have an even higher registration and turnout. Registration by mail will be particularly helpful to those citizens who live in rural areas at some distance from the place of registration.

If the provisions in this bill will be advantageous to the citizens of Utah, they will be a positive boon to citizens in States with more outmoded registration laws; because, unfortunately, many State governments have been dragging their feet for years, and there is little promise of progress in the future. Because of the lack of positive action in many States, it has become apparent that we will be able to increase voter participation significantly only through national legislation. From the experience of the State of Utah, I know what can be accomplished by encouraging voter participation. There is no reason why we cannot do the same on a national scale.

Mr. McGEE. Mr. President, may I ask how much time remains?

The PRESIDING OFFICER. The Senator from Wyoming has 12 minutes remaining; the Senator from Hawaii has 30 minutes remaining.

Mr. McGEE. I yield 4 minutes to the distinguished Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I feel compelled to speak on behalf of cloture on the major issue before this body today, inasmuch as I participated in the campaign for voter registration by mail in my State. The system in practice in Kentucky has demonstrated not only that it can work but that it will work.

Mr. President, just 1 year ago, the League of Women Voters' educational fund completed a comprehensive analysis of this Nation's voter-registration system—or what we know as our voter-registration system. It was not a small sample survey by any means, but an in-depth study covering 47 States, approximately 250 communities, more than 2,000 interviews with persons involved in the electoral process, and observation in person of more than 900 registration and polling places in the United States.

The report of the League of Women Voters gave new emphasis to the unanimous conclusion of many previous registration studies—that the process of registration itself discourages both registration and voting.

Let me quote from the league's report:

> In the presidential election of 1968, 73 million Americans or approximately 60 percent of the total population of voting age actually voted for a candidate of their choice; 47 million or approximately 40 percent did not cast a ballot. Compared with other democratic countries, this voting rate of American citizens is embarrassingly low. For example, the rate at which voters in Italy have participated in elections in the last 10 years has regularly approached 90 percent. Canada records a voting rate of approximately 75 percent to 80 percent, and in the last 25 years West German citizens have voted at rates which range between 78 percent and 87 percent.

In sum, Mr. President, the league study indicated that millions of American citizens fail to vote—not necessarily because they are disinterested but because of the enfranchisement problems in the present election system. Ironically, perhaps, many lose their right to vote for Senators, Congressmen, and other public officials not because they are uneducated, black, poor, or aged, but because they are a part of the American mainstream in the second half of the 20th century. They are mobile people, moving with their jobs, moving to better neighborhoods, serving their country in a location away from home, going to college, or exercising other rights or duties as American citizens.

Registration is the first step in the voting process. And, as the league study has shown, it is the most crucial step as well. We know, for instance, that about 90 percent of registered citizens do vote.

Let me quote again from the league's report of April 1972:

> Observations of registration places and examination of formally stated registration practices provide some dramatic examples of the problems citizens encounter in trying to register.

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The first problem that the citizen is likely to encounter will be finding the registration office. He may well have to travel a considerable distance from his home to a central registration office (except perhaps during the last month of registration for a particular election when he is more likely to find facilities in his neighborhood). In 40 percent of the communities studied, however, no additional registration places were opened even during these rush months. Since 54 percent of the registration places were not accessible by convenient public transportation, 24 percent lacked convenient parking, and 52 percent were not clearly identified as a registration or elections office, the prospective registrant may well be frustrated before he arrives.

Once he has located the registration office, the prospective registrant may find that it is not open for registration. In 29 percent of the communities, registration closes more than 30 days prior to an election. Even if he arrives before the registration deadline, the office may be closed since 77 percent of the communities studied had no Saturday registration and 75 percent of the communities had no evening registration during non-election months. While 52 percent of the communities did have additional registration hours during election months, 30 percent of these still had no additional Saturday hours and 17 percent had no additional evening hours.

The league study is just one of several that have pointed out the need for both election reform in general and registration reform in particular through Federal legislation. It is only one of several well-documented studies which make it incontrovertibly clear that the problems associated with the registration processes in use in the States constitute a major roadblock in the way of an expanded electorate.

Mr. President, the time has come to act in this body to sweep away these archaic barriers which serve to restrict the practice of true representative democracy in this country. Let us vote to vote on this issue. Let us face up to the responsibility we have as Members of the Senate. Let us demonstrate that the Senate of the United States does believe in our system of participatory democracy.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I have before me a resolution from the Florida State Association of Supervisors of Elections, Inc. It reads as follows:

RESOLUTION

Whereas, S. 352 introduced in the Senate of the United States during the First session of the 93rd Congress would authorize postcard registration of electors, and

Whereas, Florida has an efficient method of registering electors through duly elected county supervisors of elections whose offices are conveniently located in each of the sixty-seven (67) counties of the Sunshine State, and

Whereas, a Federal postcard registration system would constitute a duplication of effort resulting in a waste of taxpayer moneys, and

Whereas, postcard registrations under such a Federal system would be difficult of administration because some would be illegible, others incomplete and others impossible to process for other reasons, and

Whereas, registration under a mailing system without a single personal appearance by an elector for the purpose of taking an oath could lead to widespread fraud in voter registration, and

Whereas, it has not been shown that postcard registration would increase voter participation at elections;

Now, therefore, be it resolved that the State Association of Supervisors of Elections after diligent study and serious consideration does hereby go on record as being opposed to S. 352 and the method of postcard voter registration described therein.

Unanimously adopted in convention assembled at Daytona Beach, Florida, this 9th day of February, 1973.

BLANCHE M. WORK,
*President.*
MARJORIE CARMICHAEL,
*Secretary.*

Mr. President, there is no denying the right of registration of any American citizen who desires to register to vote; no one is denied the opportunity to register. There is no denial of the right to vote of any American citizen. If one listens to the proponents of this bill one would think that millions of Americans have been denied the right to register; that they have been prevented and precluded from registering; that they cannot get to the registrar to register to vote; that registration is such an onerous task that a national post card registration system that will cost in excess of $100 million per election year is needed.

Mr. President, we know that any man who wants to register to vote can register. For a State election he has 2 years to register and for a Presidential election he has 4 years to register. Certainly within that time he should be able to find some time, a few minutes, to go down to the office of the registrar in his county, State, or city to register.

Mr. President, this bill is not needed. It is a bad bill. It is a bill which will open the opportunity for a lot of fraud. Anyone who wants to register need only seek a registrar, and in many States the laws are so lenient the man can register whenever he wishes to register. In many cases if a person wishes to register and is unable to get to the registrar, he need only call the registrar and they will send someone to him.

This bill is wasteful because it duplicates the efforts of the States. Heretofore registration has been left to the States. We are here imposing a national registration system on top of what is being done on the State level by State officials.

The voter mail registration system will cost $100 million every time the cards are sent out. This bill will not materially increase the number of registrants.

Much has been said that 62 million Americans did not vote in the last Presidential election. The primary reason why the 62 million Americans did not vote is not because they were not registered. Many of those who were registered did not vote. Many of them did not register because they did not want to do so.

A survey made in 1968 by the Census Bureau of 50,000 households showed that of those not registered to vote in 1968, 53.3 percent, over one-half, did not register because they were not interested in politics. The Census Bureau surveyed 50,000 households. This is unlike the Gallup poll or the Harris poll where there is a survey of 1,500 Americans or 1,200 Americans and by extrapolating the remarks of 1,200 or 1,500 people the American public stands for this or that.

Here we have in 1968 a survey of 50,000 households. If we estimate approximately these persons in each household, this was a survey of approximately 150,000 Americans.

What did the survey find? It showed that of the 50,000 households, 26,000 households did not register to vote. So the question was asked of these 26,000 households: Why did you not register? Of the 26,000 households that did not register, more than 53 percent said they did not register because they were not interested in politics.

Mr. President, if we take into consideration the 10 percent that did not register because they were not qualified to register, because they did not meet the residence or citizenship requirements, it will be found that this 53 percent would increase to 60 percent of those surveyed; so here we have 60 percent of the more than 50 percent of the people who did not register in the 1968 elections saying they did not register because they were not interested in politics. If they are not interested in politics, registering them or trying to register them by mail will not increase the number of registrants substantially.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. FONG. Mr. President, in addition, this bill will encourage a great amount of fraud. Let us see how this system would work. A person would send in a post card. The postman would leave 3 or 4 post cards at every one of the 88 million addresses in the United States. To be sure he catches everyone he has to leave three or four cards at each address. Anyone who wished to do so could fill it out, saying he is an eligible voter. He could sign any name to the card.

The registrant sends the card to the registrar who registers the name on his voter register and sends back a receipt to the man who sent the post card. This receipt is prima facie evidence, according to the bill, that the holder of the receipt is an eligible and lawful voter.

So when he presents that post card on election day at the voting booth, there is no question that he is a qualified voter and can vote.

Mr. President, you can see that anyone having a number of these post cards could——

The PRESIDING OFFICER. The 2 minutes of the Senator have expired.

Mr. FONG. I yield myself 3 minutes more.

You can see, Mr. President, that anyone having a number of these post cards can go down and vote a number of times, and the registrar would not know whether he is the person or is not the person he says he is. This law will open up the opportunities for fraud. We will be registering people who are away, just by sending their names in. We will be registering people who have passed on and who were citizens prior to the time of their death. It can be seen that many opportunities for fraud will be present.



The bill injects the Federal Government directly into the election process of each State and each local election. This bill provides that if there is an election of delegates to a national political party Presidential nominating conventions or caucuses to elect delegates to a convention, it is subject to the provisions of the National Post Card Registration Act.

Heretofore, this has always been left to the States. In elections of delegates to the national conventions to nominate a Presidential candidate these State conventions have been carried on by the respective political parties in the States. If one is a Republican, he registers as a Republican, and if he is a Democrat, he registers as a Democrat. He votes in the Democratic primary election or Democratic State conventions or in the Republican primary election, or Republican State convention. He is required to be a member of that political party. The bill eliminates that requirement and may wreck our political party system.

Here we have a registration system which will not close until 30 days before the election. It gives no time whatsoever for the registrars to determine whether a card sender is a bona fide registrant or not. Here we have a system which provides that a man who is neither a Democrat nor a Republican can register and vote in the Democratic——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield myself 1 minute.

He will vote in the party election of that State political party convention, injecting the Federal Government into the political parties of the States.

Besides, this bill compromises the integrity and reputation of the Census Bureau by making a very real political agency, a subsidiary of the Census Bureau should be kept free from political influence. We know of a number of people who refuse to answer census questions because they feel it is an invasion of their privacy. If this political agency is made a part of the Census Bureau, we will find there will be more objections to answering questions when the census taker comes around.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. I yield to the distinguished Senator from Alabama whatever time he requires, Mr. President.

Mr. ALLEN. I thank the distinguished Senator from Hawaii.

Mr. President, the issue the Senate will decide in just a few minutes will be whether or not the debate on the registration by post card bill shall be cut off. In other words, shall cloture be invoked?

Mr. President, consideration by the Senate of this bill is not holding up Senate consideration of any other bill pending before the Senate. For example, on yesterday, this bill remained before the bill only 1 minute, just long enough to lay it down and then lay it aside to take up other matters.

There are numerous amendments and motions that need to be made with respect to this bill. I would hope that the motion to send the bill to the Judiciary Committee or another motion to send it to the Rules Committee might be made. What possible reason, other than that these cards are to be sent through the post office system, could there be for sending this bill in the first instance to the Committee on Post Office and Civil Service? This is a bill having to do with registering voters by post card.

Let us see what the rules of the Senate say on that subject. Rule XXV says that the Committee on Rules and Administration shall have jurisdiction over all matters of legislation having to do with the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications—the very matter considered by this bill—Federal elections generally.

It would be the purpose of the Senator from Alabama to file a motion, if this bill is allowed to be debated further, to send the bill to the Committee on Rules and Administration; failing that, to send it to the Judiciary Committee, which would have been a much more logical committee to have received the bill in the first instance.

How does the Committee on Post Office and Civil Service get jurisdiction of this bill? By the fact that tens of millions of cards are to be sent through the post office system to recipients. They are to be sent out in junk-mail fashion, not addressed to anyone, without regard to whether recipients are already qualified voters, without regard to whether recipients have any desire to vote. They are to be broadcast throughout the length and breadth of this country. The postman on the various routes has the right to decide how many of these cards are to be left at these various addresses, because the bill says that there shall be a sufficient number of these cards left at every mail postal address throughout the country.

If this measure were sent to the Committee on Rules and Administration or to the Committee on the Judiciary, there could be carved out of this bill the original sending of cards throughout the country, and thereby save tens of millions of dollars each year. It would still have the concept of post card registration, because the cards could be left at post offices, at mayors' offices, at county offices, and anybody who wanted to come in and pick up a card would be entitled to do so.

Mr. President, I have been impressed by the fact that in all the debate on this bill not a single bit of evidence, not one single comment, has been made about the support of this measure by a single local citizen, by any member of a board of registrars in any city or county throughout the country. There is no clamor throughout the country for this bill. I do not believe there is a single Senator on the floor at the present time, with one exception, who is in favor of this bill. Where is the great public support for the bill? It just does not exist. Throughout the country very few people know about this legal monstrosity—a bill that is not needed, a bill that at best would create second-class citizenship for the registrants under the measure, because it does not purport to qualify a registrant to vote in city, county, or State elections.

If a person goes to the voter registrar now and registers, he is qualified to vote in every election that might be held, whether it be county, State, or Federal. Under the terms of the pending bill, a registrant would be allowed to vote only in Federal elections—that is, for President, Vice President, U.S. Senator, U.S. Representative, and possibly I believe it is broad enough to cover delegates to national conventions. However, when a voter, who has qualified under the pending bill by having his card dumped with thousands of others in the laps of local registrars, goes in to vote, all he is qualified to do is to vote in Federal elections.

Every election now does not involve merely a Federal election. What about county and State elections? What about elections held on the same day that involves both a Federal and local election? Would the election official at the booth say to the fellow that he is qualified under the postcard registration bill? Would he say, "Go in and vote for the Federal officials. However, do not vote for the State candidates, because you are not qualified to vote for them. You cannot vote for the county judge or the sheriff because you are not qualified to do that."

Why should we create two separate classes of voters? Why not let a person go before the local board of registrars, present himself in person, and say, "I am 18 years of age. I am a resident citizen of this county and of such and such a precinct, and I want to register."

That is all he has to do. Mr. President, is that so onerous a task, to require a person who is interested enough to want to vote to go in and register in person?

The distinguished Senator from Wyoming says that there are a whole lot of barriers that are presented to anyone who wants to register. What barriers are presented: They say, "Well, they are not open all day long. They are open on just certain days, and it is hard for someone to go in and register."

Mr. President, I think any person could find out when the board of registrars meets and could go in and register without too much trouble. He does not have to take any literacy test. He does not have to have any qualifications. He does not have to demonstrate the ability to read or write. All he has to do is go in and show that he is 18 years of age and wants to register to vote.

So, Mr. President, there is no barrier to prevent people from registering and voting if they want to vote. And if there are barriers, they are at the State and local level and ought to be corrected at the local level and, we ought not to impose this indignity—because that is what it is—upon our local boards of registrars who are doing an outstanding job, it would seem to the Senator from Alabama.

I feel that it is the failure of people who are registered to vote but who do not care enough to go to the polls that is the cause of the low turnout, rather than their inability to register, because they can register. We do not need another vast Federal bureaucracy, a bureaucracy,



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I might say, that is opposed by the Census Bureau in which this bureaucracy would be lodged. It is opposed by the Justice Department. It is pointed out that it would pave the way for fraud and corruption in the registration process. And, Mr. President, what good would it accomplish? How many people would register under this plan and get only half of a voting privilege, which is in a national election and not in the State and local election? How many people would avail themselves of that opportunity?

We have had a system like this in the great State of Texas for 30 years, even looser than this system, because from time to time they print coupons in the local newspapers. All that a prospective registrant has to do is to cut out this coupon—just as one would do if he wanted to send in for a sample of toothpaste—and send it in to the board of registrars, and they are registered, or he could send them a postcard or a letter.

How has this worked in the last 30 years in the State of Texas? It has worked to the extent that in 1970 65 percent of the Texans who are eligible to vote are registered to vote with that loose and free system that they have in the State of Texas.

Conversely in the State of Utah, Mr. President, which does not have this system, how many are registered out there, because of the interest of the citizens and because of their desire and determination to exercise their rights and privileges as a citizen? How many people are registered out there without the benefit of postcard registration? At least 98.4 percent of them are registered. That is well nigh perfect, it would seem to the Senator from Alabama. Yet, under the pending bill, Mr. President, there would be broadcast throughout the length and breadth of Utah hundreds and thousands of these postcards to try to catch that 1.6 percent of the citizens of Utah who are of voting age.

It would seem to the Senator from Alabama that that is certainly an overkill in the very highest degree.

I dare say that no matter how many tens of thousands or hundreds of thousands of cards are sent out in Utah, they could not improve on this 98.4 percent.

So, Mr. President, the bill is not needed. There is no occasion for ending the debate because there are many motions that still need to be made.

Mr. President, I note in the whip's notice that is sent out by the distinguished assistant majority leader each day that the statement is made that if the cloture motion fails, another motion will be filed. That will make it four times.

Without that little bit of information given up by the whip, it could well be argued that this being the third vote on a cloture motion, it could well be considered to be an up-and-down vote on the merits. And some Senators who might possibly be against the bill, but who might want to vote for cloture, might possibly without this bit of information go ahead and vote against the cloture motion, hoping that the leadership would withdraw the bill from further consideration.

Since the Senator from Alabama has had the honor and the privilege of representing the people of Alabama in the U.S. Senate, there have been a number of issues on which cloture motions have been filed.

I ask unanimous consent that this compilation of cloture motions, the number and the bill as to which the motion was filed, be printed in the RECORD.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

1969—91ST CONGRESS, 1ST SESSION

S. Res. 11 (amending Senate rules relating to cloture).
2 cloture motions presented and voted on.
Pages 13, 50, 97, 103 in the Journal.

1970—91ST CONGRESS, 2D SESSION

S.J. Res. 1 (constitutional amendment on direct popular election).
3 cloture motions presented,
2 cloture motions voted on,
1 cloture motion vacated.
Pages 858, 868, 906, 910, 934, 937 in the Journal.
Conference report on H.R. 17755—Dept. of Transportation appropriations.
2 cloture motions presented and voted on.

1971—92D CONGRESS, 1ST SESSION

S. Res. 9 (amend Senate rules relating to cloture).
4 cloture motions presented and voted on.
Pages 92, 97, 108, 114, 127, 140, 155, 161 in the Journal.
H.R. 6531 (military pay and Selective Service).
1 cloture motion presented and voted on.
Pages 452–465 in the Journal.
S. 2308 (emergency loan guarantees to business).
4 cloture motions presented.
3 voted on, and 1 vacated.
Pages 548, 552, 560, 564, 573, 579 in the Journal.
H.R. 6531—Conf. rept. (military pay, etc.).
1 motion presented and voted on.
Pages 666–670 in the Journal.
H.J. Res. 1005 (continuing approps.).
1 motion presented, *not* voted on.
Page 1113 in the Journal.

1972—92D CONGRESS, 2D SESSION

S. 2515 (equal employment opp.).
3 motions presented.
Pages 61, 77, 137 in the Journal.
S.J. Res. 241 (U.S.-Soviet agreement).
2 motions presented.
Pages 940–944 in the Journal.
S. 3970 (consumer protection).
3 motions presented.
Pages 1032, 1053, 1076 in the Journal.
H.R. 13915 (equal educational opp.).
3 motions presented.
Pages 1180, 1189, 1192 in the Journal.

1973—93D CONGRESS, 1ST SESSION

S. 352 (Post Card Voter Registration).
3 cloture motions presented.
(April 17, May 1, and May 7).

Mr. ALLEN. Mr. President, I find that in 1969, the 91st Congress, two cloture motions were filed as to Senate Resolution 11, an amendment of the Senate rules relating to cloture.

In 1970, three cloture motions were presented on a constitutional amendment on direct popular election. The motion failed and after the third time the bill was brought down.

On a conference report on H.R. 17755, the Department of Transportation appropriations, two cloture motions were presented and voted on.

In the more than 4 years that the Senator from Alabama has observed the proceedings in the Senate, there is only one instance in which a cloture motion has been filed on four times.

That was in 1971, on Senate Resolution 9, to amend the Senate rule relating to cloture.

So on all of these other measures, three was the limit. But I note from the information given by the majority whip that if cloture is not invoked on this vote, we will have the opportunity of voting again. Mr. President, it occurs to the Senator from Alabama that if a Senator is in fact opposed to this bill, at every opportunity he has, he would vote, in effect, to kill the bill.

The PRESIDING OFFICER (Mr. NUNN). All the time of the Senator from Alabama has expired.

Mr. ALLEN. I thank the Chair, and I thank the distinguished Senator from Hawaii.

Mr. McGEE. Mr. President, what is the time situation remaining on the two sides?

The PRESIDING OFFICER. The Senator from Wyoming has 9 minutes remaining. The Senator from Alabama has consumed the time in opposition.

Mr. McGEE. Mr. President, I have agreed to hold some time for the Senator from Tennessee (Mr. BROCK), and I shall continue to do that in the few minutes that remain. While doing so, I shall take a moment to say one or two things as we conclude this round of the discussion on this measure.

First, I would like to mention in particular once more the discrepancy between the voting records of our fellow democracies in most of the rest of the world, particularly in Western Europe, and our own. The percentage who turn out and vote in Canada, Great Britain, Belgium, Holland, Germany, France, and Italy is invariably higher than ours, with similar parliamentary situations, and we are entitled to ask why.

Again, we have to consider the alternatives. Is it because Americans are not as good citizens? Is it because Americans are not as responsible as European citizens in a democracy? Or is there some other explanation?

Mr. President, I for one am firmly convinced that Americans are at least as good citizens, and in my judgment better. Then what is the difference?

The difference, Mr. President, is simple. In our sister democracies, the government takes the responsibility for seeing that all the citizens get registered—all of them. In the United States, we seek out the individual citizen and say, "If you do not get registered yourself, on your own initiative, you do not get registered and you do not vote." That is the difference.

All we need to do is address ourselves, in this body, to the question of whether we ought to be caught trying to redress that point of emphasis. I am sorry that my colleague from Alabama has left his seat, because I wanted to make a point in regard to his remarks in these last few minutes, and that is the relevant point that he made about the right of a citizen to initiate his own registration and vote, that if the citizen cares enough, let him go down and register, and then he can vote.

I petition my colleague from Alabama to consider the principle that is at stake there. In the Senate of the United States, there are more than 60 Senators who have registered. They have made a special effort to qualify for the right to vote in this body on this subject. And yet even that does not work. What hope have we, from these tactics of those who are opposing the bill, to believe they want anybody else to vote? More than 60 Senators have said they want the right to vote on voter registration, and yet that right is being denied. Since the 6th of April it has been denied.



We have been ready to turn to all kinds of other legislation. We have agreed to turn to some. We are not trying to stop the wheels of the legislative process; we are seeking only, Mr. President, to preserve for the Members of this body the right to follow up their registrations, which the Senator from Alabama has so graciously agreed ought to be at their initiative.

They have exercised their initiative, and now they are saying, "We want to vote." And yet the opponents of this measure are hiding behind the screen of unlimited debate, of delaying tactics, denying the right of other Members of this body to stand up and be counted.

Mr. President, I submit in all sincerity that the majority leader was exactly right as he addressed himself to this question a few moments ago, when he said that the time has run out on any excuse for further deliberation.

Of course, there are differences of opinion on this measure. Of course, it is not a perfect bill. Someone else could write a better one than I could. Others could write many different kinds of bills. But this is the bill that the committee, as a result of its hearings and after the suggestions of other colleagues in this body, has been able to agree upon as the one that comes closest to the need, and that is the measure that 60 or more Senators out of the 100 simply want the right to vote on.

For those who fear the bill, for those who shout "fraud," for those who shout "indifference," I say they all ought to vote "nay," and stand before their peers and their constituents on that negative vote. But instead, they seek to stand behind the screen of the rhetoric of delaying actions.

So, Mr. President, I say the time has come for this body to act. I think the Members of this body have a right to say to the Senator from Alabama, "We are registered to vote, and now we want you to put your action where your oratory has been, and give us that right to vote."

That is the issue. The issue applies to the people of this country and it applies to the Members of this body. We ask only for the right to vote.

We are saying to all in public office, "We must be responsible. Let them know where we stand. Do not hide. Do not maneuver. Do not sidestep or sidetrack."

And yet the Senate is caught, at this moment, doing precisely that, at the very moment when the Senate is being called upon to rise to new heights, to reassert its responsibilities in the American governmental process. At that very moment, we are being denied the chance to move.

I can say to my friend from Alabama that not only will there be another cloture vote, if necessary, if that makes any difference to him, and apparently it does not, there will be another one, and then another and then another, because the people demand that we persevere in this effort. The position in which we find ourselves stands in such stark contradiction to the principle of the right to register so that one might have the right to vote that we shall persevere until Senators themselves secure that opportunity which should be theirs to cast their ballots for or against this particular bit of legislation.

Mr. President, it has been a very long course these last 2 or 3 weeks. As I look around the Chamber to see where the missing speaker is, I have to recount how long that course has been. But I would say that whatever else has occurred in these last days, I have not heard a single new argument nor a single new statistic. All I continue to hear are those same worn out statistics from 1968, and reference to the record of Texas, where they did not turn out and vote even though they were registering by post card. But I have yet to hear the Senator from Alabama or the Senator from Hawaii point a finger at the Texas experience and say that they committed fraud with post cards, that they committed fraud with coupons. All they talk about is that people did not vote, anyway, with them. Well, they do vote in Europe. They do vote for some reason. The difference is that there, the government bears the burden of seeing to it that the people get registered. Here we leave it up to the individual. We have to broaden the base of citizen participation in our elections.

Mr. BROCK. Mr. President, I am a cosponsor of this legislation, and I believe quite strongly that it works to the best interest of the people, does not inherently benefit one or the other party, and is drawn with considerable care so as to minimize the potential for fraud.

I must say that I have spoken in this chamber on S. 352 more times than I would have liked to, and I believe even the distinguished senator from Wyoming, who often seems never to tire of talking about this bill, would have preferred to have gotten on to other business long ago.

We have talked out the various technical points in this bill at great length, and it is my opinion that every objection which has been raised by the opponents of the bill has been adequately answered by those of us who favor it.

Therefore, I shall not at this time engage in another technical discussion. Instead, I want to make a more general point, and it is this:

Too many people are confused, disillusioned and alienated from the political process in our country today. In increasing numbers they are becoming cynical about the system. Few warning signals on the horizon could be more ominous, for when faith in the system erodes, the system itself is in grave danger.

Those of us in this body, and all the political leaders in our country, must demonstrate to the people that they, the people, are still sovereign in America, that their representative government does in fact represent them, that they do count for something, their voice can be heard.

In this brief moment, I can but allude to the reasons for the alienation the people feel—debilitating massness in our mass society, stultifying bureaucracy that seems unpenetrable, the breakdown of traditional moralities, all of these are underlying causes.

But I do know that what is needed is reform. Reform, across a broad spectrum of the political process, so that we can really have popular government.

I addressed this body yesterday to suggest some very comprehensive reforms in our campaign practices laws. I believe it is essential that we do something to show the people that a political campaign can be an honest business.

I am fighting for other reforms too—of the way the Congress spends the people's money, for one; what we do to our children when we carry them all across the map just to get to school, for another. But the common thread is to make us more responsive to people.

We define over $200 million of the people's money as the "relatively uncontrollable" part of the Federal budget, and then wonder why they are cynical.

We bus their children, and everyone knows that if the people could vote on it, there would be no busing—but they cannot, they cannot do anything to stop it, and we wonder why they are cynical.

S. 352 fits very well into the pattern of reforms I seek, for it maximizes the ability of people to participate in the process. It is a good bill, a sensible reform, and a meaningful demonstration to the people that we do care about their vote and their opinion.

Mobility is one of the effects of massness, and because of their mobility thousands of people are disenfranchised today. S. 352 will help. Redtape is one of the symptoms of massness, and thousands of people do not register because it is too confusing to figure out how. S. 352 will help.

One further point. I believe the people feel that their Senators ought to be able to vote yes or no on the measures that come before them. I agree, and I suggest to my colleagues that we pass this cloture motion and proceed to vote today on whether or not we shall have reform.

## CLOTURE MOTION

The PRESIDING OFFICER (Mr. ALLEN). Time for debate having expired, the hour of 1 p.m. having arrived, under the unanimous-consent agreement pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending bill, S. 352, a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mike Mansfield, Robert C. Byrd, William D. Hathaway, Harold E. Hughes, George McGovern, John O. Pastore, Edward G. Brooke, George D. Aiken, Robert P. Griffin, Daniel Inouye, Lee Metcalf, James Abourezk, William Proxmire, Gale McGee, Alan Cranston, and Joe Biden.

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CALL OF THE ROLL

The PRESIDING OFFICER (Mr. ALLEN). Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 125 Leg.]

| | | |
|---|---|---|
| Abourezk | Fannin | Mondale |
| Aiken | Fong | Montoya |
| Allen | Fulbright | Moss |
| Baker | Goldwater | Muskie |
| Bartlett | Gravel | Nelson |
| Bayh | Griffin | Nunn |
| Beall | Gurney | Packwood |
| Bellmon | Hansen | Pastore |
| Bennett | Hart | Pearson |
| Bentsen | Hartke | Pell |
| Bible | Haskell | Percy |
| Biden | Hatfield | Proxmire |
| Brock | Hathaway | Randolph |
| Brooke | Helms | Ribicoff |
| Buckley | Hollings | Roth |
| Burdick | Hruska | Saxbe |
| Byrd, Harry F., Jr. | Huddleston | Schweiker |
| Byrd, Robert C. | Hughes | Scott, Pa. |
| Cannon | Humphrey | Scott, Va. |
| Case | Inouye | Sparkman |
| Chiles | Jackson | Stafford |
| Church | Javits | Stevens |
| Clark | Johnston | Stevenson |
| Cook | Kennedy | Symington |
| Cotton | Long | Taft |
| Cranston | Magnuson | Talmadge |
| Curtis | Mansfield | Thurmond |
| Dole | Mathias | Tower |
| Domenici | McClellan | Tunney |
| Dominick | McClure | Weicker |
| Eagleton | McGee | Williams |
| Eastland | McGovern | Young |
| Ervin | McIntyre | |
| | Metcalf | |

The PRESIDING OFFICER. A quorum is present.

The question before the Senate now is, Is it the sense of the Senate that debate on S. 352, a bill to amend title 13, United States Code, to establish within the Bureau of the Census a voter registration for the purpose of administering a voter-registration program through the Postal Service, shall be brought to a close?

The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The Chair admonishes the Senate that this is a very crucial vote, and we would like to have as much quiet as possible, so that interested Senators can hear the results of the vote and keep their own tabulations.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

The yeas and nays resulted—yeas 67, nays 32, as follows:

[No. 126 Leg.]

YEAS—67

| | | |
|---|---|---|
| Abourezk | Eagleton | Mansfield |
| Aiken | Fulbright | Mathias |
| Bayh | Gravel | McGee |
| Beall | Hart | McGovern |
| Bellmon | Hartke | McIntyre |
| Bentsen | Haskell | Metcalf |
| Bible | Hatfield | Mondale |
| Biden | Hathaway | Montoya |
| Brock | Hollings | Moss |
| Brooke | Huddleston | Muskie |
| Burdick | Hughes | Nelson |
| Byrd, Robert C. | Humphrey | Nunn |
| Cannon | Inouye | Packwood |
| Case | Jackson | Pastore |
| Chiles | Javits | Pearson |
| Church | Johnston | Pell |
| Clark | Kennedy | Percy |
| Cook | Long | Proxmire |
| Cranston | Magnuson | Randolph |
| Ribicoff | Stevenson | Williams |
| Saxbe | Symington | Young |
| Schweiker | Taft | |
| Stafford | Tunney | |

NAYS—32

| | | |
|---|---|---|
| Allen | Dominick | McClellan |
| Baker | Eastland | McClure |
| Bartlett | Ervin | Roth |
| Bennett | Fannin | Scott, Pa. |
| Buckley | Fong | Scott, Va. |
| Byrd, Harry F., Jr. | Goldwater | Sparkman |
| Cotton | Griffin | Stevens |
| Curtis | Gurney | Talmadge |
| Dole | Hansen | Thurmond |
| Domenici | Helms | Tower |
| | Hruska | Weicker |

NOT VOTING—1

Stennis

The PRESIDING OFFICER (Mr. ABOUREZK). On this vote, the yeas are 67 and the nays are 32. Two-thirds of the Senators present and voting having voted in the affirmative, the motion is agreed to.

The bill is now open to amendment, and under the rule, cloture having been voted, each Senator is entitled to a total of 1 hour's debate on the bill.

Who yields time?

If there be no amendment to be offered, the question is on the third reading——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. TAFT. Mr. President, I call up my unprinted amendment now at the desk and ask for its immediate consideration and reading.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment, as follows:

On page 9, line 19, after the word "voting" insert the following: "or registers to vote with the intention of voting more than once, or votes more than once in the same Federal election".

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. TAFT. I yield myself 2 minutes.

Mr. President, this amendment would make voting more than once or registering to vote with the intention of voting more than once in the same Federal election a Federal crime. It would be subject to a fine of not more than $10,000 or imprisonment of not more than 5 years, or both, under section 408 of the voter registration by mail bill.

The potential problem of double voting has escalated lately because Congress and the Federal courts have eased residence requirements, thereby making it easier for persons to qualify to vote. The liberalization of residence requirements is certainly a positive step. However, the isolated few who might be tempted to cheat should not be allowed to take advantage of the new situation.

The Honorable Ted W. Brown, Ohio's secretary of state, has pointed out to me that when this form of cheating crosses State lines it is difficult, and sometimes it may be impossible, to prosecute. My amendment would remedy this situation and thus fill a gap in present election laws.

Mr. McGEE. Mr. President, I yield myself such time as may be necessary.

We have discussed this amendment at some length, and I would certainly urge its adoption, and am willing to accept it. That is permissible in the parliamentary procedure.

The PRESIDING OFFICER. The parliamentary situation is that the amendment cannot be accepted, but it can be voted on.

Mr. McGEE. I accept it anyway. Let us vote on it. I do not insist on the yeas and nays, unless another Senator wishes to do so.

Mr. TAFT. Mr. President, I have no intention of asking for the yeas and nays unless another Senator desires to call for them.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

Mr. FONG. Mr. President, the minority has no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. TAFT. Mr. President, I call up my amendments No. 104 and ask that the clerk read them.

The PRESIDING OFFICER. The clerk will read the amendments.

The legislative clerk proceeded to read the amendments (No. 104).

Mr. TAFT. Mr. President, I ask unanimous consent that reading of the amendments be discontinued, inasmuch as they have been printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendments No. 104 are as follows:

On page 6, line 10, after the word "the" insert the following: "positive identification and voter".

On page 6, line 14, after the word "registration." insert the following: "Registration forms shall also include a statement of the penalties provided by law for attempting fraudulently to register to vote under the provisions of this chapter.".

Mr. TAFT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 2 minutes.

Mr. TAFT. Mr. President, this amendment would provide for the inclusion in registration forms of such matter as State law requires and the administration determines appropriate to ascertain positive identification of the voters. It also would require the inclusion in the forms of a statement of the penalties provided by law for attempting fraudulently to register.

The first provision would emphasize the importance of requesting some information in the registration form which could be used to check the voter's identification. For example, a request in the form for a social security number or a driver's license could be required by the Voter Registration Administration. The committee indicated its agreement in principle with this type of provision on page 10 of the committee report.

Of course, the administration could not mandate under any circumstances that the receipt of such information be made a requirement for voting in an election. Nevertheless, such information would be received from most voters and would provide a positive check against fraud.

The second provision would serve as a deterrent against fraud by warning recipients of the registration forms of the penalties involved if they attempt to register fraudulently.



I believe that these provisions will help to eliminate abuses of the voter registration by mail system.

Mr. McGEE. Mr. President, again we discussed this matter as a tightening operation in general. In the committee we considered this matter of not specifying the specific tightening steps so that the new registration administration would have some latitude to apply the best combination of devices that would help to cinch this point. However, in the light of the dialogs we have had and my own discussions with the distinguished Senator from Ohio, I certainly find no objection to the proposals. They are very constructive. They get to the point we are all addressing ourselves to.

Mr. TAFT. Mr. President, I thank the Senator for his comment. I would simply say that I, of course, have not specified the exact procedural steps. I thought it was wise to indicate the desirability of some type of identification.

Mr. FONG. Mr. President, I have no objection.

The PRESIDING OFFICER (Mr. ABOUREZK). The question is on agreeing to the amendments of the Senator from Ohio (putting the question).

The amendments were agreed to.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I wish to speak briefly in opposition to the bill. I have been a Member of the Senate for more than 18 years. In my considered judgment this is the most unwise legislative proposal ever made to the Senate during my more than 14 years of service.

I think that there are three fatal defects in this piece of legislation.

In the celebrated case of Texas v. White, Chief Justice Salmon P. Chase gave the best nutshell definition of the purpose of the U.S. Constitution when he said that the Constitution and all its provisions looks to an indestructible Union composed of indestructible States.

The proposed legislation would do more to destroy the federal system of Government than any other piece of legislation that has been proposed in this body since I have had the honor to be a Member of the U.S. Senate. The seeds of destruction of the federal system of Government are in this proposed legislation.

Throughout the history of this Nation, the power to pass upon the qualifications of those who shall vote in Federal as well as State elections has been vested in local election officials. This bill not only takes away that power from local election officials in respect to Federal elections, but it also contains in it a proposal that they bribe the States to adopt the provisions of this bill in State elections.

Mr. President, whenever we concentrate the control over the electoral process of this country and the control over who is going to vote in the exercise of this process in one bureau in Washington, as this proposed legislation does, we destroy the power of the States to maintain their sovereignty.

This bill is destructive of the concept that we shall have an indestructible union composed of indestructible States, because it carries within it the seeds of destruction of the power which has always been vested in the States and which must always be vested in them if we are to have a fair system of elections.

This bill in effect makes some virtually faceless bureaucrats in the Bureau of the Census the rulers over the 184,000 separate election precincts in the United States. It is a symbol of the most virulent form of Potomac fever that our Nation has witnessed. The vote for cloture indicates that the bill will pass the Senate by a very substantial majority, and it indicates that Senators are coming to the conclusion that the people who have sent them here—that is the people of their States—have not got enough sense to manage their own affairs and that that power must be transferred to some bureaucrats up on the banks of the Potomac River.

That is the first serious objection to the bill. There is another serious objection.

If America is ever destroyed as a viable nation, it is going to be destroyed as a result of the solicitude of those who exercise legislative power for those who are unwilling to do anything to help their country rather than for the people who are willing to do something to help build up their Nation.

In the average State it takes a man about 15 minutes before a registrar, no more than that, and sometimes less, to register to vote.

The pending bill is in effect a proposal that we put power in the hands of people who do not care enough about their country to take a few minutes once in a lifetime to appear before a registrar and establish their qualifications to vote.

I think it is about time that we do something in this country for the benefit of the people who love their country and who are willing to undergo the inconvenience of spending 10 or 15 minutes out of a lifetime in going before a registrar and manifesting their love of country by registering in person.

Mr. President, I can neither demonstrate sorrow nor shed crocodile or political tears over any person who does not care enough about his country, who does not care enough about his duties to his nation, and who does not care enough about the precious rights which his nation has given him to go and register in person.

The third serious objection to the bill is that it is an open invitation to people who are willing to do so to steal the election of a President of the United States or the election of a U.S. Senator or a U.S. Representative. If people are too lazy to take the trouble to go in person and register or are so lacking in interest in their country's welfare to take the trouble to do so, they are not going to determine their own votes, someone else will determine for them how their votes are cast.

Mr. President, this bill ought to be entitled, "A bill to encourage the most colossal election frauds." Any person can register anyone else under the pending bill. He can procure the registration of people who do not even exist.

To be sure, there has been some small fraud in elections in times past. This is illustrated by the story of the two men who went into the cemetery to copy names off the gravestones, and then cast absentee ballots in their names. But there was a modicum of honesty even in such people. John Doe and Richard Roe went into the cemetery on such an errand one time. John Doe was reading the names off the gravestones and Richard Roe was copying them down.

They got to a gravestone that said, "Sacred to the Memory of Isadore Tscherenstein."

Richard Roe said, "Wait a minute, read that name again. That's a long name; we can divide it into two parts and have two ballots instead of one."

But John Doe said, "Oh, no, if I'm going to have anything to do with this, it's got to be honest."

There is no way, under this bill, for a registrar to determine whether a man whose name purports to be signed to one of these postal cards has ever come into being, or whether he is sleeping in the cemetery. If the registrar gets notice of a fraud, he has to write a postal card or letter about it to some unelected, and unanswerable official who sits in the Bureau of the Census and who is under no obligation to do anything. This bill is an open invitation to steal the election of the President, the elections of Senators, and the elections of Congressmen. I think, and I say this deliberately, that I am satisfied it is the most unwise legislative proposal which has been made to this body since I became a Member of it.

There is absolutely no way to detect fraud. There is absolutely no way to determine whether a person who signs one of these purported postal cards has even ever been born, or whether he is sleeping in the tongueless silence of the dreamless dust in some cemetery. To be sure, the Attorney General of the United States can bring a civil action, but the election will be over before the case can be tried.

People ought to be required to pay just a little bit for their precious rights, and the general public ought to have a system under which registrars can determine whether a person who applies by postal card for registration even exists, or whether he is qualified. There are no safeguards whatever in this bill. And the tragedy is that the history of this Nation shows that men who will not steal your money, men who will not defraud you of your property, are willing to steal your vote and to defraud the public by stuffing the ballot boxes with votes of people who are not entitled to vote, and who, under this bill, do not even have to exist.

So I reiterate that I think I would do my country a grave injury if I were to vote for a bill which makes such a foul assault upon the federal system, which shows so little consideration for people who do love their country and places the control of that country in the hands of people who would trifle with the welfare of their country, and which opens the door to frauds in elections which the wildest dreams have not yet visualized.

Mr. STEVENS. Mr. President, it has been with great reluctance that I have

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opposed a bill that has the support of the chairman of our Committee on Post Office and Civil Service.

I tried to eliminate from this bill the provisions of section 404 which require that the States maintain their registration procedures until a time not later than 30 days immediately prior to any Federal election.

It is physically impossible for my State to comply with that provision. I have great respect for the chairman of our committee and those who support this bill, but I can state that in the 5 years I have been in this body, I have never received as many telephone calls or visitors or as much arm-twisting to change a vote; and I for one hope it does not happen again, as I think that such tactics just solidify a person's feelings concerning his own interpretation of legislation.

I have checked this provision many times with our Licutenant Governor, who is the official who maintains our election procedures, and he, too, believes that this provision will destroy the registration system of the State of Alaska. Because of the fact that we are one-fifth the size of the whole United States, we deal each election with voting that is held in places as far apart as Jacksonville and Detroit, as New Orleans and San Francisco; we cannot, with the means available for communication today, namely, the Postal System, use a post card registration system and comply with that section.

I have pointed this out repeatedly. I have been in contact with those people who met in New Orleans, representing the election officials of all the States. They concur, I am informed, in that belief. I have worked long and hard with the Senator from Massachusetts (Mr. KENNEDY) on the bill that we authored to give the States an option to use additional procedures to increase voter registration.

It is a strange day, I think, when with five lines in a bill that pertains to a post-card registration system, the Senate would overrule three Supreme Court cases that are not yet 90 days old, without even thinking about it, and without knowing what we are doing. The Arizona case, the New York case, and the Georgia case are thrown out the window despite the fact each represents an honest attempt of State election officials to comply with the Supreme Court's opinion; to permit the people of those States to register, to set up procedures whereby they can in fact encourage registration. And, through our Alaska registration system, we have increased participation in voting in the State of Alaska.

I am sorry to say I shall have to vote against this bill, and I hope I will have an opportunity again to vote against it. It moves in the wrong direction, in my opinion, to compel the States to do something in the name of increasing voter participation which will in fact destroy the existing systems of registration in those States.

Mr. COTTON and Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. ABOUREZK). The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I rise in support of this legislation. I had no intention of speaking today, but in the light of the fact that the distinguished senior Senator from North Carolina, for whom I have the greatest respect, and who I think knows more about the Constitution than any other Senator, rose with such eloquence to point out three fatal flaws in this legislation, it is because I have such respect for him that I rise to respond, as inadequate as the response might be on the spur of the moment, to the three objections he has pointed out.

First, the Senator from North Carolina states that this measure, in effect, runs contrary to the whole concept of our federal form of Government, in that it will move against an indestructible union by weakening the participation of the States or the say of the States in the electoral process.

As I understand the bill, the States are still going to have the determining responsibility as to whether or not someone is legally registered, whether or not there is fraud, or whether or not there has been any attempt to prostitute the process. So I do not quite understand that objection.

Second, with regard to the question of fraud, there can be a great deal of fraud under the present form of registration in our Federal elections. It seems to me that there is no greater possibility of fraud in this bill than we now have. But the third and most important point that I am a bit confused on, and would like to speak to, is that the senior Senator from North Carolina points out that, for those people who do not care enough about their country to take 15 minutes to register, perhaps we should not go out of our way to help them to be able to register. It seems to me that the logical extension of that argument would be that those people who failed to learn how to read and write years ago should, in fact, not have been allowed to vote because they did not care enough about their country to learn how to read and write, to go through the process which, in days gone by, was required of them in order to qualify to register to vote.

Mr. President, it is a great hardship, in my State, and in other States, for many working men and women to get the opportunity to find that 15 minutes, when many of the polling places are only open between the hours of 9 and 5 and are located in one central spot in the middle of a county and thus not readily accessible to them, and when many States do not, in fact, take the time to advertise when their mobile units will be available.

So it does not seem to me it is as simple as that 15 minutes might sound, because it is difficult for many people in certain areas of the country, and in certain segments of the economy, to be able to find that time, although it may be very simple for me to find the time.

Therefore, with all due respect, I think that there is just cause for us to pass this legislation, that it does increase the franchise, that it does not in any way endanger the rights of the individual States, nor does it add to the possibility of any additional fraud.

Thank you very much, Mr. President.

Mr. COTTON. Mr. President, I desire to express a few sentiments about this measure which is about to pass the Senate and which I think carries a significance far beyond the realization of many members of this body and, certainly, far beyond the realization of many of our citizens. In the first place, let me say that, as usual, I was deeply impressed by the words of the distinguished Senator from North Carolina (Mr. ERVIN). I have never known him to speak in the Senate that he did not speak to the point, that his words were not weighed and measured, thoughtful and logical, and most worthy of the closest attention of every Senator.

If he was ever right in his life, he was correct in every word he said here in the Senate this afternoon. I compliment him and associate myself with every word that he said.

However, Mr. President, there has been one thing the Senator from New Hampshire has noted throughout this long debate, one thing that, so far as he has been able to note, has not been disputed. It is recognized that there is not a Member of this body, or a good American citizen anywhere, who does not deplore the fact that such a small percentage of Americans go to the polls and vote. On that, we all agree. We all agree that every reasonable step should be taken to encourage and to bring about a wider use of the franchise and also a more intelligent use of the right of suffrage.

But, there is one human trait that if we stop and think about it, if my colleagues will let their minds go back over their experience since childhood, the one human trait that is universal is the fact that the cheaper we make a thing the less people value it, and that the poorest way to obtain a greater percentage of voting on the part of the people is to make the privilege of voting seem to them something that is so easy and so casual and so cheap that it is not worthwhile.

I have watched that through many, many years. In my own State, I have watched steps taken that have led, in my opinion, to a weakening of our system. As a member of my own State legislature, I found myself in a small minority—I was not so accustomed to it then as I have been since I came to the Senate—but I found myself a member of a small minority which spoke and protested in our own State legislature against the expansion of the privilege of absentee voting. We started by adopting a State law that permitted absentees—those who were out of the State, or who were ill and had a doctor's certificate that they were ill and were unable to go to the polls—to vote for President and Vice President of the United States.

But we were very careful, Mr. President, not to extend that to local offices. It did not seem to us that people who had resided out of the State, or spent most of their time out of the State, or in traveling, even though they rightfully retained their voting residence in the State and had been gone for years, were really competent to decide on local, county, or municipal candidates. So we restricted it to the right of absentees, and those confined by illness, to cast their vote for President and Vice President of the United States.



Then the next step was, we broadened it so that they could vote for all the candidates on the ballot. I opposed it for the reasons I have just stated. But it carried.

The next step we took, which I opposed most vigorously, was to provide in our State law that people who went to the supervisors of the check list or the town clerk—have forgotten what public official it was—and simply asserted that they might be out of town on election day, that they were planning to be out of town, or business was going to take them out of town, would be permitted to vote in advance and have their votes deposited.

Then it was, of course, provided as a part of that measure that they could have it done by having the official come to their homes.

So that year by year—this is what I predicted on the floor of the legislature in my own State many years ago, and it has been proved true—2 or 3 weeks before an election, the Democrat town or city or ward committee and the Republican town or city or ward committee start gathering votes, going to people's houses with a justice of the peace or a person qualified to take their statement and receive their ballot. All the person need do is say, "I expect that I shall be out of town on election day."

So that year by year, more and more votes are being collected in advance from people in perfectly good health, who very likely may be perfectly able to go and cast their votes on election day.

I predict that some day we will have a scandal out of that; because enough chicanery can go on at the public polling place, with watchers of both parties and representatives of all candidates, without having people cast their ballots casually in their kitchens.

The interesting thing—I still am talking about my own experience before I came to Washington—is that every step we took in my own State to make it easier for people to vote, easier for more people to vote, less trouble for them to vote, the smaller percentage of votes were cast on every succeeding election, year by year. It did not increase the exercise of the franchise.

To be sure, one can say that the population was increasing. One may question that as the reason. But the fact remains that every step we took in my State—and I regret most of them and fought against them in the legislature—every step we took to make it easy and casual and simple and no trouble and only a matter of a few minutes, at their convenience, to cast their vote, the less votes were actually cast.

Now we come to the situation here in the Federal Government. I well remember when we started down the line of making it easy for people to vote. First we dispensed with the necessary qualifications of being able to read and write. I cast my vote for that under one of the civil rights bills, but I did it reluctantly. But I recognized that many of our citizens had been discriminated against for many years; that many of our citizens, particularly of the black race, had been subjected to unreasonable tests of literacy.

I well remember, years and years ago, a certain friend of mine, a Senator, saying:

> In my State we keep the people of a certain race from voting because we ask them to read, before the election officials, certain printed documents. If they can't read them, they can't vote. Once in a while, along comes a college professor or college president, who obviously can pass. Then we ask him to interpret a rather obscure and much-debated provision in the State constitution. You can't interpret it, I can't interpret it, and he can't interpret it. So he doesn't vote.

So I was willing to vote for it, as a temporary matter, but I hope that it is not going to be permanent. I cast my vote to strike down the test of literacy in the matter of permitting citizens to vote, in order that those who had been discriminated against and in order that those who had not been given a reasonable and equal opportunity for an education would have the power of the ballot and the right—the sacred right that every American citizen has—to vote.

I hope, however, that when these conditions are adjusted—as I trust and pray they will be in years to come—so that equal educational opportunity is available and is used by all, we will again in the States require a literacy test.

I believe it was James Madison who made the prediction, at the time of the adoption of the Constitution, that this Republic would stand or fall and the day would come when its future would be determined on the intelligence of its electorate.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. COTTON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Each Senator has 1 hour.

Mr. COTTON. I have not used much of that time.

The PRESIDING OFFICER. The Senator has used 16 minutes.

Mr. COTTON. I yield.

Mr. DOMINICK. I have been listening very thoughtfully to what I think is a very good speech. I also listened to Senator JACKSON, prior to the cloture vote, urge that we should vote for cloture.

The thing that bothers me all the way through is that we are dealing with a registration bill, and those who are in favor of this bill keep talking about how you are going to make it so that more people will vote. But the fact is that in my State approximately 90 percent of the people register, and I regret to say that of those who register, only about 80 percent vote. I do not know how many registrants we had in the 1972 election, but I would think it was a great deal; and I believe the figures indicate that of those registered, only 50 percent or 60 percent voted.

For the life of me, I cannot see why this bill is going to do anything to get people to vote. If they do not like the candidates or if they are busy, they simply are not going to bother to exercise their franchise. Putting in this post card type method of voting, which leads to obvious fraud in every direction, in every major city in the country, and it seems to me it is an invitation to fraud, it is just plain poppycock so far as trying to get more people to vote.

Does the Senator have figures on how many people were registered and did not vote last time?

Mr. COTTON. I do not have those figures available because I did not anticipate I would be speaking on this matter this afternoon. However, the figures are rather appalling.

Mr. DOMINICK. My reason was that only about 50 percent of those who were eligible to vote actually voted. I do not know how many of those were registered. If the figures of my State are high, and I believe they are, if you have only 80 or 90 percent registered you have a bigger drop between those registered and voting than you do those eligible and registered. So this is not doing a particle of good. I hear such pious speeches from the other side about what a great boon this is to the public. I do not see where it is a great boon. It seems to me we are dealing with semantics that do not make much sense.

I intend to vote against the bill.

Mr. COTTON. I have just had brought to my attention page 4 of the minority views submitted by the distinguished Senator from Hawaii (Mr. FONG) on this measure. The Senator's estimate of the voter turnout in the 1972 election is confirmed by item four on that page which indicates that:

> The national average of voter participation in the 1972 presidential election was only 55.6 per cent. Some 44.4 per cent of eligible voters failed to vote despite the provisions of the 1970 Voting Rights Act which made it easier to vote by (1) requiring residency of only thirty days for presidential elections; and (2) allowing absentee voting in presidential elections.

Mr. DOMINICK. I thank the Senator.

Mr. COTTON. I thank the Senator for his observation.

Mr. President, I do not wish to take too much time of the Senate, but in order to make sure I get across the point I want in the RECORD let me recapitulate. I have already mentioned how in my own State we began to erode the importance of the ballot by absentee voting and by liberalizing the laws of absentee voting. Then, here in Washington we started in by abolishing the literacy test. At about the same time, as I remember, we made another change. Previously we had permitted people who live in this country who cannot read or write in the English language to vote if they could read and write in their own language. To me that seemed to be a dangerous precedent. The next step we took was to weaken, undermine, and practically abolish any residency requirement. Voters can easily go into any community in this country without establishing any real and substantial period of residency, and register. It used to be that a year's residency was required in my State, and in some States it was 6 months. There was a residency period required and to protect that voter from losing his vote it was provided if he had not lived there quite long enough to vote he did not lose the right to vote in his last place of residence until he had been in the community long enough to establish his residence in the new location.

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We took the step not long ago and practically abolished residency for people to cast their votes on local matters. They can cast their votes in matters of vital importance in the town or city. They can vote on a bond issue; they can put their town in debt; they can vote in all kind of matters of great local importance. Under the act passed by Congress not long ago, we cut another protection away from intelligent voting and away from impressing upon people that there is something more than a casual act involved in exercising the sacred right of franchise in the first republic of our kind on earth.

Again I repeat, Mr. President, each time we have taken these steps, the percentage of those who exercise the right to vote has been less. Now we come to what I hope will be the end of the road. I cannot think of anything else that has been done to cheapen and take away the respect of people for the right of franchise.

This bill is certain to pass within a few hours, or very shortly. It simply means that by sending a post card and registering one obtains the right to vote. I am one of the oldest Members in years of service in this body. It has been a long time since I cast my first vote. The day after tomorrow I will be 73 years of age, but I have never forgotten the day I went back to the little mountain village in northern New Hampshire where I was born and raised. I went back there as a senior in college, first to register and then I stayed 2 days longer to cast my first vote. I was 22 years old. I remember I went back to that little village and I went before the supervisors of the district. Every one of them knew me; they knew my family; they knew my father; they knew my mother, and they knew my grandfather and my grandmother. They had known me from childhood and they knew I was a senior in college. Do not think for a single minute that those old gentlemen who were supervising elections in that little town of New Hampshire did not bring a card on which was a provision of the State constitution. They handed it to me and they asked me to read it aloud to them to demonstrate that I was literate, that I could read and write. I do not know that nowadays a senior in college could do it, but in those days we assumed they could do that.

The point was that that was one of the requirements and I was required to comply. Then, I signed an affidavit that I had lived in that town for 6 months and in the State a year. I fulfilled the requirement. My name was written on the list and 2 days later, rather proudly, I marched in and cast my first vote. It meant something to me. It was a ceremony.

Not long ago we opened up the voting to all over 18 years of age—which I supported—so that all the young people who are naturally interested in public affairs, according to the demonstrations that take place, who are very vocal and sometimes almost violent in their feelings about public issues and their country, could vote.

We made it easy for them to vote, but there was a distressingly and surprisingly small percentage of them who did vote.

Mr. President, day after day I have listened on this floor to Senators who have insisted that the great virtue of this measure is to increase the exercise of the right of franchise; and I say it will have just the opposite effect, because it cheapens and makes more casual the process of voting. It will not only open the way to all kinds of fraud, as has been emphasized, but it will cheapen the voting process in the eyes of the American people.

Some things are important. The proudest day, I dare say, in the life of every Member of this body was when he was escorted up the aisle and stood on the steps of that rostrum and held up his hand and for the first time was sworn and took the oath of office as a Senator of the United States.

I am sure there is not a Member of this body who will not recall that first time—as well as the others, but particularly that first time—as long as life lasts. Then he signed the book. Then he was given the pen with which he signed the book, and kept it, I would wager other Senators have kept it, as have I, as a cherished possession.

I say to you, Mr. President, that if you want people to exercise the right of franchise, you should not make it so casual and so cheap and so easy so as to make them, especially young people, feel it is not an important function.

That is why I have not hesitated to vote against cloture. I have listened to some on the floor who have rambled on and said, "Certainly, I do not object to people disagreeing with me, but let's vote." As a matter of fact, there was not a Member of this body who did not know that when we got to a vote what was going to happen. But I feel such apprehension, Mr. President, about the effect of what is going to happen and about the fact that it will not accomplish the thing that we all wish it would accomplish, but will work exactly the opposite, that it did not strain my conscience one bit to stand up and vote against cloture, and I would continue to vote against cloture until kingdom come, because I regard this as one of the most disastrous measures the Senate has ever had before it and will ever have.

Why do they not go a step further, Mr. President? When an alien comes to this country, we make him make application for citizenship. We make him file for his first papers. Then a period elapses, and he has to file for his second papers. We make him go before the court, and he is examined and asked questions as to who is President of the United States, who his Senator is, and who his Congressman is. He is very lucky if he knows, because very few people do. But he is asked questions about our form of government. His character is examined. His reputation is examined. He has to be examined, and then he holds up his hand, he renounces allegiance to the country of his birth, the country from which he came, and he is sworn in as a citizen of the United States of America.

I do not know what other Senators do, but so long as I have been in Congress, both in the House and in the Senate, I have always had a list of the new citizens. I have written them letters. I did not ask them to please vote for me because they have become citizens. I may have had that thought in mind, but I have written them letters, congratulating them as citizens of this great Republic and welcoming them as citizens. That has been a custom in my office for as long as I have been in Congress.

Why do we not fix it so that we can just send them postcards? Why do we not fix it so that someone who wants to be a citizen can send a postcard to the clerk of the court or to the court itself and tell the court that he would like to be a citizen? Then let him be one. Does anyone believe that he would be as good a citizen, even if he were a fit person? Of course, we could get any kind of person—a Communist or anyone else—but does any one believe he would value his citizenship as much as when he goes before the court, is examined, and takes an oath renouncing his allegiance to the country whence he came, pledging his allegiance to the United States of America and to defend it against all enemies, foreign and domestic?

It would impress him even a little more, if he were to go through some formality before he became a citizen, if he had lived somewhere for a reasonable time as a part of the community to demonstrate his desire to vote, such as by appearing personally.

I say that every time we cheapen the vote and make more easy and more casual the privileges of citizenship and the privileges of the franchise, we do not increase the percentage of people who vote, but that is the surest way of decreasing it.

I know that those who support the bill are supporting it with the highest possible motives, and with the desire that we all share, namely, that more persons will be able to and will exercise their right to vote. But I venture to predict that it will have the opposite effect, because down through the years, every time we have thrown down the bars, taken away the ceremony, and made the requirements easy, we have cheapened the sacred right, and people are not so eager to exercise it.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. COTTON. It is this sort of action on the part of Congress and on the part of the Senate that reconciles me to the fact that my time must of necessity be limited. Whether I retire at the end of this term or whether I start another term, I will have completed 20 years in this body and 8 years in the other body. I shall soon be gone.

I have loved and valued my association with Members of this body, the finest men I have ever been privileged to know, regardless of where it was. However, Mr. President, this is the usual complaint. It is perhaps the generation gap. Year by year, I have seen the deepest and best principles of this great Republic eroded by many of the sincere but hasty actions taken in this body. And of all the actions I have seen taken, the one that we are about to take today, in my opinion, is the worst, the most dangerous, the most disastrous.



I hope that someday the pendulum will swing the other way. I hope that after we have succeeded—let me be frank, I hope that we do succeed in striking down forever the barriers between races and groups, and the ethnic groups in this country.

I am as anxious as anyone else in the Senate to see every child, whatever be its origin, have the same opportunity and exercise the same opportunity for health and education. And when that is done, I hope that we will remember what James Madison said and restore a literacy test for those who are going to vote.

I hope that the pendulum will some day swing back. I predict that if this Republic is to endure, it will swing back.

Mr. President, there are some things on which I believe the Senator from New Hampshire can claim to be an expert. One of them is on the appropriations we make each year for health, education, and welfare. I have worked harder, and many long years, and have put my heart more into the work of that committee to open wide the doors of opportunity for people to have health and education and a right to a decent life, than in all of the other work I have done in the nearly 28 years I have spent in Congress.

I will not let anyone stand up and say that NORRIS COTTON is so conservative that he has no compassion. I am not going to let anyone stand up and say that I am not consumer-minded, because on my other committee I have cosponsored and worked on some of the soundest consumer bills we have ever passed. I am not going to let anyone stand up and say that I have not tried whenever I could do so to see that there are hospitals and institutions to care for the young and the old and that there are opportunities for the old.

I think it was my honor as a Member of the other body many years ago to introduce the first bill to let those on social security have a larger ceiling on what they were allowed to earn, providing they did not earn it in the same capacity they pursued while they were working and had an active life.

I bitterly fought against our prolonging human life and putting older people on the shelf to die of unhappiness, bitterness, and loneliness.

I want to say here and now that if this happens to be the last chance I have to speak on the floor of the Senate—and with my 73d birthday coming the day after tomorrow, it could be the last chance any one of these days—I believe in progress. I believe in meeting the changing times of this great Nation and the needs of its ever-increasing population. I believe in opportunity for the white and the black, for the rich and the poor. However, I also believe that every time we cheapen the processes of the exercise of a citizen's function in government and make it casual so that it is the mere getting and signing of a post card and take away the formality, we take away that citizen's respect, and we cheapen that privilege in his life. And that is what this is bound to do. And that is why I must vote against it.

Mr. PERCY. Mr. President, would the Senator yield for a brief comment.

The PRESIDING OFFICER (Mr. SAXBE). The Chair would like to point out that a Senator is not supposed to yield except for a question. Each Senator has 1 hour.

Mr. PERCY. Mr. President, I ask that I be recognized on my own time, and I intend to speak for only 2 or 3 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, even though I may differ on occasion with my distinguished friend, the Senator from New Hampshire, I would be the first to say that in my judgment the Senator from New Hampshire will be speaking on this floor for many years to come, and he will be speaking with the same articulate voice and with the same vigor and enthusiasm for the things he believes in. And he will be fighting those things he does not believe in with conscientious and deliberate thought.

I would like to say that if at any time anyone would ever want to question whether the Senator from New Hampshire is progressive with respect to the human rights and needs, the Senator from Illinois would point out, after the 6 years he has spent in the Senate, that the Senator from Illinois has many times come to the Senator from New Hampshire for his counsel and help, whether it was with regard to the young or the old, the physically handicapped, or whatever the need might have been.

As a powerful member of the committees on which he serves, the Senator from New Hampshire is a distinguished Member of this body who has fought for the rights of individuals through the years.

However the Senator votes on the pending measure, I intend to vote for it.

In his record of a lifetime of public service, including his many years of service in this body and in the other body, the Senator from New Hampshire would not have to explain any vote he has cast in the judgment of the Senator from Illinois. His record has been sound and convincing. He has consistently found ways in which to assist those who need the help of the Government, although he has always encouraged those who could do so to stand on their own feet and has encouraged those who needed help to try to get on their own feet as quickly as they could.

I support the pending legislation, and I support the right of the Senator from New Hampshire to differ with me, as he has in this case.

Mr. COTTON. Mr. President, I express my deep appreciation to the distinguished Senator from Illinois for his kind words. They mean very much to me, and I am deeply touched by them and appreciate them.

AMENDMENT NO. 100

Mr. TAFT. Mr. President, I call up my amendment No. 100 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, in view of the fact that it has been printed, and a copy is on the desk of each Member.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT's amendment (No. 100) is as follows:

On page 8, line 15, strike out the word "may" and insert in lieu thereof the word "shall".

On page 8, line 16, after the period insert the following: "Whenever the State official is advised in writing by any member of a county, city, or other election authority designated and authorized by State law to issue election ballots that there is reason to believe that in the area over which such authority has jurisdiction, individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he shall notify the Administration and submit to the Administration his evaluation of the validity of such written advice."

On page 8, line 17, delete the word "such".

On page 8, line 18, delete the following: "as it deems appropriate".

Mr. TAFT. Before proceeding to discuss this amendment, I wish to give recognition to the Senator from New Hampshire for a very thoughtful and provocative discussion of this measure. As I have already indicated in the debate on the bill, I have many serious reservations about it. I have felt, however, that we had had a very full discussion on the bill, and therefore on the last two cloture votes I have gone along with voting for cloture, to bring this measure to consideration and disposal by the Senate. But the Senator from New Hampshire, in his vast experience and wisdom, has pointed out, I think, the dangers that may exist with regard to the possibilities of fraud in the system that is being proposed in this measure. I have not as yet decided for my own account whether those dangers are so great that they more than vitiate the advantages that may accrue in encouraging registration by citizens who might not otherwise register.

The amendments that I have already proposed, which have been so graciously accepted by the chairman of the committee and the ranking minority member of the committee, comprise, I think, some constructive steps in attempting to eliminate possible dangers in the bill. It is hard, however, to foresee all such dangers. I have one other amendment besides the one I have currently called up which I shall discuss at further length in this connection, but let us discuss for a moment Amendment No. 100, which is presently before us.

The first line of the amendment would require, rather than authorize, a State official who has reason to believe that registration fraud has been committed in his jurisdiction to notify the Voter Registration Administration which is set up by this bill, and to request its assistance to prevent the fraudulent registration in question.

The practical effects of the change would be to get the Voter Registration Administration involved in more instances where the State official has reason to believe that fraud has occurred, and to allow an action by other interested

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citizens to mandamus a State official in cases concerning registration fraud, so that the responsible official could be made to notify the Voter Registration Administration, or called to account for his failure to do so. Without such a provision in the bill, it seems to me that the language of the bill which says that the State official, if he has reason to believe that there is fraud, may notify the administration, would not permit the ordinary processes of mandamus against a public official to carry out his duties and would leave above question the final decision of the State voter registration official on that question.

I do not think things should be left on that basis. I think any citizen should be in a position to require, if the official has reasonable cause to proceed, that he should proceed.

Since this bill makes attempts to register fraudulently a Federal offense, it is certainly appropriate to involve the Federal Voter Registration Administration in alleged fraud situations on a regular basis rather than a sporadic one.

The second part of the amendment is designed to make clear that a member of any duly authorized election authority—that would be of either party, generally the Secretary of State or other top voting official and/or members of the boards of election of the particular voting units involved under the definition of "units" in the bill—would be charged with bringing alleged registration fraud to the attention of the Voter Registration Administration. Judging from the bill's definition of "State official," I believe that this was the committee's intent, but I wanted to discuss the matter and bring it up by introducing this amendment because I think there could be some confusion here unless we adopt the amendment or establish some legislative history in this connection. I believe it is imperative that any member of an election board be considered a "State official" so that, regardless of party, he, or any individual, for that matter, can notify the Voter Registration Administration if he thinks that fraud is occurring.

If the Senator from Wyoming wishes to comment on this point, I yield to him for that purpose.

Mr. McGEE. Yes. I think the Senator from Ohio makes an important point, and that is that the intent of this measure be unequivocal, and particularly in the second part of the amendment, which he is addressing himself to now—that is, that any member of the election board, regardless of party and regardless of what stage it may be, may be properly regarded as a State official in the intent of the law itself.

I think that is important. I agree with the Senator completely that there should be no loophole there through which someone might slip by exception and the effort be ruled out of order.

I think this colloquy should leave no doubt that the intent is mutual, that is, the expectation of the Senator from Ohio and the intent of the committee in drafting the legislation.

Mr. TAFT. So the language "State official," in the opinion of the Senator, is broad enough so that it covers what might be considered a local official, such as the local registration authority?

Mr. McGEE. Yes, that is the intent of the legislation.

Mr. TAFT. I thank the Senator.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TAFT. Would it be appropriate, at this point, to ask by unanimous consent that all after line 2 of the amendment presently pending be deleted from the amendment and withdrawn?

The PRESIDING OFFICER (Mr. SAXBE). That would be in order. Does the Senator so desire?

Mr. TAFT. I ask unanimous consent that the language on page 1, line 3, through page 2, line 3, of the amendment be deleted and no longer considered a part of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT's amendment—No. 100—as modified, is as follows:

On page 8, line 15, strike out the word "may" and insert in lieu thereof the word "shall".

On page 8, line 17, delete the word "such".

On page 8, line 18, delete the following: "as it deems appropriate".

Mr. TAFT. The part of the amendment which I have not yet discussed would have the effect of assuring that the Voter Registration Administration would give reasonable and expeditious assistance in all cases of alleged fraud reported to it, rather than providing whatever degree of assistance it deems appropriate in each case. The present bill allows the Administration too much administrative discretion—in fact, unlimited administrative discretion—to decide what assistance it will provide to prevent fraudulent registration. The result could be charges, justified or unjustified, of politically motivated action by the Administration.

This amendment helps to assure that the Administration is systematically notified of alleged fraud and involved in fraud prevention activities. Therefore, it provides one more protection to help insure honest elections.

Mr. President, that completes my statement on the amendment. I am glad to yield the floor.

Mr. McGEE. Mr. President, on my own time, let me make only one point.

With regard to what remains, now, of the particular amendment being offered, the only uncertainty on the part of the committee in terms of the sternness of the language requiring the appropriate State official to report to the National Voter Registration Administration acts that would require investigation in the event of fraud, and the only reservation that we had about that, was that if we made it mandatory that they report, a State registrar might be a little slower to appeal for help, for the reason that it might be a doubtful, 50–50 case, and he would not want to make the appeal if he was uncertain. So our hope was that the permissive language might induce him, in case of doubt, to appeal to the Federal Government administration for that kind of assistance to eliminate fraud.

But I am willing to accept the suggestion. As between "shall" and "may," in the matter of the intent of this particular amendment, it is just a matter of degree.

Mr. TAFT. I thank the Senator. The thing that worried me, as I indicated in discussing the amendment a moment ago, is that if the word "may" is used, and if the expression is absolute, it seems to me that any person claiming that a State official has reason to believe that there is fraud being attempted or being engaged in could not in any way challenged a State official's refusal to take action. There is no sanction, as I see it, even with the word "shall" involved, to go ahead and prosecute a State official for failing to act. That is not my intention, but without the word "shall," it seems to me that no individual citizen has a right to claim that the officer is engaged in misfeasance or nonfeasance of his public duty and to require by a court mandamus suit that the official contact the Voter Registration Administration. That is the sole intent of the amendment.

Mr. McGEE. Yes. That is perfectly agreeable to me.

Mr. TAFT. I thank the Senator.

The PRESIDING OFFICER (Mr. SAXBE). The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

AMENDMENT NO. 102

Mr. TAFT. Mr. President, I call up my amendment No. 102 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 6, line 17, after the word "mailed" insert the following: ", using certified mail,".

On page 11, line 20, after the word "postage" insert the following: "and fees".

Mr. TAFT. Mr. President, I appreciate the agreement of the chairman of the committee and the minority member of the committee to the proposals that I have made to date. This one, I understand, is somewhat more controversial.

By way of notice to Senators present, and others, I would say that I expect to ask for the yeas and nays on this amendment when there appears to be a sufficient number of Senators in the Chamber to approve the seconding of that motion.

Mr. President, this amendment would require that the notice to a voter indicating that he is registered be sent by certified mail.

I believe that sending these notices by certified mail would substantially reduce fraud under the mail registration system. It would force the postman to deliver the card to the exact address and force someone at that address to take responsibility for accepting it. If a large number of cards were sent to the same address, the postman would certainly notice the kind of establishment located at that address—particularly if it is an unlikely type of establishment to receive voter registration notices because it is probably not the residence of a particular individual, such as a cemetery or a garage. Even though the exact addressee would not have to sign for each



card, the signature requirement would still be a major deterrent against fraud because the signer could be linked as an accomplice to any fraud involving the addressee. The certified mail requirement would also prevent registration notices from "floating around" unclaimed—for example, from simply being left in mailboxes which are accessible to passersby.

The amendment would also help to prevent fraud by election officials, simply because the senders of the certified notices would have a greater chance of getting caught if they participated in attempts to vote or to register an applicant fraudulently.

Mr. President, I want to emphasize that point particularly, because I take with some degree of credibility the statements that this bill, if passed, will not result in a major attempt by citizens to falsely register to vote. Most people are basically honest. We can move on that assumption. The dangers lie, as experience has shown, that fraud could be committed by the individual who is the voting official involved, or by the precinct leaders in particular precincts in the large cities, or by the voting official on a board of elections—they are the ones, if fraud is going to be committed in any significant way, who would falsely registers the voters in large numbers.

This requirement of certified mail would require that when the application comes in to the individual who is to send out the application and to make possible the registration, that person take the responsibility for registering and sending out that certification in the mail; so that if some individual's name on that mail, when it goes out, is not the voter's himself, it is the official's in charge of responding to the original application.

The certified mail approach is in keeping with the bill's aim of placing as little burden as possible on the applicant for registration. In my state, those who register by mail, because they are located out of the county in which they desire to vote, must have their application notarized. In contrast to this approach, which involves a visit to a notary public, the certified mail approach requires only that someone at the designated address sign for the registration notice.

Some will probably argue against this amendment by citing horror stories pertaining to the possibility that the certified mail requirement would overburden the post office and completely undermine its operations.

That is not the view of the Post Office Department itself. The department has informed my staff that it does not expect my amendment, if adopted, to present any crippling problems so far as it is concerned. It has no objection to the amendment.

I realize that this additional protection will not come free. In my estimation, my amendment would have cost $26 million in the 1972 presidential election. But this does not seem to me to be too high a price to pay, if we adopt this method of registration, in order to avoid the possibilities that the election may miscarry as a result of fraud. I believe strongly that as part of any registration system we adopt, we should include all reasonable measures which would protect the democratic process. This amendment is such a measure because of its workability and its potential for stopping abuses of the new registration system.

I urge the Senate to adopt it.

Mr. McGEE. Mr. President, will the Senator from Ohio yield?

The PRESIDING OFFICER (Mr. STEVENS). Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. TAFT. I yield.

Mr. McGEE. I should like to say in regard to the pending amendment, on registering the replies from the registrant, sending them by registered mail, that the committee weighed this one also very carefully. I would feel compelled to oppose it in the legislation, and to say that in light of the tightening up of the procedures on possible fraud that the Senator from Ohio has already introduced in his constructive way, and which we have adopted in this body, it would tend to make it a bit less important to consider this particular amendment.

Even so, the amendment has an understandable base because it reflects the anxiety we all feel about the procedures.

It would seem to the chairman of the committee, however, that a registered mail response of roughly 35 cents is a cost factor that we should be able to afford because this is a very important undertaking, but that probably it does not insure or tighten that much to make it worth the "candle." I say that for the reason that in a registered mail process, as the Senator well knows, anyone can sign for it at the other end, at that residence. It would not tighten that part of it, but it would require that someone be there at that residence which could actually require—theorizing on it for a moment—that several return efforts would have to be made over a period of days on the deliveries in order to get it properly received if, for example, there is only one resident or two at the apartment, and they both had jobs during the time of regular deliveries, and that sort of thing. It is simply that the pending amendment probably does not carry its weight in impact against fraud that the tightening measure already introduced by the Senator from Ohio would have. Thus, I would have to oppose the amendment.

I would also urge, since there are a few more Senators now in the Chamber, that if the Senator would like to ask for the yeas and nays, we can possibly round up some other Senators out in the cloakrooms.

Mr. TAFT. Mr. President, I ask for the yeas and nays on my amendment.

There was not a sufficient second.

Mr. TAFT. Let me respond for just a moment to the remarks of the distinguished Senator from Wyoming.

First, the mail that is involved under this amendment, rather than being registered mail, is certified mail. This involves a far lower cost than registered mail and fewer safeguards—no insurance, armed guards, and so forth—than required by certified mail. The charge by the Post Office Department for certified mail is 30 cents per mailing.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, my amendment would not require a certification of the application by the voter. Rather, it would require certification only of the certificate going back to the applicant, giving him the right to present that certificate as his registration to vote when he comes to the polling place.

So that the original mailing sent out by the governmental unit is not certified, nor is the application by the individual certified. Rather, it is simply the actual sending out of the certificate giving the individual the right to vote that would be required to be mailed by certified mail.

Of course, the Senator from Wyoming is correct in saying that under the certified mail procedures, if the certification is sent to an address at which no one is present to sign, the Post Office Department will return it once to that address later. Under the certified mail procedure, if no one was available at the address to sign on the second attempt to deliver, a notice would be left to come to the post office of the address. If no successful delivery or pick-up were made within 15 days after the mail was originally sent, there would be a return of that mail, unclaimed, to the sender, so that it would go back to the Federal officials or to the voting official involved.

Incidentally, the period before elections for which registration is closed, in most States, would provide sufficient time so that we would assure that each individual who made an application and was to receive it by certified mail would have two attempts to deliver to his residence, with notifications and time to pick up the certificate at the post office. It seems to me to be a reasonable and sensible requirement.

Mr. FONG. Mr. President, I rise to oppose the amendment.

We are now adding another $26 million to the approximately $100 million it would cost to send out these cards. To what avail? The address on the certified mail is not the one who must sign for it. In a certified mail delivery, any person at the address can sign for it.

So this is not going to help materially in obviating fraud, and on that basis I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

The question is on agreeing to the amendment of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. SYMINGTON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER)

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and the Senator from Wyoming (Mr. HANSEN) are necessarily absent.

The result was announced—yeas 38, nays 57, as follows:

[No. 127 Leg.]

YEAS—38

| | | |
|---|---|---|
| Aiken | Dole | Packwood |
| Baker | Domenici | Percy |
| Bartlett | Dominick | Roth |
| Beall | Ervin | Saxbe |
| Bellmon | Fannin | Scott, Va. |
| Bennett | Griffin | Sparkman |
| Brock | Gurney | Stafford |
| Buckley | Hatfield | Stevens |
| Byrd, Harry F., Jr. | Helms | Taft |
| Cook | Hruska | Thurmond |
| Cotton | McClellan | Tower |
| Curtis | McClure | Weicker |
| | | Young |

NAYS—57

| | | |
|---|---|---|
| Abourezk | Gravel | McIntyre |
| Allen | Hart | Metcalf |
| Bayh | Hartke | Mondale |
| Bentsen | Haskell | Montoya |
| Bible | Hathaway | Moss |
| Biden | Hollings | Muskie |
| Brooke | Huddleston | Nelson |
| Burdick | Hughes | Nunn |
| Byrd, Robert C. | Humphrey | Pastore |
| Cannon | Inouye | Pearson |
| Case | Jackson | Pell |
| Chiles | Javits | Proxmire |
| Church | Johnston | Randolph |
| Clark | Kennedy | Ribicoff |
| Cranston | Long | Schweiker |
| Eagleton | Magnuson | Scott, Pa. |
| Eastland | Mansfield | Stevenson |
| Fong | McGee | Talmadge |
| Fulbright | McGovern | Williams |

NOT VOTING—5

| | | |
|---|---|---|
| Goldwater | Stennis | Tunney |
| Hansen | Symington | |

So Mr. TAFT's amendment (No. 102) was rejected.

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

Mr. McGEE. Mr. President, will the Senator yield, on my time?

Mr. JAVITS. I yield.

Mr. McGEE. Mr. President, so far as we know on this pending measure, there are no other speakers or amendments that are to be called up that we have been notified about on the two sides.

Mr. BELLMON. Mr. President, I may have an amendment.

Mr. McGEE. Mr. President, I will withdraw the speech I was about to make that we would be able to go to a third reading right away. I thank the Senator for yielding.

Mr. JAVITS. Mr. President, it is well known that I am in favor of the pending bill and I have voted consistently that way right along. I am gratified that the Senate will finally have an opportunity to vote on this measure, which will be a significant step toward increasing voter participation and strengthening our democratic system.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. McGEE. Mr. President, the Senator from Oklahoma had a question.

Mr. BELLMON. Mr. President, I have had a discussion with the author of the bill. I was going to bring up an amendment to try to make it plain that it was the intent of Congress that if the Census Bureau was to use social security identification numbers, it would have to be by permission of the individual involved.

Mr. McGEE. Mr. President, the amendment of the Senator from Ohio has tightened up the process and nailed down the identification.

Mr. BELLMON. In light of that, Mr. President, I will not offer the amendment.

Mr. McGEE. Mr. President, as far as I know, we are ready for third reading.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. DOMENICI. Mr. President, today I intend to vote in the negative on S. 352, the Voter Registration Act. I am opposed to this bill because I disagree with its proponents who label it "progressive." On the contrary, although it has an admirable purpose and some desirable features, on the whole, it is no improvement on existing procedures.

This is a conclusion I have not reached on my own. While I agree with the objection outlined by the distinguished Senator from Hawaii (Mr. FONG) in part II of Senate report 93-91, my decision on this bill is based to a large degree on research I have done on the impact this bill would have on registration processes in my home State of New Mexico.

My research has resulted in letters from the two people who are responsible for registration for both major political parties in New Mexico. Both are strongly opposed to the major provisions contained in S. 352 and have urged me to vote against its enactment.

For example, Mrs. Emma Gonzales county clerk of the County of Bernalillo, reports that—

> Two sets of records would have to be maintained. One set would be for national elections, and one for state, local, special, and municipal elections. The result would be additional costs, additional clerks needed, and more room needed for expansion.

Mr. Edward S. Phinney, the top Democratic member of the Bernalillo County Board of Registration reports that—

> The easy accessibility of the post card application could result in duplicate registrations and fraudulent registrations and thereby increase the workload of local registration officials in disposing of them.

I ask unanimous consent that these letters from which I have quoted be printed in their entirety in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Even if it were not for these reports from persons I know and trust and whose opinions I value, the other glaring deficiencies outlined in Senator FONG's minority views convince me that S. 352 is not an appropriate vehicle for achieving the desirable objective of increased voter participation. I join Senator FONG and others opposed to this bill in urging that other efforts be continued to devise a suitable vehicle for achieving greater voter participation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COUNTY OF BERNALILLO,
*Albuquerque, N. Mex., April 30, 1973.*

Sen. PETE DOMENICI,
*U.S. Senate,*
*Washington, D.C.*

DEAR PETE: As custodian of the voter registration records in Bernalillo County, New Mexico, I urge you to vote against S. 352.

I have read the bill and feel that it would cause many hardships with its implementation. We believe that such a bill, as is presently structured, is certainly not necessary. Following are some of the reasons for my objection to said bill:

1. Two sets of records would have to be maintained. One for national elections, one for state, local, special, and municipal elections. Result: additional cost, additional clerks needed, more room needed for expansion.

2. New Mexico State laws provide for deputy registrars. You might say that we have wide open registration since deputy registrars are appointed to handle registrations within the boundaries of their own precincts or wards. They may also register voters anywhere in the county. Deputy registrars contact people in their own precincts who are not on the voter rolls.

3. The bill provides for postcard registration forms to be delivered to postal delivery patrons forty-five (45) days before the close of state voter registration. This would pose a serious problem in that the tremendous influx of applications would be taking place at the last minute.

We would anticipate a tremendous amount of duplications. This will cause extra computer time after so much clerical work has gone into the application. Checking for duplicate, as well as fraudulent registrations, would be an additional burden not only to those charged with the responsibility of maintaining the voter records, but also to the citizen taxpayer.

Again, I urge you to vote against said bill.

Sincerely Yours,

EMMA GONZALES,
*County Clerk.*

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COUNTY OF BERNALILLO,
*Albuquerque, N. Mex., April 30, 1973.*

HON. PETE V. DOMENICI,
*U.S. Senator,*
*Washington, D.C.*

DEAR SENATOR DOMENICI: I have reviewed the material on S. 352 provided me by your Albuquerque office. Based on an analysis of this material I believe that S. 352 would provide no apparent improvement in the registration process in New Mexico, and could possibly result in degradation of this process for the following reasons:

1. No impediment to registration exists in New Mexico. Residency requirements have been reduced to 42 days before any election at which registration is required. Registration closes 42 days before the election and is open at all other times.

2. Adequate registration officers are available. New Mexico law allows any qualified elector to become a registration officer. Theoretically, New Mexico could have 400,000 registration officers.

3. New Mexico is rapidly converting to computer prepared registration lists for use at the polling place. These lists replace cumbersome books of registration certificates and result in speeding up the time the voter is required to be in the polling place. S. 352 proposes going back to these cumbersome registration certificates at the polling place.

4. Post card application and subsequent registration certificate mailings could possibly overburden a presently less than timely postal delivery system.

5. The availability of trained personnel to handle a complete reregistration every two years is questionable. It takes time to train personnel in the handling of registration materials and in data capture if a computer system is being utilized. Even with ample Federal funding, the utilization of these people would be temporary because their skills are not needed except at registration time.

6. The elimination of personal contact between the voter and the registration officer *would* increase the complexity of the registration procedure.

7. The easy accessibility of the post card application could result in duplicate registrations and fraudulent registrations and thereby increase the workload of local registration officials in disposing of them.

8. S. 352 would increase the cost of elections which would subsequently increase the tax burden for the taxpayer.

If registration is being denied to citizens or is being made difficult or complex for them, I would recommend that Congress broaden the provisions of the Civil Rights Act.

If the Congress believes S. 352 is absolutely necessary, I recommend that the day of a Federal election be a national holiday, only Federal candidates appear on the ballot, polling officials be provided by the Federal government, and the entire cost of the Federal election be borne by the Federal government.

If I may be of further assistance to you in this matter, please do not hesitate to contact me.

Sincerely,

EDWARD S. PHINNEY,
*Democratic Member.*



SENATOR RANDOLPH SUPPORTS BILL WHICH WILL ASSIST AMERICANS IN THEIR CITIZENSHIP RESPONSIBILITY

Mr. RANDOLPH. Mr. President, we shall vote today on final passage of the Post Card Registration bill. I have been an active participant in this effort within the Post Office and Civil Service Committee and in the Senate to secure enactment of a measure which will aid our citizenry in their exercise of the process of the vote through practical registration practices, and then, and importantly, the use of the ballot which is a franchise of freedom.

The able chairman of the committee, (Mr. McGEE) and other members, have my thanks for their work to realize our goal.

Mr. President, I voted for cloture on all three occasions. Now we can come to grips with a decision on S. 532. On the rollcall it is my belief that a substantial number of Senators will vote in the affirmative.

Mr. THURMOND. Mr. President, earlier today the Senate voted to end debate on one of the most dangerous pieces of legislation considered by the Congress in many years. By the narrowest margin possible, 67 to 32, rule 22, to invoke cloture, was adopted with regard to S. 352, the Voter Registration Act.

The implicit danger of this legislation is described in the Post Office and Civil Service Committee's own report, as follows:

> By the simple process of filling out a postcard form and mailing it to the local registration agent, the applicant avoids the . . . requirements presently in existence in most states.

Thus the State laws that have been enacted over many years to protect the voting process from fraud, would be simple and expediently avoided. Additionally, this bill would establish another Federal agency in the already bulging Federal bureaucracy—the Voter Registration Administration—at a minimum cost of more than $100 million to operate.

Mr. President, it is clear that this legislation is just another attempt by some Members of Congress to remove voter registration qualifications and procedures from the States. However, in this case the arguments are not that individual civil rights are being violated but that State voter registration laws do not meet the convenience of some of our Nation's eligible voters.

The argument most often propounded in favor of this bill is the low participation by Americans in the voting process. However, there has been no evidence that mass registration will increase turnouts at the polls. To the contrary, conclusions from a 1968 Census Bureau report indicate that 60 percent of those eligible who did not register in the 1968 Presidential election were "not interested, never got around to registering, or disliked politics."

Mr. President, by far the most dangerour aspect of this legislation is that mass registration by postcard would multiply the opportunities for fraud in elections. Postcards would be dispensed at local post offices in the same way that stamps are disbursed, except the registration cards would be free. This raises the very distinct possibility that a card could be sent to every address and placed in every post office box. Thus, it would be almost impossible to control fraudulent registration.

If the Senate passes this dangerous and unnecessary legislation, it is my hope the House will stop it, but if it does not, I hope the President will veto it. I feel that our election process—the cornerstone of our Democratic society—is at stake. Federal intervention in the election process for the sake of convenience is uncalled for and should not be tolerated.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from South Dakota (Mr. McGOVERN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY), the Senator from South Dakota (McGOVERN), and the Senator from Kentucky (Mr. HUDDLESTON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Wyoming (Mr. HANSEN) are necessarily absent.

The result was announced—yeas 57, nays 37, as follows:

[No. 128 Leg.]

YEAS—57

| | | |
|---|---|---|
| Abourezk | Gravel | Metcalf |
| Bayh | Hart | Mondale |
| Bellmon | Hartke | Montoya |
| Bentsen | Haskell | Moss |
| Bible | Hathaway | Muskie |
| Biden | Hollings | Nelson |
| Brock | Hughes | Packwood |
| Brooke | Humphrey | Pastore |
| Burdick | Inouye | Pearson |
| Byrd, Robert C. | Jackson | Pell |
| Cannon | Javits | Percy |
| Case | Johnston | Proxmire |
| Chiles | Kennedy | Randolph |
| Church | Long | Ribicoff |
| Clark | Magnuson | Saxbe |
| Cook | Mansfield | Schweiker |
| Cranston | Mathias | Stevenson |
| Eagleton | McGee | Symington |
| Fulbright | McIntyre | Williams |

NAYS—37

| | | |
|---|---|---|
| Aiken | Dominick | Roth |
| Allen | Eastland | Scott, Pa. |
| Baker | Ervin | Scott, Va. |
| Bartlett | Fannin | Sparkman |
| Beall | Fong | Stafford |
| Bennett | Griffin | Stevens |
| Buckley | Gurney | Taft |
| Byrd, Harry F., Jr. | Hatfield | Talmadge |
| Cotton | Helms | Thurmond |
| Curtis | Hruska | Tower |
| Dole | McClellan | Weicker |
| Domenici | McClure | Young |
| | Nunn | |

NOT VOTING—6

| | | |
|---|---|---|
| Goldwater | Huddleston | Stennis |
| Hansen | McGovern | Tunney |

So the bill (S. 352) passed as follows:

S. 352

An act to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Voter Registration Act".

SEC. 2. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter II—VOTER REGISTRATION ADMINISTRATION

"Sec.
"401. Definitions.
"402. Establishment.
"403. Duties and powers.
"404. Qualifications and procedure.
"405. Registration forms.
"406. Distribution of registration forms.
"407. Prevention of fraudulent registration.
"408. Penalties.
"409. Financial assistance.
"410. Regulations.
"411. Saving provisions.

"§ 401. Definitions

"As used in this chapter—

"(1) 'Administration' means the Voter Registration Administration;

"(2) 'State' means each State of the United States, the political subdivisions of each State, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia;

"(3) 'Federal office' means the office of the President, the Vice President, an elector for President and Vice President, a Senator, a Representative, or the Delegate to the Congress;

"(4) 'Federal election' means any biennial or quadrennial primary or general election and any special election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the office of President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

"(5) 'State election' means any election other than a Federal election; and

"(6) 'State official' means any individual who acts as an official or agent of a government of a State or political subdivision thereof to register qualified electors, or to conduct or supervise any Federal election in a State.

"§ 402. Establishment

"(a) There is established within the Bureau of the Census, Department of Commerce, the Voter Registration Administration.

"(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators

istrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be adherents of the same political party. The Administrator shall be the chief executive officer of the Administration.

"§ 403. Duties and Powers

"The Administration shall—

"(1) establish and administer a voter registration program in accordance with this chapter for all Federal elections;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States (but this publication shall not disclose any information which permits the identification of individual voters);

"(3) provide assistance to State officials concerning voter registration by mail and election problems generally;

"(4) obtain facilities and supplies and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties and powers under this chapter, and such officers and employees shall be in the competitive service under title 5, United States Code;

"(5) appoint and fix the pay of officers and employees for temporary services as authorized under subchapter II of chapter I of this title for temporary employees of the Bureau of the Census;

"(6) provide the Congress with such information as the Congress may from time to time request, and prepare and submit to the President and the Congress a report on its activities, and on voter registration and election generally in the United States, immediately following each biennial general Federal election; and

"(7) take such other action as it deems necessary and proper to carry out its duties and powers under this chapter.

"§ 404. Qualifications and Procedure

"(a) An individual who fulfills the requirements to be a qualified voter under State law and who is registered to vote under the provisions of this chapter shall be entitled to vote in Federal election in that State, except that each State shall provide for the registration or other means of qualification of all residents of such States who apply, not later than thirty days immediately prior to any Federal election, for registration or qualification to vote in such election.

"(b) Whenever a Federal election is held in any State, the Administration may, upon the request of any State official, furnish officers and employees and such other assistance as the Administration and the State official may agree upon to assist State officials in the registration of individuals applying to register in that State under the provisions of this chapter.

"§ 405. Registration Forms

"(a) The Administration shall prepare voter registration forms in accordance with the provisions of this section.

"(b) Printed registration forms shall be designed to provide a simple method of registering to vote by mail. Registration forms shall include matter as State law requires and as the Administration determines appropriate to ascertain the positive identification and voter qualifications of an individual applying to register under the provisions of this chapter, to provide for the return delivery of the completed registration form to the appropriate State official, and to prevent fraudulent registration. Registration forms shall also include a statement of the penalties provided by law for attempting fraudulently to register to vote under the provisions of this chapter.

"(c) A registration notification form advising the applicant of the acceptance or rejection of his registration shall be completed and promptly mailed by the State official to the applicant. If any registration notification form is undeliverable as addressed, it shall not be forwarded to another address but shall be returned to the State official mailing the form. The possession of a registration notification form indicating that the individual is entitled to vote in an election shall be prima facie evidence that the individual is a qualified and registered elector entitled to vote in any such election but presentation of the form shall not be required to cast his ballot.

"(d) Registration forms may be prepared in a language other than English.

"§ 406. Distribution of Registration Forms

"(a) The Administration is authorized to enter into agreements with the Postal Service, with departments and agencies of the Federal Government, and with State officials for the distribution of registration forms in accordance with the provisions of this section.

"(b) Any agreement made between the Administration and the Postal Service shall provide for the preparation by the Administration of sufficient quantities of registration forms so that the Postal Service can deliver a sufficient quantity of registration forms to postal addresses and residences in the United States and for the preparation of an ample quantity of such forms for public distribution at any post office, postal substation, postal contract station, or on any rural or star route.

"(c) The Postal Service shall distribute the registration forms to postal addresses and residences at least once every two years not earlier than forty-five days or later than thirty days prior to the close of registration of the next Federal election in each State.

"(d) The Administration is authorized to enter into agreements with the Secretary of each Military Department of the Armed Forces of the United States for the distribution of registration forms at military installations.

"(e) This section shall not be construed to place any time limit upon the general availability of registration forms in post offices and appropriate Federal, State, and local government offices pursuant to agreements made under this section.

"§ 407. Prevention of Fraudulent Registration

"(a) In addition to taking any appropriate action under State law, whenever a Senate official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he shall notify the Administration and request its assistance to prevent fraudulent registration. The Administration shall give reasonable and expeditious assistance in such cases, and shall issue a report on its findings.

"(b) (1) Whenever the Administration or a State official determines that there is a pattern of fraudulent registration, attempted fraudulent registration, or any activity on the part of any individuals or groups of individuals to register individuals to vote who are not qualified electors, the Administration or a State official may request the Attorney General to bring action under this section. The Attorney General is authorized to bring a civil action in any appropriate district court of the United States or the United States District Court for the District of Columbia to secure an order to enjoin fraudulent registration, and any other appropriate order.

"(2) The district court of the United States or the United States District Court of the District of Columbia shall have jurisdiction without regard to any amount in controversy, of proceedings instituted pursuant to this section.

"§ 408. Penalties

"(a) Whoever knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purposes of establishing his eligibility to register or vote under this chapter, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting, or registers to vote with the intention of voting more than once or votes more than once in the same Federal election shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) Any person who deprives, or attempts to deprive, any other person of any right under this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(c) The provisions of section 1001 of title 18, United States Code, are applicable to the registration form prepared under section 405 of this chapter.

"§ 409. Financial Assistance

"(a) The Administration shall determine the fair and reasonable cost of processing registration forms prescribed under this chapter, and shall pay to each appropriate State an amount equal to such cost per card multiplied by the number of registration cards processed under this chapter in that State.

"(b) The Administration is authorized to pay any State which adopts the registration form and system prescribed by this chapter as a form and system of registration to be a qualified and registered elector for State elections in that State. Payments made to a State under this subsection may not exceed 30 per centum of the amount paid that State under subsection (a) of this section for the most recent general Federal election in that State.

"(c) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"§ 410. Regulations

"The Administration is authorized to issue rules and regulations for the administration of this chapter. Such regulations may exclude a State from the provisions of this chapter if that State does not require a qualified applicant to register prior to the date of a Federal election.

"§ 411. Saving provisions

"(a) Notwithstanding any other provision of this chapter, any State that adopts the Federal assistance post card form recommended by the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451 et seq.) with respect to any category of its electors (1) shall, insofar as such electors are concerned, be deemed to be in full compliance with the provisions of section 405 and (2) shall be eligible to receive payments of financial assistance from the Administration, as provided in section 409, on account of the simplified and greater voting opportunities thereby granted to such electors.

"(b) Nothing in this chapter shall be construed to prevent any State from granting less restrictive registration or voting practices or more expanded registration or voting opportunities than those prescribed by this chapter.

"(c) Nothing in this chapter shall be construed to limit or repeal any provision of (1) section 202 of the Voting Rights Act Amendments of 1970 (42 U.S.C. 1973aa–1), relating to expanded opportunities of registering to vote and voting for electors for President and Vice President; or (2) the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451 19, et seq.)."

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11. Voter Registration Administration_ 401".



SEC. 3. (a) Section 3202(a) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (4);

(2) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof;

"(6) mail relating to voter registration pursuant to sections 405 and 406 of title 13."

(b) Section 3206 of title 39, United States Code, is amended by adding the following new subsection:

"(d) The Voter Registration Administration shall transfer to the Postal Service as postal revenues out of any appropriations made to the Administration for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (6) of section 3202(a) of this title."

(c) Section 404 of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause:

"(10) to enter into arrangements with the Voter Registration Administration, Bureau of the Census, for the collection, delivery, and return delivery of voter registration forms."

SEC. 4. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(132) Administrator and Associate Administrators (2), Voter Registration Administration, Bureau of the Census."

SEC. 5. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I only want to take 1 minute, but I just wanted to express my appreciation to a great many people on both sides of the question for their gentlemanly conduct and the thoughtful and constructive approach that they have taken in dealing with this measure.

I particularly want to pay tribute to the members of the committee, to the senior Senator from West Virginia (Mr. RANDOLPH), who did yeoman service here on the floor; to the Senator from North Dakota (Mr. BURDICK), who helped to spell the chairman on these long, long hours on the Senate floor; to the junior Senator from Utah (Mr. Moss) for his assistance on the floor at all times; to the Senator from South Carolina (Mr. HOLLINGS), who likewise devoted long hours to helping perfect the bill and discussing it, with all of its ramifications, with many Members of this body.

Then, on the minority side, I pay tribute to the distinguished ranking minority member of the committee (Mr. FONG), who was always very patient and understanding, even if we disagreed on the bill, and made it possible to move along with dispatch; to the Senator from Alaska (Mr. STEVENS), who is now in the chair, who, as a member of the committee, continually offered his constructive suggestions in connection with the legislation; to the Senator from Oklahoma (Mr. BELLMON), who took his stand as a cosponsor of the legislation and, in the light of his efforts, made a real contribution to the final measure that came out; and finally, to the Senator from Ohio (Mr. SAXBE), who, as the newest member of the committee, helped to expedite the final action on it.

There are others almost too numerous to single out who, by their own efforts, have helped to move this measure along. One of those surely is the Senator from Tennessee (Mr. BROCK), who, in the very beginning, testified in relevant ways, during the committee's careful hearings, on the parts of this legislation that actually were aimed at reducing fraud and at the same time were combined with intensifying citizen participation. His own experience in this State, his experience here in this body, and his new role in this body all finally moved him to be most constructive as we sought to bring out a piece of legislation that might help to close some of the gaps that seem apparent in voter participation in our own country.

There are others whose services could not be described in this short time, such as the majority leader, with his great patience and perseverance in helping us to keep this thing moving along and finally disposing of it, and the majority whip, who made every effort to respect all of the interests on both sides, and yet exercise his determination to do what he thought was right in his responsible role as the assistant majority leader.

Finally, I would have to mention the Senator from California (Mr. CRANSTON), who receives no acclaim in any public way, who runs around with a pencil and a computer—which is his mind—and keeps a complete record on everyone's past voting record, future voting record, and apparently even their innermost thoughts, as we have sought to try to understand the misgivings some Senators had, and the inclinations as to voting that they ultimately expressed. Without that kind of total, energetic, and tireless involvement, it would be very difficult for anyone in this kind of undertaking in legislation to try to move on.

So, with those comments, Mr. President, I want to express my appreciation to this body. I believe the Senate revealed here today its capability of standing up and being counted, in spite of differences of opinion about the substance of merit of particular bits of legislation.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, before yielding, will the Senator yield to me for a unanimous-consent request?

Mr. McGEE. Mr. President, I yield to the majority whip for a unanimous-consent request.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on S. 590, introduced by the Senator from Illinois (Mr. PERCY). It is my understanding that he wants the yeas and nays ordered on that measure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, I yield to the Senator from Tennessee.

Mr. BROCK. I appreciate the Senator's yielding.

Mr. President, as usual, the Senator from Wyoming is too gracious in his compliments of others and understates his own case; but there is no Member of this body who is more responsible for this legislation than the Senator from Wyoming. He has done, I think, a uniquely fine job. He has conducted himself with a great deal of dignity and a great deal of understanding and compassion for those who might have disagreed with him, and I commend him for a job well done.

Mr. McGEE. I thank my colleague for his warm remarks.

Mr. FONG. Mr. President, I rise to thank the distinguished chairman of the committee for his patience, for his understanding, and for the work that he has done on this bill. Although we disagreed very strongly on the provisions of the bill—we of the minority do not believe the bill is going to do the job—we still want to pay tribute to the Senator from Wyoming for his understanding, for his courtesy, and for his patience.

I commend the members of the committee, both on the majority and on the minority, for helping us to bring to the floor the bill which has just passed. I think we have not yet seen the last of this measure, and I presume we will have a chance again to debate it on the floor of the Senate; but whatever may be its outcome in the final analysis, I want to say that the minority has put up a very good fight; the majority has won; and I pay my tribute to the Senator from the great State of Wyoming, and also to the staff members who helped so very much in presenting this bill: Mr. David Minton, who has worked so very hard on the bill—I understand he will not be with us much longer; he is going downtown to enter the private practice of law. He has been a very competent staff director and counsel. I have valued his judgment and advice and I wish him great success—and also Mr. Clyde DuPont on the minority, worked tirelessly on this bill and who has helped us tremendously.

Again, Mr. President, my appreciation to the Senator from Wyoming for his courtesy and patience.

Mr. McGEE. Mr. President, I have wanted to make a special statement in regard to the chief counsel and director of the committee. This is his last moment as a member of the Senate committee staff. This act today will now officially separate him, so that he might go into the private practice of law.

I must say that all who have known him and worked with him have found that dependability and thoroughness in understanding the multitude of overlaps and labyrinths and mysteries that interlace the federal system somehow seem to have been mastered by him, in sorting them out and making them take on meaning in these years; and believe me, it is going to leave a massive gap on the committee staff. I say that with all due respect to those who will

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succeed him, because they would be the first to attest to that gap. I hope they are able to close the gap as rapidly as he did when he was a young fellow.

But now, in his tender "old age," he can look back as an elder statesman on a path strewn with many significant pieces of legislation which have enhanced the role of Federal employees, which have, hopefully at least, laid the foundations for a new postal structure that, given its time, and the chance to proceed during that time, will be destined to become an effective system.

Mr. President, the Senate will lose one of its most valuable and devoted employees this month when David Minton, for the last 4 years staff director and counsel of the Post Office and Civil Service Committee, leaves the staff to enter private law practice here in Washington. In fact, Government itself will suffer a loss. He is a Democrat, but his deepest and strongest motivation stems from a vigorous, nonpartisan dedication to good government. I personally will miss his logical and persuasive advice and counsel.

David Minton began his Senate career in 1962 as a research assistant on the committee whose chairman was then the late Senator Olin D. Johnston, of South Carolina. He moved rapidly from assignments in routine committee business to legislation, where his ability to perceive the real question at issue and to make that question clear to others attracted the attention of the chairman and other committee members. He studied the history of postal and Federal employee legislation, noted trends, and advocated changes.

Upon the death of Senator Johnston, Minton was named committee counsel by former Senator A. S. "Mike" Monroney, Senator Johnston's successor. During the years between 1965 and 1969, with increased legislative responsibility, he became what is in Washington today a rare bird—a lawyer thoroughly conversant with the intricacies and details of postal and civil service law. This is a truly complex field where expertness is frequently limited to one or two areas. Few can claim complete mastery. I think Minton comes as close as anyone.

David Minton has served as staff director and counsel since my appointment as chairman in 1969, bringing to his job an explosive sense of humor, sound legislative background, political savvy, and a very effective brand of Texas diplomacy. He is a native of Denton, Tex., and a graduate of North Texas State University. He holds a masters degree in history and an LL.B. degree from the University of Texas.

During his career on the committee staff, he has worked on legislation involving money in the hundreds of millions. Yet, he says, in looking back, he is most gratified by his part in advising the committee on the survivor's annuity provisions of the Civil Service Retirement Amendments of 1969. These provisions, which I introduced, were not very costly to the Government. Affecting only a few hundred families a year, they are not what we would consider a major legislative achievement. They liberalized the survivor annuity benefits of the widows and children of certain deceased Federal employees, raising their benefits from a pittance to sums which substantially help them get along.

David Minton's work on the Postal Reorganization Act of 1970 to make truly independent the Postal Rate Commission—the regulatory agency succeeding Congress as the Nation's postal ratemaker—will be long remembered by students of the act. For hindsight shows that a strong stand to insure the independence of this body was the right stand. The establishment of the independent Rate Commission has been demonstrated to be one of the measure's wisest provisions. Those of us on both sides of the aisle who worked to insure the independence of the Commission will recall David Minton's advice on this really important issue.

Mr. President, I join David Minton's many other friends on Capitol Hill, in the Civil Service Commission, in the Postal Service, and everywhere our committee work is observed in wishing him success in his new position. We will miss him.

Mr. RANDOLPH. Mr. President, it has been my privilege to know and evaluate the knowledgeable and certainly the diligent work of David Minton as the staff director of our committee, so ably chaired by the distinguished Senator from Wyoming (Mr. McGEE) of the Post Office and Civil Service Committee.

It is not just a pleasantry for me to stand in this Chamber, but a privilege to join my colleagues, the Senator who chairs the committee, and the Senator who is the ranking minority member of the committee, and have, for the RECORD, the facts spelled out by the words we speak, of our genuine appreciation for, in a sense, the counsel which has been given to us, as Members, by David through the years.

It is in nowise a partisan approach that he has taken to matters on our legislative agenda. He has made his talents available to all the members of the committee. We are a small committee from the standpoint of numbers in membership, being as small as any standing committee of the Senate. We are rather like a family. Yet, within the structure of the committee, there has come to all of us that feeling that Dave, when we call him to come and talk with us, or when we ask for his counsel in our sessions, executive and otherwise, was always eager and never reluctant to share his expertise.

In his new assignments, private rather than public in nature, I am sure that all of us wish for him continued success and service.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 9, 1973, he presented to the President of the United States the enrolled bill (S. 1379) to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. BROOKE). There is no pending business before the Senate at the moment.

Mr. MANSFIELD. I thought that S. 607 would come down automatically?

The PRESIDING OFFICER. That was only if the cloture motion failed.

Mr. MANSFIELD. I thank the Chair.

## AMENDMENT OF LEAD-BASED PAINT POISONING PREVENTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 121, S. 607, which I understand has been cleared on both sides.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 607, to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government of any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units in general local government in any State and to private nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which nonlead based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. No later than October 1, 1973, the Secretary shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations.

SEC. 4. (a) Title III of the Lead Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedure to eliminate as far as practicable the hazards of lead based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall as a minimum provide for (1) appropriate measures to eliminate as far as practicable immediate hazards due to the presence of paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead based paint, of the symptoms and treatment of lead based paint poisoning, and of the importance and availability of maintenance and removal techniques for eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead based paint. The Secretary may establish such other procedures as may be appropriate to carry out the purposes of this section. Further, the Secretary shall establish and implement procedures to eliminate the hazards of lead based paint poisoning in all federally owned properties prior to the sale of such properties when their use is intended for residential habitation."; and

(2) by inserting after "PROGRAM", in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

SEC. 5. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURE OF CERTAIN TOYS AND UTENSILS

"SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate—

"(1) to prohibit the use of lead based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form, after the date of enactment of this Act, and

"(2) to prohibit the application of lead based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act."

SEC. 6. Section 501(3) of the Lead Based Poisoning Prevention Act is amended to read as follows:

"(3) the term 'lead based paint' means—

"(A) prior to December 31, 1973, any paint containing more than five-tenths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied;

"(B) after December 31, 1973, any paint containing more than six one-hundredths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied, except that if prior to December 31, 1973, the Secretary, based on studies conducted in accordance with section 301(b) of this Act, determines that another level of lead, not to exceed five-tenths of 1 per centum, is safe, then such other level shall be effective after December 31, 1973.".

SEC. 7. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $30,000,000 for the fiscal year ending June 30, 1974, and for each of the next three succeeding fiscal years".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $40,000,000 for the fiscal year ending June 30, 1974, and for each of the next three succeeding fiscal years".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and year ending June 30, 1974 and for each of the the following: "and $5,000,000 for the fiscal next three succeeding fiscal years".

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year,".

(c) Title V of the Lead Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under sections 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate prescribed for GS–18, under section 5332, title V, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the Board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board."

SEC. 8. Section 314(e) of the Public Health Service Act is amended by inserting at the end thereof the following new paragraph:

"No funds appropriated pursuant to the authorization of this subsection shall be available for lead based paint poisoning control of the type authorized under the Lead Based Paint Poisoning Prevention Act (84 Stat. 2078)."

Mr. KENNEDY. Mr. President, I urge the Senate to approve S. 607, because it amends Public Law 91–695—the Lead-Based Paint Poisoning Prevention Act—to provide $300 million over the next 4 years in the battle against childhood lead poisoning. This is essentially the same measure unanimously approved by the Senate last June. Only because Congress adjourned before the House could act on this measure, are we faced with the need to act again at this time.

There are two compelling reasons why the Senate must enact legislation to continue the fight against childhood lead-based paint poisoning.

First—we know how to treat and cure sick children who are lead poisoned. All we need to do is go out and find the children who have high blood lead levels. Once we find them, doctors can treat them and prevent the damage caused by neglect and inadequate care.

The second reason why we must continue Federal support to combat this disease is equally compelling. We need this legislation, because we know how to prevent lead-based paint poisoning. Children get sick when they swallow small chips of peeling paint from the walls of deteriorating homes that have been covered with paints containing lead or lead compounds. Furniture, eating





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utensils, and toys are also known as the source of lead poisoning in children. By removing lead from paint on surfaces accessible to young children, the hazards of lead-based paint poisoning are eliminated.

The bill before the Senate today—S. 607—was unanimously approved by the Health Subcommittee and the full Committee on Labor and Public Welfare. It authorizes $75 million each year until 1977 to support Federal programs that will begin to curb the damage caused by this disease. These are programs that will extend the services currently authorized under Public Law 91-695, enacted in January 1971.

Under this bill $30 million is authorized for the Department of Health, Education, and Welfare to continue awarding grants to local community organizations, both public and private—for screening and testing young children who may be lead sick.

The bill also authorizes $40 million a year for the Department of Health, Education, and Welfare to make grants to public and private organizations to continue with the attack to eliminate the hazards of lead-based paint poisoning. Physicians know that while early treatment can erase the effects of lead intoxication, it does no good to hospitalize a child for lead sickness and, after treatment, return him to the same conditions that caused the disease in the first place.

Although dwellings that are most likely to present a hazard for lead poisoning are also confronted with problems of sanitation and general disrepair it is essential that we begin to eliminate the threat of lead poisoning wherever possible.

We know that many materials and techniques are available to cover up those surfaces that have been coated with lead-based paints. But, the most efficient and effective method for completing that task is the target of continuing study. For that reason—this bill authorizes $5 million a year for the Department of Housing and Urban Development and the Department of Health, Education, and Welfare to research the nature and extent of the problem of lead poisoning and to determine methods for effectively removing the hazard of lead poisoning from interior residential surfaces.

During hearings before the Health Subcommittee last year, representatives of the paint industry expressed their concern for defining feasible limits of lead contained in residential paints. As a result, the committee approved an amendment authorizing the Department of Health, Education, and Welfare to continue research on the various lead compounds commonly used in paints and to report to the Congress any results that may affect the provisions of this act.

Young children are sickened today, because of lead used in paints applied to homes 30 to 40 years ago. For that reason this legislation is primarily designed to seek relief for their suffering. Since we know, however, that the elimination of lead in paint can prevent the spread of this disease to future generations of American children and in that way we can reduce the recurrence of the disease in children who are sick today, this bill would require a limit of 0.06 percent lead content in paints intended for interior residential surfaces. Under this bill, the new limit would go into effect January 1, 1974. In the meantime, the Department of Health, Education, and Welfare is conducting studies to verify the lower limit. Existing FDA regulations require interior residential paints to contain no more than 0.5 percent lead. The committee accepted an amendment authorizing the lower limit to be enacted by January 1, 1974, unless the ongoing health, education, welfare studies provide results, submitted to the Congress by October 1, 1973, that justify a different level.

During 1971, the Bureau of Community Environmental Management—the office within the Department of Health, Education, and Welfare that has primary responsibility for lead poisoning programs—conducted neighborhood surveys in 27 cities across the country to lead levels of children in high-risk areas, school-age children.

During that survey, Federal health experts examined 2,309 children in 999 homes in such cities as Nashua, N.H., Salt Lake City, Utah, and Spokane, Wash. At least 73 percent of those homes were found to have at least one interior surface with a very high lead content. And, up to 95 percent of those homes proved hazardous when the exterior surfaces were examined. Not surprisingly therefore, 9 percent of the children in this survey were found to have elevated blood lead levels. This is an alarming rate of incidence for any disease.

Medical records show that today's cases of childhood lead poisoning are 10 times greater than those of polio when that disease was a dreaded national epidemic. Our Nation committed the resources needed to conquer polio. We must begin now to do the same for lead poisoning.

Last January, lawyers representing the Philadelphia coalition against childhood lead paint poisoning, presented statistics to a Federal judge showing 89 deaths in that city between 1950 and 1970, attributable to lead paint poisoning. Based on that data and other evidence U.S. District Judge Donald W. Van Artsdalen ruled that the danger to children from lead-based paint is immediate and continues each day that HUD sells a house. Thus, the judge ordered the removal of all lead-based paint in 1,200 federally owned residences in Philadelphia.

The costs of lead poisoning are borne by the whole community. This malady produces tragic wastes of human resources, institutionalization of victims, and mounting burdens on municipal health facilities and finances. No one benefits from lead poisoning except owners of deteriorating property who find it unprofitable to keep their properties in good repair.

At least 400,000 children suffer with lead poisoning.

Only 12,000 to 16,000 children actually receive treatment, and half of them are left mentally retarded.

About 200 young children die from lead poisoning each year.

Though lead-based paint poisoning accounts for only 5 percent of all accidental poisonings of preschool children, this disease accounts for up to 70 percent of all deaths due to poisoning among preschool-age children.

Ten years following the signing of the Declaration of Independence, Benjamin Franklin recorded his long experience with the effects of lead poisoning. In a letter to a close friend in July 1786, he complained that—

> This mischievous effect from lead is at least above sixty years old; you will observe with concern how long a useful truth may be known and exist before it is generally received and practiced on.

Though the "useful truth" about lead-based paint poisoning in children has been known for much of the time since Mr. Franklin wrote those words, we have not yet "generally received or practiced on" that knowledge. It would indeed be gratifying if substantial successes against childhood lead poisoning will have been achieved before the 200th anniversary of the Nation's celebration of independence.

I strongly urge every Member of this Senate to vote for S. 607, which amends the Lead-Based Paint Poisoning Prevention Act. With the approval of this measure we can continue the Federal fight against this needless, but tragic, disease.

Mr. SCHWEIKER. Mr. President, on the Calendar of Business of the Senate is S. 607, a bill to amend the Lead-Based Paint Poisoning Prevention Act. This bill will enable us to continue and increase the attack on the terrible disease of lead-based paint poisoning. I urge my colleagues in the Senate to pass it.

Lead paint poisoning is a totally preventable disease which has been recognized as a serious health hazard only within recent years. In many parts of our country, particularly in deteriorating areas of our cities, the disease is nearly epidemic in proportion. Tragically, the victims of this preventable disease are almost invariably children. Nearly 400,000 children are affected by lead paint poisoning each year and another 200 less fortunate children are killed by this disease annually. Those children who do survive the disease often never fully recover. Repeated ingestion of lead-painted substances can lead to mental retardation, cerebral palsy, optic atrophy, and impairment of intellectual ability. The most common victims of this disease are children between the ages of 1 and 6. Many of the small children affected by lead paint can be helped if their condition is promptly diagnosed and treated.

Of course, the treatment accomplishes little if the children are again confronted by lead paint when they return to their homes after having received medical attention.

An example of the need for this legislation was recently shown in Philadelphia, where the Television and Radio Advertising Club of Philadelphia sponsored an outstanding public service campaign to alert people to the dangers of lead paint poisoning. From January 15 through February 2, 1973, nearly every radio and television station made periodic announcements and reports on the dangers of lead paint in older housing and warned residents of such housing their children could be exposed to lead paint. Public service announcements and comments by well-known public affairs and news personnel on the radio and television stations were included in the lead paint information campaign. I was pleased to take part in this campaign.



In addition to altering the citizens of Philadelphia to possible dangers of lead paint poisoning, the television and radio campaign publicized a telephone number of the public health service of Philadelphia, and encouraged any parents who were concerned about the possibility of their children having lead paint poisoning to call that number for information about how to receive free lead paint poisoning tests. Numerous people responded to this announcement and did contact the health department. The statistics are illuminating.

The city health department received 2,211 calls as a result of the campaign and expected to test 3,800 children. By the end of March the city had tested 1,362 children and found that 378 of them had elevated blood lead levels, a symptom of lead paint poisoning.

These figures reveal the dimensions of this preventable disease. Nearly 30 percent of the children tested as a result of the project sponsored by the Television and Radio Advertising Club of Philadelphia had signs of lead poisoning. These results are comparable to the findings of the city in its own lead paint program, where just over 30 percent of all the children tested in the city were found to have signs of lead poisoning. Those children who are tested receive medical treatment immediately and in most cases can be saved from the deadly results of this tragic disease. The alarming fact is that even with this special media campaign only several thousand children have been tested and treated. This means that there are still hundreds of thousands of children in Philadelphia alone who are at risk and who have not been tested or treated. As many as 30 percent of these children could have signs of lead poisoning, which, if left untreated, could destine them for a life of impaired mental and physical abilities or worse.

Philadelphia is only one of the cities in Pennsylvania and throughout the country where lead paint poisoning is a serious and largely untreated menace. The experience there underlines the need for the legislation which the Senate will consider today to expand our ability to deal with this childhood hazard.

I want to publicly commend the Television and Radio Advertising Club of Philadelphia, and the club's president, Eugene McCurdy, general manager of WPVI-TV, for initiating and carrying out this important lead paint poisoning campaign. It was an impressive public service, with considerable benefit to the citizens of Philadelphia.

I have long been concerned with the need to provide a solution and an end to the very serious problem of lead paint poisoning. In the 91st Congress, I introduced legislation to provide civil penalties for the use of lead-based paint in certain dwellings. I was gratified when the prohibition of the use of lead-based paint was adopted as an amendment to the Housing and Urban Development Act of 1970.

The signing into law of the Lead-Based Paint Poisoning Prevention Act on January 13, 1971, a bill which I strongly supported in the Labor and Public Welfare Committee and on the Senate floor, enabled the Federal Government to assist communities in diagnosing, treating, and preventing lead paint poisoning. The bill which we are now considering will markedly increase the scope and effectiveness of this effort. Also, I am pleased that the committee has incorporated in the bill two amendments which I offered. One is to prohibit the application of lead-based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil. The other requires that in certain housing sold or insured by the Federal Housing Administration, the property be inspected for lead-based paint to which children may be exposed, and the hazard removed.

This bill deserves the full support of the Senate, and I am hopeful that we might count on its early passage by the House and enactment.

Mr. BEALL. Mr. President, as a member of the Health Subcommittee, I strongly support S. 607, the Lead-Based Paint Poisoning Amendments of 1973.

The legislation authorizes $75 million for each of the next 4 years for an expanded effort to prevent lead-based poisoning and to detect youngsters with lead poisoning so that they might receive the proper medical attention.

The $75 million would be divided as follows: $30 million for testing and screening purposes; $40 million for a hazard elimination program; and $5 million for research and demonstration programs.

Lead-based paint poisoning is a serious problem to many of the Nation's children, particularly to children living in housing built prior to the 1940's, when lead-based paint was commonly used for interior purposes. Such housing is often prevalent in inner-city areas.

The sad fact is that lead-based paint poisoning according to testimony from Dr. J. Julian Chisolm of Baltimore, probably the leading expert in the country in lead-based poisoning, is entirely preventable and if detected early enough, is entirely curable.

S. 607 restricts the allowable limits of lead in paints by writing into the law the 0.5 percent lead content limit established by the Food and Drug Administration's regulations which became effective January 1 of this year and by requiring a lower lead content level of 0.06 percent, effective January 1, 1974. Although there was considerable testimony with respect to the need for the lower limit, there was also considerable concern expressed, particularly by smaller paint manufacturers, with the lower limit.

The committee reached a compromise in this provision by legislating the lower limit effective in 1974, but also providing that if the HEW study demonstrated that the lower limit was not needed, that a different level could be established. However, in no event could the content level exceed 0.5 percent.

The lead poisoning screening provisions are critical because, undetected, both physical and mental damage and even death to children can result. For over a year now I have been working with the administration and Dr. Chisolm in an effort to persuade the administration to permit the use, at least on an experimental basis, of a pinprick screening test for childhood lead poisoning, developed by Dr. Chisolm. This is most important for the test presently employed is difficult to perform and costs about $25 per child. On the other hand, Dr. Chisolm's test can be done on the spot and costs about $1.

As the Baltimore News American commented in an editorial, this cost "is low enough to allow health agencies to step up the pace of detection programs in a meaningful way." I considered offering an amendment to the pending bill, while it was in committee, to authorize this test. In lieu of this, however, Senator KENNEDY agreed to meet with HEW officials and me to see if we could secure approval of the test. Following the meeting, Senator KENNEDY and I wrote Secretary Weinberger on this matter and I am pleased that the Secretary, in a March 27 letter to me, indicated that—

> We concur with the recommendations that a full field demonstration of the protoporphyrin test should be carried out to determine its value as an effective and economical method for screening . . . because of the potential cost effectiveness of this test, if it can be validated in field use, I am requesting the Office of the Assistant Secretary for Health to explore possible sources of support for adequate demonstration and evaluation.

I ask unanimous consent that the exchange of letters between the Secretary and Senator KENNEDY and myself be included in the RECORD along with an editorial from the Baltimore News American.

I am hopeful that the department will find funds to enable Baltimore to experiment on this new test.

There being no objection, the items are ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
*Washington, D.C., March 27, 1973.*

Hon. J. GLENN BEALL, Jr.,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR BEALL: Thank you for your letter of February 22 which was co-signed by Senator Kennedy, in which you urge a full scale field demonstration of Dr. Chisholm's pin prick screening test for childhood lead poisoning.

We selected a macro blood lead measurement as the test for use in child screening programs because this test accurately measures blood lead directly over the entire significant range—say, upward from about 10 micrograms of lead per milliliter of whole blood to at least 100 micrograms per milliliter. (The threshold of medical concern is about 40 micrograms of lead per milliliter of whole blood, and a blood level of 80 micrograms per milliliter or more establishes unequivocal lead poisoning.) Dr. Chisholm's protoporphyrin test, an indirect test which measures an organic metabolic product resulting from lead absorption (rather than measuring metallic lead), was rejected because close correlation of test results with blood lead levels could not be achieved at levels below 60 micrograms of lead per 100 milliliters of whole blood.

We have worked closely with Dr. Chisholm and are aware of his improvements to the pro-

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toporphyrin test which have brought the accuracy threshold down to 50 micrograms of lead per 100 milliliters of blood. This improvement greatly enhances the potential utility of the test as a substitute for direct blood lead measurement in screening programs. We concur with your recommendation that a full field demonstration of the protoporphyrin test should be carried out to determine its value as an effective and economical method for screening.

We need to maintain uniform standards for communities supported under the grant programs; thus, until the practicality of Dr. Chisholm's test has been demonstrated in general use, we cannot rewrite the grant regulations to permit or encourage its use in all forty grant communities. We believe it is essential to conduct and evaluate a field demonstration of the protoporphyrin test simultaneously with direct blood lead measurements to demonstrate its scientific accuracy as well as its effectiveness and economic advantages in general community use. Because of the potential cost-effectiveness of this test, if it can be validated in field use, I am requesting the Office of the Assistant Secretary for Health to explore possible sources of support for adequate demonstration and evaluation.

Your continuing interest in the childhood lead poisoning prevention program is very much appreciated.

Sincerely,

CASPAR W. WEINBERGER,
*Secretary.*

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FEBRUARY 22, 1973.

HON. CASPAR W. WEINBERGER,
*Secretary, Department of Health, Education, and Welfare, Washington, D.C.*

DEAR MR. SECRETARY: For some time we have been concerned about the HEW standards for screening children for possible lead paint poisoning. In view of the limitations on funding for this very worthwhile effort, one would expect to find HSMHA actively seeking alternatives to the expensive and tedious blood lead test which is now used. But this apparently is not the case.

Dr. J. Julian Chisolm of Baltimore is probably our nation's leading authority on lead paint poisoning among children. He has published numerous articles, testified before the Senate Health Subcommittee and been appointed by President Nixon as an adviser on the subject. He also has developed a simple and inexpensive pin-prick test for lead poisoning. It compares favorably with the conventional blood lead test, which, incidentally, he helped develop for HEW following passage of PL 91-695, the Lead Paint Poisoning Prevention Act.

Last year, the Baltimore City Health Department was denied permission to use Dr. Chisolm's test for its screening program of inner city children, even after the city's request was cut from $329,000 to $150,000. The reduced funding and requirement to use the more expensive testing procedure meant that only about 20 per cent of the children would be tested. When Senator Beall wrote to HEW about this decision, Secretary Richardson replied that for various reasons, it was "not yet an acceptable method for grant-supported programs."

In light of subsequent developments which strongly indicated that Dr. Chisolm's method was achieving comparable results, this matter was brought to the attention of the Health Subcommittee in January when we considered S. 607, to set standards on lead content in paint. The subcommittee concurred that this was a subject deserving further investigation, so Dr. Chisolm, Dr. John Zapp and Dr. Robert Novick, director of the Bureau of Community Environmental Management, were invited to a meeting with members of the Health Subcommittee on February 5.

Dr. Chisolm said his protoporphyrin test is now considered accurate down to 50 micrograms of lead per 100 milliliters of blood, and he advised Dr. Zapp of at least three publications which have reported on his method and supported its validity.

At present, a concentration of 40 micrograms or more is considered evidence of undue absorptions of lead. Screening for this level can, at present, only be done by the cumbersome blood lead test. The question now seems to be whether HEW should consider an economical mass screening method that is accurate down to 50 micrograms, which is considered the threshold for possible lead poisoning. There are several things to be said about this proposal, not the least of which is the fact that the present guidelines were set up by the surgeon general, with Dr. Chisolm's assistance, at a time when there was no other accurate method of detecting lead poisoning.

First, the blood lead test is time-consuming as well as costly and difficult to perform. Thus, it will take a considerable time to complete the screening of children in even a single neighborhood, and it will be a much longer time before the child is retested. In fact, Baltimore has yet to begin tests under last year's grant (made in June) because a technician has not yet been trained for this difficult laboratory analysis. On the other hand, Dr. Chisolm's method enables the tester to take a pin-prick sample and analyze it on the spot. A child who shows a positive reaction would be given the standard blood lead test. Other children could be retested more frequently and at a fraction of the cost of the present method (about one dollar per test vs. $15).

Second, lead poisoning among children is very seasonal, and precipitous elevations usually occur during the summer months. Thus, there is a need for testing children regularly (HSMHA Reports of February, 1971, recommends 4-week intervals).

Third, according to the same HSMHA Reports, "In some cities, undue exposure to and absorption of lead among children may be so prevalent that an overwhelming number of those screened are found to have blood lead levels of 40 micrograms or more." It is generally agreed that once a child's blood lead level gets above 40 micrograms, it is virtually impossible to get it back down to that level because of other ever-present sources of lead contamination (dust, exhaust fumes, etc.). However, these children should be continuously screened to guard against further elevations above 50 micrograms.

In conclusion, it seems that a full scale field demonstration of Dr. Chisolm's test could greatly improve the future well-being of countless children, especially those in older inner city areas where many houses have surfaces covered with lead-based paints. Baltimore would be a suitable choice because it does contain many old houses, and Dr. Chisolm would be readily available to assist in supervising the work.

The Senate Health Subcommittee believes that such a demonstration would greatly serve our national interest, and we would strongly urge the Department of Health, Education, and Welfare to take whatever steps are necessary to permit a practical demonstration of this very promising test for lead paint poisoning.

With warmest personal regards.

J. GLENN BEALL, JR.
EDWARD M. KENNEDY.

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[From the Baltimore News American]

LEAD PAINT POISONING

Baltimore is being considered as the site of federally financed field testing for a simple and relatively inexpensive method to detect lead paint poisoning in children.

If the U.S. Department of Health, Education and Welfare does select this city for the pilot program, it will be an appropriate choice. The new method, involving a pin-prick to obtain a drop of blood for analysis on the spot, was developed by Dr. Julian Chisolm, a Baltimore pediatrician and an authority in the field.

Sen. J. Glenn Beall, Jr., R-Md., is pressing HEW to adopt Dr. Chisolm's procedure and try it out in a large field study. The prospects seem good for HEW acquiescence.

Although paints for interior use have been free of lead for many years, lead paint poisoning remains a hazard in older neighborhoods where chips from peeling walls are eaten by small children.

Serious brain damage can result even if the victim lives.

The cost of Dr. Chisolm's test, about $1, is low enough to allow health agencies to step up the pace of detection of programs in a meaningful way. We hope that Sen. Beall will be successful in persuading HEW to test the method here, the home of the man who developed it and a city where lead-paint poisoning is as great a danger as anywhere in the country.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

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## SENATE CONFIRMATION OF CERTAIN OFFICERS IN EXECUTIVE OFFICE OF THE PRESIDENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 108, S. 590.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 590, to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. PERCY. Mr. President, S. 590 would require that, following the effective date of this act, appointments by the President to fill the offices of Executive Secretary of the National Security Council, the Executive Director of the Domestic Council, and the Executive Director of the Council on International Economic Policy be made subject to the advice and consent of the Senate. With respect to the first two offices, the application of this requirement is prospective and the present incumbents would not be affected. In the case of the Executive Director of the Council on International Economic Policy, this requirement would apply only if the International Economic Policy Act of 1972 is extended beyond its present expiration date, June 30, 1973, and no individual would be permitted to serve in such office after that date unless he has been so appointed.

The objective of this bill is to insure that the Senate will have an opportunity to inquire as to the fitness of officials in the Executive Office of the President who



have important operational and policy-making responsibilities. Under existing law, appointments to these offices do not require Senate confirmation.

Mr. President, S. 590 was unanimously ordered reported by the Committee on Government Operations on the date of its introduction, January 29. I am pleased that our distinguished chairman, Senator ERVIN, and seven other members of our committee—Senator BROCK, Senator CHILES, Senator JAVITS, Senator METCALF, Senator MUSKIE, Senator ROTH, and Senator SAXBE—have joined me in cosponsoring the bill.

Mr. President, I think it is notable that by April 11, four standing committees of the Senate reported this bill. The report from the Government Operations Committee was filed on February 26. The Government Operations Committee has general jurisdiction over questions of Government organization and operation, and specific jurisdiction over the Domestic Council, which was created by Reorganization Plan No. 2 of 1970.

The bill was referred to the Foreign Relations Committee for its general oversight in the foreign relations field and its interest in the National Security Council, and its specific jurisdiction, which it shares with the Banking Committee, over the International Economic Policy Act of 1972 (Public Law 92-412) which created the Council on International Economic Policy. The bill was reported favorably by the Foreign Relations Committee on March 12.

The bill was then referred to the Committee on Banking, Housing and Urban Affairs because of its specific jurisdiction over the law creating the Council on International Economic Policy, and that committee reported the bill favorably on March 15. The bill was then referred to the Armed Services Committee because of its jurisdiction over the National Security Act and the National Security Council, and that committee reported the bill without recommendation on April 10.

Mr. President, I think it is somewhat ironic that so simple a bill should have to wend its way through such a tortuous maze. It is also a compliment to the essential merit of the bill that it did so with such strong support in three committees, and in such a relatively short time. The Armed Services Committee report indicates that, in light of the time limit—30 days—included in the unanimous-consent agreement, the committee recommended that the bill be reported without recommendation.

Our action today to require confirmation of the next occupants of these three statutory posts will mean the ranking officers of all the component offices comprising the Executive Office of the President will be subject to appointment by and with the advice and consent of the Senate.

The Senate's right to advise and consent in the appointment of officers of the United States is stated in article 2, section 2, clause 2 of the Constitution. The meaning of the clause is that important officers of the United States are to be appointed subject to State advice and consent, but that what are termed "inferior officers" need not be.

What seems clear is that the Constitution delegates to Congress, as a part of the system of checks and balances, the right to confirm officers appointed by the President.

The source of my concern is simply that a number of important posts have been created in the Executive Office of the President which are not subject to Senate confirmation.

At the outset of this Congress, I identified six such posts, five in the EOP, and another in an independent agency, the Cost of Living Council, which when first established was part of the EOP. They were the Director of the Office of Management and Budget, the Executive Director of the National Security Council, the Executive Director of the Domestic Council, the Executive Director of the Council on International Economic Policy, the Director of Consumer Affairs, and the Director of the Cost of Living Council. None were subject to confirmation.

Today the situation is, I am glad to say, quite different. The Senate passed S. 421 on January 23, 1973, requiring confirmation of the Executive Director of the Cost of Living Council. The bill has not been passed by the House but this particular bill is supported, I am glad to say, by the administration.

Last week the Senate passed the conference report on S. 518, which requires the confirmation of the Director and the Deputy Director of the Office of Management and Budget. The functions of the Office of Consumer Affairs have now been transferred to the Department of Health, Education, and Welfare by Executive order, and while Mrs. Knauer retains the title of Assistant to the President, the functions officially assigned her are conducted in the departmental context, eliminating a need for confirmation.

Essentially, then, we are left with three ranking, important posts in the Executive Office of the President which are not subject to confirmation, while the heads of nine such offices are subject to confirmation.

Within the Executive policymaking and decisionmaking structure, these three officers, and the agencies they manage, have become extremely important. The impact on the American people of decisions made by these officers is potentially profound. They are certainly more important than the vast majority of the 13,960 civilian appointments, and an overall total of 248,706 appointments including military appointments confirmed by the Senate in the 92d Congress.

The cumulative result of the creation within the Executive Office of the President of posts not subject to confirmation has been to insulate from Congress these key officials and the functions they perform. Congress should insist on the right to confirm these three officials, whose effect on the formulation and implementation of policy, and the administration of the laws is by comparison so great.

EXECUTIVE SECRETARY OF THE NATIONAL SECURITY COUNCIL

The Executive Secretary of the National Security Council is required to be appointed by the President under the National Security Act of 1947 as amended. There is now no Executive Secretary, even though the functions of the National Security Council have grown beyond those initially intended by the Act, and even though the Nixon administration, the funds appropriated for the Council staff, and the size of the staff itself have grown under the present administration enormously. The Council itself has become less and less important. In the Government Operations Committee report on page 3, footnote 2, the Council is noted as having met 37 times in 1969, 23 times in 1970, 13 times in 1971, and 6 times in 1972. Those data were based on a preliminary report from the NSC staff. The final information shows that the Council met only 3 times last year.

Though the Council itself is now considered by some of marginal or nearly insignificant importance, the staff, directed by Dr. Kissinger, has expanded from 48 full-time permanent positions in fiscal year 1969 to a total of 140 full-time staff in fiscal year 1973. And the budget of the NSC staff has increased from $792,000 in fiscal year 1969 to $2,762,000 in fiscal year 1973.

Thus, in 1973, the White House national security operation is vastly different from that envisaged by the 1947 act. That act foresaw a small staff, headed by an Executive Secretary, serving as a supporting staff for an active National Security Council. Instead we have a very substantial staff serving as the President's own national security policy and operations arm headed by a Presidential assistant with a very broad range of responsibilities which make him in some respects a supercabinet officer.

Legally, it is quite normal procedure for Dr. Kissinger to conduct himself as Chief of the Council staff. Indeed, if 50 U.S.C. 402(c) is read literally, the legality of the staff is questionable, on two grounds: First, because the statute states that only the Executive Secretary may appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions; second, because the NSC staff seldom serves the Council itself, but serves instead the President through his Special Assistant for National Security Affairs, who, in turn, serves the President. Thus the concept of an active National Security Council served by a staff has become a legal fiction in the name of which funds are appropriated for this very potent agency.

S. 590 recognizes the changed status of the NSC staff by requiring Senate confirmation for its chief administrative officer, the Executive Secretary. At the same time we hope it will have the effect of restoring responsibility for managing the NSC staff to the official designated by law to do so, or that legislation will be proposed by the administration to update our law to bring it in accord with actual practices.

EXECUTIVE DIRECTOR OF THE DOMESTIC COUNCIL

The Domestic Council was established by authority of Reorganization Plan No. 2 of 1970. At the time, the President explained the breadth and importance of this new White House office which to a considerable degree would be

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the domestic counterpart of the National Security Council, and noted that it would be provided with an institutional staff.

Reorganization Plan No. 2 provided that the Council will be supported by a staff under an Executive Director who will also be one of the President's assistants. On the basis of his dual status as Presidential assistant, the Council's Executive Director was to be exempted from Senate confirmation.

The House Government Operations Committee reported a resolution disapproving the plan. One of the committee's primary objections to the plan was the provision authorizing appointment of an assistant to the President as Executive Director of the Council. This is contrary to the Reorganization Act, which requires that officers authorized by reorganization plans be either confirmed by the Senate or be in the competitive Civil Service. The House committee also objected to the fact that this plan rendered the Executive Director and his staff beyond accountability to Congress. Large and important areas of domestic concern could be completely concealed from the legislative branch, the committee noted.

Time has shown the Executive Director of the Domestic Council has become a highly important official of Government with a very broad range of authority over the implementation of congressionally mandated programs, and that the concerns expressed by our colleagues in the House Government Operations Committee have proven to be well founded.

EXECUTIVE DIRECTOR OF THE COUNCIL ON INTERNATIONAL ECONOMIC POLICY

The post of Executive Director of the Council on International Economic Policy was established by authority of the International Economic Policy Act of 1972 section 208,

At the time the Committee on Foreign Relations considered the bill, several Senators expressed strong reservations that the Council was an agency with the capacity to develop and promote its own views on issues, not a mere staff group writing neutral papers for policymakers.

Now the administration has sent up a bill, S. 1636, to amend the International Economic Policy Act to give permanent authorization to the Council on International Economic Policy. The message accompanying the bill indicates that the Office of the Special Representative for Trade Negotiations is intended to be absorbed by the CIEP, and that the Special Trade Representative and his two deputies, all three holding the rank of ambassador and confirmed by the Senate, be made subordinate to the Council's Executive Director, who is not subject to Senate confirmation. I believe this situation speaks for itself. The Executive Director of the CIEP is an important policy official, and he will become more important if S. 1636 is passed. I strongly recommend that we require the Executive Director's confirmation, and I again point out that both the Foreign Relations Committee and the Banking Committee concur in that judgment.

In conclusion, Mr. President, I wish to make it clear that none of the sponsors of this legislation, and none of the committees that have reviewed it, intend the bill to intervene between the President and his personal staff who directly assist him in the performance of his duties as Chief Executive. Nor is the bill directed in any critical manner toward the incumbents of the offices of Executive Director of the Domestic Council, or Executive Director of the Council on International Economic Policy, nor against the President's Adviser for National Security Affairs, who acts as Executive Secretary of the National Security Council. But our committee has concluded that it is both constitutionally proper, and sound public policy, that the position here involved be made subject to Senate confirmation, because the officers in question have responsibilities well beyond those of personal advisers or consultants to the President. Each of the three posts affected has an operating function conferred by or developed from law or reorganization plan. And those holding those posts can in no way be considered inferior officers as the term is used in the Constitution. For these reasons I urge passage of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask that the time be charged against Mr. SYMINGTON's time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. SYMINGTON, I yield back his remaining time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is: Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Wyoming (Mr. HANSEN) are necessarily absent.

The Senator from Delaware (Mr. ROTH) is detained on official business.

The result was announced—yeas 72, nays 21, as follows:

[No. 129 Leg.]

YEAS—72

| | | |
|---|---|---|
| Abourezk | Gurney | Mondale |
| Aiken | Hart | Montoya |
| Allen | Hartke | Moss |
| Baker | Haskell | Muskie |
| Bayh | Hatfield | Nelson |
| Bentsen | Hathaway | Nunn |
| Bible | Hollings | Pastore |
| Biden | Huddleston | Pearson |
| Brock | Hughes | Pell |
| Brooke | Humphrey | Percy |
| Burdick | Inouye | Proxmire |
| Byrd, Harry F., Jr. | Jackson | Randolph |
| | Javits | Ribicoff |
| Byrd, Robert C. | Johnston | Saxbe |
| Cannon | Kennedy | Schweiker |
| Case | Long | Sparkman |
| Chiles | Magnuson | Stafford |
| Church | Mansfield | Stevens |
| Clark | Mathias | Stevenson |
| Cook | McClellan | Symington |
| Cranston | McClure | Talmadge |
| Eagleton | McGee | Welcker |
| Eastland | McGovern | Williams |
| Ervin | McIntyre | |
| Fong | Metcalf | |

NAYS—21

| | | |
|---|---|---|
| Bartlett | Dole | Packwood |
| Beall | Domenici | Scott, Pa. |
| Bellmon | Dominick | Scott, Va. |
| Bennett | Fannin | Taft |
| Buckley | Griffin | Thurmond |
| Cotton | Helms | Tower |
| Curtis | Hruska | Young |

NOT VOTING—7

| | | |
|---|---|---|
| Fulbright | Hansen | Tunney |
| Goldwater | Roth | |
| Gravel | Stennis | |

So the bill (S. 590) was passed, as follows:

S. 590

An act to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, effective with respect to appointments made after the date of the enactment of this Act, the Executive Secretary of the National Security Council (established by section 101 of the National Security Act of 1947) and the Executive Director of the Domestic Council (established by section 203 of Reorganization Plan Numbered 2 of 1970) shall each be appointed by the President by and with the advice and consent of the Senate.

SEC. 2. If provisions of the International Economic Policy Act of 1972 (title II of Public Law 92-412) are extended beyond June 30, 1973, the Executive Director of the Council on International Economic Policy shall be appointed by the President by and with the advice and consent of the Senate, and no individual shall serve in such office after June 30, 1973, unless he has been so appointed.

Mr. PERCY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further votes this afternoon.

## ENERGY POLICY ACT OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent at this time that the Senate turn to the consideration of Calendar 109, S. 70; that it be laid before the Senate and made the pending business for tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will state the bill by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 70) to promote commerce and establish a Council on Energy Policy, and for other purposes.



## PROGRAM

Mr. STAFFORD. Mr. President, I ask the majority leader to yield for the purpose of asking what the schedule is for the remainder of the day and for tomorrow.

Mr. MANSFIELD. Mr. President, I am delighted to yield to the acting Republican leader and to state that what is now the pending business will not be taken up tonight, but will be taken up first thing tomorrow.

It is hoped that that bill will be followed by S. 373, a bill having to do with the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds, and so forth, and then it is hoped that that bill will be followed by S. 14, a bill to amend the Public Health Service Act.

That is about the best I can say at this time.

## ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be separate 15-minute special orders for tomorrow for the distinguished Senator from Michigan (Mr. GRIFFIN), the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from Montana now speaking.

The PRESIDING OFFICER. Without objection, it is so ordered.

## POSSIBILITY OF NO SESSION FRIDAY

Mr. MANSFIELD. Mr. President, the reason for coming in early tomorrow is that if we can clear the calendar sufficiently well, it would be the intention of the joint leadership not to meet on Friday. Of course, events will determine whether or not that occurs.

## CONVENTION FOR SAFETY OF LIFE AT SEA—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from six amendments to the Convention for the Safety of Life at Sea, 1960—Executive I, 93d Congress, first session—transmitted to the Senate today by the President of the United States, and that the amendments to the Convention with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message is as follows:

*To the Senate of the United States:*

I herewith transmit for the advice and consent of the Senate six amendments to the Convention for the Safety of Life at Sea, 1960.

These amendments were adopted at London on October 12, 1971 by the Assembly of the Inter-governmental Maritime Consultative Organization (IMCO) and are the outcome of recommendations of the Maritime Safety Committee of IMCO directed toward improvement of safety of navigation. The regulations as amended would provide for improved radio-telephone watch procedures, more modern radio-telephonic devices, and more detailed procedures for operation of such devices. In addition, the insertion of a new regulation on routing specifies an increased role for IMCO in establishing and coordinating routes and increased enforcement responsibility for the contracting governments.

For the information of the Senate, I am also transmitting the report of the Department of State with respect to the amendments.

I recommend that the Senate give swift and favorable consideration to all of these amendments.

RICHARD NIXON.

The WHITE HOUSE, *May 9, 1973.*

## ORDER OF BUSINESS

Mr. HARRY F. BYRD, JR. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 70, a bill to promote commerce and establish a Council on Energy Policy.

## DISPOSAL OF NAVAL VESSELS

Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on General Legislation of the Senate Committee on Armed Services held followup hearings on naval vessel disposals after receiving notification that loaned vessels approved by this committee were being stricken from the register and sold.

Last year's loan bill had certain amendments which the executive branch strongly opposed. The amendments required that first loaned vessels must be returned to U.S. custody at the expiration of the loans and second, the executive branch may not extend any loan without congressional approval.

After passage of the bill last year, the Navy changed its policy of loaning ships to foreign countries and instituted a new policy under which vessels on loan are stricken from the Naval Vessel Register and sold to the recipient nation under the provisions of the Foreign Military Sales Act.

By so doing, the Navy bypasses the Congress and unilaterally disposes of U.S. major combatant ships and smaller vessels, without approval of the Congress.

I submitted today the subcommittee's report for the approval of the full committee.

In so approving it, it approved the legislation which I have introduced today.

Since the enactment of the loan bill last year Public Law 92-270—the Navy has stricken and sold 16 major combatant vessels which had been authorized as loans. This has been accomplished without consultation and without congressional approval.

The subcommittee report which the Armed Services Committee approved today, in effect, recommends simply that section 7305 of title 10 to prohibit the sale of any vessel stricken from the Naval Register under the Foreign Military Sales Act. The amendment requires that striken major combatant vessels be disposed of under the competitive bids procedures as the law requires, or by authorizing legislation.

Mr. President, what has happened in pursuance of the policy that has been in existence for some time which requires that the Navy request the approval of the Congress in regard to the loaning of certain ships to friendly or allied nations, is that when the Congress last year placed restrictions on those loans of which the Navy disapproved, the Navy then completely bypassed Congress by selling ships to foreign countries.

Certainly it is not very logical, Mr. President, for the law to require that the Navy come to Congress for approval to make loans of naval vessels when apparently there is a loophole in the law which permits the Navy to make the sale of those vessels without coming to Congress.

The proposal I have introduced in the Senate today, which was approved by the Armed Services Committee this morning, in effect would require the Navy to come to Congress before it can dispose of our combat vessels.

I happen to be one of those Senators who favor the loan proposals. I happen to be one of those who feel that we should utilize our surplus ships to help our allies and to help friendly nations. But I disapprove of the Navy circumventing Congress and disposing of ships without the approval of the elected representatives of the people of the Nation who have financed the building of those ships.

I have a list of ships which have been on loan to other countries and which in recent months have now been sold to those countries without any competitive bidding and without the approval of Congress, and the action was taken so as to get around the restrictions which Congress last year placed on the Navy.

Mr. President, I ask unanimous consent that the list of the 16 ships and the dates of sale be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LOANED SHIPS STRICKEN AND SOLD

NAME, COUNTRY, STRIKE DATE, SALE DATE

*Springer*, submarine, Chile, September 1, 1972; September 7, 1972.

*Sandlance*, submarine, Brazil, September 1, 1972; October 12, 1972.

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*Cabot*, carrier, Spain, August 1, 1972; December 5, 1972.
*Capp*, DD, Spain, October 1, 1972; December 27, 1972.
*Taylor*, DD, Spain, October 1, 1972; December 27, 1972.
*Converse*, DD, Spain, October 1, 1972, December 27, 1972.
*Jarvis*, DD, Spain, October 1, 1972; December 27, 1972.
*McGowan*, DD, Spain, October 1, 1972; December 27, 1972.
*Bergall*, submarine, Turkey, February 1, 1973; February 15, 1973.
*Hugh Purvis*, DD, Turkey, February 1, 1973; February 15, 1973.
*Bronson*, DD, Turkey, February 1, 1973; February 15, 1973.
*Forrest Royal*, DD, Turkey, February 1, 1973; February 15, 1973.
*Harwood*, DD, Turkey, February 1, 1973; February 15, 1973.
*Ban Balkenberg*, DD, Turkey, February 1, 1973; February 15, 1973.
*Irwin*, DD, Brazil, March 15, 1973; April 11, 1973.
*Hancock*, DD, Brazil, February 15, 1973; April 11, 1973.

Sixteen ships authorized for loan by our committee have been stricken from register and sold.

## VOLUNTARY INDUSTRY ACTIVITY RESULTING FROM INJURY DATA

Mr. MAGNUSON. Mr. President, I invite the attention of the Senate to a most valuable statement by Dr. Walter Ames Compton, M.D., the chief executive officer of Miles Laboratories to the Food and Drug Law Institute. In the statement entitled, "Voluntary Industry Activity Resulting From Injury Data," Dr. Compton sets forth a philosophy for the safety of consumer products which I find to be an enlightened and constructive statement defining corporate responsibility.

Unlike many industry leaders, Dr. Compton does not regard the new product safety law and the gathering of product safety data as intrusions upon the private preserve of business, but a welcome opportunity for improvement of products to serve the community. He sees reasonable safety regulation as a means of bringing the standards of design responsibility within each industry up to the levels of the most responsible members of the industry, rather than pulling down performance through market pressures to the lowest common denominator of safety.

I ask unanimous consent that the text of Dr. Compton's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

VOLUNTARY INDUSTRY ACTIVITY RESULTING FROM INJURY DATA

(By Walter Ames Compton, M.D.)

I have been asked to speak with you today on the subject of Voluntary Industry Activity Resulting From Injury Data. There is no question that there has been a marked acceleration in current times—both as to a notably increased awareness and interest in product safety by the public and a concerted effort by public, government, and private organizations to gather more product injury data and make it available to the consumer.

I welcome this opportunity to share with you my views on this sensitive and critical subject which deserves the just concern of the business community. It is sensitive and critical because in product injury we are dealing with the possible impairment or destruction of our most valuable national asset—people. It deserves the just concern of our business community because we are the springwell from which the product comes and we have both the right and the obligation to exert constructive thought and action to ensure that sound and realistic safety standards are achieved for products; to ensure that the retrieval of product injury data is meaningful and constructive and more importantly, to make sure that such data is promptly made available to, and used by industry.

We then come to the assigned title of my talk and what has to be the whole objective of gathering product injury.—

What should industry do with the product injury data?

First, it might be well to emphasize a few salient facts. I could speak about possible business community instinctive negative reaction to the government gathering injury data relating to the use of our products; about potential for abuse; about the propensity so commonly seen for making shallow political capital out of product injury data headlines.

Putting these areas aside, the facts we must acknowledge are that safety problems do exist in a large number of industry products, people are being injured by products and organizations—an example of which is the data reporting system known as the National Electronic Injury Surveillance System—are gathering this injury data and making it available for the use and intcrest of all concerned.

An even more pertinent fact is that the President, on October 27, 1972, signed into law the Consumer Product Safety Act of 1972. The first sentence of that Act reads:

"The Congress finds that . . . an unacceptable number of consumer products which present unreasonable risks of injury are distributed in the commerce."

The Act establishes an independent Consumer Product Safety Commission of five members to be appointed by the President and confirmed by the Senate. This Commission is granted newly-created Federal authority to regulate all consumer products and components thereof. Despite the broad term "all consumer products there are numerous articles the Act does not cover, such as motor vehicles, firearms, aircraft, or food, drugs, devices or cosmetics as defined in the Federal Food, Drug, and Cosmetic Act. The exemption of drugs is limited since the Commission does have a degree of authority over the packaging of drugs under the Federal Poison Prevention Packaging Act.

Probably I need not point out that exclusion of drugs under this new Act does not imply that drug safety is no problem—or a lesser problem. All here I am sure are well aware that the Federal Food, Drug and Cosmetic Act, and the Regulations issued thereunder, already provide ample authority to mandate safety of drugs. The high standards, and properly so, required of the drug industry to distribute only products of maximum attainable purity and quality together with standards of safety and efficacy are, of course, already a matter of law and regulatory government procedure. An injury data retrieval system and a responsible implementation program as to such data is an inescapable fact of business, not only in the area of food, drugs, and cosmetics but consumer products in general as well.

Another fact is that the consumer is no longer, if he ever was, a silent unknown endreciplent of our products. He is now more and more effectively demanding to be heard and is being heard, and I assert that this is a healthy and desirable development.

The phenomenon of so-called consumerism has served notice that in many cases, existing standards of products are found wanting by society, and that industry is being called to a needed accounting.

I submit that *responsible* members of industry will not be fearful of subjecting their products to such an accounting. They will welcome standards of product safety and a system of monitoring product injuries and data accumulation as to such injuries; and that manufacturers who, in the past, may have thought it expedient or desirable to cut corners and to ignore concern for the consumer will now most properly, more than ever before, be called to task.

With acknowledgment of the facts of life as to product safety standards and data accumulation as to product injuries, it makes sense forthrightly and intelligently to respond.

As businessmen, we must be prepared to take a more active, and a constructive role in the public debate on the regulatory issues. If industry does not, we can fully expect decision-making on such issues to be to that degree more erratic and less scientific. If the news media possess and communicate more data than industry members affected by regulations, it is reasonable to expect them to be more influential in the regulatory process. However, if there be knowledgeable, constructively motivated participation by industry to improve the *quality* of regulation, I do believe that we can gain the confidence of the public in the regulatory process and thus achieve a better sense of direction to the regulations.

I submit that if there, in fact does, exist a problem on the part of industry as to the utilization of product injury data, it is largely due to a lack of knowledge as to the purpose and motive of such an injury data retrieval program or perhaps a misguided impression that a data reporting system such as N.E.I.S.S. is an improper form of industry surveillance. Such a program is, of course, a form of surveillance but it produces data which, if the businessman will accept and evaluate with an objective mind, can only be to his benefit. It is my experience most businessmen, given the opportunity to use reliable market research data which indicates an existing area of dissatisfaction on the part of the consumer with resultant loss of profit, will leap at the chance to eliminate the element of dissatisfaction with resultant better customer satisfaction and then increased profit as a normal fallout. It is with this frame of mind that the businessman must approach the product injury data retrieval systems. He must not rely solely on N.E.I.S.S., but must be imaginative and innovative in devising sources of his own. Then, after he gets the information comes the real test of how to use it efficiently.

It is an inescapable fact that in industry we can expend huge sums in research and product development, set up elaborate marketing program, solve the problem of manufacturing and distribution but that the real measure of success comes when we receive the answer from the user-public as to how the product performed and what, if any, defects or deficiencies came about during its use. And that is the whole essence of the importance of injury data retrieval programs.

Congress, speaking for the public, in enacting the Consumer Product Safety Act might be said simply to have put us on notice that industry has not met expectations in providing safe consumer products. This is but a broad statement of dissatisfaction, and in order for the private business sector to respond we must know more about what the public conceives of as our failures so that we can apply our resources to their correction. The role that national injury data banks can play is obvious. It is through the feedback from N.E.I.S.S. and other sources, certainly not the least important of which is the individual consumer inquiry which each of us constantly receives as to our products.



that information on actual field performance is secured to allow us to re-design, reformulate, or relabel our products and thus avoid a repetition of injury associated with use. While the foreseeability of such injury was not there when the responsible manufacturer marketed the product he thus has been put on notice and has both moral and legal responsibility to act.

The business which participates in a good injury data retrieval program and then establishes an internal organization to act on such data will be alert to areas of emerging public concern as well as to specific problems of the individual company's product; the lag time in taking corrective measures will be correspondingly minimized.

We have not yet realized Utopia. It is unrealistic to expect that all product-related injuries can be eliminated. Just as medicinal substances, if active and useful, are not and can never be either wholly safe or wholly effective, so instruments designed to cut inanimate objects will cut people; devices designed to generate heat will produce burns. Our burden as manufacturers must be, as nearly as we can, to try to anticipate the eccentricities of human behavior and to design into our products tolerances for misue based on actual consumer experience rather than idealized instruction manuals. By efficient injury data systems, together with an internal organization to evaluate and act, we are in a better position to conform the product to that sort of practical consumer experience.

To focus on common consumer abuses, in-depth studies will provide invaluable clues as to the steps which are likely to be more effective. Even with priorities established for in-depth reporting under the N.E.I.S.S. system, or by the Injury Information Clearing House provided for in the Consumer Product Safety Act, businessmen will undoubtedly find it advantageous to continue to provide private funding for in-depth studies of special significance to their own prdoucts especially when the product safety questions presented are of perhaps lesser national or general priority.

There is another reason for the creative use of product safety data which is both a service to the public and at the same time self-serving to corporate interests. Regulatory actions are likely to be drawn broadly—particularly in the initial stage. Because it is the business community that has product development technology as well as exposure to consumer experience, industry so is in a unique position to complement the regulatory process by suggesting means for more precise regulations. When it is possible to do so, we should assist government in determining that action which will achieve the deired objective at a minimal cost and least disruption to the commercial sector. If it can be shown that a desired result can be achieved with a less costly regulatory action, then this should prevail. The only way to do so is to have, and effectively present, better and more persuasive data. Again, the basic data banks of the N.E.I.S.S., the Product Safety Commission's Clearinghouse and other sources will be invaluable in these efforts.

I have been specifically requested to discuss the question how corporations might organize to respond to product safety data. While not either presuming to impose my own organizational concepts on others, or representing that there is any one organizational plan which is suitable to all corporations, there *are* some *generalizations* which we have found useful as a starting point for internal planning:

1. The review of product-associated injury data should be *systematic*—a specifically assigned responsibility in the corporation, under which proper performance and systematic review is the direct responsibility of top management.

2. The personality of the persons with this assignment is extremely important. Imagination, organizational abilities, and the ability to take on the internal "establishment" when necessary, are especially important.

3. The review of product-associated injury data is, in most cases, more susceptible to interdisciplinary task force operations. Such a task force might include representatives of Legal, Quality Control, Product Development, Data Processing, and Medical disciplines, to name some of the obvious choices.

4. The person or task force with product-associated injury data monitoring responsibility will not wish to confine himself only to the national public data sources. The National Safety Council, consumer inquiry or complaint letters, Poison Control Centers, and trade associations all can prove to be useful sources of information. Consumer correspondence, particularly, is frequently overlooked as an excellent source of information and in this the assigned executive should regard himself as the public's ombudsman.

5. Those with product-associated injury data responsibilities will want to organize appropriate trade association groups to assemble collective data and to provide mechanisms for voluntary standard-making activities. The Trade Association should also be encouraged to monitor and report on the current activities of the Consumer Product Safety Commission and the Commission's Advisory Committee.

6. An additional source of guidance and useful data which has been given substantial attention by the N.B.C.C.A.'s Subcouncil on Product Safety is the *insurance industry*. Individual Insurers of businesses are uniquely interested in encouraging reductions in product-associated injuries, and at the same time are likely to be highly practical, highly competent advisors. *Their advice should be actively sought and used.*

Turning back for a moment to my earlier observation as to the need of constructive input by the business community in regulatory decisions, I would stress that the legislative framework established by the Product Safety Act offers extraordinary opportunities to those who are capable of designing products which make a significant contribution to consumer safety. In the past, manufacturers who designed safety into their products at higher cost were faced with price competition by less safety-conscious manufacturers. Often the safety-quality aspect was not readily apparent in the product and so consumers, too often thus allowed price to be the overriding consideration—through ignorance of the safety issues involved.

With the new Consumer Safety Act we have a mechanism which will enable manufacturers to initiate standard-making procedures with which all will need to comply. If the new Consumer Safety Commission does its job, consumers can be expected to achieve a new and considerably higher level of awareness of safety—not only in the use of consumer products, but also as an increasingly important quality consideration in purchasing.

It is clear from the legislative requirements of the Act that product safety standards will not be adopted simply because it is possible to make the product safer. It will be essential to show that utility is not jeopardized, and that the economic cost of the standard is justified in terms of the likely contribution to reduction in injuries. Again, the role of product safety data banks is quite important. It is against these sources that proposed standards may be measured. Corporate research and development units seeking more safe products would do well to establish internal priorities based on a thorough analysis of such injury data sources.

In conclusion, the passage of the Product Safety Act and the ongoing existence of a new government agency whose sole concern is product safety does more than change the regulatory climate in which business people operate. New opportunities have been created which will provide profit benefits to those who are able to discern the opportunities and to organize themselves accordingly. In this sense, realization of problems becomes simply a definition of opportunity and using product injury data positively is no more than one of the initial considerations of any corporation whose intention is to prosper in our current regulatory and social environment.

More than any other single quality, the *proper use* of product safety data is a function of proper attitude to the new regulatory environment. If it is the feeling of your organization that reports of product-associated injuries provide a marketing research tool which can better insure the delivery of safe and efficacious products for the consumer you are probably in a position to profit in the new regulatory system. If, on the other hand, you find yourself preoccupied with the thoughts that the new act is inflationary or unwarranted, or of little likely benefit to the consumer, I would suggest to you that Congress has already conclusively decided these issues and should no longer be a matter for debate. There is no new frontier here of business conduct which has been legislated; there is no new discovery that it is essential to know if your product is safe—or if it is capable of harm—what you do is to discover, define and correct that potential for harm. Really, the moral commitment to consumer safety was made when we elected to become a member of industry. Reasoned legislation and enactment of just regulations must be viewed as a restatement of that commitment. To react otherwise is sheer folly. I submit to you that the opportunity is ours—let us not permit it to slip away or to become distorted by misunderstanding or inactivity.

## TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. NELSON) laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXCHANGE STABILIZATION FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the Exchange Stabilization Fund, for fiscal year 1972 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION FROM DEPARTMENT OF LABOR

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to extend and improve the Nation's unemployment compensation programs, and for other purposes (with accompanying papers). Referred to the Committee on Finance.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United State, transmitting, pursuant to law, a secret report on "The SAM-D Missile Program" (with an accompanying report).

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Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Evaluation of the Office of Economic Opportunity's Performance Contracting Experiment", dated May 8, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

PROPOSED LEGISLATION FROM THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the head of an executive department, a military department, an agency, or an independent establishment in the executive branch to render emergency assistance in certain circumstances (with accompanying papers). Referred to the Committee on Government Operations.

PERMANENT RESIDENCE STATUS FOR CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered relating to the granting of permanent residence status to certain aliens (with accompanying papers). Referred to the Committee on the Judiciary

REPORT ON CERTAIN DEFECTOR ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered in the cases of certain defector aliens (with accompanying papers). Referred to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 102. Resolution authorizing the printing of additional copies of the report entitled "Development in Aging: 1972 and January-March 1973" (Rept. No. 93-140);

S. Res. 103. Resolution authorizing additional expenditures by the Committee on the Judiciary for routine purposes (Rept. 93-141);

H. Con. Res. 109. Concurrent resolution providing for the printing of remarks of tribute to the late President of the United States, Lyndon Baines Johnson (Rept. No. 93-142);

H. Con. Res. 126. Concurrent resolution to provide for the printing of one thousand additional hearings entitled "Year-Round Schools" (Rept. No. 93-144); and

H. Con. Res. 156. Concurrent resolution to provide for the printing of one thousand additional hearings entitled "Corrections, Federal and State Parole Systems", parts VII-A and VII-B, serial 15, Ninety-second Congress (Rept. No. 93-143).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 96. Resolution authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate (Rept. No. 93-145); and

S. Res. 101. Resolution authorizing supplemental expenditures by the Committee on the Judiciary for an inquiry and investigation relating to the representation of citizen interests (Rept. No. 93-146).

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Howard H. Callaway, of Georgia, to be Secretary of the Army.

The nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. THURMOND, from the Committee on Armed Services:

Robert C. Hill, of New Hampshire, to be an Assistant Secretary of Defense.

The nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. HARRY F. BYRD, JR. Mr. President, from the Committee on Armed Services, I report favorably the nomination of one Navy vice admiral, four lieutenant generals in the Army, and one lieutenant general in the Marine Corps to be placed on the retired list in those respective grades; the promotion of three Army major generals to lieutenant general, one Air Force major general to lieutenant general, one rear admiral to vice admiral, and two major generals to lieutenant general in the Marine Corps, and 61 rear admirals in the Navy for permanent promotion in that grade. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Maj. Gen. Leo J. Dulacki and Maj. Gen. Herbert L. Beckington, U.S. Marine Corps, for commands and other duties determined by the President, for appointment to the grade of lieutenants general while so serving.

Maj. Gen. Joseph G. Wilson (major general, Regular Air Force) U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Lt. Gen. Julian Johnson Ewell, Army of the United States (major general, U.S. Army);

Lt. Gen. William Raymond Peers, Army of the United States (major general, U.S. Army);

Lt. Gen. Willard Pearson, Army of the United States (major general, U.S. Army); and

Lt. Gen. Richard Thomas Cassidy, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. William Robertson Desobry, Army of the United States (major general, U.S. Army);

Maj. Gen. Richard Joe Seitz, Army of the United States (major general, U.S. Army); and

Maj. Gen. Raymond Leroy Shoemaker, Army of the United States (major general, U.S. Army), to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Vice Adm. Thomas J. Walker III, U.S. Navy, for appointment to the grade of vice admiral, when retired;

Rear Adm. Thomas R. Weschler, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

William J. Kotsch, and sundry other officers, for permanent promotion to the grade of rear admiral in the Navy;

Lt. Gen. Hugh M. Elwood, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general; and

By Mr. MAGNUSON, from the Committee on Commerce:

Richard O. Simpson, of California, Lawrence M. Kushner, of Maryland, Constance E. Newman, of the District of Columbia, and Barbara H. Franklin, of New York, to be Commissioners of the Consumer Product Safety Commission.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I also report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Glen N. Armitage, and sundry other officers, for permanent promotion in the Coast Guard Reserve.

The above nominations were reported with the recommendation that they be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD:

S. 1754. A bill for the relief of certain named individuals. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 1755. A bill for the relief of the Mondakota Gas Co. Referred to the Committee on the Judiciary.

S. 1756. A bill to authorize the Secretary of the Interior to designate the Beartooth Highway, Montana and Wyoming, as the James E. Murray Memorial Parkway, and for other purposes. Referred to the Committee on Public Works.

By Mr. YOUNG:

S. 1757. A bill to amend the Fair Labor Standards Act of 1938 to treat certain laundry and cleaning enterprises in the same manner as other retail enterprises under that Act. Referred to the Committee on Labor and Public Welfare.

By Mr. SCOTT of Pennsylvania (for himself and Mr. JAVITS):

S. 1758. A bill to implement the Convention on the Prevention and Punishment of the Crime of Genocide. Referred to the Committee on the Judiciary.

By Mr. BAKER:

S. 1759. A bill authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes. Referred to the Committee on Public Works.

By Mr. McCLELLAN:

S. 1760. A bill for the relief of Diana Cecelia Marinkovic Blanco. Referred to the Committee on the Judiciary.



By Mr. MAGNUSON (for himself, Mr. COTTON, and Mr. INOUYE) (by request):

S. 1761. A bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1762. A bill to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws. Referred to the Committee on Commerce.

S. 1763. A bill to amend the Rail Passenger Service Act of 1970, as amended, to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes. Referred to the Committee on Commerce.

By Mr. JAVITS:

S. 1764. A bill to amend section 46 of the Internal Revenue Code of 1954 to provide for greater flexibility in fixing the investment tax credit rate. Referred to the Committee on Finance.

By Mr. BAYH:

S. 1765. A bill to establish an independent Board of Parole, to provide for fair and equitable Federal parole procedures, to study the parole procedures provided for released prisoners, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. BROOKE, Mr. ABOUREZK, and Mr. CLARK):

S. 1766. A bill to require periodical financial disclosure by officers and certain employees of the Federal Government, to establish criminal penalties for unfair campaign practices, to strengthen presidential campaign financing laws, to amend the Federal Election Campaign Act of 1971, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. CURTIS:

S. 1767. A bill to amend the Federal Water Pollution Control Act. Referred to the Committee on Public Works.

By Mr. MUSKIE:

S. 1768. A bill to establish a Commission on Mental Health and Illness of the Elderly, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself, Mr. COTTON, and Mr. WEICKER):

S. 1769. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 1770. A bill to establish a National Domestic Development Bank to provide an alternative source of credit to State and local governments for the purpose of financing public and quasi-public facilities of all types, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN:

S. 1771. A bill for the relief of Miss Ros Melinda Padilla Cortes. Referred to the Committee on the Judiciary.

S. 1772. A bill to amend the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend these benefits to miners who incur silicosis in iron mines, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HARRY F. BYRD, JR. (for himself and Mr. HUGHES):

S. 1773. A bill to amend section 7305 of title 10, United States Code, relating to the sale of vessels stricken from the Naval Vessel Register. Referred to the Committee on Armed Services.

By Mr. MAGNUSON (for himself, Mr. COTTON and Mr. INOUYE) (by request):

S. 1774. A bill to amend the Federal Trade Commission Act and the Export Trade Act as amended to deal with unfair competition in imports, to provide for clarification of law, for prior Federal Trade Commission clearance of export trade associations, and for other purposes. Referred to the Committee on Commerce.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT of Pennsylvania (for himself and Mr. JAVITS):

S. 1758. A bill to implement the Convention on the Prevention and Punishment of the Crime of Genocide. Referred to the Committee on the Judiciary.

Mr. SCOTT of Pennsylvania. Mr. President, at the present time, the Genocide Treaty is on the Executive Calendar awaiting Senate action. I am today introducing, on behalf of Senator JAVITS and myself, the implementing legislation for that treaty.

I ask unanimous consent that the bill be appropriately referred and that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTIONAL ANALYSIS

Sec. 1 of the bill would add to title 18, United States Code, a new chapter 50A, Genocide, consisting of new sections 1091 and 1092:

Proposed section 1091 of title 18 contains definitions of some of the terms used in the Convention, in order to comply with the principle that criminal statutes should have a sufficient degree of certainty to make it clear without judicial interpretation just what acts are punishable.

Clauses (1)–(4) define the groups which the statute is intended to protect in terms of the characteristics which distinguish them from the rest of the population of the larger society of which they are a part. The larger society can be either a nation or the international community of nations.

Clause (5) defines "substantial part" in terms of its numerical significance to the group as a viable force. The term is used in proposed section 1092 defining the offense of genocide in order to comply with the understanding of the Senate Committee on Foreign Relations concerning the intent provision of Article II of the Convention. Senate Ex. Rep. 93–5, pp. 6–7.

Clause (6) defines children as dependent persons under 18 years of age.

Proposed section 1092 of title 18 creates the crime of genocide, tracking substantially the language of the Convention, except for the use of the terms "without justifiable cause" and "substantial part", and except for subsection (a)(3), which defines genocide by "mental harm" as the willful causing without justifiable cause of the permanent impairment of the mental faculties.

The term "without justifiable cause" is included to make it clear that certain acts, such as justifiable acts of war or acts done justifiably in self defense against domestic insurrection, do not constitute the crime of genocide.

The use of the term "substantial part" is explained in the discussion of clause (5) above.

The definition of genocide by "mental harm" complies with the second understanding of Senate Ex. Rep. 93–5. The definition also details precisely the means used to cause the impairment, in order to avoid a claim of impairment based on incidental or hypothetical mental harm. Not only must the act be willful and without justifiable cause, but it must be calculated to cause dysfunction. "Mental faculties" is amplified and focused in terms of mental processes, nervous system, and motor functions.

Genocide by killing and bodily harm use the Convention terminology entirely, since killing and assault are recognized crimes.

Subsection (a)((4) defines genocide by "inhumane treatment" and clarifies the ambiguity of the Convention's phrase "conditions of life."

Subsection (a)(5) defines genocide by imposed birth control as the willful imposition of measures intended to prevent the natural group increase "as a means of effecting the destruction of the group as such".

Subsection (a)(6) defines genocide by repatriation as the willful and forcible transfer of the children of the group as a means of effecting the destruction of the group.

Subsection (b) proscribes attempted genocide and public incitement to genocide, in order to comply with Article III of the Convention. In this regard, it is unnecessary to proscribe complicity in genocide, as required by Article III, since this inchoate offense would be covered, 18 U.S.C. 2 (principals), and 18 U.S.C. 3 (accessory after the fact).

Subsection (b) also sets forth the penalties for genocide and related offenses. Like the penalties for violations of other criminal statutes, increased penalties are provided if death results.

Section 2 of the bill would provide that the remedies in it are the exclusive means of enforcing the rights based on it, thus excluding civil remedies, but would also express the Congressional intent not to preempt State law in the field.

Section 3 of the bill would express the sense of the Congress that extradition treaties negotiated (pursuant to Article VII of the Convention) shall provide protection for Americans against double jeopardy for genocidal acts committed abroad if they have been proceeded against in the United States or if the United States intends to exercise its jurisdiction. See Senate Ex. Rep. 93-5, p. 11–12. This section is included because the draft statute would make it possible for the United States to assert jurisdiction over citizens of this country in cases of alleged genocide where the facts giving rise to the case took place outside United States territory. As a result it is possible that there may be situations where both the United States and another country will have jurisdiction to try someone for the same alleged offense. The statutes of the United States are not directed to the issue of who exercises jurisdiction, but leave the answer to the text of the extradition treaty involved. 18 U.S.C. 3184. See, for example, Treaty of Extradition with Brazil, 15 U.S.C. 2094, Art. V., which is the source of the language for this section. The Secretary of State is directed to ensure that future extradition treaties which treat genocide as an offense for which extradition may be granted shall reserve to the United States in cases where double jurisdiction exists the right to try its own citizens rather than grant extradition. Clause (b) of the section is, as a matter of policy, presently included in all extradition treaties.

By Mr. BAKER:

S. 1759. A bill authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes. Referred to the Committee on Public Works.

Mr. BAKER. Mr. President, I am today introducing, for appropriate referral, a

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bill that would extend the authorization for Federal support of the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.

This legislation was proposed by the administration, and I am pleased to sponsor it on their behalf.

The present authorization for nonperforming arts activities—maintenance, security, and information and interpretive services—expires on June 30, 1973. This new proposal would provide an open ended authorization. While I believe it is generally more appropriate for the Congress to specify dollar authorizations over specific periods of time, the Congress should give this proposal very careful consideration.

The Department of the Interior estimates that it will need approximately $2,400,000 in fiscal 1974 to carry out the Center's nonperforming arts functions, with the annual cost expected to rise to $2,600,000 by fiscal 1978.

Mr. President, to give my colleagues a fuller understanding of this legislation, I ask unanimous consent that a copy of the bill, together with a copy of a letter from Assistant Secretary of Interior Nathaniel P. Reed, and a chart showing the expected spending levels under the proposed legislation, be inserted at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1759

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698), as amended, is amended to read as follows: "There are hereby authorized to be appropriated such sums as may be necessary for carrying out this subsection."

U.S. DEPARTMENT OF THE INTERIOR,
*Washington, D.C.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "Authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Section 10 of the Public Buildings Amendments of 1972 (86 Stat. 216, 222), approved June 16, 1972, added a new subsection (e) to section 6 of the John F. Kennedy Center Act, as amended. The new subsection directed the Secretary of the Interior, acting through the National Park Service, to provide maintenance, security, information, interpretation, janitorial, and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. It authorized sums as may be necessary to carry out these functions, but only for the fiscal year ending June 30, 1973.

The enclosed draft bill would amend the appropriation authorization in subsection 6(e) to delete the language limiting the authorization to fiscal year 1973, thus permitting the National Park Service to continue to receive appropriations after 1973 for carrying out nonperforming arts functions for the Center.

This Department looks forward to providing the maintenance, security, and other services and to developing a public interpretive program similar in quality to the services and programs for other memorials in the Washington, D.C., area, such as the Washington Monument, Lincoln Memorial, and Jefferson Memorial.

On October 4, 1972, this Department entered into an agreement with the Board of Trustees for the Kennedy Center whereby interpretation and information services, maintenance services, and utilities and janitorial services, as related to the nonperforming arts functions, would be supplied by the Secretary.

The Center is currently estimated to be valued at more than $70 million, and visitation to the Center surpassed 2.5 million visits in fiscal year 1972, with 15,000 to 20,000 visitors per day during peak periods. This visitation is exclusive of that solely connected with the performing arts functions of the Center. We estimate that to provide quality maintenance, security, and interpretation befitting this memorial to a former President would require a total of $2,400,000 in the first year following enactment of the proposed bill. This amount would be required for the nonperforming arts functions alone. An additional $536,000 will be incurred for the expenses attendant to utilities and other services associated with performing arts functions, but we would be reimbursed for those expenses by the Board of Trustees of the Center. During the fifth year following enactment and thereafter, annual costs to this Department under section 6 of the Act are expected to reach $2,600,000.

To maintain and interpret the nonperforming arts functions of the Center at the proper standard for the public will require about 80 permanent employees and 15 manyears of seasonal personnel. The permanent personnel include 12 guards and 13 U.S. Park Police officers as well as building engineers, carpenters, a plasterer, a painter, gardeners, plumbers, and electricians. The total annual cost for personnel services and benefits is estimated to be $990,000. Other costs attributable to nonperforming arts functions include uniform allowances, utilities, and a janitorial contract.

We urge timely and favorable action on the enclosed proposal in view of the approaching expiration of the appropriation authorization with which the proposed bill deals.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL P. REED,
*Assistant Secretary of the Interior.*

U.S. DEPARTMENT OF THE INTERIOR

EXTENSION OF THE JOHN F. KENNEDY CENTER NONPERFORMING ARTS FUNCTIONS

| | 1st year | 2d year | 3d year | 4th year | 5th year |
|---|---|---|---|---|---|
| Estimated expenditures and obligations: | | | | | |
| Personnel services, including benefits | $990,000 | $990,000 | $990,000 | $990,000 | $990,000 |
| Uniform allowance | 4,000 | 4,000 | 4,000 | 4,000 | 4,000 |
| Utilities | 550,000 | 550,000 | 550,000 | 550,000 | 550,000 |
| Janitorial contract | 507,000 | 507,000 | 507,000 | 507,000 | 507,000 |
| Other supporting costs | 349,000 | 449,000 | 549,000 | 549,000 | 549,000 |
| Total operating costs | 2,400,000 | 2,500,000 | 2,600,000 | 2,600,000 | 2,600,000 |
| Total man-years: | | | | | |
| Permanent | 82 | 82 | 82 | 82 | 82 |
| Seasonal | 15 | 15 | 15 | 15 | 15 |

By Mr. MAGNUSON (for himself, Mr. COTTON, and Mr. INOUYE) (by request):

S. 1761. A bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to foster fuller U.S. participation in international trade by the promotion and support of representation of U.S. interests in international voluntary standards activities, and for other purposes, and ask unanimous consent that the letter of transmittal, statement of purpose and need, and the section-by section analysis be printed in the RECORD with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1761

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. This Act may be cited as the International Voluntary Standards Cooperation Act of 1973".

SEC. 2. The Congress finds that participation in the development of international voluntary standards and appropriate use of such standards by United States industry can contribute significantly to the growth of international trade and prosperity. The Congress further finds that the effectiveness of United States participation in the development and adoption of voluntary standards is increased by cooperation between Government and industry in standards matters and that such cooperation can be improved by providing within the Government a focus for international voluntary standards activities. The Congress, therefore, declares that the purposes of this Act are to promote and support adequate representation of the United States interest in international voluntary standardization activities, in a manner consistent with maintaining and fostering competition in commerce, for the benefit of producers, distributors, employees, users, consumers, and the general public; to promote international trade through mutually appropriate implementation of international voluntary standardization agreements; and to improve the balance of trade and balance of payments of the United States.

SEC. 3. As used in this Act—



(a) "Secretary" shall mean the Secretary of Commerce.

(b) The term "voluntary standards" shall mean engineering and commodity voluntary standards for products, processes, procedures, conventions, test methods, and the physical, functional, and performance characteristics thereof where acceptance and use of such standards by all persons or by a specified class of persons is not required by State or Federal law or regulation.

(c) The term "international voluntary standard" shall mean a voluntary standard developed for use within the territory of two or more countries.

(d) The term "international standards assurance system" shall mean an agreement between competent governmental or nongovernmental bodies in two or more countries which provides for the mutual recognition of national or regional programs to assure that a product, process, convention, or test method, or the physical functional, or performance characteristic thereof complies with an identified international voluntary standard.

(e) "International standardization activities" shall mean the negotiation, development, adoption, or utilization of international standards assurance systems.

(f) "Antitrust laws" shall mean those laws defined as such in sections 12 and 44, title 15, United States Code, and the Federal Trade Commission Act, sections 41–58, title 15, United States Code, including all amendments to such laws and Acts, and any other laws of the United States on antitrust and unfair methods of competition.

SEC. 4. The Secretary is hereby assigned principal responsibility within the Federal Government for international standardization activities. He shall:

(a) Identify international standardization activities which may substantially affect the commerce of the United States and wherein participation by domestic organizations is insufficient to assure that the interests of the United States are adequately protected.

(b) Provide for appropriate participation by private or governmental bodies of the United States in such standardization activities.

(c) Encourage the use of international voluntary standards within the United States where he determines that it is in the public interest to do so.

SEC. 5. In performing his functions under this Act the Secretary shall:

(a) Inform and consult with the Secretary of State, with respect to any contemplated action which involves the international relations of the United States.

(b) Assure that optimum use is made of private capabilities and resources.

SEC. 6. (a) The Secretary is authorized to establish arrangements to provide for appropriate representation of United States interests in international standardization activities through private nonprofit organizations. Arrangements established under this subsection shall include provision to assure that the interests of producers, suppliers, distributors, users, consumers, employees, and the general public are adequately represented. Such arrangements shall include guidelines for private organizations representing United States interests in international standardization activities under this Act to insure that the negotiating positions of such organizations will be in the public interest and shall provide a reasonable opportunity to the Secretary or his designee to review the proposed negotiating positions of such organizations to determine that they are in the public interest.

(b) The Secretary (1) is authorized to conduct such investigations and studies by contract or otherwise as may be necessary to carry out his functions under this Act, and (2) shall, in cooperation with affected parties, examine the potential impact on international trade and the balance of trade and balance of payments of the United States, of international standards assurance systems and related activities.

(c) The Secretary may enter into grants, contracts, or other arrangements (including the supplying of services of Government employees) to assist any private nonprofit organization in the performance of international standardization activities in furtherance of an arrangement established under subsection (a) of this section.

(d) Where United States participation in international standards assurance systems is deemed to be in the public interest, the Secretary may establish a system for the evaluation and accreditation of private domestic organizations which seek to confirm their technical capability to conduct tests or to evaluate the test procedures used by others for the purpose of documenting compliance with a standard: *Provided, however,* That prior to establishing such evaluation and accreditation system the Secretary shall:

(1) consult with affected private organizations and the Committees established under section 12, and

(2) publish in the Federal Register a notice of his intent to establish such a system. Such notice shall include a brief description of the proposed system and an invitation for any person, within thirty days or such other time as the Secretary designates after the date of publication of such notice, to submit comments with regard to the proposed system.

(e) Notwithstanding the provisions of Revised Statutes, section 3648, the Secretary may make payments in advance of the performance of service or the delivery of articles but he shall regulate the timing and amount of such payments with the objective of minimizing the time elapsing between disbursement from the Treasury and use of the funds by the recipient.

SEC. 7. In each determination of the public interest as required by sections 4, 6, 9, 12, and 13 of this Act, among the factors to be considered shall be the following:

(a) The technical adequacy of and need for any proposed international voluntary standard or international standards assurance system and whether such standard or system is appropriate and reasonably limited to meeting the need.

(b) The effects of the international standardization activity on the public and occupational health and safety or the quality of the environment, taking into account applicable public health, safety, or environmental quality regulations, directives, and standards.

(c) The extent to which an international voluntary standard or international standards assurance system being considered is supported by affected producers, suppliers, users, distributors, consumers, employees, and the general public.

(d) The effects on the balance of trade and balance of payments of the United States. *Provided, however,* That the public interest finding shall not be made if the international standardization activity is inconsistent with the antitrust laws.

SEC. 8. Where the Secretary determines, after consultation with affected private organizations and the committees established under section 12, that private participation in international standardization activities under arrangements established under section 6(a) has been insufficient to serve the purposes of this Act, he shall establish arrangements and procedures for governmental participation in international standardization activities to the extent necessary.

SEC. 9. Unless it is not in the public interest to do so, the Secretary shall list, under a classification system to be devised by him, each international voluntary standard, international standards assurance system, or any modification thereof negotiated or developed pursuant to this Act. Each listed standard and a full description of each listed international system shall be available to the public, preferably from one or more of the private organizations involved in its development. If such standards and standards systems are not available privately, the Secretary shall make them available: *Provided, however,* That prior to listing an international voluntary standard or an international standard assurance system the Secretary shall—

(1) consult with affected private organizations and the Committees established under section 12, and

(2) publish in the Federal Register a notice of his intent to list such standard or system. Such notice shall include a brief description of the standard or system and an invitation for any person, within thirty days or such other time as the Secretary designates after the date of publication of such notice, to submit comments with regard to the listing of the standard or system.

SEC. 10. (a) Each department and agency of the Federal Government shall encourage appropriate use of applicable international voluntary standards listed pursuant to section 9 and shall give appropriate recognition to international standards systems listed pursuant to section 9 in the procurement of supplies or services for its use.

(b) Any department or agency of the Federal Government may provide technical assistance to the Secretary on a reimbursable or nonreimbursable basis and may supply special technical services of its employees to assist private nonprofit organizations in the performance of international standardization activities under this Act. The Secretary shall be currently informed of any special technical services of employees furnished by a department or agency of the Federal Government in assisting private nonprofit organizations in the performance of international standardization activities.

SEC. 11. (a) The Secretary may establish such policies and prescribe such rules, regulations, and procedures as he may deem necessary for the administration of this Act and to carry out the functions authorized hereunder.

(b) Where information is furnished or services rendered under section 6(d) and section 9, he may establish reasonable fees or charges therefor. Amounts received as a result of such fees or charges may be deposited to the credit of the appropriation or fund against which the cost of performing the services was charged.

SEC. 12. (a) To provide policy guidance and to assist the Secretary in carrying out his responsibilities under this Act, there shall be established (1) an Interagency Committee on Standards Policy consisting of members representing the Departments of Agriculture, Defense, Justice, Interior, State, Housing and Urban Development, Commerce, Labor, Treasury, Health, Education, and Welfare, and Transportation, the General Services Administration, the National Aeronautics and Space Administration, the Federal Communications Commission, the Atomic Energy Commission, the Environmental Protection Agency, the Federal Trade Commission, and such other agencies as the Secretary deems advisable, and (2) a Public Committee on International Standards Policy consisting of members representing consumers' organizations, users, manufacturers, suppliers, distributors, employees, environmental organizations, and experts in international standards and standards assurance systems. The Secretary or his representative shall be the Chairman of the Committees.

(b) The Secretary may also consult with the Committee in considering whether a particular international standardization activity would be in the public interest, and in any event shall consult with the Committees concerning an international standardization activity upon the request of a member of either Committee who shall be kept advised of all proposed international

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standardization activities pending before the Secretary.

SEC. 13. (a) The Federal Trade Commission may at any time petition the Secretary of Commerce for the removal of a voluntary international standard listed under section 9 on the grounds that such standard is contrary to the public interest, giving due regard to the provisions of section 7 of this Act.

(b) The petition shall contain facts and information supporting the action requested.

(c) After receipt of the petition, the Secretary will initiate an informal hearing under section 553 of title 5, United States Code, on the issues raised in the petition. The Secretary shall designate a hearing examiner and give reasonable notice of the hearing, an opportunity for interested persons to participate in the hearing through the submission of written data, views, or arguments, and, if requested by the Federal Trade Commission, the Secretary shall hold a hearing in which interested persons shall have a reasonable opportunity to present the same orally in an appropriate manner. The testimony in any such hearing shall be reduced to writing, shall be filed in the Office of the Secretary, and, together with written submissions, shall constitute the record. After consideration of all relevant matter presented upon such record, the hearing examiner will make findings of fact and conclusions of law. Such findings and conclusions, together with the record, shall be reviewed by the Secretary who shall make a decision based on the record whether or not to delist the voluntary international standard as requested by the petitioner. Such decision shall include findings and conclusions of the Secretary.

(d) The Federal Trade Commission, through its own attorneys, may file, within sixty days after the publication of the decision of the Secretary not to delist a voluntary international standard, a petition with the United States District Court for the District of Columbia for a judicial review of such decision. The Secretary shall file in the court the record of the informal hearing conducted under section 553 of title 5, United States Code, including the findings and conclusions of the hearing examiner and the decision of findings and conclusion of the Secretary. Upon the filing of a petition the court shall have jurisdiction to review the decision of the Secretary not to delist a voluntary international standard in accordance with chapter 7 of title 5 of the United States Code, including that provision that the decision of the Secretary be supported by substantial evidence on the basis of the entire record before the court (including any additional evidence adduced). Upon a showing that the decision of the Secretary is not supported by substantial evidence on the record taken as a whole, the voluntary international standard so listed may be ordered removed by the court and other appropriate relief granted.

SEC. 14. No international standardization activity engaged in by any person, entity, or organization, with or without participation or approval by governmental bodies of the United States, shall be exempted or immunized from the operation of the antitrust laws.

SEC. 15. On or before the 31st day of January of each year, the President shall transmit to the Congress an annual report for the preceding fiscal year. Such reports shall include a comprehensive statement of the activities under this Act and may include such recommendations as the President deems appropriate. The Secretary, with the assistance of the Committees established in section 12, shall provide such information and assistance as the President may require for the preparation of the report.

SEC. 16. (a) Each recipient of moneys under a grant or contract awarded pursuant to this Act shall keep such records and make such reports as the Secretary may prescribe, including infomation on the total cost of the approved program and the portion of the cost which is supplied by other sources. In the case of moneys received in advance of performance, such records, and reports shall identify the unearned balance of advances on hand, the liabilities and obligations outstanding under such grant or contract, and the application of the funds received.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the recipient that are pertinent to its voluntary standards activities under this Act for the purpose of audit or to determine whether a proposed international voluntary standard or international standards system is in the public interest.

SEC. 17. The negotiation, development, or listing of any voluntary standard or international standards assurance system pursuant to this Act shall not affect any law or any order, requirement, or regulation promulgated by an agency of the Federal government, nor shall this Act preempt in any way international military standardization activities conducted by the Department of Defense.

SEC. 18. Review of any determinations made by the Secretary pursuant to section 6(d) or section 9 of this Act may be had in the manner provided in title V, chapter 7 of the United States Code.

SEC. 19. Nothing in this Act shall be construed to supersede the provisions of sections 2 and 4 of the Act of March 10, 1968 (Public Law 90-268), which amends section 302(f) of the Act of June 30, 1949 (41 U.S.C. § 252).

SEC. 20. There are hereby authorized to be appropriate such sums as may be necessary to carry out the provisions of this Act. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

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THE SECRETARY OF COMMERCE,
*Washington, D.C., April 5, 1973.*

Hon. SPIRO T. AGNEW,
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill:

"To foster fuller United States participation in international trade by the promotion and support of representation of United States interest in international voluntary standards activities, and for other purposes," to be cited as the "International Voluntary Standards Cooperation Act of 1973," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget there would be no objection to the submission of our draft bill to the Congress and further that its enactment would be consistent with the Administration's objectives.

Sincerely,

———————,
*Secretary of Commerce.*

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STATEMENT OF PURPOSE AND NEED

The Nations which engage in substantial international trade are largely those which we term "industrialized." One significant element of their industrialization has been the adoption and use of engineering and manufacturing standards which are the building blocks of successful production.

The establishment and use of standards permits decentralization of manufacturing plants, locating them most advantageously with respect to energy sources, raw materials, labor force and markets thereby enabling the greatest number of companies, large and small, to share in industrial activity. The existence of standards fosters innovation and the establishment of new businesses by assuring both the entrepreneur and the customer that new products meet accepted norms. It allows specialization of labor and also facilitates control and automation of production processes. Voluntary adoption of standards by United States industry has stimulated the growth of the American economy.

Just as the use of standards has stimulated our domestic economic growth, the growth of international trade may also be stimulated by use of such standards internationally. Differences in language, legal systems and terminology, plus the distance between buyer and seller, constitute obstacles which are smoothed when there are mutually understood standards which describe products that the purchaser can specify and the seller can supply. The development of an effective system of international standards requires the participation and cooperation of all interested parties. Under such a system of international standards, all nations would be able to exploit their special skills and technologies so as to participate more fully in world economic activity, benefiting not only themselves but other nations as well.

The development of an international system of standards would provide the atmosphere in which the United States could trade in world markets on an equal footing with other nations, not handicapped by standards that are incompatible with our own.

Recognition of the need for harmonization of national standards has led to the creation of international standards bodies of a nontreaty nature, notably the International Organization for Standardization and the International Electrotechnical Commission. These organizations work to produce international standards compatible with the needs of their members. Many of the national bodies represented in these international standards organizations receive policy guidance and funds from their governments. The notable exception is the United States where the federal role in international standards activities has been largely one of providing technical information and the services of technical experts.

Where there has been U.S. participation in international non-treaty standards work, the support provided to the U.S. member bodies has generally come from those U.S. firms which see a relationship between specific international standards and their business success. This has two consequences.

First, participation in the development of international standards work has been uneven, with effective participation in some areas, such as automatic data processing, while other areas have received little support.

Inadequate U.S. participation in international standards development tends to place American goods at a disadvantage in the market places of the world. Differences in European and American color television standards were dramatically emphasized when satellite communication became possible. Complex converters had to be introduced to allow interchange of programs. Moreover, U.S. television programs cannot be taped here and fed directly into transmitters of European origin. Adoption by the Europeans of a color television system incompatible with ours is estimated to have cost U.S. industry many million of dollars.

A second consequence of the largely private nature of the support given to U.S. international standardization activities is that the impact of standards upon small firms, consumers, and U.S. foreign policy objectives often receives insufficient attention. An objective long-range approach to international standards development is clearly needed since the goals are sometimes public as well as private, as in cases where the issue of safety arises. The bill would provide for appropriate participation by all affected U.S. interests in international standardization activities, thus promoting international trade while assuring that the legitimate interests of consumers and small businesses are protected. Cooperation with foreign standards-making bodies, with provision for appropriate policy guidance by the Secretary of Commerce, as provided in the bill will best foster development of international standards which serve the public interest.

European countries striving to reduce intra-European trade barriers began efforts to coordinate standards at the regional level in the early 1960's. Members of the national standards bodies of the Common Market and EFTA nations formed the European Standards Coordinating Committee (CENEL).

More recently, the United Kingdom, France, and Germany formed a Tripartite Committee to bring together the authority of these governments and the technical knowledge of the national standards bodies in the effort toward total harmonization in the standards area. A final draft of the Tripartite Accord on Electronic Components was completed in April 1970. This Accord describes the rules for a "total harmonization" scheme for electronic components. It includes provisions for agreeing on common standards; rules for the operation of an international quality assurance system; and finally a system of applying a "mark of conformity" indicating compliance with the rules of the Accord. The membership in the Accord is presently restricted to Western European countries.

Several features of this Accord may point out the general pattern for other classes of products. First, the Accord calls for an "authorized institution" in each country to operate the harmonized system. The makeup of this institution can be either governmental, private, or a combination of both, but it must be authorized to speak with authority on behalf of all interests in the country, government and industry. The "authorized institution" must provide for product testing by approved laboratories to assure compliance with the applicable standard and for the use of a mark or stamp certifying that the tested product conform to the standard. The mark of conformity must be accepted by all participating countries without further testing.

This type of harmonization of national standards between countries can serve to expand international trade between the participating nations. However, exclusive arrangements for product testing and certification procedures become non-tariff barriers against those nations which are not participating because those products which do not bear an accepted mark of conformity from an authorized institution may have to undergo the expense of further testing.

Ideally, the best system for international certification of compliance with an approved standard would be self-certification by each manufacturer. This would provide the simplest and most economical method of operating such a system and would involve a minimum of governmental involvement. A system of self-certification would require an effective sanction for improper certification. While self-certification best promotes international trade, national certification by an authorized institution accepted in each of the participating nations may also serve to promote international trade provided that participation in the certification system is open to nationals of all countries. Participation in such a system requires a much higher degree of coordination and cooperation between government agencies and private standards bodies than presently exists. The bill would enable the United States interests to participate effectively in the development of such international certification arrangements.

The Department of Commerce, as well as many other government agencies, have traditionally provided technical support to the activity of U.S. industry in voluntary developing engineering standards for the United States. Since 1921 the National Bureau of Standards has provided industry and commerce of the United States with substantial technical and administrative assistance in the development and publication of standards for products and commodities and of simplified practices directed at the reduction of sizes and styles. Professional personnel of the government have served on technical committees of many domestic standardization bodies and a limited number of international committees have led in the development of technically competent engineering standards oriented principally to performance criteria.

The Department also has general responsibilities for fostering foreign and domestic commerce. However, there is no specific authorization which focuses the governmental involvement in international standards work in the Department. The authority to establish procedures for working with the private sector in the field of international standards are not clearly spelled out in existing legislation. A purpose of this bill is to provide these mechanisms needed for U.S. interests to participate effectively in the development of voluntary international standards.

The Department of Commerce would serve as a focus for the efforts of the Federal Government. There are, however, many Federal agencies concerned with the engineering standards, so that the Federal role would involve more than the Department of Commerce alone. Today, the Interagency Committee for Standards Policy assists in establishing Federal policy in the standards area.

Activities under the proposed leigslation will expand the need for a unified Federal policy. The bill would establish an interagency committee to supplant the existing committee. This committee and a committee composed of representatives of consumers' organizations, users, manufacturers, suppliers, distributors, environmental organizations and experts in international standards and standards assurance systems would provide policy guidance to the Secretary and assist him in carrying out his functions under the bill.

The proposed legislation would clarify the authority of the Department of Commerce to promote voluntary international standardization activities. It would also provide authority for the issuance of grants to qualified private non-profit organizations for the promotion and development of international standards. Only where development of standards through private participation is shown to be inadequate to protect the public interest would the Secretary of Commerce assume a larger role.

This expanded role of the Government in stimulating the development of compatible international standards is necessary if barriers to the interchange of goods and services are to be minimized and a competitive free economy in the world market maintained. An effort to increase common or compatible international standards, to reconcile standards differences, and to help develop as broad a trade base as possible in international markets is essential. The proposed legislation is aimed at supporting the development of a strong and growing trade in present markets and markets of tomorrow through early and effective participation in international standards activities, on the part of U.S. industry, professional organizations, representatives of the consumer, and the Federal Government.

The proposed legislation will enable the Federal Government to foster U.S. participation and cooperation with foreign standards-making bodies in their standards activities. By means of such cooperation and participation, its basic purpose is to encourage and promote the generation or adoption of standards compatible with American interests.

It is estimated that Commerce activities under the proposed legislation will require funding of $1,000,000 in the first full year of operation.



SECTION-BY-SECTION ANALYSIS

Section 1 provides that the short title of the Act is the "International Voluntary Standards Cooperation Act of 1973".

Section 2 states that the Congress finds that participation in the development of international voluntary standards and appropriate use of such standards by United States industry can contribute significantly to the growth of international trade and prosperity. The Congress further finds that the effectiveness of American participation in standards activity is increased by cooperation between Government and industry and that such cooperation can be improved by providing a focus within the Government for these activities. The Congress declares that the purposes of the Act are to promote and support adequate representation of United States interests in international standardization activities for the benefit of producers, distributors, employees, users, consumers, and the general public; to promote international trade through mutual appropriate implementation of international voluntary standardization agreements; and to improve the balance of trade and balance of payments of the United States.

Section 3 defines certain terms used in the Act. The term "voluntary standards" is defined to include engineering and commodity standards.

Section 4 formally designates the Department of Commerce as the focus for international standardization activities within the Federal Government. The Secretary is responsible for identifying international standardization activities which may substantially affect American commerce, assure sufficient American representation in standards activities in an appropriate manner, and encourage use of international voluntary standards within the U.S. where he determines it is in the public interest to do so.

Section 5 requires the Secretary of Commerce in performing his functions under the Act to inform and consult with the Secretary of State regarding any contemplated action involving the international relations of the United States and to assure that optimum use is made of private capabilities and resources.

Subsection 6(a) authorizes the Secretary to establish arrangements for United States representation through private nonprofit organizations and provides that such arrangements contain certain minimum safeguards to protect all affected persons including consumers. The arrangements include guidelines for private organizations representing United States interests in international standardization activities under this legislation to insure that the negotiating positions of such organizations will be in the public interest. Such guidelines shall also provide a reasonable opportunity for the Secretary or his delegate to review the proposed negotiating positions of such organizations to determine that they are in the public interest.

Subsection 6(b) authorizes the Secretary to conduct any investigations and studies by contract or otherwise as may be necessary to carry out his functions under the bill. The Secretary is also required in cooperation with affected parties to examine the potential impact of international standards assurance systems and related activities on international trade and the balance of payments in the United States.

Subsection 6(c) authorizes the Secretary to make available financial assistance, including the services of Government employees, to assist competent private nonprofit organizations in the performance of their international standardization activities under the arrangements established under subsection 6(a).

Under subsection 6(d), when United States participation in international standards assurance systems is deemed to be in the public interest, the Secretary of Commerce may

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establish a system for the evaluation and accreditation of testing laboratories or for organizations which oversee the work of testing laboratories. However, prior to establishing such a system the Secretary shall consult with affected private organizations and the Committees established under section 12 and shall publish in the Federal Register a notice of his intent to establish such a system. Such notice shall include a description of the proposed system and an invitation to submit comments within thirty days or any other period designated by the Secretary with regard to the proposed system. This section is designed to meet those situations in which a nationally recognized certification body is required as a condition for a country's participation in a reciprocal international certification system and in which United States participation is deemed in the public interest.

Subsection 6(e) provides for means of payments in advance of the performance of service or the delivery of articles in international standardization activities.

Section 7 states certain factors which must be considered in determining questions of public interest under the Act. These factors are the technical adequacy of and need for a standard, the effects of the international standards activity on the public and occupational health, safety or the quality of the environment, the support a proposed standard or standards assurance system enjoys from affected producers, suppliers, users, distributors, consumers, employees, and the general public and the effects of a proposed standard or standards assurance system on the balance of trade and the balance of payments of the United States. A general proviso is included that there shall be no public interest determination if the standard is inconsistent with the antitrust laws.

Section 8 requires the Secretary, after consultation with affected private organizations and the committees established under section 12, to establish arrangements for governmental participation in international standardization activities where private participation in such activities has proved insufficient to serve the purposes of the Act.

Section 9 establishes a listing procedure whereby the Secretary shall list, if it is in the public interest to do so and under a classification system to be devised by him, each international voluntary standard, international standards assurance system or any modification thereof negotiated and developed under the Act. To make the standards available to the general public, the Act requires that the established standard and a full description of each listed international system shall be available to the public through private organizations or the Federal Government. This section also provides that prior to listing an international voluntary standard or an international standards assurance system, the Secretary is required to consult with affected private organizations and the Committees established by section 12 and to publish notice of his intent to list such a standard or system in the Federal Register. The Act provides such notice shall include a description of the standard or system and an invitation within thirty days or any other period designated by the Secretary following publication of the notice to interested persons to file comments concerning the listing of the standard or system.

Subsection 10(a) encourages use of standards developed under the Act and listed by the Secretary in Federal procurement.

Subsection 10(b) authorizes Federal agencies to participate in the standardization activities on a reimbursable or nonreimbursable basis and specifically authorizes these agencies, with the knowledge of the Secretary, to provide the technical services of its employees to assist private nonprofit organizations in performing their activities under the Act.

Subsection 11(a) authorizes the Secretary to establish policies and procedures to administer the Act.

Subsection 11(b) provides that the Secretary may charge for the evaluation of laboratories performed under subsection 6(d) and for the supplying of lists or full texts of standards under section 9. It also authorizes him to use the fees received to reimburse the appropriation or fund which supported the service performed.

Section 12 establishes two committees to assist the Secretary by providing policy guidance and assistance in implementing this proposed Act. An Interagency Committee on Standards Policy of representatives of the Departments of Agriculture; Defense; Justice; Interior; State; Housing and Urban Development; Commerce; Labor; Treasury; Health, Education, and Welfare; and Transportation; the General Services Administration; the National Aeronautics and Space Administration; the Federal Communications Commission; the Atomic Energy Commission; the Environmental Protection Agency; the Federal Trade Commission; and such other agencies as the Secretary deems advisable is established. The second committee established is a Public Committee on International Standards Policy consisting of representatives of consumer organizations, users, manufacturers, suppliers, distributors, employees, and experts. The Secretary will be free to consult with the committees on the question of public interest determination and shall consult with the committees concerning any international standardization activity upon the request of a member of either committee.

Subsection 13(a) provides that the Federal Trade Commission, giving due regard to the provisions of section 7, may at any time petition the Secretary of Commerce for the removal of a voluntary international standard listed under section 9 on the grounds that such standard is contrary to the public interest.

Subsection 13(b) provides that the petition shall contain facts and information supporting the action requested.

Subsection 13(c) requires the Secretary to initiate an informal hearing under section 553 of title 5, United States Code, on the issues raised in the petition. The Secretary shall designate a hearing examiner and give reasonable notice of the hearing and an opportunity for interested persons to participate in the hearing through submission of written comments or, if requested by the FTC, through oral presentations. The record is composed of a written record of the testimony in any such hearing and the written submissions. The hearing examiner then makes findings of fact and conclusions of law. The Secretary reviews these findings and conclusions together with the record and decides whether to delist the standard. The Secretary's decision shall include his findings and conclusions.

Subsection 13(d) allows the FTC, through its own attorneys, to file, within sixty days after publication of the Secretary's decision, a petition with the U.S. District Court for the District of Columbia for judicial review of such decision. The Secretary then files with the Court the record of the informal hearing, including the findings and conclusions of the hearing examiner and the Secretary. The Court shall have power to review the decision of the Secretary in accordance with chapter 7 of title 5, United States Code. The standard for review is that the decision must be supported by substantial evidence on the basis of the entire record before the Court, to include any additional evidence adduced. Upon a showing that the decision of the Secretary is not supported by substantial evidence on the record taken as a whole, the standard so listed may be ordered removed by the Court and other appropriate relief granted.

Section 14 provides that no international standardization activity engaged in by any person, entity or organization, with or without participation or approval by governmental bodies of the United States, shall be exempted from the operation of the antitrust laws.

Section 15 requires the President to submit to Congress on or before the 31st day of January of each year an annual report for the preceding fiscal year. Such reports shall include a comprehensive statement of the activities under the Act and may include such recommendations as the President may deem appropriate. The Secretary shall provide such information and assistance as the President may require for the preparation of the report.

Subsection 16(a) provides that each recipient of moneys under a grant or contract awarded under the Act shall keep such records and make such reports as the Secretary may prescribe to include information on the total cost of the approved program and the portion of the cost which is supplied by other sources. In the case of moneys received in advance of performance, such records and reports shall identify the unearned balances of advances on hand, the liabilities and obligations outstanding under such grant or contract and the application of the funds received.

Subsection 16(b) provides that the Secretary and the Comptroller General of the United States or their duly authorized representatives shall have access to any books, documents, papers, and records of the recipient that are pertinent to its voluntary standards activities under the Act for the purpose of audit or to determine whether a proposed international voluntary standard or international standards system in the public interest.

Section 17 provides that the negotiation, development, or listing of any voluntary standard or international standards system pursuant to the Act shall not affect any law or order, requirement or regulation promulgated by an agency of the Federal government. Further, the Act shall not preempt in any way international military standardization activities carried on by the Department of Defense.

Section 18 specifies that review of any determinations made by the Secretary pursuant to section 6(d) or section 9 may be had in the manner provided in chapter 7 of title 5 of the United States Code.

Section 19 provides that nothing in the Act is intended to modify or repeal P.L. 90-268, which prohibits the Federal Government from discriminating among steamship carriers by unnecessarily specifying sizes for containers.

Section 20 authorizes such appropriations as may be necessary to carry out the purposes of the Act and provides that such appropriations may remain available for obligation and expenditure for such periods as may be specified in the appropriation act.

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By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1762. A bill to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws, and I ask unanimous consent that changes in existing law be printed in the RECORD with the text of the bill, together with the letter of transmittal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1762

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883), is further amended by deleting the word "thereof" where it first appears and by inserting in lieu thereof "of the merchandise (or the value thereof to be recovered from any consignor, seller, owner, consignee, agent or other person or persons so transporting or causing said merchandise to be transported)".

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THE SECRETARY OF THE TREASURY,
*Washington, D.C., March 30, 1973.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "To amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws."

Section 27 of the Merchant Marine Act of 1920, as amended (46 U.S.C. 883), generally prohibits the transportation of merchandise between points in the United States in vessels other than vessels built and documented under the laws of the United States or owned by citizens of the United States. Presently the exclusive penalty for violations of the section is the forfeiture of the merchandise involved. Seizing the merchandise creates enormous administrative problems such as storage of the merchandise, disposition of perishable cargoes, transportation of bulk shipments, and assignment of Customs personnel to make necessary arrangements. The proposed legislation would as an alternative to the seizure of the merchandise provide for the assessment of a monetary penalty on the value of the merchandise against the vessel owner, agent or operator, or against persons such as the consignee, with a commercial interest in the importation. As under existing law, the Secretary of the Treasury would be authorized to remit or mitigate any penalty or foreiture assessed under the section.

The Department urges enactment of the proposed legislation in order to provide Customs officials with a more effective and administratively easier means of enforcing section 27 of the Act.

There is enclosed a comparative type showing the changes that would be made in existing law by the draft bill.

It will be appreciated if you will lay the enclosed draft bill before the Senate. A similar proposal has been transmitted to the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

GEORGE P. SHULTZ.

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COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY PROPOSED BILL

Changes in existing law proposed to be made by the bill are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is underscored):

Section 27 of the Merchant Marine Act of 1920, as amended (46 U.S.C. 883).

Sec. 27. That no merchandise shall be transported by water, or by land and water, on penalty of forfeiture [thereof] *of the merchandise (or the value thereof to be recovered from any consignor, seller, owner, consignee, agent or other person or persons so transporting or causing said merchandise to be transported)* between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise law, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by section 18 or 22 of this Act: . . .

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By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1763. A bill to amend the Rail Passenger Service Act of 1970, as amended, to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Rail Passenger Service Act of 1970, as amended, to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, and ask unanimous consent that the letter of transmittal and statement of need be printed in the RECORD with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1763

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545) is amended by adding a new subsection to read as follows:

"(c)(1) When the Corporation cannot acquire by contract, or is unable to agree with the owner of property as to the compensation to be paid for, any right of way, land or other property (except right of way, land or other property of a railroad or property of a State or local government or other public agency) required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, it may acquire the same by the exercise of the right of eminent domain in the District Court of the United States for the district in which the property is located, or in one such court in the event a single property is located in two districts.

"(2) The Corporation shall file with the complaint, or at any time before judgment, a declaration of taking containing or having annexed thereto—

"(A) A statement of the public use for which the property is taken.

"(B) A description of the property taken sufficient for the identification thereof.

"(C) A statement of the estate or interest in the property taken.

"(D) A plan showing the property taken.

"(E) A statement of the amount of money estimated by the Corporation to be just compensation for the property taken.

"(3) Upon the filing of the declaration of taking and of the deposit in the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in the declaration, the property shall be deemed to be condemned and taken for the use of the Corporation and title shall vest in the Corporation in fee simple absolute, or in any lesser estate or interest as specified in the declaration, and the right to just compensation for the property shall vest in the persons entitled thereto. Just compensation shall be ascertained and awarded in the proceeding and established by judgment. The judgment shall include, as part of the just compensation awarded, interest from the date of taking to the date of payment at the rate of six per centum per annum on the amount finally awarded as the value of the property on the date of taking. Interest shall not be allowed, however, on the amount deposited in the court.

"(4) Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in the proceeding. If the compensation finally awarded exceeds the amount of the money received by any person entitled to compensation, the court shall enter judgment against the Corporation for the amount of the deficiency.

"(5) Upon the filing of a declaration of taking, the court may fix the time within which, and the terms upon which, the parties in possession are required to surrender possession to the Corporation. The court may make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable."

SEC. 2. Section 308(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 548(b)) is amended by striking the date "January 15" and inserting in lieu thereof the date "March 15".

SEC. 3. Section 402 of the Rail Passenger Service Act of 1970 (45 U.S.C. 562) is amended by adding a new subsection (d) to read as follows:

"(d)(1) If the Corporation and a railroad are unable to agree upon terms for the sale to the Corporation of property (including interests in property) owned by the railroad and required for the construction of tracks or other facilities necessary to provide intercity rail passenger service, the Corporation may apply to the Commission for an order establishing the need of the Corporation for the property at issue and requiring the conveyance thereof from the railroad to the Corporation on reasonable terms and conditions, including just compensation. Unless the Commission finds that—

"(A) conveyance of the property to the Corporation would significantly impair the railroad's ability to carry out its obligations as a common carrier, and

"(B) the obligations of the Corporation to provide modern, efficient, and economical rail passenger service can adequately be met by the acquisition of alternative property (including interests in property) being offered for sale to the Corporation by the railroad, or available to the Corporation by the exercise of its authority under section 305(c) of this Act,

the need of the Corporation for the property shall be deemed to be established and the Commission shall order the conveyance of the property to the Corporation on such reasonable terms and conditions as it may prescribe, including just compensation.

"(2) The Commission shall expedite proceedings under this subsection and, in any event, issue its order within 120 days from receipt of the application from the Corporation. If just compensation has not been determined on the date of the order, the order shall require, as part of just compensation, interest at the rate of six per centum per annum from the date prescribed for conveyance until just compensation is paid."

SEC. 4. Section 404(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 564(b)) is amended by (1) striking paragraph (3) thereof and inserting in lieu thereof the following:

"(3)(A) Subject to the conditions prescribed in subparagraphs (B) and (D) of this paragraph, if at any time after June 30, 1973, the Board of Directors of the Corporation determines that the continuation of a train operated in the basic system on June 30, 1973, will impair the financial ability





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of the Corporation adequately to provide other intercity rail passenger service, the Corporation may discontinue the train. In making its determination, the Board shall consider the existing and potential patronage and profitability of the service, and the importance of the service to other intercity rail passenger service being provided by the Corporation.

"(B) If the discontinuance of a train between two points designated by the Secretary in his 'Final Report on the Basic National Rail Passenger System' of January 28, 1971, as points between which intercity passenger trains shall be operated would reduce the frequency of service between the two points below one train per day in each direction (if daily trains were scheduled between the points on June 30, 1973), or below three trains per week (if trains were scheduled only three times per week between the points on June 30, 7973), the discontinuance must be approved by the Secretary.

"(C) In deciding whether to approve the discontinuance of a train under subparagraph (B) of this subsection, the Secretary shall consider the importance of service between the two points to other intercity rail passenger service being provided by the Corporation; the adequancy of other transportation facilities serving the same points; the existing and potential patronage and profitability of the service; the relationship of the public benefits from a continuation of the service to the impairment of the Corporation's ability adequately to provide other intercity rail passenger transportation: and the need for rail passenger service over the route as part of a balanced transportation system. The decision of the Secretary shall not be reviewable in any court.

"(D) At least 45 days prior to the discontinuance of a train under this subsection, the Corporation shall mail to the Governor of each State in which the train in question is operated and post in every station, depot, or other facility serviced thereby notice of the proposed discontinuance. The Corporation may not discontinue the train if, at least 15 days prior to the date specified for discontinuance, a State, regional, or local public agency requests continuation of the service and, within 90 days following the date specified for discontinuance, agrees to reimburse the Corporation for a reasonable portion of any losses associated with the continuation of service beyond the notice period."; and

(2) striking the words "paragraph (3)" in paragraph (4) and inserting in lieu thereof "paragraph (3)(D)".

SEC. 5. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601) is amended (1) by striking the words "There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000, and in subsequent fiscal years a total of $225,000,000, these amounts" in subsection (a) and inserting in lieu thereof the words "There are authorized to be appropriated to the Secretary such amounts as necessary,"; and (2) by striking the words "There is authorized to be appropriated to the Secretary $2,000,000 annually," in subsection (b) and inserting in lieu thereof the words "There are authorized to be appropriated to the Secretary such amounts as necessary, to remain available until expended,".

SEC. 6. Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602) is amended (1) by inserting after the word "prescribe," in subsection (a) the words "with the approval of the Secretary of the Treasury,"; (2) by changing the first sentence of subsection (d) to read as follows: "The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time, which are guaranteed by the Secretary under this section, may not exceed $500,000,000."; and (3) by adding a new subsection (g) to read as follows:

"(g) Notwithstanding any other provision of this Act, a guarantee may not be made of any security, obligation, or loan, the income from which is not included in gross income for the purposes of chapter I of the Internal Revenue Code of 1954."

SEC. 7. Section 801 of the Rail Passenger Service Act of 1970 (45 U.S.C. 641) is amended to read as follows:

"SEC. 801. ADEQUACY OF SERVICE.

"(a) The Commission is authorized to prescribe such regulations as it considers necessary to assure that the quality of service and accommodations offered passengers on board trains and at other facilities used in intercity rail passenger service is adequate, taking into account the safety regulations applicable to that service. The Commission may not prescribe regulations applicable to the Corporation that relate to the scheduling or frequency of service, or the number or type of cars in a train, or that otherwise conflict with the service characteristics established by the Secretary for the basic system.

"(b) Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense."

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SECRETARY OF TRANSPORTATION,
*Washington, D.C., April 25, 1973.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill:

"To amend the Rail Passenger Service Act of 1970, as amended, to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes."

On March 15 I transmitted a "Report to Congress on the Rail Passenger Service Act" as required by section 806 of the Rail Passenger Service Act of 1970 (hercinafter the "Act"). That Report recommended the following legislative changes:

Eliminating review by the Interstate Commerce Commission (the "ICC") of discontinuances of service required by the basic system.

Clarifying the ICC's jurisdiction over the adequacy of Amtrak service to exclude those aspects relating to quantity of service.

Authorizing open-ended appropriation authority and increasing loan guarantee authority to $500 million.

Changing the date of Amtrak's Annual Report to Congress to March 15 to coincide with the reporting date prescribed for the Department and the ICC.

In addition to carrying out the above legislative recommendations, the proposed bill would provide authority by which Amtrak can acquire the property it needs to operate efficiently. It would grant Amtrak the right of eminent domain with respect to private property not owned by a railroad. In the case of property owned by a railroad, it would authorize the ICC to order conveyance to Amtrak, subject to certain determinations.

AUTHORIZATION REQUESTS

Section 5 of the proposed bill would amend section 601 of the Act to provide general appropriation authorizations. The March 15 Report estimated that a Federal grant of $93 million would be required to underwrite Amtrak's losses from operations in FY 1974. As the Report also indicated, however, more than the usual amount of uncertainty exists in estimating Amtrak's financial requirements. The uncertainties include such factors as future contract negotiations and projections of fares, ridership, and costs. In recommending general, rather than specific, appropriation authorizations, the Report noted:

"While there is always some built-in uncertainty in estimating appropriation requirements and, therefore, authorization requirements, the problem is particularly troublesome in the case of Amtrak. Normally, Government activities can be limited to conform to the amount of the appropriation. In the case of Amtrak, however, the Government is funding the difference between revenues and costs, both of which are subject to many contingencies which cannot always be accurately estimated. If an authorization were specified and it proved to be inadequate, it would be necessary not only to obtain a supplemental appropriation but, prior to that, a separate bill to increase the authorization."

Section 6 of the proposed bill would amend section 602(d) of the Act to increase the loan guarantee authority to $500 million from the existing level of $200 million. This is necessary to permit Amtrak to upgrade motive power and passenger cars and to improve facilities and rights-of-way in FY 1974 and succeeding fiscal years.

The bill would also amend section 602(a) to require that loan guarantees be approved by the Secretary of the Treasury, and add a new subsection (g) to section 602 to prohibit the guarantee of tax exempt obligations. These proposed amendments incorporate policies applicable to other Federal loan guarantee programs.

DISCONTINUANCE OF TRAINS

The estimated Federal grant requirement of $93 million for FY 1974 assumes, among other things, that service between Chicago-Florida, N.Y./D.C.-Kansas City, and Richmond-Newport News will be discontinued, and that certain adjustments will be made in the Chicago-Kansas City segment of the Chicago-Houston service. In order to keep within the financial plan for FY 1974, these services must be discontinued expeditiously. Section 404(b)(3) of the Act, however, requires Amtrak to follow the procedures of section 13a of the Interstate Commerce Act to discontinue a train. These procedures have built-in delays which would thwart the timely discontinuance of service. As stated in the Secretary's Report:

"The Section 13a discontinuance procedure was designed to apply to a rail passenger service being provided by a private industry without subsidization by the Federal Government. In that context, determinations by ICC as to public convenience and necessity for the service and as to undue burden on commerce of a continuation of service (the ability of the carrier to internally subsidize) were appropriate. Amtrak, however, is not such a carrier. Its entire operation is reviewed annually by the Executive Branch and the Congress. It has only some long-term prospect of becoming a self-sustaining entity and is heavily subsidized by the Federal Government at the present time. The amount of the Federal subsidy is directly related to the operating losses of Amtrak, and these losses stem from providing uneconomic service. Therefore, the discontinuance procedure should be changed to avoid the necessity to perform an uneconomic service, through an extended period of litigation, at substantial cost to the general taxpayer. At the same time, Amtrak would have greater latitude to be inovative in providing its services."

Accordingly, section 4 of the proposed bill would amend section 404(b)(3) of the Act to permit Amtrak to discontinue trains without an ICC proceeding. It is intended that Amtrak continually examine the performance of each route, and that a complete review of all routes be undertaken at least once a year by the Board of Directors. If the potential and actual performance of a train indicates that the continuation of the service is not warranted in terms of the criteria contained in the amendment to section 404(b)(3)—including the loss per passenger mile—the Board of Directors should initiate action to discontinue the train. Under existing law, Amtrak may discontinue new or experimental service at any time prior to the end of two years of continuous service. The Board would be expected to examine periodically the continuation of these trains in accordance with the same criteria.

If, however, the discontinuance of a train constitutes the discontinuance of service between points specified in the basic system, the discontinuance would become effective only with the Secretary's approval. In deciding whether to approve a discontinuance, the Secretary would have to consider the economic, transportation, and public benefit effects of the service. His decision would not be reviewable by the courts.

ADEQUACY OF SERVICE

Section 801 of the Act authorizes the ICC to "prescribe such regulations as it considers necessary to provide safe and adequate service, equipment, and facilities for intercity rail passenger service." This language creates a conflict between the ICC and the Secretary with respect to the regulation of railroad safety, and with respect to the service characteristics of the basic system established by the Secretary in his Report to Congress of January 28, 1971, which prescribed the basic system and its service characteristics.

THE SAFETY ISSUE

In the Federal Railroad Safety Act of 1970, the Secretary's authority to regulate railroad safety was expanded to encompass the regulation of "all areas of railroad safety". Since the Federal Railroad Safety Act was enacted only 14 days prior to the Rail Passenger Service Act, it is not reasonable to assume, in the absence of a clear expression of intent, that the Congress intended that both the Secretary and the ICC were to regulate railroad safety. In construing section 801, we believe that, rather than conferring safety regulatory authority on the ICC, the Congress was establishing a safety limitation on the exercise of the ICC's power to regulate the adequacy of service. Under this interpretation of the section, the ICC in prescribing its own regulations with respect to adequacy of service would be required to take account of safety regulations prescribed by the Secretary. Section 7 of the proposed bill would amend section 801 of the Act to make explicit this interpretation of the ICC's responsibility in the area of railroad safety.

THE SERVICE CHARACTERISTICS ISSUE

In directing the Secretary to establish the basic system for rail passenger service in the United States, Congress directed in section 201 of the Act that the Secretary identify the "basic service characteristics of operations to be provided within the basic system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities." In his Report to Congress of January 28, 1971, the Secretary prescribed certain minimum service characteristics covering all of the facets of service specified in section 201.

In setting these characteristics of service, the Secretary stated that it was his intention "to preserve Corporation discretion". This intention was fully consistent with the Congressional declaration, set forth in section 301, that the Corporation's purpose was "to provide intercity rail passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service".

To interpret section 801 in a manner which would make it consistent with sections 201 and 301, one must conclude that the Congress did not intend to confer authority upon the ICC either (1) to prescribe regulations as to the quantity of service to be provided by Amtrak, which could seriously impair the exercise of the management judgment necessary to the achievement of "innovative operating and marketing concepts", or (2) to prescribe regulations which would conflict with the service characteristics of the basic system as established by the Secretary.

Section 7 of the proposed bill would amend section 801 to make this interpretation explicit by (1) restating the ICC's regulatory authority and limiting it to the quality of service and accommodations offered passengers on board trains and at other facilities used in rail passenger service, and (2) excluding from the ICC's jurisdiction the authority to promulgate regulations applicable to the Corporation that relate to the scheduling or frequency of service, or the number or type of cars in a train, or that otherwise conflict with the service characteristics established by the Secretary for the basic system. Thus, the ICC could not require that sleeping cars, lounge cars or food service be provided in conflict with service characteristics prescribed by the Secretary; but the ICC could prescribe standards for heating air conditioning, and other amenities that affect the quality of service offered the passenger in the sleeping car, lounge car, or diner.

FACILITATING THE ACQUISITION OF PROPERTY BY AMTRAK

Amtrak is presently leasing terminal and other facilities from various railroads. These facilities are not always best adapted to Amtrak's needs, nor is the lease always the most economical means by which Amtrak could fulfill its requirements for a facility. Often it would make more economic sense for Amtrak to build a new facility at a different location. Frequently, however, the only suitable alternative property sites are owned by the railroad which is the lessor of the existing facility. Under these circumstances, there is little economic incentive for the railroad to make alternative property sites available to Amtrak. The result is that Amtrak cannot acquire the property it needs at a reasonable price.

In those instances in which Amtrak has attempted to purchase property from owners other than a railroad, it has found its bargaining position impaired because of its relatively inflexible site requirements. For this very reason, railroads have generally been granted the right of eminent domain under State law. Most, if not all, other public utilities are also vested with the power of eminent domain. The rationale for delegating this sovereign power to a privately-owned corporation rests on the public service obligations of the public utility. Granting a utility the right of eminent domain assures that the utility can acquire the property necessary to perform its public service mission at a reasonable price. The judicial review which is exercised through the condemnation proceeding assures that the property being taken is in fact needed for a public purpose and that just compensation is being paid for the property acquired.

There is a precedent for the grant of the right of eminent domain by the Federal Government. For example, it has granted the right to natural gas companies certificated by the Federal Power Commission (15 U.S.C. § 717f(h)).

Section 1 of the proposed bill would amend section 305 of the Act to grant the right of eminent domain to Amtrak; but it would specifically preclude the use of the power to acquire property owned by a railroad or by a State or local government.

Because a railroal is also providing a public transportation service as a common carrier, the Department believes that some mechanism should be established to weigh the requirements of Amtrak against the requirements of the railroad as to the use of a particular site. As a substitute for granting Amtrak power to take a railroad property under eminent domain, section 3 of the bill would add a new subsection (d) to section 402 of the Act prescribing a procedure by which the ICC can assess the public interest aspects of competing claims for the use of the property.

Under this procedure, whenever Amtrak and a railroad are unable to agree upon the terms for the sale of property, Amtrak could apply to the ICC for an order establishing Amtrak's need for the property and requiring its conveyance to Amtrak on reasonable terms and conditions, including just compensation. Unless the ICC found (1) that conveyance of the property would significantly impair the railroad's ability to carry out its common carrier obligations, and (2) that the obligations of Amtrak to provide modern, efficient, and economical rail passenger service could adequately be met by the acquisition of alternative properties, the ICC would be required to order the conveyance of the property to Amtrak upon terms and conditions established by the ICC. To assure expeditious resolution of the controversy and timely implementation of Amtrak's plans, an order would have to be issued within 120 days from the ICC's receipt of the application from Amtrak.

ANNUAL REPORTING DATE

Section 308(b) requires Amtrak to submit an annual report to the President and to the Congress by January 15 of each year. Section 308(c) requires the Secretary and the ICC to transmit their annual reports by March 15 of each year. Amtrak, the ICC, and the Department are required to submit legislative proposals to the Congress in connection with their annual reports. Because the Federal Government is heavily involved in funding the operation and capital improvement of Amtrak, the reports should be prepared during the same period of time. The Federal budget and legislative cycle argues for the March 15 date. A common reporting date also permits the Congress to have before it three contemporaneous reports at the time it is considering legislative action. Section 2 of the proposed bill would amend section 308 to establish a reporting date of March 15 for Amtrak.

The Office of Management and Budget advises that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

CLAUDE S. BRINEGAR.

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By Mr. JAVITS:

S. 1764. A bill to amend section 46 of the Internal Revenue Code of 1954 to provide for greater flexibility in fixing the investment tax credit rate. Referred to the Committee on Finance.

VARIABLE INVESTMENT TAX CREDIT

Mr. JAVITS. Mr. President, I introduce a bill to establish a variable investment tax credit, to replace the fixed, 7 percent investment tax credit available to business at the present time. The bill is intended to give us greater flexibility in administering fiscal policy, and to encourage a higher level of capital formation. It gives the President authority to reduce the investment tax credit—one of the principal stimuli to business fixed investment—to as low as 1 percent or raise it as high as 15 percent. But, there is written into the bill a provision similar to the provision for respecting Presidential reorganization plans, so that no such change in the investment tax credit could be made if either House of Congress disapproves of the action within 60 days.

Mr. President, we face a very crucial time for our economic policy, a time which will once again test the President to the same degree as did the events leading up to phase I of the wage and price control program. I refer, of course, to the fact that the economy is nearing the limit of its potential: unless the proper steps are taken, we can find the economy careening out of control into a demand-pull spiral which will make previous pe-

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riods of inflation pale by comparison. Even if the proper steps are taken, we face a difficult transition period as we attempt to resolve the competing goals of economic growth, high employment, and price stability.

My bill is intended to help the President and the country through this and future transition periods. What this bill says to the businessman, in effect, is that his new plant or his more efficient machine could vary as much as 14 percent in price, according to the needs of the economy for stimulating, or dampening, business investment. What it says to the American public is that we could have a better handle on this major source of economic growth in order to control more effectively the vagaries of the business cycle. By adding to our arsenal of economic policy weapons, and by being able to pinpoint the effects of policy changes, we could also avoid some of the unpleasant side effects of monetary and fiscal policy, such as excessively high interest rates, severe disintermediation from certain financial institutions, and crippling cutbacks in Federal spending.

I believe this bill can be administered with little, if any, impediment to business planning. Sensible businessmen already take the characteristics of the business cycle into account when making investment plans. They know, for example, that market conditions, interest rates, the availability of labor, price trends and the overall productivity of plant are affected by upswings and downswings in economic activity. Many, if not all, of these phenomena can now be closely predicted. A variable investment tax credit would likewise follow a logical cycle of either stimulating, or being neutral with regard to, capital investment. Since changes in the credit might have to come at times when congressional approval could not be immediately forthcoming, the direct procedure which is set forth in the bill imparts a greater degree of certainty to the investment tax credit than even under present law.

Finally, there are important international factors in this bill. Adoption of a variable investment tax credit, with an upper limit as high as 15 percent, will undoubtedly provide a powerful stimulus to plant modernization whenever the state of the economy permits. And this bears a direct relation to our international competitiveness; a nation depends upon a high rate of capital formation to remain competitive in international trade. The U.S. suffers one of the lowest rates of capital formation in the entire 20 nations of the OECD, a fact which cannot help but contribute to the poor showing in our trade account.

Mr. President, it is a politically advantageous thing to blame the administration whenever business slowdowns throw people out of work, or when an overheated economy drives prices up. And yet the business cycle is a fact of life.

The job of economic policy is to make the troughs of the cycle as mild and short as possible. My bill would give the President—under congressional control—an additional, efficient, and sophisticated tool to do the job. By providing at times for an investment tax credit as high as 15 percent, it would also raise the overall level of capital formation whenever this could be done without throwing the economy off the track. I urge my colleagues to give it favorable consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1764

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 46 of the Internal Revenue Code of 1954 (relating to tax credit for investment in depreciable property) is amended by—

(1) striking out "seven percent" in subsection (a)(1) and inserting "a percentage (determined under subsection (f))", and

(2) inserting at the end thereof the following new subsection:

"(f) DETERMINATION OF PERCENTAGE.—

"(1) IN GENERAL.—The percentage referred to in paragraph (1) of subsection (a) shall be seven percent, except that the percentage may be reduced to not less than one percent or increased to not more than fifteen percent by the President, subject to disapproval by either House of Congress, in accordance with the provisions of this subsection.

"(2) CHANGE IN PERCENTAGE BY PRESIDENT SUBJECT TO DISAPPROVAL BY THE CONGRESS.—In order to change the percentage rate under this section, the President, upon the recommendation of the Council of Economic Advisers, may transmit to the Congress a proposed new rate within the limits fixed by paragraph (1), the message to be delivered to both Houses of the Congress on the same day and to each House while it is in session. The message shall specify the proposed new rate, the proposed effective date, and the reasons for the change. The change in rate shall take effect at the time specified by the President (whether before or after the date on which the message is submitted to the Congress), but the change shall be terminated as of its effective date if, between the date of delivery of the message proposing the change and the end of the first period of sixty calendar days of continuous session of the Congress after such date, either House passes a resolution stating in substance that such House does not favor the proposed new rate. For purposes of this paragraph, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

"(3) Exercise of rulemaking power of the Senate and the House of Representatives.—The succeeding paragraphs of this subsection are enacted by Congress as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described in paragraph (4); and they shall supersede other rules only to the extent that they are inconsistent therewith. They are enacted with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(4) Resolution.—For the purpose of the succeeding paragraph of this subsection, 'resolution' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: 'That the ——— does not favor the proposed investment tax credit rate transmitted to Congress by the President on ———.', the first blank space therein being filled with the name of the resolving House and the second blank space with the date on which the President's message proposing the rate was delivered.

"(5) Referral of resolution.—A resolution shall be referred to the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate (except that it may not be made after the committee has reported a resolution with respect to the same proposed rate), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same proposed rate.

"(6) Consideration of resolution.—When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"(7) Debatability of motions.—Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution and motions to proceed to the consideration of other business shall be decided without debate. Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate."

(b) The amendment made by subsection (a) shall apply with respect to taxable years ending after the date of enactment of this Act.

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By Mr. BAYH:

S. 1765. A bill to establish an independent Board of Parole, to provide for fair and equitable Federal parole procedures, to study the parole procedures provided for released prisoners, and for other purposes. Referred to the Committee on the Judiciary.

PAROLE REORGANIZATION AND REFORM ACT OF 1973

Mr. BAYH. Mr. President, today I am introducing the Parole Reorganization and Reform Act of 1973, which is designed to restructure and reform the U.S. Board of Parole. While this bill will directly affect only those offenders who are incarcerated in the Federal prison system, it should serve as a useful model to the States in their efforts to improve parole procedure. The Federal prison system has traditionally been viewed as a leader in prison reform, and I hope that this bill will place the U.S. Board of Parole in a similar position of leadership.

Since its inception 95 years ago in New York, parole has become an integral part of correctional and rehabilitative



efforts. As currently constituted, there are three principal elements in the parole process: First, the courts and the prison system which supply information about individual offenders; second, the Parole Board which uses that information to decide who should be released, under what conditions of parole, and when to revoke parole; and third, the probation officers who supervise parolees as well as probationers. The legislation which I am introducing today touches all parts of the process but deals chiefly with the Parole Board because it has primary responsibility.

During fiscal 1972, the Board held 12,677 hearings and made an additional 4,556 determinations based upon written progress reports. This tremendous volume of decisions was accomplished by eight Board members and eight hearing examiners on a budget of $994,360. Such an enormous number of decisions reached with such minimal resources has tended to result in methods of action which often appear arbitrary or casual. The Board has not established detailed rules or standards to guide its decisionmaking process; neither does it follow the philosophy of stare decisis, developing general standards on a case-by-case basis. The most specific decisional standard is the statutory provision that the Board "may in its discretion" release a prisoner on parole if it finds "a reasonable probability that such prisoner will live and remain at liberty without violating the laws" and that "such release is not incompatible with the welfare of society." The Board has never publicly stated any substantive principles that guide it in making this determination, nor has it publicly listed the criteria which it considers.

The Parole Board does not make decisions as a group. Instead, each case is decided by an individual member, who does not consult with his colleagues. Memoranda relating to the factors considered in releasing eligible prisoners are not prepared. The Board does not articulate the reasons for any particular determination, nor does it inform prisoners why parole was denied.

It is hard to believe that any administrative agency would make decisions in such a haphazard fashion, yet the Parole Board openly admits to these practices. In a pamphlet published by the Board entitled "Functions of the United States Board of Parole," the decisionmaking process is described as follows:

> Voting is done on an individual basis by each member and the Board does not sit as a group for this purpose. Each member studies the prisoner's file and places his name on the official order form to signify whether he wishes to grant or deny parole. The reasoning and thought which led to his vote are not made a part of the order, and it is therefore impossible to state precisely why a particular prisoner was or was not granted parole.

The hearing process is as casual as the decisionmaking process. According to testimony before a House judiciary subcommittee, parole hearings are usually conducted in the Federal institution by a hearing examiner, and only occasionally by a Board member. Hearings typically last from 10 to 15 minutes, although some testimony indicated that hearings are more likely to last between 2 and 5 minutes. Present at the hearing along with the Parole Board official are the prisoner, the prison counselor, and a stenographer. The prisoner is never represented by counsel. After the hearing, when the prisoner has left the room, the examiner dictates his recommendation to the stenographer.

Because no transcript is prepared, this recommendation serves as the only record of the parole hearing.

Because hearings are so short, heavy reliance must be placed upon the prisoner's file. Yet one witness at the House hearings testified that he was advised by an examiner that each man's record could be adequately appraised in 5 minutes. Furthermore, although the contents of the file are crucial, the prisoner is not allowed to review the file to insure its accuracy. The same witness testified that—

> This is in itself disturbing, because prison files are not consistent or accurate records. I have seen black men listed as white and Harvard graduates listed with borderline IQ's.

While there is serious dispute over the extent of access a prisoner should have to his own file, the Administrative Conference of the United States has supported relatively broad disclosure. In testimony before the House subcommittee, the Conference recommended that:

> The prison counselor should disclose the file to the prisoner or his representative in advance of the parole hearing, except for any information as to which disclosure is clearly unwarranted or which has been determined by the sentencing judge to be improper. The prisoner should be given an oral summary or indication of any relevant adverse information which is not directly disclosed to him.

While many of the Board's practices are open to serious criticism, the courts have generally refused to intervene in the parole decisionmaking process. In certain areas related to the procedure for revoking parole and conditions of parole as imposed by the Board, courts have felt more free to attempt reform. However, even in these peripheral areas of the parole process, the Board has resisted judicial intervention.

The Board maintained until 2 years ago that it has exclusive jurisdiction in the area of parole. In *Sobell* v. *Reed,* 327 F. Supp. 1294 (S.D.N.Y. 1971), a review of one of the Board's decisions, the Chairman of the Parole Board refused to appear in court to testify, arguing that the court had no power in the parole area. The court flatly rejected that claim and rebuked the Board in language which clearly points to the need for thorough reform in this area:

> But it is urged that the Board's action is outside the court's power of review. It would be surprising, and gravely questionable, if Congress has meant to confer such final authority upon any administrative agency, particularly one that makes no pretense to learning in constitutional law. It would be bizarre to hold, as the Government's position ultimately entails, that assertions of constitutional rights like those made here may be overridden without ever being faced and decided by any tribunal of any kind. But there is no occasion to become upset over such implications. The Government's position is not soundly based.

In Sobel against Reed, the issue was the infringement of the plantiff's first amendment right to freedom of speech by overly restrictive conditions of parole. In an earlier case, *Reed* v. *Butterworth,* 297 F. 2d 776 (D.C. Cir. 1961), the court threw out a Board decision because it refused to follow the parole revocation procedures which Congress envisioned when it enacted the parole statute. The court further indicated that the Board's refusal to follow these procedures was a matter of long standing, and its warning was clear:

> The Parole Board apparently still has the notion, which we criticized in *Fleming* v. *Tate* [156 F. 2d 848 (D.C. Cir. 1946)], that revocation hearings are mere formalities, and the result a foregone conclusion. As long as the Board evidences this philosophy by denying fundamental procedural safeguards, we will be compelled to order new hearings, and, in cases of grievous injustice, to order such further relief as the circumstances may warrant.

Mr. President, while individual court cases have brought relief to a few plaintiffs and reform to isolated areas of board practice, they have not established a full range of constitutional rights and statutory guarantees. The criticisms made by the courts are still valid. The legislation which I am introducing today clarifies the rights of prisoners and parolees. It specifies in detail the scope of the Parole Board's discretion and the responsibilities of courts for judicial review. Let me discuss a few of the major reforms proposed in this legislation.

RESTRUCTURED, INDEPENDENT PAROLE BOARD

Since the effectiveness of any reform depends upon the organization mandated with implementing that reform, restructuring of the Parole Board itself is the first priority. My bill establishes a national board which will perform the appeals and policymaking functions of the Board of Parole. In turn, the national board sets up four regional boards which will conduct parole determination and parole revocation hearings. This decentralization of the decisionmaking process will alleviate the oppressive caseload currently borne by each member of the Board of Parole.

Additionally, the Board is taken out of the Department of Justice and established as an independent agency within the executive branch. I feel that the Board should be able to exercise its discretion free from the influence of the prosecutor and the prison administrator. Because it is essential that the Board be composed of highly qualified personnel, the bill also provides that Board appointees represent different areas of expertise in the criminal justice field.

ELIGIBILITY FOR PAROLE

The bill retains the present practice which leaves the date of eligibility for parole substantially in the hands of the sentencing authority. In general, a prisoner may be considered for parole only after serving one-third of his maximum term. However, unlike the present practice, the bill creates a presumption of parole. The Parole Board must grant parole to eligible prisoners unless there is substantial reason to believe that a prisoner will engage in further criminal conduct or will not conform to condi-

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tions of parole. This is intended to circumscribe the wide discretion presently exercised by the Board. A similar presumption of parole was recommended by the National Commission on Reform of the Federal Criminal Laws. Another new judge or sentencing jury to specify that persons convicted of murder accompanied by certain aggravating circumstances be sentenced to prison with no possibility of parole.

HEARING PROCEDURE AND FREQUENCY

The proposed legislation specifies the frequency of parole hearings and other reconsiderations of the prisoner's status. An effort was made to balance the right of the prisoner to have his progress frequently judged against the administrative realities of implementing such a right. Therefore, my bill provides that each prisoner must be given a hearing at least every 2 years after an initial parole rejection. Additionally, I have accepted the recommendations of the association of the bar of the city of New York, which include a right to counsel at all parole hearings, a written transcript of all hearings, and the publication of criteria for granting, denying, and revoking parole. While some experts do not recommend formalized hearing procedures and written, reasoned decisions, I believe that the parole process has suffered over the years from too little formal structure. I accept the judgment of the bar of the city of New York that the key problem with the parole process is the Board's overly broad discretionary power:

> The present rules are extremely scanty, with the result that the Parole Board possesses today almost unbridled, and unreviewable powers. The problem, as we noted before, is even greater than in the area of probation, where the power over prisoners is exercised within the judicial structure. There is no such control over the Parole Board, whose members are not necessarily lawyers, and whose procedures are loose, to say the least. (A.B.C.N.Y. Report on the Title 18 revision recommended by the National Commission on Reform of the Federal Criminal Laws.)

SUPERVISION WHILE ON PAROLE

Three separate issues are raised when a prisoner is placed on parole: The conditions of parole, the procedure for revoking parole, and the amount of time a parolee should serve when he is returned to prison after a parole revocation. The freedom of the Parole Board to establish conditions of parole presents extremely difficult problems. On the one hand, the Board must retain sufficient flexibility to meet the individual needs of the parolee. On the other hand, the parolee must be protected from unrealistic or abusive conditions of parole. While the proposed legislation allows the Board substantial freedom in this area, it does specify some general guidelines for the Board's consideration. In addition, it requires the Board to supply the parolee with a written list of conditions at the moment of release. Since the courts have already expressed an interest in this area, the bill relies on judicial review to correct any abuses.

Parole revocation proceedings have received considerable attention in the courts. As recently as June 29, 1972, the U.S. Supreme Court in *Morrissey* v. *Brewer* (40 LW 5016), reviewed in detail the rights constitutionally required at such hearings. The Court declared that in parole revocation hearings, minimum standards of due process include: Written notice of the claimed violations of parole; disclosure to the parolee of the evidence against him; the opportunity to be heard in person and to present witnesses and documentary evidence; the right to confront and cross-examine witnesses; a "neutral and detached" hearing officer; and a written statement by the fact-finders as to the evidence relied upon and reasons for revoking parole. This legislation incorporates these due process requirements.

In addition, it prohibits arbitrary and unreasonably long imprisonment prior to hearing. My bill also requires that counsel be appointed if the parolee is indigent.

Under current law, a parole violator who is returned to prison is given no credit for the time he has spent "on the street" successfully fulfilling his parole conditions. The prisoner's paroled status may continue during good behavior until his maximum sentence expires. However, if he is returned to prison, his maximum sentence is not reduced by the time he spent on parole. This is extremely unfair, and ironically places a greater burden on the model prisoner who is released early in his sentence than on other prisoners who are considered worse risks and consequently are released at a later point in their sentence. To rectify this injustice, I have accepted the recommendation of the National Commission on Reform of the Federal Criminal Laws that a portion of a parolee's time on the street, prior to parole violation, should be subtracted from his maximum sentence. As a result, the consequences of parole violation would be no more serious for the model prisoner than for the prisoner released later in his term.

APPEAL

The proposed legislation provides a formal, internal process of review. Prisoners or parolees who are dissatisfied with Regional Board determinations may appeal to the National Board. Considerations of administrative efficiency weighed heavily in reaching the conclusion that a written appeal would be adequate. Finally, the bill requires that the Parole Board initiate a study of parole services and report to Congress annually with recommendations for reform.

Mr. President, last year the Parole Board made 17,233 determinations. 6,174 individuals were granted parole, 1,418 warrants were issued against parole violators, and 12,076 people remained under the Board's supervision. Fair and equitable procedures must be instituted to protect the rights of these individuals. As the U.S. Court of Appeals for the District of Columbia said over 25 years ago in *Fleming* v. *Tate*, 156 F. 2d 848 (D. C. Cir. 1946):

> The parole system is an enlightened effort on the part of society to rehabilitate convicted criminals. Certainly no circumstance could further that purpose to a greater extent than a firm belief on the part of such offenders in the impartial, unhurried, objective, and thorough processes of the machinery of the law. And hardly any circumstance could with greater effect impede progress toward the desired end than a belief on their part that the machinery of the law is arbitrary, technical, too busy, or impervious to facts.

The legislation which I am introducing today is designed to achieve the kind of parole system that was recommended so many years ago. My bill also reflects many of the reforms suggested by Congressmen KASTENMEIER and RAILSBACK, and the numerous witnesses who appeared before House Judiciary Subcommittee No. 3 to discuss the problems of parole during the last session of Congress. I urge my colleagues to give prompt and favorable consideration to adopting these long overdue reforms of our parole system.

I ask unanimous consent that the bill and a summary be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1765

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Parole Reorganization and Reform Act of 1973."

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BOARD OF PAROLE; PAROLE PROCEDURES, CONDITIONS, ETC.

SEC. 101. Chapter 311 of title 18 of the United States Code (relating to parole) is amended to read as follows:

"Chapter 311.—PAROLE

"Sec.
"4201. Board of Parole; members; terms of office; etc.
"4202. Authority of the Board of Parole.
"4203. Administrative powers of the Board of Parole.
"4204. Time of eligibility for release on parole.
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"§ 4201. Board of Parole; members; terms of office; etc.

"(a) There is hereby established, as an independent establishment in the executive branch, a Board of Parole to consist of a National Board and four Regional Boards.

"(b) The National Board shall be composed of nine members appointed by the President by and with the advice and consent of the Senate. Each of the Regional Boards shall be composed of three members appointed by the President by and with the advice and consent of the Senate. A vacancy in either Board shall be filled in the manner in which the original appointment was made.

"(c) Not more than five members of the National Board and not more than two members of each Regional Board shall be of the same political party (as determined by the last voting registration within the four years immediately prior to appointment). There shall be at least one member of the National Board appointed from each of the following categories, and each of the Regional Boards shall consist of members appointed from any three of these categories:

"(1) individuals who have been imprisoned in a Federal or State prison, released on parole, and discharged from such parole;

"(2) attorneys having experience in the field of criminal justice;

"(3) social or behavioral scientists expert in the field of criminal studies;

"(4) individuals experienced in the education or training of handicapped or disadvantaged persons;

"(5) individuals having supervisory experience in law enforcement, as defined in section 3781(a) of title 42, United States Code; and

"(6) individuals having experience as guards or correctional officers in a correctional institution or facility, as defined in section 3781(l) of title 42.

"(d)(1) Except as provided in paragraphs (2), (3), and (4), the members of both the National Board and the Regional Boards shall be appointed for terms of six years.

"(2) Of the members of the National Board first appointed under this section—

"(A) three shall be appointed for terms of two years,

"(B) two shall be appointed for terms of three years,

"(C) two shall be appointed for terms of four years, and

"(D) two shall be appointed for terms of five years from the effective date of this title.

"(3) Of the members of each of the Regional Boards first appointed under this section—

"(A) one shall be appointed for a term of one year,

"(B) one shall be appointed for a term of three years, and

"(C) one shall be appointed for a term of five years, from the effective date of this title.

"(4) Any member of the Board of Parole who is appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

"(5) The President shall from time to time designate one of the members of the National Board to serve as Chairman of the Board of Parole and shall delegate to him the necessary administrative duties and responsibilities. The Chairman of the Board of Parole shall designate one of the members of each Regional Board to serve as Chairman of such Regional Board. The Chairman of each Regional Board shall have such administrative duties and responsibilities with respect to the Regional Board as may be necessary to carry out the purposes of this chapter. The term of office of the Chairman of the Board of Parole and of the Chairman of each Regional Board shall be not less than three years, but not more than six years, as specified at the time of designation as Chairman.

"(6) Each Regional Board shall have such geographical jurisdiction as the National Board may provide in order to assure efficient administration.

"(7) The respective rates of pay for members of the Board of Parole (other than the Chairman of the Board of Parole) shall be equal to the maximum rate, as in effect from time to time, for GS–17 of the General Schedule of section 5332 of title 5. The rate of pay of the Chairman of the Board of Parole shall be at the rate prescribed for level III of the Executive Schedule.

"§ 4202. Authority of the Board of Parole

"(a) The National Board shall have such powers and shall perform such functions and duties as may be provided for the Board of Parole or the National Board under this chapter or under any other provision of law.

"(b) Except as otherwise specifically provided by law, when so authorized by the National Board, any member or agent of the Board of Parole may take any action which the National Board is authorized to take.

"(c) The Regional Boards shall conduct parole determination hearings (in accordance with section 4209) and parole revocation and parole modification hearings (in accordance with section 4218) and perform such other functions and duties as may be provided under this chapter.

"§ 4203. Administrative powers of the Board of Parole

"(a) The National Board shall have the power to—

"(1) appoint and fix the compensation of personnel of the Board of Parole;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5;

"(3) prescribe such administrative rules and regulations as may be necessary for the operation of the Board of Parole;

"(4) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(5) without regard to section 529 of title 31, United States Code, enter into and perform such contracts, leases, cooperatives agreements, or other transactions as may be necessary in the conduct of its functions, with any public agency, or with any person, firm, association, corporation, educational institution, or nonprofit organization;

"(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31;

"(7) request such information, data, and reports from any Federal agency as the Board of Parole may from time to time require and as may be produced consistent with other law;

"(8) arrange with the heads of any other Federal agency for the performance by such agency of any function of the Board of Parole, with or without reimbursement; and

"(9) request probation officers and other individuals, organizations, and public or private agencies to perform such duties with respect to any person released on parole as the National Board deems necessary for maintaining proper supervision of, and assistance to, such persons: *Provided*, That in no case shall a probation officer or other individual caseworker maintain an average daily caseload in excess of fifty individuals.

"(b)(1) The Board of Parole shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter with respect to which the National Board or any Regional Board is empowered to make a determination under this chapter. Such attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

"(2) If a person issued a subpena under paragraph (1) of this subsection refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted, or within the judicial district within which such person is found or resides or transacts business, may (upon application by the Board of Parole) order such person to appear before the National Board or any Regional Board to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(3) The subpena of the Board of Parole shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

"(c) Upon the request of the Chairman of the Board of Parole, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Board in the performing of its functions.

"(d) The National Board may delegate to the Regional Boards such powers as may be appropriate other than—

"(1) the power to establish general policies for the Board of Parole, and

"(2) the power to prescribe administrative rules and regulations.

"(e) Except as otherwise provided by law, any action taken by the National Board or any Regional Board shall be taken by a majority vote of all individuals currently holding office as a member of the National Board or the Regional Board taking the action.

"§ 4204. Time of eligibility for release on parole

"(a) Whenever confined and serving a definite term of over one hundred and eighty days, a prisoner shall be eligible for release on parole after serving one-third of such term or after serving fifteen years of a life sentence or of a sentence of over forty-five years unless the crime was murder and the following aggravating circumstances occurred:

"(1) the prisoner was previously convicted of another murder;

"(2) at the time the murder was committed, the prisoner also committed another murder;

"(3) the murder was especially heinous, atrocious, cruel, or manifested exceptional depravity by ordinary standards of morality and intelligence; or

"(4) the victim was the President of the United States or other high public servant.

Unless the sentencing judge or sentencing jury specify otherwise, a prisoner who was convicted of a murder that was accompanied by one or more of the above aggravating circumstances shall not be eligible for parole release. As used in this paragraph, "term" shall mean, in the case of consecutive sentences, the sum of the sentences, and in the case of concurrent sentences, the term of the longest sentence.

"(b)(1) Any prisoner whose eligibility for release on parole is fixed under section 4220(a)(1) at the time of sentencing shall be eligible for release on parole as provided in that provision.

"(2) Any prisoner whose eligibility for release on parole is specified under section 4220(a)(2) at the time of sentencing to be at such time as the Regional Board may determine shall be eligible for release on parole no less than ninety days after the date of his imprisonment or on such other date prior thereto as the Regional Board may determine.

"(c) Any prisoner not referred to in subsection (a) or (b) (including a prisoner released on parole and subsequently reimprisoned) shall be eligible for release on parole ninety days after the date of his imprisonment or on such other date prior thereto as the Regional Board may determine.

"§ 4205. Release on parole

"The Regional Board shall release a prisoner on parole upon the date of his eligibility for parole (as prescribed by section 4204) unless the Regional Board determines that he



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should not be released on such date or that he should be released on a later date for one or both of the following reasons:

"(1) there is substantial reason to believe that the prisoner will engage in further criminal conduct; or

"(2) there is substantial reason to believe that the prisoner will not conform to such conditions of parole as may be established under section 4212.

"§ 4206. Certain prisoners not eligible for parole

"Nothing in this chapter shall be construed to provide that any prisoner shall be eligible for release on parole if such prisoner is ineligible for such release under any provision of law.

"§ 4207. Factors taken into account in parole determination

"In making a determination under section 4205, the Regional Board may take into account any of the following factors:

"(1) the prisoner's ability and readiness to assume obligations and undertake responsibilities;

"(2) the prisoner's family status, including whether his relatives display an interest in him or whether he has other close and constructive associations in the community;

"(3) the prisoner's employment history and his occupational skills;

"(4) the prisoner's vocational, educational, and other training;

"(5) the adequacy of the prisoner's plans or prospects upon release;

"(6) any recommendations made by the sentencing court;

"(7) the prisoner's conduct during his term of imprisonment;

"(8) the prisoner's behavior and attitude during any previous experience of probation or parole, and the recency of such experience;

"(9) the availability of community resources to assist the prisoner; and

"(10) any other factor which the Regional Board determines to be relevant if, prior to the parole determination hearing held under section 4209, the Regional Board has provided the prisoner with adequate and timely written notice of such factor.

"§ 4208. Information considered by the Regional Board

"In taking into account the factors specified in section 4207 the Regional Board shall consider the following information:

"(1) any reports prepared by any institutional caseworker relating to the prisoner's personality, social history, and adjustment to authority;

"(2) any recommendations which the staff of the facility may make;

"(3) any official report of the prisoner's prior criminal record, including a report or record of earlier probation and parole experiences;

"(4) any presentence investigation report;

"(5) any recommendation regarding the prisoner's parole made at the time of sentencing by the sentencing judge or thereafter;

"(6) any reports of physical, mental, or psychiatric examination of the offender; and

"(7) such other relevant information concerning the prisoner as may be reasonably available.

"§ 4209. Parole determination hearing; time

"(a) In making a determination relating to release on parole under section 4205, the Regional Board shall hold a hearing (referred to in this chapter as a 'parole determination hearing') at which a member of the Regional Board shall preside.

"(b) In the case of any prisoner eligible for parole on a date provided by section 4204, an initial parole determination hearing shall be held at a time prescribed by the Regional Board. Whenever feasible, such time shall be not later than sixty days before such date of eligibility as provided by section 4204, and in the case of a prisoner referred to in section 4204(b)(2) the time of such hearing shall be not later than thirty days following such prisoner's imprisonment.

"(c) In any case in which release on parole is denied at any parole determination hearing a further parole determination hearing shall be held not later than two years following the denial.

"§ 4210. Setting release date

"In no case shall the Regional Board set any date for the release of a prisoner on parole which is more than one year following the date of the parole determination hearing at which such release date is set.

"§ 4211. Procedure of parole determination hearing

"(a) Within a reasonable time prior to any prisoner's parole determination hearing, the Regional Board shall (1) provide the prisoner with written notice of the time and place of the hearing and (2) make available to the prisoner any file or report or other document to be used by the Regional Board in making its determination.

"(b) Clause (2) of subsection (a) of this section shall not apply to any file, report, or other document, or any portion thereof which—

"(1) is a diagnostic opinion which might seriously disrupt a program of rehabilitation; or

"(2) contains sources of information which may have been obtained on a promise of confidentiality.

Whenever the Regional Board finds that this subsection applies to any file, report, or other document, or any portion thereof, to be used by the Regional Board in making its determination, the Regional Board shall state such finding (including the reasons therefor) on the record and shall provide the prisoner (or any representative of the prisoner referred to in subsection (c)(2) of this section) with written notice of such finding (including the reasons therefor). Whenever feasible, the Regional Board shall make available to the prisoner the substance of any information contained in any file, report, or other document, or any portion thereof, to which this subsection applies, except that specific names may be withheld in the case referred to in paragraph (3).

"(c)(1) At any time prior to the parole determination hearing and after having received written notice of such hearing, a prisoner may consult with his attorney, and by mail (or otherwise as provided by the Regional Board) with any person concerning such hearing.

"(2) The prisoner shall, if he chooses, be represented by an attorney or by an employee of the Federal Bureau of Prisons or by any other qualified person, unless he intelligently waives such representation. Such attorney may be retained by the prisoner or appointed pursuant to section 3006A of title 18, United States Code.

"(d) The prisoner shall be allowed to appear and testify on his own behalf at the parole determination hearing.

"(e) A full and complete record of the parole determination hearing shall be kept, and not later than thirty days after the date of the hearing the Regional Board shall (1) notify the prisoner in writing of its determination and (2)—

"(A) furnish the prisoner with a formal notice stating with particularity the grounds on which such determination was based, indicating which of the factors specified in section 4207 were taken into account, and indicating the conclusion of the Regional Board with respect to such factors taken into account, and

"(B) In the case of a denial, furnish the prisoner with a formal notice of the date prior to which he shall be entitled under section 4209(c) to another parole determination hearing. Where that date is more than one year from the present date, the Regional Board must state which factors in section 4207 motivated the Regional Board's determination.

"§ 4212. Conditions of parole

"(a) The Regional Board shall impose such conditions of parole as it deems reasonably necessary to insure that the parolee will lead a law-abiding life or to assist him in doing so. In every case the Regional Board shall impose as a condition of parole that the parolee not commit any criminal offense during his parole. The Regional Board may require as a condition of parole that the parolee reside in or participate in the program of a community service center, or similar facility, for all or part of the period of parole if the Attorney General, or director in the case of such similar facility, certifies that adequate treatment facilities, personnel, and programs are available. If the Attorney General, or director in the case of such similar facility, determines that the parolee's residence in the center, or participation in its program, should be terminated, because his residence or participation adversely affects the rehabilitation of other residents or participants, he shall so notify the Regional Board, which shall thereupon make such other provision with respect to the parolee as it deems appropriate. A parolee residing in a community service center may be required to pay such costs incident to residence as the Regional Board deems appropriate.

"(b) In imposing conditions of parole, the Regional Board shall consider the following:

"(1) there should be a reasonable relationship between the condition imposed and the prisoner's previous conduct and present situation;

"(2) the conditions should provide for the minimum deprivation of liberty and freedom of association; and

"(3) the conditions should be sufficiently specific to serve as a guide to supervision and conduct.

"(c) Upon release on parole, a prisoner shall be given a certificate setting forth the conditions of his parole.

"§ 4213. Period of parole

"(a) In the case of any parolee released on parole, the period of time to be served on parole shall end upon the expiration of the maximum term for which he was sentenced, reduced by the amount of parole good time allowed as a reduction under section 4214, except that in the case of any prisoner deemed as if released on parole under section 4164 (relating to mandatory release), the period of time to be served on parole shall be the period provided by section 4164, reduced by the amount of parole good time allowed as a reduction under section 4214. The parole of any parolee may, at the discretion of the sentencing authority, run concurrently with any period of imprisonment, parole, or probation under any other Federal, State, or local sentence. In the case of any parolee who has intentionally refused or failed to respond to any request, order, or warrant of the Board of Parole during any time, and for any reason which the Regional Board determines to be invalid, the period of time to be served on parole may be extended for such period as the parolee so refused or failed to respond.

"(b) The parole of any prisoner sentenced before June 29, 1932, shall be for the remainder of the term specified in his sentence, less good time allowances provided by section 4161 through 4165 of this title.

"§ 4214. Parole good time

"(a) Except as provided in subsection (b), the Board of Parole shall allow each parolee whose record of conduct shows that he has faithfully observed all the conditions of his parole a reduction from his parole, computed as follows:

"(1) five days for each month of parole, if the period (determined as of the date of release on parole) is more than six months but not more than one year;

"(2) six days for each month of parole, if such period of parole is more than one year but less than three years;



"(3) seven days for each month of parole, if such period of parole is more than three years but less than five years;

"(4) eight days for each month of parole, if such period of parole is more than five years but less than ten years;

"(5) ten days for each month, if such period of parole is ten years or more.

"(b) Reduction from parole for good conduct may be forfeited or withheld by the Board of Parole only if the Regional Board finds a violation of the conditions of parole pursuant to a hearing as provided in section 4218.

"(c) Any reduction forfeited or withheld under the preceding subsection may be restored by the Regional Board at any time.

"§ 4215. Discharge from parole

"(a) The Board of Parole may terminate the parole of any parolee or may release him from any condition of parole imposed under section 4212 at any time after the expiration of one year of parole, if warranted by the conduct of the parolee and the ends of justice.

"(b) Upon the expiration of the period of time to be served on parole, as provided by section 4213, the Board of Parole shall terminate the parole of any parolee.

"(c) Upon the termination of the parole of any parolee, the Board of Parole shall issue a certificate of termination to such parolee and to such other agencies as the Board of Parole may determine.

"§ 4216. Aliens

"When an alien prisoner subject to deportation becomes eligible for parole, the Board of Parole may authorize his release on condition that he be deported and remain outside the United States. Such prisoner, when his parole becomes effective, shall be delivered to the duly authorized inmigration official for deportation.

"§ 4217. Time for revocation of parole: period of reimprisonment; retaking parolee

"(a) The Regional Board may revoke the parole of any parolee under section 4218(e) or (f) at any time prior to the expiration of the period of time to be served on parole, except in such cases as an extended period may be reasonably necessary for the adjudication of matters arising before such expiration as a result of an approved request by the parolee for postponement of his compliance with any order or warrant of, or any other action taken by, the Regional Board under subsection (c).

"(b) No order issued under section 4218 (e) or (f), including an order resulting in imprisonment, shall apply for any period following the expiration of the period of time to be served on parole as prescribed by section 4213, except that an order may also apply for the extended period referred to in subsection (a).

"(c) In the case of any parolee believed to have violated a condition of his parole, the Regional Board may—

"(1) order such parolee to appear at a revocation hearing not later than twenty-one days from the date of the issuance of the order;

"(2) retake the parolee by means of a warrant issued and executed as provided in this section; or

"(3) take such other action as may be appropriate. Any order or warrant issued under this section shall be issued as soon as practicable following the date of the alleged violation of the condition of parole.

"(d) A warrant for the retaking of a parolee who has violated a condition of his parole may be issued only by the Regional Board, or at least two members thereof, and only prior to the last date on which parole may be revoked as provided by subsection (a).

"(e) Any officer of any Federal penal or correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant for the retaking of a parole violator is delivered, shall execute such warrant by taking such prisoner and returning him to the custody of the Regional Board.

"(f) A parolee retaken under this section may be returned to the custody of the Attorney General and imprisoned if the Regional Board determines, after a preliminary hearing, that there is substantial reason to believe that the parolee will not appear for his parole revocation hearing under section 4218 when so ordered. The preliminary hearing shall be held as soon as possible following the retaking of the parolee; and the parolee shall be advised of the charges against him and shall be allowed to testify at such hearing.

"§ 4218. Parole revocation and modification hearing

"(a) If any parolee (other than a parolee referred to in subsection (f)) retaken or ordered to appear under section 4217 contests the revocation of his parole, a hearing (hereinafter referred to in this chapter as a 'parole revocation hearing') shall be held (1) on the date specified in such order or (2) not later than twenty-one days after the date of execution of the warrant for his retaking, whichever is later. Such hearing shall be held at a place reasonably near the location where the alleged violation of parole occurred. At least one member of the Regional Board shall be in attendance at such hearing.

"(b) Prior to the parole revocation hearing, the Regional Board may, subject to section 4217(f), impose such interim modifications of the conditions of parole as may be necessary.

"(c) Upon the issuance of an order or the execution of a warrant under section 4217, the Regional Board shall provide the parolee with written notice of—

"(1) the conditions of parole he is alleged to have violated;

"(2) the time, date, place, and circumstances of the alleged violation;

"(3) the time, date, and place of the scheduled hearing; and

"(4) his rights under this section.

"(d) The hearing procedures shall include—

"(1) proper and timely opportunity for the parolee to examine any evidence on which the order or warrant is based;

"(2) representation by an attorney (retained by the prisoner or appointed pursuant to section 3006A of title 18, United States Code), or such other qualified person as the parolee shall retain, unless the parolee intelligently waives such representation;

"(3) opportunity for the parolee to appear and testify on his own behalf;

"(4) opportunity for the parolee to compel the appearance of witnesses and to confront and cross-examine witnesses; and

"(5) maintenance of a full and complete record of the hearing.

"(e) If the Regional Board finds substantial reason to believe that the parolee violated a condition of his parole, the Regional Board shall inform the parolee in writing not later than ten days after such hearing, stating with particularity the bases of such finding. In such case the Regional Board many order that—

"(1) the parolee receive a reprimand and a warning;

"(2) parole supervision and reporting be intensified;

"(3) the parolee be required to conform to one or more additional conditions of parole imposed in accordance with the provisions of section 4212;

"(4) parole good time allowed under section 4214 be forfeited or withheld.

"(f) In the case of any parolee retaken or ordered to appear under section 4217 on the grounds of an alleged act constituting a violation of parole, for which such act the parolee is charged with a criminal offense under any authority of law, no hearing shall be held but the Regional Board shall make a determination with respect to the revocation of such parolee's parole within a reasonable time after final order or judgment has been entered by the trial court having jurisdiction over the criminal offense. If such parolee is found not guilty or acquitted by such trial court or if the charges against him have been dismissed, the order or warrant issued under section 4217 shall be rescinded. If the parolee is convicted of such criminal offense, such conviction shall constitute prima facie evidence of the violation of the conditions of parole by such parolee, and the Regional Board may make any order referred to in subsection (e) and may, in addition, order that the parolee be reimprisoned.

"§ 4219. Appeals to the National Board

"(a) A parolee whose parole is revoked or who is subject to an order issued under section 4218(e)(3) or (4), may appeal the determination or order by submitting a notice of appeal not later than fifteen days after being informed of such revocation and by submitting appeal papers not later than forty-five days after being so informed. Such appeal shall be considered by no less than three members of the National Board. The parolee shall be allowed to consult with an attorney or any other person concerning such appeal. The National Board shall decide the appeal within a reasonable period of time and shall inform the parolee in writing of its decision and the reasons therefor. Any member of the Regional Board who was present at the parole revocation hearing may present to the National Board such materials as he deems relevant.

"(b) Whenever a prisoner is denied release on parole under section 4205, whenever conditions of parole are imposed or significantly changed under section 4214, or when an order is issued under section 4218(e)(3) or 4218(e)(4), the prisoner or parolee may appeal not later than fifteen days after his being informed of such denial or conditions and by submitting appeal papers not later than forty-five days thereafter. Such appeal shall be considered by no less than three members of the National Board. The prisoner or parolee shall be allowed to consult with an attorney, an employee of the Bureau of Prisons, or any other person concerning such appeal. The National Board shall decide the appeal within a reasonable period of time and shall inform the prisoner in writing of its decision and the reasons therefor.

"§ 4220. Fixing eligibility for parole at time of sentencing

"(a) Upon entering a judgment of conviction, the court having jurisdiction to impose sentence, when in its opinion the ends of justice and best interests of the public require that the defendant be sentenced to imprisonment for a term exceeding one year, may (1) designate, in the sentence of imprisonment imposed, a minimum term at the expiration of which the prisoner shall become eligible for parole, which term may be less than, but shall not be more than one-third of the maximum sentence imposed by the court, or (2) the court may fix the maximum sentence of imprisonment to be served in which event the court may specify that the prisoner may become eligible for parole at such time as the Board of Parole may determine.

"(b) If the court desires more detailed information as a basis for determining the sentence to be imposed, the court may commit the defendant to the custody of the Attorney General, which commitment shall be deemed to be for the maximum sentence of imprisonment prescribed by law, for a study as described in subsection (c) hereof. The

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results of such study, together with any recommendations which the Director of the Bureau of Prisons believes would be helpful in determining the disposition of the case, shall be furnished to the court within three months unless the court grants time, not to exceed an additional three months, for further study. After receiving such reports and recommendation, the court may in its discretion (1) place the prisoner on probation as authorized by section 3651 of this title, or (2) affirm the sentence of imprisonment originally imposed, or reduce the sentence of imprisonment, and commit the offender under any applicable provision of law. The term of the sentence shall run from the date of original commitment under this section.

"(c) Upon commitment of a prisoner sentenced to imprisonment under the provisions of subsection (a), the Director, under such regulations as the Attorney General may prescribe, shall cause a complete study to be made of the prisoner and shall furnish to the Board of Parole a summary report together with any recommendations which in his opinion would be helpful in determining the suitability of the prisoner for parole. This report may include but shall not be limited to data regarding the prisoner's previous delinquency or criminal experience, pertinent circumstances of his social background, his capabilities, his mental and physical health, and such other factors as may be considered pertinent. The Board of Parole may make such other investigation as it may deem necessary. It shall be the duty of the various probation officers and Government bureaus and agencies to furnish the Board of Parole information concerning the prisoner, and, whenever not incompatible with the public interest, their views and recommendations with respect to the parole disposition of his case.

"§ 4221. Young adult offenders

"In the case of a defendant who has attained his twenty-second birthday but has not attained his twenty-sixth birthday at the time of conviction, if, after taking into consideration the previous record of the defendant as to delinquency or criminal experience, his social background, capabilities, mental and physical health, and such other factors as may be considered pertinent, the court finds that there are reasonable grounds to believe that the defendant will benefit from the treatment provided under the Federal Youth Corrections Act (18 U.S.C., chap. 402) sentence may be imposed pursuant to the provisions of such Act.

"§ 4222. Warrants to retake Canal Zone parole violators

"An officer of a Federal penal or correctional institution, or a Federal officer authorized to serve criminal process within the United States, to whom a warrant issued by the Governor of the Canal Zone for the retaking of a parole violator is delivered, shall execute the warrant by taking the prisoner and holding him for delivery to a representative of the Governor of the Canal Zone for return to the Canal Zone.

"§ 4223. Report

"The Board of Parole shall investigate the services provided to paroled prisoners and shall submit to Congress an annual report which shall include recommendations for reforming the services currently provided. The initial report shall be submitted not later than twelve months after the effective date of this title.

"§ 4224. Definitions

"As used in this chapter—

"(a) The term 'prisoner' means a Federal prisoner other than a juvenile delinquent or a committed youth offender.

"(b) The term 'parole' means the legally sanctioned release of an offender from a correctional institution to the open community under temporary restrictions for the community's protection and under professional guidance and supervision directed at reintegrating him into society.

"(c) The term 'parolee' means any prisoner released on parole or deemed as if released on parole under section 4164 (relating to mandatory release)."

CONFORMING AMENDMENTS

SEC. 102. (a) (1) Section 5314, United States Code, relating to level III of the Executive Schedule, is amended by adding at the end thereof the following new item:

"(58) Chairman, United States Board of Parole." (2) Section 5108(c)(7) of title 5, relating to classification of positions at GS–16, 17, and 18, is amended to read as follows:

"(7) the Attorney General, without regard to any other provision of this section, may place a total of ten positions of warden in the Bureau of Prisons;".

(b) (1) Section 3655 of title 18, United States Code, relating to duties of probation officers, is amended by striking out "Attorney General" in the last sentence and inserting in lieu thereof "Board of Parole".

(2) Section 3006A(a) of title 18, relating to adequate representation by counsel, is amended by striking out "who is subject to revocation of parole" and inserting in lieu thereof "who is eligible for release on parole or subject to revocation of parole".

(3) Section 3006A(g) of title 18, relating to representation by counsel, is amended by striking out "subject to revocation of parole,".

(4) Section 5005 of title 18, relating to the Youth Correction Division, is amended by striking out "Attorney General" and inserting in lieu thereof "Chairman of the Board of Parole".

(5) Section 5008 of title 18, relating to officers and employees of the Youth Correction Division, is amended by striking out "Attorney General" and inserting in lieu thereof "Chairman of the Board of Parole".

(c) Section 509 of title 28, United States Code, relating to functions of Attorney General, is amended by—

(1) inserting "and" at the end of paragraph (2);

(2) striking out "and" at the end of paragraph (3); and

(3) striking out paragraph (4).

(d) Clause (B) of section 504(a) of title 29, United States Code, relating to prohibition against certain persons holding offices, is amended by striking out "of the United States Department of Justice".

EFFECTIVE DATE OF TITLE

SEC. 103. The amendments made by this title shall apply—

(a) to any person sentenced to a term of imprisonment at any time after one hundred and eighty days after the date of the enactment of this Act, and

(b) except as otherwise may be provided by rule or regulation prescribed under section 104(b), to any person—

(1) sentenced to a term of imprisonment at any time prior to the date one hundred and eighty-one days after the date of the enactment of this Act; or

(2) released on parole at any time prior to the date one hundred and eighty days after the date of the enactment of this Act.

For any purpose other than a purpose specified in the preceding provisions of this section, the effective date of this title shall be the date one hundred and eighty days after the date of the enactment of this Act.

SAVINGS PROVISIONS AND TRANSITIONAL RULES

SEC. 104. (a) Sections 4220 and 4221 of title 18, United States Code, shall not apply to any offense for which there is provided a mandatory penalty.

(b) If, by reason of any computation of (1) eligibility for parole, (2) time of entitlement to release on parole, (3) expiration of parole, or (4) parole good time, or by reason of any other circumstances, the application of any amendment made by this title to any individual referred to in section 103(b) is impracticable or does not carry out the purposes of this title, the National Board established under section 4201 of title 18, United States Code, as amended by this title, may prescribe such transitional rules and regulations for the application of the amendments made by this title to such individuals as may be fair, equitable, and consistent with the purposes of this title.

(c) Nothing in this title shall apply to, or be construed to change or affect in any way, any provision of law contained in chapter 314 of title 18, United States Code (relating to narcotic addicts).

AUTHORIZATION OF APPROPRIATIONS

SEC. 105. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

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SECTION-BY-SECTION ANALYSIS OF THE PAROLE REORGANIZATION AND REFORM ACT OF 1973

Sec. 101: Amends Chapter 311 of Title 18 as follows:

Section 4201. *Board of Parole; members; terms of office.*

This section establishes the Board of Parole as an independent agency consisting of a nine member "National Board" and four "Regional Boards" of three members each. The Board, whose members are appointed by the President for six-year terms, must be broadly representative of persons who have had extensive experience in corrections, such as former parolees, correctional officers, and behavioral scientists.

Section 4202. *Authority of the Board of Parole.*

This section authorizes individual Board members to take any action which their respective Boards are authorized to take. Regional Boards are given the authority to conduct parole determination and parole revocation and modification hearings.

Section 4203. *Administrative powers of the Board of Parole.*

This section sets out the administrative powers of the Board of Parole, such as the authority to hire personnel, to utilize the services of other agencies, to prescribe necessary rules and regulations, and to enter into contracts. National Board is authorized to request the services of probation officers and "other individuals, organizations, and public or private agencies" to perform duties with respect to parolees. An average daily caseload limit of 50 is placed on individual probation officers or other caseworkers, thereby ensuring that parolees are given adequate supervision. This section also gives the Board of Parole subpoena power.

Section 4204. *Time of eligibility for release on parole.*

(a) This subsection retains the existing law which states that when a prisoner is serving a definite term of more than 180 days, he shall be eligible for parole after serving one-third of his sentence, or 15 years of a life sentence or of a sentence of over 45 years. A provision added, however, which would enable a sentencing judge or sentencing jury to specify that persons convicted of murders which are accompanied by certain aggravating circumstances be sentenced to prison with no possibility of parole.

(b)(1) This subsection establishes that any prisoner whose eligibility for release is fixed by the court at the time of sentencing shall be eligible as so provided by the court.

(b)(2) This subsection sets eligibility for parole, in cases where the court has set eligibility date as being "at any time," as being no lesa than 90 days after the day of imprisonment, or on such earlier date as the Board may determine.

(c) This subsection provides that any prisoners not covered by the above subsections, including any reparolee, shall be eligible for parole within 90 days of his imprisonment.

Section 4205. *Release on Parole.*

This section establishes that the Regional Board shall release a prisoner on parole unless it determines that there is substantial reason to believe that the prisoner will engage in further criminal conduct, or that the prisoner will not conform to such conditions of parole as may be established under section 4212.



Section 4206. *Certain prisoners ineligible for parole.*

This section provides that no prisoner who is ineligible for parole under any other provision of law shall be rendered eligible by the operation of this chapter.

Section 4207. *Factors taken into account in parole determination.*

This section specifically sets out factors which the Regional Board shall take into account in determining whether to release a prisoner. These factors include: the prisoner's family status; his vocational and educational training; his conduct during his term of imprisonment; and the availability of community resources to assist him.

Section 4208. *Information considered by the Regional Board.*

This section lists the sources of information which the Regional Board shall consider in making the parole determination. These sources include reports prepared by institutional case workers, official reports of the prisoner's prior criminal record, and reports of physical, mental, or psychiatric examinations of the offender.

Section 4209. *Parole determination hearing; time.*

This section requires the Regional Board to hold a parole determination hearing no later than 60 days prior to the date on which the prisoner becomes eligible for parole. This section also provides that if parole is denied at the initial hearing, a second hearing must be held within two years. If release is denied at the second hearing, subsequent hearings must be held at least every two years.

Section 4210. *Setting release date.*

This section establishes that the Regional Board must set a release date within one year following the parole release determination.

Section 4211. *Procedure of parole determination hearing.*

This section sets out the procedural requirements of a parole determination hearing, as follows:

(a) written notice of time and place of hearing;

(b) accessibility to any file or report or other document to be used by the Regional Board;

(c) consultation by the prisoner with any person prior to the hearing;

(d) representation by an attorney, or other qualified person;

(e) personal appearance and testimony by the prisoner;

(f) maintenance of full and complete record;

(g) notification of the prisoner within 14 days of the determination; and, in the case of a denial, notification of the particular grounds for the denial.

Section 4212. *Conditions of Parole.*

(a) This subsection provides that the Regional Board shall impose such conditions of parole "as it deems reasonably necessary to insure that the parolee will lead a law-abiding life or to assist him in doing so." In addition, the Regional Board may require that the parolee be assigned to either a Federal, State or private community service center.

(b) This subsection sets forth considerations the Regional Board shall make in imposing conditions of parole, such as making the conditions sufficiently specific to serve as a guide to supervision and conduct.

(c) This subsection requires that the parolee be given a certificate setting forth the conditions of his parole.

Section 4213. *Period of Parole.*

This section provides that the period of parole shall end upon the expiration of the maximum term for which the parolee was sentenced, reduced by good time parole deductions.

At the discretion of the sentencing authority, the parole period may run concurrently with any period of imprisonment, parole, or probation under any other Federal, State, or local sentence. In the case of a parolee who has intentionally failed or refused to respond to any order, request, or warrant of the Board of Parole, the period of time to be served on parole shall be extended for such period as the parolee so refused or failed to respond.

Section 4214. *Parole good time.*

This section authorizes reduction in parole for those who observe all the conditions of their parole, and establishes a schedule for parole reduction. It further provides that good time may be forfeited or withheld only if the Regional Board finds a condition violation after a hearing. The Regional Board is authorized to restore any good time which has been forfeited.

Section 4215. *Discharge from parole.*

(a) This subsection provides that the Board of Parole may terminate parole or alter the parole conditions of any parolee who has served one year of parole.

(b) This subsection requires the automatic termination of parole at the expiration of the period of time to be served on parole.

(c) This subsection requires that the Board of Parole issue a certificate of termination.

Section 4216. *Aliens.*

This section provides that alien prisoners, subject to deportation, may be deported as a condition of parole.

Section 4217. *Time for revocation of parole; period of reimprisonment; retaking parolee.*

(a) This subsection provides that the Regional Board may revoke parole under section 4218 (e) or (f) at any time prior to the expiration of the parole period unless a request for postponement is approved.

(b) This subsection stipulates that no parole revocation order issued under section 4218(e) or (f) shall apply for any period longer than the period of time to be served on parole unless there was a postponement.

(c) This subsection authorizes the Regional Board to issue warrants or orders when any parolee is believed to have violated a condition of his parole.

(d) This subsection requires the approval of at least two members of the Regional Board for the issuance of a warrant.

(e) This subsection authorizes any Federal officer who is empowered to serve criminal process to execute such a warrant.

(f) This subsection provides for a preliminary hearing, and authorizes imprisonment only after a Regional Board determination of substantial reason to believe that the parolee will not appear for his parole revocation hearing.

Section 4218. *Parole revocation and modification hearing.*

(a) This subsection provides for a hearing for those whose parole is being modified or revoked for a non-criminal violation of their parole conditions.

(b) This subsection allows necessary modification of the conditions of parole when a revocation hearing is pending.

(c) This subsection sets forth the revocation notification procedure. Written notice is required.

(d) This subsection sets forth hearing procedures, such as representation by an attorney, discovery, subpoena power for the parolee, and maintenance of a full record of the hearing.

(e) This subsection enumerates the sanctions which the Regional Board may impose on a parolee when it finds substantial reason to believe he has violated a condition of his parole. The Regional Board is required to inform the parolee of the reasons for their finding.

(f) This subsection provides that when a parolee is charged with a criminal offense no hearing need be held. Conviction shall constitute prima facie evidence of the violation of the conditions of parole.

Section 4219. Appeals to the National Board.

(a) This subsection provides a written appeal procedure for those whose parole is revoked or who are subject to an order for loss of good time or for assignment to a community service center. The appeal provided by this section is to be considered by no less than three members of the National Board.

(b) This subsection provides for a written appeal procedure for those prisoners who are denied release under section 4205, those who receive conditions of parole under section 4212, or who are subject to an order issued under sections 4218(e)(3) or 4218(e)(4). Both subsections require that the National Board shall inform the prisoner or parolee of its decision and the reasons therefor in writing.

Section 4220. *Fixing eligibility for parole at time of sentencing.*

(a) This subsection sets forth the alternatives a sentencing court may use in fixing time of eligibility for parole.

(b) This subsection allows the commitment of a defendant for three months for pre-sentence study.

(c) This subsection stipulates that all prisoners be studied upon commitment and that a report be furnished to the Board of Parole. This report would include the prisoner's history and other such factors and recommendations as may be considered pertinent. It further empowers the Board of Parole to require information concerning the prisoner from Government bureaus and agencies.

Section 4221. *Young adult offenders.*

This section retains the present law regarding sentencing of youth offenders under the Youth Corrections Act.

Section 4222. *Warrants to retake Canal Zone violators.*

This section sets out procedures for the issuance and execution of warrants to retake Canal Zone parole violators.

Section 4223. *Report.*

This section requires that the Board of Parole investigate parole services and report annually to Congress its recommendations for improving services.

Section 4224. *Definitions.*

This section sets forth definitions of terms used in this chapter.

Section 102. *Conforming amendments.*

The only substantive change appears in subsection (2), which amends the Criminal Justice Act to provide for appointment of attorneys not only at parole revocation hearings, but also at release hearings.

Section 103. *Effective date of title.*

This section provides generally that the bill shall take effect 180 days after enactment.

Section 104. *Savings provisions and transitional rules.*

This section provides that whenever the application of the effective date provisions is impracticable, the National Board can prescribe necessary and equitable rules and regulations. The bill does not apply to the Narcotics Addict Rehabilitation Act.

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By Mr. BAYH (for himself, Mr. BROOKE, Mr. ABOUREZK, and Mr. CLARK):

S. 1766. A bill to require periodical financial disclosure by officers and certain employees of the Federal Government, to establish criminal penalties for unfair campaign practices, to strengthen Presidential campaign financing laws, to amend the Federal Election Campaign Act of 1971, and for other purposes. Referred to the Committee on Rules and Administration.

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CAMPAIGN AND ELECTION REFORM ACT OF 1973

Mr. BAYH. Mr. President, I have long been concerned with the growing public cynicism and loss of confidence in Government. More than 2½ years ago I introduced two bills aimed at establishing new standards of conduct for public officials, the Judicial Disqualification Act and the Omnibus Disclosure Act. Both were outgrowths of lessons learned during the debates over the qualifications of Supreme Court nominees.

Day after day banner headlines furnish new disclosures which continue to undermine the already shaky faith of our citizens in their Government in general, and which erode public confidence in the integrity of public officials and the electoral process in particular. The callous subversion of the political process represented by the Watergate affairs is a national tragedy of major proportions.

Too many good Americans believe the tactics of Watergate are business as usual in the political and governmental process. Bugging, burglary, bribery, and perjury are not acceptable in the political process. It is a national tragedy that such acts are accepted and associated as part of the political process in the public mind today.

I believe we in the legislative branch have an obligation to act quickly to help restore and assure faith in the integrity of all branches of our Government, our electoral process and our public officials by strengthening our laws in a manner designed to prevent recurrence of this tragedy.

I recognize that the Senate Select Committee on Presidential Campaign Practices, chaired by Senator ERVIN, has been charged not only with investigating the Watergate and associated wrongdoing, but with developing appropriate legislative remedies. However, even as the investigation continues, certain lessons have already become obvious. The need for appropriate legislation in several specific areas is already clear.

It is essential that while we await the outcome of the select committee investigation and its comprehensive recommendations for new legislation, we move forward to address those weaknesses in the law which are already apparent.

Therefore, I am today introducing a bill, the Campaign and Election Reform Act of 1973, designed to correct several specific deficiencies in current law.

The bill provides for uniform personal financial disclosure reports by all employees of the Federal Government whether in the executive, legislative or judicial branches, who have incomes of over $18,000 per year. If there are conflicts of interest, the public has a right to know.

It amends the Federal criminal laws to make it a crime for a candidate or a political party or their agent to falsely represent themselves as speaking for or acting for another candidate of political party. And it makes burglary, trespassing, and extortion Federal offenses when carried out by one candidate or party or agent thereof against another candidate or party.

This bill deals with the tremendous cost of Presidential campaigns and the problems and temptations of political fund raising.

It modifies the Presidential Election Campaign Fund Act of 1971 to increase the amount an individual can check off on his income tax for the Presidential campaign fund from $1 to $2. Furthermore, it limits total campaign spending by Presidential candidates or their parties to the greatest amount allocated from public funds to any candidate.

It changes the criminal penalties for violation of campaign reporting requirements from misdemeanors to felonies in cases where violations exceed $5,000.

And finally, it provides a procedure for the appointment of a special prosecutor by the Comptroller General when necessary to insure speedy and full prosecution of campaign reporting violations.

This bill is intended to establish new standards, new rules, and procedures to insure that future Federal elections will be as free as possible of the abuses such as those which lead to and where specifically involved in the Watergate affair. In his televised speech on Monday evening President Nixon indicated that such new standards, rules, and procedures are his goal. I hope he will give his support to this legislation.

The national tragedy we refer to as Watergate came about as the result of zealotry. No legislation can possibly provide an absolute assurance that imperfect and zealous men will not engage in illegal and unethical activity intended to corrupt the electoral process. But insofar as it is possible to do so, this bill serves to deter such activities and to insure justice.

Title I of this legislative proposal, the omnibus disclosure section, is designed to impose uniform financial disclosure requirements upon all employees and officers of the three branches of our Government who earn in excess of $18,000 per year. This title represents a reintroduction of a bill which I introduced in May 1971 and is, I believe, a crucial part of the effort to bring about increased confidence in public officials. It is designed to make full and complete reports available to any interested member of the general public at a convenient and easily accessible place. Under its provisions all Federal employees and officers earning over $18,000 must file with the Comptroller General of the United States by May 1 of each year the following information: First, the identity and value of interests in real or personal property worth more than $500; second, creditors to whom more than $1,000 is owed and the amount of each such debt; third, dealings in securities or commodities; fourth, transactions in real property; fifth, gifts of more than $100; sixth, the amount and source of each contribution to defray campaign or office expenses; and seventh, except in the case of nonincumbent candidates, the identity of each client who pays more than $1,000 to a law firm with which an individual obligated under the act is associated.

Title II contains a series of new Federal criminal statutes which would make certain actions by political parties and candidates for Federal office or any person or group acting as their agent a crime against the United States. For example, a political party or candidate or their agent who fraudulently represents himself as speaking or acting on behalf of another candidate or political party where the effect is to damage that candidate or party in a material way would violate title II. In addition, the common law crimes of burglary, criminal trespass, and extortion are made Federal crimes when they are committed by one candidate or political party or their agents against another candidate or party. Although these are, of course, presently criminal offenses in all our States and the District of Columbia, in my view recent events strongly suggest that our electoral process may well need the added protection of making such acts a Federal offense so that if we are confronted with a situation where a series of such crimes are committed in various places around the country, they can be investigated by a single agency and prosecuted efficiently.

Title III is designed to strengthen the provisions of the Internal Revenue Code which permit each taxpayer to indicate that he wants to direct certain amounts of his Federal income tax to finance Presidential election campaigns. This bill contains four substantive provisions designed to accomplish this goal. First it would raise the amount of the checkoff provision from its present $1 per person to $2—or $4 for each married couple filing a joint return. Second, it would require that the taxpayer be adequately informed about the existence of the checkoff provision and the fact that it will not increase his tax liability. My friend from Minnesota (Mr. MONDALE) has already introduced a bill (S. 109) designed to accomplish this purpose which I have cosponsored. The provision in my bill, however, goes one step further requiring that specific language be put on the first page of individual income tax forms permitting the checkoff and stating that to take advantage of the option will not increase a citizen's tax liability. The third provision of this title is designed to remove a potential barrier to the proper operation of the fund; the fact that no moneys accumulated under the checkoff plan could be spent without further appropriations by the Congress. My bill would, as did the Senate version of the bill, make such appropriations from moneys accumulated by the checkoff automatic. Finally, and most importantly, under the bill, no Presidential candidate could spend an amount which exceeded that allocated to the candidate receiving the largest amount under the checkoff system, whether he chose to receive funds from the Presidential campaign fund or not. The effect of this section would be to limit the amount that could be spent on Presidential campaigns, and make all or the bulk of the money come from public revenues—thus eliminating or sharply reducing the role that private special interests play in national political campaigns.

Finally, title IV is aimed at strengthening the reporting provisions contained in the Federal Election Campaign Act of 1971. Such provisions are needed, in my view, in light of recent events which strongly suggest that the 1971 act has not been effective. Under this title, the penalties for violating the act would be increased from their present level of a $1,000 fine and a year's imprisonment to a fine of up to $50,000 and up to 5 years imprisonment, in cases where the violations exceed $5,000 in a 12-month period. Second, the bill would provide for the use of civil fines of up to three times the amount involved in each violation. The desirability of civil fines as an enforcement tool has been strongly suggested by the Director of the Office of Federal Elections in recent testimony before Senator PELL'S subcommittee. Finally, title IV addresses an enforcement problem which current events suggest constitute a serious weakness in the act. If the Comptroller General determines that violations which have been referred to law enforcement authorities under the statute are not being promptly and properly investigated and prosecuted, he is empowered to name a special prosecutor who will have full authority to investigate the violations and to present such evidence to the courts in either criminal or civil proceedings.

Consistent with the introduction of this bill, earlier this week I cosponsored S. 1103, a bill proposed by Senator HART, which provides for a system of public funding of congressional elections.

I believe a system of public funding such as that contained in S. 1103 and in the bill I am introducing today goes a long way toward correcting abuses which are encouraged by present campaign financing practices.

I recognize that some will consider the public financial disclosure provisions of my bill to be an unwarranted invasion of personal privacy. However, I am convinced that the loss of privacy in this particular area is a small price to pay for the increased public confidence in Government which will result.

Because of my concern about the erosion of public confidence in Government and in the integrity of public officials, I have made a full public disclosure of my assets and liabilities each year for the past 3 years. Although they are not required by current law, I have made these public financial disclosures and will continue to do so in order to indicate my good faith and my concern for the need of the voters to have access to detailed information on the financial affairs of Members of the House and the Senate.

Today, I have taken the additional step of requiring members of my staff who earn in excess of $18,000 per year to file full and complete financial disclosures with the Secretary of the Senate and to authorize public access to such disclosures.

I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD at this point.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1766

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Campaign and Election Reform Act of 1973".

TITLE I—OMNIBUS DISCLOSURE

DEFINITIONS

SEC. 101. As used in this Act—

(1) The term "Federal officer or employee" means any Member of Congress, congressional employee, Federal executive officer, Federal executive employee, candidate, Federal judicial officer, or Federal judicial employee.

(2) The term "Member of Congress" means any Member or Member-elect of the Senate or House of Representatives, and each Resident Commissioner or Resident Commissioner-elect of the House of Representatives.

(3) The term "congressional employee" means any individual (other than a Member of Congress) who is an elected officer of the Senate or House of Representatives or an employee of the Vice President, the Congress, either House of the Congress, or any Member of any committee of the Congress, and who receives compensation disbursed by the Secretary of the Senate or the Clerk of the House of Representatives at the rate of $18,000 or more per annum.

(4) The term "Federal executive officer" means the President of the United States, the Vice President of the United States, any civilian officer of the United States (other than a Federal judicial officer) appointed by the President by and with the advice and consent of the Senate or serving under a recess appointment made by the President, and any commissioned officer of any of the Armed Forces serving on active duty for a period of more than thirty days (as such terms are defined by section 101, title 10, United States Code) who receives basic pay at the rate of $18,000 or more per annum.

(5) The term "Federal executive employee" means any civilian officer or employee of any executive or military department, agency, or office of the United States, or any independent agency, corporation, or other instrumentality of the United States, who receives compensation disbursed by the United States, or by such department, agency, office, corporation, or other instrumentality, at the rate of $18,000 or more per annum and who is not included within any of the classes of individuals described in paragraphs (2), (3), (4), (7), and (8) of this section.

(6) The term "candidate" means any individual who has voluntarily qualified as a candidate in any primary election to be conducted within any State for nomination as a candidate for election as the President of the United States, the Vice President of the United States, or a Member of Congress, or who has qualified as a candidate in any general or especial election to be conducted within any State for election to any such position.

(7) The term "Federal judicial officer" means any justice or judge of a court of the United States (as defined by section 451, title 28, United States Code), the Tax Court of the United States, the United States Court of Military Appeals, the United States District Court for the District of Canal Zone, the District Court of the Virgin Islands, or the District Court of Guam, and any full-time United States magistrate.

(8) The term "Federal judicial employee" means any officer or employee of any court named in paragraph (7) other than a justice or judge of that court, and any officer or employee of the Administrative Office of the United States Courts, who receives from appropriated funds of the United States compensation at the rate of $18,000 or more per annum.

(9) The term "income" means each item of income from whatever source, whether or not taken into account for purposes of computing the tax imposed by chapter 1 of the Internal Revenue Code of 1954.

(10) The term "security" means any security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(11) The term "commodity" means any commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

(12) The term "dealing in securities or commodities" means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

(13) The term "political campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any candidate.

(14) The term "congressional office expense", when used with respect to a Member of Congress, includes but is not limited to, expense incurred by such Member for any of the following objects: travel to, from, and within the State or congressional district of the Member; printing and other expenses in connection with the mailing of speeches, newsletters, and reports to constituents of the Member; expenses of radio, television, and news media methods of reporting to constituents of the Member; telephone, telegraph, postage, and stationery expenses in excess of allowances provided by law; subscriptions to newspapers and other periodicals published within the State or congressional district of the Member; and staff compensation and travel in excess of allowances provided by law.

FINANCIAL DISCLOSURE REQUIREMENT

SEC. 102. (a) On or before May 1 of each calendar year, each individual who has served at any time during the preceding calendar year as a Federal officer or employee other than a candidate shall file with the Comptroller General a financial disclosure report, conforming to the requirements of this Act, for such preceding year.

(b) Within thirty days after the date on which any individual, not otherwise a Federal officer or employee, becomes a candidate, such individual shall file with the Comptroller General a financial disclosure report, conforming to the requirements of this Act, for the calendar year preceding the date on which he became a candidate.

(c) Service rendered by an individual as a congressional employee, Federal executive employee, or Federal judicial employee for a period not exceeding thirty days in the aggregate during any calendar year shall not be considered to be such service during that year for the purposes of this section.

(d) No individual shall be required by this section to file more than one financial disclosure report for any calendar year.

CONTENTS OF REPORTS

SEC. 103. (a) Each financial disclosure report required to be filed by any individual under this Act for any calendar year shall contain a full and complete statement of—

(1) the identity and value of each interest in real or personal property having a value in excess of $500 of which such individual was the owner at any time during that year;

(2) the identity of each creditor to whom such individual at any time during that year owed one or more legally enforceable financial obligations aggregating $1,000 or more, and the nature and amount of each such obligation;

(3) the value and source of each item of income, including honoraria, and each item of reimbursement for expenditure other than the exact cost of transportation, exceeding $100 in value received by such individual during that year;

(4) each dealing in securities or commodities by such individual during that year;

(5) each purchase and sale of real property or any interest therein by such individual during that year;

(6) the nature, source, and value of each gift of money or property received by such individual during that year from each source, other than his parents, spouse, and children, from whom such individual during that year received one or more such gifts having an aggregate value of $100 or more;

(7) the amount and source of each contribution received during that year by him, or to his knowledge by any other individual, political committee, or other organization or



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his behalf or for his account, to defray any political campaign expense or any congressional office expense of such individual; and

(8) the identity of each client who, during that year and while such individual was a Federal officer or employee other than a candidate, paid to any law firm of which such individual is or then was a partner, or with which such individual is or then was otherwise associated professionally, one or more fees in an aggregate amount exceeding $1,000: *Provided*, That this provision shall not apply to any individual who is a Federal officer or employee solely by virtue of being a candidate.

(b) Whenever during any calendar year any individual while serving as a congressional employee receives any contribution to defray any political campaign expense or any congressional office expense on behalf of or for the account of a Member of Congress, without knowledge by such Member as to the source or amount of such contribution, such congressional employee shall file with the Comptroller General on or before May 1 of the next succeeding calendar year on behalf of such Member a financial disclosure report containing the information which such Member would have been required by subsection (a) to report if such information had been disclosed to him.

LAW FIRM CLIENTS

SEC. 104. Whenever any Federal officer or employee other than a candidate reports pursuant to paragraph (8) of section 4(a) with respect to any year the identity of any client of a law firm of which such individual is or then was a partner, or with which he is or then was otherwise associated professionally, such report shall—

(1) state whether the client so identified was a client of that firm before the date on which the individual submitting that report became a Federal officer or employee; and

(2) identify any legal or administrative action or proceeding in which the United States or any department or agency thereof was an interested party and with regard to which that client was represented by that firm during that year.

ATTRIBUTION RULES

SEC. 105. (a) For the purposes of this Act, there shall be attributed to any individual required to file a financial disclosure report the assets, liabilities, receipts, and transactions of, and gifts to—

(1) any person acting on behalf of or for the account of such individual;

(2) the spouse and minor children of such individual;

(3) any corporation of which such individual owns 50 per centum or more of the outstanding capital stock;

(4) a share of any partnership of which such individual is a partner, or with which he is associated, determined in accordance with the extent of his partnership or other interest therein;

(5) any revocable trust of which such individual was a settler; and

(6) a share of any trust or estate of which such individual is a beneficiary, determined in accordance with the present actual or actuarial value of his beneficial interest therein.

(b) Paragraph (5) and paragraph (6) of subsection (a) shall not require the disclosure by any individual of any information which he does not possess and which he is precluded by the terms of a trust from acquiring.

FORMS AND REGULATIONS

SEC. 106. The Comptroller General shall prepare and supply to individuals obligated by this Act to file financial disclosure reports, appropriate forms for such reports, and shall prescribe regulations governing the preparation of such reports. Such regulations shall (1) specify the detail in which each category of information shall be stated in financial disclosure reports filed under this Act, (2) specify the method by which the value of property and interests therein shall be ascertained for the purposes of this Act, and (3) contain such other requirements as the Comptroller General may determine to be necessary to carry out the purposes of this Act.

PUBLIC INSPECTION OF REPORTS

SEC. 107. (a) Each financial disclosure report filed under this Act shall be placed in a file which shall be established by the General Accounting Office. The Comptroller General shall prepare an appropriate index to that file to facilitate the identification of and access to all reports filed by or on behalf of each individual which are contained at any time in that file.

(b) Except as otherwise provided by this subsection, each such report so filed by or on behalf of any individual who is serving as a Federal officer or employee at the time of the filing of that report shall be maintained in such file as long as such individual serves continuously as a Federal officer or employee, and for five years after the end of such service. Each such report filed by any individual who is a candidate, or who is not a Federal officer or employee at the time of the filing of that report, shall be maintained in such file for a period of five years after the date on which that report is filed.

(c) Under such reasonable regulations as the Comptroller General shall prescribe, reports contained in that file and the index thereto shall be made available for inspection by members of the public during business hours of the General Accounting Office.

(d) The Comptroller General shall furnish to the Attorney General upon request a true and correct copy of any financial disclosure report contained in that file.

PENALTY

SEC. 108. Whoever, being an individual required by this Act to file any financial disclosure report—

(1) willfully fails to file such report within the period of time prescribed by this Act;

(2) files any such report containing any information which is false or misleading, with knowledge or with reason to believe that such information is false or misleading; or

(3) files any such report from which there has been omitted any information required by this Act or by regulations promulgated thereunder to be contained therein, with intent to conceal such information,

shall be fined not more than $20,000, or imprisoned not more than five years, or both.

CONGRESSIONAL RULES

SEC. 109. (a) This section is enacted by the Congress:

(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and this section shall supersede other rules of each such House only to the extent that it is inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the provisions of this section (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) Rule XLIV of the Standing Rules of the Senate and rule XLIV of the Rules of the House of Representatives are hereby repealed.

EFFECTIVE DATE

SEC. 110. This Act shall take effect on the first day of the second calendar year beginning after the date of enactment of this Act.

TITLE II—CRIMINAL PENALTIES FOR UNFAIR CAMPAIGN PRACTICES

SECTION 201. Definitions—(a) The term "candidate" means any individual who has voluntarily qualified as a candidate in any primary election to be conducted within any State for nomination as a candidate for election as the President of the United States, the Vice President of the United States, or a Member of Congress, or who has qualified as a candidate in any general or special election to be conducted within any State for election to any such position.

(b) The term "political party" means—

(1) a political party;

(2) a National, State, or local committee of a political party; or

(3) a committee, association, or organization, whether incorporated or not, which directly or indirectly accepts contributions (as defined in Section 271(b)(2) of Title 26 of the United States Code) or makes expenditures (as defined in Section 271(b)(C) of Title 26, United States Code) for the purpose of influencing or attempting to influence the selection, nomination, or election of any individual to any Federal office, or the election of presidential and vice presidential electors, whether or not such individual or electors are selected, nominated, or elected.

SEC. 202. Whoever, being a candidate as defined by this section for federal office, or an employee or agent of such a candidate,

(a) fraudulently misrepresents himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a material matter which is or may be damaging to such other candidate or political party or employee or agent thereof; or

(b) willfully and knowingly participates in or conspires to participate in any plan, scheme, or design to violate paragraph (a) hereof, shall, for each such offense, be fined not more than $50,000 or imprisoned not more than five years or both.

SEC. 203. A candidate or political party as herein defined or any agent or organization under the control of or acting at the direction of such candidate or political party who shall, either in the nighttime or in the daytime, break and enter, or enter without breaking, any office, dwelling, or other building owned, used, or occupied by any candidate or political party with the intent to break and carry away any part thereof, or any fixture or other thing attached to or connected thereto, shall be fined not more than $50,000 or imprisoned not more than five years or both.

SEC. 204. A candidate or political party as herein defined or any agent or organization under the control of or acting on behalf of and at the direction of such candidate or political party who, without lawful authority, shall enter, or attempt to enter, any public or private dwelling, building or other property owned, used, or occupied by any candidate or political party as defined in this section, or part of such dwelling, building or other property, against the will of the lawful occupant or of the person lawfully in charge thereof, or being therein or thereon shall refuse to quit the same on the demand of the lawful occupant, or of the person lawfully in charge thereof, shall be punished by a fine not exceeding $50,000 or imprisoned not more than one year or both.

SEC. 205. A candidate or political party as herein defined or any agent or organization under the control of or acting at the direction of such candidate or political party who, with intent to extort any money or other thing or value from any candidate or political party as defined in this section transmits any communication containing any threat to injure the property or reputation of the recipient of the communication or of another or any threat to accuse the recipient of the communication or any other person of a crime, shall be fined not more than $50,000 or imprisoned not more than one year, or both.

TITLE III—STRENGTHENING PRESIDENTIAL CAMPAIGN FINANCING LAWS

SECTION 301. Section 6096(a) of the Internal Revenue Code of 1954 is amended by striking out "$1" wherever it appears and inserting in lieu thereof "$2", and by striking out "$2" wherever it appears and inserting in lieu thereof "$4".



SEC. 302. The first page of an individual's income tax form shall contain in a prominent place the necessary form for an individual to make the designation provided for in section 6096(a) of the Internal Revenue Code of 1954, together with the following statement in bold type: "Designating that $2 (or $4 for a husband and wife filing jointly) shall be paid over to the Presidential Election Campaign Fund will not increase your tax liability."

SEC. 303. (a) Notwithstanding any other provision of law, no legally qualified candidate in an election (other than a primary election) for the office of President of the United States shall spend for the purposes of such election an amount in excess of the greatest amount to which the eligible candidates of a major party are entitled under section 9004(a)(1) of the Internal Revenue Code of 1954 in that election, regardless of the source of the funds used for such expenses.

(b) For purposes of subsection (a) any expenditure made by the agent of a candidate, a political committee registered under section 303 of the Federal Election Campaign Act of 1971 whose statement of organization sets forth the name of the candidate, by any person authorized in writing by the candidate to make that expenditure, or otherwise made on behalf of that candidate with his knowledge, shall be considered to have been made by that candidate.

(c) Willful violation of the provisions of subsection (a) is punishable by a fine of not to exceed $50,000, imprisonment for not to exceed 5 years, or both.

SEC. 304. Section 9006(a) of the Internal Revenue Code of 1954 is amended by—

(1) inserting after the second sentence thereof the following: "There are hereby appropriated to the fund each fiscal year, out of any moneys in the Treasury not otherwise appropriated, an amount equal to the sum of the amounts designated during the fiscal year by individuals under section 6096 of the Internal Revenue Code of 1954 for payment into the fund.", and

(2) striking out ", as provided by appropriation Act,", in the last sentence thereof.

TITLE IV—TO AMEND THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

SECTION 401(a) Section 311 of the Federal Election Campaign Act of 1971 is amended to read as follows:

"(a) Any person who violates any of the provisions of this subchapter where the amount of such violations totals more than $5,000 during any twelve month period shall be fined not more than $50,000 or imprisoned not more than five years, or both.

"(b) Any person who violates any of the provisions of this subchapter where the amount involved in such violations totals less than $5,000 during any twelve month period shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) Any person determined under section 308(d)(1) or in any other proceeding before a district court of the United States to have violated any provision of this title shall be subject to a civil penalty not to exceed three times the amount involved in such violation."

SEC. 402. (a) Section 308 of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new subsection:

"(e) A copy of a referral made by the supervisory officer other than the Comptroller General to a law enforcement agency pursuant to section 308(a)(12) of this Act shall be furnished to the Comptroller General by that supervisory officer within 24 hours of such referral."

(b) Title III of such Act is amended by adding at the end thereof the following new section:

"SPECIAL PROSECUTIONS"

"SEC. 312. (a) Whenever the Comptroller General determines that violations referred to Federal law enforcement authorities under section 308 are not being promptly and properly investigated and prosecuted, he is authorized to appoint, under section 3109 of title 5, United States Code, one or more special prosecutors for the purpose of investigating such violations and presenting them to the appropriate Federal grand jury for consideration, or, in the case of civil fines, to the appropriate Federal District Court.

"(b) Notwithstanding the provisions of section 516 of title 28, United States Code, any individual appointed as a special prosecutor under subsection (a) may prosecute for any violation of the provisions of this title in the district in which the defendant indicted for such violation may be tried."

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SECTION-BY-SECTION ANALYSIS OF THE CAMPAIGN AND ELECTION REFORM ACT OF 1973

TITLE I—OMNIBUS DISCLOSURE

*Definitions*

Section 101—This section defines fourteen terms which are used in the act.

*Financial disclosure requirement*

Section 102—This section requires members of all three branches of government to file a financial disclosure report with the Comptroller General on or before May 1 of each year. This disclosure requirement applies to all Federal judges and justices, the President and Vice President and all Members of Congress. The provision also applies to Federal officials and to those employees of Members of Congress, Congress itself, the judiciary, and the executive branch who receive more than $18,000 a year and have served for more than 30 days. Candidates for Congress, the presidency and vice-presidency are also required to file disclosure reports within 30 days of becoming a candidate.

*Contents of reports*

Section 103—The disclosure reports required must contain the following information: (1) the identity and value of interests in real or personal property worth more than $500, (2) creditors to whom more than $1,000 is owed and the amount of each such debt, (3) sources and amount of income greater than $100, (4) dealings in securities or commodities, (5) transactions in real property, (6) nature, source and value of each nonfamily gift of more than $100, (7) the amount and source of each contribution to defray campaign or office expenses, and (8) except in the case of nonincumbent candidates, the identity of each client who pays more than $1,000 to a law firm with which an individual obligated under the act is associated.

*Law firm clients*

Section 104—Those who list law firm clients under section 103 must state whether the client sought the services of the individual's law firm before or after he entered government. The individual must also list any administrative or judicial action in which the United States was a party and in which the client was represented by that firm.

*Attribution rules*

Section 105—This section attributes to any individual required to file under section 102 the assets, liabilities, receipts, transaction and gifts of (1) any person acting on the individual's behalf, (2) his immediate family, (3) any corporation of which he owns more than one half of the stock, (4) a proportional share of any partnership of which he is a partner, and (5) certain trusts and estates depending on his knowledge and interest.

*Forms and regulations*

Section 106—The Comptroller General shall supply forms for reports required under the act and shall prescribe regulations governing the preparation of such reports.

*Public inspection of reports*

Section 107—The General Accounting Office shall keep a file of financial disclosure reports, open to public inspection for a period of five years after each individual leaves government service.

*Penalty*

Section 108—Any individual who fails to file within the time period, files false or misleading information or omits information is subject to a $20,000 fine, or 5 years imprisonment or both.

*Congressional rules*

Section 109—Congress exercises its rule making power to repeal inconsistent rules of each house and to explicitly repeal Rule XLIV of the Standing Rules of the Senate and Rule XLIV of the Rules of the House of Representatives.

*Effective date*

Section 110—The act takes effect on the first day of the second calendar year after enactment.

TITLE II—CRIMINAL PENALTIES FOR UNFAIR CAMPAIGN PRACTICES

*Definitions*

Section 201—This section defines the terms "candidate" and "political party". Candidate is defined to include any person who had qualified, either by primary election or other method, to run for President, Vice President, or Member of Congress. The definition of political party is taken from current law.

*Misrepresentation by a candidate or political party*

Section 202—This section makes it a federal criminal offense for any candidate or political party or anyone acting as an agent of such candidate or party to represent themselves as speaking for or on behalf of another candidate or political party when the effect may be to damage that candidate or party in a material matter, or to conspire to engage in such misrepresentation. Violation of this section is punishable by a fine of up to $50,000 or up to one year imprisonment, or both.

*Breaking and entering*

Section 203—This section makes it a federal criminal offense for any candidate or party or agent of such candidate or party to commit the common law crime or burglary on any property owned or occupied by any other candidate or political party. Violation of this section is punishable by a fine of up to $50,000 or up to five years imprisonment, or both.

*Criminal trespass*

Section 204—This section makes it a federal criminal offense for any candidate or party or any agent acting on their behalf to commit the common law crime of criminal trespass on any property owned or occupied by any other candidate or political party. Violation of this section is punishable by a fine of up to $50,000 or up to one year imprisonment, or both.

*Extortion*

Section 205—This section makes it a federal criminal offense for any candidate or political party or any agent on their behalf to commit the common law crime of extortion against any other candidate or political party. Violation of this section is punishable by a fine of up to $50,000 or imprisonment of up to one year, or both.

TITLE III—STRENGTHENING PRESIDENTIAL CAMPAIGN FINANCING LAWS

*Increased check-off*

Section 301—This section increases the amount of his taxes that an individual can designated for the Presidential Election Campaign Fund from $1 to $2 ($2 to $4 for a joint return).

*Notice of check-off*

Section 302—This section provides that the first page of the individual income tax forms shall contain "in a prominent place" the form needed to make a designation of

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funds for the Presidential Election Campaign Fund, together with the following statement in bold type: "Designating that $2 (or $4 for a husband and wife filing jointly) shall be paid over to the Presidential Election Campaign Fund will *not* increase your tax liability."

*Limits on spending in Presidential campaigns*

Section 303—This section provides in subsection (a) that the amount that any legally qualified candidate for President may spend in the election campaign (not including primary campaigns) is limited to an amount equal to the greatest amount to which any candidate is eligible from the Presidential Election Campaign Fund, regardless of whether the candidate gets his money from the Fund or from private sources. Subsection (b) provides that expenditures made by an agent of a candidate, or a political committee of the candidate, or made on behalf of the candidate with his knowledge will be considered expenditures of the candidate. Subsection (b) also provides a criminal penalty of up to five years and $50,000 for willful violation of this section.

*Permanent appropriations*

Section 304—This section eliminates the requirement that funds be appropriated to the Presidential Election Campaign Fund before they are expended; the amount which taxpayers check-off will automatically be placed in the Fund. This restores the Senate passed version of the check-off.

TITLE IV—TO AMEND THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

*Increased criminal penalties*

Section 401 (a) and (b)—This section increases the criminal penalties for violations of the Federal Election Campaign Act of 1971 when the amount of such violations in any twelve month period totals more than $5,000, from one year and $1,000 to five years and $50,000. For violations totaling less than $5,000 the present penalty remains in effect.

*Civil penalties*

Section 401(c)—This section provides for the first time for civil penalties for violation of the Federal Election Campaign Act of 1971 of up to three times the total amount of such violation.

*Transmittal to the Comptroller General*

Section 402(a)—This section requires that the officer who collects reports under the Federal Election Campaign Act of 1971 and who refers a violation under that Act to a law enforcement authority, to transmit a copy of such referral to the Comptroller General within 24 hours.

*Special prosecutors*

Section 402(b)—This section authorizes the Comptroller General, when he determines that a violation of the Federal Election Campaign Act of 1971 which he has referred to law enforcement authorities is not being promptly and properly investigated and prosecuted, to appoint a special prosecutor to investigate the violations and present them to an appropriate federal grand jury or federal court for consideration.

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By Mr. CURTIS:

S. 1767. A bill to amend the Federal Water Pollution Control Act. Referred to the Committee on Public Works.

Mr. CURTIS. Mr. President, I am introducing today for appropriate reference an amendment to Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972. This act defines the term "point source" as any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are now or may be discharged.

It may be noted that the concentrated animal feeding operation is the only operation singled out and specifically named in the definition. This in itself is unjust discrimination and entirely unrealistic from a practical point of view. A concentrated feeding operation is not constructed for the purpose of conveying pollutants away from their source, as is the case with pipes, ditches, channels, and the like named in the definition.

Furthermore, any discharge from a feedlot results entirely from an act of nature, not from an intended act of the operator, as is the case with the discharge of pollutants from vessels, manufacturing plants, and other such operations via discernible, defined, and discrete conveyances enumerated in the point source definition.

If the feedlot operator does, in fact, install a pipe or other type of conveyance as a part of a confined feeding structure for the purpose of carrying pollutants from their source, or constructs a ditch, channel, or other such structure for the same purpose, said conveyance should indeed be considered a point source, and would be under the present definition without the inclusion of the feeding operation itself.

The point source definition, with the exception of the concentrated animal feeding operation, defines discernible, confined, and discrete conveyances for pollutants. The feeding operation does not fit in this category and is foreign to the definition. Therefore, it should be deleted.

After establishing the unjust discrimination against concentrated animal feeding operations by naming the feeding operation in the definition of point source, it seems only logical to put the water pollution potential of concentrated animal feeding operations, hereinafter called feedlots, in proper perspective. It is accurate to say that the water pollution potential from animal waste is only a fraction of the actual waste excreted by feedlot animals.

Tests have shown that a 1,000-pound steer will give off 15 to 16 times more solid waste than one human being. We emphasize, though, that we are talking about water pollution potential. All of the human waste is flushed down the drain, plus dishwater, bath water, laundry water, garbage, et cetera. A 1,000-pound steer does not "flush" anything, unless we have at least a 1-inch rain; and it may require more than 1 inch, depending upon the slope of the confined quarters and the condition of the feedlot surface. Most of the steer's solid waste stays in the lot and is hauled to agricultural land. Much of the liquid is lost through the atmosphere and the steer certainly does not take a bath, wash his clothes, or wash his dishes.

Following this setting of the scene, we should examine a few facts. According to the U.S. Department of Health, Education, and Welfare bulletin—"Manual of Septic-Tank Practice"—Public Health Service publication No. 526—reprinted 1969 on page No. 44—the following facts on human waste were found:

*Table 8—Estimated distribution of sewage flows in gallons per day per person*

[Gallons per day]

| | |
|---|---|
| Kitchen wastes | 10 |
| Toilet wastes | 25 |
| Showers, washbasins, etc | 25 |
| Laundry wastes | 15 |
| Total wastes | 75 |

We must keep in mind that this waste is derived from a one-family dwelling and does not include the waste given off from family members when they are not at home.

For comparison with animals, data has been obtained from research work at the Mead Field Laboratories of the University of Nebraska. The area of the State around Mead, Nebr., has an average rainfall of 30 inches per year. Actual runoff data shows that only about 10 inches—depending on frequency and volume—of this will leave the feedlot as runoff. Runoff of 10 inches per year would equal 10 acre-inches per year, or 271,524 gallons per year per acre. On the feedlot acre used in the test, there were 218 1,000-lb steers. The means that in the example there were 3.41 gallons of waste runoff per animal per day.

If we compare 3.41 gallons per steer per day to 75 gallons per human per day, we have a pollution ratio of 22 steers equal to 1 human being, which is vastly different from the ratio that is commonly quoted.

If we compare the animal waste to human waste using this new ratio, we find the 128,500 people in Lincoln, Nebr., for instance, would be equivalent to 2,827,000 head of cattle on feed, or nearly twice as many as the 1,581,000 head on feed in the entire State of Nebraska as of January 1, 1973.

Pollution is often stated in terms of BOD—biochemical oxygen demand. Using these terms, we find that 1 human being is equal to 10 steers as a pollution potential.

Again, using the work at the Mead Field Laboratories, 1 acre-inch of runoff from the feedlot contains 135.6 of BOD, or 10 inches of runoff amounts to 1,356 lbs of BOD per year for 218 head of cattle.

The daily figure would be 0.017 lbs of BOD per day per steer. Municipal sewage plants figure that they receive 0.17 lbs of BOD per capita per day, or ten times the amount for a steer.

Thus, it is easy to understand why the cattle feeder is disturbed when someone makes the statement that, in considering water pollution, 1 steer is the equivalent of 15 or 16 people. Such a statement is simply not true and, in fact, the ratio of steers to people is almost exactly reversed.

Referring again to the definition of point source contained in the Federal Water Pollution Control Act Amendment of 1972, we stress that it is unjustly discriminatory and grossly unrealistic to single out the concentrated animal feeding operation for inclusion in the definition.

It is equally frustrating to agricultural operators to operate under a statute which attempts to apply regulations and control procedures to agriculture when such regulations and controls are designed for business and industry. Again, we emphasize that discharge from a feedlot occurs only from an act of nature, meaning rainfall, which cannot be treated in the same manner as discharge from manufacturing plants and other such operations which result from intended acts of the operators.



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By Mr. MUSKIE:

S. 1768. A bill to establish a Commission on Mental Health and Illness of the Elderly, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMMISSION ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY ACT

Mr. MUSKIE. Mr. President, I introduce for appropriate reference the Commission on Mental Health and Illness of the Elderly Act.

For far too long, mental health has been the stepchild of the health care field. And this is especially so in the case of mental illness and the elderly. The bill I introduce today represents an important first step to help correct this situation.

Geriatric patients now occupy one of every five beds in our Nation's mental hospitals. And from 15 to 25 percent of elderly persons living in their own homes have some degree of mental impairment.

Yet our public policy is confused and contradictory when it comes to mental health of the elderly. Many elderly are "warehoused" in institutions when they could be returned to the community if proper services were available. Others are dumped into communities without adequate facilities and resources to assist them. Still others remain in their homes and apartments, cut off from the help they need.

The mental health problems of older Americans are made worse by misconceived negative attitudes. In a recent letter to me from Lee Muth, chairman, Representatives of State Mental Health Programs for the Aged, National Association of State Mental Health Program Directors, this point was forcefully stated:

> The mental and emotional well-being of the aged has been particularly neglected probably because "senility" is so often believed to be an inevitable and irreversible consequence of aging.

Too often there is a stereotype of the elderly mental patient who cannot be helped. As a result, the patient gets a cursory diagnosis, which is simply that treatment will not work.

Fortunately, there is solid evidence to dispel this myth. A November 1971 report of the Senate Special Committee on Aging, prepared at the direction of Senator CHURCH and myself, documents the fact that mental health problems of the elderly can often be substantially alleviated.

One survey of 49 psychiatric hospitals showed 75 percent of all elderly mental patients improved enough to go home within 2 months.

My bill provides the framework to make certain that this type of help would be more generally available. It would create a commission, appointed by the President, by and with the advice and consent of the Senate, which would formulate a unified national policy for the mental health of the elderly. The nine-member Commission would include at least one representative from the fields of psychiatry, psychology, social science, social work, and nursing.

This legislation provides for more than just another study. The main task of the Commission would be to develop a national policy in the field of mental health and the elderly. But it would also be charged with these duties:

Assessing future requirements for mental health facilities, manpower, research, and training to meet mental health care needs of the elderly;

Submitting an annual report to the President for transmittal to the Congress, describing major developments in the field of mental health and the elderly, identifying priority issues, and proposing recommendations for solving problems;

Evaluating present mental health programs to determine whether such programs are responsive to the needs of the elderly;

Developing priorities for programs designed to increase knowledge about various aspects of mental illness among older American; and

Cooperating with the executive and legislative branches to implement the policy proposals of the 1971 White House Conference on Aging.

The Commission established in this bill would be assisted by an Advisory Council on Mental Health and Illness of the Elderly, to be composed of nine members appointed by the President. This council would advise the Commission on policy matters relating to mental health and illness of the elderly.

Mr. President, as chairman of the Subcommittee on Health of the Elderly, I recently opened hearings on "Barriers to Health Care for Older Americans." Nowhere are barriers more apparent than in the area of mental health. The Commission that I propose in this bill would work toward tearing down these barriers.

This Nation can no longer afford to turn its back on the serious mental health problems of the elderly. My proposal gets us started on a national policy in this area and on solutions to these problems.

And I do not propose to keep this Commission in existence forever. Under my bill, the Commission would last for a period not to exceed 5 years and would terminate 60 days after the submission of its final report.

What we need is a concentrated attack on these problems and a strong commitment to their solution. My Commission would meet these objectives.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1768

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Commission on Mental Health and Illness of the Elderly Act".

ESTABLISHMENT OF COMMISSION

SEC. 2. There is hereby established a temporary commission to be known as the Commission on Mental Health and Illness of the Elderly (hereinafter called the "Commission"). Such Commission shall exist for a period not to exceed five years.

DUTIES OF THE COMMISSION

SEC. 3. It shall be the duty of the Commission to—

(1) develop a national policy for the proper maintenance of mental health for aged and aging persons and the care and treatment of mental illness for such persons;

(2) undertake studies to assess future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of aged and aging persons;

(3) submit to the President for transmittal to Congress an annual report describing major developments concerning the treatment and care of elderly persons suffering from mental illness, identifying priority issues, and proposing recommendations for solving these problems;

(4) recognizing that proper physical health and proper mental health are inseparable, evaluate present mental health programs to determine whether such programs are responsive to the needs of aged and aging persons;

(5) develop priorities for programs designed to increase knowledge about various aspects of mental illness among aged and aging persons; and

(6) cooperate with the executive and legislative branches for the purpose of implementing the policy proposals recommended at the 1971 White House Conference on Aging.

ORGANIZATION OF THE COMMISSION

SEC. 4. (a) The Commission shall be composed of nine members to be appointed by the President, by and with the advice and consent of the Senate. The Commission shall include at least one member from each of the fields of psychology, psychiatry, social science, social work, and nursing. Each person so appointed shall, as a result of his training, experience, and attainment, be exceptionally qualified to formulate and appraise programs and activities related to aging.

(b) The President shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers, and five members of the Commission shall constitute a quorum.

POWERS OF THE COMMISSION

SEC. 5. To carry out the purposes of this Act, the Commission shall have the authority to—

(1) prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization personnel;

(2) obtain from any department, agency, or instrumentality of the United States, with the consent of the head thereof, such facilities, services, supplies, advice, and information as the Commission may determine to be required by it to carry out its duties;

(3) acquire by lease, loan, or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds of necessary for, or resulting from, the exercise of authority under this Act;

(4) enter into contracts or other arrangements, or modifications thereof, with State and local governments, and institutions and individuals in the United States, to conduct programs the Commission deems necessary to carry out the purposes of this Act, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes;

(5) make advance, progress, and other payments which the Commission deems nec-



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essary under this Act without regard to the provisions of section 3648 of the Revised Statutes;

(6) receive money and other property donated, bequeathed, or devised to the Commission, without condition or restriction other than that it be used for the purposes of the Commission;

(7) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(8) employ such officers and employees as may be necessary to carry out its functions under this Act; and

(9) obtain services of consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per day for each day they are engaged in the performance of their duties to the Commission.

COMPENSATION OF COMMISSION MEMBERS

SEC. 6. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(22) Chairman, Commission on Mental Health and Illness of the Elderly.".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Commission on Mental Health and Illness of the Elderly (8).".

ADVISORY COUNCIL

SEC. 7. (a) There is hereby established an Advisory Council on Mental Health and Illness of the Elderly (hereinafter referred to as the "Council") to be composed of nine members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code.

(b) The Council shall elect its own Chairman and Vice Chairman and shall meet at the call of the Chairman, but not less than four times a year. Members shall be appointed for two-year terms, except that of the members first appointed, five shall be appointed for a term of one year and four shall be appointed for a term of two years as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its activities, and five members thereof shall constitute a quorum.

(c) The Commission shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

FUNCTIONS OF THE COUNCIL

SEC. 8. The Council shall advise the Commissioner on policy matters relating to mental health and illness.

COMPENSATION OF COUNCIL MEMBERS

SEC. 9. Each member of the Council appointed pursuant to section 7 shall receive $50 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the Council. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

TERMINATION

SEC. 10. The Commission shall cease to exist sixty days after the submission of its final report.

AUTHORIZING OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. HUMPHREY:

S. 1770. A bill to establish a National Domestic Development Bank to provide an alternative source of credit to State and local governments for the purpose of financing public and quasi-public facilities of all types, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL DOMESTIC DEVELOPMENT BANK ACT

Mr. HUMPHREY. Mr. President, I am today introducing the National Domestic Development Bank Act. This legislation will provide new capital resources for public development, particularly by local government.

The National Domestic Development Bank will help alleviate the problems and hardships caused by a fluctuating credit market. It will help assure that programs of broad social benefit get appropriate economic support.

This National Domestic Development Bank is needed in these days when the administration has cut back on aid to local governments; when it has conjured up visions of local decisionmaking while at the same time withholding the financial wherewithal to make such local decisions real and effective.

When I first introduced this legislation in 1971, the needs of our localities and cities in the area of public development were immense and growing every day. Today, the administration's impoundment of funds and cancellation of assistance programs has severely aggravated the problems which local governments must solve.

This country's mayors, who face day to day the problems of providing and financing community needs, have made an analysis of the disorder and deprivation which the Federal budget costs on the local governments in this country. The mayors found that the budget seeks to hold down the public sector at the expense of public needs. The budget contemplates virtual elimination of health facilities construction.

It ignores the basic needs for rehabilitation and modernization of existing facilities. By failing to seek funds for the Federal solid waste program, it thrusts full responsibility for management and recycling back upon local governments.

The budget is deliberately shortsighted—repeatedly from problem to problem cutting out funds for research and demonstration. Funds for all varieties of public development are proposed to be cut. There will be no assistance for public libraries; no funds will be available for housing; the Economic Development Administration is to be terminated; model cities will be terminated; urban renewal will be terminated.

All over the country we need new housing, new schools, new courts and correctional facilities, and better means of transportation. In addition, communities are now facing the challenge of undertaking better social planning and protecting the environment on their own without the encouragement of the national administration.

Local constituents are asking for prompt, effective action. The counties, cities, townships, and other governmental bodies are eager to tackle these challenges and improve the communities which they serve. But too often they come up against a stone wall when it comes to financing their undertakings.

We must enable State and local governments to carry out the projects they so urgently desire to begin. We need to broaden their base of resources so that they can use their initiative to solve problems. And we should do so in a manner which is economically efficient.

We must not allow a shortage of funds to prevent local governments and public bodies from financing needed projects in the areas of housing, environment, school and health care facilities, and transportation. Neither must we force them to pay exhorbitant interest costs.

The National Domestic Development Bank will offer long-term loans at low rates of interest. The bank's regional offices will provide planning and technical assistance because Federal retrenchment, if allowed to proceed, will deny them acess to the best technical know-how. Representatives of local governments and economic groups will participate in the operation of these regional offices.

The bank will also make loans available to nonprofit or quasi-governmental organizations which receive Federal funds and pursue public purposes in the construction of housing, medical, and other public facilities. In addition, the bank will provide loans to businesses in economically depressed areas for development purposes and to improve job opportunities.

With strong local initiative and Federal financial help we can take real strides toward solving the crisis of the cities and meeting the expanding needs of towns and rural communities. We can finance the public projects which will provide jobs and vital facilities for our people. We can improve the environment and the quality of life for all Americans.

Cities, townships, school districts and other governing bodies desperately need new health centers, sewage treatment facilities, recreational areas, fire departments, schools, day-care centers, water purification, and treatment plants.

Yet, these same municipalities are strapped to pay for modern facilities. Money has always been a problem. It was one when I was mayor of Minneapolis over 20 years ago. Today, the lack of finances has a new urgent quality: cities are fast approaching the fiscal breaking point.

In short, with high property taxes, income taxes, increased sales taxes, wage taxes, death taxes, outmoded methods of financing public construction, and soaring operating expenses, local governments are not about to undertake public facility projects which they simply cannot afford.

But, these local governments are confronted with the hard fact that they cannot afford not to build:

A lack of public development will mean fewer jobs.

It will mean drab and unstimulating school buildings.



It will mean inadequate medical and hospital centers.

It will mean poorer services in our communities.

It will mean a cutback in the investment of private resources.

And, it will mean a continuation of the urban and rural crisis.

There is a staggering backlog of public facility construction applications awaiting the commitment of Federal funds. This was documented in hearings on March 3 and 4, 1971, before the Housing and Urban Affairs Subcommittee of the Senate Committee on Banking, Housing and Urban Affairs.

The program backlog for urban renewal amounts to more than $2.75 billion for 900 projects. The unmet demand for water and sewer facility construction totals $2.5 billion. There is a $560 million backlog in public housing—with 474 localities calling for the construction of some 263,000 units—and an unmet request from our cities for $645 million for assisted lower- and moderate-income housing. The model cities program, which held such great promise, saw only 50 percent of initial applications and 30 percent of initial program budgets approved under the original Federal budget for fiscal 1971. Our States and cities have submitted some 103 new and 14 amendatory applications for capital grants and loans to improve their mass transit systems, with a total project cost estimated at over $7.1 billion, including a Federal share of more than $2.3 billion.

The administration has impounded funds appropriated by Congress for the current fiscal year to begin construction on 145 more public works projects—$91.7 million—across the Nation. This executive branch action has also focused national concern on unmet needs for school and college assistance, hospital construction and modernization, the building of additional court facilities and correctional institutions, rural conservation and pollution abatment projects, and nationwide highway and airport development programs.

To meet the public development demands of our Nation, we need a bold and imaginative way of mobilizing capital.

The United States is a leading partner in international banks assisting the development of other nations—the World Bank, the Asian Development Bank, and the Inter-American Development Bank, with authorized capital levels ranging from $1.1 billion to $27 billion.

Why cannot these established principles of international financing be applied in our own Nation? Why cannot this assistance given to other countries to develop public facilities and an economic base, also be extended to our own cities and towns faced with the decline of public services and the outmigration of business?

The National Domestic Development Bank Act proposes that we do, in fact, direct the same form of extensive financial assistance to our critical public development needs at home. It is based on long established principles of public financing. I need only cite the precedents of the Reconstruction Finance Corporation, the Federal Land Banks, the Banks for Cooperatives, the Federal Intermediate Credit Banks, the Rural Electric Bank, and the Rural Telephone Bank.

These institutions were created to bring in capital at a time and place when the need was critical. Their financial investment success in transforming despair into opportunity for millions of Americans enabled them to evolve as independent, quasi-public organizations. The same public demand, and the same institutional organization, govern the establishment of the National Domestic Development Bank.

The National Domestic Development Bank will be a national institution sponsored by the Federal Government. But it will emphasize decisionmaking at the local level where the problems are known first hand. Communities and regions will determine their own development priorities under a comprehensive plan.

The Presidentially appointed Board of Directors will be composed of Federal, State, county, and local officials as well as representatives of the general public.

The bank's lending activities will be carried out directly through regional operating divisions. Each region will have an advisory committee broadly representative of local governments, economic groups, and the public.

The bank I propose will have a primary capitalization of $3.5 billion. This initial capital will be raised mainly through public stock subscriptions, and dividend income will be partially exempt from the Federal income tax in order to provide an incentive for investors. The lending power of the bank will be multiplied by the issuance of bonds on the national investment market.

National Domestic Development Bank loans will be made for the following purposes:

First, cities, counties, and States will be able to borrow money for basic community facilities at rates comparable to municipal bonds.

Second, 40-year loans also will be available to nonprofit or quasi-governmental organizations receiving Federal funds and pursuing public purposes for the construction of housing, medical, and other public facilities.

Third, loans over a 20-year period will be made to business organizations for economic development purposes in specially designated areas.

While financial assistance is crucial, it is not enough. To achieve sound community and economic development, the bank will offer technical assistance in the planning of projects, the coordination of other funding sources, and the integration of current Federal programs with the overall development plans of the community.

And, finally, the National Domestic Development Bank will not just help build facilities; it will also act as a protector of the environment. Too often, public development is merely a way to produce concrete shells. This bank will have a broader responsibility. It will require that every project plan guarantees that the earth, water, and air will be preserved in their natural beauty and healthfulness.

But I believe the bank must also develop the technical and financing expertise that is essential in anticipating the environmental impact of a rapidly changing and expanding technology in the United States. In addition to community and economic development, there is a basic demand in this Nation for substantially increased energy resources and for greatly improved transportation facilities and systems. An escalating pollution hazard will be the natural consequence of intensive efforts to meet these basic needs, unless effective assistance is provided to communities and our various industrial sectors to meet the environmental protection standards that will be increasingly applied and enforced by Government.

It is important, at this point, to emphasize the basic philosophy and objectives of the financing of public development under this act.

The National Domestic Development Bank will provide an orderly, continuing source of capital funds for our financially beleaguered communities.

It will allow us to tackle local financial problems in a rational and comprehensive way by eliminating the stop-start history of public construction.

It will multiply the purchasing power of Federal, State, and local revenues by amassing long-term credit commitments for public construction.

It will expedite Federal financial aid and end the application backlog problems plaguing our cities and institutions.

It will facilitate economic development in areas of this Nation confronted with high unemployment.

It is a development program for all the communities of America.

It can mean industrial parks and more jobs.

It can mean good schools, libaries, and medical and hospital centers close to the people.

It can mean an end to the deterioration of our transportation systems and the extensive development of mass transit facilities.

It can mean better police and fire departments.

It can mean parklands and clean water and well-planned waste disposal and treatment facilities.

It can mean comprehensive day care and community service centers.

It can give our people new recreational areas and campsites.

It can provide expanded adult education, job training, and cultural enrichment opportunities.

It can help produce good lower and moderate-income housing, in planned open-space residential neighborhoods.

And it can make possible an overdue start on the renewal of business centers in our small towns and core cities.

The National Domestic Development Bank Act can launch a comprehensive attack upon urban and rural blight. It can trigger new private investment and provide jobs in a slumping economy.

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The list of needed public development has no end.

We have neglected public development too long. And, we have succeeded in becoming a nation that is privately wealthy but publicly poor.

The time to redress that imbalance is now.

Revenue sharing can bring only partial relief to the fiscal crisis facing our State and local governments.

In 1968, the Bureau of the Budget estimated capital financing needs for public development would reach $528 billion over a 10-year period. With inflation and a rising public demand for improved services, it is now expected that this public facility construction cost estimate will more than double within a decade.

Money costs will be higher and so will the already high price of municipal bonds. It is time that we changed our antiquated methods of financing public construction to meet the mounting needs of our growing population.

The bill I am introducing today evolved from my work with mayors, county commissioners, and other local officials, when, as Vice President, I maintained a continuous and direct liaison with local governments in the channeling of Federal assistance to meet their immediate problems.

Based on this firsthand experience, it is my firm conviction that the cost of inaction, the cost of permitting the public needs of America to pile up unmet, is too great a price to pay.

The cost to the Federal Government in establishing the National Domestic Development Bank will be a small fraction of the development value the Bank can generate.

Let us begin now on our urgent domestic agenda.

Let us begin now to shape our future, to build an America that addresses both the physical needs of our people and the spirit of man as well.

Mr. President, I ask unanimous consent that the text of the National Domestic Development Bank Act of 1973, a section-by-section analysis, and a question and answer description of the act be printed at this point in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1770

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National Domestic Development Bank Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) population increases and rising demands for a safe and prosperous life have created an unprecedented demand for (A) basic community facilities, such as streets, schools, hospitals, housing, water, sewer, waste disposal, and mass transit facilities, and parks and playgrounds, and (B) economic development in urban ghettos, disaster areas, and labor surplus areas, as well as in new towns and new cities;

(2) the existing institutional structure for providing funds—the municipal bond-Federal grant arrangement—cannot provide at reasonable cost the amounts necessary to satisfy these growing demands. The financial needs of our growing communities require the full mobilization of skills and resources in all levels of government, Federal, State, and local, as well as in the private sector; and

(3) the most effective use of funds can only be made when information and technical expertise regarding engineering requirements, financial and economic factors, Federal programs and funding levels, and comprehensive area problems and planning are readily available from a single source.

(b) The purpose of this Act is to establish a national domestic development bank system which will provide an alternative source of funds for community facilities and economic development, which will involve national investment markets and all groups of investors, and which will furnish information to coordinate Federal, State, and local programs with local problems and governments.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "bank" means the National Domestic Development Bank established by section 4;

(2) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, or any agency or instrumentality thereof;

(3) "local government" means any county, municipality, or other political subdivision of a State, or any agency or instrumentality thereof, or any school or other special district created by or pursuant to State law; and

(4) "obligation" means any bond, note, debenture, or other instrument evidencing debt.

ESTABLISHMENT OF BANK

SEC. 4. (a) There is hereby created a body corporate to be known as the National Domestic Development Bank, which shall have succession until dissolved by Act of Congress. The bank, which shall not be an agency of the United States Government, shall maintain such offices as may be necessary or appropriate in the conduct of its business. For the purposes of jurisdiction and venue, the bank shall be deemed a citizen and resident of the District of Columbia.

(b) No individual, association, partnership, or corporation, except the bank, shall hereafter use the words "National Domestic Development Bank" as the name of a part thereof under which he does business.

GENERAL POWERS

SEC. 5. The bank shall have, in addition to the special authority conferred by section 8 of this Act, the power—

(1) to sue and be sued, and complain and defend, in its corporate name and through its own counsel;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal, by the board, such bylaws, rules, and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, have offices, and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase, or otherwise acquire, and own, hold, improve, use, or otherwise deal in and with, any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, and to require bonds for them and fix the penalty thereof; and

(9) to enter into contract, execute instruments, incur liabilities, and do all things which are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

BOARD OF DIRECTORS; MANAGEMENT

SEC. 6. (a) The bank shall have a board of directors which shall initially consist of fifteen members to be appointed by the President of the United States as follows:

(1) one member to be appointed from the Federal Reserve System;

(2) four members to be appointed from among the heads of departments and agencies in the executive branch of the Government;

(3) four members to be appointed from among those who represent the public generally, one of whom shall be appointed, by and with the advice and consent of the Senate to serve as president of the bank and chairman of the board of directors;

(4) two members who are Governors of States from among nominees of the National Governors Conference;

(5) two members who are elected officials of county governments from among nominees of the National Association of County Officials; and

(6) two members who are elected officials of city governments from among nominees of the National League of Cities.

(b)(1) Directors appointed under clauses (1), (2), and (3) of subsection (a) of this section shall serve at the pleasure of the President or until their successors have been appointed.

(2) One director initially appointed pursuant to each of clauses (4), (5), and (6) shall be designated by the President of the United States to serve until the first annual meeting of the stockholders, and one director appointed pursuant to each such clause shall be designated by the President of the United States to serve until the second annual meeting of the stockholders. Vacancies occurring pursuant to this paragraph at the time of each annual meeting shall be filled by election by the stockholders at such meeting from among nominees as provided in subsection (a) of this section. Directors elected pursuant to this subsection shall serve for terms of two years. The board may appoint a member to serve for any unexpired term of any such director.

(c) The board shall hold regular bimonthly meetings and shall hold other meetings at the call of the chairman. A majority of the board shall constitute a majority for the transaction of business. Any vacancy in the board shall not affect its powers or duties.

(d) Any director who is an officer or employee of the United States shall serve without additional compensation for his services as a director.

(e) The management of the bank shall be vested in the President of the bank, subject to such policies as the board of directors shall prescribe from time to time.

INITIAL EXPENSES

SEC. 7. In order to facilitate the formation of the bank, the Secretary of the Treasury is authorized to pay initial organizing and operating expenses. There is hereby authorized to be appropriated a sum not to exceed $500,000 for this purpose.

SPECIAL AUTHORITY

SEC. 8. (a) Subject to the provisions of this Act, the bank is authorized—

(1) to make commitments to purchase, and to purchase, service, and sell, on terms and conditions determined by the bank, any obligation (or participation therein) of a State or local government issued wholly or partly to finance the construction of basic community facilities or public works of any type;

(2) to make or guarantee loans to State and local governments to finance the construction of basic community facilities and public works of all types (including loans to nonprofit or quasi-governmental organizations and entities to finance the construction of housing, medical facilities, and other facilities which are supported by Federal or State programs and are determined by the bank to have the attributes of public facilities); and

(3) to make loans for the purpose of facilitating economic development in geographical areas designated by the Council of Economic Advisers as being low income, depressed, or labor surplus areas, disaster areas, or areas in need of direct investment to further the national public interest or other special help to stimulate economic activities within those areas.

(b) The bank shall develop criteria to assure that projects assisted by it are not inconsistent with comprehensive planning for the development of the communities in which they will be located, or disruptive of Federal programs which authorize assistance for the development of the communities in which they will be located, or disruptive of Federal programs which authorize assistance for the development of like or similar categories of projects, or inconsistent with Federal policies directed at the protection of the environment.

(c) A loan made or guaranteed under this section may not exceed the total capital cost of the project to be financed, and shall be made for a term determined by the bank; except that the term of a loan made under paragraph (2) of subsection (a) shall not exceed the life of the project or forty years, whichever is less, and the term of a loan made under paragraph (3) of subsection (a) to a private person for a project consisting primarily of profitmaking facilities shall not exceed twenty years.

(d) All obligations purchased and loans made pursuant to this section shall bear interest at a rate determined by the bank which shall be low enough to be competitive with municipal bonds.

(e) In any case in which the bank undertakes to provide assistance to a State or local government under subsection (a) for the construction of a project for which a department or agency of the Federal Government (under another law of the United States) will also provide funds—

(1) the assistance provided by the bank under subsection (a) may be in the full amount needed by the State or local government to finance such construction (including the amount of the funds which will be provided by such department or agency), with the funds to be provided by such department or agency with respect to such construction thereupon becoming payable (notwithstanding any contrary provision in the law under which they are payable) to the bank in lieu of being paid directly to such government, and

(2) the bank may accept in return (A) an obligation or obligations of such State or local government covering only the difference between such full amount and the amount of the funds which are payable with respect to such construction by such department or agency, plus (B) a commitment from such department or agency to pay the funds which are to be provided by it and are payable to the bank as described in paragraph (1),

in order to insure that such State or local government will not have to include within its debt limit that portion of the indebtedness incurred for the financing of such construction which is attributable to funds provided by the Federal Government.

(f) The bank is authorized to establish a financial and technical advisory staff for any metropolitan area upon a determination by the board that the amount of the bank's activity in such area is sufficiently large to support a full financial and technical advisory staff. The staff shall process applications and requests for assistance from that area and shall assist applicants in obtaining such assistance.

(g) Except as otherwise specifically provided in this Act, the bank may impose charges or fees for its services with the objective that all costs and expenses of its operations should be within its income derived from such operations.

REGIONAL OPERATING DIVISIONS

SEC. 9. (a) The bank shall establish regional operating divisions. Each division shall be charged with responsibility for assessing borrower eligibility, and making loans within its region or geographical area. To the maximum extent feasible, the boundaries of the regions or geographical areas respectively represented by the several regional operating divisions shall be the same as the boundaries of the areas respectively served by the regional offices of the various Federal departments and agencies.

(b) Each regional operating division shall transact all of the bank's business within its region with the assistance of the metropolitan area advisory staffs.

(c) Each regional operating division shall be supervised by a three member panel appointed by the board. In addition, an advisory committee of not less than eighteen nor more than twenty-five persons representing all governments and all socioeconomic levels within the division's region shall be appointed by the board to develop policies and guidelines for the division's activities.

TECHNICAL ASSISTANCE

SEC. 10. (a) The bank shall have, in addition to a staff adequately equipped in the field of development banking, personnel qualified to give advice in the following fields (and any other categories of advice appropriately related to the bank's activities):

(1) The Federal Government, particularly its organization and operation relating to State and local governments.

(2) All phases of all Federal-grant-in-aid programs.

(3) Methods of administering the development and operation of community facilities.

(4) Technical data and requirements in fields appropriately related to the bank's activities, including the following:

(A) roads, hospitals, schools, and airports;

(B) urban mass transit systems and bridges;

(C) housing, municipal buildings, and parks.

(D) courthouses;

(E) water and sewage facilities and air pollution controls; and

(F) commercial developments.

(b) The bank shall give any necessary technical assistance under this section to applicants for assistance under section 8. No fees for preliminary advice shall be charged; however, after an application has been accepted for processing, the bank may charge reasonable fees for continued assistance under this subsection.

(c) The bank is also authorized to undertake research and information gathering, and to facilitate the exchange of advanced concepts and techniques relating to municipal growth and development among State and local governments.

STOCK

SEC. 11. (a) The bank shall have one class of common stock, which shall have voting rights and have a par value of $100 per share. Stock shall be sold to investors throughout the country.

(b) All moneys received by the bank in return for its common stock shall be accumulated in a stated capital account. All net earnings from the operations of the bank shall annually be transferred to its general surplus account. Such dividends as may be declared shall be paid by the bank to the holders of its common stock and shall be charged against the general surplus account, but in any one fiscal year dividends shall not exceed 6 per centum of the par value of the common stock issued and outstanding and shall be payable out of the net earnings of the bank for that year.

CAPITALIZATION OF THE BANK

SEC. 12. The bank's stated capital shall be limited to $3,500,000,000, which shall be raised, insofar as it is feasible, by the sale of the bank's common stock, and the remainder shall be provided as follows:

(1) The Secretary of the Treasury is authorized to purchase obligations of the bank in the amount of $300,000,000 a year for a period of ten years. If the Secretary finds it is necessary for the successful operation of the bank to waive the payment of interest and principal for any given year such interest shall then be added to the principal of the obligation. The bank is authorized to include appropriate provisions in the instruments evidencing the obligations provided for in this paragraph. Each purchase of obligations by the Secretary under this paragraph shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this paragraph.

(2) The Secretary of the Treasury is additionally authorized to purchase debentures of the bank in the amount of $300,000,000 on emergency call of the bank.

(3) Each public borrower from the bank at the time of receiving loans shall be required to purchase stock until it holds an amount of stock equivalent to $.50 per capita for each person within its jurisdiction or for each person expected to be served by the facility or facilities involved. The borrower shall purchase stock equal to one-twentieth of the amount of his loans until he reaches the $.50 per capita maximum requirement. For the purposes of paragraphs (1) and (2) of this section, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include such purchases. All redemptions, purchases, and sales of obligations or debentures under such paragraphs shall be treated as public debt transactions of the United States.

OBLIGATIONS OF THE BANK

SEC. 13. (a) The bank is authorized to issue and have outstanding obligations (including but not limited to the obligations and debentures described in section 12) having such maturities and bearing such rates of interest as may be determined by the bank. Such obligations may be redeemable at the option of the bank before maturity in such manner as may be stipulated therein. The amount of the bank's indebtedness outstanding at any one time shall be limited to fifty times the bank's paid-in stated capital.

(b) The Government National Mortgage Association (hereinafter referred to as the "Association") is authorized, upon such terms and conditions as it may deem appropriate, to guarantee the timely payment of principal of and interest on such obligations (other than obligations and debentures de-



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scribed in section 12) as shall be issued by the bank. The Association shall collect from the bank a reasonable fee for any guaranty under this subsection and shall make such charges as it may determine to be reasonable for the analysis of any obligation proposed to be issued by the bank. In the event the bank is unable to make any payment of principal of or interest on any obligation guaranteed under this subsection, the Association shall make such payment as and when due in cash, and thereupon shall be subrogated fully to the rights satisfied by such payment. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guaranty under this subsection.

FEDERAL PAYMENTS TO THE BANK

SEC. 14.(a) With respect to such amounts of loans of the bank as may be specified in appropriation Acts, the Secretary of the Treasury is authorized to make and to contract to make, annual payments to the bank in such amounts as are necessary to equal the amount by which the dollar amount of interest paid by the bank on account of its outstanding obligations exceeds the dollar amount of interest received by the bank on account of obligations purchased or loans made by it pursuant to section 8.

(b) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out his functions under this Act, including such sums as may be necessary to make the annual payments required by contracts entered into by the Secretary of the Treasury pursuant to subsection (a) of this section.

FEDERAL INSURANCE OF OBLIGATIONS TO THE BANK

SEC. 15. (a) The Secretary of Housing and Urban Development (hereinafter in this section referred to as the "Secretary"), upon application by the bank, is authorized to insure any loan made by the bank under section 8(a) (including, for purposes of this section, any obligation purchased as provided in paragraph (1) thereof), and to issue a commitment for the insurance of any such loan prior to the date of its execution or disbursement thereon upon a determination that all of the applicable criteria established by or under this Ac will be met with respect to such loan.

(b) The insurance of any loan under subsection (a) and any payments pursuant thereto shall be made on such terms and conditions, and in such manner and form, as the Secretary shall by regulations prescribe, and shall provide for the payment in full to the bank of the outstanding principal balance of the loan together with any unpaid interest, upon default by the borrower, in accordance with procedures set forth in such regulations.

(c) The Secretary is authorized to charge and collect premiums for insurance under this section. Such premiums shall be fixed at the lowest possible levels which are determined by the Secretary to be reasonable and sufficient to keep the insurance program under this section in a sound and secure condition and maintain the fund established by subsection (d) at a level adequate to meet all anticipated losses, but in any event shall be lower for loans made under paragraphs (1) and (2) of section 8(a) than for loans made under paragraph (3) of such section.

(d)(1) There is established a revolving fund to be used by the Secretary in carrying out his functions under this section. All premiums charged as provided in subsection (c), and all other receipts under the insurance program, shall be deposited in the fund. All payments with respect to insurance under this section shall be made from the fund. Moneys in the fund not needed for the payment of current operating expenses or the payment of insurance under the program may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States.

(2) There is authorized to be appropriated as initial capital for the revolving fund established by paragraph (1) the sum of $10,000,000.

(e) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402 (except subsection (c)(2)) of the Housing Act of 1950.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 16. (a) The financial transactions of the bank shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the bank and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

(b) The expenses of any audit performed under this section shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary for this purpose are authorized. The bank shall reimburse the General Accounting Office for the full cost of any such audit, and the General Accounting Office shall deposit sums received as reimbursed into the Treasury as miscellaneous receipts.

AUDIT REPORT TO CONGRESS

SEC. 17. A report of each such audit of the bank for any fiscal year shall be made by the Comptroller General to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of any such audit and shall include a statement (showing intercorporate relations) of assets and liabilities; a statement of capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Congress informed of the operations and financial condition of the bank, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Housing and Urban Development, the Secretary of the Treasury, and the bank.

TAX EXEMPTION

SEC. 18. (a) The bank, its property, its franchise, capital reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority: except that (1) any real property and tangible personal property of the bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the bank shall be subjected both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

(b)(1) Subsection (a) of section 116 of the Internal Revenue Code of 1954 (relating to partial exclusion from gross income of dividends received by individuals) is amended to read as follows:

"(a) EXCLUSION FROM GROSS INCOME.—

"(1) DOMESTIC CORPORATIONS.—Gross income does not include amounts received by an individual as dividends from domestic corporations (other than the National Domestic Development Bank), to the extent that the dividends do not exceed $100.

"(2) NATIONAL DOMESTIC DEVELOPMENT BANK.—Gross income does not include 50 percent of the amounts received by an individual during any taxable years as dividends from the National Domestic Development Bank."

(2) Such section 116 is further amended by striking out "Subsection (a)" in subsection (b) and inserting in lieu thereof "Subsection (a)(1)".

NATURE OF STOCK AND OBLIGATIONS

SEC. 10. (a) All obligations issued by the bank shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the bank pursuant to this Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States.

(b) The Federal Reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the bank, for its own account or as fiduciary, and such banks shall be reimbursed for such services in such manner as may be agreed upon; and the bank may itself act in such capacities, for its own account or as fiduciary, and for the account of others.

PREPARATION OF OBLIGATIONS

SEC. 20. In order to furnish obligations for delivery by the bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the board may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the bank. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The bank shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

UNITED STATES NOT LIABLE

SEC. 21. Except as otherwise specifically provided in this Act, the United States shall not be liable for any debts, defaults, acts, or omissions of the bank.

ANNUAL REPORT

SEC. 22. The bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 23. (a) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by inserting "or obligations of the National Domestic Development Bank," immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association".

(b) Section 5200 of the Revised Statutes (12 U.S.C. 84) is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the National Domestic Development Bank shall not be subject to any limitation based upon such capital stock and surplus."



(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by inserting "or in obligations of the National Domestic Development Bank;" in the second proviso immediately after "any political subdivision thereof;".

(d) Paragraph (2) of section 14(b) of the Federal Reserve Act (12 U.S.C. 355) is amended by inserting ", or any obligation of the National Domestic Development Bank" immediately before the period at the end thereof.

SEPARABILITY

SEC. 24. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 25. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the purposes of this Act.

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SECTION-BY-SECTION SUMMARY—NATIONAL DOMESTIC DEVELOPMENT BANK ACT

Sec. 2: Sets forth the Findings of Congress which make this bill necessary; that there is an unprecedented demand for community facilities to provide for our growing population and that an alternative method for financing these facilities is imperative. It states that the purpose of the Act is to create a National Domestic Development Bank System.

Sec. 3: Contains definitions of terms used in the Act.

Sec. 4: Establishes the Bank as a body corporate and reserves the use of the name "National Domestic Development Bank".

Sec. 5: Grants the Bank the general powers of a corporation.

Sec. 6: Provides for an initial fifteen (15) member Board of Directors, to be appointed initially by the President, with the following composition.

1 representing Federal Reserve System

4 representing departments and agencies of the Federal government

4 representing the public generally (appointed by the President with advice and consent of the Senate)

2 State governors (nominated by the National Governors Conference)

2 elected officials of county government (nominated by the National Association of County Officials)

2 elected officials of city government (nominated by the National League of Cities)

Subsequently, the representatives of state and local governments will be elected from those nominated by stockholders of the Bank.

Sec. 7: Authorizes $500,000 for organizational and initial operating expenses.

Sec. 8: Outlines the special authority of the Bank:

(a)(1) To purchase obligations of state and local governments issued to finance community facilities or public works of any type

(2) To make or guarantee loans to

(a) State and local governments

(b) Nonprofit and quasi-governmental entities for financing projects supported by state or Federal programs or otherwise having the attributes of public facilities

(3) To make loans for economic development in areas designated by Council of Economic Advisers as needing government assistance.

(b) To reject any projects inconsistent with comprehensive planning for the communities being served.

(c) To loan money for up to forty (40) years for public facilities and twenty (20) years for economic development projects.

(d) To set interest rates competitive with rates on municipal bonds.

(e) To loan the entire cost of a project which is partly financed by a Federal assistance program, taking back obligations from both the local and the Federal government for their respective shares so that only the amount of the local share will be counted for its debt limit.

(f) To provide a financial and technical advisory staff for each active metropolitan region.

(g) To impose appropriate fees and charges.

Sec. 9: Provides that the Bank's lending activity will be carried out through regional operating divisions supervised by a three (3) member panel appointed by the Board of Directors. Each region will also have an advisory committee of 18 to 25 persons broadly representative of governments, and economic groups within the region.

Sec. 10: Authorizes assembly of a staff to give technical and economic advice including preliminary assistance with applications to the Bank and general advice during the construction period. In addition the Bank may undertake research and facilitate information exchange among Bank customers.

Sec. 11: Provides for one class of common, voting stock with a $100 par. Dividends in any one year may not exceed six per cent (6%) of the value of stock outstanding and must be paid out of net earnings.

Sec. 12: Capitalizes the Bank at $3.5 billion to be provided from the sale of common stock and, if necessary, by purchases by the Treasury Department of the Bank's obligations in yearly amounts of $300 million. Each public borrower must subscribe to purchase common stock in an amount equal to $.50 multiplied by the population within the jurisdiction, in increments of 1/20th of the face amount of a loan.

Sec. 13: Authorizes the Bank to sell bonds on the national market in an amount up to 50 times its stated capital to raise monies necessary to finance projects which are applied for by the users of the Bank. These bonds will be guaranteed by the Government National Mortgage Association and pledge the full faith and credit of the United States.

Sec. 14: Authorizes annual federal payments to the Bank in an amount sufficient to make up the difference between interest paid by the Bank on its obligations and the interest received from its loans to local governments.

Sec. 15: Provides for federal insurance of Bank loans, by the Department of Housing and Urban Development, and authorizes appropriations of $10 million to establish a revolving fund for this purpose.

Secs. 16 and 17: Provides for an annual audit by the General Accounting Office and a yearly report by the General Accounting Office to the Congress.

Sec. 18: Amends the Internal Revenue Code to exclude from gross income 50% of the amounts received as dividends by a stockholder during any taxable year.

Sec. 19: Makes the bonds of the Bank lawful investments.

Sec. 20: Authorizes the Secretary of the Treasury to prepare and print the Bank's bonds.

Sec. 21: Provides that the United States is not liable for debts, defaults or actions of the Bank other than those specified in the Act.

Sec. 22: Orders that an annual report be submitted to the President and the Congress.

Sec. 23: Contains technical amendments to Federal banking statutes.

Sec. 24: Provides that any invalid provision of this Act may be severed and that the remainder continues in full effect.

Sec. 25: Authorizes to be appropriated without fiscal year limits such funds as may be necessary to carry out the purpose of the Act.

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THE NATIONAL DOMESTIC DEVELOPMENT BANK ACT

1. What is the National Domestic Development Bank?

The National Domestic Development Bank is a national lending institution under the directorship of federal, state, and local officials, as well as representatives of the general public. The Bank will provide a new source of capital funds to enable cities and towns to undertake a wide range of public projects.

2. What will the Bank do?

It will make 40-year loans to State and local governments to finance the construction of basic community facilities and public works of all types. Loans can also be made to non-profit organizations for housing, medical, and other public facility construction.

The Bank is also authorized to make 20-year loans to business organizations for economic development in areas designated by the Council of Economic Advisers as being labor surplus, depressed, low income, or disaster areas, or areas in need of direct investment to further the national public interest.

3. Why is this Bank needed?

First, there is a limited market for state and municipal bonds. These bonds are one of the first types of securities to be affected by tight money periods. This was made very clear during 1969–70, when many municipal bond issues had to be cancelled because the market could not absorb them. The Bank will assure that municipalities will always have a market for their securities. It will provide communities with an alternative means of financing public development.

Second, the capital financing needs of our states and cities are growing at a rapid rate. In 1968, the Bureau of the Budget estimated a ten-year need of $58 billion.

At the same time, cities are fast approaching the fiscal breaking point. Cities need new ways of obtaining development money that do not sharply increase their public debt burden, putting an additional strain on limited revenues.

4. Won't the Bank complicate public development financing?

On the contrary, the Bank will create a more simplified, flexible, inexpensive, and efficient way to raise capital. It will provide a single source where cities and towns can obtain financial and technical assistance. It will coordinate aid under various federal programs with additional financing, cutting red tape and extended application review procedures.

5. Is this an agency of the Federal Government?

No, the Bank will not be an agency of the U.S. Government and its budget will be independent of the Federal budget.

6. How much will it cost?

The cost of the Bank will be very low. Start-up costs will be $500,000 for organizing expenses and $10 million to establish a revolving insurance fund at the Department of Housing and Urban Development to insure Bank loans. In addition, Congress will need to enact annual appropriations to make up the difference between interest rates paid by the Bank on its bond issues, and the interest rate it charges to borrowers. The net cost would be minimal, however, because the Treasury would collect taxes on the earnings of Bank bonds.

7. Will the Bank have unlimited bonding capacity?

No. It can only borrow on national investment markets for lending to state and local governments and other qualified users at fifty (50) times the amount of paid-in capital stock of this corporation. In addition, the

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Bank must lend at rates competitive with municipal bonds.

8. Where does the Bank's capital reserve come from?

It comes from three sources:

(1) Sale of stock to the public. One investment incentive will be the exclusion from gross income of 50 percent of dividend earnings from this stock, for Federal income tax purposes.

(2) Sale of stock to public users of the Bank. Each user must buy a small amount of stock in increments as it obtains Bank loans, until it has purchased an amount of stock equal to 50 cents per capita.

(3) The Treasury is authorized to purchase special bonds up to $300 million per year for ten years, and this money can be used for capital reserve.

9. What assurances are provided investors?

First, all bonds sold by the National Domestic Development Bank will be guaranteed by the Government National Mortgage Association, and the full faith and credit of the United States is pledged to the payment of all amounts under this guaranty.

Second, all loans made by the Bank will be insured by the Federal Housing Administration, and a $10 million insurance revolving fund is established for this purpose.

10. What interest rates will be charged to the borrowers of this Bank?

Under this bill the Bank will set interest rates at a level that is competitive with municipal bond rates.

11. Will borrowers have to come to Washington to apply for loans?

No. The Bank's lending operations will be carried out directly through regional operating divisions, coinciding basically with the regional offices of the various Federal departments and agencies.

12. Will the Bank assist in any way other than providing loans?

Yes. One of the major services of the Bank is to maintain a technical staff that can give advice on Federal programs, on comprehensive planning and administration of the development of community facilities, and on technical data and requirements relating to the facilities eligible for financing. In addition, the Bank will do research, collect information, and facilitate the exchange of ideas on new technology and improvements in public administration relating to local and regional public development.

13. What projects will the Bank help finance?

A wide range of public facility construction is possible under this Act. Some examples are:

Schools and libraries
Medical centers and hospitals
Mass transit systems
Industrial parks
Police and fire departments
Water and sewer systems and waste disposal and treatment facilities
Parks and recreation areas
Community service and day care centers
Public housing
Job-training and adult education centers
The renewal of town and city business centers.

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By Mr. HARRY F. BYRD, JR. (for himself and Mr. HUGHES):

S. 1773. A bill to amend section 7305 of title 10, United States Code, relating to the sale of vessels stricken from the Naval Vessel Register. Referred to the Committee on Armed Services.

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk a bill and ask that it be received and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. HARRY F. BYRD, JR. Mr. President, this proposed legislation is introduced by the Senator from Virginia and the distinguished Senator from Iowa (Mr. HUGHES).

I ask unanimous consent that the proposed legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1773

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (1) of section 7305 of title 10, United States Code, is amended to read as follows:

"(1) Except as provided in subsection (a), no vessel of the Navy may be sold in any manner other than that provided by this section, or for less than its appraised value, unless the sale thereof is specifically authorized by law enacted after June 30, 1973."

SEC. 2. The amendment made by the first section of this Act shall not apply in the case of any Navy vessel with respect to which a written agreement to sale was entered into prior to June 30, 1973.

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By Mr. MAGNUSON (for himself Mr. COTTON, and Mr. INOUYE) (by request):

S. 1774. A bill to amend the Federal Trade Commission Act and the Export Trade Act as amended to deal with unfair competition in imports, to provide for clarification of law, for prior Federal Trade Commission clearance of export trade associations, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference on behalf of myself, Mr. COTTON, and Mr. INOUYE, by request, a bill to amend the Federal Trade Commission Act and the Export Trade Act as amended to deal with unfair competition in imports, to provide for clarification of law for prior Federal Trade Commission clearance of export trade associations, and for other purposes. I ask unanimous consent that the bill and the accompanying section-by-section analysis be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1774

*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,*

TITLE I—AMENDMENTS TO THE FEDERAL TRADE COMMISSION ACT

Section 6 of the Federal Trade Commission Act, as amended (15 U.S.C. 46) is amended by adding the following new paragraph, designated as (i):

"(i) in addition to the other powers conferred by this Act, to order that commodities be excluded from entry into the United States whenever it finds that unfair methods of competition or unfair acts are being employed in the importation of such commodities into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency or which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, to restrain or monopolize trade and commerce in the United States, or to substantially impair competition within the United States. All orders of the Commission under this paragraph shall be submitted to the Secretary of the Treasury before publication thereof. No final order shall be issued by the Commission under this paragraph if the Secretary of the Treasury notifies the Commission within thirty days after transmittal of the proposed order to him that the exclusion from entry into the United States of the commodity in question would have or be likely to have a significant adverse effect upon the economic interest of the United States. Final orders of the Commission under this subparagraph (i) shall be issued, become final and be subject to review in the same manner as all other orders of the Commission under this act, and may be permanent or temporary, and subject to such conditions as the Commission may, in its discretion impose. The Commission, or the court having jurisdiction on appeal, may upon application or on its own motion provide for the posting of a bond in favor of the United States or such persons as the Commission or the court may designate, and stay the operation of final orders pending appeal. Upon notification to the Secretary of the Treasury of entry of a final order the Secretary shall, through the proper officers, refuse such entry, unless a stay of order has been granted under this section by the Commission or by a court having jurisdiction of an appeal from said order. No order shall be issued under this paragraph (i) with respect to any alleged unfair competition for which a remedy is provided by the Antidumping Act of 1916 (15 U.S.C. 72), the Antidumping Act, 1921, as amended (19 U.S.C. 160–171), section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), or section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337)."

TITLE II—AMENDMENTS TO THE EXPORT TRADE ACT

The Export Trade Act (40 Stat. 516–17; 15 U.S.C. 61–65), is amended to read:

"SECTION 1. The words 'export trade' wherever used in this Act mean solely trade or commerce in goods, wares, merchandise, architectural services, engineering services, construction services, training services, financing services or project or general management services exported, or in the course of being exported from the United States or any territory thereof to any foreign nation; but the words 'export trade' shall not be deemed to include (i) the production, manufacture, or selling for consumption or for resale, within the United States or any territory thereof, of such goods, wares, merchandise or services, or any act in the course of such production, manufacture or selling for consumption or for resale or (ii) trade or commerce in patents, licenses, trade secrets or knowhow except such knowhow as is incidental to the sale of such goods, wares, merchandise or services.

"The words 'trade within the United States' wherever used in sections 1–5 of this title mean trade or commerce among the several States or in any territory of the United States, or in the District of Columbia, or between any such territory and another, or between any such territory or territories and any State or States or the District of Columbia, or between the District of Columbia and any State or States.

"The word 'association' wherever used in sections 1–5 of this title means any corporation or combination, by contract or otherwise, of two or more persons, partnerships, or corporations, who are citizens of, which are created and existing under the laws of the United States or any States thereof.

"Sec. 2. The export trade operations conducted by or through any association registered pursuant to section 3 of this Act and



the organization of such association (including without limitation, the acquisition or ownership by any corporation of the whole or any part of the stock or other capital of the association) each substantially in conformance with an effective registration statement filed by the association with the Federal Trade Commission (hereinafter the 'Commission') in accordance with this Act (subject to any terms and conditions imposed by the Commission) shall not be subject to any of the provisions of the Antitrust Laws. For the purposes of this Act, the Antitrust Laws are those laws defined as such in sections 12 and 44, title 15, United States Code; the Federal Trade Commission Act, sections 41–58, title 15, United States Code; any other laws of the United States *in pari materia* including state laws on antitrust and unfair methods of competition; and all amendments to the foregoing.

"Associations registered with the Commission prior to the date of enactment of this Act may file a registration statement as provided herein within 90 days of enactment hereof. With respect to associations which elect to file within 90 days, the immunity conferred to such associations prior to enactment of this Act shall continue and not be enlarged or diminished until such time as the Commission makes its determination under section 3 thereof. Thereafter, immunity of such organizations shall extend as prescribed herein, unless the Commission determines that no registration should be permitted, in which case as of the date of that decision any immunity for future conduct shall cease. As to those associations which do not elect to register hereunder, immunity conferred prior to enactment of this Act shall cease 90 days after enactment hereof.

"Sec. 3. (a) Any association seeking the protection of section 2 of this Act may apply for registration by filing with the Federal Trade Commission a registration application in the form the Commission shall prescribe, setting forth the information and accompanied by the documents specified below:

"(i) copies of its certificate of incorporation, constitution, by-laws, rules, or agreements relating to the organization and operation of the association, in each instance with all amendments thereto;

"(ii) location of its offices and places of business;

"(iii) names and addresses of all officers and directors of the association or persons holding corresponding positions;

"(iv) names and addresses of all persons, partnerships or corporations who are members of the association;

"(v) description of the export trade conducted or proposed to be conducted by or through the association;

"(vi) methods by which the export trade is conducted or proposed to be conducted, including, without limitation, any agreements to sell exclusively to or through the association, any agreements with foreign persons who may act as joint selling agents, any agreements to acquire a foreign selling agent, any agreement for pooling tangible or intangible property or resources, or any territorial, price maintenance, or other restrictions to be included in sales, or other agreements;

"(vii) names of all countries where export trade is conducted or proposed to be conducted by or through the association;

"(viii) information to support a registration under paragraph (c) of this section and

"(ix) any other information which the Commission may require concerning the organization, operation, management, or finances of the association, the relation of the association to other associations and to the export trade being or proposed to be conducted; and competition or potential competition or potential competition, and effects of the association thereon.

Any amendment to the registration of a registered association shall be applied for and approved in the same manner as a registration application filed under this section.

"(b) Upon receipt of a registration application, the Federal Trade Commission shall immediately deliver copies of such application to the Attorney General. The Attorney General may request that the Commission provide additional information or that the Commission request the association to provide additional information. Within ninety days after the date of delivery of copies of the application to him, the Attorney General shall submit to the Commission a report on the effect which the export trade to be conducted by or through the association would likely have on competition in the United States, or upon exports by domestic nonmembers. The Commission may also request opinions on any application from other Federal departments and agencies.

"(c) After receiving the report of the Attorney General, the Federal Trade Commission shall register the association for such period of time and subject to such terms and conditions as it deems appropriate if the Commission finds that the organization and operation of the association in conformance with its registration statement is not likely to result in substantially lessening competition, or restraining the domestic or import trade of the United States, or substantially restraining exports by domestic nonmembers.

"(d) Whenever a material change occurs in the facts disclosed to the Commission by a registered export group, under section 4, such group shall within thirty days thereafter report such material change to the Commission with any documents or information relevant thereto.

"(e) The Commission may by regulation require a registered export group to submit such periodic reports as it may deem necessary to carry out its responsibilities under this Act.

"SEC. 4. (a) The Federal Trade Commission shall have exclusive jurisdiction to determine whether any material act, practice or course of conduct by a registered association in connection with export trade is not in conformance with its registration statement in which case the Commission may, on its own initiative or upon motion of the Attorney General or any interested person, in its discretion (i) require that the registration statement be amended, (ii) require that the organization or operation of the association be modified, (iii) revoke, in whole or in part, the registration of the association and/or (iv) recommend to the Justice Department prosecution of the appropriate persons, partnerships or corporations or of the association under the Antitrust Laws. Neither the Justice Department nor any other agency or department of the Government may bring suit under any of the Antitrust Laws, against any registered association or against any person, partnership or corporation, based upon the organization or export trade operations of any registered association unless a recommendation that such a suit be brought has been made by the Commission pursuant to this paragraph.

"(b) The Federal Trade Commission shall have exclusive jurisdiction to determine whether any material act, practice, or course of conduct by a registered association in connection with export trade, although in conformance with the registration statement of the association, is or has become inconsistent with the standards set forth in section 3, in which case the Commission may, in its discretion (i) require that the organization or operation of the association be modified or (ii) revoke, in whole or in part, the registration of the association.

"(c) The Federal Trade Commission shall not have exclusive or primary jurisdiction as to conduct by a registered association or its members which is not in conformity with the registration statement of the association and which has as one of its purposes or as its primary effect a substantial lessening of competition or restraining the domestic or import trade of the United States, or substantially restraining exports by domestic nonmembers.

"Sec. 5. (a) The Federal Trade Commission shall promulgate such rules and regulations as may be necessary to carry out the purposes of this Act.

"(b) This Act shall terminate and cease to be in effect as of midnight on December 31, 1978 unless extended prior thereto by act of Congress; *provided*, however, that the termination of this Act shall in no way diminish or terminate immunities granted hereby under the Antitrust Laws with respect to the organization or operation prior to the termination of this Act of any registered association."

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SECTION-BY-SECTION ANALYSIS

TITLE I. AMENDMENTS TO SECTION 6 OF THE FEDERAL TRADE COMMISSION ACT

This Title would amend Section 6 of the Federal Trade Commision Act, 15 U.S.C. 46, as amended, to authorize the Federal Trade Commission to issue an order that commodities be excluded from entry whenever the Commission finds that unfair methods of competition or unfair acts are being employed in the importation of such commodities in the United States or in their sale by the owner, importer, consignee, or agent of either, where the effect or tendency of such conduct is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or is to restrain or monopolize trade and commerce in the United States, or is to substantially impair competition within the United States.

The principal thrust of this amendment would be to transfer from the Tariff Commission to the Federal Trade Commission the responsibility for proceedings now governed by Section 337 of the Tariff Act, 19 U.S.C. 1337 (other than in cases involving infringement of patents). This amendment would also broaden the operative language of existing 337 in that unfair methods of competition or unfair acts which "restrain or monopolize trade and commerce in the United States," or "substantially impair competition within the United States," could be challenged under the new provision. Alternatively, the Federal Trade Commission, like the Tariff Commission at present, could also challenge unfair methods of competition and unfair acts if "the effect or tendency . . . is to destroy or substantially injure an industry, efficiently and economically operated, in the United States."

The amendment provides that before a Commission order that articles be excluded becomes final or is published, the Secretary of the Treasury may take into account whether the exclusion of the commodity in question would have or be likely to have a significant adverse effect upon the economic interest of the United States. If the Secretary so determines, he must so notify the Commission within thirty days of the transmittal of the order to Treasury. If the Secretary does not notify the Commission within 30 days, the order shall become final.

Orders of the Federal Trade Commission under this Title would be issued, become final and be subject to review in the same manner as all orders of the Commission under the Federal Trade Commission Act. Commission orders may be permanent or temporary, and subject to such conditions as the Commission may, in its discretion, impose.

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The Commission, or the court having jurisdiction on appeal, may upon application or on its own motion provide for the posting of a bond in favor of the United States or such persons as the Commission or the court may designate, and stay the operation of final orders pending appeal. Upon notification by the Commissior to the Secretary of the Treasury of the entry of a final order, the Secretary shall, through the proper officers, refuse such entry, unless a stay of the order has been granted under this section by the Commission or by a court having jurisdiction of an appeal from the order.

The amendment provides that no order shall be issued under this Title with respect to any alleged unfair competition for which a remedy is provided by the Antidumping Act of 1916 (15 U.S.C. 72), the Antidumping Act, 1921, as amended (19 U.S.C. 160-171), Section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), or Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337).

TITLE II. AMENDMENTS TO EXPORT TRADE ACT

*Section 1*

The amendment would make clear the inclusion of architectural, engineering, training, financing and project or general management services within the meaning of "export trade" to be conducted by or through a trade association and subject to immunity from the antitrust laws. The amendment also makes clear that intangible trade in patents, licenses, trade secrets or knowhow are not covered, except such knowhow as is incidental to goods, wares, merchandise or services enumerated in the Act, as amended. Incidental knowhow is that which is, in the ordinary course of business, sold to a customer so that the goods or services may have commercial value and may be effectively employed by the purchaser.

The amendment also provides that foreign persons or firms may not be members of an association registered under this Act.

*Section 2*

The amendment would extend immunity only to those who affirmatively seek its benefits by filing a registration statement pursuant to the new pre-clearance procedure in Section 3. Transitionary provisions also permit existing associations which elect to register to retain immunity under prior provisions pending Commission decision under this Act. Those associations which do not elect to register within 90 days will no longer be accorded immunity after 90 days of enactment of this Act.

In addition, by virtue of prior Commission review and clearance, this section would confer a much more specific immunity than under the present law, which gives immunity to acts or agreements which are not in restraint of trade within the United States, are not in restraint of the export trade of any domestic competitor, do not artificially or intentionally enhance or depress prices within the United States, and do not substantially lessen competition within the United States or otherwise restrain trade therein (40 Stat. 517, 15 U.S.C. 62). As amended, this section would exempt from the antitrust laws, including state laws on antitrust and unfair methods of competition, the *export trade* conducted by or through an association and the organization of that association, if "substantially in conformance with an effective registration statement" filed with the Federal Trade Commisison in accordance with the Act. Immunity under this Section is not conferred, however, to an association which engages in conduct not in conformity with its registration statement and which has as one of its purposes or its primary effect a substantial lessening of competition or restraining the domestic or import trade of the United States or substantially restraining exports by non-members.

*Section 3*

Section 3 provides that detailed information must be supplied in the registration statement to be filed with the Commission, concerning the organization of the association, its location, offices and members; a description of the export trade conducted or proposed to be conducted; methods by which the export trade is to be conducted and any agreements with domestic or foreign entities concerning that trade; names of all countries where export trade is to be conducted; information concerning the impact of the association or trade within the United States or on exports by domestic non-members; and the like.

These reporting requirements are a part of the proposed significant change in the Act which would condition the immunity of the Act on prior clearance and continuing approval by the Federal Trade Commission. Section 2(b) requires that after receipt of a registration application the Commission shall immediately deliver the application to the Attorney General. Within 10 days after delivery, the Attorney General shall submit a report "on the effect which the export trade to be conducted by or through the association would likely have on competition in the United States, or upon exports by domestic non-members." The Commission may also request the views of other federal departments and agencies on any application.

After receiving the report of the Attorney General, the Commission shall decide whether to register the agreement, and if so, for what period and on what terms and conditions. Before an association can be registered, the Commission must find "that the organization of the association in conformance with its registration statement is not likely to result in substantially lessening competition or restraining the domestic or import trade of the United States, or substantially restraining exports by domestic non-members."

A registered group is required to report any material changes in the facts disclosed to the Commission within 30 days, and the Commission is authorized to require the submission of periodic reports.

*Section 4*

This section would give the Federal Trade Commission exclusive authority to determine, on its own initiative or upon motion of the Attorney General or any interested person, whether any action by a registered group in connection with export trade is not in conformance with its registration statement. If such is the case, the Commission may (i) require that the statement be amended, (ii) require that the association modify its organization or practices, (iii) revoke the registration in whole or in part, and/or (iv) recommend prosecution under the antitrust laws to the Department of Justice. Subject to subsection (c), such a recommendation is necessary before the Department of Justice or any other government department or agency may sue such an association in connection with the export trade under the antitrust laws.

Under subsection (b), the Commission would also be given exclusive authority to determine whether any action of a registered association in export trade, although in conformance with the registration statement, is or has become inconsistent with the standards set forth in Section 3 of this Act, in which case it can require modification or can revoke the registration.

As set forth in subsection (c), the Commission would not, however, have exclusive or primary jurisdiction as to conduct by a registered association or its members which is not in conformity with the registration statement of the association and which has as one of its purposes or as its primary effect a substantial lessening of competition or restraining the domestic or import trade of the United States, or substantially restraining exports by domestic non-members.

*Section 5*

The Commission would be authorized to issue such rules and regulations as may be necessary to effectuate the Act. The Act shall terminate on December 31, 1978, unless extended prior thereto by act of Congress, but its termination shall in no way diminish or affect antitrust immunity concerning the organization and operation of any registered association prior to termination.

Mr. MAGNUSON. Mr. President, I am sure that the distinguished occupant of the Chair (Mr. BENNETT) will be interested in what I am about to say. This is the so-called administration trade bill. Other bills are pending—two or three other major bills—dealing with the same subject.

A part of the bill would go to the deal with tariffs, and other parts of the bill would be referred to the Committee on Commerce. But I do not think we will have trouble working out that arrangement.

I agree with much that is in the administration's bill. As to some parts of it, I do not know whether I will be in agreement, or whether the committee will; but it is obvious to me that we have got to have a trade bill, and we ought to have a get-together to see to it that a trade bill is passed in this session of Congress.

The way things are now, many of our business people who are thinking of the potentials of export, which we need, do not quite know where they stand. Some of the rules are changed; others require change. Actually we have never had a real, actual trade policy.

Other bills are pending in the Senate dealing with a great deal of tariff protection. They go from one extreme to the other; and I suppose we shall be confronted with another extreme proposal for completely free trade, with no restrictions whatsoever. We have got to sit down and get a trade bill that is somewhere in between, so that everybody will know where he is. We must have a national trade policy. Our objectives are the same: to see if we cannot do something about this problem and do something about the almost frightening balance-of-trade deficits.

That includes many other things that are involved in that, but here is a proposal that, in many respects is very good, and I hope we can all work together and see that we have a trade bill. I think it is necessary to the economy of the United States, to the solution of our world problems, and to maintain a balance.

I hope that these bills will let other countries know that we are still going to be tough traders, but in the old Yankee tradition, we can meet it, and that we are not going to be patsies in this trade matter, which I think we have been in most of the GATT meetings, after looking back on them. This will establish that once and for all.

So I am glad to introduce the administration bill, and I am sure that the distinguished present occupant of the chair (Mr. BENNETT) and the other members of the Finance Committee, while they have a lot of work to do, and we have, too, will give this very important matter the attention it deserves.



## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 136

At the request of Mr. SCHWEIKER, the Senator from Kentucky (Mr. COOK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Tennessee (Mr. BROCK) were added as cosponsors of S. 136, a bill to authorize financial assistance for opportunities industrialization centers.

S. 1402

At the request of Mr. HARTKE, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 1402, the National Blood Bank Act.

S. 1599

At the request of Mr. SAXBE, the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Kansas (Mr. DOLE), the Senator from Montana (Mr. METCALF), the Senator from Nevada (Mr. BIBLE), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 1599, to provide for continued sale of gasoline to independent gasoline retailers.

SENATE JOINT RESOLUTION 86

At the request of Mr. BEALL, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of Senate Joint Resolution 86, a resolution to suspend for 2 years Federal support of projects involving psychosurgery.

## SENATE RESOLUTION 110—SUBMISSION OF A RESOLUTION RELATING TO A STUDY OF THE TREATMENT OF OUR PRISONERS OF WAR IN INDOCHINA

(Referred to the Committee on Armed Services.)

Mr. TOWER. Mr. President, on behalf of myself and the Senator from Arizona (Mr. FANNIN), I am today submitting a Senate resolution to authorize the Committee on Armed Services to conduct a study of the treatment of our POW's in Indochina. I do so because I am deeply concerned that the full story of their captivity will not otherwise become a matter of public record, and I feel it should be. Only when the public is apprised of the gruesome treatment of our men in Indochina will the American people fully appreciate their ordeal—their bravery.

I feel it equally important that the world be informed of the hypocrisy with which the North Vietnamese treated the prisoner of war question. Many of us are aware of the "Hanoi Hilton" tours conducted for the benefit of foreign visitors. But was this camp typical of those in North Vietnam? Was the condition of the prisoners in this camp typical as well? I do not believe we have at present an accurate idea of what prison life was like in North Vietnam or in other Communist prison camps. We have been given staged pictures and staged events. Behind these, however, lie the beatings, the pain, the anguish inflicted by a cruel and barbarous captor who portrays himself as a liberator from a nation of peace-and-freedom-loving people.

Mr. President, I had hoped to avoid rhetoric for I wish only to seek and expose the truth concerning the treatment of our men in Communist prison camps. But having already heard some of the stories brought back by our men, I cannot help but become incensed. I believe the public will share that feeling when the full story of the American POW is known.

The investigation authorized in this bill is not directly for the aid of our prisoners of war. Their ordeal is over—they have come home. Rather, their experience will help us prepare future servicemen should war be again forced upon us. It will be a valuable aid to the Senate in the preparation of legislation relating to prisoners of war.

Furthermore, I believe it is important that we also look into the effect visits by Americans and other non-North Vietnamese may have had on the treatment of the prisoners of war.

For these reasons, I ask the Senate to consider this resolution, and urge my colleagues to join me in urging its favorable consideration.

The resolution reads as follows:

S. RES. 110

*Resolved*, the Committee on Armed Services is authorized and directed to conduct an investigation and study relative to the treatment by representatives of North Vietnam and the Viet Cong of American military and civilian personnel held in confinement during the Vietnam conflict in Southeast Asia, including:

1. the extent to which representatives of North Vietnam and the Viet Cong violated the terms and provisions of the Geneva Convention on the Treatment of Prisoners of War,

2. the effect of visits by Americans and other non-North Vietnamese on the treatment of American prisoners of war,

3. the effect of prior survival and other training on the stamina and will to resist of American prisoners of war,

4. and any other relevant subject matter directly or indirectly related to the confinement of American military and civilian prisoners of war.

And the Committee on Armed Services shall, following the submission to the Senate of such interim reports as it considers appropriate, make a final report of the results of the investigation and study conducted by it pursuant to this resolution, and shall determine whether its investigation and study indicate the necessity or desirability of the enactment of new congressional legislation.

## SENATE RESOLUTION 111—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO LAURA M. MILLER

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

S. RES. 111

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Laura M. Miller, widow of William J. Miller, an employee of the Senate at the time of his death, a sum equal to seven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

## SENATE RESOLUTION 112—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO MARY L. HUNT AND JAMES A. HOLLOWAY

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

S. RES. 112

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary L. Hunt, daughter, and James A. Holloway, son of Della Holloway, an employee of the Senate at the time of her death, a sum to each equal to one-half of eight and one-half months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

## SENATE RESOLUTION 113—SUBMISSION OF A RESOLUTION TO ESTABLISH A TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

(Referred to the Committee on Rules and Administration.)

Mr. STEVENSON. Mr. President, earlier this year the majority leader appointed a Committee of the Conference on the Improvement of Senate Practices and Procedures. The committee has held a series of meetings and discussions in which an extensive list of proposals for strengthening the Senate were considered.

The committee has concluded that the efforts to strengthen the Senate already in progress should be supplemented by an examination of the Senate committee system and that such an examination should be conducted during the 93d Congress by a temporary select committee.

To implement our recommendations, we now introduce a resolution calling for the establishment of a committee composed of seven members, four from the majority party and three from the minority party, with a budget of $900,000. The committee is to submit a report by June 1, 1974. Unlike its House counterpart, the Senate select committee would not have the power to report out legislation.

The post-World War II years have seen an explosion of Federal activity in housing, education, control of the economy, health care financing, environmental protection, manpower training, job safety, consumer protection, revenue sharing, and many other areas. The pace of change is increasing; the issues considered by the Congress grow ever more complex and intractable. Whether all of this new wine is best poured from the old bottles of the congressional commit-

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tee system is a question which ought to receive thorough and immediate consideration.

Although we have concluded that it is the question of Senate committee jurisdictions that most needs examination, we believe that the ultimate purpose of the select committee—strengthening the Senate committee system—can be achieved only if the select committee has a mandate to study all aspects of the committee system. The resolution contains such a mandate. In addition to Senate committee jurisdictions, it covers number, optimum size, and structure of Senate committees; the number of subcommittees; committee rules and procedures; media coverage of meetings; staffing; space; equipment; and other committee facilities. While the Legislative Reorganization Act of 1970 addressed all of the above areas and brought about major progress in most of them, there is strong and widespread interest within the Senate in the consideration of proposals—especially in the area of staffing—building upon the accomplishments of the 1970 act. We believe that such proposals merit the serious attention they promise to receive by the temporary select committee.

The last major realinement of Senate committee jurisdictions occurred a generation ago, when the Legislative Reorganization Act of 1946 reduced the number of standing Senate committees from 33 to 15. In the intervening years, the number of standing Senate committees has remained almost constant—increasing from 15 to 17—but the number of subcommittees of standing Senate committees has increased from 34 to over 120 in the same period.

Congressional bodies have seriously examined the question of Senate committee jurisdictions on only two occasions since 1946. In 1951, the Senate Committee on Government Operations heard testimony on the subject from a number of witnesses, but the committee made no recommendations and no action was taken. In 1966, the Joint Committee on the Organization of the Congress devoted 2,000 words to the subject in its lengthy final report (Rept. No. 1414, 89th Cong. 2d sess., July 28, 1966, pages 14–18). The joint committee made four recommendations concerning Senate committee jurisdictions. Two have been adopted—creation of a Veterans' Affairs Committee and changing the name of Banking and Currency to Banking, Housing and Urban Affairs; two have not—creation of a new Committee on Education and expansion of the jurisdiction of Aeronautical and Space Sciences to include the National Science Foundation, the Bureau of Standards, and environmental research. That is all; and, given the enormous changes which the Nation and its Government have undergone since 1946, it is not enough.

Earlier this year, the House established a temporary select committee to study the jurisdictions of its standing committees and related matters. Historically the committee jurisdictions of the two Houses have closely corresponded to one another. If the Senate fails to take action and the House study results in major changes in its committee jurisdictions, the net result could be to reduce the effectiveness of the Congress, rather than to strengthen it.

Although we have no preconceived notions about the desirability of specific realinements in committee jurisdictions, we believe there is widespread agreement within the Senate that a review is needed. The result will presumably be:

Optimum utilization of Senators' time, including more even distribution of committee workloads and minimization of jurisdictional overlaps and other forms of duplicated effort.

Optimum effectiveness of committees in the creation and oversight of Federal programs, including maximization of the extent to which areas within one committee's jurisdiction are related to one another, and maximization of the extent to which major national issues can be considered comprehensively by Senate committees.

Clear, consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees.

A workable mechanism for regular review and revision of committee jurisdictions.

We recognize the difficult and delicate nature of this enterprise, an enterprise which directly affects the interests of every Senator. For the reasons enumerated above, we believe that consideration of the issue by a temporary select committee during th 93d Congress is in the best interest of the Senate.

I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

By Mr. STEVENSON (for himself, Mr. HATHAWAY, Mr. INOUYE, and Mr. METCALF):

S. RES. 113

*Resolved*, That (a) there is established a temporary select committee of the Senate to conduct a study of the Senate committee system.

(b) The select committee shall be composed of 7 members of the Senate, 4 from the majority party and 3 from the minority party, to be appointed by the President of the Senate.

(c) The select committee shall select a chairman from among its members.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee may adopt rules of procedures not inconsistent with this Resolution and rules of the Senate governing standing committees of the Senate.

(e) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

SEC. 2. It shall be the function of the select committee to conduct a thorough study of the Senate committee system, the structure, jurisdiction, number and optimum size of Senate committees, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, space, equipment, and other committee facilities, and to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of federal programs, clear and consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees, and workable methods for the regular review and revision of committee jurisdictions.

SEC. 3. (a) For the purposes of this Resolution, the select committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administrations, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee shall preside over meetings of the select committee, except that in his absence any other member of the select committee designated by the chairman may preside.

(c) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(d) Subpoenas authorized by the select committee may be issued over the signature of the chairman, or any other member designated by the chairman and may be served by any person designated by the chairman or member signing the subpoena.

SEC. 4. For the period from the date this Resolution is agreed to through December 31, 1974, the expenses of the select committee under this Resolution shall not exceed $900,000, of which amount not to exceed $400,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

SEC. 5. The select committee shall submit to the Senate a report of its findings, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than June 1, 1974. The select committee may also submit to the Senate such supplementary reports on the issues treated in its initial report as it considers appropriate. The select committee shall cease to exist on December 31, 1974.

SEC. 6. Expenses of the select committee under this Resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

## ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 107

At the request of Mr. MATHIAS, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), the Senator from Wisconsin (Mr. NELSON), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Florida (Mr. CHILES), the Senator from Colorado (Mr. HASKELL), the Senator from Hawaii (Mr. INOUYE), the Senators from Maine (Mr. MUSKIE and Mr. HATHAWAY), the Senator from Illinois (Mr. STEVENSON), the Senator from Ohio (Mr. SAXBE), the Senator from California (Mr. TUNNEY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Alaska (Mr. GRAVEL), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of Senate Resolution 107 to require due process of law in the formulation of the foreign and military policy of the United States.

SENATE RESOLUTION 109

At the request of Mr. STEVENSON, the Senator from Missouri (Mr. SYMINGTON) was added as a cosponsor of Senate Resolution 109, relating to the appointment of a special prosecutor by the Attorney General-designate.

## EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT ACT OF 1973—AMENDMENT

AMENDMENT NO. 120

(Ordered to be printed and to lie on the table.)

Mr. MAGNUSON. Mr. President, this is not a complicated amendment which I submit to S. 504. It would not create any new programs, and it would not impose any new burden on the budget. Its only purpose is to keep open the Public Health Service Hospitals in Seattle, San Francisco, Galveston, New Orleans, and Baltimore.

As befits legislation dealing with health care—which is truly a nonpartisan concern in the Senate—this amendment is sponsored by Members from both sides of the aisle. As the author of the amendment, I am very pleased to be joined in this effort by my distinguished colleague from Washington (Mr. JACKSON), the distinguished Senators from Texas (Mr. TOWER and Mr. BENTSEN), the distinguished Senators from Louisiana (Mr. LONG and Mr. JOHNSTON), the distinguished Senator from California (Mr. TUNNEY) the distinguished Senator from Maryland (Mr. BEALL), the distinguished Senator from New York (Mr. JAVITS), and the distinguished Senator from Maryland (Mr. MATHIAS).

WHAT THE AMENDMENT WOULD REDUCE

Mr. President, our amendment would impose four requirements on HEW:

First, it would require the Department to continue operating the Seattle, San Francisco, Galveston, New Orleans and Baltimore hospitals until such time as the Congress, by law, authorizes their closure or transfer to community use.

Second, until the Congress authorized otherwise, it would require the hospitals to continue serving all categories of patients who were eligible for care on January 1 of this year.

Third, until the Congress authorized otherwise, it would require the hospitals to continue providing a level and range of health care services and health-related activities at least as great as they were on January 1.

Fourth, and finally, it would direct the executive branch to spend all funds appropriated for these hospitals unless the other requirements of the amendment could be met with smaller expenditures.

PLANS REQUIRED BY PUBLIC LAW 92–585

Mr. President, in late 1970, the administration first suggested that the eight PHS hospitals be closed or transferred to community use. Last year, Congress enacted Public Law 92–585 which required that before HEW could close any PHS hospital it had to submit to Congress detailed plans showing how the hospital's responsibilities would be met if any of the hospitals were closed. The law required that those plans be sent to us at least 90 days before the proposed closure or transfer. The purpose of those requirements, of course, was to give Congress an opportunity to study the plans and to take appropriate action to keep the hospitals open if the plans were not satisfactory.

On March 28, we received HEW's plans for closing this July the PHS hospitals in Seattle, San Francisco, Galveston, New Orleans, Baltimore, and Boston. Also, at that time HEW indicated it intends to submit similar plans soon for the Norfolk and Staten Island hospitals. Basically, these plans call for contracting with community hospitals to provide care for primary beneficiaries of the PHS hospitals.

As I shall discuss in a few moments, the plans for Seattle, San Francisco, Galveston, Baltimore, and New Orleans are seriously deficient. Consequently, we are forced to offer this amendment.

Mr. President, before I get into the specific problems with HEW's plans for these hospitals, I want to comment on the two basic arguments advanced by HEW to justify closing the hospitals. Specifically, HEW maintains, first, that PHS beneficiaries will be better served by its proposals, and second, that the Federal Government will save money.

COURT ACTION BY BENEFICIARY GROUPS

With respect to the first argument, I would point out that beneficiary groups have filed suit in Federal court in both New York and Seattle to keep the PHS hospitals open. Obviously, then, they do not feel they would be better served under HEW's proposals.

FEDERAL GOVERNMENT WILL NOT SAVE MONEY

Now, let us look at the cost argument. According to HEW's own figures, it would cost the Federal Government $99.1 million in fiscal year 1974 operating costs to continue the six PHS Hospitals it has announced it plans to close this July. Under its plan, according to HEW, the total fiscal year 1974 operating cost would be $107.5 million. In other words, the Federal Government will have to pay $8.4 million more in fiscal year 1974 operating costs if the hospitals are closed.

Also, according to HEW's figures, the Federal Government will have to pay $7.3 million in nonreoccurring costs in fiscal year 1974 to phaseout the hospital staffs. This $7.3 million would be used for such expenses as severance pay.

In other words, the total fiscal year 1974 Federal cost of HEW's plan for closing the six hospitals will be $114.8 million. That is $15.7 million more than it would cost to continue operating the hospitals.

Now, it is true that these hospitals do need major repairs. HEW estimates the repair cost would be $36.3 million. And it is to that figure which HEW points to prove it will be cheaper to close the hospitals.

But remember that the annual operating cost of HEW's proposals will be about $8.4 million higher each year than would be the annual operating cost of continuing the six PHS Hospitals. Over 5 years, then, the savings in operating costs which would be accumulated by keeping the hospitals open would pay for the one-time repair cost of $36.3 million.

In the long run, then, the Federal Government will not save any money by closing these hospitals.

THE PROBLEMS WITH HEW'S PLANS

Mr. President, important as it is, direct patient care is only one of the functions served by the PHS Hospitals. They are also involved in health manpower training, research, and community health programs. According to the plans submitted by HEW on March 28 for the hospitals in Seattle, San Francisco, Galveston, New Orleans, Baltimore, and Boston, research that requires in-patient care will be terminated and manpower training programs will be ended.

Taken together, the hospitals covered by our amendment are now providing essential educational opportunities for 1,604 persons training for the health professions. For example, one-fourth—or about 200 students—of the University of Washington Medical School's enrollment is in training at the Seattle PHS Hospital along with more than 300 others studying for a variety of health careers. Elimination of those training opportunities could well force the University of Washington and other schools in the area to severely cut back their health science enrollments. At a time when the Nation has such serious health manpower shortages I believe it is imperative that we not eliminate available training opportunities such as these.

HEW's plans pose similarly difficult problems with respect to the community health programs now served by these PHS hospitals. In New Orleans, for example, inpatients will no longer be accepted from the model city family health clinics and HEW's plan makes no provision for an alternative source of care. In San Francisco, a PHS hospital program that now provides psychiatric services for those in the community will be terminated without alternative arrangements.

In many other cases, HEW's plan vaguely indicates that these community programs will have other sources of assistance available but does not provide any real evidence to demonstrate that will, in fact, be the case.

The Seattle hospital, for example, currently provides essential supportive services—X-ray, lab tests, et cetera—for a network of 17 community clinics that are staffed free of charge by doctors to provide free care to medical indigents. HEW's plan boldly asserts that similar support services will be provided elsewhere in the community but gives absolutely no evidence to prove that will, in fact, be possible.

The most serious problems with HEW's plans, however, are their de-



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ficiencies with respect to the arrangements that will be available for those who now receive direct inpatient care at the PHS hospitals. Let me illustrate this point by using the Seattle situation as an example.

In fiscal year 1972, the Seattle PHS hospital cared for 4,842 inpatients including about 1,100 merchant seamen, over 2,000 active or retired military personnel and dependents, 550 Indians, 87 persons referred by the free community clinics, and several hundred civilian Federal employees.

HEW proposes to contract with local hospitals to care for the seamen and other primary beneficiaries. Yet now, just a few weeks before the PHS hospital is to be closed, HEW has not yet negotiated a single contract with any community hospital. Military personnel, HEW says, are to be referred to military hospitals. However, the Department's plan gives no details as to which military hospitals. More important, the plan gives no proof that the military facilities in the Seattle area have the capacity to handle these patients. This is especially disturbing in light of information that the Madigan Army Medical Center at Fort Lewis is currently undergoing major staff reductions. Finally, HEW's plan provides no hard information at all as to where the medical indigents will receive hospitalization.

In sum, HEW is asking us and the PHS beneficiaries to trade a health care system we know is working for a package of extremely vague paper proposals.

## THE WEST COAST CORRIDOR FEASIBILITY STUDY ACT OF 1973—AMENDMENT

AMENDMENT NO. 121

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. MAGNUSON. Mr. President, I am submitting an amendment to S. 1328, a bill sponsored by my two colleagues from California which provides for a study of a high speed ground transportation system between the cities of Sacramento, San Francisco, Fresno, Los Angeles, and San Diego in the State of California.

My amendment would expand the scope of this study to include essentially the entire west coast. The Secretary would be directed to study not only the feasibility of the routes specified in S. 1328, but also the route from San Francisco to Vancouver, B.C., by way of Portland and Seattle.

Senator TUNNEY has detailed the need for moving as rapidly as possible in attempting to solve the coming crisis in transportation in the California corridor. The problems which he has mentioned are common to the entire west coast, and any study which attempts to deal with these problems would be comprehensive in its scope and should include the heavily traveled route between San Francisco, Portland, Seattle, and Vancouver, B.C.

As has been pointed out by Senator TUNNEY, high speed ground transportation will probably not replace the automobile or the airplane on most of these routes, but it may help share a significant part of the future burden with these types of transportation. We must move ahead in the research, development, and implementation of new modes of transportation for the heavily traveled west coast corridor. The success of the Metroliner program in the Northeast corridor is well known, and there is a possibility that some form of advanced Metroliner service would be viable for the west coast. There are differences between the two areas, however, and it may well be that the greater distances involved make this sort of program less attractive than it is in the New York to Washington area. Because of the unique problems involved on the west coast, it may well be that the long-range solution to the transit problems there will come from implementation of new concepts in surface transportation. There are a number of systems currently under study and development by the Department of Transportation, and it is highly possible that one of them could be the ideal system for use in the west coast corridor.

The study called for by this bill would be considering systems which could operate at cruising speeds in excess of 200 miles per hour. The study would consider the placement of access points in areas which would make maximum use of local mass transit systems; and environmental and energy requirements of any such system would be integral to the study.

It is most important that we plan now for the transportation needs of the future. We have already seen in the Northeast railroad crisis what can occur from haphazard unplanned growth of present transit systems. The need for long-range planning and thorough study is obvious. The leadtime for the implementation of any such system is large; most experts think that any new system could not possibly be fully operational before the year 1985. As Senator TUNNEY has already pointed out, "every day we waste now may cost us dearly in the 1980's."

I ask unanimous consent that the bill as proposed to be amended be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1328

A bill to direct the Secretary of Transportation to make an investigation and study of the feasibility of a high-speed ground transportation system between the cities of San Diego in the State of California and Vancouver in the Province of British Columbia by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, and Los Angeles in the State of California

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as "The West Coast Corridor Feasibility Study Act of 1973".

SEC. 2. The Secretary of Transportation is directed and authorized to make an investigation and study for the purpose of determining the social advisability, technical feasibility, and economic practicability of a high-speed ground transportation system between the cities of San Diego in the State of California and Vancouver in the Province of British Columbia by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, and Los Angeles in the State of California. In carrying out such investigation and study the Secretary shall consider—

(1) the various means of providing such transportation, including those under development, such as the tracked levitation vehicle;

(2) the cost of establishing and operating such a system, including any acquisition of necessary rights-of-way;

(3) the environmental impact of such a system including the future environmental impact from air and other transportation if such a system is not established;

(4) the factors which would determine the future adequacy and commercial success of any such system, including the speed at which it would operate, the quality of service which could be offered, its cost to potential users, its convenience to potential users, and its ability to expand to meet projected increases in demand;

(5) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

(6) the ability of such a system to be integrated with other local and intrastate transportation system, both existing and planned, in order to create a balanced and comprehensive transit system within the State of California; and

(7) such other matters as he deems appropriate.

SEC. 3. In carrying out the investigation and study pursuant to this Act, the Secretary of Transportation may enter into contracts and other agreements with public or private agencies, institutions, organizations, corporations, or individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

SEC. 4. The Secretary of Transportation shall report the results of the study and investigation pursuant to this Act, together with his recommendations, to the Congress and the President as soon as practicable.

SEC. 5. There is authorized to be appropriated eight million dollars to carry out the provisions of this Act.

## HEALTH MAINTENANCE ORGANIZATIONS—AMENDMENT IN THE NATURE OF A SUBSTITUTE

AMENDMENTS NOS. 122 AND 123

(Ordered to be printed and lie on the table, No. 122 and No. 123, printed and referred to the Committee on Finance.)

Mr. JAVITS. Mr. President, I yield myself 1 minute on another subject.

Senators will be considering tomorrow the authorizing legislation for health maintenance organizations. I will submit today, as a total substitute for the bill, an approach which endeavors to make it truly an experimental program with adequate resources, but still an experimental program, to prove what needs to be proved in respect to health care delivery.

I hope Members of the Senate will carefully study the bill as it will be considered as a committee substitute for the bill which is before the Senate. I hope, in view of the differences which have developed on the bill before the Senate, which are very sharp, that it may prove to be a way in which we may legislate with both wisdom and prudence in aid of this very important proposal.



Mr. President, I introduce and send to the desk for appropriate reference an amendment to my National Health Insurance and Health Services Improvement Act (S. 915) and on behalf of myself and the Senator from Pennsylvania (Mr. SCHWEIKER), an amendment to S. 14, both of which are identical in substance. The purpose of the amendment is twofold:

First, to substitute an amended version of S. 14—the committee reported HMO bill now pending on the Senate calendar—for title IV of my national health insurance bill—the Local Comprehensive Health Services Systems Act, which I first introduced in the 91st Congress—and express my support for the stimulation and development of financially viable prepaid group practice units, now commonly known as HMO's; and

Second, to provide the framework for a substitute HMO bill which could serve as a reasonable compromise for the Administration HMO bill (S. 972), which I introduced with the cosponsorship of Senator SCHWEIKER, and S. 14.

The major differences between S. 14 and the HMO amendment to my national health insurance bill I introduce today are:

1. Reductions in the total authorizations from $1.5 billion over 3 years for S. 14, to $705 million over 3 years for the amendment. It should be noted that the authorization levels which total $705 million are precisely the same as the authorizations in S. 14, after excluding certain authorizations for categorical programs in S. 14 as hereinafter discussed, and reducing the third year authorization for initiative awards by $75,000,000.

2. Deletion of the authorizations in S. 14 for capitation grants for HMO's, (a) for the expenses of such organization's premium differentials and (b) to fulfill the open enrollment requirement for high risk enrollees.

Whether these authorizations would be funded is highly improbable! Therefore, the amendment provides that the Secretary shall determine how existing Federal resources could be utilized to achieve the desirable goal of enabling HMO's to serve high risk enrollees and, also, report on the need—if necessary—for additional legislative authority to accomplish that end.

3. Deletion of the categorical S. 14 authorizations for the HMO entities defined as Health Service Organizations and Area Health Education Centers. Ample authority to accomplish the purposes of these specific categorical programs—Health Service Organizations and Area Health Education Centers—are included within the authorized Supplemental HMO's in S. 14 and by this amendment.

4. Rather than independent agency status, as provided in S. 14 for the Commission on Quality Health Care Assurance, its vital, well-defined role and mission is to be established within the Department of Health, Education, and Welfare. By establishing the Commission in HEW, it will be able to utilize ongoing quality assessment, control, and regulation programs, and most effectively and economically become an effective mechanism for developing the urgently needed capability to assess and monitor the quality of health care on a national scale.

5. The Federal medical malpractice reinsurance program is deleted. The inclusion of this provision in S. 14 occurred before the committee had the benefit of the recent "Report of the Secretary's Commission on Medical Malpractice." The Commission's recommendations are aimed at preventing medical injuries, deterring unnecessary malpractice claims, improving the efficiency and fairness of the claims-resolution process, and providing prompt rehabilitation and equitable compensation to medically injured persons. Also, as its final recommendation, the Commission called for creation of a nongovernmental, nonprofit organization which would be the nationwide focal point for malpractice research, information, education, and prevention activities. There is a medical malpractice crisis and it is imperative that we bring reform to this critical area based on the Commission's recommendations.

6. The power of the Secretary to waive defined mandated health benefits is expanded so that it may be based not only on the lack of health manpower in S. 14, but also to include lack of health facilities and equipment. The absence of adequate health manpower resources in a given geographic area necessary to providing a specific service within the required range of comprehensive health services is not the only critical problem an applicant for assistance may confront. The absence of adequate health facilities and equipment may also necessitate a waiver of a specific service.

The essential legislative concepts embodied in S. 14 and carried forward by this amendment are:

(1) ORGANIZATION OF MEDICAL RESOURCES

To insure that Federal assistance will effectuate real change in the health care system, the essential elements of the HMO concept are defined with great precision: (a) Provision of comprehensive medical services; (b) to a defined enrolled population; (c) on a prepayment rather than a fee-for-service basis. In the recognition that bringing such organization into the delivery of medical care is "a consummation devoutly to be wished," but may not come to pass, the flexible HMO concept, which encompasses a wide range of possibilities for methods of delivering medical care, is also authorized—supplemental HMO's. And, for example, the individual practice type HMO's—such as foundations for medical care sponsored by local medical societies—which also seek to stimulate innovation in health care delivery, are eligible for Federal support—in addition to the reserved percent of appropriations—in the event there are no qualified closed panel HMO group practice applicants.

Escalating medical costs, which have increased at twice the rate of the cost of living in the last decade; the unavailability of adequate—or sometimes of any—health care in inner-city and rural areas; fragmented and inaccessible services to many citizens in all walks of life; the prohibitive costs of serious illness; and insufficient use of preventive measures which can substantially reduce the incidence of disease and its severity, are all evidence of the problems in our Nation's health care system. The bill and my amendment seek to provide a solution through the establishment of HMO's—a legislative concept I first authored in the 91st Congress.

In his 1971 health message to Congress, President Nixon described the HMO as a vehicle which "organizes medical resources in a way that is more convenient for patients and more responsive to their needs". The HMO, the President explained, offers an alternative to forcing the consumer to thread his own way through a complex maze of separate services and specialists by making a full range of health services available through a single organization and by insuring that the most effective combination of resources is utilized. The President stressed that "in an HMO, cost consciousness is fostered. Such an organization cannot afford to waste resources—that costs more money in the short run." Thus, HMO's have a strong financial interest in preventing illness, or failing that, in treating it in its early stages, promoting a full recovery and preventing any recurrences; they are motivated to function efficiently because they must stay within predetermined budgets.

The President's statements advance the arguments for a Federal policy to encourage the formation and growth of health maintenance organizations, so that in the future the health care industry would be comprised of a substantial proportion of HMO's competing for consumers with each other and with the traditional system.

(2) SUPPLEMENTAL HMO'S

I believe there is sufficient evidence to warrant closed panel prepaid group practice as the optimum organizational form of health care delivery, and I cite testimony comparing an HMO model delivering 25 percent more outpatient visits per capita per year to enrollees for the same outpatient benefits in 1971 for $111 per capita—to fee-of-service care at $113 per capita. Thus, even though this HMO's enrollees utilize outpatient care at a great rate—25 percent—the HMO delivered it at a lower per capita cost. This experience is not unique to one HMO. There have been a number of studies relating to large groups of people found in all prepaid group practice plans.

In regard to hospital care, the Federal employees health benefits program has demonstrated repeatedly a far lower hospital utilization experience in every one of the prepaid group practice plans than in other types of health insurance programs.

I refer Senators to that 7-year study, which has been included in volume VI of the hearing record, beginning at page 2635.

XUM

To assure a response to varying local needs and capitalize on the strengths and flexibility of the pluralistic health-care system already in place, providers are encouraged to work within any one of a number of HMO settings consistent with principles and reasonable criteria which are more likely to be accepted by providers and will therefore bring about reform in the health care delivery system in the long term, but not to the degree and with the rapidity contemplated by the strictly defined HMO. For that reason, I believe that supplemental HMO Federal support should come only when all qualified applicants authorized under part A of title I of the amendment have been funded. This is not to say such HMO's are inferior—although, in fact, they do not provide one-stop care nor guarantee it to be both medically and economically more desirable to keep a population in good health, rather than simply to treat episodic illnesses as they occur—but rather such HMO applicants choose not to meet the strict definition and provide the broad range of health benefits mandated by part A of title I of the amendment.

(3) STATE LAW PROBLEM

Although the phrase "health maintenance organization" has been recently coined and thus has the appearance of a totally new concept, it is not. In the United States, examples of organizations that would meet the criteria proposed for defining an HMO have been in existence for nearly 40 years. This has given rise in some quarters—particularly among stalwarts of cherished fee-for-service private practice who are alarmed at the prospect of competition—to the argument that—if the concept is so competitive with the relatively unorganized fee-for-service system which is most prevalent in this country—it would have spread more widely than has been the case. This is untrue. The history of the development of prepaid comprehensive group practice in this country is one of constant harassment and opposition—both direct and through restrictive legislation. The efforts to block the spread of the prepaid group practice form of medical care organization have been aided by restrictive State legislation which has placed barriers in the way of group practice development without any valid social or technical reason.

The financial and organizational aspects of the bill are important—but even more important, is the Government's commitment, pursuant to section 1213 of the amendment, to using its considerable leverage to force change where voluntary change would never come. In essence, this provision overrides State law through the use of Federal power in respect to State laws which prohibit or impede the operation of community oriented, consumer sponsored, prepaid group practice units. This represents a major shift from a time when the Government was the willing partner of those forces fighting to maintain the status quo in health care organization in the United States. As the inequities in health services available under the present system have become more widely recognized, the inadvisability of maintaining a system that responds primarily to the professional interest, often at the expense of the public interest, has become manifest.

I believe that if there is to be an effective, meaningful HMO alternative in this country, restrictions must be removed relating to the formation and operation of HMO's characterized by: State laws which vest the control of health plans in the hands of the medical profession; regulations by insurance commissions which seek to adapt prepaid group practice plans to principles of insurance by blurring or ignoring the distinctions between direct service organizations and third party cash indemnity payers; common law practice of medicine rules which prohibit altogether the use of the corporate form for the provision of health services; and use of ethical sanctions by local medical societies to deter physicians from participating in prepaid group practice.

The extent of the problem of State laws that often hamper HMO development was confirmed by Elliot L. Richardson, former Secretary of the Department of Health, Education, and Welfare, when he testified before the Subcommitee on Health, Committee on Labor and Public Welfare, that:

Many States impose legal restrictions on HMO development which will have to be overcome, for example, in the areas of licensure of health professionals and sponsorship of HMO's. Twenty-one States have even more restrictive laws, in some instances, requiring HMO's to operate under rules applicable to Blue Shield plans or insurance companies. Since HMO's operate in a different fashion from either of these, such laws make it difficult for HMO's to organize.

This is achieved and in a manner which assure that the supplanted State laws do not have HMO's free to function in a "vacuum," relieved of State and local regulations. Rather, the HMO, which otherwise conforms to State laws for incorporation and licensing of health professionals, must provide health care services in accordance with the strictly defined provisions of this act.

(4) QUALITY OF CARE

We must improve our ability to assure the public that the services they receive are of a quality which meets basic professional standards. To achieve this goal, the amendment establishes a Commission on Quality Health Care Assurance in the Department of Health, Education, and Welfare, which, in essence, would: monitor quality mechanisms, prescribe criteria and norms, certify provider quality programs, operate malpractice reinsurance programs which might be established and do research; and each health care provider certified by the Commission would be entitled to receive an annual payment to defray administrative costs associated with maintaining quality standards.

The need for assurance of quality health has been one of the great challenges of delivering health services and transcends any one form of health delivery. Therefore, the bill broadens the mandate of the Commission beyond HMO's to encompass all federally financed health care programs under the Public Health Service Act, for which legislation this committee has jurisdiction. Reform of the health care delivery system in the United States must consider means of assuring quality for consumers and this need must not be ignored by the health industry, and organizations that maintain the health of people. They must set an example providing services of the highest quality. This is the least we can expect from an affluent and humane nation.

CONCLUSION

As we focus our priorities upon the need for national health insurance we must recognize the need to augment and improve the capacity of the health care establishment to meet the increased demands which will result from any new national health program. Therefore, we must seek to find ways to improve access to health care and to control the costs and to maintain the quality of that care. In short, this amendment improves the system for delivering health care by authorizing support for the concept of organized, prepaid health care delivery systems—HMO's—which can provide a full range of services.

Mr. President, I ask unanimous consent that the summary of substitute for S. 14 and full text of my amendment be printed in the RECORD.

There being no objection, the summary and amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 122

Commencing on page 107, strike out all after the enacting clause and insert in lieu thereof the following:

"TITLE IV—HEALTH MAINTENANCE ORGANIZATIONS

"SHORT TITLE

"SECTION 1. This title may be cited as the 'Health Maintenance Organization Act of 1973'.

"CONGRESSIONAL FINDINGS

"SEC. 2. (a) The Congress finds that—

"(1) the medical care system is not organized in a manner which encourages the provision of medical care at reasonable costs;

"(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventative health services; and

"(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

"(b) The purpose of this Act is to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas by improving the system for the delivery of health care through encouragement of any support for the planning, development, and initial operation of health maintenance organizations and supplemental health maintenance organizations, particularly with the intent of improving the health of populations in medically underserved areas.

"(c) Nothing in this title, or any amendment made by this Act, shall be construed to supersede any activity relating to review of the provision of health care services under (including review and assessment of quality or quantity of such services or determination or reimbursement therefor) or to the determination of eligibility of any provider, practitioner, agency, or organization to participate under any program established under the Social Security Act.

"AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT

"SEC. 3. The Public Health Service Act (42 U.S.C. 201) is amended by inserting after title XI the following new title:

"'TITLE XII—HEALTH MAINTENANCE ORGANIZATIONS

"'PART A—SUPPORT OF HEALTH MAINTENANCE ORGANIZATIONS

"'DEFINITIONS

"'SEC. 1201. For the purposes of this title:

"'(1) The term "health maintenance organization" means an entity which—

"'(A) provides as a minimum for all its enrollees (or subscribers) comprehensive health services (as defined in this section) which are uniformly available to all its enrollees (or subscribers) directly through its own staff and supporting resources or through a medical group or groups and such other additional services as may be required through other health delivery entities, or a fixed payment which (i) is to be paid on a periodic basis without regard to the frequency, extent, or kind of health service actually furnished to any particular enrollee; and (ii) is uniform for all its enrollees subject to rules and regulations regarding family rates;

"'(B) demonstrates to the satisfaction of the Secretary ability to assure that appropriate comprehensive health services are available and accessible to all its enrollees promptly and in a manner which assures continuity;

"'(C) demonstrates to the satisfaction of the Secretary financial responsibility through proof of adequate provision against the risk of insolvency;

"'(D) is organized in such a manner (as prescribed by regulations of the Secretary) that assures its enrollees a substantial role (generally defined as one-third representation in the body establishing or recommending policy) in the making of policy for the health maintenance organization, with equitable representation of enrollees from medically underserved areas, and provides meaningful procedures for hearing and resolving grievances (i) between its enrollees and the health maintenance organization (including the medical group or groups and other health delivery entities providing health services), and (ii) between the medical group or groups providing health services and other employees and the health maintenance organization;

"'(E) encourages and actively provides for its enrollees (i) health education services, (ii) education in the appropriate use of health services provided, and (iii) education in the contribution the patient can make in the maintenance of his own health;

"'(F) has organizational arrangements, established in accordance with regulations of the Commission on Quality Health Care Assurance (established under title XIII of this Act) for an ongoing quality assurance program which stresses health outcomes and assures that health services provided meet the requirements of the Commission on Quality Health Care Assurance;

"'(G) provides, in accordance with regulations of the Secretary (including safeguards concerning the confidentiality of the doctor-patient relationship), an effective procedure for developing, compiling, evaluating, and reporting to the Secretary, data (which the Secretary shall publish and disseminate on an annual basis relating to (i) the cost of its operations, (ii) the patterns of utilization of its services, (iii) the availability, accessibility, and acceptability of its services, and (iv) such other matters as the Secretary may require and disclose at least annually and in a manner acceptable to the Secretary, such data to its enrollees and to the general public;

"'(H) except for (1) out of area emergency care, and (ii) care reasonably valued in excess of the first $5,000 per enrollee per year, assumes direct financial responsibility, without benefit of insurance, on a prospective basis for the provision of the comprehensive health services defined in this section;

"'(I) has an open enrollment period, unless a waiver has been granted under section 1216, of not less than thirty days at least once during each consecutive twelve-month period during which it accepts individuals in the order in which they apply for enrollment up to its capacity, subject to the requirements of paragraph (K);

"'(J) assumes responsibility for the provision of health care services to its enrollees (and on a reimbursable basis for short-term health care services to enrolees of any other health maintenance or supplemental health maintenance organization who are temporarily outside the service area of the health maintenance or supplemental health maintenance organization in which they are enrolled) twenty-four hours a day, seven days a week, and for the appropriate availability of such services in emergencies;

"'(K) shall enroll no more than 50 per centum of its enrollees from medically underserved areas, except in rural areas as designated by the Secretary;

"'(L) provides, or makes arrangements for, continuing education for its staff;

"'(M) emphasizes the use of nurse practitioners, physician's assistants, dental therapists, and other allied health personnel and to the extent practicable and consistent with good medical practice, trains and employs such personnel in the rendering of services;

"'(N) provides to its enrollees as an option, for an additional premium, extended care facility services and dental services;

"'(O) may purchase on a fee-for-service basis unusual or infrequently used health care services for its enrollees;

"'(P) does not refuse enrollment to or expel any person for any reason concerning his health status or requirements for the provisions for the provision of health services;

"'(Q) provides for the prevention, diagnosis, and medical and psychological treatment of the abuse of or addiction to alcohol and drugs either through its own facilities or existing community facilities; and

"'(R) meets such other criteria for its organization and operations as the Secretary may by regulation prescribe, consistent with the provisions of this title.

"'(2) The term "comprehensive health services" means health services provided without limitation as to time or cost as follows—

"'(A) physician services (including consultant and referral services);

"'(B) inpatient and outpatient hospital services;

"'(C) home health services;

"'(D) diagnostic laboratory, and diagnostic and therapeutic radiologic services;

"'(E) preventive health (including but not limited to voluntary family planning, infertility services, and preventive dental care for children) and early disease detection services;

"'(F) emergency health services rendered by any provider of health care, the expense of which shall be borne by the enrollee's health maintenance or supplemental health maintenance organization;

"'(G) provision of or payment for prescription drugs (with patterns of patient drug utilization under continuous surveillance, evaluation, and review by a clinical pharmacist whose duties shall include the maintenance of a drug use profile for each enrollee);

"'(H) medical social services;

"'(I) vision care (except for eyeglasses which shall be optional) as provided by a physician skilled in the diagnosis and treatment of diseases of the eye, or by an optometrist provided such services are within the scope of his license;

"'(J) physical medicine and rehabilitative services (including physical therapy);

"'(K) mental health services utilizing existing community mental health centers on a priority basis;

"'(L) preventive diagnostic and medical and psychological treatment of the abuse of or addiction to alcohol and drugs; and

"'(M) such other personal health services as the Secretary may determine are necessary to insure the protection, maintenance, and support of human health.

"'(3) The term "medical group" means a partnership or other association or group of health professionals of whom not less than four and at least a majority shall be persons who are licensed to practice medicine or osteopathy; and such other licensed health professionals as are necessary to provide comprehensive health services and who are eligible for assistance under this Act, in conformance with requirements promulgated under section 1302, in a State and who (A) as their principal professional activity engage in the coordinated practice of their profession as a group responsibility providing services to health maintenance or health service organization enrollees; (B) if not employees or retainees of a health maintenance organization, or health service organization, pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account plan; (C) jointly use or share medical and other records and substantial portions of major equipment and professional, technical, and administrative staff; (D) share or jointly utilize such additional health and allied health professionals who may include but are not limited to psychologists and other mental health workers, optometrists, pharmacists, podiatrists, dental therapists, physician's assistants, nurse practitioners and nurse midwives, as are needed to provide comprehensive health services; and (E) arrange for and encourage the continuing education of their members in the field of clinical medicine and related areas.

"'(4) The term "enrollee" when used in connection with a health maintenance organization or supplemental health maintenance organization (as defined in part B), means an individual who has entered into a contractual arrangement, or on whose behalf a contractual arrangement has been entered into, with a health maintenance organization or supplemental health maintenance organization under which such organization assumes the responsibility for the provision of health services to such individual.

"'(5) The term "medically underserved area" means an urban or rural area or population group designated by the Secretary as an area or population group with a shortage of personal health services. Such a designation may be made by the Secretary only after consideration of the comments, if any, of (A) each State comprehensive Health planning agency designated pursuant to section 314(a) of this Act covering, in whole or in part, such area, (B) each areawide comprehensive health planning agency designated pursuant to section 314 (b) of this Act, covering, in whole or in part, such area, and (C) regional medical programs established pursuant to title IX of this Act, covering, in whole or in part, such area.

"'(6) The terms "construction" and "cost of construction" include (A) the construction of new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings, and including

architects' fees, and (B) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered with assistance under this title.

"'(7) The term "university health center" means a health care institution which is owned and operated by an accredited university or college of medicine or which has a written affiliation arrangement with an accredited university or college of medicine for the purpose of educating undergraduate medical students.

"'(8) The term "nonmetropolitan area" means an area no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget, and does not contain a city whose population exceeds fifty thousand persons.

"'(9) The term "nonprofit provider group" means an incorporated body of health providers (including physicians, administrators, nurses, and paraprofessionals who qualify under the Public Health Service Act) that is regional in scope.

"'(10) The term "high-risk enrollee" means a person who is likely to utilize the services of a provider of health care more often than an actuarially determined average.

"'GRANTS FOR PLANNING AND FEASIBILITY STUDIES

"'SEC. 1202. (a) The Secretary may make grants, subject to the general provisions of this title, to public or private nonprofit agencies, organizations, or institutions to assist in projects for planning or studying the feasibility of developing or expanding health maintenance organizations. No project may receive more than $250,000 in grants under this section. Funds awarded under such grants shall be available for expenditure by the grantee for such period (not to exceed two years from the date of award) designated by the Secretary.

"'(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"'(c) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"'GRANTS FOR INITIAL DEVELOPMENT COSTS

"'SEC. 1203. (a) The Secretary may make grants, subject to the general provisions of this title, to any public or assist them in meeting the costs involved in a project for the initial development of a health maintenance organization prior to its first day of operation. No project may receive more than $1,000,000 in grants under this section.

"'(b) Sums awarded under such grant shall be available for expenditure by the grantee for not more than three years, and shall be utilized for such purposes as may be prescribed in regulations of the Secretary, including but not limited to (1) implementation of an enrollment campaign; (2) detailed design of and arrangements for the health services to be provided; (3) development of administrative and internal organizational arrangements, including fiscal control and fund accounting procedures and the development of a capital financing program; (4) recruitment of personnel and the conduct of personnel training activities; and (5) payment of architects' and engineers' fees.

"'(c) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"'(d) There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

"'CONSTRUCTION GRANTS

"'SEC. 1204. (a) The Secretary may make grants, subject to the general provisions of this title, to assist any public or private nonprofit health maintenance organization or any public or private nonprofit agency, organization, or institution intended to become a health maintenance organization in meeting the cost of construction of facilities or portions of facilities for ambulatory care and capital investment for necessary transportation equipment, to be used by it for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for grants for the acquisition or renovation of existing facilities. Except for exceptional circumstances, in which case up to 90 per centum of the cost of construction (as determined by the Secretary) may be authorized by the Secretary, no grant under this section for any project may exceed 75 per centum of the cost of construction of such project. No project may receive more than $2,500,000 in grants under this section.

"'(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"'(c) There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $40,000,000 for the fiscal year ending June 30, 1976.

"'GRANTS FOR INITIAL COSTS OF OPERATION

"'SEC. 1205. (a) Where the Secretary determines that the applicant has made all reasonable attempts to meet his operating expenses (including loans and loan guarantees), he may make grants to public and private nonprofit health maintenance organizations to assist them in meeting operating deficits during the initial three-year period of their operation.

"'(b) Grants under this section shall be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day; and such grant with respect to any such organization may not exceed 100 per centum of such operating deficit for the first year after such first day; 67 per centum of such first year operating deficit for the second year after such first day, and 33 per centum of such first year operating deficit for the third year after such first day.

"'(c) There are authorized to be appropriated to carry out the provisions of this section, $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976.

"'CONSTRUCTION LOANS

"'SEC. 1206. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization, or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization, to assist it in meeting the cost of construction of facilities for ambulatory care and transportation services for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for loans for the acquisition or renovation of existing facilities. No loan under this section for any project may exceed 90 per centum of the cost of construction (as determined by the Secretary) of such project.

"'(b) There are authorized to be appropriated to carry out the provisions of this section, $10,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"'LOANS FOR INITIAL COSTS OF OPERATION

"'SEC. 1207. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization to assist it in meeting, for the period prescribed in subsection (b), a portion of its initial operating costs in excess of gross revenues determined under regulations of the Secretary.

"'(b) Loans under this section for initial costs of operation may be made only for the period beginning with the first day of the first month for which such a loan is made and ending with the close of three years after such first day; and such loans with respect to any project may not exceed 60 per centum of such costs of operation, for the first year after such first day; 40 per centum of such costs for the second year after such first day; and 20 per centum of such costs for the third year after such first day.

"'(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"'PART B—SUPPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS

"'SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS

"'SEC. 1208. The Secretary may make grants and loans to supplemental health maintenance organizations as defined in section 1209 from funds appropriated to authorizations under part A of this Act for the purposes described in part A in amounts not to exceed 17.5 per centum of the amounts appropriated under such part: *Provided*, That the Secretary may make such grants and loans in excess of 17.5 per centum of such amounts from funds available during any fiscal year after all applications from qualified applicants under part A have been fully funded. Such grants and loans shall be for the same purposes, and subject to the same conditions and limitation as are applicable in the case of grants and loans to health maintenance organizations (as defined in section 1201).

"'DEFINITIONS

"'SEC. 1209. For the purposes of this part and part E—

"'(1) The term "supplemental health maintenance organization" means a public or private organization, which—

"'(A) provides, either directly or through arrangements with others, health services to individuals enrolled with such organization on a per captia prepayment basis;

"'(B) provides, either directly, or through arrangements with others and through institutions, entities, and persons meeting the applicable requirements of section 1861 of the Social Security Act, all those health services which a defined population might reasonably require in order to be maintained in good health, including as a minimum emergency care, inpatient hospital and physician care, ambulatory physician care, and outpatient preventive medical services;

"'(C) provides physicians' services (i) directly through physicians who are either employees or partners of such organization, or (ii) under arrangements with one or more groups of physicians (organized on a group practice or individual practice basis) under which each such group is reimbursed for its services primarily on the basis of an aggregate fixed sum or on a per capita basis, regardless of whether the individual physician members of any such group are paid on a fee-for-service or other basis;

"'(D) demonstrates to the satisfaction of the Secretary proof of financial responsibility and proof of capability to provide prompt, efficient and economical comprehensive health care services, including institutional services, efficiently, effectively, and economically and in a manner which assures continuity;

"'(E) has arrangements for assuring that the health services required by its enrollees are received promptly and appropriately and that the services which are received meet quality standards which it establishes in accordance with regulations of the Commission on Quality Health Care Assurance;

"'(F) is organized in such a manner as to emphasize local initiative and consumer and community involvement in the planning, development, and operation of such supplemental health maintenance organization and seek to insure prompt response to local initiative; and

"'(G) demonstrates to the satisfaction of the Secretary, in accordance with regulations of the Secretary, it has or will have a governing board which includes members who (i) have no financial interest in the organization other than as enrolled participants, (ii) are not receiving compensation for the provision of goods or services to the organization other than reasonable compensation for service as members of the governing board, and (iii) are neither employed by, nor members of the immediate family of, persons who have such an interest or are receiving such prohibited compensation.

"'PART B—GENERAL PROVISIONS

"'GRANTS AND LOANS

"'SEC. 1210. (a) Any loan by the Secretary shall bear interest at a rate comparable to the current legal rate of interest prevailing with respect to loans which are guaranteed under section 1211. No payment of principal on a loan shall be required for the first five years after such loan is made.

"'(b) No such loan shall be made unless—

"'(1) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"'(2) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"'(c) Any such loan shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provisions for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

"'(d) No such loan shall have a term in excess of fifteen years.

"'(e) The Secretary may, for good cause, waive any right of recovery which he has by reason of the failure of a public organization to make payment and interest on a loan under this section.

"'LOAN GUARANTEES AND INTEREST SUBSIDIES

"'SEC. 1211. (a) In order to assist (1) private health maintenance organizations and health service organizations (or entities intending to become either), to carry out construction projects for ambulatory care facilities and transportation services and in the case of health service organizations communication services to be used by it for the provision of health services to its enrollees, to meet their initial development costs (for not more than three years) or to meet their cost of operation (for not more than three years), (2) university health centers, regional medical programs, and other private nonprofit provider groups in the development of area health education and service centers, and to provide working capital for the operation of such area health education and service centers as well as to subsidize the difference between income and operating expenditures, the Secretary, during the period beginning January 1, 1974, and ending with the close of June 30, 1976, may, in accordance with the provisions of this section, and subject to the general provisions of this Act (A) guarantee to non-Federal lenders making loans to such organizations for such purposes, payment of principal of and interest on such loans which are approved under this section, and (B) in the case of nonprofit health maintenance or supplemental health maintenance organizations, pay to the holder of such loans (and for and on behalf of the organization which received such loan) amounts sufficient (not to exceed 3 per centum per annum) to reduce the net effective interest rate otherwise payable on such loan. No loan guarantee or interest subsidy under this section may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to or be made for an amount which, when added to any grant or other loan under this or any other law of the United States, is—

"'(i) with respect to any construction, in excess of 90 per centum of the cost of such construction,

"'(ii) with respect to initial development costs, in excess of 90 per centum of such costs, or

"'(iii) with respect to initial operating costs, in excess of 90 per centum of such costs.

No such loan guarantee may apply to more than 90 per centum of the loss of principal and interest on the loan.

"'(b) The Secretary may not approve the application of a health maintenance organization, supplemental health maintenance organization, university health center, regional medical program, or other nonprofit unless—

"'(1) he determines, in the case of a loan for which a guarantee or an interest subsidy payment is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States;

"'(2) the term of a loan for which a guarantee and interest subsidy is sought does not exceed twenty-five years if for construction, or fifteen years if for operating costs, or such shorter period as the Secretary prescribes; and

"'(3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require.

"'(c) Guarantees of loans and interest subsidy payments under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"'(d) In the case of any loan guaranteed under this section, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to such guarantee unless the Secretary, for good cause, waives his right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"'(e) Any guarantee of a loan under this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"'(f)(1) There is established in the Treasury a Health Maintenance Organization, and Supplemental Health Maintenance Organization Loan Guarantee and Interest Subsidy Fund (hereafter in this section referred to as the "fund") which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts (A) to enable him to discharge his responsibilities under guarantees issued by him under this title, and (B) for interest subsidy payments authorized by this title. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required by the fund. To the extent authorized from time to time in appropriation Acts there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this title, including any moneys derived from the sale of assets.

"'(2) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this title to meet the obligations under guarantees of loans under subsection (a) or to make interest subsidy payments on such loans, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of

such notes and obligations shall be made by the Secretary from such fund.

"'(g) (1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Acts.

"'(2) In any fiscal year no loan guarantee or agreement to make interest subsidy payments may be entered into under this title if the making of such guarantee of the entering into of such agreement would cause the cumulative total of—

"'(A) the principal of the loans guaranteed under this title in such fiscal year, and

"'(B) the principal of the loans for which no guarantee has been made under this title and with respect to which an agreement to make interest subsidy payments is entered into under this title in such fiscal year, to exceed the amount of grants obligated under this Act in such fiscal year; except that this paragraph shall not apply if the amount of grant funds obligated under this title in such fiscal year equals the sums appropriated for such fiscal year under this title.

"'APPLICATION REQUIREMENTS

"'SEC. 1212. (a) No grant, contract, loan, loan guarantee, or interest subsidy may be made under this title unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, consistent with subsection (b) (1), as the Secretary shall by regulation prescribe.

"'(b) (1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall include to such extent, in such manner and among such other matters as the Secretary may by regulation prescribe, satisfactory specification of the existing or anticipated (A) population group or groups to be served by the existing or proposed health maintenance organization or supplemental health maintenance organization described in the application, (B) enrollment for such organization, (C) methods, terms, and periods for the enrollment of enrollees, (D) nature and estimated costs per enrollee of the health care and educational services to be provided, (E) sources of professional services, and organizational arrangements for providing health care and educational services, (F) organizational arrangements for an ongoing quality assurance program in conformance with the requirements of the Commission on Quality Health Care Assurance, (G) sources of prepayment and other forms of payment for the services to be provided, (H) facilities available for an additional capital investments and sources of financing therefor, required to provide the level and scope of services proposed, (I) administrative, managerial, and financial arrangements and capabilities of such organization, (J) role for enrollees in the planning and policymaking for such organization, (K) grievance procedures for enrollees, staff, and employees, and (L) evaluation or evaluations of the support for and acceptance of such organization by the population to be served, the sources of operating support, and the professional groups to be involved or who would be affected thereby. An organization making multiple applications for assistance under this title simultaneously or over the course of time shall not be required to submit duplicate or redundant information but shall be required to update the description of the existing or proposed organization in such manner and with such frequency as the Secretary may by regulation prescribe.

"'(2) Upon completion of assistance under this title, the receipt of assistance shall make a full and complete report to the Secretary, in such manner as he may by regulation prescribe. Each such report shall include, among such other matters as the Secretary may by regulation prescribe, descriptions of plans, developments, and operations in those areas enumerated in paragraph (1) for specification in applications for assistance.

"'(c) A health maintenance organization, or supplemental health maintenance organization, other nonprofit providers, regional medical programs or university health center receiving assistance under this title shall submit to the Secretary as a condition of its continued assistance, satisfactory assurances, in accordance with such regulations as the Secretary shall prescribe, including but not limited to the following: (1) financial responsibility, and (2) development and operation consistent with the terms of this title and the plans contained in such organization's application or applications for assistance. As used in this subsection the term "financial responsibility" means the demonstrated capability of adequately carry out the purposes of the project for which the original assistance was granted.

"'(d) (1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall contain assurances satisfactory to the Secretary that the applicant will, in accordance with such criteria as the Secretary shall by regulation prescribe, enroll the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve; except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"'(2) No grant may be made and no loan, loan guarantee, or interest subsidy payment may be made under this title unless the applicant demonstrates to the satisfaction of the Secretary that the applicant will or has enrolled, and will maintain an enrollment of, the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve, except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"'(e) The Secretary shall have the authority after a hearing on the record to terminate or cancel any grant, loan, loan guarantee, or interest subsidy to any recipient of assistance under this title which he determines is in substantial noncompliance with any material provision of this title or after notice from the Commission on Quality Health Care Assurance that such organization has had its certificate of compliance suspended or revoked.

"'(f) Effective two years after the date of enactment of this Act, no assistance shall be given under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, to a provider of health care unless such provider holds a valid certificate of compliance under section 1302.

"'(g) (1) The Secretary may not approve an application submitted under section 1203, 1204, 1205, 1206, or 1207 unless the section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) the area to be served by the health maintenance organization, or supplemental health maintenance organization for which such application is submitted, or if there is no such agency, the section 314(a) State health planning agency whose section 314(a) plan covers (in whole or in part) such area, has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendations respecting approval of the application. If under applicable State law such an application may not be submitted without the approval of the section 314(b) areawide health planning agency or the section 314(a) State health planning agency, the Secretary may not approve such an application unless the required approval has been obtained.

"'(2) The Secretary shall by regulation establish standards and procedures for section 314(b) areawide health planning agencies and section 314(a) State health planning agencies to follow in reviewing and commenting on applications for assistance for health maintenance organizations.

"' If during any fiscal year there are insufficient funds for funding all of the approved applications for assistance under this title, the Secretary shall give priority to those applications which he determines shall be most likely to be economically viable.

"'EFFECT ON STATE LAW

"'SEC. 1213. (a) Notwithstanding any provisions of State law which—

"'(1) require approval of a health maintenance organization, supplemental health maintenance organization or health service organization by a medical society;

"'(2) require that physicians constitute all or a majority of the governing body of a health maintenance organization or supplemental health maintenance organization;

"'(3) require that all physicians or a percentage of physicians in the local medical society be permitted to participate in rendering the services of the organization;

"'(4) require that such organization submit to regulations as an insurer of health care services;

"'(5) require that only unincorporated individuals or associations or partnerships may provide health care services;

"'(6) prohibit advertising by a professional group for recruitment of enrollees; or

"'(7) impose requirements or restrictions on a health maintenance organization or supplemental health maintenance organization in a manner, determined by the Secretary, to be incompatible with this title,

a health maintenance organization or a supplemental health maintenance organization, or other providers of health care receiving Quality Health Care Initiative Awards under this title, who otherwise conform with the laws for incorporation and laws for licensing of physicians, osteopaths, and dentists in such State shall be allowed to provide health care services in such State in accordance with the provisions of this title.

"'QUALITY HEALTH-CARE INITIATIVE AWARDS

"'SEC. 1214. (a) Every provider of health care which is certified by the Commission on Quality Health Care Assurance as maintaining quality control standards in compliance with the requirements set by the Commission on Quality Health Care Assurance shall be entitled to an annual payment in an amount equal to the administrative costs incurred (as allowed by the Commission) in complying with the requirements of the Commission or otherwise demonstrating in accordance with professional standards the effectiveness and utility of health maintenance organizations, and supplemental health maintenance organizations. Any provider of health care, whether or not subject to the provisions of this Act, may apply to the Commission for certification of compliance under section 1302.

"'(b) There is authorized to be appropriated to carry out the provisions of this section $25,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; and $75,000,000 for the fiscal year ending June 30, 1976.

"'LABOR STANDARDS

"'SEC. 1215. All laborers and mechanics employed by contractors or subcontractors



on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934.

"'OPEN ENROLLMENT WAIVER

"'SEC. 1216. Where a health maintenance or supplemental health maintenance organization demonstrates to the satisfaction of the Secretary that it has a disproportionate share of high-risk enrollees and by maintaining open enrollment it would be required to enroll a nonrepresentative cross section of the community in which it provides services, to the extent that financing is available and people are willing to enroll, and the enrollment of such disproportionate share of high-risk enrollees will jeopardize its economic viability, the Secretary may waive such requirement for open enrollment for a period of not more than three years. A health maintenance or supplemental health maintenance organization may receive more than one waiver.

"'ACCESS TO RECORDS

"'SEC. 1217. (a) Each recipient of Federal funds under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such funds, the total cost of the undertaking in connection with which such funds are given or used, the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"'(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of Federal funds under this Act.

"'COMPREHENSIVE SERVICES PHASE-IN

"'SEC. 1218. The Secretary may grant a waiver to an applicant for assistance under this title, with respect to the provision of any comprehensive health service set forth pursuant to section 1201 (2)(A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), or (L) where he determines that—

"'(1) such service cannot be provided by the applicant solely because the required health manpower, facilities or equipment to provide such service is not available; and

"'(2) the applicant has a feasible plan to provide such service at the earliest possible date, such date not to exceed three years from the date assistance under this title is first granted to such applicant.

"'COMPREHENSIVE HEALTH SERVICES FOR INDIANS AND MIGRANT WORKERS

"'SEC. 1219. The Secretary is authorized to contract with health maintenance organizations, supplemental health maintenance organizations, or health service organizations to provide health services to individuals who are eligible for such services from the Indian Health Service (with the consent of the Indian people served) or under section 310 of this Act.

"'PART C—SPECIAL PROJECT GRANTS TO FACILITATE HEALTH SERVICES IN NONMETROPOLITAN AREAS

"'SEC. 1220. (a) The Secretary is authorized to make grants to or contracts with any public or nonprofit private entity (which otherwise may not be eligible for grants or assistance under this title) to study, initiate, and evaluate projects for the delivery, or to facilitate the delivery, in nonmetropolitan areas of comprehensive health services on the prepaid basis.'

"SEC. 404. The Public Health Service Act, as amended by this Act, is further amended by inserting after title XII the following new title:

"'TITLE XII—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"'PART A—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"'ESTABLISHMENT OF COMMISSION

"'SEC. 1301. (a) There is hereby established in the Department of Health, Education, and Welfare a Commission on Quality Health Care Assurance.

"'(b) The Commission shall be composed of eleven members to be appointed by the President and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Commission. In making such appointments the President shall appoint individuals who are representative of the health care delivery industry, private organizations engaged in developing health care quality standards which may be applicable on a national basis, and consumers not related to the delivery of health care. The terms of office of each member of the Commission shall be

"'(1) the members first appointed shall serve, as designated by the President, three for a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years;

"'(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed; and

"'(3) a member shall be eligible for reappointment for one additional term.

"'(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

"'(d) Any vacancy in the Commission shall not affect its powers and six members of the Commission shall constitute a quorum.

"'(e) Four members of the Commission shall be consumers not related to the delivery of health care.

"'DUTIES OF THE COMMISSION

"'SEC. 1302. (a) The Commission shall—

"'(1) promulgate standards for qualifications of personnel, composition of medical groups, and other characteristics dealing with the adequacy of facilities and equipment;

"'(2) conduct such research and experimental programs as are determined necessary for the development of—

"'(A) criteria for new and improved quality assurance systems, and

"'(B) norms, with regard to processes, utilization characteristics, and outcomes;

"'(3) require and monitor, in accordance with criteria established based upon findings under paragraph (2), quality assurance systems for health maintenance organizations, supplemental health maintenance organizations, health service organizations, and other providers of health care subject to the provisions of this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which shall be designed to—

"'(A) improve as well as assess the quality of health care;

"'(B) evaluate the inputs, processes, utilization characteristics, and outcomes of health care as related to individuals and population groups, and establish relationships between inputs, processes, utilization characteristics, and outcomes;

"'(C) concentrate on those illnesses which have relatively high incidence in the population and which are particularly influenced by medical treatment, rather than on unusual illnesses or conditions whose course is little influenced by therapy;

"'(D) improve as well as assesses the accessibility, availability, and acceptability of health care provided by health maintenance organizations, supplemental health maintenance organizations, and health service organizations, or other providers of health care;

"'(E) develop procedures for such systems to report through the policymaking body of the health maintenance or supplemental health maintenance, organization (or as appropriate in the case of any other provider of health care) to the membership and to the Commission on Quality Health Care Assurance; and

"'(F) take into account the need for inclusion of consumers as well as the several health care disciplines in the decisionmaking membership of the system;

"'(4) certificates of compliance to providers of health care certifying that such providers maintain an approved quality assurance system and are otherwise conforming with requirements published under this section;

"'(5) after a hearing on the record, revoke or suspend such certificate where it determines that such provider has significantly deviated from the standards approved quality assurance system, or the norms published pursuant to this section unless such deviation is justified to the satisfaction of the Commission;

"'(6) monitor reports by health care providers covered by this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, for the purpose of assuring that the performance of such health care providers is in conformance with the approved quality assurance system and norms published under this section;

"'(7) publish objective statistical descriptions of norms accumulated through experience and results of programs conducted under this Act and the Mental Retardation Facilities and Community Mental Health Care Centers Construction Act of 1963;

"'(8) conduct a program of research and development which shall have the objectives of—

"'(A) improving the technology of assessing the quality of health care with emphasis on the outcomes of health care;

"'(B) assessing and comparing the quality of health care provided under different delivery system arrangements;

"'(C) analyzing the effects providing information to consumers and improvement in the methods of information dissemination;

"'(D) analyzing the impact of its quality assurance program upon the quality of health care for the American people; and

"'(E) coordinating the collection, assimilation and cataloging of existing information regarding quality health care assurance programs of Federal, State, and local agencies and their relationships with one another, with due regard for the protection of the confidential nature of the doctor-patient relationship;

"'(9) collect, summarize, and distribute information regarding the impact of medical services and the health status of the population of the United States;

"'(10) provide technical assistance to providers of health care in the development of quality control programs;

"'(11) study the levels, costs, and quality of health care under health care programs of the Federal Government;

"'(12) administer any medical malpractice reinsurance program hereinafter established;

"'(13) analyze the need for standardization of medical record information and facili-

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tate the development of a system of standard medical reference mechanisms;

"'(14) prescribe a schedule of reasonable contingent fees for attorneys representing claimants in proceedings under section 1309; and

"'(15) annually report to the President and to the Congress on the conduct of activities under this title (including results of studies conducted under paragraph (11)) together with such recommendations for additional legislation as the Commission may determine appropriate.

"'(b) In developing quality health care assurance system criteria the Commission's consideration shall include but not be limited to existing State regulations, such standards as are in effect for Federal health agencies and analysis of the results of any medical malpractice reinsurance program and the results of arbitration procedures.

"'ADMINISTRATIVE POWERS

"'SEC. 1303. (a) In order to carry out the provisions of this Act the Commission is authorized to—

"'(1) appoint and fix the compensation of personnel of the Commission in accordance with the provisions of title 5, United States Code;

"'(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Commission and delegate authority to any officer or employee;

"'(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Commission deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Commission for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"'(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"'(5) appoint one or more advisory committees (including a committee for the preparation and analysis of statistics) composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise the Commission with respect to its functions under this Act;

"'(6) utilize, with their consent the services, equipment, personnel information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

"'(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

"'(8) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible; and

"'(9) take such actions as may be required for the accomplishment of the objectives of the Commission.

"'(b) Upon request made by the Commission each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest practicable extent consistent with other laws to the Commission in the performance of its functions with or without reimbursement. Where the Commission determines that such services, equipment, personnel, facilities, and information cannot be made available for utilization in a manner which would enable it to expeditiously perform its duties under this Act, the Commission may establish where necessary the programs necessary to accomplish its tasks;

"'(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties;

"'(d) The Chairman shall be the chief executive and the administrative officer of the Commission and shall exercise the responsibility of the Commission with respect to—

"'(1) the appointment and supervision of personnel employed by the Commission;

"'(2) the distribution of jobs among the personnel of the Commission; and

"'(3) the use and expenditure of funds.

"'COMPENSATION

"'SEC. 1304. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(59) Chairman, Commission on Quality Health Care Assurance.'

"'(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"'(97) Members, Commission on Quality Health Care Assurance (10).

"'(98) General Counsel, Commission on Quality Health Care Assurance.'

"'APPLICABILITY OF COMMISSION REQUIREMENTS

"'SEC. 1305. (a) Except as provided in subsection (b) the requirements established by the Commission pursuant to section 1302 shall apply to any provider of health care receiving assistance under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 after the date of enactment of this title.

"'(b) Any provider covered under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, may apply to the Commission for a temporary order granting a variance from any requirement or any provision thereof promulgated under section 1302 of this Act. Such temporary order shall be granted only if the provider files an application which establishes that—

"'(1) the provider is unable to comply with a requirement by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with any requirement or because necessary construction, alteration, or modernization of facilities cannot be completed by its effective date; and

"'(2) the provider has an effective program for coming into compliance with any requirement as quickly as possible with adequate interim safeguards for the protection of consumers of health care.

"'(c) The Commission is authorized to grant a variance from any of its requirements or portion thereof whenever it determines or the Secretary of Health, Education, and Welfare certifies that such a variance is necessary to permit a provider to participate in a project approved by him designed to validate new and improved techniques of health care delivery systems.

"'REPORTS AND MAINTENANCE OF RECORDS

"'SEC. 1306. (a) Each provider, covered under this title, shall make, keep, and preserve, and make available to the Commission and the Secretary of Health, Education, and Welfare, such records regarding activities governed by this title as the Commission, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe.

"'(b) The Commission shall prescribe rules and regulations as may be necessary with regard to inspection of the records and facilities of a provider.

"'DISCLOSURE TO CONSUMERS OF HEALTH CARE SERVICES

"'SEC. 1307. (a) A description of any health care plan covered by this title shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this title.

"'(b) A description of the plan shall be comprehensive and shall include, in a manner designed to be understood by the average enrollee, the following:

"'(1) fees and prices;

"'(2) scope of services included in benefit packages;

"'(3) accessibility and availability of services including the location of the facilities, equipment available, hours of operation, practitioners by type and location, and amenities;

"'(4) the name and type of administration of the plan; and

"'(5) a statement of certification by the Commission.

"'(d) The Commission shall monitor the provision of information by providers of care as required by this section. In any case in which information is disclosed or disseminated under this title and is subsequently found to be insufficient, inaccurate, or inaccurately disseminated the Commission shall take such action as is necessary to assure a full retraction of the inaccurate information together with a statement of new data in a manner similar to the initial disclosure or dissemination of such information.

"'(e) The disclosure must also include procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part.

"'(f) Every provider shall furnish a copy of the plan description (including amendments or modifications thereto) described in subsection (b), to every enrollee upon his enrollment in the plan, and cause the same to be published, in a manner prescribed by the Commission, to the general public.

"'PENALTIES

"'SEC. 1308. (a)(1) Whenever the Commission after reasonable notice and opportunity for hearing to the provider finds that the provider has significantly deviated from the approved quality assurance system or is engaged in practices which significantly deviate from national or regional norms as determined by the Commission, the Commission shall notify the provider, and the Secretary of Health, Education, and Welfare that such provider shall be ineligible to participate in assistance under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 and that the certificate of approval has been suspended until such time as the provider is found to be in compliance with the requirements established under section 1302. Hearings conducted under this section shall be held, where practicable, in a location convenient to the provider of health care.

"'(2) Providers of health care, who have had their certificate suspended for a period, which the Commission determines to be unreasonable, shall have their certificate revoked and shall be liable for the repayment of part or all amounts received under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.



"'(3) The Commission is authorized to make arrangements with providers of health care who have had their certificates revoked, for reimbursement of amounts received under this Act and the Mental Retardation facilities and community Mental Health Centers Construction Act of 1963, including deferred payments on such terms and for such periods as are deemed equitable and appropriate.

"'(b) Any person who knowingly makes any false statement, representation, or certification on any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment of not more than six months or by both.

"'ARBITRATION

"'SEC. 1309. (a) A provider of health care that possesses a valid certificate of compliance issued under section 1302 may enter into a program for the equitable and expeditious handling of malpractice claims which may arise out of care and treatment of patients. Such programs shall be based upon agreements between the patients and the providers of health care to submit all disputes, not settled to the satisfaction of both parties, to binding arbitration in order to gain the benefits of such programs for patients and providers. Records of all such settlements shall be kept by each provider of health care, and submitted to the Commission in such manner as it shall prescribe.

"'(b) An agreement to submit to binding arbitration under subsection (a) must be valid in the jurisdiction in which such agreement is made and shall provide for the selection of arbitrators in accordance with rules and regulations promulgated by the Commission. For those providers who shall establish arbitration programs as specified in this section, title 9 of the United States Code shall apply to such arbitration programs if the State or States in which the provider is located has not enacted legislation providing for the finality of arbitration decisions, or for parties to enter into agreements to arbitrate prior to a dispute.

"'(c) Written findings of fact and conclusions of law shall be prepared for each arbitration proceeding held under this section. In each case the findings shall be certified by the arbitrator to the Commission. The Commission shall develop a systematic codification of all findings of arbitration proceedings undertaken pursuant to this section and shall publish such findings at least annually or more frequently at the discretion of the Commission. The Commission shall certify all findings of arbitration proceedings undertaken pursuant to this section to all appropriate State or local licensing or disciplinary boards for each such arbitration procedure under the territorial jurisdiction of such board.

"'(d)(1) Every attorney who, in connection with any proceedings under this section for personal injuries or for death or for loss of services resulting from personal injury proximately caused by medical malpractice, accepts a retainer or enters into an agreement, express or implied, for compensation for services rendered or to be rendered in such proceedings whereby his compensation is to be dependent or contingent in whole or in part upon the successful prosecution or settlement thereof, shall, within thirty days from the date of any such retainer or agreement of compensation, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"'(2) An attorney retained by another attorney on a contingent fee basis as trial or appeal counsel or to assist in the preparation, investigation, or settlement of any such proceeding, shall, within thirty days from the date of such retainer, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"'(3) A closing statement shall be filed with the Commission with every proceeding in which a retainer statement is required containing such information as the Commissioner shall require.

"'(4) All statements of retainer or closing statements filed with the Commission shall be confidential, and the information therein contained shall not be divulged or made available for inspection or examination except upon written order of the Chairman or the General Counsel of the Commission.

"'(5) Any attorney who charges or collects, for services rendered in connection with any proceedings described in this subsection, any fee in excess of that allowed, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"'PUBLICATION OF CRITERIA AND NORMS

"'SEC. 1310. (a) The Commission may, by rule, promulgate, modify, or revoke any quality assurance system criterion or norm in the following manner:

"'(1) whenever the Commission upon the basis of information submitted to it in writing by an interested person, a nationally recognized standard-producing organization, the Secretary of Health, Education, and Welfare, or a State or political subdivision, or on the basis of information developed by the Commission, or otherwise available to it, determines that a rule should be promulgated in order to serve the objectives of this title, the Commission shall publish such proposed rule promulgating, modifying, or revoking a standard or criterion for a quality health care assurance system or norm in the Federal Register, and shall afford interested persons a period of sixty days after publication to submit written data or comments.

"'(2) on or before the last day of the period provided for the submission of written data or comments, any interested person may file with the Commission written objections to the proposed rule stating the grounds therefor and requesting a public hearing on such objections. Within sixty days after the last day for filing such objections the Commission shall publish in the Federal Register a notice specifying the criteria for quality health care assurance systems or norms to which objections have been filed and a hearing request and specifying a time and place for such hearing. Hearings conducted under this section shall be held, where practicable, in a location convenient to the person filing such objection.

"'(3) Within sixty days after the expiration of the period provided for the submission of written data or comments or within sixty days after the completion of any hearing, whichever is later, the Commission shall issue and publish in the Federal Register a rule promulgating, modifying, or revoking standards, criteria for quality health care assurance systems or norms, or making a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date and such period (not in excess of ninety days) as the Commission determines may be necessary to insure that affected persons will be informed of the existence of the criteria or norm and of its determinations and that they are given an opportunity to familiarize themselves with the existence of the requirements of such criteria or norm.

"'(b) Any person who may be adversely affected by the promulgation of a rule issued respecting criteria or norms under this section may at any time prior to the ninetieth day after such criteria or norm is promulgated, file a petition challenging the validity of such criterion or norm with the United States district court for the district where such person resides or has his principal place of business for a judicial review of such criterion or norm. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The filing of such petition shall not, unless otherwise stated by the court, operate as a stay of the criterion or norm. The determinations of the Commission shall be conclusive if supported by the substantial evidence in the record considered as a whole.

"'(c)(1) In the case of establishing criteria for the assimilation of objective statistical material required for the publication of norms, the Commission shall hold hearings only when it determines such hearing to be necessary.

"'(2) The Commission shall publish in the Federal Register a summary and basis for the establishment of the criteria required by paragraph (1).

"'(d) The Commission in compiling information for setting the requirements for this title shall solicit views and information from concerned entities.

"'STATE JURISDICTION AND STATE PLANS

"'SEC. 1311. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any health issue with respect to which no standard, criterion, or norm is in effect under section 1302 of this Act.

"'(b) Any State which at any time desires to assume responsibility for the development and enforcement of health standards, criteria, or norms relating to any health issue with respect to which a Federal standard, criterion, or norm has been promulgated under section 1302, shall submit to the Commission a State plan for the development of such standards, criteria, or norms and their enforcement.

"'(c) The Commission shall approve the plan submitted by a State under subsection (b) or any modification thereof only if such plan—

"'(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State;

"'(2) provides for the development and enforcement of health standards, criteria, or norms relating to one or more health issues which standards, criteria, or norms (and the enforcement of which) will be no less stringent than the standards, criteria, or norms promulgated under section 1302 which relate to the same health issues;

"'(3) provides for a right to entry and inspection of all premises of providers of health care subject to the Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which includes a prohibition on advance notice of inspections;

"'(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards, criteria, and norms;

"'(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards, criteria, and norms;

"'(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive health program applicable to all providers of health care of the State and its political subdivisions, which program is as effective as the standards contained in an approved State plan;

"'(7) requires providers of health care in the State to make reports to the Commission in the same manner and to the same extent as if the State plan were not in effect; and

"'(8) provides that the State agency will

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make such reports to the Commission in such form and containing such information as the Commission shall from time to time require.

"'(d) If the Commission rejects a plan submitted under subsection (b), it shall afford the State submitting the plan reasonable notice and opportunity for a hearing before so doing.

"'(e) After the Commission approves a State plan submitted under subsection (b), it may but shall not be required to, exercise its authority with respect to comparable standards, criteria, or norms promulgated under section 1302, for the period specified in the next sentence. The Commission may exercise the authority referred to above until it determines, on the basis of actual operations under the State plan, that the standards, criterions, or norms set forth in subsection (c) are being applied, but it shall not make such determination for at least three years after the plan's approval under subsection (c).

"'(f) The Commission shall, on the basis of reports submitted by the State agency and its own inspections, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Commission finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), it shall notify the State agency of its withdrawal of approval of such plan and upon receipt of such notice, such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate the reasons for the withdrawal of the plan.

"'(g) The State may obtain a review of a decision of the Commission withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part of the action of the Commission. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Commission's decision in rejecting a proposed State plan or withdrawing its approval of such a plan is not supported by substantial evidence, the court shall affirm the Commission's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"'(h) The Commission may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more health standards, criteria, or norms in effect in such State until final action is taken by the Commission with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this title, whichever is earlier.

"'PROCEDURES TO COUNTERACT IMMINENT DANGERS

"'SEC. 1312. (a) The United States district courts shall have jurisdiction, upon petition of the Commission, to restrain any conditions or practices by a provider of health care which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this title. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

"'(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this title. The proceeding shall be as provided by rule 65 of the Federal Rules of Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

"'(c) Whenever and as soon as the Commission concludes that conditions or practices described in subsection (a) exist it shall inform the affected provider of health care of the danger and that it shall seek relief under this section.

"'(d) If the Commission arbitrarily or capriciously fails to seek relief under this section, any person who may be injured by reason of such failure, or the representative of such person might bring an action against the Commission in the United States district court for the district in which the imminent danger is alleged to exist or the provider has its principal office, or in the United States District Court for the District of Columbia, for a writ of mandamas to compel the Commission to seek such an order and for such further relief as may be appropriate.

"'DEFINITIONS

"'SEC. 1313. For the purposes of this title, the term—

"'(1) "input measure" means assessment based on the qualifications of personnel, facilities, and equipment permitted to provide medical care;

"'(2) "process measure" means assessment based upon the conformance of medical decisions and action taken in actual episodes of care to some defined standards of medical practice;

"'(3) "utilization characteristics" means those characteristics giving information concerning the rates of usage of components of the health care system such as the length of hospital stays, the number of doctor-patient contracts, and the number of hospital admissions in a year;

"'(4) "outcome measure" means assessment of care based upon health of patients during and particularly at the conclusion of episodes of care. Standards for clinical outcome should be based solely on the results of health care;

"'(5) "Commission" means the Commission on Quality Health Care Assurance;

"'(6) "reinsurance program" means the Federal Medical Malpractice Reinsurance Program established under part B of this title; and

"'(7) "norm" means a statistical range which reflects the parameters of acceptable quality health care practices existing at the time such norm is promulgated.

"'AUTHORIZATION OF APPROPRIATIONS

"'SEC. 1314. There are authorized to be appropriated for the carrying out of the provisions of this part $15,000,000 for the fiscal year ending June 30, 1974; the fiscal year ending June 30, 1975; and $70,000,000 for the fiscal year ending June 30, 1976.

"'CAPITATION GRANTS TO ENABLE HEALTH MAINTENANCE ORGANIZATIONS OR SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS TO SERVE ALL PERSONS

"'SEC. 1315. (a)(1) The Secretary is authorized to determine how appropriations under this Act or funds otherwise authorized under law, can be utilized, to make annual grants to health maintenance organizations or supplemental health maintenance organizations serving persons who cannot meet the expenses of such organizations' premiums (excluding additional premiums for high option services). The amount of such annual grants being equal to the difference between the maximum amount (as determined by the Secretary) an enrollee could reasonably be expected to pay toward the health maintenance or supplemental health maintenance organization premium and the premium for membership enrollment in such health maintenance or supplemental health maintenance organization for each such person enrolled. A health maintenance or supplemental health maintenance organization shall be eligible for grants under this subsection only during the first three years of its operation.

"' (2) In determining the amount an enrollee could pay toward the premium, the Secretary shall consider all sources (including public sources) of income available to each such enrollee.

"'(3) Grants under this section would not exceed 25 per centum of the total premium receipts for such health maintenance or supplemental health maintenance organization for the next preceding year.

"'(b)(1) Where a health maintenance or supplemental health maintenance organization proposes an increase in its premium rate and the Secretary determines that such an increase is due in whole or in part to fulfillment of the requirement for open enrollment, in that such organization has in its enrolled population a disproportionate number of high-risk enrollees, the Secretary is authorized to determine how appropriations under this Act or funds available to the Social Security Administration, as amended, can be utilized to make annual grants to such organization equal to an amount that would eliminate the need for that part of the proposed premium increase caused by such disproportionate number of high-risk enrollees in such organization. A health maintenance or supplemental health maintenance organization shall be eligible for grants under this subsection only during the first three years of its operation.

"'(2) The Secretary shall report to Congress no later than ten days after the submittal of the budget request for each year with regard to needed legislative authority, if any, to provide capitation grants to enable health maintenance organizations or supplemental health maintenance organizations to serve all persons.'

"TECHNICAL AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

"SEC. 405. (a) Section 1 of the Public Health Service Act is amended by striking out 'titles I to X' and inserting in lieu thereof 'titles I, II and XV'.

"(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title XI (as in effect prior to the date of enactment of this Act) as title XV and by renumbering sections 1101 through 1114 (as in effect prior to such date) and references thereto as sections 1501 through 1514, respectively.

"(c) Sections 767, 768, 769, 769A, and 769B of the Public Health Service Act (added by section 107 of Public Law 92-157) are redesignated as sections 769, 769A, 769B, 769C, and 769D, respectively."

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AMENDMENT No. 123

Commencing on page 61, strike line 1 through line 16 on page 70 and insert in lieu thereof the following:



"TITLE IV—HEALTH MAINTENANCE ORGANIZATIONS

"SHORT TITLE

"SEC. 401. This title may be cited as the 'Health Maintenance Organization Act of 1973'.

"CONGRESSIONAL FINDINGS

"SEC. 402. (a) The Congress finds that—

"(1) the medical care system is not organized in a manner which encourages the provision of medical care at reasonable costs;

"(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventative health services; and

"(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

"(b) The purpose of this Act is to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas by improving the system for the delivery of health care through encouragement of any support for the planning, development, and initial operation of health maintenance organizations and supplemental health maintenance organizations, particularly with the intent of improving the health of populations in medically underserved areas.

"((c) Nothing in this title, or any amendment made by this Act, shall be construed to supersede any activity relating to review of the provision of health care services under (including review and assessment of quality or quantity of such services or determination or reimbursement therefor) or to the determination of eligibility of any provider, practitioner, agency, or organization to participate under any program established under the Social Security Act.

"AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT

'SEC. 403. The Public Health Service Act (42 U.S.C. 201) is amended by inserting after title XI the following new title:

"'TITLE XII—HEALTH MAINTENANCE ORGANIZATIONS

"'PART A—SUPPORT OF HEALTH MAINTENANCE ORGANIZATIONS

"'DEFINITIONS

"'SEC. 1201. For the purposes of this title:

"'(1) The term "health maintenance organization" means an entity which—

"'(A) provides as a minimum for all its enrollees (or subscribers) comprehensive health services (as defined in this section) which are uniformally available to all its enrollees (or subscribers) directly through its own staff and supporting resources or through a medical group or groups and such other additional services as may be required through other health delivery entities, for a fixed payment which (i) is to be paid on a periodic basis without regard to the frequency, extent, or kind of health service actually furnished to any particular enrollee; and (ii) is uniform for all its enrollees subject to rules and regulations regarding family rates;

"'(B) demonstrates to the satisfaction of the Secretary ability to assure that appropriate comprehensive health services are available and accessible to all its enrollees promptly and in a manner which assures continuity;

"'(C) demonstrates to the satisfaction of the Secretary financial responsibility through proof of adequate provision against the risk of insolvency;

"'(D) is organized in such a manner (as prescribed by regulations of the Secretary) that assures its enrollees a substantial role (generally defined as one-third representation in the body establishing or recommending policy) in the making of policy for the health maintenance organization, with equitable representation of enrollees from medically underserved areas, and provides meaningful procedures for hearing and resolving grievances (i) between its enrollees and the health maintenance organization (including the medical group or groups and other health delivery entities providing health services), and (ii) between the medical group or groups providing health services and other employees and the health maintenance organization;

"'(E) encourages and actively provides for its enrollees (i) health education services, (ii) education in the appropriate use of health services provided, and (iii) education in the contribution the patient can make in the maintenance of his own health;

"'(F) has organizational arrangements, established in accordance with regulations of the Commission on Quality Health Care Assurance (established under title XIII of this Act) for an ongoing quality assurance program which stresses health outcomes and assures that health services provided meet the requirements of the Commission on Quality Health Care Assurance;

"'(G) provides, in accordance with regulations of the Secretary (including safeguards concerning the confidentiality of the doctor-patient relationship), an effective procedure for developing, compiling, evaluating, and reporting to the Secretary, data (which the Secretary shall publish and disseminate on an annual basis) relating to (i) the cost of its operations, (ii) the patterns of utilization of its services, (iii) the availability, accessibility, and acceptability of its services, and (iv) such other matters as the Secretary may require and disclose at least annually and in a manner acceptable to the Secretary, such data to its enrollees and to the general public;

"'(H) except for (i) out of area emergency care, and (ii) care reasonably valued in excess of the first $5,000 per enrollee per year, assumes direct financial responsibility, without benefit of insurance, on a prospective basis for the provision of the comprehensive health services defined in this section;

"'(I) has an open enrollment period, unless a waiver has been granted under section 1216, of not less than thirty days at least once during each consecutive twelve-month period during which it accepts individuals in the order in which they apply for enrollment up to its capacity, subject to the requirements of paragraph (K);

"'(J) assumes responsibility for the provision of health care services to its enrollees and on a reimbursable basis for short-term health care services to enrollees of any other health maintenance or supplemental health maintenance organization who are temporarily outside the service area of the health maintenance or supplemental health maintenance organization in which they are enrolled) twenty-four hours a day, seven days a week, and for the appropriate availability of such services in emergencies;

"'(K) shall enroll no more than 50 per centum of its enrollees from medically underserved areas, except in rural areas as designated by the Secretary;

"'(L) provides, or makes arrangements for, continuing education for its staff;

"'(M) emphasizes the use of nurse practitioners, physician's assistants, dental therapists, and other allied health personnel and to the extent practicable and consistent with good medical practice, trains and employs such personnel in the rendering of services;

"'(N) provides to its enrollees as an option, for an additional premium, extended care facility services and dental services;

"'(O) may purchase on a fee-for-service basis unusual or infrequently used health care services for its enrollees;

"'(P) does not refuse enrollment to or expel any person for any reason concerning his health status or requirements for the provision of health services;

"'(Q) provides for the prevention, diagnosis, and medical and psychological treatment of the abuse of or addiction to alcohol and drugs either through its own facilities or existing community facilities; and

"'(R) meets such other criteria for its organization and operations as the Secretary may by regulation prescribe, consistent with the provisions of this title.

"'(2) The term "comprehensive health services" means health services provided without limitation as to time or cost as follows—

"'(A) physician services (including consultant and referral services);

"'(B) inpatient and outpatient hospital services;

"'(C) home health services;

"'(D) diagnostic laboratory, and diagnostic and therapeutic radiologic services;

"'(E) preventive health (including but not limited to voluntary family planning, infertility services, and preventive dental care for children) and early disease detection services;

"'(F) emergency health services rendered by any provider of health care, the expense of which shall be borne by the enrollee's health maintenance or supplemental health maintenance organization;

"'(G) provision of or payment for prescription drugs (with patterns of patient drug utilization under continuous surveillance, evaluation, and review by a clinical pharmacist whose duties shall include the maintenance of a drug use profile for each enrollee);

"'(H) medical social services;

"'(I) vision care (except for eyeglasses which shall be optional) as provided by a physician skilled in the diagnosis and treatment of diseases of the eye, or by an optometrist provided such services are within the scope of his license;

"'(J) physical medicine and rehabilitative services (including physical therapy);

"'(K) mental health services utilizing existing community mental health centers on a priority basis;

"'(L) preventive diagnostic and medical and psychological treatment of the abuse of or addiction to alcohol and drugs; and

"'(M) such other personal health services as the Secretary may determine are necessary to insure the protection, maintenance, and support of human health.

"'(3) The term "medical group" means a partnership or other association or group of health professionals of whom not less than four and at least a majority shall be persons who are licensed to practice medicine or osteopathy, and such other licensed health professionals as are necessary to provide comprehensive health services and who are eligible for assistance under this Act, in conformance with requirements promulgated under section 1302, in a State and who (A) as their principal professional activity engage in the coordinated practice of their profession as a group responsibility providing services to health maintenance or health service organization enrollees; (B) if not employees or retainees of a health maintenance organization, or health service organization, pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account plan; (C) jointly use or share medical and other records and substantial portions of major equipment and professional technical, and administrative staff; (D) share or jointly utilize such addi-

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tional health and allied health professionals who may include but are not limited to psychologists and other mental health workers, optometrists, pharmacists, podiatrists, dental therapists, physician's assistants, nurse practioners and nurse midwives, as are needed to provide comprehensive health services; and (E) arrange for and encourage the continuing education of their members in the field of clinical medicine and related areas.

"'(4) The term "enrollee" when used in connection with a health maintenance organization or supplemental health maintenance organization (as defined in part B), means an individual who has entered into a contractual arrangement, or on whose behalf a contractual arrangement has been entered into, with a health maintenance organization or supplemental health maintenance organization under which such organization assumes the responsibility for the provision of health services to such individual.

"'(5) The term "medically underserved area" means an urban or rural area or population group designated by the Secretary as an area or population group with a shortage of personal health services. Such a designation may be made by the Secretary only after consideration of the comments, if any, of (A) each State comprehensive health planning agency designated pursuant to section 314(a) of this Act covering, in whole or in part, such area, (B) each areawide comprehensive health planning agency designated pursuant to section 314(b) of this Act, covering, in whole or in part, such area, and (C) regional medical programs established pursuant to title IX of this Act, covering, in whole or in part, such area.

"'(6) The terms "construction" and "cost of construction" include (A) the construction of new buildings, and the acquisition expansion, remodeling, replacement, and alteration of existing buildings, and including architects' fees, and (B) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered with assistance under this title.

"'(7) The term "university health center" means a health care institution which is owned and operated by an accredited university or college of medicine or which has a written affiliation arrangement with an accredited university or college of medicine for the purpose of educating undergraduate medical students.

"'(8) The term "nonmetropolitan area" means an area no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget, and does not contain a city whose population exceeds fifty thousand persons.

"'(9) The term "nonprofit provider group" means an incorporated body of health providers (including physicians, administrators, nurses, and paraprofessionals who qualify under the Public Health Service Act) that is regional in scope.

"'(10) The term "high-risk enrollee" means a person who is likely to utilize the services of a provider of health care more often than an actuarially determined average.

"'GRANTS FOR PLANNING AND FEASIBILITY STUDIES

"'SEC. 1202. (a) The Secretary may make grants, subject to the general provisions of this title, to public or private nonprofit agencies, organizations, or institutions to assist in projects for planning or studying the feasibility of developing or expanding health maintenance organizations. No project may receive more than $250,000 in grants under this section. Funds awarded under such grants shall be available for expenditure by the grantee for such period (not to exceed two years from the date of award) designated by the Secretary.

"'(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"'(c) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"'GRANTS FOR INITIAL DEVELOPMENT COSTS

"'SEC. 1203. (a) The Secretary may make grants, subject to the general provisions of this title, to any public or assist them in meeting the costs involved in a project for the initial development of a health maintenance organization prior to its first day of operation. No project may receive more than $1,000,000 in grants under this section.

"'(b) Sums awarded under such grant shall be available for expenditure by the grantee for not more than three years, and shall be utilized for such purposes as may be prescribed in regulations of the Secretary, including but not limited to (1) implementation of an enrollment campaign; (2) detailed design of and arrangements for the health services to be provided; (3) development of administrative and internal organizational arrangements, including fiscal control and fund accounting procedures and the development of a capital financing program; (4) recruitment of personnel and the conduct of personnel training activities; and (5) payment of architects' and engineers' fees.

"'(c) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"'(d) There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

"'CONSTRUCTION GRANTS

"'SEC. 1204. (a) The Secretary may make grants, subject to the general provisions of this title, to assist any public or private nonprofit health maintenance organization or any public or private nonprofit agency, organization, or institution intended to become a health maintenance organization in meeting the cost of construction of facilities or portions of facilities for ambulatory care and capital investment for necessary transportation equipment, to be used by it for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for grants for the acquisition or renovation of existing facilities. Except for exceptional circumstances, in which case up to 90 per centum of the cost of construction (as determined by the Secretary) may be authorized by the Secretary, no grant under this section for any project may exceed 75 per centum of the cost of construction of such project. No project may receive more than $2,500,000 in grants under this section.

"'(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"'(c) There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $40,000,000 for the fiscal year ending June 30, 1976.

"'GRANTS FOR INITIAL COSTS OF OPERATION

"'SEC. 1205. (a) Where the Secretary determines that the applicant has made all reasonable attempts to meet his operating expenses (including loans and loan guarantees), he may make grants to public and private nonprofit health maintenance organizations to assist them in meeting operating deficits during the initial three-year period of their operation.

"'(b) Grants under this section shall be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day; and such grant with respect to any such organization may not exceed 100 per centum of such operating deficit for the first year after such first day; 67 per centum of such first year operating deficit for the second year after such first day, and 33 per centum of such first year operating deficit for the third year after such first day.

"'(c) There are authorized to be appropriated to carry out the provisions of this section, $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976.

"'CONSTRUCTION LOANS

"'SEC. 1206. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization, or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization, to assist it in meeting the cost of construction of facilities for ambulatory care and transportation services for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for loans for the acquisition or renovation of existing facilities. No loan under this section for any project may exceed 90 per centum of the cost of construction (as determined by the Secretary) of such project.

"'(b) There are authorized to be appropriated to carry out the provisions of this section, $10,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"'LOANS FOR INITIAL COSTS OF OPERATION

"'SEC. 1207. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization to assist it in meeting, for the period prescribed in subsection (b), a portion of its initial operating costs in excess of gross revenues determined under regulations of the Secretary.

"'(b) Loans under this section for initial costs of operation may be made only for the period beginning with the first day of the first month for which such a loan is made and ending with the close of three years after such first day; and such loans with respect to any project may not exceed 60 per centum of such costs of operation, for the first year after such first day; 40 per centum of such costs for the second year after such first day; and 20 per centum of such costs for the third year after such first day.

"'(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"'PART B—SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS

"'SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS

"'SEC. 1208. The Secretary may make grants and loans to supplemental health maintenance organizations (as defined in section 1209) from funds appropriated pursuant to authorizations under part A of this Act for the purposes described in part A in amounts not to exceed 17.5 per centum of the amounts appropriated under such part: *Provided*, That the Secretary may make such grants and loans in excess of 17.5 per centum of such amounts from funds available during any fiscal year after all applications from qualified applicants under part A have been fully funded. Such grants and loans shall be for the same purposes, and subject to the same conditions and limitations as are applicable in the case of grants and loans to health maintenance organizations (as defined in section 1201).

"'DEFINITIONS

"'SEC. 1209. For the purposes of this part and part E—

"'(1) The term "supplemental health maintenance organization" means a public or private organization which—

"'(A) provides, either directly or through arrangements with others, health services to individuals enrolled with such organization on a per capita prepayment basis;

"'(B) provides, either directly, or through arrangements with others and through institutions, entities, and persons meeting the applicable requirements of section 1861 of the Social Security Act, all those health services which a defined population might reasonably require in order to be maintained in good health, including as a minimum emergency care, inpatient hospital and physician care, ambulatory physician care, and outpatient preventive medical services;

"'SEC. 1209. For the purpose of this part and part E—

"'(C) provides physicians' services (i) directly through physicians who are either employees or partners of such organization, or (ii) under arrangements with one or more groups of physicians (organized on a group practice or individual practice basis) under which each such group is reimbursed for its services primarily on the basis of an aggregate fixed sum or on a per capita basis, regardless of whether the individual physician members of any such group are paid on a fee-for-service or other basis;

"'(D) demonstrates to the satisfaction of the Secretary proof of financial responsibility and proof of capability to provide prompt, efficient and economical comprehensive health care services, including institutional services, efficiently, effectively, and economically and in a manner which assures continuity;

"'(E) has arrangements for assuring that the health services required by its enrollees are received promptly and appropriately and that the services which are received meet quality standards which it establishes in accordance with regulations of the Commission on Quality Health Care Assurance;

"'(F) is organized in such a manner as to emphasize local initiative and consumer and community involvement in the planning, development, and operation of such supplemental health maintenance organization and seek to insure prompt response to local initiative; and

"'(G) demonstrates to the satisfaction of the Secretary, in accordance with regulations of the Secretary, it has or will have a governing board which includes members who (i) have no financial interest in the organization other than as enrolled participants, (ii) are not receiving compensation for the provision of goods or services to the organization other than reasonable compensation for service as members of the governing board, and (iii) are neither employed by, nor members of the immediate family of, persons who have such an interest or are receiving such prohibited compensation.

"'PART B—GENERAL PROVISIONS

"'GRANTS AND LOSSES

"'SEC. 1210. (a) Any loan by the Secretary shall bear interest at a rate comparable to the current legal rate of interest prevailing with respect to loans which are guaranteed under section 1211. No payment of principal on a loan shall be required for the first five years after such loan is made.

"'(b) No such loan shall be made unless—

"'(1) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"'(2) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"'(c) Any such loan shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provisions for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

"'(d) No such loan shall have a term in excess of fifteen years.

"'(e) The Secretary may, for good cause, waive any right of recovery which he has by reason of the failure of a public organization to make payment and interest on a loan under this section.

"'LOAN GUARANTEES AND INTEREST SUBSIDIES

"'SEC. 1211. (a) In order to assist (1) private health maintenance organizations and health service organizations (or entities intending to become either), to carry out construction projects for ambulatory care facilities and transportation services and in the case of health service organizations communication services to be used by it for the provision of health services to its enrollees, to meet their initial development costs (for not more than three years) or to meet their cost of operation (for not more than three years), (2) university health centers, regional medical programs, and other private nonprofit provider groups in the development of area health education and service centers, and to provide working capital for the operation of such area health education and service centers as well as to subsidize the difference between income and operating expenditures, the Secretary, during the period beginning January 1, 1974, and ending with the close of June 30, 1976, may, in accordance with the provisions of this section, and subject to the general provisions of this Act (A) guarantee to non-Federal lenders making loans to such organizations for such purposes, payment of principal of and interest on such loans which are approved under this section, and (B) in the case of nonprofit health maintenance or supplemental health maintenance organizations, pay to the holder of such loans (and for and on behalf of the organization which received such loan) amounts sufficient (not to exceed 3 per centum per annum) to reduce the net effective interest rate otherwise payable on such loan. No loan guarantee or interest subsidy under this section may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to or be made for an amount which, when added to any grant or other loan under this or any other law of the United States, is—

"'(1) with respect to any construction, in excess of 90 per centum of the cost of such construction,

"'(ii) with respect to initial development costs, in excess of 90 per centum of such costs, or

"'(iii) with respect to initial operating costs, in excess of 90 per centum of such costs.

No such loan guarantee may apply to more than 90 per centum of the loss of principal and interest on the loan.

"'(b) The Secretary may not approve the application of a health maintenance organization, supplemental health maintenance organization, university health center, regional medical program, or other nonprofit provider unless—

"'(1) he determines, in the case of a loan for which a guarantee or an interest subsidy payment is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States;

"'(2) the term of a loan for which a guarantee and interest subsidy is sought does not exceed twenty-five years if for construction, or fifteen years if for operating costs, or such shorter period as the Secretary prescribes; and

"'(3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require.

"'(c) Guarantees of loans and interest subsidy payments under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"'(d) In the case of any loan guaranteed under this section, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to such guarantee unless the Secretary, for good cause, waives his right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"'(e) Any guarantee of a loan under this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"'(f)(1) There is established in the Treasury a Health Maintenance Organization, and Supplemental Health Maintenance Organization Loan Guarantee and Interest Subsidy Fund (hereafter in this section referred to as the "fund") which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts (A) to enable him to discharge his responsibilities under guarantees issued by him under this title, and (B) for interest subsidy payments authorized by this title. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required by the fund. To the extent authorized from time to time in appropria-



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tion Acts there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operation under this title, including any moneys derived from the sale of assets.

"'(2) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this title to meet the obligations under guarantees of loans under subsection (a) or to make interest subsidy payments on such loans, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"'(g) (1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Act.

"'(2) In any fiscal year no loan guarantee or agreement to make interest subsidy payments may be entered into under this title if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"'(A) the principal of the loans guaranteed under this title in such fiscal year; and

"'(B) the principal of the loans for which no guarantee has been made under this title and with respect to which an agreement to make interest subsidy payments is entered into under this title in such fiscal year, to exceed the amount of grants obligated under this Act in such fiscal year; except that this paragraph shall not apply if the amount of grant funds obligated under this title in such fiscal year equals the sums appropriated for such fiscal year under this title.

"'APPLICATION REQUIREMENTS

"'SEC. 1212. (a) No grant, contract, loan, loan guarantee, or interest subsidy may be made under this title unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, consistent with subsection (b)(1), as the Secretary shall by regulation prescribe.

"'(b)(1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall include to such extent, in such manner and among such other matters as the Secretary may by regulation prescribe, satisfactory specification of the existing or anticipated (A) population group or groups to be served by the existing or proposed health maintenance organization or supplemental health maintenance organization described in the application, (B) enrollment for such organization, (C) methods, terms, and periods for the enrollment of enrollees, (D) nature and estimated costs per enrollee of the health care and educational services to be provided, (E) sources of professional services, and organizational arrangements for providing health care and educational services, (F) organizational arrangements for an ongoing quality assurance program in conformance with the requirements of the Commission on Quality Health Care Assurance, (G) sources of prepayment and other forms of payment for the services to be provided, (H) facilities available for and additional capital investments and sources of financing therefor, required to provide the level and scope of services proposed, (I) administrative, managerial, and financial arrangements and capabilities of such organization, (J) role for enrollees in the planning and policymaking for such organization, (K) grievance procedures for enrollees, staff, and employees, and (L) evaluation or evaluations of the support for and acceptance of such organization by the population to be served, the sources of operating support, and the professional groups to be involved or who would be affected thereby. An organization making multiple applications for assistance under this title simultaneously or over the course of time shall not be required to submit duplicate or redundant information but shall be required to update the description of the existing or proposed organization in such manner and with such frequency as the Secretary may by regulation prescribe.

"'(2) Upon completion of assistance under this title, the receipt of assistance shall make a full and complete report to the Secretary, in such manner as he may by regulation prescribe. Each such report shall include, among such other matters as the Secretary may by regulation prescribe, descriptions of plans, developments, and operations in those areas enumerated in paragraph (1) for specification in applications for assistance.

"'(c) A health maintenance organization, or supplemental health maintenance organization, other nonprofit providers, regional medical programs or university health center receiving assistance under this title shall submit to the Secretary as a condition of its continued assistance, satisfactory assurances, in accordance with such regulations as the Secretary shall prescribe, including but not limited to the following: (1) financial responsibility, and (2) development and operation consistent with the terms of this title and the plans contained in such organization's application or applications for assistance. As used in this subsection the term "financial responsibility" means the demonstrated capability of adequately carry out the purposes of the project for which the original assistance was granted.

"'(d)(1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall contain assurances satisfactory to the Secretary that the applicant will, in accordance with such criteria as the Secretary shall by regulation prescribe, enroll the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve; except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"'(2) No grant may be made and no loan loan guarantee, or interest subsidy payment may be made under this title unless the applicant demonstrates to the satisfaction of the Secretary that the applicant will or has enrolled, and will maintain an enrollment of, the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve, except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"'(e) The Secretary shall have the authority after a hearing on the record to terminate or cancel any grant, loan, loan guarantee, or interest subsidy to any recipient of assistance under this title which he determines is in substantial noncompliance with any material provision of this title or after notice from the Commission on Quality Health Care Assurance that such organization has had its certificate of compliance suspended or revoked.

"'(f) Effective two years after the date of enactment of this Act, no assistance shall be given under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, to a provider of health care unless such provider holds a valid certificate of compliance under section 1302.

"'(g)(1) The Secretary may not approve an application submitted under section 1203, 1204, 1205, 1206, or 1207 unless the section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) the area to be served by the health maintenance organization, or supplemental health maintenance organization for which such application is submitted, or if there is no such agency, the section 314(a) State health planning agency whose section 314(a) plan covers (in whole or in part) such area, has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendations respecting approval of the application. If under applicable State law such an application may not be submitted without the approval of the section 314(b) areawide health planning agency or the section 314(a) State health planning agency, the Secretary may not approve such an application unless the required approval has been obtained.

"'(2) The Secretary shall by regulation establish standards and procedures for section 314(b) areawide health planning agencies and section 314 (a) State health planning agencies to follow in reviewing and commenting on applications for assistance for health maintenance organizations.

"'(h) If during any fiscal year there are insufficient funds for funding all of the approved applications for assistance under this title, the Secretary shall give priority to those applications which he determines shall be most likely to be economically viable.

"'EFFECT ON STATE LAW

"'SEC. 1213. (a) Notwithstanding any provisions of State law which—

"'(1) require approval of a health maintenance organization, supplemental health maintenance organization or health service organization by a medical society;

"'(2) require that physicians constitute all or a majority of the governing body of a health maintenance organization or supplemental health maintenance organization;

"'(3) require that all physicians or a percentage of physicians in the local medical society be permitted to participate in rendering the services of the organization;

"'(4) require that such organization submit to regulations as an insurer of health care services;

"'(5) require that only unincorporated individuals or associations or partnerships may provide health care services;

"'(6) prohibit advertising by a professional group for recruitment of enrollees; or

"'(7) impose requirements or restrictions on a health maintenance organization or supplemental health maintenance organization in a manner, determined by the Secretary, to be incompatible with this title,

a health maintenance organization or a supplemental health maintenance organization, or other providers of health care receiving Quality Health Care Initiative Awards under this title, who otherwise conform with the laws for incorporation and laws for licensing of physicians, osteopaths, and dentists in such State shall be allowed to provide health care services in such State in accordance with the provisions of this title.

"'QUALITY HEALTH-CARE INITIATIVE AWARDS

"'SEC. 1214. (a) Every provider of health care which is certified by the Commission on Quality Health Care Assurance as maintaining quality control standards in compliance with the requirements set by the Commission on Quality Health Care Assurance shall be entitled to an annual payment in an amount equal to the administrative costs incurred (as allowed by the Commission) in complying with the requirements of the Commission or, otherwise demonstrating in accordance with professional standards the effectiveness and utility of health maintenance organizations, and supplemental health maintenance organizations. Any provider of health care, whether or not subject to the provisions of this Act, may apply to the Commission for certification of compliance under section 1302.

"'(b) There is authorized to be appropriated to carry out the provisions of this section $25,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; and $75,000,000 for the fiscal year ending June 30, 1976.

"'LABOR STANDARDS

"'SEC. 1215. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934.

"'OPEN ENROLLMENT WAIVER

"'SEC. 1216. Where a health maintenance or supplemental health maintenance organization demonstrates to the satisfaction of the Secretary that it has a disproportionate share of high-risk enrollees and by maintaining open enrollment it would be required to enroll a nonrepresentative cross section of the community in which it provides services, to the extent that financing is available and people are willing to enroll, and the enrollment of such disproportionate share of high-risk enrollees will jeopardize its economic viability, the Secretary may waive such requirement for open enrollment for a period of not more than three years. A health maintenance or supplemental health maintenance organization may receive more than one waiver.

"'ACCESS TO RECORDS

"'SEC. 1217. (a) Each recipient of Federal funds under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such funds, the total cost of the undertaking in connection with which such funds are given or used, the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"'(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of Federal funds under this Act.

"'COMPREHENSIVE SERVICES PHASE-IN

"'SEC. 1218. The Secretary may grant a waiver to an applicant for assistance under this title, with respect to the provision of any comprehensive health service set forth pursuant to section 1201(2) (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), or (L) where he determines that—

"'(1) such service cannot be provided by the applicant solely because the required health manpower, facilities or equipment to provide such service is not available; and

"'(2) the applicant has a feasible plan to provide such service at the earliest possible date, such date not to exceed 3 years from the date assistance under this title is first granted to such applicant.

"'COMPREHENSIVE HEALTH SERVICES FOR INDIANS AND MIGRANT WORKERS

"'SEC. 1219. The Secretary is authorized to contract with health maintenance organizations, supplemental health maintenance organizations, or health service organizations to provide health services to individuals who are eligible for such services from the Indian Health Service (with the consent of the Indian people served) or under section 310 of this Act.

"'PART C—SPECIAL PROJECT GRANTS TO FACILITATE HEALTH SERVICES IN NONMETROPOLITAN AREAS

"'SEC. 1220. (a) The Secretary is authorized to make grants to or contracts with any public or nonprofit private entity (which otherwise may not be eligible for grants or assistance under this title) to study, initiate, and evaluate projects for the delivery, or to facilitate the delivery, in nonmetropolitan areas of comprehensive health services on the prepaid basis.'

"SEC. 404. The Public Health Service Act, as amended by this Act, is further amended by inserting after title XII the following new title:

"'TITLE XII—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"'PART A—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"'ESTABLISHMENT OF COMMISSION

"'SEC. 1301. (a) There is hereby established in the Department of Health, Education, and Welfare a Commission on Quality Health Care Assurance.

"'(b) The Commission shall be composed of eleven members to be appointed by the President and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Commission. In making such appointments the President shall appoint individuals who are representative of the health care delivery industry, private organizations engaged in developing health care quality standards which may be applicable on a national basis, and consumers not related to the delivery of health care. The terms of office of each member of the Commission shall be—

"'(1) the members first appointed shall serve, as designated by the President, three for a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years;

"'(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed; and

"'(3) a member shall be eligible for reappointment for one additional term.

"'(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

"'(d) Any vacancy in the Commission shall not affect its powers and six members of the Commission shall constitute a quorum.

"'(e) Four members of the Commission shall be consumers not related to the delivery of health care.

"'DUTIES OF THE COMMISSION

"'SEC. 1302. (a) The Commission shall—

"'(1) promulgate standards for qualifications of personnel, composition of medical groups, and other characteristics dealing with the adequacy of facilities and equipment;

"'(2) conduct such research and experimental programs as are determined necessary for the development of—

"'(A) criteria for new and improved quality assurance systems, and

"'(B) norms, with regard to processes, utilization characteristics, and outcomes;

"'(3) require and monitor, in accordance with criteria established based upon findings under paragraph (2), quality assurance systems for health maintenance organizations, supplemental health maintenance organizations, health service organizations, and other providers of health care subject to the provisions of this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which shall be designed to—

"'(A) improve as well as assess the quality of health care;

"'(B) evaluate the inputs, processes, utilization characteristics, and outcomes of health care as related to individuals and population groups, and establish relationships between inputs, processes, utilization characteristics, and outcomes;

"'(C) concentrate on those illnesses which have relatively high incidence in the population and which are particularly influenced by medical treatment, rather than on unusual illnesses or conditions whose course is little influenced by therapy;

"'(D) improve as well as assesses the accessibility, availability, and acceptability of health care provided by health maintenance organizations, supplemental health maintenance organizations, and health service organizations, or other providers of health care;

"'(E) develop procedures for such systems to report through the policymaking body of the health maintenance or supplemental health maintenance, organization (or as appropriate in the case of any other provider of health care) to the membership and to the Commission on Quality Health Care Assurance; and

"'(F) take into account the need for inclusion of consumers as well as the several health care disciplines in the decisionmaking membership of the system;

"'(4) certificates of compliance to providers of health care certifying that such providers maintain an approved quality assurance system and are otherwise conforming with requirements published under this section;

"'(5) after a hearing on the record, revoke or suspend such certificate where it determines that such provider has significantly deviated from the standards, approved quality assurance system, or the norms published pursuant to this section unless such deviation is justified to the satisfaction of the Commission;

"'(6) monitor reports by health care providers covered by this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 for the purpose of assuring that the per-

formance of such health care providers is in conformance with the approved quality assurance system and norms published under this section;

"'(7) publish objective statistical descriptions of norms accumulated through experience and results of programs conducted under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963;

"'(8) conduct a program of research and development which shall have the objectives of—

"'(A) improving the technology of assessing the quality of health care with emphasis on the outcomes of health care;

"'(B) assessing and comparing the quality of health care provided under different delivery system arrangements;

"'(C) analyzing the effects of providing information to consumers and improvement in the methods of information dissemination;

"'(D) analyzing the impact of its quality assurance program upon the quality of health care for the American people; and

"'(E) coordinating the collection, assimilation and cataloging of existing information regarding quality health care assurance programs of Federal, State, and local agencies and their relationships with one another, with due regard for the protection of the confidential nature of the doctor-patient relationship;

"'(9) collect, summarize, and distribute information regarding the impact of medical services and the health status of the population of the United States;

"'(10) provide technical assistance to providers of health care in the development of quality control programs;

"'(11) study the levels, costs, and quality of health care under health care programs of the Federal Government;

"'(12) administer any medical malpractice reinsurance program hereinafter established;

"'(13) analyze the need for standardization of medical record information and facilitate the development of a system of standard medical reference mechanisms;

"'(14) prescribe a schedule of reasonable contingent fees for attorneys representing claimants in proceedings under section 1309; and

"'(15) annually report to the President and to the Congress on the conduct of activities under this title (including results of studies conducted under paragraph (11)) together with such recommendations for additional legislation as the Commission may determine appropriate.

"'(b) In developing quality health care assurance system criteria the Commission's consideration shall include but not be limited to existing State regulations, such standards as are in effect for Federal health agencies, and analysis of the results of any medical malpractice reinsurance program and the results of arbitration procedures.

"'ADMINISTRATIVE POWERS

"'SEC. 1303. (a) In order to carry out the provisions of this Act the Commission is authorized to—

"'(1) appoint and fix the compensation of personnel of the Commission in accordance with the provisions of title 5, United States Code;

"'(2) make, promulgate, issue, rescind and amend rules and regulations as may be necessary to carry out the functions vested in the Commission and delegate authority to any officer or employee;

"'(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Commission deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Commission for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"'(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"'(5) appoint one or more advisory committees (including a committee for the preparation and analysis of statistics) composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise the Commission with respect to its functions under this Act;

"'(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

"'(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

"'(8) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible; and

"'(9) take such actions as may be required for the accomplishment of the objectives of the Commission.

"'(b) Upon request made by the Commission each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Commission in the performance of its functions with or without reimbursement. Where the Commission determines that such services, equipment, personnel, facilities, and information cannot be made available for utilization in a manner which would enable it to expeditiously perform its duties under this Act, the Commission may establish where necessary the programs necessary to accomplish its tasks.

"'(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including travel-time) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"'(d) The Chairman shall be the chief executive and the administrative officer of the Commission and shall exercise the responsibility of the Commission with respect to—

"'(1) the appointment and supervision of personnel employed by the Commission;

"'(2) the distribution of jobs among the personnel of the Commission; and

"'(3) the use and expenditure of funds.

"'COMPENSATION

"'SEC. 1304. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(59) Chairman, Commission on Quality Health Care Assurance.'

"'(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"'(97) Members, Commission on Quality Health Care Assurance (10).

"'(98) General Counsel, Commission on Quality Health Care Assurance.'

"'APPLICABILITY OF COMMISSION REQUIREMENTS

"'SEC. 1305. (a) Except as provided in subsection (b) the requirements established by the Commission pursuant to section 1302 shall apply to any provider of health care receiving assistance under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 after the date of enactment of this title.

"'(b) Any provider covered under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, may apply to the Commission for a temporary order granting a variance from any requirement or any provision thereof promulgated under section 1302 of this Act. Such temporary order shall be granted only if the provider files an application which establishes that—

"'(1) the provider is unable to comply with a requirement by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with any requirement or because necessary construction, alteration, or modernization of facilities cannot be completed by its effective date; and

"'(2) the provider has an effective program for coming into compliance with any requirement as quickly as possible with adequate interim safeguards for the protection of consumers of health care.

"'(c) The Commission is authorized to grant a variance from any of its requirements or portion thereof whenever it determines or the Secretary of Health, Education, and Welfare certifies that such a variance is necessary to permit a provider to participate in a project approved by him designed to validate new and improved techniques of health care delivery systems.

"'REPORTS AND MAINTENANCE OF RECORDS

"'SEC. 1306. (a) Each provider, covered under this title, shall make, keep, and preserve, and make available to the Commission and the Secretary of Health, Education, and Welfare, such records regarding activities governed by this title as the Commission, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe.

"'(b) The Commission shall prescribe rules and regulations as may be necessary with regard to inspection of the records and facilities of a provider.

"'DISCLOSURE TO CONSUMERS OF HEALTH CARE SERVICES

"'SEC. 1307. (a) A description of any health care plan covered by this title shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this title.

"'(b) A description of the plan shall be comprehensive and shall include, in a manner designed to be understood by the average enrollee, the following:

"'(1) fees and prices;

"'(2) scope of services included in benefit packages;

"'(3) accessibility and availability of services including the location of the facilities, equipment available, hours of operation, practitioners by type and location and amenities;

"'(4) the name and type of administration of the plan; and

"'(5) a statement of certification by the Commission.

"'(d) The Commission shall monitor the provision of information by providers of care as required by this section. In any case in which information is disclosed or disseminated under this title and is subsequently found to be insufficient, inaccurate, or inaccurately disseminated the Commission shall take such action as is necessary to assure a full retraction of the inaccurate information together with a statement of new data in a manner similar to the initial disclosure or dissemination of such information.



"'(e) The disclosure must also include procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part.

"'(f) Every provider shall furnish a copy of the plan description (including amendments or modifications thereto) described in subsection (b), to every enrollee upon his enrollment in the plan, and cause the same to be published, in a manner prescribed by the Commission, to the general public.

"'PENALTIES

"'SEC. 1308. (a)(1) Whenever the Commission after reasonable notice and opportunity for hearing to the provider finds that the provider has significantly deviated from the approved quality assurance system or is engaged in practices which significantly deviate from national or regional norms as determined by the Commission, the Commission shall notify the provider, and the Secretary of Health, Education, and Welfare that such provider shall be ineligible to participate in assistance under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 and that the certificate of approval has been suspended until such time as the provider is found to be in compliance with the requirements established under section 1302. Hearings conducted under this section shall be held, where practicable, in a location convenient to the provider of health care.

"'(2) Providers of health care, who have had their certificate suspended for a period, which the Commission determines to be unreasonable, shall have their certificate revoked and shall be liable for the repayment of part or all amounts received under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

"'(3) The Commission is authorized to make arrangements with providers of health care who have had their certificates revoked, for reimbursement of amounts received under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, including deferred payments on such terms and for such periods as are deemed equitable and appropriate.

"'(b) Any person who knowingly makes any false statement, representation, or certification on any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment of not more than six months or by both.

"'ARBITRATION

"'SEC. 1309. (a) A provider of health care that possesses a valid certificate of compliance issued under section 1302 may enter into a program for the equitable and expeditious handling of malpractice claims which may arise out of care and treatment of patients. Such programs shall be based upon agreements between the patients and the providers of health care to submit all disputes, not settled to the satisfaction of both parties, to binding arbitration in order to gain the benefits of such programs for patients and providers. Records of all such settlements shall be kept by each provider of health care, and submitted to the Commission in such manner as it shall prescribe.

"'(b) An agreement to submit to binding arbitration under subsection (a) must be valid in the jurisdiction in which such agreement is made and shall provide for the selection of arbitrators in accordance with rules and regulations promulgated by the Commission. For those providers who shall establish arbitration programs as specified in this section, title 9 of the United States Code shall apply to such arbitration programs if the State or States in which the provider is located has not enacted legislation providing for the finality of arbitration decisions, or for parties to enter into agreements to arbitrate prior to a dispute.

"'(c) Written findings of fact and conclusions of law shall be prepared for each arbitration proceeding held under this section. In each case the findings shall be certified by the arbitrator to the Commission. The Commission shall develop a systematic codification of all findings of arbitration proceedings undertaken pursuant to this section and shall publish such findings at least annually or more frequently at the discretion of the Commission. The Commission shall certify all findings of arbitration proceedings undertaken pursuant to this section to all appropriate State or local licensing or disciplinary boards for each such arbitration procedure under the territorial jurisdiction of such board.

"'(d)(1) Every attorney who, in connection with any proceedings under this section for personal injuries or for death or for loss of services resulting from personal injury proximately caused by medical malpractice, accepts a retainer or enters into an agreement, express or implied, for compensation for services rendered or to be rendered in such proceedings whereby his compensation is to be dependent or contingent in whole or in part upon the successful prosecution or settlement thereof, shall, within thirty days from the date of any such retainer or agreement of compensation, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"'(2) An attorney retained by another attorney on a contingent fee basis as trial or appeal counsel or to assist in the preparation, investigation, or settlement of any such proceeding, shall, within thirty days from the date of such retainer, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"'(3) A closing statement shall be filed with the Commission with every proceeding in containing such information as the Commission shall require.

"'(4) All statements of retainer of closing statements filed with the Commission shall be confidential, and the information therein contained shall not be divulged or made available for inspection or examination except upon written order of the Chairman or the General Counsel of the Commission.

"'(5) Any attorney who charges or collects, for services rendered in connection with any proceedings described in this subsection, any fee in excess of that allowed, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"'PUBLICATION OF CRITERIA AND NORMS

"'SEC. 1310. (a) The Commission may, by rule, promulgate, modify, or revoke any quality assurance system criterion or norm in the following manner:

"'(1) whenever the Commission upon the basis of information submitted to it in writing by an interested person, a nationally recognized standard-producing organization, the Secretary of Health, Education, and Welfare, or a State or political subdivision, or on the basis of information developed by the Commission, or otherwise available to it, determines that a rule should be promulgated in order to serve the objectives of this title, the Commission shall publish such proposed rule promulgated, modifying, or revoking a standard or criterion for a quality health care assurance system or norm in the Federal Register, and shall afford interested persons a period of sixty days after publication to submit written data or comments.

"'(2) on or before the last day of the period provided for the submission of written data or comments, any interested person may file with the Commission writtten objections to the proposed rule stating the grounds therefor and requesting public hearing on such objections. Within sixty days after the last day for filing such objections the Commission shall publish in the Federal Register a notice specifying the criteria for quality health care assurance systems or norms to which objections have been filed and a hearing request and specifying a time and place for such hearing. Hearings conducted under this section shall be held, where practicable, in a location convenient to the person filing such objection.

"'(3) within sixty days after the expiration of the period provided for the submission of written data or comments or within sixty days after the completion of any hearing, whichever is later, the Commission shall issue and publish in the Federal Register a rule promulgated, modifying, or revoking standards, criteria for quality health care assurance systems or norms, or making a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date and such period (not in excess of ninety days) as the Commission determines may be necessary to insure that affected persons will be informed of the existence of the criteria or norm and of its determinations and that they are given an opportunity to familiarize themselves with the existence of the requirements of such criteria or norm.

"'(b) Any person who may be adversely affected by the promulgation of a rule issued respecting criterial or norms under this section may at any time prior to the ninetieth day after such criteria or norm is promulgated file a petition challenging the validity of such criterion or norm with the United States district court for the district where such person resides or has his principal place of business for a judicial review of such criterion or norm. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The filing of such petition shall not, unless otherwise stated by the court, operate as a stay of the criterion or norm. The determinations of the Commission shall be conclusive if supported by the substantial evidence in the record considered as a whole.

"'(c)(1) In the case of establishing criteria for the assimilation of objective statistical material required for the publication of norms, the Commission shall hold hearings only when it determines such hearings to be necessary.

"'(2) The Commission shall publish in the Federal Register a summary and basis for the establishment of the criteria required by paragraph (1).

"'(d) The Commission in compiling information for setting the requirements for this title shall solicit views and information from concerned entities.

"'STATE JURISDICTION AND STATE PLANS

"'SEC. 1311. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any health issue with respect to which no standard, criterion, or norm is in effect under section 1302 of this Act.

"'(b) Any State which at any time desires to assume responsibility for the development and enforcement of health standards, criteria, or norms relating to any health issue with repect to which a Federal standard, criterion, or norm has been promulgated under section 1302, shall submit to the Commission a State plan for the development of such standards, criteria, or norms and their enforcement.

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"'(c) The Commission shall approve the plan submitted by a State under subsection (b) or any modification thereof only if such plan—

"'(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State;

"'(2) provides for the development and enforcement of health standards, criteria, or norms relating to one or more health issues which standards, criteria, or norms (and the enforcement of which) will be no less stringent than the standards, criteria, or norms promulgated under section 1302 which relate to the same health issues;

"'(3) provides for a right to entry and inspection of all premises of providers of health care subject to the Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which includes a prohibition on advance notice of inspections;

"'(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards criteria, and norms;

"'(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards, criteria, and norms;

"'(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive health programs applicable to all providers of health care of the State and its political subdivisions, which program is as effective as the standards contained in an approved State plan;

"'(7) requires providers of health care in the State to make reports to the Commission in the same manner and to the same extent as if the State plan were not in effect; and

"'(8) provides that the State agency will make such reports to the Commission in such form and containing such information as the Commission shall from time to time require.

"'(d) If the Commission rejects a plan submitted under subsection (b), it shall afford the State submitting the plan reasonable notice and opportunity for a hearing before so doing.

"'(e) After the Commission approves a State plan submitted under subsection (b), it may, but shall not be required to, exercise its authority with respect to comparable standards, criteria, or norms promulgated under section 1302, for the period specified in the next sentence. The Commission may exercise the authority referred to above until it determines, on the basis of actual operations under the State plan, that the standards, criterions, or norms set forth in subsection (c) are being applied, but it shall not make such determination for at least three years after the plan's approval under subsection (c).

"'(f) The Commission shall, on the basis of reports submitted by the State agency and its own inspections, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Commission finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), it shall notify the State agency of its withdrawal of approval of such plan and upon receipt of such notice, such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

"'(g) The State may obtain a review of a decision of the Commission withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Commission. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Commission's decision in rejecting a proposed State plan or withdrawing its approval of such a plan is not supported by substantial evidence, the court shall affirm the Commission's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"'(h) The Commission may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more health standards, criteria, or norms in effect in such State until final action is taken by the Commission with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this title, whichever is earlier.

"'PROCEDURES TO COUNTERACT IMMINENT DANGERS

"'SEC. 1312. (a) The United States district courts shall have jurisdiction, upon petition of the Commission, to restrain any conditions or practices by a provider of health care which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this title. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

"'(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this title. The proceeding shall be as provided by rule 65 of the Federal Rules of Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

"'(c) Whenever and as soon as the Commission concludes that conditions or practices described in subsection (a) exist it shall inform the affected provider of health care of the danger and that it shall seek relief under this section.

"'(d) If the Commission arbitrarily or capriciously fails to seek relief under this section, any person who may be injured by reason of such failure, or the representative of such person might bring an action against the Commission in the United States district court for the district in which the imminent danger is alleged to exist or the provider has its principal office, or in the United States District Court for the District of Columbia, for a writ of mandamus to compel the Commission to seek such an order and for such further relief as may be appropriate.

"'DEFINITIONS

"'SEC. 1313. For the purposes of this title, the term—

"'(1) "input measure" means assessment based on the qualifications of personnel, facilities, and equipment permitted to provide medical care;

"'(2) "process measure" means assessment based upon the conformance of medical decisions and actions taken in actual episodes of care to some defined standards of medical practice;

"'(3) "utilization characteristics" means those characteristics giving information concerning the rates of usage of components of the health care system such as the length of hospital stays, the number of doctor-patient contracts, and the number of hospital admissions in a year;

"'(4) "outcome measure" means assessment of care based upon health of patients during and particularly at the conclusion of episodes of care. Standards for clinical outcome should be based solely on the results of health care;

"'(5) "Commission" means the Commission on Quality Health Care Assurance;

"'(6) reinsurance program" means the Federal Medical Malpractice Reinsurance Program established under part B of this title; and

"'(7) "norm" means a statistical range which reflects the parameters of acceptable quality health care practices existing at the time such norm is promulgated.

"'AUTHORIZATION OF APPROPRIATIONS

"'SEC. 1314. There are authorized to be appropriated for the carrying out of the provisions of this part $15,000,000 for the fiscal year ending June 30, 1974; the fiscal year ending June 30, 1975; and $70,000,000 for the fiscal year ending June 30, 1976.

"'CAPITATION GRANTS TO ENABLE HEALTH MAINTENANCE ORGANIZATIONS OR SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS TO SERVE ALL PERSONS

"'SEC. 1315. (a)(1) The Secretary is authorized to determine how appropriations under this Act or funds otherwise authorized under law can be utilized, to make annual grants to health maintenance organizations or supplemental health maintenance organizations serving persons who cannot meet the expenses of such organizations' premiums (excluding additional premiums for high option services). The amount of such annual grants being equal to the difference between the maximum amount (as determined by the Secretary) an enrollee could reasonably be expected to pay toward the health maintenance or supplemental health maintenance organization premium and the premium for membership enrollment in such health maintenance or supplemental health maintenance organization for each such person enrolled. A health maintenance or supplemental health maintenance organization shall be eligible for grants under this subsection only during the first three years of its operation.

"'(2) In determining the amount an enrollee could pay toward the premium, the Secretary shall consider all sources (including public sources) of income available to each such enrollee.

"'(3) Grants under this section would not exceed 25 per centum of the total premium receipts for such health maintenance or supplemental health maintenance organization for the next preceding year.

"'(b)(1) Where a health maintenance or supplemental health maintenance organization proposes an increase in its premium rate and the Secretary determines that such increase is due in whole or in part to fulfillment of the requirement for open enrollment, in that such organization has in its enrolled population a disproportionate number of high-risk enrollees, the Secretary is authorized to determine how appropriations under this Act or funds available to the Social Security Administration, as amended, can be utilized to make annual grants to such organization equal to an amount that would eliminate the need for that part of the proposed premium increase caused by such disproportionate number of high-risk enrollees in such organization. A health maintenance or supplemental health maintenance organization shall be eligible for grants under this subsection only during the first three years of its operation.

"'(2) The Secretary shall report to Congress no later than ten days after the submittal of the budget requests for each year with regard to needed legislative authority, if any, to provide capitation grants to enable health maintenance organizations or supplemental health maintenance organizations to serve all persons.'

"TECHNICAL AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

"SEC. 405. (a) Section 1 of the Public Health Service Act is amended by striking out 'titles I to X' and inserting in lieu thereof 'titles I, II, and XV'.

"(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title XI (as in effect prior to the date of enactment of this Act) as title XV and by renumbering sections 1101 through 1114 (as in effect prior to such date) and references thereto as sections 1501 through 1514, respectively.

"(c) Sections 767, 768, 769, 769A, and 769B of the Public Health Service Act (added by section 107 of Public Law 92-157) are redesignated as sections 769, 769A, 769B, 769C, and 769D, respectively."

SUMMARY OF SUBSTITUTE FOR S. 14

I. FINDINGS AND DECLARATION OF POLICY

As provided in the Administration bill (S. 972).

II. DEFINITION OF AN HMO

As provided in S. 14, requiring: a detailed comprehensive range of health benefits (except exceptionally high cost benefits can be provided as option at additional premium); degree of risk by provider without reinsurance; by medical groups on a salary or drawing account arrangement; substantial consumer representation on policy board; patient health education services; continuing education of health professionals; no more than 50% of enrollees from medically underserved areas.

III. DEFINITION OF SUPPLEMENTAL HMO

As provided in S. 14, requiring generically: serve large enrolled populations; provide comprehensive range of health benefits; and under organizational arrangements.

IV. AUTHORIZATIONS

As provided in S. 14, *except* deletes subsidy capitation grants' authorizations (and in lieu thereof authorizes Secretary to utilize existing authority from other health programs otherwise authorized under law) and HSO's and AHEC categorical program authorizations (since authorized by generically defined Supplemental HMO as above); and also, the substitute reduces the authorization for initiative awards by $75 million, which results in $705 million in authorizations over 3 years rather than $1.5 billion in S. 14.

V. PREEMPTION OF STATE LAW

As provided in S. 14, because state legal restrictions impede HMO development.

VI. COMMISSION ON QUALITY HEALTH CARE ASSURANCE

As provided in S. 14, except *established in HEW* rather than as independent agency, to determine health care "norms." The substitute also provides that Commission initiative awards can be granted where HMO's otherwise demonstrate in accordance with professional standards their effectiveness and utility.

VII. OPEN ENROLLMENT WAIVER

As provided in S. 14, *except no funding authorized* for potential increased premiums due to acceptance of high risk enrollees during required 30 day annual open enrollment period; open enrollment can be waived by Secretary if it is undue burden on HMO.

VIII. STATE STANDARDS

As provided in S. 14, so States can develop and enforce their own health care standards.

IX. MALPRACTICE

*Deletes malpractice reinsurance provisions* in S. 14, to provide opportunity to Congress to appropriately act on recent 'Report of the Secretary on Medical Malpractice" recommendations aimed at preventing medical injuries, deterring unnecessary malpractice claims, improving the efficiency and fairness of the claims-resolution process, and providing prompt rehabilitation and equitable compensation of medically-injured persons (not available at time of Committee action on issue).

X. WAIVER OF BENEFITS

As provided in S. 14, *except broadened* to authorize Secretary to waive specific services if lack of health equipment or facilities in addition to lack of health manpower requires it.



## AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENT

AMENDMENT NO. 124

(Ordered to be printed, and referred to the Committee on Finance.)

EXTENSION OF MEDICARE'S KIDNEY DISEASE COVERAGE PROVISIONS TO RAILROAD WORKERS

Mr. MONTOYA. Mr. President, last fall, the Senate added to the then pending social security bill (H.R. 1) an important amendment designed to provide medicare protection for persons suffering from chronic renal disease and for those in need of dialysis treatments or organ transplantation. Unfortunately, however, the amendment, as drafted and eventually incorporated into the Social Security Amendments of 1972—Public Law 92-603—inadvertently omitted coverage of railroad employees, their spouses, and their dependent children. It is clear from the Senate floor debate on the provision that the Senate certainly did not intend to exclude such persons from the benefits of the kidney amendment.

I submit, therefore, an amendment to H.R. 3153, a bill amending the Social Security Act to make certain technical and conforming changes, which passed the House on April 2 and is now pending before the Senate Finance Committee. My amendment is a technical amendment to section 226 of the Social Security Act. It is designed to include railroad employees, their spouses, and their dependent children as among those who would be entitled to the benefits of the medicare program in the event that they are confronted with the burdensome costs of dealing with such a catastrophic disease.

Mr. President, I ask unanimous consent that the text of the amendment be printed at this point in the RECORD. I also ask that there be printed a text showing how my amendment, if adopted, would change existing law.

There being no objection, the amendment and material were ordered to be printed in the RECORD, as follows:

H.R. 3153

On page 1, between lines 2 and 3 Section 226(e) of the Social Security Act is amended—

(1) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term employment as defined in this Act" after "(as such terms are defined in section 214 of this Act)" in 2(A) thereof;

(2) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(B) thereof;

(3) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term employment as defined in this Act" after "fully or currently insured" in 2(C) thereof; and

(4) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in (2D) thereof.

CHANGES IN THE LAW

(e) Notwithstanding the foregoing provisions of this section, every individual who—

(1) has not attained the age of 65;

(2)(A) is fully or currently insured (as such terms are defined in section 214 of this Act) or *would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term employment as defined in this Act*, or (B) is entitled to monthly insurance benefits under title II of this Act or *an annuity under the Railroad Retirement Act of 1937*, or (C) is the spouse or dependent child (as defined in regulations) of an individual who is fully or currently insured *or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term employment as defined in this Act* or (D) is the spouse or dependent child (as defined in regulations) of an individual entitled to monthly insurance benefits under title II of this Act or *an annuity under the Railroad Retirement Act of 1937*; and

(3) is medically determined to have chronic renal disease and who requires hemodialysis or renal transplantation for such disease;

shall be deemed to be disabled for purposes of coverage under parts A and B of Medicare subject to the deductible, premium, and copayment provisions of title XVIII.

## NOTICE OF HEARINGS ON S. 821—THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary is continuing its hearings on S. 821, the Juvenile Justice and Delinquency Prevention Act of 1973. Last year, the subcommittee held 4 days of hearings on S. 3148, which I introduced in the 92d Congress. In this session, we have held 3 days of hearings on S. 821, a slightly revised version of S. 3148, which I introduced on February 8, 1973.

S. 821 is designed to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency.

The hearings have been scheduled for May 14 and 15, 1973, at 10 a.m. and 1 p.m., respectively, in room 2228, Dirksen Senate Office Building. The following witnesses have been scheduled to testify



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on May 14: Hon. Jerry J. Miller, mayor, city of South Bend, Ind., accompanied by Patrick Gallagher, director, department of public safety, South Bend; Jerry Wurf, international president, American Federation of State, County, and Municipal Employees, Washington, D.C.; Hon. Richard Hatcher, mayor, city of Gary, Ind.; William E. Aull, president, YMCA of Honolulu, Hawaii; Dr. Cecily C. Selby, national executive director, Girl Scouts of America, New York, N.Y.; and Hon. Robert Pastrick, mayor, city of East Chicago, Ind. Witnesses scheduled to testify on May 15 are: Pete Velde, Associate Administrator, Law Enforcement Assistance Administration; a representative from the Department of Health, Education, and Welfare; and Justus Freimund, Director of the National Capitol Office, National Council on Crime and Delinquency.

Any person who wishes to submit a statement for the record should notify Mathea Falco, staff director and chief counsel of the subcommittee at 225-2951.

## ADDITIONAL STATEMENTS

### REPEAL BREAD TAX?

Mr. SCOTT of Pennsylvania. Mr. President, some weeks back I announced my support for legislation to repeal the so-called bread tax which is generally passed on to consumers in the form of higher prices. At that time, I indicated that repeal could mean one of three things: first, a price reduction; second, no increase in price; or third, a price increase. None of these is predictable because of fluctuations in the market and differing operations among the Nation's bakeries. All Americans would like to see a price reduction, but the economic argument tends to support either a "hold-the-line" program or a small price increase. When the very existence of these bakeries is at stake, one must opt for the latter, unless and until there are significant changes in the market factors which really determine price levels.

I ask unanimous consent to print in the RECORD an editorial supporting repeal of the bread tax, from the Somerset, Pa., American's edition of April 25, 1973.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REPEAL BREAD TAX?

Senator Hugh Scott is supporting a measure now before Congress that would repeal the "bread tax."

This tax—75 cents per bushel on wheat used for baking—was always difficult for us to understand. The tax is collected from millers and is used to pay a portion of the cost of farm subsidy payments.

The baking industry recently has been caught in an inflationary pinch. The United States wheat sale to the Soviet Union has depleted American wheat supplies and as a result the price has gone up.

At the same time, economic controls have prevented the bakers from increasing their prices accordingly.

Senator Scott, in his support of the repeal measure, says that repeal will save thousands of jobs in independent bakeries and in some cases probably will reduce the price of bread to the public.

The arguments for repeal appear to be good. Bread is an essential commodity and, like milk, one of our few really basic foods. It should not be taxed at all and especially when taxation puts the industry in a financial bind, which seems to be the case now.

The Congress should give this repeal measure full consideration.

### THE PRESIDENT'S SECOND ENERGY MESSAGE AND THE CONGRESS

Mr. MOSS. Mr. President, I have read the President's energy message of 1973 and found it wanting. It is too bland, too meagre and totally lacking in the sense of urgency which must be communicated to the public in order to meet the challenge of the energy crisis.

Our supplies of energy fuels dwindle, we become more and more dependent upon foreign imports, and the long awaited message of the President provides little hope and scant help. I fail to see how the President's actions and proposals will solve the energy problem.

Let me mention three areas in which I believe the President failed in our national energy dilemma.

First, the President has not levelled with the American public on the energy situation. The President fiddles with the energy problem, but he fails to ignite the fire of concern of the American public and glosses over our failures, or calls on the private sector to solve them. To gasify coal, solve the problems of commercial oil shale development and bring solar power into use, to mention just three power sources as yet not totally available to us requires money, brains and a country willing to share an awareness of the problem and the risk of the cost. Congress has not been idle while we awaited the President's message. The 2-year study of the Interior, Commerce and Public Works Committees of the Senate is now drawing to a conclusion under the able leadership of Senator JACKSON and Senator RANDOLPH. This study has sharpened our awareness of the problem and is attempting to bring that awareness and concern to the public.

The Joint Atomic Energy Committee, under the leadership of the able Senator from Rhode Island, Senator PASTORE, has defined the problem in an honest fashion, and I commend to the Senate the report of that committee just issued. The problems of energy supply and demand are serious. They are highly complex. And, interwoven with our domestic concerns are the international aspects of the energy crisis.

The American public is faced with some hard choices. It cannot respond adequately to those choices if it is lulled into thinking that the problem is not a serious one or it is fooled by rhetoric into believing that the administration is meeting its responsibilities.

The severity of the problem cannot be overemphasized. Only through a recognition of the problem are we prodded to take appropriate action. The American public must be given the opportunity to make choices from an educated, adult concept and understanding of the total situation. We have outgrown the Pablum era of feeding the citizenry from on high. The American public deserves the truth in energy matters.

At our current rate of growth, we will need, by 1980, 10 million barrels of oil per day over and above present consumption levels. To put it in perspective, 10 million barrels per day is equivalent to the anticipated production of five new oil fields the size of Alaska Prudhoe Bay. This fuel burning society in which we live must become aware of the situation. We need to develop all of our potential.

Second, the message and plan lack direction and the necessary commitment in the area of research and development. Research and development fund proposals are inadequate. This country has demonstrated with the space program in peace time and in our war efforts in the 40's, the 50's and, unfortunately, again in the 60's a capability to move and move fast when a national exigency required it. American know-how and drive are an essential part of our self-respect, and indeed our greatness. That expertise can be called upon now if we commit ourselves to funding adequately the needed effort.

Let me give you some examples of what I consider to be a bandaid cure for a broken leg. In his 1971 Energy Message, the President called for an expanded program to convert coal into a clean, gaseous fuel, and he recommended the sum of $20 million a year for development of coal gasification.

In hearings which I conducted—July 27, 1971—as chairman of the Subcommittee on Minerals, Materials and Fuels, the President's administrative officers testified against a bill (S. 1846) which Senator JACKSON and I sponsored to accelerate the development of coal gasification pilot and demonstration plants. This bill was structured along the line of the Comsat type corporation so successful in developing rapidly our aeronautic and space sciences successes. The basis of the administration's objection to the bill was that the existing efforts of the administration were adequate. The President's June 4, 1971 Clean Energy Message announced a major new initiative in coal gasification. Yet, the President's representative, S. David Freeman, Office of Science and Technology, Executive Office of the President, testified that in his view it would be the end of the decade before we could count on having an operating commercial coal gasification plant. Do we really need 7 years to get with it?

I did not think this was good enough in 1971, and I do not think this institutional approach of the administration as reflected in the second energy speech of the President is good enough in 1973.

The second energy speech reflects a budget of token increases for coal research, and no promise that the end result of the research and development effort of the past 2 years, is any closer to fruition. A 300-percent increase looks good on paper, particularly starting from zero, but it does not seem to promise the gasifying of coal at the stepped up rate which we need.

The Summary Report of the Cornell Workshop on Energy and the Environment—publication 92-23, dated May, 1972, of the National Fuels and Energy Policy Study (S. Res. 45)—contains the following statement with regard to the possibility of clean power from fossil fuels:

The key technology is the conversion of coal (which is available in enormous amounts) to low sulfur gas and liquid hydrocarbons. A process for pipeline gas from weakly coking coal is now available (some 35 Lurgi gasifiers are now in operation), but the gas obtained thereby is expensive—well over $1 per million BTU's. The main developmental problem, then, is to reduce the price of clean gas from coal (or possibly from residual oil) to say, 75 cents or, better, 60 cents per million BTU's. Our panel concluded that this was a plausible goal *but that it would require heavy development of a type which is not now underway. The outlook for developing a process for liquifying coal is not very promising at present levels of effort.* (emphasis supplied)

I see no administrative efforts which could qualify as the heavy development called for by the experts at the Cornell workshop.

One more year has slipped by with the administration's penny ante ways, and we are no closer to a solution to this phase of the energy problem.

In July of 1971, the administration in a letter to Senator JACKSON said:

The forming of a special corporation to deal only with coal gasification along the lines presented in S. 1864 is, of course, an alternative administrative mechanism that might have value in the absence of an ongoing joint effort between government and industry.

There was a flurry of newspaper announcements about gasification developments, and that was all.

At that time, I had introduced a bill, S. 2510—reintroduced in this Congress as S. 454—to accelerate development of all the so-called exotic fuels—oil shale, tar sands, solar, and so forth.

Testimony received from industry witnesses—hearing on S. 2510 November 15, 1971 (Serial No. 92-12) p. 71—presented the view that the concept of the bill was premature.

The States of Utah, Colorado, and Wyoming contain vast amounts of oil shale. The known Green River formation deposits are estimated to be capable of yielding 25 or more gallons of oil per ton and a reserve of some 600 billion barrels of oil exists in place.

With the U.S. consumption of oil rising at the rate of 8.7 percent a year, Americans are in danger of becoming dependent on unreliable foreign sources for imported oil. As an editorial in the April 27 edition of the Deseret News, Salt Lake City, Utah, states:

It would be folly for the U.S. to wait until its fuel shortage gets even worse before we take steps toward an orderly development of oil shale reserves.

There is a long leadtime necessary in developing our heretofore unused resources, again, a forceful lead in research and development and cure of the environmental hazards is called for from the administration.

In reading the second energy message and on being briefed by the administration on its contents, I note a studied reluctance to commit funds for research and development because of a lack of trained manpower to use effectively additional moneys.

I am astonished at this position, since the President vetoed a bill (S. 635) designed to train more engineers in the very fields the administration now finds understaffed to meet the energy exigencies. I would point out that such a bill is again before the Congress introduced by Senator HANSEN and myself.

I cannot refrain from pointing out that budget cuts in the energy sector can be disastrous because of the lead time requirements from R. & D. to commercial development.

In my view it is short sighted to take from NASA, an agency with proven capability in solar energy research, and disseminate research moneys in small amounts at the college level through NSF. That kind of leisurely approach to the problem is obsolete.

In the study entitled "An Assessment of Solar Energy as a National Energy Resource" prepared by the Solar Energy Panel composed of representatives of NSF and NASA, appears on page 11 the following statement:

Before solar energy becomes a major source of clean energy for our nation, it will require the involvement of industrial ingenuity and productive know-how to produce economic hardware and services. Some of the difficulties in achieving industry participation are: (1) most companies are looking for short term projects for their new enterprises with return on their investments in 2 to 3 years; (2) long range projects present great risk, and investment capital is very scarce unless there is a high probability of return in a major line in their business; and (3) companies will undergo major change only under crisis (they will take chances but cannot take failure).

To overcome these problems several things are needed. (1) The item needed must be defined very carefully so that the direction is clear and feasibility shown. (2) The Government must make a long range commitment to assure that the interest will not wane in a couple of years. (3) The incentives must be substantial so that future profit is sufficiently assured over a period of time that makes industrial investment pay off. Further, industries must feel that the system is socially acceptable so that the public will look upon it favorably. Solar energy utilization fits into this pattern extremely well.

NASA has years of experience both in-house and through grants and contracts, on solar cells and arrays, thermal engines—turbines and others—and heat storage. Its expertise in rotating machinery as well as knowledge of aerodynamics, could be put to use in tapping such secondary solar sources as wind power and its computer facilities and programing expertise can aid in systems analysis, as applied to energy production, storage, and use.

The President's second energy message is short on the use of this in-house expertise.

Through advanced technology we learn how to do more for less. Is this not precisely our problem in the energy crisis?

Faced with a criss of the proportions we have in energy, the President has proposed modest amounts for advanced technology in energy. He indicates that a large share of such research should be conducted by the private sector. This is unrealistic.

The major thrust of nationally critical advanced technology must come from Government. We should have started this thrust in energy several years ago. Private industry is structured to react to the marketplace. Historically Government protects the longer range interests of the people and I am convinced will continue in this role. I urge the administration to recognize its responsibility to fund nationally critical advanced technology—the discipline of learning how to do more for less—the method of achieving a better life through better utilization of our resources.

In the realm of conservation of energy, the President has soft pedaled the problem. To begin with, military installations should stop converting their energy plants from available coal to hard to get oil.

And, I would ask, how much energy does the United States burn in unauthorized air strikes over Cambodia?

Conservation of energy cannot depend upon the market place alone for in that event it is the average man in middle America who suffers. Allocation of fuels must be on a fair basis. As Lee White, chairman of the Energy Task Force of the Consumer Federation of America said in testimony before the Interior Committee on May 1st—

American consumers are accustomed to problems of one kind or another and are undoubtedly willing to adapt and to be cooperative. We are a patient lot. But the recent past has placed many burdens on the consumer, and many more are clearly visible in the short term future.

The President's second energy message is short on protecting the consumer and in meeting the short term, medium term and long term problems. The consumer is called upon to pay more for his fuel, consider himself lucky if he has fuel on a continuing basis, delay environmental safeguards, use his energy conservatively and select his source of fuel wisely.

Now I have trouble with these admonitions from Mr. Nixon since, according to a report on energy-using markets the Comptroller General dated April 6, 1973—B-178205—energy uses were as follows for 1970:

| | *Percent* |
|---|---|
| Industry | 32.0 |
| Electrical Utilities | 24.7 |
| Transportation | 24.3 |
| Residential | 13.9 |
| Commercial | 5.1 |

Somehow, the message of conservation is being delivered to the wrong address.

Granted the total energy scene is vast and complicated. But the situation cries out for attention.

The challenge also is to the Congress. Together, the Congress, industry, and the Executive can and should resolve the problems.

There are good bills in the hopper which reflect the best thinking of both houses. Let us get on with it.



XUM

## NATIONAL ENERGY POLICY

Mr. DOMINICK. Mr. President, all of my colleagues in this body know by now that we are faced with a crisis in our energy supplies. I emphasize the word "crisis" for I do not merely mean that it is a problem to be discussed and mulled over. We need immediate solutions.

It is a crisis when we hear talk about and may fully expect gas rationing this summer or next. It is a crisis when we are told by the Secretary of the Interior that unless we drive slower, shut down our air conditioners and do other things, we will be faced with a fuel shortage.

It is a crisis when small independent businessmen are forced to close down because of a lack of supplies and watch as a lifetime of work and building a business is demolished. Such is happening in many of our States including my own. I am told of constituents in Sterling and Brighton, Colo., who have been cut back or terminated by Shell Oil or Husky Oil. I am sure there are and will be more unless we act soon.

Recently the President issued his energy message containing many worthwhile guidelines in solving our long term fuel problems and research is continuing in various areas to alleviate the expected crunch in the years to come. In my own State, the fine institution of Colorado State University was recently the recipient of a $491,000 grant from the National Science Foundation to be used in researching solar thermal systems for electric power.

We have taken one step to combat the crisis facing us by giving the President the power to establish supplies of petroleum under the Economic Stabilization Act. This, however, is only the first step. My own State legislature has jointly passed a resolution asking Congress to give top priority to implementing a National Energy Policy. I hereby request unanimous consent that that statement be entered in the RECORD as part of my remarks and urge all of my colleagues to join with me in seeking immediate solutions to the crisis confronting us all.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

SENATE JOINT MEMORIAL No. 1

Memorializing the Congress of the United States to Define and Implement a National Energy Policy

Whereas, Educational, governmental, and industrial facilities in the State of Colorado have been shut down because of a fuel shortage; and

Whereas, This serious condition is expected to continue and worsen in the future, unless immediate action is taken to correct the causes thereof; and

Whereas, The General Assembly of the State of Colorado considers the present fuel shortage to be an immediate threat to the health, safety, and welfare of the citizens of the state; and

Whereas, Increased reliance on importation of fossil fuels presents a problem of national security and balance of payments; and

Whereas, There is a need for a national policy which will provide adequate supplies of energy at reasonable cost and protect the environment; and

Whereas, Such objectives can be achieved by private enterprise under wise governmental policy; now, therefore,

*Be It Resolved by the Senate of the Forty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein:*

That the Congress of the United States is hereby memorialized to give top priority to immediately defining and implementing a National Energy Policy, including objectives to:

(1) Encourage the economic and efficient use, as well as the conservation of energy by:

(a) Encouraging and supporting research into additional methods to conserve energy and decrease per capita consumption of energy; and

(b) Providing financial incentives to schools, educational institutions, and industries involved in research and education concerning energy conservation and the reduction of per capita consumption of energy; and

(c) Supporting changes in technology designed to conserve energy and more economically utilize available resources;

(2) Manage the leasing of federal lands located within the state of Colorado (which constitute thirty-five percent of the land of Colorado), so as to encourage their development for the production of energy resources giving consideration to the energy needs of Colorado's people and its environment;

(3) Provide a tax policy which would encourage exploration and development in order to increase the supply of domestic oil and gas;

(4) Encourage and facilitiate an increase of refinery and transportation capacity for petroleum products;

(5) Achieve a reasonable balance between protecting the environment and developing, processing, and transporting needed energy resources;

(6) Gradually relax price controls on natural gas, but with provisions for equitable price treatment for consumers; and

(7) Encourage the release of atomic energy blocks of land for development of nuclear power.

*Be It Further Resolved*, That the Congress of the United States is hereby memorialized to do all that it deems necessary to promote the development of sources of clean and efficient energy through such means as:

(1) Encouragement and support of research to determine the energy potential of resources, such as solar, geothermal, nuclear fusion and fission, oil shale, tar sands, and the gasification and liquefaction of coal;

(2) Provision for tax incentives to industries involved in such research and development; and

*Be It Further Resolved*, That copies of this Memorial be transmitted to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and the members of Congress from the State of Colorado.

## THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a number of critics of the Genocide Convention have expressed the concern that ratification of this treaty would make a wide range of activities subject to punishment under international law.

Article II of the convention defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national ethnical, racial or religious group, as such:

First. Killing members of the group;

Second. Causing serious bodily or mental harm to members of the group;

Third. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Fourth. Imposing measures intended to prevent births within the group;

Fifth. Forcibly transferring children of the group to another group.

The Senate Foreign Relations Committee has attached and recommended two understandings to article II so as to clarify what does and what does not constitute genocide. In a number of previous statements before the Senate on this matter I have attempted to show that the Genocide Convention does not apply to many of the acts which some of its critics fear that it would. The Foreign Relations Committee has enumerated those concerns which are not covered by the Genocide Convention:

It does not alter the rules of warfare, or the obligations of parties to the Geneva Conventions on the treatment of prisoners of war and the protection of civilian persons in time of war.

It does not apply to civil wars as such.

It does not apply to discrimination, racial slurs, and insults, and the like.

It does not apply to voluntary population control measures.

It does not apply to the past.

However reprehensible such actions are, they do not constitute genocide under the terms of the Genocide Convention and the understanding attached to it.

Mr. President, I urge the Senate to ratify the Genocide Convention without further delay.

## COURAGE CAN'T BE PARALYZED

Mr. PERCY. Mr. President, as you and all my colleagues in the Senate well know, I am particularly interested in the problems of the handicapped and in the value of vocational rehabilitation.

The statistics of vocational rehabilitation are very impressive: In Illinois in 1971, for example, 14,001 of the 55,288 individuals served by the Illinois Vocational Rehabilitation Agency were completely rehabilitated. No amount of statistics, no matter how impressive, however, can provide as clear and meaningful a picture of the value of vocational rehabilitation to the handicapped and to society as a whole as can case studies of rehabilitated individuals.

In the Spring issue of the Journal of American Insurance is the story of John McWethy, the midwest managing editor of the Wall Street Journal. Mr. McWethy suffered crippling injuries in an auto accident which left him paralyzed from the chest down. But with an overwhelming amount of personal determination and courage, the assistance of his wife, the services of the Rehabilitation Institute of Chicago, and the intelligence of Mr. Fred Taylor, the Wall Street Journal's managing editor, Mr. McWethy has resumed his previous role as a productive member of the business world.

John McWethy is, of course, to be congratulated for his personal triumph over his handicap. I wish also to commend Mr. Taylor for recognizing the fact that John McWethy is needed just as much now as he was before his accident.

I would like to share John McWethy's story with my colleagues. I ask unanimous consent that the article from the Journal of American Insurance be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

COURAGE CAN'T BE PARALYZED

REHABILITATION: A CASE HISTORY

(By Dick Griffin)

John McWethy is working 30 hours a week these days at his job as midwest managing editor of the Wall Street Journal, and you better believe that is some kind of an achievement. And as if that isn't enough, McWethy also recently did the following:

He flew in an airplane, drove a car and went swimming.

He attended an editors' conference in Bermuda, overcoming the fear of facing his colleagues again.

He went to lunch with some old friends in a Chicago club.

He turned himself over in bed.

These are extraordinary things for the 60-year-old McWethy, but then he is an extraordinary person. Since Feb 22, 1971, McWethy has been paralyzed from the chest down and his hands are virtually nonfunctioning. He is a quadriplegic, confined to a wheelchair probably for life, unable to feel sensation in and use most of his body.

McWethy's life changed in an instant two years ago, when he dozed off at the wheel of a rented car on Interstate 70 near St. Louis. The car careened into the median strip at 70 miles an hour, rolled over and crushed the roof.

His visible injuries were minor: a few small scratches on his head, some blood dripping from an ear. But the invisible injuries were enormous. He had suffered in that tragic moment "the most severe injury a person can endure and still survive," in the words of Dr. Joel S. Rosen, Assistant Medical Director of the Rehabilitation Institute of Chicago.

McWethy's neck was broken, the spinal column dislocated and the spinal cord severely bruised at a point high in his neck. It was the bruise to the millions of vital nerve fibers in the spinal cord that was the crucial problem. It instantly paralyzed him, and his physical condition is essentially unchanged today.

But his emotional condition is something else. In these two years he has endured much and visited dark places in his mind that he wishes he had never seen. And he has found in himself a deep-seated determination and courage that seems superhuman to an observer but which Dr. Rosen describes as almost ordinary for spinal-injury victims.

McWethy was near death for days after the accident, and for months the threat of fatal infection was never far away. He learned the horror of bottomless depression and fear and self-pity, and believed he had become a burden to society and his family. He thought it would have been better to be killed in the wreck than paralyzed for life. He considered suicide. He could see no end to his catastrophe and cried easily and often and refused to talk about his massive injuries.

But at some point four or five months after the accident—no one knows exactly when—McWethy began the slow, long and very difficult climb back from despair and into the sunlight once again.

On Oct. 29, 1971, just 35 weeks and 5 days after the accident, he went home from the Rehabilitation Institute in a wheelchair, but with a gut full of determination to rebuild his life. Two days later he was back at work at the Wall Street Journal's Chicago office. He arrived, as he now does every working day, in a wheelchair and wearing special splints that convert wrist movement into gripping action of the fingers.

That first day the Wall Street Journal's editors in New York City sent a Teletype message to the paper's bureaus throughout the country: "John has won the battle."

"Quadriplegics usually do not go back to work," said an official of the Wall Street Journal's workmen's compensation insurance company. "But this man went back to work nine months after he was paralyzed."

This casualty company is experienced in the personal needs as well as the money matters of rehabilitation cases. A member of the American Mutual Insurance Alliance, the company has paid out more than $66,000 in the McWethy case, in addition to guiding his restoration program. This has included assigning a rehabilitation nurse to help serve his individual needs.

"The thing that has kept John alive and going is his work," said Mary McWethy, his wife of 35 years. "When you hear kids today downgrade work, they don't know what a lifesaver it is."

"The most important thing I had to learn," said McWethy, "was to live an inch at a time. Looking back is futile and pointless, and so is looking very far ahead."

He has accomplished so much in these two years that he has amazed the experts, but the supreme accomplishment has been getting back on the job.

"Going to work, day in and day out," said Mary. "That's the really big thing. The winter chills him to the bone, and the summer humidity makes him dizzy, but still he goes to work. He hasn't missed a day's work since he started back almost a year and a half ago."

McWethy can't handle an ordinary telephone, so Illinois Bell installed special ones in his home and office that have a hand piece mounted on a long gooseneck device at his ear level. He struggles to type at his new electric typewriter by using pencils as extensions of his largely paralyzed hands.

He's frustrated by the nuisance of dictating to a secretary. He can write with a pen, but it's a tortuous task involving both hands and his mouth to work the pen between his splinted fingers. Turning the pages of a newspaper spread out on a table before him was difficult to learn, and it still often takes him four or five tries before he succeeds. To accommodate his new needs, the Wall Street Journal lifted rugs, raised desks up on blocks, built ramps over thresholds and had a motorized lift installed at the back entrance to the building.

For insurance purposes he is considered permanently and totally disabled. But it is evident that he is carrying his own weight on the job and he's determined to continue to do so.

"Many men my age are thinking of retirement," he said. "I hope the Journal needs me forever. The most important thing is that I can think. Nothing happened to my mental machinery."

He can't edit stories with a pen or pencil, but others under him can. He can do the more important tasks: conceiving story ideas, guiding reporters in their work, interviewing and hiring young men and women as fledgling reporters.

McWethy was driving to Columbia, Mo., that February day to interview prospective employees at the University of Missouri Journalism School when the accident occurred.

"If he had been out on a Sunday drive instead of working for the Journal," said Mary, "we'd have been wiped out financially." But since he was injured in the course of his employment, he was covered by workmen's compensation insurance for both his wage loss and medical expenses. In Illinois, as in most states today, workmen's compensation provides unlimited coverage for medical expenses.

McWethy dozed off at the wheel and vaguely remembers the tires leaving the pavement and trying to steer the car back onto the road. The next thing he recalls was a nurse asking for his home phone number.

"Why should I fall asleep?" he still wonders. "It was two in the afternoon, I had a good sleep the night before, nothing to drink at lunch and had been behind the wheel only a short time. The terrible thing is, I drove carefully. Never had an accident in my life. Never a night in a hospital. I was anti-pill, never even took aspirin. Now this."

McWethy and his wife suspect the rented car may have leaked deadly carbon monoxide into the passenger compartment. It was a cold day, the heater was on and all the windows were closed. They can't prove their suspicion, but one of their sons wrote an angry letter to Detroit charging the car was defective. The manufacturer sent a team of engineers to tear the car apart piece by piece. The company said it couldn't find any defect.

"I didn't believe the hospital when they called me," said Mary. "I told them they must be mistaken. It must be somebody else. John was so close to being dead when they phoned me that they didn't want me to come. I went anyway. It was so ghastly and unreal, just a few little scratches on him.

"The worst part was realizing how helpless he is . . . was . . . and then accepting that he'll never get over it. There were so many things he could have done in retirement and they were all taken away in a moment."

"They put me in traction," said McWethy, "and it went on forever. Looking at the ceiling day after day for six weeks. It was awful."

On April 4, 1971, he was flown in a chartered ambulance plane from St. Louis to Chicago and taken to the Rehabilitation Institute of Chicago. A fierce snowstorm was raging in St. Louis and the grim weather matched his mood.

He arrived in a mood of "overwhelming despair," said an official of the Rehab. "He would just spill over crying. Treatment began immediately by the Rehab's team of physicians, therapists, psychologists, psychiatrists and nurses, but for weeks McWethy couldn't pull himself together. His body was broken and he couldn't talk about it without tears welling up in his eyes. He briefly considered suicide and wished he had been killed.

"The change didn't come overnight," said Dr. Rosen. "It seldom does."

But it did come. At the Rehab he learned to focus on his abilities, not on what he had lost. Therapists helped him strengthen what muscles he still controlled in his arms, shoulders and wrists. He learned to do the little things that suddenly became monumentally important.

"The greatest thing on Earth," McWethy says, "is learning how to do something for yourself instead of having somebody do it for you. Talk on the telephone. Drink from a glass instead of through a straw. These are priceless. It took me a month to learn how to use a fork without spilling everything before it got to my mouth. Learning to eat peas from a spoon was a dastardly experience. Soup is impossible to balance on a spoon, and it's almost worth my life to lift a full eight-ounce glass. I use a plastic tumbler. Heavy flatware, like the hotels use, sort of defeats me."

He relearned job skills, like using a phone and typewriter, writing with a pen, turning the pages of a newspaper.



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"When we brought him to the Rehab," said Mary, "I was in complete despair to put him among that maze of legless, crippled, paralyzed people. I came home and wept bitterly that night. But we quickly learned that there was more courage in one broken man struggling to learn to eat than in a hundred healthy men. They seem to make cruel demands on the patients, but you learn they're trying to make them tough. They have to make them tough."

Crucial factors in successful rehabilitation, according to Dr. Rosen, are personal courage, outside support and goals to be achieved. McWethy has all three.

Some employers abandon crippled workers, said Dr. Rosen, but the Wall Street Journal stuck behind its man. Fred Taylor, the newspaper's managing editor in New York, wrote McWethy in the summer of 1971, when his editor's mood was still dark:

"As you must know, but I think it bears stating, your value to the Journal lies not in your ability to hop, skip or jump, but in your judgment of people and news, which has proved over the years to be high. We can always hire someone to hop, skip and jump if we needed those activities."

Taylor invited him to return to work when he was ready, part-time or full-time. In time, going home from the Rehab and returning to work developed into goals that almost became obsessions.

The three McWethy children, all married and living out of state, also rallied around, as did friends and neighbors. Literally thousands of persons who knew McWethy wrote and phoned from across the country—and helped him realize his life was still worth living.

Some spouses shrink from calamities and run away from home. Others crack under the constant strain. Not Mary Helen McWethy.

"Mary has taken the brunt of it," said John. "At an age when she should be just horsing around playing bridge and doing church work, she's fixing the refrigerator and making the dishwasher work and handling the checkbook. And taking care of my many needs."

Several persons familiar with the case call her the most important factor in the successful rehabilitation of John McWethy. She cajoled and goaded him into accepting what had happened and trying to rebuild his life. In the bitter months after the accident she rarely left his side, and she stuck with him through all the grief and the terrible climb back to the sunlight.

She pushes him still, urging him to do more and criticizing him matter-of-factly when he drops a playing card or protests that an arm exercise is too much. When he expresses pessimism she quickly challenges him and counters with an optimistic statement.

The tragedy has strengthened his faith in God, John says. "When everything is daddy, you don't think much about God, I guess. But when you're lying in bed and wondering if you'll ever walk again . . . if you don't have faith, you sure grab for some. I think I had some before, and I have more now."

His home in Western Springs, Illinois, has been worked over with assistance and guidance from the Journal's workmen's compensation insurance company to serve his new needs. A motorized lift moves him between the rear porch and ground level. A long concrete walk has been poured next to the house so that he can be wheeled to the car out front. The bathtub was taken out and replaced with a shower. Rugs have been stored away. On the car roof there's a hydraulic lift that can move him in a sling between wheelchair and passenger seat of the car.

Each weekday morning a young man hired by the McWethys lifts John from his bed, dresses him, transfers him between wheelchair and car and drives him to the office and back. McWethy wears a dress shirt, tie, suit pants and windbreaker jacket to the office. But once inside the building he replaces the windbreaker with a suit coat. He wears it only until he gets upstairs to his office, where he removes the suit coat and works in his shirt-sleeves, typical newsroom dress.

"It's a little fiction to do all that, I suppose, but I think it's important not to look like a slob," he said. "That would be too easy."

He's determined to test the limits of his professional and personal abilities and is finding them to be wide despite his handicap.

When he went back to work in 1971, one of his goals was to attend the annual editors' conference in Bermuda in September 1972. He hoped he would be up to it.

A Wall Street Journal editor in New York got key information for him—how many steps would he have to be carried up at the hotel and how wide the doorways are. The English cars on the island were too small, so a Chevrolet was turned up. Commercial air transportation would have exhausted him, so the Journal sent its own Grumman Gulfstream II to Chicago to pick up John and Mary and John's brother, and took them all to Bermuda and back. For John it was a happy trip—and a boost for his self-confidence.

Another important ambition was to learn to turn himself over in bed. Every night Mary, although exhausted, had to get up and roll him over. Last May, with the help of the insurance company, John went to Denver and spent five weeks at the Craig Rehabilitation Institute, which specializes in spinal cases. He learned to turn himself over. While there, he also drove a car—specially equipped with hand controls—for the first time since his accident. And he "went swimming"—actually, floated in a pool on an inner tube.

"Craig helps give a man back some of his lost manliness," said Mary. "It was good for John's pride and self-confidence. Because of the Rehab in Chicago, and Craig and the Journal, we are far better equipped today to cope. Problems, we realize now, are temporary things. The day's troubles and little problems used to throw John into the depth of despair. Now he can accept them."

The McWethys have what they call a "massive goal," one they've had since he left the Rehab and which continues to elude them. They desperately want John to learn to transfer himself between wheelchair and car, so they can be less dependent on outsiders.

"With six months at Craig, John could possibly strengthen his arms sufficiently to be able to transfer himself," she said. "But he'd have to choose between working and full-time therapy, and the work won."

He badly misses the freedom to go out to lunch on workdays. "It would take half the day," he said. "We'd have to start an hour early to get me there. And are there any steps in the building to block me? Would the table be high enough to get the arms of the wheelchair under it? Maybe the glasses would be the wrong shape or too heavy for me to pick up. Who would cut my meat? Maybe the food would be the wrong kind and I couldn't get it into my mouth."

McWethy eats alone in his office at noontime, nibbling at half a sandwich and drinking some of his required several quarts of water ("Even water in great quantities gets to taste awful") and three pints of cranberry juice ("Yuck, I hate the stuff") to acidify his urine and avert urinary infections.

But he did get out to lunch recently with old friends, endured the problems—and had a good time.

He stays alert to threats that don't disturb most people. Respiratory ailments can be deadly because he has lost most control over his breathing and can't effectively sneeze or blow his nose. Kidney and bladder diseases are constant threats. He could break his leg or suffer acute appendicitis and feel nothing. Bed sores, or pressure ulcers, are fearsome.

If his pants bunched up under him he could develop a severe sore in as little as 30 minutes. That could put him in a hospital for a month and cost from $3,000 to $20,000 to correct.

He is cautious but not intimidated by such dangers, any more than he seems intimidated now by his physical limitations—or to be wishing hopelessly for it all to go away. And he can talk about it all now.

"Anybody who has had a spinal injury hopes for a miracle," he said quietly. "For heaven's sake I hope for one, too. But you also have to face life the way it is and do the best you can. My immobilization really hasn't changed very much since the moment I was paralyzed. Will I ever walk again? The chances seem heavily against it."

"What's done is done," said Mary. "It's obvious you don't gain anything from despair. We're really looking forward to a good life. Fortunately, John is very resourceful, and this catastrophe has made us realize how very much our friends and family and church mean to us."

## NEED FOR RECYCLING INCENTIVES

Mr. MOSS. Mr. President, in spite of the widespread public support for environmental preservation through the recycling of resources, it is becoming increasingly apparent that the good will of the public needs more than congratulation by the Government. Legislation creating substantially new departures is necessary. We must make the marketing of recycled materials economically profitable on a broad scale.

Though I applaud the millions of Americans who have diligently gathered up their newspapers, tin cans, and other refuse and delivered it to the local recycling center faithfully each weekend, we must recognize that this activity only effects the supply aspect of the recycling question. Unless demand for products made from recycled materials is increased we will not solve the solid waste problem.

On April 16 I introduced the Resource Recycling and Conservation Act of 1973, S. 1593. This bill would, First, create market conditions encouraging the use of recycled products by requiring Federal purchasing of such items; second, remove tax and freight rate discriminations; third, set product durability standards; fourth, stimulate energy recovery from waste; and fifth, create loans for municipalities to tackle their solid waste problems with modern techniques.

I hope that this issue will attract prompt and serious consideration in hearings. Congress will have to take the lead, for the administration has defaulted on solid waste and recycling programs.

Mr. Barry Newman of the Wall Street Journal has written an article in the May 9 issue clearly outlining the recycling problem. I believe that Congress and the public should find this article of interest, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:



### RECYCLING BACKLASH

(By Barry Newman)

NEW YORK.—John Bambino is a powerfully built, 28-year old, second generation junkman. Since getting out of college and inheriting his father's business seven years ago, Mr. Bambino has been roaming around this city with two trucks and two helpers scavenging in the back alleys of apartment houses for anything worth selling.

It's a life of excruciating physical labor (he and his men load 240 tons of newsprint a month) combined with the distasteful task of coddling superintendents who grant access to their tenants' castoffs. Until recently, the work at least netted a profit. "Eight months ago we were getting $22 for a ton of newsprint," Mr. Bambino says. "Right now it doesn't pay me to work. I make as much as my men do and I have all the headaches."

Mr. Bambino is selling newsprint for $13 a ton these days, and he blames the depressed price on competition from voluntary recycling centers. "Everybody's into recycling," he says. "But there isn't any market for all this paper. There's no way I can stay in business. I'm really at the end of the line."

On a very small scale, Mr. Bambino's trials reflect what might well prove to be the chief economic consequence of the environmentally motivated recycling movement: the flooding of already existing markets for secondary materials with previously untapped supplies of urban waste.

#### SHIVERING AT THE THOUGHT

The prospect of depressed prices that might result from such large-scale municipal recycling is sending shivers through the country's $8 billion-a-year secondary materials industry, which currently culls its supplies from such sources as factory waste and demolition projects.

The possibility of glutting markets, moreover, has doomed many large-scale recycling efforts contemplated by municipalities beacuse consistently high prices are needed to make such attempts economically worthwhile.

A number of bills are being introduced in the current congressional session intended to salvage the situation by expanding markets for recycled materials through such means as tax incentives. But these proposals are evoking irate opposition from the nation's vast virgin-materials industries and the railroads that haul for them.

In a reversal of a policy that was once almost taken for granted, the Nixon administration has pulled back its support this year for such federal recycling incentives. The upshot has been bitter dissension within the Environmental Protection Agency.

In the midst of this furor, the general public continues to support enthusiastically the country's 4,000 or so volunteer recycling programs. However, it seems clear that these ventures, often subsidized by image-conscious industries such as can and bottle makers, do more to raise public awareness of the environmental advantages of recycling than they do to demonstrate the economic viability of recycling urban wastes on a giant scale.

#### NOT PROMOTING MARKETS

New York City's "Trash is Cash" program, probably the largest citizen recycling effort in the country, is a good example. "We aren't set up to help promote markets for anybody's scrap," says Steve Batty, who directs the program. "What 'Trash is Cash' is all about is helping community groups get involved in recycling on their own neighborhood level."

As such, the program might have been misnamed. Two men on a truck picked up 12,000 tons of glass, cans and newspapers last year. This was sold for about $20,000, covering only 60% of the program's costs. The rest came from businessmen's groups supported by industry. Markets for the material weren't hard to find. "When you have the glass container manufacturers giving you money," Mr. Batty says, "you hear about where you can sell the stuff."

By the end of 1973, "Trash is Cash" expects to be breaking even. Still, this feat will be performed with volunteer labor peeling labels from tin cans, crushing glass and baling newspaper. A private trucker like Mr. Bambino couldn't do the same. When private industry as well as city governments must pay union wages, the chances of breaking even on the sale of municipal wastes are slim. Even under current conditions, without the infusion of urban waste, recycled materials are at a disadvantage in the marketplace.

For one thing, recycled products cost more to make (the one notable exception being newsprint). A ton of writing paper made from recycled waste costs $20 to $30 more a ton than the same thing made from virgin pulp, according to the federal EPA. Recycled glass costs as much as $23.77 a ton to produce, compared with $18.43 for the virgin product.

#### A DECLINE IN RECYCLING

On the way to the factory, moreover, secondary materials cost more to ship. Rail rates for scrap steel, for instance, are $4.61 a ton, while the rate for iron ore is only $1.84 a ton over comparable distances. Virgin materials also benefit from depletion allowances, or tax benefits for the consumption of a natural resource. In the case of the steel industry, for example, it's estimated that prices would have to be 13.5% higher to produce the same profits now obtained with the help of depletion allowances.

All this has contributed to a reduction rather than an increase in the use of secondary materials over the years. In the paper industry, for one, 35% of all production was recycled in 1945. The rate of reuse in 1972 was only 21%. (Aluminum, an exception, is being recycled at a higher rate than ever from discarded cans.) But the work of collecting the cans is done almost exclusively by volunteers.)

So, despite flurries of publicity about new recycling plans in many municipalities, on a broader scope, "there is no apparent move to install resource recovery systems" in the nation's cities, according to an EPA report released to Congress at the end of February.

"We're kind of embarrassed that there are lots of environmentalists running around on the recycling issue," says Heather Ruth, who heads New York City's search for new places to put its monstrous 30,000 ton-a-day load of garbage. "We haven't yet seen a situation where all the labor we might put in would be justified by the sale price." The city is opting instead for ways to convert its waste into steam energy.

New York nevertheless is toying with selling some waste to partially lighten the tax load of disposal costs. But marketing is a problem. The city has, for instance, contracted with a small company that converts trash into compost. "It's probably true that if we doubled the current capacity, they couldn't sell the other half," Miss Ruth says. "This is probably the worst place in the world to sell compost on a per capita basis."

A city closer to agricultural markets might be able to find more compost buyers. But it would still face the possibility of glutting the market with new supplies, as New York does in an experimental curb-side pickup system for newsprint. Miss Ruth concedes that "if we really had the most effective and most widespread newspaper recycling program, we could dampen the price in this area. We're big enough to really cause a problem."

Fear of such potential disruptions has prompted trade organizations like the National Association of Secondary Materials Producers to campaign with a blizzard of literature against the creation of any recycling program that might glut existing markets for waste.

#### CHICKEN OR EGG?

"Collections unsupported by market outlets can actually be counterproductive to recycling," says a 1972 booklet distributed by the association. "They can only serve to weaken the entire supply-demand balance and reduce the value of recoverable solid waste below the point at which it is possible to economically collect, transport and process it."

Manufacturers, on the other hand, are reluctant to build plants that process urban wastes unless the supplies are guaranteed ahead of time. The result is a chicken-or-egg riddle: "Nobody's going to build a plant unless the city can guarantee the supply," says Robert Nathan of New York's Council on the Environment, a private group. "But the city won't produce the supply until somebody guarantees to buy it."

For the cities and the secondary material people, the best solution would be federal legislation making wastes competitive with virgin materials. Ideas in bills being drafted range from a proposal by Sen. Edmund Muskie requiring specific percentages of virgin materials in packaging to Sen. Philip A. Hart's suggestion that a tax be slapped on anything made from virgin material. The bills also ask for the equalization of freight rates for secondary and virgin shipments. Though nobody is going so far as to seek it this year, the backers of these plans envision an end to depletion allowances as the ultimate answer.

The nation's virgin-materials industries aren't full of admiration for such suggestions. The steel industry, for instance, says it will have to spend $10.35 billion by 1976 to control pollution, with very little borrowing power left to build 30 million tons of new capacity it says the country will need by 1980. Any legislation that might reduce its income in the meantime is anathema.

#### AFTER 700 YEARS, WHAT THEN?

"The problem isn't conservation of natural resources," says Fred Tucker, environmental chief of National Steel Corp. "We have enough iron ore to last the steel industry another 700 years. The problem is what to do with municipal solid waste."

Railroad men are equally vehement in opposition to any scheme to equalize feright rates. Robert Hamilton, executive vice president of Southern Railway Co., says virgin and scrap materials "aren't interchangeable by a damn site. They don't load the same and they don't use the same equipment. Virgin material moves in great volume from one point to another and scrap comes from everywhere."

Environmentalists and the secondary industries may have scored a point in the current railroad rate case before the Interstate Commerce Commission. With some goading from the courts, the commission is asking for statements on the environmental impact of unequal rates for recyclable material before further general increases are made final.

But this victory is more than nullified by the setback recyclers received when the Nixon administration withdrew its support earlier this month for federal legislation providing incentives for waste recovery. The administration introduced a "Hazardous Waste Management Act" at the end of February that confines the federal role to wastes that might harm health. The bill doesn't mention recycling.

Even under the current Resource Recovery Act, whose life has been extended for another year, EPA's Office of Solid Waste Management is having its budget trimmed in fiscal 1974 to $5 8 million from $30 million

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this year. Its staff will be reduced to 120 from 320.

This is happening despite EPA's implied endorsement of a wider federal role in its recent report to Congress on resource recovery. (The report was reportedly withheld for months before it was forwarded.) And it is happening despite EPA's previously open commitment to the encouragement of recycling through government incentives.

Explanations for the administration's stand range from behind-the-scenes industry pressure to a shift in philosophy away from federal subsidies and to a belief that the solid-waste problem is a local one. But the impact is the same. "Our use of resources is a nightmare of insanity," says one disgruntled EPA staffer. "But saying that is dangerous because I work for a President who just said we don't have to do anything about it."

Without government help, some solid waste experts say, the whole idea of recycling ought to be scrapped. One alternative is put forth by American Hoist & Derrick, the largest maker of scrap-handling equipment in the country.

The company is crushing waste from St. Paul, Minn., down to dense blocks and burying them in landfills free of flies, rats and birds. John Carroll, president of the concern, suggests it would be economical to ship these blocks to abandoned quarries and mines, with an eye toward mining them in the distant future for the material today's society doesn't consider worth recovering.

Recycling is impossible today, Mr. Carroll says, "unless you have the services of the Boy Scouts, the handicapped, prisoners and otherwise idle people" who will work for next to nothing. Without them, he says, "there isn't any method known to society in which you can separate out material routinely at high volume and at union wages and make it sensible."

## WILLIAM ELY

Mr. DOMINICK. Mr. President, as a former Air Corps pilot in World War II and a member of the Senate Armed Services Committee, I want to pay tribute to a man who served this country with distinction and in a significant role in the production of aircraft components during the Second World War. I refer to Mr. William Ely of Pittsburgh, Pa. The accomplishments of Mr. Ely have recently been brought to my attention by his son-in-law, Mr. Thomas A. Gilliam of Denver, Colo., and I believe it is fitting that my colleagues be apprised today of the outstanding efforts of one man to insure that our defense supply lines would not falter during those critical days.

Mr. Ely began his professional career with Pittsburgh Plate Glass prior to World War II and was manager of the PPG plant in Belgium at the outbreak of hostilities. He escaped from Belgium just ahead of the Germans, traveled across France and returned to the United States.

At the PPG plant in Pittsburgh, Mr. Ely was placed in charge of one of the more pressing activities facing the company: the manufacture of windows and turret glass for our military aircraft. As you can well imagine, Mr. President, development schedules for the wide variety of new shapes and types of glass were demanding in the extreme, as were all of the phases of production and delivery. As an economist by early training, Mr. Ely monitored this entire production operation, using his skills in personnel management to obtain the highest performance from the production teams. In the words of one close associate during those years:

> William Ely had an intense personality; he was a perfectionist with tremendous energy who was able to obtain continuous high level performance from the entire operation. Because of his personable manner, he lost no friends and was highly regarded by all who served under him.

Mr. Ely is described by one PPG colleague as "the flywheel and the catalyst for the important wartime production effort. He could exchange ideas, stimulate, and get results."

Mr. President, to give you an idea of the importance of this man to the PPG effort, let me say that one of the most demanding jobs ever received by the company during the war was the rush production of the large greenhouse noses of our large, troop carrying gliders. This task, on top of all other production demands, placed a severe strain on everyone, but particularly William Ely. There was tremendous concern throughout the production run that the gliders would be delayed for lack of glass, and PPG had been advised that the gliders were of critical significance in the invasion of Europe. In spite of the tight schedule, I am told that not one glider was ever delayed for lack of glass. His colleagues at PPG rate this accomplishment as one of the high points of Mr. Ely's career.

I am sure that there are many other fascinating stories of the accomplishments of William Ely and others like him which have gone unnoticed by most of us over the years, and I am grateful to Mr. Gilliam and to Mr. Ely's former associate at PPG, Mr. A. D. Nutter, for bringing these facts to my attention so that I could publicly express my appreciation to Mr. Ely and all of those who served in our defense industry during that and other wars, supporting our combat forces overseas.

## NEED FOR RUNAWAY YOUTH SERVICES

Mr. BAYH. Mr. President, as chairman of the Juvenile Delinquency Subcommittee and as the father of a 17-year-old boy, I have been deeply concerned about the problem of runaway children. At least 1 million young people run away from home every year. Without direction or assistance of any kind, they too often fall prey to the pusher, the hustler, or the street thug. On May 3 the Washington Post carried a story of a very recent runaway, a beautiful young high school girl who left her home in Virginia without any advance warning. She, like many young runaways, will need temporary shelter care and counseling help to facilitate a successful return home. Without these services, runaway children are often forced into criminal activity to support themselves, even temporarily; and without counseling and advice, the runaway event is usually repeated.

My Juvenile Delinquency Subcommittee conducted hearings last year on the runaway youth problem. All our witnesses emphasized the lack of adequate shelter care facilities and counseling services for these troubled young people. In response to this need, I developed the Runaway Youth Act, which passed the Senate last July as S. 2829. At the time of adjournment of the 92d Congress, the Runaway Youth Act had been favorably reported by the General Education Subcommittee of the House Education and Labor Committee.

At the beginning of the present session, I reintroduced this measure as S. 645. On May 1, 1973, the subcommittee directed that it be reported to the full Judiciary Committee. S. 645 has been cosponsored by 23 of my colleagues, and I am hopeful that it will be enacted into law in the near future.

Mr. President, at this time, I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PARENTS AGONIZE OVER MISSING GIRL

(By Joseph D. Whitaker)

The last time Robert and Janice Shelton of Springfield saw their 16-year-old daughter, Robin Lee, was around 10 p.m. on March 7. She was lying quietly across her bed, doing homework as usual. The next morning, when Shelton stopped by Robin's bedroom before he went to work, he found an empty bed and a note:

Dad, Mom & Laurie, I'm sorry to hurt you all, but I really have to get away. I know this will hurt you, but I love Keith. I can't stand it, I really can't. Please don't worry cuz I know that God loves me and will protect me. I'm sorry. Maybe now we'll all be happy.

Robin Lee thus became one of an estimated 10,000 children between 14 and 17 years old who will run away from home in the Washington area in 1973. Half will be boys, half girls. And the plight of the Sheltons illustrates the agony that many of them will leave behind for their parents to experience.

"These young people are just trying to get away from the pressures of family and school and a society which says 'We'll recognize you as a person after you've graduated from college into the job market.'" said Robert Foster, of the Youth Development and Delinquency Administration at the Department of Health, Education and Welfare.

The Sheltons first searched the neighborhood, called bus stations, cab companies, and area airports, but could locate no one who had seen Robin. They finally called the Fairfax County police and reported that their child had run away.

"For a whole week, my husband and I worried so much we couldn't go to work," said Mrs. Shelton, who also has a 12-year-old daughter, Laurie. "Were frightened and worried sick." After waiting a week and not hearing from Fairfax County police investigators, Mr. and Mrs. Shelton relieved their agony by hiring a private investigator at $12.50 an hour.

"The police told us they had more cases than they could handle and that runaways are low on their list of priorities," and Mrs. Shelton. "We love our daughter and we're willing to spend the money to get her back." Nicholas R. Beltrante, director of the detective agency hired by the Sheltons, said that, increasingly agencies like his own are being retained to locate the runaway children of middle- and upper-income parents who feel they get quick results.

"Most police departments don't have the resources to send investigators across the country following a runaway child," said Beltrante, who said his agents handled more than 50 cases last year. "But I've assigned two investigators to this one case. . . ."

Beltrante said that most runaway children never go more than three to five miles away from home—although others may just as easily be found as far away as California or the state of Washington. Investigator D. O. Doss, who was assigned to Robin's case, said the Fairfax County police department receives between 85 and 90 reports of runaways daily. However, most of them return home on their own after two or three days, he said.

Det. Doss said that publicity about runaways will seldom "actually help us locate our subject." Robin's story is told here only to illustrate the runaway problem.

Several authorities said most runaways leave home in early spring (when temperatures are agreeable to camping, light dress and setting up of beach communities) and in the early fall, when school is resuming (and youths are reluctant to go back to the problems they associate with school).

Mrs. Shelton said her daughter became depressed recently when she broke up with her boyfriend. "Robin was never one to show strong emotion. We had no early indication that she was planning to run away," Mrs. Shelton said. "She accepted her parents' decisions and never rebelled." Robin, described by her mother as "very religious," is a member of Franconia Baptist Church, where she plays the organ every other Sunday for the youth choir. At Robert E. Lee High School, Robin was a high-ranking student and a cheerleader.

When she left on March 7, she took $70 of her own savings and a flight bag containing what Mrs. Shelton said was a "Sunday dress and a Sunday pair of shoes."

She also took her Bible.

## THE FUEL SITUATION WORSENS IN MINNESOTA

Mr. HUMPHREY. Mr. President, the State of Minnesota continues to feel the effects of gasoline and diesel fuel shortages. I have just received the latest report on this situation—from Minnesota's Director of Civil Defense, Mr. James Erchul. The report was originally sent to the Minnesota legislature and to region 5, Office of Emergency Preparedness in Chicago, Ill. I ask unanimous consent that this message be printed at this point in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF PUBLIC SAFETY,
CIVIL DEFENSE DIVISION,
*St. Paul, Minn., May 3, 1973.*

To: Minnesota Legislature.
From: F. James Erchul, Director.
Subject: Teletype Message Regarding Fuel Situation.

The following is the teletype message which we sent to Region 5, Office of Emergency Preparedness, Chicago, Illinois, concerning the fuel situation:

A. Estimate of fuel situation:

More fuel businesses have closed. Others are limiting hours and/or amounts.

1. Gasoline—Additional closings continue to be reported.

2. Diesel fuel—Truckers report inability to secure renewals of fuel supply contracts.

B. Effects of fuel shortage on people:

Unemployment continues to rise as shortage effects are being felt by dependent industry.

C. State activity:

Fuel related bills continue to be discussed in legislature. Civil Defense continues to put extra supply together with people who are short.

D. Industry activity:

Phillips Petroleum notified service stations they are being cut 10 percent from comparable months a year ago. Standard Oil announced allocations to last year's levels. Estimated demand is 7–10 percent greater than a year ago.

E. Publicity accorded fuel shortage by news media:

News media continue to highlight stories on fuel shortage.

F. Major problems:

State is unable to determine how much petroleum suppliers intend to sell in Minnesota.

G. Comments:

Although some industry experts are predicting a "shortfall of 2 percent in gasoline supplies," it appears it will be more than that in Minnesota.

Recommendations: Federal Government regulate a proportionate share of total petroleum supply to each State based on a historical formula.

OEP help Minnesota officials determine the marketing intentions of major suppliers.

## AID TO NORTH VIETNAM OPPOSED

Mr. ROTH. Mr. President, I have just received a copy of House Resolution 58 of the State of Delaware House of Representatives. This resolution vehemently opposes payments of any kind to North Vietnam for reconstruction of that country. So the Members of this body will have an opportunity to learn the sentiment of the Delaware House of Representatives on this important national issue, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION No. 58

Expressing vehement disapproval to appropriating any aid for the purpose of reconstructing North Vietnam

Whereas, the members of the House of Representatives of the 127th General Assembly are adamantly opposed to the spending of money or giving of other foreign aid for the purpose of rebuilding North Vietnam; and

Whereas, to give foreign aid for the purpose of reconstructing North Vietnam undermines the courageous efforts of the Americans who died in Vietnam as well as those who were fortunate enough to return home; and

Whereas, it is the feeling of the members of the House of Representatives of the 127th General Assembly that funds available for such purposes could be utilized to a much greater effect by using such funds for domestic purposes and in helping those who served in the war to find jobs.

Now, therefore:

Be it resolved by the members of the House of Representatives of the 127th General Assembly of Delaware that the appropriating of aid for the purpose of reconstructing North Vietnam is vehemently opposed.

Be it further resolved that a copy of this resolution be forwarded to Senators William V. Roth, Jr. and Joseph R. Biden, Jr. and Representative Pierre S. duPont, IV in their respective Washington offices.

## GASOLINE RATIONING

Mr. GRAVEL. Mr. President, there is no doubt that the United States is in the throes of a critical energy shortage that threatens all of us. For the past several months we have been talking about a possible gasoline shortage which will have far-reaching results.

The most serious result will, of course, be for transportation of employees to and from work. While all of us will suffer in some degree, those involved in the tourist industry for a livelihood are quite likely to be only partially employed—or not employed at all—this summer. Widespread unemployment will result in the transportation and related industries. This further emphasizes the urgency for prompt action in clearing the roadblocks for construction of the trans-Alaska pipeline.

In last night's Washington Star there appeared an article by Roberta Hornig concerning a rationing system of gasoline instituted by Amoco in the Illinois tollway system. This is merely a forerunner of things to come.

I ask unanimous consent at this time to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FILL-'ER-UP BARRED ON TOLLWAY

(By Roberta Hornig)

The Amoco Oil Co. has announced it will limit gasoline sales to about a half tank per car at its stations on the Illinois Tollway system, because of fuel shortages.

A company spokesman said yesterday that beginning at 7 a.m. tomorrow, Amoco stations will "temporarily" limit gasoline sales to 10 gallons per passenger car and 35 gallons of diesel fuel per truck.

The announcement of the direct rationing of gas to motorists follows Amoco's "allocation" program to all its gas stations that went into effect May 1.

Amoco Oil Co. is a subsidiary of Standard Oil of Indiana.

Standard Oil Co. of California announced yesterday that it is limiting gasoline supplies to its service stations because of "exceeding high demands."

Several other oil companies also plan to allocate gas to their stations but Amoco's move is the first time a major oil company has ordered its stations to ration gas to motorists.

Amoco has gasoline concessions on the Tollway system, which includes several toll roads with several offshots running from the Chicago area to the Wisconsin-Indiana State Toll Highway Authority, which approved the rationing plan, said it did so reluctantly, but that "it seemed to be the best alternative to assure equitable distribution of available supplies to all motorists."

An Amoco spokesman said that if the company had not initiated its nationwide allocation program to gas stations "a supply-demand imbalance would have almost certainly led to widespread runouts of gasoline and diesel fuels this summer."

Amoco decided to directly ration motorists on the Illinois road because, under its contract with the state, it is committed to keep its stations open 24 hours a day seven days a week.

Stations that come under the general allocation rules will have the option of keeping shorter hours or closing one day a week if their fuel supplies run dry, the spokesman said.

The spokesman added that gasoline is scarce with the recent lifting of the oil import quotas. One reason the lifting of the quotas has not brought in enough oil is a scramble for Middle East oil by several American companies and the Europeans and Japanese.

In another energy development, 35 senators sent a letter to President Nixon yesterday urging him to start allocating petroleum products instead of leaving it up to oil companies.

While administration energy experts are still claiming only "spot shortages" of fuel, several transportation industry officials yesterday told the Senate Banking Committee



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fuel shortages appear to be fairly wide spread and worsening.

The bleak energy picture was given by representatives of the bus, inland waterway, airline and railroad industries and the farmers.

Some of the key points.

A vice president of Greyhound Lines, Inc., said fuel shortages "have already had an effect on Greyhound's operations and represent a serious potential threat to the nation's transportation system."

Paul R. Ignatius, president of the Air Transport Association, said fuel shortages have already occurred at some airports and his organization has asked the federal government to release aviation fuel bonded for international flights for domestic consumption.

James R. Smith, president of the American Waterways Operators, Inc., a national trade association of transport towboats, tugboats and barges said diesel fuel shortages have so far been spotty except in the Midwest where some towboats traveling north on the Mississippi River from the Gulf Coast have been stranded in the St. Louis area because they were unable to buy fuel there.

He warned of a "ripple effect" of fuel shortages, saying 58 percent of the tonnage carried on inland waterways is fuel for other industries including electric utility.

A spokesman for the National Farmers Union said farmers are concerned about getting enough fuel for running their tractors. Two factors are at play in the Midwest: a Nixon administration request to farm 50 million more acres to bring down food prices and an extremely late planting due to the Mississippi floods. Because of the delay farmers have to work longer hours later this month and early in June to get their crops in the ground, and therefore will require more fuel faster, the spokesman said.

The New York Times quoted official sources as saying the administration expects to announce within a week a voluntary system . . . gasoline supplies and possibly other petroleum products.

A possible formula, the Times said, would be to ask major suppliers to put cutbacks of deliveries on a uniform basis—the same percentage to all customers including its own outlets.

## PROBLEMS FACED BY LAW ENFORCEMENT OFFICERS

Mr. MOSS. Mr. President, ever increasing demands are placed upon today's law enforcement officers. Most of the demands are a result of an increase in crime over the past several years. But, many problems for our policemen result from an entirely unexpected source. It involves action taken by responsible citizens who desire to create a safer society.

One inconvenience for law enforcement agencies occurs, because many businessmen, as well as the general public, in an attempt to discourage burglaries, install defective alarm systems. Law enforcement agencies, with dispatch, answer burglar alarm calls regularly. When a false alarm is set off the time of several policemen is wasted in answering the call. Other police duties are postponed, neglected, or forgotten entirely. Additional law enforcement expense occurs.

We cannot blame the policemen for this problem. Rather, they must be commended for their special dedication in responding to the burglar alarm, whether real or false. And we cannot blame the entire group of citizens who is trying to protect themselves from potential burglars. But something must be done, whenever possible, to prevent the use of defective alarm systems.

The ramifications of this problem are brought out in an article entitled "False Alarms—A Major Problem to Law Enforcement," by Joseph L. Smith, assistant chief of police, Salt Lake City, Utah. It appears in the May 1973, issue of the FBI Law Enforcement Bulletin. I ask unanimous consent that excerpts from this article be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

FALSE ALARMS—A MAJOR PROBLEM TO LAW ENFORCEMENT

(By Joseph L. Smith)

The continued rise in crime in the United States over many years has brought with it a significant increase in the installation of intrusion alarms in business, industry, and private homes.

Overall, the results of the increased number of alarms have been good. Locations which have increased their protection with alarms have generally experienced significant reductions in loss from criminal attacks. An added incentive for businesses to install alarms has been more favorable insurance rates. Because of the alarms, many more criminals have been apprehended than would otherwise be the case.

However, not all of the consequences of the increased security of alarm systems have been happy ones. A problem which has developed in direct proportion with the alarm installations is the problem of false alarms.

Most companies manufacture, install, and service very reliable systems. However, some seem more concerned with making sales than with the service and reliability of their equipment. There is no doubt that reputable manufacturers are as concerned as the police with the false alarm problem; perhaps even more because their continued existence depends upon the reliable performance of their product. False alarms due to poorly designed equipment or faulty installation are costly to manufacturers because they alienate customers and the police. Customers of alarm companies resent getting out of bed at 3 a.m. and driving to their place of business in response to a false alarm. Law enforcement officers and administrators are reluctant to tie up one or more units at a probable false alarm when their services may be badly needed elsewhere.

What is being done about the problem? Responsible manufacturers are trying to build the most reliable product possible. Knowledgeable installers are doing the best job possible. They are planning each installation carefully, taking all circumstances into account that can possibly be anticipated, and they are maintaining the integrity of the alarms by frequent service checks. Unfortunately, there are many customers who will buy the cheapest product possible to satisfy insurance requirements, and these systems are often inadequate. Neither the customer nor the company in such instances seems to worry much about maintenance. False alarms from poorly designed, maintained, and installed equipment continue to be a major problem.

LAWS AND ORDINANCES

What can law enforcement do about faulty alarm equipment and ineffective intrusion alert systems? It is possible to encourage ordinances which could hold alarm companies responsible for carefully planned, well-maintained installations. For example, if false alarms are repeatedly received from one particular location and the company failed to take corrective action, ordinances could empower the city to send its own technicians to inspect the alarm installation and correct the problem. The alarm company or the business having the installation could then be billed for the service. In addition, a fine could be levied in aggravated cases.

Several departments have asked their city fathers to pass ordinances which would prohibit telephonic alarms from terminating at a police telephone switchboard. There are at least two good reasons why they have requested this action. First, in the event of bad weather, earthquake, or disaster, the false alarms could be numerous enough to tie up most of the police telephone circuits at a time when they would be sorely needed. Second, the police would have no ready access to information identifying persons from the firm maintaining or servicing the alarm system who have the responsibility to assist in checking the premises. Many of these telephonic alarms were sold because the salesman assured the customer that a recorded telephone message would go directly into the police department switchboard.

Another major reason for false alarms is the carelessness of alarm customers and their employees. They may activate an alarm by entering or leaving their building without notifying the alarm company in advance. Naturally, the servicing agency cannot distinguish between an employee and a burglar when they receive the alarm. Here again, laws may be enacted imposing some type of penalty for repeated carelessness or indifference.

It might also be well to consider laws pertaining to the security aspect of new business construction. Building codes which would require specific intrusion detection systems in certain commercial structures could be a major step in assisting law enforcement in the control of many crimes against property.

It is suggested that the police and their legal counsel would do well to meet with and discuss any proposed ordinances with alarm company representatives prior to supporting such action. The input from the industry could be valuable and possibly even make regulation by ordinance unnecessary.

DEPARTMENTAL POLICY

Aside from the passage of laws and ordinances, what else can a law enforcement agency do to insure proper response to intrusion alarms and still provide services which may, at the same time, be needed elsewhere? The best answer to this question is probably the drafting of clear departmental policy. Again, it would be a good idea to meet with the alarm companies, not only for their ideas but to put them on notice that your department is taking a positive action which will affect them.

After the policy has been adopted, all officers of the department must be fully informed so that there will be no question as to exactly what the policy is and how it will be carried out. Next, written copies of the policy should be mailed to the alarm companies so that they, too, will know precisely what to expect from the police department. Finally, it might be a good idea to inform the business community by some means so that they will understand what they can expect from their police department and what is expected of them. Such notification to business people will also reduce the possibility of misleading representations by "fly-by-night" alarm salesmen peddling inferior products.

What should a burglar alarm response policy include? Probably the best way to answer that question is by an actual example. Any agency interested in the following summary of the Salt Lake City Police Department's burglar alarm response policy may then add to the policy or take away from it in accordance with their own needs. It is simple, but it informs police officers and radio dispatchers exactly what is expected of them.

The department responds to all burglar or intrusion alarms, and if units are not available at the time the alarm is received, they will be dispatched as soon thereafter as possible. If the units which respond to the alarm are unable to locate a point of entry into the premises and there exists no particular reason to believe that a burglar may be inside, they may immediately resume normal patrol.

However, if the dispatcher has been informed by the alarm company or answering service that an alarm service man or other persons responsible for the premises will go to the location of the alarm, one police unit will be assigned to hold at the location for no more than 15 minutes. After the expiration of 15 minutes, the unit may resume patrol if no one has appeared to assist in checking the premises.

In the event someone arrives to check the premises after the assigned unit has resumed patrol, the police dispatcher will send another unit to the scene. Also, if an emergency occurs during the 15 minutes that a unit is holding at the location of an alarm, the police dispatcher is authorized to reassign the unit to respond to the emergency.

With the enactment of ordinances and the adoption of meaningful, practical police policies, the results achieved from well planned and maintained alarm systems should be worthwhile. False alarms can be significantly reduced while more burglary arrests can be experienced by the increased assistance to police efforts.



## ISRAEL'S 25TH BIRTHDAY

Mr. TOWER. Mr. President, freedom loving people around the world are this week celebrating the 25th anniversary of the state of Israel. Along with millions of Americans, Christians and Jews alike, I would like to extend my best wishes to the State of Israel and to its people in recognition of this important event.

When Israel attained recognition as a sovereign member of the international community 25 years ago, many knowledgeable scholars in the field of politics and international relations sincerely believed that its existence would be short-lived. I doubt if anybody felt that it would attain the achievements that it has made in this 25-year span. The success of Israel belongs exclusively to its people. Their courage, perseverance, and general know-how have enabled their country to be a leader in such fields as education, and science and technology. That they have achieved so much while being under the constant threat of war with their neighbors is quite remarkable and something that I have admired for many years.

The United States has been a close friend of Israel during these 25 years and I continue to believe that this support is a required prerequisite to lasting peace in the Middle East. If Israel is left defenseless by its allies. I am convinced that a recurrence of the 6-day war of 1967 will be fought.

At the same time the international community must better recognize that persecution of Jews in the world still exists despite the experience of Hitler's barbarism of 30 years ago. This is particularly so in the Soviet Union where a totalitarian dictatorship continues to maintain an official policy of religious discrimination. The State of Israel offers a new home to these captive people of the Soviet Union and everything should be done to insure that they are given total freedom of emigration.

Israel is a land of hope for millions of people, both within and outside its borders. We all hope that a settlement can soon be realized with its Arab neighbors so that mutual progress can be made in that area of the globe. With this hope, I extend a greeting of Shalom, an expression meaning both "peace" as well as the term used to greet your fellow citizen. Shalom is more than just a word, therefore, it is a feeling of hope and aspiration that is shared by not only Israel and its people but all peace and freedom loving people throughout the world.

## ADMINISTRATION ACTION URGED ON GASOLINE AND FUEL SHORTAGES

Mr. HUMPHREY. Mr. President, it is urgent that the Nixon administration act now to put an emergency gasoline allocation plan into effect. Unless the administration states firm plans to deal with the gasoline and fuel shortages, I will do everything in my power to pass legislation directing that it do so. I am somewhat encouraged by reports from the meeting yesterday at which Deputy Secretary of the Treasury William L. Simon said the administraton is preparing to put such a plan into effect within a week. Today's Washington Post newspaper reported on that meeting, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLAN READY FOR FUEL ALLOCATION

The Nixon administration is preparing to put an emergency fuel allocation plan into effect within a week, Deputy Secretary of Treasury William L. Simon said yesterday.

Its purpose, he said, is to assure that no section of the country, dealers or critical public services suffer more than others in the expected shortage of gasoline this summer.

Simon disclosed that a plan was nearing completion after hearing complaints from Midwestern senators whose farming constituents say they may be denied enough diesel fuel needed to run their irrigation systems and tractors this spring.

Aides said the plan would probably consist of guidelines issued to refiners and marketers. It would urge them to provide the same percentage of fuel to local dealers that they made avilable last year, the aides said.

Details of the plan are not yet completed, but Simon hopes to have it in effect within one week, the aides said. He expects to present the plan to President Nixon this weekend.

Although the initial guidelines would be voluntary, aides said Simon probably will begin setting up the machinery for a mandatory plan that would require the big oil companies to allocate fuel.

Simon last night said he has not foreclosed the possibility of beginning with a mandatory plan instead of a voluntary one. "It could be easier," he said.

Under an amendment to the law extending the wage-price control authority, the Nixon administration has authority to initiate either a mandatory or voluntary system to assure that all areas of the country get sufficient fuels to meet "vital needs." The administration had opposed that amendment when it was offered in the Senate by Sen. Thomas Eagleton (D-Mo.).

If mandatory controls are called for, however, the government must set forth its guidelines and then hold public hearings, a time-consuming process.

Behind the latest pressures are congressmen and senators representing areas farthest from the major U.S. oil sources—the Midwest and the Northeast.

The farm-state senators, meeting with Simon in Vice President Agnew's office, complained that the farmers need immediate assurance that they can buy the diesel fuel needed to operate the large motor-driven irrigation systems.

Sen. Carl T. Curtis (R-Neb.), according to an aide, told Simon at the meeting: "I feel you have the tools in spite of the shortage to allocate fuel in these farm areas If you don't, I expect to burn you at the stake."

Simon said that inventories of gasoline are 12 per cent below last year's levels. However, he said there will be no need for rationing at the retail level and predicted there will be no "severe country-wide shortage."

The overall purpose, he said, is to "share the shortage" so that no section of the country suffers unduly. "Everybody has to make some sacrifices," he said.

## FUEL ALLOCATION TO FARMERS NECESSARY

Mr. DOMENICI. Mr. President, many of my colleagues and many American citizens are expressing their growing concern over the potential fuel shortage facing this country. I also am concerned. But to date, most of the concern has centered around the problems it would cause in the area of transportation. Service stations are closing for lack of an adequate supply of gasoline. We are being asked to conserve fuel in our private automobiles, and the airline industry is even faced with the possibility of reducing their air speed to conserve jet fuel.

But the fuel shortage may affect even more than our transportation. There is a possibility that it will affect the vital food supply in this country.

I have written to Interior Secretary Rogers Morton and to Agriculture Secretary Earl Butz to express the concern of many New Mexico farmers that the shortage of diesel fuel may hamper them from running their irrigation systems and tractors.

And the problem has become even more acute, because the Secretary of Agriculture has released many acres for planting which previously had been set aside.

In Curry County, N. Mex., for example, 30 percent more acreage, or 55,000 acres, have been released for planting this year. In principle, this is a step most certainly welcomed by farmers in the area.

However, my constituents have advised me that there is a real possibility that Mr. Butz' goal of increasing the food supply to foreign and domestic markets may be frustrated by a scarcity of diesel fuel and natural gas.

Distributors of fuel in Curry County are also on an allotment based upon last year's use. But last year's use did not include a 30-percent crop increase.

Deputy Secretary of the Treasury William L. Simon has pointed out that the administration may be putting an emergency fuel allocation plan into effect within a week. I am aware of this possible action.

But he also has said inventories of

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gasoline are 12 percent below last year's levels. The allocations would be designed to give all sections of the country the same percentage of the fuel supply they had last year.

But I would like to point out that this would mean our farmers would be getting even less fuel than they got last year. And last year's use did not even include a 30-percent crop increase.

Without more fuel, how can the farmer till and harvest more acres and how can he run the water pumps to irrigate their land?

My concern, Mr. President, is that the announcement of increased acreage will turn out to be only an expectation if we do not find a solution to the problem of insufficient fuel supplies.

I can think of few higher priorities for use of our fuels than to help provide an adequate supply of farm products for the American and world marketplaces. We must supply the needs of our own country, and if we expect to alleviate our balance-of-payments deficit, we must produce more food than we need for exportation.

I want to stress that I praise Secretary Butz' attempts to increase our food supply by allowing our farmers to grow more crops. And I am equally sure that the American taxpayers, the American housewife, and our international economists will welcome such an increase in production.

But I warn you today, as I have warned the Cabinet officials, that we must do everything in our power to see that the promises made about an increase in the food supply are not broken because of improper management of our fuel resources.

## EMERGENCY GASOLINE AND FUEL ALLOCATION

Mr. HUMPHREY. Mr. President, I wish to draw the attention of the Senate to an editorial which appeared Thursday, May 3, in the St. Paul Pioneer Press. The editorial discusses the vital question we all are debating in Washington this very moment—the urgent need for the Nixon administration to take steps to allocate gasoline and fuel oil supplies. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ALLOCATING FUEL SUPPLIES

What can and should the Nixon Administration do about the worsening national shortage of gasoline and fuel oil? Washington officials are debating the question.

Minnesota, Wisconsin and Iowa, one of the regions hit hardest by last winter's scarcity of fuel oil, now are told there isn't enough gasoline available to meet normal summer demands.

The question before Washington officials is whether there should be government intervention in the allocation of petroleum supplies. When Congress this week extended the President's wage and price control authority for another year, it included in the law a new provision permitting supervision of gasoline and oil distribution. The Administration has not said whether it intends to use this authority, but the President's recent energy message made no such suggestion.

The alternative to government action is to let the big national oil companies divide their supplies as they see fit. This is the present situation.

Sen. Hubert Humphrey of Minnesota has proposed that Congress establish a national Emergency Fuel Allocation Board "to assure fair allocation of petroleum products to all parts of the country." Rep. Donald Fraser and others have asked President Nixon to initiate such a program immediately under the authority contained in the economic controls law just passed.

In his letter to Nixon, Fraser said: "The public interest requires that government play a key role in determining how oil is distributed and to whom. This is the only way we can minimize inconveniences and hardships to the consumer. Reliance on the free market will not solve the oil distribution problem."

He added that "energy consumption must be curbed—and through more than voluntary means. We have to start thinking about taxing automobile horsepower, for example, and insisting on strict standards of efficiency for electrical appliances."

Some 150 independent gasoline stations in the Twin Cities area have been forced to close in the past two months. The big-name brand companies are beginning to restrict allocations of gasoline to their own outlets. Major farm cooperatives, important suppliers of tractor fuel and gasoline required for agricultural production, are in trouble.

Interior Secretary Rogers Morton this week called on all Americans to restrict their driving voluntarily. He urged use of buses in the cities to go to and from work, driving 10 miles an hour below speed limits on the highways, limiting the use of auto air conditioners and other "common sense measures."

"If a majority of Americans take energy conservation seriously," said Morton, "we will not have gasoline shortages this summer." Otherwise, he declared, "we will have to consider more serious remedial measures."

The shortages already are a fact of life in Minnesota and the Midwest. Laxity in planning by the government and by the private petroleum industry, plus years of governmental policies which discouraged expansion of supplies, are partly responsible for the present situation.

Voluntary action by individual citizens to cut down gasoline consumption is called for, but governmental intervention may also prove necessary. This will become especially important if developments indicate that the Midwest does not share equitably in the national distribution of supplies by the petroleum industry.

## COMMEMORATION OF THE FOUNDING OF THE STATE OF ISRAEL

Mr. MATHIAS. Mr. President, all of us who have stood before the Wailing Wall in Jerusalem have felt the awe and sense of antiquity inspired by that solemn, holy place. It is literally all that remains of the great temple destroyed by the Romans and it is also one of the last remnants of ancient Israel. It was, therefore, the uniquely appropriate place to commemorate the founding of modern Israel and to celebrate her survival through birth and infancy. A memorial torch was lighted at the Wailing Wall last Sunday on the 25th anniversary of the founding of the State of Israel. There was much joy and many festivities throughout Israel this week at the successful completion of 25 years of toil and perseverance of the creation and security of an independent Jewish state. These years have earned for the people of Israel the luxury of enjoying the fruits of life in a free nation.

I offer my congratulations to the Israeli people on this happy occasion. Americans of many faiths have always felt an indissoluble bond between our country and the State of Israel. We have in many respects a common history, mutual purposes and shared ideals. Both are nations born in war and built by immigrants. Both are dedicated to democratic and humanitarian goals. Both have transformed foreign oppression into national opportunity. In both Israel and the United States, the once homeless built a haven for the hopes of all free men.

The United States has expressed, through economic and military assistance, its firm commitment to Israel's right to exist with secure and defensible borders. The Israeli have made our aid an investment and now this desert outpost has become a valuable part of the world economy.

Israel has met and conquered numerous seemingly insurmountable challenges over the past quarter century. She has channeled her human talent and technical expertise toward solving the problems of absorbing 1½ million immigrants; establishing a modern army increasingly supplied by locally produced defense equipment; transforming an agrarian to an industrial economy; preserving and strengthening its democratic institutions; cultivating arts and sciences; and achieving many other worthy goals. Israel today represents more than a place for homeless Jews to live—it stands for a real contribution to the quality of life, not only for Jews, but for all mankind.

Last week marked the 75th birthday of one of the most inspirational leaders in the history of the state of Israel. From the days of its very inception, Israel has been blessed with the energy and enthusiasm of Golda Meir, now Prime Minister. It has been my pleasure to have met with Mrs. Meir frequently and I would like to take this opportunity to congratulate her on the success of all she has done over the years to make Israel a great and humane nation and a responsible partner in the world community. Her efforts have been an invaluable contribution in the development of the dynamic society that is today's Israel.

## NATIONAL CHRISTMAS TREE

Mr. BAYH. Mr. President, I have recently received word that the national Christmas tree this year will be coming from my own State of Indiana. This certainly elicits a measure of Hoosier pride, and, while it is a bit out of season, gives pause for reflecting on the gentle spirit of Christmas.

When the national Christmas tree is lit each year it reflects a lovely mixture of natural beauty and manmade ornamentation. The tree provides a feeling of joy for Washingtonians and for the thousands of Americans who visit the National Capital each Christmas season. I am indeed pleased that this year's tree, bringing joy to so many, will be from Indiana.

There is a Hoosier—George T. Bowers—who probably is more understanding of the Christmas spirit than most. He has authored a song and a story entitled "Christopher the Christmas Tree," which carries forward that wonderful spirit in a most thoughtful manner.

The theme of "Christopher the Christmas Tree" revolves around the growth of a once scrawny evergreen, with the name of Christopher, into a huge, full tree ultimately selected to be the national Christmas tree. The morale of this song and story, which have brought smiles to thousands of young children, is the ability of this tree to strive and succeed in the greatest of tree ambitions—to be the national Christmas tree.

In this morale are lessons about the rewards which come from hard work, and the pleasure which comes from giving pleasure to others. It is a reaffirmation of the Christmas spirit. It is, indeed, a lesson for us all.

George Bowers is a creative, sensitive individual whose wonderful message is conveyed gently and effectively in his story of "Christopher the Christmas Tree." This year, when that big, beautiful Hoosier tree takes on the glory of the national Christmas tree, it will be for George Bowers—and the many youngsters who have enjoyed his song and story—"Christopher the Christmas Tree" spreading happiness for all.

## TOWARD CLEANER WATERS

Mr. PACKWOOD. Mr. President, the last Congress saw tremendous accomplishments where our environment is concerned, not the least of which was the enactment of the Federal Water Pollution Control Act Amendments of 1972. Coming from a State which is far ahead in its efforts to clean up its waterways, I have had a continuing strong interest in seeing the Federal legislation work and in seeing my own State of Oregon stay out ahead, an example to what can be done if only the determination is there. I think the Assistant Regional Administrator for Management, Region X of the Environmental Protection Agency, has made a concise statement as to the roles each of us must play in insuring that the water pollution control bill will have the desired effect and will be a vehicle to which we as Senators may look back and point with pride as work well done and a true beginning in a long list of efforts toward ultimate successful cleanup of all our Nation's waterways. I commend to my colleagues Mr. Hurlon C. Ray's speech before the Institute of Environmental Sciences in Anaheim, Calif.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WATER POLLUTION: THE FEDERAL ROLE

(By Hurlon C. Ray)

There is probably not a person in this room who does not have personal knowledge of a stream, or a lake, or a bay that has suffered within his lifetime from the effects of man's pollution—perhaps, a river that was clean and beautiful, but now is polluted; or a stream where he caught fish as a kid, but now where it isn't worth wetting a line; or a lake or a bay now degraded by silt or algae, or other effects of misuse of our lands and waters.

I would guess that you have perhaps felt some sense of outrage—or at least have muttered to yourself, "Why does it have to be this way?"

This circumstance, as much as anything else—the loss of waters to pollution in our lifetime—has brought about the focus of attention to water pollution. So, it is with water pollution that we have seen the earliest concern and the earliest and most comprehensive legislation by the U.S. Congress.

Even so, this concern has come to the American consciousness almost too late. We are in the midst of an environmental crisis. This crisis does not concern just water pollution, but also air pollution, solid wastes, pesticides' use, and noise. And we are just becoming aware of the more fundamental, underlying environmental questions of urban land uses, the runaway energy requirements, forestry practices, agricultural problems and the like. In short, we now face the environmental consequences of our inattention to, if not disregard of the real-world meaning of our unending quest of past years for burgeoning economic growth spurred by our remarkable technological advances.

Now is the time that we must turn our technological know-how toward solution of our environmental problems. Anyone who reads the day's news knows we are beginning to do just that. But more needs to be done and done more expeditiously.

More important, we must dedicate a sizable chunk of our national wealth to paying the bills that applying of our technological skills to pollution control will require, if we are to right the environmental wrongs we have inflicted on ourselves in past decades.

To do this, we must build in the minds of the American public what some call the environmental ethic. In Oregon, they have a term that is more direct, more meaningful to the ordinary guy, than the high-flown term environmental ethic. They talk about liveability. The slogan is "Keep Oregon Liveable". Governor Tom McCall has a citizen advisory group including environmental activists which he calls the Committee for a Liveable Oregon. And Governor McCall means it when he says, as he has on national television, "Come and visit us often, but don't stay."

The environment was a major campaign issue when he was elected to his first term in 1966. And under his administration, Oregon stands right now as the only state in the nation that has succeeded in cleaning up a major river—the Nation's 12th largest river, the Willamette River.

But, let's turn to water pollution more specifically.

The earliest concern on water pollution centered on the public health hazards of people using water containing human sewage. The disease carried in and by waters contaminated by sewage from cities was the major concern. For some time, water pollution was a problem handled by the M.D.'s as State, County, and local health authorities.

The principle thrust of the first Federal law was the provision of Federal funds as grants to municipalities for construction of sewage treatment plants. It was passed in 1956, a short 17 years ago.

In the years that followed, the Federal pollution agencies became involved in study after study to identify the problems of water pollution, in research and technical assistance to help the States and local regulatory agencies do their jobs better, and in the supply of gradually increasing Federal grants for many purposes. The Federal role was to cooperate with and to provide assistance to state and local governments responsible for water pollution control. Significant progress was recorded, but not sufficient to catch up, let alone begin to keep up, with the growing magnitude of water pollution in our nation's waters.

More important, little progress was made in getting at the big sources of water pollution—the industries, which did the only logical thing. They dumped their wastes into the nearest waterways with little or no treatment as long as they could. Argument raged on whether those wastes were really polluting the water. The wastes were carried away, were diluted and generally were out of sight and out of mind. Studies were made to document the pollution, and counter studies were made to refute those findings. The persistent question was always the requirement that it was incumbent upon the regulatory agency to prove beyond doubt that this or that source of waste was in fact and by itself polluting the river, or lake, or bay. And the situation worsened as our economy and population continued to grow in the post World War II years.

The U.S. Congress took note of this and in 1965 and 1966 passed historic legislation—the Water Quality Act of 1965 and the Clean Waters Restoration Act of 1966. In the large view, these acts did several things. First, they recognized that water pollution was a national problem and that national goals must be set to clean up our polluted waters and to keep them clean. Second, they said that the responsibility for cleaning up our waters must continue to rest with the State and local governments. But the laws went one step farther. They said that for all interstate waters we must set water quality standards. The standards were to involve two aspects. One, water quality criteria were to be established for parameters to quantify, insofar as possible, when water was polluted and when it was not. The objective was to lay to rest the arguments as to when water was polluted. And two, the standards were to include a plan of implementation to be embodied in enforceable state laws. The implementation plans were to cover a five-year period, 1967–1972, and to identify point sources and the degree of treatment to be accorded those wastes so that water quality criteria would not be violated after 1972. All this only for the interstate waters, although the states were urged to set similar standards for the intrastate waters.

The Congress said that the States should be given the opportunity to set these water quality standards for the interstate waters and submit those standards to the Federal government for approval. Thus, they would be both State and Federal standards. All States undertook to develop the standards and virtually all were fully approved by the Federal government.

The five-year water pollution clean up program was launched in 1967. When it came to a close in 1972, it was apparent that much had been done in abatement and control of water pollution, but that we had fallen totally short of accomplishing our National goal.

In this five-year period, many things happened. The astronauts as they flew through space took note of the polluted planet earth—and documented it with photographs. And the term ecology came into vogue, although not a new concept at all. Youth became disturbed at environmental degradation that they saw all around them—and us. Earth day was launched, and environmental awareness came to all of us, young and old. The newspapers and TV found that environmental problems were newsworthy—that people really cared about the liveability of their neighborhoods, their communities, their nation.

In 1969, the National Environmental Policy Act was passed. It required the Fed-



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eral establishment to look at its activities in terms of the real-world environmental consequences of Federal programs, such as new dams, freeways, and the entire wide array of Federal activities wherein significant adverse environmental impacts resulted. Many states passed similar laws, and the hard look at environmental impacts of what we do seems to be well along in the process of becoming a way of life.

The U.S. Congress, taking cognizance of the public's growing environmental concern, took a hard look at water pollution and how the five-year plan was working out, even before it came to an end. The fact that cleanup of the nation's waterways was at best a faltering effort, lead to enactment of the Federal Water Pollution Control Act Amendments of 1972—a comprehensive 93-page entirely new law replacing and expanding all previous legislation.

This new water bill is patterned after the Clean Air Act of 1970, a comprehensive law to clean up the Nation's air. For anyone who lives in the Los Angeles area, I do not need to observe that this law is touching everyone's lives. And 1972 saw the passage of three major pieces of major Federal environmental legislation in addition to the new water bill, as we called the 1972 Amendments to the Federal Water Pollution Control Act.

The first Federal law on noise control was enacted.

The first legislation specific to ocean dumping of wastes was passed, and in itself is a step toward dealing as a Nation with the international implications of water pollution in our vast sea areas.

And the first updating in 25 years of our Federal pesticide control law occurred.

It is not possible to summarize the new water bill for you today, but it is important to outline its major intent. It launches programs we are going to live with for some time. Unlike the broad provisions of previous Federal laws, it lays out in recipe-book fashion the steps required to meaningful water pollution control and abatement. It seeks not just some measure of improvement, but a turning around from polluted waterways to wholesale cleanup. It provides a system of procedures in considerable detail which must be carried out if we are to get that job done. It sets forth programs that are demanding, if not staggering, in proportion and which will impinge on every level of government and affect our way of life in the private sector of business and industry and individual responsibility. It will require the fullest dedication of our National resources. And it will offer unparalleled technological challenges and opportunities to the scientific and industrial community.

The new water bill, like previous legislation, places responsibility squarely on the shoulders of State and local governments for prevention, reduction and elimination of water pollution. But under the water bill, the Federal Government, through the Environmental Protection Agency, is empowered and directed to take action if the States do not, or cannot, fulfill their obligations under the law. But the Federal role is intended to rest in the setting of guidelines and standards as legal requirements, technical assistance through meaningful research findings, Federal funding in a variety of ways authorized by the law, and monitoring of State and local programs to assure that the requirements of the law are being carried out expeditiously and effectively.

The water bill extends all water pollution control programs to all U.S. waters, not just interstate waters, as under previous legislation. By this alone, the water pollution control effort becomes truly a National effort by eliminating the prospect of 50 States doing their thing 50 different ways for the intrastate waterways, in each State.

Another major change concerns the standards. Whereas previous Federal law called for treatment to meet instream water quality standards, the new water bill requires levels of treatment in terms of what comes out of the waste discharge pipes after treatment, as related to what our technology can provide as "best practicable" or "best available" treatment. That is, the measure is to be the "best" our technology can produce as results, not just enough to meet minimum standards in our natural waters after the wastes are received, mixed, carried away, and subjected to natural, instream processes of decomposition.

I must hasten to point out, however, that water quality standards are still part of the strategy in water pollution control. Now, all States are required to establish water quality standards for their intrastate waters and submit those standards to EPA for approval, so that they will be both Federal and State standards. More important to recognize is the fact that water quality standards are the basis for determining when controls more stringent than "best practicable" or "best available" may be necessary.

The water bill identifies at the outset the National goals to which the law is directed. The first is an achievable goal—to obtain by July 1, 1983, water across the Nation that is clean enough for swimming and other recreational uses, and clean enough for the protection and propagation of fish, shellfish and wildlife. The second, and later, goal is one which elicited considerable comment; namely, by 1985 to have no discharges of pollutants into the Nation's waters. I feel sure we would have to recognize the 1985 "no-discharge" goal as a laudable one, yet one that would most likely be beyond anything we could rightfully expect to accomplish as a practical matter, at least in that time frame. More significant to our discussion today are the deadlines set for dates prior to 1983.

All municipalities are to have in operation by July 1, 1977 treatment facilities which provide a minimum of secondary treatment. However, additional more stringent effluent treatment may be required by that date if necessary to meet water quality standards. The water bill does provide increased incentive to municipalities to meet this 1977 deadline by raising the Federal constructions grants to 75 percent and by authorizing greatly increased total funds for those grants. As you may recall, the increase in authorized funds, as spelled out by the Congress in the water bill, has not come about in total. The Administration has limited such expenditures for a number of reasons considered compelling at the moment. In any event, the level of funding now available far exceeds that which has been available in past years for assisting in construction of municipal sewage treatment works.

All industries discharging pollutants into the Nation's waters must install the "best practicable" water treatment control technology by July 1, 1977, and the "best available" technology by July 1, 1983. EPA is charged with developing guidelines for "best practicable" and "best available" technologies for the various classes or categories of industries by October of this year. As you must recognize, these terms are not specific, until defined. It is EPA's responsibility to do so.

At this time I can indicate only generally what the terms mean. "Best practicable" technology refers to that technology which is in fairly common use in a class or category of industry. "Best available" technology will refer to the performance that can be achieved by the leader in that industry group. And for each of these, the costs and economic factors, the non-water quality related environmental impacts, the energy requirements, and other such factors must be taken into consideration when defining these terms for a specific industrial category.

All this sounds very good. But the crux of the matter is how do you assure that all this will really happen. The answer is found in the water bill. It is a nationwide system of waste discharge permits embodying State-by-State the mechanisms set forth and required by EPA in guidelines for a National Pollutant Discharge Elimination System. The intent of the water bill is that each State shall develop a permit system meeting the EPA requirements and that EPA shall approve issuance of such permits by the States. In any event, no discharge of any pollutant from any point source will be allowed without a permit having been issued under this national permit system. If a State does not qualify to take over the permitting system, EPA will handle the permit program until such time as the State can qualify.

Finally, no system for clean up will work unless its provisions are enforceable by law. The water bill provides much new and more direct power to EPA to assure that pollution point sources will provide the degree of treatment necessary to meet the requirements spelled out in the waste discharge permits. Again, the objective is to turn the program over to the States when the States demonstrate that they have the authority under Sate law to carry out the enforcement called for under the water bill.

There is much more involved in the water pollution control programs called for under the new water bill. I have only outlined the major aspects of this comprehensive Federal legislation. What we must remember is that laws alone never accomplish a good end, no matter how worthy. It is people and our government and private institutions—our society—that make things happen.

We will clean up the Nation's waters in ten years, or by 1983, only if we collectively turn to and do the job. I am convinced that the average citizen in our country will support the costs involved, if only he is fully informed of the economic and environmental losses that are inevitable if we neglect getting along with the job.

(The Federal, State, and local governments must join in carrying out their responsibilities. Their collective role as environmental policemen is not an easy life. But enforcement, or its threat, is fundamental to water pollution control.

And finally, nothing will really be accomplished without industry and business leading the way. The absolutely necessary tools that can be supplied only by technology must come, through applied research provided by a motivated business and industrial community. I would hope that this Institute of Environmental Sciences, through meetings such as this, can be one of the catalysts stimulating the development and refinement of the technology we must have if we are to cope with water pollution and other environmental problems. Without the technology, all the laws on the books cannot clean up our environment.

## THE URGENCY OF THE TRANS-ALASKA PIPELINE

Mr. GRAVEL. Mr. President, on May 2, 1973, the Honorable William A. Egan, Governor of my State of Alaska, testified before the Senate Interior and Insular Affairs Committee, on the urgency of getting construction underway for the trans-Alaska pipeline.

I call your particular attention to his remarks concerning the time element on construction, and on comparative construction and engineering costs of the trans-Alaska pipeline versus the proposed trans-Canada pipeline. There should be no doubt left in any reasonable citizen's mind that the trans-Alaska pipeline is the only feasible and the more economical route of the two. The Governor also details the needs for revenue which the line would generate to help the State of Alaska meet its increasing obligations and to give all Alaskans a decent standard of living. Even more important, however, are the Nation's needs for North Slope oil to help alleviate the critical energy shortage and to ease our balance-of-payments problem.

I ask unanimous consent to have Governor Egan's statement inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF THE HONORABLE WILLIAM A. EGAN, GOVERNOR OF ALASKA

Mr. Chairman. This morning you have two bills before you each relating to the construction of a crude oil pipeline in my state. With the concurrence of the chairman, I will deliver only a short summary of my views at this time, offering extended remarks for the record within the time permitted. S. 979 introduced by Alaska's Senators Ted Stevens and Mike Gravel would clear the technical and procedural obstacles which have blocked the construction of the Trans-Alaska Pipeline now for more than four years. Alternative measures, S. 993 and S. 1565 would authorize commencement of a new study on the feasibility of a Trans-Canadian Pipeline route to the American mid-west and give a right of way, across those portions of Alaska which are federally owned, from Prudhoe Bay to the Canadian border in keeping with the conclusion that such a route is feasible.

The assumptions implicit in the later proposals are at odds with economic reality. The aspirations which underlie such legislation, while understandable, would not be advanced but rather meet frustration through adoption of the legislation. No economic advantage will accrue to the American mid-west by blocking or delaying the Trans-Alaska Pipeline. All regions of America will be losers.

This morning, Mr. Chairman, I would like to address my remarks to some of the major errors and fallacies in the argument for a Canadian alternative, but before doing so I will comment briefly on S. 970. In my heart, with the overwhelming number of Alaskans who have now suffered through years of costly procedural delay, I support the measure introduced by our Alaskan delegation. Yet my judgment tells me that, at least for the time being, a measure limited to the objective of providing for a right-of-way width adequate to modern pipeline construction is most likely to secure for Alaska its long sought goal and obtain for the Nation early relief from its burgeoning energy shortages. Legislation which could in any way be viewed as circumventing the procedural requirements of the National Environmental Policy Act, however justifiable in the eyes of those intimately familiar with the project's history, would raise sources of opposition which in the present climate might considerably prolong consideration of the legislation.

Time itself is a compelling reason for proceeding with the TAPS project. The TAPS proposal, despite delays, is well along towards completion. Over $387 million has already been invested in the project including over $75 million in environmental studies. Detailed design and redesign work filling 29 volumes has been completed and filed as a project description with the Department of Interior. Route selection, surveying and testing has been readied for the construction phase. The procurement of pipe and equipment has been accomplished. Time consuming negotiations and agreements prerequisite to the complex financial and management arrangements, necessary to support the project, have been kept apace of circumstances.

Months of study were invested in the TAPS project prior to the filing of an application. Months of subsequent review by governmental agencies have been completed. The laborious process of preparing a final environmental statement has been finished. These are all steps which would have to be duplicated, with the same potential for delay, if a Trans-Canadian line were to be undertaken.

Assuming the necessary commercial organizations would step forward to sponsor the project, delays which have already beset the TAPS project are more than matched by delays which await a Canadian proposal. Additional procedural problems arising from the more complex political and economic environment of the Canadian route suggest far greater lead time on construction.

The proposed Trans-Canadian line is, in reality three lines, each with its own problems of organization and financing: Each with its own sources of potential political and legal opposition. An American organization requiring participation along the lines of the existing TAPS group would be needed for the segment of the line in Alaska. The Canadian section would be separately organized to reflect the political and economic needs and problems of the Canadian people as well as the laws relating to foreign investment in that country. Yet further arrangements would be needed to reflect the participation of established ownership regimes in the right of way from the Canadian border south.

Of these segments, the Canadian route is the most complex. There is no reason to suppose that once the TAPS route was dead, Canadian environmental groups would embrace a Trans-Canadian line.

The construction of a line would engage troublesome issues of Canadian federalism and touch the sensitive nerve of Canadian political and economic nationalism. For the past two years or more Canadian and American authorities have been attempting to negotiate an agreement which would govern the conduct of the parties in the event that an international crisis cut off sources of imported oil upon which the two countries now depend. Despite two years of effort, these discussions have failed to produce an agreement. Such an agreement would be but one prerequisite to an agreement to construct a Trans-Canadian Pipeline.

Alaskan aboriginal land claims cast a cloud over the TAPS project for several years until the complex Alaska Native Claims Settlement Act was finally approved by the President on December 18, 1971. The form of a Canadian aboriginal claims settlement is yet to be proposed. Over 400,000 acres on the Mackenzie River Valley route have been frozen by judicial decision in the Yellowknife, Northwest Territories court pending an initial determination of the merits of the claim at the trial court level expected on May 15.

After all levels of administrative review have been exhausted, a pipeline proposal is referred to the Canadian cabinet for consideration at the political level. Under Canada's parliamentary form of government, the party in power must depend for support on a minority party which has taken a sceptical view of the merits of Arctic pipeline development. Future political attitudes in the parliament and the government are necessarily problematic.

The time consuming complexity of the project is suggested by the comment of William P. Wilder, Chairman of the Board of Canadian Arctic Gas Ltd. Mr. Wilder, whose company has been planning a Trans-Canadian gas line for many months, made the following forecast earlier this month: "By the earliest that we can expect approvals—possibly late 1974 or early 75, Arctic Gas will have invested more than seven years and $50 million. Delivery of materials and construction will take another three or four years." In contrast to a 10–11 year minimum time frame necessary to a Canadian line, the completion of TAPS is no more than four years away. With the adoption of legislation, we can expect prompt action in the U.S. District Court on the one remaining issue, already reviewed once, the sufficiency of the environmental impact statement. Appelate review should be completed within a year. Up to three years are required for construction. Years of production would be lost in switching over from a largely completed Trans-Alaskan program to a Trans-Canadian program which has yet to jell into a specific concept. Those lost years are an unacceptable sacrifice considering the growing urgency of the nation's energy crisis.

But setting aside for a moment the critical impact of the passage of time, the Trans-Canadian route is still economically unfeasible. The economic feasibility of a Trans-Canadian line depends on a finding that the cost of transporting oil overland from Prudhoe Bay to Chicago does not exceed the cost of transporting that oil via the TAPS route to the West Coast by more than the refinery price differential between the West Coast and Chicago.

Because of our Nation's growing dependence on imported oil, Middle Eastern Crude will become pivotal to oil pricing in our country, and it will lay down in the United States at the Gulf Coast and at the West Coast for approximately the same cost.

That means that the refinery price of crude in the Midwest will be higher than that on the west coast to the extent of the cost of transporting that oil from the Gulf States into District 2, Walter J. Levy Associates of New York has estimated that the Midwest area covered by that district will have a net petroleum deficit by 1980 of 5,175,000 barrels per day. We estimate economies of scale involved in shipping oil in such magnitude into the Great Lake area will reduce the cost of transportation from the Gulf of Mexico to 20 to 25 cents a barrel. In order to be economically feasible with this price differential, a trans-Canadian line would have to deliver oil to the Midwest at no more than 20 to 25 cents barrel above what it would cost the trans-Alaska system to deliver the same oil to the west coast.

In examining transportation costs, the state has treated the tanker segment of the trans-Alaska line from Valdez to the west coast and the segment of a trans-Canadian line between Edmonton and Chicago as cost equipment though there is some evidence that the Edmonton to Chicago line will be substantially more costly. Giving the land route the benefit of the doubt and treating the two as comparable, any evaluation of the economic advantage of a route to the Midwest turns on one question: whether the cost of shipping oil over a pipeline running from the North Slope to Edmonton exceeds the cost of shipping over a pipeline from the North Slope to Valdez by no more than 20 to 25 cents per barrel. Calculating this expense difference as a percent of value of a pipeline, we conclude that construction of a trans-Canadian route can be no more than 20 to 25 percent above the cost of a trans-Alaska line without losing its cost feasibility.



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The sponsors of TAPS have said their line will cost "more than" $3 billion. The state estimate, prepared a year ago by Tibbetts, Abbott, McCarthy and Stratton of Houston, Texas was calculated at $3.5 billion. Applying the percentage increase, an economically feasible Trans-Canadian line must be kept within a cost ceiling of $4.2 billion to $4.375 billion.

One study has come to my attention which has claimed that the Prudhoe Bay-Edmonton line could be constructed within this amount. The $3.4 billion installation costs in the study entitled "Arctic Oil Pipeline Feasibility Study 1972" was prepared in 1970-71 by a group of pipeline and general construction companies having an interest in contracting with the industry for the construction of a Trans-Canadian line. Their biases in the matter should be self-evident.

How could a cost study for a line from Prudhoe Bay to Edmonton show a lower construction cost than an identical capacity line from Prudhoe Bay to Valdez in the face of the most obvious comparisons? The Alaska line crosses 355 miles of continuous permafrost and 375 miles of discontinuous permafrost, The Canadian equivalent, as reported in the Mackenzie River study, is 482 miles and 918 miles, for a total of 1,400 miles of Canadian route permafrost compared with only 730 miles on the TAPS route. The Canadian route would require 22 pumping stations compared with only 12 on the TAPS route.

The basic difference which allows a cheaper cost estimate in the Mackenzie River study is the absence of environmental engineering. The Mackenzie River study ignores the environmental stipulations laid down by the Secretary of Interior for the TAPS line.

No special environmental measures are provided for most of the 77 river crossings and 326 stream crossings necessary to the lines construction. This was a major factor in the TAPS cost estimate.

Despite almost double the amount of permafrost to be traversed by a Canadian line, the Mackenzie River study allows no greater mileage of above ground construction than the TAPS design. This cost saving is achieved by allowing a full three feet of differential settlement instead of the more cautious one foot settlement factor allowed by the Interior Department stipulations. Above ground construction is 60–75 percent more costly than the buried pipe technique.

No permanent access road such as required by Interior Department stipulations for year round pipeline maintenance and environmental and emergency access surveillance is provided in the Canadian cost estimates. Construction costs assume only a winter ice road, though inconsistent with the construction schedule assumed in the Mackenzie River study as well.

To meet environmental safety standards, a year round access road must be built and financed. By way of cost comparison, the less than 400 miles of the TAPS route, not already paralleled by highway, costs $250–300 million.

Only a two foot gravel construction pad is provided for in the Mackenzie River study while the TAPS line specifications calls for five feet under identical circumstances. The timber pilings used for above ground construction in the Mackenzie River study allow considerably shorter ground penetration with consequent savings in cost of acquisition and transporting and loss of environmental reliability. Critical among the major gimmicks reducing estimated cost, the Mackenzie River study includes a factor of 3 percent for annual cost escalations.

This figure is totally unrealistic. Tibbets, Abbot, McCarthy and Stratton, who have given an independent review of the Mackenzie River study for the State, propose that 18 for the first year and 7% for each subsequent year is more in keeping with sound practice and construction realities. The Mackenzie River study also unreasonably assumes that the construction time needed for the 1,700 miles of Trans-Canadian line will be no more than the 790 TAPS line.

The study assumes that procurement and most contracts will be awarded even before government approvals are obtained, a most unlikely eventuality considering the history of TAPS. No allowance is given for time lost through litigation. In short, the study is self-seeing and makes no attempt to relate its calculations to the construction estimates and experience of obviously comparable projects. It is a study undertaken in a factual vacuum. Considering that on its own admission, each $50 million of underestimated costs is the equivalent of 2c per barrel in the tariff, the assumed margin at benefit is swiftly erased. The additional expense associated with the road alone is more than enough to make the Trans-Canadian line cost-inefficient.

In view of the total lack of practical realism in the Mackenzie River study, it makes more sense to develop cost figures from one of the two pipeline projects which have moved beyond the purely theoretical stage.

The Standard Oil Company of Ohio has developed a study for the Prudhoe to Edmonton segment based on the Trans-Alaska Pipeline cost experience but, of course, greatly reducing the per mile costs south of the permafrost zone. The capital cost projected in this study filed on April 19 with the Public Lands Subcommittee of the House Interior and Insular Affairs Committee is conservatively set at 5.9 billion dollars.

The other pipeline which has moved to the advanced planning stage is the proposal for a Trans-Canadian gas line. Gas Arctic, Ltd. has told the Canadian Government that they estimate cost of $5.2 billion between Prudhoe and the Manitoba-Minnesota border. Having in mind the fact that a gas line can be almost all buried and that an oil line has hydraulic and weight characteristics that impose engineering demands well beyond those suggested by a gas line, an estimated cost of crude oil line based on 25 percent over developed costs of a gas line, the accepted rule of the thumb, also suggests a crude oil pipeline cost from Prudhoe to Edmonton in the 6–7 billion dollar bracket.

As calculations submitted for the record show, the West Coast demand for crude will be more than sufficient to absorb Prudhoe Bay production. Previous figures submitted by us as prepared by Walter Levy Associates, show a Region V deficit of 2.4 million barrels per day in 1980 rising to 3.4 million barrels per day in 1985. This figure has been verified by us through comparison with a current study by the Resources Agency of the State of California showing a 2.5 million barrel a day deficit for that state alone by 1985.

Much has been made of the possibility that North Slope oil would move to Japan. This simply does not make economic sense. The demand is now demonstrably there in District V. In fact, additional imports will be needed. So long as Mid-East oil makes the world price at crude, it is far more profitable to ship Alaskan oil to the domestic market. At the same time, demand in the Midwest will be more than double Prudhoe Bay production. Of course the distribution of American shortages will have no influence on regional prices so long as no import restraints are imposed on a regional basis, a highly-improbable policy. The world price will stay the same. Even if Prudhoe Bay production were brought to Chicago, it would not greatly affect the dominant position of imported oil in making the American market price. Actually, the Trans-Alaska Pipeline system is likely to have a more favorable effect on midwestern and eastern consumer prices than a Trans-Canadian route. The price of foreign oil is fixed, not by cost of production, but by negotiations with producing nations. The American bargaining strength fixes the price. That strength is influenced by the extent of American production and by the strength of the dollar which in turn depends upon the American balance of payments position. The TAPS line is a better route on all counts. The effect of earlier completion date on balance of payments has been noted by Federal Government witnesses. Since its throughput is all American production, not mixed with Canadian, it will have a more favorable impact on balance of payments than a Canadian line as will the fact that the route will be all U.S. constructed, including the tanker portion of the route and be supported by all American investment and all American labor.

In case of national emergency, the earlier delivery and greater flexibility of the delivery system makes TAPS the superior route. Tanker transportation makes delivery to East Coast, Gulf or West Coast possible, depending upon national emergency needs.

One of the tragic features of delay on the crude oil pipeline has been the delay factor on the development of other fuel supplies for the Midwest. Consideration of the proposal for a gas line from Alaska to the Midwest, by reasons of the need for conservation of the oil resource, must await completion of the crude oil line. Delay on completion of the TAPS line has meant delay on consideration of a gas line bringing clean fuel supplies to the Midwest and accordingly the TAPS delay has exerted an upward pressure on midwestern energy costs. Measures such as S. 1565, if adopted, would deepen the natural gas shortage in the Midwest and raise consumer prices in the area as the prospect of yet further delay through the imposition of additional procedures are reflected in the market place.

Mr. Chairman, you have heard from me before the price this delay has exacted on the State of Alaska. I believe the facts show that the Nation and its midwestern heartland have also been losers in the delay on this project.

There is only one way to transport Alaska's North Slope oil to market that makes economic sense, and that is via the Trans-Alaska Pipeline. I urge this committee's favorable action on legislation that will allow construction of the Trans-Alaska Pipeline to get under way promptly.

## DANGERS OF POLITICAL POWER

Mr. MATHIAS. Mr. President, last week the distinguished senior Senator from Oregon (Mr. HATFIELD) delivered an address on the moral and spiritual dimensions of the political crisis facing our Nation as a result of the Watergate revelations. Senator HATFIELD spoke forthrightly about the dangers of political power, when misused to serve only the selfish interests of those in authority. These remarks were given at the annual Chicago mayor's prayer breakfast, and the Senator specifically related his personal religious convictions to his evaluation of this political crisis.

The Senator said:

When power becomes the end, in and of itself, power always will corrupt. Any means that sustain power become justifiable. So in the end, we can transgress upon the law, whether man's or God's, because we are accountable only to ourselves, and our ability to wield power.

Because of the timeliness of these remarks, I ask unanimous consent that the text of his address be printed in the RECORD.



There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR MARK O. HATFIELD

We have been living through days that try the soul of the nation and test the resiliency of our Republic. We have all been troubled by revelations growing out of the Watergate Affair.

All of us who hold positions of leadership, whether in the political, the economic or the religious spheres of life, must think through the meaning of the tragic affairs that have afflicted the highest leadership of our nation. However, we would always rather hide our wounds than heal them.

It is always more comfortable to believe in the symbols of righteousness than to acknowledge the reality of evil.

In our national political life, this is especially true.

And we have become adroit at manipulating religious impulses in our land to sanctify our national political life. That is the temptation of our "civil religion."

At any event such as this prayer breakfast, where we come to honor God and our religious heritage, we run the risk of misplaced allegiance, if not idolatry, by failing to distinguish between the god of an American civil religion and the God who reveals Himself in the Scriptures and in Jesus Christ.

We want to believe that our nation, and its leaders, are right, just and pure. We want to put our country beyond the reach of God's judgement. Why? Because everything is so much simpler then. We want to believe, in the words printed on the back of our Great Seal, that "God hath ordained our undertakings," and not believe that God also judges them.

This impulse is born out of our own lives.

We want to believe we merit God's blessing. But how hard it is to admit that we stand in need of God's forgiveness.

We would rather celebrate Easter than Good Friday. But without Good Friday, there can be no Easter.

So today, I have no intention of uttering a few platitudes about how our nation is one nation under God, and therefore, we as leaders must go home and say a prayer that God will ordain and bless the plans we have already made.

We must look to biblical religion—not civil religion—for the wisdom to guide our lives, and the life of the nation. Then we discover that our prayers must begin with prayers of repentance.

We must start talking about sin again. Sin in our personal lives, and sin in the corporate life of our country.

I know that's an old fashioned term that many people think is irrelevant to this modern age.

But if we really reflect upon the crisis that afflicts us at the national level, and the dilemmas in our own personal lives, then we come face to face with the unavoidable reality of sin.

In the words of St. John: "If we refuse to admit that we are sinners, then we live in a world of illusion and truth becomes a stranger to us." (I John 1:8)

Any of us in positions of leadership find it terribly difficult to deal with the whole concept of sin. We may be able to handle this in our personal lives well enough. We have some idea about what is right and wrong in our personal treatment of others.

But when we enter our public or professional lives, we tend to conveniently leave our thoughts about sin at home or in the church. For a leader, this is all the more true.

When we are given a position of leadership, it becomes natural, almost second nature, to avoid admitting that we may be wrong.

Confession becomes equated with weakness. The urge to self-vindication becomes enormous, almost over-powering. A politician faces this temptation in a very special way, for somehow, it has become a political maxim never to admit that you are wrong. I can attest to this from my personal experience in political life.

Now that may be wise politics. But it's terrible Christianity. In fact, it's the very opposite of biblical faith.

Herein lies the vulnerability of leadership.

For, the more one gains power, whether in business, economics, government, or religion, the greater the temptation to believe that he stands beyond the scope of transcendent judgment. This holds true for political power at all levels.

We see this especially clearly in the office of the Presidency. And every man who has held that office has known the unbelievable temptation of identifying the power of that office with self-righteousness.

When power becomes the end, in and of itself, power always will corrupt.

Any means that sustain power become justifiable.

So in the end, we can transgress upon the law, whether man's or God's, because we are accountable only to ourselves, and our ability to wield power. The roots of this temptation, however, lie not only within the hearts of those who aspire to power and vainglory, but within the attitudes in each of us here today, in our worship of political power.

There is an idolatry of the Presidency; we, as Americans, bow to the powers and prestige associated with that office in a way that can be ungodly. This makes the temptations and burdens that fall on the shoulders of any mortal who occupies that office to be almost inevitably unbearable, and corrupting.

That is why any President deserves our compassion, and needs our fervent prayers. For in certain ways he is victimized by our idolatrous expectations. He suffers burdens that no man should be expected to bear—demands of righteousness, wisdom and virtue worthy of an office of our adoration.

When this aura is perpetuated, and turned to for strength and support, the results become tragic.

There is often a cultism that springs up around personalities of power. Perspective becomes lost, and reality is distorted, as the ego is constantly massaged. The plaudits, the honor, and the unswerving allegiance can create a moral vacuum. So bribes become referred to as inappropriate gifts. Crime is reduced to misguided zeal. Lies become misspoken words.

But the fault lies with us all.

Why do we want so desperately to believe in man-centered power?

Why do we want to place such a total and uncritical faith in our institutions?

Why is it that each one of us wants to believe that God blesses America more than He blesses any other land?

I believe it is because we have let the wellsprings of deep spiritual faith in our lives run dry.

Man will always have a god. In Communist countries, where the death of God is made a tenet of government belief, the leaders and their dogma are deified so they can be worshipped.

Man has inherent instinct to worship; if God is not the source of his ultimate allegiance, he will then create his own gods. He will worship other people, or his country, or institutions, or money, or power, or fame—and all of these are different ways of worshipping himself.

As a people, we lack the firm foundations of a deep biblical faith in God; we have allowed our spiritual resources to be mocked, explained away, ignored, forgotten or reduced to mere tradition. So we have transferred our allegiance to other gods; to materialism; to nationalism; to hedonism; to all the modern forms of idolatry that make claims on our fundamental allegiance.

If we are to forsake these gods, and also reject the platitudes of civil religion, and turn to biblical faith, what do we find? We discover that our actions, and all our lives stand under God's judgment and mercy.

We are accountable to Him—accountable for the motives in our hearts, and accountable for the conditions in our land.

So our prayers must begin with repentance; individual repentance and corporate repentance:

"If my people . . . shall humble themselves and pray, and seek my face, and turn from their wicked ways . . . than I will forgive their sins, and will heal their land." (II Chronicles 7:14)

The promise is that with this repentance, and allegiance to God, comes healing, reconcillation, and new life.

We are made whole as persons, and we see that the wounds of the world can also be healed.

We can see this wholeness of life demonstrated in the person of Christ. As we receive for ourselves the love that molded His life, then our entire self can be transformed and made new.

Our whole understanding of leadership, and power, and the purpose of life is then recreated. A source of ultimate allegiance beyond the ego established in our hearts.

Then leadership is seen as the service to others.

We discover from the Scriptures that if we are to save our lives, we must lose them: we must give ourselves away for the sake of others.

We then have a standard of values that gives a basic framework of integrity for our lives, whether it be in our business or profession, or in political life in Washington. We can no longer seek power at any cost; we can no longer serve the demands of our ego; we can no longer isolate ourselves from reality, and vindicate our actions.

I am convinced that this is the only way we can guard against the vulnerability of leadership. I know of no other formula for the world's power than to give our lives over to a higher power, the power of God's love.

Of course, this can seem foolish in the eyes of the world. But there are times when each of us must choose where we give our final allegiance.

The one who follows Christ belongs to two "cities." He is in the world but must not be of the world. He is a stranger, a pilgrim. He is also a citizen of a different kingdom, he has another Master, his allegiance is to a new order from which he derives his ways of thinking, feeling and judging. His heart and thought and ties are elsewhere. He therefore cannot give ultimate allegiance to the world and its way of operating. His first duty is to be faithful to the Lord. The central life commitment for a Christian must be to the lordship of Jesus Christ.

In following this life, we are gripped by a vision of the world, and a love for all mankind.

We sense the mandate for every man to be made whole; for his physical and spiritual needs to be fulfilled, and his gifts to be expressed.

We see our swords being turned into ploughshares, and our spears into pruning hooks. "Every valley shall be exalted; every hill made low; the crooked made straight, and the rough places plain." (Isaiah 40:4)

We want justice "to roll down like a river." in the words of Amos, "and righteousness like an ever-flowing stream."

To the ears of conventional politics, this vision sounds almost irrational, irrelevant and totally unrealistic.



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But the world normally regards God's word, and his truth as nonsense. The world believes in the power of power; the one who follows the life of Christ believes in the power of love.

Because of that love, we are compelled to give ourselves for the needs of others. We involve ourselves totally in the task of healing others, and healing the world.

So we find ourselves in the midst of the world, many times under conflicting demands and pressures.

Personally, I continually find it hard to know how, at any given point, to live out this calling. Frequently the way may not be clear at all. But when a difficult choice or decision is made, we must be open to wherever we may be led. And then we must rely simply on our faith rather than expect human certainly about every choice we make.

But while we may not always know all the precise answers and actions, we do know that leadership is expressed through service.

We cannot separate our allegiance to God from our love for our fellowman.

In our nation, this must especially include a love for the poor, and the dispossessed. Here again it is so easy for us to neglect the reality of God's judgment on us as a people.

We often tend to think that the millions of impoverished citizens in our land are merely an unfortunate fact of life. But God takes the suffering of the poor far more seriously.

What, for instance, was the greatest sin of the city of Sodom, which caused its destruction by God? Sexual immorality?

Listen to the words of Ezekiel, in the Old Testament: "This was the iniquity of your sister Sodom: she and her daughters had pride of wealth and food in plenty, comfort and ease, and yet she never helped the poor and wretched."

Wherever wealth abounds, and the poor continue to suffer, we must confront God's judgment.

Christ opened his public ministry by rising in the synagogue and reading these words: (from Isaiah)

"The spirit of the Lord is upon me because he has annointed me; he has seen to announce good news to the poor, to proclaim release for prisoners and recovery of sight for the blind; to let the broken victims go free, to proclaim the year of the Lord's favor."

He began to speak: "Today," he said, "in your very hearing this text has come true."

If we are gripped by this love, then we will have an unquenchable compassion for the poor and the needy.

When we consider the crisis of these days for our nation, we can learn from our history.

The thought of turning our national attention, at appropriate times, to the need for repentance should not be foreign to us.

President Abraham Lincoln had a profound sense of the sovereignty of God. He knew how the nation stood accountable to God's judgment. In the midst of the Civil War, the U.S. Senate requested President Lincoln to set aside a day for national prayer and humiliation. That might be a very appropriate action for the U.S. Senate to take today.

On April 30, 1863, three months after the Emancipation Proclamation, and three months before the battle of Gettysburg, President Lincoln composed a Proclamation for a Day of Humiliation, Fasting and Prayer.

"Whereas, it is the duty of nations, as well as of men, to owe their dependence upon the overruling power of God, to confess their sins and transgressions, in humble sorrow, yet with assured hope that genuine repentence will lead to mercy and pardon, and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord. . . . And, Inasmuch as we know that . . . We have been the recipients of the choicest bounties of Heaven. We have been preserved these many years in peace and prosperity. We have grown in numbers, wealth, and power as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us.

"It behooves us, then to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness."

Rebuilding the inner strength of our nation today requires the same of us, in each of our hearts.

## FECA DISABILITY BENEFITS

Mr. BAYH. Mr. President, I have introduced legislation, now pending, to make Federal Employee Compensation Act—FECA—disability benefits available to policemen and firemen injured in the line of duty. The reason for this proposal, as I explained when introducing the legislation, is to recognize the vital role filled by these public servants. Moreover, the work of law enforcement officials and firemen often involves great personal risk which these able people encounter routinely.

During the recent recess there was a perfect example in Indiana of the kind of risk taken by the public servants who would be the beneficiaries of my legislation. A Wabash, Ind., fireman, Ross Martin, put his own life on the line to save a fellow Hoosier from drowning in the Eel River. The story of this rescue was graphically related in an article written by Kurt Dove for the Wabash Plain Dealer. I request unanimous consent to include that article in the RECORD following my comments.

We have here, Mr. President, an act of great personal bravery and a fine example of the basis for the legislation I have offered. I think a reading of this article makes the best case possible for my bill and I commend it to my colleagues' attention. I ask unanimous consent that the newspaper article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wabash Plain Dealer, Apr. 23, 1973]

FIREMAN SAVES LIFE OF BOATER

(By Kurt Dove)

Wabash city fireman Ross Martin was credited with saving the life of a 22-year-old Peru man Sunday afternoon after the man's boat capsized in the rain-swollen Eel River near the Stockdale Dam just west of Roann.

The man, Roger Orpurt, 169 E. Eighth St., Peru, is in fairly good condition today at the Wabash County Hospital suffering from exposure and exhaustion.

The rescue at 4:36 p.m. Sunday ended over 30 minutes of daring rescue attempts by Martin and Wabash County deputy sheriff Charles E. (Chuck) Cable.

Firemen and county police received word Orpurt was trapped in the river at 4 p.m. Sunday. It is theorized he might have been trapped for over an hour before then. He was wearing an inflatable life preserver and was clinging to a tree branch in the swirl of water just below the dam.

The water current prevented him from going any direction, Martin said.

Martin and Cable entered the river in an attempt to reach Orpurt. Both had ropes tied around them and Martin had an inner tube with a rope around it. Both were pulled under the water and had to be pulled back to shore the first time.

When Orpurt lost his grip on the tree branch and appeared to be unconscious, Martin, despite the fact that he had swallowed a great deal of water when he pulled under during his first attempt, reentered the water.

He was successful in reaching Orpurt the second time. Several bystanders and police officers and firemen were successful in pulling Orpurt and Martin back to shore.

"Just the top of his head was showing," Martin said, "when I reached him. His head was bobbing up and down."

Martin said he attempted to keep Orpurt's head out of the water while the group was pulling them both back to shore but the current made the task impossible "about half the time."

"I was scared to death," Martin said, "especially when I was pulled under the first time."

"I just didn't feel like I could just stand there and watch him drown. I just couldn't stand there," Martin said.

Both Martin and Cable suffered rope burns and scratches in their rescue attempts. Cable was treated at the Wabash County Hospital and released.

"I was pretty tickled just to have rope burns and still get back out of there," Martin said.

Prior to Martin and Cable entering the water, attempts were made to throw Orpurt a rope but efforts proved fruitless. It soon became apparent that someone would have to enter the water and reach him.

While rescue efforts were being made from the shore, State Trooper Duane Larsh and an unidentified bystander got a boat and tried to paddle upstream to Orpurt. The pair did not get far until the swift water broke one of the oars.

The boat, Martin said, came from a nearby resident.

"We didn't think we had time to call for ours (the city fire department's)" Martin said.

It is not known how long Orpurt had been in the water prior to his discovery.

It is thought the mishap might have happened around 3 p.m. Two young men hunting mushrooms down stream saw his empty boat floating downstream and went to investigate.

When Orpurt was first seen, they called the Roann Volunteer fire department. Roann, in turn, called the city fire department and the sheriff's department.

Several people, in addition to police and firemen, stopped to lend a hand.

In addition to Martin, city firemen Ray Hart responded in the city's emergency unit and, in addition to Cable, the sheriff's department had patrolman Norval Faurot there. Three state conservation officers also responded to the call for assistance, as did several Roann volunteers.

Police have not been able to talk with Orpurt. It is not known if he was going upstream and pulled into the swirling waters by the undertow near the dam or going downstream and went over the dam when his boat capsized.

## PROBLEMS FACING SMALL TOWNS

Mr. HATFIELD. Mr. President, as my colleagues are aware, a prime concern of mine is the continued economic vitality of the rural areas and small towns around the country. Too often, we address ourselves to "urban problems"—overlooking the fact that it is the continued migration from rural areas and small towns that is contributing to these problems. I feel strongly that we will not solve urban and suburban problems that are on the increase until we get at a prime contributor to this problem—the decay of small towns.

This underlies my involvement with the rural water and sewer program, for without adequate water and sewer systems no new industry can locate in our smaller towns. Therefore, young people go to larger towns in search of work, and thereby cause greater population growth in the suburbs. Remaining people in small towns often are older people, with growing numbers on fixed incomes, and they are unable to fund water and sewer programs.

Mr. President, this was called to my attention again recently by an article by David Conn in the Baker Democrat-Herald on May 4, 1973.

The article touches on an aspect of problems facing small towns, and I call it to the attention of my colleagues. Congress must not lose sight of some of these under-the-surface problems facing small towns. David Conn's article relates some of them, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESSURES GREAT IN SMALL TOWNS

(By David Conn)

Most city residents have wished at least once to live in a small town like Baker where living pressures are less intense.

However, the pressures one experience in living today exist everywhere, and towns like Baker are no sanctuary, according to Mental Health Clinic Director Bill Stacy.

"In a small town there are fewer resources available to people so they can cope with pressure," he said.

Stacy claims people in a small town are forced to make as many decisions as city residents, and decisions take energy, and people have only so much energy.

Young people and young married couples "have fewer socially acceptable recreation activities in a small town like Baker," he said.

Stacy indicated that young people in larger cities have a choice of places to go, but choices are limited in a small town.

Despite Baker being well-endowed with outdoor recreation, Stacy pointed out to enjoy it costs money.

"It's expensive to buy camping equipment and go camping, or to buy a camper or snowmobile or whatever," he explained.

In a city, more recreation resources are available to help a person cope with day-to-day living, Stacy added.

Since there are few socially acceptable recreation facilities available in a small town, Stacy said then obviously people are more inclined to turn to socially unacceptable methods to cope with pressure.

Young people in Baker County often turn to "prescription parties," or "salad parties," he explained, where each member of a group brings several different kinds of pills from home, mix them up, and take whatever is there to see what effect they have.

The pills consumed in a salad party may consist of bizarre combinations, like diet, tranquilizer and sleeping pills.

"This is an inexpensive way to cope with pressure," Stacy said. "Therefore, this type of activity is more likely to be found in a small town because often the young people involved cannot afford what recreation is available to them."

About 14 percent of the families in Baker County are living at or below the poverty level, compared to less than half that in the Portland area.

"There is a higher income level in the larger cities, so people have more resources available to them," Stacy said.

Small town living pressure seems to affect primarily the young, including young housewives.

"These young women with one or two children feel trapped at home in preparing meals and taking care of the kids," Stacy said.

He added, "She has few acceptable outlets if the husband is not understanding by providing diversions for her."

This situation is fairly common in the county, according to Stacy, and these women often experience stomach cramps, headaches and constipation.

"This is a strong bearing on the high divorce rate in the county," he pointed out. "The mean divorce rate per 100 marriages in the county from 1969–71 is 58.3, which is above the state average."

Union County's mean divorce rate per 100 marriages is 46.3 and Malheur County records 27.4.

Stacy said that in a larger area, housewives can go to the "Y" and choose from a wider variety of community activities.

"The YMCA is the best thing that has happened to Baker in the last several years," Stacy contends. "It is something people can use even if they cannot afford it, and they can participate as a family."

He said another good activity in Baker is the Crossroads Arts Center where a child can learn to paint, make pottery or participate in a play.

Another good facility for people without money for recreational pursuits is the county library.

## THE TRADE REFORM ACT OF 1973 AND THE UPCOMING TRADE NEGOTIATIONS

Mr. JAVITS. Mr. President, today the Congress begins a historic legislative process which the world will watch with close attention. I refer to the Ways and Means Committee hearings on the Trade Reform Act of 1973. The administration has submitted this bill to the Congress after a lengthy period of consultation.

I would like to draw to the attention of my colleagues that as the Congress undertakes the lengthy process of enacting trade legislation, a parallel procedure is going forward in the European Common Market to determine the type of negotiating mandate that the Common Market negotiators will bring to GATT level ministerial talks which are scheduled to open in Tokyo this September. In the summit communique which was issued by the heads of government of the enlarged European Community in October of last year, the European Community pledged itself "to decide not later than July 1, 1973, on a global approach covering all aspects affecting trade".

Progress has been made toward developing such a global approach and in April the Commission of the European Communities prepared a memo for the Community's Council of Ministers, setting out an "overall approach to trade for the coming multilateral negotiations in GATT." The Council of Ministers will make its decisions in June.

When I met with EC Commission President Ortoli late last March, I emphasized that the decisions of the Council of Ministers would be watched closely by the U.S. Congress and would have an effect on the type of negotiating mandate the Congress granted to the President. I urged upon President Ortoli that a very broad negotiating mandate by the EEC would be helpful in terms of the U.S. Congress considering for President Nixon a broad negotiating mandate.

I ask unanimous consent that at the end of my remarks that the European Community Background Information document "GATT Negotiations: The EC Approach" be printed in the RECORD. I also ask unanimous consent that an article and an editorial which appeared in the Journal of Commerce on the EC proposed negotiating mandate be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. There is a final point I would like to emphasize, Mr. President, and that is that even while the Congress is considering the Trade Reform Act of 1973, meaningful trade negotiations with our major trading partners will be continuing as they have during the proceeding months. For example, the United States made its interest clearly known as the EEC Agricultural ministers hammered out an accord in late April on the new level of EEC farm prices for the coming 12 months. Following what the New York Times characterized as "one of the bitterest and most contracted session in the history of the Common Market," a compromise agreement was reached. The New York Times news story of April 30, 1973, on this agreement stated:

The United States has little to complain about in the accord. What Washington feared mostly was a large increase in grain prices, which would tend to check American sales in Europe. The increase in grain prices was held to 1 percent. The United States put a good deal of pressure on the Europeans to keep the grain price increase within reasonable limits. At one point Agricultural Secretary Butz said publically that any increase at all in Common market grain prices would be most "unfortunate". The American pressures combined with the widely recognized need of the Europeans to increase livestock production was probably responsible for the decision to raise grain prices very moderately.

U.S. negotiators apparently handled this situation very well and they were aided by the inflation that is raging in Europe which makes rising food costs a particularly sensitive issue, as it is in the United States.

There is an additional area where U.S. negotiators are also making progress with the Europeans and this is in the area of "proliferating preferences." Without the pressure of U.S. officials, I doubt very much that Sir Christopher Soames who is in charge of external re-



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lations for the European Community would have stated on April 5:

I must also make it clear that the Community does not seek to extend its policy of association and preferential trade beyond the limits which history and close geographical links have made necessary. In fact I say quite categorically that the Commission, having considered this question, has no intention of proposing any additional agreements of a preferential kind with countries which lie outside Africa, the Mediterrean Basin and the list of other developing countries referred to specifically in the Treaty of Accession.

I am not claiming that this statement represents a significant movement, but it does most certainly represent a degree of movement in the right direction.

Turning to the particularly sensitive area of reverse preferences, Sir Christopher stated:

My next point is that we do not propose to ask for any reverse preferences from anyone. The Commission has made it abundantly clear in the paper it adopted yesterday that it believes we should not seek any preferences for our goods as against American goods or Japanese goods or those of any other trading country.

In my opinion, this also represents progress.

Finally, it should also been noted that substantial progress has been made over the past year in opening the Japanese economy to trade and investment. While these steps were long overdue, this does not mean that they are not enormously welcomed. In this respect also, let me say that the more than 35 percent realinement of the yen against the dollar since December 18, 1971 should go a long way toward narrowing our substantial trade deficit position with Japan and there are already indications that this indeed may be the case.

These are the views I wished to share with my colleagues in the Congress today as formal congressional action on the Trade Reform Act of 1973 begins.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

GATT NEGOTIATIONS: THE EC APPROACH

The Commission of the European Communities has prepared a memorandum for the Community's Council of Ministers, setting out an "overall approach to trade (for) the coming multilateral negotiations in GATT." GATT is the General Agreement on Tariffs and Trade.

The following text is a slightly abbreviated version of this brief prepared by the Commission:

THE BACKGROUND

The establishment of the EEC in 1958 brought about an important expansion of trade within western Europe and between the Community and the rest of the world. This was to some extent due to the effect of successive rounds of GATT multilateral trade negotiations. But the GATT system, which freed the post-war world from the arbitrary nature of the purely national trade policies of the Thirties, ceased to do justice when a large number of medium-sized or small partners were confronted by one of far greater power.

Universal equality, as expressed in the most-favored-nation rule, contrasted too starkly with the inequality which in practice existed between trading nations in terms of weight and, therefore, commercial possibilities. Hence the move toward free trade areas and customs union.

Following the establishment of the EEC, the industrialized nations—particularly Europe and the United States—agreed to mutual reductions in trade barriers, within modest limits in the Dillon Round, but on an unprecedented scale after the United States Congress passed the Trade Expansion Act (Kennedy Round).

The Community emerged from these negotiations with the lowest customs tariff of any of the major trading powers, amounting to hardly more than half the average of the original tariffs of its Member States.

The prospect and subsequent implementation of this vast work of liberalization, accompanied by almost uninterrupted economic expansion within the Community, have contributed to a remarkable expansion in international trade. This in turn has provided the basis for a high and stable level of employment and the rise in the standard of living in recent years—factors of considerable political significance.

TRADE LIBERALIZATION TO CONTINUE

It is now for the enlarged Community to continue the policy of trade liberalization to which the original Community made so significant a contribution, and which had such a profound effect on its development. Only thus will the Community live up to the international responsibilities which flow from its economic size and power.

Even before enlargement, the Community on several occasions expressed the political will to undertake wide-ranging negotiations with its trading partners. In December 1971 the Council declared that "the Community is ready (. . .) to take part in overall negotiations on the basis of mutual advantage and reciprocity and requiring an effort from all the participants." This was confirmed by the "Joint Declaration" which accompanied the limited agreement with the United States of 1972, which affirmed that it was necessary to "begin, and give active support to, wide-ranging multilateral negotiations in GATT."

In October 1972, the Summit Conference invited the Community Institutions to define an "overall approach" to this negotiation by July 1, 1973 and expressed the hope that they would be concluded before the end of 1975. It is to this end essential that all the partners should undertake the preparations necessary to ensure that negotiations can begin as soon as possible after the summer of this year.

The document which the Commission is now submitting to the Council sets out its proposals for an overall approach. Since the time is not ripe for a decision on all those negotiating points on which the Community will have eventually to take up a position, it confines itself to treating in general terms the subjects to be covered and the broad lines to be followed to arrive at results satisfactory for all those taking part.

It must, however, be clearly stated that the large-scale international action to which we aspire on trade would be seriously jeopardized if ways were not found to shield the world economy from the monetary shocks and imbalances which have occurred in the last few months. The present Memorandum deals only with trade negotiations and proceeds on the assumption that adequate machinery will be devised capable of ensuring the essential long-term equilibrium and stability in the monetary field.

GENERAL OBJECTIVES OF THE NEGOTIATIONS

A Council Resolution of December 13, 1971 noted that changes in economic relations necessitated an overall examination of the world economic structure and the conditions for a new international balance, which would enable the standard of living to be improved by expanding international economic relations and liberalizing world trade to an ever wider extent.

Starting from these general considerations, the Community's objectives in these negotiations are defined as follows:

1. To consolidate and continue the liberalization of international trade on the basis of reciprocity and mutual advantage.

2. To improve the opportunities for the developing countries to participate in the expansion of world trade and to ensure a better equilibrium between developed and developing countries as regards the opportunities for this expansion. The Community will, for its part, contribute actively to this objective without jeopardizing the advantages enjoyed by those countries with which the Community has special relations.

INDUSTRIAL CUSTOMS TARIFFS

As far as tariffs are concerned, the trade negotiations must lead to a significant lowering of customs tariffs on industrial products. The formula must be simple and generally applicable. While recognizing that mutual advantage and reciprocity must be sought in the overall outcome of the whole range of the negotiation, the aim should be to seek, so far as possible, reciprocity in each individual field, in particular as far as tariffs are concerned.

It has been suggested that the total elimination of all customs tariffs might be taken as a working hypothesis for these negotiations. In the present state of international economic relations this does not seem realistic for two main reasons. First, because of the extent of customs duties on certain products and in certain countries, which protect economic sectors that are already experiencing real difficulties in standing up to competition; and secondly because of the lack of international organization and harmonization of national policies concerning, for instance, taxation, social legislation and measures to stimulate economic development.

The formula for lowering customs tariffs must necessarily take into account the considerable differences which exist between the tariffs applied by the developed countries. Quite apart from the question of the general level of tariffs, there are also structural differences. Some countries apply tariffs of a roughly homogeneous level to all products while others apply very high tariffs to some products and much lower ones to others.

The formula adopted should aim, within the overall objective of lowering tariffs, at leveling off the differences caused by these peaks and troughs. This would have the effect of creating more equitable conditions for trade and diminishing the present inequalities in the tariff protection of the various developed countries.

This is the only approach which would make it possible to avoid a situation in which, following further reductions of customs tariffs, some would be so low that certain countries would have little hope of subsequently obtaining reductions in the higher customs duties which others would still be maintaining.

SLASHING THE PEAKS

The formula for lowering tariffs should therefore be based on the principle of the higher the tariff the greater the reduction of customs duty.

A threshold or floor should be set below which no reduction would be required, which would prevent those countries with highly diversified customs tariffs being obliged to lower them to such an extent that it would be difficult to achieve reciprocity. The formula should take into account that the real level of protection has to be calculated on the basis of the value added.

This general approach should in no way exclude the possibility of seeking during the negotiations, on a basis of reciprocity, concessions going beyond the general rule and aimed at eliminating customs duties on certain products.

The further lowering of customs tariffs inevitably involves a reduction in the preference margin from which developing countries benefit in those developed countries which have introduced the Generalized Preference Scheme.

In anticipation of the implementation of the Generalized Preference Scheme by all developed countries, the Community should take steps to improve its own scheme in accordance with the directives given by the Conference of Heads of State or Government in October 1972.

NON-TARIFF BARRIERS

The diversity of non-tariff barriers makes it unrealistic to seek a solution of a general character; there must therefore be a case by case approach.

The existence of so many types of non-tariff barriers (classified by GATT under nearly thirty chapter headings, each subdivided into a number of more or less similar individual measures applied by different countries) seems to preclude finding solutions for all the measures listed. It is therefore desirable that certain types of measures be selected on which negotiation would take place but without excluding the possibility that other barriers may be added to the list in the course of the negotiations, should this prove necessary.

Work has already begun, or will shortly begin, in GATT or the Organization for Economic Cooperation and Development, on subjects chosen by mutual agreement which will almost certainly be the object of negotiations. These consist of quantitative restrictions (including voluntary limitation of exports), customs valuation, licensing systems, technical standards and regulations, labeling and packing, export subsidies and other aids affecting commerce, countervailing duties, and government procurement.

Reciprocity is harder to assess over non-tariff barriers than over customs duties, so a broad spread of solutions will be needed to make up a worthwhile and well-balanced package.

BUILT-IN IMBALANCES

Many similar measures are applied by a large number of countries and therefore lend themselves to multilateral solutions, whether by abolition or amendment or by agreement on greater harmony or discipline. These solutions may involve constraints of varying degrees, and may take the form in some cases of interpretive notes to the existing provisions of the General Agreement, and in others of general principles or codes of behavior.

Although it is clearly desirable to aim at the maximum degree of balance between commitments in each subject negotiated, it should be recognized that in certain subjects there are from the outset some built-in imbalances. For certain measures which are applied by only one or two countries, the solution may take the form of a single limited decision (abolition or adaptation), without there being any need to lay down general rules.

The Community will have to specify the non-tariff barriers of its trading partner which it wishes to see dealt with in the negotiations. It will no doubt be desirable to supplement the list of subjects with a limited number of other measures.

For their part, the Community and its Member States must also declare their readiness to negotiate on some of the measures they themselves apply, in seeking a multilateral or restricted solution. Since, in the nature of things, it is essentially the Member States' measures that are at issue here, they must agree in the near future on a sufficient number of negotiable measures to enable adequate reciprocity to be offered in return for those concessions which the Community will be seeking from its partners.

The solutions arrived at should be accepted by as many countries as possible if the existing imbalance between the various contracting parties is not to be worsened. It should therefore be made clear that any advantages which might derive from solutions comprising obligations going beyond the present GATT rules would be reserved for countries which in practice abide by these solutions (conditional application of the most-favored-nation clause).

With this same need for balance in mind, all the contracting parties should cease to benefit from the exemption provided by the Protocol of Provisional Application.

The agreement reached on non-tariff barriers should include appropriate machinery for consultation and the settlement of disputes. This machinery would both deal with differences in interpretation of the agreement and with any outstanding difficulties not dealt with in the negotiations or with any non-tariff barriers which may appear after conclusion of the negotiations.

EXPANDING AGRICULTURAL TRADE

The objectives of the negotiations in the agricultural sector should be in harmony with the general objectives of the negotiations but should also take into account the fundamental and specific characteristics of agriculture.

Two characteristics of the agricultural sector are the universal existence of support policies—of which the internal and external aspects are inextricably linked—and the instability of world markets. The specific objective of the agricultural negotiations should therefore be "the expansion of trade in stable world markets."

As the structural situation is at the root of many agricultural problems, there should be an undertaking, in order to attain this objective, to intensify structural reforms so that marketing policies and price policies are based to a greater extent on economic considerations.

The conditions for expanding trade would be more favorable if the stability of world markets was better assured. The best means of obtaining this objective would be the adoption of a code of good conduct covering export practices. For a number of specified products, complementary commitments could be entered into within the framework of international arrangements.

The code of good conduct on export practices should aim at introducing market disciplines with concerted action on the use and scope of the rules agreed.

For products such as cereals (wheat, flour, and feed grains), rice, sugar and the most homogeneous milk products (e.g., milk powder and butter), the Community will propose the negotiation of a price mechanism (including minimum and maximum prices) accompanied by measures covering an adjustment of supply, including measures of storage which would, among other things, facilitate the application of food aid programs.

The Community considers that the best method of applying such engagements would be by the negotiation of international arrangements. This reordering of world markets would make it possible to adjust certain elements of the import systems.

The aim of all these measures would be to promote the regular expansion of trade. For its part the Community would apply the instruments of its common agricultural policy in such a way as to ensure that the commitments thus undertaken were respected.

The problems caused by the harmonization of legislation covering both human and plant health and of the various rules on the use and treatment of products should also be covered in the negotiations.

Although the measures set out above are aimed at improving world markets which will also benefit developing countries, the developed countries should also take additional action on those products of particular interest to the developing countries. This would for example take the form of measures of a preferential character, which would give these countries a chance to increase their export revenue.

THE DEVELOPING COUNTRIES

The developed countries have agreed to take particular account in these negotiations of the interests of developing countries. That is to say, the developed countries will not only try to ensure that the developing countries do not suffer indirect disadvantages, but will also help to expand the developing countries' trade and improve their export revenue.

This was emphasized in the declaration of intent made by the Community on 13 December 1971, in the Joint Declaration by the United States and the Community in 1972 and again in the communique of the Summit Meeting in October 1972—which also states that the task will have to be accomplished without detriment to the advantages enjoyed by those developing countries with which the Community has special relations.

The Community's objective as regards the developing countries in general should be to achieve a coherent body of measures and a balanced contribution by industrialized countries.

There are, however, great differences between the levels and the opportunities of development in the various developing countries, so the Community would wish to reserve for itself the possibility of varying its action to meet the particular needs of individual countries. Such variation could relate, in particular, to the nature of the concessions made to different developing countries, to the choice of products, and to a degree or reciprocity which might be required of the more advanced developing countries.

UNITED STATES SHOULD SHARE BURDEN

In the field of generalized preferences, the Community would wish to improve the scheme which it has been applying for nearly two years now. But these improvements must be dependent upon other industrialized countries, and in particular the United States, introducing a scheme comparable in its effects with the Community scheme.

Subject to this condition, the system of generalized preferences could be improved in two ways: firstly, by including a larger number of processed agricultural products in the list of products which benefit from preferences and by increasing the margin of preference for those already included; and, secondly, by raising the quantitative ceilings and making the detailed rules of application more flexible.

The proposal mentioned earlier that there should be no reduction in duties below a certain level would mean in effect that a margin of preference for developing countries would be maintained in these special cases.

Finally, the Community reserves the right to propose to other developed countries in the course of the negotiations that by joint agreement exceptions to the general formula of tariff reduction might be introduced for a small number of products which are included in the system of generalized preferences and in which the less developed countries have a particular interest.

In the field of non-tariff barriers the developed countries should endeavor to take particular account of the interests of developing countries both in adapting rules and in reducing or abolishing certain quantitative restrictions which especially affect exports from developing countries.

In return, the developing countries could make a contribution which would be in their own interest by simplifying their administrative system for imports.

In any international arrangements to regulate the markets for certain agricultural products, the interests of the developing countries should be taken into account, in



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particular through efforts to lighten the burden which some of the provisions could involve for these countries. Food aid commitments can be envisaged in the context of regulation of the markets.

SAFEGUARD CLAUSE

The object of a safeguard clause must be to enable purely transitory difficulties to be overcome or to give the branches of activity concerned the period of adaptation which they need in order to adjust themselves to the requirements of international competition.

The current provisions of Article XIX (on the "escape clause") of the General Agreement should be maintained as they are. It must, however, be recognized that this Article has proved difficult to operate effectively. For this reason it might be advisable to supplement it, on the understanding that the countries concerned would retain their right to have recourse to the current provisions of Article XIX. Such a supplement to Article XIX could provide for it to be used in a selective fashion.

This new system would on the one hand involve both greater flexibility in the type of safeguard measures allowed, and a limitation in the compensatory or retaliatory rights of the third countries concerned. On the other hand any country having recourse to it would have to accept increased control procedures and requirements relating to the conversion or adaptation of the economic sectors concerned.

The scope of these supplementary arrangements might be, firstly, to prevent the measures from having a more extensive impact than is necessary, a selective application as regards the form of the measure would have to be authorized while maintaining non-discrimination as regards its substance. All imports which contribute in the same way to disorganizing the market would be dealt with in the same manner. Secondly, the character of the safeguard measure could vary, on the understanding that imports would not be restricted to a level lower than that reached during a short reference period before the measure was applied.

Recourse to these measures should be temporary, and their mode of operation should be degressive. It will be a necessary condition of the temporary nature of the measures that agreed adjustments take place during the period of recourse to them.

The right of injured countries to compensation or to compensatory withdrawal would be suspended provided all the conditions are fulfilled.

Taking into account the greater flexibility thus provided for in these arrangements, a permanent institutional supervisory mechanism consisting of independent personalities should be set up to which possible disputes could be referred. It would be necessary to make the emergency procedure really exceptional. Prior notification should be demanded in all cases.

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[From the Journal of Commerce, Apr. 26, 1973]

U.S. OFFICIALS GENERALLY PLEASED BY EEC TRADE TALKS MANDATE

(By Richard Lawrence)

WASHINGTON, April 25.—Administration officials are generally pleased with the European Common Market Commission's trade negotiations mandate proposed last week in Brussels.

But the mandate, winning scant public attention here, includes points, especially in agriculture, that could prove troublesome for Washington.

The proposals, which would set Common Market policy on tariff and nontariff trade bargaining and new import "safeguard" rules, were submitted to the Common Market's nine member governments, which are expected to act by July 1.

The proposed mandate's overall tone is widely applauded here, as it urges liberalization of world trade and an expansion of international economic relations, with a plea for a special effort to open world markets to poorer nations.

LOWERING OF TARIFF

In general, the commission recommended a "significant lowering" of industrial tariffs in the forthcoming negotiations, the reduction or removal of a wide array of nontariff barriers, and new international agricultural trade rules.

It proposed more special concessions to developing countries and a new international "safeguard" provision, along the lines of U.S. thinking, to help import-sensitive industry adjust to foreign competition.

As for tariffs, the commission said, the negotiations formula must be "simple and generally applicable," but it ruled out "total elimination" of tariffs. Some industries are in competitive trouble, it explained, and, besides, nations have yet to harmonize tax, social and other policies.

The commission, however, revived an old Kennedy Round Issue that a major aim of the negotiations ought to be the "leveling-out" of tariff "peaks and troughs." The higher the import duty, it said, the greater should be the reduction.

UNITED STATES MIGHT RESIST

The U.S. is regarded as one country with a number of unusually high tariffs, although its average tariff is roughly the same as the Common Market's. "A leveling-out" formula could meet resistance here, as it did in the Kennedy Round.

To deal with nontariff barriers, the commission's recommendations closely paralleled the Nixon Administration's. The barriers, the panel said, must be negotiated "case-by-case," sometimes through international "codes of behavior."

As likely nontariff negotiation issues, it listed import quotas, voluntary export restraints, customs valuation, licensing systems, technical standards, labeling, export subsidies and government procurement practices.

Nontariff agreements, it said, should be accompanied by international "machinery" for helping countries consult on trade problems and settle disputes.

The goal of international farm negotiations, the commission said, would be "the expansion of trade in stable world markets." It proposed "structural reforms," basing marketing and price policies more on "economic considerations," a concept that U.S. officials fully endorse.

The commission also proposed negotiating a "code of good conduct" for agricultural exporters, to help assure "market stability." It did not say, however, what the code ought to comprise.

For some products—grains, rice, sugar and dairy products—the commission urged international agreements fixing minimum and maximum prices, providing for "storage" in times of oversupply and more "food aid" to the poorer countries.

The agreements, it said, would "promote the regular expansion of trade" and make it possible "to adjust certain elements of the import systems." The products cited are under the Common Market's protectionist variable import levy system.

The U.S., however, is expected to oppose new price-fixing pacts, and insist on freer market conditions, especially in grains, meat and poultry.

To help industry adjust to import competition, the commission called for more "flexible" trade rules, including approval of "selective" import restrictions against individual countries. Any quota restrictions, it said, should not reduce imports below recent levels.

Nations applying only temporary curbs while helping an industry adjust should not have to compensate others for the restrictions, the commission said, echoing a Nixon Administration proposal. It urged a permanent supervisory panel to handle trade disputes.

For the poorer nations, the commission proposed that the Common Market expand its "general tariff preferences," by enlarging present tariff quotas and giving more processed farm products free entry. The recommendations was hinged, however, on the U.S. extending general preferences to developing countries, which President Nixon has proposed.

The commission also suggested exempting from the industrial nation tariff negotiations "a small number" of goods to let the poorer countries retain their tariff preference margins.

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[From the Journal of Commerce, Apr. 27, 1973]

A MANDATE FROM BRUSSELS

It almost goes without saying that if Mr. Nixon's hopes for some new kind of Atlantic Charter are to be realized in the foreseeable future, the United States, the Common Market, Canada and, as the President advocates, Japan must find some way of aligning their currently divergent trade policies.

This is not to downgrade matters involving NATO and other forms of military cooperation, or of dealing with the Organization of Petroleum Producing Countries, or any of the other factors cited by Mr. Kissinger in his admirable address to the Associated Press luncheon in this city on Monday. It is simply to note that unless these powers agree on compatible trade, monetary and investment policies, whatever progress they make in other directions will be of little real consequence.

Mr. Kissinger himself put his finger on this when he said "the gradual accumulation of sometimes petty, sometimes major economic disputes must be ended and replaced by a determined commitment on both sides of the Atlantic to find cooperative solutions."

Insofar as trade matters are concerned that commitment is certainly not beyond reach. Mr. Nixon has indicated that, like Barkis, "he's willing." And at Brussels last week the word was that the Common Market is willing, too.

That much was implicit, at least, in the mandate proposed in Brussels as a guide to the nine member governments in forthcoming trade negotiations. As noted in a Washington dispatch to this newspaper from Richard Lawrence on Thursday, most of the proposals fall pretty well in line with the Nixon Administration's thinking.

They contemplate a general liberalization of world trade generally, a "significant lowering" of industrial tariffs, as well as a leveling-out of their peaks and troughs, a new international code of "safeguards" for import-sensitive industries, special concessions to poorer countries and even provision for the selective import restrictions against individual countries that Mr. Nixon has been considering of late. They would also consider machinery to assist countries engaged in disputes over the so-called non-tariff barriers to trade that so nettle the United States to iron out their problems.

All this is encouraging, even though not as encouraging in all respects as Washington might like. Since the United States maintains some very high tariffs, as well as very low ones, proposals to level out peaks and valleys in the prevailing rates are not especially popular in Washington. On the other hand, Washington's proposal to move toward zero tariffs hasn't brought much response from abroad, either.

Unfortunately, the Brussels proposals are not so encouraging in the field of agriculture. They contemplate a "code of good conduct" that agricultural exporters would presumably adopt in the interests of market stability. This last phrase is one that never fails to bother us because it covers such a multitude of sins.

In the parlance of the economic world, "market stability" is an objective of producers who want to keep prices of their products permanently at high levels. The Brussels group that produced this proposed mandate did not specify what the code of good conduct ought to entail. But tides of agricultural protectionism are still running strong in Western Europe, as witness what comes next.

What the Common Market's commission wants is more international agreements fixing maximum and minimum prices and providing for "storage" in times of oversupply and a greater degree of food aid to the poorer countries.

We have no objection to an extension of food aid programs in which other nations participate, but in all other respects we see in this proposal a move to bring all major agricultural products under commodity stabilization agreements of the type that has so distorted the coffee markets for years.

This is the kind of system under which the inefficient producer is subsidized by the consumer, and at the expense of the efficient producer which, in terms of grain and so many other important staples, means the United States.

However attractive such agreements sound in theory, past experience with them has shown that they have practically no effect on maximum prices, just on the minimums. Any community of trading nations electing to take this road within the context of a general trade agreement would be moving in precisely the wrong direction.

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## TRANSPORTING ALASKA'S OIL

Mr. BAYH. Mr. President, recently I had an opportunity to testify before the Interior Committee on legislation (S. 1565) which Senator MONDALE and I, along with nine cosponsors, have introduced relating to the best means of transporting Alaska's substantial oil and gas reserves to the lower 48 States.

Because of the importance of this issue, and since the Senate will have to act in this matter in the near future, I request unanimous consent to print a copy of my prepared statement in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TRANSPORTING ALASKA'S OIL

Mr. Chairman, I appreciate this opportunity to testify in support of S. 1565, the North Slope Energy Resources Act, which Senator Mondale and I introduced on April 12 with six cosponsors. Since that time, 3 additional Senators have asked to be listed as cosponsors of this legislation.

I want first to emphasize my hope that we can see rapid, effective, economic and environmentally responsible use of Alaska's oil and gas resources. Moreover, because of the magnitude of this issue, because *how* the oil and gas are transported can be as important as their actual use, it is my judgment that the Congress should make the final decision on how that oil and gas should be transported to the lower 48 states.

I shall not dwell on the obvious energy shortage which confronts us today and which will be with us for some time. Mr. Chairman, you understand this issue as well as any Senator and you have provided valuable leadership in responding to the imbalance between energy supply and demand. In fact, I was pleased to join as an original cosponsor of your National Energy Research and Development Policy Act which has the worthwhile goal of once again making this country energy self-sufficient.

Let me first review my concerns about the proposed Alaskan land and sea route for delivering oil from Prudhoe Bay to the lower 48 states.

One—The Pacific region, which would be the prime beneficiary of an Alaskan pipeline, currently provides most of the petroleum it consumes. The situation in the Midwest is quite different, with demand many times local supply. Because of this a barrel of crude oil currently costs 64 cents less on the west coast than in the Midwest. If the Alaskan land-sea route is adopted that price discrepancy will more than double to $1.43 per barrel. On the other hand, if an all-land trans-Canadian route is used to deliver the oil, the present discrepancy will be halved to 32 cents.

Two—Since it is generally agreed that the natural gas from Prudhoe Bay would have to transverse Canada, it would make sense to explore fully the possibility of a single corridor for the oil and gas with significant cost savings in rights-of-way, parallel road construction and other expenses associated fuel pipelines.

Three—There have been authoritative reports that the oil companies involved in the venture are contemplating the sale of as much as 500,000 barrels per day—25 percent of the oil from Alaska—to Japan. To export oil at a time when there is a serious shortfall between domestic supply and demand strikes me as ludicrous and I have been concerned by the absence of adequate assurances from the oil companies that none of the Alaskan oil would be exported.

Four—While recognizing that it will be impossible to utilize Alaskan oil and gas without incurring some environmental damage and risk, I think we must minimize that risk, even as we consider economic factors, consumer requirements, national security, delivery dates and the overall national energy situation.

Despite my reservations regarding the proposed Alaskan land-sea oil delivery route, I recognize that there are unanswered questions about the alternative—an all-land trans-Canadian route through the Mackenzie Valley.

I am satisfied that our legislation would provide the answers to those questions, permit the Congress to resolve this matter when a full body of knowledge has been developed, and not delay to any significant degree the ultimate utilization of the Alaskan resources.

Much has been said, despite the glaring absence of proper bilateral negotiations, about what conditions would or would not be acceptable to Canada if we want to have our oil transverse that country. We do know that the Canadian Minister of Energy, Mines, and Resources said only six weeks ago: "If the Americans came back and said to us, look, we've had second thoughts on that trans-Alaska pipeline, we would like to take you up on your willingness to entertain an application about the oil line through the Mackenzie route, I think the interests of the West Coast (of Canada) would dictate that the Government of Canada should enable that kind of application to go ahead."

Mr. Chairman, that appears to be a very open-minded statement. There are others like it on the record over a two year period.

To get at the answers about the feasibility of a Canadian route, our bill would request that the Secretary of State immediately open intensive negotiations with Canada, negotiations to be completed within nine months. Quite importantly, one point for negotiations would be the willingness of Canada to step up oil exports to the United States while construction went ahead. Here we could well find a short term solution to our energy shortage.

The recently completed feasibility study by Mackenzie Valley Pipe Line Research Limited, composed of affiliates of virtually all the major oil companies, was not available when this government made its commitment to the Alaskan route. Even with this study, there is the need for an independent body of information on the economic, environmental and other implications of a trans-Canadian oil pipeline. Our bill would help develop that body of information by directing the National Science Foundation to undertake just such a study.

Here, Mr. Chairman, we come to the crucial point of our bill. This study may be adopted, under the terms of the legislation, by the Secretary of the Interior as an environmental impact statement, or as part of such a statement, under the terms of the National Environmental Policy Act. This in no way subverts NEPA, about which I know you are justly concerned and for which you may take much of the credit. Nor does it discharge the issue from the courts, something which would be most unwise.

But this would expedite matters regardless of how Congress ultimately decided to transport the oil. If the Congress favored the Alaskan route, this study could well remove the major remaining point of litigation against the Alaskan pipeline, that being the adequacy of the consideration of alternative routes under the terms of NEPA. And, if the Congress ultimately favored the Canadian route, the impact study would be in hand, forestalling further delay.

The results of the negotiations and the NSF study would be provided to the Secretary of the Interior, to this Committee, and to the corresponding Committee in the House of Representatives within nine months. Within two months after that the Secretary of the Interior would bring to the Congress specific recommendations for rights-of-way across public lands for Alaskan oil and gas.

As stipulated in the legislation, the Congress would then have the responsibility to act expeditiously to approve those rights-of-way for transporting oil and gas which the Congress, weighing all information, felt most advisable.

Let me make it clear that our proposal should not delay significantly actual use of the energy reserves, since it could remove the main point of litigation delay associated with the Canadian route might well be wiped out through increased exports from Canada.

Finally, Mr. Chairman, a brief word about the rights-of-way problems resulting from the Supreme Court's decision of April 2. Consistent with what we believe to be the goals of this Committee, we would authorize the Secretary of the Interior to grant necessary rights-of-way across public lands, except for Alaskan oil and gas, for two years. However, after the first year, the Secretary would have to provide the Committee with the information enabling you to draw together a coordinated national policy on rights-of-way across public land.

It is not my intention to take an inordinate amount of the Committee's time. I wanted simply to share with you the reasons we offered our proposal. We feel it is the most responsible course for us to take. I reiterate that we are not seeking to delay utilization of the greatly needed energy resources in Prudhoe Bay.

In closing, let me urge the Committee to protect for the Congress the final decision on this question of great amount. And to protect it in a fashion which will enable us to make a thoughtful decision with all the necessary information before us.

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## MAURIE JACOBS HONORED BY FELLOW CITIZENS

Mr. HATFIELD. Mr. President, one of my State's outstanding citizens is Maurie Jacobs, of Eugene. For years, he has been a tireless worker for a broad range of civic ventures aimed at improving life in Eugene.

Too often, contributions of people such as Maurie pass unrecognized. In this case, I am sure Maurie would have preferred to have it this way. A banquet honoring his many years of service to his community recently honored Maurie Jacobs for his outstanding service to his community and his State.

Under the leadership of such friends as Hale Thompson, the evening provided a warm recognition of this unique gentleman's contributions.

The Eugene newspaper provided a report of the evening, and I ask unanimous consent that this article of May 4 appear in the RECORD, followed by an editorial of May 6 from the Register Guard:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"SILENT SERVANT" HONORED

(By Dan Wyant)

It was, in the words of his wife Sylvia, a "wowie" evening. At least that's how longtime businessman Maurie Jacobs described the event at the Elks Lodge Thursday night.

More than 500 friends, associates and relatives gathered to offer a tribute to Jacobs' many community accomplishments.

"A man can't have that many virtues," he protested as testimonials flowed from speakers and members of the audience.

A Eugene resident for 36 of his 60 years, Jacobs was praised for his role in downtown redevelopment and off-street parking, for leadership in the acquisition of park lands along the Willamette River in Eugene, for his work with the State Willamette Greenway program and his efforts in Red Cross, United Appeal and Boy Scout fund drives.

The event, "An Evening with Maurie," drew an impressive number of out-of-state guests. Total attendance was 523 persons. Everyone of them rose for a standing ovation when Jacobs responded to the evening's many tributes.

From time to time Jacobs daubed away tears with a handkerchief as long-time friends recalled anecdotes from the past.

As the guests dined, toastmaster Hale Thompson read excerpts from a stack of letters and telegrams that came in Jacob's honor.

Oregon Gov. Tom McCall, who left Thursday with a delegation to Israel, pledged that he'd plant a tree in Israel in Jacobs' name.

"You've been one of the strongest warhorses in the battle to save the Willamette River," the governor wrote.

Former state Treasurer Robert Straub, who delivered the governor's greetings, said he's found no one in Oregon who measures up to the dedication, public service and quietness with which Jacobs has served.

Mayor Les Anderson of Eugene said Jacobs has the "rare quality of quiet effectiveness" which is bolstered by "an abiding faith in this community."

Portland Mayor Neil Goldschmidt, who grew up in Eugene, said he probably wouldn't be in office today if it had not been for Jacobs.

He said he turned to Jacobs for advice at more than one of the critical periods of his life.

Businessman Harry Ritchie presented Jacobs with a plaque "in recognition of meritorious leadership and unselfish service for the betterment of the community."

And County Commissioner Nancy Hayward presented a citation to Jacobs for distinguished service in acquiring park lands along the Willamette River.

Edwin Baker praised Jacobs for making Scouting "come alive for many boys and gave Jacobs a bullwhip as a token of his taskmaster approach to community fund campaigns.

Jacobs was born Dec. 18, 1912, on Chicago's west side. There, going to a park meant getting up at 4 a.m. on Sunday with his parents to catch a trolley to beat the rush.

That, said Thompson, accounts for Jacobs' long interest in parks, green grass and recreation.

Thompson said Friday that the tribute was the idea of several of Jacobs' close friends.

"There are times when you just want to do something nice for somebody," he said. "Maurie has certainly been a silent servant to the community throughout the years and we thought it was high time his contributions were recognized."

Jacobs came to Eugene in 1937 after moving to California with his parents and working for a clothing store in Portland.

The next year he and his wife opened the Sterling Furniture Co.

Their business is now M. Jacobs Fine Furniture at 725 Olive St., and is regarded as one of the West's leading furniture stores.

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FLOWERS FOR THE LIVING

Maurie Jacobs was embarrassed to happy tears Thursday night when some 500 persons gathered for a testimonial dinner in his honor and dozens of praiseful letters and telegrams were sent by other admirers who could not attend the event.

Most properly, the "evening with Maurie" emphasized the broad extent of his quietly effective civic leadership in this community during the last four decades. And, again most properly, accolades heaped upon him included praise for Sylvia Jacobs, his wife and hard-working long-time business helpmeet.

Mr. and Mrs. Jacobs would want it said here that they know a number of other area residents who should be paid special honor in abundance for community-improvement contributions made in abundance. And, as we see it, it is that quality of character as much as any other that friends and associates admire in these two fine people.

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## THE TRANS-ALASKA PIPELINE

Mr. GRAVEL. Mr. President, on May 1, 1973, the Honorable H. A. "Red" Boucher, Alaska's Lieutenant Governor, spoke before the Western Interstate Nuclear Board in Portland, Oreg. Mr. Boucher's remarks are very timely and serve to remind all Alaskans how fortunate we are to have our two top leaders as such effective spokesmen.

Alaskans recognize that our future lies in our ability to further our human and resource development. The long delay in constructing the trans-Alaska pipeline has had a disastrous effect upon our economy and our already precarious financial situation threatens to worsen. Our needs are great and pressing—and we ask the Congress to consider the problems of a sister State. While the State of Alaska would benefit immensely from construction of the pipeline in terms of revenue generated and employment for our citizens, the Nation would benefit even more with North Slope oil to help alleviate the critical energy shortage and to ease our balance-of-payments problem.

At this time I ask unanimous consent to have Lieutenant Governor Boucher's speech before the Western Interstate Nuclear Board printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH GIVEN ON MAY 1, 1973, AT WESTERN INTERSTATE NUCLEAR BOARD MEETING IN PORTLAND, OREG.

(By Lt. Gov. H. A. "Red" Boucher, State of Alaska)

I would like to thank all of you here today for allowing me to openly discuss with each of you a subject of concern not only to Alaska, but to her sister state(s) as well. It's a question of development at a time of national need versus out-dated federal restraint in the guise of environmental protection. Does Alaska, which certainly has the capability to be a "Nation-State", have the sovereignty to decide its economic future in the face of an impending energy crisis, or are our hands tied by crippling "out-of-date and out-of-touch" Federal legislation?

Every day we see our States' sovereignty being challenged by the Federal Government in areas of concern that would appear totally irrelevant to the well being of growth and development in our own States. What may be good for California and the people of that State may not apply at all to the people in Maine. It is time that we begin to think and act on programs that benefit our sister States as they relate to these United States.

At a time when the whole nation is facing an energy crisis and should be looking toward their fellow Americans for every possible resource to provide a solution with a united singleness of purpose, we are constantly being held back by environmental emotionalism, political, see-sawing in international oil fields, and a lack of leadership necessary to break through to solving the energy crisis in the interim period while on-going research can be refined to produce more sophisticated means of energy. Alaska can and should join our sister oil producing States to provide the "energy bridge" that is needed for our Nation.

Because of the delays in solving the pipeline issue, exploration in the vast Prudhoe Bay area and other potential oil producing areas in Alaska is practically at a standstill. Geologists tell us that the overall potential of additional large oil reserves within the State of Alaska are a reality. Your sister State, Alaska, has the opportunity to join with our other oil producing States allowing for America to increase her "energy independence" of foreign oil fields.

Up to now we have concerned ourselves with only energy. What about the other vital products that utilize oil as an important ingredient to their final form? The use of clothing, food, plastics, and a myriad of other articles are just as vital to our daily way of life as gas and oil are to our automobiles.

Alaska was purchased in 1967, but for 50 years there was almost total neglect . . . it existed largely as a military district under the jurisdiction of the army, navy and treasury departments. Territorial status was finally granted in 1912, but Alaskans continued to choke under the yoke of federal control and outside economic royalists.

Following the long battle for Statehood, Alaskans finally had the chance for political self-autonomy, and the right to wisely develop her vast natural resources for the benefit of her people. Congress, in writing the Statehood Act, recognized that Alaska did not have the economic base to totally support State Government and provided a land-



grant system which allowed the State to select 103 million acres . . . (roughly one-quarter of the total federal lands in Alaska) . . . and to sell and lease these lands as a way of generating direct economic revenue to the State treasury; thus stimulating economic development that would provide a recurring base of revenue for State Government.

Our fledgling State faced immense challenges. Poverty in the bush and the ability to provide only minimal services, in such vital areas as education and public health, were but a few of the problems that had to be solved. . . . However, despite Statehood, Alaska still functioned largely as a federal economy with the Federal Government controlling 90% of the State's land area . . . (Selection was a gradual process to be conducted over 25 years) . . . Our rate of economic growth was still largely dependent on decisions made outside of our borders. Vast sections of Alaska were set aside as National Parks, Wildlife Refuges and National Forests. The Forest Service exercised major control over our timber industry and outside economic royalists plundered our sea resources, leaving little in the way of taxes to support our new State's growth. In almost every way but superficially, Alaska was still a territory, outsiders still called the shots . . . I think it is high time that we were recognized as a responsible sovereign state and not as an economic playground for fanciful ideas. History pro-offers us an array of choices . . . If we do not make our needs known and our voices heard in a calm, forceful, and intelligent manner, others will make our choices for us.

PRUDHOE BAY DISCOVERY

Prior to 1968, the vast majority of our country looked upon Alaska as a land of igloos and polar bears . . . I recall a Wichita hotel clerk asking me in 1962 what kind of money we used in Alaska . . . They have come to know the answer to this during the past ten years . . . In fact, there are those who come to Kansas each August and wish Fairbanks and Anchorage were still trading in rubles . . . With the emergence of Alaska in 1968 as the new resource giant of North America, the long uphill battle for political and economic sovereignty seemed to be at an end. Announcement of the Prudhoe Bay discovery electrified our State and Nation. . . . Alaska and her people had a brilliant future . . .

Our Nation's growing dependency on foreign crude would be alleviated. Prudhoe Bay could change all of this. It was the first dramatic realization (ten years after Statehood was signed) of Congress' intent that the disposition of State lands would create a revenue base for State Government Prudhoe Bay seemed to fulfill this promise beyond anyone's expectations, since in production it would yield $200–$400 million annually to State Government (State budgets in the first decade of Statehood average $100–$150 million annually); furthermore, in September, 1969, the State sold off previously unsold Prudhoe Bay tracts for almost a billion dollars.

Alaska entered the seventies with the promise of Statehood seemingly fulfilled . . . The prospect of large recurring revenues (upon completion of the pipeline) to provide long-overdue services, and the preservation of our unique way of life seemed a reality. Indeed Alaska looked ready to take her position as a proud and self-sufficient member of the union.

On the premise that pipeline construction would soon begin, the State moved ahead to program and provide for her citizens critical services that are taken for granted in other states. . . . In addition, some of the most creative and innovative governmental programs enacted anywhere were brought into being. Alaska developed a revenue-sharing program, passed back benefits of resource wealth to local governments and local taxpayers . . . This at a time when revenue-sharing was just on the drawing boards in other states and on the federal level. Our school foundation program assumed a good share of the educational burden in the State, leaving increased control at the local level, and permitting municipalities to turn their attention to other pressing needs of local concern. In 1970 and 1971, Alaska moved aggressively to solve the critical problems that had faced her in the past . . . Indeed, it was a confirmation of Congress' belief that mineral wealth would provide for Alaska the revenue base to achieve true Economic Statehood.

In anticipation of a brilliant future and the orderly economic, environmental planning that would go into the construction of the pipeline, Alaska accelerated its expenditures and initiated long, overdue programs. State budget planners projected that by the mid or late 1970's, Prudhoe Bay oil would be on stream and revenues would begin to flow into the State treasury. The revenues from the Nine Hundred Million Dollar Lease sale would tie us over until the pipeline became a reality. This appeared to be a reasonable assumption. However, Alaska and her citizens were to soon learn that these are not reasonable times. National conservation groups moved to block construction of the pipeline using the 1969 National Environmental Protection Act as the tool.

An injunction against the Interior Department granting a permit was issued, and the long delay began . . . one year stretched into two years; to three years . . . we were frustrated, but then heartened, when after two years in court the Federal District Court in Washington returned a ruling in our favor. The Conservationists appealed the case, and after a six month wait, the promise of Statehood has again been delayed. The Appeals Court, in rendering a decision, has planted a legal minefield around the pipeline that could take a considerable length of time to resolve. They failed to consider the merits of the NEPA case, the main issue at stake, and ruled that a technical violation of the 1920 Mineral Leasing Act would have to be amended in Congress. The courts must address themselves to the initial environmental issues that first delayed issuance of the permit. Failure to do this could throw the entire matter before Congress which could well result in the pipeline being caught up in the environmental emotionalism that is currently very much a part of the national scene.

The chips are down . . . and the issue at stake is more than the construction of a pipeline, the issue at hand is whether or not the sovereign state of Alaska shall have the right to seek her own destiny. Influential pressure groups and the friends in Congress would say no, but Alaska has prevailed before . . . and will prevail again.

CANADIAN ALTERNATIVE

At this point, let me touch on the talk of a Canadian alternative route, which conservationists and some of their friends in Congress say would be "environmentally" more acceptable than the presently-planned Alaska route. To date, hundreds of thousands of taxpayers' dollars have been spent on studying the environmental impact of the Trans-Alaska Pipeline. No project in engineering history has been given more thorough scrutiny . . . yet, there are those in Congress who, with a stroke of the pen, would make this a reality. The Canadian alternative to the Alaska pipeline is a myth. It has no basis of economic or environmental concern . . . it is not an alternative . . . it does not exist as an alternative . . . it is a smoke screen generated by certain self-serving groups to halt the Alaska pipeline in its entirety. The national need for low sulphur Alaska crude is already apparent. The spector of increased reliance on foreign nations for this country's energies needs is hanging over our head like the sword of Damocles . . . the Canadian route as an alternative is not practical, in the best national interest of the United States, Alaska or the environment. To attempt to proceed in this direction with no basis of fact makes as much sense as sending a man to the moon in a toy rocket.

What is happening today, Ladies and Gentlemen, is that the intent of the Congress of the United States in granting Statehood to Alaska is being circumvented by organized groups. Some of them are well meaning . . . but view Alaska from afar. Others disguised as concerned environmentalists, are 1973 versions of the economic royalists that Alaska has come to know only too well . . . It is time their selfish motives were exposed nationally for what they are.

It is a fitting and proper argument that Alaska should be spared the Hap-hazard development that has plagued other parts of America. Looking at the sprawling suburbs, and teeming ghettos that exist in far too many areas in our sister states to the south, it makes sense that Alaska continues to be one of the great scenic areas of our country . . . this is a worthy goal and Alaskans are the first to recognize it. Ironically, the Alaska Pipeline could well be the very key to preservation and rational environmental planning in Alaska. Before Prudhoe Bay, Alaska had virtually no stable economic base. The short-term project was upper most in people's minds . . . spot development was the rule rather than the exception. The development of any kind of economic activity was desperately needed.

There was little thought for planning . . . because there was little money for it . . . the same pattern of casual, unplanned, sporadic and haphazard development that took place in other areas, took place in Alaska through the sixties, because of Alaska's vastness, it was almost unnoticed. Those of us who have lived in Alaska for the past ten years or longer have vocally noticed this encroachment on our scenic beauty and environment. Had Prudhoe Bay not been discovered, and that trend continued, Alaska could have in the name of short-ranged economic development followed the same path taken by other states, with equally dismal results . . . however, with the advent of the promise of the North Slope, our forty-ninth state has been given the chance to break that pattern, to plan our future, to create new methods in developing a land that can recognize the need for harmony between man and environment.

We have the time, opportunity and will to make Alaska a living example for the rest of the world. This cannot be accomplished by building a fence around the "Great Land" and cringing from the future because of the mistakes of the past. It can only be done by meeting the challenge head on. On the other end of the axis of America, our sister state, Florida, saw man on the moon because an entire nation wanted it to happen. Alaska can be the launching pad for an all out effort to reclaim America's environment. We can be a living laboratory where problems of the environment can be solved and not just talked about. Engineering, atmospheric, land and water problems solved here can be of enormous benefit to the rest of our Nation, indeed, to the rest of the world.

Alvin Toffler in his recent best seller "Future Shock" put it rather aptly . . . "In dividing the last 50,000 years of man's existence in 62 year life spans, he stated that the 800th lifetime (in which we are now living. . . .) "marks a sharp break with all past human experience, because during this lifetime man's relationship to resources has reversed itself . . . the central stupendous truth about developed economies today is that they can have—in anything but the shortest run—the kind and scale of resources they decide to

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have . . . it is no longer resources that limit decisions . . . it is the decision that makes the resources."

In the 801st lifetime, man will harness the energy of the solar system for his needs . . . nuclear power . . . geothermal power . . . indeed, the further harnessing of the energy of the winds and tides for mankind's needs will become areas of improving technological know-how. However, to "seek a newer world", an "energy bridge" to man's future we cannot cringe from the future because of mistakes of the past . . . the high velocity of change which man is undergoing in the 800th lifetime can be traced to many factors. Population growth, urbanization, the shifting proportions of young and old . . . all play their part . . . yet, technological advance is clearly a critical part of the network of causes: Indeed, it may be the catalyst that activates the entire network . . . We cannot and must not turn off the switch of technological progress. Only romantic fools babble about returning to a "state of nature". A state of nature is one in which infants shrivel and die for lack of elementary medical care, in which malnutrition stultifies the brain . . . to turn our back on technology would be not only stupid but immoral . . . to deliberately turn back the clock would be to condemn billions to enforced and permanent misery at precisely the moment in history when their liberation is becoming possible. We clearly need more not less technology . . . at the same time, it is undeniably true that as a nation we frequently apply new technology stupidly and selfishly . . . in our haste to milk technology for immediate economic advantage, we have turned our environment into a physical and social tinderbox . . . however, this problem will not be solved by taking shelter in the eye of the ecological hurricane . . . the winds of tomorrow and our responsibilities to one hundred million more Americans by the year 2000 are upon us.

To say that there is not an energy crisis in our country today, and there are many who do, is like standing in the middle of a railroad track and saying you are safe because a train speeding at you at a rate of a hundred miles an hour has not yet hit you. Whether it be a crisis of reserves, distribution, refining capability international politics, or what have you, America is going to need Alaska's energy in the next five years . . . and the clock is rapidly running out of the time to bring this oil to market to meet our sister states' needs. Believe you me, we understand what an energy outage means in Alaska—whether it be factory or home.

Combining rational intelligence with all the imagination we can command, let us project ourselves forcefully into the future. In doing so, let us not fear occasional error . . . the imagination is only free when fear of error is temporarily laid aside . . . in thinking about the future, it is better to err on the side of daring than the side of caution.

In Alaska, we often refer to ourselves as a "nation state" we are proud and love our beautiful state . . . environment . . . both critically harsh . . . and magnificently beautiful is more than a word to us, it is a way of life. However, we are not ready to build a fence around ourselves and call ourselves the "Last Great Frontier" while the rest of our sister states struggle with problems that we could help to solve . . . indeed most Alaskans look upon themselves as citizens of "A new frontier" . . . a "new frontier" for the creation of thoughtful plans that will result in a swing towards recognition of the need for earth and man in harmony. Let us look to the northern star for the promise of tomorrow rather than preoccupying ourselves in hopeless despair with the fears of today . . . Florida, our sister state on the other end of America saw man on the moon from her shores . . . Alaska could be the "new frontier" from which our nation launched an all-out effort to reclaim our environment. Let our generation, young and old, conservationists and men of industry alike act with rather than react from fear . . . the promise of Alaska can be the promise of America . . . be happy and thank you.

## PHYSICAL AND MENTAL HEALTH PROBLEMS FACING OUR EX-POW'S

Mr. SCHWEIKER. Mr. President, on March 21, 1973, I introduced S. 1424, a bill which, among other things, provides for full health care for all former POW's and their dependents for as long as it is needed. Today's Washington Post contains an article pointing out some of the serious physical and mental health problems found among the 51 POW's processed through March Air Force Base in California: Only six of these men were considered to be in good health.

Dr. Gary Trunk is quoted as saying that some of these men may need psychiatric treatment for the rest of their lives, as a result of the stress of their long imprisonment, and the serious personal problems some have encountered upon their return home.

His statement graphically points up the need for the enactment of my bill. As I stated when I introduced this measure, we learned following the Korean conflict that many physical and psychological ailments faced by former POW's may not manifest themselves until many years after a POW's release. That is why it is so important to extend medical benefits for as long as they are needed by POW's and their families.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOME POW'S FOUND TO BE IN POOR HEALTH

RIVERSIDE, CALIF., May 8.—Of the 51 former prisoners of war processed through March Air Force Base, only six could be considered in good health and some may need psychiatric treatment for the rest of their lives, according to the facility's chief medical examiner.

Practically all the men had parasitic worms—some up to a foot long—chronic diarrhea, skin infections, an asthma-like lung condition and malnutrition, said Dr. Gary Trunk.

In a talk to the Riverside County Medical Association, Trunk said a few of the men may require psychiatric treatment for the rest of their lives because of the stress of imprisonment followed by personal problems on their return home.

The average weight loss during imprisonment was 80 pounds, he said. Before 1969, the POWs existed on about 700 calories a day, less than a fifth of the average daily requirement, he said. In that year rations were improved to give the prisoners about 1,200 calories a day and vitamin supplements, he said.

## A COMMUNITY-BASED WELFARE SYSTEM

Mr. HATFIELD. Mr. President, no one is satisfied with our present welfare system. It is degrading, dehumanizing, vastly expensive, and administratively ponderous. One of the great challenges of domestic policy today is to design a system to provide for the needs of the less fortunate in a way that strengthens their sense of identity and self-respect, while at the same time strengthening the local community in which they live.

In my testimony before the Republican Platform Committee last August, Mr. President, I presented a proposal for neighborhood government, on a scale comprehensive to our citizens, to preserve the values of liberty and community upon which our country was founded. In the course of that statement I recommended pilot projects on neighborhood welfare reform corporations, working to reintegrate the needy into genuine human communities.

Another development of that same thought has been undertaken by Mr. John McClaughry. To promote a greater dialog on the promise of the community based approach to problem solving, I ask unanimous consent that Mr. McClaughry's memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

A COMMUNITY-BASED WELFARE SYSTEM

(By John McClaughry)

The existing system of public welfare is under attack from all quarters. Welfare recipients and the President of the United States alike have recognized its degrading effects. Instead of encouraging human beings to make a productive contribution to their communities, and in so doing achieve a sense of worth and dignity, the present system is based on an isolated, fragmented, alienated view of man that is destructive for the individual and self-defeating for society.

The idea of the community-based welfare system is based on a premise ably stated by U.S. Senator Mark. O. Hatfield (R-Oregon) in his presentation to the Republican Platform Committee in August, 1972:

"The individual can only develop his full potential as a human being through community. This concept dates back to the twelve tribes of Israel. The ancients realized that without a sense of community and real citizen participation in the public life of the community, the individual and the family structure deteriorates . . . The need for community is instinctual. Thwarting this instinct leads to the pathological qualities encountered today, particularly the sense of rootlessness. Unless individuals are able to relate together and act publicly for the well being of the community, the individual himself will be lost."

With the virtual abandonment of President Nixon's Family Assistance Plan for welfare reform in 1972, the time is right for a new proposal, based not on manipulating human beings through a vast complex of bureaucrats, sliding scales, certifications and percentages, but on re-integrating each needy human being into a genuine human community where he can make a contribution in proportion to his ability.

The Community Based Welfare System is a real alternative to both the present discredited welfare system and the Family Assistance Plan. Its goals are to give the needy a real opportunity to achieve identity and self-respect, as well as a decent standard of living; to strengthen the work ethic of contribution in return for reward; to create new service and income opportunities; to eliminate the uncaring and clumsy hand of the welfare bureaucracy; and to help produce a stronger human community in which each individual citizen can feel he has a place.

The Community Based Welfare System would decentralize welfare administration to the community and neighborhood level. It would operate through a Community Improvement Corporation, which in many cases would be a nonprofit affiliate of an existing community development corporation (CDC). Initially a local CDC or similar group would sponsor the formation of a CIC, but once operating the control would pass to the CIC's shareholders—the persons entitled to receive welfare assistance in that neighborhood. Participation by welfare recipients would be completely voluntary.

The CIC would contract with the public welfare department for the total support of and provision of social services to its welfare members, initially in units of no more than five caseloads (375 family units). Under this contract, the public welfare department would periodically pay to the CIC a sum equal to the total assistance and administrative costs of the caseloads contracted for during that period.

Each eligible welfare recipient in the community or neighborhood would be entitled to become a shareholder of the CIC and also an employee of the CIC at a salary equal to his lawful welfare entitlement. The CIC's Board would hire such administrative and social service staff persons as they found desirable and necessary out of the contract funds available. The CIC might employ persons now employed by the welfare bureaucracy, or other persons, as they saw fit, or they could contract with a private firm for those services on the open market.

From the beginning the principle should be firmly established that child-rearing and caring for the sick and aged are highly valued and important types of work for which the basic salary is paid. Other types of work would include child care services, neighborhood cleanup, snow removal, neighborhood park and beautification projects, block club organization, school attendance and tutoring projects, and service in health care, drug abuse prevention, and crime patrol work.

Aged and handicapped persons would be offered duties conforming to their interests and capacities. Some might answer telephones or visit the sick, some might be responsible for reporting suspicious activities to the police, and some might merely sit on park benches to smile at passers-by and watch children at play. It is important that all participants be encouraged to regard themselves as employees performing useful and valued work, since most welfare recipients still retain the work ethic and are alienated and unhappy when denied the opportunity to make some worthwhile contribution.

If participants received only the base salary equal to their previous welfare entitlement, the only argument for the CIC system would be the removal of the psychological stigma associated with welfare, a strengthening of local community life, and the empowerment of participants to choose how the social services portion of the budget shall be spent. The CIC would, however, offer an additional incentive.

In any community there are many services for which there is some demand, but for which no public or private employer can afford to hire additional personnel at prevailing wage rates. Since all CIC employees already have a guaranteed base salary, the CIC could contract to provide the services of any of its employees desiring a supplementary income, and charge the other party (the local school, grocery store, parks department, etc.) only the differential rate. Thus a CDC-owned grocery in the neighborhood might employ a disabled young adult to provide security services the store could otherwise not afford, or a neighbor might pay a small sum for child care. There would, of course, have to be some limitations on the amount of supplementary income that could be so earned, and also safeguards to assure that CIC workers did not replace regular employees who would otherwise have had to be hired. Beyond some level supplementary incomes would have to be divided between the worker and the CIC, if the worker is to remain eligible for his full base salary.

The Community Based Welfare System would constitute a first step toward breaking the social isolation of individuals, in restoring their sense of personal worth, in generating personal motivation to overcome obstacles, and in re-integrating them into the larger community social structure as contributing citizens. It would reinforce the work ethic and decentralize the administration of necessary government services, while removing the degrading stigma of welfare dependency. It would not enlarge the current welfare budget.

It would give the poor a new sense of control over their destinies, instead of perpetuating their subjection to an often callous and demeaning welfare bureaucracy. It would introduce free market elements into the provision of social services, where the clients choose the vendor instead of taking what the government dictates. It would open opportunities for the supplementation of incomes through additional work, and make new services available which public and private employers cannot now afford. It would strengthen the sense of community and create a new interest in participation in community improvement by all residents.

Where there is an existing community development corporation, initiation of a CIC would be relatively simple, including fiscal accountability through established procedures. The system will work regardless of the benefit levels prescribed by state or federal legislation.

The Community Based Welfare System must be seen not as an isolated administrative technique, but as one of the building blocks of a new and decentralized America—a land where the voice of each individual can once again be heard when the decisions affecting his life are made; where power is exercised by public servants, businessmen, labor leaders, educators, and religious leaders who are close to the people and accountable to them directly; where each local community can foster the conditions without which individual liberty is an empty dream. It is time now to begin to re-create that kind of America.

(John McClaughry was a special assistant to Richard M. Nixon in his 1968 campaign and transition period and has just completed four years in the Vermont House of Representatives. He is the principal author of *Expanded Ownership*, a 1972 Sabre Foundation study suggesting ways of creating a more widespread distribution of private property ownership. His address is Box 94, Lyndonville, Vermont, 05851. The author wishes to thank Shimon Gottschalk of the Florence Heller School, Brandeis University, for his very important contribution to the development of this memorandum.)

## PUBLIC FINANCING OF CAMPAIGNS: A DETERRENT TO CORRUPTION

Mr. ABOUREZK. Mr. President, I ask unanimous consent that Mr. Clayton Fritchey's very perceptive article "Public Financing of Campaigns: A Deterrent to Corruption," be printed in the RECORD at the conclusion of my brief remarks.

Mr. Fritchey's point is as simple as it is valid. He argues that the integrity of our political system has hit rock bottom. He points to the corrupting influence of big money as the root cause of our low standing in the public eye. And he recommends immediate enactment of a system of public financing to restore both the reality and the appearance of integrity in our system.

I could not agree more. For the incredible bargain price of about 50 cents per person Americans can buy the assurance that big private money will no longer be able to corrupt politicians. If just one special interest tax law could be defeated by the enactment of public financing legislation, that legislation would have paid for itself many times over.

As an investment in integrity, as an investment in public confidence, as an indispensable investment in a government that can examine legislation on its merits instead of the size of the campaign contributions its sponsors may be able to make, I strongly urge speedy consideration of public financing legislation by this body.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PUBLIC FINANCING OF CAMPAIGNS: A DETERRENT TO CORRUPTION

(By Clayton Fritchey)

Now is the time for all good men, Democrats and Republicans alike, to come to the aid of their parties—by enacting a campaign financing bill that will make it impossible for there ever to be another Watergate case.

Now, while the scandal of Mr. Nixon's multimillion dollar slush fund is fresh and vivid in the public eye, it is the right moment for the reformers in Congress to move. Who, at this point, would dare to vote against a true cleanup of campaign financing? Not even Mr. Nixon would dare veto it.

Several seemingly worthwhile steps were taken last year by Congress to establish stronger barriers against the corruption and subversion of the electoral process, but, as it is all too horribly plain to see, the Nixon forces had no difficulty in circumventing and debasing the Federal Election Campaign Act passed with such high hopes in 1971.

The lesson of the great expose now going on is that the new act simply doesn't work in practice, even though a special agency was created to implement it. This agency and the General Accounting Office have performed conscientiously.

They have uncovered numerous serious violations, and referred them to the Justice Department for prosecution. But what good is this if Justice, being Mr. Nixon's creature, refuses, as it has, to prosecute vigorously? All it has done so far is accuse the Nixon finance committee of a few derelictions, but no individuals have been charged or prosecuted. The administration has made a travesty of the reform act.

Although the statute was supposed to make everything aboveboard, the Nixon team succeeded in creating a record secret slush fund, exceeding $10 million, the full ramifications of of which are still not known.

We do know, however, that all kinds of vested and predatory interests were involved. We know the money was "laundered" by slight-of-hand international transfers, by moving it around in suitcases containing hundreds of thousands of dollars in $100 bills, by illegally failing to report it and by using the hidden cash to finance Watergate and other criminal actions.

As the American people can now see, the end of this path is the utter degradation of their government. There is only one certain way of stopping it, and that is for the taxpayers, through outright congressional appropriations, to take over the privilege (the word is used advisedly) of financing all candidates for President, Senate and House. In the process, private contributions should be outlawed.

The cost to the public would be about 50

cents per person. Surely the country is worth that. Every public opinion poll shows how much Americans are concerned over the present way of financing political campaigns. In the final analysis, what is the distinction between a campaign contribution and a bribe? Even the courts have trouble defining the difference.

Year after year, Congress holds hearings on campaign reforms, but in the end it always shrinks from the ultimate step of putting the responsibility squarely on the taxpayers, where it belongs. Last year, it experimented with what looked like a promising alternative—the $1 checkoff plan—but that, too, like the new anticorruption law, has been a disappointment. There is no more realistic politician on Capitol Hill than Sen. Russell Long (D-La), chairman of the Senate Finance Committee. Foreseeing the loopholes in the 1971 reform act, he proposed public financing of last year's presidential race by letting Americans check off $1 on their income taxes to be used for campaign expenses.

It was estimated that this would provide $20 million each for the major presidential candidates, and substantial sums for minority ones.

This was not acceptable to Mr. Nixon, who rightly figured he could raise two or three times that amount from his wealthy backers.

The bill was finally passed only by postponing its effective date to 1976. Since then, Mr. Nixon's Internal Revenue Service has sabotaged the plan by excluding the checkoff from the regular income-tax form, and making the separate form hard to get. The upshot is that the checkoff is not working.

So it's time for Congress to go back to the drawing board. Complicated checkoffs and tax credits are not going to do the job. The answer is simple, straightforward appropriation of whatever amount is needed to finance federal campaigns. At the maximum, this would be less than one-tenth of 1 per cent of what Vietnam cost.

## THE PRESIDENT'S ENERGY MESSAGE

Mr. BEALL. Mr. President, increasingly the people of our Nation are realizing that this country is facing a serious and growing "energy crisis." Fuel shortages are appearing almost daily throughout all parts of the land, and indications point to the fact that, unless action is taken now by all Americans, this problem is going to get worse.

I believe that the President's recent energy message marks a significant step in dealing with both the short- and long-term aspects of this situation. I hope that these initiatives will quickly be followed by other proposals from Government and the private sector alike, and that we can develop, on a nationwide scale, a massive effort to conserve our present energy and responsibly find new sources for our demands.

Mr. William O. Doub, a distinguished and most capable Commissioner of the U.S. Atomic Energy Commission, recently spoke to the Federal Power Bar Association regarding this whole matter. Although Mr. Doub's address dealt with the challenge to the legal profession of the President's energy message, I believe that the points he raises are most important to many other Americans, and I ask unanimous consent that the text of his remarks be printed in the RECORD, for the benefit of my colleagues and other interested parties.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S ENERGY MESSAGE: A CHALLENGE TO THE LEGAL PROFESSION

(By William O. Doub)

To the public-at-large, the energy industries, and the federal and state agencies mandated to regulate them, this is a critical time. The energy policies pursued by the nation over the past three decades have culminated in a clash between energy and the environment. Today, we recognize the seriousness of this clash, and know that a creative accommodation will have to follow if we are to avert damage both to our economy and to our environment.

In this regard, President Nixon's recent Energy Message is a milestone in the continuing efforts to resolve this problem. It is an explicit recognition of the need for prompt action and an end to empty rhetoric. Some of the President's recommendations will no doubt lead to further debate. But, given the positive direction of his recommendations, this debate will surely be constructive.

The agenda for your conference today reflects the tone of an important part of the current debate: "Recommended Solutions to Natural Gas and Electric Power Shortages," and "Development of a National Energy Policy." Needless to say, these topics have been the subject of intense discussion for the past few years. Yet, they remain crucial and timely—particularly, for an assemblage, such as this, of attorneys and counselors to the energy industries.

The issues you have before you today have an added dimension for the Bar, for they are placing new and greater stresses on our traditional regulatory institutions to cope with exceptionally complex technological and quality-of-life problems. As the nation grapples more intensely with the inter-workings and implications of the energy-environment issue, I believe that there is a correlative duty on members of the Bar collectively to evaluate the relevance and capacity of today's institutions to handle these problems effectively.

The threshold issue is whether these problems—particularly as they relate to administrative procedures—can be expeditiously and adequately resolved by the adversary process—by the procedures and rules of practice which have proved successful to the different kinds of forums in the judicial system. Lately, much has been said about the duplication inherent in today's regulatory process: regulated companies must sometimes obtain dozens of permits before they are allowed to construct proposed facilities. Is the ultimate payoff of this duplication a benefit to the public-at-large?

There is also the matter of regulatory delays—some the responsibility of the government agencies themselves, others caused by the ineffective response of applicants and other participants to new legal and public policy requirements. Is the best answer for the nation—for the public and the regulated companies—only to initiate a concerted drive to improve the overall efficiency of existing administrative processes? Or is it also to initiate a reevaluation of the entire adversary system of regulation, and its many layers of duplication and inconsistencies, with a view toward creating a more responsive, streamlined regulatory system? With new energy policies currently being proposed, I believe that now is surely the time to undertake such a reevaluation. Indeed, this assemblage may wish to consider whether one of the results of this conference should be to set the necessary wheels in motion toward this end.

The experience of the AEC is a case in point. Under the Atomic Energy Act, the AEC's licensing process embraces two hearings—one for a construction permit, the other for an operating license. We are striving, of course, to implement these statutory requirements as efficiently as possible. Yet, it is clear that the events of the last few years have entirely changed the nature of the AEC's regulatory arena: today we are bound by law to consider complex environmental and anti-trust issues in each of our proceedings. Clearly, this wasn't contemplated by Congress when the Atomic Energy Act was passed nearly 20 years ago. The result—to borrow a currently fashionable term—is that we have been forced to "backfit" the statutory scheme of regulation with new issues that may perhaps be better resolved by a different kind of regulatory forum.

The AEC is not alone in this regard. Other federal departments, the FPC, and state regulatory agencies are facing similar problems. Are these agencies of government endowed with the kind of authority and capability to deal with complex technological and quality-of-life issues with the same effectiveness that they were able to deal with the specific narrow issues that engendered their establishment several decades ago? This, I believe, is a question most appropriately addressed to a Bar Association group such as yours, and one which I would hope you will play a central and aggressive role in resolving.

What would happen, on the other hand, if the situation created by decades-old policies continues to prevail in the future—if we do not bring about some kind of change in the nature and organization of our regulatory system? In my judgment, the problems we have recently encountered would deepen, for we are on a course toward bringing even more difficult qualitative issues into the regulatory process.

Historically, regulatory agencies have been most effective in resolving distinct issues of fact and policy—for example, choosing among alternative ratemaking techniques, determining alternatives to improve quality of utility service, and evaluating applicants competing to serve a growing market area. I believe that the environmental and consumer movements that gained momentum during the 1960s represent important qualitative issues that hold the potential to seriously entangle existing regulatory processes. In my opinion, the nation has permanently entered a new era of concern for qualitative values. It is not a fad. If we are not swift to respond with additional forward-looking institutional arrangements and procedures which reflect quality-of-life considerations, there could very well be a substantial reduction in the effectiveness of regulatory agencies at all levels of government.

One course of action is always available—that is to fight any efforts to change the existing scheme of regulation. Today, this course would be folly. The recent past has identified serious issues of common concern to all segments of the public and private sectors. These issues have exposed not only differences among the many adversaries, but a unique opportunity to reconcile these differences on the common ground that there is a need for constructive change. Each force today knows that it is interrelated with the other, and that the future of each to some degree will be affected by the other. Indeed, there have been shrill voices from both sides in the past. But now the time is ripe for both to roll up their sleeves in pursuit of common goals that will vigorously serve the overall public interest over the long-term.

What would an agenda-for-action include to serve these ends? Most important, I believe, it should include a measure of institutional reform in the regulatory process. Are there better ways to resolve qualitative issues—for example, land use and aesthetic questions—than by today's adversarial regulatory hearings? Can we formulate better groundrules to govern our hearing procedures for the benefit of all parties? I am referring not only to individual landowners and citizens groups, but to regulated and other companies which have sometimes found themselves at sensitive points of leverage and "ratcheting" under existing procedures.

These questions are significant for the energy industries, because energy is undergoing a revolutionary change in technology and public attitudes. High energy physics is now a basic part of the electric power industry. Liquefaction of natural gas and international transportation of LNG have become rather commonplace. Coal gasification and oil shale technology are similarly calling upon new kinds of processes. But, throughout these changes in production and transmission methods, it does not appear that sufficient attention is being devoted to the legal and institutional processes designed to regulate them. Indeed, it appears that sufficient effort is not being made to determine what substantive regulatory principles are necessary to achieve the national goals of the President's recent Energy Message.

The newspapers are covered each week with articles on the energy crisis. The public is obviously aware of the serious shortages experienced by much of the country last winter and the preceding years. Already some government and industry spokesmen are predicting even tighter energy supplies in the immediate future. My concern is that we must not permit this tough situation to force us into precipitous short-term regulatory actions that will only compound the problem a decade or more from now. The President has charted a course for the future, and it is against this objective that we should weigh the merits of our specific actions.

In my view, it is time to get down to basics—to examine first principles of regulation and determine whether they are now being served by relevant institutions and procedures. Does the existing scheme of regulation best serve the overall public interest and offer the essential flexibility to deal fairly with changing social values? This is the kind of question that I believe must thoroughly be considered today.

There is another issue that deserves the priority attention of a Bar Association group such as yours: energy conservation. This is an issue which has been simmering for the past few years, but one which properly has now become intense. All of us know that energy is wasted—too much horsepower, overcooling, poor construction, and so on. Much of today's waste, however, is the product of a simple lack of attention in the past. Energy has been abundant, so why should any of us live by articles of restraint? Today the tables are turned. But we are still not moving fast enough to eliminate waste. One reason is that it is not clear how we should specifically proceed. What new regulatory policies and procedures are desirable? What incentives should be promulgated? President Nixon's Energy Message points the way to some constructive solutions. It is up to all of us now to move ahead.

I believe these questions are well-suited to the analytical skills and perspective shared by members of the Bar. Indeed, at the American Bar Association annual meeting last year, I had the opportunity to address some related matters concerning my views on the collective responsibility of members of the Bar. I believe that overriding public interest issues—such as the desirability for change in existing regulatory processes—are an important part of an attorney's proper concern. I would hope that these questions will become the subject of your continuing concern during the months ahead.



## STOP INFLATION—BALANCE THE BUDGET

Mr. HARTKE. Mr. President, considering the administration's budget proposal calling for such a great deficit at a time when any more rise in inflation would be critical, I believe it is my duty to offer constructive criticism.

Mr. President, I therefore, ask unanimous consent to have the following statement concerned with stopping inflation and balancing the budget, made by our former colleague, Representative Byron Johnson who was also a member of the Fiscal Division of the U.S. Bureau of the Budget during World War II, the office which helped design the economic stabilization program for World War II, printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STOP INFLATION—BALANCE THE BUDGET

President Nixon's proposal for a $13 billion deficit next year is unacceptable. It promotes more inflation. Now is the time to balance the bduget. Either cut expenditures or increase tax revenues. The war is over. It is time to stop programming inflation. It is time to put the economy on a peace-time basis. There is no "emergency" justifying such high military outlays.

Military budgets have been based on planning for two-and-a-half major wars simultaneously. There is no basis for fearing we face at the same time a war with China, a war with the USSR, and a war with some smaller third power. Congress can balance the budget by recognizing the change in international relations, and the drop in our international security requirements.

The military budget can now be cut sharply. We can pay for the increased domestic civilian needs, we can re-order priorities, and still balance the budget without a tax increase.

Inflation is likely to continue as long as there are futher federal deficits. A continuing increase in the public debt will be treated as a justification for continued inflation. This is easy to do when the President virtually ends wage and price controls. But with a balanced budget, you can demand a generally stable level of prices. The Federal Reserve System can keep the growth of the money supply in reasonable balance with the demands of national economic growth. Thus we can have expansion without inflation. But you must balance the budget.

Congress ought now to make the tax system more equitable. This is the time for fundamental tax reform. It is hard to get tax reform as part of a tax increase. It would be easier to get tax reform as part of a further tax cut. But only with still further cuts in military spending, and further true growth of the economy, will we be able to afford a new tax cut. Congress ought to review critically our defense requirements into the future. Surely international peace-making and international peace-keeping will be far less costly to Americans than trying again to be the self-appointed policemen to any part of the world. Further tax cuts are thus possible.

With a balanced budget, an effective price stabilization program is again possible. The wage-price guideposts of a decade ago were good economics. They called for prices to be generally stable, and for wage increases to reflect true increases in productivity. This remains sound economics. The end of wartime pressure permits a return to this position.

With a balanced budget and stable prices, the U.S. balance of payments difficulties would ease. U.S. goods would be increasingly competitive in world markets.

With stable prices, and with the Federal Government no longer bidding for scarce savings, interest rates should fall. Better than the recent subsidy of high interest rates for the housing expense of the few poor who were accepted, would be to cut the costs of housing for every American, by bringing interest rates down. When interest rates no longer are based on anticipations of further inflation, interest rates will fall. Every American will benefit. When more families can buy housing at interest rates they can afford, far fewer families will need any subsidy to get decent housing.

In turn, more people will be employed building more housing, and more persons will be enjoying decent housing. This will help assure full employment at productive jobs, rather than the waste of manpower and materiel in the production of military hardware which (as Pres. Kennedy said) "if we ever use it, will have failed of its purpose."

The signatures at Paris at long last make it possible to adopt such action. Some have opposed tax increases needed in the past because they opposed the war. No longer need any member vote bad economics because it appears to be good politics.

Good economics is good politics. But even more important: good economics is good statesmanship and true statecraft. Balance the Budget. End Inflation. Help cut interest rates. Help insure domestic tranquility. Peace.

## MONEY FOR HIGHWAYS AND MASS TRANSIT

Mr. HARTKE. Mr. President, the Senate recently debated the propriety of using highway trust funds to finance mass transit projects. No one can doubt the need for mass transit in and around our cities. We are being choked to death by cars, and it does not take a perceptive person to realize that one of the answers to this dilemma is mass transit.

The issue, then, is not whether we need more mass transit, but how that mass transit will be funded. There are many areas of this country whose transportation needs will not be met by mass transit. Highways are not outmoded means of getting people from one place to another. They are absolutely necessary, for example, to move people from rural to urban areas.

Mr. President, an article on this subject recently appeared in the March issue of the International Operating Engineer. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERSTATE HIGHWAYS AND MASS TRANSIT: WE NEED BOTH

American overland transportation needs continue to grow, yet highway construction is coming to a halt and a roadblock is in place against new financing for mass transit projects.

For the first time since 1956, and only the second time since 1916, Congress failed to pass a Federal highway funding bill. The proposed measure died in the House of Representatives last October and, although it is

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a high priority issue, will probably not be again considered by the full Congress until late this spring.

As a result, six states had no Federal matching highway funds by the end of 1972. By the end of this month, at least 18 states will be unable to award any new highway work. This cutback in highway construction is beginning to have severe adverse effects on thousands of cities, counties and municipalities, not just in the loss of maintenance and new construction, but in accelerating unemployment and the side effects of that unemployment.

At issue in Congress is the use of designated Federal funds derived from highway user taxes for mass transit projects. When legislators could not reach agreement in 1972, action was shelved for consideration this year by the new 93rd Congress.

Opposing factions in the Senate have already had their first confrontation. In round one, rail mass-transit boosters lost a preliminary bid to tap the highway trust fund, although they predict victory by the end of this year.

The Senate Public Works Committee rejected, eight to six, a proposal by Senators Edmund Muskie (D.-Maine) and Howard Baker (R.-Tenn.) to give city officials the option of using up to $800 million annually from the highway fund for rail and bus transit systems, as well as for roadways.

Action moves to the Senate floor this month, where some diversion of the fund is anticipated. The Senate will probably allow a diversion in urban areas, and add to the highway bill a lot of additional money from the Treasury's general revenues for rail and bus transit equipment purchases and operating expenses. The Nixon administration supports the use of both highway trust fund money and general revenue for mass transit equipment purchases, but not for a transit system's salaries and other operating expenses. Claude S. Brinegar, the new Secretary of Transportation, suggests that $1.1 billion from the highway fund be made available for urban mass transit projects in fiscal 1974.

The Senate Public Works Committee, having rejected the mass transit diversion, has approved for full Senate consideration a bill providing about $5.8 billion for highway projects in each of the next three years.

The 42,000-mile interstate system is about 80 percent finished, and much of the new funding would go toward bringing about its completion, now estimated in 1984.

The House, which last year blocked the highway trust fund raid, hasn't started work on this year's bill.

The failure to act last year is having serious reverberations at lower levels of government. Approximately $17 billion is spent each year by Federal, state and local governments on highway construction, modernization and maintenance. The Federal contribution is about one-fourth of this amount.

FUND SOURCE AND USES

Over half comes from state and local highway user tax revenues, including tolls, and the remainder, used primarily for local service roads and residential streets, is generated from other sources. The Federal share of almost all highway modernization and highway safety programs is financed through the highway trust fund in 1956 to provide a user-generated source of revenue for the Federal aid highway program. What is affected, however, is a high percentage of all these projects because they are constructed through matching funds through participating government agencies at all levels. When funding is withheld from one, others suffer.

The highway trust fund was established as a long-term commitment to build highways with taxes coming from those who use them, with construction on a "pay as you go" basis. The taxes earmarked to the trust fund include:

Motor fuel, four cents a gallon;

New trucks and trailers and certain buses, 10 percent on the manufacturer's wholesale price;

Highway vehicle tires and tubes, 10 cents a pound;

Heavy vehicle use, $3 per 1000 pounds annually on the total gross weight of vehicles rated at more than 26,000 gross weight;

Parts and accessories, 8 percent on maker's wholesale price of truck and bus parts and accessories;

Lubricating oil, six cents per gallon, if used for highway purposes.

HIGHWAY FUND "SURPLUS"

Most Americans and their representatives in Congress agree that we need both the highways and mass transit. The issue is over where the funds will come from. Those who urge use of highway funds (instead of or in addition to funding from the general fund) for mass transit point to a "huge surplus" in the highway coffers. On September 30, 1972, the cash balance was about $4.5 billion, but the Fund's obligations to the states for highway improvement work already in progress was $7.4 billion. Those familiar with the fund point out that it is like a checking account—although there may seem to be a surplus of funds, that money is already committed.

The following figures from a U.S. Treasury report show the Highway Trust Fund's estimated balance and obligational commitments through the end of its legal life, September 30, 1977.

[In billions of dollars]

| Estimate | Balance in the Fund | Liability for unpaid obligations | Balance less liability for unpaid obligations |
|---|---|---|---|
| 1972 | 4.5 | 7.8 | −3.3 |
| 1973 | 5.1 | 7.4 | −2.3 |
| 1974 | 6.1 | 8.3 | −2.2 |
| 1975 | 6.8 | 8.6 | −1.8 |
| 1976 | 7.6 | 8.7 | −1.1 |
| 1977 | 8.9 | 7.0 | 1.9 |
| 1978 | 1.3 | | 1.3 |

The interstate highway program, which has been behind schedule for some time, also has its critics. Some say that it has overly encouraged use of the automobile to the point of congestion, divided communities, and turned the landscape into "concrete jungles." As a matter of fact, the highway trust fund helps states build all highways—urban or rural—as well as farm-to-market roads, local rural roads, public lands highways, even relocation assistance, including the acquisition and rehabilitation of existing housing or construction of new housing which might be caused by roadbuilding.

There is also the cry that the government is spending all of the transportation dollar on highways and none on mass transit. That's not true.

Between 1965 and 1970, Federal obligations to mass transportation programs totaled about $1 billion. Since passage of 1970 legislation entitled "Urban Mass Transportation Act," spending has increased significantly. In fiscal 1971 and 1972, total obligations were $1 billion, and the Urban Transportation Administration expects to obligate another $1 billion to mass transit programs in fiscal 1973.

Distribution of mass transit funds is interesting. In the first seven years of Federal mass transit aid programs, about one in six projects included assistance for the public takeover of a local bus line. In all, more than 75 percent of the total funds obligated up to 1972 went to five states—California, Illinois, Massachusetts, New York and Pennsylvania—and more than 30 percent were directed to projects in the San Francisco and New York metropolitan areas.

BOTH SYSTEMS NEEDED

Organized labor joins with other groups pressing for full Federal funding of both the highway and mass transit projects, with immediate action to restore work on highway systems which have been halted due to Congress' failure to enact Highway Act funding amendments last year. A direct subsidy to mass transit projects may be the answer, although several proposals have been advanced. How much subsidy is required is something yet to be grappled with by the legislators. The Administration has taken the position that only capital costs should be covered, that is, construction and major equipment purchases, although the bill passed by the Senate last year provided for operating cost subsidy as well.

Operating Engineers, at our most recent convention, went on record as opposing any diversion of the Highway Trust Fund to non-highway expenditures. There is simply not enough money available from the highway fund to spend otherwise. The I.U.O.E. has supported, however, the funding of special bus lanes, fringe parking, and even the purchase of some buses, all of which pertain to highway usage. We are strongly opposed to the use of highway funds to operate transit systems or for the development of non-highway modes of transportation.

This stand in no way lessens our concern for the needs of mass transit nor detracts from our desire to see the development of new technology, but to pursue these mass transit goals there must be new money sources. It becomes increasingly clear that to pay for mass transit we must establish a new avenue of funding.

The AFL–CIO Executive Council has called upon Representative Wilbur Mills, Chairman of the House Ways and Means Committee, to hold hearings on the need for a new mass transit trust fund. Perhaps income for this fund could come from a nominal additional tax on gasoline or similar transportation related area.

Until such time as a new trust can be established, mass transit must be financed from general revenue funds. We must not tamper with highway funds already allocated to existing projects.

Admittedly, the source of funding for both mass transit and highway needs is very complex. But we need highways now. And we need mass transit to alleviate highway congestion and to provide new transportation alternatives in the future. Congress can and should provide the means to meet our commitments in this area. The American public should not be forced to choose one or the other; we must have both mass transit and our highways.

## WHOLESALE INDUSTRIAL PRICES

Mr. HUMPHREY. Mr. President, the alarming rise in wholesale industrial prices in the last few months is one of the gravest economic problems facing this country. Industrial prices have risen at an annual rate of nearly 15 percent in the last 3 months. Yesterday the Subcommittee on Consumer Economics of the Joint Economic Committee invited three distinguished experts to discuss this problem. Their testimony contains both analysis of the causes of this inflation and suggestions for strengthening our anti-inflation policies.

It is critical that the current rise in prices be halted. Otherwise the country will shortly find itself locked into a price-wage spiral which will make the 1969–71 experience look pale by comparison.

I invite all Members of Congress to study the valuable testimony presented to the Consumer Economics Subcommittee yesterday and to join in urging the administration to take vigorous action to halt inflation. Congress has extended the broad price-wage control powers requested by the administration. Now it is up to the administration to utilize these powers in an effective manner.

I ask unanimous consent that the testimony of Walter Adams, professor of economics at Michigan State University; Robert F. Lanzilotti, dean of the College of Business Administration at the University of Florida; and Robert Nathan, of Robert Nathan Associates, before the Subcommittee on Consumer Economics of the Joint Economic Committee be printed in the RECORD, together with my own opening remarks at that hearing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT OF SENATOR HUBERT H. HUMPHREY

This morning the Subcommittee on Consumer Economics has invited three distinguished private economists to give us their perspective on prices of non-food commodities.

Several weeks ago, when we first began planning this hearing, we were aware that there was a severe problem of rapidly rising industrial prices. But we did not realize how severe. The wholesale price numbers which were released last Thursday brought the problem home with dramatic force. In the last three months, industrial prices have been rising at an annual rate of nearly 15 percent. That single statistic should serve to wake up the country to the problem that we face. Most of these recent price increases have not yet reached the consumer. But they will. In the months ahead the consumer faces the probability of sharp price increases for a wide variety of non-food commodities—clothing, appliances, furniture, fuel and many other basic items. And the poor consumer must accommodate these price increases in addition to the 8 percent price increase which has already taken place this year for food.

Wages have not been rising to keep pace with this inflation. Wage increases negotiated in the first quarter were smaller, on the average, than they were in 1972. The index of real hourly earnings has been falling steadily for the last three months.

Of course, the imbalance between prices and wages cannot continue. If prices keep going up, wages must also go up. Unless there is immediate effective action to interrupt the price-wage spiral—notice I put *prices* first there—unless there is immediate action, the country may find itself facing a price-wage spiral which will make the 1969–71 experience look pale by comparison.

The Administration has done almost nothing to cope with this urgent problem. The very limited moves announced last week seem designed to give the impression of action without actually doing anything.

Congress has extended for another year the Administration's authority to take firm action to control inflation. But the Administration has indicated that it will take no action until prices have already been raised 1½ percent on a weighted average for all the products sold by a firm. There is no limit on how much the price of an individual item can go up. And what action must a firm take if it wishes to raise prices by more than 1½ percent? It must notify the Cost of Living Council. That is all. Just notify them. There is no requirement that they must obtain approval.

I am not the only one who thinks recent actions are totally inadequate. Dissatisfaction with present policies is almost universal. For example, Pierre Rinfret, an advisor to President Nixon, has called the current policies "a continuation of a do-nothing policy . . . merely hoping or praying."

This morning we are going to do more than hope and pray. We are going to examine the causes of recent price increases and try to come up with remedies which are adequate to the present need.

Our first witness will be Dr. Walter Adams, Professor of Economics at Michigan State University. Dr. Adams served as President of Michigan State University in 1969. He has written books and articles on many different subjects. Most relevant to our interests this morning, he is the author of "Monopoly in America" and "The Structure of American Industry." He is widely recognized as a leading expert on the steel industry. His statement this morning will be devoted largely to the behavior of steel prices. Let me say that is an extremely timely subject, since we have read in the newspapers just yesterday that the steel industry wants to raise prices an additional 4 to 6 percent.

Following Dr. Adams, our next witness will be Dr. Robert Lanzilotti, Professor of Economics and Dean of the College of Business Administration at the University of Florida. Dr. Lanzilotti was a member of the Price Commission, where he served as a vigorous spokesman for tougher rules and regulations governing price increases. He appeared before the Joint Economic Committee at our Annual Hearings last February, and we are grateful that he has returned today to give us his assessment of the startling price developments which have taken place in just the brief three months since those hearings were held.

Our final witness will be my old friend, Robert Nathan of Robert Nathan Associates. Like Dr. Lanzilotti, Bob Nathan brings to the question of how to control prices both practical experience and professional expertise. Mr. Nathan is both a lawyer and an economist. He has been an observer or participant in economic policy ever since the days when he was Chairman of the Planning Commission of the War Production Board in World War II.

Dr. Adams, please lead off.

STATEMENT OF DR. WALTER ADAMS

Mr. Chairman and Members of the Committee: I appear here this morning at your invitation to discuss steel prices and how to control them in a period of inflationary pressures. The moment is opportune. Just last week, the Bureau of Labor Statistics reported the largest one-month increase in wholesale prices since 1951. Incidentally, I recall that year with some nostalgia, because I served as economic counsel to the Senate Small Business Committee during the summer of 1951, and conducted a number of studies for Senator Humphrey's Subcommittee. Then as now, we were concerned with pricing practices of the steel industry.

THE RECORD OF STEEL PRICES

The U.S. steel industry is a classic, textbook oligopoly. Domestic producers do not compete among themselves in terms of price. It is simply not the custom of the industry. Instead of price competition, they follow a regime of strict price leadership and followership—more often than not in a monotonously upward direction.

Since the end of World War II, the industry's notorious policy of constant price escalation has contributed a prime stimulus to successive inflationary movements. Thus, between 1947 and 1951, according to the Council of Economic Advisers, "the average increase in the price of basic steel products was 9 percent per year, twice the average increase of all wholesale prices. The unique behavior of steel prices was most pronounced in the mid-1950's. While the wholesale price index was falling an average of 0.9 percent annually from 1951 to 1955, the price index for steel was rising an average of 4.8 percent per year. From 1955 to 1958, steel prices were increasing 7.1 percent annually, or almost three times as fast as wholesale prices generally. No other major sector shows a similar record." After a quiescent stage during the early 1960's, characterized by the moral suasion and "jawboning of the Kennedy Administration, steel prices resumed their upward movement in 1964—on a gradual selective product-by-product basis at first, and on a general across-the-board basis in 1969. The imposition of "voluntary" import quotas in January 1969 and the Nixon Administration's refusal to engage in government-industry confrontations simply accelerated the trend.

The one factor which dampened the industry's enthusiasm for marching in lockstep toward constantly higher price levels was the burgeoning of import competition. Thus, between January 1969 and December 1968, a period of nine years, the composite steel price index increased 4.1 points—or 0.45 points per year. Starting in January 1969, however, after the U.S. State Department had successfully persuaded the Europeans and Japanese to accept "voluntary" quotas on their sales to the United States (i.e. to enter into an informal international steel cartel), imports were cut back drastically and the domestic steel prices resumed their pre-1960 climb. In the four years between January 1969 and December 1972, the steel price index rose 26.7 points—or 6.67 points per year. Put differently, steel prices increased at an annual rate 14 times greater since the import quotas went into effect than in the nine years prior thereto. Through most of this period, the policy of price escalation was pursued in the face of recession, low volume, and the idleness of roughly 25% of the nation's steel capacity.

As if the import quotas—supplemented by "Buy American" regulations and assorted trade barriers—were not enough to insulate the steel industry from competition, President Nixon approved (and later withdrew) a temporary 10 percent surcharge on imports, including steel. In doing so, he perverted the "infant industry" argument for the benefit of lusty steel giants whose rambunctious excesses had wreaked havoc with past attempts at inflation control. With his arsenal of import restraints, he neutralized the perhaps most effective lid on steel pricing, while building up additional steam in an already overheated pressure cooker. These governmental actions also penalized such major steel consuming industries as automobiles, construction equipment, and agricultural implements which found it increasingly difficult to absorb the higher prices for an essential raw material while trying to maintain their competitiveness in domestic and foreign markets.

A longitudinal study of the structure, conduct, and performance of the American steel industry, I submit, yields some rather striking conclusions: giantism in this industry is the result of massive mergers of the past; the dominant firms are neither big because they are efficient, nor efficient because they are big; their technological lethargy, especially during the 1950's, when they lagged in introducing the basic oxygen process, continuous casting, and direct reduction of steel, put them at a comparative disadvantage in world competition; their insensitive, extortionate, oligopolistic price policy displaced American steel from world markets and opened the U.S. market to erosion by imports and substitutes; and, finally, the mercantilist protectionism of the federal government compounded the problems of the industry and the nation's economy. It gave legitimacy and endurance to a cartel which could not survive without government succor and support.



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PUBLIC POLICY ALTERNATIVES

According to all reliable indicators, 1973 promises to be a banner year for the steel industry. A world-wide steel boom is in full swing, and the domestic industry is operating at nearly full capacity. Of the nine largest steel producers that have reported first-quarter earnings so far, the average increase in profits for the period was 67%, more than double the average increase in sales for the quarter. (*Wall Street Journal*, May 1, 1973) Part of this spectacular increase in profits is attributable to the 4% price increase, in effect since January 1, on 45% of the industry's product mix (primarily a variety of heavy products). Yet further price increases are in the offing. According to the trade press, the industry plans to increase the price on steel sheets (a large volume item) by some 2½ to 3% about June 1, and market conditions are such that the steel oligopoly will be able to make this increase stick. The prospects, therefore, are for more of the same—the steady price escalation which is a way of life in the American steel industry.

There are three major public policy options, if efforts are to be made to stem these inflationary pressures: (1) antitrust action; (2) direct controls; and (3) import competition.

(1) Antitrust action, consisting of a comprehensive dissolution-divorcement-divestiture program, is long overdue and eminently desirable to restore competitive structure, competitive conduct, and competitive performance in this somnolent oligopoly. Realistically, however, this is a long-term remedy which cannot be counted upon to provide immediate relief. All that can be done in the short run is to insist on tough enforcement of the anti-merger laws which would prevent any further concentration of power in an already overconcentrated industry.

(2) Direct controls, viz. the reimposition of Phase I or Phase II of the Nixon game plan, is at best a temporary expedient—likely to prove disappointing in the long-run. As our sad experience with this form of statecraft has demonstrated, regulation is a negative force for right conduct. A government commission can refuse to recommend a price increase, but it cannot compel an industry to lower production costs. It has no power to force regulated firms to spend money on new plants or scrap old plants. It cannot tell firms to increase expenditures on R & D, or to be more progressive in invention and innovation. Even if a commission had a perfectly clear view of what potentially attainable cost reductions and correct conduct are, it lacks the authority to compel powerful firms to comply with its prescriptions. Regulated firms may be prevented from doing the wrong things, but they cannot be forced to do the right things in the public interest. In short, since the regulators lack the power to stop cost inflation, waste, and what economists call x-inefficiency, they cannot effectively cope with steady price inflation.

One marginal suggestion: if Phase II controls are to be reimposed, oligopoly firms should be precluded from applying for price increases as long as they operate in markets protected by tariffs and/or voluntary or mandatory import quotas.

(3) Import competition is probably the most effective short-run measure for curbing inflation—and the major steel companies are fully aware of it. Ever since import competition began to erode their insulated market in the 1960's, the major companies have demanded protectionist privileges. After invoking the archaic Anti-Dumping Act of 1921 and suffering successive defeats before the Tariff Commission, they demanded revisions of the law which would enable them to stifle foreign competition. When the Congress refused to revise the anti-dumping statute, they demanded "temporary" tariff protection. When Congress also turned down this form of protection, they demanded mandatory quotas. And now, even though "voluntary" quotas have been in effect since January 1, 1969, they are still pressing for the kind of quota legislation embodied in the Burke-Hartke bill. In this drive, incidentally, the industry seems to enjoy the full support of the United Steel Workers of America.

Curiously enough, the industry offers startlingly contradictory arguments in support of its demand for quotas. Thus, in October 1967, Mr. John P. Roche, president of the American Iron and Steel Institute, told the Senate Finance Committee that quotas were necessary because of the chronic excess capacity in the world steel industry: "It has been estimated that steelmaking capacity abroad now exceeds demand by more than 55 million tons. Countries which formerly relied on imports for their steel requirements have tended more and more to develop their own steel industries and to protect them against imported steel. Home markets of some long-established steel producers have grown less rapidly than expected. These producers have, therefore, taken increasingly to invading the markets of other producers—especially that of the United States." Joseph P. Molony of the United Steel Workers presented parallel testimony to the Finance Committee.

Contrast that position with the industry's current rationale for protectionism. By 1980, says Father William Hogan, a sympathetic observer of the industry and a consistent advocate of import quotas, the annual steel demand will require a world-wide capacity of 1.1 billion raw tons as compared to today's capacity of only 780 million tons. "Blazes, that's a short fall, with new and replacement needs, of 600 million tons," he says. (*Forbes*, April 15, 1973) What was considered only a few short years ago a *chronic world steel surplus* has suddenly become an *endemic world steel shortage*—and the way to cure it, so runs the argument, is by higher prices and higher profits which would make additional investment in steel capacity attractive. This, in turn, would require—almost as a sine qua non—a "normalization" of world trade in steel, meaning strict regulation of steel imports and the sterilization of their impact on domestic steel prices.

Such a policy, as I see it, would be an invitation to national disaster. Unlike the American steel industry, the leading steel producers of the world are subject either to a strong import discipline or a strong export discipline or both. (See attached tables) They are subject to constant exogenous pressures which force them to behave competitively, aggressively, and efficiently. Unlike their American conferes, they cannot afford the luxury of leading the quiet life and still survive.

A nation's industrial power, I submit, is not the product of governmental permissiveness and governmental coddling. The end of that road is marked "Penn Central" and "Lockheed". Industrial power is the fruit of the constant spur for efficiency and progress which is best provided in a competitive environment.

PRICE INDEX, IRON AND STEEL (SELECTED DATES)

| Month and year | 1957–59=100 | 1967=100 |
|---|---|---|
| January 1960 | 102.0 | 98.4 |
| December 1968 | 106.1 | 102.4 |
| December 1969 | 113.9 | 109.9 |
| December 1970 | 120.7 | 116.5 |
| December 1971 | 129.8 | 125.3 |
| December 1972 | 134.2 | 129.5 |
| January 1973 | 136.65 | 131.9 |
| February 1973 | 137.79 | 133.0 |
| March 1973 | 138.10 | 133.3 |

Source: Based on BLS wholesale price index.

STEEL SHIPMENTS, IMPORTS, AND EXPORTS FOR THE UNITED STATES, 1960–72

[In thousands of net tons]

| Year | Shipments | Imports | Imports as a percent of apparent consumption | Exports | Exports as a percent of shipments |
|---|---|---|---|---|---|
| 1960 | 71,149 | 3,578 | 5.0 | 3,224 | 4.5 |
| 1961 | 66,126 | 3,321 | 4.9 | 2,228 | 3.3 |
| 1962 | 70,552 | 4,306 | 5.9 | 2,274 | 3.2 |
| 1963 | 75,555 | 5,665 | 7.2 | 2,556 | 3.3 |
| 1964 | 84,945 | 6,711 | 7.6 | 3,735 | 4.4 |
| 1965 | 92,666 | 10,749 | 10.7 | 2,837 | 3.1 |
| 1966 | 89,995 | 11,166 | 11.3 | 2,027 | 2.2 |
| 1967 | 83,897 | 11,924 | 12.7 | 1,971 | 2.3 |
| 1968 | 91,856 | 18,462 | 17.1 | 2,499 | 2.7 |
| 1969 | 93,877 | 14,615 | 14.2 | 5,597 | 6.0 |
| 1970 | 90,798 | 13,997 | 14.4 | 7,460 | 8.2 |
| 1971 | 87,038 | 18,930 | 18.4 | 3,155 | 3.6 |
| 1972 | 91,805 | 17,681 | 16.6 | 2,873 | 3.1 |

Source: "Annual Statistical Report," American Iron & Steel Institute, various years.

STEEL SHIPMENTS, IMPORTS, AND EXPORTS FOR SELECTED COUNTRIES, 1969–71

[In thousands of metric tons]

| Year | Shipments | Imports | Imports as a percent of apparent consumption | Exports | Exports as a percent of shipments |
|---|---|---|---|---|---|
| Germany: | | | | | |
| 1969 | 38,976 | 8,072 | 21.5 | 9,568 | 24.5 |
| 1970 | 37,938 | 8,059 | 21.5 | 8,565 | 22.6 |
| 1971 | 30,807 | 8,638 | 28.9 | 9,540 | 31.0 |
| France: | | | | | |
| 1969 | 17,822 | 5,959 | 32.6 | 5,478 | 30.7 |
| 1970 | 18,248 | 6,520 | 35.0 | 6,157 | 33.7 |
| 1971 | 18,354 | 5,732 | 32.9 | 6,661 | 36.3 |
| Italy: | | | | | |
| 1969 | 14,374 | 3,489 | 20.8 | 1,055 | 7.3 |
| 1970 | 14,143 | 4,395 | 25.2 | 1,078 | 7.6 |
| 1971 | 14,691 | 3,520 | 22.1 | 2,265 | 15.4 |
| Benelux: | | | | | |
| 1969 | 19,042 | 4,168 | 48.0 | 14,534 | 76.3 |
| 1970 | 18,562 | 4,391 | 51.8 | 14,475 | 78.0 |
| 1971 | 18,581 | 4,296 | 52.4 | 14,686 | 79.0 |
| Japan: | | | | | |
| 1969 | 58,253 | 129.1 | .3 | 16,006 | 27.5 |
| 1970 | 65,368 | 268.3 | .6 | 17,981 | 27.5 |
| 1971 | 63,192 | | | 24,178 | 38.3 |

Source: European and Japanese statistical yearbooks and reports, various years.

STATEMENT OF DR. ROBERT F. LANZILLOTTI

Mr. Chairman, members of the Committee, I am honored and pleased to be invited back to testify before this Committee on the continuing problem of inflation and the policy issues facing the Congress and the Economic Stabilization Program. My views on the nature of the inflation problem are essentially unchanged from my testimony before the full Commitee in February, although the short-run policy dilemma clearly has become more acute.

In February, I cautioned that "We are unquestionably entering the most difficult stage of the current inflationary process. Demand pressures will combine with, not replace, cost-push pressures." Events of the past few months have confirmed this diagnosis and have complicated the policy dilemma the nation faces, especially as it pertains to the role of direct wage and price controls.

The inflation statistics are both startling and disturbing, as shown in Table 1. From February to March alone, wholesale prices increased by 2.2 per cent and retail prices by 0.8 per cent. Of greater concern is the acceleration that has taken place both in the WPI and CPI since December, 1972. Principal attention has focused on the continued surge in food prices, but since December there also has been an acceleration in the prices of industrial goods. For example, in the three months ending March, 1973 wholesale industrial commodity prices increased at a 10.3 per cent annual rate, compared to a 2.0 per cent annual rate in the three months ending December, 1972. (Moreover, early reports available at this writing indicate that industrial prices rose by 1.4 per cent from March to April.) Similar rises are evident in other components of the WPI and CPI (Table 1).

These statistics are clear enough, but they provide only limited insight to the causes and characteristics of the current surge in inflation, and alone are an ambiguous guide to policy. More particularly, the recent advance in the inflation rate does not represent a broad cross-sectional surge of wage-price increases, which is important in deciding where we go from here in the use of wage and price controls and the proper course of economic policy in 1973.

It is my understanding that the Committee wishes to concentrate today on the behavior of non-food prices. Before turning to that area, I want to stress that the large increases in food prices over the past few months will continue to contribute to the inflationary process even after the rises abate, and as a consequence, are of special significance for purposes of economic stabilization policy in 1973. This will be due to legitimate demands for wage and salary adjustments to maintain real income positions.

TABLE I.—CHANGES IN WHOLESALE AND RETAIL PRICE INDEXES AND COMPONENTS, 1972–73

| Index | Percentage change for 3 months ending[1]— June 1972 | September 1972 | December 1972 | March 1973 |
|---|---|---|---|---|
| I. WPI: All items | 4.9 | 6.7 | 9.6 | 12.5 |
| A. Industrial Commodities | 4.9 | 3.2 | 2.0 | 10.3 |
| B. Farm products (including processed foods and feeds) | 4.8 | 17.4 | 30.1 | 53.1 |
| C. Consumer foods | 2.7 | 10.0 | 15.8 | 45.0 |
| D. Consumer finished goods | 2.5 | 6.7 | 5.9 | 21.7 |
| E. Consumer goods (excluding food) | 2.5 | 3.9 | −.3 | 7.3 |
| II. CPI: All items | 2.2 | 4.6 | 3.2 | 8.5 |
| A. Commodities | 2.0 | 5.4 | 2.3 | 12.8 |
| B. Commodities (less food) | 2.7 | 4.1 | 1.0 | 3.4 |
| C. Services (not seasonally adjusted) | 3.1 | 3.0 | 3.9 | 3.6 |
| D. All items (less food) | 3.2 | 3.5 | 2.5 | 3.2 |
| E. Nondurable Commodities | .7 | 5.7 | 3.3 | 16.8 |
| F. Apparel (less footwear) | .3 | 2.3 | 4.6 | 3.3 |
| G. Services (less medical care, not seasonally adjusted) | 2.4 | 3.1 | 3.6 | 3.6 |
| H. Insurance and finance | 4.6 | 2.8 | 2.8 | −.5 |
| I. Utilities and public transportation | 3.9 | 3.2 | 3.2 | 2.9 |

[1] Seasonally adjusted, compounded annual rates.

Source: Bureau of Labor Statistics.

Thus, the major challenge for current stabilization policy is to prevent the food price surge from triggering another wage-price spiral later in 1973 and 1974.

In this connection, it is generally agreed that the most serious problem in the food area is the rise in meat prices. What is usually not made clear is that the rise in meat prices lies in unwise government policies designed to limit production, and to increase the prices, of feed grains. In simplest terms, when feed grains are short, their prices rise and farmers reduce livestock production. Hence, the official policy of keeping farm prices high by paying farmers for not producing as much as they could must be blamed for this part of the inflation.

In all candor, I should note that the Price Commission found no magic solution to rising food prices during Phase II, although *very early in 1972 we urged the Secretary of Agriculture to modify the planned acreage set-asides, with singular lack of success.*

In the non-food sector, many separate forces lie behind the surge of commodity price rises, including: (1) the effects of the second U.S. devaluation in February; (2) the uncertainty about the current structure of Phase III controls; (3) anticipations of another freeze, price rollbacks, and tougher controls; (4) various "catchup" increases from the relaxation of Phase II controls in January (e.g., lumber); (5) the implementation of the auto price increases which had been postponed by the Price Commission late in 1972; and (6) a general rise in aggregate demand reflected in sharp increases in consumer spending, capital outlays by business, and government expenditures, which make it easier for price increases to stick.

Since many of the influences affecting the recent surge in prices are largely transitional their pressure on prices is not likely to persist. In the case of some price increases, however (e.g., paper, textile products, machinery and equipment) serious questions can be raised about the efficacy of Phase III controls since these are not areas in which rising raw material prices are in evidence.

In short, the U. S. inflation problem has become more complicated than the situation prior to August, 1971. Because of this, policy prescription, at least for the short run, is neither simple nor clearcut. Part of the reason is that the momentum gained in reaching price and wage stability under Phase II has been lost, and there is a re-appearance of the kind of crisis atmosphere that prevailed during the early summer of 1971. This calls for firm action on economic policy to correct what appears to be a kind of "policy drift."

I remain convinced that the fundamentals of long-run price stabilization lie in the prudent use of monetary policy and fiscal policy. However, in the short run care is required in the use of these policies, especially monetary policy, so that there is not an overreaction to the current crisis with overly restrictive monetary policy, throwing the economy into a recession. Also, the President's recommended budget of $269 billion for FY 74 should provide fiscal restraint for the remainder of 1973 and early 1974, although in my opinion both monetary and fiscal policy were too expansive this past year.

Thus, the current dilemma is not only the proper mix of traditional policy instruments for 1973, but whether wage and price controls should be relaxed, tightened, left unchanged, or abolished altogether. The argument for abolishing controls completely rests on the premise that the surge in prices at wholesale and retail is largely a bulge phenomenon. The opposing view is that while a bulge problem has developed, the rises in the WPI and CPI are not all of that nature, and even if we are dealing largely with a bulge problem, it nonetheless is likely to trigger higher wage demands in 1973, which, in turn, can lead to further wage-cost push in 1973 and 1974.

From the standpoint of deciding on a safe policy course, we should examine the probable effects of the bulge hypothesis if controls are (a) abolished or (b) continued, alternatively assuming the hypothesis turns out to be correct or incorrect.

If the bulge assumption should be correct, either continuing or abolishing controls would not make much difference for price stabilization, although controls could lead to some market distortions. However, if demand is expected to ease, or supplies increase, as implied in the bulge hypothesis, then distortions from controls would be minimized.

If the bulge hypothesis turns out to be incorrect, however, abolishing controls and simply riding out the price rises implies acceptance of another click on the inflation ratchet for 1973 and beyond. Alternatively, if controls are maintained, on the assumption that the bulge hypothesis is incorrect, it can help attenuate wage-price increases.

In short, the point is that controls are still needed for the short term to prevent the bulge from causing larger problems, and may be required for the long term if the rise in prices is more than a bulge phenomenon. This is the basic rationale for continuing controls at the present time.

I do not have a particular set of economic policy changes that I am confident will take us out of the current inflation. However, I believe the mix requires some direct controls. Also, there are some lessons we can learn from errors of the past few years, especially in the agricultural policy area, as noted previously.

Aside from the inflation problem in the food sector, I see no easy solution to the problems in the industrial sector. At this juncture my views are as follows:

(1) I do not favor a general wage-price freeze for the current situation, as some have proposed. The circumstances are quite different from those preceding the freeze of 1971 and it is doubtful that another freeze would accomplish anything constructive.

(2) At the same time, I do not favor a policy of relying exclusively on monetary and fiscal policy to take us out of this crisis, since I do not expect that this policy mix will be any-more effective today than it was between 1969 and 1971.

(3) Thus, I am not in favor of dropping controls altogether. As I stated here in February, I still regard government intervention in the processes of wage and price determination as generally undesirable from an economic standpoint, but such actions still are necessary for the near term.

(4) Other actions such as agricultural policy reforms and policies to make markets more competitive will help over the long run, but will not alleviate the current problem.

(5) In the area of price controls, some tightening is called for. The pre-notification requirement should be reinstated for companies in the Tier I category so that the Cost of Living Council can be aware of price increases and their justification. Additionally, I would favor tightening the standard for price increases to limit cost passthroughs to *direct* cost increases than *total* cost increases.

(6) Some agency should be on guard to insure that the shortage situation emerging in gasoline does not produce adverse effects on the competitive structure of retail markets. This may require a program of gasoline rationing by major refiners to all customers in order to prevent independents from being pushed to the wall due to the shortages in some areas. I note that some efforts along these lines are under consideration, and believe they deserve strong support.

(7) In regard to the wage standard, it is going to be difficult to enforce the 5.5 per cent standard in the wake of the food-price surge. Therefore, I suggest consideration be given to a policy of temporary tax credits to certain individual taxpayers to make up for the loss in purchasing power due to the price rises since December. This would permit enforcement of the 5.5 per cent standard on wage adjustments, and at the same time help minimize the ratchet effect from extra "catchup" wage increases that seem imminent in 1973 bargaining.

In summary, it is regrettable that relative real income positions reached under Phase II have been altered by events since January.





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undermining confidence in the efficacy of Phase III controls. Catchup actions by business and labor are necessary and proper, but these need to be carefully contained for the near term by wage-price restraints to minimize the possibility of a recurrence of the 1971 crisis. Finally, high-level presentation of a candid analysis of the current economic situation, outlining the nature of the problem and the mix of economic medicine required, can help restore public confidence in economic policy.

TESTIMONY OF ROBERT R. NATHAN

The recent sharp acceleration in industrial prices at the wholesale level points toward continued serious inflation for consumers. Prices at wholesale do have an impact on retail prices after some lag. That is precisely why precipitous skyrocketing, first of farm product prices and now of wholesale industrial prices must be a source of deep alarm.

From 1966 to 1970 all wholesale prices increased about 2.5 percent per year and the rise in industrial commodities was less than 3 percent annually. Since then the upward pace tended to quicken, but it was not until 1972 when the increase in wholesale prices really broke loose. The figures now reveal that late in 1972 and throughout the early months of 1973 the lid was blown off the general inflation and we seem to be back on a worsening inflation spiral with a vengeance.

In April industrial commodities in the wholesale price index were 9 percent higher on an annual basis than six months earlier, but in the last three months the yearly rate of rise was nearly 15 percent. The wholesale price index of finished consumer goods increased at a rate of over 20 percent in the last three months. The inflation in consumer goods, excluding food, rose at an annual rate of nearly 13 percent in the last quarter. The food price index declined fractionally in April but the total price picture is a dismal one.

The shift from Phase II to Phase III in January was timed about as badly as a wild inflationist would seek. The Chairman of the Council of Economic Advisers recently said that since it would be necessary at some date to move from Phase II to Phase III he concluded that January was as propitious a time as any. One need only have looked at two known critical facts to conclude otherwise. Prices of farm products had risen 10 percent at wholesale in November and December 1972 and it was obvious they would rise much more. Also, everyone knew that critical wage negotiations were coming up in the spring and summer of 1973. These two known facts were good reasons for not decontrolling or weakening controls in January of 1973. In fact, there was practically no reason for such a move at that time. The excuse that distortions were resulting from controls has not yet been explained in even the slightest degree. The decision was a dreadful and costly mistake.

I testified before the Joint Economic Committee in November 1972 and I expressed my horror over the possibility of a major mistaken policy decision of removing controls too soon. Now we see the folly of weakening controls in January. We have just seen a patchwork effort of trying to apply a band-aid to a severed artery. It is quite clear that the fight against inflation has been largely abandoned by the Administration. It is equally evident that the only meaningful effort to bring inflation under control will be through curtailing overall economic activity.

Apparently the Administration economists did not learn a lesson from their experiences of 1970 and 1971 when the planned and costly recession failed to really bring the inflationary spiral to a halt. They are on the brink of programming another recession which will also prove to be a failure in achieving relative price stability.

The freeze in August 1971 and the subsequent controls imposed in November as Phase II did serve in some degree to unwind the spiral—although not adequately. Regrettably, the weak and wobbly Phase III was introduced before the spiral was really broken. Now it is quite clear that we are in a new spiral.

I do not believe any serious economist would contend that the 40 percent annual rate of increase in wholesale farm prices in the last six months will continue. Nor is it likely that the recent annual rate of increase in wholesale industrial commodity prices of nearly 15 percent will accelerate or long continue. However, there is every reason to expect that inflation in 1973 will be much worse than in 1972 and that the prospect of getting down to the President's promised 2½ percent annual rate of inflation is about as likely as the proverbial snowball into hot locations.

It is interesting to note that in three months of Phase III the annual rate of increase in wholesale prices of all commodities was over three times the rate in Phase II; of industrial commodities over four times; and of consumer finished goods, excluding foods, it was over five times. This is a stormy picture from any view. It seems as though the Administration economists use both ends of strong binoculars in their economic analyses. When there is a slight improvement in price stability they look through the magnifying end of the binoculars and statements on progress are greatly exaggerated. On the other hand, when there is really bad news the officials turn their binoculars around and look through the other end, belittling the adverse trends. It seems that there is an element of self-delusion in this process as well as deception.

The probabilities are that the domestic inflationary consequences of two dollar devaluations have by no means been fully reflected in our prices. Devaluations mean that domestic prices of imported goods in the United States tend to increase. Many of the raw materials as well as components and finished products that come into the United States are selling at higher prices. Further, the devaluation will intensify foreign demand for U.S. exports and if there now were a tendency for overheating in selected sectors of the economy, the rapidly rising export demands in those industries in which domestic demands are rising rapidly could feed the fires of inflation. Looking at the overall picture, however, the continuation of the 5 percent rate of unemployment hardly indicates that aggregate demand is excessive and that the economy generally is overheated. There is no basis for concluding that the way to fight further inflation now is to slow the economic expansion and to increase the rate of unemployment. That policy would be a costly failure.

In the coming months there are going to be some very important wage negotiations. Workers cannot be expected to sit back and watch consumer prices skyrocket and still exercise great restraint in making demands for higher wages. Excessive wage increases will be regrettable from the workers' as well as the country's point of view because labor will be among the severest victims of further inflation. Yet I do not see how the union leaders can be expected to exercise restraint when the government makes foolish policy mistakes and when profits are rising at a phenomenal rate. Maybe profits are not too high but the rate of rise in profits is too high. Sadly, the spiral of inflation is mounting and labor will suffer and the economy will be weakened.

No one likes controls, but we would have been much better off had Phase II been administered more tightly and continued for several more months. At least it would have gotten us through a period of very sharp food price increases with minimum damage. It might have delayed the second devaluation which in turn would have kept import prices from rising so much. Finally, and most important of all, it would have provided the basis for more moderate wage settlements in 1973.

The real question now is whether effective controls can be restored. It is not a very pleasant choice to restore tougher controls, but in the longer run we will be much better off to have a freeze for a time—preferably retroactive for a limited period—and then move to a new tough Phase II for perhaps as long as a year, rather than do practically nothing. It would be much more difficult than it was the first time around, but the alternative of a new spiral of inflation which will be costly and damaging will bring even more painful economic ailments. Worse still would be another recession undertaken by those who still refuse to recognize the processes involved in an inflation spiral and who delude themselves into thinking that a recession will restore price stability. Of course we must prevent overheating when it threatens, but we must break the spiral by direct and drastic means.

The choices are difficult but it is better to move firmly now than to sit idly and become enmeshed in the spiral. If we do not act quickly the value of the dollar will shrink and shrink. Perhaps we will have to resign ourselves to the final use of the present dollar—namely, as premium stamps. If the inflation doesn't slow down we can probably use the present currency as S&S Green Trading Stamps commemorating Messrs. Schulz and Stein for their role in the sharp drop in the value of the dollar.

## AUTO EMISSION STANDARDS

Mr. DOMENICI. Mr. President, as an American who is deeply concerned about air pollution and as a member of the Air and Water Subcommittee of the Senate Public Works Committee, I have followed very closely the debate on the 1975 auto emissions standards. Prior to the announcement of EPA's decision on April 11, 1973, I had asked my scientific advisory committee in New Mexico to prepare a report for me on the issue of automobile emission standards.

I received the report from that committee at about the same time the Air and Water Subcommittee held hearings on the EPA's decision on the 1975 auto emissions standards and I found the report to be very helpful to me in preparation for and participation in those hearings. I feel that the work of groups such as this represents significant resources which I urge my colleagues in the Senate to utilize to a greater extent. I ask unanimous consent that the report be printed in its entirety at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AUTOMOBILE EMISSIONS STUDY

(By the Scientific Advisory Committee to Senator PETE V. DOMENICI)

ANSWERS TO SPECIFIC QUESTIONS

The opinion of the study participants regarding auto emissions is:

(1) Automobile emission standards and regulations to control emissions are necessary now. Both will become more important as time goes by.

(2) The federal auto emissions standards (levels) are reasonable in that (a) they will improve air quality in many metropolitan areas to an acceptable level and (b) they will slow the deterioration of air quality during further industrial and population growth until other control measures can be taken.

(3) It is technically feasible to build automobile engines that can meet the federal standards. However, with only 20 months until the 1975 automobiles are due to come out, Chrysler may not make it. The approach they have chosen (piston engines and catalytic converters) and the lack of progress they have shown to date toward meeting the standards are prime factors. Consequently, their contention that a severe burden on natural and economic resources will result from the standards is partially true.

The United States Environmental Protection Agency has prepared a reply to industry's criticism of the automotive emissions standards entitled "The Federal Automobile Emission Standards: Their Purpose, Their Need, Their Impact." The study participants support the EPA position described in this reply in its entirety.

The discussion below is intended as a concise qualification and elaboration of the answers given above.

NATIONAL ACADEMY OF SCIENCES REPORT

The specific questions that were considered by our group were addressed in a vastly greater depth by the National Academy of Sciences for the Congress and the Environmental Protection Agency. The work, "Report by the Committee on Motor Vehicle Emissions," dated February 15, 1973, 140 pages, is available from the Academy. Its substance and conclusions, with which ours are in consonance, are not quoted nor summarized here because of the danger of taking them out of context as we believe the Chrysler report has done. We believe that this is the single best summary of the automobile emissions problem currently available.

STANDARDS

Federal exhaust emissions standards (Federal Register, Vol. 37, No. 221, Part II, dated Nov. 15, 1972) for light duty vehicles and required reductions from uncontrolled levels (noted as % in Chrysler report) are shown below:

FEDERAL EXHAUST EMISSION STANDARDS

| Item | Amount (grams per vehicle mile) 1975 | 1976 | Required reduction from uncontrolled levels (percent) |
|---|---|---|---|
| Hydrocarbons | 0.41 | 0.41 | 97 |
| Carbon monoxide | 3.4 | 3.4 | 96 |
| Nitrogen oxides | 3.1 | .40 | 93 |

Federal air quality standards and those for New Mexico are shown in Table I (attached). The amount that auto emissions need to be regulated to achieve the air quality standards cited is a function of growth in the number of cars, the trend in size and type of engines, atmospheric conditions in each locality, the amount auto emissions contribute to air pollution relative to other sources, etc. Quantitative estimates of the items above have been based on insufficient data. Consequently, current and future decisions must be based on the best information available and must be accepted subject to revision as new and better information becomes available.

CRITERIA

The criteria used to establish air quality standards will influence the standards that are set. What criteria should be used depend on many variables that interact in a complex manner. The Clean Air Act defines standards as follows:

Primary—those necessary to protect public health; and secondary—those necessary to protect the public's welfare from any known or anticipated adverse effects of a pollutant.



Further the act states that:

"The promulgation of national primary and secondary ambient air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of any State."

Much of the Chrysler proposal for relaxed emission controls centers on arguments concerning those levels necessary to meet only the primary standard of protecting public health.

Whether auto emissions for 1975–76 should be based on primary or secondary air quality standards is a difficult question. Our group believes that not only should the secondary standards be used as criteria where they apply but also air quality in New Mexico, which is better than the federal standards, should not be permitted to deteriorate below existing quality.

EFFECTS

Tables II and III are listings of toxicological effects of air pollutants. They are included here to help provide some perspective on the problem.

ENGINES THAT MEET FEDERAL STANDARDS

EPA has tested three engines that meet the 50,000-mile durability requirement for emission standards. The Honda meets the requirements through vortex controlled combustion combined with small engine displacement. It provides 65 horsepower which limits its use to 1600-pound automobiles. The Mazda Wankel rotary engine, which meets the standards, is small also and requires a thermal reactor for oxidation of carbon monoxide and unburned hydrocarbons. Even these engines will require additional development if enlarged to be suitable for standard sized and larger cars. The Mercedes diesel is a fairly large engine but is noisy and emits fumes. Both characteristics are objectionable but are not covered by current standards.

AMERICAN AUTO MANUFACTURERS' APPROACH TO EMISSION CONTROL

There is great concern that the American automobile manufacturers have chosen an emergency approach with limited options in continuing with current engine technology which requires the proposed catalytic systems for controlling emissions. It is true that, having made this choice, time scales may not permit catalytic converters to be sucessfully developed and tested at reasonable cost before the 1975 deadline. However, if the standards or the time sales are relaxed at this time, it is feared that the auto manufaturers will not exert suffient effort to solve the emission problem. The alteranatives, which might be more satisfactory, but for which there also is insufficient time, include changing over to new engine types under active investigation by the Department of Transportation as well as private agencies or converting to other fuels. (Another alternative for meeting air quality standards for which the auto manufacturers are not responsible would be to develop mass transit systems and reduce the number of private automobiles. This too is a complex problem relating to public acceptance.)

The inefficency of the piston engine-catalyst system is cause for concern. This system will result in the expenditure of greater amounts of gasoline at a time when the shortage of petroleum products is critical. There is no doubt that the whole matter is complex and that the interactions of one decision on another need to be examined.

COSTS

The following appears in the EPA statement on automobile emissions:

"The government sets the emission standards; industry chooses the technology."

We add, "and the public pays the costs."

At this point in time we do not believe that anyone knows whether there will be a cost gain or loss to the public. Nor do we know to what degree the public would choose to pay for clean air.

The public will have to pay the cost of automotive developments to control emissions whether in the form of catalytic converters, in new tooling for new engine types or in other forms. Also, the public will have to accept the current loss in vehicle performance resulting from the use of emission controls. It is possible that the position of the automobile manufacturers reflects their interpretation of the choice that the public would make on the basis of current cost information. Following is an attempt to tabulate a balance sheet to show how costs interact.

TABLE IV.—HYPOTHETICAL COST BALANCE SHEET

| Item | Cost | Gain |
|---|---|---|
| New development of auto emission controls | $\times$ | |
| Maintenance of auto emission controls | $\times$ | |
| Increased fuel cost (perhaps very important in light of energy problems) | $\times$ | |
| Health benefits | | $\times$ |
| Property benefits | | $\times$ |
| Esthetic benefits | | $\times$ |
| Total | $\times\times$ | $\times\times$ |

Whether the gain will balance with the cost at the present time we are not sure. Eventually it will have to.

TRADE-OFFS AND SYSTEMS ANALYSES

The questions of automobile emissions and air quality are fraught with complex interactions. Every decision will probably be a compromise where no single feature will be optimum. For example, in internal combustion engines the air-fuel ratio that provides minimum hydrocarbon and carbon monoxide emissions causes maximum nitrous oxides emissions. Also, engines are not designed to operate with the air-fuel ratios that are the best compromise to keep emissions low. Further, if emission control and engine operation are compromised to be as favorable to both as possible, continuous maintenance and fine tuning may be necessary to avoid large scale multiplication of emissions and low engine performance.

This is a simple illustration of a general truth with far reaching implications. To understand whether a conclusion is right or wrong or partially so requires an assessment of as much of "the total system" as possible. What follows then is that effective R&D to determine the appropriate trade-offs and broad systems analyses to determine the effects are not only justified but necessary to obtain the right answers.

RECOMMENDATIONS

The study participants, speaking as scientists, engineers and as part of the public, support the federal auto emission and air quality standards and, in New Mexico, the state air quality standards which are more stringent. We believe that the position of the automobile manufacturers is not completely justifiable.

Our recommendations are as follows:

1. Support current federal standards.
2. Support the EPA position.
3. Support federal and private initiatives on fundamental engine designs that will solve the long-term emissions problem with fewer engineering and efficiency compromises.
4. Look into the possibility of providing incentives to manufacturers for meeting standards.

Intuitively and on the basis of current information we believe that the federal emis-

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sion standards are reasonable, that the benefits justify the effort, and that the public will choose to pay the costs. However, we have reservations regarding Chrysler Corporation's ability to comply with the standards by 1975.

WILLIAM H. KINGSLEY, *Chairman.*

(Report edited by E. L. Harley.)

TABLE I.—AMBIENT AIR QUALITY STANDARDS

| | Federal | New Mexico |
|---|---|---|
| A. Particulate: | | |
| 1. 24-hr average | 260 μg/m³ [1] | 150 μg/m³ |
| 2. 7-day average | | 110 μg/m³ |
| 3. 30-day average | | 90 μg/m³ |
| 4. Annual geometric mean | 75 μg/m³ [1] | 60 μg/m³ |
| B. Particulate elements (30-day average): | | |
| 1. Beryllium | | 0.01 μg/m³ |
| 2. Asbestos | | 0.01 μg/m³ |
| 3. Heavy metals (total combined) | | 10 μg/m³ |
| C. Air contaminants: | | |
| 1. Sulfur dioxide: | | |
| (a) 24-hr average | 0.14 ppm [1] | 0.10 ppm |
| (b) Annual arithmetic average | 0.03 ppm [1] | 0.02 ppm |
| 2. Hydrogen sulfide (1-hr average) | | 0.003 ppm |
| 3. Total reduced sulfur (1-hr average) | | 0.003 ppm |
| 4. Carbon monoxide: | | |
| (a) 8-hr average | 9 ppm | 8.7 ppm |
| (b) 1-hr average | 35 ppm | 13.1 ppm |
| 5. Nitrogen dioxide: | | |
| (a) 24-hr average | | 0.10 ppm |
| (b) Annual arithmetic average | .05 ppm | 0.05 ppm |
| 6. Photochemical oxidants (1-hr average) | | 0.06 ppm |
| 7. Nonmethane hydrocarbons (3-hr average) | .24 ppm | 0.19 ppm |
| D. Soiling index (annual average) | | 0.4 cohs/1,000 linear ft of air. |

[1] Standards annotated here are primary standards only. Federal secondary standards for these items are the same as those shown for New Mexico.

TABLE II—AIR POLLUTION—HUMAN HEALTH EFFECTS

MATERIAL, CONCENTRATION, AND EFFECTS

*A. Ozone* [1]

1. 0.2 ppm, None.
2. 0.3 ppm, Nose and throat irritation.
3. 0.5 ppm, Decreased forced expiratory volume.
4. 0.6 ppm to 1 ppm, Impaired pulmonary function.
5. 1 ppm to 3 ppm, Intolerable.
6. 9 ppm, Severe illness.

*B. Nitrogen oxides* [1]

1. 1 ppm to 3 ppm, Odor threshold.
2. 10 ppm, Adverse thickening of lung lining.
3. 15 ppm, Abnormal increase of lung cells.
4. 50 ppm to 100 ppm, Bronchiolitis.
5. 150 ppm to 200 ppm, Fatal in three to five weeks.

*C. Sulfur dioxide* [1]

1. 0.3 ppm, Taste.
2. 0.5 ppm, Odor.
3. 1 ppm to 2 ppm, Slightly increased pulmonary flow resistance (PFR).
4. 5 ppm, 30% increase in PFR after ten minutes.
5. 13 ppm, 72% increase in PFR.

Nasal passages absorb approximately 84% of $SO_2$.

Particulates multiply irritation 3 to 4 times.

*D. Carbon monoxide* [2]

(COHb level (gas level))

1. Less than 1%, no apparent effects.
2. 1% to 2% (10 ppm), some evidence of behavioral performance effects.
3. 2% to 5% (30 ppm), central nervous system effects.
4. >5%, cardiac and pulmonary functional changes.
5. 10% to 80% (100 ppm to >750 ppm), headaches, fatigue, drowsiness, coma, death.

Rural non-smokers have a background level of 0.4% COHb.[1]

Urban non-smokers have a background level of about 2% COHb.[3]

Smokers have a background level of from 5% to 12% COHb.[3, 2]

*E. Hydrocarbons* [1]

"There is little evidence to indicate direct health effects of the gaseous hydrocarbons present in the ambient air."

*F. Particulates* [1]

Cause permanent or reversible injury dependent upon type and concentration. Synergistic effects are of considerable importance.

1. Non-viable [4]

a. Asbestos: Generally requires prolonged periods of exposure ('10 to 20 years) to result in the progressive diffuse fibrosis that characterizes asbestosis.

b. Beryllium: Causes shortness of breath, cough, loss of appetite and weight loss in acute cases. In chronic cases it causes lesions of the skin, liver, kidneys, spleen, lymph nodes and lungs.

c. Carbon: In small amounts, by itself, appears to be harmless. Larger amounts can cause difficulty in breathing.

d. Coal: Appears harmless in the small amounts generally found in the usual urban atmosphere.

In coal mine workers it causes difficulty in breathing, frequent cough, expectoration of inky black sputum, severe breathlessness on exertion, can lead to emphysema and disposes one to tuberculosis.

e. Lead: Causes abdominal pain and tenderness, constipation, headaches, weakness, muscular aches and cramps, vomiting and anemia.

Lead aerosol levels appear to be increasing at 5% per year in San Diego, Calif. The primary source appears to be gasoline.

f. Mercury: Can produce abdominal pain, vomiting, diarrhea, pneumonia, renal damage, circulatory and respiratory failure, emotional instabilities.

g. Nickel: Will produce cancer in animals and man when inhaled as nickel carbonyl. One source is the exhaust from burning diesel fuel.

2. Viable [5]

a. Microorganisms: Algae and protozoa, not generally airborne. Fungi, molds, spores, can cause allergic reactions and plant diseases. Bacteria, cause diseases.

b. Pollen: Causes hayfever and other allergic reactions.

FOOTNOTES

[1] Introduction to the Scientific Study of Atmospheric Pollution. Edited by McCormac. See Air Pollution Human Health Effects Chapter.

[2] *Carbon Monoxide* by Philip Wolf. Environmental Science and Technology. Vol. 5, No. 3, March 1971.

[3] *Let's Have Clean Air*, Chrysler Corporation Booklet. December 1972.

[4] McCormac (ed), *Introduction to the Scientific Study of the Atmospheric Pollution*, pp. 97–130. See Chapter entitled Air Pollution Human Health Effects by Richard L. Masters, D. Reidel Publishing Company, Dordrecht Holland 1971.

[5] Stern, *Air Pollution*, Vol. 1, Academic Press 1968.

TABLE III—AIR POLLUTION—VEGETATION EFFECTS*

*1. Sulfur dioxide*

Acute injury does not occur below 0.25–0.30 ppm over an indefinite time period. Chronic injury at 0.10 to 0.30 ppm for sensitive species. No injury at 0.05 ppm.

Synergistic with ozone.

*2. Ozone*

Response in 1 to 2 hours at 0.05 ppm; response in 4 to 8 hours at 0.02 ppm.

*3. PAN (peroxyacetyl nitrate)*

Field Levels between 0.01 to 0.05 ppm will injure sensitive plants.

*4. Fluorides*

Accumulation in leaf tissue. Leaf concentrations of 50 to 200 ppm can produce necrosis on sensitive plants.

*5. Ethylene*

Dry sepal of orchid at 0.005 ppm or less.

Epinasty in tomatoes at 0.1 ppm for several hours.

*6. Nitrogen dioxide*

Necrotic lesions at 2–10 ppm.

Growth retardation at 0.5 ppm.

*Stern, Air Pollution, Vol. I, pg. 414.

## IMPACT OF FEDERAL BUDGET CUTS AND IMPOUNDED FUNDS

Mr. GRAVEL. Mr. President, analyzing the impact of the Federal budget on a particular city or State is a very demanding and complicated process. This is especially true this year because of the many program transfers and phaseouts, and the "phasein" of proposed revenue-sharing programs.

However, such analyses are very important when considering the budget because they allow us to study the impact of budget changes on particular projects and local programs. This type information is needed to supplement aggregate budget considerations. To talk in terms of cutting millions and billions of dollars from programs is meaningless unless we know how such cutbacks affect citizens at the local level. When working with billion dollar programs, it is often easy to lose sight of the fact that cutting a program by any amount means that some citizens that previously received aid from the program, whether it be a single individual or the entire population of a city, will no longer do so.

The human resources committee of the Anchorage League of Women Voters has prepared an analysis of the impact of several sections of the proposed budget on programs in Alaska, particularly in Anchorage, our largest city. This report, compiled by a bipartisan group of individuals with insight into Federal program operations in Anchorage, illustrates the adverse impact of proposed social program budget cuts on programs, projects, and people at the local level.



I ask unanimous consent, Mr. President, that a copy of this study, and the letter transmitting it to me, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAGUE OF WOMEN VOTERS,
*Anchorage, Alaska, March 21, 1973.*

Hon. MIKE GRAVEL,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR GRAVEL: The Human Resources Committee of the Anchorage League of Women Voters has compiled the enclosed information regarding the impact of federal budget cuts and impounded funds. The three basic areas concerned are Title IVa and XVI, housing and related community development, and the loss of community action agencies and related OEO functions, as well as uncategorized programs listed under "other".

Anchorage and Alaska already hard hit by Title IV and XVI cuts now face social and economic disaster with the recent federal budget cuts. Many of these programs must find separate funding which is hardly available at this time, or cease to exist. In addition, 46 persons locally and roughly 300 persons throughout the state will lose their jobs, in many cases, just one step up from the welfare rolls. Every place we have thought of turning seems to be a dry hole. *Revenue sharing is not the answer.* Not only does Alaska always lose because of its smal population (grossly out of proportion to its many problems), but we have found that municipalities which are philosophically inclined to spend its revenue sharing monies on social service programs cannot afford to do so. Those which seem best able to afford such programs are not philosophically inclined to do so.

This is but the tip of the iceberg. When the construction season descends upon us, the whole state will be in bad shape. Our concern is great as we are certain yours is. How is Alaska going to make up for these cuts? What are you planning to do about them on a federal level? We are most willing to assist you in any way possible in order that these funds so necessary to Alaska be recouped.

Sincerely,

ANN GORSUCH,
*Chairman.*

IMPACT OF FEDERAL BUDGET CUTS AND IMPOUNDED FUNDS

*Title IVA and XVI:* Virtually all state/federal matching funds for day care, which even affects some private agencies. Day care, just getting off the ground, is now floundering badly. Whole geographic areas go unserved, as do most low income families.

Local and statewide resources were just being mobilized on alcoholism, worse in Alaska than any other state. Federal matching funds were to establish rehabilitation and work programs, therapy and dry out facilities. A new uniform alcoholism act, passed in the 1972 Legislature, enabled alcoholism to be treated as a disease.

Drug information and rehabilitation programs, utilizing federal matching funds, have been cut. Over two years of cooperative work of 32 different groups and agencies is shot down.

Several smaller programs, but vital to the lower income Alaskan, were terminated, e.g. a homemaker program which assists families in social or financial crisis; public health programs including planned parenthood and VD clinics.

Of the anticipated $20 million in federal matching funds, Alaska lost over $16 million. The state is unable to financially supplement these losses. A list of Title IVA/XVI contracts is attached.

OEO & COMMUNITY ACTION

Alaska has two community action agencies, one local here in Anchorage, and one statewide, known as Rural CAP, with a skeleton administration in Anchorage. We also have state wide legal services (OEO) which tends to get the cream of OEO poverty lawyers. There are other smaller programs throughout the state, most of which have been enormously successful considering the remote regions some of them work in. They include the Alaska Village Electrical Cooperative. Community Enterprise Development Corporation (which is notable for the Native cooperatives its helped establish, laying the groundwork for the Native Land Claims), the Juneau Model Cities housing program, dental care in villages, the Bethel prematernal care unit, and a Native alcoholism program.

The local CAP, which has existed in Anchorage for 7 years, acts as grantee for Head Start, the Older Persons Action Group, Alcoholism Honor Farm, Alcoholism family counseling, the Urban Native Center, the Aleskind Workshop, the Native Airport Assistance Center, and a Family Planning program. The Community Action Agency also provides direct services in housing referral (the only such program in Anchorage), emergency food and medical services, information and assistance on welfare and food stamps problems, and essentially is the only lifeline the poor have to the remainder of the community. As an example, the CAA organized the first effective Tenants Action group which succeeded not only in getting local health department officials to cite over 400 violations of local health codes, but in getting plenty of publicity in the local media concerning violations, and further taking the violations to court. The Action group is currently working to establish a Tenant-Landlord Relationship Act in the state legislature. See table attached.

*Housing and related community development*

(These figures relate to Anchorage only)

Water and sewer grants (water, $3.4 million; Sewer, $6.5 million). Huge areas of the borough (county) do not have on-site water and sewer facilities. We are only now in the process of getting same. VA and FHA will not approve building in areas without on-site water and sewer. Hence, our building boom will come to an abrupt halt, with all the attendant problems of unemployment (already averaging 15% and seasonally as high as 35%). Also we have no secondary sewage treatment in the whole state. Anchorage only got its first primary treatment facility last year. The local government rested heavily on federal assistance to continue its programs.

Public facility loans: Many planned public facilities, some already bonded, have been cut, including civic and recreation centers.

Open space land programs: A $3.5 million land acquisition program (already bonded) which depended upon federal sharing, has been halted.

All FHA 235 monies have been stopped. There has been an overwhelming demand for 235 housing in Anchorage because of cost of housing (materials, labor, maintenance) is astronomically high. In the last 6 months 400 families qualified for 235 housing.

Existing occupied units, 600.
Projected to 6/74, 170.
Monies lost to 6/74, ——.
170 at $34,000, $5,780,000.

All FHA 236 monies stopped. The demand for 236 housing is great. Presently 2,000 families are eligible. Existing units total approximately 900 with 840 proposed units lost due to loss of funding.

Rent supplement money cut. Anchorage has over 50% rental units. Considering unemployment figures already cited, these supplements are needed.

We have a month to month waiting list for low-rent public housing of over 400 families. All monies for such housing have been cut.

There is a crying need for single and married student housing for a fast growing local college campus. The state cannot afford to fund entirely. Projected units needed by 1980 are 1600—presently there are none.

Finally, the local school district, with 35,000 students and a budget of $50 million, will lose federal impact funds in the amount of $1 million, the balance of this school year and $1.6 million next year with a projected budget of $70 million. Due to the heavy concentration of federal employees, we are one of the hardest hit areas in the nation. The local tax payer is having to bear the brunt of this cut, along with generating $19 million of the school budget, double the amount previously generated.

The following is a list of 1972 Title IVA/XVI contracts and the total amounts of funding according to geographical census division areas:

*Total cost of area of service(s)*

| | |
|---|---|
| Statewide and regional: | |
| Alaska homemakers, home health aide | 265,000 |
| Alaska homemakers, nutrition | 38,100 |
| Alaska legal services | 160,000 |
| Anchorage Community College, staff development | 85,600 |
| Department of Education, Ak. Skill Center | 244,000 |
| Department of Education, preschool consultant | 40,000 |
| Department of Education, vocational rehabilitation | 150,000 |
| Division of Corrections, services | 2,920,000 |
| Division of Corrections, volunteer training | 38,500 |
| Department of Law, attorney general | 99,890 |
| Division of Public Health, crippled child. Transportation | 100,000 |
| Division of Public Health, speech/hearing | 25,000 |
| Easter Seal Society-Directory social services | 38,220 |
| Films North Inc | 580 |
| Office of Comprehensive Planning, DHSS | 32,000 |
| Pioneers home | 1,526,900 |
| Richison, services for aging | 111,900 |
| RurALCAP, Alcoholism Training (Sub) [1] | 30,500 |
| Seattle Consortium, Aging Study | 103,600 |
| SEACAP, Rural Day Care | 78,400 |
| State operated schools, early child development | 608,000 |
| Tanana chiefs conference | 100,000 |
| University of Alaska, Center of Alcoh./Addict-Sub | 64,000 |
| Youth employment services | 40,000 |
| Total | 6,910,190 |
| Anchorage (census division 2: | |
| Alaska children's services, day care | 68,000 |
| Anchorage, Community College, day care | 80,000 |
| Anchorage Council on Drug Aid | 60,000 |
| ARCA, sheltered workshop | 20,000 |
| Boys Club of Alaska | 30,000 |
| Catholic charities, Anchorage | 24,000 |
| Chugiak children's services, day care | 5,000 |
| Chugiak children's services, training | 9,500 |
| City of Anchorage, parks and recreation | 385,700 |
| GAAoroHD, community services | 1,900,000 |
| GAABoroHD, council on Alcoholism (sub) | 103,700 |
| Diagnostic team, Alcoholism (sub) | 142,300 |

[1] Sub refers to sub-contracts through the office of alcoholism.

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| | |
|---|---|
| Offender rehab unit (sub) | $31,500 |
| Phoenix club (sub) | 66,100 |
| Salvation Army detox. center (sub) | 59,900 |
| Salvation Army, Halfway Houses (sub) | 27,600 |
| Studio Club (sub) | 70,500 |
| GAA community action agency, day care study | 10,000 |
| Total | 3,593,300 |

TABLE OF AFFECTED PROGRAMS

(NOTE.—This information is by no means exhaustive but is rather that which is available as of this date, Mar. 23, 1973.)

Sources of information in this table include: Rural Community Action Agency, Greater Anchorage Area Community Action Agency, Alaska Federation of Natives, Alaska Urban Native Center, Cook Inlet Native Association, Welfare Rights Organization.

PROGRAM BUDGET AND DESTINY OF PROGRAM (WHERE KNOWN)

*Rural Community Action*

"Versatile money" (basically administrative and for com'y org.) $875,000, lost.

OEO Program

Copper River Dental Program, $70,000, fate unknown.

Kodiak Aging, $53,000, fate unknown.

Aleutian Planning Commission, $50,000, fate unknown.

Training Program, $30,000, fate unknown, H.E.W. Programs: (administration by OEO)

Headstart, $813,800, transferred to HEW.

Alcoholism program, $100,000, might be picked up by state Health and Social Services.

Parent Child Center, $185,520, H.E.W.?

Pre-school Handicap Program, $16,000, H.E.W.?

Other

State Department of Alcoholism Program, $18,000, fate unknown.

Action Grant (15 Vista Vols.), $15,000, Administration says it will incease, but under which agency?

*Urban Community Action (these figures are for Anchorage)*

Administrative Services (for administering all programs), $90,000, lost . . . some chance of being picked up at the local level.

O.E.O. Programs: Housing referral, emergency food/medical services, assistance re welfare and food stamps, tenant action, $140,000, lost . . . some chance of being picked up at the local level.

HEW (Administration by OEO)

Head start, $212,500, transferred to HEW.

Older person's action, $60,900, transferred to HEW.

Family planning, $25,000, transferred to HEW.

Honor farm alcoholism program, $75,000 or $50,000, probably transferred to HEW.

Indian Programs

Urban Native Center: Aleskind workshop, airport assistance program, English classes, social services, $150,000, possibly transferred to HEW.

Indian manpower program, $30,000, unknown.

Supplemental services, drivers' training, $250,000, over 16 months, probably will not be refunded.

Other

Economic Development Administration, received $28,500,000 over last 6 years, $5,000,000 in applications pending; lost.

Model cities, $930,000 lost.

Indian Education Act, $11,000,000 impounded funds.

Alaska Village Electrical Cooperative, Jump from 2 to 5 percent in interest on loans makes them prohibitive.

Manpower: Neighborhood Youth Corps and Operation Mainstream losing $1,500,000; Public employment program, uknown.

Indian housing program, funds frozen—6,000 homes promised over 5-year period, not one built yet.

Environment quality—Greenbelt program, $3,000,000 in frozen funds.

Regional medical, $500,000 lost, was due to go up.

Hill-Burton, $1,000,000 lost.

*Welfare*

Although figures are presently unavailable, we know that with the Administration's new guidelines, the vital social service programs which accompany the categorical assistance grant programs are no longer mandatory and may well not be picked up by the State.

Also, with the transfer of Aid to the Aged, Blind and Disabled to the Social Security Administration, there is a minimum payment of $130/person/month, with no assurance that the State will pick up the remainder (grants have been $250). Furthermore, eligibility requirements have been tightened so that the aged must be 65 or over, the blind must be legally blind (not able to be rehabilitated), and the disabled *totally* disabled. What is more drastic, still, is that these helpless people are no longer eligible for food stamps.

Eligibility for AFDC will be determined now every three rather than every six months, a real problem in Alaska where communication with the Bush sometimes takes a long time. The 179 fee agents throughout the state are being eliminated, further aggravating this situation. Also, state cuts in the food stamp budget may disqualify Alaska for food stamps altogether, a disastrous possibility for many and especially for much of the bush population which is almost wholly dependent on them during part of the year.

Lastly, fair hearings, which have been welfare recipients only real tool for dealing with the Administration, have been abolished, leaving these people more impotent than before.

## IMPLEMENTATION OF ADVISORY COMMITTEE REFORM ACT

Mr. PERCY. Mr. President, the Congress has recently received the 1973 annual report of the President on Federal advisory committees. This report was prepared pursuant to the Federal Advisory Committee Act which became law last October 6.

As an author of this law along with Senator METCALF and Senator ROTH, I am pleased that we now have this first annual report, prepared by the Office of Management and Budget. The report is required by the act to be submitted to Congress at the end of March each year.

The OMB states in the report that by means of a thorough review during 1973, it hopes to reduce the current number of Federal advisory committees. The overlapping jurisdictions and questionably high cost of advisory committees was emphasized repeatedly in hearings on the measure held by the Intergovernmental Relations Subcommittee of the Government Operations Committee. The report reveals that three of the present Presidential advisory committees—the National Advisory Council on Adult Education, the National Advisory Council on Extension and Continuing Education, and the National Advisory Council on Supplementary Education Centers and Services—appear to have overlapping responsibilities, and that the 21 Presidential committees alone cost the Federal Government over $4 million in 1972. I would also point out that the total 1972 cost estimated for all Federal advisory committees—over $25 million—does not reflect the thousands of man-hours of time that Federal Government employees devote to working with these committees. If such costs were included, I feel certain that the total taxpayer cost of these committees would be much, much higher.

It is the hope and expectation of those of us in the Congress who worked for enactment of the Federal Advisory Committee Act, that a meaningful reduction in the number of such committees and in their cost to the Federal Government can be realized during 1973.

Implementation of the Federal Advisory Committee Act will be very helpful in creating an orderly new reporting and monitoring system for advisory committees. The act will, I believe, contribute significantly to the combined efforts of the executive and legislative branches to streamline the Federal Government by eliminating unnecesary Federal expenditure. We look forward with interest to the progress I am sure next year's report will reflect.

Mr. President, I ask unanimous consent that the summary of the text of this report be included at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, D.C., March 29, 1973.*

Memorandum for the President

Subject Annual report of Federal advisory committees to the Congress

In accordance with the provisions of the Federal Advisory Committee Act, P.L. 92-463, and Executive Order No. 11686, the first annual report to the Congress has been prepared. This report is due March 31, 1973, and is enclosed for your transmittal to the Congress.

ANNUAL REPORT OF FEDERAL ADVISORY COMMITTEES

This is the first annual report for transmittal to the Congress, as required by the Federal Advisory Committee Act (P.L. 92-463), "on the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year." It presents considerable information about Federal advisory committees that was not available heretofore.

At the end of calendar year 1972, under the definition of the Act, more than 1400 Federal advisory committees were in existence under the jurisdiction of more than 50 executive branch agencies.

A significant part of the Federal Government's business is conducted with the assistance of advisory committees composed of experts from the public sector. Such committees have been used since the early days of the Republic—President Washington appointed the first advisory committee to assist him in dealing with the Whiskey Rebellion. Thereafter, advisory committees were created and operated to provide the executive branch with expertise from private citizens to aid in policymaking in the many areas of Government.

Over the years, the number of advisory committees has increased substantially, due to the initiative of both the executive and legislative branches. This growth led President Kennedy to issue an executive order (11007) in February 1962 establishing regulations for their use. Further, experience with such committees led the President to issue an executive order (11671) in June 1972 which rescinded earlier advisory committee regulations and established a centralized management system. During the time the executive branch was establishing these new procedures, the House Government Operations Subcommittee on Legal and Monetary Affairs and the Senate Government Operations Subcommittee on Intergovernmental Relations were examining advisory committee management. Based on their examination, the Congress passed the Federal Advisory Committee Act (P.L. 92-463) which the President approved and signed on October 6, 1972.

Of the 1439 advisory committees in existence on December 31, 1972, 251 or about 18 percent were created by statute. During calendar year 1972, 211 new committees were created of which 19 were statutory. In the same year, 187 committees were terminated, making a net gain of 24 committees. The Act's applicability is broader than that of previous advisory committee regulations, and because of that, the numbers reported are not directly comparable with those previously provided to the Congress (for example, subcommittees are now reported individually: In 1972 the Federal Power Commission established two new committees having 28 subcommittees—a total of 30 new committees). In the current calendar year, we expect to reduce advisory committees to the minimum essential number.

The Federal costs for these committees, as reported by the individual agencies, totaled $25,215,882. Federal costs for individual committees in calendar year 1972 varied widely, ranging from no Federal cost for a few committees to $1,750,000 for the Department of Justice National Advisory Commission on Criminal Justice Standards and Goals. The average annual cost per committee in calendar year 1972 was $15,508.

The greatest numbers of committees were concentrated under the jurisdiction of 12 departments and agencies as follows:

| | |
|---|---|
| Health, Education, and Welfare | 367 |
| Agriculture | 172 |
| Interior | 126 |
| Defense | 95 |
| Commerce | 76 |
| Small Business Administration | 66 |
| Transportation | 55 |
| Commission on Civil Rights | 51 |
| Federal Power Commission | 47 |
| Labor | 46 |
| State | 42 |
| National Science Foundation | 41 |

The tabulations which follow present summary data on committee numbers and costs for the individual agencies for calendar year 1972. It should be pointed out that these data summarize advisory committee activities before the Act became effective, and that as a result, the data are subject to minor variations. Through the Committee Management Secretariat of the Office of Management and Budget, each agency has been required to submit its own annual review of advisory committees by July 2, 1973.

The annual review of each advisory committee is to determine—

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees; or

(4) whether it should be abolished.

The results of this review will be included in the next annual advisory committee report to the Congress.

In addition, the Office of Management and Budget has issued committee management guidelines to all executive branch departments and agencies. These guidelines were issued through two documents: (1) OMB Circular A-63 on Advisory Committee Management and (2) a joint OMB/Department of Justice Memorandum on Implementation of the Federal Advisory Committee Act. These documents were issued for execution by each agency pending their review by all agencies and their reproduction in final form. They were published in the Federal register for public comment, as well.

The detailed information required by Sec. 6(c) of the Act is forwarded herewith, under separate cover, to the Congress and the Library of Congress. This detailed information approximates 6,000 pages of material. For reasons of national security, detailed information concerning one Department of Defense committee is not included in this report. Members of the public desiring information concerning specific committees may obtain it from the Library of Congress, or from the agency having jurisdiction over the committee.



ADVISORY COMMITTEE—SUMMARY DATA FOR CALENDAR YEAR 1972

| Agencies | Numbers current, Dec. 31, 1972 | Numbers statutory, Dec. 31, 1972 | Numbers terminated, calendar year 1972 | New committees, calendar year 1972: Total numbers | New committees, calendar year 1972: Numbers statutory | Changes in numbers, calendar year 1972 | Total cost | Average cost |
|---|---|---|---|---|---|---|---|---|
| Presidential advisory committees [1] | [2](21) | (12) | NA | (20) | (1) | NA | ($4,214,233) | ($200,675) |
| Executive Office of the President: | | | | | | | | |
| Office of Management and Budget | 4 | 0 | 0 | 0 | 0 | 0 | [3]386,500 | 96,625 |
| Office of Emergency Preparedness | 16 | 0 | 0 | 0 | 0 | 0 | 15,582 | 974 |
| Council of Environmental Quality | 3 | 0 | 1 | 1 | 0 | 0 | 9,300 | 3,100 |
| Office of Telecommunications Policy | 1 | 0 | 0 | 0 | 0 | 0 | 5,700 | 5,700 |
| Office of Consumer Affairs | 1 | 0 | 0 | 0 | 0 | 0 | 25,000 | 25,000 |
| Office of Drug Abuse Prevention | 1 | 1 | 0 | 0 | 0 | 0 | 180,000 | 180,000 |
| Office of Economic Opportunity | [4]31 | 0 | 0 | 27 | 0 | 27 | 42,950 | 1,385 |
| Departments: | | | | | | | | |
| Agriculture | 172 | 80 | 46 | 5 | 1 | −41 | 328,260 | 1,506 |
| Commerce | 76 | 4 | 7 | 1 | 0 | −6 | 1,318,522 | 15,887 |
| Defense | [5]95 | 6 | 14 | 16 | 0 | 2 | 2,531,338 | 23,458 |
| Health, Education, and Welfare | 367 | 45 | 49 | 69 | 8 | 20 | 10,355,403 | 24,893 |
| Housing and Urban Development | 4 | 4 | 1 | 1 | 0 | 0 | 64,658 | 4,532 |
| Interior | 126 | 78 | 3 | 9 | 4 | 6 | 472,280 | 3,661 |
| Justice | 7 | 3 | 1 | 4 | 4 | 3 | [6]1,781,000 | 222,625 |
| Labor | 46 | 6 | 2 | 4 | 0 | 2 | 968,691 | 21,058 |
| State | 42 | 0 | 5 | 3 | 0 | −2 | 310,162 | 6,559 |
| Agency for International Development | 5 | 0 | 0 | 1 | 0 | 1 | 167,500 | 33,500 |
| Transportation | 55 | 5 | 11 | 5 | 0 | −6 | 537,341 | 8,142 |
| Treasury | 29 | 1 | 2 | 0 | 0 | −2 | 27,958 | 1,864 |
| Independent agencies: | | | | | | | | |
| Administrative Conference of the United States | 1 | 1 | 0 | 0 | 0 | 0 | 450,000 | 450,000 |
| Atomic Energy Commission | 12 | 2 | 0 | 0 | 0 | 0 | 1,084,200 | 90,350 |
| Civil Aeronautics Board | 2 | 0 | 3 | 0 | 0 | −3 | 4,365 | 873 |
| Environmental Protection Agency | 20 | 3 | 6 | 8 | 1 | 2 | 598,416 | 23,016 |
| Export-Import Bank | 1 | 1 | 0 | 0 | 0 | 0 | 24,237 | 24,237 |
| Federal Communications Commission | 7 | 0 | 0 | 3 | 0 | 3 | 255,261 | 36,466 |
| Federal Home Loan Bank Board | 1 | 1 | 0 | 0 | 0 | 0 | 0 | (7) |
| Federal Mediation and Conciliation Service | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Federal Power Commission | 47 | 0 | 8 | 30 | 0 | 22 | 261,923 | 4,762 |
| Federal Trade Commission | 3 | 0 | 0 | 0 | 0 | 0 | 5,200 | 1,733 |
| General Services Administration | 31 | 1 | 1 | 5 | 0 | 4 | 69,380 | 2,168 |
| Interstate Commerce Commission | 3 | 0 | 0 | 0 | 0 | 0 | 1,278 | 426 |
| National Aeronautics and Space Administration | 17 | 1 | 1 | 0 | 0 | −1 | 363,600 | 20,200 |
| National Credit Union Administration | 1 | 1 | 0 | 0 | 0 | 0 | 8,000 | 8,000 |
| National Endowment for the Arts | 11 | 1 | 0 | 0 | 0 | 0 | 365,975 | 33,270 |
| National Endowment for the Humanities | 6 | 1 | 0 | 0 | 0 | 0 | 255,460 | 42,532 |
| National Science Foundation | 41 | 1 | 10 | 7 | 0 | −3 | 231,297 | 4,535 |
| Railroad Retirement Board | 1 | 1 | 0 | 0 | 0 | 0 | 1,400 | 1,400 |
| Securities and and Exchange Commission | 2 | 0 | 8 | 10 | 0 | 2 | 9,725 | 972 |
| Small Business Administration | 66 | 0 | 0 | 0 | 0 | 0 | 120,631 | 1,828 |
| Smithsonian Institution | 2 | 0 | 0 | 0 | 0 | 0 | 116,607 | 58,304 |
| U.S. Arms Control and Disarmament Agency | 8 | 5 | 1 | 1 | 1 | 0 | 132,458 | 16,718 |
| U.S. Civil Service Commission | 2 | 1 | 0 | 0 | 0 | 0 | 84,130 | 42,065 |
| U.S. Information Agency | | | | | | | | |
| U.S. Postal Service | | | | | | | | |
| Veterans' Administration | 6 | 1 | 7 | 0 | 0 | −7 | 65,692 | 5,053 |

Footnotes at end of table.

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ADVISORY COMMITTEE—SUMMARY DATA FOR CALENDAR YEAR 1972—Continued

| Agencies | Numbers current, Dec. 31, 1972 | Numbers statutory, Dec. 31, 1972 | Numbers terminated, calendar year 1972 | New committees, calendar year 1972 | | Changes in numbers, calendar year 1972 | Total cost | Average cost |
|---|---|---|---|---|---|---|---|---|
| | | | | Total numbers | Numbers statutory | | | |
| Selected committees, commissions, and councils: | | | | | | | | |
| Advisory Council on Historic Preservation | 1 | 1 | 0 | 0 | 0 | 0 | $439,600 | $439,600 |
| American Revolution Bicentennial Commission | 12 | 0 | 0 | 1 | 0 | 1 | 88,200 | 7,350 |
| Cabinet Committee on Opportunities for Spanish-Speaking People | 1 | 0 | 0 | 0 | 0 | 0 | 20,000 | 20,000 |
| U.S. Commission on Civil Rights | 51 | 0 | 0 | 0 | 0 | 0 | 669,202 | 13,122 |
| U.S. Water Resources Council | 1 | 0 | 0 | 0 | 0 | 0 | 1,500 | 1,500 |
| Total | 1,439 | 257 | 187 | 211 | 19 | 24 | 25,215,882 | 15,508 |

[1] These Presidential advisory committees are included in the numbers below for those agencies having jurisdiction.
[2] This number may be affected by some legal decisions on whether certain committees are Presidential advisory committees.
[3] $395,000 for Presidential Advisory Committee on Management Improvement.
[4] All abolished effective Feb. 1, 1973.
[5] Includes 28 committees under Secretary of Defense, Joint Chiefs of Staff, and Defense agencies; 16 committees under Air Force; 31 committees under Army; and 20 committees under Navy.
[6] $1,750,000 for National Advisory Commission on Criminal Justice and Standards.
[7] Cost of $74,893 not borne by Federal Government.

Note: Smithsonian Institution is excluded because the Smithsonian Secretary states "Given the Institution's independent authority and responsibility, it is believed that the boards and committees of the Smithsonian would not be deemed to fall within the purview of Public Law 92-463 since these groups provide advice and recommendations to the Board of Regents and the Secretary, neither of which are in the executive branch of the Federal Government."

U.S. Postal Service is excluded because its Assistant General Counsel states "In our opinion the Federal Advisory Committee Act—to the extent it grants certain advisory committee management review functions to the Office of Management and Budget to be exercised over Federal Government agencies—is one of the laws from which the Postal Service is exempted by virtue of the Postal Reorganization Act."

## MORE BELLS NEEDED

Mr. MANSFIELD. Mr. President, two of our distinguished colleagues, the Senator from Kentucky (Mr. HUDDLESTON) and the Senator from South Dakota (Mr. MCGOVERN), were in a meeting in EF-100 conducting Agricultural Subcommittee hearings at the time of the final vote on S. 352. They were not informed that the vote was in progress—there are no bells in that room—but had they been here, they would have voted in the affirmative on the bill (S. 352).

I make this statement just to make certain that the record is clear as to what their intentions were, and I also wish to state that, as a result of this experience, I have requested the Sergeant at Arms to look into the possibility of setting up a system of bells, such as we have in our offices and all committees have, in EF-100, so that Senators who hold hearings there hereafter will not be caught short because of something over which they had no control, but will be in a position to be able to attend to their responsibilities on the Senate floor like the rest of us.

I am sorry that it is not possible, in view of the circumstances, to ask that both Senator HUDDLESTON and Senator MCGOVERN be recorded as having voted "yea," but I do wish to state that had they been here, their votes would have been in the affirmative, and they were not here because of official duties connected with their membership on the Committee on Agriculture and Forestry.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT TO 10 A.M.

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and at 4:54 p.m. the Senate adjourned until tomorrow, Thursday, May 10, 1973, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 9, 1973:

INTERNATIONAL ATOMIC ENERGY AGENCY

Gerald F. Tape, of Maryland, to be the Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

DEPARTMENT OF LABOR

Carmen Maymi, of the District of Columbia, to be Director of the Women's Bureau, Department of Labor, vice Elizabeth Duncan Koontz, resigned.

IN THE NAVY

Vice Adm. John V. Smith, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

# HOUSE OF REPRESENTATIVES—*Wednesday, May 9, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*See that none render evil for evil unto any man; but ever follow that which is good, both among yourselves and to all men.*—I Thessalonians 5: 15.

Almighty God, our Heavenly Father, who art always ready to do exceeding abundantly above all that we ask or think, grant unto us Thy wisdom and the guidance of Thy spirit in the plans and purposes of this day. May we be men and women of vision, possessed by clear minds and courageous hearts as we endeavor to carry our responsibilities and to meet the daily challenge of arduous tasks.

Increase our faith and our hope as we seek to find right solutions for our national and our international problems. Keep alive our concern for the needy in our land and gird us with confidence that we may work to build a world fellowship ruled by high principles, enduring peace, and abiding good will.

Not for ourselves alone may our prayer be;
Lift Thou Thy Word, O God, closer to Thee.
Cleanse it from guilt and wrong, teach it salvation's song,
Till earth, as heaven, fulfill Thy Holy Will.
Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2246. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 38) entitled "An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. CANNON, Mr. HART, Mr. COTTON, and Mr. PEARSON to be the conferees on the part of the Senate.



## THE SHORTAGE OF RAILROAD CARS

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, with each passing day many of us receive more and more complaints about the shortage of railroad cars. These complaints come from all over the country.

Time and time again, as a member of the special subcommittee investigating this problem, I have stated that the present turmoil could be traced directly to the Russian grain sale of last year. The lack of proper planning for the movement of the 422 million bushels of wheat has brought economic havoc on many businesses depending on rail shipments, and has played a big role in the rising cost of food.

Now, Mr. Speaker, we hear rumors that another big grain deal is under negotiation with Russia.

We cannot afford the same transportation snarl created by the last grain deal.

I propose that, before any grain deal with Russia is consummated, the Secretary of Transportation submit to Congress a plan for transporting the grain in a manner that does not punish shippers of other goods.

I urge Congress to act now in requiring such action by DOT before this country becomes more confused with transportation problems selling grain to Russia.

To illustrate the problem, I include an article written by Mr. Patrick Sloyan which appeared in the Baltimore News-American on April 29, 1973, in the RECORD:

CARRIERS, NIXON POLICY BLAMED: RAIL FREIGHT CRISIS LAID TO SOVIET GRAIN DEAL

(By Patrick J. Sloyan)

(At a time when the nation's economy needs speedy transportation, the country's rail freight is moving in slow motion. In this exclusive report, Washington correspondent Sloyan explains why and what it means.)

WASHINGTON.—The gigantic sale of U.S. grain to the food-short Soviet Union has triggered an American rail transportation crisis that is contributing to the rapid climb in the cost of living.

Short-sighted investment policies by the railroads and inadequate planning by Nixon administration officials have resulted in freight car scarcities that have choked the domestic supply system.

And, despite government efforts to ease the immediate crisis caused by the Russia-bound grain, experts in and out of the administration predict the situation will get worse in the coming months.

Some farm-belt congressmen are suggesting the possibility of drastic federal intervention to extricate the country from the rail mess.

"The grain dealers and railroads are making money off the Soviet deal but the rest of the economy is suffering," said Rep. J. J. Pickle, D-Texas, who has conducted a searching investigation to sort out the complex factors involved. His House Interstate and Foreign Commerce Subcommittee has pieced together information from the Department of State, Transportation, Agriculture and Commerce as well as from railroads, U.S. shippers and private grain dealers.

"This grain deal has lighted the fire of inflation more than any one thing and the administration has already approved new grain deals with the Soviet Union," Pickle said.

"I'm for the grain export but I'll be against it until something is done to set some priorities for U.S. shippers to get freight cars they need for American business."

Pickle is one of a number of influential congressmen bitter because the Soviet grain deal turned the chronic freight car shortage into a serious blow to the nation's economy.

The freight car shortage has been directly related to the soaring prices of feed grains for beef cattle and poultry and of lumber and other basic commodities. It also threatens to delay shipments of fertilizer to farmers in time for spring planting.

"It is a very serious problem," said Dawson Ahalt of the President's Cost of Living Council. "We hope the situation will level off in the coming months but we will not be in Fat City for some time."

Neither the council nor the Bureau of Labor Statistics has pinpointed the exact impact the freight car shortage has had on price increases, soaring at the highest rate in more than 20 years.

"We know it is an important factor," said one administration economist.

In May, 1972, U.S. officials, underestimating the extent of the Soviet crop failure, anticipated a sale to Russia of some $200 million in feed grains. But the Russians, in private dealings with U.S. firms, ended up buying more than 442 million bushels of grain worth more than $1 billion.

Albert Mayio, of State's Bureau of Economic and Business Affairs, insists the size of the sale "took everybody by surprise."

But Pickle and other critics contend the administration made a bad error in failing to keep detailed information on the progress of the grain negotiations.

The congressman contends such information was crucial in preparing the nationwide rail system for the unprecedented impact of the grain movement.

According to the Interstate Commerce Commission (ICC), the size of the grain deal permitted U.S. firms to make large contracts for covered hopper cars—the ideal rail transport for grain. Because of the Midwest location of wheat farms, more than 90 per cent of the Soviet sale is being funneled through Gulf ports.

Since 1880, according to ICC records, there has been a national freight car shortage. Over the years, Congress has voted a variety of subsidies and tax breaks to encourage railroads to build more freight cars. But it was not enough.

Currently, there is demand for 16,000 more covered hopper cars a week than the railroads have available.

As a result, many Midwestern farmers are watching their grain rot, unable to ship it to market. Many small time grain elevator operators are going broke, according to James Krzyminski, of the Council of Farmer Cooperatives.

"They're being squeezed out of the market," said Sen. Hubert H. Humphrey, D-Minn. "This has been a major factor in pushing up the price of food."

Freight traffic has been so high that most railroads are reporting record loads and their most profitable four months in U.S. history.

At the same time, the railroads warn that the shortage of locomotive power has been worsened by the scarcity of diesel fuel.

Despite record carloadings, the railroads argue they are not making enough profits. The industry has asked the ICC to grant a 5 per cent boost in freight rates.

Most government officials involved place the freight car shortage blame on railroad inefficiency.

Even with a freight car surplus, Thomas Byrne, chief of the ICC railroad section, insists there would still be a transportation crisis.

"We know from our field checks that the carriers are not doing a good job," Byrne said. "Cars are not being pulled for four or five days after they are released by shippers because of congestion."

Railroad yards around Chicago, St. Louis, Kansas City and other major terminals have become nightmares. The ICC has reports of instances when moving a car from one point to another in the same yard took 12 days. In some cases, it took as much as 26 days for the car to travel 50 miles.

Whole train sections of grain have arrived at such jammed ports as Houston, Texas, with no waybills to identify owners.

These unidentified cars must be shunted aside, causing further delays in yards already congested with empty cars. An average of 54 ships were waiting at Houston at any given time as long as three weeks to a month.

Pickle estimates that the U.S. government must pay as much as $75,000 a day to U.S. flag vessels in delay subsidies.

Some railroads are using open-top cars for grain and other products, resulting in rain damage to commodities because of severe Midwestern weather.

"The railroads just haven't modernized enough to meet this situation," Byrne said. "Some of it is very basic—some tracks are so bad that trains must slow to five miles an hour. There is not enough planning in using locomotives efficiently."

Railroad efforts to reduce costs by eliminating office and yard workers has worsened the situation, according to the Congress of Railway Unions. The union group reports that improperly maintained tracks are collapsing under the record loads, causing a sharp increase in derailments.

The ICC has cracked down on shippers using cars as cheap warehouses by increasing the penalty for failing to unload cars soon after they arrive.

"That makes some shippers mad as hell," said one industry official. "They race to get the cars unloaded and they watch them sit there for a couple of weeks before the railroad hauls them away."

The administration has organized a task force of transportation, agriculture and other agency officials to travel around the country to unclog rail bottlenecks.

Most experts predict the Soviet grain shipments will not be completed until June or later. Meanwhile, administration officials anticipate the Soviets will buy another $500 million worth of grain later this year.

At the same time the fertilizer industry in Florida contends it is short 4,100 freight cars to ship products to the farmers. "This is a crisis time for us," said an industry spokesman.

Chairman Warren Magnuson, D-Wash. of the Senate Commerce Committee is preparing legislation to provide up to $2 billion in fed-

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eral guarantees on loans railroads could make to improve the freight car system. But new cars would take at least two years to appear.

A more immediate problem is setting priorities for shippers to get freight cars. Currently, the American Association of Railroads has attempted to do this with a freight car clearing house.

Magnuson wants the government to create its own computerized system for tracing and distributing freight cars.

Pickle and others in Congress are talking about legislation granting the government emergency powers over the freight car network—at least until the current strain is eased.

"It may come down to having some sort of railroad czar until the problem clears up," Pickle said.

## MAJORITY LEADER THOMAS P. O'NEILL HAILS COURT DECISION VOIDING IMPOUNDMENT

(Mr. O'NEILL asked and was given permission to address the House for 1 minute. to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, a Federal court has voided a Nixon administration impoundment of $6 billion in water pollution control funds.

This is the administration's largest single impoundment. The court's decision does much to discredit this tactic as a means of thwarting the will of Congress. It upholds the constitutional right of Congress to share in the setting of national priorities.

In his opinion, Judge Gasch wrote:

The act clearly indicated the intent of Congress to require the administrator to allot . . . the full sums authorized to be appropriated.

Last year Congress authorized $11 billion in contract authority for fiscal 1973–74. President Nixon vetoed the bill, and then Congress passed it over his veto.

Refusing to be halted even by a two-thirds vote of Congress, President Nixon declined to carry out the law, announcing that he would make available only $5 billion for the 2 years.

This was a typical use of impoundment by President Nixon to thwart the will of Congress.

The court's ruling has nullified this practice, and I hope the administration will have the grace to abandon such use of impoundment altogether.

## AMERICA'S YOUTH KNOW ABOUT PROFITEERING: FIFTH GRADE STUDENT

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, this morning. I received a letter from Nickolette Mathews, a fifth-grade student from Dyer, Ind., concerning profiteering in food prices. As a fifth-grade student, no doubt, he is more interested in food costs than in the profiteering in all commodities from automobiles, furniture, clothing, pharmaceutical products, interest rates, and so forth.

It is unfortunate that the news media does not call attention to the fact that in the summer of 1970, the Congress passed legislation, by a large majority, giving the President power to immediately control inflation by placing a curb on the rise of prices, including wages, food, interest, and restricting any further rise in the cost of living pertaining to all necessities of life.

Evidently the President's advisers and campaign contributors, with the 1972 election in the offing, had more influence with the executive department than the Congress. This legislation which the Congress passed to halt inflation was not acted upon by the White House and, 13 months later, the President came out with his celebrated television talk declaring a 90-day freeze. This freeze was a failure. Then he inaugurated phase II and phase III, propagandized as going to halt inflation. Up to now both phase II and III have not been effective.

I ask unanimous consent to include young Nickolette's letter with my remarks:

DYER, IND.,
*April 30, 1973.*

HON. RAY J. MADDEN,
*Congressman, First Congressional District of Indiana, Washington, D.C.*

DEAR SIR: I am a student in 5th grade and attending St. Joseph's School. I would like to discuss a problem with you. It is about the prices of food and other products.

I went to the store with my mother and compared the prices with other manufactures prices. I found out that frozen vegetables cost more than fresh vegetables.

You find a nice juicy delicious-looking steak at a $1.50 a pound. You are willing to pay the price but when you get it home to cook it, the other side has a lot of fat on it. You pay about $4.00 for a steak that is just fat because you can't see the other side!

Also, the price of gas, it's going up to 70¢ a gallon this summer, as I found out from the nearest gas station to my house. It's not that there is a shortage of gas, but the companies are holding gas back so you can get more money! We have a family of 7, everyone in our family is involved in something different. So you burn up a lot of gas that costs so much money that you can barely spare money to pay for other things. My mother and father are about to park their cars and use bikes instead.

I think we should do something about prices now not ten years from today when nothing might be done about it! Enclosed is a newspaper clipping that tells the prices of foods in different months. Please pay some attention to this because it is costing our family so much!

Sincerely,

NICKOLETTE MATHEWS.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C., May 9, 1793.*

HON. CARL ALBERT,
*The Speaker,*
*House of Representatives,*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 5:00 P.M. on Tuesday May 8, 1973, and said to contain a Message from the President transmitting draft legislation entitled "Disaster Preparedness and Assistance Act of 1973."

With kind regards, I am

Sincerely.

W. PAT JENNINGS,
*Clerk, House of Representatives.*
By W. RAYMOND COLLEY.

## DISASTER PREPAREDNESS AND ASSISTANCE ACT OF 1973—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–98)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works, and ordered to be printed:

*To the Congress of the United States:*

I am today submitting for the consideration of the Congress the Disaster Preparedness and Assistance Act of 1973. This legislation has resulted from a comprehensive review of all our disaster assistance activities as called for under Public Law 92–385, enacted last August.

A major objective of this bill is to consolidate the responsibility for disaster assistance, reducing the number of Federal agencies involved in these efforts, eliminating overlapping responsibilities and distributing benefits on a more equitable basis. Reorganization Plan No. 1 of 1973, in which the Congress has already concurred, provides the organizational structure for achieving this consolidation under the Secretary of Housing and Urban Development. This new legislation would also do a great deal to strengthen the role of State and local governments and of private institutions in meeting this important challenge.

In addition, as its name clearly implies, this bill would place greater emphasis on protecting people and property against the effects of disasters before they occur. In this same connection, I would call once again for prompt enactment of the Flood Disaster Protection Act of 1973 which I submitted to the Congress several weeks ago.

The Disaster Preparedness and Assistance Act of 1973 represents a comprehensive new approach to a very crucial problem. To ease the transition to this new system, I propose that during its first year of operation a special Federal grant of $250,000 be provided to each State to help it increase its disaster preparedness and assistance capabilities.

Last year set a new record for the number of disasters which had to be formally declared by the President of the United States—48 in all. Already this year, spring floods and tornadoes have brought tragedy to many areas of our country.

While we cannot fully control the occurrence and the impact of disasters, we must do all we can to prepare for them, to prevent them, and to mitigate and remedy their effects. The legislation I am submitting today can help us do all these things more efficiently and more effectively and I strongly urge its prompt enactment.

RICHARD NIXON.

THE WHITE HOUSE, *May 8, 1973.*

## CIVIL SERVICE COMMISSION'S ANNUAL REPORT FOR FISCAL YEAR 1972—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed:



*To the Congress of the United States:*

I hereby transmit the Civil Service Commission's annual report for fiscal year 1972.

The past year was one of significant initiatives in the field of Federal personnel management. Persistent challenges such as simplifying the complexities of the appeals system and broadening the scope of labor-management bargaining were effectively addressed. The first full year of operations under the Intergovernmental Personnel Act showed impressive results, as State and local governments responded enthusiastically in working with Federal agencies to improve personnel resources. Substantial progress was also made in carrying out the Equal Employment Opportunity Act of 1972, strengthening our commitment to employment practices which are scrupulously fair to all our people.

We can be grateful for the cooperation from all sectors and levels of government which made this record possible. And we can be proud that Federal personnel management not only enables us to serve the public more effectively but also stands as a respected model for all employers.

RICHARD NIXON.

THE WHITE HOUSE, *May 9, 1973.*

## CONFERENCE REPORT ON S. 394, RURAL ELECTRIC AND TELEPHONE LOANS

Mr. POAGE submitted the following conference report and statement on the bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes:

CONFERENCE REPORT (REPT. NO. 93–169)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 394) An Act to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such Act be fully obligated in said year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That it is hereby declared to be the policy of the Congress that adequate funds should be made available to rural electric and telephone systems through direct, insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the Rural Electrification Act of 1936, as amended; and that such rural electric and telephone systems should be encouraged and assisted to develop their resources and ability to achieve the financial strength needed to enable them to satisfy their credit needs from their own financial organizations and other sources at reasonable rates and terms consistent with the loan applicant's ability to pay and achievement of the Act's objectives. The Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), is therefore further amended as hereinafter provided.

SEC. 2. Title III of the Rural Electrification Act of 1936, as amended, is amended by striking out all of sections 301 and 302 and inserting in lieu thereof the following new sections:

"SEC. 301. RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND.—(a) There is hereby established in the Treasury of the United States a fund, to be known as the Rural Electrification and Telephone Revolving Fund (hereinafter referred to as the "fund"), consisting of:

"(1) all notes, bonds, obligations, liens, mortgages, and property delivered or assigned to the Administrator pursuant to loans heretofore or hereafter made under sections 4, 5, and 201 of this Act and under this title, as of the effective date of this title, as revised herein, and all proceeds from the sales hereunder of such notes, bonds, obligations, liens, mortgages, and property, which shall be transferred to and be assets of the fund;

"(2) undisbursed balances of electric and telephone loans made under sections 4, 5, and 201, which as of the effective date of this title, as revised herein, shall be transferred to and be assets of the fund;

"(3) notwithstanding section 3(a) of title I, all collections of principal and interest received on and after July 1, 1972, on notes, bonds, judgments, or other obligations made or held under titles I and II of this Act and under this title, except for net collection proceeds previously appropriated for the purchase of class A stock in the Rural Telephone Bank, which shall be paid into and be assets of the fund;

"(4) all appropriations for interest subsidies and losses required under this title which may hereafter be made by the Congress;

"(5) moneys borrowed from the Secretary of the Treasury pursuant to section 304(a); and

"(6) shares of the capital stock of the Rural Telephone Bank purchased by the United States pursuant to section 406(a) of this Act and moneys received from said bank upon retirement of said shares of stock in accordance with the provisions of title IV of this Act, which said shares and moneys shall be assets of the fund.

"SEC. 302. LIABILITIES AND USES OF FUND.—(a) The notes of the Administrator to the Secretary of the Treasury to obtain funds for loans under sections 4, 5, and 201 of this Act, and all other liabilities against the appropriations or assets in the fund in connection with electrification and telephone loan operations shall be liabilities of the fund, and all other obligations against such appropriations or assets in the fund arising out of electrification and telephone loan operations shall be obligations of the fund.

"(b) The assets of the fund shall be available only for the following purposes:

"(1) loans which could be insured under this title, and for advances in connection with such loans and loans previously made, as of the effective date of this title, as revised herein, under sections 4, 5, and 201 of this Act;

"(2) payment of principal when due (without interest) on outstanding loans to the Administrator from the Secretary of the Treasury for electrification and telephone purposes pursuant to section 3(a) of this Act and payment of principal and interest when due on loans to the Administrator from the Secretary of the Treasury pursuant to section 304(a) of this title;

"(3) payment of amounts to which the holder of notes is entitled on insured loans: *Provided*, That payments other than final payments need not be remitted to the holder until due or until the next agreed annual, semiannual, or quarterly remittance date;

"(4) payment to the holder of insured notes of any defaulted installment or, upon assignment of the note to the Administrator at his request, the entire balance due on the note;

"(5) purchase of notes in accordance with contracts of insurance entered into by the Administrator;

"(6) payment in compliance with contracts of guarantee;

"(7) payment of taxes, insurance, prior liens, expenses necessary to make fiscal adjustments in connection with the application, and transmittal of collections or necessary to obtain credit reports on applicants or borrowers, expenses for necessary services, including construction inspections, commercial appraisals, loan servicing, consulting business advisory or other commercial and technical services, and other program services, and other expenses and advances authorized in section 7 of this Act in connection with insured loans. Such items may be paid in connection with guaranteed loans after or in connection with the acquisition of such loans or security thereof after default, to the extent determined to be necessary to protect the interest of the Government, or in connection with any other activity authorized in this Act;

"(8) payment of the purchase price and any costs and expenses incurred in connection with the purchase, acquisition, or operation of property pursuant to section 7 of this Act.

"SEC. 303. DEPOSIT OF FUND MONEYS.—Moneys in the fund shall remain on deposit in the Treasury of the United States until disbursed.

"SEC. 304. FINANCIAL TRANSACTIONS OF THE FUND.—(a) The Administrator is authorized to make and issue interim notes to the Secretary of the Treasury for the purpose of obtaining funds necessary for discharging obligations of the fund and for making loans, advances and authorized expenditures out of the fund. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be agreed upon by the Administrator and the Secretary of the Treasury. Such notes shall bear interest at a rate fixed by the Secretary of the Treasury, taking into consideration the current average market yield of outstanding marketable obligations of the United States having maturities comparable to the notes issued by the Administrator under this section. The Secretary of the Treasury is authorized and directed to purchase any notes of the Administrator issued hereunder, and, for that purpose, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act, as amended, are extended to include the purchase of notes issued by the Administrator. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States: *Provided, however*, That such interim notes to the Secretary of the Treasury shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(b) The Secretary of the Treasury is authorized and directed to purchase for resale obligations insured through the fund when offered by the Administrator. Such resales shall be upon such terms and conditions as the Secretary of the Treasury shall determine. Purchases and resales by the Secretary of the Treasury hereunder

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shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(c) The Administrator may, on an insured basis or otherwise, sell and assign any notes in the fund or sell certificates of beneficial ownership therein to the Secretary of the Treasury or in the private market. Any sale by the Administrator of notes individually or in blocks shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, notwithstanding the fact that the Administrator, under an agreement with the purchaser or purchasers, hold the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser or purchasers of the individual note or of the certificate of beneficial ownership in a number of such notes. Security instruments taken by the Administrator in connection with any notes in the fund may constitute liens running to the United States notwithstanding the fact that such notes may be thereafter held by purchasers thereof.

"SEC. 305. INSURED LOANS; INTEREST RATES AND LENDING LEVELS.—(a) The Administrator is authorized to make insured loans under this title and at the interest rates hereinafter provided to the full extent of the assets available in the fund, subject only to limitations as to amounts authorized for loans and advances as may be from time to time imposed by the Congress of the United States for loans to be made in any one year, which amounts shall remain available until expended; *Provided*, That the Congress in the annual appropriation act may also authorize the transfer of any excess cash in the fund for deposit into the Treasury as miscellaneous receipts: and *Provided further*, That any such loans and advances shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

"(b) Insured loans made under this title shall bear interest at either 2 per centum per annum (hereinafter called the 'special rate'), or 5 per centum per annum (hereinafter called the 'standard rate'). Loans bearing the special rate shall be available only for an electric or telephone borrower which meets either of the following conditions:

"(1) has an average consumer or subscriber density of two or fewer per mile, or

"(2) has an average gross revenue per mile which is at least $450 below the average gross revenue per mile of REA-financed electric systems, in the case of electric borrowers, or at least $300 below the average gross revenue per mile of REA-financed telephone systems, in the case of telephone borrowers: *Provided, however*, That the Administrator may, in his sole discretion, make a loan at the special rate if he finds that the borrower:

"(A) has experienced extenuating circumstances or extreme hardship; or

"(B) cannot, in accordance with generally accepted management and accounting principles, produce net income or margins before interest at least equal to 150 per centum of its total interest requirements on all outstanding and proposed loans with an interest rate greater than 2 per centum per annum on the entire current loan, and still meet the objectives of the Act, or

"(C) cannot, in accordance with generally accepted management and accounting principles and without an excessive increase in the rates charged by such borrowers to their consumers or subscribers, provide service consistent with the objectives of the Act.

"(c) Loans made under this section shall be insured by the Administrator when purchased by a lender. As used in this Act, an insured loan is one which is made, held, and serviced by the Administrator, and sold and insured by the Administrator hereunder; such loans shall be sold and insured by the Administrator without undue delay.

"SEC. 306. GUARANTEED LOANS; ACCOMMODATION AND SUBORDINATION OF LIENS.—The Administrator may provide financial assistance to borrowers for purposes provided in the Rural Electrification Act of 1936, as amended, by guaranteeing loans, in the full amount thereof, made by the Rural Telephone Bank, National Rural Utilities Cooperative Finance Corporation, and any other legally organized lending agency, or by accommodating or subordinating liens or mortgages in the fund held by the Administrator as owner or as trustee or custodian for purchases of notes from the fund, or by any combination of such guarantee, accommodation, or subordination. No fees or charges shall be assessed for any such guarantee, accommodation, or subordination. Guaranteed loans shall bear interest at the rate agreed upon by the borrower and the lender. Guaranteed loans, and accommodation and subordination of liens or mortgages, may be made concurrently with a loan insured at the standard rate. The amount of guaranteed loans shall be subject only to such limitations as to amounts as may be authorized from time to time by the Congress of the United States: *Provided*, That any amounts guaranteed hereunder shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States. As used in this title a guaranteed loan is one which is made, held, and serviced by a legally organized lending agency and which is guaranteed by the Administrator hereunder.

"SEC. 307. OTHER FINANCING.—When it appears to the Administrator that the loan applicant is able to obtain a loan for part of his credit needs from a responsible cooperative or other credit source at reasonable rates and terms consistent with the loan applicant's ability to pay and the achievement of the Act's objectives, he may request the loan applicant to apply for and accept such a loan concurrently with a loan insured at the standard rate, subject, however, to full use being made by the Administrator of the funds made available hereunder for such insured loans under this title.

"SEC. 308. FULL FAITH AND CREDIT OF THE UNITED STATES.—Any contract of insurance or guarantee executed by the Administrator under this title shall be an obligation supported by the full faith and credit of the United States and incontestable except for fraud or misrepresentation of which the holder has actual knowledge.

"SEC. 309. LOAN TERMS AND CONDITIONS.—Loans made from or insured through the fund shall be for the same purposes and on the same terms and conditions as are provided for loans in titles I and II of this Act except as otherwise provided in sections 303 to 308 inclusive.

"SEC. 310. REFINANCING OF RURAL DEVELOPMENT ACT LOANS.—At the request of the borrower, the Administrator is authorized and directed to refinance with loans which will be insured under this Act at the interest rates provided in section 305 any loans made for rural electric and telephone facilities under any provision of the Consolidated Farm and Rural Development Act."

SEC. 3. Section 3(f) of the Rural Electrification Act of 1936, as amended, is repealed.

SEC. 4. Section 405 of the Rural Electrification Act of 1936, as amended, is further amended by striking subsection (e) in its entirety and by inserting in lieu thereof a new subsection (e), as follows:

"(e) Thereafter, the cooperative-type entities and organizations holding class B and class C stock, voting as a separate class, shall elect three directors to represent their class by a majority vote of the stockholders voting in such class; and the commercial-type entities and organizations holding class B and class C stock, voting as a separate class, shall elect three directors to represent their class by a majority vote of the stockholders voting in such class. Limited proxy voting may be permitted, as authorized by the bylaws of the telephone bank. Cumulative voting shall not be permitted."

SEC. 5. The second sentence of section 406 (a) of the Rural Electrification Act of 1936, as amended, is further amended by striking "from net collection proceeds in the rural telephone account created under title III of this Act" immediately after the word "appropriated".

SEC. 6. Subsection (a) of section 407 of the Rural Electrification Act of 1936, as amended, is amended by striking out "eight" in the second sentence and inserting in lieu thereof "twenty", and by striking out all of the third sentence.

SEC. 7. Section 407 of the Rural Electrification Act of 1936, as amended, is amended by adding a new subsection (c) as follows:

"(c) Purchases and resales by the Secretary of the Treasury as authorized in subsection (b) of this section shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

SEC. 8. Subsection (a) of section 408 of the Rural Electrification Act of 1936, as amended, is amended (a) by inserting the words "or which have been certified by the Administrator to be eligible for such a loan or loan commitment," immediately following the term "this Act," where it first appears; and (b) by adding at the end thereof the following sentence: "Loans and advances made under this section shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

SEC. 9. Subsection (b) of section 408 of the Rural Electrification Act of 1936, as amended, is amended by striking out all of paragraph (3) and inserting in lieu thereof a new paragraph (3) reading:

"(3) Loans under this section shall bear interest at the 'cost of money rate.' The cost of money rate is defined as the average cost of moneys to the telephone bank as determined by the Governor, but not less than 5 per centum per annum."

SEC. 10. No funds provided under the Rural Electrification Act of 1936, as amended, shall be used outside the United States or any of its territories.

SEC. 11. The right to repeal, alter, or amend this Act is expressly reserved.

SEC. 12. This Act shall take effect upon enactment.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

W. R. POAGE,
FRANK A. STUBBLEFIELD,
B. F. SISK,
FRANK E. DENHOLM,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
GEORGE A. GOODLING,
*Managers on the Part of the House.*

GEORGE MCGOVERN,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
GEORGE D. AIKEN,
ROBERT DOLE,
*Managers on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE



The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 394), an Act to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such Act be fully obligated in said year, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The conference substitute differs in substance from the House amendment to the text of the bill only in that—

(1) the mandatory language of section 305 of the House amendment was removed;

(2) provision is made for the transfer of excess cash in the fund created by the bill into the Treasury as miscellaneous receipts pursuant to annual appropriation Acts;

(3) refinancing of loans made under the Consolidated Farm and Rural Development Act will be on an insured basis at the interest rates provided in section 305 of the Rural Electrification Act of 1936, as added by this bill, so that they will not be subjected to an effective interest rate higher than now required of them under the Consolidated Farm and Rural Development Act;

(4) the word "possessions" is changed to "territories" to make the language consistent with the original Act.

The substitute is totally different from the Senate bill, except that its objective, like that of the Senate bill, is to restore the rural electric and telephone loan program to operation.

The Senate bill required that REA direct rural electric and telephone loans be made in the full amount appropriated therefor.

The Conference substitute—

(1) creates a revolving fund with unlimited borrowing authority, for the making of insured rural electric and telephone loans;

(2) provides that such insured loans will bear interest at five percent or two percent. Two percent loans are available only if the borrower—

(A) has an average subscriber density of two or fewer per mile; or

(B) has an average gross revenue of at least $450 below the average (for electric borrowers) or $300 below the average (for telephone borrowers); or

(C) has experienced extenuating circumstances or severe hardship; or

(D) cannot produce net income before interest of at least 150 percent of its total interest requirements and still meet the objectives of the Act; or

(E) cannot without an excessive rate increase provide service consistent with the Act. (Note: The substitute specifically conditions (C), (D), and (E) on the "sole discretion of the Administrator".)

(3) authorizes the guarantee of rural electric and telephone loans made by other lenders with interest at rates agreed upon by borrowers and lenders;

(4) requires loans made for rural electric and telephone facilities under the Consolidated Farm and Rural Development Act to be refinanced under the Rural Electrification Act of 1936 at the request of the borrower;

(5) forgives interest on REA borrowings from the Treasury under section 3(a) of the Rural Electrification Act of 1936;

(6) provides for separate elections by commercial and cooperative stockholders of the Telephone Bank of three directors by each group and prohibits cumulative voting in such elections (as currently prohibited by by-laws);

(7) raises limit on telephone debentures to twenty (instead of eight) times paid-in-capital and retained earnings;

(8) provides for appropriation from the Treasury general fund (instead of the Rural Telephone Account) of capital for the Rural Telephone Bank;

(9) authorizes Telephone Bank loans to applicants who have not previously borrowed from REA;

(10) provides that Telephone Bank loans shall bear interest at the cost of money to the bank, but not less than five percent (in lieu of a range of rates based on ability to pay).

(11) prohibits the use outside the United States of funds provided under the Rural Electrification Act of 1936;

(12) repeals the requirement that telephone debentures contain a disclaimer of federal guarantee; and

(13) provides that transactions in "interim notes" under section 304(a), insured obligations under section 304(b), loans and advances under section 305(a), and guaranteed loans under section 306 "shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States."

The mandatory provisions of section 305 of the House amendment were deleted in view of the following letter from the Secretary of Agriculture:

DEPARTMENT OF AGRICULTURE,
*Washington, D.C., May 8, 1973.*

HON. W. R. POAGE,
*Chairman, House Committee on Agriculture, Washington, D.C.*

DEAR BOB: I am pleased to provide you and the members of the conference committee the Administration's position on the REA financing bill now in conference, S. 394. As I told you during our meeting in your office last Thursday, speaking for the Administration, we can assure you that during each of the next three years an REA program at levels not less than budgeted for Fiscal Year 1974 will be operated through the REA under the authority of S. 394 as finally passed and that not less than $105 million—$80 million for the electric program and $25 million for the telephone loan program (of new loans)—will be made available at the 2% rate.

This commitment is conditioned on but one cardinal principle—mandatory language relating to criteria in Section 305 be stricken from the legislation. Further, there will be no legislative direction with respect to hardship cases beyond the criteria set forth in the House-passed bill. As you know, the Secretary would, of course, have authority to exceed this minimum level for 2% loans.

On behalf of the Administration and every American, I want to thank you and the conferees for your efforts to achieve constructive legislation which will ensure a viable rural electric and telephone system.

Sincerely,

EARL L. BUTZ,
*Secretary.*

The minimum annual loan levels agreed to by the Administration pursuant to the above letter of May 8 from Secretary Butz applies only to new loans beginning in fiscal 1974. The Conferees, therefore, expect that the amount of any loans made during FY 1973 for rural electric and rural telephone facilities under any provisions of the Consolidated Farm and Rural Development Act, and which are refinanced pursuant to Section 310 of S. 394, will not be charged against, subtracted from, or constitute any part of the annual loan programs for subsequent years agreed to by Secretary Butz in his aforementioned letter.

While the Secretary's letter only discusses the program level beginning with the 1974 fiscal year, the conferees expect that loans will be made beginning with the effective date of this Act and that for the balance of the current fiscal year the same general program level and formula will be followed.

Since January 1, 1973, loans for rural electrification and rural telephone facilities have been processed pursuant to Section 306(a) (1) of the Consolidated Farm and Rural Development Act. Under this Act the Secretary of Agriculture is required to submit all such loan applications for review and comment to multijurisdictional substate areawide general purpose planning and development agencies which have been officially designated as clearinghouse agencies under OMB Circular A-95, and to county and municipal governments having jurisdiction over the area in which the proposed facilities will be located.

In the case of loans for rural electrification and rural telephone facilities, this requirement serves no useful purpose, and imposes unnecessary delays on loan approval procedures. It has never been applied to Rural Electrification Act loan programs. One of the principal purposes of S. 394 is to reinstate a rural electrification and rural telephone loan program which will operate free of these requirements for review by units of local government and local multijurisdictional planning agencies.

It is the specific understanding and the clear intent of the conferees that direct loans, insured loans, and loan guarantees, approved pursuant to the Rural Electrification Act of 1936 as amended, shall not be subject to review by any such multijurisdictional substate planning or development agency or commission or by any unit of local government, or by any federal agency other than the Rural Electrification Administration.

The conferees also point out that REA is not a rate-making or regulatory agency but is a lending agency, and accordingly, there is nothing contained in this bill which would require telephone borrowers to raise the rates charged to their subscribers in order to come up to a statewide average for subscriber rates. To the contrary, it is the hope of the conferees that this legislation will enable telephone borrowers to continue to provide telephone service consistent with the objectives of the REA Act without being required to raise rates to their subscribers. The rate-making field is traditionally reserved to the state regulatory commissions and S. 394 does nothing to change that.

W. R. POAGE,
FRANK A. STUBBLEFIELD,
BERNIE SISK,
FRANK E. DENHOLM,
CHARLES M. TEAGUE,
WILLIAM C. WAMPLER,
GEO. A. GOODLING,
*Managers on the Part of the House.*

GEORGE MCGOVERN,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
GEORGE D. AIKEN,
ROBERT DOLE,
*Managers on the Part of the Senate.*

## RURAL ELECTRIFICATION ACT AMENDMENTS

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. POAGE. Mr. Speaker. I am happy to report to the House that conferees have reached agreement on S. 394, amending the Rural Electrification Act and assuring an ongoing program that will bring improved electric power and telephone service to millions of Americans.

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By way of background, the necessity for this legislation arose when the administration on January 1 of this year terminated the 2-percent loan program established by an act of Congress in 1936.

For more than 4 months there has been almost continuous consideration both in the House and Senate of ways to preserve the basic feature of this most worthy program. There was early agreement that the bulk of the systems could afford to pay 5-percent interest and would gladly do so if the money was available but that some systems must continue to receive 2-percent money. That is the essence of what is provided in this new legislation, the first major revision of the law aside from the addition of the telephone program and telephone bank to the original act.

The Senate passed a bill that directed reinstatement of the old program. Faced with the certainty of a veto of such legislation and with little likelihood this could be overridden, the House evolved a bill which met all of the major objections of the administration and at the same time seems to us to meet all of the legitimate needs of the local systems. The language of the measure to which the conferees have agreed is essentially that of the House bill—with one important change that we believe has virtually assured Presidential approval.

The conferees agreed to drop the mandatory provisions in the bill which would have directed the Administrator to continue to make 2-percent loans where needed. In return Secretary Butz has given us a letter pledging on behalf of the administration that 2-percent loans will be made to all associations which meet the criteria of need to the extent of $80 million for electric power systems and $25 million for telephone systems, and that 5-percent money will be available to the bulk of the applicants, bringing the total to $758 million each year for the next 3 years in accordance with the administration's budgetary request for fiscal year 1974. In addition, guaranteed loans at the going rate of interest to the extent which may be fixed by the Congress in the appropriations bills will be available.

All the conferees, both Democrats and Republicans, have signed the report, and I am hopeful that it can be brought up on the House floor tomorrow and promptly adopted. This will enable the bill to go to the White House so it could be signed by the President by May 11 in time for the 38th anniversary of the REA program.

I include a copy of Secretary Butz' letter to be printed in the RECORD at this point:

DEPARTMENT OF AGRICULTURE,
*Washington, D.C., May 8, 1973.*

Hon. W. R. POAGE,
*Chairman, House Committee on Agriculture, Washington, D.C.*

DEAR BOB: I am pleased to provide you and the members of the conference committee the Administration's position on the REA financing bill now in conference, S. 394. As I told you during our meeting in your office last Thursday, speaking for the Administration, we can assure you that during each of the next three years an REA program at levels not less than budgeted for Fiscal Year 1974 will be operated through the REA under the authority of S. 394 as finally passed and that not less than $105 million—$80 million for the electric program and $25 million for the telephone loan program (of new loans)—will be made available at the 2% rate.

This commitment is conditioned on but one cardinal principle—mandatory language relating to criteria in Section 305 be stricken from the legislation. Further, there will be no legislative direction with respect to hardship cases beyond the criteria set forth in the House-passed bill. As you know, the Secretary would, of course, have authority to exceed this minimum level for 2% loans.

On behalf of the Administration and every American, I want to thank you and the conferees for your efforts to achieve constructive legislation which will ensure a viable rural electric and telephone system.

Sincerely,

EARL L. BUTZ,
*Secretary.*

CALL OF THE HOUSE

Mr. McKINNEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 130]

| | | |
|---|---|---|
| Anderson, Ill. | Green, Oreg. | Reuss |
| Andrews, N.C. | Guyer | Rogers |
| Ashley | Harsha | Roncallo, Wyo. |
| Badillo | Heckler, Mass. | Rooney, N.Y. |
| Blaggi | Jones, Tenn. | Rosenthal |
| Buchanan | Ketchum | Satterfield |
| Carter | King | Saylor |
| Chisholm | Lehman | Sisk |
| Clark | Lott | Skubitz |
| Crane | Martin, N.C. | Snyder |
| Cronin | McKay | Spence |
| de la Garza | Melcher | Steelman |
| Diggs | Michel, Ill. | Steiger, Wis. |
| Fish | Murphy, N.Y. | Symington |
| Fountain | Nichols | Teague, Tex. |
| Fraser | Obey | Vander Jagt |
| Frelinghuysen | Powell, Ohio | Waldie |
| Gettys | Price, Tex. | Wolff |
| Gibbons | Railsback | Yatron |
| Gray | Reid | |

The SPEAKER. On this rollcall 374 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## DIRECTING THE SECRETARY OF DEFENSE TO FURNISH CERTAIN INFORMATION

Mr. HÉBERT, from the Committee on Armed Services, reported the following privileged resolution (H. Res. 379, Rept. No. 93–170) which was referred to the House Calendar and ordered to be printed:

H. RES. 379

*Resolved*, That the Secretary of Defense be, and he is hereby, directed to furnish the House of Representatives within ten days after the adoption of this resolution the following data:

(1) The number of sorties flown by United States military airplanes, for bombing purposes, over Cambodia during the period January 27, 1973, through April 30, 1973.

(2) The number of sorties flown by the United States military airplanes, for bombing purposes, over Laos during the period January 27, 1973, through April 30, 1973.

(3) The tonnage of bombs and shells fired or dropped on Cambodia by United States military forces during the period January 27, 1973, through April 30, 1973.

(4) The tonnage of bombs and shells fired or dropped on Laos by United States military forces during the period January 27, 1973, through April 30, 1973.

(5) The number and nomenclature of airplanes lost by the United States over Cambodia or its territorial waters during the period January 27, 1973, through April 30, 1973.

(6) The number and nomenclature of airplanes lost by the United States over Laos during the period January 27, 1973, through April 30, 1973.

(7) The number of Americans killed, wounded, captured, and missing in action while participating in flights over Cambodia and Laos during the period January 27, 1973, through April 30, 1973.

(8) The cost incurred by the United States as a result of all bombing and shelling carried on by the United States in or over Cambodia and Laos during the period January 27, 1973, through April 30, 1973, including the cost of bombs and shells, ships, and airplanes employed during such period, salaries of United States military personnel, during such period, involved in operating and maintaining such ships and airplanes, cost of equipment destroyed or damaged while participating in bombing missions over Cambodia and Laos, and all other expenses attributable to such bombing and shelling during the period January 27, 1973, through April 30, 1973.

(9) The number of sorties flown by United States military airplanes, for purposes other than bombing, over Cambodia and Laos during the period January 27, 1973, through April 30, 1973.

(10) The cost incurred by the United States as a result of all actions, other than bombing, carried on by the United States in or over Cambodia and Laos during the period January 27, 1973, through April 30, 1973, including the cost of airplanes employed during such period, salaries of United States military personnel, during such period, involved in operating and maintaining such airplanes, cost of equipment destroyed or damaged while participating in all activities, other than bombing, over Cambodia and Laos, during the period January 27, 1973, through April 30, 1973.

(11) The number and rank of United States personnel performing ground duty in Cambodia and Laos on both a temporary and permanent basis, including combat, advisory and support capacities, during the period January 27, 1973, through April 30, 1973.

(12) The location of United States personnel participating in ground or ground to air activity in or over Cambodia and Laos, including combat, advisory, and support capacities, during the period January 27, 1973, through April 30, 1973.

(13) The nature of the activity of United States ground personnel in Cambodia and Laos during the period January 27, 1973, through April 30, 1973.

(14) The order of battle of all forces, both combat and noncombat, in Cambodia and Laos, including North Vietnamese, ARVN, Viet Cong, American, and indigenous, delineating their current deployment and location.

(15) The number of sorties flown by United States military airplanes, for bombing purposes, over Cambodia and Laos during the period October 30, 1972, through January 27, 1973.

(16) The tonnage of bombs and shells fired or dropped on Cambodia and Laos by United States military forces during the period October 30, 1972, through January 27, 1973.

(17) The tonnage of bombs dropped, and the number of sorties flown by United States military airplanes over Cambodia and Laos emanating from bases in Thailand during the period October 30, 1972, through January 27, 1973.

(18) The authority under what law, if any, for United States military activity in Cambodia and Laos since January 27, 1973.

(19) The extent of involvement of United States embassy personnel in United States military operations in or over Cambodia and Laos during the period January 27, 1973, through April 30, 1973.



Mr. HÉBERT. Mr. Speaker, I call up House Resolution 379 by direction of the Committee on Armed Services, and ask for its immediate consideration.

The Clerk read the resolution.

(For text of H. Res. 379, see prior proceeding of the House of today.)

Mr. HÉBERT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, I know nothing about this resolution. Is it proposed to take some time to explain the resolution?

Mr. HÉBERT. We will have all the the time to explain it, and it will all be explained to the gentleman's satisfaction, I am sure.

Mr. GROSS. I thank the gentleman, and withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Speaker, on May 3, 1973, a privileged resolution was referred to the Committee on Armed Services directing the Secretary of Defense to furnish the House of Representatives, within 10 days, certain specified information. The information was requested in the form of 19 specific questions. These questions essentially involved information concerning military activities in and over Cambodia and Laos during the period January 27, 1973, through April 30, 1973.

As my colleagues are aware, under the rules of the House, a privileged resolution must be acted upon by the designated committee within 7 legislative days after its referral. This circumstance, together with the fact that the House is scheduled to act on Thursday, May 10th, on the second supplemental appropriation bill for fiscal year 1973, prompted the Committee on Armed Services to act quickly in reporting back to the House on the subject matter of this privileged resolution.

I am happy to advise that the Committee on Armed Services on Tuesday, May 8, 1973, conducted hearings in open session, at which time the Department of Defense witnesses responded in detail to each of the 19 questions raised in House Resolution 379.

I will not, at this time, inject my personal views in respect to the subject matter of the resolution. However, I think it pertinent to point out that the responses by departmental witnesses were sufficiently detailed so that the committee unanimously agreed that the request for information had been, in fact, satisfied. Therefore, the committee, a quorum being present, by a recorded vote of 36 yeas and no nays, ordered House Resolution 379 to be adversely reported to the House of Representatives.

I am attempting to expedite the printing of the transcript of the hearing. However, pending the availability of that printed committee document, I believe it would be helpful if I share with the Members of the House the information provided by the Department of Defense. I therefore ask unanimous consent to revise and extend my remarks at this point in the RECORD to permit me to include the responses provided by the Department to the 19 questions embodied in House Resolution 379.

Mr. Speaker, I would also include at this point in the RECORD a memorandum provided by the Department of Defense discussing Presidential authority to continue U.S. air combat operations in Cambodia.

Mr. Speaker, I hold here in my hand the answer to these 19 specific questions as relating to Cambodia, which I understand is the subject of discussion now in many areas of the House. These 19 questions were asked in a resolution proposed by the gentleman from California (Mr. LEGGETT) and a number of cosponsors.

Each question was answered fully. Each member of the committee in open session was given an opportunity to discuss the answers to each of the questions. And after full and open discussion it was decided that all the things requested in the resolution had been met, the information is in the hands of the committee. However, in order to anticipate the vote coming on Thursday, the Committee on Armed Services is now putting in the record, after the unanimous consent request which was just granted, this literature. In addition to this, which is available to every Member in the CONGRESSIONAL RECORD, I have here in my hand the entire printed proof sheets on the entire hearing that will be available tomorrow to each Member, and if possible I hope it will be delivered to each Member's office so that each Member of the House when confronted with a vote on this very critical issue will be in position of having all the facts relating to Cambodia. The Deputy Assistant Secretary who presented the information on behalf of the Department of Defense, in reply to the question, "Is this all?" said, yes, all the information was provided. So we have everything here before us, I do not believe that any Member can properly say that he was denied any information as relating to Cambodia.

Of course, the answer as to how each Member should vote on this issue is up to their own consciences. I will support the President and the Committee on Appropriations when this comes to a vote. But I just want the Members to know that all of the information available to us has been presented.

(The material referred to is as follows:)

QUESTIONS RAISED BY H. RES. 379 AND RESPONSES BY DEPARTMENTAL WITNESSES

*Question 1: The number of sorties flown by United States military airplanes, for bombing purposes, over Cambodia during the period January 27, 1973, through April 30, 1973.*

Answer: 12,136.

*Question 2: The number of sorties flown by the United States military airplanes, for bombing purposes, over Laos during the period 27 January 1973 through 30 April 1973.*

Answer: 8,985. Since the Laos ceasefire on 22 February 1973, 88 attack sorties have been flown in Laos in response to RLG requests.

*Question 3: The tonnage of bombs and shells fired or dropped on Cambodia by United States military forces during the period January 27, 1973, through April 30, 1973.*

Answer: 82,837 short tons.

*Question 4: The tonnage of bombs and shells fired or dropped on Laos by United States military forces during the period January 27, 1973, through April 30, 1973.*

Answer: 63,082 short tons. Since the Laos ceasefire on 22 February 1973, 1,038 short tons have been expended in Laos.

*Question 5: The number and nomenclature of airplanes lost by the United States over Cambodia or its territorial waters during the period January 27, 1973, through April 30, 1973.*

Answer: 1 USAF OV–10. 1 USAF F–4. In addition, on May 4, 1973, a USAF A–7 was lost due to mechanical difficulties. The pilot was recovered in good condition.

*Question 6: The number and nomenclature of airplanes lost by the United States over Laos during the period January 27, 1973 through April 30, 1973.*

Answer: 1 EC–47.

*Question 7: The number of Americans killed, wounded, captured, and missing in action while participating in flights over Cambodia and Laos during the period January 27, 1973, through April 30, 1973.*

Answer: KIA—9. MIA—2.

*Question 8: The cost incurred by the United States as a result of all bombing and shelling carried on by the United States in or over Cambodia and Laos during the period January 27, 1973, through April 30, 1973, including the cost of bombs and shells, ships and airplanes employed during such period, salaries of United States military personnel, during such period, involved in operating and maintaining such ships and airplanes, cost of equipment destroyed or damaged while participating in bombing missions over Cambodia and Laos, and all other expenses attributable to such bombing and shelling, during the period January 27, 1973, through April 30, 1973.*

Answer: Based upon cost factors covering munitions, fuel, aircraft attrition and certain amounts paid to crews while in flight status, the following costs were incurred by the United States January 27, 1973 through April 30, 1973 for bombing operations over Laos and Cambodia:

| | |
|---|---|
| Cambodia | $159,482,375 |
| Laos | 99,190,719 |
| Total* | $258,673,094 |

*Includes the following aircraft losses:
Cambodia: 1 OV–10 (7 April 73). 1 F–4 (18 April 73).
Laos: 1 EC–47 (4 February 73).

*Question 9: The number of sorties flown by United States military airplanes, for purposes other than bombing, over Cambodia and Laos during the period 27 January 1973 through 30 April 1973.*

Answer: Cambodia—6,181; Laos—5,439; Total 11,620.

*Question 10: The cost incurred by the United States as a result of all actions, other than bombing, carried on by the United States in or over Cambodia and Laos during the period January 27, 1973, through April 30, 1973, including the cost of airplanes em-*

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*ployed during such period, salaries of United States military personnel, during such period, involved in operating and maintaining such airplanes, cost of equipment destroyed or damaged while participating in all activities, other than bombing, over Cambodia and Laos, during the period January 27, 1973, through April 30, 1973.*

Answer: The cost incurred by the United States for air operations other than bombing over Cambodia and Laos during the period January 27, 1973 to April 30, 1973 is as follows:

| | |
|---|---|
| Cambodia | $18,973,000 |
| Laos | 14,728,000 |
| Total | 33,701,000 |

These costs do not cover most manpower costs, nor the cost of overseas base support, pipeline, and CONUS support, which would change little, if at all. Any attempt to break the figures down more precisely would require a great deal of time and effort, and would entail many arbitrary assumptions.

These costs are in terms of total resources consumed and have no direct relationship to the transfer authority requested. The transfer authority covers only operating costs (excluding munitions) and then only that increment of operating costs above the amounts currently included in the budget. Thus, there is no proper comparison that can be made between the transfer authority and the computed cost of air sorties using cost factors per sortie.

*Question 11: The number and rank of United States military personnel performing ground duty in Cambodia and Laos on both a temporary and permanent basis, including combat, advisory and support capacities, during the period January 27, 1973 through April 30, 1973.*

Answer: a. *Cambodia.* No US personnel assigned to Cambodia perform either combat or advisory functions. US military personnel are assigned to three agencies in Cambodia as follows:

(1) *Military Equipment Delivery Team, Cambodia (MEDTC).* There are 79 military personnel authorized in Cambodia in the FY 1973 Joint Manpower Program for the MEDTC, which is directed by an Army Brigadier General. A breakdown of the current authorized MEDTC manning is as follows:

| Grade: | Number |
|---|---|
| O–7 | 1 |
| O–6 | 5 |
| O–5 | 12 |
| O–4 | 20 |
| O–3 | 4 |
| O–2 | 1 |
| E–9 | 1 |
| E–8 | 1 |
| E–7 | 18 |
| E–6 | 5 |
| E–5 | 9 |
| E–4 | 2 |
| | 79 |

(2) *Political/Military Section.* There are two Army lieutenant colonels assigned to this section.

(3) *Defense Attache Office (DAO).* There are 21 military personnel presently assigned to the DAO in Phnom Penh. Included in the 21 personnel are one officer and four enlisted men who man a communications circuit for the DAO. A breakdown of the remaining 16 personnel is as follows:

| Grade: | Number |
|---|---|
| O–6 | 2 |
| O–5 | 3 |
| O–4 | 5 |
| Warrant officer | 1 |
| E–7 | 1 |
| E–6 | 2 |
| E–4 | 2 |

b. *Laos.* There are 170 US military personnel authorized in Laos. There are no US military personnel performing in a ground combat role. A breakdown of the current authorized manning is as follows:

| Grade | Defense attaché office | (DAO augmentation) |
|---|---|---|
| O–6 | 2 | |
| O–5 | 4 | 13 |
| O–4 | 1 | 15 |
| O–3 | 1 | 7 |
| Warrant officer | 1 | 4 |
| E–9 | | 1 |
| E–8 | | 3 |
| E–7 | 5 | 17 |
| E–6 | 1 | 37 |
| E–5 | 1 | 36 |
| E–4 | | 21 |
| Total | 16 | 154 |

*Question 12: The location of United States personnel participating in ground or ground to air activity in or over Cambodia and Laos, including combat, advisory and support capacities during the period 27 January 1973 through 30 April 1973.*

Answer: a. *Cambodia.* There are no combat or combat advisory personnel in Cambodia.

(1) Military Equipment Delivery Team, Cambodia. Duties performed at an administrative facility located adjacent to the US Embassy, Phnom Penh. Members occasionally travel to outlying areas as a routine part of their MAP duties.

(2) Defense Attaché Office. Duties primarily performed at the US Embassy, Phnom Penh. Occasionally, members of this office travel to outlying areas to obtain information necessary to the performance of attaché duties or function aboard command and control aircraft.

(3) Political Military Section. Personnel perform their duties at the US Embassy, Phnom Penh.

b. *Laos.* There are no US military personnel engaged in a ground combat role in Laos.

(1) Defense Attaché Office. Duties performed primarily at the US Embassy Compound, Vientiane, Laos. Occasionally, members of this office travel to outlying areas to obtain information necessary to the performance of attaché duties.

(2) Attaché Augmentation Personnel are quartered at: Pakse; Savannakhet; Vientiane; Luang Prabang; and Long Tieng.

*Question 13: The nature of the activity of United States ground personnel in Cambodia and Laos during the period January 27, 1973 through April 30, 1973.*

Answer: a. *Cambodia.*

(1) The function of the Military Equipment Delivery Team, Cambodia (MEDTC) is to administer the Military Assistance Program for Cambodia, to supervise the delivery of military equipment, and to assure that the equipment is properly cared for and used for its intended purpose.

(2) The basic function of the political/military section is to monitor the self-defense program as well as liberation and nation-building programs. It is responsible for both military and civil aspects of provincial reporting. It also coordinates with MEDTC and the Embassy economic section on all programs of a political/military nature. The chief of the section, a Foreign Service officer, is the third ranking member of the Embassy staff.

(3) The Defense Attaché Office (DAO) personnel perform the normal attaché observation and reporting functions. The office also maintains required communications circuits.

b. *Laos.*

(1) The personnel assigned to the Defense Attaché Office (DAO) in Vientiane perform the normal attaché observation and reporting functions.

(2) Attaché Augmentation personnel perform in advisory and training capacities.

*Question 14: The order of battle of all forces, both combat and non-combat, in Cambodia and Laos, including North Vietnamese, ARVN, Viet Cong, American, and indigenous, delineating their current deployment and location.*

CAMBODIA

Answer:

(1) Total order of battle (All numbers approximately)

a. *Enemy:*

| | |
|---|---|
| 1. Combat (a) KC/KI | 30,000–35,000 |
| (b) VC/NVA | 8,000 |
| 2. Rear Service/Adm NVA/VC | 32,000 |
| b. *GKR:* | |
| 1. Army Combat | 180,000 |
| 2. Combat Service Support | 16,500 |
| 3. Air Force | 5,500 |
| 4. Navy | 5,500 |
| c. GVN | 0 |
| d. US | 100 |

(2) Deployment (Based upon personnel).

KC/KI

Military region 1—⅛; 2—¼; 3—1/10; 4—1/10; 5— ; PPSMR—1/10.

VC/NVA (Combat)

Military region 1—⅓; 2— ; 3—⅛; 4—⅛; 5—⅛; PPSMR—⅛.

VC/NVA (Rear Service)

Military regions North East/South East.

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Military region 1—⅛; 2—¼; 3—⅛; 4—⅛; 5— ; PPSMR—¼.

LAOS

(1) Order of battle (All numbers approximate)

a. *Enemy*

| | |
|---|---|
| 1. Combat: | |
| (a) NVA | 40,000 |
| (b) PL | 20,000 |
| 2. Adm Services/Command Support: | |
| (a) NVA | 48,000 |
| (b) PL | 7,000 |
| b. RLG (Appropriate): | |
| 1. Combat and Combat Support | 65,000 |
| 2. Adm Services | 25,000 |
| Total | 90,000 |
| c. GVN | 0 |
| d. US | 170 |

2. Location (Combat Forces):

| | Northern Laos | Southern Laos |
|---|---|---|
| NVA | 3/8 | 5/8 |
| PL | 2/3 | 1/3 |
| RLG | 5/8 | 3/8 |

*Question 15: The number of sorties flown by United States military airplanes, for bombing purposes, over Cambodia and Laos during the period of October 30, 1972 through January 27, 1973.*

Answer: Cambodia—2,092; Laos—8,713.

*Question 16: The tonnages of bombs and shells fired or dropped on Cambodia and Laos by United States military forces during the period October 30, 1972, through January 27, 1973.*

Answer: Cambodia—15,114 (S/T); Laos—34,925 (S/T).

*Question 17: The tonnage of bombs dropped, and the number of sorties flown by United States military airplanes over Cambodia and Laos emanating from bases in Thailand during the period October 30, 1972 through January 27, 1973.*

Answer: Sorties: Cambodia, 986; Laos, 8,122.

Tonnage (S/T) Cambodia, 7,801; Laos, 32,897.

*Question 18: The authority under what law, if any, for United States Military activity in Cambodia and Laos since January 27, 1973.*

Answer: For some years, the President as Chief Executive and Commander-in-chief has used both military and diplomatic means to advance the often stated purpose of terminating the conflict in Southeast Asia in a manner which would:

(1) Prevent the forceful imposition of a communist government in South Vietnam;

(2) Protect our remaining forces in South Vietnam; and

(3) Obtain release of our prisoners of war.

(See the President's announcement of proposals which formed the basis for the Paris Agreement—May 8, 1972.)

The President has the constitutional authority to pursue these goals under the provisions of Article II, Sections 1 and 2, of the Constitution. The decision in the recent case of *Mitchell* v. *Laird* in the U.S. Court of Appeals for the District of Columbia makes it clear that the President has the constitutional power to pursue all of these purposes.

The Agreement on ending the war and restoring peace in Vietnam signed on January 27, 1973 embodied a plan for the termination of the conflict to which the parties agreed. The actual termination of the conflict, however, remained contingent on the implementation of the Agreement.

Years before the Paris Agreement, the conflict for control of South Vietnam had spread into Laos and Cambodia. Cambodian territory was used by the North Vietnamese for essential lines of communication. It was in large measure the restrictions on these lines of communication which permitted the strengthening of the South Vietnamese military posture; a strengthening that contributed to the North Vietnamese decision to undertake meaningful negotiations. Cambodia was and is now in every sense an integral part of the battlefield in the conflict for control of Sotuh Vietnam. Should the North Vietnamese be permitted to gain control of Cambodia, it would permit them to establish a staging area from which to renew large-scale attacks aimed at accomplishing a military take-over in South Vietnam.

Consequently, at the time the Vietnam Agreement was concluded, the United States made clear to the North Vietnamese that the armed forces of the Khmer Government would suspend all offensive operations and that the United States aircraft supporting them would do likewise. We stated that, if the other side reciprocated, a *de facto* cease-fire would thereby be brought into force in Cambodia. However, we also stated that, if the communist forces carried out attacks, government forces and United States air forces would have to take necessary counter measures and that, in that event, we would continue to carry out air strikes in Cambodia as necessary until such time as a cease-fire could be brought into effect. These statements were based on our conviction that it was essential for Hanoi to understand that compliance with Article 20 of the Agreement would have to be reciprocal.

Despite the fact that the Government of Cambodia did, in compliance with Article 20 of the Paris Agreement, unilaterally declare a cease-fire, the forces attacking the Government of Cambodia continued the conflict, and, indeed, substantially increased the tempo of their offensive.

That implementation of the Paris Agreement has not yet been accomplished in full, particularly with respect to the provisions of Article 20 as they relate to Cambodia. Consequently the conflict in that portion of the battlefield continues. It follows that the President's authority to use military, political and diplomatic means to fully terminate the conflict must also continue. The mere signing of the Paris Agreement on a plan for terminating the conflict could not in itself terminate such authority.

*Question 19: The extent of involvement of United States Embassy personnel in US military operations in or over Cambodia and Laos during the period 27 January 1973 through 30 April 1973.*





Answer: a. *Cambodia.* U.S. military operations have been conducted in two categories: tactical and strategic air operations and delivery of equipment to the Cambodian Armed Forces under the US Military Assistance Program.

(1) Prior to 28 April 1973, Embassy personnel (usually the Defense Attache's Office in coordination with the Ambassador) validated specifically and individually all GKR airstrike requests. Effective 29 Apr., TACAIR strikes were made subject to a more general validation process to ensure faster response to GKR requests. B–52 strikes in the Freedom deal area (northeast Cambodia) were also subjected to the general validation process. Other B–52 strikes continue to receive Embassy validation on a case-by-case basis.

(2) The Defense Attaché's Office, Phnom Penh, provides daily combat situation reports based primarily on information provided by the GKR Ministry of Defense.

(3) As Chief of the Country Team, the US Ambassador is charged with directing all US activities in country, including certain aspects of the MAP function.

(4) The US Ambassador evaluates and passes on GKR requests to changes in the level of US actions and thereby monitors the requests.

b. *Laos.* There were no United States Embassy personnel directly engaged in military activity in or over Laos. US Embassy personnel do on occasion provide advice to the Laotian Armed Forces and have been involved in validating and transmitting requests for air support.

PRESIDENTIAL AUTHORITY TO CONTINUE U.S. AIR COMBAT OPERATIONS IN CAMBODIA

The purpose of this memorandum is to discuss the President's legal authority to continue United States air combat operations in Cambodia since the conclusion of the Agreement on Ending the War and Restoring Peace in Vietnam on January 27, 1973 and the completion on March 28, 1973 of the withdrawal of United States armed forces from Vietnam and the return of American citizens held prisoner in Indochina. The memorandum also discusses the background of the Agreeemnt of January 27 and the purposes of various United States actions in order to clarify the legal issues.

For many years the United States has pursued a combination of diplomatic and military efforts to bring about a just peace in Vietnam. These efforts were successful in strengthening the self-defense capabilities of the armed forces of the Republic of Vietnam and in bringing about serious negotiations which culminated in the Agreement on Ending the War and Restoring Peace in Vietnam, signed at Paris on January 27, 1973.[1] This Agreement provided for a cease-fire in Vietnam, the return of prisoners, and the withdrawal of United States and allied armed forces from South Vietnam within sixty days. The Agreement (in Article 20) [2] also required the withdrawal of all foreign armed forces from Laos and Cambodia and obligated the parties to refrain from using the territory of Cambodia and Laos to encroach on the sovereignty and security of other countries, to respect the neutrality of Cambodia and Laos, and to avoid any interference in the internal affairs of those two countries. This Article is of central importance as it has long been apparent that the conflicts in Laos and Cambodia are closely related to the conflict in Vietnam and, in fact, are so inter-related as to be considered parts of a single conflict.

At the time the Vietnam Agreement was concluded, the United States made clear to the North Vietnamese that the armed forces of the Khmer Government would suspend all offensive operations and that the United States aircraft supporting them would do likewise. We stated that, if the other side reciprocated, a *de facto* cease-fire would thereby be brought into force in Cambodia. However, we also stated that, if the communist forces carried out attacks, government forces and United States air forces would have to take necessary counter measures and that, in that event, we would continue to carry out air strikes in Cambodia as necessary until such time as a cease-fire could be brought into effect. These statements were based on our conviction that it was essential for Hanoi to understand that continuance of the hostilities in Cambodia and Laos would not be in its interest or in our interest and that compliance with Article 20 of the Agreement would have to be reciprocal.

It has recently been suggested that the withdrawal of all U.S. armed forces from South Vietnam and the return of all U.S. prisoners has created a fundamentally new situation in which new authority must be sought by the President from the Congress to carry out air strikes in Cambodia. The issue more accurately stated is whether the constitutional authority of the President to continue doing in Cambodia what the United States has lawfully been doing there expires with the withdrawal of U.S. armed forces from Vietnam and the return of American prisoners despite the fact that a cease-fire has not been achieved in Cambodia and North Vietnamese troops remain in Cambodia contrary to clear provisions of the Agreement. In other words, the issue is not whether the President may do something new, but rather whether what he has been doing must automatically stop, without regard to the consequences even though the Agreement is not being implemented by the other side.

The purposes of the United States in Southeast Asia have always included seeking a settlement to the Vietnamese war that would permit the people of South Vietnam to exercise their right to self-determination. The President has made this clear on many occasions. For example, on May 8, 1972, when he made the proposals that formed the basis for the ultimately successful negotiations with North Vietnam, he said there were three purposes to our military actions against Vietnam: first, to prevent the forceful imposition of a communist government in South Vietnam; second, to protect our remaining forces in South Vietnam; and third, to obtain the release of our prisoners.[3] The joint communique issued by the President and Mr. Brezhnev in Moscow on May 29, 1972 [4] in which the view of the United States was expressed said that negotiations on the basis of the President's May 8 proposals would be the quickest and most effective way to obtain the objectives of bringing the military conflict to an end as soon as possible and ensuring that the political future of South Vietnam should be left for the South Vietnamese people to decide for themselves, free from outside interference. The recent opinion of the United States Court of Appeals for the District of Columbia Circuit in *Mitchell* v. *Laird* makes it clear that the President has the constitutional power to pursue all of these purposes. In the words of Judge Wyzanski the President properly acted "with a profound concern for the durable interests of the nation—its defense, its honor, its morality."

The Agreement signed on January 27, 1973 represented a settlement consistent with these objectives. An important element in that Agreement is Article 20 which recognizes the underlying connections among the hostilities in all the countries of Indochina and required the cessation of foreign armed intervention in Laos and Cambodia. The importance of this article cannot be overestimated, because the continuation of hostilities in Laos and Cambodia and the presence there of North Vietnamese troops threatens the right of self-determination of the South

Footnotes at end of article.

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Vietnamese people, which is guaranteed by the Agreement.

The United States is gratified that a cease-fire agreement has been reached in Laos. It must be respected by all the parties and result in the prompt withdrawal of foreign forces. In Cambodia it has not yet been possible to bring about a cease-fire, and North Vietnamese forces have not withdrawn from that country. Under present circumstances, United States air support and material assistance are needed to support the armed forces of the Khmer Republic and thereby to render more likely the early conclusion of a cease-fire and implementation of Article 20 of the Agreement. Thus, U.S. air strikes in Cambodia do not represent a commitment by the United States to the defense of Cambodia as such but instead represent a meaningful interim action to bring about compliance with this critical provision in the Vietnam Agreement.

To stop these air strikes automatically at a fixed date would be as self-defeating as it would have been for the United States to withdraw its armed forces prematurely from South Vietnam while it was still trying to negotiate an agreement with North Vietnam. Had that been done in Vietnam, the Agreement of January 27 would never have been achieved; if it were done in Cambodia, there is no reason to believe that a cease-fire could be brought about in Cambodia or that the withdrawal of North Vietnamese forces from Cambodia could be obtained. It can be seen from this analysis that unilateral cessation of our United States air combat activity in Cambodia without the removal of North Vietnamese forces from that country would undermine the central achievement of the January Agreement as surely as would have a failure by the United States to insist on the inclusion in the Agreement of Article 20 requiring North Vietnamese withdrawal from Laos and Cambodia. The President's powers under Article II of the Constitution are adequate to prevent such a self-defeating result. It is worth noting that in reaching a similar conclusion, the report entitled "Congress and the Termination of the Vietnam War" recently prepared for your Committee by the Foreign Affairs Division of the Congressional Research Service, arrived at the same general conclusion as to the President's Constitutional power.

One must recognize that the scope and application of the President's powers under Article II of the Constitution are rarely free from dispute. Under the Constitution, the war powers are shared between the Executive and Legislative branches of the Government. The Congress is granted the powers "to provide for the common defense", "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water", "to raise and support armies", "to provide and maintain a navy", "to make rules for the government and regulation of the land and naval forces", and 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . ."[5] On the other hand, the Constitution provides that "the executive power shall be vested in a President," that he "shall be Commander-in-Chief of the army and navy of the United States," and that "he shall take care that the laws be faithfully executed."[6] The President is also given the the authority to make treaties with the advice and consent of two thirds of the Senate, to appoint ambassadors with the advice and consent of the Senate, and to receive ambassadors and other public ministers.

The proceedings of the Federal Constitutional Convention in 1787 suggest that the ambiguities of this division of power between the President and the Congress were deliberately left unresolved with the understanding that they were to be defined by practice. There may be those who wish the framers of the Constitution would have been more precise, but it is submitted that there was great wisdom in realizing the impossibility of foreseeing all contingencies and in leaving considerable flexibility for the future play of political forces. The Constitution is a framework for democratic decision and action, not a source of ready-made answers to all questions, and that is one of its great strengths.

There is no question but that Congress should play an important role in decisions involving the use of armed forces abroad. With respect to the continuation of U.S. air combat activity in Cambodia, what is that role? The Congress has cooperated with the President in establishing the policy of firmness coupled with an openness to negotiation which has succeeded in bringing about the Agreement of January 27 and which can succeed in securing its implementation. This cooperation has been shown through consultations and through the authorization and appropriation process. The Congress has consistently rejected proposals by some members to withdraw this congressional participation and authority by cutting off appropriations for necessary military expenditures and foreign assistance. The Congress has also enacted several provisions with specific reference to Cambodia.[7] The President's policy in Cambodia has been and continues to be fully consistent with these provisions.

It was, of course, hoped that the Agreement signed at Paris on January 27 would be strictly implemented according to its terms, including the prompt conclusion of cease-fires in Laos and Cambodia and the withdrawal of foreign troops from those two countries. What has happened instead is that, in Laos, the cease-fire has been followed by continuing communist stalling in forming the new government and, in Cambodia, the communists responded to the efforts of the Khmer Government to bring about a *de facto* cease-fire with a fierce, general offensive. North Vietnamese forces remain in Laos and Cambodia and continue to infiltrate men and war material through these countries to the Republic of Vietnam. North Vietnamese forces in Cambodia continue to participate in and to support Communist offensive operations.

United States air strikes in Laos were an important element in the decision by North Vietnam and its Laotian allies to negotiate a cease-fire in Laos. If United States air strikes were stopped in Cambodia despite the communist offensive, there would be little, if any, incentive for the communists to seek a cease-fire in that country, and the temptation would doubtless be great for North Vietnam to leave its troops and supply lines indefinitely in Laos and Cambodia. Such a situation would be the opposite of that prescribed by Article 20 of the Vietnam Agreement and would so threaten the viability of the settlement in Vietnam and the right to self-determination of the South Vietnamese people as to be totally unacceptable to the Republic of Vietnam and to the United States. In light of these facts, it seems clear that the argument that the Constitution requires immediate cessation of U.S. air strikes in Cambodia because of the Paris Agreement is, in reality, an argument that the Constitution which has permitted the United States to negotiate a peace agreement—a peace that guarantees the right of self-determination to the South Vietnamese people as well as the return of United States prisoners and withdrawal of United States armed forces from Vietnam—is a Constitution that contains an automatic self-destruct mechanism designed to destroy what has been so painfully achieved. We are now in the process of having further discussions with the North Vietnamese with regard to the implementation of the Paris Agreement. We hope these discussions will be successful and will lead to a cease-fire in Cambodia.

FOOTNOTES

[1] LXVIII, *Bulletin*, Department of State, No. 1755, February 12, 1973, p. 169.

[2] "(a) The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Lao people's fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

"The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

"(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

"(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

"(d) The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs."

[3] *Bulletin*, Department of State, May 29, 1972, p. 747.

[4] *Bulletin*, Department of State, June 26, 1972, p. 899.

[5] U.S. Constitution, Article I, Section 8.

[6] U.S. Constitution, Article II, Sections 1 and 2.

[7] For example, Sec. 7 of the Special Foreign Assistance Act of 1971 (Pub. L. 91–652, Jan. 5, 1971, 84 Stat. 1942) and Sections 655 and 656 of the Foreign Assistance Act of 1961, as amended (added by Section 304(b) of Pub. L. 92–226, Feb. 7, 1972, 86 Stat. 29).

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Speaker, I want to thank the chairman of the full committee for yielding to me, and for handling this matter as promptly as the gentleman has. I think we have had a thorough exposure with respect to the questions and the answers thereto. I think we have got a lot of raw material from which the Members may draw their own conclusions. I am not going to argue the merits of those conclusions at this point. I understand the chairman is now going to move to table the resolution, and to that I have no objection.

MOTION TO TABLE OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Speaker, I offer a motion to table House Resolution 379.

The Clerk read as follows:

Mr. HÉBERT moves to table House Resolution 379.

The SPEAKER. The question is on the motion to table offered by the gentleman from Louisiana (Mr. HÉBERT).

The motion to table was agreed to.

A motion to reconsider was laid on the table.

## RENEGOTIATION AMENDMENTS OF 1973

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.



The Clerk read the resolution, as follows:

H. RES. 388

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7445) to amend the Renegotiation Act of 1951 to extend the Act for two years. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 388 provides for an open rule with 2 hours of general debate on H.R. 7445, a bill to extend the Renegotiation Act for 2 years, until June 30, 1975.

The Renegotiation Act provides that the Renegotiation Board is to review the total profit derived by a contractor during a year from all of his renegotiable contracts and subcontracts in order to determine whether or not his profit is excessive. The Board is empowered to eliminate excessive profits. In 1972 the level of excessive profit determinations made by the Board was $40.2 million which was returned to the general fund.

The Committee on Ways and Means estimates that the cost of the bill will be $5,000,000 per year.

The renegotiation process allows an after-the-fact review of the profits on renegotiable contracts and subcontracts relating to the national defense and space efforts. This process provides a further check on the reasonableness of the prices that the Federal Government has to pay in order to maintain its defense commitments.

Mr. Speaker, I urge adoption of House Resolution 388 in order that we may discuss and debate H.R. 7445.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 388 is the rule under which we will consider H.R. 7445, the Renegotiation Act Amendments of 1973. This rule is a simple open rule with 2 hours of general debate.

The purpose of H.R. 7445 is to extend for 2 years the Renegotiation Act, which expires on June 30, 1973. This act enables the Government to recapture excessive profits on certain Government contracts.

The Renegotiation Board, reviews the total profit derived by a contractor during a year from all his renegotiable contracts. If the Board finds that profit is excessive, it is empowered to recover those excessive profits. Only contractors with renegotiable sales exceeding $1,000,000 for a fiscal year must file a report with the Renegotiation Board. Renegotiable contracts are defined as those with the following agencies: Department of Defense, the Army, the Navy, and the Air Force, the Maritime Administration, the Federal Maritime Board, the General Services Administration, the National Aeronautics and Space Administration and the Atomic Energy Commission, and Federal Aviation Administration.

The level of excessive profits determinations in recent years has been as follows: fiscal year 1969—$21,400,000; fiscal year 1970—$33,500,000; fiscal year 1971—$35,200,000 and fiscal year 1972—$40,200,000.

The Committee on Ways and Means estimates that the cost of this bill will be $5,000,000 per year for the administration expenses of the Renegotiation Board.

Mr. Speaker, I know of no opposition to this rule and urge its adoption.

Mr. Speaker, I have no further requests for time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman from Iowa.

Mr. GROSS. I should like to observe that this is a completely open rule. It neither waives points of order nor prohibits amendments, and this is most unusual because it deals with a matter of the Committee on Ways and Means.

I hope, and I think I speak for at least a few Members of the House, that this is a forerunner of good things: that we may have more open rules dealing with more legislation from the Ways and Means Committee.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DEL CLAWSON. I thank my friend, the gentleman from Iowa. He is correct. This is the second open rule we have had out of the Ways and Means Committee this year. I share the same view.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mrs. GRIFFITHS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7445) to amend the Renegotiation Act of 1951 to extend the act for 2 years.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7445, with Mr. PIKE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentlewoman from Michigan (Mrs. GRIFFITHS) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. SCHNEEBELI) will be recognized for 1 hour.

The Chair recognizes the gentlewoman from Michigan.

Mrs. GRIFFITHS. Mr. Chairman, the renegotiation process is designed to eliminate excessive profits from Government contracts and related subcontracts in national defense and space programs. In the absence of legislation, the Renegotiation Act will expire on June 30, 1973. The bill before us today, H.R. 7445, extends the Act for an additional 2 years, or until June 30, 1975. The bill makes no other amendments to the act.

Let me give a brief summary of the renegotiation process before discussing the need for a continuation of the Renegotiation Act. As I indicated the purpose of renegotiation is to eliminate excessive profits on military and space-related Government contracts. The act authorizes the Renegotiation Board to review the total profit derived by a contractor during a year from all of his renegotiable contracts and subcontracts in order to determine whether or not the profit is excessive. The Board is empowered to eliminate those profits found to be excessive in accordance with factors set out in the statute. Thus, renegotiation is determined not with respect to individual contracts but with respect to all renegotiable contracts and subcontracts during a year.

Contractors with renegotiable sales in excess of the $1 million statutory minimum for a year must file a report with the Renegotiation Board. "Renegotiable" sales are those with the Departments of Defense, Army, Navy, and Air Force, the Maritime Administration, the Federal Maritime Board, the General Services Administration, the Federal Aviation Administration, and the Atomic Energy Commission. Various types of contracts are exempt from renegotiation, some on a mandatory basis such as those for standard commercial articles and those with State or local governments. In addition, the Board has discretion to exempt certain types of contracts, such as those outside the United States and where profits can be determined with reasonable certainty when the contract price is established.

Mr. Chairman, the Committee on Ways and Means had three general reasons for wanting to extend the Renegotiation Act at this time.

In the first place, modern military and space procurement is characterized by changing technical requirements and increasing complexity. The nature of the procurement often means that there is a lack of established market costs or prices to guide Government procurement personnel. As a result, negotiated contracts—in other words, contracts that are not formally advertised—are used for the bulk of this procurement.

For example, negotiated Department of Defense military contracts accounted for 90 percent of the value of the Department's military procurement in fiscal 1972, which was a continuation of the relative high percentage that increased from 82 percent in 1965 to 87 percent in 1967 and to 89 percent in 1970. In addition, negotiated NASA contracts have

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represented 99 percent of the value of NASA's procurement for fiscal year 1970, 1971, and 1972, as compared to 91 percent in fiscal 1961. As I indicated earlier, the renegotiation process is an after-the-fact review to eliminate excessive profits which may arise on procurement occurring under these conditions.

A second factor which indicates the need to extend the Renegotiation Act is the continued relatively high level of defense-related procurement. To illustrate, military procurement by the Department of Defense rose from $28 billion in 1965 to a peak of $44.6 billion in 1967. Since that time, it has declined slightly to $43.8 billion in 1968 and $42 billion in 1969, and then to $36 billion in 1970 and $34.5 billion in 1971. In 1972, the level increased again to $38.3 billion. Moreover, although the military procurement level has declined somewhat since 1967, the level of overall defense-related procurement—which includes more than just military procurement—is expected to remain at a relatively high level for the near future.

A third reason for extending the Renegotiation Act is due to the normal time lag between the time a contract is awarded and the time renegotiation filings are made and finally screened by the Renegotiation Board. This means that contracts awarded during recent years attributable to the Vietnam conflict will continue to be reported in filings with the Board during the next 2 years. For example, although total military and space procurement declined from fiscal 1967 to fiscal 1971, the level of renegotiable sales reviewed by the Board increased substantially from $33.1 billion in fiscal 1967 to $51.6 billion in fiscal 1971.

The time lag is also reflected by the overall increase in the number of filings above the $1 million floor received by the Board—from 3,737 in fiscal 1967 to a peak of 5,267 in fiscal 1971, before declining somewhat to 4,874 in fiscal 1972. Furthermore, the level of excessive profit determinations made by the Board rose during fiscal 1967 to fiscal 1971—from $16 million in fiscal 1967 to a recent high of $65.2 million in fiscal 1971—the highest since 1958. The fiscal 1972 level of $40.2 million was higher than any year since 1960.

For these reasons, the Committee on Ways and Means concluded that in view of the continued level of our defense effort and the nature of much of defense and space-related procurement, the Renegotiation Act should be extended again.

Because the nature of the renegotiation process is such that it relies heavily on human judgment in its determinations, the committee thought it best to ask for only a 2-year extension at this time—from June 30, 1973, to June 30, 1975.

Your committee expects this 2-year extension of the Renegotiation Act to be used by the Committee on Ways and Means to further review the renegotiation process, and to study specific recommendations made in recent studies as well as those which are expected soon. At least two congressionally sponsored reports have been made containing recommendations with respect to the operations of the Renegotiation Board, one by the House Committee on Government Operations and the other by the Commission on Government Procurement. In addition, the General Accounting Office has been conducting a review of the operations of the Renegotiation Board and the renegotiation process. This report and recommendations are expected to be sent to Congress in the near future.

Mr. Chairman, the Committee on Ways and Means concluded that further analysis of the various recommendations is needed before any substantive changes are made in the Renegotiation Act and that no significant review can be completed before the present termination of the act on June 30. Besides, the GAO report has not as yet been submitted to Congress.

The Committee on Ways and Means therefore, decided that so much of the 2-year period under the bill's extension as is needed should be utilized to thoroughly analyze these and other reports on the renegotiation process. Your committee therefore, has requested a study of the various reports and recommendations—existing and forthcoming—by the staffs of the Joint Committee on Internal Revenue Taxation and the Renegotiation Board.

Mr. Chairman, it is expected that this combined study will be completed in sufficient time prior to the next expiration date of the Renegotiation Act, as extended by H.R. 7445, so that your committee will be able to adequately review it.

Finally, Mr. Chairman, I would like to point out that the Renegotiation Board has reported that in the next 2 years it will greatly reduce the backlog of cases resulting from the procurement buildup for Southeast Asia. The Ways and Means Committee believes that with this factor largely out of the way, it will provide a better perspective to determine the character and extent of the future role for renegotiation at the end of the 2 years.

Mr. Chairman, the bill, H.R. 7445, was reported unanimously by the Committee on Ways and Means and I urge its adoption by the House.

Mr. SCHNEEBELI. Mr. Chairman, I support H.R. 7445, a bill extending the Renegotiation Act of 1951 for a period of 2 years, until June 30, 1975.

The Renegotiation Board requires contractors in the aerospace and defense industries to file reports on their profits with the Renegotiation Board if their receipts under contracts covered by the act exceed $1 million. The Renegotiation Board reviews these findings and can "renegotiate these contracts if the aggregate profits a contractor has received during the year are determined excessive." When such a finding is made, the contractor must refund a portion of his profits to the Government. The act contains a number of exceptions, including competitively bid construction contracts, contracts and subcontracts for raw materials or agricultural commodities, and contracts and subcontracts with common carriers, public utilities and tax-exempt organizations. Additionally, the Board itself is authorized to exempt certain contracts, and has exempted contracts for the sale of so-called stock items.

In determining whether a contractor's profits are excessive, the Board takes into account a variety of factors.

These factors include the individual contractor's efficiency, the extent of the risk he assumes, the character of the business, including the complexity of manufacturing techniques, the amount and source of capital employed in the venture, and other relevant factors. While various analytical techniques have been developed, no mechanical test can be applied, and the issues must ultimately be resolved by the exercise of judgment—admittedly somewhat subjective—by the Board.

A number of studies have either been undertaken or are in process that bear on the operations of the Renegotiation Board. In particular, the House Government Operations Committee held hearings in the 91st Congress and issued a report in December 1971 on the efficiency and effectiveness of Renegotiation Board operations. Additionally, the report of the Commission on Government Procurement gave consideration to the operations of the Board and developed recommendations. Finally, the General Accounting Office is currently studying the operations of the Renegotiation Board and will be completing its report in the near future.

These studies, and recommendations made pursuant to these studies, raise several issues. Among these are whether or not the act should be made permanent, or at least extended for longer periods of time than in the past; whether or not the minimum level for filing should be increased or lowered from the present $1 million figure; and whether or not the renegotiation process should be extended to all government contracts rather than confined to agencies essentially concerned with aerospace and defense.

The studies, including the GAO study which will soon be submitted, deserve the most careful consideration, in light of the future role that should be assigned to renegotiation. During the 2-year extension provided by this bill, the committee has directed the staffs of the Joint Committee on Internal Revenue Taxation and the Renegotiation Board to make a comprehensive review and in-depth study of the reports and recommendations that have been made. At that time, when the wind down of our efforts in Southeast Asia has been completed and any backlog in procurement requirements satisfied, we will have a better perspective of the future needs for renegotiation.

The 2-year extension in the present bill meets these objectives and will insure a timely review of the entire process. In the interim, the necessity for a continuation of the present law is clear. The high level of space-and-defense-related procurement through negotiated contracts makes some after-the-fact review of aggregate profits on all contracts for a fiscal year appropriate. From 1953 through 1972, the Board has made 4,333 determinations of excessive profits, totaling $1,-



135,737,153, while contractors reported voluntary refunds and price reductions of $1,371,630,024. During the same period, the total expenses for operations of the Board totaled $67,676,836.

The heavy burden for defense and aerospace expenditures borne by the American taxpayer makes it desirable to extend the act for this 2-year period while we undertake a comprehensive review of our future needs. By that time, the backlog of renegotiable contracts stemming from the Vietnam effort will be reduced, we will have had an opportunity to evaluate recent improvements in administrative procedures instituted by the Board, and our study of the recent and current reports and recommendations on the renegotiation process will have been completed. For these reasons, I urge all of my colleagues to join me in supporting this legislation.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that this bill H.R. 7445, to extend the Renegotiation Act for 2 more years, until June 30, 1975, will be speedily and resoundingly approved by the House this afternoon.

In summary this bill, among other things, authorizes the Federal Government to recover excess profits on certain Government contracts, provides for a flexible, instead of the 4 percent statutory, interest rate on excess profits, and transfers jurisdiction of renegotiation cases to the court of claims from the tax court.

Mr. Chairman, the primary objective of this measure is to keep the profits of manufacturers and others doing business with the Federal government from getting beyond regulatory control and going beyond reasonable and equitable limits. There is no desire or intention of any kind, through the operation of this legislation, to prevent any reputable firm or businessman from making a legitimate profit on their production or investment or to subject them to any unjust or unwarranted harassment. To the contrary, the fundamental purpose of the measure is to try to insure that justice prevails for both the manufacturer and the taxpayer. Mr. Chairman, the record will show that the past operations of the Renegotiation Board have returned well over a hundred million dollars of excess profits to the American taxpayer. It is authoritatively estimated that, over the next 2 years, for an administrative cost of some $10 million, the taxpayers will recover between $25 to $50 million of excess profits, if this bill is adopted. Such a recovery, especially in this period of economic distress, would certainly be in the national interest and provide the taxpayers with some timely and substantial evidence that the Congress is really concerned with the proper and prudent spending of their money. Therefore I urge the Members of this House to give this bill their full support.

Mr. BROYHILL of Virginia. Mr. Chairman, I support H.R. 7445, to extend the Renegotiation Act of 1951 for 2 more years, through fiscal 1975.

The chairman, and the ranking minority member of the Committee on Ways and Means have stated effectively the case for continuation, and I certainly do not want to belabor the points they have made so well. But I would like to comment briefly on what I believe to be key aspects of the issue before us.

First, it seems clear that extension of the act at this time is in the national interest. Procurement through negotiated contracts for space and defense purposes continues at a high level, making it important to maintain some after-the-fact review of contractors' profits for a fiscal year.

The really significant question, therefore, appears to be the length of the extension period.

The proposals which have been made in respect to renegotiation have truly "run the gamut." Some want to put it on a permanent basis. Others would like to see it done away with, entirely and immediately. And between those two extremes range many intermediate recommendations.

In order to assess these disparate views, we need a great deal of information, and fortunately we are getting it. A number of studies have been made, or are still being conducted, of the renegotiation process. Reports on inquiries by the House Government Operations Committee and the Commission on Government Procurement were issued recently. And the findings of a probe by the General Accounting Office soon will be released. In addition, the Renegotiation Board itself has undertaken a reevaluation of its policies and procedures, and has set in motion a program designed to improve and accelerate its operations.

In light of this activity, a 2-year extension of the act seems highly appropriate. Within this period, we will have time to review the renegotiations process, making maximum use of the results of the studies recently completed or still underway.

In order to help in this regard, the staffs of the Renegotiation Board and the Joint Committee on Internal Revenue Taxation have been asked to analyze the various reports and recommendations, and to provide us with pertinent material as soon as practicable.

With this information in hand, we will have a much better perspective on all aspects of renegotiation—the act, the Board, and the process itself. Meanwhile, our course seems clear. We should pass the bill before us.

Mr. BROOKS. Mr. Chairman, I rise in support of the bill, H.R. 7445, to extend the Renegotiation Act of 1951, as amended, for 2 years, because I support the concept of renegotiation and I foresee a continuing need for it. However, I find it necessary to qualify my support for a simple 2-year extension of the Renegotiation Act, because of the extreme limitations of the current renegotiation process.

During the 92d Congress, the Government Activities Subcommittee, of which I am chairman, conducted an extensive investigation into Renegotiation Board operations. The subcommittee's investigation revealed some shocking inadequacies in the present process. For example, because of the many exemptions that have become part of the Renegotiation Act over the years, billions of dollars escape the renegotiation process altogether. In 1969, $30 billion escaped renegotiation. Of the top 100 defense contractors, only one or two—and sometimes none—undergo actual renegotiation each year.

Even after a company's profits have been renegotiated, it is usually left with a substantial profit margin in terms of profits as a percentage of sales, and tremendous profits measured as a percentage of net worth. Return on net worth of 100 percent is not uncommon, and it occasionally reaches as high as 1,000 percent.

As a result of the subcommittee's investigation, the Government Operations Committee issued a report in December 1971, which contained a number of recommendations designed to make the renegotiation process more effective.

The General Accounting Office has just recently issued a report of its investigation of the Renegotiation Board. This report contains many of the same recommendations as our report. In addition, earlier this year, the Commission on Government Procurement made a number of recommendations that it thought would improve the renegotiation process.

With all these reports and recommendations, Congress has plenty of information upon which to take action to put some teeth into the renegotiation process. I strongly urge the appropriate committees in Congress to lose no time in considering these recommendations. There is no need to wait for the expiration of the 2-year extension which we are now considering before Congress takes action to revitalize the renegotiation process.

Mr. Chairman, at present the American public has only a shadow of protection against excessive profits for defense contractors. I support continuation of the current process only for the purpose of allowing time to mold the Renegotiation Board into an effective organization and into a powerful deterrent against excessive defense profits.

Mr. GONZALEZ. Mr. Chairman, I am very much in favor of extending the Renegotiation Board and I have been perhaps the most persistent supporter of the too-often-ignored Board. I feel that its continued existence is extremely important because it remains an effective safeguard against the misuse of public funds, and fulfills the trust placed in us by the American people to expend tax dollars to benefit the many, not enrich the few.

This board is needed because excessive profits are produced despite the efforts and intentions of both parties negotiating the contract. The continued high-level of defense procurement argues for the retention of renegotiation, and the Renegotiation Board pays its own way many times over.

At this point I am taking the liberty of inserting my remarks before the House Ways and Means Committee last week in support of the extension of the Renegotiation Act of 1951:

EXTENSION OF THE RENEGOTIATION ACT OF 1951

(Testimony of Congressman HENRY B. GONZALEZ before the House Ways and Means Committee May 2, 1973)

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Mr. Chairman and distinguished members of the committee, I greatly appreciate this opportunity to present my views on the Renegotiation Act.

As this committee is well aware, the Renegotiation Act was enacted in 1951, and has been extended ten times, usually for a period of two years. In the absence of further legislation originating from the Ways and Means Committee,the act will expire on June 30th.

The Renegotiation Act established an independent board to review the profits of certain firms contracting with defense, space and several other Federal agencies. The Board causes excessive profits to be returned to the Treasury. Contractors whose total yearly receipts and accruals exceed $1 million on prime contracts or subcontracts which are subject to renegotiation are required to file with the Board (as are manufacturers' representatives whose commissions and fees exceed $25,000 a year). The type of contract may vary from cost-plus-incentive-fee to firm fixed-price. The contracts may be for bombs, aircraft servicing, office machines, trousers, diodes, missile parts, or wooden boxes.

Since its inception, the Board has recouped $1.1 billion in excessive profits. In addition, $1.4 billion in voluntary refunds and price reductions made to the contracting agency have been reported to the Board.

BASIS OF MY SUPPORT FOR RENEGOTIATION

Mr. Chairman, I have been perhaps the most persistent supporter of the too-often-ignored Renegotiation Board. I presented extensive testimony the last time this committee held hearings on renegotiation, in 1968, and recommended several amendments to strengthen the Board and expand its purview.

I have supported the Renegotiation Board in the past because of my feeling that for some contractors to take advantage of our sometimes urgent, and always over-riding, need to provide for the common defense to make excessive profits was a heinous affront to the people of the United States, and especially to those families whose relatives made personal sacrifices to serve the nation as members of its armed forces.

I have supported the Renegotiation Board because it remains an effective safeguard against the misuse of public funds, and fulfills the trust placed in us by the American people to expend tax dollars to benefit the many, not enrich the few.

I continue to support renegotiation because I cannot perceive that the need to watchdog profiteering on defense and related contracts has diminished. We may have withdrawn our ground troops from Vietnam, but for the first time in our history defense spending is increasing in a year when we are supposedly at peace.

PRINCIPAL REASONS FOR EXTENDING RENEGOTIATION

The Ways and Means Committee has never failed to recommend that the Renegotiation Board be extended, and I am confident that the Committee will again see fit to continue this unique agency.

The three principal reasons this committee persuasively presented for extending the act in 1971, and at previous extensions, are still valid. Let me review these arguments.

First, the very nature of defense and aerospace contracts sometimes produces excessive profits despite the best efforts and intentions of both parties negotiating the original contract. Few contracts are awarded by the advertised bid process; in fiscal 1970, 69 percent of defense contracts and 99 percent of NASA contracts were negotiated. This occurs because our government frequently needs materials not produced in the commercial market place, and because sometimes esoteric requirements can only be met by designing products incorporating technological innovations. In these cases, estimates of costs made by a contractor and accepted by a procurement official have no basis in experience, and may prove to be very inaccurate years later when the contract is being delivered. The Renegotiation Board conducts our only after-the-fact review of these contracts.

Secondly, the continued high level of defense procurement argues for the retention of renegotiation. Military manpower requirements have squeezed out procurement needs in recent years. Because of the expense of maintaining many mn in Vietnam and, more recently, because of the pay raises necessary to implement the all-volunteer army military manpower costs have risen sharply. In order to keep the total defense budget at a level acceptable to Congress and the American people, procurement costs have been cut back in a relative sense. We are told that the procurement pipelines is backlogged with many requests which are essential to our future defense posture.

In addition, the two or three year lag before contracts complete the renegotiation process means that the Board will still be reviewing Vietnam contracts for several years.

The third reason advanced in support of the Renegotiation Board is that it pays its own way many times over. In fiscal 1972, the Board reports finding $40.2 million in excessive profits. Voluntary refunds and price reductions reported to the Board by contractors, which are indications of the deterrent value of the Board, totaled $9.4 million in the past fiscal year. The total expenses of the Board in FY72 were $4.7 million, most of which went for salaries of its 223 employees. The Renegotiation Board must be the most strikingly cost-effective agency in the Federal government.

RENEGOTIATIONS IS NOT ONEROUS

Filing for renegotiation has long been accepted by contractors as a condition of doing business with certain Federal agencies. I believe most observers would have to agree with me that the statutory requirements are now more than reasonable, and the Board's implementation more than fair to the contractor.

The Board characterizes its proceedings as "informal and nonadversary," aimed at reaching mutual agreement with contractors on returning those profits determined to be excessive.

As a matter of fact, 9 out of 10 recent filings have been accepted upon preliminary screening. This means the Board clears contractors without even running its own audit of the cost figures they submit. Since it is how contractors define their costs which determine the level of their profits, this practice is quite permissive.

The figures seem to show that even contractors with excessive profits feel the Board is fair. Less than 8 percent of the Board's determinations of excessive profits have been appealed to the courts.

Much of the burden on contractors has been eased over the years by Congress. With two minor exceptions, the many amendments to the 1951 act have relaxed requirements and exempted more and more defense business from renegotiation. It was recently estimated that $11 to $13 million a year in prime contracts are now exempt.

Any burden in renegotiation has also been progressively eased by the Board itself, through its permissive exemptions and other rule-making functions. Some relaxations are just and proper, recognizing the peculiarities contractors can face in fulfilling defense contracts; others, it seems to me, subvert the intention of renegotiation.

For example, last year the Board responded to a Presidential request to encourage small businesses in this manner: the Board doubled from $40,000 a year to $80,000 the amount of excessive profits that would be allowable. $80,000 a year in *excessive* profits is $1500 a week in *excessive* profits. Can we explain to the American people why it is okay to make $1500 a week in unearned, undeserved profits but not to make $1600 a week? This is so arbitrary it is preposterous. No excessive profits from public funds in any amount should be countenanced by Congress or by any administrative agency. Is it truly our policy to say that profiteering is okay, just don't be overly greedy

MY RECOMMENDATION

Mr. Chairman, since I became aware of the Renegotiation Board and its functions in 1966, I have made over 36 statements printed in the Congressional Record explaining the hows and whys of profiteering and the role of renegotiation. I introduced legislation in the 90th, 91st, and 92nd Congresses. At this Committee's hearings in 1969, I delivered 73 pages of testimony and presented 6 amendments to strengthen the Board.

I will forego a repetition of all my findings and proposed amendments, and confine myself today to one recommendation. I respectfully request that this committee extend the Renegotiation Act for five years, to allow us to evaluate, in detail and with all due deliberation, the substantial recommendations for changing the renegotiation process which have resulted from three recent, outside, independent examinations of the Board—one by the House Government Activities Subcommittee, one by the Commission on Government Procurement, and the other by the General Accounting Office.

I have, until now, supported legislation to make the Renegotiation Board a permanent agency. Its function to safeguard the public purse will not cease. It needs permanence in order to recruit and keep expert staff. It needs the security, independence and status which permanence would provide in order to pursue its function vigorously.

It has been the position of this committee that because of the "high degree of subjectivity on the part of the renegotiators." Congress should review the Renegotiation Act every two years or so. The recent examinations of the Board point out that the staff suffers from a lack of clear guidelines; I think this behooves us to clarify the statutory criteria for defining excessive profits.

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Any burden in renegotiation has also been progressively eased by the Board itself, through its permissive exemptions and other rule-making functions. Some relaxations are just and proper, recognizing the peculiarities contractors can face in fulfilling defense contracts; others, it seems to me, subvert the intention of renegotiation.

For example, last year the Board responded to a Presidential request to encourage small businesses in this manner: the Board doubled from $40,000 a year to $80,000 the amount of excessive profits that would be allowable. $80,000 a year in *excessive* profits is $1,500 a week in *excessive* profits. Can we explain to the American people why it is okay to make $1,500 a week in unearned, undeserved profits but not to make $1,600 a week? This is so arbitrary it is preposterous. No excessive profits from public funds in any amount should be countenanced by Congress or by any administrative agency. Is it truly our policy to say that profiteering is okay, just don't be overly greedy?

Nearly all laws we enact in Congress require human judgment in implementation. It is indeed a laudatory goal that we review them at frequent intervals. But our workload does not seem to permit this, even in matters as significant as renegotiation. Our opportunity to "periodically review" renegotiation has really only revolved around whether or not to extend the act for short periods; it has been a review in name only. At the last two-year extension, neither body of Congress held public hearings. I understand that the press of weighty matters before this committee at that time only permitted the extension to be considered in one executive session, sandwiched between two other measures.

When the Renegotiation Act comes up for renewal every two or three years, there is a laudable desire by Congress to let the Board know before June 30 whether it lives or dies. This process in the past has not given us time for full consideration of the claims of deficiencies or inequalities in renegotiation.

This year, instead of extending the Board for two years and in 1975, when defense and related procurement will undoubtedly still be high, perhaps extending the Board for another two years, I propose that we extend the Board now for five years. Five years is not a magic figure for an extension of the Renegotiation Act; it is one of the recommendations of the Commission on Government Procurement, and I think it is a wise one.

In proposing a five year extension, it is my hope that this innovation would cause us to undertake a searching examination of renegotiation, not when we are under the gun to extend an agency before it dies, but when we have time for full deliberation of all the issues. And there are substantial, unaddressed issues which have been raised about the practice of renegotiation.

RECENT EXAMINATIONS OF RENEGOTIATION

It might appear, since no legislation has yet been introduced in this Congress, that there is no concern or understanding of renegotiation. This is far from the case.

I myself have not yet filed a bill on renegotiation because I have not been able to re-evaluate my bill from the 92nd Congress in light of two recent studies, and a third study which has not yet been released.

The first study I am referring to was prepared by the House Government Activities Subcommittee and submitted to the House on December 16, 1971. This report recommends 12 major changes aimed at strengthening renegotiation.

Also, the report of the Commission on Government Procurement, released in December 1972, touched upon the Renegotiation Act. The Commission made four recommendations on renegotiation, including that *all* government contracts be renegotiated.

Finally, the General Accounting Office has concluded an extensive examination of the Renegotiation Board, and the Comptroller General is due to submit its report to us any time now. We can hardly do more than extend the Renegotiation Act until we have this report, and until we can evaluate and weigh them all.

It is my hope, Mr. Chairman, that we not just make another short term extension of the Renegotiation Act, but that we set in motion a process for a through review of renegotiation.

UNADDRESSED ISSUES

From my study of renegotiation over the years, I consider these the important issues Congress should deal with:

Why, in the last three years, are more and more filings (on a percentage basis) cleared at headquarters after a preliminary screening, instead of being assigned to the regional boards to examine the accuracy of submitted cost data? Is this due to the inadequate staffing of the Board, or does it signify a relaxation in standards?

Why do only a few of the top 100 defense contractors, who perform three-fourths of the total business, get renegotiated? Are the renegotiation procedures or staff lacking in sophistication? Should contract by contract renegotiation be instituted?

Why have no objective internal guidelines been prepared by the Board defining the statutory criteria for determining whether profits are excessive? If the criteria are not clear enough for guidelines, why has Congress not been asked to clarify its intentions?

Are excessive profit requirements stringent enough? The Government Activities Subcommittee found that even after determinations of excessive profits, the Board allowed half of these contractors to retain profits which gave them a return on net-worth of over 76.3 percent (which is the percentage return enjoyed by the most profitable company listed in the 1971 Fortune directory of the five hundred largest industrial corporations). Is it proper that defense business can be so much more profitable than industrial business?

Why aren't procurement officials alerted about those contractors who have made excessive profits?

Is it still appropriate that contractors coste and expenses be based on IRS definitions and not the accounting standards used during procurement, especially in view of the establishment of the Cost Accounting Standards Board?

Mr. Chairman, I believe these are crucial issues. Additional and serious issues were raised by the report of the House Government Activities Subcommittee. And the expected report of the Comptroller General will undoubtedly describe further areas of concern.

I trust the Ways and Means Committee will provide leadership in evaluating these issues and initiating appropriate legislation.

Thank you.

Mrs. GRIFFITHS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 7445

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 102(c)(1) of the Renegotiation Act of 1951 (50 U.S.C. App., sec. 1212(c)(1)) is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1975".

The CHAIRMAN. If there are no amendments to be proposed, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PIKE, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 7445) to amend the Renegotiation Act of 1951 to extend the act for 2 years, pursuant to House Resolution 388, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill is ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MAYNE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.



The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas, 388, nays 0, not voting 45, as follows:

[Roll No. 131]

YEAS—388

| | | |
|---|---|---|
| Abdnor | Edwards, Calif. | Kluczynski |
| Ahzug | Eilberg | Koch |
| Adams | Erlenborn | Kuykendall |
| Addabbo | Esch | Kyros |
| Alexander | Eshleman | Landgrebe |
| Anderson, Calif. | Evans, Colo. | Landrum |
| Andrews, N.C. | Evins, Tenn. | Latta |
| Bevill | Fascell | Lehman |
| Biester | Findley | Lent |
| Bingham | Fish | Litton |
| Blackburn | Fisher | Long, La. |
| Blatnik | Flood | Long, Md. |
| Boggs | Flowers | Lott |
| Boland | Flynt | Lujan |
| Bolling | Ford, Gerald R. | McClory |
| Bowen | Ford, William D. | McCloskey |
| Brademas | Forsythe | McCollister |
| Brasco | Andrews, N. Dak. | McCormack |
| Bray | Annunzio | McDade |
| Breaux | Archer | McEwen |
| Breckinridge | Arends | McFall |
| Brinkley | Armstrong | McKinney |
| Brooks | Ashbrook | McSpadden |
| Broomfield | Ashley | Macdonald |
| Brotzman | Frenzel | Madden |
| Brown, Calif. | Frey | Madigan |
| Brown, Mich. | Froehlich | Mahon |
| Brown, Ohio | Fulton | Mailliard |
| Broyhill, N.C. | Fuqua | Mallary |
| Broyhill, Va. | Gaydos | Mann |
| Burgener | Gettys | Maraziti |
| Burke, Calif. | Giaimo | Martin, Nebr. |
| Burke, Fla. | Gilman | Martin, N.C. |
| Burke, Mass. | Ginn | Mathias, Calif. |
| Burleson, Tex. | Goldwater | Mathis, Ga. |
| Burlison, Mo. | Gonzalez | Matsunaga |
| Burton | Goodling | Aspin |
| Butler | Grasso | Bafalis |
| Byron | Green, Pa. | Baker |
| Camp | Griffiths | Barrett |
| Carey, N.Y. | Gross | Bell |
| Carney, Ohio | Grover | Bennett |
| Casey, Tex. | Gubser | Bergland |
| Cederberg | Gude | Mayne |
| Chamberlain | Gunter | Mazzoli |
| Chappell | Haley | Meeds |
| Chisholm | Hamilton | Metcalfe |
| Clancy | Hammer-schmidt | Mezvinsky |
| Clark | Hanley | Milford |
| Clausen, Don H. | Hanna | Miller |
| Clawson, Del | Hanrahan | Mills, Ark. |
| Clay | Hansen, Idaho | Mills, Md. |
| Cleveland | Hansen, Wash. | Minish |
| Cochran | Harrington | Mink |
| Cohen | Harsha | Minshall, Ohio |
| Collier | Harvey | Mitchell, Md. |
| Collins | Hastings | Mitchell, N.Y. |
| Conable | Hawkins | Mizell |
| Conlan | Hays | Moakley |
| Conte | Hechler, W. Va. | Mollohan |
| Conyers | Heckler, Mass. | Montgomery |
| Corman | Heinz | Moorhead, Calif. |
| Cotter | Helstoski | Moorhead, Pa. |
| Coughlin | Henderson | Morgan |
| Crane | Hicks | Mosher |
| Culver | Hillis | Moss |
| Daniel, Dan | Hinshaw | Murphy, Ill. |
| Daniel, Robert W., Jr. | Hogan | Myers |
| Daniels, Dominick V. | Holifield | Natcher |
| Danielson | Holt | Nedzi |
| Davis, Ga. | Holtzman | Nelsen |
| Davis, S.C. | Horton | Nichols |
| Davis, Wis. | Hosmer | Nix |
| Delaney | Howard | O'Brien |
| Dellenback | Huber | O'Hara |
| Dellums | Hudnut | O'Neill |
| Denholm | Hungate | Owens |
| Dennis | Hunt | Parris |
| Dent | Hutchinson | Passman |
| Derwinski | Ichord | Patman |
| Devine | Jarman | Patten |
| Dickinson | Johnson, Calif. | Pepper |
| Donohue | Johnson, Colo. | Perkins |
| Dorn | Johnson, Pa. | Pettis |
| Downing | Jones, Ala. | Peyser |
| Drinan | Jones, N.C. | Pickle |
| Dulski | Jones, Okla. | Pike |
| Duncan | Jordan | Poage |
| du Pont | Kastenmeier | Podell |
| Eckhardt | Kazen | Powell, Ohio |
| Edwards, Ala. | Keating | Preyer |
| | Kemp | Price, Ill. |
| | | Pritchard |

XUM

| | | |
|---|---|---|
| Quie | Shoup | Ullman |
| Quillen | Shriver | Van Deerlin |
| Railsback | Shuster | Vanik |
| Randall | Sikes | Veysey |
| Rangel | Skubitz | Vigorito |
| Rarick | Slack | Waggonner |
| Rees | Smith, Iowa | Walsh |
| Regula | Smith, N.Y. | Wampler |
| Rhodes | Snyder | Ware |
| Riegle | Stanton, | Whalen |
| Rinaldo | J. William | White |
| Roberts | Stanton, | Whitehurst |
| Robinson, Va. | James V. | Whitten |
| Robison, N.Y. | Stark | Widnall |
| Rodino | Steed | Wiggins |
| Roe | Steele | Williams |
| Rogers | Steelman | Wilson, Bob |
| Roncallo, N.Y. | Steiger, Ariz. | Wilson, |
| Rooney, Pa. | Stephens | Charles H., |
| Rose | Stokes | Calif. |
| Rostenkowski | Stratton | Wilson, |
| Roush | Stubblefield | Charles, Tex. |
| Rousselot | Stuckey | Winn |
| Roy | Studds | Wright |
| Roybal | Sullivan | Wyatt |
| Runnels | Symington | Wydler |
| Ruppe | Symms | Wylie |
| Ruth | Talcott | Wyman |
| Ryan | Taylor, Mo. | Yates |
| St Germain | Taylor, N.C. | Young, Alaska |
| Sandman | Teague, Calif. | Young, Fla. |
| Sarasin | Thompson, N.J. | Young, Ga. |
| Sarbanes | Thomson, Wis. | Young, Ill. |
| Satterfield | Thone | Young, S.C. |
| Scherle | Thornton | Young, Tex. |
| Schneebeli | Tiernan | Zablocki |
| Schroeder | Towell, Nev. | Zion |
| Selberling | Treen | Zwach |
| Shipley | Udall | |

NAYS—0

NOT VOTING—45

| | | |
|---|---|---|
| Anderson, Ill. | Green, Oreg. | Reuss |
| Badillo | Guyer | Roncallo, Wyo. |
| Biaggi | Hébert | Rooney, N.Y. |
| Buchanan | Jones, Tenn. | Rosenthal |
| Carter | Karth | Saylor |
| Cronin | Ketchum | Sebelius |
| de la Garza | King | Sisk |
| Diggs | Leggett | Spence |
| Dingell | McKay | Staggers |
| Foley | Melcher | Steiger, Wis. |
| Fountain | Michel | Teague, Tex. |
| Fraser | Murphy, N.Y. | Vander Jagt |
| Frelinghuysen | Obey | Waldie |
| Gibbons | Price, Tex. | Wolff |
| Gray | Reid | Yatron |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Anderson of Illinois.
Mr. Teague of Texas with Mr. Cronin.
Mr. Yatron with Mr. Saylor.
Mr. Obey with Mr. Steiger of Wisconsin.
Mr. Fountain with Mr. Buchanan.
Mr. Gibbons with Mr. Guyer.
Mr. Gray with Mr. Michel.
Mr. Hébert with Mr. Carter.
Mrs. Green of Oregon with Mr. Price of Texas.
Mr. Murphy of New York with Mr. Frelinghuysen.
Mr. Staggers with Mr. Sebelius.
Mr. Rosenthal with Mr. de la Garza.
Mr. Roncallo of Wyoming with Mr. Vander Jagt.
Mr. Karth with Mr. Spence.
Mr. Biaggi with Mr. King.
Mr. Leggett with Mr. Badillo.
Mr. Reid with Mr. Jones of Tennessee.
Mr. Diggs with Mr. McKay.
Mr. Dingell with Mr. Melcher.
Mr. Fraser with Mr. Sisk.
Mr. Reuss with Mr. Foley.
Mr. Wolff with Mr. Waldie.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

## INTEREST PAYMENTS ON TIME AND SAVINGS DEPOSITS

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 371 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 371

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6370) to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 371 provides for an open rule with 1 hour of general debate on H.R. 6370, a bill to extend laws relating to payment of interest on time and savings deposits. H.R. 6370 extends the authority of the program, sometimes referred to as regulation Q, until September 30, 1975.

The bill authorizes Federal savings and loan associations and national banks to invest in, or make loans or loan commitments to State-chartered housing corporations.

H.R. 6370 also extends the authority of the Federal Deposit Insurance Corporation—FDIC—to cover interest rates paid on deposits by certain nonfederally insured banks. The effect of this provision will be to bring nonfederally insured institutions under the Federal interest rate limitations.

No new costs are anticipated as a result of this legislation.

Mr. Speaker, temporary rate control authority must be continued if stability in the volume of funds available for home mortgage financing is to be maintained. I urge adoption of House Resolution 371 in order that we may discuss and debate H.R. 6370.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 371 provides for the consideration of H.R. 6370, to Extend Certain Laws Relating to the Payment of Interest on Time and Savings Deposits. This is an open rule with 1 hour of general debate.

The purpose of this bill is to extend Federal regulations over certain financial institutions.

Section 1 extends for 28 months existing authority of the Federal financial regulatory agencies to establish flexible ceilings on rates paid on time and savings deposits. The present authority expires on June 1, 1973.

Sections 2 and 3 will enable the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board to regulate the rate of interest paid by nonmembers savings and loan associations, cooperative banks, and by banks in Massachusetts, the accounts of which are not insured by the FDIC. The Committee on Banking and Currency adopted this approach, after removing from this bill a section prohibiting NOW accounts. NOW accounts are, in effect, interest paying checking accounts now being offered by savings banks in Massachusetts and New Hampshire. Under this bill, the NOW accounts will continue, but under regulation, which will attempt to insure that they do not upset the competitive balance in the industry.

Section 4 authorizes Federal savings and loan associations and national banks to invest in or make loans to State housing corporations.

Mr. Speaker, I urge the adoption of this rule.

Mr. YOUNG of Texas. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6370) to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PATMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6370, with Mr. PIKE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PATMAN) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say a few words about the so-called NOW accounts or to use their formal title, the Negotiable Order of Withdrawal. NOW accounts are offered by mutual savings banks in Massachusetts and New Hampshire. They are, in essence, checking accounts on which interest is paid, as some of the opponents of NOW accounts correctly point out. Or, to be more legally precise, they are third party transfer accounts which means nothing more than the fact that a NOW account customer can write a check on his NOW account to another person, which makes it a third party transfer.

The funds within a NOW account which remain on hand and available for use by the mutual savings bank continue to draw interest, whereas, obviously, when the funds are withdrawn through a NOW account draft, such funds cease to receive any interest income.

The NOW account experiment, in my opinion, is a good one. There is no reason in the world why a financial institution, as a competitive weapon, should not be able to pay interest on a checking account if they so desire to do so. It would be horrible indeed if this Congress, if the Federal Government were to tell a State and a financial institution properly chartered and registered within that State that they could not as a State matter offer such accounts.

But leaving the legal issue aside for a moment, let us look at the economics of the situation. These accounts, as I have said, are for all practical purposes accounts on which interest is paid. The burden of proof rests on those who would oppose such accounts, but no place in the hearing record on this legislation can anyone point out that—

The financial institutions offering NOW accounts have been placed in jeopardy;

That sizable amounts of funds have been transferred from other institutions into institutions offering NOW accounts and, therefore, jeopardizing the former institution;

That mutual savings banks have had to raise interest charged on home mortgage lending; or

That the institution offering a NOW account on which interest is paid has, as a result, placed itself in jeopardy.

I repeat, Mr. Chairman, and this is the crucial question: Unless the opponents of those institutions which offer NOW accounts can make a case either legally or economically against the issuance of NOW accounts, or more specifically the payment of interest on demand deposits or on what in effect is a demand deposit, then this Congress should in no way impede the utilization of this type of financial arrangement which has introduced an element of competition between financial institutions in an industry which, as we know, certainly lacks significant competitive relationships.

Out of an abundance of precaution and, in my opinion, wisdom, your committee did provide a means whereby if this NOW account situation gets out of hand for whatever reason, the Federal Government will have on hand the proper tools to deal with it. This is done through sections 2 and 3 of the bill which allows the Federal financial regulatory agencies, namely, the Federal Deposit Insurance Corporation and the Home Bank Board the complete authority to regulate the rates of interest and dividends paid by mutual savings banks and savings and loan associations under certain criteria. This authority, I repeat, Mr. Chairman, will give the Federal regulatory agencies all of the power needed to make sure that there is no disruptive occurrences as a result of these NOW accounts which would adversely effect either other types of financial institutions as far as their solvency is concerned, costumers who have accounts in financial institutions, or the home mortgage market lending activities of financial institutions.

Mr. Chairman, in my opinion, this experiment on so-called NOW accounts should continue and the committee amendment to this effect, which strikes section 2 of this original bill as introduced, should be supported.

Mr. Chairman, I rise in support of the committee amendments which would strike section 2 of H.R. 6370 as introduced. A vote in favor of the committee amendment would allow the continuation of the NOW account experiment as it exists in Massachusetts and New Hampshire. In my opinion, all Members should support the committee amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, what did the gentleman mean by the expression, "If these NOW accounts get out of hand"? What did the gentleman mean by that?

Mr. PATMAN. Some claim they will jeopardize the solvency of the institutions. I do not think they will. Some contend they will favor some institutions over others, which I do not think they will because it is absolutely open competition. It is open and aboveboard competition. Therefore I do not predict that any of these bad things will happen. If they were to happen, there is the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation which could step right in as provided in section 2 and 3 of the bill.

Mr. GROSS. And do what?

Mr. PATMAN. And do what is necessary to stabilize the situation.

Mr. GROSS. Yes, but do what? Give us some example of what the gentleman thinks they will do if this "gets out of hand." What will be done to remedy the situation?

Mr. PATMAN. Here is an outstanding example. Suppose some banks would get to paying too much interest and jeopardize the solvency of the institution. That should not be permitted. That should be stopped immediately. If it is a member of the Federal Deposit Insurance Corporation, the bank would be subject to their jurisdiction immediately and that would be stopped. Or the Federal Home Loan Bank Board could enter into the situation and stop it. In other words there is provision against anything happening that would be detrimental to the solvency of the particular banks we are dealing with.

Mr. GROSS. But the bill or the legislation does not specify what the nature of the remedy will be or what the nature of the supervision will be?

Mr. PATMAN. No, that is in existing law.

Mr. GROSS. Mr. Chairman, the gentleman spoke of competition. I am informed by the small commercial bankers in Iowa that mutual savings banks do not post the reserves required of commercial banks, nor do they pay the taxes imposed upon commercial banks.

Would the gentleman respond to that?

Mr. PATMAN. Does the gentleman mean the savings and loan associations? Is the gentleman making the statement that they do not pay taxes?

Mr. GROSS. No. I am not. I am stating what has been told to me. Since the gentleman from Texas has gone into the subject of competition, those to be benefited by this legislation on all fours in this matter of meeting the requirements imposed upon commercial bankers?

Mr. PATMAN. Mr. Chairman, I appreciate the gentleman asking that question. The fact is, the savings and loan associations, I believe, in many instances, pay more taxes than the banks for this reason:

The banks have many deductions. Take, for instance, a loan which a bank makes, and they make millions of dollars in loans, they immediately get a 2.4-percent deduction on the possibility of a loss on those loans.

At the end of the year, they have had, we will say, no losses at all. They still get the 2.4 percent.

I remember when we had the Lockheed case up over here, and they wanted several million dollars to help out these crippled concerns such as Lockheed. We had 24 banks which represented the Lockheed Co., and Members asked the question: "Well now, under the law these banks, the 24 banks here are sitting on the front seat, they have one-third of the banking resources of the Nation, and our records here disclose that they accumulated over a billion dollars free of charge by a tax deduction of 2.4 percent where they did not have any loss. Why do they not use part of that billion dollars to take care of the company instead of asking Congress to appropriate $250 million?"

One banker spoke up. He said, "Well, we are holding that for a rainy day."

One of the Members said, "Well, do you not think that we are going through a hurricane right now?"

They wanted them to use it now, but they would not use it. We went ahead and we adjusted because we were forced to. Just as with Rolls-Royce in England, the British Government was told if they



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did not do it—we went ahead and forced through a bill with $250 million limit and let the Senate know that we would not go any further than that. If they did not want this, that is all we would do, but they did accept it that night.

I think this is a good settlement. That shows how banks have an advantage over savings and loans associations.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I thank my chairman for yielding to me.

The distinguished gentleman from Iowa asked whether there was any specific authority or regulation in the bill itself. I am sure the Chairman will agree with me that in section 3, page 4, line 17, it provides:

Including specifically the authority to regulate the rates of interest.

Therefore, if the FDIC decided to regulate the interest rates now actually down to zero or close to it, there would be no competitive advantage.

Mr. PATMAN. That is correct.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, my question is, if the Chairman would explain to me, how could the allowing of NOW accounts possibly encourage competition to benefit insured banks and savings and loans.

I am referring to the fact that by allowing NOW accounts, as would be permitted by existing law, if not prohibited by amendment today, we legalize a special class with special advantages, in my judgment.

Under present law, for example, a commercial bank cannot pay interest on a checking account, and a savings and loan institution cannot have a checking account. Under this setup the mutual savings institutions in the State of Massachusetts can pay interest on a checking account. Does that not give them a competitive advantage?

Mr. PATMAN. The gentleman's question is a good question. There is no reason why it would be immoral or a conflict of interest or a violation of any business principle or any principle for people to get interest on demand deposits. It was done to kind of prevent competition more than anything else. We should not prevent competition. We should let the people get interest on demand deposits if they can do it in a way that would be safe and solvent for the institution, and it can be.

Mr. WYLIE. Will the gentleman yield for one more question?

Mr. PATMAN. I yield for one more question.

Mr. WYLIE. Would the distinguished chairman of the Committee on Banking and Currency be in favor of allowing commercial banks to pay interest on checking accounts and allowing savings and loan institutions to have checking accounts on which interest could be paid, so that there would not be any unfair competition?

Mr. PATMAN. I am not advocating that. Eventually, possibly, they will be given the right for the people to get competitive rates among all financial institutions. Now we are dealing with a very simple question involving only two States, Massachusetts and New Hampshire, where they have mutual savings banks.

Mr. WYLIE. That is the point I am making.

Mr. PATMAN. Wait a moment. This does not include the whole Nation. This would be a good way for the Congress to observe, to watch and carefully consider this, if we pass this measure. If it turns out to be bad or wrong we can repeal it. We are fortunate in that it does not include so much of the area of the country that it would be disastrous if it turned out to be a bad example.

Mr. WYLIE. I thank the gentleman.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

In answer to the question of the gentleman from Ohio, as to whether the NOW accounts that have been allowed in Massachusetts and New Hampshire are competitive. The regulatory bodies in those States evidently felt that it was not undue competition. NOW accounts were originally allowed to provide an added service to the customer. An individual who had a savings account in those mutual savings banks in Massachusetts and New Hampshire was merely being accommodated by allowing him to draw a few checks. This was very carefully brought out in the testimony before the subcommittee, as the gentleman from Ohio knows. Some of the banking profession and the State authorities in these two States decided they wanted to give the benefit to the customer.

Mr. PATMAN. Will the gentleman cease for just a moment, please? I have used more time than I thought. We have only 1 hour of debate on this. That means I have 30 minutes. I have used too much of that now, because other Members want to be heard. The gentleman's side has 30 minutes, so if he would use part of those 30 minutes it would be appreciated. It would be unfair for me to take more time.

Mr. ROUSSELOT. If the gentleman will yield further, basically this was done in Massachusetts and New Hampshire as an accommodation to the customer, who wanted to draw one, two or three or five checks a month against a savings account. Massachusetts mutual savings banks had a 15-cent charge per check. So basically it is an accommodation to the customer, to the consumer. I believe we should support consumer-oriented services. I thank my chairman for yielding.

Mr. PATMAN. I must insist that the gentleman not take more of my time.

I am sorry, but we just cannot do it.

Mr. Chairman, I reserve the balance of my time.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill which the Committee on Banking and Currency brings before the House today has been the subject of careful consideration by both the subcommittee and full committee. The Subcommittee on Bank Supervision and Insurance held extensive hearings including witnesses from all quarters on all aspects of the bill. The record of these hearings has proved most informative and useful to all Members.

To a great degree, there is agreement on the provisions of H.R. 6370. These include an extension in time of the Federal authorities to impose ceilings on the payment of interest on time and savings deposits, as well as a broadening of that authority to include nonmember, nonfederally insured financial institutions in the Commonwealth of Massachusetts. The reason that only Massachusetts is affected at this particular juncture is that it is the only State presently covered by the exemption allowed for States in which regulatory agencies duplicate the Federal regulatory authority; Massachusetts also meets the 20-percent test of time and savings deposits in nonfederally insured institutions as a percentage of all time and savings deposits in the State.

Section 4, which provides a means of making more private funds available to State housing corporations in order to support the production of low- and moderate-income housing, met with no opposition in either subcommittee or full committee. Briefly, this provision was designed to assist the work of these State-chartered housing corporations by authorizing Federal savings and loan associations and national banks to invest in or make loans to these corporations. I would reiterate the observation of the committee's report that this allows needed flexibility in making these investments and loans while maintaining the soundness of the financial structure of the participating institutions.

The one bone of contention, as I am certain all my colleagues will know by now, is on the question of what action, if any, should be taken by Congress with regard to the so-called NOW account. The NOW account is an interest-bearing savings account which is subject to withdrawal by negotiable or transferable order, presently being offered under State law by savings banks in both Massachusetts and New Hampshire.

As this bill was reported out of the Bank Supervision and Insurance Subcommittee, the clean bill, H.R. 6370, included a statutory prohibition against the use of these accounts. This provision was in addition to the broadening of Federal Deposit Insurance Corporation authority to control interest rates paid by the institutions which presently offer NOW accounts, but it was by no means clear at that point which approach—statutory or regulatory—would be selected by the Full Committee on Banking and Currency.

Of the subjects covered by H.R. 6370, this has been the most controversial; accordingly, it was the one which received the most attention in the hearings. There was an impressive line-up of administration and agency witnesses, as well as representation from all sectors of the financial community. It was made clear, as Governor Mitchell of the Federal Reserve Board later observed in testimony before the Senate Banking Committee, that an "intolerable situation" exists in Massachusetts and New Hampshire with regard to the competitive equity among financial institutions. What was not made clear, however, was any single solution acceptable to all parties involved—the commercial banks, saving and loan associations, and mutual savings banks. In speaking for the Federal Reserve Board, Governor Mitchell then outlined a proposal including interest-bearing family accounts with money transfer services, to be allowed on an equitable, competitive basis by all financial institutions, subject to regulation by appropriate Federal authorities. I mention testimony before the Senate Committee because at the time hearings were held on the House side, the Federal Reserve Board had not yet established a position on this question.



Likewise, the Federal Deposit Insurance Corporation, in presenting a list of possible options, favored the broader, regulatory approach. I would observe that, at this time, FDIC has not gone as far as to advocate the effective repeal of present prohibitions against paying interest on demand deposits, even on household accounts.

Deputy Under Secretary Smith, of the Treasury Department, has proposed a wait-and-see solution to this problem until the Hunt Commission proposals come forth from the administration. In developing his argument, Mr. Smith supported more strongly the idea of using Massachusetts and New Hampshire as "laboratory experiments" to determine the use and value of NOW accounts by individuals, as well as their effect on the competitive situation among various types of financial institutions in those States.

It is this later question—that of competitive equity—which has fueled the fire that has raged over this bill. In answering that question, we must now choose between the statutory and regulatory approaches, and in making that choice look toward the immediate effects within the perspective of the coming legislative proposals adopted from the report of the Presidential Commission on Financial Structure and Regulation, the so-called Hunt Commission.

The NOW account is a hybrid, not fitting wholly into the mold of the demand deposit—on which interest payment is prohibited by statute—or the straight savings account—on which interest payment is subject to regulation.

One month ago, when the full committee acted on this question, it was much less clear that the FDIC, the agency which prospectively has primary responsibility for setting interest rates on NOW accounts, would take an active role in meeting this challenge. I voted to impose a statutory prohibition against any use of negotiable or transferable instruments to draw out funds from an interest-bearing account.

In this past month, I have received a great deal of information from all sides—a continuation of the hearing process. One of the major concerns alluded to repeatedly was that of the great growth in the dollar volume in NOW accounts and the drain from other financial institutions to mutual savings banks. The trend over the first 6 months of experience showed a gain of $10 to $12 to over $15 million per month. However, from the beginning of March to the beginning of April the gain was only some $8.5 million, from $71.5 million to approximately $80 million. An estimate made by the Federal Reserve Bank of Boston that these totals would reach $1 billion within a year has since been withdrawn. And it has now been made clear by the report of the committee and the reaction of the FDIC that regulatory action could be taken to meet any disruptive competitive imbalance which may result from the use of NOW accounts.

In sum, I would now say in retrospect, that the experience and developments of this past month show the committee's action of choosing the regulatory solution rather than the statutory prohibition to be appropriate. I believe that this approach will be successful in providing an atmosphere in which the financial community can continue to operate soundly during this period in which we await action on the Hunt Commission proposals. I shall support the entire bill as reported by the Committee on Banking and Currency.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the debate here today on this legislation has taken a very similar course to that which was taken in the committee regarding the fact that the entire emphasis is on section 2 of this bill, and in regard to what we commonly refer to as the NOW accounts.

Mr. Chairman, a couple of hours ago one of our colleagues asked me what we actually mean by regulation Q, and so in the few minutes I have allotted to me I simply want to say that of course the primary purpose of this legislation and the reason that the committee has brought it to the attention of the Members is to extend what we commonly refer to as regulation Q which expires on June 30, through September 30, 1975. Regardless of how you may feel or desire to vote with respect to NOW accounts, I want the Members to know that the committee was unanimous in the need for this legislation to extend regulation Q, and that we will fully support this bill regardless of what amendments may be passed or not passed.

I think that I should also add that regulation Q came into effect in 1966 through the Committee on Banking and Currency which recognized at that time the tremendous outflows of savings, especially in the savings and loan industry, which were put in an uncompetitive position and the need for legislation so as to insure that enough money would go to the home building industry. So the Congress in its wisdom passed regulation Q, and it has been extended, and we believe that it should be extended until September 30, 1975.

Mr. WIDNALL. Mr. Chairman, at this time I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in support of this bill as it is being presented to the Committee of the Whole House today. I support the committee amendment, to eliminate the absolute and unwarranted prohibition against the NOW accounts that exist in the States of Massachusetts and New Hampshire.

Mr. Chairman, I thought that the representatives of the U.S. Treasury, the Home Loan Bank Board, and other regulatory representatives under questioning made it absolutely clear that the savings accounts known as NOW accounts presented no drastic threat to the financial institutions of this country. As a matter of fact, these regulatory authorities presented facts from the statistics of the U.S. Treasury Department and Federal Reserve Board to show that NOW accounts actually provide a "competitive innovation," for the consumer who has such savings account. And the Treasury Department and the administration, I thought, made an excellent case that we should not intervene and override ruthlessly the States of Massachusetts and New Hampshire to prevent them from trying to serve their depositors in a meaningful way. The savings account customer is merely allowed to write one, two, three, four, or more checks a month against that NOW account and according to reliable reports most customers do not average more than six to seven withdrawals a month. In the case of the Massachusetts savings banks they are charged 15 cents per check so that the customer is not engaged in an unsound practice.

I felt the Treasury made an excellent case, and so I voted along with the majority of this committee to eliminate unnecessary prohibition against the States of New Hampshire and Massachusetts from being allowed to permit the mutual savings banks in those States from keeping these type accounts.

The U.S. Treasury said:

We do not see a competitive disruption of any magnitude if indeed there is a competitive disruption.

Now, many of the Members I am sure have heard from some of their commercial bank representatives at home—and and I have heard from some of them—claiming that there is going to be great fear and panic in the marketplace if we allow these two little States to continue the NOW accounts. The claim is that there are going to be drastic amounts of money, that will literally run from their mutual saving banks in the States of Massachusetts and New Hampshire.

I wish to say—and I generally support the position of our good free enterprise oriented commercial banks in this country—that in my humble opinion those who have made that kind of statement have misstated the case. These voices caused undue alarm and fear that should not exist. I am going to continue, as one member of this committee, to support the U.S. Treasury's position which has said this whole issue of rate differential and all related matters will be fully considered by our Committee on Bank-

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ing and Currency when the Department of the Treasury brings to us their recommendations as they relate to the Hunt Commission. I believe that that is a very logical position and deserves support.

The effort to eliminate the total prohibition against these kinds of savings accounts is a meritorious one. Let me tell you why—because the NOW account merely helps the saver who just wants to write one or two or three checks a month against his account. Anybody who wishes to have a very active checking account will not naturally be drawn to this kind of a savings account, because it is, frankly, too expensive. At 15 cents a check in the case of the Massachusetts savings banks. It is not economical to write very many checks. It is just a convenience to the saver. It is much more profitable to use a regular commercial bank checking account, and the overwhelming number of high use checking account customers will utilize the full service bank.

I am sure we will hear many statements here today that "oh, we had better be careful about this terrible NOW account that has crept into the system." Do not be fooled by that kind of argument. I do not believe that it is a logical argument to say that older people or younger people who are the main users of this kind of account in Massachusetts or New Hampshire, who do not feel they need a regular checking account, should be denied the use of this very simple service of the mutual savings banks. The great fear that it is going to be the "hose under the tent," and is going to create a great disaster in the money markets of the country is just another ghost story. The mutual savings banks in these two States are merely trying to serve their customers. In a truly innovative way.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. MOAKLEY).

The CHAIRMAN. The gentleman is recognized.

Mr. MOAKLEY. Mr. Chairman, my purpose in speaking here is just to put the NOW account in its proper perspective. Let us go back to 1935 when the Mutual Savings Banks started in Massachusetts. They had the option of either insuring their own accounts or getting under the Federal umbrella. They chose to go it alone; they did not need such help at that time. They have had a great history in Massachusetts—no scandals, no closures. All of a sudden, because of the recent Supreme Court decision in Massachusetts allowing NOW accounts, we in the halls of the Congress are given a matter to vote on which does not belong here. It belongs in the Commonwealth of Massachusetts where it currently is reposing before the Massachusetts House of Representatives.

I think that this should not be a battle between the commercial banks and the savings banks. It is a battle between the consumer and the banks to do away with the NOW accounts in Massachusetts. Mr. Chairman, that would mean that we would be taking $1 million a week away from the depositors who are currently enjoying the NOW accounts. I think this is wrong.

I should like to quote from Walter Wriston, who is the chairman of the First National City Bank:

> One reason dollars "went abroad" was a monument to our regulation. American banks are prohibited from paying interest on demand deposits, such as a checking account for an individual. In fact, this is the only country in the world where you don't do that. When people found that foreign banks would pay interest on demand deposits, they sent their money abroad.
>
> Now, if we want to "bring these dollars home," we should change our law and pay interest on demand deposits. That's one thing that could be done.

Mr. Chairman, I feel we are out shooting mosquitoes with elephant guns. This is a Massachusetts problem. The Treasury Department and the FDIC and the Federal Reserve, all these organizations are against the prohibition of the NOW account. Even the Bank Commissioner of the Commonwealth of Massachusetts, who is opposed to NOW accounts, said she had authority to regulate them and hoped section 2 would not be reinserted in the bill.

Since I represent part of the Commonwealth of Massachusetts I hope some of the Members will listen to one who knows where it's at. I hope the bill passes without section 2 being inserted into the bill.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I wish to associate myself with the remarks of my esteemed colleague, the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Chairman, I also associate myself with the remarks of the distinguished gentleman from Massachusetts (Mr. MOAKLEY), who is from Boston. He is an authority on this matter. This is a matter for the State of Massachusetts. It has been sustained by the court of Massachusetts. I have received over 1,000 letters from consumers who are very pleased with the service given them by the savings banks of Massachusetts. I hope the position of the distinguished gentleman from Massachusetts (Mr. MOAKLEY) and the committee will be sustained.

Mr. MOAKLEY. Mr. Chairman, I would like to add that existing data indicate 44 percent of all the NOW accounts represent transfers from existing accounts within the same bank. It is estimated, that of the remaining 56 percent, approximately 30 to 35 percent would have been new regular savings accounts at the same savings banks were it not for NOW accounts.

I hope the bill is passed without section 2 being reinserted.

Mr. BURKE of Massachusetts. Mr. Chairman, I would be remiss in my responsibilities to the people whom I serve in Massachusetts if I did not take this occasion to again urge my colleagues to support negotiable orders of withdrawal. As a Representative from one of the few States which currently offers NOW accounts, I have had the opportunity to witness the great benefits which my constituents have gained through the use of this innovative system. It is estimated that $50 million will be paid to NOW depositors in Massachusetts this year. If NOW accounts were to be discontinued, the savings institutions would simply keep that money—money which they are more than happy to offer to their depositors—it would be the holders of NOW accounts, middle and low income individuals who would suffer the loss. I have received thousands of letters from the senior citizens in my district. These people are living on fixed incomes and are desperately in need of the additional income which they can receive from the interest on these accounts. These are people who do not have adequate means of transportation and who find it extremely difficult to make the trip to the bank each time that the rent is due or each time that they must meet medical expenses. It would be a great hardship for these senior citizens to have to return to regular savings accounts which would demand their presence at each transaction. Mr. Chairman, we owe a great deal to our senior citizens and to the working men and women of this Nation and I urge that full support be given to the continuance of negotiable orders of withdrawal.

Mr. WIDNALL. Mr. Chairman, I yield 6 minutes to the gentleman from Pennsylvania (Mr. JOHNSON).

Mr. JOHNSON of Pennsylvania. Mr. Chairman, the Congress today is faced with a very, very important decision. We are to make a decision here today as to whether we are going to permit a trend in this Nation which when it finally reaches its fruition, will completely revise banking as we have known it. We, in fact, will be making all banks in the United States commercial banks. That will be the net effect of this. I think it is an ominous trend. Now is the time to stop it, here today.

Here is how it started. In Massachusetts, the mutual savings banks, as well as New Hampshire, have contrived what they call the most innovative, attractive, helpful, and glamorous device called negotiable orders of withdrawal or NOW accounts. In short, it is a device to permit checking withdrawals against time deposits.

In committee, I pointed out that no matter how we slice it or doll it up or dress it up, the device is a checking account in a mutual savings bank and against, of all things, a savings account. The Massachusetts Supreme Court found a loophole in their law and said it is a legal device despite the fact that our national law does not permit banks to pay interest on checking accounts.

This bill was introduced by the gentleman from Rhode Island (Mr. ST GERMAIN) to outlaw the practice and stop it in its tracks. The plea was made to let Massachusetts and New Hampshire do it, that it is working out well there, and the mutual savings people want it. But, of course, they want it. If that is permitted in Massachusetts and New Hampshire, it will spread all over the United States and we will then have a situation where every checking account in every bank will be subject to interest. Let us say this plan is found to be permissible nationwide.

I say that it will mean a drying up of mortgage money, because a lot of savings banks and savings and loan associations, all these institutions, if they are going to have their deposits subject to check, then we must pass stringent reserve requirements which will mean that they will have to keep a portion of their savings accounts in reserve against these checking accounts, which ultimately will dry up a good share of the mortgage market, and these institutions are set up to make mortgage loans on homes.

In the State of Pennsylvania we have one of the finest mutual savings banks in the United States called the Philadelphia Saving Fund Society. Its assets are over a billion dollars. Why is that institution so great? Because people have faith in it. They know it is secure; that it is loaning money on good first mortgages and is taking care of poor people in their savings accounts, and people love the bank and trade with it. They have confidence in it.

Now, all of a sudden this bank wants to become a commercial bank. It wants to have checking accounts and, of all things, it wants to pay interest on them.

As I said in my opening remarks, I think this is an ominous trend. We are going to end up with a drying up of mortgage money and the Federal Government then will have to step in.

If this amendment to allow NOW accounts prevails, the net result will be nationwide, all banks will pay interest on checking accounts. This will revive all the evils of banking that caused the bank crashes of 1933.

Previous to 1933, payment of interest on checking accounts was widespread and banks were required to maintain very low reserves at that time, so that there was no liquidity to cover the runs on banks.

It goes without saying that if NOW accounts are allowed, stringent reserves requirements will be necessarily imposed on the savings banks. Also, nationwide, as all banks pay interest on checking accounts, they will have to make money in some other way. How are they going to make money to pay the interest they are going to pay on those accounts? It will just mean that the interest on a mortgage will have to go up so that the banks will get enough money on this side of the ledger to pay the extra cost on the other side of the ledger.

In other words, the banks will have to make money somewhere. They will make it by raising the cost of mortgage money, which could well skyrocket to 9 percent.

Therefore, I say that we are going to hit this amendment head on pretty soon. I think it is dangerous and ominous. If we are going to reduce all banks to commercial banks, all right, we will do it, but let the Committee on Banking and Currency study it and come in with a bill that everybody is a commercial bank. Let everybody pay interest on checking accounts, but let us set up stringent reserve requirements and make them all pay income tax, pay State income tax just as commercial banks do and be put upon the same footing as national banks so that there is no competitive advantage.

It is said that there is no competitive advantage. How can we say that they are not competing unfairly when the Massachusetts system, to cover a checking account in Massachusetts, it is better than a checking account, it pays 5¼ percent.

What are all the financial institutions in the country going to do if all of a sudden they pay interest on checking accounts? They will certainly have to get the money somewhere through higher interest rates on mortgages.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from California (Mr. ROUSSELOT.)

Mr. ROUSSELOT. Mr. Chairman, I want to make sure the gentleman is familiar with the figures developed in our Committee on Banking and Currency hearing. The commercial banks in Massachusetts from June of 1972 to the end of the year had a growth rate of 8 percent in deposits. The mutual savings banks only had a growth rate of 4 percent on deposits. This is exactly during the time that the NOW accounts were in existence, so the gentleman's great fear that substantial amounts of savings would leave commercial banks has been answered on the basis of the actual statistics from the money market in that State. So again I state on the record no such fear of disruption is justified.

Mr. WIDNALL. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, this bill from the very beginning is wrong. Here we go again with the banking business of America putting on another band-aid, another piece of tape over the most legislatively confused and regulated business in the United States.

For 17 months the administration has had in its hands the Hunt Commission Report and its recommendations on what should be done to the banking business in the United States.

For 17 months the committee has had the same piece of information in front of it, that could have been converted to legislation.

Instead, we sit here in the Congress of the United States arguing over what one court did to one type of bank in one State, Massachusetts. Not only do we have the State legislatures in the banking business; we have the Congress in the banking business; and now we have the courts in the banking business.

Another thing that bothers me, Mr. Chairman, is that the bill calls for 28 months. That means we can allow the system to continue with the same chaos and the same confusion we have had for the past few years. It seems to me if the Committee on Banking and Currency is ever going to sit down and do its job this committee should limit this bill to 12 months on this extension, and I will offer an amendment to that point.

Let us consider the banking business. We are told by the commercial banks one thing. We are told by the savings banks another thing. We are told by the savings and loan institutions even another. What do any of us know? Nothing.

This is an argument in the Congress of the United States, on the basis of what two States in New England are doing, which would control the entire banking business of the country, and it is a ludicrous argument.

I would suggest to Members I believe the NOW accounts in Massachusetts are not good. They do not require things I consider to be good banking. I used to be, before I came here, a director of a bank.

I do believe it is pretty ridiculous for the Congress of the United States to sit here and to try to regulate and change what a court in Massachusetts has done only within that one State.

The real issue before the House of Representatives and the other body, here in Washington, is facing up to the total confused mess we have made in the banking business in this country, by going at it with just this approach of a band-aid, a piece of tape, and a last minute piece of legislation to act in one single case in one single State out of 50.

Mr. WIDNALL. Mr. Chairman, I have no further requests for time.

Mr. PATMAN. Mr. Chairman, I yield 7 minutes to the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, we had quoted to us in the full committee and again on the floor today an excerpt from an article which appeared in the U.S. News & World Report which was based on an interview with Walter Wriston, chairman, First National Citibank. This excerpt, as I say, has been quoted quite frequently at this point on the issue of the NOW accounts by the proponents of the NOW accounts and the opponents to the prohibition.

I took the time to read the entire article. The article is in an interview with Mr. Wriston. The title of the article is "The New Dollar: Meaning of Devaluation at Home and Abroad."

The excerpt happens to be taken out of context. There was no further discussion of this particular point. Mr. Wriston was contacted and I asked if he would elaborate. I read from a letter from Mr. Wriston to me as chairman of the Subcommittee on Bank Supervision and Insurance:

> DEAR MR. CHAIRMAN: Citibank favors the payment of interest on demand deposits within an environment of competitive equality. This means simply that institutions paying such interest on deposits should be subjected to the same taxation, the same reserve requirements and the same supervisory rules and regulations.
>
> Since the U.S. News and World Report interview was concentrated on international money flows, these competitive caveats were not spelled out but were always implicit.
>
> Sincerely,
>
> WALTER W. WRISTON,
> *Chairman of the Board.*

This should dispose of the arguments proponents who have been using this partial quotation.

In essence, he agrees with Chairman Burns of the Fedcral Reserve Board and Governor Mitchell of the Federal Reserve Board who state that the situation in Massachusetts is an intolerable one.



XUM

Governor Mitchell does state that he advocates a type of family account, limited with reserve requirements, and a ceiling on the interest that is to be paid, but also that this should be within the context of an overall overhaul of the laws and regulations that regulate our financial institutions.

Mr. Chairman, the other three sections bate very shortly when a committee amendment will be considered. That will be one of the crucial votes today. However, I think we should not lose sight of the fact that the bill does encompass a great deal other than the NOW account situation.

Section 1 deals with regulation Q, which was originally adopted in 1966 during the tight money crunch.

We now find at this very time that there is a shortage, a growing shortage of housing money. Housing starts have experienced a reduction. It is more important than ever that we maintain this interest rate differential in order to continue the flow of funds to thrift institutions, particularly the savings and loan institutions, whose primary purpose is to provide money for home purchasers.

Mr. Chariman, the other three sections in the bill which I will outline are as follows: There is a section which would bring banks in Massachusetts the accounts of which are not insured by the FDIC under the regulation of the FDIC. The following section brings under Home Loan Bank Board regulatory authority nonmember savings and loan associations and cooperative banks.

With such regulation, many of the problems we are faced with today would not have come about, because there would not have been a court deciding what the banking laws of Massachusetts should be: it would be decided by the FDIC, and the FDIC has regulations that prohibit checking accounts. Mr. Chairman, there is no reason for one State out of 50 to be outside the jurisdiction of the FDIC and the Home Loan Bank Board. All financial institutions should be treated equally in this matter.

Finally, there is a section which was requested by the delegation from Florida which deals with a newly created State-chartered housing corporation in the State of Florida. It allows the financial institutions in Florida the necessary powers to participate with the corporation in providing housing for the low and moderate income.

There was no testimony in opposition to this section. It was unanimously adopted in subcommittee as well as in the full committee, and I foresee no problem with this section.

Mr. Chairman, I would state that with respect to regulation Q, the reason we put in a lengthy extension is that, in fact, we are awaiting with bated breath the recommendations from the administration in so far as the Hunt Commission report is concerned. I must also state that we have run out of breath quite a few times waiting. When Treasury testified before us, they stated that they would have preliminary proposals by mid-April. We all read just recently, within the past week, that the top policy committee dealing with the Hunt Commission report adjourned wihout reaching any conclusions. The forecast is that it will be a considerable period of time before we do, in fact, get these recommendations.

So it is more important than ever that we extend regulation Q authority as provided for by section 1 for a lengthy period of time. We have already done it on several different occasions. If it is found that we want to address ourselves to the problem of revising in substantial form existing laws and regulations governing our financial institutions, it can be done despite the fact that we have today extended regulation Q for this lengthy period of time.

Mr. PARRIS. Mr. Chairman, NOW accounts—negotiable orders of withdrawal—are truly checking accounts which pay interest. In fact, one mutual savings bank in Massachusetts advertises them as being "5¼ percent better than a check." Call it what you will, NOW accounts are interest-bearing checking accounts. I do not see how Congress can condone the existence of these accounts without a thorough study of the implications. What we are doing here is infringing on a 40-year statutory prohibition on the payment of interest on checking accounts, a law going back to the Banking Act of 1933. Commercial banks are under the ban of that law on checking accounts, and yet competitors of commercial banks are doing the thing banks are prohibited from doing.

The Congress decided in 1933 that the payment of interest on checking accounts is bad, and we should go slow in setting aside that law. I am not saying that the law should not be changed. What I am saying is that if the door to interest-bearing checking accounts is opened, it should be done in the light of careful assessment of all the ramifications of such a change, and not via the backdoor of so-called NOW accounts.

The implications of paying interest on checking accounts touches nearly everything in the financial system. For example, it affects monetary policy, the competitive equality among different types of financial institutions, the stability of the financial system, depositor protection, and the flow of funds to housing and many other important areas of the economy.

Those who argue that NOW accounts are in the consumer interest, should look at the other side of the coin. It may be to some consumers' benefit to get interest on checking accounts, but it would force up borrowing costs to most other consumers who have to depend on credit. It is one sided to say that some individuals as depositors are benefited by a return on checking accounts or a higher return on savings deposits when that return is produced by a corresponding increase in loan rates to others. The persons who will gain most from deposit interest are the more affluent, whose savings exceed their mortgage and other debt, or who have no debt. But those needy persons who are struggling to own a home, or to pay a landlord's mortgage through rent, are the ones who will lose, and they are consumers too. I think we should look at both sides of this question. You cannot raise the deposit costs of financial institutions without raising borrowing costs or causing other maladjustments.

Then, too, I think we sometimes forget that mortgage loans require a generally stable type of deposit. Demand money should not be put into long-term mortgages. If savings accounts take on the characteristics of checking accounts, the financial institutions will have to put those funds into highly liquid and high yielding short-term investments in order to meet demand withdrawals and to meet the higher costs of operation. Accordingly we can look for a decline in thrift institution support of the housing markets, and this is certainly not in the public interest.

I would like to note that in most States there are no reserve requirements on the deposits of mutual savings banks. Only a handful of the 17 States in which mutual savings banks operate require any liquidity reserves at all, and these are generally at a very low level, usually 3 to 5 percent. Contrast this with the Federal reserve requirements on commercial bank checking accounts, which range from 8 to 17½ percent. It is obvious that NOW account operations provide a very unfair competitive edge for mutual savings banks over commercial banks; but more than that, in terms of liquid assets, they do not offer the same depositor protection that commercial bank checking accounts do.

Moreover, at 5¼-percent interest, mutual savings banks in Massachusetts pay ¾ of 1 percent more to attract deposits than commercial banks can pay on regular passbook savings; and, of course on checking accounts commercial banks are forbidden to pay any interest at all. The competitive inequity is obvious.

I am not trying to be a spokesman for the commercial banks, but I am trying to be fair to all financial institutions which serve our economy. Commercial banks perform vital services for all of us in making funds available for consumers, for small businessmen, for municipalities, and for homeowners. Unbiased consideration of the NOW account issue clearly requires that the competitive ground rules among the various types of financial institutions be equal. Certainly the public would benefit under such conditions. But again, a number of actions have to be taken concurrently. Piecemeal action on individual aspects of competition among financial institutions, such as authorizing NOW account operations without accompanying responsibilities, will produce new and greater imbalances in our financial system. Such piecemeal action is unhealthy for the financial system, but equally so for the public, because the public is made up not only of depositors, but of borrowers.

Mr. Chairman, I strongly urge the Congress to defeat the committee amendment to eliminate section 2 of H.R. 6370. The public interest is at stake. In the name of homeowners and all borrowers from our financial institutions, I urge the Congress to sustain the prohibition of interest-bearing NOW accounts, by retaining section 2 in H.R. 6370.

Mr. FRENZEL. Mr. Chairman, H.R. 6370, except for the controversial questions of NOW accounts, is a needed piece of legislation with wide, general acceptance. With or without NOW accounts, I urge its speedy passage.



The NOW has become larger than life in Congress. NOW accounts have not, and probably will not, ruin, or even hurt, commercial banks. On the other hand, as presently allowed, NOW accounts are no general bonanza for consumers.

I personally see no reason for Federal Government interference at this time, and therefore, will oppose the St Germain amendment. My position is more a matter of States rights than an endorsement of NOW accounts.

The Commonwealth of Massachusetts, the sole regulatory agency, has requested that Congress not interfere. The Treasury asks that we not act because it wants a complete overhaul of the banking system, such as that proposed by the Hunt Commission. I think that Treasury is right. We do need a complete system review, rather than another band-aid job. Massachusetts is right, too. I would not want this Congress legislating local Minnesota matters and so, absent a real threat to the system, I support the right of the State to manage its own affairs.

Testimony in committee did not indicate serious harm to competing financial institutions. Machinery exists to control the situation in case of serious and sudden trouble. Deposit growth in commercial bonds in Massachusetts seems to be healthy. The strictly localized NOW experiment is worth observation, particularly because it does not seem to be hurting anyone.

Therefore, Mr. Chairman, I support the Treasury in its desire to review the Hunt Commission recommendations. I support the right of Massachusetts to do its own thing. But, while I support the NOW experiment, I have no illusions that this vote is a great consumer note. It may lead to real and widespread consumer benefits, but these benefits can only come from total system revision which would provide greater competition between all institutions in all States.

Mr. Chairman, I urge support for the committee amendments, but whether it prevails or not, I urge a "yes" vote on the bill, H.R. 6370.

Mr. TAYLOR of Missouri. Mr. Chairman, both the savings and loan associations and the banking institutions of this Nation have provided a commendable and much needed service. Each in its own way has contributed much to the well being of individuals and the economic betterment of business and industry. Yet today, we are being asked to approve legislation that would discriminate against one even though it would enhance the services of the other.

At issue is whether or not the savings and loan companies will be permitted to provide negotiable orders of withdrawal, commonly referred to as NOW accounts. Needless to say, such an account is identical to paying interest on a checking account and I need not point out that banks are prohibited by law from paying interest on checking accounts.

Furthermore, the savings and loan associations are not required to maintain the same reserves as do the banks nor do they have the heavy tax burden that the banks are required to bear.

Mr. Chairman, I say this without malice or rancor against the savings and loan organizations for I think that they have much to offer and are a necessary part of the economic life of these United States. However, I do feel that approval of this legislation would eventually tend to dry up the mortgage money that is so vital to the housing program of this Nation.

I would like to point out that the subcommittee reported this bill with language to ban NOW accounts and it was only included by the full committee on a vote of 19 to 17. This is hardly a forceful endorsement. Mr. Chairman, I plan to vote to delete the NOW portion of the bill and I encourage my colleagues to do likewise.

Mr. CLEVELAND. Mr. Chairman, I wish to explain for the RECORD my feelings concerning legislation we are now considering, H.R. 6370. The purpose of this legislation is to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid—NOW accounts—to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes

I understand that the subcommittee of the Banking and Currency Committee which first considered this matter reported it favorably. However, the full committee then deleted the sections which would prohibit NOW accounts by a vote of 19 to 17. This indicates that opinion is divided on the central issue of the NOW accounts, which are interest-bearing savings accounts subject to withdrawal by negotiable or transferable order. They are presently being offered by savings banks in both Massachusetts and my own State of New Hampshire.

A large number of bankers have spoken to me personally about this issue. They have fully acquainted me with both sides of the issue.

I have come to the conclusion that I have no objection to permitting savings banks to provide checking accounts to their customers. The payment of interest on the balances of these accounts, however, trouble me. First, since comercial banks cannot do this, the savings banks would have an unfair competitive advantage. Second, if more and more of the savings banks' assets are committed to the NOW accounts, I am not sure banks could continue paying as much as 4 percent or more, as some of them are doing without running into problems.

After lengthy conferences and discussions I have had in regard to this matter with banks in my district, it seems to me that the ultimate solution to this particular problem is to place the savings institutions and the commercial banks on more equal competitive footing in respect to all points of difference between the institutions. My understanding is that there is increasing support for this objective. I hope that the Committee on Banking and Currency will take appropriate action in the near future so that our banking institutions can compete on an equal footing with the competitive advantage this would ultimately give to their customers.

Mr. Chairman, when we come to vote on the committee amendment, which is in controversy, I intend to vote "present." My reason for doing this is that I am an officer, a director, and a stockholder in a small bank in my hometown of New London, N.H. This bank, the New London Trust Co., is a State-chartered bank and essentially a commercial bank, although we do provide savings accounts and certificates of deposit. I will also vote "present" on final passage, if there is a vote, and for the same reason.

I wish to make this statement for the RECORD to clarify my reasons for voting "present" and to report for the RECORD my involvement with the banking institution so there can be no misunderstanding concerning a possible conflict of interest.

On past occasions I have voted "present" on banking legislation and on other occasions I have not. In view of the rather sharp differences of opinion between the commercial banks and savings banks in my State, however, regardless of the issues of this legislation, I think that my vote of "present" is appropriate.

Mr. RARICK. Mr. Chairman, briefly some of the debates on this legislation appeared to offer the individual American relief from the free use of his funds by the monolithic control of the international banking community.

I refer to the efforts to remove the regulation from the rate of interest paid by nonmember savings and loan associations, cooperative banks, and certain State banks on what has been referred to as NOW accounts. Unfortunately, the right of bank customers to be able to receive interest on their checking accounts was regarded by some colleagues as so alien that it was considered a threat to the organized banking institution.

One thing is certain, such a change would constitute a threat to the power of the ever tightening centralized control over all of the banking institutions in our country but it would also represent a banking reform by allowing the customer to draw interest on the use of the funds in his account by the banking community.

I have no doubt that had the committee amendment been adopted, overnight the NOW account approach would have immediately spread into other States.

This practice constitutes no threat to the working people of America, but only to the banking cartel which wants to continue using the people's money without any payment for the privilege.

What would be wrong with making our Federal Reserve paper currency bear interest, since it represents notes of indebtedness from the Government or why not provide that U.S. savings bonds, which bear interest be made negotiable? Why is it that only the bankers are to be entitled to interest accruing to them on our credit and not the people who produce the wealth of this country? The prospect of working people obtaining interest on accounts similar to NOW, is like the collection of withholding taxes by the Federal Government without allowing interest to be paid to the taxpayer.

XUM

Recently I attended a function at the Federal Deposit Insurance Corporation here in Washington which was also attended by members of the Federal Reserve Board. One Federal Reserve Board member utilized the informality of the occasion to lobby for congressional support of legislation to put full control of all money lending institutions in the United States under the regulation of the Federal Reserve Banking System. However, my host for the evening, a retired banker of some stature, was quick to explain what a mistake it would be to give the Federal Reserve a controlled money monopoly.

The bill before us far exceeds the intent of the original program protecting the rights of depositors and the financial stability of banking institutions. It can easily be considered a standardizing vehicle for conditioning nonmember savings and loan associations, cooperative banks and independent banks into accepting one fully nationalized banking system.

I feel that it is past time for Congress to reassume its rightful role under article 1, section 8, clause 5, of the U.S. Constitution rather than continue to delegate our sacred responsibility to professional banking cartels. Therefore, I intend to cast my people's vote in opposition to this legislation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 6370

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

EXTENSION OF AUTHORITY FOR THE FLEXIBLE REGULATION OF INTEREST RATES ON DEPOSITS AND SHARE ACCOUNTS IN FINANCIAL INSTITUTIONS

SECTION 1. Section 7 of the Act of September 21, 1966 (Public Law 89-597), is amended by striking out "June 1, 1973" and inserting in lieu thereof "September 30, 1975".

PROHIBITION OF CERTAIN ACTIVITIES BY DEPOSITORY INSTITUTIONS

SEC. 2. (a) No depository institution shall allow the owner of a deposit or account on which interest or dividends is paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties.

(b) For purposes of this section, the term "depository institution" means—

(1) any insured bank as defined in section 3 of the Federal Deposit Insurance Act;

(2) any State bank as defined in section 3 of the Federal Deposit Insurance Act;

(3) any mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(4) any savings bank as defined in section 3 of the Federal Deposit Insurance Act;

(5) any insured institution as defined in section 401 of the National Housing Act;

(6) any building and loan association or savings and loan association organized and operated according to the laws of the State in which it is chartered or organized; and for purposes of this paragraph, the term "State" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands;

(7) any Federal credit union as defined in section 101 of the Federal Credit Union Act; or

(8) any State credit union as defined in section 101 of the Federal Credit Union Act.

(c) Any depository institution which violates this section shall be fined $1,000 for each violation.

EXTENSION OF AUTHORITY OF FEDERAL DEPOSIT INSURANCE CORPORATION OVER INTEREST RATES PAID ON DEPOSITS BY NONINSURED BANKS

SEC. 3. Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C 1828(g)) is amended by—

(1) inserting in the second sentence thereof "or dividends" immediately after "the payment and advertisement of interest"; and

(2) striking out in the tenth sentence thereof "(1)", and by further striking out in such sentence ", and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by this subsection, including specifically the authority to regulate the rates of interest and dividends paid by such noninsured banks on time and savings deposits, or if such agency exists it has not issued regulations in the exercise of that authority"

EXTENSION OF AUTHORITY OF FEDERAL HOME LOAN BANK BOARD OVER RATES OF INTEREST AND DIVIDENDS PAID ON DEPOSITS, SHARES, AND WITHDRAWABLE ACCOUNTS BY NONMEMBER SAVINGS AND LOAN ASSOCIATIONS AND COOPERATIVE BANKS

SEC. 4. The third sentence of section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1425b(a)) is amended by striking out "(1)", and by further striking out ", and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by the first two sentences of this subsection, including specifically the authority to regulate the rates of interest and dividends paid by any such association or bank on deposits, shares, or withdrawable accounts, or if such agency exists it has not issued regulations in the exercise of that authority".

FEDERAL SAVINGS AND LOAN ASSOCIATIONS AND NATIONAL BANKS

SEC. 5. (a) The Congress finds that Federal savings and loan associations and national banks should have the authority to assist in financing the organization and operation of any State housing corporation established under the laws of the State in which the corporation will carry on its operations. It is the purpose of this Act to provide a means whereby private financial institutions can assist in providing housing, particularly for families of low or moderate income, by purchasing stock of and investing in loans to any such State housing corporation situated in the particular State in which the Federal savings and loan association or national bank involved is located.

(b) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof the following new paragraph:

"Without regard to any other provisions of this subsection, any such association whose general reserves, surplus and undivided profits aggregate a sum in excess of 5 per centum of its withdrawable accounts is authorized to invest in, to lend to, or to commit itself to lend to any State housing corporation incorporated in the State in which the head office of such association is situated, in the same manner and to the same extent as the statutes of such State authorize a savings and loan association organized under the laws of such State to invest in, to lend to, or commit itself to lend to such State housing corporation, but the aggregate amount of such investments, other than loans and loan commitments, of any such association outstanding at any time shall not exceed one-fourth of 1 per centum of the total assets of such association, and uninsured loans and commitments of any such association outstanding at any time shall not exceed 1 per centum of the total outstanding loans made or purchased by such association."

(c) Paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this paragraph, the association may purchase for its own account shares of stock issued by any State housing corporation incorporated in the State in which the association is located and may make investments in loans and commitments for loans to any such corporation: *Provided*, That in no event shall the total amount of such stock held for its own account and such investments in loans and commitments made by the association exceed at any time 5 per centum of its capital stock actually paid in and unimpaired plus 5 per centum of its unimpaired surplus fund."

SEC. 6. The provisions of this Act shall take effect on the thirtieth day after the date of its enactment, except that the amendments made by sections 1 and 5 shall take effect on the date of enactment of this Act.

Mr. PATMAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike out line 7 and all that follows thereafter through line 13 on page 3.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, I have previously spoken in general debate on what I consider to be this very, very important decision we are being asked to make here today. I will repeat that we are being called upon to make a decision as to whether or not we are going to revolutionize the banking industry as we have known it since 1933.

There is no question but what previous to that time the situation which prevailed in banking all over the United States helped to precipitate the depression. Why? Because banks with no great reserve requirements were paying interest on checking accounts, and when the time came for a run on the bank, at a time when it needed some liquidity, they did not have it because there was no requirement that they must have it.

Here we are now today with a proposition where we will refer back to pre-1933 days when all the banks will be required to pay interest on checking accounts. I know they will say today "No. This is nothing but permitting checking on a savings account" up in Massachusetts and New Hampshire.

But that is not the issue before us today. The issue is will we permit it in Massachusetts? If we do, it will spread to Pennsylvania and all over the United States. That is the issue.

You people here today have that question in mind. Do you want banks to go back to pre-1933 or do you want that



delicate balance, as we call it, that we have today to prevail.

I will just say this: If this amendment is allowed to prevail striking out the prohibition against NOW accounts, you are going to see an exodus of funds from the New England States into Massachusetts and New Hampshire. In fact, one State banking official estimated that in not too long a period of time $1 billion worth of funds from his State will gravitate to Massachusetts and New Hampshire and give these banking institutions and mutual savings banks a frightfully unfair competitive advantage.

I say it is a dangerous thing to permit this to start in the United States. However, if we feel that we must have it and that we should go back to pre-1933 and permit interest to be paid on checking accounts, then let us do it in a sound businesslike legislative way.

Let us hold exhaustive hearings on it, let us study the effect of pre-1933. Let us study what the effect would be for even paying interest on checking accounts, and then we will have to, as I say, impose strict requirements insofar as some of these institutions are concerned so that in times of stress that there will be liquidity in them to cover them, and bring the bank through such periods.

Mr. Chairman, there is more to this than just this simple idea of let us permit these innovative ideas to take place in Massachusetts, that is not the real thing, the real thing is that if we permit it there then it can well become nationwide, and it will be a thing that will come back to haunt us.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in support of the committee amendment, and I also rise in support of the administration which supports this amendment. I also rise in support of the consumers who benefit from this type of an account.

I say that I rise in support of the administration's position, because the Deputy Under Secretary of the Treasury, Mr. Smith, who appeared before our committee, said "we have in Massachusetts and New Hampshire"—and let us recognize we are only dealing with Massachusetts and New Hampshire—he said "we have in Massachusetts and New Hampshire a laboratory experiment—a laboratory experiment which will provide us an opportunity to see whether the permiting of negotiable orders of withdrawal out of interest-bearing accounts is indeed a feasible undertaking." This purpose, I might add, is certainly possible with our Federal system where we have some 50 States, each of them running their own affairs, to see if they can teach us something that will be of benefit to the other 48 States.

The same competitive situation that my colleague, the gentleman from Pennsylvania (Mr. JOHNSON) said applies in Massachusetts—and yet every Representative from the State of Massachusetts who has spoken here today has indicated support of this proposition. They believe that their State of Massachusetts, and I say we should permit them to do so.

They believe that a young family that only draws a few checks a month should be permitted to have this kind of an account, and they also believe that older families who also draw a few checks a month should have this type of account.

I believe that the committees in the Congress should observe this process, and see if in the future maybe we should abolish these kinds of accounts or maybe we should extend them to commercial banks and savings and loan associations. But, as Mr. Smith from the Treasury Department said:

> The only way we are going to get a real answer to that question is to permit this experiment to continue.

Fear has been expressed that this can spread to other States and it would be disastrous in one way or another. The witnesses from the FDIC clearly dispelled this fear. They said that even today they could prohibit these accounts in Massachusetts and New Hampshire. They could limit them to Massachusetts and New Hampshire, they could extend them to other States, including commercial and savings and loan associations.

In other words, if by any chance—and all of the evidence is to the contrary—but if by any chance these particular NOW accounts should expand—and the gentleman from California cited the figures to show that they are no longer expanding, they are expanding at a lower rate than the commercial banks in Massachusetts—but if perchance—and I do not believe it will occur—but if perchance we are wrong then we have armed the FDIC in section 2 of our bill—if this amendment is adopted—and section 3 of the original bill—with plenty of ammunition and power to regulate interest rates, as the FDIC witnesses said, down to zero.

So, I believe that we should support the committee, we should support the administration, and we should support the experiment which will benefit consumers.

Mr. STARK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak for a moment in favor of the committee amendment and see if I can bring some perspective to this. As a recent banker I have had a great deal of experience with this and I was very well informed about the harm these NOW accounts could do to the great banking and savings and loan systems of this country. We started a little bank in California in the face of some of the very large bank competition such as the $16 billion Bank of America which is opposed to this and Wells Fargo, with some $10 billion who are opposed to this.

Further I am speaking for some of the people in Massachusetts and some in New Hampshire who want these NOW accounts who are mostly people of modest income. The average balance of the accounts last February was $1,900. Consider for a moment some of the accounts in California which run probably average $5,000 to $8,000. The number of checks these people wrote in an average month was 5.3. I had a bank with 60,000 accounts in it and our people wrote 30 checks a month. We allowed them to write those free, because we made so much money on those accounts that we could allow it. In Massachusetts, they pay 15 cents a check and they earn 5¼ percent on their savings, on which many of these people live.

The American Bankers Association and the California Bankers Association and the Savings and Loan League have written in opposition to this, but I say we are here to represent the people of Massachusetts who are benefited from one of the innovative situations in the banking industry to happen in 300 years.

I hate to see the banking system, which has invested its money in such companies as the Pennsylvania Railroad, Lockheed, and the recent Equity Funding Corp., pressure us and have us say we are going to deny the 37,000 people in Massachusetts the chance to earn a fair return on their money in the savings banks which use their money to finance housing in Massachusetts.

It is a clear-cut vote. Either we vote for the consumers of this country who finally have had a fair shake from some banks or we will vote for the banking lobby. I do not think there is any other choice.

I ask my fellow Members of Congress to vote for the consumers.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, I hate to involve myself in a controversy between bankers, but I want to mention one class which has not been mentioned and that is people. This is a consumer issue; it is a people issue. My friend, the gentleman from Massachusetts (Mr. DRINAN), referred to the volume of mail we have been receiving on this. This mail predominately is not from bankers and banks, but it is from people. For instance I have one letter in my hand which says:

> DEAR SIR: I am one of your constituents. I wish to vote for NOW accounts.
>
> I opened an account and find it very helpful, as I am 70 years old, and a double amputee. I get around the house in a wheelchair. So with this account I do not have to travel around.
>
> My account is too small to have a checking account and pay a service charge.
>
> With this it is very handy when one makes a few checks a month.

I have another letter which reads in part as follows:

> These NOW accounts are so very convenient, especially for we older citizens, who find it hard to get out.
>
> In this way we can enjoy the convenience of writing a check and still not lose our interest which means a great deal to us.

By and large these are elderly people and people of no great means. I commend the gentleman from California for fighting for this innovation in the banking industry and for urging this Congress not to stifle it but to encourage it.

Mr. STARK. I thank my friend, the gentleman from Massachusetts, for his remarks.



XUM

Mrs. HECKLER of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a Representative from Massachusetts, I am, of course, thoroughly familiar with the whole question of NOW accounts. While our distinguished colleague from Ohio may have indicated that this is a Massachusetts amendment, the committee amendment, which I fully support, is not really a Massachusetts amendment, unless the gentleman wishes to annex New Hampshire to the territory of Massachusetts, which we will very willingly accept. Of course, my colleagues from New Hampshire would object to that.

I feel that the negotiable orders of withdrawal constitute a very significant convenience for the consumer in Massachusetts and New Hampshire, the two States where they are available. A number of these depositors are either senior citizens, or the very young, the small saver who benefits from the slightly better return that the NOW account gives him on his savings. I believe that there is a definite social goal to be served by continuing NOW accounts, and it is because of the undeniable benefit that the NOW account provides, and which the people of Massachusetts have recognized, that I support the continuation of NOW accounts, and I support the committee amendment.

There is in fact a larger issue which the Congress should address itself to, beyond the question of negotiable orders of withdrawal. Although NOW accounts are an innovation, one that I support, I do so only to the extent that they will not weaken our financial structure or our economy. In justice to all of the entities in the banking community and in the interest of all citizens, I contend that the proper approach in Congress to the question of competitive balance should be the consideration and implementation of the recommendations of the Hunt Commission. The weakness of the bill today is that it is piecemeal legislation, dealing with only one part of a very complex subject.

It seems to me, as of now, that the Treasury Department, which has promised to bring forward a package of legislation implementing a financial reorganization, is long overdue in its response to the Hunt Commission report.

In the interim, however, where is the danger in continuing the NOW accounts? It has been claimed, but not proven, that the advent of negotiable orders of withdrawal in Massachusetts and New Hampshire have resulted in a competitive imbalance. This is, of course, a serious question, and if I believed that NOW accounts have resulted in injury to the banking system, or if the accounts were unwise for the people of Massachusetts and New Hampshire, I would not support them. There is a potential for damage, but it has not been realized.

In what I hope is the brief interlude between the time we vote and the time when the Treasury Department comes forth with its recommendations for creating a realistic and modern financial structure, should we deny the small consumer, the small saver who is enjoying his NOW account, the opportunity to benefit from this innovation?

I believe that in the absence of a clear case of damage, and in the absence of proof that we have destroyed competitive balance, we should vote for the committee amendment, because we should not take away a consumer benefit that already exists. At the same time, let us get to work on the larger issue, which is the restructuring of the whole system, to provide flexibility for all of the banking institutions. I want the administration to send to Congress, as fast as possible, its recommendations for this restructuring. Let the NOW accounts continue, under careful observation, to forestall any damage that might result, especially to the small commercial banks and the savings and loan institutions.

Mr. DRINAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in Massachusetts we vote differently, and in Massachusetts we bank differently, and if I may say so, we do both better.

Today we can vote for the creative invention of Massachusetts and also vote for the banking policy of the Nixon administration, because both of them converge today.

The Treasury has supported the committee position. The Treasury has supported the NOW account, which is the creative device of some people in Massachusetts. This is really a very tiny issue. In all candor, it is almost ridiculous that we should be arguing here and spending this amount of time on the $71 million which are on deposit in NOW accounts in Massachusetts. These deposits are in some 56 savings banks and total less than one half of one percent of the total banking deposits in Massachusetts.

How many transactions go through these NOW accounts? 5.3 average transactions per month. This arrangement is for the elderly and for the young who have no substantial savings. It has already been mentioned here today that the average balance in the NOW accounts is $1,920. The NOW account benefits the consumers, but the consumer is so used to inadequate service by the banks that he is not even aware of the benefits he can get under the NOW account.

This NOW account is a third market between the traditional savings and the checking account. The NOW accout supports every major study of banking over the past generation, all of which have concluded we should remove from the banking industry the traditional monopoly they have had.

This NOW account is innovative. It is creative. It is useful. It should not be extinguished today.

I urge the Members to have the best of both worlds, to have the creative imagination of Massachusetts and to support the banking policies of the Nixon administration.

Vote to sustain the NOW account.

Mr. SARASIN. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, I sat out there and listened to the debate today, and I was reminded of a very recent debate which came before the legislative body of the State of Connecticut when I was a member of that body. During that debate, a debate I considered to be rather vicious from both sides, the commercial banks and the savings banks fought each other tooth and nail, a few years ago, and spent a great deal of their customers' money in an effort which did not accomplish anything for the people who had money in their institutions.

It was an attempt by the people in the savings banks in Connecticut to obtain a competitive advantage over commercial banks and savings and loan institutions.

I see that happening here today with the NOW account, which was a device to get around a prohibition that prevented savings banks from issuing checking accounts in the first instance. Now, under the NOW account scheme, they can issue checking accounts and pay interest on them, something which is not offered or available to commercial banks.

That is what is important. The commercial banks are required to set up higher reserves. The commercial banks are not allowed to offer as much interest as the savings banks on regualr savings. Commercial banks pay taxes under a different formula. They certainly would be put at a great competitive disadvantage.

I believe the answer is clear. If we are going to do anything for the customer, let us give the same rights to all institutions; let us allow the commercial banks as well as the savings banks and savings and loan institutions to offer this kind of interest on checking accounts.

It sounds like a noble scheme. Why are we not allowing everybody to do it? We would not be, if we accept the committee amendment.

This is especially significant in Connecticut. We are vitally affected by what happens in Massachusetts, with which we share the longest border of our State. The commercial banks and savings banks worked out an accommodation. The legislature has passed legislation to implement that accommodation. The amendment before us today, if passed, would destroy that accommodation.

For many reasons, which the Members have heard here, this is in fact class legislation designed only to help one kind of institution and not all of them. I urge a "no" vote on this legislation.

Mr. PATMAN. Mr. Chairman, I wonder if we can agree on a time to vote, say in 10 minutes? How many Members would like to be heard? Fifteen minutes?

Mr. Chairman, I ask unanimous consent that debate close in 20 minutes on this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. ST GERMAIN. Mr. Chairman, reserving the right to object——

Mr. PATMAN. Wait just a minute.

Mr. Chairman, I ask that the last 5 minutes, as traditional, be given the chairman of the committee.

Mr. ST GERMAIN. Mr. Chairman, I object. All other Members have been heard, and I should like to have 5 minutes.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I move that debate close on this amendment in 20 minutes.



The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

Mr. CHAPPELL. Mr. Chairman, I should like to offer a substitute, that the time before voting be 30 minutes.

The CHAIRMAN. Would the gentleman from Texas, for the benefit of the Chair, please restate his motion?

Mr. PATMAN. Yes, Mr. Chairman.

I move that all debate conclude in 20 minutes on this amendment only, and all amendments thereto, and that the last 5 minutes be reserved.

Mr. GROSS. Mr. Chairman, I object and make a point of order.

The CHAIRMAN. The last part of the motion is not in order, the Chair will advise the gentleman from Texas.

The question is on the motion offered by the gentleman from Texas (Mr. PATMAN) that all debate on the pending amendment close in 20 minutes.

The motion was agreed to.

The CHAIRMAN. Members standing at the time the unanimous consent agreement was entered will be recognized for 1½ minutes each.

The gentleman from Florida (Mr. CHAPPELL) is recognized.

Mr. CHAPPELL. Mr. Chairman, I hope that all of us recognize here that the bill itself has the prohibition against NOW accounts written into it and that the committee amendment seeks to take that prohibition of NOW accounts out of the bill. So I rise to speak against the committee amendment and for the proposition that we ought to prohibit the NOW accounts.

Mr. Chairman, our banking system has been worked out to provide maximum stability of our financial institutions and maximum safety for our depositors. There was a time when we did not have stability and safety. Interest on savings accounts is allowed for a good reason—to encourage stable sums for lending for housing and other purposes. Likewise interest on checking accounts is prohibited for a like good reason—to better encourage saving yet give convenience to annual accounts.

If you, today, want to undo the stability which we have in the system, then you will vote for the amendment, but if you want to contribute to sound banking principles, if you want to maintain the liquidity which is so essential to the system, if you want to retain the safe and proper margin of safety for the depositors in our banking system, and if you want to maintain a reasonable equity between the various institutions and types of institutions, you will vote no on this amendment.

Mr. Chairman, I urge that every one of us vote no on this committee amendment.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, does the gentleman say that in order to prohibit the use of the NOW account as a checking account, we have to vote "no" on this amendment?

Mr. CHAPPELL. The gentleman is exactly correct. If the gentleman wishes to vote against NOW accounts, he will vote no on this amendment, because the committee amendment seeks to take that prohibition out of the bill.

Mr. LANDRUM. The committee amendment would do away with what was originally section 2 in the bill; is that right?

Mr. CHAPPELL. The gentleman is correct.

Mr. LANDRUM. And section 2 prohibited the NOW accounts?

Mr. CHAPPELL. The gentleman is exactly correct.

Mr. Chairman, I urge a "no" vote on the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

(By unanimous consent, Mr. FRENZEL yielded his time to Mr. PATMAN.)

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Chairman, there have been a lot of charges around here that this is unsound banking procedure, and it just seems strange to me that all of the fine regulatory agencies, the Department of Treasury, the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board, are all against the prohibition of NOW accounts, and these are the agencies that deal directly with them.

Mr. Chairman, I would like to read a statement from Freyda Koplow, who is the Massachusetts Commissioner of Banking. She said as follows:

> The problem only exists in Massachusetts because federal regulatory agencies have the right to do things within the other states that can prevent any disruption.
>
> I think that (in Massachusetts) we can cooperate and try to come up with a compromise that will be acceptable to everyone . . .
>
> I strongly object to any interference in rate control in Massachusetts by the federal government, because the banks are not under its jurisdiction in any way and this would be a violation, I believe, of states rights.

Mr. Chairman, I would also like to bring to the attention of the membership the fact that the Senate Banking Committee voted 60 to 0 against the prohibition of NOW accounts.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

(By unanimous consent, Mr. GROSS yielded his time to Mr. ST GERMAIN.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the committee amendment. It was given careful consideration in the subcommittee of which I am the ranking member.

We took extensive testimony from the ones in Massachusetts. All of this verbal flap about the fact that there is going to be great intermediation and millions of dollars are going to run from commercial banks to the mutual savings banks in Massachusetts and New Hampshire is, in my opinion, false.

In the State of Massachusetts, where this competition has existed since last June, the commercial banks increased their deposits by 8 percent. The mutual savings banks have only increased their savings deposits by 4 percent. The documentation for the comparative deposit growth is on page 34 of the committee's hearings. So this great concern that there is going to be tremendous damage done to the commercial banks, is not borne out by the facts.

Also the gentleman stated that there is an attempt to avoid Federal law. Well, that is not true. As a matter of fact, section 3 of this legislation will allow the FDIC to make a determination and act to prevent federally regulated financial institutions from going to far afield. The mutual savings banks have stability in the States of Massachusetts and New Hampshire because, in answer to my good friend from Florida, there are substantial liquidity requirements. It is false to say that there are no liquidity requirements for the mutual savings banks in the two States in question. Therefore the continuation of the NOW accounts will not create instability in the marketplace.

The CHAIRMAN. The time of the gentleman has expired.

The Chair now recognizes the gentleman from Connecticut (Mr. MCKINNEY).

(By unanimous consent, Mr. MCKINNEY was allowed to yield his time to Mr. ROUSSELOT.)

Mr. ROUSSELOT. I thank the gentleman from Connecticut.

I wish to say that the State of Massachusetts has carefully regulated all of its banking institutions and so has the State of New Hampshire. The statement here today that we are only protecting a special group in Massachusetts is totally unfair. We are merely trying to allow 37,000 savers to be allowed the right of a simple convenience with their own money by a group of financial banks that show business initiative.

The answer to the gentleman from Pennsylvania is: if a State does not wish to have this kind of saving account, its regulatory authorities can disallow it or its State legislature can disallow it.

Mr. WYLIE. Will the gentleman yield?

Mr. ROUSSELOT. I will not yield to my friend at this time because we are very much limited under the debate cut-off.

This so-called great threat, that all other States are suddenly going to be swept into financial chaos by this type of savings account is an unfair and unsubstantiated charge. If you sincerely believe that each individual State should make its own judgment, then nothing else will change by voting for the committee amendment. We are just saying: leave the market as it is now and allow the Hunt Commission report to come to us with recommendations for the Treasury Department. We will make another judgment on a long-range basis instead of trying to do it on the floor here today.

Mr. Chairman, I support the committee amendment. I hope my good friends who believe in the concept of letting the local State governments do their own legislative and administrative work will support this committee amendment.

The CHAIRMAN. The Chair recognizes

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the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Chairman, I take this time for the purpose of asking a question of the gentleman from Pennsylvania (Mr. JOHNSON).

What tax advantages, if any, do the institutions which are now permitted to use the NOW system have over the regular commercial banks?

Mr. JOHNSON of Pennsylvania. Will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman.

Mr. JOHNSON of Pennsylvania. No exact figures were presented to the committee as to the tax advantage of being a mutual savings bank. However, it is axiomatic that the tax advantages are substantial, very, very, very substantial. It varies in the different States. Of course, the Federal tax on a mutual savings institution is minimal.

So as I pointed out in general debate, if we permit this situation where mutual savings banks become like commercial banks, then they should also step up and pay the same Federal taxes that the commercial banks do.

Mr. TEAGUE of California. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I have sought this time only for the purpose of indicating to the Members of the House that, like a number of other Members of the House, I own a number of shares in a commercial bank. It is a small bank. I invested in it at the time it was organized years ago. My interest is a very small percentage of the bank's capital.

I am not on the Committee on Banking and Currency. Out of my obligation to my constituents I intend to vote on this bill because I feel that, rather than having that type of a minor interest—and I do not have any idea whatsoever what the effect of this legislation could be on that bank—cause me to fail my constituents and withdrawing from a vote under those circumstances my best course of action is to disclose the fact of this ownership to the House, and then vote on the matter on the basis of the conclusion I shall have come to after concluding the careful attention I have been giving to the debate.

Mr. Chairman, that is the purpose of my making this statement.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WYLIE).

(By unanimous consent, Mr. WYLIE yielded his time to Mr. ST GERMAIN).

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, I have listened to this debate with a great deal of interest. It seems to me there are at least a few things somewhat strange in nature which should be observed. One is that when I find the gentleman from California and the gentlewoman from Massachusetts on the same side of a question, I immediately have reservations, and then when I add to that the fact that the administration is supporting a Massachusetts position, I am prompted to be doubly suspect.

Mr. Chairman, there is no question that the earth is not going to rise or fall on the basis of the issue before us now, but it should be remembered when we are talking about State's rights and Federal rights that had it not been for the original banking law and judicial decisions the very debate we are having today would not have occurred. So to the extent that the Federal Government is stepping in, if this amendment is defeated, by outlawing NOW accounts, really all we are doing is correcting a situation that we caused many years ago.

I think it should be remembered also that if the Hunt Commission report and recommendations had been brought before this body by this time it would have clarified and corrected any inequities that may exist and the present debate would be unnecessary.

I think, contrary to the administration, that rather than permitting the status quo to continue, since that status quo is only a status quo of the last 2 years, we should vote "no" and defeat the committee amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, what we have today is, I think, a breath of fresh air flowing into the somewhat stodgy and definitely overregulated banking industry. I believe that we in the Congress should encourage rather than stifle innovation in the banking industry. I believe as the administration says that this is an experiment limited at the present time to Massachusetts and New Hampshire which we can observe, and if it is bad a year from now we can outlaw it across the United States. If it is good, as I think it will be, because I think it is good for the consumers, and I think good banking, then we can expand it so that the savings and loan and commercial banks across the United States can use this consumer-oriented banking device.

So I would say to my colleagues that for the benefit of the consumers, without any adverse effect on the commercial banks, because its real effect would be in Massachusetts—and the Representatives from Massachusetts on both sides of the aisle have spoken in favor of the committee amendment, that we should support the committee, we should support the administration, and we should support this innovation for consumers.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. JOHNSON) is recognized.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, in general debate I said I had a chart which is an indication of what is going on in Massachusetts. I know the Members cannot see it, but in the picture there is a check, and underneath it, it says:

This is not a check; it is something 5¼ percent better. It looks like a check; you use it like a check; but it is not a check. It is a withdrawal order for a totally new kind of savings account that gives you a full 5¼ percent interest. We call it the all-in-one account because it gives you all the convenience of a checking account and all the interest of a regular savings account.

Those are the ads that are appearing in Massachusetts.

How would a Member like to be a little bank on one side of the street, a commercial bank, and have a mutual savings bank on the other side of the street? If they are paying 5¼ percent interest on a checking account, where are we going to go with our money? We are going to go right across the street to this mutual savings bank where we will have a checking account and we will be able to get interest on it as well.

I say this is one of the most unfair things and the most disadvantageous thing that has come into the banking system in my time. We fought it in 1933. We corrected it then. We saved the Nation's banks for 45 years, and now it is creeping back in again. It is a dangerous trend in this country, and we have a good chance today to stop it.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from California.

Mr. ROUSSELOT. Does not that check that the gentleman is displaying indicate that it has to be drawn on a commercial bank?

Mr. JOHNSON of Pennsylvania. The gentleman can read it if he wants to.

Mr. ROUSSELOT. I think the gentleman will find it has been drafted on a commercial bank check.

Mr. JOHNSON of Pennsylvania. The fact is they are advertising in Massachusetts that they will give you a checking account in a mutual savings bank and pay you 5¼ percent interest. I do not know how one can gloss it over and doll it up. That is what it is.

Mr. ROUSSELOT. My only point is that the check drawn against the NOW account is written on a commercial bank check.

The CHAIRMAN. The gentleman from Rhode Island (Mr. ST GERMAIN) is recognized.

Mr. ST GERMAIN. Mr. Chairman, the word "consumer" has crept into this debate rather extensively and understandably so. However, I might say that when the legislation on a Consumer Protection Agency came before the Committee on Government Operations, the subcommittee I was on, I voted for and supported a strong Consumer Protection Agency within the Federal Government. No one can accuse me of being anticonsumer. What we have got to remember is that there are consumers at both ends of this. It is the consumer depositor who puts his money in. It is the consumer borrower who wants to purchase a home who is usually the fellow who cannot afford to put $1,000 or $2,000 into a checking account. He can just about scrape up that down payment 5 or 10 percent. He will be forced to pay a higher rate of interest if these accounts are allowed to exist.

In addition, the mutual savings banks will have to invest their money not in home mortgages but in higher yield investments to pay this type of interest.

Let us at this point explode the myth and burst the bubble. When I first introduced this legislation, I went to a reception one evening with these mutual savings bankers from Massachusetts. A mutual savings banker said to me:

What are you doing putting that legislation in? Let us alone in Massachusetts. All we want to do is get demand deposit accounts, and then we will do away with the NOW accounts.

I quote from the transcript of the hearings during my questioning of Mrs. Koplow, the Banking Commissioner in the State of Massachusetts:

Mr. ST GERMAIN. Ms. Koplow, is it correct that if the Federal Government doesn't interfere with the NOW accounts at this time, then the commercial banks and the mutual savings banks in Massachusetts may reach an agreement which would permit the mutuals to offer non-interest-bearing demand deposits if they maintain liquidity reserves?

Ms. KOPLOW. That is the proposal we have made to them.

Mr. ST GERMAIN. Was that agreed to by the mutuals?

Ms. KOPLOW. Yes, sir.

Mr. ST GERMAIN. So now we are cutting through all the fog and all the mustard.

What the mutuals are looking for here is a regular demand account with no payment of interest to the depositors.

Ms. KOPLOW. I couldn't make that interpretation for them, but in the compromise proposal they said that they would adopt the compromise proposal that I made.

I also came down and offered it to the Coordinating Committee of the agencies in Washington. And at that time we had an agreement in principle from all parties.

Mr. ST GERMAIN. But the point is that there would be no payment of interest on these demand deposit accounts?

Ms. KOPLOW. That is correct.

I say to the Members of this House, unless we defeat the committee amendment and vote "no" on the next vote, we will within a short period of time see the Massachusetts legislature go along because the compromise will then be reached between the mutuals, and they will have the clout, and the commercials and we will have demand deposits allowed by the mutuals in Massachusetts. These will be demand deposit accounts with no payment of interest whatsoever.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I thank the gentleman for yielding.

I associate myself with the remarks of the gentleman which correct the erroneous impression that we can afford at this time to carry on an experiment in America. We have a banking system we can be proud of. We have commercial banks which have their responsibilities and savings and loans which have their responsibilities, and if we want to help the consumers in this country I feel as strongly as the gentleman does that we should vote "no" and outlaw the NOW accounts.

Mr. ST GERMAIN. Let us recall one thing. In the State of Massachusetts the mutual savings banks are not just a tiny segment. They have 44 percent of the deposits in the State. The commercials have 38 percent. The S. & L.'s have 6 percent. That is why the increase in the mutuals was not as large as that of the commercials.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, let us evaluate the entities of the financial institutions. There are about 13,500 banking institutions, there are about 6,500 savings and loans, and there are more than 500 mutual savings banks, and there are 23,000 credit unions.

Mr. Chairman, I feel if we are considering the consumers in this vote we should not overlook the credit unions. There are 23,000 and they have 25 million members. Every seventh American citizen is a member of a credit union so we cannot overlook them. They have more in their favor than all the other financial entities combined and they are I think great American citizens. They are the plain people of our country. They are the people who build our country in time of peace and the people who save our country in time of war. They are always members of a construction gang and never members of a wrecking crew.

So if we want to cast a good, safe vote in the interest of the United States of America I ask the Members please to consider voting with the committee and voting "aye" for this amendment, and in that way I believe we will have justice done and we will never regret it. It affects only two States and it is a wonderful time to have an experiment granted. If it should get out of hand of course the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation can come in and regulate any situation that gets out of hand. I believe this will be in the interest of the country.

Mr. WYLIE. Mr. Chairman, there is an honest difference of opinion on this amendment as evidenced by the fact that it was deleted from the bill in committee by a 19-to-17 vote. However, it seems to me this is pure and simple class legislation. It was referred to as class legislation by the gentleman from California (Mr. ROUSSELOT) but I look at it as class legislation in a different light.

If we do not prohibit the NOW account—and it started in Massachusetts, which has a separate, distinct banking system, separate and distinct from all of the other 49 States in the United States—and the NOW account has now spread to New Hampshire, then it seems to me as though we are passing class legislation for the State of Massachusetts. I think in the interest of uniformity we ought to support the St Germain position. This is not States rights; this is State—singular—rights. If all of the other States in the United States were permitted to have financial institutions which could offer checking accounts bearing interest, then I would be for it, because that would be States rights. It would be uniformly applied to all 50 States. But under existing Federal law, a commercial bank which is insured by the Federal Deposit Insurance Corporation cannot pay interest on a checking account. A savings and loan, which is insured by the Federal Savings and Loan Insurance Corporation, cannot have a checking account.

I think that maybe a group of Harvard Business School students—and I certainly do not mean to take anything away from them—sat around one Saturday evening in Harvard Square and figured out a way to get around the Federal law prohibiting interest on time deposits and they found it through the NOW account. It is ingenious.

The NOW accounts were disapproved by the commissioner of banks in Massachusetts. The Supreme Judicial Court of Massachusetts ruled that the Massachusetts savings banks had the right to offer NOW accounts.

My position is that if the NOW account is such a good thing, why do we not here today pass a law which would allow every State in the United States to have NOW accounts? Why do we not pass a law which would allow the commercial banks to pay interest on their checking accounts, and allow the insured savings and loans to have interest-bearing checking accounts? It may be that this is the way it will come out after implementation of the so-called Hunt report, but if Federal regulation of financial institutions is necessary—and I believe that it is—it ought to be applied uniformly to all 50 States.

I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman for yielding.

This is class legislation. This is discriminatory legislation against the Commonwealth of Massachusetts who, back in 1935 when all other States were clamoring to get underneath the Federal umbrella to be protected by the Federal Deposit Insurance Corporation, had the guts and gumption and foresight to do it themselves. They insured their own savings accounts. This is why Massachusetts is unique. In many ways Massachusetts has been a leader, and I think it is a leader now in the banking industry.

All of the fears that have been thrown around this Chamber——

Mr. WYLIE. Mr. Chairman, the gentleman is using my time. I refuse to yield further. I thought I was yielding for the purpose of a question.

The point I want to make is that we are, by passing this law, if we do not prohibit the NOW accounts, giving additional advantage by Federal law to the separate banking system in Massachusetts. I do not suggest that the Massachusetts system is necessarily all that bad, but, as I say, it seems to me if we are going to legalize this practice, and continue the interest and checking account regulation of commercial banks and savings and loans, let us then apply it uniformly to all 50 States. If it is good for Massachusetts, maybe it will be good for all the rest of the States.

Mr. MOAKLEY. Mr. Chairman, my purpose in speaking is simply to put the negotiable order of withdrawal—NOW accounts—issue in its proper perspective.

I suppose I can best accomplish the objective by laying before you the "real" facts relative to this issue.

Undoubtedly the most important facts to be considered are: First the fact that NOW accounts only affect two States—Massachusetts and New Hampshire; and second, NOW accounts provide a tremendous service to the consumer.



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My State, Massachusetts, first began use of the NOW accounts in May of 1972, when the Supreme Judicial Court of Massachusetts ruled in favor of the consumer on the question of are "NOW accounts checking accounts."

In the majority opinion, the court in answer to the previous question said "No"—NOW accounts are not checking accounts as defined by Federal law.

The exact language was—

If . . . a depositor of the bank, on making a withdrawal, has the option of requesting cash, or a treasurer's check or of purchasing a money order . . . according him a fourth option of drawing a check on his own account . . . is a distinction without a difference.

However, to me, the real issue regarding NOW accounts is not whether NOW accounts are checking accounts nor is a question of who will prevail in the battle between the commercial and the mutual savings banks to protect their respective monetary interests.

No, to me the question is simply will the consumer—the guy who invariably gets hurt by big business battles be denied the tremendously beneficial service rendered by those banks who offer NOW accounts.

For too often the consumer is the innocent victim whenever it comes to who shares in the wealth of the country, but this is one time I feel confident that we, the Members of the 93d Congress, we will not turn our back on the consumer by voting to reinstate section 2 of H.R. 6370.

In response to those critics of NOW accounts who maintain that they should be abolished, because of alleged potential injurious impact to competing financial institutions, let me again put forth the facts—which as you will note tend to prove the exact opposite.

Existing data indicates that 44 percent of all NOW account deposits represent transfers from existing accounts within the same bank.

Of the remaining 56 percent it is estimated that approximately 30 to 35 percent would have been new regular savings accounts at the same savings banks were it not for NOW accounts.

Furthermore, total deposits at NOW account banks grew slightly over 4.3 percent compared to a growth rate of 4.2 percent in the non-NOW account banks.

Also noteworthy is the fact that there is no indication whatever that NOW accounts will tend to raise the mortgage rates in Massachusetts. In fact, if NOW accounts bring more money into their institutions as suspected, then the net effect would be to have a reduced rate on mortgage money.

So, as you can see there is clearly no justification to the criticism aimed at NOW account service.

Presently, there are some 40,000 to 50,000 consumers who are now benefiting from the use of NOW accounts.

These consumers receive some $1 million per week in interest payments and yet there are those who would want to deny them this truly innovative service.

To conclude, Mr. Chairman, I can only further say that to vote for the reinstatement of section 2 is not only contrary to the expressed consent of the committee-approved bill, but more significantly, it is a vote against the consumer.

I yield back any remaining time I might have.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PATMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 98, noes 264, "present" 29, not voting 42, as follows:

[Roll No. 132]

AYES—98

| | | |
|---|---|---|
| Abzug | Eckhardt | Mink |
| Addabbo | Edwards, Calif. | Mitchell, Md. |
| Anderson, Calif. | Eilberg | Moakley |
| Aspin | Fish | Mollohan |
| Barrett | Foley | Moorhead, Pa. |
| Bennett | Ford, Gerald R. | Nedzi |
| Blester | Focsythe | Nix |
| Bingham | Frenzel | O'Neill |
| Blackburn | Gaydos | Patman |
| Bolling | Giaimo | Podell |
| Broomfield | Goldwater | Rarick |
| Brown, Calif. | Grasso | Rees |
| Burgener | Green, Pa. | Rinaldo |
| Burke, Calif. | Griffiths | Robison, N.Y. |
| Burke, Mass. | Gude | Rooney, Pa. |
| Burlison, Mo. | Hansen, Idaho | Rousselot |
| Burton | Hébert | Roybal |
| Carney, Ohio | Hechler, W. Va. | Sarbanes |
| Chisholm | Heckler, Mass. | Schroeder |
| Clay | Heinz | Selberling |
| Cohen | Helstoski | Shoup |
| Conte | Holtzman | Staggers |
| Conyers | Howard | Stark |
| Corman | Karth | Stratton |
| Cronin | Kastenmeier | Studds |
| Daniels, Dominick V. | Koch | Sullivan |
| | Kyros | Symington |
| | Lent | Van Deerlin |
| Dellenback | McClory | Ware |
| Dellums | McKinney | Whalen |
| Dent | Macdonald | Yates |
| Derwinski | Martin, Nebr. | Young, Ga. |
| Dingell | Matsunaga | |
| Drinan | Mazzoli | |

NOES—264

| | | |
|---|---|---|
| Abdnor | Collins | Gubser |
| Adams | Conable | Gunter |
| Alexander | Conlan | Haley |
| Anderson, Ill. | Cotter | Hamilton |
| Andrews, N.C. | Coughlin | Hammer-schmidt |
| Andrews, N. Dak. | Crane | |
| | Culver | Hanley |
| Annunzio | Daniel, Dan | Hanna |
| Archer | Daniel, Robert W., Jr. | Hanrahan |
| Arends | | Hansen, Wash. |
| Ashbrook | Danielson | Harrington |
| Bafalis | Davis, Ga. | Harsha |
| Baker | Davis, S.C. | Harvey |
| Beard | Davis, Wis. | Hastings |
| Bell | de la Garza | Hawkins |
| Bergland | Denholm | Hays |
| Bevill | Dennis | Henderson |
| Blatnik | Devine | Hicks |
| Boggs | Donohue | Hinshaw |
| Boland | Dorn | Holifield |
| Bowen | Downing | Holt |
| Brademas | Dulski | Horton |
| Brasco | Duncan | Hosmer |
| Bray | du Pont | Hudnut |
| Breaux | Erlenborn | Hungate |
| Brecklinridge | Esch | Hutchinson |
| Brinkley | Eshleman | Ichord |
| Brotzman | Evans, Colo. | Jarman |
| Brown, Mich. | Fascell | Johnson, Calif. |
| Brown, Ohio | Findley | Johnson, Colo. |
| Broyhill, N.C. | Fisher | Johnson, Pa. |
| Broyhill, Va. | Flood | Jones, Ala. |
| Burke, Fla. | Flowers | Jordan |
| Burleson, Tex. | Flynt | Kazen |
| Butler | Ford, William D. | Keating |
| Byron | | Kemp |
| Carey, N.Y. | Frey | Kluczynski |
| Casey, Tex. | Froehlich | Kuykendall |
| Cederberg | Fulton | Landgrebe |
| Chamberlain | Fuqua | Landrum |
| Chappell | Gettys | Latta |
| Clancy | Gilman | Leggett |
| Clark | Ginn | Lehman |
| Clausen, Don H. | Gonzalez | Litton |
| | Gray | Long, La. |
| Cochran | Gross | Long, Md. |
| Lott | Pickle | Steele |
| Lujan | Poage | Steed |
| McCloskey | Powell, Ohio | Steelman |
| McCollister | Price, Ill. | Stelger, Ariz. |
| McCormack | Pritchard | Stephens |
| McDade | Quie | Stubblefield |
| McEwen | Railsback | Stuckey |
| McFall | Randall | Symms |
| McSpadden | Rangel | Talcott |
| Madigan | Regula | Taylor, Mo. |
| Mahon | Rhodes | Taylor, N.C. |
| Mallary | Riegle | Thomson, Wis. |
| Mann | Roberts | Thone |
| Maraziti | Robinson, Va. | Thornton |
| Martin, N.C. | Rodino | Tiernan |
| Mathias, Calif. | Roe | Towell, Nev. |
| Mathis, Ga. | Rogers | Treen |
| Mayne | Roncallo, N.Y. | Udall |
| Meeds | Rose | Ullman |
| Metcalfe | Rostenkowski | Vanik |
| Mezvinsky | Roush | Vigorito |
| Michel | Roy | Waggonner |
| Milford | Runnels | Wampler |
| Miller | Ruth | White |
| Mills, Ark. | Ryan | Whitehurst |
| Mills, Md. | St Germain | Whitten |
| Minish | Sandman | Widnall |
| Mitchell, N.Y. | Sarasin | Wiggins |
| Mizell | Satterfield | Williams |
| Montgomery | Scherle | Wilson, Bob |
| Moorhead, Calif. | Schneebeli | Wilson, Charles H., Calif. |
| Morgan | Sebelius | |
| Moss | Shipley | Wilson, Charles, Tex. |
| Murphy, Ill. | Shriver | |
| Natcher | Shuster | Wright |
| Nelsen | Sikes | Wyatt |
| O'Hara | Sisk | Wylie |
| Owens | Skubitz | Young, Alaska |
| Parris | Slack | Young, Ill. |
| Passman | Smith, Iowa | Young, S.C. |
| Patten | Snyder | Young, Tex. |
| Pepper | Spence | Zablocki |
| Perkins | Stanton, J. William | Zion |
| Pettis | | Zwach |
| Peyser | Stanton, James V. | |

"PRESENT"—29

| | | |
|---|---|---|
| Armstrong | Huber | Quillen |
| Camp | Hunt | Ruppe |
| Clawson, Del | Jones, N.C. | Smith, N.Y. |
| Cleveland | Jones, Okla. | Teague, Calif. |
| Collier | Mailliard | Walsh |
| Edwards, Ala. | Minshall, Ohio | Winn |
| Goodling | Myers | Wydler |
| Grover | O'Brien | Wyman |
| Hillis | Pike | Young, Fla. |
| Hogan | Preyer | |

NOT VOTING—42

| | | |
|---|---|---|
| Ashley | Green, Oreg. | Reuss |
| Badillo | Guyer | Roncallo, Wyo. |
| Blaggi | Jones, Tenn. | Rooney, N.Y. |
| Brooks | Ketchum | Rosenthal |
| Buchanan | King | Saylor |
| Carter | McKay | Steiger, Wis. |
| Delaney | Madden | Stokes |
| Dickinson | Melcher | Teague, Tex. |
| Digga | Mosher | Thompson, N.J. |
| Evins, Tenn. | Murphy, N.Y. | Vander Jagt |
| Fountain | Nichols | Veysey |
| Fraser | Obey | Waldie |
| Frelinghuysen | Price, Tex. | Wolff |
| Gibbons | Reid | Yatron |

So the committee amendment was rejected.

Mr. PATMAN. Mr. Chairman, the other committee amendments are just changing section numbers. I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

The committee amendments:

Page 3, line 18, strike out "3" and insert in lieu thereof "2".

Page 4, line 12, strike out "4" and insert in lieu thereof "3"

Page 4, line 25, strike out "5" and insert in lieu thereof "4".

Page 5, line 5, strike out "Act" and insert in lieu thereof "section".

Page 6, immediately after line 20, insert the following new section heading: "Effective Date".



Page 6, line 21, strike out "6" and insert in lieu thereof "5".

Page 6, line 23, strike out "5" and insert in lieu thereof "4".

Mr. PATMAN. Mr. Chairman, since the first committee amendment failed, these others should be voted against.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were rejected.

AMENDMENT OFFERED BY MR. M'KINNEY

Mr. McKINNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McKINNEY: Page 2, line 6, strike "September 30, 1975" and insert in lieu thereof "June 1, 1974".

Mr. ST GERMAIN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Connecticut (Mr. McKINNEY).

Mr. Chairman, the provision commonly known as regulation Q is to establish an interest rate differential fund to encourage the depositing of funds in the thrift institutions of our country who are charged primarily with providing mortgage financing for home purchases.

During the money crunch of 1966, we came up with an amendment to establish a differential to assure mortgage loan money will be available to those individuals who wanted to purchase homes. This differential insures an adequate supply of money in savings and loan associations for this purpose. On this point, exclusive of interest credited to accounts, this flow of funds into savings and loan associations totaled $1.6 billion in March of 1973. This figure is 40.2 percent below the comparable figure of $2.7 billion a year ago. It is important that this section be retained. Why the extended period of time? We have been waiting and waiting and waiting for the administration to come up with their recommendations on the Hunt Commission report, and each time a date would come up where they had promised to send the recommendations up there would be a new extension. We can, at the time those recommendations finally do come up, amend this section, but in the meantime until there is a revision, there is no sense for us in the Congress, as we have been doing every year, holding hearings and having an emergency situation develop by June 1 to pass an extension of regulation Q. Therefore we should have regulation Q in there for an extended period of time to give us an opportunity to have hearings on these recommendations that will be forthcoming from the administration.

For that reason I urge the Members to vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. McKINNEY).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HARRINGTON

Mr. HARRINGTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRINGTON: Page 6 after line 24 insert a new section to read as follows:

SEC. 7. Section 2(b) of Public Law 90–505 (12 U.S.C. 371(b)) is amended by adding at the end thereof the following sentence:

"Notwithstanding the foregoing, in those States in which a State bank supervisory agency has authorized or authorizes financial institutions not regulated by a Federal supervisory agency to accept a deposit or account on which interest or dividends are paid and which is subject to withdrawal by draft, the Federal supervisory agency shall permit the payment of such rate of interest on time and savings deposits necessary to eliminate any differential between that rate and the rate of interest authorized for time and savings deposits by such State bank supervisory authority or the Federal Deposit Insurance Corporation."

Mr. HARRINGTON. Mr. Chairman, I suppose part of the urgency for this amendment has been somewhat eroded by the vote which just occurred.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman.

Mr. J. WILLIAM STANTON. I wonder if the gentleman realizes the House action we just took reaffirms the original subcommittee action on this legislation which has the effect of outlawing the NOW account.

Mr. HARRINGTON. I do.

Mr. J. WILLIAM STANTON. And the gentleman's amendment would be now to allow NOW accounts the same for commercial banks.

Mr. HARRINGTON. No. The purpose of my amendment is to make sure that we eliminate or at least reduce the competitive imbalance created by allowing savings banks to offer a higher interest rate on savings accounts than commercial banks in Massachusetts.

The amendment is directed only to those States in which NOW accounts can be offered by mutual savings banks. Such banks in Massachusetts now pay 5¼ percent interest on savings deposits, while commercial banks are allowed to pay only 4½ percent interest on savings deposits.

My amendment is designed to eliminate that differential. It is not related to the prohibition of NOW accounts.

All this really does is—and, as I say, the passage of the amendment that we have recently voted on to some extent diminishes the competitive imbalance is—to allow commercial banks in Massachusetts and in States where NOW accounts exist to pay the same interest rates presently offered by savings banks. It would eliminate this disparity of ¾ of 1 percent, and this would go in the direction of rectifying that imbalance.

It is offered as a new section of the existing bill, and it is in no way to be confused as being a part of the previous question. It is for that reason I offer it at the end of the bill as a new section of the legislation.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I previously have said in debate, our banking system exists in what we might call a very delicate balance. One of the reasons for regulation Q is to permit mutual savings banks to pay a higher rate of interest on savings than the commercial banks do. Why is that necessary? Because we want savings accounts. We want people to place their savings in these mutual savings banks and savings and loan institutions so that there will be money available to loan on first mortgages on homes. That is the reason for the differential, and I say it is a good reason, and it is one we should respect and keep.

What this amendment does is it will permit—I believe in his State—commercial banks to pay the same interest on savings deposits as do savings and loans and mutual savings banks. There again we are upsetting what we in this Congress in our wisdom in years gone by have set up regulation Q to correct: a differential. I believe this amendment is a step in the wrong direction.

Mr. ST GERMAIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, just a few minutes ago, we voted for the continuation of regulation Q. It establishes the interest rate differential. This particular amendment would do away with the differential, and, as I said earlier, the reason for the differential is to attract money into the mutual thrift institutions whose primary purpose is to provide mortgage money for home purchases. This is requested by a group of commercial banks, but when we go to a commercial bank, first we see the window where they have the insurance being sold, and then the credit loans, commercial loans, and maybe within an hour we can find the mortgage department, because most commercial banks are not too interested in providing mortgage money to home purchasers.

Therefore, we have established regulation Q for that reason, in order to continue to provide money in this country for people who want to purchase homes.

I am constrained and forced to ask that this amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. HARRINGTON).

The amendment was rejected.

Mr. BURLISON of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to propound a question to the managers of the legislation. Is it not true that this legislation places a limitation on the rate of interest that a bank or a lending institution may pay on the savings account?

Mr. PATMAN. On time and savings deposits, the gentleman is correct.

Mr. BURLISON of Missouri. It is not true, on the other hand, that there is no limitation set on what a bank may charge in interest on loans made to its borrowers?

Mr. PATMAN. No, not on using the money in the reserve deposits. Of course they have lots of power there. They cannot pay interest on demand deposits. In other words, $250 billion they get the use of free.

Mr. BURLISON of Missouri. Is it not then highly discriminatory against the depositors or maybe I should call them consumers when they are regulated as to what they may draw in interest while

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at the same time the bank has no regulation on what it may charge the people in interest?

Mr. PATMAN. That is correct. It is even worse on time deposits. They can create or manufacture money up to 33⅓ times as much.

Mr. BURLISON of Missouri. Then why do we have that in this legislation? Is that not a good argument to vote against the bill?

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PIKE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6370) to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes, pursuant to House Resolution 371, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SCHERLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 4, answered "present" 18, not voting 35, as follows:

[Roll No. 133]

YEAS—376

| | | |
|---|---|---|
| Abdnor | Bray | Conable |
| Abzug | Breaux | Conlan |
| Adams | Breckinridge | Conte |
| Addabbo | Brinkley | Conyers |
| Alexander | Broomfield | Corman |
| Anderson, Calif. | Brotzman | Cotter |
| Anderson, Ill. | Brown, Calif. | Coughlin |
| Andrews, N.C. | Brown, Mich. | Crane |
| Andrews, N. Dak. | Brown, Ohio | Cronin |
| Annunzio | Broyhill, N.C. | Culver |
| Archer | Broyhill, Va. | Daniel, Dan |
| Arends | Burgener | Daniel, Robert W., Jr. |
| Ashbrook | Burke, Calif. | Daniels, Dominick V. |
| Ashley | Burke, Fla. | Danielson |
| Aspin | Burke, Mass. | Davis, Ga. |
| Bafalis | Burleson, Tex. | Davis, S.C. |
| Baker | Burton | Davis, Wis. |
| Barrett | Byron | de la Garza |
| Beard | Carey, N.Y. | Delienback |
| Bell | Carney, Ohio | Dellums |
| Bennett | Casey, Tex. | Denholm |
| Bergland | Cederberg | Dennis |
| Bevill | Chamberlain | Dent |
| Biester | Chappell | Derwinski |
| Bingham | Chisholm | Devine |
| Blackburn | Clancy | Dickinson |
| Blatnik | Clark | Diggs |
| Boggs | Clausen, Don H. | Dingell |
| Boland | Clawson, Del | Donohue |
| Bolling | Clay | Dorn |
| Bowen | Cochran | Downing |
| Brademas | Cohen | Dulski |
| Brasco | Collins | Duncan |
| du Pont | Leggett | Rooney, Pa. |
| Eckhardt | Lehman | Rose |
| Edwards, Ala. | Lent | Rostenkowski |
| Edwards, Calif. | Litton | Roush |
| Eilberg | Long, La. | Rousselot |
| Erlenborn | Long, Md. | Roy |
| Esch | Lott | Roybal |
| Eshleman | Lujan | Runnels |
| Evans, Colo. | McClory | Ruppe |
| Evins, Tenn. | McCloskey | Ruth |
| Fascell | McCollister | Ryan |
| Findley | McCormack | St Germain |
| Fish | McDade | Sandman |
| Fisher | McEwen | Sarasin |
| Flood | McFall | Sarbanes |
| Flowers | McKinney | Satterfield |
| Flynt | McSpadden | Scherle |
| Foley | Macdonald | Schneebeli |
| Ford, Gerald R. | Madden | Schroeder |
| Ford, William D. | Madigan | Sebelius |
| Forsythe | Mahon | Selberling |
| Frenzel | Mailliard | Shipley |
| Frey | Mallary | Shoup |
| Froehlich | Mann | Shriver |
| Fulton | Maraziti | Shuster |
| Fuqua | Martin, Nebr. | Sikes |
| Gaydos | Martin, N.C. | Sisk |
| Gettys | Mathias, Calif. | Skubitz |
| Gialmo | Mathis, Ga. | Slack |
| Gilman | Matsunaga | Smith, Iowa |
| Ginn | Mayne | Snyder |
| Goldwater | Mazzoli | Spence |
| Gonzalez | Meeds | Staggers |
| Goodling | Metcalfe | Stanton, J. William |
| Grasso | Mezvinsky | Stanton, James V. |
| Gray | Michel | Steed |
| Green, Pa. | Milford | Steele |
| Griffiths | Miller | Steelman |
| Gross | Mills, Md. | Steiger, Ariz. |
| Gubser | Minish | Stephens |
| Gude | Mink | Stokes |
| Gunter | Minshall, Ohio | Stratton |
| Haley | Mitchell, Md. | Stubblefield |
| Hamilton | Mitchell, N.Y. | Stuckey |
| Hammer-schmidt | Mizell | Sullivan |
| Hanley | Moakley | Symington |
| Hanna | Mollohan | Symms |
| Hanrahan | Montgomery | Talcott |
| Hansen, Idaho | Moorhead, Calif. | Taylor, Mo. |
| Hansen, Wash. | Moorhead, Pa. | Taylor, N.C. |
| Harrington | Morgan | Teague, Calif. |
| Harsha | Mosher | Thompson, N.J. |
| Harvey | Moss | Thomson, Wis. |
| Hastings | Murphy, Ill. | Thone |
| Hawkins | Myers | Thornton |
| Hays | Natcher | Towell, Nev. |
| Hébert | Nedzi | Treen |
| Hechler, W. Va. | Nelsen | Udall |
| Heckler, Mass. | Nichols | Ullman |
| Heinz | Nix | Van Deerlin |
| Helstoski | O'Hara | Vanik |
| Henderson | O'Neill | Vigorito |
| Hicks | Owens | Waggonner |
| Hinshaw | Parris | Wampler |
| Holifield | Passman | Ware |
| Holt | Patman | Whalen |
| Holtzman | Patten | White |
| Horton | Pepper | Whitehurst |
| Hosmer | Perkins | Whitten |
| Howard | Pettis | Widnall |
| Hudnut | Peyser | Wiggins |
| Hungate | Pickle | Williams |
| Hunt | Poage | Wilson, Bob |
| Hutchinson | Podell | Wilson, Charles H., Calif. |
| Ichord | Powell, Ohio | Wilson, Charles, Tex. |
| Jarman | Preyer | Wright |
| Johnson, Calif. | Price, Ill. | Wyatt |
| Johnson, Colo. | Pritchard | Wydler |
| Johnson, Pa. | Quie | Wylie |
| Jones, Ala. | Railsback | Yates |
| Jordan | Randall | Young, Alaska |
| Karth | Rangel | Young, Ga. |
| Kastenmeier | Rees | Young, Ill. |
| Kazen | Regula | Young, S.C. |
| Keating | Rhodes | Young, Tex. |
| Kemp | Riegle | Zablocki |
| Kluczynski | Rinaldo | Zion |
| Koch | Roberts | Zwach |
| Kuykendall | Robinson, Va. | |
| Kyros | Robison, N.Y. | |
| Landgrebe | Rodino | |
| Landrum | Roe | |
| Latta | Rogers | |
| | Roncallo, N.Y. | |

NAYS—4

| | | |
|---|---|---|
| Burlison, Mo. | Rarick | Stark |
| Drinan | | |

ANSWERED "PRESENT"—18

| | | |
|---|---|---|
| Armstrong | Hogan | Quillen |
| Camp | Huber | Smith, N.Y. |
| Cleveland | Jones, N.C. | Walsh |
| Collier | Jones, Okla. | Winn |
| Grover | O'Brien | Wyman |
| Hillis | Pike | Young, Fla. |

NOT VOTING—35

| | | |
|---|---|---|
| Badillo | Jones, Tenn. | Rooney, N.Y. |
| Blaggi | Ketchum | Rosenthal |
| Brooks | King | Saylor |
| Buchanan | McKay | Steiger, Wis. |
| Carter | Melcher | Teague, Tex. |
| Delaney | Mills, Ark. | Tiernan |
| Fountain | Murphy, N.Y. | Vander Jagt |
| Fraser | Obey | Veysey |
| Frelinghuysen | Price, Tex. | Waldie |
| Gibbons | Reid | Wolff |
| Green, Oreg. | Reuss | Yatron |
| Guyer | Roncallo, Wyo. | |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Gibbons.
Mr. Teague of Texas with Mr. Frelinghuysen.
Mr. Yatron with Mr. Saylor.
Mr. Obey with Mr. Steiger of Wisconsin.
Mr. Fountain with Mr. Carter.
Mr. Murphy of New York with Mr. Jones of Tennessee.
Mr. Roncalio of Wyoming with Mr. Badillo.
Mr. Wolff with Mr. McKay.
Mr. Fraser with Mr. Vander Jagt.
Mr. Rosenthal with Mr. Buchanan.
Mr. Brooks with Mr. Price of Texas.
Mr. Delaney with Mr. King.
Mrs. Green of Oregon with Mr. Guyer.
Mr. Blaggi with Mr. Melcher.
Mr. Reid with Mr. Reuss.
Mr. Tiernan with Mr. Waldie.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## PERSONAL ANNOUNCEMENT

Mr. FOLEY. Mr. Speaker, I was unavoidably absent today on rollcall No. 131. Had I been present, I would have voted "yea."

## MINORITY VIEWS ON H.R. 6646, PEANUT BILL

(Mr. GOODLING asked and was given permission to adddress the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GOODLING. Mr. Speaker, I object strongly to H.R. 6646, the peanut bill which will waste another $8.6 million of the taxpayers' money.

In my estimation it simply strengthens the chains that tie growers and the entire peanut industry to the dark ages of agriculture to the detriment of all concerned. It would stymie the movement of this commodity toward brighter horizons already experienced in other sectors of agriculture where enlightened farm programs permit farmers to produce for the marketplace instead of the government warehouse.

H.R. 6646 essentially prevents the USDA from making some needed program changes that it has already announced for the 1973 crop peanut program. These are changes that do not go as far as I feel is needed, but reflect a thorough study by the Department of the peanut situation and consideration of views of growers, Members of Congress, peanut shellers, manufacturers, and others interested in this commodity.

One change, announced by the Department in early April, was elimination of the Commodity Credit Corporation sheller purchase progam begun in 1943. Under the sheller purchase program, CCC essentially assures the sheller a ready market for low-quality peanuts but provides no direct benefit to producers. Elimination of this program would lessen Government involvement and be a step forward in encouraging the peanut industry to orient itself more to the marketplace.

The second change announced in April was that there would be a $50 per ton discount on peanuts found to have visible aflatoxin mold in purchases made by CCC. Peanuts contaminated with aflatoxin are not suitable for human consumption, and meal made from the peanuts is not suitable for livestock or poultry feed in this country. I personally see no reason why aflatoxin-infected peanuts should be purchased by the Government at all.

However, since the discovery of the presence of aflatoxin in peanuts in the early 1960's, the Government has taken a number of steps which have helped the industry assure that high quality peanuts would be marketed for human consumption. One of the steps taken by USDA permitted growers to place peanuts with aflatoxin under loan with no discount. Also, the Government acquired peanuts with aflatoxin from shellers—at a discount—under the sheller purchase program. This was perhaps a necessary step at the time, in that it helped the industry while it was learning to deal with a new and difficult problem. But progress has been made. The industry has since learned how to accurately detect aflatoxin in peanuts, how to separate the contaminated kernels, and how to assure that only top quality peanut products reach the consumer.

So, after 8 years or so, it is high time for the Government to bow out and for the industry to assume full responsibility for producing a quality product for the consumer. Unfortunately, H.R. 6646 would negate this move toward industry self-sufficiency by making the same Government price support available for contaminated peanuts as for peanuts suitable for food use.

Finally, it is estimated that enactment of H.R. 6646 would result in the forced expenditure of $8.6 million in fiscal year 1974. In these times, when we are attempting to set Government priorities with great prudence and prevent tax increases, this hardly seems to be a wise expenditure of tax dollars.

When H.R. 6646 was reported to the House, I joined with four of my colleagues on the Committee on Agriculture in minority views on this bill.

Since we will be considering this bill soon, I include the text of our minority views in the RECORD at this point:



H. REPT. 93-163—MINORITY VIEWS

STATEMENT

We believe that this bill, which calls for the forced spending of an additional $8.6 million on the 1973 peanut program, is completely unjustified.

BACKGROUND

The U.S. Department of Agriculture on February 14, 1973, proposed three changes in the 1973 peanut price support program. Later it announced it would implement these changes, with one exception. H.R. 6646 would compel USDA to rescind two changes.

The peanut price support law directs USDA to support prices at a level of at least 75 percent of parity on peanuts from no less than 1,610,000 acres. Prices are supported by purchases and nonrecourse loans. Growers have increased peanut yields from 940 to 2,212 pounds per acre during the last 20 years. Progressively more peanuts are being produced than can be sold at the support price. The result: USDA losses now run nearly $100 million annually.

USDA originally proposed that the 1973 peanut program expenses be reduced by $22.5 million through three administrative actions which would have:

1. Eliminated the sheller purchase operations which guarantee a government market for lower quality peanuts.

2. Eliminated government purchases of peanuts containing aflatoxin, an undesirable compound which shows up in peanuts grown in certain areas, thus restricting their market to the export trade or for non-edible use in the United States.

3. Required the grower to pay grading, handling, and storage fees on peanuts placed under warehouse storage loans. These previously have been assumed by the Commodity Credit Corporation.

Later, USDA modified its original position and decided to continue the purchase of aflatoxin peanuts at a discount of $50 per ton. The Department also raised the price support level. The net effect of these modifications was to reduce expenditures on the 1973 peanut program by only $16.2 million. The way this is calculated is as follows:

USDA testified on March 6, 1973, that the elimination of the sheller purchase program was designed to save $4.2 million. By making aflatoxin peanuts ineligible for price supports, another $12.5 million would be saved. Finally, $7.6 million would be saved by requiring peanut farmers to reassume grading, handling, and storage costs. This totals $24.3 million, but overlapping costs between the aflatoxin and sheller purchase program brought the total to $22.5 million.

Thus, when USDA later modified its original position by adopting a discount system on aflatoxin peanuts and a general price support increase, it was able to reduce 1973 expenditures by approximately $16.2 million.

The purpose of H.R. 6646, quite simply, is to force the restoration of $8.6 million of the already-reduced $16.2 million saving on the 1973 program. It would do so by mandating that the Secretary could neither change the sheller purchase program nor the method of supporting aflatoxin-infected peanuts.

REFORM NEEDED

It seems incredible to us that the peanut grower and processor groups lobbying for this legislation would attempt to use a program as lacking in public benefit as the peanut program is to attempt another "forced expenditure" issue in the face of our huge and chronic Federal deficit.

We therefore oppose this bill, which would require the reinstitution of the sheller purchase program and full support of aflatoxin-infected peanuts at the same rate as regular peanuts, because these actions are contrary to both the public interest and to the long-run interest of the peanut industry. The forced restoration of the $8.6 million, which this bill would mandate, would be a direct and additional taxpayer burden for a program that already is onerous to the public.

GAO STUDY

Our contentions are reinforced by a recently released report by the Comptroller General of the United States entitled "Need Intensifies To Amend Legislation To Reduce Government Losses On The Peanut Price-Support Program."

That report shows clearly that the ever-increasing cost of the peanut program cannot be justified at this time—especially when control of government spending is a national goal. As is true of several other of the commodity programs, the peanut program originated during the 1930's as a temporary measure but is still with us today in nearly the same form. It is our opinion that the three specific changes the Department originally proposed relative to the 1973 crop peanut program should have been carried out in their entirety in keeping with the Comptroller General's recommendations on the peanut program.

The Comptroller General's report further states that under the present peanut program, the projected losses to the U.S. Government will be almost double for 1973-77, reaching $537 million, compared to the losses sustained ($279 million) by the government during 1967-71. It makes absolutely no sense to us for Congress to act in a fashion contrary to the recommendations set forth in the GAO report by passing H.R. 6646 because it is clearly evident that government losses on the peanut program should be reduced, not increased as this bill requires.

We feel a case has clearly been made that H.R. 6646 is neither in the best interests of the peanut industry nor the national taxpayers.

CONCLUSION

The peanut program cries out for reform, not for the forced restoration of $8.6 million. In terms of government farm programs, $8.6 million may not seem like a lot of money, but to taxpayers, long oppressed by expensive and ineffective subsidy programs designed to artificially drive up consumer prices, this bill is more than just "peanuts."

It should be convincingly rejected by the House as a signal that the peanut program needs to be modernized and made more compatible with the public interest.

CHARLES M. TEAGUE.
GEORGE A. GOODLING.
WILEY MAYNE.
PAUL FINDLEY.
LAMAR BAKER.

## COMMENTS OF MR. OWENS ON ESTABLISHING AN OFFICE OF CONGRESSIONAL OMBUDSMAN

(Mr. OWENS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OWENS. Mr. Speaker, I am introducing today for myself and Mr. BREAUX, Mr. BRECKINRIDGE, Mr. DE LUGO, Mr. GUNTER, Ms. HOLTZMAN, Mr. MOAKLEY, Mr. STARK, Mr. STUDDS, Mr. THORNTON, Mr. WON PAT, and Mr. YOUNG of Georgia a bill which would establish an Office of Congressional Ombudsman.

The Congressional Ombudsman would be responsible only to Congress, much like the Congressional Research Service and the Government Accounting Office. He would, principally, do casework re-

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ferred to him by Members of Congress, with the help of a staff trained in the different casework areas; that is, social security, veterans, and military. Because staff members would become expert in the law, regulations, and procedures in a given area, they could move more intelligently and more effectively than a caseworker in our individual office.

The caseworker would do his or her work in the name of the individual Congressman or Senator who referred the staff members would become expert in case to the Ombudsman's Office. Information on the results would be released only to the Member or Senator who referred the case originally and who could then communicate directly with his constituency. The decision of whether or not to refer the case to the Ombudsman's Office would be completely that of the Member or Senator. There would no access to the Ombudsman except by specific referral from a Member or Senator.

The most obvious benefit to our individual offices would be the freeing of staff caseworkers to devote more time to other pressing needs. But the greater purpose would be that, in this time of increasing impersonalization of government, the Ombudsman could achieve, generally, a higher degree of justice for those constitutents who are genuinely entitled to some relief but whose cases our individual offices lack the expertise, time and power to pursue.

In addition, the legislation I am introducing directs the Congressional Ombudsman to report to Congress every year on patterns of abuse in agencies, administrative obstacles, and problems, and laws which cause confusion or difficulty. Because of his daily work with the agencies, he would be in a unique position to suggest how the operation of the agencies could be improved to assure more fairness to the public. This report would be available to the legislative committees and could be of great importance to Congress in discharging its oversight responsibilities. With this continually updated information, Congress could move periodically to update the bureaucracy and assure a greater degree of responsiveness.

The Office of Congressional Ombudsman would be established along lines very similar to the Office of Technology Assessment. The Ombudsman would be chosen by a 12-man board. The board would consist of six Senators—three from each party—and six Representatives—again three from each party. The chairmanship of the board would alternate between Members of the two Houses of Congress each session. While the Ombudsman office would not be given specific subpena power, as is the Office of Technology Assessment, there are provisions in the bill to insure that information necessary to solving a specific case can be obtained.

I believe the assistance provided by the Congressional Ombudsman would be of immeasurable help to each of us. Our constituents would be better served and greater justice assured to each; our offices would be freed for other responsibilities. And we would have expert advice on a continuing basis on how to improve, mechanically, the Federal bureaucracy. I submit to the Congress that those three benefits will justify many times over the costs of setting up another agency. It is essential if we are to continue to fulfill our legislative responsibilities because the confused government agencies are causing citizens to seek our assistance in greatly increasing numbers.

## THE REPUBLIC OF CHINA

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT), is recognized for 60 minutes.

GENERAL LEAVE

Mr. LOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on this special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. LOTT. Mr. Speaker, I have requested time this afternoon to discuss, along with a number of my colleagues, the necessity of keeping close relations with our friend and ally the Republic of China.

Our ties to the Republic of China go back many years. Dr. Sun Yat-sen, the father of the Republic of China, received support from individuals in the United States to overthrow the corrupt Manchu dynasty and establish the Republic of China. In its 61-year history, the Republic has had to face many challenges—the overthrow of the warlords, the Japanese invasion and World War II, and the Communist insurgency. It had to remove itself from the mainland and set up its government on Taiwan—an area that had been under Japanese colonial rule for many years, but the free Chinese persevered. On Taiwan, the Pescadores and the offshore islands, they have built a society that is one of the freest in Asia. That society also has the second highest standard of living in that part of the world. The free Chinese, with the help of American economic and military assistance, built a society in which there could be both progress and respect for the best of the centuries old Chinese culture.

Free China is one of those very few countries where the United States has been able to phase out its economic assistance program. In 1965 the American economic assistance program ended. Since that time the free Chinese have aided other developing countries through their own small but effective foreign assistance program. The free Chinese have served as an example for Asia and other developing areas that a free economic system can work. They serve as proof that hard work can succeed.

As I have said, the relationship between the United States and the Republic of China has been that of friends and allies. American Presidents, be they Democrat or Republican, have continually attested to that friendship. Recently, the President has embarked on a program to lessen tensions with the People's Republic of China. The President has said that such moves are not and will not be at the expense of our old friends such as the Republic of China. This is an important point to remember. We all hope that the President's efforts succeed but we must not cast asunder those who are our proven friends. The cause of world stability would not be enhanced by any such action.

The United States is allied with the Republic of China by the Mutual Defense Treaty of 1954 and by the Formosa resolution. However, our ties to the free Chinese are more numerous and broader than these two documents. American scholars and Chinese scholars on Taiwan regularly exchange views. Many American universities have cooperative programs with universities in Taiwan. American churches sponsor missionaries in Taiwan. For many years the Republic of China and the United States have engaged in thousands of official and unofficial cultural exchanges. Recently, a cultural troupe from the Republic of China has been touring the United States. All these and many others have allowed two free peoples to get to know and understand each other better.

My other distinguished colleagues will be discussing, in greater detail, some of the points that I have raised and will also add a number of other dimensions to our discussion. Before yielding to another colleague, I wish to urge the U.S. Government to do nothing to compromise the freedom of the Republic of China and its people. They have been our friends too long to allow that to happen. Our relationship with them is not only that of nation to nation, but also of people to people. Neither we nor the free Chinese will gain by any weakening of that special relationship. I trust that acts of our Government—be they acts of commission or omission—will do nothing to jeopardize the freedom of these friends.

As part of my statement, I wish to insert in the RECORD several articles and editorials which have appeared recently attesting to the economic and political progress of the Republic of China, and then I will yield to my colleagues.

I also wish to urge the Members of this body to join in sponsoring a concurrent resolution expressing the sense:

H. CON. RES. —

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the United States Government, while engaged in a lessening of tensions with the People's Republic of China, do nothing to compromise the freedom of our friend and ally the Republic of China and its people.

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[From the U.S. News & World Report, Nov. 13, 1972]

TAIWAN, "ORPHAN" OF ASIA—MAKING GOOD ON ITS OWN

TAIPEI, TAIWAN.—Nationalist China—abandoned and ignored by two thirds of the world—is showing remarkable signs of self-reliance.

A visitor to Taiwan expecting to find resignation and despair discovers, instead, a fever of rising expectations and stimulating economic expansion.

It was not supposed to be this way. Generalissimo Chiang Kai-shek and the others who rule this island only 90 miles from the Communist mainland had been written off as doomed. Expulsion from the United Nations a year ago was considered by many as the beginning of the end.

Other setbacks followed. In February, U.S. President Nixon made his historic visit to Taiwan's archenemies in Peking. More recently, two of the world's major powers—West Germany and Japan—acknowledged the Communists as the rulers of mainland China's 780 million people.

In the space of 24 months, the diplomatic score sheet has been reversed and, at latest count, 77 nations recognize Peking while a dwindling minority of 47, including the United States, maintains ties with the Taipei regime.

RESILIENCE, CHINESE STYLE

It is the security treaty with the U.S., plus their own resilience, that has permitted the 15 million people of "Free China" not only to survive, but thrive. A close-up look at Taiwan today shows this:

Downtown Taipei, the capital and dominant city, is experiencing a facelifting and construction boom as new office buildings and hotels go up. Apartments, unsalable a year ago, now are moving so fast that developers are chastised by friend and relatives for not saving some for them.

In Taipei and elsewhere on the island, new factories are being built and existing ones expanded to broaden the industrial base.

Exports and imports are expected to approach 5.5 billion dollars this year, easily surpassing the level of the mainland which has 50 times as many people. Real economic growth may match the 11.4 per cent increase of 1971, one of the highest in history.

Life, for most people, gets visibly easier. Motorcycles are replacing bicycles. Air-conditioned taxis are appearing. Stores are crowded with free spenders. One of three families now owns a television set. Membership in a golf club is the newest status symbol.

Taiwan's economic performance in the first eight months of 1972 verges on the unbelievable. Compared with the same period last year, industrial production has risen 27 per cent; new construction is up 39 per cent, and trade has ballooned 46 per cent.

YANKS ARE COMING

"What might have been the worst year on record is shaping up as the best year ever for most local businessmen and virtually every American company here," says Earl Glazier, president of the Taipei American Chamber of Commerce.

More than 100 American firms, including such "blue chips" as Eli Lilly, Gulf Oil, Singer, General Instruments, RCA and International Business Machines, have committed over 300 million dollars—40 per cent of all foreign-investment approvals. None is pulling out. Many are expanding. And others are coming in.

The push is on in everything from tableware to steel and nuclear power, with heavy play in electronics, petrochemicals and motor vehicles.

Ford Motor Company, for example, is preparing to invest millions of dollars in an engine and assembly plant. National Distillers is spending more than 16 million to increase production in one polyethylene plant and to build a second one. Most U.S. electronics firms—and all the major ones are represented here—have expansion plans. One company promises to double output within two years—then double it again.

SPECTACULAR PROFITS

The big attractions are easy to pinpoint. Incentives, such as a five-year tax holiday and a ban on strikes, are appealing. Wages, ranging between $50 and $60 a month, are roughly one quarter of those in Japan and one twelfth of U.S. levels. Profits can be spectacular.

"Many foreign companies recover their initial investment in two or three years. After that, it's mostly gravy," a Taipei banker says.

"For the five-year term in which most American executives think and plan, no country in Asia can match Taiwan," adds a U.S. businessman.

Manufacturing already provides a quarter of all national production, far overshadowing the 17.7 per cent share of agriculture. Forecasts call for average growth of 9.5 per cent annually in real terms for the four years ending in 1976, at which point Taiwan will have joined the advanced industrial nations of the world. Per capita income then would be around $500—several times that of Chinese on the mainland.

"I have the utmost confidence in the Republic of China, its people, its political and economic future, and its future as an industrial base," says Ross Siragusa, chairman of Admiral Corporation.

And so, it appears, do many Japanese businessmen.

The Japanese have more than 400 companies here, and their investments of roughly 125 million dollars already approved are second only to the Americans'. No new Japanese capital has been coming in openly since Tokyo's recognition of Peking, but only seven small companies have pulled out. The rest are staying, camouflaged in some cases by a new name or undercover partnership with local Chinese.

The Chinese Nationalists at first reacted violently to Japan's diplomatic switch.

World War II-style, anti-Japanese propaganda was revived in Taiwan amid angry charges of "perfidy" and "ingratitude." Threats of economic retaliation were made. But few here took these outbursts at face value.

"We're witnessing a stage play—part Chinese opera, part Japanese *kabuki*," says a U.S. banker. "Once the verbal fireworks are over, you'll discover old deals enduring and new ones being made."

The Japanese Embassy here has been downgraded to a consulate. However, neither resident diplomats nor businessmen and their families—3,800 in all—have left. They and their property enjoy special police protection, and there are no signs of confiscation or sanctions on the horizon.

Japan's Foreign Minister, Masayoshi Ohira, announced while visiting Washington on October 19 that mainland China did not object to Japan's continued economic and cultural ties with the Chinese Nationalists on Taiwan despite the establishment of diplomatic relations between Tokyo and Peking.

Both Taiwan and Japan would have much to lose from a closed-door policy. Japanese tourists—256,000 last year—make up nearly 50 per cent of all visitors to Taiwan. Japanese trading companies handle half or more of the island's imports and exports. And Japan accounts for one quarter of Taiwan's total trade, second only to the U.S., which is responsible for one third.

NEW DAY COMING

Important changes are likely—even overdue—in this situation. Chief beneficiaries of trade diversification are expected to be the United States and Western Europe.

"The Europeans are pouncing on Taiwan like ferrets, eager to invest, loan and trade—often at our expense," says an American official, citing the 60 per cent rise in exports and 39 per cent hike in imports so far this year in Taiwan's European trade.

Opportunities are opening up for the U.S., too. Local buyers, switching from Japan to some degree, are becoming less price conscious and more interested in quality.

Easy credit also helps.

"The U.S. Export-Import Bank is currently studying our 300-million-dollar shopping list," says a senior Nationalist official. "This is aside from the 330-million-dollar loan early in October for our second nuclear power plant."

The nuclear-power deal, part of which once might have gone to Japan, is considered the hardest kind of evidence that the U.S. intends to stand by its commitment to Taiwan.

"The Nationalists have weathered their crisis in amazing style," says a senior U.S. diplomat. "They have abandoned the myth that they are legally the Government of all China, and have accepted the reality of their position. They are calm, cool and confident. Any uneasiness is reserved for the longer term."

BEHIND THE SILVER LINING

An obvious question, rarely stated openly is: How long can such a good thing last?

Economically, there are serious problem areas. These include inflationary pressures, an impending labor surplus, heavy dependence on exports and uncertainty about some foreign markets plus continuing reliance on outside capital to keep the boom well fueled.

Politically, significant changes are under way. A succession has, in effect, taken place with Generalissimo Chiang, 85, passing a large share of control onto his son.

And the son, Premier Chiang Ching-kuo, is making modest concessions to the Taiwanese, who make up 85 per cent of the island's population.

"For the first time there's a modernist in charge here—and he has political muscle," says a senior Taiwan official.

In pondering Taiwan's future, experts say the outlook is good and prosperity undeniably is spreading. But as an American diplomat points out:

"However well the Nationalists are adjusting, it must be uncomfortable to know their fate rests in the hands of others—particularly the U.S."

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[From the New York Times, Jan. 12, 1973]

TAIWANESE INVESTORS SHOW A NEW CONFIDENCE

(By Donald H. Shapiro)

TAIPEI, TAIWAN.—An American importer visiting Taiwanese textile mills a year ago found the Taiwanese preferred to keep their finances relatively liquid rather than reinvest in needed new machinery. The gloomy atmosphere stemmed more from Taiwan's expulsion from the United Nations and other diplomatic difficulties, he said, than from the newly imposed American textile quota.

On a recent trip he encountered an entirely changed situation. The spirits of the businessmen he met were high and they were again confident enough to be putting money into extensive upgrading of plants. Most entrepreneurs appear to have concluded that, at least for the present, Taiwan's political stability and economic health will not be threatened

A number of foreign investors seem to have reached the same conclusion. After a "wait and see" period that began with President Nixon's announcement in July, 1971, that he would visit Communist China, the flow of new investment inquiries and applications increased markedly.

It is estimated, however, that foreign investment approved here in 1972 will fall $30-million short of the $160-million obtained the year before. On the other hand, several sizable projects were being prepared for submission to 1973. The Government is optimistic that the economy can attract the $10.4-billion in investment—10 per cent of it from foreign sources, projected as required under the new four-year plan going into effect this month.

In line with this, growth in gross national product last year equalled or exceeded the 11.4 per cent attained in 1971, according to estimates, to bring the G.N.P. to more than $7-billion.

Production for export accounted for an estimated 38 per cent of the G.N.P., compared



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with 34 per cent in 1971, an unusually high figure for a developing country. And Taiwan's over-all trade grew by more than 40 per cent—the 1971 gain was 36 per cent—to surpass $5.6 billion while ringing up a record surplus of $300 million.

Other growth factors included $500 million added to gold and foreign exchange reserves, up to $1.5 billion. Industrial production increased by 26 per cent (21 per cent in 1971), with textiles and electronics as the leading industries, and per capita income rose from $329 a year to an officially estimated $372. On the strength of these indications, the Government finished 1972 with a budget surplus for the second straight year.

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ROLE OF JAPANESE

TAIPEI, TAIWAN.—Japan is one of the major reasons for Taiwan's optimism. Japanese investment dropped from $28-million in 1970 to $12-million in 1971 and to $6-million last year; but the prospects for an increase in Japanese investment have been made bright by a political shift.

Japanese business interests had lowered their profile in Taiwan as Tokyo maneuvered to establish diplomatic relations with Peking. But the Japanese have now concluded that they can continue to do business with Taiwan without endangering their new links with China.

Taiwan, a market for more than $1-million of Japanese exports last year, is a more important trading partner today than China, and Japanese business interests have decided that trade with the Chinese can be developed only at a relatively slow pace.

A few small companies withdrew from Taiwan but there has been no exodus by the major Japanese concerns. A resurgence of Japanese business activity is expected with the establishment of two "civic organizations," which will carry out virtually all the duties of embassies.

The Japanese organization is called the Exchange Association" while the Taiwan counterpart is called "The Association of East Asian Relations." Each will have offices in the other's country to assist travel and trade between Taiwan and Japan.

The Exchange Association forecasts that trade between Japan and Taiwan will rise steadily over the next few years at an annual rate of up to 10 per cent.

Taiwan has taken steps to ease the entry of businessmen from other countries that do not have diplomatic relations with Taipei.

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[From the Chicago Tribune, Feb. 5, 1973]

HARDER WORK

The Nationalist Chinese government has devised a useful formula in its present international adversity, reports its vice president, C. K. Yen, who spoke to the Chicago Chinese community on Jan. 28. Mr. Yen summed up the formula as "hard work at the moment, and harder work when the challenges become stronger."

This is a sound program. It involves making a strong, consistent daily effort, yet holding in reserve the extra ounce of energy and courage needed for life's occasional crisis. Mr. Yen's people have followed the principle with notable success—both as a nation and as individuals striving upward in communities thruout the free world. Mr. Yen's advice is worth remembering in a world in which hard work sometimes seems to be out of fashion.

In this period of time we must do all within our power to see that this country does not turn its back on this friend and ally.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the distinguished gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I think it most appropriate that the Members of the House of Representatives discuss this vital subject this afternoon.

Mr. Speaker, I would digress for just a moment from the subject at hand so that I might commend the gentleman from Mississippi (Mr. LOTT) for leading us in this discussion. And I do so to point out to the critics of the House that here under our seniority system we have extreme flexibility, so that we can have a freshman Member of the Congress take the leadership, as the gentleman from Mississippi now is doing, in world affairs. I wish to associate myself with the remarks of the gentleman.

Mr. Speaker, at the time that President Nixon originally announced that he would travel to Peking, he stated:

I want to put our policy in the clearest possible context. Our action in seeking a new relationship with the People's Republic of China will not be at the expense of our old friends.

The "old friends" to which he referred were the Republic of Korea and the Republic of China, or Taiwan.

Taiwan's location in the shadow of Communist China leaves her particularly vulnerable to international pressure. For nearly 25 years the United States has committed itself to helping her resist that pressure. Five Presidents have affirmed again and again an American dedication to the preservation of freedom for the 15 million Taiwanese people.

In 1954 the United States signed a mutual defense treaty with the Republic of China that was ratified by the U.S. Senate with little dissent. Since that time we have steadfastly provided weapons, training, and moral support to free China.

In 1970, for instance, Vice President AGNEW and President Chiang of the ROC met to discuss Taiwanese defense. At that time the administration firmly pledged to stand by the mutual security pact. President Nixon personally wrote Chiang after accepting the Red Chinese invitation to visit the mainland, and assured him that we would stand by all our military commitments. In March 1972, Assistant Secretary of State Marshall Green attempted to reassure free Chinese leaders by pledging that "faithfully honoring all our commitments remains a cornerstone of U.S. policy."

In the light of developments since the ouster of the government of the ROC from the U.N. it is particularly important that the United States continue its traditional policy of support for Free China.

Additionally, Taiwan has been expelled—with no more justification than its ouster from the U.N. General Assembly—from international organizations such as the LLO and from observer status at the general agreement on tariffs and trade negotiations.

Mr. Speaker, we seem finally to be on the road to peace with honor in Southeast Asia. In order to achieve that goal we had to stand by a commitment even when it began to lose political popularity and in the face of a dreadful cost of lives and men. In the light of our refusal to cut and run from Indochina, what sense would it make to abandon our pledges to Taiwan? Would such a move do any more for U.S. credibility abroad than abandonment of our commitment to freedom and self-determination in Southeast Asia would have?

For nearly a quarter of a century this Nation has stood behind the 15 million remaining free Chinese. This is no time to talk about ending that commitment. The United States cannot and should not return now to its policy of attempting to isolate the Communist Chinese regime. Let us not, however, sacrifice our friends and allies in the name of accommodation. To abandon strong and dependable friends to obtain a few concessions from a new and unproven "friend" would indeed be a very questionable move.

Mr. Speaker, at this point in my remarks, I include an article from the Indianapolis Star of February 28, 1973, entitled "The Peking Agreement":

THE PEKING AGREEMENT

With the American participation in the Vietnam war now coming to an end, it was to be expected that Washington and Peking would begin to take additional steps to improve their relations, in furtherance of a process President Nixon started on his ice-breaking journey to China one year ago this month.

But the news brought back from the Orient this time by America's Marco Polo—Dr. Henry Kissinger—is surprising for the giantness of the next step in the emerging Sino-American rapprochement.

The two nations are establishing diplomatic relations in everything but name. Those "liaison offices" to be set up in each other's capital will function as embassies and their chiefs will function as ambassadors—they just won't be called that. By this convenient piece of diplomatic obfuscation, Kissinger and his Chinese hosts managed to skirt the major remaining issue dividing these two giants of East and West: the status of the Nationalist Chinese regime on the island of Taiwan.

With every other government in the world, the Communist Chinese have uncomprisingly insisted that diplomatic relations be severed with Taiwan before formal relations could be established with Peking. But, uncharacteristically, the Maoist Chinese have made an exception for the U.S. They've done a little horse-trading, worthy of the most skilled wheeler-dealer in a Western parliament. And contrary to the dire predictions of many a critic, Mr. Nixon has been able to pull off a normalization of relations with mainland China without ditching this nation's honorable commitment to the freedom of 14 million persons on Taiwan. This looks like another bright foreign-policy feather in the cap of the Nixon-Kissinger team.

The Chinese no doubt have their motives for accepting at this time a continued American presence in the Pacific. One speculation given much currency has to do with the fear of the massed Russian armies on the border, and the general desire of the Chinese that the Americans act as a counter-weight to expanding Soviet influence in Asia. For its part, the U.S. derives many practical benefits from opening the door to China again. Both nations may eventually benefit from increased economic trade, although projected exchanges are still just a minuscule portion of overall U.S. trade.

The U.S. range of foreign policy options is increased considerably by an end of attempts to "isolate" the world's most populous nation. It will have to be made clear to the Russians, however, that the latest big step in the China policy is in no way a step back from improved Washington-Moscow relations, which is an equally essential component of the new multi-polar politics of detente.

In evaluating the growing contacts between the United States and Communist China, it is impossible to ignore one especially troubling question: How much further can the United States go in this direction without receiving from Peking an ultimatum on the issue of Taiwan? At a press conference following his return to Washington, Kissinger emphasized that the United States continues "to maintain diplomatic relations with Taiwan," and that there "exists no immediate plan for any withdrawals" of American troops from the island. This is reassuring. But it is likely that Communist China will eventually insist that the United States abandon the Nationalist regime, which would be a high price to pay for the dubious friendship of a totalitarian country whose philosophy is the antithesis of America's respect for individual freedom and the dignity of man.



Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the distinguished gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Speaker, there is no doubt in my mind that the most thrilling story in modern history is the history of the American Revolution in the 18th century. As a rather serious student of the revolutionary period of our history, I have long discounted the various economic theories concerning the cause of our struggle for independence from England and I believe that this revolution can best be described as a struggle of free men to remain free. The subsequent history of what has happened in this country since that time is unsurpassed in all the annals of world history. We have encountered our problems in every age but we have always risen to solve these problems and progress has been a cornerstone of our society. This has happened in my opinion, Mr. Speaker, because we have always been granted the freedom to compete and achieve.

There is another story of somewhat lesser magnitude but with the same thrilling ring taking place on the little island of Taiwan which is about the size of the State of Maryland. In spite of the serious setback experienced by free China in international relations brought about by the action of the United Nations, this small island in 1972 enjoyed its greatest economic growth in history showing a gross national product growth of 11 percent—the highest in all Asia. Perhaps the most miraculous statistic is that this island with slightly more than 15 million people surpassed the mainland of China with 750 million people in total foreign trade in 1972.

Taiwan's total foreign trade of almost $6 billion in 1972 is expected to reach $7.5 billion in 1973, even further ahead of her neighbors on the shores of China. Taiwan's 44-percent growth in foreign trade last year was the highest in the world. Per capita income in free China—now the third highest in Asia behind only Japan and Singapore—has increased by 102.2 percent in the last 10 years and is now over four times that of mainland China. Mr. Speaker, these comparative statistics must tell us a very clear story about the relative merits of a free system compared to a totalitarian system.

Mr. Speaker, I would be remiss if I did not also point out some of my concerns about the balance of trade between Taiwan and the United States. While total trade between our two countries increased by 42 percent in 1972 it is a fact that Taiwan's exports into the United States rose by 44 percent while imports from the United States increased by only 38 percent and all of which created a U.S. deficit of $450 million in the balance of trade.

However, I am happy to note that they are aware of our concern over this imbalance and have taken certain steps to try to narrow the gap. Two buying missions have already been sent this year to the United States at the initiative of the Republic of China to investigate increased purchases of U.S. goods and negotiate long-term buying contracts. In January of this year the ROC removed import controls on some 319 items, many of which can only be imported from the United States and/or Europe. In February their Government announced that their NT dollar would be revalued by 5 percent in response to the devaluation of the U.S. dollar in another effort to give U.S. exporters an additional advantage over their two main competitors in Taiwan, Germany and Japan. Efforts are being made to increase U.S. exports to Taiwan in 1973 to over $1,250 million which is intended to reduce the trade deficit $100 million from last year to $380 million this year.

In a real sense, Mr. Speaker, Taiwan realizes that her life depends on her economic growth and she looks very healthy at the present time.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the distinguished gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, it seems to me there has been tendency during this period of euphoria over Washington-Peking exchanges to almost forget an old and trusted friend in the mad pursuit of one we remember who has in the past been treacherous and hostile.

I regret that so much of the reporting coming out of Red China today seems to gloss over the fundamental evils of the Communist system while at the same time ignoring the fundamental strengths of the Republic of China on Taiwan.

For instance, on Taiwan all religious beliefs are protected and encouraged to thrive. Buddhist, Moslem, Christian and Jew, Confucianist and Taoist—all are alive and well as religious and ethical concepts being practiced by the 15 million people who make up the population of free China. Temples, churches, and mosques abound and are amply filled by the faithful throughout Taiwan Province.

In Communist China on the other hand the very opposite is true. Only one religion—the thoughts of Chairman Mao and Maoist communism—is tolerated. All others are suppressed as enemies of the state. Most of those who were once religious leaders on the mainland have been either imprisoned, exiled, or executed. The handful of churches or temples still standing are officially viewed as mere museum pieces to be opened occasionally for the benefit of some gullible tourists done as a sort of spirit of tokenism.

Then let us not forget that in the Republic of China both English and Chinese language newspapers enjoy extensive press freedom while the publications on the Communist mainland are entirely state controlled and reflect only those points of view espoused by Mao Tse-tung and those around him.

In mainland China the people have no voice. They are not allowed free expression. They may not assemble freely. They cannot choose their own careers or their type of endeavor. They are not at liberty to decide for themselves where they might prefer to live. Their very housing is assigned to them by the all-powerful, single voice of the state. They have only a rubberstamp vote for the single Communist Party ticket. To attempt to cast a ballot for any but those chosen by the state exposes the voter to severe punishment. Criticism of the government or Communist system is forbidden. All creative independence is stifled. The artist paints only that which the state dictates he may paint. The writer puts down only that which the state dictates he may write. The teacher teaches only that which the state dictates he may teach. The philosopher may not depart for an instant from Mao's philosophy. The historian must record only the Communist version of history, never mind the facts of the matter.

The people of the Republic of China participate in free elections. They are permitted to discuss public affairs. They are encouraged to exercise their creative imagination and talent and are able to move about the country without hindrance so long as they obey the basic disciplines of law and order.

When Americans take time to weigh the relative merits of the systems of government followed by the two Chinas they can reach only one conclusion if they truly believe in the principles of freedom: the Republic of China must not be forgotten, as our longtime and trusted friend and courageous ally. The truth is that it is the only Chinese alternative to the fundamental evils of the Communist world.

Mr. LOTT. Mr. Speaker, I thank the gentleman from Missouri (Mr. RANDALL) for his remarks, and I believe that they are most appropriate.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am happy to yield to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, I am very happy to congratulate the distinguished gentleman from Mississippi (Mr. LOTT) on the leadership the gentleman is showing in this most important area, and it is a very important area. I wish to add just to supplement what the gentleman in the well and others have said, that it is appropriate that we in the House take this time to reaffirm the close bond of friendship which exists between the United States and the Republic of China.

Since my visit to mainland China in

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1946 before the Communist takeover, and in subsequent visits to the island of Taiwan following the relocation of the Government of free China, I have voiced strong support for the contribution to democratic processes being made by those valiant people.

It may never have been more important to express that support than it is today. Questions continue to arise regarding the U.S. view toward Taiwan. There should be no question of our attitude of continued support of the Government and people of the Republic of China.

There have been expressions by responsible leaders in and out of Congress in our country which leave doubts about the degree of support and friendship which Taiwan can count on from the United States. In Congress there should be solid expression of support, not indications of vacillation toward our friend and ally, the Republic of China. In this I feel we have a moral obligation. Taiwan has been our steadfast friend throughout.

It seems to be administration policy to snuggle closer to the Communists at the expense of our long-term allies and friends. Unfortunately this has caused a chain reaction whereby other countries now are declaring their friendship for Communst China even at the cost of breaking relations with free China. This policy has caused the government of Taiwan and other governments worldwide to seriously evaluate whether Taiwan can preserve freedom if world nations continue to trade them off for the sake of expediency.

I am told by those who recently have visited Taiwan there is a high degree of confidence in the future. Asked by some Americans how the Republic of China managed to survive the indignity of expulsion from the United Nations, a Chinese official answered, "By working hard." Asked how China would manage if the United States abandons them, the answer was, "By harder work."

This is the tenor of the thinking of the people on that island, Mr. Speaker. They have survived centuries of hardship, occupation by foreign powers, disease, famine, and political turmoil. Yet they survive.

In recent years, Taiwan has taken its fair share of responsibility in world affairs. Instead of taking U.S. foreign aid, it terminated that program in 1965 and now gives assistance to other nations.

Instead of asking for a handout of U.S. military assistance, the Republic of China now largely buys its military equipment from the United States asking only for reasonable credit terms. And, unlike a great many of our so-called friends, free China pays its bills on time.

There is no question the Republic of China is a good neighbor.

But it is more than that. Speaking on purely pragmatic grounds, the Republic of China is now the ninth largest trading partner of the United States, purchasing almost 41 percent of its imported goods from our country. In addition, a trade mission from Taiwan recently visited the United States seeking means to purchase even more from us even though this would reduce the balance-of-payments deficit which is in their favor. This is almost unheard of in international trade relations, yet Taiwan took this rare step in an effort to be an even better customer than at present.

There is stability in the government at Taiwan. The people of the island are far better off today than 10 years ago and infinitely better off than their countrymen who are held captive by the Communist regime at Peking.

Taiwan's economy is growing at a real rate of 11 percent a year. Personal income is growing at about 7 percent a year. The educational system is flourishing, with almost 28 percent of the total population presently in school. Unemployment is almost unheard of, although underemployment still is a problem. Everywhere one travels on Taiwan, growth is evident in the amount of construction by both the government and private capital. U.S. investments continue to pour into the country as do investors from Japan and Europe.

It is small wonder the Communists on the mainland resent the continued existence of a free China. It is a sore spot for them to have a capitalist democracy flourishing within the shadow of their Communist government and outstripping their Communist regime in all save regimentation.

This is what the struggle over Taiwan is all about. Just as it is embarrassing for the Communists in Berlin to look over the wall and see the progress being made by the people of West Germany, so it is embarrassing for the Communists at Peking to peer across the straits and see a flourishing, and economically strong, free China.

Let us not play into Red China's hand by jeopardizing steadfast alliances for uncertain gains.

The friendship of Red China for us is a tenuous thing, if indeed it exists at all. Red China has been the source of much of our problem in Southeast Asia. Red China is committed to world communism and to the destruction of the capitalist system of government. I see nothing which justifies a change in the close alliance and friendship we have maintained with the Republic of China. We welcome Communist China's friendship. I hope that it will be expressed in a more tangible way in the years to come. One such way would be an expression of good will toward all the free nations of Asia, including Taiwan.

Mr. LOTT. I thank the gentleman from Florida.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Indiana.

Mr. LANDGREBE. Mr. Speaker, I also wish to congratulate the gentleman from Mississippi for requesting this time to give special consideration to our friends in Taiwan.

Mr. Speaker, I am pleased to participate in this special order this afternoon to also make known my support for continued close relations with our ally, the Republic of China on Taiwan. My distinguished colleagues have spoken of the great progress that has taken place on Taiwan. During my own two visits to Taiwan—one in 1969 and then again in 1970—I had opportunity to personally observe the enthusiasm and dedication and the progress of those wonderful people. I think this is important but there is also another aspect of our relations with the Free Chinese that I wish to give some attention. This aspect is the strategic importance of the island of Taiwan itself.

In 1945, Gen. Douglas MacArthur stated that in his opinion the island of Taiwan was key to control of the Philippines, Japan, and Korea. In the view of Admiral McCain, Taiwan, plus the other island nations on the perimeter of Asia, form a defense perimeter which is of vital importance to the interests and defense of the United States.

Saul Cohen, a leading geopolitical scholar, has written that—

> Taiwan is strategically important to the integrity of offshore Asia (Japan, Philippines, etc.).

Furthermore, Cohen places Taiwan in what he calls "the trade-dependent maritime geostrategic region." In simpler terms, this is basically those parts of the world that are geographically and economically strategic to the interest of the United States.

The Chinese and Japanese have long realized the importance of the island of Formosa—Taiwan. The Australian W. G. Goddard, in his book "Formosa: Study in in Chinese History," has written of Li Han, a figure in 17th century China that—

> (He (Li Han) saw Formosa lying athwart the sea routes from the Indies to China and Japan, as holding the key to the passage from south China to Japan, and as controlling the lanes to the lands beyond the Pacific.
>
> Li Han believed that whoever held Formosa held the trade of the western Pacific, and history proved him right. A Japanese *shogun*, a Chinese emperor, and a Dutch governor sought his help and alliance, as they knew that their own security depended, to a great extent, on the friendliness of whoever held Formosa.

From the above, it is easy to see the great strategic importance of Taiwan. American interests in the Pacific and Asia have a long history. Any abandonment of the free Chinese would do irreparable damage to our strategic position in the Pacific and in the entire world. Retreat from the defense perimeter of which Taiwan is such an integral part is retreat to the territory of the United States itself.

Mr. MARTIN of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Mr. Speaker, I also wish to commend the distinguished gentleman from Mississippi for his effort in behalf of the special order this afternoon.

Mr. Speaker, I rise today in support of the Republic of China, an ally of long standing which has contributed greatly to the cultural richness of our own country. To do so has special meaning for me, having just recently enjoyed the exquisite pleasure of the company of His Excellency, Ambassador and Madame Shen, and his associate, General Hu.



While I support efforts to diffuse and improve relations between Washington and Peking, and any other nation, and while it seems obvious to me the peace of the world depends to a measurable extent on those better relations, I cannot see that as ending, or even seriously diminishing, our relationships with the Republic of China. The realities of world politics dictate many actions of government and there are some who would say those realities should cause this country to scuttle the relationship we have maintained for 60 years with the Republic of China. To me that would be folly. The Republic of China is an economic power of considerable importance in Asia, far out of proportion to the geographic area under its effective control or to the population of the island of Taiwan.

Economic progress on Taiwan has been substantial. Trade between the United States and the Republic of China has been significant, and is growing. The Republic is a strong competitor among the nations of the western Pacific in the economic marketplace, a factor of importance to those nations trading with the countries of the Far East.

America has a stake, not only in the peace of East Asia, but also in the economic progress of the region. Our friendship with the Republic of China serves both purposes, serving to balance power relationships in the area and to increase competition in the export markets of the Far East.

An American commitment to continued friendship with the Republic of China, a commitment of which this special order is a continuing part, may entice both the Republic of China and the People's Republic of China to coexist without resort to hostilities. The history of recent Sino-American relations has shown the ability of once-hostile nations to adjust to a new spirit in a changing world. This is more difficult, certainly, in the case of two hostile governments claiming sovereignty over the same territory, but we can at least hope the future will see progress toward forebearance across the Formosa straits. It would be in the best interests of both Taipei and Peking, as well as in the best interests of the United States.

That being said, it is a deeply felt honor to join my colleagues today in this tribute and expression of support to our staunch and dependable ally, the Republic of China.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Speaker, the spotlight of world attention is now focused on the People's Republic of China and the 750 million people who live under that Communist regime on the mainland of China. It is American foreign policy which is largely responsible for this turn of events. Visa applications to visit the People's Republic are running in the thousands. Athletic teams, student groups and various other segments of our society continue to be invited by the Red Chinese Government, including a delegation of women headed by actress Shirley MacLaine who, in her efforts to make it "representative" has packed it with so many representatives of various dissident minority groups that it is probably as unrepresentative of the true character and composition of American society as it is possible to imagine.

It is understandable that people should be falling over themselves to get to mainland China. People are always intrigued by the exotic and unknown. After its long years of being a closed society, people are going to want to see it.

Today we are paying well deserved tribute to "the girl we left behind"—the Republic of China. A faithful ally, a monument to freedom and the achievements attainable by free men, the Republic of China has faced desertion and ignominy with a grace, dignity, determination, and fairmindedness that should serve as a lasting example to many who call themselves world powers. Consider the following recent statements by some of her leaders:

> The United States can always count on us as a worthy ally.
>
> We understand that the United States, as a superpower, has global responsibilities that may have dictated these actions. While we do not like what has happened, we are openminded about it.

Betrayed by her longtime friends and drummed out of the family of nations, it would be more than understandable by current world standards if she had accepted the veiled invitation to alliance extended by the Soviet Union—if she had played both sides against the middle to help assure her future salvation. But here is what her leaders say on that score:

> We have no illusion about the Soviet Union. Despite overtures from the Kremlin to establish relations with the Republic of China, we will never do so. Any rumors that we might do so are unfounded.

My friends, a nation which has every good reason to use the United States as others of our allies have used us over the years has, instead, bent almost unprecedented effort to cooperate with us and fit our best interests into her planning.

Taiwan has enjoyed a favorable balance of trade vis-a-vis this country. In a magnanimous and unheralded move to narrow that gap in our favor, the Republic of China early this year sent a trade mission to New York specifically to seek ways of rectifying the trade imbalance. Among the results of the mission were the following:

First. Letters of intent were signed presaging the purchase of $800 million worth of grain over the next 3 years.

Second. U.S. sellers will be guaranteed minimum percentage share of the market for certain commodities imported by Taiwan.

Third. Some items will be purchased exclusively from the United States.

Fourth. U.S. exporters were given a list of items which importers in Taiwan wanted to import from Japan and which the Import Board turned down. This serves a double purpose of reducing Taiwan's trade deficit with Japan and her trade surplus with the United States.

Fifth. The Government of the Republic of China agreed to finance a merchandise exhibit by U.S. exporters in order to encourage purchase of U.S. goods by its own citizens.

Sixth. Assurances have been given by officials of the Nationalist Chinese Government that tariffs will be reduced.

When in history has a small nation made such an unselfish gesture in behalf of the United States. It would be unprecedented even if we were on the best of terms. It is fantastic when we remember the cavalier treatment the Republic of China has received at our hands in recent months.

How many people in the United States know about this amazing example of loyalty and generosity. Very few. They all know about our wheat deal with Russia. They all know about every ping-pong player and panda bear that has visited here from mainland China. How can the press argue credibly that it displays no bias when there prevails such a marked disparity in the attention given events of equal merit and import. Only an incredible political bias against the kind of freedom which permits them to trade in bias in the first place can explain such inequities.

I want to give fair warning today to representatives of the press that I consider this special order of immense importance in restoring balance to our international relation. A news blackout such as we have seen in the past of similar discussions by a sizable segment of the membership of this Congress will be regarded as further evidence that the fourth estate is guilty of a deliberate indifference to fair play.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding and congratulate him on his efforts this afternoon to provide to us as a new Member of Congress some leadership in this area. I was just wondering if the gentleman, in his studies and research of the situation of the United Nations, had given any consideration to the possibility that we might consider now moving the headquarters of the United Nations to Peking and letting them pay for the 40-percent share that we have been paying for the past 25 years.

Mr. LOTT. I think it is a very interesting idea that should be explored.

Mr. SYMMS. I think it might be worthwhile.

Mr. LOTT. I thank the gentleman from Idaho.

Mr. MOORHEAD of California. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from California.

Mr. MOORHEAD of California. Mr. Speaker, I should like to join with the many friends of Taiwan and free China in their remarks, and I thank the distinguished Member from Mississippi for supporting our allies of so many years.

Mr. Speaker, one of the most amazing success stories is the great economic growth and political stability of the free Chinese on Taiwan and their other islands. The free Chinese have been a con-

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crete example of the efficacy of a free economic system in building a higher standard of living for all its people.

The United States has helped guarantee the efforts of the free Chinese in overcoming the adversities that have faced them. The United States, in 1954, signed a mutual defense treaty with the Republic of China. This treaty continues to be beneficial to both the United States and the Republic of China. It is in the interest of the United States to stand behind its commitments. Our commitment to the freedom of the people of the Republic of China has long been an important cornerstone to our foreign policy—a cornerstone which numerous other countries, both large and small, have respected us for. It has also been an expression of the American people's strong desire to stand beside the free Chinese in the world of nations.

I do not think that it is the policy of the U.S. Government to abrogate that treaty, but as Prof. Allen Whitling of the University of Michigan has written:

> On the question of the treaty, I would like to paraphrase General MacArthur's words: treaties are never abrogated; they just fade away. And they do this by failures of reiteration rather than by denunciation.

The good professor then suggests that the U.S. Government allow our treaty with the Republic of China to erode. And I think this is the danger—the gradual erosion of our treaty with the free Chinese.

The American people have expressed themselves numerous times on their support for the free Chinese. We, as Members of Congress, should express that support by not allowing our mutual defense treaty with the Republic of China to fade away. The U.S. Government should continue the wise policy of Presidents Eisenhower, Kennedy, and Johnson in voicing support for the free Chinese and keeping all our commitments to them.

The abrogation of the mutual defense treaty with the Republic of China would both seriously undermine the freedom of the free Chinese and destroy the value of other American commitments. The U.S. Government allowing the treaty to erode would also seriously weaken the value of the U.S. treaty commitments to other people and nations. The freedom of a people is too precious a belonging to allow it to erode away. A nation's freedom can be compromised without a shot ever being fired. I urge the U.S. Government not to allow this to happen in the case of the free Chinese.

It is important that the American people work for peace among all nations of the world and that we work to reduce tensions throughout the world. It is, however, most necessary for us to keep our allies who have stood beside us for many years and who we know will be with us in times of adversity.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Speaker, I just want to make one observation. It strikes me as rather odd that on an occasion as important as this, when matters of such magnitude as this subject matter can be discussed on the floor of the House, there should be such little attention from the press gallery. I think it is grossly unfair to the American public to have just one side of this issue presented to them in the press. If I had any observation to make about the events here this afternoon, I would want it to be noted that the attendance in the press gallery is considerably less than it is when persons who are speaking on the other side of this issue are in attendance and speaking.

It is noticeable when some elements in the Congress see fit to take special orders it is difficult for any additional people even to get into the press gallery, so it is quite obvious that the political leanings of the persons who seek special orders have a great deal to do with their press coverage and I think that is really not fair to the American public.

Mr. LOTT. I think the gentleman's point is very well taken.

Mr. Speaker, I yield now to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Speaker, I have recently returned from a brief visit to the Orient, which included several days in Taipei. While this was not an official visit, I took the opportunity of getting better acquainted with the officials of this amazing government and of discussing the current condition of their country and their views on world affairs.

I must confess that I came away with greatly increased admiration for the almost unprecedented experiment that is taking place on that relatively small island, hardly larger than the State of Maryland with a population of 15 million people.

In many respects the energy, the enthusiasm, the hearty spirit and the sheer hard work which one sees all around him are reminiscent of what frontier America must have been at its most robust. The dedication to freedom, honor, and productivity which characterize this Nation and its people is certainly reminiscent of the America of past generations. But there are significant differences. The pioneers of America faced many hardships; there is no question of that. And they faced the threat of the powerful British Empire. But our early founders were separated from their antagonists by thousands of miles of ocean in an age when plying that ocean was a tedious and dangerous proceeding. They enjoyed the support of a powerful European ally in France. They had a continent of vast, untapped resources upon which to draw.

The Republic of China, on the other hand, has carved a niche for itself in the history of free peoples by facing down a giant totalitarian state which lies not more than 3 short miles from its outermost territorial limit, the island of Quemoy, an island, which, until last week, was shelled regularly from mainland China on the odd days of the week. In this age of aeronautics and advanced technology which render even vast expanses of water meaningless as defense perimeters, the achievements of the Republic of China are nothing short of miraculous. To fly over the island one is forced to conclude that every available inch of usable space has been put to some productive use. Yet each year, the gross national product of Taiwan, the standard of living, the volume of foreign trade, every significant measure of economic progress, goes up. Indeed, she has now exceeded her gigantic mainland antagonist in the volume of her foreign trade and ranks second only to Japan in the entire Orient in terms of per capita income and standard of living.

And her progress continues despite the fact that over the past year she has been deserted by former allies and humiliated before the world. Unfortunately, though perhaps unavoidably, the United States has played a significant role in bringing about the current precarious international situation which faces the Republic of China on Taiwan.

That is why I am pleased to participate in this special order—in order to seek some means of reestablishing a balance between the need for opening relations with the Communist regime of mainland China and the need for preserving the freedom and integrity of our very vulnerable but courageous ally on Taiwan.

In the course of my visit in Taipei, I have hit upon an idea which it seems to me offers great opportunity, not only for restoring Taiwan as a full partner in the family of nations, but for resolving problems of long standing in some of the developing nations and improving our own relations with those nations.

The Republic of China is, if not the only nation, certainly one of very few which has outgrown the need for U.S. economic aid which it once received. Even more to its credit is the fact that it now furnishes substantial technical assistance and even some economic aid to other underdeveloped nations around the world. It has much to offer such nations, having only recently been in that category itself. It has much to offer, too, in terms of the fact that it has so successfully solved many of the problems which plague underdeveloped nations. It has a wide variety of climatic conditions—mountains, tropic, temperate grain producing regions—limited mineral resources, rapid urbanization, and many of the other plights of newly emerging nations.

It has dealt with tremendous success with the problem of land reform. It has achieved an equitable balance between its rural and urban standards of living. It has pioneered in the field of export reprocessing areas for augmenting its industrial capacity and rectifying its trade deficit.

I have long had an interest in the problem of U.S. relations with Latin America. It is distressing to me that our relations with the nations of Latin America seem to be deteriorating at a time when it is of utmost importance that we have strong allies in that region. The much vaunted Alliance for Progress has failed miserably in goals which were set out for it.

In analyzing why our relations with Latin America seem to grow worse and worse—why an effort at cooperation such as the Alliance for Progress should have failed—it occurs to me that there is one primary reason. The nations of Latin America fear us because of our size and because of certain instances of exploitation in which our Government or business interests associated with our country have engaged in past history. The Alliance for Progress failed because the nations of Latin America saw it as a threat rather than the promise of hope that it was intended to be.



No nation in Latin America is going to undertake such badly needed programs as land reform because we urge them to. What reason have they to take our advice? What do we know about land reform? It is a Yankee trick to weaken the power of their leaders, disrupt their economy, and redistribute the wealth. Thus, they have backed away from our proffered aid and into the arms of world communism which speaks to them in their own language while disguising its true intent.

What can we do about this situation? The answer seems almost too obvious once one encounters the skill and the attitude of the Chinese people in Taiwan. Let the Republic of China take the lead in bringing technical asistance to these nations. When her representatives talk to Latin American officials about successful land reform they are speaking from experience. They know that it can be accomplished without depriving those who now own the land of their property rights and their own fair share of the wealth. They know it need not destroy those in power if those in power have freedom and the true interests of their people at heart. And they can talk about land reform without being suspected of ulterior motives. After all, of what possible interest could it be to a small Asian nation like the Republic of China whether or not a nation in Latin America undertakes land reform? They can be motivated only out of a genuine desire to be helpful.

It is the same with virtually any program of technical assistance one cares to suggest. Officials and technicians from Nationalist China can go anywhere and offer any kind of help without being accused of imperialist motivations.

I have talked with leading officials of the Republic of China about such a plan and they are ready, willing, and enthusiastic about undertaking it to the limits of their ability. Cooperation and assistance from the United States can vastly increase their ability to undertake such a task.

What would be the outcome? For one thing, the Republic of China would be undertaking a role which could win for it new respect and admiration among the nations of the world and help to guarantee the continued existence and progress of this bastion of freedom, as a measuring stick by which to compare the achievements—or lack thereof—of the Communist regime on the mainland. If communism is ever to be eradicted from the world it will be because its accomplishments in behalf of the people cannot measure up to those achievable by free governments. Unfortunately, the grain, machinery, and other technical assistance we have provided the U.S.S.R. over the years has permitted them to appear much more successful in meeting the needs of their people than they ever could have been without that help. It is time we took steps to see that communism is judged on its own merits and by its own achievements—that it stands on its own two feet or fails—as I believe it will—because it cannot achieve.

Another result, obviously, would be the benefits which would accrue to the nations that were recipients of this kind of assistance program. Such aid could enhance the economic stability and productivity of the developing nations.

Finally, such a cooperative effort between the United States and the Republic of China should redound to the benefit of our relations with nations which presently view us with apprehension and distrust. It would demonstrate the sincerity of our purpose and the integrity of our motivations. If it were successful, it should contribute in a solid, measurable degree to stability in international relations and a greater potential for world peace.

Whether or not all of these potential benefits can be realized—indeed, even if the beneficial results prove minimal—I am convinced it would be a worthwhile undertaking. I commend it to the attention of the State Department and such others, including private business interests, as may be in a position to help effectuate such a policy and who share my concern, not only for the future of Taiwan, but the future of our own country and the world in general.

For my own part, I intend to pursue every avenue available to me in seeking the implementation of such a policy and I urge interested colleagues to work with me to that end.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, I would like to direct my questions and my comments to my colleague, the gentleman from Indiana (Mr. MYERS).

Would the gentleman from Indiana consider or agree that perhaps he is offering what might be called a new plan for China, for the Republic of China, here today in this rather quiet Chamber? Is it possible that the gentleman is suggesting the "Myers plan" of assistance in our relationship with the Republic of China?

Is something like this possibly being born at this moment?

Mr. MYERS. If the gentleman from Mississippi will yield, I will answer the gentleman's question.

Mr. LOTT. Yes, I yield to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Speaker, in answer to my colleague, the gentleman from Indiana (Mr. LANDGREBE) I have no pride of authorship here. Inasmuch as the Marshall plan was somewhat of a failure, I surely do not want this to be called the "Myers plan." However, I do not think it is at all similar to the Marshall plan.

Mr. Speaker, it is simply the fact that I was very much impressed with the enthusiasm of the people and with the job that the people of the Republic of China have done. I was impressed by their energy and their enthusiasm. They are out working hard and they have moved from a position of zero to being one of the leading nations of the world today in almost every area, and they are now in a position where they might be able to give that same kind of leadership and that same kind of assistance to other nations which are still undeveloped.

Mr. Speaker, I believe that our efforts, as all of us here know, have been made only to give help to other countries, but they have been misunderstood, and by removing this factor of our efforts, by allowing the Republic of China to assume the role, with our assistance behind them, we might be able to accomplish and satisfy the need, the very important need, in the world and thereby do something different.

Yes, I agree with the gentleman, but again it is not pride of authorship: it is just the idea of trying to help other people in the world.

Mr. LANDGREBE. Mr. Speaker, if the gentleman will yield just a little further——

Mr. LOTT. I yield to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. I will say to the gentleman that my comments were not meant to embarrass the speaker in any way. I do not mean to embarrass my good friend, the gentleman from Indiana, but, rather, to give a title or a name to this plan that the gentleman is proposing here.

If the gentleman would permit me, I would like to put together a series of questions, and the gentleman can give me a simple yes or no answer or he can elaborate.

I think what the gentleman said to us was that it was his observation that the Republic of China is ready, willing, and able to help other nations at this time with technical and other sorts of information, advice, and technical aid, and in so doing, they would strengthen themselves. In other words, they are capable of much greater leadership than they have had the opportunity so far to expound or produce, and in so doing, there would be growth through giving; the Republic of China, our good friends, would even become a greater nation, more productive, and more progressive, and they would also be a shining example to the world, particularly to the slave world, of the prosperity and the power of a free people when given that opportunity to be free under a democratic form of government.

Of course, our cooperation in the United States with the great Republic of China in this plan would clearly demonstrate the sincerity of our own country in wanting to help those people who want to help themselves as they go forth and to help other people throughout the world. Would that be a fair summary of what you are hoping to accomplish?

Mr. MYERS. Will the gentleman yield further?

Mr. LOTT. I yield to the gentleman.

Mr. MYERS. I think you summed it up very well. I cannot say that the Government of the Republic of China has taken an official position on my proposal. We did not discuss it officially. However, a number of the members of the National Assembly of the Republic of China were in conversation and we discussed such



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proposals as this and other things. They are very appreciative of the assistance particularly that the United States has given them for the last 20 years and now feel in a position to help other countries and wish to repay us in that way. That is what we are trying to talk about here. They can do this and are willing to. This would be a vehicle whereby they can accomplish what they want to do to help other developing nations.

Mr. LANDGREBE. If I may respond briefly, in consideration of my concern for the good people of the Republic of China and for the free and loving people around the world, I simply say thank you, Congressman MYERS, for presenting to us this plan which I still insist we refer to as the "Myer plan" even against your objections.

Mr. MYERS. I thank my colleague for the authorship and the credit; but again, here is a small nation that has done a tremendous job in raising itself with its own bootstraps. They are willing to help other countries, and I think we should give them assistance so that they may do it.

Again I thank my colleague from Mississippi for taking this hour. It is very beneficial and certainly important that we here recognize the contribution that the Republic of China can make to the world.

Mr. LOTT. I certainly would like to thank the gentleman from Indiana and my distinguished colleague. He has come here with a real fine proposal and one which should be investigated further. His trip in that country emphasized to him as to others who have realized in the past a great economic development has taken place in the Republic of China and Taiwan. This is a matter that we should pursue further.

Again I thank him for his suggestions and appreciate the fact that we have had this large number of Members of the House of Representatives participating in this special order this afternoon. I think it is a very important issue and one we cannot turn our backs on at this time.

Mr. ZABLOCKI. Mr. Speaker, I am happy to have this opportunity to join with my colleagues in an expression of tribute and support for the 12 million people of the Republic of China on Taiwan.

Since October 10, 1911, when Sun Yat-sen began the overthrow of the last Chinese empire, the people of China have struggled for the very difficult and elusive goal of freedom. Against the enormous odds of a global depression, then the Japanese occupation of World War II, and later the civil war of the late 1940's, the free Chinese have never despaired in the ultimate vindication of their capacity to govern themselves and to freely choose their own destinies. Mr. Speaker, I submit that the vindication of the free Chinese is a vindication of the dream of all free men.

Since those fateful days of 1949 and 1950 when 2 million souls crossed the straits to their last enclave of freedom on Taiwan, the free Chinese have endured untold hardships to keep the idea of liberty alive in the Chinese culture. In an evacuation far more massive than Dunkirk, these brave Chinese left their ancient homes on the mainland in crowded boats, facing weeks of hunger and a very uncertain future.

During the first year of exile, millions were jobless and inflation was rampant. The Communist Chinese had every confidence that the Republic would collapse in a matter of months. While Gen. Chiang Kai-shek valiantly strove to reorganize their exiled government, our own State Department all but abandoned any hope for their survival in its Asian white paper of August 1948, and subsequent vacillating policies. In this darkest hour of their national life, only the free Chinese believed they were in a unique position to inspire a new affirmation of freedom in the context of their ancient culture.

When, by sheer determination and courage, the free Chinese survived this critical period, aid from the United States and other allies was once again forthcoming. Beginning in 1951, our Government supplied over $1.4 billion in economic assistance to the Republic over the next 14 years. Mr. Speaker, in my judgment this investment was one of the most prudent we have ever made.

At the present time, as popular sentiment for the relaxation of tensions with the People's Republic of China flourishes —and rightly so—there is some danger that we may forget our continuing commitment to Taiwan and the progress of its people.

The Sino-American detente which has developed over the past few months may truly be one of history's most important relationships. Certainly the 800 million Chinese who inhabit the mainland could no longer be ignored by us or the rest of the world.

Too quickly, however, some have become enamored of the Chinese "model" for development—forgetting the coercive methods used by the People's Republic for changing Chinese society.

I submit that there is an even more impressive model of economic development and progress to be seen on Taiwan. Taiwan is one of the very few countries in the developing world which has created conditions of access to production for small farmers. The average farm size is just over 2 acres—hardly more than a garden to an American farmer. Yet the income of farm families has increased 250 percent since 1950.

Four-fifths of the industrial jobs on Taiwan are located outside the capital of Taipei in small cities and market towns—sparing the Republic of China the problems caused by massive urbanization in many other less-developed countries.

Most of Taiwan's "factories" employ fewer than 10 workers. Today the country is a fully employed economy even though it is 15 times more densely populated than some South American countries plagued with widespread unemployment.

During the 1960's the per capita income of the average citizen on Taiwan grew twice as fast as many other developing countries. Last year it increased a phenomenal 13 percent.

The general prosperity of the free Chinese in recent years stand as eloquent testimony to the initiative and energy of the citizens of the Republic as well as the viability of their institutions and their government. Chinese rice growers have increased their yield per acre by 41 percent over 1950 levels. Taiwan today cannot only feed itself, but is able to export over 200,000 tons of rice each year to Japan and other rice-short countries in Asia. Exports of every sort of product from mushrooms to motor scooters make the balance of trade for the Republic the envy of Asia.

This economic "miracle" has been accomplished because of enlightened economic and social policies and programs by the Government. The average citizen of Taiwan has been given a stake in the development of his society and has demonstrated the will and discipline needed for progress. I submit that countries which are looking for a "model" of development should look to Taipei—not to Peking.

This prosperity, combined with the ever resurgent national spirit of the free Chinese, provides abundant new proof of the axiom that political and economic freedom must always exist in tandem, and that wherever the former is cherished, the blessings of the latter are readily apparent.

Because of the success of Taiwan, it no longer receives any foreign economic assistance from the United States. Because of its defense needs, however, the United States is continuing to provide military assistance.

In the Foreign Assistance Act of 1973, which was sent to Congress last week, the Republic of China is programed to receive $71.5 million in security assistance.

Of that total, $5.7 million is for supply operations related to about $19 million in still-undelivered military goods authorized in prior years. An additional $500,000 is for military training.

The bulk of the aid is in the form of $65 million in military credit sales. It is a tribute to the economic progress of Taiwan that the country has moved from grant military aid to sales this year.

Whatever the form in which this U.S. aid is given, it represents our Nation's continuing expression of commitment to the people of Taiwan.

In his 1973 foreign policy message—released last week—the President stated that while moving to normalize relations with Peking, the United States has maintained its policy of friendship "for the 15 million people of Taiwan. We retain diplomatic ties, commitments under the Mutual Defense Treaty of 1954, and close economic ties with them."

This declaration of esteem and support should remind all Americans of our friends and allies on Taiwan, and of our dedication to their continued economic progress and freedom.

Mr. Speaker, in the spring of 1963, 10 years ago this month, our late President John F. Kennedy proclaimed in the city of Berlin a bond of common identity with all freedom-loving people. He said on that occasion that all free men were citizens of Berlin and could take pride in the boast; "Ich bin ein Berliner." In this same spirit we take pride today in standing with the brave people of free China. For wherever men overcome adversity and tyranny in the pursuit of liberty, there is where our moral support must be proclaimed. Their struggle is our struggle.

It is, therefore, in our common interest and security that the United States must continue full cooperation with our friendly allies throughout the world.

Mr. BEARD. Mr. Speaker, on many occasions during the 1960 and 1968 presidential election campaigns, Richard Nixon pledged that if elected he would maintain our commitments spanning more than 20 years to the Government of Taiwan, or free China. In the light of recent negotiations with the Peking regime, some experts on our China policy have begun to express misgivings that the United States may give up its pledges of support to the Chiang Kai-shek government as a concession toward promoting closer relations with the Communists.

I believe such action would be a dreadful mistake because, in effect, it would return us to the same one-China policy which many recognized as unrealistic. Although the administration has been criticized for excessive ardor in making concessions to Peking, its basic goal of seeking accommodation as a step toward peace is one in which the vast majority of Americans concur. However, it makes no more sense to abandon relations with or commitments to Taiwan than it would to suddenly reverse our policy of negotiating with Peking.

Those Americans who have traditionally opposed our Far Eastern policies and particularly our old policy of isolating the so-called Peoples' Republic of China, always criticized that policy as unrealistic in recognizing only Chiang Kai-shek's government. What we should do, they told us, was to recognize the real international political situation and establish relations with both Chinas.

The United States has finally begun to adopt the "two China policy" as was advocated. However, I strongly oppose those who would try to tell us that this policy is wrong also, and that we should withdraw troops and recognition from Taiwan as a step toward formalizing diplomatic relations with the mainland, as has Britain. There is no justification for claims that our one-China policy was wrong only in its commitment to the wrong China.

The British move in March 1972 involved the closing of its Taiwan consulate and the statement that it recognized the island as essentially a province of the mainland. For the United States to move in this direction would be an incredible betrayal of our pledges to the courageous free Chinese people, who for 20 years have maintained their independence and worked to build one of the most developed countries in Asia.

It is unthinkable that the United States would unilaterally repudiate its pledges of support to defend Taiwan simply to ease relations with the Communists.

Senator STROM THURMOND, supporting the President's decision to visit Red China last year, stated that he favored the trip because it would let the Communist leaders know that we sincerely wanted peace.

This same sense of political realism was present in the statement of Secretary of State Rogers in August 1971 announcing U.S. backing for two Chinas in the United Nations:

> Both in Asia and elsewhere in the world we are seeking to accommodate our role to the realities of the world today. Our objective is to contribute, in practical terms, to the building of a framework for a stable peace.

Mr. Speaker, it is important and necessary to attempt to ease relations with Peking, but in doing so we must take care not to compromise our support for the freedom of the people of Taiwan. We have ended our one-China policy and adopted a position which more clearly recognizes, as Secretary Rogers noted, the existing international situation. To go back to a one-China policy, to ignore our ally, Taiwan, would be a truly tragic move and one which in the long run would diminish the opportunity of international stability or world peace.

Mr. ROUSSELOT. Mr. Speaker, the gentleman from Mississippi (Mr. LOTT) is to be complimented for bringing this important issue before the House of Representatives today. Many of us in this House of Representatives realize that the Republic of China, Taiwan, is one of the strongest nations in the Pacific economically, philosophically, and spiritually, and they have continued to support the United States in its effort to defend freedom around the world. I am personally grateful that the gentleman from Mississippi has given us this very adequate opportunity to show our continued support for the Republic of China.

Mr. Speaker, in a speech which he delivered before the Comstock Club in Sacramento, Calif., on March 26, 1973, Mr. James C. H. Shen, Ambassador of the Republic of China to the United States, discussed conditions in his country and on the mainland in the wake of President Nixon's visit to Communist China and the subsequent admission of Red China to the United Nations.

Ambassador Shen stated that the economy of the Republic of China has continued to prosper. The gross national product increased 11 percent between 1971 and 1972 to reach a level of approximately $7.2 billion, U.S. currency. Per capita income increased 8.6 percent to $372 U.S. currency. Total foreign trade increased about 43 percent during 1972 to a level of nearly $5.6 billion U.S. currency. This is nearly a half billion dollars more than Red China has been able to generate with 50 times the population of the Republic of China. This is a fact which those people who have been forecasting great economic gains resulting from trade with Red China should keep in mind. There simply is nothing in Red China resembling a consumer market for American goods, and there is not likely to be such a market in the foreseeable future.

Turning his attention to conditions on the mainland, Ambassador Shen noted that recent visitors to Red China have gotten a much different impression from that which has been conveyed to the American people by the news media. Congressman FORD, our distinguished minority leader, observed that the entire society of 800 million people is "being taught the glories of the People's Liberation Army and of world revolution." "There is only one word for it," he said, "scary."

In marked contrast to news accounts of the joyful dedication with which the Chinese people approach the building of a totalitarian state, noted author James Michener has reported that, "Communist China is the most frozen-faced society I have ever seen. I met no one who greeted me voluntarily with a smile. The people are regimented beyond belief." Mr. Shen said that purges and internal turmoil continue and that Mao has yet to complete the process of gaining effective control over the mainland.

At this point, Mr. Speaker, I should like to insert into the RECORD some excerpts from Ambassador Shen's remarks:

WHERE DOES FREE CHINA STAND TODAY?

(A speech by Mr. James C. H. Shen, Ambassador of the Republic of China to the United States, at a luncheon meeting of the Comstock Club, Sacramento, California, on March 26, 1973)

I have looked forward with great pleasure to my visit to your beautiful city by the bank of the Sacramento River, which has the second largest Chinese community in California. I want to thank you in utmost sincerity for extending to me this opportunity.

Communist China has been very much in the news, receiving ultra generous treatment in the U.S. press since a bouncing little ping pong ball caught people's fancy in April 1971. American newspapers have since devoted columns after columns of space publicizing life on the mainland under Communist rule, from the Great Wall to the communes, from acupuncture to pandas. The New York Times recently even reviewed nine books on Maoist China in a single issue of its Book Section, a phenomenon rarely seen in U.S. journalism.

Meanwhile, as a result of a series of diplomatic somersaults on the part of a number of countries since late 1971, the Republic of China has been pushed into the corner, so to speak. Only a few have cared enough to wonder what is going to happen tomorrow, next month, or next year to the 15 million Chinese on Taiwan.

The year 1971 was certainly an eventful one for the Republic of China. On July 15, 1971, President Nixon stunned a world TV audience by announcing, out of the blue, that he had accepted an invitation to visit Peiping. Three months later, the United Nations made a mockery of the U.N. Charter by voting the Chinese Communist regime into the world organization, a regime which the U.N. itself had condemned as an aggressor for its armed intervention in the Korean War. This illegal, immoral action left us with no alternative but to withdraw from the United Nations.

In the face of these diplomatic reverses, it is natural for some people to ask: To what extent has Nationalist China been affected by these changes?

Firstly, it would not be entirely true if I were to say that these diplomatic setbacks have left no impact on us whatsoever. For one thing, they have produced a bandwagon psychology among some of the nations. A total of 37 erstwhile friends, including some whose friendship we had thought was ironfirm, such as Greece, Japan, Turkey, Australia, New Zealand, and more recently Spain, have shifted their diplomatic recognition from the Republic of China to Maoist China.

We were shaken and anguished, to be sure, but we had been forewarned. Foreseeing what was about to happen, President Chiang Kai-shek had, a few months previously, counseled the nation "to remain calm in face of adversity," and "to be steadfast with dig-

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nity and self-reliant with vigor." Consequently, when the storm broke, there was little gnashing of teeth, or wringing of hands. Everybody quickly set his shoulders to the wheel again. There is a proverb of unknown origin which says: "The test of courage is to bear defeat without losing heart," and this seems an apt summation of Taiwan's response.

One reliable yardstick with which to measure a nation's stamina is its economy. Instead of stagnation and slowdown, there has been growth and prosperity on Taiwan during the past year and a half. Our gross national product last year reached an all-time high of US$7.18 billion, registering a real growth of 11 per cent over 1971. Industrial production was up 36.6 per cent. Per capita income rose to US$372, up 8.6 per cent over 1971.

The Republic of China started its sixth 4-year Economic Development Plan this year, calling for an investment of US$9.2 billion. By the time this plan is completed in 1976, our per capita income is expected to reach US$500.

The fact that the diplomatic reverses have had little appreciable impact on our overall economy is reflected in the rising curves of the economic graphs for 1972. Our foreign trade for 1972 totalled US$5,581 million, an increase of 42.9 per cent over 1971. Exports totalled US$3,051 million, up 48 per cent and imports totalled US$2,530 million, up 37 per cent, both breaking previous records. The favorable balance reached the total of US $520 million, up 140 per cent over 1971.

I know people in California are interested in trade with Asian countries. Last year the United States remained Taiwan's leading trade partner, as in 1971. The two-way trade between our two countries amounted to US $2,094 million, as against US$1,477 million for 1971. Exports from Taiwan were valued at US$1,272 million against imports at US $822 million, giving the Republic of China a favorable trade balance of US$450 million, as compared with US$288.7 million in 1971.

Japan, which recognized Maoist China last September, has continued to trade with Taiwan, but the volume is expected to shrink as we divert more and more of our purchases to other countries. We have a mission now touring the United States offering to buy more American products.

Our trade with the Western European countries also registered a considerable increase last year totalling US$563 million, with exports at US$334 million as against imports of US$229 million. But it is nowhere near our trade with your country.

Taiwan over the years has become a good place for people to invest their money. Despite our diplomatic setbacks, new capital has been coming in. External investments (from foreign as well as overseas Chinese sources) in Free China totalled US$131 million in 1972, the second highest figure since the first million dollar foreign investment came in 1952.

The continued inflow of foreign capital reflects the growing confidence of foreign investors in the economic viability of the Republic of China, and also their confidence in its political future. Since 1952, a total of 1,600 separate investment items, aggregating US$850 million, have been received in Taiwan, of which US$350 million came from the United States.

Now, let us take a brief look at conditions in Maoist China. Congressman Gerald Ford, the minority leader of the U.S. House of Representatives, who visited mainland China in June 1972 with the late Congressman Hale Boggs, uttered a warning after his return to Washington. Addressing a convention of the American Trial Lawyers Association recently, Congressman Ford said the United States should be "cautious" of recent friendly exchanges with Maoist China. The United States, he said, must not forget that despite its current "diplomacy of smiles," Communist China's goal of world revolution has not changed.

The Congressman from Michigan gave the American public some more of his perceptive observations on life in general within China mainland. He said he was exposed to a series of "shocks" in his tour, and described Maoist China as "a society of some 800,000,000 people, all being continuously indoctrinated and all laboring devotedly in line with the teaching of Mao Tse-tung, all being taught the glories of the People's Liberation Army and of world revolution. There is only one word for it—scary."

A majority of the American journalists, from TV, radio and print media, who have visited mainland China since the thaw began are fond of pointing out the uniformity and drabness of the people's blue cotton-padded clothes—"Mao's Blue Ants"—but it has fallen on only a small number of more observant special correspondents to record their impressions of another aspect of uniformity, the uniformity of smilelessness. "Communist China," reported James Michener in an article published in the Reader's Digest, "is the most frozen-faced society I have ever seen. I met no one who greeted me voluntarily with a smile. The people are regimented beyond belief."

Sometimes a few words, such as "most frozen-faced society," speak volumes. One of the reporters who knows China well and knows the Chinese as some of the smilingest people asked me why the Chinese on the mainland have changed. I said: "The answer is simple. Have you ever visited a prison, any prison, anywhere? Do you remember finding a smiling face among the inmates?"

That partly explains why Hongkong is overflowing with refugees from the mainland. The exodus from Maoist China exceeded 28,000 in 1972 alone, more than the number of East Germans escaping to West Germany through the Berlin Wall.

The Chinese Communists are not infrequently being depicted by their friends in the West as being in effective control of the mainland. Physically by imposition of a monolithic rule of terror and regimentation, perhaps, but certainly not by popular support. Even within its own ranks, the Communist Party is disastrously rent by feuds and purges. By self-admission, the Cultural Revolution is not exactly over. Was there ever a government that leaves the posts of the Chief Executive, the Defense Minister, the Chief of the General Staff, and half the positions of the Central Committee of the Ruling Party vacant for two, or three, or four years? That is exactly what has happened in Maoist China.

What does this mean, in practical terms? It means Maoist China is nothing but a weak regime hiding behind a facade of stability. It means that Mao Tse-tung has overtaxed himself after purging in succession two men whom he himself had designated as his heirs—Liu Shao-chi and Lin Piao—within the span of just five years, in 1966 and in 1971. It means that Mai Tse-tung simply cannot count on the loyalty of enough comrades to fill these important posts. The so-called National People's Congress has to be perpetually postponed. The Cultural Revolution has splintered the Party and the armed forces into so many warring factions that Mao finds it difficult to maneuver a majority of "yes" delegates to do his bidding.

It is against this background that President Chiang Kai-shek early this month predicted in Taipei that the possibility of a sudden crisis which might lead to the downfall of Mao Tse-tung should not be ruled out. In a message to a mass really, he said: "Mao Tse-tung is destroying Chinese culture and oppressing the Chinese people, thereby kindling the fires of the anti-Communist revolution everywhere on the mainland. A sudden earth-shaking change may occur there at any moment now."

I seem to hear some whisperings that this may be just wishful thinking, but I also recall the saying of a European patriot. Dictators, said Czechoslovakia's Thomas Masaryk, "always look good until the last minute." Mao Tse-tung certainly is a dictator.

Mr. KUYKENDALL. Mr. Speaker, I am delighted to join with my distinguished colleagues in their efforts to salute one of the old friends and allies of our Nation. The Republic of China, from its days of resistance to the invader before World War II, to its present existence on Taiwan, has consistently been a true and loyal friend of America.

I think it is timely to remind ourselves of this loyalty, and to pledge that the people of Taiwan not be abandoned as part of any agreement to recognize the government of the mainland. Certainly it is futile to pretend that the People's Republic of China does not exist, and I applaud the efforts of the Nixon administration to recognize that fact; but at the same time, let us not be so coldly pragmatic that we would abandon an old, little friend in the hope of making a big, new friend.

Our treaty obligations to the Taiwan government are as real and as binding as similar obligations to other allied nations. I consider this a highly appropriate time and place to reaffirm our support and our determination to preserve the freedom and the friendship of the people of Taiwan.

Mr. ROBINSON of Virginia. Mr. Speaker, I appreciate this opportunity to join in this expression of concern for our long-standing commitment of friendship and support for the Republic of China, Taiwan.

Wholly apart from the liaison which is being established with mainland China, I believe it important that we have this restatement of the firm friendship which has existed between the people of the United States and the people of the Republic of China, Taiwan.

It should be understood that the United States maintains full diplomatic relations with the Republic of China, Taiwan, and that our official relations with mainland China are of a lesser order; that we have mutual defense commitments with the Republic of China, Taiwan, which must be honored, and that there is a significant trade exchange with this Chinese nation which continues to build, and which is of major economic importance to both peoples.

With respect for our historic commitment to self-determination, Mr. Speaker, I hope we can make plain here today that we continue to support this principle with regard to the Chinese people of Taiwan, and that we recognize their right to nationhood in a form of their free choosing.

This is not the time, in my view, for us to consider modification of our freely-undertaken commitments with respect to these people. They are our friends. They compose an economic community which has proven itself viable in the vigorous competition of international trade. They have demonstrated their adaptability to the most modern methods of manufacturing. They have become, in short, an example of a good investment of our assistance—military and non-military—which, under our philosophy, is directed toward the development and security of peoples demonstrating a commitment to individual freedom.

Few allies in our history have proven as reliable and resolute as the Republic of China, Taiwan, Mr. Speaker, and the people of this brave and industrious island merit fully a profession of our enduring friendship and help in the advancement of their aspirations for maintenance of their national identity, freedom from aggression and continued economic progress.

Mr. FUQUA. Mr. Speaker, I am honored today to participate with my distinguished colleagues in this special order, voicing our support for our friends, the free Chinese.

Several of my colleagues have discussed the phenomenal economic growth of the Republic of China and the better standard of living that the people there are enjoying. The Republic of China is one of those rare places where American foreign aid grants—as differentiated from military aid—have been stopped. The Republic of China continues to show the way for other developing countries around the world. James P. Grant, president of the Overseas Development Council, has given an excellent analysis of this. His statement appears in No. 6 of the "War on Hunger" series, December 1972. I include with my remarks a copy of that analysis:

TAIWAN: A CASE STUDY IN DEVELOPMENT

(By James P. Grant)

Twenty-five years ago, Taiwan with its six million people was a province in the backwash of civil war-torn China. While still recovering in 1947 from the devastation created by U.S. bombing in World War II, it received a million refugees from the Mainland. By early 1950, before the advent of the Korean War and the introduction of the Seventh Fleet into the Taiwan Straits, its prospects looked dark indeed.

Today, the major national political decisions are still made by a small group of Chinese from the Mainland. But there probably is no country between Japan and Israel in which there has been such a rate of improvement in the material and social well-being of the "little man" as in Taiwan, or where he has greater control over the important decisions affecting his immediate livelihood. Taiwan's exports, $174 million in 1960, composed mostly of rice, sugar and pineapple, have bared to over $2 billion in 1970, more than three-quarters of which is manufactured and processed agricultural goods. Exports in 1972 may well exceed those of China and of India, to make this island of 15 million people the second trading nation of Asia, following only Japan.

The gross national product of Taiwan increased four times between 1952 and 1970, and per capita income at approximately $370 was two and a half times the real per capita income of 1952. More important, this increase in national product has not only been spread broadly over both the rural and urban populations but, unlike the experience of most developing countries, income distribution has actually improved markedly. The poorest 20 percent of the rural and urban population today controls a significantly larger share of the greatly increased national income than 20 years ago. Unemployment has decreased to the point that there is a labor shortage in both rural and urban areas. Taiwan, despite its still very modest per capita income, now has an infant mortality rate, 19 per thousand, and a percentage of school-age children enrolled in primary schools, 98 percent, comparable to the statistics for the United States. And Taiwan is a graphic example of what can be done to control family size, birth rates having dropped from 46 per thousand in 1952 to 26 in 1970, bringing the growth rate down from its peak of 3.8 percent in 1951 to below 2.2 percent today.

It is true that not only have many countries had remarkable increases in output in the 1960s but also that the developing world as a whole has increased its output to an extent unprecedented in the development history of the United States and Western Europe. But we are discovering that, unlike Taiwan's record, relatively few benefits of growth are reaching the bottom 20–40 percent of the population in most countries.

THE AID FACTOR

With respect to aid, Taiwan had received unusually large amounts of well-managed economic assistance, a total of some $150 per head, by the conclusion of the economic aid program in 1965. It bears remembering, however, that other countries have had even greater extraordinary income sources without achieving the same improvements in livelihood for the poorer half. Venezuela, for example, earns $150 per person from petroleum exports in only seven months, Chile a similar amount per person from mineral exports in just 18 months. The Philippines over the same postwar period up to 1965 probably received even more per capita from the U.S. Treasury, taking into account aid, sugar quotas, special veterans' payments, war damage rehabilitation, and other such sources. Mexico has had relatively little foreign aid but has had the benefit of not only mineral resources but also of proximity to the United States market with its special opportunities in terms of large tourist receipts, ready access to vegetable produce markets and commercial loans from Wall Street. Taiwan, on the other hand, is without significant mineral resources, and cultivation is possible on less than one-third of this small and mountainous island.

Without any question, the Chinese cultural background helps to produce diligence and effective work habits in the people exposed to it. And Taiwan has had the special advantage, in addition, of much educated talent from the Mainland and, as a silver lining from colonialism, the considerable numbers of lower and middle level manpower trained by the Japanese. But it is worth recalling that Taiwan, like Puerto Rico in the 1950s and the two Punjabs in South Asia in the 1960s, did not begin to perform spectacularly until it made a series of highly important policy changes—for the rural areas in the early 1950s, and for the industrial export sector in about 1960. Even as late as 1959, it was strongly believed by most authorities that Taiwan, with its extraordinary burden of a 500,000-man army, would require major infusion of economic aid indefinitely and suggestions that with the right changes in fiscal policies Taiwan might stand on its own economic feet in five years were scoffed at and initially rejected out of hand. One of the lessons Taiwan offers today is that the importance of the right policies to the progress of developing countries should never be underestimated.

As for other developing countries, it should be emphasized that despite continued remarkable increases in output there is a growing crisis in development progress in the 1970s which will threaten the survival of many governments in Asia, Africa, and Latin America. It bears many analogies to the forces for change in Europe that culminated in the revolutions of 1848 and toppled so many European thrones.

TAIWAN EXPERIENCE RELEVANT

What is this crisis? Why is it occurring? What light does the Taiwan experience cast on the needed solutions, and how do these solutions affect the still runaway problems of population and environment? These are urgent questions for the 1970s. Fortunately there are some hopeful signs on the horizon if only developing and developed countries alike will take advantage of the experience gained in a number of countries, including Taiwan, and will act with foresight.

Clearly, development must include economic growth, particularly during an era of rapid population growth. The results in terms of economic growth in the 1960s have been impressive. The prospects for increasing output in the 1970s seem even better if international cooperation through aid, trade and investment can be maintained.

In Asia, Latin America and Africa, however, the very real achievements of the present growth-dominated strategy of development being followed by most developing countries falls seriously short of the minimum needed by those countries to cope with their problems. Most need even more rapid growth, but they also need far more. The "trickle down" theory of development is proving utterly inadequate to meet the needs of the poorer halves of their populations.

LIMITATIONS OF TRADITIONAL CONCEPTS

The limitations of traditional development concepts for the developing world are most clearly evident in Latin America which has had an unprecedented 5 percent growth in output each year for more than a decade. Open unemployment has risen steadily over the past 20 years and has probably quadrupled to over 12 percent of Latin America's work force. The grossly underemployed are probably even more numerous, and also increasing in number. This is due in part to the early start in Latin America of a population explosion unprecedented in Europe and North America—the new entrants to Mexico's work force will increase from 300,000 in 1960 to 850,000 in 1980. It is also due to foreign exchange, credit and interest policies which have favored use of equipment over labor, and to the use of Western technology designed to replace its high cost labor with machines.

The rapid increase in gross national product in the past 10 years in Brazil has benefited the upper 5 per cent greatly, whereas throughout the decade the poorest 40 percent benefited only marginally. In Mexico, too, despite unprecedented progress over the past 20 years the poorest 40 percent have benefited only marginally and there is considerable evidence that the increasing numbers of rural landless laborers are noticeably worse off today than 20 years ago when there was far more work available for fewer laborers. The story in India and Pakistan is somewhat the same, except that the full force of the population explosion has yet to be felt or their already underemployed work forces. The worsening nature of the problem is shown by the fact that the *net weekly* addition to India's work force will increase to 140,000 in 1980 as compared to the 100,000 *weekly* in 1970.

It also is worth noting that many developing communist countries, too, have had to struggle with unemployment problems as they experienced unprecedented growth. Yugoslavia did not revise its policies to increase employment but did allow large-scale emigration. As a result, some 20 percent of the adult work force has now left Yugoslavia. Cuba, on the other hand, has adopted policies to make full use of its rapidly expanding labor force but so far this has been at the cost of stagnation in output despite massive Soviet aid.

The current situation in the developing world is far from hopeless, however, despite the fact that country after country reveals this same pattern of relatively high growth rate which does not meet other major needs and which has increased disparities in distribution. This is where the Taiwan experience comes in.



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That there is a potential for simultaneously achieving growth and overcoming several of these newly defined problems is perhaps best illustrated in East Asia by countries with very different political and economic systems—by China and possibly North Korea, and on the other side of the ideological barrier by Taiwan, in particular, and South Korea and the city states of Hong Kong and Singapore. Elsewhere, countries as different as Barbados, Israel, Egypt, Ceylon and Cuba, have dealt effectively with some of these problems.

Significantly, Mainland China now appears to have a pattern, about which we still know far too little, which today combines full employment, at least in the rural areas, falling birth rates, and expanded social services, with increasing national output. This coincidence of growing unemployment in most of the developing world with Peking's legitimation on the world scene means that the attractiveness of the Maoist model to many in the developing countries will not be limited just to acupuncture and "barefoot doctors" disseminating birth control information.

FROM BOTH SIDES OF "BARRIER"

Developing countries can and need to draw on experiences from both sides of what heretofore has been described as the "ideological barrier." Taiwan, South Korea, Hong Kong, and Singapore had even higher rates of increase in their work forces in the 1960s than did the South Asian countries or China, yet achieved rapid growth, drastically reduced unemployment and, at the same time, improved income distribution and dramatically reduced birth rates. Thus, in Taiwan, the income distribution gap between the upper 20 percent of the income recipients and the lower 20 percent was more than halved in the past 20 years, at a time when it was increasing in, say, Mexico, by 60 percent. These countries have successfully combined the right national policies with substantial foreign investment, access to rich country markets and, in the case of Taiwan and Korea, significant foreign aid. The principal limitation on the value of the experience for others is that they are all relatively small countries and are more properly described as working models rather than large-scale demonstration of what is possible. They also pose the issue of whether the developed countries are prepared to be as helpful in terms of the mix of aid, trade and investment as they have been in varying forms to these countries. But even if the developed countries were to withdraw behind the walls of their affluence, both large and small developing countries could profit from the experience of these countries in many areas, such as land reform and bringing effective health and educational services to their entire citizenry at low cost.

Taiwan's rural experience has been particularly unique, being qualitatively superior in degree to the successful effort in Korea. In part, this was due to the bitter experience of the Chinese authorities on the Mainland, where they learned first hand the lesson of the need for more social justice in the rural areas. This success is also partially attributable to the existence of a remarkable institution—the Joint Commission on Rural Reconstruction (JCRR), composed of Chinese and American Commissioners—which was set up at the initiative of the House Foreign Affairs Committee in the late 1940s. The JCRR had an enlightening, if discouraging, year of education on the Mainland on the importance of the rural areas, and the imperative of introducing social justice and credit and technical help for the small farmer as an integral part of programs to increase agricultural production.

In Taiwan today, the effectively enforced ceiling on farm size is 7.5 acres, as in Korea, and the average farm is 2.2 acres. Virtually every farmer is a member of his local Farmers Association, a multi-purpose co-op, which is the financial, technical and social backbone of the 800,000 farm households in Taiwan. Originally established by the Japanese as a governmental means of enforcing its will on the farmer, control of these associations was turned over to the farmers in a major move in the early 1950s at the time of the land reform program. These are now such powerful instrumentalities for the Taiwanese farmer that governmental regulation prohibits an elected official from continuing to hold office in the Association structure.

The Taiwan experience has demonstrated that social justice for the small farmer, abetted by the right price policies and by encouragement of cooperative credit and marketing, can lead to an agriculture which is both far more productive and labor-intensive than otherwise. Thus, agricultural productivity has been increasing at some 5 percent annually for 20 years. Yields per acre are much higher than in either the Philippines or Mexico, and Taiwan utilizes some six times as much labor per unit of land as Mexico, and more than twice as much as the Philippines.

The Taiwanese farmer has also benefitted from governmental decisions to bring education and health to the entire population. Thus, in Taiwan, the majority of the education subsidy is spent on the lower educational system, requiring the attendees of the senior high and college system, who are mostly from the more affluent in the society, to bear most of the costs of higher education. This contrasts with the pattern of most of Latin America, where higher education is free, benefitting the relatively affluent who can utilize it, and which does not leave enough funding for universal education for the lower income groups, particularly in the rural areas. A similar difference in emphasis is seen in health. Despite the fact that Mexico has twice Taiwan's per capita income and statistically spends more per capita on health care, Taiwan's infant mortality rate of 19 per thousand births compares favorably to Mexico's 68. Brazil, which has approximately the same per capita income as Taiwan, has an infant mortality rate of 92 per thousand births.

REAL INCOME TREBLED

As a consequence of such policies, the average rural householder with his two-acre farm owns his own land and has more than trebled his real income since 1950. His children get more than six years of education and have a life expectancy close to that of the average American. His home is electrified and he owns at least one bicycle and radio, and, like a sizeable and rapidly increasing percentage of the population, he may own a television set and a refrigerator. His multipurpose coop, in which he has an active say, is his principal source of credit and technical advice, owns the village rice mill and provides him with a major marketing outlet. His use of agricultural research and technology has helped importantly in more than doubling his agricultural output over the past 20 years. He has not only the latest in high-yielding seed and hog varieties, but also a whole range of small farm implements especially developed for his minuscule farm with its ample supply of labor. He probably utilizes more capital per acre than does the average mid-western farmer in the United States, but it is used to augment the productivity of his farm rather than to displace labor. Very importantly, rural progress in the 1950s and the 1960s has not been the result of government subsidies from taxes on the urban and industrial sectors. It has been paid for out of the Taiwanese farmer's increased production and through land reform.

Another major lesson from the Taiwan experience is that it is possible to greatly increase industrial as well as farm employment if a government will remove the persistent imbalances found in most developing countries in the prices attached to capital, labor and foreign exchange, which favor the use of equipment rather than labor. It is nonsensical that farmers in Pakistan and India until recently have been paying much less, in effect, for a 35-horsepower tractor than the farmer in Taiwan, to say nothing of a farmer in labor-scarce Iowa. Taiwan made the price of capital realistic through a set of reforms in the late 1950s and early 1960s. These policies reduced subsidies on plants and equipment through deflating exchange rates and raising interest rates. By allowing interest rates to find their natural levels of up to 25 and 30 percent in Taiwan 10 years ago and by broadening access to savings institutions, Taiwan has been able to increase rates on savings, especially among farmers and small-scale entrepreneurs. In fact, savings in Taiwan doubled between 1960 and 1970, from 12 percent of gross domestic product to 26 percent.

The effects of the application of such measures on employment in Taiwan, and Korea, are illustrated by an International Labor Organization study comparing the rubber product industry in those countries with the same industry in the Philippines and India in the mid-1960s. Investment per worker in India was given at $1,272, and in the Philippines, whose policies until recently were badly skewed to favor use of equipment over labor, at $2,645, whereas in Taiwan and Korea the figures were $756 and $626 respectively.

As the global issues of urban congestion and pollution become increasingly central over the next 10 years, the current evolving experiences in Taiwan on these problems may also prove useful. While factory emissions remain major problems in Taiwan as in most countries, Taiwan has been far more successful than most in decentralizing industry outside of its major cities, and increasingly to the smaller town and rural areas. A substantial and rising proportion of rural and small town families now have one member working in a nearby factory with its higher pay and less demanding work, thereby serving to slow rural-to-urban migration.

HOPEFUL SIGNS

There are two additional hopeful signs from the Taiwan experience. First, there are indications that the strategy that gives a fairer income distribution through a higher rate of employment actually accelerates growth. This would not be too surprising on further reflection, even though it runs counter to most current thinking which pairs off growth against improved income distribution. If a country has 20 percent of its labor force idle, putting the unemployed to work ought to accelerate growth. And unemployed labor is a developing country's most plentiful asset. Moreover, the income earned by these workers brings up demand for local products, particularly for labor-intensive goods such as food and textiles. Thus, the gross domestic product of Taiwan grew between 9 and 10 percent annually during the 1960s, while exports grew at the phenomenal rate of 35 percent annually.

A second hopeful note from the Taiwan experience is that it now may be possible to attack simultaneously several of these problems now confronting most developing countries. Thus, the right strategy to deal with the problems of unemployment and income distribution appears to favorably influence popular attitudes toward using family planning. The combination of full employment, income growth and greatly improved health and education services has led to declining birth rates in Taiwan and Korea even before the $200 per capita income level was reached and before the introduction of large-scale family planning programs in these two countries. In Taiwan, for example, birth rates dropped from 46 per thousand in 1952 to 32 in 1963, at which time a vigorous family planning program was introduced and helped continue the birth rate decline to 26 in 1970. Elsewhere, as in Barbados, Singapore, Hong Kong and parts of India, there are other illustrations of this effect on birth rates of the right pattern of socio-economic progress, but Taiwan and Korea are the principal country examples.

Applying these lessons of Taiwan in other developing countries will not be easy. Fundamental to addressing the problems of poverty, unemployment, and better social services like health care and education, is the need for a series of structural reforms. Not just little projects here and there that address the symptoms of what is wrong with society, but fundamental, far-reaching reform of social, political and economic structures to make them responsive to need. Clearly, these are very hard to effect. A land reform program, for example, requires that something be taken from the rich landlord and given to the poor tenant. A decent health system in a poor country requires changes in doctors' professional attitudes and standards to allow the use of less costly paramedics. Salary increases of factory workers may have to be slowed, both so that some of the economic benefits of increased productivity can go to the families of nonfactory labor, who constitute the majority of society, and to reduce the incentive to use costly labor-saving machinery at a time when much surplus labor is available. The prices farmers get for their products must be improved, despite protests from the city dwellers. These matters are difficult to handle in a wealthy, modern society like the United States, where Americans are still debating full employment and full health care, and the debate is even more intense, and the solutions even more difficult to achieve, in economically poor societies.

LESSONS FOR DEVELOPED COUNTRIES

The lessons from Taiwan for the developed countries also are many. The high growth rates in Taiwan have made it far easier to achieve major reforms without major violence or extreme authoritarianism. And high growth rates require more foreign exchange for machinery and for raw materials. It is no accident that every "success" story in the developing world in the 1960s which managed to combine major economic and social improvements for the whole population with high economic growth rates as in the cases of Israel, South Korea, Taiwan and Yugoslavia is a society that has had broad access to aid, investment and trade. Restructuring a society within growth is clearly much easier than restructuring a society within stagnation. Americans see in their own society how much more difficult it is to move people out of depressed industries during a period of recession than it is in a period of growth when alternative employment is open. This is certainly true for developing countries.

But there is a real dilemma in finding additional sources of foreign exchange. In the final analysis it must come from aid, trade and investment.

AN IMPORTANT TRADING PARTNER

Taiwan has become an increasingly important trading partner for the United States in recent years. Despite the end of the AID program in 1965, U.S. exports have increased from $100 million in 1960, largely financed by the U.S. Government, to nearly $600 million in 1971. U.S. imports from Taiwan, in the same period, have increased even faster, from less than $30 million to more than $800 million in 1971.

American investment in Taiwan graphically illustrates the new pattern of U.S. overseas investment to take advantage of low labor costs overseas to help meet foreign competition. A considerable portion of U.S. imports from Taiwan are for incorporation in U.S. brand name products partially manufactured or assembled in the United States, enabling these items to remain competitive in the United States and overseas with products from Japan and Europe. The employment benefits to Taiwan are substantial. A U.S. firm, General Electronics, is now the single largest private industrial employer on Taiwan.

Taiwan's trade has continued to increase in 1972. However, the unseating of Taipei from the United Nations and other political and economic developments have created uncertainties that can be expected to slow new foreign investment in Taiwan. The Japanese Government has suspended the granting of new credits to Taiwan since the vote, and Japanese business investments have slowed greatly. The dynamics of Taiwan's economy today are such, however, that it should continue to grow rapidly in 1973 and 1974, if it does not suffer major new shocks.

The problems facing the developing countries in the years ahead are so great, as they seek to maintain and increase growth rates, improve markedly the living standards of their poorer masses, slow population growth and anticipate the growing problems of the environment, that they need the benefit of every major successful experiment regardless of its ideological origin. Taiwan's experience, which was a major resource drawn on in the early 1960's by the world's agricultural researchers seeking to solve the emerging food crisis, and by the economists of the mid-1960's seeking successful growth and export models, has possibly an even larger contribution to offer other countries trying to solve their still uncontrolled unemployment, poverty and population problems.



Mr. LEGGETT. Mr. Speaker, I am very pleased to be able to join today in a discussion of our relations with the Republic of China.

Since the takeover of the mainland in 1949 by the Red army, the United States has maintained a close relationship with the Nationalist Chinese Government on the island of Formosa. In the last few years, however, we have seen this close relationship dissolve in the face of lessened tensions with the People's Republic of China.

I am in full support of the President's initiatives with the Chinese Communists. It always seemed a little absurd to me to pretend that 800 million people just do not exist. The fact of the matter is that those 800 million do exist, and whatever philosophical disagreements that we may have with the Communist Chinese it is clear that their society is not going to vanish overnight. The United States should establish an embassy in Peking, and we should do whatever we can to normalize relations with this important power.

Nevertheless, in our zeal to break the "bamboo curtain," and establish diplomatic and economic ties with the People's Republic I would hope that we do not completely neglect the other China—the China that has stood by us for so many years. I am, of course, referring to the Republic of China based in Taiwan.

Many American businessmen tend to see China as the largest market in the world, a vast land of 800 million people with considerable resources, largely undeveloped. The hope is that this vast market will be opened up to development by American technology. Unfortunately, this hope has been grossly exaggerated in the jubilation over the détente with Communist China.

The spending power of the Chinese people is low, and their government has no interest in massive imports of consumer goods. Total Red Chinese foreign trade amounted to only $5 billion, while U.S. trade exceeded $105 billion last year. Last year, two-way trade between China and the United States was about $90 million, and it is estimated that the level of trade may reach $300 million this year.

All of this is to say that while it is very good that we are on speaking terms with the Communists, let us not fool ourselves by thinking that they are going to be willing to open up the floodgates to American business and risk becoming clients of a nation that holds a very antagonistic political philosophy.

In contrast to the trade levels of the Communists, the trade between the United States and the Nationalist Chinese topped $2 billion last year, and is expected to climb even higher. More than 100 American firms have committed in excess of $360 million in investments on Taiwan, and the Chinese Nationalists are eagerly searching for more. It would be a great mistake to turn our backs on the 15 million people living on Taiwan and the thriving Nationalist Chinese economy, as we turned our backs on the 800 million on the mainland, simply because of the diplomatic breakthroughs of the last year.

Twenty years ago we made the mistake of assuming that the People's Republic was a temporary phenomenon that would fade away in time. Let us not repeat that mistake by assuming that the Republic of China is also a phenomenon that is going to vanish.

The Republic of China has achieved rapid economic growth over a period of 20 years since it started its first 4-year plan in 1953. In both 1971 and 1972 the national economy of the Republic of China grew by over 11 percent, while the GNP throughout the sixties has increased by almost 10 percent.

Along with the rapid rise of GNP and national income, per capita income has also been on the increase, at the relatively high rate of 6.4 percent per annum between 1961 and 1970, and in 1971 the per capita income increased by a whopping 8.8 percent.

It is seldom realized that Taiwan is the third largest economic trader on the Pacific Ocean, behind only Japan and California, with a gross foreign trade in excess of $4 billion. Even in the absence of U.S. economic assistance, which was ended in 1968, the Republic of China's economy has shot forward. Today this nation is universally regarded, along with Japan, as the success story of the East and the prototype for underdeveloped countries throughout the world.

In short, the Republic of China represents what the United States has been trying to achieve in Asia since 1945: A dynamic, progressive society that is constantly building and improving upon the foundations of a prosperous life for its people.

So the Nationalist Chinese appear to be here to stay. Given this reality, it would be a good idea for us to begin to develop a coherent two-China policy that

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recognizes the existence of both the mainland and Taiwan.

Over the long history of our relations with the Republic of China a number of American observers have expressed serious concern about the lack of political freedom in that country. Certainly, it is a little inconsistent for us to constantly criticize the complete lack of individual freedom in the People's Republic and at the same time not point out the serious limitations on civil liberties within what is commonly referred to as the "free China."

I have no doubt that serious barriers to political freedom still exist in Taiwan, but some remarkable advances have been made over the last 2 years. In sharp contrast to past elections in which nearly all seats in the national assembly were filled by mainland Chinese—to the exclusion of the Taiwanese that comprise 85 percent of Taiwan's population—in the latest election, held on December 23, 1972, nearly 90 percent of those elected to the legislative Yuan and national assembly were native Taiwanese. Of the 89 elected to the national assembly and legislative Yuan, all but 10 are Taiwanese while the number of representatives of overseas Chinese in the legislative Yuan increased by 15 members.

The new lawmakers of the Republic of China are not only predominantly of Taiwan stock, but are also relatively younger than legislators of prior administrations. More importantly, the elections were much more open than those in the past. Two independent candidates—Kang Ning-hsiang, running for the legislative Yuan, and Huang Tien-fu, running for the national assembly—were extremely critical of the Government and won their contests.

What we have developing in Taiwan, then, is a vigorous, young Republic, willing to correct the abuses of the past and ready to meet the economic demands of the future. It is vital that the United States not close the door on relations with Nationalist China at this important stage in its development of democratic institutions.

Mr. DORN. Mr. Speaker, I am glad to join my colleagues in the House of Representatives to reemphasize our support for the Republic of China. The principles and ideals of freedom, democracy, truth and justice, upon which the United States was founded, coincide, Mr. Speaker, with the ancient and honorable Chinese traditions now carried forward by the Republic of China. We welcome improved international relations, but this cannot be accomplished at the expense of old and trusted allies such as the Republic of China. The Republic has been a responsible and law-abiding member of the international community, and despite the treacherous and illegal expulsion action by the U.N., the Republic of China promptly declared its continued devotion to the true principles of the U.N. Charter. To turn our back on this loyal ally would be to reward treachery and agression. We must, Mr. Speaker, honor our commitment to freedom and decency.

Mr. Speaker, may I commend my colleagues responsible for this special order, and I am proud to call to the attention of all Americans the friendship and support of the courageous people of the Republic of China.

Mr. SPENCE. Mr. Speaker, we are living in an era of uncertainty and change in the field of international relations—an era which deeply concerns and troubles me as I know it does many of you.

Two years ago we witnessed the admission of Communist China to the United Nations, after years of opposition to such a move and without any demonstrated change in her own position or any evidence whatsoever that she will live up to the requirements of the U.N. Charter.

It was not enough that the doors of the world's peace-keeping organization were thrown open to a belligerent, totalitarian regime, in violation of the Charter, but the United Nations further ignored and perverted its own rules in order to give China's seat on the Security Council to Peking, replacing the rightful and long-recognized legal Government of China—the Republic of China.

I opposed Peking's admission to the United Nations. I believe it was an error. Officially, the U.S. Government stood by its traditional policy of opposing the admission of Peking. I am aware, however, that many people and nations who shared that stance are of the opinion that the then-impending United States-Peking summit meeting created an atmosphere in which official deeds appeared to contradict official words. Therefore, the U.S. Government is blamed for the U.N. action, despite her official opposition to it.

I am inclined to agree with that analysis. Whether or not the result was intended by official Washington, it was eminently predictable.

In the light of these recent developments in our international policies, we should today seek to reassure our true ally, the Republic of China, that we will stand firm by our commitments to her and that we will not let her people face threats to their freedom by themselves.

The people of the Republic of China deserve the highest commendation and accolades of the free world for the leadership they have exercised and the burdens they have borne with equanimity in the ongoing struggle to see that free men do not forget the real nature—the real face—of their Communist enemy. We hear voices from the United States to the effect that we should withdraw from the world and turn our attentions inward to domestic matters, but those are not the true voices of America. They do not represent the will or the desires of the American people.

As a world leader and a free nation, we cannot and should not cast aside our leadership responsibilities or abandon our many small-nation allies. We must be aware that the people of Taiwan, and of many other small democratic nations, cannot defend themselves without our support. Wherever the leaders of the free world leave a vacuum, it is clear that the Communists move in and take over. It is this process of gradualism which led to the decline of the British Empire, and we must not let history repeat itself in this fashion. It is the small island nations on the perimeter of Asia which are the key to whether or not Asians will be free or enslaved. And I firmly believe that, whatever we may be hearing to the contrary, the American people will never abandon their allies to Communist enslavement. The struggle to assure peace, freedom, and the right of self-determination to all peoples everywhere must be continued. It is a struggle in which free peoples must maintain a common and united front. It is a struggle in which there is no room for the "quitter"—no place for discouragement and doom-crying. We must help the Republic of China in this struggle. We cannot afford to let this strong ally fall to its knees.

Mr. KEMP. Mr. Speaker, a number of my distinguished colleagues today are speaking on the importance of keeping our various commitments to the free Chinese in the Republic of China. There has been a spirit of euphoria among some in the United States on the recent moves of President Nixon and Dr. Kissinger toward Red China, a country we have fought either directly or by proxy in both Korea and Vietnam. To obtain somewhat rather nebulous goals with regard to Red China, several of our colleagues on the other side of the Capitol have called for diplomatic recognition of Communist China and de-recognition of free China, repeal of the Formosa resolution, withdrawal of the few U.S. Armed Forces from Taiwan, termination of military aid to the Republic of China, reexamination of the United States-Republic of China defense treaty, and extension of most-favored-nation trading privileges to Communist China. In anybody's book, that is quite a tall order. Instead of considering the above litany, I urge another course of action. That course is founded on deliberation and prudence.

Our foreign policy and our own standing in the community of nations will be much better served by careful consideration of any future moves in regard to both free and Communist Chinas. Is it prudent to abandon a strong friend and ally in Asia—the Republic of China? Is it wise or is it folly to ignore the existence of 15 million free Chinese on Taiwan?

In many countries the local Chinese play an important role in political and economic life. Do we want them only influenced by the blandishments of communism or is it more prudent to let them continue to view the progress of a free and viable Republic of China?

Mr. Speaker, let us not get caught up in any folly that we will later regret. Our friendship and good relations with the Republic of China continues to pay handsome dividends in many ways. Let us not do anything to endanger them.

Hanson W. Baldwin, a respected military journalist, Pulitzer Prize winner and former military editor and analyst for the New York Times, has written an excellent analysis of Taiwan's strategic importance to the United States in his outstanding book, "Strategy for Tomorrow." Mr. Baldwin explains the Republic of China's major role in intelligence collection and points out that the loss of Taiwan to the free world would have a profound political influence over the rest of Asia far more adverse to our interests than any possible gains in our relations with the China mainland.



As Baldwin so rightly states:

Recognition of a de facto two-China situation, resumption of diplomatic relations with Peking and the entry of Communist China into the United Nations must not be paid for at the cost of Taiwan. The gains would be nebulous, the costs, strategic, political, economic and moral, disastrous.

Mr. Speaker, I urge that my colleagues read this expert analysis of Taiwan's critical importance to our national security and I include at this time for their information the Taiwan section from "Strategy for Tomorrow":

TAIWAN

Taiwan, site of the Chinese Nationalist Government and focus of the so-called two-China situation in the Western Pacific, is an important link in the strategic island chain that hems in the Asiatic rimlands. Chiang Kai-shek's government and Taiwan itself have been much criticized and our support of this government maligned. Yet the politico-strategic advantages to the United States of a strong ally in Taiwan are major.

The United States does not require—in normal times—permanent base rights in Taiwan. U.S. patrol and reconnaissance aircraft are intermittently based on Taiwan and the nearby Pescadores. During Vietnam, Taiwan has provided a variety of support activities, including air transport staging fields and repair and reworking facilities for aircraft. Taiwan is also of major importance in intelligence-collection. Chinese Nationalist reconnaissance vessels and aircraft, U.S. pilotless reconnaissance drones, high-flying "spy" planes, electronic and communications-monitoring stations, and agents infiltrated into the mainland from Taiwan or the offshore islands provide tremendous amounts of pertinent military, economic and political data about the fortunes of Chinese Communism. Together with Hong Kong, Taiwan and its subsidiary islands represent by far the most important intelligence outposts in the Far East. Nor can the analyses of all the data gathered by the Chinese Nationalist intelligence experts be derided—as it has so often been in the past—by American "experts" who have dismissed Taipei's estimates as self-serving and biased. Some of them have been thus colored, but it is well to remember that the Chinese Communist order of battle in North Korea and Manchuria was first furnished, in precise detail, to the United States from Taiwan in 1950 *before* U.S. and South Korean forces had encountered the Chinese Communists in the field. Taiwan's facilities, and the knowledge that Taiwan's ports, airfields and ground area could be used if needed in time of emergency, are helpful, useful and comforting. But these facilities are not essential as U.S. bases. What is essential is the denial of Taiwan to any enemy or potential enemy. For Taiwan, under the Chinese Communists, would mean a break in the island chain; it would threaten the Ryukyus to the north and the Philippines to the south, and its loss would have a profound political influence over the rest of Asia far more adverse to our interests than any possible gains in our relations with the China mainland.

Recognition of a *de facto* two-China situation, resumption of diplomatic relations with Peking and the entry of Communist China into the United Nations must not be paid for at the cost of Taiwan. The gains would be nebulous, the costs, strategic, political, economic and moral, disastrous. Chinese Communist ambitions, keyed to a "countryside of the world," will never be sated by the seizure of Taiwan.

In a strategic sense Taiwan represents an important flanking threat to the Chinese Communist mainland positions. Taiwan and the Nationalist-held offshore islands of Quemoy and Matsu dominate the Chinese coast from Swatow through Amoy to Foochow and control the hundred-mile, wind-swept Taiwan Strait, which links the East China and South China seas. Because of its geographic position, the Nationalists' wishful but avowed intent to "return to the mainland" and the considerable strength of the Nationalist forces, Peking's military freedom of action has been considerably limited, even during the Korean and Vietnam wars. A very sizable part of the Chinese Communist Army—totaling probably 600,000 to 800,000 men out of a total ground strength of more than 2,500,000—has been constantly deployed opposite Taiwan. Recently, when the Sino-Soviet split led to shooting affrays with the Russians on the Manchurian and Sinking frontiers, it was the Chinese concentrations near North Vietnam that were thinned out and shifted northward, not those opposite Taiwan. To Peking, Taiwan represents, strategically, a deadly potential peril—a small but definite psychological and political peril to the facade of monolithic Communism on the mainland, but a major military threat.

The nationalist forces in Taiwan total more than half a million men of all services, with a militia and reserves (poorly trained, organized and equipped) of another million. The Army order of battle includes the equivalent of about 24 divisions, but only about 16 of these are full-strength and fairly well equipped—most of them with World War II infantry weapons. A limited number of surface-to-surface and antiaircraft missiles, including the Nike-Hercules, which can carry a nuclear warhead, have been furnished the Nationalists by the United States to strengthen their defensive capabilities. The Nationalist Navy of about 35,000 operates 5 destroyers, 6 frigates, many patrol boats and a sizable number of landing craft, including 27 LST's. Its training and morale can only be classified as fair to indifferent. A well-trained two-division Marine force is an amphibious spearhead. The Air Force, proven in combat in battles over the Taiwan Strait, has some highly experienced and well-trained pilots among its 85,000 personnel and, man for man, plane for plane, has considerably more combat effectiveness today than the Chinese Communist Air Force. But its aircraft are tactical, not strategic, it has defensive, but very limited, offensive strength, and more than 200 of its less than 400 combat aircraft are old and obsolescent F-86's and F-100's.

The limited offensive capabilities and strong defensive strength (the latter also a result of the formidable barrier of the Taiwan Strait) represent a deliberate policy on the part of Washington, which, when the policy was formulated, was seriously concerned about Chiang Kai-shek's constantly voiced promises to return to the mainland. A return to the mainland since China's consolidation under the Communists has actually been possible only with the help of U.S. naval, air and possibly other support. The U.S. policy of strong defensive, but limited offensive strength for Taiwan was (and is) sound, in that it is calculated to prevent the tail from wagging the dog—to insure the United States against being dragged by its heels into a war on the mainland.

But the implementation of the policy and the priority demands of Vietnam have led to a gradual deterioration of the Nationalists' defensive strength. Much of their equipment—ground, air and sea—is old, almost unserviceable and definitely obsolescent; spare parts for many World War II items are being manufactured, at considerable cost, in Taiwan. If the island and the Nationalist forces are to retain their strategic viability as a strong flanking position, opposite the heart of mainland China, it is essential that a new aid program be initiated to re-equip, in particular, the air, antiaircraft and naval forces. Taiwan must be retained as a bastion of Free World strength.

The offshore islands, which lie close to the China mainland (Quemoy is separated by a strait only one or two miles wide), are held by about 80,000 Nationalist troops, who have tunneled deeply into the native rock and heavily fortified the islands. The United States Government has correctly retained its flexibility of action and diplomatic maneuver about these islands; our commitment to Taiwan does not necessarily extend to Quemoy and Matsu. In case of Chinese Communist assaults against those islands the action that Washington might take would almost certainly depend upon the circumstances and the context of world events. During the Eisenhower administration the Communist blockade, by artillery fire and naval and air attacks, of Quemoy was broken by the rather simple expedient of furnishing to the Chinese Nationalists medium artillery capable of firing nuclear shells. The shells were *not* provided, but Peking understood the lesson; one plane could transport to Quemoy enough ammunition to doom any Communist amphibious assault. Today there probably could be no such simple answer to Communist attempts at conquest of the offshore islands. For the Communists now possess nuclear weapons and could retaliate in kind. The eventuality, for the immediate future, is unlikely, for Quemoy, in particular, is so strongly held that a Chinese Communist assault upon it—in addition to creating a political crisis in the Orient—could succeed only at the cost of thousands of lives. Ultimately, if the Chinese mainland increases in strength, these island positions—very close to the mainland, and hence vulnerable to many forms of assault—will represent a wasting asset.

But there is no such prospect for Taiwan, one of the largest islands in the Western Pacific, buttressed against attack from the mainland by many leagues of blue water. Its position has been weakened, it is true, as have all other positions in the Western Pacific, by Peking's development of nuclear weapons and particularly the mating of nuclear warheads to medium-range missiles. But active nuclear attack by Peking against Taiwan would instantly invoke nuclear retaliation, or its threat, by Washington. Taiwan, like Japan, is sheltered under the U.S. nuclear umbrella. And overt conventional attacks can be defeated, in the foreseeable future, by the Nationalists, provided their weapons systems are modernized and maintained on a basis of qualitative parity or superiority with those of the Chinese Communists.

No immediate military threat to Taiwan thus appears to exist, and U.S. efforts should be keyed to maintenance of the present strategic status quo. This means, in addition to a reasoned program of arms modernization, continuance of the economic prosperity and political stability that Taiwan has enjoyed for the past decade. It means, too, the orderly transfer of power when Chiang Kai-shek dies to his successors (his son is the present heir apparent) without any major internal disorder or attempted coups.

There looms, too, another danger for Taiwan—now only a speck on the horizon. Worried by the Chinese rift, Moscow has permitted unofficial "feelers" in Taiwan. It is conceivable that if a Sino-Soviet war developed, Taiwan might be tempted and persuaded to undertake limited intervention, an eventuality which might involve, and would certainly worry, Washington.

Mr. COUGHLIN. Mr. Speaker, I am glad to participate in this special order this afternoon to express my support for our friend and ally, the Republic of China. While it is important to recognize and respond realistically to the changing power configurations in the

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world, it is also important to acknowledge longstanding ties.

Many commentators have described the progress made by the Nationalist Chinese on Taiwan. The economic progress is made possible by a free enterprise system. In the words of Journalist Scott Aiken—

There is deliberate encouragement of free enterprise; a policy of giving the people a stake in the system's survival and success. It manifests itself, for example, in the sale of state-owned corporations to private investors.

It is heartening to read about a government in a developing country this is encouraging private ownership in order to broaden the free enterprise basis of its economy. Nationalist China might well serve as a model for other developing countries throughout the world.

At this time, I wish to place an article in the RECORD as follows:

TAIWAN CONSCIOUSLY COMPETES WITH THE MAINLAND

(By Scott Aiken)

TAIPEI.—The sound in Taipei today is not that of the rapid pop-pop of Chinese firecrackers, but of the more raucous cacophony of automobile horns.

This "temporary" capital of the Republic of (Nationalist) China has had a population explosion, a construction explosion, but most of all an automobile explosion.

There seems no more obvious and sure sign of the present success of the much-battered and still embittered government of President Chiang Kai-shek than the prosperity of this city.

Nearly two million of the island's 15 million citizens live in the city proper, another million in the environs. New hotels—a Hilton is about to open . . . new apartments to replace the squalid squatter slums of a decade ago, new office buildings, new boulevards, a memorial to the founder of modern China, Sun Yat-sen, all attest to the improving fortunes of the Nationalists on Taiwan.

It is ironic, but perhaps not more happenstance, that the economic boom has begun to have widespread impact at the very time that the Nationalists hopes of a "return to the mainland" have become more transparently unrealistic than ever.

No official says in direct and open words that he sees there is no future in devoting the government's full energies to overthrowing the Communists. But the expulsion of the Republic of China from the United Nations 16 months ago, President Nixon's visit to Peking a year ago and the shift of allegiance by most nations of the world from Taipei to Peking have shaken the Nationalists.

As one official said soberly: "We are realists." He could have added: ". . . now."

So while the army is the largest in the world in relation to population—almost one man of every 10 persons is in the armed forces—in other ways the people who fled the mainland in 1949 and the native Taiwanese majority are turning to other pursuits. The principal one is building up the economy.

This densely populated island is about half the size of the state of Ohio and lacks most natural resources. In short, to prosper it must both buy and sell in foreign markets. About 65% of the $7.2-million gross national product (GNP) comes from foreign trade—imports and exports together. Vice Minister of Economic Affairs Liu Shihcheng says the plan is to increase the exports' share of the GNP to 46%, half again what it is now.

At an eight-story export display center in the midst of Taipei's gaily festooned and bustling department stores are wares of more than 200 companies. Bicycles, textiles, television sets, plastic toys for the United States, shovels, hoes and other farming tools for Africa, water heaters, stoves for Southeast Asia. French importers stopped by recently to inquire about buying "a very large order" of canned mushrooms for France.

Low prices, based on low wage costs, are primary selling points at this time. But if the government emphasizes (and it does) wage stability, it also makes a genuine effort to hold down inflation, and its desire to develop more technologically based industries is going to bring real income for the average man up more rapidly.

Spreading the wealth is an accepted proposition in the government, but both the mainlanders' still jealous guard of their prerogatives and old habits, such as the tax on salt, are inhibiting factors.

But there is a deliberate encouragement of free enterprise, a policy of giving the people a stake in the system's survival and success. It manifests itself, for example, in the sale of state-owned corporations to private investors.

At first glance, this is by no means a model society, but it is at least as good, if such an ethical judgment is valid, as most of the others the United States accepts around the world. One diplomat commented: "If Chiang Kai-shek had done as well in governing the mainland, he would still be there."

Taiwan, to put it mildly, is different from the mainland. It is China, too, as both Nationalists and Communists (and Mr. Nixon) all agree.

Taipei is more disorderly, less clean, but more prosperous and relaxed than Peking is said to be.

There is pride in the system of government here as there is among the people in Peking. At this point in time both governments seem dedicated to providing the services we have come to expect of government. Government control may be no less firm here than it is in Peking, but it is less immediately obvious—and therefore less offensive to the American mentality. Which does not make the one necessarily better or worse than the other.

If the civil war for control of China is for all real purposes over, the verdict is by no means closed thereby on which system can, by our standards, provide a better life for the individual citizen.

At least the Nationalists are now competing, by necessity, rather than leaning on the dulled spear of their righteousness.

Mr. DICKINSON. Mr. Speaker, in dealing with the question of U.S. policy vis-a-vis Taiwan, it would be wise to take into consideration the views of the American public, which in the past 2 years has consistently stood behind both friendly relations with Peking and continuation of our commitments to free China.

An extensive public opinion survey done in mid-1971 by Opinion Research Corp. of Princeton, N.J., was placed in the RECORD on July 16 of that year by Senator DOMINICK. It showed that Americans favored admission of Red China to the U.N.—but not if that meant that Taiwan would be expelled. The survey further indicated support for diplomatic relations with Peking—but not at the cost of cutting off relations with free China.

More recent surveys have demonstrated little shift in public opinion as regards the latter question. The American people seem determined to stand by our country's commitments.

The Members of this House seem to reflect a similar sentiment. In October 1971 a petition signed by 336 members of this body was presented to President Nixon opposing the expulsion of Taiwan from the United Nations. The number of Members addressing themselves today to the question of our pledges to free China indicates that concern for the 15 million people of that island nation continues unabated.

American concern is probably based in part on memories of the open-door policy. That policy committed the United States to oppose foreign attempts to carve China into spheres of influence in which its people could be exploited.

Such concern is no doubt colored also by memories of how Chiang Kai-shek and the Nationalists fought so valiantly and so long against Japanese invaders and internal Communist opponents for nearly 20 years before being expelled from the mainland in 1949.

America's concern almost surely is shaped by the realization that few of our allies have more loyally supported this Nation's policy of commitment to the freedom and self-determination of Southeast Asia.

Now, as never before, Taiwan needs U.S. support. Last May Chiang Kai-shek began his fifth term as President of the Republic of China. This country has consistently supported him and the Nationalists for more than two decades against those who would seek to subject them to the same sort of rule as must be borne by the hundreds of millions of Chinese on the mainland.

Mr. Speaker, it is not my intent to criticize the administration's basic policy of promoting world peace by seeking accommodation with Peking. I firmly believe, however, that any such accommodation which tends to sacrifice Chiang and the free Chinese would be a tragic mistake and an unjustifiable repudiation of this Nation's policy of supporting freedom and self-determination for the people of Asia and the world.

Mr. COLLIER. Mr. Speaker, I welcome the opportunity to join my able colleagues on both sides of the aisle in reiterating and emphasizing support for free China.

Like all those who love freedom, liberty, and independence, not only for ourselves but for all men throughout the world, I have rejoiced when the peoples of colonial powers cut the ties that bound them to Belgium, France, Great Britain, Italy, Japan, the Netherlands, and Spain. I was just as pleased when the United States granted independence to the Philippines.

No fewer than 74 countries have gained independence since World War II ended. If freedom, liberty, and independence are to have any meaning, they must not be the sole possession of newcomers to the family of nations. It is just as important that countries whose history antedates World War II should remain free from alien domination.

There is room in the world not only for the new nations but for such ancient nations as free China, the government of which has been confined for the most part to the island of Taiwan since the Communist conquest of the remainder of China's territory.

There is room in the world for any nation whose people are truly free.

There is room in the world for any nation which promotes the material well-being of its people.



There is room in the world for any nation whose people have repeatedly and continuously demonstrated their friendship for the United States of America.

There is room in the world for any nation which stood loyally by America while ingrate nations not only refused to assist us in our fight against aggression but aided our enemies.

Mr. Speaker, there is room in the world for free China and an obligation on our part to recognize its sovereignty.

Mrs. SULLIVAN. Mr. Speaker, over the years since the Republic of China moved from the mainland to Taiwan, much has been made of the material economic gains achieved. These are, indeed, noteworthy and impressive.

However, we should not overlook the fact that on that island in the Far Pacific one finds today, without a doubt, the greatest collection of Chinese art anywhere in the world and a veritable explosion of creativity among a people whose cultural heritage is one of the most admired in the world.

Thanks to an elaborate and unstinting emphasis on education in every discipline, the per capita literacy is one of the highest in Asia, the ratio of teachers, doctors and nurses to the population challenges even the most advanced nations of the West, and every encouragement is given to the promotion of the creative arts.

Painting, calligraphy, writing, sculpturing—all are energetically pursued by this highly talented people. Despite the vast modernization of the Republic of China's industrial capacity, the handcrafts are not ignored and traditional expertise in making porcelains and other pottery, in wood carving and in a wide variety of related fields continues to receive public support and government approval.

To travel through the countryside of Taiwan is to see the natural beauty of the island enhanced by the artistic labors of man which is one of the reasons the Republic of China has enjoyed such a growing tourist boom. And the creation of parks, quiet temples and pagodas, scenic overlooks and convenient though seemingly out-of-the-way retreats has been carried out at the same time the metropolis of Taipei has been largely rebuilt. Ports of Kaohslung and Keelung have become among the most modern imaginable and scores of industrial plants and complexes have been built throughout the island.

I mention this, Mr. Speaker, because it is to the credit of the Government of the Republic of China that in building a prosperous economy they have not ignored what we might call the "finer things of life." The provision of greater material benefits for the people has not been at the expense of esthetic and spiritual benefits. The artist and artisan, as well as the engineer and construction worker or assembly line foreman, are still highly esteemed in free China's society.

It is good to know that in this hectic 20th century world there is an island of 15 million souls who are not willing to sacrifice cultural growth while striving for economic success. Too many societies, especially in the developing countries, tend to discount the needs of the spirit in trying to meet the needs of the body.

Mr. WAGGONNER. Mr. Speaker, I join my colleagues today in urging continued American support for the Republic of China.

There have been many favorable things written about the island of Taiwan, but unless one travels there and sees firsthand—as I have done—the progress which has been made, it is hard to believe. Unquestionably, amazing successes have been achieved in every area of economic and social life.

Although limited in area—14,000 square miles—and small in population, 15 million—Taiwan has achieved an economic growth in Asia surpassed only by Japan. Its economic growth rate has averaged 9 percent over the last 20 years. Gross national product is well over $6 billion and per capita income is now $470 a year, four times that of the mainland, I might add. Red China talks of land reform, but the Republic of China has actually brought it about. Seventy percent of the land on Taiwan is now privately owned, and that figure is expected to increase.

The real difference between the Republic of China and other countries who have not known the progress which Taiwan has made is in the attitude of the people themselves. Having fled the mainland to escape the Communist tyranny there, they have seen what real oppression is. Members of their families continue to live under the totalitarian yoke on the mainland. As a result of this experience with tyranny and because of the inherent nature of the Chinese people, who are a good and peace-loving people, they have dedicated themselves to individual freedom and the free enterprise system, whatever the cost. Like the early pioneers in our own country, they have overcome adversity and hardship and have shown to the world that freedom can and will prevail. Little wonder that there exists such strong ties of friendship between the people of the United States and the people of Taiwan.

Taiwan is a real bastion of freedom in Asia. All that is asked is that they be allowed to continue as such.

As the U.S. Government continues to improve relations with Red China—and I continue to have many reservations about doing so—let it not be done at the expense of the 15 million freedom-loving people of the island of Taiwan. Continued support and friendship for the Republic of China should and must be a basic tenet of U.S. foreign policy in the Far East. Our American heritage will allow no less.

Mr. CRANE. Mr. Speaker, as the United States embarks upon new policies in many parts of the world and seeks to reinterpret its responsibilities and its international role, it is essential that we not lose sight of our legal and moral responsibilities to longtime friends and allies.

The Republic of China on Taiwan is such an ally. In 1954, a Mutual Defense Treaty between the United States and the Republic of China was enacted, and this treaty remains in force. Under its terms we are pledged to assist the Government of Taiwan to defend itself against outside aggression. Without the commitment inherent in this treaty, Taiwan would be at the mercy of Communist China which has long sought to eliminate its freedom and independence.

In recent days, as our own Government has announced the opening of liaison offices in Peking and Washington with the Government of Communist China, there have been increasing calls for recognition of the regime in Peking and abandonment of our responsibilities with regard to Taiwan. It is essential that such advice be rejected.

Fortunately, there have been many voices who have begun to speak out in behalf of the free Chinese. The New York Daily News, for example, noted that—

U.S.-Taiwan ties seem to loosen every time Americans and Red Chinese representatives exchange handclasps and blow kisses at each other. Let's not rush this courtship if it means jilting a steadfast friend and ally. Nothing we could obtain from Red China would be worth the dishonor the U.S. would suffer if it sold the Free Chinese into Communist slavery.

If the American commitment is not valid in Taiwan, it is not valid anyplace. If the people of the Republic of China cannot depend upon the treaty commitments of the United States, neither can our allies in Europe, or in any other part of the world.

In the current discussion many seem to overlook the phenomenal success story of the people and the Government of Taiwan.

Writing in the April 1972 issue of Foreign Affairs, Robert W. Barnett cites these figures:

Taiwan's gross national product rose from $2 billion in 1960 at an annual rate of almost ten per cent, to $5.4 billion in 1970. Per capita annual income rose from $180 to $360 during the same period. The rise of Taiwan's exports was even more impressive—$164 million in 1960 to $1.248 in 1970, an annual rate of about 25 per cent. To the United States alone, Taiwan's exports rose from $19 million to $563 million, while imports from the United States rose from $113 million to $364 million.

Mr. Barnett points out that:

During these ten years, Taiwan saw the end of U.S. economic aid, which had totaled over $1.6 billion, and Taiwan itself commenced foreign assistance programs. Taiwan consolidated all manner of economic links with the United States and Japan. It clung to its position in international organizations. And among Taiwan's leaders, economic purpose gained precedence, quietly and gradually, over big-power political and military pretension.

The fact is that Taiwan, with only 15 million people, does approximately the same $4.3 billion in foreign trade as does the Chinese mainland with 700 to 800 million people. Writing in Fortune magazine, Louis Kraar reported:

The per capita GNP—$400—is already about four times as large as in the People's Republic. The island's exports, which range from canned mushrooms to railway cars rose 40.6 per cent last year to $1.6 billion. And although Taiwan must import large amounts of capital goods and most raw materials, it still amassed a $34 million trade surplus.

Many experts in Asia express the view that in the foreseeable future, more trade is to be had with Taiwan than with mainland China. Writing in the June 1972

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issue of the Japanese monthly, Issues and Studies, Prof. Yajima Kinji stated that the average economic growth rate of the Republic of China in the 1970's will continue at more than 10 percent, and in the near future the country's per capita income will be increased from the current $330 to the target of $1,000.

Professor Kinji set forth the view that trade prospects were better in Taiwan than on the mainland and discussed the "absurd fancy and determination of Japanese industrial and commercial circles." He predicted that those folly minded Japanese would find their beautiful dreams of trade with the Communists broken and would consequently come back to the Republic of China within 2 years.

A Philippine observer, former presidential assistant Pete S. de Jesus, wrote in The Nation magazine in Manila, that Taiwan's impressive economic growth was one of "Asia's if not the world's phenomena." He wrote that,

All over Taiwan the air is alive with the electric spark of creation.

If anything is clear, it is the success story of free enterprise on Taiwan. In addition, while the Chinese Communists have effectively eliminated Chinese religion, culture and civilization on the mainland, the free Chinese on Taiwan have a flourishing intellectual and cultural life—keeping alive the Chinese heritage.

To abandon the free Chinese would be to turn them over to the government of Mao Tse-tung, one of the most brutal in the world's history. Many Americans forget that millions of Chinese men, women and children have been murdered by Mao's Communist regime. Franz Michael, head of the Sino-Soviet Institute at George Washington University, estimates that in the first 4 years of Communist rule in China, 15 million people were killed for political reasons.

The earlier campaigns were followed by the great proletarian revolution of 1966 to 1969 which constituted the ultimate in the purging of China's intellectuals. Total estimates of those murdered by the Communists range from 34,300,000 to a high of 63,784,000.

If we abandon our commitments to the Republic of China, it is this bleak future of tyranny to which we are condemning its people. American honor demands that we live up to the commitments we have made. If we do not, the future will be bleak not only for the people of Taiwan, but for those of the entire free world.

At this time it is essential that we understand the stakes involved in this question. It is essential that we renew our pledge to the people of Taiwan.

Mr. STEIGER of Arizona. Mr. Speaker, the Republic of China has been a loyal ally of the United States for over 30 years in war and peace. They stand today in the forefront of the battle for freedom in Asia.

I am proud today to join in support of the declarations which commend the people of free China in their courageous efforts on behalf of the principles of human dignity. New American diplomatic initiatives toward Peking and the well-publicized differences between Peking and Moscow should never be permitted to obscure the fact that the free Chinese on Taiwan continue to be our oldest and staunchest friends in Asia.

It surely is no secret that both ideologically and economically, the Peking government suffers from tremendous internal complications. It is also no secret, indeed, it is very well known that the government of Taipei has brought unparalleled prosperity and political stability to the peoples of free China.

What, one may ask, accounts for this striking contrast? We see it not only in China, but in Berlin and Korea and elsewhere. We should not be afraid to state the obvious. The political and economic contrasts of these regions are a clear manifestation of the undeniable superiority of the philosophy of freedom over the philosophy of collectivism.

Of course, we seek peace. Of course, we seek more amicable relations with those who would be our adversaries. But this does not mean that we should not invoke every opportunity to lend moral support to our friends, and particularly friends as dedicated to the principles of freedom as are the citizens of the Republic of China.

Free China today stands as a shining example to freedom-loving people in all parts of the world.

For many years we were generous in our economic aid to Taiwan, as we were to many nations seeking economic recovery after the ravages of war. But nowhere was our help more appreciated and better used than in the Republic of China. Following our example, free China today lends her assistance to other nations who seek it. They are good and sympathetic teachers. Notwithstanding incredible adversity, the free Chinese nevertheless increased their industrial output by over 400 percent in a 12-year period ending in 1965 and doubled their farm production in that same time.

There is an old Chinese proverb which says that if you give a man a fish he will have fish only for dinner that night, but if you teach a man how to fish, he will have fish for the rest of his life.

Mr. Speaker, we have helped to teach free China and they have taught themselves how to enjoy the blessings of freedom. They are now helping to spread the philosophy of freedom to other underdeveloped nations and we should wish them Godspeed in their efforts.

Mr. BENNETT. Mr. Speaker, the people of Taiwan have not, in any sense, allowed their expulsion from the U.N. to dampen the phenomenal progress their island has achieved.

It is widely held that Taiwan and its system of free enterprise is an example to be followed by the nations of the underdeveloped world. A Philippine observer, former presidential assistant, Pete S. de Jesus, wrote in The Nation magazine in Manila that Taiwan's impressive economic growth was one of "Asia's if not the world's, phenomena." He wrote that—

All over Taiwan the air is alive with the electric spark of creation.

Similarly, William Glenn, writing in Far Eastern Economic Review declares that—

The Jeremiahs who expected Taiwan to crumble economically because of the diplomatic break with Japan are not taking sufficient cognizance of the facts. . . . The Taiwan of October, 1972, has one of East Asia's strongest economies. An island of 14,000 square miles and 15 million people, will have a gross national product in excess of $7 billion.

In a recent editorial the Jacksonville Times-Union surveyed the current situation in Taiwan and concluded that ". . . funeral oratory for Nationalist China seems indeed premature."

I wish to share this editorial, which appeared in the Times-Union of November 12, 1972, with my colleagues, and insert it into the RECORD at this time.

[From the Jacksonville Times-Union, Nov. 12, 1972]

TAIWAN: AN "ORPHAN" MAKES GOOD

"Poor Taiwan!"

The United Nations ingloriously kicked her out, bag and baggage, a year ago. President Nixon made his historic visit to Taipei's archenemies in Peking. Japan acknowledged the Communists as rulers of mainland China's 800 million people, a serious blow considering Tokyo's economic ties with Taiwan.

A long-standing diplomatic score sheet was reversed and, as of now, 77 nations recognize Peking, while a steadily dwindling minority of 47 still maintain ties with the Chiang Kai-shek regime.

Resignation and despair, surely, should have gripped the tiny island, only 90 miles away from Red China's military might. But, when U.S. News & World Report recently surveyed the scene, the finding came almost as a shock. The magazine's report:

"Taiwan's economic performance in the first eight months (of this year) verges on the unbelievable. Compared with the same period last year, industrial production has risen 27 percent; new construction is up 39 percent; and trade has ballooned 46 percent . . .

"Exports and imports are expected to approach $5.5 billion this year, easily surpassing the level of the mainland, which has 50 times as many people.

"Life, for most people, gets visibly easier. Motorcycles are replacing bicycles. Air conditioned taxis are appearing. Stores are crowded with free spenders. One of three families now owns a television set . . .

" 'The Nationalists have weathered their crisis in amazing style,' says a senior U.S. diplomat. 'They have abandoned the myth that they are legally the government of all China, and have accepted the reality of their position. They are calm, cool and confident' . . ."

Writer William Glenn, in an article in Far Eastern Economic Review, expresses a similar sentiment.

"The Jeremiahs who expected Taiwan to crumble economically because of the diplomatic break with Japan are not taking sufficient cognizance of the facts . . .

"The Taiwan of October 1972 has one of East Asia's strongest economies. An island of 14,000 square miles and 15 million people, it will have a gross national product in excess of $7 billion this year . . .

"Technical help is available . . . so are investment funds. Overseas Chinese capital is still flowing in. So is American and European money . . ."

What has happened, simply, is that diplomacy and business are conducted by a pragmatic double standard.

Nixon "insulted" Taiwan by visiting Peking—meanwhile more than 100 American firms committed more than $300 million to help expanding operations on the island. Included are many "blue chip" U.S. firms.

Japan, likewise, broke relations with Taipei—but more than 400 Nipponese companies still do business there and their investment is second only to the U.S. Many Japanese firms simply camouflaged their tie with a new company name or undercover partnership with local Chinese; new Japanese capital is believed still coming in, only not openly.

"No country in Asia can match Taiwan" as a place to do business, one U.S. businessman summed it up (in the U.S. News & World Report summary).

As long as such continues—and it gives every indication of doing so as political control shifts gradually from 85-year-old Generalissimo Chiang Ching to his son, Premier Chiang Ching-kuo—funeral oratory for Nationalist China seems indeed premature.



Mr. PARRIS. Mr. Speaker, participating in this special order today gives me an opportunity to applaud the moves of the Republic of China that has led to its remarkable growth. An important ingredient in this is their establishment of free trade zones in which foreign-owned factories import raw materials and other necessary products duty free and then export the products. With the hard work of the free Chinese, these zones have helped raise the standard of living for the people. Now the average family income is $1,500 a year.

A number of companies from countries besides the United States are investing in Taiwan. An Austrian combine is building a steel mill. A new shipyard is being built which will make Taiwan the 15th largest shipbuilding nation.

The economic progress of Taiwan makes most other developing countries pale in comparison. The United States has helped make much of this possible. But we must remember, as Time magazine points out, that—

The greatest threat to Taiwan's prosperity, of course, is a cooling of its relations with the U.S.

Thus, with continued good relations with the United States, Taiwan can be expected to continue to progress. This is a useful thing to keep in mind when we hear the blandishments of other countries who may wish neither us nor Taiwan well.

I wish to conclude my remarks by inserting in the RECORD the article "Taiwan: Prosperity in Isolation" from the May 14, 1973 issue of Time.

TAIWAN—PROSPERITY IN ISOLATION

Since it was kicked out of the U.N. in 1971, Taiwan has become ever more isolated diplomatically. But its emissaries have proved adept at gaining entrée to the markets and financial centers of some of the very nations that have barred them from foreign ministries. As a result, the island country has attracted enough trade and investment to overtake even Japan in the speed of its economic growth.

Although its population of 15 million ranks only 40th in the world, Taiwan last year climbed into 20th place among all trading nations, with a giant 45% increase in its foreign commerce, to $5.9 billion (substantially larger than the foreign trade of the People's Republic of China). Its gross national product jumped 12% last year, the fastest rise in all Asia, and average family income reached $1,500, a figure exceeded among Asian countries only by Japan and Singapore. Recently seven Taiwanese trade missions were scouting for additional commercial exchanges with Western countries and swallowing nationalist pride to do so. In courting Canada, West Germany and Italy for further trade contacts, the Taiwanese teams refrain from insisting upon the term China to describe their country.

The foundation of Taiwan's economic success was laid in the late 1960s by Finance Minister K. T. Li. He pioneered the establishment of free-trade zones where foreign-owned factories can import raw materials and parts duty-free, assemble them into finished products and ship the products out as exports. Taiwan now has three such zones, each a kind of manufacturing compound. Together they will eventually employ some 90,000 Taiwanese workers in 150 enterprises. Foreign investors are also lured by cheap labor costs—one-third to one-fourth lower than in Japan—and velvet-glove treatment by the government. Foreign companies can buy factories built by the government on generous deferred-payment terms, and they encounter no red tape when they want to send their profits back home.

This policy has attracted such foreign-owned giants as Vöest, an Austrian combine that is expected to turn out $1.1 million worth of steel annually on Taiwan, and a slew of electronics firms: Sony, Hitachi, RCA, Motorola, Zenith, Admiral. Taiwan is now the chief supplier of black-and-white TV sets to the U.S. Ford Motor Co. has embarked on a $36.3 million venture with Lio Ho, a Taiwanese firm, to produce several small economy cars, selling at around $1,600, for the Asian market. The island also produces Sanyang motorcycles. Taiwan lately has switched to seeking capital-intensive heavy industry in order to stay a jump ahead of Malaysia and Indonesia, where labor costs are even cheaper. Its biggest catch: the Kaohsiung shipyard, a $27 million joint Sino-American enterprise whose annual capacity will be 1.5 million shipping tons. Together with older yards, Kaohsiung will make Taiwan the world's 15th largest ship-building nation.

The biggest threat to Taiwan's prosperity, of course, is a cooling of its relations with the U.S. Taiwanese have worked hard to head off that threat, with some success. In mid-February, even as Henry Kissinger jetted to Peking to chat with Communist officials, a delegation of 20 U.S. businessmen visited Taiwan, with Washington's approval, to search for new investments. Recently two high-powered Taiwanese trade delegations were in Washington. One, led by Y.T. Wong, director of the Board of Foreign Trade, returned home with an $800 million purchase agreement under which Taiwan will buy U.S. grain over a three-year period. It hopes in that way to head off further protectionist action, such as the "voluntary" agreement that Washington negotiated in 1971 to restrict Taiwan's textile exports to the U.S.

Mr. WYMAN. Mr. Speaker, I join with my colleagues in their concern that U.S. foreign policy toward the People's Republic of China must be premised on our continued commitment to the freedom of all people on the island of Taiwan.

Taiwan has governed itself peacefully for 25 years, and in the process has earned the admiration of the world for its economic progress, for its slow but steady enlargement of democratic institutions, and for its devotion to its own independence. We should not discourage this understandable and commendable devotion by our own repudiation of a longstanding commitment to assist in protecting the security and freedom of Taiwan.

Our basic defense commitment to the Republic of China, or Taiwan, is contained in the Mutual Defense Treaty of 1954, in which according to our constitutional processes, we pledged to meet any external attack against Taiwan and the Pescadores.

Several times since we have enlarged our relationship with Peking, President Nixon and other administration officials have given specific assurances to Taipei that the United States stands by this commitment and that our steps to improve relations with Peking are not being taken at its expense.

Specifically, President Nixon said to the American people in his radio address about his second annual foreign policy report to the Congress on February 25, 1971:

We will search for constructive discussions with Communist China while maintaining our defense commitment to Taiwan.

In his 1971 foreign policy report to the Congress, the President praised Taiwan's economic development 5 years following the end of U.S. economic assistance to that country, and stated:

The evolution of our dialogue with Peking cannot be at the expense of international order or our own commitments. Our attitude is public and clear. We will continue to honor our treaty commitments to the security of our Asian allies. An honorable relationship with Peking cannot be constructed at their expense.

Among these allies is the Republic of China. We have been associated with that government since its inception in 1911, and with particular intimacy when we were World War II allies. These were among the considerations behind the American decision to assist the Government of the Republic of China on Taiwan with its defense and economic needs.

Our present commitment to the security of the Republic of China on Taiwan stems from our 1954 treaty. The purpose of the treaty is exclusively defensive, and it controls the entire range of our military relationship with the Republic of China.

Our economic assistance to the Republic of China has had gratifying results. Beginning in 1951, the U.S. provided $1.5 billion in economic assistance. Its effective and imaginative use by the Government of the Republic of China and the people of Taiwan made it possible for us to terminate the program in 1965.

I am recalling the record of friendship, assistance, and alliance between the United States and the Government of the Republic of China in order to make clear both the vitality of this relationship and the nature of our defense relationship. I do not believe that this honorable and peaceful association need constitute an obstacle to the movement toward normal relations between the United States and the People's Republic of China. As I have tried to make clear since the beginning of my administration, while I cannot foretell the ultimate resolution of the differences between Taipei and Peking, we believe these differences must be resolved by peaceful means.

Mr. Speaker, I am sure that President Nixon has no intention of allowing any foreign policy of this country to betray Taiwan. And so long as we maintain in force the 1954 treaty requiring us to defend Taiwan against threats to its freedom, we can be sure that no future administration will be able, even if tempted, to forget or disregard our longstanding commitment to the millions of free people on Taiwan.

As Columnist William F. Buckley, Jr. noted in the Sunday Star and the Washington Daily News on March 22, even the

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purposes of Peking are served by continuation of the U.S. commitment to Taiwan under the 1954 treaty.

Buckley said:

Consider the alternative, if the treaty were to lapse tomorrow, the day after tomorrow the Chinese mainland would be forced into a massive irredentist effort against Taiwan. But Taiwan is not defenseless, and what would result is a war of sorts, with ambiguous results unless China chose to stop everything and mount an enormous amphibious operation.

Mr. Buckley's entire column merits thoughtful consideration. It is entitled "As the World Grows Loneller for Taiwan," and I include it in my remarks at this point:

AS THE WORLD GROWS LONELIER FOR TAIWAN

(By William F. Buckley, Jr.)

The news that David Bruce is going to Peking has been treated with great elation by the internationalist lobby. There is to begin with something wonderfully reassuring about Bruce, a debonair and competent diplomat of the old school, associated with the brighter days of a lost competence. But principally, of course, the elation was the result of this giant step towards formal diplomatic reconciliation between Red China and the United States.

Six weeks ago Sen. Henry Jackson, D-Wash., came right out for diplomatic recognition. I do not believe, at this stage of the game, that it would shock American sensibilities if it were suggested that our diplomats and the Red Chinese have group sex together.

Granted, the price—Taiwan—is not mentioned very often by spokesmen for the Nixon administration, who are anxious to ignore, for so long as they can, the Taiwan problem. The American left, by contrasts, would love nothing better than a forthright betrayal of Chiang Kai-shek, which they would justify on grand moral grounds centered on the persecution of three students and one associate professor last June in Taipei.

I do not think there would be any objections from the left one-half of the U.S. Senate if President Nixon announced tomorrow that our defense treaty with Taiwan would lapse in 12 months, and if we proceeded to full recognition of Red China.

Nixon, on the other hand, is not anxious to betray Taiwan, and inevitably one assumes that the signals have been carefully checked out in Peking. It was only a few weeks ago that Chou En-lai, at one of those receptions at the Great Hall of the People, smiled and repeated that "only" Taiwan remained as an obstacle to formal diplomatic reconciliation. In introducing Bruce, Nixon referred to him as "Ambassador Bruce," but smiled and said that he did so only out of habit—Bruce has been ambassador to everywhere—that he would be in fact "chief of mission" in Peking.

Now this quite clearly suits the Chinese for the moment. Perhaps they believe it is as far as Nixon will go at the current moment. Perhaps they feel that there is something to be said for the defense treaty between the United States and Taiwan.

Bear it in mind that although they had every opportunity to do so, the Red Chinese diplomats in the United Nations have not raised the point that the United States, in keeping military personnel on Taiwan, is guilty of aggression. That is the logical conclusion, after all, to be drawn from the Shanghai Communique of February 1972, wherein all sides agreed that Taiwan is a province of China.

Could it be that the Chinese have not pushed Nixon for a repudiation of the treaty because it suits their purposes of the moment for the treaty to continue in force?

Consider the alternative. If the treaty were to lapse tomorrow, the day after tomorrow the Chinese mainland would be forced into a massive irredentist effort against Taiwan. But Taiwan is not defenseless, and what would result is a war of sorts, with ambiguous results unless China chose to stop everything and mount an enormous amphibious operation.

It is quite probable that, not desiring to be forced to do any such thing, China prefers the cover of a treaty, which is a part of the historical landscape, and which blends more and more harmoniously into the glorious Red Chinese sunset, as the United States perseveres with its fawning attentions on mainland China.

Mr. HUBER. Mr. Speaker, Americans have respected the efforts of the citizens of the Republic of China in building their country until they now enjoy the second highest standard of living in Asia after Japan. The free Chinese on Taiwan, the Pescadores, and the offshore islands are continuing their efforts to build a still better life for themselves and to maintain the freedom of their country.

The long friendship between the United States and the free Chinese is well known. Not so well known is the fact that the Republic of China ranks among the top 20 trading nations of the world.

More importantly, the United States ranks as the chief trading partner with the Republic of China. Conversely, the Republic of China is one of the major trading partners with the United States. From preliminary 1972 figures, it appears that the free Chinese now rank 10th in trade with the United States. The present growth rate is expected to continue, and the Republic of China should move to seventh or eighth position in U.S. trade by 1975. Total trade then could surpass $4 billion yearly.

Total trade between the United States and the free Chinese grew 42 percent in 1972. There were large increases in American exports of utility equipment, machinery, industrial equipment and engineering goods, and trade in these goods is expected to continue very strong. Also, there were above-average gains in some chemicals. While there was a 20-percent gain in the sale of U.S.-made electrical equipment and electrical components, a much larger growth of American exports in these products is expected in 1973 and following years. Other products where potential sales gains are greatest include transportation equipment, textile intermediates, and some iron and steel products.

Currently the Republic of China has a favorable balance of payments with the United States. To balance its exports to the United States as closely as possible with imports from our country, the free Chinese have dispatched two purchasing missions to the United States this year. They are also decontrolling imports and reducing tariff rates. Furthermore, the free Chinese Government has urged its businessmen to buy less in the way of machinery, machine tools, et cetera, from Japan, and more from the United States. The U.S. Embassy estimates that U.S. exports to Taiwan can increase by 50 to 55 percent in 1973.

All these figures show that, in addition to being a friend and ally, the Republic of China is an important market for American goods. Furthermore, the future promises that they will become an even larger market for the United States. Continued support for the freedom of the Republic of China is obviously in the best interests of the United States. Cultural, economic, and governmental ties with the free Chinese are too important to compromise.

Mr. Speaker, to share with my colleagues articles which discuss the attractiveness of the Republic of China as a market for American goods and investment, I include them in the RECORD at this point:

TAIWAN, STILL MOVING AT FAST PACE, CONTINUES TO BE ATTRACTIVE MARKET

The Republic of China is maintaining its fast economic pace and continues to be an attractive market for U.S. goods and to offer many investment opportunities.

During the first half of 1972, Taiwan's economy continued to enjoy vigorous growth. Barring any natural disasters (e.g., typhoons), real GNP is expected by the U.S. Embassy in Taipei to rise between 10.5 and 11 percent for the year.

Led by a booming construction industry, overall industrial production was up 27 percent in the first half, an all-time high. While nearly all industries shared in the rapid expansion, electronics was the standout in the manufacturing sector. This industry was first in both production and export growth and in time may surpass textiles as the island's most important manufacturing sector.

Foreign trade continued its rapid gains of the previous year. Total trade in the first half increased almost 40 percent, reaching a level of U.S. $2.7 billion.

Imports from the United States during the first six months increased by more than 40 percent. For the first time in many years, they surpassed those from Japan; present indications are that the growth rate for 1972 should surpass 30 percent.

U.S. exports during the past half year were paced by large sales of machinery and equipment. The "non-electrical machinery" category showed an outstanding increase of 240 percent, bringing total U.S. sales in this sector to $161 million. Principally responsible for this increase was nuclear power equipment.

Other items showing large gains during 1972 were refined petroleum products (up 230 percent) and farm products (up 51 percent). Moderate gains were also registered in the export of electronic supplies and equipment and chemicals; on the other hand, declines were noted in textile materials and ferrous and non-ferrous metals. The former, however, had shown abnormally large growth in 1971.

Textiles remained the main export from Taiwan to the United States ($142 million). The largest gain was registered by electronics, however, primarily TV sets and components; total exports of electronic products reached $134 million.

Indications are that U.S.-Taiwan trade should continue to expand vigorously over the next few years and may possibly surpass the $4 billion level by the end of 1975. The increased emphasis on heavy industry envisaged under the sixth Four-Year Plan will require extensive outlays for heavy capital equipment, machinery, and engineering services. In addition, the plan calls for rapid development of transportation and communication facilities to strengthen the economic infrastructure.

Specific items noted in the Plan include: expansion and improvement of Keelung and Kaohsiung harbors; construction of a new harbor at Taichung; construction of Taoyuan International Airport; establishment of an airmail processing center and mechanization of parcel and mail processing; procurement of new air navigation, meteorological and microwave systems; and continued expansion of highways.

Moreover, indications are that increased attention will be given to pollution control in future years. The tariff on pollution control and water treatment equipment has been slashed almost 50 percent. The Taipei City Government is reported working on a pollution control program and the Provincial Government is also undertaking measures to reduce the high levels of pollution throughout northern Taiwan.

ADVANTAGEOUS POSITION

With the recent currency realignments and the hesitancy of the Japanese Government to provide adequate credit arrangements, American suppliers are now in an advantageous position to satisfy many of these requirements.

Moreover, with a population of over 15 million (more than Australia) and rapidly rising personal incomes, the Taiwan market should also provide increasing opportunities for expanded sales of consumer goods.

Although some uncertainties have arisen over the past year, the balance of factors still is favorable for foreign investors. Plus factors include an absence of economic nationalism, a stable domestic political scene, a growing and educated labor force (nine-year education is free on Taiwan), a positive work ethic, stable unit labor costs, a comparatively stable price level, a strong currency backed by large foreign exchange holdings, as well as many positive tax and investment incentives.

Devaluation problems, labor disputes, and nationalization threats are conspicuous by their absence. Despite basically low labor costs, it should be pointed out that real wages have, according to one international source, increased 20 percent over the past three years enabling the work force to share in the benefits of economic growth. Rapidly rising productivity, however, during the same period held the increase in unit labor costs in manufacturing to 4 percent.

In June the Government decided to ease certain restrictions on foreign investment to improve further the investment climate. Major points under the liberalization measures include: permission to import capital equipment even though it is available in the domestic market and to import a six months supply of raw materials on the restrictive list provided they are imported specifically for the investment project; permission in certain cases to convert investment loan funds (as distinct from equity investment) into local currency to meet costs of expansion; greater flexibility to investing firms in meeting the percentage of total production required for export; a relaxation on terms and conditions covering royalties for technical cooperation; and more liberal consideration of foreign investment proposals which might compete with domestic enterprise.

The Council for International Economic Cooperation and Development, in conjunction with the Ministry of Economic Affairs, published in June a new list—though not an exclusive list—of foreign investment opportunities which cover a wide range of industries. While the detailed listing is beyond the space of this report, the following ten principal industry categories are included in the list: basic metals, machinery, transportation equipment manufacturing, electronics, electric machinery and apparatus, chemicals, plastic and synthetic resins, man-made fibers, food processing, and "other" manufacturing industries.

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TAIWAN CASTS A NET FOR MORE U.S. IMPORTS

Washington's judicious use of a little muscle is opening up a fast-growing preferential market for U.S. companies in Taiwan. Suddenly, trade missions from Taipei are popping up in key American cities importuning businessmen to export to Taiwan and so cut into that country's $633-million trade surplus with the U.S.

This week, a government-sponsored Taiwanese buying mission was in the U.S. negotiating three-year contracts for grain and other farm products. The purchases will assure American suppliers of the lion's share of the Taiwan market in several key agricultural commodities.

Another mission, headed by Y. T. Wong, director general of the Taiwan Board of Trade, toured the U.S. promising a warm reception to producers of machinery and other products. In Chicago, Wong and his group met with manufacturers such as FMC Corp., International Harvester, and Inland Steel at a luncheon hosted by Harris Trust & Savings Bank. John Eby, a vice-president in Harris' international department, described the Taiwanese buying pitch this way: "They are saying, 'Please come out and sell. If you are at all competitive, you will be favored.'"

Officials of the Commerce Dept. are hopeful that Taiwan's program will serve as a model for South Korea and other nations that are running lopsided trade surpluses with this country—and that are politically indebted to the U.S.

SHIFTING ORDERS

What the Taiwanese propose is to turn to the U.S. for some things they formerly bought from other countries—notably Japan, which ran a $600-million trade surplus with Taiwan last year. Wong says the shift in buying is a voluntary decision by Taiwan in line with a long-standing policy of avoiding large trade imbalances. "We should try not to have huge surpluses with any of our trading partners, especially with the U.S., our great friend," he says.

U.S. Ambassador to Taipei Walter P. McConaughy, with encouragement from both State and Commerce departments, has been stating the case more bluntly. He has been advising the government of President Chiang Kai-shek that giving the U.S. a better break in trade would help insure continued American political and military support. In response, the Taiwan government recently placed $100-million worth of contracts for plant construction and other projects with U.S. firms (BW—Mar. 24) and promised another $300-million.

For U.S. companies, Wong points out, the Taiwan market is more important than many businessmen realize. Last year, U.S. exports to the Republic of China totaled $630-million, while imports amounted to $1.29-billion. The preferential buying policy is not expected to close this trade gap, but should keep it from growing any wider. Since Taiwan's over-all trade is expanding at a 40% annual clip—with the U.S. accounting for 40% of Taiwan's exports and 30% of its imports—the emphasis on purchases from the U.S. should mean lush opportunities. Indeed, some Commerce officials believe Taiwan will become this country's sixth or seventh ranking trade partner by the mid-1970s.

THEY MEAN BUSINESS

Taiwan has set up specific purchasing targets and the administrative machinery to achieve them. In agricultural commodities the program calls for long-term commitments of up to 10 years to purchase American wheat, barley, corn, tobacco, and soybeans. This will assure the U.S. of 60% to 99% of the Taiwan market for these products, expected to total $266-million by 1975.

For 42 other categories of products, the U.S. and Canada will be sole suppliers. Included on this list are such items as sulfur, wood pulp, air compressors, some types of pipes, and oil-drilling machinery. Another 77 categories will be purchased only from the U.S., Canada, and Europe. And for an additional 21 categories, U.S. suppliers will be guaranteed minimum shares of the market ranging from 20% to 100%. To allocate these shares, the Taiwan government has an elaborate import licensing system.

U.S. officials concede that preferences for American goods in the markets of trading partners such as Taiwan run counter to the basic U.S. policy of promoting an open, multilateral trading system for all nations. Commercial arm twisting could encourage the mercantilist philosophy that is underlying the Hartke-Burke trade bill.

"We are treading on dangerous ground," concedes David H. Baker, director of the Commerce Dept.'s Office of Export Development and a chief promoter of sales to Taiwan. "We must be careful not to lend credence to the Hartke-Burke approach. But if we are to meet the competition, we must do some of these things."



Mr. CONLAN. Mr. Speaker, I am happy to join my distinguished colleagues in support of continued U.S. efforts to promote the freedom and progress of Nationalist China. While none of us should begrudge the sincere steps taken by the President to improve our relations with Communist China, it is vitally important that we all remember the freedom and well-being of the people of Taiwan.

One of the most astute observers of the situation in Asia among American journalists is Fritz Marquardt, editor of the Arizona Republic in Phoenix, who has just returned from an extended tour of important Pacific and Asian countries. In a series of columns filed during his trip, Marquardt pointed out that Taiwan is in splendid economic health, thanks to Chiang Kai-shek's farsighted land reform program 25 years ago, and that free China's foreign trade is much larger than that of the mainland Communists.

More importantly for the cause of freedom throughout the world, it is Marquardt's view that Taiwan is our key to keeping the littoral islands of Asia out of Communist hands. I share that view and strongly support the spirit of this debate today in behalf of continuing close ties between the United States and the Republic of China.

I do not sense appreciable support for formal U.S. diplomatic recognition of Peking in the Congress. Nor do I sense any support for suggestions that we jettison the 15 million free people of Taiwan. Rather, I am aware of growing feeling in this country in favor of closer relations between the United States and the Republic of China while we open the door to improved relations with the mainland.

President Nixon is one of the keenest foreign policy students ever to occupy the White House. He has historically been aware of Communist imperialism, and I cannot conceive that he would knowingly jeopardize U.S. interests by expanding relations with a Communist government at the expense of freedom-loving allies.

But the voices in favor of diplomatic recognition of Peking and increased economic and cultural ties between the United States and Red China at the expense of Taiwan are predominate in certain intellectual circles and the news media. And the President especially needs support and encouragement from those, like us, who will speak out unapologetically in behalf of maintaining our commitments to all free Asian peo-

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ple. That is why it is so important for us constantly to record our support for those commitments.

I insert in the RECORD at this point four columns neatly summarizing Taiwan's superior economic achievements and the complex issues of United States-China relations:

NATIONALIST CHINA HURT BY "FRIENDS" WHO DESERTED HER

(By Frederic S. Marquardt)

TAIPEI.—From the standpoint of Nationalist China, the international situation is bad. Country after country has broken off relations with the Chinese Nationalists on Taiwan as part of the price of achieving recognition by the Chinese Communists on the mainland.

Resentment against the defecting countries reached a peak with Japan's action in breaking off relations with Nationalist China:

"We treated the Japanese very well after they were defeated in World War II. We returned 1.8 million Japanese soldiers who surrendered to us. The Russians took 600,000 Japanese prisoners after the war and returned none of them.

"We opened our markets to Japan after the war. Mainland China drew a bamboo curtain between itself and the rest of the world.

"But Japan grabbed at the bait thrown it by Peking and withdrew its recognition from the legitimate government of China."

Jimmy Wei, newspaper publisher and head of the Chinese News Service, said the rush of nations to recognize Communist China was like the days of Westward Ho in the United States.

"It will take a little time for them to learn the real situation on the mainland," he said.

"But as the facts come out, especially as more Americans go to Peking and see for themselves, the realization will grow that they have nothing to offer the world."

Obviously, Taiwan has a lot to offer the world. Its economy is strong, and its foreign trade is much larger than Red China's. Nationalist China: Imports, $2.530 billion, exports, $3.581 billion; Red China: Imports, $1.9 billion, exports, $2.1 billion. Nationalist China figures are for 1972. The last figures available for Red China are for the year 1970.

Culturally, Taiwan is more truly Chinese than the mainland, where Christian churches have been converted into museums, Buddhist shrines have been torn down, and Confucius has been replaced with Marx.

But the real strength of Taiwan is in the people's dislike of communism and their determination to maintain their high standard of living. (Per capita income for Taiwan in 1972, $470; Red China, $117.) "I really think the people here would remove any government that made a deal with Peking at the cost of liberty or of economic well-being," said Wei.

"Let our people on the mainland get what our people on Taiwan get, and we can work things out."

"How long will that be?" I asked.

"Three to five years," he answered.

A judge on the Taiwan high court (comparable to Arizona's appellate court) said it would take 10 years to sort out the final relationships between the Nationalists and the Communists.

While there is some nervousness about how far the United States will go toward recognizing Peking, most foreign diplomats here feel: (a) the United States has a real need to keep a friendly Taiwan; and (b) Red China, fearing a Russian thrust, wants a strong American presence in Asia.

I believe the United States must keep the littoral islands of Asia out of enemy hands if it is to remain a Pacific power. Of these islands, stretching from Japan to Australia, Taiwan is the key.

THE GOOD EARTH WISELY USED

(By Frederic S. Marquardt)

SUN MOON LAKE, TAIWAN.—Half of the lake is round; half of it is shaped like a crescent. Hence, Sun Moon Lake.

Regardless of its poetic name, it must be one of the loveliest lakes in the world.

The lake is 3,000 feet above sea level. Fed by two mountain streams, its outlets were dammed back in the days of Japanese rule, before World War I.

Today it acts as a reservoir for Taiwan's urban needs, and as a source of hydroelectric power for Nationalist China's burgeoning industry.

But mainly Sun Moon Lake is a resort for vacationers or trippers from the lowland.

Although Chiang Kai-shek reportedly built the Evergreen Hotel for VIP use, the guests aren't all Very Important People.

Teachers, students, government officials and white-collar workers eat in its restaurant. Substantial meals, cooked as only the Chinese know how, are about half the price of meals in a middling American restaurant.

A road around the lake has put a lot of motor boats out of commission, but the Buddhist temples and the aboriginal village get more visitors than ever.

The 175-mile drive from Taipei is a constant brush with danger, as huge trucks, small cars and motorbikes play an endless game of "chicken" on the narrow road.

But we saw only one bad accident. A truck had almost gone through the guard rail of a bridge over one of the many rivers that pour into the China Sea.

At this time of year, the rivers aren't pouring. It's the dry season, and there isn't much water that hasn't been appropriated for irrigation purposes.

A trip from Taipei to Sun Moon Lake should convince anyone of the rich variety of crops produced on Taiwan.

In a four-hour drive, I noted plots of land devoted to rice, sugar cane, bananas, pineapples, asparagus, mushrooms, grapes, oranges, tea plants, lichee nuts, tobacco, cherry trees, and loquats.

I was told Taiwan, also produces wheat, soybeans, cabbage, peaches, apples, and papayas.

It's small wonder the Chinese on Taiwan enjoy a larger and more varied fare than the Chinese on the mainland, who must import Canadian and American wheat to avert famines.

Food production isn't a hit-and-miss affair on Taiwan.

The groundwork was laid with a vast land reform program instituted after the Nationalist government lost the mainland to the Communists in 1949.

Following the principles of Sun Yat Sen, in turn a devotee of Henry George, the government of Taiwan distributed the land to the farmers, taxed the improvements instead of the land, and adopted modern technology to improve the yield.

So well has land reform worked in Taiwan, that some 600 men and women from Asian countries have studied at the Land Reform Institute of Taiwan at Tao-yuan.

Regular sessions last two months. Special sessions are shorter.

The institute is financed jointly by the Chinese government and the Lincoln Foundation, which has its headquarters in Phoenix.

Few Sino-American efforts have combated communism in Asia more effectively than this institute, which is dedicated to the more rational use of that irreplaceable asset, the good earth.

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TAIWAN: NIXON'S HOLE CARD IN INTERNATIONAL GAME

(By Ralph de Toledano)

It is being widely rumored in Washington that the exchange of missions between Communist China and the United States is the prelude to formal recognition and the jettisoning of the Republic of China on Taiwan.

The choice of David Bruce, a diplomat of considerable distinction and prestige in world capitals, as the chief of the American contingent in Peking has already been heralded as a step in that direction.

But however much President Nixon disconcerted both friend and foe by breaching the Bamboo Curtain and establishing a dialogue with Premier Chou En-lai, it seems hardly likely that he will once again play the maverick.

For one thing, he has nothing to gain and much to lose by giving the Red Chinese the thing they want most.

Nixon, as the world now knows, is a poker player—and he would never expose his hole card in the middle of the game.

Recognition of Red China now could only be effected if Nixon was ready to write off Taiwan. But this would require abrogation of the solemn treaty which binds the United States to come to the defense of Free China if it is attacked by the Communists.

This he has pledged not to do, and though in international politics a promise is frequently a sometime thing, the President realizes that he would be undercutting America's position in the Far East and placing in jeopardy our entire system of alliances there.

These considerations aside, the present strategy of the President is to play off Red China against the Soviet Union, thereby strengthening his bargaining hand with both.

The Soviets and the mainland Chinese need American economic help. But more than that, each of the powers wants American support in the game of confrontations now going on.

The Soviet Union would long since have invaded Red China were it not for its fear of the United States. Red China also is aware of United States power.

If Nixon recognized Peking and cut off Taiwan, he would in effect be announcing that this country had thrown in its lot with the Communist Chinese. He would thereby lose much of the leverage he has been able to employ in his dealings with Moscow.

At that point, Taiwan would become anchor of American power in the Far East. Could Nixon lightly surrender this? Unlike some of his critics, the President takes a long view of history. He knows that the United States can bide its time. Recognition once granted could not be withdrawn—nor would it be granted unless there was some significant quid pro quo involved in the gesture.

So Nixon will not offer it until there is something he very much needs from Peking.

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THE TAIWAN ISSUE: PRICE OF PEACE UNMENTIONED

(By William F. Buckley, Jr.)

The news that David Bruce is going to Peking has been greeted with great elation by the internationalist lobby. There is to begin with something wonderfully reassuring about Bruce, a debonair and competent diplomat of the old school, associated with the brighter days of a lost competence.

But principally, of course, the elation was the result of this giant step towards formal diplomatic reconciliation between Red China and the United States.

Six weeks ago Sen. Henry Jackson, D-Wash., came right out for diplomatic recognition. I do not believe, at this stage of the game, that it would shock American sensibilities if it were suggested that our diplomats and the Red Chinese have group sex together.

Granted, the price—Taiwan—is not mentioned very often by spokesmen for the Nixon administration, who are anxious to ignore, for so long as they can, the Taiwan problem.

The American left, by contrast, would love nothing better than a forthright betrayal of Chiang Kai-shek, which they would justify on grand moral grounds centered on the persecution of three students and one associate professor last June in Taipei.

I do not think there would be any objections from the left one-half of the United States Senate if tomorrow the President announced that our defense treaty with Taiwan would lapse in 12 months, and if we proceeded to full recognition of Red China.

Nixon, on the other hand, is not anxious to betray Taiwan, and inevitably one assumes that the signals have been carefully checked out in Peking.

It was only a few weeks ago that Chou En-lai, at one of those receptions at the Great Hall of the People, smiled and repeated that "only" Taiwan remained as an obstacle to formal diplomatic reconciliation.

Introducing Bruce, Nixon referred to him as "Ambassador Bruce," but smiled and said that he did so only out of habit—Bruce has been ambassador to everywhere—that he would be in fact "chief of mission" in Peking.

Now this quite clearly suits the Chinese for the moment. Perhaps they believe it is as far as Nixon will go at this time. Perhaps they feel that there is something to be said for the defense treaty between the United States and Taiwan.

Bear it in mind that although they had every opportunity to do so, the Red Chinese diplomats in the United Nations have not raised the point that the United States, in keeping military personnel in Formosa, is guilty of aggression. That is the logical conclusion, after all, to be drawn from the Shanghai Communique of February 1972, wherein all sides agreed that Taiwan is a province of China.

Could it be that the Chinese have not pushed Nixon for a repudiation of the treaty because it suits their purposes for the treaty to continue in force?

Consider the alternative. If the treaty were to lapse tomorrow, the day after tomorrow the Chinese Mainland would be forced into a massive redemptive effort against Taiwan. But Taiwan is not defenseless, and what would result is a war of sorts, with ambiguous results unless China chose to stop everything and mount an enormous amphibious operation.

It is quite probable that not desiring to be forced to do any such thing, China prefers the cover of a treaty, which is a part of the historical landscape, and which blends more and more harmoniously into the glorious Red Chinese sunset, as the United States perseveres with fawning attentions on mainland China.

It is high diplomacy we are seeing here, and Nixon is well aware of it. One can only consider with horror the results of a President McGovern, ripping up the treaty, and setting into motion a collision undesired, for the time being, even by the Chinese Communists.

Meanwhile Sen. Jackson, the bastion of Democratic fortitude in the international arena, appears simply to have crumbled on the point of principle. He is asked on Face The Nation whether we should break off diplomatic relations with Taiwan.

His answer is Vintage Evasion: "Well, there will not be two Chinas. I think that talk is past us now. We can still provide for our treaty commitments, hoping that there will be a long period of negotiation between Taiwan and Peking to work out an eventual solution of that problem, but I don't see anything inconsistent in doing what I've suggested here. It's in our own national interest (to recognize mainland China), all of our main partners have now recognized Peking. . . ."





And so Taiwan endures primarily as an accidental beneficiary of complicated diplomatic developments. She has only one altogether reliable escape valve. That is to declare the island of Taiwan an independent state.

Mr. BAKER. Mr. Speaker, first, I wish to express my agreement with my other colleagues' remarks today in expressing support for our Chinese friends and allies of the Republic of China. We can all be thankful for any lessening of tensions in any part of the world that lead to a reduction of hostilities. However, we should not confuse a reduction of tensions with an abandonment of friends. Some may hope for great things in recent moves toward Communist China, but the wiser and more realistic approach is to realize that neither our interests nor those of world peace and freedom are served by abandonment of free allies and the wholesale acceptance of foreign totalitarian countries. From past history we should have learned the lesson by now never aids those goals that the American people seek in their foreign relations with other countries. But all too often, we do not learn from history. As George Santayana has said:

Those who do not remember the past are condemned to relive it.

I urge the U.S. Government to continue our friendship with and our support of the free Chinese on Taiwan, the Pescadores, and the offshore islands. Ties between the American people and the free Chinese are of too great importance to be weakened by any shortsighted American actions.

As part of my remarks, I include an editorial from the Chattanooga News-Free Press of January 28, 1973, entitled "A Son's Vow":

A SON'S VOW

"Let me give you my word of honor that we will never enter into any negotiations with the Chinese Communists. Our decision in this respect is not based on political dispute or personal grudges. It is a matter of life or death."

The statement is by Chiang Ching-kuo, premier of Taiwan, long known as Nationalist China, The 62-year-old eldest son of President Chiang Kai-shek recently told a United Press International reporter of constant pressure that has been applied by the mainland People's Republic, Red China. For the last two decades, he says, "The Chinese Communists have sent out numerous trial balloons and started many rumors about peace talks with us."

But the son is not buying the "peace talks" pitch which he sees as a threat to the survival of the island republic established by his aging father when the Nationalists lost the mainland to the Communists in the late 1940s. He sees South Vietnam, South Korea and Taiwan as "three critical points in Asia," and "if they fall to the Communists, the entirety of Asia will go."

Chiang Ching-kuo had hoped President Richard M. Nixon would firmly support South Vietnam because of its key role in Asian security.

Touching and admirable, then, is the vow by this son of an old warrior who does not propose to be inundated by a Communist tide in Asia, who defiantly expresses the will to "go it alone," if necessary.

Across a narrow strait, the two Chinas stare at each other. Off the mainland, there is Red dictatorship. On the island, the people are free.

Mr. ZION. Mr. Speaker, as we all know change is one of the few certainties in the world in which we live. Times change, people change, nations change, and the international scene changes. Sometimes these changes take us by surprise and if we are not quick to recognize and deal with these changes we might well be engulfed by them. In the fall of 1971 the Republic of China found itself confronted with the stark reality of surprise and change as Mr. Kissinger visited China's mainland and the U.N. expelled one China and seated the other.

The Republic of China was quick to recognize that the battle lines were drawn and the war had changed. With an absolute determination to preserve the light of freedom and the traditional Chinese propensity for hard work they set out to wage an economic war with the other China which is certain to contrast the potentials of a free society as opposed to a closed society. Mr. Speaker, I believe it behooves us all to stop and consider the progress of this struggle.

As a matter of fact Taiwan has long been winning the economic war but they have significantly widened the gap in the last 2 years. Twenty years ago the per capita income in Taiwan was higher than the per capita income in mainland China is today, even if we use the figures from the mainland which are usually inflated for propaganda purposes. In the last 10 years the per capita income in Taiwan has increased by 102.2 percent which places them third in Asia behind only Japan and Singapore. The per capita income in 1972 in Taiwan was over four times that in Red China.

In 1962 free China's GNP was only $2.6 billion and by 1972 their GNP had increased to $7.2 billion, an increase of 168.3 percent. In the last 2 years the GNP for Taiwan has grown by 11 percent which is the highest increase in all of Asia and one of the highest in the entire world. The population on Taiwan has grown from 11.5 million to 15.2 million or by 32.8 percent in the 10-year period but the birth rate has fallen by 13.2 percent during the same period of time. The Government of the Republic of China is able to report almost full employment since employment has risen by 37.6 percent in the period of 1962–72.

After 9 years of keeping the lid on inflation in 1972 inflationary pressures were created because of a sharp increase of the money supply and because of the rapid influx of foreign exchange holdings and higher international commodity prices. However, they have already taken steps to lower tariffs and relax import controls on food grains and bulk commodity products in order to halt this inflationary trend.

Mr. Speaker, in 1972 Taiwan's exports reached 44 percent of their GNP as they experienced the highest foreign trade growth in the world last year. This fantastic increase in foreign trade last year caused this small nation of 15 million people to pass Communist China with 750 million people in total foreign trade and according to all estimates they will forge significantly further ahead in trade this year. Industrial production rose by 26.2 percent in 1972 which is the highest in two decades.

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There is no question that the people who live in freedom on Taiwan are determined to win this economic war and from all indications they are doing just that. I certainly think it is in order for us to commend and support them in their dedicated efforts.

Mr. PRICE of Texas. Mr. Speaker, I shall not take a great deal of time recounting history or citing the long record of friendship between the United States and the Republic of China; that ground is being adequately covered here today by others.

Instead I wish to make a point that is as simple as it is true. President Theodore Roosevelt once said:

No man is justified in doing evil on the ground of expediency.

That applies also to governments.

Ever since President Nixon went to Peking where he was received as a foreign prince who had come to pay tribute, this Nation has been infected by a Mao-craze which rivals the hula-hoop fad of the 1950's and the Beetlemania of the 1960's. Thanks to the Madison Avenue sales job by the advocates of American journalism, the truth about Communist China has given way to the romantic imagery of the People's Republic of China.

Let us return to commonsense—Communist China is still just that—the world's largest police state dominated by a government whose sole mission is to destroy Chinese culture and to impose totalitarianism upon all neighboring states in Asia, and indeed throughout the world. President Nixon was not received as a friend—the United States in the words of the Communist Chinese is still the world's bastion of imperialism, and those who would support us are labeled "running dogs." Any dreams of a rapprochement with Communist China are just that—negotiations, trade, and cultural contacts are simply new fronts of the old war. The Communists would beguile us much as the Trojans who lay in wait in the belly of a wooden horse offered to the Greeks. When the gates to the city were opened and the gift received, little did the residents realize they had brought into their city the means of their own destruction—until it was too late.

It is fashionable to talk of a dialog with Communist China—but there are too many who forget that the word dialog implies two-way conversation. There are those who would forget the record of bloodshed, brutality, and tyranny of the Communist regime which dominates China. They would amazingly rationalize away a history of mass murders and criminality which would make Hitler's record pale into insignificance. They would sweep conscience under the rug as a small price to pay for trade with Red China. In short, they would act in the name of expediency.

But this again brings to mind President Roosevelt's words:

No man is justified in doing evil on the ground of expediency.

By contrast, we have a friend—a real friend—in the Government and people of free China. The Republic of China has voted with us in the United Nations; they have contributed heavily to the keeping of the peace and the mutual defense of American security and interests in Asia; and they have built the second most prosperous economy in all of Asia, on a free enterprise foundation achieving a per capita income second only to Japan in all of Asia. In spite of the fair-weather treatment the Chinese people have received by many nations who have recently jumped on the Peking patronage bandwagon, they have by sheer force of stamina and perseverance endured and in fact overcome adversity and have set an example of courage and accomplishment which is a model and inspiration for us all.

If the U.S. Government should ever desert free China or sell our friends "down the river" regardless of the excuse or rationale, it will be a new day of infamy and an ugly blotch upon American history. Let us continue to fully support the Republic of China with the intention that her national flag will someday soon be rightfully restored to its place of honor across the Chinese Mainland.

Mr. MONTGOMERY. Mr. Speaker, I would like to commend my colleagues on both sides of the aisle for taking this time today to point out the necessity of not forsaking our long-time ally, the Republic of China. I feel that it is very important for the Members of Congress and the American people not to become so wrapped up with our negotiations with the Peoples Republic of China that we forget the importance of preserving the freedom and independence of the Chinese people living on Formosa.

I do not want to belittle the importance of President Nixon's trip to mainland China and his talks with the Chinese Communist leaders. Mr. Nixon's trip to Peking was a very important step forward in thawing the cold war and laying the groundwork for peaceful coexistence between the United States and the major powers in the Communist bloc of nations.

Unless we are willing to talk with our so-called enemies, we will never be able to find out what each other is thinking about. Nor will we be able to carry on meaningful talks on how to limit arms and reduce tensions in the world.

However, just as it is important to come to terms with our enemies, we must also stand fast with our friends and not forsake them. Many people might ask why we should be so concerned with Nationalist China since it is such a small nation and carries no weight in world affairs. My reply would be that the size of the nation is not the important factor. The important point is the need to continue to honor our pledge of mutual security to the people of free China. If the United States is going to maintain its respect with other free nations of the world, we cannot afford to become fair weather friends of smaller countries who look to us daily for leadership.

We just cannot turn friendship off and on like water running out of a faucet and expect to maintain and deserve the respect and admiration of our other allies.

We have a longstanding commitment to the free people of the Republic of China and we must continue to honor this commitment with sincerity of purpose and determination of objective.

Mr. ARCHER. Mr. Speaker, I wish to join with my other colleagues today in urging the U.S. Government to continue our strong and friendly ties with the Republic of China and its people. I trust that our Government will do nothing to compromise the freedom of these people. The free Chinese serve as an example for other peoples of the world that through sacrifice, dedication, and hard work they can succeed in building a strong free nation.

The Republic of China has, in the past, received American economic assistance. However, since 1965, the Republic of China has not received such U.S. assistance. Through diligent labor, the free Chinese have progressed in all areas of economic life which has resulted in an increasingly better standard of living.

Though on a much smaller scale than the giant powers, the Republic of China has been and continues to give aid to developing countries in different parts of the world. The free Chinese have learned that the best means of helping other countries is not through direct grants of money. Instead, they provide training and know-how to those with whom they have agreements. In many countries of Africa they have sent agricultural teams who set up farms to teach the local people how to improve agricultural methods. The Chinese teach by example and through working alongside those they are teaching. They also organize extension courses and other programs to reach the countryside. Different types of teams such as handicraft teams and sugar mill teams have been sent to other countries.

Host governments have thanked the Republic of China for its willingness to help in their countries without becoming involved in domestic matters.

Since 1954, over 6,000 technicians from some 50 countries have received training in Taiwan. More than 1,400 Chinese technicians and specialists have been dispatched to countries in Africa, the Middle East, Southeast Asia, and Latin America. These statistics show that the free Chinese are interested in helping others. Past American economic assistance helped the Republic of China build the base necessary for sustained growth and being able to help others with small-scale assistance.

Mr. Speaker, I wish to include in my remarks the following article entitled "Taiwan's International Cooperation Program" from Intereconomics, No. 12, 1972:

TAIWAN'S INTERNATIONAL COOPERATION PROGRAM

(By C. C. Chang, Taipei)

Since the end of World War II, considerable effort has been made by advanced countries and international agencies to help developing countries through their economic and technical assistance programs. However, in many instances, they have been far from attaining their goals, as every so often they have failed to appreciate some of the basic problems inherent in the developing countries. With the tapering off of the contributions made through these aid programs in recent years, the situation calls for a serious look into the possibility of promoting economic and technical cooperation among the developing countries themselves as a parallel action to complement the aid efforts of the advanced countries and international agencies.

RAPIDLY EXPANDING COOPERATION

The Republic of China has enjoyed on its island-province of Taiwan a sustained, rapid economic growth averaging 8.7 p.c. since 1953 and 10.0 p.c. since 1962. It has gathered in the course of this continued economic progress a stock of knowledge and experience useful to other developing countries. Thus, back in 1954, it started to offer training opportunities to foreign technicians in fields in which it had achieved marked success. Its overseas economic cooperation program began in 1959 with the dispatch of an agricultural team to Vietnam and picked up tempo in 1961 when a farming demonstration team was sent to Liberia in Africa. Since then, this program has been expanding rapidly with very gratifying results.

At present, well over 1,000 Chinese specialists and technicians are participating in various technical cooperation projects through bilateral arrangements the Republic of China has made with more than 30 countries in Africa, Southeast Asia, the Middle East and Latin America. Most of the projects are for agricultural cooperation. In Africa alone, there are now 19 Chinese agricultural technical missions working in 18 host countries.

An outstanding example of the Republic of China's successful efforts at promoting international cooperation is provided by the agricultural cooperation it conducted in the Ivory Coast. A 14-man agricultural technical mission started in March 1963 a demonstration project at a selected site at Korhogo. Work during the demonstration period included reclamation of land, experimentation on new varieties of rice, improvement of cultural methods, development of irrigation and drainage facilities, introduction of simple farming machines and tools, and training of local farmers. In the space of two years, four crops of rice were harvested by the demonstration team with an average yield of 6,300 kilograms per crop, which was more than five times the previous local yield. And since the local practice used to produce only one crop of rice a year, the increase in annual yield was actually more than ten times. Equally impressive was the increased yields of upland crops, watermelons and vegetables introduced by the team.

PROMOTION OF RICE CULTIVATION

The success of this demonstration prompted the Ivory Coast to launch in the summer of 1965 a nation-wide agricultural extension plan aimed at attaining self-sufficiency in rice. To meet the increased need for Chinese personnel to assist in the implementation of the extension plan, the agricultural mission has been enlarged several times to include presently as many as 160 members. In June 1972, extension work was being carried out in 819 regions covering some 18,000 farm families with a total farm land area of 8,300 hectares, and training was completed for 19,800 agricultural workers.

The Ivory Coast, which is nine times the size of Taiwan with but one-third of its population, imported 84,000 metric tons of rice in 1966. As a result of the agricultural extension work, rice imports have been greatly reduced since 1967. The country is expected to become self-sufficient in rice in the near future.

Technical cooperation with Latin American countries began in 1963 with the dispatch of a six-member team to the Dominican Depublic to assist in its agricultural development. Currently, Chinese agricultural technical teams are working in nine countries in the western hemisphere, which number is expected to increase to 14 by the end of this year.

Everywhere they go, the Chinese agricultural missions have been successful in demonstrating, through the application of their well-tested cultural methods, impressive increases in production in rice and other crops. Except in a few cases where bilateral cooperation has been discontinued from diplomatic causes, prolongation of their service has been sought by every host country after the completion of their demonstration projects to assist in its further development efforts.

TRANSFER OF INDUSTRIAL KNOWLEDGE

Besides agriculture, cooperation has also been extended to countries on the African and European continents in the promotion of a wide range of non-agricultural projects, including sugar milling, distilling, peanut oil production, highway engineering and handicraft. Plans are under way to step up cooperation in industrial development, with special emphasis on the establishment of light industries, in which field the Republic of China has accumulated experience.

With its neighboring Asian countries, the Republic of China naturally has maintained constructive cooperative relations for geographic, cultural and economic reasons. Close economic and technical cooperation is maintained with Korea, Thailand and Vietnam, with which bilateral conferences on economic cooperation at the ministerial level are held annually to review the progress in implementing economic cooperation programs and to make and consider new cooperation proposals. The cooperation activities include the rendering of advisory and technical services, exchange of visitors for observation and consultation, transfer of technology and information, trade promotion, joint industrial ventures and conducting of training programs.

Stationed in Thailand is a Chinese agricultural technical mission working at Sappaya, Chinant Province. A leading rice exporter, Thailand is convinced that it can considerably increase its production of rice and other crops and raise the income of its farmers by emulating the Chinese cultural methods, irrigation system and farmers' organisation.

ESTABLISHMENT OF MODEL VILLAGES

Economic and technical cooperation is extended to the Republic of Vietnam in a wide range of projects. An agricultural team, now in the 13th year of its service in that war-ravaged country, is bending its efforts to assist in the establishment of model villages. Other Chinese technical groups for long-term service in Vietnam include an electric power team and two medical teams. Technical assistance has also been rendered in the fields of intrastructure (railways, postal and telecommunication services, urban planning and reconstruction, rural electrification, port construction, etc.) and industrial development (sugar cane growing and sugar manufacturing, concrete pole factory, machinery repair and maintenance, etc.).

Technical training constitutes an important factor in Chinese international cooperation. In collaboration with the US Third Country Training Program, the Republic of China has offered facilities for training of some 6,800 foreign technicians in various fields over a period of 17 years. Technicians from Thailand (2,456) make up the largest group, followed by those from Vietnam (1,822), the Philippines (577) and Korea (419).

The Chinese government also conducts independently a number of training programs either in cooperation with its own overseas technical cooperation activities or in response to specific requests from interested countries. Since 1962, a series of 13 comprehensive agricultural seminars, each lasting about five months, has been conducted for African agricultural technicians with a total attendance of 639 participants from 31 African countries. Practically all the graduates of these seminars have returned home to engage in agricultural work. One graduate, however, has become the foreign minister of his country. Recently completed was a two-year seminar for 20 Vietnamese technicians in sugar cane growing and sugar manufacture. A similar one was conducted ten years ago to coordinate with the establishment of the first sugar mill in Vietnam.

RESEARCH AND TRAINING INSTITUTES

Moreover, a number of research and training institutes have been established in the Republic of China under various regional and international cooperation programs. These include the Asian Food and Fertilizer Technology Center established under the auspices of the Asian and Pacific Council; the Asian Vegetable Center initiated by the Chinese Government and the US Agency for International Development with the support of the Republic of Korea, Thailand, the Philippines, Vietnam and Japan; the Land Reform Training Institute, a joint project of the Chinese Government and the Lincoln Foundation of the United States; and the Chinese Center for International Training on Family Planning set up jointly by the Taiwan Provincial Government and the US Population Council.

The Chinese economic and technical cooperation program has the following distinct features, which have made it highly receptible to cooperating countries and thus have brought it marked success:

Adaptability: Having recently gone through similar stages of economic development, the Republic of China can better appreciate the problems of the cooperating developing countries, and its experiences are more readily adaptable to their needs. This fact is borne out by the effectiveness of the package of Chinese agricultural techniques adopted in the great number of developing countries, in many of which similar attempts by other sources have wound up in failure or with only limited success.

Partnership: A predominant criterion in the selection of cooperation projects is their economic feasibility with regard to the means and capability of both the Republic of China and the host country concerned. The cooperating countries thus work closely together as equal partners sharing the responsibilities commensurate with their respective resources. With the cooperation projects undertaken in the nature of joint ventures, there is a complete absence of the sense of disparity in standing as is often generated by the so-called aid programs.

THE ADAPTATION TO LOCAL ENVIRONMENTS

Grassroots Contacts: The most effective way to disseminate knowledge and know-how is to get in close contact with the very people actually doing the work and convince them by showing them how to do it. The Chinese specialists and technicians adapt themselves easily to the local environments of the host countries and work shoulder to shoulder with local participants, to whom the techniques are to be imparted. Trainers and trainees mix happily together as friends, living under the same conditions and doing the same type of work.

Optimum Results at Moderate Costs: Another feature closely related with the previous one is that in conducting cooperation projects compatible with its own development experience the Republic of China is able to offer the necessary services with a minimum waste of effort, money and time. Its program can therefore produce the desired results with a comparatively modest budget, whereas a more elaborate approach may often lead to complications besides entailing a higher cost.

The Republic of China's willingness to help other developing countries with its own development experience is limited only by its available resources. But, as testified by the fruitful results of its efforts, the developing countries can certainly benefit immeasurably



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from stepping up cooperation among themselves.

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U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C.*

DEAR COLLEAGUE: For decades the governments of the United States and the Republic of China have been allies and their citizens close friends. Now, our government is engaged in lessening of tensions with the People's Republic of China. We want good relations with all peoples. However, we feel we should not overlook long and true friends who have been our allies in times of stress. In consequence, we have requested time for a special order to urge the President and our government to continue to help to preserve the freedom of our friend and ally, the Republic of China and its people.

We invite you to participate with us in this Special Order on May 9, 1973, to emphasize our support for the ongoing freedom and progress of the Republic of China.

To indicate your interest in participating in this Special Order, please contact George Allen (5-9285) or Tom Anderson (5-5772).

CLEMENT J. ZABLOCKI.
EDWARD J. DERWINSKI.
ROBERT L. SIKES.
TRENT LOTT.

Mr. GILMAN. Mr. Speaker, our American foreign policy today is undergoing vast changes and realinement. We seem to be emerging from the cold war confrontation era. New relationships are being forged by an imaginative and creative foreign policy with the laudable objective of bringing about a generation of peace.

However, a word of caution is called for. After 20 years of pressures and tensions between the People's Republic of China and the United States, there is a tendency by our Nation to forgive, forget, and pursue a new relationship with mainland China. As the fervor of our passions for our former adversary grows, will the friendship that binds us to old allies cool?

In our headlong rush into a new era of diplomacy, will we be casting off those who stood by us in the past? Will we permit our natural desire for opening lines of communication and commerce with the People's Republic of China to overshadow our relationships and obligations to the government we have always recognized as the voice of the Chinese people, the Republic of China?

A sense of perspective is needed as Communist China and our Nation come closer together. Let us not forget the last 20 years. Let us bear in mind that in 1949, our consular officials in China were mistreated and denied diplomatic status. Let us not forget that during the Korean war, Communist China intervened spilling American blood. And in 1958, the 7th Fleet had to move into the Straits of Taiwan when China began bombarding the offshore islands of Quemoy and Matsu.

During that same period, the Nationalist Government on Taiwan was our staunch friend and faithful ally. Pause too, to consider the contrast between the two regimes. On Taiwan, there exists a free and independent country. On the mainland, there is a despotism so oppressive that hundreds of its citizens each year brave the currents to swim to Hong Kong rather than to further endure the masters of Peking.

On Taiwan, there is a thriving, strong economy, with a stable, industrious society. Taiwan was one of the first countries in the world to stop depending on U.S. foreign economic aid.

More important, the Taiwan Government has shared with us the long struggle in Asia, a common cause giving further substance to the propriety of our continuing friendship.

It is important that we open new windows on the world. But in engaging in these new initiatives, let us not turn our backs on our old friends in the family of nations.

Mr. DENT. Mr. Speaker, ever since the Nixon administration embraced a policy of closer relations with Communist China we have been subjected to a steady stream of reportage about the glorious accomplishments achieved under Mao Tse-tung's leadership.

We are told that the hundreds of millions of people on the mainland are well fed, exposed to the best of health care, free from plagues and epidemics, and generally better off than at any time in the 4,000 years of recorded Chinese history. We are even told that there are no flies or fleas. American eyewitness accounts of life in Red China admit to only one bad aspect: the complete sacrifice of any intellectual freedom. But, so the reportage goes, that is a small price to pay for a full stomach.

It is curious that in all the glowing accounts by our leading writers, columnists, and intellectuals we find so little reference to the thousands of young and often poor Chinese men and women who annually risk life and limb to flee to Hong Kong and other offshore bastions of freedom. In 1972, for example, more than 20,000 refugees escaped from the mainland by swimming a dangerous channel to Hong Kong. The personal accounts given by these souls are at variance with those appearing in our newspapers, periodicals and books. Escapees from communism express themselves as being fed up not only with intellectual stagnation but with food and clothing shortages, ruthless purges, continual police state harassment and all the evils attendant to any totalitarian state.

Also lacking in the reportage is the study in contrasts with what has been accomplished by the Republic of China. Enjoying the climate of freedom, the 15 million Chinese on Taiwan and the offshore islands have far outstripped the mainland's 750 million in economic development while maintaining the highest standards of Chinese culture and intellect.

It is anticipated that Taiwan's import-export trade volume this year, for example, will reach the seven and one-half billion dollar mark compared to Red China's likely total of perhaps five billion. Furthermore, while giving their people a per capita income third only to Japan and Singapore in all of Asia, the Government of the Republic of China is one of the few in the world without serious fiscal problems. The budget for fiscal year 1972 showed a surplus of more than $50 million and all of the figures I am using are in American dollars.

The slogan that Premier Chiang Ching-Kuo used recently when he announced that on or about July 1, 1973, the salaries of government employees would be increased, perhaps by as much as 20 percent for lower grades, sums up the major difference between a free society and a tyranny. He said the Republic of China's employees and citizens generally "live to work and not work to live."

Those of us who cherish the freedom of the American Republic must never fail to stand behind the Chinese Government that also has chosen freedom's pathway to progress. We must never let diplomatic expediency serve to undercut the Republic of China. To do otherwise would be to turn our backs on freedom's champions in Asia.

Mr. SNYDER. Mr. Speaker, a lot has and will be said here on the floor today about our need to maintain the ties of reliance and amity with the Republic of China.

Frankly, Mr. Speaker, I think much of this talk is futile. I realize that it is often desirable to put the best face possible on certain sorry or sordid situations. However, Mr. Speaker, it appears to me that the present U.S. stance vis-a-vis the Republic of China is one which no verbal cosmetics are going to render sweet-countenanced.

It is simply too well-known a fact—recognized by my colleagues here in the House and by most of the American people—that our long-time allies and friends, the Nationalist Chinese, have been left in the backwaters of American foreign policy by the activities of President Nixon in recent times. That is a bald, inescapable chapter of history.

Some of us here today criticized the President's actions, some of us cautioned against them, and some of us quietly—though perhaps apprehensively—acquiesced. Nevertheless, those actions did take place.

Call it a "stab in the back" or call it a "bold new initiative in foreign policy"—call it, as you will, what you will, but it appears to me to have the solid assent of the people and the firm promise of the President for continuing. I would venture to say—though I am by no means absolutely sure—that few will note nor many remember what we say here today to the contrary.

Let me say that I am desirous that our Nationalist Chinese friends remain friends. But, let me ask, to whom are our remarks directed? To the people of the Chinese Republic? They know better. To the Red Chinese? They have no reason to pay us any heed. To the countries of Southeast Asia or Europe? Have they any reason to believe us?

By all means, let us call for the friendship of all peoples—whatever that means—but let us not delude the unsuspecting reader of the CONGRESSIONAL RECORD into thinking that active verbs denote active backing by our Government.

Mr. HANLEY. Mr. Speaker, I am deeply pleased to participate in this special order on the Republic of China today. It is not often these days that we in the U.S. Congress have a chance to speak about our friends in the world—primarily because they are so few and far between.



As were so many of my colleagues here in the House, I was outraged last year by the expulsion of the Chinese Nationalists from the United Nations. For openers, the action was clearly illegal, since the question was of a substantive nature requiring a two-thirds vote rather than a simple majority. Beyond the legality, however, there was a moral and political question involved. Practically every slave state within the Soviet Empire has a vote in the U.N., but one democratic society, whose only apparent sin was to remain loyal to the United States, was not entitled to membership, I was furious then and I am furious now.

During the past two and a half decades, American taxpayers have been extremely generous with their hard earned dollars on behalf of less fortunate nations. In return, most of the recipients have rewarded us with a swift kick in the teeth. Many of our so-called allies in Europe have repaid our kindness by massive assaults on the dollar in the international monetary market, and a host of other nations have turned against us repeatedly in the United Nations and in other forums. One only needs to look at the recent vote on the Panama Canal to see just how many friends we really have around the globe. Throughout all this, the Republic of China has been a steadfast ally of America, and a beacon of hope to the millions of people enslaved behind the Bamboo Curtain.

I am not going to stand before you today and argue that the Republic of China has an impeccable record or a perfect government. It has not. But then neither do we or anyone else in the world. What it does have is a solid record of achievement in economic development, in education, in social improvement and in expanded freedoms. It also has a firm commitment to the freedom of all Chinese. It is, in short, the very antithesis of the Government of the Peoples Republic of China.

Mr. Speaker, one of the painful realities of international politics is the fact that, whether we like it or not, we have to deal with our antagonists—one way or another. The world is now too small to ignore any nation, no matter how large or small. But I, for one, have never seen the logic or the prudence of treating our enemies the same as or better than our friends and allies. I think this is the real question before us today.

President Nixon said at the outset of the new diplomatic initiatives with Red China that we would never make new friends at the expense of our old ones. Yet I am skeptical that this policy will obtain in our dealings with Taiwan. I am deeply concerned that the Republic of China will be lost in the shuffle, and I want my voice to be heard loud and clear that I consider the Republic of China as a firm ally who deserves our loyalty, support, and friendship.

Mr. BAFALIS. Mr. Speaker, as we all know, the past few years have brought great changes in the world political picture. Due to the outstanding and unprecedented achievements of President Nixon, communications have been established between our Nation and the People's Republic of China—the largest country in the world today with over 700 million citizens. Further, great strides have been made in our relationship with Russia and its allies in the Eastern bloc. And this year has been designated "the Year of Europe" by the President. I am sure that all my colleagues will agree with me in the statement that we are now nearer the full generation of peace envisioned by this administration than at any other time in our Nation's history. Let me now state my support of this worthy goal.

However, in our zeal to ease our relationship with mainland China I feel the United States must be very careful not to overlook our traditional international obligations and commitments to one of our most valuable allies—the Republic of China, Taiwan. As we all know, Taiwan has already suffered great indignities as a result of the vote in the United Nations which seated Red China and expelled Taiwan. Unfortunately, this incident went even so far as to remove from the U.N. building in New York the plaque which identified Taiwan as a donor to this international organization. Now, we hear those who would encourage us to forsake Taiwan as a trade partner in order to concentrate on mainland China. I simply cannot support this movement. Let us look at the facts.

First and foremost is philosophy. The Republic of Taiwan is a free society. Men and women can practice their religion, they can read and write divergent opinions, they can associate themselves with the ancient Chineses culture of the past. Mainland China is a Communist society and therein lies the greatest difference.

This decision, however, must be based on more than philosophy. Taiwan has proven to be an outstanding neighbor to the United States in the community of the world. Taiwan has not accepted any foreign aid since the year 1965. Although the Republic of China still participates in America's defense loan program, Taiwan has never defaulted on one of these loans and its present payments are all current. Furthermore, in recent history, Taiwan has always been one of the first countries to come to the assistance of the United States in times of strife—the Korean war and the Vietnam conflict. I am sure my colleagues will agree with me when I say this country of ours definitely needs more productive and self-sufficient allies like Taiwan, rather than those countries who claim to be our friends and drain us of our tax dollars only to turn against us when the chips are down.

And finally, we must evaluate this crucial decision on the basis of value as a trade partner. Many of you will be shocked to find that Taiwan is currently the United States ninth largest trading partner. With a country of only 14 million. Taiwan does approximately the same amount of foreign trade as does mainland China with over 700 million people. And, economic forecasts show Taiwan's economy growing over 10 percent each year—an astonishing rate.

Certainly, then we must say that a decision to continue our traditional relationship with the Republic of China is one that is morally right, economically sound, in fulfillment of our legal obligations, and in the best interest of our own national security.

Mr. DOWNING. Mr. Speaker, we are constantly reminded by the administration that steps by the United States toward improved relations with Red China are not being taken at the expense of the 15 million free people on the island of Taiwan.

I hope that this continues to be the unwavering, principled basis of U.S. foreign policy in the Far East.

While I must admit to certain reservations about our current diplomatic courtship of Peking, I believe with the majority of Americans that these are worthwhile initiatives if they contribute to the cause of lasting peace and justice in the world. But even at the expense of losing the ground we have gained through these recent initiatives to Peking, we must review our relationship with the Mao regime at the first hint of any threat by Red China to the political and economic freedom of Taiwan.

Our Nation has always been guided by its belief in rewarding goodness and honest success. And by any measurement, Taiwan is a bastion of freedom. For its limited area and small population, there is no other country that better exemplifies the proven principles of free enterprise and personal liberty. We must continue to reward those virtues of life in Free China with our unflagging friendship and support.

Many people have been confused by our two-headed U.S. China policy into believing that the United States and other free nations stand to benefit economically from improved relations with Peking, even if such diplomacy results in deteriorating relations with Taiwan. Only a realistic comparison of the economic and political circumstances in both Chinas can allay such nonsense.

As Father Daniel Lyons noted in his provocative booklet, "The Two Chinas"—

Mainland China is an awesome reminder to the rest of Asia that communism is a colossal hindrance to economic development. But Taiwan is dramatic proof that free enterprise brings incomparable results.

So that we can all see in a better light a good comparison of the true economic conditions in both Chinas, and thus better understand our own politico-economic stake on the subject of United States-China relations, I insert in the RECORD, at this point, three selections that adequately summarize the point.

First is an extract dealing with economic development in Taiwan from "United States Foreign Policy 1971: A Report of the Secretary of State." Second is Father Daniel Lyons' chapter about Taiwan from his booklet, "The Two Chinas." And third is a good summary of current economic conditions in Red China by Nils Eric Brolin, in an article entitled "Is Red China an Economic Paper Tiger?" from the current issue of the Freeman:

U.S. FOREIGN POLICY 1971—A REPORT OF THE SECRETARY OF STATE

ECONOMIC DEVELOPMENTS

Loss of its place in the United Nations and a reduction in bilateral diplomatic ties have not affected the prosperity of the Republic

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of China (ROC) or narrowed its commercial relations with the world. Last year GNP was up 11.4 percent in real terms. Per capita income rose 13 percent. Industrial growth was up 21 percent. The rate of inflation was low.

Trade and foreign direct investment have been the two main forces behind the remarkable economic expansion of Taiwan. Last year the value of new foreign investment approved by the government was 17 percent over the 1970 level—an all-time high. European firms showed increased interest in investment there. At the end of 1971, the cumulative value of foreign investment approvals was almost two and a half times greater than at the end of 1968. In the years 1952–71, American investors have provided 40 percent of the new investment, chiefly in electronics and chemicals.

As a result of steady efforts by the ROC to encourage investment in export-oriented industries, foreign trade reached $4 billion last year. In 1971 Taiwan's trade was six and a half times its 1961 level and up 29 percent over 1970. Exports rose 33 percent over the 1970 level.

The United States, once again, was the principal trading partner of the ROC. We took 42 percent of Taiwan's exports in the first 11 months of 1971, according to its own figures, and provided about 31 percent of its imports.

Exports of the ROC to most major countries recognizing Peking expanded in 1971. Final results for that year are expected to show that exports to Canada and the United Kingdom approximately doubled.

Taiwan enjoyed a merchandise trade surplus. This, together with a surplus in invisibles trade and an inflow of foreign investment capital brought a substantial surplus to its international payments account.

Excellent trade and investment opportunities continue to exist on Taiwan. We do not foresee that the U.N. action will reduce them.

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[Excerpt from the book "The Two Chinas"]

(By Daniel Lyons, S.J.)

FREE CHINA

Americans are getting used to reading about the amazing economic success of Formosa, more commonly known as Taiwan. The Reader's Digest hailed it as "Asia's Heartening Success Story" (February, 1966). The U.S. News & World Report ran an extensive article entitled "The Boom in the Other China" (March 27, 1967). The island Chinese, it pointed out, "are flourishing as never before," and it hailed Taiwan as "one of the brightest spots in Asia." Time magazine last year called it "a model for Asian economic development" (May 12).

Formosa had been an integral part of China for centuries, but it was conquered by Japan in 1895. After 50 years of Japanese occupation it still had only two cotton mills, one woolen mill (for making Japanese navy uniforms) and two jute mills. That was about all the industry it had. It was returned to Nationalist China at the close of World War II. Four years later it was all that was left of Free China, as Mao Tse-tung conquered the mainland, with substantial Soviet help. The 7 million inhabitants soon found more than a million refugees on their hands, on an island just 90 miles wide and 240 miles long. Today there are more than 13 million inhabitants. There is complete freedom of religion, and a good education has become universal.

Between 1951 and 1965, Taiwan received $1.4 billion in aid from the United States. But much of that aid was for military defense, and after 1961 it was primarily loans. By June, 1965, Taiwan voluntarily ended all economic aid from the United States, and by March, 1967, over $50 million in interest and principal had been repaid.

Mainland China is an awesome reminder to the rest of Asia that Communism is a colossal hindrance to economic development. But Taiwan is dramatic proof that free enterprise brings incomparable results. Taiwan is a very limited area for 13 million people, yet agricultural products are one of its greatest exports. On Taiwan there is prosperity instead of hunger, there is abundance instead of scarcity, and there is personal freedom instead of state domination.

It was in December, 1949, when Chiang Kai-shek landed on Taiwan with 500,000 worn-out soldiers and a million hungry refugees. Now 19 years later, Taiwan's standard of living is second only to Japan in that half of the world. Where it formerly depended on imports for survival, it now exports so much that its favorable balance of trade approaches $100,000,000 a year. Modern factories and excellent tourist hotels are popping up everywhere, and the Free Port of Kaohsiung is attracting industry from all over the world.

Thirteen million mouths require a lot of agricultural production, but Taiwan has an annual surplus of $34 million in rice, $52 million in sugar, $43 million in bananas, $20 million in canned pineapples, $24 million in canned mushrooms, $12 million in asparagus, $21 million in various other fruits, $4 million in tuna and other fish products, and $10 million in chickens and hogs. All of this is exported for hungry mouths elsewhere.

The government of President Chiang Kai-shek can be very proud of its accomplishments. Instead of stressing industrialization first, as many underdeveloped countries have tried to do, Taiwan developed its agriculture as a basis for industrialization. Chiang brought such land reform that today 85 percent of the farmers own their own land. He launched such practical programs as killing 26,600,000 rats, an enormous accomplishment when you realize that five rats eat as much as one person.

With typical Chinese ingenuity, the government of Taiwan gave the farmers a choice of selling their rice for cash or trading it for fertilizer. But it made the barter rate for fertilizer so much less than the market price that the farmers and their wives took advantage of the bargain. Chiang knew that once they had the fertilizer they would use it. He persuaded farmers and truckers to adopt rubber tires and roller bearings. How? By banning the blacktop roads to wheels with steel rims. The farmers quickly changed from oxcarts to carts with metal axles, increasing their hauling power enormously. By 1957 the ancient oxcarts with steel rims, still so prevalent in countries such as India, had disappeared from the scene. Writes Karl Brandt of Stanford University, who was a member of President Eisenhower's Council of Economic Advisers: "Taiwan is a fine example of what is humanly possible in improving an underdeveloped portion of this earth for the welfare of the inhabitants." Every country, including the United States, could learn a lot from Taiwan.

Taiwan is also a military bastion for the free world. It is very loyal to the United States, where so many hundreds of its government officials have studied. It has the best air force in the Far East, and has the finest army in Asia, 600,000 strong.

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[From the Freeman]

IS RED CHINA AN ECONOMIC PAPER TIGER?

(By Eric Brodin*)

In the wake of President Nixon's well-publicized trip to China in the spring of 1972, many of the world's businessmen began to get visions of a brand new market with 800 million customers. Representatives of a great many of the world's industries and export firms made their way to various trade fairs in China. At the Canton fair in the spring of 1972, for example, 16,000 foreign businessmen were present, 1,500 from Japan alone representing almost 1,000 firms. No doubt these business interests were partly responsible for the ouster of Japan's Premier Sato, and for the recent diplomatic recognition of Communist China by Japan. An early advocate of Red China's international recognition is Sweden, who at the same fair had representatives from 147 firms. The Swedish Trade Minister also was there and expressed the hope for a 100 to 200 per cent rise in Swedish-Chinese trade.

Did Nixon's visit with Chairman Mao thus open vast new trade possibilities between Communist China and the world of business beyond the "Bamboo Curtain"? We can only make guesses from some of the statistics published in China, from reports from recent visitors, and of course from the "gnomes of Hong Kong" who often have amazingly accurate reports from "contacts" who can freely pass from the British Crown Colony to Mainland China.

First of all, we are not even sure of the population of Mainland China, which has been variously estimated as 750 or 800 million. But numbers alone do not make China a consumer of international goods. Mainland China's foreign trade has risen from $1 billion in 1950 to $4.2 billion in 1971. This is comparable to the foreign trade of Italy, or of Yugoslavia, and some 20 per cent less than that of tiny Hong Kong with its four million, population. Even with one-fourth of the world's population, Red China's share of world trade is but two-thirds of one per cent.

Peking's income from external trade amounted in 1970 to $2.8 billion, with imports of $2.1 billion. Such imports amount to about $2.50 per person per year. Only four per cent of China's Gross National Product is ascribed to foreign trade. It is evident, therefore, that China may either (for economic reasons) be incapable of being a viable international trading partner, or it chooses (for ideological reasons) to be a self-sufficing economy. That the latter might be the objective is evident from many official statements which insist on self-reliance and reflect the traditional Chinese hatred of foreigners. Expressed in Maoist terminology, reliance on foreign trade is "bourgeois" thinking full of "veneration of foreign technology."

Trade patterns of Mainland China since the revolution show several changes. Foreign trade in 1966 was higher than that of 1971. It declined to $3.7 billion in 1967, then started slowly to rise again. Communist China's main trading partner in the past had been the Soviet Union—$2 billion in 1959—but by 1970 it had declined to a mere $55 million, indicating a complete reversal of Chinese foreign trade patterns. Formerly, 60 per cent of Mainland China's trade was with Communist countries; now the main trading partners are Japan ($822 million in 1970), Hong Kong ($477 million), the Federal Republic of Germany ($253 million), and Great Britain ($187 million).

And where does the United States fit into this trade picture? It is too early to know what future trade relationships may be, except that they are not likely to be very significant. United States' trade with Communist China, since restrictions began to be gradually removed in 1970, had risen by February 1972 to a mere $5 million of imports by the United States. (United States imports from Nationalist China (Taiwan) during the first nine and a half months of 1972 amounted to $2.3 billion. U.S. imports from Japan amounted to $4.9 billion in 1969, $5.9 billion in 1970.)

The problem in international trade for Mainland China is that they have so few products which are attractive to or needed by industrialized nations; or, if they have these products, a poor or inadequately developed infrastructure makes transport and shipping difficult. If tempted to think of 800 million potential consumers, one ought to take a closer look at the internal economy of China.

China is an underdeveloped country with a per capita income among the lowest in the world. In an authoritative series of articles in November 1971, the Italian journal *Successo* estimated the annual per capita income in Red China to be between $93 and $97. Richman in *Industrial Society in Communist China* puts the figure (in 1966) at between $70 and $100, whereas the more optimistic report on China by *Business International* estimates it to be $111 in 1969, with a possible rise to $122 by 1980. (By that time, for comparison, estimated annual per capita income would be $3,600 for Australia, $4,517 for Japan, and $6,655 for the United States.)

It is evident that such income severely limits what the Chinese peasant can afford to buy from abroad. By the best estimates possible, a Chinese peasant today may have a monthly income of about $20, an industrial worker about $25. One of Red China's leading authors, Hao Jan, reports a monthly income from the Peking government amounting to $44. But, it can be argued, if foodstuff and other necessities are cheap, these statistics might not be meaningful. This does not seem to be the case, however. From visitors, and chiefly from some of the refugees who are still fleeing Communist China at about 30,000 a year, we learn that the Chinese worker (with an average wage of $24 a month) will have to work from 7 to 15 days for a sweater, 70 to 80 days for a raincoat, and three months for a bicycle or a sewing machine.

Mainland China is in desperate need of industrialization in order to become self-sufficient in the goods necessary for its citizens, let alone any surplus for export. Its "Great Leap Forward" and other economic innovations turned out to be costly mistakes for the Chinese economy. It is evident that Red China needs first of all to make technical advances in its agricultural sector, and then to expand and modernize its industrial sector. Visitors to China are invariably shown a mechanized commune and a chemical fertilizer factory—showing the priority of their interests. As in any developing society, the agricultural sector is very important; China must first feed its large and expanding population. (The rate of growth has been variously estimated at 1.4 percent to 2.5 percent per annum, and the higher figure is more probable). But it is the individualistic Chinese peasant who has been one of the chief headaches to the Communist regime, what with his opposition to communes and collectivist thinking. It is also in the agricultural sector where most charges of "sabotage" have been leveled.

"Class enemies and capitalists are always finding opportunities to try to wreck the collective economy" reports the Red Chinese theoretical journal, *Red Flag*, and this was due to the "failure of low-echelon party-cadres of following Mao Tse-tung's line." Peking's *Kwangning Daily* of November 9, 1972, reported that "capitalism has reared its ugly head in productive teams in Sinkiang Province." And according to *People's Daily* (Peking) an "evil anarchism wind" has also swept across Mongolia which has "encouraged many to lean toward capitalism." It appears that some of the "sabotage" is due to dissatisfaction among the thousands of students who are being shipped into the interior for compulsive (corrective) farm labor. *China Mail* for September 2, 1972, reports that a veritable black market in rationing cards has begun by such students "after they had been banished to the countryside."

As long as agricultural and technical improvement and changes can be determined only by the *Thoughts of Chairman Mao* (poetical though they may be) there are slim chances for any real expansion in the economy of Mainland China. The *Hopei Daily* of November 13, 1972, in a typical reaction to a farm problem: "Under the criticism and rectification campaign, sustained anti-drought efforts have led to comparatively satisfactory harvests . . . Chairman Mao's policy must be strictly observed . . . [and] vehement attacks must be launched against Liu Shao-chi. . . ."

Such ideological, rather than technical, ideas are also at work in the embryonic Chinese industry. Jonathan Unger, writing a perceptive article in *Far East Economic Review*, attributes the slow growth of Red Chinese industry to chauvinism and ideological preoccupation which prevents the Chinese from learning new methods and importing technical innovations from abroad. The chairman of Alfa-Romeo of Italy commented, during a visit to China in 1971, that the technical efficiency of a Chinese automobile plant in Shanghai was comparable to that of his own plant *in 1910*.

It will be a long time until the visions of massive trade with Mainland China by the world's businessmen and industrialists can be realized. First, the Chinese will have to abandon the unworkable ideas of Communism and the equally unworkable ideas of Chairman Mao. Until then, it is likely that Communist China will remain an "economic paper tiger."

*Mr. Brodin, economic journalist and foreign correspondent, is working on his doctoral dissertation in Sweden.



## LICO SILVA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 10 minutes.

Mr. BROWN of California. Mr. Speaker, any war is going to have its share of innumerable personal tragedies, and the war in Vietnam is no exception. What I wish to do today is to tell the Members of this House of one such tragedy involving a young man from my district, Federico Silva, known to his family and friends as Lico.

Lico Silva was born in Juarez, Mex., in 1946. He came to the United States with his family when he was 10 years old and attended junior and senior high school in San Bernardino, Calif.

While still a young man, he decided to become a pastor in the Church of the Nazarene and he was well on his way to gathering a flock. Among his other activities, he would bake cookies for prisoners in the county jail and read to them from the Bible. In 1964, as the violence grew in Vietnam, his missionary spirit caused him to enlist because he wanted to help the children in that horribly devastated country. From his small paycheck he would send money home to his parents, apologizing for how little it was because he was spending so much on food and clothing for the Vietnamese children.

He was proud of his uniform and he was proud of his adopted country. He wrote his parents that he was trying to get permission to go to Hawaii to apply for American citizenship. But he never reached Hawaii. On December 18, 1965, 7 months before he was due to return to the States permanently, he and his company were returning to camp near Que Son when a Vietcong machine gun opened up on them. Lico, standing in front of his company, was cut down, dying instantly.

A friend of Lico's wrote Lico's parents about how many of the men in the company wept when they learned of his death.

Lico Silva's service to his adopted country was recognized by the following decorations and awards: the Purple Heart, Presidential Unit Citation, National Defense Service Medal, Republic of Vietnam Campaign Medal with Device, Vietnam Service Medal with one bronze star, and the Republic of Vietnam Meritorious Unit Citation Gallantry Cross Color.

Lico Silva still lives in the hearts of his parents, Mr. and Mrs. Francisco Silva, and his brothers, sisters, and many friends. In the years since then, his mother, two brothers, and 13 sisters have become American citizens. Lico Silva never had that opportunity. For that reason, Mr. Speaker, and in memory of Lico Silva and others like him, I am introducing two bills today. One will grant Lico Silva posthumous citizenship and the other, to be known as the Lico Silva Memorial Act of 1973, will grant posthumous citizenship to any person not a citizen of the United States who was killed in action while serving in the U.S. Armed Forces in Indochina.

## POLITICAL RESPONSIBILITY AND WATERGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 40 minutes.

Mr. PATMAN. Mr. Speaker, understandably, many people who were formerly inseparable from President Nixon are now trying to put as much distance as possible between themselves and anything remotely connected with the Watergate case.

Certainly we do not want this case to be viewed in partisan terms, but at the same time we should await all the facts and all the ramifications before deciding on any arbitrary limits of responsibility. Judging from the statements of some politicians, the entire affair was carried on by a strange group of dim-witted rascals who apparently had nothing to do with what is generally considered to be the Republican Party.

In fact, we have it on the word of the Senate minority leader, HUGH SCOTT, that:

> This stupid, shabby criminal foolishness was the work of zealous amateurs whose motivation is still obscure. God only knows what they were looking for, and heaven knows what in the world compelled them to do it.

In other words, it is just a great big mystery how these "zealous amateurs" climbed so high in a Republican administration—particularly when we are assured from all sides that they really were not true Republicans.

These efforts to separate the Republican Party from the Watergate mess, which was carried on to aid the Republican Party and its standard-bearer, are quite understandable, and in keeping with human nature and that basic political instinct of survival. I do not think it

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would be fair to tar the great rank and file of Republicans with the unfortunate events, but we do not serve the country well if we do not place a strong degree of responsibility on political parties and their elected and appointed leaders. We can have responsible politics only when we demand that political parties and political apparatuses of any kind be responsible for the acts carried out in their name and for their benefit.

We are not talking about the wrongdoing of a single politician who might have gone sour, but of a widespread series of activities which involved the entire reelection campaign of a major political party.

In recent days, we have had a surprising number of new-found moralists standing in line for their opportunity to denounce—on national television and in other forums—the Watergate affair and everyone connected with this event. Many of these moralists are those who have basked in the glory of the recent successes of the Republican Party and who benefited either directly or indirectly from the well-oiled campaign carried on last fall.

Actually, Mr. Speaker, I rise today on a point of personal privilege. Last year, allegations concerning the Watergate affair and related events came to the attention of the Banking and Currency Committee and at the request of other members of the committee I ordered a staff inquiry into these charges.

I attempted—along with other members of the committee—to open a set of hearings into these charges and to bring certain key figures before the committee under subpena.

Our efforts were blocked at every turn. I was personally villified and attacked for even suggesting such an investigation. The staff, operating under my direction, was bitterly attacked.

One release emanating from the Republicans charged that the Watergate investigation by the committee was composed of "deliberate falsehoods, misrepresentations and slanted conclusions—all politically motivated."

"Dishonest collection of innuendo and fourth-hand hearsay" went another Republican answer to the investigation. "Scurrilous" said another GOP stalwart.

Representative BEN BLACKBURN, one of our committee members on the minority side, described the effort to investigate Watergate as "the worst kind of political smear tactic and totally without substance."

And finally, the House Minority Leader, GERALD FORD, chimed in with the suggestion that not Watergate, but the committee staff report be investigated and the staff fired.

So it went, no statement was too strong. No threat too much.

Statements issuing from the Committee to Re-Elect the President reinforced these attacks in startlingly similar tones and phrases. In the end, our Republican colleagues on the committee voted as a single bloc in opposition to investigation and subpenas.

The Washington Monthly, a magazine published in the Nation's Capital, recently explored the ill-fated effort to investigate Watergate and I quote from this article entitled, "The Watergate Story: Why Congress Didn't Investigate Until After the Election."

That the Republicans were not depending on legal principle to bring them through is demonstrated by the amount of organization and muscle they applied to the task. The House GOP high command joined the Justice Department in lobbying for votes to kill the investigation. Minority Leader Gerald Ford held a series of pep meetings with the Republicans on the Banking Committee, but explains they were only 'to urge each member to be present for the vote.' Throughout September, Ford's lieutenant on the committee, Garry Brown, was busily trying to keep the troops in line and win over the needed number of Democratic votes.

One need not dwell extensively on why the 14 Republicans voted against the investigation. A Watergate probe would affect the success of everyone running on the Republican ticket. Hope for just a share of the spoils, fear for their standing with the President's hard-nosed patronage distributors, party patriotism in the face of the spectre of McGovern—in short, all the normal political instincts—influenced them to act as congressmen have historically acted in such situations. On the day of the vote, all the Republicans met in the office of senior Republican William Widnall, and then went on to the committee meeting en masse, a splendidly martial display of party discipline and a charming echo of the age of Penrose and Tammany.

Mr. Speaker, it is obvious that had we had just a minuscule bit of support from the Republicans—rather than attacks—the so-called Watergate affair would have been revealed months ago and we would have spread the sworn testimony of the highest campaign officials on the record. This matter would have long since been cleared up and the Nation would have been better off and we could today be going about the business of government without this heavy cloud hanging over the executive branch.

The lead paragraph in a story on the front page of the October 4 edition of the Washington Post told the story:

The House Banking and Currency Committee, after a week of heavy Republican lobbying, voted 20 to 15 yesterday against holding public hearings on the Watergate bugging incident and alleged irregularities in President Nixon's re-election campaign financing."

The same story went on to say:

Rep. Garry Brown, (R., Mich.), the key figure in engineering the defeat, acknowledged in an interview that he worked with the Justice Department and Rep. Gerald Ford (R., Mich.), the House minority leader, to block the hearings.

Brown denied a charge by Patman that the White House brought 'all kinds of pressure,' but added: 'I would have to presume that the White House wouldn't want further attention paid to this. I'm not so stupid to have to be told.'

But I do not want to be unfair to my Republican colleagues on the committee—despite their previous attacks on me and on other Democrats for attempting to carry out this investigation—because others also participated in this coverup.

From the Senate came the gentleman from Kansas (Mr. DOLE) who used national television to attack me personally and to denounce the committee's investigation. At that time, Mr. DOLE, in addition to being a U.S. Senator, was serving as chairman of the Republican National Committee. This is the same Senator DOLE who has been urging a cleanup in recent days and who has appeared repeatedly on television in an attempt to separate Republicans from the Watergate.

But, back when it counted, Senator DOLE thought it best to attack WRIGHT PATMAN and the Banking and Currency Committee and not the Watergate. I resented these attacks and I am sorry to say that they were quite successful as part of the campaign to shut up the Banking and Currency Committee and to keep the Watergate mess under wraps.

On Sunday, September 24—as we prepared to push for subpenas in the committee—Senator DOLE appeared on "Issues and Answers" on the ABC network and said:

They don't have any issues so they keep talking about the Watergate and I don't see that there is any problem now.

Referring directly to the pending hearing in the Banking and Currency Committee, and after making personal attacks on me, Senator DOLE said:

I assume that is why we are still in session, we could have been out of here two weeks ago or earlier if it weren't for the Democrats wanting to get up every day and make political speeches . . . and look into the Watergate.

He also said:

I believe the American people understand that the Democrats in all their zeal to make it a big issue have probably been guilty of overkill.

In closing that national television show Senator DOLE then made a specific denial of a major fact in the Watergate case:

There is no secret fund—I have offered to introduce an amendment to set back the reporting dates. If the Democratic Congress wants to change the law, that is one thing, but we have complied with the law, we intend to comply with the law and intend to re-elect Richard Nixon.

At that time, we had every reason to believe, contrary to Senator DOLE's statement, that the Republicans were operating with secret funds and, as the subsequent reports issued by our committee said, the fund exceeded one million dollars. In addition, the Re-Election Campaign organization has been fined for specific violations of the law and additional charges have been filed in recent days for failure to report the existence of hundreds of thousands of dollars of campaign funds.

Mr. Speaker, it was obvious that anyone who raised a question about Watergate would be threatened or attacked in some manner and these countereforts were carried on by a variety of people in the Republican apparatus.

As the Watergate case bubbled up during the campaign last fall, charges were made about widespread corruption in the administration.

The answer to these charges was the filing of complaints with the Fair Campaign Practices Committee over the names of Republican congressional leaders. The complaint was an obvious effort to silence criticism, and to stifle discussions of the corruption of the Watergate tactics.



Mr. Speaker, I am happy that so many of these people are now standing up to denounce the Watergate affair and to talk about the corruption which many of us attempted to uncover last year. The television networks have been particularly generous in giving these Republican leaders ample time to explain their opposition and to repeat their demands for a cleanup—and to explain why Republicans should not be blamed for the wrongdoing of Republicans in high places.

Mr. Speaker, events of this nature do not happen accidentally and it is impossible that such a far-ranging series of activities could be carried on simply by a band of "zealous amateurs." We know that it would have been impossible for such activities to have continued over such a long period of time had the people of influence and power in the Republican Party made it clear that there were some ethical ground rules existing in national politics. Certainly this is a responsibility of a political party and its various leaders.

President Nixon and his advisers and his campaign apparatuses have been supported and nurtured by the hierarchy of the Republican Party. They did not develop their power and influence in isolation and it is ludicrous for those who have basked in the glory of this power to now attempt artificial separation from political responsibility.

It is regrettable that some of the influential leaders in the party with total access to the President and to everyone in the campaign apparatus did not speak up sooner and did not counsel against such tactics—particularly after the tactics had been so widely reported for months. It is regrettable that this demand for action did not come until the roof was literally caving in.

Maybe our political processes will improve after this sad affair is closed. Perhaps next time around we will not have such monolithic votes against investigations. Perhaps next time around political leaders will ask questions before attacking their congressional colleagues for seeking investigations. Perhaps next time, the news media will not be subjected to threats for carrying out its reporting functions and perhaps next time around there will be fewer knee-jerk defenses of the high and mighty and a little more factfinding.

That is why I believe political responsibility should be carefully weighed. That is why I hope we will have fewer references in coming weeks to "overzealous amateurs operating with high purposes." The Nation is mature enough to have these activities discussed as they actually happened. The system is strong; it can stand the truth.

Political responsibility—when properly insisted on by the public and the media—can do much to prevent future Watergates.

## "WATERGATE" AND ME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 30 minutes.

Mr. ROBISON of New York. Mr. Speaker, I suppose that grammarians—of the purer sort—would prefer that the title of these remarks be "'Watergate' and 'I'," but inasmuch as these random thoughts are intended to give public airing of how the recent revelations about the "Watergate" affair have had an impact upon me, I trust they will forgive.

Mr. Speaker, in any event I offer these thoughts, now, not as a Republican, not as an incumbent officeholder, and not as a supporter of President Nixon—though I am all three such things—but as an American citizen, who deeply loves his country and who, in his years of public service, has done his best to uphold the public trust that is implicit in a viable concept of public office.

We are passing, Mr. Speaker, through a sad time for the Republic—with the developing ramifications of "Watergate" through what is, clearly, both a tawdry and tragic episode in the Republic's history. I cannot recall a time when I have been more distressed—and more depressed—by outside events impinging upon my own life and interests, than during these past 10 or so days.

One of the more-frequent questions I am being asked by the representatives of the news media since President Nixon's actions—and public explanation thereof—last week is: Do I feel I have been "hurt" by the implications of "Watergate"?

What they are thus interested in—and I understand it—is, do I think that incumbent Republicans, including myself, if running for reelection next year, will find the burden of "Watergate," with its peculiarly Republican connotations even despite the more-obvious involvement of Committee-to-Re-elect-the-President people than, except through guilt-by-association, regular Republican organizational people, too heavy burden to successfully carry? As to that question, I have been saying that, frankly, I do not know. To date—and I would here be interested in the experience of my Republican House colleagues—I have had but one letter from a constituent-family advising me that, though its members have supported me in the past, due to the implications of "Watergate," they can now no longer support either me or ". . . any Republican candidate for public office in the foreseeable future."

That is a rather far-reaching—and, I suspect, though perhaps somewhat at my own peril, an overemotional—reaction to the immediately dramatic aspects of Watergate which will, in time, abate.

Still, Mr. Speaker, I am less concerned about this effect of Watergate than—maybe—I should be.

Have I been hurt by Watergate?

Of course, I have.

But so, too—let us all note—have we, all.

And particularly so, has the Republic.

I am here reminded of old John Donne's lyrical lines—from which Ernest Hemingway drew the title of his best-known novel:

No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.

It is, Mr. Speaker, I suspect, the unspoken but nonetheless awareness we all share of this side of the Watergate affair that dampens the otherwise partisan enthusiasm for potential gains the innocent side might hope to garner at the expense of the guilty, and contributes to the fact that—at least so far as I can find it—there is precious little Democratic rejoicing at the fix the Republicans now find themselves in.

For it is a fact that every political scandal diminishes not merely public confidence in the institutions of government but also the public esteem in which each of us who follows a political career is held. If, up to now, as some soundings have indicated, politicians have been viewed on a sliding scale as just slightly more to be believed than used-car salesmen—and my apologies for this reference to those who are—our credibility has now undoubtedly slipped below those of that calling.

But I am less concerned, Mr. Speaker, with whatever individual problems we may have, as politicians, in shoring up our own credibility than I am in the need to restore public confidence, and trust, in the White House.

Americans have—and have always had—a very special feeling about the Presidency. There is, I sense—for I share it—an unspoken desire throughout the citizenry to keep anything tawdry, cynical, or unscrupulous away from our revered institution thought of, simply, as the White House, which is a feeling that has little to do with whoever is the occupant thereof.

Richard L. Strout, commenting on this, in a recent issue of the Christian Science Monitor, added:

It *must* be this way, you reflect, because the United States, alone among democracies, has no fire escape, no quick exit; a parliamentary government in a crisis matter-of-factly and almost immediately uses the escape hatch built into the system: The government resigns, goes to the people; then an election; then in no time there is a new mandate, whether Mr. Nixon has a vote of confidence again or there is a new party with a clean slate.

Neither we, as a people, nor Mr. Nixon, as our President, has any such option—no similar way of wiping the slate clean.

For better or for worse, Richard Nixon—barring his death, resignation, or impeachment, for which a few already clamor—will be our one and only President for the next 3 years and 8 months, give or take a few days.

This means, then, that—quite literally—he will have to sweat out this episode, this difficult and tragic time; and so will all the rest of us.

It will not be an easy time, and our instinctive awareness of this contributes to the gloom that envelopes both Washington and Wall Street at the moment, that is probably reflected on every Main

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Street in America, and that has given what can only be called the doomsday mood another of its periodic runs through our society.

I do not suppose it helps much, Mr. Speaker, to remind ourselves that we have been through periods like this before, the "Teapot Dome" scandal coming to mind most readily, though way back in 1892—when much of America's greatness lay just over the horizon—the preamble for the Populist Party dolefully declared:

We meet in the midst of a nation brought to the verge of moral, political and material ruin. Corruption dominates the ballot box, the legislatures, the Congress, and touches even the ermine of the bench.

The point is, no matter how bad things seem at the moment, if history is any guide America is not yet on its ethical deathbed and any suggestions for last rites are most premature.

But what, Mr. Speaker, if things get worse?

President Nixon will have to use every last bit of his remaining authority and legitimacy, and all his previously recognized political skills, to try to keep them from getting worse while the investigations into "Watergate" go on. He will have to draw on every resource he has, in this effort, his best and basic resource in this regard undoubtedly being the eagerness of most Americans to have faith in the Presidency.

Can he restore and renew that faith?

For now, no one knows.

But I would submit, Mr. Speaker, we must give him every possible and reasonable chance to try to do so—for the stakes are very, very high, and his ultimate failure could only further diminish us, all.

Let us face it: There are, both at home and abroad, some vested political interests to be served both in further humiliating Mr. Nixon and, if possible, in bringing him crashing down.

As we look to the future, let us bear that fact in mind.

Am I, then, suggesting, Mr. Speaker, as did our friend, former Secretary of Defense Melvin R. Laird, that if the President were, in fact, more deeply involved in the "Watergate's" bugging episode or in its far more serious side—the obvious high-level attempts to cover it up—it would be better for the country not to know about it?

Not at all—I am not suggesting that.

However, I fully appreciate what motivated Mel Laird in saying what he did along these lines, and I do not feel he should have been jumped on, by the President's critics, quite as hard as he was for having so spoken.

For I think, in many ways, the Nation—or, at least, a goodly number of its citizens—finds itself somewhat in the position of a husband who suspects, and with good reason to suspect, that his wife has been unfaithful to him. As he mulls his situation over, he finds himself more than a little reluctant to learn the truth for there is, after all, his marriage to think about—an institution most Americans, even in these less-inhibited days, deem worthy of preserving even as most of us, for the purposes of this analogy, wish to preserve the integrity of the Presidential institution. And then, of course, there are the "children" to consider—which, again for the purposes of this analogy, might be considered as a substitute phrase for our exasperatingly difficult and manifold domestic problems whose solution depends, so much, on strong Presidential leadership; as well, and even more importantly, for those foreign-policy initiatives Mr. Nixon has so far essayed with rather remarkable success but whose ultimate success—along with the world's chance for a "generation of peace"—depend, so much, on the President's capacity for now carrying them through.

This, Mr. Speaker, would be one man's view of how high the stakes are in what is far more than a contest between the "hare" and the "hounds" as, I fear, some segments of the news media would seem to make it.

Now, I do believe all the facts in this whole sorry mess should come out—and I further believe, especially now that Attorney General-designate Richardson is amenable to the appointment of a special prosecutor, that all those facts will come out.

And, though I do not believe, in the end, that it will be established that Mr. Nixon had prior knowledge of the bugging episode, or that he directly participated in and approved of the subsequent coverup attempts, it is—one supposes—possible that such knowledge and participation might eventually, be established, in which tragic event Congress would have to take whatever action it deemed appropriate, regardless of where the chips might fall.

But, until that sorry day comes—if it has to—I suggest as strongly as I possibly can, Mr. Speaker, that President Nixon is as much, if not more, entitled to the benefit of the doubt as any other one of our citizenry who is suspected of wrongdoing.

And, surely, while he who occupies the Office of President of the United States is entitled to no special protection in the event of wrongdoing, he is, perforce, as entitled as any one of us to the privilege of being considered innocent until proven otherwise.

This much would seem to be so axiomatic as not even to need to be stated. And yet, while certainly the press is entitled to all the kudos now coming its way for having prevented the "Watergate affair" from disappearing from public sight and mind as a mere "caper," that same press—and all segments of the news media—would now seem to be nearly as much on trial as is Richard Nixon.

What the press now has on its hands is not only a big scandal but the "story" of the century; and, given the way most of the working press have felt, for years, about Richard Nixon, as a person, it is fully understandable if some of those members look forward with something less than objectivity to running that story down to what seems to them to be its inevitable, and appropriate, conclusion.

As one who deeply believes in the need for a "free press" and will fight to preserve its freedoms, I as deeply hope I am wrong—and am proven wrong—in the concern I now feel over the possibility that, in this instance, those freedoms might be abused.

Neither the lowliest citizen in our land nor its most prominent citizen—its President—should be tried, and convicted, in newspaper story or headline. Justice will—and must—be served; but not that way.

Let me offer just one example of why I am concerned—though I could also point to the covers of this week's issues of both Time magazine, where a grim-visaged and scarcely confidence-inspiring caricature of the Presidential face is pictured alongside the caption, "How Much Did He Know?" and of Newsweek where an equally uninspiring caricature of the Presidential head and shoulders is shown, desperately clutching a Presidential Seal-of-Office doubling as a life preserver in a stormy sea, alongside this caption, "Can He Stay Afloat?"

These are proper questions to ask—and they are being asked by all of us—but need they be presented in quite this manner?

However, the specific instance for concern that I had in mind—and the one inspiring these comments—was the banner headline, "Dean Said Set To Tie In Nixon," that ran across the front page of this past Sunday's edition of the Sunday Star, here in Washington. That headline appeared over a story by a staff writer James Doyle to the effect that the former White House counsel had reportedly told some Newsweek writers that—

On two occasions the President gave indication that he knew of the coverup effort and approved.

If you read on—and please note, too many people read only headlines—you would find this qualifying sentence:

But the examples cited did not show a *direct connection* between the President and the Watergate cover-up.

And, if you read still further on—in fact, all the way over to page 4 where the story was continued—you would find this seemingly important sentence:

As Newsweek's Nicholas Horrock and John J. Lindsay pieced it together.

The magazine said:

It (the Dean statement) was a *self-serving tale*, tailored to give Dean *minimum exposure* to criminal charges and *maximum bargaining power* in his haggling for immunity from Federal prosecution.

I have italicized certain of the above words in order to point up my question as to whether this was, altogether—with the headline included—fair and objective reporting, which is something I am content to leave to others to decide.

One of the senior statesmen of the press, Erwin D. Canham—expressing his own concerns about all this in a recent issue of The Christian Science Monitor—has put it this way, and in far better words than I can find:

Responsible editors are reminding themselves of the awesome issues at stake, and of the need for caution. It has to be remembered, of course, that anybody is presumed innocent until proven guilty. Many people have been accused, but little guilt has actually been proved. And this is a time still when rumors are flying through the air like confetti at a wedding. They can't all be true. Too many get into print.

Wise news people remind themselves that their profession is as subject to error as any other. A great many people in the nation, despite current vindications, have lost confidence in the news media. Sometimes this is caused by sloppy reporting or bias. The press needs to be careful that it never falls, itself, into the pit into which its critics have tumbled. Its duty is not to itself as a business enterprise, but to the people it must inform as accurately as is humanly possible.

So a rather sobering attitude is emerging. It is especially conditioned by the terrible gravity of the present situation. American executive government must not be weakened into impotence. Nobody questions the seriousness of problems around the world, or at home. Nobody doubts the necessity of a strong presidency, working beside strong legislative and judicial branches.

But this effective government, like the press, must exist within the effective exercise of decency and balance. Open government, countervailing power, respect for, and listening to the views of others—all these are essential to protect and restore the institutions which have been so endangered.

While sensations continue to burst forth in the news, few of them are yet conclusive. It will take a lot of time to get the facts really nailed down. We will have to be patient. And in this interlude, we would do well to pass few conclusive judgments. Most of us are terribly saddened and indignant at what seems to have been going on. But it all needs to be clarified and proved out.

Government must go on. A considerable start at cleanup has been made. The press, its first elation worn off, needs to be as fair as it is vigilant. And it should seek healing for the nation's leadership, for that is what is most needed.

Thank you, Mr. Canham, for those wise words. They were needed, and I hope your colleagues will heed them.

But, finally, Mr. Speaker, besides the burdens to be carried—as I have noted—by Mr. Nixon and the press, there is a congressional responsibility to be considered, too.

That responsibility—and the burden thereof—is probably every bit as heavy as the other two.

As I see it, Congress must, first, insist upon the fullest, but fairest, possible public airing of the whole "Watergate Affair," no matter where that leads. That is our duty and responsibility—one shared with the judicial branch. If we fulfill it, we will—as the "London Observor" has remarked— "strengthen America's claim to be the most open society." And there is really no other way to restore our citizenry's faith in both the Presidency and our other political institutions.

Second, while we pursue that necessity, we, too, must give the President the benefit of the doubt.

The Congress is probably as full as the general electorate of long-term "Nixon-haters" and "Nixon-baiters"—it being no particular surprise to me, given the President's unhappy "Tricky-Dick" image of which he cannot seem to rid himself, that a recent Gallup poll found nearly half the people in the country believing Mr. Nixon either knew about the Watergate bugging in advance or tried to cover it up—but those in Congress who also tend to believe that, as I do not, must try to subordinate that feeling to a patient search for the truth.

This, again, will not be easy, I know, for some of us but, once more in light of the stakes, all of us must shun the temptation to get even, and avoid the luxury of kicking a man merely because he is, at last, down.

However, Mr. Speaker, I worry less about such possibilities than I do about the capacity of this Congress—in the collective, institutional sense—to rise to the obvious opportunities presented by the current situation.

As Mr. Canham noted, "government must go on." If, for a time—and who knows for how long?—the Presidential capacity for national leadership is diminished, it is the Congress, and only the Congress, that can take up the slack.

We cannot—we should not try to—assume the heavily-burdened responsibilities of the President. The same are uniquely his, and cannot be effectively delegated, particularly in the field of foreign-affairs. But we can—and should—stand ready to share some of the burden thereof; to lead, if need be, where the President, temporarily, cannot.

So, in conclusion, Mr. Speaker, I suggest that herein—if Congress can measure up—there is a perfect opportunity for Congress to responsibly recapture some of its eroded authority and responsibility; to play a larger role, again, in the formulation of foreign policy; to begin, as we have been thinking about, to play a more informed and self-disciplined part in the weighing and determination of national priorities; and, through our demonstration of a renewed sense of responsibility and self-discipline, to insist upon a return to the days when the United States was governed by that essential process of negotiation through which a consensus as between executive and legislative branches of our Federal Government was arrived at.

These things, Mr. Speaker, are—at a minimum—possible matters to salvage out of our current troubles. The achieving of them depends, need it be said, in large part on a new attitude toward Congress on the part of the President. I hope—and tend to believe—that such a new attitude will be forthcoming. But let us prepare, now, to extend our hands in welcome thereof since, as this is a two-way street, concessions and a demonstration of the willingness to achieve accommodation must flow in both directions.

I started out, I now note, Mr. Speaker, by wanting to talk about "Watergate and Me." But it now appears that I have ended up discussing what can only be entitled—considering the broader issues involved—"Watergate and Us."

But that is all right, I hope, since—insofar as those broader issues are concerned—we are, all, involved.

## AMENDING THE SHIP MORTGAGE ACT OF 1920

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill which will amend the Ship Mortgage Act of 1920 (46 U.S.C. 922 (a) (5), to enable the State of Alaska and any other State, district, Commonwealth, or territory to create and hold preferred ship mortgages.

Since Alaska State statutes require fishermen to obtain a first lien on the collateral which secures the loan, most applicants are unable to offer any collateral other than their fishing vessel; and this creates the problem. In most cases the only first lien obtainable on a vessel is a preferred ship mortgage created and held in accordance with the Ship Mortgage Act of 1920. This act requires that, in order to have a preferred ship mortgage, the mortgagee must be a citizen of the United States. Unfortunately, a State is nowhere defined as being a citizen. This legislation will correct that oversight by enabling States to create and hold preferred ship mortgages, thereby allowing the State to make loans to commercial fishermen for the repair and rehabilitation of their vessels.

Mr. Speaker, I include a copy of the bill at this point in the RECORD.

A BILL TO AMEND THE SHIP MORTGAGE ACT OF 1920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection D(a) (5) of the Ship Mortgage Act, 1920 (46 U.S.C. 922 (a) (5) is amended by inserting after "Reconstruction Finance Corporation" the following: "and a State, the District of Columbia, the Commonwealth of Puerto Rico or a territory of the United States".

## TO REMOVE LIMITATION ON EARNINGS UNDER SOCIAL SECURITY BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, today, I am reintroducing legislation which would remove the limits on the amount a person can earn as wages and still obtain social security benefits. My bill would also provide that once a person reaches 65 and has paid into social security for at least 30 years, no social security taxes will be deducted from his pay.

Under the present law, one can earn as wages a maximum of $2,100 without a reduction in social security payments. Earned income above that figure decreases one's benefits. One dollar in benefits is withheld for every $2 that is earned above $2,100.

As you know, a person must work for 30 years in order to be eligible for full social security benefits. Many of our older citizens have worked for these 30 years but wish to continue to work on a full- or part-time basis. Yet do they not deserve to receive their social security benefits?

In 1936, when the Social Security Act was passed, the old age survivor's insurance program was established. The original concept was that this was to be an insurance program in order to provide supplemental income for our senior citi-



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zens. If this is to be an insurance program similar to that which is available in private industry, the same principles of equity should apply. Thus, the income limitation should be removed.

In private industry or even the military, a person can retire and continue to receive earned income from some endeavor without any reduction in one's benefits. This is a matter of equity which they have built up over numerous years of service.

In researching the reasons for the original implementation of this limit, I found the economic conditions of the time to be the cause. The Government was trying to encourage our older citizens to retire and make room in the labor market for younger men. In a time of depression, this was considered a very feasible way to reduce high unemployment. These conditions no longer exist today. In many of our industries, the experience and knowledge of our senior citizens would be appreciated and is needed. Furthermore, many of our senior citizens feel that they should not be forced to live out their last years in idle complacency when they would rather work and attempt to do something useful.

Another great inequity which is imposed on our older citizens is that if they choose to continue to work even though they paid into social security for over 30 years, they must continue to pay social security taxes on the money they earn. Thus, the working elderly are being discriminated against on two counts. In my opinion, this tax is equal to a "penalty tax."

Most of these elderly who are still working have been paying into social security since its inception. Thus, every month they continue to work, they reduce the Federal Government's liability to provide them with the benefits they more than deserve.

Therefore, as part of the legislation which I am introducing, I have included a provision which would prevent social security taxes from being deducted from the pay of a person who has reached 65 and has paid into social security for at least 30 years.

This House 2 years ago passed a bill which would guarantee an annual income to all citizens whether or not they wish to work. I cannot see how we can logically guarantee an income to people who may refuse to work and then turn around and penalize those who have worked for over 30 years in order to receive their full social security benefits.

For this reason, Mr. Speaker, I hope that my bill is promptly enacted into law.

## KEMP LAUDS ISRAEL'S 25TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, after attending a luncheon yesterday with Ambassador Simcha Dinitz, I am particularly pleased to be one of many Members of Congress to take time this week to note, with great admiration, the 25th anniversary of Israel's declaration of nationhood. This milestone of one-quarter century is especially meaningful when one considers the continuing struggle that has been Israel's, since her founding.

While the idea behind the establishment of a Jewish State was not new, the effort which finally succeeded was, one could say, the final act of World War II. Within one decade, the world witnessed both the liquidation of over 30 percent of world Jewry's populaton and the creation of Israel, a Jewish homeland fulfilling the dreams of generations.

Through all of this, the development of the Israeli State in terms of the economy, reclamation of land, the success full urbanization of an agrarian country and the selfless discipline of a determined people has been chronicled, perhaps with the same legendary affection Americans use when writing of Plymouth Rock or Valley Forge. The Israelis can be justifiably proud not only of what they are, but also of what they have done and what they have given of themselves. To the homeless Jew in particular, Israel is a rebirth.

That is why efforts by my colleagues and myself on behalf of Soviet Jewry cannot be examined or judged in a void, but must be viewed with respect to Israel's presence as the redeemed promise of thousands of years. While we all would like to have the "right to leave" applied universally, it must be remembered that the bonds preventing free Jewish exit from the Soviet Union are more than political; they also represent the cultural, historical, spiritual and religious oppression the Jew has shouldered for centuries.

Mr. Speaker, a dear friend of mine, Mrs. Sadye Adler of Amherst, N.Y., has informed me of the plight of her cousin, Mrs. Sylva Zalmanson, a victim of the infamous Leningrad Trials. Pregnant when imprisoned, the frail Mrs. Zalmanson has subsequently lost her baby and her own health continues to decline steadily. Inasmuch as we all applaud the Soviet suspension of the hated education tax, I feel that a sincere effort by the Soviets to rectify past injustices are also in order, and that those such as Sylva Zalmanson, whose crime was to insist upon the human right to emigrate, be freed.

Mr. Speaker, the first 25 years have been difficult ones for the young State of Israel; difficult, but yet wonderful. The New York Times has pointed out, in an excellent editorial on May 7, that Israel "has not been allowed the luxury of meeting the challenges of peaceful construction * * *." Let us pray that we will soon see the day when anyone who wishes may journey to an Israel at peace with her neighbors; and let the celebration in Israel this week serve as a great example of the spirit and values with which we should view our own bicentennial in just 3 years.

Mr. Speaker, at this point I would like to include in the RECORD the New York Times editorial to which I have referred.

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In just one generation the Jewish people have experienced the deepest despair of holocaust and the most profound exhilaration of nationhood. These are epic events of our time to be measured against the chronology of millenia. Today the state of Israel marks its 25th year of existence in the modern world. This may be but a small milestone in 4,000 years of a people's recorded history, but it is an awesome human achievement of a living generation in the face of the forces arrayed against it.

A nation of despairing refugees has become a society of proud citizens of their ancient land. The problems that pressed upon earlier generations have been solved by nationhood, this solution of nationhood is what poses the problems for the generations to come.

Unreconciled still to the presence of the Jewish state, the neighboring peoples of Palestine and the Arab Middle East take solace in what they see as a historical analogy: the medieval Crusaders' states, imposed upon the Levant by aliens from Europe, only to shrivel up and disappear. Israelis know this analogy is false. The Crusading armies never saw themselves as settlers, only military conquerers. Only men came, never more than 50,000 of them, never families intent in dropping new roots. The ties, the loyalties of the Crusaders remained in feudal Europe. The 2.5 million Jews of Israel, by contrast, have left the life of the Diaspora behind them. For them there is no other home base, no place to return.

Entering its second quarter century, Israel has yet to find its chosen place in the world polity. From its immediate neighbors Israel longs for acceptance as just one more nation-state among all the others of the Fertile Crescent. Yet in the world at large, to be just one more nation-state like the others would seem to fall short of the Zionist ideal. The early visionaries of Zionism—and some of their present-day descendants retain that vision—perceived the land of Israel as a beacon for all the world, a society in which the intellectual vigor of the Jewish people could flourish for the benefit of all humanity, including those on the land before the Zionist settlers arrived. This has not come about; for its first 25 years physical survival more than enrichment of the human experience, was the challenge thrust upon modern Israel.

So far Israel has not been allowed the luxury of meeting the challenges of peaceful construction, of integrating its unique contributions with the restive humanity around. Having come this far, the people of Israel have no further need of self-justification; their only need is peace and grace to face the tasks remaining. For its 25th anniversary, peace is both the greeting and the wish of Israel: Shalom.

## THE CIVIL PENTAGON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, it is especially gratifying to a Member of Congress when one of his so-called brighter ideas is endorsed by the President of the United States. Such is the case with a proposal I made in August of 1972. That proposal was the "Civil Pentagon."

Ever since Hurricane Agnes ripped into my district in late June of 1972, I have been urging upon the Congress the need for an integrated, on-the-alert, coordinated, trained organization to sweep into an area in the face of a disaster. I have been urging the creation of a separate Disaster Assistance Agency at the Federal level. I have been urging the need for streamlining of and coordination of the Federal agencies involved in disaster relief. I have been urging the need for an end to the treatment of each disaster on an ad-hoc basis. I have been urging the need for grants and loans to private, nonprofit institutions and organizations which sufier losses as the result of a disaster. I have been urging this and much more.



I have been urging the need for a civil Pentagon—an organization which, much like the Pentagon across the river would do in case of a domestic military disaster, would coordinate all Federal assistance in the event of a natural disaster. I was therefore most pleased to see the President's message to the Congress yesterday which proposed a Disaster Preparedness and Assistance Act.

While the idea presented in that proposal is good—in fact, it is mine—it does not go far enough in substance. The inadequacies and deficiencies of that proposal will be met and corrected by a bill which I will be shortly introducing to the House of Representatives. As I stated on April 28, 1973, before the Disaster Planning Conference convened in Wilkes-Barre, Pa.:

When I return to Washington, I will be shortly introducing legislation to create a Federal Disaster Assistance Agency. This will be the Civil Pentagon. This will be the means to full recovery. This will be the answer to the problem.

Mr. Speaker, I intend to fulfill the pledge I made that day. I include at the conclusion of my statement today the full text of my speech delivered at that conference; devoted to the Civil Pentagon and to another proposal of mine, "The National Catastrophic Disaster Insurance Act."

Lastly, let me briefly quote to you from a statement made by me on the floor of the House of Representatives on August 15, 1972 which appears in the CONGRESSIONAL RECORD on page 28265:

We will be two hundred years old in four years. We are just babes in the woods on preparing for and handling these natural disasters; babes in the woods. We cannot be any longer. We cannot be. We cannot be.

Since I made that statement there have been disastrous tornados in Texas, Alabama, Georgia, and Virginia; massive flooding along the entire 1,400-mile length of the Mississippi River Valley; serious and destructive localized floods along the Great Lakes and even most recently in Denver, Colo.; and major storm damage along the beaches of several of our Southern States. What is more, I am sure I am leaving someone out.

Mr. Speaker, and my colleagues, this is an idea whose time not only has come, but which begs the immediate consideration of the Congress.

ADDRESS BY CONGRESSMAN DANIEL J. FLOOD

Two short months from now, those of us who weathered the terrible days of June twenty-second and twenty-third, nineteen hundred and seventy-two will pause in remembrance of a lady named Agnes. I would urge today that such remembrance be neither a self-pitying reminder of our dreadful suffering, nor a celebration of the many miles we have walked on the road to recovery. Rather, I urge that we consecrate that day as testimony to the everlasting nature of the human spirit.

Despite torrential rains—in the face of swollen streams and rivers—in spite of broken levees and shattered dreams—regardless of the loss of a lifetime's work and the destruction of thousands of homes and businesses—in the fact of this travail, the people of the Wyoming Valley have come back to fight time and time again. Ladies and gentlemen, that struggle has been nothing less than an 'exercise in gallantry', and I, for one, salute you.

But now we must carry on. Now we must learn the lessons of Agnes. Let us not make the mistake of those who came before us and could not foresee the need for disaster planning.

That lack of planning has been costly in human and material terms as any review of past disasters will show. Firstly, let us examine briefly the history of Federal Assistance for Disaster Relief. Secondly, let us observe how clearly Hurricane Agnes and her aftermath have pointed out the inadequacy of the current arrangement of disaster assistance. And thirdly, and finally, let us all direct our utmost attention to the solutions to these problems.

First the history. Federal aid in a time of disaster is nothing new. In fact, it has been in existence virtually since the government was formed. As early as 1803, the Congress enacted legislation to assist disaster victims following a fire in Portsmouth, New Hampshire. And between 1803 and 1950, succeeding Congresses approved more than one hundred separate acts granting relief after disasters. By 1950, the need was recognized to provide a uniform and continuing program of disaster assistance to state and local governments. In subsequent acts of 1966 and '69, the Congress enlarged the program to cover public facilities and assistance to individuals. By 1970, a comprehensive disaster act was put into effect by the Congress.

That act provided increased forms of relief including housing, food coupons, surplus goods, and so on. It was this public law which was in effect on June 23, 1972. For Agnes, it was not to be enough.

Agnes was unprecedented. As evidence, I present you with public law 92-385 passed by the Congress in August directly in the wake of Agnes and known as the Agnes Recovery Act. That law, which I sponsored on June 29, threw the old disaster assistance act out the window. Agnes was too great in scope and magnitude for ordinary disaster assistance and so I said on the floor of the House of Representatives on June 29, 1972, as I say here today, "the scope of the law must be made to fit the scope of the disaster." First we doubled the forgiveness on SBA and FHA disaster loans to five thousand dollars. Then we reduced the interest rates to a manageable one percent—down from better than five percent. Next we stated that already existing mortgages could be refinanced as part of the SBA disaster loan. And then we amended the law to allow assistance to private educational institutions.

And finally, we allowed the elderly and the disabled to suspend their loan repayments for their lifetime which was so important in the Wyoming Valley with its large elderly population . . . looking back now, I can say that this was a response by the Congress which we can all be proud of and thankful for.

But this was only the beginning. Money was needed to fund all these advances in the disaster relief program, and need I say more, money is a scarce commodity in Washington or anywhere else.

Nevertheless, as a longstanding member of the House Appropriations Committee, I presented to that body a two billion dollar appropriations bill to cover the assistance for Hurricane Agnes. Many a head was turned on the floor of the House when I quoted that figure. But, you know, we got every single penny. 1.3 billion went to SBA to finance the loans. 200 million went to the Office of Emergency Preparedness for temporary housing, food coupons, unemployment compensation and assistance to repair streets, bridges, buildings and utility systems—needless to say, all vitally needed in the Wilkes-Barre disaster area—30 million dollars went to the Economic Development Administration for long and short range assistance through public works projects. Sixteen million dollars went to the Appalachian Regional Development Commission to stabilize the mine subsidence danger in the anthracite region which resulted from the flooding. Twelve million dollars went to the Army Corps of Engineers for flood control works and an additional five million was used to speed up the Susquehanna River dam projects in New York State. We got every single penny for Agnes because it was widely known to be the greatest civil disaster to strike this Nation in our two hundred year history.

H. L. Mencken once said, 'No disaster is as great as the one that strikes you', but Agnes was the worst ever. Yes, Agnes was the worst ever—that is, so far. For all records, be they the number of home runs in one baseball player's lifetime or the depth of raging floodwaters, are meant to be broken. Even as we sit here this afternoon flood gauges in the Mississippi River Valley are being moved inches and sometimes feet upwards to new record levels. Someone asked me several months after the river here had receded, 'Congressman, what guarantee do we have that that much water will never come down the valley again?'

Well, the only guarantee we do have is that it will happen again! That is why we have gathered together at this conference to plan for future disasters. For at some unknown date in the years to come a flood tide equal to or greater than that of Hurricane Agnes will come down the Susquehanna River once again. We are all thus faced with a grave responsibility. For unless we do our work well here, and in future conferences, and when we return to our city council meetings or our State civil defense agencies, or even unto the privacy of our homes, unless we accept that responsibility the consequences will be catastrophic beyond repair.

For by failure to act here, we will have jeopardized the future of our children, and our children's children. And by carrying the message beyond this place to the country at large we will have rendered a service to this country for generations yet unborn. So you see, we have been blessed with the rare opportunity to serve our Nation directly and in a meaningful way. I, for one, gladly accept that responsibility, and I urge all of you to do the same.

I vividly recall a particular incident which reflects on the magnitude of Hurricane Agnes and what she did to the Wyoming Valley. I was at my disaster headquarters.

It was Monday, the day the waters went down. Two officials arrived from Washington and told me they were on their way into the valley to survey the damage to estimate what assistance would be required from the Federal Government. One was a rather elderly man, the other a fresh-faced college student. They had seen disasters before. They were experienced in their field. I did not see them for three days! And when they returned, utterly exhausted and covered with mud from head to toe, they were in a state of shock. The shock I saw in their eyes was as great as that of the victims themselves. These experts had never seen or heard of anything like it before.

That was the state of the art of disaster planning in June, 1972.

Cleisthenes, a ruler of ancient Athens, once said to his assembled subjects 'to plan is to make us like the gods, for then nothing will confront us unexpectedly'. We can do no less than the Greeks of antiquity. What I propose is a civil Pentagon—a Federal disaster assistance agency. I am vice-chairman of the Defense Appropriations Committee in the Congress. If last June I had called a

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certain office in the Pentagon and said an enemy missile had just wiped out the Wyoming Valley, some officer would have calmly walked over to a drawer, opened it up, and pulled out a set of plans.

Those plans would have been labeled 'Recovery Plan—Pennsylvania'. We can and should expect no less for civil disasters.

What is needed is nothing less than an integrated, coordinated, trained, on-the-alert group of experts prepared to sweep into an area in the wake of a disaster. Headquartered in Washington, each State Governors office would have a disaster action office which would be aware of problems and situations on the State and local level. The aim is to have one official at each level of government who would speak for all agencies and bureaus and offices in the wake of a disaster.

This civil pentagon—or disaster action agency—would be charged with the responsibility or preparing contingency plans for all phases of catastrophic disasters. A list of available Federal troops, aircraft, food supplies, housing units, and so on would be maintained and updated in Washington with the State offices keeping a list of available National Guard units, Reserve troops, and other key information. The disaster action agency would operate in waves. The first wave to be composed of experts in rescue operations, maintenance of civil order, establishment of temporary emergency shelters and the like.

Closely following on their heels is a second wave composed of mass feeding and food distribution expert engineers, physicians and other public health officers. Later waves would move in to assist with heavy equipment and cleanup, with home repairs, and eventually with short and long range planning aid. I think you have the idea.

The permanent staff of such a disaster action agency could be supplemented with a nationwide organization of volunteers who are on a 24 to 48 hour callup basis. They would sweep into a major disaster area as well. These would be experts as well, but experts outside of Government.

Experts with day to day experience in their particular jobs as civilians, namely psychiatrists, structural engineers, mass feeding organizers, and so on. I maintain that with major disasters such as Agnes—whose long range effects are national in scope—we can do no less than to apply the full range of assistance possible—both inside and outside of Government.

We must once and for all stop handling this problem on an ad hoc basis. What must be made available to stricken communities is nothing less than the best technical talent and managerial expertise coupled with all the Federal agencies can provide.

Instead of reacting with shock, surprise, disbelief, and depression—and this is what happens in a disaster—such a select disaster action group could swing into action with calm, with reason, with action.

What has happened to the Wyoming valley must never happen again. Never again. Let us make this area a laboratory, a model for recovery planning for disaster of such huge magnitude. There is nothing to stop such a thing from happening elsewhere—a new program can mean the difference.

Sadly, I announce today that the lessons of Agnes have gone unheeded. At this moment, fourteen hundred miles of the Mississippi River—from Illinois in the north, to the Gulf of Mexico—is above flood stage. The victims of that catastrophe will receive even less relief than we did here in the Wyoming valley. On April 20, the President signed a law ending the five thousand dollar forgiveness altogether on SBA and FHA Disaster Loans. In addition, interest on such loans will be five percent. My, my, no forgiveness and five percent interest rates. Also, by executive order on April 5, the Office of Emergency Preparedness went officially out of business. All disaster activities are now to be placed in the Department of Housing and Urban Development. When I return to Washington, I will be shortly introducing legislation to create a Federal Disaster Assistance Agency. An agency to handle disasters and nothing else. This will be the Civil Pentagon. This will be the means to full recovery. This will be the answer to the problem.

Let me turn your attention back to last June once again. In the seven states affected by Agnes, the numbers of people evacuated totaled in the millions the amount of property destroyed in the billions—the families displaced from their places of residence in the hundreds of thousands—and the number of individuals who had insurance against such a happening could be counted on your left hand. No one had insurance. This is a sad fact. In all good conscience we can never let this happen again. But it is happening again and again and again. Last month the City of Chattanooga, Tennessee was severely flooded. Three flood insurance policies were in effect. Today along the flooded Mississippi River a similar situation exists. Scott County Iowa—twelve policies. Charles County Missouri at the intersection of the Missouri and Mississippi Rivers—thirty policies.

If Mark Twain was alive today, he could sail that steamboat of his right into downtown Hannibal, Missouri where there are no flood insurance policies in effect. The sad fact is that even in flood prone areas people do not purchase flood insurance. They do not purchase coverage because the flood insurance program requires that participants seek out such protection. Further, often one cannot purchase enough protection. The five thousand dollar limitation for the contents within a business is of course absurd.

Clearly, what is needed is nothing less than a program of all risk insurance. Such comprehensive national disaster insurance would cover all perils such as flood, earthquakes, mudslides, windstorms of all types, and man-made disasters such as atomic accident. This is the anwer. This is the solution. This is the path we must take.

And I believe I have that program in the national catastrophic disaster insurance Act of 1973. That bill, introduced by me on February 27, has attracted the support and sponsorship of nearly sixty of my colleagues in the House of Representatives. These men are from the north, south, east, and west—Democrats and Republicans—Liberals and Conservatives.

And they are all joined by the conviction that the time for Federal disaster insurance has come.

This proposal will give the taxpayer what he wants—protection against loss secured at his own initiative it would provide a systematic and certain means of making payment available to the homeowner and businessman as a matter of right, and not on the basis of charity.

A fair question now is, 'alright, how will it work' well let me tell you. First, the bill creates an office within the Federal insurance administrators office in the Department of Housing and Urban Development.

The newly created Federal disaster insurance administrator would implement and administer the act nationwide.

Second, the bill creates a national disaster insurance fund. A giant all-risk pool. Into this fund go premium payments and other collected funds. Out of it come disbursements for claims made under the law and the administrative expenses of the agency.

Money flows into the fund from three sources. From a surcharge, never to exceed five percent, on all property and liability insurance premiums written nationwide. From a one percent levy on all SBA and FHA disaster loan repayments to the Treasury.

And lastly from an initial appropriation, later to be repaid to the Treasury, of one billion dollars. As a long standing member of the House Appropriations Committee, I will personally urge upon that committee the requisite one billion dollars to get the fund off the ground.

The program would work virtually automatically. The amount of premium surcharge would be determined by the Administrator. Of course, high risk areas such as Los Angeles would pay a higher surcharge than say Burlington, Vermont, a low risk area. Immediately, each and every property insurance policy would get an extra bit of coverage. That extension of coverage would protect the property owner against losses as the result of a disaster.

The States and municipalities will play a key role in this program. They will be consulted as to the particular kinds of disasters which would be covered under the act, with respect to the nature of and limits of loss or damage to be covered, with respect to the rejection of any risks which may be necessary, and lastly with respect to zoning and other land use provisions. Land use controls are very important here.

No catastrophic disaster insurance will be made available for any property which failed to meet land use and other local ordinances aimed at restricting land development or occupancy in disaster-prone areas. In those areas determined as special catastrophic disaster risk areas, reasonable efforts would be required so as to minimize excessive losses at the time of a catastrophe.

There you have it. A program of Federal disaster insurance which would insure citizens against losses which are generally uninsurable at present. However should the private insurance companies create a program like this one, the law would cease operating.

Believe me, I never expected to be in the insurance business at this stage of the game.

One last, and most vital, point. The bill contains a clause making payments retroactive to June 1, 1972. As I have stated on the floor of the House of Representatives many times, and as I repeat before you today, under no circumstances is this a giveaway. A millenium from today, when the dust of centuries has settled over our towns and cities, archaeologists of that far off day will ask not what victories we won in battle or political life, but rather what contribution we made to the human spirit. To turn our backs on the victims of the greatest natural disaster in our history is to ignore the humanitarian principles upon which this Republic was founded. To ignore their real suffering in human and economic terms is to ignore our cherished legacy of government for the people. When the National Catastrophic Disaster Insurance Act comes before the Congress, I will insist that the victims of Hurricane Agnes not be forgotten.

This may seem to some to be impossible, and it may turn out that they were correct; however, I refuse to turn my back on those who have suffered so much.

There were those who said before June, 1972, that the Susquehanna River would never again flood Wilkes-Barre—and they were wrong. There were those who said that a massive effort at recovery would be unnecessary, that it was a small flood—and they were wrong. There were those who said that we would never get the forgiveness doubled to five thousand dollars and the interest rate down to one percent—and they were wrong. And there were those who have said that the national catastrophic disaster insurance bill would never be brought before the Congress—and they were wrong. And now there are those who say it will never be considered by the Housing Committee, that it will just die there, and I can announce today that I have received personal assurances from the Chairman of that committee that hearings will be held in the near future—and once again, those naysayers are wrong.



With this in mind, with the fervent prayer that the dark shadow of catastrophe be far apart from our and our neighbors door; but with the practical knowledge that tomorrow may bring disaster, I maintain that the scope of the law must be made to fit the scope of the disaster—and I ask your support in that effort. Thank you.

## COMMUNICATION WORKERS CALL FOR INVESTIGATION OF WATERGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, I note with great interest that the Executive Board of the Communications Workers of America has called for a full, realistic, meaningful, and impartial investigation of Watergate and President Nixon's re-election campaign, urging the AFL–CIO to spearhead that probe to determine whether or not President Nixon's resignation or impeachment should be sought.

The board observes that "if the president of an international labor union were elected or reelected after a campaign conducted the way the President's closest advisers conducted his campaign—that union president could no longer hold office. A new election would be held and a new union president would emerge."

The entire statement is worthy of careful perusal by the Members of the House, and I would like to insert it into the RECORD at this point:

STATEMENT BY THE COMMUNICATIONS WORKERS OF AMERICA EXECUTIVE BOARD ON WATERGATE

Those who chronicle the history of America in the seventh decade of the Twentieth Century will quickly ascertain that their material on the subject of the 1972 Presidential election will read like fiction rather than fact.

If they base the chapter entitled "Watergate" on the facts given in President Nixon's speech of Monday, April 30, 1973, it would be the shortest chapter ever contained in any history book.

For that speceh failed to properly explain the horrendous events that occurred throughout the summer and fall of 1972 and continued until the present day—events which deleteriously affect every single man, woman and child in this Nation, and, indeed this world.

The President dwelt primarily on Watergate in his speech. He ignored the more serious question of the manner in which his entire campaign for re-election was conducted.

We have analyzed his speech and could find in it no explanation as to why the President was not aware in 1972 of what his trusted political allies were about. How, we ask, could he not have inquired then, "What in the world is going on and what is this Watergate scandal all about?"

The presidential election campaign seemed to us a most graphic display of how political tinkerers can abuse too much money, and too much power.

We cannot, however, fathom how the man who supervised these tinkerers, the man for whom this band of advisers did their tinkering, could not know the nature of their tactics or the results of their machinations.

On April 30 we believed that the integrity of the office of the President of the United States was at stake. The President's performance did not deter that feeling. Now, after four days of analyzing his speech, we can only conclude that Presidential integrity has given way to Presidential humbuggery. And the issue of Presidential humbuggery dwarfs even Watergate, the Teapot Dome, and every other scandal of any other President since the birth of the Republic.

The actions President Nixon has taken concerning the entire scope of the Watergate matter, up to and including his speech, raise the biting question of whether he is fit to hold the high office of President of the United States. He instilled his associates in government and in his re-election campaign with his standards and his values. Those standards and those values resulted in an almost unbelievable disdain for both the law and the rights of others, as well as for the sensibilities of the Nation. As a result, there was the Watergate. And compounding the Watergate, there was the coverup. The final action was his speech of April 30, in which he again refused to appoint a neutral prosecutor to lift the veil of secrecy from both Watergate and all of the other abuses. The American people were entitled to more than this. We were entitled to a campaign free from blatant disregard of the law covering campaign funds. We were entitled to a campaign that did not include wire-tapping and burglary. We were entitled to a real investigation of Watergate violations, by an impartial prosecutor free of any connections with the Administration.

And we were entitled to the truth from the President.

A year-long attempt by his closest associates to cover up and hide the truth has failed. And they are paying the penalties. Now Mr. Nixon appears to be making a last ditch attempt to hide the truth. For if he fails, he too must pay the penalty.

The Communications Workers of America, like most of organized labor, welcomes a full, realistic, meaningful and impartial investigation of Watergate and of the entire re-election campaign. We are indignant, because under our present laws, if the President of an International Labor Union were elected or re-elected after a campaign conducted the way the President's closest advisers conducted his campaign—that Union president could no longer hold office. A new election would be held and a new Union president would emerge.

There can be only one answer to the Nation's many unanswered questions: A comprehensive investigation by a non-partisan prosecutor.

The Executive Board of the Communications Workers of America, therefore, joins with national legislators and others of good will in both major political parties in calling for this impartial investigation.

This Board registers its disappointment in the President for so deeply underestimating the working men and women of this Nation by addressing them with a non-substantive defense instead of a forth-right explanation worthy of a man holding the world's most important position.

We demand to know all of the facts in this tragedy—not just those that investigators employed by the President decide to give, withhold or delay for better public relations timing.

To this end, we urge the Executive Council of the American Federation of Labor—Congress of Industrial Organizations, on behalf of the American working public and of all citizens, to use every facility at its disposal to review all aspects of the situation. The AFL–CIO should make a determination of the President's credibility and determine whether or not President Nixon's resignation or impeachment should be sought.

For our part, this Executive Board, speaking for the more than 550,000 men and women we represent, pledges to do our utmost to aid in this investigation in any manner the AFL–CIO Executive Council deems fit. For until this matter is resolved satisfactorily, neither Organized Labor nor any other segment of the nation can return fully to the agenda of other vital, unfinished business facing us as citizens of the United States and the world.

## PROGRESS OF THE FREE REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KARTH) is recognized for 10 minutes.

Mr. KARTH. Mr. Speaker, one of the most remarkable stories in the annals of man's progress against adversity has been recorded by the free Republic of China based in Taiwan in the critical period since Communist China was admitted to the United Nations and both the United States and Japan turned their diplomatic attention toward Peking.

In 1972, economic growth amounted to 11 percent, per capita income rose to $372—the third highest in Asia and four times greater than the per capita enjoyed by those mainland Chinese who live in the Red "paradise" of Mao Tse-tung-land.

Of particular interest is the fact that for the first time since the Republic of China moved to Taiwan in 1949, industrial production exceeded agricultural output in terms of value. At the same time, foreign trade volume climbed to almost $6 billion—nearly 2 billion more than that realized by the vast mainland of China.

Heavy and chemical industries were such big gainers last year that light industry—which formerly dominated the nonagricultural portion of the economy—moved back to second place. In the foreign trade field, as compared to 1971, exports climbed more than 48 percent while imports jumped more than 37 percent.

It should be noted, Mr. Speaker, that the Republic of China's exports are very diversified. Principal products included textiles, leather and wood products, metal products including electrical machinery, foods and beverages, chemicals and pharmaceuticals, fishing products and nonmetallic minerals.

There is no doubt in my mind that the Republic of China will continue to forge ahead with giant economic strides providing market opportunities are not denied them. That brave island of 15-million Chinese who prefer their freedom has become a model for the entire developing world and, in contrast to the mainland, a clear demonstration that a better life for the people is more readily achieved in a free society than in a dictatorship where enterprise is stifled. Thank you.

## CONTINUED DISCRIMINATION BY THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr.

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Speaker, recently I joined with many concerned Members of this House and the other body to deny most favored nation status to the Soviet Union so long as that nation continued its policy of discrimination against Jews wishing to emigrate to Israel. According to some that campaign has been successful. Certainly there are appearances to that effect.

On the other hand, Mr. Speaker, it appears that the great Russian imperialists are still tightening the thumbscrews on Ukrainian nationalists who wish a lessening of the controls from Moscow. I am alarmed about the 12 years sentence given to Vyacheslav Chornovil, a Ukrainian television personality who was charged with "anti-Soviet agitation and propaganda." To me this indicates that the historic great Russian campaign of terror as a means of combating Ukrainian national feelings has been resumed.

As one who has always raised his voice in the Congress at any attempt to deny self-determination I must protest, with all the vigor at my command at this retreat to the worst kind of Stalinist tactics reminiscent of the darkest days of the cold war. I would like to think that the Russian bear had become housebroken and was fit for normal diplomatic and trade relations. The Chornovil case causes me to have grave misapprehensions about the Soviet Union leadership and whether it really wants the respect of the world community.

## WE ARE IN TROUBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 30 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, today we in this great body, the body on the other side of the hill, and all others who have been elected by the people are in trouble.

We are in trouble because of a loss of faith in the democratic form of government that has occurred because of recent investigations of alleged activities in the 1972 Presidential campaign.

I feel that in order to insure our democratic form of government that we must prove to the people that democracy does work—that justice reigns for all, and that all men are equal before the courts, no matter what our former station in life.

We are also faced with a great concern for the office of the Presidency of the United States. This office is not a man that holds it, but rather it is the personification of our Constitution, and I know that most of my colleagues along with me hope and pray to God that this office will not be tainted by the activities of others.

We do not need impeachment, but we do need to restore our faith in the Government. I have noticed recently that Attorney General designee, Elliot Richardson has said that he will seek an independent prosecutor to investigate the Watergate case and its ramifications.

Mr. Speaker, I feel that there are five qualifications for the individual that would assume this arduous task. These qualifications can be stated as:

One, he must be a man with Federal prosecutorial experience. He must know how to coordinate the instruments and investigative agencies of Government available to him, and use them with the utmost skill and honor.

Two, he must be a man of proven impartiality. There must be no nagging thought in the public's mind that any stone was left unturned, any avenue left unexplored, because of political considerations.

Three, he must be a prosecutor thoroughly experienced in the investigation and prosecution of political corruption.

Four, he must be a man with no history of partisan political activity. We cannot have a prosecutor whose motives might be suspected in any way of being political.

Five, he must be an individual in whom the public has demonstrated its support.

Mr. Speaker, one of the gentlemen mentioned in recent news accounts in my estimation meets these five qualifications and I am glad to see that he is being considered. That gentleman is the present U.S. Attorney for the State of New Jersey, Mr. Herbert J. Stern.

I have talked with several of my colleagues concerning this individual and all of them have agreed that he not only meets the time-honored test of a capable and efficient lawyer and investigator, but he meets that great test which is so important, and that is that he is impartial.

While I realize that we are going through a troubled time, it is important that we realize that we in this Government have an obligation to the people to make sure that we carry out our duties with the highest integrity because, Mr. Speaker, the basic question in Watergate is not criminal activity, but faith—faith in the Government by the people.

I feel that Mr. Stern can meet this awesome responsibility. The duty to examine the workings of our democratic Government is an awesome burden, and it is a heavy one to bear, but it must be borne and must be carried through successfully—so successfully that future generations may say "here a great battle was fought; a battle to prove that democracy can find and cure its own defects."

So, I endorse a man of proven capabilities—Mr. Herbert J. Stern, to help us work together to show to the world that democracy works and that this great republic still merits the faith and the regard of the American people.

## SPEAKER ALBERT'S TESTIMONY BEFORE SELECT COMMITTEE ON COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, one of the many responsibilities of the House of Representatives to the American people is to conduct its business as efficiently as possible. I have little doubt that virtually every Member of this House, regardless of party, recognizes the need to modernize the procedures and organization of the House of Representatives to make it a more effective legislative body. And we can be proud that this recognition has been this year translated into constructive change.

Already in the 93d Congress there have been more improvements in the internal organization and procedures of the House than in any other Congress in the 20th century. In the forefront of these reforms has been our distinguished Speaker, the Honorable CARL ALBERT, who, despite the considerable duties of his office, has worked hard to make the House more vigorous and effective.

At this point, Mr. Speaker, I would like to call particular attention to the appearance of Speaker ALBERT before the Select Committee on Committees on May 2, 1973. I understand this appearance marked the first time a Speaker of the House has testified before a congressional committee in over a century

The Speaker's testimony is pathbreaking in more than this respect, however. It is also an incisive analysis of many of the considerations facing the Select Committee on Committees, chaired by our distinguished colleague, the gentleman from Missouri (Mr. BOLLING) in its study of the House committee system. Additionally, Speaker ALBERT urged the committee to study several specific changes in the committee system, including a mechanism whereby the Democratic Caucus and the Republican Conference could elect their leaders and decide committee assignments before the convening of Congress, thus allowing the standing committees to begin their work immediately.

Because the business of the Select Committee on Committees is of vital importance, I urge every Member to read the Speaker's statement, which I insert in the RECORD at this point:

STATEMENT OF HONORABLE CARL ALBERT, SPEAKER, HOUSE OF REPRESENTATIVES BEFORE THE SELECT COMMITTEE TO STUDY RULES X AND XI OF THE RULES OF THE HOUSE OF REPRESENTARIVES, MAY 2, 1973

Mr. Chairman: I consider it a privilege to have been invited to appear as the first witness before your Committee. I accepted your invitation because I believe the study you are undertaking is one that needs to be made. I wish you success in your work and I assure you of my support in efforts to improve the efficiency of the legislative process.

This study is a part of a general re-examination of the way we do business in the House of Representatives. Some changes in our operations have already been made and others are now under study.

Policy making for the national government is the major responsibility of the Congress and is of primary concern to the American people. The people of the country are entitled to have proposed legislative programs considered intelligently and in depth. They are likewise entitled to have existing programs reviewed by legislative committees to determine whether they are serving the purpose intended and, further, whether they should be continued, modified, or terminated.

The Committee is the basic work unit of the House. Committees have evolved in response to the pragmatic needs of this body. The committee system is our most crucial and vital structure. Committees are complex and have many interrelated facets.

Because the committee system plays such a vital role, the House must be constantly alert to maintaining its effectiveness and must take care to deal with it only with a full understanding of its intricacies. The committee system is a pragmatic instrument; the House therefore should be wary of change based on theory rather than practical circumstances and needs.

I do not wish to impose the powers of my office or my personal views upon this committee. Every member of the House views the commitee system from his own unique perspective. The Speaker, however, feels the impact of the committee system in a particularly personal way as he attempts to fulfil his responsibilities to the House and to the nation.

From the Speaker's perspective I would like first to make the observation that the committee system has many virtues. It is an effective instrument for winnowing the trivial from the significant. It is an effective instrument for developing and bringing to bear on legislation the kind of expertise of which the House is justifiably proud. Committees generally do a commendable job, and it would be folly to condemn the system out of hand.

It should be noted that the Speaker has specific responsibilities with respect to the operation of Rules X and XI such as the reference of bills and other matters to committees, negotiation of the size and majority-minority ratio of committees, the appointment of select and conference committees, rulings on parliamentary inquiries relating to committees and, in this Congress for the first time in many years, participation in the assignment of members of the majority party to committees.

Of great importance, is the concern which the Speaker must have in the scheduling of legislation for floor action and the responsibility of the Leadership for the kind of product which emerges from the legislative process.

So long as I can remember, the Leadership has been confronted with the difficulty of inducing committees to conclude their work on major legislation in order that their bills can be scheduled for action by the House. This is especially true of important authorization bills. This is a problem which not only frustrates the Leadership but the Committee on Appropriations as well. Time after time, I have listened to the Chairman and other members of that Committee complain that lack of final action on authorization bills has held up action on appropriation bills. Drastic measures have been suggested; such as changing the fiscal year to end December 31st, or changing the rules to permit consideration of appropriations after a cut-off date whether the authorizations have been passed or not.

Every Speaker wishes he could bring all bills to the floor in a timely fashion, under conditions that would permit the House to consider them at reasonable length. Every Speaker feels the responsibility of bringing to the floor those measures that must be dealt with if the government is to operate in an orderly way. But in every session of Congress the Leadership is invariably faced with an overwhelming flood of measures, many of them of major importance, reported by the committees at or near the end of the session. In contrast, the Leadership spends the first few months of almost every session contacting committee after committee, week after week, literally bird-dogging for enough bills to give the House a reasonably respectable program for three or four days a week.

During the entire last session of the 92nd Congress, for example, committees of the House reported a total of 498 bills, but 80 of these, including some of the most important, were reported during the last twelve days of the session. The House was in session 135 days in 1972. Committees reported bills at an average rate of approximately 3 per day during the first 123 days although the rate was much slower than that for the first 75 days. Committees reported bills at a rate of almost seven per day during the last 12 days. Obviously, the result was a mass of legislation on the calendars at the end of the session.

I remember the closing days of the last session as a nightmare. The election was approaching. The Majority Leader was lost. We were meeting every day well into the night. We finally ran completely out of a quorum and could not even take action on a matter as important as the conference report on the Highway Bill. We failed to pass the regular appropriation bills for Foreign Aid and Labor-HEW. The result was that we adjourned, not just a session, but a Congress, with continuing resolutions in those fields. How can legislative committees, charged with policy making recommendations to the House, have any appreciable input into federal programs and activities if the government operates most, if not all, of a fiscal year on continuing resolutions?

From all this it may be understood that, to a degree at least, the Leadership is at the mercy of the committees in planning floor schedules and in disposing of the critical business of the House. Floor time is limited; the number of measures to be considered are many.

Presented with clogged calendars at the end of each session, the Speaker is faced with few and sometimes unsatisfactory alternatives in discharging his responsibilities.

One alternative is to bring bills up under suspension of the rules. We need look only to the most recent examples to see that that procedure is often unsatisfactory. For instance, we are now at the beginning of the fifth month of this session. During the entire session the Speaker has had authority to recognize members for suspension of rules on four days as against two days per month. Yet to this date the House has taken up under suspension of rules only six bills, none of which could be considered earth shaking.

What happened at the end of the 92nd Congress? At that time I was faced with the difficult situation of having to schedule more than 60 bills under the suspension of the rules. You well remember that the employment of this procedure to consider many of these bills, some of them of major importance, aroused considerable controversy. Members justifiably complained that this procedure limits debate and forbids amendments. Admittedly, it does not present the most desirable conditions for considering important legislation. It is nevertheless one of the few available techniques for bringing to the floor measures that ought to be considered when the time is short.

Another alternative forces the Leadership to choose from among many worthy measures on the calendars, those which, in their judgment, are most worthy of floor consideration. Again, members will dispute that judgment and, from their points of view, with merit. Moreover, because the time is limited, even those measures that do get to the floor must often be brought out with rules waiving points of order or limiting debate in one fashion or another.

What do we do about all this? One of the reasons why this committee was constituted was to try to get some of the answers. I made up my mind last fall that a committee of this kind should study this problem. I discussed it with the Minority Leader, and he wholeheartedly agreed.

I want now to make it clear that, while I think you have the opportunity to make important contributions to the operations of the House, I am not going to undertake to prescribe the areas within which you work, or to influence your decisions. I will be glad to discuss with your chairman or members, any important point on which you might desire my opinion. I will not, however, dictate: I will try to cooperate. If I had the answers, I would not have recommended the creation of this select committee.

I have only a very few general suggestions and comments to make, none of which you should consider binding upon you or your work.

First of all, and this is basic to your assignment, you should study the overall structure of the committee system in the House and the jurisdiction and work load of the various committees. Do we have enough committees or do we have too few or too many committees? Are some of the committees so busy that they cannot adequately consider all the subjects within the range of their jurisdiction, or give effective review of the administration of existing programs? Are other committees, by comparison, underworked? A close examination of committee work loads compared with jurisdictions may help to clarify the dimensions of this problem.

I know of no current study with respect to members and committees of the House of Representatives upon which intelligent assessment of comparative legislative activity could be made. An interesting analysis of the work load of members in the 88th Congress was included as Appendix A in the Final Report of the Joint Committee on the Organization of Congress (Senate Report No. 1414, 89th Congress, 2nd Session) filed July 28, 1966.

We are all familiar with the fact that the Joint Committee on the Organization of Congress in 1946 for the first time made a study of Senate and House Committees and their jurisdictions and in the Legislative Reorganization Act of 1946, the number of committees in the House was reduced from 48 to 19 and their subject matter jurisdiction, for the first time was described.

The Joint Committee on the Organization of Congress, created in March 1965, made a study of committee jurisdictions and the product of that Joint Committee, S. 355, as it passed the Senate March 7, 1967, contained provisions changing the jurisdiction of some committees of the House. These changes were modest but they encountered considerable opposition. In the Legislative Reorganization Act of 1970, no committee jurisdiction changes were included with respect to House committees, although some changes were made in Senate Committees.

I do not suggest the specific rearrangement of the jurisdiction of committees. That, of course, is the difficult part of your study, and it needs thorough exploration. I do suggest, however, that you might well undertake a manpower utilization survey and attempt to make some kind of assessment of the business handled by the various committees to identify areas where manpower is under-utilized and at the same time to appraise situations where committees are so busy they cannot effectively and expeditiously handle all the matters within their jurisdictions.

Let me hasten to say, I do not consider this subject susceptible of pure statistical analysis based upon the number of bills, pages of testimony, hours of committee meetings, staff hours, or any other mechanical measurement. The quality of determination of policy cannot be determined by slide rule computation.

In addition to considering the wisdom and feasibility of readjusting work loads between existing committees, you should, depending upon your findings, also examine the matter of whether we need to create new committees, to siphon off part of the burden.

There would be many who would object to the creation of more committees. This is certainly not a matter to be decided lightly. The recent history of the House committee system runs counter to that approach. During the 19th century the number of standing committees expanded until in 1913, they numbered 61. Since then the tendency has been toward fewer committees, with reductions in 1927, and most recently through the





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Legislation Reorganization Act of 1946, from 48 to 19. Since 1946 the House has added only two standing committees: Science and Astronautics in 1958, and Standards of Official Conduct in 1967. It is worth noting, however, that the reduction of standing committees has been accompanied by a proliferation of subcommittees, almost 150 of them in the House in the 93rd Congress. When more and more of the legislative work is placed in subcommittees rather than in committees themselves it adds, for better or for worse, another layer between the working unit and the House itself.

If uneven work loads are indeed the basic cause of late reporting by committees, it might be worth exploring whether larger or in some cases, smaller committee memberships would alleviate the situation. The problem might also stem from insufficient staff resources, including minority staffs. All committees must, of course, have sufficient and capable professional staffs if they are to function effectively. None of these possibilities should be prejudged. All deserve serious examination.

I turn now to some collateral considerations. A very real problem which continually haunts the Leadership is the matter of physical space allocation. I hasten to add that while this is a growing burden, it should not be used as a reason for limiting the scope of your recommendations. My own experience has been that the problem will eventually continue to grow as more and more subcommittees and more and more members find it impossible to perform their obligations to the House without additional space.

If your committee finds that matters other than size, number, jurisdiction, on staff help of committees contribute to the growing tendency to be able to finish our work in a timely fashion, you should, of course, make your recommendations to the House.

It may be, for instance, that we should fix some appropriate date in a session after which committees may not report their bills. Late reporting of authorization bills, which in turn delay consideration of appropriation measures, might also be dealt with in a similar manner.

Another area which should be examined and, if necessary publicly aired, or if possible dealt with by law, is the extent to which the failure of the Executive Department to send up its reports and recommendations early in each session impedes the ability of committees to act expeditiously on matters within their jurisdiction. Many committee chairmen over the years have complained of their inability to get Executive Departments to send up their requests or to make their appearances before committees in time to get either authorization or appropriation bills disposed of before the end of the fiscal year.

A problem which is related to this whole matter has been bothering me for some time, and that is the matter of the time required to organize the House and its committees. It would be interesting to know on what date this year, every standing committee had adopted its rules and selected its subcommittees and was ready to begin its legislative business.

I have heard speakers say that they never worry much about the legislative business during the first two or three months of the first session of any Congress. It takes that long to get organized and for the committees to give any reasonable amount of consideration to the bills on their agenda. This is not without reason. We cannot expect committees to begin functioning until they and the House are organized, and we cannot expect them to begin reporting legislation without adequate study and consideration. We can never forget that excellence is more important than speed, nor can we forget that the country cannot wait indefinitely for the Congress to act. The Government must continue to operate.

In this connection another thought has intrigued me. We operate in Congress on the party system. Elections are held the first Tuesday in November. Congress convenes the first week in January. In Presidential election years, the President's term begins on the twentieth of January. The Congress provides ample funds for a transition period for the Presidency. Congress might consider a transition period for itself. The Leadership and committee assignments are all determined in fact in the caucus or conference of the two major parties. It seems to me that the members of the succeeding Congress might meet in caucus or conference and complete the recommendations of the two parties for leadership positions and committee assignments at some period between the election and the convening of Congress. The House could then not only adopt its rules and elect its officers, but it could also elect its committees when it first meets. While this may not be a subject directly within your jurisdiction, the question of the time when committees are selected may have a bearing on your study of committee jurisdiction and work load. You may want to give consideration also to setting a deadline on the time lag which any committee shall be allowed between the date when its members are elected and the date when it is organized for business.

In conclusion, may I say that I think your committee has an important job to do and can render invaluable service to the House and to the country. At a time when the equilibrium between the Executive branches of the government is strained by aggressive exercise of power by the President and the bureaucracy, it behooves us in the Congress to strengthen and to streamline our structure and procedures to preserve in the people's branch of the government the all important policy making authority vested in us by the Constitution. Important aspects of that task are vested in your committee.

You not only have my best wishes; you have my support. I wish you well in your endeavors. I will follow the progress of your study with interest.

## RESTRICTING CONGRESSIONAL TENURE

(Mr. JOHNSON of Colorado asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of Colorado. Mr. Speaker, today I have introduced a bill which calls for mandatory retirement of U.S. Senators and Representatives at age 70. The bill further provides that no Member of either House may serve more than 24 years in one body. Neither restriction would apply to persons now serving in Congress.

These limits are, of course, arbitrary, but they are starting points which reflect my thinking. Perhaps they are too restrictive or not restrictive enough, but I introduced them in the hope of a serious evaluation of our present philosophy regarding Congressional tenure.

In an increasing number of activities in our society, we acknowledge time and age limits for employment. We have retirement laws for others in Government service. We encourage retirement through social security. Private industry recognizes the need for an established retirement age.

The 24 year limitation I proposed is perhaps more controversial. History has not shown that longevity in office results in better representation, but with our seniority system, longevity has become an objective in itself. Many, many people are capable of serving well in the House or Senate, but elections are weighted in favor of incumbents, as we all know.

If these limits are not acceptable, I suggest we restrict the length of service on committees. Either way, we must try to provide for a spreading of responsibility to as many as possible, consistent with political stability and the utilization of acquired expertise. I believe my proposal will aid in accomplishing this goal.

I hope that the committee to which this bill is referred will conduct extensive hearings to determine the public's reaction. I have no doubt but what the people of this country will enthusiastically support legislation in this regard.

## IMPACT AID AMENDMENT TO H.R. 7447

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, when the House takes up the rule tomorrow, May 10, to permit consideration of H.R. 7447, the supplemental appropriations bill, I intend to oppose the previous question on the rule. I urge all Members who are interested in removing the ceiling on funding for category B pupils under the Federal impact aid program to join me.

This will be our only chance to take up this issue in the House. If we succeed in defeating the motion for the previous question on House Resolution 389, providing for consideration of H.R. 7447, I will then offer an amendment to the rule which will permit the House to work its will with respect to B category children.

Unfortunately, it is necessary to amend the rule to waive points of order on my amendment. Otherwise, my amendment would be subject to the point of order that it was legislation on an appropriations bill.

Mr. Speaker, we have sought in several ways to permit this issue to be brought before the House. Congressman MCFALL asked the House Committee on Appropriations to lift the ceiling for the B pupils in H.R. 7447, but this was defeated on a voice vote. I then appealed before the Rules Committee for a rule waiving points of order so a floor amendment could be taken up. This was also refused. Our last chance is to move on the House floor.

The amendment I hope to offer to H.R. 7447 is simple. Its complete text is as follows:

"On page 10, after the heading on line 13, insert the following new paragraph:

*"School Assistance in Federally Affected Areas*

"The paragraph under this heading in Public Law 93-25 is amended by striking out '54%' and inserting in lieu thereof '68%'."

Public Law 93-25 is the urgent appropriations bill recently enacted. It contains the amendment offered by Senator YOUNG. The commendable intent of his amendment was to overturn the administration spending plan which would have funded both A and B category children at only 54 percent of entitlement. The Young amendment raised the funding of A pupils to 100/90 percent of entitlement by directing the release of $85 million provided in the continuing resolution which extended HEW funding after the President vetoed our appropriations bills last year.

The Young amendment, however, also imposed a congressional limit of 54 percent of entitlement on category B funding where none had existed before. I am afraid that this was not noticed when we passed the urgent appropriations bill the day before our Easter recess began.

Thus, although we increased the amount available for A pupils whose parents both live and work on Federal property, we actually reduced the available funding for B category children whose parents live off the base or other Federal property. Under the continuing resolution they could have both been funded at 73 percent of entitlement.

Our calculations are that we can have funding for B's to 68 percent and still stay within the $635 million already available under the continuing resolution except for this recent congressional act. Thus, my amendment would permit funding of B's at 68 percent. It would not increase appropriations, but only remove the Congressional ceiling. Unless we do this $66 million will be left unexpended.

This will be our last chance to help these school districts badly in need of funds. I urge my colleagues to be present when the vote on the rule is taken so that it can be defeated; and if we are successful, to vote for my amendment to the rule.

Your vote against the previous question is the key vote. Only if the previous question is defeated will I have an opportunity to amend the rulemaking in order the amendment to H.R. 7447 to lift this ceiling prohibiting funds heretofore appropriated for category B impact children.

## LEGISLATION FOR VIETNAMESE ORPHANS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, on May 17, 1971, I first introduced legislation to facilitate the adoption of orphans and abandoned children fathered by American servicemen in Vietnam.

The need for speeding the international adoption process exists even more intensely now than it did then.

On January 29 of this year, I reintroduced my bill as H.R. 3159, and on April 1, 32 cosponsors joined me on the need for this legislation to aid the adoption of Vietnamese-American children.

American families with love to offer to these children find themselves immersed in redtape not only from the Vietnamese emigration offices but also the American immigration offices. While we cannot interfere with the internal workings of another nation, we certainly can and should immediately do everything possible to slash the unnecessary redtape caused by our own immigration procedures that surrounds the adoption of these children.

While the anxiety of the waiting parents clearly brings our sympathy, I can only feel shame for the suffering of these poor children because of our inaction. While we let this legislation languish, many children—estimates run from 60 to 90 percent—die. They have died when they could have come to adoptive homes and received medical care. Some, of course, could not be saved; but many could.

Let me quote from a report on the Special Needs of Vietnamese Children prepared by the Brookings Institution in Washington, D.C., for the International Social Service:

> As of 1971 there were 120 registered orphanages caring for approximately 13,000 children. In addition, there are 40 estimated unregistered institutions caring for another 6,000 children. While there are therefore about 25,000 children in institutional care, the term orphanage is misleading. Well over 50 percent of the children in custodial care are neither orphans nor abandoned. They have families that have placed them in orphanages because of economic difficulty or because the adults are moving around the country as refugees or military families. . . .
>
> Although the physical and child care facilities in these orphanages are significantly better than several years ago, they still remain poor in many cases. Medical care is minimal and access to educational opportunities is very often unavailable. The infant mortality rate in institutions is very high. Some estimates are as high as 90 percent. This is attributable to: 1—poor infant care facilities and limited staff; and 2—moribund condition of abandoned infants brought into the orphanages. The future for those who do survive, furthermore, is not bright from a medical viewpoint.

And let me quote to you from a tragic letter I received from an Arizona couple who after more than a year of frustrating American redtape faced this situation:

> In November, Sister Angela sent notice that she had found us a baby boy. We later learned however, that a different child was chosen. Evidently the first one died. The mortality rate is tremendous.

This couple faced another year of redtape within the U.S. Immigration office while attempting to adopt the second child. Their love must be admired. But our bulky plodding paperwork system which leads to such sorrows must be censured.

Congress did pass a law after the Korean war which had the intentions of facilitating adoptions. However, this law, section 101(b)(1)(F) of the Immigration and Nationality Act, which permits petitions on behalf of an allen orphan to obtain a visa outside of the numerical limitations, has not relieved the problem. The petition, known among potential adoptive parents as the infamous form I-600, has itself become a roadblock of paper on the path to adoption.

In advance of adoption, the petitioner is required to provide proof of citizenship and marriage, proof of the orphan's age—very difficult in war torn nations—evidence of support including letters from employers, bank and savings account statement, copies of past income tax returns, a certified adoption decree and a certified translation of the decree, documented evidence that the orphan has been unconditionally abandoned, evidence of continued residence in the United States, fingerprints, photos of the couples, and on and on in abundant profusion of paperwork—while the baby goes without a family in a crowded disease-ridden institution. As a result of such immigration obstacles, there were only 89 adoptions of these orphans during 1971.

While the current law was intended to alleviate some of the international adoption problems, it has within it a feature which is the impetus for this mound of paperwork. The current law requires adoption before the child can be brought to the United States outside the regular visa limitations. Therefore the legal work of two nations must be done by long distance with work in each nation and the slow processing slowed even more by the miles in between.

Let me quote to you from a telephone conversation with a staff aide in this matter with a Maryland mother who along with her husband went and completed an international adoption this December:

> We could stand the waiting when we were having agency interviews. We knew they had to do their best to see if we would be good parents. But to tell you the truth, the worst of the whole experience, was the paperwork. When it came to the immigration matter we had paperwork everywhere. Papers to prove we could support the child (even though the adoption agency already had this material). Papers to prove we were married. Papers to promise that we were not going to move (outside the country). We were just buried in them. And a lot of them did not even make sense. They even wanted our fingerprints. That was the hardest part of all—although you would think it would be simple. It took us a week to find a place to take fingerprints. The agency said the police would. We went to the police station and they refused. You have to do something criminal to get them to fingerprint you. They sent us to the Immigration offices. We went there and that took a whole day of driving. When we arrived they were closing, but said they couldn't do it—only on Wednesday mornings between 9 and 11 am. So we came back six days later . . . The worst was that we had a picture and a case history of the baby. She was real to us and just waiting while all of this went on. I guess she wasn't very real to the bureaucrats.

This couple had already met the stringent requirements of a Pennsylvania adoption agency. To them, much of the paperwork seemed redundant.

Under my bill, the intent is that specific American families would not have to apply in advance for adoption. A private relief agency active in this field could designate orphans—of course, having been abandoned or released by their legal guardians—who would be brought to the United States for potential adoption. Once here the children could be introduced to potential American parents and adopted without the redtape and delay which now can take 2 and even 3 years.

You will also note that my bill, H.R. 3159, H.R. 6793 and H.R. 6794 does not place an age restriction on the adoptions of these children. The current law sets



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14 as the age limit for an adoption. I do not favor an age limit. Proof of exact age from youngsters born under the hardships of a warring nation is extremely difficult to provide, at best. Further, we should anticipate that some of the children may be slow to find homes. I refer to the traditionally hard-to-place children who have physical or emotional handicaps. I have in my files letters from families who wish to adopt these older, disabled children. They are not "impossible" cases, but the wait can be a long one. Let us not presume that a child find himself hopeless in a search for an accepting home when he reaches the "ancient" age of 14.

In my own State of Hawaii, a 12-year old Vietnamese boy with one arm blown off by a war grenade was placed by the Catholic Social Services as a foster child with a private school principal and his family. The boy had come to the United States for surgery then remained, as a foster child to finish his education here at the request of his Vietnamese family. While the search for a home did take the agency several months, a family was found through a newspaper story in which the 12-year-old boy asked for a home. Let us not underestimate the love that our citizens have to offer. Let us not set artificial barriers between our citizens' compassion and the needs of children of all ages.

If we set up even more requirements and more regulations, we will defeat the very reasons for which this legislation has been offered. The reason for the legislation is to speed adoption of Vietnamese children of American servicemen. My bill is brief and to that point. To burden the law with even further regulation would be to burden our children in Vietnam with delays that serve no purpose either to them or to us.

Surely this Congress cannot set any higher priority, nor more noble one, than immediate action to speed the American adoptions of some of the nearly 100,000 children who are victims of this war. Only with the fastest possible action can we prevent even more of these babies, toddlers, and children from adding to the long list of casualities of the war.

## CONSTITUTIONAL CHALLENGE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I believe the action of the present Executive in impounding funds authorized and appropriated by the Congress beyond authority accorded by the Congress and the termination of programs enacted by Congress and having the status of law, presents a serious constitutional challenge to the legislative authority of the Congress as provided by the Constitution.

Congress must meet that challenge and preserve and protect its prerogative as the sole legislative authority of the Federal Government. Yet, we all realize that unless the Congress imposes or accepts some ceiling upon its expenditures, in for example fiscal year 1964, the Congress is subject to political criticism by the President that the Congress is financially irresponsible and he must protect the people of the country against increased inflation or possible increased taxation.

I think we all also agree Congress must determine positively what our ceiling of expenditure is to be and not just stumble, as it were, into expenditures far in excess of the Federal revenues. I believe we can meet all those criteria by enacting in the House the bill recently passed by the other body known as the Ervin bill with the Muskie amendment adding a ceiling of $268 billion for fiscal year 1964—$700 million less than the budget the President proposed.

Consequently, I introduced in the House H.R. 6805 which is the Ervin bill with the Muskie amendment as it passed the other body. I made a statement in support of that bill before the Rules Committee on Monday, May 7. Mr. Speaker, my statement appears following these remarks:

STATEMENT OF HON. CLAUDE PEPPER

Chairman MADDEN. Congressman Pepper had long training over in the Senate and he graduated over there. So now he is in the House.

Mr. PEPPER. Thank you, Mr. Chairman, and members of the committee for the privilege of making what I shall try to keep to a brief statement before the committee on this matter pending relative to the President impounding funds authorized and appropriated by the Congress, or terminating laws without the authority of Congress duly enacted by the Congress.

I regard there being three very important and serious questions involved in this controversy between the Executive and the Congress. First I believe there is a very serious constitutional issue presented in this controversy; secondly, I believe there is a very serious political problem presented by the President having the opportunity to go before the country and tell the country that the Congress is being physically irresponsible: third, it seems to me that the great importance in respect to the public interest to show that we have a responsible Congress and that we are amenable to some kind of reasonable discipline in the expenditure of the public funds.

On January 3 of this year, I introduced a companion bill to the Ervin bill that was introduced in the Senate. That was in substance that the President within 10 days after he impounded or terminated or attempted to terminate the law should give notice to the Congress—(House bells)—would you like to terminate now, Mr. Chairman?

Chairman MADDEN. We will recess and vote and come back immediately because I think we can dispose of the witnesses in a very short time.

So immediately upon voting we will come back.

(Brief recess.)

Chairman MADDEN. The committee will be in order.

Proceed, Congressman Pepper.

Mr. PEPPER. Mr. Chairman, and members of the committee:

I don't think it is necessary for anyone to labor further the point that, within the confines and the intent of the Constitution, the Executive, any Executive, does not have the power to terminate legislation enacted duly by the Congress or to fail to carry out the laws, including appropriation laws duly enacted by the Congress.

I have had the Library of Congress to search every memorandum that pertained to the constitutional convention that they could find.

We have heard witnesses who appeared here who are able authorities in the Constitution. Nobody has ever suggested so far as I am aware, anything in the Constitution or in the deliberations of the Constitutional Convention that would justify the President in taking such action.

Surely the constitutional framers and founders never contemplated anything like that. They thought they had prevented any Executive from attempting such action by putting in the Constitution the language the President "shall take care that the laws be faithfully executed."

Now they could have said the President shall see to it that the laws are executed. But they saw some reason to add the additional language in there "shall take care," shall be careful, shall be alert, shall be concerned, shall be sure, shall take care that the laws, not just be executed, but be faithfully executed.

A faithful servant is the one who well carries out the wishes and the will of his employer.

So it seems to me that it is very clear that under the Constitution the Executive does not have the power, either to terminate legislation enacted by the Congress or to fail to carry out laws, including appropriation bills.

The only argument I have ever heard asserted to the contrary is that other Presidents have done the same thing. Well is that not the way to amend the Constitution of the United States—by violating it. I don't care how many Presidents have violated it.

If that is in violation of the Constitution, that is not a way to amend it. There is a procedure prescribed in the Constitution if anybody wishes to amend the Constitution. Of course, that procedure has not been followed in this case.

So it does seem to me appropriate that the Congress shall take account of the seriousness of this question and shall proceed in some proper way to assert the proper prerogative of the Congress under the language of the Constitution which said all, not just some, or part of, but all legislative power shall be vested in the Congress of the United States.

I said the second issue is the political one. As long as the President can go before the country and say, "I had to terminate some of those laws enacted by the Congress because I had to save money, because this is an irresponsible Congress you have elected up here; they spend money without any sense of restraint, of responsibility, and the effect of their excessive spending is to increase inflation and to bring about the probability of increased taxation."

That is a very telling political argument. And if Congress is going to vie with the Executive in the form of public opinion, I think we have got to answer that argument by action showing we are not an irresponsible body financially.

It would take a very rich father to be able to afford, if he had several children, each one of the children spending all the money he wanted to spend or she wanted to spend.

Yet, to a great degree we have allowed all of the committees of the Congress to spend the amount of money that they respectfully thought we should spend and the sum total many times has been in excess of the budget, perhaps maybe in excess of what the Congress, if it had taken an overall look at it, would have preferred to spend.

So I think we in action have got to deprive the President of that argument in insisting upon the preservation of our constitutional prerogative, to be the representative of the people in the enactment of their laws, including the appropriation of their money.

The third issue, as I said, as I see it, is to show that we are a responsible body.

In the first instance, on January 3, as I said, I introduced the counterpart here of the Ervin bill in the Senate. Since that time



the Senate had passed the Ervin bill with an amendment imposing a ceiling.

I have introduced that bill as a counterpart here, as it passed the Senate, H.R. 6805. That is the bill that I would very respectfully recommend that our committee report out and that the House of Representatives adopt rather than the Mahon bill or any other bill which has been brought to our consideration.

There are two or three good reasons for that. In the first place, I like the approach of the Ervin bill, which I have introduced the counterpart of here, and others have, too, Mr. Pickle and Mr. Matsunaga, my colleague, and many others.

I like the approach that it makes. It assumes that the President shall carry out the Constitution, to see to it that the laws, including appropriation laws, are faithfully executed unless Congress excuses him from doing that.

Under the Ervin bill, his impounding of funds of the termination of legislation is forbidden unless Congress approves it.

Under the Constitution the President has two prerogatives in respect to the action of the legislative body. He may recommend action or non-action by the Congress, and he may veto action taken by the Congress.

Under the Constitution, I see no option other than the third one provided clearly by the Congress, he shall take care that the laws be faithfully executed.

But now then, we would say, let the President impound or terminate, if he will, but it becomes illegal under the act passed by the Senate, which was the original Ervin bill with an amendment, unless within 60 days Congress affirmatively approves the proposed modification. That is what I would consider impoundment to be: It is in the nature of a recommendation for a change in the law, like a supplemental appropriation, as it were, in respect to an original appropriation.

Whereas, the Mahon bill would impliedly say, "All right, Mr. President, you may terminate or you may impound funds provided by the Congress if we don't affirmatively disapprove within 60 days."

That gives the Executive the benefit of dissension in the Congress, delay in the Congress which might include filibuster in the other body, disagreement even of goodwill between the bodies of the Congress.

It puts in jeopardy a great constitutional principle, and it weakens us in the protection of our prerogative if we allow the President the benefit of those practical factors which might enter into the solution, the final settlement of the matter.

In the last place, the advantage of the Ervin bill, as it passed the Senate with the amendment, is that we do meet the test of fiscal responsibility. We do it without waiting for our able, joint committee on the budget to follow up its report. They have already made it, and I commend them upon the excellence of it. I had the privilege of appearing before the committee to submit my views, but I dare say that the Congress is not likely to adopt those recommendations, however meritorious they may be, in time for us adequately to deal with the 1974 budget.

Whereas, under the bill that passed the Senate, what they have done, and what we would do if we joined in it here it is already half through, as it were—is that the President recommended for fiscal 1974 a budget of $268 billion, 700 million and this bill said $268 billion.

So the President can't go before the country and say, If we adopt this bill, that "that is a spendthrift Congress." We are $700 million under the President's budget for 1974. My able colleague here and many others have pointed out, that in many instances in the past our appropriation has been less than the budget request. But for the specific year, 1974, this bill, that has passed the Senate, puts a ceiling on congressional appropriation at $700 million lower than the President requested.

What can he make of us, if we do that? How can he say then we are the irresponsible spendthrift in the government and perhaps not the Executive who would recommend nearly a billion dollars more.

The last thing it does, it provides a formula for the reduction in the funds. I have been going over this morning the recommendation of our able Joint Committee on the Budget. I have read some of the criticisms of their proposal. And they are perhaps worthy of serious consideration.

But it is very difficult to have a committee in the Congress—as Mr. Mahon said here in response to a question I put when he testified on the Mahon bill here originally. We tried it one time and Congress didn't continue the practice.

It is very difficult over here, yet we must find a way to do it. I think we all agree, to fix our own limitation.

But according to this bill that passed the Senate, they on the Budget have been able to be heard by the Congress and Congress has time to act upon those recommendations which involved many other complex matters, that we could beat all of the arguments that are put against us, political arguments, and the argument that we are not meeting our responsibilities as a responsible, fiscal body; we can meet all of those by a relatively simple formula, at least of temporary value, by using this formula of exempting certain critical areas from being cut at all; cutting all other appropriations on a percentage basis.

So that is the reason, Mr. Chairman and members of the committee, that I think it would be wiser—the Senate has already passed this bill and if we pass the Mahon or any other bill, of course, the matter will go to conference. But the Senate already passed this bill and, if we could conscientiously bring ourselves in accord with it, we would more likely expedite the solution of this matter of the enactment of whatever we pass here. And then we would probably have a greater degree of unity between the two bodies, because it is entirely possible the President is going to veto the bill anyway. We will probably need the maximum unity in the Congress if we are to make this principle stand before the Congress.

Thank you, Mr. Chairman.

## ADDRESS AT UNITED CEREBRAL PALSY ANNUAL CONFERENCE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on the evening of May 3 at the United Cerebral Palsy annual conference at the Statler Hilton in Washington, Dr. Harry M. Zimmerman. UCPA-Max Weinstein Award winner, delivered an able and learned address on the progress that has been made in recent decades in disclosing the circumstances that influence the development of cerebral palsy. This address will be most illuminating to all those concerned, as I am and I know the Members of this House are, about the numerous victims of cerebral palsy in this country and the tragedy and challenge they present to the Nation.

I, therefore, commend Dr. Zimmerman's address to my colleagues and to all those who read this RECORD to indicate the progress that we have made in dealing with this dread disease and the imperative need there is for us to continue the best possible research into this field in the hope that relief against cerebral palsy may be found and aid for those already the victims of it may be afforded. I, therefore, insert Dr. Zimmerman's address following in the RECORD immediately after these remarks:

REMARKS BY HARRY M. ZIMMERMAN, M.D.

This occasion is perhaps a suitable time to take stock of the progress that has been made in recent decades in disclosing the circumstances that influence the development of cerebral palsy. No one can deny that great strides have been made in this direction. That research currently in progress will contribute still further to the solution of the yet remaining obscure pathogenetic factors will become apparent from my remarks that follow.

It would seem that when the eminent English surgeon, William J. Little, published his paper in 1862—just over one hundred and ten years ago—which was entitled "On the influence of abnormal parturition, difficult labours, premature birth, and asphyxia neonatorum, on the mental and physical condition of the child, especially in relation to deformities," he had mentioned two of the common factors that are often responsible for the group of entities that came to be called Little's disease or spastic diplegia and that encompass much of what is now called cerebral palsy. These factors are neonatal asphyxia and prematurity. It should be clearly borne in mind that cerebral palsy could more appropriately be called "the cerebral palsies," conditions with varied clinical manifestations and of diverse causes (many more than asphyxia and prematurity), all having one common symptom, namely some degree of paralysis.

In the 1930's the state of our knowledge regarding cerebral palsy was about what it was in William Little's time. Among the many points at issue, two gradually had emerged which engaged the attention of the best minds in the field. One was whether the cerebral injury that resulted in paralysis also invariably produced a severe degree of mental retardation—an opinion held by many at that time—and the other was whether an appreciable number of palsied children owed their deficit to genetically transmitted factors. It was my good fortune to be exposed to a number of scientists in the forefront of investigation in this field at that time, either as student or colleague. They were Bronson Crothers, Arnold Gesell, Elizabeth Lord, Winthrop Phelps, Sidney Farber, Martha Eliot and Ethel Dunham.

In a study on the correlation of behavior and neuropathology in a patient with cerebral palsy from birth injury which Dr. Gesell and I published in 1937 we concluded that the child showed remarkable integration of personality and significant approximations to normal mentality, and that considerable maturation takes place in unimpaired cerebral areas even when they are cut off from normal tactile motor communications. It seems strange indeed at this point in time that anyone would question the possibility of the preservation of normal mental function is a diplegic child, but the conclusion to our case report in 1937 was met with less than universal acceptance.

With or without mental retardation, intrauterine hypoxia, asphyxia during a difficult delivery, and neonatal anoxia, all contribute to producing cases of cerebral palsy. A peculiarly subtle form of brain injury from anoxia in the neonatal period or early childhood is one that occurs during convulsions.

In studies that my associates and I carried out intermittently in the years from

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1938 to 1959 we showed that severe convulsions both in children and experimental animals resulted in brain injury. The convulsions could be mediated through hypoglycemia (low blood sugar) or hyperthermia (fever) and were particularly effective in damaging the brains of immature babies or kittens. In a summary paper which I published in 1959 it was concluded that: "Three facts have been established by these experiments. One is that convulsions, regardless of how they are initiated, produce cerebral anoxic changes which can destroy cortical ganglion cells in the cerebrum and cerebellum. A second is that hypoglycemia, even without producing convulsions, can destroy neurones by lowering glucose levels below critical points. The third fact is that the cerebral lesions described in both infants and experimental animals result from the convulsive seizures and do not cause these seizures."

The question regarding possible hereditary factors as a cause of certain malformations of the brain in palsied patients was not so readily solved. Indeed, the final word has not yet been stated on this subject. But many so-called anomalies, malformations, or maldevelopmental abnormalities that underlie cerebral palsy are not of genetic origin, as has been shown by Margolis and Kilham in different experimental animals. These investigators demonstrated that the transplacental transmission of the parvoviruses in the animals induced severe developmental defects, especially of the cerebellum. Of course, we have known for some time that the rubella virus could pass the placenta in the early months of gestation and could produce a malformed brain in the human fetus.

There is some very recent evidence to suggest that a comparable effect is produced in the human embryo with the transplacental passage of the herpes simplex virus. Intrauterine viral infections in animals have moreover, been shown to produce aqueductal stenosis and internal hydrocephalus. Perhaps this is also true in man. It seems beyond reasonable doubt that with time more and more viral agents will be discovered that play a role in injuring the fetal brain *intra utero* and producing a diplegic infant. Infection, then, and not necessarily genetic factors may account for many cases of cerebral malformation with palsy.

Any review of the subject would be incomplete that failed to note the association of erythroblastosis, icterus gravis, jaundice of the nuclear masses of the brain ("Kernicterus" as it is called), and cerebral palsy. When Herman Yannet and I reported the postmortem findings in two neonates with cerebral jaundice in 1933, they were probably the first cases to appear in the English medical literature. Two years later we published observations on the sequelae of icterus gravis and kernicterus in a three year-old child with spasticity and athetosis. The brain was no longer jaundiced but instead those areas that were noted to be seats of predilection for the jaundice in the first weeks of life now revealed a total absence of destruction of the nerve cells. We concluded on the basis of the evidence at hand that the bile pigment somehow escaped from the cerebral blood vessels, poured into the adjacent tissues and irreversibly damaged the brain cells. But how could the circulating bile pigment escape from the vessels? This, of course, is the old question of the blood-brain barrier. Only in the past two or three years have we been able to show that the blood vessels in the brain in the first weeks of life, and especially in the immature infant's brain, are porous to substances of such molecular size to which they become impervious later in life. It is to be noted that after two or three weeks postpartum, and forever after throughout life, the brains of individuals with severe generalized jaundice fail to develop kernicterus. The blood-brain barrier, that subtle anatomic structure that has at last yielded to electron microscopic study, is in operation in the maturing and mature brains.

Let us pause a moment to consider the causes of the many forms of cerebral palsy enumerated to this point. There is, first of all, immaturity itself. This betokens a brain in the newborn peculiarly susceptible, by its very condition of immature development, to all sorts of injury. Then there is cerebral anoxia, that which is caused by a difficult delivery, that caused by pulmonary hyaline membrane disease, and that which may result from repeated severe convulsive attacks. Then there are a host of intrauterine viral infections that selectively damage the fetal brain and lead to malformations. Finally, there is icterus gravis neonatorum, erythroblastosis fetalis, and kernicterus.

Is our recital of causes of cerebral palsy now complete? By no means. New pathogenetic factors are discovered from time to time which bear on this subject, and a suitable illustration of this is the work that was initiated in recent months by two of my colleagues, Drs. Kochen and Hirano.

These investigators, as others, have been aware that lead is a major environmental pollutant and that this heavy metal has been implicated in brain damage in early childhood. The sequelae of lead poisoning in children are known to include irreversible neurologic impairment, recurrent seizures and mental retardation. The possibility that lead may have a potentially damaging effect on the fetus was what concerned Drs. Kochen and Hirano. The fact that lead crosses the human placental barrier has been confirmed by the increasing amounts of lead present in fetal tissues with advancing gestational age and the presence of lead in umbilical cord blood.

One factor responsible for the transplacental transfer of lead may be the remarkable affinity of the red blood cells for lead. The red cell combines avidly with lead and just as readily releases it under the comparatively long-term situation of pregnancy which provides sufficient time for equilibration between maternal and fetal blood. Maternal blood lead levels may be in the subclinical range as far as overt effects in the mother are concerned, but the same levels in fetal blood could conceivably damage the immature, developing human fetal brain.

Kochen and Hirano studied these neurotoxic effects in the chick embryo and have shown that meningoceles developed in response to the intoxication with lead salts. This is the first time that this malformation involving the skull and brain coverings has been attributed to lead poisoning. The implantation of lead acetates into the brains of young rats produced alterations in the structure of the cerebral blood vessels, increasing their permeability, and these changes were accompanied by paralysis of the hind legs.

As yet, the experimental evidence with lead intoxication as a factor in human cerebral palsy is only suggestive. Much work has still to be done to establish the link beyond reasonable doubt. As an example of the new approaches into the many diverse causes of cerebral palsy, this investigation by Kochen and Hirano holds out promise for the future, to the day when the prevention and successful treatment of the "cerebral palsies" will be universal.

## PERSONAL EXPLANATION

(Mr. HUDNUT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUDNUT. Mr. Speaker, I was unavoidably absent yesterday when the House considered H.R. 5452, to extend and make technical corrections to the National Sea Grant College and Program Act of 1966 and H.R. 5451, Oil Pollution Act Amendments of 1973. I favor both of these bills, and would have voted yea on rollcall No. 128, and rollcall No. 129 if I had been present.

## REFORMING THE POLITICAL PROCESS FOR PRESIDENTIAL ELECTIONS

(Mr. HUDNUT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUDNUT. Mr. Speaker, one conclusion being drawn from the current revelations regarding the Watergate incident is that the political party system in American democracy is not well served by vesting responsibility for conducting a Presidential election—or reelection—campaign in an ad hoc committee independent of the national committees of the major political parties.

Both theoretically and pragmatically, the national parties and their duly constituted leadership have the professional political competence to conduct election campaigns and make sound judgments about campaign practices and policies—undoubtedly much more competence than outsiders who are brought in, or hired in, to do one particular job in one particular election. The democratic process will be best served if it is infused with political professionalism so that the parties do not become weak and impotent through lack of leadership and staff sufficiently stable enough to exert itself positively in times of threat to their own integrity. This vitality can only be insured if the national parties provide the primary opportunity for new blood to participate in the political process. Political professionals can also make mistakes or use poor judgment, but in as serious a business as politics, which is not a game but a science and an art, the experience and wisdom of leaders who know political organization from the inside should be utilized to fullest advantage.

Also, the parties, with their firmly fixed responsibilities, can be held directly accountable for what happens. National committees do not dissolve after an election, win or lose, and the public can therefore pinpoint its concerns about the way the campaign has been conducted. The opportunities for deceit, for abuse of privilege by seekers after privilege, and for corruption of the process by the machinations and intrigues of little men with self-serving ambitions and narrow vision, would be reduced by virtue of the accountability built into the two-party system.

Party professionals in my own State of Indiana are saying this. James Neal, GOP chairman in Indiana during the 1972 campaign, had this to say shortly after the election, in a letter to National GOP chairman Senator BOB DOLE:



I would like . . . to challenge the political concept which divorced the Committee for the Re-Election of the President from the Republican National Committee.

While working relationship between regular organization people and the CREP staff in Indiana was good, Neal pointed out that the "disgraceful" Watergate affair could have "serious and lingering consequences on our political system."

GOP National Committeeman L. Keith Bulen makes a similar observation:

I have felt strongly for the past two decades that the political party organizations have been for the most part sadly neglected by office holders at all levels and by the voters themselves. The trend of candidate packaging and ad hoc one-time campaign committees and their personnel who have only incidental concern for the institution of government, is most disturbing to those who have chosen to dedicate their lives strengthening and improving the two party system.

And not only party professionals are voicing this opinion. For example, last week, on May 1, in the Washington Post, columnist David S. Broder wrote:

In the light of the Watergate scandal, it is time to ask how we can professionalize the national party organizations and give them the strength they require to do their job. Specifically, it may be time for Congress to consider legislating a requirement that all funds spent on behalf of a candidate for President in the general election must be spent through the national committee of his party.

In view of these observations, and in order to prevent abuse of the system and misuse of private money donated to Presidential campaigns, ought not the Congress study the feasibility of strengthening current laws concerning such campaigns, with specific reference to the desirability of mandating that Presidential campaigns in general elections be funded and conducted by, with, in and through the national committees of any candidate's party? I am studying the feasibility of such legislation and would hope it might be introduced and passed by the Congress, thus bringing some overdue reform and strengthening of Federal campaign practices.

## TWENTY-FIVE YEARS OF PROGRESS AND HOPE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, this week we celebrate the 25th anniversary of the independence of the State of Israel. Many words of praise have been spoken and congratulations extended on this occasion, and I wish to take this opportunity to extend my own wishes for continued success to the people of Israel.

Israel has always held a vital place in the hearts and minds of the Jewish people. It is our ancestral home, and we have deep emotional ties to the land. We look to it as the living symbol of the accomplishments of the Jewish people. Israel is the new hope, reborn out of the ashes and despair of the Second World War.

From a land that was little better than total desert in 1948, Israel grew into a highly industrialized, modern nation. That this was accomplished under the constant threat of annihilation by the surrounding Arab States makes Israel's accomplishments nothing short of miraculous.

In 1948, Israel was importing nearly 10 times as much as she produced for her own use. Today, the ratio is down to twice as much.

We have often heard the metaphor that Israel has made gardens bloom in the desert. This is more than a metaphor: It is simple truth. The land, which was lying fallow and useless for 2,000 years, has been reclaimed and is today rich and bountiful.

One of the world's great scientific establishments, the Weitzman Institute, is located in Israel. Israel has given the world fine actors, musicians, artists, architects, elegant fashions. Israel has indeed progressed greatly in the last 25 years, and the future holds forth the prospect of continued growth.

But Israel stands not only for progress, but for hope. For without hope there can be no progress. Israel's national anthem, Hatikvah, literally means "The Hope." This nation is a symbol of hope for so many people.

It is the spiritual center for three major religions, Judaism, Christianity, and Islam. We have seen how all three faiths can live peacefully side by side in Jerusalem. And this gives us hope that someday people everywhere can conduct their lives in peace.

Israel is the hope for millions of Jews everywhere. As long as Israel exists, the Jewish people will continue to thrive. The State of Israel is a physical symbol of the strength of the Jewish people to overcome adversity.

Israel is a special hope for hundreds of thousands of Jews living in the Soviet Union, languishing until they are given permission to emigrate. The hope that Israel represents is often all they have to sustain them as they sit and wait and suffer in their oppression.

Yes, there are problems. Israel needs help to absorb the influx of thousands of Russian emigrants that come each month. She needs help to meet the needs of a growing people, to provide more housing, more teachers for the schools, more of every kind of service that a growing, modern nation requires. Most of all she needs support in her struggle against a hostile environment.

It is almost impossible to survive surrounded by 50 million hostile neighbors sworn to wage holy war against you. And yet, Israel has done so, and done so admirably. American support, from the late President Harry Truman's initial espousal of the concept of a Jewish homeland, to current loans of money for development and armaments, has been vital in keeping Israel going.

Israel needs our continued support. Not in a cloying, leech-like way. Israel is a strong nation, well able to defend herself, and meet her own needs. Rather, she needs continued American support in the United Nations, in actions against the depredations of terrorists, in encouraging the growth of a thriving civilian economy. American support does not only come in the form of Phantom jets; it comes in many more subtle forms.

The greatest hope for Israel, and indeed for the world, is for peace in the Middle East. Without a settlement of the quarter-century of conflict, the promise that Israel represents will become meaningless. The best way in which we can show our support of Israel is to help her toward a full and fair settlement of her disputes with the surrounding Arab states. We can, and we should, help Israel keep the hope alive. There could be no more fitting way for Israel to celebrate her silver anniversary than with the fulfillment of a long-cherished hope: Peace.

## THE 1974 DEFENSE BUDGET REVIEW

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, below is printed the complete text of the fiscal year 1974 Defense Budget and Posture Statement of the Members of Congress for Peace Through Law, including a list of programs in which reductions are possible without jeopardizing United States or international security. Based on the judgments of a number of defense analysts and former Department of Defense officials, I feel that this proposal offers a realistic, feasible and desirable overview of the defense budget. In anticipation of the pending consideration of defense spending by the House in the next few weeks, I strongly recommend the most careful reading and consideration of these suggestions by every Member of Congress.

The text of the defense budget and posture statement follows:

THE 1974 DEFENSE BUDGET REVIEW

The proposed $85 billion budget (TOA) which the Defense Department is now seeking to justify before the Congress is not what it pretends to be. It is not solely a defense budget. Rather, it is primarily a defense and foreign influence budget. It is further a budget out of touch with current political, strategic, and economic realities. And it includes requests to continue or begin funding a number of programs which increase U.S. security only marginally in comparison to cost or which do not add to the common defense at all.

The American taxpayer is now being asked to support "peacetime" military spending at a higher level than in any year during the war just ended. This is the first time in the nation's history that defense costs have risen *after a war!*

It is, therefore, essential that the public and its representatives in the Congress make a careful scrutiny of every dollar requested by DoD to ensure that it spent wisely on programs aimed at the common defense and improving, not jeopardizing, international security.

We are not against an active foreign policy. Quite the contrary, no nation with these responsibilities and the interests of the United States could fulfill those obligations without a dynamic involvement in world affairs.

But we are opposed to a militaristic foreign policy—one which seeks to score dubious po-

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litical points with the instruments of force when other more enduring means of achieving peace are available. And we are even more strongly opposed to selling the American public costly and unnecessary weapons and foreign policy adventures disguised as "vital defense needs".

We feel that there are at least $15 billion worth of questionable costs and programs in the proposed budget. We believe further that a minimum of $10 billion can be cut from the Pentagon's recommendations and that such cuts will not reduce but will actually enhance U.S. security. We have proposed guidelines and target savings figures for DoD and the Congress to use in achieving these savings.

Our analysis of the FY 1974 defense budget proposals, in the context of today's realities, follows. The aim of this review has not been to engage in fruitless argument over the meaning of figures. Rather, it has been to reexamine the political, strategic, economic, and management factors by which the Defense Department seeks to rationalize its requests for funds. Our specific proposals appear at the end of this evaluation.

FOREIGN POLICY OVERVIEW

The most striking feature of the justification presented for the FY 1974 defense budget is its variance with the political and strategic realities of the present era. Though officials of the Defense Department have recently made a concerted effort to bridge this obvious reality gap with words, the fact is clear that the defense budget looks steadfastly backward and not forward.

A few examples will serve to illustrate this disparity between DoD planning assumptions and present realities.

In South Korea the U.S. maintains some 40,000 troops at a cost of about $585 million in the fiscal year concluded last June. This does not include U.S. military assistance to South Korea in the amount of $155 million for the same year. This kind of force and this kind of cost is wholly at variance with any realistic assessment of the likelihood of a war in this theatre that would prejudice U.S. security. It runs counter to the facts of the successful U.S. diplomatic rapprochement with China or the improving relations between North and South Korea. It is a costly and useless garrison. On the basis of cost-risk-benefit decisionmaking, it is clearly wasteful. It also raises serious questions about the implementation of the Nixon Doctrine and how much our military assistance programs are doing to make such nations self-sufficient.

Or, another example—

On the one hand the U.S. government places sufficient trust in the Soviet Union to extend it enormous credits for the purchase of American grains. Further, American banks and business firms have sufficient confidence in the Russians to be planning to loan the U.S.S.R., with U.S. government guarantees, billions of dollars for developing, piping, and shipping Soviet natural gas. Likewise, the American government is assisting U.S. industrial and trading firms to ship cotton and commercial aircraft to the Peoples' Republic of China and to undertake a host of trading agreements with such communist countries as Poland and East Germany.

We would ask: if the U.S. reposes billions of dollars worth of confidence in these 'potential adversaries,' why then is it still spending money at a higher-than-wartime rate to increase its already substantial lead in the important aspects of strategic and general purpose forces? Surely it is a form of impaired vision or madness to extend credits and loans to nations which one believes are planning and poised to strike at our vital security.

The conclusion to be drawn from this enormous discrepancy is that the Defense Department is operating on a different set of assumptions from the rest of the government. This is something we have known in the Congress for some time. Despite an intelligence apparatus that costs an estimated $5 to $6 billion a year and despite the rhetoric of "net assessment," Defense planners continue to concentrate almost exclusively on the 'capabilities' of selected nations, rather than on their 'intentions.' Hence we have a simplistic defense planning system which overvalues each tank and infantryman and undervalues political and strategic factors. Were this system not applied selectively, we might be preparing for an attack from Canada or Brazil, since they have relatively large and modern fighting forces. This is the kind of 'tunnel vision' which drives up the defense budget in an era of peace and a period of negotiation. It is these kinds of self-fulfilling 'threat analyses' and 'worst-case' assumptions which cause the obvious gap between our trade policy and our defense policy—which not only fail to aid but which often frustrate U.S. efforts to achieve further relaxation of international tensions.

It is not our intention to reduce the U.S. defense posture below acceptable levels. We quite agree with officials who point to the need for maintaining an adequate defense while undertaking complex diplomatic negotiations. We understand that 'threat analysis' and 'worst-case assumptions' are useful factors in defense planning but political and strategic conditions must be the final determinants of defense spending.

What we cannot agree with is the Defense Department's contention that the U.S. is now militarily weak. What we cannot condone is the over-valuation of adversary strength and the underplaying of the likelihood of a provocative action against the U.S. What we cannot accept is the burdensome cost of military forces being used for non-defense and often counter-productive foreign policy initiatives. What we cannot assent to is the dangerous and bankrupt notion that it is in our interest or in our capacity to defend some 65 other nations around the world.

DEFENSE MANAGEMENT AND ECONOMICS

The illusion which the Department of Defense seeks consistently to foster is that the funds it requests from Congress and the American taxpayer contribute effectively to the national defense. Even a cursory review of the budget reveals that this is not so in a high proportion of programs.

Our examination reveals considerable redundancy within services (such as the Navy's many shipbuilding programs) and considerable overlap among services (such as the multi-service close-air support mission). It reveals that there are real and potential cost overruns as a result of 'gold-plating' and the too hasty application of new technology. It reveals that there are 'modernization' costs which are actually replacement costs for unauthorized giveaways of expensive equipment (especially to South Vietnam). It reveals that there are 'pockets of fat' in the form of excessive support costs and needless manpower expenses resulting from 'grade-creep,' from a bloated top-heavy bureaucracy, and from the maintenance of high troop levels not required for either defense or contingency operations.

What is especially worrisome is that the Defense Department has felt obliged to cover up this waste by using figures which make the budget appear smaller.

It claims that defense spending has declined as a proportion of gross national product, without pointing out that the difference results from a climbing GNP not falling defense spending. It claims that inflation is a major stimulus to budget growth, without adding that defense spending has been and remains a major contributor to the wage-price spiral of the last decade. It claims that defense spending is now below federal human resource spending but ignores the fact that the human resource share of the federal dollar now includes such military-related costs as the G.I. Bill and V.A. benefits or the fact that much of the interest on the national debt includes defense-generated indebtedness. These are but a few of the ways in which figures are managed to hide true costs. We find this economic sleight of hand repugnant in an open society and we are concerned about an agency that finds it necessary to resort to such tactics.

The defense budget is made to appear smaller in relation to the federal budget as a whole by adding to the latter 'mandated' costs which do not come out of the general revenue dollar, such as Social Security and Highway Trust Fund expenditures. Senator McClellan, Chairman of the Senate Appropriations Committee, shed light on this situation recently when he pointed out that the defense budget represents 48% of the federal budget that will be considered by Congress for appropriation. He, too, called for cuts.

The military share of the federal budget looms even larger, when all defense costs are aggregated and mandated programs over which Congress and the President have no control (Social Security, Railway Retirement Fund, etc.) are excluded. Congress is being asked to appropriate $199.1 billion dollars for Fiscal 1974, attributable as follows:

Military—59% (including 6% for veterans' benefits and 12% for interest on the national debt, most of which is defense-generated).

Human Resources—19% (education, manpower, health, income security).

Physical Resources—10% (natural resources, commerce, transportation, community development, housing, agriculture, rural development).

All Other—12% (space, government operations, revenue-sharing, foreign relations, finance, pay raises, contingency funds).

Thus we have a disguised budget which seeks to do the unnecessary through means which are inefficient or not cost-effective. Such a budget does not add to the security of the U.S. in an amount proportional to the cost. Rather than increasing national security, it saps the very economic lifeblood of the country through continuing the overseas dollar drain, through the diversion of funds from socially productive spending to programs which return a smaller share of each dollar invested to the domestic economy, and through materiel giveaways, including the sale or lease of capital investment items such as ships and aircraft at a fraction of their purchase price. It is furthermore a budget purposely inflated to offset anticipated cuts.

As an eminent economist noted in the recent *Foreign Affairs*:

"Of course, if defense procurement is reduced, the demand for other goods and services—public and private—must be correspondingly increased to provide civilian employment for those formerly producing weapons. People are employed only if there is market for the goods and services they produce. But we have monetary and fiscal instruments which can stimulate demand for labor in an amount sufficient to absorb those laid off in defense establishments. Necessarily there are transition problems. Specific conversion programs are required for people with specialized skills and for localities which have in the past depended heavily on defense contracts. But cutbacks in defense procurement and reductions in the size of the armed forces are no excuse for an overall increase in unemployment. We can have full employment with any size defense budget, be it $10 billion or $100 billion. *The Comintern was wrong—making weapons is not essential to the prosperity of a free-enterprise economy.*" (Emphasis added.)

Th Defense Department has been at some pains to convince the American public and the Congress that rising manpower costs and inflation have driven defense spending up. The DoD assertions would be convincing if only we could see a real effort to balance rising costs by economies elsewhere. We find no evidence of this. The few programs which are being reduced are, in the main, those nearing completion anyway.

Thus, we are led to the general conclusion that the increased defense budget proposals result from three factors:

(1) Padding in anticipation of cuts.

(2) Weapons, manpower, and support spending not justified by defense needs.

(3) Poor management of resources (whether or not required for U.S. defense).

In regard to the last factor, Secretary Richardson himself has alluded to DoD's need to "reinforce efforts toward (managerial) reform . . . improve our planning and review processes . . . emphasize accurate cost estimating . . . scrutinize stated requirements more closely to ensure that scarce resources are allocated optimally in terms of real need . . . apply technology to reduce costs as well as to increase performance . . . work with our allies to avoid wherever practical, an unnecessary duplication of a weapons acquisition process that either encourages or relies upon 'bailouts.'"

We can only conclude (and the C-5A, the F-111, F-14, LHA, and countless smaller programs provide concrete evidence) that Pentagon management of national resources has been a disaster, as Mr. Richardson's catalogue of deficiencies implies.

Finally, the Congress is often told that it should not vote to terminate or cancel programs already in the procurement phase because of the costs of terminating contracts, higher per-unit price of the system, and the expense of reopening a production line should the need arise. In other words, Congress must vote to pay for the management and design and contractual errors that result from throwing money at unproven concepts. We feel that Congress should resist this argument. Congress must force the Defense Department to adopt responsible management practices, as well as realistic strategic assumptions, so that the American public is not constantly called upon to bear the burden of bail-outs of defense contractors, to bear the burden of problemmatic weapons systems because it is cheaper to buy them than to terminate contracts and production lines, and to bear the burden of weapons which represent an over-reaction to remote or minimal threats.

AN EFFECTIVE NATIONAL DEFENSE

Our analysis of the Pentagon's proposals, when matched against existing and foreseeable international conditions and the past performance of the Defense Department, leads inescapably to the conclusion that DoD is maintaining a wartime defense posture and outlook in a time of increasing detente and peace. What this means is that the kinds of defense planning which must go on in both peace and war is being translated into defense spending. We can see no need for this. While there must be contingency plans based on 'worst-case' assumptions and orders of battle based on sober assessments of adversary strength, while attention must be given to ways of expanding U.S. forces in the event deterrence itself fails, there is no need to transform all of these plans immediately into the sinews of war and to maintain excess forces in a state of permanent readiness, for there is no nation offering us a military challenge anywhere today. Nor is one likely to in the foreseeable future, given our demonstrated will and capacity to respond with countervailing force.

These reflections lead us to the view that we can have a substantially more effective defense program at a reduced cost. To achieve this goal, we recommend, besides the management improvement objectives already suggested by Secretary Richardson:



More careful selection of design concepts for RDT&E funding.

More emphasis on austere, single-purpose, and durable weapons systems.

Clearer, nonduplicative definition of service roles and missions.

A clearer differentiation between defense planning for wartime and defense spending in peacetime.

A careful avoidance of redundancy in the name of back-up capability.

The adoption of these practical aims plus the elimination of the kinds of wasteful programs addressed further on will maintain the substantial lead which this country now has in every phase of military might but will do it in a way that is more effective and far less expensive.

The following sections address those aspects of the defense budget proposals where we feel some $15 billion in savings could be made. We call upon our colleagues in both Houses to examine these recommendations to determine which programs contribute the least to national defense in relation to their cost. Such an examination, we are confident, will reveal a minimum of $10 billion in reductions which could be effected in a manner that would improve the U.S. defense posture.

CATEGORICAL REVIEW

*Strategic Forces.* The proposed DOD budget makes no attempt to capitalize on the existing and long-range U.S. lead in deliverable warheads. And there is no attempt to capture the savings implicit in the ABM Treaty. Instead, the objective appears to be piling overkill on overkill, of developing weapons systems which will destabilize mutual deterrence and undercut the treaty or any chance of further gains in SALT II. The U.S. possesses in its deterrent forces the capacity to pulverize every major city of any and all potential adversaries, even after a first-strike attack. Yet the Pentagon insists that it needs more MIRV warheads, more missiles, and more delivery systems. Secretary Richardson points out that the armed might of other superpowers is growing. But he fails to add that the political likelihood of their using this might against the United States is practically nil, unless provoked by us. He fails to add that the United States retains a commanding lead in accurate, deliverable destructive power. And he fails to add that the major stimulus to the growth of adversary forces is the fear of an American attack which this incredible U.S. strategic arsenal incites.

As former Arms Control and Disarmament Director, William C. Foster, warned last fall:

"Much more could have been accomplished [at SALT] had we not fallen into the trap of believing that we would only be able to reach successful agreements by . . . building the very weapons we most needed to control. . . . All we got from using the ABM as a bargaining chip at SALT I was an agreement allowing us to build some 200 useless and expensive ABMs . . . instead of none at all. . . . We should drop the 'bargaining chip' approach. . . . We should stop those weapons programs that we clearly do not need. . . . Stopping these weapons programs in place now will not hurt our security. It may well enhance it by giving us and the Soviet Union breathing space in which to devise lasting and effective ways to stop the arms race and begin the long and already difficult task of lowering the level of arms on both sides, and of reducing the heavy economic burden of armaments. . . . Obviously, I hope the Soviet Union will match the United States by showing restraint in arms programs. Even if they did not do so at once, their present modernization program . . . would not cause immediate threat to the United States. . . . We can no longer afford the luxury of unrestrained arms building."

*General Purpose Forces.* Given the current political climate of the world and the very real steps toward a decade of peace, the carrier fleets, the air wings, the combat divisions and the other general purpose forces now maintained by the U.S. far exceed our own defense needs. The excess military capacity exists for political, not military, purposes.

As the economist previously cited points out:

"Of the $83 billion defense budget in fiscal 1973, only $19 billion goes for deterrence of strategic nuclear attack. The remaining $64 billion is devoted to conventional forces—ground, naval and tactical air. But against the unlikely contingency of a conventional attack on our own shores by currently hostile powers, we do not need 16 army and marine divisions, 21 tactical air force wings, 16 carrier task forces, and massive sea-lift, amphibious landing, and antisubmarine warfare capability. Nor would we need to maintain expensive overseas installations, provide military assistance to other nations, or put up with the costs and frustrations which inevitably plague military alliances . . . We do not need to keep large forces in being year after year against such an eventuality. The $64 billion now spent for conventional forces could probably be cut by more than half."

Herbert York, former Director of Defense Research and Engineering, has likewise noted:

"The people and the Congress must be made aware of the fact that most of the $100 billion per year they appropriate for the military establishment and related activities, is not for defense, but in support of current foreign policy. If some of these policies are obsolete or otherwise unnecessary, then huge additional savings are possible."

It is far from our purpose to encourage a sentiment of isolationism; we do not believe it would be desirable, even if possible. But a retrenchment from overseas military positions does not connote isolationism. It means merely recognizing the changing character of the world and moving diplomacy, which are appropriate to this altered international situation.

While war, as Clausewitz said, may be the continuation of diplomacy by other means, we object strenuously to a budget which implies that political objectives can be obtained only by military instruments. Pentagon representatives claim that these forces represent a living pledge to respond to our allies, when and if threatened. Can anyone doubt that the U.S. has the capacity or the will to respond, even when its own vital interests are not at stake, after the events of the past two decades? We question whether the American public should bear so heavy a burden for these 'foreign policy' maneuvers.

Secretary Richardson notes that the U.S. still has "fundamental differences" with other major powers, as if to suggest that differences can be resolved by the display or reckless use of military power. In truth, such demonstrations only exacerbate "fundamental differences" and make it more difficult to achieve political solutions. The major confrontations of the last quarter-century have been resolved not by wars but by diplomacy. It was political negotiation which ended the war in Korea, the Cuban missile crisis, and the open war in Vietnam. Diplomacy remains not only the effective way of settling our disputes, it is far less costly than maintaining troops for 'political' purposes. The Romans had a truism that if you want peace, prepare for war. This cliché has been taken too much to heart by planners whose short-sighted reliance on military instruments alone has blinded them to the corollary that if you prepare too much for war, you may end by inviting it unnecessarily.

But excess general purpose forces stem not only from mistaken notions about their political utility; they grow like topsy from mismanagement. A major stimulus to this

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growth is the failure of DoD to define service roles and missions carefully to avoid competing systems among the Army, Navy and Air Force, as occurred in the battle over responsibility for close air support. We ask why the Army is involved in fixed-wing aircraft at all and why the Air Force is buying rotary-engine aircraft? The Defense Department and the Joint Chiefs of Staff could achieve substantial savings by drawing the lines between service functions tightly enough so that this kind of redundancy and wasteful overlap is eliminated.

*Research and Development.* In an age of rapidly evolving technology, research and development is in many ways the heart of a strong defense. We believe that R&D should be sustained or accelerated on promising design concepts. But the effectiveness of R&D is not enhanced by funneling money into every idea that comes along. Concepts must be carefully selected and programs must be carefully monitored to make each R&D dollar effective. We do not believe that you can solve technological problems simply by throwing money at them.

The proposed budget calls for spending nearly $9 billion in R&D money, an increase of half a billion dollars from last year. We do not object to the amounts spent on R&D but to the way in which it is spent, the programs which claim the largest portion of each R&D dollar. As presently managed, our R&D program has bought us too many weapons that don't work at an excessive cost. Our experience with the C–5A, the F–111, the F–14, and the Litton destroyer program should be proof enough that hastily throwing money at advanced design concepts loaded up with inessential frills does not result in effective weapons systems.

Therefore, we have recommended slowing up R&D on a number of "new technology" systems to allow the technology to mature and to allow engineers to weed out mistakes in the R&D and T&E phases of development before DoD again commits the nation's resources to costly blunders. There is no threat so immediate as to preclude a sober and realistic approach to R&D.

Cost must be considered as a constraint in weapons design and procurement and the pace of development.

We point out, also, that successful R&D on a weapons system imposes no obligation to go into production. Decisions on production should be based on realistic evaluations of political and strategic conditions, not on fear-mongering, one-sided threat assessments. The same point was made in a recent article by a father of the modern Air Force, General Ira Eaker, who, noting the expense of modern weapons systems, suggested that the U.S. should profit from the example of other nations and build only prototypes of high technology systems, waiting until the "winds of war" might blow before producing them in quantity.

Further, we take exception to the notion of developing costly bargaining chips to awe our presumed adversaries at the arms control negotiating table. Surely, no nation doubts the technological prowess of the U.S., which has led human civilization to new heights and taken man to the moon. Rather than spend enormous sums on systems which we may later limit or scrap, the U.S. should simply place these funds in escrow and negotiate from our known technological strength.

*Overseas Bases.* Though there are certain U.S. communications and logistics facilities on foreign soil which cannot be readily replaced, many of our 385 major and 3,000 minor installations overseas are carry-overs from an earlier era. In an age of intercontinental missiles, sea-mobility, and air-mobility, these bases are increasingly redundant, as well as increasingly expensive in terms of the devalued dollar, inflation, and the balance of payments. Frequently these bases are justified on the ground of extremely remote contingencies, contingencies which have not materialized in a quarter of a century. It is time we gave real consideration to turning these facilities over to host nations in caretaker status, so that they will be ready for use by the U.S. or its allies should a need arise. Some of these bases are justified on "political" grounds, that they represent a pledge by the U.S. to respond to the needs of the host country. Yet, as the same time, they are increasingly less popular politically in the countries where they exist. Japan, Turkey, and the Philippines are cases in point. And can there be any doubt after Korea, after Lebanon, after Cuba, after the Dominican Republic, and after Vietnam, that the U.S. will respond, whether or not it is asked? These bases are not pledges, they are hostages which do not leave us the maneuvering room implied by a doctrine of flexible response.

*Manpower.* We share this administration's concern for the evil effects of a bloated and unresponsive bureaucracy. We can think of no greater candidate for trimming, in this postwar era, than the Defense Department. There is now one civilian DoD employee for every 2.2 men in uniform. The ratio of civilian and military support personnel to combat personnel is even lower. There are more officers leading or managing fewer enlisted men than ever before in modern times. Though civilians in the Pentagon are being forced to accept cuts in grade, the same is not true of the officer corps. This unwieldy support structure and top-heavy management system exert a drag on the efficiency of our fighting forces. We believe, therefore, that both civilian and military manpower levels should be reduced, especially in the area of support. We have set target figures for reduction in the area of manpower. We feel that the Defense Department should devote efforts to converting many of its civilian employees to non-defense occupations at the same time that it cuts its own overseas and CONUS base structure, possibly through a civilian counterpart to the Project Transition programs for military personnel.

*Procurement.* In defense planning, there is always a requirement for a "back-up" capability, but the kinds of programs envisioned in the proposed military budget go well beyond this need. They represent redundancy. Nowhere is this more evident than in ship-building programs. Not only are we modernizing small combatant ship-types at a cost which approaches their original purchase price, we are being asked to fund new vessels, such as the proposed Patrol Frigate, with essentially the same capabilities as the DE–1052 escort. And the justification offered for these programs is that the U.S. needs to protect military and merchant convoys, surely an example of preparing to fight the last war instead of the next one. Pentagon officials have pointed out with singular consistency that many of the energy resources and raw materials used by this country are imported from overseas, but we are unable to find a single case of a U.S. tanker or merchant vessel being attacked or torpedoed in the 28 years since the end of World War II. Nor do we think it at all likely that any nation would run the enormous risks of large scale retaliation which such a provocative act would surely demand. The U.S. would be better advised to solve the economic and political problems of resource importation by diplomatic means than by building fleets of expensive vessels for remote contingencies. Our shipbuilding programs represent not only redundancy but wholly unjustified expense.

*Military Assistance.* Secretary Richardson notes that the Defense Department has been trying "to reduce the cost of an adequate defense posture and the degree of our overseas involvement by promoting improvements in the self-defense capabilities of selected allies." We find this an admirable goal—in principle. We find, however, that U.S. military assistance has oft been used not for self-defense but for offense and internal repression, neither of which adds to U.S. or international security. More importantly, we do not find that the Defense Department has made any real effort to achieve the principle of military self-sufficiency for these selected nations. Rather, we have a military dole.

The U.S. has effectively given away 111 ships through so-called lease programs and plans to give away 50 more on the same terms in this fiscal year. The February request of the White House for $2,151 million for fiscal year 1973 military assistance items, when added to other military assistance in the Defense Appropriation, naval ship loans, gifts of defense stocks, and other resource transfers (including military cash sales) brings various forms of military assistance requested for the current fiscal year to over $10 billion. This hardly seems the way to achieve true "self-sufficiency." This assistance is for 64 countries, 27 of which permit no political opposition. This appears to us an excessive amount to lavish on military programs at a time when growing international peace and pressing claims for spending on human welfare both at home and abroad. Nor does it seem to be distributed very selectively, since nearly half the nations of the world are recipients of U.S. military largesse, above and beyond our overseas base structure. Moreover, these transfers of arms, technology, and training can only exacerbate the existing conflicts in the Third World, not prevent them. Finally, we object strenuously to the thinking which lies behind the findings of a recent GAO report wherein it was noted that equipment giveaways have been used consistently to offset cuts made by the Congress in the military assistance program.

It is time to make a reality of the rhetoric of the Nixon Doctrine. In the absence of any monolithic threat to world peace, it is imperative that the nations of the world look to their own resources for their defense.

We recommend, therefore, a modest cut of one-half billion dollars be made in the Security Assistance Program for FY 1974 as a beginning to the end of our over-involvement in the defense of other nations, an involvement which has only led the U.S. to imperil its own security without commensurate benefits. We recommend further that the funds remaining be distributed on a truly selective basis, where they will enhance our own security and that of our allies and the friends of democracy.

PROPOSALS FOR CHANGES IN FISCAL YEAR 1974 DEFENSE BUDGET

| Proposed action: Weapons procurement | Requested | Recommended | Difference |
|---|---|---|---|
| 1. Continue R. & D. on Trident missile; defer hull development | 1,712 | 200 | (1,512) |
| 2. Defer construction of CVN–70 | 657 | ------- | (657) |
| 3. Slow procurement of nuclear attack submarines | 922 | 375 | (547) |
| 4. Cancel carrier-based ASW aircraft | 546 | ------- | (546) |
| 5. Curtail F–14 procurement | 616 | 200 | (416) |
| 6. Increase patrol hydrofoil (PHM) R. & D. | 28 | 35 | 7 |
| 7. Increase surface effects ship R. & D. | 73 | 85 | 12 |
| 8. Cancel remainder DD–963 program | 591 | ------- | (591) |
| 9. Cancel patrol frigate (PF) | 7 | ------- | (7) |
| 10. Defer Poseidon conversion and MIRVing | 498 | ------- | (498) |
| 11. Slow R. & C. on Sea Control Ships (SCS) | 29 | 10 | (19) |
| Navy subtotals | 5,679 | 905 | (4,774) |
| 12. Begin R. & D. for AMSA for 1980's; halt B–1 | 474 | 50 | (424) |
| 13. Stabilize land-based ICBM (Minuteman); halt MIRV deployment | 777 | 50 | (727) |
| 14. Cancel Advanced Airborne National Command Post (AABNCP) | 83 | ------- | (83) |
| 15. Slow R. & D. on advanced ballistic re-entry systems (ABRES) | 95 | 30 | (65) |
| 16. Continue R. & D. on OTH–B radars; cancel airborne warning and control aircraft | 216 | 6 | (210) |
| Air Force subtotals | 1,645 | 136 | (1,509) |
| 17. Halt current ABM procurement | 402 | ------- | (402) |
| 18. Cancel R. & D. on SAM–D system | 194 | ------- | (194) |
| 19. Curtail R. & D. on site defense of Minuteman | 170 | 73 | (97) |
| Army subtotals | 766 | 73 | (693) |
| Weapons procurement subtotals, all services | 8,090 | 1,114 | (6,976) |

| Proposed action: Overhead | Requested | Recommended | Savings |
|---|---|---|---|
| 20. Convert 10 percent of fiscal year 1973 DOD civilian end-strength (1,012,000) to non-DOD occupations | [1] 13,500 | 12,150 | (1,350) |
| 21. Eliminate recomputation of retirement benefits | 360 | ------- | (360) |
| Overhead benefits | 13,860 | 12,150 | (1,710) |
| 22. Reduce ground force divisions from 16 to 13 | | | (3,000) |
| 23. Reduce carrier task forces from 15 to 12 | | | (1,800) |
| 24. Reduce USAF and USMC air wings from 24 to 21 | | | (1,200) |
| 25. Reduce SEA budget authority | 2,900 | 1,400 | (1,500) |
| 26. Reduce military assistance program | 1,330 | 830 | (500) |
| Functional subtotals | | | (8,000) |

[1] Outlay.

Note: Grand total—savings: Weapons procurement ($6,976,000)+overhead ($1,710,000)+functional ($8,000,000)=$16,686,000.

JUSTIFICATION OF PROPOSED CHANGES IN FY 1974 DEFENSE BUDGET

1. Trident: Longer-range Trident missile can be retrofitted in hulls of Polaris/Poseidon fleet, useful life of which extends through 1980s. To begin development of Trident submarine now is an exercise in planned obsolescence, since many in proposed class would not capture new technology of the 1980s, especially TSW technology. The trade-off of small size for a quiet power plant, requiring a much larger hull, may be in error, given potential breakthroughs in underwater detection systems.

2. CVN–70: The US attack carrier force is more than adequate to meet assigned tasks and "threats" even under worst-case planning for 1½ war contingencies. Given commanding lead of US in attack carriers and remaining long life of most CVAs now afloat, there is no justification or pressing need for another nuclear attack carrier at this time.

3. SSNs: Soviet attack submarine force is in secular decline, while US has 83 nuclear attack submarines in the water or under construction. Since the size of the US attack submarine fleet has been predicated on Soviet force levels, which are decreasing, a retrenchment is now possible.

4. S–3A: Existing carrier-based ASW aircraft adequate; long-range, shore based aircraft (new P–3C) can take over much of surveillance mission except in forward areas and are less expensive.

5. F–14: Unit cost too high and performance questionable due to complex avionics and multi-purpose mission; funds more effectively spent on R&D for austere fleet aircraft or for exploring the feasibility of a modified version of the Air Force F–15 for carrier use.

6. PHM: Navy shipbuilding and design program should emphasize larger numbers of smaller, high-speed, high-maneuverability vessels instead of making large investments in vulnerable, multi-purpose ship-types, where cost limits the numbers in each class.

7. SES: Efforts to develop such a high-performance vessel should be expanded to provide a truly advanced ship which can replace increasingly vulnerable and obsolescent ship-types.

8. DD–963: Costs rising and numbers can be reduced in proportion to proposed reductions in attack carrier fleet. Conventionally powered, the DD–963 represents a tradition-bound and very marginal approach to ASW problem. Proposed cuts in CVA force make additional units unnecessary.

9. PF: Already under attack by some naval officers, the patrol frigate makes little advance beyond DE–1052 class escorts and should be scrapped in favor of concentrating on new technology vessels. Not justified by proposed mission.

10. Poseidon MIRV & conversion: Both unnecessary and destabilizing to increase destructive potential already more than adequate to decimate USSR and PRC in second-strike; especially redundant under ABM Treaty. Longer range of Trident missile, when available for fitting in Poseidon hulls, would add to deterrent stability.

11. SCS: Primary mission as convey protectors not justified by existing or foreseeable threat, even under 'worst-case' assumptions; plethora of other roles proposed (CVA replacement, air cover for amphibious operations, etc.) offers prospect a 'jeep' carrier that is no bargain because of goldplating; needs further mission definition.

12. B–1: US bomber force (B–52) has a long useful life and remains substantially greater than Soviet counterpart, which continues to decline. Following Soviet example, China is omitting long-range bomber in favor of ICBMs. The threat to the US of the Soviet medium-range bomber force is illusory and, in any case, is no justification for building a long-range bomber follow-on to the B–52. The B–1 is a questionable design, especially in connection with the high-low modes, and the slender increment which it adds to the deterrent. Triad is highly disproportional to its cost.

13. Minuteman: Both unnecessary and destabilizing, especially under ABM Treaty, which makes every missile "good."

14. AABNCP: A 'back-up' system which is both redundant and vulnerable, the advanced airborne national command post is even more likely than its underground analogs to be "out of communications" during the crises for which it is designed, assuming that it can get and remain airborne.

15. ABRES: May give rise to 'first-strike fears' and upset deterrent stability while throwing strategic arms race into high gear again; should be slowed to give SALT II a chance.

16. AWACS: Not cost-effective in relation to minimal and decreasing bomber threat and highly vulnerable in a tactical environment, this airborne system for warning of attacking aircraft and control of responding fighters represents little real advance over the outdated SAGE system which it is designed to replace. Work on the Over-the-Horizon Backscatter radars should be pursued, especially in view of current technical problems, but a more survivable system for tactical fighter control should be sought.

17. ABM: (Safeguard) System costs grossly disproportional to marginal effectiveness in protecting Minuteman missiles;

18. SAM–D: Aimed not at protecting troops but command, communications, and logistics centers, this highly sophisticated system is very problematic as a mobile package. The 'threat' justification is a conventional war in Europe, which, even if plausible, would appear to indicate NATO cost-sharing, assuming the design is worth pursuing. Also touted as a US bomber defense or a US missile defense, it is unnecessary in the first case and of questionable effectiveness in the second.

19. SDM: An ABM system under another name and presumably therefore permissible only for National Capital; represents no real advance over current anti-ballistic missile technology; funds should be employed for R&D on more advanced technology.

20. DOD Civilians: Despite shift to All-Volunteer Army and consequent 'civilianization' for formerly uniformed jobs, the Department of Defense will be both top-heavy and over-staffed as a result of Vietnam War and its civilian staff can be cut without impairing effectiveness; indeed, efficiency should be improved as a result of omitting make-work jobs and "layering effect." Moreover, proposed reductions in troop strength will reduce support requirements.

21. Recomputation: As in most civilian pension plans, retirement benefit increases should be tied to cost-of-living raises and not to the salary increases of active duty personnel, especially as the latter will be paid on a different and higher basis in the All-Volunteer Army. While purportedly giving a fair shake to retired servicemen, this proposal, exceptionally costly over time, is unequitable for the civilian pensioner, the recipient of Social Security, and the taxpayer.

22.–24. US general purpose forces are presently maintained at a level well beyond that required for central defense, that is, defense of US territory. The extra general purpose capacity is particularly striking in view of peacetime conditions now prevailing. The excess capacity maintained over central defense requirements has been justified in terms of (1) commitments made through treaties or executive agreements, (2) contingency requirements, (3) in terms of 'political utility, and (4) in terms of the perceived need, in a theoretically short-fused nuclear age, to maintain forces in readiness, as opposed to the pre-World War II concept of maintaining a mobilization base. The experience of the last 20 years and especially the last decade has placed these justifications in a very doubtful light, inasmuch as (1) military threats from major powers have receded, (2) commitments have proven a drain on rather than a supplement to the common defense, (3) many contingencies (e.g., attack on NATO's central front or southern flank) have become increasingly remote and unlikely, (4) military force has often proved politically dysfunctional (Suez, Cuba, Congo), and (5) wars of attrition have shown that there is ample time for mobilization. Current political and military intelligence indicates that these trends will continue and grow stronger in the foreseeable future. Hence, the time is ripe for reducing force levels in consonance with realistic assessment of needs.

25. SEA: The give-aways of enormous amounts of military equipment, the civilianization of the US in-country logistics support, training, and advisory force in SVN (now estimated to number over 7,200 men), and the continued bombing of Cambodia and Laos serve to indicate that the war or wars in Southeast Asia have not ended but are only changing their outward appearance. A true US withdrawal can only be achieved by stopping the flow of US resources into this tragic area, where such resources only serve to keep the fighting going or allow new outbreaks without paying any dividends in terms of enhancing US security.

26. Military Assistance: Many of the dollars invested in this program, now retitled Security Assistance, are neither increasing US security or that or its allies. Nor are they helping the friends of democracy. Both premises and programs require re-evaluation and overhaul.



## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VEYSEY (at the request of Mr.

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GERALD R. FORD) for May 10 on account of conducting the National Geothermal Conference at Palm Springs, Calif.

Mr. CARTER (at the request of Mr. NATCHER) on account of serious illness in immediate family.

Mr. KETCHUM (at the request of Mr. GERALD R. FORD) for today and tomorrow on account of official business.

Mr. STEIGER of Wisconsin (at the request of Mr. GERALD R. FORD) for May 8 on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 40 minutes today, and to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. HANRAHAN) to revise and extend their remarks and include extraneous matter:)

Mr. ROBISON of New York, for 30 minutes, today.

Mr. SARASIN, for 15 minutes, on tomorrow, May 10.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

Mr. GILMAN, for 5 minutes, today.

Mr. MARTIN of North Carolina, for 5 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mr. KEMP, for 60 minutes, on May 10.

Mr. DICKINSON, for 60 minutes, on Tuesday, May 15.

(The following Members (at the request of Mr. STARK) to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 30 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. KARTH, for 10 minutes, today.

Mr. DOMINICK V. DANIELS, for 5 minutes, today.

Mr. DAVIS of South Carolina, for 30 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. MURPHY of New York, for 5 minutes, today.

Mr. MITCHELL of Maryland, for 30 minutes, May 10.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HOSMER, to extend his remarks in the body of the RECORD, notwithstanding it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $468.

Mr. EDWARDS of California and to include extraneous matter notwithstanding the fact it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $638.

(The following Members (at the request of Mr. HANRAHAN) and to include extraneous matter:)

Mr. BLACKBURN.

Mr. QUIE.

Mr. CONTE.

Mr. STEELE.

Mr. HOSMER in three instances.

Mr. KEMP in three instances.

Mr. HANRAHAN in two instances.

Mr. THOMSON of Wisconsin.

Mr. HUNT.

Mr. TAYLOR of Missouri in three instances.

Mr. ZWACH.

Mr. ABDNOR.

Mr. SKUBITZ.

Mr. BOB WILSON in six instances.

Mr. HUBER in three instances.

Mr. MCCLORY.

Mr. GUDE.

Mrs. HECKLER of Massachusetts.

(The following Members (at the request of Mr. STARK) and to include extraneous matter:)

Ms. ABZUG in five instances.

Mr. O'HARA.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. CASEY of Texas.

Mr. RYAN in five instances.

Mr. MAZZOLI.

Mr. YOUNG of Georgia in six instances.

Mr. MINISH.

Mr. PATTEN.

Mr. WOLFF in two instances.

Mr. DOMINICK V. DANIELS.

Mr. HÉBERT.

Mr. EVINS of Tennessee in two instances.

Mr. RIEGLE.

Mr. LITTON.

Mr. HUNGATE.

Mr. MOSS.

Mr. BOLLING.

Mr. WALDIE.

Mr. DENHOLM in four instances.

Mr. UDALL.

Mr. BOLAND in two instances.

Mr. ZABLOCKI in two instances.

Mr. JONES of Oklahoma in two instances.

Mr. MEEDS.

Mr. BENNETT.

(The following Members (at the request of Miss JORDAN) and to revise and extend their remarks:)

Mr. MOAKLEY in five instances.

Mr. DOWNING.

Mr. BROWN of California in 10 instances.

Mr. ICHORD.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1379. An act to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

## ADJOURNMENT

Miss JORDAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, May 10, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

895. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination 73-12 finding that the furnishing of defense articles and defense services to the International Commission on Control and Supervision in Vietnam and the International Commission for Supervision and Control in Laos will strengthen the security of the United States and promote world peace, pursuant to section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

896. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the head of an executive department, a military department, an agency, or an independent establishment in the executive branch to render emergency assistance in certain circumstances; to the Committee on Government Operations.

897. A letter from the Secretary of Transportation, transmitting a report on progress in carrying out the provisions of title I of the Motor Vehicle Information and Cost Savings Act of 1972, concerning bumper standards, pursuant to Public Law 92-513; to the Committee on Interstate and Foreign Commerce.

898. A letter from the Chief Commissioner, U.S. Court of Claims, transmitting copies of the opinion and findings of fact of the court in Cong. Ref. Case No. 1-70, *Viorica Anna Ghitescu, Alexander Ghitescu and Serban George Ghitescu* v. *The United States*, pursuant to 28 U.S.C. 1492, 28 U.S.C. 2509, and House Resolution 324 of the 91st Congress; to the Committee on the Judiciary.

899. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on contracts negotiated by NASA under the authority of 10 U.S.C. 2304(a)(11) and (16) during the 6 months ended December 31, 1972, pursuant to 10 U.S.C. 2304(e); to the Committee on Science and Astronautics.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee of conference. Conference report on S. 394; with amendment (Rept. No. 93-169). Ordered to be printed.

Mr. HÉBERT: Committee on Armed Services. House Resolution 379. Resolution directing the Secretary of Defense to furnish certain information (Rept. No. 93-170). Referred to the House Calendar.

Mr. TEAGUE of Texas: Committee on Science and Astronautics. H.R. 7528. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (Rept. No. 93-171). Referred to the Committee of the Whole House on the State of the Union.

Mr. DICKINSON: Committee on Armed Services. H.R. 7139. A bill authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians, and limiting Government and individual liability incident to providing such services, and for other purposes; with amendment (Rept. No. 93-172). Referred to the Committee of the Whole House on the State of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:



Mr. DANIELSON: Committee on the Judiciary. H.R. 1315. A bill for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver; with amendment (Rept. No. 93-173). Referred to the Committee of the Whole House.

Ms. JORDAN: Committee on the Judiciary. H.R. 1316. A bill for the relief of Claude V. Alcorn and 21 others; with amendment (Rept. No. 93-174). Referred to the Committee of the Whole House.

Ms. JORDAN: Committee on the Judiciary. H.R. 1323. A bill for the relief of Mrs. Rosanna Thomas (Rept. No. 93-175). Referred to the Committee of the Whole House.

Ms. JORDAN: Committee on the Judiciary. H.R. 1328. A bill for the relief of M. Sgt. Eugene J. Mikulenka, U.S. Army (retired) (Rept. No. 93-176). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 1378. A bill for the relief of James E. Bashline; (Rept. No. 93-177). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 1694. A bill for the relief of Ossie Emmons and others; (Rept. No. 93-178). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 1965. A bill for the relief of Theodore Barr; (Rept. No. 93-179). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 2535. A bill for the relief of Mrs. Rose Thomas; (Rept. No. 93-180). Referred to the Committee of the Whole House.

Ms. JORDAN: Committee on the Judiciary. H.R. 2633. A bill for the relief of Col. John H. Sherman; (Rept. No. 93-181). Referred to the Committee of the Whole House.

Ms. JORDAN: Committee on the Judiciary. H.R. 2769. A bill for the relief of William R. Karsteter; with amendment (Rept. No. 93-182). Referred to the Committee of the Whole House.

Mr. THORNTON: Committee on the Judiciary. H.R. 2771. A bill for the relief of Leonard Diamond; with amendment (Rept. No. 93-183). Referred to the Committee of the Whole House.

Mr. MOORHEAD of California. Committee on the Judiciary. H.R. 3533. A bill for the relief of the estate of the late Richard Burton, SFC, U.S. Army (retired); with amendment (Rept. No. 93-184). Referred to the Committee of the Whole House.

Ms. JORDAN: Committee on the Judiciary. H.R. 3751. A bill for the relief of James E. Fry, Jr., and Margaret E. Fry (Rept. No. 93-185). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 4175. A bill for the relief of Manuel H. Silva; with amendment (Rept. No. 93-186). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on the Judiciary. H.R. 4443. A bill for the relief of Ronald K. Downie; with amendment (Rept. No. 93-187). Referred to the Committee of the Whole House.

Mr. MOORHEAD of California: Committee on the Judiciary. H.R. 4448. A bill for the relief of 1st Lt. John P. Dunn, Army of the United States, retired; (Rept. No. 93-188). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 4589. A bill for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra; with amendment (Rept. No. 93-189). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 4704. A bill for the relief of certain former employees of the Securities and Exchange Commission; (Rept. No. 93-190). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 2508. A bill for the relief of Mr. and Mrs. John F. Fuentes; (Rept. No. 93-191). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 1462. A bill for the relief of John R. Poe; with amendment (Rept. No. 93-192). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. S. 464. An act for the relief of Guido Bellanca; with amendment (Rept. No. 93-193). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. S. 666. An act for the relief of Slobodan Babic; (Rept. No. 93-194). Referred to the Committee of the Whole House.

Mr. WIGGINS: Committee on the Judiciary. H.R. 1321. A bill for the relief of Mrs. Doninga Pettit; (Rept. No. 93-195). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 1322. A bill for the relief of Jay Alexis Caligdong Siaotong; (Rept. No. 93-196). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 1366. A bill for the relief of Juan Marcos Cordova-Campos; (Rept. No. 93-197). Referred to the Committee of the Whole House.

Miss HOLTZMAN: Committee on the Judiciary. H.R. 1377. A bill for the relief of Michael Joseph Wendt; (Rept. No. 93-198). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 1716. A bill for the relief of Jean Albertha Service Gordon; (Rept. No. 93-199). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2212. A bill for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland; with amendment (Rept. No. 93-200). Referred to the Committee of the Whole House.

Mr. WIGGINS: Committee on the Judiciary. H.R. 2215. A bill for the relief of Mrs. Purita Paningbatan Bohannon; (Rept. No. 93-201). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 5106. A bill for the relief of Flora Datiles Tabayo; (Rept. No. 93-202). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois (for himself and Mr. UDALL):

H.R. 7612. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. ASPIN (for himself, Ms. ABZUG, Mr. BOLAND, Mr. BRECKINRIDGE, Mr. BROWN of California, Mr. CASEY of Texas, Mr. CONYERS, Mr. DOMINICK V. DANIELS, Mr. DE LUGO, Mr. DENHOLM, Mr. DENT, Mr. FOLEY, Mr. FORSYTHE, Mr. FRASER, Mr. GIBBONS, Mr. GUNTER, Mrs. HECKLER of Massachusetts, Mr. MCCORMACK, Mr. MOAKLEY, Mr. MCKAY, Mr. MITCHELL of Maryland, Mr. OWENS, Mr. PERKINS, and Mr. RIEGLE):

H.R. 7613. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASPIN (for himself, Mr. ROONEY of Pennsylvania, Mr. ROYBAL, Mr. STARK, Mr. STOKES, Mr. THOMPSON of New Jersey, Mr. THORNTON, Mr. TIERNAN, Mr. WALDIE, Mr. WARE, Mr. WHITEHURST, Mr. WON PAT, Mr. ZABLOCKI, Mr. STEELE, Mrs. GRASSO, and Mr. KASTENMEIER):

H.R. 7614. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT:

H.R. 7615. A bill to make it clear that code standards prescribed for purposes of the Federal laws relating to housing and urban development do not supersede the corresponding standards embodied in local building, plumbing, electrical, fire prevention, or related codes where the local standards are higher; to the Committee on Banking and Currency.

H.R. 7616. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

H.R. 7617. A bill to provide readjustment allowance, opportunities, early retirement benefits, health benefits, public service employment and job counseling and training opportunities, and relocation benefits to adversely affected workers separated from their employment because of defense installation and activity realinements; to the Committee on Education and Labor.

By Mr. BLACKBURN:

H.R. 7618. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits and to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. BLACKBURN (for himself, Mr. BURKE of Florida, Mr. DORN, Mr. HALEY, and Mr. RHODES):

H.R. 7619. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. BRADEMAS (for himself and Mr. MOAKLEY):

H.R. 7620. A bill to extend the National Foundation on the Arts and the Humanities Act; to the Committee on Education and Labor.

By Mr. BRECKINRIDGE:

H.R. 7621. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of California:

H.R. 7622. A bill to confer U.S. citizenship posthumously upon alien members of the Armed Forces of the United States who were killed in action during the Vietnam hostilities; to the Committee on the Judiciary.

By Mr. CARNEY of Ohio:

H.R. 7623. A bill to amend title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLARK:

H.R. 7624. A bill to amend the Public Health Service Act to expand the authority of the National Institute of Arthritis, Metabolism, and Digestive Diseases in order to advance the national attack on diabetes; to the Committee on Interstate and Foreign Commerce.

H.R. 7625. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service

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Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS:

H.R. 7626. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to establish minimum mandatory sentences for persons convicted of offenses involving narcotic drugs, to provide emergency procedures to govern the pretrial and posttrial release of persons charged with offenses involving certain narcotic drugs, to provide procedures to reach large sums of money used for narcotic trafficking, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONYERS:

H.R. 7627. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7628. A bill to amend the Internal Revenue Code of 1954 to provide that interest shall be paid to individual taxpayers on the calendar-year basis who file their returns before March 1 if the refund check is not mailed out within 30 days after the return is filed, and to require the Internal Revenue Service to give information when making refunds; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 7629. A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such products, except under certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN:

H.R. 7630. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. DENHOLM:

H.R. 7631. A bill directing the Secretary of the Department of Transportation to conduct a comprehensive, nationwide study of the effects of railroad abandonments to develop an effective policy to assure an adequate, economic system for the transportation of freight with emphasis on branch line facilities in the movement of agricultural commodities and prohibiting the Interstate Commerce Commission from authorizing any further abandonments of railway freight facilities until 6 months after the study has been completed; to the Committee on Interstate and Foreign Commerce.

By Mr. DENHOLM (for himself and Mr. BERGLAND):

H.R. 7632. A bill to amend the Uniform Time Act of 1966 to provide for daylight saving time for the period beginning May 31 through Labor Day annually; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT (for himself, Mr. WILLIAMS, Mr. MORGAN, Mr. FLOOD and Mr. JOHNSON of Pennsylvania):

H.R. 7633. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. DIGGS:

H.R. 7634. A bill to authorize certain programs and activities of the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DINGELL (for himself, Mr. CONLAN, Mr. ROSENTHAL, Ms. ABZUG, Mr. HARRINGTON, Mr. CORMAN, Mr. SARBANES, Mr. HEINZ, Mr. STUDDS, Mr. BIESTER, Mr. STARK, Mr. ECKHARDT, Mr. MILFORD, Mr. RANGEL, and Mr. GUDE):

H.R. 7635. A bill to encourage the movement in interstate and foreign commerce of recycled and recyclable materials and to reduce the quantities of solid waste materials in commerce which cannot be recycled or do not contain available recycled materials, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DONOHUE:

H.R. 7636. A bill to amend section 9 of the Military Selective Service Act relating to reemployment rights of members and former members of the Armed Forces of the United States; to the Committee on Armed Services.

By Mr. ERLENBORN (for himself and Mr. ESCH):

H.R. 7637. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. FLOWERS:

H.R. 7638. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and Staff, and for other purposes; to the Committee on Rules.

By Mrs. GRASSO:

H.R. 7639. A bill to authorize the President of the United States to allocate energy and fuels when he determines and declares that extraordinary shortages or dislocations in the distribution of energy and fuels exist or are imminent and that the public health, safety, or welfare is thereby jeopardized; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes; to the Committee on Banking and Currency.

By Mr. GUDE:

H.R. 7640. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUNTER:

H.R. 7641. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMERSCHMIDT:

H.R. 7642. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. HASTINGS (for himself and Mr. RAILSBACK):

H.R. 7643. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself, Mrs. BOGGS, Mr. ZABLOCKI, Mr. WRIGHT, Mr. RANGEL, Mr. ASPIN, Mr. WIDNALL, Mr. YOUNG of Georgia, Mr. BROYHILL of Virginia, Ms. ABZUG, and Mr. BRECKINRIDGE):

H.R. 7644. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H.R. 7645. A bill to authorize appropriations for the Department of State, and for other purposes; to the Commitee on Foreign Affairs.

By Mr. HOSMER (for himself, Mr. CLEVELAND, Mr. FRENZEL, Mr. QUILLEN, and Mr. RUNNELS):

H.R. 7646. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER (for himself, Mr. COLLINS, Mr. CRANE, Mr. DULSKI, Mr. ESHLEMAN, Mr. FISH, Mr. GOLDWATER, Mr. HORTON, Mr. KETCHUM, Mr. LEHMAN, Mr. MEEDS, Mr. PODELL, Mr. ROBISON of New York, Mr. WARE, Mr. WON PAT, and Mr. WHITEHURST):

H.R. 7647. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Colorado:

H.R. 7648. A bill to provide a mandatory retirement age for, and to limit the number of terms which may be served by, Senators and Representatives; to the Committee on House Administration.

By Mr. KYROS (for himself, Mr. STEELE, Mr. MCKINNEY, Mr. RONCALLO of New York, and Mr. SARASIN):

H.R. 7649. A bill to amend the act of May 20, 1964, entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States, and by persons in charge of such vessels" to define those species of Continental Shelf fishery resources which appertain to the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LUJAN:

H.R. 7650. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD:

H.R. 7651. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. MCFALL:

H.R. 7652. A bill to amend the Shipping Act, 1916 in order to prohibit the practice of port equalization; to the Committee on Merchant Marine and Fisheries.

By Mr. MCSPADDEN:

H.R. 7653. A bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees, as a part of courts costs, in civil cases involving the internal revenue laws; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 7654. A bill to extend and amend the Elementary and Secondary Education Act of 1965, and for other purpposes; to the Committee on Education and Labor.

H.R. 7655. A bill to extend the National Foundation on the Arts and the Humanities Act; to the Committee on Education and Labor.

H.R. 7656. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MOORHEAD of Pennsylvania:

H.R. 7657. A bill to incorporate in the District of Columbia the American Ex-Prisoners of War; to the Committee on the District of Columbia.

By Mr. NELSEN (for himself and Mr. FUQUA):

H.R. 7658. A bill to establish a law revision commission for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ROBISON of New York:

H.R. 7659. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize the establishment of a class of commuter air carriers, to provide for issuance of certificates of public convenience and necessity to members of that class who may apply therefor, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 7660. A bill to authorize the position of crier-clerk within the judicial branch of the Government of the United States and for other purposes; to the Committee on the Judiciary.



H.R. 7661. A bill to amend section 5031 of title 18, United States Code, with respect to the applicability of juvenile delinquency proceedings in petty offense cases; to the Committee on the Judiciary.

By Mr. RODINO (for himself and Mr. MCCLORY):

H.R. 7662. A bill to implement the Convention on the Prevention and Punishment of the Crime of Genocide; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 7663. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7664. A bill to amend the Internal Revenue Code of 1954 to provide that amounts paid to certain related individuals shall be allowable as a deduction under the provision permitting a deduction for dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 7665. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SEIBERLING (for himself, Mr. REGULA, Mr. VANIK, Mr. ROSENTHAL, Mr. STEELMAN, Mr. DANIELSON, Mr. TOWELL of Nevada, and Mr. YOUNG of Georgia):

H.R. 7666. A bill to provide for the establishment of the Cuyahoga Valley National Historical Park and Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 7667. A bill to amend the Communications Act of 1934 to require that at least one member of the Federal Communications Commission be an electrical engineer; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES V. STANTON:

H.R. 7668. A bill to require that a percentage of U.S. oil imports be carried on U.S. flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. STARK:

H.R. 7669. A bill to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California; to the Committee on Agriculture.

By Mrs. SULLIVAN (for herself, Mr. CLARK, Mr. DOWNING, Mr. STUBBLEFIELD, Mr. ANDERSON of California, Mr. GINN, Mr. STUDDS, Mr. GROVER, Mr. MAILLIARD, Mr. RUPPE, Mr. LOTT, Mr. TREEN, and Mr. FRITCHARD):

H.R. 7670. A bill to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. TALCOTT:

H.R. 7671. A bill relating to the treatment, for purposes of the Federal Unemployment Tax Act, of services performed by a student or his spouse for certain organizations operated in connection with the school, college, or university which the student is attending; to the Committee on Ways and Means.

H.R. 7672. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 7673. A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 7674. A bill to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California; to the Committee on Agriculture,

By Mr. YOUNG of Alaska:

H.R. 7675. A bill to amend the Ship Mortgage Act of 1920; to the Committee on Merchant Marine and Fisheries.

By Mr. BROWN of California:

H.R. 7676. A bill to validate the conveyance of certain land in the State of California by the Southern Pacific Transportation Co.; to the Committee on Interior and Insular Affairs.

By Mr. FRENZEL:

H.R. 7677. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. HARRINGTON:

H.R. 7678. A bill to provide economic adjustment assistance to communities in which military facility closings have caused economic injury to the community, and for other purposes; to the Committee on Banking and Currency.

By Mr. MEEDS:

H.R. 7679. A bill to provide for the mediation and arbitration of the conflicting interests of the Navajo and Hopi Indian tribes in and to lands lying within the joint use area of the Hopi Reservation established by the Executive order of December 16, 1882, and to lands lying within the Navajo Reservation created by the act of June 14, 1934, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OWENS (for himself, Mr. BREAUX, Mr. BRECKINRIDGE, Mr. DE LUGO, Mr. GUNTER, Ms. HOLTZMAN, Mr. MOAKLEY, Mr. STARK, Mr. STUDDS, Mr. THORNTON, Mr. WON PAT, and Mr. YOUNG of Georgia):

H.R. 7680. A bill to amend the Legislative Reorganization Act of 1970 to establish an Office of Congressional Ombudsman to investigate, at the request of Members of Congress, actions and operations of the various agencies of the U.S. Government; to the Committee on House Administration.

By Mr. PATMAN:

H.R. 7681. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GUDE:

H.J. Res. 545. Joint resolution to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. SEIBERLING, Mr. STARK, Mr. VANIK, Mr. WALDIE, and Mr. BROWN of California):

H.J. Res. 546. Joint resolution repealing the Military Selective Service Act; to the Committee on Armed Services.

By Mr. BINGHAM:

H.J. Res. 547. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice-President; to the Committee on the Judiciary.

By Mr. CONYERS:

H. Res. 391. Resolution requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972; to the Committee on the Judiciary.

By Mr. DINGELL:

H. Res. 392. Resolution disapproving Reorganization Plan No. 2; to the Committee on Government Operations.

By Mr. SKUBITZ:

H. Res. 393. Resolution creating a special committee to conduct an investigation and study into the legal, political, and diplomatic status of lands which were the subject of grants from the King of Spain and from the Government of Mexico prior to the acquisition of the American Southwest as a result of the Treaty of Guadalupe-Hidalgo concluding the Mexican-American War in 1848; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

200. By the SPEAKER: A memorial of the Senate of the State of Oklahoma, relative to Tinker Air Force Base; to the Committee on Armed Services.

201. Also, memorial of the Senate of the State of Oklahoma, relative to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 7682. A bill to confer citizenship posthumously upon Lance Cpl. Federico Silva; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.R. 7683. A bill for the relief of Wilma V. Hatfield; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 7684. A bill for the relief of Nicola Lomuscio; to the Committee on the Judiciary.

H.R. 7685. A bill for the relief of Giuseppe Ottaviano-Greco; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

211. By Mr. HOSMER: Petition of Mr. and Mrs. Dale B. Smith, of Long Beach, Calif., and 300 other residents of Long Beach, Calif., urging that the Long Beach U.S. Naval Station and Supply Center not be closed down; to the Committee on Armed Services.

212. Also, petition for Georgs Krikmanis, Brookline, Mass., relative to civil rights; to the Committee on the Judicary.

213. Also, petition of Mrs. Jeanette Draper, Temple Hills, Md., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

XUM

# EXTENSIONS OF REMARKS

## ASSISTANCE BY THE GREEN BERETS TO UNION COUNTY, S.C.

### HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Wednesday, May 9, 1973*

Mr. THURMOND. Mr. President, it is a pleasure for me to bring to the attention of my distinguished colleagues the outstanding civil action assistance being given to rural areas through field exercises conducted by the Green Berets of the U.S. Army.

During the first 2 weeks of March of this year, Company B, 5th Special Forces Airborne Green Beret unit from Fort Bragg conducted operation, "Orbit Run II, Field Training Exercise (FTX)," in Union County, S.C. This field training exercise had two goals. One was to provide the Green Berets with actual projects to complete for training purposes instead of simulated projects. Second, it was to help the county complete much needed facilities for the citizens in the rural communities of Union County.

Mr. President, according to the Honorable James W. Blackwood, mayor of the city of Union, the FTX was an outstanding success. Both the Army and the county benefited by this fine effort. Local National Guard units also participated and contributed to the successful accomplishment of the assigned missions, which included such recreational projects as swimming pools, basketball fields, ball parks, and tennis courts.

Mayor Blackwood advised me that the Green Berets were very impressive and won the hearts of all those citizens in Union County who were associated with them. He stated that—

The Green Berets shall be remembered for a very long time as gentlemen and soldiers.

Mayor Blackwood singled out the company commander of Company B for special commendation. He stated—

Leadership by a very fine gentleman officer in the person of Captain Paul P. Mendes has been the key to the great success experienced by both the Green Berets and the citizens of Union County.

Mr. President, the Union Daily Times, which Mayor Blackwood forwarded to me, devoted a special section of its newspaper to an excellent news feature entitled "Berets Complete Orbit Run II." It presented this field training and domestic action exercise in a very interesting manner with photographs. This fine newspaper is to be commended also for its very informative article on this FTX which started with Company B parachuting into the area to commence operations.

Mr. President, I ask unanimous consent, for Mayor Blackwood's letter dated April 23, 1973, and the newspaper article published as a supplement to the Union Daily Times on March 22, 1973, to be printed in the Extensions of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNION, S.C., *April 23, 1973.*

Hon. STROM THURMOND,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR THURMOND: Union County was very disappointed when told you would not be able to visit during Orbit Run II FTX.

Since you are on the Armed Forces Committee we feel a follow-up to this Field Training Exercise should include you.

Also Sir, we desire to give credit to the proper ones for this very successful operation. Should it have been a failure I'm sure you would have heard from it.

Sir, the Special Forces Airborne Green Beret from JFKCMA, Fort Bragg, N.C., shall be remembered for a very long time as gentlemen and soldiers. These men visited the homes, schools, churches and clubs—from the kindergarten to the Senior Citizens Center. No age group, race or religion was denied by these men. On one Domestic Action Project (Lukesville Recreation Park) in an all black section, one man worked in a down-pour of rain he was so determined to complete an outdoor cookout pit.

This is only one example of the devotion these men of the Green Beret put forth to do a good job.

Sir, you being a leader of men, and having served in the Armed Forces know there is no way to place value on a good leader.

Leadership by a very fine gentleman officer in the person of Captain Paul P. Mendes has been the key to the great success experienced by both the Green Beret and the citizens of Union County. This young officer is everything one could ever expect in a man, soldier and leader. Knowing this man is a wealth alone.

These men have visited Union County for training purposes twice in the past, and for a November 11th parade. Union County has been acquainted with them for approximately one year. Approval of plans to be back in Union on April 26, 1973 for a Military FTX were announced two weeks ago by Captain Mendes.

The thoughts I am attempting to express did not come over night. These men are very deserving of a pat on the back for a job well done for this County.

Sir I and the people of Union County will be grateful for any thoughts you may pass on concerning Captain Mendes and the personnel of Company B 5th SFGA Fort Bragg, N.C. for their outstanding work.

We know Colonel Earl Keesling, Commanding Officer, 5th SFGA would appreciate hearing from you.

I remain your faithful servant, and if I can be of service, please let me know.

Sincerely yours,

JAMES W. BLACKWOOD,
*Mayor.*

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[From the Union (S.C.) Daily Times, Mar. 22, 1973]

BERETS COMPLETE OABIT RUN II

The skies of Union were filled with the drone of aircraft engines on March 1, signaling the beginning of Orbit Run II, an exercise in self-help conducted by a company of men from the 5th Special Forces stationed at Fort Bragg, N.C. As the C–130 transport made its first pass over Berry's Farm, a chill of expectation rang through the warm morning air and the first contingent of men bailed out via static line at 2,000 feet to greet the some 2,000 onlookers present for the jump. A few minutes later the second team of men stepped from the aircraft at 18,000 feet and perfected a High Altitude Low Opening (HALO) jump.

While the crowd present enjoyed watching the men land, Sgt. Griffin gave an oral explanation of the workings of the parachute and what the crowd would see as the men descended. Sgt. Griffin went into a detailed explanation and also deployed a chute on the ground so that the spectators might get a better perspective of what was happening.

Orbit Run II is an exercise in civilian-military cooperation and self help designed to provide training for both military and civilian personnel. The army, realizing the need to keep men of the Special Forces active, originated the program and has had numerous successes with it in other states. Although Union is not the first down in rural America to be visited by men of the Special Forces, it is interesting that it should be twice selected for exercises involving men of the 5th Special Forces. The first such exercise was kept secret until it was completed, September 1972. Code name for the project was Cabot Sound VI.

Upon successful infiltration into Union, men of the Special Forces were taken to the Union County Fairgrounds where they were to be housed until conmpletion of the exercise, March 22. Several projects had been outlined and immediately A-Teams were assigned to their specific details of work. Although the teams involved do not represent a full complement of men (12), they were, throughout the problem, able to function and complete their assigned tasks under the direction of Capt. Paul Mendes.

The A 23 Team was assigned to the Powell Street Swimming Pool which prior to their arrival had been closed without much hope of reopening this summer. With the help of the city of Union Utility Department and the Union County Vocational School masonry class, members of the teams set to work to repair—rebuild and paint the pool. The first item on the agenda was draining the pool and cleaning the filtration system.

Having accomplished that which looked impossible with the filtration system, members of the team and local civilians went to work on the pool proper. In deplorable condition, the pool had cracked places in it, blisters, fungus infected walls, and sharp concrete edges which caused many cuts to feet last summer. All supplies and equipment used by both civilian and military personnel alike were borrowed or bought locally by persons, industries, and civic clubs working to help their community.

Although hampered greatly by bad weather, the team accomplished the job and when the State Health Inspector examined the pool, he stated, "it was in the best condition he had seen it in years."

The pool received three coats of epoxy paint, had all ladders and hardware primed and repainted and all blisters broken and reworked. Also painted was the bath house where A-Team members replaced clothes baskets, made doors and replaced commodes. Thanks to the Union County Vocational School masonry class, crew members of the City Utility Department, and equipment loaned by local National Guard units, the Green Beret, with local help, have made it possible for Union to open the pool this summer and have provided fun for our youngsters.

The second major project conducted by members of the Green Beret was not originally scheduled; however, upon arrival in Union a need was seen and met at Lukesville.

Affectionately known by members of the A-Team as the Lukesville "can and bottle dump," members of the team set to work immediately with the help of some 200 local residents to police the field and prepare it for heavy equipment work. Prior to any work, however, Special Force members helped the residents of Lukesville to form a Men's Club which had gotten a lease on the property from United Merchants.

This project was hampered also by incessant rain and members of the team spent much time digging the heavy equipment out of the mud. Today the field, through the courtesy of the County Road Crews, has a good base of sand and top soil making the infield playable. In addition to leveling the field, the Berets helped construct a back stop and prepared an 18x18 area for a basketball court.

The residents of Lukesville, with the help of the county and the Buffalo Men's Club, learned from the Berets how they could help their community with a recreational facility that any area would be proud to have.

The third major project tackled by the Green Beret was construction of a ball park at Buffalo for the Buffalo Men's Club and the University of South Carolina, Union Campus. Before work could begin on the field, the Buffalo Men's Club procured a lease on the land from United Merchants and reached an equitable agreement with USC–U for their use of the field. Beret A-Team No. 3 then proceeded to clear the area for heavy equipment work. To stimulate interest in the work, members of the Green Beret Corps held a baseball game on the field the second day of work and local residents came out on top with a 13–3 victory over the Berets in a 9 inning tilt. The game served its purpose and for the rest of the work, local residents and kids were on hand to lend their hands to the work.

After leveling the field and removing obstructions from the outfield, sand and fill dirt were brought in to fill the gaps and holes. The old backstop was removed and replaced. In addition, a site has been leveled for the construction of a basketball and tennis court. Although again hampered by bad weather, the Berets, with the help of local townspeople, were able to complete the assigned task and the residents of Buffalo will enjoy the use of a fine field this summer as will the team from USC–U.

To date, all major projects have been completed according to Capt. Paul Mendes. "In addition to the construction work the Berets have done," said Mendes, "we have had other correlated activities with civic and service organizations in the community.

The Beret, in conjunction with Civil Defense authorities, conducted a simulated nuclear catastrophe and provided training for local CD officials in the event of a real emergency. Local groups such as the Fire Department, Rescue Squad and Boy Scouts received training in emergency first aid, transporting of victims, and emergency procedure.

Included in this instruction was repelling and evacuation of wounded persons via a medical helicopter. As each local personage completed the prescribed course of training, it was slowly realized by them that indeed they had been exposed to a learning experience that few have the opportunity to witness and gain knowledge from.

In conjunction with the Special Forces activities, local National Guard units were given and partook of the opportunity to conduct a training exercise in search and destroy tactics. Demolition experts from the Special Force Team rigged a village with booby traps and explosives simulating an actual attack. Members of local guard units attacked the village and destroyed the concentration of enemy forces. Witnessing this display were residents of Union County and the local guard units used the opportunity for recruitment and reenlistment purposes.

The final show by the Green Beret and National Guard units was held Saturday, March 17, when a display was set up at the Union County Airport. Although bad weather and high winds curtailed much of the displays and prevented the aircraft from taking off, many people were on hand. Here again National Guard units used the opportunity for recruitment and re-enlistment.

Throughout the entire exercise, members of the Green Beret spoke to several civic clubs and schools in the area. At the schools, Excelsior who extended the first invitation to the Beret, were given the opportunity to have the students jump from a kiddie parachute tower. Enjoyed by all the children, each who participated in the jump received their official parachute jump certificate.

As Orbit Runn II comes to an end, it is noted that each and every action conducted by the Green Beret could have been done earlier by local residents. Through the Berets, the city and county of Union have come to learn that with some initiative, much can be accomplished. The Beret have shown the residents how as they have done in Vietnam and the rest of the world. And, as in the rest of the world where they have left, it is up to the local residents to continue their efforts in providing a better place for their people to live.

Capt. Paul Mendes stated that throughout the entire exercise, the help received from the local people was superb and that, they, not the Green Beret, accomplished what had been done.





## ABE DOLGEN HONORED

### HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. ADDABBO. Mr. Speaker, on May 6, 1973, I was privileged to serve as chairman of the 11th annual Queens County New Frontier Regular Democratic Club dinner dance. This year's honored guest was Mr. Abe Dolgen, who is vice president of the International Ladies Garment Workers' Union, also active in varied and many charitable works including chairman of Queens Histadrut.

In his remarks to those attending the dinner, my good friend Abe Dolgen touched upon issues of social justice which I believe will be of interest to my colleagues. For that reason I am placing excerpts from his remarks in the RECORD at this point:

REMARKS BY ABE DOLGEN

To have achieved through community and political activities, a measure of esteem and recognition from your co-workers and colleagues in the cause of good liberal government is truly rewarding. Therefore I am proud to have been elected First Vice-President of the Queens County New Frontier Democratic Club and honored beyond measure to have been selected as its "Man of the Year" and its guest of honor at the Eleventh Annual Dinner Dance on May 6.

The choice of a trade union leader as guest of honor this year is recognition of the important role of organized labor.

The fight for liberal government requires vigorous year-round organization if it is to produce victories.

We are very fortunate in our district to have as co-leaders the able, energetic Sidney F. Strauss and the "Power House" Ann Schachter.

I am grateful to our distinguished Congressman Joseph P. Addabbo for serving as chairman of the Dinner Committee; also to Lillian Leight, editor of our club paper and to Leo Schwartz, our club treasurer, for spearheading the arrangements and serving as Co-Chairmen.

It is an honor to have on the roster of the Dinner Committee Borough President Manes, Congressman Rosenthal, State Senators Santucci and Gold, Assemblyman Hevesi, Councilman-at-Large Mastropieri, and Hon. Matt Troy.

As a Trade Unionist I have always believed we must fight for social justice on the political and economic fronts. Working people need agreements with good wage and work standards and benefits. They also need social and labor legislation to complement their economic gains as citizens of a democracy. They are also interested in improving our society for the benefit of all its citizens.

To me the term "New Frontier" in the name of our club expresses willingness to explore new ideas and concepts for the decade of the seventies but it does not mean discarding sound liberal principles that have served our country well in the past. Let us work in the year ahead to forge unity within our ranks. This is the key to victory for our cause.

## ISRAEL: 25 YEARS AS A NATION

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. MAZZOLI. Mr. Speaker, the World Zionist Congress established as its goal in 1897 "the creation of a national homeland for Jews in Palestine". This goal became a reality on May 14, 1948—5 Eyar, 5708, according to the Jewish calendar.

And yet, the 25th anniversary of this momentous achievement, the silver anniversary of the establishment of the state of Israel, represents more than simply the celebration of a nation's statehood. It represents a milestone in the history of a whole people.

The story of the Jewish people has been one of a quest for homeland and for peace following centuries of homelessness and persecution.

Today, 25 years after the Jewish people began building a nation on the site of their historic homeland, the desert has bloomed. These brave people, under the leadership of some of the finest statesmen this century has produced, have developed economically, scientifically, and politically with a determination which is the essence of their spirit as a people.

And yet, these brave men and women are today still engaged in a struggle to maintain their national sovereignty and to conclude a lasting peace with their neighbors.

America, as leader of the free world, congratulates Israel on its 25th birthday, and wishes to this young country all possible joys and peace in the next quarter century.

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## SAN DIEGO PROUD OF ITS PARTNERSHIP WITH THE NAVY

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. BOB WILSON. Mr. Speaker, those of us from San Diego have always been proud of our partnership with the Navy. The sweeping realignments of bases proposed by the Navy will make San Diego the Navy's largest port, a banner our community is proud to fly. The close association the Navy and San Diego have had through the years is expressed quite eloquently in a San Diego Union editorial which I request be printed in the RECORD at this time.

The editorial follows:

IMPORTANT NEW ROLE—OURS IS FOREMOST NAVY TOWN

A review of San Diego history since the turn of the century makes clear that an ideal harbor and year-round mild weather were not the only reasons the Navy and Marine Corps established so many training and operational commands in this area. Time and again our local officials, the business community and civic-minded citizens have shown a willingness to work with the services to assure that their needs could be met in the San Diego area.

Thus, as the Navy embarks on a sweeping reorganization and consolidation of its bases, the groundwork is already laid for the transfer of many activities to San Diego. Navy and Marine Corps installations in the area have the capacity for expansion. Our harbor and its naval stations have the ability to absorb an increase in the number of ships to be home-ported here. Our community as a whole will be prepared to welcome the 13,000 civilian workers and sailors to be transferred here between now and mid-1974.

Indeed, the manpower transfers will simply return the total number of naval personnel here to the level it had reached in 1969 under the impact of the Vietnam War. The transfer of ships will bring the total number based here to a figure well below the 200 operating from San Diego at the peak of naval activity in Vietnam.

What is approaching now, however, is not a wartime fluctuation but an assignment of new responsibilities to San Diego installations which can be considered as permanent as any can be in the light of changing defense needs. The Navy, more streamlined in this time of tight defense budgets and the experiment with all-volunteer armed services, has chosen to make San Diego its primary base.

This is a tribute to the hospitality San Diego has shown the Navy in the past, as well as a challenge to our community in the future. The immediate impact may lie primarily in providing housing for new Navy families, and in revising projected public school enrollments for the 1974–75 year and beyond. In the longer range, the prospect of a continuing high level of naval traffic in our harbor adds new priority to the question of constructing a second entrance to San Diego Bay.

The economy of San Diego and its neighboring communities today is less dependent than ever before on military spending. A diversity of manufacturing and service industries and the development of research and academic institutions has made San Diego in 1973 a far cry from the pure "Navy town" it was once reputed to be. Yet the important new role which this area will play in supporting the naval strength of the United States of America in the years ahead makes San Diego the nation's foremost "Navy town" in a sense we may not have attached to the term before. We can wear the term proudly as San Diego and the Navy enter a new era of the historic partnership.

## CON GAME

### HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. ABDNOR. Mr. Speaker, I would like to take this opportunity to share with my colleagues just another example of the widespread interest this Nation has taken in the confrontation at Wounded Knee, and why we must promptly evaluate the Indian situation.

I insert at this time an editorial from the Indianapolis News, of April 10. 1973. My distinguished colleague, the Honorable WILLIAM H. HUDNUT III, brought this to my attention and I thank him for doing so.

CON GAME

The performance of the Federal government toward the Indian militants who captured the town of Wounded Knee has been a masterpiece of liberal vacillation.

The disorder at Wounded Knee is an all-too-natural result of last year's episode when a group of hoodlums were permitted to wreck the Bureau of Indian Affairs in Washington, steal official documents, and walk off with a $66,000 bribe from weak-kneed Federal bureaucrats. Having experienced that heady success, it was all but certain the collection of troublemakers, ex-cons and convicted felons masquerading as "Indian leaders" at Wounded Knee would get the message and come back for an encore.

For some reason the liberal commentators fawning over the so-called American Indian Movement don't tell us that AIM leader Dennis Banks has been convicted 15 times of charges including assault, battery, and burglary, or that the two Bellecourt brothers—one of whom was in Indianapolis last week—have both been convicted of burglary and armed robbery. Nor do they stress that the elected tribal leadership of the Oglala Sioux have repeatedly asked that the AIM interlopers be arrested and removed from Wounded Knee.

Of the 200 or so militants involved in the takeover, fewer than 20 were members of the Oglala Sioux tribe, whose leadership they professedly want to take away from its elected chairman, Dick Wilson. Wilson says he and other members of the tribe could have thrown out the militants in nothing flat but that "the Federal government ordered me not to . . . Apparently the representatives of the Federal bureaucracy preferred to cater to and negotiate with the ex-cons.

All that is outrageous enough, but there is more. The Detroit News reports that more than half the militants at Wounded Knee were employes of social welfare groups financed with Federal money, and that AIM itself received more than $200,000 in Federal grants last year. The News quotes a Federal official as saying the Justice Department originally backed down on arresting the militants when AIM leaders threatened to publicize their Federal connections. So the takeover and violence have dragged out over the span of a month and a half.

The mess at Wounded Knee has been compounded of welfarism, permissiveness and capitulation to radical hoodlums, which should not be forgotten or written off with action against the militants themselves. The whole affair cries out for congressional investigation and mass firings of the responsible bureaucrats.

## FRANCE FUELS MIDEAST TENSIONS

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. LEHMAN. Mr. Speaker, it is well-known that Libya has become a haven for terrorists and airplane hijackers as well as financing armed insurrections in other lands.

When France decided to sell modern warplanes to Libya, French Prime Minister Chaban-Delmas gave solemn promises that France would not allow Libya to use the Mirage jets outside of its own territory, for aggressive purposes.

Now France has chosen to ignore this pledge.

American intelligence has confirmed that at least 18 Mirage jet fighters were sent by Libya to Egypt along with the necessary ground equipment.

In addition, Egyptians posing as Libyans have been trained in France by French technicians to both fly and service these fighter planes.

If there was still any doubt about Libyan intent, it was reported today that Libyan leader Qaddafi has pledged the use of his French-built planes to aid the Palestinian insurgents in Lebanon as soon as Bierut airport was captured.

If the French Government is to have any remaining credibility with the other nations of the world, it must immediately halt all further shipments of planes, spare parts, and ground equipment to the outlaw nation of Libya.

An excellent article in the May 2 issue of the Near East Report discusses the French attitude in greater detail.

The article follows:

FRANCE LEADS AN IGNOBLE CAUSE

On the ground that Israel lacked "documentary proof," France rejected out of hand Israel's charges that Egypt has received at least 18 Mirage jet fighters from Libya, in violation of Libya's contract with France and France's own policy. Independent American sources have verified Israel's indictment, adding that Egypt has also received ground equipment and spare parts and that Egyptian pilots carrying Libyan passports have been trained in France.

The French response belies any pretense that the Pompidou government is "even-handed," the posture France assumed when Prime Minister Jacques Chaban-Delmas and his Defense Minister Michel Debré pledged to cut off Mirage deliveries if France's arms embargo of all "battlefield powers" were circumvented.

Indeed, France's behavior is entirely consistent with her deference to Arab clients, as illustrated by her role at the recent Security Council meeting, where France, along with Great Britain, pushed for the pro-Arab draft resolution to end aid to Israel and threatening economic sanctions—synchronizing with the Russian demand for Israel's expulsion. France led the outcry over Israel's alleged violation of Lebanon's sovereignty, even though Lebanon had compromised her integrity and international commitments by providing a haven and staging base for Arab terrorists.

In all this, France does violence to her conscience—and at the same time emboldens Israel's adversaries to follow her example.

Thus, Saudi Oil Minister Sheikh Ahmed Zaki Yamani warned during recent talks in Washington that his country might not be able to expand oil production to meet future Western consumption requirements because of the fear of terrorist outrages. (Secretary of State William P. Rogers is reported to have retorted that Saudi Arabia should stop subsidizing the terrorists as a first step toward curbing them.)

Fearful Europeans and Arabs seem blind to the fact that terrorism boomerangs.

The Saudi Arabian embassy in Khartoum was turned into a slaughterhouse by Black September murderers whose salaries have been paid by contributions extorted from, among others, oil countries and companies. And last week, Lebanon—haven for terrorists—became a terrorist target after Lebanese police made arrests following an attempt to smuggle bombs out of the country; when Lebanon rejected an ultimatum to release her prisoners, a time-bomb was planted at the Beirut airport.

When Arab political commentators recently crowed that Israel and the United States were becoming increasingly isolated, they were correct in a way they had not intended. They are isolated for their courage.

It appears that U.S. and Israel officials still have the temerity to spurn threats and to speak their minds honestly and openly. While the British were giving lip service to Egypt's peace initiatives, even though Egypt has not really changed its basic position, Deputy Secretary of State Kenneth Rush pledged in Teheran that the United States would maintain its firm Middle East policy "irrespective of whatever threats there are from anyone. We are not a country that bends to threats." While Britain's Delegate to the UN, Colin Crowe, was condoning Palestinian terror because it was not "official," U.S. Ambassador John Scali stated that "our energy crisis and the fact that most of the oil is in the Arab world will not ever be a determining factor in what our policy should be" in the Middle East.

Clearly, Israel confronts more than a double standard; she confronts a total absence of standards and principles. Crude expedience has always determined Soviet and Chinese Middle East policy; the amorality which increasingly rules European policy toward the area may be rationalized in the context of reliance on oil, natural geographic interests and investments which have to be protected—but it cannot be accepted or forgiven.

It has often been stated that a real peace in the Middle East will require an atmosphere of honesty and trust. The atmosphere grows more opaque and choking with each surrender by countries like France to fear and threat.

## A "PERSON," THE CONSTITUTION AND THE LAW

### HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. DENHOLM. Mr. Speaker, "No person shall be deprived of the right to life, liberty, or property, without due process of law"—Article 5, U.S. Constitution.

The people of America have been taught and told—and most believe in freedom, liberty, and constitutional rights of and for the individual.

Contemporary times have brought change—civil rights, chairperson instead of chairman or chairwoman, and other emphasis of nondiscriminatory expressions of equality before the law. The fact remains that no citizen or viable combinations of human living cells has a constitutional guarantee or right to life, liberty, or property. But all are entitled to a day in court pursuant to the due process and equal protection clauses of the Constitution.

Mr. Speaker, I am introducing legislation today in an effort to more adequately define the word "person" as used in the Constitution and the laws of the United States and to secure for the aged, the blind, the crippled, the poor, the rich, the sick, the unborn the same equal protection for survival before the law that we seek for ourselves. I respectfully request that my proposal be approved and published in the definition of a "person" as follows:

H.R. —

A bill expanding the definition of the word "person" as used in the Constitution and the laws of the United States

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title I, chapter 1, section 1, the sixth clause shall be amended to read:

The words "person" and "whoever" include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals, and pursuant to the Constitution of the United States shall mean any animate combination of viable human cells capable of becoming an independent human being.

## "PETE" HICKS—40 YEARS OF SERVICE

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mrs. GRASSO. Mr. Speaker, P. Francis "Pete" Hicks, of Winsted, Conn., will be honored on May 12 at a testimonial dinner given in appreciation of 40 years of tireless service to his fellow man—both as a volunteer and as a public servant.

"Pete" Hicks has served as a volunteer for the March of Dimes, an organization which, since it was founded in 1934, has brought hope and help to so many thousands afflicted with polio or birth defects. Over the years, he has served at all levels of the organization, first as Winsted chairman, then as Litchfield County fundraising director, then chairman of the Litchfield County Chapter, and finally as Connecticut State chairman for five terms. His leadership ability, enhanced by his genuine compassion for the suffering, has elevated the Litchfield County Chapter to the top position in the March of Dimes Region I which includes New England, New York, and New Jersey.

Yet, "Pete" Hicks' service to the March of Dimes has been only a part of his untiring and total service to his community and the State of Connecticut. Throughout his life, he has served his community in many official capacities. For five terms, from 1947 to 1957, he was elected mayor of Winsted. During the great flood disaster of 1955, "Pete" became known as the Flood Mayor of Winsted. His unceasingly energetic efforts resulted in the almost unbelievable transformation of his beloved city from a ravaged area to a prosperous city. But, "Pete" Hicks' service did not end after he left the mayor's office. For 16 years he has served as chairman of the Winchester Flood and Erosion Control Board which has helped construct two dams to protect the Winsted area from a repetition of the 1955 horrors.

Mr. Speaker, for 40 years "Pete" Hicks has devoted his time and energy to the service of his neighbors and fellow citizens. His unselfishness, sensitivity, and heartfelt concern are qualities that are an inspiration to all of us.

I join with his many friends in Connecticut in congratulating "Pete" for a job well done, and wish him the best for years to come.

## BILL WOULD MAKE GENOCIDE A FEDERAL CRIME

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. McCLORY. Mr. Speaker, at the request of the administration, and in accordance with recommendations made earlier by President Nixon, I am pleased to join today with my colleague from New Jersey (Mr. RODINO), chairman of the House Judiciary Committee, in sponsoring a measure to implement the Convention on the Prevention and Punishment of the Crime of Genocide.

Mr. Speaker, the Genocide Convention was adopted by the General Assembly of the United Nations in 1948, and was entered into force in 1951. Although not yet ratified by the U.S. Senate, the measure was the subject of hearings by the Senate Foreign Relations Committee in 1970, and again in 1971, with the result that the committee gave the convention its approval.

Mr. Speaker, the legislation which I am today cosponsoring would make it unlawful to commit enumerated crimes against persons who are identified with a national, ethnic, racial, or religious group.

I am confident that the measure is entirely consistent with our own constitutional principles.

Mr. Speaker, I should point out that the measure which my colleague and I are introducing would vest no authority or jurisdiction in any United Nations or other international body, nor would the measure have any adverse effect on any State or local laws on the same subject as the measure which we are sponsoring.

Mr. Speaker, the overall effect of this measure would be to implement the agreement which is expected that our Nation will support through ratification of the Genocide Convention by the U.S. Senate—and establish Federal law which



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would be consistent with the provisions of that convention.

## COMPENSATORY EDUCATION AND THE MISSING CHILDREN

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. QUIE. Mr. Speaker, on May 3, representatives from the Bureau of the Census testified before the General Education Subcommittee. Of major concern to me has been the recently announced information by the Bureau that about 5.3 million persons were missed during the 1970 census. Since census statistics form the basis for the distribution of funds under title I of the Elementary and Secondary Education Act of 1965, I am particularly concerned with the undercount of children.

Accompanying the formal testimony of the Census Bureau was the chart which I am asking to be reproduced below. That chart sets forth the net undercount of children under age 15 as determined by the Census Bureau. You will note immediately that the undercount of black children under age 5 shows the greatest error of any category for 1970, and in fact represents about a 50-percent increase in the percent of those uncounted in the 1960 census. Regrettably, figures for Spanish-surnamed Americans are not available. If they were, I suspect that they might be equally as high as those shown below.

I hope that these statistics, combined with other problems inherent in use of census data for the distribution of educational funds, will convince all Members that we must seek other alternatives if we are to reach those children most in need of compensatory educational services. Unfortunately, according to Census Bureau testimony, the rate of error cited in the charts below cannot be applied to a State, a school district, or even a region since the rate of underenumeration is different in different areas. Undercount figures below the national level are simply not available.

I invite all Members to closely examine H.R. 5163, my bill to amend title I and remove the use of census data from the distribution of compensatory education funds. Explanatory remarks on H.R. 5163 can be found beginning on page H1404 of the RECORD of March 6.

The chart follows:

TABLE 7.—ESTIMATES OF THE PERCENT OF NET UNDERCOUNT OF CHILDREN UNDER 15 YEARS OF AGE, BY AGE, SEX, AND RACE: 1940-70

[Base of percentages in the corrected population]

| Age and year | All classes | White | | Negro and other races | | Negro | |
|---|---|---|---|---|---|---|---|
| | | Male | Female | Male | Female | Male | Female |
| UNDER 5 YEARS | | | | | | | |
| 1970: | | | | | | | |
| Unadjusted | 3.5 | 2.6 | 2.2 | 9.2 | 8.6 | 10.4 | 9.9 |
| Adjusted[1] | 3.5 | 2.3 | 2.0 | 10.3 | 9.7 | 10.4 | 9.8 |
| 1960 | 2.2 | 1.9 | 1.1 | 6.9 | 5.5 | 6.6 | 5.1 |
| 1950 | 4.7 | 4.3 | 3.6 | 10.0 | 9.3 | 9.6 | 9.0 |
| 1940 | 7.1 | 6.5 | 6.0 | 16.0 | 14.5 | 16.0 | 14.4 |
| 5 TO 9 YEARS | | | | | | | |
| 1970: | | | | | | | |
| Unadjusted | 3.1 | 2.7 | 2.4 | 6.5 | 5.7 | 7.8 | 6.9 |
| Adjusted[1] | 3.1 | 2.4 | 2.2 | 7.5 | 6.6 | 7.7 | 6.9 |
| 10 TO 14 YEARS | | | | | | | |
| 1970: | | | | | | | |
| Unadjusted | 2.3 | 2.4 | 1.5 | 5.1 | 4.3 | 5.1 | 4.2 |
| Adjusted[1] | 3.6 | 3.0 | 2.4 | 10.6 | 8.9 | 10.4 | 8.5 |
| 1960 | 1.4 | 1.3 | 1.2 | 2.6 | 1.8 | 3.6 | 2.9 |
| 1950 | 1.4 | 1.1 | 0.9 | 3.5 | 2.7 | 3.5 | 2.8 |
| | 2.4 | 2.5 | 1.5 | 5.2 | 4.2 | 5.0 | 3.9 |
| | 1.8 | 1.0 | 1.0 | 6.2 | 6.5 | 7.2 | 6.0 |

[1] Adjusted estimates are based on census figures which have been adjusted for race misclassification in the complete count and for an overstatement of centenarians.

## CONNALLY'S CONVERSION

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, as we all know, former Democratic Governor John Connally of Texas has switched his allegiance to the Republican Party.

Mr. Connally has held high positions as a member of the Democratic Party, including those of Secretary of the Navy and Governor of Texas. He was a close friend of former President Johnson, and at one time served in the Cabinet of President Kennedy. He served more recently in the Cabinet of President Nixon.

Certainly Mr. Connally seems to have no problems with his loyalties—and since the President has indicated that "an excess of zeal" on the part of some of his top-flight subordinates may have created problems, perhaps an adviser with Mr. Connally's attitude toward switching loyalty may be a useful asset to this administration at this critical juncture.

The Connally switch will definitely clear the air with reference to any professed loyalties to the Democratic Party.

History has shown that turncoats from Democrat to Republican have not done too well in seeking the presidency. Those who switched included a distinguished Senator from South Carolina and the late Wendell Willkie of New York—both of whom after switching, ran for President and lost.

Because of the interest of my colleagues and the American people in this matter, I place in the RECORD herewith an editorial and a column from the Washington Star-News.

The articles follow:

[From the Evening Star-News, May 3, 1973]

CONNALLY'S CONVERSION

What John Connally's formalized conversion to Republicanism finally will amount to, in the larger affairs of the country, is anybody's guess at this point. He may be headed for the highest political summit, or toward some distant dead end. But one thing seems highly probable, despite the disclaimer of elective or appointive ambition: His statement yesterday was the opening bell in a three-year wrestling match for the Republican heavyweight championship.

It will be a polite affair for quite a while, we expect. For in the other corner, Vice President Agnew is a model of discretion, warmly welcoming the silver-haired Texan to the GOP fellowship. No doubt Agnew is taking the measure of his own considerable strength and making plans to build upon it, perhaps by enlarging his new image of moderation.

And who can say how many others—silent aspirants to the Republican presidential nomination in '76—are estimating the size of "Long John" Connally this week as if their political lives depended on it? What they see are some prodigious assets: robust charisma, decisiveness, a style of super-salesmanship that he has employed with great effect as a four-term governor of Texas and presidential cabinet member. Connally comes on exceedingly strong—a bit too strong, some observers thought, in dealing with some foreign nations on economic matters, as Treasury secretary. In any case, the Republicans have acquired a new member, with far-ranging experience in government, whose energies will not be easily corralled. And one who is fully able, we suspect, to raise the financing required to support great political ambitions.

Nor is Connally short on political canniness. The timing of his party switch may turn out to be the best example of this, endearing him to a great many regular Republicans who otherwise might not have greeted him very exuberantly. For he has come to the Republican party in its darkest hour, when defectors outnumber recruits; calling for middle-road Americans to follow him away from the Democrats. In effect, he is offering to help pull the GOP out of the Watergate pit, and President Nixon surely will appreciate this expression of support even more than rank-and-file Republicans.

Connally's potential for ascent may well hinge on the depth of that appreciation, and specifically on whether he's called back to Washington for a leading role in refurbishing the image of a tarnished administration. But who knows at this juncture? More may depend on the light of developments still to come on whether the President can give a blessing beneficial to anyone in 1976.

So Connally has taken a gamble in which there are liabilities and uncertainties as well as assets. Even now President Nixon is taking



Agnew into the White House counsels—apparently giving him a much larger role in domestic decision-making. And a recent Gallup poll shows Agnew with more than double Connally's support among Republicans for the next presidential nomination. The come-lately stamp will not be easily overcome as Connally seeks support among Republicans. Some of them think he should have switched much earlier.

He has, after all, been a Democrat a long time, and a most aggressive one during the Republicans' long isolation from power. But the conservative "Solid South" (including Texas) was Democratic for a century, and it preceded Connally in shifting away from the old loyalty. If he can augment the GOP's gains in his native region, and help purge his adopted party of the Watergate blight, he may be hard to stop before 1976 rolls around.

[From the Evening Star and Daily News, May 4, 1973]

CONNALLY RALLIES ROUND

(By Mary McGrory)

John Connally has made his move toward the White House while it is in a state of siege.

The Executive Mansion is, for the first time in history, occupied. FBI agents are guarding the files of a pair whom the President called, hours before the watch was put on, "two of the finest public servants it has been my privilege to know."

Every day brings its new batch of severed heads from the departments where the President had stashed away deserving campaign aides to keep an eye on suspect bureaucrats.

Republican National Committee employees are being closely questioned by the feds about their association with men who until last Monday spoke for Richard Nixon, and who are now speaking with the grand jury.

It was not, all in all, the ideal moment to announce one's conversion to the GOP. But John Connally who, like his Texas mentor, Lyndon Johnson, likes to keep his options open, had no choice.

The President has been waiting, with tapping foot, for a word of fealty from his chosen successor.

Other helpers have failed. Former Defense Secretary Melvin R. Laird said with a shudder that there were things about Watergate he didn't want to know. The Rev. Billy Graham, the President's favorite divine, failed the compassion test.

Connally, exquisitely barbered and tailored for the occasion, stepped boldly into the mire, proving to Richard Nixon that he is, in Johnson's immortal phrase, "a man you can get to the well with."

His remarks had a slight scent of camphor. They were obviously taken out of the chest where they were stored last summer after Connally became chairman for Democrats for Nixon.

The Republicans, he said, "represent the broad middle ground where we are going to have to find the solutions". That broad middle ground, in this season of floods, is under way.

Connally took a lofty view of Watergate. It will fall into the big picture, he explained. "Remember Peking" he seemed to be saying. The "great problems" to which he will address himself are the energy crisis, the trade agreements and inflation.

His arrival in the bomb shelter did not produce the general change of subject intended. The most immediate effect was on Spiro T. Agnew, who is undergoing conversion himself—or rather reconversion to orthodoxy. The vice president has been making strange noises about the morality of Watergate, threatening to resign if it seeped into the Oval Room.

With Connally now on the scene, Agnew will be driven into a competition of fidelity to the President. In one of the few actions taken at the White House this week, he had restored to him several duties which H. R. Haldeman had stripped away last winter. Apparently it was to comfort him against the advent of Connally and to indicate even-handedness.

Connally's aid to the party will probably take the form of rallying the demoralized troops around the country. At a melancholy Republican National Committee staff conference, a Texas representative urged the members to get in touch with John Connally—"he wants to hear from y'all."

Connally, who is large with the country-club and boardroom set which finds him more magnetic than Agnew, is expected to become a champion fund-raiser. Openhanded Republicans have been somewhat stingy since they found their contributions were being used as hush money for burglars.

The idea of Connally as a White House chief of staff is fading. In order to clean house, he might have to delve into past practices which cannot bear the light of day and could, ultimately, implicate the Oval Room.

With his untimely plunge, Connally has at least beat the "interloper" rap. Anyone joining the Republican party might be suspected of madness or martyrdom, but hardly of opportunism.

The President is doubtless grateful that Connally has rallied round the shredded flag. For the first time in his life, Connally may have done something that helps someone else more than it helps him. It is a sobering thought.

## CLAIMS CONCERNING THE TREATY OF GUADALUPE-HIDALGO

### HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. SKUBITZ. Mr. Speaker, a number of persons have consulted with me, in my capacity as a member of the Committee on Interior and Insular Affairs, concerning the claims that have resulted from the provisions of the Treaty of Guadalupe-Hidalgo that concluded the Mexican-American War in 1848.

It appears, and it is alleged, that the legal, political and diplomatic status of lands that were the subject of royal grant from the King of Spain and thereafter from the Government of Mexico, prior to the consummation of the treaty, are in question, or at least deserve, further careful scrutiny. Involved here are not questions of U.S. sovereignty or its right to acquisition of the lands in the southwestern part of the country but rather the rights of the original grantees and their legal heirs.

This is not a matter that should be prejudged, based on claims now pending, however valid. In my judgment, the problem deserves careful study by an impartial body. I am, therefore, joining in the action taken by my colleague, the gentleman from California (Mr. ROYBAL) in introducing a resolution calling for the creation of a special House investigating committee to study the issues and report back to the House within 1 year.

## A SALUTE TO OKLAHOMA OSTEOPATHIC HOSPITAL DURING NATIONAL HOSPITAL WEEK

### HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. JONES of Oklahoma. Mr. Speaker, today, as part of National Hospital Week, I would like to salute the largest osteopathic hospital in the Southwest, which is located in my district. In 1943, a small group of Tulsa Osteopathic physicians saw a dream come true when they met and pledged their futures. These men formed the Osteopathic Hospital Founders Association and purchased the 60-bed 30-year-old hospital at Ninth Street and Jackson. Today, after four expansions, the Oklahoma Osteopathic Hospital has 308 beds. The attending professional staff has grown to include approximately 160 physicians. Of an employee group of 836, nursing service comprises the largest single department, with 402 employees, making Oklahoma Osteopathic Hospital one of Tulsa's 25 largest employers.

Jon R. Pirtle, associate administrator, oversees the activities of a well-equipped, modern hospital with the necessary facilities to serve a growing city. Departments of General Practice, Radiology, Internal Medicine, Surgery, Anesthesiology, Obstetrics & Gynecology, and Proctology are headed and staffed by board certified physicians. Subspecialties such as cardiology, oncology, gastroenterology, thoracic surgery, pediatrics, pathology, and many others are practiced by osteopathic physicians with many years of training and experience. In light of the osteopathic philosophy, the general practitioner maintains a key role in health care delivery. General practice makes up the largest single department of the professional staff.

Sensitive to the health care needs of a rapidly growing city, Oklahoma Osteopathic Hospital is helping to meet those critical needs in many ways. Already the largest osteopathic hospital in the Southwest, OOH is presently undergoing its fifth expansion to almost double its size. The $9.2 million project is under the direction of Mr. L. C. Baxter, executive director. The plan is dominated by a nine-level tower at the hospital's northwest corner. The first level will house enlarged emergency room facilities, physical therapy, inhalation therapy, and pharmacy. The second level is planned for an enlarged dietary department as well as educational facilities to include a new 1½ story auditorium and expanded medical library. The remainder of the high-rise tower will accommodate a new obstetrical floor and newborn nursery, 11 surgical suites, recovery areas, intensive care unit, and general patient care floors. Construction is scheduled for completion in the spring of 1975.

Another kind of building program is always in progress at Oklahoma Osteopathic Hospital: the "building of doctors" through its extensive medical education programs. Dr. F. L. Reed, di-

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rector of medical education, supervises the training of up to 16 interns and 24 residents each year. In addition, the hospital is affiliated with the Kirksville College of Osteopathic Medicine for the clinical training of third year medical students.

Interns who complete their training at OOH are well prepared to begin general practice. In the course of 12 months, they have been exposed to a wide variety of pathology and have been well supervised in general patient management. If a physician's choice is to enter a specialty area of practice, his education is continued in residency training. OOH offers residencies of up to 4 years of additional training in the fields of anesthesiology, general surgery, internal medicine, neurosurgery, ophthalmology, orthopedic surgery, otorhinolaryngology, pathology, pediatrics, and radiology. The hospital and its staff make a sizable investment in these young physicians, who in turn, provide much needed health manpower to the State of Oklahoma.

## THE SEA GRANT PROGRAM

### HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mrs. HECKLER of Massachusetts. Mr. Speaker, I am pleased to take note of the vote of increased confidence that the House showed in the national sea grant college program by the overwhelming passage of its renewal authorization. The greater amount of funding reflects well on both the value that the program has been to our Nation, and its great potential for future service in the gathering of knowledge for the proper husbandry of ocean resources.

The members of the Committee on Merchant Marine and Fisheries, and the Congress, can point with pride at this program which demonstrates the effectiveness of careful oversight of a national determination to devote substantial funding to a concept which has and will prove its vital worth to the constructive use of the great resources of the sea in a program which utilizes the cooperation of scholars, students, and the community.

Donald E. Walker, the distinguished president of the new and exciting Southern Massachusetts University in North Dartmouth, Mass., where many of my constituents are enrolled, expressed tremendous interest in participating in the sea grant activities of research, education, and advisory services.

I do hope that the Commonwealth of Massachusetts, which deservedly boasts of its proud longstanding maritime tradition and one of the world's foremost research facilities at the Woods Hole Oceanographic Institute, will soon be able to play a greater role in the further development of this very worthwhile program.

## TRIBUTE TO THE REVEREND ARTHUR ROBERT BARTLETT

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. ANDERSON of California. Mr. Speaker, on June 1, 1973, the people of San Pedro, Calif., will honor the Reverend Arthur Robert Bartlett—a man whose life's work has been devoted to the welfare of all merchant seamen through the Seamen's Church Institute.

Reverend Bartlett was born in England, but he was 3 years old when he arrived with his parents and sister in San Pedro where he has made his home ever since.

As a youth growing up on the waterfront, among the seamen, and other port people who made Beacon Street and San Pedro the famous and colorful—and somewhat raucous—place it was, young Arthur led an active life selling newspapers and magazines, and participating in scouting, football, baseball, basketball, and gymnastics.

During the summer of 1937, when Arthur was 17 years old, he became a paid summer staff member for the YMCA, and a charter member of the Phalanx Club, the YMCA's young men's group. It was during that time in his life that he met Frances Anderson, the girl who would become his wife 5 years later.

The next year he graduated from San Pedro High School and enrolled at Trade Tech, Los Angeles, where he completed a course in aeronautical engineering.

After attending Compton College and working in the Engineering Department of the California Shipbuilding Corp. for 3 years, he entered the U.S. Army and served until 1945 with the Air Corps as a B–17 instructor and armor gunner. While in the service in 1943, he married Frances; 2 years later, in 1945, his first son, Gregory Arthur, was born.

Returning to San Pedro and adjusting to civilian life once again, he was employed as an electrician for Bethlehem Shipyard and an appliance adjuster for Southern Counties Gas Companies. In 1947, his second son, Robert Sands, was born.

As the family grew, with a third son, Timothy Charles, being born in 1949, Arthur Bartlett became increasingly active in the PTA at White Point School, and Saint Peter's Episcopal Church in San Pedro. During the early 1950's, he taught Sunday School class, was a member of the local 20–30 Club, an active Cub Scout leader, and an area Boy Scouts commissioner. In 1952, he organized Boy Scout Troop No. 611 at White Point School; in 1953, he became a lifetime member of the White Point PTA, and a junior warden at Saint Peter's Episcopal Church; and in 1954, he became church school superintendent at Saint Peter's for 3 years, church summer camp dean for 2 years, and YMCA camp counselor for 3 years.

The year 1955 represents another landmark in the life of Rev. Bartlett, as he became a volunteer for the Seamen's Church Institute—an organization designed to provide the stabilizing influences of church, home, and community to merchant seamen of all nations, creeds, and faiths.

A year later, he was a part-time employee at the institute, which led to his becoming the full-time program director in 1958. He also organized the first International Council of Seamen's Agencies conference on the west coast.

In 1960, Reverend Bartlett took a step which enlarged his already great commitment to aiding his fellowman—he became a candidate for Holy Orders, starting his theological studies at Bloy House and performing the responsibilities of lay chaplain at the Seamen's Church Institute. For the next 4 years, he attended Seminary at Bloy House, and Church Divinity School of the Pacific at Berkeley, where he was graduated in 1964, and ordained a deacon, Episcopal Church, on September 10. The following March, the Reverend Arthur Bartlett became an ordained priest and a priest associate, Order of Holy Cross.

Continuing his work at the Seamen's Church Institute, he became a member of the board of directors, International Council of Seamen's Agencies, and organized a committee for the first International Christian Maritime Agencies meeting in Rotterdam. He opened the first Long Beach Seamen's Center in a converted bus; became chaplain to the House of Hope for alcoholic women; opened Beacon House for alcoholic men.

In 1970, Reverend Bartlett was elected to the board of directors of the Southern California Halfway House Association; and he completed a summer course in alcoholic studies at the Pacific School of Religion.

This past year, 1972, the Reverend Bartlett, a grandfather three times, was elected president of the International Council of Seamen's Agencies.

Mr. Speaker, it gives me great pleasure to commend Reverend Bartlett and his many accomplishments and to call to the attention of the House of Representatives the outstanding contributions of the Seamen's Church Institute, where seamen can express joys and sorrows in an atmosphere of concern, and where seamen may become a little more whole again after months of isolation aboard ships.

## ALL-YEAR DAYLIGHT TIME BILL GAINS 44 SPONSORS

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HOSMER. Mr. Speaker, I am today again introducing the bill to provide year-round daylight saving time. With the introduction of the bill today we will have 44 cosponsors of the legislation. The growing energy shortage has given us another good reason not to turn back the clocks next fall. I believe this is an idea whose time has come, and would welcome my colleagues in the House joining me in an effort to enact the proposal.

The list of cosponsors follows:

COSPONSORS

Mr. Moss of California.
Ms. Abzug of New York.
Mr. Adams of Washington.
Mr. Bell of California.
Mr. Burgener of California.
Mr. Cleveland of New Hampshire.
Mr. Corman of California.
Mr. Danielson of California.
Mr. Derwinski of Illinois.
Mr. Frelinghuysen of New Jersey.
Mr. Gude of Maryland.
Mr. Hanna of California.
Mr. Harrington of Massachusetts.
Mr. Helstoski of New Jersey.
Mr. Hollifield of California.
Mr. Johnson of California.
Mr. McKinney of Connecticut.
Mr. Moakley of Massachusetts.
Mr. Mollohan of West Virginia.
Mr. Parris of Virginia.
Mr. Pettis of California.
Mr. Peyser of New York.
Mr. Podell of New York.
Mr. Rees of California.
Mr. Roncallo of New York.
Mr. Rosenthal of New York.
Mr. Roybal of California.
Mr. Wydler of New York.
Mr. Wyman of New Hampshire.
Mr. Collins of Texas.
Mr. Crane of Illinois.
Mr. Dulski of New York.
Mr. Eshelman of Pennsylvania.
Mr. Fish of New York.
Mr. Goldwater of California.
Mr. Horton of New York.
Mr. Ketchum of California.
Mr. Lehman of Florida.
Mr. Meeds of Washington.
Mr. Robison of New York.
Mr. Ware of Pennsylvania.
Mr. Whitehurst of Virginia.
Delegate de Lugo of the Virgin Islands.
Delegate Won Pat of Guam.



## HIGH PRICES IN THE SUPERMARKET

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. LEHMAN. Mr. Speaker, the people in Dade County are becoming increasingly distressed at the rise in prices that must be contended with everytime they go to the supermarket.

While they, nor more than I, are economics experts, I do not think that it takes such an expert to realize the consequences of the Russian wheat deal. Commonsense tells you that if you no longer can rely on a supply reserve, and something happens to the crop, chances are that the forces of supply and demand are going to boost prices in every sector that has a need for wheat or wheat products.

Likewise, my constituents have a great deal of trouble seeing the sense of subsidizing farmers, and some people who are not farmers, to not grow crops.

I would like to commend the attention of my colleagues to a petition which I recently received from the Concerned Consumers of Dade County:

We request that our Representatives in Washington urge that there be Congresisonal action taken immediately to curtail the exports of grains, soybeans, animals and meat until we can determine the effects of this year's adverse weather conditions on crops and livestock, as well as the cumulative effects of a fuel shortage and labor union wage hikes throughout the food and transportation industries upon food prices in the next two to five years. We urge an injunction against union wage increase negotiations for at least a 90-day period.

We urge that subsidy money be used to support farm income and production, making it beneficial for the farmer to produce and sell first to America, selling only "true surplus" to foreign countries.

We request that a Congressional investigation be instituted to determine the causitive factors of the radical meat price increase in a two-week period in mid-February; and subsequent, equally inequitable increases on all other foodstuffs. And, we would request that measures be taken to control these causitive factors.

Respectfully submitted,

(Mrs.) MARGE BOLDIN MILNER,
*Chairwoman, Concerned Consumers of Dade County, and National Consumer Congress.*

## THE TRUTH JANE FONDA CAN'T SEE

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. BOB WILSON. Mr. Speaker, "To see ourselves as others see us," as the poet Robert Burns said, is a gift many of us do not possess. Certainly Jane Fonda stands out as a prime example of this bit of verse. Unwilling to see the duplicity of her North Vietnamese comrades in her "arranged" meetings with the prisoners of war in Hanoi, she has lashed out at these valiant men as "hypocrites and liars." Frankly, I'll take these "hypocrites and liars" any day and am certain that 99 and 44/100 percent of the American people feel likewise. Whether she was duped by the North Vietnamese or went into the entire affair with eyes wide open, her behavior was inexcusable. I ask unanimous consent to include the following editorial from the Daily Californian as part of my remarks.

THE TRUTH JANE FONDA CAN'T SEE

Despite volumes of testimony by returning POWs that they were the victims of inhumane treatment and torture at the hands of their North Vietnamese captors, actress Jane Fonda refuses to believe them.

So enchanted has she become with the Marxist gospel that it is beyond her comprehension the regime which she served so well as a propagandist during the war could be guilty of such reprehensible conduct.

According to Miss Fonda, the POWs are "hypocrites and liars." She gives full faith and credit only to the statements of the eight POWs she met in Hanoi who were trotted out for her inspection and who insisted they had been well treated.

We can understand why Miss Fonda must now resort to absurd accusations which attempt to cast doubt on the veracity of stories told by numerous POWs. Having been used as a shill by a Communist regime she blindly believed to be humanist, she does not want to admit that those rambling speeches she gave on campuses across the country, portraying the North Vietnamese as philosophical descendants of St. Francis of Assisi.

Miss Fonda has been found out. She has been exposed as a sucker for the myth that all the evil in the world sprouts in the capitalist system. Her Hollywood fantasy of the North Vietnamese as paragons of virtue has been shattered by the words falling from the lips of the POWs.

How disillusioning it must be to discover—and not want to admit—that the "good guys" for whom you've been rooting aren't that good.

## SCHOOLBUS SAFETY

### HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. BROTZMAN. Mr. Speaker, the House Subcommittee on Commerce and Finance of the Interstate and Foreign Commerce Committee is this week holding public hearings on schoolbus safety legislation. I am today reintroducing, with 18 cosponsors, a measure I proposed in the 92d Congress to require that schoolbuses be fitted with high backed seats and seat belts, so that this may be considered in the context of a bill of any larger scope which may ultimately be reported out by that body.

The need for legislation of this type is apparent if we look at data supplied by the National Safety Council and the Department of Transportation for the last few years. The trends evident from this data show that we can expect upward of 100 student deaths in schoolbus accidents annually in the United States, and some 4,000 student injuries.

Furthermore, it was asserted by various experts that many, if not most, of these casualties could be averted simply by extending Federal safety criteria developed for common carriers and passenger automobiles to schoolbuses as well.

There are several bills currently pending in the House which deal with the structural characteristics of schoolbuses. I agree that surely the structural integrity of the vehicles we build to carry schoolchildren is as important as that of vehicles we build to carry cross-country travelers.

However, I am particularly concerned that none of the current measures pending before the subcommittee adequately addresses the problems of seat belts and passenger seats themselves.

The National Transportation Safety Board studies several years ago indicated that many schoolbus casualties result from bodies flying about in a bus during an accident and coming into contact with hard or sharp objects.

Furthermore, the studies indicated that the installation of seatbelts in

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existing schoolbus seats by itself might cause more casualties than it would prevent—either from the whiplash effect or from the occupant striking the metal handholds and seat backs that are common in most schoolbuses in use today.

The best answer, then, in the opinion of the NTSB, appeared to be a combination of approaches, specifically the installation of seat belts on properly padded seats with backrests at least 28 inches high.

My bill would require that seat belts be installed in all existing and future schoolbuses. It would also direct the Secretary of Transportation to establish adequate standards for safe seats. And, finally, realizing that the retrofitting of a fleet of existing buses with this equipment will be expensive, this legislation authorizes the Congress to appropriate funds necessary to assist local schools in financing the necessary changes to existing equipment.

Hopefully, through such measures as these we will be able to greatly reduce the number of casualties our children face each year with existing school buses.

Mr. Speaker, I would like to commend the Subcommittee on Commerce and Finance and its distinguished chairman, Mr. Moss, for the energy and effort they have put into legislation surrounding schoolbus safety. As I have indicated, hearings are currently underway on this general subject in that body.

However, I again urge the members of this subcommittee to include specific measures such as these I am today introducing in any comprehensive bill which may be reported. The merit of specific provisions for occupant restraint systems and better designed seats for schoolbuses has been made clear on numerous occasions by the National Transportation Safety Board investigations and hearings I have mentioned. The sooner standards are implemented, the sooner it will be possible to reduce the annual tragedy of 100 student deaths and 4,000 student injuries in schoolbus accidents.

## BATTLE OF CORAL SEA

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. GUDE. Mr. Speaker, today marks the 31st anniversary of the Battle of the Coral Sea. This was the battle that stopped the southward advance of the Japanese in the Pacific and, although it could be considered a "draw" rather than a victory, it inflicted enough damage on the Japanese fleet so that the Battle of Midway, a month later, was a decided victory and, indeed, the turning point of the Pacific war.

Coral Sea was the first and only battle of its kind in which two carrier fleets fought each other through air power alone, never coming in sight of one another. The battle prevented a Japanese invasion of Australia, and because of this it has been commemorated in that country in week-long celebrations for many years.

No similar recognition was ever awarded to the Battle of the Coral Sea in this country. Indeed, it has been largely overlooked in historical accounts of the war, since it was overshadowed by the Battle of Midway. Some veterans of the Battle of Coral Sea, believing that it was too important an engagement to be thus neglected, organized in 1969 the Battle of the Coral Sea Association, Inc., and last year this organization sponsored the first American reunion in honor of the battle, held in Norfolk, Va., in May 1972, on the occasion of the 30th anniversary of the engagement. A group of 33 Australians came to the United States to attend the reunion, and the Australian Ambassador, Sir James Plimsoll, was one of the main speakers. The association plans to go to Australia in 1975 to attend the Coral Sea celebrations in that country.

Mr. Speaker, thousands of words have been written and spoken about the last world war. But on this historic date, I call the attention of my colleagues to the deeds of the men who served at Coral Sea. And I note with sorrow the recent passing of Adm. Jack Fletcher, who commanded that task force at Coral Sea.

## ISRAEL

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HUNT. Mr. Speaker, I would like to pay tribute today to Israel on the occasion of their 25th anniversary. Despite a series of conflicts, and continued hostility from neighboring Arab States, the ancient land of Canaan has seen more progress in the last 25 years than in the last 2,500.

Since its creation in 1948 Israel has absorbed every immigrant who managed to escape from East European countries.

Including settlers from other parts of the world, the total immigrant inflow is set at 1.5 million. The total population rose from 900,000 at the end of 1948 to over 3 million today.

I think it most appropriate on this occasion to insert for the RECORD, a statement by Prime Minister Golda Meir, contained in a special supplement of the May 6 edition of the Philadelphia Sunday Bulletin:

NATION'S ANNIVERSARY RECALLS PEOPLE'S TRIALS

(By Mrs. Golda Meir)

Twenty-five years are but a brief moment for a nation with a memory more than 35 centuries long. Yet for us this quarter of a century bears the quality of a wonder; the third era of independence of the Jewish people in the Land of Israel came 1,878 years after the destruction of the Second Temple in Jerusalem by the legions of Imperial Rome, and only three years after the end of the Holocaust, in which German Nazis and their European collaborators murdered six million Jews—one-third of our nation.

The greatest catastrophe in the history of the Jewish people was followed by the indomitable act of national redemption. Within the span of a few years we experienced the agony of knowing our people massacred defenseless in the towns, villages and death camps in Europe; and the realization that in Israel the Jewish people is again master of its own destiny and capable of defending its own life.

For nineteen centuries the Jews lived as a dispersed and persecuted minority throughout the world. Humiliation, expulsion and slaughter were the fate of our people in the countries of Europe, the Middle East and North Africa. For all those long centuries of suffering, our people clung to the hope of Return, prayed for it, dreamt of it. Every century some returned to the Land, keeping the Jewish community here from extinction.

During the past century, the Return became a movement of national renewal. Zionism meant that Jewish life could be recreated with roots in the Land; a land that we found in large parts barren and desolate. Jews now became workers, farmers, soldiers. From a minority we were transformed into an independent society, with its own language, institutions and democratic practice. In 1948, for the first time since the first century of the Common Era, the Jewish people became independent in their own Land; the State of Israel was established and joined the family of nations.

During the 25 years of its independence, Israel has been concerned with four main human efforts:

First, to defend our independence and assure the survival of our nation;

Secondly, to make Israel the home for Jews from all corners of the earth, whether in need of refuge or in search of an independent Jewish identity;

Thirdly, to develop as a human society, preserving ancient Jewish values, yet responding to the needs of a modern democracy.

Fourthly, to develop our material resources and give our people a better quality of life.

Defense and survival have been a major effort in our life, because the Arab Governments have so far refused to accept our right to live as an independent nation. Persistently they have sought to put an end to the existence of independent Israel and to deprive us of our right to live as we choose. Israel has known only armistice lines—until 1967—and since then only cease-fire lines. We have never known frontiers of peace, and even between wars the Arab Governments have intermittently directed terror and violence against our people. They have violated armistice agreements and cease-fire accords. They have conducted economic warfare against us. They have launched against Israel and the Jewish people virulent propaganda riddled with anti-Semitic venom.

To assure the survival of our nation, the Israel Defense Forces have evolved as a people's army. It is an army where our sons and daughters serve, often within sight of their homes; ours is an army for which the supreme objective is not war but the prevention of war. It is not an army bound for conquest; but an army utterly zealous in the defense of our lives and independence.

Peace with our neighbors, and not war, is the paramount quest of our people.

While seeking peace, Israel continues to foster in the areas administered since 1967 the conditions which we hope will be part of the peace settlement. These are—the open frontiers between the population of Israel and the Arab population of the areas; and the Open Bridges policy which, in the summer of 1972 alone, enabled more than 150,000 Arabs from neighboring countries to visit Israel. Full conditions of peace will be realized when we can reciprocate such visits—to Amman, to Beirut, to Cairo.

Although for 25 years we have been denied peace, we have remained faithful to the central destiny of Israel: to be a haven of the Jewish people. Within three years after the independence, immigration doubled the population of Israel. By 1973 more than one and a half million Jewish immigrants had arrived. We have absorbed the Jews of Europe, refugees from the Holocaust, and the Jewish refugees from Arab countries—whose number is almost identical with that of the Arabs who became refugees during the 1948 war. We must remember that Jews had lived in Egypt, Syria, Iraq, Yemen, and Libya for over two thousand years—indeed from times preceding the Arab occupation of those lands. With the departure thence of the entire Jewish communities, the long history of the Jewish minorities in those countries is coming to an end. Perhaps this transformation of the Jews—from a minority group living on sufference into an independent nation—is what some Arab rulers find hardest to accept.

During the past few years, after a long and bitter struggle over their rights, Jews from the Soviet Union have begun to reach Israel. The Jews of Silence, as they were known, are no longer silent; but the struggle for their rights continues. Above all, this is a struggle for national self-determination, by Jews whose single demand is to be free to leave a society which practices anti-Semitism, discrimination and suppression, and denies them the rights of national identity.



## AMERICAN CIVIL LIBERTIES UNION

### HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. ICHORD. Mr. Speaker, it is most unfortunate that the average American is unaware of the amount of misinformation being circulated about the House Committee on Internal Security, which I have the responsibility to chair. For some time, a campaign of falsehoods and vilification has been directed against the committee by some unwitting and some subversive elements.

It has come to my attention that the March 1973 issue of Civil Liberties published by the American Civil Liberties Union reveals that the ACLU has singled out my Missouri colleague, the Honorable RICHARD W. BOLLING, chairman of the House Select Committee on Committees, as the most important House Members to whom letters should be directed. "Ten Reasons to Abolish HISC" are set forth in the publication and readers are urged to use "any or all of these reasons" in writing to my distinguished colleague.

It is interesting to note that the "Ten Reasons to Abolish HISC" listed in ACLU's publication are identical with those which have been circulated by the National Committee Against Repressive Legislation, a registered lobbying group which seeks to stop all inquiries whatsoever into subversive activity. Last January 9, I addressed the House as to the false charges and distortions which appear in many of these arguments. On that occasion, I also reported on the history and leadership of the NCARL. For the benefit of Members who may want to refer to my remarks they may be found in the CONGRESSIONAL RECORD of January 9, 1973, beginning on page 537.

I realize it is unpopular to speak out against an organization which purports to aid the cause of civil liberties. I do not question the right or freedom of the ACLU to publish anything it wishes, whether accurate or not, but it does seem to me it has a moral obligation to assure itself of the accuracy of alleged statements of fact about a duly constituted agency of the Government. Neither the NCARL nor the ACLU took the trouble to check its purported allegations relating to the committee prior to the publication of its charges. Had they chosen to have done so, it would have been clear to both organizations in what respect the information was inaccurate.

The effect of the ACLU action is to create in the minds of the ill-informed the impression that it is wrong for the Committee on Internal Security to investigate the activities of those seeking to destroy American institutions. The ACLU seems to believe that law enforcement agencies, courts and congressional investigative committees can be dispensed with in a civilized society. The opposite is the case. Law is not the enemy of freedom—it is its prerequisite. Where there is no law only anarchy rules. It is regrettable that the ACLU does not seem to understand this fundamental principle. I have stated previously that ACLU appears to have lost the acumen to distinguish between the words libertarian and libertine. Their action in the instant case reinforces the validity of my statement.

As chairman, my cardinal precepts for the Committee on Internal Security include the highest standards of personal and professional conduct, prompt and complete handling of investigative assignments with absolute impartiality, and no deviation from full protection of individual rights and privileges. The committee will certainly not turn its back on its House-mandated responsibilities just because of misguided critics.

Many letters and telegrams have been received by Members of Congress during recent months from individual citizens in various parts of the country who have heard that a campaign was being conducted to abolish the committee. They have written and telegramed to urge that everything possible be done to see that the committee's work be continued. These letters and telegrams are spontaneous expressions of the feelings, the concerns and beliefs of American citizens. They are not the results of an organized campaign such as being conducted by the ACLU and the NCARL.

The March 1973 issue of ACLU's publication calls on readers to write to their Congressman "urging him to vote for bills to abolish HISC" and even asking the reader to fill out a coupon printed in the publication to indicate the name of the Member of Congress to whom a letter was written and the nature of the Member's reply. The ACLU is a tax-exempt organization. Internal Revenue laws which exempt corporations and other forms of associations from the payment of income tax and provide deductible status to donors thereto, specify that "no substantial part of the activities" of these groups may be for the purpose of attempting to influence legislation. Accordingly, I have written to the Commissioner of the Internal Revenue Service calling his attention to the ACLU activity in light of its tax-exempt status.

As part of my remarks, I include the text of my letter to the Commissioner of the Internal Revenue Service:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNAL SECURITY,
*Washington, D.C. April 30, 1973.*

Mr. JOHNNIE WALTERS,
*Commissioner, Internal Revenue Service, Washington, D.C.*

MY DEAR COMMISSIONER: Enclosed for your information is a copy of the March, 1973 issue of *Civil Liberties* published by the American Civil Liberties Union relating to its campaign to abolish the House Committee on Internal Security.

You will note that the ACLU is sponsoring a letter-writing campaign to Members of Congress urging them to vote for bills to abolish the Committee. Further, the ACLU has requested that a coupon printed in the above-mentioned issue of *Civil Liberties* be filled in and returned to the ACLU, listing the name of the Congressman to whom a letter has been directed and indicating the nature of his reply.

It appears that the ACLU has undertaken a major lobbying effort to influence legislation. This would appear to me to possibly be in violation of regulations relating to tax-exempt organizations. Therefore, I ask that you look into this situation and furnish me with a report setting forth your comments and observations as to whether this is proper conduct for a tax-exempt organization.

With best wishes, I am

Sincerely yours,

RICHARD H. ICHORD,
*Chairman.*

## INDOCHINA WAR

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. GUDE. Mr. Speaker, citizens all around the Nation are expressing their concern and frustration over the continuation of U.S. military activity in Indochina. The bombing of Cambodia has no legal basis other than the inherent power of the Executive and the passive compliance of the Congress.

This week we have a chance to reverse this trend and begin to restore to Congress some of its constitutional war power authority. By passing the Addabbo amendment to the second Defense Department supplemental appropriations for fiscal year 1973, we will be defeating funds that would be used, directly or indirectly, to cover the U.S. bombing of Cambodia, both past and future.

As an example of citizen concern and initiative with regard to this vote, I insert in the RECORD at this point an advertisement which was placed in the Washington Post of May 8, 1973 by the Ad Hoc Committee To Stop Illegal U.S. War in Southeast Asia.

TO THE CONGRESS OF THE UNITED STATES
DON'T DECLARE WAR IN SOUTHEAST ASIA AGAIN

Federal courts have held that congressional authorization of war funds amounts to a de facto declaration of war!

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HR 7-447 as approved by the House Appropriation Committee on May 3rd contains a provision authorizing the Pentagon to transfer an additional 430 million dollars in appropriated funds for war use in Southeast Asia.

Administration witnesses have testified that 130 million to 150 million dollars of the 430 million would be used to pay for bombing Cambodia!

Don't pass another "Tonkin Gulf resolution!"

President Nixon in his foreign policy report to Congress on May 3 threatens renewed hostilities against North Vietnam!

Don't give the administration authorization to go to war in Cambodia and renew U.S. participation in the war in S.E. Asia!

We've got our prisoners back! One decade of war in Vietnam is enough!

Vote to delete the Pentagon request for increased authority to transfer appropriated funds from HR 7445.

## THE CHANGING OF TIME IN CHANGING TIMES

### HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. DENHOLM. Mr. Speaker, time is life—life is time. The change of the clock can change neither. All of us want more of both and the older we grow the greater the desire—with few exceptions.

In our fleeting wisdom of changing times—we have changed the time. Some want more time at the end of the day and others at the dawn of day. But there is no change in the day or night. There is only so much time like 12 inches to a foot and 3 feet to a yard—and by whatever measure we cannot change the distance from "here" to "there." And neither by whatever measure at our command can we change the fleeting time. The composite of dawn, of day, of dusk and night is life. And so it will be as long as there is a heaven and an earth. Yet, with the shift of a great majority of the people from the earthly beauty of nature to the industrial age of a frustrated society in America—we sought a longer evening of play, time away from work, the office, shop, and store. Many seek escape to the "greens," the lakes, picnics, races—all in desperate search of time. All back to the country—the out-of-doors and to the quiet of the earthly beauty of nature.

Now, the minority live on the land in our country today—closer to nature and destined to the earthly duty of the soil warmed by the sun and not by the hour of the man-geared measure of time.

The animals, the birds, the flowers, the grains, the grass, the moss and all earthly life is subject to the nature of the sun as a measure of time. And so are we.

I propose a modification of existing law in the adjusted course of time. Any arbitrary proposal to move the measure of time ahead or back will fail the satisfaction of all. However, absent of emergency, the longest days resist erratic adjustments with the least amount of impact upon nature.

I, therefore, propose to amend the existing statute to limit the so-called "Daylight Saving" time to the period commencing at Memorial Day and ending at the close of Labor Day. It is a compromise for those that seek more and those that seek less. It will hurt none. It will be appreciated by many—and particularly by the young that in darkness seek schools of knowledge in the cold mornings of autumn and winter.

Mr. Speaker, I submit for the RECORD a copy of my proposal to amend the existing law. I am hopeful the Present Statute can be amended without delay.

The publication follows:

H.R. —

A bill to amend the Uniform Time Act of 1966 to provide for daylight saving time for the period beginning May 31 through Labor Day annually

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended by striking out "the period commencing at 2 o'clock antemeridian on the last Sunday of April of each year and ending at 2 o'clock antemeridian on the last Sunday of October of each year" and inserting in lieu thereof "the period commencing at 12:01 antemeridian on May 31 of each year and end at 12: 00 midnight on the first Monday after the first Tuesday in September of each year".

SEC. 2. The amendment made by the first section of this Act shall apply in calendar years beginning after the date of the enactment of this Act.

## ISRAEL'S 25TH ANNIVERSARY

### HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mrs. HECKLER of Massachusetts. Mr. Speaker, this week marks the 25th anniversary of a great moment in history, the establishment of the new nation of Israel.

This brave nation's courageous leaders and citizens have, over the past quarter-century, carved from the desert a bastion of freedom that should reinspire all dedicated Americans to increased respect for our own freedom and liberty. On personal visits to Israel, I have been so reinspired.

The determined dream of a Jewish national homeland has become a thriving reality. Israel is a focal point for all men and women who look upon justice and freedom as inallenable rights. I welcome this opportunity to renew my support for the preservation of this brave young member of the family of nations.

I wholeheartedly endorse America's strong bipartisan foreign policy that is committed to Israel's survival. I am proud that I have voted to provide Israel with the means of deterring aggression while we work together to explore every means of deterring a renewal of hostilities and promoting a lasting peace in the Middle East. In addition, I reaffirm my support for Soviet Jewry. While the infamous "education tax" has been suspended, I hope that Moscow will affirm the suspension as a permanent Soviet policy. The plight of Soviet Jewry must be permanently allayed.

The traditions that built the United States are being tested anew in the much smaller, but no less determined, nation of Israel. Their goals of freedom and justice deserve our support, our hope, our promise and our prayers.

## U.S. PENSION PLANS: FACTS AND FRICTIONS

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. RAILSBACK. Mr. Speaker, I have long been concerned about the need for pension reform, and have sponsored legislation regarding individual plans, funding, vesting, and standards. Recently, I had the opportunity to review a very excellent four-part series in the Christian Science Monitor which presents many of my own concerns and thoughts. For the review of my colleagues, Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

U.S. PENSION PLANS: FACTS AND FRICTIONS—MANY RETIREES ARE DISAPPOINTED

(By David T. Cook)

BOSTON.—A pension usually isn't a promise. It's a probability.

The order of events for retiring American workers is thus sometimes: gold watch, farewell handshake, unhappy surprise.

About half of this nation's full-time nonfarm labor force—some 35 million workers—are covered by privately run pension plans.

Some of those covered will be surprised. Critics and supporters of the plans disagree on how many. But they agree that there is a difference between being covered and actually collecting benefits at retirement.

Critics charge that workers would get better benefits and fewer surprises if:

Irrevocable pension benefits were granted to workers at an earlier age and after a shorter time with an employer.

Employers amassed funds to pay for promised benefits at a more rapid rate.

Tighter federal controls were imposed on the management of pension-fund assets.

Employers were required to insure promised pension benefits with a federal corporation.

SIMPLIFIED LOOK

A simplified look at the design of a pension plan could prevent an unwelcome surprise at retirement. It may also make it easier to assess both criticism of the private pension system and legislation pending before Congress to change it.

Consider the case of Hypothetical Hotplate Company, a small manufacturing firm. Its directors decide to set up a pension plan to supplement retirement benefits their employees will get under social security.

Hypothetical officers first decide what the firm can afford to spend on a pension plan. A number of factors determine what level of benefits the firm can provide for this price.

For most U.S. firms, the rate of employee job hopping is one of the most important considerations in estimating pension costs. Employees can't collect pension benefits until they are vested. Benefits become vested when a worker is given an irrevocable right to collect a pension even if he leaves the firm before retirement.



VESTING REQUIREMENTS

The stiffer the vesting requirements, the harder it is for an employee eventually to collect benefits. Hypothetical decides to require employees be on the job 15 consecutive years and reach age 45 before their benefits become vested. A Treasury Department study indicates these vesting requirements are typical of a majority of U.S. firms.

Vesting requirements coupled with an assumed rate of employee job changing can mean that a significant but disputed number of employees will quit or be fired before their pension benefits become vested.

Recent social-security data indicates that half of all men between 60 and 64 have worked less than 15.4 years for any one employer, and so would not meet "average" vesting requirements.

In designing its pension benefits, Hypothetical Hotplate assumes some of its employees will die or be disabled before they reach retirement age and collect benefits. This is a standard assumption.

Whatever money Hypothetical sets aside to fund (pay for) pension benefits probably will be invested. The firm decides to hire a bank or other professional adviser to handle the investment of its pension funds. Most private firms make the same decision. The reason: The higher the rate of return Hypothetical's advisers achieve on invested funds, the less the firm has to pay to provide workers with a given level of benefits.

The assumed rate of return on invested pension funds is thus of major importance in setting a firm's pension benefits and costs.

Estimate of foreseeable inflation and wage hikes also are considered in determining a benefit formula. Hypothetical's benefit formula is typical. An employee's annual wage is multiplied by 1 percent. The product, expressed in dollars, is called a benefit credit.

CREDITS KEPT SEPARATE

In the firm's pension-fund accounting, each employee's annual benefit credits are accumulated separately. If a worker stays with Hypothetical Hotplate long enough for his benefits to vest, they will be paid back to him during the period of his retirement.

Critics and supporters disagree on how effective the private pension system is in providing retirement benefits to workers it covers. There is little disagreement about the system's massive size and impact.

Private pension plans have combined assets of some $157 billion, according to the latest industry figures. These assets are growing at a rate of about $10 billion a year.

Private pension coverage is concentrated among employees of manufacturing, transportation, and mining firms, according to government statistics. Sales and service workers are sparsely covered.

EFFECTIVENESS DISPUTED

The system's effectiveness in getting benefits to those it covers is disputed.

A Senate labor subcommittee study suggests only 10 percent of those enrolled in private plans stay long enough with any firm to acquire vested pension rights.

Pension-plan supporters cite a study made by the actuarial firm of A. S. Hansen. In an examination of 864 firms, Hansen found two-thirds of covered employees will wind up with vested pension benefits.

For the covered who collect, private-pension-plan benefits alone won't guarantee a comfortable living standard. According to pension-industry sources, the average annual benefit paid by private plans to retirees is $1,605.

According to the Labor Department, a retired couple in Boston living on a low budget needs $3,645 a year.

Most employees do not contribute directly to benefits they receive on retirement. Some 75 percent of all private pension plans are wholly financed by employers, according to Life Insurance Institute figures. In only 1 percent of private plans are benefits supported exclusively by worker contributions.

Businesses that fail can't support pension plans. So their plans usually terminate. Internal Revenue Service statistics show that one out of every 14 plants the IRS qualifies for tax exempt status eventually terminates.

First of a four part series. Next: the private pension system's vast pool of riches. Why are they needed and who regulates them?

PENSION PLAN CHECKLIST—I

Questions you should be able to answer about your employer's pension plan:

1. How many years of continuous service are required to collect benefits?
2. What constitutes a break in service?
3. Can a pension be collected by a former employee who at retirement is working for another firm?
4. What is the minimum retirement age?
5. How much are benefits reduced for early retirement?
6. What formula is used to determine retirement benefits?
7. Is there a survivor option, providing reduced benefits to a pensioner's spouse?

## BLOWING THE WHISTLE ON SOVIET SPORTS

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. DERWINSKI. Mr. Speaker, this evening, the Soviet national basketball team will conclude a tour of the United States. The tour has received very favorable coverage in the sports pages, although competing for space with the professional hockey and basketball playoffs and the developing baseball season.

It has long been my contention that the United States should thoroughly expose the professionalism which exists in Soviet sports and operations. By any legitimate standards, the Soviet olympic participants should not be considered amateurs.

A recent article in the International Herald Tribune of Monday, April 23, came to my attention. In view of its significance and timelinness, I insert it into the RECORD at this point:

BLOWING THE WHISTLE ON SOVIET SPORTS

(By Dr. J. Nelson Washburn)

NEW YORK, April 22.—Whatever the outcome of the series to be played by the visiting Soviet Olympic champion national basketball team and a group of American players, including some participants from the disputed game at Munich, there should be some unfinished business on the agenda of the United States Olympic Committee board of directors at the meeting here next Friday and Saturday.

Although the former president, Clifford H. Buck, was unsuccessful in his formal protest to reverse the result of the 51-50 game at Munich, the new president, Philip O. Krumm, is not precluded from undertaking another avenue to salvage the Olympic basketball gold medal for Americans.

The USOC board of directors has long considered amateurism in terms of Olympic eligibility. The report on "Amateurism in The United States," presented to the board March 6, 1972, ran 11 pages.

Unfortunately, neither that report nor its sequel, submitted to the board July 7, 1972, contained a single word about amateur standing with respect to Olympic eligibility on behalf of Soviet athletes, including basketball players.

MISSING VERSE

Efforts to make Soviet Olympic basketball players disgorge their gold medals have been virtually ruined by backsliding exhibited by the International Olympic Committee more than two years ago. On March 14, 1971, the IOC executive board approved unanimously Rule 26 on eligibility in a watered-down form, minus the one strongly worded paragraph it had contained that ruled ineligible for Olympic competition:

"Those who have capitalized in any way on their athletic fame or success, profited commercially therefrom or have accepted special inducements of any kind to participate, or those who have secured employment or promotion by reason of their sport performances rather than their ability, whether in commercial or industrial enterprises, the Armed Services or any branches of the Press, Theatre, Television, Cinema, Radio, or any other paid activity."

In this connection, the report in Krasnaya Zvezda, central organ of the Soviet Ministry of Defense, of the Moscow reception hosted by Minister of Defense Marshal Andrei Grechko last Oct. 10 is apropos. Honored guests were Soviet Olympians who were athletes of the armed forces. Marshal Grechko promoted 11 of these armed forced athletes "dosrochno," i.e. ahead of schedule. Two captains became majors; four senior lieutenants became captains; two junior lieutenants became lieutenants; two ensigns and a junior sergeant became junior lieutenants.

One of those promoted to lieutenant was Ivan Edeshko, whose court-length pass in the disputed final three seconds set up the winning basket by Aleksandr Belov at Munich.

Although the IOC chose to extract the one tooth in Rule 26 on eligibility that applied to both 1972 Winter and Summer Olympics, the language of Rule 26 that remained was restrictive even if essentially toothless. That language, printed in the "Participant's Declaration" signed by each and every participant in the Summer Olympics at Munich, stated:

". . . For national aggrandizement, governments occasionally adopt the same methods and give athletes positions in the Army, on the police force or in a government office. . . . Recipients of these special favors which are granted only because of athletic ability are not eligible to compete in the Olympic Games."

BIG FAVORS

It will be difficult—but not impossible—to attribute to basketball skill a Soviet Army career for Ivan Edeshko. The same goes for Sergei Belov, who contributed 20 points in the 51-50 victory over the Americans. He also was promoted last Oct. 10 from junior lieutenant to lieutenant.

Nevertheless, Rule 26 still makes any national Olympic committee or national federation knowing of fraudulent "special favors" for individual members of its Olympic team responsible for such mischief, if proved. The rule also places the basketball team in jeopardy of disqualification and forfeiture of games won with its mischief-makers. On such substantial legal ground, the USOC might still cast its traditional caution to the winds and undertake a legalistic protest.

In so doing, it could, with advantage, cite the unequivocal provision in the Act of Congress that incorporated the USOC Sept. 21, 1950, the stated objective of seeking "to maintain the highest ideals of amateurism . . . particularly in connection with the Olympic Games. . . ."

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The Krasnaya Zveda account of the 11 promotions proudly declared that representatives of the armed forces of the U.S.S.R. had won 34 gold, 20 silver and 19 bronze medals of 107 gold, 46 silver and 50 bronze medals taken home from Munich by Soviet Olympians. About a dozen members of the United States armed forces competed in the Olympics but their programs were loosely organized.

Some observers believe that militarization of Olympic competition as practiced by the Soviet Union under Marshal Grechko has reached the point of becoming a mass phenomenon detrimental to the Olympic ethic. It may be appropriate, with both Ivan Edeshko and Sergei Belov on American soil, for the USOC to blow the whistle on militarization of the Olympic movement and try to salvage the 1972 Olympic basketball title in the process.

## RABBI COHEN'S BELIEF: PARTNERS WITH GOD

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. KEMP. Mr. Speaker, on Thursday, March 8, 1973, Rabbi Morris A. Cohen offered the opening prayer for the session of the House on that day. Since then he has continued to share with others his stimulating philosophy. The April 1, 1973, issue of the Buffalo Courier Express has an interesting article on the rabbi's current activities which I call to the attention of my colleagues and include at this point:

WNY's Good Listener—Rabbi's Belief: Partneas With God

(By H. Katherine Smith)

Dr. Morris A. Cohen who is, Buffalo's only Orthodox Jewish rabbi, delivered the prayer at the opening of the House of Representatives on March 8. In the invocation, he prayed:

"That we may enjoy the realization of thy Divine command which summons us to manifest our partnership with the God of creation and justice".

The idea of people being partners with God in the creation of modern society and daily living is basic to Rabbi Cohen's philosophy. He deems working with God for the good of humanity and the world far more important than praising God.

Rabbi Cohen considers himself "the unsalaried rabbi of Buffalo." Seven generations of his forebears were unsalaried rabbis. Four of his brothers are rabbis, two of them army chaplains.

Rabbi Cohen deems it a privilege to share with others his theological learning and his philosophy. Also, he believes that a religious leader's utterances may be limited if his congregation controls his purse. He is a psychologist in the Buffalo Public School System. He is one of a very few American rabbis to possess the degrees of doctor of ritual law and doctor of Jewis jurisprudence.

In the opinion of this clergyman, one of the most serious defects of our society is the prevalent refusal to assume responsibility. In the West Side schools where he works, he sees children arrive on a snowy day with sneakers on their feet—no rubbers or boots. Many tell him they have had no breakfast.

"Those neglected children's parents refuse to assume responsibility for them," he stated.

He says modern Americans instead of making their own decisions, try to have their problems solved by professionals—the social worker, the counselor, or the psychiatrist. When a child is failing in school, I do not immediately suspect a mental or emotional disability. In many cases, the cause is an inadequate home environment, poverty, or substandard physical health.

"In our society," he told your Good Listener, "we are led to believe, from childhood, that we are entitled to live in a continuous state of happiness.

When adults feel depressed, they take tranquilizer or stimulant pills.

"Children, seeing their parents taking pills frequently, regard dope, when it is offered, as merely another type of pill. The young person who is not doing well in school and is not popular with his classmates seeks a shortcut to happiness through dope."

As psychological counselor of Hillel on both the UB and Buffalo State College campuses, Rabbi Cohen has known a number of couples who entered upon mixed marriages, that is marriages in which the partners are of different races or religions. He is opposed to any mixed marriage, and states that among them, the divorce rate is abnormally high.

"Partners of a racially mixed marriage are interacting with fantasy," he maintains. "They may be trying to prove they are less biased than others, or they may have chosen a partner of a different race to defy or distress their parents."

"Children of a racially mixed marriage find difficulty in identifying with either race. Children of parents reared in different religions are baffled by the different traditions of their grandparents."

It is the rabbi's conviction that the goal of education ought to be preparation for survival in modern society. He thinks many young persons who have grown up in the inner city are better prepared for this than those men and women with PhD. degrees who are unable to obtain employment in the fields for which they were educated.

The rabbi regrets that the majority of undergraduates in our schools and colleges are satisfied with merely "getting by", thereby missing the joy of doing the task at hand as well as they are able to do it.

While an undergraduate student at Yeshiva University, Morris Cohen's writings were quoted in books authored by outstanding rabbis. He obtained his master of science degree in psychology from that university, and interned as a clinical psychologist in two hospitals in New York City. For six years, he was a psychologist in New York City public schools, and for an equal period, he has been identified with the Buffalo schools.

Rabbi Cohen's wife is a Costa Rican, a teacher of Spanish literature at Canisius College. The couple has made five trips to Costa Rica and five trips to Israel.

They have an 8-year-old son, Raphael Ben Zion and two daughters, Tamar Nechama, 6, and Ayelet Hashahar, 4.

In every room of the family home at 380 Colvin Ave. are books, so readily accessible, that the intellectually curious need only stretch out a hand to reach a provocative volume.

Although he likes the idea of starting each day with prayer, he deems prayer in public schools "contrary to the U.S. Constitution as I understand it. It bans forced worship."

The Orthodox rabbi is writing a book on the psychology of the Gospels.

His affiliations include the American and New York State psychological associations, the State Assn. of School Psychologists, the Rabbinical Alliance of America, the Buffalo Board of Rabbis, Buffalo Teacher's Federation, the Political Action Committee, the Jewish Center, and the Montefiore Club of which he is an honorary member.



## AND NOW THE CIA AND THE MARINE CORPS

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, like many Americans, I take no personal pleasure in the daily revelations in the press of the continuing chain of events in the Watergate scandal.

These revelations have now involved to greater and lesser degrees high officials in the White House, the Department of Justice, the FBI, the Department of Commerce, the State Department, the Department of Defense, and now the CIA and the U.S. Marine Corps.

Top aides at the White House have resigned—two Attorneys General have resigned—an acting FBI Director has resigned—a number of other lesser officials have resigned, while others have been convicted by the court and one imprisoned.

The disclosures seemingly go on and on, threatening to engulf the entire Government—and as these revelations continue, the faith of the American people in the Federal Government is being shaken as they read of the Watergate cancer spreading insidiously from one agency to another, touching more and more officials throughout the Government.

The recent revelations involve both the CIA and the U.S. Marine Corps, and in this connection I place in the Record herewith an editorial from the Washington Evening Star & News and other articles reporting the latest revelations concerning the CIA and the Marine Corps.

These articles follow:

Cushman Okayed CIA Aid to Hunt

(By Seymour M. Hersh)

Gen. Robert E. Cushman Jr., the Marine Corps commandant who in 1971 was deputy director of the Central Intelligence Agency, authorized the use of CIA material and research in the burglary of the office of Dr. Daniel Ellsberg's former psychiatrist, sources close to the Watergate case say.

The sources said yesterday that the general, who is now a member of the Joint Chiefs of Staff, acted at the request of John D. Ehrlichman, President Nixon's chief adviser for domestic affairs until he resigned last week.

Cushman, who left the CIA in 1971, was questioned by FBI agents late last week, the sources said, and reportedly accepted full responsibility for the decision to permit the CIA to help E. Howard Hunt Jr. and G. Gordon Liddy prepare for the break-in.

Cushman could not be reached for comment.

The federal prosecuting team in the Watergate case first learned of the burglary at the office of Dr. Lewis Fielding in an interview last month with John W. Dean III, who resigned as counsel to the President last week. Then, in grand jury testimony Wednesday, Hunt told of utilizing CIA disguises, fake identification papers, and even a "safehouse" in the Washington area that were provided by the agency's clandestine services, the so-called "dirty tricks" department.

Hunt, a 20-year CIA veteran who, along with Liddy and five others, were arrested last year in connection with the Watergate bugging, also told the grand jury that he believed that cooperation with the CIA had been arranged by one of his superiors, Egil Krogh Jr.

At the time, according to grand jury testimony, Krogh, deputy to Ehrlichman was directly in charge of a special White House team that had been set up in the aftermath of the June 1971 publication of the Pentagon Papers to determine who was involved in the disclosure of the documents.

Krogh, who reportedly has resigned his new job as under secretary of Transportation, has sent a classified affidavit to the Ellsberg trial court Friday in which he reportedly accepted full responsibility for the burglary.

Two sources confirmed yesterday, however, that Krogh did not have the authority to deal directly with the CIA on such matters as arranging help for a clandestine operation inside the United States.

One source knowledgeable about the Hunt-Liddy burglary plan gave the following version of how the agency's cooperation was enlisted:

The CIA connection was initiated by Hunt, who had instant telephone communication with that agency and other intelligence offices through a highly secure scrambler telephone that he and Liddy ordered installed in their quartera in the Executive Office Building, next to the White House.

After being told by a CIA official that further authority was needed before the agency could provide any assistance, the source said, Hunt went to Krogh, who took the problem to his superior, Ehrlichman.

Then the source went on:

"Ehrlichman makes a telephone call to Cushman, and says, 'Hey, these guys need some chores done. Won't you take care of it?' Cushman says, 'OK I'll do it.' "

"There was absolutely nothing in writing," the source said. "There was only one call—just a little lean-on call by Ehrlichman. And then Hunt and Liddy began asking for safehouses and all the rest."

At the time of Ehrlichman's alleged call, all the key intelligence agencies of the government were said to be cooperating with the Hunt-Liddy group.

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[From the Evening Star and News, May 8, 1973]

The CIA and Ellsberg

On and on come the ugly revelations, the almost daily disclosures of how this nation's political and judicial processes have been manipulated and corrupted. Now we learn that the Central Intelligence Agency shares heavily in the responsibility for the Ellsberg case, which if not directly related to Watergate nevertheless helped set the stage for it and is indisputably part of the same poisonous syndrome.

Start with the premise that, for its own purposes, the CIA had no interest in digging up damaging information on Daniel Ellsberg and his role in leaking the Pentagon papers in June, 1971. But the White House surely did. And someone at the White House, possibly John Ehrlichman, induced someone high at CIA, probably General Robert E. Cushman, to authorize the use of the agency's clandestine services in the burglary of the office of Ellsberg's psychiatrist. That happened in September, 1971, while Richard Helms was still head of CIA and two months before General Cushman left his post as deputy director of the agency to become commandant of the Marine Corps. Meanwhile, and just as disturbing, the head of CIA's psychological assessment unit was directed (by whom?) to cooperate with the White House in working up a psychological profile of Ellsberg.

At this point, the CIA-Ellsberg episode is subject to any number of interpretations. Loose threads and unanswered questions are everywhere. Yet even an interpretation most favorable to the agency leads to conclusions that are devastating.

The CIA, in brief, has been used and compromised and discredited in somewhat the same way that the FBI, under Patrick Gray, was used and compromised and discredited in the Watergate investigation. Perhaps it was the guiltier of the two. For the CIA lent its offices to the perpetration of a shoddy crime, to the trampling of civil liberties and to a domestic surveillance operation that by law it had no business conducting even indirectly.

It is difficult to believe that Helms, a canny and professional man, would have known all this beforehand and consented to such an improbable venture as the Hunt-Liddy burglary of the psychiatrist's office. Of course, anything is possible, as the nation has learned with relentless regularity the last few weeks.

General Cushman, even if his implication in the affair can be partially explained as unthinking, has a great deal to answer for. He is, to be sure, a distinguished military officer. He is also a longtime friend and supporter of the President's. Those two things need not have been incompatible. But in this case, apparently, they were. In the anything-goes pattern of Watergate, an otherwise decent man appears to have blocked off conscience and good judgment, and gone along with whatever the White House requested.

At first the Watergate scandal was said to be the work of a few ideological zealots. Lately, it has been fashionable to lay the blame on men close to the President with a super-loyal, ad-agency turn of mind. But the web of Watergate-Ellsberg spreads much farther than that. In the FBI, in Justice, now in the CIA, it involves men and vital institutions the American public should have had every reason to trust, but now do not. Aside from the diminished stature of the presidency itself, that is what is hardest to take.

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A New Bay of Pigs for CIA?

(By Smith Hempstone)

It is now clear that the Central Intelligence Agency has been far more deeply implicated in the Watergate-Pentagon Papers scandal than had previously been suspected.

Earlier this week, the New York Times, quoting "sources close to the Watergate case," said that Gen. Robert E. Cushman Jr., the agency's former deputy director and now commandant of the Marine Corps, authorized CIA assistance in the burglary of the office of Daniel Ellsberg's psychiatrist. The Times said Cushman, who is out of the country and has not commented publicly on the allegation, acted at the request of former presidential counselor John D. Erhlichman.

An indirect CIA connection with the Watergate Seven had been evident from the beginning of the affair last June. G. Gordon Liddy, the former White House consultant and operational chief of the bugging of Democratic national committee headquarters, had been an agent for the Federal Bureau of Investigation. E. Howard Hunt Jr., his deputy, had been the CIA agent who planned the abortive Bay of Pigs invasion.

James W. McCord had served 19 years in the CIA until his "retirement" in 1970; he became security chief of the Nixon campaign committee in 1972. Cuban-born Bernard L. Barker worked with Hunt on the Bay of Pigs invasion, acting as a link between the CIA and the army of exiled Cubans.

Frank Sturgis (alias Frank Fiorini) also was involved in the Bay of Pigs and has CIA connections. The two Cuban members of the raiding party, Eugenio R. Martinez and Virgilio R. Gonzalez, also had records of anti-Castro activity.

But the emphasis always was on a past CIA association. It was easy to believe this: Washington and Miami are full of former intelligence agents willing to undertake contract work which their colleagues within the CIA would be forbidden by law to engage in (under the National Security Act of 1947, which created the agency, CIA's activities are restricted to work abroad).

It now appears possible, even probably, that Liddy, Hunt and possibly others of the Watergate Seven had not in fact severed their relations with the intelligence community and were, indeed, operating with the knowledge and consent of the CIA.

These seemingly isolated but possibly interrelated events point to a pattern of CIA involvement:

Hunt was hired by the Robert R. Mullen & Co. public relations firm in 1970 on the personal recommendation of the then CIA Director, Richard Helms. It is still unclear as to whose payroll Hunt was on after he joined the White House staff in the summer of 1971.

In December of last year when Watergate was just beginning to heat up, Helms was fired as CIA chief and shipped off to Teheran as ambassador to Iran.

Helms' successor, James R. Schlesinger, who came to CIA from the Office of Management and Budget via the Atomic Energy Commission, has been conducting a widespread purge of the agency.

Hunt testified last week to the Watergate grand jury (according to a transcript released by attorneys for Pentagon Papers defendants Daniel Ellsberg and Anthony Russo) that the CIA provided him and Liddy with cameras, disguises, false identity papers and other "technical assistance" for the burglary of the Beverly Hills office of Dr. Lewis Fielding, Ellsberg's psychiatrist.

Hunt told of meetings with CIA agents in two of the agency's "safe houses"—secret hideaways—in this city. He also told of being given a CIA "sterile" telephone number—an unlisted number in which billings are not reflected—to call when in need of "material" assistance.

Hunt's grand jury testimony can be given a great deal of credence because in it he correctly identified Dr. Bernard Malloy as the head of the CIA's psychiatric unit. Dr. Melloy's identity previously had been a closely held secret. He is not listed in the Washington, Maryland or Virginia telephone directories, but he maintains a private office at 2520 Pennsylvania Ave., in addition to his CIA office in McLean, Va. Hunt also revealed, correctly, that Melloy's unit works up psychiatric profiles in persons "of interest" to the U.S. government. Ellsberg was the subject of one of these profiles; similar studies have been made of Fidel Castro and Leonid Brezhnev.

Although Helms was appointed head of the CIA by Lyndon Johnson in 1966. President Nixon has close personal links with the present deputy director of the CIA, Maj. Gen. Vernon A. Walters, as he had with Walters' predecessor, Gen. Cushman, the Marine Corps commandant.

Gen. Cushman was Nixon's naval aide during the former's vice presidential years. Gen. Walters was President Eisenhower's personal interpreter and accompanied Nixon on his disastrous 1958 tour of Latin America.

In short, it looks as if CIA may have been into the Watergate-Ellsberg mess up to its clandestine ears.



XUM

WELFARE SCANDAL—XVII

## HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. THOMSON of Wisconsin. Mr. Speaker, Congress is finally showing some signs of recognizing the importance of controlling Federal spending. But even if we control total spending, there is a long way to go in improving the productivity of our Government programs. Foremost among the offenders as wasteful, fraud-ridden, and ineffective is our system of providing public welfare.

Clearly, both administrators and recipients contribute to the failure of our welfare system. But is the organization of our delivery system of welfare assistance which abets and encourages the waste and inefficiency. Things just must be tightened up. Greater controls must be imposed.

I am inserting into the RECORD today the 17th installment of an investigative series run recently by the Milwaukee Sentinel exposing the fantastic waste in the Milwaukee County Welfare Department. Today's installment illustrates how ineligible recipients take advantage of poor administrative controls and apply successfully for aid for which they do not qualify under the law. I hope this example spurs greater congressional awareness of the urgency for reform of our welfare system.

WOMAN RUNS TAVERN, RECEIVES AID

(By Gene Cunningham and Stuart Wilk)

A woman is receiving welfare grants under one name and operating a Milwaukee tavern and restaurant under another name.

The woman is listed as president, treasurer and agent of Inn Old Milwaukee, 101 S. Dana Ct., under the name Patricia Utecht, according to city tavern license records.

Her home address is listed as that of the tavern.

The same woman is receiving welfare grants under the name Mrs. Patricia Mitsch, 8740 S. Oak Park Dr., Oak Creek, according to Milwaukee County Welfare Department records.

Welfare records show that Patricia Mitsch's maiden name was Patricia Utecht.

Reached for comment Thursday, the woman first responded that she was "Pat" when a reporter asked for Patricia Utecht, then said she was Patricia Mitsch and did not know Patricia Utecht.

She said she lived in Oak Creek and was receiving welfare assistance.

The agent for a corporation operating a tavern in the city of Milwaukee must live in the city, according to a city licensing regulation.

Both the tavern license records and welfare records show that the woman was born on June 23, 1936.

The license application, signed by Patricia Utecht, states that no women are to be employed in the operation of the tavern, although the woman who said she is Patricia Mitsch, not Patricia Utecht, said she works there doing cleaning free of charge.

In the application, Patricia Utecht also said that she had lived for two years at 2448 N. Fratney St. prior to moving to the tavern address.

One of the former owners of that property, Mrs. Walter Bohrer, of Big Bend, confirmed Thursday that she and her husband rented to a woman Mrs. Bohrer identified as Mrs. Pat Mitsch.

Mrs. Bohrer said they rented half of a duplex they owned at the Fratney address but she could not remember for how long. She said the woman she knew as Mrs. Mitsch moved out sometime last year.

The Bohrers sold the property last November.

"I didn't know anybody by that name," Mrs. Bohrer said when queried about renting to Patricia Utecht.

The corporation headed by Patricia Utecht pays $625 a month rent for the tavern, according to records.

Records further show that the corporation paid $1,000 for stock for the tavern, $7,000 for fixtures and $7,000 for "good will of the business" when the corporation took over the tavern operations last year.

The woman is receiving assistance under Aid to Families with Dependent Children (AFDC). Her March grant was $145 plus a $146 voucher payment to Oak Park, Inc., 8720 S. Oak Park Dr., Oak Creek. The payment was for rent, according to records.

The woman's April grant will be $87 plus the $146 rent payment, according to records.

She also is getting food stamps, welfare records show.

The woman's AFDC case was opened Dec. 1, 1971. The grant includes the woman and two children.

A spokesman for Oak Park Apartments confirmed that Mrs. Patricia Mitsch rents an apartment there.

"I don't know where she works," the spokesman said. "I don't even know if she works."

Val Luljack, who rents the tavern building to Inn Old Milwaukee, Inc., told the Sentinel that Patricia Utecht tends bar at the tavern but does not live in either of the apartments above the tavern and restaurant.

He said he had been told that she lives in a South Side suburb with her children.

The following is a telephone interview with the woman in a call to the Inn Old Milwaukee.

Q. Patricia Utecht, please.

A. This is Pat.

Q. Pat, are you perhaps the one who lives down in Oak Creek—Patricia Mitsch?

A. Yes.

Q. Fine. This is . . . a reporter at The Milwaukee Sentinel. . . . We've run across some welfare records showing that you are receiving welfare payments for yourself and your children.

A. Uh-huh.

Q. Is this correct?

A. Yes it is.

Q. But do you live in Oak Creek?

A. Yes.

Q. Do you run the tavern?

A. No, my boyfriend does.

Q. But you are involved in the corporation there?

A. No.

Q. You're not involved?

A. No.

[Records show that Patricia Utecht is president, treasurer and agent of the corporation that operates the tavern.]

Q. What are you, just a bartender there?

A. No, I just come in and clean and stuff when he's not here.

Q. So you feel you really are eligible for welfare then?

A. I have no other income?

Q. You have no other income?

A. Uh-uh.

Q. In other words you work there free of charge?

A. Well, his mother helps my children with clothes and things.

Q. What we're trying to determine is outside income and eligibility for welfare. . . . But the welfare is your only source of income?

A. That's my only source . . . I know I want to go back to school but I don't drive and don't have a car. I'd have to be taken back and forth.

Q. Are you aware that your name is on the license for the tavern as president, treasurer and agent—for which you should be living in the city of Milwaukee?

A. Pat who? Mitsch?

Q. Utecht.

A. No. The Utecht girl. No this isn't. This is Pat Mitsch. There is a Pat Utecht, too.

Q. You said you were Pat Utecht.

A. No, Pat Mitsch.

Q. You are Pat Mitsch?

A. Yes.

Q. Well, then, is there at Pat Utecht there?

A. No. I don't even hardly know her. It's uh, part of the family.

Q. You were both born on the same date though.

A. I don't really know.

Q. So you are not Pat Utecht?

A. No, I'm Pat Mitsch.

Q. Was your maiden name Utecht?

A. No.

Q. It wasn't?

A. Uh-uh.

Q. But you are Pat Mitsch?

A. Yes.

[Welfare records show that Patricia Mitsch's maiden name is Patricia Utecht.]

Q. Your husband's name was Donald Mitsch?

A. No.

A. No. I don't know where you got this from.

[Welfare records show that Mrs. Mitsch's husband's name was Donald. A man who identified himself as Mrs. Mitsch's son at the Mitsch apartment said that his father's name is Donald.]

[License records show that Patricia Utecht is divorced.]

Q. Do you happen to know Pat Utecht?

A. No. I know there's an agent here, you know. Because it's a corporation.

Q. But you are not Pat Utecht?

A. No. It kinda shocked me now.

Q. When you answered the phone I asked for Pat Utecht and you said you were Pat Utecht.

A. I heard you say Patty, you know.

Q. How do I get in touch with Pat Utecht?

A. The only thing I can think of is (pause). Oh Christ—I don't know if Mother and Dad would know.

Q. I would like very much to call her and talk to her if you could give me a phone number or—

A. I have no phone number because I really don't even know her.

Q. You don't even know her?

A. No.

Q. She doesn't work at the tavern then?

A. No, uh-uh.

Q. Do you perhaps tend bar at the tavern, too, as well as cleaning?

A. No, uh-uh.

Q. So there's no Pat Utecht that works at the tavern?

A. No, uh-uh.

[Luljack said that Patricia Utecht tends bar at the tavern]

Q. You're sure you're not Pat Utecht?

A. No, uh-huh. If I was I'd tell you.

Q. When's your birthday . . .?

A. My birthday is June 23.

Q. 1936?

A. Uh-huh.

Q. And you're sure you're not the same person?

A. No.

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TRIBUTE TO A DEDICATED OFFICER

## HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HÉBERT. Mr. Speaker, during the past 3 years, one of the most able Army officers I have known, Col. Richard L. Fischer, Special Assistant to Jack Marsh, the Assistant Secretary of Defense for Legislative Affairs, has worked with me, other members of the committee and the committee staff. Since he has been selected to attend the Army War College, he will be leaving the Pentagon shortly.

Colonel Fischer's tenure in legislative affairs has been characterized by a complete dedication to duty and a refreshing attitude of cooperation toward the Congress. I have never known Colonel Fischer to be anything but forthright and courteous in his liaison work with the Hill. His presence in the Pentagon has made the Armed Services Committee work much easier.

It is with deep regret that I see this truly outstanding officer leave legislative affairs, but I am delighted that the Army has also recognized his potential and is sending him to Carlisle. It bodes well for our country when men of his ability are selected for advancement.

I know that all of my colleagues will join me in wishing Colonel Fischer and his family the very best in the years ahead.

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ISRAEL'S 25TH ANNIVERSARY

## HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. RIEGLE. Mr. Speaker, all citizens of the world who love freedom join in congratulating the State of Israel on its 25th anniversary.

No people in history have been so persecuted or so long denied a permanent homeland. But with strength and conviction many times greater than the inhumanity and injustice encountered, the Jewish people have survived with honor and dignity. And all of us are strengthened by their example of courage, fortitude, and love of freedom.

In celebrating the 25th anniversary of the State of Israel, we acknowledge a human miracle—a land brought to life by faith, hard work, and a relentless drive for personal and cultural freedom. That such a richly diverse and creative community could emerge from a people who have suffered centuries of harassment and deprivation is, indeed, remarkable.

Yet, despite the incredible progress Israel has made in its short lifetime, it still faces enormous and continuing problems. With defense requirements absorbing 30 percent of its national budget and debt service another 20 percent, available funding for domestic needs is clearly inadequate. The growing influx of Jewish emigrants from the Soviet Union creates the need for even more human services.

These are great challenges for a young nation, and I wish Israel the very best as it acts to secure its future and create a nation where all its people are afforded the maximum chance for personal development and fulfillment.

With such a deep bond of common ideals and human values, the United States and Israel will always find their respective fates intertwined. We, together, can do much to help each other and to advance our shared ideals of brotherhood, human dignity, and cultural freedom. It is in this spirit that I again congratulate Israel on its 25th anniversary and stand with the Jewish people as we look with faith and determination to the next 25 years of the State of Israel.

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SAN CARLOS INDIAN TRIBE PLACED IN AN UNFORTUNATE DILEMMA

## HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. UDALL. Mr. Speaker, an old controversy in Arizona involving the San Carlos Apache Indian Tribe, several ranching families, and the Department of the Interior is proceeding to final settlement. Unless Congress takes affirmative action, however, the settlement cannot be said to be acceptable or just. I am speaking about a controversy surrounding over 200,000 acres in Arizona known as the San Carlos Mineral Strip and a long history of Government mistakes which have placed the San Carlos Indian Tribe as well as a group of ranchers in an unfortunate dilemma. While both the Indians and the ranchers have acted in good faith, the Government made some mistakes many years ago and it is time for the Government to provide a remedy.

The dilemma we face today has its roots in actions taken during the last century. Briefly, the history goes like this: The area now known as the San Carlos Mineral Strip was originally a portion of the San Carlos Indian Reservation established in the 1870's. Believing the land to be suitable for mineral development pursuant to congressional authorization, the area in question, which comprised over 230,000 acres, was ceded to the United States in 1896 to be held in trust by the Government with net proceeds resulting from disposal thereof to be paid to the Indians.

The belief that the Indians would profit from the transaction was apparently ill-founded as 35 years later the net revenue totaled only $12,433 and the lands were withdrawn from mineral entry or disposition. Instead of restoring the area to the tribe, however, a number of actions by the Secretary of the Interior resulted in the lands being opened for grazing and permits were issued. During this period, the present occupants of Mineral Strip, or their predecessors, undertook the back-breaking job of ranching and it is these individuals who now stand to lose the benefits of their lives' work.

Obviously, the tribe was not satisfied with the situation, and the tribal government continued to press for restoration. After a couple of false starts and a short-lived lawsuit, the Secretary of the Interior recognized the validity of the tribe's claim and January 16, 1969, the lands were restored to the San Carlos Apache Tribe.

The tribe has decided that the land is now needed for its own people and has ordered that the 20 or so non-Indian ranchers vacate the premises by June 30 of this year. If they are to comply with this order, the ranchers will walk away from their homes, barns, corrals, and other ranching improvements that represent the bounty of years of plain hard work.

The story is obviously more complicated than indicated in this brief outline and I am sure that those familiar with the controversy can point to many specific occurrences to reinforce the notion that the Government's actions were often misconceived and substantial rights, on both sides, were frequently ignored. Without belittling the value of the lessons we can learn by focusing on the unfortunate history of the situation, I think we should point out that such discourse is, indeed, history and the relevant question is what we can do about it now?

It has long been apparent to me that both the Indians and the ranchers have significant rights in the area. Thus, should the question of superior rights to the land be resolved in favor of one side, the other side is entitled to compensation. The basic issue now having been resolved in favor of the San Carlos Tribe, it becomes incumbent on Congress to follow through and authorize payment to the ranchers for their losses. My colleagues, SAM STEIGER and JOHN CONLAN, have taken that step and introduced a compensation bill. Today, I join them and indicate my full support for this measure by introducing my bill to provide relief in terms of dollars, although I recognize that money alone cannot fully compensate a man who is forced to abandon a way of life buillt by his own sweat and determination.

Over the period of my involvement with this controversy and especially during the last few months, I have searched for solutions which would make it possible to protect the ranchers' way of life and still grant appropriate recognition of the tribe's right to these lands. A fully adequate solution is, apparently, not to be found, so we are left with compensation which is certainly a justified, if minimal, remedy.

Mr. Speaker, I am hopeful that the Committee on Interior and Insular Affairs will be able to take early action on this bill and I am pleased that the chairman of the Public Lands Subcommittee, JOHN MELCHER, has scheduled hearings on this matter later this week. Compared to the major legislation now pending before that committee, I suppose that the importance of this legislation may not be readily apparent. Although, it is true that the number of the affected individuals is small, I would suggest that the principle involved is enormous, as it touches on the ability of the Government to deal fairly with its people and to remedy its mistakes.

A lawyer who represented mineral strip ranchers once wrote me that his clients were "skeptical of the possibility of securing an appropriation for the relief of a handful of Western ranchers," and in the nature of these matters this kind of pragmatism is probably warranted. I am



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hopeful, however, that the old injustices will not be left merely partially corrected with only the San Carlos Tribe receiving relief, but that the Congress will act to insure that this other group of affected citizens, this "handful of Western ranchers," also receive equitable treatment through enactment of legislation to fully compensate them for their losses.

## NOTHING WRONG WITH PENNIES FOR THE PLAYERS

### HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. BOLLING. Mr. Speaker, with our enormous gross national product, the Kansas City Star points out, we can afford a modest assist for the National Endowment for the Arts and the National Endowment for the Humanities. An editorial in behalf of such support which appeared in the Star of April 30 follows:

NOTHING WRONG WITH PENNIES FOR THE PLAYERS

The National Endowment for the Arts and the National Endowment for the Humanities are the first permanent incursion of the federal government into support for what can be described as cultural activities and institutions in the United States. Together, they form the National Foundation for the Arts and Humanities. Each Endowment has its staff and representative council of citizens appointed by the President.

President Johnson signed the bill establishing the National Foundation in 1965 and since then support from the Nixon administration and subsequent Congresses has been increasing. The current budgets for the two Endowments are $38 million each. The authorization now before Congress is for $80 million in 1974, $140 million in 1975 and $200 million in 1976. Now Sen. William Proxmire (D-Wis.) has offered an amendment to cut the authorizations sharply. He would put them at $60 million in 1974, $80 million in 1975 and $100 million in 1976.

Having been pretty much ignored by the federal system for most of the last two centuries, the arts and the humanities in the United States no doubt could survive under the proposed Proxmire cuts. Nevertheless, we would hate to see it. For the first time ever this country has launched on a relatively modest course of nurturing and encouraging the structures and individuals that contribute to the cultural advancement of our civilization. To lose momentum now would necessarily be a setback. The state councils that have worked effectively with the national groups could be hurt—and some of the state organizations have rather tenuous existences.

Senator Proxmire is not certain that so much money could be used efficiently and he fears it will be used to produce second-rate art. He wonders about the danger of a government takeover.

Outside the educational institutions, the foundations and the occasional native Medicis who come along from time to time, the artists and writers and musicians have had to depend on the fickle box office and not much else.

Most nations, including democratic nations have found themselves able to divert a small percentage of the national treasury to the subsidy of the arts, humanities and sciences. God knows the United States has put enough money into the sciences over the last three decades. Surely there is no reason why a few piddling dollars cannot be used to relieve a potentially fine composer from the daily drudgery of instructing unwilling pupils in the piano or an artist teaching unhappy youngsters how to draw a pussycat. Not that these aren't worthy pursuits. But contrary to romantic belief, there is no real reason why artists, writers and musicians need to suffer endlessly in poverty in order to create. Some do better on a full stomach and in a warm room.

As for government production of second-rate art, Senator Proxmire hardly can be the judge of that, nor would we let congressional committees try to fulfill that role. Great art can only be judged in the perspective of time and what might be second-rate to a Wisconsin senator in 1973 might turn out to be something else a century from now. Nor can we really become alarmed by the senator's concern about the capture of the arts and humanities by government for purposes of propaganda.

Even if government should seize these cultural qualities for evil purposes, we doubt whether anyone would look at the pictures or go to the movies or read the books. Hitler tried mightily to pervert the arts and literature for his purposes, and the only effort that got attention was the spectacular nudes that anteceded Playboy Magazine.

With its enormous gross national product, most of which goes to immediate consumer needs, and some of which goes to necessary governmental expenditures for the general welfare and defense, the U.S. can spare a pittance for the arts and humanities. Unless they prosper, what remains might not be worth very much. The proposal is not to buy or wholly subsidize culture, but merely to give it a modest assist which the country can afford to do and can't afford not to do at this stage of our history.

## CONGRESSMAN DOMINICK V. DANIELS HAILS 500TH ANNIVERSARY OF BIRTH OF KOPERNIK AND 192D ANNIVERSARY OF POLISH CONSTITUTION OF 1791

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, this is a great month for Poles and Americans of Polish descent as we observe the 500th anniversary of the birth of Mikolaj Kopernik, whose name is often westernized to Copernicus, and the 192d anniversary of the adoption of the Polish Constitution of 1791.

Mr. Speaker, the liberties of the Constitution of 1791 were not long lasting as Poland was partitioned shortly after by powerful neighboring states. But the call to freedom in that Constitution rings loud and clear across the ages. Tyrants may have conquered Polish territory but they have never conquered the Polish soul nor the Polish desire for liberty and self-government. Even today while Polish destiny is controlled by Soviet masters the Polish soul remains unfettered and all of us know that Poland will yet enjoy the blessings of freedom.

Poles and Polish-descended persons in this nation now number more than 10 million, and it can be said that no group of our fellow Americans has done more for this Nation than the sons and daughters of Poland. At this time I am proud to join with all Polonians everywhere in celebration of these two historic events.

## LEE HAMILTON'S WASHINGTON REPORT OF MAY 9, 1973, ENTITLED "AFRICA"

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HAMILTON. Mr. Speaker, I include my Washington Report of May 9, 1973, entitled "Africa":

AFRICA

As I traveled in Africa for the second time last week and talked with African leaders, I kept asking myself just what are the American interests in this vast continent, three times the size of the U.S. and with a population of 344 million people.

Few questions are asked a U.S. Congressman about Africa; comparatively few Americans travel in Africa; African issues seldom get much attention in the news media; and it would be a rare American indeed who could identify every country on a map of the African continent.

A glance at the statistics, though, quickly confirms that the U.S. has much more to do with Africa than most Americans might think. Even with declining worldwide aid resources, American assistance to 35 African countries grew to about $550 million last year. 2,500 Peace Corps volunteers served in 25 countries and almost 10,000 Africans studied last year in American universities. Private American investment is growing at a rate of about 15 percent each year, and now totals about $4 billion. American businessmen are seen in all corners of Africa, and our growing trade with African countries approaches $3 billion each year. Or, to state it in simpler terms, every time we drink a cup of coffee, eat a chocolate bar or vanilla ice cream, we are touched by Africa.

American interests in Africa spring from the many Americans of African descent and the long involvement of American churchmen, educators, and businessmen with Africa. With one-third of the world's independent nations in Africa (41 nations), their voice has become increasingly important in world affairs. The overwhelming preoccupation of African leaders is the economic development of their countries, a goal which is entirely compatible with American interest in stability and economic growth. As African countries develop, American interests and opportunities expand.

Despite impressive progress in maintaining political independence and generating significant economic growth, Africa faces two awesome problems: (1) Modernization; The great dream for Africans is for the development of their rich continent which contains 96 percent of the world's diamonds, 42 percent of its cobalt, 60 percent of its gold, 23 percent of its uranium, and all of the 53 most important minerals, including vast energy resources; and (2) Full participation of its black majorities in South Africa in the political and economic life of the continent.

1972 was not an especially encouraging year for Africa. Development slackened, the black-white dialogue collapsed, Western style democracy faltered (not a single country in Africa practices it, and one-third of Africa's 344 million people are under military rule), the number of refugees grew, heavy dependence upon one commodity continued in most African countries, and the universal human problems of employment, health, nutrition and education remained intractable.

Africa's immense problems of overemphasis of industrialization, neglect of agriculture, the rural exodus and subsequent overcrowding of cities, and the lack of technical skills raise tremendous obstacles to development. But improvements are being made in health and education; a bright, sturdy, impatient younger generation is emerging; and, as a sharpened realism increases the emphasis on self-reliance, the African dream remains strong, even if distant.

U.S. policy seeks to broaden political, cultural and economic ties with Africa, and it is based on several basic elements:

1. *Opposition to racial discrimination:* The governments of South Africa and Rhodesia have established elaborate political systems of white supremacy over the black majorities (in South Africa there are 3.8 million whites and 17.5 million blacks). We cannot accept the racial policies of South Africa and Southern Rhodesia which violate our national ideals and constitute an affront to our sense of justice. Although we reject the use of force as a means to bring change, and cannot solve these problems ourselves, we urge the governments to change their racial policies to support equality of opportunity for all persons.

2. *Support of self-determination:* We support the right of self-determination for the people of Africa. We should not assist Portugal, e.g. in its efforts to deny self-determination in Portuguese Africa.

3. *Support of economic development:* Most African countries need assistance at this point in their development. We should concentrate our modest amounts of aid in the fields of agriculture, education, health, transportation and communications, and provide more of our assistance through international institutions. Private U.S. investment and trade should also be encouraged.

## THE WAR IN SOUTHEAST ASIA SHOULD CEASE ABSENT CONGRESSIONAL APPROVAL

### HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. BENNETT. Mr. Speaker, on April 19, I introduced the following bill which speaks for itself and which I think should be promptly enacted:

H.R. 7251

A bill to prohibit certain belligerent activities by United States personnel in Southeast Asia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful for any military or civilian personnel of the United States to engage in any military or paramilitary belligerent activity in Southeast Asia, or to cause any other military or civilian personnel of the United States to engage in any such activity, except to defend themselves in case of attack.

SEC. 2. The provisions of the first section of this Act shall take effect on the ninetieth day after the date of its enactment but shall not apply with respect to any activity specifically authorized by an Act of Congress enacted on or after such date of enactment.





## PHASE III OF THE NEW ECONOMIC PROGRAM

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HARRINGTON. Mr. Speaker, last week, the President took a small step back from phase III of the new economic program by announcing that corporations with sales over $250 million whose overall prices rise more than 1.5 percent over the January 10 level must give 30 days notice to the Cost of Living Council. It does not bar such price increases. It does not go all the way back to phase II guidelines which made essentially the same public disclosure requirement of firms with sales over $100 million. And it does not begin to implement proposals considered in the Congress to freeze all prices temporarily or to place automatic controls on sectors whose prices increase by 3 percent on an annual basis in any consecutive 2-month period. In short, the new policy falls far short of what is needed to begin to solve the grave inflationary problems we face.

Hobart Rowen wrote an article, "Nixon Fails To Strengthen Feeble Phase III," which appeared in the May 6 issue of the Washington Post and which took a close, critical look at the President's new policy. It is the best summary I have yet seen of the shortcomings of the Nixon actions and I would like to insert it in the RECORD at this time for the information of my colleagues:

NIXON FAILS TO STRENGTHEN FEEBLE PHASE III

(By Hobart Rowen)

So now we have not Phase IV, but merely Phase III plus one-eighth. After weeks of debate, President Nixon took a halting, limited, disappointing step to discourage some price boosts by the biggest companies.

It is a far cry from a freeze that would bar further price increases throughout the economy, or from a return to the tough prenotification requirements of Phase II, under which all companies with sales over $100 million had to tell the government in advance of any plan to raise prices.

The new system announced Wednesday requires companies with sales over $250 million whose overall weighted average price level rises to more than 1.5 per cent over the Jan. 10 level to give 30 days notice to the Cost of Living Council. But this doesn't bar individual price hikes of substantially more than that, provided the average stays within the 1.5 per cent margin.

As former Economic Council Chairman Arthur M. Okun observes, that's a "free ride" which works out to an annual rate of increase of about 5 per cent—hardly compatible with a program whose overall goal is to limit inflation to a 2.5 per cent rate by the end of the year.

Even as things stand, the tremendous surge in first-quarter profits makes one wonder whether half of the companies subject to regulations aren't violating the rules.

A Dow Jones survey of 655 companies (pretty well paralleling those new getting the 1.5 per cent free ride) shows corporate profits up 27.8 per cent in the first quarter compared with the first three months last year. And last year's profits after taxes were up 15.5 per cent over 1971.

The Nixon program is weak not only because it lacks specific, hard-nosed measures to control inflation, but because of the obvious lack of enthusiasm for controls that is still pervasive in this administration.

It is still "as voluntary as it can be," the President said, adding: "and as mandatory as it has to be." The stress, as it has been before under the direction of free-market advocate George Shultz, is on "a responsible budget policy" to reduce inflationary pressures.

The dominant philosophy is to rely on the traditional dampening effects not only of a tight fiscal policy, but a restrictive monetary policy to reduce demand. There is a flurry of action of dubious significance to increase supplies both in food and non-food areas.

Controls are simply "the third element" in the anti-inflation program, a sort of fifth wheel, and clearly a distasteful exercise that is being tolerated because there is so much public and political backing for them.

It is this aura of contempt for the utility of wage and price controls that comes through the President's message and the additional comments of his key subordinates. "We should be mature enough to recognize that there is no instant remedy for this problem" (of sharp price increases), the President said in a patronizing way.

The fact is that the sharp price increases in February, March and April were triggered in part by the Jan. 11 lifting of Phase II controls. There is now a tendency to blame much of the rise in raw materials prices on the devaluation of the dollar in February. But it is not mentioned by Mr. Nixon that one of the elements triggering the devaluation was the loss of confidence in the dollar touched off by the shift to Phase III.

There is, of course, no "instant remedy" for inflation, but surely that doesn't mean the President is excused from constructing a carefully devised, long-range program that might have a chance for success.

The latest wholesale price index, for April, shows a jump of 1.3 per cent for industrial commodities, on top of a 1.2 per cent increase in March and 1.0 in February. That's an unbelievable 14 per cent annual rate of increase for the three months, which will begin to show up in the consumer price index later on.

New York economist Pierre Rinfret expresses a fairly common view among economists when he says that "the new program is a continuation of a do-nothing policy reminiscent of 1969. They are merely hoping or praying that something will come along and bail them out of their mistakes."

Former Economic Council member and Harvard Prof. Otto Eckstein told this correspondent that "what they've done is to make a symbolic gesture to keep the impression alive that they're still concerned about prices. We should be grateful that they have put some limit on the ability of industry to raise prices while profits are soaring, but compared to what they could have done, they've done very little."

At the Federal Reserve Board—which will have to pursue a tighter monetary policy than it believes desirable in the absence of a strong wage-price control effort, officials still think that Phase III (and one-eighth) can be made viable if Treasury Secretary Shultz and John Dunlop at the Cost of Living Council take a tough, rather than permissive, line.

My conclusion is that, given the kind of wage-price program President Nixon has chosen to follow, he should ask John Dunlop to step aside in favor of Billy Graham.

## OEO FAILS THE POOR

### HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. BLACKBURN. Mr. Speaker, on March 28, 1973, an editorial appeared in

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the Wheeling News-Register of Wheeling, W. Va.

This editorial points out the waste and scandal that have become too common in many of OEO's programs.

This editorial also points out without a doubt the necessity of restructuring OEO.

I include this editorial in the RECORD:

OEO FAILS THE POOR

While we have disagreed with President Nixon on various matters both domestic and foreign, we support him in his efforts to do away with the wasteful, scandal-ridden Office of Economic Opportunity.

The much-trumpeted war on poverty of a few years back has been a miserable flop and even some of its staunchest supporters now are having a change of heart.

OEO has demonstrated again how well-intentioned but ill-conceived federal programs help the poor have led to corruption and demoralization. Investigation has shown that only a small fraction of anti-poverty funds ever managed to trickle down to the benefit of the poor people.

One phase of OEO's activity had to do with sponsoring Community Action Programs. Since 1964 the federal government has spent over $2.8 billion for these efforts with few success stories reported. In fact, a whopping 80 per cent of all Community Action money has been spent on headquarters salaries and overhead expenses—only 20 per cent of the money, if even that, ever found its way to the poor.

Consider these various examples of OEO's waste and scandal turned up by investigators:

In Harlem, Montana, a local attorney who was the city attorney of another community received a $20,000 salary as a "tourism specialist."

In Elizabeth, New Jersey, an employe rented a house to the Community Action project for $383 a month. He was buying it for $128 a month on a VA loan. A member of the CAA board of directors rented another house to Headstart for $225 a month. He was paying $55 a month to a realty firm for it.

In Las Vegas, Nevada, the CAA organization provided the organization for a partisan election race by the group's board chairman, and the executive director used staff members to work on his personal residence with materials he charged to the program.

In Fort Lauderdale, Florida, a community action employe and director were convicted of being part of an auto theft ring.

In Canton, Ohio, the project purchased lumber from a firm owned by a board director. One full-time staff member employed his daughter at $300 a month.

In Oklahoma, a regional project purchased a $39,500 building from the brother of one of the project lawyers. Six months earlier, the property had been appraised at $15,200.

In Nassau, New York, all project employes who declined to participate in a "March on Washington" were fired.

In Jersey City, New Jersey, the project was captured by the Black Panther Party which used the organization's funds to spread hate literature and provide bail bonds for party members arrested on criminal charges, including the bombing of police precinct houses.

In Portland, Oregon, the CAA board chairman was convicted of firebombing, as the leader of an arson gang that fired at least seven major structures.

Indeed, the list could go on indefinitely but the point has been made—OEO's record is a scandal! The federal government, over the past decade, has sought to correct many inequities in American society through a vast range of programs involving massive expenditures of the taxpayer's money. The inequities remain and we are paying the price for the failures. There must be a better way to help the truly poor and deserving needy. OEO is not the answer and President Nixon has no choice but to terminate it.

## CANAL ZONE SOVEREIGNTY: REAL ISSUE IS UNITED STATES CONTROL VERSUS U.S.S.R. DOMINATION

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. RARICK. Mr. Speaker, the acquisition of the Canal Zone and the construction of the Panama Canal form one of the most glorious chapters of American history. Those who formulated our Isthmian canal policies in the early part of the 20th century included such leaders as Secretary of State Hay, Secretary of War Taft, Rear Adm. John G. Walker, and, above all, President Theodore Roosevelt. All of them were men who obtained facts, studied the subject, came to reasoned conclusions, and made their own decisions.

Today, conditions in our Government are different. Instead of our highest officials personally considering the vital canal policy matter they depend upon subordinates in the executive branch whose knowledge is usually superficial and whose views are governed by nebulous considerations of what they think is "policy."

An outstanding example of such inept conduct of U.S. Isthmian policy was brought to light as the result of a telegram sent by Lt. Gen. Pedro A. Del Valle, USMC, retired, on March 11, 1973, to the President in protest against the 15–21 March meeting of the U.N. Security Council in Panama in which he recommended a plan of action for the United States at its opening session.

Instead of the President acting upon that important message, it was referred for reply to the Acting Assistant Secretary of State for Public Affairs, who apparently did not know the difference between a lieutenant and a lieutenant general. As might be expected, the reply to General Del Valle's message, in line with sophistical policy assumptions instead of reasoned guidance from the highest authority, was largely irrelevant, ambiguous, and even self-contradictory, ignoring the grim realities involved in the gravely important problems of maintaining, operating, sanitating and protecting the most strategic artery of marine transportation in the world.

The latest information from the Near East is that the new Government of Libya, which is in the Soviet orbit with Egypt, has promised a multi-million dollar loan to the revolutionary government of Panama. This development serves to reemphasize the fact that the real issue over the Canal Zone is not U.S. sovereignty versus Panamanian, but continued U.S. sovereign control versus U.S.S.R. domination; and this is the question that should be debated in the Congress.

In order that the Congress and responsible agencies in the Executive may be informed, I insert General Del Valle's telegram of March 11, the State Department's reply of March 26, and the former's letter to the President of April 17, as well as a news story on the projected Libyan loan to Panama:

DEFENDERS OF THE AMERICAN CONSTITUTION, INC.,
*Annapolis, Md., April 17, 1973.*

Hon. RICHARD M. NIXON,
*President of the United States, The White House, Washington, D.C.*

DEAR MR. PRESIDENT: Thank you for having Mr. John Richardson, Jr., Acting Assistant Secretary for Public Affairs, Department of State, respond to my recent telegram reprinted in my publication, *Task Force*. Marked attached.

After carefully reading Mr. Richardson's reply, I came to the conclusion that he is no more capable of distinguishing our many "important interests in the canal" than he is capable of understanding the distinction between a "Lieutenant" and a Lieutenant General.

Inasmuch as I have been stationed in the Canal Zone, I have often visited Panama and studied its history, I am keenly aware that the United States has vital interests in the Panama Canal. As an author and publisher who has seen the repeated efforts to amend the Treaty of 1903 by other Administrations, I assure you that I am also well aware of the consequences of any treaty which surrenders our indispensable sovereign control over the Canal Zone to any government of Panama which I have ever seen or heard of.

I can further state that the people in charge of the present government in Panama today are perhaps the worst and most unreliable of all the governments I have watched come and go in that Republic. Surrender to these people means surrender of a strategic asset vital to the existence of the United States as a sovereign nation, and no amount of sophistry can alter this fact.

I am also well acquainted with the Suez Canal, having represented the I.T. & T. in Egypt and watched that canal being turned over to the mismanagement and uncertainties of the government of Egypt. The present explosive situation in the Middle East today is due in large part to our own failure to back up the proper owners of the Canal, Britain and France.

It is my fervent hope that instead of weakly surrendering to mob pressure in Panama and an artifically created "world opinion", we should hold fast to what our country built and owns and now operates, maintains and defends for the benefit of world commerce and the safety of the United States of America, so badly threatened in the Caribbean.

Those who perennially seek to build another canal have been advised by the foremost experts on the subject that all that is needed is an expansion of the present facilities in accord with existing treaty provisions in which the form "maintenance" authorizes "expansion and new construction." The only treaty revisions that are called for are for the enlargement of the Canal Zone to include the entire watershed of the Chagres River as was once recommended by General Clarence Edwards when he was in command of the U.S. Forces of the Isthmus, and for the restoration of the 1903 Treaty Rights of the United States to supervise health and sanitation in the terminal cities of Panama and Colon, and to maintain law and order in them and other areas near the Canal Zone in the event of inability or refusal of Panama to do so.

This is not a problem to be solved by emotional considerations concerning the dissatisfaction of Panamanians with the 1903 Treaty and sophistical reasoning that characterizes most State Department writings on the Canal question. Panama came into being as a result of the great movement for an Isthmian Canal. The hard fact is that our existence as a sovereign nation under God is in grave peril. As an American who has participated in seven wars, large and small it grieves me to think that everything I have fought for in my 37 years of service is going down the drain because of a rabble government which does not even represent one-fifth of its people. It is this rabble government of Panama and its collaborators in the U.S.S.R., Chile, Cuba and the State Department that want to have our canal for their own profit and benefit and our officials seem to have been mesmerized into accepting the vieys of Panamanian demagogues.



I respectfully urge you to look up the technique used by Secretary Charles Evans Hughes when he handled a comparable situation affecting U.S. rights, power and authority over the Canal Zone and Canal in 1923.

Sincerely yours,

P. A. DEL VALLE,
*Lt. General U.S. Marine Corps (Ret.)*
*President, Defenders of the American Constitution, Inc.*

DEPARTMENT OF STATE,
*Washington, D.C., March 26, 1973.*

Lt. P. A. DEL VALLE,
*Annandale, Va.*

DEAR LIEUTENANT DEL VALLE: President Nixon has asked me to reply to your expression of concern about the Panama Canal.

The United States has important interests in the canal and the question of how we may best protect them has been receiving careful attention in the Executive Branch.

Over the years Panamanian dissatisfaction with the 1903 Treaty has been a recurring source of difficulty and tension. The United States maintains a large organization in Panama for the purpose of operating the canal and it is in our own interest that this task be carried out in a peaceful and secure environment. The canal also raises broader issues of Latin American policy. Accordingly, since 1964 we have been engaged in negotiations looking toward the revision of our relationship with Panama. The negotiations, the most recent phase of which began in June 1971, have been carried on by a negotiating team headed by Ambassador Robert B. Anderson, former Secretary of the Treasury, Deputy Secretary of Defense, and Secretary of the Navy. In these negotiations it is our position that the United States will continue to operate and defend the canal for an extended period of time.

It is not possible to predict if and when agreement will be reached on a new treaty, but any treaty agreed upon by the President will, of course, be submitted to the Senate for approval in accordance with the Constitution. I am enclosing a copy of an address by Ambassador David H. Ward which gives a fuller explanation of the US position in the negotiations.

Sincerely yours,

JOHN RICHARDSON, JR.,
*Acting Assistant Secretary for Public Affairs.*

A TELEGRAM FOR THE PRESIDENT

(By P. A. del Valle)

(The following telegram was dictated 11 March for delivery to President Nixon at the White House. The telegram takes deliberate aim at the highhanded and unlawful U.N. Security Council meeting at Panama, 15–21 March, and of which we report in our ALERT No. 97, 1 March. Unfortunately, our telegram was not delivered for reasons unknown at this time. Therefore a marked copy of this issue of TASK FORCE will be mailed to the President instead. Ed.)

The construction of the Panama Canal, undertaken by President Theodore Roosevelt under our historic policy for an American Canal on American soil for the American people, was one of the greatest works of man. Because of the inept conduct of our interoceanic canal policies since World War II, the continued U.S. control of this vital waterway has been jeopardized with a grave crisis of world significance threatened during the March 15–21 U.N. Security Council sessions in Panama.

The launching of the Panama Canal was the fulfillment of the prayers and aspirations of the young republic of Panama early in this century. It is still the primary reliance for wages and income for a very important part of the Panamanian population who are friends of the U.S. in this matter. They must not be betrayed in the manner that the people of Cuba were betrayed by the pretense of a clique in the U.S. State Department and their collaborators in the mass news media that represented Fidel Castro as a bulwark of freedom and as an assured friend of the U.S. Are we to allow successors of that clique in the State Department backed by the same elements in the mass news media to contrive the same type of betrayal at Panama?

The obvious way, in fact, the only dignified way to meet the crisis is for you to direct our ambassador to the U.N. to announce immediately on convening the first session of the U.N. Security Council at Panama on March 15 the following:

1. That the United States does not recognize the right of the U.N. to intervene in U.S. domestic affairs;

2. That the U.S. will not participate in meetings hostile to it where the issue is a clearly defined historic right of U.S. sovereignty;

3. That the current negotiations with Panama are terminated; and

4. That the U.S. will proceed, regardless of the Panama Government and/or the U.N., with the major modernization of the existing Panama Canal to provide for its needed increase of capacity and operational improvement under the "maintenance" provision of existing treaties, which authorizes "expansion and new construction" for such canal.

Such policy declaration will carry forward the great work of Theodore Roosevelt, thrill the Nation, and revitalize the isthmus, with enormous benefits to both the United States and Panama and interoceanic commerce.

[From the Washington Post, Apr. 27, 1973]

LIBYA LOAN TO PANAMA REPORTED

(By Jim Hoagland)

JERUSALEM, April 26.—Libya's military leader, Col. Muammar Qaddafi, has promised a multimillion dollar loan to the government of Panama, which is involved in a bitter controversy with the United States over the Panama Canal Zone, official Israeli sources said today.

Israel believes that Panama asked Qaddafi for a $100 million loan earlier this month.

It is not clear how much Libya, which has about $3 billion in monetary reserves, promised to lend Panama, or if any money has yet changed hands, the Israeli sources said.

Close students of Libyan affairs in Washington said they were not surprised by the report about Panama.]

The Israeli sources noted that Qaddafi had promised large-scale financial aid to the African countries of Uganda and Niger when they broke diplomatic relations with Israel, but has been slow in fulfilling the commitments.

One piece of circumstantial evidence of a possible change in Panamanian policy came during last week's Security Council debate on the Middle East, where the Panamanian position was "less friendly to Israel" than in the past, one official said.

Only last month, Libya and Panama agreed to establish diplomatic relations.

The source also cited what he said were confirmed reports that Panama had contacted Japan and other countries for a large loan before getting the Libyan agreement.

Qaddafi, who has been sharply critical of American support for Israel, has said in speeches that he is supplying aid to "revolutionary" rebels in Northern Ireland and the Philippines as well as to African and Arab countries and Islamic groups throughout the world.

## A THREAT TO PRIVACY: USDA ACCESS TO FARMERS' TAX RETURNS

### HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. LITTON. Mr. Speaker, individual privacy is fast becoming a premium in America today. Intrusions into the personal lives of many and the potential for misuse of personal data—much of which is often given voluntarily and in good faith by the citizen to his Government—have increased alarmingly. Aided by computer technology with its enormous storage and information retrieval capabilities, both government and private organizations have at their fingertips the power to compile a "profile" of an individual based on bits and pieces of data gleaned from many sources. With only a social security number or other code as a trigger, a person's most sensitive personal data can be exposed, manipulated, and misused to the detriment of the individual or for the political purposes of those in power. An example of this process of erosion of personal privacy has been unfolding the past few months, this time specifically involving the Nation's farmers.

On January 17 of this year President Nixon issued Executive Order 11697 authorizing the Department of Agriculture to inspect income tax returns filed by persons having farming operations. This order applied to returns filed for taxable years beginning on or after January 1, 1967. The President's stated purpose for the order was to allow the Department of Agriculture to obtain data about farm operations for statistical purposes only. It did not indicate specific data to be gathered. On January 23 new Internal Revenue Service regulations went into effect to implement the Executive order.

Neither the Executive order nor IRS regulations limited the type or amount of information that could be released to the Department of Agriculture. I quote from IRS regulations issued in conjunction with the Executive order:

The Secretary of the Treasury, or any officer or employee of the Department of the Treasury with the approval of the Secretary, may furnish the Department of Agriculture (for the purpose of obtaining data as to the farm operations of such persons) with the names, addresses, taxpayer identification numbers, or *any other data on such returns or may make the returns available for inspection and*

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*the taking of such data as the Secretary of Agriculture may designate.* (Italics added).

Such blanket authority to inspect individual tax returns clearly constituted an invasion of the right of privacy of American farmers. It would allow Federal bureaucrats to rummage through confidential financial statements with no more specific motive than the desire for statistical data. Even more importantly, it would allow the Department of Agriculture—the Federal agency that controls farm policy and influences farmers' lives—to see the tax returns of individual farmers.

The opportunity for misuse of this broad Executive order was obvious. The Department of Agriculture admitted as much when its spokesman said that anyone misusing the privilege of examining tax returns would be fired.

Although I do not question the Department of Agriculture's need for statistical data, I do not believe that confidential tax returns should be the source of the information.

In testimony before the House Department Operations Subcommittee, USDA officials testified that the administration felt farm facts were so vital to American argriculture that they were willing to open up farmers' tax returns to get these facts. Yet 12 days later this same administration in releasing their new budget eliminated funds for a farm census in 1974.

Striking funds for the 1974 farm census will mean we will have an 8-year period with no major data available on agriculture. How can you open up farmers' tax returns under the disguise of needing farm facts and then 12 days later eliminate funding for the 1974 farm census?

Because of my concern over Executive Order 11697, I began a personal investigation. In several off-the-record conversations with Department of Agriculture officials, I learned that the Department had requested limited access to IRS data in 1970. In a letter to George Shultz, then Director of the Office of Management and Budget and now Secretary of the Treasury, the Department responsible for determining regulations governing access to tax returns, Secretary Hardin had requested access to certain agricultural data that could be collated with names of farm operators obtained from other sources to make a more efficient sampling list for crop estimate purposes. Secretary Hardin's letter specifically stated that he was not requesting the privilege of examining individual tax records. A sample Executive order which was restrictive was attached to Hardin's request.

The Executive order issued in January surprised Department officials because it gave them much broader powers of inspection than they had requested. Don Paarlberg, Director of Agricultural Economics for the Department, insisted that agencies under his management would not use full powers authorized by the Executive order. He wrote in reply to a letter from my colleague (Mr. ALEXANDER) of Arkansas:

> The original draft of the order (requested in 1970 by the Department) was subsequently revised and its scope was broadened during the review process in the Treasury and Justice Departments. The Department's (of Agriculture) intended use is unchanged . . . Under this order the Department seeks to acquire a list to be prepared by the Internal Revenue Service. Department employees will not examine tax returns . . . The lists of names to be acquired will be merged with other lists maintained by the Department, and the combined lists will be used in sampling for current agricultural statistics. The lists of names are prepared by computer.

Paarlberg says:

> Department employees will not examine tax returns.

Why then were provisions made in the rules and regulations governing the Executive order spelling out how USDA employees could examine individual tax returns?

Still concerned about the potential use of Executive Order 11697, I urged the Department Operations Oversight Subcommittee of the House Agriculture Committee to hold public hearings. Department of Agriculture and Internal Revenue Service officials testified before the subcommittee on March 28. Department officials admitted that they had received broader powers than necessary but were reluctant to relinguish their new authority. Harry Trelogan, Administrator of the Statistical Reporting Service, told the subcommittee that he had waited 3 years to get an order similar to No. 11697 and that he would resist attempts to challenge or rescind it.

On March 2, I introduced a bill H.R. 5867, which would prohibit inspection of income tax returns by the Department but would allow IRS to supply the USDA with the specific information they requested they want when they originally asked for access to IRS tax returns in 1970. Seven of my colleagues representing both parties joined me on March 28 when I reintroduced this bill. Several have since indicated they would like their names added to the bill as well.

Faced with growing opposition in the Congress, publicity in the press, and a second day of hearings scheduled for March 28 on the matter, the President issued a revised Executive Order No. 11709, on March 27. The revised order permitted Department inspection of farmers' tax returns in accordance with amended IRS regulations. These regulations limited the scope of the data which could be obtained compared with the regulations issued with the prior Executive order. The new regulations provide that only that "names, addresses, taxpayer identification numbers, type of farm activity, and one or more measures of size of farm operations such as gross income from farming or gross sales of farm products" will be furnished the Department and that before a Department official can inspect an individual tax return, all data other than the above must be blanked out.

In the original Executive order which was 11697 any employee of the USDA with permission of the Secretary of Agriculture was given authority to examine any and all tax returns of citizens showing farm income or expenses as long as they could justify such examinations by saying it was for statistical purposes. This made the tax return of every American farmer literally an open book to the USDA. Obviously the President realized he had erred when at the insistence of many Members of Congress he rescinded his order on March 27 and issued Executive Order 11709. However, 11709 still makes farmers' returns an open book. In the revised Executive order, any employee of the USDA with permission of the Secretary of Agriculture has the authority to examine any and all farmers' tax returns and to obtain any piece of information from such tax returns as long as that information can be construed to mean a measure of size of the farming operation of the taxpayer. Close examination of tax returns will clearly show that almost any piece of information on the return could be considered a measure of the size of the taxpayers' farming operation.

Although Executive Order 11709 is an improvement over the previous order, the basic issues remain—issues which I touched upon in my introductory remarks. Not only the privacy of farmers, but the privacy of all American taxpayers, is at stake here. Today we allow the Department of Agriculture to inspect farmers' tax returns for "statistical purposes only," as contended by the Department and the IRS; tomorrow the Commerce Department will be examining the tax records of businesmen, HEW the returns of doctors and HUD the tax data of homeowners. And who can guarantee that inspection will be for the limited and harmless sounding purpose of compiling statistics—statistics which in most cases can be obtained from other, less sensitive sources?

A question we must ask is why did the first Executive order give the USDA so much more authority than they requested especially since it involves the sensitive area of evading the confidentiality of the individual's tax returns. And second, why is the barn door left open in the amended Executive order? Perhaps it is because someone wants access to farmers' tax returns for reasons other than the expressed purpose of making crop and livestock reports and estimates. If there is no ulterior motive and we do seek to permit the USDA to use farmers' tax returns to gather farm facts for reporting then let us spell out a measure of size of farming operation that would be permissible to be turned over to the USDA rather than let the USDA look at any data which would be a measure of the size of farming operation which would, in effect, be almost any and all data on the farmers' tax return.

The confidentiality of income tax returns, and the assurance that information voluntarily provided on such forms will be carefully protected from disclosure or improper use, are basic notions underlying this country's system of collecting taxes and are deemed by the American people to be sacred trusts on the part of their Government. The potential for abuse is great making it incumbent upon us to be wary of setting a precedent which will destroy that confidentiality which is the bedrock of the tax system and the citizens' faith in that system.

The policies announced over the past few months and which I have described in the first part of my remarks, pose such a precedent-setting danger. Furthermore, the fact that the group singled out now is the American farmer—at a time when the administration has practically waged war with the farmer with its drastic agricultural budget cuts and fund impoundments—makes the policy all the more suspect.

It is particularly ironic that the administration is demanding increased information on the private lives of American citizens at a time when it—to put it kindly—has been less than forthright in providing the public with information on its activities. This lack of candor and the atmosphere of coverup is not limited to the recent scandals which have tainted the administration, but is evident in the entire Government's unwillingness to allow its activities to be scrutinized by the people it is supposed to serve. The evasiveness of governmental agencies—the Department of Agriculture included—in the face of the Freedom of Information Act is only one example of this adamant refusal by the Government to open up to the people. The Government seems to expect the people to accede to its demands that even the most sensitive personal data of an individual be open to its inspection. Has the administration forgotten that in America it is the people's right to demand information from their elected officials, not the officials' right to engage in secret bugging operations or to snoop through confidential tax records?

At a time of rapidly decreasing public confidence in the institutions of Government, any policies which invite further abuse and carry with them seeds of greater public mistrust of the Government should be halted. The act of permitting inspection of farmers' tax returns is fraught with possibilities of abuse and is in contrast to the basic American principles of personal privacy. I urge my fellow Members of Congress to join me in legislative action to safeguard not only the rights of American farmers but of all citizens.

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## ENVIRONMENTAL EDUCATION HEARINGS CONTINUE

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## HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. BRADEMAS. Mr. Speaker, on April 17, the Select Subcommittee on Education, which I have the honor to chair, began hearings on H.R. 3927, a bill cosponsored by the gentlelady from Hawaii (Mrs. MINK), the gentleman from New York (Mr. PEYSER), the gentleman from Idaho (Mr. HANSEN), and me, to extend the Environmental Education Act for 3 years.

We heard at that time, Mr. Speaker, from a distinguished list of public figures, including Arthur Godfrey, as well as from environmentalists and educators. All of the witnesses spoke enthusiastically in favor of extending the Environmental Education Act.

At this time, Mr. Speaker, I would like to announce that the subcommittee will continue hearings on H.R. 3927 next week.

On Tuesday, May 15, at 10 a.m., in room 2261 of the Rayburn House Office Building, we shall again hear from environmentalists and other members of the public as well as from our distinguished colleagues from Minnesota (Mr. FRENZEL) and Texas (Mr. ECKHARDT).

Also scheduled to testify on that day, Mr. Speaker, are: Richard Myshak, executive director of the Minnesota Environmental Sciences Foundation; Tony Mazzocchi, citizens legislative director of the Oil, Chemical & Atomic Workers International Union (AFL–CIO); and a panel including several students, along with Thomas Offutt, vice president of the Institute for Environmental Education, and Mrs. Bessie Moore, environmental education coordinator for the Arkansas State Department of Education.

On Thursday, May 17, we shall hear from the Honorable Sidney P. Marland, Jr., Assistant Secretary for Education of the Department of Health, Education, and Welfare, accompanied by Walter Bogan, Director of the Office of Environmental Education.

I would also at this time, Mr. Speaker, like to bring to my colleagues' attention an article on environmental education written by Linda K. Lee, a member of the National Advisory Council on Environmental Education.

The article, "Environmental Education: Education That Cannot—or Can It?—Wait" was published in the April 1973 Smith Alumnae Quarterly.

I insert the article at this point:

ENVIRONMENTAL EDUCATION: EDUCATION THAT CANNOT—OR CAN IT?—WAIT

(By Linda K. Lee)

In 1970, the U.S. Office of Education published a booklet entitled *Environmental Education—the Education that Cannot Wait.* Despite Presidential rhetoric, bipartisan Congressional support and the enthusiastic efforts of some government officials, educators and concerned citizens, however, the environmental education program enacted by Congress in 1970 has waited in the anterooms of federal bureaucracy for nearly three years. Unless Congress acts before June 30, 1973, it may pass into oblivion. How it happened, from the perspective of one edge of power, is the story of this article.

"Let no man jump to the conclusion that he must take his PhD in ecology before he can 'see' his country. . . ." Aldo Leopold.

ENVIRONMENTAL EDUCATION ACT

It was in the spirit of Dr. Leopold that Congress enacted the Environmental Education Act of 1970 (Public Law 91–516). An initiative of Congressman John Brademas, an Indiana Democrat with an Oxford PhD, the Act was based on the conviction that the threat to environmental quality was in part due to a poor understanding of ecology, and a lack of resources for education in the field. The bill received bipartisan support and passed both Houses of Congress by wide margins.

President Nixon lent his verbal support for the concept, stating in the Congressional message accompanying the first report of the Council on Environmental Quality that "environmental literacy . . . will require the development and teaching of environmental concepts at every point in the educational process."

Environmental education was not to be another item in the already crowded curriculum, to rank alongside math, history or literature, but rather, in the words of the Act, part of "the educational process dealing with man's relationship with his natural and man-made surroundings."

To add this new dimension in learning, the Act established an Office of Environmental Education within the U.S. Office of Education to carry out a grant program to universities, school systems and public and private agencies. Among the activities to be encouraged were curriculum development, information dissemination, preservice and inservice training for educational personnel, and community education programs. The Act authorized a three year program with funding of $5, $15, and $25 million.

To advise the Office, the Act created an Advisory Council on Environmental Education to consist of twenty-one members with "not less than three ecologists and three students."

IMPLEMENTATION

As outlined, environmental education program did not appear to differ much from a number of other categorical education programs funded by the Congress during the 1960's. Environmental education, however, started out with at least one major handicap in Washington; the legislation was initiated on Capitol Hill, not in the executive branch. Federal officials often have a built-in resistance to new programs for fear that they will somehow intrude on previously protected "turf." This is compounded when the new program emanates from the wrong end of Pennsylvania Avenue.

It should not have been surprising, therefore, that a campaign began almost immediately to cripple environmental education. Nearly a year passed before the new Office was formally established; it was several months and several physical moves later before it could truly be called functional. More than a year passed before the Advisory Council was appointed and held its first meeting

ADVISORY COUNCIL

It was into this legislative-executive tangle that unsuspecting Advisory Council appointees walked in December 1971. For Julia Brown Perry '60 of Tucson, Arizona and myself, it was quite an experience. We were neither students nor ecologists and attendance at Smith was not among the statutory descriptions of Council members who were to be ". . . appointed from the public and private sector with due regard to their fitness, knowledge, and experience in matters of, but not limited to, academic, scientific, medical, legal, resource conservation and production, urban and regional planning and information media activities as they relate to our society and affect our environment. . . ."

If our personal roles were somewhat vague, our mandate from the Congress was clear; we were to advise the Commissioner of Education on the operation of the Act, make recommendations on the allocation of funds, develop criteria to be used in making grants, and evaluate and disseminate information about funded programs.

FUNDING

By the time we first met, however, planning for Fiscal Year 1971 grants was already well underway. Since the Administration had actually opposed the enactment of the legislation, it was not about to fight to fund it. Only a last minute $2 million Congressional appropriation enabled the program to begin. In the first year, only 74 awards totaling $1.7 million (against an authorization of

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$5 million) could be made. Because of the delays, the Advisory Council had had no input into the preparation of criteria for grants but found itself summoned before an oversight hearing by the Brademas Subcommittee in April 1972 with very little to report. We had, however, elected officers, approved by-laws and established subcommittees which were hard at work on our Congressional charge.

Meanwhile, the inexorable calendar had the Office of Environmental Education preparing to send out guidelines for 1972 fiscal year funding, still without meaningful participation by the Council. At the oversight hearing, Congressman Brademas berated the Deputy Commissioner of Education for failing to consult with the Council and charged that the Office was deliberately ignoring the dictates of P.L. 91-516.

The 1972 funding situation was also precarious and the Office ended up with some $2.5 million for projects in all 50 states, Puerto Rico and the Mariana Islands. The Council itself suffered from a lack of funds. $50,000 was made available to cover travel and related expenses in holding meetings, but we had no permanent staff and had to draw upon the already burdened Office of Environmental Education for assistance in making meeting arrangements, processing travel vouchers and obtaining information on environmental education developments around the country. There was literally nothing left over to keep ourselves informed of the activities of other government agencies, or to conduct on-site visits of funded programs unless they happened to be located within the area of a full Council meeting. The Office itself never was permitted to hire a full staff complement and was working nights and weekends to meet shifting "higher level" deadlines for review of grant applications.

CONTINUED PROBLEMS

By June, 1972, the Advisory Council had prepared criteria for incorporation by the Office in project guidelines for Fiscal Year 1973, presumably the last year of the program, but we had yet to see any projects in the field. Late that month, as the 1972 awards were announced, we met in Minneapolis and had our first opportunity to visit projects operated with federal, state and local funds. This experience gave us new ideas to take back home and new perspectives for inclusion in project guidelines. By September we were back in Washington confronting a host of bureaucratic problems; a new director of the Office, new Council members to bring up to date, a new set of guidelines for advisory committees from the Office of Committee Management in HEW, and a campaign adjournment of Congress without an appropriations measure (the President vetoed the first bill) to cover the Office for Fiscal 1973. At this point, many of us wondered if we were advisors or firefighters.

ADMINISTRATION HOSTILITY

We met again this January, again not to advise but to prepare our obligatory annual report to the Commissioner of Education. Officially due on March 31, we were informed that it must be in final form early in February in order to meet "printers' deadlines." Two days after the conclusion of our meeting, the President's Budget Message to the Congress announced that no funds would be requested for the Office of Environmental Education since the Act was due to expire on June 30. What will happen to the Office after that date or to funded projects still underway is unclear. Congressman Brademas has introduced legislation extending the program for another three years with total funding of $60 million, but it is uncertain whether the Congress can complete action on the measure before June 30. Meanwhile, environmental education has become another pawn in the Executive-Congressional confrontation over revenue sharing versus bloc grants, impoundment and the constitutional authority of the legislative branch.

Where are we, then, as a Council each of whose members undertook the responsibility in good faith and with the conscientious intent to carry out our legislative charge?

Whatever our individual backgrounds, each of us is certainly better educated with respect to the bureaucratic environment if not the physical one. We have seen some good programs in process; we have hopes for some experimental efforts still in preparation. Certainly our belief in the need for environmental education for all age groups, through formal and non-formal processes, with public and private agency support has not lessened.

COUNCIL'S POSITION

The Council's 1973 report calls for the extension and full funding of P.L. 91-516. Only if the program is continued will we ever be able to evaluate the results of efforts such as that of the environmental public education TV project in Western Massachusetts to increase public awareness of the environmental threat to the Connecticut River Watershed; of the Tucson Audubon's program to demonstrate how man can fit into the desert environment without devastating it; of a Washington, D.C. community group's effort to mobilize citizens to evaluate the quality of their drinking water.

It is of such programs that this article should have been written. Environmental education is that important.

But at this point in time, it is difficult to assess whether the existence of the environmental education program, and of the Council itself has had any impact—positive or negative. We may, through hot air and excess paper flow, actually have had a negative impact! It is relatively easy to evaluate the impact of citizen action on a community; highway construction on parkland is or is not prevented; a recycling center collected X bottles last week. Perhaps we have learned another law of bureaucracy: the level of frustration of the participant rises in direct proportion with the level of government served.

We hope our experience as a Council is not typical. Regardless, I, for one, don't regret it. We may have won a few little bureaucratic victories—or at least put out a few fires. And I'd like to think that through our efforts and those of the Office of Environmental Education the importance of environmental education has been more clearly perceived and is more articulately supported.

## PREDISASTER RELIEF

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. STARK. Mr. Speaker, I have today introduced a bill in the House to require the President to furnish predisaster relief to the East Bay Hills area of California. The bill is companion legislation to S. 1697, introduced by Senators CRANSTON and TUNNEY. Hearings were held in the Small Business Subcommittee of the Senate Banking, Housing, and Urban Affairs Committee, and the following is my testimony inserted into the record of those hearings:

Mr. Chairman and Members of the Committee, I am appearing before you today to voice my unqualified support for S. 1697, requiring the President to declare the East Bay Hills a Disaster Area. The evidence and testimony you will be presented today by those local and state officials most directly involved will surely be powerful and moving. I do not believe that I can better state the case. The men and women here today representing the people who stand to suffer so drastically in the event of a fire, and who must undergo serious economic hardship in preventive measures can best convey the enormous proportions of the impending tragedy.

I would like however to take this opportunity to convey to the Members of the Committee the history of attempts made to date by myself and my staff to alleviate the fire hazard. Perhaps it will then be apparent to you, as it has become to me, that Presidential action in the form of a designation of the area as one of "imminent disaster" is imperative. Without it there is little that can be done to compensate for the great financial hardships of so many. And naturally, without such a declaration the possibility and peril of impending fire disaster grows with each warm, dry spring day.

Nearly all efforts to date to secure emergency relief funds have been futile. Money is traditionally available from various sources and government agencies. For many technical reasons, however, this situation in the Hills does not qualify. Money that might have been released by HUD, by the Department of Labor, the U.S. Forest Service, the State of California, the Department of Agriculture and other smaller agencies has simply not been forthcoming. We have been forced into the realization that our disaster simply does not conform to the requirements now in the statutes for anything other than a "state of emergency". It is indeed a sad commentary that tragedy must occur before funds that would have been preventive can be released.

Beginning in late February, we initiated explorations into possible sources of aid for the area. Our first task was to build a conclusive case that the trees were indeed dead, and thus a grave threat. The only known precedent, the freeze of 1932, had caused initial damage and all the eucalyptus trees appeared dead. Within a number of years, however, they were revived so that many of those in question are demonstrated survivors of a serious frost.

We called on the Park Service and the Forest Service in this initial period for advice and evaluation. At that time we believed them to be a good potential source of aid in the event that the trees would have to be cleared. The Forest Service, of the Department of Agriculture, claimed jurisdiction in the matter and began working with state and local officials on the scene. Aerial views and infra red photos were used as evidence, but proved to be disappointingly inconclusive. Portions of the trees, themselves, were analyzed in laboratory tests and determined to be alive but still dangerously inflammable. It became apparent that so many concerned parties with conflicting standards were involved that there would be no simple resolution. An unbiased judgement would have to be made by a single party.

My Washington staff, during this same time frame, was investigating every federal agency that had relief programs even remotely related to fire disaster. The Library of Congress, the Department of the Interior, and the Public Works Committee proposed various possibilities, but all were revealed to be unsuitable. Watershed programs seemed likely to be applicable but their overall budget had been so drastically cut in recent years that no substantial funds could be made available. We were then speaking conservatively of $5 million in damages. The total budget of the Watershed programs amounted to very little more than that. Similar findings were made in all the other federal disaster relief programs.

The only conclusion to this exhaustive study was that money would have to be made available through the Office of Emergency Preparedness. This necessitated a Presidential designation of the area as an "imminent disaster". I conveyed this message to the President by letter on April 4. After a lengthy review, Governor Reagan arrived at the same conclusion on the first week of April. He declared a "state of emergency" in Alameda and Contra Costa Counties, and requested President Nixon to "declare the counties major disaster areas due to the extreme fire hazard presented by the dead trees". In this same statement he directed that a Fire Prevention Center at the East Bay Regional Park Headquarters would be established to begin fire abatement procedures. In conclusion, though, he too appealed for the availability of Small Business Administration Disaster Loans. It seemed the only recourse for private property and homeowners.

The Governor has made limited amount of funds available for land clearance, and the California Ecology Corps has been enlisted in the land clearing effort. While an earnest beginning, this is still pitifully insufficient. Estimates of damage, and of expenses to the property owners now range upwards of $5 million, and $20 million is no longer considered a liberal figure. Very few private citizens have such resources available to them. A homeowner with several dead trees on his property is faced with an extremely expensive operation, but a family living on a fixed income with even just a few trees in the yard may encounter serious financial hardships These people must be compensated, or reimbursed. And all those who have not yet made large expenditures must be assisted before that should become necessary. Time is running out. William Hildebrand, the Fire Marshall of Alameda, has set June 1 as the deadline. At that date all dead trees must be cleared from private land. Estimates range upward of $300 per tree.

As a last resort, the manpower element was explored. It was thought that the Department of Labor might have sufficient funds to deploy large groups of previously unemployed men and women into land-clearing operations. Public Service Employment has in the past given jobs to hundreds of people in projects similar to this one. This years drastic shortage of funds in the program, however, rendered this impossible. The City of Oakland could not afford to hire anyone. Public funds might have been provided for the immediate future, but under the same laws it is stipulated that no one may be hired temporarily unless the city can guarantee him continued employment when the project is completed. No such money for salaries could be found in the Okland city government.

The Neighborhood Youth Corps was then briefly considered. This possibility was even more quickly rejected—NYC's funding expires on June 30, 1973. Revenue sharing, as we are all aware, is not committed to the continuance of any program. There are no guarantees.

I am pleased to be able to report to the members of this Committee, though, that we have been able to make one small step in the area of compensation to property owners. No final decision has yet been reached but preliminary reports from the Internal Revenue Service confirm that some relief through tax deduction may be forthcoming. We do not know how much, if any, of the cost of tree removal will be deductible. But we do know that the IRS will permit any property owner to claim the difference in his property value before and after tree clearance as a single deduction. This is small consolation, but surely a beginning.

Mr. Chairman and members of the Committee, we have explored every existing avenue. Congressman Dellums, Congressman Waldie, Senator Tunney and yourself, Mr. Chairman, have done all within our power and authority to provide relief to this endangered area. The local governments, the mayors of many towns, county supervisors, state officials and innumerable citizens have worked tirelessly to avert disaster. The Governor of California, Ronald Reagan, intervened on behalf of all these people and declared the area one of "imminent disaster."

We have all answered our constituencies. We have lived up to our responsibilities as elected officials. The President has let us down. He has refused to live up to his obligations. The President turned his back on East Bay Hills residents whose homes and property are threatened by the worst Bay Area disaster since the 1906 earthquake and fire.

We now must turn to you, the members of this Committee, and to the Congress to compel the President to respond. There are no other sources of relief. Only he can make the authorization for the release of Federal Disaster Relief Funds. Small Business Administration loans, provided through the Office of Emergency Preparedness, cannot be made available unless the President so directs. On behalf of all those who are undergoing such hardship now, and who stand to be so severely afflicted in the event of fire, I cannot urge you too strongly to consider this bill favorably and work for its rapid adoption.

Thank you, Mr. Chairman.

## SOVIET JEWS AND EDUCATION TAX

### HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HOWARD. Mr. Speaker, the plight of the Soviet Jew is of justified concern to many millions of Americans. Many of us in the Congress have expressed concern about the so-called education tax which is nothing more than a threat and blackmail against those who wish to emigrate.

All too often, however, we do not hear very much about what is happening in other governmental bodies, outside the Congress. In New Jersey, we are most fortunate in having a State assemblyman who has spoken out consistently in his support for the Soviet Jews. He is Assemblyman Eugene Bedell, one of the more able officials in the New Jersey State Legislature.

Mr. Speaker, under the leadership of Assemblyman Bedell, the New Jersey State Legislature on April 30, 1973, unanimously passed a resolution sponsored by Mr. Bedell memorializing Congress to withhold preferential trade treatment with the Soviet Union until the head tax on its Jewish citizens is eliminated.

Because of the grave concern in the Congress over this sensitive subject, I am including a copy of Mr. Bedell's resolution in the RECORD:

ASSEMBLY RESOLUTION NO. 2029—STATE OF NEW JERSEY

Whereas, In the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries and indeed by the Constitution of the Soviet Union; and

Whereas, The government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union; and

Whereas, The right to freely emigrate, which is denied Soviet Jews, is a right affirmed by the United Nations Declaration of Human Rights; and

Whereas, These violations of basic human rights are an obstacle to the development of better relations between the people of the United States and the people of the Soviet Union; now, therefore

Be it resolved by the General Assembly of the State of New Jersey:

1. That the President and the Congress of the United States are hereby memorialized to consider the plight of Soviet Jews prior to granting most-favored-nation status to the Soviet Union, and to call upon the Soviet government to end its persecution of the Jews, in accordance with the Soviet Constitution, and to permit its citizens to emigrate, as affirmed by the United Nations Declaration of Human Rights; and

2. That copies of this resolution be transmitted to the President, the Secretary of State of the United States, the presiding officer of each branch of the Congress of the United States and to each member thereof from the State of New Jersey.

## CONSTITUENT CONVEYS COMMONSENSE

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HUBER. Mr. Speaker, one of my constituents, Mrs. Vogelsang of Clawson, Mich., has rewarded Senator ROBERT GRIFFIN and me with her pithy comments on a number of the conditions faced by Americans today—problems which Mrs. Vogelsang feels could be solved or minimized with a heavy dose of commonsense.

The letter follows for the interest of my colleagues in the Federal Government:

(NOTE.—Thoughts inspired by TV programs, commercials, radio programs, newscasts, editorial comments on TV by news personnel, magazines and other people's newspapers—as we quit taking a paper over a year ago).

In the same day I heard Jack LaLanne, on his program, and a TV message with Rafer Johnson speaking on supporting the physical fitness programs in our schools. I wonder if they call 30-45 minutes a week of gym, in one of these suburban white schools, a fitness program? Then the gym teacher expects these kids to do reasonably well in the President's Award program.

If they pass and get an award I am sure it must be due to eating all these vitamin fortified cereals that most mothers I know feed their children because it's easy to fix and the children will at least be eating something Certain government agencies won't agree with this which leads me to thoughts on food.

Just what is a wife and mother to feed her family nowadays? By the time I get through trying to plan a weeks balanced meals at a reasonable cost, that everyone in the family will like, I'm too exhausted to eat it. I have been going through this mental anguish for 10 years now and so far we have survived without FDA's help. All they do is confuse me so I've stopped listening. All these minimum weekly and daily nutritional needs don't seem to take into affect that my family hates liver and all yellow vegetables, except rutabaga occasionally. I hate spinach, they will eat scallops once a month and on and on Apparently, those government experts just



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love to eat any and everything and assume the masses will follow their suggestions.

*Expert*—would someone define that word for me? I am tired of hearing it. I consider myself an expert in every field the government has a department for. Our home, in Clawson, is equivalent to the White House. My husband is the President. I'm the Vice President as I take over when he's gone. I am the Sec. of the Treasury—as he claims he has enough trouble earning the money and making out bills gets him nauseous—so I do the money management. I am the Sec. of State—I go about negotiating treaties between our children who go to war once a day (we have one boy 10 and one girl 7). As the Sec. of Labor—I work at keeping the house presentable and neat. As Sec. of HEW I am seeing we stay reasonably healthy, the children get to school on time and looking out for their welfare is no small task. I am the President's social secretary, which is not a big job, but once in a while he does have to relax. We share the Sec. of Agriculture job and in the summer we even employ the children. I am the Sec. of Transportation, Sec. of HUD, etc. I could continue, but I've said enough. What I want to know then—how does the government define expert? I have been married 11½ years and that has got to make me an expert on something—maybe being an idiot because in spite of all this I don't want to be a "liberated" woman.

I have no desire to go out and earn a living. I spent three years working, while in college after my father died at the end of my freshman year, to earn extra money. I worked during the summers to earn tuition, room and board. I agree with very little of Woman's Lib and I feel Congress is going a little overboard for women now. Too many jobs are being held by married women with children and for each job they hold (and a lot of these jobs are unnecessary second incomes) there is a man out of work who might have a family to try and support.

I am also tired of hearing about "assembly line boredom." Any job can be boring—even mine. I do basically the same thing every day from getting up at the same time Monday thru Friday, making beds, three meals, washing, ironing, dishes and so on. All this boredom business is a crock of you know what in my opinion.

Speaking of employment! I wonder how long it will take politicians to stop campaigning on a platform of "elect me and you'll have a job!" There will never be total employment—that is a Utopian dream, just as total equality. (It is a fine idea, but I still labor under the idea that Utopia would be an absolute bore.) Mass production and machines that can do a man's job have helped unemployment rise, but I have yet to hear anyone mention this.

This leads me to unions. I can see they have their place in a democracy and I understand that union people are now becoming more independent thinkers, but I get the impression that business profits make unions want more money and if they get an increase prices rise because they're supposed to have more money to spend and things are at a Mexican standoff and no one seems to benefit—the Vicious Circle Theory as I call it.

My husband doesn't belong to a union, but works for Ford Motor Corporation. If things keep up in his office the way they are going I am assuming an anti-unionist will become a pro white collar unionist. The business of getting ahead in a corporation is just as bad as running for Congress, unless you've had 10 years experience and are 20 years old, have a relative in high places or are prepared to kiss fannies you are just liable to sit around collecting dust even though you have that all important degree from an institution of higher learning. Doing a good job doesn't count and by the time you reach 35 you're old.

Speaking of age—if the average working slob has to retire at 65 how come everybody in Congress and the Supreme Court is hitting their prime at that age? (Maybe it takes that long to become an "expert" in government.) There seems to be a flagrant violation of age discrimination between my husband's job and the men sitting on that bench. Why shouldn't they have to retire at 65? Airline pilots have to stop flying at 60, maybe it has something to do with judgment and alertness, if this is so there should definitely be retirement for Justices for these same reasons.

My husband and I have all but stopped watching TV. The programs are lousy, but those stupid commercials are worse. What a horrible picture I draw of the so called average human being. He has dirty hair, smelly armpits, bad teeth, a congested nose, bloodshot eyes, constant headaches, bad breath, weak fingernails, constipation, bad stomachs, hemorrhoids and smelly feet to mention a few of the maladies. The place they live in is just as bad—little men in your toilet bowl to keep it clean, dirty windows, floors and carpets, dusty furniture and house atosis, but at least there is a cure for this—just building your home in a large lemon! Oh, how I long for the nice music and lovely scenery of the cigarette commercials. Personally, I resent these agencies of the government that are now demanding these ads be proven, especially of the auto industry now. Do they think we are so stupid that we actually believe all these commercials?

There are too many programs devoted to educating the pre-schooler. My children didn't watch these programs and my boy has been an all A student since first grade and my daughter is also doing well. I think this rush to have our children well educated leads to boredom in school because they know it all before they get there. I would, however, suggest TV learning as a means of eliminating all schools, therefore, we will eliminate financial problems like Detroit has and the solution to the ridiculous busing issue. It would be cheaper to supply children with TV sets than buses—even the maintenance would be cheaper.

The word repair brings Ralph Nader to mind. He wants to repair everything it seems. I'm waiting for him to have to get his nose repaired when somebody punches it. I will give the man his due, but when he can run the Corvair right off the assembly line and a few years later say he might have been wrong—the man has gone a bit far. Due to him I don't want to buy a new car. Each new car we buy goes back to the dealer more often than the last due to these recalls. I heard the other day he's checking up on eight small airplane companies—how nice.

While driving the other day I heard, on the car radio, some mention about a conviction of somebody in the Watergate Affair. Why is everyone trying to grab some headlines in this stupid farce? I think that by the election results, if nothing else, it should be evident that people really appear to feel like Rhett Buler—they don't give a damn. The average person, I feel, has enough smarts to realize that this type of campaigning has gone on probably since John Adams and someone just happened to get caught this time. People have more important things to worry about today than Watergates, like trying to keep their head above water.

A big deal is being made about Watergate and yet the "common" criminal on the street isn't as sought after as a bunch of bugs—and gun control is not the answer! If a person feels compelled to commit any type of crime he will find a weapon even if its nothing more than a metal nailfile. If it were left up to me I would rather be shot than stabbed or a saw blade run across my neck.

I realize the possibility of ending an innocent person's life exists when you have capital punishment, but holy cow the crime rate is getting ridiculous all over the world and we seem to be the only country trying to be so darn civilized we are becoming barbaric. If capital punishment doesn't appeal to you there is always the old Oriental method, as Billy Graham hinted, rapists could be castrated, thieves could have a hand cut off, etc. There is not enough money to ever make me want to become a policeman. From a layman's observation they should walk around in their own handcuffs with no bullets in their guns. Court dockets are apparently overcrowded, first offenders are out on bail committing a second crime, the jails are overcrowded, and the prisoners are rioting for various and assorted reasons and now someone wants to run the jails like hotels with visiting wives. This may be OK for the check forger, but for a murderer I wholeheartedly disagree. He is in prison for punishment, not for fun and frolic. Richard Speck and Sirhan Sirhan should have been executed immediately after their trials were over instead of undergoing psychiatric treatment. Of course a person like this is sick and I feel society would be better off without him (or her). Now Bobby Seale is running for mayor of Oakland, but why not?—this is a democracy and we have a constitutional government.

The word unconstitutional is beginning to grate me. It seems everything is unconstitutional nowadays in some respect and maybe some of the earthquakes are due to our forefathers (and even foremothers) spinning around in their graves. The Bill of Rights makes me wonder who's being billed for whose rights.

I am developing the attitude that if you don't contribute to society (and I don't mean the contribution of more children) you don't deserve any. But this is a whole letter in itself so I will stop here on this subject because it leads to the subject of welfare. Only one comment on this—if welfare is undignified let people refuse it and fill their stomachs with dignity. It won't be long before malnutrition sets in and then they may be forced to chew up and swallow their pride.

Swallowing goes along with food and I am not going to let Virginia Nower (phonic spelling so if it's wrong I apologize) know how I manage to feed my family the same as I did last year even with increased food costs, and I am not a hamburger fancier. I do find it funny though that IRS is so concerned about car repair costs, which is not usually a daily expense, but no one seems to be caring about food costs and eating is something my family likes to do everyday. In the Detroit metropolitian area Farmer Jack's food stores are cutting beef prices 20% for a period of time. If they are making a profit at this reduced price why can't these be the regular prices? It appears, on the surface, that normally all Jack does is get a higher profit. Profit is essential to the economy but does it have to be such a big one.

I think I have bored you enough if you are actually reading this so a few short closing comments:

Busing. I abhore the idea, but if it follows this country's normal actions it will be the person be damned so roll out the busses, with Naders and NAACP's approval, and a few years from now the educators will realize it isn't solving anything and they'll have to find some other equal way to educate the kids.

Vietnam. Too bad Sen. Goldwater didn't get elected in 1964. I still admire him.

Pollution and Ecology. We must cure tomorrow, ills that took many years to develop and if we can't cure it we'll just levy fines.

Killing of government people. At least we're not alone in this area. Pretty soon the whole world may be one big Banana Republic.

It is amazing, if one reads history, to find out that basically the middle class (of which our family is part) has gone unchanged over the years. They have borne the brunt of everyone picking on them in one way or another and yet have managed to survive to support this country in every respect from manpower to money. If nothing else, it only goes to prove they manage to survive in spite of and not because of.



## MENTAL HEALTH ASSOCIATION OF ESSEX COUNTY, N.J.

### HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. MINISH. Mr. Speaker, the history of care for the mentally ill in this country should be a source of embarrassment to every American. For too long the large residential psychiatric hospital has been our single resource in treating mental illness. Only 2 of 50 States have made the commitment to provide adequate mental health care—California and Kentucky.

Yet one of every two hospital beds is occupied by a mentally ill person. Mental illness is recognized by industry as the single most contributor to absenteeism and concomitant loss of business. In fact, untold millions, perhaps billions, of dollars are lost each year due to mental illness. One of every 10 Americans requires, in his life, some sort of emotional help.

Only recently has this country begun to develop new approaches to the treatment of mental illness. In the last 10 years we have financed community-based mental health programs to treat people in their communities without having to institutionalize them. For the vast majority of residential patients and individuals barely coping day-to-day, outside psychiatric hospitals, this approach has proven itself as most effective, humane, and economical.

New technologies are under study which may someday isolate causes of mental and emotional illness and lead to even more effective treatment. With new forms of prevention and treatment, we may be able to reduce significantly the impact of mental illness in this country.

The Mental Health Association of Essex County is a citizens' organization committed to improved public and private services and policies in the area of mental health. It has represented the public interest in the development and evaluation of mental health programs. It has a proud history of vanguarding the struggle for strong right to treatment laws, community-based mental health centers, improved treatment in psychiatric hospitals, and protection of patients from institutional peonage.

The Mental Health Association has entered the human services field itself, when necessary, to provide qualitative services to this county. Their program of low-cost psychotherapy was the first of its kind in the country. Their school for autistic children—Garden School—which is now sponsored by the Belleville public schools, has received international recognition. Prospect House, a partial hospitalization-psychiatric rehabilitation program, is sponsored by the Mental Health Association, which also provides ongoing day-to-day personal and family counseling services to the community.

To support the programs, this private nonprofit organization has undertaken this year a dynamic and creative approach to fund raising. They are sponsoring a gala ball at the new Newark International Airport at the TWA terminal.

I applaud these efforts and call on every citizen to support this vital organization.

## THE VITAMIN BILL MAKES SENSE

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HOSMER. Mr. Speaker, 137 of our colleagues have cosponsored my bill, H.R. 643, which would prevent the Food and Drug Administration from trying to dictate what vitamins and mineral supplements Americans should or could take.

Many of us are aroused at the thought of the FDA putting unneeded restrictions and regulations on vitamins and vitamin supplements. This, in my opinion, is just another attempt by the bureaucrats to control our very lives. I am confident the majority of the American people have the wisdom and good sense to consume these items properly and beneficially.

I include as a portion of my remarks an article from Prevention magazine entitled "Were the 'Vitamin Hearings' a Hoax?":

WERE THE "VITAMIN HEARINGS" A HOAX?

(By Robert Bahr)

The longest, most expensive and most emotional hearings in the history of the Food and Drug Administration, which began in 1968, came to a conclusion in January of this year with the issuance of a series of dietary regulations.

The "defendants" in this bizarre case were nutritional supplements—vitamins, minerals, and other concentrated foodstuffs. They stood accused of being worthless. Claims that they could provide health and well-being were branded as fraudulent. People who sold them were accused of being "quacks," and those who took them, "faddists." The penalty asked by the Food and Drug Administration, which prosecuted the case, was severe restriction on the sale, formulation, and labeling of these supplements, which would be appropriate to products which have little or no value to the consumer.

The verdict, as seen in the new Dietary Supplement Regulations of 1973, was guilty as charged. Somehow, this was both surprising and not surprising.

To those who followed the hearings closely between 1968 and 1970, the long-awaited verdict was shocking for the simple reason that there was very little in the testimony to suggest that the FDA had proved its case against dietary supplements. In fact, there had been a tremendous amount of evidence presented by the experts which suggested the opposite of what the FDA set out to prove. In addition, some 55,000 aroused Americans had sent letters to the hearing clerk, blasting the FDA proposals as an unwarranted trespass against their freedom of choice.

But what made the verdict not so surprising after all is the curious fact that besides prosecuting the case, the FDA was also the jury! They and they alone decided the merits of the testimony, and then further decided what the "sentence" should be.

Now you may ask, why should a U.S. regulatory agency spend over one million dollars in tax money to put on a two-year hearing if they aren't going to pay any attention to the testimony? The answer is that the FDA only mounted the hearing as a sop to public opinion when a cry of outrage greeted their proposals, back in 1962, to impose stringent new regulations on vitamin supplements. They had no intention, originally, of holding hearings, but public opposition was so intense that at the last minute, just before the rules were to go into effect, the agency backed off and announced that it would let vitamin advocates have their "day in court."

Most of the people involved in the hearings no doubt thought they were being held in good faith. That is, that the FDA would objectively consider all the testimony from the experts, give some weight, perhaps, to opinions mailed in by the public, and then come to a sound decision. It seemed, at the time, that this is what they planned. Why else would they pay for some 90 witnesses to appear on their behalf? And if they weren't sincere, why would they let the hearings continue for 2 long years?

Were the so-called "vitamin hearings" just a mockery of justice put on at the expense of the taxpayers? This is a question you have to answer yourself. Here, we will present in boiled-down form the major features and confrontations of the hearings, in what we consider to be an objective manner. Read the testimony with an open mind, and you be the judge.

U.S. COURT TELLS FDA IT CANNOT DICTATE DIET

The FDA warmed up for its assault by making a number of raids and seizures without benefit of any regulations whatsoever to support its actions. In 1963, they seized 568 cases of Dextra sugar on charges of misbranding and ordered the manufacturer, in effect, out of existence. In court, the FDA argued that Dextra labels stating the sugar contained minerals and B vitamins—which was true—were *misleading* because people would think Dextra was better than other sugars.

U.S. District Judge Emmett C. Choate ruled against the FDA in 1964. He said the FDA brought the charges because "it is not in sympathy with its (Dextra's) use. The provisions of the Federal Food, Drug, and Cosmetic Act did not vest in the Food and Drug Administration or any other Federal agency power to determine what foods should be included in the American diet. This is the function of the market place."

Judge Choate added, "Plainly, only Congress can or should regulate the use of vitamins, and then only to prevent public injury." The FDA appealed the case to higher courts, but Choate's ruling was upheld. In effect, the decision told the FDA to keep its hands off nutritional supplements, since its only authority is to regulate the purity of foods, but not to decide that some foods may be sold and others not.

Entirely disregarding this ruling, the FDA continued to pick off small vitamin firms that could not afford to defend themselves against the Federal Government in court. In Kansas City, the agency used bugging devices to obtain evidence that two lady school teachers were demonstrating a product called Allerjoy, a milk substitute for children and adults allergeric to milk.

By 1965, protest that the agency was trampling on citizen's constitutional rights in order to put the vitamin firms out of business were so strong that the Senate Subcommittee on Administrative Practice Pro-

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cedure undertook hearings. One of the witnesses, K. W. Dilling, an attorney for the National Association of Food Supplement Manufacturers and Distributors, told Senator Edward Long who headed the Committee, "This is trampling upon traditional American rights. The planting of these devices is thoroughly un-American and thoroughly reprehensible." Dilling added, "The use of 'snooping devices' is a very common practice of this agency . . . sometimes they 'bug' a whole house. It's been my experience in dealing with FDA cases that the use of these devices is extensive, general, and accepted by this agency."

When the hearings were over, Senator Long concluded, "If the FDA spent less time spying on and raiding small manufacturers of vitamins, and more time looking into the large firms which manufacture dangerous drugs like thalidomide, the situation would be greatly improved."

NEW BOGEYMAN: THE "VICIOUS FOOD FADDIST"

So the FDA changed tactics. A year later, the new FDA Commissioner, James Goddard, began talking once again about the vitamin regulations. He said in an interview that they were necessary because "avaricious and vicious food faddists and nutritional quacks were foisting worthless products on the public." In June, 1966, Goddard issued the "final" regulations.

They weren't final for long, for the day they were issued all hell broke loose. Here is what the regulations required:

Potency of supplements was not to exceed the Recommended Dietary Allowances established by the National Academy of Sciences-National Research Council.

Only certain combinations of vitamins and minerals, dictated by the FDA, would be permitted.

Manufacturers were to be prohibited from saying on a label that their product was from a natural source rather than from a synthetic one.

It was to be forbidden to state that any food or supplement was effective for the treatment or prevention of any ailment, including diseases caused by deficiency of the nutrients contained in the supplement.

It would be forbidden to state or imply that significant segments of the U.S. population are suffering from a vitamin deficiency or even face the possibility of developing such a deficiency.

Advertising dare not suggest that deficiencies can develop because ordinary foods lose nutritive value when they are grown in poor soil, or because of losses in storage, transportation, processing, or cooking.

And just in case anyone had missed the point, the regulations required this statement, known as the "crepe label," on every bottle of vitamins and minerals:

"Vitamins and minerals are supplied in abundant amounts by the foods we eat. The Food and Nutrition Board of the National Research Council recommends that dietary needs be satisfied by foods. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements."

It immediately became clear that someone at the FDA had an overactive imagination. Dr. LeRoy Voris, executive secretary of the Food and Nutrition Board of the National Academy of Sciences, said that he didn't know where the FDA got the exact phrase that his organization "recommends that dietary needs be satisfied by foods." Dr. Voris was also unaware of any communication between the FDA and Food and Nutrition Board concerning the label statement. "Nor has the Board reviewed or approved the labeling requirements," Dr. Voris added.

As for the scientific basis of the dietary allowances on which the FDA placed so much emphasis, the Food and Nutrition Board publicly commented that "*the allowances do not necessarily reflect the nutritional need of any one person or group, since these can be judged only after careful clinical, biochemical and physical evaluations have been made.*"

TOP NUTRITIONISTS JOIN ATTACK ON PROPOSALS

Other top nutritionists joined in the attack on the crepe label, and the assumptions behind it. Thomas H. Jukes, lecturer in nutrition at the University of California at Berkeley, wrote, "The first sentence (vitamins and minerals are supplied in abundant amounts by the food we eat) is a generalization which does not apply to individual cases. I do not think that any professor of nutrition would give a passing grade to a student who made such a statement." He added: "*There is a strong basis for recommending routine use of dietary supplements to make sure that overt signs and symptoms do not develop in persons who have unrecognized special needs.*"

Pediatrician George M. Owen of Ohio State University Children's Hospital said, "It is mistakenly assumed that most people in this country receive a diet adequate in all respects simply because of the abundant food supply. The fact is, that the nutritional status of the people of the United States is not known, and no one has a right to pass laws guessing at it. It is discouraging to see the Government forming regulations pertaining to matters for which scientists have not yet provided information," he concluded.

Even the United States Department of Agriculture attacked the regulations issued by its fellow agency. Assistant Agriculture Secretary George L. Mehren said the crepe label, "will give the consumer a false sense of security. . . . The most recent nation-wide survey indicates that 38 per cent of households have diets that do not meet the National Academy of Sciences-National Research Council Recommended Dietary Allowances in one or more nutrients."

Within two months after the regulations were issued in "final" form, the FDA had received 55,000 letters of protest! Consumers, nutritionists, and more than 100 food and drug companies were clamoring for a hearing. The FDA argued that a hearing was not necessary—because the 1966 regulations were not really new, but a revision of some 1962 regulations. Yes, they admitted, hearings should have been held in 1962, but since they weren't there weren't going to be any hearings now, either!

But pressure from the public continued to grow, and just two weeks before the deadline, Goddard announced that the regulations would be stayed and a hearing held.

BIPARTISAN SUPPORT FOR HOSMER BILL

On Capitol Hill, 23 Congressmen supported a bipartisan bill by Craig Hosmer of California, and Wendell Wyatt of Oregon, to prevent the FDA from putting the regulations into effect. Hosmer said on the floor of the House: "I have been told that there has never been an accidental death due to vitamin overdosage, but it is said that one person dies every three days from taking lethal doses of aspirin, which the FDA permits to go unlabeled."

Months passed, and the FDA kept postponing the hearings. Observers believed that the agency was hoping that its hot potato would cool off. Instead, it got red hot.

Not long before the hearings finally opened, a nutritional survey in New York City showed that of 642 children, 73 per cent were considered to have poor diets, based on the National Research Council's Recommended Dietary Allowances. According to the Bureau of Nutrition of the New York Department of Health, the children had low blood levels of vitamin C, vitamin $B_{12}$ and niacin. Those who were malnourished also suffered significant reading disabilities.

Dr. George Christakis, director of the survey, urged that the children be given vitamin supplements, a stinging rebuke to the FDA.

A month later, the Citizens' Board of Inquiry into Hunger and Malnutrition in the U.S. released a 100-page report showing that the average American diet does not always provide the recommended daily vitamin-mineral requirements. "Hunger and malnutrition exist in this country, affecting many of our fellow Americans and increasing in severity and extent from year to year," the report declared. Especially among the poverty population, this study found a "high incidence of anemia, growth retardation, protein deficiencies such as marasmus and kwashiorkor and other signs of malnutrition."

A survey done by the United States Department of Agriculture in 1965 revealed that the proportion of "good" diets had *decreased* from 60 per cent to 50 per cent since the last survey had been made in 1955. The percentage of outright "poor" diets increased from 15 per cent to 21 per cent.

FDA TRIES TO "GERRYMANDER" TESTIMONY

In the glare of all this publicity, the vitamin hearings opened on May 7, 1968, to a standing-room-only audience. FDA's first witnesses, hand-picked to argue the agency's case, was Dr. Lloyd Filer, of the American Academy of Pediatrics' Committee on Nutrition. Filer is an expert on infant feeding, and the FDA intended to call upon him to support their labeling requirements for infant formulas. But Filer also happens to be one of the physicians who wrote to the agency in 1966 strongly denouncing the crepe label. The FDA took the gamble that the subject wouldn't come up—and lost.

They lost another gamble too, with Filer. The expert had recently completed a 7-page report on infant feeding. Five of those pages were important to the FDA case. The last two, however, contained a table of "Suggested Allowable Maximal and Minimal Amounts in Mineral and Vitamin Supplements for Infants." These charts recommended generally higher supplement levels than those in the FDA's proposed regulations.

Industry lawyers objected when the FDA attorney tried to introduce only the first five pages of Filer's report. As one lawyer put it, "I don't think the Government has the right to gerrymander the witness's testimony . . ."

Before the day was through, Filer managed to add a personal opinion to the record: "I think it is in restraint of trade that the manufacturer can't make a product claim on the basis of demonstrated effect." In other words, he couldn't see why a manufacturer may not claim that iron supplements prevent iron deficiency "since this is the basis for the inclusion of iron in these products. Clinical studies can be cited to support productive effectiveness."

What about label warning to avoid excesive intake of vitamin D? Filer said he felt that deficiency of the nutrient was a greater danger. To his knowledge, no one has ever died in the United States from an overdose of vitamin D. Too many warnings may frighten people into avoiding vitamin D supplementation altogether, leading to vitamin D deficiencies. And people do become ill and die from that.

THE FDA'S "WONDERFUL WITNESS"

Finally, in August of 1968, the FDA managed to get a witness who stuck by its side. He was Arthur Grollman, professor of experimental medicine at the University of Texas' Southwest Medical School. He staunchly defended the regulations as a means of "protecting consumers from wasting their money and buying something they are going to pour out into the sewer." For a while it looked like it was going to be Grollman's show all the way. He curtly brushed off references to a number of authorities holding views conflicting with his own:



Roger J. Williams, Ph.D., biochemical researcher and discoverer of pantothenic acid, who believes that individual differences determine how much of a certain vitamin people need—"Williams' theories are sort of senile ravings. I hate to see my colleague going on like this, not saying anything new, but saying it in such an inflammatory manner to mislead people."

Nobel Prize-winning biochemist, Linus Pauling, Ph.D.—"He is talking through his hat when he advocates large doses of vitamin C to ward off colds. His opinion there is no better than the Governor's." (Governor Ronald Reagan also believes in vitamin C as a preventive for colds.)

Dr. Morris Fishbein, editor of *Medical World News*, and world-famous medical journalist—"He is a well-known publicist." When industry attorney Stewart Land quoted Fishbein as saying the elderly need routine vitamin supplementation. Grollman answered, "I would not hesitate to disagree. Of course, I wouldn't say that it is *all* hogwash."

When the discussion got around to the crepe label, Grollman protested it was still not strong enough! He called for deletion of the phrase "except for persons with special medical needs." No one, he proclaimed, needs routine supplementation for any reason.

The FDA was positively delighted, but their first big bubble of success was doomed to be burst later that very day. Attorney Stewart Land introduced into the hearing a 1965 paper by Grollman, "Efficacy and Therapeutic Utility of Home Remedies," unpublished, but delivered at the New York Academy of Sciences. Land read from Grollman's paper: "An adequate and varied diet supplies the needed vitamins, but modern processes of refining foods and methods for their preparation often result in removal and destruction of their natural vitamin content." The paper also said that "milder forms of antivitaminosis still occur" and that in such cases, the ingestion of multi-vitamin preparations will prevent the effects of vitamin deficiency." Basically, it was Grollman vs. Grollman, and the winner was the soundness of the regular use of nutritional supplements.

FDA'S TOP CONSUMER "EXPERT" UNMASKED

All summer, things went badly for the FDA, and almost in desperation, their attorneys looked forward to October 11, when Sydney Weissenberg, the FDA's Associate Commissioner of Compliance—sort of the agency's police chief—was scheduled to appear. For years Weissenberg had been acting as FDA's official expert on consumer attitudes and opinions. In light of this experience, Commissioners Larrick and Goddard both accepted his assurances that consumers were being misled by vitamin firms. And at his request, they issued the vitamin regulations. Six years of headaches with vitamin regulations were built on Weissenberg's analysis of consumer attitudes towards nutritional supplements.

The day Weissenberg walked into the hearing room to tell all he knew about consumer attitudes, the air was electric. And in short order everyone was shocked speechless—especially Sydney Weissenberg.

The bad news was handed down by hearing examiner David H. Harris. After carefully re-reading the record, he said, he had decided that Weissenberg would not be allowed to testify as an expert on consumer opinions because the record was "entirely barren" of any evidence to show that Weissenberg was qualified as an expert!

He explained: "Weissenberg has not made any attempt to ascertain by survey or direct inquiry attitudes among the general public concerning particular statements involved in the labeling of special dietary foods." Weissenberg's supporters argued that he made many public appearances before consumer groups. Harris labeled them all "public relations" appearances, not surveys of public opinion.

Weissenberg was totally untrained in interpreting the state of mind of consumers, said Harris. Only people highly trained in that field can offer expert opinion, he said.

It was a major defeat for Weissenberg personally, and a violent blow to the very foundation on which the regulations were built. Weissenberg left crushed, but in two months he was back, armed with new "evidence" to support his regulations.

He introduced a series of hospital nutrition records which he said showed that hospital patients across the country are well nourished. If they don't need vitamins, neither does the rest of the population, he argued.

Somehow, attorney James Johnstone managed to get a copy of Weissenberg's hospital records, and when Weissenberg was finished, the lawyer quietly explained that the Associate Commissioner for Compliance had presented only the records which supported his case. Additional facts in the same records showed many, many cases of nutritional deficiency. Alcoholics and pregnant women particularly showed signs of iron deficiency anemia. They were uniformly treated with dietary supplements.

Then Johnstone introduced other studies, including one by the American Medical Association, which showed that from 10 to 60 per cent of pregnant women suffer from low iron levels. A memo which Johnstone had obtained from FDA investigators, written by a medical official at Chicago's Cook Hospital, said that low income groups often suffer from iron deficiency anemia. A study by the Oklahoma Department of Education's School Lunch Division showed that 30 per cent of school students *in all income groups* lack adequate iron.

A LESSON IN HOW TO MANUFACTURE "EVIDENCE"

Again Weissenberg left in defeat. But he still had one more move. And that was to come up with a "survey" of his own which would prove, without any doubt, that everything he had *wanted* to say about the gullibility of the American public was true.

Although the survey had been originally commissioned in 1966, the results were not issued to the public until very late in 1972, just a few weeks—by some strange coincidence—before the FDA also released its new dietary regulations. The thrust of the survey results—as interpreted by the FDA—was that the American public is grossly ignorant about its own health and nutrition. Why? Because the majority of us, this survey revealed, think it's a good idea to take nutritional supplements as insurance against vitamin and mineral deficiencies. How's that for a self-serving analysis?

The survey, conducted by a private organization in Philadelphia, also revealed that the more education an individual has, the more likely he is to use nutritional supplements on a regular basis. This fact, the FDA says, means that too much emphasis is placed upon nutrition in college!

Another fact revealed by the survey was that this same group of people—those with college and postgraduate degrees who make regular use of nutritional supplements and health foods—is actually *quicker* to seek medical attention for persistent symptoms than those who either do not eat health foods, or who only buy them occasionally. Quite clearly, this group of people is not taking supplements in an attempt to out-guess their doctors, or to indulge in self-medication, but rather as a kind of insurance designed to *prevent* illness.

Significantly, the FDA, in its press release, carefully avoided mentioning this finding, for the simple reason that it blows to pieces their assertion that people who take vitamins are fuzzy-headed faddists.

It shows, rather, that these people, besides being better educated, are also more concerned about protecting their health and more sensible about seeking medical attention in the face of persisting symptoms.

What it all boils down to is that the FDA, by perverting the survey findings to suit their own prejudices, sought to achieve by a public relations stroke what they could not prove scientifically in two years of testimony at their own hearings.

DECISION HANDED DOWN—BY THE PROSECUTION

Finally, in January of this year, the FDA handed down its decision. The food supplements were guilty as charged. Virtually all the restrictions which the FDA had been trying to ram down the public's throat for nearly 10 years were now elevated to the status of law. No more comments. No more discussion. Like it or lump it.

In some details, the FDA compromised on its original proposals. Gone is the requirement for a "crepe label." However, manufacturers are not permitted to state on the labels of their products that the nutrients contained in the package can be of any use whatsoever. It is not even permissible to state that the nutrients can prevent or cure a deficiency state of those very nutrients! The much-attacked "crepe label" was designed to achieve this same goal, so in effect, it is now part of the regulations.

As for the maximum permissible potency, the FDA increased some of them by up to 50 per cent. But vitamins A and D remain at the old RDA level. The point is not whether they should be at the RDA or 2 or 3 times the RDA, but that because vitamins are perfectly safe, except when taken in gigantic overdoses, the FDA has no business at all in dictating how much of them or which kind anyone should take.

In essence, then, the FDA has now made into law everything that it proposed to do before the hearings were held. As taxpayers, we could have saved a lot of money—over a million dollars, in fact—if the FDA had never held the hearings at all.

What is *your* verdict? Do you think the FDA's decision was reasonable, based on the testimony of the experts? If you do, fine. That is your right. If you don't agree, that is also your right, but the FDA says there is nothing you can do about it.

But there *is* something you can do. And that is to write your representatives in Washington and let them know how you feel about this miscarriage of justice, misuse of tax money for propaganda purposes, and the theft of your rights as a consumer.

If your Congressman is not aware of the Hosmer Bill, H.R. 643, tell him that you would like to see him become a co-sponsor. This bill would give a sharp tug on the FDA's jurisdictional leash, and prevent it from dictating dietary matters to Americans. This bill is now in the Subcommittee on Public Health and Environment. Write to Congressman Paul Rogers, Subcommittee Chairman, in the Rayburn House Office Building, and urge him to have the Hosmer Bill reported out to the floor where it can be acted upon.

It's also a good idea to send a letter to your two U.S. Senators, and urge them to sponsor and support a similar bill.

The FDA is betting that the American public, after all these years of hearings and delays, has been browbeaten into submission. If we are to call their bluff, we must all get busy and deluge our representatives in Washington with letters of protest. Their most important job is to guard against a power grab by the executive branch of the Government, and you can tell them about one of the worst examples of power grabbing in recent history.

XUM

SENIOR CITIZENS MONTH

## HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. STEELE. Mr. Speaker, we are now in the midst of Senior Citizens Month, 1973, a month dedicated to more than 20 million American contributors to the high standard of living we enjoy as a Nation today.

There is an element of tragic irony in celebrating this important month, however, for while we have dedicated it to the millions of older Americans who led our country into the great prosperity we now enjoy, the fact is that the great majority of them have been left on the outside of this prosperity.

I do not believe that a more poignant illustration could be drawn of the situation faced by the citizens we are honoring this month than an illustration drawn by the hand of one so honored. I am, therefore, submitting excerpts from two recent letters of one constituent from Portland, Conn.:

DEAR CONGRESSMAN STEELE: I am appreciative of the fact that people from all over the United States are alarmed over our runaway inflation and under the circumstances. I too am very much alarmed because in reviewing my situation I have come up with the following figures, which are self-explanatory:

*Cost of Living 1972*

Base expenses—monthly:

| | |
|---|---|
| Fuel oil | $24.00 |
| Electricity | 28.00 |
| Telephone | 24.00 |
| Garbage collection | 2.50 |
| Household insurance | 18.33 |
| Real estate tax | 77.25 |
| Water | 4.25 |
| Maintenance and repair | 15.00 |
| Total | 193.33 |
| Basic living cost—monthly: | |
| Food and medicines | 150.00 |
| Auto | 50.00 |
| CMS/Blue Cross | 20.00 |
| Miscellaneous (clothing etc.) | 40.00 |
| Total | 300.00 |
| Plus monthly | 193.33 |
| Total | 493.33 |
| Income: | |
| Social security | 194.20 |
| OAA | 64.10 |
| Net gain on food stamps | 35.10 |
| | 293.20 |
| Deficit | $200.13 |

"This is a rough situation. I have been forced to sell assets of extreme sentimental and monetary value principally in the form of furnishings, jewelry and clothing to meet the monthly deficit."

"In spite of the help afforded us through Title 19 (medicaid) many of the doctors whom we have had to use do not participate or will not perform under Title 19, which necessitates our carrying Blue Cross and CMS."

"Mrs. C. was hospitalized three times last year in order to prevent her arm from being amputated. Her total surgical and hospitalization costs since August 15, 1971, have exceeded $22,275. My own costs since December of 1971 are in excess of $18,100. In my case I suffer from Arteriosclerosis which has settled in my legs."

"We are up against the law of diminishing returns. Tax assessment on our home has increased from $16,000 to $24,000 although now frozen at the latest assessment. At the rate costs are climbing, we will eventually lose our home and become public charges which will cost both the state and federal government a great deal more money than our present total monthly costs."

"People in my position have, in the past, been browbeaten and frightened into acceptance of being classed as crooks, thieves, supplicants and paupers when asking for the help and which should be given them. If not for humanitarian reasons and compassion for health reasons or for an age which we must all reach in time, but from a plain and sensible economic reason, it is far better to keep people in their own homes whenever possible. Every man and woman should be granted all necessary assistance, financially and from a health standpoint to maintain a reasonable standard of living.

"I respectfully submit that time is inescapable and all of us must face up to it."

"This month I was pleasantly surprised to receive an increase in our food stamp allotment from $64 to $92 per month at a total cost of $30 out of my Old Age Assistance monthly check of $64.10. No note or letter explanation was included so I have no way of knowing if the increase was intentional, a mistake, temporary or otherwise. I will not inquire and my reasons are as follows:

"1. To qualify for Title 19 assistance I must go into the Welfare Office and submit copies of my Birth Certificate, Marriage Certificate, copies of most recent bank statements, copies of tax, telephone, garbage collection, water, electric, oil, insurance and any other receipts or evidence that I am still Alive and Do, In Fact, require that my Title 19 be continued. This occurs Once a Year.

"2. To qualify for Old Age Assistance I again must go to the Welfare Department and submit the identical documents and go through a searching questioning of each receipt etc., as in No. 1.

"3. To qualify for the Food Stamp program I again must visit the Welfare Department and submit the same documents and information as in 1 and 2 above.

"The dates are not coordinated but occur on dates that I was first certified for such assistance. The only constant is my Social Security which is beyond the reach of the Welfare Politburo."

"On Tuesday, when I took my wife to the doctor who has operated on her arm three times and for which she requires five therapy treatments per week in an effort to restore its use, the doctor discovered that a spinal disc on her right lumbar vertebrae was inflamed and on the point of rupture. This necessitated the purchase of a special corset that same day, which was done at a cost to me of $40 in cash. The Vendor stated that Title 19 would pay for this if we submitted the proper form, filled in and signed by the Doctor. The form would then go to Hartford and possibly within three weeks we could come in and pick up the corset. Our alternative was to pay out the cash or put her in the hospital which would have cost a minimum $100 per day. My wife is in agony and now getting therapy on both arm and back with the hope that another operation can be avoided. I called the Welfare Department in reference to my being reimbursed and was advised that I could be repaid the $40 by having the Vendor submit the forms as above, the Vendor then to collect the money and eventually reimburse me. The Welfare representative warned me, however, that if I did follow the above procedure that the Doctor, the Vendor and myself would be committing an illegal act. What am I supposed to do? Break the law along with my Doctor and the Vendor?"

"I have always thought in a straight line. All of the present Government Agencies who administer our laws invariably end up with Red Tape, overlapping of efforts and general inefficiency."

Mr. Speaker, those are just a few of the comments from a man whose situation I have grown increasingly familiar with over the last 2 years.

This man was a civil engineer, a professional man. He was a vital member of his community in which he lived and worked for a lifetime. He bought his own home and saved for his retirement.

Today, this man's savings are gone because of catastrophic medical expenses. Today, outrageously high property taxes and soaring inflation eat away at his limited income and tomorrow he is faced with the forced sale of his home. Tomorrow he may become a ward of the State and lose his fight to retain the dignity that he rightfully earned.

This man is one among millions whose life savings have afforded him little, if any, shield against the future—now present and now a reality.

I submit that we assume our responsibilities to the older Americans we are honoring.

In the proclamation announcing May as Senior Citizens Month, the President said:

Government's actions on behalf of older Americans must never become mere caretaking. Rather they must be designed to free and assist senior citizens so that they can remain active and involved, in ways of their own choosing.

Senior Citizens Month is a time to recognize this goal as a responsibility and to begin assigning it the high priority it deserves, but has never had.

CONGRESSMAN WOLFF'S NEWSLETTER TO HIS CONSTITUENTS

## HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. WOLFF. Mr. Speaker, in order to keep my constituents informed of my work as their Representative in the Congress, I send each family in my district a regular newsletter. At this point in the RECORD, I should like to insert the text of my second report of the 93d Congress:

WOLFF NEWSLETTER TO CONSTITUENTS

DEAR FRIEND AND CONSTITUENT,

As a primary move in my ongoing efforts to lower food prices, I have introduced legislation, H.R. 6402, to prohibit the exportation of U.S. grains whenever our supply is inadequate to meet at-home needs. I have asked also that this embargo be expanded by Congress to include meats.

I took these actions because I am convinced the time is now to call a halt to foreign grain deals that are creating shortages and inflated prices here at home. The embargo could be lifted when we can afford to ship abroad.

Additionally, I am opposed to the administration's intent to grant the Soviet Union the distinction of Most Favored Nation status, a move aimed only at bailing out Russia from the $4 billion she owes us for Lend Lease in World War II. In brief, what Most Favored Nation status means is the Soviet Union will repay the U.S. $700 million of its war debt and in turn will receive $700 million in agricultural credits to purchase our wheat and grain. This, too, at a time when foreign nations still owe the United States almost $46 billion in debts, some dating back as far as World War I.

My Resolution, H. Con. Res. 189, to begin calling in these debts now has gained majority bipartisan support and I am hopeful we can begin collecting what is rightfully owed us. There is no reason why we should persist in being the world's banker when these nations continue to threaten the dollar and our precious gold supply. The $46 billion owed us would go a long way towards alleviating our domestic ills—to prevent the Administration's massive budget cuts in education, veterans benefits environmental and community action programs.

Other measures I am pursuing, which I believe would lower certain food prices, include an end to the 75 cents a bushel Wheat Tax levied by the U.S. government on the miller and passed on to the consumer. Repeal of this tax—used for promotional purposes—could well result in a drop of two-cents on the retail price of a loaf of bread.

Only through complete and above-board cooperation between government and all levels of the food industry will prices be stabilized and Americans able to eliminate meatless days and sleepless nights.

WOLFF PROBES PRICE RISE FROM FARM TO TABLE

I wish I were able to report to you that America's economy is on the upswing, that inflation and cost of living increases were being curbed and that peace prevails. But, I cannot.

While the Administration fumbles over cleaning out the super-sleuths responsible for the Watergate mess, prices continue to soar, unemployment rates remain at an excessively high level and we are committing new American lives to Southeast Asia.

Recently at the Federal Building in New York City, I conducted a four-part series of Ad Hoc Congressional Conferences on food costs with the nation's retailers, wholesalers, producers and farmers, to seek out the underlying causes behind the unprecedented price increases. A great wealth of pertinent and useful information was culled from these meetings with the men of the marketplace who generally concurred that the $700 million U.S. grain deal with the Soviet Union was the principal reason for the dramatic rise in food prices. Directly affected by these exports are meats—livestock and poultry fattened on grain—and the soaring prices for dairy and bakery products, cereals, cooking fats and oils, and other food staples.

I believe that not only must these exports be halted until we have an adequate supply at home, but this nation must stop paying farmers not to produce food. An agricultural subsidy program that hands out $4 to $6 billion each year to keep land idle and non-productive is sheer folly. While the President's program for increased farm production is certainly a step in the right direction, prices never will become stabilized until the basic economic equation of supply and demand is put into proper perspective and balance. To diminish our supplies with excessive exports and inducements not to farm simply accelerates the demand and dictates the rise in both costs and prices.

Last month's meat boycott is a case in point. While it was successful at drawing greater attention to the price crisis, the thrust of the housewives' well intentioned revolt was aimed solely at cutting back demand and did not result in lower prices. Neither did the President's ill-conceived ceiling—imposed on the retail level only—at a time when meat prices were at record highs and suspiciously inflated as though the industry had had prior knowledge of the impending executive directive.

The answer lies in balancing the scales of supply and demand and in implementing across-the-board price controls on raw agricultural products—the basic link in the food chain.

VETERANS' EFFORTS QUICKEN TO ASSURE VA HOSPITAL

In the wake of the Defense Department's edict to shut down St. Alban's Naval Hospital, I have appealed to the House Committee on Veterans Affairs, of which I am the downstate N.Y. member, to amend the VA authorization bill to include funds for a study with the goal of turning the facility into a veterans hospital. I am also asking that the VA be compelled to place a hold on the property to prevent the General Services Administration from selling or releasing it to any other agency.

These proposals have gained a favorable reaction from congressional leaders and I am happy to add that I have received a pledge of "full support" from both Senator Javits and Senator Buckley for my ongoing efforts to save St. Alban's for the future care of Queens and Nassau veterans, Service personnel and their families.

The decision to close down St. Alban's came at the time when Long Island veterans organizations, servicemen and concerned public officials had finally been reassured that the Veterans Administration would take over a portion of the hospital to provide more accessible health and medical care for our nation's former and returning servicemen. The struggle to acquire these facilities had been long and arduous—it now appears the fight is not over.

I am prepared to continue the battle for as long as it takes to successfully resolve the future of St. Alban's for the benefit of our veterans, service personnel and their families who so desperately need these medical care services.

I pledge you my continued commitment to open up new resources to care for these men who have selflessly given so much in the defense of their country.

WOLFF BILL TO AID JOBLESS VIETNAM VETS

The Vietnam war has come home and with it the millions of veterans who must now fight to return to the mainstream of America and once again begin to lead enriching and productive lives.

But the going is not easy for these returning servicemen, particularly the untrained and the unskilled, who are finding it increasingly difficult to attain employment. For those wracked with drug addiction, the "cure" today consists of two weeks of detoxification. For the others who do not use drugs, the stigma of suspected use often bars them from gainful employment.

I am attacking these inequities on several fronts. I have introduced legislation (H.R. 6539) to provide tax credits for employers of veterans of the Vietnam war era and I am seeking to establish a new Subcommittee of the House Veterans Affairs Committee to specifically deal with the problems, frustrations and concerns of all Vietnam veterans. Additionally, I have legislation (H.R. 5185) pending to prevent any such callous reduction in disability benefits as was proposed by the Administration.

We must take positive steps to assess the total American sacrifice in this war by offering every available opportunity to our veterans. I find it deplorable that this nation, which demands so much from so many millions, now seems to ignore the basic needs of those most unable to readjust.

CONGRESSIONAL CONCERN CONTINUES FOR FORT WORTH FIVE

The perplexing questions surrounding the Justice Department's investigation and incarceration of the Fort Worth Five still remain unanswered while five Irish-Americans waste in jail and their families suffer undue hardship.

Recently, I testified before a Judiciary Subcommittee to demand that the Justice Department provide Congress with certain pertinent data concerning this investigation. While the law permits incarceration of recalcitrant witnesses to induce them to answer grand jury questions, clearly this provision is applicable only if investigation is continuing. (No witnesses have been called in the last six months.) If the grand jury has halted or completed its investigation of the Fort Worth Five—and it is this information I seek to ascertain—then these men should not be held any longer under this statute.

The Fort Worth Five, all New Yorkers including Thomas Laffey, a constituent of mine from Williston Park, are in jail in Texas for failing to answer questions of the grand jury investigating alleged gun-running activities to Northern Ireland. Simply, they have refused to testify, even though granted immunity from prosecution here, in fear of possible extradition pursuant to a treaty with Great Britain. Yet, they have not been accused of any crime or wrongdoing and no bail has been set.

I have never presumed to speak of the guilt or innocence of these men—that is for the courts to determine. However, I do strenuously protest the handling of the investigation by the Justice Department. I believe that these men are being treated with less consideration than convicted federal criminals and that their civil rights have been jeopardized. The totally uncooperative attitude adopted by the Justice Department firmly convinces me that Congress should promptly reevaluate the present anti-crime statutes.

THE 25TH ANNIVERSARY OF THE ESTABLISHMENT OF THE STATE OF ISRAEL

## HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. BOLAND. Mr. Speaker, this year the State of Israel is celebrating its 25th anniversary of founding.

The birth and remarkable growth of the State of Israel is perhaps the outstanding event in the Mideast following World War II. And in making it a dynamic, democratic, and powerful state, the Israeli leaders have worked a near miracle. They have amply proved to the world that the Israeli people are the proud heirs of a most ancient heritage, that of the historic Kingdom of Israel.

Perhaps no other racial or ethnic group has suffered so much and has sacrificed so much of its worldly possessions as have the Jews in their long and turbulent history. I am happy to say that none has earned its richly deserved freedom with more glory as have the Jewish people in their historic homeland.

Since those days of the Kingdom of Israel nearly all Jews lived in dispersion. During that long enforced exile the Jews suffered much. They endured proscriptions, discriminations, and lived under a multitude of inequities in many lands. But they faced their unhappy lot with exemplary fortitude.

Their spiritual and cultural heritage sustained their spirit of freedom and independence, during their dispersion.



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Through the centuries their rich heritage was kept alive.

Finally, after long centuries of waiting and suspense, many Jews were given the opportunity of returning to their homeland. And in May of 1948, with the proclamation of Israel's independence, they gave birth to the independent existence of the State of Israel.

Mr. Speaker, the close association between the United States and Israel is symbolized by the fact that only 11 minutes after Israel was proclaimed a sovereign state, President Harry S Truman extended recognition to her.

This Nation was thus the first to recognize the new state. Our affinity with the people of Israel comes from many sources. The American people have a long tradition of sympathy for peoples striving to attain sovereign nationhood. And we Americans harbor a genuine appreciation of the pioneering and courageous spirit that has built Israel.

Against odds considered by many to be insurmountable, the people of Israel have performed an economic and social miracle in this past quarter century.

The State of Israel this year can look back with pride and joy for being a model democratic state in a region known for its dictators while people live in abject misery. The people of Israel are very appreciative of their freedom, of the free institutions which they have created through their own ingenuity and industry, and they are extraordinarily vigilant in guarding their freedom.

Besides building a strong and powerful political state, they have done their utmost in turning the desert of the Negev into a fertile land, and the hills of Galilee into blossoming orchards. By the skillful use of science and the technical abilities of the people, Israel's leaders have transformed arid and inhospitable hills and desert plains into industrial centers and productive farmlands.

Men of vision and wisdom, courage, and confidence developed Israel's economy to its present plateau. This growth has taken place while the nation was surrounded by hostility and enmity.

Israel today stands as a tribute to faith, to courage, to strength, to ingenuity, and to perseverance. The people of Israel deserve the highest praise and the support of all who can appreciate and understand how Israel has achieved the impossible.

The outstanding political, social, and economic achievements of this small, yet determined, nation deserve the admiration of all people who honor the ideals of freedom and respect initiative and courage and resourcefulness.

After 25 years of uneasy and very busy existence, the State of Israel has already earned the right to be recognized as an honorable member of the family of nations.

Under most hazardous circumstances and trying conditions, the State of Israel has progressed steadily at a remarkable pace in the past quarter centry.

Despite the multiplicity of difficulties and dilemmas, the people of Israel face their future with increasing confidence and undiminished hope. They carry on the work of the sacred task of making Israel an ideally viable state, and under their highly educated, dedicated, and intelligent leaders and brave people they carry it on with vigorous zeal and boundless zest.

Mr. Speaker, on the 25th anniversary of the founding of Israel, I wish the Israelis patience and fortitute, peace, prosperity, and happiness in their recreated homeland, and I say "mazeltov," congratulations on the anniversary of their independence.

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## LEGISLATION TO MEDIATE AND ARBITRATE THE CONFLICTING INTERESTS OF THE NAVAJO AND HOPI TRIBES IN AND TO CERTAIN LANDS

### HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. MEEDS. Mr. Speaker, I am introducing today legislation providing for the resolution of what has been called "The Greatest Title Problem of the West."

This intertribal dispute is almost 100 years old and the current sensitive, controversial nature of the dispute is, in large part, due to the actions and inactions of the Federal Government. As a consequence, it is my feeling that the Federal Government has an obligation to make provision and to assume a large part of the burden for resolving this issue in a manner most fair and equitable to all parties.

Briefly, the history is this. In 1882 by Executive order, a reservation for the Hopi Indians was created in northern Arizona with the proviso that the Secretary might settle other Indians thereon. The area set aside was approximately 3,990 square miles in area or approximately 2½ million acres. The area was in the middle of the lands which eventually became the Navajo Reservation and, with the passage of time, the Navajos moved into the Hopi Reservation area until the Hopi were located almost solely within a tract of land surrounding their villages in the south of the reservation. Increasing conflict between the two tribes and their members was the result of this encroachment, The problem became very serious. In 1958, in an attempt to solve the problem, the Congress passed a law conferring jurisdiction on a three-judge district court to determine the relative interests of the two tribes in and to the 1882 reservation. Some intended and many believed that this would result in a final settlement of the dispute.

The court, however, in the case of Haling against Jones, confirmed in the Hopi Tribe, for their exclusive use, the area surrounding their villages comprised of approximately 650,000 acres. The court then said that they had no jurisdiction to partition the remainder and decided that the balance of the 1882 reservation, surface and subsurface, was in the joint, undivided, and equal ownership of both tribes.

The conflict between the tribes has not only gone on unabated, but has increased.

To add to the complexity of the problem we must resolve, the Hopi were given an undefined interest in a portion of the Navajo Reservation confirmed by the act of June 14, 1934, defining the boundaries of the Navajo Reservation. That act provided that the lands described were for the Navajo and "such other Indians as may already be located thereon." There were, at that time Hopi located in the area and they have some undefined interest which we must, if we are to resolve the issue, define.

Quite obviously, that settlement is best which the parties themselves agree to and accept and which is otherwise in accord with existing law. There have been many attempts in the preceding decades by the parties, sometimes voluntarily and sometimes with the strong urging of the bureaucracy, to negotiate a settlement. These attempts have not only been fruitless, but in some instances, have heightened the conflict.

Mr. Speaker, as some of the Members may recall, the House passed a bill last year seeking to resolve the problem by a legislative partition which met with the reluctant approval of the Hopi and the forthright opposition of the Navajo. In the minds of many people, such a solution will give rise to as many problems for the tribes and the Government as it solves.

Perhaps, in the end, a legislative partition will be the only solution. However, while my optimism is not unlimited, I cannot succumb to the pessimism that a settlement agreeable to the parties is unattainable. I offer this bill as a possible means to achieve that end.

Since I have, as chairman of the Subcommittee on Indian Affairs scheduled hearings on the Hopi-Navajo land dispute for next Monday and Tuesday, I will not go into detail here on the provisions of the bill.

The bill provides for the appointment of a three-man Navajo-Hopi Board of Arbitration. For a 6-month period, the Board will act as a mediator between the parties during negotiations for settlement. Sanctions are provided for the failure of the parties to participate or bargain in good faith. In the event an agreement is reached by the parties during this period, the agreement will, if in accord with existing law, be submitted via the Secretary of the Interior to the Congress. If neither House passes a resolution disapproving the agreement within a certain period, the agreement will have the force and effect of law.

In the event no such agreement is reached, the Board of Arbitration is empowered to formulate a settlement, based upon party offers, the facts, circumstances, and the law, which shall be submitted to the Congress in a similar fashion.

The bill makes provision for the consideration of ancillary problems and authorizes appropriations to facilitate the settlement of the problem.

As I have indicated, Mr. Speaker, the Subcommittee on Indian Affairs will have hearings next week on this problem. We will take testimony from the two parties and from the administration. We will be considering H.R. 5467, introduced by Mr. STEIGER of Arizona; the bill I have just introduced; and any other pertinent legislation then pending.



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## MARY McGRORY—A RARE TALENT

### HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. MOSS. Mr. Speaker, truth today is a precious commodity—eloquence of phrase almost a lost art—courage to speak—the skill to do so with both candor and eloquence a rare gift.

Mary McGrory demonstrates a rarity of talent, a strength of courage and a precision of speech commanding all who will read her words a measure of attention and deserved applause.

I commend her words that follow to the attention of all my colleagues in the House:

[From the Evening Star and Daily News, May 8, 1973]

TIME TO SOUND THE BUGLE CALL?

(By Mary McGrory)

What Gen. Alexander Haig, President Nixon's new chief of staff, might do is to sound the bugle for some "whiskey-drinking, poker-playing, evil old men" to fill the decimated ranks of the White House staff.

The President has hinted that all pois are eads in the crunch—and his own record is compelling evidence on the point—but what most politicians have that was never exhibited by the clean-living Pharisees who served Nixon was a sense of limits.

They will do almost anything to get elected, but even a ward-heeler would have balked at forging cables in the name of a dead president.

An honest rogue might have suggested caution in approaching the judge with a job offer in the middle of the Pentagon papers trial.

"It wouldn't look right if it got out," he might have murmured.

Some things are sacred to the housebroken politician. J. Edgar Hoover, for instance. But the late director was apparently inveigled into giving his approval for a White House "investigation" of Daniel Elisberg—an investigation that should have been done by the FBI.

The old man, it has been said hereabouts recently, would never have been lured into the trap that closed on his successor, L. Patrick Gray, who blindly accepted an order to conduct a patsy probe of the Watergate.

Gray was compromised, gangster-style, we have since learned. They have something on him. He burned "hot" documents passed to him in the White House by John Dean and John Ehrlichman.

In 1971, Hoover may have been compromised himself. The White House had indulged his cry for the blood of the Berrigan brothers and their friends.

So presumably the old man gave way in his turn. And the White House was literally turned into a den of thieves, something that might have shamed an old precinct worker, especially while prayer meetings were being held so ostentatiously under the same roof.

Gov. Ronald Reagan offered the thought that the men around the President were not "criminals at heart." That may be true. They were something more dangerous to a Republic. They were barbarians.

They seized the government the way the Vandals fell on Rome. They sacked and pillaged it. They tore down the temples and smashed the statues. Nothing they had not done themselves had any value. No institution, no tradition, no idea beyond power, had any meaning.

They treated the FBI like a private detective agency. They made a mockery of the Justice Department. They used the CIA as a wardrobe and camera-supply house. It is against the law for the CIA to conduct domestic operations. But for the men who wore the flag in their lapels while excoriating those who burned it, there were no laws.

Now the Marine Corps, another symbol of incorruptibility, has been dragged in. Its commandant, Gen. Robert Cushman, when he was deputy director of the CIA, gave the White House all it asked in the way of masks and wigs and false papers, "safe" houses and "sterile" phone numbers when the burglary of Daniel Ellsberg's psychiatrist was being plotted in the Executive Mansion.

"Semper Fidelis" is the motto of the corps. Cushman had served the President as a military aide, and he knew the terrain. Fidelity to the president is all that counts.

Seemliness is still eluding the men around the President, and, for that matter, the President himself. H. R. Haldeman and Ehrlichman rode to the grand jury in White House cars. It was a touch of bravado perhaps. They once owned the government, they still command its trappings. It does not cross their minds that people might be offended by the cavalier use of public property at a moment when their abuse of public trust was being attested to in courthouse a continent apart.

The emperor who presided over the most massive heist in the history of the republic—the national honor—is sitting in the ruins, issuing new decrees about executive privilege and new denials of his knowledge of what went on at his door and in his name.

Any self-respecting politician would have long since resigned.

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## TO HONOR OUR ELDERLY

### HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HANRAHAN. Mr. Speaker, today I would like to say a word about our elderly. This, as I am sure you know, is Senior Citizens' Month, a special time to honor our older people.

I, for one, applaud the efforts of this Congress in the passage of the Older Americans Act Amendments in April. This is certainly a step in the right direction, and will assist our elderly where they need it the most, at the community, even the neighborhood level.

It is this community togetherness which I would like to emphasize. Our senior citizens are the backbone, the foundation of our society. And no matter how superficially youth-oriented our culture becomes, we should never forget this. Speaking of youth, I am reminded of a comment made by our eminent anthropologist, Dr. Margret Mead. She said that our youth are afraid to grow up, afraid of death, because our elderly are taken away from the living and evolving family process; the young do not have the opportunity to communicate to these older people.

I think more togetherness between old and young would benefit all people. I know of foster grandparent programs and retired senior volunteer programs where the elderly initiate contact with younger groups of children, especially orphans or foster children or youngsters in hospitals. Programs like these give the elderly a purpose, and a vehicle to communicate with the young. There are many unwanted youngsters in this country, I am sorry to say. And, there are also many unwanted oldsters.

I do not believe the parceling out of an older person into a retirement home is necessarily the answer either for them or for us. Certainly, we can say that when our elder relatives are in a retirement home, they will be with their peers, and therefore much happier. But this is not always true.

One never stops growing. What would a child do without older people to guide him? In the same way, a younger person can open the eyes of an older person. I think it would be a wonderful idea if more youngsters and youth groups actively participated in getting acquainted with the elderly of their towns and cities. The joy of communication does not run just one way, I assure you. I believe our country can use the resources of each and every individual no matter how old or how young. Our communities were envisioned to be a mixture of all, old people and young people. Webster's dictionary defined a community as "a social group of any size whose members reside in a specific locality, share government, and have a cultural and historical heritage." How can we have any heritage at all if we segregate our elderly?

All over this great land of ours, citizens are complaining about the lack of community, the lack of caring in our towns and cities. Maybe one reason is because we are not utilizing the experience and wisdom of all our human resources, particularly our elderly. Marshall MacLuhan says—

A Community in which the elderly do not play an integral and central role is not really a community at all.

I feel, when all is said and done, that to honor our senior citizens by naming a month for them is not enough; we need to involve ourselves with our elderly, and allow them to involve themselves with us. This is real community, and the true sharing of our humanity and our heritage. Our elderly have lived where we have not, have lived when we have not; they can teach us much. And we should begin to listen.

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## GEORGE FOREMAN

### HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. CASEY of Texas. Mr. Speaker, George Foreman, ex-Jobs Corpsman from Houston, Tex., did what others

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thought he could not do—George beat Joe Frazier and became world heavyweight boxing champion on January 23, 1973. I remember well that night in Jamaica.

George Foreman eloquently told his story in the article, "Don't Knock the American System to Me" and after reading it, I want to share this testimonial with my colleagues. The opportunity will exists in America for success and personal, satisfying accomplishments. With hard work and dedication, George Foreman made a dream come true. He believes in America and after reading his story, your faith will also be restored.

The article follows:

DON'T KNOCK THE AMERICAN SYSTEM TO ME!

(By George Foreman)

In my business, boxing, I know a lot about giving hard knocks, and getting them, too. That's the kind of business it is. I accept it for being that. But knocking the American system, that I can't take.

If there is give and take in life, and I know for sure there is, and some of it rough stuff, a man has to find out early in his life how much of each he has capacity for.

I found out early, though, that you don't get much of anywhere by knocking success. The really smart guy tries to find out why it works, and how he can get in that kind of action, and then tries to make it work for him.

They call me a flag-waver, and it's true. Not just that time in Mexico City in the Arena Mexicana on the night of Oct. 27, 1968. That was when I had beaten the Soviet heavyweight, Ionnis Chepulis. The referee called it a TKO, and the Olympic gold medal was mine.

There were more than 2,000 black athletes in those Olympic Games in all sports. I was afraid—even with the USA on my jersey—they might not know I was an American. And I wanted everybody to know, and to know that at that moment I was one of the happiest Americans who ever lived. So, I took the little American flag from the pocket of my robe, and waved it as I took a bow to each of the ring's four corners.

What never occurred to me then was that this little thing I did would be translated into an opposing view to the "black power" fever which was so much a part of that Olympics. It wasn't that at all. If that other way was how John Carlos and Tommy Smith felt—well, the America I came from is a free country, and they were entitled to do or say what they felt or thought. I was so proud, I was just doing what came naturally to me. It was my "thing," and thank God, it is still my "thing."

Casting about for places to put blame for the troubles a person has is an old human trait. "They" is an easier word to use than "I," when things don't go right. But in getting by an obstacle, or a trouble, or a problem, the key—and I know this because I've had them all, and still have some—is to take after it, all alone, if that's the only way.

More times than not, battles have to be taken on alone. The messes a man gets into, they're the same. They didn't hunt him up; he went looking for them, whether he always knew it or not. He has to get into them himself, even if he has company at the time.

Nobody got me down in the street, for example, held my nose, and poured cheap wine down my throat when I was a kid. Not at all. I got the bottle, tipped it up, and drank it. Who would believe me if I said somebody forced me to drink that stuff? I don't force that easy. The memory of that wine is so clear to me yet that the smell of it now makes me sick to my stomach.

And when I was going about my first record-setting—which was how many windows I could break in a row without getting caught—I can't lay that idea on anybody else's doorstep. It was all my own, and I got all the way up to 200 before the Houston police thought it just might be me and looked me up to talk about it. It was quite a record, if one just wanted to look at the size of it, but it wasn't sensible or respectable to do it.

These were things that happened when I thought I had nothing going for me, but it was mostly my own attitude toward life that made it so. There was the high school there in the bloody Fifth Ward of Houston, and I dropped out of it in the ninth grade. It was my decision, not the school's. That and the other things caused my mother—bless her for all the suffering she endured for me—to have a nervous breakdown. That was my decision, being a bad guy and causing it, not hers. I had about lost faith in everything before I was even started, I guess, but she never lost faith in me.

SEEING THE LIGHT

Then, like Paul on the way to Damascus in the Bible story, my vision cleared up and the time came to make a right decision. I did it.

It was in an unlikely place, a Houston pool hall, and the TV set was on.

The man on the tube was doing one of those public service spots. It's a part of America that when a man gets famous, is a celebrity, they ask him to do these commercials about all kinds of things. Some are for causes, like fighting cancer, or helping retarded kids. This guy was recruiting, and he was saying he was once a down-and-outer himself.

Boy, was he on my wavelength, talking my language! I listened to him, half-like at first, and then he said he had this one skill, and finally got a chance to use it, and made it big. To anybody listening who needed a skill to get a job, he said, why not give the Job Corps a try?

So, I laid down that pool cue, and picked up hope. That's for me, I told myself, and they took me. There was some money in it, $30 a month, and $50 to go in the bank, and they'd send some home to my mother. Did she ever need it then!

It wasn't until then that it began to come to me what America was really all about, how there were things being done to really try to help people such as me find some way out. I was first in a Job Corps Center in Oregon, and then went to a big one, the Parks Job Corps Center, near Pleasanton in California.

It had a big company running it, Litton Industries. How come? Well, they were used to bringing people in through their employment offices and then teaching them whatever skill was needed for them to make or manufacture something. People just don't come off the street ready-made to do such work, they have to be taught. At Parks, they had courses in business machine repair, in electronics, auto mechanics, building maintenance and custodial services and how to cook. They put me in electronics, and had me putting transistor radios together.

But I was a rambunctious teenager, full of vinegar, and thought I was a pretty tough guy. Liked to fight, anywhere, anybody, the whole thing. But that wasn't the kind of place it was: it wasn't any western copy of my old Fifth Ward slum back in Houston. R. Sargent Shriver, the head of this war on poverty agency—Office of Economic Opportunity—he was telling the centers to throw the troublemakers out. I was headed out, no question about that, and to be honest about it, I didn't care all that much.

Litton Industries had put a man in there as the center director, Dr. Stephen Uslan, a fine man. When he was getting all this advice from his staff to send me packing, he said No. He said I was the kind of material the center had been set up to deal with. It wouldn't solve anything, he told them, just throwing George Foreman out. I had been thrown out of a lot of things by then, and it hadn't impressed or improved me much, was the way he put it. And then, he said the words which really turned George Foreman around.

"If he likes to fight so much," he told those staff guys, "put him in the ring down in the rec hall, and let him get it out of his system that way."

In business, you see, they can't really stand it when something won't work. They try one way, and then another, and they keep trying until they find the combination. Litton was especially good about things never tried before, and they had the guts to give it another try, and they took another swing at the George Foreman problem.

And then I found out what a long way it is from just an idea to a real, accomplished dream. I hit a lot of people, and I was awkward. I found out if I could connect, I could jolt them. I knew that, but also that I needed a lot of honing. I must have been the dullest knife in town.

But there are professionals in everything who know how to mold people, and Litton had one of them in that rec hall. His name was, and is, Charles R. "Doc" Broadus. They hadn't just hired a man and sent him down there to work in the rec hall when they got Doc. He had been in this boxing thing for 35 years or more. If I would listen to him and follow his instructions, he said, he'd get me into Golden Gloves, and maybe on the Olympic team, and then I could turn pro. He said that he thought I could be champion one day, but that I would have to make up my mind to work for it.

Now down there in Houston in the slum I came from, there wasn't too much talk about working for anything. People got money a lot of the time from being what was called smart—or from taking advantage of somebody. People walked on both sides of the line, as far as the law was concerned. But Doc said I could get it all, everything that went with it, if I was willing to work for it.

A BIG FOUR-LETTER WORD

Work is such a big four-letter word. I'd known a lot of the other four-letter words and they couldn't help anybody. This one meant sweat. It meant getting banged around. It meant being more tired than I had ever been in my life. And sore in more places, too. But when I went into Golden Gloves, I found it paid off, and I won. Then there were the Olympic trials in Toledo, Ohio, and by a hair, I made the Olympic team. Litton sent Doc Broadus and one of its executives, a onetime Air Force colonel, Barney Oldfield, down to Mexico City with me.

What I didn't know then was that as early as June, 1968 (the Olympics were in October), Barney had written to several friends of his, sportswriters, people like that, telling them to interview me in Mexico City because, he said: "George Foreman will win the gold medal, and go on to be heavyweight champion of the world."

It meant a lot to me, finding out such things, and that work was getting me closer and closer to where I wanted to be in life, and that other people were believing in me, other than my mother. And because I like kids, I found the ones who lived in slums as I had and others, too, were beginning to hang around me. They wanted to talk to me and they were paying attention to what I said. The more I won, the more they tuned me in. What a difference it makes when you first have that feeling that people are looking up to you, and not down on you!

That night after winning in Mexico City, I couldn't bear to take the gold medal from around by neck. It was my badge, my reminder. The ones around me now had been telling me the truth: Work and get with it, and you can have it all.

I had put a phone call in to my mother in Houston. She was always worrying about me getting hurt. Not the other guy, just me, her little boy, all 220 pounds of him. But I felt a desperate need to talk to her, to tell her that finally all those young boy kitchen conversations and dreams we used to have were starting to come true.

While I was talking with her, Barney waited, and when I came back to the table, he said that if it was all right with me, he was going to call the White House in Washington. He was going to remind them that this George Foreman who won in Mexico City was a Job Corpsman.

It was a program President Lyndon B. Johnson had brought about himself, and now he would surely want to see me and tell me himself how proud he was. Imagine! "Man, you're too much," I told Barney.

On Nov. 18, 1968—just three weeks later—Charles B. "Tex" Thornton, Litton's board chairman; Eugene Allen, of the Parks Job Corps Center; Barney and myself, we were walking up to the White House on our way to visit the President of the United States!

A GIFT TO THE PRESIDENT

I was carrying a little plaque I wanted to give him. I didn't know whether it was the right thing to be doing or not, but almost every time I saw pictures of him, he was giving something to somebody. I felt I owed him something. I was about to learn that whatever your heart tells you to do is always right, never wrong.

When I gave it to President Johnson, he looked so tired. The whole country kind of had him on the ropes then. To bring it back together, he'd made the big decision not to be their punching bag any more. I told him the plaque was to thank him for making the Job Corps possible—giving young Americans such as me a chance for hope, and dignity and self-respect. I saw a tear start down his cheek from his left eye. But he was sharp, too. Recovering himself, and waving the plaque at the press who were there in his Oval Office with us, he told them he was going to keep it there where they could see it everytime they came in, to let 'em know there was one person in the world who thought he had done something right!

I learned a lot about America that day: That when you're right, and do right in a big way, even the President of the United States will have you in to tell about it, and encourage you to keep on, now that you've found out what it's like. And I was standing there with him, and he had once been poor, too, and was a not-too-well-educated Texas boy who had refused many times along the way to be licked. He was going out of that White House, a man who had championed the cause of a lot of people, including me, and however bad he may have felt, I knew he could live with himself for all he had done.

Tex Thornton said he was proud of me, the way it had gone there in the White House, and he said he would always be available to me for any advice I might need, that I had only to ask. He even said he and some of his friends would put together a kind of syndicate, or association, which would back me and keep me from having to take any offers which might not be good for me in the long run. When I told him I wanted to try it alone, he respected that, and understood it, and accepted it.

Somewhere, I kept telling myself, I have to begin making my own decisions, and it might as well be now. The professional thing was on my mind, and I talked with Dick Sadler about being my manager-trainer. He had had a long string of champions the last being Sonny Liston. I had a strong feeling and admiration, for Sonny. He had had so far to come back when he started, from the hole he was in, and he did it. He came to a sad end, but in what he did, he showed all things were possible.

[Sonny Liston, who had many scrapes with the law during his life, was found dead in his Las Vegas, Nev., home in January, 1971. He had been dead for about a week. Drugs were at the scene, but the death was attributed officially to natural causes.]

*Work!* That word again, Dick Sadler told me about how much of it I had to take on now. He said the road ahead was bumpy, and had turns in it, lots of them. There were some places we fought in where we almost had to borrow money, or hock something, to get out of town. We had trouble getting opponents. Boxing writers were saying I fought Joe Namelesses and Bill Whozitses, and that I had to get more experience, when I couldn't get most of the ones I fought to stand up long enough to give me any. All this was what Dick Sadler had meant by work, that it could include frustration and hopelessness and fighting off giving in to them. There was wood to split. And at 6:30 in the morning, running those three-mile exercises when other people were still asleep. Then the gym, the bag—the little one and the big one—over and over.

A FINANCIAL CRISIS

I was hurting for money. I wanted to get married to Adrienne, a pretty girl I knew. A guy can't be smart enough to dodge everything. I signed some papers with some people, and I got married early in 1972 and we were very happy. Then the big chance came, and I signed for the fight with Joe Frazier for the championship in Jamaica. Right then, everything went sour in my mouth. I found that in the fight business, it's not just yourself, the guy you're fighting, and the referee in there with you—in spite of everything you try to do, you pick up partners, people who share in you, who know how to play you and your desires, and they have more to say about you than they should. When you have been living from day to day all your life, the implications of what you sign today don't look as big as they will tomorrow.

I got caught up in one of these things, not the first fighter to have it happen to him nor probably the last. But it upset me so, the only thing I could think of was quitting the ring. I meant it. The lawyers all gathered around me and begged me to go ahead; suits were filed, and finally, in a kind of desperation, they asked me if I had a friend somewhere that I trusted. They wanted to explain it all to him, they said, and then he could advise me. I remembered Litton Industries, and told them to call Barney Oldfield. It was 3 o'clock in the morning in California when he got the call from New York, and after bringing him up out of a deep sleep, they talked with him for a half hour or more.

The next day, he called me.

I told him I didn't want to fight Joe Frazier, even if I knew I could beat him. So many people had gotten their hands into my money, I didn't want to be another sad story in boxing for people to write about. I said I might as well forget the whole thing.

But Barney told me: "George, the only thing I figure you can do is go knock Joe Frazier out, and then come back and show people you can take all this. If you don't go ahead with the fight, they'll all be writing you're scared or something." He said it was a legal contract, and the important thing was to win the title and then argue.

Suddenly, it all cleared up for me. I was really fighting everybody but Joe Frazier, and he was the one to beat. "They" didn't mean anything. It was just the same old "they" to blame things on again, and I was beyond that. I had to be. What I was in was a business, and I had to treat it like a business, where contracts were contracts, and if I didn't have integrity about a contract, however bad it might be, what would I have left?

It was off to Jamaica, even though my wife, Adrienne, was pregnant, and the baby was due. On Jan. 6, there in Kingston, I heard that my baby girl, Michi Helene, had been born in far off Minneapolis. On Jan. 10, I became 24 years old. On Jan. 22, after a minute and a half of the second round and when he had been knocked down six times by me, Joe Frazier—the favorite of almost every boxing writer and odds-maker in the world—had lost his heavyweight crown, and it was mine! Bad as I had felt about not being able to be with my wife when our baby came, it was one of the things life asks of you in keeping things in focus, and I could now get home to them—a champion.

GIVING THANKS

In the delirium of the ring, I guess I thought of everyone—the ones who believed in me and had done things for me.

Among them was Johnny Unitas, the famous pro football quarterback, the one who had done the public service TV spot about the Job Corps which sent me off in this new direction.

I didn't know until after the fight that President Johnson had died while I was on the way to the stadium. They kept it from me. It gave me a chill to think back to that day in 1968, when, there in the White House, he had asked me when I thought I'd be heavyweight champion, and I said I didn't know. It made me sad to think he couldn't have lived one more day and read about what had happened in Jamaica that night. Without the Job Corps, I wouldn't have been there.

So, don't talk down the American system to me. I know what men go through to make it run. I also know that some of its rewards can be there for anybody, if he will make up his mind, bend his back, lean hard into his chores and refuse to allow anything to defeat him.

The first thing I did in my dressing room that night after the fight in Jamaica was close the door, with Doc Broadus and Barney Oldfield in there with me. I went down to the foot of the old training table, got down on my knees, and thanked my God—for everything, for everybody, and for the determination He gave me to see it through. Perhaps there are several who deserve as much as I do to be champion, and perhaps they, too, will have their chance, but none can feel any more fortunate than I do to hold the title while I can.

I can truly say I worked for it. I say, worship the opportunity this country grants to those who will really try, don't knock it.

I'll wave that flag in every public place I can.

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## H.R. 982 TO AMEND THE IMMIGRATION AND NATIONALITY ACT

### HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. RYAN. Mr. Speaker, I regret that an assignment by the Foreign Affairs Committee made it necessary for me to be out of the country on the day H.R. 982 was considered by the House.

I am deeply concerned by the problems that have arisen because of the large number of aliens who have entered this country illegally or violated their terms of entry. Since I did not hear the debate on H.R. 982, I do not know if that measure would provide any meaningful relief from the illegal alien problem. Therefore,





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I cannot say positively whether I would have voted for the bill.

As I understand it, H.R. 982 proposed, in section 1, to remove an inequity that exists with respect to Western Hemisphere aliens now in this country who wish to change their alien status to that of permanent resident aliens. It would be hard to oppose this provision in light of the fact the aliens from the Eastern Hemisphere can, under existing law, effect such a change of status without the requirement that they leave and reenter the country, a requirement that applies under present law to aliens from the Western Hemisphere.

Section 2 of H.R. 982 proposes procedures under which penalties can be assessed against employers or their agents who knowingly hire aliens who have entered the country illegally, or who have entered legally but do not have the necessary clearance for entering the work force.

As a member of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, I have participated in hearings that seek to identify managerial and operational weaknesses in the Immigration and Naturalization Service that might have contributed to the vastly increased numbers of aliens who have entered or remained in the United States in an illegal status in the past 10 years. The statistics are overwhelming. The jurisdiction of our committee is, of course, limited under the rules of the House, to matters relating to the economy and efficiency of the Immigration and Naturalization Service. We cannot legislate in the area of controlling the influx of aliens; we can only make recommendations relating to management and operational problems of the Service. However, in fulfilling our specific responsibilities, our subcommittee has been made abundantly aware of what has come to be known as the illegal alien problem.

The illegal alien problem can take many forms. We know for a fact that aliens have, without legal documents and required examinations, slipped over the borders from Mexico and Canada, and through ports on the Atlantic, Pacific and the Gulf of Mexico, and through international airports. Once here, they have entered the labor market without right to do so; all too often they have been hired at substandard wages and worked excessively long hours by unprincipled employers who quickly learn of their illegal status. If these workers are accounted for at all under Internal Revenue laws, they make excessive dependency claims and underpay their taxes. We have reports of employers who, on the day before payday, report the presence of such aliens, who are removed by enforcement authorities and put through deportation procedures before they can collect their pay. If H.R. 982 does anything to halt these deplorable practices, then it is good legislation and worthy of my vote.

Suppose the alien cannot find employment. Welfare authorities usually look at need rather than entitlement and provide these unfortunates with food, clothing, shelter and medical care, all at taxpayer expense.

In contemplating such cases as these which I describe, we often think of the injustice done legal members of the workforce with whom the illegal aliens compete for jobs. We think of the overburdened taxpayers, who must pay increasing amounts for enforcing the immigration laws, and the expenses of detaining and expelling illegal aliens, and pay the costs of unentitled public services.

But this is not the whole picture. There is the humanitarian consideration of impoverished individuals in other countries who, lacking the opportunity to support himself and his family, risks an illegal entry to this country and exposes himself to ultimate arrest and imprisonment until such time as he can be deported—all for the sake of being exploited by an employer looking to save a dollar in labor costs. If H.R. 982 speaks to such employers in terms of sure and heavy penalties for exploiting foreign nationals, then it is a good bill.

There is also the matter of the alien who is here legally, and possessing the necessary certification for entering the labor market. His own integrity and honor, as a legal immigrant, are threatened by the tactics of those who would come here without the required legal formalities. If H.R. 982 will protect legal immigrants from such indignities, it is a good bill.

It is a sad thing that, to some persons in the lower economic strata of some foreign countries, slave labor or living on relief in the United States is more attractive than scratching out a living in their native lands. A part of this attractiveness arises from the willingness of some unscrupulous employers in this country to provide slave labor opportunities. If H.R. 982 will correct this deplorable condition, then it is a good bill.

## PREDISASTER ASSISTANCE FOR ALAMEDA AND CONTRA COSTA COUNTIES

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. WALDIE. Mr. Speaker, I am introducing today legislation which would require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa. These areas face a grave and widespread danger of fire due to the death of thousands of eucalyptus trees which were killed in a severe freeze last December.

Because these trees continually shed their bark and leaves, they build up a "duff" on the floor of the forest. Since the freeze, the duff has, in some areas, become as deep as 12 to 18 inches. This amounts to roughly 50 tons of highly combustible material per acre in some places.

This poses a fire hazard so great that a major disaster would be the only way to describe such an event once it had occurred. Unfortunately, the Office of Emergency Preparedness has, in the past, interpreted the "predisaster" section of the Federal Disaster Law to mean that a threat of disaster must be reasonably certain to occur within a week of the formal request for assistance in order to qualify as "imminent" under the language of the statute. The rigid interpretation requiring that such a disaster be only a week or less away, is overly and in my view, unnecessarily restrictive in a situation such as this.

I urge that, inview of the need to avert a disaster of tremendous proportions, action be taken immediately on this bill:

H.R.—

A bill to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

FINDINGS

SECTION 1. The Congress finds and declares that a freeze in December of 1972 killed tens of thousands of eucalyptus trees in the counties of Alameda and Contra Costa in California, that such trees are highly combustible and threaten to cause a major disaster, that State and local resources are strained to the point where all available funds are being expended, and that immediate Federal assistance is necessary to avert or lessen the effects of such a disaster.

SEC. 2. The President is authorized and directed:

(1) to make grants to units of local government and State and local public agencies in order to assist such units and agencies; and

(2) to reimburse them for assistance furnished prior to the date of enactment of this Act,

for the purpose of carrying out fire suppression, tree removal, and reforestation activities on public and private lands located in Alameda and Contra Costa Counties in California in connection with the threatened major disaster referred to in section 1. The amount of any grant under this section may not exceed the cost actually incurred by the grantee in carrying out such activities. There are authorized to be appropriated not to exceed $11 million dollars to carry out the provisions of this section. Any sums so appropriated shall remain available until expended.

FEDERAL RESOURCES

SEC. 3. The President shall exercise the authority conferred on him by section 221 of the Disaster Relief Act of 1970 to assist units of local government and State and local public agencies in carrying out fire suppression, tree removal, and reforestation activities on public and private lands located in Alameda and Contra Costa Counties in California to avert or lessen the effects of the threatened major disaster referred to in section 1.

## QUALITY IN LIFE: AN ELUSIVE BUT REAL VALUE

### HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. ZABLOCKI. Mr. Speaker, in our modern day of almost constant and rapid change fueled by unprecedented technological discoveries and economic growth, modern man seemingly seldom has the time or takes the time to pause and reflect on the purpose and the meaning of his actions and existence. More than ever before, man seems to be preoccupied with what he is doing rather than why he is doing something.



In a recent issue of the Marquette Tribune, a weekly newspaper published and edited by students of Marquette University of Milwaukee, Wis., members of the Marquette community were invited to comment on the unique role which the university can, does, or should play in helping man preserve the quality of life in our modern society.

A reading of the following three articles which appeared in the March 28 issue of the Tribune demonstrates that, as elusive as the quest for quality in life is, there is a common desire shared alike by university administrators, faculty members, and students at Marquette University to promote the development of a God-centered, human value-oriented society.

At this time, Mr. Speaker, I insert the three articles into the RECORD, calling them to the attention of our colleagues:

STUDENTS HERE IMPELLED TO "SEARCH FOR TRUTH"

(By Rev. John P. Raynor, S.J., University President)

I was pleased when the Tribune asked me to prepare a brief article highlighting my "impressions of the future" of Marquette University. All of higher education is much concerned about the future; Marquette University is no exception. We must be constantly alert to ways and means of enhancing Marquette's strength, of eliminating or ameliorating its weaknesses, of improving it in every possible way as we look to our centennial, now just a few years away, and on into the 21st century.

But reflections on the future must be predicated upon a good grasp of the past and upon a sound understanding of the present. Both show elements of which Marquette may be proud—elements on which a promising future may be firmly based. I speak here of the very concept of Jesuit higher education, which antedates Marquette's opening in 1881 by hundreds of years. The concern for the "whole man" has been central to Jesuit education ever since the beginning of our first school at Messina nearly 400 years ago. It is central to our existence today. It will be at the crux of Marquette a hundred years from now.

Jesuit higher education does something beyond assisting its students to become skilled scientists, engineers, journalists, teachers, dentists, accountants, or any one of the dozens of professions for which they seek education here. Marquette wants also to mold the knowledge, attitudes and values of students so that they may solve problems in terms of real human consideration, so that they may convert thought to action in a God-centered, value oriented context. If Marquette impels a student in his search for truth, perhaps the search will continue until that student meets Truth itself.

This is the thrust that has had centrality in all of Jesuit higher education; it is the philosophy embraced by the Jesuits and lay people who are now setting the course on which Marquette will embrace the same philosophy in the future.

Our philosophy transcends the more immediate concerns: the financial crunch, curriculum revision, building buildings, adjusting to changing life styles, soliciting funds, guiding meaningful research and improving service to the community. Moreover, within this context everything we have done or will do by way of improving our academic and educational programs, recruiting and promoting personnel, improving the physical aspects of our campus, strengthening our professional education and our service through the professional schools, we do with the immediate objective of improving our commitment to scholarship, our dedication to truth and our concern for values in action.

We want to share our scholarship with young people; to share with them our insights into reality, of God, of nature, of men, and of all these things in full measure.

We have, especially in recent years, involved ourselves in on-going self-analysis in order to reach a good self-understanding with which to address the future. Faculty, administrators and students have been involved in the reflection and dialogue out of which has come a self-realization from which we can build a strong and truly relevant Marquette University—a University which moves ahead enthusiastically because it knows what it should be and where it should go.

A practical course of action demands that Marquette's future development be predicated upon adequate financing. As the profile we prepared for our North Central visitation indicates, very rare is the institution today—independent or tax supported—which is immune to dollar problems. Independent institutions like Marquette have particular challenges because they must depend so heavily upon tuition revenues. The increase in tuition and fees relate directly to enrollments and to the general inflationary cycle, and such cost escalations are difficult to control.

The profile also points out that the financial problems of the University directly affect the Marquette student, since tuition revenues account for only slightly more than half of Marquette's operating budget. Tuition rates have had to be increased because of inflationary pressure and because of our pledge to provide continued quality education for our students. We are working hard to extend our base of support, not only to retain and improve our excellent standing in higher education, but also to reach a point where student fees can be stabilized.

On the physical side of our assessment, it is easy to see the progress Marquette has made since the mid-60s. Before urban renewal, Marquette's campus included a variety of clusters in an ill-defined setting. We have seen an orderly and efficient grouping of structures emerge and a true campus become a reality. Moreover, renovations such as those in the Dental School and in Sensenbrenner Hall (Law School), have enabled us to improve academic progress in these areas.

Physical improvement is much in evidence on the campus and must continue for a few more years, but hopefully we are within sight of a downturn in capital expenditures which, in the not too distant future, may permit greater use of gift income for operating purposes and to strengthen further our academic offerings.

The new elements at Marquette, including some of our advance degree programs, undergraduate course improvements, student financial aids and buildings, have come by way of what the Greater Marquette Program started in the early 60s, and what "Advance" stimulated in the late 60s, and what "Advance II" hopes to accomplish by early 1974. Since the Greater Marquette Program started in 1962, almost $35,000,000 in voluntary, private support has been raised or pledged for improvements in the academic and physical environment.

"Advance II" is the closing segment of our current fund raising campaign. Marquette had attracted $18,000,000 in "Advance" support by last fall, when "Advance II" was initiated to obtain the remaining $12,000,000 toward the ultimate goal of $30,000,000 by early 1974. We still have more than $10,000,000 to go, a fund raising pace never attained before in the University's history.

The pace is important not merely to meet a goal, but to respond to a reasonable challenge to obtain for Marquette students the people and programs the University has determined as essential to sustain and improve its total academic enterprise. And we are all grateful to the friends, alumni and benefactors who have helped us achieve our goals, and who have indicated their willingness to stand with us as we move forward.

While financing is a major problem, there are others to be faced. Today, within the context of the national educational community, Marquette is one of many hundreds of colleges and universities grappling with the consequences of significant changes in the public's attitude toward post-secondary education. For many reasons, certainly with cost of education high among them, the proportion of the college student population attending independent colleges and universities has declined constantly since the early 1960s.

Thus, student recruitment efforts will be of significant importance to us in the future as we seek to maintain balanced independent-public enrollment ratios. We are grateful for student and alumni participation in recruitment efforts, and for the support parents have given us in these activities.

Related to these efforts to improve enrollment rates is our ongoing activity to help students complete their educational objectives once they have enrolled. We will continue, in the future, to look to such improvements, including counseling, financial aids, adaptations to changing life styles, greater student participation in administrative dialogue, and to upgrading facilities to meet students' non-classroom needs.

Moreover, we will continue our leadership role in encouraging the improvement of student benefits from governmental sources so that the students' freedom of choice may remain a strong, viable element in our pluralistic society.

It would be necessary to prepare lengthy volumes if I were to convey adequately all of the problems, challenges, strengths and opportunities that face us now or which will confront us in the years ahead. But the opportunities outweigh the problems, and Marquette stands ready to react to and with society to emerge more strongly as our University looks to the future.

We have an excellent student body—alert, able, of good spirit and of great promise. We have a strong faculty of which we may be very proud. We have dedicated Jesuits and lay men and women who are devoting entire lives to our philosophy and our objectives. We have thousands of loyal alumni who represent their Alma Mater well in their professions and who are willing to help provide for others the benefits that were theirs. We are blessed with hundreds of fine friends who choose freely to share in and support the work we do together.

We ask God to continue to bless our efforts because we want to and will succeed.

MARQUETTE

(By Peter E. Dobrowitz, undergraduate)

A few weeks ago, this paper ran two successive letters by readers, letters which got into an issue that seems to get lost among the new buildings, tuition increases, and basketball scores; the definition of the university "community" and its effect on student life.

On one hand, a university administrator spoke of the merits of the Marquette community, alluding to a comparison with a state-run school. Immediately following, a

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rather irate student seemed to polarize the "issue" by blasting the first letter and doubting the worth of the Marquette community, especially when compared to a state school.

I have been asked to react to these two letters and, I guess, take sides or present a third viewpoint. My first impression was that both letters were classic examples of the relativity of our lives and the places in which we put our values.

So, instead of trying to attack or defend so elusive a target, I want to write my impressions of life at Marquette (for I think we can at least establish that it is a highly personal experience for each individual here) and hopefully to present some random thoughts for your consideration, or at least, observation.

For me, life at Marquette is more aptly phrased "life—at Marquette." When trying to view this university as some type of organic whole, it becomes highly difficult to force labels or make any generalities, an act both previous letter-writers were somewhat guilty of. I find it much easier to consider the human experience of life a constant one which continues to continue, utilizing Marquette as some type of limiting or qualifying factor.

I find myself a goal-oriented person, thus making Marquette a means to the end I seek, i.e., I know a diploma is a necessity for the type of future I hope to mold for myself. The institution rules of this community, then, become highly annoying and at times, totally frustrating, to me. I want to move in a direction and, in the end, agree to channel that flow through the mechanics of the institution. What is involved is not a compromise of principle, but an establishment of priority.

Marquette, the material structure, means little to me. What makes Marquette a significant part of my life is not Gesu, OSA, the Warriors or the Gym for that matter. Marquette is the vehicle which has brought people together, from across the country, to come to know one another, to broaden each other's scope. As I stated before, this is a highly personal experience and while I have no comparable experience in a "state school," I might draw one differentiation between the two, Marquette has the capability of presenting, if not a Christian community, at least a truly diversified one.

In the hall where I live, better still on my floor, every part of the country is represented—New York, California, Ohio, Illinois, even Puerto Rico. Interaction, flow of ideas, broadening of scope are all things which would seem to be pluses in this school's favor. Yet, even here, experience has shown me that the human experience is as diversified as the people who partake in it . . . anywhere! Whether at the heterogenous MU, or a comparable homogenous state school, the processes of realization, growth and awareness go on.

Essentially, Marquette can be a strong influence if one chooses it to be. That organic community can stretch out from 10th Street to 18th with many stops in between and not only exist but fluorish.

For me, the Marquette community consists of those who share those processes with me on a personal level, call them my friends. The Marquette community on another level represents a microcosm of the world out there, with its bureaucratic weavings and complexities; a microcosm that I choose to deal with when I am alone, to question, to perceive.

What it boils down to then, is that Marquette is really what you make it to be, for you. To generalize, to make statements without some type of personal qualification almost forces one into this endless maze of relativity. Just by this article many of you may think this is not your Marquette. Some of you may be even wondering how we can be going to the same school, how I can be so optimistic, pessimistic, blind or out of contact with what's really going on in this place.

But that's good. To be definitive beyond yourself, under these circumstances, is to tread on unchartable territory. Someone once said life should be described as "etc." To be too definitive is to make this university one that puts periods on everything. I would much rather consider Marquette a comma.

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MU Lacks Money, Power, Rich Alumni

(By Judson B. Allen, Associate Professor, English)

Marquette University is an institution whose supreme brilliance is its ability to survive almost overwhelming obstacles—difficulties of poverty, of regional cultural status, with whatever WASP prejudices remain—and to keep something going on in the classroom which pushes some students a little higher on their various ladders than they were when they came.

We are not an elite school. We have no rich clientele. We have virtually no endowment. Per student, we spend about what each pays, and that buys desperately little. That we have survived at all is due to brilliant management, which can squeeze savings in pennies until they amount to thousands, and which can also, when necessary, spend that very large sum of money which is exactly and barely enough to keep some crucial problem from overwhelming us.

Are the students getting their money's worth? It all depends. If they are looking for an authoritative institution to give them a ticket into the upper middle class—to stamp them, like prime beef, Grade A certified suburbanite professional—they are wasting their time. There is a widespread delusion abroad in America, that college education can do something to people which expands the exclusive ranks of the top ten per cent to include about half the population. It cannot. Even mathematics is against such an absurdity, if the realities of human stupidity were not enough. The great middle will always be middle. A "C" is a "C"—even though we now are calling it a "B."

If the students are looking for a Jesuit education as their money's worth they are probably half a generation too late. Until fairly recently, the Jesuits bore the image of the praetorian guard of God, and those who came to them for education were given in full measure their elitist rigor and their praetorian morale.

Jesuits now, it seems, reject this image, and American Catholics reject the self-contained Roman cultural ghetto within which its power could be focused and used. What lingers at Marquette (and this is a very great thing in our secular world) is a happy sense of God, as the ground both of being and of knowing. To learn in this atmosphere is a good thing, but even this is fading.

What Marquette professes to be is a university. It is in terms of this profession, finally, that all questions of money's worth must be answered. The student gets his money's worth if, in coming to Marquette, he gets that educational experience for which all universities, since medieval Paris and Oxford, have stood.

There are many ways to define a university. Personally, I prefer to think of it in terms of power of a particular kind—the power of a critical mass. The university has a special kind of exciting bigness. It has enough wealth, enough books in the library, enough buildings and exotic equipment, enough bright people, enough national and international reputations and connections, enough consultations and visitors, that whenever any member of that university sets about to look up something or find out something, he always runs into more than he expected, learns more than he really intended or needed, and experiences the mind-blowing thrill that always comes from being thus a participant in concentrated power.

Marquette cannot provide this kind of experience to its faculty, nor even, consistently, to its graduate students. If it is any consolation, neither can most of the institutions in America which presently grant doctorates. But it can provide this kind of experience to many undergraduates. These, without doubt, find that they have gotten their money's worth. They come in contact with power.

In ideal terms—in utopian terms, if you will—the power in which the successful students participate is of three kinds. First and most obviously, there is the power which comes from being right—that is, from having authority in words based on research and profound investigation, and formulated by a brilliant and superbly trained mind. A physicist who wins the Nobel prize, an economist whom presidents trust and consult, a novelist who has shaped the ideal imagination of a generation, all are possessed of power. To be a member of a university is to be given access to that power.

The second kind of power is the power of a responsibility-assuming life style. This is what we are noticing when we say of a particularly impressive person that he was "born to command," or that he is a "take-charge guy." He is the kind of person who instinctively and automatically has the good idea, the plan that others follow. Universities exist to help people be like this. The university which supports, shapes, inspires, and informs its members until they have that absolutely confident competence which inspires trust and obedience in others has given them access to power.

Third and most trivial, though still important, is the power of real connections. In a true university, one can expect that many of the people one meets, young or old, either are or will someday be important and powerful. Simply to be given four years of their company is to be given lifetime access to a network of connections, helpers, access providers, and simple friends with whose help one's own personal power is enormously magnified.

If Marquette alumni over the next century remain loyal and become enormously rich, we may by then be a university wielding, and therefore providing to faculty and students alike, this kind of power. Meanwhile, the best we can do—and it is a good deal—is to be a base of operations, helping at least a few of our members participate on our behalf in that power in the world at large.

Marquette must, at least for the time being, be satisfied with this way of participating in the power which, for universities, defines true existence. Our supremely important present function, I think, is to see that at least a few of our students are pushed and coached and helped to get for themselves, and us, such honors as Rhodes, Danforth, Fulbright, and Marshall scholarships, or, in another field, the best possible contracts with professional basketball teams, or, in still another area, admission to those law schools whose graduates enter Wall Street firms and the benches of the higher federal courts.

At the faculty level, we are best served by outside honors and accomplishments. If some professor really has Nobel potential, he should be fully backed. We are not yet in a position to dignify a scholar by permitting him to wear our name; we only become so as we develop, to greater and greater prominence, members of the faculty whose names dignify us.

Marquette's best service to its students, then, is the promise to make a profoundly careful and ruthless assessment of their abilities, and then to choose the best and back them. Conscience and mercy forbid that we do this in a purely Malthusian way, but we should and do try. Those chosen will not find life easy, but they will discover that power has its compensations. Those not chosen will have the satisfaction of knowing that they have helped someone who deserved that help, and will have learned a great deal to their own good as well.

Education is ultimately a mystery; if one takes the time for it, it very often happens, under the worst as well as the best of circumstances. Student tuition doesn't pay for the education. Four years of the student's life pays for that. The tuition is really just one's ticket of admission to the place of power.

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## MIDDLESEX COUNTY TRAFFIC SAFETY COMMITTEE: A FINE AND ACTIVE ORGANIZATION

### HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. PATTEN. Mr. Speaker, I would like to take this opportunity to commend the Middlesex County Traffic Safety Committee and its dedicated members. Under the expert leadership of Mr. Joseph Dimontavich, the traffic safety committee is now in its 18th year of service to the Middlesex County communities and the State of New Jersey.

The traffic safety committee, a division of the New Jersey State Safety Council, was first organized in 1956 and has as its members men from the county's law enforcement units, and public health and safety groups, plus other outstanding leaders of the county.

The committee is a private organization supported by business and industry for the simple purpose of helping to prevent accidents. It conducts a broad safety program throughout the county with major emphasis on the traffic problem. As can be seen in the text below, the traffic safety committee reports to responsible public officials about particular traffic hazards found on the highways and roads in Middlesex County, makes recommendations for corrective action by the local authorities, follows proposals in the State legislature relative to traffic safety, and involves itself with the drunk-driver problem.

I have included the minutes of the committee's meeting on January 24, because it is representative of the Members' concern. Mr. Speaker, I truly commend the Middlesex County Traffic Safety Committee for its deep interest, dedication, and hard work, to improve traffic safety in Middlesex County. The efforts and accomplishments of Chairman Joseph Dimontavich and his members are to be praised. The minutes follow:

Minutes of January 24, 1973 Meeting

Present:

Mr. Joseph Dimontavich, Chairman, Delco Remy Division, General Motors.

Officer Nazareth Barcellona, Woodbridge Police Department.

Captain Roger W. Blair, Jr., Madison Township Police Department.

Inspector Victor C. Carney, New Jersey State Safety Council.

Lieutenant Anthony Catanese, New Brunswick Police Department.

Mr. Louis Dakelman, R. P., Middlesex County Pharmaceutical Society.

Lieutenant Albert J. Dellavalle, South Plainfield Police Department.

Sergeant Joseph Di Blase, Dunellen Police Department.

Sergeant Andrew Dobrovich, Carteret Police Department.

Patrolman Jerome Fedorczyk, East Brunswick Police Department.

Captain Allan B. Forrester, New Jersey State Safety Council.

Mr. James P. Gallagher, Raritan Bay Mental Health Center.

Trooper Peter Hausch, New Jersey State Police, Garden State Parkway.

Lieutenant Paul Jerzak, Piscataway Police Department.

Mr. Harold Klein, Borough Administrator, Metuchen.

Mr. David Mayerowitz, Joyce Kilmer Civic Association.

Mr. Jay Meyers, New Jersey International Movers.

Lieutenant Chester A. O'Such, Sayreville Police Department.

Captain Joseph J. Perrino, Metuchen Police Department.

Patrolman T. D. Riley, Spotswood Police Department.

Mr. Martin W. Rosen, Driver Education, Metuchen High School.

Trooper Allan Safko, New Jersey State Police, New Jersey Turnpike.

Sergeant Barry Spilatore, South Brunswick Police Department.

Chief Dominic Spinelli, South Plainfield Police Department.

Captain Douglas Sprague, Sayreville Police Department.

Mr. John Stanik, Edison Township Public Schools.

Sergeant James Tedesco, South Amboy Police Department.

1. The meeting was called to order by Chairman Joseph Dimontavich who welcomed the members and their guests. He congratulated Lieutenant Dellavalle on his promotion and also welcomed as a new member, Mr. James P. Gallagher of the Raritan Bay Mental Health Center.

2. The minutes of the December 27, 1972 meeting were approved as mailed to all members.

3. In the absence of the Traffic Coordinator, Captain Forrester gave the Statistical Traffic Fatality Report as follows:

For the year 1972, (the final figures will not be available until January 25, 1973) Middlesex County had 84 traffic fatalities as compared with 96 for 1971, placing Middlesex County fifth on the "Traffic Fatality Record by Counties" and showing a minus 12 for 1972 over 1971. Forty-seven of the fatalities occurred on State Highways, 27 on county roads and ten on municipal streets. From January 1, 1973 to January 14, 1973, Middlesex County had one highway fatality and this places the County thirteenth on the "Record" and compares with three for the same period in 1972, showing a decrease of two. The one fatality listed for 1973 occurred on a county road.

Captain Forrester asked if any of the members could pinpoint the reason for the fine reduction in traffic fatalities for 1972 and congratulated all those persons who may have contributed to the fine reduction.

Chief Spinelli said that the credit for the fine reduction should go to the Traffic Safety Committee because it has been the basis for alerting police to the problems as they occur, and it was through the attendance of the members of the Safety Officers Association, newly formed, that has been instrumental in bringing back the safety messages to the various police departments through the Safety Officers Association.

Captain Forrester spoke of the activities of the State Police, the municipal police departments, and the educators in their efforts to avert an increase in alcohol related highway incidents after January 1, 1973 when the 18 year olds received their majority. It is most gratifying to read the figures for the early part of January, 1973 and see no indication of an increase of alcohol related highway incidents involving the 18 to 20 year olds.

4. Correspondence: Inspector Carney reported that on January 9, 1973 a letter had been sent to the Honorable Norman Tanzman, Senator, "The members of the Middlesex County Traffic Safety Committee appreciate your letter of December 11th and the inclusions which were discussed at their regular meeting of December 27, 1972

"We are very much impressed with the contents of Assembly Bill No. 1525 in that it embodied much of the recommendations contained in the proposed law as prepared by the National Committee on Uniform Traffic Laws and Ordinances. We would, therefore, seek your assistance and cooperation in any effort which would bring about introduction into law."

5. Mr. Martin Rosen said that the driver education people have been increasing the alcohol related programs in the driver education classes and he feels that this program will continue and will have its effect in producing a low number of 18 to 20 year olds involved in highway alcohol related incidents.

The members discussed the rumors concerning the reduction of penalties for violation of the drinking-driving laws. Captain Forrester said that nothing has been definitely resolved in this area; however, there are rumors to the effect that Mr. Roger Surprenant has been working on an alcohol countermeasures program and it is presumed that some of the recommendations will include a lessening of penalties wtih a provision that some rehabilitation or clinic attendance may be added.

Mr. Gallagher of the Raritan Bay Mental Health Center said that Middlesex County will be one of the counties in which the Alcohol Countermeasures Program will be carried on. The Program has not been firmed up yet but it will call for identification of the problem drinkers and some method of either rehabilitation or attendance at driver improvement classes.

Inspector Carney said that Roger Surprenant will probably include in his recommendations that New Jersey comply with the Federal Standard on Alcohol. New Jersey is deficient in two areas as far as compliance is concerned. One is that the blood alcohol level will be reduced from .15 to .10 and the other is that the surviving driver of a traffic fatality accident shall be given the test for alcohol.

Mr. Mayerowitz said that, as a representative of the Joyce Kilmer Civic Association, he has to report that the Association has been very cooperative with the Mayor and governing body of New Brunswick and they have made numerous recommendations as far as traffic safety is concerned and have seen some of the recommendations carried out. Since the inception of the Traffic Bureau in New Brunswick they have noticed a decrease in motor vehicle violations because of the increase in enforcement.

6. Inspector Carney discussed Assembly Bill No. 1525 that had been mentioned in the correspondence going to Senator Tanzman. He read A 1525 and made several side comments relative to the fact that they are working on upgrading the belts, the locks, and anchorage. The need for upgrading was apparent after seeing "Small Car Crashes" and the fact that the car seat belts were tearing away from the anchorage, and in some cases breaking. However, when the courts allow the automobile manufacturers to wait another year for the passive restraints

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(air bags), it is an indication that there is a definite need for seat belt legislation to be passed now. A1525, said Inspector Carney, most nearly conforms to the recommendations made in the draft copy by the National Committee on Uniform Traffic Laws and Ordinances.

On a motion that was approved by the majority of the members present, the Secretary was instructed to write to the Assembly legislative representatives of Middlesex County stating that the Middlesex County Traffic Safety Committee endorsed Assembly Bill No. 1525.

7. Mr. Martin Rosen wished to thank the law enforcement people, on behalf of all driver education people, for the fine cooperation they received in their programs on alcohol in the schools.

Mr. Rosen said that on December 15, 1972 he attended a demonstration of driver skills and found it to be an excellent program. Lieutenant Paul Jerzak participated in the program and, although they could not get out doors and actually see the driving skills test, they were more than aware of the need for this type of an educational program, and they were notified that special equipment can be placed on a vehicle that will simulate blow outs on any of the four tires of the vehicle, and after the tests the tire is inflated automatically.

8. Inspector Carney spoke relative to a newspaper article that had been in the News Tribune and indicated that the Borough of Sayreville was once again trying to prod the State into closing up the cuts in the safety medians in those portions of Route 9 and Route 35 which run through the Borough. The Borough Council sent a petition to the State Highway Department asking that the State close off the turn offs in the medians and erect fences along the grass safety dividers which separate the north from the southbound lane on both State Highways.

The cuts in the safety dividers which allow cars and pedestrians to cross onto the opposite side of the highway present, according to police and Borough officials, a "very serious traffic hazard on the highways". Cars making U turns on the roads or crossing over from one side of the road to the center result in oncoming cars having to swerve or brake suddenly to avoid them. Pedestrians cross the roads which are heavily populated by roadside businesses and drive ins. The situations along the roads are considerably worsened during the nighttime hours or when there are inclement weather conditions. The Borough is particularly concerned with the heavily trafficked area of Route 9 across from the A & P shopping center, an area which is used extensively by pedestrians crossing the highway on their way to a local discotheque.

The same type of median cuts in Madison Township have already been blocked off by the State after protest from the Township.

Lieutenant O'Such of the Sayreville Police Department said that they made a study to eliminate certain hazards and one of the hazards was the cuts in the median on Route 9 and Route 35. On a motion that was approved by the majority of the members present, the Secretary was instructed to write a letter to the Department of Transportation stating that the Middlesex County Traffic Safety Committee endorses the recommendations of the Borough of Sayreville.

9. Officer Barcellona discussed the newspaper item concerning the safety car that had been briefly discussed by Captain Donnelly at the last meeting. After the discussion the members, on a motion that was approved by the majority, asked that a letter go to the manufacturers of the test car and ask him to bring the Middlesex County Traffic Safety Committee up to date on the testing that had been done on the car and any other rejections that he had received.

10. Captain Blair, Lieutenant O'Such and Sergeant Tedesco discussed the need for a training program that would include instruction on accident investigations, records and analysis of records information. The reason given was that those persons who had been trained for the traffic bureau were now being transferred and new personnel were being assigned who had no knowledge of any of the above mentioned subjects.

Chief Spinelli said that, as Chairman of the Education Committee for the Middlesex County Police Chiefs Association, he would ask if the course could be run on a county basis.

After discussing the type of course and the need for such a course, a motion was approved by the majority of the members present that a letter go to Mr. Louis R. De Carolis and ask if there would be money available to run a course, similar to the one that had been conducted by the Bureau of Highway Safety in cooperation with the New Jersey State Association of Chiefs of Police.

11. The Chairman thanked the members for their attendance and active participation in the discussions. He said the next meeting would be held on Wednesday, February 28, 1973, at 12:00 noon at Gambino's Inn, 284 Remsen Avenue, New Brunswick, New Jersey.

12. The meeting was adjourned at 2:05 P.M.

## POLK BROS. BEATS INFLATION

### HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. ANNUNZIO. Mr. Speaker, Mr. Sol Polk, president of Polk Bros., one of the largest retail merchandising establishments in the United States, located in the 11th Congressional District of Illinois which I am privileged to represent, has initiated an extraordinary program to beat inflation, help our economy, and at the same time, encourage good health among all Americans.

To each of his customers who come in and make a purchase, he is giving them free—17 packets of seeds—enough to grow $150 worth—or a whole truck load of fresh vegetables. The seeds are from a long-established and well-known company—Vaughan's Seed Co. of Downers Grove, Ill.

The whole family can participate in planting a garden, in being outside in the fresh air, in harvesting the crop, in eating freshly picked vegetables, and in reaping the rewards of good health by this outdoor activity.

And $150 worth of vegetables would be a tremendous help to the average family food budget in this day and age of runaway inflation. In Chicago, during December 1972 to January 1973 alone, fruit and vegetable prices jumped 2.5 percent. Growing your own vegetables is certainly one effective way of saving your pocketbook, beating inflation, and helping the American economy along at the same time.

If everyone who gets seeds this spring at Polk Bros. plants them, we will have a bumper crop in the Chicagoland area worth several million dollars. And Polk Bros. will be responsible for bringing this prosperity to Chicagoland residents.

I want to congratulate Polk Bros.—not only for this public service—but also for their dedicated efforts to bring the consumer courteous and efficient service along with low prices on high-quality, brand-name merchandise.

In fact, Polk Bros., during its 39-year existence, has merited the Brand Names Foundation "Retailer of the Year" award three times. This is a tribute to the enthusiasm, ingenuity, and hard work that the Polk brothers—Sol and Sam—have brought to their family-run business.

Again, I congratulate Polk Bros. and extend my best wishes for their continuing success in serving the retail merchandise needs of our community and our country.

Mr. Speaker, at this point in the CONGRESSIONAL RECORD I include an article that appeared in the May 4 edition of the Chicago Tribune entitled "Polk's Promotion Plants More Than Ideas". The article follows:

POLK'S PROMOTION PLANTS MORE THAN IDEAS

Don't be concerned that master merchandiser Sol Polk has gone to seed.

Quite the contrary, the imaginative entrepreneur has latched on to one of the hottest premium items around, seeds to grow vegetables, to hypo his store traffic—and build sales.

For any purchase $25 or more, Polk is giving away a king-sized package of 17 packets of different seeds, worth $5.05, which the supplier [Vaughan's Seed Co.] and retailer say will grow $150 worth of vegetables.

Those are a lot of numbers to digest, except that a number of Polk Bros. shoppers have already decided they like the pitch.

"We've already gone thru 5,000 of them and by the end of May [the planting season], when the promotion ends, we should have given away 50,000," said Lester Bachmann, the retailer's executive vice president and Sol's right hand man.

Promotional activity, of course, is a byword at Polk.

Thru the years, the list of freebies there has indeed been a wide-ranging one, including roses, apples, wine, flags, and Santa Clauses.

For each of them, Sol and Bachmann have a different marketing rationale.

"The cost of living is on everybody's mind," explained Bachmann. "The average household is concerned with the cost of food."

This seed promotion, said the Polk executive, is a "beautiful way of beating inflation and staying healthy."

The seed item, incidentally, is the first premium ever offered by Polk that didn't have immediate visibility.

But Polk isn't bothered by that. Instead he takes a long range look at the benefits.

"There will be thousands of new family gardens and many months of bountiful harvests," Sol said. "And people will think of us." Sort of a post point-of-purchase reminder.

## IN HONOR OF THE STATE OF ISRAEL

### HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. MOAKLEY. Mr. Speaker, in honor of the 25th anniversary of the founding of Israel, I should like to express my congratulations to a proud and courageous people on its outstanding record of accomplishment.

In a scant quarter of a century, Israel has successfully withstood external hostility and overcome enormous internal obstacles.

Coming after a devastating holocaust which took the lives of 6 million Jews, the achievements of the new state—economic, political, and social—are a remarkable testament to the human spirit.

In honoring that indomitable spirit, I should like to share with my colleagues and the American people this eloquent tribute from the Sunday Globe of May 6, 1973.

AFTER 2000 YEARS, A HOMELAND AT LAST

Twenty-five years ago today . . . the 5th day of Iyyar on the ancient Hebrew calendar . . . Israel was reborn.

It was a renewal proclaimed to the world by its leader, David Ben-Gurion; a statement of promise and of hope for Jews all over the world.

(In 1948, the 5th day of Iyyar fell on May 14. For like Passover and Easter, it is a moveable celebration, corresponding this year to May 6 on the Gregorian calendar.)

Today, then, is the birthday of a modern Israel—a nation sovereign among the nations of the world.

Prime Minister Golda Meir has observed that 25 years are "but a brief moment for a nation with a memory more than 35 centuries long. Yet for us, this quarter of a century bears the quality of a wonder.

"For 19 centuries the Jews lived as a dispersed and persecuted minority throughout the world. Humiliation, expulsion and slaughter were the fate of our people in the countries of Europe, the Middle East and North Africa. For all those long centuries of suffering, our people clung to the hope of return, prayed for it, dreamt of it.

"Our vision of the future can best be summed up in the words of the Prophet Amos who lived 2800 years ago:

I will restore the fortunes of my people
Israel,
And they shall rebuild the ruined cities and
inhabit them;
They shall plant vineyards and drink their
wine,
And they shall make gardens and eat their
fruit.
I will plant them upon their land;
And they shall never again be plucked up
Out of the land which I have given them.'"

A bedrock of Israel is its Law of Return. Under it all Jews from the many lands of the diaspora (dispersion) now have a homeland. They are citizens the instant they reach Israeli soil. There has been an ingathering of fully 1,500,000 in this quarter of a century, many fleeing, many ransomed, many with dreadful tales of suffering.

Absorption has not been easy; Israel has set itself so many things to do—especially on immigration, housing, feeding, job-training, healing, teaching newcomers from dozens of lands the Biblical language that Abraham and Isaac spoke.

But there has been help. World-wide Jewry through the Jewish Agency and the United Jewish Appeal have steadily contributed. But the need, too, has grown consistently.

Of this help, the late Prime Minister Eshkol said:

"You'll find UJA money. You'll find it in every tree planted, in every piece of road, every house, every school. Scratch them a little and you'll find a dollar of UJA money at some layer."

What are these people like, who have been rebuilding a nation in an ancestral land they had occupied from the time of Adam and Eve until expelled by the Roman legions?

They vividly remind a visitor of the tales of what Americans were like in post-colonial days when they were busy building the foundations of a Republic. Their enthusiasm is literally without bounds. Everyone seems to work, work hard. There is no unemployment. They exude hopefulness and strive for incredibly difficult goals.

This was no land of milk and honey to which they had returned. Travel its Biblical length, from Dan to Beersheba, from the Upper Galilee to the Upper Negev. It was rock and swamp, desert and barrenness. Natural resources, even water, were scarce. You understand why Moses had to smite a rock to bring forth water.

What did these people do?

They drained the swamps. They anchored the dunes. They built roads—even a sort of land-Suez, Eilat to Haifa, linking the Red Sea and the Mediterranean for the first time in history. They planted trees, eucalyptus beside the native palm, by the millions. Forests are coming back.

Forbidden for centuries to own land, they took up spades and hoes and planted crops. They studied the soil and learned methods, which they now teach to the entire world of how to get amazingly increased yields. Their first cash crops were oranges. From having to ration food, they have become exporters of it.

They turned the Lake of Galilee into a national reservoir. Not easy, for Galilee is small and far below sea level, yet, via the precious national water carrier system, it is water from Galilee that makes the Negev bloom. Their scientists seek urgently to unlock the secrets of de-salted seawater and even now, have established ways to recycle the sewage of Haifa and Tel Aviv.

The salts draining down for centuries untold into the Dead Sea, lowest spot on earth (1300 feet below sea level and without an outlet) have been converted into a thriving chemical industry at Sodom. The city of Arad (to work those chemicals) has sprung up as overnight in the Judean desert.

In 1948 when David Ben-Gurion went by camel, searching a sea outlet at Eilat there were just a few mud huts there. Today it is a thriving city and resort. It is also the southern terminus of a 42-inch pipeline for shipping oil, (of which Israel itself has a pittance). The line crosses the Negev to a newly built port at Ashdod. Now bustling, a few years ago it was merely a sand dune 20 miles south of Tel Aviv.

Denied airplane parts from abroad, they built an airplane industry. It is now Israel's single largest, employing 13,500 workmen, engaged in manufacturing a 10-seat twin-jet craft.

They created the greatest medical center in the Middle East, the Hadassah Hospital.

Scientists at Technion, in Haifa, even developed know-how that made more efficient America's Apollo trips to the moon.

No wonder Israel has had visitors, more than 5 million since revival of the state. To just accommodate their increasing numbers, there are plans for 12,000 more hotel rooms—all of which, added to the housing needs, dots building cranes over much of the landscape.

The attraction is unique.

Next to soccer, archeology is the national sport. Dig almost anywhere and you will uncover something from the past—even if it is only a piece of ancient glass on the beach at Caesaria. On the shore of the Lake of Galilee they have been unearthing, at Capharnaum, the House of St. Peter. Such is the range of finds.

But above all, especially in Jerusalem, there is the knowledge that here trod an incomparable number of the great names of history. And include Bethlehem and Nazareth, to name two other places, and here came the great prophets, the patriarchs, the Biblical kings, and the Son of God.

No wonder, over all the earth, this is the land of pilgrimage of so many faiths.



## NO TURNING BACK

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. ZWACH. Mr. Speaker, I recently read a very good article on food prices by Creston J. Foster, director of communications of the American Farm Bureau Federation, which I wish every food buyer in America would have the opportunity to read.

Lacking the facilities to provide such wide readership, I would like to insert it in the CONGRESSIONAL RECORD so that its wisdom will be available to my colleagues in Congress and the many other people who read the RECORD:

NO TURNING BACK

There is a possibility that American consumers may never again have some of the low food prices they have had in the past decade. Some economists are saying that food prices may level off in the last half of 1973, but none are predicting that the clock is going to be turned back to the so-called good old days when hamburger was 20 cents a pound.

There is nothing in the immediate future which indicates that wages of factory workers are going to be decreased. Certainly there isn't much hope that taxes will be cut at local, state or federal levels.

There is considerable talk about the need to curb inflation: But there seems to be few signs from Congress that federal spending will be cut to the level of government income—and it's government deficits that cause inflation. Increased money supplies chase after available goods and you have higher prices all around.

With these things in mind, why should farm prices drop? It's true that if the Administration has overreacted to increased world demand and we have a return to surplus production, farm prices would drop. However, with the prices of everything the farmer buys for production at high fixed level, how can a farmer produce at lower prices and still stay in business.

If we had a depression, wouldn't farm prices drop? Yes, they might, but in such an event, all price levels would drop as unemployment would decrease demand, especially for protein items such as meat. But with all the built-in legislative stabilization factors on the books today, it's unlikely that we would experience the severity of the Depression of the 1930s.

It might take some doing, but consumers are faced with considerable adjustment in their thinking about food prices. They can't have high wages and low food prices. Twenty-cent hamburger goes with 60-cent an hour wages. In fact, food prices haven't caught up yet with wages. In the past 20 years, wages have more than doubled while food prices have gone 44 per cent.

Other factors are working against lower farm production costs and lower food prices. Farmers are faced with considerable investment to meet the rigid standards of environmental protection controls, such as regulations controlling runoff from feedlots. These standards are being imposed at both state and national levels. Some estimate these investments to meet such standards may cost individual farmers $10,000 or more.

Farmers also are faced with an energy crisis—as are many other enterprises. Unless this crisis is met, how will farmers increase production in the face of decreasing fuel and power supplies?

These are some of the things that the

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shopper should consider as she pushes her grocery cart through the supermarket.—Creston J. Foster, Director of Communications, American Farm Bureau Federation.

## FOUNDING CONFERENCE FOR A NATIONAL DEFENSE ORGANIZATION AGAINST RACIST AND POLITICAL REPRESSION

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. ASHBROOK. Mr. Speaker, on May 3, the distinguished chairman of the House Committee on Internal Security, Mr. ICHORD, made a statement in the RECORD on the founding conference for a National Defense Organization Against Racist and Political Repression, to be held in Chicago at the Pick-Congress Hotel over the weekend of May 11–12, 1973. The chairman's statement was both timely and informative, and it is my purpose today to set forth additional background material to supplement his remarks and to further clarify the ties between this conference and its initiator, the Communist Party, U.S.A.

Literature disseminated by the founding conference and other Communist groups makes it clear that the conference is in reality a mobilization of Communist strength that has evolved from other party defense efforts, most notably the Soledad Brothers Defense Committee—later known as the Soledad Brothers Legal Committee—and the National United Committee to Free Angela Davis and All Political Prisoners.

Chairman of the Soledad Brothers Defense Committee and Soledad Brothers Legal Committee, for example, was Dr. Carlton Goodlett, a former member of the Communist Party who has remained a faithful party adherent and who is today a member of the Presidential Committee on the Soviet-controlled World Peace Council, the principal international Communist "peace" front. Goodlett has also long been active in the Peoples Coalition for Peace and Justice, cited by the Committee on Internal Security as being under the predominant influence of the CPUSA, and was a sponsor of the National United Committee to Free Angela Davis. A large number of sponsors of the upcoming founding conference in Chicago also have been affiliated with both the CPUSA-dominated PCPJ and the CPUSA-created Angela Davis defense movement.

Treasurer of the Soledad Brothers group was Prof. Linus Pauling, identified as a secret member of the CPUSA by former Party National Committee member Louis Budenz in 1952. Among the group's sponsors were Jane Fonda, who has publicly declared herself to be in favor of a Communist society; Arthur Kinoy, a faithful party supporter who serves today as vice president of the party's "legal bulwark," the National Lawyers Guild; author Jessica Mitford, an identified member of the CPUSA; CPUSA member Pete Seeger; an identified CPUSA member and NLG attorney Morton Stavis.

The national co-coordinators of the National United Committee to Free Angela Davis and All Political Prisoners—NUCFAD—were Fania Davis Jordan, sister of Angela Davis, and Franklin Alexander. Both Jordan and Alexander are self-professed members of the Communist Party. One of the co-treasurers of the NUCFAD was California attorney Vincent Hallinan, veteran CPUSA member and father of prominent party members Matthew and Terence Hallinan. Among the sponsors of the NUCFAD were the following people who are or have been at various times members of the Communist Party: Herbert Aptheker, director of the CPUSA-created American Institute for Marxist Studies and member of the Presidential Committee of the World Peace Council; Carl Bloice, who has been a member of the CPUSA National Committee; Rev. Stephen H. Fritchman, honorary co-chairman of the CPUSA-front Los Angeles Committee for Defense of the Bill of Rights; John Gallo, director of the CPUSA-front Center for Marxist Education in New York City; Dr. Carlton Goodlett; Jesse Gray, former Harlem organizer for the party; Gus Hall, party general secretary; Esther Jackson, wife of top party leader James E. Jackson; Rockwell Kent, long-time leader in the Communist Party-controlled National Council of Amerircan-Soviet Friendship; Walter Lowenfels, a sponsor of the CPUSA's "cultural" magazine American Dialog; Charlene Mitchell, member of the CPUSA National Committee; William L. Patterson, long-time member of the party national committee; Prof. Sidney Peck, one-time chairman of the Wisconsin State Committee of the CPUSA and leading activist in the November 8 Mobilization Committee, Spring Mobilization Committee, National Mobilization Committee, New Mobilization Committee, and National Coalition Against War, Racism and Repression, all of which were Communist-dominated predecessors of the Peoples Coalition for Peace and Justice, in which Peck has also been a guiding force; Jesse Prosten, a member of the board of directors of the CPUSA-controlled Chicago Committee to Defend the Bill of Rights; artist Anton Refregier, another sponsor of American Dialog; Pauline Rosen, a leading party representative in the "peace" movement and prominent activist in the party-dominated PCPJ; Prof. Carlos Russell, member of the State Committee of the CPUSA-created Freedom and Peace Party of New York State, supporter of the CPUSA-front Fort Hood Three Defense Committee and W. E. B. DuBois Clubs of America, and member of the executive board of the national Conference for New Politics, a now-defunct organization that was taken over by the Communist Party; Irving Sarnoff, leader of the CPUSA-front Peace Action Council of Southern California and member of the World Peace Council; folk-singer Pete Seeger, sponsor of American Dialog; Jack Spiegel, a member of the controlling CPUSA clique in the Chicago Peace Council; John Talbutt, an activist in party industrial concentration and trade union work; Dalton Trumbo, one of the original "Hollywood Ten;" Jarvis Tyner, national chairman of the CPUSA-controlled Young Workers Liberation League and member of the Party National Committee; Doris Brin Walker, an attorney with the NLG; Henry Winston, national chairman of the CPUSA; and Michigan State Senator Coleman Young, who refused in 1952 to affirm or deny party membership in testimony before the House Committee on Un-American Activities.

Other sponsors of the NUCFAD included Jane Fonda; self-professed Communist David Dellinger, one of the leaders of the Communist-dominated "peace" movement in the United States; Prof. Donald Kalish, another leader in the CPUSA-front Peace Action Council of Southern California who has proclaimed himself to be "far to the left" of the CPUSA; Rev. Cecil Williams, another member of the Soviet-controlled World Peace Council; and Rev. Ralph Abernathy, one of the "Presidents of Honour" of the WPC.

The Communist-front character of the Soledad Brothers Defense—Legal— Committee was made crystal clear in the May 26, 1972, issue of "Frame Up: A Weekly Trial Bulletin from the National United Committee to Free Angela Davis and All Political Prisoners." Pages 2 and 3 of this publication reflect that defense witness Valerie Mitchell—known to her friends as "Tamu," Swahili for "sweetness"—was Angela's roomate in 1970. She testified that:

> Angela moved out of their apartment in July, 1970 because *it had become a center for activities of the Soledad Brothers Defense Committee and the Che-Lumumba Club of the Communist Party*, of which both Angela and Tamu were members [Emphasis added].

Similarly, if the heavy representation of Communists in the list of officers and sponsors of the NUCFAD were not enough to convince anyone of that organization's Communist-front character there was a "Special Letter To All Committees" issued by the NUCFAD in June 1972 that was signed by the "NUCFAD National Staff." Of the eight people listed, seven—Franklin Alexander, Fania Davis Jordan, Charlene Mitchell, Kendra Alexander, Bettina Aptheker, Bob Klonsky, and Angela Davis—are known members of the CPUSA.

This document also reveals that:

> There had been discussion all across the country about the need for a national defense organization. We seem to be agreed that a national organization which sets for itself the task of freeing all political prisoners and confronting the spectre of encroaching facism [sic] in this land is not only desirable but necessary. *In organising a broad, mass defense for Angela Davis, we have already laid the base for such a national body* [Emphasis added].

Anticipating a summer of intensive local and regional organizing for a projected national conference, the NUCFAD announced in this document that:

> Our national office in San Francisco will remain open during most of the summer to assist local people working in various regions of the country to pull these conferences together.



Another passage of particular significance is the following:

> Alternatively, we urge committees and individuals to become active in the struggles around prison conditions. These struggles, mounted in a radical way by the Soledad Brothers Defense Committee, by NUCFAD, and by many other groups, have allowed us to involve a very broad sector of the population in struggle against repression, for the treatment of prisoners reveals economic, racial and political opression [sic] on a very intense level.

Among the cases deemed important by the NUCFAD in organizing, as shown by this official NUCFAD mailing, were the cases of Billy Dean Smith, the so-called San Quentin 6, Daniel Ellsberg and Anthony Russo, and various unnamed "Attica and Tombs defendants who either are or shortly will be on trial in New York." The NUCFAD also volunteered assistance in locating the defense committees involved in these and other cases.

Significantly, among the leaders or sponsors of the Soledad Brothers Defense—Legal—Committee with ties to the CPUSA listed above, both Goodlett and Seeger are sponsors for the founding conference, as shown on official lists disseminated by the conference's organizing committee, while the following Communist leaders and sponsors of the NUCFAD, according to the same official sponsor lists, are supporting the conference: Herbert Aptheker, Carlton Goodlett, Jesse Gray, Walter Lowenfels, Charlene Mitchell, William L. Patterson, Sidney Peck, Jesse Prosten, Anton Refregier, Carlos Russel, Irving Sarnoff, Pete Seeger, Jack Spiegel, Jarvis Tyner, and Henry Winston.

Further ties between the founding conference and the Communist Party-organized NUCFAD show up in the tentative schedule for the conference currently being disseminated by the organizing committee. For example, the keynote address on Saturday, May 12, is to be delivered by Angela Davis, who was one of the members of the national staff of her own defense committee. The "chairperson" for a workshop on "Repressive Legislation" is Coleman Young, with Charlene Mitchell scheduled as "chairperson" for the workshop on "Repression of Political Organizations and Individuals." One of the scheduled participants in the workshop on "Repression and Labor" is John Talbutt; and among the scheduled speakers at a "Mass Rally" to be held on the evening of May 12 are Angela Davis and Ralph Abernathy.

Other prominent members of the Communist Party scheduled to participate in the conference, as shown by official conference literature, include Carl Braden, long a leader in the CPUSA-controlled Southern Conference Educational Fund, a Kentucky-based group that serves as a regional office for the CPUSA's National Committee Against Repressive Legislation; Rose Chernin, the executive secretary of the Los Angeles Committee for Defense of the Bill of Rights; Richard Criley, executive director of the Chicago Committee to Defend the Bill of Rights, another regional affiliate of the NCARL; and Fred Gaboury, Midwest Trade Union Secretary for the CPUSA and one of the prime movers in the Communist Party-organized National Coordinating Committee for Trade Union Action and Democracy—TUAD. Another scheduled participant is Irma Zeigas, chairwoman of the Amnesty Committee of Women Strike for Peace, an alleged "peace" group that has been heavily infiltrated by the Communist Party and consistently supported by the party since its founding in the fall of 1961.

Conference literature disseminated to date reflects sponsorship by a number of other present or past Communist Party members, in addition to those already named. They include: John J. Abt, a New York attorney and veteran member of the CPUSA; Hursel Alexander, a leading California Communist; Anne and Carl Braden; Bert Corona; Richard Criley; Angela Davis; Al Evanoff, a prominent New York labor leader and activist in PCPJ; Abe Feinglass, a Chicago labor figure also active in the Communist-dominated "peace" movement; Conrad Lynn, a New York attorney who was thrown out of the CPUSA and gravitated to other Communist groups over the years, including the SWP, and who has an unenviable record of affiliation with Communist fronts and causes; John T. McTernan, a Los Angeles attorney active in the National Lawyers Guild; Rev. William Howard Melish, who has been active in such Communist fronts as the Southern Conference Educational Fund and the National Council of American-Soviet Friendship; George B. Murphy, Jr., also active in the NCASF; Prof. John Pappademos, an editorial board member of the CPUSA's Labor Today who served as a candidate for Presidential Elector on the CPUSA ticket in Illinois during the 1972 elections; Fred Rinaldo, chairman of the Los Angeles Committee for Defense of the Bill of Rights; Frank Wilkinson, the driving force behind the Party's National Committee Against Repressive Legislation; Dr. Edward K. Barsky, long an active leader of the Communist Party-created Veterans of the Abraham Lincoln Brigade; Rose Chernin; Sarah Cunningham, a New York actress; Prof. Philip S. Foner, Lincoln University, Lincoln, Pa.; Robert Klonsky; John Howard Lawson, Communist screen writer; Lewis Moroze, active in the Plainfield Joint Defense Committee, a New Jersey group, chairman of the New Jersey Committee to Free Angela Davis, and New Jersey delegate to the 1957 16th National Convention of the CPUSA; Louise Patterson, wife of William L. Patterson; David Poindexter, a close associate of Angela Davis; John Randolph, actor and husband of Sarah Cunningham, listed above; Jessica Smith, editor of the CPUSA's New World Review; and Prof. Dirk J. Struik, also a prominent leader of the National Council of American-Soviet Friendship and supporter of innumerable Communist fronts.

Included also are several representatives of the CPUSA's "legal bulwark," the National Lawyers Guild, as well as a representative of the CPUSA-controlled Southern Conference Educational Fund. Among the organizations listed as sponsors are "Trade Unions for Action and Democracy, Chicago, Ill.," a Communist front group, and Northern Californians Against Repressive Legislation, another affiliate of the CPUSA-controlled-NCARL.

Mr. Speaker, I hope that the above data will serve as a valuable supplement to the informative statement made by Chairman ICHORD and that good Americans will be alerted to the true nature of this phony antirepression conference and will recognize it for what it really is: the launching of one of the largest and most ambitious front organizations ever created by the Communist Party, U.S.A., to deceive the gullible into supporting party objectives.

## POLITICAL PRISONERS IN SOUTH VIETNAM

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Ms. ABZUG. Mr. Speaker, the desperate plight of political prisoners in South Vietnam is called to our attention once again, this time by prominent citizens in Japan. Their detailed allegations are contained in an excellent article which I would like to share with my colleagues:

[From the Reporter, April 1973]

AN APPEAL FROM LEADING LAWYERS AND CLERGY IN JAPAN

(By Daniel Crystal)

Leading lawyers and clergy in Japan have sent out an urgent message advising the international community concerned about human freedom and dignity that there is need for immediate action to investigate what the Thieu administration in South Vietnam is doing with the civilian prisoners held in its prisons and "tiger cages" because they opposed the war.

"What we cannot and must never overlook," their statement reads, "is that in the South, hundreds of thousands of patriots and peace-loving people have been arrested unlawfully, put in prison without trial, tortured, maltreated and now are being maimed or murdered either secretly or openly by the Nguyen Van Thieu regime. They are patriots who nurtured peace as their jewel, along with their national independence, unity and territorial integrity, more than anything else. They are men and women of all ages and of all walks of life, including distinguished men of faith, law, learning and letters, and some ex-MPs. They include also toiling workers, peasants and students of both sexes.

"They are now confined within numerous prisons and penitentiaries, such as those on Polo-Condor island (Comson) known for its notorious 'tiger cages', Phu Quoc Is., Chi Hoa, Thu Duc and others, as well as in what they disguise as 'Strategic' or now, 'New Life Hamlets' or 'Refugee Camps' all of which are no better than the Hitlerite concentration camps.

"There they are facing the most cruel tortures, maltreatment of all sorts and now, more than ever, are in danger of extermination."

Among the Japanese who signed the appeal are Mr. Toraa Ogiyama, Ex-President, The Japan Bar Association, Mr. Susum

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Ozaki, Chairman, The Japan Bar Association, Civil Liberties Committee, Mr. Rinji Kondo, Ex-High Court Chief Justice, Mr. Yoichi Mohri, Ex-Chairman, Osaka Bar Association, and other distinguished educators and professionals.

The joint appeal by these legal and religious leaders of Japan calls world attention to the following:

1. In addition to the tremendous number of civilian detainees of the past, those arrested by the Thieu Administration of South Vietnam since last April have shown a very sharp increase, which although the total number is not known, is estimated to be between 20,000 and 30,000.

2. "There is almost no hope of relieving them or defending them, as even the activities of humanitarian defense organizations such as 'The Committee for a Better Prison Regime' are not being allowed now."

3. "The danger is real, now more than ever, of them being murdered or maimed from all the tortures behind curtains, even as the treaty for ending the war and restoring peace in Vietnam is being signed."

Among the specific charges made in this appeal by the Japanese dignitaries are these:

Approximately 30,000 civilians suspected of peace activities in South Vietnam have been arrested and detained since April 1972. About 5,000 of those who had been arrested in Saigon, Hue, Da Nang, Lagsia, and elsewhere were deported to prisons on Polo-Condor and Phu Hoc islands without trial.

Not less than 1,000 were either killed or wounded within the last year in the prison of Polo-Condor, Phu Quoc and Chi Hoa alone.

In the prisons of Phu Quoc and Lagsia, poisons were used for the extermination of political prisoners.

At present, these civilian prisoners are being assassinated. Detainees who have been unlawfully arrested are being screened, and diverted into the criminal prisons so that the Thieu regime should not be forced to release them as part of the Ceasefire Agreement.

The charges made by this group of Japanese jurists, lawyers, and clergy are serious in the extreme. They are painfully mindful of the appeals that were made on behalf of German and Austrian Jewry during the Nazi era. The world from hindsight laments the Holocaust. There appears to be a very real danger today of decimation of South Vietnamese of all walks of life whose essential crime in the eyes of the Thieu regime is that they supported peace and opposed that dictatorial regime.

And, in the opinion of this writer, our national honor is deeply involved in securing their release. We all rejoice that our war prisoners have been released. If peace is ever to come to Southeast Asia, it must come through national reconciliation.

This country has dirtied its hands with enough blood in South Vietnam, North Vietnam, Laos and Cambodia. We cannot evade responsibility for what is going on in the prisons of South Vietnam. We have supported the Thieu administration in every possible way. Unless we are to be regarded worldwide as hypocrites, we must make the Ceasefire Agreement work. All prisoners must be released. Our national honor demands no less.

The appeal by these distinguished Japanese lawyers, judges, clergy, and scholars should shock the conscience of us all.

They request that an international investigation team, including distinguished personalities of the U.S.A. be sent without delay to Saigon to carry out on-the-spot and thorough-going inquiries to clarify all these matters of such grave and common concern.

A similar appeal fell on deaf ears in the '30s when the slaughter was in Europe.

Where is our conscience these days—some 40 years later?

## SENATOR McGOVERN APPRAISES DEMOCRATIC PARTY REFORMS

### HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. O'HARA. Mr. Speaker, I had the pleasure of being a participant in the opening session of the Charter Commission of the Democratic Party, held in Washington last month. The Commission was addressed by Senator GEORGE MCGOVERN, who presented a very interesting appraisal of the reforms in the delegate selection processes that were accomplished by the 1968 and 1972 conventions.

Those reforms have been widely discussed, both within the Democratic Party and among the public generally. Senator MCGOVERN's proposals for modification of the delegate selection reforms, and his further comments on the proposed Democratic Party Charter are provocative, stimulating, and worthy of the attention of the Members of this House.

The changes that Senator MCGOVERN has now suggested, for the most part, head in the right direction and I would hope that they can be seriously considered before the 1974 Party Conference and the 1976 Democratic National Convention.

I include, Mr. Speaker, Senator MCGOVERN's remarks at this point in the RECORD.

REMARKS OF SENATOR GEORGE MCGOVERN

As I look over this meeting—so well attended by party members and officials and the national press—I am struck by the contrast with the first meeting four years ago of the Commission I chaired. No one paid much attention to us then. But I have the feeling, Governor Sanford, that your work will be watched much more carefully.

Your work should begin by building and improving the reforms to which, for better or worse, my name seems indelibly attached. I realize that some of the following suggestions may fall outside the strict jurisdiction of this Commission, but I believe that you cannot exercise your mandate outside the broader context of the future of all the reforms.

I start with this premise: The reforms did not fail. Never in the history of our party or any party have so many people participated in the selection of a nominee. Despite the discomfort of change and the difficulties of the campaign, I am convinced that this period will be remembered with pride by the Democrats who come after us. It was here, at this time, they will say, that this party affirmed its will to survive—to serve a new age by choosing reform over retrenchment—while the other party was stagnating in the complacency of an election landslide, which was a personal triumph for one man, but revealed in the rest of the results a deep distrust of a selfish and even corrupt conception of the public good.

So, as Democrats, we will not turn our backs on those who placed their faith in our good will and good sense. We will not turn back to the discredited practices which had sadly crept into our party. We will preserve the progress of the past four years.

But we need not pretend that the reforms were written in stone. Every sound law must be informed and improved by experience. Human rules will fail sometimes, for human beings are frail always. And the reform rules were not without some defects or errors of interpretation even as they are properly judged a general success.

Criticism of the reforms appears to fall within two broad areas—first, the problems of what proved in some cases to be a quota system for the selection of delegates—and second, the fear, shared by some Democrats, that the system operated to deprive the Convention of the work and the wisdom of the Party's most senior leaders.

In the area of delegate selection, the McGovern Commission framed the reformed rules as a remedy for past error. The guidelines did not call for quotas. An amendment was introduced to require "representation in reasonable relationship to the group's presence in the population of the state." But this passed, only after an additional amendment by Governor Leroy Collins, which read: "It is the understanding of the Commission that this is not to be accomplished by the mandatory imposition of quotas."

Yet some party members arrived at a different conclusion. Finally, after a period of intense discussion, the National Chairman agreed that a deficient mathematical percentage of affected groups on a state delegation was *prima facie* grounds for a credentials challenge.

On the one hand was the traditional view that who a representative is matters less than the fact that he or she is freely and fairly chosen. This is the ordinary meaning of representation, and it is reflected in most state election statutes and party rules.

On the other hand is the notion that a society can be represented only by a microcosm of the whole, a perfect reflection in miniature of its various groups.

This is the theory which requires a percentage quota for each group in the nation. I do not believe such a system is workable. I believe that delegates should represent people—not types of people.

And I think two specific changes in the reform rules are in order.

First, the phrase "reasonable relationship to their presence in the population of the state" should be removed from the guidelines. That will eliminate the misunderstanding that led to the imposition of quotas while leaving intact the language requiring affirmative action to insure full and fair representation. And the Commission on Delegate Selection and Party Structure, supported by this Commission, should define specifically what such action means with respect to age and sex, as the Special Equal Rights Committee did with respect to minorities.

Second, we should also seek a delegate selection ssytem that truly reflects the preferences of Democratic voters. "Widespread participation in the slate-making process" should not be construed to require surrender of the slate-making power by the presidential candidates.

The party should amend its guidelines to secure the right of presidential candidates to protect the integrity of the method that chooses delegates in their name. The same right should be granted to party organizations or any other group that decides to run a slate independently.

By these steps, I believe we can make the Democratic party more truly representative of Democratic voters. And how, beyond that, can we guarantee the participation of senior party leaders at national conventions—which was, in the minds of some, the second notable area where the reform rules were lacking?

It should be pointed out that under the guidelines, state party organizations already have the right to select 10% of each delegation to the National Convention. Few state parties did so in 1972. Yet this procedure could have provided places for major officials.

That approach, it seems to me, is superior to the proposal that members of the Congress be designated automatic delegates. It avoids conflicts with the prohibition against ex-officio appointments because under it, delegates are chosen by the party organization not solely by virtue of their public position. It also avoids embarrassment to the party in cases where Democrats in the Congress may decline to serve at the convention.

At the same time, the party should act to insure fair representation of party leaders. In 1971, the members of the National Committee were stripped of their convention voting rights, not by the Reform Commission, but by their own decision. Now we should restore those rights. This can be done within the spirit of the reforms because, for the first time in history, the National Committee is apportioned in an equitable manner. But it will require as well that the Charter Commission consider the adoption of uniform standards for election to the Committee. Today the rules vary from state to state. By framing a single standard, the Commission can assure that National Committee members are chosen in a timely manner reflecting the will of Democrats in their states—that they are not made delegates just because they are committee members, but are fairly elected as both committee members and delegates.

In many respects, the reform rules worked better than our best expectations. Everyone knows that, and no one really wants to return the party to secret caucuses, fraudulent proxies, and backroom deals. No one wants to betray those who have relied on the sincerity of the reforms. Still, the reform rules were an innovation, a voyage on an uncharted sea—and they can be improved. Today I have suggested some ways to a National Convention based, not on less reform, but on more reform of the right kind.

But a great political party does not live by nominating conventions alone. This truth, more than anything else, is what gave birth to the Charter Commission. The scope of your mandate is a recognition of the fact that our conduct of the business of the Democratic party for the next four years, will help to determine whether the people will entrust us with the conduct of public business in the next Presidential term.

So you must now raise and respond to difficult questions of party organization and purpose, I would like to examine four of them with you briefly.

First, what kind of mid-term convention should the Democratic party convene in 1974?

There are two types of issues that the mid-term convention could take up—the public policy issues that are normally the subject of political platforms, and the party policy issues that are especially relevant to Democrats committed to shaping a responsive and responsible party organization. The National Committee has the power to determine what issues will be discussed. It will control the agenda of the mid-term Convention. And I believe that agenda should be limited to pressing questions of party policy, specifically the Charter. Constitution-making is an epic undertaking. It requires careful, concentrated, unhurried consideration—precisely what the 1974 Convention must give to the Charter that will make it the important document it deserves to be. It deserves, and the public will demand, that it be treated as more than an incidental matter amid a torrent of other resolutions. Other issues are important, but they can be aired in other forums. The Founding Fathers did not meet in Philadelphia in 1787 to debate the tariff, but to devise a governmental system that could equitably set tariffs. And the Democratic party should not meet in mid-term convention in 1974 to debate every concern of any delegate, but to devise a party organization that can equitably settle disputes and set policy in the future.

Second, should the national party adopt a formal plan of enrolling dues-paying members?

Enrolled party membership has been a recurring question, and you must examine its implications carefully. For example, what rights or privileges will attach to such membership? What provision will be made for those who cannot pay dues because they are in poverty, or will not as a matter of principle? Democrats in some states have experimented with dues-paying membership without great success. Before embarking on a similar venture, we must make certain that it will sustain and strengthen the party, not narrow its base.

Third, should there be uniform rules governing state and local Democratic organizations?

During the last several years, I have met and worked with countless Democrats across America. And I have found that the state of our party organizations varies as widely as the shape of our geography. I have found also, that in our party, as in our country, there is strength in diversity. Therefore, I oppose an enforced conformity of rules except where the principles or progress of the whole party are at stake. But there is a difference between coercion and cooperation. There are places in America where people still hide the fact that they are Democrats.

There are places where the party is frail and faltering. And there should be a more effective system of cooperation among state parties, and between state parties and the national party—so the strong may strengthen the weak, and stronger Democratic organizations may better serve the public interest. I hope the possibilities and practicalities of such a system will be a priority of this Commission.

Finally, should the Democratic party be affiliated at the national level with other organizations?

I have no sure answer to this question. But I think the Charter Commission should consider more formal alliances with groups that generally share our goals, such as labor unions, certain farm organizations, and the civil rights movement. Their members have traditionally been tireless supporters of Democratic candidates. And events have shown that we cannot win without them. At a minimum the Commission should develop methods to improve our relations with like-minded non-affiliates. Actual affiliation may be a long way off, if ever, but we must insure that their voices will be heard and heeded.

Like those of us who served on the Reform Commission, you will sometimes find your task not only tough but tedious. But it is the nuts and bolts of organization, as much as anything else, that will decide the future and the fate of the Democratic Party. And just as we will succeed or fail together, so we must stand together now, putting aside selfish interests and past divisions, to perfect a party organization that will bring Democrats home because it will make this party truly a home for all of us.

I deeply believe that, as Democrats, the things which unite us are stronger than the things which divide us.

All of us want a party that will include those who have been left out of power without excluding those who have worked hard in politics.

All of us want the Democratic Party to be as democratic as our will and wisdom can make it.

And all of us want to win again—not by looking wistfully to the past—but by welcoming the future.

Democrats have made mistakes, and there is surely blame enough for everyone, including me. During the last six years, we have wasted so much of ourselves in factional dispute and disarray. Now it is our common mission to prepare, not just for the next election, but the next generation. It is our mission to preserve the proud and precious heritage of Democratic commitment, not to the privileged, but to the people—to those who earn a living with their hands, to the powerless who are poor or victims of prejudice, to our children who deserve a decent education instead of more wars that teach them how to kill.

The Democratic Party is their voice, and it must speak for them, now and in 1976 and during the years beyond. It must be a reformed party, open, responsive, and compassionate.

And in your effort to achieve that, Governor Sanford, this Commission has my enthusiastic support.



## ABORTION

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HUNGATE. Mr. Speaker, the Supreme Court's recent decision on the subject of abortion had caused some controversy. The following analysis of those decisions of the April 1973 issue of the American Bar Association Journal throws some light on the questions raised:

COURT ADOPTS ABORTION TRIMESTER RULE

The first of the abortion cases was *Roe* v. *Wade*, 410 U.S. —, 35 L.Ed. 2d 147, 93 S.Ct. 705, 41 U.S.L.W. 4213.

Suit was filed in a three-judge federal district court by an unmarried woman who was pregnant, challenging the validity of the Texas statute prohibiting abortions except when necessary to save the life of the mother. The complaint sought a declaratory judgment and an injunction, contending that the statute abridged the woman's right of personal privacy protected by the First, Fouth, Fifth, Ninth, and Fourteenth Amendments.

A physician against whom two state prosecutions were pending for violation of the abortion statute was permitted to intervene, and the district court consolidated the case with another brought by a childless married couple attacking the same statute.

The district court upheld the right of the pregnant woman and the physician to sue, but ruled that the childless couple had failed to allege facts sufficient to state a controversy and did not have standing to sue. The court ruled that the "fundamental right of single women and married persons to choose whether to have children is protected by the Ninth Amendment, through the Fourteenth Amendment," and that the antiabortion act was unconstitutionally vague. It denied an injunction. 314 F. Supp. 1217.

On direct appeal to the Supreme Court, the Court, speaking through Mr. Justice Blackmun, affirmed as to the pregnant woman but reversed as to the physician, holding that he had made no allegation of any substantial or immediate threat to any federally protected right that could not be asserted in the state proceedings.

The Court also decided that the case was not moot even though the pregnancy occurred in 1970. "Pregnancy often comes more than once to the same woman, and in the general population, if man is to survive, it will always be with us," the Court observed. "Pregnancy provides a classic justification for a conclusion of nonmootness. It truly could be 'capable of repetition, yet evading review.'"

The Court spent a considerable portion of its opinion on the history of legal and public attitudes toward abortion to demonstrate that antiabortion laws are of relatively re-

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cent vintage, most of them in the United States dating from the latter half of the nineteenth century.

The Court decided that the constitutional right of privacy, which it seemed to prefer to base on the due process clause of the Fourteenth Amendment rather than on the Ninth Amendment, was broad enough to encompass a woman's decision whether or not to terminate her pregnancy.

The right is not absolute, the Court went on, because "it is reasonable and appropriate for a State to decide that at some point in time another interest, that of health of the mother or that of potential human life, becomes significantly involved. The woman's privacy is no longer sole and any right of privacy she possesses must be measured accordingly."

"With respect to the State's important and legitimate interest in the health of the mother, the 'compelling' point, in the light of present medical knowledge, is at approximately the end of the first trimester. This is so because of the now established medical fact . . . that until the end of the first trimester morality in abortion is less than morality in normal childbirth. It follows that, from and after this point, a State may regulate the abortion procedure to the extent that the regulation reasonably relates to the preservation and protection of maternal health."

The Chief Justice and Justices Douglas and Stewart wrote concurring opinions, and Justices White and Rehnquist dissented.

The second abortion case was *Doe* v. *Bolton*, 410 U.S.—35 L.Ed. 2d 201, 93 S.Ct. 739, 41 U.S.L.W. 4233.

The case was treated separately because of the differences between the Georgia statute and the Texas statute in *Roe* v. *Wade*. The Texas statute was typical of antiabortion statutes long in effect in many states, but the Georgia statute, which was enacted in 1968, follows the provisions of the American Law Institute's Model Penal Code. In general, it makes abortion a crime, except when "performed by a physician duly licensed" in Georgia when, "based upon his best clinical judgment . . . an abortion is necessary because (1) [a] continuation of the pregnancy would endanger the life of the pregnant woman or would seriously and permanently injure her health, or (2) the fetus would very likely be born with a grave, permanent, and irremediable mental or physical defect, or ((3) the pregnancy resulted from forcible or statutory rape."

The Georgia statute also provides that the woman must reside in Georgia, that two other physicians must concur with her own physician that an abortion is necessary, that the abortion must be performed in a hospital accredited by the Joint Commission on Accreditation of Hospitals, and that at least three members of the hospital's staff must concur.

The woman who initiated the action was married, but she alleged that she was physically and economically unable to care for the child. Her application for a therapeutic abortion under the Georgia statute was denied, and she filed suit in a three-judge district court, which granted her declaratory relief. The court also held that a number of others, including physicians, nurses, clergymen, and social workers, had standing to sue but had presented no justiciable controversy. 319 F. Supp. 1048. Again speaking through Mr. Justice Blackmun, the Supreme Court modified and affirmed the holding.

Basically, the Court held unconstitutional the provisions of the Georgia statute that prohibited abortions before the ending of the first trimester of a pregnancy and struck down the provisions requiring residency in the state, J.C.A.H. accreditation, approval of a hospital committee, and the concurrence of two other physicians.

There were three opinions concurring in these two abortion cases, one by the Chief Justice that stated that he was "somewhat troubled" that the Court had taken notice of various scientific and medical data, but that he did not think it had exceeded the scope of accepted judicial notice. He also disagreed with the "sweeping consequences" attributed to the decision by the dissenting justices, saying, "Plainly, the Court today rejects any claim that the Constitution requires abortion on demand."

The second concurring opinion was by Justice Douglas, who stressed the "right of privacy" aspects of the cases.

The third concurring opinion by Justice Stewart emphasized the fact that the case was being decided on Fourteenth Amendment grounds.

Justice White, joined by Justice Rehnquist, wrote a short but vigorous dissent that called the decisions "an exercise of raw judicial power." The abortion issue, he argued, "should be left with the people and to the political processes the people have devised to govern their affairs."

Justice Rehnquist's dissent in the Texas case complained that the Court's holding was much broader than necessary to decide the case and that it was in effect a return to the philosophy of substantive due process. "The decision here to break the term of pregnancy into three distinct terms and to outline the permissible restrictions the State may impose in each one, for example, partakes more of judicial legislation than it does of a determination of the intent of the drafters of the Fourteenth Amendment," he declared.

## THE BURDENS AND BENEFITS OF REPRESENTATION

### HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. DENHOLM. Mr. Speaker, the people that elect a Representative or Senator to the U.S. Congress have a right to expect that person to represent them on all matters that come before the House or Senate, respectively.

At no time in recent history has the responsibility been more clear for dedicated effort in the essential service to the people of America.

Nowhere in government service is representation more important than in the legislative process in a democracy because that is the business of the people.

I submit today for appropriate reference, proposed legislation to require the attendance of Members of Congress on not less than 75 percent of the recorded votes in the House and Senate. The language of the legislation that I have proposed is as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress that—

If during any period of one or more consecutive sessions of Congress, an individual holding the office of Senator or Representative fails to be recorded in person on 75 per centum of three hundred consecutive recorded or rollcall votes of the House of which he or she is a Member, taken during a session of the Congress, such office shall become vacant, and the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall notify the executive authority of the State from which such individual was elected of the vacancy.

This resolution shall apply with respect to any recorded or rollcall vote of the next succeeding session of the Congress after adoption.

The Congress shall have the power to enforce this resolution by appropriate legislation.

## SILVER DOLLAR CITY

### HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. TAYLOR of Missouri. Mr. Speaker, in the foothills of the Missouri Ozarks, the re-created 19th century town of Silver Dollar City continues to attract nationwide attention because of its role in preserving the culture and craftsmanship of America in the 1800's. A visitor to the city during the spring and summer months will have the rare opportunity to see craftsmen working on these now historic trades. Over two dozen crafts are practiced including glass blowing, basket weaving, woodcarving, candlemaking, gunsmithing, and blacksmithing.

One unique craft found at Silver Dollar City is the art of building chuck wagons and Conestoga wagons. The nationwide demand and interest in this 19th century mode of transportation was the subject of a page 1 story in today's Wall Street Journal.

Through the preservation of such skills our Nation's pride and heritage will be passed on to future generations. This article will be of interest to all who share my interest in preserving our cultural heritage.

The article follows:

THE BOOMING ECONOMY (OR SOMETHING) SPURS CHUCK-WAGON DEMAND

(By David P. Garino)

SILVER DOLLAR CITY, MO.—The economy is booming, and backlogs of orders are building: for machine tools, bulldozers, power shovels, cement mixers, conveyors, motor trucks. And, of course, for chuck wagons.

The nation's only wagon works can't keep up with demand. Here at Silver Dollar City, a park with a crafts-making theme in the Ozark Mountains, the current backlog is 25 chuck wagons (at $600) and pony wagons (at $450), enough to keep the works working through 1974. The shop started filling orders two years ago, and since then has sold and delivered 15 vehicles, including four new Conestoga wagons at $2,500 each.

Wagon making is one of two dozen more or less esoteric crafts practiced at Silver Dollar City; some of the others are gunsmithing, blacksmithing, basket weaving and candle making. The park was started in 1960 by Mary B. Herschend, a 73-year-old widow, and now it employs 650 workers at its peak season, May through October, when it gets most of its million yearly visitors. Mrs. Herschend and her sons Peter and Jack manage the park. Unincorporated, Silver Dollar City covers 2,000 acres along a mountain ridge near Branson, Mo.

HAND TOOLS AND A FORGE

Thomas E. (Lucky) Jones does most of the wagon building. A bearded, 47-year-old Oklahoman, Mr. Jones says he may be the only active wheelwright in the country. He learned his trade as a youth from his forebears, and he recalls operating the bellows on his great-grandfather's forge—which he inherited and now uses—at Peak Ridge, Ark. He retreated to the leisurely Ozarks after working several years in a factory in Los Angeles, where, he says, he "couldn't stand all the hubbub."

With his young apprentice, Lucky can put together a chuck wagon or a pony wagon in a month, and a Conestoga in 90 days to two months. He uses no power tools; his main implements are a mallet, knives, chisels and the iron forge. Wheel making is the most complicated and time-consuming part of wagon building. Lucky picks up a wheel to show how the spacing along the rim between the spokes must be exact—in this case 7.864 inches—or the wheel won't be round "and you start all over again."

"Any wheel is beautiful to me," he adds. "It makes me feel very big inside when I see one I've built. If there isn't someone around to build these things, kids will never know what they were." Lucky sells a lot of wheels in some 50 different sizes to people who use them as decorations and table bases. A 24-inch wheel fetches $70, a 48-incher $95.

Lucky's Conestoga wagons are built from diagrams from the Smithsonian Institution and from other details from an old reference book he keeps on hand. He has the exact, authentic specifications: height, 11½ feet; length, 19½ feet; weight, 3,600 pounds (The sturdy wagons could carry 20 tons of cargo.)

AND NEXT, RICKSHAS

His reference work says the original Conestogas were made of "genuine white oak, not red oak, nor chestnut, nor Spanish oak, nor any other one of the two dozen varieties that now pass for oak." So Lucky uses white oaks. There's plenty around, but the fresh-cut lumber has to be doused and sprayed with boiling linseed oil and bug killers to keep it flexible and insect free. Then it has to be dried for two to five years.

The first customer for one of his Conestogas was Roman Stegeman, who owns a museum featuring vintage cars and horse vehicles in Toas, Mo. Mr. Stegeman says he could find no other source for a Conestoga. Another wagon was purchased by a shopping center with a Western motif in Kansas City, Mo. And a group in Sharon Spring, Kan., bought one for the restoration of Fort Wallace.

One of the first chuck wagons was bought by Empire Gas Co. of Lebanon, Mo. The company uses it for promotion, and two years ago at a gathering after the annual meeting a buffet dinner was served from it.

Dr. Charles Kelley, a dentist from Plano, Texas, bought a pony wagon for his teenaged daughters Nancy and Mary Helen. He figured it would be safer than a mini-bike. Then he had to shell out more than $200 for a pair of mules, and, he says, "things just didn't pan out the way we thought they would. A friend of ours hitched up the mules and they took off like mad. Fortunately, he wasn't hurt."

The mules haven't been hitched up again, and Dr. Kelley is wondering now whether to sell the wagon or buy some Shetland ponies to draw it. Meanwhile, he says, "the girls have saddled and ridden the mules, so it wasn't a total loss."

If your mules are perverse, Lucky still can fix you up. For a Missouri man he is going to make a ricksha, and, he says, "you draw it and we'll make it."



## U.S. ALLY IN MIDEAST—IRAN—UNDER ATTACK

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HUBER. Mr. Speaker, Iran is one of the few remaining friends of the United States in the Middle East, and our enemies in the Communist world are only too well aware of this fact. In order to undermine the Shah of Iran, East Germany has been running a clandestine radio station broadcasting material designed to overthrow the Shah. Recently, Iran got East Germany to agree to cease this activity and in a typical Communist tactic, the transmitter was moved out of East Germany and into Iraq, which has a Communist dominated, if not controlled government, where it is now going full blast. Therefore, I believe the article from the Daily Telegraph of London of April 17, 1973, is instructive in this regard and I commend it to the attention of my colleagues:

ANTI-PERSIAN RADIO MOVES TO IRAQ IN PROPAGANDA WAR

(By John Bulloch in Beirut)

A Communist-run radio station which attacks the Shah of Persia and his Government has moved from East Germany to Iraq as the undeclared conflict between these neighboring countries intensifies.

I was told yesterday that Persian diplomats consider the move a breach of the spirit of an agreement they entered into with East Germany.

One of the provisions of that agreement, signed last December, was that Persia would open diplomatic relations with East Germany provided that the hostile broadcasts were halted.

East Germany has carried out the letter of the agreement, but has clearly breached its spirit by transferring the stations to Northern Iraq.

The clandestine transmitter, situated somewhere near the border with Persia, broadcasts 25 hours a week in Farsi, the language of Persia, Kurdish, and two other minority languages. The main news is that of the banned and exiled Tudeh, the Persian Communist party.

According to Western diplomats, establishment of the radio station in Iraq is one of the by-products of the Iraq-Soviet friendship treaty signed a year ago.

It marks increasing domination of the Iraqi Government by pro-Communist elements, rather than the more independent-minded Baath party members, who have been in control up to now.

Persia and Iraq are competing for the position of most powerful nation in the Persian Gulf area with Persia well ahead.

Iraq realises it cannot go to war with its stronger neighbour, and is therefore trying to stir up internal trouble while backing dissidents with occasional border incidents.

## JANE FONDA DUPED BY HANOI

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. BOB WILSON. Mr. Speaker, the anger of our returned prisoners of war at the activities of Jane Fonda has begun to boil over. Subjected to the carefully orchestrated visits of Miss Fonda to the Hanoi Hilton, the POW's are now expressing their outrage at her trips to North Vietnam and her inexhaustible desire to consort with the enemy. I would like to share with my House colleagues an article from the April 3 San Diego Evening Tribune regarding the recent remarks of Navy captain, and former POW, William Franke before the Rotary Club:

EX-POW CLAIMS "JANE, BABY," DUPED BY HANOI

(By Ernie Cowan)

VALLEY CENTER.—Antiwar activist Jane Fonda was known to U.S. prisoners of war in the "Hanoi Hilton" as "Jane, baby," a returned POW said here yesterday.

"And we have no love for 'Jane, baby,'" Navy Capt. William Franke told a group of more than 50 Rotary Club members and guests.

He was shot down in August 1965 and was reported killed in action. His name never appeared on any POW lists until his release. Other pilots who saw him go down reported he couldn't have survived.

Franke said visits by "peace delegations" to North Vietnam were a source of anger for prisoners housed in the "Hanoi Hilton."

"We all felt that even in an undeclared war these people shouldn't be over there and be friendly with the enemy," Franke said.

He said Miss Fonda got what the prisoners called "Tour Alpha" and was shown what the North Vietnamese wanted her to see.

"I think Jane, baby, is a little twisted in the mind. It surprised me how a person with her background and knowledge could be so duped and deceived by those people so as to place herself in the position she is in today," Franke said.

"She is now saying the prisoners are liars and I hate to hear that from a woman that should be as educated as she is. But she did come over and she made statements and she was deceived and duped at every turn and she was shown things they wanted her to see and she believed what they told her."

Franke said Miss Fonda then came home to America and tried to discourage American soldiers from fighting and to tell the public how well the prisoners were being cared for.

"Well, she's a liar. She doesn't know anything about the situation and I think she's twisted upstairs," Franke said.

During his more-than-seven years captivity Franke said the North Vietnamese taught him to hate them.

"I don't hate the people of North Vietnam, but they taught me to hate their system and their leaders and for that reason I am against any help to that country," Franke said.

Despite being treated as "the blackest of criminals," Franke said there was organization and strength among the prisoners.

"That's all we had, was strength among the group to keep us going," he said.

At times prisoners were taken into Hanoi where pictures would be taken of them next to ruined buildings.

"We would resist these attempts at propaganda and it took 17 guards to move seven of us, and we would fight them, so that we were beaten, bloodied and manacled when we arrived," Franke said. "The photographers were not interested in pictures of us that way, so we had accomplished our purpose."

## VITAMIN BILL SPONSORS NOW NUMBER 142

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. HOSMER. Mr. Speaker, as of May 9, 1973, a total of 142 Members of the House have cosponsored or introduced H.R. 643 and identical bills relating to FDA regulations concerning vitamins and dietary supplements. Interest in

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these bills is gaining momentum as shown by the fact that on March 8 only 20 Congressmen had cosponsored them. This interest is nationwide and bipartisan. I appreciate the support of my colleagues. The list of cosponsors and sponsors follow:

CONGRESSMEN INTRODUCING IDENTICAL BILLS, AND CONGRESSMEN JOINING MR. HOSMER AS COSPONSORS—AS OF MAY 4, 1973

ALABAMA
1. Bevill, Tom (D. HR 7474).
2. Buchanan, John (D. HR 7473).
3. Edwards, Jack (R. HR 7474).
4. Nichols, Bill (D. HR 7474).

ALASKA
1. Young, Don (R. HR 6045).

ARIZONA
1. Conlan, John B. (D. HR 6043).
2. Rhodes, John J. (R. HR 3183).
3. Steiger, Sam (R. HR 6044).
4. Udall, Morris K. (D. HR 7201).

ARKANSAS
1. Hammerschmidt, J. (R. HR 6043).

CALIFORNIA
1. Anderson, Glenn M. (D. HR 5313).
2. Brown, George E. (D. HR 6787).
3. Burgener, Clair W. (R. HR 6043).
4. Clawson, Del. (R. HR 3245).
5. Corman, James C. (D. HR 7473).
6. Danielson, George (D. HR 6098).
7. Goldwater, Barry, Jr. (R. HR 6043).
8. Gubser, Charles (D. HR 4790).
9. Hanna, Richard T. (D. HR 6043).
10. Hawkins, Augustus (D. HR 6045).
11. Hinshaw, Andrew J. (R. HR 7473).
12. Hosmer, Craig (R. HR 643).
13. Ketcham, William (R. HR 6044).
14. Leggett, R. L. (D. HR 6044).
15. Moorhead, Carlos J. (R. HR 6044).
16. Pettis, Jerry L. (R. HR 894).
17. Rees, Thomas M. (D. HR 6044).
18. Rousselot, John H. (R. HR 7474).
19. Royball, Edward R. (D. HR 7241).
20. Ryan, Leo J. (R. HR 6044).
21. Sisk, B. F. (D. HR 5083).
22. Talcott, Burt (R. HR 6044).
23. Tengue, Charles M. (R. HR 6044).
24. Waldie, Jerome R. (D. HR 4568).
25. Wilson, Bob (R. HR 6045).
26. Wilson, Charles (D. HR 2932).

CONNECTICUT
1. Grasso, Ella T. (D. HR 7473).
2. Steele, Robert H. (R. HR 7474).

FLORIDA
1. Bafalis, L. S. Skip (R. HR 7473).
2. Burke, Herbert J. (R. HR 6043).
3. Fascell, Dante B. (D. HR 7473).
4. Haley, James A. (D. HR 7474).
5. Lehman, William (D. HR 6787).
6. Pepper, Claude (R. HR 6044).
7. Young, C. W. Bill (R. HR 1295).

GEORGIA
1. Mathis, Dawson (D. HR 7473).

HAWAII
1. Matsunaga, Spark (D. HR 770).

IDAHO
1. Symms, Steve D. (R. HR 7474).

ILLINOIS
1. Anderson, John B. (R. HR 6043).
2. Annunzio, Frank (D. HR 6209).
3. Collier, Harold R. (R. HR 3236).
4. Crane, Phillip M. (R. HR 6043).
5. McClory, Robert (R. HR 7473).
6. Michel, Robert H. (R. HR 7473).
7. O'Brien, George M. (R. HR 6107).
8. Railsback, Tom (R. HR 6044).

INDIANA
1. Bray, William G. (R. HR 6043).
2. Hudnut, William H. (R. HR 6044).
3. Myers, John T. (R. HR 6044).
4. Zion, Roger H. (R. HR 6045).

IOWA
1. Gross, H. R. (R. HR 7473).

KANSAS
1. Shriver, Garner E. (R. HR 6044).

LOUISIANA
1. Rarick, John R. (D. HR 1617).
2. Treen, David C. (R. HR 7474).

MASSACHUSETTS
1. Studds, Gerry E. (D. HR 7474).

MICHIGAN
1. Brown, Gary (R. HR 6043).
2. Cederberg, Elford (R. HR 135).
3. Chamberlain, Chas. (R. HR 6043).
4. Conyers, John (D. HR 7473).
5. Diggs, Charles (D. HR 7473).
6. Esch, Mervin (R. HR 7473).
7. Ford, Gerald R. (R. HR 7473).
8. Hutchinson, Edward (R. HR 5789).

MINNESOTA
1. Blatnik, John A. (D. HR 5390).
2. Karth, Joseph E. (D. HR 7479).
3. Zwach, John (R. HR 6856).
4. Frenzel, Bill (R).

MISSISSIPPI
1. Lott, Trent (R. HR 7473).

MISSOURI
1. Randall, William (D. HR 4667).

MONTANA
1. Shoup, Richard G. (R. HR 6045).

NEBRASKA
1. Thone, Charles (R. HR 6044).

NEVADA
1. Towell, David (R. HR 6044).

NEW HAMPSHIRE
1. Wyman, Louis C. (R. HR 5395).
2. James C. Cleveland (R).

NEW JERSEY
1. Forsythe, Edwin B. (R. HR 6043).
2. Helstoski, Henry (D. HR 1782).
3. Howard, James J. (D. HR 6726).
4. Hunt, John E. (R. HR 6043).
5. Roe, Robert A. (D. HR 6044).

NEW MEXICO
1. Runnels, Harold (D).

NEW YORK
1. Abzug, Bella S. (D. HR 7474).
2. Addabbo, Joseph P. (D. HR 7473).
3. Brasco, Frank J. (D. HR 7473).
4. Dulski, Thaddeus (D. HR 2670).
5. Fish, Hamilton (R. HR 6043).
6. Horton, Frank (R. HR 6043).
7. Rangal, Charles (D. HR 6787).
8. Robison, Howard (R. HR 7474).
9. Roncallo, Angelo (R. HR 6787).
10. Rosenthal, Benjamin (D. HR 6044).
11. Walsh, William F. (R. HR 7474).

NORTH CAROLINA
1. Jones, Walter B. (D. HR 7473).
2. Mizell, Wilmer (R. HR 7474).

OHIO
1. Carney, Charles J. (D. HR 7473).
2. Clancy, Donald D. (R. HR 4611).
3. Minshall, William (R. HR 6044).
4. Regula, Ralph S. (R. HR 7474).
5. Selberling, John F. (D. HR 7474).

OKLAHOMA
1. Jarman, John (D. HR 6519).

OREGON
1. Dellenback, John (R. HR 6043).
2. Wyatt, Wendell (R. HR 2483).

PENNSYLVANIA
1. Clark, Frank M. (D. HR 6043).
2. Coughlin, Lawrence (R. HR 6787).
3. Eshleman, Edwin (R. HR 7473).
4. Gaydos, Joseph M. (D. HR 7474).
5. Goodling, George A. (R. HR 6043).
6. Saylor, John (R. HR 1897).
7. Ware, John (R. HR 6044).
8. Yatron, Gus (D. HR 6045).
9. Nix, Robert (D. HR 6580).

SOUTH CAROLINA
1. Davis, Mendel J. (D. HR 7473).
2. Spence, Floyd (R. HR 7474).

SOUTH DAKOTA
1. Abdnor, James (R. HR 7473).

TENNESSEE
1. Baker, LaMar (R. HR 6787).
2. Duncan, John T. (R. HR 6043).
3. Fulton, Richard H. (D. HR 7106).
4. Kuykendall, Dan (R. HR 6787).

TEXAS
1. Archer, Bill (R. HR 6043).
2. Casey, Bob (D. HR 2263).
3. Collins, James M. (R. HR 6043).
4. Fisher, O. C. (D. HR 6043).
5. Pickle, J. J. (D. HR 7474).
6. Teague, Olin E. (D. HR 7474).
7. Wright, Jim (D. HR 6045).

VIRGINIA
1. Broyhill, Joel T. (R. HR 6043).
2. Whitehurst, G. W. (R. HR 7474).

WASHINGTON
1. Hicks, Floyd V. (D. HR 6043).

WEST VIRGINIA
1. Slack, John M. (D. HR 7474).

WISCONSIN
1. Froehlich, Harold (R. HR 7473).
2. Thomson, Vernon W. (R. HR 7474).

GUAM
1. Won Pat, Antonio B. (D. HR 6045).

## A SALUTE TO THE NEWBORN SPECIAL CARE NURSERY OF ST. FRANCIS HOSPITAL DURING NATIONAL HOSPITAL WEEK

### HON. JAMES R. JONES
OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. JONES of Oklahoma. Mr. Speaker, today, as a continuation of my tribute to the hospitals in my district during National Hospital Week, I should like to cite a particular demonstration of community responsibility. As you know, there is no charitable hospital system in the State of Oklahoma. The care of the poor is therefore provided by the private hospitals.

St. Francis Hospital, a private 725-bed, 50-bassinet hospital founded by the William K. Warren Foundation, has developed an innovative service program by providing imaginative modern care to all pregnant females and to all high-risk infants through a special newborn nursery staffed with newborn specialists—neontologists. The emphasis of this effort is not the mere salvage of human life, but on salvaging quality, neurologically intact future citizens

The identified need to make such facilities available has been met by St. Francis Hospital by the establishment in 1971 of a regional newborn referral nursery to serve northeastern Oklahoma This newborn special care nursery boasts two trained newborn specialists, sophisticated monitoring and respiratory equipment, a cadre of highly motivated nurses, an active educational program and a comprehensive training facility for newborn specialists. Regional endorsement of this privately funded effort is reflected in the surge of referrals which grew in numbers from 17 in 1971 to 78 in 1972. The referral of 100 to 150 high-risk infants is anticipated in 1973. Statistics on those infants born at St. Francis Hospital indicate that newborn mortality rates have been cut in half.

The success of these private medical endeavors to provide a service to all regardless of ability to pay is greatly strengthened by the simultaneous development of perinatal research efforts through the William K. Warren Research Center, a facility adjacent to St. Francis Hospital. The provocative questions such as hyaline membrane disease, neonatal pulmonary hemorrhage, neonatal infection, fetal monitoring, and newborn energy metabolism which are being actively researched in the center, provide important clinical support for the newborn special care nursery and maternity unit.

The present newborn special care nursery can accommodate up to 14 critically ill newborn infants. The $20 million gift for further expansion of St. Francis Hospital which was announced in December of 1972 includes plans to double the size of the newborn special care nursery. Support for the perinatal efforts at St. Francis Hospital extends beyond the clinical research at the half a million dollar research center. The St. Francis Hospital Auxiliary has given the major part of the $50,000 donations from 1971 and 1972 for important support equipment in the nursery and maternity unit.

It is indeed refreshing to see a privately funded health care facility identify such a broad health need and to quietly proceed to make an impact toward rendering that need which can benefit an entire State.



# SENATE—*Thursday, May 10, 1973*

The Senate met at 10 a.m. and was called to order by Hon. JAMES ABOUREZK, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we give Thee thanks for the accomplishments of yesterday, for the rest of the night that is past and for the promise of this new day. Let this day add some knowledge or good deed to yesterday. Light up all our labors, even the small duties, by a vivid awareness of Thy presence. Give us wisdom and grace to make this world a better place and our Nation a worthier servant of Thy purposes. And when the day is done, bring us to rest with joy and peace in our hearts.

We pray in the Redeemer's name. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 10, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES ABOUREZK, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. ABOUREZK thereupon took the chair as Acting President pro tempore.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on May 8, 1973, the President had approved and signed the act (S. 1494) to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods.

## EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. ABOUREZK) laid before the Senate a message from the President of the United States submitting the nomination of Mayo J. Thompson, of Texas, to be a Federal Trade Commissioner, which was referred to the Committee on Commerce.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 9, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

## DEPARTMENT OF DEFENSE

The second assistant legislative clerk read the nominations in the Department of Defense as follows:

Robert C. Hill, of New Hampshire, to be an Assistant Secretary of Defense.

Howard H. Callaway, of Georgia, to be Secretary of the Army.

NOMINATION OF HOWARD H. CALLAWAY

Mr. THURMOND. Mr. President, it is a pleasure to recommend to the Senate favorable action on the pending nomination of former Congressman Howard H. Callaway as the Secretary of the Army.

Mr. Callaway's nomination has been approved unanimously by the Senate Armed Services Committee. Early action by the Senate would facilitate this matter in view of the resignation of the current Army Secretary Robert F. Froehlke, which becomes effective May 15.

Mr. President, the nominee is a man of ability and integrity. As a cadet at the U.S. Military Academy he demonstrated outstanding leadership qualities before graduating in the top part of his class in 1949.

Following his graduation he served as an infantry lieutenant during the Korean war, earning the Combat Infantryman's Badge and other decorations.

In other words, Mr. Callaway is not only an outstanding businessman, former civic leader, and former Congressman, but he is also a man who knows the Army by virtue of his service at the Academy and in combat.

Mr. President, the Nation is fortunate to have a man of Mr. Callaway's caliber as its Secretary of the Army. President Nixon is to be commended for this outstanding appointment and I urge the Senate to act promptly in confirming this nomination.

NOMINATION OF ROBERT C. HILL

Mr. President, I rise to urge the Senate act favorably on the pending nomination of Ambassador Robert C. Hill for the position of Assistant Secretary of Defense for International Affairs.

Ambassador Hill has a distinguished record of public service as evidenced by his work within the State Department and more recently as Ambassador to Spain.

The Nation is fortunate that Ambassador Hill has consented to President Nixon's request that he reenter public life in the important position as Assistant Secretary of Defense for International Security Affairs.

This is an important and sensitive post for which the nominee is well qualified. Few men in public life have the skill and judgment already demonstrated by Ambassador Hill.

Mr. President, the nominee is a man of character and ability. It is my hope the

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Senate will act expeditiously and favorably on his nomination.

Mr. President, I ask unanimous consent that Ambassador Hill's biography be printed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF ROBERT C. HILL

Robert C. Hill, 55, a New Hampshire businessman and diplomat, who has served both the Eisenhower and Nixon administrations as Assistant Secretary of State for Congressional Relations and as Ambassador to Costa Rica, El Salvador, Mexico and Spain, has been nominated as Assistant Secretary of Defense for International Security Affairs by President Nixon. Mr. Hill began his Foreign Service career as a Vice Consul in India in 1943.

A long-time friend and political associate of President Nixon, Mr. Hill figured prominently in the President's 1968 campaign as Chairman of the Republican National Committee's Foreign Policy Task Force, member of the Republican Coordinating Committee's Task Force on National Security and Chairman of President Nixon's Campaign Foreign Policy Committee. He served as President Nixon's Ambassador to Spain from 1969 to 1972.

Born on September 30, 1917, at Littleton, New Hampshire, Mr. Hill graduated from Taft School (1938) and Dartmouth College (1942).

From 1943 through 1945, he was an officer in the U.S. Foreign Service, assigned first to Calcutta and then to U.S. Army Headquarters in the China-Burma-India Theater at New Delhi as a State Department representative with rank of Captain. In addition to his Army responsibilities, he was in charge of consular activities at the Embassy in New Delhi at that time.

In 1946, Mr. Hill became Staff Assistant to the U.S. Senate Committee on Banking and Commerce. In 1953, President Eisenhower named him Ambassador to Costa Rica at that time the youngest Ambassador to be appointed in the Foreign Service. In 1954, he became Ambassador to El Salvador, and in 1955 Special Assistant to the Under Secretary of State for Mutual Security Affairs. In 1956, he was named Assistant Secretary of State for Congressional Relations. Designated Ambassador to Mexico in 1957, he resigned in 1961, returning to New Hampshire, where he was elected to the State Legislature, 1961–'62.

Formerly President of the Peoples National Bank of Littleton, New Hampshire, Mr. Hill has served on the board of directors of several American corporations. For several years Mr. Hill was an Assistant Vice President of the W. R. Grace & Co. He has received honorary Doctor of Laws degrees from Dartmouth College, New England College, St. Mary's University, University of Dallas, and the Mexican Academy of International Law, Mexico City.

Decorated by three foreign governments, Mr. Hill is a recipient of the Grand Cross-order of Isabel la Catolica, Spain; the Aztec Eagle, First Class, Republic of Mexico; Grand Order of Merit, Republic of Peru; Order de Fraternitas, Mexico City College, Mexico City; Cuerpo de Defensores de la Republica, Mexico City; and Orden Mexicana del Derecho y la Cultura, Mexico City. He is also a recipient of the Americas Award from Rollins College, Winter Haven, Florida.

A sports enthusiast, Mr. Hill played football at Dartmouth and was Captain of his Freshman team. He enjoys tennis and squash rackets, as well as horseback riding. He raises quarter horses at his farm, Happy Hill, Littleton, New Hampshire.

Mr. Hill has made literary contributions to Orbis, Reader's Digest and the Washington Report. He is a member of Alpha Delta Phi social fraternity.

Mr. Hill is married to the former Cecelia Gordon Bowdoin of Baltimore, Maryland. They have two boys, W. Graham Bowdoin, 24 and James Bowdoin, 19.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. NUNN subsequently said: Mr. President, I am very pleased that Howard "Bo" Callaway, a distinguished Georgian, was confirmed without objection by the Senate as Secretary of the Army. I am particularly pleased that the Armed Services Committee gave his nomination rapid and unanimous support, clearing the way for the confirmation by the full Senate today.

That this favorable action was not delayed is especially significant in view of the many problems which confront the Army: the problem of discipline, the problem of mutual force reduction in Europe, and the problem of continuing readiness of our combat divisions. These are crucial problems that the new Secretary must face.

A native of LaGrange, Ga., Mr. Callaway was graduated from West Point Military Academy in 1949 and received his commission in the Regular Army. Mr. Callaway served as an infantry lieutenant during 1949–52. He is a veteran of the Korean war where he participated in three campaigns while serving as a platoon leader in the Far East Command. He was awarded the Republic of Korea Presidential Unit Citation and Combat Infantry Badge. His last 2 years in the Army were spent as an instructor at the Infantry School, Fort Benning, Ga., where he was honorably discharged December 19, 1952.

Mr. Callaway brings to his new post a distinguished career in political, educational, and civic enterprises. He was named civilian aide for the Third Army Area by former Secretary of the Army, Stanley R. Resor, December 30, 1970. He is chairman of the Council of Trustees, Freedoms Foundation at Valley Forge; former international president of the Young Presidents Organization; and Republican National Committeeman for the State of Georgia. He was the Republican candidate for the Governor of Georgia in 1966. He served in the 89th Congress and represented the third district of Georgia in 1965–66.

Mr. Callaway is a former member of the Board of Regents, University System of Georgia; the National 4–H Service Committee and trustee of the National Recreation Association. He is the president of Interfinancial, Inc. of Atlanta, and a trustee of the Ida Cason Callaway Foundation of Pine Mountain, Ga.

Mr. Callaway brings to this job a very high level of competency. He also brings to it a total dedication to his country. I am convinced that his appointment as Secretary of the Army will be good for the U.S. Army and good for the United States of America.

## CONSUMER PRODUCT SAFETY COMMISSION

The second assistant legislative clerk proceeded to read sundry nominations in the Consumer Product Safety Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

## U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Maj. Gen. Joseph C. Wilson, to be lieutenant general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

## U.S. ARMY

The second assistant legislative clerk read the nomination of Lt. Gen. Julian Johnson Ewell to be lieutenant general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Lt. Gen. William Raymond Peers, to be lieutenant general.

Mr. MANSFIELD. Mr. President, may I say that personally I am distressed, disturbed if not disheartened, to note the retirement of Lt. Gen. William Raymond Peers from the U.S. Army.

General Peers is the official who conducted the intensive hearing and investigation into the Mylai massacre in Vietnam. This report has never been published, although promises had been made otherwise. Nonetheless, the investigation, it is understood, was executed with extraordinary diligence and went far to reveal the facts and circumstances of this tragic product of Vietnam that is known as Mylai.

It is my sincere hope that the retirement of General Peers is entirely voluntary and is in no way connected with the oustanding job I understand he did with respect to Mylai and his uncovering the facts relative to the grave situation that developed at Mylai and surrounding villages.

Officers who perform their duties with competence and fairness are a welcome commodity in the U.S. Army. And although I do not suggest that it applies here, there should never be a hint that such officers are treated with other than commendation for performing responsibilities capably.

Again, it is with regret I note that the name of this fine military officer has been placed on the retired list.

The ACTING PRESIDENT pro tempore. Without objection, the nominaton is considered and confirmed.

The second assistant legislative clerk read the remainder of the nominations in the U.S. Army, as follows:

Lt. Gen. Willard Pearson to be lieutenant general.



Lt. Gen. Richard Thomas Cassidy, to be lieutenant general.

Maj. Gen. William Robertson Desobry, to be lieutenant general.

Maj. Gen. Richard Joe Seitz, to be lieutenant general.

Mr. Gen. Raymond Leroy Shoemaker, to be lieutenant general.

Mr. MANSFIELD. I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

## U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

## U.S. MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Coast Guard, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to and the Senate resumed the consideration of legislative business.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 128, and that the remainder of the calendar be considered, exclusive of Calendar No. 130.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will state the first bill.

## GIUSEPPE PAUL PINTON

The bill (S. 1002) for the relief of Giuseppe Paul Pinton was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:



*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Giuseppe Paul Pinton shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–136), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States of Giuseppe Paul Pinton. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

## NATIONAL COMMISSION ON PRODUCTIVITY AND WORK QUALITY

The bill (S. 1752) prescribing the objectives and functions of the National Commission on Productivity and Work Quality was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) it is the policy of the United States to promote increased productivity and to improve the morale and quality of work of the American worker, for the purpose of providing goods and services at low cost to American consumers, improving the competitive position of the United States in the international economy, and facilitating a more satisfying work experience for American workers

(b) The President's National Commission on Productivity shall hereafter be referred to as the National Commission on Productivity and Work Quality (hereinafter referred to as the "Commission"). The Commission shall carry out the objectives and exercise the functions hereinafter prescribed.

(c) The objectives of the Commission shall be to help increase the productivity of the American economy and to help improve the morale and quality of work of the American worker.

(d) To achieve the objectives of subsection (c), the Commission shall have the following primary functions:

(1) To encourage and assist in the organization and work of labor-management committees which may also include public members, on a plant, community, regional, and industry basis. Such committees may be specifically designed to facilitate labor-management cooperation to increase productivity or to help improve the morale and quality of work of the American worker.

(2) To conduct such research as is directly necessary to achieve each of the objectives set forth in subsection (c) when such research cannot appropriately be accomplished by other Government agencies or private organizations.

(3) To publicize, disseminate, and otherwise promote material and ideas relating to its objectives.

(e) In addition to its functions under subsection (d) the Commission shall—

(1) advise the President and the Congress with respect to Government policy affecting productivity and the quality of work;

(2) coordinate and promote Government research and technical assistance efforts relating to productivity; and

(3) provide technical and consulting assistance.

(f) In pursuing its objectives under subsection (c), and in carrying out its functions under subsections (d) and (e), the Commission shall concentrate its efforts on those areas where such efforts are likely to make the most substantial impact on—

(A) the morale and quality of work of the American worker;

(B) the international competitive position of the United States;

(C) the efficiency of government; or

(D) the cost of those goods and services which are generally considered to fulfill the most basic needs of Americans.

(g) (1) The Executive Director of the Commission shall be the principal executive officer of the Commission in carrying out the objectives and functions of the Commission under this section.

(2) The Executive Director of the Commission, with the approval of the Chairman of the Commission, is authorized (A) to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this section, and (B) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(3) The Commission may accept gifts or consultants in accordance with the programs which it deems desirable or for its general activities.

(h) In carrying out its activities under this section, the Commission shall consult with the Council of Economic Advisers.

(i) The Commission shall transmit to the President and to the Congress, not later than March 1 of each year, a report covering its activities under this section during the preceding calendar year. The Commission shall also, not later than January 15, 1974, and January 15 of each year thereafter during the life of the Commission, submit to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Banking and Currency of the House of Representatives a report describing in detail the program to be carried out by the Commission under this section during the next fiscal year. Such reports shall include an explanation of how the Commission's program has complied or will comply, as the case may be, with the provisions of subsection (f).

(j) There are hereby authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the purposes of this section during the period ending June 30, 1974.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have in the RECORD an excerpt from the report (No. 93–138), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT OF REPOAT

HISTORY OF LEGISLATION

S. 801 was introduced in the Senate and referred to the Committee on Banking, Housing and Urban Affairs on February 19, 1973. The Subcommittee on Production and Stabilization held hearings on March 14, 1973 and April 16, 1973 to receive testimony from the Executive Director of the Productivity

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Commission, Mr. John M. Stewart; the new Chairman of the Commission, Dr. John T. Dunlop; the Honorable Jacob K. Javits, Senator from the State of New York; and the Honorable Charles H. Percy, Senator from the State of Illinois. The Subcommittee held an Executive Session on April 16, 1973, and unanimously-agreed to recommend a Committee bill to the Full Committee in lieu of S. 891.

The Banking, Housing and Urban Affairs Committee in Executive Session on April 17, 1973, voted unanimously to report the bill recommended by the subcommittee.

SUMMARY OF LEGISLATION

The Committee bill authorizes the extension of the President's National Commission on Productivity. The name of the Commission is to be changed to the National Commission on Productivity and Work Quality, with an authorization for appropriations of $5 million to be spent within a period ending June 30, 1974.

The bill states and limits the objectives of the Commission: to promote the productivity of the American economy and to improve worker morale and quality of work. The Commission has three primary means to implement these two objectives: (1) to create labor-management productivity councils, which can be of traditional World War II type now being applied in the steel industry, or of the newer quality of work type; (2) to conduct research, but only that which is directly necessary to achieve its objectives; and (3) to promote its objectives through public information work.

In addition, the National Commission on Productivity and Work Quality shall advise the President and Congress on government policies affecting productivity and quality of work, coordinate and promote research work by other government agencies and provide technical and consulting assistance to labor, industry, and government in order to help them increase productivity and improve the quality of working life.

The Commission shall also coordinate with the Council of Economic Advisers and submit annual reports throughout its life which document its past activities and future plans.

PURPOSE OF LEGISLATION

The primary purpose of the Committee bill is to authorize the Commission to continue its operation, but with a new focus and a new order of priorities on which to make decisions about the commitment of its limited appropriation.

This bill is different in several fundamental ways from the legislation which originally authorized the Commission.

First, in addition to pursuing the objective of helping to increase productivity, the Commission is directed to strive for improvements in the morale and quality of work of the American worker. Such efforts certainly relate to the productivity problem and may lead to productivity increases. However, because of the evidence of widespread disenchantment among American workers in both offices and factories, as well as the importance of job satisfaction in view of the amount of time spent on the job, the Committee believes that efforts by the Commission to help improve the quality of working life are justified regardless of whether there are any immediate discernable results in terms of productivity increases.

Second, the legislation sets clear priorities for the Commission's work, by mandating that it concentrate its efforts where these efforts are likely to make the most substantial impact on the international competitive position of the United States, the efficiency of government, the cost of goals and services generally considered to fulfill the most basic needs of Americans, and the morale and quality of work of American workers. For example, the assertion that health care fulfills a basic need of Americans would not be a sufficient justification in itself for a major Commission effort in the health care field. The Commission would also have to be reasonably satisfied that the activities it could undertake are likely to have a substantial impact on the cost of health care.

The Committee considers the subsection setting priorities for the Commission to be a key position of the new legislation. The Committee expects the Commission to adhere strictly to these provisions, and has included in the bill the requirement that the Commission's reports indicate how it has done so (or intends to do so, as the case may be).

The Committee does not consider the Commission to enjoy permanent status but rather expects that the Commission shall rejustify its existence in each ensuing year through the reports to be submitted under the legislation.

Based upon the hearing at which the Commission originally presented its program plans for fiscal 1974, the Committee was not satisfied that the Commission was choosing activities which would have the maximum possible impact on either productivity or the quality of American working life. The lack of concentration on matters potentially affecting America's international competitive position was of particular concern. The Committee also questioned the usefulness of some of the Commission's proposed projects for the coming fiscal year dealing with such concerns as banking, restaurants, and education. Under the new legislation, such projects could continue only if they are fashioned in a manner which can be justified in terms of the requirements relating to priorities, as established in subsection (f).

Third, the Commission's functions are altered somewhat and are more concisely delineated than they were under the original statute. As a result, the importance of the Commission's publicity function and the labor-management council effort is emphasized, as well as the necessity for the Commission to avoid duplicative research. In addition, the Commission would be required to take a more active role with respect to government efforts and policies affecting productivity and the quality of work. This role would include the provision of advice regarding the effect on productivity and work quality of existing or proposed government policies, as well as increased efforts to encourage government agencies to devote attention in every reasonable way to the achievement of the Commission's goals.

For the sake of clarity and simplicity, the new legislation is generally more concise than the legislation which originally authorized the Commission.

The Committee believes that the Commission, as redirected by this legislation, will be better able to fulfill its objectives and thus to help provide goods and services at lower cost to American consumers, improve the competitive position of the United States economy and facilitate a more satisfying work experience for American workers.

CORDON RULE

In the opinion of the Committee, it is necessary to dispense with the requirements of subsection 4 of rule XXIX of the Standing Rules of the Senate in order to expedite the business of the Senate in connection with this.

## DEVELOPMENT IN AGING

The resolution (S. Res. 102) authorizing the printing of additional copies of the report entitled "Development in Aging: 1972 and January–March 1973" was considered and agreed to, as follows:

*Resolved*, That there be printed for the use of the Special Committee on Aging one thousand eight hundred additional copies of its report to the Senate entitled "Developments in Aging: 1972 and January–March 1973".

## ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The resolution (S. Res. 103) authorizing additional expenditures by the Committee on the Judiciary for routine purposes was considered and agreed to, as follows:

*Resolved*, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $25,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

## GRATUITY TO LAURA M. MILLER

The resolution (S. Res. 111) to pay a gratuity to Laura M. Miller was considered and agreed to, as follows:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Laura M. Miller, widow of William J. Miller, an employee of the senate at the time of his death, a sum equal to seven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

## GRATUITY TO MARY L. HUNT AND JAMES A. HOLLOWAY

The resolution (S. Res. 112) to pay a gratuity to Mary L. Hunt and James A. Holloway was considered and agreed to, as follows:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary L. Hunt, daughter, and James A. Holloway, son of Delia Holloway, an employee of the Senate at the time of her death, a sum to each equal to one-half of eight and one-half months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

## ADDITIONAL FUNDS FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 96) authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent funds of the Senate, which had been reported from the Committee on Rules and Administration with amendments in line 2, after the word "is", strike out "hereby"; in line 4, after the word "same", strike out "purpose" and insert "purposes"; and, in line 6, after "August 2,", strike out "1946, as amended." and insert "1946."; so as to make the resolution read:

*Resolved*, That the Committee on Interior and Insular Affairs is authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $20,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

The amendments were agreed to.



The resolution, as amended, was agreed to.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for routine purposes."

## SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

The Senate proceeded to consider the resolution (S. Res. 101) authorizing supplemental expenditures by the Committee on the Judiciary for an inquiry and investigation relating to the representation of citizen interests, which had been reported from the Committee on Rules and Administration with amendments on page 1, line 4, after the word "thereof," strike out "$4,091,800" and insert "$4,067,600"; and, on page 2, line 1, after "Sec. 18.", strike out "Not to exceed $145,000" and insert "From the date the resolution adding this section is agreed to through February 28, 1974, not to exceed $120,800"; so as to make the resolution read:

*Resolved*, That Senate Resolution 56, Ninety-third Congress, agreed to February 27, 1973, is amended as follows:

(1) In section 2, strike out "$3,946,800" and insert in lieu thereof "$4,067,600".

(2) Renumber sections 18 and 19 as sections 19 and 20, respectively.

(3) Immediately below section 17, insert the following new section:

"SEC. 18. From the date the resolution adding this section is agreed to through February 28, 1974, not to exceed $120,800 shall be available for a study or investigation of the representation of citizen interests, of which amount not to exceed $2,000 may be expended for the procurement of individual consultants or organizations thereof."

The amendments were agreed to.

The resolution, as amended, was agreed to.

## PRINTING OF TRIBUTES TO THE LATE PRESIDENT JOHNSON

The concurrent resolution (H. Con. Res. 109) providing for the printing of remarks of tribute to the late President of the United States Lyndon Baines Johnson, was considered and agreed to.

## CORRECTIONS, FEDERAL AND STATE PAROLE SYSTEMS

The concurrent resolution (H. Con. Res. 156) to provide for the printing of 1,000 additional hearings entitled "Corrections, Federal and State Parole Systems," parts VII–A and VII–B, serial 15, 92d Congress, was considered and agreed to.

## YEAR-ROUND SCHOOLS

The concurrent resolution (H. Con. Res. 126) to provide for the printing of 1,000 additional hearings entitled "Year-Round Schools," was considered and agreed to.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Montana desire recognition?

Mr. MANSFIELD. No, Mr. President.

The ACTING PRESIDENT pro tempore. Does the acting minority leader desire recognition?

Mr. GRIFFIN. No, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I yield to the distinguished majority leader.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, if I may be recognized temporarily, I wish to request that at the appropriate time there be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, I yield back the time that has been reserved for me.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that my time be utilized for the transaction of routine morning business, in accordance with the distinguished majority leader's request earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes for each Senator.

Is there any morning business?

Mr. ROBERT C. BYRD. Mr. President. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## HIGHLAND PARK OPPOSES CROSS-DISTRICT BUSING

Mr. GRIFFIN. Mr. President, on Tuesday night, the school board of Highland Park, Mich., voted overwhelmingly to adopt a resolution calling for a constitutional amendment against cross-district busing of schoolchildren. Perhaps this would not be particularly newsworthy except for the fact that the school enrollment of the Highland Park schools is 80 percent black. Highland Park is a suburban community close to the inner city of Detroit.

The thinking of the school board at Highland Park was expressed by Board President Willis Smith, who is black, and who said:

I don't think integration is a sufficient reason for busing, particularly if the education of the student is not improved.

Integration is best achieved by changing the housing patterns. It's a cop-out to move the kids around.

School Board President Smith also said that busing would dilute political gains of blacks in their own communities. He said:

When you finally reach a point where you can correct some of the things that were harmful to black children, you lose that input by moving students out into districts that you can't control.

Mr. President, I ask unanimous consent that an article in the Detroit Free Press reporting on this interesting and important development in the Detroit area be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGHLAND PARK OPPOSES CROSS-DISTRICT BUSING

(By Jeanne Saddler)

The Highland Park school board voted 6 to 1 Tuesday night to support legislation or a constitutional amendment to prevent cross-district busing.

Highland Park schools have an 80 percent black enrollment.

The resolution asked the National School Board Association to urge local boards across the country to press for legislation or a constitutional amendment to preserve local school boards.

Superintendent Charles Mitchell, who is black said the board was never in favor of busing, but added that Judge Stephen Roth's integration plan was "more agreeable" when Highland Park was coupled with the Grosse Pointe school district.

Mitchell said he became "definitely opposed" to the plan when the city's schools were later paired with schools in Berkley and Clawson.

Board President Willis Smith said these districts spend less money per pupil than Highland Park.

"I don't think integration is a sufficient reason for busing, particularly if the education of the student is not improved," said Smith, who is black.

"Integration is best achieved by changing the housing patterns. It's a cop-out to move the kids around."

Smith also said busing would dilute blacks' political gains in their communities.

"When you finally reach a point where you can correct some of the things that were harmful to balck children, you lose that input by moving students out into districts that you can't control." Smith said.

Helen Field, the only dissenting board member, said she opposed the resolution because she feels the issue will be settled in the courts. Mrs. Field is white.

"I don't like to say one district isn't as good as mine, because the money they spend may be totally adequate for them," Mrs. Field said.

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She said she is not in favor of cross-district busing, however.

The Highland Park school board is composed of four whites and three blacks.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6370. An act to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid, to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes; and

H.R. 7445. An act to amend the Renegotiation Act of 1951 to extend the act for 2 years.

## HOUSE BILL REFERRED

The bill (H.R. 7445) to amend the Renegotiation Act of 1951 to extend the act for 2 years, was read twice by its title and referred to the Committee on Finance.

## QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK) laid before the Senate the following communications and letters, which were referred as indicated:

SUPPLEMENTAL APPROPRIATION REQUEST FOR FISCAL YEAR 1973
(S. Doc. No. 93-14)

A communication from the President of the United States, requesting a supplemental appropriation for fiscal year 1973 and an amendment to the 1974 budget (with an accompanying paper). Referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON CONTRACTS NEGOTIATED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on contracts negotiated by that Administration, for the 6-month period ended December 31, 1972 (with an accompanying report). Referred to the Committee on Aeronautical and Space Sciences.

REPORT ON SUPPORT FURNISHED TO THE VIETNAMESE AND OTHER FREE WORLD FORCES IN VIETNAM

A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on support furnished to the Vietnamese and Other Free World Forces in Vietnam, for the third quarter of fiscal year 1973 (with an accompanying report). Referred to the Committee on Appropriations.

REPORT ON APPROVAL OF LOAN TO BIG RIVERS RURAL ELECTRIC COOPERATIVE CORP., HENDERSON, KY.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Big Rivers Rural Electric Cooperative Corp., of Henderson, Ky. (with accompanying papers). Referred to the Committee on Appropriations.

REPORT UNDER TITLE I OF THE MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

A letter from the Secretary of Transportation, reporting, pursuant to law, information relating to Title I of the Motor Vehicle Information and Cost Savings Act of October 20, 1972. Referred to the Committee on Commerce.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ABOUREZK):

A resolution adopted by the Board of County Commissioners, County of Lake, Painesville, Ohio, expressing opposition to the proposed reduction of veterans' benefits. Referred to the Commitee on Veterans' Affairs.

## REPORT ENTITLED "DEVELOPMENTS IN AGING 1972: AND JANUARY–MARCH 1973"—REPORT OF THE SPECIAL COMMITTEE ON AGING (REPORT NO. 93-147)

Mr. CHURCH. Mr. President, from the Special Committee on Aging, pursuant to Senate Resolution 251, 92d Congress, second session, I submit a report entitled "Developments in Aging: 1972 and January–March 1973."

The PRESIDING OFFICER. The report will be received and printed.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

Albert G. Schatz, of Nebraska, to be a U.S. district judge for the District of Nebraska.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 1775. A bill to provide the home building and construction industries with the increased production of wood materials necessary to achieve the housing goals established by the Housing Act of 1949 and the Housing Act of 1968; to assure that this increased production is accompanied by a more balanced and efficient development of the national forest system and privately owned forest lands through establishment of a forest lands planning and investment fund; to regulate and control the export of timber from the United States; to amend the Export Administration Act of 1969 to establish a technical advisory committee to develop forecast indices of domestic supply and demand for certain commodities to help assure that these commodities will not be in short supply; and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs; and, if and when reported by that committee, to be referred to the Committee on Agriculture and Forestry, by unanimous-consent order.

By Mr. CLARK (for himself and Mr. BAKER):

S. 1776. A bill to amend the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

By Mr. SCHWEIKER:

S. 1777. A bill to amend the Federal Meat Inspection Act to prohibit the sale for human consumption of meat from horses, mules, and other equines. Referred to the Committee on Agriculture and Forestry.

By Mr. ERVIN:

S. 1778. A bill for the relief of Sureshchandra Chandulal Gandhi. Referred to the Committee on the Judiciary.

By Mr. CHILES:

S. 1779. A bill to establish in the State of Florida the Egmont Key National Wildlife Refuge. Referred to the Committee on Commerce.

By Mr. PELL:

S. 1780. A bill to prohibit discriminatory employment practices with respect to physically-handicapped persons. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1781. A bill for the relief of Mr. and Mrs. B. William Magallanes. Referred to the Committee on the Judiciary.

By Mr. FONG:

S. 1782. A bill to provide that time spent by individuals interned in places operated by the U.S. Government for individuals of Japanese ancestry shall be considered creditable service for purposes of civil service retirement. Referred to the Committee on Post Office and Civil Service.

By Mr. BURDICK:

S. 1783. A bill to provide for the construction of a certain memorial along the route of the Lewis and Clark Expedition in North Dakota, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself, Mr. TUNNEY, Mr. KENNEDY, Mr. MONTOYA, Mr. HUMPHREY, and Mr. MCGOVERN):

S. 1784. A bill to authorize grants to the D–Q University. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUDDLESTON:

S. 1785. A bill to amend title IV of the Rural Development Act of 1972 to provide assistance to certain rural volunteer fire departments. Referred to the Committee on Agriculture and Forestry.

By Mr. CHILES:

S.J. Res. 107. Joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral. Referred to the Committee on Interior and Insular Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (for himself and Mr. TOWER):

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Mr. SPARKMAN. Mr. President, I am introducing a bill that really belongs in the jurisdiction of two committees: one is the committee of which I am chairman; the other is the Committee on Agriculture and Forestry, of which Senator TALMADGE is the chairman.

I have discussed that matter with Senator TALMADGE, and he is agreeable to my propounding a unanimous consent request that the bill be referred to the Committee on Banking, Housing, and Urban Affairs, and when we have completed action on the bill, we will refer it to the Committee on Agriculture and Forestry.

I make such unanimous consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. Mr. President, there are many in this distinguished body who have come to the conclusion in recent years, along with an increasing majority of all the American people, that there is no more pressing issue facing the United States today than the environment in which life must be sustained. I am one who so believes.

I believe, however, that the total environment of man and wild creature alike focuses not only beyond the city limits in the great out-of-doors but within the boundaries of towns and villages and cities across the land. I am persuaded that the street where a man lives, or the farmyard where a child plays, or the neighborhood where a family visits in the evening with friends is a part of that environment.

It is my contention that the environment of U.S. citizens reaches across the wide spectrum of a variety of influences and experience. A new level of consideration is being given to their interaction and their mutual dependency. It is just as important for us to consider the natural resources which will provide our homes, and their heat, and their light, and their durability as a fundamental environmental concern as it is to decide that every American family should have a decent place to live.

Members of the Senate will share with me, I am sure, a glow of satisfaction when we consider the work we did together which resulted in the Housing Act of 1968. Far back in 1949 we expressed the national goal of a decent home for every American, then in 1968 we reaffirmed that goal and stipulated that it would be



efficient development of the national forest system and privately owned forest lands through establishment of a forest lands planning and investment fund; to regulate and control the export of timber from the United States; to amend the Export Administration Act of 1969 to establish a technical advisory committee to develop forecast indices of domestic supply and demand for certain commodities to help assure that these commodities will not be in short supply; and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs; and, if and when reported by that committee, to be referred to the Committee on Agriculture and Forestry, by unanimous-consent order.

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Members of the Senate will share with me, I am sure, a glow of satisfaction when we consider the work we did together which resulted in the Housing Act of 1968. Far back in 1949 we expressed the national goal of a decent home for every American, then in 1968 we reaffirmed that goal and stipulated that it would be the national policy to construct or rehabilitate 26 million dwelling units by 1978. In the last 5 years we have in fact built 11.176 million new houses and mobile homes; nearly 5.5 million of them in the last 2 years alone.

This is a remarkable national accomplishment unsurpassed in the history of any nation in the world. But we are still 14.824 million dwelling units short of achieving our 10-year goal—and we have only less than half the decade left. We must act to house our people. And that action means making it possible in terms of materials, labor skills, mortgage money, and national will.

Moreover we must accomplish this major undertaking with due regard for the natural environment. It is the natural environment, the forests, the fields, the mountains and the recesses of the earth which will yield their bounty for us to meet our material requirements for housing. We must treat them with the reverence they deserve as the only means to provide our physical needs. Few realize that the good Lord blessed this Nation with an unusual bounty of highly productive forest land and the world's best species and climate for timber growing.

If we are to accelerate the demand for construction materials such as lumber and plywood, steel and copper, concrete and gypsum, brick and mortar by urging increased housing we must take concurrent responsible actions to guarantee that the delivery of those products will not degrade our natural environment. In our enuthusiasm in 1968 for the concept of improved housing for everyone we failed to measure the demands we were imposing upon our natural resources. We made, for example, no provision to enable the responsible increase of annual yields from our national forests. We tried to remedy that situation in 1969 when increased housing starts had imposed sudden shortages on lumber and plywood. But we were blocked by aroused environmentalists who alleged we were going to sacrifice natural beauty for the sake of lumber and plywood manufacturers.

These well-intentioned citizens, dedicated to the idea of preserving nature and enjoying it, if possible, alone, suggested we stop making houses of lumber and plywood. They suggested that other materials could be used—aluminum, steel, plastics—to name only three substitutes which have indeed found a place in modern construction to replace wood. It is ironic that these enthusiasts for wild forests, as opposed to managed forests, asked us to do the impossible in the natural resource field. We cannot keep trees from growing—rather is it in our poor powers to create bauxite for aluminum, or from ore for steel, or petroleum for plastics. If we stop using wood, which is a renewable resource, we must shift to materials which are diminishing resources. The U.S. Geological Survey announced May 8 that the known deposits of mineral raw materials are seriously depleted and future supplies must come from deposits too deep to be mined cheaply or from potential resources yet to be discovered. The United States currently imports about a third of the 125 million tons of iron ore used annually. The report suggests that research is needed to appraise more realistically domestic deposits and to develop improved techniques for utilizing low-grade deposits and to lessen environmental impact of current mining and ore processing methods.

As to aluminium, the Nation produces only 13 percent of the 18 million tons it uses each year. Enormous low-grade resources exist but cannot be recovered without major technological breakthroughs or higher costs.

While the Geological Survey report does not treat with the plastics bases, it is obvious in terms of our national energy crisis that petroleum and its derivatives might better be used for the generation of electrical energy than to replace wood products in construction.

We can grow trees—whereas we cannot grow aluminum or steel or petroleum—and, in terms of environmental impacts, both the harvest and manufacture of timber impose few burdens on air, water, and the earth when compared to the mining and manufacture of building materials competitive with wood. And, I might add, there is substantial evidence that the manufacture and use of wood products imposes minimal requirements upon our already limited energy base.

But, in 1970, our citizens and many of us here in the Congress were less sensitive to the realities of our national resource picture than we have since become. The experience of legislation designed to grow trees in America demonstrated the fact.

The measure identified as the National Timber Supply Act of 1969, which I had the privilege of introducing in the Senate in that year, never came to the floor for consideration. It did not because the House version, although substantially modified to meet the objections of those opposed to timber harvest and forest management on public lands, failed to even obtain a rule. As a result the management of the National Forests not only did not improve in the ensuing years but, in fact, declined.

The decline in productivity from our public lands clearly designated as commercial timberlands is evidence of persistent reluctance in successive administrations, Congresses, and generations of bureaucrats to provide forest management leadership in the national interest.

All of us have hesitated to face squarely the fact that through neglect, and through the desire to be popular with preservationists, and through failure to understand that attaining housing goals means using resources, we have consigned our principal living natural resource to decadence.

And now we are faced with the bare fact that the forest upon which we have prided ourselves as a nation of conservationists have been permitted to decline in their ability to meet the needs of the people. It is not yet too late to offer the leadership which can change this downhill trend. But the hour grows late.

As a nation in 1972, the year when we built 2.95 million dwelling units and mobile homes—the largest number in a single year in history—our National Forests sold 3 billion less feet of timber than were sold in 1970 when we built only 1.87 million houses and mobile homes. It is

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obvious that we are not using for the public benefit the public bounty of our renewable timber resources, which can be planted, cultivated, protected, raised to maturity and harvested again and again, replenished in endless cycle. We are, rather, right now consigning this national treasure of public wood on lands designated as public commercial timber lands to eventual disaster through neglect.

The consequence of this diminished yield from public timber lands to meet our national wood fiber needs which are growing by leaps and bounds is higher prices for all wood products. Higher prices for building materials impose restraints on the kinds of houses people can afford in terms of size and comfort. These higher prices limit most severely the housing which will be made available for the people in the United States who need better housing the most—those who have low incomes and aspire for a better environment in which to rear their families.

And it should never be overlooked that while the National Forests and other Federal commercial timber lands contain 58 percent of all the softwood sawtimber which is the basic material from which housing products are made, the publicly owned commercial forests yield only one-third of all the wood produced for housing in the United States. Another third comes from the 13 percent of the sawtimber owned by forest product companies, and the remainder is furnished from the commercial forest lands up and down the length and breadth of the land which are owned by farmers and 4 million other small private landowners.

I introduced this information at this point because I think it is obvious that industry timber lands are well managed and yield the highest percentage of wood of any commercial timber lands. Their contribution is out of proportion to their extent and volume. These company lands do not require help in growing trees. It is on the National Forest lands and on the small private ownerships where wise public investments could yield substantial returns. These returns, I might add, would not only be visible and measurable in the production of mature timber at an accelerated rate but in the associated benefits which accrue from sound forest management. Recreation, watershed, fish and wildlife, and scenic beauty and other esthetic values would be enhanced by responsible stewardship of all commercial timber lands.

Every Member of this body is aware of the investigations into lumber and plywood supply and prices which were conducted by the committee I have the honor to serve as chairman. We conducted such a penetrating study in 1969; we have done it again this spring.

Let me cite once again the conclusions and recommendations of the 1969 investigation:

CHAPTER X—CONCLUSIONS AND RECOMMENDATIONS

It is the intent of this subcommittee to remove, wherever possible, those obstacles which prevent the United States from meeting the housing goals laid down by the Congress and the administration and so badly needed by the people.

As previously stated, these hearings were called to study the reasons for the current shortages and high prices of lumber and plywood, an undeniable obstacle to fulfillment of our housing goals.

The hearings confirmed the shortages, the high prices, and the deleterious effect on the homebuilding industry. They further permitted the subcommittee to isolate what it believes to be the reasons for this critical situation in lumber and plywood, and to identify a number of corrective actions that can be taken. However, it is abundantly clear that temporary measures will not be sufficient, and that close attention must be paid to solving the problems involved by industry and government at all levels.

CONCLUSIONS

1. A series of events caused the crisis to occur when it did. These include a spurt in demand after a period of relative inactivity in the market. Unusual weather conditions. Transportation problems that were made more severe by weather, a strike of dockworkers, and the residual effects of a "recession" on productive capacity and work force.

2. The underlying and basic cause of high prices is a shortage of softwood sawtimber on the market; this shortage is, at least in part, the result of an inadequate level of management of forest lands, principally by agencies of the Federal Government.

The subcommittee noted that prices paid for stumpage had reached unusually high levels, but could discern no direct cause-and-effect relationship between the price of raw material and the price of finished goods. Both price levels appear to fluctuate independently, based on supply and demand. The high prices for lumber and plywood were based on a net shortage in the market; the high prices for stumpage were based on a net shortage of timber which became acute at an earlier period and were also the result of high competitive bidding.

3. No present basic shortage of sawtimber exists; the national inventory and the growing capacity in the Nation can be made sufficient to meet both our present and future estimated needs. Substitutes, however, should be encouraged. The shortage exists in the marketplace.

4. Both short-term and long-term solutions are possible if certain counterproductive Federal policies are revised.

RECOMMENDATIONS

The following recommendations are based on suggestions put forth by witnesses during the hearings, and on conclusions reached by members of the subcommittee. So far as the subcommittee could discover, there was a general consensus among the witnesses of their desirability. The witnesses included the Nation's most knowledgeable and responsible spokesmen on the related issues.

*To the administration*

It should be noted here that the administration, through a task force appointed by the President, already has responded positively with a series of actions reported to the subcommittee by Secretary Romney. These steps include:

1. Submission of supplemental budget requests for the Forest Service and the Bureau of Land Management that will permit the offering of an additional 1.1 billion board feet of sawtimber during the next 15 months.

2. Issuance of a directive by the Secretary of Defense restricting procurement of softwood lumber and plywood to the minimum consistent with essential military requirements.

The committee was informed that this directive was put into effect during the period when the hearings took place.

3. Extension of Service Order 1020 and issuance of Order 1022 requiring the return of empty boxcars to railroads most heavily involved in lumber and plywood transportation.

4. Expediting of the processing of new softwood lumber standards now undergoing Government review. This standard, the committee was told, will result in more efficient use of our timber resource.

The committee recognizes the value of each of these actions and commends the President and the administration for their implementation. In addition, the committee urges the President and the administration to implement immediately the following recommendations:

1. Request that the Secretary of Agriculture instruct the U.S. Forest Service immediately to offer for sale all timber in the current allowable cut and timber not offered for sale in allowable cuts for previous years, preserving at the same time in the most feasible manner the interests of conservation, wilderness, recreation, and historic preservation. (Testimony indicated as much as 3 billion board feet could be immediately offered, consistent with present law and administrative policies of the Forest Service.)

2. Take whatever steps are necessary to free forest-management agencies from the current restrictions on replacement of personnel involved with preparation and offering of timber for sale. (Possibilities include reassignment of manpower priorities within the Department of Agriculture and employment of outside consultants on an emergency basis.)

3. Request that the Secretary of State, in consultation with other involved departments, investigate the feasibility of releasing the approximately 350 million board feet of timber now awaiting shipment to Japan. (This timber could be immediately processed for domestic market and replaced at a time convenient to Japan from timber harvested in the interim.)

4. Free individuals now charged with reviewing the new lumber standards from other responsibilities until that task is completed. (Testimony from the Department of Commerce indicated this new standard could increase the yield of usable lumber from the same raw material from 4 to 6 percent; industry testimony estimated the gain could be as much as 5 to 7 percent.)

5. Support continuous research and use of new materials as substitutes for lumber in home construction and other uses.

*To Federal agencies*

*To the Interstate Commerce Commission:* The existing boxcar supply orders should be policed vigorously, and the imposition of per diem charges as authorized by law should be implemented as soon as possible. Aggressive action should be taken to bring the Nation's boxcar fleet up to safe and dependable levels. Close attention should be paid to incipient problems to allow action to be taken before car shortages reach crisis proportions.

*To the U.S. Maritime Commission:* Two possibilities should be immediately explored (by the Commission and by other committees in Congress) in relation to the restrictions of the Jones Act:

1. Can a geographical exemption be applied feasibly to Alaska to permit access to that State's resources by users of lumber and plywood in other States?

2. Can a product exemption for lumber and plywood be administratively applied for (*a*) all western domestic ports or alternately, (*b*) all or certain ports in Alaska?

*To the Department of Commerce* (and other departments or agencies now involved in the review of the new standard for lumber): The review of this standard should be completed as expeditiously as possible.

*To the Department of Agriculture:* The Forest Service should be instructed to:

1. Offer for sale the maximum full allowable cut on all national forests.

2. Convert as much as possible of its manpower to the preparation and administration of these sales, even if this means contracting out some of this preparation work to private consultants.

3. Offer for sale all accessible salvageable dead, dying, diseased, and damaged timber in commercial areas.

4. Assign more roadbuilding funds to those areas that will provide the greatest short-term increase in the amount of timber available for sale.

5. Implement, as soon as possible, those provisions of the Morse amendment that call for regulations to prohibit the substitution of public timber for private timber sold into export; further, to examine assignments of timber for export from Federal lands, to prevent the export volume from having an undue effect on a few producers or a small geographic area.

6. Institute programs more designed to meet the forest management needs of the future, and make submissions to the appropriate committees of the Congress at the earliest possible date with respect to long range improvement of National Forest proposed legislation.

7. Reexamine the methods under which Federal timber is appraised and sold to give assurances to the Congress and the people that this method causes the least instability in Federal timber dependent areas and the least upward pressure on prices. The Federal Government's control over timber supply should serve in the best interests of the national goals, especially in housing.

8. Review programs for increasing productivity on small private land ownerships with view toward development of more vigorous and coordinated action with efforts of private agencies.

*To appropriate committees of Congress*

The authority and, ultimately, the responsibility for the realinements of Federal programs that this subcommittee feels are necessary to meet our housing needs rest with Congress. Accordingly, the following recommendations are made for consideration by the appropriate committees:

*To the Committee on Agriculture:* The knowledge, expertise, and devotion of members of these committees have inspired the creation of agricultural programs that have made our Nation's expanding population the best fed of any in the world and our agriculture the envy of the world. In general crop yields per acre have doubled since World War II.

We recommend that these committees bring this food crop expertise to bear on the need to apply the same principles to the growing of trees to satisfy our Nation's similar critical need for adequate shelter. The high-yield forestry programs developed by industry can serve as a starting point for the creation of new techniques that can make possible the increase of wood yields that are comparable to the increase in yields of food crops.

We further recommend that these committees examine the feasibility of legislation to finance advanced silvicultural practices on Federal lands from the present and future income that these practices generate—in other words, a self-funding high-yield forestry program for the national forests. This would include the necessary facilities to enable the Forest Service to salvage as much as possible of the estimated 10 billion board feet of timber lost annually. We also suggest examination of programs to increase the yield on State lands and of encouraging better forestry practices by owners of small forest tracts.

Finally, we recommend a review by these committees of the present method of appraising and selling Federal stumpage, to determine whether this method is truly responsive to the public interest.

We recommend that your committees examine the need for (*a*) extension of the limitation on log exports contained in the Morse amendment to the Foreign Assistance Act of 1968 beyond its present expiration date; and (*b*) broadening of the limitation.

We recommend a review by these committees of existing programs for increasing productivity of lands in small private ownerships with a view towards revitalizing them for greater accomplishments so that these lands will carry their proportionate share in supplying the timber needs of the Nation.

*To the Committees on Appropriations:* Members of this subcommittee are aware of the pressures and handicaps imposed on the committees on appropriations in allocating available revenues to their highest and best use.

However, because of the dangers now facing our national housing goals, and because of the unique characteristics of our Federal forest agencies as managers of a huge ongoing business enterprise that is one of the few revenue-producing arms of the Government, the following recommendations are made for their consideration:

We recommend favorable consideration of the administration's request for emergency funds and personnel to permit immediate sale of additional amounts of Federal timber.

We further recommend consideration and support by your committees for the creation of a dependable, long-term financing method for high-yield silviculture activities on the National Forests.

Precedents for such a method include the program created by Senator Russell for the Defense Department's forest activity, the forestry program of the State of Washington, and the program for the Oregon and California lands administered by the Department of Interior.

The subcommittee wishes to make it clear that it does not propose diversion of timber sale income to any purpose other than those that involve high-yield silviculture practices specifically directed toward raising the quantity and quality of wood output on National Forest commercial forest lands, and improving the growth quality of these lands as sources of timber for the future.

*To the Committee on Commerce:* The members of this subcommittee agree on the need for a strong merchant marine to serve the national interest, but it appeared from testimony taken during the hearings that certain applications of the Jones Act militate against the national interest in the field of housing. Accordingly, the subcommittee makes the following recommendation for your consideration:

We recommend that the ICC use its administrative powers promptly to the end of expediting the transportation of timber, lumber, and wood products so as to prevent the element of transportation from contributing to a national shortage.

We recommend that the Jones Act be reexamined in light of its effect on the price and supply of lumber and plywood in major markets of the United States; that it be reexamined particularly in the light of the apparent barrier it erects to the use of any of the great forest resources of Alaska by the people of the other States.

We further recommend consideration by your committee of (*a*) a geographical exemption from provisions of the Jones Act for the State of Alaska; (*b*) a geographical exemption from provisions of the Jones Act for timber and wood products originating in the timber States, particularly Alaska; (*c*) a special exemption for all lumber and plywood moving in interstate commerce; or (*d*) special exemptions for products shipped between certain ports in Alaska or the U.S. mainland.

I regret the necessity for telling my distinguished colleagues today that the findings of the 1973 investigation as to the causes of high lumber and plywood prices and inadequate availability are not substantially different than those of 4 years ago. The only major change was that there were certain market distortions as a consequence of the application of a cost-push inflation control system to the demand-pull inflation existing in the wood products market.

In view of the persistent nature of the problems afflicting the homebuilding industry and home buyers with respect to products from the forest and recognizing that administration failures to cope with the situation have been imposed in part by lack of adequate legislative authority, I am therefore undertaking today to rectify the lack of a suitable program to grow trees on commercial forest lands of the United States owned by the public and by small landowners.

I should make clear, Mr. President, that I am well aware that the art of politics is indeed the art of the possible. The bill I am introducing, while designed to supply wood for the needs of all the people of the United States, takes fully into account the fact that there are differences of opinion as to the proper roles for the forests of our land.

It can be anticipated that there will be differences of opinion on specific aspects of the bill. These differences have their roots in differences of individual and group orientation, in perspective, and in realities and aspirations of people at opposite ends of the economic and social spectrum. There have been compromises taking into account these many differences—therefore the bill is not an unassallable piece of legislation. The various compromises are subject to criticism from each of the interest groups related to forest uses and from those whose interests revolve around supply and price of products. Traditionally, price is the compromise between supply and demand. I am biased, I hope, toward the consumer in this bill which may help in weighing criticisms.

Within the timber dependent elements there are going to be arguments. Most have been presented to our committee already and are simply manifestations of the differences which traditionally involve the buyer and seller of any commodity. The buyer wants to buy cheaply and seller wants high prices. The timber grower, the manufacturer and the builder are all involved. Within the forest products industry there are a vast array of companies with much at stake. There are those who buy all the timber they convert to lumber and plywood—they want timber costs to be low. At the other end are manufacturers that are self-sufficient in timber. There are landowners who grow timber and a high price is their incentive to grow more.

There is another conflict between those who depend solely on Federal timber and those who can obtain logs from private lands without becoming involved in the auction system which is practiced in the national forests. There are differences between those who can export their own logs at a profit and those who are prevented from exporting logs because they buy all Federal timber.

And the differences between the "haves" and the "have nots" with respect to timber extend through the marketplace to the ultimate consumer. The



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home builder and home buyer, on the other hand, want to reduce the cost at their end to the minimum and fight for reduced prices of these essential products.

We are all beginning to recognize, however, that the great national need is to increase timber supply. I quote from the remarks the distinguished majority leader made on my behalf on the floor of the Senate on April 18, 1969:

As one witness put it:

The federal government holds the key to the log supply and to domestic wood prices in the way it chooses to manage its timber.

I submit that the Congress of the United States has the power and the responsibility to determine the way the Federal Government manages its timber and I trust that the way is evident in the statement I will now offer justifying the Wood Supply and National Forest Lands Investment Act of 1973. This bill will stimulate timber growing as a means of supplying the materials for building America's homes as well as improving the forest environment and stimulating the ability of forests to provide water, recreation, wildlife, and other amenities.

Mr. President, I ask unanimous consent that the bill and an explanation thereof be printed in the RECORD.

There being no objection, the bill and explanation were ordered to be printed in the RECORD, as follows:

S. 1775

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Wood Supply and National Forest Lands Investment Act of 1973".

STATEMENT OF FINDINGS

SEC. 2. (a) The Congress hereby finds that housing and general construction create a major demand upon available timber supplies in the United States because lumber, plywood, and other wood products form the basic materials in the construction of most housing and are important ingredients in almost all construction; that to meet the housing goals established by the Housing Act of 1949 and the Housing Act of 1968 there will continue to be high levels of demand for wood products, which will be difficult if not impossible to meet unless available timber supplies in the Nation are substantially expanded; that shortages in raw material supplies have caused inflationary impacts on the prices of lumber, plywood, and other wood materials in the face of rising production levels of housing and construction, and that an orderly, substantial increase in the supply of timber is both possible and desirable in the years ahead.

(b) The Congress finds that in order to meet increasing national demands for lumber and related wood products, including that needed for home building construction and general construction, it is necessary to provide for an orderly, substantial increase in the timber yield from the commercial forest lands of the Nation, including that in the National Forests; and that through intensified development and management such land is capable of producing a substantially increased yield.

(c) The Congress finds that the National Forests are the source of a substantial part of the present and future supply of timber; that the national forest system and the Nation's private forest lands can be developed in a manner consonant with the full protection of environmental values to meet the increasing demand for timber and other forest products, outdoor recreation, water supply, forage, fish and wildlife habitat, and this intensified development and management can also result in an increase in the forest resources of the Nation.

(d) The Congress finds that to achieve these goals of improved management of our forests requires an assured source of adequate funds and that this is necessary and desirable in order to provide for basic forestry investments on the Nation's private forest lands and for intensified development and protection of the national forest system lands and resources to assure greater resource yield and opportunities, and that this can be done in accordance with the policies and principles of the Organic Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 475), the Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528–531), and the National Environmental Policy Act of 1969 (83 Stat. 852).

(e) The Congress finds that a substantial timber export market has developed in some of the nation's major timber and lumber producing areas;

(f) The Congress finds that because of variations in the extremely complex factors which include, but are not limited to, timber inventories, lumber production capacity, and transportation costs, within and between the various geographic timber exporting areas, the impact of these exports on the domestic supply varies from region to region;

(g) The Congress finds that in addition to their varying impacts on different geographic producing areas, timber exports are an important item in this nation's world trade and are an important factor in the beneficial import of certain wood products to this nation;

(h) The Congress finds that because of the various complex and interrelated impacts of timber exports, it is necessary to establish within the government a mechanism to monitor the supply and demand of timber and other commodities, as well as various other factors, in order for the government to intelligently exercise its authority to regulate exports from this nation.

FOREST LANDS PLANNING AND INVESTMENT FUND

SEC. 3. There is hereby established in the Treasury of the United States a forest lands planning and investment fund, hereinafter referred to as the "fund". Except as hereinafter provided, beginning July 1, 1973, there shall be credited to the fund all receipts from the sale of forest products and from any other source of revenue from the national forests and other lands administered by the Forest Service: Provided, however, That the foregoing shall not modify or repeal any provisions of law other than those provisions of law specifically repealed by this Act that authorize or direct that deposits in connection with or receipts from the sale of timber and from any other source of revenue from the national forest system be used for a specific purpose, and such deposits and receipts shall continue to be utilized for the purposes of specified by law and shall not be deposited into the forest lands planning and investment fund.

APPROPRIATIONS

SEC. 4. Moneys credited to the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such moneys as may be appropriated shall be available until expended and shall be in addition to any appropriations otherwise made for such purposes or for other purposes related to the national forest system or for forestry assistance to States and private forest landowners. Any money credited to the fund and not subsequently authorized for expenditure by the Congress within five fiscal years following the fiscal year in which such money was credited to the fund shall be transferred to the miscellaneous receipts of the Treasury.

USE OF FUND

SEC. 5. Moneys appropriated from the fund shall be allocated in each fiscal year for expenditure by the Secretary of Agriculture in such proportions and in such locations as he determines to be appropriate for the following purposes:

(a)(1) Planning and inventories needed for the preservation, use, or development of National Forest System resources, and

(2) Capital or basic investments made for furthering sustained yield resource management programs or for enhancing long-term public use of national forest resources. Such expenditures shall not include annual or short-term maintenance or normal operating expenditures, or construction of forest roads and trails, and may include but not be limited to the following categories of activity or investment:

(A) reforestation and stand improvement;
(B) nursery development;
(C) tree improvement;
(D) recreation construction and construction to facilitate visitor education and interpretive services;
(E) water resource development construction;
(F) construction projects for fire protection and general administration;
(G) pollution abatement;
(H) wildlife habitat improvement;
(I) range revegetation and improvement;
(J) fuel modification;
(K) watershed restoration and improvement;
(L) land status and landline location;
(M) land classification; and
(N) geometronics.

Money allocated to any unit of the National Forest System under this section shall be used in conformity with the provisions of the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 475), the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215, 16 U.S.C. 528–31), and the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4331–4335).

(b) Financial or technical assistance to States or private forest landowners in accord with such forestry assistance programs as the Secretary of Agriculture is authorized to undertake under other provisions of law; *Provided,* That no more than $25,000,000 annually shall be available from the fund to carry out such purposes.

CONTROL OF EXPORTS

SEC. 6. (a) Except as provided herein, beginning July 1, 1973, no unprocessed timber of species and grades generally used for domestic manufacture of construction lumber or plywood from Federal lands located west of the 100th meridian shall be exported from the United States.

(b) This restriction does not apply to Federal timber exported pursuant to contracts entered into prior to May 10, 1973.

(c) After public hearing and a finding by the appropriate Secretary of the department administering Federal lands referred to in subsection (a) of this section that specific quantities, grades, and species of unprocessed timber are surplus to the needs of domestic users and processors, such quantities, grades, and species may be designated by such Secretary as available for export from the United States. The appropriate Secretaries may, in their discretion, issue regulations to exclude from the limitations imposed by this section sales having an appraised value of less than $2,000 or timber which does not meet the utilization specifications of the Federal timber sale contract from which it originated.

(d) The Secretaries of the departments administering lands referred to in subsection (a) of this section shall issue rules and regulations to carry out the purposes of this section, including the prevention of substitution of timber restricted from export by this section for exported timber harvested on non-Federal lands other than lands administered by any State or the Bureau of Indian Affairs unless such timber from non-Federal lands is of a grade or species that has been declared surplus under subsection (c).

(e) Any person, individual, partnership, corporation, or association who willfully and knowingly violates the provisions of this Act shall be fined not more than $5,000 or imprisoned not more than five years, or both.

EXPORT ADMINISTRATION ADVISORY COMMITTEES

SEC. 7. (a) Section 4 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new subsection:

"(f) The Secretary of Commerce, in consultation with appropriate United States Government departments and agencies and any appropriate technical advisory committee established under section 5(c)(2), shall undertake an investigation to determine which materials or commodities shall be subject to export controls because of the present or prospective domestic inflationary impact or short supply of such material or commodity in the absence of any such export control. The Secretary shall develop forecast indices of the domestic demand for such materials and commodities to help assure their availability on a priority basis to domestic users at stable prices."

(b) Section 5(c) of such Act is amended by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively, and—

(1) by inserting immediately after paragraph (1) the following new paragraph:

"(2) Upon written request by representatives of a substantial segment of any industry which processes materials or commodities which are subject to export controls or are being considered for such controls because of the present or prospective domestic inflationary impact or short supply of such materials or commodities in the absence of any such export controls, the Secretary of Commerce shall appoint a technical advisory committee for any grouping of such materials or commodities to evaluate technical matters, licensing procedures, worldwide availability, and actual use of domestic production facilities and technology. Each such committee shall consist of representatives of United States industry and government. No person serving on any such committee who is representative of industry shall serve on such committee for more than two consecutive years. Nothing in this subsection shall prevent the Secretary from consulting, at any time, with any person representing industry or the general public regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary of Commerce, to present evidence to such committees.";

(2) in paragraph (4) thereof, as redesignated by this subsection, by striking out "such committee" and by inserting in lieu thereof "committee established under paragraph (1) or (2)"; and

(3) in paragraph (5) thereof, as redesignated by this subsection, by striking out "such committee" the first time it appears therein and inserting in lieu thereof "committee established under paragraph (1) or (2)".

MISCELLANEOUS

SEC. 8. The objective of management of the commercial forest lands of the National Forest System which have not been withdrawn from timber utilization by statute or administrative regulation shall be to make an optimum contribution to the forest products needs of the Nation both for domestic consumption and for an advantageous trade base for support of the Nation's balance of trade position, with due consideration of environmental impacts and requirements for other uses of National Forest resources, and subject to the provisions of the Act of June 4, 1897 (16 U.S.C. 475), the Act of June 12, 1960 (16 U.S.C. 528–531), and the Act of January 1, 1970 (42 U.S.C. 4331–4335). Timber cultural programs, rotation, stocking, and old growth management policies shall be developed with recognition of these national needs, stocking and productivity levels of commercial forest lands in other ownership categories, and needs for maintenance of regional or local economic support.

SALE OF TIMBER FROM THE NATIONAL FOREST SYSTEM

SEC. 9. (a) In connection with the sale of timber and other forest products from the National Forest System or the issuance of permits for use of National Forest System lands, the Secretary of Agriculture is authorized and directed to require such contractors and permittees to install or take such measures as he deems desirable to minimize adverse environmental impacts that might result from the contracted or permitted activity, including requirements for location and construction specifications of roads, other transportation facilities or other developments necessary for the utilization or enjoyment of products purchased or uses authorized: *Provided,* That (1) the costs of such measures shall be recognized in determining the appraised value of the product to be sold or the amount of the permit fee, or (2) the appraised value may be determined without allowance for such costs but with contractual provision for credit to the contractor's account at specified rates as the specified installations or services are performed by the contractor. Costs of surveys, plans and specifications for such roads, other transportation facilities or other developments which are provided in advance of contract or permit award shall be set aside from payments made by the contractor or permittee into a special fund which is hereby appropriated for expenditure on preparation of similar surveys, plans and specification in advance of award of additional sales of products or issuance of permits.

(b) When payments under a contract or permit are specified at a rate per unit of measure, the Secretary of Agriculture is authorized to require the purchaser or permittee to provide a measure satisfactory to the Secretary of the outturn or volume of use to which unit rates apply. The cost of such measurement service shall be recognized in determining the appraised value of the product to be sold or the amount of the permit fee. If measurement service satisfactory to the Secretary is not feasible, the contractor or permittee may be required to make deposits under the provisions of section 5 of the Act of April 24, 1950 (16 U.S.C. 572) to cover the cost to the United States of performing such measurement.

REPORTS

SEC. 10. (a) In carrying out the provisions of this Act, the Secretary of Agriculture shall submit to the Congress (1) within one year from the date of enactment of this Act a program for the development and management and environmental protection of all National Forest System resources, and (2) within two years a program for the development of all the Nation's forest lands for high resource yields and environmental protection including reference to farm and other small woodlands.

(b) The Secretary shall report annually to the Congress on the operation and effectiveness of this Act.

REPEAL

SEC. 11. The Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), is hereby repealed.



EXPLANATION OF WOOD SUPPLY AND NATIONAL FOREST LANDS INVESTMENT ACT OF 1973

The Wood Supply and National Forest Lands Investment Act has been drafted to provide the means to cope with the shortages of wood products which have been interfering with the progress of the National Housing Program. Without corrective action these shortages will continue to be serious constraints on the rate of home construction activity in future years.

In spite of prophesies of timber famine since the early part of the century, a tight supply of lumber and associated wood products resulting in large and rapid price increases and local shortages is, except for wartime dislocations, a new experience for domestic consumers. The first evidence of this problem came in the last half of 1968 and in early 1969. A moderately increased pace of housing construction resulted in sharply increased prices for lumber and plywood. In March 1969 a Senate Banking Subcommittee held hearings on the problems in lumber pricing and supply. That Subcommittee's subsequent recommendations on how to cope with these problems require only minor updating to be applicable to the Subcommittee's most recent hearings of March 1973 on the same subject.

In the second quarter of 1969, lumber and plywood prices collapsed along with home construction as a result of the credit crunch. Popular interest in timber supply problems also dropped dramatically. With the recovery of housing activity to a new record year in 1972, lumber and plywood shortages and pricing problems came back with expanded breadth and intensity. It should now be evident that whenever home construction is at a healthy rate of activity, there will be supply problems and upward pressures on lumber and plywood prices.

The housing industry has difficulties over lumber supply because the domestic lumber industry has very little ability to increase production in response to even generous price incentives. The Senate Banking Subcommittee hearings of 1969 and 1973 clearly indicate that inability to expand domestic production is due to raw material limitations—logs and stumpage. These raw material difficulties are not indicative that the nation's timber inventory has been drawn to a dangerously low ebb.

The recently released Forest Statistics of 1970 compiled by the Forest Service show that for coniferous sawtimber total inventory was reduced by only 5 percent in the 18 years between 1952 and 1970. The gross rate of softwood sawtimber removals was 2.5 percent of inventory, but in 1970 the net inventory reduction (after allowance for growth) was 0.4 percent. On the basis of growing stock which takes into account trees down to 5 inches in diameter and tree volumes to a 4 inch top, total softwood volume increased by 5 percent between 1952 and 1970; for 1970 gross removals were 2.2 percent of inventory, but growth exceeded removals so that there was a net increase in inventory of 0.3 percent. These relationships between inventory, growth and removals conclusively demonstrate that inability to expand log production is not due to an unsatisfactory state of the nation's sawtimber or growing stock inventories. What is indicated is that ways must be found to manage this huge timber resource (1905 billion board feet of softwood sawtimber) so that more than 2.5 percent of its volume can be harvested annually, and its growth percent will be raised to exceed the harvest rate.

Where to put the effort to improve the timber growth and yield is readily apparent. More than one half of the national softwood sawtimber inventory is in the national forests, and almost two-thirds is on public lands including the national forests. The

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lumber and plywood to be used in the next twenty years predominantly has already attained sufficient size to be included in the sawtimber inventory. The rate of sawtimber harvest on private lands can not be increased materially without adverse effects on the productivity of this ownership class. The public lands and particularly the national forests are the only possible domestic source of increased supplies of softwood sawlogs for approximately the next twenty years.

In testimony before the Subcommittee last month, the Chief of the Forest Service reaffirmed that timber harvest rates on the national forests could be increased by as much as 50 percent if timber cultural needs were fully and stably financed. The Wood Supply and National Forest Lands Investment Act would establish the means for such financing. This bill would also include funding provisions for investments to facilitate use of other national forest resources. Since planning is required to make such investments effectively and efficiently, to meet requirements in the National Environmental Policy Act, and to make sound land use priority decisions, the bill includes funding provisions for planning activities. The bill does not cover funding for the regular recurrent day to day administration, nor for road and trail construction and maintenance.

SMALL PRIVATE TIMBERLAND HOLDINGS

The other possible source for increased domestic timber supply is the close to 300 million acres or almost 60 percent of commercial forest land in small ownerships. On the average these lands are poorly stocked and are being given little if any attention for timber production other than fire protection. Incentives and assistance to increase stocking and improve management for timber production is needed in the interest of national timber supply. Such measures must be undertaken in the 1970's in order to have tree sizes and growing stock volumes to support materially increased harvest rates in the early part of the next century. This bill provides for financial support and technical assistance for timber production on small private forest land holdings.

LOG EXPORTS

The continuing growth in the volume of logs being exported to Japan primarily from the State of Washington, but also from Oregon and California, is of great concern to those affected by the national lumber and related wood products supply problem. In the export areas, the Japanese have been extremely aggressive in their log buying practices during recent months. The impacts from log export activity have recently been investigated in depth through field hearings of the Subcommittee on International Finance. The issues have also been covered in other recent hearings of the full Committee. The Wood Supply and National Forest Lands Investment Act would terminate export of unprocessed timber from Federal lands west of the 100th meridan by July 1, 1973. Provision is made for determinations by the Secretaries of departments administering western Federal timber lands, after public hearings, to permit export of quantities, grades and sizes of logs which are surplus to domestic needs. These Secretaries are directed to issue regulations to prevent substitution of timber restricted from export for exported timber cut from non-Federal lands other than lands administered by any State or the Bureau of Indian Affairs.

FOREST LANDS PLANNING AND INVESTMENT FUND

The bill would establish in the Treasury a forest lands planning and investment fund into which receipts from the national forests would be deposited, except for those which by law are to be used for a specific purpose, or which are authorized by law to be collected for a specific purpose. Thus, the payment of 25 percent of receipts to the States for the benefit of counties (16 U.S.C. 500) would not be disturbed. The bill contains a specific provision to repeal the Act of March 4, 1913 (16 U.S.C. 501) which makes 10 percent of National Forest receipts available for expenditure for roads and trails. The established budgetary practice is to merge these funds with the appropriations for Forest Development Roads authorized in the Federal Aid Highway Act. Hence, there is no longer need for or significance to this receipts fund for forest roads. Collections of required deposits from timber purchasers such as for brush disposal (16 U.S.C. 490) and sale area betterment (16 U.S.C. 576) would continue.

The moneys deposited in this fund would be made available for expenditure through the regular appropriation process. Appropriated funds would be available until expended. Money deposited in the fund which is not appropriated within five fiscal years following the fiscal year in which credited would be transferred to miscellaneous receipts of the Treasury.

National forest receipts expected to run in the neighborhood of $400 million annually during the remainder of the 1970's. With repeal of the 10 percent road fund, annual deposits into the fund would be approximately $300 million.

EXPENDITURES FROM THE FUND

The Secretary of Agriculture would be authorized to allocate moneys appropriated from the fund in such proportions and in such locations as he determines appropriate for three purpose categories: 1) for planning and inventories for the National Forest System; 2) for capital or basic investments on the National Forest System for furthering sustained yield resource management or for enhancing long term public use; and 3) for financial or technical assistance to States or private forest landowners in accord with such forestry assistance programs as the Secretary of Agriculture is authorized to undertake under other provisions of law, but not in excess of $25 million annually.

Investment categories listed in the bill for National Forest System lands include timber cultural measures, recreation and visitor education construction, construction for fire and general administration, pollution abatement, wildlife habitat improvement, range revegetation and improvement, fuel modification, watershed restoration and improvement, and land record, survey and classification activities. Specifically excluded are expenditures for annual or short-term maintenance, normal operating expenditures, or construction of forest roads and trails. All expenditures shall be in conformity with the provisions of the Act of June 4, 1897 (30 Stat. 215; 16 U.S.C. 475), the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528–531), and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 31–4335).

Thus, the fund is primarily for long term investment to develop productivity of all national forest resources. No use priorities are specified. There are no limitations on the discretion of the Secretary of Agriculture in determining proportions and locations in fund allocations, other than the 25 million dollar limitation on the amount which may be expended on State and private forestry assistance.

TIMBER POLICY

The bill would clear up possible misunderstandings by establishing that the objective of management of the commercial forest lands of the National Forest System, not withdrawn from timber utilization by statute or administrative regulation, shall be to make an optimum contribution to the forest products needs of the nation both for domestic consumption and for an advantageous trade base for support of the nation's balance of trade position, with due consideration of environmental impacts and requirements for other uses of national forest resources, and subject to the provisions of the Act of June 4, 1897 (16 U.S.C. 475), the Act of June 12, 1960 (16 U.S.C. 528–531), and the Act of January 1, 1970 (42 U.S.C. 4331–4335).

The definition of sustained yield in the Act of 1960 was deliberately quite broad to apply to all renewable resources. Section 7 of this bill would provide additional directives to the portion of the National Forest System which is commercial forest land and has not been withdrawn from timber utilization by statute or administrative regulation. These directives would be supplemental and subsidiary to rather than superseding the Multiple Use-Sustained Yield Act of 1960. They identify considerations such as domestic consumptive needs, levels of stocking and productivity of commercial forest lands in other ownership categories and need for maintenance or regional or local economic support to be taken into account in the development of National Forest timber policies.

The need for support of the nation's trade base and balance of payments position is also mentioned. While current and short range supply and price relationships make is necessary to restrict log exports from Federal lands, the long range objectives for National Forest timber productivity should include support of the Nation's trade base and balance of trade position. These optimum timber productivity objectives for the available commercial timberlands of the National Forest System are to be pursued with adequate safeguards for environmental quality and for other resource requirements.

FACILITATING PROVISIONS

Two provisions to facilitate administration of contracts and permits for sale of forest products or for use of National Forest System lands are included in the bill. In section 8 (a) requirements are authorized in contracts and permits for installation of or measures to minimize adverse environmental impacts resulting from contracted or permitted activity, including requirements for location and construction specifications of roads, other transportation facilities or other developments required for the utilization or enjoyment of products purchased or uses authorized. Recognition of the costs of such measures would be taken either 1) in determining the appraised value of the product to be sold or the amount of the permit fee. (2) if the appraised value is determined without allowance for such cost, by a contractual provision for credit to the contractor's account at specified rates as the specified installations or services are performed by the contractor. Costs of surveys, plans and other specifications for roads or other developments which must be accomplished in advance of contract or permit award would be set aside from payments made by the contractor or permittee into a special fund which would be made available for expenditure for preparation of similar surveys and plans in advance of award of additional sales or products or issuance of permits.

Over the years the Forest Service has required timber purchasers and permittees to do clean up work and restore any impact caused by wear and tear of their activities on National Forest lands and improvements. The concepts of actions necessary for this purpose have expanded greatly with the growth of concern over maintenance of environmental quality as exemplified by the National Environmental Policy Act (42 U.S.C. 4331–4335). Because of this enlarged scope, it is advisable to give statutory recognition to the practice of requiring purchasers and permittees to offset environmental impacts of their activities.

Established procedures for control of location and construction specifications for roads, other transportation facilities and other developments on the National Forests are also included in this authorization in order to avoid any possibility of jeopardizing these practices by failure to give them coverage in legislation in this subject matter field. The Forest Service has been exercising controls over roads or other facilities needed by forest products purchasers or permittees for utilization of products purchased or uses authorized as a necessary part of the protection of National Forest lands from adverse environmental impacts. The costs of performing such contractual requirements must necessarily be taken into account in appraising the value of products offered for sale or in the determination of a permit fee. For road construction, a system is now in operation under which the appraisal is made on the basis the roads are in place and provision is made to credit the purchaser's account for stipulated amounts as he completes construction to specifications. This procedure would be given statutory recognition.

The authorization to maintain a revolving fund for the conduct of road survey and design specifications would greatly simplify and expedite the continuous task of sale and permit preparation. These survey and designs are an essential part of prevention of adverse environmental impacts from transportation or other developments installed by National Forest purchasers or permittees. Since the work should be performed prior to the competitive offering of sales or permits, a statutory authorization is necessary to establish an arrangement which is the equivalent of payment by the purchaser or permittee for the survey and design phase of his road construction or development activity. A special fund is necessary for collection of such costs because the work must be performed at government expense before award of the contract or permit can be made. Other special funds which are authorized so that the Forest Service may require timber purchasers to pay for work it performs are for brush disposal (16 U.S.C. 490) and for road maintenance (PL 88–657).

Most National Forest Timber is sold under contracts which establish a payment rate per unit of measure to apply to quantities measured as the timber is removed by the purchaser in log form. This measurement service (scaling), subject to the following described exception, has over the years been performed by government employees. In western Oregon, Washington and southwestern Alaska where the services of independent log scaling and grading bureaus are available, the Forest Service will accept bureau scale if furnished by the purchaser. These bureaus are non-profit associations of log buyers and sellers. The Forest Service does not require a purchaser to provide bureau scale but most purchasers elect to do so.

Scaling is a part of log production and hence its cost is recognized in determining appraised timber values. The procedures to utilize bureau scale for timber sale contract purposes thus eliminates a duplicate cost to the government and reduces the government's employment requirements. Section 8(b) of the bill would establish opportunities to develop comparable scaling arrangements throughout the National Forest System by requiring purchasers to supply scaling services satisfactory to the Secretary of Agriculture or to make deposits to cover the cost to the government of performing the measurements. It would eliminate the need for expenditure of appropriated funds to perform scaling services. It would set up incentives for timber purchasers to organize to provide an independent scaling service acceptable to the Secretary of Agriculture. It would give the Secretary full powers to establish specifications for such a scaling system and it places him in a position to keep performance at a satisfactory level.

SUMMARY

The Wood Supply and National Forest Lands Investment Act of 1973 would establish practical means to improve the supply of lumber and wood related products needed for the nation's housing. The actions required necessarily center on improvement of growth and yield for the National Forest System, through investment in timber cultural programs and by modernization of timber management policies. The bill provides practical safeguards against impacts of timber growing and timber harvesting activities on environmental quality or other resource uses through provision for investment for these purposes. The bill also provides for the long range project of increasing growth and stocking on small private forestland ownerships so as to have a more ample timber supply in the next century. Finally, the bill includes two procedural measures which will facilitate the effectiveness of current appropriations for the conduct of national forest timber sales.

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By Mr. CLARK (for himself and Mr. BAKER):

S. 1776. A bill to amend the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

Mr. CLARK. Mr. President, today I am introducing a bill providing for a 1-year extension of the pilot operator training program for wastewater treatment plants, set up under section 104 (g) (1) of the Federal Water Pollution Control Act.

The program was introduced first by Senator MUSKIE and Senator SCOTT of Pennsylvania, and was incorporated into the 1970 Water Quality Improvement Act. Kept alive by continuing resolutions during 1972, it was then included in the Water Pollution Control Act, to be continued through fiscal 1973. The bill I am introducing would continue the program at the same level of funding through fiscal year 1974.

Approximately 16,000 operators of wastewater treatment plants have been trained under the Environmental Protection Agency pilot operator training programs and 4,200 have been enrolled in field study courses. The total cost of 120 grants involving trainees from all 50 States has been approximately $3,225,000. Agencies in my own State of Iowa have received $276,000 and have trained approximately 380 operators, as well as 100 individuals involved in field study.

This program is the only operator training program operated solely by EPA, though the Agency administers four others through interagency agreements. Two of those four are scheduled for termination. Thus, whatever happens to the 104(g) (1) program, the number of people being trained will be cut sharply.

In March of 1972, when EPA forecasted manpower and training needs, the greatest need indicated was for more trained operators. The number of operators engaged in wastewater treatment in 1971 was 49,300; the requirements in 1976 were forecast to be 92,900—an 88 percent increase. In addition, many plants are being upgraded with new and more sophisticated equipment, and their current operators need additional training. It is likely that the Federal Water Pollution Control Act Amendments of 1972 will increase these needs. And studies by EPA, the Government Accounting Office and Harbridge House, Inc., show that understaffing and undertraining of operators are already creating problems. Yet training programs are being cut back

The Administrator of EPA endorsed this extension of section 104(g) (1) along with another request in a letter to Chairman RANDOLPH of the Public Works Committee, and I ask unanimous consent that his letter be included in the RECORD following these remarks.

I am pleased to offer this legislation which will assure continuation of this valuable EPA program on behalf of Senator BAKER and myself.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
*Washington, D.C., March 29, 1973.*

HON. JENNINGS RANDOLPH,
*Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Section 104(g) (1) of the Federal Water Pollution Control Act Amendments of 1972 provides that the Administrator of the Environmental Protection Agency shall finance pilot programs of manpower development and training and retraining of persons for maintenance of treatment works and related activities. Section 104(g) (2) authorizes the Administrator to enter into agreements to develop and maintain an effective system for forecasting the supply of, and demand for various occupational categories for pollution prevention, reduction, and elimination. A report to Congress on these activities, among others, is required by December 31, 1973, under section 104(g) (4).

The authorization of appropriations in section 104(u), however, covers only fiscal year 1973. In view of the fact that the report to Congress is not required until the end of the calendar year, we believe that the figure "1973" was an inadvertent error and that funds should be authorized through fiscal year 1974.

Accordingly, we recommend that this apparent oversight be corrected so as to authorize the funds for fiscal years 1973 and 1974. A draft of a proposed amendment which would accomplish this is enclosed.

Sincerely yours,
WILLIAM D. RUCKELSHAUS,
*Administrator.*

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By Mr. SCHWEIKER:

S. 1777. A bill to amend the Federal Meat Inspection Act to prohibit the sale for human consumption of meat from horses, mules, and other equines. Referred to the Committee on Agriculture and Forestry.

Mr. SCHWEIKER. Mr. President, I introduce for appropriate reference a bill to amend the Federal Meat Inspection Act to prohibit the sale for human consumption of meat from horses, mules, and other equines.

This measure is intended to stop the flow from Pennsylvania and other States of horses destined for human consumption. Pennsylvania law, for instance, currently prohibits the sale of horse meat for human consumption. But this has not stopped outsiders from buying up our horses at auctions and shipping them out of State for slaughter. The future of domestic saddle horses in Pennsylvania and throughout the United States is threatened by such practices.

My bill would prohibit the transportation in interstate commerce of any equine



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carcass or meat food product destined for human consumption. It would protect Pennsylvania or any other State from being the market places for the horse meat fanciers of the world. In recent months thousands of Pennsylvania horses have been transported to Canada, slaughtered, and exported to France, where horse meat is considered a delicacy. My bill would put an end to this inhumane profiteering.

There are health hazards involved in the human consumption of these animals. Horses in Pennsylvania are not raised to be eaten by humans. They receive medication, such as anti-parasite inoculations, which could prove harmful to humans. We have a responsibility to protect unsuspecting consumers here and abroad.

Mr. President, the Philadelphia Inquirer recently published an enlightening series of articles on this problem. I ask unanimous consent that one of these articles, along with the text of my bill, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 1777

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 10 of the Federal Meat Inspection Act (21 U.S.C. 610) is amended by adding at the end thereof a new paragraph as follows:

"Notwithstanding any other provision of this or any other Act, ninety days after the date of enactment of this paragraph it shall be unlawful for any person to sell, transport, offer for sale or transportation, or receive in interstate commerce any horse, mule, or other equine with the knowledge that such horse, mule, or other equine is to be slaughtered and any part or product thereof of sold or offered for sale for use as human food; or to sell, transport, offer for sale or transportation, or receive in interstate commerce any carcass or any part of the carcass of any horse, mule, or other equine intended for use as human food; or to transport, sell, or offer for sale for human consumption any meat food product of any horse, mule, or other equine. The Secretary is authorized to issue such rules and regulations for the enforcement of this paragraph as he deems necessary."

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A NEW NATIONAL PHENOMENON: HORSES SLAUGHTERED FOR FOOD

(By Wendell Rawls, Jr.)

The American riding horse—the dream of millions of children—is being slaughtered by the tens of thousands to serve the worldwide demand for cheap meat.

As recently as a year ago, the killing of horses for human consumption was almost non-existent in the United States. Now they are being shipped to U.S. and Canadian slaughterhouses at the rate of 20,000 a month.

And the demand from meat packers is accelerating so rapidly that it is driving the price of riding horses beyond the means of most American families.

Few persons—even among horse dealers and traders—are aware of the widespread killing of horses. But a month of intensive research by The Inquirer has shown that meat packer representatives—known in the trade as "killer-buyers"—are attending horse auction after auction throughout the United States.

Armed with enough money to outbid most small dealers, the killers can buy all the horses they want at auctions like the one in nearby New Holland, Pa. Within 24 hours, the horse that was alive in New Holland is slaughtered at a plant in Canada. And one day later, it is placed on a plane to Paris or Tokyo.

Although record beef prices have created some demand for horsemeat in the United States, the real market is abroad. Six slaughtering plants serving the market are in Canada and six are in the United States.

Indeed, the pressure for riding horses has become so intense there is even the threat of extinction.

"There is going to be a day, not too far off, when you won't see today's pleasure horse," said Duane Jewell of the U.S. Department of Agriculture's statistical reporting service.

"There will be expensive, registered show and race horses."

The possibility of extinction also concerns Mrs. Nila Conover, a New Jersey riding instructor.

"The killers," she said, "buy mares in foal or with foal by their side as quickly as they buy a 10-year-old gelding. So, not only are they slaughtering horses, they are slaughtering chances for reproduction."

The simple economics of young unregistered horses adds to the threat, said Dr. Paul DeLay, a USDA equine disease researcher.

"The horse nobody wants or can afford is the horse that will be slaughtered," he reasoned. "And the young horses are in a limbo of usefulness.

That, along with diminishing acreage for horses, "will leave only the best horses in the hands of the richest people," Dr. DeLay said.

"And those people will not have much patience with the common everyday saddle horse. I guess it will be gone."

But even before the demise of the saddle horse may come the demise of the small-time horse dealer.

Ed Cassidy, a Farmington, N. J., trader is one such businessman.

"Dealers like me, those who trade in lower priced horses for beginning riders, children, women, saddle and trail clubs, we'll be out of business inside two or three years," he said in an interview, "Maybe sooner.

"This winter (seasonally a time of low prices) I had to pay $250 and up for the same type horse that cost $140 at last year's peak prices," Cassidy said. "By the time I truck it and feed it and try to make a little profit, that $140 horse is now a $300 horse.

"Soon, it's gonna be a $500 horse, then a $1,000 horse and nobody will pay that kind of price for an unregistered, ordinary saddle horse and I will be out of business."

Surveys by the American Horse Council substantiate Cassidy's fears, according to Mike Nolan, spokesman for the group.

"Our surveys disclose that 60 percent of the horses in this country are owned by people with an annual incomes of $9,000 or less," Nolan said. "Obviously, they cannot afford high-priced, high-quality stock."

Nor can they easily afford the rising costs of stabling and feeding horses. The normal boarding fee for a horse in the New Jersey-Pennsylvania area is between $75 and $100 a month. Even people who own stabling facilities have to meet inflated feed and hay bills. Some horsemen say they have paid $120 a ton for hay this year, compared with $35 a ton last year.

New Jersey dealer Cassidy, discussing such expenses, said he recently bought a 6-month-old colt at an auction "just to save it from the killers," and then asked rhetorically:

"Now what am I going to do with it? It can't do anything but eat for the next 18 months and that will cost somebody a lot of money before they take the first ride on him.

"Not many people are going to put out that kind of money for a six-months-old, unregistered horse," he said.

Regardless of the reason, the price of horsemeat is feeling the stress of a dwindling supply.

Less than a year ago, according to slaughterhouse officials, horsemeat on the hoof sold from 5 cents to 12 cents a pound. In the last two weeks, Canadian slaughterhouses have paid 22 cents a pound.

In other words, a 1,000 pound horse (and that is about average or a little less) was worth $220 dead. It was worth less alive.

France, the major importer of horsemeat from both Canada and the United States has 1,600 retail "boucheries chevalines" (horse butcher shops) with customers willing to pay more than $2.50 a pound for certain cuts. The same cuts in beef cost twice as much there.

Three weeks ago, horsemeat sold for 79 cents a pound in Portland, Oreg., butcher shop. The price climbed to 85 cents a pound and housewives stood in line to buy it. (Horsemeat for human consumption is illegal in Pennsylvania.)

At the Harvard Faculty Club in Boston, the 12-ounce (horse) dinner steak, with mushroom sauce, salad, potato, another vegetable and beverage is $3.

"Sometimes we've scratched it from our menu," said club manager Charles Coulson, "but people kept asking, "Where's our horsemeat?" I guess it's here to stay."

Jules Pepin, president of a Canadian slaughterhouse, Jean Demars, Inc., of Gentilly, Que., said his company ships virtually all its fresh horsemeat to France, by air. The customer willingly pays freight costs, he said.

"The demand is so great we can hardly keep up with it," he said. "We are buying all the horses we can get."

That amounts to between 18,000 and 20,000 a year, he estimated, the norm for 11 of the 12 known slaughterhouses in the United States and Canada. The other plant, in Charlemagne, a suburb of Montreal, can slaughter 200 a day—52,000 a year if the plant closes on weekends.

The 12 plants, then, will kill about 230,000 horses for human consumption this year, thought to be a significant increase over last year.

The USDA estimates that 77,000 horses were slaughtered for human consumption in five U.S. plants between July 1, 1971, and June 30, 1972. That is an average of 15,400 a plant.

Since then, a sixth plant has been built (in Fort Worth) and the demand for horsemeat has risen sharply.

Saddle horses in the United States, according to the most liberal count, number between 3.5 million and 4 million. (There are no exact figures available; the USDA stopped counting horses 13 years ago.)

Beyond the quarter million horses to be slaughtered for people to eat, another 400,000 can be expected to die of natural or accidental causes. And an even larger number will be killed in the nation's 1,200 or more animal rendering plants for pet food, protein, bone meal and dried blood fertilizer.

With such demand, the prices for slaughter horses "are about twice as high as last year," said Duane Strother, president of the Central Nebraska Packing Co. in North Platte.

In addition to providing horsemeat for the tables of Europe and the gourmets of the Harvard Faculty Club, the Nebraska operation also sells to the owners of greyhound racing dogs in the United States and Mexico.

Horsemeat for racing dogs, Stother said, is chopped and carefully controlled for fat, making it suitable for humans.

"We just sell it," Strother said. "What happens to it after that, I have no way of knowing. But it is safe for humans if they want it."

Dr. Clair Terrill, a USDA researcher studying ways to increase the efficiency of livestock production, sees some long-range significance to the trend toward horsemeat consumption.

"We are just seeing the beginning symptoms of the day when there will not be enough food to feed the world's population," he said. "The United States certainly has a much greater potential for food production, of course, but the day will come when a starving person will sell a child for something to eat.

"By then, the slaughter of horses and other pets will already have passed," he added. "But right now, everybody wants meat, and if beef is not available, or affordable, more horses will be eaten."

Michel Lauzier, general manager and accountant for Cofranca Import-Export Inc., which operates three slaughterhouses, two in Canada, one in the United States, discounted suggestions that too many horses are being killed.

"Well, let's see," he said, toying with a ballpoint pen. "Say there are 10 million horses in the United States and we kill 100,000 of them. That's one percent. There's no danger in that."

Actually, the American Horse Council (which is more generous than the USDA) says the United States has only 8 million equine animals, including mules, donkeys, burros, ponies and about 40 registered breeds such as thoroughbred, and standardbred.

Mules and donkeys are not permitted to be slaughtered for human consumption in either the United States or Canada. Ponies are considered too small and registered horses too expensive.

Cofranca's buyers are major competitors in bidding for the horses that are suitable for slaughter. According to Lauzier, the company has contracts with more than 20 buyers in the United States. They are advanced $10,000 and more a week to bid at auctions.

The small, independent horse dealer complains of financial defenselessness against the killer who never fears a money shortage.

Cofranca pays the killer for the horses he buys, plus a $10-a-head bonus and between 65 cents and 95 cents a mile for transporting the horses to slaughterhouses.

One killer-buyer estimated his payment for about 30 horses at about $1,100. He generally makes larger deliveries twice a week, he said.

Another buyer, Roger Lareau, of Quebec, said he has trucked as many as 185 horses a week into Canada for slaughter. He says they are all "bad, no good."

Some dealers, however, see Lareau as a "menace," claiming he buys the best horse he can get for the money and that he has bought as many as 210 in one sale.

Ed Cassidy regards each truckload of horses driven from auction to slaughterhouse as a hazard to an "American tradition."

In America's not too-distant past, a horse was worth more than a man's life. They hanged horse thieves.

Horses pulled plows and carriages. They carried mail and circuit riding preachers. They herded cattle and trampled battlefields. They matched speed on a track, and pranced up Main Street.

But today, they are helping to feed the world. And tomorrow they may join the buffalo.

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By Mr. CHILES:

S. 1779. A bill to establish in the State of Florida the Egmont Key National Wildlife Refuge. Referred to the Committee on Commerce.

Mr. CHILES. Mr. President, today I am introducing a bill which would authorize the Secretary of the Interior to establish Egmont Key National Wildlife Refuge in the State of Florida. Identical legislation has been introduced by members of the Florida house delegation to preserve the historical, natural and recreational values of Egmont Key.

Recently the General Services Administration recommended that most of the Key of 295 acres was excess to the needs of the U.S. Coast Guard, which presently occupies the land. Under the provisions of the measure I am introducing, the northern tip of the island, 55 acres, will remain in Coast Guard hands for the continued use of the 125-year-old lighthouse and other navigational aids.

Egmont Key, which lies in the mouth of Tampa Bay, 1½ miles off the nearest land, still has much of the original wilderness of coastal Florida, and is not connected to the land by a bridge or causeway. It is the nesting and resting place for several scarce species of shore birds and contains an exceptional variety of natural habitats, and has been used informally for recreational purposes for many years.

Egmont Key has often played a role in the history of Florida and of the United States. During the Seminole War, many Indians were impounded on the island before being sent to the American West. During the Civil War, the key was the land base of the Federal squadron blockading Tampa Bay, and it served as a refuge for runaway slaves and escaping northern sympathizers. During the Spanish-American War, Fort Dade was built on the island, accompanying Fort De Soto on nearby Mullet Key in the defense of Tampa Bay.

Certainly the heavily populated Tampa Bay region would benefit from preserving this island in the enduring manner that Federal protection would provide; and I hope that the measure will receive early favorable consideration.

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By Mr. PELL:

S. 1780. A bill to prohibit discriminatory employment practices with respect to physically handicapped persons. Referred to the Committee on the Judiciary.

Mr. PELL. Mr. President, during the past decade a great deal of progress has been made toward the goal of eliminating discriminatory treatment of persons. The Federal Government, State and local governments, and many parts of the private sector have acted to eliminate discrimination in employment, in education, in housing, and in other areas. It has indeed become clear national policy that discrimination based on race, religion, and sex shall not be permitted.

There is, however, an additional area of discrimination that I believe deserves far more attention than it has been given: discrimination against the physically handicapped. As is the case with most discriminatory practices, discrimination against the handicapped is most often not a conscious policy, but an accumulation of unthinking acts. The result, nonetheless, is the same in that the physically handicapped are confronted daily with obstacles to personal fulfillment that have nothing to do with their physical handicaps.

One of the most serious discriminatory barriers confronting the physically handicapped is job discrimination. In the past, it was a common practice to shut the handicapped away in special workshops. In more recent years, many employers have come to realize that a physical handicap does not preclude a person from efficient and gainful employment, working side by side with other workers. Many enlightened employers have made special efforts to hire the physically handicapped.

In spite of these efforts, however, discrimination against the physically handicapped continues. The result is that the Nation is deprived of the full talents and abilities of physically handicapped individuals, and the physically handicapped themselves suffer an unnecessary additional burden.

It is for this reason that I am today introducing a bill which would amend title VII of the Civil Rights Act of 1964 to prohibit discriminatory practices against physcally handicapped persons. I hope that the Congress will give expeditious consideration to this measure.

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By Mr. FONG:

S. 1782. A bill to provide that time spent by individuals interned in places operated by the U.S. Government for individuals of Japanese ancestry shall be considered creditable service for purposes of civil service retirement. Referred to the Committee on Post Office and Civil Service.

CIVIL SERVICE BENEFITS FOR JAPANESE AMERICANS INTERNED DURING WORLD WAR II

Mr. FONG. Mr. President, I introduce today a bill designed to provide that time spent by individuals interned in places operated by the U.S. Government for individuals of Japanese ancestry during World War II shall be considered creditable service for purposes of civil service retirement.

Mr. President, as you know, the Social Security Amendments of 1972 provide for noncontributory social security wage credits—wage credits which would be counted as though they were wages covered by soial seurity—for persons of Japanese anestry who were at least 18 years of age for the period they were interned by the United States during World War II.

The amount of the credits is based on the Federal minimum wage at the time of internment or the individual's prior earnings, whichever is larger.

In cases where the credits established insured status for social security benefits, or increases in benefits, the credits are applicable to benefits payable after December 1972.

Although the social security provision dealing with the internment of Americans of Japanese ancestry has been interpreted to apply only to U.S. citizens of Japanese ancestry, I have been informed by Acting Commissioner Arthur E. Hess that the Social Security Administration is presently reexamining the in-



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terpretation of the provision to determine if noncitizens of Japanese ancestry who were interned during World War II may also qualify to receive the wage credits.

Mr. Hess informs me that to date less than 100 individuals have applied for the wage credits. After these individuals apply for wage credits, their period of internment is verified by the Social Security Administration through governmental records that were kept on internees during World War II.

Mr. President, my bill is designed to give the same type of wage credits for civil service retirement purposes to those Americans of Japanese ancestry who were interned during World War II. In other words, my bill will give the same treatment to those covered by civil service retirement as presently extended to those covered by social security. It asks for no more.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1782

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 8332(b) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding immediately below paragraph (9) the following new paragraph:

"(10) without regard to sections 8334(c) and 8339(b) of this title, any period of time an individual was interned, from December 7, 1941, through December 31, 1946, at a place within the United States operated by the Government of the United States for individuals of Japanese ancestry."

(b) Section 8332 of such title is amended by adding at the end thereof the following new subsection:

"(1) The Commission shall accept the certification of the Secretary of Defense or his designee concerning any period of time for which an individual is to receive credit as service for the purpose of this subchapter of the type referred to in subsection (b)(10) of this section. The weekly rate of basic pay of an individual during any such period of time shall be determined as follows:

"(1) in the case of any such individual not employed prior to such time, 40 multiplied by the minimum hourly rate or rates in effect at any such time under section 206(a)(1) of title 29; and

"(2) in the case of any such individual employed prior to such time, 40 multiplied by the greater (A) of the highest hourly rate received during any such employment, or (B) the minimum hourly rate or rates in effect at any such time under such section 206(a)(1)."

(c) Section 8333(b) of such title is amended by adding at the end thereof the following new sentence: "Any period of time for which an individual receives credit as service of the type referred to in section 8332(b)(10) of this title shall be deemed to be creditable civilian service during which that individual was subject to this subchapter before he or his survivors were eligible for annuity under this subchapter based on separation."

SEC. 2. Entitlement of an individual to an annuity or survivor annuity, or to the redetermination of any such annuity, as a result of the enactment of the amendments made by the first section of this Act, shall be effective on the later of (1) the first day of the first month commencing at least 30 days after the date of enactment of this Act, or (2) the first day of entitlement to payment provided by subchapter III of chapter 83 of title 5, United States Code.

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By Mr. CRANSTON (for himself, Mr. TUNNEY, Mr. KENNEDY, Mr. MONTOYA, Mr. HUMPHREY, and Mr. MCGOVERN):

S. 1784. A bill to authorize grants to the D–Q University. Referred to the Committee on Interior and Insular Affairs.

Mr. CRANSTON. Mr. President, I am introducing today for appropriate reference, a bill to authorize the Commissioner of Education to provide urgently needed financial assistance to D–Q University in California. I am pleased to be joined in introduction of this legislation by my colleagues JOHN V. TUNNEY, EDWARD M. KENNEDY, JOSEPH M. MONTOYA, HUBERT H. HUMPHREY, and GEORGE MCGOVERN. This measure is identical to a bill already introduced in the House by Congressman EDWARD R. ROYBAL, of California.

The bill is historic in that it would, for the first time in the history of this Nation, provide Federal support for an institution of higher learning that is not only dedicated to Mexican Americans and native Americans, but founded, developed, and operated solely by Mexican Americans and native Americans. Although there are presently privately owned and operated Chicano institutions of higher learning in Texas, Colorado, and elsewhere, none approaches the degree of educational services offered and projected by D–Q University. And, while recently a Navajo community college has been established by the Federal Government, there has previously been no lasting Federal commitment made for a comprehensive program of self-directed higher Indian education.

D–Q University is engaged in the following projects:

A program to plan and develop the areas of curriculum, campus administration, and student services.

A program to provide special services to students through counseling, tutoring, and basic institutional information.

A program to provide student financial assistance.

Three programs in bicultural and bilingual teacher training for instruction from elementary through community college levels.

By the end of the 1972–73 academic year, it is anticipated that D–Q University will have delivered comprehensive educational services for 750 individuals in vocational or degree-granting programs. The university has programs on the following levels in an effort to provide a full range of educational services:

On campus instruction at basically the associate of arts degree—community college—level.

Prevocational and vocational training through community operated agencies.

A community education center that functions similarly to an extension school and continuing education.

Contract education, the D–Q version of the college without walls concept in self-determined and self-directed instruction.

The general program of instruction has resulted from the institutional focus on innovative means for the access to educational resources, flexibility in curriculum, and utilization of community resources.

The main campus of D–Q University is located some 8 miles northeast of Davis, Calif., on a 649-acre site declared surplus to the Federal Government by the General Services Administration on July 17, 1970. The deed was formally transferred to the university at dedication ceremonies held on the site on April 2, 1971. Since then, D–Q University has undergone considerable change and growth that has been financed largely by foundations and private contributions. However, title to the land is vested in D–Q University solely upon the condition that the university develop a comprehensive program of higher education before the expiration of 30 years.

My bill would assure that required development by providing financial aid comparable in amounts and in purpose to aid that the Federal Government has provided black institutions of higher learning in the United States since the era of Reconstruction after the Civil War. Federal aid has been extended to 120 such black institutions.

In concrete terms, my bill would authorize Congress to appropriate $35 million in the aggregate to be granted by the Commissioner of Education to D–Q University over a 5-year period. The funds will be used for capital expenditures for the construction of proper facilities, employment of instructional and administrative personnel, and the provision of student services. These structures and services are critical to fulfilling both the aims of D–Q University and the requirements that must be met before D–Q University can take title to the land provided by the Federal Government.

This bill would enable D–Q University to assume a role as a national learning and cultural center for Indian and Chicano students as envisioned by its founders and by the Federal Government. The university would also serve as a learning center for others having a special interest in matters affecting Indian and Chicano people and their communities. With enactment of my bill D–Q University would grow from an academic student body of 70, which it presently has, to a projected 1,500 students.

Mr. President, the following is a breakdown of what my measure would authorize for D–Q University. I ask that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:



RECAPITULATION

| | Fiscal year— | | | | | |
|---|---|---|---|---|---|---|
| | I | II | II | IV | V | Totals |
| I. Administration and instruction | 753,710 | 907,955 | 1,146,656 | 1,358,249 | 1,468,412 | 5,634,982 |
| II. Library | 524,785 | 227,096 | 157,464 | 262,968 | 213,365 | 1,385,678 |
| III. Cafeteria | 93,760 | 66,698 | 191,835 | 105,988 | 101,355 | 559,636 |
| IV. Site development | 360,291 | 317,270 | 352,187 | 391,313 | 439,705 | 1,860,766 |
| V. Student services | 180,170 | 207,347 | 250,773 | 331,480 | 326,894 | 1,296,664 |
| VI. Student housing and union | 36,200 | 216,400 | 63,200 | 216,000 | 63,200 | 595,000 |
| VII. Construction | 10,000 | 9,438,750 | 1,188,000 | 8,613,000 | 330,000 | 19,579,750 |
| VIII. Operating expenses | 150,610 | 103,000 | 114,550 | 142,000 | 147,150 | 657,310 |
| IX. Miscellaneous | 278,300 | 2,251,400 | 355,900 | 271,400 | 328,900 | 1,435,900 |
| Grand totals | 2,387,826 | 13,735,916 | 3,770,565 | 11,687,765 | 3,423,634 | 35,005,686 |

Mr. CRANSTON. When I first introduced this measure in the last Congress, I pointed out that even a cursory examination of statistical data on the education of Chicanos and Indians in the United States indicated the need for such an institution. The data reveal a picture of rampant discrimination, poor achievement, and human tragedy.

At that time, it was shown that both ethnic groups failed to complete their high school educations at an alarmingly high rate. They failed at a rate much higher than Anglo-American students, and both ethnic groups represent a small number of students in our institutions of higher learning. Spanish-speaking students either drop out of college or fail to enter college at a rate of 75 percent, compared to about 50 percent for all ethnic minorities and 45 percent for Anglo-Americans.

Statistics on Indian education show the same grim picture. The Special Subcommittee on Indian Education of the U.S. Senate cited in 1969 that—

The dropout rate for Indians was twice the national average.

More than one out of every five Indian men have completed less than 5 years of schooling.

Only 18 percent of the students in Federal Indian schools go on to college; the national average is 50 percent.

Only 3 percent of Indian students who enroll in college graduate; the national average is 32 percent; and

Only one of every 100 Indian college graduates will receive a master's degree.

Since then, I do not believe conditions have improved substantially. It is the intention of D–Q University's founders that the university will provide concrete solutions to these long-standing problems by developing educational methods to replace those that have apparently not worked for Indians and chicanos in the past.

Mr. President, in California alone, the State Department of Education has estimated that there are some 18,000 Indian students and 700,000 Chicano students attending kindergarten through 12th grade in public schools. With proper Federal funding, D–Q University will become a major training center producing bilingually and biculturally trained teachers to go back into the public schools. Through their help, Chicano and Indian students will have the opportunity to achieve their full educational potential in the public schools.

Mr. President, I do not stand alone in what I believe D–Q University can accomplish. The California State Assembly and many local California governments have expressed their complete support and enthusiasm for D–Q University as a unique educational institution that will benefit California and the Nation. As examples of this support for D–Q University, I ask unanimous consent that a resolution of the Assembly State Legislature adopted on March 1, 1973, and a resolution of the city of Davis adopted on August 28, 1972, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION RELATIVE TO D–Q UNIVERSITY

Whereas, The principle of equal educational opportunity has been a national goal since the enactment of the first Civil Rights Act of 1897; and

Whereas, The principle of equal educational opportunity has been further reinforced by the Civil Rights of 1957 and 1964 and executive orders; and

Whereas, Court decisions by the Supreme Court of this nation have clearly enunciated these rights as the supreme law of the land; and

Whereas, The first Americans and those of Spanish surname suffer from the highest deprivation of equal educational opportunity, having the highest dropout rates and the lowest achievement rates in schooling of all segments of the American population; and

Whereas, There is a need to provide methods and systems of education unique to and relevant to these two communities; and

Whereas, The State of California has enacted legislation to conform to and provide leadership in the area of equal opportunity for all citizens of this state; and

Whereas, The first national center for native American and Chicano education has been founded through a federal grant of land to D. Q. University in California; and

Whereas, Congress in its wisdom is considering proposals for the authorization and appropriation of National Fiscal Resources for the Development of this first university system for indigenous Americans; now, therefore, be it

*Resolved by the Assembly of the State of California,* That this body go on public record in support of D. Q. University as a unique human educational resource for the people of the State of California and of the nation.

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CITY OF DAVIS RESOLUTION

Whereas, the City of Davis recognizes that its greatest resources are its investment in Human and Capital resources and that the future of the community is measured by its willingness to support its commitment to the education of its children at all levels, and

Whereas, the City of Davis places in priority the support of our local institutions and our local resources, and

Whereas, D–Q University, a Native American and Spanish speaking Institution of Higher Education is located within the sphere of resources of this city, and

Whereas, this University is seeking a commitment from Congress for appropriate funding;

Therefore, be it resolved that the City of Davis hereby urges the passage of H.R. 16094 and Companion Bills authorizing grants to D–Q University for five years, said City recognizing that such benefits to D–Q U. are in fact benefits to this community,

Be it further resolved, that this City urge passage of H.R. 16094 and Companion Bills, with all possible speed and that a copy of this RESOLUTION be post-haste forwarded to:

Hon. Edith Green, House Select Committee on Education, Washington, D.C.

Hon. Edward Roybal, M.C., Rayburn House Building, Washington, D.C.

David Risling, Jr., Chairman of the Board of D–Q University, P.O. Box 409, Davis, Ca. 95616.

Mr. CRANSTON. Mr. President, I believe that this legislation can benefit all Americans. By providing financial assistance to D–Q University we will move closer to finding solutions to problems that hold millions of Indians and Chicanos in a degrading cycle of ignorance and poverty. We will help these citizens find their own means of becoming self-supporting and thus help the Nation relieve the great burden of costly welfare and unemployment rolls. Mr. President, I look forward to Congress' favorable action on this measure.

At this point I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1784

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the purpose of this Act to provide grants for the construction of facilities and the development and improvement of the curriculum of the D–Q University in order that it will be fitted to assume a role as a national learning and cultural center for Indian and Chicano students, as well as for others having a special interest in matters affecting Indian and Chicano people and communities.

SEC. 2. The Commissioner of Education is authorized to make grants during the period beginning with the date of enactment of this Act and ending June 30, 1978, to the D–Q University to be used for its development and improvement, including the construction of facilities, employment of instructional and administrative personnel, and provision of student services. Such grants shall be subject to such terms and conditions as the Commissioner may prescribe.

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By Mr. HUDDLESTON:

S. 1785. A bill to amend title IV of the Rural Development Act of 1972 to provide assistance to certain rural volunteer

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fire departments. Referred to the Committee on Agriculture and Forestry.

Mr. HUDDLESTON. Mr. President, the small, volunteer fire departments provide an invaluable and essential service in many of our rural areas. In fact, in many farm and rural areas, they provide the only fire protection available. With the growing costs of firefighting equipment and the general increases in the cost of living, which have restricted private contributions, many of these fire departments are hard pressed to maintain their equipment and services.

I am, consequently, introducing legislation to assist these fire departments. The legislation is simple. It would amend title IV of the Rural Development Act of 1972 to increase the authorization for fire protection activities from $7 to $17 million and it would specify that such funds could be used for the purchase of firefighting equipment and training necessary to operate such equipment. Such funds would be available to fire departments in rural towns, villages, and similar entities with populations between 200 and 2,000.

Title IV of the Rural Development Act was passed in recognition of the fact that rural development is unlikely to progress with adequate fire protection services. In promoting those services, we should certainly build upon the bases which we already have—in this particular case, upon the small, volunteer fire departments which now exist. This legislation seeks to do just that.

Mr. President, similar legislation has been introduced in the House of Representatives, and I hope the Congress will soon move to act on this in order to insure needed fire protection in our rural areas.

## ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 371

At the request of Mr. TOWER, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 371, to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas.

S. 783

At the request of Mr. CHILES, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 783, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 971

At the request of Mr. TAFT, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 971, the Home Preservation Act of 1973.

S. 1018

At the request of Mr. TUNNEY, the Senator from Rhode Island (Mr. PELL), the Senator from Michigan (Mr. HART), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 1018, the National Olympic Commission Act of 1973.

S. 1423

At the request of Mr. ROBERT C. BYRD, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 1423, to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

S. 1565

At the request of Mr. MONDALE, the Senator from Iowa (Mr. CLARK), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Maine (Mr. HATHAWAY), the Senator from Rhode Island (Mr. PELL), the Senator from Iowa (Mr. HUGHES), the Senator from New Jersey (Mr. CASE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Maine (Mr. MUSKIE), were added as cosponsors of S. 1565, the North Slope Energy Resources Act of 1973.

S. 1588, S. 1589, S. 1590, S. 1591, AND S. 1592

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that the Senator from New Hampshire (Mr. COTTON) be added as a cosponsor of the following bills:

S. 1588—to amend section 502(a) of the Merchant Marine Act, 1936.

S. 1589—to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcast station shall be issued for a term of 5 years, and to establish orderly procedures for the consideration of applications for the renewal of such licenses.

S. 1590—to give effect to the International Convention on Conduct of Fishing Operations in the North Atlantic, signed at London under date of June 1, 1967, and for other purposes.

S. 1591—to give effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, by the U.S.A. and other countries, and for other purposes.

S. 1592—to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are presently threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1694

At the request of Mr. Moss, the Senator from Nevada (Mr. BIBLE), and the Senator from Rhode Island (Mr. PASTORE), were added as cosponsors of S. 1694, the Fair Marketing of Petroleum Products Act.

S. 1727

At the request of Mr. INOUYE, the Senator from Arizona (Mr. GOLDWATER), and the Senator from Hawaii (Mr. FONG) were added as cosponsors of S. 1727, to incorporate the Pearl Harbor Survivors Association.

## SENATE RESOLUTION 114—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF THE ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE submitted the following resolution:

S. RES. 114

*Resolved*, That the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1972, be printed with an illustration as a Senate document.

## AMENDMENT OF SMALL BUSINESS ACT—AMENDMENT

AMENDMENT NO. 128

(Ordered to be printed, and to lie on the table.)

Mr. EAGLETON. Mr. President, on behalf of myself and my colleague, the senior Senator from Missouri (Mr. SYMINGTON), I submit an amendment, intended to be proposed by us, jointly, to S. 1672, to amend the Small Business Act.

The purpose of this amendment is to correct a serious inequity in the administration's disaster relief loan programs which finds two Federal agencies administering similar programs in the same communities but operating under sharply conflicting guidelines.

On the one hand, the Small Business Administartion, which makes loans to homeowners and small businessmen, interprets the new disaster relief amendments (Public Law 93–24) as permitting loans at the old 1 percent interest rate with $5,000 forgiveness in the case of disasters occurring prior to date of enactment of the new amendments, April 20, 1973.

On the other hand, the Farmers Home Administration, which makes loans to farmers reads the law as abolishing any further 1 percent loans except for certain disasters which occurred in 1972. It is, therefore, offering only 5 percent loans regardless of the fact that the Missouri disaster occurred before the new law came into effect.

Unfortunately, the act in question does not address this situation with respect to FHA loans in the same explicit language used with respect to SBA loans. However, the intent, as I understood it, was to put the two programs on exactly the same footing. That was what the amendment which brought SBA into the act in the first place was all about—an effort to avoid a situation in which one individual is treated differently than another in the same circumstances.

In fact, that is what is happening today in Missouri and in other States affected by the recent Mississippi and Missouri floods. A small farmer who was wiped out by the flood is eligible for only a 5-percent loan with no forgiveness feature. But the man who sells him feed and equipment right next door can get a 1-percent loan with the first $5,000 forgiven. Even more inequitable, the farmer who raises cattle can receive only a 5-percent loan to help repair his losses while the feedlot operator to whom he sells the cattle qualifies for the far more generous SBA loan.

This is an intolerable situation. Nothing can justify such blatant discrimination among disaster victims or rationalize the penalties levied on farmers merely because their small business is of a slightly different character than farm processors or farm middlemen. Measured by need, they are all of one class—disaster victims—and they deserve equal treatment.

Shortly after the disastrous floods hit Missouri, I queried the Office of Emergency Preparedness on what forms of assistance could be made available to Missourians. I was informed at that time that because the date of the floods predated enactment of the new law, Missouri would be eligible for 1-percent loans from both SBA and FHA.

Frankly, I am convinced that the FHA interpretation of the new disaster relief law is arbitrary and contrary to what Congress intended. I have called on the President to take administrative steps to conform the FHA interpretation of the law to that of SBA or, as an alternative, to transfer responsibility for all disaster relief loans to SBA.

Because it is uncertain what action, if any, will be taken by the administration, I am taking this opportunity to introduce an amendment which would deal with the problem legislatively.

Very simply, my amendment would require the FHA to adopt the SBA interpretations of the new law and to make available to qualified applicants in areas hit by disasters prior to April 29, 1973, loans at the old 1-percent interest rate with the $5,000 forgiveness feature.

I think it is essential that Congress take this step to relieve the deep sense of injustice felt by those in the flooded States who have fallen afoul of this bureaucratic conflict. Congress cannot allow to stand a policy which makes second-class citizens of our farmers.



## ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 18 TO S. 371

At the request of Mr. TOWER, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of amendment No. 18, to S. 371.

## NOTICE OF HEARINGS ON S. 1599, S. 1694, AND S. 1723

Mr. MOSS. Mr. President, The Consumer Subcommittee of the Senate Commerce Committee will hold hearings on S. 1599, S. 1694, and S. 1723 on May 21, 29, and 30. The May 29 hearing will be in Chicago, the others in Washington, D.C.

Persons interested in testifying should notify the committee staff in order to reserve time for their appearances.

## ADDITIONAL STATEMENTS

### LAW AND ORDER FOR THE FBI

Mr. PROXMIRE. Mr. President, events have been moving with great rapidity at the FBI recently. It was just a year ago that J. Edgar Hoover died, and L. Patrick Gray was named to serve as Acting Director. Now, as a result of his connection with the Watergate situation, Mr. Gray has resigned as Acting Director, and Mr. William Ruckelshaus has been named to that post.

The post of FBI Director is subject to Senate confirmation. Mr. Gray's name was not submitted to the Senate until he had been serving as FBI Director for 9½ months. Mr. Ruckelshaus' name has not been submitted, and there is no indication that the President plans to submit it.

Mr. President, the United States Code imposes strict limits on temporary appointments for officials subject to Senate confirmation. Sections 3345, 3347, and 3348 of title 5, when taken together provide:

When the head of an Executive department or military department dies, resigns, or is sick or absent . . . the President may direct . . . another officer of an Executive department or military department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the office until a successor is appointed . . .

A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346 or 3347 of this title for no more than 30 days.

When J. Edgar Hoover died, Patrick Gray was elevated from his position as Assistant Attorney General for the Civil Division—a position subject to Senate confirmation. His appointment, therefore, fell within sections 3345–3347, and was subject to the 30-day limitation.

I wrote the U.S. Comptroller General about this last year, asking him to determine whether, in his opinion, the 30-day limitation was applicable to the Gray appointment. His finding was clear:

Our opinion is that the service of Mr. Gray as Acting Director of the Federal Bureau of Investigation is subject to the provisions of 5 U.S.C. 3346–3349, and that his continued service in that position is prohibited since he has performed the duties thereof in excess of 30 days.

Mr. President, that was on February 22, 1973. Mr. Gray has since resigned, and Mr. Ruckelshaus has been named to act as FBI Director.

The question naturally arises, is Mr. Ruckelshaus subject to a time limitation also? The answer is unquestionably yes, but it may be either 30 or 40 days, depending on which statute is applicable.

Mr. Ruckelshaus has been detailed to the FBI from his post as Administrator of the Environmental Protection Agency. As such, he has been detailed from a position "whose appointment is vested in the President, by and with the advice and consent of the Senate," as that language is used in 5 U.S.C. 3347. However, since the Environmental Protection Agency is not, in the strict sense, an executive department, it may be that section 3347 would not apply at all to the Ruckelshaus appointment. If that is the case, then Mr. Ruckelshaus' appointment can only be justified as a recess appointment.

The Senate was on its Easter recess at the time the Ruckelshaus designation was announced. Section 5503 of title 5 covers recess appointments. That provides:

(b) A nomination to fill a vacancy [as a recess appointment] . . . shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate.

Mr. President, the Ruckelshaus appointment can be legally justified only under one of these two provisions. Giving the President the benefit of the more liberal statute, Mr. Ruckelshaus can serve temporarily for a maximum of 40 days—and no more—from the date the Senate returned from its Easter recess. This would give the President until June 9, 1973, to either submit Mr. Ruckelshaus' name to the Senate, or find someone else for the job. Otherwise, Mr. Ruckelshaus' continued service beyond that time will be illegal.

Mr. Ruckelshaus has an excellent reputation. He has demonstrated genuine independence as a courageous, tough-minded environmental administrator.

The process of confirmation, however, will make the Senate a partner in the Ruckelshaus appointment and provide at least some degree of responsibility and authority for his appointment independent of the President.

The country has had enough of illegality and deliberate law flaunting by high officials in the Watergate case. To have any Justice Department investigation of Watergate conducted by an FBI Director who held office illegally would be the final cruel irony.

I have today written President Nixon to make him aware of this. I am confident that he will insure that the FBI Director is in compliance with the law in every respect.

Mr. President, I ask unanimous consent that my letter dated May 9, 1973, to President Nixon be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 9, 1973.

THE PRESIDENT OF THE UNITED STATES,
*Washington, D.C.*

DEAR MR. PRESIDENT: In connection with your designation of Mr. William Ruckelshaus as Acting Director of the Federal Bureau of Investigation, I wish to call your attention to several sections of the United States Code.

Sections 3345, 3347 and 3348 of Title 5 provide in part:

"When the head of an Executive department or military department dies, resigns, or is sick or absent . . . the President may direct . . . another officer of an Executive department or military department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the office until a successor is appointed. . . .

"A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346 or 3347 of this title for not more than 30 days."

Section 5503 of Title 5 provides:

"(b) A nomination to fill a vacancy/as a recess appointment/ . . . shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate."

Under the more liberal of these two provisions—and these are the only two provisions which allow for temporary appointments for officials subject to Senate confirmation—Mr. Ruckelshaus would be permitted to serve on a temporary basis until June 9, 1973 (40 days from the date the Senate returned from its Easter recess). He may serve beyond that date only if his nomination of FBI Director is submitted to the Senate.

In pointing this out, I do not mean to impugn Mr. Ruckelshaus in any way. He has an excellent reputation, and he has demonstrated his ability in serving as a courageous, tough-minded environmental administrator.

However, if Mr. Ruckelshaus is to serve more than 40 days it is essential that he be required to go through the confirmation process. This process will make the Senate a partner in the Ruckelshaus appointment and provide assurance to the public that he is qualified to serve as FBI Director.

I am enclosing a copy of a recent opinion by the U.S. Comptroller General in connec-



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tion with Mr. L. Patrick Gray's temporary service as head of the FBI. The Comptroller General held that that service should have been limited to 30 days, and that his service beyond that time was in violation of the United States Code.

Sincerely,

WILLIAM PROXMIRE,
*U.S. Senator.*

## THE CIVILIAN SCIENCE AND TECHNOLOGY ACT OF 1973

Mr. DOMINICK. Mr. President, last week I introduced S. 1686, the Civilian Science and Technology Act of 1973. I did not at that time have the bill printed in the RECORD. However, because of the great interest this legislation has generated, it would be most helpful to do so at this time. Therefore, I ask unanimous consent that the text of S. 1686 be printed at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1686

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Civilian Science and Technology Policy Act of 1973".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that—

(1) Federal funds for science and technology represent an investment in the future, which is indispensable to sustained national progress;

(2) the Nation's scientific and technical resources, including manpower, can contribute significantly to meeting America's human needs in such priority problem areas as health care, poverty, public services, public safety, pollution, economic growth and productivity, housing, education, transportation, nutrition, communications, and energy resources;

(3) Federal funds for civilian research and development activities have grown substantially in recent years;

(4) greater attention should be given to improving the design, execution, and coordination of adequate programs for the application of science and technology to civilian needs;

(5) the national problems described in clause (2) of this section are so complex and interdependent that a single agency within the executive branch of the Government is necessary for the planning, analysis, and development of policies and programs with respect to the application of science and technology to civilian needs and civilian research and development activites priorities;

(6) particular attention ought to be given to the economic, sociological, psychological, legal, administrative, and institutional factors which affect the application of science and technology to civilian needs and the role of the Federal Government in altering these factors; and

(7) strong participation by State and local governments is essential to the successful solution of many civilian problems, and in developing programs for the application of science and technology to civilian needs and to setting civilian research and development activities priorities.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "civilian research and development activities" means all nondefense research and development activities as determined pursuant to regulations of the Director of the Foundation after consultation with the Director of the Office of Management and Budget.

(2) The term "Council" means the Intergovernmental Science and Technology Advisory Council established under section 201.

(3) Science and technology are employed jointly to indicate the close interaction with regard to programs and policy. Science is defined broadly as the study of physical, biological, social, and individual behavior using scientific method. Technology is the application of scientific knowledge to the solution of problems or meeting of human needs.

(4) The term "the application of science and technology to civilian needs" means research and development activities and the application of new and expanding technology to the solution of problems in the fields of health care, poverty, public services, public safety, pollution, economic growth and productivity, housing, education, transportation, nutrition, communications, and energy resources.

(5) The term "Director" means the Director of the National Science Foundation.

(6) The term "Foundation" means the National Science Foundation.

(7) The term "standard Federal region" means each of the following regions:

(A) Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(B) Region II: the Commonwealth of Puerto Rico, New Jersey, New York, and the Virgin Islands.

(C) Region III: Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

(D) Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

(E) Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

(F) Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

(G) Region VII: Iowa, Kansas, Missouri, and Nebraska.

(H) Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

(I) Region IX: Arizona, California, Hawaii, and Nevada.

(J) Region X: Alaska, Idaho, Oregon, and Washington.

(8) The term "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

TITLE I—NATIONAL CIVILIAN SCIENCE AND TECHNOLOGY POLICY AND PRIORITIES

PROGRAMS AUTHORIZED

SEC. 101. (a) In order to strengthen the Nation's capabilities to formulate national science policies and priorities, the National Science Foundation is authorized and directed to—

(1) undertake programs to assess national problems and the potential of science and technology to contribute to the solution of such problems in order to identify priorities for civilian research and development activities;

(2) conduct and support studies and analyses designed to identify and assess alternatives available for the application of science and technology to civilian needs, and, insofar as possible, determine and compare the probable costs, benefits, and impacts of such alternatives;

(3) initiate and maintain a program to collect and analyze information concerning civilian research and development activities carried on by public agencies and private concerns and the application of science and technology to civilian needs; and

(4) make information collected under this subsection available for use in the formulation of policy and the development of research and development activities priorities.

(b) In carrying out activities authorized in this title, the Foundation shall give particular attention to the economic, sociological, psychological, legal, administrative, political, environmental, and institutional factors which affect the application of science and technology to civilian needs, and to the role of the Federal Government in influencing such factors.

CONSULTATION AND COORDINATION

SEC. 102. (a) In carrying out the provisions of this title, the Foundation shall—

(1) Consider the advice of the Intergovernmental Science and Technology Advisory Commission established under title II;

(2) consult with such other individuals and organizations as may be appropriate; and

(3) coordinate its activities under this title with other departments and agencies undertaking or responsible for activities relevant to this title.

(b) Upon the request of the Director of the Foundation, the heads of Federal departments and agencies shall, insofar as practicable, provide the Foundation with information and reports necessary to carry out the provisions of this title.

TITLE II—INTERGOVERNMENTAL SCIENCE AND TECHNOLOGY ADVISORY COUNCIL

ESTABLISHMENT

SEC. 201. (a) There is established in the National Science Foundation an agency to be known as the Intergovernmental Science and Technology Advisory Council.

(b) The Council shall be composed of twenty-two members to be appointed as follows:

(1) Twenty members, two from each of the standard Federal regions, shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The Director of the Foundation.

(3) The Director of the Office of Technology Assessment.

In making appointments under clause (1) of this subsection, the President is requested to consider the appointment of individuals who, by reason of education, experience, or interest, are especially qualified to serve on the Council.

(c) The term of office of each member of the Council appointed under clause (1) of subsection (b) shall be three years; except that—

(1) the members first taking office shall serve as designated by the President, six for a term of one year, eight for a term of two years, and six for a term of three years; and

(2) any member appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of such term.

(3) Each appointed member of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, and while so serving away from his home or regular place of business he may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

FUNCTIONS OF THE COUNCIL

SEC. 202. (a) The Council shall advise and assist the Foundation in—

(1) identifying and defining civilian problems at the State, regional, and local levels and the environment in which solutions to these problems must be provided;

(2) identifying areas of highest priority for study, assessment, and development of policy alternatives by the Foundation under this title; and



(3) finding ways to facilitate the transfer and utilization of results of civilian research and development activities so as to maximize the application of science and technology to civilian needs.

(b) The Council is authorized to—

(1) assist the Director of the Foundation, as appropriate, in setting national civilian research and development activities priorities after consideration of the application of science and technology to civilian needs in accordance with title I;

(2) assist the States, including the furnishing of technical assistance, in establishing State science advisory programs pursuant to section 301 and in developing appropriate intergovernmental science and technology programs in accordance with title III;

(3) review grant applications submitted under title III and assist the Director of the Foundation in establishing regulations for the making of such grants;

(4) develop and furnish to the States, at their request, advisory guidelines for the establishment of civilian research and development activities priorities within each State and within each standard Federal region;

(5) establish procedures for the coordination among interested individuals, groups, institutions, and organizations within the State and within each standard Federal region of civilian research and development activities within that State or region;

(6) review and evaluate the effectiveness of programs and activities assisted under this Act; and

(7) prepare and furnish to the Director of the Foundation for incorporation into the annual report of the Foundation to the Congress, a report of the activities of the Commission under this Act, together with such recommendations for additional legislation, as the Commission deems appropriate.

(c)(1) The Council shall annually elect a chairman from among its regional members; and the Council shall meet at the call of the Chairman, but not less than four times a year.

(2) The Foundation shall make available to the Council such information and assistance as may be required to carry out its functions under this section.

PERSONNEL

SEC. 203. (a)(1) The Director, after consultation with the Council, shall appoint an Executive Secretary who shall perform such duties as the Council may determine. The appointment may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) Section—of title 5, United States Code, relating to level—of the Executive Schedule is amended by adding at the end thereof the following new item:

"( ) Executive Secretary, Intergovernmental Science and Technology Advisory Council."

(b) The Council is authorized to appoint and fix the compensation of such additional employees, not to exceed employees in any fiscal year, and prescribe their functions and duties, as may be necessary to carry out the provisions of this title.

(c) The Council may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

SEC. 204. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this Act.

APPROPRIATIONS AUTHORIZED

SEC. 205. There are authorized to be appropriated such sums, not to exceed $350,000 in any fiscal year, as may be necessary to carry out the provisions of this title.

TITLE III—GRANTS FOR STATE AND REGIONAL SCIENCE AND TECHNOLOGY PROGRAMS

STATE SCIENCE AND TECHNOLOGY GRANTS

SEC. 301. (a) The Director of the National Science Foundation, after consultation with the Intergovernmental Science and Technology Advisory Council, is authorized to make grants of up to $100,000 to the States to pay the Federal share of the cost of establishing the office of the chief executive of the State an Office of State Science and Technology.

(b) No grant may be made under this section unless an application is submitted at such time in such manner and containing or accompanied by such information as the Director after consultation with the Council requires. Each such application shall contain provisions to assure that—

(1) the office for which assistance is sought under the application will (A) be headed by an official who by reason of education and experience is qualified to advise the chief executive of the State and other State and local public officials on the application of science and technology to civilian needs relating to that State or locality and (B) have sufficient authority consistent with State law to carry out any functions assigned to that office pursuant to this title; and

(2) the State will assume the cost of the office established pursuant to this title no later than two years after the year in which the application is made.

(c) The Director shall approve any application which meets the requirements of subsection (b), and shall not disapprove any application without affording an opportunity for a hearing.

LIMITATION ON GRANTS

SEC. 302. No payment may be made to any State under this title unless that State has an application for the establishment of a State Office of Science and Technology approved under section 201(c).

INTERGOVERNMENTAL SCIENCE AND TECHNOLOGY GRANTS

SEC. 303. (a) The Director, after consultation with the Intergovernmental Science and Technology Advisory Council, is authorized to make grants to pay the Federal share of the cost of science and technology programs in accordance with the provisions of this title.

(b) Each standard Federal region—

(1) in which at least two States or at least one-half or more of the States in that region, whichever is greater, has an office of science and technology which meets the requirements of section 301, and

(2) which desires a grant under this section to be used only in States within that region which have such an office,

may submit an application for a grant under this title at such time, in such manner, and containing or accompanied by such information as the Director after consultation with the Council requires.

(c) Each State which—

(1) has an office of science and technology which meets the requirements of section 301; and

(2) does not desire to participate in the application of the region in which it is located;

may submit an application for a grant under this title at such time, in such manner, and containing such information as the Director after consultation with the Council requires.

(d) The Director shall approve applications for grants under this section in the following priority:

(1) Regional applications submitted under subsection (b).

(2) State applications submitted under subsection (c).

(e) Each application submitted under this section shall provide—

(1) a description of the regional, State, or local programs, as appropriate, for—

(A) the application of science and technology to priority civilian needs; and problems, including but not limited to health care, poverty, public services, public safety, pollution, economic growth, housing, education, energy, transportation, nutrition, and communications; and

(B) the support of civilian research and development activities.

(2) in the case of an application for an intergovernmental grant, procedures for cooperation and consultation between the States and localities within the region that will benefit from the program for which application is made, and in the case of all applications, procedures for coordination with and assistance from the Intergovernmental Science and Technology Advisory Council;

(3) assurances that the provisions of title VI of the Civil Rights Act of 1964 will be implemented;

(4) assurances that procedures will be established to provide the Foundation with all relevant information necessary for the Foundation to comply with the provisions of the National Environmental Policy Act of 1969;

(5) assurances that the applicant will pay from non-Federal sources the remaining costs of such program;

(6) such fiscal control and fund accounting procedures as may be necessary to assure proper disposal of and accounting for Federal funds paid to the applicant (including such funds paid by a State or regional agency to any agency of a political subdivision of such State) under this title; and

(7) provisions for making such reasonable reports in such form and containing such information as the Director may reasonably require to carry out his functions under this title and for keeping such records and for affording such access thereto as the Director may find necessary to assure the correctness and verification of such reports.

(f) The Director shall approve any application that meets the requirements of subsection (e) of this section and shall not disapprove any application without affording an opportunity for a hearing.

(g) The Director is encouraged to enter into contracts for payments of grants under this section for a period of not to exceed three years.

(h) Not more than 15 per centum of the sums appropriated pursuant to subsection 305(a) may be expended in any single Federal region and not more than 5 per centum of the sums appropriated pursuant to subsection 305(b) may be expended in any single State.

RESEARCH AND DEVELOPMENT COORDINATION WITHIN STATE

SEC. 304. (a) Whenever a Federal department or agency enters into a contract, or makes a grant or other arrangement, concerning civilian research and development activities in any State which has an office of science and technology meeting the requirements of subsection 301, such department or agency is encouraged to establish and carry out procedures for the full consultation with that office of science and technology, including an opportunity by the State office of science and technology to review and comment on any such contract, grant, or other arrangement.

(b) The head of each department and agency to which this section applies is authorized to consult with the Intergovernmental Science and Technology Advisory Council to carry out the provisions of this section.

PAYMENTS

SEC. 305. (a) The Director shall pay to each applicant, which has an application approved under this title, the Federal share of the sums expended by the applicant un-

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der the application for the purposes set forth therein.

(b) The Federal share for any fiscal year shall be 80 per centum.

(c) Payments under this title may be made in installments over more than one year and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

APPROPRIATIONS AUTHORIZED

SEC. 306. (a) There are authorized to be appropriated to make grants under section 301, $5,000,000 for the fiscal year ending June 30, 1974, and for the succeeding fiscal year.

(b) There are authorized to be appropriated to make grants under section 304, $25,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the succeeding fiscal year.

(c) There are authorized to be appropriated such sums, not to exceed $250,000 in any fiscal year, as may be necessary for administrative expenses incident to carrying out the provisions of this title.

(d) Sums appropriated pursuant to this section shall remain available until expended.

## THE CLOSING OF FOREST SERVICE REGIONAL OFFICES

Mr. MOSS. Mr. President, yesterday I appeared before the Interior and Related Agencies Appropriations Subcommittee to ask the subcommittee to take what I realize is very drastic action. But the situation which called forth my request is one which can only be met by strong and shocking measures, because the Nixon administration refuses to listen to any well-reasoned, thoughtful arguments, or to consider any obvious conclusions, presented in the usual way, through the usual channels.

Yesterday I asked that the appropriation bill which the subcommittee will report for fiscal 1974 contains specific language preventing the Forest Service from using any funds appropriated by the bill to adjust its regional organization to fit the standard Federal regional structure.

I do not like the idea of limiting the use of funds in appropriations bills—but let me tell you why I felt it should be done in this instance.

The Forest Service recently announced that its regional office structure, which for many years had been established on the basis of 10 regional offices, would be telescoped into 6 regional offices, and that it would phase out the present regional set-ups in Ogden, Utah; Missoula, Mont.; Albuquerque, N. Mex.; and Asheville, N.C. The rationale given for this adjustment was that it would be more "efficient" and "economical" to bring the Forest Service regional organization into conformity with the administration's standard regional concept.

Mr. President, the philosophy underlying the standard regional concept is based on centralizing regional offices of all Federal programs into six urban locations. Perhaps for those Federal programs whose objectives are to raise the welfare of urban residents, this regional concept is sound.

However, it is not sound for these agencies whose objective is to manage natural resources in an environmentally effective manner. It is sound only to maintain those offices where the resources are. The Forest Service is entirely a resource-management agency. In the instance of the Ogden, Utah office, it is located in the very heart of the Intermountain National Forests. It should be left there.

It cannot be argued that it is more efficient, or even more economical, to administer those forest lands from 500 miles away in Denver, Colo., where it is proposed that many of the Ogden activities will be moved.

I have opposed the Forest Service reorganization plan vigorously and publicly, as have my distinguished colleagues from Montana, Senator METCALF and Senator MANSFIELD. We have brought all of the pressure we could to bear on the Department of Agriculture and on the Forest Service to prevent the order from being put into effect. However, under what I am sure was extreme pressure from the Nixon administration, through the Office of Management and Budget, the order was effected on April 26. It was announced by the Forest Service that the Ogden regional office would be closed out over a period of perhaps a year, and that of the approximately 400 employees now there only 90 would be left in a small forest ranger's office, a greatly reduced research facility, and a zone service office.

I have tried for some time to get from the Forest Service the studies and estimates it was using to decide whether it would be more "economic" and "efficient" to telescope the 10 regional offices into 6, but was told such studies were not available as they were "tentative."

After the decision was made, I then asked the General Accounting Office for an analysis of the Forest Service studies. At first I was told by a GAO spokesman that the studies were still "tentative" and not available for release, but after persisting that I could not understand how the Forest Service could close out four regional offices on the basis of "tentative" studies, I was finally advised on May 1 that the Forest Service would make the studies available for GAO for analysis and that such an analysis would be completed as quickly as possible and sent to me. As of today, I have not received the analysis.

When I do, I intend to use it to ask many questions which have not been asked about how the changes will affect the cardinal goals of the Forest Service—the management and conservation of our great forest resources and the protection of our environment. I also want to see in dollars and cents the "economies" which will be effected and have spelled out to me the "efficiency" which will result.

Again, may I say that I realize I have asked the subcommittee to take strong and unusual action in limiting spending funds in an appropriation bill—but the expressed wishes of Members of the Senate and the House have fallen on deaf ears in the executive department and I know of no way to assure that an executive department will listen except to tighten the purse strings. Arrogance in the executive branch—unwillingness of the executive branch to heed the will of Congress—must be brought under some reasonable restraint and control.

One of the ironies of the order moving the Forest Service regional office personnel from Ogden to Denver is that while the Ogden residents sincerely want the Forest Service and all of its staff to stay in their city—Denver wants them to stay out.

Ogden holds that there are no finer people than those who dedicate their lives to the management and conservation of our forest lands, and they are delighted to have them filling up the splendid Federal building built there about 10 years ago, and living in homes and apartments throughout the town and in Weber County.

Denver, on the other hand, holds that it has no room for an estimated 100 Forest Service families in their metropolitan area, and wishes they would not come.

In fact, the Colorado State Senate approved a memorial to Congress by a vote of 20 to 9 asking that plans to relocate the Ogden Forest Service office and personnel in Denver be reconsidered, on the basis that the State's Population Policy Act of 1972 calls for discouraging population patterns that center economic activity in one area of the State.

I ask unanimous consent that the UPI story out of Denver, headlined "We Don't Want Forest Service, Coloradans Say," and carried in the Ogden Standard Examiner on May 5 be printed in the CONGRESSIONAL RECORD at the close of my remarks.

I furthermore ask that the Nixon administration give consideration to the views of the two communities most involved in the relocation plans for the Intermountain Regional Forest Service Office.

Please listen.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE DO NOT WANT FOREST SERVICE, COLORADANS SAY

DENVER.—The Colorado Senate said no thanks Friday to a U.S. Forest Service plan to relocate personnel in Denver, but it invited federal employes to consider living in other areas of the state.

Rural legislators said they would be happy to play host to the government workers, and one lawmaker issued a special invitation for them to relocate in Colorado Springs.

"We haven't quite built a fence yet around Colorado Springs," said Sen. George Jackson, a Republican from that city. "We're still rural down there, you know. We could absorb very nicely in our community this high type of employe. We've got a Forest Service headquarters there, and it might fit nicely into the program."

RECONSIDER

The Senate voted 20-9 to approve a memorial to Congress asking that plans be reconsidered that would force the relocating of an estimated 100 families in the Denver metropolitan area.

The relocation stems from tentative plans calling for the closure of Forest Service offices in Missoula, Mont., Ogden, Utah, and Albuquerque, N.M.

Sen. Hugh Fowler, R-Littleton, sponsor of the memorial, cited the state's Population Policy Act of 1972 which calls for discouraging population patterns that center economic activity in one region of the state.

"The point is that there is a superior government acting in such a way that they will frustrate the lawful policy of this state," Fowler said.

"It wasn't long ago that we were not only welcoming this activity, but we were encouraging it. We were spending a lot of money, millions of dollars, going out to the federal government and to the industry across the nation inviting them to come here. The policy of the state now has changed."

PUT UP FENCE

Fowler said the governor jokingly said a couple of years ago that Colorado was starting to put up a fence around the state.

"Well, this body has erected a legislative fence by saying that our policy is we will no longer encourage impaction in crowded areas," Fowler said. "Are we going to follow through on what we said our policy is and express our dismay at this action by the federal government or are we going to sit here like the Schmoo and take whatever is handed out to us without objection."

Sen. Dan Noble, A-Norwood, amended the memorial to serve as an invitation to relocate in small cities, towns or rural areas of Colorado.

"Denver doesn't want these people, but there are areas within this state that do want and need this type of individual," he said. "They are good people, they (have a) good, solid income, they are a good tax base, and it's non-polluting. If the people in the metropolitan area don't want them, I think we should try to place them into some of these rural communities that do."



## THE HANDICAPPED AT WORK: TOMORROW'S CHALLENGE

Mr. DOLE. Mr. President, last week a number of persons throughout the United States assembled in Washington for the annual meeting of the President's Committee on Employment of the Handicapped.

Among those attending was Miss Kim Hornbaker from my State of Kansas. She came as first-place winner of Kansas "ability counts" essay contest sponsored by the Governor's Committee on Employment of the Handicapped. The theme of this year's contest was "The Handicapped at Work: Tomorrow's Challenge."

The essay was to be written after gathering facts from interviews and field trips to firms employing the handicapped or facilities providing service to the handicapped. The basic idea was to explore the needs of the handicapped, know what goals must be set in order to meet their needs, and the way in which each community plans to achieve these goals.

Kim made several excellent points in her essay and hopefully gained valuable knowledge—knowledge which will become more important later on when Kim and her peers become community leaders, opinion molders, and employers.

I commend Miss Hornbaker on her outstanding essay and ask unanimous consent that it be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

THE HANDICAPPED AT WORK: TOMORROW'S CHALLENGE

Today the handicapped are no longer the outcasts of our society. This statement stems from the fact that no longer are the handicapped helpless. More and more they are becoming a useful part of society because they are being trained by organizations on the local, state, and federal levels to hold productive jobs. Those trained are aware that they have potential and aptitude despite their handicaps, and they are anxious to awaken able-bodied people to this same fact. Much is being done to help these people.

Many organizations have sprung up recognizing the needs of the handicapped. Locally, the social welfare offices seek to help the handicapped in their day-to-day problems. These offices serve to find jobs for their applicants. State-wide organizations are the Governor's Committee on Employment of the Handicapped, the State Employment Service, the Commission for the Blind, the State Department of Health and many, many others including the rehabilitation centers for the physically and mentally handicapped. All of these either seek to prepare the disabled or mentally restored for a job or help in job placement. They encouraged all to hire the handicapped. On the national level there are even more organizations trying to promote the disabled including the President's Committee on Employment of the Handicapped. But even with all this help, the handicapped are not getting equal opportunities as they should.

The following is a case of job discrimination because of physical handicaps in the line of library science. Kathleen O'Leary having obtained an M.L.S. degree in 1970 and having four years experience in college libraries, though completely deaf, was repeatedly turned down when she applied for a job at other libraries. Her excellent professional training in this area and past experience was continually overlooked. Many other cases of job discrimination of this type can be produced, but some have found hope.

Carrie Esther Hammil was stricken with multiple sclerosis. Esther is totally blind, her hearing ninety-five percent gone, and she is confined to a wheel chair. After diagnosis and many problems having been encountered, Esther finally graduated from the University of Arizona with senior class honors. Her career as a teacher began when she taught as a substitute. Later she accepted a full-time position. Many more can give similar experiences where they finally received jobs but even more cannot. The obvious question is why?

The true key to placing the handicapped is essentially that of changing employer and public attitudes. People must be made to recognize the ability of the handicapped. A positive approach toward the disabled rather than a negative approach must be obtained. This is simply that "what a man cannot do is not as important as what he is capable of doing."[1] Proper placement can give an employer a valuable employee, whether physically or mentally handicapped.

There are many advantages in hiring the handicapped. The first reason is that these people will be dedicated workers who will stay with their jobs. Secondly, these people are usually specifically qualified for a certain job while often other workers with no disabilities are chosen over the handicapped simply because they are not disabled. Even though these workers may have poor work habits or lack of training, they many times are still chosen over the more qualified handicapped. The third reason is that the disabled employee also has more reason for pride in his work because of the odds which he has to overcome. Also this worker will attack his job with enthusiasm and interest even though they may be unskilled, service, or repetitive tasks. And finally, many of these people are eager to work, to prove themselves to society and themselves. How do they explain their plight? "Wherever there is prejudice, it is not only those who are discriminated against who suffer, but usually the society as a whole, because the society did not use its resources well."[2]

[1] President's Committee on Employment of the Handicapped, *Guide to Job Placement of the Mentally Retarded*, (Washington: U.S. Government Printing Office, 1964), p. 4.

[2] Anonymous, "Overdue," *Wilson Library Bulletin*, Wm. Eshelman (ed.), Volume XLVI, (June 1972), p. 924

## STUDENT FREEDOM OF CHOICE ACT

Mr. ERVIN. Mr. President, on Tuesday, May 8, 1973, Senator ALLEN and I introduced S. 1737, a bill to amend the Civil Rights Act of 1964 to provide for freedom of choice in student assignments in public schools.

Mr. President, I ask unanimous consent that the text of S. 1737 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1737

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Student Freedom of Choice Act".

SEC. 2. The Civil Rights Act of 1964 (42 U.S.C. 1971–1975a–1975d, 2000a–2000h–6) is amended by adding at the end thereof the following new title:

"TITLE XII—PUBLIC SCHOOL—FREEDOM OF CHOICE

"SEC. 1201. As used in this title—

"(a) 'State' means any State, district, Commonwealth, territory, or possession of the United States.

"(b) 'Public school' means any elementary or secondary educational institution, which is operated by a State, subdivision of a State, or governmental agency within a State, or any elementary or secondary educational institution which is operated, in whole or in part, from or through the use of governmental funds or property, or funds or property derived fom a governmental source.

"(c) 'School board' means any agency which administers a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

"(d) 'Student' means any person required or permitted by State law to attend a public school for the purpose of receiving instruction.

"(e) 'Parent' means any parent, adoptive parent, guardian, or legal or actual custodian of a student.

"(f) 'Faculty' means the administrative and teaching force of a public school system or a public school.

"(g) 'Freedom of choice system' means a system for the assignment of students to public schools and within public schools maintained by a school board operating a system of public schools in which the public schools and the classes it operates are open to students of all races and in which the students are granted the freedom to attend public schools and classes chosen by their respective parents from among the public schools and classes available for the instruction of students of their ages and educational standings.

"SEC. 1202. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, such financial assistance from any such program or activity on account of the racial composition of the student body at any public school or in any class at any public school in any case whatever where the school board operating such public school or class maintains in respect

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to such public school and class a freedom of choice system.

"SEC. 1203. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school by way of grant, loan, or otherwise shall withhold, or threaten to withhold, any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school to transport students from such public school to any other public school for the purpose of altering in any way the racial composition of the student body at such public school or any other public school.

"SEC. 1204. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity of any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce any school board operating such public school system to close any public school, and transfer the students from it to another public school for the purpose of altering in any way the racial composition of the student body at any public school.

"SEC. 1205. No department, agency, officer, or employee of the United States empowered to extend Federal financial assistance to any program or activity at any public school in any public school system by way of grant, loan, or otherwise shall withhold or threaten to withhold any such Federal financial assistance from any such program or activity at such public school to coerce or induce the school board operating such public school system to transfer any member of any public school faculty from the public school in which the member of the faculty contracts to serve to some other public school for the purpose of altering the racial composition of the faculty at any public school.

"SEC. 1206. Whenever any department, agency, officer or employee of the United States violates or threatens to violate section 1202, section 1203, section 1204, or section 1205 of this Act, the school board aggrieved by the violation or threatened violation, or the parent of any student affected or to be affected by the violation or threatened violation, or any student affected or to be affected by the violation or threatened violation, or any member of any faculty affected or to be affected by the violation or threatened violation may bring a civil action against the United States in a district court of the United States complaining of the violation or threatened violation. The district courts of the United States shall have jurisdiction to try and determine a civil action brought under this section irrespective of the amount in controversy and enter such judgment or issue such order as may be necessary or appropriate to redress the violation or prevent the threatened violation. Any civil action against the United States under this section may be brought in the judicial district in which the school board aggrieved by the violation or threatened violation has its principal office, or in the judicial district in which any school affected or to be affected by the violation or threatened violation is located, or in the judicial district in which a parent of a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a student affected or to be affected by the violation or threatened violation resides, or in the judicial district in which a member of a faculty affected or to be affected by the violation or threatened violation resides, or in the judicial district encompassing the District of Columbia. The United States hereby expressly consents to be sued in any civil action authorized by this section, and expressly agrees that any judgment entered or order issued in any civil action shall be binding on the United States and its offending department, agency, officer, or employee, subject to the right of the United States to secure an appellate review of the judgment or order by appeal or certiorari as is provided by law with respect to judgments or orders entered against the United States in other civil actions in which the United States is a defendant.

"SEC. 1207. No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with a freedom of choice system, or requiring any school board to transport any students from one public school to another public school or from one place to another place or from one school district to another school district in order to effect a change in the racial composition of the student body at any school or place or in any school district, or denying to any student the right or privilege of attending any public school or class at any public school chosen by the parent of such student in conformity with a freedom of choice system, or requiring any school board to close any school and transfer the students from the closed school to any other school for the purpose of altering the racial composition of the student body at any public school, or precluding any school board from carrying into effect any provision of any contract between it and any member of the faculty of any public school it operates specifying the public school where the member of the faculty is to perform his or her duties under the contract.

## A FULLER USE OF OUR COAL RESOURCES

Mr. YOUNG. Mr. President, we are all becoming increasingly alarmed over the energy crisis confronting this Nation. This crisis is not limited to any particular source of energy. Shortages confront us in every area.

In North Dakota we have the largest supply of lignite coal of any State in the Union. These supplies are just beginning to be utilized. At the present time, we have three huge REA-financed steam generating plants located in western North Dakota utilizing these abundant supplies of lignite coal.

This week the Bureau of Mines and the University of North Dakota conducted a lignite symposium on the campus of the University of North Dakota in Grand Forks. Mr. Carl Bagge, president of the National Coal Association, delivered one of the major speeches at this symposium. I ask unanimous consent that this be printed in the RECORD as a part of my remarks.

In his speech, Mr. Bagge points out the very critical need for additional research in seeking ways for a fuller use of our coal resources. His remarks are most timely and I am sure they will be of interest to every Member of the Senate.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

NEW DAY DAWNS FOR GREAT PLAINS COALS

(Remarks of Carl E. Bagge)

It is a privilege and an honor to be here tonight at this symposium. Anyone connected with the energy industry in this country today, and anyone concerned with our future supplies of energy, comes to the West with the same sort of respectful awe that Ebenezer Scrooge might feel on a visit to Fort Knox. The coal reserves of the West represent a repository of energy so enormous, and to date so little developed, that we as a nation have only begun to realize their potential.

The vast coal reserves of the West are a key not only to our continued prosperity and comfort, but to our national security and perhaps our very survival as a major world power.

A few years ago—entirely too few, as it turns out—that statement would have been dismissed as the ravings of either a zealot or a chamber of commerce secretary. Today it is so widely recognized as to be almost a cliche—but a cliche which loses none of its truth through repetition.

The present energy crisis did not burst upon us without warning. There were warnings aplenty, but we as a nation pressed onward heedlessly toward trouble.

Consequently, today we are importing a quarter of our petroleum, and increasing that share almost day by day. To pay for that oil, we are throwing our international trade out of balance, and have twice devalued the dollar in moves caused at least in part by our petroleum imports.

Moreover, after two decades of shortsighted wellhead price regulation, we are running out of natural gas, and are preparing to compound the damage to our trade balance by importing vast amounts of liquefied natural gas, and to make synthetic gas in this country from imported petroleum feedstocks.

Most of the additional oil we must import is not available from Canada or Venezuela, our chief suppliers in the past. We must turn to the Middle East, where some governments are openly hostile to the United States, and where many of the producing countries are either nationalizing the oil industry outright or demanding larger and larger shares of ownership. Since Western Europe and Japan are even more dependent than we are upon Middle East oil, higher prices may be only the least troublesome result we can anticipate. There are some reports already that Saudi Arabia, which has been a friendly and reliable source of oil for the United States, has suggested certain alterations of our foreign policy in return.

How much longer will it be before more Middle East countries make such suggestions—and before they become not suggestions, but requests and then demands? And if that happens—let me be optimistic and say "if", not "when"—what are our alternatives

These are the prospects, economic and diplomatic, which President Nixon addressed in slightly more veiled and diplomatic language in his April 18 energy message. The Persian Gulf lies nearly half a world away from Grand Forks, but in this seminar you are discussing one of our prime alternatives.

The thrust of the President's message was a recognition of the need to make America more nearly self-sufficient in energy resources. He said we have the capacity and resources to avert a major crisis if only we take the proper steps, and take them now.

The first thing to be done in attacking a complex problem is to list your assets, and the President began his list with these words:

"More than half of the world's total reserves of coal are located within the United States. This resource alone would be enough to provide for our energy needs for well over a century."

He went on to take notice of the fact that the extraction and use of coal is so beset by environmental problems that less than 20 per cent of our energy needs are met by coal and the health of the entire coal industry is seriously threatened.



He spoke of coal's problems, saying that if the use of coal is further reduced, "we would have to increase our oil imports rapidly with all the trade and security problems this would entail."

Mr. Nixon noted that coal production has been limited by competition from natural gas at prices held down by unrealistic federal price regulation at the wellhead, and by environmental concerns, mine health and safety regulations, and by uncertainty over federal and state strip mining regulations.

While recognizing a.. these problems, the President said, "I urge that highest national priority be given to expanded development and utilization of our coal resources."

So far, so good. But I must say in candor that the coal industry does not feel the President went far enough, or did enough good.

He did urge customers to use coal when they can. He urged governors to make this easier by delaying secondary air quality regulations where health concerns are not involved. He urged state utility commissions to allow utilities to pass along to customers, as part of the fuel charge, the costs of pollution control equipment, including both stack scrubbers to remove sulfur dioxide and coal gasification equipment.

However, the President made no recommendation for increased research funds for coal, beyond the fairly modest amounts proposed in the 1974 budget. For coal research and development this comes to only $120 million, even including mine health and safety research and a previously uncommitted $21 million fund in the Department of the Interior. The total for coal research is $200 million less than the Atomic Energy Commission is alloted next year for work on the Liquid Metal Fast-Breeder Reactor alone.

I do not suggest taking away a nickel of the funds for the fast-breeder reactor. I think we are going to need that machine eventually. But even its staunch advocates say that it is 20 to 30 years away from commercial application—and when we get it, it will be just another way to make electricity. Except as it might free other fuels for other uses, it will not help our urgent need for hydrocarbon fuels for transportation, home heating and industrial use.

Somehow, the scale of spending proposed for coal research does not jibe with the concept of making increased development of coal our highest national priority.

Mr. Nixon did declare that when additional research is shown to be essential, he will do his best to provide the funds. That's fine as far as it goes—but it does seem to allow more funds now for investigation of promising new lines of research which may have been pigeonholed because of the cheeseparing financing of coal research in the past. Researchers cannot make a case for a stepped-up program until they have made a beginning—and this approach seems to allow no new beginnings.

I bring up this point at a lignite symposium because research has a direct bearing on the future of coal in the West. The future looks good by any rational standard. However, several things are necessary to turn the great promise of Western coal into performance, and one of them is expanded and accelerated research. For proof of this, we need look no further than the fact that the need for synthetic gas from Western coal is already upon us, while our domestic research gasification methods is still in the pilot plant stage.

The vast reserves of coal in the West have been known and used locally ever since the demand for fuel outstripped the handy supply provided by the buffalo. However, except for essentially local markets, there was little development of Western coal. Ironically, the current increase in the use of Western coal is based at least in part not upon research, but upon the lack of it—the lack of proved and commercially available devices for removing sulfur oxides from the stack gases of plants burning the higher sulfur coals of the Middle West.

This has opened new markets for low-sulfur coals from Wyoming and Montana—markets which were formerly out of reach, because of freight costs. With aggressive use of unit trains and with the economies attainable by surface mining thick seams, Western coal producers are serving utilities more than a thousand miles away, instances like Iowa, Minnesota, Illinois, and are bidding for markets even further east.

This eastward movement may be replacing high-sulfur coal from established mines, and in due course it will have to compete against local coals used with stack scrubbers, when that technology is available for control of sulfur oxides.

But meanwhile, Western coal is winning new customers in areas that would flabbergast any old-time coal man. For example, a new power plant at Avinger, in East Texas—the erstwhile stronghold of natural gas—will be supplied with coal from a mine at Gillette, Wyoming, 1,483 miles away. That's a movement southeastward into new territory, and it's a long-term contract. Another company has contracted to supply a power plant at Muskogee, Oklahoma, from a mine in Campbell County, Wyoming.

The West Coast, of course, has been reaching out to tap Western coal reserves via long-distance power transmission. From the great generating stations of the Four Corners area to the Mohave plant in Nevada and northward to the Pacific Power and Light plant at Centralia, Washington, Western coal is being translated into electric power and is moving west.

In these cases a little more research is involved—the studies which made possible the long-distance transmission of power at high voltages, and the Consolidation Coal Company research of more than a decade ago which developed the coal pipeline which feeds the Mohave plant from the Black Mesa mine. Essentially, however, these beginnings of new demand for Western coal do not reflect results of any recent research into new methods of mining and using coal.

It is time, therefore, for the nation to address itself seriously to the steps necessary to allow fuller utilization of Western coal. Indeed, it is far past time, and we must redouble our effort in order to make up some of the years we have lost.

Lignite, like some fine French wines, does not travel well. Neither is it readily substitutable for other coals in existing power plants.

Therefore, it has not benefited so directly from the rising demand for fuel in other areas. But lignite has some great advantages—it is present in marvelous abundance, and it is easily accessible at reasonable cost.

For lignite, then, as well as for other Western coals, intensive research is overdue. As you know, modest gasification research is under way. I was privileged to attend the dedication last August of Consolidation Coal Company's pilot plant at Rapid City, South Dakota, where the $CO_2$ Acceptor process is undergoing tests and further development. Early engineering estimates indicate this will be one of the most economical methods of creating high-Btu gas from coal, and we are following its progress with great interest.

That pilot plant will operate for two and a half years, and then a decision will be made on whether to go ahead with a larger unit. Then construction of that unit will take additional time.

As you know, this is only one of several processes under development. The Institute of Gas Technology is operating a pilot plant for the HY-GAS process at Chicago, and the National Coal Association's affiliate, Bituminous Coal Research, has developed the BI-GAS process for which a pilot plant is being built at Homer City, Pennsylvania. All these are financed by the Office of Coal Research and the American Gas Association. The Bureau of Mines is in the pilot plant stage with its Synthane process at Bruceton, Pennsylvania, and has another process, called Hydrogasification, under test in its laboratories.

The Division of Engineering of the National Research Council recently prepared a report for the Office of Coal Research, evaluating coal gasification processes. It recommended that pilot plant work should go forward on these processes in the pilot plant stage, and more work be done on the Hydrogasification process. It set a timetable which would bring these projects to a point of decision in 1975—the decision being construction of a large-scale demonstration plant. The plant should operate satisfactorily for one year, the National Academy said. Presumably, at that point government research would cease and industry would step in with commercial-scale plants.

This is to my mind a fairly leisurely schedule, though the National Academy apparently considers it consistent with its first recommendation, which says, "Modern technology should be developed and applied as rapidly as possible to coal-gasification plants."

There is a saying in Washington these days that you can't make problems disappear by throwing dollars at them. I don't know how we can be sure of that in coal research—it certainly has never been tried. Some dollars for bets on research long-shots, and to speed up the promising research already under way, might well be the best investment our nation has made since the Louisiana Purchase.

The need for more research is underscored, paradoxically, by the fact that major companies are going ahead without it. At least two major gas firms are investing hundreds of millions of dollars in coal gasification plants in New Mexico which are based on the German-developed Lurgi process. They will add a methanation process to the Lurgi system if one can be developed, but they are going ahead regardless. Obviously, their need for gas is so great they cannot wait to see if a more efficient or economical system can be developed.

Gasification is not the only new prospect for Western coal. We also need research to develop processes for producing synthetic petroleum from coal.

Coal-based petroleum is vital to America's future not only for the domestic-based energy supply it would provide us, but because it would give us needed leverage in our negotiations with the oil-producing states of the Middle East.

Unless we have an adequate alternative to our steadily increasing dependence on oil from the Middle East, and our pending heavy reliance on liquefied natural gas from Algeria and perhaps elsewhere in that region—and from Russia—we will stand in grave danger of losing our independence in foreign affairs. When the volatile and often hostile governments of the Middle East have the power to control a major part of our energy supply, it is putting great trust in human nature to believe they will not use that control for their own purposes.

Even if we are not subjected to that kind of pressure in terms of policy, we are certain to be under heavy economic pressure. Already the nations of the Organization of Petroleum Exporting Countries are negotiating higher prices, and demanding more control of their petroleum production through either increased shares of ownership or outright nationalization. Moreover, we are competing for that oil against Western Europe and Japan, which not only sends the price up but raises the prospect of some damaging future confrontation either with the supplying nations or between the consuming nations.

Finally, and at the very least, we are already spending so much for foreign oil that

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our international payments are dangerously out of balance. This has already led to devaluation of the dollar—which in turn leads the OPEC nations to raise prices again, and the spiral continues.

I began this speech with a remark about a figurative visit to Fort Knox. If we continue along the path we have begun, and import oil and gas at the rates now being forecast, anyone who wants to inspect the contents of Fort Knox a few years from now will have to visit the Persian Gulf.

These are the reasons, or at least some of them, that the President called for a new energy policy in which we depend as much as possible upon our domestic resources. While we in the coal industry do not believe he went far enough nor fast enough, he has recognized the prime importance of developing and using our coal reserves. We hope the Congress will take him at his words rather than his deeds.

Mr. Nixon did say one more thing about coal which I have not mentioned. He called for speedy passage of a strip mining and reclamation bill, so that the industry will know the rules under which it must operate, and can proceed with its plans.

We at the National Coal Association support this stand. We support federal legislation to help the states do a better job of reclamation, and we hope Congress passes a reasonable bill as soon as possible. We know that mined land can be effectively reclaimed, because responsible coal companies are doing it, not only in the East but in the more challenging conditions of the West. Of course they have made mistakes in the past, when they were learning not only the necessity but the methods of returning land to productive use. They have also learned from those mistakes, and resolved not to repeat them.

An outstanding example of industrial citizenship was the joint declaration last fall by all the companies surface mining lignite in North Dakota, pledging themselves to good reclamation practices. As an example of one company's policy, I was struck by reading the testimony of my good friend Otes Bennett, president of The North American Coal Corporation, to the North Dakota Water Commission last February. Mr. Bennett said that North American as a matter of policy removes and saves the topsoil before mining. Afterward, any remaining highwall is reshaped to match the surrounding terrain, the topsoil is replaced, tilled, fertilized and seeded. The result is gently rolling terrain which blends with adjacent land and can be traversed by farm machinery. His company has announced a policy of restoring land to an equal if not more valuable condition than before mining, and in the course of this plan it intends to spend far more than the surface value of the land.

I would like to call this policy to the attention of those environmental critics of surface mining who claim surface coal mine operators are out only to loot the land, and at the most will create only a few showplaces to exhibit to visiting Congressmen. If these are showplaces, they will be some of the biggest on record, covering multiple thousands of acres.

North American has agreed to reserve 2.5 billion tons of lignite to supply future gasification plants of Michigan Wisconsin Pipe Line Company in five coal reserve areas.

Michigan Wisconsin has applied for water rights from Lake Sakakawea and the Missouri River to supply its proposed gasification plants, and I understand that the state is considering this application along with other possible applicants. Without endorsing or lobbying for the Michigan Wisconsin case to the detriment of any others, I would like to review some of the highlights of the proposal to show the dimensions of the future for North Dakota lignite.

The company estimates the cost of developing the necessary mines would exceed $1 billion, and the investment in coal gasification plants would surpass $5 billion. Just one plant, producing 250 million cubic feet of gas per day and consuming 10 million tons of lignite a year, would represent a capital cost of $459 million for the plant, mine and gas and water pipelines. It would have a total payroll of more than $12.5 million a year and would employ more than 1,000 persons.

The pipe line company says its first plant may be in operation by 1980, and it might build at least three more plants at two-year intervals. On the basis of the first four plants, this coal gasification complex would furnish more than 7,700 jobs, create $117 million a year in direct payrolls and indirectly generated funds, and furnish more than $14 million a year in additional tax revenues to the state of North Dakota. This would have a terrific impact in North Dakota, where both population and employment declined by more than 2 per cent in the '60's and where median family income is less than 82 per cent of the national average.

Gentlemen, that can be the shape of the future—and I am sure this vast project will not be the only one using North Dakota lignite. Multiply it by the other plants which can be based on the great coal reserves of the Powder River and Fort Union deposits, and on other Western coal deposits. Consider gasification plants, synthetic oil plants, electric utility plants, and general industry.

But the future will not arrive unbidden. We need accelerated research to make it possible. We need a strip mine law which regulates but does not prohibit responsible surface mining. We need the Department of the Interior to resume coal leasing on public lands. We need to rethink our attitude toward the environment, so that we give proper weight also to concerns of national security and economics in attaining an adequate energy supply. We need national policies which give reasonable assurance of a market for synthetic fuels if we are to attract the necessary financing.

But we as a nation can do these things. We should have started earlier, but at least we can start now. We can make a truly great new day dawn for Western coal—great for the West, and great for America.

## TRIBUTE TO AN EDUCATION

Mr. CHILES. Mr. President, I follow with lively interest every constructive and progressive development in the field of mass learning. Education is the peculiar and distinctive achievement of our American system of freedom under law. No other system of governmental organization has approached ours in the general diffusion of knowledge among all the people.

Today I would like to pay tribute to a fine, American educator who has been a great force for good in the future building of American educational institutions.

The occasion for this tribute is the marking of the 25th anniversary of Dr. Stanley J. Drake as president of Fort Lauderdale University in Fort Lauderdale, Fla.

Dr. Drake was so dedicated to the further building of all educational institutions, five of those at the higher levels, that they conferred upon him honorary doctorates for his accomplishments. These honorary degrees were the Ph. D., D.B.A., Sc. D., and L.L.D. On Founder's Day—March 8, 1973—his own university conferred upon him an honorary doctor of laws degree.

Dr. Drake was the founder and first president of the American Association of Presidents of Independent Colleges and Universities that today has a membership of about 500 schools. Today Dr. Drake holds the office of secretary of this fine and fast-growing educational institution.

He is a charter member of the American Association for Higher Education, a member of the International Association of University Presidents, the Comparative and International Education Society, the International Platform Association, and the American Association of University Administrators.

He is the founder of the Alpha Beta International Honorary Commerce Society.

As a dedicated Esperantist who speaks the international language, he is a member of the following Esperanto associations: The Esperanto League for North America, the British Esperanto Association, the American Association of Teachers of Esperanto, the International Society of Esperantist Teachers, the Universal Esperanto Association, and the Esperanto Society of Florida. He is president of the Esperanto Society of Fort Lauderdale.

Dr. Drake is a member of Rotary International and has served on the board of directors of the Fort Lauderdale Rotary Club.

## ASSURANCE FOR FARM FUEL SUPPLIES

Mr. DOLE. Mr. President, a most serious and potentially devastating crisis is approaching Midwestern America. In recent weeks I have voiced alarm at impending fuel shortages which threaten the agricultural heart of the Nation. Other Senators have also addressed this issue. We have expressed our concern in various ways—by passing legislation to deal with it, by statements to the Senate, and in meetings and communications with executive branch officials.

Last Tuesday, at the request of myself and 15 other Senators from Great Plains and Rocky Mountain States, a meeting was held with Deputy Treasury Secretary William Simon and Acting Office of Emergency Preparedness Director Darrell Trent. The purpose of the meeting was to express—as clearly and forcefully as possible—the absolute necessity for assuring prompt and adequate agricultural fuel supplies.

Again and again at this meeting, the Senators present emphasized that agricultural operations—planting, plowing, fertilizing, harvesting—must be carried out according to nature's timetable, not man's. They cannot be put off to suit a farmer's convenience or to compensate for outside circumstances.

And this is the danger of the present fuel situation. The spring planting season in the Midwest—already delayed by heavy rain—is almost here. The wheat harvest has begun in Texas and will be underway in Kansas in 30 days. When the fields are ready, the tractors must roll and operations must begin. If fuel shortages keep the tractors from running, there will be no crops. Farmers cannot wait a week or 2 weeks to receive their fuel. They must have it when they need it, or it is of no use to them.

And if farmers cannot plant their crops or if the harvest is ruined or cut back, then we will face a crisis in America which will make the recent rise in food prices look like unbridled prosperity. For example, a short corn and feed grain crop brought about by fuel shortages at the planting season in the next few weeks will send meat prices soaring beyond the worst nightmares of today's shoppers.

NATIONAL PROBLEM

This is not simply a regional problem or a situation facing one sector of the economy. It is a problem which concerns every American—from the farmer in Kansas who wants to plant his crops to the housewife in New York City who wants a variety of products and reasonable prices at the supermarket.

VOLUNTARY ALLOCATION PROGRAM

Today, Secretary Simon appeared before the Senate Banking, Housing and Urban Development Committee and announced a program for the allocation of crude oil and refinery products.

I feel this program falls far short of meeting the crisis which confronts us. In fact, I would hardly call it a program. It is merely an exercise in the discredited and disproven tactic of "jawboning."

The farmers of America cannot burn voluntary guidelines and suggested priorities in their tractors. They must have fuel—gasoline, diesel oil, and LP gas—and they must have it at the right time. And that time is now.

Voluntary guidelines and threat of more stringent measures cannot guarantee the fuel our farmers need. A Washington bureaucracy cannot know whether farmers are receiving the supplies they need when they need them. And even if violations of the voluntary guidelines are detected, remedial action would come too late to do any good.

America's food supplies are too important to depend on a voluntary, bureaucratic fuel allocation plan. This plan needs more than a jawbone behind it. It requires strong teeth and a big stick to assure and require compliance.

MANDATORY CONTROLS REQUIRED

Perhaps a voluntary system would be adequate for other economic interests which can survive brief periods of fuel shortages. But farmers must have the protection and assurance of mandatory controls.

Congress has provided the authority for these controls, and it must be exercised if our Nation is to avoid one of the most widespread and tragic disasters in its history—a real, nationwide food shortage.

## SCHUYLER CHAPIN NAMED GENERAL MANAGER, METROPOLITAN OPERA

Mr. McGOVERN. Mr. President, Mr. Schuyler G. Chapin has just been named general manager of the New York Metropolitan Opera. Mr. Chapin, who has been serving as acting director of the Met is the first American to be named as general manager in 90 years.

Recently, it was the pleasure of Mrs. McGovern and me to be the guests of Mr. and Mrs. Chapin for an outstanding opera at the Met. We were most impressed by the spirit and competence Mr. Chapin conveyed. I wish him well in his important new assignment.

Yesterday's Washington Post carried a story by Nancy L. Ross relative to Mr. Chapin's appointment. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN AMERICAN HEADS THE MET

(By Nancy L. Ross)

Schuyler G. Chaplin, a native of New York, was named general manager of New York's Metropolitan Opera yesterday.

Chapin becomes the first American in 90 years to hold the post—one of the most powerful in the music world. He was given a three-year contract.

Chapin had won wide praise—unusual for any general manager at the prima donna-infested Met—as acting general manager since July, 1972. That was when his Swedish predecessor, Goeran Gentele, was killed in an auto accident shortly after taking over from Sir Rudolf Bing, who ruled the Met with an iron hand for more than two decades.

The announcement ends many months of speculation, during which the names of a number of leading musical figures, including Maria Callas, were mentioned as candidates.

An American, Henry Abbey, served as the Met's first general manager in 1883. (Another American, Herbert Witherspoon, was appointed in 1935 but died six months before his first season was to begin.)

At a press conference following the board meeting, the new general manager announced that soprano Beverly Sills, star of the Met's Lincoln Center neighbor, the New York City Opera, would make her long-awaited debut at the Metropolitan April 7, 1975, in Rossini's "Siege of Corinth." Difficulties between Sills and Bing had delayed her appearance there.

Chapin also voiced continuing support of the Opera at the Forum, better known as the Mini-Met. This program, in which contemporary and old chamber operas are produced cheaply for small audiences by lesser known musicians, was initiated by Gentele. At present Chapin is still searching for a new home for the Mini-Met.

During his first season as general manager the Metropolitan will stage six new productions, including Berlioz's epic "The Trojans" and Verdi's "Sicilian Vespers," never before seen at the Met. The four other new productions are Rossini's "The Italian Woman in Algiers," Offenbach's "The Tales of Hoffman," Wagner's "Gotterdammerung," and Mozart's "Don Giovanni."

In making the announcement yesterday, Chairman of the Board Lowell Wadmond and George S. Moore, president of the Metropolitan Opera Association, declared, "We believe Mr. Chapin's appointment ushers in a new era of expansion and achievement for the Metropolitan."

The directors hailed Chapin's record over the past year as "outstanding." They noted he had successfully carried out Gentele's plans for a new production of "Carmen," as well as the Look-In concerts for children with Danny Kaye and Opera at the Forum.

Before becoming assistant manager of the Met under Gentele, Chapin was successively a vice president of Columbia Records, vice president in charge of programming at Lincoln Center and an associate of conductor Leonard Bernstein in the latter's company, Amberson Productions.

## LAW DAY ADDRESS, SENATOR ROBERT TAFT, JR., AT CHATTANOOGA, MAY 3, 1973

Mr. BROCK. Mr. President, on May 3, 1973, our colleague, Senator ROBERT TAFT, JR., delivered a Law Day address in Chattanooga, Tenn. That speech contained a thorough and cogent analysis of three issues which we must effectively cope with in this session of Congress; namely, the existence and boundaries of executive privilege, legislative immunity, and newsman's privilege. These issues bear directly upon the viability of our Democratic form of government. Senator TAFT's analysis points out the interrelationship of these issues as a source of public confidence as opposed to despair and distrust.

In order to afford my colleague the opportunity to share the thoughts expressed in that speech, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

LAW DAY SPEECH—CHATTANOOGA

No concern weighs heavier on the minds of our elected representatives today than the growing climate of doubt among our people as to the veracity and vitality of our democratic form of government. The distress of our people has been heightened by the performance of our government in the first four months of this year in which political selfishness and distrust between the branches of our government has run rampant. This temper of doubt and distrust has filtered down to the people and they are, properly, alarmed.

A democratic government imperiled by loss of faith of its people cannot survive. The insecurity and uncertainty which will begin to pervade our lives will ultimately lead to disillusionment and societal chaos. Those of us who have been elected by the people have a sacred trust which requires us to put aside partisan politics and through a spirit of cooperation and adherence to truth, to set ourselves to the task of rebuilding the faith of our people in their government and in themselves as a country. One of the first priorities in accomplishing this task is that of encouraging free flow of information to and among the people and so as to develop a spirit of candor, cooperation, and confidence between the three co-equal branches of government.

Three legal institutions which we have seen threatened in this delicate balance of order and trust are those of Executive privilege, Legislative privilege, and Newsmen's privilege. All have erupted in the last two years to result in highly emotional clashes between the three branches of our government.

I. EXECUTIVE PRIVILEGE

One of the ramifications of the rapidly unfolding Watergate affair has been the explosive clash between the authority of Congress to investigate and the privilege of the Executive to withhold information, the disclosure of which is not in the public interest because of such considerations as military secrets, alternative proposals in raw memo form, and unsubstantiated charges about individuals. In his March 12, 1973, statement, President Nixon barred present and former members of his staff from testifying before the Senate Committee investigating the Watergate incident. As such, the President appeared to be extending the privilege to hitherto untrammeled areas, namely, to prevent disclosure of potentially politically embarrassing details as distinguished from security

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sensitive matters. The privilege appeared to undergo an even greater expansion in the hands of Attorney General Kleindienst who testified on April 10, 1973, that it might apply to the 2.5 million employees of the Executive branch of the government and, furthermore, that it applied to anything the President desired and could only be effectively countermanded by impeaching, convicting, and removing the Chief Executive from office. This position may have theoretical validity but it is not practically viable at all. The concentration of public opinion and Congressional attention upon these statements has caused some members of Congress to charge that an attempt was being made by the Chief Executive to thwart efforts by a co-equal branch of our federal government to obtain information either of a documentary or testimonial nature and, thereby, divest the Congress of its Constitutional investigating powers.

What has failed to be noted is that in the same statement of March 12, the President did reassert the general policy of his administration regarding the use of Executive privilege—that it will not be used as a shield to prevent embarrassing information from being made available but will be exercised only in those particular instances in which disclosure would harm the public interest. On May 24, 1969, in a memorandum to cabinet officers and heads of agencies, the President stated:

"The policy of this administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information, the disclosure of which would be incompatible with the public interest, this administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for this exercise."

These seemingly contradictory statements created confusion and uncertainty as to the administration's intention, resulting in an increasing air of distrust between the Executive and Legislative branches of government.

The President clarified his position and defused the animosities that were developing, when he subsequently announced that the White House staff, as well as other members of the Executive branch of government, would be available to testify before the Senate Committee investigating the Watergate regarding matters relevant to that issue with the proviso that the privilege would remain available on areas of information necessary to protect the integrity of the Presidential decision-making process. In this manner a workable arrangement was established which allowed for the effective functioning in these areas of both branches of government. Doubtless, however, we have not seen the last of confrontations over Executive privilege.

While the proponents of the authority of Congress to investigate and the proponents of the privilege of the Executive to withhold information tend to treat their own rights as if they were engraved in stone, the truth of the matter is that neither power is explicitly defined in the Constitution. Rather they are powers inherent in the terms "Legislative" and "Executive," as understood by the drafters of the Constitution. Based upon the doctrine of separation of powers and the inherent power of the Executive, Executive privilege has been asserted in the withholding of information residing in the Executive from the public, from the legislature, or from the Judiciary on the basis that disclosure of the information would not be in the national or public interest for reasons discussed. As such, Executive privilege runs directly counter to the powers asserted by the Congress to make inquiry into the administration of the laws it makes and to be properly informed in order to fulfill it's law making function.

The use of Executive privilege is not a new development. On April 2, 1792, this right appeared first to have been given definition by President Washington and his Cabinet. According to notes kept by Secretary of State, Thomas Jefferson, the following conclusions were reached:

"We had all considered, and were of one mind, first, that the House was an inquest and, therefore, might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers if the public good would permit and ought to refuse those, the disclosure of which would injure the public; consequently we were to exercise a discretion. Fourth, that neither the committee nor House had a right to call on the head of a department, who and whose papers were under the President alone; but that the committee should instruct their chairman to move the House to address the President."

In 1796, the President implemented this theory by refusing to give the House copies of the instructions to Chief Justice Jay for negotiating the Jay Treaty, together with the correspondence and documents relative to it.

The privilege in its various forms has been exercised by many Presidents over the years including Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon. The privilege is sparingly used however. For example, Secretary of Defense Laird in the first four years of the Nixon administration, made 86 separate appearances before Congressional committees, engaging in over 327 hours of testimony. By contrast, there were only three occasions during the first term of the administration when Executive privilege was formally invoked in the Executive branch in response to a Congressional request for information. (There were 24 informal declinations of requests to appear or provide information.) There are no statutes at present which directly regulate Executive privilege practices, and in the history of Executive privilege, no definitive challenge to the Executive branch has been made in court.

That the Congress needs and has the right to information in aid of its legislative and inquiry functions is indisputable. Also virtually incontrovertible is the concept that there is a core Article II power which enables the President, in the interest of the National welfare, to withhold information even from the Congress. Between the two, there lies a zone of uncertain parameters which gives rise to the current struggles between the two political branches.

Strictly speaking, demands for information on matters outside the Constitutional authority of Congress, such as Fifth Amendment prohibitions, do not raise questions of Executive privilege, since any person, whether private individual or public officer, may refuse to give information which Congress has no authority to demand.

The term "Executive privilege" is more properly applied to the right, if any, of the Executive department to withhold witnesses or information, not privileged under the rules of evidence, which relate to a subject within the legitimate authority of Congress, on the ground that disclosure would hinder discharge of the Constitutional powers of the Executive. As President Nixon has stated:

"Without such protection, our military security, our relations with other countries, our law enforcement procedures, and many other aspects of the national interest could be significantly damaged and the decision-making process of the Executive branch could be impaired."

With respect to his personal staff, the President elaborated:

"This tradition rests on more than Constitutional doctrine: it is also a practical necessity. To insure the effective discharge of the Executive responsibility, a President must be able to place absolute confidence in the advice and assistance offered by the members of the staff. And in the performance of their duties for the President, those staff members must not be inhibited by the possibility that their advice and assistance will ever become a matter of public debate, either during their tenure in government or at a later date. Otherwise, the candor with which advice is rendered and the quality of such assistance will inevitably be compromised and weakened. What is at stake, therefore, is not simply a question of confidentiality but of the integrity of the decision making process at the highest level of our government."

In the Watergate matter, however, we appear largely to be dealing with an issue involving politically embarrassing details as distinguished from security sensitive matters. In such a case, the public interest could only be served by a complete disclosure of all facts relevant to the issues of that investigation. By announcing that his staff will be available to testify before the Senate investigating committee, the President was living up to his previously announced policy that Executive privilege will not be used as a shield to prevent embarrassing information from being made available. It is vital that he continue this policy. However, should questioning before the committee go beyond the issues of the Watergate matter and infringe upon substantive matters the disclosure of which would be contrary to the public interest, it would then be proper to assert the protection of the privilege.

In order for the separation of powers system to work, we must strive for free flow of information between these co-equal branches of government and an appreciation of the inherent needs of both branches in order to function effectively. The authority of Congress to investigate and the power of the Executive to withhold information are neither absolute nor mutually exclusive. To say where the one ends and the other begins is impossible, nor in my judgment is the Congressional power to investigate superior to the Executive privilege. The founding fathers did not prefer Congress over the President. Excessive investigation may wreck the Executive branch, but undue secrecy may seriously cripple the Legislature and promote official arrogance and inefficiency as well as fiscal laxity. While government by abusive investigation may not be government, government without investigation power might easily turn out to be Democratic government no longer. This delicate balance between the need of Congress for information and that of the Executive branch for a certain amount of operating privacy and classification of security material must be maintained if our government is to go on.

As so often in the past, the resolution of the Executive privilege issue in the Watergate matter has to be worked out by the two political branches of our government in a mutually satisfactory arrangement so as to avoid a stultifying impasse. The fact that resolution appears to have been possible, at least in principle, seems to vindicate again the system of checks and balances so carefully woven into the fabric of the Constitution by the framers, and gives hope that the present elected and appointed officials as well as future ones also will measure up to this difficult task. The solution to the dilemma lies in the recognition of the fact that the Executive and Legislative branches belong to the same government and are supposed to function as partners. As with most disputes, they can be resolved only by a rule of reason with the public good as the paramount consideration.

II. LEGISLATIVE IMMUNITY

The same philosophy must be applied to the conflict which has arisen with respect to the "Speech or Debate" or "No Account" Clause of Article I, Section 6 of the Constitution, inasmuch as it is designed to protect members of Congress from intimidation by the Executive and Judiciary through the use of judicial inquiry into Legislative activity.



During its last term, the Supreme Court decided two cases, *United States vs. Gravel* and *United States vs. Brewster* in which the Court so restricted the immunity given to members of Congress by the "Speech and Debate" Clause that we are restricted as to how and whether we can any longer independently acquire information in respect to activities of the Executive branch or inform constituents of their findings without risking criminal prosecution or civil suit. Not only are these decisions unduly restrictive, but they raise grave concerns that a member's statements or even votes on the floor or in committee may subject him to accountability by the Executive or Judicial branch, or by private individuals.

The criticism by Justice Brennan, in his dissent of the majority opinion in the *Gravel Case*, seems to me to be compelling:

"In holding that Senator Gravel's alleged arrangement with Beacon Press to publish the Pentagon Papers in not shielded from extra-senatorial inquiry by the 'Speech or Debate' Clause, the Court adopts what for me is a far two narrow view of the legislative function. The Court seems to assume that words spoken in debate or written in Congressional reports are protected by the Clause so that if Senator Gravel had recited part of the Pentagon Papers on the Senate floor or copied them into a Senate report, those acts could not be questioned 'in any other place.' Yet because he sought a wider audience, to publicize information deemed relevant to matters pending before his own committee, the Senator suddenly loses his immunity and is exposed to Grand Jury investigation and possible prosecution for the republication. The explanation for this anomalous result is the Court's belief that speech or debate encompasses only acts necessary to the internal deliberations of Congress concerning proposed legislation. Here, according to the Court, private publication by Senator Gravel through the cooperation of Beacon Press was in no way essential to the deliberations of the Senate. Thus, the Court excludes from the sphere of protected legislative activity, a function that I suppose lay at the heart of our Democratic system. I speak, of course, of the Legislator's duty to inform the public about matters affecting the administration of government. This 'informing function' falls into the class of things generally done in the session of the House by one of its members in relation to the business before it, was explicitly acknowledged by this Court in previous decisions."

It cannot be doubted that the inquiring or informing function of Congress is one of the most important responsibilities of legislative office. The words of Thomas Jefferson take on contemporary significance:

"That in order to give the will of the people the influence it ought to have, and the information which may enable them to exercise it usefully, it was a part of the common law, adopted as the law of this land, that the representatives, in the discharge of their functions, should be free from the cognizance or coercion of the coordinate branches, Judiciary and Executive; and that their communication with with constituents should be of right, as of duty also, be free, full, and unawed by any."

This privilege was similarly described by James Wilson, an influential member of the Committee of Detail which was responsible for this specific provision of the Constitution:

"In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of everyone, however powerful, to whom the exercise of such liberty may on occasion offend."

The intent of the framers of our Constitution could not be more clear. The "Speech and Debate" Clause was incorporated specifically into the Constitution to guarantee our Legislators freedom in performing the duties of their office, from voting, to informing the public, without threat of judicial, Executive, or other interference.

Two safeguards were incorporated into our Constitution in order to protect against the transgressions of Congressmen. They can be disciplined by the body of which they are a member and they can be disciplined by the electorate at the next election. These safeguards do not threaten the delicate balance of our institutions. I believe it is clear that the "Speech and Debate" Clause requires that inquiry into behavior of members of Congress in carrying out their public duties remains within the exclusive jurisdiction and responsibility of the legislative branch.

Apparently the Supreme Court not only disagreed with this interpretation of the intent of the founding fathers but proceeded further to limit the scope of the immunity from interrogation implicit in the clause to members of Congress regarding the performance of legislative acts such as voting and deliberative and communicative proceedings, and ruled out all such immunity on behalf of aides, sources, and private publishers in questioning concerning possible violation of federal law and procurement of private republication of information. While the Court decided that Senatorial aides enjoyed the same immunity as their legislator-employers, it proceeded so to restrict the immunity enjoyed by the Senator as to make it largely worthless to the Senator or his aide.

It decided in the *Gravel Case* that the acquisition of information and preparation for a legislative hearing and the publication of the hearing thereafter are *not* protected activities. Under the Supreme Court view, no activity is protected except the narrowly defined casting of a vote or the giving of a speech before the House or in Committee. No preparatory act leading up to a protected activity would be immune under the clause. Under such a proscription, sources of information would hesitate to communicate with Congressmen for fear of disclosure and the legislative aides would be restrained in their efforts to seek out details important in preparation of the Legislator. For example, a Watergate Committee Senator might be called to testify in the civil suit which was initiated by the Democrats as to sources he has encountered.

Congressional privilege based upon an expressed Constitutional provision to encourage the free exchange of ideas and information can hardly be less extensive than the Executive privilege which has no express statutory or Constitutional basis. Yet, Executive privilege has been extended to the activity of persons whose relationship to the President is far more remote than the relationship of an aide to a Senator. The need for protecting the confidential relationships between the President and his aides, as the government has asserted in defending the Executive privilege, is equally applicable to the need for protecting the relationship between Senators and their aides and committee staff working under members' direction. Once the intimate relationship between the Senator and his staff is appreciated, it must be made clear that the Legislative function includes all activities which are of a service to the people, and this must include the entire scope of activity of a Senator in performing his office from that of casting his vote on the Senate floor to that of informing the people of the present state of activity in their government. The distinction in the *Brewster Case* between protected and non-protected activity is indeed unfortunate and illustrates a lack of appreciation of what is essential to the legislative function.

In the aftermath of the *Gravel* and *Brewster* Cases, what can Congress do to salvage its privilege? The simple answer is that there is nothing in the Supreme Court's unduly narrow interpretation of the "Speech or Debate" Clause in the *Gravel* and *Brewster Cases* which precludes Congress from enacting appropriate legislation which will fully protect the legislative powers and prerogative of Congress. Neither case implied that Congress may not Constitutionally change existing law to immunize such activities as within the legislative scope. On March 22, 1973, Senator Ervin submitted Senate Bill 1314 which would bring the scope of legislative immunity back within the Constitutionally intended boundaries. Congress has sole authority to enact the criminal laws of the United States and to immunize legislatively related activities. By way of illustration, if Congress Constitutionally can enact an immunity shield for newspapermen to protect their sources, a shield which I support with a few proper limitations, can there be any doubt of its authority to enact appropriate Congressional shield legislation? Both Congress and the press share the duty to inform the public about matters affecting the administration of government. The press, in performing this duty, discharge the First Amendment protected responsibilities; Congress, in performing its duty, discharges its duty of consideration and enacting legislation and its traditional constitutional role as an "inquest."

In enacting Congressional immunity legislation, Congress, both gives effect to the "Speech and Debate" Clause of the Constitution and safeguards the concept of separation of powers vital to the independent functioning of Congress as a co-equal branch of government. It is my belief that if the doctrine of legislative privilege and immunity is to perform its essential historical function of eliminating the fear of the investigation and trial of charges by the Executive and Judicial branch, thus providing for effective, free, and unchanneled discharge of legislative duties, it must be broadly construed and interpreted, and liberally applied to the realities of the operation and conduct of a modern legislative system.

III. NEWSMEN'S PRIVILEGE

The third area of testimonial privilege which has become of great concern to our country is that of professional newsmen and the extent to which they have the privilege to conceal confidential sources. I, for one, hail the advent of a vigorous and free press and happily bid farewell to shabby yellow journalism. The Supreme Court in *Branzburg vs. Hayes* held that the First Amendment to the Constitution does not provide newsmen with a privilege to withhold confidential information from a Grand Jury. What is involved is the right of the Press to gather and publish and that of the public to receive news from wide-spread diverse and oftentimes confidential sources. The enforcement of subpoenas which would lead to the disclosure of confidential news sources would result in a depletion of such sources without which investigative reporting would be severely, if not totally, hampered. A competing consideration, of course, is the right of litigants to procure evidence in civil and criminal actions as well as the right of Congress to develop evidence in its hearings.

At the invitation of the Court, Congress is considering passing legislation providing reporters with such protection from press subpoenas. Many states have already enacted such legislation. Due to increasing public pressure there have been to date 60 newsmen shield bills introduced during this first session of the 93rd Congress and more expected. These bills can probably be classified in two categories, either absolute or qualified privilege. The first will give reporters total, unqualified, immunity against having to disclose their confidential sources. All bills falling into this category of absolute shield legislation are based on the as-

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sumption that anything less than complete protection for newsmen sources and information is worse than no protection at all. This approach, however, does ignore the competing consideration of the interest of the public and the right of parties to procure evidence in felonious criminal litigation and in defamation cases.

In an effort to overcome the criticism leveled against bills offering absolute immunity, I have joined with Senator Weicker on a bill which offers protection *only* to sources not to information. This distinction is a crucial one, and makes the Weicker proposal more similar to existing State shield statutes than to other proposed federal legislation. Critics have contended that a reporter should be required to turn his information over to the law. Under our proposal, it is hoped to satisfy such critics in that only that information, whether in the form of notes, tapes, or films which might identify the source, are protected.

Our measure establishes three criteria which must be met to the satisfaction of a Federal Judge before a newsman can be compelled to identify his source: That the source is of direct relevance to the action involved in the trial, that the information is not reasonably available from alternative means and that the case involves a major crime. The bill would require reporters to disclose sources only in cases of murder, forceable rape, robbery, aggravated assault, burglary, grand larcency, auto theft, kidnaping, airplane hijacking, and major breaches of national security.

There is no question that there is need for a qualified newsman's privilege. Justice Douglas in his dissenting opinion in *Branzburg* stated that:

"Today's decision will impede wide open and robust dissemination of ideas and counterthought which a free press both fosters and protects and which is essential to the success of intelligent self-government. Forcing a reporter before a Grand Jury will have retarding effects upon the ear and pen of the press. Fear of exposure will cause dissidents to communicate less openly to trusted reporters and fear of accountability will cause editors and critics to write with a more restrained pen. If what the Court sanctions today becomes set as law, then the reporters main function in America's society will be to pass on to the public the press releases which the various departments of government issue."

What is involved is the public's right to be kept informed of what is going on in society. The public has an interest in the free flow of news. If the press in this country is not to serve as a mere sounding board for official press releases and propaganda, it must be able to protect its informants. Protection of confidential sources of information relates directly to the credibility of newsmen in the eyes of his sources. This affects the ability of a reporter to keep the public informed.

There is a strong argument that there are occasions when the life of an individual or the community is so clearly endangered that no citizen can be exempt from giving information. Our qualified privilege bill attempts to deal with such serious situations. As a matter of fact, newsmen generally do cooperate with lawmen in criminal cases. It is a rare reporter who does not tip off the local law enforcement agencies to such matters that cross his attention, and there are many Prosecuting Attorneys who have expressed concern that the Supreme Court decision is going to cut off this important source since the reporter himself now will be under the same handicaps as the authorities.

Even so, we must acknowledge that there would be some abuses of the qualified privilege but by no stretch of the imagination could these abuses be so frequent or so serious as to endanger the survival of the Democracy. A press hobbled by the *Branzburg*, *Pappas*, and *Caldwell* decisions could.

Based upon the English experience and our own colonial experience, the framers of our Constitution sought to guarantee the integrity of our government in establishing the independence of co-equal branches of government and insuring the free flow of information to the people. Secrecy in government should be abhorred. The President's wise conclusion to use Executive privilege only in the interest of the public welfare indicates an acceptance of this principle. The re-establishing of the proper boundaries of legislative privilge would encourage Legislators and their staff to continue to conduct a thorough investigation and analysis of issues confronting our society. The legislators will then act upon the true realities involved in each instance as well as keep their constituents well informed of the workings of their government. Based upon a qualified newsman's privilege, the press will continue to have effective networks of confidential sources which will insure the most informed and accurate reporting of the news. All of these privileges play a vital part in the checks and balances necessary to the functioning of a free and Democratic society.

## THE OVER-THE-COUNTER DRUG CULTURE

Mr. MOSS. Mr. President, millions of Americans have become dependent upon drugs. I am not referring to hard drugs, but to pills to soothe your stomach, capsules to cure your cold, or antidotes to ease that slight pain in your back, head, or anywhere else that it might occur.

Much of this widespread drug dependency is the result of massive advertising campaigns designed to distort the truth and woo the pained consumer into the false belief that anything and everything can be cured by downing a little mystery substance produced by the miracles of modern science.

In many cases, it simply is not true. The public needs the truth about modern over-the-counter drugs, yet the truth is often hard to come by. Propaganda, on the other hand, is not only easy to come by, it is hard to avoid.

I recently came across a newsletter that could be very useful to the general public. It gives a factual, well-researched, layman's explanation of various drugs, their useful purposes, and points out the areas where they are not useful. The newsletter was produced by an organization called Consumer Action. Now, located in New York City. Because I believe that the public desperately needs such information, I ask unanimous consent that the newsletter be printed in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

CAN'S (CONDENSED) DRUG DICTIONARY

The information below is based on research and interviews done by CAN members Irmgard Hunt and Maryann Napoli, with help from Gay Lord. In creating this version it was impossible to include all the in-depth information they gathered. (Our space here is limited.) Prices on over-the-counter (OTC) items mostly come from local New York chain drugstores. Prices on Rx items come from several friendly, though not necessarily representative, neighborhood pharmacies, and will not only vary from state to state, but from store to store on any block in any city. As a consumer aid, where Rx brand names are used, we've tried where possible, to include the generic name besides it in (parentheses).

ANALGESICS, MILD

Mild analgesics are pain relievers. For mild pain. In addition, some analgesics also reduce fever and swelling. The only analgesics that perform all 3 functions are the salicylates: salicylamide, acetylsallcylic acid (aspirin).

A second group reduces only pain and fever (not inflammation): phenacitin, acetaminophen.

For more on these, see under "Aspirin."

A third group, the strongest "mild" analgesics, reduce only pain; codeine (a narcotic), propoxyphene (non-narcotic).

Propoxyphene hydrochloride is the pain-reliever in Darvon. Because of its limitations, propoxyphene is combined with aspirin, phenacitin and caffeine in a second drug called Darvon Compound, meant to be taken when more than just pain relief is required.

Now the question arises. How effective is Darvon at relieving pain?

A lot of doctors must think it's pretty effective, because according to one source, Darvon is the most frequently prescribed drug in America.

And yet . . . both the "AMA Drug Evaluation, 1971" and "The Physicians Desk Reference" list a roster of adverse reactions from vomiting, dizziness, and impairment of mental ability, to (from excessive doses) coma and convulsion. On the other hand, one pharmacist reassured us that the list of possible perils from almost any drug can sound fairly creepy (if you call that reassurance) but that the chance of actually getting the bad effects are generally rare. Nonetheless, we found enough doubts cast about Darvon to make us wonder why it is "the most frequeutly prescribed drug in America." For instance—a recent Mayo Clinic study in which aspirin proved to be more effective than Darvon and seven other popular analgesics.

Mild analgesics are not as strong or addictive as narcotics, though all (including aspirin) may be poison if taken improperly. Poisoning can be acute or, more commonly, can take the form of chronic intoxication—which sounds like fun but isn't, and which results from taking high doses for a long time.

These drugs range in price from generic aspirin (at a low of $.17 per 100) to Darvon ($7.95/100) to Talwin—with its own list of side effects (at an average of $15 per 100). We are not able to evaluate pain killers in detail nor on the other hand are we prudish enough to tell you to suffer unaided through intense pain. We do suggest you try aspirin first (it's not the "little nothing" of a drug that its everyday use might lead you to believe). Further, before you take a stronger pain killer, question your doctor about price and other risks, if, at the time, you're in a position to care. (Or to talk.)

ANTIACIDS

They're anti-acids. What they do is neutralize excess acid produced by the stomach. However, they also stimulate the stomach to produce *more* acid. Which also has to be neutralized. So, to compensate for the increase you have to take a little excess antacid. In any case, experts believe that the OTC preparations contain such small amounts of neutralizer that their effect is short-lived.

A widely-used medical school textbook decries the inappropriate use of antacids by both doctors and laymen. On the other hand, it concludes, "when they are truly indicated, they are often used too casually to be of value." In general, some doctors feel they are only "truly indicated" in cases of ulcers or pre-ulcerous conditions, in which case you should see your doctor.

Of the hundreds of OTC antacids available (it's a $104 million-a-year business) there are all sorts of combinations. Some have as many as six ingredients. *Alka Seltzer* ($1.87 per 100) combines an antacid and aspirin, a combination which apparently is not needed to treat mild indigestion—and besides, aspirin isn't so great for some tummies.

*Gelusil* ($1.69 per 100) adds aluminum salts, which (according to CU) have "no proven therapeutic advantage," and *Di-Gel* ($1.69 per 100) adds simethicone, which may be helpful in that it breaks up gas bubbles, if that's what ails you. If it is, there's also *Mylanta* ($1.55 per 100 or/$1.39 for 12 oz. liquid) which combines simethicone with an effective antacid combination (aluminum hydroxide and magnesium by hydroxide) and is recommended by many doctors specifically "for the relief of flatulence" (which is what you call gas after you've been to medical school).

However, there's a lot of debate about the need for added ingredients which some feel are just an added expense. Further, there's the theory that the simpler products are actually better. Such plain antacids include *Tums, Bell-Ans, Rolaids* (average $.88 per 75 tablets), though tablets, in general, are less effective than liquids.

Consumers Union feels that of all the antacids around, none has been proven better than precipitated chalk, i.e., Calcium Carbonate Precipitate, USP. You can buy 8 oz. of it for $1.65. Chalk, however, causes constipation in some people, which, CU says, can be offset by also using Magnesium Oxide USP (8 oz. $1.25) or Magnesium Carbonate USP (8 oz. $.90) but at that rate, we'd say you're better off with an unchalky branded product.

ANTIBIOTICS

Anti-biotic means "against life" which is a funny name for a life-saver, which antibiotics can often be. They're chemicals that derive from molds or bacteria and that kills or inhibit the growth of other bacteria. Each antibiotic has its own spectrum; that is, it's effective against some forms of bacteria and completely ineffective against others. No antibiotic, however, is effective against common viruses, and yet . . . they are most often prescribed for flu colds and upper respiratory diseases—all virus diseases *against which they are entirely ineffective.**

If you want to talk about drug abuse, the conversation ought to begin with antibiotics. It's been estimated that 75% of those prescribed are unnecessary. According to Dr. Harry Dowling, former chairman of the AMA Council on Drugs, "it is doubtful that the average person has an illness that requires treatment with an antibiotic more often than once every five or ten years."

Even where an antibiotic is justified, the prescription of the wrong one is, unfortunately, not uncommon. For this reason, if there's a doubt about what bug you have, you ought to ask that a culture be taken (where that's possible) to be sure your infection is in fact bacterial), and then to make sure you get the drug that will hit the bacteria you've got. If you do take an antibiotic, take the full number your doctor prescribes. Less than that may not kill the bacteria, but may simply anger it, so it comes back determined to get you.

The use of antibiotics should always be measured on a benefit to risk ratio. Because there are very real risks. 15% of the population is allergic to antibiotics. 5% are sensitive to penicillin, some so severely that even trace amounts (e.g., residues in foods) are potentially fatal. Allergies can build up with exposure. Tomorrow you can become allergic to penicillin because you took it unnecessarily today. (Tomorrow you may need it to save your life and be unable to take it because you're allergic.)

There are other risks, too. Overuse of antibiotics can breed drug-resistant strains of bacteria. It was fear of this that led the FDA to ban these drugs from cattle feed—a ban slated to go into effect this year. It was felt that drug-resistant bacteria could be passed from cattle meat to people and do a lot of us in.

Then, too, antibiotics destroy some of helpful bacteria normally found in our bodies which act to protect us. There is then the danger that other (harmful) bacteria or fungi will take over. When this happens in the intestine the results may be anything from cramps and nausea (not uncommon side effects) to *severe* diarrhea. Adelle Davis advises a vitamin B compound supplement and plenty of yogurt can help your stomach keep its balance. A special risk for women is a side effect of vaginitis, again the result of a drug-caused bacterial imbalance in the vagina. Because this effect is so common, many doctors suggest that women with a history of vaginitis use a vaginal medication (as a preventive) along with antibiotics.

*Though in some cases a doctor may feel antibiotics are indicated to prevent secondary infections.

ASPIRIN

Acetylsallcylic acid is truly a miracle drug. It was discovered in a chemical extracted from willow bark in the 1760's, and found to reduce fever and swelling and to relieve minor pain and tension headaches. It still does these things better than almost anything, though, over 200 years later, we still don't know why. But we're working on it. Meanwhile, the thing we call aspirin continues to work for us.

While evidence keeps mounting that aspirin needs no accompaniment, aspirin combinations continue to promote their superiority. Most doctors will tell you that the sole ingredient that makes these combinations work is the aspirin they all contain ("the ingredient doctors recommend most"). Further, the manufacturers of *Anacin, Bufferin* and *Excedrin* (all combination products) are currently under fire from the FTC for "misleading claims" that one product is faster, stronger, purer or less upsetting than the others. In fact, the extra ingredients may increase the possibility of side effects or allergic reactions.

In the case of Bufferin's claim ("twice as fast as aspirin") tests showed that although it is absorbed into the bloodstream faster, there was nothing to indicate that the speed of pain relief was significantly increased. If your bloodstream happens to be impatient, you may pay $1.10 for 100 Bufferin, as opposed to $.17 to $.39 for 100 generic aspirin or $.69 for 100 branded Bayer.

Adding caffeine to aspirin gives you Anacin. For that bonus you pay $1.29 per 100. We asked Whitehall Laboratories (the makers of Anacin) to tell us why they put it in there, and were told that it "acts as an uplift" and "raises your mood," and though they admit they can't prove physiologically *why* it works better than plain aspirin, their own tests prove that it *does*. The amount of caffeine in two Anacin, by the way, is equivalent to that in a half cup of brewed coffee, so if you find the combination helpful, you might try two plain aspirin with a half cup of brewed coffee.

On the other hand, there's this: A recent study showed caffeine actually inhibits aspirin's fever-reducing ability.

Excedrin ($1.36 per 100) is aspirin combined with caffeine (the merits of which are noted above) plus two other analgesics: salicylamide (considered a less effective pain reliever than aspirin) and acetaminophen (roughly equivalent to aspirin, but lacking its anti-inflammatory action). Acetaminophen's chief merit is that it can be taken by those allergic to aspirin (an advantage which is, of course, cancelled out by combining it *with* aspirin).

So much for extra added ingredients. Now—what about the extra added prestige of a national brand name?

The FTC says there is no recognized clinical study to show that a 5 grain Bayer Aspirin tablet is any better than any other 5 grain aspirin tablet. (The study Bayer promotes on television is the company's own, and as such, not officially "recognized.")

Bayer Aspirin costs somewhere between two to four times as much as other aspirin. The proof offered that it's worth it seems fairly marginal, if not downright baroque on many counts. However, their much-better-than-USP standards for limiting irritants and for speed of disintegration (30 seconds as opposed to 5 or more minutes) are indeed impressive—at least 'til you read through the sentence structure and find that so are the standards for many (though *not* all) generic versions.

If price difference is no obstacle, then, send for Bayer's free booklet (Dept. M, 90 Park Avenue, NYC 10016) and let them try to convince you to grin and Bayer it.

Consumers Union, for one, remains unconvinced. They feel you're better off buying the least expensive USP aspirin you can find—just don't buy it in large economy sizes, since it can deteriorate over time, clues to which are a vinegary smell and a tendency to crumble.

Caution: Aspirin is a truly potent drug. According to Dr. Richard Farr, head of the Department of Allergy and Clinical Immunology at the National Jewish Hospital in Denver, one in 500 people react adversely to it, and allergy can develop at any time. Symptoms may mirror an asthma attack, which may occur up to 3 hours after taking the pill, and may recur even after the drug is discontinued. Others get hives, and still others may hemorrhage. Dr. Farr suggests that those with ulcers, asthma, blood clotting problems and recurring sinus trouble are likely candidates for an aspirin reaction. He feels the drug should not be taken for one week before surgery or when labor is imminent, and that it should be used with great caution during the first 3 months of pregnancy. This is not meant to scare you forever off aspirin, but to warn you to use it with discrimination, and to keep it out of children's reach. (Flavored aspirin is the drug most frequently involved in childhood poisoning. A single dose of 10 grams—33 tablets—may be fatal to an adult.)

"COLD REMEDIES" ANTIHISTAMINES ET AL.

As everybody's grandmother once said, "If you leave a cold alone, it lasts a week, but if you treat it, it lasts only seven days." And that's still about the size of it. Americans spend over $500 million a year for cold remedies, and recent FDA evaluations seem to conclude that we aren't getting our money's worth.

First of all, none of these products are "remedies" in the sense that remedy implies cure. At best they help relieve symptoms—in itself a laudable goal—but one not to be confused with either cure or prevention, of which none exist. When you have a cold, you're sick, and if you don't take care of yourself, you can get sicker. And that, since time immemorial, is that.

Dr. Linus Pauling sold a lot of books and a lot of Vitamin C by claiming that several grams of it a day can reduce your chance of catching cold and or reduce a cold's duration and severity. If you want to conduct your own experiment, comparison shop for vitamins. The price range for the same milligrammage is indeed appalling.

Now, about antihistamines.

What they are is—anti-histamines. Chemicals that work against the effects of histamines, which are natural substances released by certain cells and tissues in your body in response to irritation. Histamines produce secretions, inflammation and dilation of blood vessels. Antihistamines dry up most secretions and shrink things back to size.

Pollens and other allergens are irritants that set off histamines, and therefore these



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drugs are useful in treating hay fever and other allergies—allergies which, by the way, are often thought to be colds or "sinus trouble," the symptoms often being identical.

Some antihistamines can also suppress travel sickness and morning sickness. They can also suppress you. Slow your reflexes and make you drowsy or unable to concentrate. Therefore they should not be taken before driving (or final exams). Given this particular side effect, antihistamines also show up as a major ingredient in most OTC sleeping pills (see Non-Barbiturates). On the other hand, some antihistamines, including *Coricidin* ($3.98 per 100), have caffeine to counter this natural drugging effect. But in any case, antihistamines and alcohol do not mix.

The antihistamine in *Contac* ($1.69 for 10) is chlorpheniamine, which is combined with a large dose of a mucous membrane decongestant, and with belladonna alkaloids and related compounds, all of whose goals is to create drought in your T-zone.

As to the use of antihistamines for colds, the FDA concludes that "the majority of carefully controlled studies . . . disclosed no alleviation of symptoms or shortening of duration of symptoms of colds."

Further, some doctors feel that some OTC products are too strong, that they may overdry the mucous membranes thereby causing more irritation to already irritated tissues.

(While you might want to take your sinuses to Arizona, the goal is not to turn your sinuses *into* Arizona.) In general, if antihistamines are called for, your doctor can prescribe one in the right strength for you, probably at a money-saving price. If you're buying OTC, ask you druggist what's mildest and simplest. Some drugstore house brands are, and are also less expensive.

Further notes: At an interview after last December's Senate hearings on drugs, Dr. William I. Hewitt, chairman of the Division of Infectious Diseases at UCLA Medical School, warned that patients should avoid fixed combinations unless they need all the ingredients. "For example," he said, "there's no need for an antihistamine unless the individual has a running nose. Some fixed combinations—Coriden, for instance—contain the average amount of aspirin to be taken every four hours. But the patient who takes the tablet that often will receive a higher dosage of antihistamine than is needed every four hours, assuming he needs antihistamine at all."

*Nyquil* ($.94 for 10 oz.), heavily promoted on television as a "night-time cold remedy," has an even more interesting ingredient story. According to Dr. Donald C. Labracque, former research director of Vic Laboratories, makers of Nyquil, "it puts people to sleep because it contains 25% alcohol." He suggested a glass of sherry would be as effective. We'd suggest it's a lot more fun. And make ours Harvey's, on the rocks.

DIURETICS

"Diuretics are used to reduce the volume of extracellular fluid in order to eliminate edema or prevent its development. They enhance urinary excretion of sodium (salt) and water, and inhibit reabsorption of sodium into the body." All of which means they get rid of bloat by making you powder your nose a lot.

The fluids in our body are maintained at a very delicate balance (50% of a fat man's weight is fluid, and about 70% of a thin man's). When this balance is upset (when excess water is retained) treatment may be required. The cause may be pregnancy, monthly ovulation, the effects of operations, burns or other trauma, congestive heart failure and kidney disease. In any case you find you're retaining excess water, see your doctor.

Of the 6 different groups of prescription diuretics, the most commonly given pills are the thiazides and related compounds. Their dosage should be carefully regulated as they may also rob the body of potassium, causing "hypokalemia" (potassium deficiency) whose symptoms are muscular spasms (in bad cases, paralysis), weakness, dizziness and irregular heartbeat. Doctors recommend increasing your intake of foods containing potassium (oranges, bananas, wheat germ, etc. and vegetables such as broccoli and kale). Hypokalemia can occur with all of the thiazides. There's no marked difference between them in that regard.

The onset and duration of the flood, however, varies slightly from product to product. With *Esidrix, HydroDiuril* and *Oretic* (hydrochlorothiazide) diuresis occurs in a few hours and lasts about 12 hours. With *Renese* (polythiazide) the onset occurs within 2 hours and lasts up to 48. Other popular Rx's are *Diuril* (chlorothiazide), and *Enduron* (x methyl clothiazide). Thiazides should be used with great discrimination (if at all) during pregnancy, and should be prescribed only by a doctor who knows your complete history. (Some existing conditions, and some other drugs, may contraindicate diuretics.)

The OTC diuretics are mostly herbal preparations—and a whole other thing. Herbs and teas have long been used as folk-medicine diuretics. The ingredients of modern-day *Diuraid* ($2.98 for 100) are based on an ancient recipe: asparagus, uva ursi (dried leaves of the mountain box), buchu (dried South American shrub leaves), corn silk, oil juniper and licorice. Two more interesting herbs in *Hydrox* ($3.49 for 90) are couch grass (witch grass) and extract hydrangea (dried shrub root). Rexall's herbal potion sells at 60 for $1.54, which, if we remember our fractions, makes it least expensive. All labels here warn against use in cases of high blood pressure induced by kidney disorders or with organic or systemic disease.

There are also OTC chemical diuretics. For instance, Pamprin (24 for $1.12), which is made from 25 mg. Pamabrom (the only chemical diuretic that can be sold over-the-counter), 125 mg. Phenacetin Salicilamide (an analgesic) and Pyrilamine Maleate (an antihistamine). The product's brand manager still considers it mostly a diuretic. Taken four to five days before menstruation, he says it helps relieve tension, cramps, etc., which are caused by extra fluid stored in the cells. Pamabrom is their own "discovery," but they do sell it to manufacturers of similar OTC pills, for instance Trandar (24 for $1.35)!

HEMORRHOID PREPARATIONS

Hemorrhoids are varicose veins in the worst possible place. These swollen veins, which slow down blood circulation, can be internal, where they may bleed but won't hurt, or external, where they may bleed and hurt a lot. They can be caused by chronic constipation, by straining to move bowels, or by the forceful expulsion that may result from taking laxatives. Pregnancy or a chronic cough can cause them and so can strenuous physical exercise. Sometimes nothing "causes" them; they just happen. Usually, they go away by themselves in time, at least the minor ones, once proper bowel function is restored or other causes removed. However, self-treatment in more severe cases may prolong or aggravate the condition, whereas a doctor can often prevent it from becoming severe. Occasionally, external hemorrhoids break open and may require surgery.

To relieve pain, doctors recommend taking warm 15-minute baths three or four times a day. Sitz baths (mini-bathtubs that fit over the toilet seat) allow you to confine the bathing to what needs to be bathed.

As for OTC products, suppositories are considered generally useless in that they bypass external hemorrhoids and don't do anything to stop the bleeding of the internal ones.

The "AMA Drug Evaluation" tells us that the ingredients of the ointments are usually an anesthetic (Benzocain, Pontocain, Nupercain) which may be helpful in relieving external pain. The use of things like bismuth salts, menthol or peppermint camphor is considered "irrational," as is Peruvian Balsam, a mild antiseptic with parasitical action, whose presence is "supported more by tradition than by convincing data." Other ingredients may be belladonna (to check secretion), optimum (as analgesic), vitamins (?) and a weak antiseptic.

*Preparation H* (1 oz., $1.45), a concoction of live yeast cells ("Bio-Dyne"), shark liver oil and phenylmercuric nitrate (an antiseptic and a no-no; see Skin Medication) seemed to us to be a definitive over-the-counter con. The manufacture's medical director explained the ingredients: Shark liver oil contains vitamins A and D which may be beneficial to the skin. (According to a pharmacological text, vitamin A has been applied to burns and wounds "for reasons that do not bear scientific scrutiny.") The live yeast cells are supposed to increase the oxygen intake of the blood, which, he told us, increases healing of cell tissue. (A process which, if you believe in the theory, could be accomplished by Vitamin E oil—if you believe in the theory.) Probably the most useful ingredient is the ointment base, whose function might be as easily filled by Vaseline.

*Anusol* ($1.57 an oz.) contains cocoa butter (a skin softener and protector) and zinc oxide (prevents friction and absorbs moisture which in turn "discourages the growth of bacteria"). *Anusol HC* (Rx) adds hydrocortisone (an anti-inflammatory). The AMA feels one of the most sensible preparations is *Rectal Medicane* ($1.59 for 1½ oz.) and its HC version. It contains an anesthetic, antiseptic, emollient and protectant, plus the optional HC. *Wyanoids* (Rx) are warned against because they contain belladonna, of which its label also bears dire warnings.

HYPNOTICS (RX)

Call them sleeping pills, sedatives, "sopors" or "downs," they come in two forms, barbiturates and non-barbiturates. And contrary to popular opinion, non-barbiturate does not mean non-addicting.

BARBITURATES

There's *Seconal* (sodium secobarbital), *Nembutal* (sodium pentobarbital), *Amytal* (sodium amobarbital), *Tuinal* (sodium secobarbital and sodium amobarbital) and *Luminal* (Phenobarbital), which are known, among other things, as Butals, Yellow Jackets, Amys and Twotes. (We didn't hang around that street corner long enough to learn the rest.) With a prescription, you can buy these drugs for as little as $.84 per 100.

Barbiturates are depressants, producing anything from mild sedation to coma. They're used as sedatives and/or minor tranquilizers. As with all such drugs, they don't "cure" anxiety or insomnia and may in fact obscure the underlying psychological causes. All these drugs can be habit forming, and withdrawal symptoms can be dangerous, painful and severe, involving convulsions, hallucinations and delusions. Those who use these drugs "for fun" quickly develop a tolerance and need larger and larger doses. Such users commit three times as many violent crimes as do heroin addicts, and may develop paranoid and delusionary behavior. Barbiturate poisoning has become a major factor in urban medical centers, either in suicide attempts or in accidental overdoses caused by drug-induced confusion (you take one and forget you did, so you take another and forget you did, so you . . .).

300,000 pounds of barbiturates are produced in America each year, which translates into 33 capsules for every man, woman and child, or 132 per average family. The teenagers aside, Mommy is more likely to take them than Daddy, especially if she also has a job. Projections indicate that 8% of all working women in the U.S. use them regularly.



And further, the same study shows that 19% get them "by means other than prescription" and 39% use them "not according to doctors' directions."

A similar group of sedatives are the Chloral Hydrates USP, branded as Felsules and Noctec.

NONBARBITURATES (SOPORIFICS)

These include *Doriden* (glutethimide), sometimes called "Ciba," and *Quaalude* (methaqualon).

Measure for measure, these are less potent than the barbiturates but death from an overdose is just as possible, if not more so (e.g., Doriden). Prolonged use can lead to dependence. Withdrawal symptoms are more severe than withdrawal from opiates and may resemble epilepsy, with grand mal convulsions lasting up to three days, which may lead to coma and death. Interaction with alcohol or opiates m. , also be fatal.

Side effects are drowsiness, lethargy and hangover, or a paradoxical "high"—restlessness and excitement. The combination down/up cool/buzz makes these drugs the new tops on the street scene, outmoding the souped up schizz of speed and the mystic psychosis of peyote and acid, and leaving to the Over-30 the rose-colored grasses of marijuana and hash, which seem, in retrospect, the Pink Lady's of the drug scene.

LAXATIVES

Americans are obsessed with "regularity." Nice people (we firmly believe) go to the bathroom every day. It's the healthy thing to do. A recent FDA study showed that 2/3 of us believe that, and so, in an effort to be nice and "healthy," we do indeed try to "go every day"—a definitive exercise of mind over matter. Nature, it so happens, doesn't work that way. And doctors confirm that "regular" varies from person to person, and for some can be defined as once or twice a week. But who's counting?

And yet, there are 500 brands of laxatives in our drugstores and we buy $210 million worth of them every year. Some of them claim to be gentle enough for children, some claim to be gentle enough for Grandpa and now, for all you female separatists, we have *Correctol*, "the woman's gentle laxative" (for your more delicate large intestine?) with added (are you ready?) moisturizers.

One thing ought to be made clear at the start. Measuring the relative gentleness of laxatives is like measuring the relative smallness of elephants. Even a small elephant is big. And even a gentle laxative is harsh. *Serutan* ("'Natures' spelled backwards") notwithstanding, there is no such thing as a natural, or totally harmless, laxative. In fact, in many cases laxatives do more harm than good. They can rob the body of essential nutrients, and their overuse or misuse can irritate and inflame the colon, cause hemorrhoids, chronic constipation, and dependence. Further, continued use can mask a serious underlying problem. If that problem happens to be appendicitis, a laxative may cause a rupture and peritonitis, and if the one doesn't kill you, the other well may.

An occasional laxative for temporary constipation may be acceptable, but better still, just relax, drink more liquids and "let nature take its course," which isn't just dumb advice, since tension is a cause of constipation. Try prunes, figs, apricots or bran (an absence of roughage and/or fluids is a major cause of constipation). If you must take a laxative, the mildest they come is Milk of Magnesia, of which there's *Phillips* (12 oz., $.88) or Milk of Magnesia USP (12 oz., $.49). Also Senna Tea USP (10 oz., $.72).

If constipation is caused by dry hard stools, diocytl sodium sulfocuccinate N.F. in the form of an oral capsule softens stools by allowing water and fats to permeate them, and doesn't cause the kind of instant diarrhea you often get from laxatives. The difference in price betwen the generic drug and the brand name (Colace) is enough to make the mind boggle. These capsules may be taken by children over 6 years old (ask your pediatrician). And take note: The chronic use of laxatives, enemas or suppositories for children may be psychologically as well as physically damaging.

NARCOTICS (STRONG ANALGESICS)

All narcotics are subject to control under the federal narcotics law. They are prescribed on special numbered prescription pads, copies of which must be officially filed. Narcotics are used medically to combat severe pain and all are addicting if taken over a period of time—a period which may be as short as three days.

Codeine and morphine are both compounds of opium, which is found in poppy plant seeds. (Raw opium is rarely used.) Morphine is the strongest natural narcotic around. It kills pain often without producing sleep. It causes euphoria in some, discomfort in others and mental fuzz in everyone. Dull continuous pain is relieved more effectively than sharp intermittent pain, but in sufficiently high doses, morphine can kill even the severe pain of terminal illness. In higher doses, it can also kill you.

The semi-synthetic morphine derivatives are close in effect. These include Dilaudid (hydromorphine) and Numorphan (oxymorphine). Heroin is also in this group. And there's nothing to say about it that hasn't been said.

Totally synthetic (and less expensive) drugs resembling morphine include Demerol (meperidine), Nisentil (alphaprodine), Levo Dromoran (levorphanol) and Methadone. These analgesics are more commonly given for pain relief and are also addicting. Methadone has been given to heroin addicts as "maintenance" and to prevent withdrawal symptoms which are severe and can be fatal. Unfortunately, in some cases, so can methadone.

PLACEBO

A placebo is a dummy pill made of an inert substance. In drug testing, placebos made to look exactly like the real drug are used as controls. Neither the patient nor the doctors know which group has been given which pills. (This is known as a "double blind test.") Often placebos come up with a remarkable cure rate, as they did in the Mayo Clinic's recent study of prescription painkillers—underscoring the fact that mental attitude has a lot to do with the effectiveness of drugs. Very often a doctor's communication of confidence in a particular drug is enough for many patients to believe it will work. The same principle applies to over-the-counter drugs, and in some cases it may be that the advertising claims instill the confidence.

SKIN CREAMS

*For dermatitis, first aid, burns*

Eczema and psoriasis are common skin diseases for which several OTC products claim to offer "relief." The symptoms are red patches and white scales, whose duration may be brief or chronic and whose causes are still unknown. In their more virulent forms they defy all medical science, let alone a "cure" by drugstore glop.

Two widely-advertised drugstore glops are *Tegrin* (2 oz., $3.17) and *Psorex* (2 oz., $2.98). Ingredients of both are allantoin (an antiseptic and possible allergen) and, in Tegrin, a "specially refined coal tar derivative" which may or may not be the same thing as *Psorex's* "Coal Tar U.S.P." At any rate, from what we know of coal tar from our study of cosmetics, coal tar itself is a likely allergen, though the AMA Drug Evaluation considers it useful in treating dermatitis. Both products promise temporary relief from symptoms, *Tegrin* backing up its claim with test results showing its relief rate was, among other things, "excellent in 45.3% cases." When pressed for further information, like what kind of cases, and whose test, they refused to comment. Home treatment for such skin problems can often do more harm than good (you're putting harsh chemicals on irritated skin) so see a dermatologist! This only safe do-it-yourself remedy is watery soaks and compresses.

According to CU, first aid ingredients which may cause possible irritation or allergy include the cumulative mercury compounds (anything with the word "mercury" in it), silver compounds (silver nitrate, et. al.), sulfonamids, antihistamines, antibiotics and local anesthetics such as Benzocaine and Nupercaine. Further, they say phenols (carbolic acid) may also penetrate the skin, causing systemic reactions. Though phenols show up in Listerine Antiseptic, Listerine says they've had no complaints, but laymen wouldn't necessarily relate a systemic reaction to what they've put on a cut a week ago.

Isopropyl alcohol USP is considered a very adequate and gentle antiseptic, "devoid of allergic effects," and may be used for cleaning around—never in—wounds. Since all antiseptics should be kept out of wounds, the hard-to-control sprays and aerosols should be avoided.

Bis-phenols (hexachlorophene, bithionol) are proven effective against staph germs (a common cause of skin infection) but are controversial, especially since they can enter the blood stream through open wounds and burns, though this seems of more concern for infants. But for this reason, hexachlorophene is now sold Rx only.

No OTC burn ointment seems to have anything good to be said about it. Ice cold water is the best and soundest way to treat a burn and relieve immediate pain. Keep it up as long as you can stand it. And after that if you're still having problems, see a doctor. Burns over large areas should be treated by a doctor immediately, no matter how seemingly casual they may be. Vitamin E, so says the underground press, can help prevent burn scarring, but should probably not be put on a brand new red hot burn. Check your doctor. He may think it's nonsense but at least get his assurance that it won't be harmful. Then it's up to you. (For acne treatments and other "cosmetic" skin products, send $1.00 for our back-issue on cosmetics.)

SLEEPING PILLS (OTC)

There are more than 90 non-prescription sleep aids for sale and at least 100 sedatives or "relaxants." Often the only difference between the two kinds of pills are the bottles they come in and the way they're advertised.

Typical ingredients are methapyrilline hydrochloride (an antihistamine), scopallimin (a mild sedative derived from belladonna, which tends to depress the central nervous system), occasionally salicylamide (an analgesic), sometimes bromides (ammonium, potassium or sodium) and in *Compoz*, B vitamins and "extract of passion flower."

The effectiveness of these products is open to discussion. FDA Commissioner Charles Edwards says a pill of 50 mg methapyrilline and .5 mg scopalomin is no more effective in tests than a placebo, and the AMA adds that antihistamines are unreliable as sedatives (they may sometimes act as stimulants) and that most people acquire a tolerance to them. Further, Dr. Edwards states that the dosage level of scopalomin in most sleep tablets is such that it "may not contribute much to the hypnotic effect, but may be toxic to susceptible individuals." According to a University of Pennsylvania study, scopalomin can also produce "blurred vision, increased pressure in the eye, urinary retention and, at high doses, mental confusion, excitement, delirium." Bromides are of limited usefulness because of their cumulative toxicity—the body stores them and the store may reach toxic levels. Overuse or overdosage may pro-

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duce "untoward reaction" including "behavioral abnormalities."

Widely advertised products include *Compoz* ($2.19 for 30), *Sominex* ($1.25 for 16), *Sleep-Eze* ($1.57 for 26) and *Nytol* ($3.49 for 76), compared to drugstore house brands, for instance Rexall's ($1.80 for 100).

A quick glance at a Sominex label is enough to make us start losing sleep. "Caution: discontinue in case of dizziness, blurring of vision or rapid pulse," the latter, not-very-restful state is a not-uncommon side effect we hear, through others have compared the sensation of these drugs to that of being put out by an anesthetic. We are further cautioned by the label that the product is "not for prolonged use." On this, as on other bedtime questions, we're inclined to think it's a good idea not to start anything you can't finish.

STIMULANTS

*Caffeine*

Over-the-counter "ups" include *No Doz* ($1.59 for 100), *Vivarin* ($3.59 for 80), *Comeback* $.93 for 24) and, for comparison, Rexall's *Wake-eze* ($.89 for 100). What's "up" about these products is caffeine, a natural stimulant found in coffee (5½ oz. Brewed: 100 mgs.; instant: 75 mgs.), tea (5½ oz.: 75 mgs.) and cola (10 oz.: 25–37 mgs.) Keep those mgs. in mind while you read the caffeine content on the following drug labels: *No Doz* (1 tablet, 100 mgs), *Vivarin* (1 tablet, 100 mgs.), *Comeback* (1 tablet, 75 mgs.) and *Wake-eze* (1 tablet, 100 mgs.).

If you want to check out the sheer economics of it all, consider Vivarin. Each pill equals two small cups—or one mug—of coffee, or 80 mugs for $3.59. Now consider Taster's Choice coffee: 120 cups for $1.87. The comparison isn't entirely fair because Vivarin's other (and only other) ingredient is sugar (dextrose), which, if you happen to take it in your coffee, might up the price by a few mills. (Vivarin, by the way, contains no cream.)

Comeback contains two analgesics, and Wake-eze is pure caffeine.

Caffeine is also found in small amounts in products advertised basically as analgesics (e.g., APC, Anacin, Midol and Cope) and in antihistamines as a counteractant to their drugging effects.

*Amphetamines*

Ups, speed, pep pills: amphetamines. By Rx only (or so they say), some are *Dexedrine* ($2.66 per 100) and *Benzedrine* ($2.26 per 100), which are twice as strong as Dexedrine.

Amphetamines can make you feel good. On the other hand, they can kill you. Short of that, they can cause mental illness and get you hooked faster than heroin. Side effects include irritability, restlessness, insomnia, rapid heart beat and dry mouth. Withdrawal symptoms are extreme depression and lethargy. By injection, amphetamines are much more likely to be lethal.

In 1971, America produced 12 billion doses of amphetamine. Manufacturers wanted to increase that by 70% last year, but the Justice Department stepped in and cut production by 40%, and may cut it 50% more in 1973. Half the legally-made amphets and all the illegal stuff goes to the black market and then into making home cooked speed, which often contains such other homey things as baking powder, quinine and epsom salt.

According to a California study, one out of five American adults admits to long term use of the drug, abuse often starting as early as the 5th and 6th grades. High schools are becoming just that—"high" schools—15–20% of the kids are on it. The army has become the biggest buyer, and so, apparently, has the Haut Culture. The New York Times recently told tales of our local Dr. Max Jacobson whose list of (alleged) legal speed freaks included some of your (allegedly) favorite Beautiful People, some of whom (allegedly) had to be hospitalized for extreme withdrawal symptoms, several of whom (allegedly) had complete mental breakdowns, and at least one of whom (allegedly) died from amphetamine residues. Neither the FDA nor the AMA has taken action to prevent Jacobson from practicing. The FDA once seized his stock of federally controlled drugs, an action that is currently being contested before the courts. As of this writing, the use of amphetamines is under official re-examination.

TRANQUILIZERS (RX)

*Minor anti-anxiety drugs, relaxants*

The fact that mind-changing drugs work seems to confirm the connection between mind and body. That a tranquilizer, a chemical fed to and metabolized by the body, can alter a state of mind seems to indicate that states of mind themselves are, in some way chemical. Nobody really knows. Nor do they know why these drugs have an anti-anxiety effect. But they do. In a recent double blind test, 50% of the patients given a tranquilizer improved significantly. However, 50% of the patients given a placebo improved significantly. Which may prove that if the trouble is all in your mind, so is the cure. On the other hand, it's generally agreed that these drugs do restore calm and bring relief from worry, tension and anxiety.

There are, however, two kinds of anxiety—there's anxiety and then there's anxiety. Some anxiety is a normal, healthy reaction to an abnormal, unhealthy situation. In which case the situation, not the reaction, should be changed. Within bounds, emotions like anger and grief are better expressed and felt than masked and numbed. On the other hand, if your tension, anxiety and anger leave you with a more or less constant state of jitters, or if you're prone to sudden, inexplicable "panic," you probably ought to be taking therapy or analysis along with (if not instead of) your pills.

If its occurred to you to question the Womens Lib premise that women in American society live under special stress, you might note that a Ladies Home Journal study shows that the majority of users of every kind of drug, except non-barbiturate sedatives, are women.

Caution: Tranquilizers are not without possible side effects and may become habit forming with prolonged use. They should not be taken with alcohol, antihistamines or other sedatives.

The most popular tranquilizers (and their generic equivalents) are Valium (diazepam), Librium (chlordiazepoxide) Miltown and Equanil (both meprobamate). The price difference between a brand name and a generic version can be as high as $6 or more per 100.

MAJOR ANTIPSYCHOTIC DRUGS

Most of these drugs are phenothiazines: Thorazine (chlorpromazine hydrochloride), Mellaril (thioridazine), Compazine (prochloroperazine) and Serpasil (reserpine). While you may have come across a drug like Compazine sometime or other in everyday life (it's used to counter nausea and to counter vomiting), you probably haven't used it in the strengths (e.g., 25 mg. capsules) that make it qualify as a major tranquilizer.

These drugs are basically used in the treatment of psychotic states, and have proven to be fairly miraculous for those with acute schizophrenia (about 1% of the population). They soothe and sedate, reducing anxiety, hostility, paranoid symptoms, hallucinations and delusions, often allowing patients to leave hospitals and lead fairly constructive lives. Because of unpleasant side effects—slurred speech, tremors, restlessness, jerky movements, liver impairment and, for reserpine, possible impotence, among others—these drugs are probably the least misused, at least where the user has anything to say about it.

Recently, charges have been made by institutionalized patients and prisoners that they have been unfairly, unnecessarily and unendurably drugged. Some prison doctors have warily confirmed this, and some psychoanalysts, notably R. D. Laing, have decried the practice as chemical violation. This view was not shared by an assistant professor of psychiatry at Columbia Presbyterian Hospital whom we interviewed. He felt that the trouble with institutional care is a lack of medical and nursing personnel (there are 200 patients to one doctor at some state institutions)—a ratio that leads to a general neglect of the individual patient. It may then happen that some are kept on drugs for too long, but on the other hand, others who need the drugs may not be getting them. He doubts that there is an intentional "drug-them-all" policy, at least in the hospitals with which he's familiar.

If such drugs are ever called for, they are usually taken over a long period of time and comparison pricing can be important. Some drug-stores, for instance, pay $39.50 for 1000 25 mg tablets of Serpasil, whereas the generic reserpine costs only $2.25 per 1000 and is available from several reputable firms.

## RESPONSIVENESS WITH FISCAL RESPONSIBILITY: REFORMING THE FEDERAL BUDGETARY PROCESS

Mr. MATHIAS. Mr. President, there are many serious problems facing the Congress at this time. Three of the most pressing are: First, the need for wise expenditure of public moneys, and the related need for a means of considering our national priorities; second, the requirement that fiscal responsibility be maintained; and third, the question of the division of power between the executive branch and Congress.

These three problems come together in the consideration of the procedures Congress employs in passing the Federal budget. The procedure we have followed in the past may only be described as chaotic. Appropriations bills are considered seratim, as if they were unrelated to available revenues and unrelated to the total amount of expenditures. The size of the Federal budget and the amount, or even the existence, of a surplus or deficit are almost mystical events; we find out about them only at the end of a session by totaling up the amounts we have appropriated and comparing this total to estimated revenues. As far as the Congress is concerned, the budget is not planned. Instead, like topsy, it just grows. And without planning there can be no rational consideration of competing national priorities, nor can the final budget be fiscally sound except, again, by accident. This lack of a coherent congressional budgetary process has legitimized for many concerned citizens the President's attempt to seize Congress' power over the purse.

The call for reform of our budget procedures has recently been enunciated in many quarters. Many Members of both Houses pleaded for it during the spending ceiling debate last year. It was one of the most frequently mentioned points in the hearings of the ad hoc Committee on Congressional Reform, co-chaired by Senator STEVENSON and myself last December. Further, many media people in their comments on the conflict between the Executive and Congress over the budget have noted the need for such reform. The recognition of this need led me to sponsor, with Senator STEVENSON, S. 905, which proposed systematic and rational budget procedures, and with a bill sponsored by Senator BARTLETT, which aims at the same goal.

For these reasons, I was pleased when I examined the report of the Joint Study Committee on Budget Control, which was released on April 18. I consider the recommendations contained in this report to be a major step toward a sound and rational alternative to our present budgetary process. We may need to modify some of the details of some specific recommendations, but the general thrust and goals of the proposals certainly deserve our strong support.

RECOMMENDATIONS OF THE JOINT COMMITTEE

The Special Joint Committee recommends a number of basic changes in our procedures. It proposes the creation of a special budget committee in each House, one-third of the members of which would be drawn from the appropriations committees, one-third from the tax committees, and one-third from the legislative committees generally. The two committees would be served by a highly professional, nonpartisan staff headed by a legislative budget director.

At the beginning of each session, the House Budget Committee would report a concurrent resolution which would provide overall limitations on budget outlays and new budget authority, provide for the appropriate level of revenue collections and level of the public debt, and divide up the maximum permitted budget outlays and new budget authority among the various subcommittees of the appropriations committees. Allocations would also be made to other committees having jurisdiction over budget outlays and new budget authority. In addition, the resolution would also contain a surplus or deficit figure which the committee deemed appropriate for the year.

Action on this resolution would be required to be completed by May 1, in order to permit sufficient time for consideration of appropriations bills. If the resolution were not passed by May 1, the limitations on outlays and budget authority, the estimated receipts and projected deficit or surplus and the allocation which the President provides in his budget which are covered by any appropriation, tax, or public debt bill would be treated as the applicable limitations or estimates, until Congress passes a concurrent resolution. In the fall, the Congress would consider a second concurrent resolution which would contain final limits and estimates corresponding to those in the first resolution.

Since the first resolution will be considered early in the session, little information will be available on new programs. Therefore, the first resolution would contain a contingency fund to cover new programs and the possible expansion of existing programs. The amounts in the contingency fund would be allocated in the second concurrent resolution. In order to provide some leeway in making the allocations to the Appropriations Committees' subcommittees, a special reserve of up to 2 percent of the amount allocated to the Appropriations Committees would be established for these committees to allocate among the various programs as they act on appropriations bills.

The limitations provided in the concurrent resolutions would cover all existing spending and budget authority not just that presently going through the Appropriations Committees. The Joint Study Committee also recommends that, in the case of congressional action providing new program funding, all budget outlays be provided through the Appropriations Committees, except in the case of trust funds created by the levying of a new tax.

In order to insure that a choice would be made among competing priorities, a rule of consistency would be imposed on floor amendments. If an amendment increasing funds for any purpose were offered to the resolution on the floor, the amendment would also have to provide for a commensurate decrease in other categories, or alternatively an increase in the overall limitation with provision for either a debt or tax increase.

To be sure that the limitations in the concurrent resolutions are maintained, the Joint Study Committee proposes a number of rules changes. The Congress would not be able to consider any appropriations bill until it completed action on the first concurrent resolution—or until May 1, when the budegt limitations would become effective. Amendments to the limitations on budget outlays and new budget authority would only be permitted in the concurrent resolutions. Any appropriation measure or other bill affecting expenditures or new budget authority which calls for more to be spent or appropriated than provided in the most recent concurrent resolution would not be permitted. Compliance with these rules and the rule of consistency would be obtained by enabling individual members to raise points of order if the rules are not complied with. These points of order could be waived only in the case of a rule to that effect approved by a two-thirds vote of the House or the Senate.

Finally, the Joint Study Committee recommends certain improvements in appropriations and tax procedures. Included among these is one of the key proposals of the entire package. It is anticipated that, after the second concurrent resolution is acted upon, it may be necessary to provide additional funds for spending in the current year. In this case there would be a final wrapup appropriations bill. If estimated receipts plus the appropriate deficit, as specified in the second concurrent resolution, did not equal estimated expenditures, a surcharge would be imposed on personal and corporate income taxes. The surcharge which would be applicable in the next year would be sufficient to bring about this balance.

EFFECTS OF THESE PROPOSALS

The recommendations of the Joint Study Committee would, if accepted, have a number of significant effects. First, the proposed new budget procedures would force the Congress to annually reassess our national priorities. This would happen in two ways. The allocation of outlays and new budget authority to broad categories in the concurrent resolution would permit the Congress to decide at the outset of a session how the competing demands of national defense and human needs should be balanced. In addition, the limits placed on these broad policy categories would require the consideration of competing priorities within each category. This would, I believe, lead to a more diligent assessment of how well existing programs are working and the elimination of those programs which are not accomplishing their purpose.

Second, the committee's proposals would meet the need for fiscal responsibility. The Congress would decide at the beginning of the year how much we can afford to spend, what our likely revenues are, whether the level of taxes should be adjusted, how much money should be allocated to various program categories, and what is the permissible level of deficit or surplus. Then, once we have made these decisions, we would be forced to live within their limitations. The requirement that, if at the end of the year we find that revenues plus the permissible deficit do not equal projected spending, a tax surcharge would be imposed, will insure against the kind of runaway deficits we have experienced in recent years. Additionally, the new procedures are attractive because they are neutral among the conflicting views of what is sound fiscal policy contained in the Congress. That is, the procedures do not require a budget surplus nor preclude a deficit.

They simply demand that we assess at the outset the economic condition of the country, decide what level of deficit or surplus conditions require, and then stick to that decision. Thus, we would be justified in resisting Presidential attempts to impound funds not only by the Constitution, as we are now, but also by sound and responsible budgetary procedures.

A third effect of the proposed procedures is that they would help to halt the growth of the uncontrollable portion of the budget and would limit the future use of backdoor spending. It is difficult to see how we can either reconsider our priorities or guarantee fiscal responsibility if, as is true of the spending estimate for fiscal 1974, approximatelly 75 percent of the spending is associated with items not to be considered in the appropriations process. The proposed requirements that in the future permanent appropriations—other than those for trust funds—only be permitted in appropriation bills and that backdoor spending only be made available in such amounts as are provided in advance in appropriation bills, will hopefully permit us to control the uncontrollable.

I believe that the proposals made by the joint study committee are sound and reasonable. I, therefore, urge the Committee on Government Operations to swiftly consider S. 1641, introduced by Senator MCCLELLAN to implement the proposals, and report the bill to the Senate as soon as is possible. I would also like to offer some final thoughts that relate to this matter. It is proposed that the





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Senate Budget Committee be composed of 15 members, with 5 members from the Appropriations Committee, 5 from the Finance Committee and 5 from the other committees. Since this committee will probably be as important as any other committee of the Senate, and since the consideration of the concurrent resolutions will be among the most important actions taken each year, I believe it is crucial that we insure that this committee will be broadly representative of the Senate as a whole. Specifically, when we note that in the present Congress 44 Members of the Senate are in their first term, it is important that steps be taken to guarantee that some of the more junior members of both parties will be on the committee.

The Joint Study Committee recommends that the two Budget Committees should be served by a joint, professional, nonpartisan staff. I have long been concerned about the lack of adequate staff given to the minority in Congress. If, however, there is any place that a staff should not be divided along partisan lines, it is here. It must be made clear, however, that if such a joint staff is created, it must indeed be nonpartisan, serving equitably every committee member regardless of party affiliation.

One point that the committee's recommendations do not specifically cover are tax expenditures. Tax deductions and credits are allocations of Federal funds in much the same way that direct expenditures are. If we are going to have an overview of Federal expenditure, we should consider the whole budget, including tax expenditures. I hope, therefore, that either the Budget Committees or some other committee of the Congress will conduct a systematic and regular review of tax deductions and credits, estimating their cost and assessing whether their continuation is necessary or desirable.

Finally, I believe that the recommendations for the reform of Congress budget procedures contained in the report of the Joint Study Committee call attention to the need for another great reform effort: a comprehensive study of the jurisdictions of the committees of the Senate. The last major revision of committee jurisdictions took place more than a quarter of a century ago. Both the country and the Congress have changed much since then.

Many new and pressing policy questions have arisen in that period. If we are to allocate funds to broad policy areas at the beginning of each session and then entrust the various committees with deciding among competing program priorities within those areas, it seems crucial that, as far as possible, we centralize jurisdiction over each policy area within a single committee. Only then can a rational and informed choice be made among competing priorities. I would, therefore, again urge creation of a temporary select committee to study the committee system, along the lines proposed by Senator BROCK and myself in Senate Resolution 89.

If the Congress adopts the budgetary reforms proposed by the Joint Study Committee and realines the jurisdictions of its committees, I believe we will have taken a giant step toward restoring the Congress to the coequal status the Founding Fathers intended for it, permitting us to again fully meet the responsibilities imposed on us by the Constitution and to merit the full faith of the American people in the legislative branch.

## NORMALIZING RELATIONS IN SOUTH ASIA

Mr. KENNEDY. Mr. President, nearly a month ago, on April 17, the Governments of India and Bangladesh issued a joint declaration "to promote jointly the processes of normalization in the subcontinent and to solve humanitarian and other problems arising out of the armed conflict of 1971." After many months of diplomatic logjam over the release of Pakistani POW's in India—and the exchange of minority populations between Pakistan and Bangladesh—the joint declaration knocked away old positions, and opened fresh possibilities in fostering a major advance in relations among the countries of South Asia. This was particularly true, in light of Pakistan's basically positive response to the joint declaration in the immediate period after April 17.

Since then, however, little progress has been made. In fact, recent reports, that Pakistani police have raided the homes of hundreds of Bengalis living in Pakistan, seems to complicate the situation considerably.

Hopefully, some effort can be made by the United Nations and the international community to salvage the hope of the joint declaration. Hopefully, also, our own Government will appropriately offer its good counsel to encourage a resolution of the people problems in South Asia and the normalization of relations among all countries in the area.

Mr. President, earlier this week a Special Envoy of the Bangladesh Prime Minister visited Washington and also spoke to the National Press Club on developments in South Asia. I ask unanimous consent that the text of his address, and a recent article from the Boston Globe, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF MR. M. R. SIDDIQI, SPECIAL ENVOY OF THE PRIME MINISTER OF BANGLADESH

Mr. President, ladies and gentlemen: I deem it a great honour and privilege to be able to meet and talk to you today at the National Press Club. I have had the privilege of knowing many of you personally during our liberation struggle. I had the honour of representing my country in the USA during the later part of that momentous period. I recall with gratitude the great role played by the media in this country during that time in support of our just cause presenting to the world what was actually happening inside Bangladesh. Your reports and comments roused the conscience of the world. We are grateful to you. We are also grateful to this great country for the support, help and assist we received. Immediately after our liberation we were confronted with colossal problems in the solution of which we have received and are still receiving generous help and assistance from the United States of America.

I am sure you are aware of the magnitude and complexity of our problems. We are engaged in rebuilding the war ravaged economy of our country. By nature we are a peace loving people and we are fully conscious that sustained progress can only take place in an environment of peace and harmony within and without. Our policy, therefore, has been to develop friendly relations with all countries on the basis of sovereign equality and mutual respect. In pursuance of this policy we extended our hand of friendship to Pakistan for resolving the outstanding issues through negotiation between our two countries on the basis of sovereign equality. But unfortunately no positive gesture was made by the Pakistani authorities, as Pakistan has not yet recognized the new realities in the Subcontinent. Although Bangladesh is the aggrieved party we never took a rigid stand on the question of the settlement of our problems. It is Bangladesh which has always taken all possible initiatives to create areas of understanding for achievement of ultimate goal of peace and cooperation. In their effort to isolate issues of humanitarian concern from political ones Bangladesh and India took the initiative in November last for releasing the wives and children of the Pakistani prisoners of war and civilian internees. It is again Bangladesh which first took the initiative in declaring its willingness and eagerness to repatriate to Pakistan all Pakistanis in Bangladesh expressing the hope that this would facilitate the return of the Bangalees in Pakistan to their homeland. It is again India and Bangladesh which took the initiative through the Joint Declaration of April 17 for a major breakthrough in the resolution of the humanitarian problems that confront the three countries of the Subcontinent. We hoped that it would create a climate of peace for resolution of other problems. In taking all these initiatives Bangladesh was always actuated by humanitarian consideration.

You will appreciate, ladies and gentlemen, that this offer could not be made sooner. Immediately after the general election in Bangladesh the new Parliament met and the Parliament had to be taken into confidence in the matter.

In this Joint Declaration we have made an attempt to solve the various humanitarian problems still plaguing the Subcontinent. We have offered to repatriate the bulk of the Pakistanti POWs, all the 93,000 with the exception of 195 wanted for trial on criminal charges in Bangladesh. Even though Pakistan has not given up its posture of hostility after a lapse of nearly 1½ years of the war, the Joint Declaration of Bangladesh and India has unilaterally decided to send back the POWs. We have also asked Pakistan to take back its citizens who are residing in Bangladesh now and intend to go back to their country. Some 260,000 Pakistanis of Non-Bangalee origin have refused to accept or owe allegiance to the new country. They unlike the large majority of such people who have accepted the new State, have expressed their desire to be sent back to Pakistan. Legally they are Pakistani citizens committed to the ideology of Pakistan. We have asked Pakistan to allow the repatriation of 300,000 Bangalees who are detained in Pakistan as hostages. These innocent people were in Pakistan when Bangladesh and Pakistan formed one state and even though they have been asking for permission to leave for home they are being denied this privilege by Pakistan.

Let me tell you a little more about this distressed group of people. These are the 300,000 Bangaleea who are languishing in Pakistan forgotten by the world community. They are an innocent lot who had violated no provision of international or Pakistani law, have always been faithful to their duties, harboured no ill-will towards the local population and were in no way responsible for the developments during the period March to December, 1971. Yet for the last 16 months they have been unlawfully detained in Pakistan against their will and have been denied the most elementary human rights provided for in the Declaration of Human Rights. Pakistan's treatment of the Bangalees is in gross violation specifically of the Articlea 2, 7, 9 and 13 of the Declaration. The Bangalees in Pakistan are suffering untold privations and passing their days in fear and apprehension under constant threat of starvation and in complete insecurity and uncertainty about their future. They are desperately counting their days when they would be able to return to their homeland and be united with their near and dear ones. There is no Geneva Convention which can protect or guarantee the minimum of humane behavior to these helpless thousands. They rely entirely on the conscience of mankind and it is for you, ladies and gentlemen of the press, to take up their cause and impress the people of the world to bring an end to their sufferings. To add to their sufferings the Pakistani authorities are now threatening that they will be trying about a thousand Bangalees if the trial of the POWs is held in Bangladesh. The fact that these trials are threatened to be held after the announcement by Bangladesh of its decision to try 195 Pakistani POWs makes it evident that these trials are nothing but a political reprisal and naked blackmail.

I may draw your attention to the distressing news flashed by Reuter this morning on the fate of Bangalees in Pakistan. Police raids in the dead of night have taken thousands of innocent Bangalees captives and they have been removed to camps. We know from the fate of some 25,000 Bangalee soldiers that civilians have also now been placed in concentration camps. This is a most unfortunate development and it reflecta a hostile and vengeful state of mind. This is more unfortunate because it has been done at a time when we are trying to break the impasse and making all endeavours to reduce tension in the region. It was world conscience which stood up against the massacre of a people some 1½ years back. I would only hope that the conscience of the world again will persuade Pakistan to desist from such a heinous course of action.

A word on the trial of 195 POWs will not be out of place here. The crimes committed by the Pakistani Army in Bangladesh in 1971 were described by one of the newspapers of this country as "crimes against humanity unequalled since Hitler's time." We have throughout maintained that such crimes should not go unpunished. We carried out elaborate investigations on such crimes. On completion of such investigation we have decided to bring to trial only a limited number of senior officers against whom prima facie charges have been established. This is not intended to wreak vengeance. We want this trial to become a constant reminder to future generations that crimes of this nature do not pay. International morality is as much involved in such a trial as it was involved at Nuremberg. Moreover, the fact that international jurists of eminence would be invited to observe the trial and that foreign counsels would be admitted to defend the accused should leave no doubt among discerning observers about the motive and nature of the trial. Any support for Pakistani demand for dropping the trial would be tantamount to appeasement of criminals which cannot be endorsed by world conscience even on the pretext of political expediency.

It is a matter of principle that Bangladesh cannot negotiate with Pakistan except on the basis of sovereign equality. Within this framework Bangladesh continuously searched for ways and means to reduce tension in the Subcontinent and the recent declaration is a clear manifestation of this constructive approach. The initiative that the world public opinion was looking for has been made. The onus now is entirely on Pakistan, and the people of the world would best serve the cause of peace by persuading Pakistan to respond to the Joint Declaration constructively and hasten the process of defreezing the stalemate in the Subcontinent. As the Guardian aptly commented in its editorial of April 18, "all the propaganda in the world will not save Mr. Bhutto from wholesale opprobrium if he spurns or fudges it."

[From the Boston Globe, May 9, 1973]

TIME TO HELP THE BENGALI REFUGEES

(By Darius S. Jhabvala)

WASHINGTON.—He is a tawny, stocky man with a round face that breaks out easily into a smile; he speaks slowly and softly; but the message he conveys is a powerful one.

He is Mustafizur Rahman Siddiqi, special envoy of Sheik Mujbir Rahmen, who recently arrived here for talks with American officials.

Now Mr. Siddiqi is not a highfalutin politician or lawyer or a high-powered salesman. But he does know something about the Nuremberg and Eichmann trials and the Universal Declaration of Human Rights.

So, his message to Americans is simple and clear: Help, so that Pakistan will let my people go.

His people are some 175,000 Bengalis (300,000 by Bangladesh's estimate) who have been trapped in Pakistan and are the cruel victims of political machinations.

"They are an innocent lot who have violated no provision of international or Pakistani law, have always been faithful to their duties, harbored no ill will towards the local population and were in no way responsible for the developments during the period March to December, 1971," Mr. Siddiqi explained.

Yet for the last 16 months, he said, these people have been unlawfully detained in Pakistan against their will and have been denied the most elementary human rights.

Few, if any, in the subcontinent can erase the horrors of 1971 when President Yahya Khan ordered Gen. Tikka Khan to brutally put down the secessionist move.

In the new scheme of affairs under President Bhutto, the former president was put out in disgrace but Tikka Khan, is Pakistan's chief-of-staff.

The tragedy that befell the Bengalis in those days can at least partially be blamed on the international community, including the major powers and not the least the United States, for not staying the hands of Yahya Khan.

The fate of the Bengalis in Pakistan is now linked to the 90,000 Pakistani prisoners of war held by India since Pakistan's defeat in war and to the large Bihari minority in Bangladesh, many collaborated with the Pakistani Army.

Of greater concern to Pakistan is the expected trial in Bangladesh of 195 senior officers of the Pakistani Army against whom prima facie charges of "crimes against humanity" have been established after elaborate investigations.

India and Bangladesh have offered to repatriate the Pakistani POWs and those Pakistanis in Bangladesh if Pakistan would reciprocate with the release of Bengalis in Pakistan.

With an obvious eye to the trial of the 195, Mr. Bhutto has seen fit not to accept the offer, even though it would go a long way towards not only redressing human suffering but improving the atmosphere in the region.

So far, the US has stood by silently and there is no indication as yet that it is prepared to take a public stand even in the name of humanitarianism.

Mr. Siddiqi is now here and he said he hopes to see the President before returning to his homeland. Couldn't this be the time to help the Bengali refugees and restore to balance the tilt of 1971?

## COMPREHENSIVE FIRE LEGISLATION

Mr. WEICKER. Mr. President, the 30,000 Connecticut firefighters have achieved an outstanding reputation for leadership in fire protection efforts. I am therefore proud to join Senators MAGNUSON and COTTON in introducing legislation to enhance the training and resources available to firefighters in Connecticut and other States.

S. 1769, the Fire Prevention and Control Act of 1973, is the first omnibus bill to provide comprehensive Federal assistance to State and local firefighting units. This legislation is the product of recommendations of a 2-year study by the National Commission of Fire Prevention and Control.

To assure that national attention and resources are focused on the Nation's fire problem, this legislation would create a U.S. Fire Administration within the Department of Housing and Urban Development. The Fire Administration would coordinate programs at the Federal, State, and local levels for the development and evaluation of solutions to the fire problem. Within the Fire Administration, a National Fire Academy would offer specialized training for personnel from all fire protection agencies. In addition, a program of bloc grants would be available to any fire department, whether volunteer or professional, for developing master plans, for upgrading firefighting equipment, and for local efforts to emphasize fire prevention.

S. 1769 would also provide increased Federal support of fire research and fire safety education programs, the development of a comprehensive National Fire Data System to aid local fire companies, and full funding of the rural fire protection program authorized under the Department of Agriculture.

The Fire Prevention and Control Act of 1973 would preserve the autonomy of the State and local fire departments, which would retain their initiative as innovative and vigorous parts of the community. In providing a significant opportunity for all firefighting units to improve their services and activities, this bill will further assist the development of master plans for regional agencies and mutual aid associations.

The National Fire Commission estimates that more than half of the 12,000 lives and much of the $11 billion lost in fires each year could be saved through a greater effort in the fire prevention and fireman training programs. With the stakes this high, it is certainly imperative that the Congress devote early consideration to comprehensive fire legislation.

Mr. President, at the request of Senator MAGNUSON, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:



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S. 1769

A bill to establish a United States Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That:

This Act may be cited as the "Fire Prevention and Control Act of 1973".

FINDINGS AND PURPOSES

The Congress finds that a comprehensive national fire prevention and control program is necessary in order to reduce the number of fatalities, personal injuries, and property losses resulting from destructive fire. The Congress finds that, while by their very nature, responsibilities for reducing fire losses rest chiefly at the State and local levels, the Federal Government must help the fire services of our nation to develop solutions to fire problems. The Congress finds that more attention needs to be given by the fire services at the local levels to fire prevention, public education, and fire safety design rather than fire suppression, and deems it desirable and necessary for governments at all levels to cooperate with and assist public and private agencies. The Congress finds that fundamental research into the physical and chemical phenomena of fire must be recognized as a necessary and essential part of all fire research and be appropriately funded.

Therefore, the Congress declares that the purposes of this Act are to provide a national fire prevention and control program, including fire safety education and training programs; to establish a national fire data system; to establish a fire research and development program; to establish a burn and smoke injury treatment program; and to provide assistance to State and local governments to implement model programs in fire prevention and control. It is the intention of the Congress to supplement rather than supplant existing programs of research, training, and education, and to encourage new and improved programs and activities by State and local governments.

Additionally, the Congress declares a purpose of this Act to be the establishment of a United States Fire Administration within the Department of Housing and Urban Development to administer the provisions of this Act, and, in so doing, to carry out an effective national fire safety overview responsibility. Congress declares that it shall be the responsibility of the United States Fire Administration to provide leadership and advocacy in solving the fire problem and to help guide efforts by keeping Federal, State, and local agencies informed of related efforts in both the private and public sectors, encouraging cooperation, and promoting interest in areas of research or action that have been neglected. The Congress also declares that the United States Fire Administration shall be responsible for providing an evaluation of the national fire problem from a position solely concerned with the reduction of personal injury and of life and property loss.

TITLE I—UNITED STATES FIRE ADMINISTRATION

SEC. 101. (a) There is hereby established within the Department of Housing and Urban Development, under the general authority of the Secretary, a United States Fire Administration (hereafter referred to in this Act as "Administration").

(b) The Administration shall be composed of an Administrator and a Deputy Administrator, who shall both be appointed by the President, by and with the advice and consent of the Senate, and four Assistant Administrators. The Administrator shall be the executive head of the agency and shall exercise all administrative powers, including the appointment and supervision of Administration personnel. The four Assistant Administrators shall comprise the Assistant Administrator for the National Fire Academy, the Assistant Administrator for the National Fire Data System, the Assistant Administrator for Research and Development, and the Assistant Administrator for State and local Program Assistance.

(c) It shall be the duty of the Administration to exercise all of the functions, powers, and duties created and established by this Act, except as otherwise provided.

SEC. 102. The Administration shall exercise its functions and responsibilities in five general areas, as follows:

(1) assume the responsibility of surveying the entire fire problem, to evaluate progress in fire prevention and control measures, to assess new problem areas, and to evaluate the cost and impact of possible solution alternatives (whether research, legislative, or operational) so as to provide a reasonable basis for resource allocation;

(2) recommend actions which can be taken by Federal, State, and local governments and private organizations and individuals to improve and strengthen fire prevention and control;

(3) act as a coordinator of studies of fire protection methods and assist local jurisdictions in adapting findings to their fire protection planning. In carrying out this function, the Administration may utilize the cooperation of other Federal agencies, such as but not limited to the National Bureau of Standards and the United States Forest Service, and of private fire protection organizations;

(4) cooperate with and render technical, informational, and financial assistance to other Federal departments or agencies, to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to fire prevention and control, especially in the areas of research, training, public education, and fire safety design.

(5) undertake studies and research in matters relating to fire prevention and control, especially in the areas of training, public education, and fire safety design.

SEC. 103. The Administration is authorized to enter into contracts with Federal, State, and local governmental agencies and private organizations, institutions, and individuals in order to assist in carrying out its functions and responsibilities.

TITLE II—NATIONAL FIRE ACADEMY

SEC. 201. (a) There is hereby established within the United States Fire Administration under the general authority of the Administrator, a National Fire Academy (hereafter referred to in this Act as "Academy") to facilitate specialized training in areas subject to the jurisdiction of fire protection agencies; to assist State and local jurisdictions in the planning and implementation of their first protection programs; to assist and encourage the dissemination of information on fire prevention and control; and to encourage fire protection agencies to give greater attention to fire prevention measures.

(b) The Academy shall be under the direct supervision and administration of an Assistant Administrator.

SEC. 202. (a) To facilitate education and training, the Academy shall:

(1) promote and encourage eligible individuals to pursue careers as administrators of fire service organizations at all levels; and provide specialized courses for fire service officers and officer candidates;

(2) assist States, counties, and local communities in the development of training programs for firemen;

(3) develop model programs and curricula and carry out programs of instructional assistance and special workshops, seminars, conferences, course materials, demonstration projects, and other such educational devices that are necessary, for the purpose of introduction and dissemination of information gained from investigation, research, and development concerning the areas of fire prevention, fire detection, and fire control;

(4) develop fire service extension programs to encourage and assist States, counties, and local communities to improve the quality of training for fire prevention and control and to provide continuous training and operational programs in fire fighting techniques and procedures concerning the utilization of fire fighting equipment, fire suppression and other areas related to fire fighting in general; and to provide special instructors for State and local training programs;

(5) promote and assist universities, community colleges, and other institutions of learning, in planning, developing, strengthening, improving, and carrying out programs and projects concerning fire administration;

(6) develop courses to educate practicing architects, engineers, and designers in the basics of fire safety design;

(7) accredit fire service extension programs, fire administration programs, and training programs for firemen;

(8) analyze and disseminate information to States, counties, and local communities with respect to firefighting equipment, firefighting techniques, fire services administration, and other areas related to firefighting; and to establish and maintain educational programs and develop educational materials for the purpose of informing the public of fire hazards and fire safety techniques, and to encourage avoidance of such hazards and use of such techniques; and to evaluate, assist, and encourage State, county, and local community programs for fire safety education of the public;

(9) sponsor fire safety education courses for educators to provide a teaching cadre for fire safety education;

(10) develop, gather, and disseminate to State and local arson investigators information on arson incidents and on advanced methods of arson investigation;

(11) assist in the interchange of information among individual fire services and private organizations, institutions, and individuals concerning new or superior technology for coping with fires or furthering fire prevention;

(12) develop educational materials in cooperation with the Department of Transportation on the problems of transporting hazardous materials and disseminate this information to every fire jurisdiction; and cooperate with the United States Coast Guard to develop educational materials on marine fire safety to supplement the materials currently available;

(13) cooperate with the United States Forest Service to develop more effective fire safety education materials for forest and grassland protection;

(14) develop educational materials appropriate to each occupational category that has special needs or opportunities in promoting fire safety;

(15) join appropriate private advertising and fire protection organizations to sponsor in all the appropriate communications media a campaign of public service advertising to promote public awareness of fire safety;

(b) The Academy, in exercising its functions and responsibilities under subsection (a), shall give due consideration to the development of methods for encouraging all sectors of the economy to cooperate with the Academy in achieving the purposes of this Title.

SEC. 203. (a) The Academy is authorized to accept contracts and grants from Federal, State, and local governmental agencies and other entities, and grants and donations from private organizations, institutions, and individuals.

(b) The Academy may establish fees and other charges for services provided by the Academy.

(c) Amounts received by the Academy under this section shall be in addition to any amounts which may be appropriated to it under section 721 of this Act.

(d) The Academy is authorized to enter into contracts with Federal, State, and local governmental agencies and private organizations, institutions, and individuals in order to assist in carrying out its functions and responsibilities.

SEC. 204. (a) The Academy shall establish a National Fire Academy Advisory Board (hereafter referred to in this Act as "Advisory Board") which it may consult before taking any action under this Title. The Advisory Board shall be appointed by the Administration and shall be composed of nine members, one of whom shall be appointed Chairman by the Administration and each of whom shall be qualified by training and experience in one or more of the fields applicable to fire prevention and control within the jurisdiction of the Administration. The Advisory Board members shall be selected on the basis of providing a broad public and private representation of the fields applicable to fire prevention and control within the jurisdiction of the Administration.

(b) Each member of the Advisory Board shall serve for a term of two years and may be reapppointed by the Administration.

(c) The Advisory Board shall meet at the call of the Academy, but not less often than four times during each calendar year.

(d) The Advisory Board may propose courses of action and programs and make recommendations to the Academy for its consideration, and may function through subcommittees of its members. All proceedings of the Advisory Board shall be public, and a record of each proceeding shall be available for public inspection.

(e) Members of the Advisory Board who are not officers or employees of the United States shall, while attending meetings or conferences of the Advisory Board or while otherwise engaged in the business of the Advisory Board, be entitled to receive compensation at a rate to be fixed by the Administration but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Payments under this subsection shall not render members of the Advisory Board officers or employees of the United States for any purpose.

SEC. 205. For the purpose of carrying out the functions of the Academy, the Administration shall provide physical premises and facilities for the Academy.

TITLE III—NATIONAL FIRE DATA SYSTEM

SEC. 301. (a) There is hereby established within the United States Fire Administration under the general authority of the Administrator, a National Fire Data System (hereafter referred to in this Act as "System") to help place solutions to the fire problem on a firmer foundation of scientific data and to provide data for a continuing review and analysis of the fire problem including identification of emerging problems, measurement of the effectiveness of current programs and new programs, and guidance for allocation of resources and for direction in both operational and research programs.

(b) The System shall be under the direct supervision and administration of an Assistant Administrator.

SEC. 302. The System shall collect in one place all data deemed useful by the Administration, including death and injury statistics relating to fire fighters and others, property loss information, information concerning causes, locations, and numbers of fires, and other appropriate data. The data may be incorporated into a standard data processing and information retrieval system for all data collected pursuant to this Act.

SEC. 303. The System is authorized to utilize Federal, State, local, and private data and information, data systems, surveys, and results as part of its over-all function.

SEC. 304. The System is authorized to standardize data collection and standards among Federal, State, and local governments and private organizations, to create and implement a network of uniform state fire data systems, and to seek to eliminate unnecessary duplication of effort by the collectors of data relating to fire prevention and control.

SEC. 305. The System shall make the data available in appropriate form to Federal agencies, State and local governments, private organizations, industry and business, and other interested persons.

SEC. 306. The System is authorized to cooperate with Federal agencies, State and local governments, private organizations, industries and business, and interested persons concerned with the collection of fire-related data and information.

SEC. 307. The System is authorized to enter into contracts with Federal, State, and local governmental agencies and private organizations, and individuals in order to assist in carrying out its functions and responsibilities.

TITLE IV—RESEARCH AND DEVELOPMENT

SEC. 401. It is the purpose of this Title to provide for and encourage research and development for the purpose of improving fire prevention and control and developing new methods and technology for fire prevention and control.

SEC. 402. The functions and responsibilities of the Administration that are created by this Title for carrying out the purpose of this Title shall be under the direct supervision and administration of an Assistant Administrator for Research and Development.

SEC. 403. In order to carry out the purpose of this Title, the Administration shall exercise functions and responsibilities as follows:

(1) evaluate the total area of fire research needs in the Federal, State, and local government sectors and the private sector, including but not limited to the physics and chemistry of fire, technological problems, behavioral problems, and medical problems; and advise the Office of Management and Budget of the conclusions reached as to what programs should receive what level of support;

(2) act as a source of information as to what fire research is being pursued in the Federal, State, and local government sectors and the private sector; and disseminate or make available research information and results to all fire researchers, with particular emphasis on the purposes of benefitting other researchers and avoiding duplication of research;

(3) develop and maintain a bibliography on fire research references throughout the world to facilitate the exchange of research information; and prepare abstracts, digests, indexes, microfilms, and other reproductions of research information as determined by the Administration to be appropriate.

(4) seek, in an advisory capacity, to coordinate existing and future research programs in the Federal, State, and local government sectors and the private sector so as to hasten the achievement of results and to avoid duplication of research;

(5) assume responsibility for Federal interagency coordination of fire research programs, encourage interagency transfer of research technology, and organize a Federal interagency committee with appropriate representation to carry out this responsibility.

(6) sponsor and encourage research into promising but highly unconventional solutions to fire problems; and encourage Federal government programs of fire research for which no non-government alternatives exist;

(7) make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, or special or experimental projects pertaining to the purposes described in this Title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen fire prevention and control;

(8) make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen fire prevention and control;

(9) sponsor and encourage the development of fundamental research into the phenomena of and test methods concerning ignition, fire growth, fire spread, smoke, toxic gases, flame inhibition, and flame retardancy; and sponsor and encourage the development of a sound body of scientific and engineering theory concerning fire;

(10) monitor the progress of research and development in early warning fire detection systems and automatic fire extinguishing systems in both industry and government; and encourage additional support for such research and development where needed;

(11) sponsor and encourage research on fire fighting equipment and personal protective equipment for fire fighters; and encourage innovation among manufacturers of fire fighting and related equipment;

(12) sponsor and encourage, in the area of fire service personnel, research on problems concerning productivity measurement of fire department personnel, analysis of job categories and skills required under varying conditions, reduction of injuries to fire service personnel, the most effective fire prevention efforts by fire service personnel, and other problems concerned with improving the operational and management capabilities of the fire services determined by the Administration to require attention;

(13) sponsor and encourage research into human behavior involving fire and reaction to fire, with special attention to be devoted to the behavior of the arsonist;

(14) sponsor and encourage research into new methods of public education in fire prevention.

SEC. 404. All grants for research shall be awarded on the basis of an assessment and evaluation by the Administration of the contribution the grants may make to achieving a significant reduction in personal injuries and the loss of life and property from fire.

TITLE V—GRANTS FOR STATE AND LOCAL PROGRAM ASSISTANCE

SEC. 501. (a) All grants made under this title shall be made under the direct supervision and administration of an Assistant Administrator for State and Local Program Assistance.

(b) The Assistant Administrator for State and Local Program Assistance is authorized to enter into contracts with Federal, State, and local governmental agencies and private organizations, institutions, and individuals in order to assist in carrying out his functions and responsibilities.

PART A—PLANNING GRANTS

SEC. 502. It is the purpose of this part to encourage States and units of general local government to prepare and adopt comprehensive Master Plans for Fire Protection based on their evaluation of State and local problems of fire prevention and control.



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SEC. 503. The Administration shall make planning grants to the States for the establishment and operation of State fire prevention and control planning agencies (hereafter referred to in this title as "State Fire Agencies") for the preparation, development, and revision of the State Master Plans for Fire Protection required under section 509 of this title. Any State may make application to the administration for such planning grants within twelve months of the date of enactment of this Act.

SEC. 504. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State Fire Agency. Such Agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State Fire Agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the fire protection and control agencies, units of general local government, and public agencies maintaining programs to prevent and control fire.

(b) The State Fire Agency shall—

(1) develop, in accordance with Part B, a comprehensive State-wide Master Plan for fire protection for the improvement of fire prevention and control throughout the State;

(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement of fire prevention and control; and

(3) establish priorities for the improvement of fire prevention and control throughout the State.

(c) The State Fire Agency shall make such arrangements as such Agency deems necessary to provide that at least 80 per centum of all Federal funds granted to such Agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State Master Plan for Fire Protection required under this part or to formulate their own respective Master Plans for Fire Protection. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective fire prevention and control planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State Master Plan for Fire Protection required under this part. In allocating funds under this part, the State Fire Agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive Master Plans for Fire Protection and coordinate functions at the local level. Any portion of such 80 per centum in any State for any fiscal year not required for the purpose set forth in this part shall be available for expenditure by such State Fire Agency from time to time on dates during such year as the Administration may fix, for the development by it of the State Master Plan for Fire Protection required under this part.

SEC. 505. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses of the establishment and operation of the State Fire Agency, including the preparation, development, and revision of the Master Plans for Fire Protection required by Part B. Where Federal grants under this part are made directly to units of general local government as authorized by section 511, the grant shall not exceed 90 per centum of the expenses of local planning, including the preparation, development, and revision of Master Plans for Fire Protection required by Part B.

SEC. 506. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State Fire Agency or units of general local government, as the case may be. The Administration shall allocate $20,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

PART B—GRANTS FOR FIRE PREVENTION AND CONTROL PURPOSES

SEC. 507. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen fire prevention and control.

(b) The Administration is authorized to make grants to States having comprehensive State Master Plans for Fire Protection approved by it under this part, for—

(1) Fire prevention and control, including the development, demonstration, evaluation, implementation, and improvement of methods, devices, facilities, and equipment designed to improve and strengthen fire prevention and control and reduce the incidence of fire.

(2) Public education-relating to fire prevention and control, including education programs in schools and programs to improve public understanding of and cooperation with fire prevention and control.

(3) The recruiting of fire prevention and control personnel and the education and training of personnel in fire prevention and control; including but not limited to assistance for attendance at National Fire Academy courses, with authorization to include in such assistance the costs of transportation, tuition, teaching materials, and accommodations.

(4) The purchase of personal protective equipment for fire service personnel.

(c) The amount of any grant made under this part may be up to 75 per centum of the cost of the program or project specified in the application for such grant. Effective July 1, 1974, at least 40 per centum of the non-Federal funding of the cost of any program or project to be funded by a grant under this section shall be of money appropriated in the aggregate, by State or individual unit of government, for the purpose of the shared funding of such programs or projects.

(d) Not more than one-third of any grant made under this section may be expended for the compensation of personnel. The amount of any such grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration, or other short-term programs.

SEC. 508. Any State desiring to participate in the grant program under this part shall establish a State Fire Agency as described in Part A of this Title and shall within twelve months after approval of a planning grant under Part A submit to the Administration through such State Fire Agency a comprehensive State Master Plan for Fire Protection formulated pursuant to Part A of this Title.

SEC. 509. The Administration shall make grants under this Title to a State Fire Agency if such Agency has on file with the Administration an approved comprehensive State Master Plan for Fire Protection (appropriately revised or made current, when necessary, within the preceding three years) which conforms with the purposes and requirements of this Title. Each such Master Plan for Fire Protection shall—

(1) provide for the administration of such grants by the State Fire Agency,

(2) provide that at least 75 per centum of all Federal funds granted to the State Fire Agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of fire prevention and control;

(3) adequately take into account regional needs of fire protection and the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in fire prevention and control and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of fire prevention and control dealt with in the Master Plan for Fire Protection, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the Plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the Plan to other relevant State or local fire prevention and control plans and systems;

(5) Provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

(6) provide for appropriate review of procedures of actions taken by the State Fire Agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

(7) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

(8) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive Master Plan for Fire Protection and the programs and projects contemplated by units of general local government;

(9) set forth policies and procedures designed to assure that Federal funds made available under this Title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for fire prevention and control;

(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

(11) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require.

Any portion of the 75 per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State Fire Agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of fire prevention and control and in conformity with the State Master Plan for Fire Protection.

SEC. 510. State Fire Agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State Fire Agency determines that such an application is in accordance with the purposes stated in section 507 and is in conformance with any existing statewide comprehensive Master Plan for Fire Protection, the State Fire Agency is authorized to disburse funds to the applicant.

SEC. 511. Where a State fails to make application for a grant to establish a State Fire Agency pursuant to Part A of this Title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive Master Plan for Fire Protection pursuant to Part A within six months after approval of a planning grant to establish a State Fire Agency, the Administration may make grants under Part A and Part B of this Title to units of general local government or combinations of such units: *Provided, however,* That any such unit or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in fire prevention and control. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 90 per centum of the cost of the project or program with respect to which it was made.

SEC. 512. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

(1) Eighty-five per centum of such funds shall be allocated among the States according to their respective populations for grants to State Fire Agencies.

(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of section 511 of this Title to the grant of any State, may, in the discretion of the Administration, be allocated among the States for grants to State Fire Agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this Act.

Any grant made from funds available under paragraph (2) of this subsection may be up to 75 per centum of the cost of the program or project for which such grant is made. The limitations on the expenditure of portions of grants for the compensation of personnel in subsection (d) of section 507 of this Title shall apply to a grant under such paragraph. Effective July 1, 1974, at least 40 per centum of the non-Federal funding of the cost of any program or project to be funded by a grant under such paragraph shall be of money appropriated in the aggregate, by State or individual unit of government, for the purpose of the shared funding of such programs or projects.

(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year for grants to the State Fire Agency of the State will not be required by the State, or that the State will be unable to qualify to receive any portion of the funds under the requirements of this part, that portion shall be available for reallocation to other States under paragraph (1) of subsection (a) of this section.

SEC. 513. All grants under Part B of this Title shall be awarded on the basis of an assessment and evaluation by the Administration of the contribution the grants may make to achieving a significant reduction in personal injuries and the loss of life and property from fire.

TITLE VI—FUNCTIONS OF CERTAIN OTHER FEDERAL AGENCIES

SEC. 601. (a) Sections 101 through 104 of the Fire Research and Safety Act of 1968 (Sections 278f and 278g of title 15, United States Code), amending the Organic Act of the National Bureau of Standards, are amended by striking out Sections 101 through 104 (the present sections 278f and 278g of title 15, United States Code) and by substituting therefor:

"§ 278f. Fire research and safety program; functions of Secretary of Commerce

The Secretary of Commerce (herinafter referred to as the 'Secretary') is authorized to—

(a) Conduct directly or through contracts research into the physical and chemical phenomena of fire, including but not limited to phenomena of and test methods concerning ignition, fire growth, fire spread, smoke, toxic gases, flame inhibition, and flame retardancy; research into standards of fire safety for materials and of fire safety design for construction; and research for the purpose of developing a sound body of scientific and engineering theory concerning fire.

(b) Conduct directly or through contracts or through the assistance of the United States Fire Administration or obtain from the United States Fire Administration, when necessary to provide support or background for research conducted under subsection (a),

(1) investigations of fires to determine their causes, frequency of occurrence, severity, and other pertinent factors;

(2) research into the causes and nature of fires, and the development of improved methods and techniques for fire prevention, fire control, and reduction of death, personal injury, and property damage;

(3) fire information reference services, including the collection, analysis, and dissemination of data, research results, and other information, derived from this program or from other sources and related to fire protection, fire control, and reduction of death, personal injury; and property damage;

(4) projects demonstrating application of fire safety principles in materials and in construction.

"§ 278g. Same; general provisions

With respect to the functions authorized by section 278f of this title—

(a) The Secretary may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any such functions, and, as necessary or appropriate, delegate any of his powers under this section or section 278f of this title with respect to any part thereof, and authorize the redelegation of such powers.

(b) The Secretary may perform such functions without regard to section 529 of Title 31.

(c) The Secretary is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other materials as he deems necessary to carry out such functions. Each such department or agency is authorized to cooperate with the Secretary and, to the extent permitted by law, to furnish such materials to the Secretary. The Secretary and the heads of other departments and agencies engaged in administering programs related to fire safety shall, to the maximum extent practicable, cooperate and consult in order to insure fully coordinated efforts.

(d) The Secretary is authorized to establish such policies, standards, criteria, and procedures and to prescribe such rules and regulations as he may deem necessary or appropriate to the administration of such functions or this section, including rules and regulations which provide for fiscal control, sound accounting procedures, and periodic reports to the Secretary regarding the application of funds paid under section 278 of this title."

(b) For the purpose of carrying out subsection (a), there is authorized to be appropriated the sum of $3,000,000 for the fiscal year ending June 30, 1974, and for succeeding fiscal years such sums as the Congress might authorize.

(c) The provisions of subsection (a) shall be carried out under the laws pertaining to the Department of Commerce and the National Bureau of Standards, and, with the exception of sections 714 and 716, shall not be subject to Title VII of this Act or any conflicting provisions of this Act.

SEC. 602. (a) The Secretary of Health, Education, and Welfare shall establish within the National Institutes of Health a program to augment their current sponsorship of research on burns and burn treatment. Under the augmented program, the National Institutes of Health shall—

(1) sponsor and encourage the establishment throughout the nation of a total combined number of 25 additional burn centers, which shall comprise separate hospital facilities providing specialized burn treatment and including research and teaching programs, and in general hospitals, burn units, which comprise specialized facilities used only for burn victims;

(2) provide training and continuing support of specialists to staff the 25 additional burn centers and burn units;

(3) sponsor and encourage the establishment in general hospitals of 90 burn programs, which comprise staffs of burn injury specialists;

(4) provide special training in emergency care for burn victims in general hospitals;

(5) augment sponsorship of research on burns and burn treatment;

(6) administer and support a systematic program of research concerning smoke inhalation injuries.

(b) For the purpose of carrying out subsection (a), there is authorized to be appropriated the sum of $2,500,000 for the fiscal year ending June 30, 1974, and for succeeding fiscal years such sums as the Congress might authorize.

(c) The provisions of subsection (a) shall be carried out under the laws pertaining to the Department of Health, Education, and Welfare and the National Institutes of Health, and, with the exception of sections 714 and 716, shall not be subject to Title VII of this Act or any conflicting provisions of this Act.

SEC. 603. (a) For the purpose of providing incentive to the fire insurance industry to lower fire insurance premiums, as well as aiding fire prevention and control, the Federal Insurance Administration shall establish in cooperation with the United States Fire Administration a program to provide low-cost insured loans to homeowners and businessmen for the purpose of installing in their premises appropriate types of fire protection equipment, comprising mainly early warning fire detection systems and/or automatic fire extinguishing systems.

(b) For the purpose of carrying out subsection (a), there is authorized to be appropriated the sum of $2,000,000 for the fiscal year ending June 30, 1974, and for succeeding fiscal years such sums as the Congress might authorize.

(c) The provisions of subsection (a) shall be carried out under the laws pertaining to the Department of Housing and Urban Development and the Federal Insurance Administration, and, with the exception of sections 714 and 716, shall not be subject to Title VII of this Act or any conflicting provisions of this Act.



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TITLE VII—ADMINISTRATIVE PROVISIONS

SEC. 701. The Administration is authorized, after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions and are consistent with the stated purposes of this Act.

SEC. 702. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Secretary, to any officer of the Department of Housing and Urban Development such functions as it deems appropriate.

SEC. 703. The functions, powers, and duties specified in this Act to be carried out by the Administration shall not be transferred elsewhere in the Department of Housing and Urban Development unless specifically hereafter authorized by the Congress.

SEC. 704. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

SEC. 705. Section 5314 of Title 5, United States Code, is amended by adding at the end thereof:

"(58) Administrator, United States Fire Administration."

SEC. 706. Section 5315 of Title 5, United States Code, is amended by adding at the end thereof:

"(95) Deputy Administrator, United States Fire Administration."

SEC. 707. Section 5316 of Title 5, United States Code, is amended by adding at the end thereof:

"(131) Assistant Administrators, United States Fire Administration."

SEC. 708. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this Act.

SEC. 709. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Housing and Urban Development and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Housing and Urban Development and such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, county, municipal, or other local agencies.

SEC. 710. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this Act, finds that, with respect to any payments made or to be made under this Act, there is a substantial failure to comply with—

(a) the provisions of this Act;

(b) regulations promulgated by the Administration under this Act; or

(c) a plan or application submitted in accordance with the provisions of this Act; the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

SEC. 711. (a) In carrying out the functions vested by this Act in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided.

(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this Act, the Administration shall notify the applicant or grantee of its actions and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant, the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

SEC. 712. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this Act, or any applicant or grantee is dissatisfied with the Administration's final action under section 710 or section 711, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court the record of the proceedings on which the action of the Administration was based, as provided in section 2112 of Title 28, United States Code.

(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28, United States Code.

SEC. 713. Unless otherwise specified in this Act, the Administration shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1974, and the five succeeding fiscal years.

SEC. 714. To insure that all Federal assistance to State and local programs under this Act is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this Act. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this Act shall, to the maximum extent practicable, consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

SEC. 715. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this Act.

SEC. 716. The Administration is authorized:

(a) to conduct evaluation studies of the programs and activities assisted under this Act;

(b) to collect, evaluate, publish and disseminate statistics and other information on the condition and progress of fire prevention and control in the several States; and

(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to fire prevention and control.

SEC. 717 (a) Payments under this Act may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration.

(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this Act may be used within any one State except that this limitation shall not apply to grants made under Title IV of this Act.

SEC. 718. The Administration is authorized to appoint such technical or other advisory committees to advise the Administration with respect to the administration of this Act as it deems necessary. Members of such committees not otherwise in the employ of the United States, while attending meetings of the committees, shall be entitled to receive compensation at a rate to be fixed by the Administration but not exceeding $100 per diem, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 719. (a) Nothing contained in this Act or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any fire department or any other fire protection agency of any State or any political subdivision thereof.

(b) The Administration shall condition the availability of each grant under this Act upon the compliance by the applicant or grantee with the requests, if any, made by the National Fire Data System for the submission of data to the System.

(c) The Administration shall condition the availability of each grant to a State under this Act, except Part A of Title V, upon the compliance by the State with the requests made by the National Fire Data System for participation in the creation and continued implementation of a network of uniform state fire data systems.

(d) Notwithstanding any other provision of law, nothing contained in this Act shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this Act of a percentage ratio or quota system to achieve racial or ethnic balance or balance between the sexes or to eliminate racial or ethnic imbalance or imbalance between the sexes in any fire protection agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this Act to adopt such a ratio or system. However, the Administration shall condition the availability of each grant under this Act, except Part A of Title V, to a State or unit of general local government or to any other employer of fire service personnel upon the adoption by such applicant or grantee of an affirmative general program to achieve or maintain fair and equal employment and promotion opportunities for racial and ethnic minorities and for both sexes.

(e) The Administration shall condition the availability of each grant to a unit of general local government upon the adoption by the unit of a home fire inspection program comprising inspection for fire safety of all premises used for personal residence or abode within the jurisdiction of the unit.

SEC. 720. On or before September 30, 1974, and each year thereafter, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this Act during the preceding fiscal year. In such reporting, the Administration, as a result of its evaluating and coordinating functions, shall advocate and recommend which research, education, training, and other programs at the Federal, State, and local levels are deserving of continued or increased support, encouragement, and assistance from those public and private entities concerned.

SEC. 721. For the purpose of carrying out this Act, except Title VI, there is authorized to be appropriated the sums of $5,000,000 for the fiscal years ending June 30, 1974 and $50,000,000 for the fiscal year ending June 30, 1975, $128,000,000 for the fiscal year ending June 30, 1976, and for succeeding fiscal years such sums as the Congress might authorize.

SEC. 722. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount of disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. If any provision of this Act or any amendment made thereby or the application thereof to any person or circumstances be held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

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## CONGRESSIONAL ACTION AGAINST SECRECY

Mr. MUSKIE. Mr. President, on Tuesday and Wednesday of this week, two distinguished Members of Congress testified to joint Senate hearings on executive privilege and Government secrecy. Both Senator HAROLD E. HUGHES of Iowa and Representative PATSY T. MINK of Hawaii strongly and specifically recommended legislative action to assure congressional control over executive secrecy and to monitor the frequent abuses of secrecy with which we are, again, becoming sadly familiar.

I ask unanimous consent that the statements they presented to the Subcommittee on Intergovernmental Relations of the Committee on Government Operations, and to the Subcommittees on Separation of Powers and on Administrative Practice and Procedure of the Committee on the Judiciary be printed in the RECORD for the benefit of all those interested in congressional action against unjustified secrecy.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HAROLD E. HUGHES, MAY 8, 1973

EXECUTIVE PRIVILEGE AND GOVERNMENT SECRECY

It is a privilege to appear before these distinguished subcommittees to offer a few personal observations as a Senator and former Governor about the overriding danger to our free institutions of secrecy in government. We of the present Congress and our predecessors have let this matter slip too long. We cannot allow the secrecy in government that has been built *up* through the years to remain built *in* for future generations.

It is self-evident that, without an unacceptable level of government secrecy, Watergate scandals that now rock the nation could never have taken place.

The hazard is that, in our immediate preoccupation with the sordid criminality of Watergate, we might lose sight of the fact that the secrecy we associate with Watergate is pervasive throughout our government operations and that it is imperative that we take decisive, corrective measures while the iron is hot.

In this light, the present series of joint hearings by these subcommittees assume an extraordinary importance to the preservation of our free institutions.

The extended concept of "executive privilege," of course, has become one of the key fronts for administrative secrecy. So far as having any basis in the Constitution or in statute, the concept is, as Senator Ervin has so aptly put it, "executive poppycock." So far as it has worked out in a practical way in our government, it would be more appropriately termed "executive cover-up."

The basic issue before us is one of information—information withheld from the Congress on one pretext or another and information withheld from the people on alleged grounds of national security.

"The people's right to know" is not a pious shibboleth; it is the cornerstone of our democracy.

Under our tripartite system of government, the determination of national priorities cannot be the executive's private piece of pie. But this is what secrecy in government makes possible—and this is what we are seeing today and have seen before in the administration of both foreign and domestic policy.

The only ones to benefit from secrecy are those with something to hide—mistakes, waste, corruption, or indefensible policies. If decisions cannot stand the light of public and Congressional scrutiny, those decisions are probably wrong.

James Reston of the *New York Times* put it well: "We deeply, almost instinctively, believe that the success of any group of people in dealing with their common problems rests on their knowledge and understanding of the problems to be solved, and on their intelligence, judgment, and character in meeting those problems. And the conclusion drawn from this is that the intelligence of the people, if well informed, will probably produce more satisfactory solutions than any leader or small band of geniuses is likely to produce."

One way we get this knowledge and understanding is through free communications media, and in the protection of the First Amendment many of you members of these subcommittees have given the nation invaluable service. While the Watergate mess was festering, some segments of the press were slumbering or intimidated, but other segments were working night and day uninhibited by threats and undeceived by coverups. In due time, the entire communications establishment, to its credit, rallied to the cause—of bringing out the truth.

Since the Constitution vests in the Congress all legislative power, the Congress needs all information necessary and proper to do its work of developing laws and overseeing their proper execution. Our need to know is total. I sometimes wonder whether the Executive Branch could paralyze the Congress even more effectively by giving us too much information rather than too little, but that is not the problem we face at the present time. No one would want to see a copy of every memo, every document, every file on a major policy question.

But we do have the right to make inquiries and to demand fully documented answers to our questions.

A few weeks ago, I had an opportunity, along with several other members of Congress, to participate in a conference on "The Congress and the Executive: The Constitutional Question." The interchange among scholars, former officials, and current officeholders was enlightening and provocative. I was particularly impressed with comments on executive privilege by Professor Raoul Berger of Harvard Law School, who was also testified before your committees. Professor Berger said in this Conference, as he testified before these Subcommittees, that executive privilege is a myth without constitutional warranty and urged that we not sanctify it or make it respectable by legislation.

I hope you will bear his carefully researched conclusions in mind when considering legislation that deals with this question of executive privilege. It is clear to me that bad history has been used to justify bad practices of withholding information.

Executive privilege is a license to kill—not people, but information, investigations, and ultimately the truth. These committees exposed the logical absurdity of the present Administration's position when it obtained the shocking admission from the now-resigned Attorney General that executive privilege could be extended to every federal employee.

Unlimited use of executive privilege is the first step toward no-holds-barred government.

It is one thing for the President to authorize his closest advisers not to testify about their confidential advice to him, but quite another to forbid them to tell what they know to responsible authorities. Yet this Administration tried to forbid Clark Mollenhoff from telling what he knew about the Air Force's efforts to fire Ernest Fitzgerald for his courageous exposures of waste and inadequacies in the C–5A program. And when the President in a news conference admitted firing Fitzgerald, his own press secretary contradicted him. How can we get at the truth, which in this case as well involves a possible violation of existing laws governing employees' rights, when executive privilege—read executive cover-up—is invoked?

Our hope for a prompt and thorough investigation of the Watergate scandals was seriously threatened by the White House announcement last week that present and former White House officials were to invoke executive privilege in connection with conversations with the President, conversations with each other involving communications with the President, and Presidential papers—"all documents produced or received by the President or any members of the White House staff."

It seems inconsistent and wrong for the President to rule out any immunity from



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prosecution for these men and yet grant this blanket immunity from testifying on the documents which flow into or out of the White House. We want to get lawbreakers, wherever they have been employed. The offenses under investigation are very serious—felonies—with sizable fines and lengthy jail terms for those who may be convicted.

Let us be very blunt about this. Public opinion polls indicate that there is a widespread suspicion in this country that the President himself may have had some knowledge of these events. While there is no evidence to support this and most of us don't believe it, we do need to know the truth. And until we get a full explanation of what happened, our mere uncertainty will undermine the power and prestige of the Presidency. For the good of the President and the people alike, executive privilege must not be allowed to obstruct full disclosure and justice.

Senator Fulbright has already discussed with you some of the problems which the Foreign Relations Committee has had in obtaining information about American agreements with and commitments to other nations. Several proposals have been offered to circumvent this secrecy.

Even in areas not at all involving national security, this Administration has clamped a lid of secrecy on information of great interest to the Congress. For example, it took lengthy litigation to secure release of the Garwin Report for the Office of Science and Technology, which pointed out major deficiencies in the proposed SST.

Let me mention just three other areas where information has been denied to members of the Armed Services Committee, despite the evident utility of such information for the Committee.

Although Pentagon planning is on a five-year basis, and the services admit scheduling procurement outlays for ten years, the Congress is told of budget plans only one year at a time. Thus, each year we buy camels after looking only at their noses.

Requests for long-range plans are routinely denied on the grounds that they are for "internal planning" purposes only. No one would want to deny the President the right to change his mind about future budgets, but I believe the Congress has a right to have access to the same information in order to safeguard the interests of taxpayers.

Secrecy also continues to surround U. S. activities in Indochina. We are told that the North Vietnamese are violating the January cease-fire agreement, but we are denied the facts about what the United States has done or is doing which might prompt such violations. For example, my office has been trying for two months to secure a list of the equipment and materials furnished to South Vietnam under the terms of the cease-fire agreement, which permits only piece-for-piece replacement. Still I have no answer, despite the requirement that these deliveries be sent through control points in Vietnam with the information furnished to the Control Commission and thus to the parties to the agreement.

In other words, our government is reluctant to prove to us that we are not ourselves violating the terms of the agreement. Before we are asked to support increased funds to finance this war, we deserve to be told how the existing money has been spent.

A third issue is that of secret activities, such as those performed by the CIA. No one would deny the need to preserve secrecy about the means by which information is obtained on a potential enemy's military capabilities and intentions. But when, instead of gathering intelligence, we intervene secretly in the internal politics of other countries, as in Chile, or when we conduct secret wars, as in Laos, the Congress has a right to know and to pass judgment on these activities.

I am sure you will consider these problems in developing legislation to increase the availability of information to the Congress.

The other aspect of the secrecy question is that of classification—the denial of information to the public at large. Once again, no one would deny the need to protect our own defense secrets. Existing laws already provide deserved penalties for disclosing information vital to the national defense with the intent or effect of harming this country's security.

As we all know, much of the information now classified does not deserve the secret stamp. One set of data with which I have been particularly concerned is the bombing and casualty figures on the war.

Each year that I have been a member of the Senate Armed Services Committee, I have asked the Defense Department for monthly American air combat sorties and bomb tonnage figures for each of the several countries of Indochina. These have been provided, albeit with some discrepancies, but with a classification of "secret."

Why should this information be withheld from the American people? The people bombed know what has happened to them; Hanoi radio reported sortie figures. The only ones who did not know whether or how much we have been bombing in Laos or Cambodia or North Vietnam were the people of the United States, who were being asked to pay for and support this military strategy.

Even today, bombing figures are still aggregated for all of Southeast Asia, and historical figures have yet to be released.

Perhaps more disturbing is the Pentagon's policy of concealing casualty figures. The public has been given only the vaguest information on the number of Americans killed in Laos. Recently, I received a reply from the Defense Department to a question on the number of Americans killed and wounded in Laos, Cambodia, and Thailand during the past three years. This information, important as it may be to understanding continued American involvement in this war, is classified "Confidential." I believe the people have the right to know this information.

One responsible and unobjectionable way of getting such information released, in my view, is for the Congress to require it by law. I have already proposed legislation permitting the Congress to declare that the disclosure of certain information now given to the Congress on a classified basis would not be harmful to the national interest and requiring that it be made public by the Executive Branch. While my proposal deals specifically only with the facts on combat air activities and U.S. casualties, it could be amended in the future to cover other materials now classified.

The abuses of secrecy came home to me most clearly last year during my involvement in the investigation of the unauthorized bombing raids conducted under the command of Air Force General John Lavelle. It took weeks of probing testimony to pry the facts about the bombing out of the Pentagon. Although the Defense Department had allegedly conducted a thorough investigation of the matter, the Armed Services Committee was able to get at the truth, in my opinion, only because we had to act on pending nominations. If we had not had this lever, we might still be in the dark.

Another discovery in the Lavelle case, strikingly similar to what we are reading in the papers today, was evidence of a massive cover-up of information. In fact, far more energy appears to have gone into the efforts to conceal the facts in this case than to take corrective actions to see that such violations can never happen again. The Air Force took strong action—removal from command—once it had evidence of General Lavelle's misconduct. But official comments for several weeks referred only to a "resignation" for personal and health reasons. Only persistent efforts by the Congress forced the Pentagon to begin to reveal the full story.

Surely we have reached a sad state of affairs in this country when the gut reaction of people is to disbelieve their government. But the evidence of deceit is too plentiful to be ignored.

Perhaps the more urgent problem for the Congress right now is to prevent the adoption of new laws which strengthen the classifiers and undermine the public's right to know. Senator Muskie has done a valuable service by ferreting out the new proposals from the 600-page proposed Criminal Code Reform Act, and in calling public attention to what amounts to America's first official secrets act.

This proposed new law strikes me as another shocking attempt by the Administration to manipulate the media: what the White House can't control, it now seeks to punish. The legislation would make it a penalty to release, receive, or publish classified information, regardless of intent or actual injury. In effect, this law would give each man with a rubber stamp a jail key for anyone who disagrees with him. The result would be a stifling censorship by classification.

If this law had been in effect in the past, no doubt there would have been energetic prosecution of those who first told us about My Lai, or General Lavelle's illegal bombing, or the deficiencies of programs like the C-5A.

And if it should become law, you know as well as I that it would not be used to prosecute the Pentagon official who leaks word that, say, the Russians are building some missile twice as good as ours. Instead, it would be used against the man who tells a reporter that the F-14 can't take off from a carrier with a full bomb load or that the CIA is fighting a secret war in the Philippines.

Not only would the source of the information be punished; the reporter and his publisher could go to jail as well. They could not even argue in their defense that the material had been improperly classified.

If we are to eliminate unnecessary classification, we also have to oppose efforts to fortify existing secrecy with such powerful, repressive weapons.

I might add that I resent Executive Branch innuendoes that the Congress cannot keep secrets which are provided to it. I for one am not aware of any instance where a Congressional "leak" harmed the vital interests of this nation. And I would challenge the Executive to show that there were more non-damaging disclosures from this end of Pennsylvania Avenue than from the other. This is a false issue, and no excuse for denying information to the Congress.

Recent history gives numerous examples of the dangerous consequences of secrecy in weakening the bonds of trust and cooperation within the government and with the people. The efforts by officials to protect themselves and conceal their mistakes is more likely to be a crime, against the national interest, than the attempt to expose such cover-ups.

I would offer only a few more suggestions in conclusion. I am pleased to be a cosponsor of Senator Muskie's proposed amendments to the Freedom of Information Act since they strengthen the rights of citizens and put the burden of proof for concealment on the government.

Although I am reluctant to grant an executive privilege which never should have been asserted, I hope that any legislation you may develop will make any denial of information difficult to invoke and ultimately remediable by some appeal, either to the Congress or the Courts.

On the question of declassification, I have already suggested one possible route: direct legislation if nothing else will avail. A regular process would, of course, be preferable, and along those lines I would favor a third-party public information review board with broad investigative powers like those of the General Accounting Office and composed of members who can exercise professional judgment on the competing requirements of national security and the public interest. Such people would be those with prior experience in journalism and public affairs.

In the long run, the more we unclog the channels of information, the more likely we are to build a vigorous and responsive democracy. Unexamined policies are not worth having; we need open policies, openly arrived at, and tested by informed public debate.

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TESTIMONY BY REPRESENTATIVE PATSY T. MINK, MAY 9, 1973

Mr. Chairman and distinguished members of the Subcommittee, I am delighted to have this opportunity to testify on behalf of the adoption of S. 1520. As a co-sponsor of this legislation in the House, I believe its adoption is essential if we are to preserve the Freedom of Information Act.

Unfortunately, the Freedom of Information Act has been placed under concerted attack by the Executive Branch of our government. The Executive has received considerable support from the Judicial Branch in this regard. Therefore, if we are to restore the purposes of the Act, it will be necessary for Congress to enact sound and strong legislation requiring full disclosure of government information to the people of the United States.

In 1972 when I spoke before a House Subcommittee, I favored a judicial watchdog system for freedom of information. When the Executive refused to disclose information, the matter could be appealed to a court. The court would examine the documents in camera to see whether full or partial disclosure should be required. In this, I placed my trust in the independence and integrity of the judicial system.

Subsequent events, however have brought me to the reluctant conclusion that this protection would be inadequate. I believe that Congress itself must grasp the power to disclose governmental information when the Executive and Judicial branches will not.

When Congress enacted and the President signed the Freedom of Information Act in 1967 its purpose was to require the disclosure of all Federal government information to any member of the public. The only exceptions to the law's disclosure requirement were materials included in nine exemptions listed in the Act.

Of these nine exemptions, the first has proved most vexatious. This applies to matters that are "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy." The national security exemption, originally intended by Congress to be narrowly construed and implemented, has instead been enlarged and expanded by the Executive Branch to encompass virtually any information the Executive desires to withhold.

Under the slipshod and illicit procedures devised by the Executive to withhold information under the national defense exemption, an army of bureaucrats has been allowed to classify and withhold information at will. According to newspaper reports of the Ellsberg trial, the man who originally classified them "Top Secret" acted on his own authority and judgment. The only training or instruction he ever had in security matters was watching "a movie which had the theme 'Beware of blondes who are excessively friendly—they may be Russian spies.'"

In 1971, 32 other Members of Congress and I filed the first Freedom of Information Act suit ever to reach the United States Supreme Court. As members of the public, and as lawmakers who had to vote on funds for a dangerous nuclear test, we sought information on that test prepared by the government's environmental agencies which are responsible by law for informing the public on environmental hazards. The Executive Branch opposed us every inch of the way. When the U.S. Court of Appeals was audacious enough to insist that the documents be examined in camera by a lower court to see which ones should be released, the Executive Branch sought Supreme Court review of even this threat of intrusion on its right to withhold.

On March 6, 1972, the Supreme Court agreed to review the Appeals Court decision. Two days later the Executive Branch issued an order revising its security classification system. Henceforth, documents were to be separately classified on a paragraph-by-paragraph basis to facilitate declassification in the event it was needed. This ratified one of the contentions of my suit, that the documents I sought could not be classified in their entirety merely by being stapled to a Secret document.

On January 22, 1973, the Supreme Court issued its decree in the Mink case, which proved to be a disaster for Freedom of Information. In essence, it upheld everything the Executive had done to withhold this information from the Congress and the public. The most damaging part of the decision was the nullification of the doctrine of judicial review. The court held there was no requirement for an *in camera* inspection of documents to see whether they could be withheld. It said that the simple statement of the Executive that they were classified would suffice. Thus there would be no check or guard against arbitrary Executive efforts to hold back embarrassing or sensitive materials.

The court's preoccupation with national security secrecy was further illustrated on February 5, 1973, when the Chief Justice sent to the Congress 77 proposed new rules for evidence for use in the Federal courts. One of those rules, number 509, sought to apply the grossly expanded "national defense" loophole to bar any such evidence in Federal courts. Under this proposed rule, any attorney representing the government could object to the production of a record on the grounds that disclosure would be "contrary to the public interest." In effect, this would bar disclosure of all government documents unless the private citizen or other plaintiff was able to prove that disclosure was in the public interest. Fortunately, Congress has deferred the otherwise automatic implementation of this and other controversial rules sought by the court.

I might mention another example of Executive efforts to build upon the new-found secrecy power it has gained through palpably erroneous interpretations of the national defense loophole in the Act. Last October, Congress approved legislation declaring that meetings of the hundreds of government advisory committees "shall be open to the public." We provided, however, that this requirement would not apply to meetings where discussions are held of matters exempted under the Freedom of Information Act from public disclosure. Predictably, the government has seized upon this tiny loophole to close these "open" meetings. Apparently, before the administrators will obey our 1972 law we will have to tighten up the Freedom of Information Act.

S. 1142 would make these necessary revisions. One change would amend section 3 to enlarge the right of the public to Federal information. Section 3 would also be amended to require all agencies to furnish any information or records to Congress, or any committee or subcommittee thereof, upon request. This is along the lines of an existing 1928 statute which requires the production of information upon the request of any 7 members of the Committee on Government Operations.

This change is a logical and essential step. But I would go further. I would urge that if Congress is to become a truly co-equal branch of government, that we must have equal access to government information. This means the establishment of a principle that Congress has the right to all information and its classification or release.

As elected officials each of whom has a constituency of at least half a million people, we have as much right to decide which information shall be released to the public as faceless appointed officials whose only qualification is that they watched spy movies. Members of Congress should be entitled to any Executive Branch information upon request by any 10 members classified or not. I would only require that Members be responsible for the safe custody of this classified information. If members should want to obtain its declassification so as to enable its release to the public, I propose a new mechanism for Congressional determination of de-classification. I propose the appointment of a special joint committee of the House and Senate. This committee would have the lawful power to declassify security information. If a member obtained information and wished to have it declassified he could refer it to the committee for a required swift decision. Closed hearings or consultations with the Executive branch could be held by the committee prior to its decision. The key factor would be that Congress, the elected representatives of the people, should have this power to declassify.

I feel that the appointment of an outside commission or body for this purpose would be an inadequate remedy. Neither should it be required that a Congressional Resolution be passed by the entire membership of the House or Senate for release of information. Free access of information gathered by our tax dollars is a public right and power to decide this issue.

A House bill contains a provision which is well-deserving of consideration for inclusion in legislation you may approve in this field. It imposes a mandate that a court "shall enjoin" refusal to release government information not exempted from disclosure under the Act. This is an improvement over the Act's current permissive authority to enjoin.

Our bills provide for the payment of attorney's fees and court costs to be a successful litigant under the Act. I feel this should be extended to costs and fees at any level in which the litigant is upheld by the Court and not only in cases where the final decision is in favor of the litigant. I believe that certainly in the *Mink* case our costs should have been reimbursed by the government. Where the Supreme Court remanded the case, I believe that all costs and fees ought to be covered by the government. That is a small price to pay for freedom of information.

In addition, our bills fail to change the existing definition of national security information exempted from mandatory disclosure. We should require that any such information be separately classified by its own executive order, rather than apply one general order as authority to classify all documents. Further, the test of whether the material is secret "in the interest of the national defense or foreign policy" allows too much leeway for the Executive. We should specify in the exemption that only materials whose disclosure would damage current foreign policy activities, or reduce the nation's ability to defend itself against military attack, would be exempt.

It seems to me that strong limitations against secrecy must be invoked by Congress. We have to guard against our inadvertently contributing to the suppression of information from the American people and from Congress. I urge this Subcommittee to work towards the highest standards for openness in all aspects of our government opera-



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tions. Secrecy must only be tolerated in cases where release of the information will seriously jeopardize our national security or endanger the stability of our foreign relations. Embarrassment of the Executive such as providing internal arguments made against a policy should never be a reason to keep a report secret. The public should be advised of all sides of an issue. The executive must not be characterized as a propaganda agent of its decisions. Executive policies should be able to stand the light of a full public review. All the facts should be made available to the public. We cannot rest until our laws are perfected to safeguard this fundamental principle of a free society.

## MAGNITUDE OF THE TASK BEFORE CONGRESS

Mr. MATHIAS. Mr. President, as Congress proceeds along its daily schedule, it is occasionally useful to remind ourselves of the magnitude of the task before us. The President has submitted a budget which foresees the expenditure of $268.7 billion. The President's budget envisions a deficit of approximately $13 billion in the coming fiscal year, following the $24 billion deficit which appears likely for the current fiscal year. This deficit financing comes at a time when there are uneasy indications that inflationary pressures are rapidly increasing in many sectors of our economy.

With the end of the fiscal year on June 30, some 300 major Federal programs will expire unless their authorization and appropriation is renewed. That process of renewal will involve, in many cases, major debates concerning the structure, size, and general wisdom of particular programs. And all of these programs which Congress decides to continue must be fitted within the $268 billion overall spending ceiling to which the Senate has committed itself.

As we proceed with this task before us, we must also be cognizant that many individuals and organizations in the private sector of our economy already are confronting critical decisions which hinge upon the shape of Federal programs in the months and years ahead. If these individuals and organizations are to make their decisions wisely, then we within the Federal Government must press ahead on the agenda before us in a cooperative and positive atmosphere of confidence, respect and good faith.

In this spirit I would ask unanimous consent that a summary of the programs which expire on June 30 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR PROGRAMS WHOSE AUTHORIZATIONS OR APPROPRIATIONS EXPIRE JUNE 30, 1973

Agriculture—food stamp program.
Department of Defense—military enlistment bonuses.
Department of Defense—military procurement.
Department of Defense—military research and development.
Department of Defense—construction.
Housing and Urban Development—mortgage interest subsidy payments to middle income families.
Housing and Urban Development—experimental program of low income housing allowances.
Banking—authority of the Federal Reserve Banks.
Housing and Urban Development—authority to insure mortgages for low income families.
Housing and Urban Development—National Housing Act.
Housing and Urban Development—authority to insure mortgages for lower and moderate income.
Banking—Council on International Economic Policy.
Banking—Asian Development Bank.
Education—education projects on drug abuse and drug dependency, community programs, research, etc.
National Endowment for the Arts and Humanities.
Education—grants for guidance counselling, school libraries, special education programs, etc.
Education—payments to local educational agencies for the education of children of low income families.
Education—special grants for education of handicapped children.
Labor—occupational safety and health.
Education—Environmental Education Act.
Labor—Emergency Employment Act of 1971.
Office of Economic Opportunity—Economic Opportunity Act of 1964.
VISTA.
Labor—Manpower Development and Training Act of 1962.
Drugs—international narcotics control.
Radio Free Europe.
United States Information Agency.
Peace Corps.
Department of State.
Overseas Private Investment Corporation.
Alliance for Progress.
Foreign Assistance Act of 1961.
United Nations Relief and Works Agency.
Saline Water Conversion Program.
Flammable Fabrics Act.
Motor Vehicle Safety Act.
Corporation for Public Broadcasting.
Health, Education and Welfare—various alcoholism programs.
Community Mental Health Center.
Family Planning and Population Growth.
Health, Education and Welfare—modernization of hospitals.
Health, Education and Welfare—allied health professions.
Health, Education and Welfare—community mental health centers.
Health, Education and Welfare—areawide health planning.
Health, Education and Welfare—programs of health services for domestic migrant agricultural workers.
Railroad Retirement Act of 1937.
Development of low emission vehicles.
Clean Air Act.
Solid Waste Disposal Act.
Law Enforcement Assistance Administration.
Coast Guard.
Highway Trust Fund.
Office of Environmental Quality.
Public Works and Economic Development Act of 1965.
John F. Kennedy Center for the Performing Arts.
National Aeronautics and Space Administration.
National Science Foundation.
Renegotiation Act of 1951.
Public Debt limit.
Maternal and Child Health Services.

## LABOR AND THE ENVIRONMENT

Mr. CRANSTON. Mr. President, recently I was invited to speak before the Fourth Biennial Statewide Planning Conference sponsored by California Tomorrow, a California-based environmental planning organization.

I took this opportunity to remind environmental leaders that they must make every effort to cast off the stigma of elitism and to be more sensitive to the needs and desires of working men and women. Over the past several years, as the environmental movement has gained in strength and effectiveness, a most unfortunate misunderstanding has developed between environmentalists and labor.

This misunderstanding has the workworking man and woman opposed to many environmental actions because they believe these actions will mean a loss of jobs and a limitation on recreational opportunities. I believe it is essential that we correct this misunderstanding, for it is clearly not true that environmental quality necessitates a cutback in jobs or recreational opportunities.

We need to encourage a coalition of organized labor, minorities and environmentalists that is strong enough to insure that the benefits of a clean environment accrue to everyone and that the job rights of millions of workers are protected.

Mr. President, I would like to share these thoughts with my colleagues, and I ask unanimous consent that a copy of my speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CALIFORNIA TOMORROW STATEWIDE PLANNING CONFERENCE, SAN FRANCISCO, WEDNESDAY, APRIL 25, 1973

I am delighted to be here in San Francisco this morning to join with all of you in the fourth biennial statewide planning conference sponsored by California Tomorrow.

I regret that I could not have been here yesterday as well.

I don't know whether there is any magic in the number four, but it seems that this fourth statewide planning conference offers us a unique opportunity to evaluate how far we've come and whether, as the topic of the conference asks, the pieces fit together.

We have had some concrete victories this past year at the ballot box and in the State legislature.

And there has been a good deal of activity in the Congress, with more yet to come.

Thus it is appropriate that we stop for these two days and assess where we are and whether we want to redirect the ways things are moving—now that they are finally moving.

Before I discuss the role of the Federal Government in environmental planning, I'd like to comment on what I think may well be the most significant aspect of our movement toward a national, comprehensive system of environmental planning.

I see two extremely important changes in our thinking, our conceptual models.

The first, I think, is the increasingly widespread view of the earth as an ecological whole, with a balance of natural forces that is more easily upset than was previously thought, and with resources that are very definitely finite.

This change of thinking is occurring in the minds of the general public—the average citizen who has had little or no scientific training and little personal involvement with the environmental movement.

I have no official public opinion polls to cite as proof that this change is occurring.

But I am convinced from talks with countless Californians that there is an important attitudinal change underfoot.

Certainly, the passage of proposition 20 last November is evidence that large numbers of Californians are in favor of better land use planning, and the preservation of what is left of California's unmatched scenic coastline.

The fact that Californians are more sensitive to environmental issues and, indeed, the fact that the California Coastal Zone Conservation Commission now exists, can in large measure be credited to the efforts of an organization like California Tomorrow.

It has contributed much to an environmental awakening throughout the State, has led us in an "environmental consciousness-raising" if you will, and continues to prod us toward thinking in terms of *comprehensive*, rather than single-purpose, planning.

It is certainly significant that increasing numbers of Americans are more conscious of the limits that surround our taking of mother Earth's bounty, and our continuous alterations of her lands:

This does not mean that the battle for conservation has been won.

Far from it.

But it does mean that small victories are more numerous.

We may be able to preserve the upper Newport Bay, for instance, a particularly good example of the growth of new, more comprehensive values:

What was slated to be developed for its "highest and best use" in traditional terms—expensive private homes and boat docks along dredged-out canals—will now be preserved as a wildlife habitat, one of the last remaining salt water marshes along the Southern California coastline.

My Washington staff is exploring what steps will be most effective to insure the preservation of this environmentally priceless place.

But if we are to continue to win skirmishes in the larger environmental battle, it is absolutely essential that the environmental movement purge itself of those attitudes and insensitivities that make it so vulnerable to the charge of elitism.

I think, in the past, this accusation has been all too accurate, and it has led to some bitter divisions between environmentalists and other groups in society:

Notably labor and minority groups.

This leads me into what I consider the second major change evidenced over the past year—the realization that workers and environmentalists are not at odds, but in fact, share many common goals.

This new attitude is, as yet, largely confined to the "vanguard" of the labor and environmental movements, but it should be nurtured and expanded.

The commitment toward this goal which emerged from the California AFL–CIO conference on "Jobs and the Environment" here in San Francisco last December was an extremely important first step.

It is certainly at the heart of the kind of planning envisioned by the California Tomorrow plan.

In this vein, I think it is quite legitimate to question whether "no growth" is a meaningful goal.

It says to workers and minorities that the primary benefits of a clean environment will go to the already affluent.

It says to the many men and women who depend totally on jobs in the defense, aerospace, construction and highway industries that their jobs—and their very livelihoods—are less important than a clean environment, a city park, a few thousand acres of wilderness hundreds of miles away.

It says to the 500,000 unemployed in California that their chances of getting another job are slim at best.

It says to those who are just now enjoying the leisure and the resources so long enjoyed by the middle and upper income groups, that their jeeps and their motorcycles and their campers are damaging rare desert flowers and, their use therefore, must be severely restricted.

My point is that many in their zeal to inhibit what appears to be a suicidal growth syndrome have been insensitive to the legitimate needs and desires of the working man and the poor.

I do not, however, believe that environmental quality necessitates a cutback in jobs or recreational opportunities.

Rather, it points to the need for all of us to move away from single-purpose environmental planning toward more comprehensive planning which considers social, economic and environmental factors.

We should seek ways to improve our environment by creating more jobs rather than jeopardizing jobs.

We can do that through mass transit, pollution control programs, and water purification projects, all of which can add to productive labor.

Let us say to construction workers and defense, military and aerospace workers: We believe in your right to a job.

We will work to guarantee you alternative employment before any further cutbacks are made.

We will insist that environmental impact statements and military and defense planning take into account the effects unemployment and social dislocations have on the people involved.

Let us talk not only of environmental impact, but about social and economic impact as well.

In the final analysis, environmental reform will succeed only if it is part of an overall program of social and economic reform.

We need to encourage a coalition of organized labor, minorities, and environmentalists that is strong enough to insure that the benefits of a clean environment accrue to everyone and that the job rights of millions of workers are protected.

The concern for a better life and a better world is the concern of us all.

Several environmental planning bills are now pending in the Senate Interior and Insular Affairs Committee that stand a good chance of moving in the 93rd Congress.

One is my bill to create the California desert national conservation area (S. 63) and to provide additional staff and resources to enable the California office of the Bureau of Land Management to speed up its on-going study of the desert and its resources.

I think this is a particularly important bill.

While it is "single purpose" in the sense that it focuses only on the 16 million or so acres in south-eastern California that are largely in the jurisdiction of the Bureau of Land Management, it is also an area that needs immediate special attention.

With millions of Los Angeles area residents in search of recreational land, the desert has become one of the most heavily used, and most easily scarred, of the open space areas around Los Angeles.

It has become imperative, as I am sure many of you already know, to provide some kind of plan for the desert, allowing various activities wherever the land can support them. Including the use of recreational and off the road vehicles.

Since introducing the bill last January, my office has been deluged with letters from many individuals and organizations who believe my bill would prohibit off road vehicles in the desert.

This is definitely not the intent of the bill, nor is it the intent of the Bureau of Land Management, so far as I can determine.

What we do intend, however, is the development of a plan which will set aside those areas of the desert that can support off the road vehicles and restrict these vehicles to those areas.

I cite this as an example of the kind of issue that can so easily blossom in the minds of the owners and users of off road vehicles into an antienvironmentalist feeling, just as is often the case when we talk about preserving our last remaining virgin areas as wilderness.

Because the environmental movement has in the past been too insensitive to the needs and desires of the working man, it has been viewed by the working man as an effort to lock up all the remaining open space for the sole benefit of back packers.

It is up to the environmental movement to better communicate that the preservation of these lands is for the benefit of everyone, just as it is imperative that all outdoorsmen—including off the road vehicle enthusiasts—be made more aware of the irreversible harm that may come from their use of certain, fragile lands.

The other very significant piece of legisloation pending in the Senate is of course, the land use policy and planning assistance Act of 1972, S. 268.

This is the major land use planning bill sponsored by Senator Henry M. Jackson, Chairman of the Interior Committee, which passed the Senate last year but stalled in the House.

Senator Jackson is already pushing the bill toward early Senate action this year.

This is a complex bill which will certainly require lengthy consideration in the Senate.

Already a number of amendments have been proposed, including one by Senator Gaylord Nelson which would place some restrictions on the activities of land developers.

It will be interesting to see in what form this legislation emerges from the Interior Committee.

At that time, I would appreciate having your comments and suggestions so that I can best represent California's interest and can help to "make the pieces fit" from California's point of view.

In closing let me say that I see the primary roll of the Federal Government in all of this as helping to shift the focus of planning away from the primarily local to the regional, State and the National.

The Federal Government while seeing to it that we have adequate security—must take the lead in developing an alternative to our present military and defense-dependent economic system.

It must encourage a peacetime economy that is consistent with environmental quality.

It must provide the funds to clean up the environment and at the same time to provide jobs and income security.

And, ultimately, it is the job of the Federal Government to make sure that the pieces fit together, that the decisions we make are based not only on today's needs and priorities, but on tomorrow's as well, and on the economic, social and environmental needs of tomorrow's citizens.

Most importantly, the Federal Government must underscore the attitude which California Tomorrow has pioneered and fostered— that the *future is now*. And that the paths we choose to take today will largely determine our future in the Golden State and in our Nation and in our world.

## PUBLIC LAW 92–140

Mr. McCLELLAN. Mr. President, the 92d Congress enacted Public Law 92–140, of which I was the principal sponsor, to



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amend the Copyright Act to extend copyright protection to recordings and tapes. I introduced this legislation because of the widespread unauthorized duplication of tapes. The Congress has been informed that the volume of pirated tapes has reached $200 million a year in sales.

During the consideration of this legislation in the Congress certain opponents of my bill suggested that the legislation was unconstitutional. I am pleased that there has been a final judgment that the statute is constitutional. Assisant Attorney General Henry E. Petersen and the Criminal Division of the Department of Justice are now undertaking a vigorous program to implement the provisions of this legislation. A Federal grand jury in New Mexico recently returned a 48 count indictment—the first under the statute. Additional indictments are anticipated.

I have received a letter of April 20th from Joseph T. Sneed, Deputy Attorney General, advising me of the Department's program to enforce Public Law 92–140. In view of the general interest in this subject I ask unanimous consent that the letter from the Deputy Attorney General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
*Washington, D.C., April 20, 1973.*

HON. JOHN L. MCCLELLAN,
*Chairman, Subcommittee on Patents, Trademarks and Copyrights, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The Attorney General has asked me to reply to your letter of March 23, 1973, expressing your concern over the escalation of the volume of illegal duplication of sound recordings in violation of the amendment to the Copyright Act which became effective last year.

Soon after the effective date of Public Law 92–140, the Criminal Division of the Department under the leadership of Assistant Attorney General Henry E. Petersen instituted a vigorous program to implement the provisions of the new Act. In furtherance of this program, contact was established with industry sources to open lines of communication and to procure the benefits of the experience of the industry in its long standing battle to combat the debilitating effects of record piracy upon the legitimate sound recording industry. The Recording Industry Association of America has been particularly helpful and cooperative in this undertaking.

Currently, the Criminal Division is undertaking to distribute to all United States Attorneys and to the Federal Bureau of Investigation a comprehensive explanation of the new law and the methods by which the Government hopes to meet the swelling tide of illicit sound recordings. When this manual of operating procedure and law is distributed, it will be accompanied by a letter to all United States Attorneys urging them to give high priority to the prosecution of these offenses. Similarly, the Federal Bureau of Investigation, despite the heavy burdens cast upon it in the investigation of crimes involving more violent activity, is giving a substantial measure of its time and efforts to this important undertaking. In view of your expressions of concern, however, I will advise the Federal Bureau of Investigation of your interest and urge even greater investigative effort. The dissemination of the document referred to above will do much to facilitate the investigation of these offenses and to indicate the importance which this Department attaches to their prosecution.

In the proposed revision to the Criminal Code, recently introduced in the Senate as S. 1400, it is proposed to upgrade the offense of infringing the copyright in a sound recording from its present status as a misdemeanor to that of a Class E felony; persons committing such offenses would then be subject to a penalty of up to three years. This provision in the bill also reflects the seriousness with which this Department views the commission of offenses involving the infringement of sound recording copyrights.

I am pleased to be able to report that such a vigorous prosecutive program is being followed by the Criminal Division in this field. Thank you for your interest and concern in this area of the law.

Sincerely,

JOSEPH T. SNEED,
*Deputy Attorney General.*

## COMPUTERS AND PRIVACY: CONTINUING QUESTIONS OF CIVIL LIBERTIES AND INVASION OF PRIVACY AS THEY RELATE TO DATA PROCESSING

Mr. ERVIN. Mr. President, the Constitutional Rights Subcommittee's concern with matters of privacy and Government data continues to provoke widespread public interest and debate. More and more, governmental and private groups, from high school classes to computer professionals, are seeking information and guidance on how to reconcile individual privacy with Government data banks.

I have been asked to appear before many of these groups, but I know I would not have hours enough in the day to satisfy all requests. For that reason I am grateful that members of the Constitutional Rights Subcommittee staff are willing to lift some of the burden from me.

Recently Dorothy Glancy, assistant counsel on the subcommittee staff, appeared before the American Association of Motor Vehicle Administrators at a conference in Chicago. One of the largest computer data systems in the country is the driver safety registry run by the U.S. Department of Transportation, and consisting of data banks, most on computers, in all the States. Every driver in the United States is in this system, and in some States the computer contains information on the most minor of infractions including even parking tickets. I believe that her talk is of interest to all citizens and for that reason I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

COMPUTERS AND PRIVACY: CONTINUING QUESTIONS OF CIVIL LIBERTIES AND INVASION OF PRIVACY AS THEY RELATE TO DATA PROCESSING

I was thinking this morning about what my boss, Senator Sam Ervin, might have to say to you about computers and privacy if he were here. Computers always seem to remind Senator Ervin of his first job. It was right after he finished high school and was working on a construction crew. On the first day he was pushing a wheelbarrow and his boss called out and asked what he was doing. "They told me to carry dirt in this wheelbarrow," Sam replied. The boss called down, "You put that right down, boy. You know you don't know anything about machinery."

Neither Senator Ervin nor I pretend to have the kind of expertise that you ladies and gentlemen have in the field of data processing and computer science. But we do know something about privacy and constitutional rights. It is about our civil libertarian concerns relating to privacy and individual liberties that I would like to talk with you this morning.

Many of you undoubtedly share many of these concerns about privacy. And all of you surely realize that the importance of these civil libertarian concerns to politicians like Sam Ervin and staff people like myself is likely, sooner or later, to show up in legislation affecting the uses to which computers are and are not going to be put.

Before I talk about some of these specific civil libertarian concerns and the legislative responses to these concerns which are presently under consideration in the Congress, let me tell you a little about the policy-makers who will be enacting legislation affecting the future usage of computers.

To begin with, politicians are, by and large, generalists like Sam Ervin. They simply do not have a sophisticated understanding of electronic data processing.

A great deal has been spoken and written in recent months about an "information-starved" Congress, about the incapacity of the Congress to deal with sophisticated matters of cost-benefit analysis, budgetary planning and the like. For whatever reason, Congress has been unwilling to appropriate unto itself the vast analytic capabilities of electronic data processing. One result of this incapacity has been a seepage of power over fiscal planning away from the legislative branch into the executive.

I will not take time at this juncture to go into the complicated issues of impoundment and executive privilege. But I would like to point out the ironic situation in which Senators and Congressmen find themselves vis-a-vis controlling the uses to which computers are to be put. In relation to the executive branch, in relation to private industry, in relation to just about every policy-making group of comparable size, the Congress is, for all practical purposes, computerless.

Right now Congress has only three computers for which it spends slightly over one million dollars—including equipment, rentals, maintenance and personnel. These three computers are used primarily for housekeeping functions, not as policy planning support systems. In addition, the General Accounting Office has one computer augmented by access to leased computer time and certain computers of executive agencies. The Library of Congress has two computers, one of which is used in doing research for the Congress. The Government Printing Office also has one computer for administrative tasks. In sum, the Congress' yearly use of computer amounts to around nine million dollars—as compared with two billion dollars' worth of computer capabilities in the executive branch.

The simple fact is that the legislators who will be dealing with the difficult decisions about the uses to which computers should and should not be put are not only woefully under-equipped but also relatively naive technically. One has to begin with the realization that these policy-makers lack many of the basic tools to understand and to evaluate the sophisticated systems which you are responsible for running.

In addition, one must realize that Senator Ervin and his 534 colleagues are politicians. They are elected representatives from all over the nation and are and ought to be responsive to the many and varied interests of the American people who elect them.

Privacy is one of those interests of the American people that crops up all the time—



in letters from citizens to their Senators and Congressmen, when a Senator goes to shake hands at the factory gate, in editorials, in complaints and even lawsuits for invasion of privacy. For example, a recent survey conducted by Time Magazine and the American Federation of Information Processing Societies showed that of the respondents:

54% believe that computers are dehumanizing people and turning them into numbers.

62% were concerned that some large organizations keep information about millions of people.

53% feel that computerized files might be used to destroy individual freedom.

58% feel that computers will be used in the future to keep people under surveillance.

It is against such a background of public concern about privacy that politicians like Senator Ervin find themselves in the position of making policy choices about the ways computers and electronic data processing will be used. It seems to me that it is vitally important in making these policy choices that there be some sort of mutual understanding, or at least communication between the computer people and the politicians and others concerned about civil liberties. It is of course important that the policymakers understand the problems and potential of computers from your expert point of view. But it is just as important for you to understand the kinds of constitutional, civil libertarian concerns which motivate policymakers like Senator Ervin to propose legislation safeguarding privacy and individual liberties by restricting the use of computerized information systems.

On the most basic level one must begin by understanding that these civil libertarian concerns are not nightmares dreamed up by a bunch of ivory tower academics sitting around imagining the worst about computers. Rather they are expressed fears which time and again come from members of the general public who object to invasions of their privacy, to depersonalization, to lack of due process—all of which they feel are the result of computerized information on their lives.

It may be useful to stop a moment and think a little about just what that catchword "privacy" involves, because it really is shorthand for a variety of different considerations.

It seems to me that when we talk about privacy, we are really talking about our control of information about ourselves—who knows what about us.

If you really think about it, there is something a bit peculiar about discussing the privacy of a lonely man stranded on a desert island without hope of rescue. Privacy becomes relevant only when we are able to grant or deny access to others.

For example, your house is private, but only because it has doors, windows and window shades to allow the world in or to keep it out. The effectiveness of your privacy at home, of course, also depends in large measure on the laws which entitle you to exclude unauthorized persons.

Yet privacy is more complicated than a door which can be opened and shut to control information about ourselves. Privacy also involves subtle modulations in the quality of that information. I may not care whether or not you all know that I am ill, but I would feel uncomfortable—that my privacy is being invaded—if you all knew the nature of my illness. And at the same time a friend who knows what my illness is would be an unwelcome interloper in the hospital where I prefer to suffer from my illness in private.

As you can see, when we talk about privacy, we are expressing our concern that some segment or segments of our lives be protected from uninvited eyes, ears, and minds, that we have some measure of control over what the rest of the world knows about us.

I, and many of my civil libertarian cohorts, believe that this sense of control over information about ourselves is a vital, if not indispensable, cornerstone for our humanity. For when you get right down to it, it is only by being able to control the amount and kind of information which others have about us that we are able to enter into relationships of mutual respect, trust, friendship and love. Professor Charles Fried speaks of privacy as the essential context of human interaction that "creates the moral capital which we spend in friendship and love."

The capacity of computers to collect more information, to store and interrelate more different bits of information, and to disseminate such information to more people with greater speed and efficiency than was ever dreamed possible twenty years ago—all of these attributes of computers quite naturally lead people to fear that soon there may be no more privacy, that the individual may no longer be able to control what is and is not known about him or her.

Some of these fears about dehumanizing computers may seem to be unrealistic nightmares to those of you who work with computers all of the time. And yet, real or unreal, these fears about the power of the computer to interfere with the control individuals exercise over information about themselves are the stuff out of which legislation is made.

Remember those 535 politicians in Washington, D.C., who have virtually no access to, and relatively little knowledge of, the technical aspects of computers. It is their job as elected representatives to respond to the felt concerns of their constituents and to enact legislation which will protect those aspects of individual liberty which the American people feel are endangered and ought to be protected.

Let me briefly catalogue for you some of those civil libertarian concerns and certain of the legislative responses which have been proposed to deal with them.

For the sake of clarity, it is sometimes helpful to think about civil libertarian concerns about computerized information systems in terms of two related operations: data collection and data dissemination.

Clearly, if the law forbids the collection of any information about anybody, there would be no privacy problem. But the fact of the matter is that the exigencies of modern life require that a certain amount of information be gathered both by the government and by private groups in order for our complexly interrelated social, economic and legal systems to operate. The difficult questions involve how much and what kinds of data ought to and ought not be gathered and in what ways. Do we want to put the information into computers or don't we?

In some instances, certain kinds of information have been declared off limits to computers or anybody else. Self-incrimination is an example. The framers of our Constitution decided at the very founding of this nation that there should be an absolute prohibition on compelling criminal defendants to give information incriminating to themselves. They enshrined this prohibition in the fifth amendment because they felt that the sanctity of human personality deserved no less protection from overzealous information gatherers.

Senator Ervin, as chairman of the Constitutional Rights Subcommittee for which I work, has for many years been concerned with government data gathering about the private lives of government employees. Since 1966 Senator Ervin has introduced legislation designed to restrict governmental collection of data about the private lives of federal employees. This legislation would prohibit requirements that federal employees and applicants for federal employment disclose their race, religion, or national origin. It would prohibit coercion of federal employees to submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests or polygraphs.

This federal employee privacy legislation grew out of hearings held by the Constitutional Rights Subcommittee and numerous complaints from federal employees about invasions of their privacy by bureaucrats asking them to respond to statements such as the following:

Everything is turning out just like the prophets of the Bible said it would.

I loved my father.

I am very strongly attracted by members of my own sex.

I am very religious (more than most people).

I believe there is a Devil and a Hell in afterlife.

Once in a while I feel hate toward members of my family whom I usually love.

I wish I were not bothered by thoughts about sex.

There is a fair chance that this federal employee privacy legislation will pass both houses of Congress this session. If and when it does pass, this legislation will represent some of the first legislation since the fifth amendment which seeks to protect individual privacy by prohibiting the collection of certain kinds of information from individuals.

It is interesting to note by way of contrast that efforts by citizens to curb government data collection about individuals through litigation have been almost uniformly unsuccessful. There have been, for example numerous court challenges to the Census, but so far the courts, all the way up to the Supreme Court, have been unwilling to place restraints on governmental information gathering, including questions about whether you have false teeth, and whether you have a flush toilet in your home, not to mention personal financial information. It has been just about a decade since the Supreme Court implicitly approved the compulsory decennial census in *U.S.* v. *Richenbacher*. A quick look at constituent mail indicates that the pressure is mounting for legislative curbs on the nature and amount of information which the Census Bureau can require citizens to supply about themselves.

Related both to information gathering and information dissemination is the difficult issue of the universal identifier, for which the Social Security Number is the most likely candidate in this country. The debate about whether or not the Social Security Number or some other unique identifier should be used to identify individuals for all sorts of governmental and non-governmental record-keeping purposes continues, with no clear resolution in sight.

It is undeniable that increasing use is being made of this number at all levels of government—from driver registration to dog licenses. For the most part, use of the Social Security Number has spread by administrative fiat, rather than by explicit legislative authorization. Sooner or later the Congress is going to have to come to a difficult policy decision about whether or not the Social Security Number (or some other number) should be used as a data-gathering peg upon which to hang all of the information gathered by both governmental and private organizations about each of us.

It may be useful to note at the outset of this discussion that the idea of a universal identification number for all citizens is not a particularly novel idea. Such numbers were introduced in Sweden in 1947; in Israel in 1948; in Norway in 1964; in Finland in 1965; in Denmark in 1968. A number of other countries are preparing to introduce them, such as Argentina, the Benelux countries, both East and West Germany, Japan, South

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Korea, Spain and Switzerland. This is not an altogether unimpressive list.

But the fact that other nations have adopted such a system of individual identification numbers is not determinative of the issue as to whether this country should adopt such a system. I happen to feel that there are very strong arguments against the use of such a universal identifier in this country.

Historically, our ancestors came to the New World to get away from their pasts. Many of them were criminals, prisoners, fugitives from justice. They sought in this country and in Canada a new start, a place to begin building a life all over again. As the east coast became crowded and people began to feel locked in by past actions and past mistakes, they went West. That is how this country was built—by people moving away from old lives and starting again in the frontier where the past could not catch up with them. It seems to me that there is something to be said for being able to leave the past behind, for starting anew. And that would not be possible if one were forever after followed about by a variety of computerized data hinged on his or her Social Security Number.

Individual citizens from all over the country have written to the Senate Subcommittee on Constitutional Rights expressing such concerns about the widening use of Social Security Numbers as universal identifiers. From Rhode Island, a citizen writes:

"I am extremely apprehensive of the widespread use of one number to represent all sorts of transactions. . . . How long will it be before one person needing to know only this number will be able to retrieve information which must at least be considered privileged if not none of their business?"

Another citizen enclosed a letter from his employer which declared:

"Whether or not you and I like it, in this computer age we are rapidly becoming numbers instead of individuals for, as you know, you are a number at the bank, not an individual, and your bank number is on every statement you get. Similarly, you are a number on your tax return, namely your Social Security number, and, whether or not you know it, you are obligated to furnish every corporation in which you own stock with your Social Security number and, if you fail to furnish the same, you are subject to fine and/or imprisonment. There is no privacy in a Social Security number. The wages and that type of information are private but the number is not.

"Our mailing list, in this age of computers, is based on Social Security numbers and therefore it is essential that the list contain it. We are sorry that you consider this an invasion of your privacy and, while it is true the postal authorities don't need your Social Security number, we have to use it in connection with the mailing of the various enclosures from the Company. This is true from the President of the Company to the last employed mail clerk."

A Californian complained about the use of Social Security Numbers on voter registers:

"It is my belief that adequate safeguards against election frauds exist without using Social Security numbers on public records. Such use can negate the right of privacy, and deter the citizen from exercising his constitutional rights."

A man from Texas wrote us:

"In my last scrap with them (the police), the jailor made an outspoken guarantee that I would be refused and denied a hearing before a judge and would stay in jail and rot until I gave my Social Security number. This flies in the face of the Constitution like nothing I have ever seen."

From Idaho a lady writes:

"When the first use of Social Security numbers began it broke the faith, because we were promised the numbers would never be used except in direct connection with social security. I have been asked for my Social Security number by my bank, by merchants, and here in Idaho it is used and connected with my drivers license, even though I cannot see what driving has to do with Social Security or vice versa . . . ."

A promise is to be kept and a government should keep faith stronger than any person. Not everyone is of course opposed to the use of Social Security Numbers for non-social security purposes. And we will have the benefit of hearing from some of the proponents later today. But bear in mind that there is a significant segment of the population which vehemently opposes the use of any one single identifier to enable computerized information systems to keep track of virtually everything we have ever said or done—from travelling to Chicago, to buying a car on credit, to giving blood to the Red Cross.

It seems to me that the public's concern about data collection is at least in part related to the not unreasonable fear that mistakes will be made, that the computer will record inaccurate data in our dossiers which we will never be able even to find out about, much less correct. Who among us has never encountered an error in a bank statement, credit card or department store bill? Remember how many acrimonious telephone calls, letters and even personal trips it took to get the matter straightened out? Are you certain that it is in fact straightened out?

Concerns such as these led to the passage of the Fair Credit Reporting Act in 1970. Most of you are probably familiar with the terms of the Act, especially since the Federal Trade Commission, which issues regulations under that Act, has decided that Driver's License Registries are consumer reporting agencies subject to the Act. Briefly, the Act provides for consumer rights of notice, access and challenge to credit reports disseminated by consumer reporting agencies.

The implementation of the Fair Credit Reporting Act has met with mostly favorable reaction. Most of the Act's critics with whom I have talked seem to point to provisions which they feel need to be strengthened.

For example, many consumer advocates feel that the consumer's right to access should go beyond merely being told the contents of his file. Many feel that consumers should be given written, as opposed to oral, reports about their credit records. In addition, some feel that an agency such as the Federal Trade Commission should be allowed to see the actual consumer credit record files to assure that the report given to the consumer accurately reflects his file.

There also is some pressure to modify the medical information exemption, to allow disclosure at least to the consumer's physician.

Another area of possible change is the notice of investigation requirement. There are those who feel that this provision should be broadened to require specific notice of the details and scope of the investigation.

Because of the relative success of the Fair Credit Reporting Act, a number of proposals have been made to require similar rights of notice, access and challenge in regard to records about individuals compiled by the federal and state governments.

One of my favorite suggestions for extension of the notice-access-challenge requirements of the Fair Credit Reporting Act is "Truth in Snooping" legislation to require full written notice by anybody who wants to spy on the activities of anybody else.

Probably the most controversial area of civil libertarian concerns involves the dissemination of information once it has been collected. There is a kind of appeal to the argument: "Well, we have the information, why not use it?"

The answer is of course: "Because the dissemination of certain information is harmful."

Civil libertarian concerns about the harmful consequences of disseminating information about individuals are perhaps most sharply focused these days on criminal justice information, specifically arrest records and narcotics user registries. The mere fact that an individual's name is recorded as a narcotics user or as having been arrested is enough to deprive that individual of job opportunities, insurance, credit and many other important rights and benefits—all without a trial, without witnesses, without a chance to defend himself; in short, without due process of law.

The dissemination of "raw" arrest-only information—without any indication of whether the individual arrested was ever charged much less convicted of a crime—perhaps through the National Crime Information Center, to which most of you have access, is an area of particular concern. Satistics collected by the President's Commission on Law Enforcement and the Administration of Justice indicate that general round-up arrests are so common in ghetto areas that a black urban male stands a 90% chance of being arrested at least once during his lifetime. That increased incidence of arrest means that dissemination of such raw arrest data serves to reinforce patterns of racial discrimination, which tend to deprive blacks of an equal opportunity in areas of employment, credit and the like. This lack of decent employment, credit and the like tends to lead to criminal behavior. And so the circle goes.

Lawsuits have been brought successfully in some individual cases to prevent dissemination of records of arrests without any disposition of the case. But for every such successful lawsuit there are hundreds, even thousands, of others which should be but never will be brought for lack of resources.

It now appears that a legislative solution may be the only realistic answer to routine deprivation of due process through the dissemination of arrest records. Senator Ervin and others in Congress are considering legislative controls on the dissemination of raw arrest records through the NCIC system now under control of the Department of Justice. Requirements that raw arrest records not be collected at all; that such raw arrest records not be disseminated without an accompanying record of disposition; that records of arrests be expunged after 30 days, or 60 days or one year; that raw arrest records be disseminated only for statistical purposes; and many other options are up for consideration. I expect that something will be done about this problem in the relatively near future. Maybe you have some suggestions.

NCIC now, of course, requires a signed contractual agreement from users, pledging compliance with NCIC security and confidentiality guidelines. It is interesting to note the chain reaction that has occurred in response to this effort to protect NCIC information from misuse. The New York Police Department reportedly has drawn up over 400 separate contracts pledging confidentiality which it is forcing all those who get NCIC criminal justice information through the New York Police Department to sign. The potential permutations and combinations of agreements and cross-agreements among the over 154 jurisdictions which according to LEAA have computerized criminal justice information systems are staggering. This situation suggests that there really is a need, if only in the name of efficiency, for national legislation regulating the dissemination of criminal justice information.

Some have suggested that the proper solution to the general problem of governmental data collection and dissemination is a new watchdog agency to exercise general supervision over governmental data banks. It seems to me, however, that the creation of such a "Computer Czar" would serve only to superimpose an additional costly layer of bureaucracy over the already unwieldy system of overlapping federal agencies.

Another, more technical, solution to the general problem of data dissemination which has great appeal to some of us is the possibility of assuring confidentiality through mandatory software. In other words, the suggestion has been made that the legislature prescribe a certain package of software controls which must be in use at all times on a given information system.

But, I told you at the beginning that I do not know much about machinery. It is your turn to tell me what you think about the kinds of civil libertarian concerns I have raised this morning.



## ROMANIAN INDEPENDENCE DAY

Mr. PROXMIRE. Mr. President, today should be recognized as the most important holiday for the people of Romania, since May 10 marks three great events in Romanian history.

The first was on May 10, 1866, when the Romanian dynasty was founded by proclaiming Charles, Prince of Hohenzollern—Sigmaringen, a scion of the southern and Catholic branch of the Prussian royal family, Prince of Romania in Bucharest. This event had great significance to the Romanian people, because it represented the successful outcome of the nation's long struggle to gain the right of electing as its sovereign a member of one of the western non-neighboring royal families. By putting an end to the strife and rivalry among native candidates to the throne, this event ushered in a period of tranquillity.

The second great event to fall on May 10 occurred 11 years later, in 1877, when Romania won its independence in the midst of the Russo-Turkish war. The young Romanian Army, together with the Russians, was able to defeat the Turks in a battle that severed the old and outdated bonds that linked Romania with the Ottoman Empire. The proclamation of independence was confirmed at the Congress of Berlin of 1878, which conferred Europe's official recognition.

The third historic event took place 4 years after independence, on May 10, 1881, when the Romanian people raised their country to the rank of a kingdom. On that day Charles I was crowned, by the will of his people, the first King of Romania, opening an era of prosperity lasting over six decades.

For over 100 years the 10th of May has been the foremost holiday in Romanian tradition. I feel it is appropriate that we who are fortunate enough to live in the free world help to commemorate this date which Romanians, who are currently prohibited from overtly celebrating this holiday in their Communist-controlled homeland, cannot observe. Let us salute the people of Romania who can only observe their own past struggle for freedom and independence in silence.



## THE YALE UNIVERSITY POLITICAL UNION HONORS SENATOR ERVIN

Mr. RIBICOFF. Mr. President, on May 6, 1973, the Yale University Political Union honored a distinguished Member of this body as the recipient of the fourth annual A. Whitney Griswold Award—North Carolina's Senator SAM J. ERVIN, JR.

The Yale Political Union, one of the most prominent campus political forums in the country and the largest student organization of that great university, established the A. Whitney Griswold Award 3 years ago in memory of its late president. The award is given annually to the man who has most exemplified in his career the ideals of dedicated public service and distinguished statesmanship considered so important by the late President Griswold.

Mr. President, the senior Senator from North Carolina is such a man. SAM ERVIN has long been known by us in the Senate and by the people of North Carolina as a man tireless in industry and devoted in service. Defender of the constitutional principles and individual liberties which have made our Nation great, Senator ERVIN is a worthy recipient of the honor bestowed upon him by the Yale Political Union.

## SELF-DETERMINATION IN PUERTO RICO

Mr. JACKSON. Mr. President, on April 12, 1973, the American Society of International Law held its 67th annual meeting here in Washington, D.C. During the course of the proceedings, the Resident Commissioner of Puerto Rico, Mr. Jaime Benitez, delivered a very interesting paper entitled "Self-Determination in Puerto Rico."

I believe my colleagues will be interested in reading this discourse on the evolution of Commonwealth status for Puerto Rico, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELF-DETERMINATION IN PUERTO RICO

(By Jaime Benitez)

As a form of government the *Estado Libre Asociado* or to use the English title the Commonwealth of Puerto Rico, reflects a cultural, economic, social, political process of long duration. It also embodies an explicit program of political pioneering initiated after the end of World War II.

Historically, the quest for an autonomous polity, united to a much larger metropolitan power to which the Puerto Rican community relates affectionately, as well as in common interests, citizenship, vicinity and joint achievements, goes back to the foundation of the Autonomist Party in 1887. As a determination of creative political action of our times, it was in 1948 that the Popular Democratic Party—then as now the majority party in Puerto Rico—searching for a way out of the two dead-end alternatives of integration or separation, proposed building a new political reality: a lasting association with the U.S. to be established along lines mutually acceptable.

The 1948 date is highly significant. The Popular Democratic Party, founded in 1938 by a great charismatic leader, Luis Muñoz Marin, had formulated an all-encompassing program of social reform. The PDP promised to tackle the problems of destitution, unemployment, ignorance, human injustices, besetting "the real human being of flesh and bones who lives and dies in Puerto Rico" and to use the electoral process to that purpose. To side-step the divisive issue of political status the PDP pledged a moratorium on political ultimates.

In the 1940 elections the PDP scored an unexpected but undecisive victory. After a highly successful if controversial four years administration that victory was rendered complete in the elections of 1944.

In cooperation with the last American Governor, the brilliant New Deal planner, Rexford G. Tugwell (1941–1946), with the full support of Presidents Franklin D. Roosevelt and Harry S. Truman, and with the enthusiastic backing of the Puerto Rican electorate, Muñoz Marin and his followers as well as an extraordinary team of competent and devoted administrators initiated a broad social, industrial, educational, governmental reconstruction. It was pursued unflinchingly and progressively. The war itself permitted the accumulation of capital as well as emergency measures which in turn facilitated new departures from traditional patterns.

The 1948 general elections were the first to be held after the war and the pledge against political ultimate goals was no longer tenable. The colonial system was in process of liquidation everywhere.

Puerto Rico found inself in a paradoxical situation, in many ways in the exact opposite conditiou of communities in the Near East, the Far East, Africa which were coming out of a colonial status. It also differed from the large majority of the communities in Latin America. In standards of living, in trained manpower, in human opportunities, in social, cultural, educational and economic development, in democratic procedures, Puerto Rico found itself much ahead and in fact at a completely different level from all the societies that later were to be identified as the Third World.

Furthermore, within a structure which technically and juridically could be called colonial, Puerto Rico had in fact achieved a higher stage of social development than that prevailing in many of the so-called independent nations. It was engaged in a process of internal decolonization normally regarded by colonies as a goal to be pursued after separation from the metropolis. What economic analysts were to call the *take off period* had already taken place in Puerto Rico. The upward spiral in Puerto Rico's economy was feasible basically because of our exceptional relationship with the United States. The task ahead for Puerto Rico was to retain, safeguard and enhance those exceptional conditions and at the same time achieve political autonomy. What are those exceptional conditions?

1. The basic social, civic, economic, educational, rights of American citizenship as they are backed-up by Federal resources, Federal legislation and Federal courts.

2. The rights and duties of common defense with the stability and the solidarities inherent in such common responsibility.

3. The free access of Puerto Ricans to mainland job opportunities and the free access of Puerto Rican goods to mainland marketing opportunities.

4. The Jones Act of 1917 excluded Puerto Rico from direct Federal taxation and created thereby a Federal tax free zone which facilitated necessary industrial development in Puerto Rico.

5. The Jones Act also provided that "all taxes collected under the internal-revenue

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laws of the United States on articles produced in Puerto Rico and transported to the United States, or consumed in the island shall be covered into the Treasury of Puerto Rico."

6. Refunding provisions existed also concerning income derived from tariff duties on articles imported into Puerto Rico.

All of these conditions were highly favorable to Puerto Rico. They had become inextricably interwoven in the fabric of Puerto Rican life. All six were part and parcel of basic freedoms, aspirations, achievements and facilities in Puerto Rico. Under Statehood some would be lost. Under Independence others would be lost. It was essential for Puerto Rico to retain them all. They were indispensable for Puerto Rico's continued growth and development and for the furtherance of its own cultural and political autonomy. Obviously a perfect symbiosis could not be achieved. But basic directives towards these objectives could be formulated. The PDP took such a program directly to the electorate.

Following an overwhelming victory at the polls, Governor Luis Muñoz Marín and Resident Commissioner Antonio Fernós Isern as principal leaders of the Popular Party, took their proposals to President Truman and to the leaders of the Congress of the United States. Approval of the basic ideas were finally enacted "in the nature of a compact" in Public Law 600, signed by the President on July 3, 1950.

Public Law 600, required previous approval by the people of Puerto Rico in a referendum. The referendum was held June 4, 1951 and the law was accepted by a vote of 387,016 for and 119,169 against. Subsequently delegates to a Constitutional Convention were elected in August 1951. The Constitutional Convention recessed after approving the Constitution of Puerto Rico on February 1952. That Constitution was approved further by the electorate in referendum held March 3, 1952 by a vote of 374,649 to 82,923. The Congress accepted the Constitution through a second public law involving an inconsequential modification, which the Constitutional Convention accepted. On July 25, 1952 Governor Muñoz Marín proclaimed the Constitution:

"Which a democratic and great-hearted people have forged for themselves and by which they have attained their political majority in the form of the Commonwealth of Puerto Rico."

The opportunity for self-determination both for and against Commonwealth is inherently built into the Commonwealth system. Puerto Rico's has exerted repeatedly its self-determination in favor of Commonwealth Status. Two referenda and a Constitutional Convention were preconditions to its establishment. After Commonwealth, general elections have been conducted regularly every four years; six in all. All have reaffirmed the validity of the basic principles of Commonwealth.

The results of our latest general election are particularly significant. On November 7, 1972 the electorate, which includes for the first time all persons 18 years old and over, returned to office the PDP by a decisive majority. In 1968 the New Progressive or Statehood Party had won the governorship, the House of Representatives and the Resident Commissioner by a plurality of votes after pledging themselves to pursue a program of administrative and economic reforms and to respect Commonwealth. In the 1972 elections the PDP claimed that the Statehood or New Progressive Party had violated its status pledge. The PDP presented the defense of the Commonwealth Status and its advancement as one of its main issues. The Independence Party called for an all out participation. There were no abstentions or boycotts. 85% of the electorate participated. On the straight party ticket vote the returns were as follows:

| | |
|---|---|
| PDP (Pro Commonwealth) | 609,670 |
| PNP (Pro Statehood) | 524,039 |
| PIP (Pro Independence) | 52,070 |
| All other parties | 4,940 |
| Total | 1,190,165 |

Aside from the "daily plebiscite" of living together in peace, progress and social solidarity, which Ernest Renan describes as the ultimate test of the collective will and in addition to the electoral evidence already mentioned, self-determination was directly and specifically exercised on July 23rd, 1967. Puerto Rico held then a Plebiscite on the precise issue of Commonwealth, Statehood or Independence. Over 60% of the voters cast their ballots in favor of the Commonwealth. The Plebiscite Act and the ballot provided that a vote for Commonwealth involved:

"The reaffirmation of the Commonwealth . . . as an autonomous community permanently associated with the United States and for the development of Commonwealth to a maximum of self-government compatible with a common defense, a common market, a common currency and the indissoluble link of the citizenship of the United States."

Commonwealth Status is open ended and is neither static nor perfect. It is a continuing process. It provides the people of Puerto Rico with a flexible political structure within which their spiritual, social, economic and personal life may continue to advance in civilized, livable, worthwhile, meaningful ways. The great majority holds that these objectives can be achieved best in Puerto Rico and for Puerto Ricans with an autonomous society united in free, voluntary, fruitful and permanent association with the United States.

The ultimate validation of Commonwealth is that it safeguards and advances the fulfillment of human rights, the full exercise of political freedoms, the public responsibility for economic development, the commitment to social justice, the orderly change of laws, institutions and structures through effective use of the democratic process, and that thru that democratic process Puerto Rico has created and established its own chosen and preferred form of government. It is a form of government that maintains the frontier personality, avoids the pitfalls of nationalism, keeps options of improvement open and facilitates living together persons with diverging political aspirations.

Are the people of Puerto Rico to be told that what they have proudly endorsed as "Puerto Rico's own contribution to the struggle of man to achieve freedom, dignity and self-fulfillment in the Caribbean, based on the principles of autonomy, social interdependence and self-determination" is to be dismissed as being below standards and achievements supposedly prevailing in one hundred and thirty other communities. If so, on what evidence?

Political relationships and structures are unsatisfactory the world over. Many of them, if not all, rest upon assumptions and premises that science, technology, interlocking economies as well as overflowing populations and shifting values has rendered grossly defective. A sadder, and not particularly wiser mankind approaches the end of the 20th Century without adequate political instruments thru which to channel, foster and protect in the years ahead and in a shrinking world the values of human solidarity, tolerance of differences and political responsibility.

Perhaps the greatest theoretical merit of the architects of Commonwealth lies in their valiant effort to work out a political status which would fit the needs and aspirations of the people of Puerto Rico rather than have such needs and aspirations forced into preordained forms of political status which for Puerto Rico would be crippling and unacceptable.

The changing realm of political relations and of political structures does not offer one single model of perfection or of immutability. Change, conflict and despair are too much with us to excuse thinking, opining or believing that Utopia is around the corner.

Those of us who represent Commonwealth are fully aware of its shortcomings. We are committed to a program that would extend its range of responsibilities and would effect a more perfect union with the United States.

We are committed further to accomplish these additional goals during the term of our responsibility in the same spirit of mutual understanding and trust that has distinguished our previous achievements. Therefore we are glad to discuss the values and limitations of Commonwealth at any and all academic, international, cultural or professional levels. At the same time there is only one political forum authorized to make changes and to pass judgment upon Commonwealth. That forum which has heretofore expressed its full endorsement of the principles of Commonwealth is constituted by the people of Puerto Rico.

## IMPLEMENTING LEGISLATION FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday Senator SCOTT of Pennsylvania introduced S. 1758, a bill to implement the provisions of the Genocide Convention.

I hope that critics of the genocide treaty will give this legislation careful consideration, since it shows their worst fears to be unfounded.

The International Convention on the Prevention and Punishment of the Crime of Genocide is not self-executing. Thus, when the United States ratifies the Genocide Convention, it will also be necessary to pass this bill which authorizes the execution of its provisions. This legislation is clearly in full accord with the provisions of the Constitution which guarantees due process under law, protects individual liberties through the Bill of Rights, and prohibits cruel and unusual punishment. A careful study of S. 1758 assures us that ratification of the Genocide Convention will not fulfill the fears of its critics. Our national sovereignty will not be tampered with nor will our Constitution and individual rights be usurped.

I hope that consideration of this bill will be helpful in the consideration of the treaty which it implements as an indication of how domestic law might be shaped to fulfill our treaty obligations.

Mr. President, I urge the Senate's support for this legislation and swift ratification of the Genocide Convention.

## NO-KNOCK SEARCHES AND GOVERNMENTAL LAWLESSNESS

Mr. ERVIN. Mr. President, 3 years ago Congress enacted a provision which I predicted would be a "giant step in conversion of our free society into a police state." That provision, section 879 of title 21 of the United States Code, permitted Federal narcotics agents to enter the private homes of American citizens like thieves in the night without notice and without warning.



I joined a number of my colleagues in strenuously objecting to this most dangerous no-knock search provision—Controlled Substances Act of 1970. We were outraged by this blatant invasion of the fourth amendment prohibition on unreasonable searches. We predicted that such a provision would lead to intolerable abuses when law enforcement officers faced with the frustrating task of enforcing our narcotics laws are tempted to avoid the requirements of traditional search procedures and resorted to this new authority.

When the Senate considered this bill we spent hours debating warrant provisions of the no-knock section. How, we asked, could a police officer, while miles away from a house, predict and swear in an affidavit that his life will be endangered or that narcotics will be destroyed when he reaches the home?

We were assured that law enforcement officers and Federal judges, unlike ordinary mortals, are capable of predicting the future. We were told that this sort of authority was absolutely essential and that the whole narcotics enforcement strategy depended on making this exception to fourth amendment rules, centuries old. This attitude was expressed by Mr. Myles Ambrose of the Department of Justice most recently when he attempted to justify no-knock searches by Federal narcotics agents. According to Mr. Ambrose—

> Drug people are the very vermin of humanity . . . occasionally we must adopt their dress and tactics.

In other words, in order to capture criminals, the law enforcement agencies must act criminally—a little lawbreaking does wonders for law and order.

Four recent cases convince me that some law enforcement agents have, indeed, acted like common criminals. Innocent homeowners have been terrorized and all Americans are the victims. The newspaper articles which follow describe incidents involving no-knock raids against the Pine family in Winthrop, Mass., on January 10, 1973, the Majette family in Portsmouth, Mass., on January 26, 1973, the Giglotto family and the Askew family in two separate incidents in Collinsville, Ill., on April 29, 1973.

Unfortunately, these four cases are not the only examples of abuses by law enforcement agents of fourth amendment rights. In December of 1970, I brought to the attention of the Senate similar cases of no-knock searches of innocent homeowners in Arizona and Virginia. In June of 1971 there was the infamous Kenyon Ballew case in Maryland. Mr. Ballew was shot in the head when he attempted to resist a no-knock search.

Although the Majette and Pine incidents and the 1970 and 1971 cases involve State police, all of these illustrate the dangers of no-knock raids. In every one of the recent cases law enforcement agents kicked in the door of a private home and entered with weapons drawn in search of illegal narcotics. In all four they had entered the wrong home and terrorized the occupants. In almost every case the occupants thought the law enforcement agents were criminals. In at least one case the occupants likened the raids to Nazi Gestapo tactics, but they all qualify in that regard.

By far the most outrageous of the four incidents involved Federal agents in the Giglotto and Askew raids in Collinsville, Ill., about a week ago. According to the Washington Post, agents of the Office of Drug Abuse Law Enforcement—DALE—of the Department of Justice entered two houses without warrants, kicked in the doors without warning, shouting obscenities, and threatened the inhabitants with drawn weapons. The Giglottos and Askews were terrified and only temporarily relieved when the agents left after discovering they had entered the wrong house.

No-knock searches are bad enough, especially where the search takes place on the wrong house. But a no-knock search without a warrant is totally unjustifiable and, indeed, is clearly illegal under the Federal no-knock statute. If the facts in the Post story are correct and these two no-knock searches were conducted without warrants, this means that certain agents of the Department of Justice see themselves as above the law.

The New York Times, commenting editorially about the Collinsville incidents and certain disclosures in the Watergate case, suggests that such governmental contempt for the law is subverting the whole American system of justice. Unfortunately, the unbridled desire for law and order is resulting in the greatest crime of all—abuse of justice and law by those sworn to uphold it. No crisis of street crime warrants subverting the Constitution.

I am reminded of the words of Justice Brandeis in his classic dissent in the wiretapping case of *Olmstead* v. *United States* (1928), 277 U.S. 438, 485:

> . . . If the Government becomes a lawbreaker it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face."

Every Senator in this Chamber and especially every law enforcement officer should ponder Justice Brandeis' teaching. I fervently believe that if we do not react quickly and without mercy against this government lawlessness that our republican form of government is in mortal danger. Furthermore, my mail suggests that citizens are outraged by the Collinsville raids and will support responsible congressional action against such governmental lawlessness.

I would like to draw the Senate's attention to a number of letters I have received from concerned citizens about these events which appear at the conclusion of my remarks.

One letter written by an attorney from Raleigh, N.C., summarized citizen outrage on these no-knock searches. In describing his feeling concerning the Collinsville events he said the following:

> The words "appalling" and "shocking" immediately came to mind but are too trite to express my true feelings. What I truly feel is repulsion and horror at what is described, especially when I realize that this atrocity was perpetrated in *my* name, by Federal agents supposedly representing *my* government, and in the name of justice. . . .
>
> I want my children to know that ours is still a government which respects the rights of individuals and that people who conduct themselves in the manner described in this article do not "get away with it". For the sake of every American, I hope that you will not only investigate this matter but—if the facts are as reported—will see that all those responsible are required to answer for their misconduct.

I have written to Mr. Myles Ambrose, of the Department of Justice, who directs the Office of Drug Abuse law enforcement, for an explanation of the Collinsville incidents. I pray that he has a satisfactory answer for, if he does not, I plan to introduce legislation repealing or modifying the Justice Department's authority to conduct no-knock searches and hope Members of the Senate will join me in that endeavor.

Mr. President, I ask unanimous consent that the newspaper articles described above, the letters from concerned citizens, and a letter I have written to Mr. Myles Ambrose of the Department of Justice concerning the Collinsville raids be printed in the RECORD.

There being no objection, the articles and letters were ordered to be printed in the RECORD, as follows:

[From the New Orleans (La.) Times-Picayune, Jan. 14, 1973]

FIFTEEN ARMED MEN SMASH DOORS

WINTHROP, MASS.—At 10 a.m. Wednesday, Bill Pine recalled, he was upstairs asleep. His wife, Phyllis, was in the bathroom getting dressed and their 13-year-old daughter, home sick from school, was downstairs watching television.

Mrs. Pine looked out the window of their single-family house and saw a man running down the driveway headed for the front door.

Melody went to open it but never got a chance, her mother said Saturday. The glass and wood shattered in the front door and back door. And suddenly 15 men in street clothes were standing in the living room with drawn guns.

The men turned out to be police who had mistaken the Pine's home for another address where they later found an alleged drug factory.

NO COMMENT

The state police, who led the raid, have declined comment on the incident involving the Pines but have promised a statement Monday. Local and federal agents also have declined comment, but the Pines recall their 15 minutes at gunpoint with fear and anger.

"Oh, my God, they've come to kill us," Mrs. Pine remembered saying as she spoke of the incident Saturday. Mother and daughter were pushed onto a couch and five men raced toward the staircase.

Pine, 38, who works nights in a print shop, was awakened by his daughter's screams. He gave this account:

"I sat up in bed and there was a gun at my head, and I heard someone say, 'Don't move.'

THOUGHT OF KILLINGS

"I saw the man's eyes and the gun, and all I could think of was the mass killings by the Manson gang in California.

"I jumped up anyway and was pushed into the other bed room and pinned against the window with my back to the intruders. Now I was fully awake and knew there were five to eight guns pointed at my back.

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"Someone asked me what my name was, and I replied 'Bill.' Three times I asked them who they were and what was going on.

"The confrontation lasted about 15 minutes, then I sensed things began to relax. I turned around and there was surprise on their faces. They went into full retreat. I heard someone downstairs say 'State Police.' My fear turned to rage."

ASKS EXPLANATION

Pine trailed the police downstairs and followed them outside in his undershorts, demanding an explanation.

By that time police had found the house they were after—the one next door on the quiet residential street, lined with one-family homes and apartment buildings.

Pine said that one Boston policeman came back and commented, "Look, I'm sorry we made a mistake."

Pine also said he was told by one officer that "two of the undercover men were rookies and a little gung-ho. They started before they should have."

ARRESTS MADE

When police officially announced the raid, they said it capped a 2½-month investigation. They said they arrested Jean Cataldo of Winthrop; James DiStefano, 29, of Malden, and Thomas Bradford, 30, of Wells, Maine, on a variety of drug charges, seized $50,000 worth of heroin and broke up a heroin processing plant that was doing $1 million a year business.

Conducting the raid were federal narcotics agents, state police and officers from six local police departments.

Mrs. Pine, 38, said she wanted to talk about the incident to expose actions that reminded her of police state dealings where "might makes right."

She said, "It's unbelievable how they can investigate a case for 2½ months and then knock down the wrong door."

Pine said his landlord had repaired the doors, smashed out in below freezing temperatures, and had sent the bill to police.

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[From the Greensboro (S.C.) Daily News, Jan. 14, 1973]

AGENTS MOVED IN FOR DRUG BUST—AT WRONG HOUSE

WINTHROP, MASS.—At 10 a.m. Wednesday Bill Pine recalled, he was upstairs asleep. His wife, Phyllis, was in the bathroom getting dressed and their 13-year-old daughter, home sick from school, was downstairs watching television.

Mrs. Pine looked out the window of their single-family house and saw a man running down the driveway headed for the front door.

Melody went to open it but never got a chance, her mother said Saturday. The glass and wood shattered in the front door and back door. And suddenly 15 men in street clothes were standing in the living room with drawn guns.

The men turned out to be police who had mistaken the Pine's home for another address where they later found an alleged drug factory.

DECLINED COMMENT

The state police, who led the raid, have declined comment on the incident involving Pine but have promised a statement Monday. Local and federal agents also have declined comment, but the Pines recall their 15 minutes at gun-point with fear and anger.

"Oh, my God, they've come to kill us," Mrs. Pine remembered saying as she spoke of the incident Saturday. Mother and daughter were pushed onto a couch and five men raced toward the staircase.

Pine, 38, who works nights in a print shop, was awakened by his daughter's screams. He gave this account:

"I sat up in bed and there was a gun at my head, and I heard someone say, 'Don't move.'

"I saw the man's eyes and the gun, and all I could think of was the mass killings by the Manson gang in California.

FULLY AWAKE

"I jumped up anyway and was pushed into the other bedroom and pinned against the window with my back to the intruders. Now I was fully awake and knew there were five to eight guns pointed at my back.

"Someone asked me what my name was, and I replied 'Bill.' Three times I asked them who they were and what was going on.

"The confrontation lasted about 15 minutes, then I sensed things began to relax. I turned around and there was surprise on their faces. They went into full retreat. I heard someone downstairs say 'State Police.' My fear turned to rage."

Pine trailed the police downstairs and followed them outside in his undershorts, demanding an explanation.

By that time police had found the house they were after—the one next door on the quiet residential street, lined with one-family homes and apartment buildings.

APOLOGIZED

Pine said that one Boston policeman came back and commented, "Look, I'm sorry we made a mistake."

Pine also said he was told by one officer that "two of the undercover men were rookies and a little gung-ho. They started before they should have."

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[From the Charleston (S.C.) News and Courier, Jan. 14, 1973]

POLICE RAID TERRORIZES FAMILY

WINTHROP, MASS.—The Pine family—38-year-old William, his wife and their 13-year-old daughter, Melody—are still shaken by the memory of the moment when 15 armed men burst into their home without explanation and held them at gunpoint for a terror filled quarter of an hour.

It was, as it turned out, a drug raid by plainsclothes state and local police from several towns. The problem was that after a 2½-month investigation, they raided the wrong house.

The house they wanted was across the driveway from the Pines' residence.

Not until they had left his home, Pine said, did the men identify themselves as police or say what they wanted.

It happened at 10 a.m. Tuesday. Pine, who had worked all night, was asleep upstairs and Mrs. Pine had just finished dressing when Melody looked out of the window and saw a man running toward the front door.

As she went to open it, the wooden door was smashed in. Simultaneously, the rear door also burst open in a spray of splinters and broken glass.

Mrs. Pine was confronted by 15 men with drawn guns in her living room.

She and her daughter, who was home sick from school, were roughly pushed onto a couch and held at gunpoint while several men rushed upstairs.

"Oh, my God, they've come to kill us!" she thought.

Melody had the same fear. She screamed, "You are going to kill us!" and jarred Pine out of his slumbers.

"I sat up in bed," he said Saturday. "There was a gun at my head and I heard someone say 'Don't move.' "

Five or six men, all armed stood in his bedroom.

"Quite honestly, I thought my family and me were going to be killed," Pine said. "I kept thinking about Charles Manson and Sharon Tate and all those other things."

Although warned not to move, Pine said he jumped up anyway "and was pushed into the other bedroom and pinned against the window with my back to the intruders." He said he knew "there were five to eight guns pointed at my back."

After about 10 minutes, Pine said he sensed a change in the atmosphere.

"I turned around and there was surprise on their faces. They went into full retreat."

Pine, dressed only in his underwear, ran outside after them demanding an explanation.

"When I ran after them they told me they made a mistake, and that they were police," Pine said. "My fear began to turn to rage."

He called Winthrop police headquarters and spoke to Chief David Rice who, he said, was "very sympathetic."

"He tried to calm me down and said if I wanted to sign a formal complaint, I should come and see him," Pine said. "We haven't decided that yet."

He said he is worried about possible retaliation.

"We were thinking about possible repercussions," Pine said. "If a gang of so-called police can come in and just break down doors, there's no telling what they might do if you get their wrath up, and quite honestly we were very apprehensive about saying anything."

Winthrop police referred queries about the incident to the state police who led the raid. A state police spokesman said everyone connected with the raid was off for the weekend and, that he knew nothing about the matter.

Pine is philosophical about the question of compensation for the broken doors and the mental anguish his family went through.

"If there is any compensation I can get out of this, any satisfaction . . . it would be at least to deter any other incidents like this happening, from people being victims of circumstances," he said.

"If we can at least help in any small way, that would be reward enough for us. My wife and daughter are very shook up about it."

Mrs. Pine, who is under a doctor's care, said she wanted to tell about the incident because it resembled a police state action.

"It's unbelievable how they can investigate a case for two and a half months," she said, and then knock down the wrong door."

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[From the New York Times, Jan. 15, 1973]

WAONG-HOUSE RAID TERRIFIES FAMILY

WINTHROP, MASS., January 14.—Fifteen burly policemen, carrying rifles and handguns, broke down two doors and poured into the home of the William Pine family last Tuesday.

It was 10 A.M., and Mrs. Pine was caring for her 13-year-old daughter, Melody, who was home from school recovering from a mild illness; Mr. Pine, a 38-year-old night worker, was upstairs sleeping.

The men wore no uniforms, did not offer any identification and did not speak, Mrs. Pine said today in an interview, except for a few brusque orders followed by a rough shove to the living room couch.

Bewildered, Mrs. Pine and her daughter screamed over and over: "Please don't kill us, please don't kill us."

"Just don't move," came the only reply.

THE WRONG HOUSE

State and Federal agents and the narcotics squads of several communities had been surveying the house next to the Pine residence for the last two and a half months, where they believed a lucrative heroin factory was in operation. When the time came, they raided the wrong house. They realized the mistake in time to make the proper arrests, however, and to confiscate thousands of dollars worth of illegal drugs.

Police officials have declined comment, except to say there would be a thorough investigation.

"I thought they were all maniacs that had come to kill us," Mrs. Pine said. "I could only think of Poland or the Olympics, that they came to get us because we are Jewish."



"They never told us who they were or that they were police officers even after they left," she said. "I didn't know police operated like that in America. I'm ashamed that this could happen here."

During World War II, German storm troopers in Poland routed her grandmother and grandfather from their beds and annihilated the family, Mrs. Pine said. She said she first heard the story as a little girl and it filled her with terror.

Mr. Pine, who had been sleeping almost three hours, said he was awakened by the screams of his family. Suddenly, he said, he saw several guns trained on him and felt a gun barrel pressed against his temple.

"Don't move!" one of the men shouted. "Get up slowly and keep your hands over your head."

OUTDOORS IN UNDERSHORTS

Mr. Pine rose and the men—most dressed neatly and conservatively—pushed him out of the master bedroom and into the next room. They asked him his name. Then they suddenly rushed out of the room. Mr. Pine followed them downstairs and out the door wearing only his undershorts in the morning cold, asking over and over who they were and what they wanted.

Then one of the men turned toward Mr. Pine and said, "State Police."

Mr. Pine said one of the officers later came back to apologize. "He said that two overanxious rookies had moved too soon and made the mistake," Mr. Pine related. "That's a little ridiculous."

Mr. Pine said he was uncertain what legal action, if any, the family would take.

The police apparently did have a warrant, but for 30 Underhill Avenue, a green house. The Pine family lives at 32 Underhill, also a green house—now with two new doors.

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[From the New York Times, Jan. 16, 1973]

UNREASONABLE SEARCH

At 10 o'clock of a weekday morning fifteen men, armed to the teeth, break into the home of the William Pine family in Winthrop, Mass., by smashing the doors. Mrs. Pine and her teen-age daughter, in uncomprehending terror, plead for mercy. Her husband, who holds a night job, awakens in his upstairs bedroom to stare into the muzzle of a gun. Through Mrs. Pine's panicked mind flashes the almost forgotten story, told to her as a little girl, of how Nazi stormtroopers had routed her grandparents out of bed in their native Poland and murdered them thirty years ago.

The armed intruders, however, were not fascist thugs; neither were they desperate bandits. They were merely Massachusetts state police officers in civilian dress on a narcotics raid—at the wrong address.

The incident should be a danger flag to police commanders throughout the country. In how many other states or communities would it be possible for law-enforcement officers, in mufti, to perpetrate a similar outrage, without identifying badges or any effort to let the occupants know that the break-in was actually an authorized search? The fact that such police procedures can happen at all—even leaving out the inevitability of monstrous error of the type that occurred in the Pine household—raises serious questions about those occasional reports of shootouts between raiding policemen and civilians. Had Mr. Pine owned a gun, could he have been blamed for opening fire in the face of unknown armed invaders?

"I didn't know police operated like that in America," said Mrs. Pine. "I'm ashamed that this could happen here." Police chiefs everywhere should include the episode in their order of the day—as an example of an abuse of police power that must not happen again.

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[From the New York Times, Jan. 30, 1973]

VICTIMS OF MISTAKEN RAID SUE POLICE FOR $1 MILLION

BOSTON, January 29.—An attorney for a Winthrop woman and her daughter filed a $1-million suit Monday in Federal District Court in connection with a mistaken police narcotics raid on their home.

Mrs. Phyllis Pine and her daughter, Melody, 13 years old, also asked for $10,000 damages each from 10 defendants, including the state public safety commissioner; the Boston police commissioner; the police chiefs of Winthrop, Chelsea, Revere, Malden and Lynn; three state troopers, and "other officers unknown."

The suit contended that about 10 state and local policemen broke down the front and rear doors of the Pine home Jan. 10, searched the house without a warrant, pointed guns at Mrs. Pine and her daughter, struck them on the arms and pushed them onto a couch.

Police officials have said that the raid was a mistake and that members of the Pine family were not assaulted.

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[From the Ledger-Star, Jan. 26, 1973]

NARCOTICS SQUAD BREAKS IN DOOR OF WRONG APARTMENT; APOLOGIZES

(By Jack Armistead)

PORTSMOUTH.—"I was half asleep. It scared me so bad that I'm still nervous."

Mrs. Anna Majette, 50, of the 1400 block of Barbour Drive, was explaining the way she felt after Portsmouth Police Narcotics Squad detectives broke her door down about 3:20 a.m. today by mistake.

"You are all wrong," Mrs. Majette told police.

Police were indeed wrong and have apologized to Mrs Majette for the inconvenience, according to Police Chief Calvert L. Warren.

Mrs. Majette lives in apartment "J" in the Ida Barbour Apartments on Barbour Drive. Detectives were supposed to go to apartment "A", a police spokesman said.

Mrs. Majette said she heard loud knocking on her front door and then breaking glass.

She said she opened her bedroom door and by this time a policeman was already at the top of the stairs with a gun drawn.

"The policeman said they had heard a lot of reports about this house and I said, 'This house?' "

Mrs. Majette said she asked the detectives if they had a search warrant and they did.

"But the search warrant said apartment 'A', 1420 Barbour Drive and this apartment is '5,' " she said she told police.

Mrs. Majette said the detective apologized.

"I said it's too late to be sorry now," Mrs. Majette said.

While they were in her apartment, Mrs. Majette said she was asked if she knew the occupants of the other apartment.

"No I don't know them," she answered.

"I was so shook up. It's a good thing I didn't have a gun," Mrs. Majette said, adding that she hasn't been able to sleep since police left.

"I can't sleep because my door is broken and I can't lock it," she said.

After police left her apartment, Mrs. Majette said a detective came back by there again.

"He said 'I just wanted to let you know we got the people,' " Mrs. Majette said.

Mrs. Majette said she told the detective. "Mister, I don't care."

She lives with her 18-year-old son.

In the meantime, police did visit the other apartment.

They arrested the occupant there and charged him with possession of heroin.

Police identified the accused as William Thomas (Tow Bag) Bailey, 33.

Bailey appeared in Municipal Court today on the charge and his case was continued until Feb. 16. His bond was set at $2,000.

According to a spokesman, raids at the wrong addresses do occur every once in awhile but not frequently.

"I was on a raid one time and we got the wrong house. We broke in, went upstairs to a bedroom, and found a half deaf and blind couple that didn't even know we entered the house," the spokesman said.

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[From the Washington Post, Apr. 30, 1973]

THE NIGHT OF TERROR: "WE MADE A MISTAKE"

(By Dennis Montgomery)

COLLINSVILLE, Ill., April 29.—Herbert Giglotto, 29, and his wife, Louise, 28, had gone to bed at about 8 p.m.

"At about 9:30 we hear this crash. We hear this screaming. I take about three steps out of my bed and I see these hippies with guns," Giglotto recalled today. "I told my wife, 'My God, we're dead.'"

Across town at another home Donald Askew, 40, had just sat down to dinner with his wife, Virginia, 37, and their 16-year-old son, Michael. He looked out the window, he remembered, and saw several armed men in the yard.

Seconds later, he said, the men were at the door, trying to kick it in. Askew called to his wife to phone the police. She fainted. Askew told his son to run for his life.

The armed men who forced their way into the Askew and Giglotto homes last Monday were conducting narcotics raids. They came on the raids with no warning and apparently no warrant. They left when the raids turned out to be a mistake.

Myles J. Ambrose, director of the federal Drug Abuse Enforcement Program and a special assistant attorney general, said today it is his "understanding" that the men were agents from the program's St. Louis office.

Paul Cigliana, Collinsville police chief, confirmed that the raids were conducted by a "strike force" of federal narcotics agents from the St. Louis office.

Cigliano said he believed that policemen from some municipal police forces in the area also participated but he added, "I don't think there were too many of them."

Cigliana said no policemen from his department were involved. A spokesman from the Madison County sheriff's office said, "As far as I know there was no cooperation from this department."

Federal narcotics officials from the St. Louis office could not be reached Sunday, but had declined comment earlier. Askew said the men gave him the telephone number of the office to verify their identities.

Two days after the raids, Ambrose issued a statement: "I have directed an inspection team to thoroughly investigate this matter. If any federal agents have acted improperly, appropriate action will be taken. Under no circumstances will I permit my agents to violate anyone's constitutional rights."

Contacted at his Chevy Chase, Md., home, Ambrose said today, "The investigation is being conducted. When I have all the facts I will take appropriate action."

Ambrose, asked whether the investigation is top priority, said, "You bet your sweet life it is."

Before the raiders left without apologies, Giglotto said he and his wife had been threatened, bound, insulted and their apartment left in shambles.

"I've never had anything to do with narcotics," Giglotto, a boilermaker, said. "I hate it. I've never had anything to do with drugs and my wife never has."

The men did not identify themselves, he said, and showed no warrant. "They knocked me down across the bed and handcuffed

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me and my wife. They had our hands behind our backs. I was in my underwear and she was in her negligee."

"Just shut your mouth or I'll kill you," Giglotto quoted one agent as saying after he was asked to identify himself. The man reportedly told Mrs. Giglotto he would kill her husband if she did not tell him where the drugs they sought were hidden.

With 15 raiders in the room and more downstairs, Giglotto said his wife was pleading for his life. Giglotto asked, "Please look at my identification before you kill me."

None did, he said. He added the only identification the Giglottos were shown was a gold badge flashed by one of the intruders. Only Mrs. Giglotto caught a glimpse of it.

As they lay trussed across the bed, Giglotto said, another raider walked up the stairs and announced, "Oh, I think we made a mistake."

They had torn the house apart and found nothing. The front room was a shambles, littered with books, overturned furniture and a smashed television set. Released from his handcuffs, Giglotto tried to put on his pants, he said, but a raider ripped them out of his hands.

"They were as rude leaving as they were coming," Giglotto said. He said he followed them downstairs, demanding an explanation, shouting: "My God, you just kicked in my door, threatened to kill me and my wife, can you tell me what's happening?"

Giglotto said one of the armed men turned and replied, "Shut your mouth, boy."

Askew said the raid on his home began as they were beginning a late dinner after he had stayed overtime at the service station he runs in East St. Louis.

Askew thought his son had been in a fight with some other teen-agers and the men he saw in the yard were coming to kill him.

As he held the front door, Askew said Sunday, two men knocked down the back door and leveled two riot guns at him. A man at the front door flashed a gold badge and Askew let them in.

Five men, all dressed as hippies, searched the house, looking for a suspect, Askew said.

Mrs. Askew, lying on the couch, revived. She saw the men with the guns and fainted again. When she revived again one of the raiders told her, "Take it easy, lady. We're really federal officers."

Askew said the men were polite. "Outside of kicking the door and scaring the —— out of us, they were all right."

Satisfied the man they sought was not in the Askew home, one of the intruders said, "We just got a wrong tip." The men refused, however, to let Mrs. Askew call the police, and showed no other identification.

The Askews have filed a $100,000 damage suit in U.S. District Court at Springfield. The Giglottos are to meet with their lawyer Monday morning to determine what course to take.

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[From the New York Times, Apr. 30, 1973]

LAW AND ORDER

"There are those who say that law and order are just code words for repression and bigotry. "This is dangerous nonsense," President Nixon declared last month as he unveiled harsh new anticrime proposals, "Law and order are code words for goodness and decency in America."

As if the unfolding Watergate scandals were not enough, two fresh disclosures over the weekend further serve to underscore the extent to which goodness and decency have been despoiled in this country through the perversion of justice that poses as law and order today in Washington.

In the small southern Illinois town of Collinsville, it was revealed, two families were terrified one night last week by unkempt men shouting obscenities who kicked down doors, overturned furniture and threatened them with guns. The men were Federal narcotics agents, acting apparently without warrants. After discovering they had entered the wrong houses, the agents withdrew without apologies. These were not isolated incidents. A Massachusetts family suffered similar indignities at the hands of errant narcotics agents last January.

The Administration's haphazard approach to law and order which leads to such outrageous abuses of the rights of ordinary citizens does not extend to all who may be suspected of criminal activity. Government sources in Los Angeles reported that top-ranking officials of the Justice Department have turned down a request by the Federal Bureau of Investigation to continue authorized electronic surveillance that they say had begun to penetrate connections between the Mafia and the teamsters' union, whose president, Frank E. Fitzsimmons, is the Nixon Administration's stanchest ally in all of labor.

To ride roughshod over the constitutional rights of citizens in the reckless pursuit of one class of criminal when failing to use every available legitimate means to detect possible crime among those who enjoy favor in high places subverts the American system of justice. There can be no order when those entrusted with law enforcement themselves show contempt for the law. Law and order under such conditions become code words for repression and hypocrisy.

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RALEIGH, N.C.

Senator SAM ERVIN,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR ERVIN: Since having read an article in Sunday's *News and Observer*, a copy of which is enclosed, I have been considering how to express myself. The words "appalling" and "shocking" immediately came to mind but are too trite to express my true feelings. What I truly feel is repulsion and horror at what is described, especially when I realize that this atrocity was perpetrated in *my* name, by federal agents supposedly representing *my* government, and in the name of justice.

It is shocking enough to consider conduct such as that described when it is attributed to criminals who might themselves be acting under the influence of drugs. It is unforgivable when done by narcotics officers under the guise of governmental authority. I have had my children read this article, in the hope that they may not become guilty of the complacency which I believe is shared by many—the misplaced belief that things like the Gestapo and NKVD "cannot happen here." Their reaction seemed to be that nothing would be done with those responsible and that they would probably "get away with it." I hope and pray for this country that my children are wrong. The men described in the article apparently acted without a search warrant—and whether with warrant or not their reported conduct was reprehensible and entirely unbecoming federal agents—and they should be required to answer for their conduct.

I want my children to know that ours is still a government which respects the rights of individuals and that people who conduct themselves in the manner described in this article do not "get away with it." For the sake of every American, I hope that you will not only investigate this matter but—if the facts are as reported—will see that all those responsible are required to answer for their misconduct.

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MOREHEAD, CITY, N.C.

Senator SAM J. ERVIN, JR.,
*Room 337, Old Senate Office Bldg.,*
*Washington, D.C.*

DEAR SENATOR ERVIN, Your reputation as a defender of due process leads me to believe you are as disturbed as anyone over the continuing disregard of citizens' rights by the Federal Bureau of Narcotics and Dangerous Drugs—the latest case being the treatment of the Giglottos in Collinsville, Illinois (Agnews, also).

I am 58, a graduate engineer and management consultant, and I believe I am a reasonable, thinking, mature person. I try to keep perspective, and would like to have your opinion of the dangers to people's rights if attitudes and behavior on the part of Federal personnel shown in the Watergate case, the Giglotto case, and others you probably are more aware of than I, are not rooted out quickly and thoroughly.

I am thinking of offering to participate in a class-action suit on behalf of all citizens who feel endangered by such Federal activities. Is this feasible? Or advisable?

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NEW YORK, N.Y.

Senator SAM ERVIN,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR ERVIN: Among the mounting scandals in the Nixon administration it is difficult to single out one for particular censure. But the incredible, lawless Gestapo tactics reported in yesterday's *Times* on the part of narcotics raiders is downright terrifying. There have been other similar raids in the past, and many more by *local* officials. Also, one may assume that these reported cases were considered exceptional because the "wrong" houses were broken into at gunpoint without warrants; how many more cases have there been of similar "proper" raids which resulted in arrests and/or silenced or discredited complainants? More basically, whether or not a home being raided is the "right" one, such activities are illegal without warrants and even with warrants assault, terrorism, and vandalism are not allowed!

Anyone involved in these raids should be fired on the spot, and anyone who authorized, suggested or knew about them should be fired also. Everyone involved should face criminal prosecution.

I write to you because these activities seem to me intimately related to the attitude of Nixon and his Watergate friends—the arrogation of dictatorial powers to an executive capable of mounting terrorist raids on citizens, burglarizing Daniel Ellsberg's medical files, and subverting the recent national election!

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GREENSBORO, N.C.
*May 1, 1973.*

DEAR SENATOR ERVIN: I know you are very busy but I also know you always make time to pay attention to the things which affect the liberty of we Americans. You are our great defender of our liberties, and I respect you for it.

I'm sure you have read the article I'm enclosing but just wanted you to know I am very much concerned about this and what can be done to prevent it happening again and again.

My very best wishes to you in your every endeavor.

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SMITHFIELD, N.C.

Hon. SAM ERVIN,
*U.S. Senate,*
*Washington, D.C.*

SIR: As must surely be the case with many thousands of Americans today, I am becoming more and more suspicious of some of the elected officials and those directly under their power who are controlling the directions in which this country moves. I have served as a minister of education in the United Methodist Church for six years, dealing primarily with youth and young adults. For about five or six years now it seems that young people are being dealt with only out of necessity and never out of genuine concern. Almost daily it becomes more dangerous for Americans who don't share the same beliefs of our chief executive.



I just returned from Washington Monday after spending five days at the National Explorer President's Congress at the Sheraton-Park Hotel. We had the opportunity to speak with several reporters and congressmen and that didn't help much to ease my feelings. Then upon reading Sunday's News & Observer, Raleigh, I found the enclosed article. Since then I have not been able to find any follow-up news concerning this event. It bothers me deeply that such things go on in America; and I question how much more, and worse, goes on that never makes the newspapers.

Why I'm writing you about this is not absolutely clear to me, except maybe that you are one politician that I feel can be trusted and will be worthy of whatever faith is put in you and your decisions. What is now going on concerning this incident? Will the American people forget this happened and lose their outrage as they did with Kent State, with college students who participated in "peace marches" two years ago, and as they seem to be doing with Watergate? If you can supply me with any information to help answer some of my questions or ease some of my doubts it will be greatly appreciated.

Enclosed find clipping from The Smithfield Herald, May 1, 1973, covering your presence at Davidson College. The youth and young adults of North Carolina believe in Sam Ervin. We trust you, have faith in you, and are proud that you are our senator.

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SAM J. ERVIN, JR.,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR ERVIN: In today's paper I find many things that disturb me greatly. For some reason our country's government has turned to lawless means to produce a beneficial end. I am referring to certain tactics used by law enforcement agencies. Two families' in Collinsville, Illinois, were threatened and beaten by federal drug agents. These were innocent people—the agents made a mistake. They crashed into these families' houses without warrants, but more distressing they were brutal to these people.

I am the first one to admit that the drug problem is a menace to America; however, only communist societies justify their ends by harsh and unjustified means. History has shown that countries with these policies are alienated from their citizens.

I am not a law breaker of any kind and most Americans are the same way. Has the day come when these Americans will have to barricade their homes and arm themselves in fear of their government?

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WINSTON-SALEM, N.C.

Hon. SAM J. ERVIN, JR.,
*U.S. Senate,*
*Washington, D.C.*

MY DEAR SENATOR ERVIN: Attached is a copy of a news article appearing in the Winston-Salem Journal and Sentinel for Sunday, April 29, 1973.

If this story is true and correctly reported, it represents an alarming situation. Even one's home is no longer safe.

When did our Government assume it could invade the privacy of the home without proper warrants? When did our Government assume it could treat people the way the people in the article were treated?

What are you as a representative of the people going to do about this kind of business? What steps are you going to take?

Watergate by comparison with this invasion of privacy of the home is an old maid's tea party. We are getting pretty sick and tired of you politicians making such a big issue of Watergate. Let's protect the people in their homes first, then clean up Watergate.

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NEW BERN, N.C.

DEAR SENATOR: I'm very concerned over the incidents described in the attached articles. If my memory is correct, we had similar mistakes made months ago.

Is there any way to provide some stiff penalties for such mistakes? It seems to me that law enforcement officers should really have to do their "homework" or have absolute facts before they go busting into someone's home or suffer severe consequences for not being absolutely sure on who they're busting in on.

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APRIL 30, 1973.

Senator SAM J. ERVIN JR.
*Senate Office Building,*
*Washington, D.C.*

DEAR SIR: The incidents in the enclosed clipping show a striking parallel to the "Bellew incident" which occured at Silver Springs Maryland in 1971.

The three incidents should illustrate that the "No Knock" law is a bad piece of legislation.

None of the top officials or their immediate aides are sensitive to the voting public. This seems to me to be a dangerous abuse of authority.

What can you as a member of the United States Senate do about this situation

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WINSTON-SALEM, N.C.

Senator SAM ERVIN,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR ERVIN: Please allow me to take a few minutes from your busy schedule so that you may read the enclosed article that appeared on P. 1. *Sunday Journal and Sentinel*, Winston-Salem, N.C., 29 April 1973. Realizing you to be the leading authority of our Constitution and a person who dearly loves the principles that our country symbolizes, I am certain that you will be as shocked as I.

Before you get the impression that I am a "radical" bent on destroying the police image allow me to tell you something about myself. I am a disabled veteran of the Viet Nam war who is completing his first year of Law School at Wake Forest University. Although I have never fully understood why I left part of my physical body in the mud of Viet Nam, I have tried to insulate myself from stark reality by fantasizing that the effort was to support principles that founded our Nation almost two hundred years ago. What has happened to these principles in our Nation?! Daily, I am appalled at the increasing "Gestapo" tactics and hunger for power shown by the current Administration. President Nixon seems to stereotype anyone who dissents from his policy as a "radical" bent on destroying the country. If the principles exemplified by the current Administration are indicative of this County's future. I suppose I am a "radical". I am a radical who wishes to see that individual freedom and security are protected by the Constitution. I only hope that we can survive long enough to re-establish these forgotten principles.

Changing the subject somewhat; Senator Ervin, I am extremely pleased with the work that you are doing for the people of this Nation. I can honestly say that you make me proud to be a North Carolinian. Let us hope that more representatives will show the courage and leadership that you have while in office.

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BIG SPRING, TEXAS.

DEAR SENATOR ERVIN: As a permanent resident of North Carolina (I am stationed in Texas in the USAF), I would like to voice my feelings to you, my Senator, concerning the "drug" raids on private citizens (innocent) in Collinsville, Ill., carried on illegally by federal agents from the Office for Drug Abuse Law Enforcement. These raids are an outrage and those responsible should be punished. This certainly is not a good example of law and order, is it? Please do what you can.

P.S. My wife and I think you are an outstanding congressman.

Thank you,

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HIGH POINT, N.C.

DEAR SENATOR ERVIN: Yesterday morning before going to Church, I started to read the Greensboro paper and while reading the main headline article I was aghast at what it contained. This kind of thing done by our own government is wrong and to me a very serious matter.

I have always been a strong Law and Order man, and I did approve of the No-Knock provision in enforcement of Narcotics Laws, but this is a clear abuse and in a callous manner, of such laws.

Does it take something like this to show how our federal agents operate with suspects? I am not one for coddling criminals at any time, but even they have some rights to be treated decently when being apprehended. I would not approve of this kind of treatment even if they had been at the right houses.

How could the Narcotics Agents have been so stupid to have hit two wrong houses in the same town? I would like to know if they had a Warrant for each house. The attached articles does not say.

This is the kind of thing that I wish something would be done to correct this kind of treatment of people. I know the Watergate thing is serious, but in my opinion it is political, whereas this kind of treatment of people, especially innocent people, is something much more dangerous to our way of life than Watergate.

This is not the first instance I have read about, but this is the first I am writing to the Congress about. I believe the ATF Agents have had similar instances in the past in enforcing firearms laws. Such action is not right either. Like the man in the article said this is Gestapo tactics, or SS Stormtrooper action. Such should not be allowed to continue and I do hope you will do something about it. May I hear from you on this?

I have always supported you in the past and will do so next year. Almost all the time I agree with your views, but I know you are fair and interested in individual rights. This is such a case.

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PEEKSKILL, N.Y.

DEAR SENATOR ERVIN: I wish to call your attention to the brutal and unconstitutional tactics employed by the Office of Drug Abuse Law Enforcement. According to an article in the New York Times of April 29, agents of that office recently terrorized two families in Collinsville, Illinois, after breaking into their homes without warrants.

The frightening thing is not that it happened to two innocent families, but that it happened at all. It is alarming that agents of the Federal government even contemplate the use of such measures against its own citizens. There is no legal or moral justification whatever for Gestapo tactics in the United States of America. Even the effort to rid ourselves of the scourge of hard drugs does not justify and is not well served by this horrible abuse of authority.

To say that violent raids conducted without warrants are unconstitutional is to understate the case by several orders of magni-

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tude. These particular raids, and the training programs for the agents who participated in them, ought to be subject to immediate Congressional investigation. It is clearly in order to introduce corrective legislation to prevent and punish such abuses in the future.

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GREENSBORO, N.C.

Hon. SAM ERVIN,
*U.S. Senate, Washington, D.C.*

DEAR SIR: I have today read about federal narcotics agents breaking and entering without warrant and seemingly by mistake into two families' private residences in Collinsville, Illinois, terrifying these families, threatening to kill them, assaulting and abusing them without cause or provocation.

I am shocked; I am appalled! If this could happen there, it could happen in Greensboro to me or to you. Of course druge abuse, especially at the distribution level, is a severe problem and menace to us all and must be uncovered and prosecuted as best it can be. However, if disregard for innocent citizens such as in this case is more common than by accident, other means must be used; federal and state agents may not abridge our rights to safety and privacy within the home.

Please look into this situation to see if it is becoming a common practice. I feel that the supervisors of these federal agents should be checked on and reprimanded as necessary and if it be that this entrance without warrant and forcibly accomplished has become federal policy that those in charge be brought to public account.

I look forward also to your continued efforts investigating the Watergate Scandal. It appears that the end justifies the means in certain parts of the Executive Branch and it is imperative that such actions be brought to the surface for the public view.

Thank you for your efforts.

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BRYN MAWR, PA.

Senator SAM ERVIN,
*U.S. Senate Office Building,*
*Washington, D.C.*

DEAR Senator ERVIN: I wish to applaud your conduct of the Watergate investigation. While this subject certainly deserves complete investigation, I believe an even larger danger lies in the recent actions of Federal Narcotics agents in Collinsville, Ill.

You are probably aware that these agents broke into two homes without warrants or authority. Gestapo tactics such as this deserve a thorough Congressional investigation. I earnestly hope that you will pursue this matter.

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COMMITTEE ON THE JUDICIARY,
*Washington, D.C., May 7, 1973.*

Mr. MYLES J. AMBROSE,
*Special Assistant Attorney General, Drug Abuse Law Enforcement Office, Department of Justice, Washington, D.C.*

DEAR MR. AMBROSE: I have just read of a recent incident involving the search by agents of the Office of Drug Abuse Law Enforcement (DALE) of the homes of Mr. and Mrs. Herbert Giglotto and Mr. and Mrs. Donald Askew of Collinsville, Illinois. My knowledge of the situation is limited to the information reported in the *Washington Post* on April 30th.

I am particularly concerned about the manner in which the search was conducted. According to the *Post* story the agents of DALE entered the two houses without warrants, kicked in the doors without warning, shouting obscenities and threatened the inhabitants with guns. The Giglottos and Askews were terrified and only temporarily relieved when the agents left after discovering they had entered the wrong house.

Please answer the following specific questions concerning these incidents:

(1) To what extent is the account in the *Post* article accurate?

(2) Along with a specific description of any inaccuracies in the *Post* story, please also provide me with the factual background which lead the DALE agents to resort to a warrantless, no-knock search?

(3) I assume that this search was conducted pursuant to section 879 of Title 21 of the United States Code. If not, please provide me with the correct statutory authority.

(4) Please provide me with the DALE rules, regulations, orders, directives or policy statements governing the conduct of its agents while engaging in search and seizure with or without warrants. Please also provide me with any information on disciplinary action taken by DALE against the agents involved in these incidents.

(5) How many no-knock warrants have been requested by DALE and the Bureau of Narcotics and Dangerous Drugs since the passage of section 879? How many such warrants have been granted? How many were executed? If you do not have precise figures please provide estimates of the total numbers and estimates of the frequency with which requests for such warrants are granted.

(6) How many warrantless, no-knock searches have been conducted since the passage of section 879? If no precise figures exist please provide estimates.

(7) Of the total number of no-knock searches both with and without warrants, how many have resulted in complaints by citizens such as the Askews and Giglottos? Please provide a list of such complaints as well as a brief description of the factual circumstances surrounding each complaint.

Your prompt personal attention to this matter will be much appreciated. With all kind wishes,

Sincerely yours,

SAM J. ERVIN, JR.,
*Chairman,*.

## THE PROPOSED DEMOLITION OF THE WAR MEMORIAL NATATORIUM IN HONOLULU

Mr. INOUYE. Mr. President, I would like to bring to the attention of the Senate a matter of grave concern to the people of Hawaii. It involves the War Memorial Natatorium in Honolulu, Hawaii. There has been a proposal to demolish this historic structure as part of the Waikiki Beach improvement project.

I firmly support efforts to preserve the War Memorial Natatorium from falling prey to the current demolition project. As I believe we have destroyed enough of pre-World War II Hawaii, I am fully supportive to current efforts to preserve, restore, and improve this historic landmark. The War Memorial Natatorium was dedicated on August 24, 1927, in memory of those individuals who lost their lives during World War I. Over the years, the Natatorium became a popular and unique saltwater swimming facility. The public swimming pool was more than just a place for competitive swimming. It was utilized for informal recreation as well as for swimming instruction and organized athletic competition for both young and old in Hawaii. The Natatorium has been placed on the Hawaii Register of Historic Structures and an application is being processed to have it placed in the National Register of Historic Structures.

In 1949, the State of Hawaii turned the Natatorium over to the city and county department of parks and recreation for maintenance and upkeep. Unfortunately, this historic and unique structure was grossly neglected over the years and is badly in need of repairs. The State of Hawaii, the city and county of Honolulu and the U.S. Army Corps of Engineers are in favor of demolishing the structure to expand the beach space on Waikiki Beach. However, I do not believe that destruction of the Natatorium is the only alternative to resolving this problem. Proponents of the movement to preserve the Natatorium include the Natatorium Preservation Committee, the Engineering Association of Hawaii, and various veterans groups. The supporters of this movement believe that if properly restored, the Natatorium could be utilized for aquacade shows, musical concerts, or theatrical plays, as well as maintain its swimming facilities for public use.

Many of the historic structures that were constructed when Hawaii was still a territory of the United States have been destroyed to make way for commercial ventures and other development projects. If we continue to permit such adverse changes to occur, we stand to lose much of the heritage and history of old Hawaii. I hope that this never becomes a reality.

## THE TIMBER EXPORT ADMINISTRATION ACT

Mr. CRANSTON. Mr. President, on February 28, Senator CHURCH and I joined Senator PACKWOOD in introducing the Timber Export Administration Act of 1973. S. 1033 puts an immediate ban on the export of Federal timber and phases out log exports from State and private lands over 3 years. Senators ABOUREZK, DOMENICI, HARTKE, MCGOVERN, MONDALE, and TUNNEY have since become cosponsors of S. 1033.

I believe this legislation is essential to cool down lumber prices and protect American jobs and businesses. Recently on May 5, the New York Times came out in support of S. 1033. This editorial marks a departure for the Times which traditionally opposes trade restrictions. The reasons why the Times supports a ban on log exports are succinctly put and I believe they should be shared with the entire Senate. I ask unanimous consent that the Times editorial of May 5, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIMBER!

The skyrocketing price of lumber has induced the Nixon Administration to appoint a task force whose job will be to plan an increase in the timber cut of the national forests; and it is all too predictable that any increased timber cut will be at the expense of the forests themselves. Such a course would be indefensible and unnecessary.

The United States is currently exporting some 5.5 billion board feet of softwood logs and lumber, 85 per cent of it to Japan. It need only curtail that practice sharply to ease the supply for Americans.

Senator Packwood of Oregon is pressing for a measure that could at the same time increase the supply of wood for domestic needs and prevent the national forests from being raped. He wants a restriction not only on the export of all logs from the national forests but, in a phased program, from state and privately owned forests as well. His bill would allow for a controlled resumption of such exports whenever a drop in domestic demand warranted such action.

This newspaper took the opposition stand, on liberal trade grounds, when a similar ban was proposed in 1968. But the situation now is far graver than it was then; prices are much higher; the need for housing more desperate and the danger to the forests now more acute and therefore less tolerable. The classic argument for free trade is persuasive, but we feel it has to be balanced against the fact that no country can for long afford to export raw materials in seriously short supply at home.

Even less cogent is the case against an export ban that rests on the need to restore this country's balance of trade. Against the 5.5 billion board feet of logs which the United States now exports, 9 billion board feet of finished lumber from Canada are being imported. The proposed reduction in export of raw logs could only improve a trade balance that now operates on the nonsensical basis of selling cheap to Japan and buying dear from Canada.



## COAL AND AMERICA'S FUTURE

Mr. MOSS. Mr. President, the Congress and the American public face some hard decisions in the next year on the energy crisis, not the least of which will be how we meet the challenge of coal and its use.

Coal is essential in our groping for a way out of the energy dilemma.

No one in the Senate understands the problem of coal and the environmental effects of its use better than Senator RANDOLPH of West Virginia.

In an illuminating speech before the American Mining Congress at Pittsburgh, he defines the problem and its challenge. I ask unanimous consent that the speech be printed in the RECORD for the benefit of the Senate.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ENERGY AND AMERICA'S FUTURE

AN ENERGY-ENVIRONMENTAL POLICY IS NEEDED FOR AMERICAN ENERGY SUPPLIES

It is gratifying to be invited to address this 1973 Coal Convention of the American Mining Congress.

During the next two years, the Congress, your industry—and others—and the American people will be extensively involved in evaluating the status of our national quest for sufficient energy supplies to meet our country's economic requirement—consistent with Federal and State environmental policies.

At issue is the adequacy of the commitment by government, industry, and the public toward simultaneous achievement of environmental *and* energy goals—for both of these goals are currently jeopardized.

However, I offer the following words of warning: Don't become absorbed in the debate over whether or not government has overreacted on the environmental issues and miss the forest. For we are in an energy crisis.

REALISM IS NEEDED

Without question, there is need for realism in our country's structuring and implementation of environmental policies. While some of the prevailing policies may be unduly restrictive—until they are rescinded or amended—they are the law of the land, and must be taken seriously.

Admittedly, we—the United States of America—have NOT done well in finding a suitable or equitable balance between energy and the environment. There is blame on all sides. Whatever the cause, the long-term success of Federal environmental policies is threatened. Equally, our vital energy base, our economy, and our security—our *national* security—are seriously endangered.

Why? Because the respective spokesmen for environmental and economic interests have made insufficient efforts to sit down together—to reason together. Instead they have performed in the role of pressure groups seeking to make the Congress an arbitration board. I say that, through discussion—in a spirit of compromise—there must be developed a consensus on immediate and long-term environmental objectives that mesh—NOT clash—with our country's energy policies.

PRESIDENT NIXON'S 1973 ENERGY MESSAGE

On April 18, President Nixon transmitted to the Congress his much delayed Message Concerning Energy Resources. And, last Tuesday, the Senate Committee on Interior and Insular Affairs held hearings on the President's Energy Message. This Senator and other ex-officio members for the Senate's National Fuels and Energy Policy Study participated in this hearing.

Senator Henry Jackson of Washington, Chairman of the Interior Committee, and this Senator from West Virginia, Chairman of the Public Works Committee, co-sponsored the study resolution. And, I give you assurance that this Senate study is making real progress. Our work over many months enabled us to better evaluate the President's message.

Frankly, ladies and gentlemen, I was disappointed by the tone of that document from the White Houes. It had too much "business as usual" ring, even in the face of crisis. I have not heard anything that gives me reason to change in any substantial degree the opinions I expressed in the Senate within hours of receipt of the President's Energy Message.

Although the Message of April 18, 1973, is considerably more ambitious than was his "clean energy" message of June, 1971, this newer one fails to define the elements of a real fuels and energy policy *in the nation's interest*. It more appropriately can be viewed as a declaration of intent. But it clearly is not a meaningful description of the national policy which this country needs so critically.

Now, the Congress, as provided for in our Constitution, must formulate our country's energy priorities in the establishment of a true National Fuels and Energy Policy. And, the Executive Branch must assume its Constitutional function to implement and administer statutory policies or recommend their modification.

There are several areas that require immediate attention by the Congress: emergency or strategic supplies; oil import controls; and the development of new energy technologies.

EMERGENCY POWERS

The President's message provides recognition of anticipated short-falls in supplies of basic energy resources and their conversion products; however, it does not include a proposal for assuring that essential uses are satisfied during periods of curtailment of energy supplies such as gasoline, diesel fuel, heating oils, or low sulfur fossil fuels.

The Economic Stabilization Act of 1973, which was signed by the President last week, contains a limited mechanism for allocating available fuel supplies during emergency situations or shortages. Senator Jackson's proposed Emergency Fuels and Energy Allocation Act of 1973 (S. 1570), would provide more extensive authority for this purpose. The issue is not whether shortages will occur but how to deal with them.

OIL IMPORTS

A principal thrust of the President's Message is abolition of the Mandatory Oil Import Quota Program; it is to be replaced by a permit program and license fee. As I understand the new program 1973 levels of imports are assured. Also, initially the fees are to apply to future increases in imports. However, over the next seven years the fees will be extended to all imports as a discentive against imports.

Two aspects of this proposal disturb me: First, it has all the signs of a revenue measure rather than a proposal to manage or limit oil imports. And, second, the President proposes to create this program by Executive Order—not by statute—without an input or review by the Congress. Without question both these aspects of the President's oil import program deserve careful Congressional scrutiny.

GUNS VERSUS BUTTER

There is another point, however, that must be mentioned.

The administration seems to show too little concern for the foreign policy and economic implications of extraordinarily large imports of oil and liquefied natural gas. For this is occurring at a time when we are on the brink of entering into an era of cut-throat competition for limited international energy supplies with our allies in Europe and Japan.

Now, consider with me these evaluations and estimates by some usually reliable North American economic sources:

Energy imports this year will cost $7 billion and will rise to at least $9 billion next year—and will cost between $11 billion and $15 billion by 1975. Under current trends, North African and Arabic countries will accumulate $150 billion to $200 billion from 1980 to 1985. These countries could store up money reserves exceeding those of ALL world central banks combined, unless investment opportunities are provided internationally for this capital.

Now, isn't this incredible? Some economic authorities doubt whether the U.S.A. can afford to pay such annual bills overseas without the consequences of depression or a generally reduced living standard—and possibly worse conditions.

In other words, our current course endangers our economic position as a world power as well as our national security.

If we are so deficient in energy supplies at home that we may have to place more than 50% of our reliance on foreign oil and gas, how reliable will be our national defense?

We, in the U.S.A., are coming back to that big question—that big confrontation, namely, "guns versus butter". But, in actuality, there never has been a nation so rich that it did not have to come to a facing of the question; "How many guns and how much butter?"

How many people know that even though our country's fuel need for defense is the lowest in 13 years, we still are having trouble filling the demand at that scaled-down level? Notwithstanding, our Navy and our bombers consume petroleum products as if they were water in their wide and questionable sweeps over Indochina.

What is disturbing, however, is the fear creeping in on us from outside our borders that there is a danger of seizure of Middle East energy supplies by force of arms; this probably would trigger World War III.

This frightening potential makes it clear that our first priority must be positive Federal initiatives in energy conservation. Our second priority must be prompt development of new energy technologies and energy supplies from domestic American sources.

Our national interest—perhaps even our

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national survival—demands that we as a Nation take positive steps to be more energy self-sufficient. It is essential that we maximize the extent to which our needs can be met from secure sources by increased development of all types of domestic supplies, and by more efficiency in energy usage.

An energy company executive observed that it is important for us to remember that our dilemma is man-made—and that we still have abundant American energy sources to draw upon. In oil and gas, we are reminded, we have a very large potential resource base remaining to be developed offshore and in Alaska. There are also huge potential reserves in the shale deposits in the Rocky Mountain area—and nearby in Canada in its tar sands.

Our coal reserves are vast, and, although coal is in a clash with environmental law and regulatory administration and enforcement, it can be a real contributor to our domestic energy supplies and emergency reserve. Coal can be, and should be, an important near-term source of clean synthetic fuels through gasification and liquefication. However, the cost of either oil or gas from coal or lignite or shale will be higher than what we have been accustomed to. Nevertheless, these secure resources are awaiting development at home. This certainly beats reliance for energy—and security—on foreign sources.

NEW ENERGY TECHNOLOGIES

From press reports, I am encouraged to believe that the President's Message would support increased Federal funding of new coal based energy technologies. For they are needed to assure the over-all viability of domestic energy supplies.

Yet, the President took a very bland approach to the necessary rejuvenation of coal. The President's Message continues to place the burden for the development of new energy technology on the private sector.

Coal is generally recognized as the only domestic alternative to oil imports. At stake is the essential role of this domestic resource in our future energy economy.

The President's Message does little to build upon existing programs which are already constrained by inadequate funding. The thrust is to continue the Federal government's previous bias toward nuclear energy research. The cornerstone of the Administration's proposals is a $21 million Department of the Interior "Central Energy Fund."

This limited approach by the Administration convinces me that the Federal Energy Management Project proposed by Senator Jackson and Magnuson and myself, on March 19, is an absolute necessity. The National Energy Research and Development Policy Act of 1973, is a step in the right direction toward joint government-industry demonstration, on a commercial basis, of new energy technologies.

Yet, the one word that most aptly summarizes National Coal Policy is "uncertainty." The present situation was cogently described, last August, by the National Coal Association's Executive Vice President as one of—

"Uncertainty about the continued viability of the coal industry in the face of this Nation's increasing dependence on oil imports; uncertainty about coal's present and future markets due to the increasingly restrictive environmental regulations with no commensurate development of the technology necessary to meet those standards; uncertainty about the ability of coal companies faced with declining productivity and onerous price controls to attract the necessary capital to insure not only their growth, but their continued existence in a capital-intensive industry; uncertainty about mining methods and the ability of coal producers to tap the vast stores of coal found in this country; and uncertainty about the resolve of the Nation to swiftly develop a comprehensive national energy-environmental policy which will help solve these problems."

In short, time is of the essence. Unless we immediately come to grips and resolve these issues this situation can be expected to deteriorate further.

The current lack of definitive Federal policy guidelines has acted to create a constrained and semiretired coal industry which is unable to respond with the capital, production, and economic vigor necessary to support a new big synthetic gas and oil industry, as foreseen.

Even if it were possible, it would be unrealistic and fool-hardy to consider placing our domestic coal industry in mothballs, awaiting the ultimate development of environmentally acceptable means for the extraction and use of coal. The industry is a high-cost, complex, skilled-labor industry, reactive to public policy and market demands. Provided the uncertainties are removed from public policies, the coal industry is capable of assuming its vital role in our future energy economy.

Beginning on June 6, I will convene hearings on factors affecting the use of coal in present and future energy markets. These hearings are to be held by the Senate's Energy Study and were announced this morning by Senator Jackson.

CONCLUSION

The challenge is there—the question is our national acceptance and commitment to meet our energy requirements consistent with environmental policies.

As a Nation, we are now being called upon to exercise stewardship over our natural resources in unprecedented ways. I am reminded of the words of the philosopher George Santayana who once wrote that, "Those who do not understand history are doomed to repeat it." As a country, we have learned to our sorrow the wisdom of this statement, particularly with regard to the irrecoverable degradation of our environment. As a Nation, we have a choice between repeating the mistakes of the past and responsible stewardship over our natural resources.

Those of us in the Congress, who have primary legislative responsibilities, are aware that laws alone will not insure the protection and enhancement of environmental quality. We also must have the full cooperation and participation by both the public and private sectors as well as the consumer, himself.

One factor is clear to me, namely, that the Administration should change priorities with decisiveness and dispatch. I say this because I see so little evidence of program adjustments to enable an ultra-high priority attack to be made on problems at the center of the energy crisis.

It is an absolute must that our country be made far more energy self-sufficient. In doing so, we must shift some defense, space, and nuclear programming and funding to non-nuclear energy programs in order to shore up the energy base.

What good are military machines and space vehicles unless we have sufficient energy to build them—replace them or their parts—and to operate them?

And what kind of country will be ours if our limited energy supplies must go largely to the military?

May I suggest that you cogitate on those questions!

## THE BYRD AMENDMENT ON VETERANS MEDICAL SCHOOLS

Mr. PROXMIRE. Mr. President, this morning the Subcommittee on HUD, Space, Science, veterans of the Appropriations Committee marked up the budget estimates for which it has responsibility in the second supplemental appropriation bill. In addition to the items submitted by the administration for consideration, the subcommittee considered an amendment to the budget of the Veterans' Administration, which was presented to the subcommittee by our distinguished majority whip, ROBERT C. BYRD of West Virginia.

Senator BYRD's amendment proposed an appropriation of $25 million to implement Public Law 92–541, $15 million of which was for implementing subchapter I of the bill and $10 million for the entire bill. In support of the Byrd amendment were Senators ALAN CRANSTON, the senior Senator from California, and his distinguished colleague from West Virginia, chairman of the Senate Public Works Committee, Senator JENNINGS RANDOLPH.

Under subchapter I of Public Law 92–541, there is authorized $175 million for a pilot program to be carried out over a 7-year period which will, in effect, establish eight new medical schools in locations contiguous to Veterans' Administration hospitals. In subchapters II and III a total of $50 million a year for 7 years, aggregating $350 million, would be available for assistance to existing medical schools and other health facilities as well as expanding VA hospital education and training capacity.

The subcommittee felt it should have further information concerning the use of the funds before acting on the request of Senator BYRD and the other Senators who cosponsored his amendment. In view of this, the subcommittee deferred action on the amendment, but it did so without prejudice.

The proposed amendment can be considered by the full Appropriations Committee when it marks up the second supplemental bill on Tuesday morning, May 15.

## REFORM OF THE AMERICAN PATENT SYSTEM

Mr. McCLELLAN. Mr. President, the Congress, and particularly the Senate Subcommittee on Patents, Trademarks, and Copyrights, have been engaged in consideration of legislation for the reform of the American patent system. The subcommittee during the 92d Congress reported legislation for a modest general revision of the patent laws, but no further action was taken partly due to a substantial difference of opinion among the members of the Committee on the Judiciary concerning certain provisions of the legislation.

A major factor in delaying action by the Congress has been the inability of the executive branch to agree on an administration position concerning proposals for the reform of our patent system. On September 21, 1972, the minority leader and I wrote a joint letter to the President in which we urged him to direct the appropriate departments of the executive branch "to undertake renewed efforts to formulate an administration position on patent law revision." We expressed the hope that the President would communicate his recommendations upon the convening of the 93d Congress since these issues have been under study in the executive branch for a protracted period.



The administration has not yet submitted its recommendations, and I have been unable as chairman of the subcommittee to ascertain when the Congress may anticipate receiving such recommendations. The distinguished senior Senator from Michigan (Mr. HART) has introduced S. 1321, for the general revision of the patent laws, and has requested subcommittee consideration of that legislation. In addition, the American Bar Association and the American Patent Law Association have formulated their recommendations for a general revision of title 35. Under these circumstances it may be necessary for the subcommittee to process patent revision legislation without the benefit of any further contribution by the executive branch.

The May 1973 issue of Fortune contains an article by Mr. Robert G. Hummerstone, "How the Patent System Mouse Traps Inventors." Mr. Hummerstone has carefully researched the subject of patent reform and his article is an informative statement of the various points of view. Mr. Hummerstone reviews the many problems confronting the patent system and presents certain of the recommendations of the Commissioner of Patents, Mr. Robert Gottschalk. Commissioner Gottschalk has warned that confidence in the patent system has been undermined and that "We can't Mickey Mouse around while faced with technological challenges from other countries."

Mr. President, in view of the importance of this subject to our economy and technological development, I request unanimous consent that the article from Fortune be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW THE PATENT SYSTEM MOUSETRAPS INVENTORS

(By Robert G. Hummerstone)

The U.S. patent system has traditionally held out glittering promise, to schoolboys who dream of becoming Edisons and to grown-up investors searching for another Xerox or Polaroid. As the reward for building that better mousetrap, a U.S. patent confers a legal monopoly for seventeen years, during which the patent holder can try to get rich by extracting as much profit from his discovery as the market will allow.

In truth, the patent system has traditionally been full of pitfalls as well. The courts have great leeway on deciding what constitutes authentic "invention," and despite many attempts at definition, decisions are still as subjective as they were more than a century ago. To add to the uncertainty, judges seem to be influenced by the changing tides of public opinion about business. The Supreme Court threw out only about 40 percent of the patents that came before it during the business expansion just after the Civil War, but about 85 percent in 1890 (when business was in bad repute and the Sherman Antitrust Act was passed). There was a similar shift in judicial opinion after the business boom of the 1920's collapsed. "When the public is down on business, patents go with it," says Robert F. Peck, a patent attorney at Polaroid Corp.

Now patents are once again being subjected to very strict tests in the courts. From 1966 to 1971, according to a study by Professor Irving Kayton of George Washington University Law School, federal courts of appeal invalidated 69 percent of the patents brought before them, the highest percentage since the mid-Fifties. And last year the Supreme Court decided against the patent holders in two precedent-setting cases. In *Deepsouth vs. Laitram* the court ruled, five to four, that Deepsouth Packing Co. was not infringing Laitram Corp.'s patents by manufacturing components of a patented shrimp-deveining machine in the U.S., completing all but the final stages of assembly, and then shipping the parts out of the country for final assembly and sale. Laitram had never contended that its patent rights extended outside the U.S., but it had believed that its patent would protect it from such an obvious end run around the law. In the second case, the court ruled that computer software is not a "process" as defined by the Patent Act of 1952, and that if Congress wants software covered by patents, it will have to change the law.

As if an extremely strict interpretation of the patent law were not enough of a problem for inventors, the courts have outlawed licensing arrangements by which patent owners have sought to gain the maximum possible leverage from their inventions. For example, a patent holder used to be able to require that the licensee, to get a license on one patent, must also sign up for licenses on a "package" of other patents. The holder might specify that the licensee could not challenge the validity of the patent while the license was in force. Both these practices have been struck down, and both the Federal Trade Commission and the Antitrust Division of the Justice Department have served notice that they will move against any licensing practices that allow a patent owner to control commerce beyond the boundaries of his patent grant.

Inventors and patent lawyers are thoroughly alarmed at the drubbing they have been taking in the courts. They have an ally in Robert Gottschalk, the U.S. Commissioner of Patents, who warned recently that confidence in the patent system "has been shaken by a series of court decisions running in a tide against the patentee, and undermining the freedom and certainty so essential to effective patent licensing and effective functioning of the patent system." Gottschalk fears that businessmen caught in "unfair" and "irrational" court decisions "will hesitate to go back to the laboratory and invest more money in reliance on a patent system that lets them down." And the commissioner warns: "We can't Mickey Mouse around while faced with technological challenges from other countries."

Although the point cannot be proved one way or the other, a good argument can be made that the Supreme Court's standards for patentability are somewhat more stringent than Congress intended, and have been ever since that 1966 decision in *Graham vs. John Deere* described on the opposite page. It also seems reasonable to assume some connection between the effectiveness of patent protection and the level of investment in research and development. And if the discovery of new technology is impeded by unwise patent policy, everybody suffers, including those consumers the FTC and Justice have set out to protect through a vigorous enforcement of antitrust law.

POLAROID IS NOT WORRIED

But there is no agreement among experts in patent law that the hostility of the courts toward patents has been pronounced enough to damage the economy—at least so far. Polaroid's Robert Peck says, for example, "I've always assumed that if we are truly innovative we will have protection." Alan Ward, director of the FTC's Bureau of Competition, points to "the complete lack of empirical evidence that antitrust is a bar to technological development."

In any event, since the question of what constitutes invention is ultimately subjective, inventors have no good recourse from the standards being used by the courts. Patent attorneys generally agree that the *letter* of the law—that the invention not be "obvious . . . to a person having ordinary skill in the art"—is about as fair as possible. The only way to change the interpretation of the law is to change the Court. In this connection, the patent bar takes solace from the fact that all four Nixon appointees dissented from the decision in *Deep-south*. Although that particular case dealt with a rather special point of patent law, lawyers consider it something of an index of judicial attitudes.

While waiting for a friendlier Court, a majority of the patent community has joined in an effort to restore the inventor's traditional freedom in licensing. Legislative proposals were drawn up by a group of Pennsylvania patent lawyers and introduced by Senator Hugh Scott in 1970 as a series of amendments to a relatively noncontroversial bill to streamline the patent system. Backed by the Patent Office and its parent, the Department of Commerce, by most of the patent bar, and by the National Association of Manufacturers, the Scott amendments would specifically legalize a number of controversial licensing practices and generally permit any arrangements that are "reasonable under the circumstances to secure to the patent owner the full benefit of his invention and patent grant."

WHERE LAWS COLLIDE

The Scott amendments, which have been vigorously debated before the Senate subcommittee on patents, trademarks, and copyrights, demonstrate quite clearly the natural and fundamental antipathy between those legal monopolies granted by the Patent Office and the restrictions of the Clayton and Sherman antitrust acts. For example, inventors through the years have quite often charged lower royalties for licensees who got in on the ground floor of development. In doing so, a patent holder may be merely developing the market for his product with a view to maximizing his long-term profit. Patent lawyers agree that it is the intention of patent law that the inventor be able to control the product cycle through licenses just as he would be able to do if he could afford to develop and market the product himself.

But the Justice Department argues that a large corporation might use preferential royalty rates, or other licensing wrinkles, in order to fix prices or stifle competition in ways never intended by the patent law. It might favor a competitor that was powerful enough to develop a competing product, but exclude everybody else from the market. In the drug industry, for example, patentees used to be fond of writing into licenses that the pharmaceuticals could not be sold in bulk, but only in small (and therefore more expensive) dosages. According to the FTC, competitors sometimes agreed to pay small royalties even though they could have developed variants of the drug themselves. In such a case, the patent is something of a subterfuge, and the agreement as to conditions of sale becomes a pretext for price fixing.

Licensing agreements may also be used to *avoid* innovation. In fact, the FTC's Alan Ward says, "I've seen more agreements not to innovate than to innovate." He mentions in particular a cross-licensing arrangement under which the auto manufacturers agreed to share pollution-control technology. Four years ago the Justice Department filed a complaint charging that the arrangement took away incentive to compete and that, in several instances, the manufacturers had got together and agreed to hold back on introducing new pollution controls. The defendants denied Justice's allegations, but never-

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theless agreed to a consent decree dissolving their cross-licensing arrangement. The state of California has since filed suit against them for triple damages.

ANTITRUST'S FREE HAND

Both the FTC and the Justice Department have been working to defeat the Scott amendments. They contend that the amendments would legalize some licensing practices that are now clearly illegal. They argue, further, that other licensing agreements vary in intent and effect and so should not be governed by sweeping statutory rules. Each license must be judged in light of its particular circumstances, says Richard H. Stern, chief of the Patent Section in the Justice Department's Antitrust Division. A licensing practice that would be forbidden to a company dominant in its field might be permissible for a small company or an individual inventor.

If the Justice Department concluded, for example, that the sole purpose of a "field-of-use" license covering only one product line was to cut down on competition, it might well take the case to court. On the other hand, if Justice concluded that such licenses were necessary to bring a new invention to the market, it would not challenge the arrangement, at least not at first. Similarly, most sliding royalty scales are judged individually by this "rule of reason." The Scott amendments, however, would allow such arrangements in all cases, regardless of their effect on competition.

Stern argues that the patent bar is muddling issues, seeking exemptions from antitrust to compensate for the fact that so many patents get thrown out by the courts. The patent bar itself is far from unanimous in its support of the Scott amendments. Polaroid's Peck calls them "a giant step backward." Marshall Dann, a lawyer for Du Pont and president of the American Patent Law Association, supports the amendments but thinks they "go overboard." On the other hand, no patent attorney is exactly happy about the great leeway now permitted the FTC and Justice—particularly since they have, in the past, challenged licensing arrangements in which the benefit to the patentee was indisputable and the threat to competition rather nebulous. The landmark decision against differing royalty rates was the 1966 case of *LaPeyre vs. FTC*. The company had based royalties for its patented shrimp-peeling machine on the price of hand labor in the Gulf of Mexico, where the machine was first put into use. Later, when the machine was used for the smaller pandalid shrimp of the northwest Pacific coast, LaPeyre tried to double the royalty, since the workers being displaced by the machine were making at least twice the Gulf Coast rate. The FTC successfully argued to the Fifth Circuit Court that LaPeyre, by charging the higher rates, was illegally discriminating, against Northwest canners. But the Northwest canners, argue critics of the decision, were put to no new competitive disadvantage by the machine. LaPeyre, by licensing, was merely collecting the reward for invention that would have been otherwise available had it used its new machine to go into the Northwest canning business on its own.

THROUGH A PINHOLE GAUGE

Quite apart from the superior flexibility of case law to statute, the FTC and Justice like the present system for another obvious reason: given the attitude of the Supreme Court on antitrust, they are odds-on to win. The patent bar would agree with an assessment of the Court's position offered last year by former Federal District Judge Simon H. Rifkind, who was co-chairman of a 1966 President's Commission on the Patent System: "The antitrust laws are invariably given an expansion reading, as expansive as the language will tolerate. The words of the patent statute, in contrast, to my reading, seem to be extruded through a pinhole gauge."

The Nixon Administration finds itself on both sides of the battle over licensing, with the Commerce Department lobbying for its version of the Scott amendments while Justice and the FTC campaign against them. The White House has so far taken no position at all. The amendments were voted down in subcommittee in 1971 by a margin of three to two and will probably be reintroduced in some form this year. Their prospects for passage are not bright unless they can be redrafted to attract broader support—perhaps by defining licensing freedoms in ways that seem less susceptible to abuse.

In the meantime, patent reform has been stymied in Congress. A veteran New York patent attorney complains: "The American Patent Law Association devoted innumerable man-hours—unpaid at that—to patent-law reform. And it all went down the drain because of those damned Scott amendments."

The basic reform bill provided for a number of modest procedural shortcuts that would make obtaining a patent somewhat simpler and cheaper. The average patent now pends for two years, and the inventor's legal fees can run into thousands of dollars. The bill would not, however, clear up the biggest single bottleneck: the creaky manual search system that dates back to 1836. Despite the thousands of computer-related patents that lie in the files, attempts to computerize the Patent Office's own operations have thus far largely failed. Patent lawyers and the 1,100 examiners who rule on applications can spend days determining whether a particular gadget has already been invented.

While the system certainly needs to be simplified, Commissioner Gottschalk argues that it also needs strengthening. In Germany and Japan, less than a third of patent applications are approved, compared to 70 percent in the U.S. As might be expected foreign patents are far likelier to stand up in court. Says one Washington attorney: "The lawyers get their patents in a closed-door hearing before some young kid working as an examiner to put himself through law school. You couldn't get a license for a television channel that way. Then they're shocked when the judge doesn't uphold them."

Gottschalk recommends the institution of some sort of adversary procedure to weed out bad patents before they are granted. One possibility is the German system of "opposition," allowing a six-month period before the patent is issued for competitors to bring forth evidence against granting. As a backup to this system, one official at the Justice Department has suggested a "public patent counsel," who would be empowered to argue against the granting of patents in selected "important" cases. Since a patent lawyer for a big company has more time to make a thorough search than does the patent examiner, Justice would also like to see applicants file briefs making their own patent searches available to the examiners.

WHICH SIDE IS FRAUDULENT?

Still other innovations may be needed to deal with the newest problem to bedevil the patent system: an epidemic of fraud charges—most of them thought to be spurious—against patent holders. The trend began after the Supreme Court ruled in 1965 that excluding competition from the market by a fraudulently obtained patent is a violation of the antitrust laws and punishable by triple damages. Since much may be gained and nothing lost, lawyers now routinely allege fraud whenever they defend a patent-infringement suit. To help get to the bottom of these charges, the Justice Department would like to require every individual—lawyer, inventor, or company executive—involved in prosecuting a patent application to sign an oath or other statement affirming that all pertinent information has been disclosed. A somewhat less inclusive oath is now required only from the inventor.

A chief complaint of the patent bar is that the average judge knows little about technology and less about the process of invention. There seems to be good basis for this complaint. The law is applied so unevenly that while nearly 50 percent of patents are affirmed in the Midwest's Seventh Circuit Court of Appeals, the nearby Eighth Circuit has upheld only one patent since 1966. To ensure that complex patent cases are heard by judges who understand them, a number of plans have been put forward for setting up special patent courts. A leading California patent attorney, Richard L. Gausewitz, has recommended trying all cases before "patent-experienced judges"—as in the British system. Gottschalk and most of the patent bar favor some such arrangement.

THE COST OF UNCERTAINTY

In the end, of course, an invention will be an invention only if the Supreme Court says it is. But if the patent community could agree on a package of major reforms and push them through Congress, it is possible that patents would become more credible even to the courts. Reforms would at least eliminate some of the aggravation, uncertainty, and expense of the present system, which grants patents generously with one hand and takes them away with the other. For the large corporations that own more than half of all patents, the greatest cost of the system is its uncertainty. The most seasoned patent lawyer is frequently unable to predict with any confidence whether a multi-million-dollar investment in a new product will be protected by the patent law. As for that other main client of the Patent Office, the lone-wolf inventor is hardened to uncertainty, but he often cannot afford the expense of a patent-infringement suit. If his opponent is one of those major corporations, he will be facing ranks of lawyers and professional witnesses, men who make a living by solemnly affirming that contested inventions either were or were not "obvious" to persons skilled in the art. Both the lone wolves and the corporations would benefit from a system that granted fewer patents but stronger ones.

## EMIGRATION FROM THE SOVIET UNION

Mr. KENNEDY. Mr. President, the difficulties encountered by Soviet citizens who wish to leave their homeland—often to join family members and friends overseas—have long been an active concern of many Americans and also of the Judiciary Subcommittee on Refugees, on which I serve as chairman. Apart from the overall issue of free emigration to Israel and other countries, the subcommittee has focused a great deal of attention on the flow of Soviet emigrants to the United States and the kinds of efforts our own Government is putting forth to expedite and facilitate this movement.

On February 8, I addressed a letter of inquiry to Secretary of State Rogers regarding Soviet emigration. In light of the continuing congressional and public interest in this issue, I ask unanimous consent to have printed in the RECORD a recent statement reflecting some voluntary migration agency concerns over emigration to the United States, and my exchange of correspondence with the Department of State.



SENATOR KENNEDY COMMENTS ON EMIGRATION OF JEWS AND OTHERS FROM SOVIET UNION—MAY 6, 1973

Senator Edward M. Kennedy, Chairman of the Judiciary Subcommittee on Refugees, today charged the Nixon Administration with "broken promises in fulfilling its commitment to expedite the emigration of Jews and others from the Soviet Union to the U.S.

"Some 18 months ago, after growing congressional and public appeals, Attorney General Kleindienst finally announced his willingness to exercise his authority, under Section 212(d)(5) of the Immigration and Nationality Act, to parole Soviet Jews and others into the United States. While the Administration should be commended for the progress made in recent months, the record will also show that the implementation of the Attorney General's decision has never been fully carried out, and continues to be bogged down in a litany of good intentions and red-tape.

"The time is long overdue," said Senator Kennedy, "for our government to expeditiously fulfill its commitment to those in the Soviet Union who are looking to our country for comfort and hope, and to their relatives and friends here who have waited so long."

Senator Kennedy noted that on April 5 six private voluntary migration agencies—representing the American Council of Voluntary Agencies in New York—submitted an "urgent recommendation" to Attorney General Kleindienst on facilitating the movement of Soviet emigrants to the United States, so as to save "time and expenses" and avoid "many personal hardships" for the refugees. Subsequent appeals for action also stated that Soviet Jews and others wishing to come to the United States—often to join relatives in this country—"are not being processed expeditiously."

Senator Kennedy said: "These appeals for help by the voluntary agencies have not even been acknowledged, let alone answered. It distresses me that such conditions exist within our government. It underscores once again the Administration's frequent insensitivity to people problems of great concern to many Americans. Tokenism and lip service toward humanitarian needs is not enough. What is needed today is responsible action to meet these needs."

Senator Kennedy made his comments in releasing the text of some recent correspondence he has had with the Department of State regarding emigration from the Soviet Union. In a February 8 letter to Secretary of State Rogers, Senator Kennedy inquired about emigration procedures to the U.S., about U.S. funding to facilitate the emigration and resettlement of Soviet emigrants, and about the Department's views and initiatives on the Soviet government's emigration tax.

On March 13, the Department responded to Senator Kennedy's inquiry about the Soviet emigration tax, which has since been waived by the Soviet government. Among other things, the March 13 letter:

Suggested that in some cases the emigration tax was as high as $30,000;

Suggested, based on Soviet sources, "that approximately 90% of those leaving are not affected by the requirement to pay exit fees, having had neither the advanced nor the technical education for which repayment is required";

Noted that "the Soviet government continues to be highly arbitrary in deciding who is allowed to depart, and many applicants for emigration have been fired from their jobs, expelled from institutions of higher learning, or otherwise harassed";

Suggested "that the United Nations represents the most appropriate forum for bringing the plight of Soviet Jewry to the attention of world public opinion"; and

Said that "the fundamental human right of emigration . . . has been raised with the Soviet government".

On April 20, the Department responded to Senator Kennedy's inquiries about emigration procedures to the U.S. and about U.S. funding to facilitate the emigration and resettlement of Soviet migrants. Among other things, the April 20 letter noted:

That "there are currently some 2,200 immigrant visa cases pending at the American Embassy in Moscow . . . the total number of persons involved could be as high as 9,000";

That "the Embassy in Moscow processed about 400 immigrant visa applications in 1972 and about 80 in the first two months of 1973";

That the United States Refugee Program (USRP) in Europe currently contributes $135.00 per capita for the immediate care and transportation of Soviet emigrants to resettlement areas, mainly Israel; and

That $50,000,000 appropriated by the Congress last year is being used to "broaden the scope of this assistance".

Senator Kennedy said that the Department of State's response to his inquiries were "far from adequate", and that the Subcommittee would continue to pursue this issue of great concern to many Americans.

TEXT OF SENATOR KENNEDY'S LETTER TO SECRETARY OF STATE ROGERS

FEBRUARY 8, 1973.

Hon. WILLIAM P. ROGERS,
*Secretary of State,*
*Department of State.*

DEAR MR. SECRETARY: As you know, Congressional and public concern continues over the difficulties encountered by citizens of the Soviet Union who wish to emigrate elsewhere. Over the years the Judiciary Subcommittee on Refugees has closely followed this issue, especially as it relates to Soviet citizens who wish to come to the United States, and the Subcommittee's interest continues.

In light of conflicting information in the press and elsewhere, and in order to help clarify the record on current developments relating to emigration from the Soviet Union, I would like to request the Department's comments and views in at least three areas.

The first area concerns emigration to the United States. In this connection, it would be helpful if the Department could supply the Subcommittee with a definitive elaboration on the various procedures for the admission or conditional entry of Soviet citizens, the kinds of assistance rendered by our government in behalf of the applicants, and the guidelines governing the placement of names on what is called the "representation list". Also what is the current number of pending applicants for admission or conditional entry into the United States, and the range of waiting periods before applicants are able to emigrate?

Secondly, it would be helpful to the Subcommittee if the Department could provide the definitive information on the various humanitarian programs and funding by our government to facilitate the emigration and resettlement of Jews and other citizens of the Soviet Union. Also, what are the contributions of other governments to this effort?

And thirdly, what is the current status of the Soviet government's emigration tax, and what are the Department's views on this issue of concern to many Americans? What is our government's overall policy toward emigration from the Soviet Union, and what recent initiatives have been taken by our government to encourage a greater respect in the Soviet Union for a right taken for granted in so many other countries?

Because of the broad and currently active Congressional and public interest in the issue of Soviet emigration, I am extremely hopeful that the information requested can be made available to the Subcommittee at an early date.

Many thanks for your consideration.

Sincerely,

EDWARD M. KENNEDY,
*Chairman, Subcommittee on Refugees.*

DEPARTMENT OF STATE'S FIRST RESPONSE TO SENATOR KENNEDY'S LETTER OF FEBRUARY 8, 1973

MARCH 13, 1973.

Hon. EDWARD M. KENNEDY,
*Chairman, Subcommittee on Refugees, Committee on the Judiciary, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Secretary Rogers has asked me to reply to your letter of February 8 concerning Soviet citizens who wish to emigrate.

You asked for the Department's comments and views in three areas. A response to the first two (emigration to the United States and humanitarian programs) is in preparation and will be sent to you shortly. Meanwhile, I am glad to provide the following information concerning the third area, the Soviet exit fees.

In August 1972 the Soviet Government began to require applicants for emigration having an advanced or technical education to "reimburse" the state for the costs of their schooling—the more advanced or technical the individual applicant's schooling the higher the reimbursement fee. Although the regulations were put into effect immediately after their announcement, the text (including set schedules of fees) was not published until late January 1973. (A copy is enclosed). The fee schedules set up a sliding scale based on type of educational institution, number of years spent at each institution and degrees obtained. A holder of a Doctor of Science degree obtained at the University of Moscow, for example, might have to pay up to $30,000. The published regulations take account of an individual applicant's length of work in establishing the amount he is assessed; the amount of the assessment may be reduced proportionately to the years he has worked.

However, Soviet Deputy Interior Minister Boris T. Shumilin stated, in an interview of December 26, 1972, that some emigrants have been freed from making any part of th's payment in view of their financial status. He also asserted that approximately 90% of those leaving are not affected by the requirement to pay exit fees, having had neither the advanced nor the technical education for which repayment is required. (The Department is not able to confirm this percentage since the Soviet Government does not publish relevant statistics. As far as the Department can determine, these fees apply to all "educated" individuals, whether Jewish or not, who seek to emigrate from the Soviet Union to non-communist countries.)

We are encouraged to note that the overall monthly rate of Jewish emigration permitted by Soviet authorities continued to rise in 1972. The total for the year (in excess of 31,000) is more than double the 14,000 figure of 1971. Only 1,000 were permitted to leave in 1970. However, the Soviet Government continues to be highly arbitrary in deciding who is allowed to depart, and many applicants for emigration have been fired from their jobs, expelled from institutions of higher learning, or otherwise harassed.

We believe that the United Nations represents the most appropriate forum for bringing the plight of Soviet Jewry to the attention of world public opinion. Our representatives have spoken out in the past concerning the Soviet denial of the right to emigrate and we intend to continue to do so at the United Nations and in other forums.

In a September 17, 1972 speech delivered

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at a public rally in Washington, D. C. gathered to protest Soviet exit visa fees, US Ambassador to the United Nations George Bush stated: "I can assure you that our Government will continue to expend every ounce of energy we can to convey to others this deep commitment to the elimination of discrimination and to the principle that all people have a fundamental right to emigrate." Mr. Bush added that: "We will not rest until families are reunited, until people all around this globe are guaranteed the basic freedoms that the conscience of the world has promised."

I can assure you that the United States Government deeply sympathizes with the plight of those who are denied the fundamental human right of emigration. This matter has been raised with the Soviet Government, and you may be assured that our steadfast commitment to the principles contained in the Universal Declaration of Human Rights has been made known to the Soviets.

Sincerely yours,

MARSHALL WRIGHT,
*Acting Assistant Secretary for Congressional Relations.*

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DECREE

Decree of the Presidium of the Supreme Soviet of the USSR concerning reimbursement of state expenditures on education by citizens of the USSR departing for permanent residence abroad. The presidium . . . resolves "to establish that citizens of the USSR, departing for permanent residence abroad (with the exception of those departing for socialist countries) are obliged to make reimbursement for state expenditures on education in schools of higher learning, in internships, and in military academies and for the receipt of corresponding academic degrees. The limits and conditions for the reimbursement of the indicated expenditures will be determined by the Council of Ministers."

In conjunction with the UKAZ of Presidium of Supreme Soviet of the USSR of 3 August 1972 "On Reimbursement of Government Expenses on Education by Citizens of USSR Departing for Permanent Residence Abroad", the Council of Ministers of USSR decrees:

1. To affirm the (accompanying) instruction devised by the Ministries of Finance, of Higher and Specialized Secondary Education and of Internal Affairs of USSR concerning the amounts and procedures pertaining to reimbursement by citizens of USSR departing for permanent residence abroad of government expenditures on education in institutions of higher learning, aspirantura, ordinatura, adyunktura and on receipt of scholastic degrees.

2. To grant to the Ministry of Finance in conjunction with the Ministry of Internal Affairs the right, in exceptional cases, given validating conditions, (V iskliyuchitel'nykh sluchayakh pri nalichi uvazhitel'nykh prichin) partially or completely to exempt citizens departing for permanent residence abroad from reimbursement of government expenditures on education in institutions of higher learning, aspirantura, ordinatura, adjunktura and on receipt of corresponding scholastic degrees.

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SCHEDULE OF FEES

Text of the Instruction of the Council of Ministers of the USSR of August 3, 1973 establishing the schedule of reimbursement of government expenditures on education by citizens of the USSR departing for permanent residence abroad

1. Citizens of USSR departing for permanent residence abroad make reimbursement for government expenditures on education in institutions of higher learning of USSR in following amounts:

| | (A) | (B) | (C) | (D) | (E) | (F) |
|---|---|---|---|---|---|---|
| Moscow State University | 12.2 | 2.4 | 4.9 | 7.3 | 9.8 | ----- |
| Other universities | 6.0 | 1.2 | 2.4 | 3.6 | 4.8 | ----- |
| Engineering-technical, engineering-economic and higher military training institutions | 7.7 | 1.5 | 3.1 | 4.6 | 6.1 | ----- |
| Agricultural and forestry | 5.6 | 1.1 | 2.3 | 3.4 | 4.5 | ----- |
| Medical, pharmaceutical, dental and physeducational | 8.3 | 1.4 | 2.8 | 4.2 | 5.6 | 7.0 |
| Economic, law, pedagogical, historical-archival institutes and institutes of culture | 4.5 | 0.9 | 1.8 | 2.7 | 3.6 | ----- |
| Institutes and faculties of foreign languages | 6.8 | 1.4 | 2.8 | 4.1 | 5.5 | ----- |
| Institutes of art (conservatories, dramatics, art, literature) | 9.6 | 1.9 | 3.8 | 5.7 | 7.7 | ----- |

Note: Letters in parentheses denote column headings which are explained in full in paragraph 7. Amounts cited are in thousands of rubles.

2. Supplementary to the reimbursement of government expenditures envisioned by Article 1, there is to be levied on those persons completing aspirantura, ordinatura, adyunktura but not having defended dissertations—1.7 for each year of study;

(B) On persons awarded the degree Candidate of Sciences—5.4;

(C) On persons awarded the degree Doctor of Sciences (in addition to sum specified in subparagraph (B) of this article)—7.2;

3. Following citizens of USSR departing for permanent residence abroad are exempted from reimbursement specified by Articles 1 and 2 of this instruction;

(A) Invalids of first and second class—(completely). Invalids of third class may be exempted from indicated reimbursement in amounts up to 50 percent;

(B) Men who have attained 60 years of age and women who have attained 55 years of age—completely;

(C) Men employed not less than 25, 15 and 8 years and women employed not less than 20, 12 and 6 years—75, 50 and 25 percent, respectively;

(D) Persons who have completed higher educational institute, aspirantura and adyunktura without interruption of employment—in the amount of 50 percent;

(E) Persons who have contracted marriage with citizens (subjects) of foreign governments—in amounts from 25 to 50 percent, taking into account their material circumstances, but persons married prior to 3 August 1972—completely;

(F) Persons who have completed higher education institutions as nonresident students, as well as those who have received the Candidate of Science degree without passing through the course of aspirantura, ordinatura and adyunktura—in the amount of 75 percent.

Citizens of USSR departing for permanent residence in developing countries may be exempted from reimbursement of government expenditures on education in an amount of 70 percent in addition to reductions specified in this article, and persons who have contracted marriage with citizens (subjects) of those countries in an amount up to 80 percent, and in individual cases—completely.

Partial or complete exemption from reimbursement of expenditures on education and receipt of academic degrees is determined by the Ministry of Finance of USSR in conjunction also with the Ministry of Internal Affairs of USSR and given the other validating conditions.

4. Receipt of monies indicated in Articles 1–3 of this instruction is accepted by branches of Gosbank for credit to the Union Government Budget.

5. Preparation and issuances of visas to persons departing for permanent residence abroad are undertaken by offices of Ministry of Internal Affairs after presentation by these persons of receipts given by branches of Gosbank for payment of monies in reimbursement of government expenditures on education.

6. This instruction does not apply to citizens of USSR departing for permanent residence in socialist countries.

(signature block) Ministry of Finance/Ministry of Higher and Specialized Secondary Education/Ministry of Internal Affairs.

7. Explanation of alphabetical symbols in Paragraph 1. above.

A: Completing of studies at higher educational institutions or completion of the final course of instruction.

B: Applies to education in the duration of one year.

C: Applies . . . two years.

D: Three years.

E: Four years.

F: Five years.

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DEPARTMENT OF STATE'S SECOND RESPONSE TO SENATOR KENNEDY'S LETTER OF FEBRUARY 8, 1973

APRIL 20, 1973.

HON. EDWARD M. KENNEDY,
*Chairman, Subcommittee on Refugees, U.S. Senate.*

DEAR MR. CHAIRMAN: On March 13 I wrote you concerning the third area of questions you asked in your letter of February 8. This letter responds to the first two areas.

*Emigration to the United States.* Soviet citizens who wish to emigrate to the United States must first obtain Soviet exit visas. This is the only real obstacle to their coming, but it is often a substantial one. In many cases, the local Soviet authorities simply do not reply to applications. The time that an applicant must wait for an exit visa varies from four months to forever. Some applicants receive exit permission on their first application, but permission is often refused several times, with reapplications generally allowed no sooner than one year from the date of the last refusal. Some recent successful applicants had been trying for up to ten years.

We place on the Representation List the names of persons who seek to join close relatives resident in the United States and who have been refused Soviet exit visas at least once. This list is presented periodically to senior Soviet officials with the request that permission to leave the Soviet Union be expedited.

There are currently some 2,200 immigrant visa cases pending at the American Embassy in Moscow. Some of these cases include an unknown number of dependents, so that the total number of persons involved could be as high as 9,000. These cases include persons who have applied for exit permits, persons whose American sponsors have written to the Embassy, and persons on whose behalf petitions have been received from the U.S. Immigration and Naturalization Service (INS). Many of the pending cases in the files of our Embassy have been there for years because exit visas have not yet been granted. Some of the cases are not active because there has been no recent indication that the applicant still actively wishes to emigrate.

When Soviet citizens who wish to emigrate to the U.S. notify our Embassy that they have received exit visas, they are provided the necessary information and advice by our consular officers. If possible the Consular Section completes the necessary procedures and issues the immigrant visa in Moscow. The average processing time (from receipt of exit permission to actual departure from the USSR) is about one month, but most of this is time the emigrant needs to wind up his personal affairs and prepare to travel. When necessary it is shortened to as little as one day. In no case has a would-be emigrant been prevented from leaving the USSR by U.S. visa processing requirements.

Some visa applicants who are not eligible for immigration visas for technical reasons would be eligible for conditional entry processing under Section 203(a)(7) of the Immigration and Nationality Act. The processing of these applicants is initiated in Moscow and completed in Western Europe for either conditional entry or parole (whichever is appropriate). The average waiting time in Western Europe is about one week. During that time the voluntary agency which assumed sponsorship of the individual or family provides necesary care, maintenance, and assistance under a contract with the U.S. Refugee Program (USRP). USRP also provides transportation loans for onward travel through the Intergovernmental Committee for European Migration (ICEM).

The Embassy in Moscow processed about 400 immigrant visa applications in 1972 and about 80 in the first two months of 1973. (A substantial portion of the latter cases were pre-processing for conditional entry or parole action by INS.)

Humanitarian Programs. USRP, through contracts with the American Joint Distribution Committee (AJDC) and ICEM, has been providing transportation and maintenance assistance to Soviet citizens emigrating to other countries. The majority of these are Jews going to Israel. USRP currently contributes $40 per capita towards the care of these refugees while transiting Western Europe and $95 per capita towards the ICEM transportation loan for the trip from Western Europe to Israel. We have concluded agreements with U.S. voluntary agencies for programs which will increase the amount and broaden the scope of this assistance, utilizing the $50,000,000 which Congress appropriated for this purpose. These programs include the enlargement of a transit center in Vienna, reception in resettlement countries, and, in Israel particularly, aid for training, education, temporary housing, and some permanent housing.

Except for Israel, we know of no other government which provides direct assistance for these refugees. Members of ICEM, of course, participate through the funds ICEM contributes to the travel loan.

I hope that this information will be helpful to you and the Committee. If you have any further questions, please let me know.

Sincerely yours,

MARSHALL WRIGHT,
*Congressional Relations.*

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## REPEALING THE SELECTIVE SERVICE SYSTEM

Mr. CRANSTON. Mr. President, on May 2 and 3, hearings were held by the Senate Appropriations Subcommittee on HUD, Space, Science and Veterans to determine the advisability of repealing the Selective Service Act. Mr. John Hancock, executive secretary of the National Council to Repeal the Draft, spoke eloquently and well on why this act should be revoked. I agree with him completely that the Selective Service System is a costly and needless one that infringes on the civil liberties of millions of young Americans. It is a $55-million-a-year bureaucracy that has lost its raison d'etre. It should be abolished promptly.

I ask unanimous consent that Mr. Hancock's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN HANCOCK, EXECUTIVE SECRETARY, NATIONAL COUNCIL TO REPEAL THE DRAFT

1. INTRODUCTION

Mr. Chairman and members of the committee, I am John Hancock, the Executive Secretary of the National Council to Repeal the Draft. I am serving in this capacity while on leave from a professorship at the California State University at Hayward. I have taught courses on conscription, have testified on the draft before platform committees of both major parties, and, with my wife, have organized the California-based Parents Against the Draft.

The National Council has been in operation since 1969 and has as its objective the repeal of the Military Selective Service Act. It is composed of key individuals from 48 organizations including such diverse groups as the American Civil Liberties Union, the Young Men's Christian Association, the Americans for Democratic Action, and the Young Americans for Freedom, as well as representatives from many churches. Some of our sponsors are Mrs. Martin Luther King, Jr., Professor Milton Friedman, Bishop William Davidson, and labor leader Emil Mazey. As the diversity of our support suggests, our opposition to conscription is independent of our views on foreign policy and of our political ties or beliefs. This is an issue that transcends party and philosophy.

We are most pleased at the progress which has been made in recent months toward eliminating reliance on the Selective Service System and urge you to take the next step by refusing to fund the System for the 1974 Fiscal Year. The remainder of my testimony will be aimed at demonstrating that this "next step" is indeed a reasonable and logical one.

2. CRITIQUE OF THE SELECTIVE SERVICE STANDBY PROPOSAL

During the next fiscal year, Selective Service plans to *register and classify* approximately 1,900,000 young men. The claim is made that these actions are those required of the System by the Military Selective Service Act. Sections 3, 4, and 10(h) are referred to as justification for the continued operation. Section 3 requires registration, section 4 requires classification *and examination*, and section 10(h) was designed to provide continued service by military Reserve officers whose specialty is the operation of the System.

Although the Act says that registered men are to be classified and examined "as soon as practicable", the Acting Director of Selective Service stated in February that he will not require examinations during the next fiscal year. If this is his legal option, then he could reject the classification process as well. Furthermore, he probably should since classifications not based on examinations are of dubious validity. The most recent *Semiannual Report of the Director* makes this point well since it indicates that 73% of the men failed their examinations during the first half of the current fiscal year.

Registration when there are no inductions has caused problems in the past and no doubt will again. Some young men will assume that they don't have to register and others will not—either out of principle or oversight. Many addresses of those who do register will soon be out-of-date due to the high mobility of the age group and the lack of urgency to report address changes.

In summary, of the three functions—registration, classification, and examination—Selective Service does choose to register even though its records will be inaccurate, does choose to classify despite the obvious invalidity which will occur, and does not choose to examine despite the law.

3. ANALYSIS OF THE COSTS OF THE STANDBY SYSTEM

Now let's turn to the costs. It is commonly assumed that the cost of Selective Service for Fiscal 1974 is the budgeted amount—$55 million. However, the true costs to the government are considerably more than that. Rental of Selective Service office space does not come out of this budget but is paid for by the GSA. During the next year, this item will cost an additional $15–17 million. A great deal more money will be expended by law enforcement agencies in pursuit of violators of the Act. In March, there were 14,500 draft cases under indictment, investigation, or review for possible investigation. Costs attributable to the Act will be incurred by the FBI, the U.S. Attorneys, the public defenders, the courts, the prisons, the probation departments, and the parole agencies.

While this backlog will decrease in the next year, it will probably not disappear since new violators will constantly be added to the roll. This one failed to register, that one failed to report an address change, this one didn't fill out a questionnaire properly, and so on. As of last July, over 20% of the total criminal cases pending with the Department of Justice were draft-related! It is impossible to determine precisely the law enforcement costs attributable to this law but there is no doubt it is a significant amount. When the costs of rent and law enforcement are added in, it may well be that the true costs are twice the budgeted costs for the agency.

4. ANALYSIS OF THE START-UP TIME REQUIRED FOR A DRAFTING SYSTEM

Any proposal to stop funding Selective Service immediately raises the question of how long it would take to institute inductions in some future crisis. One response to this question was given in 1950 when the Secretary of Defense said to the House Armed Services Committee: "If the Act is permitted to die and an emergency should suddenly require its reenactment later, seven full months after enactment would elapse before we had the machinery capable of effecting inductions (at a substantial rate)." In 1973, Selective Service estimates this start-up time to be "an optimistic six months." It is interesting to compare these estimates with the actual start-up times of the past when drafting had begun with no previous act in force. There have been three such periods in this century.

(1) *The World War I Draft.* From 1903 on, the General Staff and the War College had been making plans to enlarge the Army. These plans included a draft and advance preparations were made for it. War was declared on April 6, 1917, the draft bill became law on May 18, registration took place on June 5, and the first inductees went to camp on September 5. The total time from the signing of the bill until the first men were inducted was 110 days—less than four months.

(2) *The 1940 Peacetime Draft (later the World War II Draft).* Preparations for this draft were begun in 1926 by the Joint Army and Navy Selective Service Committee. This committee wrote a proposed draft law, prepared regulations and forms, and trained several hundred Reserve officers to be able to operate the System. The draft bill became law on September 16, 1940, registration took place on October 16, and the first men were inducted on November 18. The time from the signing of the bill until the first men were inducted was 63 days—just over two months.

(3) *The 1948 Peacetime Draft (later the Korean and Vietnam War drafts).* The World War II draft act was allowed to expire in



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March of 1947. During the next 15 months, Maj. Gen. Lewis B. Hershey headed an Office of Selective Service Records. Selective Service's own history notes: "Because of minute planning by the planning group of the national headquarters of the Office of Selective Service Records and the training program previously described, the newly created (Selective Service) agency was ready to swing into immediate action as soon as General Hershey was appointed director . . ." The draft bill became law on June 24, 1948. General Hershey was appointed director shortly thereafter, registration was not held on one day as in previous drafts but was stretched out from August 30 to September 18, and the first man was inducted on November 2. The total time was 131 days—almost four and one-half months.

Several conclusions can be drawn from these experiences:

First, as a part of overall contingency planning for wartime mobilizations, there has always been a group of military men preparing for each draft long before it was requested by the Congress. (Currently some 850 Reserve officers are studying Selective Service as their Reserve specialty.)

Second, Selective Service's estimate of a start-up time of six months is not supported by its experience. The history of the agency shows that it has never taken this long to start a draft and has taken as little as two months.

Third, other factors undoubtedly affect the speed with which initial inductions are obtained. The System reacted slowly in 1917 because of the inadequacy of training facilities. With World War II already raging in Europe and with the trained Reserve officers ready to operate the System, drafting began rapidly in 1940. In 1948, it would appear that there was little pressure to draft quickly because of the slowness in registration, the lengthy period for registration, and the little use of the draft immediately after it was instituted (only three monthly calls and a total of 30,000 men inducted during the first 26 months the law was in effect).

Based on this history, *it is reasonable to assume that the Department of Defense will continue to assign the duty of preparing for the "next" draft to a group of officers, and that the start-up time for that draft could be as low as two months.*

Before leaving this subject, there is one more period which should be examined. Following the three months of drafting in November and December of 1948, and January of 1949, draft calls were eliminated until after the outbreak of the Korean War. During this standby period of 17 months, registration, classification, and examinations continued. The Korean War began on June 24, 1950, with American troops involved from the beginning. Despite the standby condition, it was August 30—67 days after the war broke out—that the first men were inducted. When referring to this period, Selective Service states that it was able to induct within two months. It did deliver the first men 51 days after the draft calls were issued, but this is hardly a remarkable performance for a nation at war with a standby system in operation.

A comparison of the performance of the agency under the two conditions described indicates that *it has taken about two months to commence inductions with or without a standby Selective Service System in operation.* The paradox is explained by the existence of the contingency planning group. The bill can be written, the forms and procedures can be made ready, and the Reserve manpower trained months in advance of need.

Since the difference in start-up time under the two conditions—with and without a standby system—is not significant, the question of costs of the two procedures becomes paramount. Clearly, it is more economical to provide planning for possible inductions with 850 part-time Reserve officers than with 4340 full-time System employees. Therefore, we believe that a zero budget for Selective Service can be justified since these Reserve officers' salaries can be funded through the Department of Defense as they were prior to the last fiscal year.

DRAFT START-UP TIMES
WITH NO STANDBY SELECTIVE SERVICE SYSTEM

| Year | Date bill signed by President | Date first men inducted | Number of days between bill-signing and first inductions |
|---|---|---|---|
| 1971 | May 18 | Sept. 5 | 110 |
| 1940 | Sept. 16 | Nov. 18 | 63 |
| 1948 | June 24 | Nov. 2 | 131 |

WITH A STANDBY DRAFT SYSTEM

| Year | Date Korean war commenced | Date first men inducted | Number of days between outbreak of war and first inductions |
|---|---|---|---|
| 1950 | June 24 | Aug. 30 | [1] 67 |

[1] 51 days from the date the draft call was issued.

5. STATEMENT FROM GENERAL ANDERSON

One of the sponsors of the National Council to Repeal the Draft, Maj. Gen. LeRoy H. Anderson, U.S. Army (Ret.), has submitted a statement to the Congress on the proposed continuation of the Selective Service System. General Anderson commanded the 81st Tank Battalion under General Patton in World War II, is a former Member of the House of Representatives, and is a former Member of the House Armed Services Committee.

Examining the situation from a military point of view, he concludes that the continuation is not necessary for the security of the United States. Of particular interest is his reference to the size of the military reserves. Never before has this country been as well prepared in terms of trained manpower available on demand. Such availability is consistent with the current policy which requires the use of the Reserves and National Guard before draftees in any future emergency.

His statement is inserted at this point:

STATEMENT OF MAJ. GEN. LEROY H. ANDERSON, U.S. ARMY (RET.)

I have examined the proposal for the continued operation of the Selective Service System during the 1974 Fiscal Year. It is my understanding that the System is planning to register and classify some 1,900,000 young men during that period and that $55 million has been requested of the Congress for that purpose. It is my belief that such operations and such expenditures are *not* necessary for the security of the United States.

RATIONALE FOR THE STATEMENT

The shift to the all-volunteer force has been accomplished well ahead of the President's schedule and, considering the magnitude of the problem, with a minimum of difficulty. Secretary Richardson's recent announcement that "it would not be necessary to extend the draft induction authority beyond its expiration date of July 1," indicates that the Department of Defense foresees no use of Selective Service in the future. With the adoption of the Nixon Doctrine and the Congressional decision to offer adequate wages to first-term enlisted men, the only condition under which this country is likely to need draftees again would be if it became involved in a lengthy, large-scale, conventional, ground war. Every indicator suggests the probability of this happening to be extremely remote. Only last month Deputy Defense Secretary Clements, in explaining the proposed *90% reduction* in the strategic goods stockpile, stated that "the President and the National Security Council are now thinking in terms of a one-year emergency." It is clear that no such lengthy ground war is anticipated by those charged with the nation's security.

Nuclear weapons, new technologies, and new strategies have created military situations ranging from nuclear attack to guerrilla warfare. Considering these changes, it is almost inconceivable that a massive land war, with a requirement for millions of footsoldiers, will ever again develop. Nevertheless, a brief examination of the nation's military manpower capability for such a war is in order.

The President of the United States commands an active armed force of over 2¼ million men. On his own initiative, he may call up 1 million men from the Ready Reserves. With the consent of the Congress, 1½ million additional Ready Reservists and 500 thousand Standby Reservists could also be activated. Finally, many of the 600 thousand retired servicemen could be recalled to active duty. Thus, approximately 5½ million men—selected, trained, and experienced—are available at the outset of hostilities. By way of contrast, this number exceeds by 2 million the maximum U.S. force size during the Vietnam War and approaches the size of the U.S. forces one year after World War II began. In my opinion, these 5½ million troops would be able to provide the necessary lead time to institute a draft in the unlikely event that one were needed.

It should be noted that the presence of an active draft mechanism is no substitute for the trained reserves. The continuation of the registration and classification functions do not provide a single soldier ready to meet a sudden emergency. It is only after men have completed their training that they are able to contribute to military effectiveness.

Another crucial factor in this analysis is the start-up time required for a drafting agency to produce men ready for training. The history of Selective Service indicates this time to be only a matter of weeks. With the aid of reserve officers who had been studying conscription methods for several years, the first draftees were inducted exactly 9 weeks after the 1940 peacetime draft bill became law. With today's modern computer technology, that time could be shortened considerably.

At the time of any massive mobilization, the primary problem is not the acquisition of raw manpower, but the providing of facilities, supplies and equipment for the manpower which is available. If the 5½ million men were activated and another 1¼ million men volunteered for the war (far less than the number who volunteered in 1942), the number of men on active duty would be tripled without the use of a single draftee. The problems of logistics and support for such a force would be severe indeed.

Finally, it must be said that there is even a possibility that a continuation of the proposed standby draft may hurt the preparedness of the armed services. The decades of easy and cheap procurement of manpower by the use of the draft have fostered an attitude in the use of personnel which is often wasteful and extravagant. As Assistant Defense Secretary Kelley has stated:

"As long as you have something like the draft that you always use, it is easy to go to the well and make up your deficiencies . . . An involuntary organization has a very high tolerance for waste in the human area . . . The ability to reach into the draft well and pick out whatever numbers you need can cover a lot of sins of underutilization of manpower, of misuse of manpower, of poor management."



When men were procured by a draft, military and civilian leaders did not need to concentrate on the correction of such abuses or on matters pertaining to enlistment or retention of military personnel. The existence of the proposed active standby draft may well cause continued neglect of these areas of personnel management. Only when Selective Service is dismantled will this danger be removed.

6. CONCLUSION

Last week the *Washington Post* carried a letter from the Assistant Secretary of Defense for Manpower and Reserve Affairs, Roger T. Kelley, in which he stated that "it has been demonstrated that we don't need the draft to meet our peacetime military requirements" and that the all-volunteer force "is a better military force than its draft-heavy predecessor of four years ago." Under such conditions the burden of proof for continued funding of Selective Service must be on those who propose it.

With the Congress faced with a budgetary ceiling, unnecessary programs must be eliminated if vital ones are to survive. I would submit that no evidence has been offered that the standby draft is necessary or desirable and that much evidence exists that it is not.

Thank you very much.

## THE SO-CALLED BETTER SCHOOLS ACT OF 1973

Mr. MONDALE. Mr. President, the Minnesota State Department of Education estimates that about $9 million in Federal funds will be lost to State schools if the administration's revenue sharing proposal replaces the present categorical funding system.

The biggest cut in the proposed system will be in the area of "support services." These include teacher training, school lunch and milk programs, equipment purchasing, library support, experimental projects, and State administration funds. The present funding has allocated nearly $17 million to "support services." Revenue sharing is expected to return about $8.2 million, a reduction by one-half over the current program.

I would like to share with my colleagues just one of numerous letters I receive daily concerning the disastrous impact of the so-called Better Schools Act of 1973. The letter is from Mr. Edwin Cain, Federal Programs Coordinator of the State of Minnesota. Mr. Cain's office has spent some time gathering information about the impact of this administration proposal. He claims the chart designed by the U.S. Office of Education does not indicate a true picture of the revenue which will be lost in Minnesota if this bill becomes law.

Mr. President, I express my concern with Mr. Cain about this bill and ask unanimous consent that his letter be printed at the end of my statement, together with its enclosures.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF EDUCATION,
*St. Paul, Minn., April 17, 1973.*

Hon. WALTER MONDALE,
*Old Senate Office Building,*
*Washington, D.C.*

DEAR FRITZ: My office has spent the last week gathering information concerning the impact of the Administration's educational revenue sharing bill (H.R. 5823/S. 1319) on the school children of Minnesota. The chart designed by the U.S. Office of Education which appears in the March 20, 1973 issue of the CONGRESSIONAL RECORD, pages 8649-8650 does not indicate a true picture of the revenue which will be lost in Minnesota if this bill becomes law.

The USOE chart is based on the F.Y. 1973 estimated budget of the President and does not reflect those programs he has arbitrarily eliminated nor the monies which have been impounded. While the USOE chart shows an estimated increase for Minnesota under the Better Schools Act, our comparison with F.Y. 1972 categorical programs shows an actual loss of $9,113,849.

The legal-sized chart, which is enclosed, first lists the categorical programs, then shifts them into the five areas of support as shown in the revenue sharing bill for comparison purposes.

As a Department, we are not opposed to federal program consolidation to insure more effective utilization of resources; however, we are opposed to a bill which reduces dollars and eliminates programs for our most needy children under the guise of grant consolidation.

We appreciate your continuing support of education in Minnesota, and enlist your support in assuring us that the children in Minnesota will not be deprived the necessary services to insure a good education.

Cordially yours,

EDWIN E. CAIN,
*Federal Programs Coordinator.*

(NOTE.—Categorical grant chart referred to is not printed in the RECORD.)

ADMINISTRATION'S REVENUE SHARING BILL EMERGES AS BETTER SCHOOLS ACT

The President's Educational Revenue Sharing Bill was introduced in both the House and Senate with scathing remarks by the Republican sponsors. Senator Peter Dominick (Colorado), the ranking Republican member on the Senate Education Subcommittee stated there was no opportunity for advise or guidance by congressional leaders in the development of the legislation.

Dominick said that he hoped hearings would be held to provide Office of Education officials with "a set of priorities in education structured by elected officials instead of those faceless ghosts in the White House." Congressman Alphonzo Bell (R-Calif.) stated, "I am introducing the Bill in part because of my obligation as ranking republican on the General Education Subcommittee of the Committee on Education and Labor includes the presentation of administration legislation. . . . I, for one, am deeply concerned about the overall reduction in Elementary and Secondary Education funding reflected by the administration budget for the Better Schools Act."

The Better Schools Act, as explained by HEW Secretary Caspar W. Weinberger, would fold 32 existing categorical education programs into a single aid package, but would include the funds for only seven of these programs. If the states were to designate funds for library services, for example, they would be forced to take money from school lunch resources, programs for the handicapped, or one of the other programs receiving funds.

The federal resources would be received by the Governor of each state and allocated to school districts on a complex formula established by the legislation. While it would continue subsidies based on children living on military bases or other federal property, the proposal would change the distribution formula in a way that would hurt a number of states (including Minnesota). It would eliminate entirely subsidies based on children whose parents work at government installations but live in taxable private dwellings.

Each state would receive an allocation under a formula that multiplies its population of economically disadvantaged children by a specified expenditure index. In distributing the monies to school districts, the state would first fund districts with disadvantaged students totaling at least 5,000 or 15% of their enrollments. School districts would then be required to target the monies on the most disadvantaged schools within their boundaries.

In earlier testimony Secretary Weinberger advised Congress that it would be Revenue Sharing or nothing for education in F.Y. 1974. The mood of Congress, however, appears to be that cuts in education will not be tolerated. "It is no longer Republican against Democrat, but Congress versus the President" stated Senator Walter Mondale.

ANALYSIS OF BETTER SCHOOLS ACT

The educational revenue sharing legislation has been changed to the Better Schools Act to reflect the fact that it does not specify revenue amounts. The funding mechanism which the bill provides however, must be taken in conjunction with the budget recommendations of the President for F.Y. 1974 in order that the measure may be fully understood. The full amount of money now specified by the Administration as being available under Revenue Sharing for 1974 is $2,770,000,000.

The funding mechanism provides that the first allocation under the bill will be for Impact Act category A students. The Administration proposes to terminate funding of Impact Aid category B studenta for 1974. Payments for category A students under the new bill are determined by a new formula which would result in a reduction in the national total of A category funds by approximately $37,000,000 under budget level.

Three percent of the total Revenue Sharing amount is provided for the total educational allotment to serve the outlying territories and the Department of Interior.

Of the allocation remaining 60% or approximately $1.5 billion is earmarked for educationally disadvantaged children. This earmarking now holds harmless for F.Y. 1974 all states and local districts at not lower than fiscal 1973 funding levels. This earmarking, however, does not include the monies to the state agencies for the administration of the disadvantaged program. States will pass through the money for disadvantaged students to local districts in several stages, including the use of a new formula which gives priority to districts with concentrations of children in poverty of at least 15% of the total student population or 5,000 students. This factor would significantly reduce the number of school districts served by these monies.

After the SAFA, territories, and disadvantaged funds have been passed through under the specific formulas, the remaining monies are allocated to the states by school population, to be used 43% for vocational education, 15% for handicapped children, and the remainder for supporting services. Funding in the categories for handicapped and vocational education appear to be at approximately the same levels as current distributions.

The category for supportive services is designed to support at least seven existing categories including Title V ESEA. These categories are listed on the accompanying table. As is shown, comparison of the expenditure levels for 1972 with the levels proposed in the Revenue Sharing bill indicates a shortage of approximately $250 million in the supportive services category. This shortfall is not readily apparent because of the inclusion of $244 million in school lunch funds in the revenue sharing budget, which item has never before been carried in the USOE budget.

The funds for the bill would be administered by the governor of the state, "except



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that a specified single state agency shall be responsible for such administration" if the governor "determines that the law of such state so provides".

States may transfer up to 30% of the amounts allotted to vocational or handicapped education to any of the other categories except the SAFA category.

PROGRAMS TO BE CONSOLIDATED WITH PASSAGE OF BETTER SCHOOLS ACT

EDUCATION SPECIAL REVENUE SHARING

*A. Disadvantaged earmark*

1. Local education agencies (ESEA, Title I–A).
2. Neglected and delinquent children (ESEA, Title I–A).
3. Migratory children (ESEA, Title I–A).
4. Incentive grants (ESEA, Title I–B).
5. Grants for high concentrations of poor children (ESEA, Title I–C).

*B. Handicapped earmark*

1. Grants to States (EHA, Part B).
2. Set-aside from Title I (Section 103(a)(5), ESEA).
3. Set-aside from Title III (Section 305(b)(8), ESEA).
4. Set-aside from Vocational Education (Section 122(c)(3), VEA).

*C. School assistance in federally affected areas earmark*

1. Local education agencies (Section 3, P.L. 81–874).
2. Sudden and substantial attendance increases (Section 4, P.L. 81–874).
3. Assistance for school operations in cases of certain disasters (Section 7, P.L. 81–874).
4. Assistance for school construction in cases of certain disasters (Section 16, P.L. 81–815).

*D. Vocational education earmark*

1. State advisory councils (Part A, VEA).
2. State vocational education programs (Part B, VEA)—disadvantaged set-aside.
3. Research grants to States (Part C, VEA).
4. Exemplary programs and projects (Part D, VEA).
5. Residential vocational education (Part E, VEA).
6. Consumer and homemaking education (Part F, VEA).
7. Cooperative vocational education programs (Part G, VEA).
8. Work-study programs for vocational education students (Part H, VEA).
9. Smith-Hughes Act.

*E. Supporting services earmark*

1. Title III, ESEA
2. National School Lunch Act.
3. Child Nutrition Act of 1966.
4. Education Professions Development Act (Part B–2).
5. Grants to States for Education (Sections 304–308 Adult Education Act).
6. Special programs relating to Adult Education for Indians (Section 314 Adult Education Act).

(The following programs were formerly included under the Education Special Revenue Sharing Act of 1971. The President's Budget for F.Y. 1974 proposes termination of these programs, however, funds from the Supportive Services Category may be used by the States to fund these activities.)

7. Title II, ESEA.
8. Title V, ESEA
9. Title III, NDEA.
10. School Milk Program (To be terminated).

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FUND SHARING COSTLY TO STATE

(By Bruce Nelson)

Minnesota will lose $9 million in federal education aids if the Nixon administration's revenue sharing proposal becomes law, a state Education Department official said Monday.

Edwin Cain, federal programs director for the department, told the state board that the revenue sharing plan would force the department to make major program cutbacks, including the dismissal of a number of department employes.

The federal-state revenue sharing program would replace the present categorical funding system and would have the state distribute the funds on its own.

For example, Cain said Minnesota would receive $8.1 million for use in "support services," which include teacher training, school lunch and milk, school equipment purchasing, library development and experimental projects.

The state will receive $16.5 million for programs that would fall into that category, Cain said.

"Nixon has engineered things in such a way that it can't be said that he is eliminating programs," Cain said. "What will happen is that state departments will be forced to make reductions because they will have less money from the federal government."

Cain said more than 100 persons are employed in state department positions that are funded through the support services category. If the revenue sharing plan is adopted, he said many of them will lose their jobs.

In another area of federal education funding, one in which 60,000 disadvantaged youngsters receive assistance in Minnesota schools, the differences between the present aid and the revenue sharing proposal is only $100,000, 2½ per cent of the total program cost.

Cain said the department has not received a "letter of credit" from the federal government which is usually sent out every quarter to assure that the Title I money will be paid. He said he has been assured that the letter will be sent, but does not know how much money will be available for the program in the final quarter of the fiscal year.

"I'm not sure just what this means in the battle between the President and Congress over school financing," Cain said. "But it is causing some headaches."

Cain said members of the state's congressional delegation have told him that Congress is not apt to adopt Nixon's revenue sharing plan without making major changes. He said spokesmen for the administration have warned that all education funds will be cut off July 1 if the bill is not passed.

"So what we're talking about is at best a reduction in aids of $9 million, and at worst a total elimination of federal funds," Cain told the board.

COMPARISON 1973 VERSUS EDUCATIONAL REVENUE SHARING 1974

[Distribution of 3 percent to all other areas]

| | Disadvantaged | | SAFA | | Handicapped | | Vocational education | | Support | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1973 | Revenue sharing | 1973 | Revenue sharing | 1973 | Revenue sharing | 1973 | Revenue sharing | 1973 | Revenue sharing | 1973 | Revenue sharing |
| Alabama | 37,500 | 38,062 | 1,248 | 845 | 2,296 | 2,840 | 8,865 | 7,632 | 10,663 | 7,277 | 60,571 | 56,656 |
| Alaska | 2,781 | 2,846 | 24,594 | 16,555 | 1,191 | 268 | 884 | 721 | 958 | 687 | 30,409 | 21,076 |
| Arizona | 10,413 | 10,639 | 10,898 | 10,160 | 1,217 | 1,478 | 4,334 | 3,971 | 3,805 | 3,787 | 30,667 | 30,034 |
| Arkansas | 23,122 | 23,442 | 1,581 | 1,048 | 1,724 | 1,514 | 4,880 | 4,070 | 6,056 | 3,880 | 37,363 | 33,955 |
| California | 128,309 | 128,142 | 34,469 | 31,608 | 9,909 | 15,213 | 35,465 | 40,886 | 25,534 | 38,984 | 231,686 | 254,833 |
| Colorado | 12,167 | 12,376 | 3,551 | 2,947 | 2,094 | 1,792 | 5,254 | 4,815 | 4,482 | 4,591 | 27,548 | 26,520 |
| Connecticut | 13,063 | 13,263 | 2,009 | 1,745 | 2,368 | 2,340 | 5,032 | 6,289 | 4,670 | 5,996 | 27,142 | 29,634 |
| Delaware | 2,918 | 2,980 | 14 | 17 | 851 | 454 | 1,315 | 1,220 | 1,487 | 1,163 | 6,585 | 5,835 |
| Florida | 34,727 | 35,569 | 6,977 | 6,953 | 4,229 | 4,899 | 14,062 | 13,167 | 13,943 | 12,555 | 78,938 | 73,143 |
| Georgia | 43,818 | 44,500 | 2,143 | 1,770 | 2,658 | 3,726 | 11,460 | 10,015 | 14,198 | 9,549 | 74,477 | 69,560 |
| Hawaii | 4,068 | 4,137 | 8,571 | 10,185 | 651 | 627 | 1,801 | 1,670 | 2,285 | 1,593 | 17,375 | 18,207 |
| Idaho | 3,697 | 3,749 | 1,490 | 1,039 | 610 | 606 | 2,099 | 1,630 | 1,977 | 1,554 | 9,873 | 8,578 |
| Illinois | 74,316 | 75,396 | 5,532 | 4,669 | 7,944 | 8,711 | 18,982 | 23,411 | 17,935 | 22,322 | 124,708 | 134,510 |
| Indiana | 20,537 | 20,885 | 1,212 | 1,035 | 4,055 | 4,220 | 11,157 | 11,341 | 10,227 | 10,814 | 47,189 | 48,295 |
| Iowa | 16,184 | 16,408 | 210 | 113 | 1,863 | 2,261 | 6,246 | 6,076 | 6,696 | 5,793 | 31,198 | 30,651 |
| Kansas | 10,247 | 10,630 | 5,163 | 4,544 | 1,959 | 1,740 | 5,055 | 4,676 | 4,621 | 4,458 | 27,045 | 25,848 |
| Kentucky | 34,353 | 34,782 | 96 | 71 | 2,136 | 2,569 | 8,344 | 6,903 | 9,425 | 6,582 | 54,354 | 50,908 |
| Louisiana | 33,833 | 34,679 | 875 | 802 | 3,581 | 3,166 | 9,582 | 8,508 | 12,248 | 8,112 | 60,170 | 55,267 |
| Maine | 6,330 | 6,423 | 2,190 | 1,761 | 987 | 789 | 2,638 | 2,121 | 2,487 | 2,022 | 14,632 | 13,116 |
| Maryland | 21,668 | 22,083 | 5,797 | 5,923 | 2,765 | 3,160 | 7,613 | 8,492 | 6,244 | 8,097 | 44,086 | 47,754 |
| Massachusetts | 26,521 | 26,897 | 5,852 | 3,588 | 5,011 | 4,284 | 10,521 | 11,513 | 10,381 | 10,978 | 58,286 | 57,260 |
| Michigan | 59,373 | 60,144 | 4,091 | 4,360 | 8,008 | 7,456 | 17,577 | 20,037 | 13,926 | 19,105 | 102,975 | 111,103 |
| Minnesota | 23,883 | 24,241 | 1,459 | 1,514 | 2,606 | 3,199 | 8,303 | 8,598 | 8,764 | 8,198 | 45,015 | 45,751 |
| Mississippi | 39,259 | 39,239 | 1,555 | 935 | 1,537 | 1,932 | 5,930 | 5,192 | 8,302 | 4,950 | 56,623 | 52,848 |
| Missouri | 25,392 | 25,841 | 2,869 | 2,455 | 3,564 | 3,601 | 10,006 | 9,679 | 9,316 | 9,229 | 51,147 | 50,805 |
| Montana | 4,125 | 4,197 | 5,126 | 3,694 | 684 | 597 | 1,970 | 1,605 | 1,720 | 1,530 | 13,625 | 11,624 |
| Nebraska | 7,942 | 8,076 | 3,293 | 2,435 | 976 | 1,179 | 3,463 | 3,169 | 3,393 | 3,022 | 19,067 | 17,880 |
| Nevada | 1,228 | 1,259 | 2,326 | 2,124 | 448 | 384 | 1,124 | 1,032 | 984 | 984 | 6,111 | 5,783 |
| New Hampshire | 2,294 | 2,334 | 1,101 | 736 | 723 | 576 | 1,887 | 1,548 | 1,760 | 1,476 | 7,764 | 6,668 |
| New Jersey | 48,887 | 49,623 | 5,695 | 4,985 | 6,021 | 5,472 | 11,663 | 14,707 | 9,742 | 14,023 | 82,108 | 88,809 |
| New Mexico | 9,148 | 9,348 | 11,387 | 9,449 | 850 | 945 | 2,904 | 2,538 | 3,096 | 2,420 | 27,685 | 24,700 |
| New York | 213,429 | 216,246 | 6,795 | 7,242 | 14,678 | 13,269 | 28,451 | 35,661 | 28,623 | 34,003 | 291,977 | 306,421 |
| North Carolina | 56,781 | 57,468 | 2,270 | 1,774 | 4,319 | 4,028 | 13,532 | 10,825 | 15,384 | 10,322 | 92,286 | 84,417 |
| North Dakota | 5,127 | 5,185 | 4,981 | 3,029 | 657 | 533 | 1,897 | 1,433 | 1,983 | 1,366 | 14,645 | 11,556 |
| Ohio | 46,538 | 47,289 | 1,690 | 1,637 | 8,523 | 8,583 | 21,453 | 23,067 | 17,831 | 21,994 | 96,036 | 102,571 |
| Oklahoma | 18,654 | 18,929 | 5,660 | 3,877 | 1,759 | 1,947 | 6,324 | 5,232 | 5,890 | 4,989 | 38,286 | 34,975 |
| Oregon | 11,071 | 11,257 | 1,425 | 1,043 | 1,936 | 1,627 | 4,796 | 4,373 | 4,092 | 4,169 | 23,320 | 22,469 |



| | Disadvantaged | | SAFA | | Handicapped | | Vocational education | | Support | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1973 | Revenue sharing | 1973 | Revenue sharing | 1973 | Revenue sharing | 1973 | Revenue sharing | 1973 | Revenue sharing | 1973 | Revenue sharing |
| Pennsylvania | 69,630 | 70,627 | 1,063 | 1,013 | 9,256 | 8,903 | 23,500 | 23,927 | 21,191 | 22,814 | 124,640 | 127,285 |
| Rhode Island | 5,261 | 5,345 | 2,884 | 2,539 | 897 | 683 | 2,251 | 1,834 | 1,663 | 1,749 | 12,956 | 12,150 |
| South Carolina | 32,866 | 33,293 | 2,972 | 2,171 | 2,257 | 2,191 | 7,304 | 5,888 | 8,825 | 5,614 | 54,224 | 49,156 |
| South Dakota | 6,033 | 6,120 | 4,604 | 3,297 | 746 | 570 | 1,976 | 1,531 | 2,024 | 1,460 | 15,383 | 12,978 |
| Tennessee | 34,233 | 34,739 | 664 | 470 | 2,616 | 3,050 | 9,991 | 8,197 | 10,532 | 7,816 | 58,036 | 54,272 |
| Texas | 87,259 | 88,789 | 11,704 | 8,407 | 8,226 | 9,138 | 26,106 | 24,558 | 22,224 | 23,415 | 155,518 | 154,306 |
| Utah | 4,640 | 4,714 | 1,958 | 1,657 | 927 | 951 | 3,150 | 2,555 | 3,326 | 2,436 | 14,001 | 12,312 |
| Vermont | 2,506 | 2,544 | 6 | 7 | 916 | 356 | 1,359 | 958 | 1,249 | 914 | 6,036 | 4,778 |
| Virginia | 35,203 | 35,773 | 7,050 | 5,818 | 3,269 | 3,647 | 11,049 | 9,802 | 10,763 | 9,346 | 67,334 | 64,386 |
| Washington | 16,081 | 16,339 | 7,703 | 7,578 | 2,600 | 2,678 | 7,120 | 7,198 | 5,575 | 6,863 | 39,084 | 40,656 |
| West Virginia | 19,394 | 19,641 | 35 | 30 | 1,256 | 1,347 | 4,506 | 3,619 | 4,690 | 3,451 | 29,951 | 28,088 |
| Wisconsin | 19,161 | 19,517 | 976 | 615 | 3,681 | 3,659 | 9,805 | 9,834 | 8,167 | 9,377 | 41,790 | 43,002 |
| Wyoming | 1,562 | 1,594 | 1,824 | 1,226 | 487 | 280 | 1,083 | 753 | 1,068 | 718 | 6,024 | 4,572 |
| District of Columbia | 11,185 | 11,341 | 222 | 280 | 1,102 | 500 | 1,606 | 1,343 | 1,518 | 1,280 | 15,633 | 14,744 |
| All others | 47,135 | 46,371 | 2,133 | 1,018 | 2,919 | 4,946 | 8,513 | 13,293 | 11,032 | 12,675 | 71,753 | 78,304 |
| Total | 1,524,061 | 1,545,711 | 231,998 | 194,794 | 158,744 | 164,878 | 437,173 | 443,110 | 418,976 | 422,501 | 2,770,949 | 2,770,992 |

COMPARISON 1973 VERSUS EDUCATIONAL REVENUE SHARING 1975

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Alabama | 37,500 | 37,392 | 1,248 | 913 | 2,296 | 2,823 | 8,865 | 7,586 | 10,663 | 7,233 | 60,571 | 55,945 |
| Alaska | 2,781 | 4,269 | 24,594 | 17,879 | 1,191 | 267 | 884 | 716 | 958 | 683 | 30,409 | 23,813 |
| Arizona | 10,413 | 10,893 | 10,972 | 1,217 | 1,469 | 4,334 | 3,947 | 3,805 | 3,764 | 30,667 | 35,165 | |
| Arkansas | 23,122 | 21,314 | 1,581 | 1,132 | 1,724 | 1,505 | 4,880 | 4,045 | 6,056 | 3,857 | 37,363 | 31,853 |
| California | 128,309 | 122,037 | 34,469 | 34,137 | 9,909 | 15,121 | 35,465 | 40,638 | 25,534 | 38,743 | 231,686 | 250,691 |
| Colorado | 12,167 | 13,837 | 3,551 | 3,183 | 2,094 | 1,781 | 5,254 | 4,786 | 4,482 | 4,563 | 27,548 | 28,700 |
| Connecticut | 13,063 | 13,319 | 2,009 | 1,885 | 2,368 | 2,326 | 5,022 | 6,251 | 4,670 | 5,960 | 27,142 | 29,741 |
| Delaware | 2,918 | 4,152 | 14 | 18 | 851 | 451 | 1,315 | 1,213 | 1,487 | 1,156 | 6,585 | 6,990 |
| Florida | 34,727 | 53,354 | 6,977 | 7,509 | 4,229 | 4,870 | 14,062 | 13,087 | 13,642 | 12,479 | 73,938 | 91,293 |
| Georgia | 43,818 | 45,414 | 2,143 | 1,911 | 2,858 | 3,704 | 11,460 | 9,954 | 14,198 | 9,491 | 74,477 | 70,474 |
| Hawaii | 4,068 | 4,597 | 8,571 | 11,000 | 651 | 618 | 1,801 | 1,660 | 2,285 | 1,583 | 17,375 | 19,458 |
| Idaho | 3,697 | 3,463 | 1,490 | 1,123 | 610 | 603 | 2,099 | 1,620 | 1,977 | 1,544 | 9,873 | 8,353 |
| Illinois | 74,316 | 71,914 | 5,532 | 5,043 | 7,944 | 8,658 | 18,982 | 23,269 | 17,035 | 22,187 | 124,708 | 131,072 |
| Indiana | 20,537 | 23,166 | 1,212 | 1,118 | 4,055 | 4,194 | 11,157 | 11,272 | 10,227 | 10,743 | 47,189 | 50,500 |
| Iowa | 16,184 | 14,920 | 210 | 122 | 1,863 | 2,247 | 6,246 | 6,039 | 6,696 | 5,793 | 31,198 | 29,087 |
| Kansas | 10,247 | 12,180 | 5,163 | 4,908 | 1,959 | 1,729 | 5,055 | 4,647 | 4,621 | 4,431 | 27,045 | 27,896 |
| Kentucky | 34,853 | 28,652 | 96 | 77 | 2,136 | 2,553 | 8,344 | 6,861 | 9,425 | 6,542 | 54,354 | 44,685 |
| Louisiana | 32,883 | 52,018 | 975 | 866 | 3,581 | 3,147 | 9,582 | 8,456 | 12,248 | 8,063 | 60,170 | 72,551 |
| Maine | 6,330 | 6,174 | 2,190 | 1,902 | 987 | 784 | 2,638 | 2,108 | 2,487 | 2,010 | 14,632 | 12,978 |
| Maryland | 21,668 | 27,637 | 5,797 | 6,397 | 2,765 | 3,141 | 7,613 | 8,440 | 6,244 | 8,048 | 44,086 | 53,662 |
| Massachusetts | 20,521 | 25,037 | 5,852 | 3,875 | 5,011 | 4,258 | 10,521 | 11,443 | 10,381 | 10,911 | 58,286 | 55,524 |
| Michigan | 59,373 | 51,345 | 4,091 | 4,769 | 8,008 | 7,411 | 17,577 | 19,916 | 13,926 | 18,990 | 102,975 | 102,371 |
| Minnesota | 23,883 | 23,835 | 1,459 | 1,636 | 2,606 | 3,180 | 8,303 | 8,546 | 8,764 | 8,148 | 45,015 | 45,345 |
| Mississippi | 39,259 | 35,963 | 1,555 | 1,010 | 1,537 | 1,920 | 5,930 | 5,160 | 8,302 | 4,920 | 56,623 | 48,973 |
| Missouri | 25,392 | 29,923 | 2,869 | 2,651 | 3,564 | 3,580 | 10,006 | 9,620 | 9,316 | 9,173 | 51,147 | 54,947 |
| Montana | 4,125 | 4,803 | 5,126 | 3,990 | 684 | 594 | 1,970 | 1,595 | 1,720 | 1,521 | 13,625 | 12,503 |
| Nebraska | 7,942 | 8,893 | 3,293 | 2,630 | 976 | 1,172 | 3,463 | 3,150 | 3,393 | 3,003 | 19,067 | 18,818 |
| Nevada | 1,228 | 1,888 | 2,326 | 2,294 | 448 | 382 | 1,124 | 1,026 | 984 | 978 | 111 | 6,567 |
| New Hampshire | 2,294 | 2,641 | 1,101 | 794 | 723 | 572 | 1,887 | 1,538 | 1,760 | 1,467 | 7,764 | 7,013 |
| New Jersey | 48,987 | 42,336 | 5,695 | 5,384 | 6,021 | 5,439 | 11,663 | 14,618 | 9,742 | 13,938 | 82,108 | 81,714 |
| New Mexico | 9,148 | 13,304 | 11,387 | 10,205 | 850 | 939 | 2,904 | 2,523 | 3,096 | 2,406 | 27,385 | 29,377 |
| New York | 213,429 | 187,523 | 6,795 | 7,821 | 14,678 | 13,189 | 28,451 | 35,445 | 28,623 | 33,797 | 291,977 | 277,775 |
| North Carolina | 56,781 | 45,742 | 2,270 | 1,916 | 4,319 | 4,004 | 13,532 | 10,760 | 15,384 | 10,259 | 82,286 | 72,681 |
| North Dakota | 5,127 | 4,496 | 4,981 | 3,271 | 657 | 530 | 1,897 | 1,424 | 1,983 | 1,358 | 14,645 | 11,080 |
| Ohio | 46,538 | 49,993 | 1,690 | 1,768 | 8,523 | 8,531 | 21,453 | 22,927 | 17,831 | 21,861 | 96,036 | 105,081 |
| Oklahoma | 18,654 | 18,313 | 5,660 | 4,187 | 1,759 | 1,935 | 6,324 | 5,201 | 5,890 | 4,959 | 38,286 | 34,595 |
| Oregon | 11,071 | 12,380 | 1,425 | 1,127 | 1,936 | 1,617 | 4,796 | 4,346 | 4,092 | 4,144 | 23,320 | 23,615 |
| Pennsylvania | 69,630 | 66,405 | 1,063 | 1,094 | 9,256 | 8,849 | 23,500 | 23,782 | 21,191 | 22,676 | 124,640 | 122,806 |
| Rhode Island | 5,261 | 5,588 | 2,884 | 2,742 | 897 | 678 | 2,251 | 1,823 | 1,663 | 1,738 | 12,956 | 12,570 |
| South Carolina | 32,866 | 28,446 | 2,972 | 2,345 | 2,257 | 2,177 | 7,304 | 5,852 | 8,825 | 5,580 | 54,224 | 44,400 |
| South Dakota | 6,033 | 5,822 | 4,604 | 3,560 | 746 | 566 | 1,976 | 1,522 | 2,024 | 1,451 | 15,383 | 12,922 |
| Tennessee | 34,233 | 33,695 | 664 | 508 | 2,616 | 3,031 | 9,991 | 8,147 | 10,532 | 7,768 | 58,036 | 53,150 |
| Texas | 87,258 | 101,908 | 11,704 | 9,080 | 8,226 | 9,082 | 26,106 | 24,409 | 22,224 | 23,273 | 155,518 | 167,752 |
| Utah | 4,640 | 4,899 | 1,958 | 1,789 | 927 | 545 | 3,150 | 2,539 | 3,326 | 2,421 | 14,001 | 12,594 |
| Vermont | 2,506 | 2,501 | 6 | 7 | 916 | 354 | 1,359 | 952 | 1,249 | 908 | 6,036 | 4,723 |
| Virginia | 35,203 | 37,957 | 7,050 | 6,284 | 3,269 | 3,625 | 11,049 | 9,742 | 10,763 | 9,289 | 67,334 | 66,898 |
| Washington | 16,081 | 17,177 | 7,708 | 8,185 | 2,600 | 2,652 | 7,120 | 7,154 | 5,575 | 821 | 39,084 | 41,999 |
| West Virginia | 19,394 | 16,415 | 35 | 33 | 1,256 | 1,339 | 4,506 | 3,597 | 4,690 | 3,430 | 29,961 | 24,814 |
| Wisconsin | 19,161 | 23,671 | 976 | 664 | 3,681 | 3,637 | 9,805 | 9,775 | 8,167 | 9,320 | 41,790 | 47,067 |
| Wyoming | 1,562 | 2,134 | 1,824 | 1,324 | 487 | 279 | 1,083 | 749 | 1,068 | 714 | 6,024 | 5,200 |
| District of Columbia | 11,185 | 10,382 | 222 | 302 | 1,102 | 497 | 1,606 | 1,335 | 1,518 | 1,273 | 15,633 | 13,783 |
| All others | 47,155 | 46,091 | 2,133 | 1,100 | 2,919 | 4,916 | 8,513 | 13,213 | 11,032 | 12,598 | 71,753 | 77,918 |
| Total | 1,524,061 | 1,536,371 | 231,998 | 210,378 | 158,744 | 163,879 | 437,173 | 440,426 | 418,976 | 419,941 | 2,770,949 | 2,770,992 |

## CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, has the time allotted under all of the orders expired?

The ACTING PRESIDENT pro tempore. All of the time on all the orders has been yielded back.

Is there further morning business? If not, morning business is closed.

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## ENERGY POLICY ACT OF 1973

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the unfinished business, S. 70, which the clerk will state by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 70) to promote commerce and establish a Council on Energy Policy, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

That this Act may be cited as the "Energy Policy Act of 1973."

FINDINGS

SEC. 2. The Congress hereby finds and declares that—

(a) there are many Federal agencies, created at different times and for different purposes to handle specialized problems, all directly or indirectly involved in the establishment of energy policy;

(b) there is no comprehensive national energy policy but instead Federal energy activities consist of a myriad of laws, regulations, and inactions resulting in narrow, short-range, and often conflicting decision-making by individual agencies without adequate consideration of the impact on the overall energy policy, nor future national energy needs; and

(c) as a consequence of not having a comprehensive national energy policy, the Nation faces mismanagement of energy resources, unacceptably high adverse environmental impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply, and soaring energy prices.

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DECLARATION OF PURPOSES

SEC. 3. Congress declares that—

(a) It is the purpose of this Act to protect and promote the interest of the people of the United States as energy users by establishing a Council on Energy Policy.

(b) A Council on Energy Policy is needed to—

(1) serve as a central point for the collection, analysis, and interpretation of energy statistics and data necessary to formulate policies for wise energy management and conservation and to anticipate social, environmental, and economic problems associated with existing and emerging energy technologies;

(2) coordinate all energy activities of the Federal Government, and provide leadership to State and local governments and other persons involved in energy activities; and

(3) prepare, after consultation with other interested organizations and agencies, a long-range comprehensive plan (hereinafter referred to as the "Energy Plan") for energy development, utilization, and conservation to foster improvement in the efficiency of energy production and utilization, reduction of the adverse environmental impacts of energy production and utilization, conservation of energy resources for the use of future generations, reduction of excessive energy demands, and development of new technologies to produce clean energy.

DUTIES OF FEDERAL AGENCIES

SEC. 4. (a) The policies, regulations, and public laws of the United States shall be interpreted and administered to the fullest extent possible in accordance with the policies set forth in this Act; and

(b) All agencies of the Federal Government shall to the fullest extent possible—

(1) utilize a systematic, interdisciplinary approach which will insure the integrated use of both physical and social sciences in producing, conserving, and utilizing the Nation's energy resources;

(2) submit to the Council on Energy Policy established by this Act for comment all legislative recommendations and reports, to the extent that such recommendations and reports deal with or have a bearing on energy matters;

(3) gather data and information pursuant to guidelines promulgated by the Council on Energy Policy; develop analytical techniques for use in the management, conservation, use, and development of energy resources, and make such data available to the Council on Energy Policy;

(4) recognize the worldwide and long-range character of energy concerns and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to foster international cooperation in anticipating and resolving energy-related problems;

(5) include in every recommendation or report to Congress on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official on whether such a proposal or action is consistent with the Energy Plan formulated by the Council on Energy Policy pursuant to this Act. If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action;

(6) prepare, if required by guideline promulgated by the Council on Energy Policy, an energy resource statement by the responsible official on the effect of the proposed activity on the Nation's overall energy posture.

ESTABLISHMENT OF A COUNCIL

SEC. 5. (a) There shall be created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure by and with the advice and consent of the Senate. The President shall at the time of nomination designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in light of the energy needs of the Nation; to be conscious of and responsive to the environmental, social, cultural, economic, scientific, and esthetic needs and interests of the Nation; and to formulate a national energy plan and recommend national policies with respect to wise energy management. No more than two members of the Council shall be members of the same political party.

DUTIES OF COUNCIL

SEC. 6. (a) The Council shall serve as the principal adviser to the President and the Congress on energy policy and shall exercise leadership in the formulation of Governmental policy concerning domestic and international issues relating to energy.

(b) The Council shall make recommendations to the President and the Congress for resolving conflicts between the policies relating to energy of different Federal agencies.

(c) The Council shall develop within eighteen months after the date of enactment of this Act and thereafter shall annually update an Energy Plan for energy development, utilization, and conservation in the United States to carry out the purposes as stated in section 3 of this Act. Copies of such plans shall be distributed on January 1 of each year to the President, to the Congress, and to all Federal and State agencies concerned with energy, and upon request to local agencies and nongovernmental entities.

(d) The Council shall promptly review all legislative recommendations and reports sent to Congress and the accompanying energy resource statements of Federal agencies, to the extent that such recommendations and reports have a bearing on energy matters. If the Council disapproves such an agency report or recommendation, it shall send to the Congress and the involved Federal agency a statement in writing of its position and the reasons therefor.

(e) The Council shall keep Congress fully and currently informed of all of its activities. Neither the Council nor its employees may refuse to testify before or submit information to Congress or any duly authorized committee thereof.

(f) (1) Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the Congress.

(2) Whenever the Council submits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation, to any officer or agency of the United States for approval, commente, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(g) The Council shall conduct annual public hearings on the Energy Plan and may hold public hearings when there is substantial public interest in other pending matters.

(h) Within six months after the enactment date of this Act and after published notice in the Federal Register and opportunity for comment, the Council shall promulgate guidelines for the preparation of energy resource statements by other Federal agencies. Such guidelines shall be implemented by all Federal agencies within six months after promulgation by the Council. Such guidelines are to be designed to avoid duplication of effort, distinguish between regulatory and nonregulatory activities, contain criteria for determining when an activity is a major Federal activity that affects energy availability and specify the content and nature of the analysis to be required in the energy resource statements. The provisions of this subsection and paragraph (6) of subsection 4(b) of this Act shall be enforceable by the Council only. Nothing contained herein shall be construed as authorizing any court to grant injunctive or other relief to any person for failure to comply with such provisions.

(i) In carrying out its collection, analysis, and interpretation of energy statistics function, the Council shall, as quickly as possible and after appropriate study, promulgate guidelines for the collection and initial analysis of energy data by other Federal agencies, after published notice in the Federal Register and opportunity for comment. Such guidelines shall be designed to make such data compatible, useful, and comprehensive. Where relevant data is not now available or reliable and is beyond the authority of other agencies to collect, the Council shall recommend to the Congress the enactment of appropriate legislation. Pending congressional consideration, the Council may gather such data directly. The Council shall have the power to require by special or general orders any person to submit in writing such energy data as the Council may prescribe. Such submission shall be made within such reasonable period and under oath or otherwise as the Council may direct.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In exercising its powers, functions, and duties under this Act the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations, State and local governments, and other groups, as it deems advisable; and

(2) employ a competent, independent staff which shall utilize, to the fullest extent possible, the services, facilities, and information (including statistical information of public and private agencies and organizations, and individuals, to avoid duplication of effort and expense, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by other agencies.

(b) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(c) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts, consultants, or contractors to conduct detailed studies as may be necessary for the carrying out of its functions under this Act in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

ENERGY REPORT

SEC. 8. The Council shall prepare and submit to the President and the Congress on or before January 1, 1974, and annually thereafter, an energy report to accompany the Energy Plan. This report shall include—

(a) an estimate of energy needs of the United States for the ensuing ten-year period to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation;



(b) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economical manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives;

(c) current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effect of those trends on the social, environmental, economic, and other requirements of the Nation;

(d) a catalog of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling, and to encourage conservation practices; and recommendations for developing technology capable of improving the quality of the environment, increasing efficiency, and protecting employee health and safety in energy industries;

(e) recommendations for improving the energy data and information available to the Federal agencies by improving monitoring systems, standardizing data, and securing additional needed information;

(f) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices), employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of this Act; and

(g) recommendations for the level of funding for the development and application of new technologies, as well as new procedures and practices which the Council may determine to be required to achieve the purposes of this Act and improve energy management and conservation together with recommendations for additional legislation.

PUBLIC ACCESS TO INFORMATION

SEC. 9. (a) Copies of any communications, documents, reports, or information received or sent by any member of the Council shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of subsection (b) of this section.

(b) The Council or any officer or employee of the Council shall not disclose information obtained under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed in a manner designed to preserve its confidentiality—

(1) to other Federal Government departments, agencies, and officials for official use upon request;

(2) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(3) to a court in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(4) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to whom the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons be made public without their express written consent. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

AUTHORIZATION

SEC. 10. (a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $1,000,000 for the fiscal year ending June 30, 1974, $2,000,000 for the fiscal year ending June 30, 1975, and $4,000,000 for each fiscal year thereafter.

(b) All sums appropriated under this Act shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that counsel for the Committee on Commerce, Mr. Henry Lippek, and my legislative assistant, Ms. Mary Jo Manning, be granted the privilege of the floor during the discussion on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that amendment No. 95, which incorporates the minimum language changes which the distinguished Senator from Washington (Mr. JACKSON), who momentarily will be on the floor to describe, be agreed to as a substitute for S. 70 as reported by the Committee on Commerce, and that the bill as thus amended be treated as original text for the purpose of further amendment.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not know that there will be objection—we are waiting for the distinguished Senator from Kansas (Mr. PEARSON) to arrive on the floor. Perhaps the Senator will withhold that request until I can see that it is agreeable with him.

Mr. HOLLINGS. That is very agreeable, Mr. President.

Let me make a preliminary statement while we are waiting for the Senator from Kansas.

The ACTING PRESIDENT pro tempore. Does the Senator withdraw his request?

Mr. HOLLINGS. I withdraw my request.

Mr. President, it is now essential to create a single entity with the capability for examining the entire energy picture. A single entity is needed for the formulation of overall energy policy recommendations and the coordination of Federal energy activities. Currently we have more than 60 Federal agencies that have a significant role in energy policy development. In fact, virtually every major agency of the Federal Government is involved in energy policy in one way or another. Conflicting and inconsistent policies by various agencies have exacerbated the current energy situation.

For example, it has been suggested that the Interior Department has attempted to encourage domestic production of natural resources while the Treasury Department activities have operated, perhaps inadvertently, to encourage foreign exploration. There are increasing signs that the Nation may be facing shortages of gasoline at a time when emission controls are implemented by the automobile industry in a way that tends to reduce gasoline mileage. New refineries are not built in the United States often because of public opposition and short supplies of crude oil. Such situations have created a climate of uncertainty and confusion in the Nation.

Enactment of S. 70 would bring focus and direction to Federal energy activities. It is a necessary first step for alleviating the Nation's energy problems.

Mr. President, S. 70 would establish a three-member Council on Energy Policy. The Council would improve Federal capabilities for obtaining reliable and credible information, coordinate the energy activities of the Federal Government, and prepare a long-range comprehensive plan for energy development, utilization, and conservation. This proposal would provide a single place for Congress and the President to seek energy information and policy recommendations. It assures that a single entity would have responsibility for examining the overall energy picture.

The Council on Energy Policy would provide sophisticated analyses of policy alternatives and would formulate recommendations for national energy policy. It would be responsive to both the President and the Congress. The Council would not assume the duties of existing agencies, but rather would be a policy adviser such as the Council of Economic Advisers or the Council on Environmental Quality. In addition, once the policy choices have been made within the executive or legislative branches, the Council would formulate an energy plan to serve as a basic blueprint for other agencies to better carry out their assigned tasks in a coordinated fashion.

The Council would also publish an annual energy report. This report would accompany the energy plan and it would include statistical data, energy supply and demand trends, and recommended legislation.

Let me emphasize at this point, while we are awaiting the attendance on the floor of the distinguished Senator from Kansas, that he has had a long interest in these matters and is a primary sponsor of S. 70. The program proposed by S. 70 started about 6 years ago, under the direction of the distinguished Senator from Washington (Mr. MAGNUSON), the chairman of our Commerce Committee. I was holding hearings on the Federal Power Commission with respect to the brownouts and blackouts. I continued holding these hearings, listening to not only the Federal Power Commission, but the Atomic Energy Commission and the other interests involved, and I was constantly coming to the point, as other Senators were, during these hearings, of asking, Where is the policy and what is the policy?

Realizing the need for one single agency to coordinate energy activities and recommend an energy policy in this Government, I began working with other interested Senators. They included the Senator from Kansas, who only 2 years ago introduced a bill similar to S. 70; our distinguished friend, the junior Senator from Washington (Mr. JACKSON); together with the distinguished Senator

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from West Virginia (Mr. RANDOLPH), chairman of the Committee on Public Works, who established the national fuels and energy policy study.

So this particular proposal for a Council on Energy Policy has been under consideration for approximately 2 years. We have conferred with and I have had valuable guidance from all of these gentlemen and also from the chairman of the Joint Committee on Atomic Energy, the Senator from Rhode Island (Mr. PASTORE).

So this measure represents the work product of an intensive effort over a 2- to 3-year period with the participation of various committees in Congress that are interested in energy. We now have a proposal to centralize energy policymaking and responsibility in this Government. We tried to keep this bill as clean as we could and it does not solve all problems. Important considerations with respect to energy research and development, with respect to materials and conservation, with respect to the allocation or perhaps rationing of various fuel supplies that may be necessary must be dealt with in greater detail in other legislation.

There are many, many elements involved in the energy question, and this measure reposes within the executive branch of the Government a National Council on Energy Policy.

I will continue on for just a moment, because I know the distinguished Senator from Montana has an amendment which, as the manager of the bill, I am willing to agree to. It has been hammered out and worked out with the General Accounting Office, but I am sure the Senator from Kansas would like to make his comments before going into the amendment of the Senator from Montana, so let me just state this:

In developing this legislation, the Commerce Committee worked closely with the members of the National Fuels and Energy Policy Study established pursuant to Senate Resolution 45. Following the reporting of S. 70 by the Commerce Committee, floor consideration was deferred to afford additional opportunity for the study members to examine this proposal and submit any comments prior to floor debate.

The National Fuels and Energy Policy Study members have recommended a minimum of changes which would: First, clarify the intention of the bill that the Council on Energy Policy would be a policy advisory group to the President, using his authority to coordinate Federal energy functions; second, clarify the intent of the bill—the Council would promulgate guidelines for the collection of energy information and would be a focal point for policy analysis of energy data; and third, amend the intent of the bill to reinforce the advisory relationship between the Council and the President. To avoid confusion during floor consideration of this measure, I submitted an amendment to S. 70—amendment No. 95—which incorporates these language changes. So each Member can have in one instrument the bill in its entirety.

This amended version of S. 70 bill was circulated in a letter by several Senators. I ask unanimous consent to have that letter printed in the RECORD at this point. The several Senators interested in the development of a satisfactory measure are Senators MAGNUSON, JACKSON, PASTORE, RANDOLPH, and myself.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON COMMERCE,
*Washington, D.C., May 2, 1973.*

DEAR COLLEAGUE: On Tuesday, March 27, the Commerce Committee reported without a dissenting vote S. 70, a bill to establish a Council on Energy Policy. (Rept. No. 93-114)

It is our hope that floor consideration of this bill can occur early next week. We believe this legislation is a necessary first step toward establishing a comprehensive national energy policy. It would bring focus and direction to Federal energy activities by placing a single 3-member council in charge of strengthening Federal data collection capabilities, coordinating Federal energy activities and formulating a comprehensive long-range plan for energy production, utilization and conservation. The Council would not have regulatory authority but it would prepare guideliness for other agencies to better carry out their assigned tasks.

By agreement of the Committee Chairmen of the Committees with jurisdiction over the energy policy area, S. 70 was held on the calendar for 30 days to provide an opportunity for review by other concerned committees. We are happy that the members of the National Fuels and Energy Policy Study have examined the proposal and recommended minimum changes in the language of S. 70 as reported. Enclosed is the amended version of the bill that incorporates these recommended changes.

If you have any questions or wish to cosponsor this legislation, please have your staff contact Henry Lippek of the Commerce Committee Staff at 5-9321.

Sincerely yours,

ERNEST F. HOLLINGS.
JENNINGS RANDOLPH.
WARREN G. MAGNUSON.
HENRY M. JACKSON.
JOHN O. PASTORE.

Mr. HOLLINGS. Mr. President, over a week ago we circulated this particular amendment. I have been waiting for the distinguished Senator from Kansas (Mr. PEARSON), who has now arrived on the floor, to ask unanimous consent that the worked-out amendment, amendment No. 95, be agreed to as an amendment in the nature of a substitute for S. 70 that was reported by the Commerce Committee and that the bill as thus amended be treated as original text for the purpose of amendment.

Mr. PEARSON. Mr. President, I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, the amendment in the nature of a substitute is agreed to, and the bill as thus amended will be treated as original text.

The amendment in the nature of a substitute, as agreed to, reads as follows:

That this Act may be cited as the "Energy Policy Act of 1973".

FINDINGS

SEC. 2. The Congress hereby finds and declares that—

(a) there are many Federal agencies, created at different times and for different purposes to handle specialized problems, all directly or indirectly involved in the establishment of energy policy;

(b) there is no comprehensive national energy policy but instead Federal energy activities consist of a myriad of laws, regulations, and inactions resulting in narrow, short range, and often conflicting decisionmaking by individual agencies without adequate consideration of the impact on the overall energy policy, nor future national energy needs; and

(c) as a consequence of not having a comprehensive national energy policy, the Nation faces mismanagement of energy resources, unacceptably high adverse environmental impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply, and soaring energy prices.

DECLARATION OF PURPOSES

SEC. 3. Congress declares that—

(a) It is the purpose of this Act to protect and promote the interest of the people of the United States as energy users by establishing a Council on Energy Policy.

(b) A Council on Energy Policy is needed to serve as a focal point for—

(1) the collection, analysis, and interpretation of energy statistics and data necessary to formulate policies for wise energy management and conservation and to anticipate social, environmental, and economic problems associated with existing and emerging energy technologies;

(2) the coordination of all energy activities of the Federal Government, and provide leadership to State and local governments and other persons involved in energy activities; and

(3) the preparation of, after consultation with other interested organizations and agencies, a long-range comprehensive plan (hereinafter referred to as the "Energy Plan") for energy development, utilization and conservation to foster improvement in the efficiency of energy production and utilization, reduction of the adverse environmental impacts of energy production and utilization, conservation of energy resources for the use of future generations, reduction of excessive energy demands, and development of new technologies to produce clean energy.

DUTIES OF FEDERAL AGENCIES

SEC. 4. (a) The policies, regulations, and public laws of the United tSates shall be interpreted and administered to the fullest extent possible in accordance with the policies set forth in this Act; and

(b) All agencies of the Federal Government shall to the fullest extent possible—

(1) utilize a systematic, interdisciplinary approach which will insure the integrated use of both physical and social sciences in producing, conserving, and utilizing the Nation's energy resources;

(2) submit prior to the review process established pursuant to the Budget and Accounting Act of 1921, as amended, to the Council on Energy Policy established by this Act for comment all legislative recommendations and reports, to the extent that such recommendations and reports deal with or have a bearing on energy matters;

(3) gather data and information pursuant to guidelines promulgated by the Council on Energy Policy; develop analytical techniques for use in the management, conservation, use, and development of energy resources, and make such data available to the Council on Energy Policy;

(4) recognize the worldwide and long-range character of energy concerns and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to foster international cooperation in anticipating and resolving energy-related problems;

(5) include in every recommendation or report to Congress on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official on whether such a proposal or action is consistent with the Energy Plan formulated by the Council on Energy Policy pursuant to this Act. If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action;

(6) prepare, if required by guidelines promulgated by the Council on Energy Policy, an energy resource statement by the responsible official on the effect of the proposed activity on the Nation's overall energy posture.



ESTABLISHMENT OF A COUNCIL

SEC. 5. (a) There shall be created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure by and with the advice and consent of the Senate. The President shall at the time of nomination designate one of the members of the Council to serve as Chairman. Each member shall be a person, who as a result of his training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in light of the energy needs of the Nation; to be conscious of and responsive to the environmental, social, cultural, economic, scientific, and esthetic needs and interests of the Nation; and to formulate a national energy plan and recommend national policies with respect to wise energy management.

DUTIES OF COUNCIL

SEC. 6. (a) The Council shall serve as the principal adviser to the President on energy policy and shall exercise leadership in the formulation of Government policy concerning domestic and international issues relating to energy.

(b) The Council shall make recommendations to the President and the Congress for resolving conflicts between the policies relating to energy of different Federal agencies.

(c) The Council shall develop within eighteen months after the date of enactment of this Act and thereafter shall annually update an Energy Plan for energy development, utilization, and conservation in the United States to carry out the purposes as stated in section 3 of this Act. Copies of such plans shall be distributed on January 1 of each year to the President, to the Congress, and to all Federal and State agencies concerned with energy, and upon request to local agencies and nongovernmental entities.

(d) The Council shall promptly review all legislative recommendations and reports sent to Congress and the accompanying energy resource statements of Federal agencies, to the extent that such recommendations and reports have a bearing on energy matters, and it shall send to the President and the involved Federal agency a statement in writing of its position and the reasons therefor.

(e) The Council shall keep Congress fully and currently informed of all of its activities. Neither the Council nor its employees may refuse to testify before or submit information to Congress or any duly authorized committee thereof.

(f) The Council shall conduct annual public hearings on the Energy Plan and may hold public hearings when there is substantial public interest in other pending matters.

(g) Within six months after the enactment date of this Act and after published notice in the Federal Register and opportunity for comment, the Council shall promulgate guidelines for the preparation of energy resource statements by other Federal agencies. Such guidelines shall be implemented by all Federal agencies within six months after promulgation by the Council. Such guidelines shall be implemented by all Federal agencies within six months after promulgation by the Council. Such guidelines are to be designed to avoid duplication of effort, distinguish between regulatory and nonregulatory activities, contain criteria for determining when an activity is a major activity that affects energy availability and specify the content and nature of the analysis to be required in the energy resource statements. The provisions of this subsection and paragraph (6) of subsection 4(b) shall be enforceable by the Council only. Nothing contained herein shall be construed as authorizing any court to grant injunctive or other relief to any person for failure to comply with its provisions.

(h) In carrying out its collection, analysis, and interpretation of energy statistics function, the Council shall, as quickly as possible and after appropriate study, promulgate guidelines for the collection and initial analysis of energy data by other Federal agencies, after published notice in the Federal Register and opportunity for comment. Such guidelines shall be designed to make such data compatible, useful, and comprehensive. Where relevant data is not now available or reliable and is beyond the authority of other agencies to collect, then the Council shall recommend to the Congress the enactment of appropriate legislation. Pending congressional consideration, the Council may gather such data directly. The Council shall have the power to require by special or general orders any person to submit in writing such energy data as the Council may prescribe. Such submission shall be made within such reasonable period and under oath or otherwise as the Council may direct.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In exercising its powers, functions, and duties under this Act the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations; State, and local governments, and other groups, as it deems advisable; and

(2) employ a competent, independent staff which shall utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, to avoid duplication of effort and expense, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by other agencies.

(b) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(c) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts, consultants, or contractors to conduct detailed studies as may be necessary for the carrying out of its functions under this Act in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

ENERGY REPORT

SEC. 8. The Council shall prepare and submit to the President and the Congress on or before January 1, 1974, and annually thereafter, an energy report to accompany the Energy Plan. This report shall include—

(a) an estimate of energy needs of the United States for the ensuing ten-year period to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation;

(b) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives;

(c) current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

(d) a catalog of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling, and to encourage conservation practices; and recommendations for developing technology capable of improving the quality of the environment, increasing efficiency, and protecting employee health and safety in energy industries;

(e) recommendations for improving the energy data and information available to the Federal agencies by improving monitoring systems, standardizing data, and securing additional needed information;

(f) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices), employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of this Act; and

(g) recommendations for the level of funding for the development and application of new technologies, as well as new procedures and practices which the Council may determine to be required to achieve the purposes of this Act and improve energy management and conservation together with recommendations for additional legislation.

PUBLIC ACCESS TO INFORMATION

SEC. 9. (a) Copies of any communications, documents, reports, or information received or sent by any member of the Council shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of subsection (b) of this section.

(b) The Council or any officer or employee of the Council shall not disclose information obtained under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed in a manner designed to preserve its confidentiality—

(1) to other Federal Government departments, agencies and officials for official use upon request;

(2) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(3) to a court in any judicial proceeding under court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(4) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to whom the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons be made public without their express written consent. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

AUTHORIZATION

SEC. 10. (a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $1,000,000 for fiscal

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year ending June 30, 1974, $2,000,000 for fiscal year ending June 30, 1975, and $4,000,000 for each fiscal year thereafter.

(b) All sums appropriated under this Act shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

Mr. JACKSON. Mr. President, I support amendment No. 95 which has been proposed by the junior Senator from South Carolina (Mr. HOLLINGS) to S. 70, a bill to establish a Council on Energy Policy.

In accordance with an agreement among the committee chairmen, S. 70 has been held on the calendar to afford an opportunity for it to be reviewed by the members and ex-officio members of the Senate Interior Committee conducting a study of national fuels and energy policy. A number of those members discussed with the sponsors of S. 70 their concern that the bill as reported might place the proposed council in an untenable situation. In its capacity as an advisory body to the President, it would participate closely in Executive decisions. If it could not do so, its ability to provide the knowledgeable advice on energy matters and continuous surveillance of the national energy system would be severely constrained.

The bill as reported, however, also assigned the Council a close advisory role to the Congress and in several ways made it extraordinarily independent of Presidential control. Members of the fuels and energy study recognized that each of these functions are greatly needed in national energy policy:

The President needs intimate, expert advisors on energy matters;

The Congress needs better decision-making information on energy; and

There is a need for an independent voice to raise issues and criticize the performance of government and industry in the energy field.

The members believed that the second two functions could be inconsistent with the role of a Presidential advisory body established in the Executive Office. They felt that all three responsibilities could not be carried out faithfully and agressively by the same agency.

Amendment No. 95 makes a number of changes in the bill which clarify the primary role of the Council as an advisory body to the President. They resolve the problems posed by the bill as reported, and I shall support both the amendment and the bill in its amended form.

I wish to point out that the Federal Government until now has never been coherently organized to implement a coordinated national energy policy. As our development of such a policy goes forward, weaknesses in the existing organization will be recognized and must be corrected. The measure before us, S. 70, deals with one important aspect of energy organization. It does not complete the job of creating an organizational mechanism capable of meeting the energy crisis we face.

Mr. HOLLINGS. Mr. President, it was over 2 years ago, prior to even the introduction of the pending bill, that the Senator from Kansas saw a need and worked on that need and introduced a bill in 1972 which contributed significantly to the measure pending before the Senate today.

I now yield to the distinguished Senator from Kansas.

Mr. PEARSON. Mr. President, I ask unanimous consent that the minority staff director of the Commerce Committee, Arthur Pankopf, and minority staff counsel, John C. Kirtland, be given the privilege of the floor during the consideration of the pending measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, I would like to thank the distinguished Senator from South Carolina whose leadership and diligence has been responsible for bringing this measure to the floor promptly and with a sense of urgency that we have all felt about this particular legislation.

Let me say at this time that the pending bill, S. 70, is one that I strongly support. It is, as the distinguished Senator from South Carolina (Mr. HOLLINGS), indicated, based in part on legislation which I introduced last year and which was reintroduced this year. However, it is based more squarely indeed upon his own proposal.

I want to compliment the Senator not only for holding the hearings but also for bringing this matter to the attention of the Senate at the earliest possible moment.

The measure would create a three-member Council on Energy Policy. It would centralize the collection and analysis of energy information. It would be charged with the duty to coordinate energy activities of the Federal Government and to prepare long-range plans for the development, utilization, and conservation of energy resources.

The Council would serve as the principal advisory body to the President and to the Congress in the formulation of a coordinated, comprehensive energy policy.

The need for the Council is apparent from the hearing record. As I am sure the distinguished Senator from South Carolina has already brought to the attention of the Senate, there are today more than 60 departments, agencies, boards, commissions, offices, and bureaus of the executive branch that have statutory responsibilities which relate to energy policy.

There is no centralized planning or advisory body, no structured method of analyzing or acting upon overall energy needs. Both Congress and the President must depend upon the counsel of officials whose duties in formulating energy policy relate only to fragmented parts of the total picture.

Mr. President, I should like to indicate to the Senate at this time that the administration is opposed to this measure. Shortly before the committee's action in reporting favorably on the bill, the distinguished ranking minority member, the Senator from New Hampshire (Mr. COTTON), received from Mr. William E. Timmons, Assistant to the President, a statement on the merits of the proposal. I have the permission of the distinguished Senator from New Hampshire to have the letter from the White House under date of April 10, 1973, printed in the RECORD. I should also like to ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
*Washington, D.C., April 10, 1973.*

Hon. NORRIS COTTON,
*U.S. Senate,*
*Washington, D.C.*

DEAR NORRIS: The Senate is currently considering enactment of S-70, a bill to establish a Council on Energy Policy, which was reported out of the Senate Commerce Committee on March 27. The bill had been previously introduced in the last Congress and was reintroduced in this session.

The President fully recognized the need for a comprehensive national energy policy. Accordingly, the President in February of this year appointed Secretary Shultz, John Ehrlichman and Henry Kissinger as a Special Committee on Energy. The Committee has the mandate to study the energy situation, develop national policy, both for the short and the long term, for the President, and to see that resulting Presidential policy decisions are implemented in the various existing departments and agencies having responsibility for, or acting on matters which affect, the supply of and demand for energy.

Also in February, the President appoined Charles J. DiBona as Special Consultant to the President to work with the Special Committee on Energy to ensure that all major energy issues and actions are brought before the Committee for review and to provide the Committee with such information, recommendations and advice as may be necessary to assist the Committee in its work.

The Committee and Mr. DiBona have now been working together for seven weeks. In this period, he has hired a staff of five professionals (one economist, one physicist, one lawyer, one political scientist and one M.B.A.), with one additional economist to join shortly. The staff has so far been intensively engaged in reviewing and analyzing the work of the various federal agencies relating to energy matters and is presently preparing both short and long range issues for Presidential decision. It is expected that within the next few weeks, some of these decisions will be announced in the President's Energy Message. Thereafter, in addition to ensuring that the decisions made by the President are fully and properly implemented, the staff will monitor ongoing energy problems, coordinate energy activities throughout the federal government and continue to develop a comprehensive energy policy.

As the performance of these tasks requires, additional professionals, qualified in the areas they will be addressing, may be added to the staff.

The President's appointment of Secretary Shultz, John Ehrlichman and Henry Kissinger reflects his desire to establish an organization responsive to him, having his confidence, and capable of advising him both on policy and technical questions, at the highest level of the Executive branch. Furthermore, unlike the Council on Energy sought to be established by S-70, the existing organization is engaged solely in substantive work, unburdened by the lack of flexibility and initiative so characteristic of bureaucracies. Finally, the size of the present staff will be governed by what is required to solve the problems it will face. The size of the Council's staff, on the other hand, will undoubtedly be limited only by the $4M appropriation provided for in three years, under S-70.

In summary, the Administration feels that there is an existing organization which is already performing the same functions proposed to be performed by the Council under S-70, and that enactment of S-70 and the creation of the Council thereunder would therefore be duplicative and counter-productive.

It is expected that the President will issue an Executive Order in the near future in order to formalize the existing arrangement and to confirm his confidence therein.

If you wish any additional information on the functions and operations of the President's Special Committee on Energy and the Office of the Special Consultant, I will be happy to arrange a meeting for this purpose among you, Mr. DiBona and myself.

I am sending letters similar to this to other selected leaders.

Sincerely,

WILLIAM E. TIMMONS,
*Assistant to the President.*



Mr. HOLLINGS. Mr. President, I yield now to the distinguished Senator from Montana (Mr. METCALF).

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

AMENDMENT NO. 109

Mr. METCALF. Mr. President, I call up my amendment No. 109.

Mr. President, I modify my amendment at this time. My amendment No. 109 amends S. 70. So, under the unanimous-consent agreement that was just entered into, S. 70 has been amended by the Hollings substitute.

I, therefore, ask unanimous consent that amendment No. 109 be submitted to the Hollings substitute by adding, "on page 13, at line 4, strike "section 10", and insert "section 11." So, it is the same amendment.

The ACTING PRESIDENT pro tempore. The amendment is accordingly modified.

The amendment as modified is as follows:

On page 13, after line 2, of the amendment of the Senator from South Carolina, (Mr. HOLLINGS), numbered 95 insert the following:

MONITORING OF ENERGY STATISTICS AND ANALYSIS

"SEC. 10. (a) The Comproller General of the United States shall continuously monitor and evaluate the operations of the Council including its reporting requirements. Upon his own initiative or upon the request of a committee of the Congress or, to the extent personnel are available, upon the request of a Member of the Congress, the Comptroller General shall (1) conduct studies of existing statutes and regulations governing Federal energy program, (2) review the policies and practices of Federal agencies administering such programs, (3) review and evaluate the procedures followed by such agencies, in gathering, analyzing, and interpreting energy statistics, data, and information related to the management and conservation of energy, including but not limited to data related to energy costs, demand, industry structure, envirenmental impacts and research and development, and (4) evaluate particular projects or programs. The Comptroller General shall have access to such data from any public or private source whatever, notwithstanding the provisions of any other law, as is necessary to carry out his responsibilities under this Act and shall report to the Congress at such times as he deems appropriate with respect to Federal energy programs, including his recommendations for such modifications in existing laws, regulations, proceddures, and practices as will, in his judgment, best serve the Congress in the formation of a national energy policy.

(b) In carrying out his responsibilities as provided in subsection (a) of this section, the Comptroller General shall give particular attention to the need for improved coordination of the work of the Federal Government related to energy policies and programs and the attendant need for a central source of energy statistics and information.

(c) The Comptroller General or any of his authorized representatives in carrying out his responsibilities under this section shall have access to any books, documents, papers, statistics, data, information, and records of any private organization relating to the management and conservation of energy, including but not limited to energy costs, demand, supply, reserves, industry structure, environmental impacts, and research and development. The Comptroller General may require any private organization to submit in writing such energy data as he may prescribe. Such submission shall be made within such reasonable period under oath or otherwise as he may direct.

(d) To assist in carrying out his responsibilities, the Comptroller General may sign and issue subpenas requiring the production of the books, documents, papers, statistics, data, information, and records referred to in subsection (c) of this section.

(e) In case of disobedience to a subpena issued under subsection (d) of this section, the Comptroller General may invoke the aid of any district court of the United States in requiring the production of the books, documents, papers, statistics, data, information, and records referred to in subsection (c) of this section. Any district court of the United States within the jurisdiction in which the private organization is found or transacts business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the private organization to produce the statistics, data or information; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

"(f) Reports submitted by the Comptroller General to the Congress shall be available to the public at reasonable cost and upon identifiable request, except that the Comptroller General may not disclose to the public any information which could not be disclosed to the public by the Council under the provisions of section 9(b) if the information were held by the Council."

On page 13, line 4, strike "SEC. 10", and insert "SEC. 11".

Mr. METCALF. Mr. President, this is a great advance in our consideration of energy, energy supplies, and energy resources. The bill is long overdue. It is essentially an information bill, a bill that coordinates the activities of the agencies of the executive departments.

The bill does such things as directing the council to keep Congress fully and currently informed of all its activities. It provides that the council shall have annual and public hearings and studies. It provides that they should also appear and testify before the committees of Congress, and so forth. Nevertheless, in all of this gathering and disseminating of energy information and energy control, there just is not any way that the Congress can coordinate its own activities on energy at this time.

We have in the Comptroller General, the Government Accounting Office, an arm of the Congress that does give us the information and makes studies and analyses and furnishes the information and makes periodic reports to the Congress.

When I first looked at the bill, I suggested that the Comptroller General be directed to have additional energy studies and additional information gathered.

The present Comptroller General, Mr. Staats, for whom I have the greatest respect, stated that this is not a matter involving the function of the Comptroller General, and that he would rather have the job of analyzing and reporting and making reports. So, I removed that idea of direction and giving the power to the Comptroller General.

Of course, if he had a need for additional information, at the request of the Congress he would have the authority to gather it. Essentially that is what my amendment does.

I have gone over it with the Comptroller General, with the staff of the manager of the bill, the Senator from South Carolina (Mr. HOLLINGS), and with the staff of the junior Senator from Washington (Mr. JACKSON) and the senior Senator from Washington (Mr. MAGNUSON).

I think that we have reached an idea whereby Congress will get more information out of this. Congress will have the authority to handle this matter of information in a way that it can use it and that meets with the agreement of the Comptroller General and the authors of the bill.

I submit the amendment.

Mr. HOLLINGS. Mr. President, I have no objection to agreeing to the amendment offered by the distinguished Senator from Montana (Mr. METCALF).

It is important for Congress to improve its own capability for monitoring the collection of energy statistics and data. This amendment would assure that the General Accounting Office has the authority and the power to review the effectiveness and efficiency of the information gathering activities of the Council on Energy Policy. The amendment would not give the General Accounting Office operating responsibilities and thus, it would assure the continuance of the independence and objectivity that is so necessary for the GAO to continue to effectively execute its responsibilities.

For these reasons I have no objection to the acceptance of this amendment, as modified so as not strike out the S. 70 authorization clause.

As I understood the Senator, the amendment as modified would not strike the authorization clause from S. 70. I think, as it was first drawn, as amendment 109, it would have had the effect of striking the authorization clause; but if I correctly understood the Senator's remarks, he has added his section so as not to strike the authorization clause which is on page 13 of the bill.

Mr. METCALF. Yes. I tried to make it conform. There was never any mention to strike the authorization clause, and I now have tried to make the amendment conform to the amendment of the distinguished Senator from South Carolina on the bill. I merely inserted an additional section, which would be an information section for the Congress.

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Mr. HOLLINGS. I thank the Senator from Montana. He has done a very valuable thing, because during the drafting and formulation of S. 70 as reported, the Council would have advised both Congress and the President. This was a situation that the Senator from Kansas (Mr. PEARSON) pointed out that we should be particularly careful about, that we could not have the Council directly responsible to both the executive and legislative branches.

But once we removed that problem by adopting amendment No. 95, Senator PEARSON and Senator JACKSON, after consulting with the National Fuels and Energy Policy study are in agreement, that the GAO can properly strengthen congressional oversight capabilities over the Council on Energy Policy. This amendment will give Congress improved decisionmaking information on energy and permit independent evaluation and criticism of Government and private activities in the energy field.

I think one thing that should be emphasized, Mr. President, at this particular point, is that subpena power by the General Accounting Office is included in Senator METCALF's amendment 109 to secure energy information from industry and Government. This subpena power is also given to the Council in S. 70. On page 20, liner 10 to 13, the bill provides:

The Council shall have the power to require by special or general orders any person to submit in writing such energy data as the Council may prescribe.

The general order authority would run to industries as a group, requiring the disclosure of certain information; a special order, which is a subpena, would go to a particular party or corporation or industry and requiring a specific piece of information. So there should not be any misunderstanding; it was not put in in the sense of a subterfuge, or in order not to use the heinous word "subpena." The intent is clear: By the term "special order," the intent of Congress means just that, that the Council and now the GAO would have subpena power, to secure all energy information from all sources, consistent with constitutional protection from unreasonable searches, in order to carry out the vital purposes of S. 70.

I yield now to my distinguished colleague from Kansas.

Mr. PEARSON. Mr. President, I concur with the distinguished Senator from South Carolina. The bill as originally drawn raised some questions in my mind about an independent agency actually serving two masters. The amendment now accepted by the Senator from South Carolina improves or helps along that particular problem; and I might say I am very pleased to join in accepting the amendment. I think it aids in a fine way defining the congressional role, without doing violence to the independence of the agency. I congratulate the Senator from Montana on his amendment.

Mr. METCALF. I thank the Senator.

Mr. President, may I have an opportunity——

Mr. HOLLINGS. I yield to the Senator from Montana.

Mr. METCALF. I should like at this time to have printed in the RECORD a statement by the Senator from Washington (Mr. JACKSON), who was chairman of the Energy Policy Joint Subcommittee of the Committee on Public Works, and to read from it a couple of paragraphs:

Today, the Congress has no single source of such information concerning energy policy. Some data is entirely unavailable. Much available information includes assumptions which cannot even be detected.

The General Accounting Office, as an arm of the Congress, has the inherent capability to collect and analyze energy information to support policy decisions. The amendment being proposed would strengthen the Comptroller General's role in the energy area and empower him to acquire data essential for energy decisions.

I ask unanimous consent that the entire statement of Senator JACKSON, together with a letter addressed to Senator MAGNUSON from the Comptroller General of the United States regarding the history of this amendment and how the compromise amendment 109 was worked out, be printed in the RECORD.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JACKSON

Mr. President, the amendment offered by the Senator from Montana (Mr. Metcalf) would take the first step toward resolving another inadequacy of existing Federal energy policymaking.

From the outset of the Interior Committee's study of a National Fuels and Energy Policy, it has been evident that there is insufficient reliable information about many aspects of the energy system to support policy decisions. The need for better information is particularly acute in the Congress.

Congressional policy decisions are usually very complex involving many intangible and abstract factors. The information upon which such decisions are based requires not only extensive data but also many judgmental assumptions. The data must be complete and accurate and the assumptions must be objective and unbiased if the decisions are to be sound.

Today, the Congress has no single source of such information concerning energy policy. Some data is entirely unavailable. Much available information includes assumptions which cannot even be detected.

The General Accounting Office, as an arm of the Congress, has the inherent capability to collect and analyze energy information to support policy decisions. The amendment being proposed would strengthen the Comptroller General's role in the energy area and empower him to acquire data essential for energy decisions.

The Interior Committee presently has two major studies under way of existing Federal energy data collection, one by the GAO and another by the Legislative Research Service. When the results of these studies are available, it will be possible to define the specific needs for additional data collection, analysis, dissemination in the Federal Government. Until then, the authority provided in this amendment will permit the Comptroller General, utilizing the existing data collection system and the authority granted in the amendment, to begin to provide the Congress with better information for decisions which are too urgent to be deferred.

——

WASHINGTON, D.C.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,*
*Washington, D.C.*

DEAR MR. CHAIRMAN: This refers to your letter of May 2, 1973, requesting our views on an amendment proposed by Senator Metcalf to be offered to S. 70, 93d Congress. The amendment provides that the General Accounting Office would be a central source of energy statistics, and would have as its purposes assistance to the Council on Energy Policy (which would be created by S. 70) in carrying out its duties, and assistance to the Congress in the formulation of national energy policy. While we agree that a need exists for a central Government agency to gather and analyze information on energy, we are convinced, for the reasons set forth below, that assignment of this responsibility to our Office is not a desirable means of achieving this purpose.

Our Office, as noted, would be charged with the responsibility of assisting the Council on Energy Policy created, by section 5(a) of S. 70, in the Executive Office of the President. We do not believe that this kind of responsibility should be assigned to the General Accounting Office. As an independent agency of the legislative branch, the General Accounting Office is responsible for reviewing the effectiveness and efficiency of programs carried out by executive agencies, including the proposed Council, and for reporting the results of its reviews to the Congress. If we are to maintain both the independence and objectivity necessary for performance of these functions, and the reputation for independence and objectivity which lends credibility and authority to our reviews, we must scrupulously avoid becoming involved in carrying out an executive branch responsibility. If there is to be created a central agency charged with gathering, analyzing and interpreting data on energy, we believe that it should be in the executive branch.

The draft of Senator Metcalf's amendment you sent us proposed the establishment by statute of a separate and quasi-independent Bureau within this Office. The internal organization of the General Accounting Office is, we believe, best left to the discretion of the incumbent Comptroller General. We understand the amendment introduced by Senator Metcalf on May 3 does not contain this provision.

We note that one function proposed, in addition to assisting the Council, would be to assist the Congress in the formulation of national energy policy. We can perform this function under existing statutory authority. In this respect, we have recently been requested by the Chairman of the Senate Committee on Interior and Insular Affairs to study the feasibility of establishing a Federal data bank to perform essentially the same function which would be performed by the proposed Bureau. We are also making an effort in general to review the energy programs of the Government. These efforts will, we expect, provide useful insight into the problem of energy data, with which the amendment seeks to deal.

As an alternative to the amendment proposed by Senator Metcalf, I have developed a substitute approach which would provide a specific mandate to the GAO to monitor the energy statistics and analysis programs of the executive branch which I have discussed with Senator Metcalf. The language reflecting this alternative is attached.

Also, we suggest that there be included in S. 70 a provision giving the Council subpoena power. See for example the language of 10(d) in our above-mentioned enclosure.

Sincerely yours,

ELMER B. STAATS,
*Comptroller General*
*of the United States.*

Mr. HOLLINGS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HOLLINGS. I yield back the remainder of my time.

Mr. METCALF. I yield back the remainder of my time.



The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Washington (Mr. JACKSON) will be along momentarily. The distinguished Senator from Minnesota (Mr. HUMPHREY) has an amendment that he had at one time wished to propose. I am not clear at this point whether he will insist upon that amendment. Frankly, it brings up a very important point, but we would have to oppose the amendment, because we think it is too important an initiative to be included just as an amendment to this particular energy policy bill.

I am very hopeful, with the colloquy between the two distinguished Senators, that we will be able to forgo that amendment at this time, but we certainly would welcome the colloquy or the discussion on the particular matter of emergency fuel allocation, especially this summer, in the light of the crisis which we are now facing.

Mr. President, as we await their return to the floor, I might emphasize at this point that some years ago, in 1952, President Harry S Truman appointed the President's Materials Policy Committee. It was a very auspicious five-member commission with a staff or more than 100 experts. It studied for 2 years, and came out with a report of more than five volumes, one entire volume being devoted to the subject of energy alone.

After that extensive study the Paley Commission, 20 years ago, had this to say:

In the past, government has dealt with energy problems largely on a piecemeal basis with separate programs for coal, gas, for petroleum, for electricity, and for atomic energy, with each usually handled by one or more separate agencies operating under one or more separate legislative authorizations.

The Commission is strongly of the opinion that the Nation's energy problem must be viewed in its entirety and not as a loose collection of independent pieces involving different sources and forms of energy. So numerous and vital are the interrelations among all sectors of the energy field, that problems in any one sector must be dealt with always in full consideration of the effects on all other sectors. The aim must be to achieve a constant pattern of policies and programs throughout the entire energy field.

With that charge, after a blue ribbon commission study, 20 years later we are still in the same position, hoping for one agency of government to coordinate and formulate an energy policy.

Now, unless some other Senator present wishes to speak——

Mr. MOSS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I thank the Senator for yielding to me.

Mr. President, having served for many years on the Interior Committee, remaining as an ex officio member of the National Fuels and Energy Policy Study, and continuing to serve on the Senate Commerce Committee as chairman of the Consumer Subcommittee, I have studied the needs of the American people with regard to energy. Time and again regulatory initiatives have developed in the executive branch which show absolute lack of coordination for use of our various natural resources and the impact of these decisions on the American consumer.

The Nation has supplies of coal that are sufficient for hundreds of years. There is enough uranium to meet demands for the foreseeable future. The supplies of natural gas and oil might be sufficient until the next century if improved recovery and better exploration methods are developed. The Nation has not run out of basic resources but there are problems which lead us to talk of an energy crisis.

First we must look at short term capacity difficulties. Some parts of the Nation have experienced electric brownouts and blackouts because transmission systems are inadequate, equipment has failed, or new powerplants are not completed on time. The real problem in the electric utility industry is that demand is doubling every 10 years or less. This means that in each 10-year period the industry must build anew what it has constructed over its entire previous supply.

Similar short-term capacity problems have arisen with low-sulfur oil and coal. But the Nation faces more than short-term capacity problems. A second increasingly urgent problem is pollution. The environmental effect of energy utilization is enormous. Strip mining for coal is devastating large areas of the Nation. Oil shipments over water last year resulted in more than 10,000 oil spills.

Powerplants rank with the automobile as the Nation's worst polluter. Air pollution from fossil-fuel plants caused over $8 billion in health and property damage last year—$40 for every consumer in the United States. Nuclear plants, while not a source of conventional air pollution present radioactive pollution problems. Normal operation requires disposal of radioactive materials somewhere on this planet.

Our Nation has a structural and institutional bias which causes the consumption of too much energy, too fast, and too wastefully. There is no coherent national energy policy. Too often energy policy is decided on an ad hoc basis in response to one problem after another, without any adequate consideration of the overall picture. Many energy programs have remained fundamentally from the beginning of this century.

At that time the primary goal was national industrialization and the conquest of the West. Programs were adapted to encourage maximum production of energy to fuel the Nation's developing economy. Today national goals are far different. They are attempting to improve the quality of life and protect the environment. Earlier policies which served the Nation so well must now be redirected to meet today's problems.

Then, too, the price of energy has not generally reflected its true social costs. It has not included the cost of air and water pollution control or the cost of ravaging our land.

Demand was artificially elevated. To compound the problem, rate structures are promotional in character. Price per unit declines with greater usage. Often residential customers subsidize large commercial and industrial customers. Large energy customers are thus encouraged to use as much as possible. In addition, many utilities spend heavily on advertising, allowing such expenditures to be passed on to customers, which is absurd when many areas of the country are experiencing electricity, oil, or gas shortages and when increasing energy production means further environmental degradation.

In remedying the Nation's energy difficulties, we must protect the consumer and guard against windfall profits to powerful vested interests.

The most critical consumer problem today is the energy problem. And S. 70 a bill to establish a Council on Energy Policy, is the important first step toward establishing a comprehensive national energy policy. More than 60 different Federal agencies are involved in energy policymaking. Each agency was established at a different time for a different purpose to handle a specialized problem. And each agency has a relatively narrow charter. Thus, due to a lack of coordination, differing Federal agencies institute conflicting policies.

Although the United States has a small percentage of the world's population, it uses almost 40 percent of the world's energy. We cannot continue to consume such a large share of the world's fuel resources without encountering the serious problems.

S. 70 would meet the needs of this Nation for energy conservation, for reduction of adverse environmental impacts, for promoting the development of new energy sources, and for coordinating the established Federal energy activities. At the same time the three-member Council on Energy Policy would embark upon a long-range plan of energy utilization to improve energy production and utilization. A monitor such as the Council on Energy Policy would fulfill the need for the development of sound energy policies similar to the objectives of the Council of Economic Advisers and the Council on Environmental Quality in getting direction to our economic and environmental needs.

Mr. President, I urge passage of S. 70. I think it is needed at this time. It can bring us a long way toward getting a sensible and sound energy policy in this country which we need so desperately at this time.

Once again, I thank my colleague for yielding me this time.

Mr. HOLLINGS. Mr. President, I now yield to the distinguished Senator from Minnesota (Mr. HUMPHREY) who wishes to call up an amendment.

AMENDMENT NO. 116

Mr. HUMPHREY. Mr. President, I call up my amendment No. 116 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill insert the following:

EMERGENCY GASOLINE AND FUELS ALLOCATION BOARD

SEC. 9. (a) The President shall, after public hearing, conducted with such notice, under such regulations, and subject to such review

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as the exigencies of the case may be, in his judgment, make appropriate, provide for the establishment of priorities of use and for systematic allocation of supplies of petroleum products including crude oil in order to meet the essential needs of various sections of the Nation and to prevent anticompetitive effects resulting from shortages of such products.

(b) To expedite the implementation of directives by the President, as authorized by this section, there shall be created in the Executive Office of the President an Emergency Gasoline and Fuels Allocation Board (hereinafter referred to as the "Board"). The Board shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The members of the Board shall serve through the duration of authorities provided for under this resolution. The President shall designate one of the members of the Board to serve as Chairman. The members shall be representative of the production, transportation, protection, and use and consumption of all fuel resources, and of executive departments and agencies having a significant responsibility in these respective areas.

(1) Regular meetings of the Board shall be held at least twice each month, with emergency meetings scheduled on the call of the Chairman.

(2) Three members shall constitute a quorum, and decisions of the Board shall be made by majority vote.

(c) In order to carry out the provisions of this resolution, the Board is authorized to—

(1) appoint and fix the compensation of personnel of the Board in accordance with the provisions of title 5, United States Code;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Board and delegate authority to any officer or employee;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise it with respect to its functions under this resolution;

(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 3676 of the Revised Statutes;

(7) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(8) take such actions as may be required for the accomplishment of the objectives of the Board; and

(9) make contracts with public or private nonprofit entities to conduct studies related to the purposes of this resolution.

(d) Upon request made by the Board, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Board in the performance of its functions with or without reimbursement.

(e) Each member of a committee appointed pursuant to clause (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall be compensated at the rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

(f) (1) The Board or any duly authorized subcommittee or member thereof may, for the purposes of carrying out the provisions of this section, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Board or such subcommittee or member may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Board, and may be served by any person designated by the Chairman or such member.

(2) In the case of continuancy or refusal to obey a subpena issued under paragraph (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Board, shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or a subcommittee or member thereof, there to produce evidence as so ordered, or there to give testimony touching the matter under inquiry. Any failure of such person to obey any such order of the court may be punished by the court as a contempt thereof.

(g) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Chairman, Emergency Gasoline and Fuels Allocation Board."

(h) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(96) Members, Emergency Gasoline and Fuels Allocation Board (4)."

(i) Specific policy objectives to be carried out by Presidential directive and Board actions shall include, but not be limited to, the following:

(1) The importation of crude oil in sufficient amounts to meet the input requirements of coastal refineries, simultaneous with the allocation of adequate domestic crude supplies to inland refineries and guaranteed on a long-term basis in order to encourage the expansion of refining capacity;

(2) The importation of number 2 fuel oil in amounts sufficient to build up stocks for the next heating season;

(3) The importation of finished gasoline to east and gulf coasts under conditions that insure that domestic product which would otherwise be distributed in those markets is channeled for delivery to inland shortage areas;

(4) The allocation of sufficient supplies of diesel and other fuels to railroads, electric utilities, and motor transport to provide essential services;

(5) Under any policy or practice of allocations by refiners to marketers, any reduction of supplies by a refiner to any customer whom he has supplied regularly over a reasonable past period shall be in line with quotas established by the Board utilizing this base period in which regional supplies and demands were in approximate balance, and the same percentage reduction shall be applied to all customers of such refiner, regardless of whether such customers market under the refiner's brand name or their private brand names;

(6) As an alternative to price controls on fuels and to meet emergency fuel shortages in the absence of refinery expansion, it shall be a general policy to permit expanded importation of crude oil and gas and to encourage maximum gasoline yields by domestic refiners.

(j) The Board shall implement specific programs to promote—

(1) the expansion of domestic refinery capacity consistent with reasonable requirements of environmental protection; and

(2) public awareness of the dimensions of the fuel shortage crisis in the United States, and voluntary action to curtail nonessential use of private transportation and of living conveniences requiring electric power.

(k) The Attorney General is directed to take such steps as may be necessary to assure that during the existing fuel shortage emergency, marketing practices by major refiners and fuel allocation policies by the Government of the United States are not detrimental to the maintenance of a viable competitive domestic petroleum industry and do not result in a foreclosure to independent marketers of supplies from major oil companies.

(l) The authorities provided for in this resolution shall be effective through the fiscal year ending June 30, 1975.

(m) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Mr. HUMPHREY. Mr. President, first, I should like to make a brief statement with reference to this amendment, but I want initially to compliment and commend my distinguished colleague from South Carolina (Mr. HOLLINGS) for the excellent job that he and his committee have done in preparing this important legislation to coordinate the energy activities of the Federal Government. The Energy Policy Act of 1973 would establish a three-member Council on Energy Policy in the executive office of the President.

This is much needed. It represents a solid and constructive base on which we must develop our energy policy program.

Such a mechanism is clearly needed to assure that a single entity within government will have responsibility for examining the overall energy picture. A major cause of America's present energy dilemma is the lack of a comprehensive national energy policy. At the present time more than 60 different Federal agencies are involved in energy matters. Each entity has a narrow focus and there is little coordination among them. This inevitably results in narrow, short range and conflicting decisionmaking.

A Council on Energy Policy would go a long way toward remedying this bureaucratic maze, and toward bringing a broad viewpoint into the area of energy decisionmaking. The proposed Council would function much like the Council of Economic Advisors does in the area of economics. It would centralize the collection and analysis of energy information; it would provide a single place for Congress and the executive branch to seek energy information to better formulate policies in this vital area; in addition, the Council would publish a yearly energy report containing statistical data, energy supply and demand trends and recommended legislation.

The proposed Council on Energy Policy would not have regulatory authority, but it would prepare guidelines to help the Federal Government carry out its assigned tasks in this area.

Mr. President, in order for the Federal Government to respond appropriately to the energy crisis facing the Nation, it must have a way of coordinating the activities of the Federal agencies and it must establish a rational energy policymaking mechanism. The bill of the distinguished junior Senator from South Carolina is a step in this direction and I urge its adoption.



But, Mr. President, while the bill goes a long way toward helping the Federal Government make long range policy decisions in the field of energy, it makes no mention of a grave and vital concern to the Nation at this very moment; namely, the current gasoline and fuel oil shortages.

Right now, thousands of small businessmen across the country—independent terminal, tank truck and gas station operators—and their more than 100,000 employees are being ruined financially, or facing the possibility of ruin, by the action of several major oil companies to cut off their supplies of gasoline.

I have been taking testimony for the last 2 weeks, on the subject of the gasoline shortage and the fuel shortage, in the Subcommittee on Consumer Economics of the Joint Economic Committee. That testimony is both frightening on the one hand and discouraging on the other.

The Office of Emergency Preparedness said its latest surveys show 562 gasoline stations across the country have closed because of short supplies and another 1,376 are threatened with closing.

In my State of Minnesota alone, in the past several weeks, more than 100 gas stations have been forced to close because of this situation and many more are having to cut back the amount of gasoline they can sell, or the hours they are open.

Many of these stations serve our rural areas and our farmers. Likewise, six to seven major transport companies in Minnesota are facing curtailment of service due to inadequate supplies of fuel. And farmers across the State are finding it increasingly difficult to get fuel for their tractors, thus creating uncertainty with respect to the farmer's ability to carry out his crop plan.

Some people insist that there is no shortage of gasoline and fuel oil and that it is only a figment of imagination. But it is happening—happening in Minnesota right now. It also is happening in other Midwestern States, in New England, and in parts of Florida—areas that depend very heavily on the independent distribution network.

It has been estimated that the shortfall of gasoline nationwide is between 2 and 5 percent. In other words, there is 2 to 5 percent less gasoline available than is demanded. But do not be deluded by this. In States such as mine, States that are highly dependent on independent gasoline marketers, and as such at the mercy of the big oil companies, the percentage of shortage right now is much higher.

Barring extraordinary measures, the relatively mild gasoline shortage expected this summer will become markedly worse each summer for at least 4 or 5 years. This is because output from domestic refineries is limited to about its present level for that period. Several new refineries are now in the planning stage, but they cannot be completed before late 1976 or early 1977. And gasoline imports are severely limited by very tight supply conditions overseas.

The shortfall, therefore, can be expected to grow by about the growth in demand. Although several unknowns will affect demand, it probably will increase by at least 5 percent per year, unless much more effective gasoline conservation is undertaken. Thus, a 5-percent shortage this summer could turn into a 10-percent shortage next summer and a 15-percent shortage by 1975, with correspondingly greater shortfalls in hard-hit regions. Before this happens, remedial action clearly must be taken.

Meanwhile, far from curtailing their own operations because of the gasoline shortage, the big oil companies are opening new stations of their own and competing to expand as fiercely as ever. This is happening at a time when the profits of the major oil companies for the first quarter of 1973 are up by very large margins over a year ago.

Of the companies that have reported, the figures are: Occidental Oil, up 70 percent; Sohio, up 48 percent; Exxon, up 43 percent; Amerada Hess, up 25 percent; Phillips, up 22 percent; Getty, 21 percent; Gulf, 19 percent; Texaco, 15 percent; and Continental, 12 percent.

Those are very substantial figures, may I add, that relate to the profits we see today in fuel and in gasoline.

Many of us in Government who are familiar with the fuel oil question, and indeed many of the people in the industry itself, had hoped that the administration's recent action in relaxing oil import quotas would have a favorable effect on the supply situation of fuel. That action, however, instead has resulted in a hardship as regards our independent refineries and those whom they serve.

The people in the industry tell me the reason for this is that since the major oil companies are permitted unlimited supplies of crude oil, they no longer are dependent on these smaller refiners for a percentage of their supply. In other words, whereas the majors formerly had to trade domestically produced crude oil to the independents in exchange for the independents' import licenses, or "tickets," they no longer have to do so.

They no longer need the tickets, to import the crude, so the independents are stuck with no crude and thousands of worthless import licenses. They are unable to use the tickets to import their own crude because, for the most part, they operate inland refineries and there are no pipelines or other means to get the oil from the ports to the refineries. This is a case where the independent refineries, which supply much of the fuel oil in Minnesota and the Upper Midwest, are totally dependent on the major refineries, and now the majors, since they are assured adequate supplies from abroad, will not sell to the independents.

The major oil companies now control about 95 percent of the oil used in this country. They control 68 percent of the retail gas outlets. If the majors are allowed by this administration to use the present fuel shortage for their own purposes and allocate petroleum products according to their own formulas and priorities, they will push that 68 percent higher and could end up monopolizing every phase of the oil production and distribution system.

Are we as a Nation going to distribute our dwindling gasoline and fuel oil supplies fairly and equitably, or are we going to look the other way while the big companies use the energy crisis to stamp out competition? Are we going to permit the thousands of persons whose lives depend on the independent distribution system to go under at this time? Are we going to permit the gasoline market to be dominated by only a handful of major integrated companies?

I say to you, Mr. President, that we cannot and must not permit this to happen. As Minnesota's State Director of Civil Defense James Erchul said recently in hearings before my Consumer Economics Subcommittee on this very subject, "to avert disaster we need help now."

He and others pointed out that the hardships from the gasoline shortages are not shared equally. People in most metropolitan areas near oil distribution hubs are able to get gas. The empty pumps are concentrated in certain parts of the country—and it looks like this situation will get worse before it gets better. Witnesses before my committee testified that supplies to the independent dealers already have been cut back by about 25 percent nationwide with more cutbacks expected.

Mr. President, one of the most serious deficiencies of the President's recent energy message is that it made no provision for a fair method of allocating fuels that are in short supply. For this very reason we in Congress amended the Economic Stabilization Act to take this into account. The amendment, as enacted—Public Law 93–28—authorizes the President to act to prevent anticompetitive practices in the petroleum industry.

Mr. President, the newly granted authority in the Economic Stabilization Act is a step in the right direction, but it clearly does not go far enough, nor is the language strong enough. To insure Presidential action on this very urgent matter, the language of the law must be made mandatory, instead of being left up to the discretion of the President. The administration, we must remember, opposed that specific amendment to the Economic Stabilization Act, as did the oil industry.

Mr. President, on Tuesday, May 8, Deputy Secretary of the Treasury William L. Simon met with a group of Senators from the Midwest and the Northeast areas of the country—areas that are most feeling the present gasoline shortage. Mr. Simon assured them that the Nixon administration is preparing to put an emergency fuel allocation plan into effect within a week. Its purpose, he said, is to assure that no section of the country, dealers or critical public services suffer more than others in the shortage of gasoline.

Sources indicate that the initial guidelines would be voluntary, although details of the plan are not yet completed or announced. But sources say the administration has not ruled out the possibility of a mandatory plan instead of a voluntary one.

Mr. President, in my opinion it is vital that the administration act immediately to force the big oil companies to equitably allocate fuel to assure that all sections of the country get sufficient fuels to meet "vital needs."

I am pleased to note that some major companies already have adopted their

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own allocation systems and that a vice president of Atlantic-Richfield is said by the press to agree with me that Federal allocation will be needed. I say that it is needed now.

In closing on the subject of allocation, let me say that I am well aware of the problems encountered in trying to regulate supplies in a complex industry like petroleum. I have instructed members of my staff and the Joint Economic Committee staff to consult with the oil people about these difficulties. Congress should provide the mandate for an allocation system, and the method of allocation should be worked out between business and government without delay.

In addition to providing for fair allocation of supplies in the future, I believe that we should demand a vigorous investigation by the antitrust authorities of the major oil companies' recent and present behavior toward the independent gasoline and fuel oil marketers.

It is obvious that concerted action is being taken by the major companies that is substantially reducing competition in gasoline distribution, whether or not this is being achieved through conspiracy. When the majors force thousands of independent shortage terminals, jobbers and filling stations out of business, they are eliminating price competition from the industry, for only the independents engage in regular price competition.

Moreover, one of the witnesses at my subcommittee hearings on gasoline, Prof. Fred Allvine, of Georgia Tech, provided some very striking circumstantial evidence of joint action by the majors to halt price competition and jack up prices in four western cities for which he has data. In mid-August 1972, the vigorous price competition that had prevailed in these markets suddenly stopped, and prices became bafflingly stable overnight. There are indications from the trade press and Professor Allvine's private conversations that false rumors of an impending price freeze were spread by some firms to impel dealers to raise their prices.

There also are indications that supplies to the independent dealers were tightened at this time, and that the 20 major oil companies with retail outlets in these markets ceased simultaneously to pay support to their own stations for waging price wars.

Professor Allvine stated:

> For the past 37 weeks (through April 22) in comparison to the prior 37 weeks, the average price of major-brand gasoline increased by 3.5 cents per gallon in Los Angeles, 2.4 cents in Portland, 3.9 cents in Seattle, and 2.4 cents in Phoenix. Price increases of this magnitude have been fairly general throughout the country. For example, the price of gasoline to major-brand dealers for 100 cities has increased by about 2.1 cents per gallon for 1973 in comparison to the same period for 1972. This means pump price increases of around three cents per gallon. The general stabilization of wholesale prices to dealers also occurred around mid-August 1972. . . The additional cost to the public for gasoline runs close to $2 billion per year.

Contacts by the JEC staff with appropriate officials of the Justice Department indicate no apparent intention of initiating any action either against specific actions of the major firms or against the elimination of competition in general. The Federal Trade Commission is now considering whether to investigate the recent anticompetitive actions in the petroleum industry. This does not offer much hope. I think it is time that we demand an intensive investigation of the circumstances of the widespread change in pricing behavior and the broad cutoff of supplies to the independents.

Mr. President, it is absolutely essential that the major oil companies be made to think of the good of the country. It is absolutely essential that they be stopped from cutting off supplies to the independent gasoline marketers—thereby driving up the price of gasoline, and causing an emergency situation in some areas of this great Nation. Mr. President, this is not a matter that can be left up to the discretion of the President. Under the Eagleton amendment to the Economic Stabilization Act the President was given the authority to act to help alleviate this situation. Now we must make it mandatory that he do so.

For these reasons, I am today calling up an amendment to S. 70, the bill of the distinguished Senator from South Carolina. My proposal mandates that an Emergency Fuels Allocation Board be created in the Executive Office of the President. Such a board is to be equipped with full enforcement powers to insure that dwindling petroleum products are equitably allocated to all areas of the Nation. My proposed legislation also requires the President to act to prevent anticompetitive practices in the petroleum industry.

I simply want to say at this point that I have discussed the matter of my amendment, which provides for an Allocation Board, with the distinguished Senator from South Carolina (Mr. HOLLINGS) and also with the distinguished Senator from Washington (Mr. JACKSON). The bill before us sets up a council. I do not believe we ought to tamper with that. I recognize the merit of the bill. I have been informed by the Senator from Washington (Mr. JACKSON) that a bill is being reported, or was reported this morning, from the Committee on Interior and Insular Affairs that will accomplish the very objectives that my amendment has in mind, a bill with mandatory allocation.

I would prefer, therefore, to work with the Senator from Washington, and he has assured me we will work together on this measure. If there are any amendments needed we will try to work them out. I also have had the assurance of the distinguished Senator from South Carolina on this matter.

Mr. President, I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I commend the distinguished Senator on his statement concerning amendment No. 116, which is an amendment dealing with the allocation of fuels in short supply.

I can say to my good friend from Minnesota and the distinguished Senator from South Carolina, the manager of the bill, that this morning the Committee on Interior and Insular Affairs ordered reported to the Senate S. 1570, a bill dealing with fuel allocations, covering largely the same area that the Senator from Minnesota has mentioned.

I concur with the Senator from Minnesota that the provisions of amendment No. 116 should be considered in connection with the Senate action which I hope will be early next week on S. 1570. The bill as we reported it is mandatory, and I would point out that in its statement of objectives in section 102 it provides:

OBJECTIVES

SEC. 102. In implementing the authority granted under this Act the President shall take such actions as are necessary to achieve the following specific objectives—

(a) protection of public health, safety, and welfare;

(b) maintenance of all public services;

(c) maintenance of essential agricultural operations, including crop plantings, harvestings, and transportation and distribution of food and livestock;

(d) preservation of an economically sound and competitive fuels and energy industry, including the competitive viability of the independent producing, refining, marketing, and distributing sectors of the energy industry;

(d) equitable distribution of fuel at equitable prices among all regions and areas of the United States and all classes of consumers;

(e) economic efficiency; and

(f) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

I agree wholeheartedly with the Senator from Minnesota on the emergency that exists in this area, and especially to bring about an equitable distribution of available petroleum supplies, in all of its forms, throughout the United States. The logistics of the oil industry are very complicated. In the interior of the United States there is not the refining capacity, and unless appropriate legislation is passed, the middle section of the United States, remote from the coast, could be seriously harmed by reason of the unavailability of refined products. I believe, and the whole purpose of the legislation that we reported, and it is consistent with all that the Senator from Minnesota is proposing, is to bring about a system of equitable burden sharing, and rationing shortages where there is not enough to go around.

It would take a long time to go into all the reasons now, but I commend the distinguished Senator from Minnesota. I believe we can work together and come to the floor of the Senate next week with legislation that will further implement the so-called Eagleton amendment which, as the Senator from Minnesota indicated, does not include all of the urgent problems we must deal with, and without delay.

I thank the Senator.

Mr. HUMPHREY. I thank the Senator from Washington. The Senator's bill, S. 1570, of course, gets right at the problem, the problem to which I have addressed my amendment today. The difference is that the Humphrey amendment, which has many cosponsors, and I will consult with the cosponsors of the amendment, sets up some machinery. I think that is less important than the mandatory provisions found in S. 1570, but these are matters we will work out together in the legislative process.

The Senator from Washington has been a leader in this whole effort of the energy crisis. I respect his knowledge of this subject and I believe that since the legislation reported from the Committee on Interior and Insular Affairs deals with the allocations rather than an overall energy policy such as S. 70 deals with, it is only fitting and proper that the proposal I have before the Senate now be held up and worked into the bill reported by the Senator from Washington. I am going to do that. However, first I yield to the distinguished Senator from South Carolina.



Mr. HOLLINGS. Mr. President, I wish to commend my distinguished colleague from Minnesota. He is an expert on the energy crisis, especially in the area of allocation. That is the real problem. I associate myself with everything he stated. Particularly I commend him for his understanding of trying to arrive at a comprehensive national policy on energy, and that we not confuse it with the more immediate problem of emergency fuel allocation. I am sure, as Chairman of the Fuels and Energy Policy Study, the distinguished Senator from Washington (Mr. JACKSON) will bring forward that bill and we will want to meld together the thoughts and proposals of both Senators into one measure that will enable an emergency board to carry out its functions and to meet the crisis this summer. In addition, the Senator from Kansas has a measure along the same lines.

I yield to the Senator from Minnesota so that he may yield to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. PEARSON. Mr. President, I congratulate the Senator from Minnesota and the Senator from Washington for the action taken this morning. I, too, have an amendment which does not differ in thrust and purpose from the amendment offered by the Senator from Minnesota, in that it provides for an allocation of petroleum products which can assure an uninterrupted supply for public and private services, as well as a supply to insure adequate future availability for the Nation.

I am not going to call up my amendment today, but I do desire to discuss briefly the problems confronting the Nation's farmers and inland refineries in this regard.

Mr. President, it is now clear that there will be a gasoline shortage this summer. Indeed, gasoline supplies are already so tight that a number of independent jobbers and nonbrand name distributors have had to curtail or terminate sales outlets because of lack of supplies.

The size of the gap between demand and supply is not yet known, but shortages will occur and because of this, special actions are going to be necessary. These range from measures to conserve the use of gasoline, to actions by the executive branch to allocate existing supplies.

In establishing allocation programs it is essential, I believe, that priority uses be properly recognized. Equal allocations to all distribution points will not assure equal availability to consumers, nor would such a program deal with the special needs of certain sectors of the economy.

For example, due to the structure of the distribution system in agricultural areas, an across-the-board allocation program to all distribution outlets across the Nation based on last year's marketing patterns could well worsen, rather than alleviate, the problem of adequate gasoline and diesel supplies to farmers. And should we encounter a shortage of fuel supplies on the farm, the adverse consequences would be staggering.

There are, indeed, increasingly disturbing signs that there will be fuel shortages on the farm this summer and fall unless special action is taken. Farm fuel needs are going to be extremely high during the next few month. This results first of all from the fact that farmers are being called upon to increase production. Secondly, due to peculiar weather conditions last fall, this winter, and on into this spring, farmers have not been able to carry on much of their fieldwork on schedule. For example, from Iowa to Kansas wet weather conditions have kept farmers out of the fields beyond the normal dates for seedbed preparation and planting. As soon as the weather clears and conditions make it possible for farmers to work, they will have to operate around the clock in many areas, to make up for lost time. As a result, farm fuel consumption is going to increase dramatically.

I want to emphasize that we face an extremely critical situation. Timing is of the utmost importance. A delay of just a few days during planting and harvesting can have extremely adverse impact on food production.

But in the face of this increased fuel need on the farm, supplies appear to be short. For example, cooperatives which are the major source of supply of fuel to farmers have less refined fuel on hand than last year at the same time. This is due to the fact that their fuels come from inland refineries which have been able to operate at only 75 percent to 85 percent of capacity, because of their inability to trade their import quota tickets for domestic crude. The problem is compounded by the fact that only a few of the major oil companies in addition to the cooperatives have to-the-farm distribution systems. Thus, unlike the city consumer, the farmer in most areas has a very limited number of distribution outlets that he can rely on for fuel. If one or more of these outlets is short, food production is threatened.

Certainly we want to take all steps possible to protect fair, competitive relationships. At the same time, we must keep the overall national interests in mind, and it is absolutely essential that in the national interest we do whatever is necessary to assure adequate fuel supplies to the farmer. If agricultural production is curtailed to any significant degree because of this fuel shortage, the impact on the consumer would be most extreme. Food prices would increase sharply and actual shortages of a number of commodities would likely occur.

Therefore, in administering an allocation of fuels program, we must establish priorities which recognize the necessity of maintaining public and private services, with particular attention to the very special needs of agriculture.

I think that the Senator from Washington in bringing forth S. 1570 is going to go a long way in helping to solve the problem and not fragment it any more than it is.

The PRESIDING OFFICER. Does the Senator from Minnesota withdraw his amendment?

Mr. HUMPHREY. I intend to do so but before I do I wish to urge on the leadership of the Senate to call up S. 1570 for action as rapidly as possible because there is an urgency here. I think this is the proper way to legislate. I believe S. 70 has a specific purpose, which I highly commend.

I do not want to add to that bill legislation or amendments even if they could be adopted, that would jeopardize that measure.

We are fortunate to have as a member of the Fuels and Energy Committee the Senator from Washington (Mr. JACKSON) who has spent so much time and devoted so much effort with his staff to produce this kind of legislation that we need to get at this immediate, critical problem. He has been a leader in the entire subject of energy. I want to work on the team. My purpose here is not just to get an amendment sponsored by the Senator from Minnesota but to get a policy.

I also commend the Senator from Kansas, who is always a constructive Senator, who wants to work with the Senator from Washington and me. I think we can perfect legislation to accomplish these purposes.

Therefore, Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BAYH. Mr. President, I had intended to support the amendment offered by the Senator from Minnesota (Mr. HUMPHREY) to establish an Emergency Gasoline and Fuels Allocation Board had it been brought to a vote.

This proposal, also introduced as a joint resolution, has the admirable goal of making certain that energy shortages, which are a painful fact of life, be shared equally across the country. The proposal would also protect the competitive position of independent distributors and retailers by assuring them of a proportionate share of available gasoline.

In my own State of Indiana we have been faced with the refusal by certain major oil companies to continue sales to some independent operators. This is not only seriously anticompetitive, it can be disastrous for regional economies and can deny fuel to those who have previously relied on independent dealers.

Moreover, Indiana is among those States which have been hit by deliberate decisions on the part of major oil companies to shutdown certain affiliated operations. This is being done because of the higher profitability of selling in regions closer to refineries, and is contrary to responsible public policy.

We are talking, Mr. President, not about mundane matters of consumer convenience, but about serious threats that farmers will not have the diesel fuel required for spring plowing and plant-

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ing. If farmers in Indiana and elsewhere do not have the fuel to plant their acreage many family farmers will be threatened with financial ruin.

Beyond this the long-term effects of inadequate planting on food prices will be highly inflationary and work against fulfillment of the promise that prices will soon be leveling off. The chain reaction that will be set in motion if Indiana and neighboring farmers are unable to buy adequate supplies of diesel fuel will be felt in the marketplace months from now and the consumer cry will be fierce.

We must have assurances that fuel supplies will be allocated on a considered and orderly basis of national priorities. No one industry or region should be made to bear the brunt of the fuel shortage. This is a national problem, requiring national solutions, and it is to this end that I want to urge early affirmative action to rectify this situation and express my appreciation for the action of the Interior Committee in reporting a relevant constructive measure to the Senate just this morning.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Washington has provided us with improvements to S. 70. Were it not for his leadership and guidance, this would not have been the bill that we now have before us. It was considered by his committee, and various amendments were incorporated by amendment No. 95.

Since there are no further amendments, and preparatory to getting a third reading, I want to touch on two particular points as manager of the bill, because I do not think the record would otherwise be complete. We have done our homework. We have considered all sides, and there has been tremendous input from both sides of the aisle and leadership by the Senators from Washington (Mr. MAGNUSON and Mr. JACKSON), as well as the Senator from Rhode Island (Mr. PASTORE) and the Senator from West Virginia (Mr. RANDOLPH); but the question arose at the hearings conducted during the 3-year course of S. 70 that this bill would in some way inhibit the creation of a Department of Natural Resources.

The hearings on S. 70 have amply demonstrated that the creation of the Council on Energy Policy is not inconsistent with the President's program to create a Department of Natural Resources. If it is the administration's position that we should wait until we get a Department of Natural Resources to attack our energy problems, we have being doing that successfully. We have been waiting. I have been a cosponsor of a proposal to create a Department of Natural Resources for 6 years. But other than getting a few early hearings on this proposal, there has been little movement to date.

There are crosscurrents within the Congress and within the committee structure and we must be realistic and realize that it is going to take some time to create such a Department. In fact in our view the creation of such a Department, which has been bogged down for many years in Congress, may well be facilitated by the establishment of a Council on Energy Policy. But even if we had a Department of Natural Resources in existence today, the creation of a Council on Energy Policy would in my view still be essential.

We see that the foreign policy of the Nation is very much enmeshed with energy policy because imports are supplying an increasing share of our energy supply. But the Department of State is not part of the Department of Natural Resources.

As we import more energy, balance of payments considerations of concern to the Treasury Department become a significant aspect of energy policy. Tax incentives administered by the Treasury Department, such as depletion allowances, foreign investment tax credits, and intangible drilling expense deductions all have a significant impact on energy production, yet the Department of the Treasury is not part of the Department of Natural Resources.

Major opportunities exist for energy conservation depending upon the Department of Housing and Urban Development's building and insulation standards. If the Department of Transportation encourages mass transit instead of highway construction or rail shipments instead of truck or air shipments, major energy savings can occur, yet HUD and DOT would not be part of the Department of Natural Resources.

In the last few years, oil companies have become increasingly diversified raising questions about antitrust enforcement. For example, major oil companies control more than 72 percent of the Nation's natural gas production, 25 percent of the Nation's coal production, and over 50 percent of the Nation's uranium reserves. Thus the Justice Department's Antitrust Division plays a significant part in energy policy, yet the Justice Department is not part of the Department of Natural Resources. I could go on: regulatory agencies, the Maritime Administration, the Department of Commerce, and virtually every other major agency of the Federal Government is concerned with energy policy in one way or another. In fact some of the most important energy policy decisions are made by agencies that are not normally regarded as energy agencies. These agencies are not part of the Department of Natural Resources. For this reason it is essential, we believe, that we create a Council which has the capability of examining the overall energy picture. We need a single agency that has responsibility for all energy policymaking and coordination, that is the purpose of our consideration of S. 70 today.

Addressing now the communication that has been inserted by the Senator from Kansas (Mr. PEARSON) from William E. Timmons, the Assistant to the President, giving the administration's stand or position on this bill, the letter summarizes as follows, and I quote from the Timmons letter:

> The administration feels that there is an existing organization which has already performed the same functions proposed to be performed by the Council under S. 70 and that the enactment of S. 70 and the creation of the Council thereunder would therefore be duplicative and counterproductive.

At this point, Mr. President, I ask unanimous consent to insert into the RECORD a letter from Mr. Robert P. Mayo, Director of the Bureau of the Budget, dated July 7, 1969.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
*Washington, D.C., July 7, 1969.*

Hon. HENRY M. JACKSON,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR JACKSON: We have reviewed carefully the provisions of your bill, S. 1075, which are designed to strengthen Federal capabilities to respond to problems of environmental quality.

The President certainly shares the concern of the Congress and the public as to the need for improved environmental management. The President's serious concern over the problems of environmental quality is reflected in his establishment by Executive Order 11472 of the Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality. He has assigned to the Office of Science and Technology the responsibility for providing advice, assistance, and staff support to the President and the Environmental Quality Council. He has further directed that the Office of Science and Technology be strengthened to provide the diverse professional capabilities needed for objective assessmenta of a wide range of environmental quality problems. This staff capability in the Executive Office of the President is to provide for assessing environmental problems, analyzing long term trends in the environment, evaluating the adequacy of Federal programs, and assuring that environmental considerations are adequately taken into account in proposed Federal programs and actions.

Establishment of the Environmental Quality Council, chaired by the President, assures the highest possible level of attention of departments and agencies to problems of the environment and provides the framework within which to improve coordination among agencies in their environmental programs.

Establishment of the Citizens' Advisory Committee provides a clear channel for getting independent information and advice from the non-Governmental community and for relationships with the many voluntary organizations that have an interest and stake in the improved management of the environment. In addition, the assignment of responsibility to the Office of Science and Technology provides a ready access through the President's Science Advisory Committee to many experts in a variety of fields in the universities, industry, and other sectors who can assist in addressing environmental problems.

S. 1075 as amended would establish a national environmental policy, authorize studies and research related to environmental quality, require an annual report from the President, and establish a Board of Environmental Quality Advisers in the Executive Office of the President. With respect to the policy statement, Mr. Hughes' June 13, 1969, letter noted that there is already a large body of policy with respect to the environment, that a comprehensive statutory statement of policy in this area could be helpful to the President and the Environmental Quality Council, and that the Council will take up the question of a national policy at one of its earliest meetings. The proposed statement in title II of general functions that operating agencies are authorized to carry out with respect to the environment appears to be a useful reaffirmation of authorizations in this important area. An annual report on the environment, along the lines provided for in title III, would appear to be a useful periodic assessment of important problems which could be made available to the Congress and the public. We believe a number of changes should be made in titles I and II. The attachment reflects the changes that appear to be essential if legislation along the lines of S. 1075 is to be enacted at this time.

With respect to title III we believe that establishment of the proposed Board of Environmental Quality Advisers would be undesirable. Such action would further complicate the organization and functioning of the Executive Office of the President. Furthermore, the establishment in the Federal Government of an additional body to deal with overall environmental problems would diffuse responsibility rather than provide the sharp focus now required and now provided for in the President's actions. These actions represent the President's best judgment as to the mechanisms that are required at this point in time for addressing environmental problems. It is recognized that additional changes may be required after there has been experience with the newly established mechanisms.

If the Congress wishes to legislate in support of these actions we would have no objection to providing a statutory basis for assignment of appropriate responsibilities to the Office of Science and Technology. This action could be accompanied by provision of an additional position of a presidentially appointed Deputy Director in OST who could devote full time to environmental quality problems if the committee deemed it useful. These steps would make very clear congressional support for the President's action while, at the same time, avoiding the undesirable consequences of establishing a new organization.

It should be emphasized that the arrangements established by the President are designed to preserve the flexibility in the organization and staffing of the Executive Office that is necessary if the President is to have an opportunity to use the resources available to him for effective action. As you are well aware, this basic principle with respect to organization of the Executive Office has been endorsed by knowledgeable and thoughtful persons in the Congress and elsewhere.

The attached copy of S. 1075 has been marked up to reflect the essential changes discussed above. If the bill were modified in this way, we believe it could provide useful assistance for the President.

Sincerely,

ROBERT P. MAYO, *Director.*

Mr. HOLLINGS. This letter commented on S. 1075—91st Congress, first session—the bill that established the Council on Environmental Quality. The Administration stated:

> We believe that establishment of the proposed [Council on Environmental Quality] would be undesirable. Such action would further complicate the organization and functioning of the Executive Office of the President. Furthermore the establishment in the Federal Government of an additional body to deal with overall enviromental problems would defuse responsibility rather than provide the sharp focus now required and now provided for in the President's action.

However, Mr. Nixon did not veto the bill which established the Council on Environmental Quality. In fact, when the President signed the bill on January 1, 1970 he endorsed it as his own and ushered in the decade of the 1970's as the decade of the environment.

Because of the broad public support for the creation for the Council on Energy Policy, I believe that the President will not only sign but also endorse the creation of such an Energy Council so that we can effectively fight the energy problems facing the Nation.

However, in his energy message that President Nixon delivered to the Congress on April 18, 1973, the President proposed the following organizational change within the Government to improve energy policymaking. We are not hastily passing this measure this morning unmindful of the President's recent energy message. Here is exactly what it provided:

It directed the Secretary of the Interior to strengthen his Department's organization on energy; created a new Office of Assistant Secretary for Fuels and Minerals in Interior; Interior is to strengthen its capability for gathering and analyzing energy data; Interior is to have an Office of Energy and Conservation. The Department, by Executive order, is given power to direct oil policy. By Executive order the President has formalized a White House Fuel Office dealing with energy matters. It created a new Division of Energy and Science within the OMB. It proposed to develop a policy on energy and natural resources.

As a newly made student of energy policy in America, if I had to take that document and find out who formulates energy policy, rather than becoming informed and saying, "Now that I have this message, I know where we are headed in this Government," in essence I have been further confused. Rather than effective leadership and coordination, the opposite has occurred.

This was most graphically illustrated February 7 and 8 when the Commerce Committee held hearings on S. 70 and on May 1, 1973 when the Senate Interior and Insular Affairs Committee and the National Fuels and Energy Policy study held the primary hearings on the President's energy message. None of the members of the President's Special Committee on Energy were available to present testimony. Those people which had primary responsibility for the energy message and energy policy were not available to answer the questions by Members of the Senate. Secretary Shultz was specifically invited but could not attend because of other commitments.

Finally Mr. President, the responsibility for formulating energy policy recommendations has shifted at least five times during the past year among various people in the administration. During the President's first term; Peter Flannagan coordinated energy activities. In November 1972, Dr. Kenneth Lay was appointed Deputy Assistant Secretary of Interior for Energy. At the same time Mr. James E. Akins, Director of the State Department's Office of Fuels and Energy prepared drafts of the President's energy message. In January, 1973 the President appointed Secretary of Agriculture, Earl L. Butz, to be counselor to the President for natural resources. In February 1973, the President appointed Presidential Advisers George Shultz, Henry Kissinger, and John Ehrlichman as a Special Committee on Energy. Finally the President appointed Mr. Charles DiBona as Special Consultant to the President on Energy. With energy policy responsibility shifting so frequently among officials who are primarily concerned with other responsibilities, it is no wonder that the President failed to take bold new initiatives to deal with the Nation's emerging energy crisis.

The President's message to the Congress on April 18, 1973, contained much rhetoric but little substance. The magnitude of the energy crisis and the numerous delays in developing the President's energy message lead us to believe that a very significant program to solve the Nation's energy crisis would be recommended, but unfortunately, the administration's response has been deficient. There is little support for increased energy research and development, there are no effective recommendations for energy conservation, the message made no mention of the critical gasoline shortage facing the Nation, it simply recommends the decontrol of new natural gas prices without any assurance whatsoever that there would be an improvement in supplies, and there was no recommendation for the creation of an effective high level energy policy advisory mechanism.

Of special concern to the consideration of S. 70 is the President's appointment of a Special Committee on Energy. By Executive Order 11712, three assistants to the President, John D. Ehrlichman, Henry A. Kissinger, and George P. Shultz were specifically named and constituted as a Special Committee on Energy.

The two remaining members of the President's Special Committee cannot undertake a comprehensive and systematic approach to the Nation's energy problems, nor effectively coordinate Federal energy activities. In an April 12, 1973 editorial, Hobart Rowen stated:

> Treasury-Secretary George Shultz is already spread too thin as Mr. Nixon's chief economic policymaker and spokesman, and as the key figure in dealing with international monetary crises and world trade.

Of course, Dr. Henry Kissinger has broad responsibilities in other areas that preclude sufficient attention to energy matters. Mr. Ehrlichman has resigned his post in the administration. Consequently high-level energy policymaking is currently crippled and unable to devote sufficient time to this important problem.

In order to remedy the grave shortcomings of the existing energy organization structure, I believe enactment of S. 70 is essential. S. 70 would create a full-time three-member Council. It would be supported by an expert staff with experience, competence, and judgment to interpret trends and developing problems in the energy area. The Council would have responsibility for examining the Nation's overall energy picture and to make recommendations and reports to the President and the Congress. It would have a capability to perceive emerging problems and raise the alarm rather than simply belatedly responding to crisis. It would have an institutional memory with the capability for securing comprehensive, compatible and reliable energy information. Finally it would have continuity beyond the time when policy decisions are made to oversee the implementation of new policies and provide routine feedback and recommendations for adjustment.

We have now worked out a comprehensive energy policy proposal here on the floor, with one general direction, and ask for the approval of this approach. But I want to emphasize that we have not developed this bill casually or callously, but have addressed the particular





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issues that have been raised over the past several years.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. PEARSON. One other matter I think needs some legislative history as to the intent of the language in the bill. I make reference to page 18, lines 12 to 14, further identified in subsection (e) of section 6.

There it states that neither the council nor its employees may refuse to testify before or submit information to Congress or any duly authorized committee thereof.

I would think that this would raise serious constitutional questions regarding the doctrine of executive privilege which today finds itself in such a turbulent climate.

We ought to note that there are no definite judicial decisions on the existence, extension, or exercise of executive privilege. Nor have we had any legislative action, although the Senator from Maine (Mr. MUSKIE), the Senator from North Carolina (Mr. ERVIN), and I think the Senator from Arkansas (Mr. FULBRIGHT) have all made proposals. It is a doctrine that has grown up on the constitutional basis by custom and by the interpretation of each President that has come along.

I think this fact ought to be clear. And I think that the manager of the bill will agree with me that this language is meant to impose upon the board and others the obligation of the fullest disclosure and cooperation with the Congress itself. It is not meant to negate any constitutional privilege in regard to executive privilege.

Mr. HOLLINGS. Mr. President, the Senator from Kansas has stated the matter correctly. This bill does not repeal the Constitution, and if executive privilege is invoked and constitutionally upheld, then that would limit the Council's duty to provide information.

This language spells out that we expect the Council on Energy Policy to cooperate with Congress and provide energy information much like the Council on Environmental Quality or the Council of Economic Advisors provides information to Congress on their areas of expertise. We simply thought we should spell out that we want the Council to be accountable to Congress.

We have had members come and testify. And as I state, whatever executive privilege there is between the President and the members of this Council, that would have to be adhered to.

However, I am not convinced that the Council's activities would ever be of such a sensitive nature or involving national security matters so as to call into play any question of executive privilege.

If the issue does arise between the Council and Members of Congress, then the courts would have to resolve the matter.

Mr. President, I ask unanimous consent that the names of Senators RIBICOFF, NELSON, PELL, BAYH, CASE, HASKELL, and HUGHES, as well as the other cosponsors of S. 70, as reported, also be listed as cosponsors of amendment No. 95.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, we need hold Federal leadership in establishing a coherent national energy policy. A Council on Energy Policy would bring focus and direction to Federal energy activities by placing a single, three-member council in charge of strengthening Federal data collection capabilities, coordinating Federal energy activities, and formulating a comprehensive long-range plan for energy production, utilization, and conservation. A Council on Energy Policy, as a high-level, prestigious agency, can provide sophisticated analysis of policy alternatives so that the Nation can move toward alleviating its energy difficulties in the most systematic and beneficial way. The Council would not assume the duties of existing agencies, but it would be a policy adviser, such as the Council of Economic Advisers or the Council on Environmental Quality. But once the policy choices have been made by the President or the Congress, the Council would formulate guidelines under which existing agencies would be better able to carry out their assigned tasks.

This legislation has been in the works for a long time. As has been pointed out, in 1952 the Paley Commission report was filed and it stated in part:

> In the past, government has dealt with energy problems largely on a piecemeal basis with separate programs for coal, gas, for petroleum, for electricity, and for atomic energy, with each usually handled by one or more separate agencies operating under one or more separate legislative authorizations.
>
> The Commission is strongly of the opinion that the nation's energy problem must be viewed in its entirety and not as a loose collection of independent pieces involving different sources and forms of energy. So numerous and vital are interrelations among all sectors of the energy field, that problems in any one sector must be dealt with always in full consideration of the effects on all other sectors. The aim must be to achieve a consistent pattern of policies and programs throughout the entire energy field.

This report illustrates that 20 years ago we first saw the need for a Council on Energy Policy and if it was needed then it is desperately needed today.

The Commerce Committee worked closely with the members of the National Fuels and Energy Policy Study established pursuant to Senate Resolution 45. The hearings last session on the predecessor of S. 70 were joint hearings conducted by the Commerce Committee, the Interior and Insular Affairs Committee, and the members of the Senate Resolution 45 study. This session it was my pleasure to invite the members of the study to again participate in the hearings on S. 70. Throughout this period the staffs of the two committees have been in close consultation.

In addition, a bill similar to S. 70, H.R. 1258, has been introduced by the gentleman from California, Mr. VAN DEERLIN, the gentleman from Massachusetts, Mr. CONTE, and is supported by 50 additional cosponsors. Consequently they are also moving in the House side with legislation quite similar to the bill we are considering this morning.

A broad spectrum of interests supported the enactment of S. 70 at committee hearings. The proposal was supported by petroleum companies, by environmentalists, by minerals companies, by public interest groups, and by professional engineering societies. There seems to be universal agreement that a mechanism must be formulated to establish a rational national energy policy to assure the continued availability of adequate supplies of energy, the protection of the consumer, and the achievement of related national goals.

Only the administration has opposed the enactment of S. 70. It claims there is an existing organization, the Special Committee on Energy composed of Treasury Secretary George Shultz, Foreign Affairs Advisor Henry Kissinger, and until last week, Domestic Affairs Advisor John Ehrlichman. Such an ad hoc committee, which cannot devote sufficient attention to energy matters, is totally inadequate.

I believe it is essential that a full time high-level advisory council is urgently needed to assure congressional accountability, public access to information, and a statutory mandate.

Therefore, I urge that this legislation be enacted now.

Mr. HOLLINGS. Mr. President, I also ask unanimous consent that an exchange between the distinguished Senator from Indiana (Mr. BAYH) and myself relative to his position and support of this particular bill be printed in the RECORD.

There being no objection, the exchange was ordered to be printed in the RECORD, as follows:

> Mr. BAYH. Mr. President, I would like to address a question to the distinguished author and floor manager of this legislation. Among the energy problems that concern me, and a point which I think this bill addresses implicitly, is the nature and thoroughness of research and development of new energy sources. Is it fair to assume that a logical follow-up to this legislation will be a sharper focus, and increased funding, for energy R&D?
>
> Mr. HOLLINGS. The Senator from Indiana is quite correct. There is a clear need, to which we have already begun addressing ourselves, to place a greater emphasis on energy research and development.
>
> Mr. BAYH. The responsiveness of the Senator from South Carolina to this problem is indeed refreshing. I must observe that the Administration has, with a single exception of dubious merit—the fast breeder reactor, been extremely tight-fisted with funds for energy R&D. While spending in this area will not solve the energy shortage this year or next, it is imperative we move now to meet the demand that we know will be there in the future.
>
> I am particularly anxious to see effective, environmentally sound use of the substantial coal reserves which we have in Indiana and in many other states. I have heard a number of good things about the feasibility of developing commercial applications of coal gasification and magneto hydro dynamics (MHD), which is itself a form of gasification. Does the Senator from South Carolina have any sense of whether we will be able to increase funding in fiscal 1974 for research and development of these two energy modes?
>
> Mr. HOLLINGS. There are pending a number of specific proposals for increased Federal spending for energy research and development, including proposals directed to the two areas you mention. I know the Senator from Indiana is himself a sponsor of such legislation. I think it fair to say that both gasification and MHD are quite worthy of our attention and that there is growing sentiment for additional spending in these areas.
>
> Mr. BAYH. Permit me one final comment. I want to assure my friend and colleague that I am ready and anxious to work with him in the Appropriations Committee, where we both sit, to increase funding for energy R&D, if we have the authorizations to do so. This can be done without violating our spending ceiling by diverting funds from other less important, and some downright wasteful, programs.
>
> I am convinced that the clean burning of coal—not the relaxation of air pollution standards—can be a truly positive response to the growing gap between energy demand and supply. The Council on Energy Policy, which this bill would create, can be a valuable and important mechanism in permitting us to use our coal responsibly and effectively.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute as amended.

The amendment was agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. PERCY. Mr. President, I am opposed to the passage of S. 70 for three reasons, though I realize it will pass overwhelmingly: First, it is a piecemeal approach to the energy policy problem, which we should consider in the much more comprehensive context of a new Department of Energy and Natural Resources. Second, S. 70 seems almost completely resource and producer oriented. I have not been able to find a single use of the word "consumer," and no mention is made of the need to shape national energy policy with consumers in mind. Third, the bill creates another office in the Executive Office of the President, adding still another formal layer of bureaucracy between the President and the Departments, in spite of the fact that the President much earlier this year assigned an informal three-man energy policy group to implement his energy policy goals.

As the President made clear in his recent energy policy message, he intends to submit legislation soon to create a Department of Energy and Natural Resources. Senator JACKSON and I have had discussions with the administration about the submission of this bill. We expect to have it in draft form very shortly. If the bill were passed, and I believe there would be substantial support for it, it could provide the same technical support for decisionmaking that this Council proposes, and it could perform the same policy functions as well.

The administration is well aware of the critical need to coordinate national energy policy and the President has established a coordinating group in the White House to do so. I believe it is premature to force on him a Council on Energy Policy before his energy organization plans are even submitted for hearings and discussion.

The Commerce Committee report contends that an energy council is needed to facilitate the creation of a Department of Natural Resources. It contends that even if a Department of Energy and Natural Resources existed today, the creation of a Council on Energy Policy would still be necessary. I disagree, first because I believe it is more appropriate to include a strong policy function in the context of an Energy and Resource Department with the actual power to affect policy, and second, because such White House coordinating councils have a mixed record of sucess. The different degrees of influence of the Council on Environmental Quality and the Council of Economic Advisers demonstrates the mixed success with which such groups have been met. The President, in my view appropriately, has by his Reorganization Plan No. 1 of this year eliminated the Office of Science and Technology, the Office of Emergency Preparedness, and the National Aeronautics and Space Council, citing the difficulty of maintaining personal contact with a proliferation of formalized White House policy groups. We could not force him to utilize and make effective a formal White House office that he does not want.

I find a major flaw in the bill in its lack of concern for the energy consumer.

I grant that a major effort of national energy policy should be to maximize resources and supplies, and great emphasis should also be given to research and development and to practical application of research and technological findings.

But the consumer is the one who pays. I believe consumers do not now have the information necessary in order for them to make intelligent decisions about the amounts of energy in all forms that they are using in their homes and offices. How many consumers have any idea at all of the relative energy drains of one brand of refrigerator as against another? What is the actual monthly energy cost of a new, more powerful, air conditioner? We have for so long been an energy-rich nation that we have developed very bad energy habits. But I believe that consumers are now beginning to want to know much more about the energy uses reflected in their monthly electric, gas, fuel oil, and gasoline bills. The Office of Emergency Preparedness, in an October 1972 staff study entitled, "The Potential for Energy Conservation," made an excellent start in identifying some of the areas for major potential savings. A concerted energy conservation effort based on consumer information and participation could do a great deal to ease the extreme shortages of fuels we are facing. S. 70 does not reflect any of these kinds of concerns.

Mr. BAYH. Mr. President, there is no doubting that one of the main reasons we are facing our current energy shortages, and can foresee shortages in the next 5 years, is the absence of effective Federal planning during the past 5 years. Having left energy regulation, planning, and the allocation of fuel resources to a myriad of Federal departments and agencies, the administration failed to do the kind of solid projections which might have prevented the current situation.

The legislation under consideration, the Energy Policy Act of 1973, offers a means for preventing a recurrence of past errors, and I am pleased to rise in support of this bill. The Senator from South Carolina (Mr. HOLLINGS) has effectively taken the lead in this measure and he deserves our thanks for his forward-looking approach.

By establishing a White House level Council on Energy Policy this measure should provide the mechanism for effective coordination of all Federal actions in this area. Moreover, in addition to serving as a central point for information, the Council can provide planning which takes into account the many factors, including environmental criteria, consumer requirement, that together make a comprehensive energy policy.

The need for such a council is perhaps best shown in the total inadequacy of the President's energy message delivered to the Congress last month. The high point of that message was the termination of the out-dated oil import quota policy, something a number of us have been advocating for many months.

The rest of the message, however, was sorely lacking in substance. Where we needed concrete suggestions to meet energy demand on both short term and long term bases, we found only lipservice.

Too little concern about research and development of new energy sources.

Too great a reliance, and too much gambled, on the fast breeder reactor.

Too quick a readiness to relax air pollution standards, instead of the necessary mandate to develop clean methods for burning coal.

These were the essence of the energy message; an essence unsatisfactory to meeting the reasonable desire of the American people to have clean, affordable energy.

I am supporting this measure because I regard it as a positive step forward in giving us the ability to cope with long-range energy questions.

Previously I have authored, with the Senator from Minnesota (Mr. MONDALE) the North Slope Energy Resources Act to permit expeditious use of Alaska's oil and gas reserves in the Midwest, where the gap between energy supply and demand is greatest.

Also, I was pleased to join with the chairman of the Interior Committee (Mr. JACKSON) in his strong, greatly needed approach to energy research and development. This bill, the National Energy Research and Development Act, has the specific goal of making this Nation once again energy self-sufficient within a decade. That measure goes hand in hand with the bill now before us.

Moreover, working on my own, and with several of my colleagues, I have been directing attention to meeting short-term energy needs in Indiana and other Midwest States by assuring us of our fair share of available energy resources.

Mr. President, I hope this measure is enacted speedily and that it is the first of several bills we can pass this year to deal with the energy shortage in a balanced, responsible manner.

This is the beginning of the response to the hope I expressed on the floor 2 months ago when I said:

> I hope, Mr. President, that we will seek to meet energy needs in a manner that encourages public understanding of the need to make efficient use of our energy sources, to protect the environment, and to balance our energy sources, to protect the environment, and to balance our priorities in a thought-



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ful, responsible fashion. We must move beyond easy words to hard decisions, and we must do that with an eye not only to providing the energy we need, but with an eye to making certain our planet is habitable for our children and our children's children.

SENATOR RANDOLPH SUPPORTS S. 70, TO ESTABLISH A COUNCIL ON ENERGY POLICY

Mr. RANDOLPH. Mr. President, for several years there has been a generally recognized need to reorganize the Federal energy programs and restructure their administration. In recent months, proposals have centered around establishment of a Department of Energy and Natural Resources.

As recently as April 18, 1973, in President Nixon's message concerning energy, the administration indicated its intent to propose legislation creating such a department.

At the same time, the Chief Executive announced creation of a Special Presidential Committee on Energy to coordinate Federal energy policies. This Committee, created by Executive order, was to be composed of John D. Ehrlichman, Henry A. Kissinger, and George P. Schultz. In the interim, one member of this vital Committee already has moved out of the Government. A National Energy Office in the Executive Offices of the President, also was established to back up the Energy Committee, which still must be staffed.

The difficulty with this whole approach is the lack of its accountability to the Congress. I continue to believe that the Congress is the appropriate body to formulate national energy policies. It would be a mistake to in any way delegate this responsibility to the Executive without retaining some degree of accountability for the coordination or formulation of Federal energy and fuels policies. Therefore, I support the Council on Energy Policy created by Senator HOLLINGS' bill, S. 70, as amended.

I take this opportunity to commend the leadership and the cooperation of our distinguished colleague from South Carolina. He has been both patient and persevering in the process of bringing this measure to the Senate for action by this body. Last year, he accepted advice offered by some of us that he delay action on his measure in the Commerce Committee so that the Senate's Fuels and Energy Policy Study Group in the Interior Committee could have time to review various proposals for Federal organizations to handle energy problems and programs. The wisdom of his decision and the evidence of his cooperation are reflected in the amendments to his bill offered in the nature of a committee substitute and accepted in Senate action. I commend the foresight and the interest and concern manifested by Senator HOLLINGS in the development of this significant legislation dealing with the vital subject of energy policy and administration.

Consistently, over the last 2½ years, since I proposed and the administration opposed a National Commission on Fuels and Energy, the executive branch has attempted to provide a focus for the coordination of Federal energy policies. However, the Executive maneuvering has changed pattern so often that I doubt whether anyone can recite the full history of events. As recent as January 1973, the Department of the Interior set up an Energy Board the function of which eventually was to coordinate energy policies in all branches of the Federal Government. The Board was to be chaired by Interior Secretary Morton and consist of four or five assistant secretaries. Ultimately, the Board was to reside in the then proposed Department of Natural Resources. However, after several revisions, there came into being the Special Presidential Committee on Energy.

Now, the Congress, in S. 70, is undertaking to provide a statutory basis, and public accountability, for energy activities of the Federal Government. However, as the President's Advisory Council on Executive Reorganization pointed out, Federal energy organization should reflect a comprehensive and coherent approach, not only to the formation of energy policy, but also to the promotion and regulation of energy resource development activities, including deep water ports, refineries, and powerplants, to name a few activities.

Considering the critical nature of such a reorganization for national economic, environmental, and societal well-being, I believe such an undertaking must be the joint responsibility of the Congress and the executive branch. In providing a mechanism for Federal energy policy coordination in S. 70, the Congress also must undertake careful consideration of the benefits and disadvantages of the various other proposals for reorganization and restructuring Federal activities and programs in the field of energy.

These eventual decisions are but a part of the broader discussion of the ramifications of national energy policy as relate to the consumer, environmental quality, national security, and the national economy.

NEEDED: EFFECTIVE SOLUTIONS TO THE FUEL CRISIS

Mr. RIBICOFF. Mr. President, the Energy Policy Act of 1973, which is being voted on today is of crucial importance to our Nation's future well-being. I am pleased to be a cosponsor of this needed first step to establish a comprehensive national energy policy, and I am confident that the proposed Council on Energy Policy can be the basis for a systematic nationwide effort to tackle the energy crisis.

The energy crisis is no longer a prediction, As anybody who has paid a fuel bill recently or has pulled away from a gas pump knows, it is already here. Americans are facing shortages of fuel oil, gasoline and other petroleum products right now. While these shortages have not yet meant unheated homes or empty gas tanks, they already mean higher prices.

I am particularly concerned about what this means for Connecticut. In the past, Connecticut and the rest of New England have been shortchanged repeatedly by national energy policies that have kept our prices artificially high.

Homeowners, schools, hospitals and other public institutions have been hurt as their fuel costs have steadily gone up. Small businessmen who run gas stations or fuel oil dealerships have been hurt as their supplies have become erratic or nonexistent.

Independent gasoline dealers provide 22 percent of all consumer needs in this country. But today they are being driven out of business because the major oil companies will not sell gasoline to them. Independent gasoline refineries are refining way below their capacity because these same majors won't provide them with the crude oil. It has been asked whether the oil companies are not helping create an artificial fuel shortage in order to squeeze out the independents. For it is these independent dealers who have been putting a brake on higher prices, and have been a competitive force in the marketplace. With the independents gone, what is to prevent the major oil companies from exercising monopolistic control over all petroleum products?

It is time for the coordination of Federal energy activities and the formulation of plans and programs for better energy production, utilization and conservation. In any new energy programs, Connecticut and New England must get a fair shake.

There are certain basic requirements which must be met if Connecticut and New England are to be protected:

First, all import quotas and tariffs on foreign oil should be dropped. While the administration has said it will drop the quota system, it has substituted tariffs instead. All this can do is drive up prices in every nonproducer State in the country.

Second, we must protect the independent fuel dealer who is the best guarantee of a freer market and lower prices for consumers. We have to assure that the oil supplies of this Nation are not tightly controlled by the giants. It is these so-called "majors" who control the price from the wellhead to the refinery and then to the gas station pump through their own production and distribution systems. We must prevent the small independent distributor from being squeezed out during a time of shortage by insuring that any shortage is shared. Fuel must be allocated fairly to all regions and all suppliers.

Third, we must have adequate storage of petroleum products. It is shocking to realize that today there is only a 5-day supply of oil on hand. And this is made up of oil in the pipelines and in transit. The United States is the only industrial Nation in the world without any substantial storage facilities. We must store at least a 30-day supply of petroleum products to insure against sudden disruptions in foreign supplies and to guard against other emergencies.

Fourth, we must develop a better system of mass transit. The use of a single bus takes 36 private cars off the road. For years I have sought in the Senate to free money in the multibillion dollar highway trust fund for funding mass transit. The savings in energy consumption, not to mention the easing of road congestion and pollution, would be enormous.

Fifth, our Government must take the initiative in consulting with other oil importing States to form a unified bloc to deal with the oil producing cartel of nations. I recently spoke on the need for the President to begin negotiations immediately with our Western European allies and Japan to counter the bargaining power of the oil-rich nations. I can only hope that newspaper reports that Japan will not cooperate in such an approach were in error. It would be tragic if the consuming countries were to start an energy race, bidding against each other for petroleum as prices spiral. The stakes are too high to permit the setting of prices and the availability of supplies in the United States to be decided by a handful of Arab sheiks and oil magnates.

Besides my cosponsorship and support of S. 70, the legislation before us today, I have already taken a number of specific steps to find solutions to this increasingly serious situation.

On January 11 of this year, I cosponsored the New England States Fuel Oil Act to permit unlimited imports of No. 2 home heating oil.

Last February I sought and received assurance from the administration that its new Oil Policy Committee would establish a special subcommittee to deal with Connecticut and New England's particular problems. This has been done, and this subcommittee has already met.

On March 5, I joined the distinguished senior Senator from Alaska (Mr. STEVENS) in introducing Senate Resolution 74, in calling on President Nixon to begin negotiations with major oil consuming nations to organize together to bargain on a government-to-government basis with oil-producing States.

On April 26, I cosponsored S. 1599, introduced by the distinguished senior Senator from Ohio (Mr. SAXBE). This bill would provide for continued sales by major oil companies of gasoline to independent gasoline retailers at the same percentage levels as in the period from July 1, 1971, to June 30, 1972.

On May 2 I joined Senator HUMPHREY in his Senate Joint Resolution 98 to assure fair petroleum products allocation to the entire country.

On May 7 along with a number of my colleagues, I signed a letter to President Nixon urging him to use the authority granted him by the Congress in the Economic Stabilization Act to allocate crude and petroleum products, so that healthy competition of the small independent refiners and gasoline marketers will not be eliminated by the major oil companies.

But before these measures can be enacted and carried out, serious problems facing Connecticut oil dealers and communities today must be solved. Two specific situations recently came to my attention in which I was able to be of prompt help. On May 2 I asked William E. Simon, Deputy Secretary of the Treasury and chairman of the Oil Policy Committee, to take immediate action to avert a potential serious fuel crisis in Norwich, Conn., and to help a Kensington, Conn., independent gasoline dealer threatened with a cut off of gasoline supplies. The very same day Mr. Simon personally spoke to the heads of Texaco, Exxon and an independent terminal operator to ensure heating oil supplies for Norwich this winter.

I realize, however, that many other small businessmen and communities also face disastrous fuel shortages. In order to build on the success of Mr. Simon's cooperation and effectiveness in these matters, I wrote him yesterday requesting the creation of a new Office of Emergency Fuel Allocation under his jurisdiction. The procedures I outlined in my letter will provide a simple effective avenue of relief for independent marketers and communities faced with fuel crises.

I hope that my suggestions will be incorporated into the fuel allocation program that the administration will soon announce. This office would be authorized to act in emergency situations where independent refiners and marketers are unable to obtain sufficient supplies to remain in business. Also, prompt relief should be afforded by the Office to communities threatened with the disruption of essential public services. The Office would be empowered to order that adequate supplies be sold at reasonable prices to these persons and communities from any reserve supply established by the allocation program.

It is by steps such as these that any fuel shortages will be shared equitably and the interests of the consuming public will be protected.

I ask unanimous consent that a copy of my letter to Mr. Simon, along with S. 70, Senate Joint Resolution 98, S. 1599, and Senate Resolution 94 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
*Washington, D.C., May 7, 1973.*

Hon. WILLIAM E. SIMON,
*The Deputy Secretary of the Treasury, Department of the Treasury, Washington, D.C.*

DEAR BILL: As you know, I deeply appreciate your prompt and effective action on behalf of a number of Connecticut firms and communities faced with serious fuel shortages.

But we both realize that these situations are not isolated instances and should not be handled on an ad hoc basis. Shortages and price increases affecting small businessmen, consumers and communities are recurring daily throughout the country. Accordingly, I believe new procedures should be established to provide for speedy remedies to these growing problems. Certainly, such a mechanism will be necessary to resolve disputes under the allocation formula which I understand the President will shortly announce.

Building upon your effective actions in the Connecticut cases, I propose that you establish a new Office of Emergency Fuel Allocation under the Oil Policy Committee within the Office of the Deputy Secretary of the Treasury. This office would be headed by a director with an adequate staff and authority to mediate and adjust disputes over supply cutbacks and price increases. The mission of the office would be to encourage prompt, voluntary compliance with allocation formulas through informal consultation.

The Office would be authorized to receive complaints from independent refiners and marketers, and state and local governmental units whose supplies of gasoline or fuel oil have ben reduced, or prices increased in violation of the allocation formulas and standards.

The Office should also be authorized to act in emergency situations where independent refiners and marketers are unable to obtain sufficient supplies to remain in business. Also, prompt relief should be afforded by the Office to communities threatened with the disruption of essential public services. The Office would be empowered to order that adequate supplies be sold at reasonable prices to these persons and communities from any reserve supply established by the allocation program.

The procedures should emphasize speed and simplicity. Long complex forms and lengthy legal proceedings should be avoided. This will promote compliance with the formulas and assure efficient distribution of petroleum products.

If a dispute cannot be satisfactorily resolved through these informal procedures, then the Director of the Office should be authorized to send a public letter to the person or company refusing to comply with the formula, describing the violation, and urging prompt corrective action.

My proposal has several advantages. First, it provides a simple effective avenue of relief for independent marketers and communities faced with a fuel shortage. Second, the informal procedures outlined have already proven successful in several cases in my home state. I believe it can work in other communities and states. Finally, it is consistent with the voluntary, market-oriented allocation program you are establishing.

As in the past, I will be pleased to work closely with you in the implementation of this proposal.

With best wishes,

Sincerely,

ABE RIBICOFF.

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S. 70

*Be it enacted of the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Energy Policy Act of 1973".

FINDINGS

SEC. 2. The Congress hereby finds and declares that—

(a) there are many Federal agencies, created at different times and for different purposes to handle specialized problems, all directly or indirectly involved in the establishment of energy policy;

(b) there is no comprehensive national energy policy but instead Federal energy activities consist of a myriad of laws, regulations, and inactions resulting in narrow, short range, and often conflicting decision-making by individual agencies without adequate consideration of the impact on the overall energy policy, nor future national energy needs; and

(c) as a consequence of not having a comprehensive national energy policy, the Nation faces mismanagement of energy resources, unacceptably high adverse environmental impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply, and soaring energy prices.

DECLARATION OF PURPOSES

SEC. 3. Congress declares that—

(a) It is the purpose of this Act to protect and promote the interest of the people of the United States as energy users by establishing a Council on Energy Policy.

(b) A Council on Energy Policy is needed to serve as a focal point for—

(1) the collection, analysis, and interpretation of energy statistics and data necessary to formulate policies for wise energy management and conservation and to anticipate social, environmental, and economic problems associated with existing and emergency energy technologies;

(2) the coordination of all energy activities of the Federal Government, and provide leadership to State and local governments and other persons involved in energy activities; and

(3) the preparation of, after consultation with other interested organizations and agencies, a long-range comprehensive plan (hereinafter referred to as the "Energy Plan") for energy development, utilization and conservation to foster improvement in the efficiency of energy production and utilization, reduction of the adverse environ-



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mental impacts of energy production and utilization, conservation of energy resources for the use of future generations, reduction of excessive energy demands, and development of new technologies to produce clean energy.

DUTIES OF FEDERAL AGENCIES

SEC. 4. (a) The policies, regulations, and public laws of the United States shall be interpreted and administered to the fullest extent possible in accordance with the policies set forth in this Act; and

(b) All agencies of the Federal Government shall to the fullest extent possible—

(1) utilize a systematic, interdisciplinary approach which will insure the integrated use of both physical and social sciences in producing, conserving, and utilizing the Nation's energy resources;

(2) submit prior to the review process established pursuant to the Budget and Accounting Act of 1921, as amended, to the Council on Energy Policy established by this Act for comment all legislative recommendations and reports, to the extent that such recommendations and reports deal with or have a bearing on energy matters;

(3) gather data and information pursuant to guidelines promulgated by the Council on Energy Policy; develop analytical techniques for use in the management, conservation, use, and development of energy resources, and make such data available to the Council on Energy Policy;

(4) recognize the worldwide and long-range character of energy concerns and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to foster international cooperation in anticipating and resolving energy-related problems;

(5) include in every recommendation or report to Congress on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official on whether such a proposal or action is consistent with the Energy Plan formulated by the Council on Energy Policy pursuant to this Act. If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action;

(6) prepare, if required by guidelines promulgated by the Council on Energy Policy, an energy resource statement by the responsible official on the effect of the proposed activity on the Nation's overall energy posture.

ESTABLISHMENT OF A COUNCIL

SEC. 5. (a) There shall be created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure by and with the advice and consent of the Senate. The President shall at the time of nomination designate one of the members of the Council to serve as Chairman. Each member shall be a person, who as a result of his training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in light of the energy needs of the Nation; to be conscious of and responsive to the environmental, social, cultural, economic, scientific, and esthetic needs and interests of the Nation; and to formulate a national energy plan and recommend national policies with respect to wise energy management.

DUTIES OF COUNCIL

SEC. 6. (a) The Council shall serve as the principal adviser to the President on energy policy and shall exercise leadership in the formulation of Government policy concerning domestic and international issues relating to energy.

(b) The Council shall make recommendations to the President and the Congress for resolving conflicts between the policies relating to energy of different Federal agencies.

(c) The Council shall develop within eighteen months after the date of enactment of this Act and thereafter shall annually update an Energy Plan for energy development, utilization, and conservation in the United States to carry out the purposes as stated in section 3 of this Act. Copies of such plans shall be distributed on January 1 of each year to the President, to the Congress, and to all Federal and State agencies concerned with energy, and upon request to local agencies and nongovernmental entities.

(d) The Council shall promptly review all legislative recommendations and reports sent to Congress and the accompanying energy resource statements of Federal agencies, to the extent that such recommendations and reports have a bearing on energy matters, and it shall send to the President and the involved Federal agency a statement in writing of its position and the reasons therefor.

(e) The Council shall keep Congress fully and currently informed of all of its activities. Neither the Council nor its employees may refuse to testify before or submit information to Congress or any duly authorized committee thereof.

(f) The Council shall conduct annual public hearings on the Energy Plan and may hold public hearings when there is substantial public interest in other pending matters.

(g) Within six months after the enactment date of this Act and after published notice in the Federal Register and opportunity for comment, the Council shall promulgate guidelines for the preparation of energy resource statements by other Federal agencies. Such guidelines shall be implemented by all Federal agencies within six months after promulgation by the Council. Such guidelines are to be designed to avoid duplication of effort, distinguish between regulatory and nonregulatory activities, contain criteria for determining when an activity is a major Federal activity that affects energy availability and specify the content and nature of the analysis to be required in the energy resource statements. The provisions of this subsection and paragraph (8) of subsection 4(b) shall be enforceable by the Council only. Nothing contained herein shall be construed as authorizing any court to grant injunctive or other relief to any person for failure to comply with its provisions.

(h) In carrying out its collection, analysis, and interpretation of energy statistics function, the Council shall, as quickly as possible and after appropriate study, promulgate guidelines for the collection and initial analysis of energy data by other Federal agencies, after published notice in the Federal Register and opportunity for comment. Such guidelines shall be designed to make such data compatible, useful, and comprehensive. Where relevant data is not now available or reliable and is beyond the authority of other agencies to collect, then the Council shall recommend to the Congress the enactment of appropriate legislation. Pending congressional consideration, the Council may gather such data directly. The Council shall have the power to require by special or general orders any person to submit in writing such energy data as the Council may prescribe. Such submission shall be made within such reasonable period and under oath or otherwise as the Council may direct.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In exercising its powers, functions, and duties under this Act the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations, State, and local governments, and other groups, as it deems advisable; and

(2) employ a competent, independent staff which shall utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, to avoid duplication of effort and expense, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by other agencies.

(b) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

(c) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts, consultants, or contractors to conduct detailed studies as may be necessary for the carrying out of its functions under this Act in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

ENERGY REPORT

SEC. 8. The Council shall prepare and submit to the President and the Congress on or before January 1, 1974, and annually thereafter, an energy report to accompany the Energy Plan. This report shall include—

(a) an estimate of energy needs of the United States for the ensuing ten-year period to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation;

(b) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives;

(c) current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

(d) a catalog of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling, and to encourage conservation practices; and recommendations for developing technology capable of improving the quality of the environment, increasing efficiency, and protecting employee health and safety in energy industries;

(e) recommendations for improving the energy data and information available to the Federal agencies by improving monitoring systems, standardizing data, and securing additional needed information;

(f) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices), employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of this Act; and

(g) recommendations for the level of funding for the development and application of new technologies, as well as new procedures and practices which the Council may determine to be required to achieve the purposes of this Act and improve energy management and conservation together with recommendations for additional legislation.

PUBLIC ACCESS TO INFORMATION

SEC. 9. (a) Copies of any communications, documents, reports, or information received or sent by any member of the Council shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicity released under the terms of subsection (b) of this section.

(b) The Council or any officer or employee of the Council shall not disclose information obtained under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed in a manner designed to preserve its confidentiality—

(1) to other Federal Government departments, agencies and officials for official use upon request;

(2) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(3) to a court in any judicial proceeding under court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(4) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to whom the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons be made public without their express written consent. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

AUTHORIZATION

SEC. 10. (a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $1,000,000 for fiscal year ending June 30, 1974, $2,000,000 for fiscal year ending June 30, 1975, and $4,000,000 for each fiscal year thereafter.

(b) All sums appropriated under this Act shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

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SENATE JOINT RESOLUTION 98

Joint resolution relating to nationwide gasoline and oil shortages

Whereas the Nation is threatened by an immediate crisis in fuel supplies; and

Whereas there are serious shortages of gasoline, heating oil, and diesel fuel in parts of the Midwest and Northeast which have resulted in the closing of schools, the suspension or limitation of industrial operations, and thousands of homes without heat, serious cutbacks in railroad and motor transportation, the closing of independent gas service stations, and electric power shortages during peak use periods; and

Whereas thousands of oil dealers and suppliers are threatened with bankruptcy because their supply of fuel has been terminated; and

Whereas the combination of petroleum product shortages and relaxation of price controls has already raised prices substantially; and

Whereas major oil companies have instituted systems of gasoline rationing in the marketing of thier products; and

Whereas the President's recent action to remove the limit on the power of the Oil Import Appeals Board to issue hardship allocations, while commendable, will not bring relief to the Midwest and other inland areas due to limited supplies of domestic crude oil and to the prohibitive cost of foreign finished products as well as increasing prices of foreign crude oil; and

Whereas there is at present no comprehensive national energy policy; and

Whereas the lack of such policy has resulted in the mismanagement of energy resources, unacceptably high adverse environmetal impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply, and soaring energy prices; and

Whereas notwithstanding such national policies respecting the protection, development, and allocation of energy resources as may be recommended in a message to the Congress from the President or provided for in legislation enacted by the Congress, there exists an emergency fuel shortage requiring that certain extraordinary measures be taken by the Government of the United States to address transportation, heating, and power requirements in the Nation; and

Whereas it is contended that no Federal agency has authority to allocate fuel except with a declaration of a national emergency; and

Whereas immediate action should be taken by the Government of the United States to establish a system on an emergency basis for the equitable allocation of scarce petroleum products to assure that all areas of the Nation obtain a fair share of available petroleum supplies and to prevent anti-competitive practices in the petroleum industry: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the President shall, after public hearing, conducted with such notice, under such regulations, and subject to such review as the exigencies of the case may, in his judgment, make appropriate, provide for the establishment of priorities of use and for systematic allocation of supplies of petroleum products including crude oil in order to meet the essential needs of various sections of the Nation and to prevent anti-competitive effects resulting from shortages of such products.

(b) To expedite the implementation of directives by the President, as authorized by this resolution, there shall be created in the Executive Office of the President an Emergency Fuels Allocation Board (hereinafter referred to as the "Board"). The Board shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The members of the Board shall serve through the duration of authorities provided for under this resolution. The President shall designate one of the members of the Board to serve as Chairman. The members shall be representative of the production, transportation, protection, and use and consumption of all fuel resources, and of executive departments and agencies having a significant responsibility in these respective areas.

(1) Regular meetings of the Board shall be held at least twice each month, with emergency meetings scheduled on the call of the Chairman.

(2) Three members shall constitute a quorum, and decisions of the Board shall be made by majority vote.

SEC. 2. (a) In order to carry out the provisions of this resolution, the Board is authorized to—

(1) appoint and fix the compensation of personnel of the Board in accordance with the provisions of title 5, United States Code;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Board and delegate authority to any officer or employee;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) appoint one or more advisory committees composed of such private citizens and officials and officials of Federal, State, and local governments as it deems desirable, to advise it with respect to its functions under this resolution;

(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 3676 of the Revised Statutes;

(7) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(8) take such actions as may be required for the accomplishment of the objectives of the Board; and

(9) make contracts with public or private nonprofit entities to conduct studies related to the purposes of this resolution.

(b) Upon request made by the Board, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Board in the performance of its functions with or without reimbursement.

(c) Each member of a committee appointed pursuant to clause (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall be compensated at the rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

(d) (1) The Board or any duly authorized subcommittee or member thereof may, for the purposes of carrying out the provisions of this resolution, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Board or such subcommittee or member may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Board, and may be served by any person designated by the Chairman or such member.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Board, shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or a subcommittee or member thereof, there to produce evidence as so ordered, or there to give testimony touching the matter under inquiry. Any failure of such person to obey any such order of the court may be punished by the court as a contempt thereof.

SEC. 3. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Chairman, Emergency Fuels Allocation Board."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(96) Members, Emergency Fuels Allocation Board (4)."

SEC. 4. Specific policy objectives to be carried out by Presidential directive and Board actions shall include, but not be limited to, the following:

(a) The importation of crude oil in sufficient amounts to meet the input requirements of coastal refineries, simultaneous with the allocation of adequate domestic crude supplies to inland refineries and guaranteed on a long-term basis in order to encourage the expansion of refining capacity;

(b) The importation of number 2 fuel oil in amounts sufficient to build up stocks for the next heating season;



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(c) The importation of finished gasoline to east and gulf coasts under conditions that insure that domestic product which would otherwise be distributed in those markets is channeled for delivery to inland shortage areas;

(d) The allocation of sufficient supplies of diesel and other fuels to railroads, electric utilities, and motor transport to provide essential services;

(e) Under any policy or practice of allocations by refiners to marketers, any reduction of supplies by a refiner to any customer whom he has supplied regularly over a reasonable past period shall be in line with quotas established by the Board utilizing this base period in which regional supplies and demands were in approximate balance, and the same percentage reduction shall be applied to all customers of such refiner, regardless of whether such customers market under the refiner's brand name or their private brand names;

(f) As an alternative to price controls on fuels and to meet emergency fuel shortages in the absence of refinery expansion, it shall be a general policy to permit expanded importation of crude oil and gas and to encourage maximum gasoline yields by domestic refiners.

SEC. 5. The Board shall implement specific programs to promote—

(a) the expansion of domestic refinery capacity consistent with reasonable requirements of environmental protection; and

(b) public awareness of the dimensions of the fuel shortage crisis in the United States, and voluntary action to curtail nonessential use of private transportation and of living conveniences requiring electric power.

SEC. 6. The Attorney General is directed to take such steps as may be necessary to assure that during the existing fuel shortage emergency, marketing practices by major refiners and fuel allocation policies by the Government of the United States are not detrimental to the maintenance of a viable competitive domestic petroleum industry and do not result in a foreclosure to independent marketers of supplies from major oil companies.

SEC. 7. The authorities provided for in this resolution shall be effective through the fiscal year ending June 30, 1975.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this resolution.

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S. 1599

A bill to provide for the continued sale of gasoline to independent gasoline retailers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) no person engaged in commerce in the business of refining petroleum into gasoline and furnishing gasoline to retail distributors of gasoline for sale to the public shall fail to furnish gasoline to independent retail distributors of gasoline, whether or not franchised by such person, at wholesale prices in reasonable quantities as long as he continues to furnish gasoline to retail distributors of gasoline which are wholly owned by him or operated under a franchise granted by him.

(b) It shall constitute, prima facie, a violation of the provisions of subsection (a) for any such person—

(1) to fail, during any calendar month beginning after the date of enactment of this Act, to deliver to independent retail distributors of gasoline a percentage of the total gallons of gasoline delivered by him to all retail distributors of gasoline during that month which is lower than the percentage of the total gallons of gasoline delivered by him to all retail distributors of gasoline during the period of July 1, 1971, to June 30, 1972, which was delivered by him to independent retail distributors of gasoline during that period, or

(2) to sell gasoline to independent retail distributors of gasoline at a price during any such month which is greater than—

(A) the average price at which he sold gasoline to such distributors during the period of July 1, 1971, to June 30, 1972, increased by

(B) a percentage equal to the percentage by which the average price for gasoline sold during that month to retail distributors of gasoline which are wholly owned by, or operated under a franchise granted by, that person exceeds the average price for gasoline sold to such distributors during the period of July 1, 1971, to June 30, 1972.

SEC. 2. Violation of the provisions of subsection (a) of the first section of this Act constitutes an unfair practice in commerce in violation of the provisions of section 5(a)(1) of the Federal Trade Commission Act.

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S. RES. 94

Resolution requesting the President to enter into negotiations with major oil importing countries to establish an international organization of oil importing countries and to establish common practices and policies affecting oil pricing, importation, and consumption.

Whereas the world presently faces a serious energy crisis;

Whereas the major oil producing countries in certain parts of the world have combined to utilize their resources for their own economic and political advantage;

Whereas these countries have utilized this advantage to control world oil prices and to force their national policies on the rest of the world;

Whereas the major oil consuming and importing countries have not combined in a similar manner to prevent an energy crisis and to insure the free flow of oil;

Whereas the United States is currently experiencing a major energy crisis; and

Whereas the United States has felt strong political and economic pressures brought by these oil producing countries: Now, therefore, be it

*Resolved*, That the President is requested to enter into negotiations with the major oil importing countries for the purposes of establishing an international organization of oil importing countries and establishing common practices and policies affecting oil pricing, importation, and consumption.

Mr. HART. Mr. President, just as there are a number of different congressional committees with responsibility for supervising the development of our Nation's energy needs, the executive branch has a multitude of agencies concerned with energy development.

Studies by the Commerce Committee of the Senate indicate that more than 60 different Federal agencies are involved in making energy policy decisions. Each of these agencies was established at a different time and for different purposes. And each has a narrow focus. The lack of cordination among them often results in conflicting Federal policies.

This diffusion of responsibility developed during a time when the Nation's energy supplies were ample and when there was little concern with the protection of the environment. In the last few years all that has changed.

Energy shortages have become common. Electric power brownouts and blackouts occur with unnerving frequency during peak demand periods. Natural gas, the cleanest of the fossil fuels, has been so aggressively marketed by pipeline companies in the last two decades that the available supply cannot meet the needs in many regions of the country. Coal and oil prices have soared and sufficient quantities of low-sulfur fuels, so necessary to protect the environment, are often not available. Independent oil and gasoline dealers are facing extinction because major petroleum companies, citing limited supply, refuse to sell them the supplies necessary to meet the demands of their customers.

Despite the Nation's vast technological and planning capabilities, and despite the potential abundance of natural resources, the United States still faces an energy shortage.

We have potentially recoverable oil reserves sufficient to meet the demands for 65 years. There are potentially recoverable natural gas reserves sufficient to meet demands for 50 years. Coal reserves commercially accessible with current mining methods could meet the needs of the next 300 years. Available uranium reserves would meet our total electric power needs for 25 years. Recoverable oil shale reserves would meet our oil needs at present levels for 35 years after natural oil reserves are exhausted. Thus, at present rates of consumption our potential energy reserves are sufficient to meet the demands for at least 200 years; and we have not yet thoroughly explored such technologies as solar fusion and geothermal sources. The materials are available and the scientific capability can be developed to meet our long-term energy goals. The problem is to produce that energy at environmentally and economically viable costs.

The immediate problems which confront the Nation—short-term capacity difficulties, meeting energy requirements while complying with environmental standards, and the structural bias which encourages wasteful consumption of energy—demand the development of a sound policy coordinated at the highest levels of Government.

We have no coherent national energy policy nor a mechanism for formulating one. The continuation of ad hoc decisions by individual agencies in response to specific problems without consideration of the overall picture is no longer tolerable.

These are the needs to which S. 70 would address itself. This legislation of which I am a cosponsor would establish a Council on Energy Policy similar to the Council of Economic Advisers or the Council on Environmental Quality. The Council on Energy Policy would be responsive to both the executive and legislative branches in that it would formulate an energy plan coordinating all energy activities of the Federal Government. This element of responsiveness to both the executive and legislative branches is critical to the formulation of sound energy legislation.

Particularly important is the Council's role in making recommendations to the President and to the Congress for resolving conflicting statutory energy policies of Federal agencies.

Mr. President, I join with my colleagues in urging passage of this important legislation.

Mr. JAVITS. Mr. President, while I am generally sympathetic to the thrust of the President's recent energy message, I had hoped that more emphasis would be given to the need to conserve energy. There is little in the President's message which addresses the demand side of the energy equation, rather the message is weighed with proposals designed to increasing supply.



I do note that since the release of the President's energy message Deputy Secretary of the Treasury William Simon and the Secretary of the Interior Rogers Morton have been addressing themselves forcefully to the need to conserve energy with particular reference to gasoline.

I have had an exchange of correspondence with the Secretary of the Treasury George Shultz on the need to take measures to conserve our consumption of petroleum products. Since this exchange of letters is germane to issues now before the Congress, I ask unanimous consent that this exchange in correspondence be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follow:

THE SECRETARY OF THE TREASURY,
*Washington, D.C., May 1, 1973.*

HON. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR JACK: Thank you for your letter of April 12, expressing your concern about public and industry awareness of the implications of the energy crisis.

You are right. The energy crisis has come upon the public unawares although warnings had been coming from industry people for some time. In recent months, the problem has been given a great deal of attention in the media. The recent series of articles in the *New York Times* is but one example of many I have seen. But I agree with you that the subject deserves and must get even more public discussion.

We want the President's Energy Message to get as wide a distribution as possible since it clearly sets forth the problem and our approach to a solution. In addition to the positive measures designed to increase our energy supply, public and industry cooperation in energy conservation will be very important, as the Message emphasizes.

The Office of Energy Conservation, which will be established in the Department of the Interior, will conduct research and work with consumer and environmental groups in their efforts to educate consumers. Also the Department of Commerce, the Council on Environmental Quality and the Environmental Protection Agency will be working to develop a voluntary system of energy efficiency labels for major home appliances. EPA will soon release the results of its tests of fuel efficiency in automobiles, and the President, in the Energy Message, has again supported the use of Highway Trust Funds for mass transit.

I trust we will have your help in spreading the word.

With best regards,
Sincerely,

GEORGE P. SHULTZ.

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U.S. SENATE,
*Washington, D.C., April 12, 1973.*

HON. GEORGE P. SHULTZ,
*Secretary, Department of the Treasury,*
*Washington, D.C.*

DEAR GEORGE: I had a very good chat with Bill Simon on a letter I wrote him concerning the energy crisis.

I would like to raise one matter on energy with you personally. I think that the American public must begin to be made aware of how the energy crisis is going to impact on their lives; and especially the wheels they ride on.

I find it highly paradoxical that this year when a record number of automobiles will be built—automobiles which will have very low mileage per gallon of gasoline—is also a year when a gasoline shortage is beginning to re-appear.

In the case of automobiles our production patterns and pollution standards are contributing directly to the energy shortage we are facing, to our deteriorating balance of payments position as regards imports of petroleum products and in turn adversely affecting our national security by increasing our dependence on Middle Eastern oil.

Something clearly has to give, and the American public and American industry should be made aware of the consequences. It is my feeling that by 1976 a major storm among the people might be brewing, caused by shortfalls in domestic refinery capacity in the United States which in turn could lead to increasingly severe home heating oil and gasoline shortages. Yet at the same time our automobile production patterns threatens to make worse these very dangers.

It would be my hope that the President, in his upcoming energy message would begin to educate the American people and American industry of these new realities. It is my feeling that such an education campaign is not only economically sound but socially essential.

With warm regards,
Sincerely,

JACK.

QUORUM CALL

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. HOLLINGS. On our time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the name of the Senator from New Mexico (Mr. DOMENICI) be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HOLLINGS. I yield back the remainder of my time.

Mr. PEARSON. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BIDEN). All remaining time having been yielded back, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Alaska (Mr. GRAVEL), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Florida (Mr. GURNEY) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent on official business. If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

The result was announced—yeas 79, nays 12, as follows:

[No. 130 Leg.]

YEAS—79

| | | |
|---|---|---|
| Abourezk | Fong | Montoya |
| Aiken | Fulbright | Moss |
| Allen | Goldwater | Muskie |
| Baker | Griffin | Nelson |
| Bayh | Hart | Nunn |
| Beall | Hartke | Packwood |
| Bentsen | Haskell | Pastore |
| Bible | Hatfield | Pearson |
| Biden | Hathaway | Pell |
| Brock | Hollings | Proxmire |
| Brooke | Humphrey | Randolph |
| Burdick | Inouye | Ribicoff |
| Byrd, Harry F., Jr. | Jackson | Roth |
| Byrd, Robert C. | Javits | Saxbe |
| Case | Johnston | Schweiker |
| Chiles | Kennedy | Scott, Pa. |
| Church | Long | Sparkman |
| Clark | Magnuson | Stafford |
| Cook | Mansfield | Stevenson |
| Cranston | Mathias | Symington |
| Dole | McClellan | Taft |
| Domenici | McClure | Talmadge |
| Dominick | McGee | Thurmond |
| Eagleton | McGovern | Tunney |
| Eastland | McIntyre | Weicker |
| Ervin | Metcalf | Young |
| | Mondale | |

NAYS—12

| | | |
|---|---|---|
| Bartlett | Cotton | Hruska |
| Bellmon | Fannin | Percy |
| Bennett | Hansen | Scott, Va. |
| Buckley | Helms | Tower |

NOT VOTING—9

| | | |
|---|---|---|
| Cannon | Gurney | Stennis |
| Curtis | Huddleston | Stevens |
| Gravel | Hughes | Williams |

So the bill (S. 70) was passed, as follows:

S. 70

An act to promote commerce and establish a Council on Energy Policy, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act maybe cited as the "Energy Policy Act of 1973".

FINDINGS

SEC. 2. The Congress hereby finds and declares that—

(a) there are many Federal agencies, created at different times and for different purposes to handle specialized problems, all directly or indirectly involved in the establishment of energy policy;

(b) there is no comprehensive national energy policy but instead Federal energy activities consist of a myriad of laws, regulations, and inactions resulting in narrow, short range, and often conflicting decision-making by individual agencies without adequate consideration of the impact on the overall energy policy, nor future national energy needs; and

(c) as a consequence of not having a comprehensive national energy policy, the Nation faces mismanagement of energy resources, unacceptably high adverse environmental impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply, and soaring energy prices.

DECLARATION OF PURPOSES

SEC. 3. Congress declares that—

(a) It is the purpose of this Act to protect and promote the interest of the people of the

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United States as energy users by establishing a Council on Energy Policy.

(b) A Council on Energy Policy is needed to serve as a focal point for—

(1) the collection, analysis, and interpretation of energy statistics and data necessary to formulate policies for wise energy management and conservation and to anticipate social, environmental, and economic problems associated with existing and emergency energy technologies;

(2) the coordination of all energy activities of the Federal Government, and provide leadership to State and local governments and other persons involved in energy activities; and

(3) the preparation of, after consultation with other interested organizations and agencies, a long-range comprehensive plan (hereinafter referred to as the "Energy Plan") for energy development, utilization and conservation to foster improvement in the efficiency of energy production and utilization, reduction of the adverse environmental impacts of energy production and utilization, conservation of energy resources for the use of future generations, reduction of excessive energy demands, and development of new technologies to produce clean energy.

DUTIES OF FEDERAL AGENCIES

SEC. 4. (a) The policies regulations, and public laws of the United States shall be interpreted and administered to the fullest extent possible in accordance with the policies set forth in this Act; and

(b) All agencies of the Federal Government shall to the fullest extent possible—

(1) utilize a systematic interdisciplinary approach which will insure the integrated use of both physical and social sciences in producing, conserving, and utilizing the Nation's energy resources;

(2) submit prior to the review process established pursuant to the Budget and Accounting Act of 1921, as amended, to the Council on Energy Policy established by this Act for comment all legislative recommendations and reports, to the extent that such recommendations and reports deal with or have a bearing on energy matters;

(3) gather data and information pursuant to guidelines promulgated by the Council on Energy Policy; develop analytical techniques for use in the management, conservation, use, and development of energy resources, and make such data available to the Council on Energy Policy;

(4) recognize the worldwide and long-range character of energy concerns and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to foster international cooperation in anticipating and resolving energy-related problems;

(5) include in every recommendation or report to Congress on proposals for legislation and other major Federal actions having a significant effect on energy availability or use a detailed statement by the responsible official on whether such a proposal or action is consistent with the Energy Plan formulated by the Council on Energy Policy pursuant to this Act. If such proposal or action is not consistent with such plan, the statement shall also contain a detailed justification for the proposal or action.

(6) prepare, if required by guidelines promulgated by the Council on Energy Policy, an energy resource statement by the responsible official on the effect of the proposed activity on the Nation's overall energy posture.

ESTABLISHMENT OF A COUNCIL

SEC. 5. (a) There shall be created in the Executive Office of the President a Council on Energy Policy (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure by and with the advice and consent of the Senate. The President shall at the time of nomination designate one of the members of the Council to serve as Chairman. Each member shall be a person, who as a result of his training, experience, and attainment, is well qualified to analyze and interpret energy trends and information of all kinds; to appraise programs and activities of the Federal Government in light of the energy needs of the Nation; to be conscious of and responsive to the environmental, social, cultural, economic, scientific, and esthetic needs and interests of the Nation; and to formulate a national energy plan and recommend national policies with respect to wise energy management.

DUTIES OF COUNCIL

SEC. 6. (a) The Council shall serve as the principal adviser to the President on energy policy and shall exercise leadership in the formulation of Government policy concerning domestic and international issues relating to energy.

(b) The Council shall make recommendations to the President and the Congress for resolving conflicts between the policies relating to energy of different Federal agencies.

(c) The Council shall develop within eighteen months after the date of enactment of this Act and thereafter shall annually update an Energy Plan for energy development, utilization, and conservation in the United States to carry out the purposes as stated in section 3 of this Act. Copies of such plans shall be distributed on January 1 of each year to the President, to the Congress, and to all Federal and State agencies concerned with energy, and upon request to local agencies and nongovernmental entities.

(d) The Council shall promptly review all legislative recommendations and reports sent to Congress and the accompanying energy resource statements of Federal agencies, to the extent that such recommendations and reports have a bearing on energy matters, and it shall send to the President and the involved Federal agency a statement in writing of its position and the reasons therefor.

(e) The Council stall keep Congress fully and currently informed of all of its activities. Neither the Council nor its employees may refuse to testify before or submit information to Congress or any duly authorized committee thereof.

(f) The Council shall conduct annual public hearings on the Energy Plan and may hold public hearings when there is substantial public interest in other pending matters.

(g) Within six months after the enactment date of this Act and after published notice in the Federal Register and opportunity for comment, the Council shall promulgate guidelines for the preparation of energy resource statements by other Federal agencies. Such guidelines shall be implemented by all Federal agencies within six months after promulgation by the Council. Such guidelines shall be implemented by all Federal agencies within six months after promulgation by the Council. Such guidelines are to be designed to avoid duplication of effort, distinguish between regulatory and nonregulatory activities, contain criteria for determining when an activity is a major Federal activity that affects energy availability and specify the content and nature of the analysis to be required in the energy resource statements. The provisions of this subsection and paragraph (6) of subsection 4(b) shall be enforceable by the Council only. Nothing contained herein shall be construed as authorizing any court to grant injunctive or other relief to any person for failure to comply with its provisions.

(h) In carrying out its collection, analysis, and interpretation of energy statistics function, the Council shall, as quickly as possible and after appropriate study, promulgate guidelines for the collection and initial analysis of energy data by other Federal agencies, after published notice in the Federal Register and opportunity for comment. Such guidelines shall be designed to make such data compatible, useful, and comprehensive. Where relevant data is not now available or reliable and is beyond the authority of other agencies to collect, then the Council shall recommend to the Congress the enactment of appropriate legislation. Pending congressional consideration, the Council may gather such data directly. The Council shall have the power to require by special or general orders any person to submit in writing such energy data as the Council may prescribe. Such submission shall be made within such reasonable period and under oath or otherwise as the Council may direct.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In exercising its powers, functions, and duties under this Act the Council shall—

(1) consult with representatives of science, industry, agriculture, labor, conservation organizations. State, and local governments, and other groups, as it deems advisable; and

(2) employ a competent, independent staff which shall utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, to avoid duplication of effort and expense, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by other agencies.

(b) Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rate (5 U.S.C. 5315).

(c) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts, consultants, or contractors to conduct detailed studies as may be necessary for the carrying out of its functions under this Act in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

ENERGY REPORT

SEC. 8. The Council shall prepare and submit to the President and the Congress on or before January 1, 1974, and annually thereafter, an energy report to accompany the Energy Plan. This report shall include—

(a) an estimate of energy needs of the United States for the ensuing ten-year period to meet the requirements of the general welfare of the people of the United States and the commercial and industrial life of the Nation;

(b) an estimate of the domestic and foreign energy supply on which the United States will be expected to rely to meet such needs in an economic manner with due regard for the protection of the environment, the conservation of natural resources, and the implementation of foreign policy objectives;

(c) current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation;

(d) a catalog of research and development efforts funded by the Federal Government to develop new technologies, to forestall energy shortages, to reduce waste, to foster recycling, and to encourage conservation practices; and recommendations for developing technology capable of improving the quality of the environment, increasing efficiency, and protecting employee health and safety in energy industries;

(e) recommendations for improving the energy data and information available to the Federal agencies by improving monitoring systems, standardizing data, and securing additional needed information;

(f) a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including competitive and regulatory practices), employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of this Act; and

(g) recommendations for the level of funding for the development and application of new technologies, as well as new procedures and practices which the Council may determine to be required to achieve the purposes of this Act and improve energy management and conservation together with recommendations for additional legislation.

PUBLIC ACCESS TO INFORMATION

SEC. 9. (a) Copies of any communications, documents, reports, or information received or sent by any member of the Council shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of subsection (b) of this section.

(b) The Council or any officer or employee of the Council shall not disclose information obtained under this Act which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed in a manner designed to preserve its confidentiality—

(1) to other Federal Government departments, agencies and officials for official use upon request;

(2) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(3) to a court in any judicial proceeding under court order formulated to preserve the confidentiality of such information without impairing the proceedings; and

(4) to the public in order to protect their health and safety after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the party to whom the information pertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health and safety).

In no event shall the names or other means of identification of injured persons be made public without their express written consent. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

MONITORING OF ENERGY STATISTICS AND ANALYSIS

SEC. 10. (a) The Comptroller General of the United States shall continuously monitor and evaluate the operations of the Council including its reporting requirements. Upon his own initiative or upon the request of a committee of the Congress or, to the extent personnel are available, upon the request of a Member of the Congress, the Comptroller General shall (1) conduct studies of existing statutes and regulations governing Federal energy programs, (2) review the policies and practices of Federal agencies administering such programs, (3) review and evaluate the procedures followed by such agencies, in gathering, analyzing, and interpreting energy statistics, data, and information related to the management and conservation of energy, including but not limited to data related to energy costs, demand, industry structure, environmental impacts and research and development, and (4) evaluate particular projects or programs. The Comptroller General shall have access to such data from any public or private source whatever, notwithstanding the provisions of any other law, as is necessary to carry out his responsibilities under this Act and shall report to the Congress at such times as he deems appropriate with respect to Federal energy programs, including his recommendations for such modifications in existing laws, regulations, procedures, and practices as will, in his judgment, best serve the Congress in the formulation of a national energy policy.

(b) In carrying out his responsibilities as provided in subsection (a) of this section, the Comptroller General shall give particular attention to the need for improved coordination of the work of the Federal Government related to energy policies and programs and the attendant need for a central source of energy statistics and information.

(c) The Comptroller General or any of his authorized representatives in carrying out his responsibilities under this section shall have access to any books, documents, papers, statistics, data, information, and records of any private organization relating to the management and conservation of energy, including but not limited to energy costs, demand, supply, reserves, industry structure, environmental impacts, and research and development. The Comptroller General may require any private organization to submit in writing such energy data as he may prescribe. Such submission shall be made within such reasonable period under oath or otherwise as he may direct.

(d) To assist in carrying out his responsibilities, the Comptroller General may sign and issue subpenas requiring the production of the books, documents, papers, statistics, data, information, and records referred to in subsection (c) of this section.

(e) In case of disobedience to a subpena issued under subsection (d) of this section, the Comptroller General may invoke the aid of any district court of the United States in requiring the production of the books, documents, papers, statistics, data, information, and records referred to in subsection (c) of this section. Any district court of the United States within the jurisdiction in which the private organization is found or transacts business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the private organization to produce the statistics, data, or information; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

(f) Reports submitted by the Comptroller General to the Congress shall be available to the public at reasonable cost and upon identifiable request, except that the Comptroller General may not disclose to the public any information which could not be disclosed to the public by the Council under the provisions of section 9(b) if the information were held by the Council.

AUTHORIZATION

SEC. 11. (a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed $1,000,000 for fiscal year ending June 30, 1974, $2,000,000 for fiscal year ending June 30, 1975, and $4,000,000 for each fiscal year thereafter.

(b) All sums appropriated under this Act shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield briefly to the distinguished Senator from South Dakota (Mr. ABOUREZK).

## AUTHORIZATION OF APPROPRIATIONS FOR INDIAN CLAIMS COMMISSION

Mr. ABOUREZK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 721.

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate the amendment of the House of Representatives to the bill (S. 721) to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes", which was to strike out all after the enacting clause, and insert:

That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act (25 U.S.C. 70), during fiscal year 1974 a sum not to exceed $1,200,000.

SEC. 2. Section 1 of the Act of November 4, 1963 (77 Stat. 301), as amended (25 U.S.C. 70n–1), is further amended by striking out "$1,800,000" and by inserting "$2,700,000".

Mr. ABOUREZK. Mr. President, on March 6, 1973, the Senate passed with committee amendments, S. 721, to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes.

The purpose of S. 721 is to authorize appropriations for the expenses of the Indian Claims Commission for fiscal year 1974. This is in accordance with the provisions of Public Law 92–265 which extended the life of the Indian Claims Commission until April 10, 1977, and stated that the Commission must seek annual authorizations for appropriations.

On May 7, 1973, the House passed S. 721 with a committee amendment increasing the expert assistance revolving loan fund by $900,000. According to the accompanying House Report No. 93–112, these additional funds would be necessary to expedite the work of the Commission as the tribes would require the additional resource to retain expert assistance and witnesses to go forward with their cases. These borrowed funds will be repaid at 5-percent interest. This section amends the act of November 4, 1963, adding $900,000 to the presently authorized $1,800,000.

In considering S. 721, the House struck out all after the enacting clause and substituted in lieu thereof the provisions of H.R. 4967, as passed.

Mr. President, I have cleared this amendment with the ranking minority member, the senior Senator from Arizona, and, therefore, move that the Senate concur in the House amendments to S. 721.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Dakota.

The motion was agreed to.

## EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business.

There being no objection, the Senate proceeded to the consideration of executive business.

## U.S. DISTRICT COURT

Mr. HRUSKA. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a nomination reported earlier today by the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

The second assistant legislative clerk read the nomination of Albert G. Schatz,



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of Nebraska, to be a U.S. district judge for the district of Nebraska.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

## LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

## ORDER OF ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock a.m. tomorrow. If the Senate completes action today on S. 373, it would be the intention of the leadership to vacate this order and have the Senate go over until Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day this order was vacated and an order was entered for the Senate to adjourn from today until 12 noon on Monday, May 14, 1973.)

## IMPOUNDMENT OF FUNDS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 115, S. 373.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 373) to insure the separation of Federal powers and to protect the legislative functioning by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with amendments to strike out all after the enacting clause and insert:

TITLE I—IMPOUNDMENT CONTROL PROCEDURES

Section 1. The Congress finds that—

(1) the Congress has the sole authority to enact legislation and appropriate moneys on behalf of the United States;

(2) the Congress has the authority to make all laws necessary and proper for carrying into execution its own powers;

(3) the Executive shall take care that the laws enacted by Congress shall be faithfully executed;

(4) under the Constitution of the United States, the Congress has the authority to require that funds appropriated and obligated by law shall be spent in accordance with such law;

(5) there is no authority expressed or implied under the Constitution of the United States for the Executive to impound budget authority and the only authority for such impoundments by the executive branch is that which Congress has expressly delegated by statute;

(6) by the Antideficiency Act (Rev. Stat. sec. 3679), the Congress delegated to the President authority, in a narrowly defined area, to establish reserves for contingencies or to effect savings through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which appropriations are made available;

(7) in spite of the lack of constitutional authority for impoundment of budget authority by the executive branch and the narrow area in which reserves by the executive branch have been expressly authorized in the Antideficiency Act, the executive branch has impounded many billions of dollars of budget authority in a manner contrary to and not authorized by the Antideficiency Act or any other Act of Congress;

(8) impoundments by the executive branch have often been made without a legal basis;

(9) such impoundments have totally nullified the effect of appropriations and obligational authority enacted by the Congress and prevented the Congress from exercising its constitutional authority;

(10) the executive branch, through its presentation to the Congress of a proposed budget, the due respect of the Congress for the views of the executive branch, and the power of the veto, has ample authority to affect the appropriation and obligation process without the unilateral authority to impound budget authority; and

(11) enactment of this legislation is necessary to clarify the limits of the existing legal authority of the executive branch to impound budget authority, to reestablish a proper allocation of authority between the Congress and the executive branch, to confirm the constitutional proscription against the unilateral nullification by the executive branch of duly enacted authorization and appropriation Acts, and to establish efficient and orderly procedures for the reordering of budget authority through joint action by the Executive and the Congress, which shall apply to all impoundments of budget authority, regardless of the legal authority asserted for making such impoundments.

SEC. 2. (a) Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds any budget authority made available, or orders, permits, or approves the impounding of any such budget authority by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying

(1) the amount of the budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department, or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, to include not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which establishes a debt ceiling or a pending ceiling, the amount by which the ceiling would be exceeded and the reasons for such anticipated excess; and

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message may be printed by either House as a document for both Houses as the President of the Senate, and Speaker of the House may determine.

(c) A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day as it is transmitted to the Senate and the House of Representatives. The Comptroller General shall review each such message and determine whether, in his judgment, the impoundment was in accordance with existing statutory authority, following which he shall notify both Houses of Congress within 15 days after the receipt of the message as to his determination thereon. If the Comptroller General determines that the impoundment was in accordance with section 3679 of the Revised Statutes (31 U.S.C. 655), commonly referred to as the "Antideficiency Act", the provisions of section 3 and section 5 shall not apply. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other existing statutory authority and sections 3 and 5 of this Act shall apply.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall transmit within ten days to the Congress and the Comptroller General a supplementary message stating and explaining each such revision.

(e) Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the Federal Register published after that special or supplemental message is so transmitted and may be printed by either House as a document for both Houses, as the President of the Senate and Speaker of the House may determine.

(f) The President shall publish in the Federal Register each month a list of any budget authority impounded as of the first calendar day of that month. Each list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

SEC. 3. The President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States shall cease the impounding of any budget authority set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 5 of this Act: *Provided, however*, That Congress may by concurrent resolution disapprove any impoundment in whole or in part, at any time prior to the expiration of the sixty-day period, and in the event of such disapproval, the impoundment shall cease immediately to the extent disapproved. The effect of such disapproval, whether by concurrent resolution passed prior to the expiration of the sixty-day period or by the failure to approve by concurrent resolution within the sixty-day period, shall be to make the obligation of the budget authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the



Congress by its action or failure to act has thereby rejected.

SEC. 4. For purposes of this Act, the impounding of budget authority includes—

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available,

(2) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3) withholding, delaying, deferring, freezing, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves, or otherwise), and

(4) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 5. The following subsections of this section are enacted by the Congress:

(a)(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses at any time before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the special message of the President is transmitted to the two Houses.

(2) The matter after the resolving clause of a resolution approving the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress approves the impounding of budget authority as set forth in the special message of the President dated , Senate (House) Document No. ——."

(3) The matter after the resolving clause of a resolution disapproving, in whole or in part, the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress disapproves the impounding of budget authority as set forth in the special message of the President dated , Senate (House) Document No. —— — (in the amount of $ ——)."

(4) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c)(1) A resolution introduced, or received from the other House, with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration, following the receipt of the report of the Comptroller General referred to in section 2(c). It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. Debate on any amendment to the resolution (including an amendment substituting approval for disapproved in whole or in part or substituting disapproval in whole or in part for approval) shall be limited to two hours, which shall be divided equally between those favoring and those opposing the amendment.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(d) If, prior to the passage by one House of a resolution of that House with respect to a special message, such House receives from the other House a resolution with respect to the same message, then—

(1) If no resolution of the first House with respect to such message has been introduced, no motion to proceed to the consideration of any other resolution with respect to the same message may be made (despite the provisions of subsection (c)(1) of this section).

(2) If a resolution of the first House with respect to such message has been introduced—

(A) the procedure with respect to that or other resolutions of such House with respect to such message shall be the same as if no resolution from the other House with respect to such message had been received; but

(B) on any vote on final passage of a resolution of the first House with respect to such message the resolution from the other House with respect to such message shall be automatically substituted for the resolution of the first House.

(e) If a committee of conference is appointed on the disagreeing votes of the two Houses with respect to a resolution, the conference report submitted in each House shall be considered under the rules set forth in subsection (c) of this section for the consideration of a resolution, except that no amendment shall be in order.

(f) Notwithstanding any other provision of this section, it shall not be in order in either House to consider a resolution with respect to a special message after the two Houses have agreed to another resolution with respect to the same message.

(g) As used in this section, the term "special message" means a report of impounding action made by the President pursuant to section 2 of this Act or by the Comptroller General pursuant to section 6 of this Act.

SEC. 6. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States takes or approves any impounding action within the purview of this Act, and the President fails to report such impounding action to the Congress as required by this Act, the Comptroller General shall report such impounding action with any available information concerning it to both Houses of Congress, and the provisions of this Act shall apply to such impounding action in like manner and with the same effect as if the report of the Comptroller General had been made by the President: *Provided, however*, That the sixty-day period provided in section 3 of this Act shall be deemed to have commenced at the time at which, in the determination of the Comptroller General, the impoundment action was taken.

SEC. 7. Nothing contained in this Act shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President or any other Federal employee, in the past or in the future, unless done pursuant to statutory authority in effect at the time of such impoundment.

SEC. 8. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this Act, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this Act by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

SEC. 9. (a) Notwithstanding any other provision of law, all funds appropriated by law shall be made available and obligated by the appropriate agencies, departments, and other units of the Government except as may be provided otherwise under this Act.

(b) Should the President desire to impound any appropriation made by the Congress not authorized by this Act or by the Antideficiency Act, he shall seek legislation utilizing the supplemental appropriations process to obtain selective rescission of such appropriation by the Congress.

SEC. 10. If any provision, of this Act, or the application thereof to any person, impoundment, or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons, impoundments, or circumstances, shall not be affected thereby.

SEC. 11. The provisions of this Act shall take effect from and after the date of enactment.

TITLE II—CEILING ON FISCAL YEAR 1974 EXPENDITURES

SEC. 201. (a) Except as provided in subsection (b) of this section, expenditures and net lending during the fiscal year ending June 30, 1974, under the budget of the United States Government, shall not exceed $268,000,000,000.

(b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsection (a) of this section shall be reviewed by Congress for the purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

SEC. 202. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with this section, reserve from expenditure and net lending, from appropriations, or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 201.

(b) In carrying out the provisions of subsection (a) of this section, the President shall reserve amounts proportionately from new obligational authority and other obliga-

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tional authority available for each functional category, and to the extent practicable, subfunctional category (as set out in table 3 of the United States Budget in Brief for fiscal year 1974), except that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

(c) Reservations made to carry out the provisions of subsection (a) of this section shall be subject to the provisions of title I of this Act, except that—

(1) if the Comptroller General determines under section 2(c) of title I, with respect to any such reservation, that the requirements of proportionate reservations of subsection (b) of this section have been complied with, then sections 3 and 5 of title I shall not apply to such reservation.

(d) The provisions of section 3 of title I of this Act shall not apply to any impoundments or reservations made under title II insofar as they prohibit reimpounding or reservation.

(e) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress.

SEC. 203. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Mr. ERVIN. Mr. President, I ask unanimous consent that the following members of my staff be permitted the privilege of the floor to assist me during the consideration of this measure: Robert Smith, William Goodman, and Walter Nolan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that Mr. Robert Vastine, counsel to the Committee on Government Operations, be granted the privilege of the floor during the deliberations on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that during the consideration of the pending business, Allen Fromm and James Hall, of the committee staff, be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that during the consideration of the pending business, Mr. John White, of my staff, have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that the committee amendment in the nature of a substitute be agreed to and that the bill as thus amended be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further amendment?

Mr. ERVIN. Mr. President, this legislation is the result of more than 2 years of intensive study and work, first by the Judiciary Subcommittee on Separation of Powers and by the Government Operations Committee, both of which I am honored to serve as chairman.

I introduced S. 373 on January 23, 1973. Fifty-three Senators joined me in sponsoring it.

The cosponors of S. 373 as originally introduced were Mr. BAYH, Mr. BENTSEN, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. CLARK, Mr. CRANSTON, Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CASE, Mr. CHILES, Mr. CHURCH, Mr. EAGLETON, Mr. EASTLAND, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HART, Mr. HARTKE, Mr. HASKELL, Mr. HATFIELD, Mr. HATHAWAY, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MCCLELLAN, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. NUNN, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SPARKMAN, Mr. STAFFORD, Mr. SYMINGTON, Mr. TALMADGE, Mr. TUNNEY, Mr. WEICKER, and Mr. WILLIAMS.

I would like to recognize the outstanding staff work that has been done on this bill, first by the staff and consultants of the Subcommittee on Separation of Powers: Prof. Philip B. Kurland of the University of Chicago School of Law, the chief consultant; Prof. Arthur S. Miller of the George Washington University National Law Center, consultant; Walker F. Nolan, Jr., counsel; and Rufus L. Edmisten, chief counsel and staff director.

For the Government Operations Committee, staff work was done by W. P. Goodwin, Jr., and Eli E. Nobleman, professional staff members, and Robert Bland Smith, Jr., chief counsel and staff director.

In addition, the committee is indebted to Louis Fisher of the Congressional Research Service of the Library of Congress; to Harry Littell, chief legislative counsel to the Senate; and to Thomas Foxwell, the committee's printer, for their valuable assistance in perfecting this legislation.

Also, very important contributions were made by Ralph Nader and two of his assistants, Alan Morrison and Thomas Jacks, and by former Congressman Brooks Hays. These gentlemen made suggestions that were incorporated by the committee in this bill.

Mr. President, I also would like to pay special tribute at this point to Senators PERCY, JAVITS, CHILES, RIBICOFF, METCALF, and other members of the Committee on Government Operations, for the excellent contributions they have made to this legislation.

Mr. President, this legislation is very much improved over the original version of the impoundment bill, which I first introduced in 1971 and which was reintroduced as S. 373 this year. It is an outstanding example of the legislative process at work, for the committee has devised through its deliberations and hearings what I believe to be the best approach to controlling impoundments and Federal expenditures.

This impoundment legislation is the outgrowth of hearings conducted in March of 1971 by the Subcommittee on Separation of Powers, and many of the improvements are the result of extensive joint hearings conducted this year by the Subcommittee on Separation of Powers and the Ad Hoc Subcommittee on Impoundment of Funds of the Government Operations Committee, which was very ably chaired by Senator CHILES.

It reflects the growing concern in Congress about the use of impoundments by the Executive to nullify or seriously curtail programs that have been enacted into law by the Congress. Impoundment goes to the very heart of the doctrine of separation of powers, for the Constitution very clearly gives to the Congress the power of the purse, which it exercises through appropriation legislation, and to the President the duty to faithfully execute those laws. This is an issue which goes far beyond partisan politics or the merits or demerits of programs enacted by Congress, for it involves the balance of powers established by the Founding Fathers as a check against unbridled power in any branch of the Federal Government.

It recognizes that the only way under the Constitution that a President can disapprove an act of Congress is by a veto. It recognizes the somewhat cumbersome requirement of a veto of a bill with some 50 programs in it because the President disapproves of only one or two of those programs. And it recognizes that throughout the history of the Nation impoundments have been made by Presidents under varying circumstances.

So it provides, in effect, that whenever the President or any head of a department or agency of the United States or any officer or employee of the Federal Government impounds any obligational authority, the President shall report that action to both Houses of Congress within 10 days after it occurs.

To take care of the contingency that the President may fail to make such a report, it provides that the Comptroller General can make such report to the Congress in the event the President fails to make it.

It provides that in either of these events, the Comptroller General, who is an arm of Congress, shall advise both Houses of Congress as to whether or not, in his judgment, the impoundment is authorized by any statutory authority conferred by Congress upon the executive branch of the Government.

It provides that if the Comptroller General rules that the impoundment is pursuant to the Antideficiency Act, that will end the matter. If he rules it is sustained by any other statutory authority, the matter can still be subject to congressional action under the provisions of the bill. And of course it covers impounding action which the Comptroller General or the Congress finds to be without statutory authority.

The bill provides that at any time within 60 days the Congress may pass a resolution ratifying the impoundment in a particular case; that in that event, the impoundment becomes binding on the Congress.



It provides that in the event Congress fails to take affirmative action ratifying the impoundment within the 60-day period, it becomes the duty of the President to expend the funds which have been appropriated.

It provides an expedited procedure for voting on the impoundment of budget obligatory authority, whether made by the President or by the Comptroller General, so as to expedite the consideration and determination of the matter within the 60-day period.

It also provides that in the event Congress is unwilling to wait for 60 days, Congress may, by affirmative vote, adopt a concurrent resolution disapproving of the impoundment.

The distinguished Senator from New York (Mr. JAVITS) proposed several very fine amendments to this bill. One of them provides that if the President wants to make an impoundment, he does not have to go to the extent of actually making the impoundment; that if he thinks an appropriation is too large or the purpose of an appropriations unwise, he can come to Congress and ask for the rescinding of the appropriation or the reduction of the appropriation or the elimination of the program by the supplemental appropriation process.

This bill is a result of the study which the Senate Subcommittee on Separation of Powers of the Judiciary Committee and the Government Operations Committee have made, the former subcommittee having studied this problem for more than 2 years. During this time the Subcommittee on Separation of Powers has taken testimony from knowledgeable persons, and the Ad Hoc Subcommittee on Impoundment of Funds of the Government Operations Committee, sitting together with the Subcommittee on Separation of Powers, has conducted joint hearings. This bill is the result of the combined minds of the members of both committees.

In addition to that impoundment feature, it contains a spending ceiling for the fiscal year 1974 totaling $268 billion.

It is an entirely workable bill. And I would like to take this occasion to say that this bill has received contributions from Prof. Philip H. Kurland, professor of constitutional law at the University of Chicago; Prof. Arthur S. Miller, professor of constitutional law at the George Washington University; Louis Fisher, who has made a great study in this field and is an expert in the field of Government financing. In addition, we have taken the testimony of numerous persons, too numerous to mention, who have made valuable suggestions. For example, former Representative BROOKS HAYS pointed out that in the original bill provided that Congress would have to vote each impoundment up or down in its entirety.

At the instance of former Representative Hayes, the bill has been changed to provide that Congress can approve or disapprove in whole or in part each impoundment.

Senator RIBICOFF made many fine contributions to our bill in the form of amendments and in preparing section 1 which sets forth in eloquent fashion on constitutional, legal, and factual foundations underlying the bill.

I would also like to say that the amendment has many contributions made by both the members of the subcommittee and of the Government Operations Committee. If it were in my power, I would designate the distinguished Senator from Maine (Mr. MUSKIE) and the distinguished Senator from Illinois (Mr. PERCY) as the chief cosponsors of the bill. Each of them has made invaluable contributions to it.

I would also like to say that Senators RIBICOFF, METCALF, CHILES, HUDDLESTON, NUNN, and JAVITS made other great contributions to the bill. And also, although they do not favor the bill as strongly as I do and are partly opposed to it, we are indebted to Senators GURNEY, ROTH, and BROCK for pointing out deficiencies in the original proposal which have been corrected in this bill.

This bill, I think, will signify two things. In the first place, it will establish for the first time in the history of this Nation an orderly procedure whereby the President of the United States can call to the attention of the Congress without resorting to the veto, corrections which he thinks ought to be made in appropriations and in programs. It also provides that the Congress shall retain the power of the purse. It gives an orderly procedure by which the President can apply to the Congress, as a result of the Javits amendment, for a modification of the laws to conform to the ideas of the Executive.

It establishes a spending limit which would indicate that Congress is prepared to do all it can to set the financial house of the Federal Government in order. And every one of us knows that is a consummation devoutly to be wished for.

Mr. President, I ask unanimous consent that the following items be printed at this point in the RECORD:

First. The text of S. 373, as amended;

Second. A section-by-section analysis of S. 373, as amended;

Third. A synopsis of S. 373, as amended;

Fourth. A statement I made on April 9, 1973, urging the House of Representatives to approve the amendment on impoundment which was added by the Senate to the dollar devaluation bill;

Fifth. A statement I made on April 5, 1973, before the House Committee on Rules on H.R. 5193 and S. 373; and

Sixth. A speech I made on April 24, 1973, at a meeting of the Executive Club in High Point, N.C., in which I outlined what seems to me to be the path to fiscal responsibility which should be followed by Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 373

A bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—IMPOUNDMENT CONTROL PROCEDURES

SECTION 1. The Congress finds that—

(1) the Congress has the sole authority to enact legislation and appropriate moneys on behalf of the United States;

(2) the Congress has the authority to make all laws necessary and proper for carrying into execution its own powers;

(3) the Executive shall take care that the laws enacted by Congress shall be faithfully executed;

(4) under the Constitution of the United States, the Congress has the authority to require that funds appropriated and obligated by law shall be spent in accordance with such law;

(5) there is no authority expressed or implied under the Constitution of the United States for the Executive to impound budget authority and the only authority for such impoundments by the executive branch is that which Congress has expressly delegated by statue;

(6) by the Antideficiency Act (Rev. Stat. sec. 3679), the Congress delegated to the President authority, in a narrowly defined area, to establish reserves for contingencies or to effect savings through change in requirements, greater efficiency of operations, or other developments subsequent to the date on which appropriations are made available;

(7) in spite of the lack of constitutional authority for impoundment of budget authority by the executive branch and the narrow area in which reserves by the executive branch have been expressly authorized in the Antideficiency Act, the executive branch has impounded many billions of dollars of budget authority in a manner contrary to and not authorized by the Antideficiency Act or any other Act of Congress;

(8) impoundments by the executive branch have often been made without a legal basis;

(9) such impoundments have totally nullified the effect of appropriations and obligational authority enacted by the Congress and prevented the Congress from exercising its constitutional authority;

(10) the executive branch, through its presentation to the Congress of a proposed budget, the due respect of the Congress for the views of the executive branch, and the power of the veto, has ample authority to affect the appropriation and obligation proaffect the appropriation and obligation process without the unilateral authority to impound budget authority; and

(11) enactment of this legislation is necessary to clarify the limits of the existing legal authority of the executive branch to impound budget authority, to reestablish a proper allocation of authority between the Congress and the executive branch, to confirm the constitutional proscription against the unilateral nullification by the executive branch of duly enacted authorization and appropriation Acts, and to establish efficient and orderly procedures for the reordering of budget authority through joint action by the Executive and the Congress, which shall apply to all impoundments of budget authority, regardless of the legal authority asserted for making such impoundments.

SEC. 2. (a) Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds any budget authority made available, or orders, permits, or approves the impounding of any such budget authority by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of the budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

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(4) any account, department, or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, to include not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which establishes a debt ceiling or a spending ceiling, the amount by which the ceiling would be exceeded and the reasons for such anticipated excess; and

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message may be printed by either House as a document for both Houses as the President of the Senate and Speaker of the House may determine.

(c) A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day as it is transmitted to the Senate and the House of Representatives. The Comptroller General shall review each such message and determine whether, in his judgment, the impoundment was in accordance with existing statutory authority, following which he shall notify both Houses of Congress within 15 days after the receipt of the message as to his determination thereon. If the Comptroller General determines that the impoundment was in accordance with section 3679 of the Revised Statutes (31 U.S.C. 665), commonly referred to as the "Antideficiency Act", the provisions of section 3 and section 5 shall not apply. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other existing statutory authority and sections 3 and 5 of this Act shall apply.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall transmit within ten days to the Congress and the Comptroller General a supplementary message stating and explaining each such revision.

(e) Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the Federal Register published after that special or supplemental message is so transmitted and may be printed by either House as a document for both Houses, as the President of the Senate and Speaker of the House may determine.

(f) The President shall publish in the Federal Register each month a list of any budget authority impounded as of the first calendar day of that month. Each list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

SEC. 3. The President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States shall cease the impounding of any budget authority set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 5 of this Act: *Provided, however*, That Congress may by concurrent resolution disapprove any impoundment in whole or in part, at any time prior to the expiration of the sixty-day period, and in the event of such disapproval, the impoundment shall cease immediately to the extent disapproved. The effect of such disapproval, whether by concurrent resolution passed prior to the expiration of the sixty-day period or by the failure to approve by concurrent resolution within the sixty-day period, shall be to make the obligation of the budget authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the Congress by its action or failure to act has thereby rejected.

SEC. 4. For purposes of this Act, the impounding of budget authority includes—

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available,

(2) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3) withholding, delaying, deferring, freezing, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves, or otherwise), and

(4) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 5. The following subsections of this section are enacted by the Congress:

(a)(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses at any time before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the special message of the President is transmitted to the two Houses.

(2) The matter after the resolving clause of a resolution approving the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress approves the impounding of budget authority as set forth in the special message of the President dated ———, Senate (House) Document No. —."

(3) The matter after the resolving clause of a resolution disapproving, in whole or in part, the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress disapproves the impounding of budget authority as set forth in the special message of the President dated ———, Senate (House) Document No. ——— (in the amount of $———)."

(4) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c)(1) A resolution introduced, or received from the other House, with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration, following the receipt of the report of the Comptroller General referred to in section 2(c). It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. Debate on any amendment to the resolution (including an amendment substituting approval for disapproval in whole or in part or substituting disapproval in whole or in part for approval) shall be limited to two hours, which shall be divided equally between those favoring and those opposing the amendment.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(d) If, prior to the passage by one House of a resolution of that House with respect to a special message, such House receives from the other House a resolution with respect to the same message, then—

(1) If no resolution of the first House with respect to such message has been introduced, no motion to proceed to the consideration of any other resolution with respect to the same message may be made (despite the provisions of subsection (c)(1) of this section).

(2) If a resolution of the first House with respect to such message has been introduced—

(A) the procedure with respect to that or other resolutions of such House with respect to such message shall be the same as if no resolution from the other House with respect to such message had been received; but

(B) on any vote on final passage of a resolution of the first House with respect to such message the resolution from the other House with respect to such message shall be automatically substituted for the resolution of the first House.

(e) If a committee of conference is appointed on the disagreeing votes of the two Houses with respect to a resolution the conference report submitted in each House shall be considered under the rules set forth in subsection (c) of this section for the consideration of a resolution, except that no amendment shall be in order.

(f) Notwithstanding any other provision of this section, it shall not be in order in House to consider a resolution with respect to a special message after the two Houses have agreed to another resolution with respect to the same message.

(g) As used in this section, the term "special message" means a report of impounding action made by the President pursuant to section 2 of this Act or by the Comptroller General pursuant to section 6 of this Act.



SEC. 6. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States takes or approves any impounding action within the purview of this Act, and the President fails to report such impounding action to the Congress as required by this Act, the Comptroller General shall report such impounding action with any available information concerning it to both Houses of Congress, and the provisions of this Act shall apply to such impounding action in like manner and with the same effect as if the report of the Comptroller General had been made by the President: *Provided, however*, That the sixty-day period provided in section 3 of this Act shall be deemed to have commenced at the time at which, in the determination of the Comptroller General, the impoundment action was taken.

SEC. 7. Nothing contained in this Act shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President or any other Federal employee, in the past or in the future, unless done pursuant to statutory authority in effect at the time of such impoundment.

SEC. 8. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this Act, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this Act by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

SEC. 9. (a) Notwithstanding any other provision of law, all funds appropriated by law shall be made available and obligated by the appropriate agencies, departments, and other units of the Government except as may be provided otherwise under this Act.

(b) Should the President desire to impound any appropriation made by the Congress not authorized by this Act or by the Antideficiency Act, he shall seek legislation utilizing the supplemental appropriations process to obtain selective rescission of such appropriation by the Congress.

SEC. 10. If any provision of this Act, or the application thereof to any person, impoundment, or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons, impoundments, or circumstances, shall not be affected thereby.

SEC. 11. The provisions of this Act shall take effect from and after the date of enactment.

TITLE II—CEILING ON FISCAL YEAR 1974 EXPENDITURES

SEC. 201. (a) Except as provided in subsection (b) of this section, expenditures and net lending during the fiscal year ending June 30, 1974, under the budget of the United States Government, shall not exceed $268,000,000,000.

(b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsection (a) of this section shall be revelwed by Congress for the purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

SEC. 202. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with this section, reserve from expenditure and net lending, from appropriations, or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 201.

(b) In carrying out the provisions of subsection (a) of this section, the President shall reserve amounts proportionately from new obligational authority and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in table 3 of the United States Budget in Brief for fiscal year 1974), except that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

(c) Reservations made to carry out the provisions of subsection (a) of this section shall be subject to the provisions of title I of this Act, except that—

(1) if the Comptroller General determines under section 2(c) of title I, with respect to any such reservation, that the requirements of proportionate reservations of subsections (b) of this section have been complied with, then sections 3 and 5 of title I shall not apply to such reservation.

(d) The provisions of section 3 of title I of this Act shall not apply to any impoundments or reservations made under title II insofar as they prohibit reimpounding or reservation.

(e) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress.

SEC. 203. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Amend the title so as to read: "A bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds, orders the impounding, or permits the impounding of budget authority, and to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part, or require the President, the Director of the Office of Management and Budget, the department or agency of the United States, or the officer or employee of the United States, to cease such action, in whole or in part, as directed by Congress, and to establish a ceiling on fiscal year 1974 expenditures".

SECTION-BY-SECTION ANALYSIS OF S. 373

SECTION 1

Section 1 states certain findings by the Congress regarding the legal authority under which the President may impound appropriated funds and obligational authority, and the extent to which the practice has been used.

It states that Congress has authority to enact legislation, to appropriate monies, to make all laws necessary and proper for carrying into execution its own powers, and to require that funds appropriated and obligated by law be spent in accordance with such law.

The section states that the only legal authority for the Executive to impound budget authority is that expressly delegated by statute, such as the Antideficiency Act in which Congress delegated to the President authority in a narrowly defined area, to establish reserves.

In spite of the lack of constitutional or broad statutory authority, the section states that the Executive has impounded many billions of dollars of budget authority in a manner contrary to and not authorized by the Antideficiency Act or any other act of Congress. These impoundments have been made without a legal basis and have totally nullified the effect of appropriations and obligation authority enacted by the Congress and have prevented the Congress from exercising its constitutional authority.

The section further states that the Executive has ample authority to affect the appropriation and obligation process without the unilateral authority to impound budget authority. Therefore, the enactment of this legislation is necessary to clarify the limits of existing legal authority to impound and to establish efficient and orderly procedures for reordering budget priorities through joint action by the Executive and the Congress.

SECTION 2

Subsection 2(a) provides that whenever the President or any other officer or employee of the United States, specifically including the Director of the Office of Management and Budget, impounds or orders, permits, or approves the impounding of budget authority, he shall transmit within 10 days a special message on the impoundment to both Houses of Congress.

The term "budget authority" is a comprehensive term applying not only to funds appropriated but also to other forms of obligation authority. The term is described in *The Budget of the United States Government, Fiscal Year 1974*, at page 315:

"*Budget authority*—Government agencies are permitted to enter into obligations, requiring either immediate or future payment of money, only when they have been granted authority to do so by law. The amounts thus authorized by Congress are called *budget authority* (BA).

"Budget authority controls the obligations to be incurred, and for most accounts the amount of the authority is related to the obligations expected to be incurred during the year. In some cases—especially construction (other than water resource projects), research, and procurement—budget authority is requested and granted to finance the full cost of each project at the time it is started, regardless of when obligations are expected to be incurred, and the expected time of completion.

"Budget authority usually takes the form of appropriations which permit obligations to be incurred and payments to be made. Some budget authority is in the form of contract authority which permits obligations, but requires an appropriation or receipts "to liquidate" (pay) these obligations. There is also authority to spend debt receipts; such budget authority permits the use of borrowed money to incur obligations and make



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payments. Where such authority pertains to the use of Treasury borrowing, it is authority to spend public debt receipts; authority for a Government agency to borrow directly from the public or from a Government-administered fund available for investment, is authority to spend agency debt receipts."

The special message of the President shall specify

(1) the amount of budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department, or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, including not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by the President to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which established a debt or spending ceiling, the amount by which the ceiling would be exceeded and the reasons for the anticipated excess; and

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

Subsection (b) provides that each special message shall be transmitted to the House and Senate on the same day, and shall be delivered to the Clerk of the House or the Secretary of the Senate should the respective House not be in session. The message may be printed as a document for both Houses.

Under subsection 2(c), a copy of each special message shall be transmitted to the Comptroller General on the same day as it is sent to the Congress. The Comptroller General shall review each impoundment and report to Congress within 15 days his determination whether the impoundment was in accordance with existing statutory authority.

If the Comptroller General determines that the impoundment was made in accordance with the Antideficiency Act (31 U.S.C. 665), no further congressional action will be in order and the impoundment will stand. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other statutory authority, and the provisions of sections 3 and 5 shall apply to the impoundment.

Subsection 2(d) provides that the President shall notify Congress and the Comptroller General within 10 days if any information contained in a special impoundment message is subsequently revised.

Subsection 2(e) provides that each special and supplementary message shall be printed in the first issue of the Federal Register published after the message is submitted.

Subsection 2(f) provides that the President shall publish in the *Federal Register* by the tenth of each month a list of any budget authority impounded as of the first of that month.

SECTION 3

Section 3 provides that the Executive shall cease the impounding of budget authority set forth in each message within 60 days of continuous session after the message is received unless Congress ratifies the impoundment by concurrent resolution. Congress may also disapprove any impoundment in whole or in part prior to the expiration of the 60 days, and the impoundment shall cease immediately to the extent disapproved. The effect of either a disapproval or a failure of Congress to act within the 60-day period will be to make the obligation of the budget authority mandatory and shall preclude the reimpounding of the budget authority set forth in the message.

SECTION 4

Section 4 defines impounding of budget authority to include four types of actions:

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available.

(2) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3) withholding, delaying, deferring, or otherwise refusing to permit a grantee to obligate any part of budget authority (whether by establishing contract controls, reserves, or otherwise), and

(4) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SECTION 5

Section 5 establishes the procedure for consideration of a concurrent resolution either approving or disapproving an impoundment. It prescribes the substantive content of the resolutions and provides that they shall not be referred to a committee and that they shall be privileged business for immediate consideration following the report of the Comptroller General pursuant to section 2 (c). Motions to proceed to the consideration of a resolution shall be highly privileged and not debatable, amendments to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to. Debate on a resolution shall be limited.

SECTION 6

Section 6 provides that whenever the President, the Director of OMB, agency and department heads, or any other Federal officer or employee, takes or approves any impounding action within the purview of this Act, which the President fails to report to the Congress as required by this Act, the Comptroller General shall report such action to both Houses of the Congress, and it shall have the same effect, under the provisions of the Act, as if the impounding report had been made by the President; but the 60-day period during which the Congress may act and after which impoundments must cease shall be deemed to commence at the time the Comptroller General has determined that the impoundment action was taken.

SECTION 7

Section 7 provides that nothing contained in the Act shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President, or any other Federal employee, in the past or future, unless done pursuant to statutory authority in effect at the time of such impoundment.

SECTION 8

Section 8 expressly empowers the Comptroller General, as a representative of the Congress, through attorneys he chooses, to bring a civil action against any department, agency, officer or employee of the United States in the United States District Court for the District of Columbia to enforce the provisions of this Act, and expressly authorizes the court in such action to enter any decree, judgment or order which may be necessary or appropriate to secure compliance with the provisions of the Act. It provides further that for the purposes of this section, the Office of Management and Budget shall be considered to be an agency of the United States and its officers or employees are to be considered officers or employees of the United States.

SECTION 9

Section 9(a) provides that, notwithstanding any other provisions of law, all funds appropriated by law shall be made available and obligated by the appropriated agencies, departments and other units of the Government, except as may otherwise be prescribed under the Act.

Section 9(b) provides that if the President desires to impound any appropriation made by the Congress, which action is not authorized by the Antideficiency Act, he must seek legislation through the supplemental appropriations process to obtain selective recision of such appropriation by the Congress.

SECTION 10

Section 10 contains a separability clause which provides that if any provision of the Act, or the application thereof to any person, impoundment or circumstance, is held invalid, such holding shall not affect the remainder of the Act and the applicability of such provision to other persons, impoundments, or circumstances.

SECTION 11

Section 11 provides that the provisions of the Act shall take effect upon enactment.

*Title II*

Title II, entitled Ceiling on Fiscal Year 1974 Expenditures, provides a $268 billion ceiling on Federal expenditures for Fiscal Year 1974 and a mechanism by which the Executive Branch can reduce expenditures for that ceiling level if appropriations exceed it.

The purpose of this title is to make the mechanism for reducing expenditures below the spending ceiling consistent with the anti-impoundment procedures outlined in Title I of the legislation.

SECTION 201

Section 201(a) provides that during Fiscal Year 1974 expenditures and net lending under the budget shall not exceed $268 billion.

Section 201(b) provides that in the event that the estimates of revenues that the Treasury Department expects to receive during Fiscal 1974 are increased as the result of tax reform legislation enacted by the Congress after the enactment of this legislation, the spending ceiling shall be reviewed by the Congress for the purpose of determining whether the additional revenues made available shall be applied to essential public services for which adequate funding would not otherwise be provided.

SECTION 202

Section 202(a) gives the President the authority to reserve from expenditures and net lending and from appropriations or other obligational authority such funds as are necessary to keep expenditures and net lending during Fiscal Year 1974 under the spending ceiling.

Section 202(b) provides that the President in reducing expenditures and net lending under the spending ceiling shall cut amounts proportionally from new obligational authority available for each functional category and to the extent practicable for each subfunctional category (as set out in the *United States Budget in Brief for Fiscal Year 1974*) except that he shall not cut from the funds set aside for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under Title IV of the Social Security Act, food stamps, military retirement pay, Medicaid, and judicial salaries.

Section 202(c) provides that the President in making cuts to bring expenditures and net lending under the spending ceiling shall be subject to the impoundment provisions of Title I of this bill, except if the Comptroller General determines that the cuts proposed by the President to bring expenditures and net lending under the spending ceiling meet the proportionate requirements



of Subsection 202(b), then Sections 3 and 5 of title I of this Act shall not apply.

Section 202(d) provides that the provisions of Section 3 of title I which prohibit reimpounding of funds shall not apply to the cuts made by the President in order to bring expenditures and net lending under the spending ceiling.

Section 202(e) provides that in no event shall the authority given to the President under title II be used for the purpose of eliminating a program the creation or continuation of which has been authorized by the Congress.

SECTION 203

Section 203 provides that in the case of expenditures reduced in order to meet the spending ceiling requirements, the same formula as authorized in the program shall be applied to the reduced amount.

SYNOPSIS OF S. 373, AS AMENDED

The following is a synopsis of the provisions of the Government Operations Committee's amendment to S. 373, which is in the form of a substitute.

S. 373, as amended, recognizes that the power of the purse belongs to Congress, and that the President's only authority to impound is that delegated to him by statute, such as the Antideficiency Act (31 U.S.C. 665). It also recognizes that the only way that the President can disapprove an act of Congress is by a veto.

It provides that whenever the President or any other officer or employee of the United States, specifically including the Director of the Office of Management and Budget, impounds or approves the impounding of budget authority, the President shall report that action to both Houses of Congress within 10 days after it occurs.

To take care of the contingency that the President may fail to make such a report, the Comptroller General shall make the report to the Congress in the event that the President fails to do so.

Whenever an impoundment is reported to Congress, the Comptroller General, who is an arm of Congress, shall advise both Houses of Congress as to whether or not, in his judgment, the impoundment is authorized by any statutory authority conferred by Congress upon the executive branch.

If the Comptroller General determines that the impoundment is pursuant to the Antideficiency Act, that will end the matter and the impoundment will stand. If he rules that it is sustained by any other statutory authority, the matter will still be subject to congressional action. If he determines that the impoundment is without any statutory authority, it becomes subject to congressional action.

At any time within 60 days the Congress may pass a resolution ratifying the impoundment in a particular case. In that event, the impoundment becomes binding.

If Congress fails to take affirmative action ratifying the impoundment within 60 days, it becomes the duty of the President to expend or obligate the funds which have been appropriated.

In the event that Congress is unwilling to wait for 60 days, it may adopt a resolution disapproving the impoundment, either in whole or in part. If Congress votes to disapprove an impoundment, then it becomes the duty of the President to expend or obligate the funds to the extent that the impoundment is disapproved.

The bill provides an expedited procedure for voting on the impoundment within the 60-day period.

The President need not go to the extent of impounding funds if he disapproves all or part of an appropriation. He can ask Congress to rescind or reduce the appropriation by the supplemental appropriation process.

All appropriations made available shall be expended or obligated unless impounded in accordance with the provisions of the bill.

The Comptroller General would be authorized to sue in the United States District Court for the District of Columbia, using attorneys of his own selection, to enforce the provisions of the bill.

The bill provides a ceiling of $268 billion for Federal expenditures during the 1974 fiscal year, and it provides that the President may make proportional cuts in controllable categories of the Budget in order to keep spending within the ceiling.

Reservations made proportionately shall be reported to Congress, as must any other impoundment. However, if the Comptroller General determines that the cuts are made in accordance with the proportional provision of the bill, no further action would be made by Congress.

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STATEMENT BY SENATOR SAM J. ERVIN, JR., URGING THE HOUSE OF REPRESENTATIVES TO APPROVE THE AMENDMENT ON IMPOUNDMENT WHICH WAS ADDED BY THE SENATE TO THE DOLLAR DEVALUATION BILL

After more than two years of hearings, study, and revisions, the Senate Subcommittee on Separation of Powers and the Senate Committee on Government Operations fashioned a bill on executive impoundment of appropriated funds which the Senate Committee on Government Operations has reported to the Senate. This bill is well phrased to make secure the power which the Constitution gives to the Congress rather than the President—the power of the purse.

The reasons which support this statement are set forth in succinct fashion in an exhibit attached to this statement.

This bill was incorporated in the form of an amendment, and was added to the Dollar Devaluation Bill by a Senate vote of 70 to 24.

The purpose of this statement is to urge that the House approve this Senate amendment.

I wish to point out why this Senate amendment should be adopted by the House rather than H.R. 5193. H.R. 5193 takes an approach to this problem similar to that taken by a bill introduced by me before the hearings, study, and revisions mentioned above.

1. H.R. 5193 is inadequate because it applies to the President alone. The Senate amendment corrects this defect by making its provisions applicable to executive departments, agencies, officers, and employees as well as the President. It specifically provides that the Office of Management and Budget shall be construed to be an agency of the United States, and that its officers and employees shall be construed to be officers and employees of the United States within the purview of the amendment.

2. Like my original bill, H.R. 5193 has no sanction whatever, and for that reason, cannot be enforced if the President elects to disobey it. On the contrary, the Senate amendment expressly provides that the Comptroller General, acting as an arm of the Congress, may sue any department, agency, officer, or employee of the United States who impounds funds in the United States District Court for the District of Columbia to enforce the provisions of the amendment, and that such District Court is empowered to issue any decree or order necessary or appropriate to compel any department, agency, officer, or employee of the United States to comply with the provisions of the amendment. This provision is absolutely neccessary to make the power of Congres to resist illegal impoundments effective. The Supreme Court has held in many cases that the heads of departments or agencies and officers and employees of the federal government are subject to suit. There is doubt whether the President is subject to suit.

3. The Senate amendment provides for the first time in history an orderly method by which judicial interpretations of impoundment questions can be obtained. It contains an express provision that in lieu of resorting to the drastic remedy of impoundment, a President may ask the Congress to abolish or decrease an appropriation already made.

4. The Senate amendment is designed to minimize the number of impoundment issues on which the Congress will act. For example, it provides that the President will report any impoundment to both Houses of Congress within ten days after it is made, and at the same time will make a similar report to the Comptroller General, who is an arm of the Congress and an expert in the field of federal appropriations. I digress to note that H.R. 5193 may be inoperable if the President fails to report an impoundment action. The Senate amendment takes care of this situation by providing that if the President fails to report to the Congress an impoundment action, the Comptroller General shall report such impoundment action, and the machinery set up by the amendment will operate regardless of whether the impoundment action is reported by the President or the Comptroller General in case of the President's failure to make a report.

It provides that the Comptroller General will give to the Congress within 15 days after he receives such report an opinion as to whether or not the impoundment is in harmony with the Anti-Deficiency Act or any other act of Congress. It further provides that if the Comptroller General is of the opinion that the impoundment is sanctioned by the Anti-Deficiency Act, no further action will be taken by the Congress. The Anti-Deficiency Act is designed to permit prudent management of appropriated funds. It states, in substance, that any funds which are to be spent over a period of a year or more must be allocated by the Executive so as to make it as certain as possible that the funds will last for the period of contemplated expenditure, and that there should be no necessity for a deficiency appropriation. The Anti-Deficiency Act further provides that the Executve can effect savings in three instances: (a) Where a change in requirements of a project renders the expenditure of the entire appropriation unnecessary; (b) where greater efficiency in carrying out a project renders the expenditure of the entire appropriation unnecessary; and (c) where developments between the time an appropriation is made and the time for its expenditure make the expenditure unnecessary. An illustration of this last instance is found in the fact that during the Second World War, Congress, which anticipated a prolonged war, appropriated funds to expand military hospitals thinking that multitudes of other American soldiers would be wounded. The war came to an unexpected end, and President Truman refrained from spending funds appropriated to expand military hospitals. The Senate amendment provides that where the Comptroller General informs both Houses of Congress that the impoundment is supported by some statutory provision other than the Anti-Deficiency Act, or where he informs both Houses of Congress that the impoundment is without support in any act of Congress, the provisions of the amendment shall apply to such impoundment, and the impoundment shall cease unless Congress expressly ratifies the President's action within 60 days. Since Congress has such high respect for the opinion of the Comptroller General, it is likely that the ratification of the President's action will usually follow as a matter of course where the Comptroller General rules that the impoundment action of the President is supported by some act of Congress other than the Anti-Deficiency Act.

5. Unlike H.R. 5193, the Senate amendment provides that any Congressional Resolution relating to an impoundment will be a privileged matter, and will not be referred to a committee. It seems to me that this is wise because the appropriation which has been impounded, in whole or in part, has been twice considered by House and Senate Committees—once when they passed on the bill authorizing the appropriation and again when they passed on the bill making the ap-

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propriation. Sending the proposition a third time to a committee not only delays action, but is totally unnecessary.

6. The most important distinction between H. R. 5193 and the Senate amendment lies in the fact that under H. R. 5193 the impoundment will be effective unless the Congress expressly vetoes it. Whereas under the Senate amendment, the impoundment will be ineffective unless the Congress expressly ratifies it. In my judgment, the Senate amendment's provision on this point is essential if the Congress is going to retain and exercise the power of the purse. Why do I say this? The answer to this question may be summarized as follows:

(a) After committee consideration in each House, Congress passes a bill authorizing an appropriation by a majority vote of both Houses. If he elects to do so, the President can veto this authorization bill, and Congress can override his veto by two-thirds vote in each House of Congress. Hence, the Congress may be compelled to vote twice on the authorization bill.

(b) After passing the authorization bill, as set forth in (a) above, and after committee consideration in each House, Congress must pass an appropriation bill. If he elects to do so, the President can veto the appropriation bill, and render it ineffective unless Congress overrides his veto by a two-thirds vote in both Houses. Hence, Congress may be compelled to vote four times, twice on the authorization bill and twice on the appropriation bill before it finally legislates a particular appropriation for a particular purpose.

(c) After Congress has voted as many as four times to have a certain expenditure made, the President impounds the funds appropriated for such expenditure. Under the Senate amendment, the votes on the authorization and appropriation bills would end the matter unless the Congress affirmatively voted within 60 days to ratify the President's impoundment action. It is not so under H.R. 5193 for the reasons set forth below.

(d) Under H.R. 5193, the President's action in impounding appropriated funds, despite as many as four Congressional votes to the contrary, would be binding on the Congress unless the Congress passed a resolution by a majority vote of both Houses informing the President, in effect, that Congress desired the appropriated funds to be expended in accordance with this four times previously expressed intention. Under H.R. 5193, Congress could not even vote on this resolution unless it was first considered by the Committees on Appropriations of the House and Senate, and approved by them. Why give these Committees—as important as they are—the power to thus nullify the will of Congress as expressed in the votes on the authorization and the appropriation bills?

(e) While H.R. 5193 calls the resolution of Congress a "Concurrent Resolution", it is obvious that the resolution is a "Joint Resolution", and would require its submission to the President for his approval. If he did not approve of it, it would be subject to his veto. Thus H.R. 5193 would enable one-third plus one of the membership of each House of Congress to nullify an appropriation previously authorized twice by the authorization bill and previously made twice by the appropriation bill, and previously approved by a majority of both Houses of Congress and previously approved by two-thirds vote of both Houses overriding vetoes. Why give one-third plus one of either House of Congress the power to thus nullify the repeatedly expressed will of the Congress.

(f) Some people contend that calling a resolution a "Concurrent Resolution" rather than a "Joint Resolution" exempts the resolution from a Presidential veto. This is not so. Congress can no more make a "Joint Resolution" a "Concurrent Resolution" by so designating it than it can convert an onion into a flower by calling it a rose.

(g) What I have just said is fully sustained by the words of Section 7 of Article I of the Constitution, which provides that "Every **** Resolution **** to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill." Under H.R. 5193, the resolution vetoing the impoundment is a "Joint Resolution" and not a "Concurrent Resolution". This is true because the resolution, if adopted, would have legislative effect, i.e., it would nullify the Presidential impoundment. This is made plain by the following statement which appears on pages 32 and 33 of Volume II entitled "The Powers Of The President" of Bernard Schwartz' A Commentary on the Constitution of the United States:

"Under Article I, section 7, 'Every Bill' and 'Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary' must be presented to the President for his approval or veto. It would be hard to conceive of language which more clearly requires that all Congressional action be sent to the White House. Yet, despite the breadth of the organic language, it is settled that not every measure passed by the Congress must be presented. In the first place, by the very terms of the provision, the requirement does not apply to measures affecting only a single House, such as those relating to procedure or organization, as well as resolutions of such House alone which have no legislative effect. In addition, it is settled that a proposed constitutional amendment passed by the two Houses need not be presented to the President. This has been established since 1798, when Justice Chase stated that 'The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition, or adoption, of amendments to the Constitution.'

"More important than these exceptions to the requirement of Presidential approval is that concerning so-called 'concurrent resolutions.' Though the organic language on the matter expressly covers 'Every Resolution' passed by both Houses, it has long been settled that only so-called 'joint resolutions' need be sent to the President. As it has been interpreted by Congressional practice itself, a joint resolution is any resolution which has the force of law. The term, 'concurrent resolution', is applied to resolutions which have no legislative effect, but are merely hortatory or expressive of the opinion of the Houses, or involve only legislative mechanics, such as printing matters, setting up joint committees, and the like.

*"The test of whether a resolution passed by both Houses must be sent to the President is whether it contains matter which is properly to be regarded as legislative in its character and effect. If it does, it is a joint resolution which must be presented for Presidential approval: if it does not, it is a concurrent resolution, which need not be. Regardless of form, no resolution of the two Houses can be given any legislative effect, if it has not been approved by the President, or passed by the required majority over his negative."*

The Constitution gives Congress the power of the purse. The Senate amendment will make effective the Congressional power of the purse. H.R. 5193 will not.

Even under our Constitution, Congress may have to vote four times—twice on the authorization bill and twice on the appropriation bill—to make its will effective. Why put it in the power of the President to require it to vote two more times—once on the so-called concurrent resolution, and again on overriding a veto of the so-called concurrent resolution? Congress ought not to put it within the power of the President to make it vote six times to make its exercise of its constitutional power of the purse effective.

For these reasons, I urge the House to adopt the Senate amendment and thus make the Congressional power of the purse as effective as the Constitution contemplated it should be.

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STATEMENT BY SENATOR SAM J. ERVIN, JR., BEFORE THE COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES ON H.R. 5193

Mr. Chairman and Members of the Committee, I thank you for the opportunity to appear today and testify about one of the most important issues confronting the Congress—impoundment of appropriated funds by the President.

Impoundment goes to the very heart of the doctrine of separation of powers, for the Constitution very clearly gives to the Congress the power of the purse, which it exercises through appropriation legislation, and to the President the duty to faithfully execute those laws.

This is an issue which goes far beyond partisan politics or the merits of particular programs enacted by Congress, for it involves the balance of powers established by the Founding Fathers as a check against unbridled power in any branch of the Government. I have voted against many of the programs for which the President has impounded funds, but I do not believe that we should allow him to nullify acts of Congress by executive fiat. There is not one syllable in the Constitution authorizing such action.

As you know, the Senate yesterday voted overwhelmingly in favor of an amendment I offered to the Dollar Devaluation Bill that is virtually identical to S. 373, the impoundment control procedures act, as reported by the Senate Committee on Government Operations on Tuesday.

The bill approved by the Committee is very much improved over the original version of the impoundment bill which I first introduced in 1971 and which was very similar to H.R. 5193, one of the bills before you today. The Senate bill is an outstanding example of the legislative process at work in the Senate, for the Committee has devised through extensive hearings and deliberations what I believe to be a very fine approach to controlling impoundments and Federal expenditures.

The Senate legislation is the outgrowth of hearings conducted in March of 1971 by the Senate Judiciary Subcommittee on Separation of Powers. The many improvements in the bill, which I will outline in a moment, are the result of thorough joint hearings held this year by the Subcommittee on Separation of Powers and the Ad-hoc Subcommittee on Impoundment of Funds of the Government Operations Committee.

When I first introduced an impoundment bill, on June 9, 1971, it embodied the same fundamental section contained in H.R. 5193, the bill introduced by the distinguished Chairman of the House Appropriations Committee, Mr. Mahon. That section authorized Executive impoundments unless the Congress affirmatively acted to disapprove each impoundment within 60 days.

At that time I had not studied this matter sufficiently to know the most effective way in which to secure to Congress that which the Constitution gives Congress—the power of the purse. The Mahon bill would require Congress to act not only originally, but a second time, to override what amounts to a line-item Presidential veto of appropriations acts. In other words, Congress would have to act twice before a single penny of the impounded appropriations would be spent. Congress has already acted in the exercise of its constitutional power when it passes an appropriation bill. It should not be required to act a second time.

The Senate bill allows the President to impound funds for up to 60 days unless Congress disapproves the impoundment in whole or in part. If Congress does not act within the 60-day period, the President's authority expires, and it becomes his duty to obligate the funds. If the Congress ratifies the impoundment during the 60 days, the impoundment stands. If Congress disapproves the impoundment in whole or in part, then the President must obligate the funds to the extent disapproved.



My approach puts the burden on the President to make his case to the Congress for each impoundment. The Mahon approach puts the burden on the Congress to make its case for overriding an impoundment. Since the Congress has already exercised its constitutional power in passing the appropriation act, and since the Constitution puts a duty on the President to faithfully carry out laws, I am convinced that the President should have the burden of justifying an impoundment. My approach puts the duty of executing the laws where the Constitution puts it—on the President.

The Senate bill contains findings, which are based on the hearings conducted this year, that the President has no constitutional power to impound, and that his only authority to do so is that expressly delegated to him by statute. Therefore, both the Senate bill and the Mahon bill undertake to delegate authority to impound funds. The Senate bill does this in a more limited fashion. It grants the President sufficient authority to manage Federal expenditures, but it maintains in a strong way the Constitutional power of Congress to establish priorities in the budget. I am afraid that Congress will be abdicating too much of its authority under the Mahon approach—something we have done far too much of in the past.

I would strongly urge this Committee to look favorably on the basic approach taken in S. 373 and the bills introduced in the House of Representatives by Representative Pickle and others.

In addition, there are many improvements which should be made in either of these proposed impoundment bills, and I will review the changes the Committee has made in S. 373.

DEFINITIONS

First, the Committee has substituted for the word "funds" the phrase "budget authority" which has a more comprehensive meaning and is used by the Office of Management and Budget to refer to all appropriations and budget authority. The term is adequately defined in a section-by-section analysis of S. 373, which I will submit for the record at the end of my remarks.

The Committee also changed the definitions of impoundments to include any Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

The use of "budget authority" and the inclusion of Executive inaction as well as action are intended to make the legislation cover all types of appropriations and obligations enacted by Congress and all types of Executive activity or inactivity that has the effect of impounding.

Also, the Committee has included language to make the bill applicable to actions of any officer or employee of the United States, specifically including the Director of OMB, as well as to the actions of the President.

ROLE OF THE COMPTROLLER GENERAL

The Committee also included in its bill several functions for the Comptroller General.

He would screen impoundments submitted by the President and determine if they are in accordance with existing statutory authority. If he determines that they are in accordance with the Antideficiency Act, the provisions of the bill would not apply and the impoundment would stand. In all other cases, the impoundment would be subject to the 60-day period provided in section 3 of the bill.

Having the Comptroller General review impoundments and screen out those which are in accordance with the Antideficiency Act will eliminate the Congress having to review each of thousands of routine reservations, and it can concentrate on those which are of questionable validity.

The Comptroller General also would be charged with the duty to report to the Congress any time he ascertains that the Executive has made an impoundment and not reported it to the Congress as prescribed in the bill. Needless to say, any Member of Congress can request the Comptroller General to investigate any suspected impoundment. If the Comptroller General determines that an unreported impoundment has been made, then the 60-day period would be deemed to have commenced on the date on which, in his opinion, the impoundment action was taken.

The Comptroller General would be expressly authorized, as the representative of Congress, to sue in the United States District Court for the District of Columbia to enforce the provisions of the bill. He could select his own attorneys to represent the Congress, therefore not having to rely on the Justice Department, which can be expected to side with the President.

The Comptroller General is an arm of the Congress, and the Committee felt that he could act as the agent of Congress in screening out impoundments authorized by the Antideficiency Act from the approval process, and in representing the Congress in Court in order to enforce the provisions of the bill.

PRECLUSION OF REIMPOUNDING

The Committee also inserted a provision in Section 3 of the bill that would preclude the reinstitution of an impoundment or any part thereof that has been disapproved by Congress. Several witnesses at our hearings voiced concern that the President would be able simply to keep reimpounding the same funds, thus making a mockery of the legislation. This provision in section 3 is intended to close that loophole.

NO RATIFICATION OF PRIOR IMPOUNDMENTS

Section 7 of the Committee bill provides that nothing contained in the bill shall be interpreted as ratifying or approving any impoundment, past or present, unless done pursuant to statutory authority in effect at the time of the impoundment. Section 11 provides that the provisions of the bill shall become effective on the date of its enactment.

These sections read together mean that the bill would not apply to funds that are impounded prior to its enactment, but that nothing in the bill is meant to prejudice any of the pending lawsuits which challenge the President's authority to impound.

PRESIDENT TO SEEK RESCISSION

The Committee adopted a provision which obligates the President not to impound funds except as authorized under the bill, and to seek selective rescission of appropriations through the supplemental appropriations process if he desires to impound beyond the authority granted under the bill.

SPENDING CEILING

Title II of the Senate bill contains a ceiling of $268 billion for Federal expenditures during the 1974 fiscal year, and it establishes procedures by which the President can cut programs proportionately in order to keep within the ceiling.

This title is a very important addition to the bill, and I think that it strengthens it very much. It signals to the Nation that the Congress is not spendthrift, and that when we control the practice of impounding funds, we do not advocate runaway spending by the Government.

The provisions of title II allow the President to make proportional cuts in functional and, to the extent practicable, subfunctional programs (as set out in the *Budget in Brief*). If the Comptroller General determines that the cuts were made in strict compliance with the proportional provision, then congressional action on those cuts will be precluded. However, if the Comptroller General determines that the cuts are not proportional, then the provisions of the bill governing ordinary impoundments will apply, and the 60-day period will commence to run.

CONCLUSION

In conclusion, I think that the enactment of an impoundment bill incorporating the basic features of the measure passed by the Senate will establish for the first time in the history of this Nation an orderly procedure whereby the President of the United States can call to the attention of the Congress, without resorting to the veto, corrections which he thinks ought to be made in appropriations and in programs. It also will provide that the Congress shall retain the power of the purse. It will give an orderly proccdure whereby the President can apply to the Congress for a modification of the laws to conform to the ideas of the Executive.

It establishes a spending ceiling which would indicate that Congress is prepared to do all it can to set the financial house of the Federal Government in order, which is a consummation devoutly to be wished for.

Mr. Chairman, I submit for inclusion in the record a copy of Amendment No. 77 to S. 929, which is identical to the text of S. 373 as reported by the Senate Government Operations Committee. Also, I submit a section-by-section analysis of that amendment, and three newspaper accounts of the Senate's action in approving this legislation yesterday afternoon.

I thank you for the opportunity to testify on this very important issue, and I strongly urge the passage of a strong impoundment control bill.

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THE PATH TO FISCAL RESPONSIBILITY

(Speech by Senator SAM J. ERVIN, JR., Apr. 24, 1973)

As you all know, there is a great conflict going on in Washington between the Congress and the Executive branch of the Government. Some commentators have referred to this conflict as a "constitutional crisis" although I do not believe that it has grown to this proportion. Nevertheless, the daily newspapers and television reports clearly reflect the nature of the struggle over such issues as executive privilege and the battle of the budget.

I have been personally involved in several facets of the struggle between the legislative and the executive branches in my capacities as chairman of the Senate Government Operations Committee, of the Subcommittees on Separation of Powers and on Constitutional Rights, and of the Select Committee on Presidential Campaign Activities which is investigating the so-called "Watergate" incident among other aspects of the 1972 presidential campaign.

Tonight I would like to give you some facts about the efforts of the Congress to put the Federal financial house in order.

Since there is much misinformation abroad in the land in respect to this vital matter, I should like to point out that during my entire service in the Senate I have consistently supported a balanced budget. I have stood for economy in government as steadfastly as anyone in our country. I wish to make it clear that I have not changed my views in this regard. As a matter of fact, I am far more economical in my attitude toward the Federal budget than is the President.

If every other Member of Congress had voted as I did during the last eighteen years, our Government would have reduced its outlays by 200 billion dollars. It is tragic that the Government has incurred deficits in all but seven of the last 44 fiscal years.

In all fairness to Congress, however, I do not think it is entirely to blame. The Ameri-

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can people must share some of the blame, and I might add that President Nixon is not without fault in this matter, although I am pleased that he has recognized the urgency of putting our Nation's finances in order.

In recent years, the President has submitted requests to the Congress for the expenditure of funds far in excess of what Congress finally authorized, and deficits during his first administration amounted to an estimated 111.7 billion dollars. If Congress sticks to his budget requests for the 1974 fiscal year, we will incur additional deficits of approximately 29.7 billion dollars by June 30, 1974.

The tragedy is that in recent years neither the President nor the Congress has taken effective action to curb this deficit spending. In the opening days of the first Nixon administration, there was a flicker of hope that the President would support a balanced budget. The philosophy died out early as Mr. Nixon announced that he really adheres to the Keynesian theory of economics. From then on, his administration began to incur deficits which made other spenders look like pikers.

I should like to point out that I did not favor President Nixon's revenue-sharing bill which Congress passed last session and which will cost the taxpayers more than 30 billion dollars. The Treasury has nothing to share with the states except a deficit—a national debt of 473 billion dollars that is expected to grow to 505 billion dollars by June 30 of this year.

Nor did I favor the President's proposed "guaranteed annual income" bill which Congress did not pass and which would have greatly increased expenditures for welfare programs.

Nor do I favor the President's request that Congress appropriate monies to give to North Vietnam, an enemy nation which committed atrocities against American servicemen who were prisoners of war.

Nor do I favor any of his requests for foreign aid. For too long we have substituted foreign aid for wise diplomacy.

A few weeks ago the President sent his budget message to Congress along with the admonition that if it was increased, there would have to be new taxes. By implication, Congress has been painted as a spendthrift and the President as a crusader against unnecessary federal spending.

I am concerned that the President has dealt with this problem in a manner that would make it appear that if it were not for Congress, many of our country's financial troubles would fade away. The truth is that Congress is not composed of wild-eyed spendthrifts, nor is the President the embattled crusader against wasteful spending that he would have you believe. What is going on is really a disagreement between the President and the Congress over spending priorities and his authority to pick and choose what programs he will fund and what programs he will not fund.

The problem is a constitutional one and not one of partisan politics. It is a question of whether our Government will continue to be one of separated powers with checks and balances, as envisioned by the Founding Fathers, or whether we will continue down the road toward one-man rule.

Imagine for a moment that we had a very liberal President who decided that we did not need a national defense. Do you think that Congress would stand idly by while he impounded funds for our armed forces and placed our Nation in a defenseless position? The thought that such power would exist in the hands of such a man is frightening.

This conflict is also functional and not ideological. It can be resolved satisfactorily if Congress will grab the bull by the horns and reform itself, especially its own procedures for dealing with the budget and expenditures. Progress is being made in this direction every day, and I am very pleased to have a part in it.

About two and a half years ago I became very concerned about the constitutional problem that is known as "impoundment" of funds which have been appropriated by Congress. The Senate Subcommittee on Separation of Powers conducted extensive hearings on this subject, during which it was revealed that the Nixon administration had impounded more than 12 billion dollars in appropriated funds. Today the figure is more than 14 billion dollars.

Impoundment goes to the very heart of the doctrine of separation of powers, for the Constitution very clearly gives to the Congress the power of the purse, and to the President it gives the duty to faithfully execute the laws by which the Congress appropriates money out of the Federal Treasury.

Impoundment is an issue which reaches far beyond partisan politics or the merits of particular programs enacted by Congress. It represents a direct challenge to the doctrine of separation of powers established by the Founding Fathers as a check against unbridled power accumulating in any one branch of the Government. I have voted against many of the programs for which the President has impounded funds, but I do not believe that we should allow him to nullify acts of Congress by executive fiat. There is not one syllable in the Constitution which authorizes the President to exercise such power.

As a result of the hearings on impoundment conducted in 1971, I drafted a bill which will put reasonable restraints on the President. In fact, it would for the first time specifically authorize him to impound funds, but it would require him to do so in accordance with very stringent procedures that will insure Congressional review of his actions.

My bill was reported by the Government Operations Committee on April 3. It is an excellent example of our legislative process at work, for through extensive hearings and committee deliberations, it was very much improved over the original version I introduced in 1971.

For one thing, my impoundment bill contains a provision, which was added by the Government Operations Committee, of which I am Chairman, which will establish a spending ceiling of 268 billion dollars for the next fiscal year—a figure that is 700 million dollars less than President Nixon has requested in his budget.

The bill also contains a provision that will allow the President to make proportional cuts in certain federal programs in order to keep expenditures within the ceiling. This would apply to all programs except the so-called "uncontrollables" such as interest on the national debt and veterans benefits.

This spending ceiling already has been passed by the Senate by an overwhelming vote of 88 to 6, and the impoundment provisions of my bill were approved by a resounding vote of 70 to 24. These actions were taken on April 4 when I offered the entire package as an amendment to the Dollar Devaluation Bill. That legislation is now pending in the House of Representatives, and if the spending ceiling amendment is removed in the conference between the House and Senate, I will bring my bill to the floor again at the first opportunity.

The very substantial vote for the spending ceiling in the Senate demonstrates that Congress cares very much about the financial problems of the Government and intends to do something about it. The vote in favor of impoundment control procedures demonstrates that Congress cares very much about its own powers under the Constitution. Taken together, these votes demonstrate that Congress intends to act soon to control federal spending while at the same time establishing a check against any more power accumulating in the President.

I would like to point out that my impoundment bill is not meant as a mandate to spend, spend, spend. Nothing could be more foolish, for such a position stands contrary to my very devotion to fiscal responsibility. My bill is designed to establish a reasonable procedure under which the President could impound funds for 60 days, at the end of which he must stop impounding unless Congress approves of his action.

Of course, the establishment of a spending ceiling and impoundment control procedures must be viewed in the light of the compelling need to extensively reform the congressional budgeting process.

Last Wednesday I introduced the Congressional Budgetary Procedures Act of 1973, which is intended to bring about this reform.

The congressional procedures with respect to spending the taxpayers' dollar are, to say the least, in dire need of a major overhaul, and have been for quite some time. It has been 52 years since Congress has done anything about shaping its basic tools for controlling Federal expenditures. We are now spending nearly 100 times as much as when that last reform was made.

Allow me briefly to describe the key provisions of my budgetary procedures bill.

First, it establishes a standing Committee on the Budget in each House of Congress, and an Office of the Budget, a nonpolitical, nonpartisan entity to provide the Budget Committee with whatever information is needed with respect to revenues, expenditures, presidential budget requests, the general state of the economy, and a myriad of fiscal-related data including aggregate budget outlays enacted to date.

Second, it provides that the Budget Committee of each House of Congress shall report a concurrent resolution dealing with the fiscal situation. Among other things, this resolution would establish a spending ceiling for the fiscal year. It would estimate federal revenues and an appropriate level of national debt. This resolution will insure that Members of Congress who advocate increased federal spending will have to do so in the harsh light of the realization that resources are limited, a fact which often seems to escape many of them.

The resolution relating to the fiscal year shall be reported not later than March 30 in the year in which the fiscal year begins, and a resolution to revise the first ceiling must be reported not later than September 30. The purpose of these limitations is to speed up the appropriations process, for Congress often does not finish work on appropriations bills until well after the fiscal year has begun.

In addition, my bill would require that legislation authorizing new programs or activities be enacted no later than the last day of April preceding the start of the fiscal year in which these new programs would begin.

This limitation is a simple device designed to allow responsible fiscal planning and control of the budget. The essence of any budget, whether that of a family or of a nation, is advance planning. No budget for any period can be adhered to if sudden decisions to spend in completely new directions are made within that period.

Finally, my bill would establish controls on so-called "backdoor" federal spending. Backdoor spending means, simply, congressional action allowing obligation of funds without a meaningful review by the Appropriations Committees of the House and Senate. It includes such things as contract authority, borrowing authority, and mandatory appropriations which are loosely referred to as "permanent appropriations". In short, backdoor spending is spending outside the jurisdiction of the Appropriations Committees. Somehow, this kind of spending must be controlled if Congress is ever to be considered fiscally responsible.

My budgetary procedures bill would provide a permanent method of controlling federal expenditures, and it would take over where a stop-gap spending ceiling, such as is in my impoundment bill, leaves off. The spending ceiling is a holding action, such as the proverbial Dutch boy with his finger in the dike. If we are to regain full congressional control over the power of the purse, then Congress must reform its procedures, and I think my bill will provide a useful tool for that task.

Of course, there are several efforts underway in the Congress to come up with meaningful reform proposals. Last fall, in the midst of heated debate over whether to establish a spending ceiling and to give the President unchecked power to cut appropriations to stay within the ceiling, the Congress established a Joint Study Committee on Budget Control, which recently made its initial recommendations, most of which are along the lines of the bill which I introduced.

Before we get carried away in the euphoria that at last something will be done to curb the cost of government, we ought to recognize that the battle will not be easily won. What has triggered all of this tight-fisted talk of late is simply an overdue recognition of some hard economic facts. The Eisenhower, Kennedy, Johnson and first Nixon administrations, with rare exceptions, spent more than revenues provided. Inflation has crept to record levels. We are faced with a shortage of revenue with which to meet a myriad of competing federal programs.

Despite these problems, however, I feel that the great majority in Congress very earnestly wants to get a handle on the federal budget. We want to exercise the power of the purse in a reasonable and responsible manner. To accomplish this will take a lot of political courage and cooperation, but there is no higher priority than restoring fiscal responsibility to our government.

It should be recognized, however, that politically established kingdoms have a way of enduring virtually all storms, and it will take a major reorientation for this nation to move in a new direction.

As we undertake to reorient our thinking and processes in dealing with federal fiscal policies, we must bear in mind that the Constitution is the very finest document ever to come from the mind of man. The President and I both took the same oath of office in that we swore to protect and defend the Constitution of the United Staes. I see nothing inconsistent in my efforts both to protect and defend our system of government while at the same time restoring fiscal responsibility to its operation.

In these efforts, I solicit your help, for in large measure the future well being of our Government and the protection of our basic freedoms depend on every American.

Thank you very much.

Mr. ERVIN. Mr. President, the distinguished Senator from Maine (Mr. MUSKIE) made valuable contributions to the impoundment features of the bill and also valuable contributions in setting forth expenditure limitations for the next fiscal year in the amount of $268 billion.

Mr. President, I yield the floor.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I support S. 373, a bill introduced by the Senator from North Carolina (Mr. ERVIN), which would provide a procedure for determining illegal impoundments and which would keep Federal expenditures during fiscal year 1974 under a ceiling of $268 billion.

The Senator from North Carolina has already explained title I of his legislation which deals with the anti-impoundment procedures. I concur wholeheartedly with his statements and, for that reason, I will not discuss title I at this time.

Title II of his bill, which provides for the spending ceiling, is the amendment to the impoundment legislation I introduced April 3 in the Committee on Government Operations. That amendment, after some modification, was adopted by the committee by an overwhelming majority. It is the same amendment that passed the Senate, 88–6, on April 4.

The $268 billion spending ceiling in S. 373 is a reasonable and responsible figure. It is $700 million less than the figure requested by the President in his fiscal 1974 budget.

It is another illustration that Congress is responsible in its efforts to keep Federal spending under control. A $268 billion budget will insure continued economic growth, but it will prevent Federal spending from reaching a level which would add additional fuel to the fires of inflation.

Enactment of this spending ceiling would be consistent with the efforts of the Congress over the past 4 years to cut the President's budget proposals. Let us not forget that the President has never submitted a balanced budget to the Congress. Let us not forget that the accumulated Federal debt in the past 5 years has been greater than the accumulated Federal debt in the previous 25 years. And let us not forget that the Congress has cut every one of the President's budget proposals—for a total savings of $20 billion in appropriations.

Title II of S. 373 contains two other important elements.

First, it would allow the Congress to review the spending ceiling in the event that tax reform legislation it enacts after the ceiling is set increases the amount of revenue that the Treasury will receive during fiscal 1974. That legislation would allow the Congress to determine whether the additional revenues made available should be applied to essential public services for which adequate funding would otherwise not be provided.

Second, title II outlines a procedure for reducing Federal expenditures to the level of the spending ceiling that is consistent with the impoundment procedures in title I of the amendment.

It requires the President to make proportional cuts from the funds available for controllable expenditures in each functional category and, to the extent practicable, in each subfunctional category, in order to reduce expenditures beneath the spending ceiling. None of those cuts should come from the funds set aside for interest, veterans' benefits and services, payments for social insurance trust funds, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid and judicial salaries.

Because under title II, the cuts recommended by the President would bring spending under the spending ceiling are subject to the impoundment provisions in title I, the President must send a message to the Congress detailing his recommended cuts. If the Comptroller General determines that the cuts have been made proportionately across the board, then the President could go ahead and make those cuts. In the event the Comptroller General determines that the President has not proposed cuts that are consistent with the requirement that he make proportionate cuts, then his recommended cuts would be subject to the same procedures as any other impoundment and would have to cease after 60 days unless the Congress affirmatively approved the cuts.

Title II of S. 373 also has specific safeguards to guard against any cuts proposed by the President for the purpose of meeting the spending ceiling being used for the purpose of eliminating a program the creation or continuation of which has been authorized by the Congress.

Mr. President, this title II was hammered out in an open committee meeting of the Government Operations Committee. In it we have sought to meet the questions raised by the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. NUNN), the Senator from Delaware (Mr. ROTH), and the Senator from Tennessee (Mr. BROCK). All of them joined in support of the spending ceiling title of this amendment.

In its deliberations, the committee also took note of the outstanding work being done by the Senator from Montana (Mr. METCALF) in his Subcommittee on Budgeting, Management, and Expenditures which is considering measures to reform the overall budgeting procedures. It was the clear intent of the committee that the action it took on a 1-year spending ceiling amendment should in no way impair the important work of Senator METCALF's subcommittee.

The spending ceiling amendment is the product of careful and detailed deliberations by the Committee on Government Operations. It has been carefully drafted so that it complements the impoundment provisions in title I of this amendment. It reflects the view of the members of the Committee on Government Operations that a spending ceiling amendment should not be enacted by the Congress unless it is accompanied by strong anti-impoundment provisions. And it passed the Senate 88–6 on April 4 as an amendment to the par value bill.

It again deserves the support of the Senate.

I ask unanimous consent that there be included at this point in the RECORD a section-by-section analysis of title II of the bill.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF TITLE II

Title II, entitled Ceiling on Fiscal Year 1974 Expenditures, calls for a $268 Billion ceiling on Federal expenditures for Fiscal Year 1974 and provides a mechanism by which the Executive Branch can reduce expenditures for that ceiling level if appropriations exceed it.

The purpose of this Title is to make the mechanism for reducing expenditures below



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the spending ceiling consistent with the anti-impoundment procedures outlined in Title I of the legislation.

Section 201(a) provides that during Fiscal Year 1974 expenditures and net lending under the budget shall not exceed $268 Billion.

Section 201(b) provides that in the event that the estimates of revenues that the Treasury Department expects to receive during Fiscal 1974 are increased as the result of tax reform legislation enacted by the Congress after the enactment of this legislation, the spending ceiling shall be reviewed by the Congress for the purpose of determining whether the additional revenues made available shall be applied to essential public services for which adequate funding would not otherwise be provided.

Section 202(a) requires the President to reserve from expenditures and net lending and from appropriations or other obligational authority such funds as are necessary to keep expenditures and net lending during Fiscal Year 1974 under the spending ceiling.

Section 202(b) provides that the President in reducing expenditures and net lending under the spending ceiling shall cut amounts proportionately from new obligational authority and other obligational authority available for each functional category and, to the extent practicable, for each subfunctional category (as set out in the U.S. Budget in brief for Fiscal Year 1974) except that he shall not cut from the funds set aside for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under Title IV of the Social Security Act, food stamps, military retirement pay, Medicaid, and judicial salaries.

Section 202(c) provides that the President in making cuts to bring expenditures and net lending under the spending ceiling shall be subject to the impoundment provisions of Title I of this bill, except if the Comptroller General of the United States determines that the cuts proposed by the President to bring expenditures and net lending under the spending ceiling meet the proportionate requirements of Subsection 202(b), then Sections 3 and 5 of Title I of this Act shall not apply.

Section 202(d) provides that the provisions of Section 3 of Title I which prohibit reimpounding of funds shall not apply to the cuts made by the President in order to bring expenditures and net lending under the spending ceiling.

Section 202(e) provides that in no event shall the authority given to the President under the spending ceiling Title be used for the purpose of eliminating a program the creation or continuation of which has been authorized by the Congress.

Section 203 provides that in the case of formula grant programs which must be reduced in order to meet the spending ceiling requirements, the same formula as authorized in the program shall be applied to the reduced amount.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, the pending legislation is a very important bill. I find much in the act before us that is wise and desirable. I know, too, that it has received careful and close attention by the distinguished senior Senator from North Carolina (Mr. ERVIN).

It is very seldom that the Senator from Virginia and the Senator from North Carolina reach different conclusions in regard to legislation before the Senate. Certainly I have never served with an individual for whom I have greater admiration and affection than I do for the distinguished senior Senator from North Carolina.

I find this a difficult bill on which to reach a judgment. There are aspects of it that I feel are highly desirable. For example, the legislation would require the President to report to Congress within 10 days after an impoundment of funds. I think there should be such a report coming to the Congress.

The legislation also places a ceiling of $268 billion on spending for fiscal 1974.

Mr. President, I favor a ceiling on expenditures. I think this ceiling is too high. The President has advocated a ceiling slightly higher than that provided by the pending bill.

While I favor a ceiling, this ceiling, and the President's, is too high under the conditions facing the United States today.

It is my strong conviction that the No. 1 problem facing the United States in this year of 1973 is the badly deteriorated and deteriorating position of the Government's finances. The American dollar is continuing to lose value.

There have been two formal devaluations of the dollar within a period of 14 months. The last devaluation was in February.

Mr. President, during the Easter recess I was in Europe and spent some time in Germany and in England. I talked with a vast number of people.

I found that the second devaluation has had a significant adverse impact on the United States. The first devaluation was taken pretty much in course and in stride by the Europeans. But the second devaluation has had a marked impact.

The formal devaluation results from what has already taken place—namely that the purchasing power of the dollar has decreased. The dollar has lost some of its value and, in my judgment, it is continuing to lose value because of the inflation which has taken place in this country; and the major course of the inflation is huge Government spending, the continued huge Government deficits.

Mr. President, until we are able to reduce and eventually eliminate deficit financing, we will continue, in my judgment, to have inflation. Inflation is a hidden tax. It hurts all Americans. We are taking money from the pockets of the people in an indirect way by the continued huge deficits that the Government has been running.

This ties in with the pending legislation. In recent months the Nixon administration has begun to see the consequences of some of its own acts. It has become alarmed, and justifiably so, over the tremendous Government deficits. Because of that alarm, and because of that concern it has begun to tighten up on the expenditure of funds, funds appropriated by the Congress. The pending bill is directed toward that tightening up process. It would require additional spending, and prevent the tightening up.

Mr. President, 4 years ago when President Nixon first took office, in 1969, he made clear that he had been elected on a platform to bring some economy to Government, to bring some stability to the Government's financial situation, and to attempt to put the Government's financial house in order.

During the campaign of 1968 he condemned in harsh terms the budget deficits of the administration of President Johnson. I joined him in the condemnation of the Johnson deficits. I worked with President Nixon during the first 2 years of his administration in an effort to get Government spending under some sort of control.

Then we come to January of 1971, and the administration at that point reversed its course. It said then that Government deficits are desirable. It said in January 1971, that we need more Government deficits in order to overcome some of the unemployment problems. The administration submitted to the Congress an admittedly unbalanced budget. It did so again the next year and it did so again this year.

From the press, the radio, and the newspapers, one would think that the administration has advocated a reduction in Government spending. The facts do not bear this out. Indeed, the facts show that the fiscal 1974 budget submitted by the administration to the Congress is $19 billion more than will be spent in the current fiscal year. It represents an increase of more than 8 percent in Government spending. I do not call that tightening up. I say that is business as usual.

Government officials themselves have estimated that during this fiscal year, the Government will have the largest Federal funds deficit in the history of the Nation, with the exception of those 4 wartime years in the 1940's when the United States was engaged in mortal combat on two fronts, in Europe and the Pacific, and at a time when the United States had 12 million men under arms. Except for that period, the 4-year period ending June 30, 1974, will show the highest deficit of any such period of time in the history of our country.

During that 4-year period ending June 30, 1974, the accumulated Federal funds deficit will exceed $120 billion.

I repeat, during the 4-year period ending June 30, 1974, the accumulated Federal funds deficit will exceed $120 billion.

A year from now, Mr. President, the national debt, according to the Treasury Department estimates, will exceed $500 billion; and of that total, $120 billion, or approximately 25 percent, will have been incurred during the 4-year period ending June 30, 1974.

Now let us look at the interest on the debt, a matter that affects every taxpayer, every American.

The interest on the debt, in the budget which Congress is now working on, is $26.1 billion. That is the amount of money that the American taxpayers are called upon to pay in interest charges on the national debt: $26.1 billion.

Let us look at that in another way. That $26 billion of interest charges is more than double the amount paid in interest for fiscal year 1966.



The interest on the national debt—just the interest—is a figure equal to almost one-third of the total expenditures of the Government for national defense.

Let us look at the interest charge in still another way. Of every personal and corporate income tax dollar paid into the Federal Treasury by the American people, 17 cents goes for one purpose: to pay the interest on the national debt.

I cite these figures which dramatize that our Government's finances are in a tragic condition. The more we pile up the debt, the more deficit spending we go into, the more the wage earners of this Nation are going to be adversely affected.

The bulk of the taxes to operate the Government comes from those in the middle economic group and those in the lower economic group.

They are the ones who are most hurt by the tremendous Government spending. I submit that our Government, both Congress and the executive branch, have been engaged in an orgy of public spending for quite a while now.

After shifting gears in January of 1971, the academicians in the administration began to become worried about the spending Frankenstein that the administration itself had helped to create.

Those theorists are fine people, but they sold themselves and then sold the President on the theory, in 1971, that you can turn Government spending on and off like a water spigot. They have begun to see now that you cannot do that, that once you encourage this huge Government spending, it takes Herculean effort to stop it.

At least they have seen the error of their ways and they are making an effort to stop it by withholding spending of some of the sums appropriated and reducing the rate of expenditures.

The way I look at the question of congressional power of the purse is this: The real power Congress has is the power not to appropriate.

That power goes back nearly a thousand years, when the representatives of the people in Britain became exercised about the extravagances of their king and took upon themselves the power of the purse which, in essence, is the power not to give the king unlimited funds.

So that the power the U.S. Congress has is the power not to appropriate.

Once Congress appropriates, then, to a considerable degree, the power of the purse passes out of the hands of Congress and into the hands of the Chief Executive, because it is the Chief Executive who can determine—and he is about the only person who really can determine it—the timing of the expenditures and the degree of the expenditures.

So, I cannot agree with the argument of those of my colleagues who contend that the President must spend all the money the Congress appropriates. I do not believe that is logical.

The President is on dubious, shaky, and questionable ground, however, when he attempts, by withholding expenditures, to eliminate entire programs that Congress has approved. But, where he seeks to reduce the rate of spending, then it seems to me that is within his constitutional prerogative. I admit that there is a gray area here from the constitutional point of view.

For many reasons, I should like to support the pending legislation, but I have reached the conclusion that the overriding factor—certainly so far as the Senior Senator from Virginia is concerned—is the need to get Government spending under control.

I have seen little indication that Congress is willing to do that. I have detailed the evidence that, until recently, the administration has given little evidence, also, that it would do that.

In having to vote either for or against the legislation before us, I have reached the conclusion that I must vote against it. It would force more spending.

I say again that there are various aspects which are desirable and wise, in my judgment. But overall, what we would be saying and what we will be saying, if and when this legislation is passed, is that the President must spend every dollar that Congress appropriates.

I do not believe that is wise, desirable, sound, or necessary.

Congress itself is greatly to blame for the condition in which the Government finds its finances today. Some way or other Congress must reorganize itself in its handling of public funds.

Let us look at the system we use.

There are 13 different appropriation bills, all of them handled separately—no connection one with the other. Frequently Congress adjourns and goes home in November or December without even knowing the total amount of the funds which it has appropriated.

I am not persuaded that the new budget proposal brought in by the Joint Budget Committee is a sound one. It may be an improvement over the present system, although I am not certain of it, but it may be an improvement.

However, it has one fatal flaw: It gives the Joint Budget Committee the right to determine just what deficit will be appropriate under existing conditions.

So, as a practical matter, what it is saying is that while we feel there must be changes in the present budgetary system, and while we are recommending changes in it, we are giving ourselves a way out by reserving to ourselves the right to determine just what the deficit figure should be.

So, if Congress does not want to reduce spending and does not want to increase revenues, all it needs to do is to say, "Well, under existing conditions, a $35 billion deficit is appropriate."

So, Mr. President, I cannot see that Congress really is making any substantial effort effectively to revise our budgetary procedures.

I cannot see that Congress is making any effective effort to get spending under control.

That being the case, the only chance we have to get spending under control is for the administration to take a careful view of expenditures and to limit, wherever possible, the expenditure of appropriated funds.

If this measure is enacted, Congress will be saying to the President, in effect, "By law, you must spend every dollar we appropriate." I do not think that is reasonable or sound.

I say again that the power of the purse that Congress has is the power not to appropriate. Once it appropriates funds, it loses considerable control over those funds, and the timing of expenditures is determined by the executive branch.

I say again that I think the executive branch is on shaky and questionable constitutional grounds when it eliminates entire programs, even though I personally favor the elimination of some of these Government programs.

But I do not think it is reasonable for Congress to take the view that the President cannot make any savings and cannot make any effort to achieve economy in the operation of Government and must spend all the money Congress sees fit to appropriate.

Other aspects of the pending measure give me concern. I would feel much better about this proposal if incorporated in it was the original proposal of the able Senator from North Carolina (Mr. ERVIN), when, on June 7, 1971, he introduced S. 2027, which would require the President to notify Congress within 10 days whenever he impounded funds appropriated for a specific purpose or project. Then Congress would have 60 days to pass a resolution disapproving the amendment.

Since that time, however, the proposed legislation has been changed so that the proposal now provides that the impoundment action by the President shall cease at the end of 60 calendar days, unless Congress approves the action by concurrent resolution. Thus, the bill provides for affirmative approval, instead of a resolution of disapproval, and it places upon the administration the burden to attract adequate congressional support for its withholding of funds. I think the other way, the original way proposed by the able Senator from North Carolina, is far better.

I understand that, later in the day, the able senior Senator from Delaware will present an amendment to reverse the process and go back to the original proposal of the Senator from North Carolina; namely, that it would require congressional action disapproving the impoundment of funds.

Another aspect of the proposed legislation that gives me concern is that Congress is placing upon and delegating to the General Accounting Office a great deal of new authority. Not only does the measure call upon the Comptroller General to review each withholding message and determine whether the withholding was made in accordance with the law under section 8 of title I, the Comptroller General also is empowered to select attorneys to go to court to compel the administration to spend. Specifically, the section-by-section analysis of section 8 in the report states:

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The Committee added this section to expressly empower the Comptroller General, as the representative of Congress through attorneys of his own selection, to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this Act. Such court is expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this Act by such department, agency, officer, or employee.

So Congress would be establishing new machinery, with the employment of additional attorneys, to try to force the spending of more tax funds.

Taken on balance, I feel that I cannot support this measure today and shall cast my vote in the negative when the roll is called.

I have some facts and figures I should like to insert in the RECORD.

The expenditures of Government have gone up sharply. I think the public is not aware of the huge increase in spending. I think the public is not aware of the grave deterioration in the value of the dollar. I think the public is not aware of the huge interest charges that have been placed upon the American people by the continued deficit spending of the Federal Government.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table I have prepared showing receipts and expenditures for fiscal years 1968 through 1974; another table showing deficits in Federal funds and interest on the national debt for the 20-year period 1955–74, inclusive, and a third table showing U.S. gold holdings, total reserve assets, and liquid liabilities to foreigners. In that connection, I point out that 15 years ago—a very short period of time—the Government's total assets were $24.8 billion, with liquid liabilities to foreigners of $15.8 billion.

As of December 1972 our total assets, most of them in gold, were $13.2 billion, not much more than one-half of what it was 15 years ago; and our liquid liabilities to foreigners are now $79 billion.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955–74 INCLUSIVE

[In billions of dollars]

| | Receipts | Outlays | Surplus (+) or deficit (−) | Debt interest |
|---|---|---|---|---|
| 1955 | 58.1 | 62.3 | −4.2 | 6.4 |
| 1956 | 65.4 | 63.8 | +1.6 | 6.8 |
| 1957 | 68.8 | 67.1 | +1.7 | 7.3 |
| 1958 | 66.6 | 69.7 | −3.1 | 7.8 |
| 1959 | 65.8 | 77.0 | −11.2 | 7.8 |
| 1960 | 75.7 | 74.9 | +.8 | 9.5 |
| 1961 | 75.2 | 79.3 | −4.1 | 9.3 |
| 1962 | 79.7 | 86.6 | −6.9 | 9.5 |
| 1963 | 83.6 | 90.1 | −6.5 | 10.3 |
| 1964 | 87.2 | 95.8 | −8.6 | 10.7 |
| 1965 | 90.9 | 94.8 | −3.9 | 10.3 |
| 1966 | 101.4 | 106.5 | −5.1 | 12.0 |
| 1967 | 111.8 | 126.8 | −15.0 | 13.4 |
| 1968 | 114.7 | 143.1 | −28.4 | 14.6 |
| 1969 | 143.3 | 148.8 | −5.5 | 16.6 |
| 1970 | 143.2 | 156.3 | −13.1 | 19.3 |
| 1971 | 133.7 | 163.7 | −30.0 | 21.0 |
| 1972 | 148.8 | 178.0 | −29.2 | 21.8 |
| 1973 [1] | 154.3 | 188.4 | −34.1 | 24.2 |
| 1974 [1] | 171.3 | 199.1 | −27.8 | 26.1 |
| 20-year total | 2,039.5 | 2,272.1 | 232.6 | 264.7 |

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

| | Fiscal year— | | | | | | |
|---|---|---|---|---|---|---|---|
| | 1968 | 1969 | 1970 | 1971 | 1972 | 1973 [1] | 1974 [1] |
| RECEIPTS IN BILLIONS | | | | | | | |
| Individual income taxes | 69.0 | 87.0 | 90.0 | 86.0 | 95.0 | 99.0 | 112.0 |
| Corporate income taxes | 29.0 | 37.0 | 33.0 | 27.0 | 32.0 | 34.0 | 37.0 |
| Total | 98.0 | 124.0 | 123.0 | 113.0 | 126.0 | 133.0 | 149.0 |
| Excise taxes (excluding highway) | 10.0 | 11.0 | 10.3 | 10.5 | 9.1 | 9.4 | 9.6 |
| Estate and gift | 3.0 | 3.5 | 3.6 | 3.7 | 5.2 | 4.6 | 5.0 |
| Customs | 2.0 | 2.3 | 2.4 | 2.6 | 3.2 | 3.0 | 3.3 |
| Miscellaneous | 2.5 | 3.0 | 3.4 | 3.9 | 3.5 | 4.0 | 4.1 |
| Total, Federal fund receipts | 116.0 | 143.0 | 143.0 | 134.0 | 149.0 | 154.0 | 171.0 |
| Trust funds (social security retirement, highway) | 38.0 | 44.0 | 51.0 | 54.0 | 60.0 | 71.0 | 85.0 |
| Total | 154.0 | 188.0 | 194.0 | 188.0 | 209.0 | 225.0 | 256.0 |
| EXPENDITURES IN BILLIONS | | | | | | | |
| Federal funds | 143.0 | 149.0 | 155.0 | 164.0 | 178.0 | 188.0 | 199.0 |
| Trust funds | 36.0 | 36.0 | 40.0 | 48.0 | 54.0 | 62.0 | 70.0 |
| Total | 179.0 | 185.0 | 196.0 | 212.0 | 232.0 | 250.0 | 269.0 |
| Unified budget surplus (+) or deficit (−) | −25.0 | +3.1 | −2.0 | −24.0 | −23.0 | −25.0 | −13.0 |
| Federal funds deficit | 27.0 | 6.0 | 13.0 | 30.0 | 29.0 | 34.0 | 28.0 |

[1] Estimated Figures.

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

| | Gold holdings | Total assets | Liquid liabilities |
|---|---|---|---|
| End of World War II | 20.1 | 20.1 | 6.9 |
| Dec. 31, 1957 | 22.8 | 24.8 | 15.8 |
| Dec. 31, 1970 | 10.7 | 14.5 | 43.3 |
| Dec. 31, 1971 | 10.2 | 12.2 | 64.2 |
| Dec. 31, 1972 | 10.5 | 13.2 | 79.0 |

Source: U.S. Treasury Department.

Mr. HARRY F. BYRD, JR. Mr. President, I yield the floor.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. Mr. President, I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I commend the Senator from Virginia for his excellent and absolutely correct analysis of the very tragic situation in which the fiscal affairs of this Nation find themselves at this particular hour.

Also I wish to assure the Senator from Virginia that I will cooperate with him in any way possible to reduce expenditures for the coming fiscal year below the $268 billion ceiling set forth in table 2 of the bill.

I certainly agree with the Senator from Virginia that it would be possible to reduce those expenditures by several billion dollars below that amount. I would certainly cooperate with him in an effort to do so.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from North Carolina. Through the years we have worked together to reduce and get under some control the expenditures of Government.

Mr. ERVIN. Yes. I know of no Member of the Senate during the time I have been here who has been more dedicated to the idea that during ordinary times it is uneconomic for a government to operate in the red instead of in the black than the distinguished Senator from Virginia.

It always seems to me that in time of war or grave economic distress neither the President should recommend nor Congress should countenance appropriations if they cannot be covered in full by the financial resources that are available to the Government during the period of time that those expenditures are to be spent. I have stood by the Senator from Virginia to fight for that principle on many occasions in the past, and I know that we will stand together to fight for that principle on many occasions in the future.

Mr. HARRY F. BYRD, JR. We will stand side by side. I thank the Senator.

Mr. TAFT. Mr. President, as I understand it, S. 373 is essentially the same as the Bellmon-Taft-Ervin amendment that the Senate added to the devaluation bill.

I support this legislation now as much as I did then. The need to impose the spending ceiling contained in this bill is even more acute now, since we are getting closer to the beginning of the new fiscal year and the appropriations process must move forward.

The Senator from Oklahoma (Mr. BELLMON) and I first introduced legislation dealing with the related questions of a spending ceiling and impoundments as amendments to the Economic Stabilization Act extension. I brought up the issue again in the form of an amendment to the rural water and sewer bill, and S. 373, in modified form, was finally passed as an amendment to the devaluation bill. Yet we still have no similar legislation from the House of Representatives. Because affirmative action on S. 373 today might improve the chances of expediting consideration for this type of legislation in the other body, such action is of great importance.

The original Bellmon and Taft amendments would have required Congress to override, rather than affirm, Presidential impoundments. I believe that this is a more workable and practical approach than the approach taken in S. 373. Nevertheless, I will support S. 373 regardless of whether this change is made. The importance of resolving the impoundment question, so that Congress and the President can give more undivided attention to their proper roles in the process of shaping the budget responsibly, certainly outweighs any problems which might result from the possible structure deficiency in S. 373.



I commend the Senator from North Carolina (Mr. ERVIN), and the entire Government Operations Committee, for utilizing their expertise in this difficult legislative area to develop technically sound legislation which the Senate can accept so overwhelmingly. I hope that we will be able to do as well with the question of fundamental congressional budget reform, which must be a top priority for the Congress in the days ahead.

Mr. HUMPHREY. Mr. President, I am a cosponsor of S. 373. I have joined with the Senator from North Carolina during the past 2 years in trying to stop this practice of impoundment. I strongly support S. 373, the Federal Impoundment Control Procedure Act. First this legislation would insure the separation of powers between the Congress and the Executive by requiring the President to notify the Congress when he impounds congressionally appropriated funds. Second, the legislation provides a procedure under which the Congress of the United States would exercise its rightful duty, to approve or disapprove Presidential impoundment. Third, the legislation would also set a budget ceiling for fiscal year 1974 expenditures.

Mr. President, what we are considering on the floor of the Senate today is nothing less than the right of Congress to maintain vigilance and control over the power of the purse.

All of us are familiar with article I, section 1 of the Constitution that says no money shall be drawn from the Treasury but in consequence of appropriations made by law. This section granted to the Congress the power of the purse.

But, Presidetial impoundment of funds effectively negates that power. And, under the type of impoundment practiced by the Nixon administration, funds are withheld not to effect savings, not as directed by Congress, not as Commander in Chief, but because the President has unilaterally decided to impound money for programs that are not his priorities. It is little more than a method of substituting Executive will for congressional purpose.

The impoundment of funds is Executive arrogance.

It encroaches upon the constitutional prerogatives of Congress.

It violates the separation of powers.

And it gives the President an item veto—neither sanctioned by the Constition nor granted by Congress.

It is, in short, illegal.

The President has claimed all sorts of constitutional arguments as a basis for impoundment. But what he ought to do is level with the American people, tell the people exactly what he is doing, and what really is in contention.

And, what is in contention here is that Congress has changed and challenged the President's priorities.

Congress has and will cut defense military procurement, and foreign aid. It has increased funds for housing community facilities, water and air pollution, poverty programs, education and health.

Mr. President, the Congress has acted to meet this constitutional crisis—a crisis I might add—deliberately fueled by the Nixon administration.

On April 4, 1973, we passed this same legislation as an amendment to the dollar devaluation bill. It received an overwhelming vote of confidence.

IMPOUNDMENT INFORMATION AMENDMENT

Mr. President, I have had a strong interest in this legislation. Last year, I sponsored an impoundment information amendment that successfully passed the Congress and was signed into law by the President.

But, in all candor, Mr. President, I must say that the administration has treated that amendment and its requirements in a cavalier fashion. It has not complied with either the letter or the spirit of the act.

On May 9, the Office of Management and Budget submitted the second impoundment information report. The impounded fund total is almost the same as in the initial report, filed on February 5, 1973—$8.4 billion.

Mr. President, I ask unanimous consent that this report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. On February 8, 1973, I reported to the Senate that the first OMB report was "incomplete—full reasons for the impoundment were not specified and little information is given as to when the Congress and the public can expect the funds to be released."

I must say today that the same charge I made in February is still accurate with this latest report.

The latest report is incomplete, filled with assertions based on assertions, and is of such dubious quality that it can provide little policymaking information to the Congress.

The original Impoundment Information Act, passed in the last session of Congress, specified the contents of the special message which the President must submit whenever he impounds funds.

For example the President has to indicate the amount of budget authority impounded, the date for impoundment, the period of time during which impoundment would take place and when they could be released, the reason for the impoundment, and the estimated fiscal economic, and budgetary effect of the impoundment.

Yet, instead of the Office of Management and Budget making a conscious effort to specify this information for the Congress, the OMB has attempted to use every trick in the book to limit the information and its assessment of the effects of impoundment.

To my mind, this is but another example of Executive arrogance—an arrogance that must be dispelled from Government.

Mr. President, the Ervin impoundment bill addresses this problem of information and assessment of information directly.

It clearly specifies new guidelines so that there will be little mistake on the part of the President or his Office of Management and Budget as to what Congress intends.

Mr. President, as long as the present attitude in the Office of Management and Budget continues, the Congress will likely have to write detailed reports and detailed legislation specifying limits of executive discretion.

Another part of the Ervin bill adresses itself to congressional control over the purse. This section prescribes a procedure for congressional consideration of all Presidential impoundments. Under the bill, unless the Comptroller General determines that an impoundment is made in accordance with the Anti-Deficiency Act or a proportional reservation system—similar to the Jordan amendment the Senate considered in its last session—the President must cease impoundment within 60 days. Impoundment of funds can continue, however, if Congress ratifies that impoundment by passing a concurrent resolution.

Mr. President, this section is a strong provision. And it is a sensible provision. In legislation I submitted to establish an Office of Budget Analysis and Program Evaluation, S. 1030, I suggested that the Comptroller General be given authority to make a prior determination on impoundments before any congressional action. I am gratified to note that the Government Operations Committee has recommended a similar procedure in this legislation.

And, I believe that the committee would not be exercising its responsibility to the Senate if it did not report to the Senate the strongest possible language and procedure for impoundment disapproval. The committee has done its job. It has measurably strengthened the hand of the Congress. And at the same time, it has done so in a fiscally responsible manner—clearly preserving the prerogatives of the Congress and denying to the President an unconstitutional item veto.

SPENDING CEILING

Finally, Mr. President, the legislation before the Senate would establish a spending ceiling of $268 billion. This ceiling is below the Presidential request ceiling of $268.7. And, it is consistent with the ceiling recommended by the Joint Economic Committee.

I support a spending ceiling. I do not think that the concept of a spending ceiling is an issue before the Congress. We may disagree on how high or how low, but the concept has become accepted.

However, we must, keep in mind three other things besides simply enacting a ceiling.

First, we must place restrictions on that ceiling so that it does not become a license to impound or a license to cut the heart out of programs. The committee bill accomplished this purpose through the procedure proposed last session—the Jordan amendment of proportional cuts.

Second, we must not forget that merely setting a ceiling does not relieve us of our responsibility for setting priorities.

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The question we must always keep in mind is not what is the figure but what will the money be spent for—What are the priorities? What are the policies? What are the programs?

NATIONAL PRIORITIES

I have submitted a resolution, Senate Concurrent Resolution 14, which goes directly to the priority question. Simply, the resolution calls upon the relevant committees of Congress to examine the military, foreign aid and space budgets and to take action on a comprehensive tax reform while making funds from these two sources available for meeting our pressing domestic needs.

Mr. President, I ask unanimous consent that a copy of the national priorities resolution be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HUMPHREY. Third, Congress must establish a budget control and evaluation mechanism so that the Congress may be adequately equipped to analyze the budget, to recommend ceilings, to control outlays and new obligational authority.

I have testified before the Joint Study Committee on the Budget and before Senator METCALF'S Subcommittee on Budget, Management, and Expenditures—to offer my thinking on this subject. And, I have read the report of the Joint Study Committee. I am in agreement with much of the thrust of that report. I do however have very strong and serious reservations about the makeup of the budget committees, the rules under which it would operate, and the role of the individual Senators once a budget committee becomes operative.

The one thing I believe we must do, however, Mr. President, is to state our case to the American people.

We simply cannot let the American people be propagandized into accepting the Nixon administrations' line that Congress is the big spender.

I note, for example, that the New York Times on April 25, 1973, published an article by Roy Ash, Director of the Office of Management and Budget, an article I consider to be manifestation of the attack upon the integrity and responsibility of the Congress currently being orchestrated by the propaganda arm of the White House.

I ask unanimous consent that the article "Helmsman on the Right Course" be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

ADMINISTRATION PROPAGANDA KIT

Mr. HUMPHREY. Mr. President, on April 4, 1973, it was first reported that the Nixon administration had mobilized its expensive public relations apparatus for an attack on the "spendthrift" Congress. Speech writers for administration political appointees were given a detailed set of guidelines on how to write speeches warning of tax increases and decrying the "irresponsible" Congress.

I have obtained a copy of this public relations kit called "The Battle of the Budget, 1973," and I see that Mr. Ash takes his cues very well.

Let me give a few examples:

Under "Key Facts about the Budget Fight" the propaganda kit states:

> At the present rate of growth, the budget of the Federal Government will be over $1 trillion—the size of our entire economy today—by the 1990's.

Mr. Ash paraphrases:

> And well before the end of the century it would mean a trillion-dollar Federal budget: A Federal establishment as big as our entire economy is at present.

The suggested Q and A section of the kit answers a question on "Compassion for the poor and elderly" with this information:

> We are budgeting 66 percent more to help the poor than was the case four years ago; 67 percent more to help older Americans; and 156 percent more to help the hungry and malnourished. Mr. Ash states President Nixon is currently budgeting 66 percent more to help the poor than did President Johnson, 67 percent more to help the sick, 71 percent more to help the aging, and more than 130 percent more to help the hungry and undernourished.

Included in the section on polls is information from Gallup, Harris, Market Opinion Research, and Sindlinger. Mr. Ash managed to use three of these four polls in his article.

The "Basic Spending Speech" says:

> If the budget cuts recommended by the Administration are reversed, it will mean a 15 percent increase in income taxes.

Mr. Ash states:

> The route that the big spenders in the Congress threaten to take would mean a 15 percent surcharge on every American's income tax.

Mr. Ash's article is an example of the half-truths being directed at the American people from the White House. He points out that benefits for the sick and elderly have increased, but he does not point out that the President opposed the social security increases that raised these benefits.

He points out that Americans do not want a 15-percent tax increase, but he fails to say that this is a totally phony number manufactured to scare the American people.

He points out that confidence for the future is high, but he fails to report the findings of the University of Michigan's Survey Research Center that consumer sentiment has plunged sharply in the last few months, more than erasing gains in confidence recorded in the first three quarters of last year.

He points out that in the last election the President was returned to office by a large majority, but he fails to mention that the Democrats remained in firm control of the Congress and made substantial gains in elections for Governor and State legislatures.

The entire thrust of the propaganda kit prepared in the White House is to create two myths in the minds of people.

The first myth is the allegation that Congress is a big spender. Briefly, it goes something like this:

> Last year, the President proposed a $250 billion budget, but the Congress wanted to spend $261 billion. The American people should support the President in restraining Congress.

Now look at the facts.

The President's original fiscal year 1973 budget proposed spending $246 billion. He later raised this figure to $250 billion to include additional funds for Vietnam and Hurricane Agnes victims, plus several smaller items. Another $2.6 billion resulted from an administration request to shift fiscal 1972 general revenue-sharing funds into fiscal 1973. Still another $1.6 billion was due to an uncontrollable increase in interest payments on the public debt.

Congress increased social security benefits by $2.8 billion—partially offset by increased social security taxes—established black lung benefits of about $1 billion and increased revenue-sharing payments by $1 billion. Most of the remaining "unconstrained" spending growth is a projection of what the social services grant program would have cost if Congress had not put a $2.5 billion ceiling on it during the last session.

Thus, of the potential $15 billion increase in fiscal 1973 spending over the President's original budget proposals, roughly $6½ billion is Presidential spending initiatives, $1½ billion is uncontrollable spending increases, $5 billion is congressional spending initiatives, and $2 billion is imaginary cost increases for the social service grant program.

Finally, it is a fact that more than one fourth of the total debt—at least $100 billion—has been added through Nixon administration deficit spending and unbalanced executive budgets. I trust this lays the myth of the budget busting Congress to rest.

The second myth concerns the hypothetical 15-percent income tax increase. The administration would have us believe that any tampering by Congress will bust the budget and force a tax increase.

First of all, any reasonable person knows that we can increase spending in some areas, provided we decrease it in others. The Senate has already approved a budget ceiling for fiscal 1974 that is lower than the President requested, so this is no longer an issue.

Second, the 15-percent is totally phony because it is based on the idea that if the President were unable to save $11 billion in the 1973 budget, $19 billion in 1974, and $24 billion in 1975, the tax surcharge would result.

A recent Joint Economic Committee staff study showed that $8 billion of the claimed saving in 1973 and another $8 billion for 1974 are merely statistical manipulations—not real dollar savings. The 1975 numbers are so tenuous and imprecise that it is impossible to determine the extent of any real saving.

Third, in an attempt to protect its big business friends, the administration assumes that the individual income tax is the only tax that could be increased—totally ignoring any increase of corporate tax in a year in which big corporations are enjoying record profits. Furthermore, this administration has turned a deaf ear to closing tax loopholes that would increase Federal revenues without increasing the burden on the average taxpayer.

I object to this entire propaganda campaign being conducted by the White House. It is demeaning and unworthy of the executive branch of our Government.

Senator MUSKIE and I recently released a report from the General Accounting Office which affirmed my belief that the preparation of the "Battle of the Budget" kit violated public law.

We have written to the Attorney General asking that he immediately investigate this matter and take appropriate legal action if he finds wrongdoing.

The Treasury, Post Office and General Government Appropriations Act of 1973 states that—

> No part of any appropriations . . . shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress.

The American people need to know the whole truth about the struggle over the 1974 budget, not just the half truths being conveyed by administration spokesmen.

Mr. President, I hope that the Senate will pass S. 373 by an overwhelming vote.

Congress must retain the power over the purse.

Congress must retain decisionmaking power and authority over legislative priorities.

Congress must take a meaningful step toward reasserting its power and responsibility.

EXHIBIT 1

OFFICE OF MANAGEMENT AND BUDGET—BUDGETARY RESERVES IN EFFECT AS OF APRIL 14, 1973

APRIL 27, 1973.

The report set forth below is submitted pursuant to the Federal Impoundment and Information Act, as amended. In accordance with that act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the FEDERAL REGISTER.

ROY L. ASH, *Director.*

BUDGETARY RESERVES AS OF APRIL 14, 1973

*Introduction.*—The Director of the Office of Management and Budget, under authority delegated by the President, is required to apportion funds provided by the Congress. The apportionments are required under the Antideficiency Act (31 U.S.C. 665) and generally are for the current fiscal year. Under the law, such apportionments limit the amounts which may be obligated during specific periods.

The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies; or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. There are also occasions when specific provisions of law provide that the funds should be available for use over periods longer than 1 year; in such cases, they generally are not fully apportioned in the current year, and the unapportioned part is withheld, to be released later for use in the next year or years. Thus, some amounts are withheld from apportionment, either temporarily or for longer periods. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by all recent administrations as a customary part of financial management.

On occasion, the Congress has explicitly required that an amount be placed in reserve pending an administrative determination of need (e.g., the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act—Public Law 92-399). Most reserves, however, are established upon the initiative of the executive branch based on an operational knowledge of the status of the specific projects or activities. For example, when the required amounts of work can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, specific apportionments sometimes await: (1) Development by the affected, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

From time to time, additional reserves are established for such reasons as the necessity to conform to the requirements of other laws. As example is the executive's responsibility to stay within the statutory limitation on the outstanding public debt.

Since the report as of January 29, 1973, the total of reserves has been reduced by more than $250 million. Of the total released, over two-thirds was in response to the development or completion by the responsible agencies of approved plans, designs, and specifications. The remainder was in part applied to offsetting a portion of the costs of pay raises and in part resulted from reestimates of obligations, balances, and receipts.

The total of all current reserves is 3.4 percent of the total unified budget outlays for fiscal year 1973 (as estimated in the 1974 budget). The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5 percent to 8.7 percent. At the end of fiscal year 1967, it stood at 6.7 percent. At the end of 1972, it was 4.6 percent. But a range in the neighborhood of 6 percent has been normal over most of the last decade.

*Report required by law.*—This report is submitted in fulfillment of the requirements of the "Federal Impoundment and Information Act," as amended, which provides for a report of "impoundments," and certain other information pertaining thereto. This report lists the budgetary reserves which were in effect as of April 14, 1973.

The Antideficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item No. 5 of the Federal Impoundment and Information Act, the period of time during which funds are to be in reserve is dependent in all cases upon the results of such later review.

The remainder of this report lists, by agency, all accounts for which some funds are reserved. An asterisk (*) identifies those accounts added to the listing since the last report (i.e., such accounts contained no reserves on January 29, 1973). Reserve entries which have been superseded (i.e., increased, decreased, or eliminated) since January 29, 1973, by a subsequent apportionment action and are no longer in effect appear in parentheses. Entries not in parentheses indicate the most current apportionment and reserve action. The listing:

Presents the amount currently apportioned for the current fiscal year;

Presents the amount currently in reserve;

States whether the amount reserved will be legally available for obligation in the next fiscal year;

Indicates the date of the reserve action and the effective date of the current reserve;

Presents a code which relates to the reason for the current reserve action, without necessarily exhausting all possible reasons.

Presents a code which indicates the estimated fiscal, economic, and budgetary impact of the current reserve.

Codes used in the remainder of this report relating to the reasons for and estimated fiscal, economic, and budgetary impact of the reserve actions are described on the following pages. In some cases, the standard explanations given have been modified slightly from those used in the January 2 report. Such modifications have been made for the sake of clarity.

REASON FOR RESERVE ACTION

*Code*

1. "To provide for contingencies" (31 U.S.C. 665(c)(2)).

2. "To effect savings whenever savings are made possible by or through changes in operations, or other developments subsequent to the date on which such (funds were) made available" (31 U.S.C. 665(c)(2)).

3. To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 U.S.C. 665(c)(1)). This explanation includes amount anticipated to be used to absorb or partially absorb the costs of recent pay raises grant pursuant to law.

4. "To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 U.S.C. 665(c)(1)). This explanation includes reserves established to carry out the congressional intent that funds provided for periods greater than 1 year should be so apportioned that they will be available for the future periods.

5. Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) properly to apportion the funds and to insure that the funds will be used in "the most effective and economical" manner (31 U.S.C. 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.

6. The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, art. II, sec. 3):

6a.—Obligation at this time of amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

6b.—Existing tax laws and the statutory limitation on the national debt are not expected to provide sufficient funds in the current fiscal year to cover the total of all outlays in that year contemplated by the individual acts of Congress.

6c.—Action taken consistent with the President's responsibility to help maintain economic stability without undue price and cost increases.

6d.—Amount apportioned reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

6e.—Other. See footnote for each item so coded.

7. The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, art. II, sec. 2).

8. The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constitution, art. II, sec. 2).

9. Other. See footnote for each item so coded.

10. Not applicable or no reason required. (In most cases where a previous reserve has been apportioned in its entirety.)

ESTIMATED FISCAL, ECONOMIC, AND BUDGETARY EFFECT

1. Same effect as set forth in the most recently submitted budget document, of which this item is an integral part.



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II. The change from the previous reserve is expected to contract the budgetary impact of this program and contribute to the reduction of inflationary pressures.

III. The release or reduction of the previous reserve will facilitate use and expenditure of the available funds consistent with current program needs and economic conditions in the area affected.

IV. Other. See footnote for each item so coded.

V. Not applicable or no explanation required. (In most cases where a previous reserve has been apportioned in its entirety.)

SUMMARY OF BUDGETARY RESERVES—AS OF APR. 14, 1973

[Dollars in millions]

| Agency | Amount as of Jan. 29, 1973 | Amount as of Apr. 14, 1973 | Agency | Amount as of Jan. 29, 1973 | Amount as of Apr. 14, 1973 |
|---|---|---|---|---|---|
| Executive Office of the President | 3 | 3 | Atomic Energy Commission | 316 | 316 |
| Funds Appropriated to the President | 127 | 125 | Environmental Protection Agency | 2 | 2 |
| Department of Agriculture | 1,497 | 1,463 | General Services Administration | 261 | 261 |
| Department of Commerce | 181 | 178 | National Aeronautics and Space Administration | 33 | 30 |
| Department of Defense—Military | 1,699 | 1,716 | Veterans Administration | 71 | 69 |
| Department of Defense—Civil | 118 | .3 | Other Independent Agencies: | | |
| Department of Health, Education, and Welfare | 35 | 34 | National Science Foundation | 62 | 62 |
| Department of Housing and Urban Development | 529 | 510 | Small Business Administration | 51 | 51 |
| Department of the Interior | 482 | 480 | All other | 52 | 52 |
| Department of Justice | 36 | 36 | | | |
| Department of State | 6 | 5 | Total | 8,723 | 8,456 |
| Department of Transportation | 2,937 | 2,924 | | | |
| Department of Treasury | 24 | 24 | | | |

Less than $500,000.

BUDGETARY RESERVES—AS OF APR. 14, 1973

[Dollars in thousands]

[General notes.—Amounts in parenthesis ( ) indicate actions superseded by later apportionment actions. An asterisk (*) indicates an account added to the list since the last report]

| | Amount apportioned | Amount in reserve | Available beyond fiscal year 1973? | Date of reserve action | Effective date of reserve | Reason for reserve action (see code) | Estimated fiscal, economic, and budgetary effect (see code) |
|---|---|---|---|---|---|---|---|
| Executive Office of the President: | | | | | | | |
| Council on Environmental Quality: Salaries and expenses | (2,230) | (320) | No | Jan. 12, 1973 | Jan. 12, 1973 | 5 | I |
| | 2,265 | 285 | No | Feb. 27, 1973 | Feb. 27, 1973 | 5 | I |
| Council on International Economic Policy: Salaries and expenses | (300) | (700) | No | Nov. 28, 1972 | Nov. 28, 1972 | 5 | I |
| | 900 | 200 | No | Mar. 12, 1973 | Mar. 12, 1973 | 5 | I |
| National Security Council: Salaries and expenses | (2,637) | (125) | No | Aug. 4, 1972 | Aug. 4, 1972 | 5 | I |
| | 2,712 | 50 | No | Mar. 30, 1973 | Mar. 30, 1973 | 5 | I |
| Special Action Office for Drug Abuse Prevention: Salaries and expenses | 8,315 | 2,027 | Yes | Aug. 21, 1972 | Aug. 21, 1972 | 4, 5 | I |
| Funds Appropriated to the President: | | | | | | | |
| Appalachian Regional Commission: Appalachian regional development programs | 340,263 | 65,000 | Yes | Sept. 22, 1972 | Sept. 22, 1972 | 5, 6c | |
| Agency for International Development: Prototype d[illegible]lting plant | (*) | 20,000 | Yes | Apr. 7, 1972 | July 1, 1972 | 5 | |
| The Inter-American Foundation | (8,000) | (41,624) | Yes | Jan. 10, 1972 | July 1, 1972 | 4, 6e[3] | I |
| | 5,000 | 40,652 | Yes | Mar. 12, 1973 | Mar. 12, 1973 | 4 | I |
| Department of Agriculture: | | | | | | | |
| Office of the Secretary | (11,312) | (583) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 11,424 | 472 | No | Apr. 9, 1973 | Apr. 9, 1973 | 6b | I |
| Office of the Inspector General | (18,774) | (450) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 18,974 | 250 | No | Apr. 3, 1973 | Apr. 3, 1973 | 6b | I |
| Office of the General Counsel | (6,913) | (13) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 6,526 | ---------- | NA | Apr. 3, 1973 | Apr. 3, 1973 | 10 | V |
| Office of Management Services | (5,534) | (6) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 5,540 | ---------- | NA | Apr. 3, 1973 | Apr. 3, 1973 | 10 | V |
| Agricultural Research Service | 200,402 | 8,464 | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Construction | 3,593 | 1,720 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 4, 6b | I |
| Animal and Plant Health Inspection Service | (323,410) | (2,055) | No | Jan. 29, 1973 | Jan. 29, 1973 | 1, 5, 6b, 6e[3] | I |
| | 328,734 | 738 | No | Mar. 21, 1973 | Mar. 21, 1973 | 1, 5, 6b, 6e[3] | I |
| Cooperative State Research Service | (88,388) | (3,530) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b, 5, 6e[3] | I |
| | (91,748) | (1,530) | No | Mar. 8, 1973 | Mar. 8, 1973 | 5, 6b | I |
| Extension Service | 90,401 | 1,500 | No | Apr. 3, 1973 | Apr. 3, 1973 | 6b | I |
| | (190,427) | (5,053) | No | Jan. 26, 1973 | Jan. 26, 1973 | 5, 6b, 6e[3] | I |
| | (192,428) | (3,053) | No | Mar. 19, 1973 | Mar. 19, 1973 | 5, 6b | I |
| | 192,481 | 3,000 | No | Apr. 12, 1973 | Apr. 12, 1973 | 6b | I |
| National Agricultural Library | (4,408) | (6) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 4,416 | ---------- | NA | Apr. 12, 1973 | Apr. 12, 1973 | 10 | V |
| Statistical Reporting Service | (25,042) | (267) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 25,300 | 9 | No | Apr. 9, 1973 | Apr. 9, 1973 | 6b | I |
| Economic Research Service | (18,689) | (337) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 19,022 | 24 | No | Apr. 12, 1973 | Apr. 12, 1973 | 6b | I |
| Commodity Exchange Authority | 2,894 | 12 | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Packers and Stockyards Administration | (4,014) | (43) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 4,057 | ---------- | NA | Apr. 3, 1973 | Apr. 3, 1973 | 10 | V |
| Farmers Cooperative Service | (2,060) | (115) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 2,075 | 100 | No | Apr. 3, 1973 | Apr. 3, 1973 | 6b | I |
| Foreign Agricultural Service: | | | | | | | |
| Foreign Agricultural Service | (28,932) | (117) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 29,049 | ---------- | NA | Apr. 3, 1973 | Apr. 3, 1973 | 10 | V |
| Salaries and Expenses, Special foreign currency program | 1,000 | 2,240 | Yes | Jan. 26, 1973 | Jan. 26, 5973 | 4 | I |
| Agricultural Stabilization and Conservation Service: | | | | | | | |
| Rural environmental assistance | 15,000 | 210,500 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Water Bank Act program | 8,489 | 11,391 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Emergency conservation measures | 20,000 | 3,670 | Yes | Dec. 30, 1972 | Dec. 30, 1972 | 1 | I |
| Rural Development Service | 394 | 6 | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Dairy and beekeeper indemnity program | 7,294 | 2,500 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 4 | I |
| Commodity Credit Corporation: Limitation on administrative expenses | (37,034) | (2,866) | No | Jan. 26, 1973 | Jan. 26, 1973 | 1, 6e[3] | I |
| | 39,900 | ---------- | NA | Mar. 30, 1973 | Mar. 30, 1973 | 10 | V |

Footnotes at end of table.



| | Amount apportioned | Amount in reserve | Available beyond fiscal year 1973? | Date of reserve action | Effective date of reserve | Reason for reserve action (see code) | Estimated fiscal, economic, and budgetary effect (see code) |
|---|---|---|---|---|---|---|---|
| Department of Agriculture—Continued | | | | | | | |
| Rural Electrification Administration: | | | | | | | |
| Loans | 283,972 | 455,103 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 2, 6b, 6c | I |
| Salaries and expenses | 16,661 | 153 | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Farmers Home Administration: | | | | | | | |
| Rural water and waste disposal grants | 30,000 | 120,00 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b, 6c | I |
| Rural housing for domestic farm labor grants | (850) | (2,947) | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 5, 6b | I |
| | 2,176 | 1,621 | Yes | Jan. 31, 1973 | Jan. 31, 1973 | 5, 6b | IV[3] |
| Mutual and self-help housing grants | 3,729 | 632 | Yes | Sept. 22, 1972 | Sept. 22, 1972 | 4 | I |
| Salaries and expenses | (117,914) | (1,217) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 119,285 | ---------- | NA | Apr. 3 1973 | Jan. 26, 1971 | 10 | V |
| Rural housing insurance fund | 2,021,060 | 133,000 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 4, 6b | I |
| Soil Conservation Service: | | | | | | | |
| Conservation operations | 170,003 | 3,607 | Yes | Jan. 25, 1973 | Jan. 26, 1973 | 6b | I |
| River basin surveys and investigations | 14,334 | 155 | Yes | Jan. 25, 1973 | Jan. 26, 1973 | 6b | I |
| Watershed planning | 9,256 | 569 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Watershed and flood prevention operations | 140,287 | 17,412 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Great Plains Conservation Service | 18,265 | 74 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Resource conservation and development | 25,371 | 7,929 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Agricultural Marketing Service: | | | | | | | |
| Marketing Services, no-year | (1,360) | (700) | Yes | June 27, 1972 | July 1, 1972 | 4 | I |
| | 1,591 | 940 | Yes | Mar. 16, 1973 | Mar. 16, 1973 | 4 | I |
| Marketing services annual | (37,115) | (235) | No | Sept. 22, 1972 | Sept. 22, 1972 | 6b | I |
| | 37,392 | ---------- | NA | Mar. 13, 1973 | Mar. 13, 1973 | 10 | V |
| Payments to States and possessions | 1,600 | 900 | No | Sept. 22, 1972 | Sept. 22, 1972 | 6b | I |
| Perishable Agricultural Commodities Act fund | (1,553) | (10) | Yes | June 27, 1972 | July 1, 1972 | 4 | I |
| | 1,384 | 140 | Yes | Mar. 13, 1973 | Mar. 13, 1973 | 4 | I |
| Food Nutrition Service: Food stamp program | 2,336,896 | 158,651 | No | Dec. 20, 1973 | Dec. 20, 1972 | 1, 6e[3] | I |
| Forest Service: | | | | | | | |
| Forest protection and utilization, annual | (390,919) | (22,105) | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| | 394,491 | 18,105 | No | Mar. 23, 1973 | Mar. 23, 1973 | 6b | IV[3] |
| Forest protection and utilization no-year | 9,203 | 615 | Yes | Sept. 8, 1972 | Sept. 8, 1972 | 4 | I |
| Construction and land acquisition | 43,401 | 12,602 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Youth Conservation Corps | 3,500 | 2,097 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 4 | I |
| Forest roads and trails and roads and trails for States | (157,848) | (280,380) | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 4, 6b | I |
| | 159,830 | 273,398 | Yes | Mar. 29, 1973 | Mar. 29, 1973 | 4, 6b | I |
| Assistance to States for tree planting | 1,119 | 15 | Yes | Jan. 26 1973 | Jan. 26, 1973 | 6b | I |
| Brush disposal | (18,326) | (18,558) | Yes | Nov. 14, 1972 | Nov. 14, 1972 | 4 | I |
| | 19,628 | 12,258 | Yes | Apr. 3, 1973 | Apr. 3, 1973 | 4 | I |
| Forest fire prevention | 261 | 134 | Yes | Nov. 14, 1972 | Nov. 14, 1972 | 4 | I |
| Department of Commerce: | | | | | | | |
| Social and Economic Statistics Administration: | | | | | | | |
| Salaries and expenses | (35,787) | (1,500) | No | Nov. 24, 1972 | Nov. 24, 1972 | 2, 6b | I |
| | 34,564 | 722 | No | Mar. 28 1973 | Mar. 28, 1973 | 6, 6b | I |
| 1974 Census of Agriculture | (*) | 1,360 | Yes | Nov 24, 1972 | Nov. 24, 1972 | 2, 4 | I |
| Economic Development Administration: | | | | | | | |
| Planning, technical assistance and research | 29,000 | 2,188 | No | Jan. 18, 1973 | Jan. 18, 1973 | 2, 6b | I |
| Development facilities | 211,109 | 8,891 | No | Jan. 18, 1973 | Jan. 18, 1973 | 2, 6b | I |
| Regional Action Planning Commissions. Regional development programs | (44,553) | (1,116) | Yes | Nov 24, 1972 | Nov 24, 1972 | 5 | I |
| | 44,575 | 1,094 | Yes | Mar 28 1973 | Mar. 28, 1973 | 5 | I |
| Domestic and International Business: | | | | | | | |
| Trade adjustment assistance | 21,000 | 18,691 | Yes | Jan. 4, 1973 | Jan. 4, 1973 | 1 | I |
| Spokane Ecological Exposition | 2,689 | 411 | Yes | Nov. 24, 1972 | Nov. 24, 1972 | 4, 5 | I |
| International Activities, Inter-American Cultural and Trade Center | 100 | 5,359 | Yes | Sept. 29, 1972 | Sept. 29, 1972 | 4, 5 | I |
| Office of Minority Business: | | | | | | | |
| Minority business development, no-year | 36,665 | 16,768 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 2, 4, 6b | I |
| Minority business development, annual | (9,935) | (1,188) | No | Nov. 24, 1972 | Nov 24, 1972 | 2, 6b | I |
| | 10,009 | 1,111 | No | Mar. 28, 1973 | Mar 28, 1973 | 2, 6b | I |
| National Oceanic and Atmospheric Administration: | | | | | | | |
| Salaries and expenses | (228,780) | (12,323) | No | Jan. 26, 1973 | Jan. 26, 1973 | 2, 6b | I |
| | 232,436 | 8,964 | No | Mar. 29 1973 | Mar. 29, 1973 | 2, 3, 6b | I |
| Research, development, and facilities | (121,481) | (31,762) | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 2, 4, 6b | I |
| | 120,983 | 32,260 | Yes | Mar. 28, 1973 | Mar. 28, 1973 | 2, 4, 6b | I |
| Satellite operations | 38,282 | 1,000 | Yes | Jan. 26, 1973 | Jan 26, 1973 | 5 | I |
| Administration of the Pribilof Islands | (3,032) | (200) | No | Jan. 26, 1973 | Jan. 26, 1973 | 2, 6b | I |
| | 3,090 | 412 | No | Mar. 29 1973 | Mar 29, 1973 | 2, 6b | I |
| Promote and develop fishery products and research pertaining to American fisheries* | (7,953) | (3,297) | Yes | Feb. 19, 1973 | Feb. 19, 1973 | 4, 5, 6a | I |
| | 7,191 | 3,559 | Yes | Mar. 29 1973 | Mar. 29, 1973 | 4, 5, 6a | I |
| Patent Office: Salaries and expenses | (66,353) | (1,247) | No | Jan. 26, 1973 | Jan. 26, 1973 | 2, 6b | I |
| | 67,380 | 220 | No | Mar. 28, 1973 | Mar. 28, 1973 | 2, 6b | I |
| Office of Telecommunications: Research, analysis and technical services | 5,316 | 1,435 | Yes | Dec. 28, 1972 | Dec. 28, 1972 | 2, 4, 6b | I |
| National Bureau of Standards: | | | | | | | |
| Plant and facilities | 2,450 | 1,850 | Yes | Nov. 24, 1972 | Nov. 24, 1972 | 2, 4, 6b | I |
| Research and technical services, annual | (50,400) | (7,895) | No | Dec. 28, 1972 | Dec. 28, 1972 | 2, 6b | I |
| | 51,273 | 7,022 | No | Mar. 28, 1973 | Mar. 28, 1973 | 2, 6b | I |
| Research and technical services, no-year | 2,000 | 8,812 | Yes | Nov. 24, 1972 | Nov. 24, 1972 | 5, 6b | I |
| Construction of facilities | 138 | 740 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 4, 6b | I |
| Maritime Administration: | | | | | | | |
| Ship construction | 421,810 | 50,000 | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 4, 6b | I |
| Research and development | 24,901 | 5,000 | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 4, 6b | I |
| Salaries and expenses | (25,010) | (700) | No | Nov. 24, 1972 | Nov. 24, 1972 | 2 | I |
| | 25,582 | 127 | No | Mar. 27, 1973 | Mar. 27 1973 | 2 | I |
| Maritime training | (8,324) | (150) | No | Nov. 24, 1972 | Nov. 24, 1972 | 2 | I |
| | 8,433 | 41 | No | Mar. 27, 1973 | Mar. 27, 1973 | 2 | I |
| State marine schools | 2,428 | 127 | Yes | Nov. 24, 1972 | Nov. 24, 1972 | 4 | I |
| Department of Defense—Military: | | | | | | | |
| Personnel: Reserve personnel, Marine Corps | (71,950) | (5,106) | No | Nov. 17, 1972 | Nov. 17, 1972 | 5 | I |
| | 74,206 | 2,850 | No | Feb. 15, 1973 | Feb. 15, 1973 | 5 | I |
| Procurement: | | | | | | | |
| Aircraft procurement, Army, 1972-74 | (53,049) | (2,825) | Yes | Nov. 20, 1972 | Nov. 20, 1972 | 4 | I |
| | 53,049 | ---------- | NA | Feb. 5, 1973 | Feb. 5, 1973 | 10 | I |
| Missile procurement, Army, 1973-75* | 1,016,100 | 2,500 | Yes | Feb. 5, 1973 | Feb. 5, 1973 | 4 | I |
| Other procurement, Army, 1972-74 | (146,583) | (21,726) | Yes | Nov. 20, 1972 | Nov. 20 1972 | 4 | I |
| | 146,583 | ---------- | NA | Feb. 5, 1973 | Feb. 5, 1973 | 10 | I |
| Shipbuilding and conversion, Navy, 1971-75 | 1,031,900 | 145,672 | Yes | Nov. 24, 1972 | Nov. 24, 1972 | 4 | I |
| Shipbuilding and conversion, Navy, 1972-76 | 938,300 | 427,212 | Yes | Nov. 24, 1972 | Nov. 24, 1972 | 4 | I |
| Shipbuilding and conversion, Navy, 1973-77 | 2,263,500 | 777,100 | Yes | Nov. 24, 1972 | Nov. 24, 1972 | 4 | I |

Footnotes at end of table.

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BUDGETARY RESERVES—AS OF APR. 14, 1973—Continued

[Dollars in thousands]

[General notes.—Amounts in parenthesis ( ) indicate actions superseded by later apportionment actions. An asterisk (*) indicates an account added to the list since the last report]

| | Amount apportioned | Amount in reserve | Available beyond fiscal year 1973? | Date of reserve action | Effective date of reserve | Reason for reserve action (see code) | Estimated fiscal, economic, and budgetary effect (see code) |
|---|---|---|---|---|---|---|---|
| Department of Defense—Military—Continued | | | | | | | |
| Military construction: | | | | | | | |
| Army | (1,199,739) | (127,706) | Yes | Nov. 24, 1972 | Nov. 24, 1972 | 5 | I |
| | 1,271,632 | 79,814 | Yes | Feb. 23, 1973 | Feb. 23, 1973 | 5 | I |
| Navy | (719,073) | (127,584) | Yes | Jan. 8, 1973 | Jan. 8, 1973 | 5 | I |
| | (706,308) | (140,349) | Yes | Mar. 6, 1973 | Mar. 6, 1973 | 5 | I |
| | 741,970 | 104,687 | Yes | Mar. 7, 1973 | Mar. 7, 1973 | 5 | I |
| Air Force | (364,331) | (123,924) | Yes | Jan. 8, 1973 | Jan. 8, 1973 | 5 | I |
| | (367,656) | (120,599) | Yes | Feb. 2, 1973 | Feb. 2, 1973 | 5 | I |
| | (410,379) | (77,876) | Yes | Mar. 29, 1973 | Mar. 29, 1973 | 5 | I |
| | 425,173 | 63,082 | Yes | Apr. 9, 1973 | Apr. 9, 1973 | 5 | I |
| Defense agencies | (24,580) | (58,565) | Yes | Jan. 10, 1973 | Jan. 10, 1973 | 5 | I |
| | 24,730 | 58,415 | Yes | Feb. 15, 1973 | Feb. 15, 1973 | 5 | I |
| Army National Guard | (20,939) | (25,327) | Yes | Jan. 8, 1973 | Jan. 8, 1973 | 5 | I |
| | (25,081) | (21,185) | Yes | Feb. 5, 1973 | Feb. 5, 1973 | 5 | I |
| | 31,249 | 15,016 | Yes | Mar. 8, 1973 | Mar. 8, 1973 | 5 | I |
| Air National Guard | 11,805 | 7,268 | Yes | Jan. 15, 1973 | Jan. 15, 1973 | 5 | I |
| Army Reserve | (40,103) | (15,465) | Yes | Jan. 8, 1973 | Jan. 8, 1973 | 5 | I |
| | (45,414) | (9,214) | Yes | Feb. 5, 1973 | Feb. 5, 1973 | 5 | I |
| | 48,519 | 7,109 | Yes | Mar. 8, 1973 | Mar. 8, 1973 | 5 | I |
| Naval Reserve | (10,731) | (25,790) | Yes | Nov. 24, 1972 | Nov. 24, 1972 | 5 | I |
| | (10,883) | (25,598) | Yes | Feb. 14, 1973 | Feb. 14, 1973 | 5 | I |
| | (9,947) | (26,535) | Yes | Feb. 27, 1973 | Feb. 27, 1973 | 5 | I |
| | 19,108 | 17,373 | Yes | Mar. 14, 1973 | Mar. 14, 1973 | 5 | I |
| Air Force Reserve | (8,919) | (988) | Yes | Dec. 19, 1972 | Dec. 19, 1972 | 5 | I |
| | 8,524 | 1,384 | Yes | Mar. 1, 1973 | Mar 1, 1973 | 5 | I |
| Civil Defense: Research, shelter survey and marking | 23,397 | 1,080 | Yes | July 27, 1972 | July 27, 1972 | 5 | I |
| Special foreign currency program: | | | | | | | |
| Defense, 1971–73 | 8,075 | 2,426 | No | Dec. 18, 1972 | Dec. 18, 1972 | 5 | I |
| Defense, 1972–74 | 7,665 | 2,477 | Yes | Dec. 18, 1972 | Dec. 18, 1972 | 5 | I |
| Defense, 1973–75 | 3,000 | 400 | Yes | Dec. 4, 1972 | Dec. 4, 1972 | 5 | I |
| Department of Defense—Civil: | | | | | | | |
| Corps of Engineers: | | | | | | | |
| General investigations | 58,992 | 5,150 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 2, 6b | I |
| Construction | (1,262,891) | (94,033) | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 1, 6b | I |
| | 1,287,801 | 69,033 | Yes | Mar. 9, 1973 | Mar. 9, 1973 | 1, 6b | IV [15] |
| Operation and maintenance | 433,799 | 16,000 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Flood control, Mississippi River and tributaries | 110,798 | 1,750 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Panama Canal: Canal Zone Government, capital outlay | 7,089 | 700 | Yes | Sept. 8, 1972 | Sept. 8, 1972 | 5 | I |
| Wildlife conservation: | | | | | | | |
| Army | 515 | 330 | Yes | Dec. 13, 1976 | Dec. 13, 1972 | 1 | I |
| Navy | 53 | 30 | Yes | Nov. 21, 1972 | Nov. 21, 1972 | 1 | I |
| Air Force | (101) | (31) | Yes | June 28, 1972 | July 1, 1972 | 1 | I |
| | 111 | 47 | Yes | Apr. 12, 1973 | Apr. 12, 1973 | 1 | I |
| Department of Health, Education, and Welfare: | | | | | | | |
| Health Services and Mental Health Facilities: | | | | | | | |
| Indian Health Facilities | (43,960) | (4,623) | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 5 | I |
| | 44,253 | 4,330 | Yes | Apr. 6, 1973 | Apr. 6, 1973 | 5 | I |
| National Institutes of Health: Buildings and facilities | 14,843 | 2,600 | Yes | Aug. 15, 1972 | Aug. 15, 1972 | 5 | I |
| Office of Education: | | | | | | | |
| Higher education, annual | 355,200 | 10,000 | Yes | Jan. 26, 1973 | Jan. 16, 1973 | 5 | I |
| Higher education, no-year | 234,350 | 1,889 | Yes | Nov. 30, 1972 | Nov. 30, 1972 | 5 | I |
| Educational activities overseas, special foreign currency program | 3,282 | 16 | Yes | Apr. 6, 1972 | July 1, 1972 | 5 | I |
| Social and Rehabilitation Services | 31,767 | 200 | No | Dec. 11, 1972 | Dec. 11, 1972 | 6b | I |
| Social Security Administration: Limitation on construction (trust fund) | 33,660 | 12,055 | Yes | Apr. 27, 1972 | July 1, 1972 | 4, 5 | I |
| Special institutions: Howard University | 54,046 | 3,714 | Yes | Jan. 24, 1972 | July 1, 1972 | 5 | I |
| Department of Housing and Urban Development: | | | | | | | |
| Housing production and mortgage credit: Nonprofit sponsor assistance | 1,100 | 6,686 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 5, 6b, 6c | |
| Community development: | | | | | | | |
| Open space land program | (50,000) | (50,050) | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b, 6c | I |
| | (72,000) | (28,050) | Yes | Mar. 6, 1973 | Mar. 6, 1973 | 6b, 6c | IV [15] |
| | 72,319 | 27,730 | Yes | Mar. 8, 1973 | Mar. 8, 1973 | 6b, 6c | IV [15] |
| Grants for basic water and sewer facilities | 100,000 | 400,175 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b, 6c | I |
| Rehabilitation loan fund | 71,539 | 50,000 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b, 6c | I |
| Public facility loans | 42,896 | 20,000 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b, 6c | I |
| Office of Interstate Land Sales Registration: Interstate land sales | (-) | 2,341 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 4 | I |
| Departmental Management: Administrative operations fund* | 350,854 | 3,432 | No | Feb. 16, 1973 | Feb. 15, 1973 | 2, 6b | I |
| Department of the Interior: | | | | | | | |
| Bureau of Land Management: Public lands development roads and trails | 4,363 | 12,961 | Yes | Sept. 8, 1972 | Sept. 8, 1972 | 6d | |
| Bureau of Indian Affairs: Construction | 45,377 | 31,467 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Bureau of Outdoor Recreation: Land water conservation | 312,223 | 269,590 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Territorial affairs: Trust Territories of the Pacific Islands | 63,903 | 10,000 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Geological Survey: | | | | | | | |
| Surveys, investigations, and research | (190,205) | (3,000) | No | Jan. 12, 1973 | Jan. 12, 1973 | 6b | I |
| | 193,488 | 1,072 | No | Mar. 23, 1973 | Mar. 23, 1973 | 3, 6b | I |
| Payments from proceeds, sale of water, Mineral Leasing Act of 1920 | (-) | 24 | Yes | Sept. 8, 1972 | Sept. 8, 1972 | 4, 5 | I |
| Bureau of Mines: Drainage of anthracite mines | 200 | 3,700 | Yes | June 27, 1972 | July 1, 1972 | 4, 5 | I |
| Bureau of Sport Fisheries and Wildlife: | | | | | | | |
| Migratory bird conservation account (receipt limitation) | 12,249 | 2,981 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Federal aid in wildlife restoration | (43,400) | (7,053) | Yes | May 16, 1972 | July 1, 1972 | 4, 5 | I |
| | 43,400 | 7,878 | Yes | Feb. 16, 1973 | Feb. 16, 1973 | 4, 5 | I |
| Federal aid in fish restoration and management | (16,200) | (3,234) | Yes | May 16, 1972 | July 1, 1972 | 4, 5 | I |
| | 15,753 | 2,404 | Yes | Feb. 16, 1973 | Feb. 16, 1973 | 4, 5 | I |
| National wildlife refuge fund | 4,603 | 4,123 | Yes | Nov. 16, 1972 | Nov. 16, 1972 | 4, 5 | I |
| Proceeds from sales, water resources development projects* | 15 | 4 | Yes | Feb. 16, 1973 | Feb. 16, 1973 | 4, 5 | I |
| National Park Service: | | | | | | | |
| Parkway and road construction | 39,500 | 50,949 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b, 6d | I |
| Construction | 67,652 | 39,499 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Bureau of Reclamation: | | | | | | | |
| General investigations | 22,790 | 1,850 | Yes | Jan 26, 1973 | Jan. 26, 1973 | 6b | I |
| Loan program | 19,894 | 930 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Construction and rehabilitation | 261,404 | 18,025 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 5, 6b | I |
| Operation, maintenance and replacement of project works, North Platte project | (-) | 97 | Yes | Sept. 22, 1972 | Sept. 22, 1972 | 6a* | I |
| | 26,515 | 3,000 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Lower Colorado River Basin development fund | 60,690 | 10,450 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 5, 6b | I |
| Upper Colorado River Basin fund | 14,304 | 2,040 | No | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Office of Water Resources Research: Salaries and expenses | 22,400 | 6,675 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6b | I |
| Office of the Secretary: Saline water research | | | | | | | |

Footnotes at end of table.



| | Amount apportioned | Amount in reserve | Available beyond fiscal year 1973? | Date of reserve action | Effective date of reserve | Reason for reserve action (see code) | Estimated fiscal, economic, and budgetary effect (see code) |
|---|---|---|---|---|---|---|---|
| Department of Justice: | | | | | | | |
| Bureau of Prisons: Buildings and facilities | 65,514 | 36,411 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 5, 6b | I |
| Department of State: | | | | | | | |
| Office of Foreign Affairs: | | | | | | | |
| Acquisition, operation, and maintenance of buildings abroad | 42,122 | 2,125 | Yes | Nov. 24, 1972 | Nov. 24, 1972 | 4 | I |
| Acquisition, operation, and maintenance of buildings abroad, special foreign currency programs | 5,713 | 2,950 | Yes | Jan. 3, 1973 | Jan. 3, 1973 | 5 | I |
| International organizations and conferences: International conferences and contingencies. | 3,224 | 325 | Yes | Nov. 25, 1972 | Nov. 15, 1972 | 4 | I |
| Educational exchange: | | | | | | | |
| Center for Cultural and Technical Interchange Between East and West | (6,000) | (200) | No | Nov. 22, 1972 | Nov. 22, 1972 | 5 | I |
| | 6,200 | | NA | Mar. 16, 1973 | Mar. 16, 1973 | 10 | V |
| Educational exchange fund, payment by Finland, World War I debt | 377 | 25 | Yes | Nov. 15, 1972 | Nov. 15, 1972 | 4 | I |
| Department of Transportation: | | | | | | | |
| Office of the Secretary: Transportation, planning, research and development | 31,163 | 8,300 | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 4, 6b | I |
| U.S. Coast Guard: | | | | | | | |
| Operating expenses | (550,400) | (10,500) | No | Jan. 18, 1973 | Jan. 18, 1973 | 2, 6b | I |
| | 560,700 | 200 | No | Mar. 14, 1973 | Mar. 14, 1973 | 3 | I |
| Acquisition, construction and improvements | 149,685 | 11,736 | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 4, 6b | I |
| Reserve training | (30,465) | (1,270) | No | Jan 18, 1973 | Jan. 18, 1973 | 2, 6b | I |
| | 31,135 | 600 | No | Mar. 14, 1973 | Mar. 14, 1973 | 3 | I |
| Research, development, test, and evaluation | 15,468 | 3,000 | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 4, 6b | I |
| Alteration of bridges | (3,550) | (10,550) | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 4, 6b | I |
| | 5,750 | 8,350 | Yes | Apr. 13, 1973 | Apr. 13, 1973 | 4 | IV [17] |
| Federal Aviation Administration: | | | | | | | |
| Operations | (1,180,393) | (6,000) | No | Jan. 18, 1973 | Jan. 18, 1973 | 2, 4, 6b | I |
| | | (4,000) | Yes | | | | |
| | 1,183,331 | 6,400 | Yes | Mar. 30, 1973 | Mar. 30, 1973 | 4 | I |
| Facilities and equipment (airport and airway trust fund) | 319,962 | 207,631 | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 4, 6b | I |
| Research, engineering, and development (airport and airway trust fund) | 57,493 | 10,000 | Yes | do | do | 4, 6b | I |
| Civil supersonic aircraft development | 800 | 2,153 | Yes | do | do | 4, 6b | I |
| Civil supersonic aircraft development termination | 4,161 | 3,575 | Yes | Jan. 23, 1973 | Jan. 23, 1973 | 4, 6b | I |
| Construction, National Capital airports* | 7,035 | 4,000 | Yes | Mar. 30, 1973 | Mar. 30, 1973 | 4 | |
| Federal Highway Administration: | | | | | | | |
| Highway beautification* | 39,902 | 98 | Yes | Mar. 18, 1973 | Mar. 18, 1973 | 4 | I |
| Darien Gap Highway | 20,000 | 545 | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 4, 5 | I |
| Federal-aid highways | 4,467,000 | 2,477,372 | Yes | Jan. 8, 1973 | Jan. 8, 1973 | 6c | I |
| Right-of-way revolving fund | 50,000 | 122,782 | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 4 | I |
| National Highway Traffic Safety Administration: | | | | | | | |
| Traffic and highway safety | (76,885) | (2,927) | No | Jan. 19, 1973 | Jan. 19, 1973 | 1 | I |
| | 77,250 | 2,669 | No | Mar. 16, 1973 | Mar. 16, 1973 | 1 | I |
| Construction of compliance facilities | (*) | 9,018 | Yes | Jan. 19, 1973 | Jan. 19, 1973 | 4, 5 | I |
| Trust fund share of highway safety programs | (80,924) | (1,073) | No | do | do | 1, 5 | I |
| | 81,032 | 966 | No | Mar. 16, 1973 | Mar. 16, 1973 | 1, 5 | I |
| Federal Railroad Administration: | | | | | | | |
| Bureau of Railroad Safety* | 6,950 | 56 | No | do | do | 3 | I |
| High-speed ground transportation research and development | 42,979 | 15,000 | Yes | Jan. 19, 1973 | Jan. 19, 1973 | 4, 6b | I |
| Grants to the National Railroad Passenger Corporation | 103,100 | 10,000 | Yes | do | do | 4, 6b | I |
| Urban Mass Transportation Administration: | | | | | | | |
| Urban mass transportation fund | 980,000 | 20,000 | Yes | Jan. 17, 1973 | Jan. 17, 1973 | 4, 6b | I |
| Department of the Treasury: | | | | | | | |
| Office of the Secretary: | | | | | | | |
| Construction, Federal Law Enforcement Center | 1,840 | 21,517 | Yes | June 28, 1972 | July 1, 1972 | 5, 6b | I |
| Expenses of settlement of War Claims Act of 1928 | (22) | (-) | Yes | May 30, 1972 | July 1, 1972 | 2 | I |
| | 22 | 2 | Yes | Mar. 16, 1973 | Mar. 16, 1973 | 2 | I |
| Bureau of the Mint: Construction of mint facilities | 1,784 | 2,517 | Yes | Aug. 21, 1972 | Aug. 21, 1972 | 5 | I |
| Atomic Energy Commission: | | | | | | | |
| Operating expenses | 2,861,569 | 307,750 | Yes | Jan. 19, 1973 | Jan. 19, 1973 | 2, 5, 6b | I |
| Plant and capital equipment | 542,871 | 8,530 | Yes | Jan. 19, 1973 | Jan. 19, 1973 | 2, 5 | I |
| Environmental Protection Agency: Operations, research, and facilities | 108,434 | 1,790 | Yes | Jan 4, 1973 | Jan. 4, 1973 | 5 | I |
| General Services Administration: | | | | | | | |
| Real property activities: | | | | | | | |
| Sites and expenses, public building projects | 39,587 | 22,206 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 4 | I |
| Construction, public building projects | 133,213 | 234,309 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 2, 4 | I |
| Property management and disposal: Operating expenses, no-year | 4,418 | 4,000 | Yes | Nov. 30, 1972 | Nov. 30, 1972 | 4 | I |
| General Activities: Indian tribal claims, Office of the Administrator | (1,000) | (800) | No | Nov. 30, 1972 | Nov. 30, 1972 | 1 | I |
| | 1,536 | 264 | No | Mar. 30, 1973 | Mar. 30, 1973 | 3 | I |
| National Aeronautics and Space Administration: Research and development | (2,864,358) | (32,515) | Yes | Sept. 13, 1972 | Sept. 13, 1972 | 2, 4, 5, 6b | I |
| | 2,867,073 | 29,800 | Yes | Feb. 20, 1973 | Feb. 20, 1973 | 2, 4, 5, 6b | I |
| Veterans Administration: | | | | | | | |
| Medical prosthetic research | (75,824) | (4,818) | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 5 | I |
| | 76,994 | 3,648 | Yes | Feb. 15, 1973 | Feb. 15, 1973 | 5 | I |
| Medical administration and miscellaneous operating expenses | 27,952 | 837 | No | Jan. 26, 1973 | Jan. 26, 1973 | 1 | I |
| Construction, major projects | 65,993 | 60,000 | Yes | Dec. 20, 1972 | Dec. 20, 1972 | 5 | I |
| Construction, minor projects | 50,000 | 5,000 | Yes | Dec. 20, 1972 | Dec. 20, 1972 | 5 | I |
| Other independent agencies: | | | | | | | |
| District of Columbia: | | | | | | | |
| Loans for capital outlay, metropolitan areas sanitary sewage work funds | 6,252 | 300 | Yes | Aug. 7, 1972 | Aug. 7, 1972 | 4 | I |
| Loans for capital outlay, sanitary sewage | 28,000 | 4,285 | Yes | Aug. 7, 1972 | Aug. 7, 1972 | 4 | I |
| Loans for capital outlay, water fund | 8,433 | 2,360 | Yes | Aug. 7, 1972 | Aug. 7, 1972 | 4 | I |
| Loans for capital outlay, general fund | 137,000 | 6,758 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 4 | I |
| Federal Communications Commission: Salaries and expenses | (35,443) | (460) | No | Sept. 5, 1972 | Sept. 5, 1972 | 5 | I |
| | 35,905 | | NA | Feb. 8, 1973 | Feb. 8, 1973 | 10 | V |
| Federal Metal and Nonmetallic Mine Safety Board of Review: Salaries and expenses | 75 | 85 | No | Sept. 8, 1972 | Sept. 8, 1972 | 1 | I |
| Federal Trade Commission: Salaries and expenses | 29,874 | 400 | No | Sept. 21, 1972 | Sept. 21, 1972 | 5 | I |
| Foreign Claims Settlement Commission: Salaries and expenses | 693 | 50 | No | Nov. 14, 1972 | Nov. 14, 1972 | 1 | I |
| Payment of Vietnam and USS Pueblo prisoner of war claims | 23 | 150 | Yes | Sept. 2, 1972 | July 1, 1972 | 1 | I |
| American Revolution Bicentennial Commission: Commemorative activities fund | 3,960 | 5,690 | Yes | Nov. 28, 1972 | Nov. 28, 1972 | 5 | I |
| International Radio Broadcasting: International radio broadcasting activities | 38,520 | 275 | No | Nov. 6, 1972 | Nov. 6, 1972 | 2,6e [16] | I |
| National Science Foundation: | | | | | | | |
| Salaries and expenses | 611,273 | 60,400 | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 2,5, 6b | I |
| Scientific activities, special foreign currency program | 5,000 | 2,000 | Yes | Jan. 18, 1973 | Jan. 18, 1973 | 2 | I |
| Railroad Retirement Board: Limitation on Railroad Unemployment Administration fund | 8,568 | 4,820 | Yes | July 1, 1972 | July 1, 1972 | 6e [11] | I |
| The Renegotiation Board: Salaries and expenses | 4,842 | 45 | No | Sept. 5, 1972 | Sept. 5, 1972 | 5 | I |
| Small Business Administration: | | | | | | | |
| Salaries and expenses | (107,232) | (3,217) | No | Nov. 24, 1972 | Nov. 24, 1972 | 1, 2, 6b | I |
| | 107,732 | 2,717 | No | Mar. 28, 1973 | Mar. 28, 1973 | 2, 6b | I |
| Business loan and investment fund | 593,678 | 48,017 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 2, 4, 6b | I |
| Temporary Study Commissions: | | | | | | | |
| Commission on executive, egislative, and judicial salaries; salaries and expenses. | (25) | (75) | No | Jan. 11, 1973 | Jan. 11, 1973 | 5 | I |
| | 50 | 50 | No | Apr. 4, 1973 | Apr. 4, 1973 | 5 | I |
| Commission on the Organization of the Government for the Conduct of Foreign Policy: salaries and expenses. | (13) | 200 | No | Nov. 30, 1972 | Nov. 30, 1972 | 5 | I |

Footnotes at end of table.



XUM

BUDGETARY RESERVES—AS OF APR. 14, 1973—Continued

[Dollars in thousands]

[General notes.—Amounts in parenthesis ( ) indicate actions superseded by later apportionment actions. An asterisk (*) indicates an account added to the list since the last report]

| | Amount apportioned | Amount in reserve | Available beyond fiscal year 1973? | Date of reserve action | Effective date of reserve | Reason for reserve action (see code) | Estimated fiscal, economic, and budgetary effect (see code) |
|---|---|---|---|---|---|---|---|
| Other independent agencies—Continued | | | | | | | |
| Tennessee Valley Authority: Tennessee Valley Authority Fund | 94,564 | 22,318 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 6a, 6b, 6c | 1 |
| United States Information Agency: | | | | | | | |
| Salaries and expenses, special foreign currency program | 12,186 | 2,533 | Yes | Nov. 22, 1972 | Nov. 22, 1972 | 4 | 1 |
| Special international exhibitions | 5,827 | 667 | Yes | Nov. 22, 1972 | Nov. 22, 1972 | 4 | 1 |
| Special international exhibitions, special foreign currency program | 391 | 6 | Yes | Nov. 22, 1972 | Nov. 22, 1972 | 4 | 1 |
| Water Resources Council: Water resources planning | 6,486 | 863 | Yes | Jan. 26, 1973 | Jan. 26, 1973 | 2, 5, 6b | 1 |

[1] Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

[2] Public Law 92-571, "Making further continuing appropriations for fiscal year 1973, and for other purposes," includes a limitation on obligations of $5 million. The reserve will remain in effect until Congress completes final action on its annual limitation on the Foundation's activities.

[3] Public Law 92-399, "Agriculture-Environmental and Consumer Protection Appropriation Act, 1973" requires the creation of certain reserves pending such circumstances as the provision of matching funds by the States, the determination of qualified and necessary projects, the determination of the availability of qualified personnel and the determination of need.

[4] The Census of Agriculture has been postponed until 1977 to coincide with the economic censuses.

[5] Fees deposited to the interstate land sales account are used only to the extent funds are not sufficient in the appropriation for salaries and expenses, housing production and mortgage credit programs.

[6] The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

[7] No improvements are currently necessary (see footnote 6).

[8] 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.

[9] Construction is deferred pending evaluation of the alternatives of lease versus direct construction.

[10] Public Law 92-544, "Department of State Appropriation Act, 1973" provides these funds for the activities of a commission. However, Public Law 92-394, "United States Information and Educational Exchange Act of 1948, Amended" authorizes funds in this account to be spent only on grants.

[11] 45 U.S.C. 361 authorizes the Railroad Retirement Board to use funds from the unemployment trust fund of 0.25 percent of the taxable payroll of railroad workers for the administrative expenses of operating the railroad unemployment insurance fund. The amount apportioned represents the actual requirements. If the remainder of this formula-based authorization (currently in reserve) is not needed, it will be returned to the unemployment trust fund.

[12] The Commission is not yet in operation.

[13] The level of obligations for the account will be approximately $1.5 million above the budget estimate for fiscal year 1973 due to a reestimate of actual commitments incurred prior to the beginning of the 18-month housing moratorium.

[14] The level of obligations for the cooperative forest fire control program will be approximately $4 million above the budget estimate for fiscal year 1973 in order to maintain equitable funding to the States.

[15] The level of obligations for this account will be approximately $25 million above the budget estimate for fiscal year 1973 in order to take emergency actions designed to diminish flood damage in the Great Lakes basin.

[16] The level of obligations in this account will be approximately $22 million above the budget estimate for fiscal year 1973 due to a final accounting of actual commitments incurred prior to the beginning of the 18-month housing moratorium.

[17] The level of obligations in this account will be approximately $2.25 million above the budget estimate for fiscal year 1973 in order to provide the Federal share of funds required to make the necessary alterations at the site of a recent shipping accident.

Source: Federal Register, vol. 38, No. 89—Wednesday, May 9, 1973 [FR Doc. 73-8930 Filed 5-8-73; 8:45 am].

EXHIBIT 2

[From the CONGRESSIONAL RECORD, Mar. 6, 1973]

SENATE CONCURRENT RESOLUTION 14—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO NATIONAL PRIORITIES

(Referred to the Committee on Government Operations.)

Mr. HUMPHREY. Mr. President, I am introducing today a resolution on national priorities that I believe will help prevent an era of retrenchment and retreat on the pressing domestic problems in our country.

This resolution would call for a fiscally responsible Federal budget for fiscal 1974 while at the same time placing the Congress clearly on record for reduced military expenditures and a reformed tax system. It would provide a means for meeting our domestic needs in public employment, health care, urban rehabilitation, rural economic development, housing, education, and pollution control.

Mr. President, this resolution squarely challenges the assumption that, in a time of peace, the United States must have a bigger and higher military budget. It certainly is an ominous sign that at the time when the energies so long postponed by the Vietnam war should be turned to the problems at home, the fiscal year 1974 budget ushers in an era of domestic retreat.

We saw the same thing happen after the Korean war in the 1950's. We should have moved ahead then—on our domestic problems. We did not, and in part, the problems of the 1960's resulted from the indifference of the 1950's.

We simply cannot allow that to happen in the 1970's.

Under my resolution, we can take the first step toward meeting the responsibilities of the 1970's.

This resolution expresses the sense of Congress that $5 to $7 billion can be pared from the military budget in such areas as weapons procurement, weapons research and development, and by economizing in foreign assistance and space programs, and that through the elimination of unwarranted tax preferences in the internal revenue code another $5 to $7 billion in revenues can be produced.

We can use these funds to promote full employment, quality education and health care, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunity for all Americans.

We can do these things while at the same time providing, through a fiscally responsible Federal budget, for the promotion of national security, stable prices, and tax justice. We can place the additional dollars realized through the paring of nonessential defense expenditures and the elimination of unwarranted tax preferences, into programs to meet vital domestic human needs.

In short, through a rearrangement of priorities, we can fund some of the programs that the Nixon administration refuses to fund.

And, we can do so without increasing the Federal deficit.

Mr. President, I am asking for nothing more than that the Congress apply the same standards toward defense, space, military assistance, and tax subsidy budgets that the President has applied to domestic programs.

We have streets that need repair. We have critical air and water pollution problems to solve. We have poverty and racial injustice to overcome. We have massive housing and transportation problems. We have serious health needs and educational needs.

These are the priorities before us. These are the challenges of our time. And we must seize the opportunity now to target Federal funds effectively in serving these vital national interests. That is the purpose of my national priorities resolution.

I ask unanimous consent that a copy of my resolution be printed at this point in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 14

*Resolved by the Senate (the House of Representatives concurring)*, Expressing the sense of Congress that certain economizing and tax reform measures shall be taken to assure through a fiscally responsible Federal Budget for Fiscal 1974 effective action to promote national security, stable prices, tax justice, full employment, quality education and health care, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunity for all Americans.

Whereas the Constitution of the United States places the power of the purse in the Congress of the United States and requires the President to "take care that the laws be faithfully executed," and

Whereas it is in the national interest that the Legislative and Executive Branches work in harmony to promote prosperity and opportunity for the American people, and

Whereas the priorities, revenue policies and spending decisions of Federal Government play a critical role in assuring the health of the economy, equal opportunities for all citizens, a secure national defense, and a high quality of public services, and

Whereas control of inflation requires fiscal responsibility, the avoidance of unjustified deficit spending and the most prudent use of taxpayers' dollars, and

Whereas the Federal Budget for Fiscal 1974 and future budget projections call for the expansion of military programs but the elimination or drastic reduction of some $14 billion in domestic programs annually notwithstanding the cessation of hostilities in Vietnam, and

Whereas it is estimated that the Administration's budget requests for military, foreign assistance and space budgets can be reduced by between $5 to $7 billion without danger to our national security and without jeopardizing our international commitments, and

Whereas it is recognized by Treasury Department officials, the appropriate Committees of Congress and recognized experts that minimal, long overdue tax reform can produce $5 to $7 billion in new revenues and without increasing the tax burden of the average taxpayer, and

Whereas unilateral elimination or reduction by the Executive of federal domestic programs, contrary to law, without thorough evaluation of those programs by the Legislative Branch neither serves the national interest nor complies with the spirit or letter of the Constitution: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that (1) equally rigorous economies shall be applied by Congressional review to military, foreign assistance, space programs, and unwarranted tax preferences.

(2) Congress shall set as a target for action by the relevant committees with respect to the proposed Federal Budget for Fiscal 1974,

(a) the realization of savings of $5 to $7 billion by paring unneeded weapons procurement, weapons research and weapons development, by reducing excessive forces in the military, and by economizing in foreign assistance and space programs, and (b) the elimination of unwarranted tax preferences in the Internal Revenue Code, to produce additional revenues of $5 to $7 billion.

(3) These budgetary resources—all within a fiscally responsible and non-inflationary budget ceiling as developed by the Congress—shall be redirected to promote full employment, quality education and health care for citizens, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunities for all Americans, with particular but not exclusive emphasis given to providing for health care and national insurance coverage of health care costs for all Americans, expanded public service job opportunities, improvements in public assistance and social services programs, increased federal assistance for housing, education, and the rehabilitation of urban areas, adequate law enforcement, the promotion of rural economic development, and new programs designed to improve the living conditions of American working families.



EXHIBIT 3

[From the New York Times, Apr. 25, 1973]

THE HELMSMAN ON THE RIGHT COURSE

(By Roy Ash)

WASHINGTON.—Sir Winston Churchill once remarked: "What's the use of being a famous race and nation if, at the end of the week, you can't pay your housekeeping bill?"

By most of the usual statistics, the second Nixon Administration is off to an excellent start. More than 82 million of our men and women are at work. Our average per capita income rose by almost 8 per cent last year. Unemployment is down from 6 per cent to 5.1 per cent.

The gross national product is currently exceeding $1.2-trillion—and we are growing at a rate of almost 7 per cent. Because the country is already so enormous, this means that just the increment added to our economy this year will be as great as the entire economy of Italy.

The Nixon policies have succeeded in reducing the rate of inflation from 6.7 percent when the President took office to 2.9 per cent today. Despite the rise in food prices, it is a meaningful truth that the United States still has one of the slowest rates of inflation in the world.

Confidence for the future is high. America's morale is also high. Now more than ever, our people are proud of their heritage, proud of their country, proud of their communities, proud of their role in the world, proud of their championing of freedom.

At the helm, Americans have a realistic President who knows where he is going as well as the right course for the nation.

"The difference is between change that works and change that doesn't work," he said during the 1972 Presidential campaign.

But it takes discipline to hold out for what is right in the face of persons who would yield to any popular expediency to the nation's detriment.

For example, when the President pledged to hold the Federal spending line at $250 billion in fiscal 1973 and $268 billion in fiscal 1974, he was greeted by howling cries of sour grapes by some members of Congress and in segments of the media.

But let's look at the facts. The Federal budget, which stood at some $100-billion in 1965, has increased two and a half times in less than a decade. Surely it can be perceived what a continuation of this rate of increase would mean to America in the 1970's, 1980's and 1990's? It would mean higher taxes and higher prices for one thing. And well before the end of the century it would mean a trillion-dollar Federal budget: a Federal establishment as big as our entire economy is at present.

The American people are able to envision what will happen. The Harris Poll recently found 59 per cent of the people in agreement with the statement that "President Nixon is right in saying that inflation cannot be controlled unless Federal spending is cut to the bone." The Market Opinion Research Poll finds 74 per cent in favor of holding down taxes rather than spending more money for unworkable social programs.

The route that the big spenders in the Congress threaten to take would mean a 15 percent surcharge on every American's income tax—and on this one, the Sindlinger Polls finds only 16.8 per cent willing to pay the tax to support such programs.

Why then do the critics persevere? Surely, they can measure the fact that President Nixon is currently budgeting 66 per cent more to help the poor than did President Johnson, 67 per cent more to help the sick, 71 per cent more to help the aging, and more than 130 per cent more to help the hungry and undernourished?

The fact is that some people—a hardcore minority—are still campaigning for Senator McGovern—not the man, but the giveaway programs that were central to the movement.

The fight that is still being waged in America is not the battle of the budget but a rearguard action of a new minority trying to ignore an election in which they were repudiated by 62 per cent of the American people.

All of those who support the President's position on the budget battle must now raise voices, as they did so convincingly last November, against the bankrupting of America. The battle is being waged on Capitol Hill. If you really care about your family budget, it's time you let your Congressman know where you stand on runaway Federal spending.

For wage earners, now is income.

Wage-earners should look at how much Federal taxes they are paying now and ask whether they are willing to pay more taxes next year. You'll have to pay more if the budget busters in Congress have their way.

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ROTH. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 12, line 20, delete all after the word "shall", and all through page 13, line 14. In its place, insert "immediately cease the impounding of any budget authority set forth in each special message, or any portion thereof, if, within sixty calendar days of continuous session after the date on which the message is received by the Congress, the specific impoundment, or any portion thereof, shall have been disapproved by a majority vote of both the Senate and the House of Representatives in a concurrent resolution in accordance with the procedures set out in section 5 of this Act. The effect of such disapproval shall be to make the obligation of that specific budgetary authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the Congress by its disapproval has thereby rejected."

On page 15, delete line 8 and all through line 14, and renumber subsequent sections accordingly.

Mr. ROTH. Mr. President, I ask unanimous consent that my assistant, Nathan Hayward, be permitted to remain in the Chamber during the debate and vote on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, my amendment is very short and straightforward. It would provide that the President is required to cease any impoundment only if within 60 days after receipt of the impoundment message, Congress disapproves the impoundment of any portion by passing a concurrent resolution.

This amendment is identical to a measure I proposed when we considered S. 373 as an amendment earlier this year.

For Congress to be really responsible I feel we must reverse the major thrust of title I of the bill, which says impoundments must cease after 60 days unless Congress specifically approves of them.

I do not intend to debate this amendment extensively. The Senate has considered my proposal at the earlier time after some extensive dialog. At the same time I want to stress the importance of this language.

I would like to join with my colleague, the senior Senator from Virginia, in stating my great concern over runaway Federal spending. We face a serious erosion in public confidence today, for our economy has floundered in the wake of rampant and persistent inflation.

I agree that the White House cannot completely blame Congress nor can Congress put all the blame on the White House, because we are jointly responsible for the continuation of large Federal deficits.

Budgetary reform is absolutely essential. Last year we had a serious debate on the question of a spending ceiling. In the final analysis, Congress turned it down even though both the House and the Senate had adopted its own version. I was pleased though, that even without a ceiling for fiscal year 1973, Congress did set up a joint committee of 32 Members to make specific recommendations on how we can get a firmer handle on Federal spending.

I have been honored to serve as a member of the joint committee. As Members of the Senate well know, this committee has come forth with its final recommendations and a bill embodying its thinking has been introduced by Senator MCCLELLAN.

We have been derelict in the past, and I am hopeful that this will be the year we establish a legislative budget and set the priorities within it.

In addition, there are 15 other pro-

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posals before the Subcommittee on Budgeting of the Government Operations Committee. The Senator from Montana (Mr. METCALF) has called for a markup on these bills and hopefully the full committee will report legislation soon.

Frankly, I regret that we are acting today on the impoundment bill, because of its close interrelationship with these other budgetary measures. It would be better if we were to postpone any action on this legislation, until after Congress has decided what it is going to do on the whole problem of the Federal budget.

But in any event, if we are going to proceed with the impoundment legislation, I think we should reverse the approach and make it necessary for Congress to disapprove any impoundments rather than to say that the impoundment fails unless Congress acts affirmatively.

I strongly agree with the senior Senator from Virginia when he says that Congress shares the responsibility for large deficits with the White House. The record of heavy deficits in the past several years is a national disgrace, for which the public is paying through higher prices. For that reason I think, if we are going to limit impoundments, we ought to do so by allowing the President to act when he is trying to be fiscally responsible.

This bill could put the President in a very difficult spot. We live all the time with a legislated debt ceiling, which the President, under the Constitution, is required to obey. Yet under this legislation we are saying that he cannot exercise his obligation to adhere to that ceiling by impounding funds overspent by Congress, unless the Congress specifically approved. We are putting the President on the horns of a dilemma. If he does not live within the debt ceiling, he is violating his congressional directive. On the other hand, he could not impound without affirmative approval from Congress.

I do not intend to engage an extensive debate, but I should point out that my amendment endorses the same approach taken by the chairman of the House Appropriations Committee, a distinguished Member of the other House and a member of the same party as the principal sponsors of this legislation today.

I agree with the chairman of the House Appropriations Committee that this is a sound approach. If we are going to limit impoundments it will give the President authority to act when necessary to keep a fiscally sound house. At the same time it will enable Congress to disapprove any such impoundment, if it so chooses, within the same 60-day limit.

Mr. ERVIN. Mr. President, I find myself in agreement with the views of my distinguished friends Senator ROTH of Delaware, and Senator BYRD of Virginia, to the effect that during recent years both the President and the Congress have been irresponsible in financial matters, in that the President has recommended, and the Congress has enacted, programs and appropriations which both the President and the Congress knew would only be financed by deficit financing.

I also share in large measure the concern which both of my friends have expressed about the necessity of Congress taking affirmative steps to set its financial activities in order.

The point that I am urging in respect to the impoundment bill is that this bill is designed to protect something which is more valuable to the people of the United States than money. That is the Constitution of the United States.

The Constitution of the United States vests the power of the purse in Congress alone, subject to the power of the President to veto any bill authorizing an appropriation or any bill which makes an appropriation that he deems unwise. When the President exercises the veto power, Congress has the power under the Constitution to override his veto by a two-thirds majority vote of both Houses of Congress. There is not a syllable in the Constitution which gives the President any power to impound any money.

The President ought to welcome the passage of S. 373 in its present form, because for the first time in our history it sets up a procedure by which impoundments can be made and can be regulated, as in the pending bill, because the President is given in effect, the power of an item veto. The veto power as set forth in the Constitution was a sufficient check in this respect in the early days of the Republic, when Congress appropriated only sufficient funds to pay the salaries of a few Federal officials, and the country had to maintain a small Army and a small Navy. That process by way of veto is not sufficient to deal with a condition by which Congress enacts an authorization bill or an appropriation bill which deals with, say, 50 programs, and the President thinks that one of the programs is unwise, but has to veto all the other 49 programs in order to veto the one program of which he disapproves.

I say that this bill is necessary to preserve the Constitution. The sad truth is that beginning about the first of this year the President undertook to usurp and exercise powers denied to him by the Constitution and to impound funds which had been appropriated by Congress, with his approval in most instances, for the fiscal year which began last July 1 and will end on June 30 of this year.

I believe in economy in government. I think the President made a fundamental mistake, however, in attempting to nullify appropriations made by Congress for the current fiscal year, when his actions necessitated the impounding of funds which had been committed, in many instances, to States or local subdivisions of government. Such commitments having been made on the face of the fact that when Congress appropriates money and the President signs the bill into law, the people are the beneficiaries of those appropriations or the object of those appropriations and have a right to believe that the Government will keep its plighted word as set forth in the appropriation bill.

We have had during recent days four judicial decisions, one of them taking the position that the President in impounding certain funds or attempting to curtail certain programs, has exceeded his legal and constitutional powers.

One of those cases is a case decided by the U.S. Circuit Court of Appeals for the Eighth Circuit. That decision held that the action of the administration in impounding highway trust funds was illegal.

Another of those cases is a decision in the U.S. District Court of Minnesota which held that the act of the administration in impounding disaster loan funds was illegal.

Another of those decisions is the decision of the U.S. district court sitting in the District of Columbia that the termination of the OEO programs by the President without the consent of Congress is illegal.

The fourth is a decision just handed down by the U.S. district court sitting in the District of Columbia that the impoundment of water pollution control funds was illegal.

Mr. President, when I first started to study this impoundment question in 1971, I introduced a bill containing a provision similar to that proposed by the amendment of the distinguished Senator from Delaware, that an impoundment of funds should be valid unless it was affirmatively vetoed by the Congress within 60 days.

After I studied this subject of impoundment and received the advice of competent constitutional and legal scholars in respect to it, I abandoned that concept. And for that reason I introduced a bill, which has been amended, to provide that an impoundment of funds or obligational authority by the President is illegal, unless sanctioned by the Antideficiency Act or unless Congress affirmatively ratifies the impoundment within the 60-day period.

Mr. President, I would like to state to the Senate very briefly why I changed the provision of the bill from a veto by the Congress to the requirement that there be an affirmative ratification of the impoundment by the Congress. We have an expression down in North Carolina that the people ought not to make monkeys of themselves. And I think that this amendment, if adopted, would mean that the Senate more or less would be making monkeys of themselves.

In the first place, as I stated at the outset, Congress has the undoubted power of the purse under the Constitution. It is conceivable that Congress might have to vote four times before it could make it obligatory upon the executive branch of the Government to spend a single penny of the appropriated funds in a given instance. If the amendment offered by my good friend, the Senator from Delaware, were to be adopted, it is conceivable that Congress would have to vote six times before it could require the executive branch of the Government to spend a single penny of funds appropriated by Congress.

Why do I say that? Before Congress makes an appropriation, it passes, after committee consideration in both Houses, by a majority vote in both Houses a bill authorizing the Congress to make an appropriation. This authorization bill has to be passed the first time by a majority vote of both Houses to be valid. After it has passed both Houses by a majority vote, the authorization bill can be vetoed by the President. Then Congress has to vote a second time by a two-thirds majority vote of both Houses to make the authorization bill effective.

So, we have two possible votes under the Constitution in respect to an authorization bill, a bill which merely authorizes Congress subsequently to make an appropriation.

After these two votes which may be had under the Constitution in its present form, Congress has to pass an appropriation bill. The appropriation bill receives committee consideration in both Houses of the Congress and must be passed in the first instance by a majority of both Houses of Congress. So, that is the third vote we have under the Constitution.

After the appropriation bill is passed by a majority vote of both Houses of Congress, the President is empowered by the Constitution to veto an appropriation bill. If he does this, Congress must then pass the appropriation bill a second time, and by a two-thirds majority vote in both Houses of the Congress. This makes it possible that we may have to have four votes by both Houses of the Congress to make an appropriation bill effective.

Now, under the bill which would require an affirmative ratification by a majority vote of both Houses of the Congress in the event the President impounds funds, the first four votes, including the two overriding the vetoes, would require the President to spend the appropriated funds which had been four times either authorized or appropriated by Congress unless Congress within 60 days were to affirmatively ratify the impoundment.

In other words, the bill would make it possible for Congress to exercise the power given it by the Constitution after it had to vote four times to have its exercise of the power made effective.

If the amendment of the distinguished Senator from Delaware were to be adopted, Congress would have to vote a fifth time. It would have to vote by a majority vote to approve for the fifth time the expenditure of funds which Congress desires to have made.

Under the Constitution, which has to be respected, four previous votes could be had. Why should we have a fifth vote unless Congress is going to rescind what it has already said four times that it desires to do?

That does not stop the voting. The amendment of my friend from Delaware calls the fifth measure a concurrent resolution. I say with all due deference to all concerned that it is not a concurrent resolution. It is a joint resolution, and I say that because it has a legislative effect.

I find support for this position from a strange source: the Deputy Attorney General of the United States. When the Subcommittee on the Separation of Powers of the Committee on the Judiciary and the Government Operations Committee were considering my bill, when it had a provision in it identical with that which the Senator from Delaware proposes by his amendment, Deputy Attorney General Sneed said this:

I also view the "concurrent resolution" feature of the bill as raising constitutional doubts, because it constitutes an effective exercise of legislative power not subject to Presidential veto. This bill varies from legislation such as the Reorganization Act and the Federal Pay Comparability Act of 1970, under which Executive action reported to Congress becomes effective if neither House objects. Under this bill the Executive action is "ratified" only if Congress takes affirmative action by adopting a concurrent resolution approving the impoundment.

Although it is not to be expected that the President would veto approval of an impoundment if it were accomplished in the form of a joint resolution, nevertheless approval is congressional action which relieves the President from the restrictions of a statute and hence is necessarily legislative in character. If it were not of a legislative nature the dispensation would not even be within the competence of Congress. Article I, section 7, clauses 2 and 3, prescribe the manner in which Congress shall take action of a legislative nature. The measure must be passed, or concurred in, by both Houses and presented to the President. Indeed, Article I, section 7, clause 3, of the Constitution, which requires presentation to the President of "every Order, Resolution or Vote to which the concurrence of the Senate and the House of Representatives may be necessary," was included in the Constitution to save the President's veto power from being circumvented by giving legislative proposals a name other than "bill."

These statements by Deputy Attorney General Sneed appear on pages 369 and 370 of hearings on this bill, and sustain my position that after Congress has voted a fifth time to have the Executive spend money, the President can veto the so-called concurrent resolution, and then Congress has to express its will for the sixth time, and for the third time by a two-thirds majority of both Houses over a Presidential veto.

My good friend from Delaware thinks that he can avoid the Constitution by calling this joint resolution a concurrent resolution. He can no more do that than I can make an onion a flower by calling it a rose.

In further substantiation of my position that this so-called concurrent resolution is a resolution which must be submitted to the President for approval or veto, I read these words from what is perhaps the latest voluminous discussion of the Constitution, by Bernard Schwartz. They appear in volume II of his book on the Constitution entitled, "The Powers of Government." I read from pages 32 and 33:

Under Article I, section 7, "Every Bill" and "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary" must be presented to the President for his approval or veto. It would be hard to conceive of language which more clearly requires that all Congressional action be sent to the White House. Yet, despite the breadth of the organic language, it is settled that not every measure passed by the Congress must be presented. In the first place, by the very terms of the provision, the requirement does not apply to measures affecting only a single House, such as those relating to procedure or organization, as well as resolutions of such House alone which have no legislative effect. In addition, it is settled that a proposed constitutional amendment passed by the two Houses need not be presented to the President. This has been established since 1798, when Justice Chase stated that "The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition, or adoption, of amendments to the Constitution."

More important than these exceptions to the requirement of Presidential approval is that concerning so-called "concurrent resolutions." Though the organic language on the matter expressly covers "Every Resolution" passed by both Houses, it has long been settled that only so-called "joint resolutions" need be sent to the President. As it has been interpreted by Congressional practice itself, a joint resolution is any resolution which has the force of law. The term, "concurrent resolution," is applied to resolutions which have no legislative effect, but are merely hortatory or expressive of the opinion of the Houses, or involve only legislative mechanics, such as printing matters, setting up joint committees, and the like.

I digress from reading to emphasize that this is an important point to be observed, because it points out the distinction between resolutions which require Presidential approval and resolutions which do not.

I resume reading:

The test of whether a resolution passed by both Houses must be sent to the President is whether it contains matter which is properly to be regarded as legislative in its character and effect. If it does, it is a joint resolution which must be presented for Presidential approval; if it does not, it is a concurrent resolution, which need not be. Regardless of form, no resolution of the two Houses can be given any legislative effect, if it has not been approved by the President, or passed by the required majority over his negative.

What I have quoted from the remarks of Deputy Attorney General Sneed and from the book of Bernard Schwartz makes it as clear as the noonday sun in a cloudless sky that the resolution which the amendment calls for is, in the constitutional sense, a joint resolution which must be presented to the President for his approval or veto, and which must be passed over his veto by a two-thirds majority of both Houses if the President vetoes it.

So I say in all seriousness, in a very familiar North Carolina idiom, that the Senate would be making a monkey of itself if it adopted a resolution that requires the Senate to vote six times by either a majority or a two-thirds majority of both Houses of Congress to make effective its power of the purse and compel the Executive to spend a single penny of appropriated funds.

It is a serious enough difficulty to have to pass an authorization bill twice, once by a two-thirds majority over a veto, and an appropriation bill twice, once by a two-thirds majority over a veto. The Senate and Congress should not make monkeys of themselves by adopting an amendment which would require two more votes.

Therefore, I sincerely hope that the Senate will reject the amendment.

Mr. ROTH. Mr. President, I should like to get the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. JOHNSTON). Does the Senator wish to make that motion?

Mr. ROTH. I do not believe there are sufficient Senators in the Chamber to do so, so I shall delay my request.

Mr. President, I ask unanimous consent that the amendments be considered en bloc inasmuch as there are two parts to it.

The PRESIDING OFFICER. Is there



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objection to the request of the Senator from Delaware?

Mr. ERVIN. I have no objection.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. ERVIN. Does the Senator wish to request a quorum call now?

Mr. ROTH. I would like to reply briefly first.

Mr. President, during the prior debate on the impoundment legislation, this question was considered at great length.

I have great respect for the Senate's leading constitutional expert, the distinguished Senator from North Carolina (Mr. ERVIN), but I would point out that in our earlier discussion on this issue, the Parliamentarian ruled that a concurrent resolution would not require Presidential action.

In any event, my amendment would not require a fifth or sixth vote on the entire spending bill. The average appropriation involves many different line items covering many different departments. For example, one includes agriculture, the environment, consumer protection, and so forth. But should the President be forced to impound, it is highly unlikely that he would impound an entire appropriation bill.

So, to argue that we will have to vote a fifth or sixth time is, in my judgment, contrary to fact. We will have a much narrower issue to debate, that is true, but I, for one, think it is perfectly proper that Congress be forced to say yea or nay upon any specific impoundment challenged. This is not a waste of time.

I have already pointed out what I feel to be a major inconsistency. In title I, we provide that if the President withholds funds under the Antideficiency Act, Congress would not be required to take further action.

We also provide in title II of this legislation that for fiscal year 1974, impoundments made to stay within a spending ceiling would not be subject to congressional challenge.

Mr. President, now that a sufficient number of Senators seem to be in the Chamber, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROTH. But, Mr. President, as I was saying, we have taken account of both the antideficiency and spending ceiling statutes, but neglected to give the President the necessary leeway to comply with a debt ceiling, should Congress mandate spending that would breach the legal debt limit.

We should be willing to vote any number of times if it becomes necessary, to show that we are aware of our responsibilities and are not acting without prudence.

We are not hesitating to vote two different times on this legislation. We adopted this bill as an amendment to the par value modification bill just about a month ago, yet no one seems to be complaining that we are considering it again as a separate bill. We should not shirk our responsibilities simply because they might require some additional votes.

I believe, Mr. President, that this legislation will be immeasurably strengthened if my amendment is adopted and I urge its adoption.

I yield back the balance of my time.

The PRESIDING OFFICER (Mr. BARTLETT). The question is on agreeing to the amendments en bloc of the Senator from Delaware (Mr. ROTH).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY) and the Senator from Alaska (Mr. GRAVEL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), the Senator from Florida (Mr. GURNEY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent on official business.

The Senator from New Mexico (Mr. DOMENICI) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from New Mexico (Mr. DOMENICI) would each vote "yea."

The result was announced—yeas 30, nays 58, as follows:

[No. 131 Leg.]

YEAS—30

| | | |
|---|---|---|
| Aiken | Cook | Roth |
| Allen | Dole | Saxbe |
| Baker | Dominick | Scott, Pa. |
| Bartlett | Fong | Scott, Va. |
| Beall | Goldwater | Stafford |
| Bellmon | Griffin | Taft |
| Bennett | Hansen | Thurmond |
| Brock | Helms | Tower |
| Buckley | Hruska | Young |
| Byrd, Harry F., Jr. | McClure | |
| | Pearson | |

NAYS—58

| | | |
|---|---|---|
| Abourezk | Hathaway | Moss |
| Bayh | Hollings | Muskie |
| Bentsen | Huddleston | Nelson |
| Biden | Humphrey | Nunn |
| Brooke | Inouye | Packwood |
| Burdick | Jackson | Pastore |
| Byrd, Robert C. | Javits | Pell |
| Case | Johnston | Percy |
| Chiles | Kennedy | Proxmire |
| Church | Long | Randolph |
| Clark | Magnuson | Ribicoff |
| Cranston | Mansfield | Schweiker |
| Eagleton | Mathias | Sparkman |
| Eastland | McClellan | Stevenson |
| Ervin | McGee | Symington |
| Fulbright | McGovern | Talmadge |
| Hart | McIntyre | Weicker |
| Hartke | Metcalf | Williams |
| Haskell | Mondale | |
| Hatfield | Montoya | |

NOT VOTING—12

| | | |
|---|---|---|
| Bible | Domenici | Hughes |
| Cannon | Fannin | Stennis |
| Cotton | Gravel | Stevens |
| Curtis | Gurney | Tunney |

So Mr. ROTH's amendments were rejected.

Mr. ERVIN. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. MUSKIE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. BELLMON. Mr. President, I yield to the majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I would like to ask unanimous consent that there be a time limitation of 30 minutes on each amendment, the time to be equally divided between the manager of the bill, the Senator from Maine in this instance, and the sponsor of the amendment, under the usual rule.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object—I want to say that as far as I know, on our side there is only one amendment still to be offered, the amendment of the Senator from Oklahoma. If there are other amendments I am not aware of them. As far as I know this would be a satisfactory arrangement and it would enable us to complete the bill this afternoon. As I understand it, we are going over until Monday if we finish the bill today.

Mr. MANSFIELD. The Senator is correct, although, if possible, there is another bill we would like to get through today, but there are no further votes after this bill.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I have heard it is proposed to bring up the HMO bill on Monday.

Mr. MANSFIELD. That is correct.

Mr. JAVITS. I find myself in difficulty on that, and I would like to discuss the matter with the leadership.

Mr. MANSFIELD. I would just as soon discuss it now in the open, because the calendar is once again getting bare. We would like to lay that bill before the Senate today and make it the pending business for Monday. We will not be in session tomorrow. That is about the only way we can operate. This is a bill of some significance.

Mr. JAVITS. It is not a matter of convenience to me. I am due to conduct hearings on the drug situation for the Committee on Labor and Public Welfare in New York. Hearings are scheduled, witnesses are scheduled, and so forth. This is not a matter of personal convenience.

Mr. MANSFIELD. But the Senator must be aware of the fact that the business of the Senate in the Senate must take precedence. We have a calendar to take care of. I think it is a matter of taking up these things as they come along and I hope that as always the distinguished Senator understands the position in which the joint leadership finds itself.

Mr. JAVITS. I will discuss the matter with the leadership.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?



Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not think this is probably necessary—but what if there should be an amendment to an amendment?

Mr. MANSFIELD. I would say 20 minutes on an amendment to an amendment, motions, and the like.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Is the Senator from Oklahoma going to ask for the yeas and nays on his amendment?

Mr. BELLMON. Yes.

Mr. MANSFIELD. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. May we have the amendment stated first?

Mr. MANSFIELD. Mr. President, I ask that it be in order at this time to ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

Mr. GRIFFIN. Mr. President, if the Senator will withhold that, I understand the Senator from Oklahoma is going to ask for a division of the question on final passage.

Mr. MANSFIELD. I withhold the last request.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 21, line 6, following the period at the end of the sentence insert the following: "In subsequent years, after the submission of the Budget of the United States Government and after considering the recommendation of the President for each fiscal year (beginning with the fiscal year ending June 30, 1975), the Congress shall, by law, prescribe a limit on the total amount of expenditures and net lending to be made by the United States Government during such fiscal year.".

On page 21, line 22, strike the following: "during the fiscal year ending June 30, 1974,".

At the end of the bill, insert the following section:

"SEC. —. (a) Except as provided in subsection (b) it shall not be in order, in either the House of Representatives or the Senate, to consider any bill or joint resolution making appropriations for any fiscal year, beginning with the fiscal year ending June 30, 1975, prior to the date of the enactment of a law prescribing, pursuant to section 201, a limit on the total amount of expenditures and net lending to be made by the United States Government during such fiscal year.

"(b) Subsection (a) shall not apply with respect to any appropriation requested by the President if, in submitting the request for such appropriation, the President certified that an emergency requires the prompt enactment of legislation making such appropriation.

"(c) Subsection (a) shall not be construed to preclude the holding of hearings or other consideration by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, with respect to proposed expenditures and proposed new obligational authority and loan authority set forth in the Budget of the United States Government submitted by the President for any fiscal year.

"(d) This section is enacted by the Congress—

"(1) as an exercise of the rulemaking powers of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change such rules (as far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House."

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, I understand the yeas and nays have been ordered on the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BELLMON. Mr. President, the purpose of the amendment is very simple. I shall not delay the Senate. The amendment would amend title II of S. 373, which presently establishes a spending ceiling of $268 billion for fiscal year 1974. Title II also requires that in the event this ceiling is exceeded, the President would be directed to reduce spending proportionately in all but a few uncontrollable budget items. The title makes good commonsense and its approach has been approved by the Senate on several occasions.

My amendment is quite simple to understand. It would extend title II to make it permanent legislation for future fiscal years. This amendment states that in subsequent years after the budget has been submitted by the President, the Congress shall, by law, prescribe a limit on the total amount of expenditures to be made by the Federal Government before any appropriations bills can be enacted. In my view, what is a good and proper mechanism to control Federal spending for fiscal year 1974, is also a proper mechanism for future years as well.

Mr. President, the idea of an annual spending ceiling is not unique. Many Senators have gone on record in favor of an annual spending ceiling. A congressional spending ceiling was recommended by the President in his January 31st Economic Report to the Nation. The Interim Report of the Joint Committee on Budget Reform states,

To be effective, ceilings should be established promptly at the outset of the session, prior to consideration of legislative actions which affect the budget.

Let me remind the Senate that this amendment was enacted by an overwhelming vote as a perfecting amendment to the Ervin amendment to the devaluation bill only several weeks ago on April 4. At that time, with the support of Senator ERVIN and other members of the Government Operations Committee, over 70 Senators joined in supporting this proposal. The Senate realized then that enactment of this amendment would guarantee that a congressional mechanism would be available to control Federal spending for not only fiscal year 1974, but also for future years as well.

At that time, we recognized that the Joint Committee and Senate Government Operations Committee were working on this matter, and if a better reform proposal were reported, this matter could be quickly changed and the proposal of the interim committee or Government Operations Committee adopted.

Let us be honest with ourselves. I hope that this Congress will be able to improve and perfect its procedures for considering spending bills—to enact extensive reforms of the budgetary process. But realistically viewed, that day may be a very long way off. In the meantime, Congress will be faced with a very serious problem in the future years beyond fiscal year 1974 by preventing executive impoundment through enactment of this permanent congressional mechanism to control Federal spending.

It is my conviction that enactment of this proposal would effectively answer the immediate demand for greater congressional discipline in Federal spending. But it would only represent a first step toward reform. Much more must be done. As a new member of the Appropriations Committee, I have come to the realization that a complete revamping and overhaul of the appropriations process must be undertaken, but such a change may take many months to enact. The Joint Committee on Budget Reform and the Senate Government Operations Committee should be congratulated for their efforts.

There is no more important work for the 92d Congress than the studies on budgetary reform presently being undertaken by these committees. However, in my view, it makes common sense to enact now, with Senator ERVIN'S permanent anti-impoundment measure, a permanent assurance to the American taxpayer that the Congress intends to assume fiscal responsibility and restraint by enacting an annual spending ceiling. The real issue is who is going to control Federal expenditures, the Congress or the President. In my view, if the Congress had properly met its responsibility by asserting restraint over the Federal budget, then the administration would never have felt the necessity to engage in the withholding of Federal appropriations. With any measure to restrict the Executive's impoundment practices, we must also enact new, improved procedures in the budgetary process in order to better enable the Congress to control Federal spending.

Enactment of this amendment would give us a total reform measure, restricting both the impoundment practices of the President, and on the other hand giving Congress a mechanism to annually

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control Federal spending until such time that extensive reforms of the budgetary process can be developed and enacted by the Congress in order to hold spending at or below the ceiling and hopefully within anticipated revenues.

Mr. President, as a former Governor of a State which once faced financial chaos, but which now operates in a fiscally responsible manner, I know that government can put its financial house in order. I know, also, that government officials need certain tools and restraints to help them resist the constant pressures to do more and more and tax less and less. Congress needs these tools and restraints now, I urge adoption of an annual spending ceiling which must be established before any appropriations bills can be enacted for future years, as well as for fiscal year 1974. This coupled with an anti-impoundment measure in order to insure that the congressional directive is followed, is the best hope the Congress has to reassert its constitutional role and hold the line on Federal spending. Based on this premise, I urge adoption of this amendment.

Let me say again that if the Joint Committee on Budget Reform of the Government Operations Committee develops a better proposal to control Federal spending, I will be the first person to support it and urge its enactment. At present the only opportunity the Congress has to control Federal expenditures is title II of the Ervin bill, which applies to fiscal year 1974, but which I would like to apply to fiscal years beyond the current fiscal year. That is the whole purpose of the amendment.

I reserve the remainder of my time.

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

Title 2 of the pending bill establishes a ceiling for the 1974 fiscal year, and the ceiling is limited to that year for a very special reason. The question of considering a permanent mechanism for dealing with spending and with spending ceilings has been underway and is underway at the present time.

I hold in my hand the report of the Joint Study Committee on Budget Control, which on April 18 completed some 3 months of study, following 6 or 7 days' of hearings. That report is reflected in legislation which has been introduced by the distinguished Senator from Arkansas (Mr. McCLELLAN), aimed at establishing a permanent mechanism to bring the budget under control and to establish spending ceiling.

In addition, in the Committee on Government Operations, the Subcommittee on Budgeting, Management, and Expenditures has been working since the first of the year on the same subject. It has held 7 days of hearings. It is considering 16 different pieces of legislation. It is considering the recommendations of the Joint Study Committee on Budget Control. It has before it the legislation developed by the Joint Study Committee on Budget Control, and it is about to begin markups on this legislation next week.

It was in full realization of the activities of these other committees of the Senate that title II of the bill was limited specifically and deliberately to establishing a ceiling for the 1974 fiscal year. We understood fully that it would not be possible to handle the 1974 problem on the basis of legislation that had not yet been developed.

For that reason title II is limited to one fiscal year. But in view of the fact that the long-term problem is now being handled and is being considered, it seems to me extremely premature to undertake to write into this bill a permanent mechanism with which that committee would have to deal before it recommended a substitute to the Senate.

So it is for that reason that we oppose the amendment, not because of its objective. I think the last time we considered this proposal there was a clear indication that the Senate subscribed to the objective of bringing our fiscal affairs and budget processes under control. I have no doubt the work that is underway in the Metcalf subcommittee will lead to the mechanism necessary for the purpose of setting spending ceilings. All I urge to the Senate is that we wait until we get the recommendations of that subcommittee and the full Committee on Government Operations before we take action to deal with the long-term problems.

Mr. President, I ask unanimous consent that there be included in the RECORD at this point a description of the work of still another committee of the Senate, the Appropriations Committee, which is found in the National Journal for April 21, 1973. This represents the work of the Senate Appropriations Committee, under the leadership of the Senator from Arkansas (Mr. McCLELLAN) to put our fiscal affairs in order.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONGRESS REPORT/$267.1 BILLION SPENDING LIMIT SET BY SENATE APPROPRIATIONS COMMITTEE

(By Andrew J. Glass)

The Senate Appropriations Committee has set a spending ceiling for fiscal 1974 of $267.1 billion, a decrease of about $1.6 billion from President Nixon's budget.

The ceiling, announced April 17 by Sen. John L. McClellan, D-Ark., the committee chairman, is neither final nor binding. It could rise or fall as a result of spending actions by the House, amendments advanced on the Senate floor, budget modifications by the President or reappraisals on the part of the 13 individual Senate appropriations subcommittees.

Nonetheless, even these tentative ceilings mark an innovation in the long-standing procedures of the 24-member Senate Appropriations Committee. They also represent yet another facet of the continuing struggle between the White House and the Congress to attain mastery over the budget-making and spending process. (*For a report on the current status of the budget battle, see Vol. 5, No. 15, p. 527.*)

The projected spending ceiling is 0.6 percent below the level set by the President in his January budgetary recommendations to Congress. It is also $900 million less than the $268-billion ceiling fixed by the Senate April 5. That figure was incorporated into pending legislation sanctioning the dollar devaluation—the proposed Par Value Modification Act (S. 929)—through an amendment sponsored by Sen. Edmund S. Muskie, D-Maine.

In a statement, McClellan said: "I realize that these reductions appear to be minimal—and they are—but if achieved, we will at last, in slight measure, be holding the line on spending."

COMMITTEE PROCEDURE

McClellan compiled his figures by requesting each of the subcommittee chairmen to review their respective segments of the federal budget and to recommend publicly "the minimum amount which (their) subcommittee felt would be required to economically carry out for fiscal 1974 the essential programs and functions of government over which (their) subcommittee has jurisdiction."

Chairmen of five of the 13 appropriations panels projected cuts in Administration requests totalling nearly $5.5 billion. The largest single individual cut, $3 billion, was set by McClellan himself in his capacity as chairman of the Appropriations Subcommittee on Defense.

A source close to McClellan, who asked not to be identified by name, said the cut represented an over-all target and was reached without undertaking an item-by-item scrutiny of proposed spending for new weapons systems and other military procurement.

The source said that a detailed examination of the defense budget will be postponed until after the House and Senate Armed Services Committees act on the defense authorization bill and the measure is passed by both chambers.

Another large cut was pledged by Sen. William Proxmire, D-Wis., who chairs the subcommittee which deals with spending for housing, urban development, space, science and veterans.

Howard E. Shuman, Proxmire's administrative assistant, said the Senator examined his segment of the budget in detail before arriving at ar over-all reduction of $1 billion. Among the factors, Sherman said, were:

A major cut in administrative expenses for the HUD Department, based on the proposition that Administration-ordered freeze on new housing and community development subsidies should result in concomitant reductions in HUD's Washington and field staffs;

Outright deletion of the space shuttle program, a $457-million saving in outlays for fiscal 1974, to be offset in part by an increase in spending for space sciences and applications.

(However, in a separate interview with *National Journal*, Proxmire said he held little hope of being able to halt the space shuttle's development. He said that the program would "quite likely go through by a wide margin.")

LIMITATIONS

Chairmen of two subcommittees said they planned to exceed the Administration's request by an aggregate of some $3 billion. Increases were projected in spending for agriculture; environmental control; consumer protection; labor and related manpower services; and health, education and welfare.

Sen. Warren G. Magnuson, D-Wash., whose subcommittee handles manpower, health, education and welfare spending, told McClellan that he anticipated tacking $2.2 billion to the authorization bill on top of Administration estimates, resulting in $771 million in additional outlays for fiscal 1974.

This includes $600 million more in budget authority for education, $550 million more for health services and an additional $300 million for biomedical research at the National Institutes of Health.

Hospital construction programs would be increased $200 million; $300 million would be added to the Labor Department's manpower budget, and an added $250 million in library resources aid would be provided.

McClellan said that the chairmen of the remaining six subcommittees pledged that they would strive to hold their over-all appropriations bills within the Administration's budget request.

Only some 60 per cent of the total budget is screened by the House and Senate Appropriations Committees. The remaining 40 per cent, or about $116 billion in fiscal 1974, is not subject to congressional action this year. It is comprised mainly of permanent appropriations, such as interest on the national debt, and trust fund authorizations, such as social security.

*Long-term reforms*

Meantime, the Joint Study Committee on Budget Control, spurred by the White House challenge, recommended a far-reaching set of procedural reforms in dealing with the budget.

The 32-member House-Senate group, composed exclusively of senior representatives from both bodies, unanimously approved the proposed changes April 16. Legislation implementing the plan was introduced in both chambers April 18 (HR 7130).

However, the reforms if enacted, could not take effect until the fiscal 1975 budget proposals come before Congress next January.

The committee's plan would permit the lawmakers to set an annual ceiling on federal outlays, determine their own spending priorities and gear expenditures to planned deficit and taxation levels.

PROVISIONS

Under the proposed system, new budget committees would be created in the House (21 members) and the Senate (15 members). Each group would be made up equally of members of the Appropriations Committees, the revenue-raising committees (Ways and Means in the House, Finance in the Senate) and legislative committees.

Early in each session, the budget committees would prepare a concurrent resolution providing for an overall ceiling on budget outlays and new budget authority. In addition, the panels would allocate subceilings based on the recommendations of the Appropriation Committees. The recommendations would also cover so-called backdoor spending authority now exercised by several legislative committees.

If action on the resolution was not completed by May 1, then the Presidential budget submitted in January would automatically determine the various spending ceilings.

The resolution could be amended on the House or Senate floor. But any proposal to increase funds for a program or governmental activity would have to provide for a commensurate decrease in another spending category or, alternatively, an increase in the spending ceiling, with built-in provisions for higher taxes or a larger national debt. This "rule of consistency" could be waived only by a two-thirds majority.

Another concurrent resolution would be drafted late in the session. With its passage, a wrap-up appropriations bill would be drafted which would carry a semi-automatic tax surcharge. The surcharge would be triggered after Congress determined how much of a budget surplus or deficit was in order in view of prevailing economic conditions.

COCHAIRMAN'S VIEWS

In an interview with *National Journal*, Rep. Al Ullman, D-Ore., co-chairman of the budget study panel, said:

"What we have done is probably the most significant thing going on up here. . . .

"I anticipate the floor debate to begin by the end of May. We have a few things working for us and we wouldn't be where we are without them.

"The politics of a veto override vote are wrong. Nobody wants to ride pell-mell over the budget. So the only real answer is to get back to priorities. Congress has got the authority and it can pick it up anytime it wants to. It abdicated the budget priorities to the President a long time ago and it is now ready to take them back."



Mr. MUSKIE. So, Mr. President, the effort is underway here in the Congress. It is a credible effort, in my judgment. It has already yielded fruits, and I think it will result in a permanent mechanism. Until the shape of that mechanism is proposed by a committee which has been working on the problem for several weeks and months, the Senate ought to withhold its judgment on what the permanent shape of the control mechanisms should be.

It is for that reason that I urge rejection of this amendment.

I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I would like to associate myself with the remarks regarding this amendment just made by the Senator from Maine. Again, I commend the Senator from Oklahoma for his amendment in the sense that it would create a permanent type ceiling, but again I would object to it because we do have this matter under consideration. As the Senator from Maine has outlined, we have our opportunity and every reason to come up with a permanent mechanism on which the Government Operations Committee, the Senator from Arkansas (Mr. McCLELLAN), the Senator from Maine (Mr. MUSKIE), and many other Senators are working.

So I want to object to this particular amendment now, as I did before. Although it was incorporated over my objection, I feel we would be well advised to wait until we have before us a well-thought-out permanent mechanism, rather than to insert at this point a mechanism which we all know does not have proper sanction and details to get the job done as far as a mechanism for self-discipline in staying within any kind of a budget ceiling is concerned. I urge the defeat of this amendment for those reasons.

Mr. MUSKIE. Mr. President, I thank the distinguished Senator from Georgia.

Mr. BELLMON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BARTLETT). The Senator from Oklahoma has 10 minutes remaining.

Mr. BELLMON. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 additional minutes.

Mr. BELLMON. Mr. President, I believe that I am in accord with both the Senator from Maine and the Senator from Georgia who has spoken in favor of a well-thought-out method of holding our Federal spending in line. However, I am not in agreement with him when he states that the fact that the committee has met and has held hearings and is going to have a mark-up session means that it will produce a bill. If the Committee does report such a bill, I will be the first to support it. In title II we have a procedure for holding our spending in line for fiscal year 1974. As far as I am concerned, this procedure which has been authored by Senator MUSKIE, is a good procedure. If we can improve upon it, we should do so.

The purpose of my amendment is that if for any reason Congress fails to act, there is no reason why we cannot keep the same system for the fiscal years beyond 1974.

Any extensive reform measure adopted by Congress would nullify this action. However, if we do not legislate on this matter for any reason during this session of Congress, we will find when we come back in January to appropriate funds for fiscal year 1975 that we will not have the mechanism to use that the Senate adopted and made effective for fiscal year 1974.

Many obstacles can impede the legislative process. It may be a long time before we know whether we have a bill. Therefore, I believe that we need to go ahead and make certain that the Congress has the same procedure available for fiscal years 1975 and beyond that we have for fiscal year 1974.

Mr. President, I am willing to yield back the remainder of my time.

Mr. MUSKIE. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 minute.

Mr. MUSKIE. Mr. President, I say to the distinguished Senator from Oklahoma that the fact that the Committee on Government Operations produced this bill with title II including this ceiling and the fact that the Senate has already adopted it once and is ready to adopt it another time is evidence, I think, of our determination to bring our fiscal affairs under control.

I think there is a sufficient commitment to assure the Senate that the Committee on Government Operations will produce the legislation out of the Subcommittee on Budgeting, Management, and Expenditures as we have in the case of this legislation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 additional minute.

Mr. MUSKIE. Mr. President, as we address ourselves to this problem of undertaking the handling of the U.S. budget and the appropriations process, we find it to be a difficult problem. I do not think it is a sound principle simply to write into a piece of legislation a mechanism that looks good on its face, but which has not been examined in hearings and which cannot stand up under such examination—especially in light of the fact that such intensive examination is under way and is about to produce results. I just do not think this is sound.

Mr. President, I am willing to yield back the remainder of my time.

Mr. BELLMON. Mr. President, would the Senator yield for a question?

Mr. MUSKIE. Mr. President, I am happy to yield for a question.

Mr. BELLMON. Mr. President, the Senator from Maine has said that we should not take this action without careful consideration. We have considered the matter sufficiently to adopt it for fiscal year 1974, is that not correct?

Mr. MUSKIE. The Senator is correct. However, that is a temporary mechanism for the 1 year. That is the very reason that we should study the complexities of the matter and try to develop a long-term mechanism.

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Mr. BELLMON. Mr. President, will the Senator yield further?

Mr. MUSKIE. I yield.

Mr. BELLMON. If we adopt the amendment for fiscal 1974, the amendment would make it applicable to 1975, unless the committee came up with something better. If it is a good enough procedure for 1974, why can it not be applied until a better procedure is adopted?

Mr. MUSKIE. I understand that the Senator believes deeply in his proposal. As far as I am concerned, I do not think it is sound legislative process to establish a benchmark at which the committee, which has been studying the problem for a month, should aim. This is one Senator's idea, developed on the floor of the Senate, without benefit of hearings, without benefit of committee discussion, without benefit of reports from the agency, without the kind of legislative process which is our business. It is not our business to write a bill first and then ask the committees to challenge it. The way the system works is to ask the committees to propose legislation; then we act on the basis of hearings and markups and the legislation we produce.

The Senator's proposal would turn the whole process around. If we were to apply that principle to every legislative subject that comes before us, we would be very busy little men, trying to undo what we do from day to day, and relying on committees to save us from our own errors.

Mr. BELLMON. The Senator from Maine has implied that the bill on which we are acting is the product of one Senator's mind. This is not the case at all. The bill has come from committee. If it is a good bill, let us make it apply to future years until we can get something better.

Mr. MUSKIE. We now have other bills before the same committee. The committee made the decision to limit this bill to 1 year. The committee refused to apply it on a permanent basis. So the Senator can hardly argue that the committee is the authority for extending it beyond the 1 year. The committee decided to limit it to 1 year because what is involved in any long-term answer to the problem is the question of channeling the whole appropriations and budget process in a way that will produce rational results.

We can debate the whole thing for 1 year and not discipline ourselves. But that does not necessarily make it the answer for the future. That is why the committee limited the bill to 1 year.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

Mr. MUSKIE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. BELLMON). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa (Mr. HUGHES) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

The result was announced—yeas 37, nays 52, as follows:

[No. 132 Leg.]

YEAS—37

| | | |
|---|---|---|
| Aiken | Cook | Packwood |
| Allen | Dole | Pearson |
| Baker | Domenici | Percy |
| Bartlett | Dominick | Roth |
| Beall | Fong | Saxbe |
| Bellmon | Griffin | Schweiker |
| Bennett | Gurney | Scott, Pa. |
| Brock | Hansen | Stafford |
| Brooke | Helms | Taft |
| Buckley | Hruska | Thurmond |
| Byrd, Harry F., Jr. | Mathias | Weicker |
| Case | McClellan | Young |
| | McClure | |

NAYS—52

| | | |
|---|---|---|
| Abourezk | Hollings | Muskie |
| Bayh | Huddleston | Nelson |
| Pentsen | Humphrey | Nunn |
| Biden | Inouye | Pastore |
| Burdick | Jackson | Pell |
| Byrd, Robert C. | Javits | Proxmire |
| Chiles | Johnston | Randolph |
| Church | Kennedy | Ribicoff |
| Clark | Long | Scott, Va. |
| Cranston | Magnuson | Sparkman |
| Eagleton | Mansfield | Stevenson |
| Eastland | McGee | Symington |
| Ervin | McGovern | Talmadge |
| Hart | McIntyre | Tower |
| Hartke | Metcalf | Tunney |
| Haskell | Mondale | Williams |
| Hatfield | Montoya | |
| Hathaway | Moss | |

NOT VOTING—11

| | | |
|---|---|---|
| Bible | Fannin | Hughes |
| Cannon | Fulbright | Stennis |
| Cotton | Goldwater | Stevens |
| Curtis | Gravel | |

So Mr. BELLMON's amendment was rejected.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HELMS). The bill is open to further amendment.

Mr. ROTH. Mr. President, I ask unanimous consent that the question be divided.

The PRESIDING OFFICER. To which question does the Senator refer?

Mr. ROTH. On the final vote—titles I and II.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware? The Chair hears none, and it is so ordered.

The bill was ordered to be engrossed for a third time and was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on both votes, on title I and on title II.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, in view of the fact that the last vote was held such a short while ago, I ask unanimous consent that the two succeeding votes take no more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I shall not detain the Senate. I have some comments on the bill, in light of certain court decisions which tend to hold that the President is obligated to spend money which we have appropriated for specific purposes.

I have supported S. 373 and I continue to support because the Congress needs a mechanism whereby it can prohibit impoundments across a wide variety of programs without the necessity of court action in particular areas.

However, I would like to point out that the courts over the last year have ruled that specific impoundments and terminations are illegal and have clearly shown that when Congress says that it wants funds obligated and spent that is the law.

On June 19, 1972, Judge Becker of the U.S. District Court for the Western District of Missouri in the case of State Highway Commission of Missouri against Volpe ruled that the Secretary of Transportation had no authority to withhold highway funds under the Federal-Aid Highway Act and issued an injunction prohibiting such action. The judgment was based on section 101(c) of title 23 United States Code which provided as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund."

The decision in the Volpe case was upheld by the U.S. Court of Appeals for the Eighth Circuit on April 2, 1973.

In another case Local 2677, the American Federation of Government Employees et al. against Phillips, decided April 11, 1973, Judge Jones of the U.S. District Court for the District of Columbia, ruled that Howard Phillips, the Acting Director of OEO could not take any further action which went toward the termination, abolition or dissolution of OEO or the Community Action Agencies. This case was decided on the basis of the wording of the Economic Opportunity Amendment of 1972 which showed the congressional intent to continue OEO and Community Action at least through June 30, 1974. The fact that money had not yet been appropriated for these activities for fiscal 1974 was not held to justify termination of the agency in the face of express language in the authorization law.

Finally on Tuesday May 8, 1973 in the case of City of New York against Ruckelshaus, Judge Gasch of the U.S. District Court for the District of Columbia ruled that the full amounts under the Federal Water Pollution Act of 1972 for sewage treatment facilities must be allotted in accordance with the congressional intent.

From these cases it is evident that when Congress intends that funds shall be spent or programs carried out, the courts will enforce that mandate. However, this bill will give us a chance to deal with this problem under a well regulated procedure and it should owe a more useful purpose.

I ask unanimous consent that copies of these decisions be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the western district of Missouri, central division, civil action No. 1616]

THE STATE HIGHWAY COMMISSION OF MISSOURI v. JOHN A. VOLPE, SECRETARY OF TRANSPORTATION OF THE UNITED STATES, AND CASPAR W. WEINBERGER, DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET OF THE UNITED STATES

(Formal judgment confirming judgment for plaintiff orally rendered and entered June 19, 1972, issuing writ of mandamus, injunction and for declaratory judgment)

Now on this 19th day of June 1972, this civil action was called for trial on the amended complaint pursuant to notice and order setting the action for trial. The plaintiff appeared by its counsel, Robert L. Hyder, Esquire, and Michael McCabe, Esquire. The defendants appeared by their counsel, Stuart E. Schiffer, Esquire, and Kenneth Cranston, Esquire.

Counsel for the defendants suggested the succession of Caspar W. Weinberger to the original defendant George Shultz as Director of the Office of Management and Budget of the United States. Thereupon on motion of counsel for defendants, it was ordered pursuant to Rule 25(d), F.R.Civ.P., that Caspar W. Weinberger be, and he was, in his official capacity, substituted as party defendant for the original defendant George Shultz.

The second, third and fourth defenses of the answer of defendants were taken up, submitted and denied. In this connection it was concluded that (1) the plaintiff does not lack standing to maintain this action, (2) the Court does not lack jurisdiction over the subject matter of the action and (3) the complaint does not fail to state a claim upon which relief can be granted.

On the initiative of the Court the unnumbered last paragraph of the first defense of the answer was stricken as redundant, surplusage, and an impermissible form of qualified general denial in the context of the pleadings in this case.

With approval of the Court the parties stipulated that the record of the evidentiary hearing and arguments of June 24, 1971, in this cause be considered as part of the argument and evidence offered this day on the amended complaint without prejudice to any objection, motion, argument, legal contention and factual contention therein made, so that it should not be necessary for any party to reoffer at the trial any evidence offered on June 24, 1971.

Then this action was called for trial by the Court, without a jury. Plaintiff and defendants answered ready for trial. Opening statements were made by counsel for the plaintiff and defendants. Evidence in chief of the plaintiff was offered and received. The plaintiff rested. Then the defendants moved for dismissal under Rule 41(b) F.R.Civ.P., on the ground that on the facts and the law plaintiff is not entitled to relief, which motion was denied. The defendants offered evidence in chief and rested. The plaintiff rested without offering evidence in rebuttal. The issues were thereupon submitted by the parties for decision. Thereupon the following findings of fact and conclusions of law were made by the Court:

JURISDICTION

On the subject of jurisdiction it was found and concluded that the Court has jurisdiction to hear and determine the issues under each of the following statutes independently:

(1) Section 1361, Title 28, U.S.C.A., relating to actions in the nature of mandamus to compel an officer of the United States to perform a duty owed to the plaintiff.

(2) Chapter 7, Title 5, U.S.C.A., judicial review of administrative agencies, including Sections 702, 703, 704, 705, and 706.

VENUE

On the subject of venue it is found that venue of this action is properly laid in this district and that the defendants do not claim lack of venue.

REMEDIES AVAILABLE

The remedies available under Section 1361, Title 28, U.S.C.A., include mandamus, prohibitory injunction, mandatory injunction and declaratory judgment in the nature of mandamus.

The remedies available under Chapter 7, Title 5, U.S.C.A., include (1) holding unlawful and setting aside of agency action that is arbitrary, an abuse of discretion, or otherwise not in accordance with law or in excess of statutory jurisdiction, authority, limitations or short of statutory right (§ 706) and (2) any form of legal action including declaratory judgment and writs of prohibitory or mandatory injunction (§ 703). Cf. *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 28 L.Ed. 2d 136, 91 S. Ct. 814.

On the question of finality of the agency action under review, and exhaustion of administrative remedies, it is found and concluded that the agency action under review is final and that no unexhausted administrative remedies exist. Cf. § 704, Title 5, U.S.C.A.

On the question of adequacy of other remedies at law, it is found and concluded that plaintiff has no remedies in court at law or otherwise except those available in this action.

STANDING TO MAINTAIN THIS ACTION

Under federal law, the Constitution of Missouri and the statutes of Missouri, the plaintiff has standing to maintain this action as the state agency invested with exclusive and plenary powers and duties on behalf of the State of Missouri to receive and administer all federal highway funds and apportionments. Section 226.010 to 226.190 R.S. Mo. inclusive, particularly Sections 226.020, 226.150, 226.190 R.S. Mo.; Sections 29, 30(a) and 30(b), Article 4, Constitution of 1945; Section 101, Title 23, U.S.C.A., defining "State highway department."

DECISION ON THE MERITS

In order to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways ("Systems" hereinafter) and to provide for the prompt and early completion of the entire System simultaneously, the Congress of the United States enacted, and has from time to time amended, Title 23, United States Code, a comprehensive Federal-Aid Highway Act ("Act" hereinafter), Title 23, U.S.C.A.

To insure continuing adequate federal-aid moneys for completion of the System, Congress created the Highway Trust Fund ("Fund" hereinafter). Historical Note, § 120, Title 23, U.S.C.A. The defendant Secretary of Transportation of the United States ("Secretary" hereinafter) has been given the functions, powers and duties to administer the Fund in accordance with the Act, which provides a comprehensive plan and precise standards for apportioning the Fund annually, and for obligation of the Fund by state highway commissions in accordance with the Act. Sections 101 and 215 inclusive, Title 23, U.S.C.A.

Anticipating the possibility of executive or administrative impoundment or withholding of the apportioned Fund for legally impermissible reasons, Congress undertook to avoid such unauthorized action by making its intent clear and unambiguous in paragraph (c) of § 101, Title 23, U.S.C.A., which reads as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund."

Paragraph (c) is now a part of the Act, Title 23, U.S.C.A., and is to be read and construed in the context of the comprehensive plan for administration of the Fund and the Act. Even if paragraph (c) were absent, the intent of the Act would be the same.

The record establishes without controversy that the Secretary with the approval of his co-defendant has from time to time by administrative action effectively withheld from the plaintiff, The State Highway Commission of Missouri ("Missouri" hereinafter), the obligation of sums lawfully apportioned to the State of Missouri from the Fund. Presently Missouri is forbidden by administrative action of the Secretary from obligating over $80,000,000 of the apportionment for the fiscal year 1973. (Apportioned funds for a coming fiscal year may be obligated in the preceding fiscal year under the Act.) The practice of ordering the withholding of obligation of parts of the apportionments has continued for a number of years, without reference to any fixed period of time. Often the withholding was done on a quarterly basis. Presently the withholding is fixed on an annual basis.

The effect of this practice, and of the current withholding of obligation by Missouri of prior apportionments and a large part of its apportionment from the Fund for the fiscal year 1973, has caused great and incalculable injury to Missouri because of continuing inflation of highway costs, and interruption of efficient obligation of the funds apportioned to Missouri. Missouri has provided proof of this injury beyond the customary burden of proof by a preponderance of the evidence.

As a part of this proof, Missouri has established that it is and has been able, ready and willing, and desires and has desired, to obligate its apportionment from the Fund but is and has been prevented from doing so by the defendant Secretary, with the approval of his co-defendant Director. In this connection Missouri has proven that presently and in the past it has developed plans and projects which would be approved under the Act, and regulations made pursuant thereto, except for the withholding of the obligational authority by the Secretary. Therefore Missouri is entitled to relief if the action of the Secretary in withholding from obligation is unauthorized, without his discretion, arbitrary or otherwise illegal.

The Secretary claims that the law invests in him discretion to withhold from time to



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time authority for Missouri to obligate its unexpended apportionments. The Secretary concedes that the apportionments can readily be paid by the Fund from the ample moneys presently therein. If the Secretary lawfully possessed the discretion he claims Missouri should be given no relief. It has been concluded, however, that the current, as well as the past and possible future, withholding of obligational authority for the reasons relied on by the Secretary has been, is and will be, unauthorized, and without the lawful discretion of the Secretary.

The reasons advanced by the Secretary for the current and past withholding of obligational authority are foreign to the standards and purposes of the Act and the Fund. The reasons relied on are related to the prevention of inflation of wages and prices in the national economy. These reasons are impermissible reasons for action which frustrates the purposes and standards of the Act, including but not limited to those in Section 109, Title 23, U.S.C.A. Therefore it is not within the discretion of the Secretary to withhold obligational authority from Missouri and judicial relief should be granted to Missouri. *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 28 L.Ed. 2d 136, 91 S.Ct. 814, § 706, Title 5, U.S.C.A.

The appropriate relief to which Missouri is entitled includes prohibitory or mandatory injunction, and declaratory judgment, § 703, Title 5, U.S.C.A. It also includes mandamus, § 1361, Title 28, U.S.C.A. Missouri has no other adequate judicial or administrative remedy except this action. Therefore judgment will be entered granting an injunction, a writ of mandamus and a mandamus and a declaratory judgment.

JUDGMENT GRANTING INJUNCTION

It is therefore

Ordered and Adjudged that the defendants and each of them and their subordinates be, and they are hereby, enjoined and restrained now and in the future from withholding from Missouri, directly or indirectly, any authority to obligate its apportionment of Highway Trust Funds, for the fiscal year 1973 for any reason or reasons relating to the prevention or control of inflation in the national, regional or local economies, or in wages or prices in the nation, or any region or locality therein, or any combination of such reasons.

JUDGMENT GRANTING WRIT OF MANDAMUS

For the foregoing reasons, in addition and independently, it is hereby further

Ordered and Adjudged that the defendant John A. Volpe, and his subordinates, be and they are hereby, commanded to annul and revoke by official act in writing the current announcements, orders, directives, limitations, regulations and other official written and printed documents and evidences of withholding of authority of Missouri to obligate its apportionment from the Highway Trust Fund for the fiscal year 1973.

DECLARATORY JUDGMENT

For the foregoing reasons, it is hereby further

Declared and Adjudged that the currently effective, and past official actions of the Secretary of Transportation, and his subordinates, in withholding authority from Missouri to obligate any apportionment from the Highway Trust Fund for reasons related to the prevention or control of inflation in the national, regional or local economies, or in wages and prices in the nation, or any region or locality therein, is unauthorized by law, illegal, in excess of lawful discretion and in violation of the Federal-Aid Highway Act.

RETENTION OF JURISDICTION

It is further Ordered that this Court retain jurisdiction of this action for the purpose of making and entering such further orders and judgments and taking other judicial action necessary, or desirable, to implement and enforce the judgments herein, and any one or more of them.

ORDER ON COSTS

It is Ordered that each party bear its or his own costs in this Court.

WILLIAM H. BECKER, *Chief Judge.*

Kansas City, Missouri, August 7, 1972.

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[In the United States District Court for the Western District of Missouri, Central Division, Civil Action No. 1616]

STATE HIGHWAY COMMISSION OF MISSOURI, PLAINTIFF, v. JOHN A. VOLPE, SECRETARY OF TRANSPORTATION, AND CASPAR W. WEINBERGER, DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, DEFENDENTS

ORDER

Defendants having orally moved for a stay of the judgment entered by this Court on pending appeal, and the Court having considered the entire record in this action, and it appearing to the Court that good cause exists for the granting of defendants' motion, it is, this 19th day of June, 1972, hereby

Ordered that defendants' motion for a stay of the judgment be and hereby is granted and the judgment of this Court is hereby stayed pending disposition of the appeal filed by defendants.

WILLIAM H. BECKER, *Chief Judge.*

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[U.S. District Court for the District of Columbia, Civil Action No. 2466-72]

OPINION

(The city of New York, on behalf of itself and all other similarly situated municipalities within the State of New York, Plaintiff, the city of Detroit, Plaintiff-Intervenor, v. William D. Ruckelshaus, as Administrator of the United States Environmental Protection Agency, Defendant)

This is an action for a declaratory judgment and mandamus to compel the defendant, William D. Ruckelshaus, until recently Administrator of the United States Environmental Protection Agency ("the Administrator") to comply with the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816 (hereafter termed "the Act").[1] Plaintiff is the City of New York, suing on behalf of itself and all similarly situated municipalities within the State of New York. The City of Detroit has been granted leave to intervene as a party plaintiff seeking the same relief. The action is brought pursuant to § 505(a) of the Act and 5 U.S.C. §§ 701-706; jurisdiction is alleged on the grounds of 28 U.S.C. §§ 1331, 1332, and 1361.

Plaintiff and plaintiff-intervenor allege that § 205(a), taken together with § 207, of the Act requires the Administrator to allot among the states the sums of $5 billion for fiscal year 1973 and $6 billion for fiscal year 1974, thereby making such sums available for obligation on sewage treatment works construction approved by the Administrator for federal funding. It is further alleged that the Administrator has violated this statutory requirement by promulgating, at the express direction of the President of the United States, a regulation, effective December 8, 1972,[2] which allotted among the states for fiscal years 1973 and 1974 "sums not to exceed $2 billion and $3 billion respectively." The case is now before the Court on plaintiff's motion to determine that this suit may be maintained as a class action, defendant's motion to dismiss, and the motions of plaintiff and plaintiff-intervenor for summary judgment.[3] Also before the Court for consideration are the leadings, oppositions, affidavits, and arguments by counsel in open Court.

The Court's characterization and analysis of the issues in the case will be clearer if the mechanism set up under the Act for funding the construction of sewage treatment works is briefly outlined. The Act reverses the normal procedure whereby sums are appropriated by Congress and thereafter contractually obligated by the appropriate agency. Instead, Congress has, in § 207, authorized certain specific sums to be appropriated to carry out the purposes of Title II of the Act, Grants for Construction of Treatment Works. The Administrator is required by § 205 to allot the sums among the states according to a time schedule and needs formula set up under the Act.[4] (Whether the full sums authorized to be appropriated must be allotted or only a portion of them—the size of the portion being within the Administrator's discretion—is the central issue disputed by the parties.) Once allotted, the sums become available for obligation, i.e., contract authority exists up to those amounts. The Administrator reviews grant applications submitted by States and municipalities for federal funding or particular waste treatment projects to determine whether they satisfy criteria set forth in the Act, e.g., in § 204. Once the Administrator approves the plans, specifications, and estimates for a project, a contractual obligation arises to pay the federal share allocable to that project.[5] Funds are then appropriated to liquidate the obligations as they fall due; the final step, actual disbursement of the funds, is then made. It is clear from this sequence that *allotment* is not tantamount to *expenditure* or even commitment of the funds.

Another feature of the Act which is of some importance in the resolution of issues before the Court is the reallotment provision in § 205(b)(1) of the Act. Once allotted to a State, sums are available for obligation for approved projects there "for a period of one year after the close of the fiscal year for which such sums are authorized." If for any reason the sums allotted are not fully obligated within that period, they are to be reallotted "generally on the basis of the ratio used in making the last allotment of sums under this section." Such reallotted sums remain available for obligation and are added to the State's allotment for the next fiscal year. Any sums authorized but not allotted at the appropriate time are lost to the State under the provisions of this Act. Thus, by refusing to allot the full sums authorized, the Administrator controls the absolute amount (as opposed to the rate) of spending without regard to the standards set forth in, e.g., § 204, for determining whether sums should be obligated.

Having set forth the framework of the Act within which the dispute now before the Court has arisen, the Court will proceed to the issues. First to be dealt with are jurisdictional issues raised in the defendant's motion to dismiss and his opposition to plaintiff's motion for summary judgment. Defendant contends that this Court lacks the requisite jurisdiction because the doctrine of sovereign immunity bars the suit and because the action fails to present a justiciable case or controversy. The Court does not agree with these contentions and will deal with them only briefly.[6]

Two well-settled common law exceptions to the doctrine of sovereign immunity are set forth in two cases cited by defendant, *Dugan v. Rank*, 372 U.S. 609, 621-22 (1963), and *Larson v. Domestic & Foreign Commerce Corporation*, 337 U.S. 682, 689-90 (1949); and plaintiff's action falls squarely within the exception covering suits challenging actions by federal officers which go beyond the scope of their statutory powers. Defendant is not aided by the general rule set forth in *Land v. Dollar*, 330 U.S. 731, 738 (1947), to the effect that where the judgment sought "would expend itself on the public treasury or domain, or interfere with the public administration," the suit is in reality brought against the sovereign; for as subsequent discussion will reveal, the relief sought by

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plaintiff in the action does not require the expenditure of unappropriated public funds (or indeed of any public funds at all), nor will it interfere with the lawful exercise of defendant's discretionary powers under the Act.

A second reason for rejecting the sovereign immunity defense as a bar to this action is the fact that plaintiff is seeking review in part on the basis of the Administrative Procedure Act, 5 U.S.C. §§ 701-706; the rule in this Circuit is that the A.P.A. constitutes a waiver of sovereign immunity in actions to which it applies. *Scanwell Laboratories, Inc. v. Shafer*, 137 U.S. App. D.C. 371, 385, 424 F. 2d 859, 873 (1970); *Constructores Civiles de Centroamerica, S.A. v. Hannah*, 148 U.S. App. D.C. 159, F. 2d 1183 (1972). Defendant has sought to distinguish *Scanwell* by contending that there was no question there of any "disposition" of government funds, whereas the instant case presents a "demand" for such funds. As already indicated, this argument must fall because defendant has misconstrued the nature of the relief sought. Plaintiff is demanding only that funds be *allotted* as, in its view, Congress required.

Defendant contends that this action fails, for two reasons, to present a justiciable case or controversy. First it is argued that the action is hypothetical and premature and hence does not fall within the limits of federal court jurisdiction as defined by Article III of the Constitution.

It is true that Article III confines federal courts to the adjudication of cases and controversies and forbids the rendering of advisory opinions. *Golden v. Zwickler*, 394 U.S. 103, 108 (1969). Where a declaratory judgment is sought, the plaintiff must show a "substantial controversy between parties having adverse legal interests of sufficient immediacy and reality" to warrant its issuance. *Maryland Casualty Company v. Pacific Coal & Oil Company*, 312 U.S. 270, 273 (1941). Defendant contends that because plaintiff has no guarantee that projects for which it seeks funding under the Act will be approved, refusal to allot, and thus make available for obligation, the full amounts authorized to be appropriated in § 207 of the Act does not amount to action that is adverse to any real or immediate interests of plaintiff. This argument fails on several grounds. Plaintiff has filed an affidavit of the Commissioner of the Department of Water Resources for the City of New York averring that the City has received approval from the United States Environmental Protection Agency (EPA) for two waste treatment projects, and that because of the reduced allotments, plaintiff's share of available federal funds "will permit only a token start toward completion." (Affidavit of Martin Lang dated April 3, 1973, 115-6).[7] Defendant has not disputed these assertions of fact. Even were plaintiff's grant application still under study, however, there would be more than a merely speculative injury; for as affidavits filed by both plaintiff and plaintiff-intervenor indicate, the reduction in allotments has resulted in serious planning delays that will necessarily retard the development of sewage treatment facilities. (Affidavit of Martin Lang, dated February 8, 1973, 111; affidavit of Gerald Remus, dated March 15, 1973, 112). The seriousness of the planning problem was understood by Congress. It was one of the reasons for utilizing the device of allotment, thereby making funds available for obligation, in lieu of the ordinary appropriations procedure.

Congressman William Harsha, one of the managers of the bill, observed during debate on a proposed amendment to H.R. 11896[8] which would have substituted the normal appropriations process for the allotment mechanism that "it is essential that the States, the interstate agencies and the cities have both the ability for and a basis for long-range planning, construction scheduling and financing waste treatment plants, including the sale of bonds that they have to sometimes negotiate." Cong. Rec., vol. 118, pt. 8, p. 10757. When there is uncertainty concerning how much will be allotted in a given year, municipalities cannot properly plan the scale of projects for which to seek federal funding.

Still another way in which plaintiff is injured by the Administrator's refusal to allot the full amount of the sums authorized to be appropriated by § 207 lies in the permanent loss of funds not allotted at the appropriate time. Such funds cannot thereafter be made available for obligation even if grant applications which, in the Administrator's determination, meet all the requirements of the Act are submitted and the current allocations are insufficient to pay the authorized federal share.

Considering all of the ways in which plaintiff's interests are imminently threatened by the Administrator's action under challenge here, it seems clear that there exists an injury sufficiently concrete to create a real controversy in which plaintiff has a genuine stake; and in ruling on the legality of the Administrator's action alleged to be the cause of this injury, the Court is not rendering a mere advisory opinion.

Defendant's other ground for urging the Court to find the subject matter of this action nonjusticiable is the contention that the matter at issue is a "political question" which the Court is barred from considering by reason of the doctrine of separation of powers. Certainly it is true that this Court could not decide a case if it presented a political question. *Powell v. McCormack*, 395 U.S. 486, 518 (1969); *Coleman v. Miller*, 307 U.S. 433 (1939). Criteria to be used in determining whether a political question is presented have been set forth by the Supreme Court in *Baker v. Carr*, 369 U.S. 186, 217 (1962). There Mr. Justice Brennan, writing for the majority, declared:

"Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question."

The Administrator contends that at least two of the considerations listed by Mr. Justice Brennan are applicable to the instant case, namely, (1) something "very close" to a "textually demonstrable" commitment of power to control spending to the grant of executive power in Article II of the Constitution; and (2)a "lack of judicially discoverable and manageable standards for resolving" the question whether particular expenditures should be made. Even assuming arguendo that the Constitution gives to the President and his subordinates unreviewable authority to determine whether particular expenditures authorized by Congress should be made at a particular time, it is clear that the instant case presents none of the problems cited by the defendant, Counsel's position on this point must fall simply because he has not correctly characterized the issue before the Court. The Court is not being called on to determine whether the Administrator should spend any given amount of money for sewage treatment works. Rather the Court is being asked by plaintiff to require the Administrator to perform what it alleges to be a purely ministerial duty under the Act, that of allotting—and thus making available for obligations—the sums authorized to be appropriated in Section 207 of the Act.[9] There is no "textually demonstrable constitutional commitment" of this responsibility to the executive branch, and there is no difficulty in discovering standards for resolving the issue before the Court. Either the Administrator is required by the Act to allot the full amount of the sums authorized to be appropriated in § 207 or he is not so bound.

The Court is not overstepping its authority in deciding this question, for as our Court of Appeals recently declared: In our overall pattern of government, the judicial branch has the function of requiring the executive (or administrative) branch to stay within the limits prescribed by the legislative branch." *National Automatic Laundry and Cleaning Council v. Schultz*, 143 U.S. App. D.C. 274, 280, 443 F.2d 689, 695 (1971). Even more recently, the Eighth Circuit Court of Appeals, citing *inter alia* the opinion in *National Automatic Laundry* determined that a challenge to the legality of a decision by the Secretary of Transportation to defer obligation of funds already apportioned to the State of Missouri under the Federal-Aid Highway Act of 1956, as amended, 23 U.S.C. § 101 *et seq.* (1970), presented a justiciable issue. The question was whether the Secretary had any discretion at all so to act. *The State Highway Commission of Missouri v. Volpe*, Civil No. 72-1512 (8th Cir., April 2, 1973).

It seems clear, then, that for the reasons given and on the basis of the authorities cited, this Court is not barred from reaching the merits of this case either by the doctrine of sovereign immunity or by a lack of a justiciable case or controversy. *Hence, it is appropriate now to proceed to the question raised in plaintiff's summary judgment motion, i.e., whether the Administrator had discretion to refuse to allot the sums authorized to be appropriated in § 207 of the Act, or—put the other way around—whether allotment of those sums is a purely ministerial act. The Court may resolve this question on summary judgment because the defendant, in his Statement submitted pursuant to Local Rule 9(h), has not set forth any specific facts showing that there is a genuine issue for trial. See* Rule 56(e), F. R. Civ. P.

Resolution of the issue whether the Administrator is required under the Act to make the allotments in question here turns primarily on the meaning of § 205(a) and § 207 of the Act, which read as follows:

"ALLOTMENT

"SEC. 205. (a) Sums authorized to be appropriated pursuant to section 207 for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Such sums shall be allotted among the States by the Administrator in accordance with regulations promulgated by him, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For the fiscal years ending June 30, 1973, and June 30, 1974, such ratio shall be determined on the basis of table III of House Public Works Committee Print No. 92-50. Allotments for fiscal years which begin after the fiscal year ending June 30, 1974, shall be made only in accordance with a revised cost estimate made and submitted to Congress in accordance with section 516(b) of this Act and only after such revised cost estimate shall have been approved by law specifically enacted hereafter.

"AUTHORIZATION

"SEC. 207. There is authorized to be appropriated to carry out this title, other than sections 208 and 209, for the fiscal year ending

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June 30, 1973, not to exceed $5,000,000,000, for the fiscal year ending June 30, 1974, not to exceed $6,000,000,000, and for the fiscal year ending June 30, 1975, not to exceed $7,000,000,000."

In urging its interpretations of these sections, plaintiff places emphasis on the phrase "shall be allotted" in § 205(a), contending that the use of "shall" rather than "may" makes plain the mandatory character of this section. The Administrator defends his interpretation (namely, that he has discretion to decide how much to allot) primarily on the grounds that H.R. 11896, the bill from which § 205 and § 207 of the Act are derived, was amended in conference by the insertion of the phrase "not to exceed" before each of the sums specified in § 207 and by the deletion of the word "all" before the phrase "Sums authorized to be appropriated" in § 205(a); both amendments, it is contended, are substantive changes meant to give the Administrator the discretion to withhold allotments as he has done. Given the arguments of the parties, a "plain meaning" analysis is obviously inadequate to the task at hand. Rather, the Court must examine the relevant legislative history to determine whether Congress intended to give the Administrator the kind of discretion he claims to have under the Act. *The Wilderness Society v. Morton*, Nos. 72-1796, 1797, 1798 (U.S. App. D.C., February 9, 1973), slip op. at 22.

Of particular importance are the views of sponsors of the legislation in question. See e.g., *First National Bank of Logan, Utah* v. *Walker Bank and Trust Co.*, 385 U.S. 252, 261 (1966); *Schwegmann Bros.* v. *Calvert Distillers Corp.*, 341 U.S. 384, 395–95 (1951); *Kansas City, Mo.* v. *Federal Pacific Electric Co.*, 310 F. 2d 271, (8th Cir. 1962), *cert. denied*, 371 U.S. 912, and 373 U.S. 914. *Specifically, the Court can properly look to the expressed views of Congressman William Harsha, who is the ranking minority Member of the House Committee on Public Work, which reported H.R. 11896, and who was also the bill's floor manager and a member of the conference committee which worked out the final language of the Act, and the views of Senator Edmund Muskie, who is Chairman of the Senate Subcommittee on Air and Water Pollution, which reported the Senate version, S. 2770, and who was floor manager of that bill and a member of the conference committee. It was Congressman Harsha who sponsored the amendments on which the Administrator relies.*

An examination of pertinent portions of congressional debates quoted by both plaintiff and defendant reveals that *Congressman Harsha intended his amendments not to make any substantive change in the bill but rather to clarify* (or "emphasize," to use his own term) the point that the Administrator was to have discretion regarding the *obligation and expenditure* of funds authorized to be appropriated under the Act. Thus, in explaining his amendments, Congressman Harsha said: "I want to point out that the elimination of the word 'all' before the word 'sums' in section 205(a) and insertion of the phrase 'not to exceed' in section 207 was intended by the managers of the bill to emphasize the President's flexibility to control the rate of spending." CONGRESSIONAL RECORD, volume 118, part 25, page 33754 (emphasis added). Moreover, it is clear from an exchange of remarks by Congressman Robert Jones of Alabama, Chairman of the conference committee, Congressman Gerald Ford of Michigan and Congressman Harsha, that this intent was made known to the House, which later voted in favor of the legislation as amended. That exchange is recorded as follows:

"Mr. GERALD R. FORD. Mr. Speaker . . . I think it is vitally important that the intent and purpose of section 207 is spelled out in the legislative history here in the discussion on this conference report.

"As I understand the comments of the gentleman from Ohio [Harsha], the inclusion of the words in section 207 in three instances of "not to exceed" indicates that is a limitation. More importantly that it is not a mandatory requirement that in 1 year ending June 30, 1973, there would be $5 billion and the next year ending June 30, 1974, $6 billion and a third year ending June 30, 1975, $7 billion *obligation or expenditure*?

"Mr. HARSHA. I do not see how reasonable minds could come to any other conclusion than that *the language means we can obligate or expend up to that sum*—any thing up to that sum but not to exceed that amount. • • •

"Mr. GERALD R. FORD, Mr. Speaker, I would like to ask the distinguished chairman of the House conferees whether he agrees with the gentleman from Ohio (Mr. HARSHA).

"Mr. JONES of Alabama. . . . My answer is "yes." Not only do I agree with him, but the gentleman from Ohio offered this amendment which we have now under discussion in the committee of conference, so there is no doubt in anybody's mind of the intent of the language. It is reflected in the language just explained by the gentleman from page 33755 (emphasis added).

"Mr. GERALD R. FORD. Mr. Speaker, this clarifies and certainly ought to wipe away any doubts anyone has. *The language is not a mandatory requirement for full obligation and expenditure up to the authorization figure in each of the 3 fiscal years." Id.*, at page 33755 (emphasis added).

The Administrator is not supported in his interpretation of the Act's legislative history by citing remarks of Congressman Harsha concerning authority for Executive "impoundment" of funds. During the debates on H.R. 11896, Congressman Harsha took note of recent impoundments by the Executive branch of moneys allocated among the States under the Federal-Aid Highway Act of 1956, and made the following observation:

"[T]he Committee on Public Works is acutely aware that moneys from the highway trust fund have been impounded by the Executive. Expenditures from the highway trust fund are made in accordance with similar contract authority provisions to those in this bill. Obviously *expenditures and appropriations* in the water pollution control bill could also be controlled. However, there is even more flexibility in this water pollution control bill because we have added "not to exceed" in section 207, as I indicated before.

"Surely, if the administration can impound moneys from the highway trust fund which does not have the flexibility of the language of the water pollution control bill, it can just as rightly *control expenditures from the contract authority produced in this legislation by that same means." Id.*, at page 33754 (emphasis added).

The impoundment of Federal-Aid Highway Act moneys referred to by Congressman Harsha were of funds already allotted, i.e., the controls were being exercised at the obligation level rather than at the allotment level.[10] Thus, these comments tend to support the position of the plaintiff rather than that of the defendant in regard to which administrative functions are discretionary and which mandatory under the Act which this Court is called on to construe. It seems obvious from the remarks just quoted that, as Senator Muskie observed:

"Under the amendments proposed by Congressman WILLIAM HARSHA and others the *authorizations for obligational authority* are "not to exceed" $18 billion over the next 3 years. Also 'all' sums authorized to be obligated need not be committed, though they must be allocated. These two provisions were suggested to give the Administration some flexibility concerning the obligation of construction grant funds." *Id.*, at page 33694 (emphasis added).

The President appears to have concurred in the views of the sponsors concerning § 205 and § 207 of the Act, for in his message explaining his veto of the bill, he stated:

"Certain provisions of . . . [the bill] confer a measure of *spending discretion and flexibility* upon the President, and if forced to administer this legislation I mean to use those provisions to put the brakes on budget-wrecking expenditures as much as possible.

"But the law would still exact an unfair and unnecessary price from the public. For I am convinced . . . that the pressure for full funding under this bill would be so intense that funds approaching the *maximum authorized* amount could ultimately be claimed and paid out, no matter what technical controls the bill appears to grant the Executive." CONGRESSIONAL RECORD, volume 118, part 28, page 37054 (emphasis added).

In other words, the President believed that the Act required the Administrator to allot the full amount authorized, and he feared that once the Administrator had made the allotments, he might be under great pressure to approve grant applications up to the amount of the allotments. Congress, believing that the needs to which the Act was addressed were sufficiently urgent that expenditure of the full amounts authorized might be necessary,[11] and believing further that the Administrator was given sufficient discretion to avoid any hasty and improvident obligation of funds, passed the bill over the President's veto.

The question whether the entire amount should be *obligated* is, of course, not before this Court. The only question is whether the full allotments must be made, and the answer to that on the basis of the foregoing review of the sponsors' comments seems clear. The language of the pertinent sections of the Act, read in the light of their legislative history, clearly indicates the intent of Congress to require the Administrator to allot, at the appropriate times, the full sums authorized to be appropriated by § 207.[12] Hence, this Court has no choice other than to declare that § 205(a) of the Act requires the Administrator to allot among the states $5 billion for fiscal year 1973 and $6 billion for fiscal year 1974.

The only question remaining for decision is whether plaintiff's action may be maintained as a class action on behalf of all similarly situated municipalities within the State of New York. Defendant has opposed maintenance of this suit as a class action solely on the ground that plaintiff does not satisfy subsection (a)(3) and (a)(4) of Rule 23, Fed. R. Civ. P., i.e., it is contended that plaintiff's claim is not typical of those of the proposed class members and that plaintiff cannot adequately represent the class. The Court does not find these points well taken. Differences in amounts which various municipalities might receive from the State allotment have no bearing on the legal issue of whether the allotment as a whole should be increased. Neither can such differences make the City of New York something less than an adequate representative of the class as required by Rule 23(a)(4). Competition for shares of a common fund does not bar a class action on behalf of all competitors when the relief aought would lead to an increase in the total amount of that fund. *Berman* v. *Narragansett Racing Association*, 414 F.2d 311, 317 (1st Cir. 1969), *cert. denied*, 396 U.S. 1037 (1970). The Court finds that plaintiff satisfies all the requirements of Rule 23(a) and 23(b)(1)(A), can be maintained on behalf of the proposed class.

OLIVER GASCH, *Judge*.

Date May 8, 1973.

FOOTNOTES

[1] This action was originally brought against William D. Ruckelshaus, who was serving as Administrator at that time. During the pendency of the action, Mr. Ruckelshaus resigned and his successor has not yet been appointed and confirmed. By operation of Rule 25(d), Fed. R. Civ. P., the Acting Administrator is automatically substituted as the defendant. The action continues unabated unless the new Administrator comes forward with evidence showing such a discontinuance of his predecessor's policy as to make the action moot. See Rule 25(d), 1961 Notes of the Advisory Committee on Rules; 3B J. MOORE, Federal Practice, § 25.09 [3], at 25–402 (2d ed. 1969). Since no such showing has made in the instant case, the actions of Mr. Ruckelshaus are chargeable to the Acting Administrator for purposes of this action, and the Court's order is binding upon the Acting Administrator and his successors in office.

[2] 37 Fed. Reg. 26282, § 35,910–1(a) (1972).

[3] The contentions of the plaintiff-intervenor are substantially the same as those made by the plaintiff. In the interest of brevity, references throughout will be solely to the plaintiff unless the context requires otherwise.

[4] According to § 205(a) sums are to be allotted among the States "in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States." Congress has supplied the figures for determining the ratios to be used for the fiscal years ending June 30, 1973, and June 30, 1974. (Table III of House Public Works Committee Print No. 92–50). For subsequent fiscal years, the allotments are to be made in accordance with a revised cost estimate submitted by the Administrator to Congress and "approved by law specifically enacted hereafter."

[5] Section 202(a) sets the federal share of the cost of construction of projects, as approved by the Administrator, at 75 percent. Section 203 of the Act specifies that the Administrator's approval creates contractual obligations on the part of the United States.

[6] It should be noted that these same contentions were made recently in motions to dismiss by the defendant in three consolidated civil actions before Judge Jones of this Court. *Local 2677, American Federation of Government Employees* v. *Phillips*, Civil Action Nos. 371–73, 375–73 and 379–73 (D.D.C., April 11, 1973). In those suits, as in the instant case, plaintiffs were challenging the actions of a federal officer on the ground that they were in violation of his statutory authority; Judge Jones rejected the defendant's contentions and proceed to the merits of the case.

[7] Attached as Exhibit "B" to the affidavit is a copy of a letter dated March 1, 1973, from Gerald M. Hansler, Regional Administrator, EPA, announcing approval of the plaintiff's grant application for the two projects.

[8] H.R. 11896 was the House version of the bill later enacted as P.L. 92–500, 86 Stat. 816, the provisions of which are disputed in the instant case.

[9] For this reason the instant case is distinguishable from *Housing Authority of San Francisco v. U.S. Department of Housing and Urban Development*, 340 F. Supp. 654 (N.D. Cal. 1972), cited by the Administrator. In *Housing Authority* the Court found the issue presented to be nonjusticiable because it found in the statute in question a legislative "intention of allowing spending discretion in the executive" and "no manageable standards for determining whether the discretion had been abused." 340 F. Supp. at 656.

[10] It should be noted that the Court of Appeals for the Eighth Circuit has construed the Federal-Aid Highway Act as requiring obligation of allotted funds, and has thus declared the impoundments referred to by Congressman Harsha to be illegal *State Highway Commission of Missouri v. Volpe*, — F. 2d —, Civil No. 72–1512 (8th Cir., April 2, 1973).

[11] The central purpose of the Act as set forth in the first section is to effectuate "the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985." § 101(a)(1). Congressman Harsha recognized that achieving this goal might well require spending the entire $18 billion authorized to be appropriated; and he observed: "To say we can't afford this sum of money is to say we can't afford to support life on earth." CONGRESSIONAL RECORD, volume 118, part 28, page 37056.

[12] As previous discussion has indicated, pp. 10–12, *supra*, this construction of the Act does not infringe upon any prerogative of the Executive branch. The Court is thus not confronting any delicate constitutional question of the kind which Mr. Justice Brandeis, in *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 345–48 (1936), counseled courts to avoid. Hence defendant's reliance on *Ashwander* as authority for the proposition that the Act should be construed so as to enhance his powers at the expense of those of the Congress is not well taken.



[Civil Action No. 371–73, Civil Action No. 375–73, Civil Action No. 379–73]

DECISION OF JUDGE WILLIAM B. JONES

(Local 2677, the American Federation of Government Employees, et al, Plaintiffs, v. Howard J. Phillips, both individually and in his capacity as Acting Director, Office of Economic Opportunity, Defendant; West Central Missouri Rural Development Corp., et al., Plaintiffs, v. Howard Phillips, Individually and as Acting Director, Office of Economic Opportunity, Defendant; National Council of O.E.O. Locals, A.F.G.E., AFL–CIO, et al., Plaintiffs, v. Howard J. Phillips, Acting Director of the Office of Economic Opportunity, et al., Defendants)

ORDER

These consolidated cases having come before the Court on the defendant's motion to dismiss or in the alternative for summary judgment, and the plaintiffs' cross-motions for summary judgment, as to which there is no genuine issue of material fact, and the Court having considered the points and authorities in support of and in opposition to those motions, and having heard argument of counsel, and for the reasons stated in the Opinion filed in this case,

It is this 11th day of April, 1973,

Ordered,

That the plaintiffs' motion for voluntary dismissal in Civil Action No. 379–73 be and is hereby denied;

That defendant Phillips' motion to dismiss be and is hereby denied;

That defendant Ash's motion to dismiss or for summary judgment be and is hereby granted;

That defendant Phillips' motion for summary judgment be and is hereby denied;

That the plaintiffs' motions for summary judgment be and are hereby granted;

Further ordered, adjudged, and declared that the acts or omissions or both, including all rules, regulations, guidelines, instructions, and other communications, written or oral, heretofore published, promulgated or otherwise communicated, directing, providing for, or intended to accomplish the termination, dissolution, or abolition of the Office of Economic Opportunity, or of the termination of funding or functioning of Community Action Agencies, designated in accordance with the provisions of sections 210 and 221 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. § § 2790 and 2808 (except those Community Action Agencies found not to be qualified for refunding pursuant to regulations as set forth in 45 C.F.R. §§ 1067.1, 1067.2 (1972)), are unauthorized by law, illegal, and in excess of statutory authority whether such acts or omissions were those of defendant Phillips, or any agent, servant, employee, or other person acting in concert with defendant Phillips, or otherwise employed by or purportedly acting for or on behalf of him or of the Office of Economic Opportunity;

Further ordered, adjudged, and declared that all rules, regulations, guidelines, instructions, and other communications, written or oral, heretofore published, promulgated or otherwise communicated, directing, providing for, or intended to accomplish the termination, dissolution or abolition of the Office of Economic Opportunity, or of the termination of funding or functioning of Community Action Agencies, designated in accordance with the provisions of sections 210 and 221 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. §§ 2790 and 2808 (except those Community Action Agencies found not to be qualified for refunding pursuant to regulations set forth in 45 C.F.R. §§ 1067.1, 1067.2 (1972)), are unauthorized by law, illegal, and in excess of statutory authority, null and void, whether such rules, regulations, guidelines, instructions, or other communications were those of defendant Phillips, or any agent, servant, employee, or other person acting in concert with defendant Phillips, or otherwise employed by or purportedly acting for or on behalf of the Office of Economic Opportunity;

Further ordered that defendant Phillips and any agent, servant, employee, or other person acting in concert with defendant Phillips, or otherwise employed by or purportedly acting for or on behalf of him or the Office of Economic Opportunity, be and the same are hereby enjoined from implementing or enforcing, or both, any such rule, regulation, guideline, instruction, or other communication, written or oral, heretofore published, promulgated, or otherwise communicated;

Further ordered that, within ten days of the date of this Order and Judgment, defendant Phillips send copies of this Order and Judgment to all Office of Economic Opportunity Regional Directors and to all Community Action Agencies which on January 29, 1973, were designated such agencies.

Judge WILLIAM B. JONES.

[Civil Action No. 371–73, Civil Action No. 375–73, Civil Action No. 379–73]

DECISION OF JUDGE WILLIAM B. JONES

(Local 2677, the American Federation of Government Employees, et al., Plaintiffs, v. Howard J. Phillips, both individually and in his capacity as Acting Director, Office of Economic Opportunity, Defendant; West Central Missouri Rural Development Corp., et al., Plaintiffs, v. Howard Phillips, Individually and as Acting Director, Office of Economic Opportunity, Defendant; National Council of O.E.O. Locals, A.F.G.E. AFL–CIO, et al., Plaintiffs, v. Howard J. Phillips, Acting Director of the Office of Economic Opportunity, et al., Defendants)

OPINION

These three consolidated actions have been brought to declare unlawful and enjoin what the plaintiffs allege to be the unlawful dismantlement of the Office of Economic Opportunity (OEO) by the defendant, Howard J. Phillips, Acting Director of OEO. The plaintiffs in *Local 2677, American Federation of Government Employees, et al.* v. *Phillips*, Civil Action No. 371–73 (hereinafter *Local 2677*), by an amended complaint, are the labor organization-bargaining agent for the Washington, D.C. headquarters employees of OEO, and two individual OEO headquarters employees. Suit is brought on behalf of all OEO employees throughout the country who have been or are about to be adversely affected by the alleged unlawful acts of the defendant. The plaintiffs in *West Central Missouri Rural Development Corps., et al.* v. *Phillips*, Civil Action No. 375–73 (hereinafter *West Central*), are four Community Action Agencies (CAAs) as designated pursuant to 42 U.S.C. § 2790 (1970), which bring their suit on behalf of all 930 CAAs receiving funds from OEO under section 221 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. § 2808 (1970).

In the third suit, *National Council of*

Footnotes at end of article.

XUM

*O.E.O. Locals, A.F.G.E., AFL–CIO, et al.* v. *Phillips, et al.*, Civil Action No. 379–73 (hereinafter *National Council*), the plaintiffs are the exclusive agency-wide representative for all nonsupervisory OEO employees, an association of CAA executive directors, three CAAs, two headquarters employees of OEO, several CAA employees, and several beneficiaries of programs funded by OEO through CAAs. *National Council* is likewise brought as a class action on behalf of all OEO employees, all CAAS and their employees, and all beneficiaries of CAA programs.[1] Jurisdiction is based on 28 U.S.C. §§ 1331, 1337, 1361 and 2201–02 (1970), as well as for review of administrative action under 5 U.S.C. §§ 701–06 (1970).

At a hearing on March 2, 1973, the Court granted the defendant's uncontested motion for consolidation and allowed the plaintiffs certain limited expedited discovery of Phillips by interrogatories and set a timetable for the filing of motions. At that time the defendant filed an affidavit indicating his intention not to take any action, prior to March 15, 1973, relating to transferring or discontinuing any OEO program which would finally and irrevocably adversely affect the rights of OEO employees. The terms of that affidavit were extended to March 23, 1973, at the Court's request. Subsequently, on March 7, 1973, the application for a temporary restraining order in *Local 2677* was argued and denied. The case is now before the Court on the plaintiffs'[2] motions for preliminary injunction, the defendant's motion to dismiss or in the alternative for summary judgment, and the plaintiffs' cross-motions for summary judgment, which supercede and incorporate the prior motions for preliminary injunction.

The plaintiffs' statements of material facts as to which there is no genuine dispute filed in accordance with Local Rule 9(h), have not been controverted by the defendant, except as they may contain legal conclusions. Those material facts in turn are merely an elaboration of the Rule 9(h) statement submitted by the defendant, and thus the Court finds that there are no material facts in dispute and the case is ripe for summary judgment.

On March 20, 1973, two days before the oral hearing in this case, the plaintiffs in *National Council* moved to voluntarily dismiss their suit under Fed. R. Civ. P. 41(a) so that they could join in a similar suit brought by other parties in the United States District Court for the Northern District of Illinois. Dismissal under Rule 41(a)(1) would not be proper because of the class nature of the suit and the filing of a motion for summary judgment by the defendant. The Court, in the exercise of its discretion under Rule 41(a)(2), will refuse to grant the voluntary dismissal. Although the Court is aware of the alleged financial burden of pursuing this action further, the motion for dismissal was not filed until the case was ready for final disposition by summary judgment. Dismissal at this time, especially of a class action, would not best facilitate the orderly and swift administration of justice.[3]

Consideration was also given at oral argument to transferring *National Council* to the Northern District of Illinois for possible consolidation with the suit plaintiffs sought to join there. The defendant's counsel objected, noting that argument was scheduled for four days later on the motion for preliminary injunction in that suit. In view of that circumstance, the Court decided that a transfer would be untimely.

STATEMENT OF THE CASE

The plaintiffs assert that the defendant has been acting illegally for several reasons. It is sufficient for the disposition of these cases to consider only three of their contentions. First, the plaintiffs claim that the Economic Opportunity Amendments of 1972 (hereinafter 1972 Amendments), Pub. L. No. 92–424, 86 Stat. 688 (1972), in particular sections 2(a), 3(c)(2), and 28, forbid the defendant from taking the actions he has to terminate OEO funding of CAAs. Second, the claim is made that the activities of the defendant regarding the alleged termination of CAA functions is an illegal reorganization because the terms of the Reorganization Act, 5 U.S.C. §§ 901–13 (1970) have not been complied with. Finally, the plaintiffs contend that the defendant's directives are illegal and of no effect because he failed to publish them in the Federal Register as required by section 22 of the 1972 Amendments, 42 U.S.C.A. § 2971b. The defendant has raised several technical defenses in addition to his defenses on the merits. The Court finds against the defendant on these points for reasons set forth below.

The Court finds for the plaintiffs on all three of these basic substantive theories.

CASE OR CONTROVERSY

The defendant argues that these cases are brought prematurely and thus fail to present a justiciable case or controversy. An examination of the uncontroverted facts reveals that this contention is totally unfounded and that the present cases present a justiciable case or controversy.

On January 29, 1973, President Nixon submitted his 1974 Budget Message to Congress. That budget message set forth the administration's plan to transfer responsibility for certain OEO functions to other agencies. The message specifically notes that—

"No funds are requested for . . . [OEO] for 1974. Effective July 1, 1973, new funding for . . . [CAAs] will be at the discretion of local communities. . . . With Community Action concepts now incorporated into ongoing programs and local agencies [if the budget proposals are approved], the continued existence of OEO as a separate Federal agency is no longer necessary."[4]

The defendant has attached this excerpt from the budget message to his affidavit filed in support of his motion for summary judgment as an indication of the plan he is pursuing as Acting Director of OEO.

On January 29, 1973, the defendant issued a memorandum to all OEO regional offices, attached as Exhibit A to the complaint in *West Central*, regarding the "termination of section 221 [CAA] funding." That memorandum, at page two, further noted that the cessation of funding would rescind individual designations as CAAs. OEO Instruction 6730–3, issued March 15, 1973, at page two, repeats the same instruction of the defendant that CAA funding will cease and further warns that use of funds by a CAA for any purpose except phasing out its activity or the failure of a CAA to submit an "acceptable" phase-out plan 120 days prior to the termination of section 221 funding will result in summary suspension of OEO funds. The same Instruction 6730–3 sets out 21 pages of guidelines for CAAs to follow in shutting down their section 221 operations, with various deadlines to be met throughout that process.

Thus, as stated in the uncontroverted *West Central* statement of material facts not in issue, all program evaluations and processing of CAA applications for purposes other than phasing out CAA activities have stopped. CAAs have been instructed to stop purchasing or repairing essential equipment. The day-to-day business operations of CAAs have been hindered if not halted by the unwillingness of third parties to deal with CAAs because of the announcement by the defendant of the termination of funding. The orderly continuation of CAA functions, discussed in more detail *infra*, has been halted or severely disrupted by the requirements imposed by OEO regarding termination. Finally, CAA employees are leaving their jobs in anticipation of the cessation of funding in compliance with OEO directives.

Footnotes at end of article.

The defendant asserts that the complaint of the plaintiffs is premature because the defendant's compliance with his statutory duties regarding CAAs cannot be determined until June 30, 1973. The basic theory underlying this assertion is that until that time the defendant will be in compliance with all applicable statutes because the OEO's CAA function will not cease before that date and because he will reserve and make available for obligation to CAAs in fiscal year 1973 the $328,900,000 mandated by section 3(c)(2) of the 1972 Amendments.[5]

Article III of the Constitution does limit the jurisdiction of this Court to actual cases or controversies, and forbids the adjudication of hypothetical questions upon which the Court would render only an advisory opinion. *Golden* v. *Zwickler*, 394 U.S. 103, 108, 110 (1969). A case or controversy in the constitutional sense "must be definite and concrete, touching the legal relations of parties having adverse legal interests." *Aetna Life Insurance Co.* v. *Haworth*, 300 U.S. 227, 240–41 (1937). In the absence of an immediate adverse effect on parties in a concrete situation, a dispute is too hypothetical for the proper exercise of the judicial function. *Longshoremen's Union* v. *Boyd*, 347 U.S. 222, 223–24 (1954).

The application of these general principles to the instant suit demonstrates that it readily meets the case or controversy requirement. The plaintiffs are challenging the current practices of the defendant as they affect the day-to-day operations of the CAAs. There is no doubt but that the directives of the defendant, in requiring the CAAs to phase out their operations and in setting a timetable for that purpose, have presented a judicially cognizable controversy that is having severe, intended, and immediate adverse consequences upon all the class plaintiffs in these suits. Moreover, the defendant has announced in Instruction 6730–3 that each CAA must decide by June 30, 1973, whether to continue in existence and notify OEO of that decision.

In determining whether a dispute has matured to the point at which it becomes a case or controversy, a court may look to the announced intentions of the defendant to take adverse action against a plaintiff. *Younger* v. *Harris*, 401 U.S. 37, 42 (1971). If a plaintiff is "either presently or prospectively subject to the regulations, proscriptions, or compulsions that he . . . [is] challenging," then he has presented a case or controversy for judicial resolution. *Laird* v. *Tatum*, 408 U.S. 1, 11 (1972). The plaintiffs here are subject to both presently effective orders and those which require them to take action in the future which they challenge as unlawful. The defendant has left no doubt of his intention to act in accord with those orders.

Surely it cannot be maintained that the plaintiffs must wait until the CAAs have gone out of existence before they may challenge acts of the defendant which they claim are illegal. Courts do not require that an injury be complete before they will adjudicate the issues. The present case is no abstract disagreement over policies which have not as yet affected the plaintiffs in a concrete way. The controversy is so concrete that a delay in judicial consideration would work extreme hardship on the plaintiffs. *Cf. National Automatic Laundry & Cleaning Council* v. *Shultz*, 143 U.S. App. D.C. 274, 443 F. 2d 689 (1971).

In rebuttal the defendant argues that no case or controversy can exist until Congress appropriates money for OEO to operate in fiscal 1974. The plaintiffs, however, do not argue that OEO must spend new funds in fiscal year 1974 which have not been appropriated. Rather they challenge as unlawful the current and announced practices of the defendant as they affect the plaintiffs today, even though those practices will affect them as well after June 30, 1973. In that context, this case is justiciable.



POLITICAL QUESTION

The defendant contends further that this case is not justiciable because it involves a political question. That theory is bottomed on the assumption that what the plaintiffs really ask of this Court is for it to interject itself between the Executive and Legislative branches of the federal government regarding the Executive budget proposals for OEO for fiscal year 1974. If that were the circumstance, the defendant would clearly be correct. But the Court holds that not to be the circumstance and that this case does not present a nonjusticiable political question.

As will be elaborated in the discussion of the merits of this case, the plaintiffs are challenging the defendant's exercise of his statutory powers as Acting Director of OEO as unlawful and in direct violation of certain statutory obligations. The plaintiffs do not seek to force Congress to appropriate any funds or to require the defendant to spend any funds which have not been appropriated. Rather they seek to enjoin the defendant from acting in a manner other than that consistent with laws already passed by the Congress and signed by the President. It is their contention that Congress has already spoken through law on the manner in which the OEO, and in particular the CAA program of OEO, must be operated and that the defendant is acting contrary to that mandate.

Therefore this dispute is one which readily is within the judicial power. It is the type of case which the federal courts regularly encounter and decide. *See, e.g., Ringer* v. *Mumford*, — F. Supp. — (D.D.C. 1973). Thus there is no problem with formulating "judicially discoverable and manageable standards for resolving" the dispute. *Powell* v. *McCormack*, 395 U.S. 486, 518 (1969), *quoting Baker* v. *Carr*, 369 U.S. 186, 217 (1962). Briefly, the Court must determine whether an executive official is following the explicit mandates of the Congress and the Constitution, which is the judicial function in our tripartite government. *Baker* v. *Carr*, *supra*, at 211. *Cf. Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137 (1803).

No problem of a clear textual commitment to another branch of government of the matter under consideration here is present. *Powell* v. *McCormack*, *supra*, at 518; *Baker* v. *Carr*, *supra*, at 211, 217. The textual commitment most apposite to the instant case is that of the President under Article II, section 3, of the Constitution to "take Care that the Laws be faithfully executed." The plaintiffs claim that the defendant, an executive official, is in violation of his duties under 42 U.S.C. § 2808 (1970) to implement the Economic Opportunity Act, in particular as last amended by the Congress. No nonjusticiable political question is presented in this case.

SOVEREIGN IMMUNITY

The defendant argues that in reality these are unconsented suits against the United States which must be dismissed because of sovereign immunity. In support of this theory, it is contended that enjoining the defendant would be a judgment which would draw upon the Treasury because it would require the expenditure of funds not yet appropriated, and further that it would interfere with the public administration of the laws. Thus the well known rule that a suit nominally against a government official is in actuality an unconsented suit against the United States would require dismissal. *Land* v. *Dollar*, 330 U.S. 731, 738 (1947).

The defendant would be right if the characterization of the issues were correct. But this argument proceeds on a fundamentally incorrect premise. The relief which the plaintiffs seek would not be a drain on the public purse. No injunction to spend unappropriated funds is sought. What the plaintiffs do demand is that the defendant be enjoined from acting in a manner which violates his statutory duties under the Economic Opportunity Act or that he be declared to be acting unconstitutionally. Thus this suit clearly falls within the exception to the doctrine of sovereign immunity which allows suits against federal officials who have allegedly acted beyond their statutory powers or have exercised their statutory powers in a constitutionally void manner. *Dugan* v. *Rank*, 372 U.S. 609, 621–22 (1963); *Larson* v. *Domestic & Foreign Corp.*, 337 U.S. 682, 689 (1949).[6] Even though a judgment of this Court will require that funds be expended in its implementation, there is no draw upon the public treasury. It is undisputed that Congress has appropriated monies for the operation of OEO through June 30, 1973. Pub. L. No. 92–607, 86 Stat. 1503. Therefore any order of this Court requiring the defendant to act in accordance with the mandate of Congress would draw upon funds appropriated for that purpose.

Sovereign immunity has also been waived in a second manner. Jurisdiction in this suit is partially based on the review of administrative action pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 701–06 (1970). In cases in which the Administrative Procedure Act is applicable, it is the law of this Circuit that that Act serves as a waiver of sovereign immunity. *Scanwell Laboratories, Inc.* v. *Shaffer*, 137 U.S. App. D.C. 371, 385, 424 F.2d 859, 873 (1970); *Constructores Civiles de Centroamerica, S.A.*, v. *Hannah*, 148 U.S. App. D.C. 159, 459 F.2d 1183 (1972). As the Court of Appeals recently held in *Knox Hill Tenant Council* v. *Washington*, 145 U.S. App. D.C. 122, 129, 448 F. 2d 1045, 1052 (1971):

"There is nothing new about judicial entertainment of suits which charge that federal officials are acting outside of, or in conflict with, the responsibilities laid upon them by the Congress or the Constitution. Whether such charges are true, and, if so, what remedial action the court should or may direct, are questions partaking of the merits, and not of jurisdiction to explore the merits." (Footnote omitted.)

Thus this court has jurisdiction to interfere with the public administration in cases in which it is charged that the administrator has violated his statutory and constitutional responsibilities.

STANDING IN LOCAL 2677 AND NATIONAL COUNCIL

The plaintiff OEO employees in *Local 2677* and *National Council* complain of the defendant's actions in terminating CAA funding and functions as an unlawful exercise of his statutory powers as Acting Director of OEO and as violative of the Reorganization Act, 5 U.S.C. §§ 901–13 (1970). They argue that the abolition of OEO itself, the avowed goal of the defendant, see *supra*, will adversely affect them in that they will be and are losing their jobs either through reductions in force or outright firings. The defendant argues that the unions lack standing to assert these claims on behalf of their employees and that, in any event, they have failed to exhaust their administrative remedies and thus are precluded from bringing suit at this time. These contentions are without merit and the Court finds that the union plaintiffs in *Local 2677* and *National Council* have standing and are not barred by the doctrine of exhaustion of remedies.

No general discussion of the evolving law of standing is needed to demonstrate that the union plaintiffs have asserted the required claim of injury in fact to an interest arguably within the zone of interests to be protected or regulated by the statutes which they claim the defendant is not carrying out. *See Sierra Club* v. *Morton*, 405 U.S. 727, 733 (1972). The loss of jobs is certainly a claim of injury in fact. Although the union plaintiffs may not be the primary intended beneficiaries of the statutes which they claim the defendant's actions violate, they need only be intended beneficiaries to have standing. *Constructores Civiles de Centroamerica, S.A.* v. *Hannah*, 148 U.S. App. D.C. 159, 165, 459 F. 2d 1183 (1972); *Peoples* v. *United States Department of Agriculture*, 138 U.S. App. D.C. 291, 293, 427 F. 2d 561, 563 (1970). The plaintiffs' interest in continued employment is one that the statutory and constitutional provisions which they claim are being violated were intended to protect.

This case is strikingly analogous to *Lodge 1858, A.F.G.E.* v. *Paine*, 141 U.S. App. D.C. 152, 436 F. 2d 882 (1970). In *Lodge 1858* the Court of Appeals held that civil service employees of the National Aeronautical and Space Administration (NASA) through their union had standing to contest as violative of a statute the action of the NASA administrator in hiring outside workers at a federal installation. The statute placed specific limitations on the administrator in using outside workers. The situation is the same in the instant case. The union plaintiffs assert that their members will lose their jobs because their administrator, the defendant, is acting outside the scope of his statutory authority.

*Lodge 1858* also dictates that this case not be dismissed for failure to exhaust administrative remedies. The exhaustion requirement contemplates an effective remedy before it comes into play. In *Lodge 1858*, the employees could not challenge the statutory validity of the outside contracts in a civil service proceeding and thus it would have been futile to require them to exhaust that "remedy" before challenging the administrator's action in court. In the present case, it would likewise be outside the scope of civil service authority to determine whether the defendant was acting within his statutory duties in terminating the CAA function of OEO and OEO itself. *Id.* at 166–67, 436 F. 2d at 896–97.

Having rejected the defenses to jurisdiction of the defendant as inapplicable to the present proceeding, the Court now turns to the substantive consideration of the plaintiffs' claims.

TERMINATION OF CAA FUNDING AS VIOLATIVE OF THE ECONOMIC OPPORTUNITY ACT OF 1964, AS AMENDED

As set forth earlier,[7] on January 29, 1973, President Nixon submitted his 1974 Budget Message to Congress. The budget message requests that no funds be appropriated OEO in fiscal year 1974. CAA functions are to be transferred to local agencies through the use of special revenue sharing. The existence of OEO as a federal agency is to cease. On the same date, the defendant issued a memorandum to all OEO regional offices, regarding the "termination of section 221 [CAA, 42 U.S.C. § 2808 (1970)] funding."[8] Before discussing this termination program in more detail, a brief outline of the CAA function of OEO will help place this controversy in the proper perspective.

A CAA is a state, a political subdivision of a state, a combination of political subdivisions, or a public or private nonprofit agency formally designated as a CAA by a state or appropriate political subdivision. The CAA designation is official for purposes of receiving funds and administering programs upon ratification by the Director of OEO. 42 U.S.C. § 2790 (1970).

After official designation, a CAA is the local apparatus for citizen participation in the policy planning and implementation of the community action programs (CAP) which "includes . . . a sufficient number of projects or components to provide . . . a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem." 42 U.S.C. § 2790(a)(1) (1970).

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In addition, a CAA must carry out the purposes of the Act in conformity with criteria prescribed by the OEO Director. Each CAA plans and administers its programs through a board composed of elected public officials, community leaders, and democratically selected representatives of the poor in the area served by the CAA.

Section 221 of the Act, 42 U.S.C. § 2808 (1970) grants local initiative funds to each CAA to plan and implement its own unique combination of antipoverty programs. Thus any individual CAA may decide to use its funds for locally determined priorities, such as health care or manpower training. CAAs typically administer their programs through a network of neighborhood centers that provide the opportunity for close contact with, and participation by the intended beneficiaries of the program. OEO grants to CAAs are on a yearly basis, with provisions for termination, suspension, or certain reductions in fundings to any individual CAA. 45 C.F.R. §§ 1067.1, 1067.2 (1972).

In addition, CAAs are eligible to apply for grants from OEO under section 222 of the Act, 42 U.S.C. § 2809, to fund specific antipoverty programs, such as legal services, comprehensive health services, and alcoholic counseling and recovery. Section 222 also enables CAAs to receive funds to administer programs under the Act funded by other federal agencies, such as Headstart preschool and elementary funds from the Department of Health, Education, and Welfare, and several work training and employment programs funded by the Department of Labor. Official designation as a CAA entitles it to receive funding from different federal departments for certain programs under the Act on a priority basis. If funds are available for the program in the area served by the CAA, the CAA receives the funds automatically in preference to other potential recipients. Section 221 funds typically pay the overhead on facilities that are used to dispense those other services for which CAAs may obtain OEO and other federal funds.

In September 1972, the Congress passed the Economic Opportunity Amendments of 1972, Pub. L. No. 92-424, 86 Stat. 688, and that Act was signed into law by the President. Section 2(a) of the Amendments authorized and directed the continuance of the CAP program, as administered by CAAs, through the end of fiscal year 1975. 42 U.S.C.A. § 2837.[9] Section 3(c)(2) of the Amendments, note 5, *supra*, authorized and earmarked certain funding levels for section 221 programs through June 30, 1974. Finally, section 28 of the Amendments (42 U.S.C.A. § 2942 note) provides that—

"Notwithstanding the provisions of section 608(d) of the Economic Opportunity Act of 1964, the Director of the Office of Economic Opportunity shall not delegate his functions under section 221 and title VII of such Act to any other agency." [10]

The January 29, 1973, memorandum of the defendant Phillips instructed all grantees of funds under section 221 that they must begin phasing out their programs because the fiscal year 1974 budget does not provide any funds for section 221 grants. Grantees which were scheduled for refunding between that date and June 30, 1973, and which were otherwise qualified for refunding,[11] would receive phase-out grants only of up to six months' duration. Section 221 grantees with current funding scheduled to expire after July 1, 1973, would receive no further grants and would be required to use the current grant to phase out their operations. No funds at all would be available to any CAA after December 31, 1973.

OEO Instruction 6730-3, issued March 15, 1973, is more explicit in its terms regarding phase-out activities of CAAs. The instruction directs, at page 1, that—

"No costs chargeable to Section 221 grant funds shall be incurred except costs directly related to the orderly phase-out of the grantee's Section 221 activities, once the phase-out period commences (usually 45 to 90 days before the end of the grant period)."

Instruction 6730-3 requires that each section 221 grantee prepare a phase-out plan and budget conforming to the requirements of the instruction and submit it 120 days prior to the date of termination of section 221 funding. The failure of a CAA to submit that plan in an acceptable form will lead to summary suspension and the stoppage of further checks from OEO. The phase-out plan is required to be in great detail, and a checklist is provided, with different aspects of the phase-out plan to be accomplished at set times before the section 221 grant expires. Extensions are unavailable even if funds remain unexpended at the end of the funding period.

The phase-out plan is to provide for the progressive release or reassignment of personnel. Accrued leave and termination pay, social security and withholding taxes are to be paid out of remaining funds. All personal property both of the CAA and the federal government is to be inventoried 150 days prior to the termination of the grant period. Leases are to be paid and terminated. CAA records are to be indexed and forwarded to OEO. Fourteen pages of checklists and further specific instructions follow the eleven pages which detail the phase-out method described above. Under this state of facts, the Court is compelled to find that the defendant is terminating the CAA function of OEO and that CAAs are being required to use their funds to phase out their programs rather than carry out their purposes under section 221 of the Act.[12]

The plaintiffs claim that the defendant's program to terminate OEO's CAA function now is unlawful because the Congress last fall in section 2(a) of the 1972 Amendments, note 10, *supra*, provided that the Director of OEO "shall" carry out section 221 programs through June 30, 1975. The plaintiffs acknowledge that if Congress fails to provide funds for OEO to operate after June 30, 1973, either by continuing resolution or an appropriation, the defendant has no obligation to spend any money. But they argue that until funds do expire on June 30, the defendant is bound to operate OEO as before January 29, 1973, through the duty imposed upon the President under Article II, section 3, to "take Care that the Laws be faithfully executed." The plaintiffs construe the defendant's obligation under section 2(a) of the 1972 Amendments to continue to operate section 221 programs to be to carry out section 221 functions until either no funds are left or Congress terminates the program. This would entail the continued refunding of CAAs as before, contingent upon funds being appropriated for actual expenditure. In other words, CAAs would operate as before, including the reprocessing of grants, and cease operation only if funds actually do not become available.

The defendant contends that because the budget message of the President, as the latest assessment of national needs and priorities, requests no funds for OEO to operate after June 30, 1973, the fiscally responsible course for the defendant to undertake is to phase out the CAA program that will be out of existence only July 1, 1973. In support of this theory, the defendant cites the general proposition of the law with which the plaintiffs are in total agreement—that the defendant cannot be forced to spend any funds which have not yet been appropriated. The defendant, however, goes on to argue that once the President has submitted his budget to the Congress, a program administrator must look to that message. If no funds are proposed for his agency, it is his duty to terminate that agency's functions to effect the least "waste" of funds. Because the Court can find no support for this position in the budget act, the OEO act, the history of OEO appropriations, or the Constitution itself, the Court finds for the plaintiffs on this count.

The Budget and Accounting Act of 1921, 32 Stat. 20, was the original legislation which required that the President submit a proposed budget at the beginning of each session of Congress. The pertinent section of that Act, as amended, requires that—

"(a) The President shall transmit to Congress during the first fifteen days of each regular session, the Budget, which shall set forth his Budget message, summary data and text, and supporting detail. The Budget shall set forth in such form and detail as the President may determine—

• • • • •

"(5) estimated expenditures and *proposed appropriations* necessary in his judgment for the support of the Government for the ensuing fiscal year."

31 U.S.C. § 11(a)(5) (1970) (emphasis added).

There is no question both from the text of the Act and the legislative history [13] that the budget is nothing more than a proposal to the Congress for the Congress to act upon as it may please. No citation of authority is required to show that the Congress not infrequently acts contrary to its requests.

The defendant nevertheless argues that until an appropriations bill for OEO is passed, substantive obligations regarding fiscal responsibility imposed on him by 42 U.S.C. §§ 2835(a) and (d) (1970) require that he terminate the CAA functions now before funds are exhausted. The remaining section 221 funds, he argues, could be spent in a more fiscally responsible manner in winding up the affairs of the soon to be defunct CAAs than in keeping section 221 programs functioning. Neither section cited lends any support to that thesis. Section 2835(a) concerns the responsibility of the OEO Director to insure the fiscal integrity of CAAs through the establishment of proper accounting procedures. Section 2835(d) on its face requires the Director to take action "to promote the continuity and coordination of all . . . [section 221] programs . . . including provision for the periodic programming and supplementation of assistance previously provided."

Termination of the CAA function because no appropriation bill had yet been passed and no funds were requested in the budget would not be in keeping with the obligations to maintain fiscal responsibility as those obligations are defined by the Act itself. Those obligations are clearly intended to insure the fiscal responsibility of an ongoing program.

Moreover, if the defendant were correct in his argument, it would have been the responsibility of every OEO Director to terminate the section 221 program before the end of the fiscal year. Since its inception in 1964, Congress has never funded OEO prior to the end of the fiscal year. The average date of the appropriation bill has been the following November, and the OEO appropriation bill for fiscal year 1970 was not passed until March 5, 1970, less than four months prior to its termination.[14] Assuming, as the defendant argues, that a fiscally responsible administrator must terminate programs under his supervision in the absence, as here, of either an appropriation or a budget request for funds, any program from OEO to agricultural crop subsidies, could be terminated by the Executive by not requesting any funds in the budget to continue its operation. That construction would in effect give the President a veto power through the use of his budget message, a veto power not granted him by Article I, section 7, of the Constitution.

In defense of this position, the defendant argues that once the President makes known his disapproval of a program through his budget message, the Congress can act to preserve that authorized program by passing an appropriation bill which would force the President to continue the program. This argument, even if it were valid in a situation in which the authorization bill for a program expired at the end of the program's appropriation, an argument of doubtful validity, cannot legitimize the defendant's actions here in the face of the multiple year authorization of sections 2(a) and 3(c)(2) of the 1972 Amendments, notes 5 and 9, *supra*.[15]

Congress, by its use of a multiple year authorization, has indicated its intent that the CAA function of OEO continue for at least that period of time. Moreover, in passing the 1972 Amendments which contained that multiple year authorization, the Congress found that the CAA program in particular should continue. The House Committee on Education and Labor, in reporting out the bill which was enacted as the 1972 Amendment was "convinced that the community action concept has matured and met the test of practice and time."

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"[The Committee] intend[s] that . . . there be no diminution in program levels for local initiative."—H.R. Rep. No. 92-815, 92d Cong., 2d Sess., 14, 15 (1972).

The Senate Committee on Labor and Public Welfare was equally impressed with the CAA program:

"The committee was especially impressed in the hearings at the demonstration of maturity, sophistication, and competence by community action agencies and their spokesmen.

"The 930 community action agencies around the country . . . are the very heart of the War on Poverty."—S. Rep. No. 92-792, 92d Cong., 2d Sess. 9-10 (1972).

In addition, both reports detail the praise civic groups have had for CAAs, and recite many of their accomplishments. The clear Congressional intent of the multiple year authorization was that the program continue, especially in the light of the late appropriations process that has been detailed earlier. The multiple year authorization enables the Congress to evidence the intent to continue to fund a program (with the option to terminate it if it so pleases) without being forced to make that intent known by appropriating funds before the end of the fiscal year.

In effect, the defendant argues that by use of the budget message the Executive can force the Congress to legislate to keep an authorized program from terminating. The defendant contends further that he can use the funds appropriated by Congress to run section 221 programs to terminate them and force the Congress to act before the time that it has set for itself (June 30, 1973) to act on appropriating the funds as allowed by the authorization. Thus the Executive would effectively legislate the termination of section 221 programs before Congress has declared that they shall end. Article I, section 1, of the Constitution vests "[a]ll legislative powers" in the Congress. No budget message of the President can alter that power and force the Congress to act to preserve legislative programs from extinction prior to the time Congress has declared that they shall terminate, either by its action or inaction.

The defendant concedes at pages 22-23, note 5, of his original memorandum that the OEE Director is under an obligation to carry on programs in any year in which funds are appropriated. That is all the plaintiffs seek here—that the defendant carry on section 221 programs through fiscal 1973, and not terminate them, as this Court has found that the defendant is doing.

An authorization does not necessarily mean that a program will continue. Congress, of course, may itself decide to terminate a program before its authorization has expired, either indirectly by failing to supply funds through a continuing resolution or appropriation, or by explicitly forbidding the further use of funds for the programs, as it did in the case of the supersonic transport.[16] But Congress has not chosen either of these courses, although it may in the future. Until that time, historical precedent, logic, and the text of the Constitution itself obligate the defendant to continue to operate the section 221 programs as was intended by the Congress, and not terminate them.[17]

The conclusion that the Executive must continue to operate an authorized program until the funds expire or Congress declares otherwise is supported, although not conclusively, by the sparse case law which relates even tangentially to the problem. As has been suggested by commentators on the related question of presidential impoundment of appropriated funds, not even remotely relevant cases are directly in point.[18] But the case law must be discussed for completeness, and for the light it does shed on the issues.

The starting point of any case analysis must be *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952), the *Steel Seizure Case*, the leading case on the constitutional division of power between the President and the Congress. In 1952 President Truman ordered the Secretary of Commerce to seize the nation's steel mills and operate them on behalf of the United States to prevent what he believed would be a disastrous strike during the Korean War. The mills cooperated, although under protest, and challenged the action in the federal courts.

By a 6-3 vote, the Supreme Court affirmed the decision of the District Court holding the seizure unlawful. 103 F. Supp. 569 (D.D.C. 1952). Mr. Justice Black wrote for the majority that authorization for the President's actions must stem either from an act of Congress or from the Constitution itself." 343 U.S. at 585. Finding no such authorization, the seizure was invalid. As the defendant contends in the instant case, the President attempted to justify his actions on the provisions of Article II that the "executive power shall be vested in a President," and that "he shall take Care that the Laws be faithfully executed." The Court held:

"Nor can the seizure order be sustained because of the several constitutional provisions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. . . .

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"The Constitution does not subject this law-making power of Congress to presidential . . . supervision or control.

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The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times." *Id.* at 587-89.

In the instant case the defendant claims that the President's assessment of the needs of the nation through his budget message requires him, as Acting Director of OEO, to exercise his responsibility to the fiscal integrity of OEO and terminate section 221 programs despite the Congressional mandate to continue them. Although the language of the Court quoted from the *Steel Seizure Case* is strong precedent for this Court's earlier conclusion that the budget message cannot have the effect of law, the opinion is not conclusive on the precise justification of fiscal responsibility the defendant has urged here. The defendant's action may be "within the gloss on 'executive power'" from long precedent found in Mr. Justice Frankfurter's concurrence, *id.* at 610-11.

But the executive power claimed by the defendant is more than a mere gloss. As the Court has found earlier, if the power sought here were found valid, no barrier would remain to the executive ignoring any and all Congressional authorization if he deemed them, no matter how conscientiously, to be contrary to the needs of the nation. Historical precedent provides evidence that multiple year authorizations indicate Congressional intent that a program continue. The Constitution cannot support such a gloss and still remain a viable instrument.

The defendant really argues that the Constitution confers the discretionary power upon the President to refuse to execute laws passed by Congress with which he disagrees. In *Kendall* v. *United States*, 37 U.S. (12 Pet.) 524 (1838), the Supreme Court held that the Postmaster General could not refuse to pay a contractor for services rendered once Congress has specifically directed payment. Once again, the duty of the President to faithfully execute the laws cited in behalf of the refusal. The Court held that that "principle, which if carried out in its results, to all cases falling within it, would be clothing the president with a power entirely to control the legislation of congress, and paralyze the administration of justice," *Id.* at 613. In subsequent cases the Court continued to hold that the executive could not ignore a legislative directive to make payment to a particular person. *United States* v. *Louisville*, 169 U.S. 249 (1898). *See also Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. 985, 988 (S.D. Cal. 1945), *aff'd.* 154 F.2d 419 (9th Cir. 1946).

In the present case, the Congress has not directed that funds be granted to any particular CAA. The OEO Director has been granted discretion in the disbursing of funds so as to effectuate the goals of the program. 42 U.S.C. § 2808 (1970). But discretion in the implementation of a program is not the freedom to ignore the standards for its implementation. *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402, 411 (1971). Likewise when discretion in spending appropriated funds is removed by law, an administrator must comply and spend those funds. *State Highway Commission of Missouri* v. *Volpe*, 347 F. Supp. 950 (W.D. Mo. 1972), *aff'd.*—F.2d —, No. 72-1512 (8th Cir., Apr. 2, 1973).[19] An administrator's responsibility to carry out the Congressional objectives of a program does not give him the power of discontinue that program, especially in the face of a Congressional mandate that it shall go on.

In *State Highway Commission of Missouri* v. *Volpe*, — F. 2d —, No. 72-1512 (8th Cir., Apr. 2, 1973), the Eighth Circuit recently held that the Secretary of Transportation could not impose contract controls on (impound) funds for state highway programs for reasons outside those standards which the Congress had established for the approval or disapproval of the programs. Writing for the majority, Circuit Judge Lay held:

"To reason that there is implicit authority within the Act to defer approval for reasons totally collateral and remote to the Act itself requires a strained construction which we refuse to make. It is impossible to find from these specific grants of authority discretion in the Secretary to withhold approval on projects Congress has specifically directed because of a system of priorities the Executive chooses to impose on all expenditures. The Congressional intent is that the Secretary may exercise his discretion to insure that the roads are well constructed and safely built at the lowest possible cost, all in furtherance of the Act, but when the impoundment of funds impedes the orderly progress of the federal highway program, this hardly can be said to be favorable to such a program. In fact, it is in derogation of it. It is difficult to perceive that Congress intended such a result." Slip Opinion at 24.

In the instant case the Director of OEO has discretion in funding individual CAAs under section 221 itself, subject to conditions imposed by lawful regulations. The Director further must establish controls to insure the financial responsibility of CAAs. 42 U.S.C. § 2835 (1970). But these provisions to insure the functional and fiscal integrity of

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an ongoing section 221 program do not give the Director the discretion to halt that section 221 program for reasons unrelated to the purposes of the Economic Opportunity Act. That construction of the Act, in the face of the Congressional mandate of 42 U.S.C.A. § 2837 that section 221 programs shall continue, is no less strained than the construction which the Court rejected in *State Highway Commission*.

As one commentator has framed the issue in the impoundment context:

"The expenditure process is one in which administrators must enjoy substantial discretion in exercising judgment and in taking responsibility for those actions, but those actions ought to be directed toward executing Congressional, not administrative, policy. It is up to Congress to make that policy clear and consistent." [20]

Congress has told the Director of OEO through its authorization that it intends that section 221 programs continue. Until Congress changes that command, the defendant is bound to honor it.

Counsel for the defendant urged at oral argument that unless the defendant ignored that Congressional command and terminated section 221 programs, financial chaos would result on July 1, 1973, if the Congress failed to include OEO in a continuing resolution or pass an appropriation bill. This Court will not presume that Congress will act in such an irresponsible manner, any more than it assumes that the defendant is acting in bad faith in his assertion of the duty of terminate section 221 funding. But Congress has shown how the problem posed by counsel for the defendant would be solved in its past action terminating funding for the SST program, *supra*, at note 16. Funds were appropriated "[f]or expenses, not otherwise provided for, necessary for the termination of development of the civil supersonic aircraft and to refund the contractors' cost shares, $97,300,000, to remain available until expended." Pub. L. No. 92–18, 85 Stat. 40. Thus, when Congress orders that a program go forth and later changes its mind, it is for the Congress in the responsible exercise of its legislative power to make provisions for termination. Until those provisions are made, the function of the Executive is to administer the program in accord with the legislated purposes.

TERMINATION OF CAA FUNDING AS VIOLATIVE OF THE REORGANIZATION ACT

Another theory argued by the plaintiffs in support of their complaints is that the actions of the defendant Phillips in terminating section 221 funding are violative of the Reorganization Act, 5 U.S.C. §§ 901–13 (1970). The Court finds for the plaintiffs on this count, for reasons set forth below. This finding is independent of that regarding the defendant's duty not to terminate section 221 funding under his responsibility to administer the program, and constitutes a separate ground for this Court's decision.

As has been discussed in detail, *supra*, the defendant has announced plans to terminate section 221 funding and the OEO as a separate federal agency. Steps have already been taken to implement that plan, and as the extensive affidavits filed by the plaintiffs in *West Central* demonstrate, that termination effect is already being felt by CAAs. The Court is terminating or abolishing the section 221 function of OEO.

The Reorganization Act of 1949, as amended, 5 U.S.C. §§ 901–13 (1970) is a broad delegation of authority by Congress to the President to initiate and propose changes in the organization and functions of the Executive branch. The Act is in part a Congressional recognition that an essential element of any legislative program is the organization and characteristics of the executive agencies that administer that program, 5 U.S.C. § 901(b).

The purposes of a reorganization as set forth in section 901(a) of the Act are generally to promote the more efficient management of executive branch functions, *economy*, or the elimination of duplication of effort. Sections 903(a) (2) and (6) go on to provide that—

"(a) When the President, after investigations, finds that—

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"(2) the abolition of all or a part of the functions of an agency [or]

• • • • • •

"(6) the abolition of the whole or a part of an agency which agency or part does not have, or on the taking effect of the reorganization plan will not have, any functions; "is necessary to accomplish one or more of the purposes of section 901(a) • • •, he shall prepare a reorganization plan for the making of the reorganizations as to which he has made findings and which he includes in the plan, and transmit the plan . . . to Congress. . . ."

The reorganization plan takes effect without further action unless either House of Congress passes a resolution within 60 days of transmittal stating in substance that that House does not favor the reorganization plan 5 U.S.C. § 906(a). The Act further outlines the procedures to be followed if either House passes such a resolution.

This Court has found that the defendant's directives require the use of section 221 funds for phase-out purposes and forbid their use for any other purposes, including the implementation of section 221 programs. Thus the section 221 function has already been abolished. The defendant has stated unequivocally that the CAA function and OEO itself will cease on or before June 30, 1973, and that his plans are to reach that goal by April 28, 1973. Moreover the defendant has evidenced clear reliance on the budget message of the President as justification for that plan. The budget message, note 4 *supra*, states that the President proposes that the CAA function and OEO shall cease to exist. As found earlier, the Court must conclude that the program of the defendant is terminating or abolishing the CAA function and OEO itself. Section 903(a) of the Reorganization Act requires that a reorganization plan be submitted to the Congress before the abolition of that function or the agency itself can take place. Thus in the absence of any contrary legislation, the defendant's plans to terminate the CAA function and the OEO itself are unlawful as beyond his statutory authority.

The defendant argues that section 602(d) of the Economic Opportunity Act, 42 U.S.C. § 2942(d) (1970) quoted in note 10 *supra*, provides the defendant with the statutory authority to transfer many OEO functions to other agencies. Although this is correct, the defendant himself concedes that Section 602(d) provides no basis for the transfer not only of section 221 and CED functions by reason of section 28 of the 1972 Amendments to the Act,[21] but also of the legal services program, 42 U.S.C. § 2809(a) (3) (1970), because of a 1969 amendment to the Act.[22] Defendant's Opposition to Plaintiffs' Cross-Motions for Summary Judgment at 13. Moreover, the legislative history of the 1972 Amendments demonstrates the Congressional intent that neither section 221 nor CED functions can be transferred without using the Reorganization Act procedures.[23]

The defendant nevertheless argues that he has not proposed that section 221 funding be delegated to any other agency but rather that it be terminated and that the prohibition of section 28 does not apply. Even if that argument were valid section 602(d) would still provide no basis for bypassing the Reorganization Act because it allows only the delegation of a function, not its abolition. Moreover, to read section 28 as allowing the termination of section 221 funding although forbidding its delegation to another agency would be unreasonable in the light of the clearly expressed Congressional intent that section 221 funding be carried on, *supra*.

The defendant plans to abolish OEO as an agency because it will no longer have any functions to carry out. Assuming for the moment that the defendant were to accomplish this by delegating all OEO functions but legal services and CED under section 602(d), as he plans, and to transfer those to other agencies through substantive legislation, as he plans,[24] the defendant would still be in violation of the Economic Opportunity Act. Section 602(d), note 10 *supra*, requires that programs may be delegated "subject to provisions to assure the maximum possible liaison" between OEO and the other agency. No such liaison could be maintained if OEO were no longer in existence.[25] Moreover, Congress itself in the original Act recognized that section 602(d) could not be used to transfer the entire OEO by providing for a total transfer to section 601, 42 U.S.C. § 2941(b) (1970):

"(b) Notwithstanding the provisions of section 5(b) of the Reorganization Act of 1949 [now 5 U.S.C.A. § 905(b), under which the President's power to initiate a reorganization plan expired April 1, 1973], at any time after one year from August 20, 1964 the President may, by complying with the procedures established by that Act, provide for the transfer of the Office from the Executive Office of the President and for its establishment elsewhere in the executive branch as he deems appropriate."

Therefore the Court finds that the termination of section 221 funding by the defendant is violative of the provisions of the Reorganization Act and beyond his statutory power and will be enjoined as unlawful.[26]

PUBLICATION OF DIRECTIVES IN THE FEDERAL REGISTER

The plaintiffs rely on an additional theory for declaring the actions of the defendant in terminating section 221 funding to be unlawful. Section 22 of the 1972 Amendments to the Economic Opportunity Act, 42 U.S.C.A. § 2971b provides:

"All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this chapter [the OEO Act] shall be published in the Federal Register at least thirty days prior to their effective date."

It is conceded by the defendant that the January 29, 1973, and March 15, 1973, directives on the termination of section 221 funding, *supra*, have never been published in the Federal Register, although the defendant claims that the latter has been prepared for publication. The Court holds that until section 2971b has been complied with, the directives of the defendant are illegal as issued beyond the defendant's statutory authority.

The defendant argues that section 2971b does not mean that OEO regulations must be published for 30 days before they may take effect if all those affected by those regulations have notice of those regulations or if the regulations were issued in emergency situations or if the documents have been prepared for publication but are unpublished. The statute, however, does not provide for any of those contingencies. It says that all regulations "shall" be published 30 days prior to their effective date. No clearer expression could have been used by the Congress to indicate that OEO regulations would not be effective until 30 days after their publication.

The defendant has published several regulations in the Federal Register. The first, OEO Regulation 1067, published at 38 Fed. Reg. 6894 (March 14, 1973), deals with control of cash by grantees and grant processing and funding procedures essentially in accord with the January 29, 1973 memorandum, *supra*. The different subparts of this regulation purport to be effective February 8, February 9, and March 1, 1973. But, assuming that those regulations were issued to accomplish a legally authorized purpose, section 2971b prescribes that they would become effective 30 days after publication and not upon the date the Acting Director chooses in the regulation. Thus these regulations, if they were otherwise valid, are ineffective until 30 days have elapsed from the date of their publication.[27] The second published regulation, OEO Regulation 1069.3–5, 38 Fed. Reg. 7117 (March 16, 1973) restricts travel by CAA employees with OEO grant funds without permission from the Acting Director. That regulation purports to be effective March 16, 1973, the date of its publication. Enforcement of that regulation before 30 days have elapsed would clearly be contrary to the command of section 2971b and thus beyond the defendant's authority and unlawful.

Thus, even assuming that their subject matter is a proper implementation of the section 221 program, the Court holds that the OEO instructions issued January 29, 1973, and March 15, 1973, are void and of no consequence until the required 30 days have elapsed from the date of publication. *See Piercy* v. *Tarr*, 343 F. Supp. 1120, 1127–28 (N.D. Cal. 1972); *Gardiner* v. *Tarr*, 341 F. Supp. 422, 435 (D.D.C. 1972).

As stated in note 1 *supra*, the plaintiffs in *National Council* have also named Roy L. Ash, Director of OMB, as a defendant. The original complaint alleged that Ash was impounding funds appropriated by Congress for OEO, contrary to his legal obligations. Because no showing has been made by the plaintiff on this issue, defendant Ash's motion to dismiss will be granted.

An appropriate Order will be entered with this Opinion granting the plaintiff's cross-motions for summary judgment and related relief. Defendant Ash's motion to dismiss is granted. Defendant Phillips' motion to dismiss or for summary judgment is denied.

WILLIAM B. JONES.

Date: April 11, 1973.

FOOTNOTES

[1] The complaint in *National Council* also names Roy L. Ash, Director of the Office of Management and Budget, as a defendant. Because the essential allegations in the consolidated cases go to the actions of defendant Phillips, the defendants will be referred to collectively as defendant or Phillips.

[2] References to plaintiffs will hereinafter include the plaintiffs in all three cases unless otherwise specified.

[3] *See generally* Note, *Voluntary Dismissal by Order of Court—Federal Rules of Civil Procedure Rule 41(a)(2) and Judicial Discretion*, 48 Notre Dame Law, 448 (1972).

[4] The Budget of the United States Government, Fiscal Year 1974 at 122.

[5] Sec. 3(c)(2), Pub. L. No. 92–424, 86 Stat. 688 (1972), reads in pertinent part:

"Not withstanding any other provision or law, unless expressly in limitation of the provisions of this section, of the amounts appropriated . . . for the fiscal year ending June 30, 1973, and for the succeeding fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under section 221 of the Economic Opportunity Act of 1964. . . ."

The plaintiffs no longer question the defendant's assertion that he has complied with his duty to reserve and make available those funds to CAAs, although not necessarily for programs under section 221.

[6] At oral argument on the cross-motions for summary judgment, counsel for the defendant contended that any relief entered against defendant would be affirmative in nature and violative of the dictum of Larson v. Domestic & Foreign Corp., 337 U.S. 682, 691 n. 11 (1949), questioning the availability of such relief. Transcript at 27–28. Although the dictum of *Larson* has not been followed universally, *see* Rockbridge v. Lincoln, 449 F. 2d 567, 573 (9th Cir. 1971), there is no need to reach that issue in the present case. First, the relief sought is not affirmative. The plaintiffs seek to enjoin the defendant from failing to carry out his statutory obligations. *Cf.* East Oakland-Fruitvale Planning Council v. Rumsfeld, 471 F. 2d 524, 530 n. 5 (9th Cir. 1972). Second, as is discussed *infra*, sovereign immunity has been waived not only through the allegation of illegal official action, but also through the Administrative Procedure Act. Section 706 of that Act authorizes affirmative relief to be granted.

[7] See text accompanying note 4, *supra*.

[8] The defendant issued the memorandum of January 29, 1973, even before he was appointed Acting Director of OEO. 9 Weekly Comp. Pres. Docs. 122 (1973). That memorandum has in essence been succeeded by Instruction 6730–3 of March 15, 1973, issued after Phillips was appointed. The Court for reasons set forth below, declares the January 29, 1973, and March 15, 1973, memoranda of Instructions invalid and enjoins their implementation.

[9] 42 U.S.C.A. § 2837 provides:

"The Director [of OEO] shall carry out the programs provided for in this subchapter during the fiscal year ending June 30, 1967, and the eight succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law."—CAAs and CAP are included within the subchapter reference of § 2837.

[10] Section 602(d) of the Act, 42 U.S.C. § 2942(d) (1970) provides:

"In addition to the authority conferred upon him by other sections of this chapter, the Director is authorized, in carrying out his functions under this chapter, to—

" '(d) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of his functions under this chapter and, as necessary or appropriate, delegate any of his powers under this chapter and authorize the redelegation thereof subject to provisions to assure the maximum possible liaison between the Office of Economic Opportunity and such other agencies at all operating levels, which shall include the furnishing of complete operational information by such other agencies to the Office of Economic Opportunity and the furnishing of such information by such Office to such other agencies;'

"Title VII, which along with section 221 is prohibited from transfer by section 28, establishes the Community Economic Development program (CED) to help establish local businesses in poverty areas."

[11] See 45 C.F.R. §§ 1067.1, 1067.2 (1972).

[12] During a colloquy with the Court at oral argument, counsel for the defendant admitted that the defendant is no longer providing any funding for section 221 programs and that he plans for the CAA function to "cease" completely in fiscal year 1974. Transcript at 136–38.

[13] The House Report on the budget act was unequivocal:

"It will doubtless be claimed by some that this is an Executive budget and that the duty of making appropriations is a legislative rather than Executive prerogative. The plan outlined does provide for an Executive initiation of the budget, but the President's responsibility ends when he has prepared the budget and transmitted it to Congress. To that extent and to that extent alone does the plan provide for an Executive budget, but the proposed law does not change in the slightest degree the duty of Congress to make the minutest examination of the budget and to adopt the budget only to the extent that it is found to be economical. If the estimates contained in the President's budget are too large, it will be the duty of Congress to reduce them. If in the opinion of Congress the estimates of expenditure are not sufficient, it will be within the power of Congress to increase them. *The bill does not in the slightest degree give the Executive any greater power than he now has over the consideration of appropriations by Congress.*" H.R. Rep. No. 362, 66th Cong., 1st Sess. 7 (1919) (emphasis added).

[14] 1966: Pub. L. No. 89–309, 79 Stat. 1133 (Oct. 31, 1965); 1967: Pub. L. No. 89–697, 80 Stat. 1057 (Oct. 27, 1966); 1968: Pub. L. No. 90–239, 81 Stat. 773 (Jan. 2, 1968); 1969: Pub. L. No. 90–557, 82 Stat. 969 (Oct. 11, 1968); 1970: Pub. L. No. 91–204, 84 Stat. 23 (Mar. 5, 1970); 1971: Pub. L. 91–667, 84 Stat. 2001 (Jan. 11, 1971); 1972: Pub. L. No. 92–184, 85 Stat. 627 (Dec. 12, 1971); 1973: Pub. L. No. 92–607, 86 Stat. 1498 (Oct. 31, 1972).

Congress has never acted later than July 1 in passing the continuing resolution for funds for OEO: 1966: Pub. L. No. 89–58, 79 Stat. 204 (June 30, 1965); 1967: Pub. L. No. 89–481, 80 Stat. 233 (June 30, 1966); 1968: Pub. L. No. 90–38, 81 Stat. 97 (June 30, 1967); 1969: Pub. L. No. 90–336, 82 Stat. 275 (June 29, 1968); 1970: Pub. L. No. 91–33, 83 Stat. 38 (June 30, 1969); 1971: Pub. L. No. 91–294, 84 Stat. 333 (June 29, 1970); 1972: Pub. L. No. 92–38, 85 Stat. 89 (July 1, 1971); 1973: Pub. L. No. 92–334, 86 Stat. 402 (July 1, 1972).

[15] There are two basic types of legislation. Authorization bills merely provide the programs for which Congress must still appropriate funds in an appropriations bill before the program can operate:

"Legislative proposals when enacted and become law are referred to generally as 'legislative authority.'

"Funds for carrying on the work of the Government pursuant to 'legislative authority' are provided in general and special appropriation bills, which usually originate in the House."—Enactment of A Law, S. Doc. No. 35, 90th Cong., 1st Sess. 5 (1967).

Moreover, under established Congressional procedures, substantive law provisions must be placed in authorization bills; they would be ruled out of order in an appropriation bill. House of Representatives Rules '21, § 2; Jefferson's Manual & Rules of The House of Representatives 464–65, 470–71 (1971). Thus Congress can indicate its intent that a program shall continue only through authorization bills.

[16] Pub. L. 92–7, 85 Stat. 12, provided for the termination of SST funding by not continuing it in the joint funding resolution. Section 2 of that law further specifically forbade the use of funds under the resolution for the SST. See also the text following note 20 *infra* for further details of that funding termination.

[17] 31 U.S.C. § 628 (1970) may have some relevancy to the issue, although none of the parties have seen fit to cite it:

"Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service *shall be applied solely to the objects for which they are respectively made, and for no others.*" (Emphasis added.)

Congress, in its last appropriation for OEO, Pub. L. No. 92–607, ch. 4, 86 Stat. 1503, provided the funds:

"For expenses necessary *to carry out* the provisions of the Economic Opportunity Act of 1964 . . . as amended. . . ." (Emphasis added.)

When coupled with the defendant's admitted use of the appropriated funds to terminate section 221 programs, 31 U.S.C. § 628 would appear to forbid the use of funds for termination purposes.

[18] Fisher, *Funds Impounded by the President. The Constitutional Issue*, 38 Geo. Wash. L. Rev. 124 (1969); Miller, *Presidential Power to Impound Appropriated Funds: An Exercise in Constitutional Decision-Making*, 43 N.C.L. Rev. 502, 525, 533 (1965).

[19] *See also* Decision B–156510 of the Comptroller General (Feb. 23, 1971), reprinted in *Hearings on Executive Impoundment of Appropriated Funds Before the Subcomm. on*



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*Separation of Powers of the Senate Comm. on the Judiciary*, 92d Cong., 1st Sess. 562 (1971). In that decision the Comptroller General expressed his view that the broad administrative discretion granted the Surgeon General under 42 U.S.C. § 248(a) (1970) to administer public health service hospitals and clinics would be extended unwarrantedly by a decision to close all public health service general hospitals.

McKay v. Central Electric Power Coop., 96 U.S. App. D.C. 158, 223 F. 2d 623 (1955), and Commonwealth of Massachusetts v. Connor 249 F. Supp. 656 (D. Mass.), *aff'd per curiam*, 366 F. 2d 778 (1st Cir. 1966), cited by the defendant, are inapposite. In *McKay* the Court held only that Congress had not expressly commanded the funds in question to be spent in the fashion the plaintiffs sought. Likewise in *Connor* the Court held that any right of recovery of funds lay in the Court of Claims for breach of contract, and not in the District Court through mandamus. The plaintiffs in the instant suit do not seek an order compelling the defendant to spend any particular funds, but only that he follow the explicit mandate of Congress to continue the section 221 program.

[20] Fisher, *Presidential Spending Discretion and Congressional Controls*, 37 Law & Contemp. Prob. ——— (Winter 1972 issue, to be published), reprinted in *Joint Hearings on S. 373 Before the Ad Hoc Subcomm. on Impoundment of Funds of the Senate Comm. on Govt. Operations and the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary*, 93d Cong., 1st Sess. 653, 719 (1973).

*See also Miller, supra* note 18, at 536; Memorandum from Asst. Attorney General William H. Rehnquist to Hon. Edward L. Morgan, Deputy Counsel to the President, reprinted in *Hearings, supra* note 19, at 179–84.

[21] Pub. L. No. 92–424, § 28, 86 Stat. 688, 42 U.S.C.A. § 2942 note, quoted in the text at note 10 *supra*.

[22] Pub. L. No. 91–177, tit. I, § 114, 83 Stat. 827, 42 U.S.C. § 2809 note (1970) provides:

"The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under section 222(a)(3) of such Act. The Director of the Office of Economic Opportunity shall not delegate the program authorized under such section 222(a)(3) to any existing Federal agency."

As was noted in the text *supra*, many if not most legal services programs are funded through CAAs.

[23] Senator Nelson, principal Senate sponsor of the bill, stated on the floor that—

"The provision only prohibits the Director of OEO from delegating to other agencies two programs—local initiative community action programs under section 221 of the Economic Opportunity Act and the community economic development program under title VII of the act.

• • • • •

"[E]ven with respect to local initiative and community economic development, the President may transfer such programs by Executive reorganization plans."—118 Cong. Rec. S14077 (daily ed., Sept. 5, 1972).

[24] March 9, 1973, Affidavit of Howard J. Phillips, filed in support of the defendant's motion for summary judgment, paragraphs 3 f and g.

[25] At oral argument counsel for the defendant advised the Court that the Office of Management and Budget was considering a plan to continue a small component of OEO to provide these liaison functions. Transcript at 36–37. At the present both the budget message of the President, *supra* note 4, and the directives of the defendant Phillips indicate that they plan for OEO to cease to exist as of July 1, 1973, except as the General Services Administration may wind up OEO's affairs.

[26] The Court expresses no view on whether OEO as an entity could be abolished by means of a reorganization plan. There is some indication in the legislative history of the Reorganization Act that the Act could not be used to abolish an executive agency and not place its functions in another agency *See* 95 Cong. Rec. 891, 914 (1949) (Remarks of Reps. Lanham, Vorys and Dawson).

[27] Of course, as the Court has held earlier, these regulations are unlawful and may not be implemented in any event to the extent that they terminate section 221 funding.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered on the first part of the bill, title I, and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, what is the question?

The PRESIDING OFFICER. On title I; unanimous consent having been granted to vote separately on each part.

Mr. ROBERT C. BYRD. I thank the Chair.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa (Mr. HUGHES) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Nevada (Mr. CANNON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent on official business.

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Nebraska (Mr. CURTIS). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Nebraska would vote "nay."

The result was announced—yeas 66, nays 24, as follows:

[No. 133 Leg.]

YEAS—66

| | | |
|---|---|---|
| Abourezk | Haskell | Montoya |
| Aiken | Hatfield | Moss |
| Bayh | Hathaway | Muskie |
| Bellmon | Hollings | Nelson |
| Bentsen | Huddleston | Nunn |
| Biden | Humphrey | Packwood |
| Brooke | Inouye | Pastore |
| Burdick | Jackson | Pearson |
| Byrd, Robert C. | Javits | Pell |
| Case | Johnston | Percy |
| Chiles | Kennedy | Proxmire |
| Church | Long | Randolph |
| Clark | Magnuson | Ribicoff |
| Cook | Mansfield | Schweiker |
| Cranston | Mathias | Sparkman |
| Eagleton | McClellan | Stafford |
| Eastland | McClure | Stevenson |
| Ervin | McGee | Symington |
| Fong | McGovern | Talmadge |
| Fulbright | McIntyre | Tunney |
| Hart | Metcalf | Weicker |
| Hartke | Mondale | Williams |

NAYS—24

| | | |
|---|---|---|
| Allen | Bartlett | Bennett |
| Baker | Beall | Brock |
| Buckley | Griffin | Scott, Pa. |
| Byrd, Harry F., Jr. | Gurney | Scott, Va. |
| Dole | Hansen | Thurmond |
| Domenici | Helms | Tower |
| Dominick | Hruska | Young |
| Goldwater | Roth | |
| | Saxbe | |

NOT VOTING—10

| | | |
|---|---|---|
| Bible | Fannin | Stevens |
| Cannon | Gravel | Taft |
| Cotton | Hughes | |
| Curtis | Stennis | |

So the first part of the bill, title I, was passed.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which title I was passed.

Mr. MUSKIE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will now proceed to vote on title II of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa (Mr. HUGHES) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Nevada (Mr. BIBLE), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Nevada (Mr. CANNON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. FANNIN), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) is absent on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 86, nays 4, as follows:

[No. 134 Leg.]

YEAS—86

| | | |
|---|---|---|
| Abourezk | Fong | McIntyre |
| Aiken | Fulbright | Metcalf |
| Allen | Goldwater | Mondale |
| Baker | Griffin | Montoya |
| Bartlett | Gurney | Moss |
| Bayh | Hansen | Muskie |
| Beall | Hart | Nelson |
| Bellmon | Hartke | Nunn |
| Bentsen | Haskell | Packwood |
| Biden | Hatfield | Pastore |
| Brock | Hathaway | Pearson |
| Brooke | Helms | Pell |
| Buckley | Hollings | Percy |
| Burdick | Hruska | Proxmire |
| Byrd, Harry F., Jr. | Huddleston | Randolph |
| Byrd, Robert C. | Humphrey | Ribicoff |
| Case | Inouye | Roth |
| Chiles | Jackson | Schweiker |
| Church | Javits | Scott, Pa. |
| Clark | Johnston | Scott, Va. |
| Cook | Kennedy | Sparkman |
| Cranston | Long | Stafford |
| Dole | Magnuson | Stevenson |
| Domenici | Mansfield | Symington |
| Dominick | Mathias | Talmadge |
| Eagleton | McClellan | Thurmond |
| Eastland | McClure | Tunney |
| Ervin | McGee | Williams |
| | McGovern | Young |



NAYS—4

| | | |
|---|---|---|
| Bennett | Tower | Weicker |
| Saxbe | | |

NOT VOTING—10

| | | |
|---|---|---|
| Bible | Fannin | Stevens |
| Cannon | Gravel | Taft |
| Cotton | Hughes | |
| Curtis | Stennis | |

So the second part of the bill, title II, was passed.

So the bill (S. 373) was passed, as follows:

S. 373

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—IMPOUNDMENT CONTROL PROCEDURES

SECTION 1. The Congress finds that—

(1) the Congress has the sole authority to enact legislation and appropriate moneys on behalf of the United States;

(2) the Congress has the authority to make all laws necessary and proper for carrying into execution its own powers;

(3) the Executive shall take care that the laws enacted by Congress shall be faithfully executed;

(4) under the Constitution of the United States, the Congress has the authority to require that funds appropriated and obligated by law shall be spent in accordance with such law;

(5) there is no authority expressed or implied under the Constitution of the United States for the Executive to impound budget authority and the only authority for such impoundments by the executive branch is that which Congress has expressly delegated by statute;

(6) by the Antideficiency Act (Rev. Stat. sec. 3679), the Congress delegated to the President authority in a narrowly defined area, to establish reserves for contingencies or to effect savings through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which appropriations are made available;

(7) in spite of the lack of constitutional authority for impoundment of budget authority by the executive branch and the narrow area in which reserves by the executive branch have been expressly authorized in the Antideficiency Act, the executive branch has impounded many billions of dollars of budget authority in a manner contrary to and not authorized by the Antideficiency Act or any other Act of Congress;

(8) impoundments by the executive branch have often been made without a legal basis;

(9) such impoundments have totally nullified the effect of appropriations and obligational authority enact by the Congress and prevented the Congress from exercising its constitutional authority;

(10) the executive branch, through its presentation to the Congress of a proposed budget, the due respect of the Congress for the views of the executive branch, and the power of the veto, has ample authority to affect the appropriation and obligation process without the unilateral authority to impound budget authority; and

(11) enactment of this legislation is necessary to clarify the limits of the existing legal authority of the executive branch to impound budget authority, to reestablish a proper allocation of authority between the Congress and the executive branch, to confirm the constitutional proscription against the unilateral nullification by the executive branch of duly enacted authorization and appropriation Acts, and to establish efficient and orderly procedures for the reordering of budget authority through joint action by the Executive and the Congress, which shall apply to all impoundments of budget authority, regardless of the legal authority asserted for making such impoundments.

SEC. 2. (a) Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds any budget authority made available, or orders, permits or approves the impounding of any such budget authority by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of the budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department, or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, to include not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which establishes a debt ceiling or a spending ceiling, the amount by which the ceiling would be exceeded and the reasons for such anticipated excess; and

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message may be printed by either House as a document for both Houses as the President of the Senate, and Speaker of the House may determine.

(c) A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day as it is transmitted to the Senate and the House of Representatives. The Comptroller General shall review each such message and determine whether, in his judgment, the impoundment was in accordance with existing statutory authority, following which he shall notify both Houses of Congress within 15 days after the receipt of the message as to his determination thereon. If the Comptroller General determines that the impoundment was in accordance with section 3679 of the Revised Statutes (31 U.S.C. 665), commonly referred to as the "Antideficiency Act", the provisions of section 3 and section 5 shall not apply. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other existing statutory authority and sections 3 and 5 of this Act shall apply.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall transmit within ten days to the Congress and the Comptroller General a supplementary message stating and explaining each such revision.

(e) Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the Federal Register published after that special or supplemental message is so transmitted and may be printed by either House as a document for both Houses, as the President of the Senate and Speaker of the House may determine.

(f) The President shall publish in the Federal Register each month a list of any budget authority impounded as of the first calendar day of that month. Each list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

SEC. 3. The President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States shall cease the impounding of any budget authority set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 5 of this Act: *Provided, however*, That Congress may by concurrent resolution disapprove any impoundment in whole or in part, at any time prior to the expiration of the sixty-day period, and in the event of such disapproval, the impoundment shall cease immediately to the extent disapproved. The effect of such disapproval, whether by concurrent resolution passed prior to the expiration of the sixty-day period or by the failure to approve by concurrent resolution within the sixty-day period, shall be to make the obligation of the budget authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the Congress by its action or failure to act has thereby rejected.

SEC. 4. For purposes of this Act, the impounding of budget authority includes—

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available,

(2) withholding, delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3) withholding, delaying, deferring, freezing, or otherwise refusing to permit a grantee to obligate any part of budget autnority (whether by establishing contract controls, reserves, or otherwise), and

(4) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 5. The following subsections of this section are enacted by the Congress:

(a)(1) As an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses at any time before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the special message of the President is transmitted to the two Houses.

(2) The matter after the resolving clause

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of a resolution approving the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress approves the impounding of budget authority as set forth in the special message of the President dated ———, Senate (House) Document No. ——."

(3) The matter after the resolving clause of a resolution disapproving, in whole or in part, the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress disapproves the impounding of budget authority as set forth in the special message of the President dated ———, Senate (House) Document No. ——— (in the amount of $———)."

(4) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c)(1) A resolution introduced, or received from the other House, with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration, following the receipt of the report of the Comptroller General referred to in section 2(c). It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. Debate on any amendment to the resolution (including an amendment substituting approval for disapproval in whole or in part or substituting disapproval in whole or in part for approval) shall be limited to two hours, which shall be divided equally between those favoring and those opposing the amendment.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(d) If, prior to the passage by one House of a resolution of that House with respect to a special message, such House receives from the other House a resolution with respect to the same message, then—

(1) If no resolution of the first House with respect to such message has been introduced, no motion to proceed to the consideration of any other resolution with respect to the same message may be made (despite the provisions of subsection (c)(1) of this section).

(2) If a resolution of the first House with respect to such message has been introduced—

(A) the procedure with respect to that or other resolutions of such House with respect to such message shall be the same as if no resolution from the other House with respect to such message had been received; but

(B) on any vote on final passage of a resolution of the first House with respect to such message the resolution from the other House with respect to such message shall be automatically substituted for the resolution of the first House.

(e) If a committee of conference is appointed on the disagreeing votes of the two Houses with respect to a resolution, the conference report submitted in each House shall be considered under the rules set forth in subsection (c) of this section for the consideration of a resolution, except that no amendment shall be in order.

(f) Notwithstanding any other provision of this section, it shall not be in order in either House to consider a resolution with respect to a special message after the two Houses have agreed to another resolution with respect to the same message.

(g) As used in this section, the term "special message" means a report of impounding action made by the President pursuant to section 2 of this Act or by the Comptroller General pursuant to section 6 of this Act.

SEC. 6. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States takes or approves any impounding action within the purview of this Act, and the President fails to report such impounding action to the Congress as required by this Act, the Comptroller General shall report such impounding action with any available information concerning it to both Houses of Congress, and the provisions of this Act shall apply to such impounding action in like manner and with the same effect as if the report of the Comptroller General had been made by the President: *Provided, however*, That the sixty-day period provided in section 3 of this Act shall be deemed to have commenced at the time at which, in the determination of the Comptroller General, the impoundment action was taken.

SEC. 7. Nothing contained in this Act shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President or any other Federal employee, in the past or in the future, unless done pursuant to statutory authority in effect at the time of such impoundment.

SEC. 8. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this Act, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this Act by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

SEC. 9. (a) Notwithstanding any other provision of law, all funds appropriated by law shall be made available and obligated by the appropriate agencies, departments, and other units of the Government except as may be provided otherwise under this Act.

(b) Should the President desire to impound any appropriation made by the Congress not authorized by this Act or by the Antideficiency Act, he shall seek legislation utilizing the supplemental appropriations process to obtain selective rescission of such appropriation by the Congress.

SEC. 10. If any provision of this Act, or the application thereof to any person, impoundment, or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons, impoundments, or circumstances, shall not be affected thereby.

SEC. 11. The provisions of this Act shall take effect from and after the date of enactment.

TITLE II—CEILING ON FISCAL YEAR 1974 EXPENDITURES

SEC. 201. (a) Except as provided in subsection (b) of this section, expenditures and net lending during the fiscal year ending June 30, 1974, under the budget of the United States Government, shall not exceed $268,000,000,000.

(b) If the estimates of revenues which will be received in the Treasury during the fiscal year ending June 30, 1974, as made from time to time, are increased as a result of legislation enacted after the date of the enactment of this Act reforming the Federal tax laws, the limitation specified in subsection (a) of this section shall be reviewed by Congress for the purpose of determining whether the additional revenues made available should be applied to essential public services for which adequate funding would not otherwise be provided.

SEC. 202. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with this section, reserve from expenditure and net lending, from appropriations, or other obligational authority otherwise made available, such amounts as may be necessary to keep expenditures and net lending during the fiscal year ending June 30, 1974, within the limitation specified in section 201.

(b) In carrying out the provisions of subsection (a) of this section, the President shall reserve amounts proportionately from new obligational authority and other obligational authority available for each functional category, and to the extent practicable, subfunctional category (as set out in table 3 of the United States Budget in Brief for fiscal year 1974), except that no reservations shall be made from amounts available for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

(c) Reservations made to carry out the provisions of subsection (a) of this section shall be subject to the provisions of title I of this Act, except that—

(1) if the Comptroller General determines under section 2(c) of title I, with respect to any such reservation, that the requirements of proportionate reservations of subsection (b) of this section have been complied with, then sections 3 and 5 of title I shall not apply to such reservation.

(d) The provisions of section 3 of title I of this Act shall not apply to any impoundments or reservations made under title II insofar as they prohibit reimpounding or reservation.

(e) In no event shall the authority conferred by this section be used to impound funds, appropriated or otherwise made available by Congress, for the purpose of eliminating a program the creation or continuation of which has been authorized by Congress.

SEC. 203. In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to this title, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution, the amount available for expenditure (after the application of this title) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

The title was amended, so as to read: "A bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds, orders the impounding, or permits the impounding of budget authority, and to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part, or require the President, the Director of the Office of Management and Budget, the department or agency of the United States, or the officer or employee of the United States, to cease such action, in whole or in part, as directed by Congress, and to establish a ceiling on fiscal year 1974 expenditures".

Mr. ERVIN. Mr. President, I move to reconsider the vote by which title II was adopted.

Mr. MUSKIE. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.



## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes.

## HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar 120, S. 14; that it be laid before the Senate and made the pending business for Monday.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 14) to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organization, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes.

The PRESIDING OFFICER (Mr. BARTLETT). Is there objection?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Health Maintenance Organization and Resources Development Act of 1973."

SEC. 2. (a) The Congress finds that—

(1) the medical care system is not organized in a manner which encourages the provision of medical care at reasonable costs;

(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventive health services;

(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

(4) the establishment of health maintenance organizations, health service organizations, and area health education and service centers will aid in alleviating the serious maldistribution of health care resources which has resulted in inadequate access to medical care particularly in both inner city and rural areas, in providing health care in a more efficient and economical manner, and in reorienting the health care system toward the maintenance of health;

(5) there is a need to provide technical assistance and resources to individuals and groups, undertaking the planning, development, and initial operation of health maintenance organizations, supplemental health maintenance organizations, health service organizations, and area health education and service centers;

(6) there is a shortage of educational facilities in health sciences and unbalanced emphasis on hospital practice and on rare and exotic diseases in medical education; and

(7) there exists an excessive variance in the quality of health care and health services.

(b) The purpose of this Act is to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas by improving the system for the delivery of health care through encouragement of any support for the planning, development, and initial operation of health maintenance organizations, supplemental health maintenance organizations, health service organizations, and area health education and service centers, particularly with the intent of improving the health of populations in medically underserved areas.

SEC. 3. Nothing in this Act, or any amendment made by this Act, shall be construed to supersede any activity relating to review of the provision of health care services under (including review and assessment of quality or quantity of such services or determination or reimbursement therefor) or to the determination of eligibility of any provider, practitioner, agency, or organization to participate under any program established under the Social Security Act.

TITLE I—HEALTH MAINTENANCE ORGANIZATIONS

SEC. 101. The Public Health Service Act is amended by inserting after title XI the following new title:

"TITLE XII—HEALTH MAINTENANCE ORGANIZATIONS AND HEALTH SERVICE ORGANIZATIONS

"PART A—SUPPORT OF HEALTH MAINTENANCE ORGANIZATIONS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'health maintenance organization' means an entity which—

"(A) provides as a minimum for all its enrollees (or subscribers) comprehensive health services (as defined in this section) which are uniformly available to all its enrollees (or subscribers) directly through its own staff and supporting resources or through a medical group or groups and such other additional services as may be required through other health delivery entities, for a fixed payment which (i) is to be paid on a periodic basis without regard to the frequency, extent, or kind of health service actually furnished to any particular enrollee; and (ii) is uniform for all its enrollees subject to rules and regulations regarding family rates;

"(B) demonstrates to the satisfaction of the Secretary ability to assure that appropriate comprehensive health services are available and accessible to all its enrollees promptly and in a manner which assures continuity;

"(C) demonstrates to the satisfaction of the Secretary financial responsibility through proof of adequate provision against the risk of insolvency;

"(D) is organized in such a manner (as prescribed by regulations of the Secretary) that assures its enrollees a substantial role (generally defined as one-third representation in the body establishing or recommending policy) in the making of policy for the health maintenance organization, with equitable representation of enrollees from medically underserved areas, and provides meaningful procedures for hearing and resolving grievances (i) between its enrollees and the health maintenance organization (including the medical group or groups and other health delivery entities providing health services), and (ii) between the medical group or groups providing health services and other employees and the health maintenance organization;

"(E) encourages and actively provides for its enrollees (i) health education services; (ii) education in the appropriate use of health services provided; and (iii) education in the contribution the patient can make to the maintenance of his own health;

"(F) has organizational arrangements, established in accordance with regulations of the Commission on Quality Health Care Assurance (established under title XIII of this Act) for an ongoing quality assurance program which stresses health outcomes and assures that health services provided meet the requirements of the Commission on Quality Health Care Assurance;

"(G) provides, in accordance with regulations of the Secretary (including safeguards concerning the confidentiality of the doctor-patient relationship), an effective procedure for developing, compiling, evaluating, and reporting to the Secretary, data (which the Secretary shall publish and disseminate on an annual basis) relating to (i) the cost of its operations, (ii) the patterns of utilization of its services, (iii) the availability, accessibility, and acceptability of its services, and (iv) such other matters as the Secretary may require and disclose at least annually and in a manner acceptable to the Secretary, such data to its enrollees and to the general public.

"(H) except for (i) out of area emergency care, and (ii) care reasonably valued in excess of the first $5,000 per enrollee per year, assumes direct financial responsibility, without benefit of insurance, on a prospective basis for the provision of the comprehensive health services defined in this section;

"(I) has an open enrollment period, unless a waiver has been granted under section 1249, of not less than thirty days at least once during each consecutive twelve-month period during which it accepts individuals in the order in which they apply for enrollment up to its capacity, subject to the requirements of paragraph (K);

"(J) assumes responsibility for the provisions of health care services to its enrollees (and on a reimbursable basis for short-term health care services to enrollees of any other health maintenance, supplemental health maintenance, or health service organization who are temporarily outside the service area of the health maintenance, supplemental health maintenance, or health service organization in which they are enrolled) twenty-four hours a day, seven days a week, and for the appropriate availability of such services in emergencies;

"(K) shall enroll no more than 50 per centum of its enrollees from medically underserved areas, except in rural areas as designated by the Secretary;

"(L) provides, or makes arrangements for, continuing education for its staff;

"(M) emphasizes the use of nurse practitioners, physician's assistants, dental therapists, and other allied health personnel and to the extent practicable and consistent with

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good medical practice, trains and employs such personnel in the rendering of services;

"(N) provides to its enrollees as an option, for an additional premium, extended care facility services and dental services;

"(O) may purchase on a fee-for-service basis unusual or infrequently used health care services for its enrollees;

"(P) does not refuse enrollment to or expel any person for any reason concerning his health status or requirements for the provision of health services;

"(Q) provides for the prevention, diagnosis, and medical and psychological treatment of the abuse of or addiction to alcohol and drugs either through its own facilities or existing community facilities; and

"(R) meets such other criteria for its organization and operations as the Secretary may by regulation prescribe, consistent with the provisions of this title.

"(2) The term 'comprehensive health services' means health services provided without limitation as to time or cost as follows—

"(A) physician services (including consultant and referral services);

"(B) inpatient and outpatient hospital services;

"(C) home health services;

"(D) diagnostic laboratory, and diagnostic and therapeutic radiologic services;

"(E) preventive health (including but not limited to voluntary family planning, infertility services, and preventive dental care for children) and early disease detection services;

"(F) emergency health services rendered by any provider of health care, the expense of which shall be borne by the enrollee's health maintenance, supplemental health maintenance, or health service organization;

"(G) provision of or payment for prescription drugs (with patterns of patient drug utilization under continuous surveillance, evaluation, and review by a clinical pharmacist whose duties shall include the maintenance of a drug use profile for each enrollee);

"(H) medical social services;

"(I) vision care (except for eyeglasses which shall be optional) as provided by a physician skilled in the diagnosis and treatment of diseases of the eye, or by an optometrist provided such services are within the scope of his license;

"(J) physical medicine and rehabilitative services (including physical therapy);

"(K) mental health services utilizing existing community mental health centers on a priority basis;

"(L) preventive diagnostic and medical and psychological treatment of the abuse of or addiction to alcohol and drugs; and

"(M) such other personal health services as the Secretary may determine are necessary to insure the protection, maintenance, and support of human health.

"(3) The term 'medical group' means a partnership or other association or group of health professionals of whom not less than four and at least a majority shall be persons who are licensed to practice medicine or osteopathy, and such other licensed health professionals as are necessary to provide comprehensive health services and who are eligible for assistance under this Act, in conformance with requirements promulgated under section 1302, in a State and who (A) as their principal professional activity engage in the coordinated practice of their profession as a group responsibility providing services to health maintenance or health service organization enrollees; (B) if not employees or retainees of a health maintenance organization, or health service organization, pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account plan; (C) jointly use or share medical and other records and substantial portions of major equipment and professional, technical, and administrative staff; (D) share or jointly utilize such additional health and allied health professionals who may include but are not limited to psychologists and other mental health workers, optometrists, pharmacists, podiatrists, dental therapists, physician's assistants, nurse practitioners and nurse midwives, as are needed to provide comprehensive health services; and (E) arrange for and encourage the continuing education of their members in the field of clinical medicine and related areas.

"(4) The term 'enrollee' when used in connection with a health maintenance organization, supplemental health maintenance organization (as defined in part B), or health service organization (as defined in part C) means an individual who has entered into a contractual arrangement, or on whose behalf a contractual arrangement has been entered into, with a health maintenance organization, supplemental health maintenance, or a health service organization under which such organization assumes the responsibility for the provision of health services to such individual.

"(5) The term 'medically underserved area' means an urban or rural area or population group designated by the Secretary as an area or population group with a shortage of personal health services. Such a designation may be made by the Secretary only after consideration of the comments, if any, of (A) each State comprehensive health planning agency designated pursuant to section 314(a) of this Act covering, in whole or in part, such area, (B) each areawide comprehensive health planning agency designated pursuant to section 314(b) of this Act, covering, in whole or in part, such area, and (C) regional medical programs established pursuant to title IX of this Act, covering, in whole or in part, such area.

"(6) The terms 'construction' and 'cost of construction' include (A) the construction of new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings, including architects' fees, and (B) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered with assistance under this title.

"(7) The term 'university health center' means a health care institution which is owned and operated by an accredited university or college of medicine or which has a written affiliation arrangement with an accredited university or college of medicine for the purpose of educating undergraduate medical students.

"(8) The term 'area health education and service center' means a hospital, educational facility, or other public or private nonprofit entity affiliated with a university health center for the purpose of providing clinical training (stressing cooperative interdisciplinary training in the use of the team approach to the provision of health care services) in a nonmetropolitan area (other than an area presently served by a university health center) which—

"(A) has an agreement with a health maintenance organization or health service organization (if such an organization exists within the geographical area served by such center) to provide education services to, and health care services through, such center;

"(B) has an agreement with other providers of health care to provide education services to, and health care services through, such center; and

"(C) provides, to all health professionals belonging to disciplines eligible for assistance under this Act in the geographic area which it serves, equal opportunity to use its facilities and programs.

"(9) The term 'non-metropolitan area' means an area no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget, and does not contain a city whose population exceeds fifty thousand persons.

"(10) The term 'non-profit provider group' means an incorporated body of health providers (including physicians, administrators, nurses, and paraprofessionals who qualify under the Public Health Service Act) that is regional in scope.

"(11) The 'high-risk enrollee' means a person who is likely to utilize the services of a provider of health care more often than an actuarially determined average.

"GRANTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 1202. (a) The Secretary may make grants, subject to the general provisions of this title, to public or private nonprofit agencies, organizations, or institutions to assist in projects for planning or studying the feasibility of developing or expanding health maintenance organizations. No project may receive more than $250,000 in grants under this section. Funds awarded under such grants shall be available for expenditure by the grantee for such period (not to exceed two years from the date of award) designated by the Secretary.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL DEVELOPMENT COSTS

"SEC. 1203. (a) The Secretary may make grants, subject to the general provisions of this title, to any public or private nonprofit agencies, organizations, or institutions, to assist them in meeting the costs involved in a project for the initial development of a health maintenance organization prior to its first day of operation. No project may receive more than $1,000,000 in grants under this section.

"(b) Sums awarded under such grant shall be available for expenditure by the grantee for not more than three years, and shall be utilized for such purposes as may be prescribed in regulations of the Secretary, including but not limited to (1) implementation of an enrollment campaign; (2) detailed design of and arrangements for the health services to be provided; (3) development of administrative and internal organizational arrangements, including fiscal control and fund accounting procedures and the development of a capital financing program: (4) recruitment of personnel and the conduct of personnel training activities; and (5) payment of architects' and engineers' fees.

"(c) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(d) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION GRANTS

"SEC. 1204. (a) The Secretary may make grants, subject to the general provisions of this title, to assist any public or private nonprofit health maintenance organization or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization in meeting the cost of construction of facilities or portions of facilities for ambulatory care and capital investment for necessary transportation equipment, to be used by it for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for grants for the acquisition or renovation of existing facilities. Except for exceptional circumstances, in which case up to 90 per centum of the cost of construction (as determined by the Secretary) may be authorized by the Secretary, no grant under this section for any project may exceed 75 per centum of the cost of construction of such project. No project may receive more than $2,500,000 in grants under this section.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $40,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL COSTS OF OPERATION

"SEC. 1205. (a) Where the Secretary determines that the applicant has made all reasonable attempts to meet his operating expenses (including loans and loan guarantees), he may make grants to public and private nonprofit health maintenance organizations to assist them in meeting operating deficits during the initial three-year period of their operation.

"(b) Grants under this section shall be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day; and such grant with respect to any such organization may not exceed 100 per centum of such operating deficit for the first year after such first day; 67 per centum of such first year operating deficit for the second year after such first day; and 33 per centum of such first year operating deficit for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976.

"CONSTAUCTION LOANS

"SEC. 1206. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization, or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization, to assist it in meeting the cost of construction of facilities for ambulatory care and transportation services for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for loans for the acquisition or renovation of existing facilities. No loan under this section for any project may exceed 90 per centum of the cost of construction (as determined by the Secretary) of such project.

"(b) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.



"LOANS FOR INITIAL COSTS OF OPERATION

"SEC. 1207. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization to assist it in meeting, for the period prescribed in subsection (b), a portion of its initial operating costs in excess of gross revenues determined under regulations of the Secretary.

"(b) Loans under this section for initial costs of operation may be made only for the period beginning with the first day of the first month for which such a loan is made and ending with the close of three years after such first day; and such loans with respect to any project may not exceed 60 per centum of such costs of operation, for the first year after such first day; 40 per centum of such costs for the second year after such first day; and 20 per centum of such costs for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"PART B—SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS

"SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS

"SEC. 1208. The Secretary may make grants and loans to supplemental health maintenance organizations (as defined in section 1209) from funds appropriated pursuant to authorizations under part A of this Act for the purposes described in part A in amounts not to exceed 17.5 per centum of the amounts appropriated under such part except that the Secretary may make such grants and loans in excess of 17.5 per centum of such amounts from funds available during any fiscal year after all applications from qualified applicants under part A have been fully funded. Such grants and loans shall be for the same purposes, and subject to the same conditions and limitations as are applicable in the case of grants and loans to health maintenance organizations (as defined in section 1201).

"DEFINITIONS

"SEC. 1209. For the purposes of this part and part E—

"(1) The term 'supplemental health maintenance organization' means a public or private organization which—

"(A) provides, either directly or through arrangements with others, health services to individuals enrolled with such organization on a per capita prepayment basis;

"(B) provides, either directly, or through arrangements with others and through institutions, entities, and persons meeting the applicable requirements of section 1861 of the Social Security Act, all those health services which a defined population might reasonably require in order to be maintained in good health, including as a minimum emergency care, inpatient hospital and physician care, ambulatory physician care, and outpatient preventive medical services;

"(C) provides physicians' services (i) directly through physicians who are either employees or partners of such organization, or (ii) under arrangements with one or more groups of physicians (organized on a group practice or individual practice basis) under which each such group is reimbursed for its services primarily on the basis of an aggregate fixed sum or on a per capita basis, regardless of whether the individual physician members of any such group are paid on a fee-for-service or other basis;

"(D) demonstrates to the satisfaction of the Secretary proof of financial responsibility and proof of capability to provide comprehensive health care services, including institutional services, efficiently, effectively, and economically and in a manner which assures continuity;

"(E) has arrangements for assuring that the health services required by its enrollees are received promptly and appropriately and that the services which are received meet quality standards which it establishes in accordance with regulations of the Commission on Quality Health Care Assurance; and

"(F) is organized in such a manner as to emphasize local initiative and consumer and community involvement in the planning, development, and operation of such supplemental health maintenance organization and seek to insure prompt response to local initiative."

TITLE II—SUPPORT OF HEALTH SERVICE ORGANIZATIONS

STATEMENT OF PURPOSE

SEC. 201. It is the purpose of this title to assist in the establishment of health service organizations primarily directed at defined rural population groups which are characterized by a lack of medical care services.

AMENDMENT TO PUBLIC HEALTH SERVICE ACT

SEC. 202. The Public Health Service Act, as amended by this Act, is further amended by inserting after part B of title XII the following new part:

"PART C—HEALTH SERVICE ORGANIZATIONS

"DEFINITIONS

"SEC. 1220. For the purpose of this part the term—

"(1) 'health service organization' means an entity operating in a rural or nonmetropolitan area which—

"(A) provides as a minimum for all its enrollees, indirectly or directly through its own staff and supporting resources or through a medical group or groups, comprehensive health services, to the extent the Secretary determines such organization is able, which are uniformly available to all its enrollees, and such additional services as may be required through other health delivery entities, for a fixed payment which—

"(i) is to be paid on a periodic basis without regard to the frequency, extent, or kind of health service actually furnished to any particular enrollee; and

"(ii) is uniform for all its enrollees, subject to rules and regulations regarding family rates;

"(B) demonstrates to the satisfaction of the Secretary ability to assure that appropriate health services are available and accessible to all its enrollees promptly in a manner which assures continuity;

"(C) has a written agreement with an area health education and service center for the use of the educational and service facilities and programs of such center, if such a center is located in the geographic area served by such health service organization;

"(D) provides, to the extent the Secretary determines such health service organization is able, continuing education for its staff;

"(E) demonstrates to the satisfaction of the Secretary financial responsibility through proof of adequate provision against the risk of insolvency;

"(F) is organized in such a manner (as prescribed by regulations of the Secretary) that assures its enrollees a substantial role (generally defined as one-third representation in the body establishing or recommending policy) in the making of policy for the health service organization and provides meaningful procedures for hearing and resolving grievances (i) between its enrollees and the health service organization (including the medical group or groups and other health delivery entities providing health

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services) and (ii) between the medical group or groups providing health services and other employees of the health service organization;

"(G) encourages and actively provides for its enrollees (i) health education services, (ii) education in the appropriate use of the health services provided, and (iii) education in the contribution the patient can make to the maintenance of his own health;

"(H) has organizational arrangements established in accordance with regulations of the Commission on Quality Health Care Assurance for an ongoing quality assurance program which stresses health outcomes, and assures that health services provided meet quality standards established in accordance with requirements of the Commission on Quality Health Care Assurance;

"(I) provides in accordance with regulations of the Secretary an effective procedure for developing, compiling, evaluating, and reporting to the Secretary, data (which the Secretary shall publish and disseminate on an annual basis) relating to (i) the cost of its operation, (ii) the patterns of utilization of its services, (iii) the availability, accessibility, and acceptability of its services, and (iv) such other matters as the Secretary may require and discloses at least annually in a manner acceptable to the Secretary such data to its enrollees and to the general public;

"(J) except for (i) out-of-area emergency services; and (ii) care reasonably valued in excess of the first $5,000 per enrollee, per year assumes direct financial responsibility without benefit of insurance, or a prospective basis for the provision of comprehensive health services as defined in section 1201(2);

"(K) has an open enrollment period unless a waiver has been granted under section 1239, of not less than thirty days at least once during each consecutive twelve-month period during which it accepts individuals in the order in which they apply for enrollment up to its capacity;

"(L) assumes responsibility for health care services to its enrollees (and on a reimbursable basis for short-term health care services to enrollees of any other health maintenance, supplemental health maintenance, or health service organization who are temporarily outside the service area of the health maintenance, supplemental health maintenance, or health service organization in which they are enrolled) twenty-four hours a day, seven days a week and for the appropriate availability of such services in emergencies;

"(M) does not refuse enrollment to or expel any person for any reason concerning his health status or requirements for the provision of health services;

"(N) emphasizes the use of physicians' assistants, dental therapists, nurse practitioners, and other allied health personnel, and to the extent practicable and consistent with good medical practice, trains and employs such personnel in the rendering of services; and

"(O) meets such other criteria including plans for providing full comprehensive health services at a future date where the Secretary has determined such an organization was not able to provide such health services under paragraph (A), for its organization and operations as the Secretary may by regulation prescribe consistent with the provisions of this title.

"GRANTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 1221. (a) The Secretary may make grants subject to the general provisions of this title to public or private nonprofit agencies, organizations, or institutions to assist in meeting the costs of projects for planning or studying the feasibility of developing or expanding a health service organization. No project may receive more than $250,000 in grants under this section. Funds awarded under such grants shall be available for expenditure by the grantee for such period, not to exceed two years from the date of the award, designated by the Secretary.

"(b) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $7,500,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL DEVELOPMENT COSTS

"SEC. 1222. (a) The Secretary may make grants, subject to the general provisions of this title, to any public or private nonprofit entity to assist it in meeting the costs involved in a project for the initial development of a health service organization prior to its first day of operation. No project may receive more than $1,000,000 in grants under this section.

"(b) Sums awarded under such grant shall be available for expenditure by the grantee for not more than three years and shall be utilized for such purposes as may be prescribed in regulations of the Secretary including but not restricted to (1) implementation of an enrollment campaign, (2) detailed design of an arrangement for the health services to be provided, (3) development of administrative and internal organizational arrangements including fiscal control and fund accounting procedures and the development of a capital financing program, (4) recruitment of personnel and the conduct of personal training activities, and (5) payment of architects' and engineers' fees.

"(c) There are authorized to be appropriated to carry out the provisions of this section $7,500,000 for the fiscal year ending June 30, 1974, $12,500,000 for the fiscal year ending June 30, 1975, and $15,500,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION GRANTS

"SEC. 1223. (a) (1) The Secretary may make grants subject to the general provisions of this title to assist any public or private nonprofit health service organization in meeting the cost of construction of facilities or portions thereof for ambulatory care and capital investment for necessary transportation and communication equipment to be used by it for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for grants for the acquisition or renovation of existing facilities. Except for exceptional circumstances in which costs up to 90 per centum of the cost of construction may be authorized by the Secretary, no grant under this section for any project may exceed 75 per centum of the cost of construction on such project. No project may receive more than $2,500,000 in grants under this section.

"(b) There are authorized to be appropriated to carry out the provisions of this section $7,500,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL COST OF OPERATION

"SEC. 1224. (a) Where the Secretary determines that the applicant has made all reasonable attempts to meet his operating expenses (including loans and loan guarantees), he may make grants to public or private nonprofit health service organizations to assist them in meeting operating deficits during the initial three-year period of their operation.

"(b) Grants under this section shall be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day and such grant with respect to any such organization may not exceed 100 per centum of such operating deficit for the first year after such first day; 67 per centum of such first year operating deficit for the second year after such first day; and 33 per centum of such first year operating deficit for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $2,500,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION LOANS

"SEC. 1225. (a) The Secretary may make loans subject to the general provisions of this title to any public or private nonprofit health service organization or any public or private nonprofit agency, organization, or institution intending to become a health service organization to assist it in meeting the cost of construction and facilities for ambulatory care and transportation and communication services for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for loans for the acquisition or renovation of existing facilities. No loan under this section for any project may exceed 90 per centum of the cost of construction of such project.

"(b) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated together with repayments of loans made under this section and any other receipts in connection with the program under this section shall be placed in and constitute a revolving fund which shall be available to the Secretary for use in making loans and other expenditures in the exercise of his functions under this section.

"LOANS FOR INITIAL COST OF OPERATION

"SEC. 1226. (a) The Secretary may make loans subject to the general provisions of this title to any public or private nonprofit health service organization to assist it in meeting, for the period prescribed in subsection (b), a portion of its initial operating costs in excess of gross revenues determined under regulations of the Secretary.

"(b) Loans under this section may be made only for the period beginning with the first day of the first month for which such a loan is made and ending with the close of three years after such first day and such loans with respect to any project may not exceed 60 per centum of such initial operating costs for the first year after such first day; 40 per centum of such initial operating costs for the second year after such first day and 20 per centum of such initial operating costs for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $2,500,000 for the fiscal year ending June 30, 1974, $5,000,000 for the fiscal year ending June 30, 1975, and $7,000,000 for the fiscal year ending June 30, 1976.

"PART E—GENERAL PROVISIONS

"GRANTS AND LOANS

"SEC. 1240. (a) Any loan by the Secretary shall bear interest at a rate comparable to the current legal rate of interest prevailing with respect to loans which are guaranteed under section 1241. No payment of principal on a loan shall be required for the first five years after such loan is made.

"(b) No such loan shall be made unless—

"(1) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"(2) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(c) Any such loan shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provisions for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

"(d) No such loan shall have a term in excess of fifteen years.

"(e) The Secretary may, for good cause, waive any right of recovery which he has by reason of the failure of a public organization to make payment and interest on a loan under this section.

"LOAN GUARANTEES AND INTEREST SUBSIDIES

"SEC. 1241. (a) In order to assist (1) private health maintenance organizations and health service organizations (or entities intending to become either), to carry out construction projects for ambulatory care facilities and transportation services and in the case of health service organizations communication services to be used by it for the provision of health services to its enrollees, to meet their initial development costs (for not more than three years) or to meet their cost of operation (for not more than three years), (2) university health centers, regional medical programs, and other private nonprofit provider groups in the development of area health education and service centers, and to provide working capital for the operation of such area health education and service centers as well as to subsidize the difference between income and operating expenditures, the Secretary, during the period beginning January 1, 1971, and ending with the close of June 30, 1976, may, in accordance with the provisions of this section, and subject to the general provisions of this Act (A) guarantee to non-Federal lenders making loans to such organizations for such purposes, payment of principal of and interest on such loans which are approved under this section, and (B) in the case of nonprofit health maintenance or health service organizations, pay to the holder of such loans (and for and on behalf of the organization which received such loan) amounts sufficient (not to exceed 3 per centum per annum) to reduce the net effective interest rate otherwise payable on such loan. No loan guarantee or interest subsidy under this section may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to or be made for an amount which, when added to any grant or other loan under this or any other law of the United States, is—

"(i) with respect to any construction, in excess of 90 per centum of the cost of such construction,

"(ii) with respect to initial development costs, in excess of 90 per centum of such costs, or

"(iii) with respect to initial operating costs, in excess of 90 per centum of such costs.

No such loan guarantee may apply to more than 90 per centum of the loss of principal and interest on the loan.

"(b) The Secretary may not approve the application of a health maintenance organization, health service organization, university health center, regional medical program, or other nonprofit provider unless—

"(1) he determines, in the case of a loan for which a guarantee or an interest subsidy payment is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States;

"(2) the term of a loan for which a guarantee and interest subsidy is sought does not exceed twenty-five years if for construction, or fifteen years if for operating costs, or such shorter period as the Secretary prescribes; and

"(3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require.

"(c) Guarantees of loans and interest subsidy payments under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(d) In the case of any loan guaranteed under this section, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to such guarantee unless the Secretary, for good cause, waives his right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(e) Any guarantee of a loan under this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(f)(1) There is established in the Treasury a Health Maintenance Organization, Health Service Organization and Area Health Education and Service Center Loan Guarantee and Interest Subsidy Fund (hereafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts (A) to enable him to discharge his responsibilities under guarantees issued by him under this title, and (B) for interest subsidy payments authorized by this title. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required by the fund. To the extent authorized from time to time in appropriation Acts there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this title, including any moneys derived from the sale of assets.

"(2) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this title to meet the obligations under guarantees of loans under subsection (a) or to make interest subsidy payments on such loans, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which secu-

TITLE III—AREA HEALTH EDUCATION AND SERVICE CENTERS AND GENERAL REQUIREMENTS

SEC. 301. The Public Health Service Act, as amended by this Act, is further amended by inserting after part C of title XII the following new parts:

"PART D—GRANTS TO ASSIST AREA HEALTH EDUCATION AND SERVICE CENTERS

"STATEMENT OF PURPOSE

"SEC. 1230. It is the purpose of this part to—

"(1) promote cooperative arrangements between area health education and service centers and health service organizations;

"(2) provide for and encourage the continuing education of providers of health care services in a designated area stressing cooperative interdisciplinary training in the use of the team approach to the provision of health services;

"(3) provide for and encourage clinical experience in a nonmetropolitan setting for students from university health centers; and

"(4) encourage the utilization of regional medical programs where such programs exist.

"GRANTS FOR COSTS OF DEVELOPMENT

"SEC. 1231. (a) The Secretary is authorized to make grants to university health centers, regional medical programs, or nonprofit provider groups to assist in meeting the costs involved in the development of area health education and service centers.

"(b) Funds awarded under such grants shall be available for expenditure by the grantee for a maximum of three years and shall be utilized for such purposes as may be prescribed in regulation by the Secretary including but not limited to: (1) detailed design of and arrangements for education, health, and medical services and integration with the institution's research and educational programs; (2) development of administrative and internal and organizational arrangements including fiscal control and fund accounting procedures and the development of a capital financing program; and (3) recruitment of personnel and conduct of personnel training activity.

"(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974; $15,000,000 for the fiscal year ending June 30, 1975; and $30,000,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION OF FACILITIES

"SEC. 1232. (a) The Secretary is authorized to make grants to university health centers, regional medical programs, or nonprofit provider groups to assist them in the construction and equipment of educational facilities in conjunction with the development of area health education and service centers. An award under this authority shall be made only after the Secretary has determined that assistance for the construction proposed has been sought and is not available under titles I and II of the Medical Facilities Construction and Modernization Amendments of 1970 and title IX of the National Housing Act.

"(b) There are authorized to be appropriated to carry out the provisions of this section $3,000,000 for the fiscal year ending June 30, 1974; $5,000,000 for the fiscal year ending June 30, 1975; and $7,000,000 for the fiscal year ending June 30, 1976.

"PART E—GENERAL PROVISIONS

"GRANTS AND LOANS

"SEC. 1240. (a) Any loan by the Secretary shall bear interest at a rate comparable to the current legal rate of interest prevailing with respect to loans which are guaranteed under section 1241. No payment of principal on a loan shall be required for the first five years after such loan is made.

"(b) No such loan shall be made unless—

"(1) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"(2) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(c) Any such loan shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provisions for recovery in case of default) as the



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rities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(g)(1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Acts.

"(2) In any fiscal year no loan guarantee or agreement to make interest subsidy payments may be entered into under this title if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"(A) the principal of the loans guaranteed under this title in such fiscal year, and

"(B) the principal of the loans for which no guarantee has been made under this title and with respect to which an agreement to make interest subsidy payments is entered into under this title in such fiscal year, to exceed the amount of grant funds obligated under this Act in such fiscal year, except that this paragraph shall not apply if the amount of grant funds obligated under this title in such fiscal year equals the sums appropriated for such fiscal year under this title.

"APPLICATION REQUIREMENTS

"SEC. 1242. (A) No grant, contract, loan, guarantee, or interest subsidy may be made under this title unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner and contain such information, consistent with subsection (b)(1), as the Secretary shall by regulation prescribe.

"(b)(1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall include to such extent, in such manner and among such other matters as the Secretary may by regulation prescribe, satisfactory specification of the existing or anticipated (A) population group or groups to be served by the existing or proposed health maintenance organization, supplemental health maintenance organization, or health service organization described in the application, (B) enrollment for such organization, (C) methods, terms, and periods for the enrollment of enrollees, (D) nature and estimated costs per enrollee of the health care and educational services to be provided, (E) sources of professional services, and organizational arrangements for providing health care and educational services, (F) organizational arrangements for an ongoing quality assurance program in conformance with the requirements of the Commission on Quality Health Care Assurance, (G) sources of prepayment and other forms of payment for the services to be provided (H) facilities available for and additional capital investments and sources of financing therefor, required to provide the level and scope of services proposed, (I) administrative, managerial, and financial arrangements and capabilities of such organization, (J) role for enrollees in the planning and policymaking for such organization, (K) grievance procedures for enrollees, staff, and employees, and (L) evaluation or evaluations of the support for and acceptance of such organization by the population to be served, the sources of operating support, and the professional groups to be involved or affected thereby. An organization making multiple applications for assistance under this title simultaneously or over the course of time shall not be required to submit duplicate or redundant information but shall be required to update the description of the existing or proposed organization in such manner and with such frequency as the Secretary may by regulation prescribe.

"(2) Upon completion of assistance under this title, the recipient of assistance shall make a full and complete report to the Secretary, in such manner as he may by regulation prescribe. Each such report shall include, among such other matters as the Secretary may by regulation prescribe, descriptions of plans, developments, and operations in those areas enumerated in paragraph (1) for specification in applications for assistance.

"(c) A health maintenance organization, supplemental health maintenance organization, health service organization, other nonprofit providers, regional medical programs or university health center receiving assistance under this title shall submit to the Secretary as a condition of its continued assistance, satisfactory assurance, in accordance with such regulations as the Secretary shall prescribe, including but not limited to the following: (1) financial responsibility, and (2) development and operation consistent with the terms of this title and the plans contained in such organization's application or applications for assistance. As used in this subsection the term 'financial responsibility' means the demonstrated capability to adequately carry out the purposes of the project for which the original assistance was made.

"(d)(1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall contain assurances satisfactory to the Secretary that the applicant will, in accordance with such criteria as the Secretary shall by regulation prescribe, enroll the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve; except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"(2) No grant may be made and no loan, loan guarantee, or interest subsidy payment may be made under this title unless the applicant demonstrates to the satisfaction of the Secretary that the applicant will or has enrolled, and will maintain an enrollment of, the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve, except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"(e) The Secretary shall have the authority after a hearing on the record to terminate or cancel any grant, loan, loan guarantee, or interest subsidy to any recipient of assistance under this title which he determines is in substantial noncompliance with any material provision of this title or after notice from the Commission on Quality Health Care Assurance that such organization has had its certificate of compliance suspended or revoked.

"(f) Effective two years after the date of enactment of this Act, no assistance shall be given under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, to a provider of health care unless such provider holds a valid certificate of compliance under section 1302.

"(g)(1) The Secretary may not approve an application submitted under section 1203, 1204, 1205, 1206, 1207, 1222, 1223, 1224, 1225, or 1226 unless the section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) the area to be served by the health maintenance organization, supplemental health maintenance organization, or health service organization for which such application is submitted, or if there is no such agency, the section 314(a) State health planning agency whose section 314(a) plan covers (in whole or in part) such area, has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendations respecting approval of the application. If under applicable State law such an application may not be submitted without the approval of the section 314(b) areawide health planning agency or the section 314(a) State health planning agency, the Secretary may not approve such an application unless the required approval has been obtained.

"(2) The Secretary shall by regulation establish standards and procedures for section 314(b) areawide health planning agencies and section 314(a) State health planning agencies to follow in reviewing and commenting on applications for assistance for health maintenance organizations, health service organizations, and other applicants for assistance under this Act.

"(h) If in any fiscal year there are insufficient funds available for funding of all approved applications for assistance under section 1202, 1203, 1204, 1221, 1222, 1223, or 1224, of this title the Secretary shall, subject to the priorities in sections 1202(b), 1203(c), and 1204(c), give priority to those applicants which he determines are the most likely to be economically viable.

"EFFECT ON STATE LAW

"SEC. 1243. (a) Notwithstanding any provisions of State law which—

"(1) require approval of a health maintenance organization, supplemental health maintenance organization or health service organization by a medical society;

"(2) require that physicians constitute all or a majority of the governing body of a health maintenance organization, supplemental health maintenance organization, or health service organization;

"(3) require that all physicians or a percentage of physicians in the local medical society be permitted to participate in rendering the services of the organization;

"(4) require that such organization submit to regulations as an insurer of health care services;

"(5) require that only unincorporated individuals or associations or partnerships may provide health care services;

"(6) prohibit advertising by a professional group for recruitment of enrollees; or

"(7) impose requirements or restrictions on a health maintenance organization, supplemental health maintenance organization, or health service organization in a manner, determined by the Secretary, to be incompatible with this title,

a health maintenance organization, a supplemental health maintenance organization, a health service organization (as defined in this title), or other providers of health care receiving Quality Health Care Initiative Awards under this title, who otherwise conform with the laws for incorporation and laws for licensing of physicians, osteopaths, and dentists in such State shall be allowed to provide health care services in such State in accordance with the provisions of this title.

"QUALITY HEALTH CARE INITIATIVE AWARDS

"SEC. 1244. (a) Every provider of health care which is certified by the Commission on Quality Health Care Assurance as maintaining quality control standards in compliance with the requirements set by the Commission on Quality Health Care Assurance shall be entitled to an annual payment in an amount equal to the administrative costs allowed by the Commission, incurred in complying with the requirements of the Commission. Any provider of health care, whether or not subject to the provisions of this Act, may apply to the Commission for certification of compliance under section 1302.

"(b) There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; and $150,000,000 for the fiscal year ending June 30, 1976.

"CAPITATION GRANTS TO ENABLE HEALTH MAINTENANCE ORGANIZATIONS, SUPPLEMENTAL HEALTH SERVICE ORGANIZATIONS TO SERVE ALL PERSONS

"SEC. 1245. (a)(1) The Secretary shall make annual grants to health maintenance organizations, supplemental health maintenance organizations or health service organizations serving persons who cannot meet the expenses of such organizations' premiums (excluding additional premiums for high option services). The amount of such annual grants shall be equal to the difference between the maximum amount (as determined by the Secretary) an enrollee could reasonably be expected to pay toward the health maintenance, supplemental health maintenance or health service organization premium and the premium for membership enrollment in such health maintenance, supplemental health maintenance, or health service organization for each such person enrolled. A health maintenance, supplemental health maintenance, or health service organization shall be eligible for grants under this subsection only during the first three years of its operation.

"(2) In determining the amount an enrollee could pay toward the premium, the Secretary shall consider all sources (including public sources) of income available to each such enrollee.

"(3) Grants under this section shall not exceed 25 per centum of the total premium receipts for such health maintenance, supplemental health maintenance or health service organization for the next preceding year.

"(4) There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; and $150,000,000 for the fiscal year ending June 30, 1976.

"(b)(1) Where a health maintenance, supplemental health maintenance, or health service organization proposes an increase in its premium rate and the Secretary determines that such increase is due in whole or in part to fulfillment of the requirement for open enrollment, in that such organization has in its enrolled population a disproportionate number of high-risk enrollees, the Secretary shall make annual grants to such organization equal to an amount that would eliminate the need for that part of the proposed premium increase caused by such disproportionate number of high-risk enrollees in such organization. A health maintenance, supplemental health maintenance, or health service organization shall be eligible for grants under this subsection only during the first three years of its operation.

"(2) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; and $150,000,000 for the fiscal year ending June 30, 1976.

"PAYMENT OF GRANTS

"SEC. 1246. The amount of any grant under this title shall be determined by the Secretary. Payments under such grants may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"PROHIBITION ON TRANSFER OF FUNDS

"SEC. 1247. (a) No funds appropriated pursuant to any of the preceding sections of this title shall be available for any purposes other than the purposes of the program authorized by the particular section pursuant to which such funds are appropriated.

"(b) No funds, except those appropriated under this title, shall be used for the purposes of carrying out the provisions of this title.

"(c) Only funds appropriated under titles IX and XII of this Act shall be used to initially develop, construct, and initially operate a health maintenance organization, supplemental health maintenance organization, health service organization, and any other entity that provides, either directly or indirectly through arrangements with others, health care to a defined population on a prepaid basis.

"LABOR STANDARDS

"SEC. 1248. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934.

"OPEN ENROLLMENT WAIVER

"SEC. 1249. In a case where all appropriated funds are expended under section 1245(b)(2) and where a health maintenance organization, supplemental health maintenance organization, or health service organization demonstrates to the satisfaction of the Secretary that it has a disproportionate share of high-risk enrollees and by maintaining open enrollment it would be required to enroll a nonrepresentative cross section of the community in which it provides services, to the extent that financing is available and people are willing to enroll, and the enrollment of such disproportionate share of high-risk enrollees will jeopardize its economic viability, the Secretary may waive such requirement for open enrollment for a period of not more than three years. A health maintenance, supplemental health maintenance, or health service organization may receive more than one such waiver.

"ACCESS TO RECORDS

"SEC. 1250. (a) Each recipient of Federal funds under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such funds, the total cost of the undertaking in connection with which such funds are given or used, the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of Federal funds under this Act.

"COMPREHENSIVE SERVICES PHASE-IN

"SEC. 1251. The Secretary may grant a waiver to an applicant for assistance under this title, with respect to the provision of a specific service, required to be provided as a component of comprehensive health services where he determines that—

"(1) such service cannot be provided by the applicant solely because of the required health manpower to provide such service is not available; and

"(2) the applicant has a feasible plan to provide such service at the earliest possible date, such date not to exceed three years from the date assistance under this title is first granted to such applicant.

"COMPREHENSIVE HEALTH SERVICES FOR INDIANS AND MIGRANT WORKERS

"SEC. 1252. The Secretary is authorized to contract with health maintenance organizations, supplemental health maintenance organizations, or health service organizations to provide health services to individuals who are eligible for such services from the Indian Health Service or under section 310 of this Act.

"PART F—SPECIAL PROJECT GRANTS TO FACILITATE HEALTH SERVICES IN NONMETROPOLITAN AREAS

"SEC. 1260. (a) The Secretary is authorized to make grants to or contracts with any public or nonprofit private entity (which otherwise may not be eligible for grants or assistance under this title) to study, initiate, and evaluate projects for the delivery, or to facilitate the delivery, in nonmetropolitan areas of comprehensive health services on a prepaid basis."

TITLE IV—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

SHORT TITLE

SEC. 401. This title shall be known as the "Commission on Quality Health Care Assurance Act of 1973".

STATEMENT OF PURPOSE

SEC. 402. It is the purpose of this title to promote the quality of health care in the United States by establishing a Commission on Quality Health Care Assurance to develop, establish, and encourage parameters and standards for quality health care.

SEC. 403. The Public Health Service Act, as amended by this Act, is further amended by inserting after title XII the following new title:

"TITLE XIII—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"PART A—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"ESTABLISHMENT OF COMMISSION

"SEC. 1301. (a) There is hereby established (as an independent agency in the executive branch) a Commission on Quality Health Care Assurance.

"(b) The Commission shall be composed of eleven members to be appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Commission. In making such appointments the President shall appoint individuals who are representative of the health care delivery industry, private organizations engaged in developing health care quality standards which may be applicable on a national basis, and consumers not related to the delivery of health care. The terms of office of each member of the Commission shall be five years except that—

"(1) the members first appointed shall serve, as designated by the President, three for a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years;

"(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed; and

"(3) a member shall be eligible for reappointment for one additional term.

"(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.



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"(d) Any vacancy in the Commission shall not affect its power and six members of the Commission shall constitute a quorum.

"(e) Four members of the Commission shall be consumers not related to the delivery of health care.

"DUTIES OF THE COMMISSION

"SEC. 1302. (a) The Commission shall—

"(1) promulgate standards for qualifications of personnel, composition of medical groups, and other characteristics dealing with the adequacy of facilities and equipment;

"(2) conduct such research and experimental programs as are determined necessary for the development of—

"(A) criteria for new and improved quality assurance systems, and

"(B) norms, with regard to processes, utilization characteristics, and outcomes;

"(3) require and monitor, in accordance with criteria established based upon findings under paragraph (2), quality assurance systems for health maintenance organizations, supplemental health maintenance organizations, health service organizations, and other providers of health care subject to the provisions of this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which shall be designed to—

"(A) improve as well as assess the quality of health care;

"(B) evaluate the inputs, processes, utilization characteristics, and outcomes of health care as related to individuals and population groups, and establish relationships between inputs, processes, utilization characteristics, and outcomes;

"(C) concentrate on those illnesses which have relatively high incidence in the population and which are particularly influenced by medical treatment, rather than on unusual illnesses or conditions whose course is little influenced by therapy;

"(D) improve as well as assesses the accessibility, availability, and acceptability of health care provided by health maintenance organizations, supplemental health maintenance organizations, and health service organizations, or other providers of health care;

"(E) develop procedures for such systems to report through the policymaking body of the health maintenance, supplemental health maintenance, or health service organization (or as appropriate in the case of any other provider of health care) to the membership and to the Commission on Quality Health Care Assurance; and

"(F) take into account the need for inclusion of consumers as well as the several health care disciplines in the decisionmaking membership of the system;

"(4) issue certificates of compliance to providers of health care certifying that such providers maintain an approved quality assurance system and are otherwise conforming with requirements published under this section;

"(5) after a hearing on the record, revoke or suspend such certificate where it determines that such provider has significantly deviated from the standards, approved quality assurance system, or the norms published pursuant to this section unless such deviation is justified to the satisfaction of the Commission;

"(6) monitor reports by health care providers covered by this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, for the purpose of assuring that the performance of such health care providers is in conformance with the approved quality assurance system and norms published under this section;

"(7) publish objective statistical descriptions of norms accumulated through experience and results of programs conducted under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963;

"(8) conduct a program of research and development which shall have the objectives of—

"(A) improving the technology of assessing the quality of health care with emphasis on the outcomes of health care;

"(B) assessing and comparing the quality of health care provided under different delivery system arrangements;

"(C) analyzing the effects of providing information to consumers and improvement in the methods of information dissemination;

"(D) analyzing the impact of its quality assurance program upon the quality of health care for the American people; and

"(E) coordinating the collection, assimilation and cataloging of existing information regarding quality health care assurance programs of Federal, State, and local agencies and their relationships with one another, with due regard for the protection of the confidential nature of the doctor-patient relationship;

"(9) collect, summarize, and distribute information regarding the impact of medical services and the health status of the population of the United States;

"(10) provide technical assistance to providers of health care in the development of quality control programs;

"(11) study the levels, costs, and quality of health care under health care programs of the Federal Government;

"(12) administer the reinsurance program established under part B of this title;

"(13) analyze the need for standardization of medical record information and facilitate the development of a system of standard medical reference mechanisms;

"(14) prescribe a schedule of reasonable contingent fees for attorneys representing claimants in proceedings under section 1309; and

"(15) annually report to the President and to the Congress on the conduct of activities under this title (including results of studies conducted under paragraph (11)) together with such recommendations for additional legislation as the Commission may determine appropriate.

"(b) In developing quality health care assurance system criteria the Commission's consideration shall include but not be limited to existing State regulations, such standards as are in effect for Federal health agencies, and analysis of the results of the reinsurance program and the results of arbitration procedures under part B of this title.

"ADMINISTRATIVE POWERS

"SEC. 1303. (a) In order to carry out the provisions of this Act the Commission is authorized to—

"(1) appoint and fix the compensation of personnel of the Commission in accordance with the provisions of title 5, United States Code;

"(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the junctions vested in the Commission and delegate authority to any officer or employee;

"(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Commission deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Commission for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(5) appoint one or more advisory committees (including a committee for the preparation and analysis of statistics) composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise the Commission with respect to its functions under this Act;

"(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

"(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

"(8) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible; and

"(9) take such actions as may be required for the accomplishment of the objectives of the Commission.

"(b) Upon request made by the Commission each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Commission in the performance of its functions with or without reimbursement. Where the Commission determines that such services, equipment, personnel, facilities, and information cannot be made available for utilization in a manner which would enable it to expeditiously perform its duties under this Act, the Commission may establish where necessary the programs necessary to accomplish its tasks.

"(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(d) The Chairman shall be the chief executive and the administrative officer of the Commission and shall exercise the responsibility of the Commission with respect to—

"(1) the appointment and supervision of personnel employed by the Commission;

"(2) the distribution of jobs among the perosnnel of the Commission; and

"(3) the use and expenditure of funds.

"COMPENSATION

"SEC. 1304. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(60) Chairman, Commission on Quality Health Care Assurance.'

"(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"'(98) Members, Commission on Quality Health Care Assurance (10).

"'(99) General Counsel, Commission on Quality Health Care Assurance.'

"APPLICABILITY OF COMMISSION REQUIREMENTS

"SEC. 1305. (a) Except as provided in subsection (b) the requirements established by the Commission pursuant to section 1302 shall apply to any provider of health care receiving assistance under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 after the date of enactment of this title.



"(b) Any provider covered under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, may apply to the Commission for a temporary order granting a variance from any requirement or any provision thereof promulgated under section 1302 of this Act. Such temporary order shall be granted only if the provider files an application which establishes that—

"(1) the provider is unable to comply with a requirement by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with any requirement or because necessary construction, alteration, or modernization of facilities cannot be completed by its effective date; and

"(2) the provider has an effective program for coming into compliance with any requirement as quickly as possible with adequate interim safeguards for the protection of consumers of health care.

"(c) The Commission is authorized to grant a variance from any of its requirements or portion thereof whenever it determines or the Secretary of Health, Education, and Welfare certifies that such a variance is necessary to permit a provider to participate in a project approved by him designed to validate new and improved techniques of health care delivery systems.

"REPORTS AND MAINTENANCE OF RECORDS

"SEC. 1306. (a) Each provider, covered under this title, shall make, keep, and preserve, and make available to the Commission and the Secretary of Health, Education, and Welfare, such records regarding activities governed by this title as the Commission, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe.

"(b) The Commission shall prescribe rules and regulations as may be necessary with regard to inspection of the records and facilities of a provider.

"DISCLOSURE TO CONSUMERS OF HEALTH CARE SERVICES

"SEC. 1307. (a) A description of any health care plan covered by this title shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this title.

"(b) A description of the plan shall be comprehensive and shall include, in a manner designed to be understood by the average enrollee, the following:

"(1) fees and prices;

"(2) scope of services included in benefit packages;

"(3) accessibility and availability of services including the location of the facilities, equipment available, hours of operation, practitioners by type and location, and amenities;

"(4) the name and type of administration of the plan; and

"(5) a statement of certification by the Commission.

"(d) The Commission shall monitor the provision of information by providers of care as required by this section. In any case in which information is disclosed or disseminated under this title and is subsequently found to be insufficient, inaccurate, or inaccurately disseminated the Commission shall take such action as is necessary to assure a full retraction of the inaccurate information together with a statement of new data in a manner similar to the initial disclosure or dissemination of such information.

"(e) The disclosure must also include procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part.

"(f) Every provider shall furnish a copy of the plan description (including amendments or modifications thereto) described in subsection (b), to every enrollee upon his enrollment in the plan, and cause the same to be published, in a manner prescribed by the Commission, to the general public.

"PENALTIES

"SEC. 1308. (a) (1) Whenever the Commission after reasonable notice and opportunity for hearing to the provider finds that the provider has significantly deviated from the approved quality assurance system or is engaged in practices which significantly deviate from national or regional norms as determined by the Commission, the Commission shall notify the provider, and the Secretary of Health, Education, and Welfare that such provider shall be ineligible to participate in assistance under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 and that the certificate of approval has been suspended until such time as the provider is found to be in compliance with the requirements established under section 1302. Hearings conducted under this section shall be held, where practicable, in a location convenient to the provider of health care.

"(2) Providers of health care, who have had their certificate suspended for a period, which the Commission determines to be unreasonable, shall have their certificate revoked and shall be liable for the repayment of part or all amounts received under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

"(3) The Commission is authorized to make arrangements with providers of health care who have had their certificates revoked, for reimbursement of amounts received under this Act, and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, including deferred payments on such terms and for such periods as are deemed equitable and appropriate.

"(b) Any person who knowingly makes any false statement, representation, or certification on any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment of not more than six months or by both.

"ARBITRATION

"SEC. 1309. (a) A provider of health care that possesses a valid certificate of compliance issued under section 1302 may enter into a program for the equitable and expeditious handling of malpractice claims which may arise out of care and treatment of patients. Such programs shall be based upon agreements between the patients and the providers of health care to submit all disputes, not settled to the satisfaction of both parties, to binding arbitration in order to gain the benefits of such programs for patients and providers. Records of all such settlements shall be kept by each provider of health care, and submitted to the Commission in such manner as it shall prescribe.

"(b) An agreement to submit to binding arbitration under subsection (a) must be valid in the jurisdiction in which such agreement is made and shall provide for the selection of arbitrators in accordance with rules and regulations promulgated by the Commission. For those providers who shall establish arbitration programs as specified in this section, title 9 of the United States Code shall apply to such arbitration programs if the State or States in which the provider is located has not enacted legislation providing for the finality of arbitration decisions, or for parties to enter into agreements to arbitrate prior to a dispute.

"(c) Written findings of fact and conclusions of law shall be prepared for each arbitration proceeding held under this section. In each case the findings shall be certified by the arbitrator to the Commission. The Commission shall develop a systematic codification of all findings of arbitration proceedings undertaken pursuant to this section and shall publish such findings at least annually or more frequently at the discretion of the Commission. The Commission shall certify all findings of arbitration proceedings undertaken pursuant to this section to all appropriate State or local licensing or disciplinary boards for each such arbitration procedure under the territorial jurisdiction of such board.

"(d) (1) Every attorney who, in connection with any proceedings under this section for personal injuries or for death or for loss of services resulting from personal injury proximately caused by medical malpractice, accepts a retainer or enters into an agreement, express or implied, for compensation for services rendered or to be rendered in such proceedings whereby his compensation is to be dependent or contingent in whole or in part upon the successful prosecution or settlement thereof, shall, within thirty days from the date of any such retainer or agreement of compensation, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"(2) An attorney retained by another attorney on a contingent fee basis as trial or appeal counsel or to assist in the preparation, investigation, or settlement of any such proceeding, shall, within thirty days from the date of such retainer, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"(3) A closing statement shall be filed with the Commission with every proceeding in which a retainer statement is required containing such information as the Commission shall require.

"(4) All statements of retainer or closing statements filed with the Commission shall be confidential, and the information therein contained shall not be divulged or made available for inspection or examination except upon written order of the Chairman or the General Counsel of the Commission.

"(5) Any attorney who charges or collects, for services rendered in connection with any proceedings described in this subsection, any fee in excess of that allowed by the Commission, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"PUBLICATION OF CRITERIA AND NORMS

"SEC. 1310. (a) The Commission may, by rule, promulgate, modify, or revoke any quality health assurance system criterion or norm in the following manner:

"(1) whenever the Commission upon the basis of information submitted to it in writing by an interested person, a nationally recognized standard-producing organization, the Secretary of Health, Education, and Welfare, or a State or political subdivision, or on the basis of information developed by the Commission, or otherwise available to it, determines that a rule should be promulgated in order to serve the objectives of this title, the Commission shall publish such proposed rule promulgating, modifying, or revoking a standard or criterion for a quality health care assurance system or norm in the Federal Register, and shall afford interested persons a period of sixty days after publication to submit written data or comments.

"(2) on or before the last day of the period provided for the submission of written data or comments, any interested person may file with the Commission written objections to the proposed rule stating the grounds therefor and requesting a public hearing on such objections. Within sixty days after the last day for filing such objections the Commis-



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sion shall publish in the Federal Register a notice specifying the criteria for quality health care assurance systems or norms to which objections have been filed and a hearing request and specifying a time and place for such hearing. Hearings conducted under this section shall be held, where practicable, in a location convenient to the person filing such objection.

"(3) within sixty days after the expiration of the period provided for the submission of written data or comments or within sixty days after the completion of any hearing, whichever is later, the Commission shall issue and publish in the Federal Register a rule promulgating, modifying, or revoking standards, criteria for quality health care assurance systems or norms, or notice of a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date and such period (not in excess of ninety days) as the Commission determines may be necessary to insure that affected persons will be informed of the existence of the criteria or norm and of its determinations and that they are given an opportunity to familiarize themselves with the existence of the requirements of such criteria or norm.

"(b) Any person who may be adversely affected by the promulgation of a rule issued respecting criteria or norms under this section may at any time prior to the ninetieth day after such criteria or norm is promulgated, file a petition challenging the validity of such criterion or norm with the United States district court for the district where such person resides or has his principal place of business for a judicial review of such criterion or norm. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The filing of such petition shall not, unless otherwise stated by the court, operate as a stay of the criterion or norm. The determination of the Commission shall be conclusive if supported by substantial evidence in the record considered as a whole.

"(c)(1) In the case of establishing criteria for the assimilation of objective statistical material required for the publication of norms, the Commission shall hold hearings only when it determines such hearings to be necessary.

"(2) The Commission shall publish in the Federal Register a summary and basis for the establishment of the criteria required by paragraph (1).

"(d) The Commission in compiling information for setting the requirements for this title shall solicit views and information from concerned entities.

"STATE JURISDICTION AND STATE PLANS

"SEC. 1311 (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any health issue with respect to which no standard, criterion, or norm is in effect under section 1302 of this Act.

"(b) Any State which at any time desires to assume responsibility for the development and enforcement of health standards, criteria, or norms relating to any health issue with respect to which a Federal standard, criterion, or norm has been promulgated under section 1302, shall submit to the Commission a State plan for the development of such standards, criteria, or norms and their enforcement.

"(c) The Commission shall approve the plan submitted by a State under subsection (b) or any modification thereof only if such plan—

"(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State;

"(2) provides for the development and enforcement of health standards, criteria, or norms relating to one or more health issues which standards, criteria, or norms (and the enforcement of which) will be no less stringent than the standards, criteria, or norms promulgated under section 1302 which relate to the same health issues;

"(3) provides for a right to entry and inspection of all premises of providers of health care subject to this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which includes a prohibition on advance notice of inspections;

"(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards, criteria, and norms;

"(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards, criteria, and norms;

"(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive health program applicable to all providers of health care of the State and its political subdivisions, which program is as effective as the standards contained in an approved State plan;

"(7) requires providers of health care in the State to make reports to the Commission in the same manner and to the same extent as if the State plan were not in effect; and

"(8) provides that the State agency will make such reports to the Commission in such form and containing such information as the Commission shall from time to time require.

"(d) If the Commission rejects a plan submitted under subsection (b), it shall afford the State submitting the plan reasonable notice and opportunity for a hearing before so doing.

"(e) After the Commission approves a State plan submitted under subsection (b), it may, but shall not be required to, exercise its authority with respect to comparable standards, criteria, or norms promulgated under section 1302, for the period specified in the next sentence. The Commission may exercise the authority referred to above until it determines, on the basis of actual operations under the State plan, that the standards, criterions, or norms set forth in subsection (c) are being applied, but it shall not make such determination for at least three years after the plan's approval under subsection (c).

"(f) The Commission shall, on the basis of reports submitted by the State agency and its own inspections, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Commission finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), it shall notify the State agency of its withdrawal of approval of such plan and upon receipt of such notice, such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

"(g) The State may obtain a review of a decision of the Commission withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Commission. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Commission's decision in rejecting a proposed State plan or withdrawing its approval of such a plan is not supported by substantial evidence, the court shall affirm the Commission's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(h) The Commission may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more health standards, criteria, or norms in effect in such State until final action is taken by the Commission with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this title, whichever is earlier.

"PROCEDURES TO COUNTERACT IMMINENT DANGERS

"SEC. 1312. (a) The United States district courts shall have jurisdiction, upon petition of the Commission, to restrain any conditions or practices by a provider of health care which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this title. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

"(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this title. The proceeding shall be as provided by rule 65 of the Federal Rules of Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

"(c) Whenever and as soon as the Commission concludes that conditions or practices described in subsection (a) exist it shall inform the affected provider of health care of the danger and that it shall seek relief under this section.

"(d) If the Commission arbitrarily or capriciously fails to seek relief under this section, any person who may be injured by reason of such failure, or the representative of such person might bring an action against the Commission in the United States district court for the district in which the imminent danger is alleged to exist or the provider has its principal office, or in the United States District Court for the District of Columbia, for a writ of mandamus to compel the Commission to seek such an order and for such further relief as may be appropriate.

"DEFINITIONS

"SEC. 1313. For the purposes of this title, the term—

"(1) 'input measure' means assessment based on the qualifications of personnel, facilities, and equipment required to provide medical care;

"(2) 'process measure' means assessment based upon the conformance of medical decisions and actions taken in actual episodes of care to some defined standards of medical practice;

"(3) 'utilization characteristics' means those characteristics giving information concerning the rates of usage of components of the health care system such as the length of hospital stays, the number of doctor-patient contacts, and the number of hospital admissions in a year;



"(4) 'outcome measure' means assessment of care based upon health of patients during and particularly at the conclusion of episodes of care. Standards for clinical outcome should be based solely on the results of health care;

"(5) 'Commission' means the Commission on Quality Health Care Assurance;

"(6) 'reinsurance program' means the Federal Medical Malpractice Reinsurance Program established under part B of this title; and

"(7) 'norm' means a statistical range which reflects the parameters of acceptable quality health care practices existing at the time such norm is promulgated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1314. There are authorized to be appropriated for the carrying out of the provisions of this part $15,000,000 for the fiscal year ending June 30, 1974; $40,000,000 for the fiscal year ending June 30, 1975; and $70,000,000 for the fiscal year ending June 30, 1976.

"PART B—FEDERAL MEDICAL MALPRACTICE REINSURANCE PROGRAM

"PROGRAM ESTABLISHED

"SEC. 1320. There is hereby established an insurance program to be known as the Federal Medical Malpractice Reinsurance Program which shall be administered by the Commission.

"SCOPE OF PROGRAM

"SEC. 1321. The Commission shall make medical malpractice liability reinsurance available to primary insurers of such liability to the extent that such primary insurers are liable for damages resulting from acts of an insured who holds a valid certificate of compliance in accordance with the requirements of section 1302.

"BASIC AUTHORITY

"SEC. 1322. (a) In carrying out the medical malpractice reinsurance program the Commission shall arrange for—

"(1) appropriate financial participation and risk sharing in the reinsurance program by insurance companies or other insurers, and

"(2) other appropriate participation on other than a risk-sharing basis by insurance companies or other insurers, insurance agents and brokers, and insurance adjustment organizations.

"(b) The Commission shall initially make reinsurance available to cover liability for amounts over $25,000 but not exceeding $1,000,000. If on the basis of studies and investigations, and other information that becomes available the Commission determines that it would be feasible to extend medical malpractice reinsurance programs to cover amounts less than $25,000 or more than $1,000,000 it may take such action under this Act as from time to time may be necessary.

"NATURE OF COVERAGE

"SEC. 1323. (a) The Commission from time to time shall, after consultation with appropriate representatives of insurance authorities of the respective States, provide by regulation for general terms and conditions of insurability which shall be applicable to primary medical malpractice insurers participating in the reinsurance program, including—

"(1) the nature and limits of liability which may be covered by such insurance;

"(2) the classification, limitation, and rejection of any risks which may be advisable;

"(3) appropriate minimum and maximum premiums;

"(4) appropriate deductibles; and

"(5) any other terms and conditions relating to insurance coverage or exclusion which may be necessary to carry out the provisions of this title.

"(b) The Commission may enter into such contracts, agreements, or other arrangements, upon such terms and conditions as may be agreed upon with primary insurers in order to carry out the purposes of this part.

"PREMIUM RATES

"SEC. 1324. (a) Premium rates established by the Commission shall be—

"(1) uniform with respect to similar classifications of risks;

"(2) sufficient to provide adequate proceeds to pay all claims for probable losses over a reasonable period of years; and

"(3) exclusive of any loading for administrative expenses of the United States under this part.

"(b) Premiums established under subsection (a) shall be paid to the Commission in such manner as the Commission shall prescribe by regulation.

"TREASURY BORROWING AUTHORITY

"SEC. 1325. (a) The Commission is authorized to issue to the Secretary of the Treasury from time to time and have outstanding at any time, in an amount not exceeding $500,000,000 (or such greater amount as may be approved by the President), notes or other obligations in such forms and denominations bearing such maturities, and subject to such terms and conditions as may be prescribed by the Commission, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on the outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued under this subsection, and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"(b) Any funds borrowed by the Commission under this authority shall, from time to time, be deposited in the Medical Malpractice Reinsurance Fund established under section 1326.

"MEDICAL MALPRACTICE REINSURANCE FUND

"SEC. 1326. (a) To carry out the reinsurance program authorized by this Act, the Commission is authorized to establish in the Treasury of the United States a Medical Malpractice Reinsurance Fund which shall be available, without fiscal year limitation—

"(1) to repay to the Secretary of the Treasurer such sums as may be borrowed from him (together with interest) in accordance with the authority provided in section 1325 of this title;

"(2) to pay such administrative expenses (or portion of such expenses) of carrying out the reinsurance program as the Commission may deem necessary; and

"(3) to pay claims and other expenses and costs of the reinsurance program (including any premium equalization payments and reinsurance claims), as the Commission deems necessary.

"(b) The fund shall be credited with—

"(1) such funds borrowed in accordance with the authority provided in section 1325 of this Act as may from time to time be deposited in the fund;

"(2) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities;

"(3) interest which may be earned on investments of the fund pursuant to subsection (c);

"(4) such sum as are required to be paid to the Commission under section 1324; and

"(5) receipts from any other operations under this Act which may be credited to the fund.

"(c) If, after all outstanding obligations have been liquidated, the Commission determines that the moneys of the fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

"PAYMENT OF CLAIMS

"SEC. 1327. The Commission is authorized to issue orders establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for any damage which is covered by medical malpractice reinsurance made available under the provisions of this Act."

TECHNICAL AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 501. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I, II, and XIV".

(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title XII) as in effect prior to the date of enactment of this Act) as title XIV and by renumbering sections 1101 through 1114 (as in effect prior to such date) and references thereto as sections 1401 through 1414, respectively.

(c) Sections 767, 768, 769, 769A, and 769B of the Public Health Service Act (added by section 107 of Public Law 92-157) are redesignated as section 769, 769A, 769B, 769C, and 769D, respectively.

Mr. JAVITS. Mr. President, I would like the Senate to note that I have proposed, with the Senator from Pennsylvania (Mr. SCHWEIKER), a substitute for the Kennedy bill, and that that substitute will be presented to the Senate at an appropriate time, It is covered in detail in yesterday's RECORD, so that Senators preparing for the debate may have an opportunity to study the substitute and a summary, which I also put in the RECORD.

## PROGRAM

Mr. GRIFFIN. Mr. President, if I may be recognized, I would like to inquire of the distinguished majority leader if he could give us whatever information is available concerning the schedule ahead.

Mr. MANSFIELD. Yes, indeed.

Mr. President, the pending business will not be taken up until Monday.

## RESCISSION OF ORDER FOR ADJOURNMENT TO TOMORROW

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that the order granted for the Senate to come in at 10 o'clock tomorrow be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT UNTIL MONDAY, MAY 14, 1973

Mr. MANSFIELD. Instead, Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it stand in adjournment until the hour of 12 o'clock noon Monday next.

XUM

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting Republican leader, following the pending business, it is anticipated that the Senate will then turn to the consideration of S. 723, a bill to establish a National Institute of Health Care Delivery; following that, hopefully, to S. 504, a bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive medical service systems; and then it is anticipated that the Senate will proceed to the consideration of S. 1672, a bill to amend the Small Business Act or Calendar No. 130, S. 1423, a bill to amend the Labor-Management Relations Act, will be brought up.

It is also anticipated that there will be bills reported out of various committees over the weekend, and they will be called up as expeditiously as possible under the terms of agreement of the joint leadership.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. On Calendar No. 130, the Labor-Management Relations Act, that relates to a question of trust funds to defray the costs of legal services. I have discussed this with the Senator from Texas (Mr. TOWER), who has an amendment to the bill, and he is entirely agreeable to bringing it up any time after Monday, which would be agreeable to the Senator from New Jersey (Mr. WILLIAMS), and myself, and I suggest that the leader could do that; but of the two bills referred to, that would be the situation with respect to it.

Mr. MANSFIELD. Can the Senator indicate whether we could work out a time limitation on that bill?

Mr. JAVITS. That would depend upon the Senator from Texas (Mr. TOWER) and also upon the unanimous consent being in the usual form, because I think everybody will agree that we do not want to get into a broad-scale foray on the labor-management bill.

Mr. MANSFIELD. I agree.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## S. 1672—AMENDMENT OF SMALL BUSINESS ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished majority leader to make the following unanimous-consent request: that at such time as calendar order No. 123, S. 1672, a bill to amend the Small Business Act, is called up and made the pending business before the Senate, the following time agreement obtain: that there be 1 hour debate on the bill, equally divided between Mr. CRANSTON and the distinguished minority leader—

Mr. JAVITS. Mr. President, I am the ranking Republican member of the Small Business Committee, and I did not know about this.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I am directed by the distinguished majority leader to propose the following unanimous-consent request:

I ask unanimous consent that at such time as S. 1672, a bill to amend the Small Business Act, is called up for consideration by the Senate, there be a limitation of 1 hour's debate on the bill, to be equally divided between and controlled by the Senator from California (Mr. CRANSTON) and the Senator from Texas (Mr. TOWER); that there be a time limitation on any amendment, debatable motion, or appeal of 30 minutes; that there be a time limitation on an amendment to be proposed by Mr. TAFT of 2 hours; that the division of time and the agreement itself be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

*Order*, That, during the consideration of S. 1672, a bill to amend the Small Business Act, debate on any amendment (except an amendment to be offered by the Senator from Ohio (Mr. TAFT), on which there will be 2 hours debate), debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

*Order further*, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from California (Mr. CRANSTON) and the Senator from Texas (Mr. TOWER): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

## ORDER FOR H.R. 6370 TO BE HELD AT DESK TEMPORARILY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 6370 be held at the desk temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, immediately following the recognition of the two leaders under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. COOK, Mr. STEVENSON, Mr. GRIFFIN, and Mr. ROBERT C. BYRD of West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMPTION OF UNFINISHED BUSINESS (S. 14) MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the aforementioned Senators under the 15-minute orders on Monday, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, and that at the conclusion of the morning business the Senate resume its consideration of the unfinished business, S. 14.

THE PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment over until Monday next, the Secretary of the Senate be authorized to receive messages from the other body and from the President of the United States and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATION FOR COMMITTEES TO REPORT BILLS AND RESOLUTIONS DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to report bills and resolutions during the adjournment over until Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATION FOR THE SIGNING OF DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Vice President, the President pro tempore, and the Acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions during the adjournment over until Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.



Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is S. 14, a bill to amend the Public Health Service Act.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators COOK, STEVENSON, GRIFFIN, and ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business for not to exceed 30 minutes with statements limited therein to 3 minutes, at the conclusion of which the Senate will resume the then unfinished business, S. 14, the public health service bill. Yea and nay votes will occur thereon.

On the disposition of that bill, the Senate will resume the consideration of S. 723, a bill to establish a National Institute of Health Care Delivery, and for other purposes.

In addition to that bill, Mr. President, the Senate will proceed to the consideration of S. 504, a bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical service systems.

When those measures have been disposed of, the Senate will then proceed to the consideration of S. 1672, a bill to amend the Small Business Act and S. 1423, a bill to amend the Labor Management Relations Act.

These bills have been stated in the order enumerated earlier, and presumably the suggestion submitted will be followed. However, it may be necessary to make certain modifications, depending upon the circumstances.

I repeat, yea-and-nay votes will occur on Monday.

## ADJOURNMENT TO 12 NOON, MONDAY, MAY 14, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 12 o'clock noon Monday next.

The motion was agreed to; and at 3:47 p.m. the Senate adjourned until Monday, May 14, 1973, at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate May 10, 1973:

FEDERAL TRADE COMMISSION

Mayo J. Thompson, of Texas, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1968, vice A. Everette MacIntyre, resigned.

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 10, 1973:

DEPARTMENT OF DEFENSE

Robert C. Hill, of New Hampshire, to be an Assistant Secretary of Defense.

Howard H. Callaway, of Georgia, to be Secretary of the Army.

CONSUMER PRODUCT SAFETY COMMISSION

The following-named persons to be Commissioners of the Consumer Product Safety Commission for the terms indicated:

*For a term of 3 years from October 27, 1972*

Richard O. Simpson, of California.

*For a term of 4 years from October 27, 1972*

Lawrence M. Kushner, of Maryland.

*For a term of 6 years from October 27, 1972*

Constance E. Newman, of the District of Columbia.

*For a term of 7 years from October 27, 1972*

Barbara H. Franklin, of New York.

IN THE COAST GUARD

Coast Guard nominations beginning Glen N. Armitage, to be commander, and ending Carl A. Zellner, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 3, 1973.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

*To be lieutenant general*

Maj. Gen. Joseph G. Wilson, 229-01-5510 FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

*To be lieutenant general*

Lt. Gen. Julian Johnson Ewell, 444-40-6942, Army of the United States (major general, U.S. Army).

Lt. Gen. William Raymond Peers, 218-34-7471, Army of the United States (major general, U.S. Army).

Lt. Gen. Willard Pearson, 176-03-1378, Army of the United States (major general, U.S. Army).

Lt. Gen. Richard Thomas Cassidy, 524-50-7544, Army of the United States (major general, U.S. Army).

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

*To be lieutenant general*

Maj. Gen. William Robertson Desobry, 460-64-3560, Army of the United States (major general, U.S. Army).

Maj. Gen. Richard Joe Seitz, 514-03-9046, Army of the United States (major general, U.S. Army).

Maj. Gen. Raymond Leroy Shoemaker, 305-42-3215, Army of the United States (major general, U.S Army).

IN THE NAVY

Vice Adm. Thomas J. Walker III, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Rear Adm. Thomas R. Weschler, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

| | |
|---|---|
| William J. Kotsch | Charles D. Grojean |
| Robert G. Mills | Chester G. Phillips |
| Eugene H. Farrell | John M. Tierney |
| James O. Mayo | Alfred J. Whittle, Jr. |
| Rowland G. Freeman III | Isham W. Linder |
| | James H. Doyle, Jr. |
| David A. Webster | Charles P. Tesh |
| Rupert S. Miller | Harry "E" Gerhard, Jr. |
| Raymond W. Burk | William Thompson |
| Carl J. Seiberlich | James B. Wilson |
| Lloyd W. Moffit | Frank D. McMullen, |
| Joseph E. Snyder, Jr. | Jr. |
| Samuel M. Cooley, Jr. | Donald B. Whitmire |
| Forrest S. Petersen | Leonard A. Snead |
| Merton D. Van Orden | William H. Rogers |
| Bernard B. Forbes, Jr. | Tyler F. Dedman |
| Wayne S. Nelson | Wesley L. McDonald |
| Doniphan B. Shelton | Samuel L. Gravely, Jr. |
| Alan B. Shepard, Jr. | Earl F. Rectanus |
| Dewitt L. Freeman | Charles F. Rauch, Jr. |
| Henry S. Morgan, Jr. | William F. Clifford, Jr. |
| Arthur W. Price, Jr. | Stanley T. Counts |
| Edward W. Cooke | Edward C. Waller III |
| Charles H. Griffiths | Harry D. Train II |
| Dennis-James J. Downey | James D. Watkins |
| | William A. Myers III |

MEDICAL CORPS

| | |
|---|---|
| Oscar Gray, Jr. | Richard D. Nauman |
| Charles L. Waite | Willard P. Arentzen |

SUPPLY CORPS

| | |
|---|---|
| Philip Crosby | Edward E. Renfro III |
| Kenneth L. Woodfin | James E. Forrest |
| Joe G. Schoggen | |

CIVIL ENGINEER CORPS

Foster M. Lalor
Donald G. Iselin

DENTAL CORPS

Wade H. Hagerman, Jr.

IN THE MARINE CORPS

Lt. Gen. Hugh M. Elwood, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, United States Code, section 5233.

Having designated, in accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Leo J. Dulacki and Maj. Gen. Herbert L. Beckington, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, I nominate them for appointment to the grade of lieutenant general while so serving.

U.S. DISTRICT COURTS

Albert G. Schatz, of Nebraska, to be a U.S. district judge for the District of Nebraska.

XUM

# HOUSE OF REPRESENTATIVES—*Thursday, May 10, 1973*

The House met at 12 o'clock noon.

Rabbi Saul Israel Wisemon, Congregation Ahavas Achim, Newburyport, Mass., offered the following prayer:

מאת ה' היתה זאת היא נפלאת בעינינו
זה היום עשה ה' נגילה ונשמחה בו

*This is the Lord's doing: It is marvelous in our eyes. This is the day which the Lord hath made: We will rejoice and be glad in it.*—Psalm 118, verses 23–24.

Our Father, we pray that Thou will bless these men, chosen by the people of this great Nation.

We call to mind that 25 years have passed in Thy sight since our beloved America, reared in ancient Israel's spiritual heritage, helped nurture the State of Israel into being.

We thank Thee for the miracles of America and Israel which, with Thy everlasting mercies, will endure forever.

We pray Thee, protect all with that right, of that might, from above.

Grant that our spiritual kinship ever continues to grow stronger.

Guide our ways, that out of Zion shall come forth the law of justice for all mankind, Thy word of light, healing, hope, for all Thy children, from Jerusalem.

As we pray for the peace of Jerusalem and mankind, we ever thank Thee for this, our sweet land of liberty and democracy. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceeding and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 109. Concurrent resolution providing for the printing of remarks of tribute to the late President of the United States, Lyndon Baines Johnson;

H. Con. Res. 126. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Year-Round Schools"; and

H. Con. Res. 156. Concurrent resolution to provide for the printing of 1,000 additional hearings entitled "Corrections, Federal and State Parole System," parts VII–A and VIII–B, serial 15, 92d Congress.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 394) entitled "An act to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 352. An act to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program though the Postal Service;

S. 590. An act to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate; and

S. 607. An act to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes.

## HAPPY BIRTHDAY TO THE SPEAKER

(Mr. McFALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. McFALL. Mr. Speaker, I should like to call the attention of the Members to the fact that today is the Speaker's birthday. I know that everyone wishes him a happy birthday.

## FILLING VACANCIES IN THE VIRGIN ISLANDS' LEGISLATURE

(Mr. DE LUGO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. DE LUGO. Mr. Speaker, I have today introduced a bill to empower the Legislature of the Virgin Islands to determine the procedure for filling vacancies in its membership. Under present law, the Revised Organic Act of the Virgin Islands, the Governor may appoint individuals to serve in the legislature when vacancies occur. There is no provision for a special election.

This authority has recently been exercised by the Governor over a month after the incumbent resigned to accept the Lieutenant Governorship and a full 18 months before the people will have a chance to express their opinion at the polls. I believe that this system of executive designation of a member of the legislative branch is contrary to the democratic process and an abdication of the people's prerogative to select their representatives.

Direct election by the people is the only method by which an individual may attain membership in the House of Representatives. Mr. Speaker, as you pointed out a few weeks ago, it is this factor which makes this body the most important democratic institution in the Nation. If the Legislature of the Virgin Islands is to truly be the people's forum at the territorial level, it must also maintain this qualification.

Therefore, I contend that democratic principles demand that vacancies in the legislature be filled by the people at special elections. When vacancies occur shortly before a general election, the need for a special election, of course, would be obviated.

The people's right to select their legislators should not be abrogated for convenience or cost-saving reasons. My bill would let the people's territorial representatives determine this procedure. I have refrained from spelling out a procedure in my legislation because of my commitment to self-determination and my belief that this is a decision that should rightfully be made by the Legislature of the Virgin Islands.

## FARM SUBSIDY NO. 2

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, Montana is called the Treasure State. After reading the list of Federal farm subsidy recipients I know why.

Montana received $865,000 last year from the Department of Agriculture for not growing crops. For a State with an annual budget of $115 million, that is quite a treasure.

One State-owned "farm"—which covers half a county—received a single payment of $828,000. Obviously, the $55,000 payment limitation that applies to individual farmers does not apply to State-owned farms.

With subsidies like that, it is no wonder that Montana's State motto is "Gold and Silver."

Washington is known as the "Evergreen State." A farm subsidy payment of $117,000 helped keep Washington green last year. With payments like that, Washington should change its State motto "By and By" so it is spelled "B-u-y."

Oklahoma whose State motto is "Labor Conquers All Things," found it easier last year on one State-owned farm to put labor aside and collect a $42,000 farm subsidy instead of growing crops.

The farm subsidy program was intended to help farmers. It did not warrant these State raids on the Federal Treasury. It is time to overhaul the farm subsidy program.

## CONFERENCE REPORT ON S. 394, RURAL ELECTRIC AND TELEPHONE LOANS

Mr. POAGE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.



(For conference report and statement, see proceedings of the House of May 9, 1973.)

Mr. POAGE. Mr. Speaker, I merely want to point out that this conference report has the approval of all the conferees on both sides and as far as I know there is no argument about the report. We believe that it meets the requirements of both the proponents of the legislation and those who at one time felt the legislation was dangerous, and as far as we know it meets the approval of the administration.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I signed the conference report. I have every reason to believe that the bill will be signed into law.

At the outset, I want to pay a special compliment to Chairman POAGE for his statesmanship and skill in developing this bill.

In addition, Mr. Speaker, I want to pay a special tribute to another great legislator whose untiring work contributed so much to the development of this bill—this legislator is not even a member of our committee, but his presence and good will have been invaluable throughout the entire lengthy and often difficult dialog that precedes our action today. I refer, of course, to our distinguished colleague from Minnesota, the former Administrator of REA, and my good friend, the Honorable ANCHER NELSEN.

While there are several provisions in this conference report which I do not fully approve, I would say that in total it represents a bona fide compromise and an improvement over the situation that prevailed only 6 months ago.

Six months ago the entire REA and RTA system was under a 2-percent-subsidized loan program. Under this conference report, the bulk of these borrowers will be under a 5-percent-or-greater interest rate program. Only $105 million out of a total capital availability approaching $1 billion will remain on the 2-percent crutch.

Three months ago the other body has approved an REA bill which would have forced the restoration of the old program. Six weeks ago the House passed another mandatory version.

Under this conference report the "forced spending and lending" language has been deleted. Thus, the key defect in both versions has been cured.

Looking toward the future, all concerned know that the Secretary's letter in behalf of the administration is only a 3-year pledge. Therefore, after fiscal year 1976, it clearly will be legally possible as well as entirely probable from a fiscal standpoint to end the 2-percent loan program completely. That is a goal I have sought for many years.

Again looking ahead, there are some other aspects of this legislation that I think merit some further comment.

While this conference report does not change the direct loan authority in the existing act, it would be inconceivable to me, and I assume to the other conferees and the administration, that the old direct loan program be revived and restored. It certainly is not my intent to do so, and I strongly urge that in the days and years ahead the needed rural electric and rural telephone financing be done through the insured and guaranteed loan structure provided by this legislation.

Another point that I feel needs some discussion is the control of future loan levels through the appropriations process. I certainly hope that each year our Appropriations Committee will carefully study and control the fiscal situation at hand. In that way, Congress can make sure that excessive amounts of money in the revolving fund are transferred to the Treasury as well as reviewing the level of loans contemplated by the administration. Certainly no more than a 3-year future cash requirement should be built up.

The bill also contemplates that program levels could be set in future Department of Agriculture budgets. If at any time appropriations for the Department are provided by a continuing resolution, it would seem sensible to me that the program levels would be considered to be governed by the same resolution.

In my opinion REA should also continue to encourage participation by CFC and other lenders in concurrent loans with REA where borrowers are capable of paying such blended interest rate and achieving the Rural Electrification Act objectives.

I would also point out that included in this conference report is Secretary Butz's letter of May 8, 1973, assuring that during each of the next 3 years "not less than $80 million for the electric program and $25 million for the telephone loan program will be made available at the 2-percent rate." This commitment appears to assume that the section 305(b) 2-percent interest formula based on density or revenue per mile will result in loans aggregating not less than the amount of the commitment. If it does not, I see no reason the Administrator need use his discretionary power to reach the stipulated amount.

Furthermore in applying the 2-percent criteria of revenue per mile as compared to the average of all borrowers, the most recent compilation should be used, but the same time period should be used for comparing the individual borrower's revenues and the average of all borrowers' revenues.

Also let me venture my view that the fund will have ample assets to begin operations immediately on enactment. The conference report thus expresses the expectation that loans will be made beginning with the effective date of the act, and that for the balance of the current fiscal year, proportionally the same general program level will be followed as that budgeted for fiscal year 1974. That expectation can in my opinion still be realized despite the absence this year of limitations on the program levels which may be provided in future appropriation acts.

Finally, the conference report amends section 407 of the Rural Electrification by increasing the bank's borrowing power from "8" to "20" times paid in capital and retained earnings. I would like to point out that this increase is, of course, merely an authorization to be used if needed and is not to be taken as a mandate to undertake so great an increase in the scope of the bank's operations.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I would like to congratulate the conferees on what I consider to be a notable achievement, legislation that will set a fair and proper framework for loans to rural electric cooperatives for many years to come.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I just want to say that as a member of the Appropriations Subcommittee which has jurisdiction over the agriculture, environmental and consumer protection areas of our Federal budget, I am both pleased and relieved that the agreement reached by the conferees on this REA legislation includes the traditional safeguards of our appropriation process here in the House.

I was quite concerned about the lack of such safeguards in the bill as it passed the House, and I believe we owe a great deal to the good judgment of the conferees in putting together a compromise package which incorporates annual review and examination of this program by the Appropriations Committee.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I would like to say as one who voted against the previous legislation on this subject that I desire to commend the conferees for their report and will now support the conference report.

Mr. MIZELL. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, I too would like to join in congratulating the conferees for an excellent job, and I urge passage of the legislation.

This is a bill I can support without reservation, because it meets the needs of rural America and passes the test of fiscal responsibility at the same time.

With this legislation, rural citizens are assured of the electrical services they need at the cost they can afford to pay. Two-percent money is still available in these areas where it is needed, and the 5-percent money authorized for other areas reflects the realistic approach that characterizes the entirety of this legislation.

We are living in 1973, not 1936, and just as all other conditions have changed in the intervening 37 years, the Rural Electrification program stood in need of change as well.

I cannot help stating my belief that we could have saved ourselves and our rural constituents a great deal of time and trouble—about 3 months worth—by taking this responsible position at the outset rather than going through this needless delay to consider an unrealistic and clearly unacceptable proposal.

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But I hope the kind of legislation we have before us today will be the rule rather than the exception for all legislation we pass in the 93d Congress. This legislation is designed to solve a problem and serve a need, not to provide grounds for fruitless and pointless political confrontation.

If we can continue to work in that spirit, the American people will surely be the beneficiaries, as will the Congress.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Speaker, as a member of the Committee on Agriculture I would like to commend both the chairman of the committee and the ranking minority member, as well as Mr. NELSON of Minnesota and the other House conferees who worked on this conference report and produced results which I hope will give a lasting solution to the funding of REA and take away most of the inequities of subsidized interest rates which have been objectionable to many of the Members of this House.

I intend to vote for passage of this bill.

Mr. PICKLE. Mr. Speaker, I rise in support of the Conference Report 93-169 accompanying S. 394.

I think that the outstanding job accomplished by the Agriculture Committee under its distinguished chairman, the Honorable BOB POAGE of Texas, is a great example of the legislative body finding a solution that is fair and reasonable to a controversy between the legislative and executive branches.

I have stated several times on the floor of the House that the REA program is an excellent program—it has brought to our rural areas the tools of productivity. Furthermore, Mr. Speaker, there is still a job to be done for our rural people through REA.

Yes, circumstances have changed, and S. 394 recognizes these changes. I only wish more committees in Congress could use this kind of common sense approach.

In conclusion, I urge the passage of S. 394 as reported by the conference.

Mr. MAYNE. Mr. Speaker, I am pleased to rise in support of the conference report on S. 394, the act to amend the Rural Electrification Act of 1936 as amended, and to urge its adoption by the House.

As reported, S. 394 is an outstanding bill which will meet the needs of the rural electrification and rural telephone program throughout the country. Through the 3-year commitment by the administration, it provides the rural electric and telephone borrowers the opportunity to make long-range plans.

The legislation recognizes the need for continuing financial assistance to these important institutions, while also recognizing the fact that the cost of borrowing of the Federal Government has gone up and that some rural electric and rural telephone borrowers can now afford to pay their own way. The bill provides for low interest loans for those borrowers who cannot afford to borrow in the commercial market, primarily electric cooperatives and telephone borrowers still serving truly rural areas which require many miles of line to serve a few customers. Other borrowers would be able to qualify for 5 percent interest loans on an insured basis. All in all it will create a capital source approaching $1 billion annually, and is a good bill that will provide rural America with the financial means to make power and communications available to our farmers and rural residents.

I congratulate the members of the conference for their patient and dedicated efforts in working out this final version satisfactory to all parties involved. I would especially note for praise the efforts of Secretary of Agriculture Butz and his staff for their diligence, flexibility and reasonableness, and for their willing cooperation in helping the conference arrive at this report, a report which the Secretary has strongly endorsed and which I have every reason to believe President Nixon will sign into law. The agreement was made possible when the conferees dropped the mandatory requirements to which the administration objected. In return for this action Secretary Butz assured the conference that during each of the next 3 years, an REA program at levels not less than that budgeted for fiscal year 1974 will be operated through the Rural Electric Administration, and that not less than $105 million—$80 million for the electric program and $25 million for the telephone loan program—will be made available for new loans at the 2-percent rate.

I wish also to note with praise those rural electric and telephone leaders who persisted in continuing to meet with representatives of the administration and of the congressional committees and to negotiate in a spirit of reasonableness and cooperation. Their reasoned efforts on behalf of enacting a bill earning Presidential approval instead of daring certain veto won out in the end.

I especially appreciate the advice and counsel of the leaders of the Iowa Association of Electric Cooperatives that have worked so diligently for the enactment of a constructive bill. Their work has helped make possible the achieving of this legislation, which will help ensure a viable rural electric and telephone system so vitally important to the development of rural America.

Mr. Speaker, I respectfully urge all my colleagues in this House to give their strong support to the adoption of the conference report.

Mr. NELSEN. Mr. Speaker, I enthusiastically urge the adoption of this conference report on S. 394 to amend the Rural Electrification Act of 1936.

For many years, some of us have looked forward with the hope that a plan of this kind might become a reality and likewise with economic conditions as they are, a more realistic rate of interest would be a responsibility that should be met.

Living on a farm as I do and once having been administrator of this program, I am fully aware of the tremendous contribution that has resulted from the electrifying of rural America. In addition, we have stimulated an expanded market for manufactured goods and appliances.

The passage of this measure will be a bipartisan endorsement by the Congress of the United States of the performance of this program in the past 38 years.

The terms of this bill will provide for a revolving fund in the U.S. Treasury under the administration of the Rural Electrification Administration. Provision is made for some loans at a low rate of interest where economic circumstances justify the rate. Generally, loans are authorized at a 5-percent rate and a guaranteed rate which could be called a cost of money rate. Provisions are also included in this measure which will improve the telephone program which has performed admirably in providing telephone service to rural America.

An important part of the bill is a provision that makes interest payments on loans outstanding as well as principal payments a part of a revolving fund which will grow to sizable proportions, giving assurance that adequate funds will be available in the future. There are those who might be concerned that large amounts of money would be misused, but I would remind them that the Congress will sit in the Appropriations Committee with an overview of the financial operation and dollar level of expenditures. Such a provision gives assurance to the taxpayers of the country of the careful expenditure of these dollars.

Mr. Speaker, I wish to commend our colleague, Mr. POAGE, the chairman of the House Agriculture Committee, for the work he has done on this legislation, both here in the House of Representatives and in the conference committee. Without his diligence and cooperation, the outlook for the REA program as we know it would be quite dim today. I have enjoyed working with him and the other members of the Agriculture Committee on this bill. A lot of work has gone into the formulation of this new program which culminates in this conference report through the cooperative efforts of many in the REA program itself around the country, officials in the administration and many of our colleagues.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CEDERBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 25, not voting 45, as follows:

[Roll No. 134]

YEAS—363

| | | |
|---|---|---|
| Abdnor | Andrews, N. Dak. | Bafalis |
| Abzug | Annunzio | Baker |
| Adams | Archer | Barrett |
| Addabbo | Arends | Beard |
| Alexander | Armstrong | Bennett |
| Anderson, Calif. | Ashbrook | Bergland |
| Anderson, Ill. | Ashley | Bevill |
| Andrews, N.C. | Aspin | Biester |
| Archer | Bafalis | Bingham |
| Arends | Baker | Blackburn |
| Armstrong | Barrett | Blatnik |
| Ashbrook | Bennett | Boggs |
| Ashley | Bergland | Boland |
| Aspin | Bevill | Bolling |
| Bafalis | Biester | Bowen |
| Baker | Bingham | Brademas |
| Barrett | Blackburn | Brasco |
| Bennett | Blatnik | Bray |
| Bergland | Boggs | Breaux |
| Bevill | Boland | Breckinridge |
| Biester | Bolling | Brinkley |
| Bingham | Bowen | Brooks |
| Blackburn | Brademas | Broomfield |
| Blatnik | Brasco | Brotzman |
| Boggs | Bray | Brown, Calif. |
| Boland | Breaux | Brown, Mich. |
| Bolling | Breckinridge | Broyhill, N.C. |
| Bowen | Brinkley | Broyhill, Va. |
| Brademas | Brooks | Burgener |
| Brasco | Broomfield | Burke, Calif. |
| Bray | Brotzman | Burke, Fla. |
| Breaux | Brown, Calif. | Burke, Mass. |
| Breckinridge | Brown, Mich. | Burleson, Tex. |
| Brinkley | Broyhill, N.C. | Burlison, Mo. |
| Brooks | Broyhill, Va. | Burton |
| Broomfield | Burgener | Butler |
| Brotzman | Burke, Calif. | Byron |
| Brown, Calif. | Burke, Fla. | Carey, N.Y. |
| Brown, Mich. | Burke, Mass. | Carney, Ohio |
| Broyhill, N.C. | Burleson, Tex. | Casey, Tex. |
| Broyhill, Va. | Burlison, Mo. | Cederberg |
| Burgener | Burton | Chamberlain |
| Burke, Calif. | Butler | Chappell |
| Burke, Fla. | Byron | Chisholm |
| Burke, Mass. | Carey, N.Y. | Clark |
| Burleson, Tex. | Carney, Ohio | Clausen, Don H. |
| Burlison, Mo. | Casey, Tex. | Clay |
| Burton | Cederberg | Cleveland |
| Butler | Chamberlain | Cochran |
| Byron | Chappell | Cohen |
| Carey, N.Y. | Chisholm | Collier |
| Carney, Ohio | Clark | Conable |
| Casey, Tex. | Clausen, Don H. | Conlan |
| Cederberg | Clay | Conyers |
| Chamberlain | Cleveland | Corman |
| Chappell | Cochran | Coughlin |
| Chisholm | Cohen | Culver |
| Clark | Collier | Daniel, Dan |
| Clausen, Don H. | Conable | Daniel, Robert W., Jr. |
| Clay | Conlan | Daniels, Dominick V. |
| Cleveland | Conyers | Danielson |
| Cochran | Corman | Davis, Ga. |
| Cohen | Coughlin | Davis, S.C. |
| Collier | Culver | Davis, Wis. |
| Conable | Daniel, Dan | de la Garza |
| Conlan | Daniel, Robert W., Jr. | Delaney |
| Conyers | Daniels, Dominick V. | Dellenback |
| Corman | Danielson | Dellums |
| Coughlin | Davis, Ga. | Denholm |
| Culver | Davis, S.C. | Dennis |
| Daniel, Dan | Davis, Wis. | Dent |
| Daniel, Robert W., Jr. | de la Garza | Derwinski |
| Daniels, Dominick V. | Delaney | Devine |
| Danielson | Dellenback | Dickinson |
| Davis, Ga. | Dellums | Donohue |
| Davis, S.C. | Denholm | Downing |
| Davis, Wis. | Dennis | Drinan |
| de la Garza | Dent | Duiski |
| Delaney | Derwinski | Duncan |
| Dellenback | Devine | du Pont |
| Dellums | Dickinson | Eckhardt |
| Denholm | Donohue | Edwards, Ala. |
| Dennis | Downing | Edwards, Calif. |
| Dent | Drinan | Eilberg |
| Derwinski | Duiski | Erlenborn |
| Devine | Duncan | Esheman |
| Dickinson | du Pont | Evans, Colo. |
| Donohue | Eckhardt | Evins, Tenn. |
| Downing | Edwards, Ala. | Fascell |
| Drinan | Edwards, Calif. | Findley |
| Duiski | Eilberg | Fish |
| Duncan | Erlenborn | Fisher |
| du Pont | Esheman | Flood |
| Eckhardt | Evans, Colo. | Flowers |
| Edwards, Ala. | Evins, Tenn. | Flynt |
| Edwards, Calif. | Fascell | Foley |
| Eilberg | Findley | Ford, Gerald R. |
| Erlenborn | Fish | Ford, William D. |
| Esheman | Fisher | Forsythe |
| Evans, Colo. | Flood | Frenzel |
| Evins, Tenn. | Flowers | Frey |
| Fascell | Flynt | Froehlich |
| Findley | Foley | Fulton |
| Fish | Ford, Gerald R. | Fuqua |
| Fisher | Ford, William D. | Gaydos |
| Flood | Forsythe | Gettys |
| Flowers | Frenzel | Gilman |
| Flynt | Frey | Ginn |
| Foley | Froehlich | Gonzalez |
| Ford, Gerald R. | Fulton | Goodling |
| Ford, William D. | Fuqua | Green, Pa. |
| Forsythe | Gaydos | Griffiths |
| Frenzel | Gettys | Gross |
| Frey | Gilman | Grover |
| Froehlich | Ginn | Gude |
| Fulton | Gonzalez | Gunter |
| Fuqua | Goodling | Haley |
| Gaydos | Green, Pa. | Hamilton |
| Gettys | Griffiths | Hammer-schmidt |
| Gilman | Gross | Hanley |
| Ginn | Grover | Hanna |
| Gonzalez | Gude | Hansen, Idaho |
| Goodling | Gunter | Hansen, Wash. |
| Green, Pa. | Haley | Harrington |
| Griffiths | Hamilton | Harsha |
| Gross | Hammer-schmidt | Harvey |
| Grover | Hanley | Hastings |
| Gude | Hanna | Hawkins |
| Gunter | Hansen, Idaho | Hays |
| Haley | Hansen, Wash. | Hébert |
| Hamilton | Harrington | Hechler, W. Va. |
| Hammer-schmidt | Harsha | Heckler, Mass. |
| Hanley | Harvey | Heinz |
| Hanna | Hastings | Helstoski |
| Hansen, Idaho | Hawkins | Henderson |
| Hansen, Wash. | Hays | Hicks |
| Harrington | Hébert | Hillis |
| Harsha | Hechler, W. Va. | Hogan |
| Harvey | Heckler, Mass. | Holifield |
| Hastings | Heinz | Holt |
| Hawkins | Helstoski | Holtzman |
| Hays | Henderson | Howard |
| Hébert | Hicks | Huber |
| Hechler, W. Va. | Hillis | Hudnut |
| Heckler, Mass. | Hogan | Hungate |
| Heinz | Holifield | Hunt |
| Helstoski | Holt | Hutchinson |
| Henderson | Holtzman | Ichord |
| Hicks | Howard | Jarman |
| Hillis | Huber | Johnson, Calif. |
| Hogan | Hudnut | Johnson, Colo. |
| Holifield | Hungate | Johnson, Pa. |
| Holt | Hunt | Jones, Ala. |
| Holtzman | Hutchinson | Jones, N.C. |
| Howard | Ichord | Jones, Okla. |
| Huber | Jarman | Jordan |
| Hudnut | Johnson, Calif. | Karth |
| Hungate | Johnson, Colo. | Kastenmeier |
| Hunt | Johnson, Pa. | Kazen |
| Hutchinson | Jones, Ala. | Keating |
| Ichord | Jones, N.C. | Kemp |
| Jarman | Jones, Okla. | Kluczynski |
| Johnson, Calif. | Jordan | Koch |
| Johnson, Colo. | Karth | Kuykendall |
| Johnson, Pa. | Kastenmeier | Kyros |
| Jones, Ala. | Kazen | Landgrebe |
| Jones, N.C. | Keating | Landrum |
| Jones, Okla. | Kemp | Latta |
| Jordan | Kluczynski | Leggett |
| Karth | Koch | Lehman |
| Kastenmeier | Kuykendall | Lent |
| Kazen | Kyros | Litton |
| Keating | Landgrebe | Long, La. |
| Kemp | Landrum | Long, Md. |
| Kluczynski | Latta | Lott |
| Koch | Leggett | Lujan |
| Kuykendall | Lehman | McClory |
| Kyros | Lent | McCloskey |
| Landgrebe | Litton | McCollister |
| Landrum | Long, La. | McDade |
| Latta | Long, Md. | McEwen |
| Leggett | Lott | McFall |
| Lehman | Lujan | McKinney |
| Lent | McClory | Macdonald |
| Litton | McCloskey | Madden |
| Long, La. | McCollister | Mahon |
| Long, Md. | McDade | Mallary |
| Lott | McEwen | Mann |
| Lujan | McFall | Maraziti |
| McClory | McKinney | Martin, Nebr. |
| McCloskey | Macdonald | Martin, N.C. |
| McCollister | Madden | Mathias, Calif. |
| McDade | Mahon | Mathis, Ga. |
| McEwen | Mallary | Matsunaga |
| McFall | Mann | Mayne |
| McKinney | Maraziti | Mazzoli |
| Macdonald | Martin, Nebr. | Meeds |
| Madden | Martin, N.C. | Metcalfe |
| Mahon | Mathias, Calif. | Mezvinsky |
| Mallary | Mathis, Ga. | Michel |
| Mann | Matsunaga | Milford |
| Maraziti | Mayne | Miller |
| Martin, Nebr. | Mazzoli | Mills, Ark. |
| Martin, N.C. | Meeds | Mills, Md. |
| Mathias, Calif. | Metcalfe | Minish |
| Mathis, Ga. | Mezvinsky | Mink |
| Matsunaga | Michel | Minshall, Ohio |
| Mayne | Milford | Mitchell, Md. |
| Mazzoli | Miller | Mitchell, N.Y. |
| Meeds | Mills, Ark. | Mizell |
| Metcalfe | Mills, Md. | Moakley |
| Mezvinsky | Minish | Mollohan |
| Michel | Mink | Montgomery |
| Milford | Minshall, Ohio | Moorhead, Calif. |
| Miller | Mitchell, Md. | Moorhead, Pa. |
| Mills, Ark. | Mitchell, N.Y. | Morgan |
| Mills, Md. | Mizell | Mosher |
| Minish | Moakley | Moss |
| Mink | Mollohan | Murphy, Ill. |
| Minshall, Ohio | Montgomery | Murphy, N.Y. |
| Mitchell, Md. | Moorhead, Calif. | Myers |
| Mitchell, N.Y. | Moorhead, Pa. | Natcher |
| Mizell | Morgan | Nedzi |
| Moakley | Mosher | Nelsen |
| Mollohan | Moss | Nichols |
| Montgomery | Murphy, Ill. | Nix |
| Moorhead, Calif. | Murphy, N.Y. | O'Brien |
| Moorhead, Pa. | Myers | O'Hara |
| Morgan | Natcher | O'Neill |
| Mosher | Nedzi | Owens |
| Moss | Nelsen | Parris |
| Murphy, Ill. | Nichols | Passman |
| Murphy, N.Y. | Nix | Patman |
| Myers | O'Brien | Patten |
| Natcher | O'Hara | Pepper |
| Nedzi | O'Neill | Perkins |
| Nelsen | Owens | Pettis |
| Nichols | Parris | Peyser |
| Nix | Passman | Pickle |
| O'Brien | Patman | Pike |
| O'Hara | Patten | Poage |
| O'Neill | Pepper | Podell |
| Owens | Perkins | Powell, Ohio |
| Parris | Pettis | Preyer |
| Passman | Peyser | Price, Ill. |
| Patman | Pickle | Pritchard |
| Patten | Pike | Quie |
| Pepper | Poage | Quillen |
| Perkins | Podell | Railsback |
| Pettis | Powell, Ohio | Randall |
| Peyser | Preyer | Rangel |
| Pickle | Price, Ill. | Rarick |
| Pike | Pritchard | Rees |
| Poage | Quie | Regula |
| Podell | Quillen | Reid |
| Powell, Ohio | Railsback | Rhodes |
| Preyer | Randall | Riegle |
| Price, Ill. | Rangel | Roberts |
| Pritchard | Rarick | Robinson, Va. |
| Quie | Rees | Robison, N.Y. |
| Quillen | Regula | Rodino |
| Railsback | Reid | Roe |
| Randall | Rhodes | Rogers |
| Rangel | Riegle | Roncallo, Wyo. |
| Rarick | Roberts | Rooney, Pa. |
| Rees | Robinson, Va. | Rose |
| Regula | Robison, N.Y. | Rostenkowski |
| Reid | Rodino | Roush |
| Rhodes | Roe | Roy |
| Riegle | Rogers | Roybal |
| Roberts | Roncallo, Wyo. | Runnels |
| Robinson, Va. | Rooney, Pa. | Ruth |
| Robison, N.Y. | Rose | St Germain |
| Rodino | Rostenkowski | Sarasin |
| Roe | Roush | Sarbanes |
| Rogers | Roy | Satterfield |
| Roncallo, Wyo. | Roybal | Saylor |
| Rooney, Pa. | Runnels | Scherle |
| Rose | Ruth | Schneebeli |
| Rostenkowski | St Germain | Schroeder |
| Roush | Sarasin | Sebelius |
| Roy | Sarbanes | Selberling |
| Roybal | Satterfield | Shipley |
| Runnels | Saylor | Shoup |
| Ruth | Scherle | Shriver |
| St Germain | Schneebeli | Shuster |
| Sarasin | Schroeder | Sikes |
| Sarbanes | Sebelius | Sisk |
| Satterfield | Selberling | Skubitz |
| Saylor | Shipley | Slack |
| Scherle | Shoup | Smith, Iowa |
| Schneebeli | Shriver | Smith, N.Y. |
| Schroeder | Shuster | Snyder |
| Sebelius | Sikes | Spence |
| Selberling | Sisk | Staggers |
| Shipley | Skubitz | Stanton, J. William |
| Shoup | Slack | Stanton, James V. |
| Shriver | Smith, Iowa | Stark |
| Shuster | Smith, N.Y. | Steed |
| Sikes | Snyder | Steele |
| Sisk | Spence | Steelman |
| Skubitz | Staggers | Steiger, Ariz. |
| Slack | Stanton, J. William | Steiger, Wis. |
| Smith, Iowa | Stanton, James V. | Stephens |
| Smith, N.Y. | Stark | Stokes |
| Snyder | Steed | Stratton |
| Spence | Steele | Studds |
| Staggers | Steelman | Sullivan |
| Stanton, J. William | Steiger, Ariz. | Symington |
| Stanton, James V. | Steiger, Wis. | Symms |
| Stark | Stephens | Taylor, N.C. |
| Steed | Stokes | Thompson, N.J. |
| Steele | Stratton | Thomson, Wis. |
| Steelman | Studds | Thone |
| Steiger, Ariz. | Sullivan | Thornton |
| Steiger, Wis. | Symington | Towell, Nev. |
| Stephens | Symms | Treen |
| Stokes | Taylor, N.C. | Udall |
| Stratton | Thompson, N.J. | Ullman |
| Studds | Thomson, Wis. | Van Deerlin |
| Sullivan | Thone | Vanik |
| Symington | Thornton | Vigorito |
| Symms | Towell, Nev. | Waggonner |
| Taylor, N.C. | Treen | Waldie |
| Thompson, N.J. | Udall | Wampler |
| Thomson, Wis. | Ullman | Ware |
| Thone | Van Deerlin | Whalen |
| Thornton | Vanik | White |
| Towell, Nev. | Vigorito | Whitehurst |
| Treen | Waggonner | Whitten |
| Udall | Waldie | Widnall |
| Ullman | Wampler | Wiggins |
| Van Deerlin | Ware | Wilson, Charles H., Calif. |
| Vanik | Whalen | Wilson, Charles, Tex. |
| Vigorito | White | Winn |
| Waggonner | Whitehurst | Wright |
| Waldie | Whitten | Wyatt |
| Wampler | Widnall | Wylie |
| Ware | Wiggins | Wyman |
| Whalen | Wilson, Charles H., Calif. | Yates |
| White | Wilson, Charles, Tex. | Young, Alaska |
| Whitehurst | Winn | Young, Fla. |
| Whitten | Wright | Young, Ga. |
| Widnall | Wyatt | Young, Ill. |
| Wiggins | Wylie | Young, S.C. |
| Wilson, Charles H., Calif. | Wyman | Young, Tex. |
| Wilson, Charles, Tex. | Yates | Zablocki |
| Winn | Young, Alaska | Zion |
| Wright | Young, Fla. | Zwach |
| Wyatt | Young, Ga. | |
| Wylie | Young, Ill. | |
| Wyman | Young, S.C. | |
| Yates | Young, Tex. | |
| Young, Alaska | Zablocki | |
| Young, Fla. | Zion | |
| Young, Ga. | Zwach | |
| Young, Ill. | | |
| Young, S.C. | | |
| Young, Tex. | | |
| Zablocki | | |
| Zion | | |
| Zwach | | |

NAYS—25

| | | |
|---|---|---|
| Bell | Grasso | Rousselot |
| Clancy | Gubser | Ryan |
| Clawson, Del | Hanrahan | Talcott |
| Collins | Hinshaw | Teague, Calif. |
| Conte | Horton | Walsh |
| Cotter | Hosmer | Wilson, Bob |
| Cronin | Mailliard | Wydler |
| Giaimo | Rinaldo | |
| Goldwater | Roncallo, N.Y. | |

NOT VOTING—45

| | | |
|---|---|---|
| Badillo | Frelinghuysen | Reuss |
| Biaggi | Gibbons | Rooney, N.Y. |
| Blackburn | Gray | Rosenthal |
| Blatnik | Green, Oreg. | Ruppe |
| Brown, Ohio | Guyer | Sandman |
| Buchanan | Jones, Tenn. | Stubblefield |
| Camp | Ketchum | Stuckey |
| Carter | King | Taylor, Mo. |
| Crane | McCormack | Teague, Tex. |
| Digga | McKay | Tiernan |
| Dingell | McSpadden | Vander Jagt |
| Dorn | Madigan | Veysey |
| Esch | Melcher | Williams |
| Fountain | Obey | Wolff |
| Fraser | Price, Tex. | Yatron |

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Blackburn.
Mr. Rooney of New York with Mr. Ruppe.
Mr. Fountain with Mr. Carter.
Mr. Obey with Mr. Buchanan.
Mr. Stuckey with Mr. Sandman.
Mr. Stubblefield with Mr. Crane.
Mrs. Green of Oregon with Mr. Veysey.
Mr. Gray with Mr. Brown of Ohio.
Mr. Diggs with Mr. Badillo.
Mr. Gibbons with Mr. Camp.
Mr. Teague of Texas with Mr. Vander Jagt.
Mr. Yatron with Mr. Price of Texas.
Mr. Biaggi with Mr. Esch.
Mr. Dingell with Mr. Guyer.
Mr. Fraser with Mr. King.
Mr. Jones of Tennessee with Mr. Madigan.
Mr. Dorn with Mr. Taylor of Missouri.
Mr. McCormack with Mr. Williams.
Mr. Melcher with Mr. Frelinghuysen.
Mr. Reuss with Mr. McKay.
Mr. Rosenthal with Mr. McSpadden.
Mr. Wolff with Mr. Tiernan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## PROVIDING FOR CONSIDERATION H.R. 7447, SECOND SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 389 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 389

*Resolved*, That during the consideration of the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, all points of order against said bill for failure to comply with the provisions of clause 2 and clause 5 of rule XXI are hereby waived.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, the purpose of the House Resolution 389 is to permit the Committee on Appropriations to submit the second supplemental appropriations bill of 1973 for action on the floor by the entire membership of the House of Representatives without being subject to one person killing the entire measure.

House Resolution 389 provides that points of order against the bill for failure to comply with the provisions of clause 2, rule XXI—prohibiting appropriations without authorizations and legislation in appropriations bills—and clause 5, rule XXI—prohibiting reappropriations—are waived. Without this waiver, points of order could be made against the bill in numerous places.

Approximately 86 percent of the $2,855,542,209 recommended in the bill is for programs that are totally or virtually uncontrollable. Included in this category are:

For pay costs, $899,891,900;

For grants to States for public assistance, $614,066,000;

For flood and disaster relief programs, $370,248,000;

For payment to the Civil Service Retirement fund, $190,900,000;

For retired military pay, $87,000,000;

For firefighting costs, $57,638,000;

For Federal workmen's compensation benefits, $26,300,000;

For various claims and judgments against the government including Vietnam prisoner of war claims, $36,568,059;

For military mail privileges and postal costs, $32,700,000.

Another 8 percent of the funds in the bill, $226,510,000, is allocated for higher education.

Title I of the bill provides for general supplementals. Title II provides for increased pay costs and title III lists general provisions of the bill.

Mr. Speaker, I urge adoption of House Resolution 389 in order that we may discuss and debate H.R. 7447.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I almost had to pinch myself to wonder whether I was in the land of the living when I picked up this rule and found that all points of order to this omnibus deficiency appropriation bill are to be waived. It is my understanding that there are some 100 provisions in this bill that would be subject, in the absence of this rule, to points of order. I simply do not understand what has come over the House of Representatives that they would even think of considering an appropriation bill of this magnitude, an omnibus deficiency appropriation bill calling for the spending of more than



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$2.8 billion, under a waiver of points of order. It is hard for me to conceive that this could happen in the House of Representatives. I can understand a rule making in order an appropriation bill under emergency conditions, with limited points of order. But what has become of the rules of regular and orderly procedure in the House of Representatives when this sort of thing can take place? What is the necessity for the harsh procedure here proposed?

The ranking minority member of the Committee on Appropriations when this bill was reported to the House reserved all points of order which, of course, would have made points of order in order if the bill was considered under ordinary procedures. Why go through that charade if the Committee on Rules is to come forth with a rule waiving all points of order?

Read this bill. It is scarcely a deficiency appropriation bill. It is a transfer bill. Money is transferred all over the lot, and the transfers are made under the cloak and protection of waivers of points of order.

This is a sad performance, and in a way I regret that I am here on this day.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is true, as the gentleman from Iowa (Mr. GROSS) has just pointed out, that there are some 109 instances in this bill in which one or two clauses in the House rules: namely, clauses 2 and 5 of rule XXI would be violated if this rule had not specifically waived points of order in each of those instances.

I can give the gentleman from Iowa the explanation that was presented in the Committee on Rules by the distinguished chairman of the Committee on Appropriations as to why this request was made. The gentleman explained that it is not unusual for a supplemental bill, particularly one that reaches the floor shortly before the conclusion of a fiscal year—and we are, of course, less than 2 months from the conclusion of the current fiscal year—to require appropriations either where there is no authorization or to require appropriations in excess of authorized ceilings. So we do have a situation in which we have unexpended balances in one account and deficiencies in another. Therefore, it was the argument of the Committee on Appropriations that it did make very good fiscal sense to permit the transfer of funds from one account to another to make up these deficiencies rather than simply appropriating new moneys. Many of the deficiencies in this bill, as I understand it, are due to unbudgeted pay raises which have since taken effect.

One other example that we were furnished is the general provision section of the Department of Defense supplemental in which there is an excess in the procurement account and deficiencies in personnel and operation and maintenance accounts due to the devaluation of currency, increased food prices, and increased activities in Southeast Asia above the levels that had originally been programed. Those are the reasons, in short, why those of us on the Committee on Rules were inclined to go along and grant the request of the chairman of the Committee on Appropriations for the waiver.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman recall in his time in the House a waiver of the rules that covered more items in an appropriation bill than this?

Mr. ANDERSON of Illinois. I am not sure about precedents. I think the gentleman probably is correct. In my memory—and I have been here a dozen years—this is an unusually large number of individual items.

I should be pleased to yield to the chairman of the Committee on Appropriations, if he has actual information as far as the precedents.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas.

Mr. MAHON. As the gentleman from Iowa knows, we raise the pay of civilian and military personnel usually at least once a year, and that calls for additional funds over the original budget. So in prior years, without exception, insofar as I can remember, we have had to provide in the supplemental bill the additional funds for the pay raises which were mandated by law. We try to squeeze the money already available. In other words, we try to get the agencies to absorb as much of the cost of the pay raise from the appropriation previously made, instead of providing additional new funds to pay these increased costs mandated by Congress. In some instances we can transfer available funds between appropriations and thereby hold a tighter rein on the purse strings. We have some 80 instances in this bill where we have made transfers of available funds. This is the way we did it last year, and the year before, and the year before that.

It seems to me to be the most prudent way to do it. It is better than to appropriate new money, increase the budget, increase the deficit, and subject ourselves to criticism for failure to adequately control the purse strings.

I think the gentleman from Iowa will be one of the first to agree that this transferral of funds procedure is desirable under the circumstances, and I think the gentleman would agree that it is rather strange that the rules of the House would deny the committee authority to transfer these funds.

I think it might be recited that in prior years, quite a number of years ago, it was in order. It was not held to be in violation of the Rules of the House for the Committee on Appropriations to bring in a bill transferring funds which had previously been approved by Congress. So this is no groundbreaking, world-shattering departure from former procedure. It is a good procedure.

Mr. ANDERSON of Illinois. I thank the gentleman from Texas for that clarifying explanation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. However, the rule here waiving points of order deals with millions and millions of dollars. The simple question is this: Why did the Appropriations Committee overfund in the first place in these departments, agencies, and even in our own housekeeping in the House of Representatives—why this overfunding to the extent that it is demonstrated in this bill?

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas.

Mr. MAHON. As to the claim that we overfunded in the first place, we have just mandated a slowdown, a delay in certain programs that, if the fiscal situation were not so bad, we would proceed with. So this is an economy move, and yet more funds may be involved here than in some former years. However, by using this transfer technique, I would say to the House that we are saving about $530 million. This is a good thing.

Mr. ANDERSON of Illinois. I should like to call the attention of the House to the fact that perhaps the most controversial aspect of this bill will revolve around chapter 2, the provision that calls for a transfer of $430 million additional transfer authority for the Department of Defense and the related question of our current military operations in Cambodia.

It is my understanding that at least two amendments will be offered pertaining to this issue. One would completely strike out the transfer authority and the other would prohibit the use of any funds provided in this act to support bombing or other combat operations in Cambodia by U.S. military forces. That is the language which was provided me which presumably will be offered by the gentleman from Maryland (Mr. LONG).

I for one would oppose the first of the two amendments. I think the additional views that are set forth on page 122 of the committee report indicate that the proponents of that amendment are literally throwing the baby out with the bath water. The committee has pointed out that only about $25 million of those funds could be used or would be used for the bombing of Cambodia. About $60 million is needed in transfer authority because of the simple rise in food costs and the increase in subsistence, and the addition of $110 million is needed because of the dollar devaluation. I think we ought to afford the Department of Defense some flexibility in that regard since it involves our base line forces worldwide. As it was explained to me, it could very seriously affect the operations of the 6th Fleet in the eastern Mediterranean when, as we know, a very serious crisis is going on in Lebanon.

I want to make clear I will support the amendment which will be offered by the gentleman from Maryland (Mr. LONG). I think it offers a reasonable approach to expressing the conscience of this Congress as being in opposition to air warfare or bombing in Cambodia.



This is not a position to which I have come without a great deal of reflection. I have not only studied the matter but I have also carefully reviewed the statements of the Secretary of State and of our Secretary of Defense and the so-called legal brief that was issued by the Department of State in defense of our Cambodian bombing policy. I can report and it is very painful for me to be obliged to characterize that legal brief as one with a very shoddy and shallow defense of our foreign policy. I cannot accept the legal rationale of that brief.

I looked at the Constitution and I looked at the statutes, and it seemed to me they made it quite clear that this Government has never been authorized to engage in bombing in Cambodia. I refer to the statement that was made by the President after the invasion of Cambodia in 1970, when he said:

> The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find it is necessary to protect the lives and security of our men in South Vietnam.

That clearly is no longer necessary, given the agreement of last January 27 and the fact that the provisions of that agreement have been implemented with respect to the withdrawal of our troops.

The argument is used that there is a continuing violation of article 20 of that particular agreement and, therefore, we should continue a policy of bombing in Cambodia. Of course that agreement also very clearly specifies a reconvening of the 12-nation congress or conference that met a month after the agreement was signed in any case where the International Control Commission is unable to carry out the terms of the agreement. So it seems to me that is the mechanism we ought to use and we ought to seek to implement in this instance. If we cannot secure adequate enforcement of article 20 and the other provisions of that agreement, we ought to reconvene that congress rather than unilaterally take upon ourselves the responsibility of violating the agreement ourselves by continuing to bomb. It seems to me two wrongs do not make a right even in the field of international law and diplomacy.

The domino theory, of course, is no longer in high fashion and, therefore, it is not being used as a rationale to support the bombing of Cambodia. However, there is still extant the bargaining chip theory, and particularly in view of the projected meeting sometime around the middle of May between Dr. Kissinger and Le Duc Tho we are told we should wait yet a time to see how that particular meeting succeeds. Of course I think that particular theory in this instance, the bargaining chip theory, has been rendered quite inoperative because bombs that are dropped on the peasant villages of Cambodia certainly do not affect the North Vietnamese mentality.

I do not think they are particularly disturbed by any destruction we heap upon Cambodia, nor is it going to deter them in any respect from any other violations they may contemplate in that agreement.

Third, I have heard this argument used: It is the "bigger picture argument." At least, I would so describe it; that it is only those of us with small minds and narrow vision who fail to perceive that we must in this instance prove our manhood, our determination to support executive agreements which are not the law of the land, which have not been submitted to the Congress for ratification, but that somehow we must do this because we are interested in the larger goal, the bigger picture of producing detente and building a new and emerging structure of peace.

My friends, this is clearly an adaptation of the "means justifies the end" argument. Recently, we have done some very serious national soul searching on that particular doctrine. I would have thought that we would have realized some time ago what a great world leader once told his nation, "The means we use are the ends themselves in the making."

Mr. Speaker, I would submit that we cannot create the conditions for an emerging structure of peace based on falling bombs.

That will come only as we see a world that is willing to turn to the rule of law as a substitute for violence. I do not find the example that we are given very encouraging with respect to the emergence of that basic principle as the foundation of what we ought to do to see an emerging structure of peace in the world.

Therefore, I hope the gentleman from Maryland will offer his amendment. It will have my support for the reasons already mentioned. I think the other amendment is unwise in the restrictions it would place upon the Department of Defense. It is a blunderbuss rather than a scalpel, which we need at this moment to attack the specific issue that confronts the Congress this afternoon.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding.

I did not want to interrupt his train of thought, but what I would like to know is, in connection with his reference to the section contained in this bill with respect to devaluation, as the gentleman knows, our committee has not presented the formal devaluation bill as yet.

Would the gentleman be prepared to tell us what the dollar amount reflected in this bill holds because of devaluation?

Mr. ANDERSON of Illinois. Mr. Speaker, we were informed—and I believe these figures were taken from the report of the Committee on Appropriations—that approximately $110 million of the requested transfer funds are needed because of currency devaluation.

That again is the reason why we should not simply blindly strike out all transfer authority out of the bill.

Mr. GONZALEZ. Mr. Speaker, I agree with the gentleman. I would like to know if part of this $110 million will be used to offset the hardship confronting our servicemen and public servants who are working abroad and have made sacrifices.

Mr. ANDERSON of Illinois. Mr. Speaker, there are members of the Committee on Appropriations and possibly the Armed Services Committee who could answer that question in more detail than I.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, the answer to the question is that part of the funds in this bill will, of course, help meet the requirements which the gentleman has pointed out. Without the passage of this legislation, they would be in a very severe position, so this will meet the requirements considerably.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, with regard to devaluation, what we are actually doing here today is appropriating millions upon millions of dollars with absolutely no authority.

I do not believe the gentleman from Illinois presently in the well of the House likes to be taken for granted.

Mr. ANDERSON of Illinois. No, indeed.

Mr. GROSS. What is happening here and what we will be doing by approving this appropriation bill and the millions to make up the shortfall in the devaluation of the dollar is further approving the delegation of power to the executive branch of Government. For the law on the statute books today says that only by virtue of authorization on the part of Congress may an appropriation be made for the shortfall in devaluation.

Yet before this day is over, Members will have yielded to what amounts to one-man power, for devaluation of the dollar is already in effect by action of the President and without sanction of Congress. In the future do not scream about delegation of power to the executive branch of Government, if you vote for this bill here today.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Speaker, I rise in opposition to the rule for the purpose of asking the House to vote down the previous question in order that an amendment to H.R. 7447 can be offered, which will correct a grievous error which was made in the urgent supplemental, which restricted the allocation of funds under impact aid for category B children to the rate of 54 percent.

The rule which we are now considering, which waives in other instances 109 points of order, did not offer us this same opportunity to present this amendment to the House to permit the House to work its will.

The amendment to which I refer will

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simply change the 54-percent limitation on category B children to 68 percent, which reflects accurately the amount of money which we appropriated for impact aid in the continuing resolution. My amendment does not seek to add one single dollar to that which this House has already agreed to for impact aid. The $635 million will remain as a firm figure.

In the urgent supplemental, to which we agreed the day before the Easter recess, we not only increased the funding for category A children to 100 percent in areas that are 25-percent impacted or over, but we also set an arbitrary limitation of 54 percent on category B. If that accurately reflected the amount of money we appropriated for impact aid in the continuing resolution, that would be fine, but inadvertently whoever made the calculations failed to realize if they imposed a 54-percent limitation on category B this would leave $66 million unexpended, which this House and the other body agreed was necessary for the basic funding of impact aid.

Mr. LEGGETT. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from California.

Mr. LEGGETT. I want to commend the Representative from Hawaii for discovering this discrepancy in our appropriations. I believe the record is unimpeached that we did appropriate by our continuing resolution $635 million for impact aid; did we not?

Mrs. MINK. Yes.

Mr. LEGGETT. Rather by happenstance we cut this item down by some $50 or $60 million almost without debate a few weeks ago. The gentlewoman seeks to offer an amendment to reverse that situation, to allow the OMB and the Office of Education at least to have some flexibility to spend the appropriated money in the event they find it pragmatic to do it; is that correct?

Mrs. MINK. That is absolutely correct. I thank the gentleman for his contribution.

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. I should like also to commend the gentlewoman from Hawaii for what she has brought to the attention of the House. I should like to associate myself with her remarks.

I urge my colleagues to vote "no" on the previous question and, if we are successful, so that the amendment can be offered, to vote affirmatively for the amendment.

I thank the gentlewoman.

Mrs. MINK. Mr. Speaker, I thank the gentleman for his contribution.

Mr. MOSS. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, I want to indicate my support for the proposed amendment that the gentlewoman from Hawaii is urging upon this House. It is necessary that we once again very clearly make these funds available. We have a strong moral commitment, and it should not be shunted aside under any other plea for consideration.

Mr. Speaker, I think we ought to act with our full support of the amendment which will be proposed.

Mrs. MINK. Mr. Speaker, I thank the gentleman for his remarks.

Mr. KAZEN. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I wish to commend the gentlewoman in the well for the remarks she just made, and I wish to associate myself with them and urge the Members of this House to vote down the previous question and vote for the amendment which will be offered by the gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, I want to restate and make absolutely clear that the intent is not to ask for one single extra dollar for the impact aid program. This will simply permit the funding of category B in accordance with what the Congress has already said is an appropriate amount. It will simply permit the Department to allocate the necessary funds for category B.

Mr. Speaker, I ask that the Members vote down the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in opposition to the rule. I urge my colleagues to give their full support to the gentlelady from Hawaii's amendment raising the level of funding for B students in impacted areas from 54 to 68 percent. It is important that we note that this level of funding is fully in line with budgetary limits and would not necessitate any additional appropriation.

Mr. Speaker, funding for impacted school districts is a matter of congressional responsibility. We have established military bases in communities throughout our country. In placing these military installations within our communities, I do not believe that Congress intended to unduly burden the taxpayers by requiring them to absorb the financial burdens of educating military affiliated students.

Permit me to call our attention to the problems confronting one of my school districts—the town of Highland Falls which houses our renowned Military Academy at West Point.

The U.S. Military Academy occupies 80 percent of the town land—all tax free. Of the 21,000 acres of land within the school district of Highland Falls, only 1,700 acres are taxable, leaving that township with an extremely narrow tax base. As a matter of fact, this tax base is so limited that the employment of but a single additional teacher causes the local tax rate to jump by $1 per thousand dollars of assessed valuation.

In light of the severe burdens that school taxes are placing on homeowners throughout the Nation, this additional burden being placed on local government as a result of a military installation is not only unjust, but is also discriminatory.

Mr. Speaker, we must not shirk our congressional responsibility by tossing the burden right back to the local school districts. Throughout the past few months the clouded Federal regulations of impacted funds has caused severe fiscal distress to all school officials affected by impact aid funds. Our inaction has resulted in an undue burden on these school administrators. We have decided, reconsidered, set funding levels and reset funding levels to the point where we are now, a late appropriation with an inadequate funding level.

Cries of Federal mishandling of programs is epitomized in our decisions on impact aid. With the school year rapidly coming to a close and local school officals desperately trying to balance a budget, we still debate an issue which should be promptly resolved.

I urge my colleagues to join the gentlelady from Hawaii in voting down the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. I thank the gentleman for yielding.

Mr. Speaker, I commend the gentlewoman from Hawaii and the gentleman from New York for their efforts for the children of school age in category B or those military dependents living in the school district but whose parents do not live on military lands.

Mr. Speaker, I think it would be worthwhile to share with the committee a letter which I received from the Belton School District No. 124 wich is a district just to the south of Richards-Gebaur Air Force Base. The school board of that district adopted a policy on April 26 of this year that they cannot continue to offer school service on a tuition-free basis each year unless the Federal Government reimburses the district to the rate of 100 percent for category A pupils and 100 percent for category B pupils for military dependents as provided in Public Law 874.

The interesting part of the communication, which also contained a resolution by the board of education, was that they felt a sincere concern for the welfare of the 3,366 students residing in the school district and the 1,159 students residing on Federal lands.

However, the superintendent of the school district, James N. Shannahan, indicated in a letter that—while that school district was somewhat more affluent than other districts—the board had indicated that they would continue to provide school services, even if the Federal Government failed to make its contributions for what is called impacted aid, for one and only one school year following the failure of the Government to provide 100-percent assistance for both category A and category B.

The Belton School District, however, was quite straightforward in their presentation of the facts when they announced they had adopted a policy of having to deny attendance of military pupils at their school, they did so only after a full and careful analysis of their financial condition and only after a careful survey of all possible alternatives including an increase in the local tax levy by approximately 33 percent.

Mr. Speaker, I shall at the appropriate time put all of the resolution and supporting facts of the plight of a typical district impacted by military dependents in the RECORD for the information and guidance of my colleagues who may be now or become similarly situated.

For the time being what we are talking about, as we consider the amendment of the gentlelady from Hawaii, as far as this one example of a typical district is concerned, is that after this 1 year, should the Federal Government continue to renig and continue to fail to remiburse the district at the minimum rate, then the district will terminate all educational services to students living on Federal lands at the conclusion of that school year.

Surely, no Member of this House in this day and age, in the year of our Lord 1973, wants to let a situation develop where approximately 1,200 students in this one example multiplied many times across America will be denied the privilege of an education. That will happen because the school districts will not accept them, and I think we should face the facts and look the situation squarely in the face, to realize that our enlisted men cannot afford to pay private tuition under conditions of present-day inflation.

Mr. Speaker, that is why it is so important that we vote down the previous question. This will permit our friend from Hawaii to amend the rule which would make in order an amendment increasing assistance in category B pupils from 54 percent to 68 percent. This sort of parliamentary procedure is necessary because—without the amended rule—any amendment offered to H.R. 7447 would be subject to a point of order as being legislation in an appropriation bill.

Mr. Speaker, I strongly urge a no vote on the previous question to permit this parliamentary procedure to be perfected in order that military dependents all across America may not be denied an education equal to their peers who may not be dependents of those serving in the Armed Forces of our country.

Mr. YOUNG of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. ROSE).

Mr. ROSE. Mr. Speaker, I rise in support of the comments that have been made by my distinguished colleagues concerning impact aid. I represent a district that relies heavily on impact aid to education. The largest county in my district receives some $2 million a year in type B impact aid.

I wish to associate myself with the fine remarks my colleagues have made here today concerning the defeat of this rule and urge my colleagues to vote in opposition to the rule.



Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. I thank the gentleman for yielding to me.

Mr. Speaker, I just rise for a point of clarification. I will leave the full details for discussion when I speak in general debate.

The gentleman from Illinois (Mr. ANDERSON) said that the money in the grant is needed for devaluation purposes. We do not want to hurt them, he said, and I agree with him. We do not want to hurt them in any way. In the hearings, all through part III of the hearings, they stated that they have the money. They have still not utilized the full $750 million in transfer authority which we gave them. They did not come before the Defense Appropriations Subcommittee to justify it. So all they are requesting and the key to the whole thing is the letter of the Director of the Office of Management and Budget, Roy Ash, wherein he says that we have the right of flexibility. If you only limit that right of flexibility and give the fund of $430 million and you say none of that $430 million can be used for Cambodia, then they cannot use any part of that $430 million for Cambodia.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. ADDABBO. I will in just one moment.

But any other money which they still have on hand and to which they testified before our committee they had on hand would then be freed up to be used for Cambodia.

That is why I say we must strike the entire question of additional right of flexibility. They have $750 million on which they have the right of flexibility. We gave them that right when we had troops in Southeast Asia and when we were trying to get our prisoners of war back. Now all of those things have occurred and there is no further need for that right. If they want additional money and have other programs they would like to use it on, then let them come back to the Congress and justify it and tell us where this money is going to be used. If they need $170 million or $175 million, then they can tell us where.

This is where we need it, and this is a function of the Congress.

Now, I yield to the distinguished gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I support the objective of the gentleman from New York (Mr. ADDABBO), but I propose that there is a far cleaner way of reaching this issue, and that is simply to put a limitation on expressing the sense of the Congress as being opposed to the use of these funds for the bombing of Cambodia. I cannot see why the gentleman from New York wants, as I stated before, to throw the baby out with the bath water and get into areas that deal with things other than Cambodia.

Mr. ADDABBO. The gentleman from Illinois has answered the argument himself as to the way we propose limiting these funds. Not to give them the right of continued flexibility.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, I have an amendment which I am going to offer either as perfecting amendment or as a follow-on amendment. The words approximate these:

> Provided that none of the funds herein authorized to be transferred by the Department of Defense shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia by United States forces.

I feel that the proposed amendment to be offered by the gentleman from New York (Mr. ADDABBO) is a good amendment if that is all we can get, but I think that we need a much more precise instrument, and I feel that my amendment is more precise because it is a clear message from the Congress to the President that all bombing in Cambodia must stop. It is explicit, not merely an implicit message. My amendment does not bar transfer of funds into areas such as the Middle East, essential to our national defense. My amendment does not, in short, limit the flexibility of our defense in other sectors. It does not prevent our continued aid in the form of weapons and economic support for the non-Communist Cambodias.

Therefore, Mr. Speaker, I hope that my amendment, when it is offered, will be accepted, because I think this is a clear and definite message to the President, and to the world, that Congress does not want any more activity involving U.S. combat personnel in Cambodia.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Speaker, I rise in support of the amendment.

A school superintendent in my district described the need for these funds to me very clearly. He said:

> With our tax situation, trying to run our school system without these category B funds is like trying to cross a 20-foot ditch with a 19-foot log.

In this particular school district, there is a Federal nontaxed installation which employs 11,000 people.

In this school district, there are 1,850 children—out of a total enrollment of 11,700—eligible for category B assistance. Each percentage increase in payment under category B is worth $4,000 to this particular school district.

I might also point out that this district is within 2 cents of maximum taxation allowed under Texas law. So it is not a case of "letting Uncle Sam do it."

It is just trying to make up the extra foot and provide the very best possible education for our young people. And education, I believe, is the most important thing we can provide as a long-term investment in this Nation's future. Therefore, I ask my colleagues to vote against the rule.

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Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Speaker, I hope that the Members of the House will listen to the few words that I am going to say now in connection with this impact aid business. There are very few people who have been through this impacted area aid battle more often than have I. That all the Members know. So you should listen when I come down here in the well at this time to urge the Members not to upset the present fiscal 1973 funding plans for impacted area aid which the members of the Labor-HEW Subcommittee agreed to in the conference on the urgent supplemental appropriation bill. We have been friends of this program, from its first day right up to the present moment, and we certainly intend to continue our support of it in the 1974 appropriation bill.

Now, for heaven's sake—and I address myself directly at this point to those who represent school districts with children in the A category—do not touch this thing; this is loaded. If you reopen the impacted area aid question in order to increase payments for "B" children, you may find that you have, in effect, reduced payments for the "A" children.

Now, for heaven's sake, if you want to endanger what we have done, go ahead, but the agreement we reached in the conference on the urgent supplemental appropriation bill resulted in the release of $85.5 million for impacted area aid over the amount which the administration was willing to allocate up to that point. We went from $483 million to $568.8 million. What we did permitted the payments for "A" children to reach 90 percent of full entitlement, and 100 percent of full entitlement in the heavily impacted districts where the "A" children constitute more than 25 percent of total enrollment.

So as it now stands, it is 90 or 100 percent for the A's, and it is 54 percent for the B's. When the President's budget came up here, there was not a dime in it for the B's, except for those from military families. As it stands now, they will receive 54 percent of full entitlement. Now out of an abundance of caution do not rock this boat; do not upset this thing. If you do, no one knows what will happen. We will be into fiscal 1974 in a very short time. Stand by the committee. I do not blame the advocates of this amendment. We can all imagine why: Newspaper editorials and letters from back home. But listen to me. This goes far beyond that. We are dealing here with something we should not touch at this time under any circumstances. We worked for this program; we funded it. Now, be very careful—you may undo what we have accomplished.

I urge the Members to support the committee and to vote for the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I understand there are further requests for time by the minority. For the purpose of debate I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I realize it may be difficult to get time when the bill itself is being debated, and for that reason I appreciate the time extended to me by the gentleman from Illinois (Mr. ANDERSON).

Mr. Speaker, the decisions the House makes today on Cambodia will have consequences reaching far beyond the immediate issue: that is, the actual bombing of Cambodia by U.S. planes.

In fact, in my opinion, what we decide will be a significant part of the legislative history of war-making in Vietnam and likely establish an important precedent which will add or detract from the influence of the Congress in future use of our military forces in hostilities.

I cite first of all the interpretation already given by Secretary of Defense Richardson. He was quoted in the Washington Evening Star-News of May 8, as stating to the Senate Foreign Relations Committee: If an amendment to bar use of transfer authority for bombing were offered and defeated, "we would then be justified in viewing that rejection . . . as a vote at least to acquiesce in" the policy of bombing Cambodia.

Just to make sure that this was a reasonable interpretation of the administration view, I had the question placed to the staff in Mr. Richardson's office.

Mr. Robert Murray, a member of Mr. Richardson's personal staff said he was authorized to comment on the Star-News report.

He made this statement:

If Congress says nothing on Cambodia, since there is so little money for Cambodia in the bill, the Administration cannot draw support for bombing Cambodia from support for this bill.

If, however, an amendment is proposed to prohibit the transfer of funds for the war in Cambodia, and if Congress rejects that amendment, the Administration will interpret this as part of the legislative history, that the Congress has ratified or acquiesced in the Administration's policy in Cambodia, particularly in the bombing of Cambodia.

I cite also the committee print of the Senate Foreign Relation Committee of April 1973, prepared by the Foreign Affairs Division of the Congressional Research Service of the Library of Congress on "Congress and the Termination of the Vietnam War."

On page 11, the report states:

In view of the fact that the executive branch has generally taken the position that the President did not need Congressional authorization to become involved in the Vietnam war, action by Congress terminating the war might be rejected by the President, who, if he were to continue to get appropriations, could resume the war.

On page 9, the report states:

While no court has expressly held that the Congressional actions necessary to give sanction to the war (such as continued authorizations and appropriations) constituted an implied declaration of war in the constitutional sense, it is difficult to avoid that inference.

Therefore, how we vote today could have large meaning in giving congressional sanction to the bombing—in the eyes of the administration, in the eyes of Federal courts, and in broader terms of constitutional history.

It is fair to say those that vote against the amendments to bar bombing in effect cast their vote to sanction the bombing. Those who vote for these amendments vote against such sanction.

The decisions today have another vital dimension.

They will help to settle an unusual, if not completely unique doctrine of reserve war powers of the President as Commander in Chief.

Very plainly the administration argues that it has the authority to use military measures in Cambodia because the Paris Peace Agreement has been broken.

The rupture of the agreement, so the argument goes, gives the President the authority, as well as the responsibility to punish enemy forces through bombing in Cambodia.

Bear in mind that the Tonkin Gulf resolution has been rescinded. Bear in mind that the Paris Peace Agreement was not a treaty. It was an Executive agreement, in which the Congress was not involved in any way.

The effect of this argument—if it is accepted—is to establish another reserve war power of the President as Commander in Chief. In addition to the reserve power to defend the United States and its forces and to use military power to rescue its citizens, without specific prior authorization of Congress, the President now wishes to establish the doctrine that he can use military force to punish nations which break peace agreements made wholly by Executive authority.

In my view this is an untenable and dangerous doctrine that must be swiftly and clearly rejected by the Congress by every means available. We must not acquiesce even this one day.

If it is permitted to stand, there is virtually no limit on the extent and duration of war powers exercised by the President without prior congressional approval.

Before the day is over you will have a chance to vote for an amendment to bar funds for bombing.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I would like to return to the subject of impact aid and urge a vote against the previous question so that an amendment can be offered to increase the amount of money being given for category B aid impact aid.

I am not going to re-plow the ground which has already been covered by those who talked in favor of impact aid, arguing how important it is to relieve the financial stress that is placed upon our school systems. I represent such an area where impact aid is vitally important, and most of our money comes from category B. As one of the previous speakers has stated in regard to his own district, much of the land in my own district is in the hands of the Federal Government. This is land which is not on the tax rolls.

But there is another point which I think ought to be made in arguing for restoration and preservation of category B. That is, in an area such as mine where the tremendous growth of the Federal Government has necessitated a massive school construction program for the school districts so affected by this growth of the Federal Government, the Federal Government has a special responsibility to help alleviate the tremendous financial burden which has been placed on those school districts. It is really immaterial whether or not the parents of those schoolchildren pay property taxes, because the burden on the school system has been caused by the Federal Government itself. That is why we have impact aid and we as representatives of those taxpayers who are shouldering the burden for that school construction, have a responsibility, it seems to me, to see that these category B students get their fair share of the allocation.

Mr. Speaker, I urge a vote against the previous question.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I wish to associate myself with the remarks made by the gentleman from Maryland (Mr. HOGAN) and the gentlewoman from Hawaii (Mrs. MINK). My concern with this issue of impact aid and particularly category B, is that we have caught the school districts of this country in the middle of their school year. Without proper provisions to plan to supplement the funds withheld.

I think one issue which has not been raised is the unfairness of cutting off the category B program where a school district has clearly planned for the utilization of those funds. The arbitrariness of cutting off the funds in the middle of the program is clearly a bad practice.

Mr. Speaker, I support the position of the gentlewoman from Hawaii and the gentleman from Maryland (Mr. HOGAN).

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Speaker, I rise to support voting down the previous question.

Once again we are confronted with this controversial issue of impact aid. Granted there are inequities in this program, the question as I see it: Why has not the Committee on Education and Labor restructured this program; Why has not the committee reformed this program. It is right to occasionally analyze and rebuild a program that has gone astray, or completely do away with it, but it is certainly wrong to hang these schools out on the limb and it is wrong to strangle these schools into closing by slowly cutting off their funds. I urge this committee to open the rule and then accept an amendment to restore impact aid to our school system.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I join in support of the arguments against the previous question in the hope that an amendment may be offered to the second supplemental appropriation bill to allocate impacted school aid funds for those school districts which will otherwise experience financial loss during the coming school year.

Mr. Speaker, school districts in North Chicago and Waukegan particularly, as well as in other areas affected by the large military installations at Great Lakes Naval Training Center in my congressional district—will be seriously affected unless impact school aid funds are made available—as in earlier years.

Mr. Speaker, the total amount of such funds insofar as Lake County schools are concerned is $3 million. This is a sizable sum upon which the school districts have come to rely. Many of the schoolchildren in this area are from disadvantaged backgrounds—and the funds are of particular significance in promoting equal educational opportunities for these young Americans.

Mr. Speaker, I hope the previous question may be voted down and that an amendment to provide adequate impacted school aid funds for both categories A and B may be included in the second supplemental bill.

Mr. ANDERSON of Illinois. Mr. Speaker, I would like to urge the Members of the House to vote up the rule. This is not because we are opposed to any particular amendment which has been talked about here in the debate, but it is simply that I am informed by the chairman of the Committee on Appropriations that if we vote down the previous question, this rule will open up this bill to amendments affecting virtually every single department of the whole Federal Government.

Mr. Speaker, I do not think we want to do that, to spend the time to fight this battle which these gentlemen have been talking about during the last few minutes.

Mr. Speaker, I hope the Members will support the Committee on Rules and adopt the rule.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as I have remaining to the distinguished gentleman from Texas, the chairman of the Committee on Appropriations (Mr. MAHON).

Mr. Speaker, I ask that the gentleman from Texas yield to me for a question.

Mr. MAHON. I yield to the gentleman from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. Mr. Speaker, I would like to ask the gentleman a question for the purpose of clarifying the situation.

Is it not true that the issue of Cambodia, whether it be pro or con, is properly raised under this rule and has nothing to do with whether or not the rule is adopted or not adopted?

Mr. MAHON. Mr. Speaker, I appreciate the fact that the gentleman has raised this question.

There are Members who have spoken in regard to the Cambodian matter because they wanted to make their expression before the House, but the rule accommodates these amendments and this debate, and there is no concern about whether or not amendments will be in order with respect to Cambodia and the defense transfer item, so that is not the issue involved here.

The serious aspect of this matter is that if we vote down the previous question, then we risk losing control of the bill and all manner of amendments might be in order. One would think, listening to the arguments here, that this is the only issue; namely, what are we going to do with the so-called impacted area aid program.

That is just one issue which might be brought up. There might be unlimited other amendments which could be in order if we vote down the previous question.

So, it could be highly dangerous, it would seem to me, for us to vote down the previous question and open up this bill for every kind of amendment. I think it would be a very dangerous thing.

Mr. Speaker, if it were absolutely clear that the question was confined only to the single issue of impacted aid, that would be one thing, but that is not the extent of the situation.

All of us are sympathetic toward this matter of impacted aid. We have done the best we could to retain what money we could for the program.

The fact is that it was just prior to consideration by the House of the urgent supplemental on April 12, that the administration announced the release of $415 million for impacted area aid. That was far short of the $635 million made available under the conditions of the continuing resolution.

In the final version of the recently enacted urgent supplemental, as a result of the Senate amendment, we took action making available an additional amount of $85 million for class A students. There seems to be no doubt but that this money would be spent.

Under ordinary circumstances this amendment might not be too bad except that it jeopardizes what we have already done and could very well nullify our efforts to release the additional money for class A students.

Mr. Speaker, I hope that the previous question will prevail.

Mr. Speaker, another thing about the matter is that if the previous question does fail and the rule is not agreed to,



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then all of these various provisos in this bill which are of great interest to the Members of the House, as many as a hundred of them will be subject to a point of order because they provide for transfer of funds or otherwise are technically contrary to the rules.

If one part of a paragraph is held subject to a point of order, the whole paragraph will go out. We would have a riddled bill, which would make the House look ridiculous.

All one has to do is to turn to the bill. The paragraph with respect to the Environmental Protection Agency could go out. The paragraph with respect to watershed and flood prevention operations under the Department of Agriculture could go out.

Emergency conservation measures could go out.

Firefighting money under the Forest Service could go out.

Money for other items, such as the Federal communications money, could go out.

The health services and mental health money could go out, if any Member made the point of order.

The paragraph for additional parking could go out.

The bill would become a shambles.

The pay for Federal employees throughout the Government could go out if a point of order were made on any of the paragraphs containing transfer authority.

There is just no end to the catastrophic results which could ensue if we vote down the previous question. Let us proceed in an orderly way for consideration of this measure.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to my friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

That would be only because the House of Representatives had not previously done its own homework, would it not?

Mr. MAHON. No, I would not say so. We are trying to save money by providing transfer authority. We are handling some of the increased pay costs by transfer authority rather than by providing new money.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. LEGGETT. The chairman does not seriously believe we are going to totally discombobulate this bill merely by opening up the rule for one small amendment to restore what the committee previously did. Is it not a fact that the committee did come back with a continuing resolution that did appropriate $635 million for the impacted aid program? Is that not true?

Mr. MAHON. The committee has supported the additional funds for impacted aid. We want to do the best we can for impacted aid. We feel that this is perhaps the best that can be done for impacted aid.

Mr. LEGGETT. The committee did.

Mr. MAHON. If I might go further, if we do not have the rule and points of order are raised, then the money for higher education could go out, because there is language in that paragraph which is subject to a point.

We would riddle, emasculate, and destroy the effectiveness of the operation of the House of Representatives on this bill. If we really want to act in the most responsible way in my opinion, we will vote to order the previous question despite our feelings about impacted aid.

I share the feelings of many Members with respect to impacted aid. I am vitally affected in my district. But it appears that this is the best way to be helpful in that respect.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mrs. MINK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 184, nays 222, not voting 27, as follows:

[Roll No. 135]

YEAS—184

| | | |
|---|---|---|
| Abdnor | Donohue | McEwen |
| Anderson, Ill. | Dulski | Mahon |
| Andrews, N.C. | Duncan | Mailliard |
| Andrews, N. Dak. | Eckhardt | Mallary |
| Annunzio | Edwards, Ala. | Mann |
| Archer | Erlenborn | Maraziti |
| Arends | Esch | Martin, Nebr. |
| Ashbrook | Eshleman | Mayne |
| Bafalis | Evins, Tenn. | Mazzoli |
| Bell | Findley | Michel |
| Bergland | Fish | Miller |
| Boland | Flood | Mills, Ark. |
| Bolling | Ford, Gerald R. | Minshall, Ohio |
| Bowen | Forsythe | Mizell |
| Bray | Fountain | Mollohan |
| Breckinridge | Frenzel | Montgomery |
| Brooks | Fulton | Moorhead, Pa. |
| Broomfield | Fuqua | Murphy, Ill. |
| Brown, Calif. | Goodling | Myers |
| Brown, Mich. | Griffiths | Natcher |
| Broyhill, N.C. | Grover | Nelsen |
| Buchanan | Guyer | O'Brien |
| Burke, Fla. | Haley | O'Neill |
| Burleson, Tex. | Hanrahan | Passman |
| Burlison, Mo. | Hansen, Idaho | Pickle |
| Butler | Hansen, Wash. | Poage |
| Byron | Harrington | Powell, Ohio |
| Carney, Ohio | Harvey | Pritchard |
| Casey, Tex. | Hastings | Quie |
| Cederberg | Hébert | Quillen |
| Chamberlain | Hechler, W. Va. | Railsback |
| Chappell | Heinz | Regula |
| Clancy | Hinshaw | Rhodes |
| Clawson, Del | Horton | Rinaldo |
| Cleveland | Huber | Roberts |
| Cohen | Hunt | Robinson, Va. |
| Collier | Hutchinson | Robison, N.Y. |
| Conable | Jarman | Rogers |
| Conlan | Johnson, Colo. | Roncalio, N.Y. |
| Conte | Johnson, Pa. | Rostenkowski |
| Cotter | Keating | Ruth |
| Coughlin | Kemp | Satterfield |
| Daniel, Dan | Kluczynski | Saylor |
| Davis, Wis. | Kuykendall | Scherle |
| Delaney | Landgrebe | Schneebeli |
| Dellenback | Landrum | Sebelius |
| Denholm | Latta | Shoup |
| Dennis | Lehman | Sikes |
| Derwinski | Lent | Slack |
| Devine | Long, La. | Smith, Iowa |
| | McDade | Smith, N.Y. |
| Snyder | Treen | Wyatt |
| Staggers | Vigorito | Wydler |
| Stanton, J. William | Waggonner | Yates |
| Steelman | Walsh | Young, Alaska |
| Steiger, Ariz. | Wampler | Young, Fla. |
| Steiger, Wis. | Ware | Young, Ill. |
| Stratton | Whitten | Young, S.C. |
| Sullivan | Wiggins | Young, Tex. |
| Taylor, N.C. | Williams | Zion |
| Teague, Calif. | Wilson, Charles, Tex. | Zwach |
| Thomson, Wis. | Winn | |

NAYS—222

| | | |
|---|---|---|
| Abzug | Gude | Pepper |
| Adams | Gunter | Perkins |
| Addabbo | Hamilton | Pettis |
| Alexander | Hammer-schmidt | Peyser |
| Anderson, Calif. | Hanley | Pike |
| Armstrong | Hanna | Podell |
| Ashley | Harsha | Preyer |
| Aspin | Hawkins | Price, Ill. |
| Badillo | Hays | Randall |
| Baker | Heckler, Mass. | Rangel |
| Barrett | Helstoski | Rarick |
| Beard | Henderson | Rees |
| Bennett | Hicks | Reid |
| Bevill | Hillis | Reuss |
| Biester | Hogan | Riegle |
| Bingham | Holifield | Rodino |
| Boggs | Holt | Roe |
| Brademas | Holtzman | Roncallo, Wyo. |
| Brasco | Hosmer | Rooney, Pa. |
| Breaux | Howard | Rose |
| Brinkley | Hudnut | Rosenthal |
| Brotzman | Hungate | Roush |
| Broyhill, Va. | Ichord | Rousselot |
| Burgener | Johnson, Calif. | Roy |
| Burke, Calif. | Jones, Ala. | Roybal |
| Burke, Mass. | Jones, N.C. | Runnels |
| Burton | Jones, Okla. | Ruppe |
| Carey, N.Y. | Jordan | Ryan |
| Chisholm | Karth | St Germain |
| Clark | Kastenmeier | Sarasin |
| Clausen, Don H. | Kazen | Sarbanes |
| Clay | Koch | Schroeder |
| Cochran | Kyros | Selberling |
| Conyers | Leggett | Shriver |
| Corman | Litton | Shuster |
| Cronin | Long, Md. | Sisk |
| Culver | Lott | Skubitz |
| Daniel, Robert W., Jr. | Lujan | Spence |
| Daniels, Dominick V. | McCloskey | Stanton, James V. |
| Danielson | McCormack | Stark |
| Davis, Ga. | McFall | Steed |
| Davis, S.C. | McKinney | Steele |
| de la Garza | Macdonald | Stephens |
| Dellums | Madden | Stokes |
| Dent | Madigan | Stuckey |
| Dickinson | Martin, N.C. | Studds |
| Diggs | Mathias, Calif. | Symington |
| Downing | Mathis, Ga. | Symms |
| Drinan | Matsunaga | Talcott |
| du Pont | Meeds | Taylor, Mo. |
| Edwards, Calif. | Meicher | Thompson, N.J. |
| Ellberg | Metcalfe | Thone |
| Evans, Colo. | Mezvinsky | Thornton |
| Fascell | Milford | Tiernan |
| Fisher | Mills, Md. | Towell, Nev. |
| Flowers | Minish | Udall |
| Foley | Mink | Ullman |
| Ford, William D. | Mitchell, Md. | Van Deerlin |
| Fraser | Mitchell, N.Y. | Vanik |
| Frey | Moakley | Waldie |
| Froehlich | Moorhead, Calif. | Whalen |
| Gaydos | Morgan | White |
| Gettys | Mosher | Whitehurst |
| Giaimo | Moss | Widnall |
| Gibbons | Murphy, N.Y. | Wilson, Bob |
| Gilman | Nedzi | Wilson, Charles H., Calif. |
| Ginn | Nichols | Wolff |
| Goldwater | Nix | Wright |
| Gonzalez | Obey | Wylie |
| Grasso | O'Hara | Wyman |
| Green, Pa. | Owens | Yatron |
| Gross | Parris | Young, Ga. |
| Gubser | Patman | Zablocki |
| | Patten | |

NOT VOTING—27

| | | |
|---|---|---|
| Biaggi | Dorn | McSpadden |
| Blackburn | Flynt | Price, Tex. |
| Blatnik | Frelinghuysen | Rooney, N.Y. |
| Brown, Ohio | Gray | Sandman |
| Camp | Green, Oreg. | Shipley |
| Carter | Jones, Tenn. | Stubblefield |
| Collins | Ketchum | Teague, Tex. |
| Crane | King | Vander Jagt |
| Dingell | McKay | Veysey |



So the previous question was not ordered.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Price of Texas.
Mr. Rooney of New York with Mr. Frelinghuysen.
Mrs. Green of Oregon with Mr. Brown of Ohio.
Mr. Blatnik with Mr. Camp.
Mr. Dingell with Mr. King.
Mr. Flynt with Mr. Blackburn.
Mr. Dorn with Mr. Collins.
Mr. Shipley with Mr. Crane.
Mr. Stubblefield with Mr. Carter.
Mr. Gray with Mr. Sandman.
Mr. Jones of Tennessee with Mr. Vander Jagt.
Mr. McSpadden with Mr. Biaggi.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MINK

Mrs. MINK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MINK: Strike out the period at the end of House Resolution 389 and insert "and it shall be in order to consider, without the intervention of any point of order, an amendment on page 10, after the heading on line 13, in the following form:

"'SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"'The paragraph under this heading in Public Law 93-25 is amended by striking out "54%" and inserting in lieu thereof "68%".'"

PARLIAMENTARY INQUIRY

Mrs. MINK. Mr. Speaker, I have a parliamentry inquiry.

The SPEAKER. The gentlewoman will state it.

Mrs. MINK. I understand I have 1 hour.

The SPEAKER. The gentlewoman has control of the time.

Mrs. MINK. Mr. Speaker, I do not intend to take the full hour which this procedure now permits me. I believe that the arguments were very well made during the debate on the rule, but for the Members who were not here on the floor at the time the question was raised with regard to the rule, I would simply like to state that the amendment which I am seeking to be made in order during the debate on the bill is simply to correct an amendment which was added to the urgent supplemental the day before we recessed for Easter.

The Senate placed into the urgent supplemental appropriation bill an amendment on the floor which not only permitted the funding of category A under impact aid at 100 percent for those districts that were 25 percent impacted, and 90 percent for all other "A" category areas, but it also placed a limitation on funding for category B under impact aid at 54 percent level. That might have been done in the Senate on the false assumption that that was all the money that this Congress had appropriated in the continuing resolution.

We all recall that the fiscal year 1973, HEW budget was vetoed and that entire Department's budget is now being funded, under a continuing resolution, based upon actions taken with respect to the bill that passed the Senate, whichever is the lower figure. The lower figure for impact aid is $635 million.

The amendment that I seek to have made in order at the time we consider the supplemental today does not alter one iota the $635 million which this House and this Congress has otherwise appropriated for impact aid. All I seek to do is to remove that 54-percent limitation on category B. It does nothing whatsoever to the category A funding of 100 percent in these areas where the impact is 25 percent and greater.

Mr. MAHON. Mr. Speaker, will the gentlewoman yield?

Mrs. MINK. I yield to the gentleman from Texas (Mr. MAHON) for purposes of debate only.

Mr. MAHON. Mr. Speaker, I would like to join with the gentlewoman from Hawaii in undertaking to explain the situation before us. I think we can handle this matter quickly.

The House has demonstrated by its previous vote that it would like to consider voting in a way that hopefully more money would be available for impacted area aid. Do I understand from the gentlewoman that this is the only amendment that she wants to offer?

Mrs. MINK. Yes.

Mr. MAHON. And the gentlewoman will not yield for any other amendments?

Mrs. MINK. I will not yield for any other amendments.

Mr. MAHON If there is only one amendment and this is the amendment, it seems to me the House has indicated its will. If the gentlewoman does not yield for any other amendments, the rule is intact otherwise and the bill is not subject to the points of order as a result of various items that are contained in this legislation, will she then be willing to move forward with the consideration of the bill?

Mrs. MINK. Precisely.

Mr. MAHON. It seems to me a foregone conclusion that the amendment of the gentlewoman from Hawaii to the rule will be adopted, so I suggest that we might get on with the business and complete the legislation.

Mrs. MINK. Mr. Speaker, I move the previous question on my amendment and on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, on the question of ordering the previous question I demand the yeas and nays.

The yeas and nays were refused.

So the previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentlewoman from Hawaii.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. On the question of agreeing to the amendment?

Mr. GROSS. On the question of ordering the previous question.

The SPEAKER. The previous question has been ordered.

Mr. YATES. Mr. Speaker, I had asked for a separate vote on the previous question. There is no opportunity to ask for the yeas and nays, Mr. Speaker?

The SPEAKER. It is too late.

The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MAILLIARD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the resolution as amended, was agreed to.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YATES. Mr. Speaker, if the rule is voted down, under the rules of the House may not this bill come to the floor of the House anyway, it being an appropriations bill?

The SPEAKER. The rule was voted on.

Mr. YATES. The rule has not been voted on.

The SPEAKER. The Chair will state that the House was voting on the resolution. The resolution has been adopted.

Mr. YATES. Mr. Speaker, the rule has not yet been adopted, inasmuch as we asked for a vote.

The SPEAKER. The Chair will state that the rule has been adopted. The yeas and nays were not ordered on the question of agreeing to the resolution.

Mr. YATES. Mr. Speaker, it has not been adopted until there is a division of yeas and nays.

The SPEAKER. The Chair put the question on the resolution and announced that the ayes appeared to have it on voice vote. A yea-and-nay vote was demanded. An insufficient number of Members arose to support that demand. Accordingly, under the announcement the Chair made, the resolution has been agreed to.

A motion to reconsider was laid on the table.

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## APPOINTMENT OF CONFEREES ON S. 38, AIRPORT DEVELOPMENT ACCELERATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, with a House amendment thereto, insist on the amendment of the House and agree to the conference asked by the Senate.



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The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, DINGELL, KUYKENDALL, and SHOUP.

## PERSONAL ANNOUNCEMENT

Mr. MADDEN. Mr. Speaker, on rollcall No. 132, yesterday, I was present and voted "No". I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER. The Chair is without authority in that regard. The gentleman's statement will appear in the RECORD.

## SECOND SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Michigan (Mr. CEDERBERG) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7447, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 1 hour, and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us today touches almost every Federal department and agency, as well as the District of Columbia. It is the last large general supplemental appropriation bill for fiscal year 1973.

However, certain additional transmittals from the Executive are anticipated. As Members know, the President, on February 12, took the action of devaluating the dollar by 10 percent. By virtue of this action, we expect to receive, in the relatively near future, a request for appropriations totaling some $2.2 billion to maintain the U.S. pro rata subscription to five international financial institutions.

An additional supplemental request is anticipated to provide funds for the several flood and disaster relief programs of the Federal Government. This will be in response to the critical flood conditions prevalent in large sections of the country.

But the bill before us today is the last comprehensive supplemental for the fiscal year ending June 30. The committee held extensive hearings on the items in the bill. There are three volumes of testimony and related material available to Members totaling 2,700 pages.

### GRAND TOTAL OF THE BILL

The grand total of the bill is some $2.8 billion, which represents a net decrease of $300 million below the various budget estimates considered in connection with the bill.

Further, the bill contains transfers of some $530 million between appropriations. In several cases where transfers were proposed from appropriations impounded by the executive branch, the committee has not granted such transfers but has provided new money. In other instances, in lieu of providing new budget authority, the committee has recommended transfers from accounts in which the committee has determined there are surpluses. It is customary for the Congress to provide transfer authority particularly for pay act costs in order to minimize the granting of new obligational authority and to facilitate to the maximum extent the absorption of increased pay costs within current appropriations.

### BILL HIGHLIGHTS

About 86 percent of the $2.8 billion contained in the bill is for programs that are totally or virtually uncontrollable at this point in time. Another $226 million, or 8 percent of the bill, is for higher education items which were not handled in the urgent supplemental bill, which cleared the House on April 12 and became law on April 26.

Among the major programs which are totally or virtually uncontrollable at this point in time are:

$899,891,900 for pay costs.

$614,066,000 for grants to States for public assistance.

$370,248,000 for flood and disaster relief programs.

$190,900,000 for payment to the Civil Service Retirement fund.

$87,000,000 for retired military pay.

$57,638,000 for firefighting costs.

$26,300,000 for Federal workmen's compensation benefits.

$36,568,059 for various claims and judgments against the Government including Vietnam prisoner of war claims.

$32,700,000 for military mail privileges and postal costs.

### REDUCTIONS IN APPROPRIATIONS

The $300 million in reductions is a net figure. There are increases in a few items in the bill approximating $80 million, the great majority of which is associated with flood relief programs of the Corps of Engineers and the Soil Conservation Service. As indicated, additional requests are anticipated for purposes of this nature.

Reductions in the bill include:

$118 million, net, in pay increase costs.

$75 million in the deficiency request for naval personnel.

$15 million in various defense operation and maintenance requests for postal and mail purposes.

$21,000,000, net, in higher education programs.

$50 million in the elderly nutrition program, because of the timing of the appropriation.

$74 million in advances to extended unemployment account, and

$8.5 million in the Federal payment to the District of Columbia.

In referring to the $300 million reduction in requests considered in the bill, it must be taken into consideration that the committee has not recommended rescission in various appropriations as requested by the executive branch in the sum of about $383 million. This action of not recommending such rescissions has the effect of reflecting congressional action on the budget as an increase of $383 million in fiscal year 1973. Thus, the $300 million reduction in this bill is offset by not recommending the requested rescissions.

### CONGRESSIONAL ACTION ON APPROPRIATION BILLS FOR 1973

In each and every of the last 20 years, the Committee on Appropriations has recommended and the Congress has enacted reductions in total budget authority requested by the Executive. Excluding amounts in the accompanying bill, the Congress has to date considered budget requests for appropriation bill items for fiscal year 1973 totaling about $178.3 billion. In its action on such appropriation bills, the House has reduced requests for new budget—obligational—authority by about $5.1 billion. Senate action on the appropriation bills it has considered thus far has resulted in decreases amounting to about $2.3 billion in budget authority.

In final actions in connection with these appropriation bills, the Congress had reduced requests by an amount aggregating some $5.1 billion. These amounts include inaction on some $966 million net downward amendments for fiscal 1973 contained in the budget submitted January 29, 1973.

In connection with the figures which I have just cited, I again recommend for Members' attention the so-called scorekeeping report published periodically by the Joint Committee on Reduction of Federal Expenditures. This report represents the only comprehensive accounting of congressional actions and inactions affecting the Federal budget. The report is objective and has gained widespread acceptance in Congress and in and out of Government generally. The report this year incorporates new material and efforts continue to make the reports more informative and understandable.

### CONGRESSIONAL ACTION ON NONAPPROPRIATION BILLS

Mr. Chairman, in considering congressional action on appropriation bills it should also be taken into account that congressional actions on certain nonappropriation bills also authorize new budget authority and result in outlays by the Government. The estimated net effect of all final congressional actions to date on nonappropriation bills affecting fiscal 1973 has been to increase new budget authority by about $15 billion and to increase outlays by about $7.8 billion.



Over the last 5 years, in appropriation bills handled by the Appropriations Committee, Congress has reduced appropriations below the requests by about $30 billion. However, during this period Congress has offset that reduction by adding about $30 billion in bills which are not handled by the Appropriations Committee. It has been virtually a standoff in this respect.

Had Congress for the last 5 years given the executive branch precisely what had been requested—no more, no less—the fiscal posture of the Government would be about the same. In this span, Congress has provided about what the executive branch has requested in total spending authority, although making reductions in the regular appropriation bills, and allowing increases in so-called backdoor spending and other legislative bills.

### TABULAR SUMMARY

So, Mr. Chairman, as I indicated, the great majority of appropriations in the bill represent items for which there is little or no discretion available to the Congress at this late date in the fiscal year. At this point in the RECORD I offer a summary table by chapters reflecting the budget requests and amounts recommended by the committee in the bill:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

SUMMARY

| | Budget estimates | Recommended in bill | Bill compared with estimates |
|---|---|---|---|
| TITLE I—GENERAL SUPPLEMENTALS | | | |
| Agriculture—Environmental and Consumer Protection: | | | |
| New budget (obligational) authority | $12,100,000 | $33,387,000 | +$21,287,000 |
| Transfer from Sec. 32 | (21,960,000) | (21,960,000) | |
| Defense: | | | |
| New budget (obligational) authority: | | | |
| 1973 | 143,500,000 | 123,627,000 | −19,873,000 |
| 1972 | 30,400,000 | 17,598,000 | −12,802,000 |
| 1971 | 72,001,000 | 16,958,000 | −55,043,000 |
| 1969 | 7,947,225 | 50,000 | −7,897,225 |
| Total | 253,848,225 | 158,233,000 | −95,615,225 |
| By transfer | (500,000,000) | (430,000,000) | (−70,000,000) |
| District of Columbia: | | | |
| Federal funds: New budget (obligational) authority | 8,500,000 | 0 | −8,500,000 |
| District of Columbia funds: | | | |
| New budget (obligational) authority | (65,430,000) | (64,830,000) | (−600,000) |
| Foreign Operations: New budget (obligational) authority | 738,000 | 700,000 | −38,000 |
| Housing and Urban Development, Space, Science, and Veterans | Language | Language | |
| Interior and Related Agencies: | | | |
| New budget (obligational) authority | 59,630,000 | 57,638,000 | −1,992,000 |
| By transfer | (13,250,000) | (8,600,000) | (−4,650,000) |
| Labor and Health, Education, and Welfare: | | | |
| New budget (obligational) authority | 1,163,715,000 | 1,028,844,000 | −134,871,000 |
| Limitations on administrative and nonadministrative expenses | (148,107,000) | (147,649,000) | (−458,000 |
| Legislative Branch: | | | |
| New budget (obligational) authority | 20,502,250 | 20,597,250 | +95,000 |
| By transfer | (298,000) | (298,000) | |
| Public Works | 25,600,000 | 70,600,000 | +45,000,000 |
| State, Justice, Commerce, and Judiciary: | | | |
| New budget (obligational) authority: | | | |
| 1973 | 223,568,000 | 215,835,000 | −7,733,000 |
| 1972 | 26,000 | 26,000 | |
| Total | 223,594,000 | 215,861,000 | −7,733,000 |
| By transfer | (500,000) | (500,000) | |
| Transportation: | | | |
| New budget (obligational) authority | $19,646,000 | $43,883,000 | −$5,763,000 |
| Intragovernmental transaction | (24,669,000) | (24,669,000) | |
| By transfer | (3,250,000) | (3,250,000) | |
| Treasury, Postal Service, and General Government | 305,839,000 | 305,539,000 | −300,000 |
| Claims and Judgments | 20,368,059 | 20,368,059 | |
| Total, title I—General supplementals: | | | |
| New budget (obligational) authority: | | | |
| 1973 | 2,033,706,309 | 1,921,018,309 | −112,688,000 |
| 1972 | 30,426,000 | 17,624,000 | −12,802,000 |
| 1971 | 72,001,000 | 16,958,000 | −55,043,000 |
| 1969 | 7,947,225 | 50,000 | −7,897,225 |
| Total | 2,144,080,534 | 1,955,650,309 | −188,430,225 |
| By transfer | (517,298,000) | (442,648,000) | (−74,650,000) |
| Transfer from Sec. 32 | (21,960,000) | (21,960,000) | |
| Limitation on administrative and nonadministrative expenses | (148,107,000) | (147,649,000) | (−458,000) |
| Intragovernmental transaction | (24,669,000) | (24,669,000) | |
| TITLE II—INCREASED PAY COSTS | | | |
| New budget (obligational) authority | 1,018,799,900 | 899,891,900 | −118,908,000 |
| By transfer | (87,960,796) | (87,543,536) | (−417,260) |
| Limitation on administrative and nonadministrative expenses | (1,458,700) | (1,458,700) | |
| GRAND TOTAL—TITLES I AND II | | | |
| New budget (obligational) authority: | | | |
| 1973 | 3,052,506,209 | 2,820,910,209 | −231,596,000 |
| 1972 | 30,426,000 | 17,624,000 | −12,802,000 |
| 1971 | 72,001,000 | 16,958,000 | −55,043,000 |
| 1969 | 7,947,225 | 50,000 | −7,897,225 |
| Total | 3,162,880,434 | 2,855,542,209 | −307,338,225 |
| By transfer | (605,258,796) | (530,191,536) | (−75,067,260) |
| Transfer from sec. 32 | (21,960,000) | (21,960,000) | |
| Limitation on administrative and nonadministrative expenses | (149,565,700) | (149,107,700) | (−458,000) |
| Intragovernmental transaction | (24,669,000) | (24,669,000) | |

Mr. MAHON. At this time it would perhaps be appropriate to take a moment to talk about the major item of controversy, which is associated with Southeast Asia. As all of us know, there have been hundreds of millions of dollars spent in Southeast Asia by the U.S. Government, beginning at least as far back as the early 1950's.

We have had a war going on for almost 10 years. The 200th shipload of aid to Vietnam arrived in Southeast Asia in 1952. It has been a long story.

A cease-fire agreement has now been acquired. It became effective at midnight on January 27. The cease-fire has been agreed to but has not been fully implemented. The President is desperately trying to get full stabilization of the cease-fire. He has had from January 27 to date, just over 3 months, to try to solidify and stabilize the cease-fire. In the context of the long contest in Southeast Asia, that is only a very short period of time and I, for one, have not lost patience with the President's efforts to stabilize the cease-fire. I, for one, am in favor of giving him a bit more time.

Mr. Chairman, we gave 6 years plus for the actual fighting of the war. In an emotional moment, I am not in favor of trying to curtail the President's authority to move in the direction of peace. Plenty of time remains for such action if we wish to pursue it. Of course, we all favor, and our constituents favor, an early and rapid end to all the fighting in Southeast Asia.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. MAHON. I am delighted to yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, the gentleman has spoken about his feeling that he would not want to cut off the President's authority. What congressional or constitutional authority has he had for bombing in Cambodia at the present time?

Mr. MAHON. Mr. Chairman, the ceasefire was announced on January 27. At that time we still had extensive forces in Southeast Asia. All of the ground forces have now been withdrawn, but we still have in Thailand and in the seas around Southeast Asia a number of forces.

Mr. YATES. What constitutional authority did he have?

Mr. MAHON. I do not know of anybody in this House who can speak with complete authority as to what may happen in Southeast Asia and as to what kind of eventual conclusion may be reached there. I realize that people differ as to the constitutional provisions, but we cannot settle constitutional matters in this bill. It is my understanding the Committee on Foreign Affairs is presently conducting hearings looking toward an examination of the organic law of the land with respect to the authority of the President in matters such as this.

Mr. YATES. The gentleman has not stated what authority he has now. He has no authority from the Congress, does he?

Mr. MAHON. If the gentleman says he has no authority from the Congress, that is his view. We have, of course, provided about $76 billion for the Military Establishment for the current fiscal year. We have not approved or disapproved as of

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this time his actions to implement the cease-fire.

Mr. YATES. Is the gentleman stating that the approval of an appropriation is sufficient authority for the President under the Constitution to carry on the bombings of Cambodia and Laos?

Mr. MAHON. The statement speaks for itself.

Mr. CEDERBERG. Will the gentleman yield to me?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. CEDERBERG. It is true all of our ground forces have been removed from Southeast Asia, but we still have 1,300 and some missing in action who have not been removed or been accounted for. Some may be living and most may be dead. There are people living in this country who are very concerned about these missing in action.

Mr. YATES. If the gentleman will yield further, what congressional authority has the President received to stay there and engage in military bombing in Cambodia and Laos?

Mr. CEDERBERG. I am just answering your question and saying there are a lot of people who have not been removed or their remains have not been located and they have not been accounted for.

Mr. YATES. What authority does he have?

Mr. CEDERBERG. The same authority he had before.

Mr. THOMPSON of New Jersey. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I thank the distinguished chairman for yielding.

No one has greater sympathy for those missing in action. There is not one Member of this body who is unsympathetic to them. The fact of the matter is, however, that absent any constitutional authority to continue the bombing and with all due regard for those who are missing in action, the inevitable result of the continuation of the bombing is going to be increased casualties and an increased number of missing in action, and this has to stop.

I thank the chairman for yielding.

Mr. RONCALIO of Wyoming. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. I thank the chairman for graciously yielding to me at this time in order to make this observation.

We understand that as mature lawmakers and many of us lawyers are discussing the constitutionality of acts of aggression, and recently we know in most of the leading papers of America there appeared an excellent legal treatise prepared by able constitutional lawyers setting forth the case for the President and against the President.

Most of us have our minds made up if we are able to read and draw conclusions therefrom. I have my mind made up and I know which way I will vote, but I respect the fact that it will be different from the gentleman from Texas and the gentleman from Florida (Mr. SIKES) for whom I have tremendous respect.

My conclusion is there is no authority for the President to drop bombs anywhere in Indochina, but that does not mean that he does not have the right to protect American lives wherever they may be.

However, the longer we debate this the less likely we are to come to any conclusion. This is predetermined and should be voted on.

I thank you very much for yielding to me.

Mr. MAHON. I was glad to yield to the gentleman.

It is true we make no progress by debating the constitutional provisions in connection with this bill. The President and his advisers take the position that the Commander in Chief has the constitutional authority. Some experts agree and some differ, but that does not settle the issue. If we want to settle the issue of war and peace, we have the authority to do it. If the Congress wants to grapple with this issue in a direct way through its proper procedures, then we can bring home troops from Europe and bring home forces from Thailand and elsewhere and take any action that we wish to.

But you cannot very well do it in the supplemental appropriation bill. This is no place to fight the battle. If the Congress in its wisdom wishes to bring to a grinding halt all military programs and activities outside of the United States or inside of the United States, it has the authority to do it.

That seems to me to be the situation.

Mr. Chairman, may I inquire how much time I have consumed?

The CHAIRMAN. The Chair will state to the gentleman from Texas that the gentleman has consumed 14 minutes.

Mr. MAHON. Mr. Chairman, I do not care to yield myself further time at this moment.

Mr. FLOOD. Mr. Chairman, chapter VII of the bill includes $1,028,844,000 for the Departments of Labor and Health, Education, and Welfare and related agencies. This is a reduction of $134,871,000 below the budget request.

The largest single item is $614,066,000 for grants to States for public assistance. Every year about this time we have to appropriate additional funds for public assistance grants, and this year is no exception. The reason for the supplemental appropriation is the tremendous increase in costs for social services over the amounts in the original 1973 budget which was submitted to Congress in January 1972. As you will probably remember, a ceiling of $2.5 billion on payments for social services was enacted in the last session of Congress, but this ceiling was far in excess of the amount requested in the 1973 budget estimate.

Another fairly large item included in our chapter is $226,510,000 for fiscal year 1973 funding for higher education programs which have not been previously considered by the committee. There were funds for higher education in the supplemental appropriation bill which was enacted last fall, and there were funds for the student assistance programs in the urgent supplemental which we sent to the President before the Easter recess. The amounts which are included here are for use in the school year which begins next fall, included in the total is $12,360,000 for language training and area studies under title VI of the National Defense Education Act. This is $10 million above the budget request. The administration proposed to cut back this program rather abruptly, and we have included funds in the bill to keep it alive at least for another year. We are also recommending some reductions in the budget request for special services in college and strengthening developing institutions, where the administration was proposing rather large increases over the current level.

Another major item in our chapter is $50 million for the nutrition program for the elderly. An appropriation of $100 million for this program was included in both the Labor-HEW appropriation bills for fiscal year 1973 which were approved by the Congress but vetoed by the President. Because this is a new program, no funds were available for it under the terms of the fiscal year 1973 continuing resolution. In view of the fact that most of the fiscal year has gone by, we are recommending an appropriation of $50 million to remain available through the first 6 months of fiscal year 1974.

The bill also includes $77,207,000 for reimbursement to the social security trust funds for costs incurred in the administration of the new Federal supplemental security income program authorized by the Social Security Amendment of 1972. The new program replaces the existing grant-in-aid programs for the aged, blind, and disabled which are administered by the States and localities. None of the funds included in this bill are for benefit payments. This appropriation is entirely for administrative cases which the social security administration is incurring in order to be in a position to put the program into effect on January 1, 1974.

Some of the other items included in this bill are $26,300,000 for Federal workmen's compensation benefits resulting from an increase in claims; $12,000,000 to permit completion of the new Children's Hospital National Medical Center in the District of Columbia; and $17,593,000 for payments to lenders for federally insured and reinsured student loans which are in default. This last item is one about which the subcommittee is very concerned and which we have discussed at considerable length in our hearings on both the 1973 estimates and the 1974 budget estimates. We have urged the Office of Education to take all possible steps to collect these defaulted loans.

The biggest reduction from the budget estimate recommended by the subcommittee was $74 million for advances to the extended unemployment compensation account. Based on the information which we received in the hearing, we concluded that this money was needed back in August of 1972, but that now that so much time has elapsed the appropriation is no longer necessary.

I should also mention that the administration requested rescission of appropriations totaling $382,888,000, of which $342,928,000 fell within the bailiwick of the Labor-HEW subcommittee.



We recommend disapproval of all of these proposed rescissions as indicated on page 3 of the report. The largest single item involved in the rescission is an appropriation of $239,000,000 which was appropriated for the neighborhood youth corps summer program. It is our definite intent that there should be a summer youth program just as there was last summer, and we hope, but, of course, we cannot guarantee that the funds will be spent for that purpose.

Those are the highlights of chapter 7 of this bill, and everything is explained in greater detail in the report.

Mr. EVINS of Tennessee. Mr. Chairman, there are three items in chapter 9 of this bill handled by the Subcommittee on Public Works Appropriations.

These concern supplemental appropriations for the U.S. Corps of Engineers for further disaster relief to the flooded areas of the Mississippi Valley, one item for the Federal Power Commission, and a request for supplemental funds for the Water Resources Council.

Of the several requests, the replenishing of the Emergency Fund of the Corps of Engineers to assist areas ravaged by floods is, of course, the most important and of the greatest urgency.

We all recognize the necessity for providing needed disaster relief to those areas where more than 11,000,000 acres of farmlands have been flooded and inundated.

We are recommending in the bill $70,500,000 as an additional appropriation for emergency disaster relief—the budget request was $25,000,000, so our request is $45,000,000 above the budget request to replenish the depleted emergency fund.

And, may I say, this request was made several weeks ago, and it is evident to the committee that recent floods in the Lower Mississippi Valley have caused extensive damage—but due to the magnitude of the disaster, it will be some time before an accurate assessment of damages can be made.

It should be pointed out that flood control measures prevented an estimated $5 billion 979.1 million in damages in the Lower Mississippi Valley area.

Had there been no flood control measures carried out by the Corps of Engineers, damages would have reached an estimated $6 billion 187.1 million rather than the actual estimated total of $208.6 million.

Present funding in my opinion will be inadequate to provide the full necessary disaster relief. Certainly the additional $25 million over the budget request is urgently required and needed at this time.

FEDERAL POWER COMMISSION

For the Federal Power Commission our committee is recommending the full supplemental budget request of $100,000.

This additional funding is necessitated by a court ruling—Greene County Planning Board against FPC—requiring that the FPC prepare its own environmental impact statements to accompany every request for construction, operation and maintenance of hydroelectric and natural gas pipeline facilities.

This ruling has caused a substantial increase in the workload of the Commission and the $100,000 in additional funding is required to finance the studies required by the court order.

WATER RESOURCES COUNCIL

The committee has deferred, without prejudice, a request by the Water Resources Council for an additional $500,000 for the national and regional water resource assessment program.

Since the Council has not convened in more than a year and since the Council Director recently left the Council, our committee sees no special urgency in this request for additional funds which—I repeat—we recommend be deferred without prejudice. Needed funding can be considered in the regular annual appropriation bill.

Appropriate consideration will be given to funding requests for the Water Resources Council when the committee considers the regular 1974 appropriations bill.

Mr. CEDERBERG. Mr. Chairman and Members of the Congress, I am not going to take any time during the general debate process on this matter. I think everyone knows what is included in the various sections of the bill. The distinguished Chairman, the gentleman from Texas (Mr. MAHON) has alluded to the figures that are involved.

Mr. Chairman, I have very few requests for time. However, at this time I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I would like to address a few questions to the distinguished gentleman from Texas (Mr. MAHON) concerning this bill.

For instance, how did the Sergeant at Arms' office get so much money that it could be transferred all over the place in the legislative branch as it applied to this body?

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I will be glad to yield to anyone who can give me an answer to my questions.

Mr. CASEY of Texas. As the gentleman from Iowa will note, some of these are very minor amounts, but the principle is this—that some of these funds were not used and, rather than reappropriating funds, we just transferred them.

Mr. GROSS. How were they overfunded? Why was the Sergeant at Arms' office overfunded to the extent that it could be taken and spent elsewhere?

Mr. CASEY of Texas. I would state to the gentleman from Iowa that some of the funds are due to the fact that we did have some Members who died, and those funds were not reused until those departed Members were replaced with the election of new Members.

Mr. GROSS. Then let us take the Department of Commerce, and the transfer of National Oceanic and Atmospheric Administration funds to that department. Other funds were taken from that same outfit, the National Oceanic and Atmospheric Administration and given to the International Business Administration. There is a long list of them here, transfers of funds from that same source the National Oceanic and Atmospheric Administration. How did they become so overfunded that the committee could reach in and get this kind of money?

Mr. MAHON. Mr. Chairman, if the gentleman will yield, the President had established a ceiling of $250 billion in expenditures for the current fiscal year and to achieve that objective, required the shrinking of many programs. So the departments were prevented from expending certain moneys and various means were used in order to reduce expenditures and to keep within the ceiling of $250 billion.

Mr. GROSS. Mr. Chairman, I submit that the question was: Why were they so overfunded in the first place that they did not need those funds?

How could that happen? How was the committee able to transfer hundreds of thousands of dollars from the Disabled Miners fund to other areas? I just do not understand why these agencies and departments of Government were so overfunded in the first place. That is my point.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. CEDERBERG. The amounts that have been transferred mostly in this legislation are a small fraction of the total budget of the agency.

Mr. GROSS. I understand that.

Mr. CEDERBERG. Let me direct the gentleman's attention to the miners' situation. We funded that situation. I think the gentleman from Iowa will concur that we did not get the number of applications that were anticipated at the time that the funds were made available. Those things happen. Let me ask the gentleman from Iowa a question, if I may.

The gentleman from Iowa would not suggest that we in the Committee on Appropriations not take a hard look at what is happening in these various agencies and make this money available for transfer for pay raises, and so forth, rather than give them new money; would he?

Mr. GROSS. Of course the committee should take a hard look and that includes the original estimates of funds required. Let me inquire about the miscellaneous item of $1 million for the contingent expenses of the House. What is that all about?

I might preface that by saying that before the Easter recess this year I said that I hesitated to leave this place because the last time I went on vacation, I came back to find the Speaker's lobby stuffed with Louis XIV or XV furniture, and adorned with crystal chandeliers at a cost of some $300,000.

I came back from this year's Easter recess to find the dining room carpeted wall to wall, with brand new, nice soft carpet.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CEDERBERG. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. GROSS. There was nothing wrong with the carpet that was there. Under the situation that exists today, with fiscal trouble growing all over the coun-

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try, leads me to be somewhat inquisitive about what the money is being spent for around this place.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. CASEY of Texas. With reference to the million dollars in the contingent fund, this House voted an additional $20,000 per Member for clerk hire. The gentleman will recall this and the fact that the million dollars is an estimate of what might be used. The gentleman may not use it, and I may not use it, but it has to be available to those Members who do make the request for the additional $20,000.

Mr. GROSS. This is no reflection on the gentleman from Texas (Mr. CASEY) who is a pretty good conservative in my book, but some people apparently could not wait for the regular appropriation bill; it has to be rushed in here right now in this deficiency bill so that some Members could get their hands on the additional $20,000 immediately.

Mr. CASEY of Texas. It will not be spent unless the Members themselves make the request.

Mr. GROSS. I understand that perfectly. I am not going to spend any of it.

Mr. CASEY of Texas. This resolution was adopted by the House this year. This money is for the current fiscal year ending June 30. The regular legislative bill for next fiscal year, fiscal year 1974, has already passed the House.

Mr. GROSS. The hook is dangled, and the goose hangs high. I thank the gentleman.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, as you undoubtedly know, I will later offer an amendment to strike from the bill $430 million that the Defense Department seeks to have transferred from specific accounts to its general operational fund. My amendment reads as follows: "on page 6, strike out the lines 9 through 12."

After numerous hearings on the matter before the Defense Appropriations Subcommittee, I and other colleagues have come to believe this rather innocuous sounding amendment is, in fact, a subtle attempt by the executive to have the Congress put the stamp of approval on its bombing raids over Cambodia.

If you read the story on the front page of the Washington Post Tuesday, you are aware that Secretary of Defense Elliot L. Richardson has pulled out all the stops in an attempt to defeat our amendment.

Whatever the House action, the Secretary is quoted as saying, the bombing of Cambodia will continue. He also alleged that of the $430 million, only $25 million will be used for Cambodia. And the story goes on to say:

> Richardson said that if an amendment were offered to specifically restrict use of any of those funds for air support in Cambodia and it was defeated, then we would be justified in regarding that vote as a vote to at least acquiesce in that activity.

Basically, the Defense Department seeks the transfer of funds from specific accounts to the general operational fund. No new money is involved. Secretary Richardson said in an appearance before the subcommittee the shortage has come from the currency devaluation, higher subsistence costs and "a higher-than-programed rate of activity in Southeast Asia during the second half of fiscal year 1973."

The Secretary has also maintained that of the $430 million sought, only $25 million would be used for bombing missions over Cambodia.

The Secretary's computations would seem to create a small credibility gap within the Pentagon, because later that day, the comptroller of the Air Force, appearing before the Defense Appropriations Subcommittee testified that of the $430 million request, the Air Force is scheduled to receive—and I quote:

> We have an estimate of $80 million for Southeast Asia.

Congressman GIAIMO then asked if the $80 million for Southeast Asia was for combat operations, and the answer was: "Yes, sir."

I would suggest that since the only area of combat in Southeast Asia today is Cambodia, the minimal estimate of money to go for Cambodia operations is $80 million which at best is three times more than what Mr. Richardson has indicated. Frankly, we believe that $80 million figure to be less than all inclusive.

As Air Force Secretary Robert C. Seamans, Jr., told the committee earlier this week, the $25 million would perhaps pay for the gasoline used in flying the planes.

What the Secretary neglected to mention are the costs for personnel, bombs, support facilities and personnel, replacement parts and losses of aircraft and crews during the bombing raids.

The cost of flying tactical aircraft is $6,600; the per-sortie cost of a B–52 is $30,000. During the period from January 27 to March 30 of this year, this Nation has sent 12,136 sorties over Cambodia.

Again, Secretary Seamans indicated the true cost of sustaining the Cambodia raids during the last 60 days of fiscal year 1973 would be closer to $170 million than the $25 million mentioned by Secretary Richardson.

I would like to bring to the attention of my colleagues part of the dialog which occurred during the Defense Appropriations Subcommittee hearings on May 8 when General Crow was asked to clarify the basis for estimating the cost of military operations in Cambodia for May and June 1973:

> Mr. ADDABBO. If the air operation in Cambodia continues for the remainder of fiscal year 1973 as in recent weeks, what will be the cost of operations in May and June?
>
> General CROW. The $26 million figure that I used, Mr. Addabbo, would be the out-of-pocket costs. That was not munitions consumed, for instance.
>
> Mr. ADDABBO. Does that take into consideration personnel costs, maintenance of bases, and so on?
>
> General CROW. No, sir; it does not.
>
> Mr. ADDABBO. It is just for the gas being used for the planes, is that correct?
>
> General CROW. And some miscellaneous support.

That marks the end of the quotation. It is abundantly clear, I believe, that the $25 million figure cited by Secretary Richardson has no connection with the reality of the Cambodia situation.

The various cost estimates for Cambodia operations become even less reliable when viewed against the history and experience of military costs during the first 4 months of 1973. During the same hearings in response to a question from Chairman MAHON, Lt. Gen. Duward L. Crow, Comptroller of the Air Force, told the subcommittee that—

> In the sense of total consumption, our utilization of munitions and costing, if you will, since the 1st of January through April 20, has been about $160 million.

At a minimum that experience indicates at least a cost of $40 million per month or at least $80 million for the 2-month period remaining until the end of the current fiscal year.

But we would emphasize that large as these amounts are, the money figure is less important than the congressional attitude toward the administration's bombing of Cambodia.

Despite the attempt of Secretary Richardson to minimize the impact of the amendment on its Cambodia policies in the media and, despite the protests that will be delivered on the floor, there is no doubt that the Pentagon would like to use congressional approval as—to quote Mr. Richardson again—"a vote to at least acquiesce in that activity."

The Secretary is totally aware, as were the many military witnesses who came before the committee, of the effect approval of the transfer request would have for the Cambodia policies: It would be congressional approval of the bombing at the very least and, at its most extreme, could be used as the rationale to introduce ground troops into Southeast Asia.

We do not seek to imply that the President has any intention of introducing ground troops into Southeast Asia. But we do strongly contend that the Congress, having learned the painful lesson of the Gulf of Tonkin Resolution, must not give the President a blank check to wage war without the express approval of the Congress.

Secretary Richardson has repeatedly stated, and you will hear it repeated on the floor, that to deny this transfer request would cause serious consequences for all aspects of the military, and would seriously weaken this Nation's defense posture during the months of May and June. But military witnesses before the subcommittee, perhaps more acquainted with bookkeeping procedures, have debunked that statement entirely. With some minor budget shuffling, the military could function until the end of the fiscal year.

And so we are left with the question of Cambodia, and a very sticky question it is.

On March 21, President Nixon sent his request to the House for the transfer authority, and with it came a letter from Roy Ash, Director of the Office of Management and Budget.

In his letter, Mr. Ash stated:



> This increase in transfer authority is necessary to provide the flexibility to transfer funds to meet requirements as they arise during the balance of the year.

On May 1, Mr. Ash appeared before our subcommittee, and I asked him if his letter meant that transfer funds could "be used by the President for introduction of ground troops in further expansion of the war?"

His answer was, and I quote directly:

> I am afraid as to that one that I will have to go back and do more homework before I can answer it out of my head. It sounds like fairly broad language as you have stated it.

I consider the request far more than "fairly broad language." I consider it a dangerous, unlimited request for authority all too reminiscent of the Gulf of Tonkin Resolution. It is most important at this particular time in our history that Congress establish clear limits on Presidential authority to repeat the mistakes of Vietnam, be they in Cambodia or anywhere else in the world.

We perhaps cannot stop the bombing, it is true, by adopting this amendment. The Pentagon has adequate funds available for that purpose, I am afraid. But we can express the intent of Congress to stop the bombing and stop the loss of American lives in Cambodia and Laos, and avoid providing the Pentagon with the blank check approval it wants to expand the bombing, or to carry the Cambodia campaign into a further escalation. We can avoid being the rubber stamp of legitimacy that the President has asked us to be.

In closing, I would remind the Members that the action we take here today is important symbolically as well as legislatively.

The integrity of the Congress is at stake, and I would urge the Members on both sides of the aisle to vote to retain Congressional independence by voting for my amendment. If the Congress is to be equal, it must be uncompromised.

Mr. CEDERBERG. Mr. Chairman, I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, our Labor-HEW portion of this bill totals $1.029 billion in new obligational authority. This is a reduction of some $135 million below the budget request of $1.164 billion.

Our committee disapproved the entire budget request for five Labor Department items, and recommended reductions in three HEW items. These disallowances and reduction totaled just short of $157 million.

We went above the budget request in only two places, for a total of $22 million. For all other items we recommended the budget request, so this leaves us $135 million below the budget.

LABOR DEPARTMENT—FIVE REDUCTIONS

With respect to the items of reduction, first, we found that collections for the Labor Department's extended unemployment compensation account will provide a $19 million surplus by June 30, making unnecessary the additional $74 million requested in the budget.

The budget proposed an extra $422,000 for the Labor Management Services Administration to cover part of the cost of supervising the United Mine Workers elections in 1972, but the committee felt that this could be covered by existing funds.

The budget requested another $1.2 million for the Bureau of Labor Statistics to experiment with weekly unemployment information collection, but the committee disapproved the request because it has been disallowed before, and because of doubt that the money could be used in the few weeks remaining of fiscal 1973.

An additional $40,000 requested for departmental management was disapproved because of a program increase of over $2 million available under the continuing resolution.

A $209,000 request for the foreign currency program was disapproved because we have questions about some of the proposed projects.

HEW—THREE REDUCTIONS

Of the three HEW reductions, two are in higher education.

The committee recommended $20 million for the special services in college, rather than the $26 million requested. This is a reduction of $6 million, but will still provide a 33-percent increase for the program over the fiscal 1972 level.

The amount recommended for strengthening developing institutions is also a reduction from the request, but will provide nearly a 45-percent increase for this program over the fiscal 1972 level.

The third reduction was for the new nutrition program for the elderly. The request was $100 million and we are recommending $50 million to be available to December 31, because we have only 2 months to go in this fiscal year. We expect to fund the full budget request of $100 million for fiscal 1974. This is really only a reduction on paper, and the $50 million is much more than sufficient to get the program off the ground.

TWO COMMITTEE INCREASES

We added money above the budget requests in two places. The first is an additional $10 million for language training and area studies, and this is still nearly $3 million below the 1972 level. The budget proposed phasing out this program, but would have done it so abruptly that it would have cut off students right in the middle of their programs and left the institutions hanging as well.

The second item is an additional $12 million to permit completion of Children's Hospital. We had this money in both the vetoed bills, but it could not be used under the continuing resolution.

RAILROAD RETIREMENT BOARD AND PAY COSTS

The one other change in the budget request does not affect the total obligational authority because it takes the form of a limitation on salaries and expenses for the Railroad Retirement Board. Because it is so late in the year, we recommended a reduction of $458,000 in the request of an additional $1,100,000 to be expended from the trust funds.

Then, we also considered estimates for increased pay costs, and our recommendations are discussed on page 51 of the report.

The other items in our portion of the bill are at the level of the budget requests, and are listed on pages 43 through 51 of the report, with the comparative table following.

The largest of these items, making up more than half the total of our part of the bill is "grants to States for public assistance," which is, of course, a mandatory item.

Also included is $77 million for reimbursement to the social security trust funds for costs incurred in the administration of the new Federal supplemental security program authorized by H.R. 1. This goes into effect in January of 1974.

Mr. CEDERBERG. Mr. Chairman, I have no further requests for time.

Mr. MAHON. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I support the Addabbo amendment. After action on the Addabbo amendment, whether it succeeds or fails, I intend to offer an amendment which will explicitly deal with the question of U.S. combat forces fighting in Cambodia. I feel that the Addabbo amendment deals with this implicitly, and I believe it should be dealt with explicitly.

My amendment, which will be read at that time, says:

> Provided that none of the funds herein authorized to be transferred by such Section 735 by the Department of Defense shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia by United States forces.

I feel this sharpens up the effect of the Addabbo amendment. My amendment will constitute a clear message from the Congress to the President that all bombing in Cambodia must stop. This will bring to an end this business that somehow our fighting in Southeast Asia has been justified by appropriations.

My amendment, I believe, will be a somewhat more precise instrument and will give greater precision to and sharpen up somewhat the impact of the Addabbo amendment. I therefore plan to offer it at that time.

I might point out that my amendment would not prevent our continued aid in the form of weapons or economic support for the non-Communist Cambodians. It would merely forbid the use of U.S. combat forces. That was the whole intent, we all thought, of the treaty Mr. Kissinger worked out; that is, there would be no more U.S. combat troops fighting and dying, but we would still be helping with weapons and economic aid to our allies over there.

We have tried, I believe, to adhere to the letter of this in South Vietnam, but in Cambodia we are violating it.

It is our job here as the Congress to tell the President he is no longer authorized, implicitly or explicitly.

I will offer my amendment after the Addabbo amendment has been dealt with.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, my 4½ years voting record in the House clearly reflects opposition to the U.S. involvement in Southeast Asia. That position was reached before coming

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to the House, when our national leadership proclaimed that we were not going to win the Vietnam war and that we were not there to win.

My votes today on the Addabbo and other amendments to the Second Supplemental Appropriations Act for fiscal year 1973 should not be interpreted as a deviation from that position of opposition to a war we should have never entered or continued.

In the first place, it is clear from the testimony before the Appropriations Committee and the debate here this afternoon that passage of the amendments will not stop the President from continuing the bombing in Cambodia. The requested transfer of funds is not necessary for the bombing to continue.

Second, and perhaps more importantly, the American Presidency is in a sad state of repair before the eyes of the world. The office of the President is sinking in the abysmal mire of the Watergate burglary and the extensive political espionage, sabotage, and camouflage surrounding it. The President and his assistant, Dr. Kissinger, will be in a few days attempting to negotiate the rest of our forces out of Cambodia and Southeast Asia. This at a time when the Presidency must have little credibility to the world leaders with whom the negotiations must be carried on. My votes today are votes to preserve the Presidency at a critical time in our history, and should be read in that light.

Mr. DIGGS. Mr. Chairman, I am deeply concerned that those sections of H.R. 7447 providing funds for the District of Columbia may establish a questionable relationship between revenue sharing funds and the Federal payment to this city. This 1973 supplemental appropriation's bill excludes $8.5 million in an authorized Federal payment to the District and requires instead that the city use revenue sharing funds which had been allocated to meet costs in the next fiscal year.

Historical records indicate that a specific Federal payment has been provided to the District of Columbia since the 1870's. The purpose of this payment is to cover those costs which the city accrues as a result of providing city services such as police and fire protection to the Federal Government. The payment in part also compensates the city for lost revenues due to the tax-exempt status of Federal property. Currently, 55 percent of all property in the District is tax-exempt. The Federal payment is thus a specific allocation designed to pay the Government's appropriate share of the costs of operating the District.

Under the Fiscal Assistance to States and Local Government Act passed by Congress last year, the District of Columbia receives a revenue sharing allotment of $24 million annually. As the legislative history behind this act shows, revenue sharing was not intended as a substitute for other forms of financial assistance. In fact, the act in section 107(b) specifically prohibits States from reducing payments to local jurisdictions because these jurisdictions receive revenue sharing.

The District of Columbia is the only jurisdiction in which revenue sharing funds are appropriated by Congress. If these funds can be used to reduce the Federal payments, this precedent ignores both the congressional intent behind the revenue sharing act and the special nature of the Federal payment. This becomes particularly critical if other special revenue sharing measures are adopted. I, therefore, urge that this matter be reexamined in light of both the congressional intent and fiscal soundness of this action.

Mr. EDWARDS of California. Mr. Chairman, today we are being asked to vote in favor of an appropriation which would give the Defense Department, and hence the President, our express consent for the continued bombing of Cambodia by American military forces. There are at least three compelling reasons for the House to refuse to grant this authority and to pass the Flynt-Addabbo-Giaimo amendment.

First, through the tragic and protracted experience of the war in Vietnam, we have learned the bitter lesson that such authority placed in the hands of the President becomes a tool that can build a full-scale conflict without a formal declaration of war by the Congress. While the approval of a particular provision of an appropriations bill may seem far different from a delegation of war-making powers, we know only too well that the real ability of the military to continue to conduct its bombing missions is dependent on their fiscal resources. The destruction we are wreaking in Cambodia, in approximately 240 bombing raids a day for the last month, is as costly to the United States as to the Cambodians. In addition, Mr. Richardson, the Secretary of Defense, has stated that failure to pass the Flynt-Addabbo-Giaimo amendment, cutting off funds for Cambodian activities, can be interpreted by the administration as congressional acquiescence to our activities there.

Second, there is no legal justification for our military involvement in Cambodia. As our formal commitments to Vietnam became increasingly hazy, our continued presence there was justified in terms of insuring the safe withdrawal of our troops and the return of our POW's. In Cambodia, however, neither of these justifications applies and the administration's statement charging that we are merely responding to Communist violations of agreements, never subject to congressional approval, are unsubstantiated in fact and legality.

Third, the citizens of this country have expressed their desire not to have the Government engage in active military support of a nation which is only remotely connected to the United States, which is itself torn by internal struggles we can only begin to understand, and in the name of "aid" which is actually moral as well as physical destruction. If the "mandate" Mr. Nixon received in November meant anything with respect to Vietnam, it was an overwhelming endorsement of efforts to extricate the United States from our entanglements in Southeast Asia, not a blank check for further activities.

I believe that it is imperative that we act now, in support of the Flynt-Addabbo-Giaimo amendment prohibiting the expenditure of supplemental appropriations for the bombing of Cambodia, to prevent repeating and compounding the tragic errors of the Vietnam War.

Mr. RARICK. Mr. Chairman, I have always been an outspoken supporter of a strong national security and an advocate of military preparedness. I have, as a Congressman, always supported the President in Vietnam, not necessarily because I felt his every decision was correct. Rather, I felt an obligation to stand beside American fighting men committed in combat.

There are no longer any American men in Cambodia. And I, for one, shall not vote for any blank check legislation that would risk the possibility of U.S. men being used in a military buildup for a political chess match.

To allow the transfer of funds by the Department of Defense for military operations in Cambodia could set the stage for such an escalation.

If this country is to reinvolve its military in armed conflict, it should be in a declared war with the goal of complete victory over the enemy. For the Congress to consider allowing further involvement in no-win conflicts is a violation of our oaths and the trust our people placed in us.

I support my country. I do not believe in just "going along" with the President.

In our Republic, if the people are to retain their voice in government, their voice must be heard. History is useless unless we profit from its lessons, and the lessons are evident from our involvement in Korea and in Vietnam. Continued involvement in Cambodia would compound error. Three wrongs, two wrongs, or one wrong simply do not make a right.

If the President insists on gaining the power to wage war, then he has the right to attempt to amend the U.S. Constitution. However, if he is to abide by the Constitution as it exists, then he must obtain any declaration of war from this body. Any such change should represent the voice of the people of this country.

Mr. Chairman, there is war-powers legislation pending in the House that would limit the President's assumed ability to commit American men and arms. I support this. It is the Congress that has the constitutional prerogative to wage war. These powers should not be surrendered to the Executive.

If this country were in danger from attack, I would not hesitate to cast my people's vote in favor of a declaration of war. This is clearly not the case in Cambodia. It is unconscionable to allow the President to involve us in another no-win conflict. I shall cast my people's vote to restoring the full constitutional powers to the Congress.

Mr. MAZZOLI. Mr. Chairman, although many of us never thought it would be necessary at this late date, the House today set a historic precedent by voting for the first time to deny funding for U.S. combat operations in Indochina.

While I, for one, have voted previously for similar measures to force an end to our participation in this tragic conflict—measures which did not prevail—I have, nevertheless, respected the prudent and cautious approach taken by a majority of my colleagues.



I think that we can all take pride in the fact that the House of Representatives, with its broad and diverse membership, is not a body which acts in haste, but is, in the fullest sense of the term, a truly deliberative body.

But with today's historic breakthrough—the clear majorities recorded in favor of denying the transfer of funding authority for the bombing in Cambodia, and the prohibition against funding of any combat activity, direct or indirect, in that area—I believe the House has clearly and eloquently expressed the will of the American people.

All of us are deeply thankful that our ground troops have been withdrawn from Indochina and that our prisoners of war, at long last, have been freed and returned to their homes. Yet, our aircraft and the men who fly them remain engaged in combat. U.S. planes continue to drop bombs in Indochina.

When I was at home during the Easter recess, Mr. Chairman, I visited among diverse student groups—of all age levels, from elementary school to university—in my district. And, unfailingly, they all asked me the same question:

I thought the war was over, why are we still dropping bombs?

To me, the great tragedy of the entire Vietnam war has been that there never has been a sufficiently clear answer to such questions. Certainly, there never has been a clear and straightforward mandate from Congress, the branch of government in which our Constitution vests the power to make war.

But on this historic day, thanks in large measure to your courageous leadership, Mr. Chairman, the House of Representatives has spoken with clarity—and, I pray it may also be with finality—on the question of U.S. involvement in the Indochina war. We have answered the question put to me by the students in my district. We have said that we believe the war, for us, is over.

Mr. RANDALL. Mr. Chairman, it is my intention to support the Addabbo-Flynt-Giaimo amendment to prevent the transfer of funds to underwrite the cost of continued Cambodian bombing. As I support this amendment and oppose the request of the administration for this authority by a transfer of $430 million in funds as provided for on page 6 of H.R. 7447 I am not cast in the role of a dove who has been fluttering around the past several years. I have supported the war. I had hoped that we would fight to win. I have supported the President without exception. As a matter of fact, I was one of that lonely little group of only 75 members who, in the Democratic caucus of January 2, 1973, before the new Congress was convened the following day, that voted against the resolution of that caucus to terminate the war by any and every means.

I stood fast then because I thought that we were engaged at a sensitive point of negotiations and the Congress should not at that point tie the hands of the President or those of Henry Kissinger.

But, on January 27, he, the President, and we, the Congress—yes, all of us—found a way out of the Vietnam morass that was, as it was put, by peace with honor.

Well, maybe we did not achieve complete peace and have not yet. But, the cease-fire did furnish us the vehicle to get out with honor.

We recovered our prisoners of war or at least many of them. The cease-fire enabled us to remove all of our ground forces. The last of our ground forces have long since left Vietnam soil.

It seems to me it would serve a useful purpose to pause for a moment and consider the potential consequences of the defeat of this amendment just as much as to ponder what would happen if the amendment should be adopted.

To begin with the State Department and the Pentagon justify the bombing not only on the grounds that the President is the Commander in Chief of the Armed Forces but that he is also empowered to make treaties. What is wrong with that argument, is that the State Department proceeds to point out with a straight face that such constitutional authority also gives the President the power to make the war and also to police the treaty that has been entered into. Well, certainly the cease-fire memorandum of agreement has never been asserted to be a treaty. It does not have the power of law or of treaty. And, there has been no move for congressional ratification of the treaty.

These arguments of the State Department would seem to signify double seizure of the power of the President and would seem to indicate some kind of power by the President after the troops have been removed at which point all American interest should cease.

Mr. Chairman, one of the gravest consequences of debating this amendment and then rejecting it is that it could then be interpreted as a new authorization by Congress for combat activity in Cambodia, Laos, or elsewhere. If the Addabbo-Flynt-Giaimo amendment should fail and be rejected then this would doubtless be interpreted as a new Gulf of Tonkin resolution.

Our attention today should really be centered more than ever upon the legalities of the situation. While I supported the military activities under the Gulf of Tonkin resolution, today, the bombing of Cambodia is totally unjustified and totally unconstitutional.

It is my considered judgment that the President may well be now in violation of the Anti-Deficiency Act for proceeding to spend money in Cambodia without authorization or appropriation. It would seem that what the administration really wants today is for the Congress to ratify the existing illegality and cure past conduct which has been nothing more or less than playing loose with congressional mandates. If we adopt this amendment today, we can then make the President or his emissaries come before the Congress. Maybe he can make a sufficient case for the bombing, but that has not yet been done. There has been no report made to Congress nor even a request for authorization for the bombing.

Mr. Chairman, there is no commitment to Cambodia. As we get ready to vote on this important amendment, let us each ask ourselves what possible advantage can this bombing add to our national security? For my own part, the Cambodian operation is not worth one more American life. This is the one chance, an excellent chance, for Congress to assert itself. If we do not do it now, we had just as well disband. Let us not defeat this amendment and follow the same pattern which got us into Vietnam.

Finally, if we start all over again, there may be no new prisoners of war. When a plane goes down over Cambodia, we may have to consider those airmen permanently lost, either dead or never accounted for. Should we continue the bombing operation and continue to lose pilots, it means we generate more prisoners of war and in turn have to justify going in with ground forces to recover these hostages which, of course, we should at all cost, just as we did before January 27.

Mr. Chairman, I have heretofore been one Member who supported the military activity in Vietnam all the way until I thought we were through on January 27, 1973. This year and in the years to follow, I shall continue to support a strong national defense and an adequate defense budget.

But now the issue today is that if we reject this amendment we vote for a new war. The real issue when all surpluses have been stripped away is that we should be determined not to start all over again. We are out. Let us stay out.

Mr. CLAY. Mr. Chairman, we have learned from Defense Secretary Richardson that U.S. bombing in Cambodia will continue even if Congress votes against the Pentagon request to transfer $430 million for aerial combat in Southeast Asia.

Are we to understand that President Nixon, as he has done so often in the past, will follow his own course of action in defiance of this Congress. I have not condoned Executive arrogance in the past and I will not do so now.

Congress must be vigilant in expressing its disapproval of intervention in any part of Indochina, and must monitor expenditures to assure that funds are no longer used to support military actions, or to benefit the political carcers of foreign dictators.

Mr. Richardson tells Congress to relax, we cannot prevent this bombing, but what Mr. Richardson does not say is that approval of these funds signals a congressional carte blanche for combat activities in all of Southeast Asia. I, for one, will not be a party to an implied "Gulf of Tonkin" resolution.

Congress must lead the way to reordering our priorities and reallocating our resources if we are to regain our constitutional role in this Government. We cannot allow the spending of billions of dollars for military adventures overseas while Americans go to bed hungry. Our first responsibility is to our own people and I intend to live up to that responsibility.

Mr. Chairman, I will cast my vote "no" against this continued "overseas insanity."

Mr. MAHON. Mr. Chairman, I have no further requests for time, and I ask that the Clerk read.

XUM

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MARKETING SERVICES

AGRICULTURAL MARKETING SERVICE

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be available for child feeding programs and nutritional programs authorized by law in the School Lunch Act and Child Nutrition Act, as amended, in the amount of $21,960,000 for the current fiscal year in addition to amounts heretofore provided for such purposes.

Mr. CHAPPELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred two Members are present, a quorum.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS

POINT OF ORDER

Mr. YATES. Mr. Chairman, I have a point of order against the language beginning at page 6, line 10 through line 12.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YATES. Mr. Chairman. I make a point of order against the language set forth in lines 10, 11, and 12, on page 6.

Article I, section 8, of the Constitution of the United States says:

The Congress shall have the power to declare war.

Congress has not declared war against Cambodia or Laos or against any other country in Southeast Asia for that matter. Congress has not given the President any authority to use the American Armed Forces in Cambodia and Laos. Nevertheless, on order of President Nixon, American military planes are bombing in both those countries. The appropriation contained in the transfer authority includes funds to continue the bombing of Cambodia and Laos. That appears in the report of the committee and in the testimony of the committee. This has been conceded by witnesses appearing before the committee, and Secretary of Defense Richardson again stated to the press yesterday that whether or not Congress approves the transfer authority, the bombing would continue.

Mr. Chairman, until April of 1973, when some American troops and prisoners of war were still in Vietnam, it was argued by the administration that President Nixon, as Commander in Chief of the Armed Forces, had the duty and the authority to take those measures that might be necessary to protect them. By April 1, 1973, the last American prisoner of war and the last of the American troops were out of Vietnam, and after that date, therefore, any justification that the President had for his actions in making war in Vietnam or in Cambodia or in Laos disappeared.

The Gulf of Tonkin resolution, upon which President Johnson relied for his congressional authority to send our forces to Vietnam, has long been repealed by the Congress. Today our Armed Forces are not being attacked in Cambodia or Laos, and yet American planes continue the bombing in Cambodia and Laos, although President Nixon has no constitutional authority from the Congress to do so.

Now, my argument, Mr. Chairman, will not relate to an interpretation by the Chair of the Constitution. I want to make that clear at this point.

Rule XXI, paragraph 2, of the Rules of the House says:

No appropriation shall be reported in any general appropriation bill for any expenditure not previously authorized by law.

Mr. Chairman, under that rule it is not enough that there be ordinary legislative authority which is required for other appropriations. It is not enough that there be ordinary legislative authority upon which to base an appropriation for American Armed Forces to engage in war.

There must be constitutional authority for that appropriation as well, namely, there must be congressional approval for American forces to engage in a war. Both authorizations are essential for that kind of appropriation.

Mr. Chairman, I am contending that there are two forms of legislative authorization that are essential for military appropriations which are to be used to carry on a war, as the bombing is in Cambodia and Laos. One is the ordinary legislative authorization, and the other, which is necessary, also, is a following of the constitutional mandate as well.

It will be argued, Mr. Chairman, what difference does that make? Points of order have been waived by rule approved by the House and granted by the Committee on Rules. That argument might be appropriate with respect the need for ordinary legislation which would authorize the use of that transfer of authority, but, as I pointed out, we have two forms of legislation. While that waiver of points of order might apply to ordinary legislation, it cannot apply to a waiver of the constitutional provisions, because the Committee on Rules cannot waive any constitutional provisions. The provisions of the Constitution cannot be waived by the Committee on Rules, because to hold otherwise would be to authorize any unconstitutional action by the House. This House cannot pass any rule of procedure that would vitiate or violate any provision of the Constitution.

For example, the House could not, under its power to make its own rules, pass one which eliminated the power of the Congress to declare war and grant it to the President.

In adopting the rule the House cannot take any action which results in abridging any provision of the Constitution because we will be violating our oath to support and defend the Constitution.

Mr. Chairman, article VI of the Constitution says that the Constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land.

That provision must control our actions. We cannot consider any language in a bill which appropriates funds for a purpose which violates a section of the Constitution.

Oh, I suppose we can say, Mr. Chairman, as did Congressman Timothy Campbell to President Cleveland when the President refused to sign a bill when he thought it was unconstitutional, he said:

But, Mr. President, what is the Constitution between friends?

Mr. Chairman, I say the rule granted by the Committee on Rules can waive points of order where lesser legislative actions are involved, but it cannot waive the mandated provisions of the Constitution.

So I repeat, Mr. Chairman—and I will make it perfectly clear—we have our duties under the Constitution. We must not vote funds for making war if in fact we have not approved the making of war.

I am asking the Chair for its ruling on two points. One, I ask the Chair to rule with respect to military appropriations which provide funds for American Armed Forces to engage in war under rule XXI, section 2, of the Rules of Procedure of the House of Representatives, which states there must be, as well as any other legislation authorizing such action, compliance with article I, section 8, of the U.S. Constitution, which requires the approval of the Congress for American Armed Forces to engage in that war; and, secondly, I am asking the Chair to rule that the requirements in article XI, section 8, cannot be waived by any rule of the Committee on Rules.

Mr. Chairman, with your ruling, if favorable, the language authorizing the transfer authority should be stricken.

The CHAIRMAN (Mr. BROOKS). Before the Chair will rule on this he will ask the Clerk to read the section on which the point of order was raised. The paragraph beginning on line 9.

The Clerk read as follows:

Section 735 of the Department of Defense Appropriation Act, 1973, is amended by deleting "$750,000,000" and inserting "$1,180,000,000" in lieu thereof.

Mr. MAHON. Mr. Chairman, I have listened, as I know the Chair has, to the point of order which has been extensively argued by the gentleman from Illinois. The Chair has just had the Clerk read to us the language of which the gentleman from Illinois complains which simply says:

Section 735 of the Department of Defense Appropriation Act, 1973, is amended by deleting "$750,000,000" and inserting "$1,180,000,000" in lieu thereof.

It is not unconstitutional, certainly, to transfer funds. And the rule provides for the transfer of funds. There has been no determination by the Supreme Court or any other body that this law providing for transfers is unconstitutional. Therefore I would insist that the point of order raised by the gentleman from Illinois (Mr. YATES) is inappropriate, and inapplicable, and should be overruled.

Mr. ECKHARDT. Mr. Chairman, I desire to be heard on the point of order.

Mr. Chairman, I should like to speak briefly in behalf of the point of order. As I see the question, rule XXI, clause 2 is linked with the constitutional requirement of the legislative positive action in order to sustain or to create a situation of war. Now, I believe that it would be the hollowest sham to merely state that this language has nothing to do with warmaking activities in Cambodia, in face of the language on page 23 of the report, where it is said flatly that—

During the hearings on this matter, it was testified that the Department of Defense had estimated that $6.2 billion would be required for support of the war in Southeast Asia in fiscal year 1973.

Now, recognizing, of course, that the Committee on Rules may waive points of order based solely on rule XXI, clause 2 so as to, in effort, eliminate the necessity of separate positive policy making legislation in the ordinary case, the Committee on Rules may not waive a constitutionally mandated procedural requirement for the making of war, and that requirement is inextricably linked with rule XXI, clause 2, and there is no way that they can be separated.

I am not arguing here that ultimately a court would decide the legislation is unconstitutional. I am not arguing the substantive constitutional point. I am arguing a procedural constitutional requirement, that is, the requirement of the Constitution that legislation accomplishing this objective be specific, and it cannot be so in an appropriations bill. I do not believe that the Committee on Rules can extricate those two points, and for this reason I rise in support of the point of order raised by the gentleman from Illinois (Mr. YATES).

The CHAIRMAN. Does the gentleman from Arizona (Mr. RHODES) desire to be heard on the point of order raised by the gentleman from Illinois (Mr. YATES)?

Mr. RHODES. I do very briefly, Mr. Chairman. Referring to the language of the specific section objected to—there is no indication on the face of this language that this money can be spent for any other than those provisions of section 735 to which it refers.

I submit to the Chair that the precedents of the House do not provide for the Chair or for any other Member to assume illegality when none appears on the face of the legislation under consideration, and therefore I ask that the Chair overrule the point of order.

The CHAIRMAN (Mr. BROOKS). The Chair is ready to rule.

The Chair has read the resolution, and the resolution adopted by the House under which this legislation is being considered says that—

All points of order against said bill for failure to comply with the provisions of clause 2 and clause 5 of rule XXI are hereby waived.

Under clause 2, which the Chair has read, the pending paragraph would be subject to a point of order, as legislation, were it not for this rule.

The Chair is not in a position, nor is it proper for the Chair to rule on the constitutionality of the language, or on the constitutionality or other effect of the action of the House in adopting the resolution of the Committee on Rules. In the head notes in the precedents of the House it very clearly states that it is not the duty of a chairman to construe the Constitution as it may affect proposed legislation, or to interpret the legality or effect of language; and the Chair therefore overrules the point of order raised by the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I want to make some comments on the ruling of the Chair with the thought that I may appeal from the ruling of the Chair.

The CHAIRMAN. The Chair has ruled. The gentleman is perfectly within his right to move to strike the last word, and he may proceed.

Mr. YATES. The point I make, Mr. Chairman, is that in the ruling that the Chair made on precedents, as I recall that ruling, it also says that while the Chair does not interpret the constitutionality of the provision, it leaves that for the House to decide. Is my memory correct on that?

The CHAIRMAN. The Chair believes that is correct in that the committee may later vote on the provision.

Mr. YATES. Mr. Chairman, while I believe the ruling to be not on the points I made I accept the ruling of the Chair. Let the House vote on the amendment which will be offered.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 6, strike out lines 9 through 12.

Mr. ADDABBO. Mr. Chairman, the import of my amendment is simple and has received wide discussion, so I shall not use all the time available to me.

But I would like to discuss once more, in the most basic terms possible, just how important the vote on this amendment is to the House.

The Defense Department, in asking for this transfer request, is seeking to have the Congress put the stamp of authority on its bombing raids in Cambodia. Nothing in the bill says this explicitly as you will undoubtedly hear as debate continues, but the message is there.

Secretary Richardson says that if we fail to pass my amendment, the meaning, insofar as the administration is concerned, is that the House of Representatives "acquiesces in the action being taken."

And the Secretary has also said that if we approve this amendment, then we will cripple our national defense posture, and cut off funds for all segments of the military establishment.

You have the right to believe what the Secretary says in the newspapers, or you have the right to believe conflicting testimony that was given in numerous appearances by the military before the Defense Appropriations Subcommittee hearings.

But, if you are willing to believe that the Pentagon will be out of money because we approve this amendment, if you are willing to believe that Army jeeps in Europe will be out of gas, or that jet planes in Southeast Asia can not fly, or that enlisted men would not receive their pay checks, then you deserve to be fooled.

It is abundantly clear that the military has enough available funds to last out the remaining 51 days of the fiscal year without any serious cutbacks in spending.

The Pentagon, therefore, is not asking for money as much as it asks our approval of their actions, and the flexibility to transfer money from one account to another as it desires.

We gave them $750 million in transfer authority when they had a recognizable need for it earlier this year—to withdraw our troops from Vietnam and return our prisoners of war. That period has passed. What the military now asks is for authority to spend money wherever and however they want in relationship to Cambodia. And that is where I and other members of this House have declared that the House of Representatives must not be made sponsors of a military action we did not authorize, nor have any control over.

We do not want to give the President a free hand to order military action without express approval of Congress. We do not want another American life lost in or over Cambodia; we do not want another Gulf of Tonkin resolution. We do not wish to appear to be condoning an action that could escalate America into still another Southeast Asia quagmire for political reasons.

I ask each Member here to seriously reflect on whether his constituents back home really want this Nation involved in another war in Southeast Asia. I think the answer is that they do not want that, and I do not think the House of Representatives wants to go on record as encouraging any move in that direction.

It is time, I believe, that Congress send a message downtown to the White House. And that message should be pure and simple and easy to understand. The message I would send would say, 'if you want to bomb Cambodia, you come to Congress and detail just why you feel impelled to do so. You tell us how you would spend the money, and where, and what you will accomplish by it. Then the House will decide yes or no on that explicit request. But there will be no more covert going-along, no hiding of war funds disguised as innocent budget transfers. The House of Representatives is reasserting itself as a coequal branch of Government."

Now, as discussion of this issue has progressed, there have been numerous suggestions on just how best to attack it. There have been numerous amendments suggested, and some of them will be offered later today, should the House decide to reject this amendment.

After intensive study, we have decided this is the best possible way to make the issue clear cut. It would eliminate the flexibility needed by the Pentagon to carry on the money shuffling necessary to the Cambodia operations. Other amendments sound more explicit than this one, but have the disadvantage of leaving loopholes for our military budget manipulators. I would therefore ask that any such amendments be withheld until the vote has been taken on my amendment.

I ask you to support my amendment striking out the entire section, any part of which would give right and consent to flexibility. We have the choice today to assert the authority of Congress as a coequal branch of Government, or we can back away from responsibility and leave the critical question of war and peace solely up to the President. I urge you to assert the authority of Congress by supporting my amendment.

Mr. Chairman, my amendment is simple. It strikes out the right of flexibility without future consent of Congress.



XUM

Why do I ask your support of my amendment?

Because Secretary Richardson said if we do not pass it: "it acquiesces in the action being taken;"

Because Secretary Richardson said they have funds to continue their actions;

Because General Ryan said Cambodia is not strategic to the defense of the United States;

Because General Crow and Secretary of the Air Force Seamans said they need this extension of flexibility;

Because the reason for this original flexibility has passed; our troops have been withdrawn and our POW's are back;

Because Director of the Office of Management and Budget Roy Ash admitted that this language in his letter of transmittal as to this provision sounded quite broad;

Because we do not want another American life lost in or over Cambodia or Southeast Asia having lost several since January;

Because we do not want another Gulf of Tonkin resolution;

Because we do not want to give a back-door stamp of approval in what this administration is doing and may wish to do in Cambodia and any other part of Southeast Asia;

Because we must assert direct congressional authority and again assume our role as spokesman of the American people and they want no more.

For these reasons I ask for your support of my amendment striking the entire section, any part of which would give right and consent to flexibility needed by the Pentagon to carry on the money shuffling necessary to continue Cambodia operations.

Mr. BELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know about the future in Vietnam and some of the problems. I do not know what the future may be, but I do know that one thing has occurred that is different this year from last year. We have a peace agreement today. For better or for worse, we have a peace agreement. We have something agreed to. We are now and have just completed a peace agreement between the warring factions in Laos. They have agreed. We have now or we are now working on, and have been working on, the possibility of some kind of agreement between the different factions in Cambodia.

There have been some shooting obviously. The North Vietnamese have become involved, and so on. But I would like to point out one thing. Last December President Nixon involved us in some bombing in North Vietnam, and he said at that time that we will bring these nations to the peace table, the North Vietnamese group. This was successful. We did bring them to the peace table and we did get a peace signed on January 27, 1973. The bombing there was much tougher than it is in Cambodia but we brought them to the peace table.

The Nixon-Kissinger concept was correct. It worked. I think it is correct again.

We are on the verge of possibly developing a peace agreement now in Vietnam. We are having trouble with it. It has gone askew in places and we are having some difficulty, but right at this particular time I say it is the wrong time to pull the rug out from under our peace negotiations. Right today Dr. Kissinger has just been in Russia, talking to them about the possibility of perhaps twisting some arms to bring about some kind of peace agreement between the North Vietnamese and the Cambodians. He is very shortly going to go to Paris where he is going to meet with Le Duc Tho. I ask: Is this the time for us to pull the rug out and to quit, to walk away? I do not think if we had a choice between walking away from Vietnam with no peace at all in Southeast Asia, or walking away with some manner of peace developed in Southeast Asia, there is a person here who would not vote overwhelmingly in favor of some form of peace.

I think we are in a position where we very well could be ruining any chance by telegraphing our punch by this vote today, and show that we are not going to back our attempt in Southeast Asia to bring peace.

I want to make another point which I think is involved here. I think the issue of respect is involved. We have a problem when we make agreements and we always have a problem when we make agreements, but are we going to say that anybody at any time can break an agreement with the United States with no problem? Next week it might be Venezuela or the next time it might be Nicaragua, or it might be any nation, and perhaps the next time it will be Japan or any nation we deal with. Can they break our agreements without any problem?

I think it is necessary to make a little larger effort. It is important that we walk that extra step to try to make these agreements stick. I think we have some kind of obligation to ourselves and as a country to demand respect throughout the world, and to walk that extra little step to bring about peace.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. BELL was allowed to proceed for 3 additional minutes.)

Mr. BELL. Mr. Chairman, I think we have to recognize that in foreign policy we as a nation have to deal through strength. We cannot deal through weakness and make it work, and we cannot deal through weakness and be respected as a nation, which will be able to deal with Russia and with Red China and with all the problems in this world. We have to deal through strength.

Second, I think we have to give our Executive a certain amount of flexibility. If we do not, it becomes obvious that the 535 Members of the House and Senate cannot possibly run our foreign policy. We have to give a certain amount of leeway to the Executive.

I would like to point out one other thing. Israel is probably, of the little nations, one of the most highly regarded and respected nations in the world today. Why is that? Because she demands respect; she deals through strength. She deals through her executives who have a certain amount of flexibility and ability to move with rapidity.

This is the kind of thing which has made Israel demand from the world the respect she has today.

The best example: She makes those agreements lived up to. Lebanon today is fighting the Palestineans and trying to bring order to them. Why? Because Israel has made them realize that they must do this in order to live up to agreements.

My friends, I think one of the important things we must remember is that we are at this particular time in a position to bring peace to South East Asia. I think it would, by a little additional pressure, be a sad mistake, Mr. Chairman, for us at this particular time to pull the rug out from our negotiators.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I believe we can agree with the gentleman that we would not want in any way to thwart the President's efforts at peace, but if the President wants to enforce a peace treaty by going to war, why can he not abide by the provisions of our Federal Constitution and come to the Congress and ask the Congress to declare war first? If his cause is just, certainly the Congress will support him.

Mr. BELL. Mr. Chairman, the answer to the question the gentleman asks is obvious. This is a continuing situation that occurred and has been going on since the Tonkin Gulf resolution. I recognize also that the Tonkin Gulf resolution has been repealed, but the same basis upon which we have conducted the operation in Vietnam is continuing. The President is suggesting something that I think we have to recognize. We have to give the peace of South Vietnam a little opportunity to work. Dr. Kissinger is in Paris now, or very soon will be. I think it would be a sad moment for us to pull the rug out.

Mr. GIAIMO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just listened attentively to the debate, and it reminds me of an old song I have known so many years: "It seems to me I have heard that song before."

Remember how many times we have heard:

"The light at the end of the tunnel.

"Don't disturb the situation. We are in a very critical moment right now in Paris, Moscow and so forth."

Mr. Chairman, you do not have an old dove talking here in the well right now. I supported this war in Vietnam. I have supported it for years, to my sorrow, because I at long last realized it was a mistake. At long last I finally recognized the utter futility of it.

We got out finally, thanks to the great efforts of the President. We have no ground troops there fighting in Vietnam, or combat aerial forces.

Now, suddenly we are involved in bombing Cambodia, 12,000 sorties to date. We are bombing in a nation where I defy anyone in this Chamber to even describe to me the nature and characteristics and beliefs of the competing forces in Cambodia. We can hardly pronounce the name of the capitol of Cambodia.

Yet, we say, "Oh, yes, but, the other side is backed by the Communists and armed by them."



Sure, they are. And the other group is being backed and armed by the United States, so where are we? We have gotten out of Southeast Asia; let us stay out.

But there is something much more important at stake here. That is whether this Congress is going to reassert its prerogatives and exercise the functions and the duties which it owes to the American people. Do the Members know what is involved in this simple little three-sentence language? It does not mention Cambodia, although the hearings will tell you that $150 million of this money has already been spent for bombing in Cambodia. It does not really talk about money at all.

What they want is a stamp of approval from the Congress after the fact for what they have already done—for what they have already done.

They want an increased transfer authority for funds, some of which have already been transferred. They say to us, "If you do not grant this to us you are going to jeopardize our Armed Forces, because we will run out of money before the end of the fiscal year."

That is because the Defense Department has already taken that money out of other appropriations of the Defense Department and used it for bombing in Cambodia, when they had no mandate from Congress to do so.

Even worse than that, they came to the committee and they said, "We want transfer authority for $500 million, and we cannot tell you right now what we want it for. Give it to us in a blank check and we will come up at a later date and we will justify to you what we needed the money for."

I ask the Members: Is this the role the Founding Fathers had in mind for Congress? Have we become so impotent and so stupid and so uncaring that we no longer exercise our prerogatives under the Constitution, that we no longer say to an executive agency when it comes up here asking for money—and bear in mind the only real power the Congress has is the power of the purse—"What do you need this money for and what do you want this money for?" Do we hand it to them? Do we put a stamp of approval on acts which they have already taken during the months of January, February, March, and April in Cambodia? Do we blindly ratify their actions?

If we grant them what they want today, we are approving, after the fact, what they have already done in Cambodia.

They say, "But you must do that, because otherwise you are going to jeopardize the safety of our Armed Forces."

That is not so. If we need $500 million for our Armed Forces to last them to the end of the fiscal year, let them come up and tell us why they need it and where they need it. Let them also say, "Yes, we will stop the bombing. We will not use these funds or any other funds for bombing."

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. GIAIMO was allowed to proceed for 2 additional minutes.)

Mr. GIAIMO. Mr. Chairman, I assure the Members that this House will see to it that the Armed Forces do not suffer in Europe or in the Mediterranean or in the continental United States or anywhere. What we want is the termination of the bombing in Cambodia.

Second, we recognize that if they do not get this transfer authority—what they want now is not so much money, but permission—they will find themselves in violation of the Anti-deficiency Act, because they have to date spent this money improperly and they now want us by the passage of this language to ratify what they have done so that they will not be in violation of the Anti-deficiency Act.

We have to get our hands on the control of many of these executive branch agencies which have been playing fast and loose with congressional mandates. Today is one of the most critical opportunities to vote for a reassertion of congressional power, congressional privilege and congressional prerogatives in areas which are rightfully the concern and jurisdiction of the Congress.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Illinois.

Mr. YATES. The attitude of the framers of the Constitution on this point were expressed by Thomas Jefferson in a letter to James Madison, in which he wrote:

> We have already given . . . one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

It was Congress, not the Executive, which was to determine the question of of war or peace.

Mr. GIAIMO. I plead with the Members to compel the executive branch to come up before the Congress and at least tell us what they need the money for and where they plan to use it. I am sure we will exercise prudence and see that the American people do not suffer. Do not, please do not, give up any more of Congress power. We have done so to a great degree already.

Do not give up the little power that we have left and just rubberstamp their actions. Vote down the Defense Department's request for this additional transfer authority.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. SIKES was allowed to proceed for 3 additional minutes.)

Mr. SIKES. Mr. Chairman, I shall support the Stratton amendment if it is offered. I oppose all others.

Everyone wants us out of Indochina. There is nothing new about that. The significant thing is this is the first administration in 10 years which has made real progress toward getting us out of Indochina. This is a plus in the eyes of the American people, and do not overlook this fact.

We are getting out of Indochina. This appropriation will help to complete the job. That is what it is for—to help complete the job of getting us out of Indochina. It does not mean we are getting involved in another ground war there. There are no U.S. troops there to get involved. None are being sent back.

If the Communists had respected the agreement on a cease-fire, there would be no need for this transfer authority. The Communists are testing us; testing us in Cambodia, in Laos, in South Vietnam. They are testing us again at the conference table. They want to see how far they can push us. This amendment would play into their hands. It could paralyze our effectiveness.

We have had to take emergency measures to prevent a Communist takeover in Cambodia. The revolutionists there are Communist controlled, Communist trained, Communist equipped, and Communist led. Do not let anyone kid you about this. Cambodia's port provides the only direct supply route to South Vietnam. That is another reason the Communists want Cambodia. American bombing has prevented a takeover.

This is transfer authority only, not an additional appropriation. All money available for transfer has been obligated or earmarked for reprograming funds requested. It will not be used unless it is essential. The request has been cut by committee from $500 million to $430 million, a decrease of 14 percent. This will make available funds for emergency requirements worldwide, not just in Cambodia, not just in Indochina—worldwide. It is for training and operations. Pay and food for military forces is not the key to their effectiveness. It is training and operations that make them effective fighting forces. The money is needed in the Mediterranean. There are quite a number of people in the House who have an interest in a strong American presence in the Mediterranean. Would you like to have it said the Congress voted against maintaining a strong American presence in the Mediterranean? The money is needed in Europe, in the continental United States, as well as in Indochina. The amendment would require a drawdown of war reserves. It would be injurious to the state of readiness of our military forces worldwide.

Secretary Richardson made it clear in his testimony to the Senate on May 7 that only about $25 million of this money would be used in Cambodia for the remainder of the fiscal year—$25 million. The House committee clerks estimated the amount to be $26 million. No one is trying to pull the wool over your eyes. Yet you are seeking to strike all of the funds in the transfer authority to stop an expenditure of $25 million.

This is not a matter of regaining control of the budget. It is a matter of directing control of the budget in a responsible way. Again, we are getting out of Indochina. We are making progress. Do not tie the hands of the administration and the Pentagon at this late date. Do not play into the hands of the Communists. Do not quit now. We are almost out. Do not repudiate the key negotiations which are soon to be in progress. Approval of this amendment can be interpreted as a declaration to the world that Congress wants the United States to stand aside in Indochina—an invitation to the Communists to help themselves.

Do not forget the POW's. They came back uncomplaining, still believing in America. Do not let them down. America believes in the POW's.

I have been listening to expressions of

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public sentiment for 40 years. I represent half a million people. I can count on the fingers of my hands the letters I have had against transfer authority. Be sure that you know who you are listening to before you vote.

Mr. STRATTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to read just a portion from the Evans and Novak column that appeared this morning in the Washington Post:

Cambodian independence from Hanoi is maintained only by U.S. bombing, which Congress now threatens to end.

This is a report from Phom Penh:

Turning Cambodia into a satellite of North Vietnam would threaten all the blood and treasure invested by the United States in South Vietnam.

And one third quotation:

Cambodia's civil war is a Hanoi export; no true political insurgency had taken root among the easy-going Cambodians.

Mr. Chairman, I have talked to a number of Members on the floor today and yesterday in connection with this legislation. There are a lot of Members who are troubled about it. They read the papers and say "Is this not a new Gulf of Tonkin resolution and likely to get us into a new war and then into another Vietnam?"

There is a very simple answer to that question that I think most Members are aware of, but perhaps some of the new Members are not. Cambodia is not another new war; this is the same old war. We are not on the verge of starting a new war. We are trying to wind up the old war in Vietnam which we have been trying for 7 or 8 years to wind up.

The fact of the matter is that what is going on in Cambodia today is an attempt to achieve a cease-fire in Cambodia just as we succeeded in achieving one in South Vietnam and later achieving one in Laos.

Some people say "Well, it has taken a long time. It has taken a long time to get an agreement to end the war in Vietnam." Actually, many Members of this House did not think you could get any agreement on any basis other than surrender and giving control over South Vietnam to the North Vietnamese; but the President and Dr. Kissinger were in fact able to work out an agreement which made it possible to get our POW's back and at the same time allow the South Vietnamese Government an opportunity to defend itself.

And I think the bombing which took place in December—in spite of all the hue and cry—we will all admit today and the prisoners of war have borne this out too helped greatly to achieve that cease-fire.

I had the privilege on the day after the announcement that the cease-fire agreement was signed to go to the White House and hear both Dr. Kissinger and the President outline the terms of this agreement. It made very brief reference to what was going to happen in Cambodia and Laos except to say that all foreign forces should be withdrawn. But they did tell us that there had been an understanding with the Russians and the Chinese and after all they are the ones who really leaned on their clients and thus made this cease-fire agreement possible—and also with the North Vietnamese, that once the South Vietnamese cease-fire was completed there would later follow a cease-fire in Laos and then later there would be a cease-fire in Cambodia.

And Dr. Kissinger told us very frankly that it would be a little tougher to get a cease-fire in Cambodia because the situation is a little bit more complicated there. Until these other cease-fire agreements are signed it was understood that military operations would continue on both sides.

Anybody who is familiar with the situation in Vietnam that we have been concerned with for so many years knows perfectly well that unless you get a cease-fire in Laos and Cambodia you are not going to have a real cease-fire in Vietnam.

So what has been going on since the 23d of January in Cambodia has been an effort to wind up the whole Vietnam affair because if we cannot wind it all as a whole, then the cease-fire in Vietnam is likely to fall apart.

So all we need, it seems to me, is the patience to allow the new talks that have been underway in Moscow, and will shortly get underway in Paris between Dr. Kissinger and Le Duc Tho to continue and to give these officials one more chance to let this cease-fire be achieved in Cambodia. We all want peace, of course, but it is always a difficult thing to achieve, and it was an especially difficult thing to achieve in Vietnam. All we need to do now, as I see it, is to stick it out for 6 weeks more to give Dr. Kissinger and Le Duc Tho one more opportunity to achieve a peace in Cambodia, because if we do not achieve peace there we may lose all we have fought to salvage in Vietnam.

That is all there is to it; that is all that is involved here.

We here in Congress cannot negotiate between these principals. A lot of people wanted the Congress last year to negotiate the release of our prisoners. Well, you just cannot negotiate from this Chamber, and the gentleman from Missouri (Mr. BOLLING) pointed out very eloquently the last time we had this Vietnam matter under consideration, that we in the Congress simply cannot negotiate the release of the prisoners. And neither can we negotiate a cease-fire. So, let us permit the principals to have a further go at it, and let them have one more chance—at least until the end of the fiscal year. Let it not be that we here in the Congress are responsible for doing anything that people later might point their fingers at us and say that it was this Congress that lost the one real chance of a genuine cease-fire in Indochina.

Mr. CEDERBERG. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

(By unanimous consent, Mr. CEDERBERG was allowed to proceed for five additional minutes.)

Mr. CEDERBERG. Mr. Chairman, I rise in opposition to the Addabbo amendment, and I rise in opposition to the amendment that will be offered by my colleague, the gentleman from Maryland (Mr. LONG).

Mr. Chairman, I think it would be appropriate at this time to review some of the things that have brought us to where we are, and also some of the activities that have taken place in this country since World War II.

I have had the opportunity to serve in this body under four great Presidents, two Republicans and two Democrats. I did not have the opportunity to serve under President Truman. I came here just as he was leaving office. But I think we can all recall that after World War II we were faced with some very serious decisions in the free world. We were being pressed by the Soviet Union at that time, and this Congress in its wisdom adopted the Marshall plan, which provided a stabilized Europe, to the credit of the Congress of the United States and that President.

Then, after that, we were pressed again by the Soviet Union, in Berlin, and you will recall that President Truman met the issue with the Berlin airlift, and he was supported by the Members of the Congress.

Then the Members will recall the disastrous situation between South Korea and North Korea, who were supported by the Chinese and the Russians, and President Truman took some forthright action under the guidance of the United Nations to correct that situation.

I wonder what would have happened if a forthright and courageous President had not taken these actions.

I came to the Congress at the time President Eisenhower took office and there were several actions taken during that time. I recall waking up one morning when our troops had landed in Lebanon. There was no time to discuss it with the Congress. They were there for 2 days, and that situation was cleared up, and the people got the message.

All of these activities were to the credit of a great President.

Then came President John F. Kennedy, and you will recall the Cuban missile crisis where he stood up to Mr. Khrushchev, and to his great credit, met that challenge.

I recall being at the residence of the Ambassador in Vienna a year or so ago, and in that residence there is a plaque where President John F. Kennedy met with Premier Khrushchev, and he did not back down one bit. This is what the Communists have understood over the years.

Then came President Johnson. He had some very trying and difficult times, and it is tragic to say that so many of those times were caused by some of the people on this side of the aisle. I recall very well his decision to take our troops into the Dominican Republic. That did not last long either, but we can see what the results could have been if some of those strong actions had not been taken.

Then I recall so well—and I have stood in this well myself as a member of the opposition party—supporting President Johnson in his desire to bring about peace in Vietnam. I have never served with a President of either party who did not have a firm and committed dedication to bringing about the kind of a peace that he thought was right. It was a tragedy for me to see him leave as a broken man because of some of the activities that took place in this country and some of the speeches made right here on the floor of the House.

I remember our distinguished Speaker, majority leader at that time, standing here in the well of the House and pleading with us to stand with the President in this trying time to try to bring about a recognition that South Vietnam was important, not as South Vietnam, but in the confrontation between free people and those of the Soviet Union and others. Had it not been for this kind of affirmative action, I do not believe that it would have been possible for President Nixon to have made his breakthroughs with the Soviet Union or with the Peoples Republic of China.

Having had these negotiations, our troops are home, and our POW's are home. Unfortunately, our missing in action have not yet been accounted for—and I think that is something we ought to recognize. Here we are in the last inning of this ball game, and it seems to me that the least we can do is to approve this transfer authority at this time. Certainly no one wants anything but a conclusion of this matter.

I say to the Members what we are talking about here today goes far beyond Cambodia. It reaches right into our relations with the Peoples Republic of China and our ability to negotiate from strength with the people in the Soviet Union. I think it would be a most serious mistake to deny this transfer authority.

May I say to the Members—some of the Members—do not forget even if we get this conflict settled in Indochina, we are going to have other problems in test areas, and some of this may come right in the Middle East. I will see some of the Members walking right down this aisle when that happens—and the Members know what I am talking about. I will be there with them, too, because I think it would be the right thing to do.

We talk about the end of the tunnel. I think we are at the end of the tunnel, and I am not about to close it out.

I hope, first, the Members will strike down the Addabbo amendment, and I am confident they will. The transfer authority is needed to meet costs of dollar devaluation in all areas of the world, and to meet the increased costs that have occurred in the operation and maintenance accounts of the Department of Defense. I cannot understand why anybody would support the Addabbo amendment. I can understand how the Members might be concerned about the situation in Cambodia, but I think if we review what has happened since World War II we will understand where we want to go in the future. I think if we take the action of voting down these amendments, it will long be remembered as a courageous act in behalf of the free people of the United States and future generations to follow us.

Mr. FLYNT. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent Mr. FLYNT was allowed to proceed for 5 additional minutes.)

Mr. FLYNT. Mr. Chairman, it is not an easy matter to rise and oppose this transfer authority. Normally it would be a reasonable request that this House might grant. It is also difficult not to agree in substance and in form with the remarks of those who have opposed this amendment including but not limited to the gentleman from Florida (Mr. SIKES) and the gentleman from Michigan (Mr. CEDERBERG).

As a matter of fact, though some of us who support this amendment gave long and serious consideration to limiting lines, to placing a limitation on this transfer authority, but we decided against that because the money that is appropriated for the purposes intended here is not appropriated in this second supplemental appropriation bill. It was appropriated in the Department of Defense appropriation bill for the fiscal year 1973.

What the language in this bill does, and it is very simple, is increase the transfer authority by $500 million. The amendment would strike it for the simple reason that a large part of this money—at one time the testimony was very clear that most of this money—would be used in support operations by the U.S. Air Force in Southeast Asia and especially over Cambodia.

Let us look at the record for a moment. On Thursday, the 12th of April, 1973, the Subcommittee on the Department of Defense of the Committee on Appropriations met to consider this transfer request. The principal witness at that time was the Acting Comptroller of the Department of Defense. That meeting was chaired by the gentleman from Florida (Mr. SIKES). After the introduction of the subject matter to be discussed, the communication from the President and the letter from the Director of the OMB were both placed in the record. Let us see what this record shows. Beginning on page 585, we see the subheading "Southeast Asia Costs." On page 586 there is a table headed "Analysis of Fiscal Year 1973 Southeast Asia Funding Status." Then on page 587 there appears, "Analysis of Fiscal Year 1973 Southeast Asia Incremental Costs." Also on page 587 there is a subheading which shows "Possible Additional Southeast Asia Costs." Beginning on page 588 there appears this subtitle, "Need For Additional $500 Million," which refers very clearly to Southeast Asia and Cambodia.

Also on page 588 we have the subtitle "Cambodia Costs." Then on page 589 we have a heading "Effect of Section 737," and that of course refers to Cambodia and Laos. On page 590 there is a subtitle, "Cost of Bombing in Cambodia." On page 591 we have the title, "Cost of Supplying Cambodia." Also on page 591 we have the subtitles "Costs in Support of Cambodia" and "Transfer Authority Already Used in Support of Southeast Asia," and so on down through page 607.

The purpose was very clear that the request for this transfer authority was to continue the war with Cambodia and to obtain congressional approval for what had already been done and to request a blank check authorization and underwriting of everything that would be done over Cambodia in the future.

Mr. Chairman, this reminds us very much of the Gulf of Tonkin resolution that this House and the other body adopted a great many years ago, which laid the predicate and the foundation and the groundwork for the most tragic war in this Nation's history.

Like all of us who were here then, I voted for the Tonkin Gulf resolution, and I have regretted it almost since the very day that I voted for it.

When I face the Supreme Judge of the Universe, I shall ask Him for mercy and to forgive me for voting for the Tonkin Gulf resolution. I hope that the spirits of the 50,000 Americans who have been killed in Southeast Asia will not serve on the jury which tries that case.

Mr. Chairman, this is a blank check authority. This language amounts to a request for a congressional approval and granting of the authority to the administration to continue this war and to come back and ask for more money in the future if they think that it is necessary to do it.

Like many other Members, I was very much in hopes that the peace treaty of the 27th of January, 1973, would bring an end to the war in Southeast Asia. I think that by the action of adopting this amendment which we are discussing now, we can bring this war to a close.

I think that to reject this amendment would be to start the war all over again.

Already we have had four U.S. aircraft shot down, and this is not classified information. It was given in a public hearing before our subcommittee. There has been one OV 10 plane shot down, one Air Force plane shot down, one A–7 shot down, and one EC 47 shot down. Those four planes were manned by crews aggregating 11 U.S. Air Force servicemen. Of those 11, nine are believed to have been killed in action and two are believed to be missing in action. We do not know where they are.

Mr. Chairman, the law of averages dictates that if this combat flying and aerial operation over Cambodia continues, there will be more U.S. aircraft shot down. Eventually, some of these crewmen who successfully eject from some of these aircraft are going to be captured. Whether they are captured by Cambodian Communists or whether they are captured by North Vietnamese Communists makes very little difference, because if they are captured, the POW issue starts all over again.

Mr. Chairman, once the POW issue is raised again because we have American prisoners of war in Southeast Asian prison camps, the only alternative that this country is going to have is to reintroduce ground troops to rescue them as we did before.

Mr. Chairman, God forbid that that might happen again. I somehow feel that the question here is very clear. I have an idea, whether this resolution is adopted or whether it is rejected, there may be other amendments offered subsequent to that time. But, let there be no mistakes about the issue on this one.

The issue on this one is whether we want to stop or whether we want to continue and renew military operations in combat in and over Southeast Asia.

This whole thing has been going on



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since the Air Force operations over Cambodia started. It reminds us very much of the history of the last 10 years, the tragic history of the last 10 years when Congress, in effect, gave blind approval or support to the executive branch to conduct combat operations in a war which Americans did not want and which they have demonstrated time and time again they did not want and do not want.

Mr. Chairman, in addition to that this is a time when the Congress can, if it will regain some congressional control over the future and the destiny of the United States. I feel very strongly, that in order to do this, in order to prevent a reopening not only of air warfare but of ground warfare as well, that it is necessary for the House this afternoon to adopt the amendment to strike.

Mr. Chairman, I think that I can give to the House the assurance; I believe very strongly that I can give assurance that if this amendment prevails today and if this language is stricken and the House of Representatives rejects granting the President the authority to continue the war in Southeast Asia, then upon an appropriate request the Committee on Appropriations and the House will subsequently in another supplemental give to the President all of the transfer authority that he needs in order to carry out every purpose contained in this request, except that for continuing or renewing the war in Southeast Asia.

Mr. WYMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as one member of the Defense Subcommittee who has taken a turn full flock on this question and reluctantly rises in opposition to the Addabbo amendment, I thought it might help in this discussion to outline briefly a few of the reasons I oppose the amendment.

There is no question that a portion of the funds for which transfer authority is sought in this bill will be applied to U.S. military operations in Cambodia. Whether the figure is $5 or $25 million or $400 million, the problem of implied congressional sanction is directly before us.

The current fiscal year ends the last day of next month and it is only until the last day of next month to which the requested transfer authority is applicable.

Meanwhile, negotiations are presently under way with the North Vietnamese, seeking to implement the general commitments of the cease-fire agreement. These included specifically the undertaking by North Vietnam to disengage from Cambodia, which it has not done.

Implicit in the current situation is military and diplomatic opinion that without U.S. air support Communist forces would overthrow a friendly Cambodian Government, outflank South Vietnam, and reestablish the former port of Sihanoukville as a port of entry for the Communist supply line.

There is no denying that a vote by this Congress today to deny funding for continued U.S. air operations over Cambodia for the next 6 weeks at least would amount to telling North Vietnam and the world that, as far as the United States is concerned, they can continue to break the cease-fire agreement and that the United States is prohibited from military response. The effect of such a congressional pronouncement on the negotiations seeking to persuade North Vietnam to abide by its agreement would be fatal and this should be understood by those who support this cutoff at this time.

If the negotiations succeed—as we hope and pray they will—fine. They will have no chance to succeed if Congress today directs that U.S. military hands be tied, with or without an agreement. For this reason, then, it can be fairly concluded that this is not the right time to vote such a cutoff.

We are all aware and increasingly concerned that the situation in Southeast Asia has dragged on and on and appears to be a morass into which continued U.S. military involvement only mires down in muck, monsoons, and muddling. The risks of reincarnation of a prisoner-of-war issue are inherent in every U.S. overflight. The disenchantment of the American people and of Members of Congress, of which I am one, with continued U.S. military involvement in Southeast Asia is patent and understandable.

Should the present negotiations fail, the question of continued U.S. involvement will recur on July 1 and at that time it is possible that a majority of the Congress will then expressly prohibit further U.S. involvement. Surely the opportunity will be afforded. But, for the next few weeks, that decision should be deferred in view of the chance and the hope that negotiations to end the fighting in Cambodia will be successful.

With due respect and considerable personal affinity for the position of those of my colleagues who long to stop U.S. military action in Southeast Asia by unilateral command of the Congress, I respectfully urge that this decision be deferred until after the 1st of July.

If this transfer authority is voted with that explicit understanding, I sincerely believe it to be in the overall best interests of the United States.

Mr. Chairman, I urge the defeat of the pending amendment.

If transfer authority is voted with the explicit understanding that a cut-off is possible after July 1, I sincerely believe that it will be in the overall best interests of the United States.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I have just one question. If after 2 months have expired the negotiations are continuing, would the gentleman thereafter vote in favor of additional funds to support combat activities in Southeast Asia?

Mr. WYMAN. I would say in response to the question of the gentleman that I would have to meet that issue at that time, and I would have to then determine whether some special consideration made continuation of the U.S. participation essential to the national security at that time.

Mr. Chairman, I think we must sooner or later arrive at the end of this involvement over there. I favor an end to our involvement. If it is not ended by the executive branch I think the Congress should end it, but I think at this moment, with the precise situation that prevails at this hour, in view of the negotiations that are underway, that for the next few weeks we ought to let the negotiations continue without denying such leverage to our negotiators and see what develops.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield further if I have time.

Mr. EVANS of Colorado. Mr. Chairman, the gentleman has stated that he is in favor of hanging on for a few more weeks, so apparently he would have us believe the North Vietnamese would be impressed by a few more weeks' involvement by this country, and I cannot accept the logic of that.

Mr. WYMAN. Mr. Chairman, if the gentleman implies that the Congress should cut military assistance off on July 1, I have stated that is a possibility. Perhaps we ought not to now say that will happen, and I am not saying that at this time, because it would be self-defeating at the negotiating table.

But there is no question that it is a distinct possibility. Our involvement in Southeast Asia must be ended at some point. The question is when is it in our best interests to do this? I do not believe this moment is opportune.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Giaimo-Addabbo-Flynt amendment.

I think that this is a Gulf of Tonkin-type resolution, because we have found in the past that the courts have determined that this Congress, while having the power to declare war, can declare war indirectly by appropriating and authorizing funds for clandestine operations around the world, and that is exactly what happened in Southeast Asia.

Now, here we are on a new issue, that of Cambodia, and I think that we have to understand a little bit just exactly what is involved in the fighting over there, and with that in mind, we have had before my committee, the Committee on Armed Services, a 19-question inquiry which addressed itself to exactly what was the level of activity over there and what was being accomplished and what was and what is the order of battle in that little country near Vietnam.

Mr. Chairman, the information we got was rather astounding, because we found out that although the casualty level in this little country has been about a thousand of the enemy being killed in the 3-month periods both before and after the peace settlement January 27, and, therefore, relatively static, the sorties have increased from 2,986 in the 3 months before the peace to 18,200 in the 3 months after the negotiated peace with honor subsequent to that time, but the casualty level remains exactly the same.

We find that instead of the 15,000 tons of bombs dropped in the 3 months from October until the peace at the end of January, there have been dropped more than 82,837 tons of bombs since the peace was negotiated out there.

Now, in case these numbers seem befuddling, just keep this in mind: The KIA, the death casualty rate in Cambodia, today is about 7 to 10 a day. The number of 250-pound bombs that the Department of Defense has indicated they are dropping in Vietnam is between 3,500 and 4,000 bombs per day. These are 250-pound bombs.

Now, if the Members think this kind of an operation makes sense, why, I think we will just have to reassess our method of conducting warfare.

Ironically, we bomb in Cambodia where a few people a day are casualties, yet in Vietnam where theoretically a peace prevails, the loss rate is over 100 a day and we see no reason to bomb.

You can talk about respect for agreements and respect for the Executive and about pulling the rug out from under Dr. Kissinger, but I think they know pretty well what is going on. The Department of Defense told us there are only 8,000 North Vietnamese and Vietcong combat advisers in Cambodia today, and in the area where all of the activity is going on around Phnom Penh there are only 1,300 North Vietnamese and Communist advisers. This huge force is supporting 35,000 indigenous Cambodian Communists who are opposed by 180,000 soldiers of the Lon Nol government. We have spent a quarter of a billion dollars in 3 months or at a rate of $1 billion a year, let me say these are the figures that were delivered to our committee.

That is the way it starts. That is the way Vietnam started. This is not a trailing down or the end of the tunnel but really is the start of a new tunnel. I think if article I, section 8 means what it says, that the Congress has the power to declare war, then I think we have to show some guts in Congress; we have to go ahead and declare ourselves.

I salute the gentlemen on the subcommittee for picking up this issue. This is just exactly the way we get sucked into international conflicts.

There has been some testimony and talk about the fact that we need to provide for our fleet in the Mediterranean and you cannot vote for the Addabbo amendment lest we destroy the Navy. Well, Mel Laird said the reason why our Navy is destroyed today, the reason why it is second best, is because of the fact that we have spent just too much money in Vietnam today.

Mr. Chairman, every day that I pick up the newspaper and read of our continuing involvement in Indochina, I have this sickening feeling that I have seen this all before.

About 10 years ago we were told that our intervention was necessary in order to prevent the collapse of all of our allies in Asia; a few years after that the justification changed to the protection of South Vietnam's right of self-determination; and then we were told that we need to stay in so that we can protect our POW's and the withdrawal of our troops.

Well, our troops have been withdrawn and the POW's have been returned, yet the fighting continues.

Secretary of Defense, Elliot Richardson, tells us that the bombing of Cambodia is necessary in order to clean up a "messy corner" of the world. I agree with him; Cambodia is a "messy corner of the world" that needs to be cleaned up—but not by us. We have given the Lon Nol regime all that anyone could reasonably expect over the last 2 years. If after all of our aid his regime still needs 60 B–52 raids and 180 fighter-bomber sorties a day to stay alive, then I have serious doubts whether the Lon Nol government will ever be able to stand on its own two feet without massive U.S. support.

Eighteen years ago the United States unnecessarily intervened in the internal affairs of Southeast Asia. Today, after 10 years of direct U.S. military involvement, and the loss of more than 55,000 American lives, we are on the verge of yet another unnecessary and potentially costly intervention in Indochina.

During the month of April two staff members of the Senate Subcommittee on U.S. Security Agreements and Commitments Abroad reviewed the war situation in Cambodia and reported, contrary to the pronouncements of the White House and the State Department, that a cease-fire is not imminent in Cambodia, and that the massive bombing of Vietnam during the war there has been transferred to Cambodia in a mad effort to do for the Camabodians what they cannot do for themselves.

Several points in this report are noteworthy:

First. The Foreign Relations Committee staff reported that—

> During the first two and one-half weeks in April, the distribution of air strikes was no longer 80 percent against the North Vietnamese and their lines of supply into South Vietnam and 20 percent against the Khmer insurgent forces fighting Cambodian government troops but close to the reverse as far as B–52 strikes were concerned with a heavy preponderance of tactical air strikes also devoted to helping Cambodian forces rather than to attacking North Vietnamese and Viet Cong units and supply routes.

Second. The U.S. Embassy in Phnom Penh, in an apparent violation of congressionally passed amendments that limit American personnel involvement in Cambodia, has played an important role in U.S. air operations over Cambodia. Mr. James Lowenstein and Mr. Richard Moose of the committee reported that the Embassy is used as a communications relay point, as an on-the-spot coordination of forward air control planes and strike aircraft, and as a screener of Cambodian and 7th Air Force requests for strikes except in eastern Cambodia. These findings have been corroborated by the Defense Department in hearings before my House Armed Services Committee.

Third. the maps being used by the U.S. Embassy in plotting air strikes were several years old and the Embassy did not have current photography on proposed target areas which would permit the identification of new or relocated villages.

Fourth. The committee staff found, "widespread doubt on the part of experienced observers in Phnom Penh that even continued American air support and a reorganization of the Lon Nol government to include opposition leaders would arrest the government's decline. It was our impression that most Cambodians felt that it was now beyond the government's ability to do more than get out of the war and that, indeed, they had no other choice. There was, however, no indication that the Khmer insurgents—as they are now called in official U.S. terminology—and their North Vietnamese supporters were interestd in a cease-fire. In fact, it was not even clear, to either American or Cambodian officials, with which individuals on the other side a cease-fire could be discussed or on what conditions the insurgents would insist."

Mr. Chairman, the report of the Senate Foreign Relations Committee is very discouraging, for it indicates how very little we have learned in the last 10 years. Here we are, 18 years after the signing of the Geneva Accords, 10 years after the assasination of Diem, 8 years after the Gulf of Tonkin resolution, 6 years after the My Lai massacre, and 3 years after the Cambodian "incursion"—bombing again in Cambodia.

This time the administration is going to be hard-pressed to sell the American public a justification for the latest escalation. This is not to say that they have not tried.

Secretary of State William Rogers has alleged that the justification for the bombing in Cambodia lies in article 20 of the January 27 peace agreement. That article required the withdrawal of all foreign armed forces from Laos and Cambodia and obligated the parties to refrain from using the territory of Cambodia and Laos to encroach on the sovereignty and security of other countries, to respect the neutrality of Cambodia and Laos and to avoid any interference in the internal affairs of those two countries.

It is true that the North Vietnamese have combat troops and advisers in Cambodia, but it is not true that this involvement amounts to a violation of the January 27 peace agreement. In a briefing paper entitled "Interpretation of the Agreement on Ending the War and Restoring Peace in Vietnam," the State Department argued that foreign combat activities, ours as well as that of the North Vietnamese, are not affected by the agreement "until such time as cease-fires and foreign troop withdrawals are arranged in those two countries."

The State Department briefing further argued that article 20 "was carefully drafted, however, to avoid stating a time or period of time for the implementation of these obligations, and it was clearly understood that they would be implemented as soon as cease-fire and troop withdrawal agreements could be worked out in Laos and Cambodia."

The obligation to withdraw foreign forces from Laos and Cambodia is stated in article 20(b) of the agreement. However, by the State Department's own admission, "this obligation constitutes an agreement in principle and no time is stated for it to become an effective obligation."

The State Department paper concludes its discussion of article 20 and states that—

> The provisions of Article 20(b) should be understood as agreements in principles which the United States and the DRV would endeavor to see were included in cease-fire or





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other settlement agreements in Laos and Cambodia. Only when such agreements are concluded will the obligation to withdraw become operational.

So, if article 20 cannot be used as a justification for the bombing, what can? Various administration spokesmen have attempted to argue that the President, as Commander in Chief, can wage the war in Cambodia under the same authority that he used to wage it in Vietnam for 10 years, but this is clearly not so. We have no defense treaty with Cambodia as we had with South Vietnam, the Gulf of Tonkin resolution has been repealed, and there are no more American combat troops to protect during their withdrawal from Indochina.

The President, then, is engaged in a massive bombing campaign, costing the taxpayers nearly $3 million per day and endangering the lives of American servicemen, without any legal authority to do so.

The Defense Department states, of course, that the bombing is needed in order to hasten a cease-fire in Cambodia. If things continue as they are we could be hastening a cease-fire in Cambodia for years to come. The fact of the matter is that the Khmer insurgents have Lon Nol on the ropes. They are not expected to sign a cease-fire or end hostilities against the Khmer government before the end of the dry season, if ever.

Secretary Rogers' statement that, "U.S. air strikes in Cambodia do not represent a commitment by the United States to the defense of Cambodia . . ." simply does not square with the findings of the Senate committee. The bombing in Cambodia has undergone a dramatic shift over the last few months, from the interdiction of North Vietnamese supply routes leading into South Vietnam to the support of Cambodian forces in and around Phnom Penh. This shift can only be interpreted as an effort by the administration to intervene in what is essentially a civil war between various factions of the Cambodian society.

One of the most disturbing aspects of the renewed bombing in Cambodia is the conspicuous lack of congressional input into the decisions of the Government. Once again the United States has embarked on an important new policy stance in Indochina, and the Congress is nowhere to be found. This is not to say that the administration is not going to attempt to establish congressional complicity.

This week the House considers the Department of Defense supplemental appropriations bill. This bill calls for an increase of $430 million in transfer authority for the Pentagon, a part of which is to be used to finance the bombing in Southeast Asia.

Past court decisions have declared that approval of funds for the war is tantamount to legislative approval of the war. This passage of the supplemental transfer authority would grant the President legal authority for the first time since the peace agreement to continue the bombing. It is clear that those groups that have argued that the supplemental bill reads like another Gulf of Tonkin resolution are not far off the mark.

The war is escalating, not deescalating. Since the peace agreement the United States has flown 21,000 sorties over Cambodia and Laos, and has dropped nearly 146,000 tons of bombs on those two countries. Compare these figures to the corresponding period before the signing of the agreement on January 27. Between October 30, 1972, and January 27, 1973, the United States flew only 11,000 sorties over Cambodia and Laos and dropped 50,000 tons of bombs.

Something is very interesting here. In the first 3 months of the President's "peace with honor" the United States has increased, not decreased, its military activity in Cambodia and Laos.

At this point in the RECORD I would like to insert for the benefit of my colleagues a recent Washington Evening Star column by Milton Viorst entitled "Congress and the War: A Choice."

Mr. Viorst points out that Congress has always had the power to end the war—the power to withhold warmaking funds. In the past the Congress has been reluctant to take this drastic action because they did not want to let down "the boys in Indochina or abandon our POW's in North Vietnam." As Columnist Viorst argues:

There are now no more American boys in Indochina and the POW's are home.

The article follows:

CONGRESS AND WAR: A CHOICE

It is strange that Congress may now be making its most important moves on the Indochina war, three months after the President's announcement that it was over.

For a decade, Congress did nothing about the war but talk. Legislatively, the House all but ignored it. The Senate passed some vague resolutions of opposition. Nothing that was enacted had the clear-cut force of law.

The President paid no attention to anything said on the Hill, dismissed the resolution as meaningless and declared that if anything forceful was passed, he would veto it. Officially, the leadership of both houses wrung their hands and moaned, "What can we do?"

During this entire period, however, it was apparent that there was one power the President could not suppress—the power to appropriate war-making funds. If Congress didn't vote the money, the President couldn't fight the war.

But when asked why they didn't use this power, congressional leaders responded that they couldn't let down the boys in Indochina or abandon our POWs in North Vietnam. Well, there are now no more American boys in Indochina and the POWs are home.

The war, however, goes on. In Cambodia, American bombers continue to drop mountains of explosives in support of a corrupt government. And the President emits ominous warnings that we might return to Vietnam itself.

Indeed, while the rest of the world seemed to take the peace agreement as a clever device for extricating the United States from a corner of the world where it never should have been, the President appears to regard it as hard collateral guaranteeing the perpetuation of pro-American governments in South Vietnam, Cambodia and Laos.

It was to guarantee such governments that we became involved in Indochina in the first place.

Against this background—and in the unspoken context of a President weakened by the Watergate—the Defense Department has come to Congress for authority to transfer $500 million currently in various other parts of its budget into its Indochina war account. Specifically, it needs the money to bomb Cambodia.

Last week, the House Appropriations Committee approved the transfer. Appropriations, the most conservative committee in the House has always supported the war. The astonishing thing is that 14 members voted against the transfer.

Spearheading the dissent were three Democrats, none of whom has been conspicuously identified with the anti-war movement before. They were Reps. John Flynt, a Georgia Dixiecrat, and two Northern moderates, Robert Giaimo of Connecticut and Joseph Addabbo of New York.

Even more significant than their dissent was the decision of the Democratic Policy and Steering Committee, which has become, under the new House reforms, the chief voice of the majority party on questions of policy.

The committee voted to reject the transfer authority by a vote of 18 to 3. Voting with the majority were not only Speaker Albert, who likes to avoid controversy, but such long-time outspoken hawks as Reps. Richard Bolling of Missouri and Mel Price of Illinois.

The shift of such critical House members is an index of how the atmosphere has changed on Capitol Hill. It indicates that the anti-war forces can reasonably expect 180 Democrats or more (out of 245) to vote later this week against the transfer authority.

Facing that kind of margin, President Nixon will have to get virtually every Republican vote in the House to win. Since Watergate, it is not at all clear he can do it. And even if he squeaks by, he will find tougher opposition in the Senate.

Make no mistake: This is a very crucial matter. If Congress approves the transfer, it will be giving its sanction to the continuation of the Indochina war. The vote will be much more explicit than the Tonkin Gulf resolution of 1965.

If Congress rejects the transfer, the President will be in a dilemma of exquisite clarity. He will have gone to Congress and been turned down. He will have nothing to veto. He will be free to blame Congress if he stops the bombing. But if he doesn't, he will be in indisputable violation of law.

Congress never before has had such an opportunity to declare itself on the Indochina war. This is the time for it to cut bait—or openly join Nixon in going after the fish.

Mr. O'NEILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many times in the past I have taken this well to speak out against the war in Vietnam. There are those who said I was the first of the so-called establishment to break with Johnson, who was my close personal friend, and that is probably true. I only did so after a complete study.

During that study I talked to generals, admirals, Assistant Secretaries of State, and members of the CIA who were advocating the policy of the Johnson administration at that time. In the course of the conversations with them they told me they were opposed to the policy that was going on at that time.

After a sincere and deep study I could not in conscience any longer be a hawk, so I changed to a dove. In fact, in early 1966 it was not easy to do, regardless of what area a person came from, because 85 percent of the people in my district in those days were following along with Mr. Johnson.

However, as time went on I was more pleased with the action that I took. I was true to myself, and knew that I had taken the right action in behalf of my country.

As we have looked at the war—a war which divided the Nation, a war in which



55,000 Americans were killed—and I think the figure is 303,000 wounded and 25,000 amputees—we saw home after home broken up in a division of opinion and a Nation torn apart by this war.

There was a total appropriated through the years of $150 billion to $160 billion. It is going to cost us $200 billion for the hospitalization program and for the educational program for those who served in Vietnam; $200 billion we lost by inflation in this country. This war has cost us over half a trillion dollars.

This is a war which I cannot justify in conscience no matter how I would try. This is a civil war. Why were we in there at the outset? Regardless of whom the blame is laid upon, I could not justify it from the time I made the sincere study early in 1966, and I cannot justify it today.

What are we doing there? I remember the Gulf of Tonkin resolution and, oh, how I said to myself so many times since then I wish had that vote back.

I look at Cambodia today.

Early in the year, we were led to believe the war was going to be over, the prisoners were going to be home, and we were going to get an accurate record of those missing in action through what they call the treaty in late January. And the truth of the matter is that Mr. Nol of Cambodia appointed a half cabinet of Communists and half a cabinet of his own party.

Now we find ourselves engulfed in what could be another war.

Mr. Chairman, I deplore the infusion of U.S. aerial operations into the Cambodian conflict by the arbitrary decision of the executive branch of this Government, and what is being done now in the way of bombing missions based upon the most dubious of constitutional grounds. U.S. funds are being spent and American lives are being risked for these purposes which are without any sanctions whatsoever from this Congress.

I oppose unequivocally the administration's request that this questionable operation be cloaked with legitimacy by the transference of defense funds under a supplemental appropriation bill for financing the bombing of Cambodia. Such action, if approved here today by the Congress of the United States, could be interpreted as a backdoor endorsement of the President's policies in Cambodia.

I think it is another Tonkin Gulf resolution.

I think we should steer clear of North Vietnam in Cambodia, and bring to a close our further military commitments in Cambodia and to bring to an end the conflict in which we have already been engaged at a cost of hundreds of millions of dollars, and at the further risk every day of the accumulation of new casualties and more prisoners of war.

Mr. Chairman, I urge the adoption of the amendment that has been offered by the gentleman from New York (Mr. ADDABBO).

Finally, Mr. Chairman, let me say that I urge that the President of the United States reconsider forthwith the course over which the executive branch has unilaterally embarked in Cambodia. In my view, Mr. Chairman, one Vietnam is one too many. The Nation wants no part of another in Cambodia.

Mr. RUTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not have a long record to tell you about, and apologize for some of the votes I have had, but I would like to tell you some of the things that EARL RUTH has observed since he has been here.

Ever since I have been in Congress we have been involved in Southeast Asia, and ever since we have had a Constitution the President of the United States was the Commander in Chief of our Armed Forces, but periodically over the time that I have been here we have always had an amendment come before this group, an amendment that said:

World, we do not really approve of the way our Commander in Chief is handling this conflict, or the situation in Southeast Asia, and we want to let you know that we are going to tell the world we do not approve it by changing the appropriations or not appropriating any money for this effort. We just want to let you know we do not approve what the President is doing.

And fortunately those amendments did not pass, and our President did continue to be our Commander in Chief, and he did have the appropriations. And while I am not sure that it pleased everybody, he got a cease-fire, and he got our prisoners back, and in spite of all those amendments with which we tried to tie his hands.

Now, Mr. Chairman, we are in the midst of negotiations in a situation where our Commander in Chief has brought about a cease-fire, and does have us on the brink of getting us out of Southeast Asia. For us now to vote for this amendment is to send the world the message again, and say:

World, the Congress of the United States does not stand behind those people who are negotiating for us.

And if some of the Members represent people who want them to vote that way, then I as a citizen of the United States fail to understand it.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hesitated to say anything today because, obviously, words are not going to sway too many of us. Most of us have made up our minds, but I would merely take the well today so I could be in the full presence of this House to say that, as chairman of the Committee on Armed Services, a good majority of the Committee on Armed Services will vote against this amendment today. I do not say that at the direction of the Committee on Armed Services, but as a result of having canvassed our committee members informally. I must report in all fairness and justice to the Members that perhaps there will be one or two votes more against the committee's position than we usually have in the Committee on Armed Services, but we can spare those.

A substantial majority of the Committee on Armed Services will be standing with the committee.

I best can express how I personally feel by associating myself with my dear friend, the gentleman from Florida (Mr. SIKES) and the gentleman from Michigan (Mr. CEDERBERG) and the gentleman who just preceded me (Mr. RUTH). Perhaps the only thing I could say now would be a repetition of what they said, so I associate myself with them.

I am compelled and constrained to do this to keep the record straight. Minor as it may be, and as unintentional as it probably was, my very, very good friend, the gentleman from Georgia, told the Members that planes, as I understood it, were shot down—and I repeat those words "shot down." Since he had the well and the floor, I have had the record examined, and nowhere in the testimony before the Committee on Armed Services, after full and complete examination, was the word "shot" used by the witness of the Department of Defense at that time. Yes, some planes were missing—as a particular one, the A-7—through mechanical failure. We knew it. There was absolutely no evidence in the testimony otherwise, and, Mr. Chairman, the Members know very well I did every thing I could to get the facts to them. I put them in the RECORD yesterday. This morning they had the complete hearing, and nowhere in that complete hearing is there an indication that there is a prisoner of war. Two people are missing.

Regarding planes, no evidence was given to the committee that any were "shot down."

Let us move on from there. Not one bit of testimony was given—and I am recalling the testimony from memory—which said there are SAM sites in Cambodia. The testimony was negative; that is, there are no SAM sites in Cambodia.

As to the crux of the situation—and I want to say this to my friend, the gentleman from Massachusetts, and those who are apologizing today for having voted for the Tonkin resolution, Mr. Chairman, I stand here and do not apologize for having voted for the Tonkin resolution. If it were up today under the same conditions and the same circumstances, as I did then, I would vote for it again.

Now we come into that vast gap and vacuum and difference in what we face today. I was one of those who was duped and misled when I voted for that resolution. I thought we were fighting to win a war, and when I realized that we were not fighting to win the war—that the people who were calling the shots were sending our people over to Vietnam with their hands tied behind their backs—I then regretted that I had voted for the Tonkin resolution.

But what do we face here today? We have the record of duplicity on the part of previous administrations who talked victory and fought not to win. Here today we have an administration that talked and did come out with peace with honor.

Now if we had fought the Bay of Tonkin resolution instead of adopting it, if we had fought the bombing of Vietnam, those 45,000 who died up to last Christmas would not have died. We could have won if we had fought to win and we would not have a Cambodia today. I will stand with the man who ended the conflict in Vietnam, and I will stand with him on the fullest implementation of article 20 of the agreement.

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The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(On request of Mr. ADDABBO, and by unanimous consent, Mr. HÉBERT was allowed to proceed for 1 additional minute.)

Mr. ADDABBO. Mr. Chairman, will the gentleman yield for purposes of clarification?

Mr. HÉBERT. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, this is for purposes of clarification. Perhaps it was not said before the Armed Services Committee but it was before the Subcommittee on Defense of the Committee on Appropriations when we had General Ryan of the Air Force and we had this series of questions and answers:

Mr. ADDABBO. What has happened to the 3 U.S. air crewmen shot down over Cambodia?

GENERAL RYAN. The OV-10 pilot is dead. We have never found the crash site of the F-4E.

Mr. ADDABBO. Have any other U.S. aircraft been lost?

General RYAN. Yes, sir. An A-7, from which we recovered the pilot.

Mr. ADDABBO. Is that the only one?

General RYAN. Over Cambodia.

Mr. ADDABBO. Have you any missing-in-action right now in Cambodia?

General RYAN. Not to my knowledge. We have the two from the F-4E.

Mr. ADDABBO. Other than those two.

General RYAN. That is right. They are in Cambodia. We have never gotten a picture of the crash site.

Mr. FLYNT. Have any others been shot down over other parts of Southeast Asia?

General RYAN. Since when?

Mr. FLYNT. Since January 27.

General RYAN. Yes. I think we lost an EC-47 in Laos.

Mr. ADDABBO. What happened to the crew on that?

General RYAN. I am pulling this from my memory. I think they were killed in action or missing in action.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. HÉBERT was allowed to proceed for 2 additional minutes.)

Mr. HÉBERT. I am delighted that the gentleman from New York read the quotations from the testimony at which I was not privileged to be present. The gentleman will note that the word "shot" was used by the member of the committee and not in the testimony of General Ryan.

Mr. ADDABBO. But it was not refuted by General Ryan.

Mr. HÉBERT. But the words were put in his mouth, and the gentleman knows as well as I know that when one has a witness he can twist the witness around. The gentleman knows that as well as I do. I say there is no evidence at all, and I repeat it, and those who scream the loudest now cannot show me where one member of the military or of the Defense Department has said there was a plane shot down.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, it has been pointed out by the general that two men were killed. Are they any less dead because the general said it or the interrogating Member of Congress said it?

Mr. HÉBERT. The gentleman has served with me on the committee. Any interrogator, honest as he may be, but also diligent as he is, can put words in the mouth of the witness, and if that witness is not astute enough he will shake his head or nod his head and not play on the semantics of the moment. The gentleman knows that as well as I do.

I believe I have answered that position, so I just want to say this. I return to what I originally said when I stood here in the presence of the Members, physically and vocally, voicing what I know to be the majority opinion of the Committee on Armed Services of this body, and it will vote against the amendment and will stand by the effort to end this meaningless, senseless war which has gone on far too long. And with that I agree.

Mr. RHODES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, believe it or not I do not intend to talk very much about Cambodia because I do not think Cambodia is the issue in this amendment. I think it will be the issue in the amendment which the gentleman from Maryland will offer, if this amendment is defeated. I will oppose that amendment too. The issue here is whether or not we will allow the Department of Defense to transfer $500 million, which was originally appropriated in the last regular appropriation bill, from procurement accounts to the operation and maintenance and military personnel accounts.

If the Congress in its wisdom decides not to authorize such a transfer, these will be the effects:

It will be necessary for the Secretary of Defense to immediately begin to balance his accounts so that those accounts will be balanced by the end of the fiscal year. He has admittedly been spending at a deficiency rate, $250 million of the money which he seeks to transfer has already been obligated.

It has been necessary to obligate because of the fact that we have had devaluation of the dollar; and because of the fact that we have had an increase in the cost of living which has been reflected in the subsistence account of the Armed Services. Those are the facts.

This amendment, which would strike the whole transfer authority, would cause the Secretary of Defense to begin immediately to spend at a much lower rate than he now is.

What would be the effect? Possibly, there would be some reduction of effort in the Cambodian area; possibly not. Very likely, if Cambodian operations are as high in priority as I think they are, they would continue.

Where would the effect be felt? It would be felt in the steaming time of the Sixth Fleet; it would be felt in the flying hours of the Air Force around the world, it would be felt in the recruitment of personnel coming into the Armed Services to take the places of those who are leaving, it would be felt in the transfers of military personnel. As a matter of fact, it would result in a general stand down of the armed services of the United States around the world for the next 6 weeks.

This is no way to operate. I can imagine people who feel strongly about Cambodia voting for the amendment of the gentleman from Maryland. I will not do so, because I feel that the President of the United States is asking only for a 6 weeks vote of confidence, and therefore we should give it to him.

Later, if it is necessary for the Congress to end this engagement, we should do so with an effective vehicle; not with one which is defective such as this one is.

However, that is not the case here. The gentleman from New York, my good friend, has in my opinion offered an amendment which would completely gut the armed services of the United States. With all due respect to him, I ask that the Members of the House vote down overwhelmingly the Addabbo amendment.

Cambodia is not the issue. The issue is the efficacy, the efficiency of the armed services of the United States.

Mr. MOSS. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I have listened with a sense of disbelief. I have just heard again the statement that what we do here, or what we intend in the event of adoption of this amendment, means nothing.

In other words, we are told, we are given a warning that the President of the United States would in utter and complete disregard of the expressed will of this Congress act contrary to that will. We are without voice or effect. If that is a fact, it is a shocking indictment of this body as a House of Representatives of a free people.

We have, as one Member indicated in his earlier support, "the same old war around." He said it goes back 10 years. It is the same old war that has been around as a remnant of World War II.

Unless we act decisively to stop it, we will have that same old war around in another decade.

Mark my word, what I say is true and every Member of this House who has taken the time to study the facts of the involvement knows that has been the truth.

This war is not new. The faces are not new. The issues are not new. We are dealing with what is in every sense a continuing civil conflict between hostile people, hostile between themselves.

In many ways we are dealing in a family affair, and I believe that involvement by an outsider in family affairs rarely if ever settles the dispute.

It is time that we speak out clearly, taking the first opportunity to arise to say, "No, we are not again ready to start on another circle of futility."

That is what we are being invited into, the launching of another trip around the circle.

Someone has already said, "What about our missing in action?" I gather, inferentially, we ought to keep forces there until all MIA's are accounted for. Then, in the process, we could start generating some more prisoners of war. Then, in response to the demands of our conscience, we are going to have to act to extricate the new POW's. Then we will be back in an involvement which is not ended. There is no promise of it ending.



The only way it will be brought to a termination is for this House to exercise its responsibility. The framers of our Constitution acted with great wisdom in giving to the Congress the sole and exclusive power to declare war, hoping that through the process of debate—debate that does not go on in the privacy of the executive department—we would examine all facets, we would know fully what we were doing and what the extent of the commitment of the Nation was.

Here we are, a nation deeply divided, a nation examining critical needs for supplies of raw materials rapidly becoming a "have not" nation, a nation with great imbalance in trade because we have committed our resources to nonproductive activities. These forces do exist, and they indict every one of us who has supinely sat here and voted for continuation on the plea that this is not the moment to disturb things.

Let me say this is the moment for this House to act.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. CHAPPELL. Mr. Chairman, I rise in opposition to the Addabbo amendment.

This body today faces a vote of critical importance to U.S. efforts to bring about a cease-fire and reasonable peace in Southeast Asia. But of even more importance, this vote today will be a signal to the Kremlin, Peking, and Hanoi as to whether or not the Congress of the United States intends to demand compliance with treaty agreements reached with other nations.

Opponents of the transfer authority under consideration would have us believe we are voting on giving the President blanket authority to conduct war at any time and at any place he sees fit. Nothing could be further from the truth.

The President already has the authority to take such actions as are necessary to bring about a cease-fire in Southeast Asia. At one time it appeared that concentrated bombing had achieved that goal. Following the bombing last December, the Communists began to talk in earnest and the Paris Accord was signed.

Article 20 of that accord called for all parties to remove combat troops from Laos and Cambodia and cease all military operations in those countries. The United States complied. The Communists did not. Instead, they launched a country-wide military operation clearly aimed at capturing the government and enslaving the people of Cambodia. At that point, the United States again resumed bombing but limited to military targets in Cambodia, Laos, and South Vietnam.

The matter under consideration before this Congress will have no impact on the present Cambodian situation. Regardless of the vote today, the United States will continue to stand by the Paris Accord provisions.

But the vote is critical in that it is being interpreted by some as a test on whether this Congress will back the President in his desire for a cease-fire in Cambodia such as that already achieved in Laos and South Vietnam.

The fact is, this vote has a bearing on military positions in Asia, but it has greater impact on our military posture elsewhere in the world. Denial of the transfer authority will bring about a curtailment of military forces, reductions in procurements, reduced training, a sharp reduction in required patrols by the Air Force and Navy, and it will result in a dangerously low level of readiness for at least 2 months.

Opponents of this measure say little of that. Instead they insist we are voting here on what amounts to another Tonkin resolution. This is an injustice to the Congress, but having said it so many times the opponents now have forced us to deal with the transfer authority on those terms.

So be it. The fact is, we are trying desperately to bring about a cease-fire in Cambodia. Dr. Kissinger later this month will meet with the North Vietnamese to discuss this very point. If this Congress, by virtue of this vote, tells the Communists the President has no backing and that Dr. Kissinger is speaking from a position of weakness, chances of reaching an accord are greatly diminished.

Let us not undermine this final effort to bring about cease-fire by casting a vote against this measure. It will have no impact on what takes place in Cambodia. It will only be a clear signal to our enemies that we do not really care what they do in the world and that agreements they reach with us really do not have to be carried out.

This would be a disastrous course for the Congress to suggest. I cannot believe there are responsible Members of this body who want that message delievered to the Communists.

I intend to vote in support of the transfer authority request as my way of telling friend and foe alike that America's word is good and that we will go the last mile in efforts to gain peace, to abide by our agreements, and to insist that other countries abide by the terms of agreements made with us.

Mr. MAHON. Mr. Chairman, rarely have I seen the House sit for so long at rapt attention and listen to debate. This is highly complimentary of the House of Representatives, in my judgment.

I believe, however, that now we have about exhausted the issues. I shall undertake, if Members will permit me to do so, as the chairman of the Appropriations Committee, to speak at some length, perhaps beyond 5 minutes, and I shall then try to move toward shutting off debate and voting on the amendment.

It would occur to me, in view of the number of people who have stayed on the floor, that perhaps a few Members may not be quite certain as to how they may vote on this issue.

This is understandable. Unlike some of my colleagues, I cannot be absolutely sure of what to do about the situation in Southeast Asia. There are those among us who know precisely, apparently, just what should be done, but although I have perhaps listened to more testimony on the subject than anybody in this House, I have some doubt and some skepticism. But I want to make sure that I have done the right thing insofar as I know the right.

Mr. Chairman, some of my colleagues have expressed regret about their admitted mistakes of the past. I am not ready to say that this great Nation has made monumental mistakes, certainly not any mistake of the heart. I am not so interested in talking about the possibility of mistakes of the past. What concerns me now is that we not make a mistake today. If we have made mistakes in the past we do not want to compound the situation by adding another mistake today. That would be tragic indeed.

So I am before you to discuss this matter in a low-key, unemotional way. That is my approach to this situation.

Mr. Chairman, I think there may be some misunderstanding as to what the issues are here. In our bill providing for defense for this fiscal year, we provided about $76 billion, and about $6 billion of it was for, operation and maintenance activities of the Air Force. The Air Force had these funds available; they were planned for certain operational and maintenance purposes. The Air Force dipped into those funds more than officials had expected to for the massive bombing of Vietnam in late December which apparently brought the cease-fire. There have been other cost increases related to the devaluation of our dollar. Additional funds were required because, to a greater degree than was anticipated, hazardous duty pay was required for forces in Vietnam. So the Air Force, and the other services too, have been using funds at a faster rate than had been anticipated.

We gave them in the defense appropriations bill $750 million in transfer authority. In March they said they needed $500 million in additional transfer authority. Department witnesses testified that if the additional authority was not granted they would have to slow down some operations elsewhere, thus diminishing the readiness of the U.S. Armed Forces for an emergency.

Mr. Chairman, they can continue the bombing of Cambodia without it, of course. With what remains of the $6 billion, they certainly could do so. So the point is:

Shall we give them this transfer authority?

It is a mistake to say, as some who have addressed us have said, or to assume that, "Well, if we adopt this amendment, then we will have just slain Goliath."

Well, we will not have accomplished a miracle at all, we will have just made it more difficult for the Department to operate. We will have reduced our readiness and we will have made it difficult to meet some of our commitments in the Mediterranean and elsewhere, but we will not have stopped the bombing in Cambodia.

The CHAIRMAN. The time of the gentleman from Texas (Mr. MAHON) has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. So, Mr. Chairman, that is the situation here. We are not ending the fighting in Cambodia. If this House, wants to end the war or to bring back

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troops from Western Europe or to bring them all back from Southeast Asia, we have a way by which we can do it. We could consider legislation in the appropriate legislative committees. But we have not chosen to do it.

We cannot do it in this bill, and we should not work a hardship on our servicemen or on those dependent on other funds in this bill by taking this approach to the problem. We will have to consider that among the very important aspects here.

Yes, our patience has been worn a bit threadbare, but, after all, there was a cease-fire at midnight on the 27th day of January this year. It has not been an intolerably long time since then. If we were willing in the past to give 7 or 8 years of time for the war to be concluded, why do we get so impatient at this time when only a few weeks have transpired? Do we want to rush in today and bring about a collapse that might place our country in a bad position and subject us to just criticism? Do we want to give the Executive further opportunity to bring the conflict to an honorable conclusion? Why not give him a little more time?

You know, I was reading today in the Good Book, which says, "Join not the multitude to do evil." My colleagues who are supporting the amendment seem to be very strong and in considerable number. I would like to join with them, but the admonition "join not the multitude to do evil" restrains me. How can I be sure that we are not doing evil if we rush in and pull the rug out from under the bombing and precipitate an immediate crisis and perhaps the instant collapse of Cambodia? Would that be something to brag about to our grandchildren?

I do not think so. I think we ought to give the President more time. He has, after all, made some progress in international matters and did get the cease-fire agreement. I am willing to give him a little more time and give him the responsibility along with that time rather than rush in today and slam the door shut on his further efforts.

Why should we undertake now to manage this war? Why do we not give the President a little more time? I do not want to precipitate a collapse in Cambodia and a collapse of our negotiations, perhaps, with the North Vietnamese and with Moscow.

I am one who believes in the country, as I know you do. I do not think Stephen Decatur was altogether wrong when he said, "My country, in our intercourse with foreign nations, may she always be in the right, but my country right or wrong."

I want to give my Commander in Chief a little more time here, my friends. I do not have any problem in apologizing to my folks at home for my efforts in behalf of peace. I think our country will look better a year from now and thereafter if we show a little patience. Impatience does not benefit a great and mighty nation.

My colleagues, in this low-keyed way and without emotion let me say that I think you will feel more comfortable today and tomorrow and especially next year if you vote down this amendment denying funds to the United States Armed Forces, and which does not, by the biggest stretch of the imagination, end the conflict in Southeast Asia. That is another matter and there are other ways to do that.

Thank you.

Mr. GUDE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the House of Representatives is today presented with another opportunity to reverse the flow of power away from the Congress to the executive branch. By passing the Addabbo amendment, which would delete the $430 million transfer authority in the second DOD Supplemental Appropriation for 1973, the House of Representatives will be putting the Executive and the Nation on notice that we will not extend a military commitment to the Government of Cambodia. We have no commitment, moral or legal, to the Lon Nol Government, and the bombing that is now being conducted is, in my view, entirely without legal or constitutional basis. The assertion that the President of the United States has the authority, by virtue of his role as Commander in Chief, to bomb any nation, whenever he so decides, is repugnant to our Constitution and all our democratic traditions. Prior justifications offered for expanding or prolonging the conflict in Southeast Asia—covering the withdrawal of U.S. troops, obtaining the repatriation of American prisoners of war, and achieving a cease-fire in Vietnam—do not pertain to the present situation in Cambodia. The Gulf of Tonkin resolution, which I worked to repeal in 1970, and the SEATO agreements likewise provide no justification.

We in Congress are today squarely faced with the proposition, affirmed by Defense Secretary Richardson on May 8, that if we fail to cut off the funds for the bombing of Cambodia, we will be expressing our support for the continuation of this bombing. As absurd as this position appears to be on the surface, we must take it with deadly seriousness. A recent study by the Senate Foreign Relations Committee—"Congress and the Termination of the Vietnam War," April 1973—found that the ruling of the courts tends to substantiate the view that any war is legal as long as Congress funds it. Since some substantial portion of the transfer authority is requested to cover the cost of bombing raids for the period January–March, 1973, DOD is asking Congress to ratify the Defense Department's past actions, as well as to legitimize the current and future bombing of Cambodia.

Many of us were not in Congress when this Nation first began its slide into the Vietnam quagmire. Others who were here did not understand that by their cooperation they were leading this Nation into the most wasteful, futile, self-destructive war in its history. Today, however, we do not wear blinders. Today, the wool cannot be pulled over our eyes as it was when the Gulf of Tonkin resolution was passed.

If we are to extricate this Nation once and for all from the endless Indochina conflict, we can do so only by denying the funds for our continued military activity there. Any other effort will be ignored with impunity. Only the purse strings now give authority to the voice of Congress.

Mr. Chairman, the debates over the Indochina war that have been conducted in this Chamber over the past decade have nearly exhausted the topic just as our people are exhausted and fed up with the war itself. Today, in this Nation we have a multitude of domestic reasons to deter us from further military adventures. We have long since honored whatever commitment we had to South Vietnam. Let us not begin a new commitment to that shaky dictatorship in Phnom Penh.

I urge my colleagues to support the Addabbo amendment and put this Congress on record that there be no further support for bombing Cambodia and make a firm move to end their sad involvement in Southeast Asia.

Mr. PASSMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from New York (Mr. ADDABBO).

Mr. Chairman, this is a delayed report from the firing line. I shall read it to the Members:

> On behalf of more than 1.8 million members of the Veterans of Foreign Wars of the United States, I call upon you to grant the President both the resources and the flexibility he requires at this juncture to deal with the difficult and complex situation in Cambodia.
>
> The President needs the unqualified support of a united America with respect to his policy towards Southeast Asia. Let us all close ranks behind him on this issue.

Signed by Patrick E. Carr, commander in chief, Veterans of Foreign Wars of the United States.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair will recognize the Members who were standing at the time the unanimous consent agreement was entered for three-quarters of a minute each.

The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, our long involvement in Indochina has seen many perversions of language. Words like "pacification" and "protective reaction strike" are one legacy of the war. The best one, however, was saved for the end—or what I hope is the end: we are supposed to refer to the bombing of Cambodia as "cease-fire activities."

This is more than a bad joke. We were told Tuesday at the Armed Services Committee hearings that the Paris agreements were not submitted for congressional approval because they constitute a "cease-fire agreement." To me, that means an agreement to cease firing. Yet we are told that this agreement commits us to further war—that we are bound to the "verbal understandings" between Dr. Kissinger and Dr. Tho. The administration does not think it is worth trying to convince us with arguments—this is just playing with words.



There are several arguments we have heard many times before that I hope we will be spared today. I hope no one will tell us we are doing all this from love of Cambodia. I hope no one will come before this body and ask us to believe that anyone who is in a decision-making capacity gives a care at all about the people of Cambodia. In the early days of the Vietnam effort, we were partly motivated by the misguided idealism of people who genuinely knew and loved Vietnam. Today decisions are made by career technicians for whom Cambodia is nothing more than a tour of duty. We bomb because we think—mistakenly—it is in our power interests to bomb—so I think we can do without hypocritical rhetoric.

For example, in one breath we are told how much more democratic the Lon Nol government is since we forced it to bring in some politicians of our choice—and in the next breath we say we are fighting for Cambodian "independence." Do we not know what words mean anymore? Any country that needs massive outside help to preserve their independence has already lost their independence.

I also admire the nerve, if nothing more, of those administration spokesmen who have trotted out the old "delicate negotiations" trick again. All during this war, every time Congress looked like it was going to make a decision, it was told it must not—there was always some delicate negotiations or another going on. If we fall for that trick again, we might as well really admit we have nothing to say about the matter and go home.

It would also clear the air if the administration publicly admitted that "peace with honor" is a failure. If we signed an agreement in January that accomplished all our major political aims—and the administration tells us twice a day what a great achievement it was—then we have no reason to be in Cambodia. If we have reason to be in Cambodia, then a decade of bombing North Vietnam accomplished exactly nothing. Which is it?

Mr. Speaker, there is no justification to continue bombing the people of Cambodia. We can still be a great country even if we are not bombing someone. I urge my colleagues to vote against these funds, and return some sanity and some humanity to our foreign policy in Southeast Asia.

The CHAIRMAN. The gentleman from Illinois (Mr. FINDLEY) is recognized.

Mr. FINDLEY. Mr. Chairman, I take this moment just to remind my colleagues of the interpretation placed on this vote by the President's chief military officer in the Cabinet, Secretary of Defense Richardson, whose office has said that a vote against this amendment will be interpreted by the administration as a vote to ratify or acquiesce—in the policy of bombing in Cambodia and those are the precise words used by the Secretary's office—so I think we ought to keep that in mind as we make up our minds whether to establish this new commitment, that is, the commitment to use U.S. military force to establish a cease-fire in Cambodia.

The CHAIRMAN. The gentleman from Maryland (Mr. LONG) is recognized.

Mr. LONG of Maryland. Mr. Chairman, I rise in support of the Addabbo amendment. I want to point out that, whether the Addabbo amendment passes or fails, I shall ask to be recognized to introduce an amendment which will forbid the use of any funds under this bill to be used for further combat operations by U.S. troops over Cambodia—in either event whether it passes or fails.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. LONG of Maryland. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, this is a moment of truth for the House of Representatives. Are we going to continue to give the President blank checks, to ratify ex post facto what he has done without our approval, or are we going to stand up and assert the prerogative of the Congress to participate in basic decisions of peace or war?

I do not want to repeat the eloquent arguments made here by many Members, including particularly Mr. ADDABBO, the sponsor of the amendment, and Mr. GIAIMO and Mr. FLYNT.

Permit me merely to quote the words of Mr. Justice Robert Jackson in the famous steel seizure case at the time of the Korean war, words which should weigh heavily with each Member as he or she votes on the amendment before us:

> I have no illusion that any decision by this Court can keep power in the hands of Congress if it is not wise and timely in meeting its problems. A crisis that challenges the President equally, or perhaps primarily, challenges Congress . . . We may say that power to legislate for emergencies belong in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

The CHAIRMAN. The gentleman from Indiana (Mr. DENNIS) is recognized.

Mr. DENNIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized.

(By unanimous consent, Mr. LEGGETT yielded his time to Mr. MATSUNAGA.)

Mr. MATSUNAGA. Mr. Chairman, the real issue before us which the Addabbo amendment raises is not whether or not we support the President of the United States in his effort in Southeast Asia. The real issue before us, as Members of this great Congress, is whether or not we are going to uphold the pledge which we took when we were sworn into office to uphold and defend the Constitution of the United States. That Constitution, I need not have to remind my distinguished colleagues, vests the sole power to declare war in the Congress of the United States.

The President today has engaged this Nation in warfare in Southeast Asia without any declaration of war by the Congress. I believe we can all agree that this Congress has not declared any war on any nation in Southeast Asia. Where, then, does the President find his authority to carry on warfare in Southeast Asia? True, he is designated as the Commander in Chief of our Armed Forces under provisions of our Constitution, but those provisions do not grant him the power or the right to commit our forces to fighting an undeclared war.

The President's power to commit our Armed Forces to warfare must necessarily follow a declaration of war by the Congress; it cannot precede such declaration by the Congress. Otherwise, the provision of our Constitution which vests the sole power to declare war in the Congress would be meaningless. Certainly, we can all agree that the framers of our Constitution did not intend to put meaningless language into that great document.

If the President, as Commander in Chief of our Armed Forces, wishes to engage this Nation in warfare, let him come to the Congress and ask for a declaration of war. If the cause is just, certainly the Congress will support him. Is this not the procedure which the framers of our Constitution intended?

Regardless of what the President does, let us who constitute the Congress uphold the Constitution as we swore we would do. We can do this today by supporting the Addabbo amendment.

The CHAIRMAN. The gentleman from Missouri (Mr. SYMINGTON) is recognized.

Mr. SYMINGTON. Mr. Chairman, I rise in support of the amendment. Defense Secretary Richardson, during his brief tenure in that office, stressed the need to continue bombing Cambodia in order to preserve the independence of its Government. He presumably meant independence from Hanoi, and dependence on us. Unsustained by the reassuring patter of our bombs, the Lon Nol regime, he said, would fall. Yet who among us would seriously contend Lon Nol to be the wave of the future in Cambodia? The Defense Department's own figures show the burden of the fighting in opposition to that regime to be borne by the Cambodian insurgents—Khmer Rouge—as well as the followers of Sihanouk. It is true that Sihanouk accepted the hospitality of Peking, but the same must be said for President Nixon. In sum, there is very little way for us to predict, much less manage, the outcome of that complex struggle. Indeed, if we have learned anything from our involvement in that part of the world, it is that we lack the power, much less the wisdom to ordain what will happen there, to provide an all-America answer to the Southeast Asian riddle. Those troubles rest on cultural, racial, and religious rifts and memories whose roots antedate by more than a thousand years the first European football on the American continent. "Win," "lose," or "draw," no matter how those terms may be defined, the ocean of Asian history will close over our brief time there sooner than the rust will form on our abandoned equipment. This being so, is it not time to respond to such a clear lesson, not only of history, but of our own irreplaceable experience? And should this response be paralyzed or delayed by every new dispatch of negotiators, every conversation that might or might not occur between Dr. Kissinger and Le Duc Tho—gentlemen who must be expected to have long lives ahead of them? No, we fought for the past decade for reasons that seemed good and sufficient to enough of us. Let us now stop fighting for reasons that seem even better and more sufficient. There is no need to destroy Cambodia to save her. There is a great need to build America, to save her, and to make her

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equal to the role mankind demands of her.

(By unanimous consent, Mr. MINSHALL of Ohio, Mr. YOUNG of Florida, and Mr. ROUSSELOT yielded their time to Mr. KEMP).

The CHAIRMAN. The Chair recognizes ROUSSELOT yielded their time to Mr. KEMP).

Mr. KEMP. Mr. Chairman, I rise in opposition to the Addabbo amendment as well as to the Long amendment which is to be offered next. During the Vietnam conflict the Congress time and again attempted to legislate an end to hostilities through many so called end the war bills. No one for one moment doubts the motives of those who introduced these measures but as our returning POW's have stated, such actions by Congress served only to encourage the North Vietnamese in their acts of aggression and lengthened the war.

Those who now oppose the transfer of funds for the continuation of American air operations in Cambodia appear to share the feelings of the introducers of so many previous "end the war" amendments, that is, that the blame for the continuing of hostilities somehow rests upon the United States and that peace can instantly be obtained if the United States will only unilaterally cease its actions.

Let us look at the facts.

When the Vietnam cease-fire went into effect, January 28, 1973, the Cambodian Government ordered the cessation of all offensive activities by its forces and our own Government suspended all U.S. air strikes in Cambodia. The North Vietnamese forces and indigenous forces under their control continued fierce offensive operations in open disregard of article 20, a vitally important element of the agreement which prohibits the use of Laos and Cambodia by North Vietnamese forces.

Our Nation, of course, has no ground troops in Cambodia while about half of the estimated 70,000 to 75,000 enemy forces in Cambodia are North Vietnamese.

The continued presence of North Vietnamese troops in Cambodia, in violation of article 20, or the prospect of a Hanoi-imposed government in Phnom Penh would severely undermine the entire agreement reached at Paris in January and would prevent the emergence of the structure of peace in Southeast Asia for which so many have for so long sacrificed so much.

It has been recognized by all sides that the hostilities in Laos and Cambodia cannot be separated from the hostilities in Vietnam. In fact, much of the progress in Vietnam toward a peace settlement was due to the success of the allied operations against the enemy sanctuaries in Cambodia in the spring of 1970. The difficult decision to clean out the sanctuaries in Cambodia proved correct. American casualties after Cambodia were half the rate they were before Cambodia and we were able to continue the withdrawal of our troops on schedule.

There cannot be peace in Vietnam if Cambodia and Laos remain at war, and if North Vietnamese forces remain in those countries using their territory to support activities in South Vietnam which theaten the right of self determination of the South Vietnamese people which is guaranteed by the agreement.

Since the Communist forces have not observed the unilateral cease-fire proclaimed by the Cambodian Government on January 28, but on the contrary are engaged in serious offensive military operations, U.S. air strikes—undertaken at the request of the Cambodian Government—continue to be necessary to help defend their outnumbered forces against Communist offensive operations, until the terms of the Paris agreements endorsed by the 12 nation International Conference are finally implemented. These U.S. tactical and B-52 strikes are carefully targeted and rigorously controlled to avoid civilian casualties.

The United States is not committed to any person or any form of government in Cambodia—our government seeks only to bring about the cease-fire and withdrawal of all foreign troops as agreed to in article 20 of the Paris agreements. Our only desire, as stated by the President many times, is to ensure that the political future of the peoples of Southeast Asia should be left for the peoples of South Vietnam, Cambodia, and Laos to decide for themselves—free from outside interference. It is apparent that the fighting in Cambodia would come to an immediate end if the North Vietnam forces were withdrawn and I have been informed that a recent Senate report has come to just this conclusion.

Since the withdrawal of American troops has been completed and our POW's returned, there are some who question the President's authority to continue air strikes in Cambodia. According to Secretary of Defense Richardson:

> The Agreement on ending the war and restoring peace in Vietnam signed on January 27, 1973 embodied a plan for the termination of the conflict to which the parties agreed. The actual termination of the conflict, however, remained contingent on the implementation of the Agreement. That implementation has not yet been accomplished in full, particularly with respect to the provisions of Article 20 as they relate to Cambodia. Consequently the conflict in that portion of the battlefield continues. It follows that the President's authority to use military, political and diplomatic means to fully terminate the conflict must also continue. The mere signing of the Paris Agreement on a plan for terminating the conflict could not in itself terminate such authority.

It has also been stated that the constitutional authority of the President to direct these air strikes is included in his responsibility as Commander in Chief of the Armed Forces and Chief Executive.

I realize there are some who sincerely believe that we should cease our involvment in Southeast Asia regardless of the consequences. Now that our POW's have returned and the last U.S. troops have withdrawn from Vietnam it is tempting to withdraw from our commitments and to look inward to our own needs. The growth of such a new isolationism can lead as surely to war as could a policy of adventurism and overinvolvement in world affairs.

If by cutting off funds the Congress announces that we are quitting regardless of how flagrantly the enemy violates the peace agreement, we would be removing the enemy's strongest incentive to live up to the hard won Vietnam peace agreement.

If the Congress does not support the President at this crucial point in time, it must also be willing to accept the responsibility for the undermining of the central achievement of the January agreement and for the prolonging of hostilities in Southeast Asia.

American involvement in Southeast Asia was undertaken by the U.S. Government through due constitutional process and with the joint authority and efforts of Congress and the Executive. The conduct of the conflict, from initial buildup through Vietnamization and withdrawal to the negotiation of a final settlement, has been carried out at every step with the joint participation and authority of Congress and the President. Although the Congress has enacted several provisions with specific reference to Cambodia, the President's Cambodian policies have continually been fully in compliance with these provisions.

The Congress has consistently rejected proposals by some Members to withdraw congressional participation and authority by cutting off appropriations and I sincerely hope that now when our final goal of a just and lasting peace throughout Southeast Asia is within our grasp that we will not fail in our resolve.

We are today discussing the means by which to achieve a peace not just in Southeast Asia but a more stable peace throughout the world. The implications of what we do here today have broad repercussions and certainly in global terms those implications will last for years to come.

We are being counseled today as to the best way to achieve peace. I would remind my colleagues that some of those who are counseling us today to vote for this amendment and for the next amendment as it will come up are the same ones who were so wrong so many times previously in the President's attempts to bring about an honorable solution to the South Vietnamese conflict.

I believe this to be an appropriate time to look back briefly at the entire tragic episode from this historical perspective. I would like to point out today some of the numerous errors that have been made by those who counsel us to tie the President's hands.

First, about President Diem and his overthrow, those who are counseling us today to vote against the President were very wrong about the overthrow of President Diem. The conventional wisdom at that time assured us that by throwing him out and getting someone else, that we would take a long step toward solving the Vietnam situation. However, the result was just the opposite. The Communists nearly won the war during 1964 and by early 1965 President Johnson was faced with the choice of either accepting a Communist victory or introducing American combat troops. He chose to introduce troops but to do so without telling the American people why or without giving up any of the domestic programs which became so costly along with the war.



The conventional wisdom during the Tet offensive during 1968 told us that from that moment on the war became immoral and had been wrong from the start, even though, of course, all of those espousing this wisdom had supported the war from the beginning. They told us that it was lost and that the Tet offensive proved that it was a hopeless and unwinnable cause. But in retrospect, conventional wisdom again was wrong. The Communists did not win the victory that they had claimed they needed; and their forces, especially the Vietcong, truly indigenous to South Vietnam, never recovered from their losses during Tet.

After 1968, the conventional wisdom was that a Communist victory was inevitable. And when President Nixon took office and Vietnamized the war, conventional wisdom held that it would never work but again they were wrong.

They were wrong about the 1969 Cambodian incursion when they said it would provoke Red China into world war III. The Communists were prevented from using their Cambodian sanctuaries as well as from using the port of Sihanoukville.

A conventional wisdom was wrong about the mining of the harbors around Haiphong. Our counselors at that time said Russia would call off the trip of the President, that world war III again was imminent and, of course, we know different.

Finally, they were wrong about the bombing of Hanoi and Haiphong. The conventional wisdom talked about terror bombing and carpet bombing, aimed at civilian populations; but Hanoi's own casualty list and their own claims strongly suggest that the bombing was rather carefully aimed at only military targets.

All in all they have been wrong at just about every juncture. They were wrong about Diem: they were wrong about Tet, wrong about Vietnamization, wrong about Cambodia, wrong about mining of Haiphong, wrong about bombing Hanoi, and I would suggest they are as wrong today as they have ever been before.

I would also suggest that Mr. Nixon and Mr. Kissinger look better than any other policymakers as the record is reviewed. They set their goal, went out and accomplished much of what they attempted to do. Only time, of course, will tell whether they have achieved the minimum of an honorable withdrawal or a maximum of an independent, neutral Southeast Asia.

That is where I think this Congress has played and can play a strong role. There is no doubt that the cost of this war has been huge, greater than anyone ever imagined. But in the end there are gains to be counted, as well, in the potentially viable, non-Communist, independent Southeast Asia, in buying time to create a more stable Asia and, of course, a more peaceful world, as well as in contributing to the decline of the Communist prosperity for wars of national liberation.

Today the United States is again at a historical crossroads. We have entered an era of negotiations and there have been changes in our foreign policy of historic scope and significance: the laying of a foundation for improved relations with China and the Soviet Union; new hope for continuing negotiations on arms limitations and the thinning of troops in Europe; increased promise of a settlement in the Mideast; and, of course, the long-hoped-for Vietnam peace agreement.

Our returning POW's have been almost unanimous in expressing their faith in their country and their President and because they believed their cause to be just, they did not regret their sufferings and years of imprisonment.

Air Force Col. James H. Kasler, one of the POW's released by the Vietcong, stated upon his return to freedom:

> We went to Vietnam to do a job that had to be done. And we were willing to stay until our job was complete. We wanted to come home, but we wanted to come home with honor. President Nixon has brought us home with honor . . . it is good to be home.

A young President not many years ago said something about such men as these—something about Americans wanting the rest of the world to know that we were willing to pay any price, bear any burden to make what we stand for endure and prevail.

Are we in the Congress prepared today to tell these brave men through our votes that they were wrong in their beliefs, wrong to put their trust in us, and that their sacrifices were in vain?

Can we who have never known the loss of our freedom have less patience than these courageous men who have suffered so much on our behalf or those who gave their lives.

The President is not asking for a congressional carte blanche for action in Cambodia, he is only requesting funds until the end of this fiscal year, funds that are vitally needed if Cambodian independence from Hanoi is to be maintained. I would like to insert at this point, Mr. Chairman, an article by Rowland Evans and Robert Novak attesting to the importance of making these moneys available:

THE NIXON DOCTRINE: A "DEAD LETTER" IN CAMBODIA

(By Rowland Evans and Robert Novak)

PHNOM PENH, CAMBODIA.—The Nixon Doctrine, failing here in its most critical test, is the victim of crippling restrictions imposed by Congress and a numbing hangover from the Vietnam war.

The congressional prohibition against U.S. military advisers dooms the Cambodian army (FANK) to inept leadership and steady deterioration. Washington's attempt to maintain a low profile here has permitted a comic-opera Cambodian despotism with tragic consequence. Thus, as we reported earlier, Cambodian independence from Hanoi is maintained only by U.S. bombing, which Congress now threatens to end.

This suggests that the Nixon Doctrine, pledging help to any country willing to fight for its survival, is a dead letter when a Communist neighbor exports revolution. Ironically, while the memory of Vietnam bars a vigorous U.S. role here, turning Cambodia into a satellite of North Vietnam would threaten all the blood and treasure invested by the United States in South Vietnam.

The shackles were imposed by Congress shortly after the 1970 Cambodian incursion by U.S. troops: A ceiling of 200 U.S. officials in Cambodia and absolutely no military advisers. Nor are U.S. Army officers assigned to the embassy here serving as clandestine advisers.

These restrictions doom the FANK to perpetual incompetency and perhaps eventual destruction. Its officers, used by Prince Norodom Sihanouk before his fall in 1970 mainly for palace entertainment, are militarily illiterate.

They cannot control artillery fire or direct air support. With U.S. officers barred as ground observers for U.S. bombers, much of the massive bombing is wasted. "The average FANK brigade commander doesn't know enough about tactics to lead a platoon," a foreign military attache told us.

Thus, the three years since the Cambodian war began have been wasted. Less than 1,000 professional U.S. advisers—perhaps CIA paramilitary experts with experience in Laos—might have transformed the FANK into irregular light infantry capable of confronting the Communist insurgents. Instead, the FANK, though better armed, is no better led than in 1970.

What's more, its will to fight has noticeably diminished thanks to Marshal Lon Nol's incredible regime—a failing due in part to U.S. attempts at keeping a low profile in Cambodia.

The proper role of Emory Swank, a skilled diplomat completing three trying years as U.S. ambassador to Cambodia, has never been clearly defined. Though much more than a conventional ambassador (he personally approved U.S. bombing in Cambodia), he was not vested with the proconsular authority of U.S. ambassadors in Laos.

Consequently, Swank had no clear mandate to do anything about Lon Nol, surrounded by corruptionists and astrologers and isolated from both the people and the army. When the marshal last fall publicly ordered Cambodians to report to the police anybody purchasing a jack rabbit because of an imagined Communist plot to blow up fortifications with booby-trapped hares, it should have been clear his connection with reality was tenuous.

It was clear enough to the U.S. embassy here but not to the parade of visiting generals and admirals from Washington and Honolulu. Regally entertained at the palace, they sent back glowing reports on Lon Nol while some diplomatic and military officers here found their regular reporting censored.

Unbelievably, after the American experience of over 30 tragic years in the Orient, the Chiang Kai-shek syndrome is not dead. A carefully documented report to Washington of how Lon Nol's goon squads stole last year's presidential election was denatured by an attached rebuttal. Later, a report on the marshal's seamy personal life was totally suppressed. Belated U.S. pressure on Lon Nol in early April to broaden his regime came when nearly all was lost.

Hanoi has no such problems. Prince Sihanouk and his Peking-based "government" are figureheads; Hanoi-trained Cambodian cadres are in charge. While the U.S. frittered away three years, North Vietnamese regulars were preparing Cambodian insurgents for the surprise offensive that began Jan. 27. The insurgents still go into battle with North Vietnamese advisers at their side. The 367th North Vietnamese sapper regiment, Hanoi's last foot soldiers actively fighting the FANK, is now training a successor Cambodian unit.

Consequently, Cambodia's "civil war" is a Hanoi export; no true political insurgency has taken root among the easy-going Cambodians. But with neither Lon Nol's feeble regime nor a shackled Nixon administration effectively responding to military pressure, prospects are poor that the Nixon Doctrine will preserve Cambodia's independence. The rest of Asia will note that failure.

XUM

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, ordinarily, I have no difficulty making up my mind on any legislative issue, once the facts are known, but the Addabbo amendment and the Long amendment soon to follow have given me more trouble than any issue I have faced during my 12 years in Congress.

As my colleagues know, I supported President Johnson and President Nixon against the many futile efforts to legislate an end to the war in Congress. I followed that course even though I had long been opposed to the way the war was fought. I sincerely believe that if the war had been fought with more resolution by both Presidents Johnson and Nixon, although I recognize the political difficulties, there would have been fewer lives lost, the war would have been concluded, and our prisoners of war returned long before 1973. In any event this Nation will live with the scars of Vietnam for many generations to come.

This is why I have experienced considerable difficulty in making up my mind on how to vote. Under no circumstances do I want this Nation to become involved in another undeclared war without the will to fight the war to win and without the laws to protect the objectives of the country, a situation which prevails in an undeclared war. And this is why I favor the adoption of some form of war powers limitation—not only for the purpose of restricting the power of the President but also to force the Congress to choose between waging war and making peace. I believe it is imperative that a free society such as ours make that choice if we are to remain a free society. I agree with the gentleman from Wyoming (Mr. RONCALIO). There is nothing to be gained by debating the legality of the bombing in Cambodia. The issues of legality must await resolution by the action on the war powers legislation.

But on the other hand, the Cambodian situation is clearly an extension of the war in Vietnam. There is no doubt that North Vietnam is in violation of article 20 of the Paris Peace Accords. At least 40,000 North Vietnamese and Vietcong are now in Cambodia either fighting with or supporting Cambodian insurgents. Mr. Chairman, if Cambodia falls, the chances of stablizing the peace or the cease-fire, or whatever you wish to call it, will indeed be dark I ask the Members of this body to reflect long and hard about the votes you are about to cast on the Addabbo and Long amendments. I submit that the distinguished chairman of the Appropriations Committee has made the all important point. None of us can predict with certainty what the future holds for Southeast Asia. But I would hate to have it on my conscience that at this point in history I yanked the rug out from under the President in his efforts to stabilize the peace.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I find it very interesting that what may appear to be a very innocuous amendment is receiving such resistance. The fact is that statements have been made about the unconstitutionality of the action of the President and that it is only Congress that can act. But what we have had in the discussion today is the suggestion that the reason we should grant this money is the Navy has overexpended and the Department of Defense has overextended.

Who is running this country? Is the Department of Defense or the Armed Services Committee or we, the Members of the Congress of the United States? It is about time we did what we are supposed to do under our oath of office, as the gentleman from Hawaii (Mr. MATSUNAGA) said, and that is to support the amendment because we must restore our own power. Otherwise we walk with the multitudes of evil, Mr. Chairman, and I think it is time for us to walk the other way.

The CHAIRMAN. The gentleman from Illinois (Mr. YATES) is recognized.

(By unanimous consent, Mr. GIAIMO yielded his time to Mr. YATES.)

Mr. YATES. Mr. Chairman, the distinguished gentleman from Missouri (Mr. ICHORD) has said that he did not want to be the one to pull the rug out from under the President of the United States. Nobody wants to embarrass the President. But, Mr. Chairman, it must be pointed out that it was the President of the United States who has placed himself on that unconstitutional rug. The burning question continues to be, why has not President Nixon come to the Congress of the United States for approval of his actions in Cambodia and Laos, as the Constitution requires him to do? Would it not have been better for the President to have come to Congress openly, directly to tell us what he proposed to do in Indochina. Mr. Kissinger, going to Moscow for discussions with the Soviet Union, would be infinitely strengthened if he were to have the backing of the Congress as well as that of the President of the United States.

Mr. Chairman, must the Congress support Mr. Nixon in whatever unconstitutional act he takes because to do otherwise might embarrass him?

I do not think so, Mr. Chairman.

We Members of the House have our responsibilities also. We must observe requirements of the Constitution and demand that the President recognize our prerogatives and responsibilities. I will support the Addabbo amendment.

The CHAIRMAN. The gentleman from New York (Mr. KOCH) is recognized.

Mr. KOCH. Mr. Chairman, I rise to support the Addabbo amendment.

I yield to the gentlewoman from New York (Miss HOLTZMAN).

Miss HOLTZMAN. Mr. Chairman, I rise in wholehearted support of the Addabbo amendment which would deny the Nixon administration $500 million in additional funds to continue its massive and destructive bombing policies in Cambodia.

This is our first opportunity to pass upon the President's involvement in Cambodia. The issue now is simple. The answer is clear. This country desperately wants peace. Our troops are home. Our prisoners of war are home. And we have no treaty obligation to the Lon Nol regime since it long ago renounced the SEATO pact.

We are confronted only with the question of whether we wish to approve further involvement in Cambodia.

At a time when vitally needed domestic programs are being dramatically underfunded, we cannot afford to spend up to $4 million a day to protect a dictatorial government riddled with corruption and incapable of winning the support of its own people.

We cannot continue to surrender our congressional prerogatives to the executive branch. The Constitution clearly gives the power to declare war to the Congress, not the President. But the President has never come before us to seek approval for his Cambodian bombing. Instead, this administration has expressed sheer contempt for this body. In his last official act as Secretary of Defense, Elliot Richardson told the Senate Appropriations Committee that if Congress did not vote funds for the Cambodian operation, the administration would find the money itself. We should take Mr. Richardson at his word and end this arrogance.

Our actions today will long be remembered. If we grant the President funds to continue the bombing we will have ratified the war and given him a blank check to continue it. If this happens, we will simply repeat the tragic mistake of the Vietnam war.

At a time when the public's confidence in the executive branch has been so clearly shaken, it is urgent that we show that the people's branch of the Government, the House of Representatives, can reassert its control over critical policies and restore the faith of Americans in their Government.

Mr. Chairman, this is our prime opportunity to put an end to this unconstitutional war. I urge my colleagues to join with me in support of this amendment.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) is recognized.

Mr. ADDABBO. Mr. Chairman, the chairman of our committee has given us the reason why he must vote for my amendment. We must decide whether the troops in Europe must remain; whether ships must steam and not whether more money must be spent in Cambodia. That is what flexibility means, how they want to spend the money, or how we, the representatives of the people, are going to have them spend the money.

If they have the requirements, the needs, let them come to Congress, come before the Committees and justify those needs. Let the Congress have the power and not the Department of Defense have that unbridled flexibility.

The CHAIRMAN. The gentleman from South Carolina (Mr. DORN) is recognized.

Mr. DORN. Mr. Chairman, I simply rise in support of the position of the distinguished chairman of the Committee on Appropriations, the able gentleman from Texas. I say to the committee that through 25 years of association with the veterans of our country, and prior to that time for many years of association with them in Europe during World War II, I feel that this amendment must be rejected in the interests of peace.



Mr. Chairman, after every single war, this Congress has contributed to the next war by putting the fleet in mothballs, cutting the Army, and refusing to modernize our Armed Forces. We would not build tanks or construct a modern air force. We invited World War II, the Korean war, and, yes, Vietnam. I hope we do not repeat that same mistake today. Strength is the only road to peace.

The CHAIRMAN. The gentleman from Missouri (Mr. RANDALL) is recognized.

Mr. RANDALL. Mr. Chairman, under limitation of time, there is not much left but to ask permission to revise and extend my remarks. However, in the few brief moments allotted to me, I hope that I can follow the example of the distinguished chairman of the Appropriations Committee, the gentleman from Texas, and as he put it remain in low key and with unemotional attitude.

I have listened to every word of today's debate, and I suppose that I am one of the few remaining Members who is—even at this late hour—is trying to make up my mind as to the true purpose of and the best course to take so far as the Addabbo amendment—also cosponsored by the gentleman from Connecticut (Mr. GIAIMO) and the gentleman from Georgia (Mr. FLYNT)—is concerned.

On page 6 of H.R. 7447, a bill to make supplemental appropriation for the fiscal year ending June 30, 1973 and for other purposes, the amendment, at that point, as I understand it, would have the effect of striking out the language contained on page 6 at line 10 which, as printed, deletes $750 million and inserts $1,180,000,000 in lieu thereof. If my arithmetic is correct, what the amendment really does, then, is to take section 735 of the Department of Defense Appropriations Act for 1973 and knock out the amendatory language on page 6—of H.R. 7447—and reduces the figure from $1,180,000,000 back to $750 million, or a reduction of $430 million.

As I may have observed earlier, I have listened carefully to every word of the debate this afternoon. I recall it being said that the fiscal year 1973 appropriations for the Department of Defense are in the approximate amount of $76 billion. I also have heard it recited here this afternoon that the amount for operation and maintenance of the Air Force is nearly $7 billion.

Well, we have heard from those who pride themselves on being proponents of a strong defense that this amendment would virtually paralyze the Department of Defense for the last 2 months of the fiscal year. We have heard such comments made as that it would limit the readiness or effectiveness of our entire defense establishment.

Let me suggest that if $430 million paralyzes our Defense Department which operates under a $76 billion budget and under an Air Force operation and maintenance account of approximately $7 billion, someone has been indulging in great exaggerations.

At this time in the remaining moments, under limitation of time, I would like to yield to the gentleman from New York (Mr. ADDABBO) and ask him the following questions: Is my arithmetic correct, and is it true that the effect of this amendment would be to reduce the figures on lines 11 and 12 of page 6 of H.R. 7447 from $1,180,000,000 to $750 million? And if the answer to that question is yes, does it mean that the entire reduction amounts to $430 million?

Mr. ADDABBO. That is correct.

Mr. RANDALL. I appreciate the response of the gentleman from New York. It should clarify some of the misconceptions. It should clear away some of the mistaken notions that have been expressed here this afternoon.

Mr. KOCH. Mr. Chairman, I rise in support of the Flynt, Addabbo, Giaimo amendment striking from this bill the $430 million in new transfer authority requested by the Defense Department. The Defense Department has indicated that some of this money, possibly the entire amount, will be used to continue U.S. bombing operations in Cambodia and Southeast Asia. Approval of this transfer authority would bring the total cost of Indochina operations for fiscal year 1973 to at least $6.4 billion and would amount to a congressional abdication of its appropriations powers—in effect, what the administration would seize upon as a blank check of authority for military operations in Indochina.

While I have never accepted the administration's claim that a congressional appropriation constitutes in itself a congressional authorization and approval of U.S. military involvement in Southeast Asia, I am aware that certain lower courts have ruled that the Vietnam war is not subject to court attack as long as Congress continues to fund it. For as long as I have been in Congress I have voted against military appropriations bills containing funds for U.S. military operations in Indochina.

The prior justifications given for our military presence in Southeast Asia—covering the withdrawal of U.S. troops, the return of our POW's, the achievement of a cease-fire in Vietnam, and the existence, until its repeal in 1970, of the Gulf of Tonkin resolution—have now expired. I believe that it is particularly important, now that there is no rational administration justification for our present actions in Indochina, that Congress refuse to provide the President with even the color of consent by permitting funds to be transferred for military activity in Cambodia. After all, Secretary of Defense Richardson stated recently that congressional defeat of the Flynt, Addabbo, Giaimo amendment barring use of transfer authority funds for the air war in Cambodia would be viewed as "a vote to at least acquiesce in that activity."

The bombing of Cambodia, in my view, serves no purpose related to the security of the United States, nor can I believe that it is likely to achieve peace in Indochina. Indeed, the continued destruction of the Cambodian countryside can only serve to make the process of reconciling the various elements of Cambodian society a much more difficult one. Experience should have taught us by now that even the heaviest bombing raids on military and civilian areas in Vietnam cannot build the spirit of reconciliation that is essential for a meaningful and stable peace in that ravaged area of the world.

In terms of the human and money cost involved, the cost of our bombing operations has already been more than enough. In the period between January 27, when the cease-fire went into effect in Vietnam, and the end of April the cost of our bombing Cambodia was reported by the Defense Department to be $160 million, with the cost of bombing in Laos during the same period at $100 million. In this time period the United States has lost three planes over Cambodia and one over Laos. No report has been made to Congress on these bombing operations, nor has any request been made for authorization of the bombing. Congress has been wholly shut out of its constitutional role by the President in the decisionmaking process.

The Democratic caucus of the House went on record this morning by a vote of 144 to 22 in support of the Flynt, Addabbo, Giaimo amendment. The issue at hand involves both the question whether such destructive bombing should be allowed to continue and the question who should decide this issue. It is my view that the Congress should once and for all reassert its constitutional powers and say "No" to further destruction in Indochina and to any threat of a broader American military involvement.

Mr. MILFORD. Mr. Chairman, I rise in support of the amendment.

This has been a difficult decision for me. During my election campaign and my short tenure in the Congress, I have supported American actions in Indochina. Today, I can understand that there may be good reason for combat operations in Cambodia.

On the other side, though, I believe the time has come for this Nation to stop fighting wars by means of loopholes, maybes, speculations, privileged executive decision, or vague interpretations of obscure laws.

We are a nation of laws. Our laws are very specific with reference to war. I do not want to play a game of semantics as to whether or not this Cambodian adventure is a war. My own belief—a belief I think I share with the majority of American citizens—is that anytime an American serviceman is ordered into combat operation, that is a war.

Under our Constitution, war can only be declared by the Congress. In the case of Vietnam, there can be an argument that Congress endorsed the conflict when the Gulf of Tonkin resolution was enacted.

That resolution has been rescinded.

Military operations in South Vietnam were justified, I believe, during the withdrawal period to protect our departing troops and secure the release of our prisoners.

Our troops are withdrawn, and our prisoners are home.

So, at this time, I fail to find justification for combat operations on the part of the United States anywhere in the world.

This morning I was in the office early so that I would have time to read thoroughly the Secretary of Defense's response to House Resolution 379.

The response is impressive, and the legal discussion in the portion entitled "Precidential Authority To Continue Air Combat Operations in Cambodia" goes to considerable length to justify its title.

XUM

I did not make up my own mind until after I had read and absorbed these documents. I failed to find in the RECORD this morning a decisive argument to justify combat operations without approval of the Congress.

If this amendment is adopted, Congress will be on the record authorizing war—and there is no other word for it—by the back door again. It will be a striking parallel to the Gulf of Tonkin resolution.

There is another point I would like to make absolutely clear.

As a Congressman, I will never hesitate to grant authority for combat operations anywhere if I am convinced that it is necessary for the good of this Nation, or if it is necessary for our survival.

I believe there is a distinct probability that continued operations in Southeast Asia are necessary.

And once I am convinced this is the case, I will vote the funds necessary to continue operations.

But at this time, there is no way for me to know that this is a fact.

The President has not come to Congress and made a case for war.

This makes combat operations illegal at this time, to my way of thinking.

So, Mr. Chairman, I believe the Congress must decide whether to follow the Constitution and the laws of the land. And we have an issue before us today which requires that decision.

One other observation: I strongly believe that this Nation must deal from strength. Our adversaries do not operate in the kind of system which would tolerate the kind of debate we are having here today.

These adversaries know and understand brute strength.

We react to debate and reason.

There are others in the world who react better to a fleet of B–52 bombers or a Navy armada.

I am on the record in support of the strongest possible national defense posture, and the use of that strength where it is necessary.

But I want it used legally.

Let the President come to us and explain why these combat operations are necessary. If we are convinced, let us vote all the funds necessary to kick the hell of whomever it is we are supposed to be fighting.

But let us not hide a war in the back pages of an appropriations bill. This is definitely dishonest and probably illegal.

If we are going to do it, let us do it right.

Mr. MARTIN of North Carolina. Mr. Chairman, the U.S. House of Representatives has today already acted to kick the props out from under the efforts underway to compel the North Vietnamese to adhere to their agreement. In the agreement ending the war and restoring peace in Vietnam, signed at Paris on January 27, 1973, they agreed to withdraw from attacking their neighbors in Cambodia, with the understanding that if they violated this agreement we would resume bombing their positions in Cambodia. They have violated it with impunity, and the courage and determination and backbone of the United States met this test by responding with the air support for our allies which had been assured in advance.

How has the courage and determination and backbone of the U.S. House of Representatives met this test? By a vote of 219 to 188 the House of Representatives has dug in its cleats, bowed its back, flexed its muscles, and in a great display of precision teamwork has tripped its own quarterback.

Worse than that, the U.S. House of Representatives has gone on record as saying to the world that our majority does not really care whether communism overruns our allies around the world, that our majority does not particularly care whether the North Vietnamese adhere to the agreement, that our majority does not expect them to do so and does not feel any necessity to compel them to do so.

By voting to stop the bombing in Cambodia our majority has raised a torch that will signal for further violent outbreaks and violations all over Southeast Asia and elsewhere.

If this act of defiance against our own President is the nearest we can come to meeting our responsibilities, we may, one way or another, have few responsibilities left.

If we persist in turning our backs on our allies, we may, one way or another, have few allies left.

Mr. FRENZEL. Mr. Chairman, I support the amendment to prohibit transfer of funds for past or future bombing in Cambodia. It seems to me that we have heard the arguments against it many times here before in our debates in Southeast Asia policy. But, while the basis for the committee position—or the administration position—is old, I believe the situation, and therefore the arguments against bombing in Cambodia, are new.

Our military forces have left South Vietnam. We have signed a cease-fire there. Our prisoners have been returned. We have repealed the Tonkin resolution. We have no special treaty obligations in Cambodia.

Our air operations in Cambodia seem to be illegal. No authority to bomb in Cambodia exists, other than the administration's idea that it is useful to do so. It may be useful. It may even be necessary, although I doubt it. But, if so, the President should come to Congress for the authority to bomb in Cambodia. He has not done so. Since we have not given him authority to bomb, why would we want to give him money to bomb?

It is true that the North Vietnamese have not lived up to our agreement. Nevertheless, I strongly believe that no President of the United States should be unilaterally enforcing agreements by bombing without congressional authority. No one condones welshing on agreements, but it is a fact that many nations do not live up to their international commitments. We do not bomb people when they steal our tuna boats.

It can also be argued that Cambodia is not worth our frantic efforts to save the present government. Surely my interpretation of the Nixon doctrine, which I strongly support, includes a strong local willingness and capability for self-defense as a precondition for our aid. In Cambodia that willingness and capability are at least subject to question.

The United States, thanks to the strong Nixon leadership in achieving the cease-fire, finally seemed to be extricating itself from the tar pit of Indochina. I think the bombing is pushing our feet back into that tar pit. And I hope, most of all, that the Congress will not ratify that backward step.

Of all the arguments, for me the most persuasive is the constitutional one. I do not believe the President has the authority to bomb in Cambodia. I do not think Congress should give him that authority by the back-door approach of providing money for bombing.

I intend to vote for the amendment. I urge its passage.

Mr. JOHNSON of Colorado. Mr. Chairman, I have never understood those who equate patriotism with a willingness to squander American lives and property in a useless, futile cause, for a temporary solution, that by any standard of criteria is only remotely connected, if at all, with defense of American interests. It seems to me, however, that patriotism requires that American lives only be expended for causes that are clearly related to American defense.

The argument is made that loyalty to the country requires acquiescence to the policy that leaves the decision of where and when to fight or bomb up to the President. I did not participate in making that decision—who did, who is present? To me, loyalty to the country requires that I use my own judgment as an elected official. Those who campaigned on a platform that called for expanding the war should honor those pledges, of course. But I campaigned on a platform that called for disengagement from Southeast Asia, so I will work to honor my promise as a matter of loyalty to the country, as well as of personal integrity.

In my opinion, President Johnson was elected by his huge majority because he promised to keep us out of a war in Southeast Asia. In my opinion, President Nixon was elected on his promise in 1968 to end the war and in 1972 because he was on the verge of achieving that promise. President Johnson was not given a mandate to do as he pleased, as he claimed, and President Nixon was not given a mandate to reinvolve us in the war at his discretion.

What is there about the concept of limited, no-win war that is so appealing? Why can we not finally extricate ourselves from Southeast Asia? If we are not willing to invade North Vietnam and take the country and occupy it and, thankfully, we are not, why do we continue to allow American lives to be wasted in an area where we are not willing to make a total commitment?

American involvement in Southeast Asia will end only when we refuse to hear the siren song of just a little more. It has led us into the most catastrophic period in American history. We made the decision to get out—let us not look over our shoulder now. Let us finally and irrevocably disengage from this disaster. I believe history will honor you for a vote to end our participation now.



Mr. COTTER. Mr. Chairman, the continued bombing in Cambodia presents the country and Congress with almost the same situation we faced 10 years ago in Vietnam. At that time, too many of the crucial issues of our involvement were met with nondecisions or seemingly small decisions whose cumulative effect was the most divisive war in our Nation's history. The momentum of those decisions swept the United States into a full-scale war, without our ever coming to terms with that commitment. I believe the bombing of Cambodia is another tragic decision that can lead to wider commitments. The Congress must face the growing crisis in Indochina and take a stand.

In April I informed the President that I intended to oppose any military funding which would be used to continue the war in Southeast Asia. I strongly support action to amend the second supplemental appropriations bill to prevent the Defense Department from using any of these funds to continue the bombing.

Every day these combat activities continue, we risk losing more American men to death and capture. On May 8 the Pentagon reported nine men killed and two missing in action, after the loss of three planes in Indochina since the cease-fire. The administration has not shown any legal or constitutional justification for this bombing. Our POW's are home and our troops are back from South Vietnam. Now is not the time to leave more children without their fathers, and more wives without their husbands, in order to continue this senseless bombing. The people of this country have made overwhelming sacrifices in the past 10 years, but we can bear no more—nor should we have to. The Congress can and must refuse to be lured into another Southeast Asia quagmire.

We can insure a true peace for America by showing our strong opposition to the bombing in Cambodia. I will vote to end this bombing and to reassert congressional control over war policy. The President has exceeded his constitutional authority in continuing the combat. We have no treaty obligations with Cambodia. The President can no longer claim that this is being done to protect the lives of American men.

Last week, I joined the effort to obtain more public information on our military role in Cambodia. The American people must know the extent of the bombing, the number of U.S. personnel involved, and the cost to U.S. taxpayers. Things are so confused that we cannot even be sure who the enemy is in Cambodia. The President claims that North Vietnam is violating the Paris Accords by not helping to bring about a cease-fire yet, Secretary of State Rogers admitted there were U.S. violations. Reports from Cambodia are very unclear if the North Vietnamese are doing the fighting or if it is local Cambodian guerrillas. In any event, the United States should stop trying to control the politics of another Southeast Asian country.

A U.S. military commitment to Cambodia is being made without constitutional or legal basis and without the necessary information being furnished to Congress or the American people. The whole situation reminds me too much of the events 10 years ago. We must not let history repeat itself. I vigorously support the Giaimo, Flynt, Addabbo amendment, and urge my colleagues to do so.

Mr. BOLAND. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. ADDABBO).

It is long past time to stop giving blank checks to the Department of Defense approving combat activities that the Congress has not given its endorsement. As pointed out in the additional views that accompany the report on this bill, this is, indeed, an after-the-fact approval of combat activities where the sentiment of the Congress and the people of the Nation has been ignored. It is time that the Congress of the United States, the House and Senate, be in on the takeoffs that have led this Nation into conflicts that are carried on by the executive department without sanction or vote of the people's representatives. Mr. Chairman, this is a solo venture of the administration. It has not asked for congressional approval as the Constitution requires. There is no present authority that gives the administration the power to wage war in Cambodia. There is absolutely no justification for shoring up the regime of the Lon Nol government of Cambodia.

Mr. Chairman, no national interest is served by the bombings in Cambodia. These activities only serve to prolong a war that should have been stopped years ago. They only serve to endanger our flyers leading to more prisoners of war and more casualties and to continue the agony that is heaped upon this Nation.

There are some who say that the adoption of this amendment will be of little effect. I disagree, Mr. Chairman. If nothing more, it will, indeed, send a message to those who believe that Cambodia is an essential ingredient to the national security of the United States. It will be a message, loud and clear, that the people of this country are sick and tired of the conflict in Southeast Asia. It is not worth one more American life.

Mr. Chairman, the lead editorial of the Washington Post in today's issue, May 10, puts the issue squarely. It states:

It is the first vote on the war issue in either house of Congress since the January cease-fire agreement. As such, it is exceptionally important as an indicator to the President whether he can continue to make war at his own discretion regardless of law, or whether Congress intends to try to hold him to a less capricious standard.

Mr. Chairman, I include the editorial with my remarks:

A "TONKIN RESOLUTION" ON CAMBODIA

The House is about to vote on Rep. Joseph Addabbo's proposal to block the use of defense funds for bombing Cambodia. It is the first vote on the war issue in either House of Congress since the January cease-fire agreement. As such, it is exceptionally important as an indicator to the President whether he can continue to make war at his own discretion regardless of law, or whether Congress intends to try to hold him to a less capricious standard. Fairly enough, the Secretary of Defense has joined the critics of Mr. Nixon's policy in warning the Congress that a failure to cut off funds for bombing Cambodia will be taken as a gesture of congressional consent to the President's policies there. So no one can be under any illusions as to the significance of the forthcoming vote.

The issue could not be clearer. On June 3, 1970, Mr. Nixon said he would henceforth bomb in Cambodia only "to protect the lives and security of our forces in South Vietnam"; on many occasions, he broadened that rationale to include the release of prisoners held in North Vietnam. Both our troops and our POWs are no longer in need of this support. But he bombs on. His aides contend that under the cease-fire agreement the United States implicitly conditioned a bombing halt to observation of the cease-fire by the other side. Yet no Cambodians signed on to the cease-fire. And in any event a statement of Executive intent to bomb, for whatever reason, does not legitimize the bombing: Mr. Nixon's words is not a magic wand making Congress and Constitution disappear at one stroke.

On May 13, 1970, Secretary of State William Rogers stated that the U.S. would not "become militarily involved in support of the Lon Nol government—or any other government" in Phnom Penh. "I'm talking about U.S. troops or air support or something," he added. But last Tuesday he declared: "The choice before us today is whether to allow a military takeover of Cambodia by North Vietnam and its allies, or insist on observation of a negotiated peace." It is a sad thing to see a former Attorney General proceeding as though the legality and constitutionality of the proposal he is trying to sell were of no account. It is no less sad to see a Secretary of State betraying such a flawed appreciation of the facts on the ground in Indochina.

For the truth is that North Vietnam supports but does not command the Cambodians fighting the American-supported government of Lon Nol. Such is North Vietnam's strength that the question of who rules in Phnom Penh has practically no bearing on the use to which Hanoi will be able to put Cambodian soil to support any further operations it undertakes in South Vietnam. No configuration conceivable of Cambodian political elements could muster the force (not to say the will) to prevent Hanoi from so using Cambodian soil; witness what was going on in the days of Prince Sihanouk's rule. The continued American devastation of Cambodia cannot prevent the North Vietnamese from supporting their friends in South Vietnam, if they care to. This is a technical matter not a political one; no knowledgeable person disputes it.

The larger truth is that in Paris Mr. Nixon negotiated the best agreement he could get. But measured in relation to the extravagant evaluation which he put on it, it was not a sound agreement because it could not be enforced in a way that would make good on the promises the President made in its name. The agreement did indeed serve the basic American purpose of giving Saigon a reasonable chance to endure on its own. But it did not and could not serve the further purpose of sealing South Vietnam's border with Cambodia. It was unnecessary and unwise for Mr. Nixon to claim for his agreement achievements which could not conceivably be a part of it. Now that the shortfall is apparent to everyone, he is trying to fill the gap with bombs. Fortunately, we emphasize, "success" by his terms in Cambodia is not essential to the American mission in South Vietnam—a mission which has already been accomplished and which will not necessarily be undone if one Cambodian faction rather than another comes to power in Phnom Penh.

The administration has stated that, whatever the judgment of Congress, it intends to keep on bombing Cambodia anyway. This is a shocking avowal, but it can be dealt with later. For the moment, legislators considering the Addabbo proposal and its Senate counterpart can be confident that in supporting it they are serving the self-respect of the institution to which they belong, the

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cause of government by law, and the appropriate foreign policy interests of the United States. It may be that it is technically impossible for the representatives of the people to restrain the President. But this does not mean that the Congress must repeat its supine performance at the time of the Gulf of Tonkin resolution in 1964. At the very least, there is a record to be made. The President should be told in no uncertain terms that if he continues his efforts to bomb Cambodia into acceptance of a cease-fire, for no purpose that can possibly justify the cost in lives and money and this country's good name, he will be doing so on his own.

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 7447, the second supplemental appropriations bill for 1973, while recognizing some of the concern over transfer authority for some $430 million in funds for the Department of Defense, of the $2.85 billion in the bill.

Judging from some of the communications I have received on the subject, this is being interpreted in some quarters as a new Gulf of Tonkin resolution, a license to step up the bombing in Cambodia and continue it indefinitely, a possible prelude to reintroduction of ground forces in Indochina.

I am convinced that this represents in no way an open-ended commitment. The President has pledged that no ground combat personnel will be committed in Cambodia, that military support will be strictly tailored to meet pressure from North Vietnam and the situation in the South. He has pledged that, unlike our involvement in Vietnam, our role will be supportive rather than a primary one.

Mr. Chairman, I find these perfectly credible commitments, against the background of the President's declared intention to withdraw—and we recall how they were called into question at the time—followed by performance. The same can be said of the negotiated settlement, in which we and the South Vietnamese undertook real compromises which entail great risk. However, if an amendment is offered to specifically bar reintroduction of ground forces, I will not hesitate to support it in the interest of reassuring the country.

INVITATION TO INVADE

My greatest concern, however, is that if we appear to pull the rug out from under the President at this juncture, our vote will be widely misinterpreted here and abroad as tantamount to an open invitation to the North to commence full-scale military operations against the South. It is that simple.

One of the continuing problems in reaching a settlement has been the persistent misreading on the part of the North Vietnamese of our will and intentions. In my opinion, and in that of many others, false signals to Hanoi have unnecessarily prolonged the conflict and cost countless lives of Americans and Vietnamese, in the north and south. The invasion of 1972 and the on-again-off-again settlement at the time of the last election are two of the most obvious recent examples.

At the same time, I consider it inadvisable for the Congress at this late date to eliminate one of the few options remaining to the President in his efforts to see that real peace comes to Southeast Asia. In a sense, he is under self-imposed restrictions to the extent that limitations on his freedom to act are part of our policy of withdrawal and the compromises inherent in the framework of cease-fire agreements he negotiated.

In the past, we have resisted urgings to cut our losses and get out. Now having gotten out, it would be tragic to yield to urgings to cut our gains.

This body is in a position to help the administration very little, but to hamper it a great deal. This has stemmed from our refusal to assert—in a broad, comprehensive and meaningful sense—our constitutional warmaking power. In the absence of such an assertion of authority, which I support and to which I shall return in a moment, this body would be wise to refrain from what can only be described as piecemeal single-shot intervention.

Throughout the long and tragic history of the conflict in South Vietnam, this Nation and our allies have been confronted with the reality of an all-Indochina conflict. With the same forebearance which moved us to renounce for ourselves and the South any designs on the territory of the North, its leaders or its form of government, we strove for years to confine the conflict to the borders of South Vietnam.

At a time when many came to hold the domino theory as discredited dogma, we have witnessed difficulty of defending territory militarily against an enemy moving supplies and reinforcements through—and operating from—privileged sanctuaries. This has been a problem for years and persists today.

CEASE-FIRE PROVISIONS INSEPARABLE

Article 20 of the cease-fire agreements specifically committed signatories to respect the neutrality of Laos and Cambodia, refrain from the use of their territory for encroachments against the South, end military operations within their boundaries and withdraw all foreign troops. This must be scrupulously observed. The ceasefire provisions cannot be viewed singly, but as elements in fragile balance. Without article 20, our failure to insist on withdrawal of all North Vietnamese troops would have been suicidal. Yet the North is infiltrating men and materiel into and through Cambodia and Laos, and continued to send troops and supplies into South Vietnam. Communist forces have sought to cut lines of communications and isolate Phnom Penh and other population centers.

I repeat the President has pledged that no ground combat personnel will be committed in Cambodia, that military support will be strictly tailored to pressure from North Vietnam and the situation in the South, and in response to the requests from threatened governments which are internationally recognized—and that we have no intention of exercising a primary role.

Mr. Chairman, in most recent foreign policy message to the Congress on May 3, the President recalled the February 10–13 visit of Dr. Kissinger to Hanoi where the ceasefire provisions, including those involving Laos and Cambodia, were discussed.

**Hanoi has two basic choices.**

As the President said was made clear to the North.

The first is to exploit the Vietnam Agreement and press its objectives in Indochina. In this case it would continue to infiltrate men and materiel into South Vietnam, keep its forces in Laos and Cambodia, and through pressures or outright attack renew its aggression against our friends. Such a course would endanger the hard-won gains for peace in Indochina. It would risk renewed confrontation with us.

LIMITED FLEXIBILITY NEEDED

These are the stakes then, in my judgment, as we vote here today. I for one am unwilling to weaken the President's hand, particularly in view of the evidence that military aggression is largely curbed by military deterrent. Peace, a disengagement of U.S. forces and the return of our prisoners have been achieved by a combination of Vietnamization, air power, and negotiation. A vote to maintain the President's limited flexibility should avoid the less-welcome alternatives of renewed attacks on the North itself or loss of South Vietnam and indeed all of Indochina despite our costly commitment there.

This body could with far greater profit enact H.R. 6318, which I am cosponsoring, to limit the discretion of the Executive in future conflicts by establishing a congressional review and approval mechanism governing commitment of U.S. forces to combat overseas.

This legislation was introduced on March 29 and described in my remarks appearing on page 10368.

I shall forego elaboration on the bill except for the following: It is necessary in advance of any conflict, regardless of the occupant of the Office of the President, regardless of his party, regardless of the location of a crisis or the degree of other great-power involvement or interest, and therefore in the absence of any commitment or public position of any Member on the merits of a given situation, to assure congressional participation in the decisionmaking process. As I said on introduction:

I seek to focus accountability on the Congress as well, so that Members will share with the administration the full consequences of action—and inaction—by the Military Establishment of this Nation in response to varying degrees of threat to our security.

Mrs. MINK. Mr. Chairman, I rise in support of the amendment offered by Congressman ADDABBO to delete provisions of H.R. 7447 which would permit the transfer of appropriations to carry on the Nixon administration's bombing campaign in Cambodia.

Failure to bar this transfer will be construed by the administration as an expression of congressional support for its ill-advised and reckless military adventures in Southeast Asia. We owe it to our people to stand up and demand, through our votes, that our participation in the war be ended as promised by the Paris agreement which the President negotiated.

I regret that the administration has chosen to violate its own agreement by dropping 82,837 tons of explosives in Cambodia between January 28, the date of the "cease-fire," and April 30. The bombing cost $258.6 million during this 92-day period, and at that rate the cost will exceed $1 billion by the end of the year.



Why should be waste $1 billion a year by bombing Cambodia? The administration has not consulted with Congress on the reasons for this but as usual is proceeding regardless of logic or legal merit. Administration spokesmen have arrogantly proclaimed that the bombing will continue regardless of what we do today.

Whether that is true or not, we are obligated to make this decision as part of our responsibility as Members of Congress to determine whether this Nation shall be at war or have peace. The bombing produces a de facto state of war. Thus, unless we adopt this amendment, we will acquiesce in the administration's decision to start a new war in Cambodia.

Congress should not reject the Paris agreement by granting consent to more war. Instead, we should insist through our vote that the administration honor its own agreement as understood by our people to mean an end to our participation in Indochina fighting.

Acting at the administration's request, the House Committee on Appropriations has approved $430 million in additional transfer authority of which an unspecified amount will go toward Cambodian bombing. In good conscience, we cannot approve even the expenditure of $1 for this purpose. There are no more American troops in Indochina to "protect." There are no more prisoners of war we need to secure. There is no Gulf of Tonkin resolution granting permissive authority to bomb at will. Instead, an agreement has been signed for the United States to withdraw. Our people do not wish us to state some new "commitment" to another dictator in Indochina. It is time to call a halt to this nonsense.

I ask that the Members of the House of Representatives by an overwhelming vote show their rejection of the administration's policy of renewed and increased war in Indochina. This is our opportunity to assert responsibility. Let us not fail those throughout the country who look to Congress to restore sanity in our governmental policies.

I urge the adoption of the Addabbo amendment.

Mr. McCLORY. Mr. Chairman, I have given thoughtful and prayerful consideration to the subject of proposed amendments to the second supplemental appropriation bill which would prevent any transfer of funds to the Department of Defense which might be used to carry out bombing forays over Cambodia.

I have read carefully the document tendered to me which purports to describe the current situation in Cambodia, including the charge that the elements battling against the Lon Nol regime are directed from North Vietnam—and other statements which purport to justify the military actions which are planned by our forces in that area.

Mr. Chairman, this document is reminiscent of earlier ones which I have examined relating to the situation in South Vietnam—and which were relied upon as a basis for all kinds of American military actions, including bombing raids in both North and South Vietnam, and the deployment of hundreds of thousands of American ground troops.

Mr. Chairman, I have been proud to be part of the congressional support for actions which have led to the honorable peace in Vietnam. I commend the President and Dr. Kissinger for their skillful handling of the cease-fire and related negotiations. I am happy indeed, that our combat troops have all been withdrawn, and our prisoners of war have all been returned. I hope and pray for a lasting peace in Southeast Asia and elsewhere. However, I cannot support military actions contemplating the use of our bombers and fighters any more than I would support use of American combat troops "to enforce" portions of the cease-fire agreement which is being clearly violated in many areas—including Cambodia.

Mr. Chairman, I cannot help but feel that if one of our bombers or fighters would be downed in Cambodia, we might again face the dilemma of securing a return of our prisoners of war. Such a prospect is beyond any risk which I feel our Nation should now take. What the South Vietnamese forces may do, and what our military and economic aid to Cambodia and to other countries may accomplish pose no violation to our traditional policy. However, what our citizens do not want, and what I cannot support is a policy of military action by American forces against citizens of Cambodia or of South Vietnam.

I hope that the bombing operations may come to an early halt and that continued disengagement from Southeast Asia can be promptly completed.

Mr. DRINAN. Mr. Chairman, once again, this body of Congressmen has before it an opportunity to bring to an end the pointless violence inflicted upon the countries of Southeast Asia by our Nation. Too many times we have failed to seize this moment. At issue today is not only the lives of thousands of innocent people now imperiled by our bombing of Cambodia, but also the basic constitutional question of whether the President or the Congress shall have the power to make war.

If Congress approves the proposed transfer authority, it will be giving the executive branch a blank check to wage war in Indochina at its pleasure, and this will mean that the senseless violence inflicted upon Indochina in our name—and all of the thousands of lives lost as a result of these actions, shall be continued.

The administration unashamedly points to congressional appropriations as a demonstration of congressional approval for bombing. Secretary of State Rogers stated, on April 30, 1973, that our previous appropriations approved our air combat operations in Cambodia. This Congress must not give this administration another Gulf of Tonkin resolution. Passage of this additional transfer authority will mean continued bombing and destruction in Indochina. What will this bombing mean? It will mean continued terror for the people of Indochina, more captured POW's and MIA's and more American dead.

I urge my colleagues to halt the bombing in Indochina by voting to deny the Pentagon the transfer authority they request to carry out this bombing.

Mr. ASHLEY. Mr. Chairman, I rise in support of the Addabbo amendment to the second supplemental appropriations bill to delete the requested $430 million in transfer authority for the Department of Defense, so that this money cannot be used to pay for past and future bombing of Cambodia and possibly other parts of Indochina.

I believe that the bombing—which is costing American taxpayers $4.5 million a day—is both bad foreign policy and an usurpation of Congress' war powers under the Constitution.

In terms of foreign policy, the administration's main contention is that the bombing is necessary to prevent the immediate collapse of the Lon Nol regime, which would permit the North Vietnamese to prepare for a renewed assault on the Thieu government across the border. To justify this course of action, the administration has claimed that the North Vietnamese Government has failed to comply with its obligations under the Paris Accords to help bring about a cease-fire in Cambodia—although Secretary Rogers did qualify this contention yesterday, indicating that "we don't claim it is a literal violation of the agreement," but "it is clearly a violation of the understanding we had with the other side.

To be sure, North Vietnam's effort in this regard has been anything but 100 percent. But what the administration is doing is responding to infidelity by the North Vietnamese with respect to an "understanding" with clear infidelity on our part to an article of the Paris Accords. Article 8 of the accords specifically states that both parties are "to respect the independence, sovereignty, unity, territorial integrity, and neutrality of Cambodia and Laos." Our present policy is in violation of the agreement and, in my view, represents a far greater threat to peace in Southeast Asia than anything the North Vietnamese are doing in Cambodia.

My second objection to the present policy is based upon its questionable constitutionality. The administration's original constitutional rationale for involving U.S. forces in Cambodia was the same as its rationale for U.S. involvement in South Vietnam: "The right of the President of the United States to protect the lives of American men." But these forces have been removed and so this justification must fall.

In recent days, the administration seems to have shifted its rationale from protection of American troops in South Vietnam to a "self-determination" protection right for all Indochina. If there is any constitutional justification for carrying on a war in that rationale, I fail to see it.

Mr. Chairman, if the President truly believes that the Cambodian situation poses a threat to peace in the area, then let him come to Congress and make his case. Then the Congress could exercise its proper constitutional authority if we determined that the Cambodian situation warranted the expenditure of

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more American money and lives. But I urge my colleagues not to surrender our constitutional rights and responsibilities by passing legislation that could turn out to be a backdoor Tonkin Bay resolution.

Mr. REID. Mr. Chairman, I rise in support of the Addabbo amendment, which would prohibit the transfer of funds for combat purposes in Cambodia.

Mr. Chairman, on January 27 of this year I joined my colleagues and virtually every citizen of this Nation in commending the President for the signing of the cease-fire and accompanying protocols in Paris. After almost a decade of war in Indochina, our troops had returned home, our prisoners were due to be released shortly, we had firm agreements to account for those still listed as missing in action. We as a nation had withstood a decade of turmoil, of protest, of violence, and even death on our campuses, and of a profound distrust of the very credibility and foundations of our Government. So although I warned of the possibility of renewed hostilities and the possibility that the accords represented "not a true peace, but an armed truce," I still hoped that we were on our way to peace. I was especially pleased at the explicit language of article 20, which seemed to prohibit our military involvement in Cambodia or Laos, in saying:

The parties shall respect the neutrality of Cambodia and Laos.

The parties participating . . . undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

It was, then, with a heavy heart that we began to hear of violations of the accords, that we saw a fragile cease fire in Laos being violated, that we saw the elusiveness of a cease-fire in Cambodia, that we still received no news of our missing men.

It is clear, in my view, that the North Vietnamese have violated the cease-fire accords; they have used Cambodia and they have used Laos as they have in the past, despite article 20. They have violated both the spirit and the letter of the accords which all, we had hoped, had signed in good faith.

But such violations simply cannot, in my opinion, justify the massive and destructive bombing that our Nation has undertaken, nor can they justify our own violations of article 20.

In 3 short months, since the signing of the cease-fire, we have dropped over 82,837 tons of bombs on Cambodia, another 63,000 tons on Laos. This is the equivalent of over seven Hiroshimas—an act which, in 1945, stopped the world, but which we now live with and barely notice in the back pages of our news magazines.

Since the signing of the accords, we have spent almost $300 million simply to bomb; already we are spending more than money in the loss of nine more American lives and two more missing servicemen.

This war that has been taking place since January is totally without legal or constitutional authority.

While the President of course is the Commander in Chief of the Armed Forces, it is Congress which under the Constitution has the specific power to declare war.

While Congress has in the past granted the Executive authority to wage war, the Gulf of Tonkin resolution has been repealed, and nothing has replaced it.

While the President, of course, has authority to protect U.S. troops throughout the world, there are no U.S. troops in Cambodia or Laos to be protected.

There simply is no justification in the Constitution for this activity.

Furthermore, there are explicit statements in current law, passed by Congress and signed by the President, which indicate that the bombing is in disregard of congressional intent.

Public Law 92-570, the Department of Defense Appropriations Act for fiscal year 1973 states:

Nothing in . . . this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos.

Section 7(b) of the Special Foreign Assistance Act of 1917, as amended, states that U.S. aid "shall not be construed as a commitment by the United States to Cambodia for its defense."

Such language is explicit in its specified lack of commitment to the Cambodian Government, yet the Executive sends its Secretary of Defense to testify that termination of our bombing will result in the fall of Lon Nol and the present Government of Cambodia, and that we should thus continue our operations.

Mr. Chairman, on January 27 I wanted to believe that the executive branch had indeed made progress toward a "lasting peace." Now let us in the Congress insure that there will be peace. Events in Washington in recent weeks have emphasized the vital need for honesty in our Government, both to ourselves and to the people of our country. Let us now be honest: We have a war going on; let us not keep calling it a cease-fire. President Nixon speaks of "peace with honor;" I say, let us honor the peace. Let us stop authorizing further bombing and further war; let us accept our responsibilities now, while we have the power to do so and before we risk yet another decade of involvement thousands of miles away and division here at home.

The House of Representatives today can stand up to its responsibilities and take action which no President should ignore. Divided government fails to represent people at home and governs by kind measure lack of respect abroad. The American people want this war ended once and for all. Hopefully the House will make this plain.

Mr. MINSHALL of Ohio. Mr. Chairman, the House today faces a most critical vote in upholding the most hard-fought, hard-won peace agreement in American history.

Most emphatically the issue is not whether our vote giving the Department of Defense transfer authority would constitute another Tonkin Gulf resolution. It would not. The issue is simply whether the United States intends to abide by and enforce the agreement on ending the war and restoring peace in Vietnam signed at Paris on January 27, 1973.

The whole Nation applauded the signing of the agreement which heralded the return of our combat forces, the release of our prisoners of war, a national homecoming that marked the end of a decade of sacrifice by our Nation.

But there are other requirements in that agreement in addition to a cease-fire in Vietnam, the return of prisoners, and the withdrawal of United States and allied armed forces from South Vietnam. I would like to point out that article 20 was written just as clearly, in just as large print, as were these other widely celebrated provisions of the agreement.

Article 20 has its conditions, very explicitly spelled out, and we insisted at Paris, so there could be no doubt in the minds of the North Vietnamese, that compliance with this article would have to be reciprocal. If not, it was implicitly understood that if Communist forces continued to carry out attacks, then government forces, with the help of U.S. air forces, would take counter measures, including air strikes in Cambodia as needed until a cease-fire is brought into effect.

Nothing could be easier to understand than the conditions laid down in article 20:

The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries. Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material. The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference. The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs.

Negotiators at Paris included this article to underscore, to emphasize, the fact that Laos and Cambodia cannot be declared "off limits" in peace-keeping efforts. Conflicts in these two nations have a long history of interrelation with the war in Vietnam, so much so as to be considered parts of the single conflict—and acknowledged as such in article 20.

Article 20 has been repeatedly, flagrantly violated by the other side. To maintain the total agreement, to prevent collapse of the structure of peace, so painsakingly built by negotiators at Paris and achieved at such a ghastly cost to our Nation and others, it is absolutely essential that we enforce the provisions of article 20.

The vote today is a test of our resolve to uphold the peace agreement as a whole. We are at the wire. This is no time to panic and jerk the rug. It is no time to cop out or get out.



Mr. BADILLO. Mr. Chairman, this bill is our Gulf of Tonkin resolution. The transfer authority it contains, permitting the Department of Defense to spend an additional $430 million on its unconstitutional and barbaric air war in Indochina is a blank check that will come back to haunt this Congress just as the 1964 resolution did.

I urge the adoption of the Flynt-Giaimo-Addabbo amendment as a necessary first step in not only reasserting the congressional role in foreign and military policy, but also in terminating finally all aspects of our tragic military adventure in Southeast Asia.

Let there be no doubt that Congress will have to go well beyond rejection of this transfer authority. Defense Secretary Richardson has made it abundantly clear that the Nixon administration intends to continue the air war in Indochina and will find the funds to do so regardless of what action may be taken on this particular bill.

Such arrogance cannot go unchallenged.

In the first place, Congress has an obligation to make good on Richard Nixon's broken pledge to end the war in Indochina.

In the second place, there simply is no constitutional basis for the continued prosecution of the war without specific congressional assent. The Gulf of Tonkin resolution was repealed. Mr. Nixon's claim that as Commander in Chief, he had the authority to pursue military actions to protect U.S. troops in Vietnam is no longer valid, since those troops have been withdrawn. It is clear that the continued air war over Cambodia and Laos is purely punitive in nature—a careless and savage attempt to achieve militarily what could not be achieved politically.

This air war really is more than careless—it is reckless. It represents reckless disregard of the consequences of U.S. crews being shot down and captured, thus establishing a new POW dilemma. It represents reckless disregard of the commitment to peace the American people thought they had been given by their President. And with the daily rate of some 60 B-52 bombers and 160 fighter-bombers over Cambodia alone, it represents reckless disregard of the need for fiscal restraint, for reliable estimates put the cost of the air war at $5 million a day.

It is long past time that we in Congress brought an end to this war by using the appropriations process. Today's vote is just a beginning, but an important one.

Mr. BIESTER. Mr. Chairman, the House today is faced with a request to fund the continued U.S. bombing in Cambodia. Approval of that request can only be interpreted as approval of renewed U.S. military activity in Southeast Asia. Our answer must be "No."

The administration has requested an increase in general transfer authority for the Department of Defense, and the House Appropriations Committee has recommended a total of $430 million for this purpose. This transfer authority would avoid a specific request for new appropriations.

Transfer authority has been requested to cover costs related to the Vietnam cease-fire and peace treaty and to provide additional "flexibility" to meet "contingencies" which may arise. One of the contingencies is the U.S. bombing in Cambodia. The Department of Defense has already spent $150 million of the requested funds for military activities in Southeast Asia, including the bombing raids in Cambodia.

Some of the transfer authority is justifiable and proper in order to meet certain obligations arising from the cease-fire, the dollar devaluation and, as Defense Secretary Richardson has said, general across-the-board military preparedness. It appears clear to me, however, and I believe to the American people as well, that unrestricted congressional approval of the transfer authority will be read as acceptance of the Cambodian bombing by this body and endorsement of its continuance.

Secretary Richardson, during a Senate defense appropriations hearing earlier this week, stated that if the transfer authority were denied U.S. bombing would nevertheless continue. Later he added that if the transfer authority were approved it would be regarded "as a vote to at least acquiesce" in the continued air war in Camobdia.

It would be a serious mistake if Congress were to continue allowing the President to construe legislative approval of military funding as congressional concurrence in whatever undisclosed future military activities may be planned by the Defense Department. Congress must make its intentions clear by specifically disapproving the use of funds for the Cambodian operations.

The letter and intent of legislation passed by Congress in recent years is opposed to continued military involvement in Southeast Asia. The Gulf of Tonkin resolution has been rescinded. Air operations are no longer justifiable as protective support for U.S. ground troops. Yet, our Government continues to become more deeply and more directly involved in sustaining the Lon Nol government without congressional approval or public support. Millions of dollars a day are being directed into this operation with no real explanation of its purposes or assurances of how long it will continue. In the meantime, our pilots and crews run the risk of being shot down and creating a whole new chapter in the bargaining obstacles we encountered with POW/MIA's in Vietnam and Laos.

The Cambodian situation brings to mind our initial involvement in Vietnam back in the early 1960's and it creates those same apprehensions: goals, purposes and commitments which are unclear, yet increasing military assistance and support and the expenditure of large sums of money in support of a weak and questionable regime.

We have gone down this road before, and the American people are not interested in doing it again. By disapproving transfer authority for use in bombing or combat operations in Cambodia, the House can voice its strong opposition to renewed and increased military involvement in Southeast Asia.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise in support of the amendment to delete from the second supplemental appropriation the authority of the Department of Defense to transfer $150 million in previously appropriated funds to pay for the continued bombing of Cambodia. I am not aware of nor does the Department of Defense even allege that we have a commitment to or are we at war in Cambodia.

The Secretary of Defense first merely alleged that Cambodia was a "messy little corner" of the war in Vietnam. As I recall, the war in Vietnam also began as a "messy little corner" of the world. That little mess cost the United States over 50,000 lives and untold hundreds of billions of dollars for over a decade making it the longest war in American history.

The time has come to get out of Indochina. The bombing of Cambodia is costing the American taxpayer $4½ million per day. I fail to understand what perverse attraction there is in this part of the world that demands so great a resource from the American taxpayer.

There is no claim by the administration that the bombing of Cambodia is in any way necessary or even remotely conducive to the defense or security of the United States. They have failed in any way to justify what the rest of the world views as a "peculiar madness." We are losing our credibility with the rest of the world at a time when the American dollar is weak and our balance of payments must be reversed. We are in effect sending dollars to Cambodia in bomb bays and scattering them over the Indochinese peninsula.

The Department of Defense, arguing out of both sides of its mouth, states that it needs this transfer authority to pay for the bombing. On the other hand, if we fail to provide the transfer authority, the Secretary of Defense has stated that the administration would nevertheless continue to bomb, using resources and funds he says are otherwise necessary to maintain our security in Europe. Thus are the priorities of this administration: that it is more important to bomb to oblivion a nation which the Department claims it is our policy to protect than it is to maintain our security at the edge of the Iron Curtain.

The courts have ruled that, by appropriating funds for the war effort, the Congress sanctions that effort in spite of the absence of any specific legislative authorization. If this Congress is to authorize the bombing of Cambodia, if this Congress is to approve the continuation of the war in Indochina, then let us rise to the occasion and vote the issue up or down. It is the very least that we can do as honorable men and women. It is our minimum responsibility to those who have died and suffered and to those who will continue to die and suffer as the war in Cambodia escalates.

Mr. HILLIS. Mr. Chairman, today I must part ranks with the administration on military activities in Southeast Asia, for the first time since coming to Congress.

I supported the administration's Vietnam policy all the way through, believing the light at the end of the tunnel was in sight and that Congress should not tie



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the administration's hands in negotiating peace with North Vietnam.

I recently attended a peace with honor reception at the White House and was proud to be included in these ceremonies. I have a copy of the President's remarks on that occasion in my scrapbook, and I honestly believed at that time that peace was going to be a reality.

Today, however, we are being asked to transfer some $430 million in the Defense Department funds, part of which are to be used to continue activities in Southeast Asia. I can see nothing but tragedy resulting from these activities, and I cannot support their continuation.

We have already lost two airplanes, and to date one American soldier has been killed and two Americans are listed as missing in action since the cease-fire was announced January 28. Experts estimate the cost to the American public of the air war in Cambodia has been some $400 million since mid-February, and that 3 million gallons of fuel are being used daily for these activities at a time when American industry and farmers are facing an energy shortage. Certainly these figures will multiply rapidly in the coming months, just as they did in the beginning stages of our Vietnam activity, unless this new Cambodian policy is stopped short.

I understand the Secretary of Defense has already stated his Department intends to find funds for this Cambodian policy regardless of what action Congress takes on this transfer request. I view that position as abominable. To my knowledge, the bombing in Cambodia is not authorized by any law or treaty, not by any reasonable interpretation of the reserve war powers of the President in his role as Commander in Chief.

What we are being asked to do today is ratify unauthorized action already completed, by appropriating money to pay for these actions. Rather than working jointly with the administration to formulate a responsible foreign and defense policy, Congress is being dragged along in the wake of administration prerogatives. Then we are told that to disagree with administration defense policies after the fact shows a weakness in this country's resolve to maintain a lasting peace.

I disagree with that view completely. We would present an even stronger front if the administration and an informed Congress jointly formulated a policy which was well reasoned, well aired, and well understood. But Congress has not been given the opportunity to have a say in these policies—to act as a partner in making important defense decisions that will affect every citizen in this country.

We have not been told why we are bombing Cambodia, nor have we been asked to authorize these actions. We have just been asked to pay for them. I am willing to listen to the administration's arguments for the Cambodia bombings, and if the President can present a persuasive enough case, I could be persuaded to cooperate. But, I do not think my constituents are getting a fair shake when their chosen representative is kept in the dark on policy decisions and instead asked to rubberstamp policy handed down from the White House. Until justification for this policy is made, and Congress formally concurs, I think we would be doing a serious disservice to our constituents to blindly cooperate today.

All of this has reinforced my conviction that this country needs a good war powers bill which will spell out just what steps will be necessary to get this country into war, and which will provide adequate safeguards against indiscriminate Executive prerogatives in this area. It is important that Congress and the Executive return to a team operation in the very important areas of declaring war and authorizing funds for military action.

I would hope that Congress and the administration would have learned something from the painful experiences and lessons of the Vietnam and our backdoor involvement in that conflict. To think that within 3 months of the conclusion of that involvement, we could allow the tragic mistake of Vietnam to be repeated, is inconceivable.

Therefore, with continued great respect for the administration and all involved, I must nevertheless cast my vote in favor of the amendment barring the use of DOD transfer funds for continued military operations in Southeast Asia.

Mr. BROWN of California. Mr. Chairman, after the peace agreement was signed, and our prisoners returned, I assumed, like most Americans, that a terrible chapter of our history, the Vietnamese war, was closed.

For 10 years I made speeches attacking our involvement there, and after 10 years I was tired of the subject. With the treaty signed I felt the chance had come to move beyond the issue and concentrate my energies on the task of rebuilding the broken spirit in America.

When the peace began to fall apart, I hoped, like everyone else, that it was temporary. After all, reports were that cease-fire violations were decreasing, and treaty accords would soon be in effect.

But I had not counted on the continuation of the arrogant, and stupid thinking that has characterized our foreign policy in Southeast Asia since 1954.

Once again we are committing ourselves to a venal, autocratic, corrupt regime. This time our bulwark against communism is Lon Nol, and the country that must be saved is Cambodia. The fact that the government is crumbling from within, and has no support is immaterial. The fact that Lon Nol is as out of touch with his country as Diem was in 1963 is of little concern. The country must be saved

Oh, we have wised up a little. We are not letting American boys die anymore. That you cannot keep out of the newspapers. Instead we are just going to bomb the hell out of everything and everyone. As long as the color of the victims is yellow, this administration thinks no one will care.

I can only ask, "When will enough be enough? When will the body count be complete? Mr. Nixon, when are you going to leave these people alone?"

This last question is not just for the President. It must also prey on the minds of every Member of this body. For as long as we give that man his money, he will do whatever he damn well pleases, and we are his accomplices.

For that reason it is essential that we pass the Flynt-Addabbo-Giaimo amendment to the second supplemental appropriation bill for fiscal year 1973 to insure that no funds from this bill will be used in Cambodia for bombing.

Passage of this amendment will be proof to President Nixon that the Congress of the United States does not support his actions in Cambodia. We will be saying, "Mr. Nixon, the policy of armed, active American intervention in Southeast Asia is over. It is bankrupt, and you will have to do better."

If this amendment fails however, we are in serious trouble. Elliot Richardson has said the administration would be justified in regarding a rejection of the amendment as a vote to at least acquiesce in the bombing of Cambodia. These are the words of an administration moderate. To President Nixon this could be his own version of a Gulf of Tonkin resolution.

We have seen ample evidence within the last few months of how strictly Mr. Nixon's aides feel they are answerable to the Nation. Not to be outdone, Mr. Nixon, with his new outline of executive privilege, seems to be saying, "What's good for Richard Nixon is the way it's going to be. Like it or else."

Frankly, I do not buy it. The policies of Richard Nixon are subject to our scrutiny and approval, the same as any other President. It is our duty to make sure the President understands that.

I suppose I am an expert of sorts on voting against defense appropriations. If more of my colleagues had joined me in 1965 this whole question of American action in Southeast Asia would be academic. From my experience I assure you that this time the vote is easy and the consequences are clear.

It took history 8 years, millions of lives and billions of dollars to prove Wayne Morse and Ernest Gruening right when they stood against the flood in August 1964. What we are deciding is whether to turn the clock back, and watch the whole sickening process take place again, or stand by what we have painfully learned and say "No more."

I said I was tired of speaking about our involvement in Asia. But I never had to dodge bombs, or bullets. I never had to watch my village destroyed, or my family napalmed. I did not have to change my politics every morning and evening just to keep from getting shot, only to be beaten out of spite. I have not been imprisoned and tortured without chance of trial.

Yes, I am tired, but I have not suffered. If has been the people of Southeast Asia that have done the suffering. It is time for us to stop bombing. It is time for us to stop killing. It is time for us to stop being policeman of the world. It is time for us to come home. I strongly urge my colleagues to support the Flynt-Addabbo-Giaimo amendment.

Mr. HARRINGTON. Mr. Chairman, I rise in support of the Flynt-Giaimo-Addabbo amendment to prohibit the transfer of funds to continue the bombing of Cambodia. The bombing is illegal, immoral, and senseless and must be stopped.



After 20 years of uninterrupted involvement in Indochina, there is a tendency to believe that each new antiwar measure is just as futile as the ones that preceded it. Yet, paradoxically, although the Secretary of Defense has testified that this particular amendment will not stop the Government from continuing its policy, it is undoubtedly the most important vote to date in the 93d Congress.

If the transfer of funds for the bombing operations are approved by the Congress, it will establish a record of, at least tacit, support for the bombing policy. Recent court decisions lead me to believe that this tacit support is all that is necessary to establish the legality of the continued action.

At the present time, the record is clear. The Congress has never approved our military activities in Cambodia. The opposite is true. The Mansfield and Fulbright amendments clearly state that the Congress is opposed to a war in Cambodia.

I, together with other Members of Congress, have filed suit challenging the President's authority to commit American Forces to Cambodia. In my opinion, the weight of evidence is on our side. But, if the Congress assents to the President's action by voting him funds to continue it, then the legal basis for our suit could very well be eliminated.

This morning's Washington Post editorial referred to today's amendment as another "Tonkin Gulf." I do not believe this is overstating the case. Even more ominous is the Evans and Novak column which appeared in the same paper. In lambasting the Congress for limiting the number of advisers the United States can maintain in Cambodia, the column goes on to say that less than 1,000 professional U.S. advisers—perhaps CIA paramilitary experts with experience in Laos—might have transformed the FANK—Cambodian Army—into irregular light infantry capable of confronting the Communist insurgents.

This kind of talk brings on a frightful sense of deja vu. The arguments are the same that were advanced in the 1963–65 period. We are developing a policy now that is no different, and has no better chance of success, than our policy of 10 years ago.

The question confronting the Congress today is this: We have just emerged from a long and terrible tunnel. Are we going to turn around and enter it again going the other way?

We are fortunate in having Defense Department information on the extent of our military operations in Cambodia up to the present time—12,136 bombing sorties; 82,837 tons of bombs dropped; $258 million; three planes, and 11 men killed.

What will we do when the first of our pilots has been taken prisoner? How soon will that figure of 11 men killed grow to 100—1,000—or 10,000? How many more billions of dollars are we willing to commit to a losing cause? And, the question which is hardly ever raised—how many innocent Cambodian civilians have we killed up to now, and how many more are we going to kill in order to preserve their corrupt and incompetent government?

Our present policy borders on insanity. Not only must the Congress become a party to that policy, it must put an end to it now.

Mr. JONES of Oklahoma. Mr. Chairman, I will make my comments brief and to the point.

I cannot in good conscience support the additional transfer authority of $430 million. My objections focus on the issue of congressional responsibility to determine spending priorities.

I will not belabor the point made here and elsewhere—that the United States has no treaty obligation to Cambodia. Nor has there been congressional authorization for American military operations there. Military activity in Cambodia rests solely on executive decision.

I will not prejudge the need for American military activity there. It may be there are pressing reasons for it. If so, let the President come to Congress for the authority. That is the legal and constitutional argument. Congress has the clear responsibility under the Constitution to establish the priorities for the expenditure of public moneys. Our commitment to law and order compels us to observe the Constitution in this regard. I do not doubt that if these operations in Cambodia can be justified in support of legitimate American interests, Congress will concur. But Congress cannot concur without being informed.

The same is true of the American people and their need and right to be informed. It is no longer possible to plead war as the excuse for the lack of full explanation. The President himself has proclaimed the end of the Vietnam war. There are no American ground forces in South Vietnam to be protected. There are no American prisoners of war in North Vietnam to be protected.

So long as the Vietnam war continued, it was supported by the people of the First District of Oklahoma. They supported the policies of both President Johnson and President Nixon. More recently, they gave their unqualified support to President Nixon's efforts to achieve peace with honor.

But the citizens of the First District believe firmly in law. They want to see the Constitution observed in letter and spirit. They know that the legitimate authority of Congress to authorize expenditures is a barrier against excessive executive power. I believe that they want Congress to live up to its responsibilities.

Moreover, the people of the First District do not believe in government blank checks. But this appropriation is exactly that. The Department of Defense says that it needs this money to give the Department the flexibility needed to cover additional Southeast Asia costs which may develop. What is to keep the administration from using this money directly or indirectly to provide aid to North Vietnam? The overwhelming majority of Oklahomans are firmly opposed to such a policy.

The argument has been made that we waste our time here today since the Secretary of Defense has announced that the administration will continue the bombing of Cambodia whether or not the Congress approves the transfer authority. I am not impressed by that argument. It is no waste of time when the Congress stands up to its responsibilities under the Constitution.

In casting my vote to prohibit the free transfer of these Defense funds in Southeast Asia, I am carrying out one of my first responsibilities as a Congressman and that is to accurately represent the views of citizens of my district.

Through the responses to my recent questionnaire, through individual letters and through numerous personal visits back home, I feel my district has the following opinions: First strong opposition to diverting money to rebuild North Vietnam; second, strong opposition to a no win war or war of attrition; third, support for the proposition that future military activtiy should have the support of Congress after a fully informed hearing. I feel that my vote today carries out those majority opinions of our district.

Mr. METCALFE. Mr. Chairman, as this body deliberates the proposed amendment to disallow funds to be spent by the Department of Defense in the aerial war over Cambodia and possibly other parts of Southeast Asia, I would like to add some comments in favor of the amendment and against the Defense Department's posture in Southeast Asia.

At the beginning of the 93d Congress the members of the Democratic Caucus agreed that after the return of the POW's and the end of the active hostilities in South Vietnam there would be no more support for any military activity in that area, including Cambodia, Laos, and Thailand. Now we are being asked by the House Appropriations Committee to approve a transfer of funds for the DOD so that they can continue their present military activity in that area. We are also informed that some of the money has already been spent. Further, the Defense Department has spent funds for the bombing of Cambodia that were not allocated for that purpose.

It seems that the military does not care about the intentions of the Congress as evidenced by the recent testimony of Secretary Richardson before the Senate Appropriations Subcommittee on Defense. Mr. Richardson remarked that—

It must be emphasized that the denial of the requested authority will not impact on U.S. air operations in Cambodia, but across the board on our baseline forces.

Given this statement, it seems that the DOD sees itself as above the intentions of the Congress, and this situation will remain as long as this body allows itself to be guided by this singularly minded Department.

As a civilian government we have many obligations throughout this country of ours. One of these obligations, however, is not to become the world's supercop. But during the greater part of this century, and a part of the last one, we have done just that, become supercrop. Whatever moral obligations that we feel toward the rest of the world, one of them cannot be to control or manipulate the lives and the destiny of any particular country or nation.

This is essentially what we are doing in Southeast Asia.

Three years ago this Government did something similar, and yet quite differ-

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ent, in Cambodia. We invaded the country. We were reminded, in a very painful way, that we were continuing a fruitless policy and, yet, we still have not learned from that tragic incident. Tragic not only because of what happened in Cambodia but, also, for what happened here, in the United States of America. It is truly sad to think about all of the youth in this country who tried so desperately to tell us that our policy was wrong and how we sat back and paid little or no attention to them. Last week I received a letter from a parent involved in one of the more tragic incidents, and I would like to share it with you because the lesson is still so very valuable:

ALLISON, SANDRA, JEFFREY, BILL

May each May flower remind us of you.

Dear members of the United States Congress:

On April 30, 1970, Richard Nixon invaded Cambodia.

On May 3, Allison placed a flower in the barrel of a rifle, and whispered, "Flowers are better than bullets."

On May 4, Allison and twelve other children were shot. Allison and three of the others died. For Cambodia. For peace.

As May returns in 1973, our bombs still fall on Cambodia. 'Now more than ever.' Four more years.'

And after so long, neither the courts nor the Congress have yet acted to take an accounting of the high-handed crimes that stole life from Allison, Sandra, Jeffrey and Bill, and wounded and crippled nine others.

Worst of all, Congress has not yet done what it is within its power to prevent it all from happening again.

Remember Kent May 4.

The issue is now.

ARTHUR KRAUSE,
*Allison's Father.*
DAVID E. ENGDAHL,
*On behalf of the parents of Sandra, Jeffrey, and Bill.*

This letter reflects, in part, what we are talking about here today: a country's morals and morality as reflected in its foreign policy and the ramifications of that policy at home. This is only a part of the whole tragedy that this country has suffered, but it is, indeed, one of the most tragic parts.

We have a situation before us today that would indicate that the Department of Defense will follow through on the intent of the law only if it conforms with the intentions of the DOD and their military objectives abroad: objectives which seem to be directed at making the world free for the United States, objections of the other nation-states to the contrary, notwithstanding.

My last point as to why this body should not allow the DOD to transfer funds for the continuation of the bombing of Cambodia is a simple one of economy. Prescinding, of course, from the moral aspect which I have touched on above, why are we still wasting money trying to bomb a people into oblivion? This at a time when we are not able to feed, employ, house, and medically care for all of the people on the richest land on the face of the earth. If we are unable to take care of our own to some degree of completeness, then how are we able to afford the continued bombing of Cambodia?

To take this further, on April 25 of this year the Air Force announced that it was costing about $1.8 million per day for the continued bombing of Cambodia: that comes to something over $52 million per month or just under $625 million per year, if we were to let this action continue that long.

The money that could be saved here by stopping the bombing of Cambodia would pay for a large number of local health centers in those areas which are medically underserved; it would start a lot of homes for those Americans who are now homeless or in inadequate shelter; it would make a large dent in the number of people who are now starving to death across the country; it would train a lot of people for jobs that they otherwise would not be able to get; and it would be the first step toward moving this country and Government away from war and toward humanity.

It is past the time that we should have started to reorder the priorities of this, our, country. It is past the time, but it is not too late for us to do something about it. We must act now if we are to leave our children a decent place in which to live.

I urge you to join in this effort and pass this amendment: a call for a responsive and responsible Government.

Mr. ROUSH. Mr. Chairman, today I have had the opportunity to cast my vote not once but twice in expression of my conviction about, my opposition to the current U.S. escalation of military support in Cambodia.

Both in the Democratic caucus this morning and on the floor of the House this afternoon I voted to oppose the transfer authority requested by the Department of Defense in the amount of $500 million and smaller amount recommended by the committee of $430 million.

I oppose this transfer authority, first because we have had assurances before that the United States was not becoming involved in Cambodia's internal difficulties and would not become so involved and these assurances evidently have become inoperative. In May of 1970 Secretary of State William P. Rogers assured us that—

We don't intend to become involved militarily in the support of the Lon Nol government, or any other (Cambodian) government.

Three years later he is telling us that—

The choice before us today is whether to allow a military takeover of Cambodia by North Vietnam and its allies or insist on observation of a negotiated Peace.

Is the negotiated peace, then, to become the grounds for a new round of U.S. fighting in Southeast Asia? The rhetoric sounds too familiar; the intrusion of foreign forces, the need for U.S. assistance to temporarily shore up the government forces.

It was with the same kind of logic, or lack of logic, that we became bogged down in Vietnam for more than a decade with the loss of thousands of lives. I do not intend to be a party to the same eroding process by which the American people are carried down the garden path to an extended military engagement for reasons unknown and with justifications undemonstrated. So I have voted against the transfer of funds sought by the Department of Defense.

Can it be argued that we are committed there by treaty? The answer is "no." Neither the SEATO pact nor the now revoked Gulf of Tonkin resolution requires our presence in Cambodia. Nor can the argument that we are protecting American troops and POW's justify the recent escalation.

When U.S. forces were withdrawn from Cambodia after the 1970 attack on Communist sanctuaries there, the President said:

The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that this is necessary to protect the lives and security of our forces in South Vietnam.

The administration tells us now that this action in Cambodia is a winding down of the Vietnam involvement. What, then, has happened to the peace with honor the President described back in January? And how can increased air sorties over Cambodia in the past months by any stretch of the imagination be described as a "winding down"?

Second, I oppose the transfer authority to the Department of Defense because I believe we must have a clear statement of congressional intent regarding Cambodia. Secretary of Defense Richardson has already told the Congress that a "no" vote will in no way defer the administration's present policies of massive bombing over Cambodia. On that we shall wait and see. However, a vote to withhold the transfer authority will produce a clear record of congressional opposition to this increasing involvement of the United States in Cambodia. A "yes" vote will be used by the administration, as it has been before, to justify their actions and to indicate congressional cooperation, approval.

The American people do not want another Southeast Asian war to drain off American lives and resources and I will not vote for funds that clearly violate the expressed convictions of the American people, convictions I fully share. If the administration will prosecute this military escapade in Cambodia, let them do it without our approval and without any semblance of congressional support.

Besides objecting to the transfer of funds on grounds of opposing any semblance of congressional authorization for the Cambodian intervention when this intervention is neither necessary nor desirable, I also object to the fact that it appears that the Department of Defense has already executed a transfer and that they simply want our stamp of approval. Has the balance of power come to that? $150 million of the transfer is for expenditures in excess of budgeted amounts in support of military activities in Southeast Asia during January, February and March of this year.

Moreover, according to the committee report accompanying this bill, the funds to be transferred will come from excess balances of appropriations provided to the Department of Defense in previous fiscal years, primarily in the procurement accounts. How come the Department of Defense so miscalculated earlier budgets as to come up with a surplus? And at a time of severe fiscal restraint, can we justify rewarding such miscalculations with the authority to transfer those funds elsewhere, even if we approved of where they were going? I think not.

Of primary importance to me is the fact that the Congress had not expressed its will regarding war and peace since the peace negotiations of January. It is time that we did so. It is time that we revived the constitutional prerogative of the Congress and through it the American people, to decide on when and where and if we go to war. That should not be the decision of the Department of Defense or the President alone. I cast my votes with that in mind.

Mr. ROYBAL. Mr. Chairman, I rise in support of the Giaimo-Addabbo-Flynt amendment. The amendment would delete a provision which gives the Department of Defense authority to transfer $430 million for the continuation of the bombing in Cambodia.

On January 27, the entire Nation rejoiced when the President announced that a peace treaty had been signed. All of us thought that the amendment signaled the end of America's longest and most debilitating war.

But all that it has really meant is that we have entered a new period of the secret war. Since the peace treaty we have continued to send B–52's on saturation strikes against the Cambodia countryside. These raids have been heavier than any of the ones we flew over South Vietnam during the war.

Unfortunately, these raids have received scant attention in the press because much of the American public believes that we have completed military operations in Southeast Asia. I do not believe that the majority of the people of the United States would now support the bombing of this tiny country.

This vote today is the first we have held on this matter since the treaty was signed. It provides Congress with an excellent opportunity to recapture part of the war power that it has lost to the executive branch.

For the past 10 years Congress has been implicitly sanctioning this interminable war by appropriating money to continue the devastation. One President used the passage of the Gulf of Tonkin resolution as a congressional carte blanch for his actions. We gave another 4 more years to bomb by refusing to cut off funds. Those were errors and one can hope that the bitter experience of the last 10 years will not be lost on this body today.

The framers of the Constitution placed the power to declare war in the Congress. We have allowed the Executive to usurp this power over the last decade. The President's message on January 27 wrote a fitting end to that era and ushered in a new period when Congress can reclaim its lost power. We have not approved of this bombing. If the Executive feels it is necessary, then he should appear before the proper committees and justify his action.

Second, at present it appears that there is no legal or constitutional justification of the action the President has taken. For the last 4 years, American participation and escalation of the war has been justified by the administration in terms of protecting the troops already there and gaining release of our prisoners of war. We have no troops and no prisoners there today, so this justification of the present bombing campaign fails. We have also repealed the Gulf of Tonkin resolution which first embroiled us in this war.

The administration tells us that to vote for the amendment will mean that the President's hands will be tied in foreign policy or that Henry Kissinger could no longer negotiate effectively. The logical conclusion of this argument is that Congress shoud again turn over its power to the Executive. This is something we cannot permit to happen.

We have been told that our vote here today is meaningless because the Defense Department will continue the bombing no matter what the outcome. It appears as though the Pentagon has transferred funds between accounts without congressional authorization to continue the bombing. This would violate the Anti-deficiency Act and raises grave questions of lawlessness in our Government.

I believe it is time for the House to regain its constitutional prerogative and time for this House to represent the will of the majority of the people. I think it is time for the House to demand a detailed justification of the bombing. Your support on this amendment will be the first step toward the Congress regaining the power that the constitution placed in it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

RECORDED VOTE

Mr. ADDABBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 188, not voting 26, as follows:

[Roll No. 136]

AYES—219

| | | |
|---|---|---|
| Abzug | Daniels, Dominick V. | Gunter |
| Adams | Danielson | Hamilton |
| Addabbo | Delaney | Hanley |
| Alexander | Dellenback | Hanna |
| Anderson, Calif. | Dellums | Hansen, Wash. |
| Andrews, N.C. | Denholm | Harrington |
| Andrews, N. Dak. | Dent | Harvey |
| Annunzio | Diggs | Hawkins |
| Ashley | Dingell | Hechler, W. Va. |
| Aspin | Donohue | Heckler, Mass. |
| Badillo | Drinan | Heinz |
| Bennett | Dulski | Helstoski |
| Bergland | du Pont | Henderson |
| Biester | Eckhardt | Hicks |
| Bingham | Edwards, Calif. | Holifield |
| Blatnik | Ellberg | Holtzman |
| Boggs | Esch | Howard |
| Boland | Evans, Colo. | Hungate |
| Bolling | Evins, Tenn. | Johnson, Calif. |
| Brademas | Fascell | Johnson, Colo. |
| Brasco | Findley | Jones, N.C. |
| Breaux | Flynt | Jones, Okla. |
| Brooks | Foley | Jordan |
| Brown, Calif. | Ford, William D. | Karth |
| Burke, Calif. | Forsythe | Kastenmeier |
| Burke, Mass. | Fraser | Kluczynski |
| Burton | Frenzel | Koch |
| Carey, N.Y. | Fulton | Kyros |
| Carney, Ohio | Gaydos | Landrum |
| Chisholm | Giaimo | Leggett |
| Clark | Gibbons | Lehman |
| Clay | Ginn | Litton |
| Conte | Gonzalez | Long, La. |
| Conyers | Grasso | Long, Md. |
| Corman | Gray | Lujan |
| Cotter | Green, Pa. | McCloskey |
| Coughlin | Griffiths | McCormack |
| Cronin | Gross | McDade |
| Culver | Gude | McKinney |
| Daniel, Dan | Hagan | Macdonald |
| Daniel, Robert W., Jr. | Haley | Madden |
| Davis, Ga. | Hamilton | Matsunaga |
| Davis, S.C. | Hanley | Mazzoli |
| Davis, Wis. | Hanna | Meeds |
| Dennis | Hansen, Idaho | Melcher |
| Derwinski | Harsha | Metcalfe |
| Devine | Hastings | Mezvinsky |
| Dickinson | Hays | Milford |
| Dorn | Hebert | Miller |
| Downing | Hechler, W. Va. | Mills, Ark. |
| Duncan | Heckler, Mass. | Minish |
| Edwards, Ala. | Heinz | Mink |
| Erlenborn | Helstoski | Mitchell, Md. |
| Eshleman | Henderson | Moakley |
| Fish | Hicks | Moorhead, Pa. |
| Fisher | Holifield | Morgan |
| Flood | Holtzman | Mosher |
| Flowers | Howard | Moss |
| Ford, Gerald R. | Hungate | Murphy, Ill. |
| Fountain | Johnson, Calif. | Murphy, N.Y. |
| Frey | Johnson, Colo. | Natcher |
| | Jones, N.C. | Nedzi |
| | Jones, Okla. | Nix |
| | Jordan | Obey |
| | Karth | O'Hara |
| | Kastenmeier | O'Neill |
| | Kluczynski | Owens |
| | Koch | Patman |
| | Kyros | Patten |
| | Landrum | Pepper |
| | Leggett | Perkins |
| | Lehman | Pickle |
| | Litton | Pike |
| | Long, La. | Podell |
| | Long, Md. | Preyer |
| | Lujan | Price, Ill. |
| | McClory | Pritchard |
| | McCloskey | Randall |
| | McCormack | Rangel |
| | McDade | Rarick |
| | McKinney | Rees |
| | Macdonald | Reid |
| | Madden | Reuss |
| | Matsunaga | Riegle |
| | Mazzoli | Rodino |
| | Meeds | Roe |
| | Melcher | Rogers |
| | Metcalfe | Roncalio, Wyo. |
| | Mezvinsky | Rooney, Pa. |
| | Milford | Rose |
| | Miller | Rosenthal |
| | Mills, Ark. | Rostenkowski |
| | Minish | Roush |
| | Mink | Roy |
| | Mitchell, Md. | Roybal |
| | Moakley | Runnels |
| | Moorhead, Pa. | Ruppe |
| | Morgan | Ryan |
| | Mosher | St Germain |
| | Moss | Sarasin |
| | Murphy, Ill. | Sarbanes |
| | Murphy, N.Y. | Schroeder |
| | Natcher | Seiberling |
| | Nedzi | Shipley |
| | Nix | Shoup |
| | Obey | Sisk |
| | O'Hara | Slack |
| | O'Neill | Smith, Iowa |
| | Owens | Snyder |
| | Patman | Staggers |
| | Patten | Stanton, James V. |
| | Pepper | Stark |
| | Perkins | Steele |
| | Pickle | Stokes |
| | Pike | Stuckey |
| | Podell | Studds |
| | Preyer | Sullivan |
| | Price, Ill. | Symington |
| | Pritchard | Thompson, N.J. |
| | Randall | Thone |
| | Rangel | Thornton |
| | Rarick | Tiernan |
| | Rees | Udall |
| | Reid | Ullman |
| | Reuss | Van Deerlin |
| | Riegle | Vanik |
| | Rodino | Vigorito |
| | Roe | Waldie |
| | Rogers | Whalen |
| | Roncalio, Wyo. | White |
| | Rooney, Pa. | Widnall |
| | Rose | Wilson, Charles H., Calif. |
| | Rosenthal | Wilson, Charles, Tex. |
| | Rostenkowski | Wolff |
| | Roush | Wyatt |
| | Roy | Yates |
| | Roybal | Yatron |
| | Runnels | Young, Ga. |
| | Ruppe | Zablocki |
| | Ryan | Zwach |
| | St Germain | |
| | Sarasin | |
| | Sarbanes | |
| | Schroeder | |
| | Seiberling | |
| | Shipley | |
| | Shoup | |
| | Sisk | |
| | Slack | |
| | Smith, Iowa | |
| | Snyder | |
| | Staggers | |

NOES—188

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|---|---|---|
| Abdnor | Froehlich | Parris |
| Anderson, Ill. | Gettys | Passman |
| Archer | Gilman | Pettis |
| Arends | Goldwater | Peyser |
| Armstrong | Goodling | Poage |
| Ashbrook | Grover | Powell, Ohio |
| Bafalis | Gubser | Quie |
| Baker | Guyer | Quillen |
| Beard | Haley | Railsback |
| Bell | Hammer-schmidt | Regula |
| Bevill | Hanrahan | Rhodes |
| Bowen | Hansen, Idaho | Rinaldo |
| Bray | Harsha | Roberts |
| Breckinridge | Hastings | Robinson, Va. |
| Brinkley | Hays | Robison, N.Y. |
| Broomfield | Hebert | Roncallo, N.Y. |
| Brotzman | Hillis | Rousselot |
| Brown, Mich. | Hinshaw | Ruth |
| Broyhill, N.C. | Hogan | Satterfield |
| Broyhill, Va. | Holt | Saylor |
| Buchanan | Horton | Scherle |
| Burgener | Hosmer | Schneebeli |
| Burke, Fla. | Huber | Sebelius |
| Burleson, Tex. | Hudnut | Shriver |
| Burlison, Mo. | Hunt | Shuster |
| Butler | Hutchinson | Sikes |
| Byron | Ichord | Skubitz |
| Casey, Tex. | Jarman | Smith, N.Y. |
| Cederberg | Johnson, Pa. | Spence |
| Chamberlain | Jones, Ala. | Stanton, J. William |
| Chappell | Kazen | Steed |
| Clancy | Keating | Steelman |
| Clausen, Don H. | Kemp | Steiger, Ariz. |
| Clawson, Del | Kuykendall | Steiger, Wis. |
| Cleveland | Landgrebe | Stephens |
| Cochran | Latta | Stratton |
| Cohen | Lent | Talcott |
| Collier | Lott | Taylor, Mo. |
| Collins | McCollister | Taylor, N.C. |
| Conable | McEwen | Teague, Calif. |
| Conlan | McFall | Thomson, Wis. |
| Daniel, Dan | Madigan | Towell, Nev. |
| Daniel, Robert W., Jr. | Mahon | Treen |
| Davis, Ga. | Maillliard | Waggonner |
| Davis, S.C. | Mallary | Walsh |
| Davis, Wis. | Mann | Wampler |
| Dennis | Marazitl | Ware |
| Derwinski | Martin, Nebr. | Whitehurst |
| Devine | Martin, N.C. | Whitten |
| Dickinson | Mathias, Calif. | Wiggins |
| Dorn | Mathis, Ga. | Williams |
| Downing | Mayne | Wilson, Bob |
| Duncan | Michel | Winn |
| Edwards, Ala. | Mills, Md. | Wright |
| Erlenborn | Minshall, Ohio | Wydler |
| Eshleman | Mitchell, N.Y. | Wylie |
| Fish | Mizell | Wyman |
| Fisher | Montgomery | Young, Alaska |
| Flood | Moorhead, Calif. | Young, Fla. |
| Flowers | Myers | Young, Ill. |
| Ford, Gerald R. | Nelsen | Young, S.C. |
| Fountain | Nichols | Young, Tex. |
| Frey | O'Brien | |

NOT VOTING—26

| | | |
|---|---|---|
| Barrett | Brown, Ohio | Crane |
| Biaggi | Camp | de la Garza |
| Blackburn | Carter | Frelinghuysen |



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|---|---|---|
| Fuqua | Symms | McSpadden |
| Green, Oreg. | Mollohan | Teague, Tex. |
| Jones, Tenn. | Price, Tex. | Vander Jagt |
| Ketchum | Rooney, N.Y. | Veysey |
| King | Sandman | Zion |
| McKay | Stubblefield | |

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: on page 6, immediately after line 12, insert the following paragraph:

"None of the funds herein appropriated to the Department of Defense under this Act shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia by United States Forces."

Mr. LONG of Maryland. Mr. Chairman, the purpose of this amendment is to make loud and clear the point which we have tried to make in passing the amendment offered by the gentleman from New York (Mr. ADDABBO). My amendment makes it possible for many people, who were genuinely and honestly disturbed about aspects of the Addabbo amendment, to support it. There were problems in the Addabbo amendment for many—not for me—but there were for many people because they felt that this would hamper the administration and the Defense Department all over the world; tie its hands and hinder its freedom of action. That is why many Members voted against the Addabbo amendment even though they were genuinely disturbed about Cambodia, and wanted to make it clear that we ought to get out of there.

Now, if it is the point, as I think it is, that the Addabbo amendment wants us not to carry on further U.S. combat operations in Cambodia, then now is the time under my amendment to express that explicitly rather than merely implicitly.

Keep in mind that my amendment merely addresses itself to U.S. armed combat forces. It is still possible to help in many other ways. My amendment does not address itself to that one way or the other. But if we pass this amendment today we will put a double lock on the door.

On the other hand, if we vote down this amendment—which says that none of the funds herein appropriated to the Department of Defense under this act shall be expended to support directly or indirectly combat activities in, over, or from off the shores of Cambodia by U.S. forces—if we vote this down, then certainly the President is entitled to be confused about just what the Congress intended when it agreed to the Addabbo amendment.

So I hope that the House will vote for my amendment.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I rise in strong support of the gentleman's amendment.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from California.

Mr. LEGGETT. Does the gentleman's amendment affect the military assistance program to the Lon Nol government?

Mr. LONG of Maryland. In no way. It merely attempts to prohibit the use of U.S. combat forces.

Mr. LEGGETT. So that Lon Nol can go ahead and fight his war, and we can just address ourselves to American forces there?

Mr. LONG of Maryland. Yes, just the same as we intend to do in South Vietnam.

Mr. Chairman, I yield back the balance of my time.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have lost before, and I probably will lose in the future, but it does not affect me personally because that is part of the ball game.

I cannot help but say that I think this is a very, very sad day in the House of Representatives. I respect the Members' views. I respectfully disagree with some of them. I happen to believe, as I have said to those of us on our side of the aisle in the last several days, that this issue today on the previous amendment and the one now up had far greater ramifications than appeared on the surface.

I think that it is appropriate to say that in the last 3½ years, because of the strength of the House of Representatives, a majority of them, we have been able to withdraw 540,000 U.S. military personnel from Vietnam.

Because of the strength of the majority, both Democrats and Republicans in the House, we have been able to get back all of our POW's, approximately 550, American prisoners of war. And because the majority of the House had faith in the policies that were being pursued to end the war, we now have teams in Vietnam—Indochina—trying to identify whether or not the listed missing in action are really missing in action, or whether there is a hope that they will turn up. Because of a coalition in the House, the people who were strong in the face of adversity in the last 3 years, we achieved a peace agreement. We have a cease-fire in Vietnam, and we have a cease-fire in Laos.

This group on both sides of the aisle did not bow down and capitulate to the mobs that stormed the steps of the Capitol, and we did not listen to the prophets of doom in the Chamber of the House of Representatives. And we did not raise questions like some in this body—and I refer to a comment made by my friend, the majority leader, on May 9, 1972, when the President had taken firm action for the bombing in the North and the blockading of the harbor in North Vietnam.

The distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) at that time said:

> The White House will have to show tremendous diplomatic skills in the next 3 days or we could be in World War III.

Of course, he was dead wrong then, except that the administration apparently exhibited those extraordinary diplomatic skills that resulted in the averting of world war III and the end of that war in Southeast Asia.

A policy of strength for America is good for us and a policy, that I interpret as one of weakness, is not good for America. The best illustration of how strength produces results is the military strength and the character and resolve of the Israelis in the Middle East. They are faced with some 50 or 60 million Arabs on the one hand and they have 6 million to 8 million people in Israel itself. Because they are strong militarily and because they have strength of character and resoluteness, the country is moving ahead and the opposition is on the defensive.

At no time in the history of this country have we achieved results by standing still or backing off. My interpretation, without commenting on how one person or another voted on the vote that was just taken, is that an affirmative vote for the Addabbo or Long amendment is a backing off from a responsibility that could lead to dire and serious consequences not only in Southeast Asia but the world as a whole. It amazes me as well as disappoints me that the House of Representatives, that has a track record of strength and firmness, is now cringing and crumbling. I am disappointed and saddened. I strongly oppose the Long amendment as I did the Addabbo amendment.

AMENDMENT OFFERED BY MR. STRATTON TO THE AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. STRATTON. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Maryland (Mr. LONG).

The Clerk read as follows:

Amendment offered by Mr. STRATTON to the amendment offered by Mr. LONG of Maryland: At the end of the amendment, strike out the period, insert a semicolon, and add the following words:

"Except that no such limitation shall take effect until after the projected meeting between Dr. Kissinger and Le Duc Tho looking toward improved cease-fire compliance has been held and a full report on its results made to the Congress; or if such a meeting is not held, until the President has reported fully to the Congress the reasons therefore; but in no event shall such delay continue for more than 3 months".

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) is recognized in support of his amendment.

Mr. STRATTON. Mr. Chairman, I would like to explain what I attempted to say in this amendment.

Mr. LONG of Maryland. Mr. Chairman, I object to the Stratton amendment on the ground that it is vague.

Mr. Chairman, I make the point of order that the amendment is vague and out of order because it is vague. It refers to people such as Kissinger and Le Duc Tho and it is not the type of language that fits in with the legislative action we are taking. In addition, it is legislation on an appropriation bill.

Mr. STRATTON. Mr. Chairman, will the gentleman from Maryland withhold his point of order until I have had a chance to speak on the amendment. I did not yield to the gentleman from Maryland, Mr. Chairman.



The CHAIRMAN. Will the gentleman from Maryland reserve his point of order until the gentleman from New York has explained his amendment?

Mr. LONG of Maryland. Yes, Mr. Chairman.

Mr. STRATTON. Mr. Chairman, I have been tempted to say that because this matter has already been debated in full I shall not take my full 5 minutes in explaining this amendment.

But I shall not do so. Why? Because the interesting thing about the vote that just took place on the Addabbo amendment is that for the first 5 or 6 minutes, when those who had been in the Chamber during the debate were voting, the opposition to the amendment was leading by a very substantial majority. It was only when those Members who had been over in their offices, who had had their minds already made up in advance, who had not had a chance to listen to the debate, came over and voted that the majority switched in the other direction.

Therefore, I would like to say just a few things about this particular amendment of mine and the specific situation which we now face.

The debate a few moments ago made it perfectly clear that the adoption of the Addabbo amendment would not stop bombing operations in Cambodia. We ought to be perfectly clear on that. The amendment's adoption simply means that in order to get the funds for those operations, the Defense Department will have to cease operations in the Mediterranean, in the Middle East, in the Atlantic, and in other key areas, including the United States until the end of the fiscal year.

But now the Long amendment would specifically prevent any combat operations in or over Cambodia. Therefore this is the point at which the crunch is really going to be felt. So I think it is worth repeating again what was said at the time of the earlier debate on the Addabbo amendment, that a cease-fire in Cambodia is part of the original agreement worked out with the North Vietnamese with the help of the Russians and Chinese.

We have now achieved a major part of that cease-fire agreement. We have a cease-fire in both Vietnam and Laos, but the understanding with all those parties in January was that we would continue military operations in Cambodia until we had achieved a cease-fire there as well.

So I believe this Congress would be ill-advised to take this last step to prevent the continuation of these Cambodian operations long enough to see what the talks between Dr. Kissinger and Tho are going to achieve. Perhaps they will not get a cease-fire. Perhaps they will break down; but my amendment to the Long amendment puts off the ban on Cambodian operations long enough so that the upcoming cease-fire talks between Dr. Kissinger and Tho may have a chance to succeed.

In no event, however, will this limitation persist more than 3 months. Perhaps we ought to make it less than 3 months, but we ought at least to give an opportunity for these negotiations to go forward before we clamp down on any possibility of a cease-fire in Cambodia.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, as I understand the amendment of the distinguished gentleman from New York, it is simply to reaffirm the desire of the Congress for a negotiated settlement of the fighting in Cambodia, and would make it clear that any other action that we may have taken not preclude our desire for a negotiated ending of the war. In other words it would approve the forthcoming negotiations.

Mr. STRATTON. The gentleman is exactly correct. I do not think we in the House really want to take on the responsibility of having done something which people might later on say, "This was an action of the Congress that made it impossible for us to get a cease-fire in Cambodia, which virtually assured that the cease-fire in Vietnam would not be effective either."

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, is it not true that the January agreement provides that no outside party shall conduct any military operations in or over Cambodia?

Mr. STRATTON. The same agreement provides that all foreign forces shall be withdrawn from Laos and Cambodia. Yet the North Vietnamese have not so far withdrawn their forces.

There was an understanding with the North Vietnamese and with the Russians and with the Chinese, however. I had the privilege of being at the White House the day after the cease-fire announcement was made. It was made very clear by Dr. Kissinger and by the President, that we would continue to conduct operations in Laos until there was a cease-fire agreement there, and both sides would also continue to conduct operations in Cambodia until there was a cease-fire there.

We finally got a cease-fire in Laos. Dr. Kissinger at the time indicated, however, that it would be more complicated to get a cease-fire in Cambodia and might take us a little longer.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Maryland insist on his point of order?

Mr. LONG of Maryland. I do, Mr. Chairman. I make a point of order against the gentleman's amendment on the ground that it is legislation on an appropriation bill, and it is legislation because it imposes additional duties on the President. Therefore, it is out of order.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. STRATTON. Yes, Mr. Chairman. I do wish to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STRATTON. Mr. Chairman, the amendment of the gentleman from Maryland imposes a limitation on the expenditure of funds contained in the bill from the Committee on Appropriations. My amendment simply defines a precise time limit for that limitation. It imposes no obligation on anyone else. It simply indicates the length of time during which this limitation shall or shall not be imposed. Therefore, it does not represent any limitation or legislation on an appropriation bill.

The CHAIRMAN (Mr. BROOKS). The Chair is prepared to rule.

The amendment offered by the gentleman from Maryland is a limitation on expenditures. The amendment to the amendment offered by the gentleman from New York is a time limitation, but it is also legislation, in that it would require additional responsibilities and duties. It would require individuals to report, and finally the President to report. It would be legislation.

Therefore, the Chair sustains the point of order.

Mr. HANNA. Mr. Chairman, I rise in support of the amendment.

I would not have asked for this recognition had I not been sitting in the Chamber when the distinguished minority leader made the statement which he made and which I accepted with respect for the sincerity with which he spoke.

I believe there is something more significant in the decisionmaking going on in this House right now than many who are sitting in this Chamber realize.

It has seemed to me a marching of the events of history is being determined here. I have watched these forces rolling to this point for some time.

I should like to draw attention to this historical perspective. Without any showing of cause or blame on the part of anybody, or any partisans throughout this history, I should like the Members to realize that since the beginning of this century, starting with World War I, this country has had to take a position in history of being concerned about security and being involved in military conflict or the threat of military conflict. In that concern and in that history we have had to place at the front end of our policy decisionmaking, and it has been the responsibility of the House throughout all of that to put in front of our policy decisionmaking military-security considerations; dominating, forcing the decisionmaking of this House.

During that history the economics of this country has been in a tandem position with our military and security forces, and the Government and politics has simply been the servant to that.

We are at a point of change in this world and in this House. It is in the future the role of the military to be in the third position rather than the first. And it is not going to help, in the fact that there is going to be a change as to who is going to be in charge of the decisionmaking in this House, and the military and Armed Forces are not going to be as powerful.

The thing we are saying now is that the country must accept and face up to the responsibility of this country's power not being in the military but in the economics, with the Government and politics in tandem with the economics, in trying to solve the problems of the world

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instead of destroying the people of the world.

I believe this is the thrust of history which lies before us. We should not be afraid to accept it.

The words of the amendments we have voted on today point us in that direction of history, and I believe they should be supported.

PARLIAMENTARY INQUIRY

Mr. COLLIER. Mr. Chairman, I have a parliamentary inquiry, and I will make a point of order, if it is in order.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COLLIER. The parliamentary inquiry is this: Did we not waive points of order by earlier action of this House? If we did, how, then, is a point of order in order when points of order have been waived?

The CHAIRMAN. The rule only waived points of order against provisions of the bill not against amendments offered from the floor to that legislation.

Mr. COLLIER. Mr. Chairman, would not the amendment offered by the gentleman from Maryland (Mr. LONG), be in and of itself under that waiver, and, therefore, any subsequent point of order on an amendment thereto would be equally out of order?

The CHAIRMAN. Any amendment offered on the floor could be subject to a point of order. No Member raised a point of order against the amendment offered by the gentleman from Maryland (Mr. LONG). A point of order was raised against an amendment to that amendment. It was sustained. That is the situation existing at this time.

Mr. COLLIER. I thank the Chairman.

AMENDMENT OFFERED BY MR. STRATTON TO THE AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. STRATTON. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Maryland (Mr. LONG).

The Clerk read as follows:

Amendment offered by Mr. STRATTON to the amendment offered by Mr. LONG of Maryland:

At the end of the amendment, strike out the period, insert a semicolon, and add the following words:

"Except that no limitation shall take effect for 2 months".

Mr. STRATTON. Mr. Chairman, this amendment has been revised from the previous form to make it consistent with the point of order raised by the gentleman from Maryland (Mr. LONG). I have conferred with the Parliamentarian, and believe there is no point of order that could now be properly lodged against this amendment. This new amendment basically accomplishes the same thing as the one previously ruled out of order. It gives us 2 months to see what these new diplomatic conversations will produce, before the boom falls. If this House wants to act responsibly, then we should add this amendment of mine to the amendment offered by the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I make a point of order that the amendment is out of order.

The CHAIRMAN. The gentleman from Maryland (Mr. LONG) is making his point of order too late.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as most of you know, I have not taken the floor on too many occasions since I have been serving in Congress.

But today I find many in the same position as the fellow was one time when he was in church and the preacher asked for a call of all those present who wanted to go to heaven, and everybody stood up except my friend down there in the front pew who was sound asleep. Then the preacher asked if anybody wanted to go to hell. He said it so loud and made so much fuss that it woke the old fellow up, and he jumped right straight up in the air, looked all around and got embarrassed, and he said, "Preacher, I do not know what we are voting on, but it looks like me and you are the only two that are in favor of it."

Mr. Chairman, I think we are in that position today. Really I think we have been asleep. I really cannot believe that this has happened on the floor of the Congress of the United States, and I believe that history wil look back in the future and will show that Cambodia and Laos and the other countries in Southeast Asia fell to communism, and people, millions of them, lost their freedoms because we just plain sold them out. I cannot conceive of it.

We have been a leader in this world for years and years, and for the first time we have ducked our heads and gone home and told the rest of the world "to go to blazes and take care of yourselves." I cannot believe it.

Mr. Chairman, I would ask my colleagues here today to imagine such a debate as ours occuring in Russia or Red China. Would it be permitted in North Vietnam? What if the Communist forces in Cambodia, half of which are North Vietnamese, are successful in taking over the legal government there? Would any criticism of their policy be allowed?

These questions answer themselves, Mr. Chairman, and those answers should serve to remind us where the real enemy of freedom lies. Unfortunately, however, while most of us would agree that life under communism would be highly unpleasant, many individuals seem to think that is not their problem. They have their freedom here in America, and they refuse to acknowledge communism's threat to us.

One of my favorite figures of South Carolina history was a young man whose name goes unrecorded, but whose actions have special significance for us today. He left his home and family and traveled all the way to Texas "to fight for my country." Like the rest who fought at the Alamo, he died a hero. Of course, Texas was not even a part of his country at that time, but he could see the threat.

As leaders of the free world, we have an obligation to help small nations remain free. In addition to the moral responsibilities we have, we should be able to consider our own self interests. Either we fight now or we fight later. Personally, I would rather fight communism in far away Southeast Asia than right here in Washington. I would rather be responsible for the fighting now than to leave it with my children to worry about in years to come.

Those who keep introducing or voting for resolutions which seek to hamper our efforts in Southeast Asia must admit one of two things. Either they believe that left alone, communism will cease its aggressions, which is naive in the extreme, or that they just do not care whether those countries go Communist or not. How can they continue to parade their concern for the poor, the downtrodden, and those who cannot take care of themselves, and still be willing to abandon an entire people to communism? They urge that we spend billions to build schools and hospitals overseas, and then turn around and shout "No" when we are asked to help a country preserve its freedom. They should ask our recently released prisoners of war what freedom means to a man, and which of these needs is most important.

Yesterday, Mr. Chairman, I witnessed a sorry spectacle. As a result of legislation introduced in the U.S. Congress, the Secretary of Defense was directed to provide information regarding our military activities in Cambodia. This included such strategic details as number of sorties flown by our planes over Cambodia and Laos, tonnage of bombs and shells fired or dropped on both countries, cost of every imaginable factor of our military presence in that area, and even such information as numbers and rank of U.S. personnel located in Cambodia and Laos, nature of their activity in those countries, and the order of battle of all forces, including their current deployment and location.

Mr. Chairman, there are just two final points I want to make. No. 1, I want the RECORD to show that I have never asked any question, the answer to which would give aid or comfort to the enemy. I have not requested nor been responsible for helping to make any infomation available to the enemy which could result in putting U.S. personnel or any other free world citizens in jeopardy of Communist attack.

Finally, without our help Cambodia and Laos will surely fall to communism because of Communist help from outside those countries. I will not permit my name to be recorded in history as one who, because of a lack of resolve, allowed two more countries to go under, bringing us one step closer to the day when we will be the only free nation left in a hostile world.

Each of you has to decide how to vote on the issue at hand. There may be short-term or expedient reasons for your position, but remember that history is long winded; and in my opinion, history will show clearly the tragic consequences of our actions if we do not support freedom in Southeast Asia.

We still have a little time to redeem ourselves. This amendment to the amendment which we are voting on today will at least redeem us in the eyes of the world to some extent. I know it will not do much good, but I want to repeat some words to you that the late President Kennedy uttered when he committed this country to an undertaking when he was inaugurated. Here is what he said, and you can rationalize your vote in any way you want to. He committed this country to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to insure the survival and the success of liberty." Now rationalize that.



Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not delay the House unduly. I want to make only one point, and that is what the effect of the so-called Stratton amendment would be. This is a "cute" amendment.

It proposes to delay the operation of the Long amendment by 2 months, which will take its operation beyond the expiration of this fiscal year on June 30. The funds in this supplemental appropriation bill are for the last remaining 2 months of this fiscal year. They end on June 30. Therefore, the effect of the Stratton amendment will just be to make the Long amendment moot and inoperative and of no use at all. If ever there was "a fast one," to use the language of the street, this amendment is it.

I urge the defeat of the Stratton amendment.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the problem which torments and plagues us is the fact that we have continued bombing going on in Cambodia. We have announced to the world that we have ceased the fighting. Our troops have come home, and I think that the whole world cries for peace and for a complete cessation of bombing and fighting. The nerve spot now is Cambodia.

I do not think the people can understand how we can have peace and march toward a conclusion of this controversy by having continued bombing.

Mr. Chairman, the amendment we have just passed went much further than I would have liked. I would have hoped that we could have had a chance to vote on the Long amendment first, which limits this to Cambodia.

It is the President's judgment that the best way to bring a conclusion to these hostilities is by a continuation of the use of force. I respect his position; he may be right. Each of us has to try to do what is the best thing to really conclude this. The President is going to keep up the bombing or he is going to take those steps which he thinks are his prerogative. He has that right, and we can all hope whatever he does is the right thing for us.

I do not disagree with that. I do, though, hesitate to say that we the Congress want to try to be the generals on the floor. I do not prefer an amendment that said there would be no combat activity in any part of Indochina; though I supported the previous amendment with heavy heart. What we want to do is stop the fighting and bombing in Cambodia. I think the President ought to have the right to have ships lay off the coast and ought to have the right to have troops in Thailand or other nations there. I think he has a right to have airmen in any of our bases. He has a right to take action in any place in the world that he thinks is best at the time where something occurs. I do not want to strap him and tie his hands, but the vote we just took I think is an expression to the American people and to the administration that we want to stop this Cambodia bombing. I do not interpret the Addabbo amendment as an attempt to be the generals. It was a voice of protest against further bombing in Cambodia.

We want to stop this Cambodia bombing, and the thing that I think we can do most properly right now is to prevent transfer of funds that allows bombing in Cambodia. For this reason I support the gentleman's amendment. I think it is the best way to go about it. I hope we do not, whatever ends up in the final approach in the Congress, take a step that unduly ties the hands of the President too broadly. But I do think the people want the bombing in Cambodia to be stopped. If my friends here on the Republican side of the aisle could vote with this amendment, because it is more desirable to them than what they had before, then I think the people on the Democratic side of the aisle ought to be able to feel that this is a clear limitation designed to cause the cessation of the bombing in Cambodia. We would hope then that the House of Representatives could find a common ground on this amendment.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I agree with the gentleman from Texas. I think it is too bad that we did not vote on the amendment offered by the gentleman from Maryland (Mr. LONG) first, because I think it sets forth the point that the Members of the House were trying to make with reference to the amendment that was adopted because, as the gentleman from Texas has said, it really goes much further, and really makes it difficult to operate our armed forces of the United States.

Mr. PICKLE. The amendment passed by the House was protesting the continuation of the bombing in Cambodia and not really an attempt to try to tie the hands of the President, and for that reason the Long amendment is more desirable.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. Mr. Chairman, would not the gentleman also agree that the amendment offered by the gentleman from New York (Mr. STRATTON) is unnecessary in that a 2-month limitation, as the gentleman is attempting to put over, has no meaning whatsoever? Two months from when?

Mr. PICKLE. Mr. Chairman, I would state that I think the gentleman from New York could probably better speak as to his amendment. I think this bombing will go on for the next 60 days; anyway they will take funds from other sources, and the amendment does not add to it, the only thing it does is to extend the time pending further negotiations.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from Maryland (Mr. LONG) and the amendment offered by the gentleman from New York (Mr. STRATTON) to that amendment, close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland (Mr. LONG).

The Long amendment says that none of the funds herein appropriated to the Department of Defense under this act shall be expended directly or indirectly for combat activity in Cambodia, and so forth.

Well, Mr. Chairman, there is not a great deal of money in this bill that relates to the fighting in Cambodia. There was $6 billion in Air Force operation and maintenance funds in the regular Defense Appropriation bill for the current year which totalled $76 billion. In all probability, only a very limited amount of money in this bill would be required for the remainder of this fiscal year in connection with the operations in Cambodia.

Frankly, I do not know what the interpretation of the Defense Department may be with respect to the amendment. But I think the arguments which many of the Members made against the Addabbo amendment would to a considerable extent apply to this amendment, and I would hope that the amendment will not be approved.

The House of Representatives has placed itself on record today as being in favor of stopping the bombing in Cambodia. That is very clear. The implication of the Addabbo amendment is that we should stop the bombing in Cambodia. So, as an expression of the will of the House I think that that has been made crystal clear. Is not adopting the Addabbo amendment going far enough at this time in expressing the sense of the House of Representatives?

I would hope we could stop there and give the President some flexibility, bearing in mind the will of the House of Representatives, to proceed without having his hands tied more tightly at this critical period in trying to wind down the war.

I do not think we should undertake to manage the war to the extent that the amendment of the gentleman from Maryland proposes. We made crystal clear what the majority view of the House is. Let us stop it there and not for the moment restrict the Commander in Chief further in his efforts to wind down the war and bring it to the most successful conclusion that may be possible. How successful it may be cannot be determined at this time. No one can guarantee what will happen.

As I said earlier, Mr. Chairman, to act in haste, to act in a moment of emotion, is not necessarily befitting this great Nation. It seems to me that we ought to

XUM

give a little time here. Many times in the history of this world great mistakes have been made because people and nations have, under the stress of emotion and haste, taken actions which they later regretted. Perhaps we and the President can live with the Addabbo amendment; but it seems quite difficult to interpret the Long amendment in such a way as to give the President the flexibility that he might need to try to wind down the war, toward which a great deal of progress has been made. About 540,000 troops have been removed from South Vietnam. The President has obtained a cease-fire in Vietnam and in Laos. Give him the opportunity to finish the job in Cambodia.

The CHAIRMAN. Members standing at the time the unanimous-consent agreement was entered will be recognized for 2 minutes each.

The gentleman from Maryland (Mr. LONG) is recognized.

Mr. LONG of Maryland. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Connecticut (Mr. GIAIMO) is recognized.

Mr. GIAIMO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from California (Mr. Moss) is recognized.

Mr. MOSS. Mr. Chairman, I find that it is rather difficult to determine what the amendment we have adopted does, because we are told on the one hand that it does absolutely nothing, and on the other hand we are told that it fashions the handcuffs for the President, takes away all flexibility, and renders it impossible to adequately discharge whatever duties are envisioned in this legislation. Obviously we cannot have both situations arising as a result of the adoption of the amendment. I believe we did right in adopting the Flynt-Addabbo-Giaimo amendment. But in order that we not really create confusion, I would urge that we not adopt the Stratton amendment.

I think the others we can understand and live with.

The CHAIRMAN. The gentleman from California (Mr. LEGGETT) is recognized.

Mr. LEGGETT. Mr. Chairman, I rise in support of the Long amendment and in opposition to the Stratton amendment.

I do not think the 60 days are either going to get us any votes or any more reason in this conflagration. As I understand the Long amendment, the real intent here is to gain back the power of the Congress under article I, section 8. That is the war power. We have been seduced into a war by indirection, authorizations, and appropriations for 10 or 15 years. Now we are getting out of the bombing program by the previous amendment, and I would hope that we could go ahead and pass the Long amendment.

If we determine that we want to engage in combat operations in Thailand or in Cambodia or in Vietnam, at some other time let the President make his request and bring it to the Committee on Armed Services.

Let us consider it, and let us not have this halfhearted war by indirection, as we have had for the past 10 or 15 years, that I say has been ineffective, but I am not going to argue that now. I think the gentleman's amendment is well taken.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON) to the amendment offered by the gentleman from Maryland (Mr. LONG).

RECORDED VOTE

Mr. STRATTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 219, not voting 34, as follows:

[Roll No. 137]

AYES—180

| | | |
|---|---|---|
| Abdnor | Gettys | Passman |
| Arends | Goldwater | Pettis |
| Armstrong | Goodling | Pickle |
| Ashbrook | Grover | Poage |
| Bafalis | Gubser | Powell, Ohio |
| Baker | Guyer | Quie |
| Beard | Hammer-schmidt | Quillen |
| Bell | Hanrahan | Regula |
| Bevill | Hansen, Idaho | Rhodes |
| Bowen | Harsha | Roberts |
| Bray | Hastings | Robinson, Va. |
| Breckinridge | Hays | Roncalio, N.Y. |
| Brinkley | Hébert | Rousselot |
| Brooks | Hinshaw | Runnels |
| Broomfield | Hogan | Ruth |
| Brotzman | Holt | Satterfield |
| Brown, Mich. | Horton | Saylor |
| Broyhill, N.C. | Hosmer | Scherle |
| Broyhill, Va. | Huber | Sebelius |
| Buchanan | Hudnut | Shriver |
| Burgener | Hutchinson | Shuster |
| Burke, Fla. | Ichord | Sikes |
| Burleson, Tex. | Jarman | Skubitz |
| Burlison, Mo. | Johnson, Pa. | Smith, N.Y. |
| Butler | Jones, Ala. | Spence |
| Byron | Kazen | Stanton, J. William |
| Casey, Tex. | Keating | Steed |
| Cederberg | Kemp | Steelman |
| Chamberlain | Kuykendall | Steiger, Ariz. |
| Chappell | Landgrebe | Steiger, Wis. |
| Clancy | Latta | Stephens |
| Clausen, Don H. | Lent | Stratton |
| Clawson, Del | Lott | Talcott |
| Cleveland | Lujan | Taylor, Mo. |
| Cochran | McCollister | Taylor, N.C. |
| Collier | McEwen | Teague, Calif. |
| Collins | McFall | Thomson, Wis. |
| Conable | Madigan | Towell, Nev. |
| Conlan | Mahon | Treen |
| Daniel, Dan | Mailliard | Waggonner |
| Daniel, Robert W., Jr. | Mann | Walsh |
| Davis, Ga. | Maraziti | Wampler |
| Davis, S.C. | Martin, Nebr. | Ware |
| Davis, Wis. | Martin, N.C. | Whitehurst |
| Dennis | Mathias, Calif. | Whitten |
| Derwinski | Mathis, Ga. | Widnall |
| Devine | Mayne | Wiggins |
| Dickinson | Michel | Williams |
| Dorn | Milford | Wilson, Bob |
| Downing | Mills, Md. | Winn |
| Duncan | Minshall, Ohio | Wright |
| Edwards, Ala. | Mitchell, N.Y. | Wydler |
| Erlenborn | Mizell | Wylie |
| Eshleman | Montgomery | Wyman |
| Fisher | Moorhead, Calif. | Young, Alaska |
| Flowers | Myers | Young, Fla. |
| Ford, Gerald R. | Nelsen | Young, Ill. |
| Forsythe | Nichols | Young, S.C. |
| Frey | O'Brien | Young, Tex. |
| Froehlich | Parris | Zablocki |

NOES—219

| | | |
|---|---|---|
| Abzug | Boland | Culver |
| Adams | Bolling | Daniels, Dominick V. |
| Addabbo | Brademas | Danielson |
| Alexander | Brasco | Dellenback |
| Anderson, Calif. | Breaux | Dellums |
| Anderson, Ill. | Brown, Calif. | Denholm |
| Andrews, N.C. | Burke, Calif. | Dent |
| Andrews, N. Dak. | Burke, Mass. | Diggs |
| Annunzio | Burton | Dingell |
| Archer | Carey, N.Y. | Donohue |
| Ashley | Carney, Ohio | Drinan |
| Aspin | Chisholm | Dulski |
| Badillo | Clark | du Pont |
| Bennett | Clay | Eckhardt |
| Bergland | Cohen | Edwards, Calif. |
| Biester | Conte | Eilberg |
| Bingham | Conyers | Esch |
| Blatnik | Corman | Evans, Colo. |
| Boggs | Cotter | Evins, Tenn. |
| | Coughlin | Fascell |
| | Cronin | Findley |
| | McClory | Rooney, Pa. |
| | McCloskey | Rose |
| | McDade | Rosenthal |
| | McKinney | Rostenkowski |
| | Macdonald | Roush |
| | Madden | Roy |
| | Mallary | Roybal |
| | Matsunaga | Ruppe |
| | Mazzoli | Ryan |
| | Meeds | St Germain |
| | Melcher | Sarasin |
| | Metcalfe | Sarbanes |
| | Mezvinsky | Schneebeli |
| | Miller | Schroeder |
| | Mills, Ark. | Selberling |
| | Minish | Shipley |
| | Mink | Shoup |
| | Mitchell, Md. | Sisk |
| | Moakley | Slack |
| | Moorhead, Pa. | Smith, Iowa |
| | Morgan | Snyder |
| | Mosher | Staggers |
| | Moss | Stanton, James V. |
| | Murphy, Ill. | Stark |
| | Murphy, N.Y. | Steele |
| | Natcher | Stokes |
| | Nedzi | Stuckey |
| | Nix | Sullivan |
| | Obey | Symington |
| | O'Hara | Thompson, N.J. |
| | O'Neill | Thone |
| | Owens | Thornton |
| | Patman | Tiernan |
| | Patten | Udall |
| | Pepper | Ullman |
| | Perkins | Van Deerlin |
| | Peyser | Vanik |
| | Pike | Vigorito |
| | Podell | Waldie |
| | Preyer | Whalen |
| | Price, Ill. | White |
| | Pritchard | Wilson, Charles H., Calif. |
| | Railsback | Wilson, Charles, Tex. |
| | Randall | Wolff |
| | Rangel | Wyatt |
| | Rarick | Yates |
| | Rees | Yatron |
| | Reid | Young, Ga. |
| | Reuss | Zwach |
| | Rinaldo | |
| | Robison, N.Y. | |
| | Rodino | |
| | Roe | |
| | Rogers | |
| | Roncalio, Wyo. | |

NOT VOTING—34

| | | |
|---|---|---|
| Barrett | Griffiths | Price, Tex. |
| Biaggi | Hunt | Riegle |
| Blackburn | Jones, Okla. | Rooney, N.Y. |
| Brown, Ohio | Jones, Tenn. | Sandman |
| Camp | Ketchum | Stubblefield |
| Carter | King | Symms |
| Crane | Kluczynski | Teague, Tex. |
| de la Garza | Lehman | Vander Jagt |
| Delaney | McCormack | Veysey |
| Frelinghuysen | McKay | Zion |
| Fuqua | McSpadden | |
| Green, Oreg. | Mollohan | |

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. EVANS of Colorado. Mr. Chairman, I rise in support of the Addabbo and Long amendments to the second supplemental bill for fiscal year 1973.

My reasons for supporting the Long amendment are clear: the continued bombing of Cambodia by the U.S. Air Force is an outrage to our constitutional system of government. The bombing continues without a shred of legal justification. The Constitution, under article I, section 8, delegates to the Congress, not to the White House, the CIA, or the Pentagon, the authority to declare war and to commit troops of the United States to foreign combat. Air war is no less war than ground war. It imperils the safety of those in combat. It kills people. It endangers the security of the United States by bringing us to a foreign conflict without Congress considered approval. It also opens wide the door to



casualties among our military personnel and a new list of prisoners of war.

The Long amendment, which would prohibit the use of any money in this $2.8 billion second supplemental for the support of American combat forces in Cambodia, serves as a solemn warning to the President of the United States that he continues to wage war not only without Congress approval, but also flatly in the face of express disapproval of continued warfare in Cambodia.

I join with my colleague from California (Mr. Moss) in shock and disbelief that this administration maintains that it will continue the bombing of Cambodia, whatever the Congress says in these or other amendments. I can only say that this cavalier attitude toward the Congress and the Constitution is deeply troubling to me, for it indicates that after all these years, the administration, like past administrations, has not learned the lesson that this war cannot be waged in the absence of congressional declaration, without causing grave damage to the moral and legal fabric of our country.

My reasons for supporting the Addabbo amendment are more complicated. As a member of the Appropriations Committee, I voted against this amendment when it came up in committee. I then reasoned that in striking out the entire $430 million of transfer authority requested by the Defense Department we would go far beyond the issue of Cambodia and deny needed funds for other purposes. Some $119.2 million of this amount was supposed to be spent for increased costs associated with inflation and dollar devaluation. We were assured by the Pentagon that there would be full explanations of these other items before this bill came up for a House vote, and that these further explanations would indicate why the Department needed the transfer authority for these other purposes. However, we have since examined this additional justification and I find it to be woefully lacking in detail, vague and to contain unsupported assertions. This late into fiscal year, the Department should do better than this. At stake is reprograming of $430 million, a significant sum which should not be permitted without greater detail and more explicit justification.

Further, the present vagueness of the Department's justification, together with the administration's cavalier attitude toward spending unauthorized funds to support military action in Cambodia, combine to convince me that these moneys must be firmly tied down to specifically approved items by this House.

For these reasons I have changed my mind and thus disapprove the transfer authority until we have greater confidence in the Department's justification.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. LONG).

RECOADED VOTE

Mr. LONG of Maryland. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 172, not voting 37, as follows:

[Roll No. 138]

AYES—224

| | | |
|---|---|---|
| Abzug | Gilman | Peyser |
| Adams | Ginn | Pickle |
| Addabbo | Gonzalez | Pike |
| Alexander | Grasso | Podell |
| Anderson, Calif. | Gray | Preyer |
| Anderson, Ill. | Green, Pa. | Price, Ill. |
| Andrews, N.C. | Gross | Pritchard |
| Andrews, N. Dak. | Gude | Railsback |
| Annunzio | Gunter | Randall |
| Archer | Hamilton | Rangel |
| Ashbrook | Hanley | Rarick |
| Ashley | Hanna | Rees |
| Aspin | Hansen, Idaho | Reid |
| Badillo | Hansen, Wash. | Reuss |
| Bennett | Harrington | Rinaldo |
| Bergland | Harvey | Robison, N.Y. |
| Biester | Hastings | Rodino |
| Blatnik | Hawkins | Roe |
| Boggs | Hechler, W. Va. | Rogers |
| Boland | Heckler, Mass. | Roncalio, Wyo. |
| Bolling | Heinz | Rooney, Pa. |
| Brademas | Helstoski | Rose |
| Brasco | Henderson | Rosenthal |
| Breaux | Hicks | Rostenkowski |
| Brotzman | Hillis | Roush |
| Brown, Calif. | Holifield | Roy |
| Burke, Calif. | Holtzman | Roybal |
| Burke, Mass. | Howard | Runnels |
| Burton | Hungate | Ruppe |
| Carey, N.Y. | Johnson, Calif. | Ryan |
| Carney, Ohio | Johnson, Colo. | St Germain |
| Chisholm | Jones, N.C. | Sarasin |
| Clark | Jordan | Sarbanes |
| Clay | Karth | Schneebeli |
| Cohen | Kastenmeier | Schroeder |
| Conte | Koch | Selberling |
| Conyers | Kyros | Shipley |
| Corman | Landrum | Shoup |
| Cotter | Leggett | Sisk |
| Coughlin | Litton | Slack |
| Cronin | Long, La. | Smith, Iowa |
| Culver | Long, Md. | Smith, N.Y. |
| Daniels, Dominick V. | Lujan | Snyder |
| Danielson | McCloskey | Stanton, James V. |
| Delaney | McDade | Stark |
| Dellenback | McKinney | Steele |
| Dellums | Macdonald | Stokes |
| Dent | Madden | Stuckey |
| Diggs | Madigan | Studds |
| Dingell | Mallary | Sullivan |
| Donohue | Matsunaga | Symington |
| Downing | Mazzoli | Thompson, N.J. |
| Drinan | Meeds | Thone |
| Dulski | Melcher | Thornton |
| du Pont | Mezvinsky | Tiernan |
| Eckhardt | Miller | Udall |
| Edwards, Calif. | Mills, Ark. | Ullman |
| Eilberg | Minish | Van Deerlin |
| Esch | Mink | Vanik |
| Evans, Colo. | Mitchell, Md. | Vigorito |
| Evins, Tenn. | Moakley | Waldie |
| Fascell | Moorhead, Pa. | Whalen |
| Findley | Morgan | White |
| Fish | Mosher | Widnall |
| Flynt | Moss | Wilson, Charles H., Calif. |
| Foley | Murphy, Ill. | Wilson, Charles, Tex. |
| Ford, William D. | Natcher | Wolff |
| Forsythe | Nedzi | Wyatt |
| Fountain | Nix | Yates |
| Fraser | Obey | Yatron |
| Frenzel | O'Hara | Young, Ga. |
| Fulton | O'Neill | Zwach |
| Gaydos | Owens | |
| Giaimo | Patten | |
| Gibbons | Pepper | |
| | Perkins | |
| | Pettis | |

NOES—172

| | | |
|---|---|---|
| Abdnor | Burlison, Mo. | Davis, S.C. |
| Arends | Butler | Davis, Wis. |
| Armstrong | Byron | Denholm |
| Bafalis | Casey, Tex. | Dennis |
| Baker | Cederberg | Derwinski |
| Beard | Chamberlain | Devine |
| Bell | Chappell | Dickinson |
| Bevill | Clancy | Dorn |
| Bowen | Clausen, Don H. | Duncan |
| Bray | Clawson, Del | Edwards, Ala. |
| Breckinridge | Cleveland | Erlenborn |
| Brinkley | Cochran | Eshleman |
| Brooks | Collier | Fisher |
| Broomfield | Collins | Flood |
| Brown, Mich. | Conable | Flowers |
| Broyhill, N.C. | Conlan | Ford, Gerald R. |
| Broyhill, Va. | Daniel, Dan | Frey |
| Buchanan | Daniel, Robert W., Jr. | Froehlich |
| Burgener | Davis, Ga. | Gettys |
| Burke, Fla. | | Goldwater |
| Burleson, Tex. | | Goodling |
| | Grover | Mathias, Calif. |
| | Gubser | Mathis, Ga. |
| | Guyer | Mayne |
| | Haley | Michel |
| | Hammer-schmidt | Milford |
| | Hanrahan | Mills, Md. |
| | Harsha | Minshall, Ohio |
| | Hays | Mitchell, N.Y. |
| | Hébert | Mizell |
| | Hinshaw | Montgomery |
| | Hogan | Moorhead, Calif. |
| | Holt | Murphy, N.Y. |
| | Horton | Myers |
| | Hosmer | Nelsen |
| | Huber | Nichols |
| | Hudnut | O'Brien |
| | Hutchinson | Parris |
| | Ichord | Passman |
| | Jarman | Patman |
| | Johnson, Pa. | Poage |
| | Jones, Ala. | Powell, Ohio |
| | Kazen | Quie |
| | Keating | Quillen |
| | Kemp | Regula |
| | Kuykendall | Rhodes |
| | Landgrebe | Roberts |
| | Latta | Robinson, Va. |
| | Lent | Roncalio, N.Y. |
| | Lott | Rousselot |
| | McCollister | Ruth |
| | McEwen | Satterfield |
| | McFall | Saylor |
| | Mahon | Scherle |
| | Mailliard | Sebelius |
| | Maraziti | Shriver |
| | Martin, Nebr. | Shuster |
| | Martin, N.C. | Sikes |

NOT VOTING—37

| | | |
|---|---|---|
| Barrett | Griffiths | Mollohan |
| Biaggi | Hunt | Price, Tex. |
| Bingham | Jones, Okla. | Riegle |
| Blackburn | Jones, Tenn. | Rooney, N.Y. |
| Brown, Ohio | Ketchum | Sandman |
| Camp | King | Stubblefield |
| Carter | Kluczynski | Symms |
| Crane | Lehman | Teague, Tex. |
| de la Garza | McCormack | Vander Jagt |
| Delaney | McKay | Veysey |
| Frelinghuysen | McSpadden | Zion |
| Fuqua | Metcalfe | |
| Green, Oreg. | | |

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF EDUCATION

HIGHER EDUCATION

For an additional amount for "Higher education", for carrying out, to the extent not otherwise provided, titles III, IV, section 745, and part B of title IX of the Higher Education Act, title VI of the National Defense Education Act, as amended, the Mutual Educational and Cultural Exchange Act of 1961, and the Emergency Insured Student Loan Act of 1969, $226,510,000, of which not to exceed $23,000,000 of the $75,000,000 for strengthening developing institutions shall be available through December 31, 1973, and the following amounts shall remain available until expended: $30,000,000 for subsidies on guaranteed student loans (in addition to amounts appropriated for this purpose by the Supplemental Appropriation Act, 1973), and $14,069,000 for annual interest grants on subsidized construction loans: *Provided*, That the aggregate amount of contracts for annual interest grants entered into between July 1, 1972, and June 30, 1973, shall not exceed $150,000,000.

AMENDMENT OFFERED BY MRS. MINK

Mrs. MINK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MINK: On page 10, after line 13, add the following:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

The paragraph under this heading in Public Law 93-25 is amended by striking out "54%" and inserting in lieu thereof "68%."

Mrs. MINK. Mr. Chairman, this is the amendment which was the subject of discussion during the consideration of the rule making it possible for us to consider the supplemental appropriation bill today. It deals only with the area of impact aid category B. To refresh the memory of Members with respect to this amendment, it became necessary to offer this amendment because of the action taken under the urgent supplemental appropriation bill which we approved the day before the Easter recess, which in effect set a maximum limitation of funding for category B children under impact aid at 54 percent. That amendment also increased the allotment of funding for category A to 100 percent in those areas that were impacted by 25 percent or more.

My amendment does nothing with respect to category A. It leaves that entirely as it was amended, at 100 percent funding. All my amendment does is to remove the ceiling of 54 percent and change that ceiling to 68 percent which is the available money we now have under the item impact aid as approved by the continuing resolution which became law in March.

I do not seek one additional dollar of appropriations to fund category B. It is the same amount of money we appropriated in the continuing resolution, $635 million. My amendment is necessary simply to remove the ceiling and make it possible for the additional moneys available in this account to be allotted to category B. If we do not vote for this amendment, $66 million will remain unexpended.

I urge the Members to approve this amendment.

Mr. GONZALEZ. Mr. Chairman, I am delighted Representative MINK and I and others organized the effort to discuss this amendment.

I believe these funds can be an absolute necessity for many school districts across this Nation, for without them they will be in extraordinarily difficult situations.

For example, one of my school districts that receives category "B" funds would receive $370,478 under the current plan for providing only 54 percent funding. This is $100,000 short of what is absolutely necessary for this district to continue to function for the remainder of this school year.

How did this situation develop? It developed because these districts were advised that they would receive a certain amount of money under Public Law 874, only to be later advised that this money would not be available.

I do not believe this type of action to be fair to the administrators, faculty, or students of these institutions. After all, school budgets had been prepared based on specific funds available and it is inconceivable to me as to how anyone can expect these budgets to be met without providing the funds.

Teachers salaries will have to be cut, maintenance will have to be cut, and these school districts in general will be forced to discontinue many of their planned programs.

This to me is an intolerable situation and I do not believe Congress should stand by and see this happen.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that an erroneous impression has been left here, I am sure not intentionally, but the gentlewoman from Hawaii said this does not affect category A recipients. I can tell the Members categorically and unequivocally that almost certainly if this amendment becomes law, it will reduce category A benefits, and I will explain in detail why.

Under the basic law both category A and category B must be apportioned equally. When the administration sent up their budget request last spring, they requested zero for B's, 90 percent for most A's and 100 percent for those districts heavily impacted with A's.

In order to get around the law, if one wants to say that, we must limit the B's in order to give more than that same percentage to the A's, so our committee in reporting the bill to the floor, in order to secure more for A's under the basic law, had to limit the B's. So we provided 74 percent to B's and limited them to that so we could give the balance of it to the A's, 100 percent for some and 90 percent for the balance.

The Hathaway amendment was offered on the floor. It struck out the language which limited the B's. Then later that bill was vetoed. Then we passed a continuing resolution and we are operating under that now. In the law that stands now there is no limitation on B's and, therefore, the administration was faced with apportioning whatever amount of money they were going to spend equally between A's and B's. They decided they would spend a total of $415 million. It came out 54 percent for category A and B, equally.

They had no choice and could not take more for A's than for B's under those circumstances. When we had the supplemental appropriation bill up about 10 days ago, the administration said, "We will use $415 million for B's, and we will spend it but we would also give 100 percent for the heavily impacted A's and 90 percent for other A's, provided you put a limitation on B's that holds them to the amount we are going to spend anyway, 54 percent."

The only way it could be done is in an appropriation bill is to limit B's to 54 percent, which is the amount they agreed to spend anyway, and so we went ahead and provided additional language so that they would use 100 percent for some A's and 90 percent for others. If you wipe out the 54-percent limitation with this amendment and make it 68 percent, the only way they can spend more than 68 percent for any of the A's is to go ahead and spend 68 percent for all the B's.

They have already said that they are not going to spend that amount of money so the net effect would be to the distribution for A's. This is not one of those bills which were vetoed and we overrode the veto. Therefore, a prerogative of Congress is not involved. This is one where we were still negotiating. We arrived at what we thought was the best that could be done under the circumstances by limiting the maximum to the amount they agreed to spend on B's and adding language so they could use an additional $85 million on A's.

What is going to happen if this amendment becomes law is that there is no way under the law they can spend the amount of money they have said they will spend on A's unless they also spend more than they are willing to spend on B's so they will reduce A's. Under the law and under their situation, there is no possible way of helping the B's unless they will change their minds and spend more total dollars.

Passage of this amendment would mean that the condition precedent goes back into effect and they could not spend more on A's than B's. They will probably say, "Then, we go back to our old position where we will have to spend the same amount on both—probably 54 percent." There is almost no possibility that passage of the amendment will result in more for B's than they are getting right now anyway but it is almost sure to result in less for A's. So we would be back where we were when we argued the Hathaway amendment. The question is, Do you want an issue or do you want money?

I tell you, these school districts, almost every one in the country, and in Hawaii the whole State because it is all one district—almost every one of the districts has A students and they cannot receive any benefits from one page of the CONGRESSIONAL RECORD that merely expresses your preference on the matter.

If the Members want the money for A's, they had better vote "no" on this amendment. The Members who want the full amount available for A's under the present law plus all they are willing to spend on B's anyway, should vote "no."

Mr. Chairman, I urge a "no" vote of this amendment.

Mrs. MINK. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, is it not true that the law now provides $635 million available for impact aid?

Mr. SMITH of Iowa. That is the maximum they could use, but they are not willing to use that much.

Mrs. MINK. The law still provides $635 million?

Mr. SMITH of Iowa. That is the maximum amount they can spend, yes.

Mrs. MINK. Yes, and in the urgent supplemental all we did was to say with regards to category A that it shall not be in excess of 90 percent; it shall not be in excess of 54 percent. It does not require the spending at that level. They have calculated precisely so that if A's are paid the 100 percent, 68 percent level of funding is possible for category B utilizing the $635 million which we previously approved.

The law allows this funding and we have taken care of the division between categories A and B calling for 100-percent funding in A and 68-percent funding in B, utilizing the whole appropriation.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that I be permitted to proceed for 1 additional minute.



The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, the fact still remains that the basic law has not been changed, and under the basic law they cannot spend more for A's until they have spent the same amount provided in the appropriation for B's. Therefore, if they do not spend the full 68 percent for B's, they cannot spend more than that amount for A's. They can go 58 percent for each, 60 percent for each, 68 percent for each, but they must go 68 percent for B's before they could spend more than 68 percent on A's.

Any way one looks at it, you should vote "no." It may hurt the A's if you adopt this amendment and there is no way it will as a practical matter result in more for B's.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment should be defeated today for reasons entirely unrelated to education.

For 8 years the Congress has been trying to do something about the war in Vietnam and about the war in Cambodia. Today the Congress has.

But if we adopt this amendment, we are going to fuzz it up. The President is still in a position to veto this bill and, if he does veto it, he will be in a position in which he can use the fact that the Congress passed this amendment as one of the reasons for his action. I do not want to see that happen.

I believe the issue should remain clear. The issue ought to be the amendment which we passed earlier today. There is no other consideration which is nearly as important as that war.

I would urge the Members not to give the President the opportunity to fuzz up the question, as he has done on so many other occasions. I urge the Members to turn this amendment down on those grounds.

Mr. PARRIS. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, I rise in support of the amendment which would amend title I, chapter VII of H.R. 7447, to remove the ceiling on funding for category B students under the Federal impact aid program. The adoption of this amendment has been made mandatory by the enactment of Public Law 93–25, which contained a congressionally imposed limitation of 54 percent of entitlement for category B children.

Impacted funds for both A and B pupils are an integral portion of the income of those school districts that enroll large numbers of federally connected children. Local school districts in fact operate under the expectation that the Federal Government will continue to assum its traditional share of the cost of educating these children. For this reason, the enactment of Public Law 93–25 was most welcome to local school districts in that it increased the A proration to 90 percent of entitlement. However, we must also take acion to remove the inadvertent limitation on funding for category B students if we are to expect public schools in federally impacted areas to continue to provide quality education for the youth of this Nation.

Mr. Chairman, for some time I have been convinced that full funding for the impact aid program must continue until such time as an adequate and viable substitute program has been instituted, and I have expressed that opinion publicly on a number of occasions. School fiscal decisions are necessarily made long before annual congressional action on this subject. In view of the fact that the 54-percent limitation has been enacted at such a transitory period for our local school districts, school budgets for the current and forthcoming school year are in serious jeopardy.

The amendment is quite simple, and, I might add, most reasonable in that it requires no further appropriation of funds. Under the Labor-HEW continuing resolution, $635 million has already been appropriated for the impact aid program. If we are to increase funding for category B pupils to 68 percent of entitlement, we would still not exceed the $635 million limitation of already available funds. Further, we would be doing a great service to our local school districts, which are in great need of the $66 million which this amendment would make available.

I intend to cast my vote in favor of remedial action to remove the ceiling on funding for category B students, and I urge my colleagues to do likewise.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

I shall take only a moment to urge the Members to take what the gentlemen from Wisconsin (Mr. OBEY) and the gentleman from Iowa (Mr. SMITH) have said as being an honest presentation of what the facts are. I concur in what they have said, and hope the amendment is defeated.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have sat over here many times in the last 100 years at this hour of night, and when some character stood up, like I am doing now, I was the loudest guy over there yelling "vote."

Half the time I made mistakes by doing that, because the guy down here was right and I was wrong.

This time, my friends, I say it is making a mistake. Listen to papa. I am the best friend you have in this thing, and you know it. It is all right for Members to get their names in the paper back home, and die for God, country, and Yale, but let me say that this thing was worked out very carefully with the Senate conferees on the urgent supplemental appropriation bill. We worked it out very, very carefully.

We raised the A's to 90 percent, and 100 percent for those ones 25 percent of enrollment.

When the President's budget came up, there was not a lousy dime in it for the B's, and we put funds in the appropriation bill for them. Under the President's budget, they would have had nothing, not a dime. We put it in at that time, for reasons Members know.

I told the Members what the reasons were, and they voted for them, and I got a big hand, "Great guy, FLOOD." I can only say, "You are the ones who did it. You applauded for what we did for you."

Now, when we come back here, it is said, "FLOOD, do not do that."

We have the 100 percent for the A's, as the gentleman from Iowa (Mr. SMITH) has said. We cannot do what this amendment seeks to do and not clip the A's. What are we going to use for money: Cigar store coupons or rubber bands?

The A's will be hurt—A's, triple A's. I am saying. Now, listen to me. Leave this bill alone.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. MINK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 178, not voting 44, as follows:

[Roll No. 139]

AYES—211

| | | |
|---|---|---|
| Abzug | Green, Pa. | Perkins |
| Adams | Grover | Pettis |
| Alexander | Gubser | Peyser |
| Anderson, Calif | Gude | Pike |
| Armstrong | Guyer | Podell |
| Badillo | Hamilton | Preyer |
| Baker | Hanna | Price, Ill. |
| Beard | Harsha | Pritchard |
| Bergland | Hawkins | Randall |
| Bevill | Hébert | Rangel |
| Biester | Heckler, Mass. | Rees |
| Blester | Helstoski | Reid |
| Boggs | Henderson | Roberts |
| Bowen | Hicks | Rodino |
| Brademas | Hillis | Roe |
| Brasco | Hinshaw | Roncalio, Wyo. |
| Breaux | Hogan | Rooney, Pa. |
| Breckinridge | Holifield | Rose |
| Brinkley | Holt | Rosenthal |
| Brotzman | Holtzman | Rostenkowski |
| Brown, Calif. | Hosmer | Roush |
| Broyhill, Va. | Howard | Rousselot |
| Burke, Calif. | Hudnut | Roy |
| Burke, Mass. | Hungate | Roybal |
| Burton | Ichord | Runnels |
| Chappell | Jarman | Ruppe |
| Clark | Johnson, Calif. | St Germain |
| Clausen, Don H. | Johnson, Colo. | Sarasin |
| Clawson, Del | Jones, Ala. | Sarbanes |
| Clay | Jones, N.C. | Schroeder |
| Cleveland | Karth | Seiberling |
| Conyers | Kastenmeier | Shipley |
| Cormah | Kazen | Shoup |
| Cronin | Koch | Shriver |
| Daniel, Robert W. Jr. | Kyros | Shuster |
| | Leggett | Sikes |
| Daniels, Dominick V. | Litton | Sisk |
| | Long, La. | Skubitz |
| Danielson | Lott | Snyder |
| Davis, Ga. | Lujan | Spence |
| Davis, S.C. | McCollister | Staggers |
| Dellums | McFall | Stark |
| Derwinski | Macdonald | Steed |
| Dickinson | Madden | Steele |
| Diggs | Madigan | Stephens |
| Dingell | Maillliard | Stokes |
| Donohue | Mazzoli | Stuckey |
| Downing | Mathias, Calif. | Studds |
| Drinan | Mathis, Ga. | Talcott |
| Duncan | Matsunaga | Teague, Calif. |
| du Pont | Meeds | Thompson, N.J. |
| Eckhardt | Melcher | Thone |
| Edwards, Calif. | Milford | Thornton |
| Ellberg | Mills, Md. | Tiernan |
| Evans, Colo. | Mink | Towell, Nev. |
| Fascell | Mitchell, Md. | Udall |
| Fisher | Mitchell, N.Y. | Ullman |
| Flowers | Moakley | Van Deerlin |
| Foley | Montgomery | Wagconner |
| Ford, William. D. | Moorhead, Calif. | Waldie |
| | | Whalen |
| Fraser | Moss | White |
| Frey | Murphy, N.Y. | Whitehurst |
| Froehlich | Natcher | Wilson, Bob |
| Gaydos | Nedzi | Wilson, Charles H., Calif. |
| Gettys | Nichols | |
| Gilman | Nix | Wright |
| Ginn | O'Brien | Wyman |
| Goldwater | O'Hara | Young, Alaska |
| Gonzalez | Owens | Young, Fla. |
| Grasso | Parris | Young, Ga. |
| Gray | Patman | Young, Tex. |
| | Pepper | |

XUM

NOES—178

| | | |
|---|---|---|
| Abdnor | Ford, Gerald R. | O'Neill |
| Addabbo | Forsythe | Passman |
| Anderson, Ill. | Fountain | Patten |
| Andrews, N.C. | Frenzel | Pickle |
| Andrews, N. Dak. | Fulton | Poage |
| Annunzio | Giaimo | Powell, Ohio |
| Archer | Gibbons | Quie |
| Arends | Goodling | Railsback |
| Ashbrook | Gross | Rarick |
| Ashley | Gunter | Regula |
| Aspin | Haley | Reuss |
| Bafalis | Hammer-schmidt | Rhodes |
| Bennett | Hanley | Rinaldo |
| Bingham | Hanrahan | Robinson, Va. |
| Blatnik | Hansen, Idaho | Robison, N.Y. |
| Boland | Hansen, Wash. | Rogers |
| Bolling | Harrington | Roncallo, N.Y. |
| Bray | Harvey | Ruth |
| Brooks | Hastings | Satterfield |
| Brown, Mich. | Hays | Saylor |
| Broyhill, N.C. | Hechler, W. Va. | Scherle |
| Buchanan | Heinz | Schneebeli |
| Burke, Fla. | Horton | Sebelius |
| Burleson, Tex. | Huber | Slack |
| Burlison, Mo. | Hutchinson | Smith, Iowa |
| Butler | Johnson, Pa. | Smith, N.Y. |
| Byron | Jordan | Stanton, J. William |
| Carey, N.Y. | Keating | Stanton, James V. |
| Carney, Ohio | Kemp | Steelman |
| Casey, Tex. | Kuykendall | Steiger, Ariz. |
| Cederberg | Landgrebe | Steiger, Wis. |
| Chamberlain | Landrum | Stratton |
| Chisholm | Latta | Sullivan |
| Clancy | Lent | Symington |
| Cochran | Long, Md. | Taylor, Mo. |
| Cohen | McCloskey | Taylor, N.C. |
| Collier | McDade | Thomson, Wis. |
| Collins | McEwen | Treen |
| Conable | McKinney | Vanik |
| Conlan | Mahon | Vigorito |
| Conte | Mallary | Walsh |
| Cotter | Mann | Wampler |
| Coughlin | Martin, Nebr. | Ware |
| Culver | Martin, N.C. | Whitten |
| Daniel, Dan | Mayne | Widnall |
| Dellenback | Mazzoli | Williams |
| Denholm | Mezvinsky | Wilson, Charles, Tex. |
| Dennis | Michel | Winn |
| Dent | Miller | Wolff |
| Devine | Mills, Ark. | Wyatt |
| Dorn | Minish | Wydler |
| Dulski | Minshall, Ohio | Wylie |
| Edwards, Ala. | Mizell | Yates |
| Erlenborn | Moorhead, Pa. | Yatron |
| Esch | Morgan | Young, Ill. |
| Eshleman | Mosher | Young, S.C. |
| Evins, Tenn. | Murphy, Ill. | Zablocki |
| Fish | Myers | Zwach |
| Flood | Nelsen | |
| Flynt | Obey | |

NOT VOTING—44

| | | |
|---|---|---|
| Barrett | Fuqua | Mollohan |
| Bell | Green, Oreg. | Price, Tex. |
| Biaggi | Griffiths | Quillen |
| Blackburn | Hunt | Riegle |
| Broomfield | Jones, Okla. | Rooney, N.Y. |
| Brown, Ohio | Jones, Tenn. | Ryan |
| Burgener | Ketchum | Sandman |
| Camp | King | Stubblefield |
| Carter | Kluczynski | Symms |
| Crane | Lehman | Teague, Tex. |
| Davis, Wis. | McClory | Vander Jagt |
| de la Garza | McCormack | Veysey |
| Delaney | McKay | Wiggins |
| Findley | McSpadden | Zion |
| Frelinghuysen | Metcalfe | |

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. MAHON [during the reading]. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, I want to call attention to the item on page 20 of the bill providing for additional amounts for salaries and expenses for the Department of State. This item is in a total of $3,700,000. The importance of it is that it is one of several provisions in this bill which provide millions of dollars to take care of the devaluation of the dollar, in other words, what some are pleased to call the "shortfall" in the dollar when it was allegedly devalued by 10 percent on February 12, 1973.

With reference to this item in the bill, let me quote from the report as prepared by the Committee on Appropriations. It says:

Of the total allowed,—

$3,700,000—$1,500,000 is for the establishment of a liaison office in Peking and $2,200,000 is for increased dollar requirements resulting from the devaluation of the dollar announced on February 12, 1973, and related currency realignments.

Mr. Chairman, in the first place, the Constitution of the United States, article I, section 8, arms Congress with the exclusive, the sole authority to "coin money, regulate the value thereof, and of foreign coin."

Section 286c of title 22, United States Code, which is derived from section 5 of the Bretton Woods Agreements Act, provides as follows, and I quote:

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States . . . propose or agree to any change in the par value of the United States dollar. . . .

The Bretton Woods Agreements Act was contained in H.R. 3314 of the 79th Congress. It passed the House on June 7, 1945, was approved by the Senate on July 19, 1945, and was signed on July 31, 1945, becoming Public Law 79-171. It has not been repealed.

Presently pending in the House Banking and Currency Committee is H.R. 6912, the title of which is "To Amend the Par Value Modification Act, and for Other Purposes." The principal purpose of that legislative proposal is to legally validate a change in the par value of the U.S. dollar by increasing the price of gold. Moreover the Secretary of the Treasury Mr. Shultz, on February 19, 1973, wrote a letter to the Speaker of the House in which he said this:

The Bretton Woods Agreements Act prohibits any change in the par value of the dollar . . . without prior congressional approval and the proposed legislation would grant this approval.

In other words you here today, if you vote for this bill, will be voting to rubberstamp the unilateral action of the President and in violation of the law for the par value of the dollar has not been legally changed in the absence of legislation duly approved by both the House and Senate and signed by the President. That is why the rule waving points of order was important. These unauthorized, illegal provisions in this bill in the millions of dollars—and this is just the beginning of the money to be expended to take care of the devaluation of the dollar—would all have been subject to points of order and therefore would have been stricken from the bill.

Do not ever again let me hear a Member of this House complain about the delegation of authority to the President if he or she votes for this bill, because in voting for this bill today I say again that you will simply be rubberstamping an action that has never been authorized by the Congress of the United States as plainly stipulated in the law.

It is a sad commentary on the legislative branch of Government when it bends the knee to the executive branch and approves the expenditure of funds that are not only not authorized but are appropriated in violation of the law.

As I said earlier today, I have a feeling of regret that I have served in Congress to see this day.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I serve as chairman of the Subcommittee on Agriculture and Consumer Protection. We have provided in this bill $12,500,000 for emergency and other repairs to watershed dams and projects where they have been completed and turned over to the water management districts; $2,500,000 for emergency conservation works. Our Subcommittee on Public Works has recommended that we include $70.5 million in additional emergency funds for flood control damage in the Mississippi Valley for the remainder of this fiscal year or until July 1, 1973.

Mr. Chairman, I have here pictures of this highest flood of record. Words cannot describe the devastation. At this time the corps cannot estimate the eventual damage or cost. The corps and the Bureau of Management and Budget have agreed to have these figures as soon as the water levels are reduced so they can determine the damage.

I would like to read to you what the Corps of Engineers reported to me on April 25, 1973:

I quote:

U.S. CORPS OF ENGINEERS FACT SHEET

Subject: Mississippi River Basin Flood of 1973

PURPOSE

This fact sheet is to provide information concerning the present flood emergency in the Mississippi River Basin and the Corps of Engineers flood fighting activities under the authority of Public Law 99, 84th Congress, as amended.

FACTS

1. In this high water of 1973, stages in the Middle Mississippi River between the Missouri and Ohio Rivers generally reached their highest levels of record. Extensive areas not protected by Federal levees have been inundated. A total of ninety-eight non-Federal levees have failed along the Missouri River and its tributaries. Backwater effect caused flooding on the unprotected Meramec River and along River Des Peres, which flows through south St. Louis. This same pattern continued below Cairo, Illinois, where the Ohio River joins the Mississippi. Extensive flooding took place in areas either unprotected or inadequately protected by private levees.

2. Approximately 2.3 million acres of the Yazoo Basin in Mississippi have been inundated from headwater flooding, resulting from six months of above-average rainfall culminated by a 10-inch storm. Seven non-Federal levees protecting suburban areas of Greenwood, Mississippi, have failed, causing extensive flooding. Flood control reservoirs behind Sardis, Enid, Grenada, and Arkabutla Dams have held back floodwaters from the watershed. All the spillways of these structures have been used and, except for Arkabutla, have been used for the first time since their construction.



3. In the Lower Mississippi River, a number of emergency actions were carried out to facilitate usage of the various floodways should Mississippi River stages require their opening. The low areas of the 11-mile long upper fuse plug section of the Birds Point-New Madrid Floodway was raised to authorized grade. This provides protection for over 100,000 acres of rich farmland against a stage of 60 feet at Cairo, Illinois. The maximum stage reached at Cairo was 55 7 feet. Other actions included partially degrading the forebay levee at Morganza to an elevation satisfactory for floodway operation; and removing siltation from the forebay of Bonnet Carre by dredging to facilitate the proper operation of the floodway. Plans were developed and work is nearing completion for raising low spots in levees and floodways in the Atchafalaya Basin downstream from the Morganza Floodway and in the Morgan City, Louisiana, area.

4. Subsequent forecasts of the National Weather Service, the effects of wind and tide on high river stages, and the potential detrimental effects of prolonged high stages on the Mississippi River levees, indicated a need to open the Bonnet Carre Spillway to protect the city of New Orleans. This was accomplished on 8 April 1973. Previously, this floodway was operated in 1937, 1945 and 1950.

5. High stages and erosive forces caused a serious scour condition at the low sill portion of the Old River Control Structure, resulting in a portion of the wingwall being toppled into the inflow channel. This problem threatened the integrity of the entire structure. To relieve the excessive pressure, the overbank structure, which passes flood flows from the Mississippi River to the Atchafalaya Basin Floodway, was opened on 15 April 1973.

6. On 17 April 1973, the Morganza Floodway was opened for the first time since its construction in 1953 to relieve the saturated levee conditions and lower the stages at the Old River Control Structure to lessen an aggravating situation where emergency remedial work was being accomplished.

7. More than 1,450 Corps personnel are presently engaged in flood emergency activities, including 19 additional Corps officers called for duty from elsewhere in the United States. In addition, two reinforced companies (391 officers and enlisted personnel) from the 62d Engineer Battalion (Construction) are assisting in Morgan City, Louisiana.

8. Total damages incurred, to date, are estimated at more than $190,000,000. An estimated 11,000,000 acres have been flooded, and more than 26,000 persons have been evacuated. On the other hand, it is estimated that Corps projects have prevented more than $3.9 billion in damages from the initial flood crest and have prevented more than 17,000,000 additional acres from being flooded. A second crest, which is now near St. Louis, will account for as of April 26, 1973 additional damage prevention benefits. The total cost of the Mississippi River and Tributaries Project, to date, is $1.8 billion.

MISSISSIPPI RIVER FLOOD, SPRING 1973

| | Damages prevented (millions) | Damages W/O Corps projects (millions) | Damages incurred (millions) | Acres flooded (Thousands) | People evacuated |
|---|---|---|---|---|---|
| St. Louis district | $200.0 | $235.0 | $35.0 | 1,100 | 8,050 |
| Missouri | 80.0 | 103.0 | 23.0 | 500 | 4,550 |
| Illinois | 120.0 | 132.0 | 12.0 | 600 | 3,500 |
| Memphis district | 151.7 | 172.4 | 20.7 | 1,992 | 6,510 |
| Missouri | 28.9 | 34.4 | 5.5 | 400 | 2,450 |
| Arkansas | 100.7 | 106.0 | 5.3 | 1,099 | 280 |
| Kentucky | 6.6 | 7.6 | 1.0 | 40 | 280 |
| Tennessee | 7.6 | 14.9 | 7.3 | 321 | 1,575 |
| Mississippi | | 1.6 | 1.6 | 132 | 1,925 |
| Illinois | 7.9 | 7.9 | 0 | 0 | 0 |
| Vicksburg district | 1,954.0 | 2,076.0 | 122.0 | 4,660 | 10,995 |
| Arkansas | 241.0 | 249.0 | 8.0 | 631 | 280 |
| Mississippi | 742.0 | 835.0 | 93.0 | 2,920 | 8,400 |
| Louisiana | 971.0 | 992.0 | 21.0 | 1,110 | 2,275 |
| New Orleans district, Louisiana | 3,525.0 | 3,540.0 | 15.0 | 2,621 | 5,600 |
| Total LMVD | 5,830.7 | 6,023.4 | 192.7 | 10,373 | 31,155 |
| Rock Island district | $23.0 | $26.8 | $3.8 | 10 | 340 |
| Iowa | 9.0 | 10.3 | 1.3 | 2 | 70 |
| Illinois | 9.4 | 10.8 | 1.4 | 4 | 120 |
| Missouri | 4.6 | 5.7 | 1.1 | 4 | 150 |
| Kansas City district, Missouri | 125. | 137.5 | 12.1 | 628 | 715 |
| Total | 5,979.1 | 6,187.7 | 208.6 | 11,011 | 32,120 |
| Arkansas | 341.7 | 355.6 | 13.3 | 5,759 | 500 |
| Illinois | 137.3 | 150.7 | 13.4 | 604 | 3,570 |
| Iowa | 9.0 | 10.3 | 1.3 | 2 | 70 |
| Kentucky | 6.6 | 7.6 | 1.0 | 40 | 200 |
| Louisiana | 4,496.0 | 4,532.0 | 36.0 | 3,731 | 7,875 |
| Missouri | 238.9 | 280.6 | 41.7 | 1,532 | 7,805 |
| Mississippi | 742.0 | 836.5 | 94.6 | 3,052 | 10,325 |
| Tennessee | 7.6 | 14.9 | 7.3 | 321 | 1,575 |
| Total | 5,979.1 | 6,187.7 | 208.6 | 11,011 | 32,120 |

| | Sandbags issued | Pumps loaned |
|---|---|---|
| St. Louis district | 3,660,000 | 190 |
| Memphis | 98,000 | 3 |
| Vicksburg | 1,525,000 | 2 |
| New Orleans | 615,000 | 1 |
| Rock Island | 1,196,000 | 20 |
| Kansas City | 730,000 | 0 |
| Total | 7,824,000 | 266 |

CORPS OF ENGINEERS—PERSONNEL

| | |
|---|---|
| St. Louis District | 395 |
| Memphis | 125 |
| Vicksburg | 425 |
| New Orleans | * 438 |
| LMVD | 1,388 |
| Rock Island District | 63 |
| Kansas City District | 58 |
| Total | 1,504 |

* Does not include two reinforced companies from the 62d Engr. Bn. (Const.). (391 officers and enlisted personnel.)

SUMMARY OF PUBLIC LAW 84-99 FUNDS

| | |
|---|---|
| Fiscal year 1974 data: | |
| Fiscal year 1973 uncommitted carryover | 0 |
| Fiscal year 1974 budget request | $7,000,000 |
| Total available for commitment, fiscal year 1974 | 7,000,000 |
| Fiscal year 1974 requirements: | |
| Lower Mississippi Valley Division: | |
| Memphis District | 7,500,000 |
| New Orleans District | 43,700,000 |
| St. Louis District | 4,600,000 |
| Vicksburg District | 5,000,000 |
| Subtotal | 60,800,000 |
| Missouri River Division: | |
| Kansas City District | 1,000,000 |
| Omaha District | 700,000 |
| Subtotal | 1,700,000 |
| North Central Division: | |
| Rock Island District | 1,000,000 |
| Subtotal | 1,000,000 |
| Emergency reserve to meet other needs fiscal year 1974 | 15,000,000 |
| Total requirements, fiscal year 1974 | 78,500,000 |
| Supplemental funds required | 71,500,000 |

Mr. RARICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the gentleman from Texas (Mr. MAHON) several questions. I would like to ask if there are any funds in this act to aid in the reconstruction of North Vietnam.

Mr. MAHON. According to the testimony before the Committee on Appropriations and according to the information available to me from the highest authority in the Government, there is not one penny in this bill for the rehabilitation of North Vietnam.

Mr. RARICK. I thank the gentleman. I would like to ask if there is any language in the bill which would prohibit the use or transfer of any of these funds for aid to North Vietnam.

Mr. MAHON. There are certainly no funds in this bill that are not provided for other purposes and none are provided for that purpose.

Mr. RARICK. There are then no prohibitions against such aid in this bill?

Mr. MAHON. No.

AMENDMENT OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RARICK: Page 51, after line 19, insert a new section:

SEC. 304. No funds appropriated in this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

Mr. RARICK. Mr. Chairman, the amendment is self-explanatory. I think it adds to the bill and certainly expresses the intent of the members of this body.

Mr. Chairman, I remind the members that all it says is that no funds in this appropriation bill shall be used to aid or reconstruct North Vietnam. It is a good amendment which will confirm the wishes of the American people. I urge its passage.

The CHAIRMAN. The question is on

XUM

the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The amendment was agreed to.

Mr. GONZALEZ. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise for the purpose of asking the distinguished chairman of the Committee on Appropriations a question. During the debate on the rule, I had directed this question and I believe I was assured that this bill contained moneys in order to make up for the situation confronting our overseas based servicemen and employees of the U.S. Government. I was very much reassured to hear that it did.

I think our people overseas will be delighted. We have been receiving quite a number of letters from service families and others who are suffering.

My question is, specifically how will that work and how will they receive this money contemplated in the bill? How will it work?

We have the lowly paid people in the Army and secretaries in the embassies in foreign countries who are confronted with as much as 20 or 25 percent devaluation, not just 10 percent.

I am wondering if we can get an explanation of the mechanics of this. I did not see anything in the bill related to that, and I would just like to know.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. Certainly.

Mr. MAHON. Mr. Chairman, it is true that the gentleman was assured when we were discussing the rule that there were funds in this bill to take care of our troops in Europe due to the devaluation of the dollar, but these funds went out of the bill on the Addabbo amendment and they are not now in the bill. The funds which were designated for this purpose and included in the transfer authority provision are not available, so officials will be hard pressed to meet these requirements.

That is one of the reasons I opposed, as many others did, the Addabbo amendment, because we were concerned about these people.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, if those funds were in the bill, that means they were in there earlier, is that not correct?

Mr. MAHON. These funds were unanticipated expenditures. So our Committee on Appropriations was asked to approve language and submit it to the House which would permit the Defense Department to take care of this requirement by transferring from unexpended funds in procurement accounts and otherwise. This was in the $430 million package. With that provision having been deleted, the funds are not available.

Mr. GIAIMO. Mr. Chairman, the point I am making is that if they had not taken some of the funds from other accounts and used them for bombing in Cambodia, they would have had in the bill at least $150 million, if not more, for these other purposes.

Mr. MAHON. No, I would say, if the gentleman will yield further, that the funds used in the bombing in Cambodia were not the primary factor. It was the massive, unpredicted and unprecedented heavy bombing in North Vietnam, especially last December and prior thereto, that expended much of the funds which might have been available.

Mr. GIAIMO. Mr. Chairman, as I recall, the testimony quite clearly 2 days ago, the expenditures of December were out of the original $750 million transfer authority which has not been disturbed by the Addabbo amendment.

This legislation, the Addabbo amendment, concerned itself only with the additional $500 million from January 1, 1973, on.

Mr. MAHON. If the gentleman will yield further, the $750 million has already been transferred for the most part. So we are in difficulty in this matter, but there is nothing we can do at this stage of the bill about that.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I am happy to yield to the gentleman from Connecticut.

Mr. GIAIMO. It will be interesting to see tomorrow if the Department of Defense can still find transfer moneys available for bombing in Cambodia but cannot find the funds for the purposes which the gentleman wants them expended, which funds were originally in the act passed in 1973.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. GERALD R. FORD. Mr. Speaker, I demand a separate vote on the so-called Addabbo amendment and on the so-called Long of Maryland amendment.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. RARICK. Mr. Speaker, I demand a separate vote on the so-called Rarick amendment.

The SPEAKER. The question is on the remaining amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 6, strike out lines 9 through 12

The SPEAKER. The question is on the amendment.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 194, nays 187, not voting 52, as follows:

[Roll No. 140]

YEAS—194

| | | |
|---|---|---|
| Abzug | Grasso | Podell |
| Adams | Gray | Preyer |
| Addabbo | Green, Pa. | Price, Ill. |
| Alexander | Gross | Pritchard |
| Anderson, Calif. | Gude | Randall |
| Andrews, N.C. | Hamilton | Rangel |
| Annunzio | Hanley | Rarick |
| Ashley | Hanna | Rees |
| Aspin | Hansen, Wash. | Reid |
| Badillo | Harrington | Reuss |
| Bennett | Hawkins | Rodino |
| Bergland | Hechler, W. Va. | Roe |
| Bingham | Heckler, Mass. | Rogers |
| Blatnik | Helstoski | Roncallo, Wyo. |
| Boggs | Henderson | Rooney, Pa. |
| Boland | Hicks | Rose |
| Bolling | Hollfield | Rosenthal |
| Brademas | Holtzman | Rostenkowski |
| Brasco | Howard | Roush |
| Breaux | Hungate | Roy |
| Brooks | Johnson, Calif. | Roybal |
| Brown, Calif. | Johnson, Colo. | Runnels |
| Burke, Calif. | Jones, N.C. | Ryan |
| Burke, Mass. | Jordan | Sarasin |
| Burton | Karth | Sarbanes |
| Carey, N.Y. | Kastenmeier | Schroeder |
| Carney, Ohio | Koch | Seiberling |
| Chisholm | Kyros | Shipley |
| Clark | Landrum | Shoup |
| Clay | Litton | Sisk |
| Conte | Long, La. | Slack |
| Conyers | Long, Md. | Smith, Iowa |
| Corman | Macdonald | Snyder |
| Cotter | Madden | St Germain |
| Cronin | Matsunaga | Staggers |
| Culver | Mazzoli | Stanton, James V. |
| Daniels, Dominick V. | McCloskey | Stark |
| Danielson | McDade | Steele |
| Dellenback | McKinney | Stokes |
| Dellums | Meeds | Stuckey |
| Denholm | Melcher | Symington |
| Dent | Mezvinsky | Sullivan |
| Diggs | Milford | Studds |
| Dingell | Miller | Thompson, N.J. |
| Donohue | Mills, Ark. | Thone |
| Drinan | Minish | Thornton |
| du Pont | Mink | Tiernan |
| Dulski | Mitchell, Md. | Udall |
| Eckhardt | Moakley | Ullman |
| Edwards, Calif. | Moorhead, Pa. | Van Deerlin |
| Ellberg | Morgan | Vanik |
| Esch | Mosher | Vigorito |
| Evans, Colo. | Moss | Waldie |
| Evins, Tenn. | Murphy, Ill. | Whalen |
| Fascell | Murphy, N.Y. | White |
| Foley | Natcher | Whitehurst |
| Ford, William D. | Nedzi | Whitten |
| Fraser | O'Hara | Wilson, Charles H., Calif. |
| Fulton | O'Neill | Wilson, Charles, Tex. |
| Gaydos | Obey | Wolff |
| Giaimo | Owens | Wyatt |
| Gibbons | Patman | Yates |
| Ginn | Patten | Yatron |
| Gonzalez | Pepper | Young, Ga. |
| | Perkins | Zablocki |
| | Pickle | |
| | Pike | |

NAYS—187

| | | |
|---|---|---|
| Abdnor | Burlison, Mo. | Davis, S.C. |
| Anderson, Ill. | Butler | Dennis |
| Andrews, N. Dak. | Byron | Derwinski |
| Archer | Casey, Tex. | Devine |
| Arends | Cederberg | Dickinson |
| Armstrong | Chamberlain | Dorn |
| Ashbrook | Chappell | Downing |
| Bafalis | Clancy | Duncan |
| Beard | Clausen, Don H. | Edwards, Ala. |
| Bevill | Clawson, Del | Erlenborn |
| Biester | Cleveland | Esh leman |
| Bowen | Cochran | Fish |
| Bray | Cohen | Fisher |
| Breckinridge | Collier | Flood |
| Brinkley | Collins | Flowers |
| Brotzman | Conable | Ford, Gerald R. |
| Brown, Mich. | Conlan | Forsythe |
| Broyhill, N.C. | Coughlin | Fountain |
| Broyhill, Va. | Daniel, Dan | Frenzel |
| Buchanan | Daniel, Robert W., Jr. | Frey |
| Burke, Fla. | Davis, Ga. | Froehlich |
| Burleson, Tex. | | Gettys |
| | | Gilman |
| | | Goldwater |
| | | Goodling |
| | | Grover |
| | | Gubser |
| | | Guyer |
| | | Haley |
| | | Hammer-schmidt |
| | | Hanrahan |
| | | Hansen, Idaho |
| | | Harsha |
| | | Harvey |
| | | Hastings |
| | | Hays |
| | | Hébert |
| | | Heinz |
| | | Hillis |
| | | Hinshaw |
| | | Hogan |
| | | Holt |
| | | Horton |
| | | Hosmer |
| | | Huber |
| | | Hudnut |
| | | Hutchinson |
| | | Ichord |
| | | Jarman |
| | | Johnson, Pa. |
| | | Jones, Ala. |
| | | Kazen |
| | | Keating |
| | | Kemp |
| | | Kuykendall |
| | | Landgrebe |
| | | Latta |
| | | Lent |
| | | Lott |
| | | Lujan |
| | | McCollister |
| | | McEwen |
| | | McFall |
| | | Madigan |
| | | Mahon |
| | | Mailliard |
| | | Mallary |
| | | Mann |
| | | Maraziti |
| | | Martin, Nebr. |
| | | Martin, N.C. |
| | | Mathias, Calif. |
| | | Mathis, Ga. |
| | | Mayne |
| | | Michel |
| | | Mills, Md. |
| | | Minshall, Ohio |
| | | Mitchell, N.Y. |
| | | Mizell |
| | | Montgomery |
| | | Moorhead, Calif. |
| | | Myers |
| | | Nelsen |
| | | Nichols |
| | | O'Brien |
| | | Parris |
| | | Passman |
| | | Pettis |
| | | Poage |
| | | Powell, Ohio |
| | | Quie |
| | | Railsback |
| | | Regula |
| | | Rhodes |
| | | Rinaldo |
| | | Roberts |
| | | Robinson, Va. |
| | | Robison, N.Y. |
| | | Roncallo, N.Y. |
| | | Rousselot |
| | | Ruppe |
| | | Ruth |
| | | Satterfield |
| | | Saylor |
| | | Scherle |
| | | Schneebeli |
| | | Sebelius |
| | | Shriver |
| | | Shuster |
| | | Sikes |
| | | Skubitz |
| | | Smith, N.Y. |
| | | Spence |
| | | Stanton, J. William |
| | | Steed |
| | | Steelman |
| | | Steiger, Ariz. |
| | | Steiger, Wis. |
| | | Stephens |
| | | Stratton |
| | | Talcott |
| | | Taylor, Mo. |
| | | Taylor, N.C. |
| | | Teague, Calif. |
| | | Thomson, Wis. |
| | | Towell, Nev. |
| | | Treen |
| | | Waggonner |
| | | Walsh |
| | | Wampler |
| | | Ware |
| | | Whitehurst |
| | | Whitten |
| | | Williams |
| | | Winn |
| | | Wright |
| | | Wydler |
| | | Wylie |
| | | Wyman |
| | | Young, Alaska |
| | | Young, Fla. |
| | | Young, Ill. |
| | | Young, Tex. |
| | | Zwach |

NOT VOTING—52

| | | |
|---|---|---|
| Baker | Green, Oreg. | Peyser |
| Barrett | Griffiths | Price, Tex. |
| Bell | Gunter | Quillen |
| Biaggi | Hunt | Riegle |
| Blackburn | Jones, Okla. | Rooney, N.Y. |
| Broomfield | Jones, Tenn. | Sandman |
| Brown, Ohio | Ketchum | Stubblefield |
| Burgener | King | Symms |
| Camp | Kluczynski | Teague, Tex. |
| Carter | Leggett | Vander Jagt |
| Crane | Lehman | Veysey |
| Davis, Wis. | McClory | Widnall |
| de la Garza | McCormack | Wiggins |
| Delaney | McKay | Wilson, Bob |
| Findley | McSpadden | Young, S.C. |
| Flynt | Metcalfe | Zion |
| Frelinghuysen | Mollohan | |
| Fuqua | Nix | |

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Metcalfe for, Mr. Mollohan against.
Mrs. Green of Oregon for, Mr. King against.
Mr. Carter for, Mr. Veysey against.
Mr. Sandman for, Mr. Bob Wilson against.
Mr. Widnall for, Mr. Quillen against.
Mr. Findley for, Mr. Hunt against.
Mr. McClory for, Mr. Crane against.
Mr. Fuqua for, Mr. Camp against.
Mr. Rooney of New York for, Mr. Brown of Ohio against.
Mr. Delaney for, Mr. Bell against.
Mr. Kluczynski for, Mr. Baker against.
Mr. Barrett for, Mr. Blackburn against.
Mr. de la Garza for, Mr. Burgener against.
Mr. Flynt for, Mr. Davis of Wisconsin against.
Mr. Nix for, Mr. Wiggins against.
Mr. McCormack for, Mr. Price of Texas against.
Mr. Leggett for, Mr. Young of South Carolina against.
Mrs. Griffiths for, Mr. Broomfield against.

Until further notice:

Mr. Stubblefield with Mr. McKay.
Mr. Riegle with Mr. McSpadden.
Mr. Gunter with Mr. Vander Jagt.
Mr. Jones of Oklahoma with Mr. Peyser.
Mr. Lehman with Mr. Frelinghuysen.
Mr. Jones of Tennessee with Mr. Zion.
Mr. Biaggi with Mr. Teague of Texas.

The result of the vote was announced as above recorded.





The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 6, immediately after line 12, insert the following paragraph:

"None of the funds herein appropriated to the Department of Defense under this Act shall be expended to support directly or indirectly combat activities in, over or from off the shores of Cambodia by United States forces."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 51, after line 19, insert a new section.

SEC. 304. No funds appropriated in this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RARICK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MINSHALL OF OHIO

Mr. MINSHALL of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MINSHALL of Ohio. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MINSHALL of Ohio moves to recommit the bill H.R. 7447 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 284, nays 96, not voting 53, as follows:

[Roll No. 141]

YEAS—284

| | | |
|---|---|---|
| Abdnor | Aspin | Bray |
| Abzug | Badillo | Breaux |
| Adams | Bennett | Breckinridge |
| Addabbo | Bergland | Brinkley |
| Alexander | Bevill | Brooks |
| Anderson, Calif. | Biester | Brotzman |
| Anderson, Ill. | Bingham | Brown, Calif. |
| Andrews, N.C. | Blatnik | Broyhill, Va. |
| Andrews, N. Dak. | Boggs | Burke, Calif. |
| Annunzio | Boland | Burke, Fla. |
| Archer | Bolling | Burke, Mass. |
| Ashley | Bowen | Burlison, Mo. |
| | Brademas | Burton |
| | Brasco | Butler |
| | Byron | Hechler, W. Va. |
| | Carey, N.Y. | Heckler, Mass. |
| | Carney, Ohio | Heinz |
| | Casey, Tex. | Helstoski |
| | Cederberg | Henderson |
| | Chamberlain | Hicks |
| | Chappell | Hillis |
| | Chisholm | Hogan |
| | Clark | Hollfield |
| | Clausen, Don H. | Holtzman |
| | Clay | Horton |
| | Cochran | Howard |
| | Cohen | Hungate |
| | Collier | Ichord |
| | Conte | Johnson, Calif. |
| | Conyers | Johnson, Colo. |
| | Corman | Johnson, Pa. |
| | Cotter | Jones, Ala. |
| | Coughlin | Jones, N.C. |
| | Cronin | Jordan |
| | Culver | Karth |
| | Daniel, Robert W., Jr. | Kastenmeier |
| | Daniels, Dominick V. | Kazen |
| | Danielson | Koch |
| | Davis, Ga. | Kyros |
| | Davis, S.C. | Landrum |
| | Dellenback | Litton |
| | Dellums | Long, La. |
| | Denholm | Long, Md. |
| | Dent | Lujan |
| | Diggs | McCloskey |
| | Dingell | McCollister |
| | Donohue | McDade |
| | Downing | McFall |
| | Drinan | McKinney |
| | Dulski | Macdonald |
| | du Pont | Madden |
| | Eckhardt | Madigan |
| | Ellberg | Mahon |
| | Esch | Mallary |
| | Evans, Colo. | Mann |
| | Evins, Tenn. | Matsunaga |
| | Fascell | Mayne |
| | Fish | Mazzoli |
| | Fisher | Meeds |
| | Flood | Melcher |
| | Flowers | Mezvinsky |
| | Foley | Milford |
| | Ford, William D. | Miller |
| | Forsythe | Mills, Ark. |
| | Fountain | Mills, Md. |
| | Fraser | Minish |
| | Frenzel | Mink |
| | Frey | Mitchell, Md. |
| | Fulton | Mitchell, N.Y. |
| | Gaydos | Moakley |
| | Giaimo | Moorhead, Pa. |
| | Gibbons | Morgan |
| | Gilman | Mosher |
| | Ginn | Moss |
| | Gonzalez | Murphy, Ill. |
| | Grasso | Murphy, N.Y. |
| | Gray | Natcher |
| | Green, Pa. | Nedzi |
| | Gubser | Nichols |
| | Gude | Obey |
| | Guyer | O'Hara |
| | Hamilton | O'Neill |
| | Hammer-schmidt | Owens |
| | Hanley | Parris |
| | Hanna | Passman |
| | Hanrahan | Patman |
| | Hansen, Idaho | Patten |
| | Hansen, Wash. | Pepper |
| | Harrington | Perkins |
| | Harsha | Pettis |
| | Harvey | Pickle |
| | Hastings | Pike |
| | Hawkins | Podell |
| | Hays | Preyer |
| | | Price, Ill. |
| | | Pritchard |
| | | Railsback |
| | | Randall |

NAYS—96

| | | |
|---|---|---|
| Arends | Dickinson | Huber |
| Armstrong | Dorn | Hudnut |
| Ashbrook | Duncan | Hutchinson |
| Bafalis | Edwards, Ala. | Jarman |
| Beard | Edwards, Calif. | Kemp |
| Brown, Mich. | Erlenborn | Kuykendall |
| Broyhill, N.C. | Esh leman | Landgrebe |
| Buchanan | Ford, Gerald R. | Latta |
| Burleson, Tex. | Froehlich | Lent |
| Clancy | Gettys | Lott |
| Clawson, Del | Goldwater | McEwen |
| Cleveland | Goodling | Mailliard |
| Collins | Gross | Maraziti |
| Conable | Grover | Martin, Nebr. |
| Conlan | Haley | Martin, N.C. |
| Daniel, Dan | Hébert | Mathis, Ga. |
| Dennis | Hinshaw | Michel |
| Derwinski | Holt | Minshall, Ohio |
| Devine | Hosmer | Mizell |

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| | | |
|---|---|---|
| Montgomery | Rousselot | Treen |
| Moorhead, Calif. | Ruth | Walsh |
| | Satterfield | Ware |
| Myers | Saylor | Williams |
| Nelsen | Schneebeli | Winn |
| O'Brien | Sebelius | Wright |
| Poage | Skubitz | Wydler |
| Powell, Ohio | Spence | Wylie |
| Quie | Steelman | Wyman |
| Rarick | Steiger, Ariz. | Young, Fla. |
| Regula | Steiger, Wis. | Young, Ill. |
| Rhodes | Stratton | Young, Tex. |
| Robinson, Va. | Taylor, Mo. | |
| Roncalio, N.Y. | Thomson, Wis. | |

NOT VOTING—53

| | | |
|---|---|---|
| Baker | Green, Oreg. | Nix |
| Barrett | Griffiths | Peyser |
| Bell | Gunter | Price, Tex. |
| Biaggi | Hunt | Quillen |
| Blackburn | Jones, Okla. | Riegle |
| Broomfield | Jones, Tenn. | Rooney, N.Y. |
| Brown, Ohio | Keating | Sandman |
| Burgener | Ketchum | Snyder |
| Camp | King | Stubblefield |
| Carter | Kluczynski | Symms |
| Crane | Leggett | Teague, Tex. |
| Davis, Wis. | Lehman | Vander Jagt |
| de la Garza | McClory | Veysey |
| Delaney | McCormack | Wiggins |
| Findley | McKay | Wilson, Bob |
| Flynt | McSpadden | Young, S.C. |
| Frelinghuysen | Metcalfe | Zion |
| Fuqua | Mollohan | |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Bell for, Mr. Camp against.
Mr. Veysey for, Mr. Snyder against.
Mr. McClory for, Mr. Crane against.
Mr. Rooney of New York for, Mr. Symms against.
Mr. Fuqua for, Mr. Brown of Ohio against.
Mr. Kluczynski for, Mr. Hunt against.
Mr. Flynt for, Mr. King against.
Mr. de la Garza for, Mr. Bob Wilson against.
Mr. Riegle for, Mr. Price of Texas against.
Mrs. Green of Oregon for, Mr. Blackburn against.
Mr. Delaney for, Mr. Mollohan against.

Until further notice:

Mrs. Griffiths with Mr. Broomfield.
Mr. Nix with Mr. Sandman.
Mr. Teague of Texas with Mr. Quillen.
Mr. Barrett with Mr. Frelinghuysen.
Mr. Gunter with Mr. Davis of Wisconsin.
Mr. Jones of Oklahoma with Mr. Peyser.
Mr. Leggett with Mr. Keating.
Mr. Metcalfe with Mr. Findley.
Mr. Jones of Tennessee with Mr. Baker.
Mr. Lehman with Mr. Carter.
Mr. Biaggi with Mr. Vander Jagt.
Mr. McCormack with Mr. Wiggins.
Mr. McKay with Mr. Young of South Carolina.
Mr. McSpadden with Mr. Zion.
Mr. Stubblefield with Mr. Burgener.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD and include tables and extraneous matter on the second supplemental appropriation bill, 1973 (H.R. 7447) just passed; and also that all Members may have permission to extend their remarks on the amendment offered by the gentleman from New York (Mr. ADDABBO) and on the amendment offered by the gentleman from Maryland (Mr. LONG).

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A REPORT ON H.R. 7200, UNTIL MIDNIGHT, MAY 11, 1973

Mr. JARMAN. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tomorrow night to file a report on the bill, H.R. 7200, amending the Railroad Retirement Act.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for the remainder of the week, if any, and for next week.

Mr. McFALL. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the distinguished majority whip.

Mr. McFALL. Mr. Speaker, on Monday, which is District day, there are no bills scheduled.

On Tuesday, there is the Private Calendar, and we will have H.R. 6768, United Nations Environmental Program Participation Act, under an open rule, 1 hour of debate; and H.R. 5777, the Hobby Protection Act, under an open rule, 1 hour of debate.

For Wednesday and the balance of the week: H.R. 2990, U.S. Postal Service Authorization Act, subject to a rule being granted; and H.R. 6912, Par Value Modification Act, subject to a rule being granted.

Also H.R. 6912, Par Value Modification Act, subject to a rule being granted.

Of course, there is the usual caveat that conference reports may be brought up at any time and any further program will be announced later.

## ADJOURNMENT OVER TO MONDAY, MAY 14, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## PERSONAL EXPLANATION

Mr. RUPPE. Mr. Speaker, due to an unavoidable commitment, I was unable to be present to offer my vote in support of the conference report on S. 394, the amendments to the Rural Electrification Act.

I have strongly supported the REA's in the past. My district includes eight REA cooperatives, which have been important elements in maintaining the quality of life and improving the economy of northern Michigan.

I wish to go on record in support of the REA's and this conference report in particular.

## A "TONKIN RESOLUTION" ON CAMBODIA

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, in support of my amendment I bring to the attention of my colleagues two of the finest editorials written on the subject, one which appeared in this morning's Washington Post, entitled: "A 'Tonkin Resolution' on Cambodia," and the other one written by the Long Island Press on Monday, May 7, entitled: "Stopping the Blood Money."

The editorials follow:

[From the Washington Post, May 10, 1973]

A "TONKIN RESOLUTION" ON CAMBODIA

The House is about to vote on Rep. Joseph Addabbo's proposal to block the use of defense funds for bombing Cambodia. It is the first vote on the war issue in either house of Congress since the January cease-fire agreement. As such, it is exceptionally important as an indicator to the President whether he can continue to make war at his own discretion regardless of law, or whether Congress intends to try to hold him to a less capricious standard. Fairly enough, the Secretary of Defense has joined the critics of Mr. Nixon's policy in warning the Congress that a failure to cut off funds for bombing Cambodia will be taken as a gesture of congressional consent to the President's policies there. So no one can be under any illusions as to the significance of the forthcoming vote.

The issue could not be clearer. On June 3, 1970, Mr. Nixon said he would henceforth bomb in Cambodia only "to protect the lives and security of our forces in South Vietnam"; on many occasions, he broadened that rationale to include the release of prisoners held in North Vietnam. Both our troops and our POWs are no longer in need of this support. But he bombs on. His aides contend that under the cease-fire agreement the United States implicitly conditioned a bombing halt to observation of the cease-fire by the other side. Yet no Cambodians signed on to the cease-fire. And in any event, a statement of Executive intent to bomb, for whatever reason, does not legitimize the bombing: Mr. Nixon's word is not a magic wand making Congress and Constitution disappear at one stroke.

On May 13, 1970, Secretary of State William Rogers stated that the U.S. would not "become militarily involved in support of the Lon Nol government—or any other government" in Phnom Penh. "I'm talking about U.S. troops or air support or something," he added. But last Tuesday he declared: "The choice before us today is whether to allow a military takeover of Cambodia by North Vietnam and its allies, or insist on observation of a negotiated peace." It is a sad thing to see a former Attorney General proceeding as though the legality and constitutionality of the proposal he is trying to sell were of no account. It is no less sad to see a Secretary of State betraying such a flawed appreciation of the facts on the ground in Indochina.

For the truth is that North Vietnam supports but does not command the Cambodians fighting the American-supported government of Lon Nol. Such is North Vietnam's strength that the question of who rules in Phnom Penh has practically no bearing on the use to which Hanoi will be able to put Cambodian soil to support any further operations it undertakes in South Vietnam. No configuration conceivable of Cambodian political elements could muster the force (not to say the will) to prevent Hanoi from so using Cambodian soil; witness what was going on in the days of Prince Sihanouk's rule. The continued American devastation of Cambodia cannot prevent the North Vietnamese from supporting their friends in South Vietnam, if they care to. This is a technical matter not a political one; no knowledgeable person disputes it.

The larger truth is that in Paris Mr. Nixon negotiated the best agreement he could get. But measured in relation to the extravagant evaluation which he put on it, it was not a sound agreement because it could not be enforced in a way that would make good on the promises the President made in its name. The agreement did indeed serve the basic American purpose of giving Saigon a reasonable chance to endure on its own. But it did not and could not serve the further purpose of sealing South Vietnam's border with Cambodia. It was unnecessary and unwise for Mr. Nixon to claim for his agreement achievements which could not conceivably be a part of it. Now that the shortfall is apparent to everyone, we emphasize, "success" by his terms in Cambodia is not essential to the American mission in South Vietnam—a mission which has already been accomplished and which will not necessarily be undone if one Cambodian faction rather than another comes to power in Phnom Penh.

The administration has stated that, whatever the judgment of Congress, it intends to keep on bombing Cambodia anyway. This is a shocking avowal, but it can be dealt with later. For the moment, legislators considering the Addabbo proposal and its Senate counterpart can be confident that in supporting it they are serving the self-respect of the institution to which they belong, the cause of government by law, and the appropriate foreign policy interests of the United States. It may be that it is technically impossible for the representatives of the people to restrain the President. But this does not mean that the Congress must repeat its supine performance at the time of the Gulf of Tonkin resolution in 1964. At the very least, there is a record to be made. The President should be told in no uncertain terms that if he continues his efforts to bomb Cambodia into acceptance of a cease-fire, for no purpose that can possibly justify the cost in lives and money and this country's good name, he will be doing so on his own.

STOPPING THE BLOOD MONEY

Rep. Joseph Addabbo, Ozone Park Democrat, lost the first round in the House battle to limit President Nixon's ability to wage war in Cambodia—or anywhere else in Southeast Asia. But, hopefully, the battle will still be won.

The amendment sponsored by Rep. Addabbo to block funds sought by the President to continue bombing—or conceivably to reintroduce ground troops into combat in Southeast Asia—was rejected last week by the notoriously hawkish House Appropriations Committee. But the Long Island lawmaker has since won important support. The House Democratic Steering Committee, for example, voted to back the amendment when it comes to the floor this week.

Moreover, a similar amendment has the support of key Senators, led by Majority Leader Mike Mansfield. He agrees with House Speaker Carl Albert who said, "I don't want to declare another war with ambiguous language in an appropriation bill."

Sen. Mansfield says that the current U.S. bombing in Cambodia is being conducted with money Congress never approved for that purpose, and asks: "I wonder when we are going to wake up to our responsibility and get out of Indochina, lock, stock and barrel?"

We wonder, too, and with particular alarm since the administration's rationale for being involved in another civil war in Southeast Asia—this time in Cambodia—won't wash. On the one hand, the White House argues that the attacks are necessary to convince North Vietnam to stop violating the Vietnam cease-fire. But on the other hand, the Pentagon admits that truce violations by the enemy have steadily and encouragingly decreased.

What hasn't decreased, sadly, is our air assault against Communist forces in Cambodia. U.S. aircraft dropped 100,000 tons of bombs in Southeast Asia during the first two months after the Jan. 27 cease-fire, most of it in Cambodia. And April tonnage is believed to have been higher than in March.

The administration can no longer argue that air strikes in Cambodia are necessary to protect American fighting men in Vietnam. There are none. Nearly as weak is the argument that so long as there are North Vietnamese in combat in Cambodia, American intervention is permissible. The latest intelligence is that North Vietnam's presence in Cambodia may have been grossly overestimated.

Sen. Stuart Symington, D-Mo., told Secretary of State William P. Rogers, "We are obviously killing a lot of men, women and children, and incapacitating more for the rest of their lives, and I don't see why this has any real basic effect on the security of the United States."

It hasn't. But it is having a very bad effect on the American people who thought they had seen the last of war 10,000 miles away from home when our troops and prisoners left Vietnam. "Peace with honor," is how President Nixon described that happy departure from a war Congress never declared.

What happens next in Cambodia, like what happened before in Indochina, is not our business. Congress should make that perfectly clear by using its most potent weapon—its constitutional right to cut off the blood money.

## THE PRESIDENT'S VETO VICTORY PARTY

(Mr. CULVER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. CULVER. Mr. Speaker, I was visited last week, as were many other Members, by an impressive group of people who are greatly concerned about the status of Federal programs to aid the Nation's 44 million disabled citizens. They were distressed not only about the President's curtailment of funding for important Federal programs and his veto of the 1973 Vocational Rehabilitation Act, but also the discrimination and living barriers constantly faced by disabled people in our society.

For example, Mr. Speaker, these individuals encountered many unnecessary architectural barriers even as they visited their Nation's Capitol. Faced with narrow doors and unnegotiable stairs, these fine people who have the disadvantage of being handicapped could not even visit the House visitor's gallery. I have been assured by the Capitol Architect's Office that it is actively engaged in a project to remove this and other architectural barriers in the buildings of the Capitol which unreasonably hinder disabled visitors' use of public restrooms, telephones, and other such facilities. I urge the prompt completion of these improvements so that all visitors, including those with disabilities, are able to enjoy the Nation's Capitol.

The visit by these disabled citizens serves to remind us again of the low priority being given those less fortunate members of our society by this administration. In response to the urgent need for rehabilitation of those individuals with disabilities, this House overwhelmingly passed a Comprehensive Vocational Rehabilitation Act, only to have that important legislation vetoed by the President. Shortly thereafter, the Washington Post reported that President Nixon threw a party to celebrate the success of his veto.

I for one do not find it appropriate to celebrate the elimination of essential services to disabled and handicapped people. I would like to quote from a letter I received recently from a young woman in Iowa who knows better than most the value of vocational rehabilitation programs.

As a recipient of funds from this agency to continue my education (I was born with a severe birth defect, which has resulted in my being a wheel chair person) I can attest to the usefulness of this program. Due to funds being available from the vocational rehabilitation agency, I was able to complete four years of college. This would not have been possible without their help.

It seems to me a far greater example of fiscal responsibility to provide a program whereby citizens can become tax-payers rather than recipients of tax monies because of being forced to live on aid to the disabled, welfare, or other tax supported programs. Far more important than the benefit to the government in taxes, however, is the benefit to the people served by this program and to society as a whole.

We will be far wiser to place the people who benefit from vocational rehabilitation programs in a position of being able to contribute to themselves and others rather than forcing them to be like castoffs who can have no sense of pride or accomplishment. The importance of having a feeling of self-worth and dignity cannot be measured in dollars and cents.

Although I support any effort to eliminate waste in government spending, surely there has to be a better way to do this than to penalize those people who are already among the least able to help themselves.

Mr. Speaker, this letter is even more poignant when one reads an article such as the one appearing in the April 13, 1973, issue of the Washington Post which I insert in the RECORD:

PRESIDENT THROWS PARTY FOR HIS ALLIES ON VETO

President Nixon held a reception last evening for more than 200 members of the House and Senate who voted to sustain his vetoes of the vocational rehabilitation and water and sewer grant authorizations.

According to several senators who were



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present, the President in thanking the legislators, said, "It takes courage to sustain a veto. It is a very difficult thing to veto a bill like the program for the disabled. It is a very difficult thing to veto a bill like the water and sewer bill and I know it is difficult to vote against those bills, but it is necessary."

Sen. Ted Stevens (R-Alaska) said the President emphasized, in his brief address, that the crucial point at which to hold down federal spending, and thereby avert economic difficulties, is the authorization stage.

Stevens said the President went out of his way to praise those not of his own party who had voted with him, saying he realized the political problems of doing so.

The President introduced Joe Waggonner (D-La.), an acknowledged leader of the southern bloc in the House, and John L. McClellan (D-Ark.), chairman of the Senate Appropriations Committee. McClellan was one of only five Democrats who sided with Mr. Nixon in the rehabilitation vote.

McClellan, according to Stevens, said he had faced a hard choice on whether to go along with the President and had concluded that his task as Appropriations Committee chairman to mold a responsible budget made him feel he must support the veto.

## DEPARTMENT OF LABOR DECLINES TO TESTIFY AT IMMIGRATION AND NATIONALITY HEARINGS

(Mr. EILBERG asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. EILBERG. Mr. Speaker, on Monday, May 7, I advised the House that Subcommittee No. 1, Immigration and Nationality, of the Committee on the Judiciary, would continue its hearings on May 10 to consider H.R. 981 which amends the Immigration and Nationality Act as it affects immigration policy regarding countries of the Western Hemisphere.

The subcommittee had scheduled officials from the Department of Labor as witnesses.

The principal issues before the committee in considering this legislation are:

First. Should the existing preference system, now applicable to the Eastern Hemisphere, be imposed on the Western Hemisphere?

Second. Should there be a per-country limitation on the number of immigrant visas available and, if so, what limitation should be imposed?

Third. What provisions should be included in legislation applicable to refugees?

Fourth. Should the alien labor certification program be revised and is it effectively protecting the domestic labor market?

I am distressed to advise the House today that the Department of Labor has refused to honor the committee's request and has declined to send official witnesses to appear before the subcommittee.

I must further advise the House that previously, on April 12, representatives of the Department of Labor were invited to testify, but at that time the committee was informed that the Department was not prepared to testify and would need additional time—that additional time was accordingly granted.

Before the subcommittee can proceed in a logical and reasonable manner, it is manifestly important that the subcommittee receive an affirmative policy position from the Department of Labor and have an opportunity to question its officials.

This lack of cooperation will impede the subcommittee's attempt to bring to the House this session needed legislation, establishing equitable immigration procedures for persons from Western Hemisphere nations.

I assure the House that it is the desire and intent of the committee to report Western Hemisphere legislation as soon as possible. Unfortunately, the executive branch of the Government, once again demonstrating its unwillingness to cooperate with the Congress, has obstructed the committee's efforts to produce meaningful, remedial legislation.

President Nixon has 1,351 days left in his term. I fear that we will have to wait 1,352 days to get some cooperation from the executive branch.

## THE NEED FOR QUICK ACTION ON WATERGATE PROBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 15 minutes.

Mr. SARASIN. Mr. Speaker. I would like to take this opportunity to call for maximum feasible speed in the now overdue investigation of the entire distasteful pattern of events we have come to refer to under the general term "Watergate." I welcome the decision by Attorney General designate Elliot Richardson to appoint a special prosecutor to handle this case and I appreciate the need to select this individual with scrupulous care, but the health of our political system calls for rapid and thorough disclosure of all the facts surrounding not only the Democratic Headquarters bugging incident, but any other illegal and unethical activities carried on by people in high places.

Watergate has become a cancer eating at our political system and only speedy and thorough surgery can effect a cure. The longer such action is delayed, the further the cancer spreads, eroding public confidence in elected officials and compromising the reputations of honorable men.

Until a complete investigation, conducted by a man of unimpeachable credentials and total objectivity, brings to light every facet of this repugnant affair, the U.S. Government and the honorable profession of politics will continue to be sullied by rumor, innuendo and suspicion. Only when the entire story is out in the open and the perpetrators of these dishonorable deeds are meted out suitable punishment will we be able to say Watergate is behind us.

It has been widely reported that Watergate is a crisis for the President, and this is undeniably so. But it is also a crisis for all of us in government, on both sides of the aisle. Government in a democracy can only be effective so long as it has the confidence of those governed.

This confidence has been shaken and only the truth can restore it. For this reason, it is imperative for our Nation that an impartial and exhaustive investigation be completed as rapidly as possible and that our political system demonstrates convincingly that it has the ability and the will to cleanse itself.

## CUT IN IMPACT AID FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 60 minutes.

Mr. DICKINSON. Mr. Speaker, I rise in favor of voting down the previous question on House Resolution 389 to allow Mrs. MINK to offer her amendment to remove the ceiling on funding for category B students under the Federal impact aid program. This amendment is vital to the future of education in the second district of Alabama, as well as around the country, and I urge the House to allow a vote on it.

There is a tremendous number of B students in my district and the cut in impact aid funds for these students from 73 percent of entitlement to 54 percent has caused a great hardship for our school systems. As you know, school budgets are set in September at the beginning of each school year. At that time, administrators plan to spend $x$ amount of money for teachers and operational expenses, and appropriated Federal funds are figured into the budget.

The superintendent of education for the Montgomery public school system in Montgomery County, Ala., has informed me that the proposed amendment will keep him from sustaining approximately a $155,000 loss in funds which have already been budgeted. He said that he sees "no hope of any local revenue to replace this loss."

Should these funds not be made available, the school system will have to make up for this loss by cutting back in services this summer and next year, a move which has already begun. Not only will impact aid students be penalized but also the other students in the school system will suffer because we will not be able to offer quality education to any of the students.

School systems throughout my entire district, which is heavily impacted by military installations, are in basically rural counties and are more severely and drastically affected by the cuts in category B funds than the Montgomery public school system. These systems will be forced to cut back in services now, and in fact, they have already been forced to let some teachers go. I urge my colleagues to vote down the previous question in order that we may have an opportunity to see that children who attend schools with large numbers of category B impact aid students will get an adequate education.

## EXPERIMENTATION ON HUMAN FETUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, the reports last month that the National Institutes of Health was considering financing experimentation on human fetuses born alive after abortions, shocked many people. Certainly I was shocked at this revelation, but I was not surprised. To me, this only further substantiates my argument that once you have declared that an unborn baby is of no value, that it is a "non-person", as the Supreme Court did in its January 22 decision, you have crossed the Rubicon and anything is possible.

The Court has, in effect, declared that, if a human being is unwanted, he can be eliminated. Where will the line be drawn between those who can legally be eliminated and those who cannot?

Is it really not probable that the next step will be to deliberately try to keep the fetus alive so as to assure a supply of live humans for medical researchers? If the unborn child has no value it is academic what you do with it.

Today I am joining with my distinguished colleague from New York (Mr. RONCALLO) and many other Members of the House in sponsoring legislation that makes it a Federal crime to carry out any research activity on a human fetus or to intentionally take any action to kill or hasten the death of a human fetus in any federally supported facility or activity.

This proposal carries a stiff penalty for violators prescribing a minimum sentence of 10 years and a maximum sentence of 20 years.

Despite the fact that NIH has adopted a policy that it will not support live fetus experimentation, the need for this legislation is very real. NIH, having once established a policy for itself, may later change that policy.

Although this legislation only applies to federally funded facilities and research and not to privately funded research, such as may be financed by large tax-exempt foundations, it will serve to make clear the feeling of Congress on the matter and will further serve as a model for individual States to follow. I would hope that all 50 State legislatures will adopt legislation prohibiting research on a live fetus.

In the final analysis the only way to stop this type of thing is to remove the legal and ethical basis that makes it acceptable. The problem of experimentation on human fetuses is merely an outgrowth of a whole new area of ethical questions arising in the medical profession that are the direct result of the Supreme Court's decision.

The incidence of aborted babies being born alive is not rare. Let us not deceive ourselves as to what we are talking about. We are talking about human beings. When the U.S. Supreme Court in its decision refers to the "potentiality of life" it is ignoring the medical and scientific facts. What we are talking about is the "reality"—the "actuality" of life, not the "potentiality" of human life.

Who of us is competent to assess whose life is meaningful? Who has the power and audacity to say that another individual has a "meaningful" life and another human being does not.

In January we were talking about abortions, the killing of unborn babies; in April the question of experimentation on live human fetuses arose; and now the media is full of articles on euthanasia propagandized under the euphemism of "death with dignity."

Enactment of this legislation to make testing on fetuses a crime is a step in the right direction. We cannot stop there however; we must go even further and constitutionally guarantee the right to life, not only to the unborn, but also to the ill, the aged and the incapacitated.

Mr. Speaker, I urge my colleagues to swiftly approve this bill introduced today and I further urge them to explore the ramifications that the Supreme Court decision of January 22 is going to make on our society. Everyone who cherishes the precious gift of life should realize that a constitutional guarantee for all individuals is a necessity and I invite your support of my amendment, H.J. Res. 261, that will do just that.

The time has come for Congress to act to insure that this country does not fall into a broadening disregard for the dignity of human life. The public outcry over the Supreme Court decision has been great and I hope now Congress will respond to it by restoring our respect for human life.

## APPROPRIATION OF AMERICAN ASSETS BY PERU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, the Government of Peru has, effective last Friday, expropriated the assets of the fish meal industry within its borders. At least five American companies have suffered losses with no immediate prospect of compensation.

Peru's intentions to pay are unknown to me now. The chairman of the House Committee on Banking and Currency stated this morning that he believes Peru is shifting from a rather hardline position to a more conciliatory one on payment for expropriation. I hope he is right.

Until we know Peru's intentions we have no choice but to use all our capabilities to persuade Peru to abide by international law. Specifically, I have asked the Secretary of State to give the repayment question top priority in his upcoming visit to Lima. In addition, I have asked the Secretary of the Treasury to carry out the provisions of law with respect to our votes on the Inter-American Development Bank and other development associations. These actions would be only the beginning.

The United States cannot, and does not want to set domestic policy for other sovereign nations. We must however, insist that all nations, including Peru, line up their international responsibilities.

## GASOLINE HOARDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, major oil companies are hoarding gasoline in an attempt to drive independent dealers out of business.

In response to this drive I am introducing legislation today that would force the major oil companies to continue to supply independent dealers and gas stations. Identical legislation has been introduced in the Senate by my distinguished colleague from Ohio, Mr. SAXBE.

Unless strong congressional action is taken now the major oil companies may be able to force hundreds of independent gasoline stations and distributors out of business as a result of this summer's so-called gasoline shortage. Earlier this week I had learned that 342 gasoline stations have closed, and 930 are threatened with closure. According to the Office of Emergency Preparedness, this number has now grown to 562 closures and 1,376 stations threatened with closure.

I fear that by mid-August thousands of independents will be forced to close unless legislative action is taken.

My bill would force major companies to cut back all their customers equally in percentage terms as shortages develop. At present, major oil companies have cut independents off completely and holding on to gasoline for their own service stations. The result of this hoarding could be catastrophic for the American consumer.

Once the independent cutrate gasoline station which sells gas 1 to 2 cents cheaper is forced out of business, the major companies can jack up their prices at will—billing consumers for $1 billion each time they raise gasoline prices a penny. In order to maintain competition in gasoline sales we must make sure that independents are not forced out of business this summer.

In addition, this legislation would prevent the oil companies from increasing wholesale prices to independent dealers and distributors any higher than the average price increase across the board for all companies. I have already received reports of several gasoline stations in my own congressional district that are being forced out of business and some distributors being faced with gas cutoffs from major companies such as Texaco and Sun Oil Co.

Mr. Speaker, to be perfectly blunt, this squeeze is nothing less than a conscious effort to eliminate gasoline competition and it must be stopped through Federal legislation.

## LOCK THE DOOR TO INDOCHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, this morning, the Subcommittee on Asian and Pacific Affairs of the Foreign Affairs Committee began its second day of hearings on legislation to terminate our involvement in Indochina. At the invitation of Representative ROBERT N. C. NIX, the chairman of the subcommittee, I had the privilege of presenting my views on the subject, and I include the text of my statement at the conclusion of my remarks.

Also this morning, the Democratic Caucus here in the House voted 144 to 22 to support the Addabbo-Flynt-Giaimo amendment, which would delete from the second supplemental appropriations bill



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a provision giving the Defense Department an additional $500 million in transfer authority for the current fiscal year. And this afternoon, by votes of 219 to 188 and 224 to 72, the full House for the first time in the decade since our troops landed in Indochina voted against our military involvement there.

These are great and momentous steps, but they are not enough. As I stated to the Asian and Pacific Affairs Subcommittee this morning—

Defense Secretary Richardson has already stated that even if the (transfer authority) is denied, the bombing of Laos and Cambodia will probably continue, because the DOD will just find the money somewhere else and cut back some other military programs.

We must act to pass affirmative legislation which will end our military involvement in Southeast Asia once and for all.

We must assert our constitutional responsiblity to control the basic foreign and military policy of the United States, and we must effect the desire of the American people to end our military involvement in Southeast Asia—not only the presence of our troops, planes, and bombs, but also the presence of our financial support for the military and paramilitary activities of governments there.

I urge my colleagues in the House—and particularly those on the Foreign Affairs Committee—to take the next step and to approve legislation to end all American military involvement in Indochina.

The text of my testimony follows:

TESTIMONY OF CONGRESSWOMAN BELLA S. ABZUG

Mr. Chairman: Before we proceed with the discussion of Cambodia, I believe we must ask what it is that we as a nation are really doing and why we are doing it. Stripped of rationalizations, the stark truth is that—

We are spending millions of dollars each day to bomb a tiny Asian country;

We are killing innocent civilians;

We are creating thousands of miserable refugees;

We are propping up governments admittedly weak and temporary;

We are incurring the world's wrath for such continued barbarism;

We are violating the Peace Agreement and the Constitution;

We are committing ourselves to years of continuing war.

Let us look first at the financial cost of what we are doing. On April 25 the Air Force estimated its bombing costs at $1.8 million per day. Including many hidden costs, however, the Cornell Air War study estimates the cost of bombing Cambodia at $4.5 million a day. On May 4, the *Washington Post* stated that some estimates ran as high as $10 million a day. If the latter figure were correct, the $150 million in supplemental funds requested by the Department of Defense would last just 15 days! Then what? Will the Department come back for yet another bag of money? They have already reprogrammed $492 million above budgeted amounts for Fiscal Year 1973. They now ask $311 million for "U.S. force support, mainly associated with air activities" in South East Asia. About $150 million of this $311 million is for "back debts" so to speak, for operations that took place from January through March; $162 million covers April through June. So confident is the Pentagon of a complaisant Congress that they blithely proceed to bomb first and pay later.

We must remember that we are also paying 90% of the support of the Thieu government in South Vietnam, and maintaining there what has suddenly become the world's third largest air force. Over 100 United States corporations help keep Saigon's armed forces armed, at a cost of over 250 million tax dollars this year alone.

Consider, please, that $200 million was cut from the budget for child nutrition in this country. How do we want to spend our tax dollars?

The cost in human terms in this country is great enough; we can scarcely imagine what it is for the Cambodians. Nearly half the population is listed as refugees or displaced persons, according to Wells Klein of the American Council for Nationalities Service who reported April 16 to a Senate Subcommittee: Of a total population of 6.5 million, refugees or displaced persons number 2,057,000. They are homeless, hungry, and terrified. They are on my conscience and, I'm sure, on all of yours. One million dollars of AID money has just been allotted to their care. This does not allay our anguish at having helped to create their misery in the first place.

We are also killing outright an average of 73 Cambodian soldiers each week—and about 700 civilians. Due to primitive communications there are no firm statistics. A first hand report in the *Washington Post* last week states that it is "more than likely that losses among the civilian population are running 10 times as high" as among soldiers. The estimate is based on population density in the B-52's bombing areas, multiplied by the number of sorties per week.

This, then, is what we do. Next we must ask, why? Why do we continue behaving, in Indochina, as though we had not agreed to get out? All the old excuses are removed: the troops are out of Vietnam and the prisoners are home. Although he claims "the attainment of an honorable settlement in Vietnam" Mr. Nixon acknowledges that "the peace remains fragile."

Was the cease-fire only an election ploy? Even as the agreement was signed, Mr. Nixon stated that he recognized the Thieu government as "the sole legitimate government of South Vietnam"—in direct contradiction of the agreement. We can only conclude that the peace was deliberately made fragile.

President Thieu knows that his government would not last a week without U.S. support. Why do we continue to support him? The rationalizations given by the Administration obviously are not the real reasons, and I suggest that we examine both.

It is clear that the Cambodian bombing exists to prop up not only the Lon Nol government, recently rearranged by General Haig, but to continue bolstering the Thieu regime.

In his recent statement before the Senate Foreign Relations Committee, Secretary of State William Rogers justified our continuing bombing of Laos and Cambodia by saying that it is necessary to implement Article 20 of the January 27th four-party agreement. Article 20(b) provides as follows:

"(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material."

The January 27th agreement includes no enforcement mechanism or procedures with regard to Article 20. However, the United States is also a signatory of the March 2nd agreement among 12 nations on the subject of the January 27th agreement and protocols. Article 7 of the March 2nd agreement provides as follows:

"ARTICLE 7

"(A) In the event of a violation of the agreement or protocols which threatens the peace, the independence, sovereignty, unity or territorial integrity of Vietnam, or the right of the South Vietnamese people to self-determination, the parties signatory to the agreement and protocols shall, either individually or jointly, consult with the other parties to this act with a view to determining necessary remedial measures.

"(B) The international conference on Vietnam shall be reconvened upon a joint request by the Government of the United States of America and of the Government of the Democratic Republic of Vietnam on behalf of the parties signatory to the agreement or upon a request by six or more of the parties to this act."

Read together, these two provisions mean that even if there are North Vietnamese personnel in Laos or Cambodia—and I have yet to see any proof of this—the United States is bound by the March 2nd agreement to seek consultation with the other parties thereto and is clearly violating that agreement by its actions in and over Cambodia and Laos.

Thus, Secretary Rogers' claim that the agreements to which the U.S. is a signatory provide a legal basis for our activity is wholly spurious and without foundation.

The agreement aside—and it is obviously not a "treaty" within the meaning of the Supremacy Clause (art. VI, cl. 2) because it hasn't been submitted to the Senate for ratification—there is absolutely nothing in our Constitution or laws which authorizes Mr. Nixon to bomb Cambodia and Laos. There has been no declaration of war by Congress. The Gulf of Tonkin Resolution was repealed effective January 2, 1971. There has been no congressional appropriation of funds for this activity and I firmly hope and expect that the House will decline to make such an appropriation when it considers the issue for the first time later today. The President is to "take care that the laws be faithfully executed," but he is not empowered to make them up.

Mr. Nixon continues to insist that North Vietnamese do most of the fighting in Cambodia, even though U.S. Embassy personnel there and a Senate Investigating Committee state that it is a civil war in which government troops are reluctant to fight against their relatives.

We may be certain that the other side is violating the agreement; we can be equally certain that they will not stop so long as we continue to violate it.

We must ask whether a corrollary purpose of our acts is to prop up the regime of President Nixon, who desperately wants to label war with bombs as "peace with honor." If this is his purpose, he is once again misreading the American people. Their revulsion to this terrible, useless war was expressed long ago; now there is added revulsion to crime at the highest levels. Mr. Nixon expects renewed bombing to distract attention from the disgrace of Watergate and the disaster of the national economy, he is wrong. This is just one more instance—perhaps the strongest—of his inability to govern.

The *Washington Post* has suggested that he is "not ready to accept the political risk of having it all slide out from under him in Indochina in a way which would tarnish his over-stated and misguided boasts about the nature of the 'peace' he has achieved." The editor asks, "What is wrong, or dishonorable, about finally letting our side go it alone? Or are American B-52's to be a permanent part of our 'peace-making' effort in that corner of the world? . . . (Mr. Nixon) has nothing of value left to prove or win there, only something further to lose."

Next we must ask whether it is necessary to keep the war going, to maintain jobs for Americans. With our vaunted American know-how, surely we can put people to work on the human needs—housing, medicine, social services—that cry out for attention. The same workers' skills, in the same plants that now makes bombs and other useless hardware, could be turned to the manufacture of useful equipment for consumption and export. Where plants and military bases are closed, training programs should be started immediately. Hundreds of blueprints for such programs have been provided over the past decade; I have seen them and so have you. Surely we do not have to say that our economy can be sustained only through war production.



Then we ask whether our stance in Asia is essential to detente with other Big Powers; a bargaining chip in negotiations. On the contrary, I believe it is putting great strain on these relationships. Although China is obviously reluctant to intervene, our escalation poses a constant threat of such intervention. It is as though Mexico were being bombed by a foreign power, there is a limit beyond which intervention from another continent cannot be tolerated.

Our acts also put the Soviet Union into an adversary role, having to supply weapons with apparent reluctance to countries they have no business helping or hindering, any more than we have.

We must ask, also, the basic question that should be publicly discussed before any foreign intervention: does it serve the national interest of the United States? It is immediately apparent that Cambodia, like Vietnam, poses no threat to the U.S. General John D. Ryan, testifying before a subcommittee this week, stated that the area is not strategic to the defense of the United States. The interests of 99% of our people were badly served by the killing of 50,000 young Americans and the spending of billions of tax dollars in Vietnam. They will be further betrayed by a continuing involvement in Indochina.

The question than is: in whose interest do we continue this war? The only beneficiaries are the Pentagon, its contractors, and their stock-holders: the same people for whom the Nixon Administration has run the country. Profits and dividends are at record highs while, as we all know, the middle income and lower income worker can scarcely survive. Three-fourths of the people have expressed themselves firmly and repeatedly in opposition to the war. Dare we ignore them longer? Dare we pursue with dogged stubbornness a foreign policy which benefits a very few at terrible cost to the many?

Among the war contractors who profited handsomely from Vietnam are ITT, Philco-Ford, Sperry-Rand, and Lear-Siegler, a California-based electronics firm which recently received a $6.5 million contract to train and support the Vietnamese Air Command. N.H.A., a lesser-known American company, has received over $45 million in aircraft maintenance contracts for the Department of Defense. ITT has received at least $48 million in DOD contracts. The changeover from military to civilian "advisory" personnel in Vietnam has been widely reported in the press. Less well covered is the continuous recruiting for what is obviously planned as a long involvement.

The CIA's Air America last July sought recruits with a brochure saying, "Although flights mainly serve U.S. official personnel movement and native officials and civilians, you sometimes engage in the movement of friendly troops, or of enemy captives; or in the transport of cargo more potent than beans. There's war going on. Use your imagination!" The brochure goes on to state that ". . . it looks as if we'll finish the war (and peace terms favorable to our side); if so, it is expected that a boom among contract operators will result . . ."

So the war is supposedly finished in Vietnam, and the "peace terms favorable for our side" are stretched to include the bombing of Cambodia. We too can use our imaginations about what's next.

There have already been published reports that the U.S. plans to pay for additional bombing of Cambodia by the South Vietnamese Air Force; and to give financial support for an invasion of Cambodia by Thai troops. Mr. Nixon's frequent "warnings to Hanoi" threaten re-escalation of this kind. Presumably the American people—who would not stand for the use of American troops on the ground—will not cry out against such involvement. But I believe they will.

The dramatic escalation of the bombing causes increased concern: at the end of February, an average of 23 tactical air sorties and five B-52 sorties were flown. At the end of March, an average of 184 tactical and gunship sorties, and 58 B-52 sorties. Three planes have now been lost over Laos and Cambodia, nine men have been killed and 2 are missing. Will we allow the tragic scene to unfold once again?

I certainly don't have all the answers, not even all the questions. It is impossible today even to raise all the questions, because so much information is "classified." But of one thing I am sure: the U.S. is still in Southeast Asia because this Congress has not acted to end the war. We could have done so years ago; we can do so at any time; we MUST do so now.

WHY do we not act? We cannot say that our constituents do not want us to act; we know that they do. If we do not, their growing disillusionment with government will be intensified and their respect for the Legislative branch still more diminished.

Some members of Congress have hesitated to act because they wanted to support the President, right or wrong. These men and women show commendable loyalty; but recent events have proved how disastrous such blind support can be. A President with the power we have given him can be wrong catastrophically. The very foundations of government are shaking because of the wrongness of this incumbent. We cannot go on, out of respect for the office supporting the wrong action of an incumbent.

The Republican party long ago repudiated the philosophy of "bombing them back to the Stone Age". The Democratic Caucus adopted a resolution making it Democratic policy to cut off funds for this war. So why haven't we done it? Why do we instead contemplate the continued funding we profess to deplore?

The troublesome conclusion is that some Members listen, not to the three-quarters of their constituents who want us out of Asia, but to the little group of tycoons who control the wealth end, unfortunately, the elections. It is time we all look to our own conscience and ask whether we can any longer be part of this vicious, lethal evil.

I would like to commend Congressman Joseph Addabbo for his continued courageous opposition to the transfer authority requested by the Department of Defense in the Second Supplemental Appropriations Bill of 1973. In additional views presented to the House Appropriations Committee, Rep. Addabbo, along with Rep. John J. Flynt, Jr. and Rep. Robert N. Giaimo, stated the case clearly:

". . . this amounts to a Congressional blank check approving combat activities of the Defense Department which have already taken place, and giving Congressional approval to any future combat activities which may be deemed necessary. . . . This kind of after-the-fact approval is all to reminiscent of the entire history of U.S. involvement in Vietnam. It reminds us of the Gulf of Tonkin Resolution. It reminds us of the steady and deliberate erosion of Congressional influence in the making of decisions concerning Southeast Asia. It reminds us of the entire experience of the last ten years when Congress in effect gave blind approval and support to the Executive branch to conduct combat operations in Southeast Asia. To approve this request for transfer would be to start the entire sordid chain of events in motion once again.

"Now is the time to regain Congressional control of the United States' destiny. We must refuse to approve this request. . . ."

But it is insufficient merely to block this request for additional transfer authority. Defense Secretary Richardson has already stated that even if it is denied, the bombing of Cambodia and Laos will probably continue, because the DoD will just find the money somewhere else and cut back some other military programs.

We must act to pass affirmative legislation which will end our military involvement in Southeast Asia once and for all. This subcommittee has the power to take the first step in that direction, by favorably reporting to the full Foreign Affairs Committee a bill which will accomplish that end.

I am privileged to be a sponsor of H.J. Res. 514, which would cut off all funds for U.S. combat operations in or over Cambodia, Laos, North Vietnam and South Vietnam without express congressional approval. I would hope to see favorable consideration of that measure as soon as is humanly possible. I have also introduced a bill, H.R. 3578, which would end military operations by United States forces, and all U.S. paramilitary operations, such as those carried on under the auspices of the Central Intelligence Agency, the Agency for International Development, and so forth, would cut off all U.S. military aid to "any nation, party, group or person in Indochina," and would extend the cutoff of U.S. activity and military assistance to Thailand as well as the other 4 nations of the area.

I thank you for your kind attention and urge your quick and positive action on the legislation before you.

## SERVICE-CONNECTED SOCIAL SECURITY COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing a bill that would provide social security coverage for those who have a service-connected disability incurred or aggravated while on active duty in a combat zone and rated by the Veterans' Administration at 50 percent or higher, and for those who die as a result of disease or injury incurred or aggravated while on such duty before September 15, 1940.

I have received a number of letters from my constituents who have expressed to me the difficulties they have encountered in finding means of support, especially in this period of tremendous inflation, and I believe this coverage is essential to their well-being.

As disabled veterans they were unable to find or keep a job, but ineligible for social security assistance because of insufficient quarters. The disabled veteran is caught in an unfair situation which he otherwise would not be in if it were not for his dedication and service to his country in time of need. Now that he is in a position of need I strongly feel we should come to his aid I believe this bill is a priority measure and hope that it can be enacted into law to help those who have served our great Nation.

## UNITED STATES RELATIONS WITH REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr.

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Speaker, in recent years our Government has made great strides in attempting to normalize or defuse relations with the People's Republic of China. However, these advances have been made at the expense of our loyal and trusted allies—the Republic of China. Since 1955, the United States and Taiwan have been close and cooperative friends. Now, recent actions on the part of our Government are threatening to terminate that friendship and, indeed, the continuation of Taiwan as a national entity.

Our Government has always accepted the obvious fact that the Republic of China cannot, without outside aid, protect herself from the advance of her far larger and historically hostile neighbor, the People's Republic of China. Therefore, we acted as best we could to insure Nationalist China's safety. In 1955 the Congress passed by overwhelming margins the Mutual Defense Treaty, and the "Formosa Resolution," which promised U.S. protection should any of Nationalist China's offshore islands be attacked. These two documents were of a solely defensive nature; they promised no support for any conceivable counter-attacks against the mainland and they sanctioned none. They were documents of understanding, documents which took into account the troubles of a small nation and its endangered people.

Our Government has mantained the commitments that it made in the Mutual Defense Treaty. However, we certainly have done nothing of the sort in connection with the "Formosa Resolution." The basic difference between the two documents is one of power and of attitude. For the Mutual Defense Treaty promises nothing but the protection of Taiwan and the Pescadores while the "Formosa Resolution" promises protection for the surrounding islands. The latter implies far more strongly our acceptance of the Republic of China as the only legal and rightful government of China, a policy to which our government no longer seems committed.

For over 15 years, three successive U.S. administrations have staunchly upheld both documents. During these years there were numerous threats to Taiwan and her surrounding islands. With each threat, our Government realized the necessity of putting a clamp on Communist China's aggressions, of safeguarding the Republic of China. The year 1955 saw great pressure because of Communist Chinese attacks and victories over the Nationalists. At that time, John Foster Dulles warned that it was "doubtful" whether the forcing of a Nationalist retreat from the offshore islands "would serve either the cause of peace or the cause of freedom." However, these words seem to be forgotten in our changing national policy toward the People's Republic of China. Historically our democracy has claimed to be a fighter in the vanguard of freedom. Yet, sometimes we have taken the easy road; we must resist the tendency to simply forget or betray the very principles and ideals upon which we were created and for which we have pledged to struggle. If we continue to do so Taiwan may be the immediate victim. Civilization itself may well be the final victim.

The People's Republic of China has made great leaps forward in terms of international stature and internal well-being. Its gains, however, should in no way serve to isolate or weaken the Nationalist government and the Taiwanese people. Nationalist China is an independent, proud, and peaceful nation.

No people who number over seven hundred million should ever be left outside of the international picture.

No people, merely because of their small size or lack of military prowess, should be forgotten.

And no people who have placed their confidence in the most powerful country on earth should be betrayed.

America seems at the point of breaking up a long and necessary alliance and, even more important, she is at the point of destroying her image as a trustworthy and honest defender of freedom and of the oppressed. To do either would be a serious mistake.

## FUQUA SUPPORTS STRONG DRUG LAW ENFORCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, I am today introducing the "Federal Drug Abuse Enforcement Reorganization Act of 1973." The proliferation of narcotics and dangerous drugs is the Nation's No. 1 law enforcement problem and the abuse of these drugs has been called the Nation's No. 1 health problem. It is high time that we face up to this serious threat and muster every resource available to us in dealing with the problem. The first necessary step is, as the President has recommended, the realignment of current Federal law enforcement function. There is little question but that Federal law enforcement in the field of drug trafficking has suffered as a result of the duplication of efforts and diffuse nature of the present drug law enforcement effort.

I am, therefore, introducing this bill today to provide a mechanism for the coordination of Federal drug law enforcement. The measure will promote more effective management of certain related law enforcement functions of the executive branch by reorganizing and consolidating those functions in a new Office of Drug Abuse Investigation and Enforcement in the Department of Justice. This bill provides a mechanism for improved performance, coordination, and evaluation of drug enforcement functions at the Federal level, more effective coordination between Federal, State, and local law enforcement agencies, and the development of innovative approaches to the problems of controlling international and interstate commerce in licit and illicit drugs.

Presently the Federal fight against drug trafficking has been fragmented and less effective than would otherwise be possible. The Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement and the Office of National Narcotics Intelligence are involved in this fight within the Department of Justice alone. The Treasury Department, through the Bureau of Customs, is also involved in this effort. It is apparent then that greater coordination must be forthcoming.

While I feel that Congress has an obligation to design the appropriate mechanism for our efforts against drug enforcement, I also support legislation providing stiffer deterrents including mandatory sentences for drug pushers.

As the Members know, President Nixon has forwarded to the Congress Executive Reorganization Plan No. 2 of 1973. The plan apparently would provide the kind of coordination which is needed. There is, however one fatal flaw with the plan which I hope that future debate on the plan will disclose to every Member. Section 2 of the Reorganization Plan would transfer over 1,000 Immigration and Naturalization Service inspectors to the Bureau of Customs in the Treasury Department.

It was most ironic that the Subcommittee on Legislation and Military Operations of the Government Operations Committee held a hearing on Reorganization Plan No. 2 on the very day that H.R. 982, making it unlawful to knowingly employ aliens who have not been lawfully admitted for permanent residence, or who are not otherwise authorized by the Attorney General to work while in the United States, was being debated on the House floor. In subcommittee, I heard testimony from the Special Assistant Attorney General for Drug Abuse Law Enforcement that the transfer of some 1,000 inspectors from the Immigration and Naturalization Service would in no way jeopardize the Service's efforts in apprehending and deporting illegal aliens. On the floor, however, I heard my colleague ANDREW HINSHAW, relate the following:

> When Raymond Farrell, who recently retired as Commissioner of the Immigration and Naturalization Service, appeared before my Legal and Monetary Affairs Subcommittee of the Government Operations Committee, I asked him how bad the situation really was. He told me: "You can actually throw a rock up in the air in a large city such as Los Angeles and probably hit an alien who is illegally in the United States." But what is the Immigration and Naturalization Service doing about the problem? From Fiscal Year 1964 to 1972, its manpower increased by only nine percent.

I paid a great deal of attention to the statements my colleagues were making that day because I, too, feel strong and affirmative action must be taken to take illegal aliens from the job market. These illegal immigrants take jobs away from American citizens and legal aliens. Many expand our welfare rolls and their children contribute to the overcrowding in schools. And yet, the President has proposed that we eliminate 1,000 inspectors from the Immigration and Naturalization Service and send them off to the Bureau of Customs. I am familiar enough with the training and expertise of these immigration officials to know that the problem of illegal aliens is great enough that the inspectors must concentrate solely on visa and passport documents. I learned during the debate on the legislation to amend the Immigration and Nationality Act that the number of illegal aliens has rapidly increased since 1965. It was stated that there are presently between 1 to 2 million aliens illegally in the United States. In 1972 alone, the Immigration and Naturalization Service apprehended 505,949 illegal aliens, and 467,193 were expelled. If this body is concerned enough about illegal aliens to pass legislation levying criminal penalties for employing illegal aliens, I certainly feel it should be concerned enough about this program to prevent the transfer of 1,000 highly trained inspectors from the Immigration and Naturalization Service. It should be apparent that there is a need for still greater manpower in the Immigration and Naturalization Service.

It was pointed out that ever. our balance of payments is unfavorably affected by illegal aliens as untold millions of dollars are annually sent by them to families in other countries. Of greatest importance is the fact that each job occupied by an illegal alien means a lost job opportunity for a U.S. citizen or permanent resident. And, if there is one thing in this country that we need more of than anything else, it is an opportunity for every American to find employment. I cannot stand by and support the elimination of 1,000 highly trained inspectors at a time when we cannot get the national employment rate below 5 percent and when there are unemployment rates of 20 and 30 percent in certain population groups in our major urban areas.

I support the President's goal of conducting an all-out global war on the drug menace. I believe in it so strongly that I am today proposing a measure which will allow us to meet that goal and at the same time preserve the integrity of the Immigration and Naturalization Service. If we were ever confronted with a situation of "Robbing Peter to pay Paul," we are there today.

There has been much concern expressed that a vote against the reorganization plan is a vote against strong law enforcement. By using this logic, a vote in favor of the reorganization is a vote in favor of permitting illegal aliens to remain in jobs which could be filled by American citizens or permanent resident aliens. The proposal I am submitting today will resolve both concerns. On the one hand it will coordinate all Federal drug law enforcement efforts as requested by the President. On the other hand it preserves the effectiveness of the Immigration and Naturalization Service in dealing with illegal aliens.

I encourage my colleagues to join me in the fight against proliferating drug trafficking and abuse. Likewise, I encourage my colleagues to address the serious consequences which the Reorganization Plan will have on our efforts to remove illegal aliens from the American job market. Both problems must be responded to and an answer to one problem at the derogation of the other is not adequate.

## WATERGATE AND PROTECTION OF NEWS SOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.



Mr. JAMES V. STANTON. Mr. Speaker, because of the Watergate scandal, there has been a fresh spurt of interest in a number of bills, pending in the House and Senate. These bills seek to assure the inviolability of the confidential relationship between newsmen and their news sources. This is an issue of crucial importance in a democracy, and last week I was invited to speak on this subject at the annual convention of the Ohio Press Women, in Huron, Ohio. For the information of my colleagues, I would like to reiterate here some of the points I made in my presentation to the newswomen.

I started out by saying that the pending bills suffer from a number of handicaps. There is no getting away from one of them—and that is the identity of the people who are promoting the legislation. The most vocal proponents happen to fall into two groups. Either they are professional news persons, or they are politicians, and unfortunately, others might view us as having a vested interest in these bills.

Every time the newspapers demand a free flow of information, their critics begin reading between the lines—and they come up with what they regard as the real reason behind the stories and editorials. They conclude that newspaper and broadcast people want this kind of protection because—

First. Their job depends on it; and

Second. They want to sell more newspapers—or beef up their audience ratings.

Also, every time a politician rises in their defense, he gets this curve thrown at him—sometimes even by his friends in the fourth estate; namely:

> That's a lot of grandiose talk by Jim Stanton about his acting for the press in the public interest. But we know what he's really up to: He wants to curry favor with the publishers and the broadcasters.

The fact is, though, that if politicians and news persons sincerely believe in the great need for this legislation, as I know many of us do, then we are going to have to depend on each other for support. I do not see any way to change this. Because, no matter how suspect our motives might be to smart alecks and to cynics on the outside, in the end it is only the news people who can publicize the overwhelming requirement for this kind of law—and, ultimately, it is only we politicians in Congress who can enact it.

It would be nice if we had the ardent priority support of disinterested public-spirited groups such as, say, Common Cause and the League of Women Voters. They could help convince the public that we are trying to save our country, not ourselves—that we are trying to preserve everyone's freedom, not just our own jobs—by lobbying for a newsmen's shield bill. But the fact is that while some of these groups have spoken out in favor of such legislation, I am not aware that any of them have made this one of their major causes. They all have other irons in the fire.

So it is up to us to try—unassisted, for the most part—to educate the public as best we can on this issue, despite the fact that so much of what we say sounds self-serving. Really, there is no one else to rely on for it.

And this, of course, is what I meant when I referred to our first main handicap. Many of us tend to vote for or against what we think our constituents want or do not want. Because the public apparently has not been fully awakened to the need for this legislation, it is perceived by some of us as just another special interest bill. And this has acted like a brake on the legislative process.

Which brings us to the second major handicap. There is no doubt that this is an issue of constitutional dimensions. But that fact is not clearly perceived outside this Chamber. I think the reason is that the underlying issue cannot be set forth simply. The proposition takes a subtle turn that escapes a good many people.

It is exceedingly difficult to put the point across that this legislation protects the news media only incidentally—that our chief concern is not merely to keep journalists out of jail, or to shield them from subpenas—that what we are really trying to do is to assure a free flow of information to the public.

As it happens, the person we are aiming at in this legislation is not visible to the public. We are trying, in this proposed law, to reach beyond the newsman and newswoman to make contact with the news source. We want to assure him that he has little to fear—that he can speak in confidence to members of the news media, with some solid assurance that the newsman cannot be forced to betray the confidence.

As a distinguished fellow Ohioan, Supreme Court Justice Potter Stewart, said in his dissenting opinion last June:

> We have held that the right to publish is central to the first amendment . . . a corollary of the right to publish must be the right to gather news . . . The right to gather news implies . . . a right to a confidential relationship between a reporter and his source.

The point made by Justice Stewart is especially important today because of the attitude of the administration that presently holds power in Washington. That administration opposes any kind of newsmen's shield legislation. The President's spokesmen have come up to Capitol Hill, and they have testified that there is no need for this kind of law, because the Justice Department operates on its own guidelines. And the spokesmen insists that the Justice Department lawyers implementing these guidelines are fully sensitive to the need for a free press. I would like to quote from one of those guidelines:

> The Department of Justice recognizes that compulsory process . . . may have a limiting effect on the exercise of the First Amendment rights. In determining whether to request issuance of a subpoena to the press, the approach in every case must be to weigh that limiting effect against the public interest . . .

In other words, some lawyer in the Justice Department—not the representatives of a free press—is going to determine what is, or is not, in the "public interest."

Besides the guidelines, the administration has given us, just recently, the Criminal Code Reform Act of 1973. This bill, introduced in March, is a volumi-

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nous one that generally updates the criminal code.

Buried deep inside this legislation are a few provisions that, somehow, were omitted from the White House press handouts. These imbedded provisions would fetter the press in a way completely foreign to its experience as one of the thriving and vital institutions of America's democracy.

Mr. Speaker, let me give you a few examples:

The administration bill makes it a felony for a Government employee to hand over to an "unauthorized person"—which means, of course, a newsman or newswoman—certain Government documents. When I say "certain documents," I mean those that are classified secret or confidential or whatever. There are 20 million such documents lying around Washington, some of them dating to World War II. Of course, it is the Government itself that classifies its own documents. Further, a reporter who receives the classified information would be guilty of a felony. And Government officials who knew about such a transaction between one of their colleagues and a reporter would be guilty of a felony, too, unless they reported the incident—identifying both the reporter and the news source—to the authorities.

As Jack Landau of the Newhouse News Service, wrote:

> The Nixon proposal flatly counters American tradition that government reports and studies belong to the public and cannot be owned by the government.

This whole business recalls the admonition issued by Justice Douglas when he joined Justice Stewart in dissent last year. Douglas warned:

> The reporter's main function is going to be to pass on to the public press releases which the various departments of government issue.

Now, against this background, where do we stand on newsmen's protection legislation? Dozens of bills have been introduced on this subject, including one by me, H.R. 3725. Hearings have been held by the Judiciary Committees in both chambers.

The chief difficulty so far, in addition to administration opposition, is the fact that proponents cannot agree on the type of bill they want. On account of this, we might end up with a situation where neither Committee reports out any bill favorably. Or, if one is reported, it is doubtful right now that a majority could be mustered in favor of any particular version. And beyond this obstacle, of course, looms the possibility of a Presidential veto.

I do not think that this is the time and place to examine the pros and cons of the individual bills. However, I think it is sufficient to say at this point that the bills fall into two broad categories.

One group of bills—which includes my own—would confer absolute immunity on members of the news media. Under no circumstances could they be forced to disclose the identity of their news sources to officials of the Government.

A second group of bills also confer immunity, but the protection is abridged by various qualifications, depending on which bill we are talking about. For example, one of the principal so-called qualified bills has been introduced by my distinguished colleague from Ohio, the Honorable CHARLES WHALEN. It has some 70 cosponsors. One of its qualifications is that a news source would have to be identified when a Federal judge decides that there is "an overriding national interest" in favor of the disclosure.

I would like to explain my own preference—first, as a politician, and second, as a lawyer—for absolute legislation.

As a politician, I think I know something about human nature—at least the proclivities of public officials. I think they need maximum assurance that they will remain anonymous when this is what they want—and, as we know, we generally want to be anonymous unless the news media happen to be singing our praises.

Therefore, if we were to enact a law saying that news sources are shielded except under certain circumstances—a law qualified by a list of "howevers"—I think the newsmen and newswomen are going to lose a lot of news sources. These sources simply are not going to run the risk of examining the law to determine whether or not it applies to them in a particular instance. Rather than analyze the law and try to figure it out, the news source will tend to play it safe—to adopt a personal policy that would boil down to this:

> When in doubt (which could be most of the time), keep quiet. Be nice to the news media, but volunteer nothing.

I would add, as a lawyer, that when we are dealing with issues of constitutional proportions, it is best to articulate proposals in absolute terms. I refer you, for instance, Mr. Speaker, to the first amendment, which is stated as an absolute. This does not mean there can never be exceptions to it. As Justice Holmes has said, the absolute right to free speech does not guarantee to a person the privilege of yelling "fire" in a crowded theater.

Under an absolute newsman's shield statute, circumstances inevitably would arise where, in a particular case, some other public interest would override the statute. When that occurs, a court would so find on a case-by-case basis. However, if we start out by writing qualifications into the law, we are abridging the right at the outset—and narrowing it in such a way as to possibly encourage future amendments that would abridge it still further.

There are plenty of absolutes in the Constitution and in our law books, and I do not think we have to worry that there are too many of them. We live with constitutional tensions day by day in our country. On the one hand—to cite a recurring example—we have the guarantee of a free press, and on the other hand, the guarantee of a fair trial. When the two collide, we do not obliterate one in favor of the other. Rather, since we value both of these rights highly, we seek to establish a public policy that permits the two of them to coexist—safely, if not comfortably.

Therefore, I do not think we need to become overly concerned that a grant of absolute immunity to the press is going to let some criminal go free—in cases where a reporter, say, has spoken confidentially to a numbers operator. We ought to have confidence that, over the long run, justice will be done—and that justice is more likely to prevail when the public is fully informed.

Now, I would like to add just a word about my own bill, H.R. 3725, to indicate how it differs from the others. The bill has only two sentences.

I think brevity is important—especially, again, when we are dealing with constitutional issues. The first amendment contains only one sentence. The proposed Equal Rights Amendment, dealing with the status of women, also is couched in a single absolute sentence.

The first sentence of H.R. 3725 says:

> No person shall be required by any Federal Court, grand jury, or agency, or by the Congress, to reveal any information, including the source of any information, obtained in the course of that person's involvement in the obtaining of news for broadcast, or written or pictorial dissemination to the public.

The bill concludes with this second sentence:

> As used in this Act, the term "person" includes any corporation, company, association, firm, partnership, society, or joint stock company, as well as any individual.

Under H.R. 3725, the news source would know that the journalist he is dealing with could not be compelled to reveal his identity. His only problems, then, would be, first, whether he feels he could trust the journalist to fall back on this law, if that becomes necessary, and second, whether he feels that he can indeed, in good conscience, violate the confidence of his superiors in the agency where he became privy to the classified information.

This latter consideration has its own implications in terms of good public policy but these, I submit, while indeed important, fall outside the purview of the issue concerning us here. In this connection, though, I think we ought to be cognizant of a basic distinction between the newsman and the news source. While the news source—if he is a public official—is an agent of the state, properly subject to disciplinary sanctions—no matter how high his motives—when he leaks information and gets caught doing it, the newsman himself is not an agent of the state. To force him into the role of state's agent, under threat of imprisonment, is to tamper with and abridge freedom of the press. Worse yet, it would create substantial doubts in the mind of the public that the press is, in fact, free—a neutral force interposing itself between the people and their government, in order to help the people exercise those rights that are reserved to them under our Constitution.

Mr. Speaker, I would like to call your attention more specifically to the scope and the phrasing of H.R. 3725.

As is evident, this bill would extend immunity to newsmen only in those cases where the Federal Government has jurisdiction. While I would be very pleased if this Congress were to approve a bill conferring the same immunity with respect to State and local government, I suspect that we lack authority to legislate in this area for States and their subdivisions.

The phrase "no person" applies to any person in the United States. In other words, the bill is not restricted in its coverage to professional newsmen or authors only. I do not think we can come up with a suitable definition of what is a professional newsman. But even if we could, I do not think we should limit the protection. A pamphleteer or the avocational publisher of a small newsletter, which he might distribute even free of charge, potentially has the capability of developing confidential sources of information—and information disseminated by him might have as high a degree of validity as the contents of our daily newspapers or better known magazines.

The "no person" formulation also affords protection to former newsmen who might be otherwise employed at the time an official inquiry is launched. Again, I think we must keep in mind the fact that we want to assure persons with information to impart that they need not fear forced betrayal by the newsman receiving the data. Informants naturally would feel inhibited if they could be certain of protection only on a temporary basis—only during the time that their contact remains employed by a given news organization.

"Any information" refers, of course, to notes and other materials in the possession of a writer or broadcaster which were not published or broadcast. Were a newsman forced by a subpena to produce this background data, he might indirectly lead his inquisitors to the confidential source of information, since in many cases inferences could be drawn by investigators examining the material.

Section 2 further defines the term "person" and makes it clear that the word includes corporations and other business entities. I feel this is needed, because organizations employing newsmen often have physical possession of his notes and other materials, and we ought to have a statute protecting them, too, against forced disclosure.

In conclusion, Mr. Speaker, I would like to state that it would be inadvisable to settle in Congress for anything less than an absolute immunity statute.

There will be a temptation to take something less, because the alternative might be no bill at all in this session. On most issues, I think compromise is necessary—because otherwise—as I have learned from experience—politics would become a futile exercise.

But on this issue I honestly believe that it would be better to have no legislation than limited legislation. I want to reiterate that we are confronted here with an issue of constitutional dimensions, and to accept any limitations whatever on the newsman's right to protect his news sources will serve only to dilute that right—and to invite future and more severe limitations.

Personally, I think time is on the side of those who favor this approach. In the end, there is a good prospect of getting what we want—getting what America needs. I say this because I think that the Watergate scandal is having the effect of boosting the news media in the public esteem. And by the time the whole truth emerges from that shameful episode in our history, the journalist might become a giant in the eyes of most Americans.

There may have been a so-called new majority that agreed with Vice President AGNEW when he used to assail the news media. But I kind of think that those days might be gone forever. When it comes to believing President Nixon on the one hand, or the newspapers on the other hand, I think most people—from now on—are going to opt for the newspapers.

The people are going to remember, for example, what Mr. Nixon's campaign director said about the Washington Post:

> Using innuendo, third-person hearsay, unsubstantiated charges, anonymous sources and huge scare headlines, the Post has maliciously sought to give the appearance of a direct connection between the White House and Watergate—a charge which the Post knows—and a half dozen investigations have found—to be false.

Clark MacGregor said that last October 16. Since that time—and I do not think I need tell you this—the news media have emerged the winner in this game of true-and-false with the White House. The people know that, and in the end, through their Congressmen, they will see to it that the press in this country is kept free.



## LAWTON M. CALHOUN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINN) is recognized for 5 minutes.

Mr. GINN. Mr. Speaker, Mr. Lawton M. Calhoun of Savannah, Ga., is a man who stands as a giant among Americans by virtue of his unselfish dedication to community service and his tireless efforts to insure that his city and his State continue on a path of achievement.

Mr. Calhoun has retired as president and chairman of the board of the Savannah Foods and Industries, Inc., the only major industry in Savannah that is home owned. He has recently been honored by the presentation of the Dyer Memorial Award as the "Sugar Man of the Year" for 1972. I would like to take this opportunity to add my congratulations to the many salutes which Mr. Calhoun has received.

Lawton Calhoun is one of those handful of men in our country who can make a difference in the daily life of his community. He has the knowledge, the skill, the energy, and the foresight to be a leader and a mover. His loss to the daily business world has been a great gain for my congressional district because he is now freer to devote even more time to the life of his community.

At this point, I would like to introduce into the RECORD an article from the Savannah Morning News, an editorial from the Savannah Evening Press, and the citation from the Dyer Memorial Award that all provide a wonderful insight into Mr. Calhoun's role in the life of the State of Georgia.

DYER MEMORIAL AWARD "SUGAR MAN OF THE YEAR 1972" TO LAWTON M. CALHOUN, CITATION FOR SIGNIFICANT AND MERITORIOUS SERVICE TO THE SUGAR INDUSTRY

For his significant and meritorious service to the sugar community during his nearly 40 years in the industry, Lawton M. Calhoun is hereby commended.

As Chairman of The Sugar Association, Inc., he early recognized that sugar must be actively promoted as a wholesome nutritious source of food energy.

As Chairman of The Association's Ad Hoc Committee, he was instrumental in organizing the International Sugar Research Foundation, a world-wide body dedicated to initiating and conducting investigations on sugar and disseminating the results.

Active in directing the affairs of the United States Cane Sugar Refiners' Association, his knowledge of the industry and his integrity made him as welcome in the hallowed halls of Congress as he was among his peers in the commercial and civic worlds.

More than his accomplishments was the man, possessing the highest integrity with a great appreciation of human relationships and understanding of other individuals problems.

His wise counsel and farsightedness are appreciated by a grateful industry which long will remember his outstanding contributions in its behalf.

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[From the Savannah (Ga.) Evening Press, July 5, 1972]

A LEADER RETIRES

Lawton M. Calhoun, who retired a few days ago as president of Savannah Foods and Industries, has been a leader in Savannah's industrial progress for many years. He steps down with our best wishes and with Savannahians' gratitude for the role he has played in the local economy.

After joining the Savannah Sugar Refinery in 1940 as assistant sales manager, Mr. Calhoun rose to the post of president. His leadership expanded the industry's role in the economic life of our community, helping to increase local employment and income.

Over the years, Mr. Calhoun has been a good citizen in a variety of ways, contributing his energies to a number of worthwhile civic projects and organizations. At the same time, he has been active in numerous local businesses and firms, all of which play a major role in local commerce.

The statistics on the growth of Savannah Foods and Industries during his presidency indicate some of the contributions his leadership has made to the local economy. During his tenure, sales increased from $70 million to $171 million over a 10-year period ending in 1971. Total assets of the company were almost doubled in the same period and the company's income after taxes showed a similar rise. Stockholder's equity rose from $19.3 million in 1961 to $36.4 million in 1971 and net income per share over the same period rose from $2.72 to $4.92.

Mr. Calhoun's contributions to Savannah are appreciated. His has been the caliber of business leadership a community needs to grow and prosper.

Although he is retiring as president of Savannah Foods, we are sure his boundless energy and enthusiasm for our community will find expression in other projects which will be valuable and bring honor to Savannah.

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[From the Savannah (Ga.) Morning News]

CALHOUN NAMED TOP SUGAR MAN

Lawton M. Calhoun, retired executive of Savannah Foods and Industries, Inc., has received the Dyer Memorial Award of "Sugar Man of the Year" for 1972.

Considered the most prestigious honor in the U.S. sugar industry, the award is given for "significant and meritorious service" to the industry.

Calhoun, who retired last year as chairman of the board, president and chief executive officer of Savannah Foods and Industries, received a giant silver bowl, a symbol of the award, at a luncheon in New York City Monday.

The presentation was made by John B. Bunker, president of Holly Sugar Corporation of Colorado Springs, Colo. who was chairman of the three-man judges panel.

Other judges were James H. Marshall, president of the California and Hawaiian Sugar Co. of San Francisco, California, and

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Robert M. Armstrong, president of Imperial Sugar Co. of Sugarland, Tex.

The citation for the 15th annual presentation of the award noted that Calhoun during his nearly 40 years in the industry served for a period as chairman of the Sugar Association Inc. and was instrumental in organizing the International Sugar Research Foundation, a worldwide body dedicated to initiating and conducting investigations on sugar and disseminating the results.

"The Sugar Man of the Year" award was established in 1958 as a memorial to the late B. W. Dyer, a founder of B. W. Dyer and Co., sugar economists and brokers of New York City.

Calhoun joined the Savannah office of Lamborn and Co., general brokers for the Savannah Sugar Refining Corporation, in 1934. In 1940 he accepted a job as assistant sales manager for the sugar refinery.

## CAMBODIA AND THE KENT STATE TRAGEDY

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 5 minutes.

Mr. SEIBERLING. Mr. Speaker, I would like to make some observations in connection with the action of the House today.

It has been less than a week since the third anniversary of the shooting of the four students at Kent State University, which happens to be in my congressional district. The tragedy that occurred on May 4, 1970, at Kent State, was the direct result of the invasion of Cambodia by the U.S. military forces, action which was taken without any prior consultation between the President and any of the leadership in Congress, let alone an authorization from the Congress.

Today, after over 3 years, the House of Representatives has finally taken action toward ending the last vestiges of that illegal act.

What a tragedy it is that as a result of the Cambodian misadventures, not only many soldiers had to die, not only many civilians had to die, not only many thousands more were wounded, not only were our own students and our young people in uniform pitted against each other, but our Nation's economy has been damaged, our country divided and the strength of Congress has been weakened.

Now it is possible to begin efforts to redress these losses. The House took the first step today. The second step required is that we restore the tradition in this country that justice is evenhanded. There was a grand jury investigation, by the State of Ohio, of the Kent State tragedy, and it resulted not in action against any of the persons responsible for pulling triggers which fired the bullets, but in an indictment of students and members of the faculty.

I might say that those indictments were later thrown out by a Federal court, and the report of the grand jury was ordered destroyed by that court.

The Scranton Commission, in its report on the Kent State tragedy, did not ask the students, National Guardsmen, and other witnesses all the questions they could have asked, for the reason that they were given to understand by the Justice Department that there would be a Federal grand jury investigation. As it turned out, there was no such investigation, despite the fact that the FBI conducted a very thorough and searching inquiry which certainly raised the possibility that there was a basis for further investigation by a grand jury.

The then Attorney General, Mr. Mitchell, finally stated to the press that there would be no grand jury investigation, but he advanced no substantive reasons why. Ever since then, some of us have been trying to get from him and his successors a statement of the reasons why there was no such investigation.

Now, nobody is anxious to see our young men and women put through that kind of an experience, but the people of this country are entitled, especially in situations as serious and as crucial as the Kent State tragedy, to have the normal processes of law applied to all cases of suspected violations of the law, or they are entitled to a full explanation from the responsible officials as to why the normal procedures have not been followed.

The entire country is now rightly demanding that the Justice Department act, with respect to the "Watergate" incidents, in such a way that there can be no reasonable doubt that full justice has been done. Certainly the people of our country, especially the young people are entitled to no less with respect to the Kent State incidents.

Now we are about to get a new Attorney General, and I am going to go to him and make one more effort to get either a statement that there will be an investigation by a Federal grand jury or a statement as to the reasons why that is not necessary or desirable. We must be able to tell the world that justice is still evenhanded in this country.

There is one final thing that we must do, and that is going to devolve upon the Congress. We must consider proper legislation to restore the constitutional use of military troops in civil disturbances, so that that kind of a tragedy will not be likely again. The traditional position of our courts has been, that, under the Constitution, martial law cannot supplant civil law except when the courts and civilian government are not able to function. Furthermore, the courts have held that when troops are used to augment civilian law enforcement resources, they must at all times be subject to the civilian authorities and take their orders from the civilian authorities.

The National Guardsmen were put in a most untenable position by the Governor of the State of Ohio when they were sent in to Kent State 3 years ago. They were sent in at a time when the courts and the civilian authorities were functioning as normal. Nevertheless, the Governor instructed the commanding officer that he was to make all the decisions as to what action to take in the premises. This was wrong as a matter of law. It was wrong as a matter of policy. It was wrong for the soldiers and wrong for the civilians. And it resulted in the unnecessary and unwarranted shooting of civilians.

Mr. Speaker, I intend at the appropriate time to introduce legislation to prevent this sort of abuse in the future. In the meantime, I should like to bring to the attention of my colleagues two newspaper articles on the anniversary of the Kent State tragedy: one from the New York Post by James A. Wechsler, and one from the New York Times by Peter Davies.

(Mr. SEIBERLING asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

The newspaper articles are as follows:

KENT STATE TO WATERGATE

(By James A. Wechsler)

On this day three years ago National Guardsmen opened fire on the campus of Kent State University, killing four students and wounding nine others, one of whom may never walk again. The bloodbath climaxed a series of student protests across the nation over President Nixon's chilling announcement of the U. S. "incursion" into Cambodia.

This anniversary is tinged with unusual poignancy and irony. Mr. Nixon had portrayed the Cambodian action as designed "to protect our men who are in Vietnam and to guarantee the success of our withdrawal and Vietnamization program." Now, with the Vietnamese withdrawal ostensibly completed, the rain of U. S. bombs over Cambodia is heavier and more ruthless than ever before.

Meanwhile the "law-and-order" Administration that reacted with cold aloofness to the Kent tragedy, steadily resisting pleas for a grand jury inquiry, finds its own lawlessness exposed on a wide front and its spokesmen pleading for mercy and tolerance for transgressors in its rank who were being faithful to "a cause."

Over a telephone from Pittsburgh yesterday, Arthur Krause, whose attractive, gentle daughter, Allison, was one of those slain, said with mingled grief and bitterness:

"After I read Henry Kissinger's plea for compassion for the people involved in Watergate, I wrote him asking him to tell me how this Administration defines compassion. I reminded him that this government killed my daughter and other kids, and has never even been willing to convene a grand jury to investigate the crime. I asked him to tell me how I can have compassion—except for the people still being killed in this war.

"I haven't had an answer."

On the day before the fusillade in which she was entrapped, Allison Krause had placed a flower in a National Guardsman's rifle barrel and murmured: "Flowers are better than bullets." That night she telephoned her parents to express dismay over spreading campus clashes.

Krause has waged a tenacious, often lonely battle to keep the Kent State issue alive; clearly he feels that is the only way he can memorialize his daughter's terrible death. A pending suit launched against the Justice Dept. during the tenure of John Mitchell accuses that agency of "willful disregard of the Constitution" by its failure to conduct a grand jury inquiry; a government reply brief is due to be filed in the D.C. District Court within a week.

In a few days Dean Kahler, the student who lost the use of both legs as a result of the shootings, will present Attorney General designee Elliot Richardson with petitions bearing 50,000 names urging of a grand jury probe. (The petitions were brushed off during Mitchell's regime.)

In the present setting, Watergate, symbol of a far-flung conspiracy of political sabotage and espionage, appears likely to dominate any chronicle of the Nixon era. But the archives of the Kent State story are crowded with clues to the moral and credibility gap now being unveiled.

Two days after the killings I wrote:

". . . One clung to a faint hope that the shock [of the deaths] would elicit some sign of grace and compassion in high Washington places. Instead there emerged the lifeless expression of Presidential 'sadness' accompanied by the self-serving judgment that 'when dissent turns to violence it invites tragedy.' Nowhere was there even a hint of Presidential resolve to seek punishment for those who had shot down the students."

Subsequent inquiries and disclosures dramatized the contempt of both justice and truth that has governed the Administration's response to the slaughter of innocents.

A newspaper investigation showed that a detailed FBI report, describing "fabricated" testimony by Guardsmen, had been suppressed "and placed under lock-and-key for 75 years." *Coverup did not begin with Watergate.*

Five months after the shootings, a special report by the President's Commission on Campus Unrest, headed by former Gov. Scranton, declared:

"The rally was peaceful, and there was apparent impending violence. Only when the Guard attempted to disperse the rally did some students react violently . . . *The indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted and inexcusable.*"

Like the reports of other Presidential commissions in the Nixon era, this one was treated by the Administration as if it had never been submitted.

Now, three years after the day of horror, David Eisenhower, in the tones of a young fogy, writes triumphantly of the calm prevailing on the campuses. Meanwhile, Arthur and Doris Krause drove sadly last night to a candlelight vigil at Kent State. Today, for them and the families of Jeffrey Glenn Miller, William K. Schroeder and Sandra Lee Scheuer, the three others who perished, there is the agony of remembrance and a shared despair about a government whose leaders have never seemed to care.

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A BITTER ANNIVERSARY

(By Peter Davies)

Three years ago today several hundred students gathered at noon on the campus of Kent State University to protest the invasion of Cambodia and the continued presence of Ohio National Guard troops. Twenty minutes later a fusillade of gunfire left four students dead and nine more wounded, all victims of military ammunition.

Before anyone had a clear picture of exactly what had happened, President Nixon reacted to the massacre by saying that whenever dissent turns to violence it "invites" tragedy. In other words, the kids asked for it. This hasty and ill-advised statement not only set the tone for public condemnation of the students, regardless of the fact, but so politicized the incident that the father of one of the two girls killed by the guardsmen immediately feared obstruction of justice by some members of the Nixon Administration. Today his fears have proven to be well-founded.

In October, 1970, a lengthy Justice Department summary of the F.B.I. investigation raised a multitude of questions concerning the conduct of a few Ohio guardsmen that it appeared inevitable that a Federal grand jury would have to be convened despite the political sensitivity.

Ten months later, on Aug. 13, 1971, John N. Mitchell, then Attorney General, calmly announced his decision to bury these questions, unanswered. Although the gunfire, he said, was "unnecessary, unwarranted and inexcusable," there was insufficient evidence to warrant a grand jury investigation. He even went so far as to say he was satisfied "that the Department of Justice has taken every possible action to serve justice." That, perhaps, was the most contemptible remark Mitchell ever made on the Kent State case, and today we have a clearer understanding of how he had the gall to say it.

If John Mitchell can participate in meetings at which plans are discussed and weighed as to the political advantages of burglarizing the Democratic party headquarters at the Watergate—as it is said he did—and do so as Attorney General of the United States, then anything such a man says is suspect. If Mitchell can so emphatically tell the American people that he had no prior knowledge whatsoever of the Watergate bugging operation, when he knew plenty, then he can just as emphatically fool us on Kent State with his ridiculous claim that there is not enough evidence just to convene a grand jury.

On this third anniversary of the killings at Kent State, there is every reason to believe that the scandal which is now ripping apart the Nixon Administration will enable us at long last to focus public attention on the Justice Department's role in obstructing justice in this issue.



## A SALUTE TO AMERICA'S ALLY—THE REPUBLIC OF CHINA

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, like most Americans, I have been pleased over the recent easing of tensions between ourselves and the People's Republic of China, especially the opportunity it has given us for new diplomatic initiatives in dealing with the Communist world, for example, the cease-fire agreement in Vietnam, and the new opportunities for a relaxation of tensions with the Soviet Union in the Middle East and elsewhere.

Nevertheless, in recognizing these positive achievements of the new Nixon-Kissinger foreign policy, it is extremely important that we do not get so carried away with these new departures that we forget our long-time friends, especially one important friend and ally, the free Republic of China on the island of Taiwan.

I had the unique opportunity to visit Taiwan in July 1971 at the invitation of the Chinese Government to address the annual Captive Nations' Week observance in Taipei. I wish all my colleagues might have such an opportunity so they too could see first hand the remarkable achievements wrought by the Chiang government. This has been nothing short of an economic miracle, and it has been made possible in part by the support and assistance of the United States.

Our commitment to Nationalist China has been a longstanding one which has been beneficial for both our countries. Unfortunately the new Asian foreign policy has taken its toll on the Nationalists, as evidenced by our inability to prevent the expulsion of the Republic of China from the United Nations, and the more recent disruption in diplomatic relations between Japan and the Republic of China.

Yet, in spite of these problems which our own abrupt policy switch has created for our friends on the island of Taiwan, the remarkable thing is the continuing vigor, strength, and resiliency demonstrated by the Chinese Government as well as by the Chinese people themselves. Though shocked—even more so than the Japanese—by the abrupt change in American diplomatic direction in 1971, the Republic of China has not allowed its relations with us to become embittered, which one might well have expected. And even the diplomatic rupture with Japan, as I understand it, has not damaged too much the very profitable economic relationships which had grown up between those two countries in the years since the end of World War II.

But what of the future? Of course the Peking agreement refers to some closer future relationship between Taiwan and the government of mainland China. But it is not very specific and in any event it is something left for a distant and vaguely-defined future. That is as it should be, Mr. Speaker, because the present relationship between ourselves and the People's Republic of China does not need to be based on Taiwan in any way. It is based on the harsh reality of over 40 Soviet combat divisions stationed on the northern border of mainland China; and our cooperation with China is profitable to them as a counter and a deterrent to that Soviet military threat quite apart from any commitment to push Taiwan into her orbit.

So let there be no talk, Mr. Speaker, of "turning over" Taiwan to the mainland government. The Government of the Republic of China has shown it can stand strong and tall on its own two feet. Its future must be decided by its own people, not settled in any diplomatic smoke-filled room agreement. Let us reaffirm that conviction today.

## CONCERNING AN ASIAN STUDIES INSTITUTE IN HAWAII

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, a college-age friend said something when he was joking with me a few days ago which reminded me of the Federal Government's approach to Asian studies.

My friend said whenever he is tired of studying he just "lays his head on the book, takes a nice nap and relies on good old osmosis."

Osmosis, as you recall, is the principle that liquids diffuse across one membrane into another until each holds an equal amount of the other's contents.

It seems to me too many Americans in our Government now rely on a miracle of "intellectual osmosis" for the vast cultural heritage of Asia to somehow seep through the Pacific Ocean into American minds.

While we might wait for the tides to bring us Asian culture, arts, and humanities, I believe we are able, and long overdue, in our need to greatly speed and increase this process. On April 12 of this year I submitted legislation which will do just that.

I refer to H.R. 6930, my amendment to the International Education Act of 1966, which will establish an Asian Studies Institute in Hawaii under the administration of the Department of Health, Education, and Welfare.

As we are all aware, this Nation is at a peak of interest in the people, history, science, culture, arts, and politics of Asian nations. Yet those of us who were educated in American schools find ourselves sadly lacking in knowledge of even the most basic kind about Asia. After

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all, we were taught that the root of our civilization is in the West.

Educated in this system where Asian countries were passed over as part of the underdeveloped world with little to offer, we find ourselves poorly prepared to understand and learn from the many Asians who know so much more about us than we know of them.

How many of us are aware of the interchange of powerfully influential ideas between the East and West? How many of us know that the writings of Emerson and Thoreau influenced Ghandi who in turn was a major influence in the life of Martin Luther King?

As the jet airplane binds us together into a global community we are becoming world neighbors to millions of people who were once considered as "remote" and "inscrutable."

We now find ourselves in embarrassed awe at those who know anything of Asian nations. We gape at an American who has mastered the simple task of eating with chopsticks; we are awed at the President dining in Peking; we blush over our lack of pre-World War II historical knowledge of Japan when lunching with a Japanese businessman; we baffle over how we could have become involved in Vietnam—a nation whose very name left many citizens dashing to the family atlas only a few years ago.

Vietnam has left us knowing that we fail internationally in direct proportion to the unavailability of educated decisionmaking. Aware of this our citizens are flocking to anything which smacks of enlightening them about Asia—from listening to Indian ragas to taking yoga lessons to trying a hand at Chinese cooking.

Americans are tired of this area of ignorance. We have awakened to our need to know of Asia just as we have awakened to the rich heritage of Africa and South America. A new interest in Asia flows across this Nation in an intellectual flood.

At the University of Hawaii and the East-West Center, more than 4,000 students are studying at least one course in Asian areas and languages. At the University of Pennsylvania, at Columbia University, at the University of Colorado, at the University of California, to name only a few, students are spreading from undergraduate to graduate work which will bring this Nation the expertise it so badly needs.

But scholarly resources for students of Asian humanities and cultures are badly scattered across the Nation. There is no single center to bring these activities together with a library and faculty to centralize the needs of the advanced scholar. Neither is there a national center to develop a curriculum of Asia studies for elementary and secondary educators.

However, the framework to begin a center does exist. In 1966 this Congress passed the International Education Act to revitalize our entire foreign studies effort. The objective of this act was: "that strong American educational resources are a necessary base in strengthening relations with other countries; and—that this and future generations of Americans should be assured of ample opportunity to develop to the fullest extent possible their intellectual capacities in all areas of knowledge pertaining to other countries, peoples, and cultures."

We showed such foresight in passing the act. We anticipated the future needs. We gave such promise to American education. We answered education's strongest pleas. Yet, after adopting this act, after showing our commitment to its spirit, funds were never appropriated. The act still awaits us, a hollow shell without the fund to fill its promise.

My bill proposes to establish an Asian Studies Institute administered by the Department of Health, Education, and Welfare to parallel in Asian education and research such important Federal institutions as the National Science Foundation and the National Institutes of Health.

The Institute would not be designed to produce isolated experts in Asian studies, but to pool the collected competence of scholars, libraries and facilities, free of diplomatic pursuits, on a single campus in a location which is equally accessible to American and to Asian scholars.

The bill also authorizes the construction of a national Asian studies library which is long overdue. We are in the midst of an information explosion internationally. Information is coming into our centers of learning faster than these centers can even provide shelves to house the books and files to hold the scholarly papers.

The current extensive Asian library of over 300,000 volumes at the University of Hawaii is crammed into basements, scattered in quonset huts and packed into overflowing shelves thus reducing the books' valuable availability to scholars from throughout the world coming to Hawaii seeking these volumes.

One researcher told me a graduate student at another University spent several years in research he believed completely new, only to find out that the data had already been published by Asian scholars, but was not readily available in the United States. This tragic waste could be stopped if our Nation built a library with centralized files to keep up with the rush of information coming to us from Asia.

This point leads me to another disturbing problem. Asian heritage children attending American schools find themselves without knowledgeable teachers to inform them of the Asian past and present which constitutes the children's particular ethnic identity.

These children of Asian heritage are joined in their desire to know about the Eastern world by their Western, African, and Latin American heritage classmates. We must depend on developing the interest of our children into the intellectual commitment to provide us scholars and informed adults in the future.

A weakness of the present East-West Center established at the University of Hawaii in 1960 is that it lacks this element of further dissemination of Asian studies to the elementary and secondary students across our Nation. The center concentrates on providing technical information to Asians, but does little to educate Americans about Asia.

The administratin of the East-West Center by the Department of State and Agency for International Development has not provided a framework to expand cultural knowledge of Asia to our citizens. I can think of no one in this Congress who would disagree with me that it would be inappropriate and strongly undesirable to invest the education of our own citizens in an arm of the Department of State.

My bill provides for the Department of Health, Education, and Welfare to disseminate a knowledge of Asia throughout our education system on par with a knowledge of Western civilization.

The East-West Center now operates on the limited assumption that Asia has the problems and we are here to educate them with our solutions.

My bill would follow a new, more useful assumption: all nations of this world have some valuable knowledge for Americans.

The bill calls for aiding some of the 145,000 foreign students currently in this country so they can supplement elementary and secondary education programs on a continued basis. These foreign visitors have much more to share than a single day of singing and dancing where they are exhibited like oddities from a human zoo.

The bill would give training grants to teachers willing to teach Asian languages in high schools and grade schools. How else except through shared languages can our citizens communicate with the rest of the world with something other than the big stick of militarism?

The bill calls for curriculum development to investigate the study of Asian history, anthropology, geography, economics, art, literature, music humanities, culture, sociology, religion, philosophy and science into general course. For adult scholars research, visiting professorships, community service, seminars, and experimental projects in Asian studies would be supported by Federal funds and Federal acknowledgment of our need to close the gap between Asia and ourselves.

Only by understanding the achievements of Asia will the next generation be able to live intelligently and compassionately without the periodic international slaughter of Americans and Asians on battlefields of shared bigotry.

## HAWAIIAN HOMES COMMISSION ACT

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, in 1921, Congress passed the Hawaiian Homes Commission Act to help rehabilitate the people of Hawaiian ancestry, socially, economically and educationally through homesteading. After 52 years of the Commission's existence, it is interesting to read how this act is affecting the people of Hawaiian ancestry today and how it will affect future generations.

In a recent Prince Kuhio essay contest sponsored by the State Association of Hawaiian Civic Clubs, Miss Victoria Kai won first prize on the topic, "The Hawaiian Homes Lands at Midpoint, Its Problems, Progress and Prognosis." Miss Kai is a senior at St. Joseph High School in Hilo, Hawaii. Prince J. Kuhio Kalanianaole, as you know, was one of Hawaii's delegates to Congress from 1903 to 1922. He was the author of the Hawaiian Home Commission bill.

I am proud to insert in the RECORD her winning essay which provides us with factual and critical comments regarding this vital program for the Hawaiian people.

THE HAWAIIAN HOMES LANDS AT MIDPOINT

(By Victoria Kai)

The Hawaiian Homes Program under the Hawaiian Homes Commission Act of 1921 was intended for the rehabilitation of the Hawaiians thru homesteading.

The goal of the Hawaiian Homes program being the rehabilitation of the Hawaiian people, it was determined that the eligible beneficiaries should consist of those individuals who were found to be of at least 50 percent Hawaiian ancestry. Such individuals have been eligible to apply to the Department of Hawaiian Home Lands for 99-year leases on farms, houselots or ranches. In addition, those selected have been the beneficiaries of a loan fund designed to assist in financing of home construction and other activities.[1]

"The lands were apportioned under the homestead act as follows: 7,191 acres on Oahu, 28,982 on Maui, 30,270 on Molokai, 17,787 on Kauai and 111,165 on the Big Island."[2]

It should be noted that a time factor may be largely at fault here. "The act was tailored for a different time and different situation—totally different. And basically it is unchanged except for new things the Legislature has made possible under local statute."[3] The act was created in 1921, in which during "the census of 1920, 23,723 pure-Hawaiians were counted in the Islands population"[4] and that the "part-Hawaiian population was tabulated at 18,027."[5] But, by "1960 the number of pure-Hawaiians had declined to 10,502"[6] and the part-Hawaiian had risen to 91,597 a more than five-fold increase."[7] As it can be seen here, the pure-Hawaiian population is in a downward trend while the part-Hawaiians show an increase. Now that was in 1960, and it is now 1973. Which leaves the possibility, will there be any pure-Hawaiians in the future? Also, what of the family who lives on Hawaiian Homes Land for most of their lives, but since their children marry to someone of less than ½ Hawaiian, those children will not be allowed to own any Hawaiian Homes Land.

Also too, there have been many applications for Hawaiian Homes Land. It's been said that it doesn't matter when you had (chronologically) applied but rather "who you know" that gets you into the Hawaiian Homes Program.

One of the main purposes of the Land Commission was to be an agricultural development.

Granting their good intentions, it was (virtually impossible) in Hawaii in 1920 to launch a successful homesteading program for, among other reasons: (1) arable land of proven quality was specifically excluded from the program: (2) water resources not developed nor were sufficient funds provided for water development: (3) access to markets were poor: (4) money for road construction was not provided: and (5) funds made available could, at best, have provided for the settlement of a sharply limited number of people.[8]

The locality of some of the Hawaiian Homes Lands is another matter of discussion. On the Big Island, in Keaukaha, "a County sewage treatment plant on the ocean edge of the community releases foul odors"[9] along with the noise and air pollution of the Hilo Airport. "The Hawaiian Homes Land in Makuu is in a high risk area for residential development (near Pahoa): Lava tubes run throughout the area from the volcano, and sudden outcrops of laval flow are a distinct possibility."[10]

Understandably, there was no great clamor for the homesteads, said Plianaia. "Also many Hawaiians at that time took the attitude, 'Why should we come in and ask for those lands when they were ours originally?' " He noted that some of the early Hawaiians applying for homesteads were some of Hawaii's most prominent citizens. "They did not need rehabilitation but they thought the act was good and applied anyway." The act was amended later to provide for residential homesteads when it was found that this rather than farming acreage, was the need on Oahu, Plianaia said.[11]

A family, because of the leasehold system may not want to go into maximum development of his land for "any lessee has no sure security against eviction from his land for any one of a variety of causes, and cannot but be aware of the fact that at some date, however far in the future, the lessee will be subject to renewal."[12] This presents a problem to the Hawaiian Homes Commission, being that the family is not using the land under the requirements of the act.

Now on to progress. The continuation of the program has been approved on two recent occasions—"in 1950 when the state constitution was drafted and in 1959 when it was ratified."[13] With the cooperation and enthusiasm of the larger community the goal of the Hawaiian Homes Commission (H.H.C.) will be advanced. If the goals are achieved the whole State benefits. If they are not, the whole State suffers.

The 1965 Legislature, through Act 4, gave the Hawaiian Homes program a substantial push forward. Up to that time, all of the commission's lands not devoted to homesteading were administered by the State Land Department. Act 4 turned this job over to the commission. Until Act 4 was passed by the Legislature, Plianaia said, the commission had no funds to pursue goals of the homestead act "to create economic and social programs to help Hawaiians . . ."[14]

"The act also allows the commission to exchange its lands of comparable value, and it has frequently done this for airports, highways, roads, and schools."[15]

"There is still little money to help the Hawaiians economically, but the loan program enabling them to buy their own homes is a step in that direction, Plianaia said."[16]

Benefits are given to the participant: For "Should the person who qualified for the loan die, no one is going to move the family out . . . There is no problem of succession on the blood line.

"The family is choosing the location it wants—and building an economic equality."[17]

The new type of programs will do more to rehabilitate Hawaiians than the old homesteading program where the consensus was to put the "guy" back on the land.

Now as to prognosis. The main and basic intent of the H.H.C. Act was for the rehabilitation of the Hawaiians, socially, economically, vocationally and educationally to set them up within a society that would best benefit them and their generation to come. The H.H.C. well meant intentions are good for the people. But it is important that the Hawaiian Homes Commission and the Hawaiian people come and meet together in an eye to eye confrontation, to discuss sensibly and totally the accusations made. That the H.H.C. answer fully for their actions and the Hawaiian people bring with them their questions and possible answers so that each may finally "hash it out." The H.H.C. must treat the Hawaiian people with respect and learn that they are not to be pushed around or forgotten.

There are many possible answers to the rising problems within the H.H.C. such as; "Agricultural Demonstration Projects, Suburban Farming Communities, Development of Cooperatives, the Leadership Approach, Pepperpotting, Sale of Hawaiian Homes Lands in Fee, Modification of Long-Term Leases, Supplementary Financing by Other Institutions, Establishment of an Educational Foundation, Emphasis on Social Service, and Rehabilitation-Oriented Activities."[18]

Multi-Residential Units and Condominiums, Community Centers, Planned Unit Developments, Urban Developments, Workshops (both vocational and educational) School Extensions (elementary, high school, and universities).

With the changing of the times and the increase of problems within the Hawaiian culture, the Hawaiian Homes Commission should be a program centered around the Hawaiian people and their culture. That it should be modified to meet the demands of change. It should always be in the best of interest of the people—In this case, the Hawaiian People.

FOOTNOTES

[1] State of Hawaii, *The Hawaiian Homes Program: 1920–1963* (Hawaii: 1963), p. 8.
[2] Abraham Plianaia Speaks His Mind, *What's Wrong With the Hawaiian Homes Program* (Hawaii: Honolulu Star Bulletin, Dec. 21, 1970.
[3] *Ibid.*, p. 8.
[4] State of Hawaii, *opcit.*, p. 3.
[5] *Ibid*, p. 8.
[6] *Ibid*, p. 8.
[7] *Ibid*, p. 8.
[8] *Ibid*, p. 16.
[9] John Know, (Hawaii: Honolulu Advertiser).
[10] *Land Use Study of Hawaiian Homes Lands*, (Hawaii: Childco International, Inc. 1971), p. 65.
[11] Abraham Plianaia, *opcit.*
[12] State of Hawaii, *opcit.*, p. 17.
[13] Abraham Plianaia, *opcit.*
[14] *Ibid.*
[15] *Ibid.*
[16] *Ibid.*
[17] *Ibid.*
[18] State of Hawaii, *opcit.*, p. 27 . . . 36.

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*Hawaiian Homes Commission Act, 1920.* State of Hawaii, 1964.
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*Land Use Study of Hawaiian Homes Land.* Childco International, Inc., 1971.

*B. Newspapers*

Honolulu Advertiser, 1970 to 1971.
Honolulu Star Bulletin, 1970 to 1971.
Tribune Herald, Hilo, 1970 to 1971.

Footnotes at end of article.

## THE SOARING COSTS OF HOUSING

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, in recent weeks, national attention has been focused on the plight of tenants. However, the plight of persons seeking to purchase a home is equally serious. The skyrocketing price of building lumber has, since the fall of 1971, added $1,200 to the price of a $28,000 home, according to the National Association of Homebuilders. In my district where the price for a home hovers around $40,000, the spiraling cost of lumber has had a substantially larger impact.

Lumber prices, propelled by increased homebuilding and heavy foreign demand,



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particularly Japanese, surged 6.6 percent in February. Softwood lumber, the type used in homebuilding, climbed 8 percent in that month and is now 56 percent higher than in January of 1971. Since phase II controls have been lifted, the price of softwood lumber has spurted 25 percent. The consequences of this price spiral for the potential homebuyer have been and continue to be disastrous. If we are to succeed in rolling back the wave of inflation which has engulfed the homebuilding industry, we must act swiftly and decisively.

Underlying the spiraling cost of wood fiber is the increased demand to which I alluded. 1971 was marked by a rapid rise in housing starts. Construction began on 2.1 million homes and the wood demand for housing surged from 14.5 billion board feet to 20 billion board feet. 1972 saw new and heightened demands for softwood as the homebuilding industry commenced 2.4 million new starts, the highest number in our Nation's history. Housing construction consumed a new high of 23 billion board feet of wood. Other construction boomed in 1972 and, as a result, demand for wood fiber in the United States was at an all time high.

Meanwhile in Japan, Prime Minister Tanaka, as a very important part of his program for domestic progress in Japan, established a national policy requiring the construction of 2.4 million housing units. Since Japan's population is about half that of our country, this would be the equivalent of nearly 5 million units in the United States. Japan has begun serious preparations for this construction boom and has increased its purchase of wood fiber in many parts of the world. In 1972, the United States exported 2.78 billion board feet of round logs and 91 percent of these exports went to Japan. Bidding for logs in the United States, particularly along the west coast, has reached astronomical proportions.

The relentless pressure of demand, domestic and foreign, on the price of wood fiber has been exacerbated by institutional forces which have acted to artificially constrict the real and potential supply of lumber.

By way of example, the Forest Service has estimated that it will take about 50 years at the present rate to complete necessary reforestation of the 4.8 million acres of commercial timberland. An effective reforestation program is a key element in any program aimed at maintaining or increasing lumber supply. Timber that has been harvested must be replaced if this Nation is to be assured of an adequate supply of building materials. Last year the budget for reforestation on Forest Service land was $18 million. The Congress added $3 million, which the Office of Management and Budget promptly impounded despite the emergency in the timber industry. Furthermore, the proposed 1974 reforestation budget is $8.5 million below the 1973 level and $16 million below the "optimum" budget recommended by the Forest Service.

The potential losses in timber supply due to the absence of an adequate reforestation program is worsened by the actual losses attributable to natural causes. The Forest Service estimates that the current annual loss of merchantable lumber in our national forests due to insects, disease, fire and other destructive elements is approximately 10 billion board feet. When asked by the chairman of the Senate Banking and Currency Committee in hearings 3 years ago what was needed to salvage the mortality, the Chief of the Forest Service responded, "an adequate road development program." He estimated that with accessibility, half of the 10 billion board feet could be salvaged. Yet, the administration has requested a $105 million cutback in forest road development funds for fiscal years 1974 and 1975. Because of the interrelationship between road construction and timber sales and salvage, there is a fundamental need for the 93d Congress to reinstate these funds.

Road development itself, however, is but one part of the total planning and administrative process. Before a road is built, certain basic decisions regarding sale location, sale size, species composition, and cutting system must be made. After these decisions are made and roads constructed, the Forest Service assumes certain administrative responsibilities with respect to the actual harvesting process. A clear and direct relationship exists between the planning and administrative capabilities of the Forest Service and the amount of harvestable timber which can be cut.

The Forest Service estimates that the optimum budget for this planning and administrative function would be $36.8 million. This represents a $4.5 million increase over what the budget which was submitted to the Congress called for. This optimum budget would enable the agency to sell 1.1 billion board feet more timber. The increased yield due to an expanded harvest would advance gross revenues by $40 million to $430 million. The net revenue after deducting costs and the 25 percent payment that goes back to the counties would be approximately $25 million. A $4.5 million investment which would yield a $25 million return and help alleviate the crisis in lumber supply seems to me to be a prudent investment.

Clearly, there exists a direct relationship between the operating budget allocated to the Forest Service and the amount of timber which can be harvested. Thus, there exists a direct and functional relationship between these budget cuts and the level of inflation.

To this point, the thrust of my comments has been toward the relationship between timber supply and the budget. However, not all the supply problem can be traced to budget allocations or solved by small but judicious increases in budget allowances. If one is searching for a solution to the timber supply crisis, a review of our import policies is also in order.

The United States is a net importer of forest products and, judging from the current demand levels, is destined to be so for a considerable period. Other nations, notably Canada, which has a lumber supply well in excess of her needs, are in a position to supply our timber requirements. However, while we have reduced our position to supply our timber requirements. However, while we have reduced our tariff on Canadian lumber, for example, from $100 per 1,000 board feet to zero since 1968, softwood plywood—a major factor in sheathing, flooring and roofing homes—carries a tariff of 20 percent. Some precut materials are subject to 8 percent tariff. Currently, due to the tariff, we import practically no Canadian plywood, while we import 8.9 billion board feet of softwood lumber. Serious consideration must be given to reducing these tariffs in order to stimulate the supply of desperately needed lumber products.

Adding to these direct pressures on the lumber supply problem is the indirect pressure of limited transportation services. Each year we suffer from a shortage of rail freight cars caused by the competition of forest products and agricultural products for rail transportation. This normally barely tolerable situation has been worsened by the recent grain sales to Russia which have heightened the freight car problem to crisis proportions. The various studies which are now underway regarding the Nation's transportation needs must address themselves to the need for greater rail freight service.

Mr. Speaker, the problems which I have addressed today have far ranging implications for the American consumer. Buffetted from side to side by the winds of inflation we cannot, indeed we must not pursue short range goals which are penny wise and pound foolish. As I indicated, before telling the American homebuyer that you have saved $4.5 million out of a $268 billion budget is small comfort when that so-called savings costs the Treasury $25 million in future revenues and is, to a large degree, responsible for the skyrocketing cost of housing. The other budget cuts I discussed have an equally significant impact. A thorough and immediate review of current practices and a complete reassessment of budget allocations is essential if we are to curb the unprecedented rise in the cost of building materials and thus in the cost of housing.

## RESTORING THE FULL BUDGET OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

(Mr. SEIBERLING asked and was given permision to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, at a time when the President has declared that the current round of strategic arms limitation talks are of the highest importance to world peace, the administration has chosen to make a 35-percent cut in the very modest budget of the very agency whose mission is to strengthen the capabilities of our negotiators in this field.

Because of the importance of restoring the full amount authorized by Congress for this agency, I appeared today before the Appropriations Committee to urge such action. I ask that my statement to the committee be included in the RECORD at this point.

STATEMENT OF HON. JOHN F. SEIBERLING

Gentlemen, I am shocked and mystified by the Administration's severe cut in the very modest budget for the Arms Control and Disarmament Agency, from $10,000,000 in FY 1973 to $6,600,000 in FY 1974. It would seem that at this point in time when arms limitations are as crucial as at any time in our nation's history that the prestige and capacity of the Arms Control and Disarmament Agency should be increased rather than decreased.

The President himself has stated the next round of Strategic Arms Limitations Talks are of the utmost importance to continuing international detente, yet the Administration, without the slightest explanation, has proposed a reduction so crippling that it will deny the ACDA the very tools necessary to achieve its mission.

We in the Congress, before acting on the Administration's recommended ASDA budget, must ask ourselves how we can hope to assess the effect of future arms control proposals without benefit of the research provided by the ASDA.

Additionally, we must ask ourselves whether our negotiators will be in the best position to determine alternatives and solutions to impasses in arms control negotiations when the efficacy of ASDA has been drastically weakened.

We must further ask ourselves whether the United States government, in reducing its arms control budget by one-third while at the same time increasing its defense budget by $4.1 billion would not be telling the world that we are not really serious about negotiating towards arms limitation and eventual reduction.

Since 1965, the appropriations for the Arms Control and Disarmament Agency have remained unusually stable, ranging between $9 and $10 million a year. It is instructive in the context of spending priorities to note that the total ACDA budget of $10 million for FY 1973 is $500,000 less than the cost of one F–15 aircraft. The proposed savings by slashing $3,400,000 in the FY 1974 budget is $2,375,000 less than the cost of one day's bombing in Cambodia—which is running a staggering $5,775,000 a day, on the average. It is almost ludicrous to compare the increase in the Department of Defense's proposed FY 1974 budget for research, development, testing and evaluation of $562,700,000—that's just the increase—to the $10 million ACDA was allocated last year.

Certainly we can agree that it is not only the right, but indeed the duty of the Congress to provide for a strong and effective arms control agency. I, therefore, urge the members of the Committee, at least to restore the full $10 million funding for the ACDA for FY 1974.

It is my hope that by FY 1975 an alternative funding plan will be initiated that would assure adequate U.S. arms control capability. This plan would increase the ACDA budget to $8,500,000. The $8,500,000 additional money represents less than one-tenth of 1% of the total Defense Department budget. In taking this action, the Congress can ensure a viable ACDA not only to pursue its responsibilities during SALT II, but also to enable it to pursue concurrently the pressing problem of conventional weapons reduction and control. Such a step would also serve to demonstrate an established relationship between what we are spending on weapons and what we are spending on arms limitation. It would notify the world community that far from downgrading our arms control agency, we are strengthening it and expanding it as a formidable adjunct to our total foreign policy.

## NATIONAL FAMILY WEEK

(Mr. MYERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)





Mr. MYERS. Mr. Speaker, I am today introducing a resolution to designate the week in November which includes Thanksgiving as "National Family Week." A similar resolution, House Joint Resolution 135, passed the 92d Congress and a proclamation was issued by President Nixon for the 1972 observance. It is my hope that National Family Week will become an annual event honoring the family institution.

I am happy to include as cosponsors of this legislation the following Members:

LIST OF SPONSORS

Mr. Anderson of Illinois, Mr. Arends, Mr. Bafalis, Mr. Bevill, Mr. Boland, Mr. Bray, Mr. Buchanan, Mr. Burgener, Mr. Carney, Mr. Clawson, Mr. Collins, Mr. Conlan, Mr. Conte, Mr. Coughlin, Mr. Davis of Wisconsin, Mr. Davis of Georgia, Mr. Denholm, Mr. Dennis, Mr. Derwinski, Mr. Duncan, Mr. Eilberg, and Mr. Erlenborn.

Mr. Esch, Mr. Findley, Mr. Flowers, Mr. Fuqua, Mrs. Grasso, Mrs. Green of Oregon, Mr. Helstoski, Mr. Hinshaw, Mr. Horton, Mr. Huber, Mr. Hudnut, Mr. Hunt, Mr. Kemp, Mr. Landgrebe, Mr. McKay, Mr. Mann, Mr. Mizell, Mr. Montgomery, Mr. Moorhead of California, Mr. Murphy of New York, Mr. O'Brien, Mr. Parris, Mr. Rarick, Mr. Rhodes, and Mr. Robinson.

Mr. Roe, Mr. Roncallo, Mr. Sarasin, Mr. Sebelius, Mr. Shriver, Mr. Shoup, Mr. J. William Stanton of Ohio, Mr. Steiger of Wisconsin, Mr. Thone, Mr. Vander Jagt, Mr. Walsh, Mr. Ware, Mr. Whitehurst, Mr. Winn, Mr. Won Pat, Mr. Yatron, and Mr. Young of South Carolina.

In proclaiming "National Family Week" last year the President explained the importance of the family in these words:

As we work toward that great goal, however, we must never forget that our starting point—the center of our affections and the wellspring of our self-renewal—must be the basic family circle. Parent and child, husband and wife, brother and sister, all truly means "home" to every human being.

No institution can ever take the family's place in giving meaning to human life and a stable structure to society; indeed, as a wise philosopher observed thousands of years ago, "the root of the state is in the family." The pressures of our modern age make this a time of challenge for families in America, but every community has its inspiring examples of families which have risen to the demand and made the time of challenge a time of glory.

Our long-cherished American observances of Mother's Day and Father's Day are fittingly complemented by this new idea of a National Family Week, which this year will coincide with the Thanksgiving holiday—a time when families traditionally reunite, and when the family unit itself should stand high on that list of blessings for which we offer our thanks to God.

More than 40 Governors joined with Congress and the President in proclaiming special State observances to mark "National Family Week." Numerous national civic and religious organizations planned appropriate ceremonies and activities and are making plans to do the same this year.

The idea for a family week observance came from a constituent, Mr. Sam Wiley, who formerly taught in the Shakamak school system and is now assistant principal at Whiteland High School, both in Indiana.

The current unrest and dissatisfaction among the younger generation and the so-called generation gap can be traced in most cases to a complete breakdown in communications between parents and their children. While observance of family week does not promise to resolve all the unrest, I view it as a giant step toward the goal of restoring the traditional principles of respect and self-discipline which have made this a great Nation.

National Family Week is designed to coincide with Thanksgiving Day, that traditional time in America when families are rejoined for the purpose of giving thanks to God for the blessings which have come to them.

Today America's families are in trouble—trouble so deep and pervasive as to threaten the future of our Nation. An article, "The American Family: Future Uncertain," which appeared in Time magazine, December 28, 1970, supported this concern. It states:

One in every four U.S. marriages eventually ends in divorce. The rate is rising dramatically for marriages made in the past several years, and in some densely-populated West Coast communities is running as high as 70%. The birth rate has declined from 30.1 births per thousand in 1910 to 17.7 in 1969 . . . each year an estimated half-million teen-agers run away from home.

The crisis in the family has implications that extend far beyond the walls of the home. "No society has ever survived after its family life deteriorated," warned Dr. Paul Popenoe, founder of the American Institute of Family Relations. Harvard Professor Emeritus Carle Zimmerman has stated the most pessimistic view: "The extinction of faith in the familistic system is identical with the movements in Greece during the century following the Peloponnesian wars, and in Rome from A.D. 150. In each case the change in the faith and belief in familistic systems was associated with rapid adoption of negative reproduction rates and with enormous crisis in the very civilizations themselves."

The Time article continues:

Throughout most of western history, until the 20th century, society as a whole strongly supported the family institution, it was the family's duty to instruct children in moral values, but it derived those values from church, from philosophers, from social traditions. Now most of these supports are weakened, or gone.

The observance of family week cannot promise to resolve the many problems that plague the family in America today. But we can focus attention on this institution, its strengths and virtues in this era of change. And we can enlist the millions of American parents to understand the wants and needs of their children, and we can properly encourage the children to understand the duties and obligation to their parents.

I urge the House to act favorably on this resolution.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COCHRAN) and to revise and extend their remarks and include extraneous matter:)

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Mr. ROUSSELOT for 1 hour on May 15.
Mr. HOGAN for 10 minutes today.
Mr. FRENZEL for 5 minutes today.
(The following Members (at the request of Mr. RYAN) to revise and extend their remarks and include extraneous material:)
Mr. METCALFE, for 5 minutes today.
Mr. ASPIN, for 5 minutes, today.
Ms. ABZUG, for 10 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. MURPHY of New York, for 5 minutes, today.
Mr. FUQUA, for 5 minutes, today.
Mr. JAMES V. STANTON, for 15 minutes, today.
Mr. GINN, for 5 minutes, today.
Mr. SEIBERLING, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FLOOD, and Mr. EVINS of Tennessee, to extend their remarks following the remarks of Mr. MAHON during general debate, today, on H.R. 7447.

(The following Members (at the request of Mr. COCHRAN) and to include extraneous material:)

Mr. REGULA.
Mr. PRICE of Texas.
Mr. SNYDER.
Mr. DUNCAN.
Mr. CONTE.
Mr. RONCALLO of New York in four instances.
Mr. NELSEN in two instances.
Mr. WYMAN in two instances.
Mr. WINN.
Mr. HUNT in two instances.
Mr. HEINZ.
Mr. ABDNOR.
Mr. HOGAN in two instances.
Mr. THOMSON of Wisconsin.
Mr. SARASIN.
Mr. KEATING.
Mr. STEIGER of Wisconsin.
Mr. BOB WILSON of California in three instances.
Mr. BELL in two instances.
Mr. ARCHER.
Mr. YOUNG of Alaska.
Mr. WHALEN.
Mr. RAILSBACK in two instances.
Mr. BROWN of Michigan.
Mr. MOORHEAD of California.
Mr. WYLIE.
Mr. ASHBROOK in three instances.
Mr. HUBER in two instances.
Mr. MARTIN of North Carolina.

(The following Members (at the request of Mr. RYAN), to include extraneous matter:)

Mr. DINGELL.
Mr. BINGHAM in three instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. CLARK.
Mr. HUNGATE.
Mr. CHAPPELL.
Mr. MOLLOHAN.
Mr. ANNUNZIO in 10 instances.
Mr. GINN.
Mr. LEGGETT.
Mr. DULSKI in six instances.
Mr. HANNA in six instances.
Mr. FUQUA in three instances.
Mr. ASHLEY.
Mr. DAN DANIEL in two instances.
Mr. VANIK.
Mr. CLAY.
Mr. JONES of Oklahoma.
Mr. WALDIE in two instances.
Mr. MINISH.
Mr. RANGEL in 10 instances.
Mr. DORN in two instances.
Mr. BRINKLEY.
Mr. ROY.
Mr. EDWARDS of California in two instances.
Mr. RIEGLE.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 352. An act to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service; to the Committee on House Administration.

S. 590. An act to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate; to the Committee on Post Office and Civil Service.

S. 607. An act to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes; to the Committee on Banking and Currency.

## SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 394. An act to amend the Rural Electrification Act of 1936, as amended, to establish a Rural Electrification and Telephone Revolving Fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the Act, and for other purposes.

## ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Monday, May 14, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

900. A communication from the President of the United States, transmitting amendments to the budget for fiscal year 1974 (H.R. Doc. No. 93-99); to the Committee on Appropriations and ordered to be printed.

901. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend title 28 of the United States Code to provide for the appointment of officers and employees of the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court, and for other purposes; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

902. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the system for managing U.S. participation in the Asian Development Bank; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 6912. A bill to amend the Par Value Modification Act, and for other purposes; (Rept. No. 93-203). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7200. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the Act, and for other purposes; with amendments (Rept. No. 93-204). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 7686. A bill to require the Secretary of Agriculture to continue operation of the Agricultural Research Service field station at Newell, S. Dak.; to the Committee on Agriculture.

By Mr. ASHLEY (for himself and Mr. REES):

H.R. 7687. A bill to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes; to the Committee on Banking and Currency.

By Mr. WIDNALL:

H.R. 7688. A bill to amend the International Economic Policy Act of 1972; to the Committee on Banking and Currency.

By Mr. ASPIN:

H.R. 7689. A bill to provide for the continued sale of gasoline to independent gasoline retailers; to the Committee on Interstate and Foreign Commerce.

By Mr. BLATNIK (for himself and Mr. HARSHA) (by request):

H.R. 7690. A bill to provide for disaster assistance, and for other purposes; to the Committee on Public Works.

By Mr. BURKE of Massachusetts:

H.R. 7691. A bill to suspend for a 4-year period the duty on certain olives imported in bulk; to the Committee on Ways and Means.

By Mr. BURLESON of Texas:

H.R. 7692. A bill to amend the Internal Revenue Code of 1954 to provide for the treatment of dividends received by a member of an affiliated group from a subsidiary that is excluded from the group solely because such subsidiary is a life insurance company; to the Committee on Ways and Means.

By Mr. BURLESON of Texas (for himself, Mr. RHODES, and Mr. CONLAN):

H.R. 7693. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance (including coverage for medical catastrophes) available to all Americans, and for other purposes; to the Committee on Ways and Means.



By Mr. CLARK (for himself, Mr. DOWNING, Mr. GINN, Mr. BOWEN, Mr. GROVER, and Mr. MOSHER):

H.R. 7694. A bill to amend the Merchant Marine Act of 1936 to establish a nuclear vessel incentive support program; to the Committee on Merchant Marine and Fisheries.

By Mr. DELLUMS:

H.R. 7695. A bill to establish the office of Assistant Secretary of Defense for Equal Opportunity, to create an Armed Forces Equal Opportunity Evaluation Board, and for other purposes; to the Committee on Armed Services.

H.R. 7696. A bill to encourage earlier retirement by permitting Federal employees to purchase into the Civil Service Retirement System benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

H.R. 7697. A bill to amend titles 39 and 5, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7698. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

By Mr. DE LUGO:

H.R. 7699. A bill to provide for the filling of vacancies in the legislature of the Virgin Islands; to the Committee on Interior and Insular Affairs.

By Mr. DEVINE:

H.R. 7700. A bill to terminate the authorization of the Mill Creek Dam and Lake project, Ohio; to the Committee on Public Works.

By Mr. ERLENBORN (for himself and Mr. HANSEN of Idaho):

H.R. 7701. A bill to amend the Freedom of Information Act to require that all information be made available to Congress except where Executive privilege is invoked; to the Committee on Government Operations.

By Mr. ESCH:

H.R. 7702. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 7703. A bill to promote more effective management of certain related law enforcement functions of the executive branch by reorganizing and consolidating those functions in a new Office of Drug Abuse Investigation and Enforcement in the Department of Justice; to the Committee on Government Operations.

By Mr. GONZALEZ:

H.R. 7704. A bill to amend title II of the Social Security Act to provide that an individual who has a service-connected disability incurred or aggravated while on active duty in a combat zone and rated by the Veterans' Administration at 50 percent or higher, or who dies as a result of disease or injury incurred or aggravated while on such duty, shall be considered to be fully insured, and to be insured for disability benefits, under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. GROVER:

H.R. 7705. A bill to amend the Social Security Act to provide for medical, hospital, and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. HAYS:

H.R. 7706. A bill to authorize appropriations for the U.S. Information Agency; to the Committee on Foreign Affairs.

By Mr. HOGAN:

H.R. 7707. A bill to amend title 5, United States Code, to permit Members of Congress to withdraw from the Civil Service Retirement System; to the Committee on Post Office and Civil Service.

H.R. 7708. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for educational expenses; to the Committee on Ways and Means.

By Mr. HORTON (for himself, Mr. ERLENBORN, Mr. COHEN, Mr. COUGHLIN, Mr. ESCH, Mr. MALLARY, Mr. MITCHELL of Maryland, Mr. OWENS, Mr. PRICE of Illinois, and Mr. STARK):

H.R. 7709. A bill to amend section 552 of title 5 of the United States Code to limit exemptions to disclosure of information, to establish a Freedom of Information Commission, and to further amend the Freedom of Information Act; to the Committee on Government Operations.

By Mr. KASTENMEIER (for himself and Mr. COUGHLIN):

H.R. 7710. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. KEATING (for himself, Mr. FORSYTHE, Mr. LUJAN, Mr. DIGGS, Mr. REES, Mr. SEIBERLING, Mr. CLEVELAND, and Mr. MCEWEN):

H.R. 7711. A bill to provide parking for tourists to the Capitol of the United States; to the Committee on Public Works.

H.R. 7712. A bill to regulate the provision of parking to certain officers and employees of the Federal Government; to the Committee on Public Works.

By Mr. LITTON (for himself, Ms. ABZUG, Mr. ALEXANDER, Mr. ANDREWS of North Carolina, Mr. BELL, Mr. BERGLAND, Mr. BURGENER, Ms. CHISHOLM, Mr. EVANS of Colorado, Mr. GUNTER, Ms. HANSEN of Washington, Mr. HARRINGTON, Mr. MATSUNAGA, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. MILFORD, Mr. MOSHER, Mr. PREYER, Mr. ROSE, Mr. REES, Mr. STARK, Mr. SEIBERLING, Mr. UDALL, Mr. WON PAT, and Mr. YOUNG of Alaska):

H.R. 7713. A bill to amend the Legislative Reorganization Act of 1970 to provide seminars to freshmen Members of the Congress, and for other purposes; to the Committee on House Administration.

By Mr. LITTON (for himself, Mr. ABDNOR, Ms. ABZUG, Mr. BERGLAND, Mr. BOWEN, Mr. BURTON, Mr. CULVER, Mr. DENHOLM, Mr. FISHER, Mr. GINN, Mr. GUNTER, Mr. HUNGATE, Mr. ICHORD, Mr. JONES of North Carolina, Mr. LANDGREBE, Mr. MCSPADDEN, Mr. MEZVINSKY, Mr. ROSE, Mr. RANDALL, Mr. SYMMS, Mr. SISK, Mr. STUCKEY, Mr. THONE, Mr. WILLIAMS, and Mr. MCCLOSKEY):

H.R. 7714. A bill to amend the Internal Revenue Code of 1954 to prohibit inspection of income tax records by the Department of Agriculture and to allow certain limited information from such records to be furnished to the Department; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. BERGLAND, Mr. ALEXANDER, Mr. HUNGATE, Mr. ROSE, Mr. MATHIS of Georgia, Mr. GINN, Mr. GUNTER, Mr. BURLISON of Missouri, and Mr. JONES of North Carolina):

H.R. 7715. A bill to amend the Consolidated Farm and Rural Development Act, to restore the rural water grant program; to the Committee on Agriculture.

By Mr. LUJAN (for himself, Mr. RUNNELS, and Mr. CONLAN):

H.R. 7716. A bill to authorize the separation of the interests of the Hopi and Navajo Tribes in certain lands set aside by the Executive order of December 16, 1882, and to confirm to the Hopi Tribe exclusive rights in certain lands located within the exterior boundaries of the Navajo Reservation in Arizona as defined by Congress in 1934 and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MCKINNEY:

H.R. 7717. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 7718. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes; to the Committee on the Judiciary.

By Mr. MCKINNEY (for himself, Mr. EILBERG, Mrs. GRASSO, Mr. PODELL, Mr. SARASIN, Mr. ST GERMAIN, Mr. TIERNAN, and Mr. WILLIAMS):

H.R. 7719. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries; to the Committee on Ways and Means.

By Mr. MARTIN of Nebraska:

H.R. 7720. A bill to provide that the U.S. Postal Service may not require the installation of mailboxes at the curb line of residential property in certain localities; to the Committee on Post Office and Civil Service.

By Mr. RHODES:

H.R. 7721. A bill to establish a national cemetery in the State of Arizona; to the Committee on Veterans' Affairs.

By Mr. RODINO:

H.R. 7722. A bill to provide for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

H.R. 7723. A bill to provide for a within-grade salary increase plan for secretaries to circuit and district judges of the courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT):

H.R. 7724. A bill to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALLO of New York (for himself, Mr. ANDERSON of Illinois, Mr. BURGENER, Mr. CLANCY, Mr. DOMINICK V. DANIELS, Mr. DELANEY, Mr. DENHOLM, Mr. EILBERG, Mr. FROEHLICH, Mrs. GRASSO, Mrs. HECKLER of Massachusetts, Mr. HOGAN, Mr. KEITHUM, Mr. MAZZOLI, Mr. MITCHELL of New York, Mr. MURPHY of Illinois, Mr. NEDZI, Mr. O'BRIEN, Mr. PEYSER, Mr. J. WILLIAM STANTON, Mrs. SULLIVAN, Mr. WALSH, Mr. WON PAT, Mr. WYDLER, and Mr. ZWACH):

H.R. 7725. A bill to amend title 18 of the United States Code to make it a Federal crime to carry out any research activity on a human fetus or to intentionally take any action or hasten the death of a human fetus in any

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federally supported facility or activity; to the Committee on the Judiciary.

By Mr. ROUSH:

H.R. 7726. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. ROUSH (for himself, Mr. DAVIS of Georgia, Mr. PRICE of Illinois, Mr. RANGEL, Mr. BOWEN, and Mr. SIKES):

H.R. 7727. A bill to amend title II of the Social Security Act to provide for voluntary agreements between ministers and their employers to treat ministers as employed persons; to the Committee on Ways and Means.

By Mr. ROYBAL (for himself and Mr. EDWARDS of California):

H.R. 7728. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 7729. A bill to further amend the International Travel Act of 1961, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. RHODES, Mr. STEIGER of Arizona, and Mr. CONLAN):

H.R. 7730. A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 7731. A bill to amend title 5, United States Code, to provide special assistance and benefits to Federal employees involuntarily separated through reductions in force, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:

H.R. 7732. A bill to provide the Secretary of the Interior with authority to promote the conservation and orderly development of the hard mineral resources of the deep seabed, pending adoption of an international regime therefor; to the Committee on Merchant Marine and Fisheries.

By Mr. CHARLES H. WILSON of California:

H.R. 7733. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

By Mr. WINN (for himself, Mr. SHRIVER, Mr. SKUBITZ, and Mr. SEBELIUS):

H.R. 7734. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ASHLEY:

H.R. 7735. A bill to promote public health and welfare by expanding and improving the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BENITEZ:

H.R. 7736. A bill to amend and make certain technical and conforming changes in section 5008 of the Internal Revenue Code of 1954 relating to distilled spirits; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself and Mr. KYROS):

H.R. 7737. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 7738. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 7739. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

H.R. 7740. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 7741. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 7742. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

H.R. 7743. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 7744. A bill to authorize the Secretary of State to furnish assistance for the resettlement of Soviet Jewish refugees in Israel; to the Committee on Foreign Affairs.

By Mr. BINGHAM (for himself and Mr. BROYHILL of Virginia):

H.R. 7745. A bill to direct the Secretary of State to undertake negotiations with the Federal Republic of Germany for certain payments to the Government of the United States, to authorize ex gratia payments to certain citizens of the United States who fought for the allied cause in World War II as members of the Royal Army of Yugoslavia and were imprisoned by the German Government, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROWN of Michigan:

H.R. 7746. A bill to increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials; to the Committee on Government Operations.

By Mr. CONYERS:

H.R. 7747. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

H.R. 7748. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN (for himself, Mr. GILMAN, and Mr. MOAKLEY):

H.R. 7749. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. CRONIN:

H.R. 7750. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 7751. A bill to amend the Internal Revenue Code of 1954 to raise the limitations on contributions by self-employed individuals to certain retirement plans and to permit certain employees to establish qualified pension plans for themselves in the same manner as if they were self-employed; to the Committee on Ways and Means.

By Mr. DENHOLM:

H.R. 7752. A bill expanding the definition of the word "person" as used in the Constitution and the laws of the United States; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 7753. A bill to amend the Public Health Service Act to provide grants to develop training in family medicine; to the Committee on Interstate and Foreign Commerce.

H.R. 7754. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA (for himself, Mr. DON H. CLAUSEN, Mr. GROVER, Mr. SNYDER, Mr. ZION, Mr. MIZELL, Mr. WALSH, Mr. HANRAHAN, Mr. TAYLOR of Missouri, and Mr. ABDNOR):

H.R. 7755. A bill to provide for disaster assistance and for other purposes; to the Committee on Public Works.

By Mr. HAWKINS (for himself and Mr. STEELE):

H.R. 7756. A bill to authorize financial assistance for opportunities industrialization centers; to the Committee on Education and Labor.

By Mr. HICKS (for himself and Mr. YOUNG of Alaska):

H.R. 7757. A bill to amend section 2634 of title 10, United States Code, relating to the shipment at Government expense of motor vehicles owned by members of the armed forces; to the Committee on Armed Services.

By Mr. LITTON:

H.R. 7758. A bill to amend the Truth in Lending Act, to exempt from coverage under the act credit transactions involving extensions of credit for agricultural purposes; to the Committee on Banking and Currency.

By Mr. LUJAN:

H.R. 7759. A bill to amend title 38 of the United States Code to provide hospital care and medical treatment for certain non service-connected disabilities of former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA:

H.R. 7760. A bill to increase the rates of duty on prepared and preserved pineapple and concentrated pineapple juice; to the Committee on Ways and Means.

By Mr. STEELMAN:

H.R. 7761. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

By Mr. CHARLES H. WILSON of California (for himself, Mr. WHITE, Mr. UDALL, Mr. HANLEY, Mr. LEHMAN, Mr. ROUSSELOT, Mr. HINSHAW, and Mr. BAFALIS):

H.R. 7762. A bill to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, to provide for a middecade sample survey of population, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRON:

H.R. 7763. A bill to amend the Chesapeake and Ohio Canal Development Act to suspend the use of eminent domain within any part of the park in any county which has in force a valid zoning bylaw, and for other purposes; to the Committee on Interior and Insular Affairs.



H.R. 7764. A bill to amend the Internal Revenue Code of 1954 to provide that contributions to the Indoor Sports and Outdoor Athletic Recreation Foundation shall be deductible for purposes of the Federal income and estate and gift taxes, and to create a trust fund to receive contributions to such foundation which may be used to improve sports and recreational facilities; to the Committee on Ways and Means.

By Mr. NELSEN (for himself, Mr. BROYHILL of Virginia, Mr. SMITH of New York, Mr. HOGAN, and Mr. LANDGREBE):

H.R. 7765. A bill to protect the health and welfare of the people of the District of Columbia by providing a method of control of drugs, to strengthen existing law enforcement authority in the field of drug abuse in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CRONIN (for himself, Mr. GILMAN, and Mr. MOAKLEY):

H.J. Res. 548. Joint resolution providing for the orderly review of fee-paid oil import licenses; to the Committee on Ways and Means.

By Mr. LONG of Maryland (for himself, Mr. BYRON, Mr. GUDE, Mrs. HOLT, Mr. MILLS of Maryland, Mr. MITCHELL of Maryland, and Mr. SARBANES):

H.J. Res 549. Joint resolution to authorize and request the President to designate the week beginning August 19, 1973, ending August 25, 1973, as "National Logistics Week"; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. ANDERSON of Illinois, Mr. ARENDS, Mr. BAFALIS, Mr. BEVILL, Mr. BOLAND, Mr. BRAY, Mr. BUCHANAN, Mr. BURGENER, Mr. CARNEY of Ohio, Mr. DEL CLAWSON, Mr. COLLINS, Mr. CONLAN, Mr. CONTE, Mr. COUGHLIN, Mr. DAVIS of Wisconsin, Mr. DAVIS of Georgia, Mr. DENHOLM, Mr. DENNIS, Mr. DERWINSKI, Mr. DUNCAN, Mr. EILBERG, and Mr. ERLENBORN):

H.J. Res. 550. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. ESCH, Mr. FINDLEY, Mr. FLOWERS, Mr. FUQUA, Mrs. GRASSO, Mrs. GREEN of Oregon, Mr. HELSTOSKI, Mr. HINSHAW, Mr. HORTON, Mr. HUBER, Mr. HUDNUT, Mr. HUNT, Mr. KEMP, Mr. LANDGREBE, Mr. MCKAY, Mr. MANN, Mr. MIZELL, Mr. MONTGOMERY, Mr. MOORHEAD of California, Mr. MURPHY of New York, Mr. O'BRIEN, Mr. PARRIS, Mr. RARICK, and Mr. RHODES):

H.J. Res. 551. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. ROBINSON of Virginia, Mr. ROE, Mr. RONCALIO of Wyoming, Mr. SARASIN, Mr. SEBELIUS, Mr. SHRIVER, Mr. SHOUP, Mr. J. WILLIAM STANTON, Mr. STEIGER of Wisconsin, Mr. THONE, Mr. VANDER JAGT, Mr. WALSH, Mr. WARE, Mr. WHITEHURST, Mr. WINN, Mr. WON PAT, Mr. YATRON, and Mr. YOUNG of South Carolina):

H.J. Res. 552. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on the Judiciary.

By Mr. PATMAN (for himself, Mr. WIDNALL, Mr. BARRETT, Mr. ST GERMAIN, Mrs. BOGGS, Mr. JOHNSON of Pennsylvania, Mr. BROWN of Michigan, Mr. J. WILLIAM STANTON, and Mrs. HECKLER of Massachusetts):

H.J. Res. 553. Joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding; to the Committee on Banking and Currency.

By Mr. ZWACH:

H.J. Res. 554. Joint resolution relating to the taking of the 1974 Census of Agriculture; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H. Con. Res. 215. Concurrent resolution; it is the sense of the Congress that the President, in accordance with the policy of the United States established by law, should continue the Office of Economic Opportunity, administering and supervising the important activities entrusted to that Office under the provisions of the Economic Opportunity Act of 1964, and submit a revised budget request for such activities for fiscal year 1974; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Con. Res. 216. Concurrent resolution expressing the sense of Congress that certain economizing and tax reform measures shall be taken to assure through a fiscally responsible Federal budget for fiscal 1974 effective action to promote national security, stable prices, tax justice, full employment, quality education and health care, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunity for all Americans; to the Committee on Government Operations.

By Mr. DENHOLM:

H. Con. Res. 217. Concurrent resolution expressing the sense of Congress regarding a Member's right to hold office if he or she fails to be recorded on 75 percent of 300 consecutive votes; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII,

202. The SPEAKER presented a memorial of the Legislature of the State of Oklahoma, relative to a constitutional amendment relating to abortion; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 7766. A bill for the relief of Albert Fleischhaker; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 7767. A bill for the relief of Samuel Cabildo Jose; to the Committee on the Judiciary.

By Mr. MOORHEAD of California:

H.R. 7768. A bill for the relief of Nolan Sharp; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 7769. A bill for the relief of Dr. Peter P. Toma; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 7770. A bill for the relief of Ramakrishna Rao Palepu; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## THE CHARLESTON GAZETTE, WEST VIRGINIA'S LARGEST NEWSPAPER, OBSERVES ITS 100TH BIRTHDAY

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Thursday, May 10, 1973*

Mr. RANDOLPH. Mr. President, when our country was founded nearly two centuries ago, the value of the free press was recognized. So critical was a free press to our form of Government that strong provisions for the protection were included in our Constitution. The press today remains in the front line of the battle for American liberty and justice.

Mr. President, for the past century the Charleston Gazette, published in the capital city of West Virginia, has been a diligent practitioner of the principles of a free press. This newspaper, the largest in our State, has been a strong, vigorous, and independent advocate.

The Charleston Gazette is observing its 100th birthday. Life in West Virginia has changed in the past century, but the principles which have guided publication of the Gazette remain strongly anchored. Under Publisher W. E. Chilton III, the third generation of his family to hold that position, the Gazette retains a position of journalistic leadership.

Mr. President, as part of its centennial observance, the Charleston Gazette published a comprehensive history of the newspaper, written by John G. Morgan, a member of the staff who is widely known for his articles and books on West Virginia history.

I ask unanimous consent that excerpts of this unique and challenging history of the Charleston Gazette be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CHARLESTON (W. VA.) GAZETTE GAINS FIRST CENTURY MILESTONE

(By John G. Morgan)

The Charleston Gazette, The State Newspaper, is 100 years old this month.

The history of the newspaper began with establishment of the weekly Kanawha Chronicle by Charles B. Webb in April of 1873.

Publication was started at Kanawha Street (now Kanawha Boulevard) and Summers Street just three months after the first train rattled through the city.

The so-called great fire of 1874, which consumed most of a city block, threatened destruction of the newspaper when it was less than a year old.

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The earliest available original copy of the Chronicle, found deep in the files of West Virginia University Library, is a seven-column, four-page edition, dated May 12, 1875. Page one items include a long letter from Gov. John Jeremiah Jacob, explaining why he was compelled to comply with the

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law requiring that the state capital be moved from Charleston to Wheeling that year.

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A full column advertisement on the back page states the central purpose of the newspaper in words that still could stand for the Gazette today. It says the Chronicle "will be devoted to news, politics and diffusions of general intelligence. In politics it will be Democratic, liberal and progressive."

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On Nov. 1, 1876, the Chronicle showed its political colors by supporting Democrat Samuel J. Tilden, the loser in the famous Hayes-Tilden campaign for the presidency. In an editorial, expressions of political preference were combined with a suggestion that more people should subscribe to the Chronicle.

In February of 1877, the Chronicle was sold to James B. Pemberton, later mayor of Charleston, and John W. Jarrett, a printer.

Pemberton, a native of Staunton, Va., was 27 years old at the time of the purchase. He became a writer of wide reputation and influence. He served as mayor of Charleston from 1891 to 1893 and several terms as a member of city council.

Under the ownership of Pemberton and Jarrett, the name of the paper was changed to Kanawha Gazette. Publication continued at Kanawha and Summers Streets.

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In 1884, Moses W. Donnally, a publisher and oil well producer, acquired an interest in the paper and later purchased it from Pemberton.

On July 23, 1884, with Donnally and Pemberton in the masthead as proprietors, the newspaper again showed its political colors by supporting Grover Cleveland for president.

Under the Donnally ownership, the newspaper plant was moved to 15 Summers St. and eventually to 79 Capitol St. Conversion to a daily publication, attempted briefly and discontinued in 1884, was effected about 1888. In February, 1890, the name was changed to the Daily Gazette.

The first available issue under the new name, dated Feb. 27, 1890, shows Donnally as publisher and proprietor, and Joseph Ruffner as editor and George W. Summers as city editor.

On Oct. 4, 1891, the Gazette declared itself to be the "only newspaper in the state outside of Wheeling that owns the Associated Press franchise."

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In the 1890s and early 1900s, the Gazette was published as a daily and weekly. The 1899 city directory lists the Gazette Publishing Co. for both newspapers, with Lewis Baker, editor, at Quarrier Street, northwest corner of Hale Street.

Early in 1901, the newspaper again moved into the physical facilities of Donnally Publishing Co., this time in the 300 block of Kanawha Street, with Donnally as manager.

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For a time, under the roof of the Donnally company, the Gazette was offered as an afternoon newspaper and the Charleston Mail as a morning publication.

About 1902, the newspaper moved to a location on the Kanawha River bank below the old Ruffner Hotel. Frequent floods in the basement forced a return to Summers Street.

The Chilton family acquired the newspaper in 1907. The story of the initial takeover by the family is best told by Sam B. Chilton, 87-year-old modern day raconteur:

"One day Uncle Joe came into the living room and announced:

"'I have stopped the Gazette from talking about us.'

"'Oh, you couldn't do that,' somebody said.

"'Oh, yes I would; I bought it,' Uncle Joe said."

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Uncle Joe was Joseph E. Chilton, a lawyer who pioneered in development of the Kanawha Valley railroads and coal resources.

Joseph Chilton served as prosecuting attorney of Lincoln and Logan counties and was a lawyer for the Chesapeake and Ohio Railway. In 1897, he joined his brother, W. E. Chilton (later a U.S. senator) and William A. MacCorkle (who had just completed a term as governor) in the establishment of the law firm of Chilton, MacCorkle and Chilton.

On Jan. 29, 1907, the newspaper's name was formally changed to The Charleston Gazette.

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Edward B. Kenna was editor in 1911, with George W. Summers as the correspondent in the Washington bureau of the Gazette. C. A. Ashcraft became the newspaper's manager in 1912.

Principal ownership of the newspaper by the Chilton family was formalized by the issuance of a state charter to Daily Gazette Co. on Sept. 25, 1912. Incorporators were Ashcraft, T. S. Clark, W. A. MacCorkle, J. E. Chilton and S. B. Chilton.

In 1917, Chilton returned to Charleston as the publisher and active participant in the life of the newspaper.

Early in the 1900s, a stabilizing influence entered the life of the newspaper in the form of Robert L. Smith, who began his career as an errand boy of 10.

He was made circulation manager by the time he was 24 and later advertising manager and business manager. When the newspaper was reorganized in the 1920s, he became general manager, stockholder and a member of the board of directors.

Smith's tight control on the business end of the newspaper was real and legendary. It is said that some creditors wouldn't loan the company money unless they could be assured that Smith would take the responsibility for repayment.

In November, 1912, the newspaper plant was moved from 22 Summers St. to 909 Virginia St. on property adjoining the South Side Bridge at its west or lower side.

A change in management was revealed Dec. 5, 1914, with this page one announcement:

"Beginning today . . . Mr. David A. Jayne assumes general supervision and will assign a capable man to do local active management. Mr. (Leslie) Bayliss is retained at the helm in the editorial rooms, with Mr. A. V. Evans as city editor.

"Robert L. Smith continues as manager of the circulation department and has charge of all foreign advertising, with Charles Anderson as the guardian of the local advertising field . . .

On the following day, the Gazette said in a statement of dedication:

"To the earnest and consistent advocacy of the principles of popular government as enunciated by the democracy of Jefferson, Jackson and Wilson, the Gazette, under its new management, dedicates itself anew.

"It pledges its unremitting efforts to fight the battles of faith in the commonwealth of West Virginia and to lend its influence to the bringing about of social, political and industrial equality of opportunity for all the citizenship of our state and nation. . . .

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Fire reduced the Gazette plant by the South Side Bridge to a mass of ruins on May 18, 1918. Walter Eli Clark, publisher of the Charleston Daily Mail, immediately made the resources of his newspaper available for continued publication of the Gazette.

For approximately three months in the summer of 1918, the Gazette was published with Mail presses at 1000 Virginia St. E., just across the street from the present location of the Gazette and Mail.

For its new home in 1918, the Gazette purchased a lot at 227 Hale St., opposite the old Capitol annex on the present site of the National Bank of Commerce.

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The newspaper grew in prestige and influence for more than 42 years at 227 Hale St. The Gazette spirit matured and flourished there.

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William E. "Ned" Chilton Jr., born in 1893, a son of the senator and graduate of Yale University, became president of the Daily Gazette Co. in 1922 and managing editor in 1924. The old senator continued in the role of vice president and associate editor.

The younger Chilton wrote editorials in a straightforward, hard-hitting style. Under his leadership, the Gazette firmly established itself as a newspaper that readily took the side of the underprivileged and the needy.

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General growth of the Gazette at 227 Hale St. continued through the depression years. Circulation climbed past the 50,000 mark in 1937 as an expanding fleet of trucks delivered the newspapers in cities, towns and hinterlands of southern and center West Virginia.

From 1932 to 1956, with the newspaper in the mainstream of state and national events, the Gazette published 51 extra editions. Many carried big news about World War II developments.

For a long span of years, the Gazette was rigidly Democratic in its support of major candidates for office. This policy was severely tested in 1940 when Sen. M. M. Neely was the Democratic candidate for governor.

The Gazette was bitterly opposed to the election of Neely. It chose to manifest its position by remaining silent on the governor's race while supporting Roosevelt for a third term.

In 1956, the newspaper supported Cecil H. Underwood in his successful run for governor. This marked the first time in its history that the Gazette supported a Republican for high state office.

The Underwood breakthrough set a pattern for the newspaper to take a close look at all candidates and to support them on their merits. With all things equal in a given race, however, the endorsement would go to the Democrat. Thus, the Gazette held firmly to the policy of an independent Democratic newspaper.

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W. E. "Ned" Chilton Jr., president of the Daily Gazette Co. for 28 years and managing editor of the newspaper for 26 years, died unexpectedly on Sept. 21, 1950, at the age of 56.

The younger Chilton, who did most of his work at his South Hills home and preferred to remain in the background during his later years, was nevertheless a forceful personality in the making of Gazette policy and traditions.

The death of the editor-president brought a significant change in the newspaper's power structure. It meant that, for the first time in about 40 years, the top position would be held by someone other than a member of the Chilton Family.

In the reorganization, Robert L. Smith reached the top of his Horatio Alger career by becoming publisher of the newspaper and president of its board of directors.

At the same time, the colorful Frank A. Knight, promotion manager by appointment and instinct, became managing editor. Knight, a former sports editor, involved the paper in many crusades and public enterprises and found outlet for topical commentary in a weekly column called "Today."

Harry G. Hoffman became editor after Knight died unexpectedly at the age of 48 on July 6, 1956, Hoffman, with more than 44 years of newspaper experience, continues as editor and political columnist today.

On Jan. 1, 1958, the Gazette entered into a consolidation agreement with the Charleston Daily Mail to form Newspaper Agency Corp.

Business advertising, circulation and mechanical departments were merged under supervision of the new corporation. The Gazette and Mail each retained its separate news and editorial identities.

At the same time, the two Sunday newspapers were merged into one publication under the name of Sunday Gazette-Mail with the Gazette staff given the responsibility of producing it.

On Sept. 6, 1960, the Gazette left its Hale Street home of 42 years and moved into an addition of the Daily Mail Building at 1001 Virginia St. E. The move brought this headline: "Hale Street—Hail and Farewell."

Publisher Robert L. Smith died Oct. 6, 1961, at the age of 68, about 13 months after the newspaper moved to Virginia Street. He was succeeded by a member of the third generation of the Chilton family.

W. E. "Ned" Chilton III, son and grandson of former publishers, was advanced to the top position. Earlier, he served as promotion manager and assistant publisher.

One of his first acts in the new position was to announce there would be no basic change in Gazette policies as an independent Democratic newspaper.

The new publisher, a World War II veteran and Yale University graduate, served four terms in the West Virginia House of Delegates, beginning in 1953. He was elected delegate-at-large to Democratic national conventions in 1960 and 1964 and served as a member of the Democratic national platform committee in 1964.

His interest in foreign affairs broadened with his participation in newspaper study missions. In 1962 he visited the Far East on an extended study tour, and in 1965 he took a similar trip to all Eastern European satellites, except Albania.

In the summer of 1968 he took a trip around the world as a member of an American study mission. Most of the study concentrated on the Soviet Union.

Like his father and grandfather, Chilton developed keen interest in the editorial side of newspaper affairs, as opposed to the business side. As a liberal with strong opinions, he has a major role in the editorial writing and in the general editorial direction taken by the newspaper.

With the third generation Chilton as publisher, the Gazette continues to crusade at all levels of government and in the area of private business enterprise as it affects the public interest. It explores reports and rumors of crime and governmental corruption through its own investigative reporter.

It spotlights problems and makes recommendations for reform in the fields of human rights, hospital care, mental health, environmental control and other vital areas. It usually expresses strong opinions on all major issues in domestic and foreign affairs.

Mr. RANDOLPH. I commend the Charleston Gazette for its continued in-depth reporting, its investigative and analytical articles, and its robust editorial policy.

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## PERSONAL EXPLANATION

### HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. RONCALLO of New York. Mr. Speaker, due to a longstanding commitment in my district, I was unfortunately unable to be present for Monday's vote on H.R. 2828, the National Cemeteries Act of 1973.

As a member of several veterans' organizations, I strongly support this legislation and had I been here for roll No. 126, I would have voted "yea." I also would have voted "yea" on roll No. 124, Klamath Indian Tribe lands; roll No. 125, life insurance for Reserve and National Guard; and roll No. 127, Postal Service payments to retirement funds.

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## HEALTH EDUCATION AND RESEARCH IMPERILED

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DRINAN. Mr. Speaker, our Nation's health community is deeply concerned over the administration proposals to severely cut back on Federal support for health programs.

Particularly hard hit will be health education and manpower programs—those which benefit medical students, health researchers, and medical educational institutions and facilities. In terms of total health manpower spending, the administration's fiscal year 1974 budget request of $386 million represents a drop of nearly $300 million in only 2 years.

The reduced funding levels, combined with new and harshly restrictive eligibility criteria for those students wishing Government scholarships and loans, will mean a substantially increased financial burden not only on the students but on the institutions of health care training and education. If this trend is continued, medical education and training will be available only to the wealthy.

I recently received a letter on this subject from Dr. Lamar Soutter, dean of the University of Massachusetts Medical School. Dr. Soutter's comments focus on three areas of the proposed health cuts: Scholarships and loans, research, and construction. Because of the importance of this issue I would like to share the contents of Dr. Soutter's letter with my colleagues:

Hon. ROBERT F. DRINAN,
*House of Representatives, Cannon House Office Building, Washington, D.C.*

MY DEAR MR. DRINAN: In reply to your letter of April 24th, here are our problems with budget cuts for the coming year:

1. *Scholarships and Loans* This School was particularly designed to provide an educational opportunity for students from low income families. Our tuition is $600, over $2000 less than at private schools. Over half of our students are on loans and scholarships. This fall we increase our enrollment by 40 students and will continue to increase it every year to 1978. We are desperately short of money, yet the administration plans to phase out this program by 1975.

2. *Research* We have a new, young faculty, many of whom are starting on their careers of teaching and research. It will be very difficult for them to get grants to support their research because of the cuts. Furthermore, we are told that the general research support grants which we use to provide "start up" money for young investigators will be reduced and turned over to schools which have a volume of research support in excess of $2,000,000. This will cripple the research efforts of new schools, yet there is much more research to be done before we can conquer many diseases that are crippling or killing thousands of people each year.

3. *Construction* We had an approved grant of $16,500,000 from the Federal government for construction of our Hospital. The Nixon administration decided two years ago not to fund grants for teaching hospitals. Ours was one of the fourteen so affected. In the renewed legislation last summer Congress put in a clause allowing money for support of construction of teaching hospitals. We applied, but there was only about $83,000,000 available for about one billion dollars worth of approved, but unfunded, medical school projects. Our application was disallowed. We intend to continue applying, but as the money gets less each year, the chance of success dwindles. This means that the Massachusetts tax payers who have contributed to paying for construction of medical schools in a number of other states will have to pay this $16,500,000.

Some of the other cuts affect the older schools, but will not bother us for some time to come.

I am glad to see you looking into this problem. You have our thanks.

Sincerely yours,
LAMAR SOUTTER, M.D., *Dean.*

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## ISRAEL—HERITAGE, LABOR, CONSECRATION

### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. FUQUA. Mr. Speaker, Israel continues to be threatened with neighbors who boldly shout that their intent is to destroy this land completely. As Prime Minister Golda Meir once said on a visit to Washington:

We have no place to run, we will not leave. this is our home.

The United States has been a faithful friend of the Israel nation. I am proud of that contribution.

Yet, our contribution is really small when we consider the toll in human sacrifice that these brave people have given to forge a nation out of the desert.

It is a labor of love. It is a labor of dedication. It is a labor of consecration.

The toils and tribulations are not over. There will be other days to test the strongest of wills.

But, the Israelis have proven their worth.

On this occasion of their 25th anniversary, I extend the best wishes of men of good will. Our greatest prayer is that you will be able to bring peace to the Middle East in the next decade and a half.

There is so much you could contribute to the development of undeveloped nations, if but given half a chance.

Yours is a glorious heritage. My feeling is that your future will only add to that ancient story.

A dream from ages past is now a 25 year reality.

A home for the homeless—centuries of restless traveling at an end. Israel is real and alive and well.

Today we pay tribute to a brave peo-



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ple. From barren soil they have forged a powerful nation, from arid ground they have brought forth bounty to feed hungry millions, from centuries of tradition they have found the strength to resist the powers that seek their destruction.

Israel is the homeland for the Jewish people. Through the centuries, those of this magnificent religious faith have been thrown from pillow to post. Often they were persecuted by the very people they had helped to make strong.

One does not have to think very long to come up with a list of names of Jewish descent to know what a contribution they have made to America. In almost every land in the world, they still live and when given the opportunity, make more contributions to the advancement of science and technology than their numbers would reasonably dictates.

For some, the return to a homeland was a necessity. They were virtual outcasts in the lands in which they found themselves. For others, it was the fulfillment of centuries of longing for a homeland.

Israel came into being a short time after one of history's worst persecutions of the Jewish people had ended. One does not need to recount the horror that these brave men and women, thousands upon thousands, at the hands of insane murderers during the World War II era.

Now that period is past.

Yet, dangers and frustrations still exist.

## MISS JOAN DAVIS COMMENDED FOR SAVING A LIFE

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DUNCAN. Mr. Speaker, I would like to recognize a young woman from my district whose facility and unselfishness saved the life of a fellow citizen.

Miss Joan Davis is a student at the University of Tennessee in Knoxville in the field of physical education. She is working her way through the university on the Federal student work-study program, and she has served with the YWCA as a volunteer for 4 years. Miss Davis has much experience working at YWCA swimming pools, and presently she is teaching swimming lessons and guarding swim periods in the evenings.

On Tuesday, May 1, while guarding the adult open swim, Miss Davis observed that a woman who habitually floats on her stomach had lost consciousness in the pool. Joan quickly pulled the woman from the water and revived her and sent her to the hospital alive. Finding the procedure of mouth-to-mouth resuscitation was impossible because the woman's jaws had locked, Joan went to the mouth to nose procedure and then rolled her over and gave her back pressure-arm lift emergency treatment. Joan continued this process until the woman began breathing on her own. While waiting for the ambulance, Joan kept the victim quiet and lying down to prevent further shock, assuring her she would be all right.

Because of Joan's excellent health, strength, and training, Mrs. Dorothy Sirmans of Knoxville is alive today. Forgetting her own personal safety, Joan swiftly put her training and experience into practice to save the life of a fellow human being. I would like to take this opportunity to commend Joan before my colleagues for her courageous actions. We are indeed proud of her.

## BETTER SCHOOLS ACT

### HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. BELL. Mr. Speaker, on March 20, at the request of the Secretary of HEW, I introduced the administration's education revenue sharing bill, known as the "Better Schools Act." Since a number of questions have been raised about the bill since that time, I am taking this opportunity to insert into the RECORD a question and answer sheet prepared by the Office of Education to assist Members in understanding H.R. 5823:

QUESTIONS AND FACTS ON THE BETTER SCHOOLS ACT OF 1973 (H.R. 5823)

Question: What is the purpose of the President's proposal?

Facts: The basic purpose of the Better Schools Act (BSA) is to provide a more effective and rational system for the distribution of Federal aid to elementary and secondary education. Over the past decade Federal aid programs have proliferated to the point that it is almost impossible for State and local education agencies to coordinate and concentrate Federal funds to meet their own needs. There are dozens of categorical programs, each with its own maze of guidelines, regulations, and reporting and accounting requirements.

The President's proposal would replace more than 30 State formula-grant programs with a formula for the automatic distribution of aid in five broad national purpose areas: compensatory education for the disadvantaged, education for the handicapped, vocational education, "impact aid" to school districts serving children who live on nontaxable Federal property, and supporting services and materials. With few limitations, States would have considerable flexibility on how to use the funds within these areas. State plan requirements would be eliminated. Red tape would be drastically reduced.

Question: Is this a revenue sharing proposal, or is it grant consolidation?

Facts: It is both. Its purpose is to consolidate and simplify Federal education grant programs by giving each State a share of the revenues of the United States. However, it would allow considerably more flexibility than a simple consolidation. It would give the States and localities complete authority to develop programs which best meet their own educational needs in the five national-purpose areas.

Question: If the States and local education exercise such broad discretionary power, how can you be sure that Federal dollars would maintain national priorities?

Facts: BSA funds for education of the disadvantaged and for impact aid would go directly to local educational agencies (LEAs). The States would spend the bulk of remaining funds on the national priority areas of education of the handicapped and vocational education. Flexibility to transfer funds among these areas would recognize differing State needs.

Question: How does the "Better Schools Act" differ from the "education special revenue sharing" bill introduced in the last session of Congress?

Facts: BSA is essentially similar to the Administration's earlier proposal, but several significant changes have been made:

Under BSA funds for education of the disadvantaged would be distributed according to a poverty factor that takes into account family size and urban-rural cost of living differences.

New provisions have been added to focus these funds more effectively where they are needed. Neediest school districts would have priority for funding, and funds would be concentrated on basic language and math skills instruction.

While each governor would ordinarily designate a State agency to administer the Act, BSA specifies that where State law gives a particular agency responsibility, that agency would automatically be charged with administering the Act.

The new bill broadens State flexibility by permitting States to transfer up to 100% of the funds from the Supporting Services area to education of the disadvantaged and the handicapped and vocational education. The earlier version limited transfers out of that area to 30%.

BSA contains no 10% set aside for use at the discretion of the Secretary of HEW.

BSA does not call for the establishment of an advisory council to advise the Governor on expenditures under the Act.

Question: How much many would be available under the Better Schools Act?

Facts: The President's budget requests $2.8 billion for FY 1974. The amount actually distributed to the States would depend on a separate appropriations act each year. The Better Schools Act itself merely specifies the terms under which Federal funds would be distributed.

Question: How does the bill assure that States and local school systems would not lose money in the transition to a new Federal aid system as proposed in BSA?

Facts: As far as the largest single block of money is concerned, the States are completely protected. For their fiscal year 1974 disadvantaged allotment under BSA all States and local school districts would receive 100 percent of their FY 1973 allotment for Title I of the Elementary and Secondary Education Act (ESEA). Education of the disadvantaged accounts for $1.5 billion out of the $2.8 billion appropriation requested for BSA in FY 1974.

Question: Why not help the schools simply by funding existing programs at higher levels?

Facts: To pour more money into the same narrow categories would not do anything to correct the inequities and disparities in the structure of Federal aid. It would not deal with the fundamental fiscal problem and would not provide incentives to change State systems of equalization or taxation. It would only perpetuate the problems of accounting, reporting, and administration that go with the multitude of categorical programs which have been piled on top of but rarely reinforced each other. BSA's rational structure for distribution of aid would provide a sound basis for effective use of funds appropriated in the future.

Question: How would the Better Schools Act be administered in a State?

Fact: The Governor would designate an agency to receive BSA money unless State law already lodges responsibility for administering Federal funds in the State educational agency. The responsible agency would develop a plan for allotment of funds for the handicapped, vocational education, and supporting services. The State could transfer up to 30 percent of handicapped or vocational funds, and 100 percent of supporting services funds, among themselves or to education of the disadvantaged.

No money could be transferred out of education of the disadvantaged. None could be transferred into impact aid.

Question: *Would BSA increase bureaucracy in State governments?*

Facts: No. State personnel would no longer be needed for the "paper passing" of current Federal programs, which call for preparation of voluminous plans and adherence to detailed regulations and guidelines. Released from these activities, State officials could devote more attention to technical assistance to local education agencies—just as the reduction of paper work in Washington would permit the Office of Education to step up technical assistance to States and local districts.

Question: *Would BSA undercut the authority of State education authorities?*

Facts: No. If an existing State education agency has been responsive to educational needs and has demonstrated enlightened leadership there would be no reason to designate another agency to administer BSA funds. To create an unnecessary parallel bureaucracy would violate the principles embodied in this proposal. Furthermore, the authority to transfer funds among purposes enhances the authority of the administering agency.

Question: *Why should the Governor be involved?*

Facts: As a principle of sound public administration, the Governor, as his State's chief elected officer, should be consulted on the expenditure of large amounts of funds within his State. Under U.S. Office of Management and Budget Circular A-95, as revised April 1, 1971, a Governor has 45 days to review any Federally required plan. Several States already require clearance by their Governor's office for receipt of all Federal funds for education.

Question: *Could a State transfer BSA funds arbitrarily from one area to another?*

Facts: No. A transfer from one program to another could be made only as part of a State plan developed with wide public participation and discussion. Such a transfer should then represent broad consensus that the program receiving more money required greater emphasis than another.

Question: *Will organized interest groups and the general public have an influence on the use of BSA funds?*

Facts: Certainly. The requirements for broad public participation in the development of State plans are designed to encourage greater citizen participation in the revitalization of education.

Question: *Are there safeguards in BSA against misuse of Federal funds by the States?*

Facts: Yes. The Act provides for the recovery of Federal funds if a State fails to comply substantially with its requirements for the protection of civil rights, for fair labor standards, and for proper accounting, record keeping, auditing, and reporting.

Question: *How would civil rights be protected?*

Facts: Federal responsibilities in the field of civil rights will be maintained. BSA funds would be covered by Title VI of the Civil Rights Act of 1964 and Title IX of P.L. 92-318, which together bar discrimination on the basis of sex, race, or national origin. Federal monitoring and enforcement of these laws would apply to all BSA funds expended in the States.

Question: *What effect would BSA have on the disadvantaged?*

Facts: Funds for the education of the disadvantaged would flow directly to school districts enrolling children from low income families. No transfer of funds out of this area would be permitted, although funds could be transferred into it from other areas. Only districts providing services in poverty schools comparable to services in non-poverty schools would be eligible to receive funds Thus the concept of "comparability" now found in Title I of ESEA would be retained.

States would set aside funds for improving the education of children of migratory workers and neglected or delinquent children before passing money on to districts. A local district with at least 15 percent of its total school population, or 5,000 students, in poverty would receive 35 percent of the State expenditure per pupil for all pupils, or two thirds of the national expenditure (whichever is higher) multiplied by the number of poor children aged 5-17 in the district. Each district would have to concentrate its funds at the State entitlement rate in schools with the most educationally disadvantaged pupils. State entitlement rates average $300 per disadvantaged pupil.

Children from low income families would continue to receive free or low-cost lunches under Department of Agriculture programs. The school lunch programs which are proposed for inclusion in BSA are the basic State allotments included under Section 4 of the School Lunch Act—which average 5¢ a meal across the country—and Sections 5 and 7 of the Child Nutrition Act, which aid States in buying cafeteria equipment and meeting State administrative expenses. It is proposed that these programs be consolidated under the supporting services and materials allocation of BSA for use according to a State's educational priorities.

Question: What effect would BSA have on the handicapped?

Facts: The Better Schools Act consolidates several separate formula grant authorities aiding education of handicapped children. The President's 1974 budget request for BSA provides for a small increase in funds for this purpose over 1973 funding levels. Funds would be available to States for programs and projects for preschool or any other education level designed to meet the specific needs of handicapped children.

Question: What effect would BSA have on Vocational Education?

Facts: Funds now going into a variety of vocational programs would be available to the States without any ear-markings or limitations. No matching would be required. Post-secondary programs of vocational or technical training could be supported as well as comprehensive and vocational high schools and technical centers. Youths and adults of any age, in or out of school, would be eligible. (Non-vocational adult basic education and high school equivalency education would be eligible for assistance under supporting services.)

Question: What effect would BSA have on federally impacted school districts?

Facts: Districts enrolling children who live with a parent on Federal property would receive 60 percent of their State's average per pupil expenditure. This money would be passed through directly to these districts.

No funds would be provided for children whose parents are Federal employees but do not live on Federal property. Parents of these children pay the same property tax as any citizen.

Question: What effect would BSA have on supporting services and materials?

Facts: Supporting services and materials include textbooks, library resources, and educational equipment; supplementary educational centers and services, school pupil personnel services, adult education, and school meals; the training or retraining of teachers, teacher aides, and other school personnel, and the strengthening of State and local educational agency planning capabilities. Support for these is currently available under a variety of Federal programs; BSA would make that support available under a simple authority. Funds could be used for any other services needed by a State, and State level administration of the Act as well.

Question: What effect would BSA have on non-public schools?

Facts: Children enrolled in non-profit non-public elementary or secondary schools would be given an opportunity to participate, on an equitable basis with public school children, in programs of education for the disadvantaged and handicapped, vocational education, and supporting services and materials. However, title to and control of funds and property would remain with public agencies. If a State law prevents the State from serving non-public school children, the Secretary of Health, Education, and Welfare could provide equitable services to those children directly, deducting the cost from the State's allocation.

## HOW I CAN BE POLITICALLY EFFECTIVE

### HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. WYLIE. Mr. Speaker, Miss Dee Dee Leonard, a senior at Dublin High School and a constituent of mine, is the recipient of the annual U.S. Government Award presented by the Washington-Perry Township Women's Republican Club. The essay which won Miss Leonard the award deserves public dissemination and I recommend it to all as food for thought.

The essay follows:

HOW I CAN BE POLITICALLY EFFECTIVE

(By Dee Dee Leonard)

"But I'm only in high school. What can I do?" This is heard in high schools throughout America. But it is seldom said aloud, and it is seldom answered. There *are* answers to that question, but they must be searched out and found.

We, as high school students, *can* be effective. But we can only be effective if we wish to be. Action is the secret. We must not sit back and wait for political opportunities to come to us. We must look for the opportunities and then take advantage of them. For they may never come our way again.

As a high school student, I feel that I can be effective politically by taking an active interest in politics. Not only in national politics, but also in state, community and school politics. There are many political issues and areas in which young people can be particularly effective.

In school, campaigning for a candidate for class president, running for Student Council, or voting for homecoming queen, are all political opportunities. By taking part in school elections, I can become politically involved. Action is the key to involvement. And I cannot be politically effective if I am not politically involved.

Before the Presidential election last fall, the Dublin High School speech classes sponsored a mock convention and election. For those involved, the convention required detailed study on the main issues at the time, such as Vietnam, amnesty, abortion, busing, welfare, and others. Students made speeches before the entire student body which took weeks to prepare. The convention instilled in many of us a feeling of political importance and involvement. We felt a sense of pride at working hard and knowing *both* sides of the political battle of 1972. Those of us who worked hard felt politically effective because we had informed and educated our peers.



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In local and state politics, I can only be effective if I am knowledgeable about the candidates and their platforms. If I am informed, I can inform others. To be politically effective, my opinions must be well worked out in my own mind before they can be logically presented to others. I must not be wishy-washy or apathetic. I must hold firmly to my own ideas, and at the same time, keep an open mind to the ideas of others.

Being informed with national politics, can make me effective too. By knowing *about* the candidates, not just *of* them, I can form my opinions, and present them to others. To be politically effective I must stay well informed all the time. Not just during election years. I should keep up with the current events and watch public reactions to the issues of the day.

Volunteers are needed on all levels of politics. Door-to-door campaigning, answering telephones, and addressing mail are all volunteer jobs that can expose us to politics at its best. The educational value of volunteer work should not be taken lightly. Volunteers are an important part of every campaign. And those who give of their time, talents, and energy are certainly politically effective.

Last fall I had the opportunity to do volunteer campaigning for the President. Those people I contacted were interested in what I had to say. They gave me *their* time because I was a young volunteer giving *my* time. They were surprised at my interest and enthusiasm. It was a wonderful experience, and I was proud that I could help the presidential campaign effectively.

Young people *can* be effective. And many are. More and more, the youth are being given responsibilities and opportunities to get involved. I think we are living up to the challenge of politics. And we *are* being politically effective. Interest, action, and involvement. These are the keys.

## INDEPENDENCE OF RUMANIA

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DERWINSKI. Mr. Speaker, I wish to direct the special attention of the Members today to a historic event which is commemorated by Rumanian-Americans, that of the traditional independence of Rumania and the founding of the Kingdom of Rumania.

May I remind the Members that on May 10, 1877, during the turmoil of the Russo-Turkish War, the principality of Rumania, until then nominally a vassal of the sultan, proclaimed her independence and severed her ties with the Ottoman Empire. The Rumanian Army, as an ally of Russia, fought for its independence on the battlefields south of the Danube and played a significant role in defeating the Turkish forces.

Another 4 years elapsed after the Rumanian people proclaimed their independence and a further step was then taken when they raised their country to the rank of a kingdom. On May 10, 1881, Charles I was crowned, by the will of his people, King of Rumania, and a prosperous era, which lasted over six decades, opened for the nation.

During all those years and up to the present time, Rumanians have cherished and reversed the 10th of May as their national holiday. It remains the symbol of their permanency and perseverance through many hardships and trials in their efforts to reach the goal of freedom.

Mr. Speaker, may I emphasize to the Members that, even though the present Government of Rumania occasionally takes independent-sounding postures in foreign affairs, in domestic policies they have maintained absolute rigid Communist doctrine. The people of Rumania are, in fact, being deprived of many fundamental rights.

## PHASING OUT OEO

### HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. MOORHEAD of California. Mr. Speaker, on April 2, 1973 I wrote an article for the Pasadena Star-News. The subject of the article was the changes that are occurring at OEO.

Since the article appeared, I have been asked by many individuals for reprints. At this time I would like to have the article printed in the RECORD:

PHASING OUT OEO

(By Representative CARLOS MOORHEAD)

There are few issues as confusing, and subject to varied interpretation, as President Nixon's attempts to re-define federal activities in the social-program area. It is an issue in which logic has unfortunately taken a back seat to emotion.

The heart of the controversy involves the Nixon administration plans to dismantle the Office of Economic Opportunity. The President has taken this course of action because OEO has proven to be a colossal failure. Despite admirable goals, all available evidence points to the unmistakable fact that the poor do not receive either the funds or the services which they are supposed to receive.

President Nixon is attempting to change this. He is not attempting to eliminate the services which are currently made available to the poor. He is attempting to re-define the implementation of these services. Too many people assume that just because a program originates in Washington, it is an effective program. This is a dangerous assumption.

Experience has shown us that the Federal bureaucracy in the nation's capital has in fact often obviated efficiency. And yet many members of the Congress and members of the press have lambasted President Nixon because of his efforts to phase out OEO. It is a genuine shame that politics so often colors the judgment of many legislators who choose to perpetuate tired and worn out programs even though they have proven to be ineffective.

What must be discovered is the best way—the most efficient and fair way—to administer to the needs of the nation's poor people. The answer, I firmly believe, is not to look towards Washington, but instead to look towards the states and localities wherever possible. This is also the judgment of the Nixon Administration.

In a message to Congress last August, the President said "One fundamental thrust of my administration has been to develop power-to-the-local-people programs under which local officials—who know the local scene best—are given funds and the freedom to allocate those funds as local conditions suggest, with a minimum of federal red tape and regulations."

Consistent with this belief, many of the funds and services which presently originate in Washington but are subsequently lost in the bureaucratic maze will be implemented at the local level via Revenue Sharing.

Moreover, it is important to realize that most OEO services are simply being transferred to more capable agencies. Research activities in education, child care and health, for example, will soon be assumed by the Department of HEW. The Department of Labor will begin to oversee "manpower experimentation" which is presently carried out by OEO. Housing research will be meshed with the activities of the Department of Housing and Urban Development.

Federal support for social service programs, overall, will be continued at an equivalent or higher level of expenditures in fiscal year 1974.

Many worthwhile programs which may at first appear to have been eliminated or curtailed will, in fact, be funded by or transferred to other agencies and will continue under more effective administration than before.

All of this substantiates the administration's claim that it is not out to give the ax to the poor, but to give the ax to the bureaucracy.

During the present administration this country has spent the largest percentage of its annual budget on human needs in over twenty years. In the current fiscal year—a year in which the President is weeding out ineffective domestic programs—that percentage is even higher than last year.

It is the Congress which has the responsibility to continually review existing programs and guage their effectiveness. This is a responsibility which the Legislative Branch has not wholly fulfilled in past years. Perhaps that is why programs such as OEO have been allowed to survive, and grow, despite their failure. These past mistakes must be corrected.

As a member of Congress, I feel that it is the Legislative's responsibility to prevent similar mistakes from emerging in the future.

## METHOD OF TRANSLATION

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. BOB WILSON. Mr. Speaker, the patent application of Dr. Peter P. Toma, serial No. 176,672 filed August 31, 1971, is directed to a method for translation between source and target natural languages using a programable digital computer system. Each of the claims are so restricted.

The *Gottschalk* v. *Benson and Tabbot* case (409 U.S. 63, 34 L.Ed. 2d. 273; 93 S. Ct. 253, November 1972) involved a different fact situation. As stated by the Supreme Court:

Here the "process" claimed is so abstract and sweeping as to cover both known and unknown uses of the BCD to pure-binary conversion. The end use may (1) vary from the operation of a train to verification of drivers' licenses to researching the law books for precedents and (2) be performed through any existing machinery or future-devised machinery or without any apparatus.

The Toma claims differ in that they are restricted to a particular use, namely, converting between source and target natural languages using a programable digital computer and therefore are restricted to a particular art or technology.



## SOVIET JEWRY

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. GUDE. Mr. Speaker, despite rumblings from the Soviet Government that the emigration tax has been suspended, we continue to witness harsh treatment of Jewish citizens in Russia. Although we have received information that some people have been allowed to leave the Soviet Union without paying this "ransom," the situation is still quite clouded. It is my sincere hope that the Soviet Union would provide official, formal evidence that the tax has been suspended permanently.

As illustration of the continuing harassment, I would like to share with my colleagues the following telephone conversation which took place between the Soviet Jewry Committee of Temple Emanuel, Kensington, Md., and Igor Goldfarb, a 26-year old Soviet Jew who wishes to emigrate to Israel. Mr. Goldfarb and his family have been assessed a "tax" of 16,000 rubles.

The courage of this man in the face of harassment by the authorities may serve as inspiration to us all to continue the struggle for freedom for these people.

TELEPHONE CONVERSATION

ALAN DRATTELL. Hello Igor? Is this Igor Goldfarb?

IGOR GOLDFARB. I am speaking.

AD. Igor, this is Alan Drattell.

IG. I am glad to hear you, Mr. Drattell.

AD. I am very happy to hear you.

IG. I am also very happy to hear your voice. I have just received your letter today and from Robert (Zassler) also, today. Thank you for your warm wishes and your kind concern to our problem.

AD. Mr. Zassler is on the other phone.

ROBERT ZASSLER. Hello, Igor, this is Robert Zassler.

IG. I am glad to hear you, dear Robert. I have received your letter today.

RZ. Do you know when you are going to the warmer climate?

IG. I am sure I am going to go. There is many difficult problems. You know about the enormous tax we must pay. Our family needs about 16,000 rubles, for example.

RZ. Igor, I have sent you a package. I think you should get it within a month. It has several dresses in there; clothing.

IG. Thank you. I hope I shall receive it. I shall write to you at the moment I receive it.

AD. Igor, we are also planning to send you some packages. In my letter, I asked you for your clothing sizes. What size suit and shirt do you wear? What sizes does your wife wear?

IG. I am afraid I was not following you.

AD. Someone will speak to you in Russian. (Translation into Russian by Alex Gakner.)

IG. Thank you. I am touched really. Surely you needn't worry about such details as clothing. We have some great aims and you needn't worry about such details as clothing. We are looking forward to our meeting in Erets (Israel).

ALEX GAKNER. What are your chances? You mentioned the tax. How are you coming along in that? Is anything moving?

IG. I am not getting the meaning, you see.

AG. You mentioned you need 16,000 rubles.

IG. Yes, sure.

AG. Are you getting it someplace?

IG. I do not know the sources where I can get them. I shall appeal to the authorities to free myself and my family also. It will be only in a month.

AG. Is there any way we can help you?

IG. I think I can't see any way. It is impossible to provide somebody with such an enormous sum. We must appeal to the authorities both.

AG. Right.

AD. We will try to help as much as we can from this end.

IG. Thank you very much on behalf of myself, of my wife, of all my relatives, of all my friends.

RZ. How old are you?

IG. I am 26.

RZ. Does you brother and father live with you?

IG. Yes.

RZ. And your father?

IG. Just in the same flat. He (my brother) is 15 years old.

AD. Your wife is working now?

IG. Yes. She graduated from the same university I was expelled from in 1968.

AD. What are you doing?

IG. I am working as a worker now.

AD. I see. We will do whatever we can from this end to help you.

IG. Thank you very much. We are touched greatly by your support. I need nothing from you but your support in appealing to the authorities to free us of that great tax.

RZ. Have you been given permission to leave already?

IG. No. No, I have not appealed yet. But it will be in a month, I think.

AD. Did you know we have been trying to get in touch with you for three weeks? Do you know that we have tried to call you on the telephone? Do you know that we have tried?

IG. Now, I know. Thank you.

AD. We will continue to call you as often as we can.

IG. It will cost you much, I think.

AD. We will call you again as soon as we can. In the meantime, we will do whatever we can from this end to help you.

IG. Thank you very much. We are touched greatly.

AD. Bob, do you have anything else?

RZ. No, I don't think so, except that we are going to keep writing you. We are going to send you another letter that will have something that you will want.

IG. I think it is better to write everything in the letter because I do not hear you very well.

AD. Igor, we will say goodbye now and will speak to you again sometime in the weeks ahead.

IG. Thank you. Remember us to all our friends.

AD. Yes. We are doing that. Say hello to your wife and to your brother for us.

IG. To all of your family, good luck. Bye, bye. Good luck.

AD. Shalom.

IG. Shalom.

## NAUGATUCK, CONN., CELEBRATES EARTH WEEK

### HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. SARASIN. Mr. Speaker, Naugatuck, Conn., a forward looking and progressive municipality in my district, recently celebrated Earth Week 1973, with an imaginative 7-day program which could serve as a model for other communities around the Nation. Under the chairmanship of Mr. Arthur Carlson of the Environmental Advisory Committee and with the aid of numerous volunteers, each day was given significance in the overall Earth Week theme. At this time, I would like to submit for inclusion in the RECORD the program undertaken in Naugatuck. I commend it to my colleagues as an agenda any community could well adopt for future Earth Weeks or at any other time.

The program follows:

NAUGATUCK, CONN. CELEBRATES EARTH WEEK

To assist the nation in making "Earth Week" a success, The Environmental Advisory Committee of Naugatuck, Conn. started to make plans for two months before.

The results are as follows:

MONDAY, APRIL 9 CLEAR AIR DAY

Was coordinated by Mr. Richard Hupprich. To encourage young adults to walk or ride a bicycle to school, which includes a 5 mile walk, started at 6:45 a.m.

Local dignitaries joined in the "walk".

TUESDAY, APRIL 10 EDUCATION ON ECOLOGY

A tour through the production facilities of Peter Paul Candy Co. was arranged for our E.A.C., Youth for Ecology, Mr. William Delaney, and the Mayor.

In the evening, Mr. Delaney, Information Director of the Department of Environmental Protection of the State of Connecticut, appeared on the local radio station W.O.W.W. for their "Open Mike" program, in which any listener may call in and ask questions.

WEDNESDAY, APRIL 11 SCHOOL CLEAN UP

Coordinated by Mr. Robert Humiston. Each school in Naugatuck will at some time during their classes, dismiss a period to devote it to cleaning up their own school grounds. Plastic bags were distributed ahead of time for the trash.

THURSDAY, APRIL 12 2,000 LEAFLET DISTRIBUTION

A special "flyer" was developed by the E.A.C. and passed out to residents at our area supermarkets. It introduced our committee, commission, phone numbers. Also where and how to bring paper and glass for recycling at our recycle center.

FRIDAY, APRIL 13 CLEAN WATER STREET

With the cooperation of Uniroyal, they cleaned the very unsightly area of Water Street, one of our more traveled streets in town.

SATURDAY, APRIL 14 RID-LITTER DAY

A paper collection was sponsored by the Distributive Education Club under Mr. Robert Copley. In addition, glass objects were also collected.

A general clean up of areas in the town were assigned not only to volunteer personnel but the 16 Boy Scout Troops.

In addition, this day was set aside for planting. Over 500 dogwood, cherry, and flowering crab trees were distributed to residents who had purchased the trees at wholesale prices. This effort was coordinated by the Beautification Committee under the direction of Anna Lee Van Allen.

The following events also took place but were not scheduled:

The painting of our building and fence at our recycle center by the Youth for Ecology.

A large flowering crab tree was planted by the Park Department as a donation by the P.T.A. Council of Naugatuck.

A dogwood tree donated by Wayside Gardens, Inc., of Mentor, Ohio was planted in Goodyear Park. It will be known as the FREEDOM TREE, in honor of the released P.O.W.'s.

Other volunteers included the Street Department, Park Department, the U.S. Army Corps of Engineers and the Stokes Paint Store, who donated paint and brushes.

Because of their training schedule, the

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National Guard participated in this program on April 28-29.

We received tremendous publicity from the Naugatuck Daily News and area papers and our own secretary, Marilyn Hanlon, played an important role in this job. Radio station W.O.W.W. also played tapes for two weeks of local dignitaries who talked about ecology.

Our program was not intended or did not accomplish the problem of cleaning up all of Naugatuck in one week, but this was an effort to try and educate the young and the old *not* to litter and not to be as careless as before.

This one week, took hours of planning, hours on the phone, hours writing letters, but it was worth it all. Thanks to our Environmental Advisory Committee.

ART CARLSON,
*Chairman, Earth Week.*

## RESULTS OF ARCHER OPINION POLL

### HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. ARCHER. Mr. Speaker, each year since coming to Congress I have mailed to the citizens of the Seventh Congressional District of Texas a questionnaire concerning many of the significant issues confronting the Congress and the Nation.

More than 60.000 constituents participated in the most recent poll, mailed earlier this year. I believe that this large response indicates that the people in my district are deeply concerned about the problems facing our country. So that other Members may see the results of the poll, I hereby submit them for inclusion into the RECORD:

QUESTIONNAIRE RESULTS, SEVENTH DISTRICT OF TEXAS, CONGRESSMAN BILL ARCHER

1. Do you favor a Constitutional Amendment to permit passage of State laws reinstating capital punishment?

Yes, 83.0%; No, 15.1%; No response, 1.9%.

2. Do you favor strong economic and diplomatic sanctions against those countries that provide a haven for hijackers?

Yes, 92.9%; No, 5.3%; No Response, 1.8%.

3. Should the United States provide economic assistance for the rebuilding of North Vietnam?

Yes, 16.3%; No, 80.5%; No Response, 3.1%.

4. Should a newsman be required to testify in federal court and disclose his sources of information on matters that jeopardize the national security?

Yes, 57.8%; No, 38.7%; No Response, 3.5%.

5. Do you favor amnesty for those who left this country to avoid the draft?

Yes, 14.9%; No, 83.3%; No Response, 1.7%.

6. Do you favor legislation to put the Postal Service back under Congressional control?

Yes, 43.3%; No, 49.5%; No Response, 7.2%.

7. Would you approve U. S. diplomatic recognition of the Castro government in Cuba?

Yes, 47.6% No, 48.3%; No Response, 4.1%.

8 Do you agree with the President's federal spending ceiling in order to prevent higher taxes or inflation?

Yes, 83.0%; No, 13.8%; No Response, 3.2%.

9. As a partial solution to the energy crisis, would you use a mass transit system to travel to and from work?

Yes, 64.8%; No, 30.7%; No Response, 4.5%.

10. Would you support Congressional action to authorize commencement of construction of the Alaskan Pipeline?

Yes, 76.9%; No, 18.0%; No Response, 5.1%.

## DISTRICT OF COLUMBIA CONTROLLED SUBSTANCES ACT OF 1973

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. NELSEN. Mr. Speaker, I have introduced a bill today, cosponsored by Congressmen JOEL T. BROYHILL of Virginia, HENRY P. SMITH of New York, and EARL F. LANDGREBE of Indiana, entitled the District of Columbia Controlled Substances Act of 1973. The purpose of this bill is to protect the public health and safety by providing for the District of Columbia certain narcotic depressant and hallucinogenic drug laws which conform with and complement the Federal law and is similar in most respects to the laws of many States.

The dimension of seriousness of the drug problem in the Nation's Capital today can best be illustrated by data released in 1972 to the effect that there are more than 20,000 addicts in the city and that the drug addicts are reported to have stolen well in excess of one-quarter million dollars in property in each year since 1970. In addition, the addicts are estimated to be purchasing almost $125 million in heroin since 1970, and well over 50 percent of the persons admitted to the District of Columbia Jail since 1970 are reported to have been determined to be narcotic users. In 1970 alone, 82 persons in the District died from an overdose of drugs.

The seriousness of the problem in the District is also reflected in the number of criminal charges brought about by violation of Federal and local drug laws in the District of Columbia, inasmuch as they have climbed from 1,077 in 1968 to well over 6,000 in 1971—a six-fold increase in a little over 3 years.

The problems associated with the use of drugs are sufficiently serious and damaging to the Nation's Capital and its residents such that a unified approach to the subject of drug control which complements the Federal efforts is of critical interest to the well-being of this Federal City.

This subject was more comprehensively covered in the report of the Commission on the Organization of the Government of the District of Columbia, which was filed with the Speaker of the House on August 17, 1972. And, while legislation such as that contained in this bill is not specifically recommended in the Commission's report, this bill does in fact attack the problem and provides a solution to the problem as discussed in the report and is consistent with the recommendations of that Commission, which has been referred to by the President as the Nelsen Commission.

The effect of this bill, when enacted, will be to repeal present local drug control legislation in the District and replace it with a single modern statute which is in line with, and complementary to, the Federal Comprehensive Drug Abuse, Prevention, and Control Act, which was passed by the Congress in 1970 (Public Law 91-513). This bill fills a legislative need in the District of Columbia which has been met by the State legislatures in the neighboring jurisdictions and is similar to the laws of the majority of the States.

I urge my colleagues in the House to support this piece of legislation.

## CONGRESSMAN DRINAN REPORTS ON MEDICAL EDUCATION AND RESEARCH

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DRINAN. Mr. Speaker, few concerns are more important to every citizen than the quality and availability of health care. Providing quality health care is an immensely complex challenge, requiring a committment not only to the daily needs of millions of Americans, but also to the long-term requirements of research and training. In recent years the Federal Government has been a key participant in the rapid growth of medical knowledge and health care services. Government sponsored and subsidized health programs can be credited with substar tial contributions to the significant improvements that have characterized health care in the last decade.

Medical education and research are a critical component of the continuing quest for improved health care. Yet administration proposals now before Congress would cripple the medical education and research programs that have supported the medical education institutions of our Nation and have resulted in the training of many competent physicians and medical scientists and educators.

I feel privileged to have recently received a statement on this subject from Dr. Ephraim Friedman, dean of the Boston University School of Medicine, Dr. Friedman focuses on the proposals to severely restrict eligibility for Federal medical school scholarships, the proposed termination of the National Institutes of Health research grant program, and the general effects of the proposed budgetary reductions upon medical schools, their faculty, medical students, and the overall quality of health care services.

I believe Dr. Friedman's views to be remarkably penetrating and forceful, and I urge my fellow colleagues to study them carefully:

TESTIMONY OF DR. EPHRAIM FRIEDMAN

One of the purposes of this hearing, as I understand it, is to elicit from the deans of the medical schools of this region the implications of the recent cutbacks in federal support of health programs as they relate to the educational, research, and service missions of the schools. If it is the short-term implications which you seek to discover your purpose would, in my opinion, be better served by inquiring of those responsible for the current health budget. They knew exactly what they were about; their goals have been either explicitly stated or are so implicit in the philosophy of the budget that any litany of the short-term implications would amount to little more than acknowledgement that the goals of the current administration are being met.



It takes little imagination to anticipate the effect of a drastic reduction in federal scholarships. Students of minority groups and lower socio-economic levels who are understandably more reluctant than others to undertake a large indebtedness will be selectively discouraged from embarking upon careers in medicine. It matters little that we at the Boston University School of Medicine have embarked upon a long-term program to raise the standard of health care in Boston's ghetto by recruiting talented students from the South End and Roxbury. Our credibility will be lost when we are forced to renege on our commitment to support them, at least in part, with scholarship aid. It is an opportunity which will be irrevocably lost.

The termination of the training grant program because of alleged abuses will have the obvious and, in my opinion, intended result of steering a small number of talented and motivated medical students and house officers away from academic careers towards the private practice of medicine. Once destroyed, these training programs will, in my opinion, be gone for a good long time. Many of the faculty will have dispersed and one is not going to be able "to put Humpty Dumpty together again".

Junior medical school faculty are being hardest hit. Having been lured into academic medicine by currently disappearing training grant funds, they have turned towards the NSF and NIH for research support, only to find research grants essentially limited to established investigators. General research support grants, designed as start up assistance for junior faculty, have been all but phased out.

Senior faculty are now wary of taking risks in their research and are being pushed into "targeted" instead of basic research. Deans are loathe to embark upon innovations in educational or health care delivery programs in the current capricious "here today—gone tomorrow" climate of federal funding. Full-time faculty are likely to be replaced by voluntary faculty with a potential decrease in quality of teaching and patient care. Momentum has been lost. Federal credit and credibility are at an all time low.

It is generally acknowledged that medical schools were encouraged to enlarge their classes by the leverage exerted by the capitation portion of the Health Manpower Training Act of 1971. Essentially, no incremental funding was provided, but previous institutional grants were repackaged and made contingent upon significant increases in enrollment. Now that enrollment has been increased, promised support is being withdrawn. We played this federal shell game with reluctance and now that we have lost we will have to be excused if we appear to be somewhat cynical.

But, when all is said and done, medical schools will survive; survival is the name of the game for any institution, 80% of whose budget is derived from federal sources. But survival for what? To return to the era when a medical education was the privilege of the progeny of the wealthy? To return to the era of "diploma mills," of largely voluntary faculty led by obsequious deans too timid to innovate or insist upon high standards of education or patient care for fear of offending students who paid tuition, faculty who donated their time, or wealthy contributors whose price consisted of the admission of applicants who could not make it on their own? Are we returning to the era when pharmaceutical houses could "buy" research results from impoverished medical schools?

It has been repeated so often that a "medical education costs too much" that the statement is no longer challenged. I contend that a medical education is one of the few bargains this society has left, and the money is being invested in some of the best brains housed in some of the most energetic bodies around. And while we may quarrel with many facets of our health care system, including its cost, I have heard no one argue that the doctor's education is not being put to a socially worthwhile use.

Paradoxically, medical students perennially complain that their tuition is spent on research; the NIH worries that its research dollars are being diverted to education or patient care; and Medicare and Blue Cross/Blue Shield are convinced that they are being robbed by medical school deans who are diverting funds to either medical education or research. The irony of the situation is that they are all getting a bargain and do not recognize it. They appropriately insist on a cost accounting, but how do I cost account the time spent by a faculty member who is treating a patient with a medical student on his left side, a house officer on his right and a research trainee behind him? He is performing many activities, patient care, research, training of medical students, house officers, and research trainees at a fraction of the cost of performing these tasks separately; and he is doing them better in an environment that permits them to be done simultaneously. The education of medical students without patients would be impossible; to be taught largely by voluntary faculty who did not have the responsibility to care for the patient would deprive him of the most important lessons he could learn from a medical teacher—what it means to have the responsibility for the health of another human being. To remove from this environment the intellectual stimulation and the critical application of the scientific rules of evidence associated with research would be a serious loss. To remove research from the clinical environment and to relegate it to the laboratory would put medical research back into the middle ages when it was a sterile, pedantic, irrelevant type of intellectual masturbation.

It is my firm conviction that the selective attack on the educational component of the health care system is due to the anti-intellectualism of the present administration. There is also a degree of political cowardice in attacking a vulnerable, relatively small, impoverished, but vital part of the health care system while ignoring the most important health problem facing this country—the absence of universal entitlement or national health insurance.

Sooner or later, some type of universal entitlement to health care will become the law of the land. It is long overdue; but when it does come we will be forced as never before to come to grips with problems which we should be working on now—new health careers, redistribution of health personnel, health education of the public, integration of a fragmented, pluralistic health care delivery system, and research to prevent disease. If we don't begin to solve these problems, universal entitlement will bankrupt this Nation. It is my personal conviction that when we do reorder our priorities such that we make a commitment to solve these problems, the current federal budgetary actions which we are discussing today will be viewed in retrospect as the equivalent of the proverbial "spitting into the wind". We may save a few tax dollars for ourselves but we will have shortchanged our children by not investing in their future.

## AFL-CIO ENDORSES TRANS-ALASKA PIPELINE

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. YOUNG of Alaska. Mr. Speaker, yesterday, the AFL-CIO Executive Council passed a resolution urging the immediate construction of the trans-Alaska pipeline. May I commend this resolution to my colleagues who take an interest in labor?

Needless to say, construction of a trans-Alaska pipeline will provide jobs for American workers—an estimated 10,000 will be directly employed which will in turn generate 26,000 additional jobs.

The resolution follows:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON ALASKA PIPELINE

It is tragic that while the United States is facing an energy crisis, including shortages of petroleum products, one of the largest reserves of petroleum—Alaska's North Slope—remains undeveloped.

At a time when the U.S. is forced to increasingly rely on oil imports—with resultant loss in American jobs, damage to this country's balance of trade and potential threat to national security—development of Alaskan oil reserves is blocked by outdated right-of-way requirements and environmental concerns, some real and some imagined.

The fastest, most economically feasible and most secure method of transporting Alaskan oil to the burgeoning American markets is by pipeline to Valdez and by tanker to West Coast ports.

Jobs for American workers would be generated not only in building the pipeline and related plant construction, but also in maintaining it and in manning the transshipment facility at Valdez. Approximately 33 new U.S.-flag tankers would be needed to carry the oil, thus stimulating employment in U.S. shipyards and for U.S. shipboard workers.

However, the key to transshipment is construction of the Alaskan pipeline, and construction of the pipeline depends on Congressional action to give the Secretary of the Interior legal authority to grant the right-of-way.

Congressional action is also necessary to legalize many oil and gas pipelines in all regions of the country which, as a result of a recent court decision, are technically illegal. Unless legal remedy is provided, these pipelines could be enjoind and the jobs of many workers endangered.

Senator Henry M. Jackson, chairman of the Senate Interior Committee, has sponsored legislation (S. 1081) that would solve the right-of-way program while providing very tough environmental safeguards and stringent liability requirements for damages caused by the pipeline. Additionally, the bill would insure that the Alaskan oil reserves are used in America's domestic markets. We urge immediate enactment of S. 1081 to eliminate a legal obstacle to construction of the Alaskan pipeline which we wholeheartedly favor.

Enactment of the Jackson bill would leave one hurdle to construction of the pipeline—a court challenge to the environmental impact study conducted by the U.S. Department of Interior in accordance with the National Environmental Policy Act. This question now properly reverts to the courts where a decision should be rendered without delay.

Various routes through Canada to the Midwest have been proposed as alternatives to the Alaskan pipeline. But this is not an "either . . . or" question—both an Alaskan and a Canadian route will be needed. But a Canadian route is considered by experts to be at least 10 years away from construction, and time is of the essence. We believe a study of a Canadian route has merit, because the resources in the Alaskan and Canadian Arctic will eventually require two or more pipelines.

Therefore, we support the provision in S. 1081 that establishes proper procedures for negotiations with the Canadian government leading to construction of a second, later route.

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We recognize that full development of Alaskan oil reserves will not solve America's larger energy crisis. The future stability of this country's economy requires immediate measures to insure America's self-sufficiency in all forms of energy.

To meet this long-range need, we support S. 1283, introduced by Senator Jackson and 27 other Senators, that would mobilize the nation's scientific and technological resources for a 10-year, $20 billion crash program to develop alternative energy sources.

If America does not solve its immediate and long-range energy needs, this country will be forced to depend largely on foreign sources with political, economic and national security hazards.

Without sufficient energy resources America will not be able to meet its economic and social goals, but if the Congress acts now it can assure Americans both a better environment and a better life for everyone.

## ABBEVILLE HIGH SCHOOL GRENADIER BAND

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DORN. Mr. Speaker, Ruffles and Flourishes, the national band magazine, currently rates the Abbeville High School Grenadier Band as among the top five bands in North America. On May 18, 1973, the Grenadiers and Grenadier Band Director Leland Scott will officially receive trophies recognizing their triumphant performance in the recent 52d annual Festival of States in St. Petersburg, Fla. Our great Governor, Hon. John C. West, will be present for this ceremony in Abbeville's historic opera House. Among the Grenadiers' other recent triumphs, Mr. Speaker, are the 1971 National Cherry Blossom Festival's parade and field show competition in Washington, D.C., and the 1972 National Band Championship in Bradenton, Fla. It has been my honor and privilege to have this superb band and their distinguished director at my home on a number of occasions. The Abbeville Grenadiers epitomize and typify young America at its best. Abbeville, the hometown of John C. Calhoun, is accustomed to greatness, Mr. Speaker, and this historic and progressive city is superbly represented across the Nation by the Grenadiers.

Mr. Speaker, the Grenadiers performance in Florida manifested the great courage of this organization, their supporters, families, and friends. One of the band's most beloved members, young Tommy Ferguson, was tragically taken from us by the disastrous tornado which struck Abbeville County just days before the competition. Yet the Grenadiers carried on in their outstanding tradition with the full support of Tommy's parents, Mr. and Mrs. Fletcher Ferguson, and won both the Florida Governor's Cup and the Heart of St. Petersburg Plaque.

Mr. Speaker, the following are excerpts from the special Festival of States souvenir edition of the St. Petersburg Times, an edition which also featured prominent large photographs of the Abbeville Grenadiers:

WINNING-EST WINNERS

In an emotion-packed moment, the Abbeville High School Band became the prize-winningest entry in the 1973 Festival of States. The Grenadiers from South Carolina won both the Governor's Cup as the best marching band in the parade and the Heart of St. Petersburg trophy as the band that won the city's greatest admiration. Wednesday night they won second place in Champions on Parade.

Both the Abbeville Grenadiers and the Athens, Ga., Gladiators will return to towns severely damaged by tornadoes last weekend. One young member of the Abbeville band lost his life in the storm.

The Grenadiers were making their second festival appearance in four years. They are four-time South Carolina marching band champions.

NOTHING BEATS A PARADE FOR USHERING IN SPRINGTIME

(By Dick Bothwell)

"They get better every year," says Ron Sherry, one of the 10 high school band directors on the top row of the reviewing stand on Bayshore Drive, as the 1973 Parade of States sweeps by—27 bands, 40 floats, many marching units.

None march more erect, more precise, more determinedly than the scarlet-clad Grenadier Band from Abbeville, S.C., a small group with a big mission. They have to win.

On Saturday, March 31st, just before the band was due to leave for St. Petersburg's Festival, tornadoes sweeping across the South had pounced on the town and torn up homes of many band members.

When the wind had passed, a fallen tree lay across Tommy Ferguson, 16, he was dead by the time they got him to the hospital.

His parents, Mr. and Mrs. Fletcher Ferguson, had had four children in the Grenadiers—his sister Dawne is band captain.

They buried Tommy in his band uniform and, with his parents, came down to win. And they did.

The Grenadiers placed second in the Wednesday night field show, Champions on Parade.

Saturday they outdid themselves. After an hour's deliberation and adding up of points, the judges named them No. 1 and awarded Abbeville the emblem of championship—the Governor's Cup. It was presented at Williams Park and then, adding to the torrent of emotion, came the final token of admiration—the Heart of St. Petersburg plaque.

In second place comes the fine Boyerstown, Pa. Band, third place winner at the Parade of Champions. Third is the "Flaming Arrows" Band of Claymont, Del., marching with precision and drive.

Fourth, and a crowd-pleaser just as it was Wednesday in winning the Mayor's Trophy at Champions on Parade, is the well-drilled Dundee (Ill.) Scots.

## THE REPUBLIC OF CHINA

### HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DAN DANIEL. Mr. Speaker, as the American people become more and more beguiled by Communist China, it is all the more necessary that we, as elected representatives, remind our fellow countrymen and the world of the importance of the Republic of China to the peace of the world.

The free world has been astounded as was I when I visited the Republic in January of this year by the amazing performance of the Republic of China in the economic and diplomatic areas in the 2 years since Communist China usurped that nation's place in the United Nations.

A few months back, one of our larger newspapers carried a supplement titled "Free China Is Alive and Well." That such a magazine article should appear, and that it could truthfully be so titled, is one of those small miracles the rest of the world has come to expect from the Republic of China over the past 20 years. And never has there been more cause for genuine admiration of that country by the rest of the world than now exists.

Many writers in the world's press signaled the instant demise of the Republic of China following the admission of Communist China to the United Nations, and President Nixon's visit to the mainland. These were matters not to be taken lightly. Yet the Republic of China may well take pride in its reaction to these shocks and in its accomplishments since these two events.

On the economic front, free China's performance has been little short of miraculous. Real economic growth exceeds most countries of the world, and with a population one-fiftieth that of Communist China's the Republic of China's exports and imports easily outstrip that larger nation, approaching $5.5 billion this year.

From a country dependent on other nations for protection and for financial assistance, the Republic of China has reached the point where it not only stands squarely on its own economic feet, but has extended aid to some 20 developing nations. Would that some other of the recipients of our foreign aid showed such vigor.

For some 19 years our nations have been bound by treaty to mutual defense and assistance. It is a treaty which has shored up and secured the best interests of both our nations and the free world for a generation, and has guaranteed to the people the right to live out their lives on their own terms, not on terms dictated by Moscow or Peking.

Today there are those who would have the United States turn its back on this friend of many years, a friend which has supported our position in the United Nations and in the community of free men. They would forget our debt to free China, the firm link in the chain which protects the free world from the encroachments of totalitarianism in Asia.

When we read world history, we point to certain events and say, "At this point, we stood at a crossroads." I believe the future will accord the same designation to our own period. I am convinced that events of the 1970's will prove the deciding factors for generations. I am further convinced the Republic of China can bear a significant role in these events, for it stands for all the world to see, a nation dedicated to freedom. Smaller in size, with less natural resources and fewer people, it provides, daily, evidence that men do not just survive, but can prosper and grow and share the fruits of their labors in the community of nations, given the will and the determination.



Those who now enjoy our friendship, and those we may want as our allies at some future time are watching closely our attitude and our actions toward this staunch friend of earlier days. We would do well to remember the golden rule, lest we live to regret the consequences.

## SOVIETS SUFFER SPACE REVERSALS

### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. FUQUA. Mr. Speaker, one of the great mysteries of our time has been the failure of the Soviet space program.

It began with such drama, the first man in space and so many other accomplishments. And then, there was no advancement.

I think this proves the wisdom of the American approach. We took each step in logical sequence and, as such, have had success with the most magnificent scientific program in the history of man.

Now we are on the edge of a new program—Skylab. After that, the Space Shuttle.

The space program will continue to add to the advancement of our knowledge of man. It is the challenge of the future.

I thought a recent editorial in the Evening Star of Washington made an interesting point and would like to have it reprinted here. The editorial is as follows:

SOVIET SPACE REVERSAL

The recent failure of the Soviet Union's Salyut 2 space laboratory came at a notably embarrassing time for the Kremlin. Because next Monday, if all goes as planned, the United States will have its own, bigger Skylab in orbit around the earth, ready to receive the first of three three-man crews who are to test the human ability to endure in space.

In a year of harsher rivalry, Americans might have taken grim satisfaction from the Russians' space troubles. But that would have been before this period of detente, and before repeated American visits to the moon clearly established our lead in manned exploration. The U.S. space program does not need Soviet failures to make it look successful.

The Salyut disaster, which fortunately happened (possibly through an explosion) before cosmonauts were implanted in the station, could mean a less enthusiastic Soviet space effort in coming years. This would be unfortunate, presuming the ultimate peacefulness of Russian aims in outer space. It could limit the accretion of human knowledge to be shared for mutual betterment. And it could be an obstacle in the path of plans for a joint American-Soviet manned space mission in 1975. This will require a solution of what seem to be flaws in some of the Soviet hardware, perhaps because of inadequate quality control that also has caused trouble in the American program. Three cosmonauts died returning from Salyut 1 because of a leaky hatch.

It is puzzling that Soviet leaders remain so secretive about their space problems, when the general nature of a mishap cannot be hidden from modern tracking equipment and more openness could lead to a sharing of corrective knowledge. The Russian announcement that the last Salyut had merely completed its mission, attesting to its proper design, fooled no one. Greater frankness, certainly, will be needed in the joint mission requiring the confidence of each country's experts in the other's equipment and ability.

As Skylab takes off for what we hope and expect will be a triumphant space episode, and the teams of American astronauts prepare for their successively longer and more uncertain periods of work aloft, it does no harm to commiserate over the flagging Soviet effort. The Russian experience perhaps could help us avoid some similar catastrophes in the future.

## ADMINISTRATION PROPOSALS ENDANGER NURSING

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DRINAN. Mr. Speaker, in recent years nursing has played an increasingly important role in the delivery of health care, and thus it is little wonder that the demands upon nursing education have correspondingly increased. Yet despite the demonstrated need for competent and trained nurses, the administration proposes to phase out categorical support for nursing education. The results of these proposals—if enacted by Congress—will be close to disastrous.

Capitation grants for nursing would be terminated, and scholarship and loan support for nursing students would be drastically curtailed. If these proposed reductions are imposed, then it is not unreasonable to expect that as many as 50 percent of all nursing students will be left without adequate financial resources to meet the costs of their education. Faculties at nursing schools will have to be heavily reduced. Most important, quantity and the quality of nursing care will in the long run be diminished.

Last week I met with educators and administrators from four nursing schools in the Boston area: Dr. Irene S. Palmer, dean and professor, Boston University School of Nursing; Mary A. Dineen, R.N., Ed. D., Boston College School of Nursing; Juanita O. Long, R.N., Ed. D.; dean, Northwestern University College of Nursing; and Elaine C. Hubbard, R.N., Ed. D., chairman, department of nursing, Simmons College.

Dr. Palmer of the Boston University School of Nursing presented a statement on nursing in behalf of the four nursing schools in the Boston area. Dr. Palmer's statement is both compelling and profound, and I hope that my colleagues will study it carefully:

TESTIMONY OF DR. IRENE S. PALMER

I am grateful for the privilege of testifying here today on the serious and grave effects the proposed federal cutbacks in nursing will have on the American people. As Dean of Boston University School of Nursing, I am speaking for the deans of the four nursing schools in the Boston area.

The health care of the people of the United States require the availability of competent, soundly educated nurses.

The exorbitant financial cutbacks in federal nursing funds will drastically curtail our ability to prepare nurses who have the capabilities and flexibilities to provide nursing and health services to patients in and out of hospitals, health maintenance organizations, ambulatory care settings, and virtually every conceivable environment in which human beings require nursing care.

Nursing coordinates health services within the system providing patient referrals and assuring easy accessibility among the parts of the system between and among acute hospitals, extended care facilities, the four levels of nursing homes, community health centers, ambulatory clinics, physicians offices, schools, patient's homes. Society requires nurses who have the knowledge and the ability to do this. Humanistic nursing care, based on an individual's personal needs is a contribution of nursing. The care of people in restorative care, in health assessment, in health maintenance, in health promotion, in acute care, in long-term care, in non-acute care is nursing's business.

Nursing has a profound impact on the delivery of health, and to people who require health care and health services. It is a commonly accepted fact that nurses are able to accept increased responsibilities for providing health services. By assuming a larger share of their rightful responsibility nurses enable more citizens to receive the care that they require.

The poor have known for years that health care is hard to get, uneven in quality and quantity, and expensive. Rural America has known something of the same experiences; and now the urban middle class encounters the same inadequacies in health care because of poorly organized systems for delivering vitally needed health services and care.

There is great cost effectiveness in using nurse clinicians for rendering health care because of their accessibility to the general public. Nurses are the largest group of workers in the health-medical industry. Nurse directed clinics attest to this, relieving physicians of many health related activities that nurses are fully capable of performing. The role of the nurse in the prevention of disease, in health screening, in health monitoring, in health teaching, in rehabilitating persons with paralyses, bowel and bladder training, in retraining persons to dress, feed, bathe themselves to maintain their maximum independence are long range cost saving mechanisms accruing to the general good through federal support for nursing.

To realize fully the achievements of a national goal of making health care accessible to all without insurmountable barriers, the contributions of nursing must be recognized and maximized into the system. Effective health care cannot be fully developed in the absence of professional nursing services which are a fundamental foundation in the health care delivery.

To accomplish these tasks and responsibilities requires a commitment from nursing which has been demonstrated for more than seventy-five years and assistance from the public sector.

Students and their families will be unable to afford the cost of training.

About fifty percent of our students in nursing will not have adequate financial support in spite of the fact two-thirds of them work one or two days a week to pay the cost of their educational, or living expenses.

About fifty percent of faculties in schools of nursing across the country will have to be terminated. Yet this rich leadership, resource of academic and research and nursing service expertise will have to be disbanded. It has taken some of our schools 20-25-30 years to develop these excellent teaching resources. The incredible loss to the society we serve of dismantling these human resources is too great to fathom. Why is nursing being cut so drastically? It is a pervasive assault on a profession that has undergirded the health care and hospital and medicine industry in this nation!

The average student, being a woman and of a lower socio-economic status finds it very difficult to obtain a loan. In addition, cultural norms militate against young women incurring indebtedness prior to marriage and

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for their own education. The indebtedness usually goes for the husband's educational preparation.

Granted, economies in government spending are necessary. What is objected to however, is the ordering of federal priorities which espouse:

(1) the termination of research training support for all programs in the health and biomedical fields on the basis that the general need for adequate numbers of doctorally trained researchers has been met and (2) that a continued Federal emphasis and support to train Ph.D.'s will be lead to an oversupply! Of 748,000 employed Registered Nurses, about 782 have the earned doctorate. It is only since 1967 with the support of the Federal government, through financial support for education and research training at the doctoral level, that any significant impact has been made with 630 nurses earning doctorates in the period 1961–1972.

It is terribly important for nurses to have a body of knowledge that is soundly derived upon which they can base their nursing judgments so as to fit patient observations and data into a scheme for patient care rather than just have isolated facts and perform tasks and skills. The development of a scientific basis for nursing practice rather than merely the performance of tasks and skills is being achieved through the efforts of nurses prepared in research. The necessity of a sound education based upon the acquisition of knowledge and skills enables the nurse to perform in a manner consumers expect is vital.

The fact that a nurse-conducted health interview rather than the traditional physician-conducted physical examination was safe and acceptable to students in a college health service was instrumental in identifying the functions of the nurse in primary care.

Clearly, there is no case for an oversupply of doctorally prepared nurses in the United States! Still, the Federal budget proposal advanced by President Nixon for FY 1974 espouses that "the normal mechanisms in the professional manpower market will be relied upon to produce any additional manpower needed."

Training support for these nurses was cut off because of the across the board application of the rationale: "The income expectations of doctoral level scientists is such as to make it appropriate to expect them to bear the cost of their training," as well as the rationale of an anticipated over production! A nurse with a doctorate will be considered fortunate if she earns $20,000 a year after several years of experience; as contrasted with biochemists earning $40,000!

The market place can not take care of providing adequate numbers of doctorally prepared nurses.

Still another national priority in ordering the Federal budget was the rationale that the income expectations of those completing graduate training are such that "it makes it appropriate to expect them to bear the cost of their training." The average beginning income for a registered nurse is $9,000 a year, rarely attaining a salary of $15,000 by the time of retirement! Other health professionals such as physicians and dentists have annual incomes of $30,000 to $43,000.

The removal of traineeship monies and the reduction of student scholarship and loan monies presents an unnecessarily harsh burden on individuals wanting to become nurses.

Fifty percent of students going into nursing come from families with annual gross incomes of $10,000 or less! In my school, 40 percent of my students' mothers are employed full time in addition to their fathers and ⅔ of my baccalaureate students cite financing their nursing education is a great concern to them, and require loan of grants or scholarships to assist them. All of my incoming graduate students state financing college costs are a major cause of worry. Why wouldn't it be? The average annual income of a nurse is under $10,000 a year.

However, despite the obvious need for financial aid to nursing students, the Federal priority has removed graduate training support and reduced by fourteen million dollars the availability of loan money, while retaining or increasing this for medicine and dentistry by six million.

Another ordering of National priorities for Federal budget appropriations is "the strengthening of those programs that produce real results or carry out genuine National priorities".

No taxpayer wants his tax money wasted. However, is Federal investment in nursing something that does not "produce real results"?

In the ten year period 1960–1970, the Registered Nurse population grew by 43 percent while the United States population increased 2.95%. That is a sizable measure of productivity, and much of it was accomplished through Federal investment in nursing. Since 1957 when the Federal government began to support advanced training of nurses, there has been an increase of 57% in the numbers of nurses in practice!

The 1975 projected need for nurses is one million. We have 748,000 in practice now!

Yet, another measure of the national priority for health is in the Federal budget message stating there is evidence of "a continuing need for numbers of professionals in medicine, dentistry and osteopathy", and that "the same urgency does not exist in other health professional fields".

Nursing's problem is qualitative, not quantitative. It is estimated that only 15% of the nations's nurses are prepared for the job they hold in administration, supervision or teaching in nursing. Certainly nursing does not suffer from a plethora of well prepared, qualified nurses. There are 1,112 unfilled faculty and administrative positions in all of nursing education, yet the burden of preparing enough teachers who can train nurses to provide safe nursing care is ever with us as consumer demands ever increase.

Massachusetts ranks 9th in the number of unfilled key nursing positions of all the states with 37 vacancies in strategic leadership positions.

There are 2,320,000 active people working in nursing today. 32% are R.N.'s, with 15% of these nurses working in teaching, administration or in supervising special nursing care units such as the cardiac unit, intensive care units in maternal infant care or in rehabilitation. Of the nursing labor force, 18% are licensed practical nurses, 39% are aids, orderlies and other nursing assistants. Students in nursing comprise 32% of the labor force. In summary, 32% of the nursing personnel are R.N.'s, involved in supervising, teaching and administering the service of 68% of the pool as well as being responsible for giving care also. This 32% of the nurse pool needs help to do the job it is willing and able to do.

We have seen a dramatic rise in enrollments in schools of nursing over the past two years, nationally 17%; locally a 20% increase since 1971. The loss of capitation monies to assist schools with their increased enrollments, a criterion for obtaining such funds, forces an undue financial burden on already overburdened educational facilities. Schools were deliberately encouraged to increase enrollments and just as we did, financial support was withdrawn. Schools will be forced to curtail enrollments or actually close as a result of federal cutbacks.

Forty percent of my students came from the Commonwealth of Massachusetts. The remaining sixty percent are reflective of the 49 remaining states and territories. There are 801 students enrolled in Boston University School of Nursing and 286 are scheduled to graduate this year. It is estimated that enrollments could reach 900 or better in September if Federal loans and financing were available. The number of highly qualified applicants from low income and other disadvantaged groups will be denied access because of inability to obtain financial support due to Federal cutbacks in nursing.

The effect of a diminished nurse supply will be seen as training programs are curtailed. For example, in 1963 coronary care training programs were established for nurses. The employment of these specialty trained skilled nurses is responsible for reducing the in-hospital mortality rate due to acute myocardial infarction by 10% in the past ten years. Who will be on the scene of the cardiac arrest to mobilize the rest of the health team?

The Federal government has a great challenge before it with the great numbers of our citizens living longer. The challenge is dependency versus opportunity. The role of the nurse in assisting an aging population by health maintenance activities such as health assessments, early disease and disability detection, assuring nutrition advice, are all health promotional, health maintenance services which can play a vital part in preserving the healthy elderly in their own environment, and thereby decreasing the cost of illness and medical care, enabling the elderly to contribute further to the nation through their purchasing power and selection of services. A healthy population is reflected in a healthy economy.

As nursing education programs prepare dangerously fewer numbers of professional nurses, patients in intensive and other special care units will lack sufficient number of nurses to ensure their breathing regularities, to make certain they do not aspirate their vomitus, to tube feed patients to maintain adequate nutritional and fluid intake vital to life.

We can expect that patients will not have catheters irrigated sufficiently to prevent infection; that the transition from hospital to home will be made with great difficulty since too few nurses will be available to teach the patient or his family how to give the care he requires at home; that the diabetic may slip into coma or shock too frequently because there will be fewer nurses to observe him and recognize the early signs of these difficulties and initiate corrective, preventive action.

As an illustration of our way of living and its effects on people, we are all familiar with auto and motorcycle and driving accidents which result in severance of the spinal cord. These spinal cord injury patients will have fewer nursing personnel to minister to their needs. Can you envision being unable to scratch your nose, blow your nose, comb your hair, brush your teeth or get a sip of water, but require that someone else do them? That's nursing's business! Will there be a nurse available?

Persons with chronic heart disease, chronic lung disease like emphysema, and the elderly with stroke, or fractured hip will be sent home from the hospital with no one to assist their families in learning how to cope or handle their needs, no one to assist them in readjusting their daily living patterns, to learn how to care for themselves at home, to learn how to help themselves by possible modifications in bathroom, bedroom or kitchen.

Persons with surgical intervention for cancer treatment will have colostomies, ileostomies, laryngectomies, massive dressings and draining wounds and be fortunate if there is a nurse who can visit them at home to assure that all is going well or to teach the patient how to care for their artificial openings, and the necessary appliances, for their comfort, safety and sanitation.

Those people threatened with blindness by cataracts, trachoma or glaucoma will have to make adjustments to loss of vision with the previously available services of the nurse.

Who will support families with chronic illness in their times of distress, and who will help the mother understand the electronic gadgetry hooked up to her in an attempt to save the unborn baby she wants so badly?

Nursing has long demonstrated its readiness to remedy the problem of the distribution of health care. Who is going to sustain society when the thrust of the pool of nurses in practice now has been lost because there will be too few replacements possible under the present national budgetary proposals for nursing?

Nursing will mount programs that will use to the fullest new avenues of service so that people of this country will receive quality health care at a price they can afford. Public responsibility to share resources necessary to build these new programs is an essential ingredient.

## EXPANSION OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

### HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. BROWN of Michigan. Mr. Speaker, I have today reintroduced a bill calling for the expansion of the Advisory Commission on Intergovernmental Relations to include two elected town or township officials.

The Advisory Commission was created to, among other things:

(B)ring together representatives of the Federal, State, and local governments for the consideration of common problems.—42 U.S.C. sec. 4273(1).

While I have always viewed inclusion on the Commission of elected town or township officials as sensible and appropriate, recent legislative action by the Congress has made the case for representation even stronger. I refer to the enactment of the State and Local Fiscal Assistance Act of 1972, better known as general revenue sharing.

Section 103 of that act expressly included in the allocation formula for units of Government, township governments. While the Office of Revenue Sharing has not yet compiled figures on what proportion of the $1.5 billion distributed thus far has gone to township governments, it is clear that a substantial amount is going to that level of Government.

To state it simply, the question of general revenue sharing funds and how to use them is another one of the "common" problems that is to be dealt with by the ACIR and in recognizing the status of township governments for revenue-sharing purposes, we have acknowledged these governmental entities as one of the levels of Government whose "relations" with other levels is clearly within the ambit of the ACIR.

In conclusion, I hope that favorable consideration can be given this legislation during this Congress and I would be remiss if I did not acknowledge and sincerely thank one of my constituents, Col. Joseph Parisi of Kalamazoo, who as a former elected township official and as executive director of the Michigan Townships Association, has been extremely helpful in presenting to me the precise nature and importance of township government in Michigan and many other States.





## ON BILINGUAL COURTS BILL

### HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. ROYBAL. Mr. Speaker, today, I, with Mr. EDWARDS of California, as cosponsor, have introduced a bill, the bilingual courts bill, which represents a necessary first step toward insuring that non-English speaking minorities will fully comprehend, be able to participate in, and have full access to the judicial process and related proceedings.

This bill represents a legislative continuation of a principle enunciated by the Supreme Court during the last decade. In Gideon against Wainwright, the Court stated that due process required that an indigent accused of a felony, must be provided with an attorney at his trial. The underlying rationale of this decision was that in order to insure fairness and participation of the accused in his trial, it was necessary to provide him with the basic tools to adequately present his case to the Court.

Since Gideon, the Supreme Court has utilized this rationale to continuously expand the services which must be provided the accused indigent. Today an indigent must be given a transcript of his trial to facilitate his appeal, and can have an attorney appointed to try his appeal from conviction. There are other cases which will soon reach the Court that could lead to the Government's having to supply many other types of services to the indigent to insure he is fairly tried.

Today, there are more than nine million people in this country who speak Spanish. In many ways the bilingual American, one who speaks English, but whose native and everyday language is not English, faces the same problems in his encounters with the judicial system as the indigent did before the decision on Gideon.

A report of the Civil Rights Commission in 1970, Mexican-Americans and the administration of justice in the Southwest, concluded that the language barrier and cultural differences of the Spanish-speaking have severely handicapped the bilingual American at every stage of the legal judicial process—at the arrest stage, at the time of trial and even when he seeks parole.

At present, there are State and Federal statutes that do provide some services to the non-English speaking. However, these statutes have not provided adequate or enough services. Ofttimes the trial judge is given complete discretion as to when those services should be provided.

It is now time for the Federal Government to insure that every individual—whether he suffers from a financial or a linguistic handicap—has access to the fairest trial possible under our judicial system.

I believe that the bill I have introduced today will be a first step in achieving the goal of equal access to the judicial system.

The bill first provides that the Director of the Administrative Office of the U.S. Courts must determine each of those judicial districts in which at least 5 percent or 50,000 of the residents of the district do not speak or understand the English language with reasonable facility, and certify each such district as a bilingual judicial district. Next he must prescribe for each such district the qualifications of interpreters who have a capacity for accurate speech and comprehension in English and in the non-English language, and for simultaneous translation from either language to the other. Next he must prescribe a schedule of reasonable fees for interpreters and provide such district with appropriate equipment and facilities, so the interpreter can carry out his duties.

Second, whenever a district judge determines upon motion made by a party to a proceeding in a judicial district certified as bilingual that the party does not speak and understand English with reasonable facility or that testimony may be presented by any person who does not speak or understand English, he may order the proceedings shall be conducted with the services of an interpreter who can provide simultaneous translation of the entire proceeding.

The parties to the proceeding who use the interpreter shall bear the cost. If an indigent utilizes the services, then the Government will bear the cost.

## ISRAEL'S 25TH ANNIVERSARY

### HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. BELL. Mr. Speaker, I wish to join my colleagues in the commemoration of the joyous 25th anniversary of the State of Israel. This brave country, faced with a continuing struggle for sheer existence, has acted with determination and fortitude to provide the Jewish people with a true homeland.

I have been fortunate enough to have traveled throughout Israel, and to have seen the magnificent accomplishments of this nation. What was once a vast desert wasteland has become a beautiful oasis. The devotion and love Israelis have for their country is strikingly apparent in the warm reception that visitors receive.

Israel is more than a country. It is a dream fulfilled for millions of Jews throughout the world. Jews in the Diaspora, some of whom would make any sacrifice just to live in the "promised land," are unfortunately forbidden to emigrate because of oppressive laws in countries not enjoying the freedom that Israel grants all of her residents.

Mr. Speaker, I have had the immense privilege of meeting many Israeli leaders, including the distinguished Premier, Golda Meir. That was an experience that I shall always treasure. The people of Israel are fortunate to have this great lady at the helm of their country.

I fervently wish that this anniversary could signal the assurance of a lasting

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peace in the Middle East. The great success of this country is too often muddled by the horrors of war. Now is the time for Israel to reap the harvest of its 25 years of dedication. I know that I speak for all Americans in praising the achievements of the past 25 years and in expressing my heartfelt desire for the realization of all future goals.

## KQV SALUTED FOR AWARD-WINNING PUBLIC AFFAIRS PROGRAMING

### HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. HEINZ. Mr. Speaker, KQV Radio, the American Broadcasting Co.-owned station in Pittsburgh, has long had the reputation as the leading public service-minded facility in Allegheny County, part of which, the 18th District, I represent.

KQV has produced and broadcast a major 2-hour documentary entitled "One for the Road," which deals with alcoholism. I have had the pleasure of listening to the record album which has resulted from this broadcast and I take this opportunity to commend the station, its general manager, John D. Gibbs, and his staff for an outstanding contribution to trying to solve a major social and medical problem.

Although the use of hard drugs, stimulants, and hallucinogenics receives wide publicity and attention today, the No. 1 abused drug in this country is alcohol.

Alcohol now affects some 40 million persons in the United States and the loss to business runs close to $15 million annually.

KQV, in attempting to educate the public and perform a vital public service, conducted some 150 interviews, including physicians, psychiatrists, members of Alcoholics Anonymous, and ordinary "social drinkers."

After it's first broadcast, "One for the Road" stimulated countless requests for rebroadcast and the station responded accordingly.

Since that time, "One for the Road" has been honored with several awards; namely, two Golden Quills this week, bestowed by western Pennsylvania journalistic societies, for "best radio documentary" and "best of all radio shows." Additionally, the program was honored by the Pennsylvania Associated Press as "best public affairs program" and Theta Sigma Phi, an organization of women in communications, as "best documentary in radio and TV."

I would like to share with my colleagues excerpts from just a few of the many letters KQV received from listeners saluting it for its powerful "One for the Road":

LETTERS FROM LISTENERS OF KQV-RADIO

". . . I wish to compliment you on a most comprehensive and instructive public education porgram. Since many people have commented on the program to me, I am not alone in my evaluation. The material was handled delicately yet in a straight-forward manner. With a subject which requires both sensitivity and frankness, the accomplishment of these goals was truly genius."

ABRAHAM J. TWERSKI, M.D.,
*St. Francis General Hospital.*

"Congratulations . . . to KQV. I believe this type of public approach is most needed in all areas of medical and social dilemma that our society is currently faced with."

JOSEPH J. JACKLINE, JR., M.D.

". . . a concern I share with others is the need for increasing public awareness of and promoting interest in the problem of alcoholism. . . . I feel 'One for the Road' was an excellent effort in attempting to accomplish this goal."

BERNADETTE CONNOR,
*Instructor, University of Pittsburgh.*

". . . Shows of this type provide much-needed information regarding not only alcoholism but the development of responsible drinking habits within our society."

CHARLES J. NINOS,
*Director, Consultation-Education Services, St. Joseph Hospital.*

". . . Programs such as the one presented by your station are powerful techniques for accomplishing the goal of alcoholism prevention through community education. Congratulations on a job well done."

KENNETH S. RAMSEY,
*Director, Alcoholism Treatment Center, St. Joseph's Hospital.*

". . . It was a pleasure while visiting in Pittsburgh to listen in on your station's presentation 'One for the Road.' At present, I am on Governor Rockefeller's Council on Alcoholism and have been assoicated with various programs for the past 20 years. I have heard many programs, but for depth and beauty of presentation, this was undoubtedly the very best."

JAY SIMS,
*City of New York, Department of Correction.*

## RUMANIAN INDEPENDENCE DAY

### HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. WHALEN. Mr. Speaker, today everywhere in the free world the Rumanian people are celebrating a national holiday, commemorating the founding of the Kingdom of Rumania and the achievement of national independence. This celebration is especially important to those of Rumanian ancestry because their great desire for freedom has been suppressed by the Communist regime in their homeland.

On May 10, 1866, Prince Charles of Hohenzollern-Sigmaringen was proclaimed Prince of Rumania, culminating a long struggle of the Rumanian people to gain this right. Rumania declared its complete independence from the Ottoman Empire 11 years later, on May 10, 1877, during the Russo-Turkish War. This status was confirmed by European nations at the Conference of Berlin of 1878. Four years after this, on May 10, 1881, Charles I was crowned as the first king, by the will of the people. Thus began the Kingdom of Rumania, which represented a free and prosperous period for the Rumanian people.

Throughout the entire period from 1881 to the present, May 10 has been a time to celebrate the achievement of freedom for the Rumanian people. It is also the symbol of the struggle for freedom which the Rumanian people have endured in the past and are continuing. I join with all Rumanians in the celebration of this great event in their history, and in ther efforts toward the freedom which they so much cherish.

## TWENTY-FIFTH ANNIVERSARY OF THE STATE OF ISRAEL

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. BINGHAM. Mr. Speaker, this week marks the 25th anniversary of the founding of the independent State of Israel. I would like to take this opportunity to extend my congratulations to the citizens of Israel and the Jewish people all over the world whose personal contributions have brought such great accomplishments and successes to the State of Israel since 1948. At this occasion, I would also like to offer my best wishes to Israel for continued achievements and good fortune in the years to come.

Beginning in the latter part of the 19th century, Jewish emigrants from Europe returned in increasing numbers to their ancestral homeland, which was then under the administration of the Turkish Ottoman Empire. Following World War I, the region known as Palestine came under British administration, and the menacing surge of European religious persecution in the 1930's gave impetus to thousands of Jewish refugees to seek haven there. During World War II, Jewish residents of Palestine fought bravely alongside the Allies in the desert war against the Nazi enemy.

The genocidal tragedy which was inflicted upon the Jewish people in Europe during World War II drove growing streams of survivors of that holocast to Palestine. By 1947, tensions between Arab and Jewish inhabitants of the area had grown to the boiling point. Great Britain proposed to the United Nations that her mandate over the territory be terminated and that Palestine be partitioned between the Arab and Jewish communities. Bloodshed and chaos increased, the United Nations failed to devise an operative plan for partition, and in May of 1948 the State of Israel declared its independence. The Israelis gallantly resisted and overcame the armed aggression by neighboring Arab states which followed immediately upon Israel's independence, and from this birth of persecution and violence, the State of Israel grew to become a powerful, economically advanced member of the international community.

Today, Israel presents to the world a true story of success in surmounting enormous obstacles and adversity. The nation possesses an excellent educational system, a highly advanced standard of national medical care, impressive industrial development, thriving agricultural production, and a vigorous democratic political structure.

Israel is a loyal friend of the United States, and it is America's responsibility to help insure, by making arms and aircraft available and through economic aid, that the antagonisms harbored by her Arab neighbors do not imperil the existence and integrity of the State of Israel.

The vital role which Israel played in the World War II era, as a haven for victims of anti-Jewish persecution, continues to be a strong national purpose. Jewish people from the Arab countries, from Eastern Europe, and from the Soviet Union look to Israel as their true homeland, and the tide of immigration by Jews in the Diaspora continues in force. It is heartening to note that U.S. congressional pressures to guarantee the right of worldwide emigration to Israel are strong and determined. I am proud that last year the Congress enacted my proposal to authorize $85 million in aid to Israel for the resettlement of Jewish emigrants from the Soviet Union, of which amount $45 million was eventually appropriated. Today I am introducing legislation to authorize an additional $36½ million for this important purpose.

Mr. Speaker, the history of the Jewish people and the State of Israel is a shining example of courage, determination, and enormous accomplishment. Congratulations to Israel on her 25th anniversary, and may her strength and achievements flourish through the centuries to come.

## A TRIBUTE TO "STONEWALL" JACKSON

### HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. MOLLOHAN. Mr. Speaker, as we all become embroiled in shaping the pressing demands of today into what tomorrow will become history, it is often easy to overlook the great men and events of an earlier America and to forget what these outstanding individuals and momentous occurrences have contributed to our culture, our heritage, and to the very direction of our Nation itself.

No more noteworthy example exists than that embodied in the memory and deeds of a great and distinguished West Virginia native son, Gen. Thomas Jonathan Jackson, who gave his life on this day 110 years ago to a cause with which some may now quarrel, but in which he deeply believed and did his best to serve.

Born on the 21st day of January, 1824, in Clarksburg, W. Va., Jackson overcame an early life of deprivation to become one of the finest military officers in the history of mankind.

His unrelenting resolve and resourcefulness as a commander earned him the sobriquet by which all of us today know him so well: "Stonewall" Jackson. He was, the historians tell us, a simple but grave man in public; in private, a kind and affectionate man who embodied all of the ingredients that make a mortal individual a great and immortal human being. Returning from battle, he was ironically and tragically fired upon and severely wounded by his own troops and died May 10, 1863.

Virtually all historians and students of military tactics include Thomas J. "Stonewall" Jackson on their lists of the world's greatest military leaders, and on this, the 110th anniversary of his death, I take this opportunity to pay tribute to this great American who reminds us that people and events of the past played an indispensible role in shaping the fortunes and fabric of the great Nation America has become today.

## SPECIAL ASSISTANCE FOR FEDERAL EMPLOYEES

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. WALDIE. Mr. Speaker, I am today introducing legislation for a comprehensive set of benefits to aid all Federal employees who are adversely affected by reductions in force. A most striking example of the impact upon individuals caused by Government decisions to cut back involves the Defense Department's recent action.

Last month, the Secretary of Defense announced 274 actions which will affect military bases in the United States. Most of these involve base closures or the transfer of jobs from one area to another. Hardest hit in economic terms will be Massachusetts, Rhode Island, and my own State of California.

Some 40,000 military and civilian jobs will be lost nationwide. In my own State, 9,500 civilian positions will be affected; some 8,000 jobs actually will be eliminated. In a State where 525,000 people are already unemployed, this is a harsh addition. But statistics tend to blind us to the true meaning of such facts. Real people will lose their jobs; their lives will be substantially affected, their standards of living usually reduced. In the Hunters Point Naval Shipyard closing, a large number of the 5,184 employees whose jobs will disappear are members of ethnic minorities, who will be hit at just the same time urban programs for their area are also being cut. In southern California, Long Beach stands to lose some $50 million in annual payroll by the closure of its naval base.

The losses elsewhere are also great. Massachusetts will lose 9,000 jobs on top of an unemployment rate of 7.4 percent, and Rhode Island, 4,661 jobs over and above a current jobless rate of 6.4 percent.

I am pleased to introduce a bill which will cause the Government to act with compassion when Federal employees who have been displaced cannot readily find new employment. It would guarantee certain levels of pay and health benefits while the former employee seeks work, thus avoiding a series of personal financial catastrophes. It would provide for training and counseling, for early retirement where that is appropriate, and for relocation allowances. The bill, in short, would mitigate the burdens placed upon individuals by decisions of the Federal Government.

Mr. Speaker, the full text of the bill follows:

H.R. —

A bill to amend title 5, United States Code, to provide special assistance and benefits to Federal employees involuntarily separated through reductions in force, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Federal Employees Emergency Assistance Act of 1973".

SEC. 2. Subpart F of part III of title 5, United States Code, is amended by adding at the end thereof the following:

"CHAPTER 80—ASSISTANCE TO EMPLOYEES SEPARATED THROUGH REDUCTION IN FORCE

"Sec.
"8001. Definitions.
"8002. Application for assistance.
"8003. Readjustment allowances; qualifying requirements.
"8004. Readjustment allowances; weekly amounts.
"8005. Readjustment allowances; time limitations.
"8006. Readjustment allowances; application of State laws.
"8007. Job training and counseling; purpose; applications.
"8008. Payments related to training.
"8009. Relocation allowance.
"8010. Early retirement.
"8011. Health benefits.

"§ 8001. Definitions

"For the purposes of this chapter—

"(1) 'employee' means an individual who has been totally or partially separated from employment by an executive agency on or after April 17, 1973, because of the transfer of activities from a facility of that agency or because of the cessation of activities at a facility of that agency and who has not obtained other suitable employment;

"(2) 'average weekly wage' means one-thirteenth of the total wages paid to an employee in the high quarter; for purposes of this computation, the high quarter shall be that quarter in which the employee's total wages were highest among the last 4 of the last 5 completed calendar quarters immediately before the quarter in which occurs the week with respect to which the computation is made, such week shall be the week in which total separation occurred, or, in cases where partial separation is claimed, an appropriate week, as defined in regulations prescribed by the Civil Service Commission;

"(3) 'partial separation' means, with respect to an employee who has not been totally separated, that he has had his hours of work reduced to 85 per centum or less of his average weekly hours in a facility subject to this chapter and his wages reduced to 85 per centum or less of his average weekly wage in any such facility;

"(4) 'total separation' means the layoff or severance of an employee from employment in a facility subject to this chapter;

"(5) 'remuneration' means wages and net earnings derived from services performed as a self-employed individual;

"(6) 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(7) 'State law' means the unemployment insurance law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1954;

"(8) 'unemployment insurance' means the unemployment insurance payable to an individual under any State law or Federal un-



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employment insurance law, including title XV of the Social Security Act and the Railroad Unemployment Insurance Act;

"(9) 'week' means a week as defined in the applicable State law; and

"(10) 'week of unemployment' means with respect to an individual any week for which his remuneration for services performed during such week is less than 75 per centum of his average weekly wage and in which, because of lack of work—

"(A) if he has been totally separated, he worked less than the full-time week (excluding overtime) in his current occupation, or

"(B) if he has been partially separated, he worked 75 per centum or less of his average weekly hours.

"§ 8002. Application for assistance

"(a) An employee may file an application with the Civil Service Commission for one or more of the forms of assistance provided under this chapter.

"(b) The Commission shall determine whether an employee is entitled to receive the assistance for which application is made and shall furnish such assistance if the employee is so entitled. Such determination shall be made as soon as possible after the date on which application is filed but in any event not later than 30 days after such date.

"§ 8003. Readjustment allowances; qualifying requirements

"Payment of a readjustment allowance shall be made to an employee who applies for such allowance for any week of unemployment, provided—

"(1) total or partial separation of the employee has occurred not more than 1 year prior to the date of the application for assistance under this title; and

"(2) the employee has had—

"(A) in the 156 weeks immediately preceding such total or partial separation, at least 78 weeks of employment at wages of $15 or more a week;

"(B) in the 52 weeks immediately preceding such total or partial separation, at least 26 weeks of employment at wages of $15 or more a week; or

"(C) if data with respect to weeks of employment are not available, equivalent amounts of employment computed under regulations prescribed by the Civil Service Commission.

"§ 8004. Readjustment allowances; weekly amounts

"(a) Unless otherwise provided by this section, the readjustment allowance payable to an employee for a week of unemployment shall be an amount equal to 75 per centum of his average weekly wage, reduced by 50 per centum of the amount of his remuneration for services performed during such week.

"(b) An employee who is entitled to readjustment allowances and who is undergoing training approved by the Civil Service Commission, including on-the-job training, shall receive for each week in which he is undergoing any such training, a readjustment allowance in an amount (computed for such week) equal to the amount computed under subsection (a) of this section or (if greater) the amount of any weekly allowance for such training to which he would be entitled under any other Federal law for the training of employees, if he applied for such allowance. Such readjustment allowance shall be paid in lieu of any training allowance to which the employee would be entitled under such other Federal law.

"(c) The amount of readjustment allowance payable to an employee under subsection (a) or (b) of this section for any week shall be reduced by any amount of unemployment insurance which he has received or is seeking with respect to such week; but, if the appropriate State or Federal agency finally determines that the employee was not entitled to unemployment insurance with respect to such week, the reduction shall not apply with respect to such week.

"(d) The amount of readjustment allowance payable to an employee under subsection (a) or (b) of this section for any week shall be reduced by any amount of retirement annuity which he has received.

"(e) If unemployment insurance, a retirement annuity, or a training allowance under any other Federal law, is paid to an employee for any week of unemployment with respect to which he would be entitled (determined without regard to subsection (c) of this section) to a readjustment allowance if he applied for such allowance, each such week shall be deducted from the total number of weeks of readjustment allowance otherwise payable to him under section 8005(a) of this title when he applies for a readjustment allowance and is determined to be entitled to such allowance. If the unemployment insurance or the training allowance paid to such employee for any week of unemployment is less than the amount of the readjustment allowance to which he would be entitled if he applied for such allowance, he shall receive, when he applies for a readjustment allowance and is determined to be entitled to such allowance, a readjustment allowance for such week equal to such difference.

"(f) Whenever, with respect to any week of unemployment, the total amount payable to an employee as remuneration for services performed during such week, as unemployment insurance as severance pay, as a training allowance referred to in subsection (b) of this section, and as a readjustment allowance would exceed his average weekly wage, his readjustment allowance for such week shall be reduced by the amount of such excess.

"(g) The amount of any weekly payment to be made under this section which is not a whole dollar amount shall be rounded upward to the next higher whole dollar amount.

"§ 8005. Readjustment allowances; time limitations

"(a) Payment of readjustment allowances shall not be made to an employee for more than 52 weeks.

"(b) A readjustment allowance shall not be paid for a week of unemployment beginning more than 1 year after the beginning of the appropriate week. The appropriate week for a totally separated employee is the week of his most recent total separation. The appropriate week for a partially separated employee is the week in respect of which he first receives a readjustment allowance following his most recent partial separation.

"§ 8006. Readjustment allowances; application of State laws

"Except where inconsistent with the provisions of this chapter and subject to such regulations as the Civil Service Commission may prescribe, the availability and disqualification provisions of the State law—

"(1) under which an employee is entitled to unemployment insurance (whether or not he has filed a claim for such insurance), or

"(2) if he is not so entitled to unemployment insurance, of the State in which he was totally or partially separated,

shall apply to any such employee who files a claim for readjustment allowances. The State law so determined with respect to a separation of an employee shall remain applicable, for purposes of the preceding sentence, with respect to such separation until such employee becomes entitled to unemployment insurance under another State law (whether or not he has filed a claim for such insurance).

"§ 8007. Job training and counseling; purpose; applications

(a) An employee who applies for a readjustment allowance under section 8003 of this title shall also apply for counseling, training, and placement assistance under this section. Any other employee may apply for counseling, training, and placement assistance under this section. Each employee shall be furnished such counseling, training, and placement services as the Civil Service Commission determines to be appropriate.

"(b) Insofar as possible, the Commission shall provide assistance under subsection (a) of this section through existing programs established by law. To the extent that assistance cannot be provided through any existing program, the Commission is authorized to furnish such assistance through programs established by the Commission for purposes of this section, including programs carried out through private nonprofit institutions and organizations.

"(c) To the extent practicable, before employees are furnished training, the Commission shall consult with local governmental agencies, State agencies, unions, and private business organizations to develop an employee retraining plan which provides for training such employees to meet the area's manpower needs. An employee retraining program shall, as far as practicable, include a list of jobs which will be available to the employees at the conclusion of the training program.

"§ 8008. Payments related to training

"An employee who receives training under section 8007 of this title shall be paid an allowance necessary to defray transportation expenses and subsistence expenses for separate maintenance, when the training is provided in facilities which are not within commuting distance of his residence. The Civil Service Commission shall by regulations prescribe the amount of such allowances for various areas of the United States.

"§ 8009. Relocation allowance

"(a) A relocation allowance may be granted to an employee who applies for such an allowance to assist in relocating the employee within the United States when the Civil Service Commission determines that such employee—

"(1) has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which he wishes to relocate, or

"(2) has obtained a bona fide offer of such employment.

"(b) A relocation allowance shall not be granted to such employee unless—

"(1) for the week in which the application for such allowance is filed, he is entitled (determined without regard to section 8004 (c) and (e) of this title) to a readjustment allowance or would be so entitled (determined without regard to whether he filed application therefor) but for the fact that he has obtained the employment described in subsection (a) (1) of this section; and

"(2) such relocation occurs within a reasonable period after the filing of such application or (in the case of an employee who is being provided training under section 8007 of this title) within a reasonable period after the conclusion of such training.

"(c) For purposes of this section, the term 'relocation allowance' means the reasonable and necessary expenses, as specified in regulations prescribed by the Civil Service Commission, incurred in transporting a worker and his family and their household effects.

"§ 8010. Early retirement

"Notwithstanding any other provision of law, each employee (1) who has attained 60 years of age and has 10 years of service; (2) who has attained 55 years of age and has 15 years of service; or (3) who has attained 50 years of age and has 20 years of service, is entitled to an annuity under subchapter III of chapter 83 of this title.

"§ 8011. Health benefits

"(a) Notwithstanding any other provision of law, the Civil Service Commission shall make whatever arrangements are necessary for the continuation of health benefits, or for obtaining similar health benefits, on such terms and conditions as are deemed necessary for employees after the date of separation if that separation occurred after April 1, 1973.

"(b) In any such arrangement, provisions shall be made to insure that—

"(1) a contribution by an employee who has not obtained new employment shall not exceed 25 per centum of the cost of such benefits; and

"(2) such benefits so far as practicable, will be equivalent to the health benefits to which an employee was entitled to receive prior to his separation.

"(c) No arrangement entered into under this section shall provide for health benefits to an employee for a period of more than 3 years following the date of his separation or for any period after such employee obtains new employment, whichever occurs first."

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.



## THE AMERICAN ETHIC

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. RANGEL. Mr. Speaker, from time to time, an article or story or survey is brought to national attention which reaffirms my faith in the American people and in the future of our Nation.

Such a survey was recently conducted by Louis Harris. I now share the findings of the Harris survey with my colleagues in this body. I sincerely hope that the members of the executive branch of our Government, always sensitive to public opinion, take note.

The article follows:

[From the New York Post, Apr. 26, 1973]

HARRIS: PUBLIC FOR SOCIAL WELFARE

(By Louis Harris)

Some recent probes by the Harris Survey point strongly toward the conclusion that there is indeed a rather deep strain of regard among Americans for the rights and well being of their community neighbors. A number of social critics have been claiming lately that most Americans have become so self-centered that they are interested only in their own material well being and could not care less about their fellow citizens.

Underlying much of the debate on the question of welfare for the poor, for example, has been the contention that Americans feel strongly that individuals ought to be rewarded only on the basis of the extent to which they contribute to society. The idea that the community has a responsibility of its own to provide minimum standards for people to live decently has come under sharp attack lately from some quarters.

To test the degree to which people have taken to a hard line approach to social welfare, the Harris Survey recently asked a nationwide cross-section of 1513 households in person:

"If you had to choose, would you rather see a person's income primarily depend on his skills and training or would you rather see people's incomes determined only partly by skills and training and partly by what it costs to live decently?"

*How income should be determined*

| | Percent |
|---|---|
| Primarily by skills and training | 38 |
| Partly by what it costs to live decently | 54 |
| Not sure | 8 |

A majority of the public gives its support to the proposition that society has an obligation to provide a minimum standard of income to its people, regardless of skill or training.

There are, however, some sharp differences on this question: by 50–42 per cent, business executives favor the work ethic, while union members opt for guaranteed minimum standards by 57–36 per cent. Older persons 50 and over are evenly divided on the issue, but young people under 30 generally agree with the statement that income should be "partly determined by what it costs to live decently."

One of the classic arguments in these times centers around allocation of the country's resources between the private economy and the public sector of health, education, and environmental services. To test this division, the cross-section was asked:

"In your own community, would you rather see your local health, education and anti-pollution services increase or would you rather see more business and industry come into the community?"

*More business vs. more public services*

| | Percent |
|---|---|
| More business and industry | 40 |
| Increase local public services | 52 |
| Not sure | 8 |

A majority of the American people opt for a higher priority for expanding local health, education, and antipollution services. Most in favor of increasing social services are the young, those with a college education, professional people and those with the highest incomes. Interestingly, business executives favor improvements in the quality of life over local economic growth by 55 to 36 per cent, while blue collar labor backs that position by a much narrower 47–44 per cent.

One of the areas in which personal preferences frequently run into conflict with the overall public interest is the case of driving automobiles into the downtown urban centers. The ensuing pollution and traffic jams are widely deplored. Yet it is commonly assumed that few individuals are willing to restrict their own right to drive freely into the downtown areas. To test this proposition the cross-section was asked:

"In your city, the city nearest where you live, would you rather see less restrictions on where people drive and park their cars or would you like to see more areas of the city where cars are prohibited during certain hours?"

*Restricting city driving*

| | Percent |
|---|---|
| Less restrictions on cars | 30 |
| More areas prohibiting cars | 43 |
| Not sure | 22 |

By a substantial plurality Americans express a willingness to accept restraints on the movement of motor vehicles in and out of downtown areas, at least during rush hours. Again, a definite sense of community interest seems to emerge.

Although these three illustrations are by no means a complete test of the sense of community as it now exists in the country, they are suggestive of a conclusion that those who see the American people as essentially selfish and personally indulgent, without regard for others, may well be misjudging this country.

## THE NORTH MIAMI BEACH SENIOR HIGH SCHOOL MARCHING CHARGER BAND

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. LEHMAN. Mr. Speaker, earlier this week I had the privilege of meeting with the North Miami Beach Senior High School Marching Charger Band as they were visiting the Washington area.

I was very impressed by their interest in Government affairs and in the Capitol itself.

On May 5, the Charger Band participated in the Apple Blossom Band festival in Winchester, Va., where they won first place in the Class A division and first place in the overall competition.

I would like to congratulate this fine band on their outstanding achievement. They are indeed a credit to their school and to their community.

## FINANCE COMMITTEE HEARINGS ON SOCIAL SERVICES

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. FRASER. Mr. Speaker, on May 8, the Senate Finance Committee conducted hearings on the Department of Health, Education, and Welfare's new regulations for the social services program. The following article from the Washington Star discusses the concerns of several committee members about the negative impact of the new regulations on the working poor:

POVERTY TESTS ALARM SENATORS

(By Judith Randall)

Senators who have studied the Department of Health, Education and Welfare's new regulations for social services are worried by a proviso that will require the poor and near-poor to pass an assets test as well as an income ceiling test in order to become eligible for such services as day care and rehabilitation for alcoholism and drug addiction.

These social services are funded 75 percent by the federal government and 25 percent by state governments.

Assets tests for the poor have long been used by states with regard to cash welfare benefits, but starting July 1 they will also be applied to social services designed to help people get out of poverty.

The ceiling for assets permitted to qualify for the services varies from state to state.

In Minnesota, for example, no one—no matter how poor—who owns a house worth more than $7,500 or more than $500 in personal property can qualify for the service programs, whereas in Connecticut the worth of one's personal property—including life insurance policies—cannot exceed $250.

In announcing the regulations May 1, HEW Secretary Casper W. Weinberger said they would be final. But yesterday in testimony before the Senate Finance Committee where the issue was raised by Chairman Russell B. Long, D-La., Weinberger indicated he might reconsider.

The new regulation would also prohibit those on welfare from getting education and training benefits through federal-state matching programs funded by HEW. Bringing this to the attention of Weinberger yesterday, Sen. Walter F. Mondale, D-Minn., cited the record of Project Help, a program in his home state which has paid the tuition of welfare mothers to the University of Minnesota and provided day care benefits for their children.

With the assistance of this program, said Mondale, many welfare mothers have earned college degrees and succeeded in getting and holding well-paid jobs. In Mondale's view, the end of such projects would perpetuate

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poverty and dependency on welfare—the very problems both Congress and the Nixon administration are seeking to avoid.

Mondale also called Weinberger's attention to what appears to be an inequity in the new regulations that allow people part of whose income comes from welfare and part from earnings to get more services—such as day care—for less money than the working poor who get no welfare benefits at all. An analysis revealed, said Mondale, that the new regulations will make this inequity a reality in every state.

Weinberger said that he was not sure whether Mondale's criticism is valid, but promised to investigate.

Sen. Lloyd Bentsen, D-Tex., questioned Weinberger about another of the new regulations which specifies that the poor and near-poor are eligible for legal services if such services relate to getting or holding a job but not for other purposes such as situations in which they may be cheated of property rights.

Weinberger replied that legal services legislation is in preparation to take care of such eventualities. But he said it has not yet been sent to Congress and consequently cannot be enacted by July 1—the date when the new social service regulations take effect.

## AFRICAN AFFAIRS

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DERWINSKI. Mr. Speaker, on April 5, Prof. Edwin S. Munger, of the California Institute of Technology, testified before the House Subcommittee on African Affairs.

Since it may be some time before the hearings before the subcommittee are available to the public in report form, I feel the significance of Professor Munger's statement is such that it should receive greater attention and, therefore, I insert his statement into the RECORD:

INTRODUCTORY STATEMENT BY PROF. EDWIN S. MUNGER

Mr. Chairman: I want to thank you for inviting me to appear here today. It has been my privilege to carry out research in West Africa, East Africa, or southern Africa, for all or part of every year since 1947. This encompasses some thirty visits. During this period the most intractable problem in sub-Saharan Africa has been the racial situation in southern Africa. The problems of this region are far more important to our country's well being than the attention given to Africa in recent administrations might reflect.

My basic approach is that, in its economic relations with South Africa, the United States should give primary attention to its own economic needs, including markets, raw materials, and trade balances. At the same time, the ideals and aspirations of the majority of the citizens of South Africa are of prime importance for several reasons; concern for majority opinion is part of our political tradition; there are as many Americans of African heritage as there are people in South Africa; and, our relations with independent black Africa are affected by United States ties with South Africa.

However, Mr. Chairman, there has too often been more rhetoric than reason among advocates of various United States policies toward South Africa. Some of the criticisms of American policy and of the actions of United States companies in South Africa are not only fallacious, they are chimerical.

Take, for example, the important question of wages paid to the black, Coloured, and Asian employees of United States firms. Fortunately, the South African government has now recognized that industrial wages for Africans are far too low. As a result both cabinet ministers and presidents of companies are for the first time speaking in concert on the need for improvements. There have been changes in the overall level of African compensation in South Africa and there have been improvements in African wages and working conditions by American-run companies. But, much more needs to be done. A glaring inequity exists in that whereas African wages have risen, white wages have risen even more rapidly. The monopoly position that whites enjoy through legislation and social convention has led employers to compete for white workers in a tight labor market, at a time when there are talented Africans who could fill, and more who could be trained to fill, skilled positions. As a result the gap between white and black wages in manufacturing employment widened further to over $400 a month, according to the figures released by the South African Department of Statistics three weeks ago.

I believe that United States companies should make maximum efforts to improve what has been, until quite recently, an unsatisfactory performance. Although IBM and Polaroid, and, more important, the much larger employers such as General Motors, have done a great deal to improve wages and working conditions, the majority of the United States companies are only now (if at all) beginning to move.

But, Mr. Chairman, it serves no constructive purpose to charge that the absolute level of the wages paid by American companies reflects racism, particularly when misleading comparisons are made with pay scales in the United States. The average wage paid to indigenous labor by American companies in India is $29 a month. The average wage paid to indigenous workers by American companies in Brazil is $86 a month. Both look shocking compared with wages in the United States. But the average wage paid to African workers by American companies in South Africa is from $120 to $140 a month. IBM, with few employees, is an exception, paying $247; it is followed at some distance by Mobil at $157, Gillette at $142, GM at $140, and Caltex at $127. At the lower end of the scale are Sterling Drug at $73 and Firestone at $70.

My point is that wages paid by United States companies in South Africa are not in themselves an indication of racist or discriminatory practice. My criticism is that most United States companies have not seriously attempted to upgrade their African employees to skilled positions and to provide them with at least the same benefits that white workers enjoy. Mr. Chairman, in the past an awful lot of rubbish has been talked about how the "terrible" South African government's apartheid policy is responsible for wage differentials when, in fact, this claim has often served as a smokescreen to cover not only what United States companies did not do, but also what they legally could do, for their African workers.

Within the last year, it was my privilege to talk with a wide cross-section of African leaders in South Africa in the company of two black American colleagues. On some occasions my black colleagues spoke to African leaders alone, but according to their reports, they heard alone substantially what we all heard collectively. More than 95 percent of the African leaders told us that they do not want American business to withdraw from South Africa—and several said they had told the Hon. Charles Diggs the same thing at the Inn Club in Soweto. They do want better training, better pensions, longer vacations, educational loans, help toward better housing, better and safer transport, and more opportunities for higher-paying positions. They are not satisfied with the employment practices of most United States companies, but they are emphatic in insisting that their best hope lies in United States companies staying in South Africa. They believe these companies could be the catalysts in a movement to improve the economic positions of Africans.

Opinions of Africans in the rural areas deserve consideration in regard to American economic assistance. African friends repeatedly ask me why the United States is so generous to developing people elsewhere in Africa, but, because of its disapprobation of the white oligarchy, appears to discriminate against the African majority in South Africa.

Why, one is asked, cannot the United States assist technical highschool in the Transkei entirely devoted to improving African skills? Why not assist Africans in Kwazulu to run their own sugar mill or canning factory? Everyone knows the answer, but may we not be suffering from hardening of the categories? Heretical as the idea may appear, the United States could be missing an important opportunity to assist the African people in South Africa by its failure to consider some form of economic aid, if only in the form of investment guarantees.

The circumstances of the birth of individual Bantustans, in which the views of urban and rural Africans were given minimal, if any, consideration, are well known. But the circumstances of birth do not necessarily predetermine the life of an institution any more than they do that of an individual. The Bantustans may have been conceived by the Nationalist government, but since their birth they have taken on a political life of their own, often far from the expectations of their progenitors. Did anyone anticipate the emergence of a Buthelezi and a Matanzima who would advocate a union of all Bantustans, starting with that of the Transkei and Kwazulu?

Bantustan leaders such as Buthelezi, Matanzima, Lucas Mangope (who is at present in this country), and Professor Ntsantwisi are not stooges. They are not selfish men. They are dedicated to the welfare of the African people in South Africa. Over a decade ago, even before the Transkei began its life heavily dependent upon financial subventions from the white government, Matanzima told me in his home at Quamata that he was participating only because for 300 years the white man had exploited his Xhosa people. Matanizima saw the Transkei as an instrument whereby some measureable progress could be made against the power structure he faced. Economic progress is being made in the Transkei and elsewhere. A share of the profits from increased American purchases of platinum for ecological purposes will go to the citizens of a Bantustan.

My friend Gatsha Buthelezi is the most dynamic of these leaders, and the leader most anxious to have American economic assistance. He is highly articulate, well-educated, and immensely able as a politician. His talents are equal to those of his great-grandfather who skillfully defeated the British troops invading his country a century ago. Buthelezi changed his opposition to the concept of Kwazulu when he concluded that it was an institution which could be used to advance the welfare of his people. He speaks frequently and bluntly about the grievances of his people and their need for more territory, including access to the sea at Richard's Bay. He is a proud and dedicated man. He is no racist. He has already changed the long-standing Zulu distrust for the three million Coloured people in South Africa by agreeing with one of their leaders, Sonny Leon, that Coloured people are welcome to Kwazulu as equals. Buthelezi has no antipathy for whites and is not interested in a narrow Zulu exclusivity. His concept and those of other Bantustan leaders is that Bantustans involve a constantly evolving political pattern, not one that is bound by narrow dogmas. It is true that the South African government holds nearly all the cards in this game, but it is Buthelezi who holds the hearts of the people.

Loan guarantees have not been seriously considered in the past because of a fear that they would be interpreted as official endorsement of racial segregation. The Bantustans are not the final answer to the problem of injustice in South African society, but they will play a role in the formation of a society in which race will, I hope, be incidental to the merits of men and women.

Helping a man like Gatsha Buthelezi is one of the best opportunities for a pragmatic input into the South African scene. One cannot be sanguine about immediate results, but such a move is preferable to sanguinary alternatives.

Mr. Chairman, my concern for a just society in South Africa is an outgrowth of my concern for ending racism in our own American society. Our policies will not be effective in South Africa if we are hypocritical, but on the other hand we cannot condone acts of racial discrimination by American business abroad if we hope to eliminate them at home. There are definite limits to the extent to which the United States can and should express its concern with the white oligarchy in South Africa, just as we draw a line against foreign interference in our own society.

However, inasmuch as American business is at the forefront of United States involvement in South Africa, it behooves American business and those who legislate on aspects of its practice to make the maximum effort to institute employment practices that are not based on race. Such an effort will be welcome in South Africa, not only by African, Asian, and Coloured workers, but by many labor leaders, by most English-speaking white employers, and, perhaps surprisingly to some Americans, by a wide cross-section of the leading Afrikaans-speaking employers and cultural leaders in South Africa.

Mr. Chairman, I did not seek an invitation to appear at these hearings, but I am pleased to be here and, again, thank you for inviting me.

(NOTE.—The figures for average monthly wages for African labor were taken from the July, 1972, issue of *Fortune Magazine*. The figures on wages for employees of American firms in India and Brazil are from the Bureau of Labor Affairs of the United States Department of Labor in 1970.)



## BLACK REALITY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. RANGEL. Mr. Speaker, a recent article written by Ben J. Wattenberg and Richard M. Scammon, appearing in the April issue of "Commentary" certainly stimulated much reaction in the black community.

One thoughtful and intelligent response was voiced by Vernon E. Jordan, Jr., director of the National Urban League, that appeared in the New York Voice newspaper of May 4.

I now submit the text of Mr. Jordan's column for the collective attention of this body:

BLACK PROGRESS VERSUS REMAINING GAP

(By Vernon E. Jordan, Jr.)

Writing in the April issue of "Commentary", Ben J. Wattenberg and Richard M. Scammon, two respected statisticians, make the startling and unsupported charge that civil rights leaders "have elected as a matter of policy" to avoid any public mention of black achievements in "order to maintain moral and political pressure on the Administration and on public opinion."

The charge, which I emphatically label as false, carries the ugly implication of a cynical conspiracy among Black leaders to deliberately ignore reality as part of a dishonest strategy to make the problems of Black Americans seem worse than they really are.

The truth is that a great deal of attention has been paid by Black leaders to the very real gains made by blacks over the past several decades. To ignore these gains would be foolish. At the same time, however, the rejoicing has to be tempered with the bitter fact that most blacks still lag far behind white America in what is available to them in terms of employment, housing, education, health care and all the other requirements for a good life.

Of course there has been progress, but an accurate appraisal of its extent has to be measured in relationship to something else, and when this occurs, the picture for blacks is far less attractive than Wattenberg and Scammon would have one believe. Blacks have made gains, and so have whites, and the net result has been that while black income has gone up, the actual dollar gap between the races has widened.

INCOME GAP

In 1960, $2,600 separate black median income from white. In 1970, the dollar gap had grown to $3,800. On a percentage basis, four times as many blacks are poor than white. Individual blacks have succeeded and this is to be praised. But a walk through any ghetto, with its rat-infested housing and its out-of-work men and women clearly demonstrates why so many of us cannot take the easy way out and dwell on how far we have come, instead of dealing with the more pressing problem of how far we still have to go before we catch up.

Wattenberg and Scammon also contend that at some unspecified moment during the recent past, enough blacks moved up to middle class status to become a majority of black Americans (52%). If this is true, the obvious conclusion is that blacks pretty much have it made and efforts to erase inequities within the society can be toned down.

The Wattenberg-Scammon thesis, however, simply does not hang together. Not unless one is prepared to accept an elastic definition of middle class that has been stretched to include all workers except laborers, service workers and domestics.

Using money as the determinant of what constitutes middle class, they set $8,000 as the entry level into this select group outside the South. Within the South, the figure is arbitrarily set at $6,000. No percentage is given for the number of whites who would qualify under this criteria, but it has to be considerably above the black figure.

WHAT IS MIDDLE CLASS?

This is a new approach toward middle classness and it does not take into account how many people have to produce that income, how many have to share it, whether the employment situation is stable, and a whole slew of other important factors.

To render this new definition of the Black middle class even less valid, the authors have included all factory workers. The average earnings of such workers, however, is only $4,500 a year.

The efforts of Wattenberg and Scammon to convince readers that the majority of blacks are now middle class are particularly deceptive since they obscure the fact that there are two middle-income levels in America—$6,440 for black families and $10,672 for white families. In plain terms, the black middle income level is 40% lower than the white middle income level, so that the term "middle class" does not mean the same for both.

What the authors have done is dangerous because it presents a distorted picture of the position of black Americans, providing ammunitions to those who believe blacks have come far enough and it's time to call a halt to any further progress.

I wish that most blacks were middle class. The reality is that they are not, and arbitrarily saying that they are, will not make the problem spawned of poverty and deprivation go away.

## A SALUTE OF OKLAHOMA HOSPITALS DURING NATIONAL HOSPITAL WEEK

### HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. JONES of Oklahoma. Mr. Speaker, today, as a continuation of my tribute to the medical facilities in my district, during National Hospital Week, I should like to call particular attention to several specialized facilities and smaller hospital units of notable merit. Two exceptionally fine specialized facilities are the Tulsa Psychiatric Center and Children's Medical Center.

The Tulsa Psychiatric Center was begun as a small psychiatric clinic founded by lay citizens who have since been largely responsible for its growth and support. The center offers outpatient and inpatient care as well as emergency services, social services, consultation and education, and various rehabilitative services. Treatments include both individual and group psychotherapy, chemotherapy, day treatment, occupational therapy, movement therapy, and art therapy.

During the last 10 years, the center has grown to an active caseload of approximately 4,000 patients with about 300 new admissions per month. When the Tulsa Psychiatric Center was expanded in 1970 to become a Community Mental Health Center, the Children's Medical Center was included to serve the children of the catchment area.

Children's Medical Center started in 1926 as a 14 bed Crippled Children's Home for indigent children. The Junior League of Tulsa laid the foundation for what has become a unique community institution with multiservice programs.

The center now encompasses programs directed to helping emotionally disturbed, mentally and physically handicapped children. The primary service area is Tulsa and eastern Oklahoma, although many out-of-State children are served.

The broad programs include a 40 bed hospital for both pediatric and psychiatric patients, an outpatient psychiatric service, a day school for children aged 2–9 with delayed development or disorders, a vocational training center for young handicapped adults 16 years and older. Also offered are various medical specialty clinics and therapies.

Children's Medical Center's anticipated expansion, which includes an increase to 60 beds, will become a reality in the spring of 1973.

Other general medical facilities of note include: Doctor's Hospital which was opened in September 1966 as a 100-bed general hospital. The facility has grown

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steadily and now has a total potential capacity of 225 beds, with additional construction under consideration.

Franklin Memorial Hospital is a 25-bed hospital located in downtown Broken Arrow. The board of trustees for the hospital, a nonprofit corporation, is composed of nine citizens from the community. The increased needs for expanded hospital facilities in Broken Arrow are fueled by the rapidly increasing population in the community. Plans for relocating and expanding Franklin Memorial Hospital are currently being pursued by the board of trustees. The actions of the trustees truly exemplify this year's theme for National Hospital Week, "Your Hospital, a Caring Community; Your Health, Our Concern."

Also in Tulsa County is Memorial Hospital Co. in Collinsville, a 25-bed general medical and surgical hospital which opened in 1962, financed by Hill-Burton funds and public donations. Memorial Hospital offers physical therapy and inhalation therapy as well as general medical facilities, and accommodates both medical and osteopathic physicians.

There are three hospitals in Pawnee County. The Pawnee Municipal Hospital is a 24-bed general medical hospital built in 1938. The hospital is city owned and is presently studying the possibility of a modernization or replacement project. The Cleveland Area Hospital is a 25-bed general medical hospital built in 1964 through Hill-Burton funds matched by local donations. Also located in Pawnee is the Pawnee Indian Hospital which services 17 counties. The 32-bed general hospital and related field health clinics are staffed by physicians commissioned by the U.S. Public Health Service.

Further, during the observance of National Hospital Week, I would be remiss if I failed to commend the Oklahoma Hospital Association for providing capable leadership and assistance to the hospitals of our State and for its efforts to promote better health care for our citizens.

## PENSION-FUND INVESTMENT LAW "TOOTHLESS"

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. RAILSBACK. Mr. Speaker, I include the following, which is the second of a four-part series presented by the Christian Science Monitor entitled "Pension-Fund Investment Law 'Toothless' ":

PENSION-FUND INVESTMENT LAW "TOOTHLESS"—STIFFER RULES URGED FOR VAST DEALINGS

(By David T. Cook)

BOSTON.—Privately run pension plans control a vast pool of largely unregulated riches totaling $157 billion.

Some 35 million American workers expect to retire on a thin monthly slice of those assets.

The number of adequate slices of retirement income the plans can consistently provide depends on how effectively their assets are managed and regulated.

Most pension-plan assets currently are intensively managed and passively regulated.

All pension plans are required to file an annual report with the Labor Department. General information about each plan's income, investments, payouts, and administrative costs must be provided.

But the law requiring annual reports is toothless. It forbids the Labor Department from "interfering in the management of any welfare or pension plan."

IRS APPROVAL SOUGHT

Somewhat more rigorous regulation is imposed on pension plans seeking tax-exempt status from the Internal Revenue Service.

Most companies want their pension plans IRS-"qualified." Money a firm spends to support its IRS-qualified plan and any investment income this money earns is exempt from federal taxation.

The IRS requires that firms sponsoring qualified plans:

Must pay interest to their pension fund on the cost of benefits credited to workers, but not paid for, at the time the firm's pension plan was started.

Must use an equitable method of distributing pension benefits among both highly and modestly paid employees.

The safety of a worker's retirement benefits is directly related to how well his employer's pension plan is funded.

A plan is fully funded when, even if it terminates, its assets are worth enough to pay every worker the full value of his vested retirement benefits.

BENEFITS REDUCED

If a plan terminates without being fully funded, the benefits workers have been expecting usually are reduced. The sponsoring firm decides what age groups and seniority levels have their benefits chopped the most. The company is required, however, to pay out all money in its pension fund upon termination.

Plans that aren't tax-exempt aren't required by the federal government to maintain any specific funding level.

IRS-qualified plans are required to pay for (or fund) retirement benefits as workers earn them. When a company starts a pension plan, it sometimes credits workers with pension benefits for service given before the pension plan started. If the firm does not immediately set aside money to pay for these past-service benefits, the IRS requires it to pay interest on them to the company's pension plan.

Many firms take between 20 and 30 years to fully fund these past service costs. A 10-year funding period is the shortest the IRS will allow. Speedier repayment would give the firm an unreasonably large tax exemption, the IRS feels.

MARKET HAS EFFECT

If an IRS-qualified plan with substantial unfunded past service costs were to terminate, each worker's benefits would be reduced by a pro rata share of the unfunded costs.

What funding level private pension plans actually maintain is difficult to determine. Funding levels vary almost daily depending on stock-market conditions and other technical factors.

One study of 100 plans covering 4.5 million workers found 77 of the plans had sufficient reserves to pay out all promised benefits. The impressiveness of this full funding depends somewhat on how hard it was for workers in those firms to get vested benefits.

Critics charge that, in addition to better regulation of pension-plan funding, other pension investment policies need attention. Legislation is needed, they say, to prevent some pension funds from:

Making investments that involve a conflict of interest.

Investing in unregistered securities.

Keeping their investments secret from plan participants.

Current legislation leaves companies free to select whatever investment vehicle they choose for their pension funds. Most firms don't make the choice themselves. Instead they hire a bank or insurance company to make the decisions.

About one-third of private pension assets ($46.5 billion) are managed by insurance companies. The corporate-pension-plan sponsor usually pays the insurance company a fixed fee. In return the insurance company provides a fixed retirement income that covers each employee with vested benefits.

Insurance-company management gives the firm sponsoring the plan costs that do not fluctuate as markedly as other methods of pension management based in direct investment in the stock market.

Some 80 percent of the assets not controlled by insurance companies ($88.4 billion) are in the hands of bank trust departments. Unlike insurance companies, banks generally do not guarantee a specific rate of return on the investments they choose.

A handful of banks control the majority of pension-plan assets held by bank trust departments. The four largest bank-trust departments control $47.5 billion. The ten largest manage $75.5 billion.

DANGERS SIGHTED

Critics charge that there are dangers in this highly concentrated control of sizable assets. First, they assert, market liquidity suffers when such a significant portion of overall supply and demand for stock comes from a few major stock-market participants.

The second danger critics see is more directly related to pension benefits. If a few of the major banks' favorite stocks were allowed to fall, sizable numbers of workers might have their pension benefits reduced. The other alternative would be for corporate sponsors of the affected plans to make additional contributions to their plans to offset a market loss.

Pension managers have assets handled by banks hoping that the bank will be able to achieve a better rate of return on the fund's assets than the sponsoring company could.

The rate of return is a critical factor in determining what a company's pension plan will cost.

According to New York's Wertheim Asset Management Service, if a pension fund's yearly yield improves by 1 percent, the effect over a long period would be to reduce the costs of the plan by 25 percent or finance an increase in pension benefits of 30 percent.

While banks are hired to outperform the market, often they do not. A Becker study of 300 pensions funds over a 10-year period through 1971 found this to be true. Some 60 percent of the funds Becker tracked failed to match the 7.1 percent rate of return averaged by the 500 stocks used to compute the Standard & Poor's market index.

The return the average fund counts on in determining its pension costs is 5.8 percent, according to a Louis Harris survey of 1,200 major corporations' pension plans. The same study found that the average return major corporations actually get on pension assets is 5.9 percent.

Second of a four-part series. Next: a look at innovative pension-plan provisions.

## GOVERNMENT-SPONSORED RACISM

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. CRANE. Mr. Speaker, although the Civil Rights Act of 1964 forbids discrimination on the basis of race, creed, or age, the unfortunate fact is that an agency of Government, meant to oppose racism, is, instead, fostering it.

The Department of Health, Education, and Welfare has for some time indicated that university and college faculties which do not meet unspecified but understood "quotas" of women, blacks, and Mexican-Americans on their faculties, would lose Federal funding. Thus, the taxpayers money has been used as a club with which to impose a policy which is, in fact, illegal, namely the consideration of job applicants not upon merit but upon such extraneous criteria as race, age, and sex.

A recent example of this policy came to my attention in the form of a letter received by the wife of my administrative assistant, Mrs. Linda Leventhal Feulner, from the American Occupational Therapy Association of which she is a member.

The letter informed Mrs. Feulner of the reason for asking information concerning the race of members. Since it was a form letter, it appears that many members of the American Occupational Therapy Association objected to this question.

The letter notes that:

As you know, approximately ten years ago, it became illegal and in bad taste to ask questions about an individual's race or religion. . . As Civil Rights have moved forward, there has been increasing concern that deletion of this kind of data does not, in fact, guard against discrimination but perhaps makes discrimination more likely or possible.

How discrimination is made more likely or possible by not requesting information concerning an applicant's race or religion is not explained. The reason, of course, is that such a proposition is both illogical and contradictory.

The letter continues to note that:

There has been increasing pressure from . . . State and federal government agencies for institutions . . . to identify the number of minorities employed or offered membership. . . This is especially true with the Government granting agencies . . . this kind of data becomes crucial in order for us to receive Federal grant monies.

It is high time that we put an end to Government-sponsored racism of the kind set forth in this letter.

I wish to share with my colleagues the letter received by Mrs. Feulner from the American Occupational Therapy Association, and insert it into the RECORD at this time.

THE AMERICAN OCCUPATIONAL THERAPY ASSOCIATION, INC.,
*March 7, 1973.*

MRS. LINDA LEVENTHAL FEULNER,
*Fairfax City, Va.*

DEAR MRS. FEULNER: I saw your note on the data sheet form which you sent to our membership office, and I asked if I might respond to you. I would like to share with you the reasons for our recent request for information concerning our members' color or race.

As you know, approximately ten years ago, it became illegal—and in bad taste—to ask questions about an individual's race or religion. Such questions at that time were not permitted in order to prevent or at least avoid racial discrimination and to provide equal employment opportunities to all persons regardless of race or religion. As Civil Rights have moved forward, there has been increasing concern that deletion of this kind of data does not, in fact, guard against discrimination but perhaps makes discrimination more likely or possible.

There has been increasing pressure from minority group organizations and from state and federal government agencies for institutions, agencies and organizations to identify the number of minorities employed or offered membership in an association or organization. This is especially true with the Government and granting agencies. We have been asked many times to list the number of minorities who are members of our Association, and this kind of data becomes crucial in order for us to receive Federal grant monies. The fact that we have no such statistics would suggest perhaps that we do indeed discriminate against the minorities.

I do hope this explains our asking for this information on our data sheet.

Yours truly,

(MRS.) DOLORES W. HILL,
*Membership Secretary.*

## NATO DEFENSES STILL NEEDED AS U.S.S.R CONTINUES TO ARM

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. HUBER. Mr. Speaker, in a recent editorial in the Daily Telegraph of London, Mr. R. H. C. Steed points out the dangers involved in the NATO countries continuing to weaken their defenses in the vague hope that the Soviet Union will do likewise. He further points out that if this trend continues, the Soviets will have such an overwhelming psychological advantage that it may be able, in the future, to directly influence events in Western Europe without moving a soldier in that their preponderance in men and equipment will be overwhelming. As Mr. Steed points out, while the Western nations debate detente, and some shorten their terms of service, the Soviets are replacing their T–54 tanks with still heavier T–64 tanks. This article provides a timely touch of realism to the debate and I commend it to the attention of my colleagues:

R. H. C. STEED WARNS US AGAINST THE DETENTE-MONGERS WHILE RUSSIA BUILDS TANKS

Over the past couple of years the major European Nato Governments, in the face of increasing domestic resistance and apathy, have been doing their best to respond to President Nixon's appeals for a greater defense effort. They were only too painfully aware that otherwise he would not be able to resist pressure from Congress for major unilateral American troop withdrawals.

It was also quite clear that in this event Western Europe's defence, already stretched so thin as to provide no safety margin, would become no longer credible to the Russians or to its own members. Some would yield to Russian pressures and blandishments to come to separate terms. Nato would crumble, and Russian control, in whatever form, would spread over Western Europe.

Improvements have consisted mainly in slight increases in the British and German defense budgets and, largely as a result of this and of the maturing of earlier plans, of an all-round improvement in installations and equipment—the quality of most of which is now at a good and often very high level. Yet in other respects, though what is being attempted is still well short of American requirements, let alone of the urgent needs of the moment, there are disturbing signs of flagging.

The most obvious of these is the continuing trend towards reductions in the length of conscript service. A deplorable precedent is being set by Denmark, which is reducing the period from 12 to six months.

This indication of the state of Danish morale is depressing, especially for BAOR would be heavily involved in the defense of Denmark. Germany has reduced the period from 18 to 15 months. Belgium is down to 12 months and contemplating further reductions, as is Holland.

Such short periods of training are not sufficient for complex modern weapons, and also constitute too much of a strain and a distraction for the long-service cadres of NCOs and officers. In the Warsaw Pact, by contrast, conscription is for two years—with the curious exception of East Germany, where it is 18 months.

It is argued that a compensating advantage is that more reserves are thus produced and that indeed even shorter periods of training would be advantageous in that they would produce great numbers of men able to deal with the Russian tank superiority with anti-tank rockets operated by small crews or even by one man. As against this, military commanders are increasingly concerned with morale—both civilian and military.

Short terms of training not only fail to give the necessary skill, but also the necessary confidence and esprit de corps. This might be replaced by high motivation and defence-consciousness. Yet it is this element that seems to be increasingly lacking, and on which lone exploits of heroism against a thundering fire-spitting horde of T 64s would supremely depend.

Indeed, in the German Army, in furtherance of the concept of the non-militarist civilian-in-uniform soldier, political influence has been largely and effectively directed towards creating an enlightened *"Feind Bild"* or concept of the enemy. This trend is influenced by awareness that the enemy would often be East Germans.

Herr Brandt's Ostpolitik, based among other things on the concept of "two States in the German nation," has also had a psychological effect. There is none of this soul-searching about what degree of hatred or aggressiveness should be inculcated against the enemy on the Warsaw Pact side, where care is taken that the simple view prevails that the only good imperialist capitalist hyena is a dead one. Another contrast is provided by the 30,000 conscientious objectors in West Germany.

Nato troops cannot but be aware that the odds are heavily against them, while West German troops and Government know that any major fighting, conventional and tactical-nuclear, would unavoidably and almost immediately range very deep into densely populated German territory. It is particularly the German, Dutch, Belgian and Scandinavian Governments which, against all the indicattons, place their hopes in the success of the projected conference on Mutual and Balanced Force Reductions.

PRICE OF DEMOCRACY

No doubt the Russians would like to be able to reduce their crushing defense expenditure, but there is little reason to believe that they are prepared to commit themselves to any reduction of their present superiority. They count on early American and European reductions in any case. Although the economic product of the Warsaw Pact countries per head is only about half that of the Nato countries, the Communist Governments have full internal control over their populations, and are not subject to the democratic pressures felt by Western Governments.

Russia has only grudgingly and tentatively agreed to discuss force reductions in



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return for a firm and prior agreement by the West to take part in the European Security Conference at which Russia seeks to divide the West and get confirmation of her empire in Eastern Europe. Meanwhile Russia, for whatever reasons, has been expanding and modernising her forces facing Nato, concentrating on offensive preparations, equipment and dispositions.

Modernisation and reinforcement of the artillery was completed a year ago. It now has an overall technical superiority over Nato and a numerical advantage of about three to one. During the past year Russia has been concentrating especially on tanks.

Previously, on the central front, the Warsaw Pact had 16,000 tanks, an unusually high proportion of them heavies; 10,000 were Russian, against about 5,000 on the Nato side. During the past year the Warsaw Pact tank strength has been increased by between 1,500 and 3,000 all the latest heavy T-64s.

The Warsaw Pact's front-line superiorities in manpower and in aircraft on the central front are both more than two to one. Russia's central position and enormous geographical depth invalidate her argument that she is "encircled" by Europe and China. China is contained by huge and technically vastly superior Russian conventional and nuclear forces.

Why has Russia thus increased her already great preponderance in Europe? Partly perhaps as a precaution against any agreement on reductions of forces. Mainly, however, to be ready to take instant and decisive advantage of any sudden opportunities. For instance, Russia will hardly have neglected to have made provision inside Yugoslavia to exploit the departure of Marshal Tito. If in a confused situation an appeal for Russian help could be arranged, the military means would be available. This may explain why Russia refuses to bring Hungary, which would be in a key position in such an event, into M B F R, which would reduce and limit the size of her forces in that country.

Russia would dearly like to get hold of the province of Finnmark in Northern Norway to provide ice-free harbours for her expanding Atlantic fleet, threatening Nato's life-lines. Popular Front Governments in France or Italy which refused to go quietly after an electoral defeat might be supported, even at a distance, by superior Russian power.

Developments in Greece might present some opportunities. Huge Russian superiority on the central front would discourage Nato from any general reaction against Russian action elsewhere, or against Berlin. A Christian Democratic electoral victory in Germany, or the introduction of a European nuclear weapon, might be used as an excuse for Russian action. In these and other eventualities, great Russian military superiority could be used for political blackmail.

These are some of the answers to the argument that, in the nuclear age, conventional superiority becomes irrelevant. In fact, the more Europe's defence depends—as it already does to far too great an extent—on almost immediate massive American first-use of nuclear weapons, the less likely will this use become, the harder will America try to opt out, and the greater will be the dividends that Russia can collect without risk through the mere existence of vastly superior conventional force.

## RUMANIAN INDEPENDENCE DAY

### HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. REGULA. Mr. Speaker, I remind my colleagues that May 10 is a day of observance of the Rumanian Independence. Over 100 years ago, in Bucharest, Charles, Prince of Hohenzollern-Sigmaringhen, a scion of the Southern and Catholic brand of the Prussian royal family, was proclaimed Prince of Rumania, and thus was founded the Rumanian dynasty. It was the successful outcome of a nation's long struggle to put an end to the strife and rivalries among native candidates to the throne. Charles I was inaugurated on May 10, 1866.

Eleven years later, during the turmoil of the Russo-Turkish War, the Principality of Rumania, until then nominally a vassal of the Sultan, proclaimed her independence by severing bonds that linked her with the Ottoman Empire. This independence was fought out on the battlefields south of the Danube, where the young Rumanian Army, as an ally of Czarist Russia, played a noteworthy part in the defeat of the Turkish forces.

Four years after that, the Rumanian people decided to raise their country to the ranks of a kingdom. On May 10, 1881, Charles I, by the will of his people, was crowned King of Rumania. The next six decades were years of prosperity for the nation.

During those years and to the present day, Rumanians have cherished May 10 as their national holiday. The date remains a symbol of their perseverance through the ravishment and oppression of despots. An effort to minimize its significance and to weaken the people's will for freedom was made when the official celebrations were shifted from the 10th to the 9th of May, the anniversary of the Soviet occupation and victory. But, though flags are hoisted on May 9, Rumanians around the world and in their captive homeland celebrate in their hearts the following day, May 10. They await with faith and courage the dawn of a new era, not only of independence, but of freedom.

What better wish can we here express for a people whose sad lot it has been within our lifetime to survive the necrosis of nazism only to be tossed into the caldron of communism?

Let us join in sending our prayers to these stoic people behind the Iron Curtain and our fervent wishes that their freedom soon shall be restored.

## DISCIPLINARY REPORT IS SERVICE TO NATION

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. BOB WILSON. Mr. Speaker, military and nonmilitary personnel alike, have been deeply disturbed by shipboard upheavals and the charges of permissiveness within the Navy. Ruthven E. Libby, a retired Navy vice admiral, has presented an excellent analysis of the Special House Armed Services Subcommittee Report on Disciplinary Problems and I would like to share Admiral Libby's observations with my House colleagues:

DISCIPLINARY REPORT IS SERVICE TO NATION

(By Ruthven E. Libby)

The country is indebted to Reps. Floyd B. Hicks, W. C. Daniel and Alexander Pirnie, members of a special House subcommittee, for their report on Disciplinary Problems in the United States Navy released Jan. 23.

The report is a fascinating and disturbing document.

It was not arrived at lightly, obviously. The work of the subcommittee was thorough. The documentation is voluminous.

The findings are disquieting and critical of much that goes on in the Navy. The opinions largely confirm the belief prevalent among many of our citizens, including the majority of retired naval personnel of all ranks and ratings, that there has been a serious breakdown in good order and discipline in the Navy.

These dangerous and unwholesome conditions are not simply signs of the times, as has been averred. They appear to individuals such as this writer to be the inevitable result of ill-advised, ill-conceived and poorly implemented conceptions and procedures that have departed widely from traditional and time-tested ones.

It is regretted that the subcommittee did not set forth its recommendations with the same vigor with which it expressed its findings and opinions; in this regard the mountain seems to have labored and brought forth a mouse.

Apparently at pains not to step on any toes, the recommendations will seem to many to be superficial rather than fundamental, and as failing to get at the basic causes of the disturbances and lowered standards in the Navy.

It is perhaps fortuitous, but almost coincident with the release of the Hicks Report, the Navy Bureau of Personnel issued a special edition of the Retired Naval Personnel Newsletter designed to reassure concerned retirees that all is really on the up and up in today's Navy.

There can be no question of the motives of the Navy high command; paramount objective is to achieve and maintain the highest level of combat effectiveness possible, under difficult circumstances. One can, however, with considerable justification seriously question the wisdom of the way in which the aforesaid Navy high command has sought to reach this goal.

The subcommittee found that "permissiveness" exists in the apparent breakdown of discipline in the Navy, as was charged following the serious incidents aboard the attack carriers Kitty Hawk and Constellation last October and November respectively.

In the course of its inquiry into "the alleged racial and disciplinary problems" in these carriers, the subcommittee found what everybody knows—the vast majority of Navy personnel is performing its duties loyally and efficiently. There is, however, a segment of that force which is either unable or unwilling to do so. It has been tolerance of this segment, extending at times even to appeasement, that has contributed to the breakdown of discipline.

The Chief of Naval Operations asserts that "contrary to some reports, Z-Grams have not relaxed standards. They have updated them." The intent, surely admirable, has been to "not permit general policies to be dictated by the need . . . to constrain those few individuals who do not respond to the trust and confidence expressed in more flexible and less restrictive regulations." However admirable the intent, the results have been disastrous.

The subcommittee found that "permissiveness" exists in the Navy today and could be servicewide. It defines "permissiveness" as used in the report, thusly:

"Permissiveness means an attitude by seniors down the chain of command which tolerates the use of individual discretion by juniors in areas in the services which have been strictly controlled; it means a tolerance of failure; a failure to enforce existing orders and regulations which have validity; it means a failure to require that existing standards be met, and a sufferance of the questioning of valid orders. Unhappily, close on the heels of permissiveness, we often find appeasement when trouble arises."

If this isn't a capsule exposition of how to wreck any organization, military or otherwise, I never saw one.

A flagrant instance of appeasement, and on which the subcommittee expressed its strong objection, was "the procedure used by higher authority to negotiate with the Constellation's dissidents and, eventually, to appease them by acquiescing to their demands and by meting out minor non-judicial punishment for what was a major affront to good order and discipline"—actions which, the subcommittee stressed, "have the potential for crippling a combatant vessel in the war zone."

What happened aboard this man-of-war was mutiny, no more and no less. In attempting to deal with it, the chain of command was never followed. Advice given line officers by personnel in human relations billets was uniformly poor and the resulting decisions failed to bring the mutiny to an end.

The public has been led by the news media to believe that racial discrimination is rampant in the Navy and was the primary cause of the Kitty Hawk rampage and the Constellation mutiny. The subcommittee disagrees, emphatically.

In the Kitty Hawk "there was not one case wherein racial discrimination could be pinpointed." In the Constellation, the mutiny was "the result of a carefully orchestrated . . . well-organized campaign wherein a small number of blacks wilfully created among other blacks the belief that white racism existed in the Navy and aboard that ship." It did not.

The moral of James Thurber's "Fable of the Bear Who Could Take It or Leave It Alone," you remember, was: "You might as well fall flat on your face as lean over too far backwards." It appears to many of us that the CNO has done the latter. In his concern over racial problems, he has appeared to place "human relations" goals above the requirement for good order and discipline. On this question, the subcommittee report states:

"The members of the subcommittee fully support the idea of equality of opportunity in the military and naval forces of the United States for all persons . . . Human relations programs remain essential. (But) where Human Relations councils and Minority Affairs offices are manned solely by minority personnel, they become conduits for minority personnel to bypass the normal chain of command . . . Used as a vehicle for settlement of individual minority grievances which should be resolved within the command structure, they are divisive and disruptive of good order and discipline . . . The equal opportunity and human relations programs of the Navy must not, in any way, dilute the authority of the chain of command."



## PANAMA CANAL PROBLEM: MAJOR ISSUES CLARIFIED IN RICHMOND TIMES-DISPATCH

### HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. SNYDER. Mr. Speaker, the House Committee on Merchant Marine and Fisheries, after extensive hearings by its Subcommittee on the Panama Canal, under the chairmanship of my able and distinguished colleague from New York (Mr. MURPHY) on January 2, 1973, reported upon its activities during the 92d Congress.

Since that time—and as a result of related developments here and elsewhere—the canal question has been a subject of considerable discussion in the news media, and the interest of the press in some of our coastal States has been aroused.

As one example, in an editorial on March 25 of this year, entitled "Keep the Canal," the Richmond (Va.) Times-Dispatch made a strong appeal for retention by the United States of its treaty-based sovereign rights, power and authority over the Canal Zone. Unfortunately, this editorial contained two serious errors: First, that the United States pays an "annual rent" for the Canal Zone; and second, that increasing traffic has made construction of a second canal of so-called sea-level design "desirable."

In a perceptive letter to the editor by Capt. Franz O. Willenbucher, an experienced retired naval officer long associated with Panal Canal affairs, these two errors were corrected. He demonstrated:

First. That the anuity paid Panama is not a "rental" for the Canal Zone but ar. augmented obligation for the Panama Railroad originally assumed by the United States in the 1903 treaty with Panama.

Second. That the editorial's suggestion that a sea-level undertaking is "desirable" is an unwarranted assumption.

Captain Willenbucher also explains his support of the modernization of the existing canal in the Canal Zone under the Terminal Lake-third locks proposal, pointing out that some $171,00,000 has already been expended toward such modernization. He notes that the task can be completed without the necessity for any new treaty with Panama and that the sea-level proposal is "irrelevant." Additionally, he calls to the editor's attention the fact that legislation for resumption of suspended construction under the above-mentioned plan is now pending before the Congress.

It is my hope that the original Times-Dispatch editorial, along with the very important clarifications set forth by Captain Willenbucher, will help my colleagues in assessing the canal question—and in approaching the upcoming legislation.

For this reason I insert the editorial and the reply at this point:

[From the Richmond Times-Dispatch, Mar. 25, 1973]

KEEP THE CANAL

The issue of control of the 40-mile-long Panama Canal Zone strategically linking the Atlantic and the Pacific is an extremely thorny problem. But the special UN security Council meeting at Panama has only added to the brambles in the thicket. The United States was justified in vetoing Wednesday a Council resolution on the subject.

In the first place, the hyprocrisy of those freedom-loving governments of Russia and China in demanding that the United States turn over the Canal to the Republic of Panama is thick enough to obscure all else. How many acres have Chairman Brezhnev or Chairman Mao ceded to nationalist aspirations?

Besides, the assertion that the Canal Zone is "an inalienable part" of Panama's territory does not square with history. If the land is intrinsically anybody's, a case could be made that it is Colombia's. When the Colombian senate began to hedge in 1903 on a treaty to grant the U.S. the right to acquire a canal zone in Colombia's Panama province, U.S. naval vessels helped Panamanian rebels win independence by blocking Colombian troops from reaching the uprising. Without U.S. intervention, it is probable there would be no Republic of Panama. And Panama came to existence simultaneously with the assertion of a U.S. presence there.

Call this an ugly hangover from the era of gunboat diplomacy if you will, but the fact remains that as part of the 1903 Hay-Varilla Treaty giving the U.S. control of a strip for a canal in perpetuity, the U.S. paid Panama an initial sum of $10 million, indemnified Colombia to the tune of $25 million, and agreed to pay Panama substantial annual rent, which figure has since been increased several times.

The total cost to the U.S. for 647 square miles of the zone far exceeds the price of many other American territorial acquisitions, including the Louisiana Purchase (that vast area streaching from the Mississippi River to the Rocky Mountains and from the Gulf of Mexico to Canada) and such notable additions as Alaska and Florida.

Why Omar Torrijos, Panama's dynamic 44-year-old military ruler, would be invoking Latin nationalism in a campaign to win control of the canal is understandable. Undeniably, his claim has appeal throughout much of Latin America and among guilt-ridden liberals of this country. It just may be that in the bilateral U.S.-Panamanian negotiations, there ought to be concessions the U.S. can make to satisfy some of Panama's complaints.

But relinquish ultimate U.S. control of the Isthmus? Before that is contemplated, it is fair to recall that Panama, unfortunately, has been notoriously susceptible to political upheaval, with no fewer than 44 presidents having come and gone in 70 years. Could the uninterrupted movement of commercial or military ships be guaranteed under any Panamanian regime of the moment? One thinks sadly of the Suez, the world's other great canal, which still stands idle, a victim of political instability.

The enormous value of the Panama Canal to the free world in two World Wars cannot be over-stated. Heavy use in peacetime has made desirable the construction of a new sea-level canal, a matter complicating current negotiations. Few things would help potential enemies of this nation or of our allies more than for the U.S. to cede the Canal Zone to Panama or to "internationalize" its control. The Nixon Administration should ignore the hypocritical bowls from the UN. But if the Administration does concede too much in a new treaty, Congress should exercise its Constitutional prerogative to reject it.

[From the Richmond Times-Dispatch, Apr. 22, 1973]

DISPUTES EDITORIAL ON PANAMA CANAL

Your otherwise superb editorial "Keep the Canal" (March 25) unfortunately included two serious errors.

The first is the statement that, under the terms of the 1903 Hay-Bunau-Varilla Treaty, the United States "agreed to pay Panama substantial annual rent" for the Canal Zone. Such is not the fact. U.S. tenure is perpetual, its control sovereign. The amount which the U.S. paid Panama for this right and control was a lump-sum payment of $10 million upon the ratification of the treaty. In addition, the U.S. purchased all privately-owned lands within the zone from their owners, making the U.S. not only the owner by treaty grant, but also by direct purchase.

What the U.S. agreed to pay, and has paid,

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annually to Panama, (originally $250,000 and now $1.93 million, raised by reason of dollar devaluation and U.S. generosity) has been, and is now, to compensate Panama adequately for the loss of revenue that Colombia formerly enjoyed from the highly successful operation of the Panama Railroad situated in the Canal Zone, which became the property of the United States upon the signing of the treaty.

For a completely documented, unbiased, historical and jurisdicial treatment of these matters, see *Cadiz to Cathay* by Capt. Miles P. DuVal, USN, Greenwood Press, Westport, Conn.

The second error is contained in the sentence in the last paragraph which states, "Heavy use [of the canal] in peace time has made desirable the construction of a new sea-level canal, a matter complicating current negotiations." That construction of a sea-level canal is desirable is a mere assumption not shared by those intimately familiar with the facts. Through this fallacy, the treaty negotiations have, indeed, been seriously complicated. A leading advocate of a sea-level proposal has publicly admitted that its main purposes is to obtain "better treaty relationships" with Panama, that if such are not obtained, the sea-level proposal is not warranted, that in fact it "may never be constructed," and, that the decision for such construction would be a "political" one (*Congressional Record*, vol. 117, pt. 6, pp. 7839–7840).

The House Committee on Merchant Marine and Fisheries, on page 36 of House Report No. 92–1629 of Jan. 2, 1973, summarized the key canal issues as follows:

(a) Retention by the United States of its undiluted sovereign rights, power and authority over the Canal Zone, which is the absolutely necessary protective frame of the canal; and

(b) Major modernization of the existing canal within the present Canal Zone (Terminal Lake-Third Locks Plan), which can be done under existing treaty provisions.

The committee added that all other large canal questions, however important, including the much discussed "sea-level" idea, are "irrelevant" and should not be allowed to confuse that of the canal's major needs: Namely, its increase of capacity and operational improvements.

The construction of a third set of locks for the Panama Canal was authorized in 1939, but work was suspended in 1942 after a total expenditure of more than $76 million. Summit channel widening was completed in 1970 at a cost of $95 million, making a total of more than $171 million already expended. Legislation is now pending for resumption of work on this great project, as are resolutions to perpetuate the sovereign control over the Canal Zone by the United States.

FRANZ O. WILLENBUCHER, J.D.,
*Captain, U.S. Navy (Ret.).*

BETHESDA, MD.

## REDWOOD CITY TRIBUNE ACHIEVES GOAL

### HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. RYAN. Mr. Speaker, the role of an active and free press in any community, be it the Capitol of the United States or any one of our thousands of cities and towns, goes deeper than being the community bulletin board and news reporting service. A community newspaper brings together all that a community is; acting, if you will, as a sort of homogenous glue. Our joy and despair, our successes and failures, are chronicled within the pages of our newspapers. Newspapers, to me, are a kind of living history book in which the lives of people and institutions are charted in ink on paper for reading not only today, but tomorrow as well.

For more than 50 years now, the people of Redwood City, Calif., have been guiding, and guided by, the pages of the Redwood City Tribune. Its publisher, Frank "Jerry" O'Neill, assumed his post in 1969 following an illustrious career in journalism on papers throughout the Bay Area. Mr. O'Neill and Tribune editor David Shutz aptly direct a talented staff, which coupled with their own brand of journalistic integrity, make the Redwood City Tribune one of the finest papers in the West.

I could cite the many awards this paper has won over the years, Mr. Speaker, for they are indeed many. But a newspaper is more than awards and journalistic honors; a newspaper is a standard of conduct reflective of its owners and publishers, and a statement of purpose based on its own integrity and that of the community in which it operates.

To follow its brilliant history of accomplishment over the past 50 years would consume a great deal of time and space. In lieu of a long list of achievements, I have opted to offer for printing in the RECORD following my remarks, the first editorial in the first Redwood City Tribune. The date is May 1, 1923. But the language is as relevant today as it was then. Its need in the community is as relevant today as it was then. And its viability and credibility, which at the writing of the editorial was merely a stated goal, is today an accomplished fact.

EDITORIAL FROM FIRST ISSUE

Whatever fills a public need satisfactorily will succeed.

That a daily newspaper has long been a public need in Redwood City is a fact too apparent to require argument in support of the assertion. Redwood City is one of two county seats in California, having a population in excess of 2,300, that has been without a daily paper heretofore, while it is also observed that daily papers flourish in cities smaller than this one.

True, the field here is not yet developed to the maximum. But that is destined to come. Already, in fact, tremendous forces have been set in motion looking forward to the growth of Redwood City and the whole of San Mateo County. That those forces can be speeded in their accomplishment by all that a daily newspaper is able to do is a fact that none will dispute.

Convinced that the need of a daily is here, the Tribune, appearing for the first time today, will make every effort to fill the need with satisfaction.

The news service of the Tribune will be comprehensive. News that is local to Redwood City and environs, as well as news that is of county and regional importance will be featured. But there also will be reports in these columns daily of the main events all over the world, wired to the Tribune by The Associated Press, the world's greatest newsgathering agency.

The Tribune asks no favors. The day is gone when a newspaper can expect to succeed on the plea that "we ask your support." A newspaper has no more right to solicit gratuities than any other kind of business.

The Tribune has two commodities to sell—news service and advertising space. We offer both commodities at a price commensurate with their value to you. No businessman is urged to buy space in the Tribune for the purpose of helping the paper, but rather because of the value the advertising will be to him.

That Tribune advertising will pay is a fact that we shall be able to demonstrate to your satisfaction. It will be the business of the Tribune's advertising department to make it valuable. An ad-writing service, providing layouts, copy and illustrations, will be at the disposal of the Tribune's advertisers at no extra charge.

The advancement of community improvements, community institutions and all else that contributes to the greater enjoyment of life in Redwood City and environs will be a leading editorial policy of the paper.

Politically the Tribune is independent, the question of party being considered secondary to the major questions of men and issues. The Tribune is obliged neither to support a given party when its stand on a given issue is considered wrong, nor to oppose its stand when that is considered right.

With every department of the paper in the hands of men experienced in that special line, expert service in every department can be relied upon.

The Tribune management is most appreciative of the enthusiastic interest shown by the Redwood City people in this enterprise—that interest being manifest by eagerness to subscribe, giving the paper at the start a circulation list far in excess of what is usually expected of an infant journal.

In concluding this announcement we desire to express our highest esteem for the publishers of the established weekly newspapers here. It is not the Tribune's thought nor desire to attempt to supplant any existing publication. Dailies and weeklies have their individual functions. Neither necessarily usurps the other. Our relations with the older publishers of this city are friendly and pleasant.

The Tribune will publish every day except Sundays and the six legal holidays observed by the printers' unions—New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

Number 2 of Volume 1 of the Tribune will appear tomorrow.

## ISRAEL'S 25TH ANNIVERSARY

### HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. MINISH. Mr. Speaker, this week the people of Israel are celebrating the silver anniversary of their independence. Along with their friends around the world, they are joyously commemorating that day upon which, 25 years ago, their nation was born when its Proclamation of Statehood took effect.

Mr. Speaker, the Jewish people had dreamed of that day for centuries. For almost 1,800 years after being conquered by Imperial Rome they had been scattered among the nations of the world and their homeland ruled by foreigners. However, throughout that period they had clung to both their identity as a people and their hope to someday reestablish their own national state in Palestine, the Promised Land of their ancestors.

During the Second World War, no people suffered more than did the Jews. Their experience during that holocaust made them ever more determined to have a homeland of their own. With thousands



desirous of immigrating to Palestine to found the new homeland waiting in refuge camps, the British, who held a League of Nations mandate over the area since 1922, asked the newly formed United Nations to decide the future of the region. In November of 1947 the U.N. voted to partition Palestine into separate Arab and Jewish States. As the last of the British troops left the area on May 15, 1948, the historic Proclamation of Statehood—which had been issued the day before by the Israeli Provisional Government—took effect.

At last the dream had been realized—Israel had been born.

Three times since that day the Israeli people have had to go to war to protect their beloved country. The first time came only a few hours after independence, when attacks were launched from all sides by neighboring Arab States. Courageously defending their nation, the Israelis successfully thwarted all of those attacks and, with a desire for peace, signed an armistice ending the conflict in July of 1949. However only 7 years later they were forced to fight again—this time to secure passage for their supply ships through the Suez Canal and the Straits of Tiran as well as to curtail the activities of raiders operating from bases in the Sinai; and in 1967 they had to take up arms in order to pre-empt an imminent attack by newly well-armed Arab armies. In both cases the Israeli forces displayed great courage, determination, and ability by quickly attaining their objectives against overwhelming odds. Today they maintain a constant vigilance against acts of aggression perpetrated not only by the armies of hostile states, but also by terrorist guerillas like those who murdered several members of Israel's Olympic team during the Munich games last summer.

Mr. Speaker, the hostility of its neighbors has not been the only difficulty which the brave people of Israel have had to face. In the early years of their nation's independence they had to solve the problem of how to receive, care for, and absorb the thousands of destitute immigrants who came to the new homeland seeking a better life. Furthermore they had to contend with large sections of arid or infertile land while trying to raise agricultural products for consumption and export; with few of the things that are necessary to the development of industry; and with little capital with which to buy needed goods and commodities.

Through hard work and determination the Israelis have overcome all of these problems and handicaps. The refugees of the post war years and their children now have prosperous lives; and today extend a helping hand to the 50,000 new immigrants who arrive every year. The land has been made to bloom, even in the previously swampy or arid sections of the country. The amount of irrigated land has increased six fold since 1948; the total area under cultivation has more than doubled within the same period. It may truly be said that, in Israel, the desert has been turned into a garden. At the same time the development of industry has been little neglected, and the results have been just as phenomenal. The total number of those employed in industrial occupations has risen from 65,000 in the first year of statehood to 270,000 today. Technology has become well advanced, so much so that the Israelis have sent some of their experts abroad to help underdeveloped nations solve the problems they now face.

Not unimportant to Israel's own development has been the support and generosity of its friends in the United States. For example, bond campaigns have boosted the young nation's economy, while organizations such as the Jewish Community Federations and the United Jewish Appeal have raised funds needed to care for new immigrants, none of whom have even been turned away. I am pleased to say that there are several of these superb organizations in my district. I have been proud to support their efforts as well as to sponsor legislation aimed at insuring strong American support of Israel.

Mr. Speaker, the people of Israel have taken a dream, and built it into a strong, prosperous, modern nation—one which is today not only a fine model for all newly independent states, but also a source of inspiration for all peoples who value their freedom and national heritage. Let us salute them and wish them well as they commemorate an important milestone in what promises to be a long and noble history.

## FORMER CONGRESSMAN GEORGE P. MILLER RECEIVES HONORS FROM AMERICAN OCEANIC ORGANIZATION

### HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DOWNING. Mr. Speaker, on April 25, 1973, our former colleague, the Honorable George P. Miller received a special award from the American Oceanic organization. The presentation was made by Mr. Harold A. Timken, chairman of the Board and president of Quanta Systems Corp.

Nobody deserved this recognition more than our dear friend who served in this body so faithfully and efficiently for so many years. He was a leader in man's exploration and exploitation in space and in the oceans. He can take honest pride in the breakthrough of these last frontiers by mankind. I insert his remarks at this point in the CONGRESSIONAL RECORD.

QUANTA SYSTEMS CORPORATION,
*May 4, 1973.*

Hon. THOMAS N. DOWNING,
*Member of Congress, Rayburn House Office Building, Washington, D.C.*

DEAR CONGRESSMAN DOWNING: It was most pleasant to have had the opportunity to visit with you at the American Oceanic Organization Neptune Dinner. AOO was pleased and privileged to have you as an honored guest.

Upon my return from the Virgin Islands, Bob Shephard indicated you had requested a copy of my remarks in presenting the special award to George Miller. Enclosed is a copy.

I look forward to seeing you soon again at an AOO luncheon meeting.

Warm regards.

Sincerely,

HAROLD A. TIMKEN.

NEPTUNE AWARD BANQUET—THE AMERICAN OCEANIC ORGANIZATION

Presentation of a special award to the Hon. George P. Miller by Mr. Harold A. Timken, Chairman of the Board and President of Quanta Systems Corporation, and Outgoing Chairman of the Board, American Oceanic Organization on April 25, 1973.

It is my very special privilege, on behalf of the American Oceanic Organization, to give well-deserved recognition tonight to our good friend and a distinguished American: the Honorable George P. Miller. He has indeed served his District, his State, and his Country well. He has been a public official for more than a third of a century, from member of the California State Assembly and then Executive Officer of the California Fish and Game Division, to Member of the U.S. House of Representatives and Chairman of the Committee on Science and Astronautics.

Because of the appropriate and well-earned attention he has received in recent years as one of the world leaders in the field of space, it is sometimes overlooked that Congressman Miller served on the Committee on Merchant Marine and Fisheries, where he was chairman of the Subcommittee on Oceanography. In addition, he has twice served as Chairman of the Board of Visitors of the Coast Guard Academy. He has been and is a leader in the marine sciences.

As a graduate engineer, he has attempted to solve problems from a practical viewpoint, based on facts and supported by his constant spirit of optimism that effort based on facts will lead to success for the general public.

There is at St. Mary's College in California, from which institution he holds several degrees, the George P. Miller Science Fund, a permanently endowed fund to be used for the advancement of the teaching of science. As you all know, he has received numerous citations for meritorious service to the cause of science.

No one who knows George Miller doubts his ability, his dedication to the public welfare, his knowledge and understanding of science, or his vast experience in space and oceanography. Moreover, those fortunate enough to know him intimately are also aware of his integrity and the value of his friendship. One is honored to call him "friend". One can double that honor if both members of the team—George and his most gracious lady Esther—are his friends!

## PAUL ALEXANDER—COURAGE TO LIVE

### HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. PICKLE. Mr. Speaker, on occasion we learn of human courage so large that we must pause in admiration.

Such is the case of a young man who attends the University of Texas at Austin. He is in nearly every respect a normal young person—he likes people, he likes to travel, and he is serious about his studies.

But, Mr. Speaker, there is one difference in this young man. He lives in an iron lung for most of his hours.

This young man is Paul Alexander.

Paul Alexander is a man, Mr. Speaker. I salute his courage, and I know that my

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colleagues will, also, after reading his story which appeared recently in the Daily Texan, the student newspaper of the University of Texas at Austin. And the Congress needs to support those programs that can help valiant young men like Paul Alexander.

I include the article herewith in the RECORD:

"DOESN'T HAMPER ME"

(By Nancy Cripps)

When misfortune comes to a person, the tendency to be remorseful and self-pitying is always great.

However, University student Paul Alexander, 27, has escaped all that. Being paralyzed from the neck down and having to spend most of his life in an iron lung has never hampered Alexander—an enthusiastic, eager, and confident young man.

"It's all irrelevant to me," Alexander said. "I can do anything I want to. Using an iron lung has never hampered me from doing exactly what I want to do.

"When I wanted to transfer from SMU, there was a lot of hassle. I'd never been away from home before and I'd never had anyone take care of me except my family. But I wanted to come to Austin, and I did."

Alexander is dependent on his respirator (iron lung), but not to the extent that he cannot leave it.

"I've learned to use my neck muscles to breath," Alexander said. "It's a conscious effort for me to breath, and after long periods of time, I have to go back to my respirator.

"I sleep in it every night and do my studying in it," he said.

Alexander lives with two friends, University students Gary Cox and Charlie Grimes, in the Mi Amigo Apartments on Duval Street. "They do everything for me," he said.

"I like to travel and Gary especially helps me out in this respect. Over spring break, we went to Houston and Galveston. We stayed with some of Gary's friends, whom I'd never met before. The March of Dimes, which provides my respirator, set one up for me in their (Gary's friends') home. Then during the week we took day trips to Galveston.

"It was really exciting for me since I'd never seen the ocean before," Alexander said.

Back in Austin, Alexander spends most of his time at school and with friends. This semester he's taking eight hours of course work, but his usual load is 12 hours.

Earlier this semester, it looked like Alexander wouldn't be able to continue school because of the veto of the Vocational Rehabilitation Act by President Nixon.

Through state and federal funds, Alexander, as a disabled person, gets money to attend school and to hire an attendant to take care of him.

When Nixon vetoed the bill, which would have given more funds for vocational rehabilitation, the Texas Rehabilitation Commission had to cut all of their projects except those of highest priority. Fortunately, Alexander was classified "high priority" and will be able to continue his education uninterrupted.

Alexander has been using the iron lung since he was 6, when he became paralyzed by polio. For several years he was completely hospitalized. He started school when he was 13.

"I'd always wanted to go to school, but when I was ready to start learning there was no program I could enroll in," Alexander said.

"My folks and some other people had to push the Dallas school district to start a program for disabled people who couldn't attend classes. The school district started a pilot program at that time. I was among the first students to participate. Teachers would visit the homes of the disabled persons.

"Since then, the Homebound Program has been expanded to include several traveling teachers and hundreds of students. It's been highly successful," Alexander said.

"I graduated from high school in 1967 and spent the next two years trying to get into college," he continued. "It was a real hassle. Before the state would let me go to school, I had to prove that I was employable. That meant finding someone who would say they would hire me after I graduate.

"When it comes to helping the disabled, this state is way out in left field," Alexander said.

For the future Alexander doesn't have any definite plans. He's a finance and economics major who dabbles in classical Greek. He plans to graduate in a year-and-a-half or so and then go on to graduate school maybe in the East.

"I like to help people to do their thing a little bit easier" Alexander said. "That's my bag—people."

## EMPHASIS MUST SHIFT IN FORMATION OF U.S. POLICIES ABROAD

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. HANNA. Mr. Speaker, for a major part of this century, U.S. policy has been determined by national security concerns. Aside from the depression, which itself gave rise to programs not unlike the mustering of efforts and centralization of power usually attending military crisis, the 20th century has been a time of coordinating our national efforts to deal with either threats of armed conflict, or actual conflict. These conditions created the following phenomena, which have dominated U.S. politics during this period.

First. Power was centralized in the Capital in general, and in the Presidency in particular.

Second. Policy was determined by security requirements, followed by economics to serve security needs—and supported by political programs dominated by these security considerations. This affected domestic as well as foreign policy.

Third. Now entrenched decisionmakers were conditioned by these long standing considerations, and continue to have a framework of reference created by such considerations.

Fourth. The conditions of war and threats of conflict distorted our economic structure during this century in two ways:

By being heavily involved in Government spending for security purposes, we invited military men as top advisers, and found security oriented industries had become the most powerful lobbyists.

By being spoiled and softened through reliance by other countries in the Free World on our technology and our production, we lacked incentives to export or to aggressively compete in international trade.

This introduction is stressed because I believe it reveals the basis for some of our present problems, and the difficulties we are facing in formulating solutions.

The transition period we are now going through requires a severe, determined and definite change in the position of the elements dominating policy making. Economics must replace military security in the dominant role—government and politics must support and serve the economic considerations that now dominate the international situation. Military security, though still important, must be relegated to the third tier and be seen as a support element, not a lead element.

Internally, this suggests that we need a governmental-industrial complex capable of addressing and solving the major domestic problems of energy, environment, housing, health, transportation, and education. Externally, we need an industrial-governmental complex which promotes and encourages trade and investment programs to solve the external problems of imbalance of payments, trade deficits, building of new markets through development of under achieving nations, and, above all, policies which identify and encourage elements of our economy best suited for export, while at the same time identifying and planning controlled elimination of the elements of our economy which are inefficient and not likely to successfully compete against imports without being subsidized.

Now, before some ideologists see in such suggestions the specter of some form of new socialism-communism or other radical departure, let me lay such suggestions to rest. What I propose is for us to follow our traditional approach of bending our institutions and capabilities pragmatically to meet the operative imperatives in the real world. We have competently done this in the past with little constructive assistance from the abstract political theorists from whatever school. The predictable mode is our interacting process by which the role of both government and business evolves as their mutual efforts begin to formulate patterns of success or failure. This is precisely the strength of the American system, and as a practicl practitioner of politics and an experienced partner of both business components and government technocrats, I can assure you it will produce as good results as any system in the modern world, as it is now constituted, will allow.

There are some specific requirements that this new direction will require:

First. Replacement of decisionmakers with security based mentalities and military frameworks of reference, or, at the minimum, a showing of ability in such existing decisionmakers to adjust their thinking to the new modes.

Second. Building the economic sections of each of the departments of government so that internal agencies have capabilities of planning economic models which assure progress and significant attainment of sociological goals. These models will provide practical and predictable capabilities to interface with business and industry in procurement of contract services and construction projects. This in itself is an imposing task.

Third. Agencies with external responsibilities such as Commerce, Treasury, Defense, and State must also place heavier emphasis and effort on creating effective economic and trade bureaus realistically related to the size of the job



which must be done. Each of these is now miserably short of the desirable mark. Embassies around the world should be bolstered with quality trade and economic officers not reluctant to get into the thick of things. We do not need house pets, or mere briefing and information officers.

Fourth. Agencies such as the Export-Import Bank, FICA, and OPEC and others should be bolstered by specific legislative authority and given flexible and broad power to operate effectively.

Fifth. We must create trade promotion institutions to bring government and business/industry components together to influence, encourage and assist in the task of improving our international trade posture.

The world is shifting from conflict and military confrontation to economic confrontation, and the least prepared power for this new situation in terms of its policy and its institutions is the United States. We have but a short time to make our shift. Our next President must be a man with his mind on the future and programs to more adequately prepare our Nation for it. We need partners in our new endeavors, not alliances. We need cooperative economic programs in front, not military networks. We need constrained and rational competition in the world, not economic warfare.

The time and place is now for changing the juxtaposition where the military is in the forefront of our policymaking, and instead put economics in cooperation with government in front. The trade bill is our first opportunity to do this. The President's proposal treats the problem like a military one: all power is concentrated in the executive, and little in the Congress. It relies on the mechanical approach of negotiations, and not on the historical and well-proven alternatives of institution building and the sharing of power between the branches of government in the determination of policies and programs.

If the world is viewed as a warehouse of tools and materials to maximize for the use of all that which is, it can be the baseline for unlimited potential for that which might be. It can be a world of peace and expansion. If the world is seen as a limited depository of non-expendable resources, then it will be a continuing world of conflict, where many will have little, and those that have the most will operate from a base of belligerence and there will be no peace.

We must recognize and accept the challenge. We can no longer afford the luxury of drifting along without a defined national trade policy to which all sectors of our economy are committed. The President has not offered us a dynamic and creative trade proposal. It is up to the Congress to fill this void. We can and we must do so.

## POSTAL SERVICE NOT THAT BAD

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. HUNT. Mr. Speaker, the U.S. Postal Service has received a substantial amount of adverse publicity over the past month; and I am pleased that efforts are being made to improve mail delivery service. It would seem that these efforts have borne fruit in at least one case.

Mr. William L. Sweidel of Blackwood, N.J., in a letter to the editor appearing in the April 23, 1973, edition of the Camden Courier-Post, while indicating that there may be room for further improvement, has stated that his company mailed over 15 million letters last year with excellent results.

Mr. Sweidel has made some interesting observations, and I recommend the following letter to the attention of my colleagues:

POSTAL SERVICE NOT SO BAD

TO THE EDITOR:

It seems that a favorite topic today is criticism of the U.S. Postal Service. I genuinely believe that this criticism is out of proportion.

Our company mailed over 15 million letters last year with excellent results. On-time deliveries, few complaints and, most important, on-time responses to this mail accounted for the largest sales volume in our history.

No matter what you do, if you do enough of it, there are bound to be many mistakes and much evidence of improper service.

However, when you think of the billions of pieces of mail handled by the post office department, you will begin to realize the job they do is not as bad as most people surmise.

This does not mean that there is no room for improvement. It does mean that manpower and costs should not be increased and subsidies may not be necessary.

WILLIAM L. SWEIDEL.

BLACKWOOD.

## WELFARE SCANDAL—XVIII

### HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. THOMSON of Wisconsin. Mr. Speaker, while many hard-working taxpayers labor better than 4 months of the year to pay the taxes to support their Government, others have systematically exploited the system through a continuing pattern of dependence on public welfare.

We must support the needy. But we must also devise a system to move the needy, where possible, from the welfare rolls to payrolls; from dependence to independence; from tax consumers to tax generators.

The Milwaukee Sentinel series exposing fraud and waste in that city's welfare department is recommended reading for those concerned with abuses of the present system and the need to reform it. Today's 18th installment tells how one family, in the past 8 years, has salted away $122,889 in tax-free public welfare aid. Changes are in order.

The article follows:

WELFARE FAMILY GIVEN $122,889

(By William Janz)

Milwaukee County has paid out $122,889 in aid for the support of one family, it was reported in Circuit Court Thursday.

When the amount was stated, some spectators in the courtroom gasped and Judge John F. Foley, startled, said loudly, "$122,889 for one family! There's going to be no money left in Milwaukee County . . . to be paid out.

"This is an amount that some people earn in a lifetime. It's just unbelievable. It becomes unconscionable."

Court officials told Judge Foley that some of the aid to James and Lois Barnett and their eight children goes back to 1964.

"The taxpayers are paying more than $2,000 a month to sustain this family," Foley said.

The Barnetts are divorced and Mrs. Barnett, of 4872 N. 27th St., is receiving $252 a month support for herself and one child at home. Six children are in foster homes and one is in a receiving home.

Barnett, of 239 N. 34th St., is $6,192 in arrears in support payments, acording to court records.

Foley ordered that all social workers connected with the case come to court March 29 and "present a plan to the court that will be a little more palatable to the taxpayers.

"We're at a point where the courts are going to have to be called upon to monitor these huge expenditures of public funds and, if necessary, temper good social work practices with sound fiscal policies."

The case came before Foley because Barnett wanted his $52 a week support payment reduced. When William Evans, a family court commissioner, denied the request, Barnett appealed to Foley.

"Here's a family that's cost Milwaukee County $122,889 . . . in past support," Evans said.

"That's the biggest figure I've seen," Foley said.

The children, seven of whom had previously been adjudged neglected or dependent, range in age from 6 to 16 years old. The 6 year old is at home, six children are in foster homes at a cost of $123 to $151 a month for each, and one is in a receiving home at a cost of $929 a month, records showed.

John Broadnax, attorney for the mother, told Foley, "There's no reason for the county to pay $900 a month for this child who should be with the mother. Several of them should be with the mother.

"This is why Milwaukee County taxpayers are paying so much money and this is part of the problem at the Welfare Center.

It's self-perpetuating . . . Instead of getting rid of some of the load, they want to keep it going."

Foley said, "The entire department should take a hard look at this entire family situation and see whether or not . . . some of these children could be placed back with the mother, whether or not the mother could be trained and what responsibility we can assess to this man."

Barnett asked for a reduction in his payments because he has to pay $60 a month for another child he has fathered since the divorce and he has a $1,200 debt to the County Credit Union. He works at County General Hospital and takes home $115 a week.

Evans noted that with all Barnett's financial problems since the divorce in 1968, Barnett "acquired another paternal obligation, another large obligation."

Evans ordered the mother to seek work "so she can contribute to the responsibility she has to help support this family."

## FREE PARKING

### HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. KEATING. Mr. Speaker, I am today reintroducing legislation to require all civilian employees of the Federal Gov-

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ernment, including Senators and Representatives, to pay for their parking privileges.

I am also reintroducing legislation to require the General Services Administration Administrator to establish a system of fringe parking facilities and a shuttle bus service for tourists to the Nation's Capitol.

Since these bills were introduced on April 4, 1973, there has been a great deal of public attention focused on them. I would like to bring to the attention of my colleagues a recent editorial carried by WMAL AM-FM-TV in Washington, D.C.

The $10 million figure referred to in this editorial represents a Department of Transportation estimate of annual savings to the taxpayer for elimination of free parking in the District of Columbia area alone.

I would also like to call to the attention of my colleagues some recent comments about these bills appearing in the Washington Star-News.

I hope the prospect of legislation which saves the taxpayer's money sparks the interest of my colleagues:

THE PARKING

You have to admire the audacity of Congressman William Keating of Ohio.

Keating wants to end free parking for all government workers, members of the House and Senate, Supreme Court Justices, and White House aides. He has introduced a bill authorizing the General Services Administration to charge a reasonable fee for using federal parking space.

Keating believes that recent federal pay increases have made it unnecessary and undesirable for the U.S. to provide free parking for thousands of workers—including 7,000 free spaces on Capitol Hill alone.

The GSA estimates the U.S. could save taxpayers 10 million dollars annually by charging a small parking fee.

Most importantly, Keating believes a parking fee would encourage federal workers to use car pools or mass transit, thereby reducing air pollution and traffic congestion.

We doubt that Congress is eager to end free parking for itself or federal bureaucrats. But certainly some sacrifice is in order to ease our traffic problems.

Long-range, Metro offers hope. In the meantime, we must face the prospect of drastic measures to change our patterns of commuting—greater use of buses, more express lanes for buses, more car pooling—and the elimination of free parking, which only invites people to drive—adding to the congestion.

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[From the Washington Star-News, April 6, 1973]

BILL TO BAN FREE PARKING FOR ALL BUT THE PRESIDENT

(By Thomas Crosby)

Rep. William J. Keating, R-Ohio has submitted a bill to eliminate all free parking for federal employes, including congressmen, senators, Supreme Court justices and White House aides.

"We feel the only federal employe who should be excused from this bill should be the President," said a spokesman.

Keating said the bill is designed to encourage federal employes to use car pools so as to reduce pollution and traffic congestion.

It would authorize the General Services Administration to "collect a reasonable fee for the use of parking facilities" owned or leased by the federal government.

A minimum fee of $1 per day would be required for all federal employes on Capitol Hill where parking is now free.

The bill may receive the support of the White House which has been backing such a measure through the Office of Management and Budget. However, high-ranking federal bureaucrats have refused to relinquish their privileged parking status.

Keating, who introduced the bill Wednesday, said, "At the present time there are over 7,000 parking spaces on Capitol Hill alone, and GSA manages over 117,000 parking spaces nationwide. In addition, many federal agencies administer their own parking and the number of parking spaces handled by these agencies is unknown."

The bill, Keating said, contains many of the recommendations made in a 1971 GSA study and could produce a savings to taxpayers of $10 million a year, according to the Transportation Department.

The recent federal pay raises "have brought about comparability between" public and private employes, Keating said, making "free parking benefits for federal employes . . . unnecessary and undesirable."

A spokesman said Keating feels "very strongly about this bill. When he was a city councilman and a judge in Cincinnati, he had to pay for parking."

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## THE REPUBLIC OF CHINA

### HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. CHAPPELL. Mr. Speaker, last January, I had the opportunity to visit Taiwan where I met with Government leaders and with the people in the streets to determine for myself what was taking place on that island nation.

I came away astounded at the progress being made by the Republic of China despite recent setbacks in international affairs. Many of us had been told the expulsion from the United Nations spelled the beginning of the end for freedom on Taiwan.

But the people of Taiwan and the Government did not believe it. They went to work even harder and have shown spectacular growth, not only in their economy and trade with other nations, but in improving the lives of the people.

Today, Taiwan stands as an example of what free people can do on their own while across the Taiwan Straits, Communist China stands as an example of what enslaved people cannot do.

Taiwan this year will export around the world, about $5.5 billion in goods, more than the total of exports of Communist China with 50 times more people. Per capita income is increasing at a rate of about 7 percent a year and far outstrips the average income of the Communist Chinese.

This year, Taiwan will buy almost $1 billion in U.S. goods, far more than the purchases of the Communists despite U.S. efforts to promote that market.

But even more important than the dollar and cents factors, the example of free China is one which is a source of pride to freedom loving people everywhere.

True, the Government is not perfect. There are some people who do not eat as well as others. There is some disease on the island. The Government admits there is some corruption.

But if we were to give to the Communists any government where people go hungry, the sick, or dishonest, then we would give the United States to the Reds and become slaves ourselves.

As one old enough to have taken part in the Second World War, I recall vividly the bravery and valor of the Chinese people during that struggle. In fact, the island of Taiwan itself was the target of U.S. bombs in order to root out the Japanese who held it.

The recuperation of Taiwan is, in a way, even more impressive than the recuperation of Japan after the war. Japan was not hampered as a government in exile from the Communists. It was not a divided country. It did not have to begin from a base of little or no technical know-how and pull itself into the mainstream of world affairs by sheer courage and tenacity.

This is precisely what faced Taiwan however, and Taiwan has made it. No longer do the free Chinese seek or accept U.S. foreign aid. This stopped in 1965 and since that time Taiwan has been a giver of aid to lesser developed nations. Taiwan buys military equipment from the United States. It does not seek a hand out. And Taiwan pays for what it gets.

This, Mr. Speaker, is the nation to which some among us would have the United States turn its back. I can conceive of no circumstance under which I would be willing to trade our friendship with Taiwan for the uncertainties of arrangements with the Communists.

If eventually we do establish full relations with Peking, we must not do it by giving way free China. Taiwan is not ours to give, but it is ours to protect through friendship and mutual respect.

The people of Taiwan seek little from our country except recognition as a free and independent nation. Taiwan has proven it is a good neighbor, a viable trading partner, and a defender of freedom.

Let us, as a matter of national policy, pledge continuing friendship for the Republic of China and support for this last haven of freedom for the people of all China.

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## THE CASON J. CALLAWAY MEMORIAL

### HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. BRINKLEY. Mr. Speaker, On April 23 it was my very distinct personal pleasure and honor to attend and participate in ceremonies dedicating the Cason J. Callaway Memorial Forest National Natural Landmark in Pine Mountain, Ga.

Participating in these ceremonies held a threefold meaning for me:

First, it provided me with an excellent opportunity to visit with my very close friend, Mrs. Cason J. Callaway, without whose personal efforts and hard work there would be no Cason J. Callaway Memorial Forest.

Secondly, it enabled me to meet Mr. Nathaniel P. Reed, Assistant Secretary of Interior for Fish and Wildlife and Parks, who made a truly outstanding



presentation and who is, in the very strictest sense, a gentleman and a conservationist of deep commitment.

And, finally, Mr. Speaker, it gave me a chance to see again the natural beauty and serenity of the forest which will stand for all time as a living memorial to that remarkable man, Cason J. Callaway, and which will be a place of deep pride for all Georgians.

Mr. Speaker, at this time I would like to bring to the attention of my colleagues the very excellent remarks made by Mr. Reed at the dedication:

REMARKS OF HON. NATHANIEL P. REED

I am delighted to be here today, representing the Honorable Rogers C. B. Morton, Secretary of the Interior. As the man who runs the world's greatest conservation department, Secretary Morton has a sincere interest in natural landmarks like the one we are dedicating here today.

As the Assistant Secretary for Fish and Wildlife and Parks, I too, have a genuine love for natural areas like the Cason J. Callaway Memorial Forest. And I am especially and particularly fond of Mrs. Virginia Callaway.

Virginia and Cason Callaway need no introduction here. They have richly given of themselves for their fellow man. Blessed by the fruits of hard work and good judgment, they forged an extraordinary legacy of Earthmanship and set an example of good stewardship. Beloved by their family and friends, admired by all whose lives touched theirs, they set the highest of standards as land managers, as people, as Americans. They have loved this land. Georgia soil is their life blood.

Today's auspicious dedication is another chapter in the extraordinary story which this family has been part of.

The thrust of the National Registry Program is to encourage local governments, conservation organizations and private individuals to save some of the nation's outstanding land areas that have esthetic, educational and scientific value. In this way we intend to strengthen public appreciation of our natural history and thereby nurture a greater concern for conservation of the nation's natural heritage.

The National Park Service has prepared a list of themes that afford a logical and scientific approach to the selection of sites and their ultimate designation as natural landmarks by the Secretary of the Interior. Carefully selected representatives from the scientific community are asked to identify sites and to recommend those that they consider worthy of further on-site evaluation.

This second evaluation is carried out again by qualified scientists who usually are faculty members of a local university employed under contract with the National Park Service.

Their evaluations are reviewed by the National Park Service's chief scientist who in turn recommends review by the Secretary's Advisory Board on National Parks, Historic Sites, Buildings and Mounments. The Board conducts the final review before designation by the Secretary and entry on the registry.

I relate this stringent review process by distinguished representatives from the scientific and cultural community in order to illustrate the importance of careful selection. This is to assure that qualified sites are not overlooked and that sub-standard sites are not placed on the registry.

One of the most interesting revelations that has manifested itself in the Natural Landmarks Program is the increasing number of private landowners who have become aware of the conservation value of the program and who have cooperated with the government in it. This shows me that the success of governmental programs still depends upon the support of individual citizens.

In his second message to the Congress this past February, President Nixon reported on the state of our Natural Resources and the Environment. In that message he quoted Abraham Lincoln when he said: "A nation may be said to consist of its territory, its people, and its laws. The territory is the only part which is of certain durability."

President Nixon went on to point out that after a hundred years, "We have come to realize that our 'territory'—that is our land, air, water, minerals, and the like—is not of 'certain durability' after all." He said, "We have learned that these natural resources are fragile and finite and that many have been seriously damaged or despoiled."

We have become an urban nation. About three-fourths of our population now live in cities and suburbs. Population growth combined with spreading urbanization and our penchant to desecrate the earth and destroy natural and historic landmarks in our quest for material gain are causing the landscape, as our forefathers knew it, to rapidly disappear and be replaced with a world of steel and concrete.

Back in the third century a Roman theologian observed, "All places are now accessible . . . all open to commerce . . . cultivated fields have subdued forests . . . flocks and herds have repelled wild beasts . . . sandy deserts are sown, marshes are drained . . . everywhere are houses, and inhabitants, and settled governments, and civilized life . . . our wants grow more and more keen, and our complaints bitter in our mouths, whilst nature fails in affording us her usual sustenance."

Every school child knows what happened to the Roman Empire. And even before that the people ignored Isaiah's warning: "Woe unto them that join house to house, that lay field to field, till there be no place that they may be alone in the midst of the earth."

An experience—becoming all too unique to Americans—is a walk in a wood—a quiet walk. Quietness is hard to find. This forest is many things to different people but I am sure old Isaiah would have said three cheers for Virginia Callaway!

I want to congratulate Mrs. Callaway for her display of the same deep and meaningful insights shared by Isaiah and the Roman. Some years ago—long before ecology became a household word—Mrs. Callaway decided to keep this beautiful Pine Mountain area in its natural state so that she and generations that followed would indeed have a . . . "place that they may be alone in the midst of the earth."

This forest—nearly 27 hundred acres—contains mixed hardwood and pine stands that never have been cut. This forest embraces the entire Barnes Creek watershed which the Callaways have protected from man's pollution.

The Carson J. Callaway Memorial Forest is most significant because it includes the transitional zone where the eastern deciduous and southern coniferous forest types mingle. There is no other area like it that is protected from development or harmful use.

The Callaway family has long appreciated the natural values so abundant here. And the Callaways have been willing to share nature with the public. By invitation and appointment, it is possible for groups to come here, to walk, to see, to learn! This is an excellent example of an environmental education classroom and we need many more of them right across the country.

Thanks to Mrs. Callaway and the Natural Landmarks Program of the National Park Service, this forest will continue to live and give pleasure to those people who visit and to the wildlife that lives here.

One of the things that makes the Natural Landmarks Program so important here east of the Mississippi is that there is so little remaining eastern deciduous forest in its natural primeval state. Outside of such preserves as the Adirondacks, and Great Smoky Mountains National Park, much of the country has been chopped, plowed and paved.

This forest perfectly illustrates the American landscape that brought our nation to greatness through its wealth of natural resources, and they now furnish the gems that we can use for research, education and just plain "returning to reason in", as Emerson put it.

Emerson also said: "Though we travel the world over to find the beautiful, we must carry it with us or we find it not."

Today it is my distinct pleasure to recognize a lady who not only carries her own beauty well, but who also cares deeply for the beauty she sees in nature in general and particularly the beauty she saw in the Cason J. Callaway Memorial Forest. Her farsighted determination that this magnificent Georgia Mountain should be protected and preserved for the enjoyment and educational value of future generations is what brought all of us here today.

I take pleasure in awarding Mrs. Callaway this bronze marker entering the Cason J. Callaway Memorial Forest on the National Register of Natural Landmarks.

Congratulations, and thank you.

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## COUNSELING YOUR CLIENT ON MATTERS PERTAINING TO SMALL BUSINESS ADMINISTRATION

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. HUNGATE. Mr. Speaker, the following recent article from the Illinois Bar Journal should be of assistance to those dealing with the Small Business Administration:

COUNSELING YOUR CLIENT ON MATTERS PERTAINING TO THE SMALL BUSINESS ADMINISTRATION

(By Lewis F. Matuszewich)

A community of 700 persons is faced with a growing senior citizen population—it wants to provide adequate housing and medical attention.

A town of 1,500 has an opportunity to attract a new company with an additional 40 jobs—if it can develop a way to finance the construction of a factory.

A town of 6,000 sees much of its commercial business moving to a neighboring city's shopping center—the merchants decided they needed parking facilities to re-attract the business.

An individual businessman is interested in expanding his operation—his bank tells him that he does not have sufficient collateral for the term loan he needs.

A small businessman would like to become a tenant in a proposed shopping center—the developer informs him that he can accept only an AAA rated firm if he is to arrange long term financing.

A person wants counseling about business problems, another wants to enroll in a class in management techniques, a third wants training before he goes into business, and a fourth would like to know about selling his product to the government.

What two things do these nine situations have in common? Any of these or similar ones might walk through your office door. And every one of them could be helped by the Small Business Administration.

Helping small business grow and prosper



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is the purpose of the Small Business Administration—a permanent, independent agency of the Federal Government, created by Congress in 1953.[1]

Frequently an attorney is called upon to play a leading role in the economic development of his community and, therefore, it is incumbent upon him to become familiar with the programs available to help in such development. In our examples of nursing homes, factories and parking lots—all of these have been built in Illinois by local development companies (L.D.C.), established by community leaders. Using L.D.C. funds as a share of the project cost (ten percent to twenty percent, depending on the size of the community) SBA will guarantee loans from local financial institutions to finance the land purchases, construction or renovation costs and the installation of stationary equipment.[2]

Under this program, a local development company may be organized as a profit or not-for-profit corporation with a minimum of 25 stockholders or members. SBA may then loan to the local development company up to $350,000 for each small business helped. If the project was a shopping center for ten stores, the loan package could be up to $3,500,000.

The loans can be for a term of up to 25 years. While occasionally direct loans can be obtained, normally the Small Business Administration guarantees loans made by banks, savings and loans, insurance companies or pension funds.

Nationwide, since this program was started in 1958, 3,628 L.D.C. loans have been made which have created 114,000 jobs.

This is the financing method being used to build the new stockyards near Joliet, Illinois, where a local development was set up to start this $3,500,000 project.

While community development is one of the most interesting SBA programs, the Agency is primarily known for its lending activities to individual businesses.

Every small businessman with financial problems may come to SBA for advice and assistance. Agency loan officers will review his problems and suggest possible courses of action. If a business needs money and cannot borrow it on reasonable terms, SBA can offer help. The Agency will consider guaranteeing up to 90 percent of the bank loan made to an eligible business.[3]

If a bank cannot provide funds, and if Federal funds are available, SBA will consider lending the entire amount as a direct government loan. However, most SBA loans are made in participation with banks or other private financial institutions. SBA's guarantee often enables a small bank to make a loan which would be considered too large under normal conditions—but would meet the economic needs in the community.

For lending purposes, SBA defines a small business as any manufacturer who has less than 250 employees, any retailer or service company if annual gross sales are less than $1,000,000, a wholesaler with annual sales of less than $5,000,000 and a construction firm if annual sales do not average over $5,000,000 during the past three years.[4]

Another SBA lending program, the Economic Opportunity Loan Program, is specifically designed to aid small businesses located in urban or rural areas with a high proportion of unemployed or low income individuals.[5] Economic opportunity loans are restricted to the economically disadvantaged. SBA's share or guarantee of such loans can be for as much as $50,000 for as long as 15 years.

One of the major aspects everyone should keep in mind when looking for financial assistance, is that the burden of proof falls on the applicant to convince the lender that the funds are needed for sound business reasons, and the business has the ability to repay the loan. The initial stages of an SBA loan application are essentially the same as applying for an ordinary business loan at your local bank.

The recommended steps are as follows: Prepare current financial statement and balance sheets, listing all assets and all liabilities of the business—do not include personal items.

Prepare a current personal financial statement of the owners or each partner or stockholder owning 20 percent or more of the corporation.

List the collateral to be offered as security for the loan, with your estimate of the current market value of each item.

State the amount of loan requested and explain the exact purpose for which it will be used and how this will benefit the business.

Take the above material to your bank. Ask for a direct loan and if the bank officials decline, then ask them to have the loan guaranteed under SBA's loan program. If the bank is interested in SBA participation, ask the banker to contact the agency for discussion of the application. In most cases of guaranteed loans, the agency will deal directly with the bank.

If the purpose of the loan is to establish a new business venture the following steps should be followed:

Describe in detail the kind of business to be established. Describe the prior experience and management capabilities of the owner and managers of the proposed business.

Prepare an estimate of how much you or any others have to invest in the business and how much will have to be borrowed.

Prepare a detailed cost projection for at least the first two years of operation of the business. Prepare a personal financial statement and list of collateral, and as is the case with an existing business, first approach the bank for a loan.

If a bank will not make a loan, even with SBA's guarantee, then visit the local SBA office for further suggestions, and possible consideration for a direct Government loan. The more complete data you bring with you, the more specific SBA can be in their advice, and the faster they can give you a final answer.

From the above, you can conclude that SBA is involved in loan situations only in cases where a financial institution declines to make the loan on its own. The basic concept of SBA's programs is to enable each private lending institution to pick up a few borderline cases where they desire to provide financial assistance, but which do not meet their normal credit criteria.

Certain types of loans are prohibited as a matter of law or policy. Among these are loans to not-for-profit enterprises, loans to permit speculation on any kind of property, loans which would provide funds for enterprises which are primarily engaged in lending and investing, for any enterprise among media, including newspapers, magazines, radio and television, or loans which could be made by another agency of the Federal Government.[6]

To illustrate the growth of the Agency's impact within the State of Illinois, the following chart shows the number of loans and the dollar amount of loan approval during the past five fiscal years.

| | |
|---|---|
| 1968—145 | $7,000,000 |
| 1969—319 | 14,000,000 |
| 1970—459 | 25,000,000 |
| 1971—735 | 47,000,000 |
| 1972—992 | 62,000,000 |

It is projected that during the 1973 Fiscal year the loan approvals in Illinois will exceed 1,549 loans for more than $120,000,000.

Certain mechanical aspects of the Agency's programs are of unique interest to attorneys. It is important to know that under the law and regulations,[7] SBA will insist on execution by you and your client of a "compensation agreement" and will expect itemization of your services and charges. Comparison of your itemized statement with the loan requirements and conditions is the principal basis of what SBA considers are reasonable fees. Percentage fees are not recognized and the ability to pay must be considered. Should the lawyer attempt to collect a fee larger than that determined by SBA to be reasonable, SBA has the power to disqualify him from further practice before the Agency.[8]

In addition to its lending programs, SBA offers a lease guarantee program,[9] surety bond guarantees, managerial assistance including counseling and management schools, and assistance to small firms in obtaining government prime contracts or sub-contracts. Further details on all SBA programs can be obtained by contacting one of the Agency's field offices located in the principal cities of every state, including Chicago and Springfield, Illinois.

FOOTNOTES

[1] Small Business Act 67 Stat. 232; 15 U.S.C. Sec. 631 et seq.

[2] Small Business Investment Act of 1958, as Amended, Sec. 502; Title 15 U.S.C. 969.

[3] Small Business Act of 1953, as amended, Sec. 7A; 15 U.S.C. 636(a).

[4] The regulations Interpreting and Applying the Small Business Act are in Title 13, Ch. 1 of the Code of Federal Regulations.

[5] The Economic Opportunity Act of 1964, as Amended, Sec. 402A; 42 U.S.C. 2902.

[6] Sec. 18, 15 U.S.C. 647.

[7] Both are set out in 13 C.F.R. (1971 Rev.) Part 103.

[8] 13 C.F.R. 103, 13–5.

[9] 13 C.F.R. Part 108.

Footnotes at end of article.

## NASA GIFT FUND USED FOR SKYLAB STUDENT EXPERIMENTS PROGRAM

### HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. WINN. Mr. Speaker, a fund of unsolicited cash contributions made by individuals in the United States and overseas to NASA since 1959 will be used to pay for equipment for student scientific experiments on Skylab.

Seven student experiments chosen in a nationwide competition among high school students will be aboard the first Skylab manned mission to be launched May 15. The remaining 12 experiments will be flown on Skylab missions later this year.

The fund of contributions has built up because NASA is authorized by the Space Act of 1958 to accept unrestricted gifts. The amount received to date is $5,548.

The fund will be used to pay for the student experimenters' equipment. The contributions from many sincere supporters of the space program will not only be applied toward acquiring scientific data for all mankind but also will be an investment in advancing the future of space exploration by encouraging students to further pursue their studies in science and technology.

The decision to use the gift fund for Skylab student experiment equipment should be particularly gratifying to one teen-age contributor who suggested that a "teen-agers for space" program be started.

In the fund are individual gifts ranging from $1,500, which the contributor sent in three $500 increments, to 35 cents from an 8-year-old boy.

The boy wrote a letter to NASA in January 1970 which stated:

> Today I heard you would have to delay some mission. Because you didn't have enough money. So here is some!

Below his signature he sketched an Apollo command and service module with its rocket engine burning and a lunar module launching from the Moon. Inside outlines of the engine exhaust plumes he taped two dimes and three nickels to the paper.

Several contributors have made repeated gifts. A retired Navy chief petty officer in California has sent 1 day's pay after each manned space flight in memory of his son who was killed in the Korean conflict. A young teenage friend of the retired chief has contributed 1 day's pay from his afterschool job in a supermarket several times.

A Chicago citizen has sent 23 separate gifts. Three foreign nationals, citizens of the Netherlands, Belgium, and Germany, have contributed.

In 1964, an editorial in a national news magazine prompted a naturalized U.S. citizen who emigrated from an eastern European country to send $100. His letter stated that what he cherished most is freedom and wished to be a part of the space program which would mean survival of a free United States.

NASA and the National Science Teachers Association sponsored a national competition for high school students to propose Skylab experiments. More than 3,400 proposals were received and evaluated by the teachers association. In March 1972 25 national winners were announced. Later it was determined that six of the winning proposals could not be integrated into the Skylab instrumentation and equipment, but the six students would work closely with principal investigator scientists whose investigations were very similar to the students' proposals.

Two of the experiments on the first manned Skylab mission will require special equipment. Robert L. Staehle, Harley School, Rochester, N.Y., will investigate development cycle of bacteria and spores in the Skylab weightless environment by comparing photographs of specially prepared specimens taken during the mission by the crew with a similar group of specimens in the Earth environment at the same time.

Terry C. Quist, of Thomas Jefferson High School, San Antonio, Tex., has an experiment to record impacts of low energy neutrons from special detectors mounted in the spacecraft water tanks.

The other five student experiments will employ Skylab hardware used for other investigations. Joe B. Zmolek, Lourdes High School, Oshkosh, Wis., will attempt to determine the difference in radiant energy reflected from the Earth's atmosphere over densely populated and sparsely populated sections of the Earth from high resolution photographs and spectrometer systems.

Troy A. Crites, Kent Junior High School, Kent, Wash., proposes to determine the feasibility of predicting volcanic activity. Skylab Earth resources sensors will be correlated with data obtained from instrumented volcanic sites to establish a relationship between volcanic activity and thermal contours and patterns.

Daniel C. Bochsler, Silverton Union High School, Silverton, Oreg., will attempt to identify a planetary body or other identifiable object which may orbit the Sun at a radius less than that of the planet Mercury from detailed analysis of photographs obtained with the Skylab solar telescope system.

John C. Hamilton, Aiea High School, Aiea, Hawaii, has an astronomy experiment which will use Skylab's ultraviolet stellar astronomy equipment. Photographs in which quasars have been identified will be studied to obtain spectral data in the ultraviolet region to augment existing data in the radio and visible ranges made from ground based telescopes.

The experiment of Neal W. Shannon, Fernbank Science Center, Atlanta, Ga., also will employ the ultraviolet astronomy equipment. He will attempt to measure radiation from known pulsars in the ultraviolet region to determine if the data obtained by the Skylab instrument correlates with existing pulsar spectral data.

The 25 student principal investigators will be at the Kennedy Center, Fla., when the unmanned Skylab spacecraft is launched May 14 and on May 15 when the crew, astronauts Conrad, Kerwin, and Weitz lift off in an Apollo spacecraft to link up with Skylab and spend 4 weeks in Earth orbit.

## PULITZER PRIZE WON BY BRIAN LANKER, TOPEKA CAPITAL-JOURNAL PHOTOGRAPHER

### HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. ROY. Mr. Speaker, I feel certain I speak for all Topekans—indeed all Kansans—when I express my pride at the announcement that Brian Lanker, a photographer with the Topeka Capital-Journal, has been awarded a Pulitzer Prize.

This is the first Pulitzer Prize awarded to a member of the Capital-Journal staff, and the third awarded to a Kansas newspaper or staff member.

The title of the award-winning picture series is "The Moment of Life—An Experience Shared." The subject—a mother and father sharing the experience of natural childbirth—is one of personal interest to me, inasmuch as I was a practicing obstetrician before my election to Congress.

It is not a surpise to those of us who are regular readers of the Capital-Journal that Brian received the Pulitzer Prize in feature photography. Brian and Rich Clarkson, director of photography for the Capital-Journal, are both very gifted. Topekans have benefited from the quality photojournalism found in the Topeka Capital-Journal.

I wish to call to the attention of my colleagues the following article about Brian Lanker, which appeared in the Topeka Capital-Journal:

BRIAN LANKER

Capital-Journal photographer Brian Lanker was awarded a Pulitzer Prize in feature photography Monday for his picture series of a mother and father sharing the experience of natural childbirth.

The annual Pulitzer awards were established by the late St. Louis and New York publisher, Joseph Pulitzer, who died in 1911. Winners are chosen by the Columbia University on recommendation of a board composed of distinguished American newspapermen and the president of the university.

The individual awards carry prizes of $1,000 each. The first prizes were announced in 1917.

Lanker's Pulitzer winning series was titled "The Moment of Life—An Experience Shared" and appeared in the Sunday, Feb. 6, 1972 edition of The Topeka Capital-Journal. Previously, the series of pictures had won Lanker honors for the best page layout in the Missouri-Kansas Associated Press Photography Contest, and the National Press Photographers' Picture of the Year Contest in the home and family interest division.

"You don't ever plan on winning something like this in your lifetime," Lanker said shortly after receiving notice of the award. Lanker had his right arm in a cast—"I broke my wrist playing basketball with my insurance agent"—but he took the congratulatory handshakes of colleagues and well-wishers, cast and all.

"Utter elation is what I feel," he said. "I haven't had a chance to grasp the full meaning of it yet."

Lanker plans to use the $1,000 prize money to celebrate and buy some camera equipment.

At the time he took the pictures, Lanker thought he had failed to capture the joy and excitement that he shared in photographing the experience of Linda and Jerry Coburn of Topeka, as their daughter, Jackie Lynn, was born.

"Normally, if I am excited about some pictures I have taken, I'll rush right in and develop the film," he said. "This time, I didn't develop the film for several days because I felt I had failed to capture the joy I had felt. When I did develop the film I found I had some pictures that did capture something of what I felt."

Lanker believes the series of pictures have received such recognition because "they show something of the real joy and excitment that one can experience in that moment of birth.

"I got so caught up in it at the time that I forgot I was taking pictures."

Lanker looked for about six months before he found a couple willing to let him photograph a nautral childbirth. He became very involved in the experience and as a result he and the Coburns have become very good friends.

"I wish I could let them (the Coburns) know about it," Lanker said. "But they are down in Louisiana and I don't know how to get in touch with them."

Lanker immediately called his parents in Phoenix, Ariz., to tell them the good news. His father, Merrill R. Lanker, is employed by the Phoenix Gazette.

The 25-year-old Lanker was born in Detroit where his father was a reporter for the Detroit Free Press, and grew up in Phoenix. He attended Phoenix College for two years and worked as a staff photographer of the Phoenix Gazette for three years before joining. The Capital-Journal photo staff in October of 1969.

Lanker has been selected as regional photographer of the year by the National Press Photographers Assn. each of the four years he has been at The Capital-Journal, and for two years when he was employed in Phoenix. He was named the National Press Photographer of the Year in 1971, and has been winner of the sweepstakes award in the Mis-



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souri-Kansas Associated Press annual contest.

"I get involved with almost everything I cover," Lanker said. "You don't work here in the Capital-Journal photo department without getting involved in your work. We work very hard to give our readers the best in photo-journalism.

"I want to pay tribute to Rich Clarkson," Lanker added. Clarkson is director of photography for the Capital-Journal and has won several national awards for his photography.

"If I had not come to Topeka I could not have won this award," Lanker said. "The photographic atmosphere that Clarkson has established here—if it wasn't for him I wouldn't be here, and I don't think I would have won this award."

Clarkson called Lanker a "particularly perceptive photographer" when asked to describe the Pulitzer Prize winner's work.

"Brian probably has as much natural ability as anyone I've ever been associated with," Clarkson said. "In the three and one-half years he has been at Topeka, he has really channeled all of his ability into doing what contemporary photo-journalism ought to be. He is extremely content-conscientious, which is what puts him out ahead of any other photographer who has great gobs of natural ability."

Lanker is the first member of The Capital-Journal staff to win a Pulitzer Prize. In 1965, the Hutchinson News won a Pulitzer for meritorious public service, and in 1923, William Allen White of the Emporia Gazette won a Pulitzer for his editorial writing. In 1944, a special citation scroll was awarded to Mrs. William Allen White indicating appreciation of Mr. White's interest and services during the past seven years as a member of the advisory board of the Graduate School of Journalism at Columbia, Mo.

## REA BIRTHDAY IN GEORGIA

### HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. GINN. Mr. Speaker, last night it was my privilege to attend a gathering here in Washington of representatives of all of the Rural Electrification Cooperatives in the State of Georgia.

This fine group of citizens are on the front lines of the fight to bring increased prosperity to the people of Georgia. I am proud to count them as my friends, and I would like to take this opportunity to salute them in their excellent work.

Mr. Walter Harrison, who is the general manager of the Georgia Electric Membership Corp., presented the principal address to the group last night.

Mr. Harrison, who is one of my closest friends and is a resident of my hometown of Millen, has been involved in the work of the REA since its beginning. He is a former National President of the National Rural Electrification Co-operative Association and is probably the most knowledgeable man on this subject in the United States.

I believe his remarks at the meeting are of great significance to the Congress, and I would like to introduce them into the RECORD at this point:

OUR BIRTHDAY GREETINGS TO YOU

(May 11, 1935–May 11, 1973—38 Years of Service)

As we approach our 38th Birthday it is well to take stock of where we have been, what we have been doing and where we are going in the soaring '70s.

Executive Order No. 7037 was signed by the late President Franklin D. Roosevelt on May 11, 1935 under authority of the Emergency Relief Appropriation Act of 1935, thus creating the Rural Electrification Administration.

Statutory provision for the Agency was made in the Rural Electrification Act of 1936, approved May 20, 1936.

The only rural electric cooperative to be dedicated by the late President Roosevelt was on August 11, 1938 at Barnesville, Georgia and among the many things said were: "So it can be said that a little cottage at Warm Springs, Georgia was the birthplace of the Rural Electrification Administration."

The first loan made to a cooperative under the program was dated July 22, 1935 and was the Crisp Farmers Co-op Corporation of Cordele, Georgia.

Forty-three rural electric cooperatives have been organized in Georgia.

In 1935 there were only 7000 farms receiving central station power and they were in the main near the existing city limits of a municipality. As of January 1, 1973 we had 491,544 meters in operation on the rural electric co-operative systems in Georgia. We would estimate today that we have in excess of one half million (500,000) active meters. We claim this is the miracle of the 20th century.

As of the close of business in 1972 we had Electric Plant in Service amounting to $309,-287,565 and other Electric Plant in the amount of $5,130,611 but we have depreciated the investments in plant to a net of $238,542,098.00.

Our Operating Revenue for 1972 amounted to $98,627,040.00.

Our cost of power amounted to $62,527,-010.00 and an increase of 25% is in the making and is now before the Federal Power Commission.

We have built in Georgia a total of 81,296 miles of lines. And we are still growing by leaps and bounds. Our great need at the moment is a sure source of loan funds; water and sanitary sewers at the cross roads and a viable rural housing program.

Our interest payments to the Federal Treasury has amounted to $40,149,841.20 since the inception of the program.

The General Assembly of Georgia voted a moratorium on advalorem taxes in 1941 which expired in 1960. Since that date we have paid $14,566,323.96 in taxes to cities, counties and State.

There is not a single delinquent cooperative in Georgia in meeting its payments to the Federal Treasury. We believe we have been one of the best borrowers the Federal Treasury has ever known. And by the way in the total loan program concerning rural electrification the Treasury has lost less than $45,000.00 across the entire United States. We do not believe this can be matched by any metropolitan area of the Nation.

And now that we have proven ourselves let us give you our needs for the present and future:

We need the rural electrification program re-established as it was prior to December 29, 1972.

Our capital requirements—January 1, 1973—Fiscal Year 1974 for State of Georgia.

Loan Backlog: Jan. 1, 1973, $7,116,000.

Loans to be submitted: 1–1–73—6–30–73, $17,968,000.

Loans to be submitted: 7–1–73—6–30–74, $26,792,000.

Total Georgia requirements for the above named periods: $51,876,000.

We are proud of our Georgia Congressional delegation.

Your cooperation in the past has been wonderful.

We only hope that we have merited your support and we earnestly and sincerely solicit a continuance of your fine support in the future.

We all have a great stake in the future of Georgia and the Nation.

Understanding of the problems and cooperation in the solution thereof should at all times be uppermost in our minds.

Again—let me say "thank you" and wish for you and yours God's richest blessings.

WALTER HARRISON.

## FOUNDING CONFERENCE FOR A NATIONAL DEFENSE ORGANIZATION AGAINST RACIST AND POLITICAL REPRESSION

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. ASHBROOK. Mr. Speaker, further information has come into my hands that serves to confirm the remarks made by HCIS Chairman ICHORD and myself on May 3 and May 9, respectively, regarding the completely Communist-front character of the Founding Conference for a National Defense Organization Against Racist and Political Repression, scheduled to be held May 11–13 in Chicago, Ill.

My remarks of May 9 reflected information gathered in large part from material issued by the conference organizing committee in New York City and from the Soledad Brothers Defense and Legal Committees and the National United Committee to Free Angela Davis and All Political Prisoners, all three of which were blatant Communist Party front operations and direct predecessors of the new National Defense Organization being set up this weekend.

The new material comes from two sources. The first item is "A Call to People & Organizations in the South to Attend the National Founding Conference." This document states that it is issued by the "Southern Committee to Free All Political Prisoners, Box 4643, Memphis, Tenn. 38104." However, the envelope in which the document is mailed bears the return address of the "Southern Committee to Free Angela Davis and All Political Prisoners, P. O. Box 4643, Memphis, Tenn. 38104." This committee is, then, an adjunct of the National Committee to Free Angela Davis and All Political Prisoners—NUCFAD—one of the Communist Party's largest and most effectively operated defense front networks, which shows again the role of the CPUSA in setting up the new National Defense Organization.

The wording of the Southern Committee's call parallels that of the call being circulated by the organizing committees in Chicago and New York, and the list of "Sponsors from the South" includes a veritable Who's Who of Communist Party members and front joiners from the South. Included in this Southern sponsors list are, for example, Rev. Ralph Abernathy, an honorary president of the Soviet-controlled World Peace Council who has been associated over the years with activities of the Communist-front Southern Conference Education Fund—SCEF—and the CPUSA-dominated Peoples Coalition for Peace & Justice—PCPJ; Anne and Carl Braden, members of the CPUSA and leaders in SCEF; Walter Collins, identified as "former political prisoner, SCEF;" Sallye B. Davis, mother of Communist Party member Angela Davis and frequent speaker at meetings organized by the CPUSA and various CPUSA-created Angela Davis defense committees around the country; Al and Margaret McSurley, both of whom have been intimately connected with SCEF; Modjeska Simpkins, president of SCEF; Barbara Aiken, a Georgia member of the Communist Party's "legal bulwark," the National Lawyers Guild; Mike Honey, identified as being with the Southern Office—which is in reality SCEF—of the CPUSA-controlled National Committee Against Repressive Legislation; Ken Lawrence, identified as being with the Southern Patriot, official organ of the SCEF; Lionel McIntyre, "SCEF, Louisiana;" John Stanford, "Communist Party, Texas;" Scott Douglas, "Communist Party, Tennessee;" and Jim Bains, "Communist Party, Alabama."

Another southern sponsor is John Inman, identified as a "Black community organizer" from Texas. Inman was one of the initial sponsors of the CPUSA-organized Emergency Conference to Defend the Right of the Black Panther Party to Exist and was also an endorser of a readers conference held by the Communist Party's official newspaper, the Daily World, on January 16–17, 1970, in New York City.

The second item is even more revealing. It is mailing from the "Chicago Area Committee to Defend All Political Prisoners, 606 S. Ashland Ave., Chicago, IL [sic] 60606." This has also been the address of the Chicago Committee for the Defense of Angela Davis, another affiliate of the NUCFAD.

The man who has actually operated the office of the Chicago Committee for the Defense of Angela Davis is veteran Illinois Communist Party member Ishmael Flory, while the two cochairmen of the committee have been Sylvia Woods and Stephanie Allen, both members of the CPUSA. The head of the labor section of the committee has been Cornelius Cobbs, another member of the CPUSA who has served as a member of both the National and Illinois State Committees of the Party.

The mailing from the Chicago committee also includes a leaflet advertising a "Rally Against Repression" to be held Saturday, May 12, as part of the Founding Conference. Advertised as speakers at the rally are CPUSA member Angela Davis, Ralph Abernathy, Dolores Huerta of the United Farm Workers Organizing Committee, and an unnamed "American Indian Movement speaker arriving direct from Wounded Knee."

The list of "Local sponsors" in this leaflet includes the following: Abe Feinglass, an identified member of the CPUSA prominent in Communist "peace" activity; Sidney Lens, one-time leader in the now-defunct Trotskyite Revolutionary Workers League and activist in both the PCPJ and the CPUSA-controlled Chicago Peace Council; Ola Kennedy, who has served as a cochairman and national steering committee members of the National Coordinating Committee for Trade Union Action and Democracy—TUAD—which is absolutely controlled by the Communist Party, and who has been associated with activities of the CPUSA-front Chicago Committee for the Defense of Angela Davis and the Stockholm Conference on Vietnam, a principal international Communist peace front; Jack D. Spiegel, a prominent member of the Illinois Communist Party and leader in the Chicago Peace Council; Richard Criley, an identified member of the CPUSA who is executive director of the CPUSA-controlled Chicago Committee to Defend the Bill of Rights: Ishmael Flory, an avowed member of the Illinois Communist Party; Rayfield Mooty, cochairman of the NCCTUAD, contributor to the CPUSA trade union publication Labor Today, and featured speaker at an April 8, 1972, anniversary banquet for the CPUSA's West Coast newspaper, the People's World; Prof. John Pappademos, a member of the Illinois Communist Party and president of Local 1627 of the American Federation of Teachers; Jay Schaffner, member of the Illinois Communist Party and leader in the CPUSA youth apparatus, the Young Workers Liberation League; Lou Palmer, participant in a February 17, 1973, conference held by the Chicago Committee for the Defense of Angela Davis; Prof. Beatrice Lumpkin, a frequent contributor to the CPUSA's Daily World who has also been associated with activities of the CPUSA's National Coordinating Committee for Trade Union Action and Democracy; and CPUSA member Cornelius Cobbs, a member of the "Solidarity Caucus" of Local 6 of the United Auto Workers.

Mr. Speaker, it should be obvious to any reasonably objective person that the evidence clearly shows beyond any possibility of doubt that this weekend's Founding Conference in Chicago is geared to precisely the objective that I cited in my remarks of May 9:

The launching of one of the largest and most ambitious front organizations ever created by the Communist Party, U.S.A., to deceive the gullible into supporting party objectives.

## THE ENERGY CRISIS: TIME FOR ACTION

### HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. PARRIS. Mr. Speaker, the growing energy shortage across the Nation has become a problem of paramount importance to all our citizens. Prompted by such manifestations of the crisis as possible electrical "blackouts" and gasoline rationing, many of my own constituents have contacted me to urge that the Congress take immediate action to alleviate this situation on a short-term basis, as well as to explore potential alternate energy sources to replace our dwindling supplies of natural gas, petroleum, and electric power. I am pleased to say that the Committee on Science and Astronautics has taken the initiative in this area, and is currently holding a series of hearings in order to gain a general overview of the energy crisis.

In its May 7, 1973, issue, Time magazine published a comprehensive article entitled "The Energy Crisis: Time for Action." The editors of Time are to be commended for their insight into the complexities of the energy shortage, and for bringing the pressing need for remedial action to the attention of the public. At this point, I would like to have the text of that article inserted in the RECORD:

THE ENERGY CRISIS: TIME FOR ACTION

The first signs of the impending disaster came slowly: increases in the cost of oil and gasoline, reductions in voltage delivered by power companies during peak hours, and occasional dimouts. But then the pace accelerated as the Government began rationing essential fuels and exhorted the public to forsake private cars. The reduced use of automobiles had immediate repercussions in Detroit, where the auto industry began laying off workers by the thousands. Other industries, notably the steel manufacturers, also were severely hit. A "domino effect" of factory shutdowns swept through the U.S. economy.

Eventually shortages of fuel and breakdowns of the transportation system produced growing food shortages as farmers were unable to ship their products to the country's great urban centers. The stock market plummeted. Industrial growth came to a standstill. The Government, attempting to stave off a collapse of the national economy, imposed rigid guidelines for prices, wages and profits. Critics of these policies were severely penalized under new anti-sedition laws that virtually nullified the First Amendment. The U.S., in effect, became a totalitarian state.

This chilling scenario is not from a leftist science-fiction film but out of the pages of a serious recent book. *The Energy Crisis* (Crown; $5.95), by Lawrence Rocks and Richard P. Runyon, both professors at Long Island's C.W. Post College. Unless the U.S. takes serious measures to find new sources of energy, the authors warn, such massive turmoil could occur in the U.S. by the 1980s. While the apocalyptic view of Rocks and Runyon is exaggerated, talk about an energy crisis is more than hyperbole.

Most Americans cannot yet get excited about that problem, but many of them have already seen the effects of the growing energy shortage. During the past three summers, there have been scattered brownouts across the nation. These cutbacks on voltage, designed to preserve overloaded generators, caused TV pictures to shrink, lights to dim and air conditioners to slow down. Electric utilities in major cities, which until a few years ago urged their customers to use more electricity, now have changed their line. The new theme, typified by New York City's Consolidated Edison Co., is "Save a watt" by turning off lights and appliances when they are not absolutely necessary.

Last winter, for the first time in memory, fuel-oil supplies ran ominously low. From Denver to Des Moines, schools were closed for lack of heat, and production in fuel-short factories came to a halt. This spring has already seen scattered instances of gasoline shortages and service-station shutdowns, and there is growing concern that further shortages may lead to gas rationing before the summer is out.

Paradoxically, the U.S. still has ample domestic sources of energy. Experts estimate that reserves include enough recoverable deposits of oil (which accounts for 45% of today's energy consumption) and of natural gas (32%) to last about another two decades. Beyond that time, foreign supplies of those fuels should be sufficient to meet all the world's needs until at least 2030. In addition, the U.S. has immense reserves of coal (which now accounts for only 18% of U.S.



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energy consumption)—enough, theoretically, to fill domestic needs for centuries.

Thus the immediate problem is caused not by dwindling reserves but by inadequate oil-refining capacity and man-made shortages of natural gas. These, in turn, are caused by complex and interrelated political, economic and social factors. By holding down the price of natural gas, the Federal Government has artificially increased demand for the fuel while providing no incentives for exploration for new reserves. Similarly, legislation that favors oil companies by sheltering domestic producers and permitting tax write-offs of exploration abroad has not worked to increase domestic supplies or to encourage the building of new refineries in the U.S.

The urge for a clean environment has complicated matters even further. Clean-air laws, for instance, forbid the burning of oil and coal with high sulfur content. As a result, much available domestic fuel cannot be used in many localities. Insisting on environmental safeguards, groups have delayed such projects as the Alaska pipeline and nuclear power plants, further limiting the development of domestic energy sources.

Increasing opposition by conservationists and state government officials to heedless strip-mining and offshore oil drilling has also sharply limited the future exploitation of U.S. fuel reserves. Sums up S. David Freeman, director of a Ford Foundation study of energy: "Environmental goals and energy demands are on a collision course."

At the same time, the U.S. until now has been understandably reluctant to relieve the domestic shortages by turning to easily available overseas sources of energy. Reason: the Government wanted to protect the high-cost domestic oil industry, arguing that the nation should not become dependent on foreign suppliers of oil and gas, especially when the major reserves are in nations not particularly friendly to the U.S.—the Arab states and Russia. Furthermore, the U.S. balance of payments problem would only be worsened by importing foreign oil and gas.

At a three-day energy conference sponsored by Time Inc. in April at Lyford Cay in Nassau (for list of participants *see box page 48*), top executives of U.S. energy companies offered sugggestions for alleviating the shortages. Their strategy through 1985 would be to increase the domestic output of oil and natural gas, and to build new energy facilities (power plants, refineries, pipelines). But the bill for this expansion, according to experts at the conference, would be at least $500 billion, too high for industry to pay without federal help. The energy companies want the Government to allow the marketplace to set prices, to ease cumbersome environmental restrictions, and to open federal lands and offshore areas to exploration for oil and gas.

Thomas Kimball, head of the National Wildlife Federation, took a different tack. "What we need," he told the conference, "is a national energy policy—not a national energy sales policy." Most environmentalists and consumerists want assurances that those shortages will not cause the Federal Government either to reverse existing environment laws or to allow big hikes in the price of energy. If the price of interstate gas were allowed to climb by 30%, they say, the value of natural-gas reserves would climb by $300 billion. This would stimulate more drilling, but it would also result in what critics call "windfall profits" for industry.

Indeed, because all the energy companies would pass along higher costs to the consumer, critics have charged that the energy crisis could conceivably serve, in Freeman's words, "as a massive exercise in picking the pocket of the American consumer to the tune of billions of dollars a year." No one is suggesting a conspiracy to raise prices; the literally hundreds of electric utilities, gas, coal and oil companies that all seek competitive advantage over one another could not effectively coordinate such a campaign. But the critics fear that consumers might be faced with excessive price boosts unless the Government intervenes.

In his special energy message to Congress last month, President Nixon tried to steer a middle course while easing the shortages. He acted to increase supplies of foreign oil by abolishing the rigid import quota system and replacing it with a flexible system of tariffs on imported oil. To spur domestic output, Nixon ordered the Interior Department to triple by 1979 the amount of federal acreage leased to oil and gas companies. Moreover, the President asked Congress to drop price controls on new finds of natural gas, to extend investment tax credits on both dry and producing wells and to streamline time consuming administrative procedures designed to protect the environment.

Although Nixon pledged to safeguard the environment in all these measures, his lack of emphasis on cutting demand for energy provoked a storm of criticism. So did his apparent unwillingness to fund accelerated federal research programs to develop new energy sources for the future. But Nixon left no doubt about another point: "We must face up to the possibility of occasional energy shortages and some increase in energy prices."

### AN END TO CHEAP ENERGY

At present, despite the fact that the U.S., with only 6% of the world's population, consumes almost one-third of its total energy output, only about 4% of the gross national product is required to pay the bill. Nixon has proposed that energy prices "reflect their true cost"—which increasingly includes ransom-sized tax increases by the oil barons of the Middle East, environmental cleanup expenditures and other indirect expenses that U.S. consumers are hardly accustomed to having tacked onto their electric bills or service-station tabs. "The days of cheap energy are definitely behind us," Robert Dunlop, chairman of Sun Oil Co., told the Nassau conference.

Since 1970 the price that the producing countries receive for their crude has risen 72%, and the major multinational oil companies are committed to additional 10% price hikes in each of the next two years. In addition, they are negotiating with officials of the Organization of Petroleum Exporting Countries (OPEC) on yet another price increase that would compensate the exporters for the devaluation of the dollar in February. The price of interstate natural-gas shipments, which is regulated by the Federal Power Commission, has never been allowed to surpass 34¢ per 1,000 cu. ft. But if Congress votes to deregulate natural-gas prices in new contracts, as Nixon proposed, the economists expect prices eventually to rise much closer to their current free-market level in intrastate shipments. Recently, that has been as high as 56¢ per 1,000 cu. ft.—or 65% higher than the regulated price.

Next to food prices, there are few more visible forms of inflation than jumps in electric bills or in the tabs for tankfuls of gasoline. Moreover, industries that use inordinate quantities of energy—aluminum, for example—could be gravely injured by higher prices, and all manufactured goods would be affected to some extent.

By 1980, based on current prices and projected growth in demand, the nation's out-of-pocket expenditures for foreign oil might reach $17 billion annually *v.* $8 billion this year. The staggering annual outflow of dollars for oil is not inevitable, however. As Secretary of the Treasury George Shultz said at Nassau: "We must struggle against these projections so that they do not become accurate predictions." Another projection shows that between now and 1980 the oil-producing nations of the Middle East and North Africa alone stand to collect a quarter-trillion dollars for their natural riches, nearly all of it from Western Europe, Japan and the U.S. In fact, some of the smaller Middle Eastern nations are already accumulating funds roughly twice as fast as they can spend them. Marvels the State Department's energy expert, James E. Akins: "With the possible exception of Croesus, the world will never have seen anything quite like the wealth which is flowing and will continue to flow into the Persian Gulf." Speculation with these funds was partially responsible for the world's recent monetary crisis.

To help curb such imbalances, some politicians and economists are urging the Administration to take on the job of bargaining with oil-producing countries itself, rather than accept the price levels negotiated by the oil companies. At the Nassau conference, Democratic Senator Henry Jackson declared: "The oil companies acting alone cannot be credible bargainers with OPEC." M.I.T. Economist Morris A. Adelman has gone even further, accusing the multinational oil firms of merely acting as tax-collection agents for the oil exporters. Both he and Jackson have suggested that the U.S. and other big oil consumers join together in a concerted diplomatic effort to break the OPEC cartel.

Actually, some of the potentially dire consequences of the energy crisis may be prevented by the ever higher prices of oil and gas. When a commodity becomes more expensive, it encourages its producers to increase supplies and at the same time pressures consumers to cut down their demand for it. Moreover, higher fuel prices would hasten the search for gas and oil substitutes that at present are not economically feasible.

The effect of higher prices on demand was demonstrated by a recent Harvard University computer study on household consumption of electricity. The study predicted that if the "real" cost of plugging in appliances is unchanged over the next two decades, electrical use may nearly triple. But, if the cost goes up by 50%—which seems more than likely—demand will increase by only 80% from its present level.

### HOW TO CUT CONSUMPTION

Environmentalists are convinced that high costs alone will not be enough to discourage excessive use of energy. Thus they were dismayed when President Nixon's energy message failed to stress conservation as an important tool in blunting the crisis. Nonetheless, an unlikely coalition of industrial, political and environmental leaders are all calling for measures to decrease the American appetite for energy Senator Henry M. Jackson, who this week will introduce an energy-conservation bill in the Senate, puts it this way: "We need to ask whether we must despoil the hills in Appalachia to air-condition sealed-glass towers in New York. We need to ask whether we must put ourselves in hock to Middle Eastern sheikdoms to keep roads clogged with gas-hungry cars."

The fact is that conservation of energy not only saves the environment but also pays off financially. Last year the President's Office of Emergency Preparedness concluded that the U.S. could reduce energy consumption by the equivalent of 7.3 million bbl. of oil a day; that would save about $11 billion in foreign exchange by 1980.

With a reduction from the present annual growth rate of 4.2% to about 2.2% by 1985, says the Ford Foundation's Freeman, "the savings would be small at first, but would grow steadily. And they would make the difference between a crisis and managing the problem."

Conservationists point to the following major areas in which large amounts of energy could be conserved:

Transportation. In this sector, which now accounts for 25% of total U.S. energy use, the prime offender is the automobile. It not only operates inefficiently (using only about 20% of the energy potential in gasoline; the rest is thrown off in heat and exhaust), but also is used wastefully. The Office of Emergency Preparedness says that 54% of all trips are less than five miles—e.g., simply driving to the corner drugstore to buy a pack of cigarettes. Even on longer commutes to work, the average six-seat car contains only 1.4 people. To the dismay of Detroit, some conservationists propose a tax either on bigger engines (which burn more gasoline than smaller ones) or on poor gas-mileage performance: cars getting more than 20 miles per gallon would escape the tax altogether. Beyond that, all energy savers favor mass transit where possible—plus higher commutation charges at tollgates and parking lots to encourage car pools.



Industry. Today's factories consume 39.5% of all energy supplies. Shearon Harris, president of Carolina Power & Light Co., revealed at Nassau that his company is helping to teach customers who consume more than $500,000 worth of electric energy a year how to reduce their usage by up to 10% through changes in design and operating processes. Recycling can also produce big savings. In the nonferrous-metals industry, for example, recycling uses only 20% as much energy as is required to refine the metal originally. Freeman stressed the point: "Our solid wastes by and large contain a better-grade ore than our mines."

Housing. Together with commerce, housing consumes 35% of energy production. A major saving can be made with proper insulation, because in the average home about 25% of the heat escapes through the roof. Turning down the thermostat can also make a big difference. A difference of only two degrees year-round in American homes, says University of Tennessee Physicist John R. Gibbons, could be the equivalent of saving 100 million tons of coal per year. Perpetually burning pilot lights on gas stoves are another wasteful luxury that can be eliminated. Moreover, home electric bills could be cut if consumers would buy the most efficient appliances. Electric heating is notoriously wasteful. The least efficient air conditioner now on the market, for example, uses 2.6 times as much electricity as the most efficient one, while accomplishing the same amount of cooling. How is the consumer to know which appliance is efficient? Conservationists want legislation that will force appliance makers to label the efficiency of their products. For his part, President Nixon has asked manufacturers to provide this information voluntarily: their response remains to be seen.

Offices and businesses. New York Architect Richard Stein reckons that there are plenty of ways to cut energy costs in office buildings, starting with lighting standards. These are set to meet unnecessarily high requirements, he says, and waste electricity. Stein also would avoid designing buildings with sealed, all-glass facades (he advocates windows that open). Such little design changes, he estimates, could reduce airconditioning needs by 20%. Others suggest staggered work shifts, some at night or even on weekends, to ease peak daytime loads on power plants.

All this will require legislation, some of it politically unpopular; most Americans will resent being pushed into mass transit or having to pay more for housing because of revised building codes. Still, several states are preparing legislation to break what Massachusetts Governor Francis Sargent calls "the endless cycle of energy addiction."

### FAR-OUT AND FAR-OFF SOLUTIONS

No matter how efficiently man exploits, delivers and uses the earth's remaining oil and gas deposits, they may well be all gone in little more than a half-century. Coal deposits will last centuries, but getting at them without ruining the landscape and burning coal without hopelessly polluting the atmosphere will require new technologies and additional inputs of energy. Yet the Nixon Administration's new budget calls for only $770 million for research and development in the energy field—far less than the $2 billion a year some scientists say is necessary to develop in time the alternative energy sources necessary to maintain a technological civilization. Some of the more promising sources:

Synthetic fuels. The vast resources of coal could be used to produce a variety of synthetic fuels. In coal gasification, for instance, coal is brought in contact with steam. Hydrogen atoms in the vapor combine with the coal's carbon atoms to produce a hydrocarbon similar to natural gas.

A major hitch to coal-gasification schemes is cost; all the heating and processing must take place in expensive aboveground plants. But Physicist Glenn C. Werth and his colleagues at the AEC's Lawrence Livermore Laboratory in California have proposed a less expensive alternative. They believe that it may be possible to create methane in the earth by forcing oxygen and water into fractures created with the help of explosives in coal seams. The cost, they figure, would be between 40 cents and 60 cents per 1,000 cu. ft., less than the price of liquefied natural gas now delivered from overseas by tanker.

The vast amounts of shale found in Colorado, Utah and Wyoming could also be important sources of oil, yielding about 25 gallons for every ton excavated. Both shale mining, which leaves great quantities of waste material above the surface, and strip-mining for coal despoil the landscape. But the exploited landscape could satisfactorily be restored—at a price.

There has also been a renewal of interest in another artificially produced fuel: hydrogen, the lightest and most abundant element in the universe, which can readily be produced by electrolysis of water molecules. Highly combustible, it has already proved its importance as a space-age fuel: it was a reaction of liquid hydrogen (at a temperature of less than −350° F.) and liquid oxygen that gave NASA's big Saturn 5 rockets their final boost to the moon. Properly handled, hydrogen might be burned to heat homes, generate electricity or power cars; the only major waste product is water. A more direct use of hydrogen could be in efficient fuel cells—battery-like devices, also used in spacecraft, that produce an electric current from a reaction of hydrogen and oxygen.

Magnetohydrodynamics. Even the best fossil-fuel plants operate at about 40% efficiency. Only that portion of the fuel's energy is converted into electricity; the rest is simply turned into waste heat. A more efficient power-generation scheme, magnetohydrodynamics, creates an electric current by passing a stream of hot, ionized gas at high speed through a powerful magnetic field. MHD plants should be able to operate at nearly 50% efficiency. Unfortunately, the U.S. is leaving almost all research and development in MHD to the Russians, who figure that it will eventually fill 10% of their electrical needs.

Geothermal power. Though underground reservoirs of steam and water have long been tapped in Iceland, New Zealand, Italy and Japan, the only large geothermal enterprise in the U.S. is a steam field known as the Geysers in California's Sonoma County. There, steam from deep in the earth drives turbogenerators that produce some 302,000 kw. of electricity, roughly 40% of San Francisco's total requirements.

A greater challenge to scientists lies in finding ways of utilizing the earth's internal heat in the vast areas that are relatively barren of subterranean water. One proposal, under test by the AEC's Los Alamos Scientific Laboratory, involves sinking two side-by-side holes deep into the earth until they reach hot basement rock (approximately 1,000° F.). Then by pumping cold water into one hole, the scientists hope to extract steam from the other. Project Director Morton Smith reports that test borings to a depth of only 2,500 ft. (*v.* the final goal of 7,500 ft.) already have produced significant heating. Battelle Memorial Institute is proposing a similar experiment in Montana.

Indeed, the U.S.'s potential geothermal resources are so rich that a National Science Foundation report recently estimated they could generate the equivalent of today's total U.S. electrical output by the year 2000.

Solar energy. Rooftop solar stoves, used to heat water, are found in Australia, Israel and Japan as well as in some areas of the U.S. Scientists now want to convert sunlight into electricity—a much more difficult task. One technique, proposed by Aden and Marjorie Meinel, a man-and-wife-team of scientists at the University of Arizona, involves spreading a "solar farm," consisting of piping containing a mixture of chemicals, over 25 sq. mi. of desert. Heated by the sun, the mix would be used to make steam, which would power turbines capable of producing some 1,000 megawatts of electricity.

Winds and tides. Though the earth's winds are too irregular to serve as a major power source. Marine Engineer William E. Heronemus figures that they could still be helpful. He suggests building high windmills out in the ocean on floating platforms, where they could generate the electrical power necessary to distill and break down sea water to obtain hydrogen for fuel cells. The old idea of tidal power is also getting new attention. By harnessing the daily rise and fall of the tides (average: 27 ft.) in the Rance River estuary in Brittany, the French are producing some 240 million watts of electricity. In North America, most of the promising tidal sites, like the Bay of Fundy between Maine and Canada, are located so far from potential users in large population centers that much of the cheap electricity would be dissipated in transmission lines before it reached them.

Nuclear power. At present, 171 nuclear power plants are either in use or in various stages of planning or construction in the U.S. But almost all are conventional water-cooled reactors fueled by uranium 235, a rare isotope of uranium that is becoming increasingly difficulty to mine and process economically. To avoid a uranium "crunch," President Nixon has ordered development by the 1980s of a new type of reactor called the fast-breeder, a name derived from its unique capability: during the chain reaction, surplus neutrons from the atoms of U–235 in its core bombard a surrounding blanket of U–238, a much more plentiful but nonfissionable form of uranium, and transmute large amounts of it into plutonium. This fissionable byproduct can then be used as a fuel in other breeders. Thus breeders should be able to stretch existing uranium supplies for several centuries. One big drawback: the fission wastes are highly radioactive and extremely difficult to store.

Most scientists believe that the long-range answer to man's energy needs may lie in thermonuclear fusion. The process that fires the sun and all the other stars, fusion releases enormous amounts of energy—but only small amounts of dangerous radioactivity—through the combination of light atoms of hydrogen to form heavier atoms of helium. The earth's seas contain an almost unlimited store of an isotope of hydrogen especially suitable as fusion fuel: deuterium, or heavy hydrogen.

But controlled fusion, as opposed to the uncontrolled variety in an H-bomb, is extremely difficult to achieve. Not only must the deuterium be confined in a dense plasma, but it also must be heated to temperatures of some hundred million degrees. Even if fusion research is vastly expanded, thermonuclear power will probably not be available as an energy source for decades to come.

Until those alternative technologies can fulfill their promise, however, the U.S. must continue to rely on conventional fuels—and to confront the problems that their procure-

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ment and use entail. As the environmental movement demonstrated, how fast and effectively the nation faces up to those problems depends largely on public awareness that an energy crisis exists; it was only after the air and waters had become dangerously polluted that the public awoke and demanded the steps that are now gradually beginning to turn the tide of pollution. The U.S. may have even less time to make important decisions about energy. When the gas tanks run dry and the lights begin to blink out, it will be too late.

## BOUNTIFUL GRANTS OF THE SEA

### HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 8, 1973*

Mr. GERALD R. FORD. Mr. Speaker, in connection with our approval of H.R. 5452, the sea grant college and program authorization, I wish to insert excerpts from a fascinating address on the future utilization of oceanic resources by one of the foremost authorities on this subject, Dr. Athelstan Spilhaus, board chairman of the Oceanic Education Foundation:

BOUNTIFUL GRANTS OF THE SEA

(By Athelstan Spilhaus)

I am very pleased to be afforded the opportunity to address this stimulating forum at which the University of Virginia is evidencing its commitment to oceanic education in a effort to help man turn again to the sea.

This is the right time to turn more to the sea. We are seeing a burgeoning of aspiration and concern of people with regard to the quality of their environment. Such aspirations and concern are excellent. *But* what is not excellent is some of these people's over-simple attacks on industry and technology, attacks often without alternative positive proposals. What is *not* excellent is the uninformed concern leading to unrealistic stringent controls, often with impossibly short time scales of accomplishment. These, I believe, can inhibit the very industry, technology and productivity that we need to use to give us the quality environment to which we aspire.

Doom forecasts are mostly based on what will happen if we don't do some things differently. We see the problems and as engineers we tackle them. We do, indeed, need to do some things differently and on a very large scale in regard to our environmental problems.

An engineer's analysis of the future should start from where we are and predict what must be done. An engineer should not merely sit back and predict the inevitable result of carrying on present practices. He should design the future—not just let it happen.

Our people, on the average, I believe, are living in the most bountiful age—healthier, cleaner, better educated, better nourished, better than they have ever lived before. In fact, so good is the living, they they can now afford these newer aspirations. There is nothing wrong with these aspirations. They're great.

These aspirations deal, on the one hand, with an increasing protective attitude to people, and on the other hand, with the overconcern for an over-clean environment. In both of these worthwhile objectives, there lurks the danger of ignorant, overemphasis to the extent of inhibiting national productiveness.

On the other hand, if we plan properly and imaginatively to move toward these new aspirations, we can both stimulate productiveness and initiate new kinds of industries to supply the new "commodities" of cleanliness and safety for people.

But we cannot do this by naively overstated goals of "zero risk" which may stifle inventiveness, initiative and the production of new things for people's health, mobility, improved shelter and food. Some people are already inhibiting innovations by naive overstatements of possible side effects and risks that these might present.

Similarly, the naively overstated goal of "zero effluents" prevents our developing productivity—especially the productivity that we need to enhance our environment. No one will argue that great, planned, practical efforts must be made to prevent the further pollution of our land, air and water.

We need to move toward a better public understanding of what I've called an "ecolibrium" position—balancing the desired ecology (an harmonious pattern between organisms and their environment) with the necessary economy (the management of affairs with a view to maintaining productivness).

"Zero risk." *Nonsense!* There must be more realistic awareness in all activities that there is an acceptable risk and that it is not zero.

"Zero effluents." Also nonsense! There must be more awareness that in the use of the components of our environment—air, land and water—there is an acceptable burden of man's wastes of the proper kind that these components can carry and that this is *not* zero.

There must be more awareness of the fact that one proper use of air and water is to dirty it—whether we use it in the organisms that are our bodies or in the organisms we call industry. We should be aware that certainly both our own body organisms and the organisms we call industry would die under a policy of zero effluents.

There must be awareness that water and air are commodities that we must use, clean and reuse, just as the commodity food is grown, used and regrown. We must think of the culture of our air and water—atmoculture and hydroculture, if you like—as we think of agriculture today.

We must realize that there is a cost for these new commodities—air and water—that cleaning up is not a one-shot proposition, but a continual added cost to the commodities which we borrow from our environment.

Above all, there must be awareness that to continue to give people the things they need to ease their lives and at the same time preserve a clean environment and a clean world will take more energy per capita, not less. Starting with a given population to achieve the intermediate steps involving food, cleanliness of the environment, better indoor environment quality, housing, to reduce depletion of resources, we need to increase the basic currency of civilization for each individual—namely the energy at his command.

This is where we come to the sea and to the title of my talk Bountiful Grants of the Sea which relates to the Sea Grant Program's purpose to make available to people the Grants of the Sea.

A grant is a gift for a particular purpose and in this way the principal potential grant of the sea to man is the space it offers him to extend his living to the other three-quarters of the earth. The most bountiful grant of the sea is space—space to offer man for his activities; space close to the coasts where people crowd; space close to the majority of the cities of the world; space close to the principal terminals of world trade. Coastlines, after all are a constant length. They are lines—one dimensional yet man and his activities are three-dimensional.

So far, man has broadened his coastline by extending it inland. He has so far not broadened his coastline by extending it much out to sea. We come inescapably to the fact that any land use plan must also be a sea use plan. But the sea has space to offer us and particularly space near to the shores where 70 per cent of the world's people congregate. (53% of the people in the U.S. live within 50 miles of the coast; projections say by the year 2000 80% of the U.S. population will live in the same area.)

The land use battle that is going on all over the United States is being fought in the context of the current environmental concern—it is most intensely fought over the use of the coasts and it is a perfectly proper concern to view one of the most important and unique uses of the immediate coast and beach as being for people's recreation.

I endorse the validity of land use and environmental concerns. Should we not then have a vigorous national program of sea use to move such activities as we can, that are presently cluttering up the shoreline, out to sea?

The bounds of land are only the bounds of men's minds limiting their imagination.

If what I am going to say seems like dreams to some of you, I remind you that you and I have had dreams and seen them rapidly become reality. If some of the components of what I suggest seem like stunts, I would remind you that you and I have seen stunts become routine.

Indeed, dreams are stuff that practical progress is made on.

Non-engineering or status quo practices are the material for nightmares. Dreams go beyond the state of the art and challenge the state of the heart of innovators. Stout hearts can take us beyond present art.

Fifteen years ago in a little pamphlet called "Turn to the Sea," I dreamt about man's return to the sea. I compiled dreams of the study and use of the sea into a little story. Almost all of those dreams have come to pass today—have become reality.

Man has indeed been turning to the sea and returning to the sea for thousands upon thousands of years.

The first light that warned sailors of dangerous shoals and rocks or guided them into protective harbors safe from storms was probably a fire on a cape. The first lighthouses were built on shores, but the lighthouse then tiptoed out to sea—at first onto a shoal and for their day, what daring and imaginative structures these lighthouses seemed that were built so far at sea! But then the lights stepped further out on floating houses—the light ships.

Harbors have traditionally been at the meeting point of sea, air and land—the worst point where tides, waves, winds and shoals combine to make the harbor a potentially dangerous entity as well as a refuge. As ships grow larger and larger they cannot come into these dangerous harbors and so they discharge their cargoes often to smaller ships—an uneconomical process. Now we fill tankers from buoys out to sea, and in the North Sea companies are building artificial islands as harbors for large vessels. Harbors too are striding out to sea.

But now they must stride more quickly because they have the gun of environmental restrictions on land at their backs. And the moral duty of meeting the impending energy shortage which is beckoning them to sea.

Land use restrictions and the environmental concerns, thus, if too extreme and too hasty in their implementation, will cause companies to export plants, refineries, and jobs that go with them. And in addition, this exporting will merely move the pollution associated with them to someone else's backyard. Would it not be better by good imaginative engineering and the provision of a sufficient time scale, to retain these plants, refineries, and the jobs and wealth that go with them and to contain the pollution associated with them? We can do this by considering imaginatively the proper use of the sea.

We must *completely* reverse the current popular doom-saying attitude towards energy. Far from curtailing our energy production, we must vigorously increase the amount of energy we produce so that we may invest some of this energy in producing new energy sources.

Nuclear power is the most important investment we can make. Yet it, too, has a gun behind its back. People live on the coastline. Power plants are necessary where the people are. Power plants choose sites on capes or seashores where they're close to the people and to the huge amounts of water required for their cooling. Yet, environmental pressurists delay and prevent these plants from being built. By putting these plants at sea, can we have our cape, and heat it too?

Harbors are urgently needed and in connection with the same problem—energy, the fundamental currency of civilization. Yet the kinds of harbors that we need for the ships of the future—the huge safe ships of the future—are ones which, if we build them in the existing way on the shoreline, will take this shoreline away from the use of people for their recreation.

The cheapest way of transporting oil is by tanker over the sea. The larger the tanker, the more economical it is. And the more safe it should be made from spillage and from collision.

We do not have a single harbor in the United States that can accept the half-million ton tankers that the Japanese, for one, are building to use tomorrow. To adopt the expedient of offloading these tankers into small barges is the wrong way to go. This increases the possibility of spills and pollution. Can we not take the harbor out to sea and contain the oil spills?

I believe that proper engineering can completely protect shore and adjacent waters from pollution and spills near the coast. A harbor out to sea would be the garage, the marina of highly sophisticated spill equipment. A harbor to sea would have the spill emergency equipment, an environmental control brigade, just as a city on land has a fire brigade—for emergencies.

Submarine tankers are an imaginative idea, but they have been ruled out in the past because of the complications of offloading them on the surface. However, if they can offload underwater into submerged pipelines, they may someday become feasible.

Fishing, for the U.S. fishing vessels, has only one hope—to take a technological overleap in automation and sophistication. To justify this cost, fishing vessels must spend more time at sea and less in port. They must be coupled to fish factories. One can imagine these fish factories and processing plants associated with a complex out at sea separating the seafood wastes from the food parts and piping the food parts into shore through pipelines.

The catching vessels could discharge rapidly to the harbors at sea directly to the fish processing plants there. The wastes of the fishes themselves could be treated and used as nutrients for beneath the sea portions of these complexes which would be used for fish farming. Thus, aquaculture would grow around the sea city just as agriculture surrounds our land cities.

Organic wastes from the land could be piped out to waste treatment plants at sea, there to be used for aquaculture purposes. I was recently fascinated to learn of a most exciting project being conducted at MIT to irradiate sewage with electron beams and destroy viruses, bacteria, and deactivate detergents, so that the sewage can be returned either to the land or to the ocean with fertilizing instead of polluting effects. This is a tremendously important project. I hope the MIT project will find economical ways to make the sewage safe to put back on the land or in the sea.

Low-grade heat (so-called "waste heat") could be used also in aquaculture to regulate the temperature of the water to the optimum conditions for fish farming.

The extraction of minerals from the sea could also be done in these complexes, such as mined phosphate rock or the production of such things as magnesium from seawater. One of the great costs of extracting things from seawater is that you have to pump an awful lot of water, but if you pump this water, you may be able to use the same pumps and use the water for several purposes—extracting minerals, deriving fresh water, using cool water for air conditioning.

Airports are somewhat in the same plight as power plants. They need to be near where the people are. Yet they can occupy huge tracts of land near the cities that people constantly need for other purposes. Traffic congestion on the ground to and from the center of the city reduces the airports' usefulness. Airports are also under fire for increasing noise, and the planes are under restrictions relating to the reduction of power on take-off and land that either increases the hazard of flying or increases the cost of the aircraft by having to over-power them. Couldn't airports move out and join the complex at sea?

A city anywhere must start with a purpose. Then people come to work toward that purpose and build houses to house the workers, and thus the city grows. This is the proper way for a city to grow; otherwise, if one builds a city at sea, you will have merely a bedroom city or a city in search of a purpose. But the multiple uses I've described here constitute the real purpose of what we might call a sea city. With airports and harbors, hotels for travelers would be necessary, as would housing for the freight handlers, the airport workers, and harbor workers. Hotels at airports on land have to be insulated from the aircraft noise. What better insulator could there be than seawater with hotel accommodations within the huge floats or pylons beneath the sea surface. Travelers would truly have an "ocean view"—from below!

Recreational facilties—marinas and submarinas, underwater parks, things that are all in their embryo stages, would join the complex away from the shore.

You will all recognize, I'm sure, this complex is just the putting together of many well known suggestions.

In fact, many parts of this complex are being worked on already, either in Sea Grant Programs or in related programs.

Work is going on on the sea environment, marine resources, aquaculture, the better use of foods from the sea such as squid, the disposition of food wastes, offshore petroleum, ocean borne commerce, port design, commodity transport, liquefied natural gas, harbor traffic control, navigation, oil pollution and preventing its spread at sea, and aquaculture. Also, people have been making sophisticated analyses of complex ocean structures necessary to support various sealoads. *And* most important there are people in public policy working on the development of public acceptance of the proper uses of the sea—acceptance not only naturally by the public but also acceptance within what will have to be a new structure of national and international law and policy.

Actual engineering works are going on in some of these directions. Recently we read of the offshore nuclear plant which is to be floated three miles off the Jersey coast. Some of us know of John Craven's imaginative model of a floating city to be associated with the bicentennial celebrations in Hawaii. And again in Hawaii, Honolulu's airport is to be multiplied in capacity by extending a runway on a reef offshore, and others are planning a port offshore to serve Texas. These things are going on in our country.

But other nations are ahead of us. The Japanese already have great plans for a floating city. European nations around the North Sea are planning—some even building—a considerable number of offshore harbor and industrial islands in the North Sea. All of these steps are good ones, and they can contribute the experience they represent to the complexes we will put together in the future. But the question is:

How can we in the U.S. take a step jump and put the whole system together instead of whittling piecemeal and having to solve all the public policy questions and the endless national and international debates over and over again for each step we take seaward?

It is probably not economical for an individual activity by itself—for example, oil refining—to move out to sea as a single activity and in the short time scale available to meet the urgent energy demands. But, if we join uses in a systems concept that has a common kind of underpinning, moving out to sea is feasible. The total cost of such a sea complex would be less than the sum of the individual costs of the components and the total system will add more in social value, environmental and economic gains for society than the sum of the individual social goods of the components of the system.

But how to do it? First of all, public policy—that is, new policies and new thinkings in government, industry and the universities. The policy dimensions are so great that government's initiative must be comparable to former national goals that we have achieved in space and in atomic energy. But industry's effort is probably larger than even the largest of our industries would undertake alone. We must recognize that the basic underpinning of science and technology that we will need and that our universities can contribute is greater than that any single university can provide. The size of the engineering and management job to be done requires new crossings, new meetings and new agglomerations in government departments, among industries, and among universities.

For government, we know that already there are positive discussions going on in Washington on inter-agency cooperation in the new uses of the sea so that the Maritime Administration with its harbor problems, the AEC with its nuclear plants, the EPA with its waste disposal and NOAA with its experimental platforms can join with FAA and its airports to plan a synergistic sea system. I wonder, however, whether inter-agency cooperation is sufficient. We will need to jump that barrier that defines the traditional missions of government departments. We have a sea agency in NOAA, but if NOAA and its parent department, Commerce, are to embark on this massive program, they too must have the support, clout and muscle commensurate to do the job.

This *cannot* be done unless the government sets up, as they did in atomic energy and in space, the sea-use project as a national goal on a time scale that is both realistically long enough to achieve its aims, yet realistically short enough to meet the urgency.

Perhaps in addition to the watchdog Environmental Protection Agency, we need an Environmental Promotion Agency!

On the international governmental side, if we are to move complexes out to sea we get involved with the knotty problems of the international law of the sea. Practical considerations are dictated by nature—how steeply does the seabottom shelve into deep enough water—we will often be in conflict with the arbitrary man-made limits of three, twelve or X miles. Where water is shallow, as in the Gulf of Mexico, we may need to go far out; where water is deeper, not so far. It seems that we can resolve these problems better by multilateral or bilateral agreements of the states and nations affected with due regard to particular geographical situations, rather than by any blanket international agreements that would tend to presume a geographical sameness of all situations.

In industry, the size of the effort necessary to accomplish this task is such that we will need to abandon old or social assumptions of the badness of size, of monopolies, and



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of cartels. In industry, we will need to see associations of a number of our very larger industrial concerns to achieve the building of the complex. Far from discouraging partnerships among our largest industries, we will need to encourage new kinds of combinations, new kinds of consortiums of industries, perhaps in the manner of the space program.

Universities which must supply much of the scientific and technological underpinning of enterprises in the sea will likewise need to integrate the separate pieces that are going on, both under the Sea Grant Program and in related programs in many institutions in the United States. Here we need, to give a contract to some institution to bring together, to correlate, and to aim all the developments in sea use toward the synergism and economy that could be gained in a combined complex.

We don't need to invent how to do this. We have many examples where national scientific and technological talents is or has been coordinated for special tasks.

Jefferson, in 1801, wrote about the ocean, "Nature . . . has made it common to all for the purposes to which it is fitted." How about a Jefferson Center perhaps under the fitting aegis University of Virginia dedicated to the development of these purposes for which the ocean is fitted?

This project viewed in its holistic sense and not in fragmented components is the challenge I see for all of us as, more and more, we turn to the sea.

## VFW ACTS TO SAVE VET'S PENSIONS

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, several weeks ago the Nixon administration announced a proposal to cut the disability compensation of many veterans, including a large number of Vietnam-era soldiers.

This action was immediately denounced in the Halls of Congress by many of us and by groups all over the country.

The Veterans of Foreign Wars planned a significant role in turning back this "cost saving" plan, not because they believe in excessive Government spending, but because they, like I, know that there is plenty of fat in the Federal budget which should be trimmed before the OMB bureacrats cast their hungry eyes on veterans' pensions.

A constituent of mine, Mr. John Krostyne, gave me a copy of an article which appeared recently in the VFW magazine about the battle to save veterans' pensions.

I include this article in the RECORD at this time:

VFW BLOCKS VIETNAM DISABILITY CUT

Immediate action by the Veterans of Foreign Wars has halted an attempt by the Veterans Administration to slash disability compensation for Vietnam veterans.

The success of the V.F.W. in gaining President Nixon's intervention to force the VA to withdraw its proposed revised rating schedule is another reason American veterans need the V.F.W. and the V.F.W. needs a vastly increased membership.

"Membership is the answer to attacks such as this one," said V.F.W. Commander-in-Chief Patrick E. Carr. "Everyone in government understands large membership. If we have more we can do more."

Commenting on President Nixon's order, Carr said:

"The President is to be commended for his speedy decision on this, once he was thoroughly informed of the implications for the Vietnam veterans of these new rating schedules. He has shown that he has compassion for the men who fought for our country in Vietnam. Our disabled Vietnam veteran is not a second-class citizen now that he has returned from the fight."

After thoroughly analyzing the implications of the proposed VA budget, Commander-in-Chief Carr and the V.F.W. Washington staff mobilized opinion on Capitol Hill and the White House against the discriminatory rating schedules.

Because of a statutory provision, World War I, World War II and most Korean veterans who have been receiving compensation for more than 20 years for service-connected disabilities are protected by law against slashes.

Feb. 9 Carr urged V.F.W. leadership to notify congressmen that the V.F.W. "does not tolerate this kind of treatment of our comrades who have been seriously wounded and disabled during the Vietnam War and that the proposed reduction in compensation payment be canceled."

The 1974 VA budget, Carr said, "shows a complete disregard for the needs of America's former fighting men, particularly the Vietnam veterans." Commenting in his letter on the proposed new disability rating schedule, claimed to be aimed at saving $160 million a year, Carr said "this is most astounding and incredible. At a time when the Administration is trying to negotiate peace in Vietnam and bring the POWs home, the budget makers are recommending that $160 million be saved at the expense of wounded and disabled Vietnam veterans, who have been doing the fighting in Southeast Asia.

"Even more incredible and shocking, it comes at a time when there are indications that more than $1 billion in aid is being considered for North Vietnam and the Viet Cong.

"The helicopter and outstanding medical attention in the Vietnam War permitted much better care of the wounded than ever before and it returned more permanently disabled and wounded," he added. "These Vietnam veterans need at least as much compensation as their comrades of other wars."

Here are some examples of Vietnam veteran compensation slashes that would have gone into effect if the V.F.W. had not acted:

Amputation of a leg from the hip socket, currently carrying a 90% rating and $275 a month, would have plummeted to 40% and $106.

Loss of a hand, now a 70% disability and $212 a month, would have been slashed to 40% and $106.

Loss of an arm at the shoulder, a 90% disability now compensated at $275, would have been reduced to 60% and $179.

A complete hearing loss, currently an 80% disability with $275 a month, would have been lowered to 30% and $77.

Loss of speech, now a 100% disability and $495 a month, would have dropped to 70% and $212.

Certain internal injuries now rated at 100% and $495 would have been cut in half to 50% and $149, while another one that is now 100% would have been slashed to 40% and $106. Cuts in payments to dependents also were planned.

The speed and effectiveness of the V.F.W. drew this comment from an unnamed Congressional source quoted in the *Washington Post:* "The V.F.W. came on strong against the cuts."

The same newspaper, which devoted extensive coverage to the proposed rating ganizations, "the V.F.W. takes the lead, some schedule, implied that among veterans orfollow and others do nothing."

At the end of January, the VA's proposed slashes in compensation for disabled Vietnam veterans were detected by the V.F.W. Washington staff in a footnote to a chart included with the VA's figures. Carr said: "They appeared under the guise of 'certain refinements' in the amount of compensation to be paid for disabilities."

On Jan. 30 Carr called the proposed budget "inadequate and insulting" and said "at a time when additional staff and funding are desperately needed for medical care for this country's veterans, VA budget slashers have ignored the men and women who gave so much for their nation."

It was compensation and pensions that Carr found "most disturbing" because they would "take money out of the pocket of the veteran." He commented: "We cannot turn our backs on the veteran now that the guns of war no longer sound. This country has always realized its obligation to those who have served her well. False economy will not buy real savings. America may need her sons and daughters again."

Jan. 29, the day the VA budget proposals were sent to Congress, came to be known as "black Monday."

In the V.F.W. publication *Veterans Benefits News* issued in Washington, the organization attributed the VA budget to budget slashers "notwithstanding favorable Presidential statements."

Carr's reaction to the 1974 budget distributed on Jan. 30 was placed in the Senate record Jan. 31 during testimony of Francis W. Stover, V.F.W. National Legislative Service Director, before a Subcommittee on Health and Hospitals of the Senate Veterans Affairs Committee conducting hearings on the Veterans Health Care Bill.

Events moved rapidly after Feb. 10 when Carr's views were made known to President Nixon, who, Sen. Vance Hartke (Ind.), Chairman of the Senate Veterans Affairs Committee, said, was misled on the issue by the bureaucrats, and added that "the mere threat of doing this to people who have given their all" increases the need for remedial action.

Rep. John Paul Hammerschmidt (Ark.), a member of the House Veterans Affairs Committee, said, "I suppose the OMB was looking for places to cut and not looking on beyond the humanitarian side."

Rep. William Jennings Bryan Dorn (S.C.), Chairman of the House Veterans Affairs Committee, and Hartke prepared two bills to stop the proposed rating schedule from taking effect and to freeze compensation for Vietnam Veterans as it is for veterans of previous wars.

Again the *Washington Post* noted that "No one caught the trend until the V.F.W." called it to the attention of Congressional and White House leaders.

The final act in this drama of discrimination against the Vietnam veteran came on Feb. 14 when President Nixon ordered the VA to withdraw its proposed rating schedule. Its successful outcome is clearly a victory for the V.F.W.

However, continued alertness, backed by a membership greater than the V.F.W.'s present 1.8 million, will be needed to prevent further moves by the budget slashers to imperil veterans benefits, for as Dorn and Hartke contend, this recent incident "is the tip of the iceberg."

## HONORING KIMIKO "KIMI" FUJII

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. EDWARDS of California. Mr. Speaker, Kimiko "Kimi" Fujii of Hayward, Calif. was recently selected Hayward's distinguished citizen for 1972 by the Hayward Lions Club. Chosen because of her tireless effort to make our community a better place and her willingness to serve mankind by involvement. Miss Fujii is the fourth woman to receive this award since its inception in 1932 and the first woman to receive it since 1949. A personal friend for many years, I have seen first-hand the inspired and dedicated efforts she has devoted to all her activities. I certainly consider her one of Hayward's most outstanding people.

An article follows:

DISTINGUISHED CITIZEN FOR 1972

Born and raised in Hayward, Miss Fujii is involved in the family wholesale nursery business, Fujii Co., Inc., and its retail outlet, Fujii's Florist, at 24949 Soto Road.

During World War II, she and most of her family were placed in a concentration camp in Utah. After a year there, she gained admission to the University of Wisconsin, from which she graduated with majors in botany and art history. Miss Fujii's interests are varied. In private life they include cooking, writing Haiku poetry, attending art shows, concerts and plays, hiking and travel. She takes great pride and interest in her Japanese heritage.

As for her public life, she's been quoted as saying: "You can either sit at home and rot or you can get involved. And you'd better get involved."

She has. Like the 16 years she's spent as a member of the Hayward branch of the American Association of University Women.

Or having been president of the District Agricultural Association, which puts on the annual California Spring Garden Show.

Or becoming the first woman director on the AC Transit District board.

She is a board member of the Oakland-Southern Alameda County branch of the American Red Cross, a member of the Alameda County Commission for the Prevention of Juvenile Delinquency, a charter member of the Hayward Area Historical Society, a 10-year member and past president of the Hayward Human Relations Commission, a member of the St. Rose Hospital advisory board and an executive board member of the Democratic State Central Committee.

In addition, she has been a member for 26 years of the Eden Township chapter of the Japanese-American Citizens League and is active in the East Bay chapter of the San Francisco Ballet Guild. She is also a member of the American Carnation Society and the Northern California Carnation Growers Society.

## NEW DIRECTIONS OF OEO ARE GOOD NEWS

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. HUNT. Mr. Speaker, one of the major questions concerning the restructuring of OEO is to how best define those individuals who are upset by such activities. The poor are certainly not disturbed because the poor never received any substantive benefits from OEO. The poverty bureaucrats are concerned but they are a very small group. Yet someone must be concerned because OEO has received a great deal of publicity in the past few months.

In the final analysis, after the above are removed from consideration, it appears the members of the press are most concerned. The reason for this is, of course, that when Howard Phillips took over the reins as Acting Director of OEO, the war in Vietnam was ending and the press needed some issue to take its place.

The time has come again to put the restructuring of OEO in its proper perspective. For those who have had the opportunity to study what Mr. Phillips is doing at OEO, they will realize that he is revitalizing aid to the poor by redirecting programs which have had a miserable history of failure.

Actually then, it would appear that Mr. Phillips is creating good news.

I submit the following article from the April issue of the Colorado Monthly Review for the RECORD:

FAT CATS SKINNED—SO WHO CARES?

(By Clarke Watson)

The OEO brouhaha is being fed and fanned by the press. Both national and local media have embarked upon a course whereby they alone are generating, indeed fomenting discontent. In the tradition of Hollywood they are writing the script, setting the stage and casting the roles of good guys and bad guys. But unlike Hollywood, whose audiences are generally apathetic fantasy-seekers, the audience of the press is stimulated to action by what it sees and reads. Accusations and counteraccusations are lodged. Name calling and threats occur.

*The Selling of the Pentagon* was a prime example of how so-called innocent public relations was in fact a deliberate Defense Department mass communications effort to influence the American public. Yet the American press indulges in its own brand of Pentagonism every day in order to urge people to buy its products and accept its legitimacy.

The press role in interpreting—or more accurately misinterpreting—facts and events concerning OEO is shocking, and its underlying motives appalling. Before we get into specifics let's look more closely at the motives: The war (Vietnam) has wound down and all the romanticism of apple-pie-faced POW's kissing God, the soil, and Nixon is still not enough to fill the void. Indeed it can't. The simple reason being you can't replace bad news with good news. Media moguls are starving for bad news, need it in the quantity it was being cranked out of Southeast Asia. Unfortunately downed airliners, the covert war in Laos and Cambodia, the money crisis and the usual glut of murder and mayhem just don't quite fill the pages left empty by the war's cessation.

Now for the specifics: OEO, given the press' way, is a godsend. The fire and brimstone of domestic discord, which sold so much copy in the '60s, just possibly could be fanned anew. (Perhaps *should* be—but that's another subject.) So in its desperation the press has seized upon OEO with all the fervor of a cheap Hollywood thriller. Howard Phillips is portrayed in the March 5 issue of *Newsweek* as "OEO chief and executioner" because of his role in phasing out OEO. On March 2 the *Denver Post* ran two pieces criticizing the OEO cutback, and one that supported it. And shame on *Straight Creek Journal*, the local "alternative" newspaper. They should know better. Nevertheless they ran two tear-jerking articles in successive February issues which, if anything, simply reflect their gross misunderstanding of poverty and what it's all about.

But alas, the actors are refusing to cooperate. A mere 20,000 people (OEO employees and relatives) descended on Washington to protest the poverty cuts as compared to the 400,000 (poor) of the good ol' Martin Luther King days. No one has shot Howard Phillips on the steps of the OEO building. The only things burning these days are half-finished condominiums (which is white-collar crime—hence scarcely news at all). Only the Indians are stimulating the media these days—but there just aren't enough Indians to go around to satiate the media's voracious appetite for violence and misery.

Let's look at the reasons why the dismantling of the war on poverty isn't news—at least not big news. It's very simple: it doesn't concern a hell of a lot of people. For sure it doesn't concern the poor. Whatever benefits the poor derived from OEO, if any, are so small as to defy measurement. It wasn't food; that came from the Department of Agriculture. Certainly not education, or health care; those dollars came from HEW. Jobs? According to one authoritative source, 25 per cent of the nation's Blacks still live at Roosevelt-era depression levels.

You can't stage a play without players. The would-be actors in this latest, Fourth Estate, Ltd., production are just too hip to go for it. They're not going to march so some poverty chieftain can continue to draw down $30,000 annually while they can't get up thirty bucks to fend off the landlord. People aren't going to mobilize so some jive talkin' pre-OEO hustler can maintain blondes, Cadillacs and plastic high-rise apartments on poverty payroll checks. No way, since the homes of the poor are not safely ensconsed behind chandeliered lobbies and braided doormen, and love, not blondes is important—indeed a factor of survival in the cold, impersonal world of the ghetto.

And that, fellow journalists, is the breaks. You can't have drama without *dramatis personae*. You're dealing with a tempest in a teapot which, in retrospect, is quite unfortunate since so many real, significant, heart-rendering problems still confront the nation. But apparently these problems are too sensitive for an "enlightened" press to perceive.

## SHORTAGE OF FOOD

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DORN. Mr. Speaker, it is not too late to plant a garden and fight inflation and the high cost of food. I commend to the attention of my colleagues and to the American people my newsletter urging the planting of vegetables and flowers:

MAY 7, 1973.

FOOD SHORTAGE?

You can fight high food prices by planting a garden. We have had a cold, wet, late spring so now is a good time to plant beans, peas, corn, tomatoes, and other home-grown vegetables. Try some okra. There are over 300 known recipes for preparing okra. Clemson University has developed over 90 varieties of okra. It is not too late to set out onions. Two years ago we could buy onions for 12¢ a lb.—now onions are 39¢ a lb. and may not be available at all later this year due to a blight on onions in some sections of the country.

Tomatoes can be grown almost anywhere—even on the 39th floor of apartment buildings, next to sidewalks, vacant lots and near your shrubbery. Congressman Tom Steed of Oklahoma once grew 3½ bushels of tomatoes on one vine during one summer and fall—branches from this plant extended for 18 ft. on a trellis. Surplus tomatoes, beans, cucumbers, peas, butterbeans, etc., can be canned at home or frozen for winter consumption. Butterbeans, peas can be dried for winter food supply. My mother in depression days



XUM

would soak dried peas overnight and cook slowly over fire in woodstove with hambone—nothing better on cold winter days with "crackling cornbread."

Dr. T. L. Senn, of Clemson University, recently said: "Everyone needs something to do, something to love and something to hope for." Clemson's "Garden for the Blind" is an inspiration to the handicapped, the lonely, the mentally ill, as well as to the elderly and the young. Blind children are employed to work in this garden—a blind man conducts tours of sightless people through the garden "showing" the sights through his own blind eyes. I was once thrilled to have blind children show me flowers and vegetables they had raised. If you are concerned about your health, plant a garden. If you are tense, plant a garden. Plant a garden of vegetables and flowers. It is the best mental and physical therapy known.

Last spring a friend from Alabama brought by truck thousands of tomato plants to Washington and gave them to city "folks." It was a thrill to stand with Mr. Jim Faulk and hear teenagers ask what the plants were and how to make them grow. One boy about 14 couldn't believe that these little green plants would grow and bear fruit like the red tomatoes in the supermarkets.

Demonstrations, boycotts and roll-back by government decree of meat prices is not the answer to high prices. Many farmers could be forced out of business (50,000 farms closed last year), and the consumer confronted with food rationing. The answer is increased production of food and fiber. I urge South Carolina farmers to plant more corn, silage, hay and grain to fight high costs and shortages of feed grains for cattle, poultry and hogs. I inspected flood damage yesterday in Mississippi Valley—10 million acres are still flooded. Even with the best of weather in May and June this will affect feed grain and food prices. We could be faced with a meat shortage, rationing and black market.

Mark on your calendar the annual South Carolina Festival of Flowers to be held in Greenwood July 26 through 29. This fantastic festival was attended last year by thousands from throughout America. This year's program featuring garden displays and flower arrangements, concerts, art and the Army's world famous Golden Knights will be one of the outstanding flower festivals in the country. Plant flowers for the festival and enhance our environment and beautification program.

For information, bulletins, etc. about gardening contact the County Farm Agent and Home Demonstration Agent in your County Court House, or write me at Greenwood or Washington, D.C. office. Your High School agriculture teacher will also be happy to advise you.

Growing flowers and vegetables is the best medicine and fights inflation too. Plant now.

## A SALUTE TO BUFFALO GOODWILL INDUSTRIES, INC.

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DULSKI. Mr. Speaker, the week of May 6–12 has been proclaimed National Goodwill Week, and it is a pleasure for me to take this opportunity to salute the Goodwill Industries of America.

Goodwill Industries is one of our country's most outstanding examples of combining humanity and compassion with the American free-enterprise system—and making productive, self-sufficient, taxpaying citizens from handicapped people too often neglected by our society.

Job training, rehabilitation services, and full-and part-time employment are offered to those suffering from a wide range of physical, mental, and emotional handicaps.

Used, reparable items, donated to Goodwill instead of being added to our overloaded trash heaps, are refurbished and sold by the handicapped workers. The sales provide most of the working capital for Goodwill, with the Goodwill Industrial Shop and other contributions making up the rest.

Mr. Speaker, I know from first-hand observation that the Buffalo Goodwill Industries, Inc., performs a tremendously fine job in our community. At this time, 425 men and women are employed—425 men and women doing an honest day's work for an honest day's wages, rather than being hopelessly consigned to public relief.

It is estimated that if only half of these people were unemployed, the taxpayers' cost would be $148,400 every week. Instead, they are not only putting their money into the area economy, but also paying an average $6,025 in combined taxes each week.

The Buffalo Goodwill Industries can be justly proud of the fine work they are doing. They have recently received a letter from the President, congratulating them, and I am inserting the text of that letter as part of my remarks.

The theme "A Matter of Goodwill . . . Helping the Handicapped Help Themselves," is a commendable one. I commend the Goodwill Industries for living up to their theme:

THE WHITE HOUSE,
*Washington, D.C., April 12, 1973.*

National Goodwill Week, May 6–12, celebrates the remarkable achievements of a superb American institution dedicated to creating greater opportunities for the disabled citizens of our nation.

"A Matter of Goodwill . . . Helping the Handicapped Help Themselves" the 1973 theme chosen by Goodwill Industries of America is upheld in a successful history of humanitarian work.

Training handicapped people for useful work, and helping them to overcome the effects of their disabilities are services for which Goodwill is recognized throughout the nation. Its contributions to the development of new knowledge in this important area are equally significant.

On this traditional occasion, I commend the disinguished reputation of Goodwill Industries of America, and I ask my fellow citizens to support the voluntary efforts embraced by this special week.

RICHARD NIXON.

## SPICES MAKE CHEAPER MEAT CUTS TASTE BETTER: BUT WHO CAN AFFORD SPICES

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, during the Eastern congressional recess I visited 22 locations throughout my district in a mobile congressional office.

As you can imagine nearly everyone of the more than 500 people I personally talked with was upset and worried over high prices.

Two constituents of mine, Mr. and Mrs. Joseph Price, stopped by my office and during our discussion gave me an editorial which appeared in the April issue of the American Association of Retired Persons Bulletin.

I found the article's logic and sly humor impeccable and I would like to introduce it to the RECORD for the information of my colleagues.

FOOD PRICES: WHO SHOULD DO WHAT?

Somebody should be doing something about skyrocketing food prices. The problem is who should do what.

The President says the greatest and most powerful weapon against high prices is the American housewife. She should not buy expensive foods.

The agriculture secretary says we should eat cheese, not meat.

The chairman of the House Ways and Means Committee says that the way people with limited means might handle the problem is to eat more fish.

And the President's consumer affairs advisor suggests we vary our diets and not overlook organ meats . . . liver, kidneys, hearts and brains. "The cheaper cuts," says Virginia Knauer, "can be turned into gourmet meals with spices."

One national columnist predicts the President will soon have to impose "a hard freeze on all food prices." Another says he better not do that, since that tactic has always produced more problems than solutions.

Farmers and cattle raisers say it's not their fault. Processors and retailers disclaim responsibility.

It's apparently nobody's fault and everybody's problem. But as is always the case with inflation, it is peculiarly a problem for older Americans living in limited, fixed incomes.

Too many of them can't even afford the cheaper cuts. Much less the spices.

## THE BILL OF RIGHTS PROTECTS YOU

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. BROWN of California. Mr. Speaker, I occasionally am asked by a constituent why I take such a strong position in defense of the Bill of Rights when the administration and many Members of Congress seem to consider it little more than an obstacle in the path of law and order. People wonder if such formalities as the need for search warrants do not, in fact, merely protect criminals from the police. After all, I am asked, what would anyone have to hide or what are they afraid of, if they did not do anything wrong?

Well, Mr. Speaker, I think I could make a pretty good speech in favor of the Bill of Rights if it were necessary, but I think I can better answer those questions with a newspaper article—an article which appeared in the Sun-Telegram of San Bernardino on April 21 of this year.

This is not a particularly unusual article; I have seen many similar to it and I am sure that I will see more of them in the future. But I am also sure that the incidents described in this article would be far more common if we did not have our American Bill of Rights. The article reads as follows:

"MISTAKE" DRUG RAIDS SPREAD TERROR IN TWO HOMES

(By Dennis Montgomery)

COLLINSVILLE, Ill.—Herbert Giglotto, 29, and his wife, Louise, 28, had gone to bed at about 8 p.m.

"At about 9:30 we hear this crash. We hear this screaming. I take about three steps out of my bed and I see these hippies with guns," Giglotto recalled yesterday. "I told my wife, 'My God, we're dead'."

Across town at another home, Donald Askew, 40, had just sat down to dinner with his wife, Virginia, 37, and their 16-year-old son, Michael. He looked out the window, he remembered, and saw several armed men in the yard.

Seconds later, he said, the men were at the door, trying to kick it in. Askew called to his wife to phone the police. She fainted. Askew told his son to run for his life.

The armed men who forced their way into the Askew and Giglotto homes last Monday were conducting narcotics raids. They came on the raids with no warning and apparently no warrant. They left when the raids turned out to be a mistake.

Myles J. Ambrose, director of the federal Drug Abuse Enforcement Program and a special assistant attorney general, said yesterday it is his "understanding" that the men were agents from the program's St. Louis office.

Paul Cigliana, Collinsville police chief, confirmed that the raids were conducted by a "strike force" of federal narcotics agents from the St. Louis office.

Cigliana said he believed that policemen from some municipal police forces in the area also participated, but he added, "I don't think there were too many of them."

Cigliana said no policemen from his department were involved. A spokesman from the Madison County sheriff's office said, "As far as I know there was no cooperation from this department."

Federal narcotics officials from the St. Louis office could not be reached yesterday, but had declined comment earlier. Askew said the men gave him the telephone number of the office to verify their identities.

Two days after the raids, Ambrose issued a statement: "I have directed an inspection team to thoroughly investigate this matter. If any federal agents have acted improperly, appropriate action will be taken. Under no circumstances will I permit my agents to violate anyone's constitutional rights."

Contacted at his Chevy Chase, Md., home, Ambrose said yesterday, "The investigation is being conducted. When I have all the facts I will take appropriate action."

Ambrose, asked whether the investigation is top priority, said, "You bet your sweet life it is."

Before the raiders left without apologies, Giglotto said he and his wife had been threatened, bound, insulted and their apartment left in shambles.

Three weeks before, his complaints about two young men in the next apartment had caused their eviction. The two men were suspected of dealing in drugs and Giglotto said he was outraged.

His first thought, he said in an interview yesterday, was that the young men had come back to settle the score.

"I've never had anything to do with narcotics," Giglotto, a boilermaker, said. "I hate it. I've never had anything to do with drugs and my wife never has."

The men did not identify themselves, he said, and showed no warrant. "They knocked me down across the bed and handcuffed me and my wife. They had our hands behind our backs. I was in my underwear and she was in her negligee."

"One agent," Giglotto said, held a cocked pistol to his head and said, "You're a dead man. I'm going to kill you, you son of a bitch." The man, Giglotto said, called his wife a bitch and, not knowing they were married, suggested she was an adulteress.

"Just shut your mouth or I'll kill you," Giglotto quoted the man as saying after he was asked to identify himself. The man reportedly told Mrs. Giglotto he would kill her husband if he did not tell her where the drugs they sought were hidden.

With 15 raiders in the room and more downstairs, Giglotto said his wife was pleading for his life. Giglotto asked, "Please look at my identification before you kill me."

None did, he said. He added the only identification the Giglottos were shown was a gold badge flashed by one of the intruders. Only Mrs. Giglotto caught a glimpe of it.

As they lay trussed across the bed, Giglotto said, another raider walked up the stairs and announced, "Oh, I think we made a mistake."

They had torn the house apart and found nothing. The front room was a shambles, littered with books, overturned furniture and a smashed television set. Released from his handcuffs, Giglotto tried to put on his pants, he said, but a raider ripped them out of his hands.

"They were as rude leaving as they were coming," Giglotto said. He said he followed them downstairs, demanding an explanation, shouting: "My God, you just kicked in my door, threatened to kill me and my wife, can you tell me what's happening?"

Giglotto said one of the armed men turned and replied, "Shut your mouth, boy."

Askew said the raid on his home began as they were beginning a late dinner after he had stayed overtime at the service station he runs in East St. Louis.

Askew thought his son had been in a fight with some other teenagers and the men he saw in the yard were coming to kill him.

As he held the front door, Askew said yesterday, two men knocked down the back door and leveled two riot guns at him. A man at the front door flashed a gold badge and Askew let them in.

Five men, all dressed as hippies, searched the house, looking for a suspect, Askew said.

Askew said they showed no warrant. Askew asked to see a badge again. A man who gave his name as Ted Williams flashed his, Askew said, but all he could read was "special agent" before the badge was put away.

Mrs. Askew, lying on the couch, revived. She saw the men with the guns and fainted again. When she revived again one of the raiders told her "Take it easy, lady. We're really federal officers."

Askew said the men were polite. "Outside of kicking the door and scaring the hell out of us, they were all right."

Satisfied the man they sought was not in the Askew home, one of the intruders said, "We just got a wrong tip." The men refused, however, to let Mrs. Askew call the police, and showed no other identification.

Askew said he asked the men to remain at the house while he tried to learn if they really were federal agents. He said the leader of the group told him, "No, I can't. I got four other places to go."

Askew said none of his family has ever had anything to do with narcotics. "The only way I knew to get drugs is at the drug store," he said.

The Askews have filed a $100,000 damage suit in U.S. District Court at Springfield. The Giglottos were to meet with their lawyer this morning to determine what course to take.

Mr. Speaker, what happened to the Giglottos and the Askews could happen to any one of us, or to any one of my constituents, if the Bill of Rights were ignored, as it was in these cases. The next time that I am asked, "What's so important about the Bill of Rights?" I think I will merely show my questioner a copy of this newspaper article, and remind him: Next time it could be your home, and your family, and perhaps even your life, that may be endangered by authorities who ignore our Bill of Rights.

## PROTECTION OF CIVILIAN EMPLOYEES

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. FRENZEL. Mr. Speaker, yesterday I introduced H.R. 7677, a bill designed to protect civilian employees of our executive branch in the enjoyment of their constitutional rights and to prohibit unwarranted invasions of their privacy. It is the same bill as S. 1688 which has been introduced and championed by Senator ERVIN.

In introducing this bill, I wish to express my thanks to the distinguished Senator from North Carolina, Mr. ERVIN. His leadership and dedicated efforts have produced this bill, which is designed to protect the rights of our Federal civilian employees.

Senator ERVIN has managed to pass his proposal in the Senate on four separate occasions. In each case the bill has died, as it did in the 92d Congress, here in the House. It is my understanding that hearings will be conducted soon in the Post Office and Civil Service Committee. This year, I hope that a thorough study of this bill in that committee will demonstrate to the committee members the need for legislation of this kind and that the bill will become law this year. No remarks that I could make about this bill would be more clear or more persuasive than those used by Senator ERVIN on page 13987 of the CONGRESSIONAL RECORD on May 2 when he introduced the bill.

It is time to give better legislative protection to our concept of a free society. I believe that we should guarantee our employees, regardless of grade or status, a full respect for their liberties and freedoms. I urge that H.R. 7677 receive the serious consideration that it deserves in this House.

## SOVIETS USE REGIONAL GOVERNMENT TO OPPRESS MINORITY OPPOSITION

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. RARICK. Mr. Speaker, reports of persecution of Soviet Jews by the Communist regime in Moscow have raised outraged condemnation of the actions in the United States. And rightly so.

Amendments prohibiting granting "most favored nation" trade treatment

to any Communist country that denies its citizens the right to emigrate, have been offered to the administration's trade bill by both Houses of Congress. Indications are that the Soviet Union may have relaxed its restrictive policies against the Jewish minority to a small degree.

However, systematic discrimination and persecution directed against other ethnic, religious, and national minorities continues not only as a governmental policy, but as a daily fact of life in the Soviet Union. For some reason, the plight of these captive people has largely gone unreported in the national press. Yet stories of the merciless "Russification" of such formerly autonomous nations as the Ukraine and the imprisonment and death of those who resist, continue to trickle out from behind the Iron Curtain.

A recent report from Vienna tells of more than 200 intellectuals, critical of Russian rule of the Ukraine, who were sent to prison camps. The repressive action was taken by the Kremlin in an effort to stamp out all nationalistic feeling being expressed by historians, archeologists, artists, and writers.

In other efforts to "ultimately erode the significance of Soviet ethnic republics," a regional government system, which reduces the 15 former republics into 7 "planning regions," has quietly begun. The plan, put forth by Communist Party boss Leonid I. Brezhnev, would liquidate any trace of old ethnic boundaries within 15 years and eliminate all minority opposition.

I find the possibility of extending U.S. taxpayer's money to the Soviet Union in the form of subsidized food sales, low-interest loans or outright gifts totally incompatible with cherished American ideals of freedom and justice.

Extending to the Soviets preferential trade treatment, amounts little more than approval of the repressive policies against minority dissent in that country.

I insert the following related newsclippings at this point:

[From the Houston Tribune, May 3, 1973]

RUSSIAN SECRET POLICE STRIKE IN UKRAINE

(By Alan Dean)

VIENNA.—More than 200 intellectuals have been reported sent to prison camps from the Ukraine this year as the Soviet KGB, secret police, carry out Kremlin orders to stamp out a growing struggle for national rights in the vast Soviet republic.

One of the leading critics of Russian rule in the Ukraine, Vyacheslav Chornovil, arrested during the present police campaign, has been sentenced to 12 years' jail. Chornovil had an exemplary record as a dedicated Communist until 1967, when he was jailed for three years for compiling and sending to the authorities an expose of judicial violations perpetrated by the KGB in the Ukraine in 1965–66.

Dissident sources say anybody vaguely suspected of resisting forcible Russification and demanding more cultural and political autonomy for the Soviet Union's 40 million Ukrainians has been interrogated. Many have been sent to the infamous "psychiatric" hospitals to be drugged into submission.

At a recent Communist Party meeting in Kiev, the new Ukrainian party boss, Vladimir Shcherbitsky, accused historians, archaeologists, artists and writers in the republic of stressing Ukrainian history and "national exclusiveness."

Shcherbitsky is a close associate of Soviet party boss Leonid Brezhnev and replaced Pyotr Shelest late last year as Ukrainian overseer.

At the Kiev meeting, Shcherbitsky ordered party activists to work in the "spirit of mercilessness" toward any "manifestations of bourgeois nationalism" in the Ukraine.

Like Brezhnev, he fears that dissidents in the Ukraine and other republics will form an active alliance with the persecuted Human Rights movement.

The Ukrainians, forming the largest non-Russian population in the Soviet Union, have long struggled for more political and cultural freedom. In the late fifties many Ukrainians were alarmed by Soviet Premier Nikita Khrushchev's plans for a gradual "coming together" and even "merging" of the Soviet nations.

They now fear that Brezhnev will attempt to systematically destroy all national feeling in the Ukraine through extremely repressive police measures. The series of so-called trials in Ukrainian cities recently point up their fears. Late last year a Ukrainian art teacher, Alexander Sergienko, was jailed for seven years at hard labor to be followed by a further three years in exile for demanding self-determination in the Ukraine.

Other defendants in the trial received sentences ranging from 3 to 15 years.

Several Jews have been arrested in the current clampdown. The trial opened at the beginning of April of Isaak Shkolnik, who was originally accused of being a "British spy." Part of the "evidence" introduced at the trial, held in the social club of a brickworks in Vinnitsa, was a radio "tuned to the frequency of a hostile station" and a five-dollar bill.

Dissident sources say scores of intellectuals have been sentenced to lengthy jail terms for far slighter evidence.

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[From the New York Times, May 4, 1973]

SOVIET IS REGROUPING ITS 15 REPUBLICS INTO 7 BIG PLANNING REGIONS

(By Theodore Shabad)

Moscow, May 3.—The Soviet Union has quietly begun a controversial consolidation of its national planning regions that may ultimately erode the significance of individual Soviet ethnic republics as economic planning and management areas.

A new seven-region system grouping republics into larger planning units has been adopted in connection with the drafting of an ambitious 15-year plan that will outline basic investment and development policies for the Soviet Union until 1990.

The consolidated regional system, which is being introduced in the face of persistent nationalistic sensibilities, is part of a growing trend to ignore particular interests of the republics in an effort to achieve more efficient coordination and long-term planning of the complex Government-run economy.

The detailed local planning of economic development will, at least for the immediate future, continue at the republic level. But the basic, over-all national development policies will in future be based on the new regional planning units.

The regional reform was foreshadowed last December by Leonid I. Brezhnev, the Soviet party leader, in a keynote speech marking the 50th anniversary of the formation of the Soviet Union as a nominal federation of republics.

Now that a relatively common level of development has been reached by the various republics, Mr. Brezhnev said, future economic decision-making in the 15-year plan should be for the good of the country as a whole rather than focus on the interests of individual republics.

Mr. Brezhnev's broad policy statement was amplified by more detailed proposals in economic and technical journals, some of which went so far as to suggest that the boundaries of some of the Soviet Union's 15 republics might be modified if they were not in keeping with efficient economic regions.

In an effort to shift the focus from the political sensibilities of the various ethnic areas to one of national efficiency, Soviet information media have also been working hard to generate an over-all "Soviet" nationalism and a national pride in economic achievements to replace the fragmented ethnic loyalties among the country's hundred-odd nationalities.

REPUBLICS JEALOUS OF RIGHTS

The new regional planning program is an attempt to depart from existing republic boundaries in allocating capital investment to the development of the Soviet economy. In the past the various republics have voye Khozyaistvo (Planned Economy).

A progress report on the drafting of the 15-year plan said that the existing system * * * been jealous of their prerogatives as integral economic regions within the Soviet Union.

The potentially far-reaching decision to establish the new consolidated national planning regions was disclosed in the April issue of the Government's planning journal, Plan o, of 18 planning regions, which followed republic boundaries, had been revised into a set of seven consolidated regions—three in the European part of the Soviet Union and four in the Asian part.

The three European regions that figure in the 1975–90 plan are a combined north-central region, a southern region, and a combined Volga-Urals region. The four Asian regions are Siberia, the Far East, Kazakhstan and Central Asia.

In reducing the existing 18 planning regions to seven, Soviet planners were evidently concerned with producing a system of planning areas that would be of roughly similar economic potential and area. The existing system includes both small, densely settled regions of European Russia and the vast, virtually undeveloped expanses of Siberia.

In allocating four regions to the Asian part of the Soviet Union and only three regions to the developed European portion, the economic planners appeared to focus on the future development of the Asian potential.

The consolidation of planning regions has affected the interests of individual republics, especially in the European west. For example, the Baltic republics and the Byelorussian Republic have been combined with the adjoining Leningrad and Moscow regions of the Russian Republic in the new north-central region.

Similarly the new southern region combines five republics—Moldavia, the Ukraine, Georgia, Armenia and Azerbaijan—with the northern Caucasus portion of the Russian Republic.

The now separate Volga and Urals regions are being combined into a Volga-Urals region to point up common problems of development. The Volga-Urals has been one of the most rapidly growing sections of the Soviet Union in recent decades.

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[From the New York Times, Apr. 13, 1973]

105 JEWS, REFUSED EXIT VISAS BY SOVIET, APPEAL TO CONGRESS

(By Theodore Shabad)

Moscow, April 12.—More than 100 Soviet Jews who have been refused exit visas to Israel appealed to the United States Congress in an open letter today not to be misled by an apparent lifting of high emigration taxes.

Ten Jewish activists, in making public the appeal at a news conference, contended that Soviet emigration curbs remained unchanged and that exit permits were being granted on a highly selective basis.

The activists, who included some prominent figures in science and the arts, also expressed concern over what they described as a new series of trials, searches and interrogations of Jews in various parts of the country.



The news conference today, which illustrated the plight of the hard core of would-be Jewish emigrants, came two days after President Nixon sent his long-awaited trade bill to Congress. The bill would give the President authority to grant lower tariffs to Communist countries, including the Soviet Union.

NIXON-CONGRESS DISPUTE

However, majorities in both houses of Congress, evidently aroused over reported curbs on free movement of Soviet citizens, have offered amendments barring preferential trade treatment or credits to any Communist nation that denies its citizens the right to emigrate. The Nixon Administration has asked Congress not to link the trade bill to other issues.

It was in the context of this controversy that the Jewish activists today summoned Western newsmen to the home of Kirill Henkine, prominent journalist and translator, who lives in a prestigious complex on the Moscow River.

The meeting had been quietly arranged through private contacts because the Soviet authorities generally frown on the holding of unauthorized news conferences and might have broken up the gathering if aware of it. The Soviet Constitution grants freedom of assembly provided it is judged in the interest of the Soviet state, and the criminal code makes it a crime to circulate information that is considered to defame the Soviet state and social system.

In presenting the open letter to Congress, signed by 105 Moscow Jews, Mr. Henkine recalled another appeal last month by more than 300 persons from several cities asking for Congressional help.

"The decline in numbers reflects our deteriorating situation," he said. "Because of intimidation and surveillance, it has become increasingly difficult to collect signatures outside Moscow."

The latest open letter said some people in the West had apparently been impressed by recent suspension of education taxes in an avowed Soviet Government move to appease Congressional opposition to trade legislation.

"We would like to state," the four-page letter said, "that there is nothing like free emigration from this country. Just as before, the fate of all applicants for exit visas is not determined by any law or even any published regulations governing emigration. Everyone's fate is determined by unknown people acting on unknown considerations in a totally arbitrary way.'

"It is not the education tax, but this arbitrariness that remains the chief method used by the Soviet authorities in their selective emigration policy."

An analysis of the social structure of Jewish emigrants has shown, the letter to Congress said, that many of the 2,000 or so persons leaving the Soviet Union each month are people with little education or low professional skills from such areas as Georgia, central Asia and Moldavia.

On the other hand, the letter said, visas were often refused to skilled professionals, especially in the pure sciences and in engineering, which are viewed as prestigious occupations in the Soviet Union.

Among those present at the news conference were Veniamin G. Levich, an electrochemist who is corresponding member of the Academy of Sciences, Aleksandr Y. Lerner, a computer specialist, and Veniamin P. Gorokhov, a screen writer.

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JACKSON APPEALS FOR 2

WASHINGTON, April 12.—Senator Henry M. Jackson has appealed to Leonid I. Brezhnev, the Soviet leader, to allow two prominent Soviet Jews to emigrate to Israel.

In a letter to Mr. Brezhnev, Mr. Jackson asked that Valery Panov, the dancer, and Leonid Tasassuk, former museum curator, and their families be permitted to leave.

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## BUDGET CONTROL YES, CRUCIFIXION OF DOMESTIC PROGRAMS NO—JOHN MOSS TELLS 'EM

### HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. LEGGETT. Mr. Speaker, recently my good friend and distinguished colleague, the Honorable JOHN MOSS, engaged in a revealing dialog with the Citizens for the Control of Federal Spending.

Mr. Moss pointed out to Mr. David Packard of the citizens group that while a majority of Americans believe that Federal spending is the greatest single cause of inflation, that same majority also believes that Federal spending should be increased for programs to curb air and water pollution and decreased for Defense Department programs. The President has not done this. Instead of spending money on the domestic programs demanded by the people of this Nation, the President has chosen to veto one social need after another. At the same time his proposed budget includes a $4 billion increase for the Pentagon. This increase comes at the end of the longest and costliest war in our history and at the beginning of what Mr. Nixon has termed a "generation of peace."

I do believe that we are going to have to learn to live within the President's $268 billion budget ceiling, and to do that, the Congress is going to have to reform its budgetary review procedures. The Federal deficit this year alone is some $36 billion, and the total national debt will grow to a whopping $505 billion. Thankfully, the Joint Study Committee on Budget Control has produced an excellent proposal that should succeed in closing up the loopholes in the current appropriation process.

As Mr. Moss states—

The issue is not simply to control Federal spending, but to allocate public dollars more effectively, sagaciously and in a manner that will most productively contribute to improvement of the general welfare.

We know where the President's priorities lie—in the bombing of Cambodia, and the appropriation of billions of dollars for unnecessary, cost-ineffective weapons programs. It is up to the Congress to reorder the President's topsy-turvy set of national priorities, and allocate Federal money in those areas where the people of this Nation need and want it most.

At this point in the RECORD I would like to insert the full text of the correspondence between Mr. Moss and Mr. Packard for the benefit of my colleagues:

CITIZENS FOR CONTROL OF FEDERAL SPENDING,
*Washington, D.C., April 9, 1973.*

Hon. JOHN E. MOSS,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN MOSS: Citizens for Control of Federal Spending sponsored an advertisement in the Tuesday, April 3, *Washington Post* in an effort to increase public awareness of the necessity for control of the Federal Budget. I am enclosing a copy for your information.

The Committee was recently formed for the purpose of conducting an educational campaign to acquaint the public with the implication of excessive federal spending, and to generate public support for fiscal restraint. As you can see from the partial list in the advertisement, our membership includes representatives of business, labor, professional and civic organizations from all parts of the country. We believe that our country cannot afford to continue overspending its revenues as it has done in the past. The crucial matters now before the Congress—the proposed budget for fiscal 1973 through 1975—deserve the most careful consideration, because what is at stake is the health of the country's economy. As President Nixon pointed out in his recent address, excessive Federal spending over the next three years will present us with the unacceptable condition of rising taxes accompanied at the same time with increasing inflation.

A large majority of the American people—more than seventy percent, according to recent polls by Sindlinger and Market Opinion Research—are in favor of Federal budget restraint and opposed to a tax increase. According to a Harris poll, seventy-four percent believe that Federal spending is the greatest single cause of inflation. Public opinion, then, is clearly on the side of restraining Federal spending to avert higher taxes and inflation.

We believe that economy can be achieved without sacrificing programs which benefit the American people. We should continue to fund programs that are effective. However, we cannot allow increased spending on wasteful programs that do little more than provide jobs for bureaucrats. Cuts must be made in Federal programs which devote as much as eighty percent of their resources to salaries and expenses and only twenty percent to the work for which they were designed. In other words, the need for economy does not mean we must desert those in need.

In addition to reducing federal waste, control of Federal spending will reduce inflation and stabilize taxes. These effects, in our opinion, are not merely fringe benefits but necessities which we must achieve for all Americans. Citizens for Control of Federal Spending believes that the Legislative and Executive Branches should cooperate in trimming Federal spending, eliminating ineffectual programs and designing a budget for the next three years which stays within commonsense limits. By restraint now, we can achieve a healthier economy for America in the future.

In line with his economy drive, President Nixon recently vetoed the Vocational Rehabilitation Bill. This veto has been upheld by the Senate. We believe that the decision to sustain this veto indicates an increasing awareness of the propriety of limiting Federal spending.

More recently the President also vetoed H.R. 3298—an Act to restore the rural water and sewer grant program. We hope that you, as a Member of Congress, will continue to insist on careful and responsible budgeting. As the Congress proceeds with its consideration of the budget, our group intends to continue to promote public awareness of the issue, and to give our support through testimony and through the media to measures designed to keep the Federal budget under control.

We look forward to working with you, and would like to hear your views on this issue.

Sincerely,

DAVID PACKARD,
*Chairman.*

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[Advertisement in the Washington Post]

KEEP THE LID ON TAXES AND PRICES

WE SUPPORT PRESIDENTIAL AND CONGRESSIONAL EFFORTS TO CONTROL FEDERAL SPENDING

Americans have always had the ability to

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unite in order to accomplish great goals. As we now move to a peacetime economy, our nation needs a strong, viable government free of irresponsible spending and rising taxes and inflation. We can achieve this goal if Americans unite—if we let our representatives in Washington know that this is what we want.

Your elected representatives—your Senators and Congressmen in Washington—depend on you for guidance. They know how you feel only if you tell them. All too often, many of us take the democratic process for granted—we assume that our representatives already know what we think, even though we haven't told them. And when this happens, the voices of a few special interests can have more effect than the will of millions of citizens.

The issue of taxes and inflation affects each of us personally. Uncontrolled federal spending over the next three fiscal years could force a tax increase of as much as fifteen percent, or cause a new wave of crippling inflation. Yet we can have a budget which avoids excessive spending, requires no new taxes, and still provides sufficient funding for necessary programs. The President has proposed one such budget. Supported by responsible members of Congress, it would limit federal spending to $250 billion in fiscal year 1973, $268.7 billion fiscal 1974 and $288 billion in fiscal 1975. These limits, unless breached by irresponsible spending, will prevent tax increases, curb inflation and pay for federal programs which have proved to be effective.

A responsible spending program does not involve any turning back of the clock. The President's budget, for one example, provides the greatest sum ever committed for human resources. Compared to four years ago, it would spend 71 percent more to assist older Americans, 67 percent more to help the sick, 66 percent more for the poor, and more than twice as much to feed the hungry and undernourished. Four years ago, 41% of the federal budget was spent on Defense, and only 37% for Human Resources. Today the priorities have been reversed: 47% goes to Human Resources and only 30 percent for Defense.

The goal of no new taxes can be reached—without inflation—only if Congress and the Executive cooperate by trimming unnecessary spending and by terminating programs which either aren't working at all or haven't justified their expense. Tax money should only be used for responsible programs that do work.

We can't afford to take the democratic process for granted in this crucial matter. Take a few minutes to let your Congressman and your Senator know how you feel about spending and taxes; ask your friends to help by communicating their views. If you would like more information, write to Citizens for Control of Federal Spending. You owe it to yourself to join the fight—to control spending, taxes and inflation.

CITIZENS FOR CONTROL OF FEDERAL SPENDING

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David Packard, Chairman, Hewlett-Packard.

*Co-Chairmen*

John W. Byrnes, former Member of Congress.

James Roosevelt, former Member of Congress.

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Bryce N. Harlow, Legislative Consultant.

H. Lee Choate, Executive Director.

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HOUSE OF REPRESENTATIVES,
*Washington, D.C., April 27, 1973.*

Mr. DAVID PACKARD,
*Chairman, Citizens for Control of Federal Spending, Washington, D.C.*

DEAR MR. PACKARD: Having carefully read the advertisement in the *Washington Post* (Tuesday, April 3rd) I was impressed with how much greater service might have been rendered in an effort to better inform the citizenry of the budget process if you would have been more candid, and indeed more truthful, in your attempt at public relations. Indeed, a closer analysis of some of the "facts" you presented indicates that you and your committee have deliberately attempted to muddy your waters to make them appear deep.

You state in your letter, for example, that "According to a Harris poll, 74% (of the American people) believe that Federal spending is the greatest single cause of inflation. Public opinion, then, is clearly on the side of restraining Federal spending to avert higher taxes and inflation."

What you fail to mention is that in that same Harris poll, conducted between December 17th and 21st, 1972, 66% of those interviewed believed that Federal spending should be increased for programs to curb air and water pollution and for aid to education. In answer to such public opinion the President vetoed H.R. 3298—an act to restore the rural water and sewer grant program and plans to spend this year $515 million less for education than in fiscal 1973. Indeed, the President's 1974 budget proposals include a $10 billion cut in key domestic programs.

The Harris poll also indicated that a majority of Americans (55%) opposes any increase in Federal spending for research and development of the nation's defense system. Yet, Mr. Nixon's military budget calls for an increase of $8 billion over the next two fiscal years. As a result, for the first time in our history, a "peacetime" military budget is higher than our wartime military budget.

I applauded our President's trips to China and to the Soviet Union. But in spite of a growing detente between Russia, China and the United States; in spite of the signing of the Nuclear Arms Agreement; and in spite of a peace settlement in Vietnam; President Nixon insists on spending more than $80 billion a year for guns that cannot heal and bombs that cannot teach.

There are other problems with your "educational campaign."

Controlling Federal expenditures over the next three fiscal years, in the context of your advertisement, would not insure that the average taxpayer would not face a significant increase in taxes at the federal, state or local levels. Indeed, within less than two weeks after the date of your initial letter, Mr. Herbert Stein announced that in order to cool off the booming economy and reduce inflationary pressures, a tax increase may be forthcoming.

We do have pressing domestic financial problems and I can assure you President Nixon is not alone in wanting to hold the line on Federal taxes, to trim government spending and increase the efficiency of governmental programs. But the issue here is not simply, as you suggest, to control Federal spending, but to allocate public dollars more effectively, sagaciously and in a manner that will most productively contribute to improvement of the general welfare. Current differences between the President and the Congress stem not so much to the size of the $268.7 billion budget, as to the priorities and allocation of the taxpayers funds.

You state in your letter that, "Citizens for Control of Federal Spending believes that the Legislative and Executive Branches should cooperate in trimming Federal spending, eliminating ineffectual programs, and designing a budget for the next three years which stays within common-sense limits." You then cite as an example of this "economy drive", the President's recent veto of the Vocational Rehabilitation bill.

What you fail to mention, however, is that since 1920 Federal Vocational Rehabilitation programs have produced, in the form of positive tax dollars, far more than what they originally cost the American taxpayer. In 1971 alone, for example, nearly ¾ of a billion dollars was added to the national economy as the result of the rehabilitation of a record number of disabled Americans to productive employment.

I question the distorted priorities enhanced by this veto. It is difficult to understand why the President in the name of "economy" would veto a bill that would aid millions of handicapped Americans, return to the Treasury Department $3 to $5 for every $1 spent and cost (annually) less than 1/80th of our military budget. Such actions demonstrate neither good economic policy nor sound moral committment. I am reminded of what George Bernard Shaw once said: "The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them; that's the essence of inhumanity."

I have only served as an elected official of the people for a quarter of a century, so perhaps I am out of touch with the desires of my constituents. But I believe with Thomas Jefferson, that "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government." For our democracy exists, not to wage war, or serve only the wealthy; but to serve the people, especially those in need, especially those who suffer. But these are ideas that neither President Nixon nor the Citizens for Control of Federal Spending seem to understand.

You asked, Mr. Packard, to hear my views on the issue of controlling Federal spending. Unfortunately, time does not permit further elaboration of other obvious problems concerning the logic of your proposals.

I would suggest, however, that you send copies of this letter, not just to Representatives in the Congress, but to individuals and groups most affected by such questionable policies. Send a copy of this letter to mayors of bankrupt cities and towns who will receive no assistance for their needed water and sewer programs and to the principals of our schools who are now being forced to educate more children with less federal assistance. Send a copy of this letter to the doctors and nurses in the community health centers that are now being closed, and to the 30 million underprivileged Americans who have not seen a doctor in the past two years. Send a copy of this letter to the welfare mothers who can no longer afford day care services and to the needy families who cannot now benefit from subsidized housing. Send a copy of this letter to the thousands of fatherless boys who can no longer enjoy the companionship and guidance of local Big Brothers programs and to the forty million handicapped Americans crippled by governmental callousness and indifference.

In summary, send a copy of this letter to the millions of Americans that President Nixon and the Citizens for Control of Federal Spending have chosen to forget, neglect and ignore.

Sincerely,

JOHN E. MOSS,
*Member of Congress.*



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WHO WILL PAY?

## HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. ABDNOR. Mr. Speaker, the real story of what really happened during the long seige at Wounded Knee by the militant members of the American Indian Movement is now only beginning to come to light. Since the beginning of this tragic episode last February, the American people have heard only the side of the insurgents.

But, what of the victims of Wounded Knee—the residents who have lost their homes, their ranches, their cattle, their businesses? Who is going to pay their damages? And, who is going to replace those who have given of their services for many years to the people on the Pine Ridge reservation, and who because of the reluctance of the Federal Government to put an end to this travesty, have become discouraged and feel they must leave.

One such victim is Rev. Orville Lansberry. He and his wife, Emma, have announced their plans to relocate after they find what is left of their possessions.

Their story is told in the following article printed in a Pierre, S. Dak., newspaper.

WOUNDED KNEE CLERGYMAN SAYS HE WON'T GO BACK

The Rev. Orville Lansberry and his wife Emma lived in Wounded Knee, S.D. for a little more than four years. He had a church there and his congregation was comprised of about 95 percent Sioux Indian people. He'll be going back but not to live there. He'll try to salvage what's left of his personal belongings.

He left Wounded Knee that night in February when AIM militants took over the tiny reservation community. Along with his wife and a Sioux Indian lady, he hid in the darkness as militants banged on the door and threatened to shoot if they didn't open up. They later escaped from the village under the cover of darkness.

Meanwhile, their church has been used as a camping place for visiting national newsmen and their home has been used as a meeting hall for AIM Indians. They have lost most of their personal possessions including a jeep which he says has been burned and a garden tractor.

He told the Scene the AIM group has only a small minority of the Ogalala Sioux people on their side.

"I would say the average Indian wants to live in peace," he said. "They want the leaders to sit down and work this thing out."

He believes it is a power struggle between Ogalala Sioux leader Richard Wilson and AIM leader Russell Means. In addition, it is his opinion the occupation of Wounded Knee was in the works for a long time because of the historical significance of the village.

"I am especially upset with the misinformation that is coming out through the press," he said. "They get only the information that is given them by the AIM's and then they write their stories."

"The AIM people in my opinion may be idealists but I think they are more concerned with their own personal gains than they are with the tears they claim to be weeping for the Sioux Indian people."

"The night they (AIM) came, Sioux Indian people had to run," he said. "They took over their homes and their belongings and today, those poor people have nothing to go back to. Does that sound like they want to help the Sioux people?"

The federal government is as much to blame as anyone according to Rev. Lansberry.

"They failed to provide the residents of Wounded Knee with protection and now I think that they should shoulder the responsibility for the losses."

"Remember that Mr. Wilson and his people were set aside and the federal government took charge. They should now bear the responsibility."

As to the role of the Council of Churches, Rev. Lansberry shrugged and said, "I wonder . . . there's an old saying that too many cooks spoil the broth. It seems to me that neither the Council of Churches or the Federal Government have been able to solve any problems. The AIMs are still there."

"I don't know how many people I've talked with since, who have discovered that money they contributed to their churches went to aid AIM," he said, "and now they are bitterly disappointed."

"I think of the Sioux lady who lived in Wounded Knee who came up to me crying and saying that AIM took everything she owned," he added. "We got out with a couple of blankets and I gave her one of them."

"Other Sioux Indians have lost cattle, one of them, a man who is part Sioux and part white, lost over 40 cattle that went to feed the militants," he said.

"There are others too . . . people who have lost everything they owned . . . and who's going to take care of them?"

Rev. Lansberry admits the incident has shaken his confidence in some people. He's going back, but just to salvage what he can of his personal belongings.

"We can't live there anymore though," he confesses. "We're too old. I'm 67 and my wife is 69."

It is apparent he feels badly for the Indian people who lived in Wounded Knee though.



XUM

"Some are afraid . . . some are mad . . . some are confused . . . but they're all hurt."

## UNITED STATES FUMBLING IN EXPORT FIELD

**HON. ROBERT J. HUBER**
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. HUBER. Mr. Speaker, as a longtime advocate of a more forceful U.S. effort to export the products of its industry, it is sobering to contemplate that the only manufactured items most countries really seek from us are those few in which we still hold a technological edge, such as advanced computers, electronics and some aircraft. In most other fields, we no longer offer superior quality or more desirable product features, and our products are rather consistently overpriced and underserviced by comparison with those offered by other industrial nations.

The hard facts concerning our position in international trade are clearly summarized in an article by Saul Friedman of the Detroit News Washington staff. My colleagues will find this valuable if frightening reading. Especially disturbing is the conclusion reached by a Common Market expert who said that the United States must "innovate and find areas in which you compete or you will end up second rate in world trade."

The article follows:

[From the Detroit Free Press, April 5, 1973]

UNITED STATES FUMBLING IN EXPORT FIELD

(By Saul Friedman)

BAUSSELS.—American scientist, William B. Shockley, won the Nobel Prize for inventing the transistor.

But there are no transistors made in America.

Chemical engineers working for an American company devised a revolutionary new plant to turn out industrial chemicals cheaply and fast.

But the first such new plant was built in Belgium.

And although U.S. oil refineries can't keep up with the demand, the biggest and newest refineries—built by American companies—are going up in Europe.

These are some of the reasons Europeans say that the United States, the greatest industrial nation on earth, is on the way to becoming the "bread basket of the world."

Which is where we began.

Even such Americans as former Secretary of Commerce Maurice Stans have acknowledged that in addition to agricultural products, such as soybeans and feed grain for livestock, about the only thing the U.S. has that other big countries want are our products of super technology—computers and air frames.

And even in several high-technology areas, the Japanese and the Europeans (with the help of American plants etsablished here) are beginning to catch up.

The President's International Economic Report said: "Although we fared better in the case of more sophisticated manufacturers, our gains (in trade) were relatively small, except for aircraft.

"We are losing our competitive position in traditional products with large markets," and "agricultural trade has been our brightest spot."

In 1971, for the first time in 100 years, the U.S. imported more in goods—$2 billion worth—than it sold abroad. And last year, for the second time, we had a deficit again—up to $6.4 billion.

Those billions may not mean very much to most folks who don't buy or sell abroad, who just work for a living.

But it can and does mean a great deal to people who want to work but can't because prospective employers are buying or building in Europe or Taiwan rather than in the United States.

In the longer run, American trade troubles can mean deeper disaster in whole industries where people are still working, for with each new production method introduced in an industry, in Japan or Europe (some by American-owned companies), that industry in the U.S. suffers.

That's what happened to the American steel industry, which once led the world because of early U.S. innovations. Now American steel production is virtually the laughingstock of the world because new methods developed elsewhere were not used in U.S. plants.

The lack of innovation by traditional American industries is one of the reasons the United States doesn't export more than it does.

West Germans enjoy reminding Americans that the U.S., as the victorious nation, could have had the Volkswagen design after World War II to build in the U.S. and ship abroad. But American manufacturers chose to stay with big cars.

However, there are other reasons why the United States is not much good at exporting. And the most important seems to be that we never really had to depend on exports.

In the past only the South, with its cotton, tobacco and other agricultural products, was export-minded. American manufacturers enjoyed such a huge and rapidly growing market at home, they concentrated on it. Only if they had anything left over, they exported it.

For Japan and most of the nations of Europe, the ability to export has meant life or death for their economies. And today their exports account for 20 to 30 percent of their annual wealth.

Even today, U.S. exports amount to only six percent of the $1.3 trillion in goods and services the country produces. And although there are increasing complaints about growing imports, the U.S. has lost relatively few jobs and industries to foreign products.

Instead of exporting goods, the U.S. has chosen to export money to take over foreign companies, invest in them, or build American-owned plants abroad.

This has accounted not only for an increase in imports, but also for a decrease in the desire to export.

For example, Ford of Europe will export 100,000 European-built Capris to the U.S. this years. And General Motors will send to the States about 60,000 Opels.

Last year only 9,150 Ford, Chrysler and GM cars were exported to Europe, compared with a high of 35,000 in 1965.

Ford's officials in England explain that Europe's roads are not suited to big American cars, and higher taxes and gasoline prices put them at a disadvantage.

So why doesn't Ford export the Pinto to Europe?

Because shipping costs and local taxes, and the cost of building them in the U.S., would make their price prohibitive in Europe, they replied.

But automobile industry wage rates in England are drawing even with American rates; the Japanese are successful selling their cars to Europe by shipping them over two oceans, and the local taxes are about the same for Pintos (or GM's Vega) and European-built cars.

The discussion came down to this:

Most European-based manufacturers, including Ford and GM, are satisfied with a lower rate of profit than the U.S., in order to compete. The rate of profit here is around nine percent; in the U.S. in 1971, it was more than 13 percent.

Also, if Ford, GM or Chrysler exported cars from the U.S. to Europe, they'd be competing with themselves.

Ford of Europe's man in charge of increasing imports from the U.S. acknowledged he has an uphill battle getting his share of high-level attention to his problems. And another executive criticized Ford's management in Dearborn for spending much less on research in the U.S. than in Eprope.

The U.S. economy has adapted to imports, and new industries have replaced those the Europeans and Japanese have vanquished.

The U.S. leads in space and communications technology, advarced computers, electronics and the manufacture of airplanes.

Although Europe is self-sufficient in almost everything else, it will depend on U.S. feed grains for many years.

But slowly and surely, the U.S. is becoming a service country as exports of traditional, manufactured goods, chemicals, fuels and minerals fall off. Already the service industries—distributing, selling, fitting goods, more and more of them imported—account for nearly half of the nation's output.

Protectionism has been offered as an answer, but nobody wants the consequences of a trade war.

A ranking expert with the Common Market warned: "Either you innovate, and find areas in which you compete, or you will end up second rate in world trade, sending us grain and servicing what we sell."

Those remarks were in stark contrast to the words of an Englishman, F. A. McKenzie, in 1902:

"America has invaded Europe not with armed men, but with manufactured goods . . . Our aristocracy marry American wives, and their coachmen are giving place to American-trained drivers of American-built automobiles. . . . Our babies are fed on American foods, and our dead are buried in American coffins."

## AMENDING THE MERCHANT MARINE ACT OF 1970

**HON. FRANK M. CLARK**
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. CLARK. Mr. Speaker, as chairman of the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries, I am today introducing, with other members of the committee, a bill to amend the Merchant Marine Act of 1970. The legislation will provide merchant nuclear-powered vessels, contracted before July 1, 1978, with incentive support payments to cover such portion of the contracting cost differences arising from the use of nuclear propulsion units, as the Secretary of Commerce may determine is necessary for the purpose of fostering the advancement of U.S.-flag maritime technology.

The recipients of the incentive support would, under the proposed legislation, repay the sums received subject to governmental recapture of 20 percent of each nuclear powered vessel's annual net operating income, as defined in the Maritime Administration's uniform vessel accounting system, until the entire amount of incentive support payments for each such vessel shall have been recovered by the Government.

I have stated many times, both in committee hearings and on the floor of the House, that the United States must have a modern, productive, and efficient merchant marine in order to compete in the world markets. Nuclear power merchant ships is one of the answers.

Today's high productivity ships such as the VLCC's and container ships require a great deal of horsepower to move ever increasing tonnage at high speeds. This, coupled with the escalating bunker C fuel prices, make nuclear power a very competitive propulsion system candidate. Also, as a side benefit, economic studies have shown that nuclear ships can result in a favorable balance of payments. For example, to import the projected needs of oil from the Persian Gulf in 1980 by fossil fired tankers the balance-of-payment deficit on bunker C for propulsion could be as high as $650 million per year. For nuclear it would be zero because all the fuel would be obtained from U.S. sources.

After 20 years of extensive research and development, the time has arrived for nuclear merchant ships to take their place on the high seas in pursuit of international commerce. I feel that this legislation will help provide the proper stimulus for the American merchant marine industry's efforts to modernize and rebuild the U.S. fleets into a competitive position.



## DISTRICT OF COLUMBIA LAW REVISION COMMISSION

**HON. ANCHER NELSEN**
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. NELSEN. Mr. Speaker, I have introduced, along with Congressman DON FUQUA of Florida, a bill that would provide for a Law Revision Commission for the District of Columbia. The bill that we introduce is consistent with the recommendation contained in the report filed with the Speaker of the House on August 17, 1972, by the Commission on the Organization of the Government of the District of Columbia. Both Congressman FUQUA and I served on that Commission, and we welcome this opportunity to put into legislative language the recommendation contained in that report.

For the information of those who may not have had an opportunity to read the statement contained in that report as it relates to that matter, it appears below:

LAW REVISION COMMISSION AND UNIFORM RULES OF PRACTICE

The Commission believes that the establishment of a Law Revision Commission for the District of Columbia would supply a much-needed service now lacking in the legislative and administrative machinery of the District Government.

A Law Revision Commission, as contemplated in this report, would be a permanent body authorized by statute to conduct continuing studies into the anachronisms and inequities in the common law as well as statutory and case law, for the purpose of developing recommendations and reports to the governing legislative body for its consideration and adoption into law. Members of the Commission would include local attorneys and other professionals; and the Commission would be authorized to employ consultants and regular staff members to investigate and prepare studies under its supervision and direction.

The Law Revision Commission established in the State of New York in 1934, has served as the prototype for others created since that date. (L. 1934, c.597, effective May 16, 1934; 5 *McKinney's Consol, Laws of New York*. Book 31, Legislative Law, Art 4A, Law Revision Commission, secs. 70 to 72.) It is composed of seven members; five appointed by the Governor for five years, plus the respective chairman of the Committees on the Judiciary and on Codes of the State Senate and Assembly. The statute provides that at least two appointed members shall be members of law faculties of universities or law schools within the State and that four appointed members shall be members of the New York bar.

The Commission is charged by statute with the following duties:

1. To examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

2. To receive and consider proposed changes in the law recommended by the American Law Institute, the commissioners for the promotion of uniformity of legislation in the United States, any bar association or other learned bodies.

3. To receive and consider suggestions from judges, justices, public officials, lawyers and the public generally as to defects and anachronisms in the law.

4. To recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state, civil and criminal, into harmony with modern conditions.

5. To report its proceedings annually to the legislature . . . and, if it deems advisable, to accompany its report with proposed bills to carry out any of its recommendations. (5 *McKinney's Consol. Laws of New York*, Book 31 Art. 4A, sec. 72.)

The report of the New York Law Revision Commission for 1962 (Legislative Document (1962), No. 65) is illustrative of the type and quality of work performed by the Commission during a relatively active year. The report consists of 810 printed pages. It includes fourteen current reports and recommendations; studies directed by the legislature; recommendations presented in 1962; three studies and communications to the legislature without recommendation of legislation; legislative history of twelve recommendations submitted in 1961 which were enacted into law, and four others whose implementing bills did not become law; calendar of eight topics representing work in progress, nine topics on calendar for further study, and twenty-five proposals for future consideration. Representative recommendations enacted into law included: Appointment of Temporary Administrator for the Protection of the Property of a Missing Person; Power of Surrogate to Authorize Temporary Administrator of Estate of Missing Person to Join with Co-Tenants of Missing Person in Disposition of Real Property; Extinguishment of Estate of Missing Person as Joint Tenant Upon Deposit of its Value in Court; Agreements Extending the Statutes of Limitation; Effect of Part Payment on Time Limited for Foreclosure of a Mortgage; Effect of Recording Executory Contract for Sale of Land and Priority of Vendee's Lien arising from Payments Made Pursuant to [such] Executory Contract; and Accumulation of Income of Trusts for Religious, Educational, Charitable or Benevolent purposes. The current calendar of topics under study included: Revision of Consolidated Laws to Transfer Provisions to more Appropriate Chapter or New Chapter; Application of Statute of Frauds to Agreements for Joint Venture to Deal in Land; Clearing Clouds on Title Resulting from Violation of Building-line Restrictions; and Effort of Contract Term Disclaiming Parole Representations to Bar Action for Fraud in Inducement of Agreement. Each study and report represents a detailed review of the problem in question, and is replete with legislative references and citations to relevant judicial precedents.

A considerable number of States have established Law Revision Commissions as a permanent, continuing part of their legislative and governmental structures. They include, for example, Michigan (*Mich. Compiled Laws*, 1967, 4.311, at 4.322–4.324); California (*West's Anno, Calif. Codes*. vol. 32A, secs. 10300–10340); Louisiana (*West's La. Stats. Anno.*, 1969, vol. 17, Title 24, Ch. 4, sec. 201); Pennsylvania (46 *Purdon's Penn. Stats. Anno.*, Title 46, secs. 65 and 431.1); Maryland (*Maryland Anno. Code*, Art. 40, secs. 48 to 53); and Virginia (*Virginia Code Anno.*, secs. 30–29 to 30–34). See also *Minn. Stats. Anno.*, secs 3.31 to 3.38, 3.42; and secs. 3.301 to 3.302.

Helpful background information concerning the functions of Law Revision governmental units was made available to Commission representatives by members of the bar in the District of Columbia, Philadelphia, and New York.[1]

In the District of Columbia Government, the Corporation Counsel serves as the chief legal officer (West's D.C. Code Encycl. Secs 1–301 to 1–303, and Reorg. Order No. 50, as amended, West's D.C. Code Encycl., Vol. 2, pp. 202–207, and 1970–1971 Ann. Cum. Pocket Part, (p. 111)), much as the Attorney General and Corporation Counsel, or City Solicitor serve the States of New York and Pennsylvania, and the cities of New York and Philadelphia, i.e., jurisdictions where law-revision commissions have been established for some years.

Experience demonstrates that an active Corporation Counsel's office, burdened with the day-to-day workload of litigation and accumulated administrative responsibilities, has little time or adequate facilities to undertake studies into legislative shortcomings, or to exercise initiative in formulating recommendations for specific legislative improvement. The work of law-revision commissions serves to supplement and assist, as well as ultimately to strengthen, the resources available to the chief law-enforcement officials. There need be no conflict between the two; in fact, there has been no occasion for incongruity but rather an opportunity for meaningful cooperation between them. The District Corporation Counsel is included among those that would be given a voice in the selection of members of the Commission proposed for the District of Columbia.

The statement of basic purposes and responsibilities for the District Law Revision Commission could be patterned after that governing the New York Law Revision Commission. (Legislative Law, Art. 4A, 5 *McKinney's Consol. Laws of New York*, Book 31, secs. 70–72.)

The proposed Commission would provide a systematic method of collecting, coordinating, and making available to the pertinent

[1] They included Mr. Frank J. Whalen, Jr. (Spence, Whalen & Graham), Washington, D.C.; Mr. William E. Zeiter (Morgan, Lewis & Bockius), Philadelphia, Pennsylvania; and Mr. William B. Lawless (Mudge, Rose, Guthrie & Alexander), New York City. Their cooperation and support of the modern trend toward law-revision commissions could be characterized as enthusiastic. Valuable assistance was also provided by Mr. Arthur John Keeffe, Professor of Law at Catholic University, Washington, D.C., formerly a member of the law faculty at Cornell University, where he was actively associated with various studies and related projects undertaken by the New York Law Revision Commission.

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legislative bodies suggestions for law reform emanating from administrative and other public officials, judges, lawyers, bar associations, universities, and other organizations as well as the general public. Suggestions would be transmitted, after study, in the form of a comprehensive report and, wherever appropriate, a draft bill.

The proposed Commission should be authorized to prepare pamphlets on the District of Columbia Administrative Procedure Act (D.C. Code secs. 1–1501–1510) for the information and guidance of District Government departments and agencies as well as the general public. It is contemplated that such studies and pamphlets would contain pertinent extracts from legislative history, selected citations to court decisions, etc., along the lines of the manuals issued by the Attorney General of the United States with respect to the Federal Administrative Procedure Act (5 U.S.C. 551–559, 701–706, 1305, 3105, 3344, 5362, and 7521), including its Freedom of Information provisions, in 1947 and June 1967, respectively.

It is also recommended that the proposed Commission be authorized to prepare and issue uniform rules of practice, including hearing rules, to govern all District of Columbia agencies conducting on-the-record hearings to determine legal rights, etc., pursuant to statutory procedural requirement, constitutional right, or otherwise afforded by the agency. The uniform rules of practice would apply to on-the-record evidentiary proceedings of all District Government agencies, unless an agency (1) determined that a different procedural rule of its own, with respect to a particular area or matter, would better serve the public interest, and (2) demonstrated that fact to the satisfaction of the Commission. Uniform rules of practice for all departments and agencies of the Commonwealth of Pennsylvania were promulgated by the Committee on Documents (a permanent seven-member body appointed by the Governor) pursuant to section 1403 of the Commonwealth Documents Law, enacted July 31, 1968 (Law No. 240, July 31, 1968, 45 *Purdon's Penn. Stats. Anno.*, Title 45, secs. 1101–1611). The Committee on Documents is authorized to codify and revise the regulations (including procedural rules) applicable to all departments and agencies of the State government, having in mind uniformity of style and expression. The uniform rules of practice for Commonwealth of Pennsylvania agencies have been published, in printed looseleaf form, as Part II of the Pennsylvania Code, Chapters 31, 33 and 35 [Preliminary Provisions, Documentary Filings and Formal Proceedings, respectively], pp. 80.1 to 90.11, inclusive.[2]

*Recommendation No. VIII–3.—The Commission recommends that the District Government initiate legislation that would authorize the establishment of a Law Revision Commission for the District of Columbia, in the form of a permanent body as suggested in the preceding discussion, to be composed of fifteen members appointed as follows: (1) two each appointed by the Mayor-Commissioner, Chairman of the District of Columbia Council, District of Columbia Corporation Counsel, and the United States Attorney for the District of Columbia; (2) one each by the Speaker of the House of Representatives, majority leader of the Senate, the respective minority leaders of the House of Representatives and Senate, and the Chief Judge of the District of Columbia Court of Appeals and District of Columbia Superior Court; and (3) the Chairman by the President of the United States, subject to Senate confirmation.*

[2] According to Mr. William E. Zeiter of the Philadelphia bar and a member of the Committee on Documents, steps are underway to amend section 1403 of the Commnwealth Documents Law so that the uniform rules of practice shall be governing except where a particular department or agency demonstrates, to the Committee's satisfaction, that a different procedural rule of its own would better serve the public interest with respect to a particular area or matter. Mr. Zeiter stated that the comprehensive uniform rules of practice were adapted from those currently used by the Federal Power Commission and the Securities and Exchange Commission.

## WHO SAID THEY WERE NOT TORTURED?

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. BOB WILSON. Mr. Speaker, when Jane Fonda, Ramsey Clark, Tom Hayden, and company returned from Hanoi to announce that our prisoners of war were being treated with consummate kindness by their captors, most Americans were incredulous. Now that our prisoners of war have returned to relate their tortures and deprivations, we know that our distrust was not misplaced. The allegedly saintly North Vietnamese keepers of our men, about whom we heard so much from Miss Fonda and crew, have now been exposed in their true colors. I would like to share with my House colleagues the following commentary by Jeffrey Hart, which appeared in the April 24 Daily Californian:

FONDA, CLARK AND CO.—FLACKS FOR TORTURERS

(By Jeffrey Hart)

Why anyone should actually be surprised that our POWs were tortured by the North Vietnamese and the Viet Cong is a little hard to understand. Torture is absolutely commonplace for prisoners in the hands of Asian military, and it has nothing to do with communism.

The imperial Japanese—could anyone forget?—behaved despicably to our POWs. The Kuomintang and the Communist Chinese were equally brutal. Nor need anyone have any illusions about the South Vietnamese. On strategic grounds, I consider that the communization of Southeast Asia would be a disaster, but this does not mean that I am under any illusions about life in Saigon's jails and prison camps.

The torture revelations do, however, shed a good deal of light on those who have been presenting themselves as the keepers of our conscience, zooming off on "night-flights to Hanoi" and returning with hums of praise to the courteous little brown men they met there and in the rice-paddies, so gentle, so wise. To put it bluntly, these people have been flacking for torturers: the Berrigan brothers, Ramsey Clark, Jane Fonda, Tom Hayden, Mary McCarthy, Cora Weiss, Susan Sontag and Dave Dellinger.

Ramsey Clark is typical. He took a quick trip to Hanoi visited the "Hanoi Hilton" POW camp—though not its notorious "Room 18"—and saw a few carefully selected and supervised POWS. Whereupon he burst into song. The treatment the POWs were receiving was humane and civilized, they were in marvelous shape, etc. And Clark is only one of a long parade of such flacks—visiting Hanoi, rushing home and into print with articles and books, cashing-in in a big way, hitting the campus lecture circuit and salting away top fees, bringing the news of the noble North to agog student audiences. Uncle Ho, the George Washington of his country, as George McGovern used to call him.

If you want a laugh, take a look at the Bulletin of Concerned Asian Scholars, a Maoist organ which is the academic version of the flacking operation noted above. All those noble Communists, so different from the corrupt Thieu, the corrupt Marcos, etc. The most recent issue includes some rather sentimental Communist poems, one by old Ho himself.

As a matter of fact, even in the context of the history of torture, the North Vietnamese approach seems rather far out. Col. Risner spent four years in solitary confinement. Col. Cherry, a black, was tortured for three months, was beaten five times a day, and spent 92 days in ropes and irons. We hear the grisly details of the rope-torture and the "jumbo irons," which caused feet to swell up like "elephant feet with little knobs as toes." Prisoners were tied on anthills. A broken arm was worked up and down "like a pump."

Compared with the North Vietnamese, the Greek colonels look like YMCA desk clerks. "No American" writes liberal columnist Harriet Van Horne, "can read Major Floyd Kushner's account of life in a Viet Cong prison camp and not be choked with pity—and rage. Dachau, Auschwitz, and the foulest prisons of our Civil War were not as vile—incredible as it seems—as the V.C. camps."

Tell us more, Ramsey. Let's hear from you, Dan and Phil and Susan and Mary, and you, you Concerned Asian Scholars.

## MEDICAL EDUCATION NEEDS FEDERAL FUNDS

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DRINAN. Mr. Speaker, although virtually every medical school in the country will be financially harmed by the budget cuts in Federal medical programs that the President proposes for fiscal year 1974, I have recently learned of one medical institution that offers a unique program that will be particularly threatened if these proposed reductions are allowed to take effect.

The Tufts University School of Medicine is unusual in that while it has one of the smallest operating budgets of any medical school, it has an unusually high enrollment. The Tufts Medical School relies heavily on Federal funds for its continued growth; if these funds are taken away this demonstrated program will necessarily be stifled.

Dr. Lauro F. Cavazos, the associate dean of the Tufts University Medical School, has submitted to me a statement outlining the program of Tufts and the tragic effect that the administration's budget cuts will have upon this program if enacted. I hope that my fellow Members of Congress will give close attention to the views of Dr. Cavazos:

SPEECH OF DR. LAURO F. CAVAZOS

It is indeed a privilege to be here this morning to share with you some of the problems which Tufts University School of Medicine is facing in the coming year. These problems will revolve around three areas: (1) medical education, (2) research, and (3) service. Tufts has an outstanding and distinguished faculty. Complementing this is an excellent student body—promising young people with keen minds and enthusiasm who are seeking a quality education in their chosen field of medicine. It is somewhat distressing for me to report that this combination of faculty and students is in jeopardy and may be unable to function maximally because of the potential loss of federal funds for a number of health and medical programs.



Most medical schools have several sources of funds available for education and research. These include tuition, direct financial support from the University system itself, state funds, federal funding, money from hospitals or patient care, and endowment and gifts. Unfortunately Tufts University School of Medicine can rely only upon tuition, federal funds and gifts. In terms of an operating budget, Tufts has one of the smallest in the country; yet we are in the first quartile in terms of enrollment. There is no question that the quality of the medical student graduating from Tufts University is superior by any standards applied.

Our students draw internships and enter residencies in the best hospitals in the United States. Most of them go into direct patient care and offer superb service to their patients throughout the country. Others enter academic medicine and become excellent teachers and investigators.

If the federal funds that are being reduced continue to be cut at the rate they are going or are acelerated, the Tufts University School of Medicine will be in dire financial straits. We will be forced to alter or reduce teaching and research programs; we will have to let faculty go, and if this occurs we may have to reduce our enrollment in the School of Medicine. Thus if the federal funding situation does not improve, all of this will be necessary in order to keep our doors open. At the present time there do not appear to be funds available from other sources that can take up the slack in order to continue to be a productive medical school.

There is no question in anyone's mind that the quality and cost of health care are dependent upon three factors. These are: (1) the education of the physician, (2) research or the acquisition of new knowledge and information, and (3) the provision of the clinical care itself. I would like to discuss now, in a rather specific manner, some of the problems we are facing because of these financial cutbacks which will have major and serious impact upon the quality of education and the remarkable products of our research laboratories. First let me deal with the question of research. We must bear in mind that because of biomedical investigation, there has occurred reduction of many diseases, and, in fact, elimination of others. These results were greatly accelerated because of the funding of research by the Federal Government. There is little doubt, I submit, that strides we have made over the past two decades in the area of research have come to fruition because of Federal funding. It now appears that these will be cut so drastically that we will be unable to continue our current level of research activity at Tufts. The reduction of funding for research and for the support of our scientists could bring our continued advance over major illness and afflictions of man to a tragic halt. There are programs, of course, which are concentrating on cancer and heart diseases. But the solution to all disease problems including these mentioned has its discovery in the basic laws of the biological sciences. Such advances are likely to come about more rapidly from the efforts of many who are doing research on a variety of disease problems rather than upon concentration on two or three diseases.

Now let us turn to numbers of students enrolled. Within the past few years the shortage of medical manpower has emerged as one of national concern. The medical schools have responded to this problem and have been able to increase the number of physicians being educated by about 50%. This program and progress is just beginning to bear fruit and was possible only because of the massive assistance through federal funds—money for construction of educational facilities, training grants and special projects, to help gather about us faculty and funds to help support and give scholarship aid to our students. It now appears that all of these vital programs will soon have to be abandoned. One readily can imagine these effects. Let us consider some of the problems faced by a young medical student coming into a medical school of today. He arrives with a dedication to serve his fellowman through medicine. The one point that is constantly before him, as well as the faculty of the medical school, is the question of quality—how one retains quality in order to better serve his patients. All of us are aware of the cost of medical education. Although graduates can expect to earn a good living by American standards, it is too much to expect that a young person will have to add debts of somewhere between $30,000 and $60,000 before he can begin the practice of medicine. Thus the administration's intention to discontinue scholarship assistance means that the opportunity to study medicine at Tufts will increasingly be denied to all of those but the sons and daughters of the wealthy.

As you know, Tufts has been among the national leaders in the recruitment of minority and disadvantaged students into medical educational programs. Now this program is jeopardized. Under a laudable federal grant, steps were taken to see that these students also had an equal educational opportunity to prepare themselves to enter the health professions. At a time when these programs are getting underway we fear drastic cutbacks in these directions. Thus may be lost the science education, reinforcement and enrichment at college and medical school levels. Lost also is the recruitment of those young students from the local community who might be more likely to return to help with problems of health in their own community. With these changes there will disappear the potential to help some of the best minds of our young people in the solving of our problems of human disease.

The Medical School at Tufts University has made great strides in increasing the number of students enrolled. Our programs were planned, faculty recruited, facilities expanded, and students attracted. All of this was dependent upon federal funding and most importantly continued federal funding. Now, suddenly when increased numbers of students are on board, the administration, it appears, plans to cut off the funds which brought the students to Tufts. Also reduced perhaps is the money essential to the School's ability to employ the teachers and to otherwise operate the institution just on a day-to-day basis.

The quality of the physician depends upon the excellence of mind of the student who applies and is accepted. Further, quality also depends critically upon the need and kind of education received in the medical school. I must continue to remind you that the quality of education at Tufts University School of Medicine may be endangered by the administration's cutback.

Now let me recite the litany of what will happen if the federal funds are withdrawn at the Tufts University School of Medicine. First of all we will probably have to reduce the number of students that we educate in order to maintain quality. Secondly, the failure to support the special projects grant will mean that money to pay the additional faculty to educate additional numbers of physicians will be lost and we will have to terminate the appointments of some of our faculty. Thirdly, the abandonment of the training grant programs will also eliminate support of other faculty and some of these trainees, themselves in advanced learning programs, have been teaching medical students of the health sciences. The training grant program was directed to producing teachers for future physicians as well as other members of the health team and the reduction of the training grant program will have serious consequences upon our ability to educate students and future teachers of medicine. Finally, research will suffer and we are all aware of this consequence.

One of the truly revolutionary new directions in the delivery of health care in the past decade had its origin at Tufts in the development of neighborhood health centers. From this there resulted a new era of relationship to the medical schools to direct care in the community as well as the solution of problems of providing health services outside the teaching hospital. This brought about a re-evaluation of the delivery of primary and comprehensive health care throughout the country and because of this there has grown a new emphasis on the education of young people as physicians who will be delivering family care.

The record of Tufts in this area has been outstanding. Hardly a day passes that I do not see a young medical student who will come to my office to ask about the possibilities of learning family care medicine. Their interest in programs which Tufts has pioneered has attracted them to our school. Now we are concerned about our ability to maintain some of these programs and promises we have made to our students. The existence of all of these programs on the delivery of health care are threatened by the withdrawal of funds. Funds for the neighborhood health care center itself, funds for the medical school clinical centers that provided the medical services, and funds for the medical schools cooperating in education and service programs. Our future physicians cannot be adequately prepared to give primary family care and to be of help with community health problems if they cannot learn from and in conjunction with the people of the community.

Support of research, as I have already mentioned, is one of the oldest of the Government's achievements in the health care field. As a result, the United States has literally given the people of America as well as the world marked advances so that polio no longer cripples or kills thousands, so that tuberculosis is no longer the tragic killer that it once was, so that a whole generation of anti-biotics has resulted in control of rheumatic fever, pneumonia and other infections, and so that the artificial kidneys keep people alive until new organs can be transplanted. All of these benefits, and countless more, have come about because of the contributions from the biomedical research laboratory. Now some of the laboratory doors at Tufts may have to be closed. Research teams that took a generation to gather will be scattered and will not easily be brought together even if the funds were made available in the near future. This is truly a rather bitter harvest for us to accept.

At Tufts we will now have to plan almost as for a disaster situation; we must ask how do we maintain the quality of our faculty and their numbers, how do we maintain an educational program of quality and how do we do our research?

So, to summarize, for right or for wrong, for better or for worse, the federal funds have become vital to the existence of Tufts University School of Medicine and we feel that in turn Tufts is making an essential contribution which is significant to the health care of the American people. Our alternatives are few and so we must look to the federal funding programs.

There is no question, I submit, that periodic review of all federal support programs is necessary and essential if we are to maintain direction and priority of programs identified as vital by the American public, voted by the Congress and administered by the President. Thus, through their orderly process, maximum effectiveness and efficiency of federal funds can be assured. In closing I would like to emphasize that abrupt and wholesale abandonment of federal funds in the health care field will have inevitable tragic effects on Tufts University School of Medicine and on the health care provided for many of our citizens.

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# HOUSE OF REPRESENTATIVES—*Monday, May 14, 1973*

The House met at 12 o'clock noon.

Rev. Bob Turnbull, "Chaplain of Waikiki Beach," Honolulu, Hawaii, offered the following prayer:

Dear Heavenly Father, it is with thanksgiving that I recall Your inspiration to one of our queens in Hawaii wherein she wrote a hymnal prayer, "O Kou Aloha No Aia I Ka Lani A O Lou Oia I Oo He Hemolele Ho'i." We thank You Lord that we understand it to mean, "O Lord Thy loving mercy is high as the heavens. It tells us of Thy truth and 'tis filled with holiness." May Your holiness be the holiness of all of us in this room today. We are thankful that Your eternal strength can be our assurance and our guidance. We love You because You first loved us. Aloha Ke Akua.

God bless us all. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 721. An act to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 70. An act to promote commerce and establish a Council on Energy Policy, and for other purposes;

S. 1002. An act for the relief of Giuseppe Paul Pinton;

S. 1752. An act prescribing the objectives and functions of the National Commission on Productivity and Work Quality; and

S. 373. An act to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds, orders the impounding, or permits the impounding of budget authority, and to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part, or require the President, the Director of the Office of Management and Budget, the department or agency of the United States, or the officer or employee of the United States, to cease such action, in whole or in part, as directed by Congress, and to establish a ceiling on fiscal year 1974 expenditures.

## THE REVEREND BOB TURNBULL, CHAPLAIN OF WAIKIKI, LEADS HOUSE IN OPENING PRAYER

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, it was my distinct pleasure to arrange for the Reverend Bob Turnbull, Hawaii's "Chaplain of Waikiki Beach," to deliver our opening prayer for this legislative day. To the best of my knowledge, Reverend Turnbull is the first minister from the State of Hawaii to offer a prayer in the U.S. House of Representatives.

Because of his dedicated service, not only to the people of Hawaii, but also to our large transient population of tourists, military personnel, and the so-called street people, Reverend Turnbull was officially designated the "Chaplain of Waikiki Beach" by Gov. John A. Burns. He is the founder and president of World Resort Chaplaincies, an evangelical, nondenominational, nonprofit corporation. In connection with his ministry, he founded "Sun and Soul Talk," a worship service held every Sunday morning on Waikiki Beach, and established Hawaii's only 24-hour emergency hotline telephone service. In addition, Reverend Turnbull serves as a chaplain to the Honolulu Police Department and works with the Army's chaplains to serve military personnel and their families in Hawaii. Ordained a Lutheran, of Chippewa American Indian ancestry, a former track star, he is an active member of the Fellowship of Christian Athletes.

Reverend Turnbull is just winding up a highly successful tour with the Defense Department's joint civilian orientation program, during which he toured military bases throughout the Nation. I invite my colleagues to avail themselves of this opportunity to visit with him, and to thank him for his inspiring opening prayer.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Indiana.

Mr. LANDGREBE. Mr. Speaker, I would like to join my good friend and colleague from Hawaii in extending a warm welcome to Reverend Turnbull, who gave the invocation for us today.

As one of the very few Lutheran Members of the House of Representatives, I am particularly pleased to join my friend from Hawaii in extending an enthusiastic welcome to Reverend Turnbull.

Also, I wish to say thank you to Reverend Turnbull for coming all the way from Hawaii to bring to us God's blessing.

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman from Indiana for his remarks.

## THE HONORABLE ROBERT F. FROEHLKE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute.)

Mr. MONTGOMERY. Mr. Speaker, I would like to take this opportunity to mention a few thoughts on the achievements of the Honorable Robert F. Froehlke, Secretary of the Army, who is resigning his position on May 15. Secretary Froehlke first joined the Defense Department in January 1969 as Assistant Secretary of Defense for Administration. He remained in this position until July 1971, at which time he was confirmed as Secretary of the Army following the Honorable Stanley Resor. Mr. Froehlke's contributions as an administrator, and more specifically, in his role as coordinator of all defense intelligence resources, are well known to the House. I would like to focus on an area for which he has been less known, perhaps, but which will have enduring impact on the Army of the future. Secretary Froehlke has been with the Army in a difficult period of transition. While reducing reliance on the draft as a source of its manpower and suffering the disaffection inherited from the Vietnam conflict, the Army needed inspired leadership to regain its confidence and move toward a volunteer force. Secretary Froehlke not only provided that leadership but clearly recognized that a volunteer Army could succeed only if its soldiers were properly motivated and challenged by meaningful tasks. Secretary Froehlke's commitment to job satisfaction and improved interpersonal communication has resulted in an Army where men and women have an enhanced opportunity to serve with decency, dignity, and personal satisfaction.

## CAN GENERAL HAIG LEGALLY AND ETHICALLY SERVE TWO MASTERS?

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. Mr. Speaker, the entire country is watching the Watergate imbroglio unfold in an atmosphere of disquiet, disbelief, and disillusionment. In the process of developing all the evidence, Congress has an obligation to insure that other vital portions of our governmental process are not compromised in the name of repairing already existing damage. Such a situation has already come into being concerning the roles being played by one of our highest ranking military people.

As a result of Mr. Haldeman's White House exit, the President has reached up to top Pentagon command levels, naming Gen. Alexander Haig, Jr., as his replacement. Haig, a professional Army officer, has already stated publicly that he will remain in service. In his mind, therefore, and in the public eye, he is first and foremost a professional military person. In his new position, he serves as the controlling force over who sees the President and what information reaches our Chief Executive. It is also commonly recognized that this position carries with it a policymaking function, complete with sensitive political duties.

This may be a serious violation of long established rules of conduct governing any military role in our delicately balanced civilian political process.

Section 973(b) of title 10 of the United States Code, states, as follows:

Except as otherwise provided by law, no officer on active duty list of the regular Army, regular Navy, regular Air Force, regular Marine Corps or regular Coast Coast may hold a civil office by election or appointment whether under the United States, a territory or possession or a state. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment.

Can a professional military officer, presently serving as Vice Chief of Staff of the U.S. Army, be brought into the White House at this juncture to serve in such a capacity? Can he occupy such a political position? Does he not compromise his military status and our national political process both in and out of the White House while crossing that clearly defined line dividing the professional military from involvement in civilian affairs?

Can he, in conscience and legality, continue as a four-star general officer on full active duty status in our Armed Forces? Does he not have to resign or retire to an inactive status from that service in order to assume such a political civilian position? Can he reenter our Armed Forces at some later date without being compromised by his new functions? Has the President violated basic rules governing civilian-military relationships by this action?

There have been previous military appointments to the White House staff. Never, however, has a precedent of this kind been set.

Our people and the Congress deserve swift, no-nonsense answers to these pressing questions. Each has significant bearing on present and future events. Mere denials and pablum-coated disclaimers will not suffice here. Upon inquiry, I am informed that the Comptroller General of the United States can and should deliver a ruling. Accordingly, I have directed a communication to Mr. Staats, requesting just such an opinion. Until such a disposition is made, I do not believe it is correct, proper or fair to the Nation for General Haig to function in his present post. Scandal and crime, even of the proportions we confront today at top Government levels, are no excuse for a response in the name of emergency that violates more elementary rules.

America has never tolerated military interference in civilian rule. Nor has it tolerated compromised military officers in sensitive posts. Ample precedent exists for this line of inquiry, commencing with General Wilkinson in the Aaron Burr conspiracy and continuing in unbroken continuity to President Truman's dismissal of General MacArthur. Before this situation becomes permanent by default, these questions must be answered.

The text of my letter to the Comptroller General follows:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., May 1., 1973.*

Mr. ELMER B. STAATS,
*Comptroller General of the United States, Washington, D.C.*

DEAR MR. STAATS: As the Watergate revelations unfold, questions of propriety and boundaries of authority constantly come to the fore. These touch upon more than the roles played in such events by individuals and government agencies. You have it within your purview to answer several questions I believe must be raised at this juncture.

As a result of Mr. Haldeman's resignation from the President's staff, Mr. Nixon has brought into that position General Alexander Haig, Jr., who until very recently has been serving as vice chief of staff of the U.S. Army. Presently he is performing Mr. Haldeman's functions.

Haldeman was both policy maker and political operative, handling an extensive variety of unique tasks. General Haig is a four-star general on full active duty status. He has publicly announced that he has no intention of leaving professional military service, and continues to enjoy military salary and rank status.

Questions are therefore raised of the most pressing nature. Is this appointment a violation of long established rules of conduct? Can a career military officer of such high rank, function and intentions be brought to the White House to serve in such a sensitive political position? Can he, in light of these questions, continue to serve as a general officer in the armed forces of the nation?

Does he not have to resign from the service or place himself on inactive status in order to perform such functions? Does he not, by these actions, cut himself off from any return to previous duty? Has the President violated statutory rules of long standing governing military-civilian relationships by this action?

I refer particularly to Section 973 (b) of Title 10 of the U.S. Code, which states:

"Except as otherwise provided by law, no officer on the active duty list of the regular Army, regular Navy, regular Air Force, regular Marine Corps or regular Coast Guard may hold a civil office by election or appointment whether under the United States, a territory or possession or a state. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment."

In light of the constantly evolving circumstances surrounding the Watergate scandals, definitive answers to these questions are vital. I urge you to render your opinions as swiftly as possible so the Congress may understand legal questions involved and so our people may be informed.

Until these answers are forthcoming, as I have already indicated in comments prepared for the House floor, I do not believe General Haig can properly function. His status therefore awaits clarification from you.

Sincerely,

JOHN E. MOSS,
*Member of Congress.*

## PROGRESS REPORT FROM THE REPUBLIC OF CHINA

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last week I had the privilege of joining with other Members in paying tribute to the great job being done by the Republic of China on the island of Taiwan. At that time I pointed out that the remarkable progress being made there today by the Nationalist Government was another strong reason why we in the United States should never do anything that would have the effect of determining the future of Taiwan on the basis of any considerations other than the freely expressed wishes of the people living there.

To reinforce my statements about this remarkable progress I include for my colleagues to read a most informative news report which appeared in the New York Times yesterday:

[From the New York Times, May 13, 1973]

CHIANG'S SON SETS PACE IN TAIWAN—INFORMAL STYLE MARKS HIS FIRST YEAR AS PREMIER

(By Donald Shapiro)

TAIPEI, TAIWAN, May 12.—In his first year as Premier, President Chiang Kai-shek's elder son, Chiang Ching-kuo, has introduced a new style into domestic politics.

Few of his predecessors in major offices traveled much outside Taipei, the capital, except to vacation in the mountains or preside at the opening of a public works project. But the younger Chiang, often exchanging the standard bureaucratic dark suit for sports shirt, has made a point of visiting small cities, farm villages and provincial universities. He seems far more comfortable mingling informally with people to discuss specific problems than he does on ceremonial occasions.

The relative visibility of his administration has contributed to the more favorable public image that the 63-year-old Premier has acquired since his appointment by his father in May last year.

Although Mr. Chiang had held Cabinet-level positions since 1965, before becoming Premier he was widely regarded as an enigmatic figure. He was overshadowed by his father, and the public's impression of him was colored strongly by his long association with the unloved secret-police apparatus and by the 12 years he spent in the Soviet Union as a young man.

Although he still appears rather staid and colorless as a personality, he has been gaining a fresh reputation as a firm administrator who has turned the Government's attention to some nagging, long-neglected problems. Some critics still complain that the Premier has not gone far or fast enough in promoting governmental reform, but there is general agreement that considerable progress has been made.

For example, he is given credit for easing tensions between the majority Taiwanese and the natives of the Chinese mainland who have dominated the Government.

Premier Chiang won himself increased goodwill on taking office by appointing and unprecedented number of native Taiwanese to Cabinet positions. Welcomed particularly was the selection of a Taiwanese civilian to serve as governor of Taiwan province, a post always held in the past by a mainlander, usually a military man.

The Premier's visits to the countryside have also helped broaden his support among Taiwanese.

He has also won praise for promoting increased honesty and efficiency in Government. The Premier promulgated a set of stringent regulations early in his term, and soon proved that they were to be taken more seriously than past pronouncements.

DOZENS CONVICTED

Several dozen officials, including high-ranking officers in the previously sacrosanct security agencies, were convicted in a smug-



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gling case, and last week a former personal secretary to President Chiang was arrested on charges of accepting bribes while directing the Government Personnel Bureau.

Civil servants have been prodded into giving speedier and more courteous service to citizens dealing with the Government.

Premier Chiang's Government has substantially increased spending on education. It has also prepared a multi-faceted program to boost agricultural production, which has been lagging, and to raise the incomes of farmers, who have complained in recent years that they have not shared in Taiwan's prosperity to the same extent as the urban population.

An antipoverty program has been considered by social workers as flawed in content but significant as a sign of heightened Government concern with social welfare. At the same time, spending has been reduced on construction of Government buildings and the military budget has been tightened.

## A JUDICIAL FIASCO—ELLSBERG-RUSSO TRIAL

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISHER. Mr. Speaker, the entire Nation must be greatly disturbed about the terrible miscarriage of justice in the abortive trial of Daniel Ellsberg and Anthony Russo.

These two defendants were duly indicted by a Federal grand jury for stealing, photographing, and disposing of classified Government-owned documents involving national security, and of espionage—very serious offenses under our criminal laws.

After a lengthy trial, U.S. District Judge W. Matt Byrne, Jr., dismissed all charges and did so in a manner deliberately designed to prevent any reindictments or retrials.

According to the press there was an abundance of evidence, by admissions and otherwise, to support the indictment. But the judge in his dismissal order claimed the Government had engaged in a series of improprieties in investigations of the defendants, both before and following the indictments.

Mr. Speaker, it would appear the judge had valid reasons for his criticisms. But the judge should have seen to it that the tail did not wag the dog. This was not a trial of any who participated in the investigation. This was a trial of two mature men, apparently mentally responsible for their deeds, charged with the commission of serious crimes. They have been summarily released without a jury having had an opportunity to resolve the issues raised and a chance to determine their guilt or innocence.

From all accounts, the manner of the trial and its conclusion was a plague on the Government prosecutors, the defendants and their lawyers, and the Federal judge who presided. The innocent public must suffer for these outrages against the administration of justice.

## ORGANIZED CRIME CONTROL ACT OF 1970

(Mr. HUTCHINSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUTCHINSON. Mr. Speaker, I have today introduced an amendment to title XII of the Organized Crime Control Act of 1970—Public Law 91-452. Title XII established a National Commission on Individual Rights. The amendment I propose would, among other changes, broaden the scope of responsibility of that Commission.

As originally created, the National Commission on Individual Rights was directed to study Federal laws and practices relating to a number of new criminal statutes, including those dealing with special grand juries, dangerous special offender sentencing, electronic surveillance, bail and pretrial detention, no knock search warrants, and collection of data on individuals by the Federal Government. The amendment I offer would include the aforementioned subjects, with the exception of electronic surveillance, as well as provide for a study of court decisions, certain legal restrictions on police and prosecutors, evidence, trial delay and collateral review of Federal and State criminal proceedings. These difficult areas of criminal law, practice and procedure merit careful evaluation. The problem of electronic surveillance will be studied by a separate Commission, established by the Omnibus Crime Control Act of 1968, but not yet formed.

The amendment I offer would also shorten the life of the Commission from 6 to 3 years. Finally, the Commission would be renamed the National Commission on Individual Rights and Personal Security.

The Commission will be composed of 15 members, 4 each from this House and the other body, and 7 members appointed by the President. It will have broad operational powers including the power to subpena and to grant immunity from prosecution to witnesses in certain circumstances.

I have great hope and expectation that this Commission on Individual Rights and Personal Security can assist all of us wisely and prudently meet the serious challenge of crime.

## OUR PRAYERS GO WITH SKYLAB ASTRONAUTS

(Mr. HUDNUT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. HUDNUT. Mr. Speaker, over the weekend, I journeyed to New Lebanon, N.Y., where the Darrow School, a small independent boarding school situated on a lovely pastoral campus which used to be the site of a Shaker community, is located. We had a board of trustees meeting, and one of the members of the board who could not attend was the astronaut, Charles "Pete" Conrad, because he was at Cape Kennedy preparing for the launching of the new Skylab today.

Pete graduated from Darrow in 1949, I in 1950. I followed him to Princeton University where he was class of 1953, I of 1954. So we have been friends for a long time. Way back when we were teenagers, Pete evinced a remarkable mechanical skill, a great competitive spirit, fine qualities of leadership, intelligence, discipline, ingenuity and courage, that we all knew would carry him far in life. But we never dreamed how far. All the way to outer space during the Gemini series of space shots, all the way to the Moon during the Apollo flights, and now he's off again, with the new Skylab program.

I know I speak for every Member of the House when I wish this great American hero—and the two astronauts who are accompanying him, Joseph Kerwin and Paul Weitz—a great voyage and safe return. We are proud of them. We are grateful for men like them who have helped our country push back frontiers and crack barriers and discover new horizons. They represent what is best in the American spirit. We know that the astronauts are only a tiny visible portion of a huge team of scientists and civilian and military experts, who have combined their talents and resources to bring America's space program, as authorized by the American people through the Congress, to this newest point of fulfillment, and we are indebted to that entire team.

So now all systems are "go." The Skylab is due to be launched today at 1:30, with the three astronauts going up to rendezvous with it tomorrow. It is a promising and exciting moment in our country's history. Let us hope that all goes well with the launching and orbiting of this largest and most complex space machine ever. And let us follow these three brave men with our own thoughts and prayers, grateful for who they are and what they stand for, and confident of what they will accomplish on their trip for the advancement of knowledge and the good of mankind.

## COLORADO RIVER BASIN SALINITY CONTROL ACT OF 1973

(Mr. HOSMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOSMER. Mr. Speaker, when early explorers first gazed upon the Colorado River, they saw a virgin river of incredible beauty flowing through an arid and thirsty region. As the era of western exploration ended and an era of settlement began, westerners came to view the waters of the Colorado with the same mixture of reverence and pragmatism that the ancient Egyptians held for the Nile.

During the past century, billions of dollars and man-hours have been invested in developing the water resources of the Colorado to underpin the tremendous growth of the seven-State Colorado River Basin. Today it can be said without exaggeration that the Colorado River is the lifeblood of the West.

Thus it is with the importance of this great river in mind that today I call attention to a serious threat to this resource, a threat that menaces the future of the entire Southwest. Heretofore our primary concern has been with the quantity of the waters of that river which may be put to beneficial consumptive use by the millions of persons who populate the basin. To enhance these supplies we have created the greatest system of waterworks that man has ever known.

But now, increasing levels of salinity in the Colorado River cast a cloud on the quality of water for western agricultural, industrial, and municipal uses. They also threaten relations with our sister Republic, Mexico. Water quality is now emerging as our prime problem on the Colorado River and in the Colorado River Basin.

These rising salinity levels first became obvious in the mid-1950's, when Colorado River salinity at Imperial Dam was gaged at about 560 parts per million. This level grew to more than 800 parts per million by 1960 and to approximately 900 parts per million in 1970. If no action is taken, we can expect these salinity levels continually to increase to 1,150 parts per million by 1980, 1,200 parts per million by 1990, and more than 1,300 parts per million by the turn of the century. If this is permitted to happen, the quality of life and the level of economic development in the Southwest will be deteriorated and endangered.

An example of the importance of irrigation to agriculture in the West can be seen in the Imperial Valley of California. On less than a half million acres of land, Imperial Valley growers annually produce nearly $260 million worth of crops and livestock. Every acre and every dollar of yield is directly dependent upon irrigation. During 1970, the Imperial Valley Irrigation District distributed some 2.7 million acre-feet of irrigation water through more than 3,000 miles of canals.

This miracle of modern agriculture in the Imperial Valley and elsewhere in Colorado River water service areas is now threatened by increasing salinity. Between 1953 and 1970, the salt content in irrigation water flowing to the Imperial and Coachella Valleys through the All-American Canal increased by more than 35 percent. Today, this salt load constitutes nearly 1.3 tons of salt per acre-foot of irrigation water. This means that a cotton farmer irrigating 160 acres with a total depth of 8 feet of irrigation water per growing season will have 1,600 tons of dissolved solids from the Colorado River deposited on his land. The seasonal fluctuations in river salinity are such that the poorest quality water comes to these farms at the very time that winter crops are germinating and virtually every type of seed is particularly vulnerable to salt damage.

Similar situations exist in other irrigated areas of the West where Colorado River water is vital to crops and livestock. In recent years, irrigators have made Herculean efforts to deal with this problem, but the increasing salt levels threaten to overwhelm them. In an era when America's food-producing capacity is more vital than ever, it is imperative that we make every reasonable effort to protect and enhance our agricultural strength.

The long-range effects of this quality deterioration of the river on municipal water supplies have been demonstrated dramatically by costly experiences of the Metropolitan Water District of Southern California. The MWD is the largest public drinking water distributing agency in the region. Its experience and research has established that the total dissolved minerals—or salinity—in water relate directly to the corrosion rates of most common metals. The MDW's maintenance problem became so serious that a materials testing program had to be initiated several years ago to cope with it. Tests revealed that higher quality corrosion resistant materials will be needed for future installations. These will severely and adversely affect consumer costs for water.

The last user of Colorado River water before the river enters the Gulf of California is our southern neighbor, the Republic of Mexico. In threatening their water supplies for irrigation and other uses, the salinity problem casts a shadow over future political relations between the United States and a nation whose friendship we have long valued. We owe it to our future and theirs to view the international implications of this matter with the same serious concern that we view its domestic effects. We owe them, and they owe us, full cooperation in solving the problem.

It is with all of these factors in mind, Mr. Speaker, that I join my esteemed colleague, the gentleman from California (Mr. JOHNSON), and nearly 3 dozen other Representatives in cosponsoring the Colorado River Salinity Control Act of 1973. This legislation is similar to H.R. 17009 and H.R. 17015 in the 92d Congress. It is modeled after a salinity control program suggested by the Bureau of Reclamation and the Environmental Protection Agency to remove 400,000 tons of salt per year. It enjoys the support of all seven Colorado River Basin States and is cosponsored by Congressmen representing six of them.

If this measure becomes law, projects would be undertaken to control naturally occurring saline waters of La Verkin Springs, Utah, the tributary Dolores River in Paradox Valley, Colo., and saline water resulting from irrigation activities in the Grand Valley, Colo.

I strongly urge prompt and favorable consideration of this measure.

## SPECIAL REPORT ON "NEW APPROACHES TO FEDERAL DISASTER PREPAREDNESS AND ASSISTANCE"—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-100)

The SPEAKER laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed:

*To the Congress of the United States:*

I am transmitting to the Congress today a special report on "New Approaches to Federal Disaster Preparedness and Assistance." The report presents the findings of a comprehensive 8-month long review and study of this subject by a joint task force of the Office of Emergency Preparedness and the Office of Management and Budget.

The Disaster Preparedness and Assistance Act of 1973, which I proposed to the Congress on May 8th, builds upon the findings of this report and the broad practical experience we have gained in the many and various disasters since enactment of the Disaster Relief Act of 1970 (PL 91-606) This legislation would strengthen our ability to reduce future losses due to disasters, as well as improve our response and assistance when disasters occur. It calls for greater sharing responsibility and action between all levels of government to insure prompt, adequate and humanitarian response in time of disaster.

The report transmitted herewith provides convincing evidence of the need for the initiatives included in my new disaster legislation, and I urge your close attention to it.

RICHARD NIXON.

THE WHITE HOUSE, *May 14, 1973.*

## SMALL BUSINESS WEEK

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon has designated May 13 through May 20 as Small Business Week. I join in this salute to the heart of our economy, the small business. There are over 8 million small businesses in America, providing 35 million jobs, or 44 percent of our employment. These firms contribute over $420 billion to the gross national product, or 37 percent. It should be remembered that many of our farms fit in the small business category.

The free enterprise system is alive and well in the small businesses of America. The concept of small business means opportunity for people who are willing to combine hard work with ambition, initiative and ability. In the First District of Alabama, as elsewhere in the Nation, small businesses are the economic backbone of the cities and towns.

I am taking this opportunity to introduce a bill which will assist businesses by untangling some of the redtape which emanates from the Occupational Safety and Health Act of 1970. Small businesses know that job safety is good business, and they work hard at providing maximum safety. But small firms often are faced with hundreds of vague rules and regulations which require an army of lawyers and accountants to decipher. The same broad enforcement meat-ax is used against small and giant businesses, when the safety problems are often totally different.

The bill I am introducing today calls for technical help to small firms to assist them in complying with OSHA. It requires the Secretary of Labor to distinguish between reasonable and unreasonable standards and to rescind those found to be unreasonable or with which compliance is impossible for a small firm. It states that a small business will have at least 30 days to correct an alleged violation before any penalty can be exacted. These are just the highlights, but



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the overall purpose is simple: To inject reason and fairness into what has at times been an unseeing, counterproductive program.

There are many other areas toward which the Congress should direct its attention in order to put small business on an equal footing with big business. Across the board, we should endeavor to cut unnecessary red tape and stop the proliferation of laws which form a thicket of incomprehensible rules and regulations, requiring costly "expert" help to traverse. Our tax reform and tax simplification efforts should bear in mind the needs of small businesses and farms.

The Federal Government must follow the lead of small businessmen and get its fiscal affairs on a sound business footing. The crunch of Government spending-induced inflation falls particularly hard on the small business and farm.

An area which is often overlooked, but which should be closely scrutinized by Congress, is that of providing equal access to Government contracts. Small businesses should be encouraged to apply their thrift and know-how to Government business. Recently a small businessman in my district out-bid his larger competitors for a Government contract by such a large margin that he was greeted with disbelief and a hesitancy to award him the contract. But through determination and persistence, he has stepped over or around every postbid hurdle that was erected, and it now appears that he will be awarded the contract at a very significant savings to the Government. If more small businesses were encouraged to compete for Government contracts, many of the cost overruns and inflated prices that we find today might be avoided.

Mr. Speaker, we can all take pride in the contributions which small businesses are making to our Nation. I certainly salute the accomplishments of the many small businesses in my district. It is the responsibility of Congress to see to it that our laws are written in such a way that small businesses are given the opportunity to continue their work unencumbered by unnecessary regulations. In short, we need fair play and reason in our laws so that small businesses get an even shake. If they get that, the small businessman will take care of the rest.

## HAPPY BIRTHDAY SPEAKER ALBERT

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. CARNEY), is recognized for 5 minutes.

Mr. CARNEY of Ohio. Mr. Speaker, recently, I received a letter from my aunt, Mrs. Mary C. Pickard of Los Angeles, Calif., reminding me of your birthday last Thursday, on May 10. Accordingly, I extend my very best wishes to you for a "Happy 65th Birthday."

## OSHA REGULATION AND EPA CONTROLS

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. MATHIS), is recognized for 10 minutes.

Mr. MATHIS of Georgia. Mr. Speaker, once again we in Congress are confronted with a regulatory agency of Government unilaterally deciding what is good for our constituents based on sheer emotionalism rather than commonsense practicality.

I am speaking of the new proposed regulations published by the Occupational Safety and Health Administration concerning temporary standards for exposure to pesticides by farmworkers. Basically, the proposed regulations stipulate that farmworkers may not reenter a field or orchard following a pesticide application for a period of 2 to 14 days, depending on which chemical was used.

It is not bad enough that OSHA is in the process of completely destroying small businesses in this country with their overzealous regulations, but now, with the help of the Environmental Protection Agency, they are committed to the annihilation of our farming community.

I deeply resent the implication that a group of bureaucrats, some of whom have never seen a farm, can dictate to my constitutents when they can go into their own fields and I am strongly protesting this action by the agency. A prime example of the complete irrationality of these regulations is that in one case where workers cannot enter a field for 2 days, the Food and Drug Administration regulations state the fruit grown in this same field can be eaten within twelve hours after the application of the named pesticide. I challenge any Member of this House to show me the rationality in this decision.

I further feel that the information supposedly substantiating these proposed regulations was taken completely out of context, and I challenge the validity of the figures as they were interpreted by both the Occupational Safety and Health Administration and the Environmental Protection Agency.

Mr. Speaker, this situation is only one in a myriad that have been thrust among the citizens of this country, and I would appreciate someone in these agencies informing me who gave them the complete authority to render such decisions, which I steadfastly feel were not the intent of Congress.

Mr. Speaker, because so much emphasis has been placed on pollution control and environmental protection in the last few years, I would like to share with my colleagues an editorial that was written by the president of the Farmington River Watershed Association in Avon, Conn. I feel that his remarks are based on sound judgment and are extremely timely:

AN EDITORIAL: ENVIRONMENTAL OVERKILL?

"Hell hath no fury like an aroused environmentalist!" When the slowly developing groundswell of environmental concern suddenly crested and broke 4 years ago, we gave scant attention to the significance of this expression. Today the significance is much clearer and raises some real questions over the wisdom of our actions in the past several years. Have we in fact over-reacted to the threats of environmental destruction to the point where normal progress halts and society in general suffers? There is enough good evidence to reasonably support this conclusion.

Take for example the performance of government environmental control agencies. Five years ago most if not all of the Federal, State and local environmental agencies didn't even exist. Then the public clamor for a police force to set and enforce pollution abatement standards created among others the Environmental Protection Agency, the President's Council for Environmental Quality, state Departments of Environmental Protection and many local environmental commissions. One very obvious result has been the formation of immense bureaucratic organizations each with its own precisely detailed organization chart. Study after study has been initiated, some apparently to study earlier studies and all to scientifically define the problem and prepare action plans. In the meantime most effective action has either stopped or slowed to a crawl. Connecticut is a prime example. Under the old Water Resources Commission working with the authority passed out by the 1967 Clean Water Act, Connecticut had one of the most effective water pollution abatement programs in the country. Today under the ponderous Department of Environmental Protection, formed as a result of public demand for a Super Department, the water pollution abatement effort languishes. Permit applications aren't being promptly processed. Water quality monitoring has all but ceased as have field investigations. Response to requests for specific action has been difficult to get. Have we in our impatience to stop generations of environmental degradation, overreacted and created a series of monsters which are stifling useful progress?

What about our present energy crisis? In the past 5 years the environmentalist has led the assault on construction of power generating stations, drilling and transmission of gas and oil and mining of coal. Certainly these activities have frequently been performed in the past without regard for the environment. And yet the present mood of militantly opposing all construction of energy facilities without consideration of compromise will impose an increasingly onerous burden on society with environmental benefits of questionable magnitude to justify the cost.

And finally the image of a pure and natural environment has been linked to the Holy Grail in the eyes of many citizens. The fervor and conviction with which they seek this idyllic system permeates our entire local community decision making process. While admittedly environmental features have traditionally received perfunctory consideration on decisions involving zoning, development, recreation, roads, schools, housing and the like, the newly aroused concern of self proclaimed "environmentalists" has swung the pendulum to the other extreme. The result has been increasing difficulty, often bordering on impossibility, for local communities to accomplish anything that even remotely touches the environment.

With over-zealousness to preserve our natural environment we can and perhaps already have brought about an overkill of the problems. This can have no other result than to stifle social and environmental progress. We must keep this in mind constantly and insist that the environmental improvement is sponsored and guided by responsible and informed individuals and organizations who can promote constructive action.

## NIXON'S BUDGET CUTS INCREASE SHORTAGE OF DOCTORS

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, the administration's proposed budget cuts and withholding of already appropriated funds hurt not only the poor but every citizen, at every income level.

The national shortage of doctors is already a cause of concern to rich and poor alike. High fees, long delays in getting appointments, and the disappearance of house calls affect all who become ill.

Yet — incredibly — the administration has cut grants to train new doctors and research specialists, and is refusing to provide money already promised. Two medical schools in Washington, D.C., after setting up facilities to increase the Nation's supply of physicians, now find themselves stranded.

The vice president of George Washington University's Medical Center laments, "I never dreamed it would happen." But it has happened, as detailed in a Washington Post story which I would like to insert into the RECORD:

[From the Washington Post, May 14, 1973]

FUND WOES MAY SHUT TWO MEDICAL SCHOOLS

(By Stuart Auerbach)

George Washington and Georgetown universities' medical schools are in such serious financial shape that they say they will close if they do not get substantial federal aid.

George Washington, which says it will not have enough money to continue operation beyond next March if it doesn't get $2 million in federal funds, no longer replaces faculty members who leave. Georgetown has gone further: it has fired some faculty members of its medical and dental schools.

"There's no doubt that Georgetown will not operate a second-rate medical center," said Matthew F. McNulty, Jr., executive vice president for medical center affairs.

"If quality medical education is eliminated or reduced, Georgetown would elect to say either the city or some other body should operate the school or it can be closed down."

He said the decision to close Georgetown "is no more than two years down the road."

At George Washington, Dr. James Feffer, dean and vice president for medical affairs, said, "Is it a serious option to close the school? You are darn right. We can't operate without money."

The two Washington medical schools are caught in a double bind. Like other medical schools across the country they are being hurt by federal cutbacks in health expenditures, especially the elimination of training grants and decreases in money available for general research programs.

But more important, both schools were refused distress grants from the federal government that they thought the Nixon administration had guaranteed them three years ago. Administration spokesmen deny they guaranteed the schools the money.

They are to appeal the decision of a National Institutes of Health advisory council Monday. Feffer says he needs an answer by Thursday, when GW's board of trustees meets. McNulty has an additional week before his trustees meet.

Georgetown needs $2.8 million for its medical and dental schools, with almost $2 million going to the medical school. George Washington needs $2 million.

Both schools had assumed they would get the federal money and had included it as income in their budgets. For each school the money is a substantial part of the medical school budgets, which run about $12 million a year at each school.

Neither of the universities has large enough endowments to carry the medical school's deficits, officials say. George Washington says it has no way to get the money from other sources; Georgetown says it can sell stocks whose dividends are used to provide scholarships for poor and minority group students.

Tuition at both schools runs $3,000 a year, but the cost of educating a medical student is $7,000.

Part of the deficit is made up through federal grants and part from the fees charged private patients whom doctors on the full-time faculty treat. The doctors could generate more money by seeing more patients, but if they did they would not have enough time for the teaching and research that are vital to a medical school.

Georgetown has 780 medical students; George Washington, 500.

The schools asked Congress for the special grants three years ago, claiming that many private medical schools received financial aid from their state legislatures. Feffer says only 10 private medical schools do not receive state aid. (Since the District does not have home rule, the schools said Congress is their state legislature.)

Congress authorized the grants, but the administration opposed including them in the Department of Health, Education and Welfare's appropriation measures, because, says Dr. John Zapp, "every private medical school that does not get state aid could make the same case."

Instead, Zapp, a deputy assistant secretary of HEW for health legislation, suggested that the schools get federal aid through a distress grant from NIH's Bureau of Health Manpower.

The schools obtained federal grants that way for two years. This year, however, the law was changed and the school's applications had to go to an advisory council, which turned them down.

"They say we are not in distress this year," says Feffer. "By a literal interpretation of the legislation they are right. We are not broke right at this moment. But we will be next March unless we get the money."

Feffer first learned in February that George Washington and Georgetown would not get the federal money. "I never dreamed it would happen," he said.

NIH has the money available for the grant requests. It has awarded $5.8 million of the $15 million that it has on tap for distress grants.

At Georgetown, which emphasizes research more than George Washington, and therefore was hurt more by the Nixon administration's health budget cuts, trouble started even before the school learned it would not receive federal distress aid this year.

"It all began on Jan. 29," the day that Mr. Nixon released his new budget, said Dr. John C. Rose, dean of Georgetown's medical school.

He and Dr. Charles B. Murto, the dean of the dental school, learned that general research support grants, "an extremely important element of support for any medical or dental school," says Rose, would either be eliminated or cut sharply. Georgetown's medical and dental schools had received $300,000 in general research support grants.

They also found they were not getting as much from the federal government in grants for each student attending the medical and dental schools.

Moreover, the government was cutting back on the grants it had used to persuade medical schools to admit more students in an effort to meet the national shortage of doctors.

Georgetown had increased its freshman class size from 121 five years ago to 205 now, making it the second largest medical school in the country. But it will get less money from the government next year than it got this year—$1.05 million compared to $1.7 million.

As a result, Rose said, the school couldn't fill faculty vacancies; placed a moratorium on academic and nonacademic hiring, and fired "a handful" of faculty members.

The entire seven-member department of psychiatry, which will lose research training funds from the National Institute of Mental Health, was severed from the full-time faculty. They will continue to teach part-time on a volunteer basis.

Murto said he has fired two dental school teachers and was unable to hire four "bright young people" scheduled to join the faculty.

George Washington will lose $100,000 in general research support that, Feffer said, "is a lot of money for a school like us."

Although George Washington is not a research-oriented medical center—it specializes in training doctors to care for the sick—"research is important for every educational institution. Without a research environment, education tends not to be up to par," says Feffer.

Cuts in specific research grants have hurt programs at Georgetown that are developing new knowledge, training scientists and doctors and helping to treat patients.

Meanwhile, both schools are considering alternatives to closing. None, however, looks viable. They could, for example, raise tuition above its present $3,000 level. But to raise it high enough to meet the deficit would make it impossible for anyone but the rich to attend school. And neither school wants that.

If they are forced to close, officials of both schools point out, they will phase it out so all present students can continue their education.

Howard University, which has the city's other medical school, is not hurt as much by federal health cuts since 60 per cent of its budget comes directly from the federal treasury. At present, Howard is not receiving grants from federal health programs whose budgets have been cut.

But, says Dr. Carlton P. Alexis Jr., its vice president for health affairs, the health cuts will ultimately hit Howard, too.

"I have large concern for the national impact," says Alexis. "If there's a national impact it has to have an effect on Howard University. The schools still struggling to see the sun will feel it first."

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOWARD (at the request of Mr. MCFALL), for this week, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. HINSHAW) and to revise and extend his remarks and include extraneous matter:)

Mr. EDWARDS of Alabama, for 5 minutes, today.

(The following Members (at the request of Mr. MONTGOMERY) and to revise and extend their remarks and include extraneous matter:)

Mr. CARNEY of Ohio, for 5 minutes, today.

Mr. MATHIS of Georgia, for 10 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HINSHAW) and to include extraneous matter:)

Mr. BURKE of Florida.

Mr. CONLAN.

Mr. DERWINSKI in three instances.

Mr. STEELMAN.



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Mr. HOSMER in three instances.
Mr. THOMSON of Wisconsin.
Mr. DELLENBACK.
Mr. BURGENER.
Mr. HUNT in two instances.
(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)
Mr. FRASER in five instances.
Mr. BREAUX in two instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. MONTGOMERY in two instances
Mr. DRINAN in five instances.
Mr. BINGHAM in three instances.
Mr. OBEY in four instances.
Mr. VANIK.
Mr. SEIBERLING in 10 instances.
Mrs. SULLIVAN.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 70. An act to promote commerce and establish a Council on Energy Policy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1002. An act for the relief of Giuseppe Paul Pinton; to the Committee on the Judiciary.

S. 1752. An act prescribing the objectives and functions of the National Commission on Productivity and Work Quality; to the Committee on Banking and Currency.

S. 373. An act to insure the separation of Federal powers and to protect the legislative functions by requiring the President to notify the Congress whenever he, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds, orders the impounding, or permits the impounding of budget authority, and to provide a procedure under which the Senate and the House of Representatives may approve the impounding action, in whole or in part, or require the President, the Director of the Office of Management and Budget, the department or agency of the United States, or the officer or employee of the United States, to cease such action, in whole or in part, as directed by Congress, and to establish a ceiling on fiscal year 1974 expenditures; to the Committee on Rules.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 721. An act to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes.

## ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 15, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

903. A letter from the General Counsel of the Department of Defense, transmitting a request to amend section 136 of title 10, United States Code, and section 5315(13) of title 5, United States Code, to authorize an additional Assistant Secretary of Defense; to the Committee on Armed Services.

904. A letter from the Acting Chairman, Federal Home Loan Bank Board, transmitting the annual report of the Board for calendar year 1972, covering the operations of the Federal Home Loan Bank System, the Federal Savings and Loan Insurance Corporation, and the Federal Savings and Loan System, pursuant to section 17(b) of the Federal Home Loan Bank Act; to the Committee on Banking and Currency.

905. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting reports comparing previously proposed foreign assistance programs with those implemented or being implemented and providing information by country on all U.S. assistance planned for fiscal year 1974, pursuant to sections 634(d) and 653 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

906. A letter from the Treasurer, American Chemical Society, transmitting the annual report and audit of the Society for calendar year 1972, pursuant to section 8 of the Public Law 75-358; to the Committee on the Judiciary.

907. A letter from the Acting Administrator of General Services, transmitting a supplemental prospectus for the Border Station Facility previously authorized for Alaska Highway, Alaska, pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

RECEIVED FROM THE COMPTROLLER GENERAL

908. A letter from the Comptroller General of the United States, transmitting a report on developing countries' external debt and U.S. foreign assistance, focusing on India as a case study; to the Committee on Government Operations.

909. A letter from the Comptroller General of the United States, transmitting a report on the need for improvements in the design and conduct of the annual survey of non-Federal salaries used as the basis for adjusting Federal white-collar salaries; to the Committee on Government Operations.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DENT:

H.R. 7771. A bill to encourage earlier retirement by permitting Federal employees to purchase into the Civil Service Retirement System benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of Alabama:

H.R. 7772. A bill to amend the Occupational Safety and Health Act of 1970 and for other purposes; to the Committee on Education and Labor.

By Mr. HUTCHINSON:

H.R. 7773. A bill to amend title XII of the Organized Crime Control Act of 1970, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of California (for himself, Mr. HOSMER, Mr. HOLIFIELD, Mr. BOB WILSON, Mr. CORMAN, Mr. RHODES, Mr. UDALL, Mr. BELL, Mr. HANNA, Mr. DON H. CLAUSEN, Mr. HAWKINS, Mr. DEL CLAWSON, Mr. ROYBAL, Mr. STEIGER of Arizona, Mr. CHARLES H. WILSON of California, Mr. WIGGINS, Mr. VAN DEERLIN, Mr. PETTIS, Mr. REES, Mr. LUJAN, Mr. BROWN of California, Mr. GOLDWATER, Mr. ANDERSON of California, Mr. VEYSEY, and Mr. EVANS of Colorado):

H.R. 7774. A bill to authorize the Secretary of the Interior to execute a program of salinity control for the Colorado River, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California (for himself, Mr. HOSMER, Mr. RONCALIO of Wyoming, Mr. TOWELL of Nevada, Mr. MCKAY, Mr. KETCHUM, Mr. RUNNELS, Mr. HINSHAW, Mrs. BURKE of California, Mr. CONLAN, Mr. OWENS, and Mr. MOORHEAD of California):

H.R. 7775. A bill to authorize the Secretary of the Interior to execute a program of salinity control for the Colorado River, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MCKINNEY (for himself, Mr. BURGENER, Mr. BUTLER, Mr. COHEN, Mr. ESCH, Mr. FORSYTHE, Mr. FRASER, Mr. FRENZEL, Mrs. GRASSO, Mr. HARRINGTON, Mr. LUJAN, Mr. PEPPER, Mr. SARASIN, Mr. SARBANES, Mr. SCHNEEBELI, Mr. WHITEHURST, and Mr. YATRON):

H.R. 7776. A bill to provide for repayment of certain sums advanced to providers of services under title XVIII of the Social Security Act; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 7777. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROGERS (by request):

H.R. 7778. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 7779 A bill to make permanent the existing suspension of duties on certain classifications of yarns of silk; to the Committee on Ways and Means

H.R. 7780. A bill to extend for an additional temporary period the existing suspension of duties on certain classifications of yarns of silk; to the Committee on Ways and Means.

By Mrs. SULLIVAN (for herself, Mr. PERKINS, Mr. BOWEN, Mr. HOWARD, and Mr. MYERS):

H.R. 7781. A bill to extend until November 1, 1978, the existing exemption of the steamboat Delta Queen from certain vessel laws; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of Texas (for himself, Mr. DAVIS of Georgia, and Mr. MOSHER):

H.R. 7782. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GUBSER (for himself, Mr. BAFALIS, Mr. TALCOTT, Mr. VEYSEY, Mr. TEAGUE of California, Mr. ST GERMAIN, Mr. MAYNE, and Mr. DENHOLM):

H.J. Res. 555. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

214. The SPEAKER presented a petition of the annual conference of the Oklahoma Library Association, relative to Federal library programs; to the Committee on Education and Labor.



# SENATE—*Monday, May 14, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who art the way, the truth, and the life, shed Thy light upon our pathway at the opening of this new week. As Thou hast led this Nation through troubled times of the past, be now to us our source of life and light and wisdom. Suffer us not to stray from Thee who art the way, nor to distrust Thee who art the truth, nor to find our strength except in Thee who art our life. Teach us what we should think and what we should do, that in Thy light we may see light and in Thy straight path we may not stumble. And finally bring us to rest in peace with Thee.

Through Jesus Christ, our Lord. Amen.
(Erasmus, 1466–1536, adapted.)

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 14, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. HUDDLESTON thereupon took the chair as Acting President pro tempore.

## MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of May 10, 1973, the Secretary of the Senate, on May 11, 1973, received the following messages from the President of the United States:

Executive J, Ninety-third Congress, first session, Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, signed at Ottawa on February 26, 1973; and

Sundry nominations, which under authority of the order of the Senate of May 10, 1973, were referred to the appropriate committees.

(The nominations received on May 11, 1973, are printed at the end of Senate proceedings of today, May 14, 1973.)

## COMMUNICATIONS FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of May 10, 1973, the following communication was received and referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION (S. DOC. NO. 93-15)

A communication from the President of the United States, requesting a supplemental appropriation for the fiscal year 1973, in the amount of $108,671,285 (with an accompanying paper). Referred to the Committee on Appropriations, and ordered to be printed.

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of May 10, 1973, the Secretary of the Senate received the following messages from the House of Representatives:

On May 10, 1973:

That the House insisted upon its amendment to the bill (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr. Jarman, Mr. Dingell, Mr. Kuykendall, and Mr. Shoup were appointed managers of the bill on the part of the House.

On May 11, 1973:

That the Speaker had affixed his signature to the enrolled bill (S. 394) to amend the Rural Electrification Act of 1936, as amended, to establish a Rural Electrification and Telephone Revolving Fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the act, and for other purposes.

Under authority of the order of the Senate of May 10, 1973, the President pro tempore, on May 10, 1973, signed the enrolled bill (S. 394).

## REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 10, 1973, Mr. BARTLETT, from the Committee on Interior and Insular Affairs, reported favorably, with amendments, on May 11, 1973, the bill (S. 1381) to amend certain provisions of the Land and Water Conservation Fund Act of 1965 relating to the collection of fees in connection with the use of Federal areas for outdoor recreation purposes, and submitted a report (No. 93-148) thereon, which was printed.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 10, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on May 11, 1973, the President had approved and signed the act (S. 394) to amend the Rural Electrification Act of 1936, as amended, to establish a rural electrification and telephone revolving fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the act, and for other purposes.

## SPECIAL REPORT ENTITLED "NEW APPROACHES TO FEDERAL DISASTER PREPAREDNESS AND ASSISTANCE"—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HUDDLESTON) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works. The message is as follows:

*To the Congress of the United States:*

I am transmitting to the Congress today a special report on "New Approaches to Federal Disaster Preparedness and Assistance." The report presents the findings of a comprehensive 8-month long review and study of this subject by a joint task force of the Office of Emergency Preparedness and the Office of Management and Budget.

The Disaster Preparedness and Assistance Act of 1973, which I proposed to the Congress on May 8th, builds upon the findings of this report and the broad practical experience we have gained in the many and various disasters since enactment of the Disaster Relief Act of 1970. (PL 91-606). This legislation would strengthen our ability to reduce future losses due to disasters, as well as improve our response and assistance when disasters occur. It calls for greater sharing of responsibility and action between all levels of government to insure prompt, adequate and humanitarian response in time of disaster.

The report transmitted herewith provides convincing evidence of the need for the initiatives included in my new disaster legislation, and I urge your close attention to it.

RICHARD NIXON.
THE WHITE HOUSE, *May 14, 1973.*

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

## ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 721) to authorize appro-

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priations for the Indian Claims Commission for fiscal year 1974, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. HUDDLESTON).

## HOUSE BILL REFERRED

The bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

## WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDING pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I withhold my time and ask that the distinguished acting Republican leader be recognized.

The ACTING PRESIDENT pro tempore. The Senator from Maryland (Mr. BEALL), the acting Republican leader, is now recognized.

Mr. BEALL. Mr. President, I yield the time allocated to the Republican leader to the distinguished Senator from Massachusetts (Mr. BROOKE).

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

(The remarks Senator BROOKE made at this point on the submission of an amendment to the Supplemental Appropriation Act are printed in the RECORD under the appropriate heading in connection with H.R. 7447.)

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kentucky (Mr. COOK) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask that the time be charged against the time allotted to Mr. COOK.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that Mr. STEVENSON, for whom an order was entered on May 10, will not utilize his time today. I therefore ask unanimous consent that that time may be reserved to my own control.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, without prejudice to the distinguished Senator from Kentucky (Mr. COOK), who was to be recognized at this time and who is on his way from a meeting of the Committee on the Judiciary, I ask unanimous consent that I may be recognized at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MR. BUTZ SHOULD DO MORE TO LOWER THE PRICE OF GROUND BEEF—AND TALK LESS

Mr. ROBERT C. BYRD. Mr. President, once again we have been treated to a gratuitous opinion from the lips of Agriculture Secretary Butz. He is quoted in the Washington Post this morning as having described the distinguished senior Senator from North Carolina as a "publicity-seeking Senator."

Mr. Butz offered the further opinion that the Select Senate Committee to Investigate Conduct of the 1972 Presidential Election is a "very improper political inquisition" conducted, in Mr. Butz' view "largely for political reasons."

While I do not question Secretary Butz' right to express opinions, I believe it is fair to question their accuracy and their motivation. This is the second time recently that Mr. Butz has cast aspersions on Congress and its Members. The housewives of America would take comfort if Butz would spend more time working on the primary task of reducing the price of a pound of ground beef, and less on criticing the peoples' representatives who, being elected and not appointed, have to answer to the people for their actions and opinions. Enough has already been revealed about the Watergate affair and its ramifications to justify fully an inquiry by a bipartisan committee of the Senate. Mr. Butz may not be cognizant of the fact, but the doubts and the unanswered questions that still permeate the political atmosphere, constitute a very real threat to our democratic processes. As a coequal branch of Government, it is the duty of Congress to conduct an exhaustive, impartial inquiry, having as its goal, the edification of the American people in the matter under study and the development of any legislation deemed appropriate in light of the committee's findings. Hopefully, the fullness and impartiality of the Senate committee's inquiry will go a long way toward restoring the confidence of the people in their government.

It is inevitable that when the select committee begins hearings this week, considerable coverage of the proceedings will be given by the media. But anyone who claims that this national coverage is the raison d'être of the hearings, just does not know the dedication to, and the knowledge of, the constitutional processes of this Nation possessed by the chairman of the committee, the senior Senator from North Carolina.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum, and I ask that the time be charged against the time which is now reserved to my control.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the 5 minutes allotted to the leadership, which I held in abeyance, now be transferred to the distinguished Senator from New Jersey (Mr. CASE).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks Senator CASE and Senator CHURCH made at this point on the submission of an amendment to S. 1248, the bill authorizing appropriations for the Department of State, are printed in the RECORD under the appropriate heading in connection with S. 1248.)

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, without prejudice to the distinguished Senator from Kentucky (Mr. COOK), I ask unanimous consent that I may at this time allot such time as he may require to the distinguished Senator from South Dakota (Mr. ABOUREZK) and that it may be charged against my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks Senator ABOUREZK made at this point on the introduction of S. 1786, the National Indian Goals and Progress Act, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is ordered.

## TIME VACATED ON REMAINING ORDERS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all remaining time under all orders be vacated.



The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes each.

## ORDER FOR RECOGNITION OF SENATOR STEVENSON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Illinois (Mr. STEVENSON) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR MOSS ON WEDNESDAY, MAY 16, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Utah (Mr. Moss) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVE J, 93D CONGRESS, 1ST SESSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, signed at Ottawa on February 26, 1973—Executive J, 93d Congress, first session—transmitted to the Senate on Friday, May 11, 1973, by the President of the United States, and that the agreement with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The message is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, signed at Ottawa on February 26, 1973. I also transmit for the information of the Senate, the report of the Department of State with respect to the Agreement.

This Agreement will, upon entry into force, terminate the 1952 Agreement for the Promotion of Safety on the Great Lakes by Means of Radio between the United States and Canada and constitutes a significant modernization thereof.

This new Agreement will make a valuable contribution to the protection of lives and property on the Great Lakes. I recommend that the Senate give early and favorable consideration to the Agreement and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *May 11, 1973.*

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the distinguished Senator from Illinois (Mr. STEVENSON) has been recognized, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. COOK, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUDDLESTON) laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION FROM DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 136 of title 10, United States Code, and section 5315(1d) of title 5, United States Code, to authorize an additional Assistant Secretary of Defense (with an accompanying paper). Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM SECRETARY OF THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for the appointment of alternates for the Governors of the International Monetary Fund and of the International Bank for Reconstruction and Development (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Developing Countries' External Debt and U.S. Foreign Assistance: A Case Study," Department of State, Agency for International Development, dated May 11, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improvements Needed in the Survey of Non-Federal Salaries Used as Basis for Adjusting Federal White-Collar Salaries," dated May 11, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Operations and Activities of the Renegotiation Board," dated May 9, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improvements Needed in System for Managing U.S. Participation in the Asian Development Bank," Department of the Treasury, Department of State, and other agencies, dated May 8, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

PROPOSED CONTRACT WITH COLLINS RADIO CO., CEDAR RAPIDS, IOWA

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with Collins Radio Co., Cedar Rapids, Iowa, for a research project entitled "Hois Radio System for Deep Shafts" (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED CONTRACT WITH SOUTH CAROLINA BASIN IRRIGATION DISTRICT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with the South Columbia Basin Irrigation District (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION FROM OFFICE OF MANAGEMENT AND BUDGET

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to establish a Legal Services Corporation, and for other purposes (with accompanying papers). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 28 of the United States Code to provide for the appointment of officers and employees of the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court, and for other purposes (with an accompanying paper). Referred to the Committee on the Judiciary.

SUPPLEMENTAL PROSPECTS FOR BORDER STATION FACILITY PREVIOUSLY AUTHORIZED FOR ALASKA HIGHWAY, ALASKA

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a supplemental prospectus for the Border Station Facility previously authorized for the Alaska Highway, Alaska (with accompanying papers). Referred to the Committee on Public Works.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that, on May 11, 1973, he presented to the President of the United States the enrolled bill (S. 394) to amend the Rural

Electrification Act of 1936, as amended, to establish a Rural Electrification and Telephone Revolving Fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the act, and for other purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 355. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for remedies of defects without charge, and for other purposes (Rept. No. 93-150).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 356. A bill to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities; and for other purposes (Rept. No. 93-151).

By Mr. SPARKMAN, from the Committee on Banking, Housing, and Urban Affairs:

S. 1798. An original bill to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends payable by financial institutions, to amend certain laws relating to federally insured financial institutions (together with additional views) (Rept. No. 93-140).

Mr. SPARKMAN. Mr. President, from the Committee on Banking, Housing and Urban Affairs I report a committee bill dealing with the extension of the authority for flexible regulation of interest rates payable by financial institutions, dealing with the regulation of NOW accounts, dealing with the conversion of mutual savings and loan associations to stock associations, and other matters.

In addition, Mr. President, I request unanimous consent that H.R. 6370, a companion measure to the bill which I have reported, be held at the desk until the Senate has the opportunity to consider our committee bill.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ABOUREZK:

S. 1786. A bill to require an annual authorization for appropriations for Federal programs for the benefit of American Indian people; establish specific annual goals to measure the effectiveness of these programs; improve the delivery of services and assistance; insure effective and continuing congressional oversight; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BEALL:

S. 1787. A bill to amend title II of the Social Security Act to increase to $2,800 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings. Referred to the Committee on Finance.

By Mr. HUGHES (for himself and Mr. CLARK):

S. 1788. A bill to authorize the modification of the project for flood protection on the Charlton River, Iowa and Missouri, in order to provide for a Federal payment toward the cost of construction of a fish hatchery. Referred to the Committee on Public Works.

By Mr. BENTSEN:

S. 1789. A bill to designate certain lands in the Guadalupe Mountains National Park, Tex., as wilderness; and

S. 1790. A bill to amend section 3(a) of the Wild and Scenic Rivers Act, as amended. Referred to the Committee on Interior and Insular Affairs.

By Mr. FULBRIGHT (by request):

S. 1791. A bill to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service Retirement and Disability System, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. DOMINICK:

S. 1792. A bill to extend the authorization of appropriations for the Bilingual Education Act, for the Dropout Prevention program, and for section 309 of the Adult Education Act. Referred to the Committee on Labor and Public Welfare.

By Mr. CANNON:

S. 1793. A bill to provide for coverage, under the insurance system established by title II of the Social Security Act, of service performed by employees of the Government Printing Office. Referred to the Committee on Finance.

S. 1794. A bill to amend section 308 of title 44, United States Code, relating to the disbursing officer, deputy disbursing officer, and certifying officers and employees of the Government Printing Office. Referred to the Committee on Rules and Administration.

S. 1795. A bill to authorize the Public Printer to adopt an official Government Printing Office seal, and to designate employees to administer oaths. Referred to the Committee on Rules and Administration.

By Mr. MATHIAS:

S. 1796. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to interstate metropolitan organizations. Referred to the Committee on the Judiciary.

By Mr. SYMINGTON (for himself and Mr. THURMOND) (by request):

S. 1797. A bill to authorize certain construction at military installations and for other purposes. Referred to the Committee on Armed Services.

By Mr. SPARKMAN (from the Committee on Banking, Housing, and Urban Affairs):

S. 1798. A bill to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends payable by financial institutions, to amend certain laws relating to Federally insured financial institutions. Placed on the calendar.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 1799. A bill to convey to the Ely Indian Colony the beneficial interest in certain Federal land. Referred to the Committee on Interior and Insular Affairs.

S. 1800. A bill to authorize the use of facilities at the Owyhee Indian Hospital of the Duck Valley Indian Reservation to provide certain medical care to non-Indians. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (for himself, Mr. CANNON, Mr. GRAVEL, and Mr. STEVENS):

S. 1801. A bill to authorize certain Indian hospital facilities to be made available to non-Indians under certain conditions. Referred to the Committee on Interior and Insular Affairs.

By Mr. CANNON:

S. 1802. A bill relating to certain authority of the Joint Committee on Printing. Referred to the Committee on Rules and Administration.

S. 1803. A bill to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to employees of the Government Printing Office. Referred to the Committee on Rules and Administration.

By Mr. FONG:

S. 1804. A bill to permit immediate retirement of certain Federal employees. Referred to the Committee on Post Office and Civil Service.

By Mr. RIBICOFF:

S. 1805. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes. Referred by unanimous consent jointly to the Committees on Commerce, Finance, and Labor and Public Welfare.

By Mr. TUNNEY:

S. 1806. A bill for the relief of Miss Rita Bacegga. Referred to the Committee on the Judiciary.

By Mr. TUNNEY (for himself, Mr. CRANSTON, Mr. BENNETT, Mr. BIBLE, Mr. CANNON, Mr. DOMENICI, Mr. DOMINICK, Mr. GOLDWATER, Mr. HANSEN, Mr. HASKELL, Mr. MCGEE, Mr. MONTOYA, and Mr. MOSS):

S. 1807. A bill to authorize the Secretary of the Interior to execute a program of salinity control for the Colorado River, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH (for himself, Mr. BAKER, Mr. BENTSEN, and Mr. STAFFORD):

S. 1808. A bill to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes. Referred to the Committee on Public Works.

By Mr. CHURCH:

S. 1809. A bill to amend the Urban Mass Transportation Act of 1964 to insure ready access to and use of mass transportation facilities by elderly and handicapped persons. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1810. A bill to amend the Age Discrimination in Employment Act of 1967 to increase coverage under that act, and for other purposes. Referred to the Committee on Post Office and Civil Service.

S.J. Res. 103. A joint resolution to authorize the President to call Mini-White House Conferences on Aging every 2 years. Referred to the Committee on Labor and Public Welfare.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABOUREZK:

S. 1786. A bill to require an annual authorization for appropriations for Federal programs for the benefit of American Indian people; establish specific annual goals to measure the effectiveness of these programs; improve the delivery of services and assistance; insure effective and continuing congressional oversight; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. ABOUREZK. Mr. President, I introduce today, the "National Indian Goals and Progress Act."

As a consequence of their unique and historical relationship with the United States, Indian people look to the Federal Government for the fulfillment of two major responsibilities that they consider crucial to their individual, family, and community development. These traditional Federal responsibilities include: First, the protection and economic development of Indian lands and other natural resources; and second, the delivery of basic public services to the Indian community.



Since 1824, when the Bureau of Indian Affairs was first established under the War Department, this Federal agency has served as the Government's agent in the fulfillment of these historic responsibilities. When Congress authorized the establishment of the Department of the Interior in 1849, the Bureau of Indian Affairs was transferred to that department's jurisdiction. And in 1954, Congress authorized the transfer of the responsibility for providing health and medical care to Indian people from the Bureau of Indian Affairs to the U.S. Public Health Service of the Department of Health, Education, and Welfare. The Indian Health Service was organized as the entity to administer the separate Federal health program for Indians.

What this all adds up to is the fact that Indians have undoubtedly received more special Federal assistance over the years than any other group of citizens in this country. Yet, when we examine the results of these endeavors, we find that the socioeconomic conditions of the Indians continue to stand out in stark, shameful contrast when compared to the non-Indian population. There is no question in my mind that many of these efforts have never been sufficiently funded to wage the kind of programmatic assault that is so desperately needed to combat effectively the social and economic ills that beset Indians.

A review of key social and economic indicators will serve to illustrate the abject poverty experienced by Indian people and their communities. Educationally, the dropout rate of Indian students is twice the national average and the median number of school years completed by Indians 14 years or older is only 8 years as compared to 10.6 years for the population as a whole. From an economic standpoint, most Indians reside on land marginal in productivity and with limited employment opportunity as evidenced by the fact that the unemployment rate among Indian people is 40 percent which is 10 times the national unemployment rate. Consequently, the median income of an Indian family is $1,900, which is far below that of the national poverty level. More than half of the Indian people live in one- or two-room dwellings with an average occupancy of 5.4 persons. Health statistics are just as bleak; the infant mortality rate among Indian people is 1.5 times as high as that of the general population. Accidents continue as the leading cause of death with a death rate of almost four times that of the general population.

However, I do not want to imply that a massive infusion of Federal funds into the budgets of the Bureau of Indian Affairs and the Indian Health Service will automatically yield dramatic results and progress in the lifestyle of Indians. What is needed, in my view, is more penetrating congressional oversight in to the programs and activities of these two agencies to insure that goals, objectives and priorities are clearly stated; that actual performance is measured against such goals, objectives and priorities; that increased funding levels for existing programs and services are justified; and that new authorizations for appropriations to meet changing Indian demands and needs are properly considered and approved when justified.

At this point I want to bring to the attention of my colleagues a breakdown by general categories of the 1974 fiscal year budget requests of the Bureau of Indian Affairs and the Indian Health Service, the two agencies charged with the responsibility of fulfilling the commitments that are inherent in the Indians' historical and unique relationship with the Federal Government. This information is reflected as follows:

*Bureau of Indian Affairs fiscal year 1974 budget request*

| | |
|---|---|
| Education assistance, facilities and services | $184,187,000 |
| Welfare and guidance services | 69,312,000 |
| Employment assistance | 35,307,000 |
| Law and order | 8,266,000 |
| Resources management | 85,358,000 |
| Construction | 44,000,000 |
| Road construction (liquidation of contract authority) | 43,000,000 |
| General administrative expenses | 5,319,000 |
| Alaska Native fund | 70,000,000 |
| Total | 544,749,000 |

*Indian Health Service fiscal year 1974 budget request*

| | |
|---|---|
| ACTIVITIES | |
| Patient care | $120,793,000 |
| Field Health Services | 52,651,000 |
| Administration | 3,524,000 |
| Subtotal | 176,968,000 |
| CONSTRUCTION | |
| Hospitals | $5,008,000 |
| Community facilities | 530,000 |
| Sanitation facilities | 36,179,000 |
| Subtotal | 41,717,000 |
| Total | 218,685,000 |

The appropriations requests for these two agencies for the forthcoming fiscal year totals $763,434,000. It is not my purpose to debate the adequacy of these requests in relation to the overwhelming needs of Indian people. However, my basic instincts tell me that they are woefully inadequate, and I am convinced that my proposed legislation will lead to a well-informed answer to that question as well as other problems involved in the budgetary requirements of those two Federal agencies.

What I do want to underscore is that both agencies have based their requests for these funds on several archaic authorizations which are virtually open-ended. As a consequence, Congress is deprived of the opportunity to exercise oversight to determine the effectiveness of their performance. Because of this situation, the hard-working members of the House and Senate Subcommittee on Appropriations must carry the full burden of exercising congressional oversight at the hearings to consider the appropriations requests of the Bureau of Indian Affairs and the Indian Health Service. Given the demands to complete the appropriations hearing process in a short period of time, only a limited degree of oversight can be conducted by these subcommittees concerning the manner in which these two agencies are meeting congressional mandates.

Mr. President, my proposed measure would resolve this dilemma and set in motion a procedure which would provide for intensive and objective monitoring of the two agencies that are charged with important—even lifesaving—responsibilities in the Indian field. In addition, I want to emphasize to the Indian people that my bill provides a clear-cut procedure whereby critical needs can be weighed against actual appropriations to determine if various human and natural resource programs of the Bureau of Indian Affairs and the Indian Health Service are being adequately funded.

Through the process to be set in motion by my bill, it would be possible to insure improved management and effective use of the funds appropriated to support the activities of the Bureau of Indian Affairs and the Indian Health Service.

In addition, it would be possible for Congress to more effectively measure needs against existing appropriations to determine if increased funding for specific programs and activities is warranted.

Moreover, my bill would provide Congress with the appropriate tools to identify those programs and services which have outlived their usefulness to the Indian people. Instead of funding unproductive efforts year after year, these obsolete programs should be discontinued with the funds being redirected to areas of more pressing and clearly identifiable needs.

The "National Indian Goals and Progress Act" would authorize the following major actions:

Require an annual review of the effectiveness of Federal Indian programs and services for the benefit of American Indian people to determine the adequacy and efficacy of such services.

Require that the Secretaries of the Department of the Interior and the Department of Health, Education and Welfare justify to the Congress an annual authorization act to support the Bureau of Indian Affairs and Indian Health Service programs and services conducted for the benefit of American Indians.

Require that these secretaries submit to the Congress an annual appropriation bill for the forthcoming fiscal year.

Establish annual program goals, objectives and priorities for Federal Indian programs and services.

Establish procedures for a careful monitoring of Federal performance in achieving such goals, objectives and priorities.

Insure that adequate financial, human, and other resources are available to achieve the defined goals, objectives and priorities of Federal programs and services conducted for the benefit of American Indian people.

Exempt payments of Indian judgment awards, and payments made under the



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Alaska Native Claims Settlement Act of 1971 from the "National Indian Goals and Progress Act."

Finally, my proposed bill includes a separate section to assure the Indian people that nothing in this act shall be construed as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

Mr. President, our Government is faced with a constitutional crisis of untold proportions as a result of the usurpation of power over the years by the executive branch. This has contributed to a gradual erosion of congressional power and has placed serious limitations on the ability of this body to exercise any degree of control over the massive bureaucracy.

While the "National Indian Goals and Progress Act" affects only a limited portion of Federal responsibility, that is, the Indian field, it represents an important step in reversing the erosion of congressional power and restoring to this body those traditional prerogatives and powers which will insure that our Government's system of checks and balances will, in fact, work for the benefit of the citizens of this Nation.

As chairman of the Subcommittee on Indian Affairs, I have scheduled this measure for an open public hearing on June 12, 1973. I am hopeful that my colleagues from both sides of the aisle will join with me in cosponsoring this important Indian measure.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1786

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this act may be cited as the "National Indian Goals and Progress Act".

FINDING

SEC. 2. (a) The Congress hereby finds that Federal programs designed for the benefit and assistance of the American Indian people have not been effective in attaining their stated goals.

(b) Congress further finds that there is a need for continuing oversight of programs and services administered by the Department of the Interior and the Department of Health, Education and Welfare for the benefit of Indian people and that this oversight function is best conducted by requiring an annual authorization of appropriations for these programs and services.

PURPOSE

SEC. 3. It is the purpose of this Act to—

(a) require an annual review of the effectiveness of all major Federal programs and services for the benefit of American Indian people to determine whether fundamental human needs and requirements are being met and Federal responsibilities are being properly fulfilled;

(b) establish specific annual program goals and objectives for individual Indian programs and services and carefully monitor Departmental and agency performance in achieving these goals and objectives; and

(c) insure that the financial, human and other resources are made available to achieve the goals and objectives of programs and services for the benefit of American Indian people.

ANNUAL AUTHORIZATION

SEC. 4. (a) Notwithstanding any other provisions of law, effective with fiscal year 1975, all authority for appropriations for programs for the benefit of American Indian people administered by the Bureau of Indian Affairs in the Department of the Interior and by the Indian Health Service of the Public Health Service in the Department of Health, Education and Welfare shall be granted on an annual basis pursuant to a single annual authorization Act.

(b) The Secretaries of the Department of the Interior and Department of Health, Education and Welfare are directed to prepare and submit to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate, by February 1 of each year, an annual appropriation authorization bill for the fiscal year beginning July 1 which shall include—

(1) specific and detailed requests for appropriation authorizations for programs and services for the benefit of Indian people, including education and welfare service programs, resource management programs, construction programs, Indian health service programs, Indian health facilities programs, and general administrative expenses; and

(2) a detailed statement of the goals and objectives sought to be achieved for each program in the fiscal year covered by the annual appropriation authorization Act.

(3) a list of all statutes and appropriation authorizations covered by this subsection 4(b).

(c) This Act shall not apply to authorizations for the payment of Indian claims judgments, to payments made under the Alaska Native Claims Settlement Act of 1971, or to other programs and services for the assistance and benefit of American Indian people that are not set out in subsection 4(b) and included in the list of authorizations submitted to the Congress pursuant to that subsection.

SEC. 5. Nothing in this Act shall be construed as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people.

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By Mr. BEALL:

S. 1787. A bill to amend title II of the Social Security Act to increase to $2,800 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings. Referred to the Committee on Finance.

LEGISLATION TO INCREASE THE AMOUNT OF MONEY A SOCIAL SECURITY RETIREE CAN EARN WITHOUT REDUCING HIS BENEFITS

Mr. BEALL. Mr. President, during the last several years a growing debate has surrounded the right of social security beneficiaries to continue working so as to supplement their retirement income. During a series of hearings on the Social Security System conducted by the Special Committee on Aging, of which I am a member, former Commissioner Robert Ball of the Social Security Administration explained in detail the functioning of the Social Security System. He explained recent changes in the social security law, such as the increase in the ceiling on earnings from $1,680 to $2,100 per year with a provision that every $2 a person earns over that amount will result in a $1 reduction in his social security benefits. Thus, it remains profitable for a retiree to continue working even if he earns over the $2,100 ceiling. This $1 loss for every $2 earned over the ceiling was a significant improvement in the Social Security System advocated by the President and enacted by Congress during the last session.

The 92d Congress recognized the need to raise the earning ceiling and I enthusiastically supported this increase. I regret, however, that the compromise increase in last year's legislation was a modest $420. The original Senate version of H.R. 1, would have raised the earning ceiling to $3,000. That was the second time the Senate has supported such an increase in the ceiling but the House of Representatives insisted on a lower figure.

While I am inclined to believe that we should abolish the earnings ceiling altogether, I do not think that such a step should be taken without a thorough congressional review. I have, therefore, decided to introduce an amendment that would raise the ceiling from $2,100 to $2,800. I have selected this figure because it would expand the work opportunities of those senior citizens who are willing and able to contribute their talents to our economic system on something less than a full-time basis.

Mr. President, the legislation I am sending to the desk today seeks to meet two basic problems confronting our Nation. First of all, it would expand, during a period of inflation, the earning capability of many of our retired senior citizens. By supplementing their income through additional earnings, senior citizens can improve their standard of living and enjoy greater independence and comfort in their retirement years.

As the ranking Republican on the Subcommittee on Aging of the Labor and Public Welfare Committee, as well as a member of the Senate Special Committee on Aging, I have been impressed by the willingness and resourcefulness of our Nation's senior citizens to utilize their own talents and resources in overcoming the problems that confront them. Second, my amendment will help to make the talents and resources of our Nation's senior citizens available to our Nation's economy to a greater degree than is presently possible. I strongly believe that senior citizens, for the most part, want to remain active contributing members of the community for as long as possible. America's 20 million senior citizens are largely responsible for the unprecedented wealth and power that our Nation has achieved and I believe that we should not exclude them from actively participating in the economic affairs of our Nation.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the CONGRESSIONAL RECORD at the completion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1787

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) paragraphs (1), (3), and (4) (B) of section 203(f), and paragraph (1)(A) of section 203(h), of the Social Security Act are each amended by striking out "$175" and inserting in lieu thereof $233.33".



(b) The amendments made by subsection (a) shall apply with respect to taxable years ending after December 1973.

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By Mr. BENTSEN:

S. 1789. A bill to designate certain lands in the Guadalupe Mountains National Park, Tex., as wilderness; and

S. 1790. A bill to amend section 3(a) of the Wild and Scenic Rivers Act, as amended. Referred to the Committee on Interior and Insular Affairs.

Mr. BENTSEN. Mr. President, I am today introducing legislation to protect and conserve two of the most scenic and unspoiled areas in the continental United States. I am referring to the rugged desert wilderness of the Guadalupe Mountains National Park and to the awesome lower canyons that bound the Rio Grande along its banks through the Big Bend National Park and down the southern stretches of the river.

Each of these areas represents a unique portion of the Southwest that encompasses some of the most sparsely inhabited and well-preserved wilderness on the North American Continent. The lower canyons of the Rio Grande can only be compared to such wild river canyons as the Grand Canyon of the Colorado and the Hell's Canyons of the Snake River. The lower canyon regions of the river are so wild and uninhabitable that they remained unexplored and uncharted until the early 1900's.

In approving the National Wild and Scenic Rivers Act the Congress authorized a study of the Rio Grande for protection as a part of the wild river system. The areas I have proposed are an obvious candidate for designation of a wild river and I am recommending that this stretch of the river be included in the wild river system as soon as possible. One need only visit this rugged area and canoe through the sheer cliffs of Mariscal and Boquillas Canyons to experience the majesty and force of this river and to understand why it must be preserved.

The Guadalupe Mountains National Park is located in the western-most region of the State on the Texas-New Mexico border. My bill would designate 46,850 acres of the area within Guadalupe Mountains National Park as a wilderness. This proposal is based upon a recommendation of the National Park Service, and was recommended to the 92d Congress by the Park Service for inclusion in the National Wilderness Preservation System.

The Guadalupe Mountains National Park comprises over 77,000 acres of Chihuahan Desert marked by such prominent mountain peaks as El Capitan and the highest point in Texas, Guadalupe Peak. The most important feature of the wilderness area however is the distinctive relic forest referred to as the Bowl and the unique geology and fragile biology of McKittrick Canyon which is located at the northern edge of the designated area. The entire park is marked by a rugged topography that includes a variety of vegetation which are of considerable scientific interest and a scenic landscape that has made the park a popular addition to the National Park System.

By including these two stretches of Texas wilderness in the Wild River System and the Wilderness Area Preservation System we will set them aside for special protection and restricted development.

Despite their rugged appearance both areas are parts of ecological systems that are easily damaged and difficult to repair. The life cycle of a desert ecology is literally a slow-motion sequence. The vegetation and relict trees of the Guadalupe Mountains have already suffered damage due to extensive use of the park. We must act now to insure that this natural heritage is saved for future enjoyment and scientific study.

Likewise, the steep canyons and rugged banks of the Rio Grande are susceptible to the blight of unregulated development or improper use that often follows upon the popular use of such a scenic area. In each of these cases we must be willing to take a stand and to leave these works of nature unmarred by the designs of man. Conservation for conservation's sake is more than justified when one is speaking of such spectacular beauty as contained in these two regions of Texas.

I urge the Committee on Interior and Insular Affairs to give these two measures prompt and favorable consideration.

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By Mr. FULBRIGHT (by request):

S. 1791. A bill to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes. Referred to the Committee on Foreign Relations.

AMENDMENT OF THE FOREIGN SERVICE ACT OF 1946

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Assistant Secretary of State to the Vice President dated April 19, 1973.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1791

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Foreign Service Retirement Amendments of 1973".

TITLE I—AMENDMENTS OF TITLE VIII OF FOREIGN SERVICE ACT

FSS PARTICIPATION

SEC. 101. (a) Section 803 of the Foreign Service Act of 1946 (22 U.S.C. 801–1159) is amended by adding the following subparagraph at the end of paragraph (a) thereof:

"(4) All Foreign Service staff officers and employees appointed by the Secretary of State or the Director of the United States Information Agency with unlimited appointments."

(b) Section 803 of such Act is further amended by changing the reference at the end of subparagraph (b)(2) from "852(b)" to "811".

(c) Section 803 of such Act is further amended by deleting paragraph (c) thereof.

DEFINITIONS

SEC. 102. (a) The heading of section 804 of such Act is amended to read "DEFINITIONS".

(b) Section 804 of such Act is amended by deleting paragraph (a), the preface in paragraph (b), and subparagraphs (b)(1), (2) and (3) and substituting the following in lieu thereof immediately following the section number:

"When used in this title unless otherwise specified, the term—

"(a) 'Annuitant' means any person including a former participant or survivor who meets all requirements for an annuity from the Fund under the provisions of this or any other Act and who has filed claim therefor.

"(b) 'Surviving spouse' means the surviving wife or husband of a participant or annuitant who, in the case of a death in Service or marriage after retirement, was married to the participant or annuitant for at least two years immediately preceding his or her death or is the parent of a child born of the marriage.

"(c) 'Child' except in section 841 means an unmarried child, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support. In addition to the offspring of the participant, the term includes (i) an adopted child, (ii) a stepchild or recognized natural child who received more than one-half support from the participant, and (iii) a child who lived with and for whom a petition of adoption was filed by a participant, and who is adopted by the surviving spouse of the participant after the latter's death. 'Child' also means an unmarried student below the age of twenty-two years. For this purpose a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while a student, is deemed to have become twenty-two years of age on the first day of July after that birthday.

"(d) 'Student' means a child regularly pursuing a fulltime course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years, semesters, or terms if the interim or other period of nonattendance does not exceed five calendar months and if the child shows to the satisfaction of the Secretary that he or she has a bona fide intention of continuing to pursue such course during the school year, semester, or term immediately following the interim.

"(e) 'Military and naval service' means honorable active service—

"(A) in the Armed Forces of the United States;

"(B) in the Regular or Reserve Corps of the Public Health Service after June 30, 1960; or

"(C) as a commissioned officer of the National Oceanic and Atmospheric Administra-

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tion or predecessor organization after June 30, 1961;

but does not include service in the National Guard except when ordered to active duty in the service of the United States."

(c) Section 804 of such Act is further amended (A) by renumbering present subparagraphs "(b)(4)", "(5)" and "(6)" as "(f)", "(g)" and "(i)", respectively and (B) by adding the following as a new paragraph immediately following renumbered paragraph (g):

"(h) 'Foreign Service normal cost' means the level percentage of payroll required to be deposited in the Fund to meet the cost of benefits payable under the System (computed in accordance with generally accepted actuarial practice on an entry-age basis) less the value of retirement benefits earned under another retirement system for Government employees and less the cost of credit allowed for military service."

CONTRIBUTIONS

SEC. 103. (a) The heading of Part B of Title VIII of such Act is amended to read "CONTRIBUTIONS TO THE FUND".

(b) Section 811 of such Act is amended by adding the following paragraphs at the end thereof:

"(c)(1) If an officer or employee under another retirement system for Government employees becomes a participant in the System by direct transfer, such officer or employee's total contributions and deposits that would otherwise be refundable on separation including interest accrued thereon, except voluntary contributions, shall be transferred to the Fund effective as of the date such officer or employee becomes a participant in the System. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the System.

"(2) No officer or employees, whose contributions are transferred to the Fund in accordance with the provisions of paragraph (c)(1) of this section, shall be required to make contributions in addition to those transferred, for periods of service for which required contributions were made to the other Government retirement fund, nor shall any refund be made to any such officer or employee on account of contributions made during any period to the other Government retirement fund, at a higher rate than that fixed by paragraph (d) of this section.

"(d) Any participant credited with civilian service after July 1, 1924 (1) for which, for any reason whatsoever, no retirement contributions, deductions, or deposits have been made or (2) for which a refund of such contributions, deductions, or deposits has been made which has not been redeposited, may make a special contribution to the Fund equal to the following percentages of basic salary received for such services:

*Service and Percent of Basic Salary*

| | |
|---|---|
| From July 1, 1924, to October 15, 1960, inclusive | 5 |
| From October 16, 1960, to December 31, 1969, inclusive | 6½ |
| On and after January 1, 1970 | 7 |

Notwithstanding the foregoing, a deposit for prior nondeposit service as a National Guard technician which would be creditable under subchapter III, chapter 83, title 5 of the United States Code toward Civil Service retirement and for which a special contribution has not been made, shall be equal to the deposit for such service computed in accordance with the above schedule multiplied by the percentage of such service that is creditable under section 851. Special contributions shall include interest computed from the midpoint of each service period included in the computation, or from the date refund was paid, to the date of deposit or commencing date of annuity, whichever is earlier. Interest shall be compounded at the rate of 4 percentum per annum to December 31, 1974, and at 3 percentum per annum thereafter. No interest shall be charged on special contributions made after the date of enactment of the Foreign Service Retirement Amendments of 1973 for any period of separation from Government service which began before October 1, 1956. Special contributions may be paid in installments when authorized by the Secretary.

"(e) For purposes of a survivor annuity, a survivor of a deceased participant or annuitant may make a special contribution.

"(f) No contributions shall be required for any periods of military or naval service.

"(g) A participant or survivor may make a special contribution anytime before receipt of annuity and may authorize payment by offset against initial annuity accruals."

COMPUTATION OF ANNUITIES

SEC. 104. (a) The heading of Part C of Title VIII of such Act is amended to read "COMPUTATION AND PAYMENT OF ANNUITIES"

(b) Paragraph (a) of section 821 of such Act is amended (A) by striking the phrase "for which full contributions have been made to the Fund" each time it appears and by striking the commas immediately preceding and following such phrase the first time it appears, (B) by striking ", 852" and (C) by adding the following sentence at the end: "The annuity shall be reduced by 10 percentum of any special contribution described in section 811(d) due for service for which no contributions were made and remaining unpaid unless the participant elects to eliminate the service involved for purposes of annuity computation."

(c) Paragraph (b) of section 821 of such Act is amended to read as follows:

"(b)(1) Unless elected in writing to the contrary at the time of retirement, any married participant shall receive a reduced annuity and provide a maximum survivor annuity for his or her spouse. Such a participant's annuity or any portion thereof designated in writing by the participant as the base for the survivor benefit shall be reduced by 2½ per centum of the first $3,600 plus 10 per centum of any amount over $3,600. If an annuitant entitled to receive a reduced annuity under this paragraph dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse equal to 55 per centum of the full amount of the participant's annuity computed under paragraph (a) of this section, or by 55 per centum of any lesser amount the annuitant designated at the time of retirement as the base for the survivor benefit.

"(2) An annuity payable from the Fund to a surviving spouse shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the survivor's (A) remarriage prior to attaining age sixty or (B) death. If a survivor annuity is terminated because of remarriage under (A) above, it shall be restored at the same rate commencing on the date such remarriage is terminated provided any lump sum paid upon termination of the annuity is returned to the Fund."

(d) Paragraph (d) of section 821 of such Act is amended by adding the following sentence at the end: "If the annuity to a surviving child is initiated or resumed, the annuities of any other children shall be recomputed and paid as though the annuity to such child had never been discontinued."

(e) Paragraph (e) of section 821 of such Act is amended to read as follows:

"(e) The annuity payable to a child under paragraph (c) or (d) of this section shall begin on the day after the participant dies or if the child is not then qualified, on the first day of the month in which the child becomes or again becomes a student. A child's annuity shall terminate on the last day of the month which precedes the month in which eligibility ceases."

(f) Paragraph (f) of section 821 of such Act is amended by (A) changing "50" to "55" in the first sentence and (B) changing the last sentence to read as follows: "The annuity payable to a beneficiary under the provisions of this paragraph shall begin on the day after the annuitant dies and shall terminate on the last day of the month preceding the survivor's death."

(g) Section 821 of such Act is further amended by adding the following new paragraphs at the end:

"(g) An annuitant who was unmarried at retirement and who later marries may, within one year after such marriage, irrevocably elect in writing a reduced annuity with benefit to any surviving spouse who qualifies under section 804(b). The reduction in annuity shall be effective the first day of the month after notice of the election is received by the Secretary. Receipt by the Secretary of notice of an election under this paragraph voids prospectively any election previously made under paragraph (f). The reduction in annuity required by an election under this paragraph shall be computed and the amount of the survivor annuity shall be determined as if the election were made under paragraph (b)(1). The annuity reduction or recomputation shall be effective the first day of the month after notice of the election is received by the Secretary.

"(h) A surviving spouse shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the Fund unless the survivor elects to receive it instead of any other survivor annuity to which he or she may be entitled under this or any other retirement system for Government employees.

"(i) Any married annuitant who reverts to retired status with entitlement to a supplemental annuity under section 871 shall unless the annuitant elects in writing to the contrary at that time, have the supplemental annuity reduced by 10 per centum, to provide a supplemental survivor annuity for his or her spouse. Such supplemental survivor annuity shall be equal to 55 per centum of the annuitant's supplemental annuity and shall be payable to a surviving spouse to whom the annuitant was married at the time of reversion to retired status or to whom the annuitant had been married for at least two years at the time of death or who is the parent of a child born of the marriage."

PAYMENT OF ANNUITIES

SEC. 105. Part C of title VIII of such Act is further amended by adding the following new section at the end:

"SEC. 822. (a) Except as otherwise provided, the annuity of a participant who has met the eligibility requirements for annuity shall commence on the day after separation from the Service or on the day after pay ceases. The annuity of a former participant who is entitled to a deferred annuity under section 834 or under any other section of this Act shall begin on the day he or she reaches age 60.

"(b) The annuity to a survivor shall become effective as otherwise specified but shall not be paid until the survivor submits an application therefor supported by such proof of eligibility as the Secretary may require. If such application or proof of eligibility is not submitted during an otherwise eligible person's lifetime, no annuity shall be due or payable to his or her estate.

"(c) An individual entitled to annuity from the Fund may decline to accept all or any part of the annuity by submitting a signed waiver to the Secretary. The waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver was in effect.



"(d) Recovery of overpayments under this title may not be made from an individual when, in the judgment of the Secretary, the individual is without fault and recovery would be against equity and good conscience."

DISABILITY ANNUITIES—TECHNICAL CHANGE

SEC. 106. Section 831 of such Act is amended (A) by striking the phrase "that is credited in accordance with provisions of section 851 or 852(a)(2)" from paragraph (a) thereof; (B) by striking "(a)" following "section 841" in paragraph (c) thereof; (C) by amending paragraph (d) thereof to read as follows: "(d) No participant shall be entitled to receive an annuity under this Act and compensation for injury or disability to himself or herself under subchapter 1 of chapter 81, title 5, United States Code, covering the same period of time except that a participant may simultaneously receive both an annuity under this section and scheduled disability payments under 5 U.S.C. 8107. This provision shall not bar the right of any claimant to the greater benefit conferred by either this Act or such subchapter for any part of the same period of time. Neither this provision nor any provision of such subchapter shall be so construed as to deny the right of any participant to receive an annuity under this Act and to receive concurrently any payment under such subchapter by reason of the death of any other person."; and (D) by striking the phrase "section 14 of the Act of September 16, 1916, as amended" from paragraph (e) thereof and substituting "5 U.S.C. 8135" in lieu thereof.

DEATH IN SERVICE

SEC. 107. (a) Section 832 of such Act is amended by revising paragraphs (a), (b), (c), and (d) to read as follows:

"(a) In case a participant dies and no claim for annuity is payable under the provisions of this Act, the lump-sum credit shall be paid in accordance with section 841.

"(b) If a participant who has at least eighteen months of civilian service credit toward retirement under the System dies before separation or retirement from the Service and is survived by a spouse, such surviving spouse shall be entitled to an annuity equal to 55 per centum of the annuity computed in accordance with the provisions of paragraph (e) of this section and of section 821(a).

"(c) If a participant who has at least eighteen months of civilian service credit toward retirement under the System dies before separation or retirement from the Service and is survived by a wife or a husband and a child or children, each surviving child shall be entitled to an annuity computed in accordance with paragraphs (c)(1) and (d) of section 32.

"(d) If a participant who has at least eighteen months of civilian service credit toward retirement under the System dies before separation or retirement from the Service and is not survived by a wife or husband, but by a child or children, each surviving child shall be entitled to an annuity computed in accordance with paragraphs (c)(2) and (d) of section 821."

(b) Section 832 of such Act is further amended by adding the following new paragraphs at the end:

"(f) If any annuitant who elected a reduced annuity diea in Service after being recalled under section 520(b) and is survived by a spouse entitled to a survivor annuity based on such an election, such survivor annuity shall be computed as if the recall service had otherwise terminated on the day of death and the deceased's annuity had been resumed in accordance with section 871. If such a death occurs after the annuitant has completed sufficient recall service to attain eligibility for a supplemental annuity, a surviving spouse, in addition to any other benefits, shall be entitled to a supplemental survivor annuity computed under section 821(i) as if the recall service had otherwise terminated. If the annuitant had completed sufficient recall service to attain eligibility to have his or her annuity determined anew, a surviving spouse may elect, in lieu of any other benefit under this title, to have the annuitant's rights redetermined and to receive a survivor annuity computed under paragraph (b) of this section on the basis of the annuitant's total service.

"(g) Annuities that become payable under this section shall commence, terminate and be resumed in accordance with paragraphs (b)(2) or (e) of section 821, as appropriate."

DISCONTINUED SERVICE—TECHNICAL CHANGE

SEC. 108. Section 834 of such Act is amended (A) by striking "(a)" immediately following "SEC. 834."; (B) by striking the phrase "that is credited in accordance with the provisions of section 851 or 852(a)(2) from the first paragraph thereof; and (C) by deleting paragraph (b) thereof.

LUMP-SUM PAYMENTS

SEC. 109. Part E of Title VIII of such Act is amended to read as follows:

"PART E—LUMP-SUM PAYMENTS

"SEC. 841. (a) 'Lump-sum credit' as used in this title means the compulsory and special contributions to a participant's or former participant credit in the Fund plus interest thereon compounded at 4 per centum per annum to the date of separation or December 31, 1974, whichever is earlier, and after such date for a participant who separates from the Service after completing at least one year of civilian service and before completing five years of such service, at the rate of 3 per centum per annum to the date of separation. Interest shall not be paid for a fractional part of a month in the total service or on compulsory and special contributions from an annuitant for recall service or other service performed after the date of separation which forms the basis for annuity.

"(b) Whenever a participant becomes separated from the Service without becoming eligible for an annuity or a deferred annuity in accordance with the provisions of this Act, the lump-sum credit shall be paid to the participant.

"(c) Whenever an annuitant becomes separated from the Service following a period of recall service without becoming eligible for a supplemental or recomputed annuity under section 871, the annuitant's compulsory contributions to the Fund for such service together with any special contributions the annuitant may have made for other service performed after the date of separation from the Service which forms the basis for annuity shall be returned without interest.

"(d) If all annuity rights under this title based on the service of a deceased participant or annuitant terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid in the order of precedence shown in paragraph (g) of this section.

"(e) If a participant or former participant dies and is not survived by a person eligible for an annuity under this title or by such a person or persons all of whose annuity rights terminate before a claim for survivor anuity is filed, the lump-sum credit shall be paid in accordance with paragraph (g) of this section.

"(f) If an annuitant who was a former participant dies, annuity accrued and unpaid, shall be paid in accordance with paragraph (g) of this section.

"(g) Payments authorized in paragraphs (d) through (f) of this section shall be paid in the following order of precedence to such person or persons surviving the paricipant and alive on the date entitlement to the payment arises, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person.

"(1) To the beneficiary or beneficiaries last designated by the participant before or after retirement in a signed and witnessed writing received by the Secretary prior to the participant's death. For this purpose a designation, change, or cancellation of beneficiary in a will or other document not so executed and filed shall have no force or effect;

"(2) If there be no such beneficiary, to the surviving wife or husband of such participant;

"(3) If none of the above, to the child or children of such participant (including adopted and natural children but not stepchildren) and descendants of deceased children by representation;

"(4) If none of the above, to the parents of such participant or the survivor of them;

"(5) If none of the above, to the duly appointed executor or administrator of the estate of such participant;

"(6) If none of the above, to other next of kin of such participant as may be determined in the judgment of the Secretary to be legally entitled thereto except that no payment shall be made pursuant to this subparagraph until after the expiration of thirty days from the death of the participant or annuitant.

"(h) Annuity accrued and unpaid on the death of a survivor annuitant shall be paid in the following order of precedence, and the payment bars recovery by any other person: First, to the duly appointed executor or administrator of the estate of the survivor annuitant; second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of death of such survivor annuitant, to such person as may be determined by the Secretary to be entitled under the laws of the survivor annuitant's domicile at the time of death."

CREDITABLE SERVICE

SEC. 110. (a) The heading of section 851 of such Act is amended to read as follows: "CREDITABLE SERVICE".

(b) Paragraph (a) of section 851 of such Act is amended to read as follows:

"(a) Except as otherwise specified by law, all periods of civilian and military service and periods of absence and separation therefrom completed by a participant through the date of final separation from the Service that would be creditable, as determined by the Secretary, under 5 U.S.C. 8332 toward retirement under the Civil Service Retirement and Disability System, if performed by an employee under that system, shall be creditable for purposes of this title. Conversely, any such service that is not creditable under specified conditions under 5 U.S.C. 8332 shall be excluded under this title under the same conditions."

(c) Section 851 of such Act is further amended by adding the following new paragraphs at the end thereof:

"(c)(1) A participant who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of Government employees may, within 60 days after entering on that leave without pay, file with the employing agency an election to receive full retirement credit for such periods of leave without pay and arrange to pay concurrently into the Fund through the employing agency, amounts equal to the retirement deductions and agency contributions on the Foreign Service salary rate that would be applicable if the participant were in a pay status. If the election and all payments provided by this paragraph are not made for the periods of such leave without pay occurring after the effective date of this paragraph, the participant may not receive any credit for such periods of leave without pay occurring after such date.

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"(c)(2) A participant may make a special contribution in accordance with section 811 for any period or periods of approved leave without pay while serving, before the effective date of this paragraph, as a full-time officer or employee of an organization composed primarily of Government employees. Any such contribution shall be based upon the suspended Foreign Service salary rate. A participant who makes such a contribution shall be allowed full retirement credit for the period or periods of leave without pay. If the deposit is not made in full, retirement credit shall be allowed for so much of the periods of leave without pay as do not exceed 6 months in the aggregate in any calendar year.

"(d) A participant who has received a refund of retirement contributions (which has not been repaid) under this or any other retirement system for Government employees covering service which may be creditable, may make a special contribution for such service pursuant to section 811. Credit may not be allowed for service covered by the refund unless the special contribution is made.

"(e) No credit in annuity computation shall be allowed for any period of civilian service during which a participant was covered under another retirement system for Government employees unless 1) the right to any annuity under the other system which is based on such service is waived and 2) a special contribution is made covering such service pursuant to section 811.

"(f) A participant who during the period of a war, or of a national emergency as proclaimed by the President or declared by the Congress, leaves the Service to enter the military service is deemed, for the purpose of this title, as not separated from the Service unless the participant applies for and receives a lump-sum payment under section 841. However, the participant is deemed to be separated from the Service after the expiration of five years of such military service."

FUNDING NORMAL COST

SEC. 111. Section 865 of such Act is amended (A) by inserting "(a)" immediately after "SEC. 865," and (B) by adding the following new paragraph at the end thereof:

"(b) At the end of each fiscal year, the Secretary shall notify the Secretary of the Treasury of the amount of the Foreign Service normal cost for that year which was not met by contributions under section 811(a). Before closing the accounts for that year, the Secretary of the Treasury shall credit such amount to the Fund as a Government contribution out of any money in the Treasury of the United States not otherwise appropriated. The Secretary shall report to the President and to the Congress the sums credited to the Fund under this section."

ANNUITY ADJUSTMENT FOR RECALL SERVICE

SEC. 112. Section 871 of such Act is amended to read as follows:

"SEC. 871. Any annuitant recalled to duty in the Service in accordance with the provisions of section 520(b) shall, while so serving, be entitled in lieu of annuity to the full salary of the class in which serving. During such service, the recalled annuitant shall make contributions to the Fund in accordance with the provisions of section 811. On the day following termination of the recall service, the former annuity shall be resumed adjusted by any cost-of-living increases(s) under section 882 that became effective during the recall period. If the recall service lasts less than one year, the annuitant's contributions to the Fund during recall service shall be refunded in accordance with section 841. If the recall service lasts more than one year, the annuitant may, in lieu of such refund, elect a supplemental annuity computed under section 821 on the basis of service credit and average salary earned during the recall period irrespective of the number of years of service credit previously earned. If the recall service continues for at least five years, the annuitant may elect, in lieu of having his or her former annuity resumed and supplemented as provided in this paragraph, to have his or her annuity determined anew under section 821. Any annuitant who is recalled under section 520(b) may, upon written application, count as recall service any prior service that is creditable under section 851 that was performed after the separation upon which his or her annuity is based."

VOLUNTARY CONTRIBUTIONS

SEC. 113. (a) Amend paragraph (a) of section 881 of such Act by deleting the portion of such paragraph that precedes subparagraph (1) thereof and substitute the following in lieu thereof:

"(a) The voluntary contribution account shall be the sum of unrefunded amounts heretofore voluntarily contributed by any participant or former participant under this section or under a prior corresponding provision of law, plus interest compounded at the rate of 3 per centum per annum to date of separation from the Service or in case of a participant or former participant separated with entitlement to a deferred annuity to the date the voluntary contribution account is claimed, or to the commencing date fixed for the deferred annuity or to the date of death, whichever is earlier. A participant's or former participant's account shall, effective on the date the participant becomes eligible for an annuity or a deferred annuity and at the participant's election, be—"

(b) Section 831 of such Act is further amended by deleting paragraphs (c) and (d) thereof and by adding the following new paragraph in lieu thereof:

"(c) A voluntary contribution account shall be paid in a lump sum following receipt of an application therefor from a present or former participant provided application is filed prior to payment of any additional annuity. If not sooner paid, the account shall be paid at such time as the participant separates from the Service for any reason without entitlement to an annuity, or a deferred annuity or at such time as a former participant dies or withdraws compulsory contributions to the Fund. In case of death, the account shall be paid in the order of precedence specified in section 841 (g)."

COST-OF-LIVING ADJUSTMENTS

SEC. 114. (a) Paragraphs (a), (b) and (c) of section 882 of such Act are amended to read as follows:

"(a) A cost-of-living annuity increase shall become effective under this section on the effective date of each such increase under title 5, United States Code, section 8340(b), as amended. Each such increase shall be applied to each annuity payable from the Fund which has a commencing date not later than the effective date of the increase.

"(b) The first annuity increase under this section after the effective date of this paragraph shall equal 1 per centum plus the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, between the month last used to establish an increase under this section and the base month used to establish the concurrent increase under title 5, United States Code, section 8340(b), as amended. Each subsequent annuity increase under this section shall be identical to the corresponding percentage increase under title 5, United States Code, section 8340(b), as amended.

"(c) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the Fund as of the effective date of an increase except as follows:

"(1) Effective from its commencing date, an annuity payable from the Fund to an annuitant's survivor, except a child entitled under section 821(c) or 832 (c) or (d), shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(2) For purposes of computing or recomputing an annuity to a child under section 821 (c) or (d) or 832 (c) or (d), the items $900, $1,080, $2,700, and $3,240 appearing in section 821(c) shall be increased by the total per centum increases by which corresponding amounts are being increased under 5 U.S.C. 8340 on the date the child's annuity becomes effective."

(b) Section 882 of such Act is further amended by adding the following new paragraph at the end thereof:

"(f) Effective with the first day of the second month which begins after the date of enactment of the Foreign Service Retirement Amendments of 1973 or on the commencing date of an annuity, whichever is later, the annuity of each surviving spouse whose entitlement to annuity resulted from the death—

"(1) before enactment of the said Amendments, of a participant or a former participant entitled to benefits under section 634 (b); or (2) of an annuitant who, prior to enactment of the said Amendments elected a reduced annuity under this or any other act in order to provide a spouse's survivor annuity—

is increased by 10 per centum."

REPEALS

SEC. 115. Such Act is further amended by deleting sections 833, 852, and 854, and the headings thereto.

## TITLE II—OTHER FOREIGN SERVICE ACT AMENDMENTS

RECALL

SEC. 201. (a) The heading of section 520 of such Act is amended to read "REAPPOINTMENT AND RECALL".

(b) Paragraph (b) of section 520 of such Act is amended to read as follows:

"(b) Whenever the Secretary determines it to be in the public interest, any retired officer or employee of the Service may be recalled for active duty on a temporary or limited basis to any appropriate class in his or her former category, except that a retired Foreign Service officer may not be recalled to a class higher than he or she held at the time of retirement."

RETIREMENT OF CAREER AMBASSADORS

SEC. 202. Section 631 and the heading thereto of such Act are amended to read as follows:

"FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS

"SEC. 631. Any Foreign Service officer who is a career ambassador, other than one occupying a position as chief of mission or any other position to which appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which the officer reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, such an officer may be retained on active service for a period not to exceed five years. Any such officer who completes a period of authorized service after reaching age sixty-five shall be retired at the end of the month in which such service is completed."



RETIREMENT OF PARTICIPANTS WHO ARE NOT CAREER AMBASSADORS

SEC. 203. Section 632 and the heading thereto of such Act are amended to read as follows:

"PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS

"SEC. 632. Any participant in the Foreign Service retirement and disability system, other than one occupying a position as chief of mission or any other position to which appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which the participant reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, such a participant may be retained on active service for a period not to exceed five years. Any such participant who completes a period of authorized service after reaching age sixty shall be retired at the end of the month in which such service is completed."

SELECTION-OUT BENEFITS—TECHNICAL CHANGE

SEC. 204. Paragraph (b) of section 634 of such Act is amended by striking from subparagraph (2) thereof:

(A) ", with interest" after the words "Disability Fund" the first time the latter appears;

(B) "(a)" after "section 841" the first time the latter appears;

(C) "that is credited in accordance with the provisions of section 851 or 852(a)" after "naval service";

(D) ", with interest as provided in section 841(a)," after "Disability Fund" the last time the latter appears; and

(E) "(b)" after "section 841" the last time the latter appears.

SEPARATION FOR CAUSE—TECHNICAL CHANGE

SEC. 205. Section 637 of such Act is amended by striking from the first sentence of paragraph (b) thereof:

(A) ", with interest" after "Disability Fund";

(B) "(a)" after "section 841"; and

(C) "that is credited in accordance with the provisions of section 851 or 852(a)" after "naval service".

Such paragraph (b) is further amended by striking the last sentence thereof in its entirety.

## TITLE III—TEMPORARY AND TRANSITIONAL PROVISIONS

CONVERSION TO FOREIGN SERVICE RETIREMENT SYSTEM

SEC. 301. (a) In accordance with such regulations as the President may prescribe, all Foreign Service staff officers and employees with unlimited appointments who (a) have been appointed by the Secretary of State or the Director, United States Information Agency, and (b) are participants in the Civil Service Retirement and Disability System on the effective date of this section, shall be transferred to the Foreign Service Retirement and Disability System effective on such date. Their retirement contributions shall be transferred in accordance with section 811 of the Foreign Service Act of 1946, as amended by this Act.

(b) Section 632 of the Foreign Service Act of 1946, as amended, shall not apply to any Foreign Service staff officer or employee appointed by the Secretary of State who becomes a participant in the Foreign Service Retirement and Disability System pursuant to paragraph (a) of this section until such officer or employee completes 10 years of continuous service in the Foreign Service of the Department of State, exclusive of military service.

(c) Any Foreign Service staff officer or employee appointed by the Director of the United States Information Agency who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (a) of this section, shall, for purposes of determining the date of mandatory retirement under section 9(c) of the Act of August 20, 1968 (82 STAT. 812), be deemed to have become a participant pursuant to section 9(b) of such Act: *Provided*, That section 9(c) of such Act shall not apply until such an officer or employee completes 10 years of continuous service, exclusive of military service, in the Foreign Service of the United States Information Agency.

(d) Any Foreign Service staff officer or employee who becomes a participant in the Foreign Service Retirement and Disability System pursuant to paragraph (a) of this section who is age 57 or over on the effective date of this section may retire voluntarily at any time prior to mandatory retirement and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

(e) Section 9(b) of the Act of August 20, 1968 (82 Stat. 812) is repealed on the effective date of this section.

GRANTS TO CERTAIN WIDOWS AND SURVIVOR ANNUITY ELECTIONS

SEC. 302. (a) A Foreign Service annuitant who was married at the time of retirement whose service terminated prior to October 16, 1960, and who has not elected any survivor benefit, may, within one hundred and twenty days after the date of enactment of this Act, elect a reduction in his or her annuity of $300 per annum and provide a survivor benefit of $2,400 per annum payable to the annuitant's surviving spouse provided the marriage had been in effect for at least two years at the time of death or resulted in the birth of a child. The survivor annuity shall commence, terminate and be resumed as if it had been elected under section 821(b) of the Foreign Service Act of 1946, as amended by this Act.

(b) An annuitant who makes an election under paragraph (a) of this section shall pay into the Foreign Service Retirement and Disability Fund an amount equal to $25 times the number of full months between the commencing date of his or her annuity and the first of the month following receipt of notice of the election by the Secretary of State. This amount may be paid into said Fund by deduction from annuity in multiples of $25 per month: The annuity reduction under paragraph (a) of this section and the deduction under this paragraph shall commence effective the first of the month following receipt of notice of the election by the Secretary of State. The deduction under this paragraph shall continue until the required amount has been paid into said Fund or until the annuitant's death, whichever occurs first; and if the latter, any remaining portion of such required amount shall be deemed to have been paid.

(c) If a Foreign Service annuitant who separated from the Foreign Service prior to October 16, 1960, died before the date of enactment of this Act or dies within one hundred and twenty days after such date of enactment leaving a spouse to whom married at retirement who is not entitled to receive a survivor annuity under the terms of 5 U.S.C. 8133 or any law authorizing payment from the Foreign Service retirement and Disability Fund and who qualifies under section 821(h) of the Foreign Service Act of 1946, as amended by this Act, the Secretary of State shall grant such surviving spouse, if not remarried prior to age 60, an annuity, to be payable from such Fund in the amount of $2,400 per annum adjusted by all cost-of-living increases received by widows granted annuities under section 4 of the Act of October 31, 1965 (79 Stat. 1130). An annuity to a surviving spouse who remarried prior to age 60 may be initiated or resumed under this paragraph in accordance with the provisions of paragraphs (b) and (h) of section 821 of the Foreign Service Act of 1946, as amended, if such remarriage has terminated or terminates in the future.

EFFECTIVE DATES

SEC. 303. (a) Section 301 of this Act and sections 803 and 881 of the Foreign Service Act of 1946 as amended by this Act shall be effective on the first day of the first pay period which begins more than 90 days after enactment of this Act.

(b) Effective on the last day of the first month which ends after the enactment of this Act, all Foreign Service survivor annuities then in effect shall terminate on the last day of a month in accordance with the provisions of paragraphs (b) (2), (c) and (f) of section 321 of the Foreign Service Act of 1946 as amended by this Act.

(c) The amendment of section 804 of the Foreign Service Act of 1946 made by this Act broadening eligibility for children's survivor annuities shall apply to all surviving children regardless of the date of death of the principal.

(d) Paragraph (g) of section 821 of the Foreign Service Act of 1946 as added by this Act shall apply to both present and future Foreign Service annuitants. Any annuitant who married after retirement but prior to the date of enactment of this Act may make an election under said paragraph (g) provided notice of the election is received by the Secretary of State within one year after such date of enactment.

(e) If an annuitant dies on or after January 8, 1971, who, prior to enactment of this Act, elected a reduced annuity with a benefit to a surviving spouse, and is survived by a spouse acquired after such election who qualifies under section 804(b) of the Foreign Service Act of 1946, as amended by this Act, such surviving spouse shall be entitled to an annuity computed under the law in effect at the time of such election and in accordance with all other applicable statutes. Such an annuity shall commence, terminate and be resumed in the same manner as an annuity payable under section 821(b) of the said Foreign Service Act:

(f) Paragraph (a) of section 822 of the Foreign Service Act of 1946 as added by this Act shall be effective on the first day of the first month which begins on or after enactment of this Act.

(g) Paragraph (a) of section 841 of the Foreign Service Act of 1946 as amended by this Act shall not apply to participants separated from the Foreign Service prior to the date of enactment of this Act nor to their survivors. All payments from the Foreign Service retirement fund that become due on and after such date of enactment shall be paid in the order of precedence specified in such section 841 irrespective of the date of separation.

(h) Paragraph (c) of section 851 of the Foreign Service Act of 1946 as added by this Act shall be effective on the first day of the first pay period that begins more than 30 days after enactment of this Act. A participant who is on approved leave without pay and is serving as a full-time officer or employee of an organization composed primarily of Government employees on such effective date shall have 60 days from such date to file an election under paragraph (c) of said section 851.

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(i) paragraph (f) of section 851 of the Foreign Service Act of 1946 as added by this Act shall apply, in addition to present participants, to former participants who separated from the Foreign Service to enter the Armed Forces within the five-year period immediately preceding the date of enactment of this Act and who are members of the Armed Forces on such date of enactment.

(j) The annuity of a survivor who becomes immediately eligible for an annuity under paragraph (c) of section 302 of this Act or paragraphs (c) or (e) of this section shall become effective the first day of the first month which begins after enactment of this Act. However, payment shall be made only after receipt by the Department of State of such application for annuity and such proof of eligibility as the Secretary may require. If such application and proof of eligibility are not submitted during an otherwise eligible person's lifetime, no annuity shall be due or payable to his or her estate.

(k) The amendment of paragraphs (a) and (b) of section 882 of the Foreign Service Act of 1946 made by this Act shall be effective on the fifteenth day of the third month which begins after enactment of this Act.

(l) The amendment of sections 631 and 632 of the Foreign Service Act of 1946 made by this Act are effective upon enactment, except that any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend such officer's service for a period not to exceed five years:

RETIREMENT SCHEDULE

(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;

(2) Other career ministers who are age sixty or over as of the date of enactment of this Act shall be retired at the end of the month which contains the midpoint between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and

(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age sixty or over shall be retired, and thereafter the amendment made by subsection (a) shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which the officer completes such service.

DEPARTMENT OF STATE,
*Washington, D.C., April 19, 1973.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is transmitted herewith for consideration of the Congress proposed legislation to amend the Foreign Service Act of 1946 to improve the Foreign Service Retirement and Disability System. The following are the most significant of these improvements.

1. Addition of a permanent indefinite appropriation to authorize the Secretary of the Treasury to deposit annually in the Foreign Service Retirement Fund the balance of the Foreign Service normal retirement cost not met by other applicable receipts. If the proposed legislation is enacted, about $6 million annually would be required for this purpose at current payroll levels. As described more fully in the enclosed explanation of the proposed amendment of section 865, the career nature of the Foreign Service and its somewhat superior benefit formula make the cost of the Foreign Service retirement system proportionately greater than the cost of the Civil Service system. Consequently, the normal cost of the Foreign Service retirement system is not being fully met by the current seven percent employee and matching Government contributions as in the normal cost of the Civil Service system. Additional funds are therefore required to meet this cost. The proposed permanent indefinite appropriation would meet this requirement.

2. Revision of Foreign Service survivor and service credit provisions to equate them to corresponding Civil Service provisions. The proposed benefit changes would increase the normal cost of the system an estimated $418,000 and the unfunded liability by $20 million. The $418,000 is included in the $6 million figure mentioned above as the amount required to fully pay the Foreign Service normal cost. An appropriation of $1,301,000 per year for 30 years would be required to amortize the $20 million increase in unfunded liability pursuant to section 865 of the Foreign Service Act. A detailed cost estimate is enclosed.

3. Elimination of the ten-year waiting period Foreign Service staff personnel now must serve before becoming participants in the Foreign Service retirement system. This change is expected to result in an annual savings to the system of approximately $700,000. This saving is also reflected in the above $6 million figure.

4. Lowering of career minister mandatory retirement age to the regular Foreign Service retirement age of 60. This would have a negligible cost impact.

The above and other changes are fully explained in the enclosures. These changes will promote equity, improve financing and facilitate management of the Foreign Service retirement system. We would appreciate the early consideration and approval of them by the Congress.

We are advised by the Office of Management and Budget that there is no objection from the standpoint of the President's program to the submission of this proposal.

Sincerely,

W. MARSHALL WRIGHT,
*Acting Assistant Secretary for Congressional Relations.*

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By Mr. DOMINICK:

S. 1792. A bill to extend the authorization of appropriations for the Bilingual Education Act, for the dropout prevention program, and for section 309 of the Adult Education Act. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, a few weeks ago, I introduced the Better Schools Act (S. 1319), the administration's education revenue sharing proposal. The bill I introduce today is a companion measure designed to extend for 1 year three education programs which are not incorporated into the Better Schools Act, but which will rather be retained at the Federal level.

This bill would extend the bilingual education program, the dropout prevention program, and the special experimental demonstration projects, and teacher training program—section 309—of the Adult Education Act. The administration's original proposal has been modified to show actual budget figures. Should the Better Schools Act not receive prompt action, it may be that the bill will have to be modfied; and a number of my colleagues feel that, in any event, the authorization should be increased.

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By Mr. CANNON:

S. 1793. A bill to provide for coverage, under the insurance system established by title II of the Social Security Act, of service performed by employees of the Government Printing Office. Referred to the Committee on Finance.

SOCIAL SECURITY FOR CERTAIN GPO EMPLOYEES

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to provide social security coverage for certain Government Printing Office employees not now eligible for either civil service retirement benefits or Federal old-age, survivors, and disability insurance.

Generally speaking, Federal employees who are not covered by the civil service or other Federal retirement system established by law are covered by the insurance and tax provisions of the Social Security Act. That law, however, defines "employment" to specifically exclude all employment performed in the legislative branch. Since the Government Printing Office is a legislative agency, work performed in the Office is excluded from the definition of employment entitling a person to Federal old-age and survivors benefits. The effect has been to deny social security coverage to approximately 900 temporary and intermittent employees of the Government Printing Office, even though they are not otherwise eligible for the civil service retirement system. Moreover, since most other Federal employees who are not covered by a Federal retirement system do receive coverage under the Social Security Act, this works an inequitable burden on those employees of GPO who are not so covered. This bill would eliminate that inequity.

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By Mr. CANNON:

S. 1794. A bill to amend section 308 of title 44, United States Code, relating to the disbursing officer, deputy disbursing officer, and certifying officers and employees of the Government Printing Office. Referred to the Committee on Rules and Administration.

ACCOUNTABILITY OF GPO DISBURSING AND CERTIFYING OFFICERS

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to restore certain sections omitted from the codification of title 44 concerning the functions of the Government Printing Office disbursing officer and will also provide for accountability and relief of GPO certifying officers in the same manner as that afforded to other Government certifying officers.

Since 1923 the disbursement functions of the Government Printing Office have been vested in the disbursing clerk, who is charged with accountability for receipts and disbursements of all funds for the GPO. The provisions detailing his responsibilities, while not repealed, have nevertheless been omitted from the last several editions of the United States Code, including the recent codification of title 44—Public Law 90-620, October 22, 1968.

Moreover, the disbursing officer of the Government Printing Office, as a legislative branch employee, is not entitled to the same relief as that granted to executive branch officers. The disbursing officer of the Government Printing Office is solely responsible for the accounts of the GPO, and he alone is chargeable in the event of an error. This bill will enable him to rely on the signature of a duly authorized certifying officer, and will also provide for the accountability of GPO certifying officers and for their right to seek and advance decision from the Comptroller General on a question of law involved in the payment of a voucher which has been presented for certification.



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By Mr. CANNON:

S. 1795. A bill to authorize the Public Printer to adopt an official Government Printing Office seal, and to designate employees to administer oaths. Referred to the Committee on Rules and Administration.

GOVERNMENT PRINTING OFFICE SEAL; OATH OF OFFICE

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to amend title 44, United States Code, to authorize the Public Printer to adopt an official seal for the Government Printing Office and to empower him to designate employees of the Government Printing Office to administer oaths in connection with the operations of the Government Printing Office. The bill will forestall any possible confusion as to which emblem utilized by the GPO is the "official" seal and will give that seal the same legal sanction enjoyed by other Federal agencies.

This bill will also serve to give the Public Printer the authority to designate employees to administer oaths of office and other oaths necessary to conduct the business at GPO. The statute conveying this authority on other heads of agencies (5 U.S.C. 2903) deals only with executive agencies and, therefore, is not applicable to the GPO. The authority to designate employees to administer oaths will avoid cumbersome and costly procedure of using notaries public for this function.

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By Mr. MATHIAS:

S. 1796. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to interstate metropolitan organizations. Referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, urban America, as it fights for survival, has to act simultaneously to repair the damage of past neglect while it acts to stop decay. The rhetoric with which we used to address this problem in the 1960's told us that if we acted quickly—if we rebuilt the cities—if we attacked poverty—if we began to offer a wide range of rationally connected social services to the underprivileged—if we offered job training and then jobs to those who needed them—if we eliminated racial and sex discrimination—we could then and only then expect the future of the cities to be bright because then would the evidences of the social decay which were blighting our cities begin to disappear. Illegitimacy, one-parent homes, lack of social discipline in the schools, juvenile delinquency, addiction, and crime would all decline if there were a more equitable social and economic order orchestrated by our Federal Government.

While I am convinced that we must, indeed, make many changes in our economic and social arrangements if social justice is to be achieved, I am also convinced that the rhetoric of the last decade underestimated the difficulty of making many of those changes and promised too much too soon. The result has been disillusionment with government's ability to perform and remedy the ills of America.

One of the promised benefits of the social programs of the sixties was to be a reduction of crime in our cities. But as we know too well, this too was an unrealistic promise that had little hope of fulfillment. We have been told statistically that crime is decreasing while the house next door is being robbed.

At the end of the 1960's, as a result of the rapidly rising reported crime rate of the latter half of that decade, the Congress responded to the outcry of the public and of the President's Commission on Law Enforcement and the Administration of Justice by enacting the Omnibus Crime Control and Safe Streets Act. This act provided for the first time major Federal assistance to the States and local governments to carry on and in many instances begin their seemingly endless struggle against the rising tide of crime. The passage of this bill reflected a general recognition that if urban America is to survive, its crime must die.

We have found, and not unexpectedly, that the billions of dollars channeled into LEAA by the Congress and then out to the States and cities, will not, by itself, check the growing crime rate. We need cooperation among people, among governments and within the criminal justice system itself. We need stiffer laws to deter crime, more effective rehabilitation to prevent further crime and a criminal justice system capable of pronouncing swift and predictable justice. I will continue to support the strong initiatives which have been taken to control and reduce crime, especially those efforts which the President has made so successfully in the area of drug supply.

There remains, as there always will be, a task aimed at reducing crime which has just barely begun—a task which cannot be carried on with any real hope of success without some new support from the administration, the Congress and the public. And that is the task of uniting the governments with the people of a metropolitan areas in an effort to control crime throughout a metropolitan area. Law enforcement and the administration of justice have always been regarded as local responsibilities, to be locally discharged. I do not challenge that proposition. I think there is a vital and indispensable role for our city, county, and State governments to play in law enforcement. The criminal justice system ought to remain a local system, responsive to the citizens of each community.

It has to be recognized today that our concept of the community is changing and must change if we are to meet the problems and challenges of the 20th century. The city is no longer contained within its predetermined legal boundaries, nor is the metropolitan area surrounding any large city now confined to one or two small towns on the edges of that city. Can any one say at what point the Washington metropolitan area ends—at what point the city begins and the suburbs begin? The communities in which we live and work and which define the character of our lives are metropolitan areas with a dozen, two, five dozen local governments within them. These social and economic units, many of them containing as do the Washington and Baltimore metropolitan areas, several million people, represent in every way what urban America means today. These metropolitan areas must be linked through planning, cooperative arrangements, compacts, and other devices yet to be developed to meet the complex problems of the millions who live and work within its boundaries.

When we speak of the crime or the environmental decay of an urban center, we no longer merely look within the political boundaries of that city to identify our problem. Crime and dirt have no regard to political entities. Some have suggested, in fact, a direct correlation between the quality and quantity of a particular problem in our urban cities and a proportionate increase or decrease in its suburban surroundings. The point is this: It is absolutely senseless for purposes of evaluating our society's ills to permit jurisdictional lines and political jealousy to thwart progress and, in the case of criminal justice, to thwart safety. The metropolitan areas which make up many cities and subdivisions within a State must all join together and cooperate with one another in order to reach this common objective. This is just pure commonsense. It is a political necessity.

That is a task which regional agencies such as regional planning councils and councils of local governments have begun. They have concentrated primarily on comprehensive planning related to land use, physical planning, transportation planning, and related areas, and they have done an outstanding and highly useful job in these areas. The task of planning and coordination on the metropolitan scale aimed at the control and reduction of crime, however, has hardly begun anywhere, and is severely hampered by the absence of Federal support for the kind of effort which must be made. Only in a few areas—one of them the Washington metropolitan area—has there been a strong and sustained effort, with the cooperation of local and State governments and, in the case of Washington, the Metropolitan Washington Council of Governments—COG—to plan and to develop a coordinated approach to the problems of crime at the metropolitan level. However, that effort has gone slowly, primarily due to the lack of adequate funding and predictable political support.

An underlying reason for slow progress in the Washington metropolitan effort relates to the formal mechanism of the Safe Streets Act. This act currently provides that 85 percent of the money appro-

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priated shall go directly to State governments, which in turn may then fund regional agencies for sub-State planning area purposes.

Under the President's proposed special revenue sharing, the States' control over the Federal crimefighting money would become complete. The State of Maryland has utilized this legislative enabling authority in the case of the Baltimore Regional Planning Council, with very good results. However, the Washington metropolitan area, like 32 other major metropolitan areas in the United States and a vast number of other areas spanning State borders, is a metropolitan area which encompasses parts of two or more States. The Washington, D.C. metropolitan area and the area which is included in the Metropolitan Washington Council of Governments includes four major counties and a city in Virginia, two very large counties in Maryland, and the District of Columbia in its entirety. For an interstate metropolitan council like our Washington's COG to get Federal money to coordinate the public safety activities of the region, it too must go to the States for planning money. They are at the mercy of each State's planning agency—which in many ways they should be if they are to be effective—but the States in turn must take these funds from other crime programs planned in the State. Even if the States found it appropriate to subgrant portions of their planning funds to these interstate agencies, they could only do on a piecemeal basis—and even then one would be hampered by the possibility of a less than a unanimous subgranting of funds. While many metropolitan areas which fall entirely within State boundaries have obtained grants from the LEAA-funded State Planning Agencies—SPAs—for the purpose of undertaking regional planning and action programs for law enforcement and criminal justice, interstate planning agencies and councils of governments have never been eligible for direct planning grants although in many ways the need for funding in these interstate metropolitan areas is just as great.

Direct funding for planning purposes would permit interstate metropolitan agencies to develop comprehensive planning processes and plans of action for their regions.

The problem is not of small dimension—at least in the Washington area. A very recent report, dated February 8, 1973, by the Metropolitan Washington Council of Governments shows that of all arrests for serious crimes in the Maryland suburbs, 20 percent were of persons who did not live in the jurisdiction in which they were arrested.

From the point of view of the criminal, the entire metropolitan area is available to him for his work. From the point of view of the public, there are not adequate political and technical arrangements which will halt or deter criminal activity which is interjurisdictional in nature. We have neglected to make possible the planning which must precede the action—which will lead to permanent solutions.

Nineteen months ago I organized a conference on the problem of crime in the metropolitan area. That conference addressed itself to the problems of police, courts, corrections, prosecution and defense, civil disorders, organized crime, drug abuse, and juvenile delinquency as each one of these related to the Greater Washington metropolitan area. Some of those recommendations have now been put into effect. Others, designed to control and reduce crime in the larger city of Metropolitan Washington, await action still because of the difficulty in planning, staffing, and developing the arrangements we need so desperately.

But among actions taken as a result of that conference are: First, intensive discussions among prosecutors in the metropolitan area regarding interjurisdictional investigations and organized crime in the metropolitan area; second, creation of a new Corrections Committee at COG aimed at developing recommendations concerning regional correctional facilities, interstate arrangements for exchange of inmates for training purposes, improving supervision of persons on probation and parole in the Washington metropolitan area, and improved security arrangements; third, development of a proposal by COG to acquire the appropriate data in order to show the nature, extent, trends, and changes in drug abuse patterns in the Washington metropolitan area; fourth, preparation of a meeting composed of chief judges in the metropolitan area to discuss such common problems as the need for information from other jurisdictions at time of sentencing, sentencing practices area, and the experiences with and opportunities presented by court reform in the metropolitan area; fifth, development of an amendment to the police mutual aid agreement which permits the exchange of narcotics investigators within the metropolitan area; and, sixth, upgrading of the police mutual aid radio network throughout the entire metropolitan area, permitting more effective police coordination.

Still awaiting action are a wide variety of other programs, including in particular, first, an effort to mount an effective program aimed at improving coordination among police and prosecutors in the field of organized crime; second, development of a capability to monitor the major violator in the metropolitan area; third, development of effective programs to deal with major laws with a view to recommending changes which would encourage opportunities for young people to work at useful occupations, thereby discouraging delinquency; and, fourth, improved cooperation with local broadcast media in providing information to the public about disorders, disturances, and natural disasters.

The will to meet these metropolitan needs is present. The police chiefs, the correctional officials, the prosecutors, the drug abuse program directors of the Nation all stand ready to cooperate and have taken a number of steps already to improve cooperation, in the Washington area and elsewhere. A survey of major metropolitan agencies shows that two-thirds are eager to move forward with planning and cooperative action in this area—if there were adequate funding available. The administrative mechanisms already exist. There are in all major metropolitan areas either regional planning councils or councils of governments. Missing only is provision in the Omnibus Crime Control and Safe Streets Act which would permit direct funding of these interstate councils for planning at the regional or metropolitan scale to develop approaches and answers to the regional or metropolitan crime problems.

Mr. President, I today propose such an amendment to the Safe Streets Act in order to permit interstate regional metropolitan area councils of local governments or regional councils which are interstate directly eligible for a specially earmarked amount of planning grant funds from LEAA. I am proposing that a minimum grant of $25,000 be made to any one agency, and that a maximum of $1.5 million be appropriated for this purpose in fiscal year 1974.

This proposed amendment in no way is intended to lead to a diminution of the powers and responsibilities of either State or local governments. But, rather it will greatly augment the realistic opportunities to halt crime in that portion of the metropolitan area within each State's boundaries. State would retain all powers they now exercise over the grant funds made available to States for comprehensive State planning. The grants to interstate councils of governments or interstate planning councils would be made only for planning and none specifically for the purpose of achieving a coordinated response to crime problems by local governments within the metropolitan area. All other criminal justice planning would remain with States and their local governments. Control over direct action moneys would remain with the States. Further, the plans developed by interstate agencies would, through the language of my proposed amendment to the act, have to be consistent with State and local plans of action. In other words, there would be no planning unless what is planned is approved by all the appropriate governments. It encourages cooperation, while not denying political realities.

It is a modest proposal, but nonetheless a beginning. It is not without models. In 1972, I assisted the Metropolitan Washington Council of Governments in obtaining a pilot or demonstration grant from LEAA to begin such planning at the metropolitan scale here in the Washington metropolitan area. This was done with the agreement of respective local and State governments. Its report on interjurisdictional crime which will appear at the end of these remarks is one product of this new funding approach. The Washington COG has proven that progress, though slim, is achievable and they should be commended for their leadership and efforts. It is the intention of my amendment that the work begun by the Metropolitan Washington Council of Governments be continued and that similar efforts be made possible for other interstate councils and organizations.

Surveys of the existing 29 interstate metropolitan area councils of governments and regional planning agencies reveal that many of these organizations are uniquely aware of the growing complexity of the crime problem in this Nation. They have realized that the offender is no more inhibited by jurisdictional boundary lines than he is by locked doors or moral scruples. They realize that apprehension cannot be limited by a geographical boundary nor can we attack crime on the basis of the narrow harm done to a political subdivision. These agencies are uniquely qualified, willing, and prepared to undertake solutions to these complex metropolitan problems. Staff complements of these agencies in the area of public safety range from zero to 17 persons—indicating both their deficiency and present capability. As an indicator of the willingness on the part of these organizations to assume a more functional role in the efforts for insuring public safety, and, in general, upgrading the quality of life in the many problem-plagued urban centers of this Nation, a conference of regional councils representing interstate areas was convened in December 1972 in New Orleans, under the auspices of the National Association of Regional Councils. From this conference arose specific recommendations and mandates for action which were subsequently directed to the States and the Federal Government.

These recommendations taken as a package, while largely applicable to efforts more broad than the specific scope of this proposed legislation, are nonetheless consistent with its conceptual basis. These recommendations state that:

First, Legislation should be sought authorizing and requiring the Office of Management and Budget—OMB—to certify a single areawide regional council in interstate urban areas as the administrator of all Federal programs concerned with areawide planning or coordination for that area, unless such designation would be contrary to State law;

Second, In new Federal legislation involving areawide planning and coordination within interstate areas, the Standard Metropolitan Statistical Area—SMSA—should be treated as the basic unit for such planning and coordination, and the executive office of the President should be responsible for assuring that the areawide regional council is designated to carry out the programs unless such designation would be contrary to State law;

Third, Individual Federal agency certification processes should be combined and made consistent throughout all interstate urban areas;

Fourth, To the extent possible, Federal and State agencies should agree on a uniform base for the collection of data needed for areawide planning;

Fifth, OMB, Federal Regional Councils, and the States should seek to achieve consistency among Federal agency guidelines in specific functional areas;

Sixth, The National Association of Regional Councils and individual regional councils should seek to educate the Congress and the State legislatures on the problems of interstate areas on a continuing basis; and,

Seventh, The proposed legislation to amend the Safe Streets Act in order to make interstate regional councils directly eligible for LEAA planning funds should be supported, and similar legislation should be developed for other functional areas.

The failure of the Federal Government to deal directly with interstate urban areas in its law enforcement programs reflects the greater problem of the lack of the development of an effective areawide mechanism for coordination.

This lack exists largely because: First, interstate councils tend to be orphans insofar as their State governments are concerned; States tend to be reluctant to delegate responsibility or to invest State funds in organizations whose jurisdiction and governmental allegiance lies outside the State's boundaries; and, second, States understandably tend to build substate agencies in interstate urban areas, and will presumably continue to. This tends to fragment urban areas along State lines and perpetuates the weaknesses of interstate councils.

Since it does not appear likely that State governments will act to strengthen interstate councils, Federal policy seems to be the only realistic potential means for bringing about an increase in the effectiveness of these organizations The thrust, then, of this proposed amendment is not the creation and maintenance of yet another action center but an attempt to increase the abilities of local and State governments to act effectively in a concerted and effective fashion. To place in perspective the actual and potential resources and capabilities of those interstate metropolitan area councils of governments and regional planning agencies, it is important to note that the population which it serves is approximately 40 million, or nearly one-fifth of the Nation's population and, approximately 30 percent of the Nation's reported serious or major crime for calendar year 1971 was reported in those interstate areas served by regional planning agencies or councils of governments.

A recent survey of 20 of these 29 interstate councils revealed that 15, or 75 percent of the sample would in fact apply for planning grant funds if money was available. Some of the reasons for giving negative responses were: First, a lack of interest in coordination by the affected States, and hence no client group; and second, sentiment that planning funds would be of minimal value until authority to award grants based on these plans was placed with the metropolitan agency. Only six of these organizations currently receive public safety or criminal justice planning grant funds. Five receive such funds from the Law Enforcement Assistance Administration—largely for research programs. One receives grant funds through the programs financed under the Highway Safety Act. These figures, however, seem less than startling when one considers the fact that only seven, or 35 percent of the respondents currently possess a department of public safety or criminal justice planning, largely for lack of funding.

With the availability of earmarked planning moneys for interstate councils as provided for in this proposed amendment, it is anticipated that functional public safety components will become more widespread. Such increased capability in this regard is desirable, for while there may be argument over the causes and the extent of interstate crime in these metropolitan areas, there is no argument that the amount of such crime is substantial and that the problems in enforcement are complex. The need for the kind of continuing staff planning and coordination effort that can only be supplied through an interstate metropolitan agency properly supported through planning funds is vividly apparent.

Upon enactment of such an amendment, the first step for a regional agency would be to focus and identify the metropolitan problems in the law enforcement and criminal justice areas. In this regard, then, the regional planning agencies would be required, with the cooperation and approval of the cognizant States and units of general local government, to prepare and adopt comprehensive plans on the basis of their regional attack on crime in its area. As is currently the case with the plans prepared by the States, the regional plans would include descriptions of the general and specific metropolitanwide needs and problems; available resources; organization systems and administrative machinery for implementing the plan; the direction, scope, and general types of improvements to be made in the future; and the relationship of the plan to those plans and systems of the cognizant States and units of general local governments. The concerned SPAs would review and approve the contents of such plans prior to their submission to the Law Enforcement Assistance Administration for its approval. Only thereafter could steps be taken to implement these plans.

The solution to the problems of crime in our cities and to the urgent need to make our streets safe from violence is not to be found solely, of course, in developing planning capabilities at the metropolitan or regional level in interstate areas. We must press for many diverse approaches to this complex and difficult problem. We have, however, neglected to support the efforts of interstate councils and we must now remedy that neglect and provide them with the capability to undertake the planning and coordination which are essential if crime in our cities and outlying suburbs is to be controlled and reduced.

Mr. President, I wish to acknowledge the great assistance of the Washington Council of Governments with regard to this proposed amendment. They have greatly added to my understanding of this matter and I am deeply grateful.

Mr. President, at this time I ask unanimous consent that the full text of the proposed amendment be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.



XUM

S. 1796

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That part B of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by adding at the end thereof the following new section:

"SEC. 206. (a) Notwithstanding any other provision of law, the Administration is authorized to make grants to organizations composed or predominantly composed of local elected officials from the general purpose governments within any interstate metropolitan area, which are capable of developing an effective comprehensive planning and coordination process to cope with the regional law enforcement and criminal justice needs and problems within such interstate area. Grants under this section for interstate regional planning shall include but not be limited to grants for the following purposes:

"(1) identifying general metropolitan needs, problems and resources to meet needs and problems on a metropolitan scale;

"(2) preparing, as an aid to state and local governments, comprehensive law enforcement and criminal justice plans for meeting regional problems;

"(3) developing physical and fiscal proposals for implementing plans and policies on which local governments in the metropolitan area agree;

"(4) proposing organizational systems and administrative machinery for implementing plans and policies;

"(5) coordinating related plans and activities of state and local governments and agencies concerned with regional planning; and

"(6) encouraging states and local governments to combine or provide cooperative arrangements with respect to services, facilities, and equipment.

"(b) The amount of any Federal grant made under this section shall not exceed 90 per centum of the expenses for preparation, development, and revisions of such interstate metropolitan planning and coordination. All interstate metropolitan plans developed under this section shall be consistent with the comprehensive state and local programs priorities developed under section 303 of this title.

"(c)(1) There are authorized to be appropriated for the purposes of this section an amount not to exceed $1,500,000 for the fiscal years ending June 30, 1974 and $2,000,000 for each of the fiscal years ending June 30, 1975 and June 30, 1976.

"(2) Any amount so appropriated for any such fiscal year may be allocated by the Administration among interstate metropolitan areas according to their relative needs and population, except that no such area to which funds are allocated shall receive a sum less than $25,000.

"(3) Any funds appropriated under this section and not expended during the fiscal year for which they were appropriated shall remain available for expenditure in subsequent fiscal years."

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By Mr. SYMINGTON (for himself and Mr. THURMOND) (by request):

S. 1797. A bill to authorize certain construction at military installations and for other purposes. Referred to the Committee on Armed Services.

Mr. SYMINGTON. Mr. President, by request, for myself and Mr. THURMOND, I introduce, for appropriate reference, a bill to authorize certain construction at military installations, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation, and explaining its purpose, be printed in the RECORD immediately following the listing of the bill.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1797

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $14,403,000.
Carlisle Barracks, Pennsylvania, $2,465,000.
Fort Devens, Massachusetts, $2,749,000.
Fort Dix, New Jersey, $339,000.
Camp Drum, New York, $1,099,000.
Fort Eustis, Virginia, $4,782,000.
Camp A. P. Hill, Virginia, $535,000.
Indiantown Gap Military Reservation, Pennsylvania, $1,657,000.
Fort Knox, Kentucky, $7,305,000.
Fort Lee, Virginia, $22,769,000.
Fort George G. Meade, Maryland, $7,445,000.
Fort Monroe, Virginia, $967,000.
Camp Pickett, Virginia, $476,000.

(Third Army)

Fort Benning, Georgia, $12,404,000.
Fort Bragg, North Carolina, $33,471,000.
Fort Campbell, Kentucky, $51,881,000.
Eglin AFB, Valparaiso, Florida, $2,950,000.
Fort Gordon, Georgia, $23,780,000.
Fort Jackson, South Carolina, $2,902,000.
Fort McClellan, Alabama, $19,505,000.
Fort McPherson, Georgia, $1,804,000.
Fort Rucker, Alabama, $3,987,000.
Fort Stewart, Georgia, $264,000.

(Fifth Army)

Fort Bliss, Texas, $6,087,000.
Fort Benjamin Harrison, Indiana, $3,893,000.
Fort Hood, Texas, $15,094,000.
Fort Sam Houston, Texas, $11,738,000.
Fort Polk, Louisiana, $29,276,000.
Fort Riley, Kansas, $34,918,000.
Fort Sheridan, Illinois, $762,000.
Fort Sill, Oklahoma, $9,447,000.
Fort Leonard Wood, Missouri, $44,432,000.

(Sixth Army)

Fort Carson, Colorado, $6,651,000.
Hunter-Liggett Military Reservation, California, $7,776,000.
Fort Lewis, Washington, $8,327,000.
Fort McArthur, California, $428,000.
Fort Ord, California, $9,812,000.
Presidio of San Francisco, California, $5,751,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $11,934,000.
Aeronautical Maintenance Center, Texas, $6,284,000.
Anniston Army Depot, Alabama, $3,745,000.
Army Materials and Mechanics Research Center, Massachusetts, $325,000.
Atlanta Army Depot, Georgia, $119,000.
Frankford Arsenal, Pennsylvania, $73,000.
Fort Monmouth, New Jersey, $12,286,000.
Defense Depot, Memphis, Tennessee, $456,000.
Natick Laboratories, Massachusetts, $466,000.
Picatinny Arsenal, New Jersey, $2,915,000.
Pine Bluff Arsenal, Arkansas, $294,000.
Redstone Arsenal, Alabama, $4,971,000.
Sacramento Army Depot, California, $412,000.
Savanna Army Depot, Illinois, $2,746,000.
Sierra Army Depot, California, $360,000.
White Sands Missile Range, New Mexico, $4,771,000.
Yuma Proving Ground, Arizona, $6,472,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms Station, Virginia, $287,000.

UNITED STATES ARMY STRATEGIC COMMUNICATION COMMAND

Fort Huachuca, Arizona, $6,832,000.
Fort Ritchie, Maryland, $1,394,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $30,145,000.

ARMY MEDICAL DEPARTMENT

Walter Reed Army Medical Center, District of Columbia, $1,997,000.

CORPS OF ENGINEERS

Cold Regions Laboratories, New Hampshire, $597,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Oakland Army Terminal, California, $485,000.
Sunny Point Army Terminal, North Carolina, $1,628,000.

UNITED STATES ARMY, ALASKA

Fort Greeley, Alaska, $3,489,000.
Fort Richardson, Alaska, $2,140,000.
Fort Wainwright, Alaska, $2,175,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii, $9,592,000.
Fort Shafter, Hawaii, $1,233,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $7,295,000.
Various Locations, Water Pollution Abatement, $6,799,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various Locations, $8,095,000.

UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $1,568,000.

PUERTO RICO

Fort Buchanan, Puerto Rico, $517,000.

KWAJALEIN MISSILE RANGE

National Missile Range, $2,353,000.

UNITED STATES ARMY SECURITY AGENCY

Various Locations, $1,434,000.

UNITED STATES ARMY STRATEGIC COMMUNICATION COMMAND

Various Locations, $2,097,000.

UNITED STATES ARMY, EUROPE

Germany, Various Locations, $12,517,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $80,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $3,000,000.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions



and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment; in the total amount of $10,000,000: Provided, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 104. (a) Public Law 92–545, is amended under the heading "INSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Military Ocean Terminal, Bayonne, New Jersey," strike out "$3,245,000" and insert in place thereof "$3,603,000."

(b) Public Law 92–545 is amended by striking out in clause (1) of section 702 "$441,704,000" and "$558,778,000" and inserting in place thereof "$442,062,000" and "$559,136,000," respectively.

SEC. 105. (a) Public Law 91–511, as amended, is amended under the heading "INSIDE THE UNITED STATES," in section 101 as follows:

With respect to "Fort Benning, Georgia," strike out "$2,855,000" and insert in place thereof "$3,383,000."

(b) Public Law 91–511, as amended, is amended by striking out in clause (1) of section 602 "$181,306,000" and "$266,503,000" and inserting in place thereof "$181,834,000" and "$267,031,000," respectively.

SEC. 106. (a) Public Law 90–110, as amended, is amended under the heading "UNITED STATES ARMY, ALASKA" in section 101 as follows:

With respect to "Fort Richardson, Alaska," strike out "$1,800,000" and insert in place thereof "$2,100,000."

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802 "$288,055,000" and "$391,448,000" and inserting in place thereof "$288,355,000" and "$391,748,000," respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, concerting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine, $135,000.
Naval Security Group Activity, Winter Harbor, Maine, $232,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $6,158,000.
Naval Underwater System Center, New London Laboratory, New London, Connecticut, $3,600,000.
Military Ocean Terminal, Bayonne, New Jersey, $1,808,000.
Naval Support Activity, Brooklyn, New York, $1,131,000.

FOURTH NAVAL DISTRICT

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $915,000.
Naval Air Development Center, Warminster, Pennsylvania, $215,000.

NAVAL DISTRICT, WASHINGTON

Naval Research Laboratory, Washington, District of Columbia, $5,395,000.
Naval Academy, Annapolis, Maryland, $4,334,000.
Naval Station, Annapolis, Maryland, $1,080,000.
National Naval Medical Center, Bethesda, Maryland, $3,316,000.
Naval Medical Research Institute, Bethesda, Maryland, $6,372,000.
Naval Communication Station, Cheltenham, Maryland, $1,300,000.
Naval Ordnance Station, Indian Head, Maryland, $1,528,000.
Naval Air Test Center, Patuxent River, Maryland, $1,240,000.
Naval Hospital, Quantico, Virginia, $484,000.

FIFTH NAVAL DISTRICT

Fleet Combat Direction Systems Training Center, Atlantic, Dam Neck, Virginia, $6,531,000.
Naval Amphibious Base, Little Creek, Virginia, $3,350,000.
Naval Air Station, Norfolk, Virginia, $2,525,000.
Naval Station, Norfolk, Virginia, $18,493,000.
Navy Public Works Center, Norfolk, Virginia, $567,000.
Nuclear Weapons Training Group, Atlantic, Norfolk, Virginia, $2,470,000.
Naval Air Station, Oceana, Virginia, $3,962,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $11,133,000.
Naval Weapons Station, Yorktown, Virginia, $1,327,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $3,743,000.
Naval Air Station, Ellyson Field, Florida, $75,000.
Naval Air Station, Jacksonville, Florida, $13,766,000.
Naval Hospital, Orlando, Florida, $22,312,000.
Naval Training Center, Orlando, Florida, $7,383,000.
Naval Coastal Systems Laboratory, Panama City, Florida, $3,463,000.
Naval Air Station, Pensacola, Florida, $2,699,000.
Naval Communications Training Center, Pensacola, Florida, $9,859,000.
Naval Air Station, Whiting Field, Florida, $2,186,000.
Naval Home, Gulfport, Mississippi, $9,444,000.
Naval Air Station, Meridian, Mississippi, $4,532,000.
Charleston Naval Shipyard, Charleston, South Carolina, $252,000.
Naval Station, Charleston, South Carolina, $1,498,000.
Naval Air Station, Memphis, Tennessee, $4,478,000.

EIGHTH NAVAL DISTRICT

Naval Hospital, New Orleans, Louisiana, $3,386,000.
Naval Support Activity, New Orleans, Louisiana, $13,880,000.
Naval Air Station, Chase Field, Texas, $2,875,000.
Naval Air Station, Kingsville, Texas, $3,040,000.

NINTH NAVAL DISTRICT

Naval Complex, Great Lakes, Illinois, $19,908,000.

ELEVENTH NAVAL DISTRICT

Naval Weapons Center, China Lake, California, $3,163,000.
Long Beach Naval Shipyard, Long Beach, California, $6,808,000.
Naval Hospital, Long Beach, California, $878,000.
Naval Air Station, Miramar, California, $1,454,000.
Naval Air Station, North Island, California, $2,415,000.
Fleet Combat Direction Systems Training Center, Pacific, San Diego, California, $1,118,000.
Naval Electronics Laboratory Center, San Diego, California, $3,518,000.
Naval Station, San Diego, California, $11,996,000.
Naval Training Center, San Diego, California, $2,944,000.
Navy Public Works Center, San Diego, California, $2,471,000.
Navy Submarine Support Facility, San Diego, California, $3,920,000.
Naval Weapons Station, Seal Beach, California, $1,528,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Alameda, California, $5,236,000.
Naval Air Station, Lemoore, California, $3,266,000.
Naval Air Station, Moffett Field, California, $5,265,000.
Naval Hospital, Oakland, California, $5,839,000.
Hunters Point Naval Shipyard, San Francisco, California, $250,000.
Naval Security Group Activity, Skaggs Island, California, $641,000.
Mare Island Naval Shipyard, Vallejo, California, $2,074,000.

THIRTEENTH NAVAL DISTRICT

Naval Complex, Adak, Alaska, $8,773,000.
Puget Sound Naval Shipyard, Bremerton, Washington, $2,300,000.

FOURTEENTH NAVAL DISTRICT

Naval Air Station, Barbers Point, Hawaii, $4,306,000.
Naval Ammunition Depot, Oahu, Hawaii, $457,000.
Naval Station, Pearl Harbor, Hawaii, $4,060,000.
Naval Submarine Base, Pearl Harbor, Hawaii, $2,562,000.
Navy Public Works Center, Pearl Harbor, Hawaii, $1,985,000.
Naval Communication Station, Honolulu, Wahoiawa, Hawaii, $2,324,000.

MARINE CORPS

Marine Corps Air Station, Quantico, Virginia, $831,000.
Marine Corps Development and Education Command, Quantico, Virginia, $1,541,000.
Marine Corps Base, Camp Lejeune, North Carolina, $8,902,000.
Marine Corps Air Station, Cherry Point, North Carolina, $1,821,000.
Marine Corps Air Station, New River, North Carolina, $3,245,000.
Fleet Marine Force Atlantic, Norfolk, Virginia, $686,000.
Marine Corps Supply Center, Albany, Georgia, $5,204,000.
Marine Corps Air Station, Beaufort, South Carolina, $126,000.
Marine Corps Recruit Depot, Parris Island, South Carolina, $2,580,000.
Marine Corps Air Station, Yuma, Arizona, $4,790,000.
Marine Corps Supply Center, Barstow, California, $3,802,000.
Marine Corps Base, Camp Pendleton, California, $10,920,000.
Marine Corps Air Station, El Toro, California, $747,000.
Marine Corps Recruit Depot, San Diego, California, $3,825,000.
Marine Corps Base, Twentynine Palms, California, $2,992,000.
Marine Corps Air Station, Kaneohe Bay, Hawaii, $5,988,000.

TRIDENT FACILITIES

Various Locations, TRIDENT Facilities, United States, $125,223,000.

XUM

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $27,636,000.

Various Locations, Water Pollution Abatement, $60,680,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Complex, Puerto Rico, $2,951,000.

Naval Facility, Grand Turk, the West Indies, $1,145,000.

ATLANTIC OCEAN AREA

Naval Air Station, Bermuda, $3,010,000.

Naval Complex, Guantanamo Bay, Cuba, $8,376,000.

Naval Station, Keflavik, Iceland, $6,092,000.

EUROPEAN AREA

Naval Detachment, Souda Bay, Crete, Greece, $4,153,000.

Naval Air Facility, Sigonella, Sicily, Italy, $3,086,000.

Naval Security Group Activity, Edzell, Scotland, $868,000.

Naval Station, Rota, Spain, $85,000.

PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $1,192,000.

Naval Complex, Guam, Mariana Islands, $10,988,000.

Naval Complex, Subic Bay, Republic of the Philippines, $2,723,000.

POLLUTION ABATEMENT

Various Locations, Water Pollution Abatement, $3,995,000.

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974; except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section to that date.

SEC. 203. (a) Public Law 89-568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Naval Ordnance Laboratory, White Oak, Maryland, strike out "$3,847,000" and insert in place thereof "$4,295,000".

(b) Public Law 89-568, as amended, is amended by striking out in clause (2) of section 602, "$124,514,000" and "$148,677,000" and inserting in place thereof "$124,962,000" and "$149,125,000", respectively.

SEC. 204. (a) Public Law 90-408, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 201 as follows:

With respect to Navy Mine Defense Laboratory, Panama City, Florida, strike out "$7,411,000" and insert in place thereof "$9,397,000".

(b) Public Law 90-408, as amended, is amended by striking out in clause (2) of section 802, "$239,682,000" and "$246,547,000" and inserting in place thereof "$241,668,000" and "$248,533,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Peterson Field, Colorado Springs, $7,843,000.

Tyndall Air Force Base, Panama City, Florida, $951,000.

AIR FORCE COMMUNICATIONS SERVICE

Richards-Gebaur Air Force Base, Grandview, Missouri, $3,963,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah, $11,968,000.

Kelly Air Force Base, San Antonio, Texas, $6,101,000.

McClellan Air Force Base, Sacramento, California, $3,171,000.

Robins Air Force Base, Warner Robins, Georgia, $4,868,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $15,666,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $19,551,000.

AIR FORCE SYSTEMS COMMAND

Edwards Air Force Base, Muroc, California, $889,000.

Eglin Air Force Base, Valparaiso, Florida, $7,039,000.

Laurence G. Hanscom Field, Bedford, Massachusetts, $480,000.

Satellite Control Facilities, $654,000.

AIR TRAINING COMMAND

Keesler Air Force Base, Biloxi, Mississippi, $8,786,000.

Lackland Air Force Base, San Antonio, Texas, $6,509,000.

Laughlin Air Force Base, Del Rio, Texas, $4,635,000.

Lowry Air Force Base, Denver, Colorado, $21,610,000.

Mather Air Force Base, Sacramento, California, $1,993,000.

Randolph Air Force Base, San Antonio, Texas, $1,463,000.

Reese Air Force Base, Lubbock, Texas, $4,211,000.

Sheppard Air Force Base, Wichita Falls, Texas, $2,753,000.

Vance Air Force Base, Enid, Oklahoma, $371,000.

Webb Air Force Base, Big Spring, Texas, $3,154,000.

Williams Air Force Base, Chandler, Arizona, $797,000.

AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, $5,462,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $1,557,000.

Various locations, $7,101,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $16,935,000.

Bolling Air Force Base, Washington, District of Columbia, $1,500,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $1,770,000.

Dover Air Force Base, Dover, Delaware, $3,387,000.

McGuire Air Force Base, Wrightstown, New Jersey, $1,860,000.

Norton Air Force Base, San Bernardino, California, $1,283,000.

Scott Air Force Base, Belleville, Illinois, $3,092,000.

Travis Air Force Base, Fairfield, California, $1,024,000.

PACIFIC AIR FORCES

Hickman Air Force Base, Honolulu, Hawaii, $7,331,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $1,743,000.

Blytheville Air Force Base, Blytheville, Arkansas, $140,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $232,000.

Dyess Air Force Base, Abilene, Texas, $730,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $514,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming, $5,834,000.

Grissom Air Force Base, Peru, Indiana, $3,100,000.

Kincheloe Air Force Base, Kinross, Michigan, $2,430,000.

Malmstrom Air Force Base, Great Falls, Montana, $1,507,000.

McConnell Air Force Base, Wichita, Kansas, $1,042,000.

Offutt Air Force Base, Omaha, Nebraska, $617,000.

Pease Air Force Base, Portsmouth, New Hampshire, $526,000.

Plattsburgh Air Force Base, Plattsburgh, New York, $286,000.

Vandenberg Air Force Base, Lompoc, California, $220,000.

Whiteman Air Force Base, Knob Noster, Missouri, $3,892,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $616,000.

Various Locations, $2,309,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $2,273,000.

Cannon Air Force Base, Clovis, New Mexico, $162,000.

England Air Force Base, Alexandria, Louisiana, $183,000.

Holloman Air Force Base, Alamogordo, New Mexico, $2,432,000.

Langley Air Force Base, Hampton, Virginia, $503,000.

Little Rock Air Force Base, Little Rock, Arkansas, $1,165,000.

Luke Air Force Base, Glendale, Arizona, $2,986,000.

MacDill Air Force Base, Tampa, Florida, $2,657,000.

Mountain Home Air Force Base, Mountain Home, Idaho, $253,000.

Nellis Air Force Base, Las Vegas, Nevada, $2,588,000.

Shaw Air Force Base, Sumter, South Carolina, $2,501,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $645,000.

POLLUTION ABATEMENT

Various Locations, Air Pollution Abatement, $3,689,000.

Various Locations, Water Pollution Abatement, $5,381,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various Locations, $25,909,000.

OUTSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Naval Station Keflavik, Iceland, $1,355,000.

PACIFIC AIR FORCES

Various Locations, $11,788,000.

UNITED STATES AIR FORCES IN EUROPE

Germany, $5,646,000.

United Kingdom, $9,479,000.

Various Locations, $800,000.

UNITED STATES AIR FORCE SOUTHERN COMMAND

Howard Air Force Base, Canal Zone, $1,038,000.



UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, $221,000.

POLLUTION ADATEMENT

Various Locations, Water Pollution Abatement, $750,000.

WORLD WIDE COMMUNICATIONS

Various Locations, $330,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $1,000,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $10,000,000; *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1974, except for those public works projects concerning which the Committee on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

DEFENSE NUCLEAR AGENCY

Kirtland Air Force Base, Albuquerque, New Mexico, $374,000.

Atomic Energy Commission Nevada Test Site, Las Vegas, Nevada, $200,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $1,188,000.

Defense Depot, Mechanicsburg, Pennsylvania, $2,048,000.

Defense Depot, Memphis, Tennessee, $360,000.

Defense Depot, Ogden, Utah, $250,000.

Defense Depot, Tracy, California, $747,000.

Defense General Supply Center, Richmond, Virginia, $2,653,000.

Defense Logistics Services Center, Battle Creek, Michigan, $160,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $560,000.

Regional Office, Defense Contract Administration Services, Chicago, Illinois, $404,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $8,156,000.

TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and mobile home facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, six thousand one hundred thirty-five units, $178,208,000.

Fort Carson, Colorado, two hundred units.

Eglin Air Force Base, Florida, twenty-five units.

United States Army Installations, Oahu, Hawaii, one thousand units.

Fort Riley, Kansas, nine hundred one units.

Fort Campbell, Kentucky, one thousand units.

Fort Polk, Louisiana, five hundred units.

Aberdeen Proving Ground, Maryland, one hundred sixty-six units.

Fort Bragg/Pope Air Force Base, North Carolina, one hundred thirty-six units.

Tobyhanna Army Depot, Pennsylvania, eighty-six units.

Fort Hood, Texas, nine hundred units.

Red River Army Depot, Texas, twenty-one units.

Fort Belvoir, Virginia, seven hundred units.

Fort Eustis, Virginia, three hundred units.

Fort Monroe, Virginia, two hundred units.

(2) The Department of the Navy, three thousand seven hundred forty-one units, $117,675,000.

Marine Corps Base, Camp Pendleton, California, eight hundred units.

Navy Facility, Centerville Beach, California, sixty units.

Marine Corps Base, Twentynine Palms, California, two hundred units.

Naval Training Center, Orlando, Florida, three hundred units.

Naval Complex, Oahu, Hawaii, six hundred units.

Naval Complex, New Orleans, Louisiana, one hundred units.

Naval Support Facility, Thurmont, Maryland, six units.

Construction Battalion Center, Gulfport, Mississippi, one hundred units.

Naval Home, Gulfport, Mississippi, five units.

Naval Complex, South Philadelphia, Pennsylvania, three hundred fifty units.

Naval Complex, Charleston, South Carolina, two hundred seventy units.

Naval Complex, Guam, Marianas Islands, eight hundred units.

Naval Station, Keflavik, Iceland, one hundred fifty units.

(3) The Department of the Air Force, one thousand eight hundred units, $55,501,000.

Blytheville Air Force Base, Arkansas, one hundred units.

Avon Park Weapons Range, Florida, fifty units.

Eglin Air Force Base, Florida, two hundred fifty units.

United States Air Force Installations, Oahu, Hawaii, four hundred units.

Andrews Air Force Base, Maryland, three hundred units.

Grand Forks Air Force Base, North Dakota, two hundred units.

Sheppard Air Force Base, Texas, two hundred units.

Andersen Air Force Base, Guam, Marianas Islands, three hundred units.

(b) Mobile Home Facilities—

(1) The Department of the Army, eight hundred twenty-five spaces, $3,300,000.

(2) The Department of the Navy, one hundred spaces, $400,000.

(3) The Department of the Air Force, four hundred fifteen spaces, $2,000,000.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures.

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) shall not exceed $27,500 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the area specified in subsection (a) shall be constructed at a total cost exceeding $45,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than that specified in subsection (a) the average cost of all such units shall not exceed $38,000 and in no event shall the cost of any unit exceed $45,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $28,160,000.

(2) for the Department of the Navy, $10,600,000.

(3) for the Department of the Air Force, $23,750,000.

SEC. 504. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in Section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

SEC. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, twelve family housing units. This authority shall include the authority to acquire land and interests in land. The authorization contained in this section shall not be subject to the cost limitations set forth in Section 502 of this Act: *Provided*, That the cost shall not exceed a total of $520,000 for all units nor $60,000 for any one unit, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 506(a). Subsection 610(a) of Public Law 90-110 (81 Stat. 279, 305), as amended, is amended to read as follows:

"SEC. 610. (a) None of the funds authorized by this or any other Act may be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units when such units are to be converted into or used as a single family housing unit, the costs of which exceed $15,000 per unit including costs of repairs undertaken in connection

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therewith, and including any costs in connection with (1) the furnishing of electricity, gas, water and sewage disposal; (2) roads and walks; and (3) grading and drainage, unless such improvement in connection with such unit or units is specifically authorized by law. As used in this section the term "improvement" includes alteration, expansion, extension, or rehabilitation of any housing unit or units, including that maintenance and repair which is to be accomplished concurrently with an improvement project. The provisions of this section shall not apply to projects authorized for restoration or replacement of housing units damaged or destroyed."

(b) The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $15,000 limitation prescribed in subsection (a) of this section as follows:

Elmendorf Air Force Base, Alaska, one unit, $35,800.

Marine Corps Base, Twentynine Palms, California, one unit, $17,000.

Fort McNair, Washington, District of Columbia, five units, $165,000.

Naval Complex, New Orleans, Louisiana, four units, $119,600.

Ramstein Air Base, Federal Republic of Germany, one unit, $26,500.

SEC. 507. Section 515 of Public Law 84-161 (69 Stat. 324, 352), as amended, is further amended to read as follows:

"SEC. 515. During fiscal years 1974 and 1975, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, without rental charge, at or near any military installation in the United States, Puerto Rico, or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase is temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or no family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than ten thousand such units may be so leased at any one time. Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: for the United States (other than Hawaii), Puerto Rico, and Guam an average of $210 per month for each military department, or the amount of $290 per month for any one unit; and for Hawaii, an average of $255 per month for each military department, or the amount of $300 per month for any one unit."

SEC. 508. Section 507 of Public Law 82-174 (177 Stat. 307, 326), as amended, is further amended to read as follows:

"SEC. 507. For the purpose of providing military family housing in foreign countries, the Secretary of Defense is authorized to enter into agreements guaranteeing the builders or other sponsors of such housing a rental return equivalent to a specified portion of the annual rental income which the builders or other sponsors would receive from the tenants if the housing were fully occupied: *Provided*, That the aggregate amount guaranteed under such agreements entered into during the fiscal years 1974 and 1975 shall not exceed such amount as may be applicable to five thousand units: *Provided further*, That no such agreeemnt shall guarantee the payment of more than 97 per centum of the anticipated rentals, nor shall any guarantee extend for a period of more than ten years, nor shall the average guaranteed rental on any project exceed $275 per unit per month, including the cost of maintenance and operation."

SEC. 509(a). Chapter 159 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2684. Construction of Family Quarters; limitations on space

(a) In the construction of family quarters for members of the Armed Forces, the following are the maximum space limitations:

| Pay grade(s) | Number of bedrooms | Net floor area (square feet) |
|---|---|---|
| O-7 and above | 4 | 2,100 |
| O-6 | 4 | 1,700 |
| O-4 and O-5 | 4 | 1,550 |
| | 3 | 1,400 |
| O-1 through O-3; W-1 through W-4, and E-7 through E-9 | 5 | 1,550 |
| | 4 | 1,450 |
| | 3 | 1,350 |
| | 2 | 950 |
| E-1 through E-6 | 5 | 1,550 |
| | 4 | 1,350 |
| | 3 | 1,200 |
| | 2 | 950 |

As used in this section "net floor area" means the space inside the exterior walls, excluding: basement; service space instead of basement; attic; garage; carport; porches; and stairwells.

(b) The maximum limitations prescribed by subsection (a) are increased by ten per centum for quarters of the commanding officer of any station, air base, or other installation, based on the grade authorized for that position.

(c) The maximum limitations for family quarters constructed for key and essential civilian personnel are the same as those for military personnel of comparable grade, as determined by the Secretary of Defense.

(d) The maximum net floor area prescribed by subsection (a) may be increased up to five per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the government to permit award of a turnkey construction project to the contractor offering the most satisfactory proposal. Any increase made under subsection (b) when combined with an increase under this subsection, may not exceed an aggregate of ten per centum."

(b) The analysis of such Chapter 159 is amended by adding at the end thereof the following "2684. Construction of Family Quarters, limitations on space."

(c) Chapter 449 of title 10, United States Code, is amended by repealing section 4774, except for subsection (d) thereof, which subsection remains with the "(d)" deleted; and by revising the corresponding item in the catchline and analysis to read; "Construction: limitations".

(d) Chapter 649 of title 10, United States Code, is amended by repealing sections 7374 and 7575 and by striking out the corresponding items in the analysis.

(e) Chapter 949 of title 10, United States Code, is amended by repealing section 9774, except subsection (d) thereof, which subsection remains with the "(d)" deleted; and by revising the corresponding item in the catchline and analysis to read; "Construction: limitations"

SEC. 510. Notwithstanding the provisions of any other law, the Secretary of the Air Force is authorized to settle claims regarding repairs and improvements to public quarters at F. E. Warren Air Force Base, Wyoming, in the amount of $41,221.92.

SEC. 511. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of mobile home facilities, and planning, an amount not to exceed $423,774,000; and

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m) an amount not to exceed $826,793,000.

TITLE VI—GENERAL PROVISIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, $548,558,000; outside the United States, $108,581,000; section 102, $3,000,000; or a total of $660,139,000.

(2) for title II: Inside the United States, $581,462,000; outside the United States, $48,664,000; or a total of $630,126,000.

(3) for title III: Inside the United States, $270,793,000; outside the United States, $31,407,000; section 302, $1,000,000; or a total of $303,200,000.

(4) for title IV: A total of $17,100,000.

(5) for title V: Military family housing, $1,250,567,000.

SEC. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelvemonth period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress, shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code, provided that such contracts under regulations established by the Secretary of Defense may be awarded on a competitive basis by turnkey one step procedures. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 605. As of October 1, 1974, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of October 25, 1972, Public Law 92-545 (86 Stat. 1135), and all such authorizations contained in Acts approved before October 26, 1972, and not superseded or otherwise modified by a later authorization are repealed except——

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part before October 1, 1974, and authorizations for appropriations therefor;

(3) notwithstanding the repeal provisions of section 705(b) of the Act of October 25, 1972, Public Law 92-545 (86 Stat. 1135, 1153), all authorizations for construction of family housing, including mobile home facilities, all authorizations to accomplish alterations, additions, expansion, or extensions to existing family housing, and all authorizations for related facilities projects under said act are hereby continued and shall remain in effect until October 1, 1974; and

(4) notwithstanding the repeal provisions of section 750(a), of the Act of October 25, 1972, Public Law 92-545 (86 Stat. 1135, 1153), authorizations for the following items which shall remain in effect until October 1, 1975:

(a) airfield expansion in the amount of $882,000 for the United States Army Security Agency, that is contained in title I, section 101, under the heading "OUTSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 395), as amended.

(b) Environmental Health Effects Laboratory in the amount of $4,500,000 for the Naval Medical Research Institute, Bethesda, Maryland, that is contained in title II, section 201, under the heading "INSIDE THE UNITED STATES" of the Act of October 27, 1971 (85 Stat. 394, 397).

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0:

(1) $28.50 per square foot for permanent barracks;

(2) $30.50 per square foot for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: Provided, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 607. Section 709 of Public Law 92-145 (85 Stat. 394, 414), as amended, is amended to read as follows: "Notwithstanding any other provision of law, none of the lands constituting Camp Pendleton, California, may be sold, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law: Provided, however, That with respect to said lands the Secretary of the Navy, or his designee, may grant leases, licenses, or easements pursuant to his existing authority."

SEC. 608. Chapter 159 of title 10, United States Code, is amended as follows:

(1) Section 2674(f) is amended by striking out the phrase "every six months" in the second line and inserting "annually" in place thereof.

(2) Section 2676 is amended by changing the period at the end thereof to a semicolon and adding the following: "Provided, That this limitation shall not apply to the acceptance by a military department of real property acquired under the authority of the Administrator of General Services to acquire property by the exchange of Government property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)."

(3) Section 2672 is amended to redesignate the existing section as subsection "(a)" and by adding a subsection "(b)" as follows:

"Upon a determination by the Secretary of Defense that deferral of an acquisition under this subsection for inclusion in the next Military Construction Authorization Act would be inconsistent with the interest of national defense, and after notifying the Committees on Armed Services of the Senate and House of Representatives, the Secretary of a military department may acquire, without regard to the limitation in subsection (a) above and under such terms as he deems appropriate, any interest in land required to maintain the operational integrity of a military installation. This authority includes authority to make surveys and acquire such interests in land (including temporary use) by gift, purchase, or otherwise."

(4) The catchline of section 2672 is amended by adding the following at the end thereof: "and for other purposes".

SEC. 609. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1974".

TITLE VII—RESERVE FORCES FACILITIES

SEC. 701. Subject to Chapter 133 of Title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $29,900,000.

(b) Army Reserve, $35,000,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $18,858,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $16,000,000.

(b) Air Force Reserve, $9,000,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this Title without regard to Section 3648 of the Revised Statutes, as amended (31 USC 529), and Sections 4774 and 9774 of Title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under Section 355 of the Revised Statutes, as amended (40 USC 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 703. This Title may be cited as the "Reserve Forces Facilities Authorization Act, 1974."

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THE SECRETARY OF DEFENSE,
*Washington, D.C., May 3, 1973.*

HON. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To authorize certain construction at military installations and for other purposes."

This proposal is a part of the Department of Defense legislative program for FY 1974. The Office of Management and Budget on





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February 22, 1973, advised that its enactment would be in accordance with the program of the President.

This legislation would authorize military construction needed by the Department of Defense at this time, and would provide additional authority to cover deficiencies in essential construction previously authorized. Appropriations in support of this legislation are provided for in the Budget of the United States Government for the FY 1974.

Titles I, II, III, and IV of this proposal would authorize $1,610,565,000 in new construction for requirements of the Active Forces, of which $660,139,000 are for the Department of the Army; $630,126,000 for the Department of the Navy; $303,200,000 for the Department of the Air Force; and $17,100,000 for the Defense Agencies.

Title V contains legislative recommendations considered necessary to implement the Department of Defense family housing program and authorizes $1,250,567,000 for costs of that program for FY 1974.

Title VI contains General Provisions generally applicable to the Military Construction Program.

Title VII totaling $109,658,000 would authorize construction for the Reserve Components, of which $29,900,000 is for the Army National Guard; $35,900,000 for the Army Reserve; $18,858,000 for the Naval and Marine Corps Reserve; $16,000,000 for the Air National Guard; and $9,000,000 for the Air Force Reserve. These authorizations are in lump sum amounts and will be utilized in accordance with the requirements of chapter 133, title 10, United States Code.

The projects which would be authorized by this proposal have been reviewed to determine if environmental impact statements are required in accordance with Public Law 91-190. Required environmental statements will be submitted to the Congress by the military departments when necessary procedures have been completed.

Sincerely,

ELLIOT L. RICHARDSON.

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By Mr. BIBLE (for himself and Mr. CANNON):

S. 1799. A bill to convey to the Ely Indian Colony the beneficial interest in certain Federal land. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President: On behalf of myself and my distinguished colleague, Senator CANNON, I introduce for appropriate referral a bill to convey to the Ely, Nevada, Indian Colony the beneficial interest in some 90 acres of land in White Pine County, Nev., to be used for the benefit of these native Americans.

At the present time, the land available to this particular colony is less than 10 acres. This was purchased in 1930 by the United States for Indian village purposes. It was contemplated at that time that it would be occupied by some five Indian families with a population of about 30.

Today, the tribal membership is near 100 and the need for additional land and facilities is urgent if this low-income minority group is to have the advantages that have accrued to their more prosperous neighbors.

Enactment of the legislation will make sufficient land available to take care of the tribal members and also permit them to take advantage of programs that enable these people to construct their own homes and provide sanitary facilities and living conditions that give them an opportunity to enjoy the same type of living standards that are available to most of us.

I introduced identical legislation in the 92d Congress. Unfortunately, that bill was not reached for action and I trust that early approval by the administration and prompt action by the committee will be forthcoming this year.

I ask unanimous consent that Resolution No. 71-E-2 of the governing body of the Ely Colony Council, dated November 12, 1971, be printed in the RECORD following my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE GOVERNING BODY OF THE ELY COLONY COUNCIL

Whereas, this organization is an Indian organization located in Ely, White Pine County, Nevada known as the Ely Colony Council, and

Whereas, the Ely Indians need to acquire a suitable site for housing, and commercial development to enhance their economic opportunities, and

Whereas, there exists a parcel of land south of the City of Ely described as the N½NW¼ SE¼ and NE¼NE¼SW¼ and NW¼NE¼ SE¼ Sec. 22, T. 16 N., R. 63 E.

Whereas, there also exists a parcel of vacant Public Domain land adjacent to the parcel above described which is the S½NW¼ SE¼ and E½NE¼SE¼ and SW¼NE¼ SE¼ Sec. 22, T. 16 N., R. 63E., embracing approximately 50 acres.

Now, therefore, be it resolved That all prior resolutions in connection with this withdrawal action are hereby rescinded.

Be it further resolved That we request the herein described lands be withdrawn for the Ely Indian Colony to be held in trust by the United States of America.

Be it further resolved That the Nevada Congressional Delegation is requested to introduce appropriate legislation that will convey this land to the Ely Indian Colony.

Be it further resolved That the Tribal Secretary is authorized to send copies of this resolution to the Nevada Congressional Delegation; the Superintendent, Nevada Indian Agency, the Inter-Tribal Council of Nevada; the Commissioner of Indian Affairs; and the Secretary of the Interior.

CERTIFICATION

I, the undersigned, hereby certify that the Ely Colony Council is composed of 5 members of whom 5 constituting a quorum were present at a duly called meeting which was convened and held on the 12 day of Nov., 1971, and that the foregoing resolution was duly adopted by a vote of 5 for and 0 against, pursuant to authority contained in the Constitution and By-Laws of the Ely Indian Colony approved April 8, 1969.

———, *Secretary.*

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By Mr. BIBLE (for himself and Mr. CANNON):

S. 1800. A bill to authorize the use of facilities at the Owyhee Indian Hospital of the Duck Valley Indian Reservation to provide certain medical care to non-Indians. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and Senator CANNON, I introduce for appropriate reference a bill to authorize the use of facilities at the Owyhee Indian Hospital of the Duck Valley Indian Reservation to provide certain medical care to non-Indians.

The Owyhee hospital is located on the Duck Valley Indian Reservation in Nevada and Idaho, in a remote and sparsely settled region of both States. There are some 600 non-Indians within a 50-mile radius of this hospital. When they need medical assistance—even routine care—they must travel over 100 miles to reach a medical facility.

Medical service must be made more readily available to these people. I think the need is obvious. The measure I am introducing today would authorize and direct the Secretary of Health, Education, and Welfare, subject to the consent of the Indian tribes involved, to take such action as may be necessary in order to utilize the Owyhee hospital for the purpose of providing nonemergency medical care to non-Indians living within approximately 50 miles of the hospital. Such care would be provided on a fee-for-service basis.

The Shoshone Paiute Business Council of the Duck Valley Reservation passed a resolution in June 1968 supporting this proposal. I ask that the resolution appear in the RECORD following my remarks.

Mr. President, this legislation will serve a dual purpose. It will humanely enable non-Indians living in this remote part of our country to more readily obtain necessary medical attention. It will also help assure that this facility will be adequately utilized, and the fees paid by non-Indians will contribute to the financial support of the hospital.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE SHOSHONE PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION

*Be it resolved by the Shoshone Paiute Tribes of the Duck Valley Reservation:*

Whereas, the Shoshone Paiute Business Council realizes that medical care is a very important factor in daily living, and that the Owyhee Indian Hospital is doing an excellent job of caring for the medical needs of the Indian population of the Duck Valley Reservation, and

Whereas there are approximately 650 non-Indians within a 50 mile radius of Owyhee that have to travel 100 miles each way, sometimes taking a full day off work to seek medical attention, sometimes only to learn that a common drugstore remedy would satisfy the need, and

Whereas these non-Indians have expressed an interest in receiving routine, non-emergency medical care in letters to Senator Bible and Congressman Baring during 1961 and the Superintendent of the Elko County School District asked Senator Bible to intercede for the non-Indian teachers and their families employed in the Owyhee School, and

Whereas the cost of operation per patient per day of the Owyhee Indian Hospital was double that of the average in the Phoenix Area, which is directly related to the size of the hospital and the number of people it serves: Now, therefore be it

*Resolved,* That the Shoshone Paiute Business Council hereby requests Public Health Service to make every attempt to cause proper legislation to be enacted so that our non-Indian neighbors may receive routine, non-emergency medical care at the Owyhee Indian Hospital, and the Shoshone Paiute Business Council recognizes the fact that congress will have to authorize this request, so be it further

*Resolved,* That the Shoshone Paiute Business Council requests all non-Indians in a 50 mile radius of Owyhee to make their interest in this matter known to Public Health Service and to members of Congress and Be it further



*Resolved,* That the Shoshone Paiute Business Council will solicit the approval of the County Medical Society and the State Medical and Hospital Associations and all surrounding medical facilities.

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By Mr. BIBLE (for himself, Mr. CANNON, Mr. GRAVEL, and Mr. STEVENS):

S. 1801. A bill to authorize certain Indian hospital facilities to be made available to non-Indians under certain conditions. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and other Senators, I introduce for appropriate reference a bill to authorize certain Indian hospital facilities to be made available to non-Indians under certain conditions.

The purpose of this legislation is to authorize the Secretary of Health, Education, and Welfare to make remote Indian medical facilities available to non-Indians under certain conditions, with the consent of the major Indian tribes served by the facility, and provided that priority is given the needs of Indian people.

The high cost of medical resources and the scarcity of professional skills have clearly delineated the need for more effective utilization of existing health centers and health manpower skills. Throughout the United States, there exist pockets of medical care deprivation, not caused by the lack of resources, but by lack of legislative authority to make existing health resources available to those in need. For example, there are approximately 600 non-Indians residing within a 50-mile radius of the Owyhee, Nev., Indian Hospital and the nearest hospital for these people is at Elko, Nev., approximately 90 miles away.

While other hospitals of the Division of Indian Health located in remote areas are made available to Federal employees and their dependents under existing law, no provision, except for emergencies, has been made for private citizens who reside in the vicinity.

There is legal precedent for extending health care in Public Health Service Indian hospitals to nonbeneficiaries. In Alaska, such care is provided pursuant to 48 United States Code 49. The State of Alaska has designated certain areas as "remote" with reference to the availability of health services, and in these areas the Public Health Service hospitals provide health services on a reimbursable basis to nonbeneficiaries.

The present proposal will extend the Alaska program to all other remote areas in the Continental United States.

The use of remote Indian health centers will promote greater areawide health programing where restricted access exists at present. Additionally, the use of such facilities by nonbeneficiaries will assure fuller utilization of these expensive facilities, thereby achieving operating economies. Control of the hospitals would remain the responsibility of the Division of Indian Health thereby maintaining the desired quality of care. The primary mission of the hospital would remain the quality medical care of the Indian community.

Under the proposed bill, the health services provided would be supportive in nature. The bill does not in any way anticipate Federal usurpation of State, local, community, or private prerogative and responsibilities.

It is not anticipated the enactment of this proposal would add to the costs of the Federal Government as services would be provided on a "space available basis" and would be reimbursable.

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By Mr. CANNON:

S. 1802. A bill relating to certain authority of the Joint Committee on Printing. Referred to the Committee on Rules and Administration.

BROOKS BILL AMENDMENT

Mr. CANNON. Mr. President, I introduce for appropriate reference a bill to restore to the Joint Committee on Printing authority for the procurement of marginally punched continuous forms.

The act of October 30, 1965 (79 Stat. 1127, 40 U.S.C. 759(e)) gave the Administrator, General Services Administration, the authority to coordinate acquisition of automatic data processing equipment and related supplies for all Federal agencies and incidentally deleted the exemption heretofore granted to the Joint Committee on Printing under section 602(d)(18) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474(18)). That act has had the effect of encroaching upon the Joint Committee's exclusive authority over printing and binding for the Federal Government. This bill is intended to restore that authority.

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By Mr. CANNON:

S. 1803. A bill to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to employees of the Government Printing Office. Referred to the Committee on Rules and Administration.

WAIVER OF CLAIMS—GPO

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to amend title 44, United States Code, to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to employees of the Government Printing Office. Section 5584, title 5, United States Code, authorizes the waiver in whole or part of erroneous payments of pay and allowances to employees of executive agencies when collection would be against equity and good conscience and not in the best interests of the United States. The Government Printing Office, however, is in the legislative branch and, as a result, the relief granted by that act is not extended to employees of the Government Printing Office. This bill would remedy that situation.

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By Mr. FONG:

S. 1804. A bill to permit immediate retirement of certain Federal employees. Referred to the Committee on Post Office and Civil Service.

Mr. FONG. Mr. President, I introduce today a bill designed to permit the immediate retirement of certain Federal employees during a major reduction in force in a department or agency.

This measure would permit the optional retirement on reduced annuity of Federal employees with at least 25 years of service or, after becoming 50 years of age, with at least 20 years of service.

Under present law, an employee who is at least 50 years of age and has at least 20 years of service—or 25 years of service regardless of age—may retire on an immediate annuity if he is involuntarily separated. This may happen when he is reached by reduction-in-force action. However, unless the employee is old enough and has sufficient service to retire optionally—age 55 with 30 years of service, age 60 with 20 years of service, or age 62 with 5 years of service—he does not have the right to retire if he is not reached for reduction in force. In other words, even if the employee wants to retire, he may not do so unless he is actually reached for reduction in force. Consequently, under present law, an employee who is not old enough and does not have sufficient service may not retire—even if he is desirous of doing so—and thus permit a younger employee who wants to continue to work to be retained.

Mr. President, my bill would simply give the long-service employee who is not eligible to retire under the regular optional retirement provision of law the opportunity to retire voluntarily during a limited period when his department is undergoing a major reduction in force.

Under my bill, the Civil Service Commission would be authorized to make the determination as to when a reduction in force is major and would also fix the time within which employees could exercise the option to retire. In addition, the Commission will be responsible for making a determination as to whether eligible employees throughout the department could exercise the option to retire, or whether the option to retire would be restricted to eligible employees of the department who are employed in specific geographic areas or organizational units where the effects of the reduction in force are particularly severe.

Like Federal employees who are involuntarily separated, those who exercise the option to retire voluntarily in a major reduction in force will have their annuities reduced by one-sixth of 1 percent—2 percent a year—for each month they are under age 55.

Mr. President, my bill would be of tremendous benefit to employees, employers, and the community in which a Federal installation undergoing a reduction in force is located. As lawmakers and representatives of our respective States, we are all very familiar with how reductions in force have a depressing effect on employee morale and result in severe personal hardships caused by loss of income and uncertainty regarding future employment.

In addition, major reductions in force, through multiple "bumping" actions, have a disruptive effect on departmental management. However, to the extent that attrition, particularly retirement, reduces the need for involuntary separations—and the chain-effect displacement of employees with lower retention rights by those with higher retention rights—

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these economic hardships and disruptions are mitigated.

Experience has shown that in a community where a Federal installation is a main source of employment, a major reduction in force may adversely affect the community's economy and well-being. Consequently, permitting people to retire on an annuity income and spreading voluntary retirements throughout an entire department or agency, as my bill proposes to do, would at least moderate the adverse effects of reductions in force on a particular community.

Another far-reaching benefit to be derived from my bill will be the opportunity it gives each department to enhance its future effectiveness in carrying out its responsibility by helping to retain younger employees. Under present law, nothing raises the average age of an organization more quickly than a substantial reduction in force in which the youngest employees with the lowest retention standing are separated and the oldest employees are retained.

Mr. President, in view of the recent announcement by the Pentagon to close many military bases around our country, the measure that I am introducing today becomes more urgent and important. Since October 1969, the Defense Department has been in a continuing period of declining civilian employment with approximately 300,000 civilian positions being eliminated.

In view of current and projected budgetary restrictions—and the need to adjust the predominantly civilian staffed support structure to the reductions taking place in the size of our Armed Forces—it is anticipated that many civilian positions will be affected by elimination or relocation. Consequently, my bill would be of great benefit to those who might be affected by reductions in force by permitting long-service employees who desire to retire, but not yet eligible to do so under present optional retirement provisions, to retire during a major reduction in force.

Mr. President, the Civil Service Commission supports this bill and the Department of Defense strongly endorses it. I am not aware of any opposition to the intent and purpose of the bill.

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By Mr. RIBICOFF:

S. 1805. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes. Referred by unanimous consent jointly to the Committees on Commerce, Finance, and Labor and Public Welfare.

RAILROAD RETIREMENT BENEFITS

Mr. RIBICOFF. Mr. President, Unless legislation is enacted soon to ratify the railroad labor-management wage and benefit agreement of March 1973, almost 2 million retired railroad workers, their dependents, and survivors will face severe cutbacks in railroad retirement benefits. The legislation I am introducing today would, by confirming the railroad pact, assure railroad workers of adequate retirement benefits, lower their retirement taxes, and set a lower voluntary retirement age without any reduction in retirement benefits.

The men and women who have been working on the railroad during their working years deserve the opportunity to spend their retirement years in comfort and security. Over 2,800 retired railroad workers in Connecticut depend on railroad benefits as their source of retirement income. Another 3,500 children and widows of deceased railroad workers also depend on this retirement system. All of these people will suffer cutbacks in benefits unless Federal legislation is enacted to ratify the bargaining agreement by July 1. Another 4,000 active Connecticut railroad employees also have a stake in an equitable retirement system. Today these workers are paying almost twice as much out of their paychecks for railroad retirement as others do for social security.

Both labor and management have recognized these problems. In March of this year, representatives of railroad labor and management reached agreement on a new 18-month national railroad pact concerning wages, health, welfare, pension, and other benefits. The present agreements expire on June 30 and the new one cannot take effect unless ratified by Congress.

The three major issues resolved in the March bargaining and included in this bill are retirement benefit levels, retirement tax levels, and retirement age.

First, the bill would extend the temporary retirement benefit increases enacted by Congress in the last 3 years through December 31, 1974. The benefit increases of the last few years have been enacted in order to assure that railroad retirement benefits merely are kept in line with the rising cost of living and rising social security benefits. Late last year, for example, we enacted over the President's veto a proposal to provide a railroad benefit increase which would match the 20-percent social security increase. There is no reason why railroad benefit increases should not be as permanent as hikes in social security benefits.

The legislation also assures that if any additional benefits are added to social security between now and the end of 1974 they will also be added to the railroad retirement system.

The second part of this proposal would cut back railroad retirement taxes on employees in order to bring them in line with social security taxes. Under the railroad retirement system, employees have to contribute 10.6 percent of payroll—with employers paying an equivalent amount. Under social security employees and employers each pay only 5.85 percent. As a result of the March 1973 pact the employers have agreed, effective October 1, 1973, to pick up all costs to the employee above 5.85 percent. This means that the employee contribution rate would decrease by 4.75 percent—from 10.6 to 5.85 percent. This provision will add $42.75 per month to the paychecks of railroad workers who now contribute the maximum amount to the system; 4,000 Connecticut workers and their families would receive an immediate boost in their take-home pay if this bill becomes law.

The third provision in this proposal would allow railroad employees with 30 years of service to retire at age 60 with full retirement benefits. This provision presently applies only to women. Not only will the average workers be able to enjoy his retirement years more fully, but more jobs will become available for younger workers as well. The railroad agreement ratified by this bill may become a trend setter in lowering the voluntary retirement age of millions of older Americans.

It is of utmost importance to all railroad workers, active and retired, as well as their families that this legislation be enacted before July 1, 1973. At that time the benefit increases enacted by Congress will expire unless this proposal is adopted. This would mean a benefit cut of over 50 percent. Such a cutback would be unconscionable.

I am pleased that identical legislation H.R. 7200, has been introduced and reported out of the House Interstate and Foreign Commerce Committees by HARLEY STAGGERS, Democrat, of West Virginia.

Mr. RIBICOFF subsequently said: Mr. President, I ask unanimous consent that a bill to amend the Railroad Retirement Act of 1937, which is being introduced today, be jointly referred to the Committees on Finance, Commerce, and Labor and Public Welfare.

The PRESIDING OFFICER (Mr. BIDEN). Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

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By Mr. TUNNEY (for himself, Mr. CRANSTON, Mr. BENNETT, Mr. BIBLE, Mr. CANNON, Mr. DOMENICI, Mr. DOMINICK, Mr. GOLDWATER, Mr. HANSEN, Mr. HASKELL, Mr. MCGEE, Mr. MONTOYA, and Mr. MOSS):

S. 1807. A bill to authorize the Secretary of the Interior to execute a program of salinity control for the Colorado River, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

COLORADO RIVER BASIN SALINITY CONTROL ACT OF 1973

Mr. TUNNEY. Mr. President, I am today introducing a bill to authorize the Secretary of the Interior to implement a program for the control of salinity in the waters of the Colorado River system. This legislation is cosponsored by Senators CRANSTON, BENNETT, BIBLE, DOMENICI, DOMINICK, GOLDWATER, HANSEN, HASKELL, MCGEE, MONTOYA, and MOSS.

For the past 9 years in Congress, I have represented cities and major farming areas which are heavily dependent upon the Colorado River for their water supply. The Imperial and Coachella Valleys are two of the Nation's most important farming areas solely because irrigation water is available from the Colorado River. Los Angeles, San Diego, Riverside, and scores or other southern California cities and towns have utilized water from the Colorado River to supplement local supplies. Progress throughout southern California has depended on the Colorado River, and the region will continue to rely upon it in the future.



California is not the only State which relies upon these waters. Six other States in the Colorado River Basin, as well as areas in Mexico, are also heavily dependent upon the river for their water supplies.

Salinity in the Colorado River has become a problem of both national and international concern. The salinity of the river was high even in its original state, and use of the water by man has significantly increased the salinity to an extent which adversely affects both agricultural and urban users. The water Los Angeles County receives from the Colorado River has a salinity measurement of 740 parts per million, a figure which is expected to increase to 950 or more per million by the year 2000 if salinity control measures are not initiated. The U.S. Public Health recommendation is 500 parts per million.

The Environmental Protection Agency has estimated that present salinity levels are causing economic losses of many millions of dollars a year to U.S. users, and this cost will increase in the future unless salinity control measures are taken. In addition, with the final beneficial diversions of the river being made in Mexico, the increased salinity of the deliveries to our southerly neighbor has become a matter of international controversy.

The Department of the Interior developed a salinity control program which has been approved by the Environmental Protection Agency and consists of a number of measures to prevent hundreds of thousands of tons of salt from entering the river each year. The purpose of this legislation is to implement that program. The bill also will permit us to begin work on the La Verkin Springs project on the Virgin River in Utah, the Paradox Valley project on the Delores River in Colorado, and the Grand Valley irrigation improvement program in Colorado. It is expected that the initial phase of this program could remove over 400,000 tons of salt each year, which would result in enormous benefits to both urban and rural users of Colorado River water.

Mr. President, I ask unanimous consent that the bill and a section-by section analysis be printed at this point in my remarks.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1807

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—OBJECTIVE

SEC. 101. That this Act may be cited as the "Colorado River Basin Salinity Control Act of 1973."

SEC. 102. (a) In recognition of the problems caused by the increasing concentration of dissolved solids in the waters of the main stem of the Colorado River downstream from Lee Ferry, and to preserve the general welfare of the citizens of the Nation, interstate harmony, and international comity with Mexico, it is the objective of this Act to provide a program for salinity control in the Colorado River Basin.

(b) It is the policy of Congress that the Secretary of the Interior (hereinafter referred to as the "Secretary") shall implement the salinity control policy adopted for the Colorado River in the "Conclusions and Recommendations" published in the Proceedings of the Reconvened Seventh Session of the Conference in the Matter of Pollution of the Interstate Waters of the Colorado River and Its Tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico and Wyoming, held in Denver, Colorado on April 26–27, 1972, under the authority of Section 10 of the Federal Water Pollution Control Act (33 U.S.C. 1160), and approved by the Administrator of the Environmental Protection Agency on June 9, 1972.

(c) The Secretary is hereby directed to expedite the investigation, planning and implementation of the salinity control program generally as described in Chapter VI of the Secretary's report entitled, "Colorado River Water Quality Improvement Program, February 1972."

(d) In conformity with Section 102(b) of this Act and the authority of the Environmental Protection Agency under federal laws, the Secretary of the Administrator of the Environmental Protection Agency are directed to cooperate and coordinate their activities to effectively carry out the objective of this Act.

TITLE II—INITIAL STAGE

SEC. 201. In conformity with Sections 102 (b) and 102(c) of this Act, the Secretary is authorized to construct the following salinity control units as the initial stage of the Colorado River Basin Salinity Control Program: La Verkin Springs, Paradox Valley, and Grand Valley.

TITLE III—CONTINUING PROGRAM

SEC. 301. The Secretary is authorized and directed to:

(a) expedite completion of the planning reports on the following units, of which (1) through (3) are described in the Secretary's report, "Colorado River Water Quality Improvement Program, February 1972."

(1) Irrigation source control: Lower Gunnison, Uintah Basin, Colorado River Indian Reservation, and Palo Verde Irrigation District.

(2) Point source control: Littlefield Springs, Crystal Geyser, and Glenwood-Dotsero Springs.

(3) Diffuse source control: Price River, San Rafael River, Dirty Devil River, McElmo Creek, and Big Sandy River.

(4) Saline water collection system of Las Vegas Wash.

(b) submit each planning report on the units named in Section 301(a) of this Act promptly to the Colorado River Basin States and to such other parties as the Secretary deems appropriate for their review and comments. After receipt of comments on a unit and careful consideration thereof, the Secretary shall submit each final report with his recommendations to the President, other concerned federal departments and agencies, the Congress, and the Colorado River Basin States.

SEC. 302. The Secretary is directed:

(a) in the investigation, planning, construction, and implementation of any salinity control unit involving control of salinity from irrigation sources, to cooperate with the Secretary of Agriculture in carrying out research and demonstration projects and in implementing on-the-farm improvements and farm management practices and programs which will further the objective of this Act;

(b) to undertake research on additional methods for accomplishing the objective of this Act, utilizing to the fullest extent practicable the capabilities and resources of other federal departments and agencies, interstate institutions, states, and private organizations.

TITLE IV—ADVISORY COUNCIL

SEC. 401. (a) There is hereby created the Colorado River Basin Salinity Control Advisory Council composed of no more than three members from each State appointed by the Governor of each of the Colorado River Basin States.

(b) The Council shall be advisory only and shall:

(1) act as liaison between both the Secretary and the Administrator of the Environmental Protection Agency and the States in accomplishing the purposes of this Act;

(2) receive reports from the Secretary on the progress of the salinity control program and review and comment on said reports; and

(3) recommend to both the Secretary and the Administrator of the Environmental Protection Agency appropriate studies of further projects, techniques or methods for accomplishing the purposes of this Act.

TITLE V—ALLOCATION OF COSTS, REPAYMENTS

SEC. 501. The Secretary shall allocate the total costs of each unit or separable feature thereof authorized by Section 201 of this Act, as follows:

(a) In recognition of federal responsibility for the Colorado River as an interstate stream and for international comity with Mexico, Federal ownership of the lands of the Colorado River Basin from which most of the dissolved salts originate, and the policy embodied in the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816), seventy-five percent of the total costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof shall be nonreimbursable.

(b) Twenty-five percent of the total costs shall be allocated between the Upper Colorado River Basin Fund established by Section 5(a) of the Colorado River Storage Project Act (70 Stat. 107) and the Lower Colorado River Basin Development Fund established by Section 403(a) of the Colorado River Basin Project Act (82 Stat. 895) after consultation with the Advisory Council created in Section 401(a) of this Act and consideration of the following items:

(1) benefits to be derived in each basin from the use of water of improved quality and the use of works for improved water management;

(2) causes of salinity; and

(3) availability of revenues in the Lower Colorado River Basin Development Fund and increased revenues to the Upper Colorado River Basin Fund made available under Section 504 of this Act: *Provided*, That costs allocated to the Upper Colorado River Basin Fund under Section 501(b) of this Act shall not exceed 15% of the costs allocated to the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund.

(c) Costs of construction of each unit or separable feature thereof allocated to the Upper Basin and to the Lower Basin under Section 501(b) of this Act shall be repaid within a 50-year period without interest from the date such unit or separable feature thereof is determined by the Secretary to be in operation.

SEC. 502. (a) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the Lower Basin under Section 501(b) of this Act shall be paid in accordance with subsection (b) of this section, from the Lower Colorado River Basin Development Fund.

(b) Section 403(g) of the Colorado River Basin Project Act (82 Stat. 896) is hereby amended as follows: strike the word "and" after the word "Act" in line 8; insert after the word "Act" the following: "(2) for repayment to the General Fund of the Treasury the costs of each salinity control unit or

separable feature thereof payable from the Lower Colorado River Basin Development Fund in accordance with Sections 501(b), 501(c), and 502(a) of the Colorado River Basin Salinity Control Act of 1973, and" change paragraph (2) to paragraph (3).

SEC. 503. (a) Costs of construction, operation, maintenance, and replacement of each unit or separable feature thereof allocated for repayment by the Upper Basin under Section 501(b) of this Act shall be paid in accordance with subsection (b) of this Section, from the Upper Colorado River Basin Fund within the limit of the funds made available under Section 504 of this Act.

(b) Section 5(d) of the Colorado River Storage Project Act (70 Stat. 108) is hereby amended as follows: strike the word "and" at the end of paragraph (3); strike the period after the word "years" at the end of paragraph (4) and insert a semicolon in lieu thereof followed by the word "and"; add a new paragraph (5) reading: "(5) the costs of each salinity control unit or separable feature thereof payable from the Upper Colorado River Basin Fund in accordance with Sections 501(b), 501(c) and 503(a) of the Colorado River Basin Salinity Control Act of 1973."

SEC. 504. The Secretary is authorized to make upward adjustments in rates charged for electrical energy under all contracts administered by the Secretary under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620) as soon as practicable and to the extent necessary to cover the costs of construction, operation, maintenance, and replacement of units allocated under Section 501(b) and in conformity with Section 501(c) of this Act: *Provided*, That revenues derived from said rate adjustments shall be available solely for the construction, operation, maintenance, and replacement of salinity control units in the Colorado River Basin herein authorized.

TITLE VI—GENERAL PROVISIONS

SEC. 601. Commencing on January 1, 1975, and every two years thereafter, the Secretary shall submit to the President, the Congress, and the Advisory Council created in Section 401(a) of this Act a report on the Colorado River salinity control program authorized by this Act covering the progress of investigations, planning, and construction of salinity control units for the previous fiscal year, the effectiveness of such units, anticipated work needed to be accomplished in the future to meet the objective of this Act with emphasis on the needs during the five years immediately following the date of each report, and any special problems that may be impeding progress in attaining an effective salinity control program. Said report may be included in the biennial report on the quality of water of the Colorado River Basin prepared by the Secretary pursuant to section 15 of the Colorado River Storage Project Act (70 stat. 111; 43 U.S.C. 602n), section 15 of the Navajo Indian irrigation project and the initial stage of the San Juan-Chama Project Act (76 stat. 102, and section 6 of Fryingpan-Arkansas Project Act (76 stat. 393).

SEC. 602. Except as provided in sections 502(b) and 503(b) of this Act with respect to the Colorado River Storage Project Act and the Colorado River Basin Project Act, nothing in this Act shall be construed to alter, amend, repeal, modify, interpret, or be in conflict with the provisions of the Colorado River Compact (45 stat. 1057), the Upper Colorado River Basin Compact (63 stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 stat. 1219), the decree entered by the Supreme Court of the United States in Arizona v. California and others (376 U.S. 340), the Boulder Canyon Project Act (45 stat. 1057), Boulder Canyon Project Adjustment Act (54 stat. 774; 43 U.S.C. 618a), section 15 of the Colorado River Storage Project act (70 stat. 111; 43 U.S.C. 620n), the Colorado River Basin Project Act (82 stat. 885), section 6 of the Fryingpan-Arkansas Project Act (76 stat. 393), and section 15 of the Navajo Indian Irrigation Project and initial stage of the San Juan-Chama Project Act (76 stat. 102).

SEC. 603. As used in this Act:

(a) all terms that are defined in the Colorado River Compact shall have the meanings therein defined;

(b) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

SEC. 604. There are hereby authorized to be appropriated such sums as may be required to carry out the objectives of this Act.

COLORADO RIVER BASIN SALINITY CONTROL BILL—SECTION-BY-SECTION ANALYSIS

SECTION 101

This section provides that the Act may be cited as the "Colorado River Basin Salinity Control Act of 1973".

SECTION 102

This section gives recognition to the problems caused to the States of Arizona, California, Nevada, due to the increasing salinity of the Colorado River. Recognition is also given to the desirability of international comity with Mexico, which is the last user of Colorado River water. Congress declares its intent to institute a salinity control program based upon the policy adopted in the Conclusions and Recommendations published in the proceedings of the reconvened seventh session of the conference in the matter of the pollution of the interstate waters of the Colorado River and its tributaries in the States of California, Colorado, Utah, Arizona, Nevada, New Mexico, and Wyoming held in Denver, Colorado on April 26–27, 1972, and approved on June 9, 1972 by the Administrator of the Environmental Protection Agency. These conclusions and recommendations (copy enclosed) recognize that salinity is a basin-wide problem that needs to be solved by maintaining lower basin water salinity at or below present levels, while the Upper Colorado River Basin states of Colorado, Wyoming, Utah, and New Mexico continue to develop their Compact-apportioned water. The Secretary of Interior is directed to implement the program generally as described in Chapter VI of the Secretary's report entitled, "Colorado River Water Quality Improvement Program", October 1972. The Secretary of the Interior and Administrator of the Environmental Protection Agency are directed to cooperate and coordinate their activities to carry out the objectives of this Act.

SECTION 201

This section authorizes as initial units of the Colorado River Basin Salinity Control Program, the La Verkin Springs unit, Paradox Valley unit, and Grand Valley unit. These three projects were listed in the Conclusions and Recommendations of the Enforcement Conference as projects that should be accelerated so as to prevent the addition of at least 400,000 tons of salt per year from the Colorado River by 1977.

The La Verkin Springs Project is located along both banks and in the channel of the Virgin River, about 20 miles north of St. George, Utah. This spring produces an annual flow of about 7,200 acre-feet which contains over 100,000 tons of dissolved salts, as well as highly significant quantities of radioactive radium salts.

The salinity control project being proposed for La Verkin Springs would include facilities to bypass all but the flood flows of the Virgin River around the area of spring flow. The spring flow would be collected, given pretreatment and desalted. The desalted water would be returned to the river system or served directly to users with brines being conveyed to an impervious evaporation pond for final disposal. The construction cost is estimated at $12 million for the removal of about 80,000 tons of salt per year.

The Paradox Valley project is on the Dolores River, tributary to the Colorado River above Lake Powell. The river flows through a short stretch of the Paradox Valley in western Colorado. In traversing this valley, the river picks up over 200,000 tons of dissolved salts a year, due to the solution of minerals from a highly saline geologic formation. These salts come to the surface in the valley as rising ground water.

The salinity control project being considered for Paradox Valley would eliminate much of the salt pickup by intercepting the extremely saline rising ground water before it can enter the river system. This would be accomplished through a ground water extraction system. The saline water would be disposed of through evaporation in an impervious pond. Construction costs are estimated at $30 million, for the removal of 180,000 tons of salt per year.

The Grand Valley Project will reduce salt loading through improved use of irrigation water and an improved water delivery system.

The geologic formations comprising Grand Valley, located in western Colorado (the city of Grand Junction is within the valley), are typical of many valleys throughout the Upper Colorado River Basin. The alluvial valley is underlain, at depths from a few feet to over 100 feet, with the highly saline Mancos Shale. In flowing through the valley, the Colorado River's salt load is increased by about 700,000 tons per year. Investigators have estimated that about ⅓ of this total increase would occur in the absence of any activity of man, and the balance is primarily a result of irrigation activities within the valley.

The process by which dissolved salts are added to the river is believed to be the result of water percolating through the alluvium to an interface with the saline shales, dissolving salts from the shales, continuing to flow underground to rejoin the river. The percolating water originates from direct precipitation on the valley floor, from underflow from precipitation on surrounding hills and mountains, from seepage from unlined canals, laterals, and farmer's ditches, and from excess applications by farmers of irrigation water.

The salinity control project under investigation for Grand Valley would be applied to the irrigation facilities. The project would include the consolidation of excess canals and laterals, the lining of consolidated facilities, the lining of farmer's ditches, and the scheduling of irrigation deliveries to reduce excess deliveries. Construction costs are estimated to be about $92 million. Because the control process is indirect, estimates of salt removal vary between 140,000 and 300,000 tons of salt per year.

SECTION 301

This section lists the salinity control projects, all except one of which have been identified in the Secretary's 1972 report and appear to the feasible projects on a reconnaissance level basis. The Secretary is directed to expedite completion of planning reports on each of these projects. The one project not included in the Secretary's report, the "Saline Water Collection System of Las Vegas Wash", has been analyzed by consulting engineers and the Las Vegas Valley Water District and appears to be feasible on a reconnaissance level basis.

Point source control projects are those in areas of localized salt contributions such as mineral springs or outcrops of soluble formations adjacent to or underlying surface water sources. These sources are generally more susceptible to control than other sources of dissolved salts.

Diffuse source control projects are designed to control dissolved salts originating from a wide-s: read area. These projects have not been studied in sufficient detail to offer more than tentative plans and generally no cost estimates. The basic concept is to selectively remove and control the saline low flows from a stream and to bypass the yearly peak flows that are of lower salinity.

Irrigation source control projects involve a variety of measures, all designed to reduce the volume of water percolating through saline formations. These include careful scheduling of irrigation, changes in irrigation methods, improvement of on-farm irrigation facilities, and management and construction of improvements to existing conveyance systems.

The salinity control project to be studied in Las Vegas Wash involves the removal of a mound of highly saline groundwater which enters Las Vegas Wash a few miles before the Wash discharges into Lake Mead.

Upon completion of each report, The Secretary is to submit the report to the Colorado River Basin states and other interested parties for review and comments. After receipt of comments, the Secretary shall finalize each report and submit it to the President, concerned Federal departments and agencies, Congress, and Colorado River Basin states.

SECTION 302

It is recognized that additional research in the area of salinity control is needed and the Secretary of the Interior is directed to cooperate with the Secretary of Agriculture in carrying out this research. It is further recognized that the projects and methods identified today with respect to salinity control, are not all-inclusive, and the Secretary is directed to undertake additional research to accomplish the objectives of this Act and to cooperate with other agencies with respect to this research.

SECTION 401

This section creates a Colorado River Salinity Control Advisory Council composed of no more than three members appointed by the Governor from each of the seven Colorado River Basin states. The Council is to be advisory to the Secretary of the Interior in his work of carrying out the salinity control program. The purpose of creating the Council is to allow for participation by representatives from the Colorado River Basin states in the salinity control program. In the past, the seven states were represented by Conferees in the Colorado River Basin Enforcement Conference; however, public law 92-500 did away with the Conference Enforcement procedures. While this section does not specify the representatives to be named by each Governor, it was assumed that the Governors would appoint to the Advisory Council state water pollution control agency representatives and state water resource representatives as well as other interested parties.

SECTION 501

This section provides for allocation and repayment of costs. In the allocation of costs, recognition is given to the great Federal responsibility in the Colorado River Basin due to the Basin's interstate and international character. The Federal Government owns the majority of lands upon which most of the dissolved salts originate. Recognition is also given to the Federal Water Pollution Control Act Amendments of 1972, and the policy contained therein with respect to reducing pollution in the United States. In recognition of the above, 75% of the total costs of construction, operation, and maintenance and replacement of each unit of the salinity control projects is declared to be non-reimbursable. The remaining 25% is to be allocated to the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund. The Secretary is to analyze each of the three projects authorized in Section 201 and he is directed to consider three items in arriving at the cost allocation to each of the two basin funds, provided that the amount allocated to the Upper Colorado River Basin Fund shall not exceed 15% of the total cost allocated to the two funds for each of the projects.

The major beneficiaries of any salinity control program are water users in the three Lower Basin states and Mexico. However, it is also recognized that the major source of dissolved salts is the Upper Basin, and that salinity is a basin-wide problem. The limitation of 15% for any project is in recognition that repayment of this cost will require power rate increases to users largely located in the Upper Basin states. With respect to the Lower Basin states, repayment will come from power revenues that would be accumulated in the Lower Colorado River Basin Development Fund, in any event, through renegotiation of Hoover-Parker-Davis contracts at a later date. The 1968 Colorado River Basin Project Act provides that money from the above sources shall be available to assist in the repayment of the cost of future augmentation projects. Such augmentation projects are not identified as yet at this time, so it is to the benefit of the concerned parties to use a portion of this money to repay the costs of salinity control projects to improve the quality of the Colorado River water. Such repayment is to be without interest.

SECTION 502

Section 502 provides for repayment of the costs of the salinity control projects allocated to the Lower Colorado River Basin Development Fund. The applicable proportions of the Colorado River Basin Project Act are amended to provide for this repayment.

SECTION 503

This section provides for repayment of the costs of the salinity control projects allocated to the Upper Colorado River Basin Fund. The applicable portions of the Colorado River Storage Project Act are amended to provide for this repayment.

SECTION 504

Section 504 authorizes the Secretary to raise the rates for electrical energy under all contracts administered under the Colorado River Storage Project Act to the extent necessary to repay the costs allocated to the Upper Colorado River Basin Fund with respect to salinity control projects.

SECTION 601

This report provides for biennial reporting by the Secretary on the progress of the salinity control program, and the anticipated work to be accomplished in the future. The report may be included in the biennial report on the quality of water in the Colorado River Basin now being issued by the Secretary pursuant to Section 15 of the Colorado River Storage Project Act and other legislation. The first report is due on January 1, 1975.

SECTION 602

This section provides that nothing in this Act is to alter, amend, repeal, modify, interpret or be in conflict with the various statutory Acts, treaties, judicial precedents and Compacts that together make up the "Law of the River". The two exceptions are the language in Section 502(b) and 503(b) which amend the Colorado River Basin Project Act and the Colorado River Storage Project Act to provide for repayment out of those Funds to assist in the repayment of the costs of the salinity control projects allocated to these funds.

SECTION 603

This section gives the pertinent definitions.

SECTION 604

This section provides authorization of the necessary sums to construct, operate, and maintain the three projects authorized in Section 201 and to expedite the completion of planning reports stated in Section 301.



By Mr. RANDOLPH (for himself, Mr. BAKER, Mr. BENTSEN, and Mr. STAFFORD):

S. 1808. A bill to apportion funds for the National System of Interstate and Defense Highways and to authorize funds in accordance with title 23, United States Code, for fiscal year 1974, and for other purposes. Referred to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, when the Congress failed to pass a new highway bill 7 months ago there were expressions of concern that the States would be unable to continue their roadbuilding activities while we developed new legislation.

Members of the Senate Public Works Committee were aware that the same controversial proposals that extended our conference last year must be resolved in 1973, and that this would be a difficult task. It was generally recognized that the lack of monetary authorizations, even for programs that were noncontroversial, would be a stimulus to the Congress to act with disptch. We felt, however, that the States should not be impaired in carrying out an on-going construction program while we grappled with these difficult questions.

Early in the year Senator HOWARD BAKER, Republican of Tennessee, proposed Senate Concurrent Resolution No. 6 to authorize the immediate apportionment of $1 billion in Interstate funds for fiscal year 1974. All members of the Senate Public Works Committee joined as cosponsors of this measure in an expression of our desire not to see the Interstate program grind to a halt. Senate Concurrent Resolution No. 6 was quickly approved by the Senate on March 6 but, unfortunately, has languished since then in the House of Representatives.

As we anticipated last winter, the States are in a critical situation with regard to highway funding. A significant number of them have already exhausted their ability to award contracts. By the end of this month, about two dozen States will be without any Interstate funds and a significant number of States will have no money for other categories of roads.

This situation exists because funds are normally made available to the States several months in advance of the fiscal year for which they are authorized. We are already well into the spring construction season when new roadbuilding normally is at its peak.

The conference on the Federal-Aid Highway Act of 1973 began last week. We have made good progress. The first three meetings in fact, produced agreement on more than 20 sections of the bill on which there were differences in the Senate and House versions. Under the leadership of Representative JIM WRIGHT, chairman of the conference, and Senator LLOYD BENTSEN, chairman of the Senate conferees, our meetings have provided a businesslike approach to the serious responsibilities we bear. I do not believe, however, we can reasonably anticipate the conclusion of this conference before the end of this month, at the very earli-

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est. The House conferees share our awareness of the impact of the situation created by the lack of highway funds.

To alleviate the situation and to avoid the deepening crisis, I am today introducing a bill authorizing the immediate apportionment of $3 billion in interstate construction authority for fiscal year 1974 and the authorization of $500 million for the primary, secondary and urban extension highway programs, to be distributed under existing formulas.

These amounts are within the limits of funding already agreed to by the conferees and are not subject to controversy in the conference. I am joined in the introduction of this bill by Senator BAKER, the ranking minority member of the committee, and by Senator LLOYD BENTSEN and Senator ROBERT STAFFORD, the chairman and ranking minority member, respectively, of the Subcommittee on Transportation.

Yesterday and today, I had conversations with the Governor of West Virginia, the speaker of the House of the West Virginia House of Delegates and the president of the State senate. All of these gentlemen, members of different political parties, were united in their expression to me of concern about the ability of West Virginia to continue orderly highway development. This concern is echoed throughout the United States and in some instances, the money shortage is even more acute than it is in West Virginia.

This is, frankly, a stop-gap measure. We cannot afford to permit highway development—projects which have been undertaken on the basis of long-range planning—to end. The disruption would be intolerable, particularly when there is nearly unanimous agreement of the need for a viable, ongoing highway program and particularly when we know that new highway legislation is now being developed and will be passed.

This measure can be approved by the Congress this week. I urge that the Senate act as soon as possible so that we do not break faith with the people of America to whom we have promised better transportation.

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By Mr. CHURCH:

S. 1809. A bill to amend the Urban Mass Transportation Act of 1964 to insure ready access to and use of mass transportation facilities by elderly and handicapped persons. Referred to the Committee on Banking, Housing and Urban Affairs.

URITA ACCESSIBILITY STANDARDS ACT

Mr. CHURCH. Mr. President, I introduce for appropriate reference the Urban Mass Transportation Accessibility Standards Act. This act is designed to insure that mass transportation facilities are accessible for the elderly and handicapped.

In 1970, the Urban Mass Transportation Act made it national policy that the elderly and handicapped should have the same right as other persons to use mass transportation facilities and services. To implement this policy, the Secretary of Transportation was authorized to make grants and loans to assist public bodies in providing mass transportation services which would meet the special needs of the elderly and handicapped. In addition, $46.5 million was authorized for programs and activities designed to implement this policy.

Individual projects have been funded, and model prototypes are being developed. But to date, systematic implementation of the declared national policy on accessibility has not been achieved.

One of the major obstacles to a viable national policy on accessibility has been the absence of specific standards applicable to mass transit systems. The legislation which I am introducing today would help to remedy this defect.

First, my bill would direct the Secretary of Transportation to prescribe standards for mass transportation facilities and equipment in order to insure accessibility for the elderly and handicapped.

Second, the Secretary would be prohibited from approving a grant or loan application under the act unless the standards on accessibility are complied with.

Third, any waiver of the standards could be made:

Only after a public hearing;

Only if the Secretary should determine that compliance with the standards would cause undue hardship and hold back urgently needed facilities and equipment.

A public hearing on any waiver proposal would thus assure that issues receive a public airing.

The need for this legislation is long overdue, and I urge its prompt adoption.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1809

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Urban Mass Transportation Accessibility Standards Act of 1973".

SEC. 2. Section 16 of the Urban Mass Transportation Act of 1964 is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating subsections (b), (c), and (d) as paragraphs (2), (3), and (4), respectively; and

(3) by adding at the end thereof a new subsection as follows:

"(b)(1) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall, within six months after the date of enactment of this subsection, prescribe such standards with respect to mass transportation facilities and equipment as may be necessary to insure ready access to, and use of, such facilities and equipment by elderly and handicapped persons.

"(2) The Secretary shall not approve any application for assistance under this Act with respect to the design, acquisition, construction, reconstruction, or improvement of mass transportation facilities and equipment unless (A) such facilities and equipment conform to all applicable standards of accessibility prescribed under paragraph (1), or (B) the Secretary determines, after public hearings, that the application of such standards to the facilities and equipment for which assistance is requested should be waived in whole or in part in order to avoid undue hardship and to provide urgently needed facilities and equipment. Adequate notice of the date and place of, and matters to be considered at, any such hearings shall be given not less than fifteen days or more than thirty days prior to the date thereof. Findings developed at any such hearings shall be made a matter of public record.

"(3) The Secretary shall within five years of the date of issuance of standards under this subsection review those standards. The Secretary shall prepare and transmit to the Congress a report on his findings and recommendations, including a plan for updating the standards, and recommendations for additional legislative, administrative and other measures which would improve the access to and use of public transportation facilities and equipment by elderly and handicapped persons."

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By Mr. CHURCH:

S. 1810. A bill to amend the Age Discrimination in Employment Act of 1967 to increase coverage under that act, and for other purposes. Referred to the Committee on Post Office and Civil Service.

AMENDMENTS TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to strengthen and improve the Age Discrimination in Employment Act.

In 1967 the age discrimination law was enacted to protect older workers against job bias because of advancing years. An earlier report by the Secretary of Labor had provided compelling reasons for action. That report revealed that approximately half of all private job openings were barred to applicants over 55, and a quarter were closed to those over 45.

The Age Discrimination in Employment Act is intended to protect persons aged 40 to 64 from bias in hiring, job retention, compensation, and other conditions of employment. Coverage under this law includes:

First. Employers of 25 or more persons in an industry affecting interstate commerce;

Second. Employment agencies serving such employers; and

Third. Labor organizations with 25 or more members in an industry affecting interstate commerce.

However, job bias because of age is still a very real and serious problem today, despite the enactment of the age discrimination law. One major reason is that gaps exist in coverage.

Nearly 37 million persons in the labor force are in the 40 to 64 age category. But it is estimated that less than one-half of these workers are now covered by the provisions of the Age Discrimination in Employment Act.

For example, more than 13 million individuals employed by Federal, State, and local governments are outside the scope of the age discrimination law, including over 5½ million in the 40 to 64 age classification. Many of these older workers are now covered by age discrimination acts in 34 States. But quite frequently these statutes are more loophole than law. And these acts vary markedly concerning minimum and maximum age limits on coverage, exclusions, and exemptions, types of prohibited discriminatory practices, and enforcement sanctions.



Moreover, employers with fewer than 25 employees are not covered by existing provisions of law.

Quite clearly, the application of this act must be extended if our policy against job bias because of age is to have real meaning for millions of middle-aged and older workers. But the extension of this act must also be achieved in a manner which will not create unnecessary administrative burdens for the small businessman, who is the backbone of our economy.

The bill that I introduce today is designed to implement these two objectives by:

Extending the provisions of the Age Discrimination in Employment Act to State, local, and Federal employees;

Broadening the application of the act to include employers with 20 or more employees; and

Increasing the authorized funding level from $3 million to $5 million to provide needed personnel to enforce the law more effectively.

Seven provisions in my bill—such as making the age discrimination law applicable to State and local employees—have been endorsed by the administration.

It is high time that we remove the existing barrier which unmistakably suggests "advancing age is the end of the road for job opportunities in America."

No nation can ever hope to achieve its full potential if some of its most experienced and talented citizens are not allowed to participate.

Older workers are not asking for a handout. They simply want an opportunity to be judged on the basis of their merits. In my judgment, functional capacity—not chronological age—should determine whether a person is hired or promoted.

A few weeks ago, the Congress and the administration took an important step forward to help educate the public about the advantages of hiring mature workers. On March 15, legislation was enacted into law to authorize the President to designate the second full week in March as "National Employ the Older Worker Week." As chairman of the Senate Committee on Aging, I was especially gratified that every member of the committee joined Senator RANDOLPH—the chairman of the Subcommittee on Employment and Retirement Incomes—in sponsoring this measure.

My proposed amendments would be a further step toward the long sought goal of making one's year of birth irrelevant for employment opportunities.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1810

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Age Discrimination in Employment Amendments of 1973".

SEC. 2. (a) The first sentence of section 11 (b) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 630(b)) is amended by striking out "twenty-five" and inserting in lieu thereof "twenty".

(b)(1) The second sentence of section 11 (b) of such Act is amended to read as follows: "The term also means (1) any agent of such a person; and (2) a State or political subdivision of a State and any agency or instrumentality of a State or political subdivision of a State, but such term does not include the United States, or a corporation wholly owned by the Government of the United States.".

(2) Section 11(c) of such Act is amended by striking out "or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance".

SEC. 3. Section 16 of the Age Discrimination in Employment Act of 1967 is amended by striking "$3,00,000" and inserting in lieu thereof "$5,000,000".

SEC. 4. (a) The Age Discrimination in Employment Act of 1967 is amended by redesignating sections 15 and 16, and all references thereto, as section 16 and section 17, respectively and by adding immediately after section 14 the following new section:

"NONDISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 15. (a) All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code, in executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, of the government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

"(b) Except as otherwise provided in this subsection, the Civil Service Commission is authorized to enforce the provisions of subsection (a) through appropriate remedies, including reinstatement or hiring of employees with or without backpay, as will effectuate the policies of this section. The Civil Service Commission shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Civil Service Commission shall—

"(1) be responsible for the review and evaluation of the operation of all agency programs designed to carry out the policy of this section, periodically obtaining and publishing (on at least an annual basis) progress reports from each such department, agency, or unit; and

"(2) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to nondiscrimination in employment on account of age.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken or any complaint of discrimination filed by him thereunder. Reasonable exemptions to the provisions of this section may be established by the Commission but only when the Commission has established a maximum age requirement on the basis of a determination that age is a bona fide occupational qualification necessary to the performance of the duties of the position. With respect to employment in the Library of Congress, authorities granted in this subsection to the Civil Service Commission shall be exercised by the Librarian of Congress.

"(c) Any persons aggrieved may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act.

"(d) When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving a notice of intent to sue, the Commission shall promptly notify all persons named therein as prospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

"(e) Procedures under this section shall become effective ninety days after enactment.

"(f) Nothing contained in this section shall relieve any Government agency or official of the responsibility to assure nondiscrimination on account of age in employment as required under any provision of Federal law."

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By Mr. CHURCH:

S.J. Res. 108. A joint resolution to authorize the President to call Mini-White House Conferences on Aging every 2 years. Referred to the Committee on Labor and Public Welfare.

MINI-WHITE HOUSE CONFERENCE ON AGING

Mr. CHURCH. Mr. President, I introduce for appropriate reference a joint resolution to authorize the President to call Mini-White House Conferences on Aging every 2 years.

In November 1971 an historic White House Conference on Aging was held to develop a long awaited national policy on aging. That conference provided irresistible momentum for immediate and far-reaching legislative action, including:

Enactment of a 20-percent social security increase, the largest dollar raise in the entire history of the program;

Passage of a 20-percent boost in railroad retirement annuities;

Approval of H.R. 1, now Public Law 92-603, which provided important reforms in social security and medicare;

Enactment of a new national hot meals program for older Americans; and

The highest funding level ever for the Older Americans Act.

These landmark achievements have had a dramatic impact in improving living conditions for millions of older Americans. Poverty for the elderly, for example, has been reduced by about 1.2 million since the White House Conference on Aging.

But our Nation can ill afford to become complacent. This point becomes all the more compelling when one considers that:

There are 3.1 million older Americans still living in poverty;

Nearly 11 million elderly have incomes which fall below the Bureau of Labor Statistics intermediate budgets for retired persons; and

The aged now pay more in out-of-pocket payments, on a per capita basis, for medical care than the year before medicare became law.

Moreover, we must also assure that the recommendations of the White House

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Conference on Aging are not allowed to rest unnoticed in dusty corners of our national archives. The 3,400 delegates at the 1971 conference sounded a call for action: they deserve no less. They have every right to be impatient because time is not on their side.

Today I introduce legislation to establish a continuing mechanism for developing and implementing the policy recommendations of the 1971 White House Conference on Aging. To achieve this goal, my joint resolution would authorize periodic conferences on aging to be held every 2 years in effect mini-White House Conferences on Aging.

These periodic conferences would be designed primarily to focus on one particular subject at a time, such as income, health, or other timely issues. These miniconferences would also provide vital followup activity to assess the congressional and administrative responses to the policy proposals urged at the 1971 conference. Important work still remains to be done on several of their recommendations, such as further improvements in medicare legislation to establish a new National Institute on Aging and others. Additionally, these followup efforts can help to assure that the recommendations of the 1971 White House Conference will continue to lead to action, instead of just the output of words.

Moreover, these mini-White House Conferences would establish the essential framework for more intensive review and reassessment of the issues considered at the 1971 Conference. This is important because future older Americans—those who become 65 in the next 5 or 10 years—may differ in important respects from the elderly of today.

My proposal, I am pleased to say, has been endorsed in the report of the White House Conference on Aging, in the Government and Nongovernment Organization Section:

> Means should be found for a continuing "conference" on the aging to aid in the follow-up of the recommendations of the White House Conference on Aging, which also would extend beyond the announced follow-up year of 1972 and even until the next White House Conference on Aging.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 108

Joint resolution to authorize the President to call mini-White House conference on Aging every two years

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) the President is authorized to call four White House Issue-Oriented Subconferences on Aging for the years 1974, 1976, 1978, and 1980 for the purposes of providing information which is not now available for making key policy decisions in areas of special concern for older persons, evaluating the progress made in implementing the recommendations of the White House Conference on Aging, developing further recommendations for meeting the needs of the aging, and developing a plan of action for implementing these recommendations.

(b) In order to focus special attention on economic problems affecting older persons, the first Conference shall consider the issue of income. The agenda for each successive Conference shall be determined on the basis of the recommendations contained in the preconference report of the Advisory Committee under section 3 of this joint resolution.

(c) For the purpose of a full discussion of the issues presented at each Conference and arriving at facts and recommendations, each Conference shall bring together representatives of Federal, State, and local governments, and professional and lay people who are working in the area of special concern to older persons that is the topic of a Conference.

(d) A final report of each White House Issue-Oriented Subconference on Aging shall be submitted to the President not later than 120 days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The Secretary shall, within 90 days after the submission of such final report, transmit to the President and the Congress his recommendations for the administrative action and the legislation necessary to implement the recommendations contained in such report.

SEC. 2. In administering this joint resolution the Secretary shall—

(1) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

(2) prepare and make available background materials for the use of the Advisory Committee and delegates to each Conference as he may deem necessary;

(3) engage such additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and sub-chapter III of chapter 53 of such title relating to classification and general schedule pay rates.

SEC. 3. (a) The Secretary is authorized and directed to establish an Advisory Committee to the White House Issue-Oriented Subconferences on Aging composed of the Chairman and Co-Chairman of the 14 sections at the White House Conference on Aging and the Chairmen of the Special Concerns Sections.

(b) It shall be the duty of the Advisory Committee to—

(1) select the issue to be considered in detail at each of the Conferences to be held in 1976, 1978, and 1980 and submit a preconference report thereon setting forth the issue to be considered together with proposals for an agenda for the conference;

(2) advise and assist the Secretary in the planning and conduct of each of the Issue Conferences;

(3) develop plans and programs for action to implement the recommendations made at both the White House Conference on Aging and each of the White House Issue-Oriented Subconferences on Aging; and

(4) assess the progress made in implementing the recommendations made by the White House Conference on Aging.

(c) The Secretary shall designate one of the members as Chairman. Members of any committee appointed pursuant to this section who are not officers or employees of the United States, while attending conferences or meetings of their committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary but not exceeding $____ per day, for each day they are engaged in the performance of their duties as members of the Advisory Committee including travel time. While so engaged away from their homes or regular places of business, they may also be allowed travel expenses including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code for persons in the Government service employed intermittently.

(d) The Advisory Committee shall cease to exist 90 days after the submission of the final report following the 1980 Issue Conference required by the first section of this Act.

SEC. 4. For the purposes of this joint resolution—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare;

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

(3) the term "White House Conference on Aging" means the White House Conference on Aging which was called in November 1971.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out this joint resolution.

## ADDITIONAL COSPONSORS OF BILLS

S. 667

At the request of Mr. RANDOLPH, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 667, a bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation.

S. 1105

At the request of Mr. PERCY, the Senator from Oklahoma (Mr. BARLETT) was added as a cosponsor of S. 1105, the Anti-Environmental Barriers bill.

S. 1144

At the request of Mr. SCHWEIKER, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 1144, the National Catastrophic Disaster Insurance Act of 1973, a bill to establish a national program of Federal insurance against catastrophic disasters.

S. 1221

At the request of Mr. BIBLE, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1221, a bill to provide that Federal employees shall be entitled to accumulate annual leave in excess of 30 days, or receive payment therefor, for periods such employees have been in a missing status while serving in Southeast Asia during the Vietnam era.

S. 1395

At the request of Mr. RANDOLPH, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 1395, a bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails.

S. 1418

At the request of Mr. HATFIELD the Senator from Maryland (Mr. MATHIAS), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 1418, a bill to commemorate the 100th anniversary of the birth of Herbert Hoover by providing grants to the Hoover Institution on War, Revolution and Peace.

S. 1548

At the request of Mr. Pell the Senator from South Dakota (Mr. ABOUREZK), the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from California (Mr. TUNNEY), and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 1548, a bill to establish a commission to review the proposed closing of any military installation.

S. 1579

At the request of Mr. DOLE, the Senator from Colorado (Mr. DOMINICK) and the Senator from Ohio (Mr. TAFT) were added as cosponsors of S. 1579, a bill to provide for the demonstration of models of living arrangements for severely handicapped adults as alternatives to institutionalization and to coordinate existing supportive services necessitated by such arrangements, to improve the coordination of housing programs with respect to handicapped persons.

S. 1580

At the request of Mr. PEARSON, the Senator from North Dakota (Mr. YOUNG), and the Senator from Montana (Mr. METCALF), were added as cosponsors of S. 1580, the Amateur Athletic Act.

S. 1709

At the request of Mr. TUNNEY, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1709, a bill relating to the reduction of civilian personnel at military installations in the United States and the closing of military installations in the United States.

S. 1722

At the request of Mr. HARTKE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1722, a bill to provide tutorial assistance to homebound handicapped students.

## SENATE CONCURRENT RESOLUTION 24—SUBMISSION OF A CONCURRENT RESOLUTION TO ENDORSE THE REMOTE SENSING SYMPOSIUM

(Referred to the Committee on Aeronautical and Space Sciences.)

Mr. ABOUREZK. Mr. President, I submit for appropriate reference a concurrent resolution to express support of Congress on participation in the Symposium on Management and Utilization of Remote Financing Data, to be held at Sioux Falls in October and November.

The concurrent resolution reads as follows:

S. CON. RES. 24

Whereas remote sensing systems are now providing usable data from space for applications in agriculture, weather, the environment and a multitude of other areas; and

Whereas the importance of remote sensing has continued to increase in international cooperation; and

Whereas the American Institute of Aeronautics and Astronautics, the American Institute of Electrical and Electronic Engineers, and the American Geological Institute as sponsors of the Symposium are desirous of providing a basis for vital dialog in further applications of remote sensing; and

Whereas Congress is fully appreciative of assuring this international symposium is conducted in a manner which will continue to assure a leadership role in the peaceful application of space and space endeavors; and

Whereas the Congress is interested in (1) promoting international understanding and good will; (2) enhancing the excellence of American Science; and (3) furthering international cooperation in science and technology by creating the necessary climate for effective interchange of ideas: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that we endorse the Symposium to be held in Sioux Falls, South Dakota in October and November of 1973 under the sponsorship of the American Institute of Aeronautics and Astronautics, the American Institute of Electrical and Electronic Engineers, and the American Geological Institute as an extremely useful and highly productive endeavor which deserves and can expect full participation of each interested governmental agency.

## ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 87

At the request of Mr. BARTLETT, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. Res. 87, requesting the President to begin a national car-pooling program.

## ORDER FOR STAR PRINT OF AMENDMENT NO. 114

Mr. HUGHES. Mr. President, a typographical error was made in the printing of my amendment No. 114, intended to be proposed to S. 1263. I ask unanimous consent that a star print of the amendment be made to correct this error by inserting, on page 2, line 9, between the words "States" and "that" the following words: "unless the maximum number of active duty personnel of the Armed Forces of the United States".

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1973—AMENDMENT

AMENDMENT NO. 126

(Ordered to be printed, and to lie on the table.)

Mr. BROOKE. Mr. President, I send to the desk an amendment and ask that it be printed and lie on the table.

The ACTING PRESIDENT pro tempore. The amendment will be received and will lie on the table.

Mr. BROOKE. Mr. President, the House of Representatives, by amending the second supplemental appropriations bill—H.R. 7447—to preclude the use of any funds appropriated under that act to underwrite the costs of U.S. military activities in Cambodia, has emphasized the growing concern in Congress over the continued involvement of U.S. Armed Forces in Indochina.

I have recently returned from an investigation of the situation in Indochina. As the Senate knows, my concern over the continued U.S. bombing there antedates my visit. Nevertheless, my doubts as to the wisdom and the legality of such bombing were certainly increased by my experiences in Cambodia. The use of B–52's in the present mode in Cambodia has been militarily ineffective as far as I can discern. These strategic weapons are blunt instruments of war, unsuited for effective use in the quasi-guerrilla war situation now extant in Cambodia and to a certain degree in Laos. B–52's are useful only against large concentrations of troops, against large supply caches and against massive industrial or population concentrations. None of these exist in either Cambodia or Laos.

Some have argued that the United States is using the B–52 raids in Cambodia as a signal to Hanoi that unless it lives up to the spirit and letter of the January agreement, the United States may resume the bombing of North Vietnam. From this point of view the bombing in Cambodia and on several occasions in Laos has been a deterrent signal to North Vietnam. While some may justify this point of view as a judicious expedient, I believe it is both legally and morally unjustifiable to inflict suffering on one country in order to attempt to deter another. I sincerely hope that this is not the administration's rationale for the continued bombing.

Fundamentally important is the fact that there exists no legal basis for the continued involvement of U.S. armed forces in Cambodia or Laos. Congress has not declared war. The United States has no legal commitment to defend either Cambodia or Laos. U.S. personnel, military or otherwise, are not endangered except at U.S. discretion. Administration arguments that the "right" to enforce the terms of the January agreements provides the legal justification for continued bombing is singularly unconvincing. Nor have other arguments advanced by administration spokesmen been less so.

In light of the above, I can only comment and support the recent action by the House. It has provided a clear signal to the administration that both Houses of Congress are now intent on reclaiming congressional prerogatives in the war-making area. It is fundamentally crucial that Congress make this "signal" unequivocal. Therefore, it is important to expand the scope of the House prohibition on the use of funds appropriated under H.R. 7447 so that said prohibition will apply not only to activities of U.S. Armed Forces in Cambodia but to similar activities in Laos as well. By including Laos in the prohibition, a much more unambiguous signal will be given the administration that Congress will insist that the decision on whether or not to engage in further military activities in Indochina be made in accordance with basic constitutional principles.

Mr. President, the relevant provision of H.R. 7447 as passed by the House, that I have referred to here, will read as follows if the amendment I propose here is accepted:

> None of the funds herein appropriated to the Department of Defense under this Act shall be expended to support directly or indirectly combat activities in, over or from off the shore of Cambodia and Laos by United States Forces.

The only change will be the addition of the phrase "and Laos."

Finally, while action taken by the House and the amendment language I propose here can serve as a signal of congressional intent, it must be recognized that legally these actions are only appli-



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cable to the specific funds appropriated under H.R. 7447. Hence, there still exists a need for Congress to enact comprehensive legislation that would require prior congressional scrutiny and approval of any expenditure of funds to finance activities of U.S. Armed Forces in Indochina.

S. 578, commonly termed the Church-Case bill, is designed to accomplish this objective. It is my understanding that Senator CHURCH and Senator CASE intend to introduce an amended version of S. 578 sometime this week. I intend to work for the passage of this bill at the earliest possible date. The decision of whether or not to engage in combat activities in Indochina must be shared by Congress and the Executive.

## AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE—AMENDMENT

AMENDMENT NO. 127

(Ordered to be printed, and referred to the Committee on Foreign Relations.)

AMERICAN INVOLVEMENT IN INDOCHINA

Mr. CASE. Mr. President, with the cosponsorship of 38 other Senators, Senator CHURCH and I are today reintroducing our proposal to cut off all funds for the continued involvement of U.S. military forces in hostilities anywhere in Indochina, without prior congressional authorization.

We are also adding to our legislation a section stating that there shall be no aid furnished to North Vietnam without prior congressional authorization.

We originally introduced the Case-Church bill (S. 578) in January to prevent American reentry into the war at the end of the 60-day withdrawal period. Our new version reflects both the situation in Indochina at the end of that period and the clearly expressed will of the Senate that the executive branch shall not start any aid programs to North Vietnam without first receiving congressional permission.

Senator CHURCH and I are now offering our proposal as an amendment to the State Department authorization bill (S. 1248) which the Foreign Relations Committee is planning to report to the Senate later this week. We believe that the committee on which both of us serve will favorably consider our amendment.

Senator CHURCH and I also support the House action on the Addabbo amendment to block any attempt to provide funds for the continued bombing of Cambodia through the so-called "transfer authority" requested by the Defense Department in the Second Supplemental Appropriations Act. While deletion of this transfer authority would not stop the bombing, it would put the Congress clearly on the record as being opposed to any Defense Department funds being used for that purpose.

Now that American troops have been withdrawn from Vietnam and now that the Tonkin Gulf resolution has been repealed, any involvement of American forces in Indochina would constitute a new war—something that should not be undertaken except by the considered and prior decision of the Congress. Only the Congress—not the President, not the military, nor anyone else—has the constitutional power to declare war.

The President's power as Commander in Chief does not embrace the right to decide on his own to engage in war in support of a foreign government. The President is not free to make war at any time or at any place he pleases.

The purpose of the Case-Church amendment is simply to assure that Congress will henceforth be able to exercise its constitutional responsibility and decide whether or not the United States should continue to fight in Indochina.

Under present circumstances, I would oppose authorizing a continuation or a renewal of American military involvement anywhere in Indochina. That is not involved in the Case-Church amendment, however. What Case-Church does is to say that without congressional approval, U.S. military involvement shall not be continued.

Congress should reassert, by passing Case-Church, the principle that only Congress can declare war and that unless and until we do so, the executive branch has no authority to bomb in Cambodia or intervene militarily anywhere in Indochina.

Mr. CHURCH. Mr. President, the cold reality of the current involvement of U.S. military forces in hostilities in and over the countries of Indochina is that there is no authority, either in law or under the Constitution, for such conduct. In the name of the United States, our Armed Forces are conducting acts of war on Cambodia only, it appears, because it is there. Such unauthorized activities are anathema to our system of government; the juridical void endangers our freedom under law, the basic source of our national well being.

In a major bipartisan effort, Senator CASE and I, joined by 38 of our Senate colleagues, are sponsoring today legislation to preserve our system, a bill to insure that the Congress specifically concurs before American military forces may be reinvolved in the continuing hostilities in Indochina.

The Case-Church proposal calls for the reinstatement of the regular constitutional procedure: American involvement in a foreign war must be accompanied by express congressional consent. Without it, the purse strings are held shut. James Madison, our Nation's greatest champion of separate but shared powers, the bedrock principle of our Constitution, noted that the power of the purse "may be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people." Through this constitutional principle, Congress can fill the void now so apparent.

The language of the Case-Church reads as follows:

Notwithstanding any other provision of law, upon enactment of this act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress.

Notwithstanding any other provision of law, upon enactment of this act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

This is the same legislative principle followed in the two Cooper-Church amendments which are now law. The Cooper-Church amendment relating to Cambodia passed both Houses of Congress on December 29, 1970, and was signed into law shortly thereafter as part of the supplemental foreign assistance authorization bill. It reads as follows:

In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for Cambodia military forces in Cambodia.

The Cooper-Church amendment dealing with Laos and Thailand is a part of the defense appropriation bill. It first passed in 1969 and has been renewed ever since. It states:

In line with the expressed intention of the President of the United States, none of the funds appropriated by this section shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

Through the original approval and subsequent reenactment of these provisions of law, Congress has repeatedly sought to prevent the United States from becoming entangled in a wider war in Indochina. These statutory restrictions on the use of American ground combat troops in Cambodia, Laos, and Thailand have been observed out of necessity, since no money was made available to finance the entry of U.S. forces into ground combat outside of South Vietnam.

At the same time, Congress refrained from closing the purse strings on American military operations in Vietnam, while American troops remained in South Vietnam and American prisoners of war were still held by the North.

That condition has ended now. U.S. forces have been withdrawn from South Vietnam, and the American prisoners of war have been released and returned to their country. Yet, the American Air Force, operating from bases in Thailand and Guam, still engages in hostilities above Laos and Cambodia. Indeed, our Air Force has become an arm of the Lon Nol government, beseiged in Phnom Penh.

This country has no commitment to Cambodia—by treaty or statute—to provide for the defense of its government. Congress has taken special pains to avoid such a commitment. In section 7(b) of the Special Foreign Assistance Act of 1971 and section 655(g) of the Foreign Assistance Act of 1961, the laws of the United States specifically provide that the United States has no commitment to defend Cambodia, the Government of Cambodia, or Cambodian personnel. The bombing of Cambodia in Indochina is an act of war, in open defiance of clause 11, section 8, article I of the Constitution which provides that only the Congress shall have the power "to declare war."



Moreover, neither the territory of the United States nor its vital national interests are endangered by any nation in Indochina. Air Force Chief of Staff Ryan, when asked by Members of the House of Representatives at a May 8 committee hearing if he thought Cambodia was strategically important to the United States, replied a clear-cut "No."

The heart of Case-Church, then, is to insure that Congress be effectively engaged in any future warmaking decision concerning Cambodia, Laos, South Vietnam, and North Vietnam. We hope to attach our proposal to the State Department authorization bill now pending before the Committee on Foreign Relations. If the Pentagon's request for authority to transfer funds under the aegis of the second supplemental appropriations bill, which Defense officials acknowledge will be used to pay for our present military involvement in Cambodia, comes before the Senate, then Senator CASE and I plan to offer the following amendment:

None of the funds made available by this Act shall be used to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

The American people did not vote last November—or ever—for the unrestrained use of Executive power. They voted for the American form of government, of checks and balances, something we need more than ever if the "system is to work" at home. During the steel seizure case of 1952, Justice Jackson wrote words more relevant today than then. He said:

What is at stake is the equilibrium of our constitutional system.

Mr. President, I ask unanimous consent that the text of the amendment with the names of the 40 cosponsors may be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will be referred to the Committee on Foreign Relations; and, without objection, the amendment will be printed in the RECORD.

The amendment together with cosponsors is as follows:

AMENDMENT NO. 127

On page 3, line 12, insert the following:

"Requirement for Congressional authorization for the involvement of American Forces in further hostilities in Indochina, and for extending assistance to North Vietnam.

"SEC. 106. Notwithstanding any other provision of law, upon enactment of this act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress."

COSPONSORS TO AMENDMENT

Mr. Case and Mr. Church, for themselves and Mr. Abourezk, Mr. Bayh, Mr. Biden, Mr. Brooke, Mr. Burdick, Mr. Clark, Mr. Cranston, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Huddleston, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Stevenson, Mr. Tunney, Mr. Weicker, and Mr. Williams.

## AMENDMENT OF LABOR MANAGEMENT RELATIONS ACT, 1947—AMENDMENT

AMENDMENT NO. 128

(Ordered to be printed, and to lie on the table.)

Mr. FANNIN (for himself and Mr. TOWER) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 1423) to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

## AMENDMENT OF SECTION 9 OF THE RIVER AND HARBOR ACT OF 1899—AMENDMENT

AMENDMENT NO. 129

(Ordered to be printed, and referred to the Committee on Public Works.)

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (S. 274) to amend section 9 of the River and Harbor Act of 1899 in order to define the term "causeway."

## AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENT

AMENDMENT NO. 130

(Ordered to be printed, and referred to the Committee on Finance.)

INCREASE THE MEDICARE LIFETIME RESERVE FROM 60 TO 120 DAYS

Mr. CHURCH. Mr. President, I submit for appropriate reference an amendment to H.R. 3153.

Briefly stated, my amendment has two principal provisions.

First, it would increase the medicare lifetime reserve from 60 to 120 days.

Second, it would reduce the daily coinsurance rate from $36 to $18 for Medicare patients who must draw upon their lifetime reserve.

Medicare pays for up to 90 days of hospitalization during each benefit period. As things now stand, the elderly patient pays the first $72 of this hospitalization and nothing thereafter until the 61st day. This deductible amount reflects the average cost of one day's hospital care, and it is adjusted annually. From the 61st through the 90th day, he must pay a daily coinsurance charge of $18, one-fourth of the part A deductible.

However, there is a 60-day lifetime reserve for older Americans who require more than 90 days of hospital care during a benefit period. In such cases the aged must pay $36 a day.

These provisions undoubtedly provide valuable protection for older Americans. But further improvements are still needed in my judgment, to guard against the ruinous cost of an illness requiring prolonged institutional care.

Quite clearly, the elderly and their families deserve better protection against these potentially catastrophic expenditures, which can in a matter of weeks or months deplete a lifetime of savings, hard work, and diligence.

As of 1972 more than 130,000 older Americans had found it necessary to draw upon their lifetime reserve after exhausting the 90 days of covered care regularly available during a benefit period. Of this total, 25,000—or 19 percent—had exhausted their lifetime reserve.

We must also be mindful of this harsh fact of life: These individuals may have incurred several thousand dollars in hospital bills, much of which was paid from their own resources. Quite clearly, the threat of bankruptcy by hospitalization is still all too real for older Americans suffering from lingering terminal illnesses or faced with prolonged periods of institutionalization.

However, my amendment would provide a constructive means for grappling with this serious problem. It would increase from 150 to 210 days the covered hospitalization under medicare for an elderly patient during a particular benefit period. Moreover, by cutting the patient's daily coinsurance payment in half—from $36 to $18—this could produce a savings of $1,080 for an older American who must utilize his lifetime reserve for 60 days.

My amendment, I am pleased to say, was enthusiastically endorsed by the prestigious 1971 Social Security Advisory Council.

This proposal was later adopted in modified form as an amendment to H.R. 1—the 1972 Social Security Amendments—by the House of Representatives. But it was later deleted in conference committee.

Many Americans today still believe that medicare pays for almost all of the elderly's hospital and medical bills. But the elderly know better.

In fact, medicare covers only about 42 percent of their health care expenditures. Gaps still exist in coverage, and they must be closed.

For these reasons, I urge early approval of my amendment to H.R. 3153.

Mr. President, I ask unanimous consent that the text of this amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 130

On page 9, beginning with line 6, strike out through the end of the bill and insert the following new sections:

SEC. 5. (a) Section 1812 of the Social Security Act is amended—

(1) by striking out "150" in subsection (a)(1) and inserting in lieu thereof "210";

(2) by striking out "150" in subsection (b)(1) and inserting in lieu thereof "210"; and

(3) by striking out "150-day" in subsection (c) and inserting in lieu thereof "210-day".

(b) The last sentence of section 1813(a)(1) of the Social Security Act is amended to read as follows: "Such amount shall be further reduced by a coinsurance amount equal to one-fourth of the inpatient hospital deductible for each day (before the day following the last day for which such individual is entitled under section 812(a)(1) to have payment made on his behalf for inpa-

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tient hospital services during such spell of illness) on which such individual is furnished such services during such spell of illness except that the reduction under this sentence for any day shall not exceed the charges imposed for that day with respect to such individual for such services (and for this purpose, if the customary charges for such services are greater than the charges so imposed, such customary charges shall be considered to be the charges so imposed)."

(c)(1) Section 209(a)(8) of the Social Security Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(2) Section 211(b)(1)(H) of such Act is amended by striking out "$12,000," and inserting in lieu thereof "$12,300,".

(3) Section 213(a)(2)(ii) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(4) Section 213(a)(2)(iii) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(5) Section 215(e)(1) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(d)(1) Section 1402(b)(1)(H)(i) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by striking out $"12,000," and inserting in lieu thereof "$12,300,".

(2)(A) Section 3121(a)(1) of such Code (relating to definition of wages) is amended by striking out "$12,000" each place it appears and inserting in lieu thereof "$12,300".

(B) Effective with respect to remuneration paid after 1974, section 3121(a)(1) of such Code is amended—

(i) by striking out "$12,300" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(ii) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(3)(A) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(B) Effective with respect to remuneration paid after 1974, the second sentence of section 3122 of such Code is amended by striking out "the $12,300 limitation" and inserting in lieu thereof "the contribution and benefit base limitation".

(4)(A) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$12,000" wherever it appears in subsection (a), (b), and (c) and inserting in lieu thereof "$12,300".

(B) Effective with respect to remuneration paid after 1974, section 3125 of such Code is amended by striking out "the $12,300 limitation" wherever it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base limitation".

(5) Section 6413 of such Code (relating to special refunds of employment taxes) is amended by striking out "$12,000" wherever it appears in such section and inserting in lieu thereof "$12,300".

(6)(A) Section 6654(d)(2)(B)(ii) of such Code (relating to failure by an individual to pay estimated income tax) is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(B) Effective with respect to taxable years beginning after 1974, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "the excess of $12,300 over the amount" and inserting in lieu thereof "the excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount".

(d) Paragraphs (2)(C), (3)(C), (4)(C), and (7)(C) of section 203(b) of the Act of July 1, 1972, Public Law 92-336, are repealed.

SEC. 6. The amendments made by the first four sections of this Act shall become effective January 1, 1974; except that such amendments (other than the amendment made by section 2(1)(B) shall not be applicable in the case of Puerto Rico, Guam, and the Virgin Islands. The amendments made by section 5 of this Act shall become effective upon the date of enactment of this Act.

## HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1973—AMENDMENT

AMENDMENT NO. 131

(Ordered to be printed.)

Mr. KENNEDY proposed an amendment, in the nature of a substitute, to the bill (S. 14) to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes.

## ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 98

At the request of Mr. EAGLETON, the Senator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. METCALF), the Senator from Iowa (Mr. HUGHES and Mr. CLARK), and the Senators from South Dakota (Mr. McGOVERN and Mr. ABOUREZK) were added as cosponsors of amendment No. 98, intended to be proposed to the bill (S. 1248), the State Department authorization bill.

## ANNOUNCEMENT OF HEARINGS ON GOVERNMENT SECRECY PRACTICES

Mr. MUSKIE. Mr. President, Mr. Daniel Ellsberg will testify on Government secrecy practices before a hearing of the Relations of the Committee on Government Operations, with the participation of the Subcommittee on Administrative Practices and Procedure of the Committee on the Judiciary, at 10 a.m. Wednesday, May 16, 1973, in room 3302, Dirksen Senate Office Building.

## ANNOUNCEMENT OF OPEN HEARING RE NOMINATION OF JAMES T. CLARKE TO BE ASSISTANT SECRETARY OF THE INTERIOR

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the Committee on Interior and Insular Affairs has scheduled open public hearings for Wednesday, May 16, 1973, at 2 p.m., to take testimony on the nomination by President Nixon of James T. Clarke of Michigan to be Assistant Secretary of the Interior. The hearing will be held in the committee room, 3110 Dirksen Senate Office Building.

Persons wishing to testify or submit statements for the hearing record on this nomination should so advise the staff of the Interior Committee.

Mr. President, I ask unanimous consent that the biographical sketch of Mr. Clarke be printed in the RECORD at this point in my remarks.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF JAMES T. CLARKE

James T. Clarke, 35, of Detroit, has been nominated by the President for the position of Assistant Secretary of Interior for Management. His duties will include the management and administrative activities of the Department.

Mr. Clarke is currently a partner in Coopers & Lybrand (formerly Lybrand, Ross Bros. & Montgomery), one of the largest international accounting and consulting firms. A certified public accountant, he is in charge of the firm's consulting practice in Detroit and coordinates its consulting services to government throughout the Midwest. He joined the firm in 1961 and now specializes in assignments concerning financial analysis, organizational planning and budgeting, accounting and EDP systems.

He was born in Petoskey, Michigan, and received a B.A. degree with honors in economics from the College of Wooster, in Ohio, and an M.B.A. degree in finance from the University of Michigan. From 1962 to 1965 he was a supply officer in the Navy; he was honorably discharged as a lieutenant.

Mr. Clarke is a member of the American Institute of CPA's and the Michigan Association of CPA's, for which he is Chairman of the Management Advisory Services Committee. He is also a member of the Federal Government Accountants Association and has held a number of positions in the Junior Chamber of Commerce.

He is married to the former Patricia Kemp of Detroit. They have a son, Timothy, 2.

## NOTICE OF HEARING ON A NOMINATION

Mr. PASTORE. Mr. President, the Senate section of the Joint Committee on Atomic Energy will hold a public hearing on Thursday, May 17, 1973, at 4 p.m., in room S407, U.S. Capitol on the nomination of Mr. William E. Kriegsman to be a member of the Atomic Energy Commission.

Mr. Kriegsman has been nominated to fill the remainder of the term of James R. Schlesinger which expires on June 30, 1975.

I ask unanimous consent to have printed in the RECORD the biography of Mr. Kriegsman which was provided to the Joint Committee with the submission of his nomination to the Atomic Energy Commission by the President on April 13, 1973.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

WILLIAM EDWIN KRIEGSMAN

Date of Birth: February 22, 1932.

Place of Birth: New York, New York.

Home Address: 5615 Ridgefield Road, Bethesda, Maryland.

Family Status: Married to the former Kay Harris of Grand Junction, Colorado: 2 children.

Education: Graduate, Scarsdale (N.Y.) High School; Bachelor Arts in Chemistry, University of Rochester, 1953; Masters Degree in Engineering Administration, The George Washington University, 1964.

Experience: Manager, Washington Office, Arthur D. Little, Inc. Responsible for the management of the Washington office including business development and professional case work. Conducted studies and made recommendations which resulted in a complete reorganization of the regulatory and operational functions of the U.S. Atomic Energy Commission. Participated in a number of studies of the economic impact of U.S. industries of pollution abatement laws. Conducted several studies related to the President's "New Technology Opportunities Program" for the Secretary of Commerce, NSF, and the Patent Office. Recently recommended a major revision of AEC's environmental impact statement process to reduce the process time, improve quality of the product, and permit greater public participation.

1969–1971: Staff Assistant to President Nixon responsible for the development of programs and policies in the environmental, space, nuclear energy and oceanography areas.

1962–1969: Inspection Specialist with Atomic Energy Commission directing and conducting studies of AEC management problems.

1965–1066: Congressional Fellow on the staff of Senator Howard H. Baker, Jr., and Rep. Donald Rumsfeld.

1957–1962: Supervisory Health Physicist with Atomic Energy Commission in the regulatory program.

1953–1957: U.S. Naval Officer with duties including supervisor of the nuclear weapons assembly team on board an aircraft carrier.



## NOTICE OF HEARINGS ON S. 1134

Mr. METCALF. Mr. President, on April 2, I announced that the Subcommittee on Minerals, Materials and Fuels of the Senate Committee on Interior and Insular Affairs had scheduled hearings on S. 1134, the Deep Seabed Hard Mineral Resources Act. I remind my colleagues that the first of these hearings is May 17.

On that day, we will hear representatives of the mining industry. They will testify for their bill and answer our questions about it. At subsequent meetings we will hear from representatives of the U.S. Government and other parties interested in this subject.

On June 14, we will hear from representatives of the executive department. They will give us a status report on negotiations in the United Nations which hopefully will lead to international agreement on the conservation and orderly development of the hard mineral resources of the deep seabed. At the request of administration witnesses, this date was changed from June 5 as originally announced.

On June 18 and 19, spokesmen for environmental and international groups will each have 1 day before us.

In this connection, I call the attention of my colleagues to a recent article in the Washington Post which describes the positions taken by various groups on the hard mineral resources of the deep seabed.

Mr. President, I ask unanimous consent that the Washington Post article of May 6, 1973, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BATTLE STIRS OVER SEABED MINES BILL

(By George C. Wilson)

Land-grab legislation that even its Senate sponsor regards as preposterous has put the State Department at battle stations.

And as far as former Secretary of State Dean Rusk and others are concerned, there are solid reasons for the alarm—including the risk of touching off the kind of international race for land that inflamed the world for the past three centuries.

This time, however, the land up for grabs is not in the New World but under the sea. It is unclaimed and represents two-thirds of the earth's surface. The bill at issue signals that the race for it is already on.

The American Mining Congress—comprised of companies that produce most of the nation's metals and minerals—wrote every line of the bill, according to Sen. Lee Metcalf (D.-Mont.), who introduced it in the Senate.

"I put it in only to give them their day in court," he told The Post, adding that even the mining magnates of the 1870s would not have dared to ask for so much land.

A mining company under the industry's bill would pay the Secretary of Interior $5,000 for the right to lay claim to 40,000 square kilometers of the ocean bottom for exploration. That is an area 19,300 square miles—or almost as big as the state of West Virginia (24,034 square miles). And the company could apply for more than one of these parcels, called blocks, to look for riches and then actually mine a smaller portion.

"Look," Metcalf exclaimed, "I'm not wedded to a single word in that bill." Besides giving the American Mining Congress a chance to present its proposal, he said, the bill should prod the State Department to speed up negotiations for international control of seabed mining.

"The State Department just sits around on this thing," complained Metcalf. "I introduced this bill as an ironical expression of what could happen if they don't get moving."

HEARING MAY 17

The Senate will explore the whole issue in Interior Committee hearings beginning May 17, he said, but that does not mean the bill is going anywhere.

In the House, the American Mining Congress's champion is more enthusiastic than Metcalf about the controversial bill.

"I am 100 percent behind the thrust of the bill," said Rep. Thomas N. Downing (D-Va.), its sponsor and chairman of the House Oceanographic Subcommittee. He said he intends to push it out of committee and onto the House floor if his own on-the-spot assessment of United Nations negotiations in Geneva this August persuade him the agreement to update the laws of the sea is far off.

Downing said the bill he introduced came to him from an ocean mining company in his Congressional district, Deepsea Ventures of Gloucester Point, Va., that firm is a subsidiary of Tenneco of Houston.

"If we pass this bill," Downing asserted, "other advanced countries will do the same thing" and an international authority for regulating the mining will evolve on its own. He added that the bill earmarks some of the profits from ocean mining to underdeveloped countries.

He agreed, however, that such a consortium of the "have" nations would not be as good as a formal international agency established under the current United Nations Law of the Sea Conference.

"But those minerals are lying on the bottom and we need them," Downing said in explaining his impatience.

The minerals so glittering to the mining companies and their supporters are golf-ball-to-grapefruit sized rocks lying on the ocean bottom under 10,000 feet or more of water—usually at least 200 miles from the nearest coast line.

The British discovered these rocks when its deep sea research ship, HMS Challenger, dredged the Atlantic depths in 1872—just a little over 100 years ago. The rocks are rich in metals and are called manganese nodules.

MIGRATING METALS

They are formed as ions of manganese iron, cobalt, nickel and copper and show kind of a homing instinct as they migrate to the deepest part of the ocean where only a few crabs inhabit the black depths.

The ions coat rocks, sharks' teeth, whale earbones—anything solid—a bit at a time as they settle on the ocean floor. "Those nodules comprise the largest mineral deposit on this planet," according to Bruce C. Heezen and Charles D. Hollister, oceanographers who wrote "The Face of the Deep."

"The growth of nodules is one of the slowest chemical reactions in nature," they wrote, "yet these mineral gardens of the abyss are vast. And despite their exceedingly slow rate of accumulation, they appear to be growing faster than we could ever expect to mine them."

Thus, the world seems to have at least one garden of riches growing faster than man can pick it. The ore-rich rocks lie in the relatively lifeless part of the ocean—meaning that their removal would disturb few creatures.

The question since their discovery has been how to get the nodules out of the depths in big enough quantities to justify processing. Several American firms believe they now have the answer.

Deepsea Ventures, for example has opted for vacuuming up the rocks with a long hose. Hughes Tool Co. and Kennecott Copper are two other American firms who have developed mining methods for this lode on the ocean bottom. Japan and Germany have embarked on modest ocean mining programs.

The State Department, in estimating that American firms have already invested $90 million in ocean mining technology, sees a real payoff for the United States in scooping up these nodules.

The nation spent $500 million in 1970 to import manganese, cobalt, nickel and copper, according to the Interior Department. With seabed mining, the whole import picture could be turned around—improving the U.S. balance of exports vs. imports.

Leigh S. Ratiner, director of the Interior Department's ocean resources office and one of the members of the government's seabed task force, told the House Oceanographic Subcommittee that seabed mining would yield all the manganese the U.S. could use and then some. (About 86 per cent of our supply is imported now.)

NICKEL MOST VALUABLE

Most important from a dollar standpoint, since nickel imports accounted for about $426 million of that $600 million in imports, the United States by 1975 through sea mining could produce about half the nickel it uses. We import virtually all we use now.

The American Mining Congress argues that it is time to go ahead and get these metals lying in such abundance on the floor of the Pacific Ocean.

"If uncertainties continue because of our exclusive reliance on the United Nations, exploitation will be inhibited. It is essential in our national interest to proceed expeditiously," said C. H. Burgess, Kennecott vice president for exploration, speaking for the American Mining Congress.

"We now have the technology where we are ready to go out and give it a try. We are afraid that the fragile lead that we hold in this area is going to be eroded quite rapidly if we do not go out and try it," said T. S. Ary, Union Carbide vice president, representing the mining congress.

Critics contend that such industry statements fail to consider the diplomatic dynamite of a first-come, first-served approach to staking out the ocean bottoms.

Former Secretary of State Rusk, appearing before a House Foreign Affairs subcommittee in March, said there is hardly any more crucial item on the world's agenda than nations peaceably updating the laws of the sea.

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Unless this is done, Rusk said, "we may see a national race for the control of open oceans and seabeds, comparable to the race for the control of land areas of the past three centuries. The dangers and costs of such a race are difficult to imagine. It would be sheer insanity for mankind to go down that fork of the road."

In that context, he warned against freezing underdeveloped nations out of exploiting the sea beds. "The developing countries have taken a strong view that they are entitled to a reasonable share in the returns from this common heritage of mankind," Rusk said, "and that such resources should not become a monopoly of those with the advanced technology for exploitation."

WORLD PACT NEEDED

Charles N. Brower, State's acting legal adviser and head of the American delegation negotiating the Law of the Sea Issues, said in opposing the Metcalf-Downing bill that the measure "has become a symbol to many countries of what they regard as defiance of the multi-lateral negotiating process . . . It is necessary to achieve timely, widespread international agreement on outstanding Law of the Sea issues in order to preserve and save over two-thirds of the earth's surface from national conflict and rivalry."

Brower told the House that it looks like the Law of the Sea Conference will be successfully concluded in 1974 and certainly no later than 1975.

If the U.S. Congress should go ahead and pass the industry's seabed mining bill before then, Rattner warned, "it would be the functional equivalent of preempting the Law of the Sea Conference on this issue. The U.S. has committed itself to the proposition that the regulations and use of deep ocean mineral resources should be accomplished under an international agreement which in particular would be of benefit to the developing countries."

The Federation of American Scientists, in supporting State's position and assailing the mining industry's is "special interest bill," said "it would be a catastrophe pregnant with possibilities for war if the oceans were to be carved up on a first-come, first-served basis as was colonial Africa in the 19th century."

## ADDITIONAL STATEMENTS

### SENATOR ROBERT C. BYRD DELIVERS COMMENCEMENT ADDRESS ON MAY 13, 1973

Mr. ROBERT C. BYRD. Mr. President, on yesterday I delivered the commencement address at Morris Harvey College, Charleston, W. Va. I ask unanimous consent to print in the RECORD the transcript of that address.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR ROBERT C. BYRD

President Buckalew; the Reverend Mr. Light; members of the graduating class; Professor Evelyn Harris, Professor Frank Krebs, and other distinguished members of the faculty; my senior colleague in the Senate, Senator Jennings Randolph; Ladies and gentlemen.

At the outset, I wish to thank President Buckalew for inviting me to participate here today, and I want to congratulate those of you in this graduating class. Being a father and a grandfather, I also want to commend the parents who have sons and daughters graduating—I know something about the sacrifices you have made, and I also know something about the joy and satisfaction that are yours today.

I suppose that if all the commencement addresses that have been given were laid end to end, we might, for the first time in the history of man, reach infinity. And if all those who have used the same language and expressed the same philosophy were likewise laid end to end, we might come within striking distance of the same goal.

First of all, let me commend to your consciousness, the lines of Joseph Addison, when he wrote in the first Act of "Cato":

"Tis not in mortals to *command* success;
But we'll do more Sempronius, we will *deserve* it."

I do not doubt that some mortals who achieve success do not deserve it, but, as a general rule of life, in any calling, success largely is a result of hard work and a determination to get ahead. We live in a materialistic society—sometimes I think too materialistic a society—and success is too often measured in terms of worldly goods.

Sometimes I wish we honored our poets and our painters as much as we tout our technology.

I do not for a moment deprecate the ambition or the efforts of the man who makes a million dollars. To do so, requires a drive, a determination, and a dedication to work in most cases, that are admirable qualities. But it is when success—as seen in terms of cash—becomes an obsession, that perhaps our mores are suspect.

I have the greatest respect for the dignity of labor. I honor the man or woman whose fulfillment is found in honest work. There are few rewards to be won without it. I think it is important also, that we remember that one of hard work's most valuable rewards is that it gives us an opportunity to enjoy some leisure. For even the most conscientious person, it is necessary occasionally, to pause from labor and enjoy the flowers.

Obviously, different jobs represent different levels of importance and have different levels of compensation, and in recent years there has been a tendency to decry the necessity of giving a job the very best job-holder has within him. Nobody wants to start at the bottom any more, and we are gradually developing a national attitude that if a goal or a commodity requires more than minimal effort to obtain, it is not worth spending the effort. But the capacity for enjoying work, however unglamorous that work may be, is one of the most valuable traits a man or a woman can possess, and can give the individual immense satisfaction. This may sound like moralizing, but it is still true that the bigness of a job is directly related to the bigness with which the job-holder regards it. A big man can make a little job big. Monotony is not compatible with conscientiousness.

Very soon, you who form this graduating class will leave the relative calm of this campus, and you will enter into the maelstrom of modern life. I am sure that all of you possess certain ideals. You will find, as you pursue the necessity of making a living, that the sometimes harsh facts of life will put some of your ideals to a severe test. It is likely that you will be forced by circumstances to abandon some of your cherished ideals. It is even possible that some of your idealism will, in time, be replaced by pragmatism at best, and cynicism at worst. When this happens, and it happens to many of us, the realization that the basic nature of mankind has facets of evil as well as of good, can come as a shock. It can also cause some scars that take some time to heal.

The answer, of course, is to be able to strike a reasonable balance between the euphoria of idealism and the cold facts of realism. I am not sure whether your generation is blessed or cursed by the most significant change that has taken place in everyday life over the past quarter-century. I refer to the extraordinary developments in the field of communications, and the apparent propensity of much of the media to dramatize the seamier items in world and national news—frequently to the exclusion of the good. Few things in history have ever exerted the influence on human thought and action as does television. This medium reaches into the lives of hundreds of millions of people all over the world. In our own country, it is perhaps the single most influential force in the shaping of many of our attitudes. Commercial television is responsible, at times, for bringing into our homes important programs of high educational value. It is also responsible, far too often, for bringing into the lives of the impressionable young, programs of the worst kind of banality.

Perhaps what troubles me most about the all-pervading power of television is that in millions of homes throughout this vast land, the channel selector has taken the place once held by a good book.

Far too many hours that young people and grown-ups once spent with the beauty of words and language, are now spent absorbing the hucksters' messages on the beauty of detergents.

I am well aware that all of you who graduate today must have spent many hours over the past years, with books as your only companions. I am also aware that reading for learning is not quite the same as reading for pleasure. But I would express the hope that, in the years to come, when reading will be a choice and not an assignment, you will devote a little of your leisure to re-acquainting yourselves with the beauty of the printed word.

The suggestion may also be appropriate that in this frenetic age, modern technology has so far outstripped the will of man to control it, that our machines are rapidly becoming our masters, rather than the other way around.

There is even a danger that we will become so programmed and blase that we will lose the ability to recognize that we need to reach beyond the purely material and concern ourselves with developing the qualities of the mind and heart that really make life worth living.

We are living in a time of dynamic change and historic transition. Though it may not happen in my lifetime, or even, perhaps, in yours, the eventual results of this change and transition will be shaped by whether we work for a higher level of human existence or allow ourselves to become programmed robots, oblivious to the nuances of the human condition.

In the two centuries of our existence as a nation, we have achieved a position in the world that none of the great civilizations of the past came close to achieving. We have created a society and an economy richer, by far, than man has ever before known. Our land has flowed with milk and honey, and we have been well content. But today, three years before our second hundred years, rumblings of discontent are being heard throughout the land. I refer to the discontent that is evident in the ranks of those Americans who are not poor or underprivileged. I refer to millions of middle-class Americans who are enjoying a prosperity undreamed of by their parents and grandparents; who are earning the highest wages in history; who live in comfortable suburban homes, with at least one automobile in the carport; many of whom have a beach cottage and a boat.

Perhaps Plato knew the answer when he wrote, in "The Republic": "Wealth is the parent of luxury and indolence; and poverty of meanness and viciousness; and both of discontent."

I prefer to think, however, that a more likely reason for the discontent among those Americans whose lives are comfortable is that they find something lacking in their lives that no amount of material comfort can provide; that split-level homes, powerful automobiles, cabin cruisers, and even the magic tube cannot provide. I believe, and I most sincerely hope, that perhaps even if they cannot clearly define the yearning, millions of our people, deep in their hearts, want to fill the void of discontent with the old values and verities that characterized this nation in its formative years.

These values did not include power, merely for power's sake, or its use where such use is questionable.

For example, Americans who express opposition to our bombing in Cambodia are reflecting an increasingly sharp national conscience regarding our continued military action in Indochina.

For myself, I see no justification for American military actions in Cambodia, now that we have effected a cease-fire in Vietnam. We have been assured by the Administration—an assurance backed up by President Thieu of South Vietnam—that the Vietnamization program has worked so well that South Vietnam is entirely capable of handling its own defense. Therefore, the current bombing in Cambodia, in my judgment, is not justified. The United States has no commitments under any treaty or protocol, to defend Cambodia. There are no American ground troops to be protected. Our prisoners of war are home.

I supported President Nixon on the war in Vietnam, and I believe the results he achieved justified my support. But the current bombing in Cambodia, in my judgment, not only is unjustified, but it also carries with it the danger of deeper involvement. I believe our national conscience reflects this concern. And I believe that, dormant though they may have been for too long, there are still in the American spirit, kindness, unselfishness, patriotism, integrity, and faith. These qualities, I believe, are struggling to move once again into the forefront of American thought and feeling. I believe that it is this struggle, ill-defined as it is in the minds of the millions who are experiencing it, that is at the bottom of our discontent.

If my belief is well-founded, this can be a healthy discontent. It shows that while we may have gone a long way down the road of materialistic self-indulgence, it is not too late to pause and re-assess our priorities. It is not too late to leave that channel selector alone for a couple of evenings, and read several chapters of an enlightening book. It is not too late to ask ourselves if we really cannot live without an electric toothbrush or if we must have an automobile that is two feet longer than our last one. It is not too late to take the steps that will assure our children and our grandchildren that they will be able again to swim in our lakes and in our rivers; or that we shall once again be able to walk safely at night in the streets of our cities.

At this time, all over this great country, thousands of intelligent young Americans are bidding farewell to the schools and colleges that have been their center of activity for three or four of the most important years of their lives. I am hopeful—now that our participation in the soul-destroying conflict in Vietnam is over—that these young Americans of whom you are a part, will use their intelligence to temper materialism with the gentleness and understanding of things of the spirit—that the things of the spirit will continue to have a place in our lives. Without it, you and yours, and this great nation of which we have the good fortune to be a part, will face an uncertain future.

### EAST-WEST TRADE AND THE JACKSON AMENDMENT

Mr. SAXBE. Mr. President, last year I cosponsored an amendment to the East-West Trade Relations Act which would deny most-favored-nation treatment and participation in various U.S. credit programs to countries which deny their citizens the right to emigrate or impose prohibitive taxes on such emigration. At this time, I do not intend to again cosponsor the Jackson amendment. I believe that global detente is too delicate to attempt to influence the Soviet Union to change its internal domestic policy. The general relaxation of tensions can be increased by further economic cooperation among the great powers and this in turn, we can hope, will lead to an end to the persecution of minority groups inside the Communist countries.

In addition there is always the question of how far does our Nation go in the enactment of legislation which influences the internal policies of another nation?

I commend to my colleagues an editorial which appears in the May 4 issue of the Wall Street Journal which analyzes this aspect of the question and raises some pertinent issues which I believe are important in discussion of this matter. The editorial imputes to my colleague motives which I do not agree he holds, but the substantive arguments offered are valid and vital and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE JACKSON AMENDMENT

Senator Henry Jackson of Washington has had an impressive success in this one-man campaign against the restrictive emigration policy of the Soviet Union. Moscow has informed President Nixon that it has suspended the education tax it began imposing on Jewish emigres a year ago; Soviet Communist Party chief Leonid Brezhnev personally assured seven of Mr. Jackson's Senate colleagues, who visited Russia, that this is so.

The Soviet concession was no doubt prompted by Mr. Jackson's amendment that would deny Most-Favored-Nation trade status and export credits and credit guarantees to the Soviet Union because of that emigration policy. The amendment, supported by 76 Senators in all, does not specify the Soviet Union by name. It would apply to any nation with a "non-market economy" that did not give its citizens the "right and opportunity" to emigrate without having to pay extraordinary taxes or fees.

Having achieved his immediate goal, however, Sen. Jackson now seems prepared to press his amendment further, arguing that the Soviets continue to make it difficult for Soviet Jews to obtain exit visas and that applicants for visas often find themselves unemployed. He believes abandoning the campaign would signal U.S. disinterest in the continuing problems of Soviet Jews.

In view of Moscow's concession, President Nixon has beseeched both the Senator and leaders of the American Jewish community to drop the amendment. He asserts that progress toward his larger foreign-policy design, involving detente with the Soviet Union, would be blocked should Congress condition MFN status with the Jackson amendment. He envisions possible Soviet termination of discussion in the SALT talks, mutual force reduction talks in Europe, and other promising East-West forums. No doubt the issure will be raised again when Mr. Brehnev visits Washington next month.

While we would be delighted if Mr. Jackson would find some alternate way of keeping Soviet emigration policy in the spotlight, we should not forget the nature of the Soviet regime. But as a rule, we disapprove of the U.S. government involving itself in the internal policies of other nations, except insofar as those policies affect U.S. citizens or interests. For one thing, the United States does not silently suffer foreign infringement on its domestic affairs. For another, such activities rarely produce the desired results. Most important of all, there is always the risk that basing foreign policy on judgments about the internal morality of another nation will divert us from the real purpose of foreign policy, which is to protect the interests of the United States.

Senator Jackson has demonstrated that it's possible to lever the Russians into a change of policy, but the question is to what end that leverage will be used? Would he be willing to take some chips from the SALT talks, we wonder, and spend them for the benefit of potential Soviet emigrants? And how much of a relaxation would he require? Would the Russians have to unravel the whole totalitarian system dating back to 1917 before we are willing to trade with them, even though we deem that trade to be in our larger national interest?

After all, Mr. Jackson's chief supporters include the AFL–CIO, and Mr. Meany's precondition for trade with the Soviets goes well beyond the Kremlin's treatment of Jews. At times, AFL–CIO officials sound as if they will settle for nothing less than a change in Soviet leadership and a change in the Soviet form of government before they would consider competing with the "slave labor" of the Soviet Union. They have visions of millions of Russians and Chinese, earning ten or twenty cents an hour, cranking out manufactured products for export to the U.S. and undermining our domestic industries.

Even the state of Israel is not as "tough" on the emigration question as Mr. Meany or Senator Jackson. And leaders of the American Jewish community, which has conserved its strength on Capitol Hill by keen attention to American interests, find themselves in a position where they cannot afford to be "less Jewish" than Scoop Jackson.

It's hard to avoid the impressions that Senator Jackson, like Mr. Meany, has bigger fish to fry. While Mr. Meany is suspicious of detente for his own narrow reasons, Senator Jackson is equally suspicious on far broader ones. He worries that American national security will be endangered because a democracy will drop its guard while a dictatorship will not. This is not an idle fear, and it's nice to have people around like Senator Jackson to warn of potential pitfalls or booby traps.

It may be, in fact, that the whole Nixon foreign-policy approach is misconceived. Perhaps detente is not such a good idea; certainly so far there is a good case to be made that the Russians have acquired more leverage over our policies than we have acquired over theirs. But it is one thing to see a policy rejected on its merits, and it is quite another to see it derailed over issues unrelated to American interests.

Aiding the Soviet Jews and other hard-pressed people is certainly a worthy endeavor, well worth maintaining rhetorical pressure. But when it comes to a point where Mr. Nixon's whole foreign policy design may be derailed because the Soviets haven't adopted the Bill of Rights and the Wagner-Connery Act, then it's well past the time to step back and debate the fundamentals, to ask precisely what are the national interests of the United States?

### ECONOMIC CONTROLS VERSUS HIGH INTEREST RATES

MR. BENTSEN. Mr. President, last month I urged the administration to use its authority under the Economic Stabi-





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lization Act to return to mandatory wage-price controls, similar to those of phase II.

I renew that plea today. Since I last spoke on this subject consumers have received more bad economic news. Inflation in the first quarter was twice the January estimate of the President's Council of Economic Advisers. Even greater consumer price increases can be expected in the future because of an almost unbelievable 14 percent annual rate of increase in the price of wholesale industrial commodities over the last 3 months. New York Economist Pierre Rinfret, who was the chief economic

rowing has been phenomenal. In 1967, American Telephone & Telegraph issued triple A bonds at 6 percent. In 1970, the company made another issue of triple A bonds, but this time for $1½ billion and the best rate they could get was 8¾ percent. Mr. President, the extra interest on those bonds is over $40 million a year. The telephone users of this country will be paying that extra $40 million a year in their rates for the next 30 years because of high interest rates in 1970. That is only the telephone bill. Power companies, gas pipeline companies were also forced to borrow during that period.

Mr. President, the effects of higher

ening the lives of the innocent, riot, and resisting arrest. Yet because they try to pull the cloak of political coloration over their lawbreaking, they are treated as though they were respectable adversaries.

AIM does not represent the American Indians. Indeed, according to the New York Times of May 8, at least half of the 120 who were removed from Wounded Knee after the confrontation was over were not even Indians. I do not understand why the New York Times reporter lacked the curiosity to inquire into this interesting detail. On the face of it, it seems to shed some light on the validity



about were those tribes on the warpath. But they were not the *only* Indians. Indeed, even today, the only Indians anyone knows about are the feather-bonneted Hollywood warriors of the John Ford films.

I don't know what effect your speech will have on anything but I am certainly glad there is at least one voice of sanity amidst all this chatter about negotiating with AIM. Why should the government negotiate with a bunch of criminals? It might be better if the Federal Marshal took the necessary measures to [illegible] the AIM people [illegible] name of the game [illegible]

[illegible]

Would it be possible to get additional copies of your speech? If so, I would greatly appreciate

flew the 30 Mexican prisoners for whose release the terrorists had kidnaped the American consul general in Guadalajara. Fidel Castro has long since made clear his distaste for Cuba's becoming an involuntary dumping ground for Western Hemisphere escapees of various sorts. Quite fairly, he assigns some of the blame to the deliberate American effort to put Cuba beyond the reach of the hemisphere community. Because Cuba has always enjoyed good relations with Mexico, it seems to be particularly ill-timed [illegible] Mexico [illegible] terrorist [illegible] Cuba [illegible] [illegible] Cuba [illegible] [illegible] that Cuba is there [illegible]

countable under the laws. Nor do we know whether the defense contention that laws protecting classified information run counter to the first amendment have any legal validity.

[illegible] [illegible] [illegible] [

tient hospital services during such spell of illness) on which such individual is furnished such services during such spell of illness except that the reduction under this sentence for any day shall not exceed the charges imposed for that day with respect to such individual for such services (and for this purpose, if the customary charges for such services are greater than the charges so imposed, such customary charges shall be considered to be the charges so imposed)."

(c)(1) Section 209(a)(8) of the Social Security Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,200".

(2) Section 211(b)(1)(H) of such Act is amended by striking out "$12,000," and inserting in lieu thereof "$12,300,".

(3) Section 213(a)(2)(ii) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(4) Section 213(a)(2)(iii) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(5) Section 215(e)(1) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(d)(1) Section 1402(b)(1)(H)(i) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by striking out $"12,000," and inserting in lieu thereof "$12,300,".

(2)(A) Section 3121(a)(1) of such Code (relating to definition of wages) is amended by striking out "$12,000" each place it appears and inserting in lieu thereof "$12,300".

(B) Effective with respect to remuneration paid after 1974, section 3121(a)(1) of such Code is amended—

(i) by striking out "$12,300" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(ii) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(3)(A) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(B) Effective with respect to remuneration paid after 1974, the second sentence of section 3122 of such Code is amended by striking out "the $12,300 limitation" and inserting in lieu thereof "the contribution and benefit base limitation".

(4)(A) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$12,000" wherever it appears in subsection (a), (b), and (c) and inserting in lieu thereof "$12,300".

(B) Effective with respect to remuneration paid after 1974, section 3125 of such Code is amended by striking out "the $12,300 limitation" wherever it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base limitation".

(5) Section 6413 of such Code (relating to special refunds of employment taxes) is amended by striking out "$12,000" wherever it appears in such section and inserting in lieu thereof "$12,300".

(6)(A) Section 6654(d)(2)(B)(ii) of such Code (relating to failure by an individual to pay estimated income tax) is amended by striking out "$12,000" and inserting in lieu thereof "$12,300".

(B) Effective with respect to taxable years beginning after 1974, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "the excess of $12,300 over the amount" and inserting in lieu thereof "the excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount".

(d) Paragraphs (3)(C), (3)(C), (4)(C), and (7)(C) of section 203(b) of the Act of July 1, 1972, Public Law 92-336, are repealed.

SEC. 6. The amendments made by the first four sections of this Act shall become effective January 1, 1974; except that such amendments (other than the amendment made by section 2(1)(B) shall not be applicable in the case of Puerto Rico, Guam, and the Virgin Islands. The amendments made by section 5 of this Act shall become effective upon the date of enactment of this Act.

## HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1973—AMENDMENT

AMENDMENT NO. 131

(Ordered to be printed.)

Mr. KENNEDY proposed an amendment, in the nature of a substitute, to the bill (S. 14) to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes.

## ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 98

At the request of Mr. EAGLETON, the Senator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. METCALF), the Senator from Iowa (Mr. HUGHES and Mr. CLARK), and the Senators from South Dakota (Mr. McGOVERN and Mr. ABOUREZK) were added as cosponsors of amendment No. 98, intended to be proposed to the bill (S. 1248), the State Department authorization bill.

## ANNOUNCEMENT OF HEARINGS ON GOVERNMENT SECRECY PRACTICES

Mr. MUSKIE. Mr. President, Mr. Daniel Ellsberg will testify on Government secrecy practices before a hearing of the Relations of the Committee on Government Operations, with the participation of the Subcommittee on Administrative Practices and Procedure of the Committee on the Judiciary, at 10 a.m. Wednesday, May 16, 1973, in room 3302, Dirksen Senate Office Building.

## ANNOUNCEMENT OF OPEN HEARING RE NOMINATION OF JAMES T. CLARKE TO BE ASSISTANT SECRETARY OF THE INTERIOR

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the Committee on Interior and Insular Affairs has scheduled open public hearings for Wednesday, May 16, 1973, at 2 p.m., to take testimony on the nomination by President Nixon of James T. Clarke of Michigan to be Assistant Secretary of the Interior. The hearing will be held in the committee room, 3110 Dirksen Senate Office Building.

Persons wishing to testify or submit statements for the hearing record on this nomination should so advise the staff of the Interior Committee.

Mr. President, I ask unanimous consent that the biographical sketch of Mr. Clarke be printed in the RECORD at this point in my remarks.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF JAMES T. CLARKE

James T. Clarke, 35, of Detroit, has been nominated by the President for the position of Assistant Secretary of Interior for Management. His duties will include the management and administrative activities of the Department.

Mr. Clarke is currently a partner in Coopers & Lybrand (formerly Lybrand, Ross Bros. & Montgomery), one of the largest international accounting and consulting firms. A certified public accountant, he is in charge of the firm's consulting practice in Detroit and coordinates its consulting services to government throughout the Midwest. He joined the firm in 1961 and now specializes in assignments concerning financial analysis, organizational planning and budgeting, accounting and EDP systems.

He was born in Petoskey, Michigan, and received a B.A. degree with honors in economics from the College of Wooster, in Ohio, and an M.B.A. degree in finance from the University of Michigan. From 1962 to 1965 he was a supply officer in the Navy; he was honorably discharged as a lieutenant.

Mr. Clarke is a member of the American Institute of CPA's and the Michigan Association of CPA's, for which he is Chairman of the Management Advisory Services Committee. He is also a member of the Federal Government Accountants Association and has held a number of positions in the Junior Chamber of Commerce.

He is married to the former Patricia Kemp of Detroit. They have a son, Timothy, 2.

## NOTICE OF HEARING ON A NOMINATION

Mr. PASTORE. Mr. President, the Senate section of the Joint Committee on Atomic Energy will hold a public hearing on Thursday, May 17, 1973, at 4 p.m., in room S407, U.S. Capitol on the nomination of Mr. William E. Kriegsman to be a member of the Atomic Energy Commission.

Mr. Kriegsman has been nominated to fill the remainder of the term of James R. Schlesinger which expires on June 30, 1975.

I ask unanimous consent to have printed in the RECORD the biography of Mr. Kriegsman which was provided to the Joint Committee with the submission of his nomination to the Atomic Energy Commission by the President on April 13, 1973.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

WILLIAM EDWIN KRIEGSMAN

Date of Birth: February 22, 1932.

Place of Birth: New York, New York.

Home Address: 5615 Ridgefield Road, Bethesda, Maryland.

Family Status: Married to the former Kay Harris of Grand Junction, Colorado: 2 children.

Education: Graduate, Scarsdale (N.Y.) High School; Bachelor Arts in Chemistry, University of Rochester, 1953; Masters Degree in Engineering Administration, The George Washington University, 1964.

Experience: Manager, Washington Office, Arthur D. Little, Inc. Responsible for the management of the Washington office including business development and professional case work. Conducted studies and made recommendations which resulted in a complete reorganization of the regulatory and operational functions of the U.S. Atomic Energy Commission. Participated in a number of studies of the economic impact of U.S. industries of pollution abatement laws. Conducted several studies related to the President's "New Technology Opportunities Program" for the Secretary of Commerce, NSF, and the Patent Office. Recently recommended a major revision of AEC's environmental impact statement process to reduce the process time, improve quality of the product, and permit greater public participation.

1969–1971: Staff Assistant to President Nixon responsible for the development of programs and policies in the environmental, space, nuclear energy and oceanography areas.

1962–1969: Inspection Specialist with Atomic Energy Commission directing and conducting studies of AEC management problems.

1965–1966: Congressional Fellow on the staff of Senator Howard H. Baker, Jr., and Rep. Donald Rumsfeld.

1957–1962: Supervisory Health Physicist with Atomic Energy Commission in the regulatory program.

1953–1957: U.S. Naval Officer with duties including supervisor of the nuclear weapons assembly team on board an aircraft carrier.



## NOTICE OF HEARINGS ON S. 1134

Mr. METCALF. Mr. President, on April 2, I announced that the Subcommittee on Minerals, Materials and Fuels of the Senate Committee on Interior and Insular Affairs had scheduled hearings on S. 1134, the Deep Seabed Hard Mineral Resources Act. I remind my colleagues that the first of these hearings is May 17.

On that day, we will hear representatives of the mining industry. They will testify for their bill and answer our questions about it. At subsequent meetings we will hear from representatives of the U.S. Government and other parties interested in this subject.

On June 14, we will hear from representatives of the executive department. They will give us a status report on negotiations in the United Nations which hopefully will lead to international agreement on the conservation and orderly development of the hard mineral resources of the deep seabed. At the request of administration witnesses, this date was changed from June 5 as originally announced.

On June 18 and 19, spokesmen for environmental and international groups will each have 1 day before us.

In this connection, I call the attention of my colleagues to a recent article in the Washington Post which describes the positions taken by various groups on the hard mineral resources of the deep seabed.

Mr. President, I ask unanimous consent that the Washington Post article of May 6, 1973, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BATTLE STIRS OVER SEABED MINES BILL

(By George C. Wilson)

Land-grab legislation that even its Senate sponsor regards as preposterous has put the State Department at battle stations.

And as far as former Secretary of State Dean Rusk and others are concerned, there are solid reasons for the alarm—including the risk of touching off the kind of international race for land that inflamed the world for the past three centuries.

This time, however, the land up for grabs is not in the New World but under the sea. It is unclaimed and represents two-thirds of the earth's surface. The bill at issue signals that the race for it is already on.

The American Mining Congress—comprised of companies that produce most of the nation's metals and minerals—wrote every line of the bill, according to Sen. Lee Metcalf (D.-Mont.), who introduced it in the Senate.

"I put it in only to give them their day in court," he told The Post, adding that even the mining magnates of the 1870s would not have dared to ask for so much land.

A mining company under the industry's bill would pay the Secretary of Interior $5.000 for the right to lay claim to 40,000 square kilometers of the ocean bottom for exploration. That is an area 19,300 square miles—or almost as big as the state of West Virginia (24,034 square miles). And the company could apply for more than one of these parcels, called blocks, to look for riches and then actually mine a smaller portion.

"Look," Metcalf exclaimed, "I'm not wedded to a single word in that bill." Besides giving the American Mining Congress a chance to present its proposal, he said, the bill should prod the State Department to speed up negotiations for international control of seabed mining.

"The State Department just sits around on this thing," complained Metcalf. "I introduced this bill as an ironical expression of what could happen if they don't get moving."

HEARING MAY 17.

The Senate will explore the whole issue in Interior Committee hearings beginning May 17, he said, but that does not mean the bill is going anywhere.

In the House, the American Mining Congress's champion is more enthusiastic than Metcalf about the controversial bill.

"I am 100 percent behind the thrust of the bill," said Rep. Thomas N. Downing (D-Va), its sponsor and chairman of the House Oceanographic Subcommittee. He said he intends to push it out of committee and onto the House floor if his own on-the-spot assessment of United Nations negotiations in Geneva this August persuade him the agreement to update the laws of the sea is far off.

Downing said the bill he introduced came to him from an ocean mining company in his Congressional district, Deepsea Ventures of Gloucester Point, Va., that firm is a subsidiary of Tenneco of Houston.

"If we pass this bill," Downing asserted, "other advanced countries will do the same thing" and an international authority for regulating the mining will evolve on its own. He added that the bill earmarks some of the profits from ocean mining to underdeveloped countries.

He agreed, however, that such a consortium of the "have" nations would not be as good as a formal international agency established under the current United Nations Law of the Sea Conference.

"But those minerals are lying on the bottom and we need them," Downing said in explaining his impatience.

The minerals so glittering to the mining companies and their supporters are golf-ball-to-grapefruit sized rocks lying on the ocean bottom under 10,000 feet or more of water—usually at least 200 miles from the nearest coast line.

The British discovered these rocks when its deep sea research ship, HMS Challenger, dredged the Atlantic depths in 1872—just a little over 100 years ago. The rocks are rich in metals and are called manganese nodules.

MIGRATING METALS

They are formed as ions of manganese iron, cobalt, nickel and copper and show kind of a homing instinct as they migrate to the deepest part of the ocean where only a few crabs inhabit the black depths.

The ions coat rocks, sharks' teeth, whale earbones—anything solid—a bit at a time as they settle on the ocean floor. "Those nodules comprise the largest mineral deposit on this planet," according to Bruce C. Heezen and Charles D. Hollister, oceanographers who wrote "The Face of the Deep."

"The growth of nodules is one of the slowest chemical reactions in nature," they wrote, "yet these mineral gardens of the abyss are vast. And despite their exceedingly slow rate of accumulation, they appear to be growing faster than we could ever expect to mine them."

Thus, the world seems to have at least one garden of riches growing faster than man can pick it. The ore-rich rocks lie in the relatively lifeless part of the ocean—meaning that their removal would disturb few creatures.

The question since their discovery has been how to get the nodules out of the depths in big enough quantities to justify processing. Several American firms believe they now have the answer.

Deepsea Ventures, for example has opted for vacuuming up the rocks with a long hose. Hughes Tool Co. and Kennecott Copper are two other American firms who have developed mining methods for this lode on the ocean bottom. Japan and Germany have embarked on modest ocean mining programs.

The State Department, in estimating that American firms have already invested $90 million in ocean mining technology, sees a real payoff for the United States in scooping up these nodules.

The nation spent $600 million in 1970 to import manganese, cobalt, nickel and copper, according to the Interior Department. With seabed mining, the whole import picture could be turned around—improving the U.S. balance of exports vs. imports.

Leigh S. Ratiner, director of the Interior Department's ocean resources office and one of the members of the government's seabed task force, told the House Oceanographic Subcommittee that seabed mining would yield all the manganese the U.S. could use and then some. (About 86 per cent of our supply is imported now.)

NICKEL MOST VALUABLE

Most important from a dollar standpoint, since nickel imports accounted for about $426 million of that $600 million in imports, the United States by 1975 through sea mining could produce about half the nickel it uses. We import virtually all we use now.

The American Mining Congress argues that it is time to go ahead and get these metals lying in such abundance on the floor of the Pacific Ocean.

"If uncertainties continue because of our exclusive reliance on the United Nations, exploitation will be inhibited. It is essential in our national interest to proceed expeditiously," said C. H. Burgess, Kennecott vice president for exploration, speaking for the American Mining Congress.

"We now have the technology where we are ready to go out and give it a try. We are afraid that the fragile lead that we hold in this area is going to be eroded quite rapidly if we do not go out and try it," said T. S. Ary, Union Carbide vice president, representing the mining congress.

Critics contend that such industry statements fail to consider the diplomatic dynamite of a first-come, first-served approach to staking out the ocean bottoms.

Former Secretary of State Rusk, appearing before a House Foreign Affairs subcommittee in March, said there is hardly any more crucial item on the world's agenda than nations peaceably updating the laws of the sea.

XUM

Unless this is done, Rusk said, "we may see a national race for the control of open oceans and seabeds, comparable to the race for the control of land areas of the past three centuries. The dangers and costs of such a race are difficult to imagine. It would be sheer insanity for mankind to go down that fork of the road."

In that context, he warned against freezing underdeveloped nations out of exploiting the sea beds. "The developing countries have taken a strong view that they are entitled to a reasonable share in the returns from this common heritage of mankind," Rusk said, "and that such resources should not become a monopoly of those with the advanced technology for exploitation."

WORLD PACT NEEDED

Charles N. Brower, State's acting legal adviser and head of the American delegation negotiating the Law of the Sea Issues, said in opposing the Metcalf-Downing bill that the measure "has become a symbol to many countries of what they regard as defiance of the multi-lateral negotiating process . . . It is necessary to achieve timely, widespread international agreement on outstanding Law of the Sea issues in order to preserve and save over two-thirds of the earth's surface from national conflict and rivalry."

Brower told the House that it looks like the Law of the Sea Conference will be successfully concluded in 1974 and certainly no later than 1975.

If the U.S. Congress should go ahead and pass the industry's seabed mining bill before then, Ratiner warned, "it would be the functional equivalent of preempting the Law of the Sea Conference on this issue. The U.S. has committed itself to the proposition that the regulations and use of deep ocean mineral resources should be accomplished under an international agreement which in particular would be of benefit to the developing countries."

The Federation of American Scientists, in supporting State's position and assailing the mining industry's is "special interest bill," said "it would be a catastrophe pregnant with possibilities for war if the oceans were to be carved up on a first-come, first-served basis as was colonial Africa in the 19th century."

## ADDITIONAL STATEMENTS

### SENATOR ROBERT C. BYRD DELIVERS COMMENCEMENT ADDRESS ON MAY 13, 1973

Mr. ROBERT C. BYRD. Mr. President, on yesterday I delivered the commencement address at Morris Harvey College, Charleston, W. Va. I ask unanimous consent to print in the RECORD the transcript of that address.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR ROBERT C. BYRD

President Buckalew; the Reverend Mr. Light; members of the graduating class; Professor Evelyn Harris, Professor Frank Krebs, and other distinguished members of the faculty; my senior colleague in the Senate, Senator Jennings Randolph; Ladies and gentlemen.

At the outset, I wish to thank President Buckalew for inviting me to participate here today, and I want to congratulate those of you in this graduating class. Being a father and a grandfather, I also want to commend the parents who have sons and daughters graduating—I know something about the sacrifices you have made, and I also know something about the joy and satisfaction that are yours today.

I suppose that if all the commencement addresses that have been given were laid end to end, we might, for the first time in the history of man, reach infinity. And if all those who have used the same language and expressed the same philosophy were likewise laid end to end, we might come within striking distance of the same goal.

First of all, let me commend to your consciousness, the lines of Joseph Addison, when he wrote in the first Act of "Cato":

"Tis not in mortals to *command* success;
But we'll do more Sempronius, we will *deserve* it."

I do not doubt that some mortals who achieve success do not deserve it, but, as a general rule of life, in any calling, success largely is a result of hard work and a determination to get ahead. We live in a materialistic society—sometimes I think too materialistic a society—and success is too often measured in terms of worldly goods.

Sometimes I wish we honored our poets and our painters as much as we tout our technology.

I do not for a moment deprecate the ambition or the efforts of the man who makes a million dollars. To do so, requires a drive, a determination, and a dedication to work in most cases, that are admirable qualities. But it is when success—as seen in terms of cash—becomes an obsession, that perhaps our mores are suspect.

I have the greatest respect for the dignity of labor. I honor the man or woman whose fulfillment is found in honest work. There are few rewards to be won without it. I think it is important also, that we remember that one of hard work's most valuable rewards is that it gives us an opportunity to enjoy some leisure. For even the most conscientious person, it is necessary occasionally, to pause from labor and enjoy the flowers.

Obviously, different jobs represent different levels of importance and have different levels of compensation, and in recent years there has been a tendency to decry the necessity of giving a job the very best job-holder has within him. Nobody wants to start at the bottom any more, and we are gradually developing a national attitude that if a goal or a commodity requires more than minimal effort to obtain, it is not worth spending the effort. But the capacity for enjoying work, however unglamorous that work may be, is one of the most valuable traits a man or a woman can possess, and can give the individual immense satisfaction. This may sound like moralizing, but it is still true that the bigness of a job is directly related to the bigness with which the job-holder regards it. A big man can make a little job big. Monotony is not compatible with conscientiousness.

Very soon, you who form this graduating class will leave the relative calm of this campus, and you will enter into the maelstrom of modern life. I am sure that all of you possess certain ideals. You will find, as you pursue the necessity of making a living, that the sometimes harsh facts of life will put some of your ideals to a severe test. It is likely that you will be forced by circumstances to abandon some of your cherished ideals. It is even possible that some of your idealism will, in time, be replaced by pragmatism at best, and cynicism at worst. When this happens, and it happens to many of us, the realization that the basic nature of mankind has facets of evil as well as of good, can come as a shock. It can also cause some scars that take some time to heal.

The answer, of course, is to be able to strike a reasonable balance between the euphoria of idealism and the cold facts of realism. I am not sure whether your generation is blessed or cursed by the most significant change that has taken place in everyday life over the past quarter-century. I refer to the extraordinary developments in the field of communications, and the apparent propensity of much of the media to dramatize the seamier items in world and national news—frequently to the exclusion of the good. Few things in history have ever exerted the influence on human thought and action as does television. This medium reaches into the lives of hundreds of millions of people all over the world. In our own country, it is perhaps the single most influential force in the shaping of many of our attitudes. Commercial television is responsible, at times, for bringing into our homes important programs of high educational value. It is also responsible, far too often, for bringing into the lives of the impressionable young, programs of the worst kind of banality.

Perhaps what troubles me most about the all-pervading power of television is that in millions of homes throughout this vast land, the channel selector has taken the place once held by a good book.

Far too many hours that young people and grown-ups once spent with the beauty of words and language, are now spent absorbing the hucksters' messages on the beauty of detergents.

I am well aware that all of you who graduate today must have spent many hours over the past years, with books as your only companions. I am also aware that reading for learning is not quite the same as reading for pleasure. But I would express the hope that, in the years to come, when reading will be a choice and not an assignment, you will devote a little of your leisure to re-acquainting yourselves with the beauty of the printed word.

The suggestion may also be appropriate that in this frenetic age, modern technology has so far outstripped the will of man to control it, that our machines are rapidly becoming our masters, rather than the other way around.

There is even a danger that we will become so programmed and blase that we will lose the ability to recognize that we need to reach beyond the purely material and concern ourselves with developing the qualities of the mind and heart that really make life worth living.

We are living in a time of dynamic change and historic transition. Though it may not happen in my lifetime, or even, perhaps, in yours, the eventual results of this change and transition will be shaped by whether we work for a higher level of human existence or allow ourselves to become programmed robots, oblivious to the nuances of the human condition.

In the two centuries of our existence as a nation, we have achieved a position in the world that none of the great civilizations of the past came close to achieving. We have created a society and an economy richer, by far, than man has ever before known. Our land has flowed with milk and honey, and we have been well content. But today, three years before our second hundred years, rumblings of discontent are being heard throughout the land. I refer to the discontent that is evident in the ranks of those Americans who are not poor or underprivileged. I refer to millions of middle-class Americans who are enjoying a prosperity undreamed of by their parents and grandparents; who are earning the highest wages in history; who live in comfortable suburban homes, with at least one automobile in the carport; many of whom have a beach cottage and a boat.

Perhaps Plato knew the answer when he wrote, in "The Republic": "Wealth is the parent of luxury and indolence; and poverty of meanness and viciousness; and both of discontent."

I prefer to think, however, that a more likely reason for the discontent among those Americans whose lives are comfortable is that they find something lacking in their lives that no amount of material comfort can provide; that split-level homes, powerful automobiles, cabin cruisers, and even the magic tube cannot provide. I believe, and I most sincerely hope, that perhaps even if they cannot clearly define the yearning, millions of our people, deep in their hearts, want to fill the void of discontent with the old values and verities that characterized this nation in its formative years.

These values did not include power, merely for power's sake, or its use where such use is questionable.

For example, Americans who express opposition to our bombing in Cambodia are reflecting an increasingly sharp national conscience regarding our continued military action in Indochina.

For myself, I see no justification for American military actions in Cambodia, now that we have effected a cease-fire in Vietnam. We have been assured by the Administration—an assurance backed up by President Thieu of South Vietnam—that the Vietnamization program has worked so well that South Vietnam is entirely capable of handling its own defense. Therefore, the current bombing in Cambodia, in my judgment, is not justified. The United States has no commitments under any treaty or protocol, to defend Cambodia. There are no American ground troops to be protected. Our prisoners of war are home.

I supported President Nixon on the war in Vietnam, and I believe the results he achieved justified my support. But the current bombing in Cambodia, in my judgment, not only is unjustified, but it also carries with it the danger of deeper involvement. I believe our national conscience reflects this concern. And I believe that, dormant though they may have been for too long, there are still in the American spirit, kindness, unselfishness, patriotism, integrity, and faith. These qualities, I believe, are struggling to move once again into the forefront of American thought and feeling. I believe that it is this struggle, ill-defined as it is in the minds of the millions who are experiencing it, that is at the bottom of our discontent.

If my belief is well-founded, this can be a healthy discontent. It shows that while we may have gone a long way down the road of materialistic self-indulgence, it is not too late to pause and re-assess our priorities. It is not too late to leave that channel selector alone for a couple of evenings, and read several chapters of an enlightening book. It is not too late to ask ourselves if we really cannot live without an electric toothbrush or if we must have an automobile that is two feet longer than our last one. It is not too late to take the steps that will assure our children and our grandchildren that they will be able again to swim in our lakes and in our rivers; or that we shall once again be able to walk safely at night in the streets of our cities.

At this time, all over this great country, thousands of intelligent young Americans are bidding farewell to the schools and colleges that have been their center of activity for three or four of the most important years of their lives. I am hopeful—now that our participation in the soul-destroying conflict in Vietnam is over—that these young Americans of whom you are a part, will use their intelligence to temper materialism with the gentleness and understanding of things of the spirit—that the things of the spirit will continue to have a place in our lives. Without it, you and yours, and this great nation of which we have the good fortune to be a part, will face an uncertain future.



## EAST-WEST TRADE AND THE JACKSON AMENDMENT

Mr. SAXBE. Mr. President, last year I cosponsored an amendment to the East-West Trade Relations Act which would deny most-favored-nation treatment and participation in various U.S. credit programs to countries which deny their citizens the right to emigrate or impose prohibitive taxes on such emigration. At this time, I do not intend to again cosponsor the Jackson amendment. I believe that global detente is too delicate to attempt to influence the Soviet Union to change its internal domestic policy. The general relaxation of tensions can be increased by further economic cooperation among the great powers and this in turn, we can hope, will lead to an end to the persecution of minority groups inside the Communist countries.

In addition there is always the question of how far does our Nation go in the enactment of legislation which influences the internal policies of another nation?

I commend to my colleagues an editorial which appears in the May 4 issue of the Wall Street Journal which analyzes this aspect of the question and raises some pertinent issues which I believe are important in discussion of this matter. The editorial imputes to my colleague motives which I do not agree he holds, but the substantive arguments offered are valid and vital and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE JACKSON AMENDMENT

Senator Henry Jackson of Washington has had an impressive success in this one-man campaign against the restrictive emigration policy of the Soviet Union. Moscow has informed President Nixon that it has suspended the education tax it began imposing on Jewish emigres a year ago; Soviet Communist Party chief Leonid Brezhnev personally assured seven of Mr. Jackson's Senate colleagues, who visited Russia, that this is so.

The Soviet concession was no doubt prompted by Mr. Jackson's amendment that would deny Most-Favored-Nation trade status and export credits and credit guarantees to the Soviet Union because of that emigration policy. The amendment, supported by 76 Senators in all, does not specify the Soviet Union by name. It would apply to any nation with a "non-market economy" that did not give its citizens the "right and opportunity" to emigrate without having to pay extraordinary taxes or fees.

Having achieved his immediate goal, however, Sen. Jackson now seems prepared to press his amendment further, arguing that the Soviets continue to make it difficult for Soviet Jews to obtain exit visas and that applicants for visas often find themselves unemployed. He believes abandoning the campaign would signal U.S. disinterest in the continuing problems of Soviet Jews.

In view of Moscow's concession, President Nixon has beseeched both the Senator and leaders of the American Jewish community to drop the amendment. He asserts that progress toward his larger foreign-policy design, involving detente with the Soviet Union, would be blocked should Congress condition MFN status with the Jackson amendment. He envisions possible Soviet termination of discussion in the SALT talks, mutual force reduction talks in Europe, and other promising East-West forums. No doubt the issure will be raised again when Mr. Brehnev visits Washington next month.

While we would be delighted if Mr. Jackson would find some alternate way of keeping Soviet emigration policy in the spotlight, we should not forget the nature of the Soviet regime. But as a rule, we disapprove of the U.S. government involving itself in the internal policies of other nations, except insofar as those policies affect U.S. citizens or interests. For one thing, the United States does not silently suffer foreign infringement on its domestic affairs. For another, such activities rarely produce the desired results. Most important of all, there is always the risk that basing foreign policy on judgments about the internal morality of another nation will divert us from the real purpose of foreign policy, which is to protect the interests of the United States.

Senator Jackson has demonstrated that it's possible to lever the Russians into a change of policy, but the question is to what end that leverage will be used? Would he be willing to take some chips from the SALT talks, we wonder, and spend them for the benefit of potential Soviet emigrants? And how much of a relaxation would he require? Would the Russians have to unravel the whole totalitarian system dating back to 1917 before we are willing to trade with them, even though we deem that trade to be in our larger national interest?

After all, Mr. Jackson's chief supporters include the AFL–CIO, and Mr. Meany's precondition for trade with the Soviets goes well beyond the Kremlin's treatment of Jews. At times, AFL–CIO officials sound as if they will settle for nothing less than a change in Soviet leadership and a change in the Soviet form of government before they would consider competing with the "slave labor" of the Soviet Union. They have visions of millions of Russians and Chinese, earning ten or twenty cents an hour, cranking out manufactured products for export to the U.S. and undermining our domestic industries.

Even the state of Israel is not as "tough" on the emigration question as Mr. Meany or Senator Jackson. And leaders of the American Jewish community, which has conserved its strength on Capitol Hill by keen attention to American interests, find themselves in a position where they cannot afford to be "less Jewish" than Scoop Jackson.

It's hard to avoid the impressions that Senator Jackson, like Mr. Meany, has bigger fish to fry. While Mr. Meany is suspicious of detente for his own narrow reasons, Senator Jackson is equally suspicious on far broader ones. He worries that American national security will be endangered because a democracy will drop its guard while a dictatorship will not. This is not an idle fear, and it's nice to have people around like Senator Jackson to warn of potential pitfalls or booby traps.

It may be, in fact, that the whole Nixon foreign-policy approach is misconceived. Perhaps detente is not such a good idea; certainly so far there is a good case to be made that the Russians have acquired more leverage over our policies than we have acquired over theirs. But it is one thing to see a policy rejected on its merits, and it is quite another to see it derailed over issues unrelated to American interests.

Aiding the Soviet Jews and other hard-pressed people is certainly a worthy endeavor, well worth maintaining rhetorical pressure. But when it comes to a point where Mr. Nixon's whole foreign policy design may be derailed because the Soviets haven't adopted the Bill of Rights and the Wagner-Connery Act, then it's well past the time to step back and debate the fundamentals, to ask precisely what are the national interests of the United States?

## ECONOMIC CONTROLS VERSUS HIGH INTEREST RATES

MR. BENTSEN. Mr. President, last month I urged the administration to use its authority under the Economic Stabi-



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lization Act to return to mandatory wage-price controls, similar to those of phase II.

I renew that plea today. Since I last spoke on this subject consumers have received more bad economic news. Inflation in the first quarter was twice the January estimate of the President's Council of Economic Advisers. Even greater consumer price increases can be expected in the future because of an almost unbelievable 14 percent annual rate of increase in the price of wholesale industrial commodities over the last 3 months. New York Economist Pierre Rinfret, who was the chief economic spokesman for President Nixon's reelection campaign, has been quoted as calling phase III, "a continuation of a do-nothing policy reminiscent of 1969. They are merely hoping or praying that something will come along and bail them out of their mistakes." When one of the President's own economic advisers describes the administration's program in words as strong as those, I think we must take notice.

In 1969 and 1970 even voluntary price-wage controls were rejected and a tight monetary policy was adopted as our weapon against inflation. That policy not only created a recession during which the Nation suffered 6 percent unemployment for 18 straight months, it caused some of the highest interest rates since 1896.

The failure of phase III has caused the burden of controlling inflation to once again be shifted to a policy of tight money. Since phase III went into effect, the growth in the money supply has been restricted substantially and interest rates have climbed steadily.

The prime rate of interest which banks charge their most credit worthy customers is 30 percent above its level of last summer. Some other rates have already begun to move in that direction and more are sure to follow.

With all of the other price increases these higher interest rates have received very little attention except on Wall Street and in the banking community.

But, Mr. President, these higher prime rates will affect every factory worker, every businessman and every housewife in this country. The average American will never see the financial institutions in New York or the Federal Reserve Building in Washington, and he does not borrow at the so-called prime rate. But these average Americans are consumers and they pay for these increases in higher prices for the goods they must purchase. They are taxpayers and bear the higher cost of Government borrowing.

Let us examine some of the costs to average Americans of the last round of high interest rates—costs which they will continue to bear for many years.

The homeowners had to pay $192 a month for a $25,000 house in 1970 instead of $150 per month in 1967. That is the difference between 6 percent interest on an FHA loan and 8¾ percent. Over 30 years that homeowner will pay $15,000 in extra interest on a $25,000 house because of a tight money policy in 1970.

Mr. President, and what about the prices that our citizens must pay for utilities? The effect of high interest rates over the last several years on utility borrowing has been phenomenal. In 1967, American Telephone & Telegraph issued triple A bonds at 6 percent. In 1970, the company made another issue of triple A bonds, but this time for $1½ billion and the best rate they could get was 8¾ percent. Mr. President, the extra interest on those bonds is over $40 million a year. The telephone users of this country will be paying that extra $40 million a year in their rates for the next 30 years because of high interest rates in 1970. That is only the telephone bill. Power companies, gas pipeline companies were also forced to borrow during that period.

Mr. President, the effects of higher interest rates do not end with homes and utilities, they also affect taxes. Interest on U.S. Government bonds paid for by Federal income tax revenues, rose substantially between 1967 and 1970—and so did interest on municipal bonds paid for by local property taxes. The taxpayers of this country will be paying off the interest on those bonds for a long time.

Mr. President, I fear we are again moving very rapidly toward the interest rates of 1970 with all of the costs to the consumer and taxpayers, which I have just described. However, despite the significance of these costs, the greatest cost to the Nation will be if tight money reverses the present economic expansion. High interest rates will reduce housing construction, municipal and business investment and will ultimately speed the onset of recession.

Some are saying the economy is overheating. Growth during the first quarter was the most rapid during any quarter in 18 years. But when inflation is taken out the real growth was not excessive for an economy which still has too many people unemployed. We do not have too much growth. We have too much inflation.

The answer to that inflation is not high interest, it is a tough control program during the next 12 months. Chairman Burns of the Federal Reserve, which bears responsibility for our monetary policy, has been one of the most vigorous advocates of meaningful controls. I urge the President to heed the advice of Mr. Burns. And I urge Mr. Burns to allow our economy a freer rein on credit. Let us not allow the present expansion to be choked off prematurely by high interest.

## MEDIA FAILED, MISLED AMERICA AT WOUNDED KNEE

Mr. HELMS. Mr. President, the confrontation at Wounded Knee has now been ended. The way that this affair was handled does no credit to anyone. The militants who were challenging the authority of the Indian leadership and the U.S. Government managed to milk the utmost in publicity out of this lawless takeover. According to news reports, the alleged grievances will now be negotiated with a committee representing the AIM militants. This tends to give them credibility and prestige.

It is abundantly clear that the AIM leadership is drawn from a disreputable group of riff-raff, many of them with past criminal records of a common and violent nature. Their current activities are just as flagrant, including not only the armed assault which occurred at Wounded Knee, but also arson, threatening the lives of the innocent, riot, and resisting arrest. Yet because they try to pull the cloak of political coloration over their lawbreaking, they are treated as though they were respectable adversaries.

AIM does not represent the American Indians. Indeed, according to the New York Times of May 8, at least half of the 120 who were removed from Wounded Knee after the confrontation was over were not even Indians. I do not understand why the New York Times reporter lacked the curiosity to inquire into this interesting detail. On the face of it, it seems to shed some light on the validity of the AIM claim for Indian leadership.

Nevertheless, there is no doubt in my mind that AIM does not represent the Indian leadership. I recently received a letter from an American Indian who was pleased to see me take that stand. Mr. Robert Andrew Meigs, of San Jose, Calif., wrote as follows:

> You made it clear that the so-called American Indian Movement did not have the support of all Indians. That is probably the most important point in the long debate about what is currently going on at Wounded Knee, and yet the Media has failed to inform the public that AIM is really a minority within a minority.

Mr. President, Mr. Meigs' letter is very instructive on these points, and, as an American Indian, his testimony is particularly relevant. I ask unanimous consent that his letter be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAN JOSE, CALIF.,
*April 12, 1973.*

U.S. Senator JESSE A. HELMS,
*Dirksen Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR HELMS: I have just finished reading your rather comprehensive report on the American Indian Movement in the April 2nd issue of the *Congressional Record*. As an American Indian who does not in any manner support or approve of the violent and destructive activities of A.I.M. I was quite impressed with the completeness and objectivity of your presentation.

I have been involved in Indian affairs for some time now and have more than a casual acquaintance with the kind of people who work in the American Indian Movement. For the most part they seem to be young, idealistic individuals concerned with improving the lot of their people. There are also those who would be considered social misfits in any kind of society, including those groups which are predominately Indian. The uncanny thing about A.I.M. is that it seems to draw its real support from those individuals and organizations which seem to know little or nothing about its real purposes or "accomplishments".

What I liked best about your presentation was the fact that you made it clear that the so-called American Indian Movement did not have the support of *all* Indians. That is probably the most important point in the long debate about what is currently going on at Wounded Knee and yet the Media has failed to inform the public that A.I.M. is really a minority within a minority.

I think the Media and the Press would be doing the American Indians a great service if they would interview the leaders of such organizations as the National Congress of American Indians or the National Tribal Chairman's Association. These two organizations have accomplished a great deal for their people in constructive, yet lawful, ways. In the 1800's the only Indians anyone ever heard about were those tribes on the warpath. But they were not the *only* Indians. Indeed, even today, the only Indians anyone knows about are the feather-bonneted Hollywood warriors of the John Ford films.

I don't know what effect your speech will have on anything but I am certainly glad there is at least one voice of sanity amidst all this chatter about negotiating with A.I.M. Why should the government negotiate with a bunch of criminals? It might be better if the Federal Marshal took the necessary actions required for the A.I.M. people to change the name of the place from Wounded Knee to Busted Head.

In closing I have a favor to ask of you. Would it be possible to get additional copies of your speech? If so, I would greatly appreciate it if you could send me at least two copies. In turn, if there is anything I can do for you please let me know.

Incidentally, I almost forgot to mention that I work with the American Indian Press Association and am a member of the Santa Clara County Republican Central Committee.

Sincerely,

ROBERT ANDREW MEIGS.

## KIDNAPING IN MEXICO: SOLUTION IN CUBA

Mr. McGEE. Mr. President, in Saturday's—May 12—Washington Post, there appeared an editorial which makes a very good case for the U.S. initiating efforts to ease tensions between this country and Cuba.

Although the editorial dealt primarily with the recent kidnaping of an American diplomat in Mexico, Mr. Terrence Leonhardy, it is a very sensible and realistic call for a reexamination of our policies toward Cuba.

Presently, my Senate Foreign Relations Western Hemisphere Affairs Subcommittee is conducting hearings into the need for a reassessment of our policy toward Cuba. The evidence continues to become more and more convincing that such an effort has been long overdue.

The Washington Post notes that the antihijacking agreement with Cuba has resulted in the complete elimination of illegal seizures of American commercial airliners to Cuba. The Post goes on to point out:

> The United States government ought to use the spectacle (the Leonhardy kidnapping) to build public support for a new joint step with Havana. Or would the administration prefer to wait until another American diplomat is kidnaped, and possibly killed?

The point is well-taken. It is my belief that our present rigid attitude toward the Castro regime can only serve to further our deteriorating relations with other Latin American nations. For what is at stake for the United States is not just United States-Cuba relations, but a much wider consideration of United States-Latin American relations in the 1970's.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KIDNAPING IN MEXICO: SOLUTION IN CUBA

The kidnaping of the American diplomat in Mexico—fortunately, he was safely returned—reveals among other things a damaging gap in Cuban-American relations. For it was to Cuba that the Mexican government flew the 30 Mexican prisoners for whose release the terrorists had kidnaped the American consul general in Guadalajara. Fidel Castro has long since made clear his distaste for Cuba's becoming an involuntary dumping ground for Western Hemisphere escapees of various sorts. Quite fairly, he assigns some of the blame to the deliberate American effort to put Cuba beyond the reach of the hemispheric community. Because Cuba has always enjoyed good relations with Mexico, he must be particularly disturbed over the latest incident. Would Terrence Leonhardy have been abducted if Cuba were not there as a haven? Terrorists and their jailed comrades do not always need or use a foreign sanctuary but the fact that Cuba is there—close by, and still in a relationship of hostility to the United States—cannot fail to embolden would-be kidnapers.

Three months ago, the United States and Cuba broke through more than a decade of diplomatic noncontact to sign a "memorandum of undersanding" intended to deal chiefly with the hijacking of American planes and Cuban boats and with raids launched from American territory against Cuban territory and property. No planes have been hijacked since, by the way. The memorandum specified that "this agreement may be amended or expanded by decision of the parties." It would seem logical as well as urgent to expand the "anti-hijacking agreement," as it is somewhat misleadingly called, in order to deal with the issue raised by the Mexican kidnaping. The issue goes to the same basic question of whether the United States and Cuba will hold toward each other political policies which, intentionally or not, have the effect of encouraging political crimes.

For reasons which defy both sense and understanding, Mr. Nixon and his aides keep demonstrating a rather paranoic fear that any sign of civility towards Cuba will bring the Republic tumbling down. On his side, Fidel Castro seems to have no less an investment in displaying hostility toward Washington: Herbert Matthews reports that the official Cuban press invariably spells Mr. Nixon's name with a swastika in place of the "x." Mr. Castro will have his own explaining to do to Mexico over the 30 released prisoners, some ostensibly "political," some transparently criminal. He could ease his own path by granting Mexico's demand that the 30 be extradited. Regardless, in the kidnaping of Terrence Leonhardy, Americans have had occasion to see one specific result of current policy towards Cuba. The United States government ought to use the spectacle to build public support for a new joint step with Havana. Or would the administration prefer to wait until another American diplomat is kidnaped, and possibly killed?

## DANIEL ELLSBERG AND NATIONAL SECURITY

Mr. GOLDWATER. Mr. President, I believe it is important for all of us to understand exactly what took place in Los Angeles last Friday afternoon and what bearing the developments in the Ellsberg case might have on the future security of the United States.

As we all know, nothing was settled at the time Judge W. Matthew Byrne, Jr., dismissed the charges against Daniel Ellsberg and Anthony Russo, Jr. for the theft and distribution of classified Government material known in the press as the Pentagon papers.

Mr. President, after all these months of litigation we still do not know whether people who steal classified information and make it public are to be held accountable under the laws. Nor do we know whether the defense contention that laws protecting classified information run counter to the first amendment have any legal validity.

Thanks to a group of ill-advised Government officials who felt that it was proper and necessary to take the law into their own hands to speed the conviction of civilians who had taken the law into their own hands there are now no rules governing the theft and dissemination of classified Government documents. Thanks to a group of self-appointed Government officials who called themselves plumbers and who performed with the finesse of plumbers in a case involving the American system of jurisprudence it is now possible for anybody with a purpose to leak any kind of information he can get his hands on. Mr. President, thanks to stupidity on the part of the Government, nothing was settled in Los Angeles. Ellsberg and Russo were not convicted of their crimes; nor were they vindicated on the charges. In fact, nobody won in the Pentagon papers case except muckrakers in the press who trade upon revealing secret Government information and zealots within the Government who believe, like Ellsberg, that their judgment is superior to that of men elected to operate the Government and who feel that any means—even stealing classified materials—is justified to make their point with the public.

This is not meant as a criticism of Judge Byrne. Given the circumstances that confronted him, I do not see how he could have taken any other course. Even so, the question of American security and the protection of sensitive Government documents remains unsolved. It would be well for those entrusted with the protection of those documents to exercise a special brand of vigilance.

## IMPEACHMENT: A MATTER FOR UTMOST CAUTION

Mr. McGEE. Mr. President, in Saturday's—May 12—edition of the Washington Post, there appeared a very thought-provoking column by Chalmers Roberts entitled: "Impeachment: A Matter for Utmost Caution."

Mr. Roberts reaches back into history to review the impeachment attempt against President Andrew Johnson. In comparing that event to recent talks of impeachment of President Nixon vis-a-vis the Watergate, Mr. Roberts makes this observation:

> Perhaps current talk of impeachment of President Nixon will quickly fade away; perhaps it will increase. It would all seem to depend on the facts brought out, especially those indicating one way or another whether he had foreknowledge of, or a hand in, what is covered by the general term "Watergate scandal." The lesson of history, however, is clear: impeachment of a President should be considered with the utmost caution, so vast are its consequences.

Mr. Roberts notes that since the remedy of impeachment is the ultimate one under the Constitution, it should be approached with the utmost caution. It was not so in the Johnson case, and we stand on the brink of repeating this past mistake.



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It would behoove us all to tread cautiously at this time and let the legal and judicial processes of this Nation run their course, rather than jumping to hasty and unwise conclusions.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

IMPEACHMENT: A MATTER FOR UTMOST CAUTION

(By Chalmers M. Roberts)

Talk of impeachment of President Nixon has been heard at the Capitol among both Republicans and Democrats. Even such a usually mild-mannered Congressman as Rep. Gilbert Gude (R-Md.) says it cannot be ruled out "if there is evidence implicating the President" in the Watergate scandal.

The central question, of course, is whether Mr. Nixon will be "implicated." So far he has not been. But the latest Gallup Poll shows that 40 per cent of those questioned thought Mr. Nixon knew in advance about the Watergate bugging. If he did, would that be grounds for impeachment?

Section 4 of Article II of the Constitution says that "the President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for the conviction of treason, bribery, or other high crimes and misdemeanors." The Constitution also provides that the Senate has "the sole power to try all impeachments," that a two-thirds vote is required for conviction and that, when the accused is the President, the Senate shall be presided over by the Chief Justice of the United States. By statute the House of Representatives "impeaches" the President, by majority vote, and in doing so it brings the charges to be tried by the Senate and it chooses the leaders to direct the prosecution before the Senate.

The Constitution also says that "judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law."

Under these powers the Senate has sat as a court of impeachment in 12 cases: one President; one Cabinet member, one senator, one Justice of the Supreme Court and eight lower court judges. Four of the judges were found guilty; others were either acquitted or resigned or the Senate found a lack of jurisdiction.

Of all these 12 cases the most important impeachment, and the only one at all relevant to the current situation, was that of President Andrew Johnson. He was saved by a single vote.

Mr. Nixon's departing Attorney General, Richard Kleindienst, testifying last month on the President's executive privilege, said that if the Congress does not like the Executive's action it can "cut off our funds, abolish most of what we can do or impeach the President." Kleindienst also remarked that "you don't need facts to impeach a President." That last remark was a shocker to many but if Kleindienst was basing it on the impeachment of Andrew Johnson he was just about right. For the Johnson impeachment case was about as disgraceful an affair as any in American history.

Indeed, a look at the Johnson case should mute some of the loose talk about impeachment of President Nixon, so unfair were the charges, so unscrupulous were its proponents, so political was the atmosphere and so destructive of orderly government was the whole affair. The words of Kansas Sen. Edmund G. Ross, who cast the deciding "not guilty" vote, are pertinent:

"In a large sense, the independence of the executive office as a coordinate branch of the government was on trial . . . If . . . the President must step down. . . a disgraced man and a political outcast . . . upon insufficient proofs and from partisan considerations, the office of President would be degraded, cease to be a coordinate branch of government, and ever after subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan congressional autocracy . . . This government had never faced so insidious a danger . . . control by the worst element of American politics . . . If Andrew Johnson was acquitted by a non-partisan vote . . . America would pass the danger point of partisan rule and that intolerance which so often characterizes the sway of great majorities and makes them dangerous."

The case against Andrew Johnson and the possible case against Richard Nixon are not the same, of course. But the remedy of impeachment is the ultimate one under the Constitution and should be approached with the utmost caution. That clearly was not so in the Johnson case.

Andrew Johnson came to the Presidency on the assassination of President Lincoln. His determination to follow what his enemies called Lincoln's "tenderhearted" treatment of the defeated Confederate States produced a head-on collision with the Radical Republicans who controlled Congress and who were out for vengeance on the South. The Radicals won the 1866 election and they were determined to get rid of the President who tried to block their Reconstruction measures. They set a trap for Johnson by passing the Tenure of Office Act which forbade the President to dismiss civil office holders, including Cabinet members, without consent of the Senate. The act was clearly unconstitutional and Johnson sought a court test by dismissing Secretary of War Edwin Stanton who he correctly suspected of conniving with the Radicals in Congress. The Radicals were in no mood, however, for a test of the Tenure Act's constitutionality. Instead, the House voted 11 articles of impeachment, the first eight related to the Tenure of Office Act, the ninth related to a Johnson conversation with a general that was said to have induced violations of an Army appropriations act, the tenth charged Johnson with "intemperate, inflammatory and scandalous harangues . . . as well against Congress as the laws of the United States" and the eleventh was a catch-all of the preceding 10 designed to garner as many votes as possible for impeachment.

The Senate trial, presided over by Chief Justice Salmon P. Chase, ran from March 5 to May 16, 1868 (Johnson's term ended the following March 4). Leaders of the House prosecuted the case; Johnson, who never was present, was defended by five lawyers including a former Supreme Court justice and the just-designated Attorney General. Senators were badgered both in print and in person to vote against the President and some even were offered money to do so. But the 12 Democratic senators plus seven of the 42 Republicans voted "not guilty" and the impeachment failed by one vote of the necessary two-thirds.

Johnson was saved but the Radicals had won; their version of Reconstruction was fastened on the South for decades to come. It was 20 years before the Tenure of Office Act was repealed. The presidency, as an institution, only began to regain its equality with the Congress later in the century and early in this century.

Impeachment, James Bryce long ago wrote, was deemed by the founding fathers as "a valuable element in their new Constitution, for it enabled Congress to depose, and the fear of it might be expected to restrain, a treasonably ambitious President." The procedure derived from English usage via the constitution of Virginia and Massachusetts.

Perhaps current talk of impeachment of President Nixon will quickly fade away; perhaps it will increase. It would all seem to depend on the facts brought out, especially those indicating one way or another whether he had foreknowledge of, or a hand in, what is covered by the general term "Watergate scandal." The lesson of history, however, is clear; impeachment of a President should be considered with the utmost caution, so vast are its consequences.

## GRACIE PFOST

Mr. CHURCH. Mr. President, 20 years ago, Idaho sent to Congress one of the most colorful—and effective—political figures of the State's history, Mrs. Gracie Bowers Pfost.

Mrs. Pfost served Idaho's First Congressional District for 10 years in the House of Representatives, before retiring to run for the Senate.

The Intermountain Observer of Boise, Idaho, has just run a lengthy retrospective article on Mrs. Pfost's remarkable life and career.

Written by the paper's publisher, Sam Day, the article captures the spirit of this remarkable woman, and the role she played in shaping Idaho as it is today during the crucial 1950's.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Intermountain Observer, May 5, 1973]

THE UNFORGETTABLE "HELL'S BELLE"

(By Sam Day)

Idaho has produced some colorful figures who dominated the politics of their day: William E. Borah, the lion whose roar was heard in chancelleries around the world; Glen Taylor, the singing cowboy senator who rode a white horse up the capitol steps and ran for vice president as an independent in 1948; Herman Welker, who sometimes outdid even Joseph McCarthy and Richard Nixon as the nation's top Communist hunter of the 1950s, and Don Samuelson, who won the governorship in 1966 largely on the strength of the superbness of his fly-casting on television.

But few political careers have been more memorable—or more significant—than that of a red-headed, freckleface dynamo named Gracie Bowers Pfost (pronounced Post), whose exploits, though still fresh in the memory of old-timers, are beginning to slip behind the mists of history. This year marks the 20th anniversary of her accession to power.

Mrs. Pfost, a rock-ribbed Democrat from rock-ribbed Republican Canyon County, served for 10 years in Congress before retiring from electoral politics after coming close to winning a seat in the U.S. Senate in 1962. During her time she was not only the undisputed champion of Idaho Democratic politics but also one of the most effective vote getters in either party. Her exploits on the stump were legendary.

She won and held power through a combination of hard work, assiduous attention to political detail, solid legislative accomplishment, brilliant public relations and the sheer force of an exuberant personality. In becoming the first woman ever to win national political office in Idaho, she turned what was at first a political liability into an asset which came to be the despair of her male opponents.

Born March 12, 1906, in a log cabin in the Ozark Mountains of Arkansas, Gracie came to Idaho as a child when her family moved to a farm in Boise County. At 18 she married Jack Pfost, a lumberjack and mechanic who was to become her lifelong unpaid chief administrative assistant. She took bookkeeping and secretarial courses at Link's Business College in Boise and went to work in 1929 as a deputy in the Canyon County auditor-recorder's office.

Like many a young person who had come up the hard way in the 1920s and early '30s, Gracie developed an acute indignation over the social and economic injustices of the Depression era. Her enthusiasm for the reforms of Franklin D. Roosevelt was unbounded, and she went to work in Democratic Party politics with fervor.

Defeated by Canyon County's automatic Republican majorities in her first bid for elective office (county treasurer) in 1938, she tried again two years later and won the office by a hair's breadth. She was re-elected four times and eventually became the county's top vote getter. By the late 1940s Mrs. Pfost had built an unassailable power base in her own constituency, where Democrats ordinarily are slaughtered, and was getting to be known elsewhere in the state.

Her strength in the region where her party was weakest made Gracie a natural contender for Idaho's First District congressional seat, which had been Democratic through most of the 1930s and '40s by virtue of the heavy labor vote in the lumbering and mining areas of northern Idaho. She plunged into what were to become two of the closest election contests in Idaho history.

The first time, in 1950, Mrs. Pfost lost by 783 votes to Dr. John T. Wood, a conservative physician from Coeur d'Alene. Two years later she took him on again, seizing on the issue of his having used his congressional franking privilege to flood the mail with anti-United Nations propaganda. Despite the Eisenhower landslide of that year (Ike carried Idaho by more than 25,000 votes), she sent Dr. Wood into exile with a margin of 581 votes.

Gracie stepped into a Congress dominated largely by the efforts of Democrats to prevent Republican dismantling of the social welfare programs of Roosevelt and Harry S. Truman. In natural resources and rural development legislation, where many of her interests lay, the issues were typified by the Hells Canyon dam controversy, which was Idaho's biggest political fight of the 1950s. The issue then was whether the Snake River's Hell's Canyon, deepest gorge in North America, which bordered Idaho's First Congressional District, was to have a high federal dam or three smaller private power dams. Truman had wanted the high dam; Eisenhower wanted to turn the license over to Idaho Power Co. for the three smaller dams. Gracie jumped into the fray and quickly won the sobriquet of "Hell's Belle," a nickname that stayed with her long after the battle was lost.

Elsewhere, Mrs. Pfost's legislative efforts were straight out of the New Deal and the Fair Deal. "I am for full development of our natural resources as the best way of improving Idaho's economic health," she once said. "I am for increased farm price supports, for tax reductions for low and middle income individuals as soon as our economy permits and immediate tax relief for small business. I stand for increased retirement benefits and for the allocation of surplus agricultural commodities to public assistance and unemployment recipients."

The AFL–CIO, the Railway Labor's Political League, the mine workers, the wood workers and other unions gave her almost perfect marks and worked unstintingly in her behalf. But Gracie was always her own best political worker.

In session and out of session, she toured her far-ranging district in unending public appearances. In the trunk of her car she carried cowboy boots, jodhpurs, a bright rodeo shirt, big hat, slacks and a gold miner's pan. She invariably rode a palamino in the annual Lewiston Roundup and showed up at county fairs from the Boise Valley to the Canadian border.

Her office in Washington became a virtual letter- and card-mailing factory which let no birth, no wedding and no high school graduation go unnoticed. She forged iron-tight relationships with those who were then the Democratic power brokers of north Idaho—Tom Boise in Lewiston, Ray McNichols in Orofino, Jap Inscore in Moscow and Glenn Bandelin in Sandpoint.

The result was that Gracie became virtually invincible in the First District. While Democrats wilted during the Eisenhower years of the 1950s, she regularly increased the size of her electoral victories.

In 1954 she took on Erwin Schwiebert, a capable but somewhat stuffy political scientist from the College of Idaho. Mrs. Pfost fought him to a draw in the annual log-rolling contest at the Orofino Lumberjack Days celebration that year, but made mince meat of him in the election. She won by 8,931 votes.

In 1956 the Republicans trotted out a woman—Louise Shadduck, a staff assistant to Sen. Henry C. Dworshak, who was herself a rising young star in GOP politics. Gracie defeated her by 11,186.

In the next election the Republicans threw in one of their biggest guns, Bert Curtis of Orofino, who, as the chief proponent of a big dam on the North Fork of the Clearwater River (later to be built as Dworshak Dam), had made a name for himself as "a *man* who gets things done." Gracie undid him by 23,905 votes.

After that the Republicans virtually gave up on unseating her. Her opponent in 1960, Mayor Thomas Leupp of Nampa, was a sacrificial lamb. Gracie beat him by 23,697 votes.

Mrs. Pfost could probably have continued in Congress as long as she lived. But the death of Senator Dworshak in the summer of 1962, creating an unexpected vacancy in the Senate, brought her career to the crossroads. Against the advice of some of her closest political mentors, she decided to go after the seat.

The political odds which had so often favored her in the past were stacked against her this time. Her opponent was a former governor, Len B. Jordon, well known throughout the state, who benefited from the fact that Idaho's Republicans, despairing of unseating Democratic Sen. Frank Church in the other major contest of that year, had concentrated most of their money and efforts behind his campaign.

Gracie had time for only a few frantic get-acquainted tours through southern and eastern Idaho, where she was little known. She also was sorely handicapped by the absence of her husband, whose death had deprived her of her most valued political counselor. She lost the election by about 5,000 votes. Some say that if she had had another month to campaign she would have won.

Mrs. Pfost took a political appointment as a special assistant for housing for the elderly in the Federal Housing Administration, touring the country to implement legislation which she had helped forge as a member of Congress. But cancer, which had begun to slow her down in her last years in politics, forced her early retirement. She died in a hospital at Bethesda, Md., on August 11th, 1965, at the age of 59, and is buried in the Meridian cemetery

"Her dynamic and colorful personality, the compassionate issues which she advocated and her gift for plain speaking engendered affection and loyalty among her constituents who rallied to her cause in ever-increasing numbers," says a long-time friend and political associate, Wilma Patterson of Nampa.

"Hell's Belle" was a born scrapper in an arena where winning is what counts. She taught herself and others how to win. She lives on in others—Republicans and Democrats, men and women—who have fought their way to the top of the heap in politics.

## REPORT ON VISIT TO WEST POINT

Mr. GOLDWATER. Mr. President, as a member of the Board of Visitors of West Point representing the Armed Services Committee, I visited with the officials of the Academy on the 9th of May inasmuch as it was not possible for me to attend the regular meeting the weekend before.

As is my custom, I made a brief report of the visit to members of the Armed Services Committee, and I ask unanimous consent that a copy of that report be included at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

MAY 10, 1973.

DEAR SIR: It was impossible for me to attend the last meeting of the West Point Board of Visitors, but I did spend the day of May the 9th up there visiting with the Superintendent and other officials.

The only problem they seem to be faced with at the moment is one involving the honor system, and in the past a cadet charged for violation of the code would automatically retire. However, the American Civil Liberties Union has now stepped into the recent case and has urged the cadets not to retire, which they have not done and this is presenting a problem because the matter of honesty or dishonesty cannot be the determining factor for the cadets year's work. At the moment it seems to be well in hand, but should this honor system be undermined, it could present a very serious problem.

Another situation I noticed during my visit was that they desperately need a new hospital which is contained in this year's budget in the amount of thirty million dollars. I am very, very hopeful that if you serve on the Appropriations Committee that you will give this your earnest consideration and support.

The present hospital is totally inadequate, extremely old and if we wait any longer to build this it will cost almost double to what it is costing now.

I am happy to report that the Eisenhower Student Union Building is a little ahead of schedule on cost and should be dedicated about this time next year. We can all be proud of this Academy. It is being run with extreme excellence and we should give it every possible help we can.

I have reintroduced a bill, which was not acted on in the last Congress, to provide adequate compensation for those dedicated teachers and instructors who have given up their chances to further their careers in obtaining the rank of general in order that they may stay on the job of teaching. I am most hopeful that the Committee will give this favorable consideration.

Sincerely,

BARRY GOLDWATER.

## ELLSWORTH BUNKER, PRESIDENTIAL MEDIATOR

Mr. McGEE. Mr. President, the U.S. involvement in Indochina has been, indeed, a most difficult period in our Nation's history. The domestic upheaval growing out of the Vietnam war has obscured the efforts of many individuals to pave the way for our disengagement.



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One of these individuals was Ellsworth Bunker, for 6 years our Ambassador to South Vietnam.

In Saturday's, May 12, edition of the Washington Post, there appeared a column by Peter Osnos. The column is a fitting tribute to the exceptional abilities demonstrated by Mr. Bunker who contributed, in no small measure, to this Nation pulling through some critical events in Southeast Asia which could have ended in disaster had they been handled less skillfully or artfully.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

ELLSWORTH BUNKER, PRESIDENTIAL MEDIATOR

(By Peter Osnos)

At a time when diplomats, even very senior ones, have trouble being heard much less heeded, Ellsworth Bunker's talent in six years as U.S. ambassador to South Vietnam lay in getting his views across to Presidents Lyndon Johnson and then Richard Nixon in Washington and Nguyen Van Thieu in Saigon.

For Bunker, who finally left Saigon this week, was far more than a message bearer or the administrator of the United States' largest overseas mission. He was by presidential direction the highest-ranking American on the scene, responsible for the overall command of the massive U.S. military and diplomatic presence. And that authority remained intact despite changes in Presidents and policies, at home and major crises in the war. In time, Bunker's influence was enhanced even further by seniority; he stayed in South Vietnam longer than any other top level official in the two decades of American involvement there.

What was Bunker's art? To some extent, it was in his manner. He seemed an unflappable man, brisk in the wilting afternoon sun and just as cool in the heat of events. No matter how badly things seemed to be going at any moment and no matter what his private anxiety over the state of military affairs or his personal discouragement with political events, Bunker concealed his dismay. The Vietnamese press and some of the younger officers in his embassy invariably referred to him as "The Refrigerator."

This special skill enabled Bunker to keep the lid on through a series of crises: the great Communist offensives of 1968 and 1972; the collapse of the South Vietnamese presidential election in 1971 and President Thieu's balkiness at every step along the way to a settlement. And throughout, Bunker artfully balanced the conflicting pressures for withdrawal at home with a growing South Vietnamese uneasiness about their future prospects.

He was one of the principal advocates of Vietnamization, believing that it was essential for the South Vietnamese to take on the burden of their own defense. But at the same time, he saw the need for firm U.S. military action, such as the bombing of North Vietnam last spring, as a means of keeping up South Vietnamese morale. Consistently, one of Bunker's major roles was to reassure both Thieu and the administration in Washington that the other was standing fast.

In fact, his own deeply held belief, judging from interviews I had with him periodically beginning in the fall of 1970, was that a non-Communist South Vietnam—and specifically one led by the Thieu regime—could hold out while the United States disengaged and very possibly emerge in the aftermath as a viable nation-state. That position made him a decided optimist among Vietnam experts.

Bunker's overall hopefulness about the long term survived even his disappointment with the authoritarianism in Saigon that supplanted the democratic stance Americans had been urging as justification for our involvement. Bunker apparently never waiverd from the conviction that Thieu, who became president shortly after the ambassador arrived, represented a stability vital to U.S. interests regardless of the cost in principle.

In his embassy, there were those who felt Bunker was out of touch with the situation in Vietnam, despite the vast amounts of information collated for him by American military and civilian analysts. They say he consistently underestimated the Vietnamese people's frustration over the abuses of power by the Thieu regime, particularly the corruption that one old hand called "the cement that holds the government together." These critics contend that the courtly Bunker softpedalled in his dealings with Thieu, failing most notably to prevail on the president to allow a genuine election in 1971.

In that connection, and presumably in his own defense, Bunker was fond of telling one particular story that provides a rare glimpse into the dealings between the secretive Thieu and the discreet ambassador: As early as June of 1971, Bunker recalls, when the South Vietnamese National Assembly passed a government-backed election law that was to eliminate one way or another all of the president's challengers, he sent to Thieu and warned him that he would end up running alone—a major embarrassment. Among other things, Bunker told Thieu, such a development could cause complications in the U.S. Congress.

"He practically guaranteed me that Gen. Duong Van (Big) Minh would run," Bunker said in an interview the following fall. "When I thought it likely he wouldn't, he told me I just didn't understand the Asian mind." A few weeks later Minh withdrew and Thieu ran alone.

What this anecdote confirms is that while Bunker may not have borne down on Thieu, he was at least able to haggle with him—something Dr. Henry Kissinger gave up after his visit to Saigon in October when Thieu raised substantial objections to the prospective peace plan. Aides to Thieu told Bunker they were suspicious of Kissinger's motives and wouldn't deal with him.

In the frequently troubled Saigon-Washington partnership, such tensions were not unusual and Bunker's most substantial achievements in Saigon were probably those of a mediator, rather than those of a prodder or a sharp-eyed interpreter of social change. That was not surprising. In his 22 years as a diplomat—he had already had a 30-year career in the sugar business—many of Bunker's finest moments came as he served as the head of the three-man Organization of American States team in the Dominican Republic during the 1965 factional trouble there. And before that, in 1962, he was involved in forestalling a war between the Netherlands and Indonesia which were then feuding over Dutch New Guinea.

Ellsworth Bunker left Vietnam with the outcome there still uncertain. But unlike so many Americans on the scene or in Washington he had the satisfaction of seeing his own views prevail more often than not on the central questions of how to end this country's involvement in the war.

## DE SALES HARRISON

Mr. PERCY. Mr. President, I do not ordinarily make a statement on the Senate floor about the loss of a dear, personal friend, but today I am making an exception and would like to use this occasion to mention the loss of De Sales Harrison, who died peacefully in his sleep on February 20 of this year at his home in Chattanooga, Tenn.

For several decades, we served together as part of a small group of businessmen, all of whom were members of the American Society of Corporate Executives. We met twice a year, for several days at a time, exchanging ideas and viewpoints, describing our experiences in "round robin" format. The basis of our meetings followed the adage that when two people each have an idea, meet, and exchange ideas, they each go away with two ideas.

De Sales Harrison was a great human being. He exemplified the finest of business ethical standards. He loved the business community and every aspect of business activity. He was a fine athlete—a lifelong tennis player—was devoted to his wife, Virginia, the members of his family and friends and contributed generously of his time and energy to cultural pursuits, business organizations, philanthropic endeavors, music, and the arts. At age 73, he had contributed as much to society as any businessman I knew. Those who knew him well felt—and hoped—that he would be endowed with many more years of productive life.

De Sales Harrison assumed the presidency of the Coca-Cola Bottling Co. (Thomas), Inc., which has had the bottling franchise for 13 seaboard States for many years, and whose profits through the years have gone into a charitable trust. He served also as president of the Chamber of Commerce in Chattanooga, headed the United Fund Campaign, was a leader in the drive to build Memorial Hospital, and was president of the Red Cross and of the Community Foundation. He was an active supporter of the Hunter Museum of Art and the Chattanooga Symphony. He headed campaigns to improve the quality of schools through bond issues, even though he had no children in public schools at the time. He had a reverence for education and felt that every child had a right to high-quality education.

He was a Southern gentleman in the greatest tradition of that term. He was hard working and devoted to every enterprise with which he became associated. He was kind, gracious, and thoughtful to everyone, regardless of their status in life. He was a true friend and a loving family man. He knew what friendship meant in life and he epitomized its finest elements. We shall all miss him greatly. But his example and outlook on life shall always remain with me and have a continuing influence on my own life.

## THE FAILURE TO RESTORE CONSTITUTIONAL GOVERNMENT IN GREECE

Mr. PELL. Mr. President, it has now been 6 years since the legitimate democratic government of Greece was overthrown and power seized by a junta of military officers.

Despite the repeated promises of the military junta, headed by Colonel Papadopoulos, there has been no restoration of constitutional government in Greece and no significant movement toward restoring the guarantees of individual rights and liberties in a country that was the historic birthplace of Western democracy.

Instead, we have seen an elaborate, continuing effort by the ruling junta to paint a glowing picture of conditions in that country—efforts to convince the world that the people of Greece do not care about constitutional government, that the people have never been happier nor the country more prosperous.

In recent weeks, however, there have been new indications that there is strong opposition within Greece to the military junta.

Despite the history of sometimes brutal oppression of opposition by the junta, four retired generals of the Greek army in March had the courage to send to Prime Minister Papadopoulos a letter, later made public, calling for a speedy return to free democratic government.

In this remarkable letter the army generals warned that continuation of military rule threatened to demoralize the army, and indeed threatened the destruction of the country itself.

Mr. President, although the army generals addressed their letter to Prime Minister Papadopoulos, it also contains a message that should be of deep and direct concern to the United States in its relationship with the Greek Government.

The generals express the view that apparent U.S. support of the military junta has led to "an increasingly anti-American spirit" among the people of Greece. And because of this, the generals observe,

> The leading power of the free world can be considered unfortunately as not respecting the moral and ideological principles of NATO, and as being self-interested. And we fear that already the faith of the Greek nation in its old ally is severely shaken.

Mr. President, it may be too much to hope that Prime Minister Papadopoulos will take heed of this advice, courageously given by patriotic fellow-countrymen. I would hope, however, that our own Government in the United States, even at this late hour, will carefully review the potentially disastrous consequences of policies which have at least the appearance of supporting the continuation of the existing military government in Greece.

On April 22, 1 day after the sixth anniversary of the military coup, the former Prime Minister of Greece, Mr. Constantine Karamanlis issued a statement urging the restoration of constitutional government in Greece while time still remains to do so without violence.

Mr. Karamanlis, in his statement issued in Paris, urged the military government to "call back the King, who is the symbol of legitimacy, and hand over power to an experienced and strong government. Such a government would assume extraordinary powers for a limited period, and in an atmosphere remote from passion or a desire for revenge, would create the conditions permitting democracy to function in Greece."

I believe Mr. Karamanlis has offered an excellent suggestion for a means of restoring a legitimate, constitutional government to the Greek people.

Mr. President, I ask unanimous consent that the text of the letter sent by the four retired Greek Army generals, an editorial on the subject from the New York Times, and a summary of the statement issued by Mr. Karamanlis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AN HISTORIC LETTER

Four of Greece's highest ranking Generals, retired before the Coup of 1967, sent the following letter to Greek Prime Minister G. Papadopoulos in March 1973. No reply was given to the letter. This text has been published in the monthly review 'Politika Themata'.

For six years already the country has been governed—after the suspension of its free democratic institutions—by a government established by means of a military coup and consisting basically of officers. A great number of other officers hold and control the administration of the majority of public undertakings organizations and foundations. The Armed Forces thus appear to be imposing this regime, regardless of the fact that most officers have not the slightest responsibility for the creation or maintenance of the situation.

We believe that in the present circumstances the discussion of the motives, methods and justifications of this action and situation is neither profitable nor possible. We former leaders of the Armed Forces, not motivated by passions, not being bound by former political ties, feel it to be a necessity and a duty to express our opinions and our anxieties concerning the consequences which might result to the Armed Forces and our allies in NATO from the continuance of the present irregular situation.

One of the chief factors in the battle-worthiness of the Armed Forces is the spirit of the young men serving in the Army. We know, (and history proves this to be so) that the lengthy continuation of any government in power inevitably brings deterioration and leads to dissatisfaction. When there is no outlet for this dissatisfaction through legal democratic procedures, when civil liberties have been destroyed, then the dissatisfaction is transformed into indignation and hostility against the men in power. This is truly disastrous when the Armed Forces are considered as constituting or supporting the regime; for then it is the Armed Forces who lose the affection, the esteem and the confidence of the people, that is to say, their chief moral support. As a result of this the morale of the young conscripts is weakened, they may become anti-militarists, the more so having had no personal experience in the past, they could be led astray by the anarchy that lies in wait.

Another of the principal factors of the battle-worthiness of the Armed Forces is the moral strength, the education and the character of their officers. We are afraid that if the present situation continues, a distorted view of their position, their responsibilities and their mission will prevail among these officers, as well as inadmissible habits and tendencies, such as their permanent participation in politics, their control of national and public life and their arbitrary government of the country.

Besides this, the recognition of the officers as constituting authority, as supporting the regime and thus, necessarily, as tolerating it, will in time lessen spiritual unity, solidarity, mutual trust; it will act destructively on rank, on discipline, as on the objective criteria of the officer's career.

This situation if allowed to continue, will create a permanent distortion in the character-training of officers and put their traditions, their virtues, and their moral force to severe test, in spite of their admitted worth and their faith in their national mission.

Referring now, to the NATO alliance, we note that an increasingly anti-American spirit has spread among the people as a result of the belief—be it right or wrong—that the government of the U.S. supports the regime in our country, to the clear advantage of its own national interests. The importance of this fact is obvious. The leading power of the free world can be considered unfortunately as not respecting the moral and ideological principles of NATO, and as being self-interested. And we fear that already the faith of the Greek nation in its old ally is severely shaken.

In the same way the peoples as well as the governments of many of the NATO countries, out of respect for the above principles, demonstrate their displeasure with our regime, a fact which brings progressive weakening of the links of our country with most of our allies, and also of some of them with the U.S. Also the above have consequences on the supply to our country of military help from NATO states. And while an allied country refuses to contribute help, we on the other hand reject the supply of arms in order to establish the 'fact' that this help does not give to the supplying country any right of criticism.

The conclusion of all this is clear: The continuation of the present regime is inadmissible. We consider therefore that it is essential to create immediately the conditions necessary to lead the country back speedily to free democratic institutions by irreproachable means, with the cooperation of the necessary, legal and competent agents.

Only thus, we believe, will a new danger be forestalled, the creation of a new irregular situation which would lead to the destruction of the country—as you yourself emphasized in your speech.

ATHANASSIOS FRONTISTIS,
IOANNIS PIPILIS,
*Chief of the Joint General Staff of the Greek Armed Forces.*
DIMITRIOS SIRADAKIS,
PETROS SAKELLARIOU,
*Chiefs of the General Staff of the Greek Army.*

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[From the New York Times, Apr. 18, 1973]

WARNING TO THE COLONELS

Greece's military dictatorship has received a stern rebuke and an admonition to return the country to democratic rule from an unexpected but significant source. Four retired generals who have held highest positions in the Greek armed forces have warned Premier Papadopoulos that his regime "is no longer permissible," and called on him to "create immediately" the conditions for a return to "free democratic institutions."

Two of the four served as chairman of the Joint Chiefs of Staff and represented Greece on the NATO Military Committee; the other two were Army chiefs of staff. None was involved in the 1967 coup that overthrew a constitutional government and brought Colonel Papadopoulos to power, none had previously spoken out publicly against the regime. Their letter expressed concern that continuation of military rule would turn Greeks against the armed forces and the United States.

"Rightly or wrongly," it said, "the people feel that the United States supports a regime which grew out of a coup d'état and which fails to respect the moral and ideological principles of NATO." The letter was published to coincide with the sixth anniversary of the coup Saturday, when Mr. Papadopoulos will address the nation. It also coincided with fresh charges of torture of political prisoners and the regime's flat refusal to discuss these with investigators for international organizations.

Amnesty International recently charged that six lawyers, arrested and held incommunicado for more than a month after four



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of them had represented student demonstrators, were suffering "unbearable torture." Charging "unacceptable interference" in Greek affairs, the regime refused to discuss the matter with Morris B. Abram and William J. Butler of New York and Prof. John P. Humphrey of McGill University, representing the International Commission of Jurists and the International League for the Rights of Man.

It will be interesting to see whether Colonel Papadopoulos can reject so easily the warning of four of the most respected officers to serve Greece's armed forces in recent years.

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SUMMARY BY MR. KARAMANLIS

Greece's former Prime Minister, Mr. Constantine Karamanlis today urged the military government in Athens "to call back the King, who is the symbol of legitimacy, and hand over power to an experienced and strong government. Such a government would assume extra-ordinary powers for a limited period and, in an atmosphere remote from passion or a desire for revenge, would create the conditions permitting democracy to function in Greece. Thus within a short period of time the sovereign people would be able to freely decide its own future."

Such is the conclusion of a long statement issued by Mr. Karamanlis from Paris, where he has been living for 10 years now, in reply to Mr. Papadopoulos who in a speech the day before yesterday hailed the 6th anniversary of the 21st April 1967 coup d'état that brought him to power.

Mr. Karamanlis is the politician who gave Greece stable and democratic government longer than any other person. He was breaking a silence of almost 3½ years not only to deplore the present situation in Greece but also to set out his vision of a Greece inside the European Community and with a new generation, one that bears no responsibility for the faults of the past, playing a leading role in his country.

Mr. Karamanlis castigates the Athens government for a series of acts and omissions which indicate clearly that despite its repeated promises it has no intention of restoring democratic order in Greece. As examples he mentions the constitution of 1968 which the government imposed but has subsequently avoided putting into operation for over 4 years; the legal restrictions, illegal threats, and economic blackmail exercised against the press; and the systematic attempts to prevent Greeks freely associating amongst themselves, of which the most recent and dramatic example was the trickery practiced on Greek students and the falsification of the results of the student committee elections. Mr. Karamanlis emphasized that this was the cause "of the recent student uprising, an uprising based on moral principle, for which the government itself was responsible and which it subsequently attempted to suppress, by means that were not just illiberal but also of unprecedented brutality."

Mr. Karamanlis mentioned that although the government forbids political activity to the people, it is attempting to set up pseudo-political organisations, in addition to the well-known "Consultative Committee" which it brought into being as a sort of party organ, even though it is not mentioned in the 1968 constitution.

Mr. Karamanlis acknowledges that a number of well meaning foreigners have been genuine victims of the deceit employed by the present Greek government, but he makes a distinction in the case of the American Administration which, he says, "even if it does not actively co-operate in the deceit being practiced against the Greek people, obviously chooses to be the victim of a deceit practiced against itself, so as to be able to justify its contradictory policy."

With the student young showing the way, a great majority of the Greek people, says Mr. Karamanlis, are no longer simply uneasy, but actively hostile to the military government, which however, appears to be satisfied simply because it succeeds in clinging to power. This situation however, is exposing the Greek nation to many dangers as for instance the following:

The moral blow that has already been inflicted to both the prestige and the unity of the Greek Armed Services as a result of the regime's claims that it is ruling in their name;

The first cracks in Greece's economic position, resulting from a consumption oriented economic policy and the high rate of borrowing, that have overstrained the productive potential gradually built up in previous years;

The complete disarray in Greece's educational and administrative system. The state, caught between the public services' fear of taking responsibility and the rampant favouritism of the ruling group, has become an enemy of the citizen and a barrier to progress. The crisis inside the Greek Church is now clear for all to see;

The threat of a civil war in Cyprus which the Greek government would have been able to avoid if it had aligned itself "decisively with the legitimate government of the island." By its policy of inaction it is in fact encouraging the insurgency there; and

The most serious danger however, is that Greece may be finally cut off from Europe. As Prime Minister of the country at the time when the Association agreement with the E.E.C. was concluded, Mr. Karamanlis emphasised the great benefits to Greece of her entry into a united Europe, which has now been set at risk because of the nature of the present regime. "Greece would not only have achieved an equal standard with Europe in economic and social matters but would have ensured her national security in the long term."

Mr. Karamanlis then underlined the great moral issue arising from the abolition of the liberties of the Greek people which is reducing them to the level of backward states, recalling the honours paid to the tyrant-killers, Harmodius and Aristogeiton in ancient Athens, he emphasised that even were there widespread prosperity in Greece today, this could never compensate for the loss of Greece's liberty.

Mr. Karamanlis believes that "Greece has both the duty and the capability to create a modern, progressive and responsible democracy which would combine liberties with social justice and order, a democracy with both the strength and the desire to initiate bold reforms in all sections of national life."

Finally, Mr. Karamanlis warned the military government that in the absence of support from the people it will not be possible for it to succeed by means of the sort of faked solutions which it seems to be preparing. "The government cannot fake elections without running the risk of widespread bloodshed in our land." He adds that even if the government should attempt such a course "nobody whether in Greece or abroad will recognise the results. Thus the present illegitimate situation will continue, but under conditions even worse for the government."

Repeating the advice he had on a previous occasion given to the military government that it should of its own free will hand over power to an administration which would undertake to lead the country to democracy, Mr. Karamanlis acknowledges that there is very little time left for this to occur before "it becomes too late for both the military government and for our country."

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## ISRAEL 25TH ANNIVERSARY

Mr. JAVITS. Mr. President, my distinguished friend, the junior Senator from Massachusetts recently delivered an excellent address commemorating the 25th anniversary of the State of Israel. In his remarks, Senator BROOKE outlined both the accomplishments of Israel and the difficult tasks that must be confronted by Israel and the United States in seeking a just peace in the Middle East. I commend the speech to the Senate and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF U.S. SENATOR EDWARD W. BROOKE

I am deeply honored to join in this 25th Anniversary celebration of an ideal that is maturing into a reality. The existence of the state of Israel fires the imagination of all those who deeply desire freedom from oppression and justice for all mankind. Through the tumult of war and the constant struggle with the elements of nature, Israel has retained the ability to inspire and motivate men to uncommon heroism and sacrifice.

There is in my own make-up, my own history of aspiration, a warming counterpart of the story of Israel itself. Growing up in America where the long struggle for equality of opportunity has seen so many enduring friendships shaped by the fraternity of those so firmly committed to freedom for all, I have been more than a sideline observer of Israel's miraculous rebirth, her stunning growth, and her astounding ability to defend herself against powerful odds. I could not possibly be unaware of the severity of denial of economic, spiritual, legal, and political rights that drove the Jews of Eastern Europe late in the 19th century and early in the 20th century to vow to return home. Exodus and exile, deprivation and scorn, the all too-searing knowledge of life as an outsider—these are not strangers to me as surely as they are an integral part of your own saga of generations. We are all Israelis here tonight.

America soon shall pass a milestone equal in years to eight times the occasion we commemorate this evening. To mark that American Bicentennial well, it would benefit us all to grasp the true meaning of the Israeli experience of a limited number of years but unlimited achievement. It would be salutary to all Americans preparing for the 1976 observance to recall the long, painful, harsh road back to nationhood that the Jews of the world have marched with such anguish and yet in such honor. Interwoven in that heroic journey are the resolutions not only to return to sanctified soil but to till it.

Many have returned to that sanctified soil including 30,000 Soviet Jews during the past year. These are but the first wave, for we know that additional thousands also hunger to join their brethren in Israel. It has been a source of joy and satisfaction to me that Congress has a very substantive contribution to the success of this repatriation.

The Jackson Amendment which would bar most-favored-nation status and U.S. credits from nations which deny their citizens the right to emigrate and which impose more than nominal exit fees was the lever which helped to open the door which had been locked for too long. I was and I am proudly a co-sponsor of that amendment. Because of the support it has received in both the Senate and the House, the President has, in recent days, been able to report that the USSR has begun to waive those obnoxious exit fees. Let me assure you that Israel's friends in the Congress will not relax their vigil until every Jew in the Soviet Union who wishes to emigrate has been allowed to do so.

The true story of modern Israel is one of men and women committed to the ideal of freedom to build a new Jewish society. It is a story of people willing to place their lives and fortunes in service to this ideal. Devotion to the ideal was forged in the crucible



of persecutions suffered over centuries. It was nurtured through the dark and hideous days of World War II. It received its tangible expression at midnight, May 15, 1948, when the modern state of Israel came into being. And for the past 25 years the struggle for its full realization has continued.

Israel's leaders have always recognized that the achievement of this ideal could not be attained by the power of the sword. David Ben Gurion spoke wisely when he said: "Israel was not created to be a Jewish Sparta; and it is not by military heroism that it will win the admiration of people but by the radiance of our achievement." It is one of the great tragedies of a quarter of a century of conflict in the Middle East that Israel's myriad achievements in the arts, the sciences, education and social welfare have been overshadowed by the necessary military prowess Israel has had to exhibit. Compounding this tragedy is the fact that if war had not intervened many of Israel's advances could have been expanded for the benefit of all the inhabitants of the Middle East. Hopefully, in the not too distant future, this will in fact occur.

While the type of society desired by Israel cannot be achieved by the sword, neither can it be attained without adequate territorial and military security for Israel. Such security is a prerequisite for any successful resolution of the Middle East conflict. Premier Golda Meir has stated the minimal level of security Israel must have in these words: "We want boundaries whose very character will make aggression less inviting to any would-be invader, and which could be defended with fewer casualties if such aggression nevertheless took place." Who, seeking a just solution to the conflict, could gainsay the right of Israel to such security? No government could demand less than this in fulfilling its responsibilities to its citizens. Nor can anyone expect that Israel should accept less than this in any negotiated settlement.

Ensured of its right to a secure existence, I believe Israel would be magnanimous in its dealings with the Arab states. The Israelis desire to be generous and life-serving neighbors to the Arab peoples. Israel knows full well that fulfillment of its own ideals is intimately intertwined with fulfillment of the aspirations of the Arab peoples. Israel cannot escape this inevitable linking of destinies; nor do I believe that she wants to.

What is the role of the United States in helping to bring about conditions conducive to the fulfillment of the just aspirations of both Israel and the Arab states? First and foremost, the United States must continue to ensure that the military balance in the Middle East remains in equilibrium. Clearly, any significant alteration of this balance would endanger the fragile ceasefire that now exists in form, if not completely in substance.

The United States must also continue to support the Israeli's demand for secure and inviolable boundaries. Without such boundaries no workable solution to the conflict can be found .

The United States should continue to deal with the issue of terrorism on an even-handed basis. One-sided accusations of guilt and simplified cause and effect generalizations are not the substance from which will be formed an aedquate capability to deal with terrorism in the Middle East. This issue is far too complex and far too serious for easy answers to be of much help.

The United States should continue to encourage Israel and the various Arab states to seek some interim agreements, either on a legal or de facto basis, on such issues as the re-opening of the Suez Canal. It is certainly apparent that immediate and major breakthroughs are not likely in the situation. A building-block approach leading to a cumulative beneficial effect of a series of interim agreements offers the greatest hope for a final successful resolution of the conflict.

Finally, I believe the United States must continue to adhere to the view that a settlement imposed from the outside would do nothing more than create the setting for further conflict. It is only through the development of some form of trust between Israel and the Arab states themselves that a workable solution will be found. The parties to the conflict must be the source of the actual initiatives leading to peace.

These, then, are the principles that should govern U.S. policy in the near future vis-a-vis Israel and the Middle East. They are principles that offer the best opportunity for the United States truly to help Israel and the other states of the Middle East realize the meaning of the beautiful yet simple Jewish word "shalom". Hopefully, in the near future as we meet once again to commemorate the birth of Israel, we will also be gathering to give our thanks that peace has been achieved.

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## GREEN THUMB

Mr. HARTKE. Mr. President, one of the major responsibilities of our society is providing for the needs of this Nation's older citizens. We find among this group many displaced persons who still strive to be active and productive members of society.

There is one program which has made a successful effort to reach out to these people and utilize their talents. Green thumb, a Federal work program, has given rural older people a new sense of pride and an extra income many so desperately need. The communities which have benefited from their work have also witnessed older people who once again feel that they are needed.

Mr. President, I ask unanimous consent that an article about the green thumb program which appeared in "Bond," the Lutheran Brotherhood magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UP FROM RETIREMENT

(By William Hakala)

MOUNTAIN VIEW, ARK.—Willy Morrison's amphitheatre will seat 800 people without crowding. Its rock-hewn tier rise upward and outward from a center stage that is set against a wooded hillside. Cedar and dogwood trees shade the terraced benches and line the banks of the creek which separates stage from audience, then gently courses out of view beneath an arched stone bridge. The men from Green Thumb built it. Their average age—69.

"Boy, they've got a pride, I'm telling you." Job foreman Willy Morrison likes to boast about his Green Thumb crew and talk about what this project has meant to them. "They're back in society again, back living again," he explains. "They're doing something that will be around after they are gone."

Green Thumb was launched in 1965 by the federal government as a work program to alleviate poverty among the nation's rural elderly poor, many of whom subsist on pittances of $60 a month. The average income per couple is $900 a year. Now, some 3,500 of these retired low-income Americans are finding new hope and a measure of properity through Green Thumb. The program operates in 25 states and would undoubtedly expand to others if more funds become available.

Green Thumbers work three 8-hour days per week. At $1.60 an hour and can earn up to $1,600 in a year. It is an annual income level that does not disqualify them from Social Security benefits. Many Green Thumbers receive only the minimum retirement benefit, which at age 65 is $84.50 a month; $67.50 if claimed at 62. Farmers are especially hard pressed in their "golden years" since they did not come under Social Security until the 1950s.

Green thumb is sponsored by the National Farmers Union, a membership organization of farm families, and operates under a grant by the U.S. Department of Labor as part of its "Operation Mainstream." Currently $9 million is annually budgeted for Green Thumb and two other Mainstream programs (Green Light, a work program for rural older women, is one of them; On-the-Job Training for young people is the other.)

To qualify for Green Thumb work, a man must be 55 or older, of rural background, in good health, and have a yearly income under $2,500 per couple. Although job applicants must pass a physical examination, there is no top limit on the age requirement. A good many of the men are in their eighties; the oldest Green Thumber is 96.

THE GIFT TO BE USEFUL

Willy Morrison is foreman of a Green Thumb crew at Mountain View, Ark., and the man who planned the amphitheatre project. The outdoor arena will get a lot of use the third week of April when 60,000 people from around the country come to town for the annual doings of the Hackensack Folklore Society. Hoedowns are held regularly here on Friday nights throughout the year. Morrison, whose formal schooling stopped after the sixth grade, "saw" the amphitheatre in his mind when the hillside was a tangled thicket, and knew instinctively how to shape it into the sculptured landscape that it is. "If you live all your life out in nature, it comes natural." Morrison explains.

Sixty-five years old, Morrison is a medium-sized man, trim and loosely put together. He shades his square, tanned face with a white cowboy hat. An expert rock worker, he also is a gifted musician and once played his fiddle on the Senate floor in Washington as a Green Thumb promotional stunt. Now, looking out over the amphitheatre his men built, Morrison talks about the accomplishment with a kind of country eloquence. "There's an unlimited stockpile of skills stacked in those old boys."

Working in seven-man crews, Green Thumbers clear roadside recreation sites, build picnic tables and toilets, cut nature trails, plant trees, pull debris out of rivers, and construct ball park bleachers and dug-outs. It is work requiring building skills, patience and plenty of stamina. These are qualities Green Thumbers seem to have in abundance.

If it can be said of anyone that he thrives on work, it can be said of the Green Thumber. Most of them have spent their lives doing hard physical labor, and it has become a habit. According to one of the program's regional directors, "Rural people have the work ethic built into them so strong they will starve before they take a relief check." Crew foremen are instructed to enforce ten minute rest periods every hour of the work day, especially during hot weather. Usually the crews have to be told to take a breather.

AN INDEPENDENT SPIRIT

"Let me ask you something," one Green Thumber queried, his head reared back and eyes narrowed to a rifle sight squint. "Weren't you rather us old bucks was working out here than on food stamps?" Bee Slape belongs to a crew that works near the town of Jasper in northwestern Arkansas, completing a roadside rest area for motorists. The site his crew has slashed, sawed and chipped from this Ozark mountainside is one of rugged beauty, looking out upon mile after mile of wooded flintrock hills. It might be

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what cartoonist Al Capp had in mind when he created "Dogpatch." Here, real-life hamlets have names like Booger Hollow, Hog Skald Hollow, and Yellville, the site each year of a national turkey-calling contest.

It is hard, densely thicketed terrain and to develop the roadside areas with hand tools is a test for the sturdiest and most patient of men. Walter Haddock, 72, the sinewy foreman of the Jasper crew, takes special pride in the work his "boys" have accomplished. "Did it all with crosscut saws and axes," he points out. "Wouldn't let us use chain saws because they thought we might hurt ourselves."

Haddock's comment hints at a sore spot among Green Thumbers, and that is the prevailing attitude in our culture toward the abilities of anyone "over the hill." Like old railroad ties, old people have been up-bedded, they feel, and thrown to one side to weather into dust. These men, independent of spirit and proud of their ability to work harder than the average man, don't like it a bit.

The old-timers prove their worth wherever they go. "We'll work 'em down," challenged one testy Green Thumber when a group of disadvantaged youngsters was hired by a boys' club organization in Hot Springs to assist the Green Thumber crew on a summer work project. And work them down they did. "Those rascals work," said the boys' club director of his Green Thumb help. "But the kids, you have to stand right there or it doesn't get done."

The Green Thumb project in Hot Springs offers a typical example of how the program operates. Green Thumb is funded exclusively to provide labor. Materials needed for any job must come from local sources—private donors, fund raising proceeds or government agencies. In the case of the boys' club project in Hot Springs, lumber for renovating its crumbling headquarters was donated by the Weyerhaeuser organization. Lockers, which the men straightened and painted, were received free from one of the many bath houses for which Hot Springs is famous; bleachers for the gym came from an old Jack Dempsey training center.

Almost any group or organization can get Green Thumb help if crews and materials are available—provided the project is for the public good. State directors of Green Thumb make this determination.

MORE THAN PICKING UP BEER CANS

"A lot of people think that Green Thumb is for cutting weeds and picking up beer cans," observes But Witter, a Green Thumb supervisor who formerly was with the Arkansas Highway Department. Perhaps the image arises in some areas of the country because highway departments were among the first to recognize the value of Green Thumb. The Arkansas State Forest Service was another early sponsor of the program. In the Ouachita National Forest, Green Thumb crews helped make hiking trails. One of them, built especially for use by the blind, is called the "Braille Trail."

On local and county levels, Green Thumb crews have been busy throughout the state. Down in Arkansas City they renovated an old opera house; at Murfreesboro they built a swinging foot bridge; in Polk County they constructed an 8-unit camp facility; at Russelville they created a Little League ball park complete with bleachers and concrete dugouts. In Montgomery County, 56 timber bridges had washed out during spring floods and Green Thumbers replaced them with reinforced concrete bridges. At Blanchard Cave, not far from Mountain View, a Green Thumb crew built a half-mile long rock-walled path leading up to the cave entrance. Down in the delta region of the state, Green Thumbers built a wooden walkway out over a mangrove swamp to a stone survey marker commemorating the Louisiana Purchase.

THE VIGOR OF AGE

An important characteristic of Green Thumb is the quality and quantity of work that is performed. Green Thumbers put something special into their efforts. That "something special" is pride. Workers who had come to believe that life was over for them join a Green Thumb crew and discover in themselves long forgotten abilities, and sometimes unsuspected talents.

One of the most heartening results of Green Thumb is that doctors report that the health of the workers usually improves after working for Green Thumb. The Green Thumbers themselves report they feel better after going to work for Green Thumb.

One man told about being unemployed for five years because of poor blood circulation. But after joining a Green Thumb crew in cutting brush and planting trees along roadsides, his health improved so much he was able to take a job as a year-round worker in a town park. Another man, told by the examining physician that he could take a Green Thumb job only if he agreed to take a stomach medicine the doctor prescribed, soon found that he didn't need the medicine anymore.

The wife of a Green Thumb worker credits the program for changing her husband's attitude toward life. In retirement, he had grown grumpy, quarrelsome and hard to live with. Now there is spring in his step as he walks out the gate three mornings a week to his Green Thumb job, lunch pail in hand. "It's just like old times," she says, almost tearfully.

From all indications, Green Thumb is one of the government's most successful programs. It is providing older people with useful, rewarding work, plus the extra income many of them desperately need. Communities, too, benefit from the program when Green Thumb crews come in to tackle jobs for which there simply is no budget.

If Green Thumb did nothing more than give older people a dash of their former independence and a relief from boredom it would still measure up as a valuable program. Said one Green Thumber, age 87, with a wink of an eye, "Only reason I'm working is to save money for my old age."

Mr. HARTKE. Mr. President, I am especially proud of the Indiana Green Thumb project under the sponsorship of the Indiana Farmers Union. This project, which is in its eighth year, has provided growing benefits to the rural areas of my State.

Indiana was among the first five States to have a Green Thumb project when that effort was begun in 1966. In Indiana, in 1972, the Green Thumb project operated in 22 counties—an increase of more than 100 percent since the project began.

Mr. President, I ask unanimous consent that excerpts from the annual progress report of the Indiana Farmers Union Green Thumb project be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

INDIANA GREEN THUMB

As Green Thumb enters its eighth year of operation in Indiana, its impact upon the rural, southern areas of the state continues to grow. The benefits to communities, to the public, and particularly to the older men and women involved in the program have been tremendous. Mr. Bill Thomas wrote of Green Thumb in the Indianapolis Star Magazine. "They are actors in a grand drama that is inch by inch changing the face of America. All are senior citizens, men of experience and background who have weathered more than half a century on earth and are now spending their time improving it."

Green Thumb is a non-profit organization operating under a grant from the U.S. Department of Labor.

Sponsored by National Farmers Union and cooperating with a multitude of State and local agencies Green Thumb currently operates in 23 States across the country as well as Puerto Rico.

There are several million older low income people living in rural areas, who through no fault of their own cannot continue to farm or find other employment. Having poor prospects for work and often living in rural "pockets of poverty" these older farmers face years of deprivation for themselves and their wives and families.

Green Thumb is a project which employs older and retired low-income farmers and rural people to help conserve and beautify America. Green Thumb utilizes the experience and collective talents of the "Senior Generation" of rural Americans to carry out beautification and conservation projects along state highways, in city, state, and county parks, and in areas that cannot be properly taken care of by modern machinery. The response on the part of the low-income older and retired farmers, state highway departments, local agencies, and particularly the public has been most enthusiastic and generous.

Green Thumb began in 1966, with projects in five states, Arkansas, New Jersey, Indiana, Minnesota, and Oregon. In 1967 the program expanded to include Virginia and Wisconsin. Again in 1968 the program expanded to include seventeen states, Kentucky, Oklahoma, New York, North and South Dakota, Nebraska, Montana, Texas, Pennsylvania and Utah were added. In 1972, the latest expansion added Missouri, Ohio, Illinois, California, Florida, Kansas, Michigan, and Puerto Rico.

In Indiana, during 1972, the Green Thumb Project operated in 22 southern counties. The Indiana Green Thumb Project was initiated on August 1, 1966, with ten counties. Expansions in 1967 and 1968 resulted in twenty-two counties currently being served by the project. They are as follows: Posey, Gibson, Pike, Warrick, Dubois, Martin, Knox, Daviess, Greene, Lawrence, Sullivan, Washington, Orange, Jackson, Jefferson, Jennings, Brown, Bartholomew, Scott, Clark, Floyd, and Vanderburg. During 1972 the program employed 430 worker-trainees. All lower income older rural people.

In Indiana, the average annual income for the Green Thumb worker was less than $1,000.00 and the average age 67.4 years. The average dependents were 2.2 per worker. The oldest Green Thumber currently employed is 90 years of age.

The normal work week for the worker is 24 hours, working three 8 hour days per week. All workers are covered by Workmen's Compensation, Social Security, and general liability insurance. The worker is paid wages of $1.60 per hour with working crew foremen making $1.85 per hour.

Green Thumb provides its older workers with the opportunity to earn an additional $1,600.00 per year (maximum yearly wages paid to any individual by Green Thumb). This $1,600.00 will supplement Social Security, retirement pensions, annuities, farm income or income from other sources, in an effort to bring the worker's combined family income above the poverty level.

Green Thumb workers normally work in crews of 7 men, 6 men, and a crew foreman who is responsible for on-the-job supervision of the crew completion of time sheets, reporting of accidents, etc.

Evaluations have shown that Green Thumb is highly effective in aiding these men who are in deep poverty and prolonged unemployment to regain their dignity and purpose in life. Green Thumb is a pioneer effort to show the abilities and potentials of older and retired low-income farmers as employable workers.

In a survey taken on workers in the project, several interesting facts were revealed. Three strong points brought out in the survey were:

1. The retired individual has a strong desire to be constructively busy.

2. These men are interested in being involved in constructive community activities.

3. If possible these men are interested in making their own way rather than being given a handout.

Significant numbers of handicapped Green Thumb workers have been assisted through the services of Indiana Vocational Rehabilitation.

Through co-operative efforts with I.V.R. eye glasses, hearing aids, braces, and even artificial limbs have been purchased, providing opportunity for the older handicapped worker to again be useful and productive at home and in his community.

Green Thumb workers in Indiana have completed several hundred projects during 1972.

## RESOLUTIONS OF THE LEGISLATURE OF UTAH

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the RECORD three resolutions by the legislature of the State of Utah.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

H.J. RES. No. 2

A joint resolution of the 40th legislature of the state of Utah requesting the United States Department of Labor and the Congress of the United States to modify federal jurisdiction and standards applicable to child labor and grant to the states more latitude to modify labor laws to conform with the needs of youth

*Be it resolved by the Legislature of the State of Utah:*

Whereas, the conditions which prompted stringent protective legislation designed to interdict exploitation and abuse in the area of child labor have been largely ameliorated through the efforts of labor organizations and federal and state regulatory agencies; and

Whereas, increased vocational and apprenticeship training programs now available to young people better equip them to enter the labor market with confidence and skill; and

Whereas, existing federal labor laws restrict meaningful employment for many young people qualified for available employment and impose restraints upon states attempting to effectively provide employment for youth.

Now, therefore, be it resolved, by the 40th Legislature of the State of Utah, that the United States Department of Labor and the United States Congress consider modification of child labor legislation in order to provide states the opportunity to enact responsible labor legislation to provide more employment opportunities for qualified youth.

Be it further resolved, that members of the Congressional delegation from the State of Utah use their efforts to effectuate fruition of this resolution.

Be it further resolved, that the Secretary of State of Utah send copies of this resolution to the Senate and House of Representatives of the United States, to the Secretary of Labor of the United States Department of Labor and to each Senator and Representative from the State of Utah.

H.J. RES. No. 6

A joint resolution of the 40th legislature of the State of Utah requesting the President of the United States to immediately reinstate the rural environmental assistance program

*Be it resolved by the Legislature of the State of Utah:*

Whereas, by Executive Order, the Rural Environmental Assistance Program has been terminated by the U.S. Department of Agriculture;

Whereas, the Rural Environmental Assistance Program in Utah has assisted farmers in Utah with enduring-type practices to:

(1) Increase water use efficiency;

(2) Improve the efficiency and safety in water conveyance systems to farms;

(3) Control erosion and minimize the runoff from fields; and

(4) Minimize the pollution in streams from sediment, animal waste, and salt;

Whereas, the recent federal and state pollution regulations are placing an increased burden on farmers and the rural people in Utah;

Whereas, the policies of the federal government are aimed at improving the life and giving greater stability to the economy of rural areas; and

Whereas, the control of erosion and the maintenance of a quality water supply is vital to the health and welfare of all the citizens of the state;

Now, therefore, be it resolved, that the 40th Legislature of the State of Utah respectfully request the President of the United States to immediately reinstate the Rural Environmental Assistance Program, with adequate funding to carry out the objectives and purposes of the program, which past experience has proven to be of vital importance and benefit to all the people of the State of Utah.

Be it further resolved, that the Secretary of State send copies of this joint resolution to the President of the United States, the Secretary of Agriculture and to each member of the congressional delegation from the State of Utah.

H.J. RES. No. 30

A joint resolution of the 40th Legislature of the State of Utah, requesting a memorial to the Congress of the United States

*Be it resolved by the Legislature of the State of Utah:* That the Congress of the United States take without delay such action as necessary, including a Constitutional Amendment if needed, to preserve the right to life of unborn children and to forestall a wholesale wave of lifetaking abortions which could result from the recent decision of the Supreme Court.

*Be it further resolved,* that the Secretary of State send copies of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and to each member of the Congress from the State of Utah.

## BARNET FAIN RETIRES

Mr. PELL. Mr. President, on Saturday, the 12th of May, Barnet Fain, chairman of the Rhode Island State Council on the Arts for 6 years, retired.

The National Foundation on the Arts and Humanities Act of 1965 had, as one of its main features, Federal support of State arts councils. Using this Federal basis, Mr. Fain and other interested Rhode Islanders acted swiftly to establish a broadly based and truly representative State arts council, one whose budget has grown to over $400,000 for this year. Indeed, the growth of the Rhode Island State Arts Council under Fain's direction could well be used as the typical story of the growth of the State councils nationally. Utilizing a mixture of Federal, State, and local funds, the budgets have grown to the point that, in the recently passed arts and humanities bill, we are providing for at least $200,000 per year for State arts councils.

Barnet Fain, who could truly be called one of the founders of the State arts councils movement, saw the need for a national forum to present the views of the State arts councils to Congress. He was one of the original founders of the North American assembly on the State arts councils and very deservedly became its president for 2 years. Under his guidance, the State arts councils, through the North American Assembly, have made their views known, and, indeed, have become one of the greatest supportive forces for Federal involvement in the arts.

On a personal note, Barnet Fain has been a long and close friend. His counsel, both privately and publicly when he has appeared before the Special Subcommittee on the Arts and Humanities of the Senate Committee on Labor and Public Welfare, has been most valuable. Indeed, as recently as last March, he appeared before the subcommittee in support of increased Federal support.

Barnet Fain's work with the Rhode Island State council on the arts and the North American assembly has not gained great headlines in the so-called voguish magazines of our country. Yet, he typifies the unselfish dedication which is making the arts and other cultural activities available to all citizens in this country, and not just to the privileged few. I regret that he must, by law, step down from his post, but I know that he will continue to work in this area. However, his retirement gives me this opportunity to pay tribute to someone who has worked to provide a richer life for all of our citizens. He has, as a volunteer, contributed to the quality of American life. I wish him well and express my warmest thanks.

## THE AUTHORITY OF THE PRESIDENT TO CONTINUE MILITARY OPERATIONS IN CAMBODIA WITHOUT CONGRESSIONAL CONTROL

Mr. GOLDWATER. Mr. President, it was my great pleasure to appear before the House Subcommittee on Asian and Pacific Affairs today to address the question of the President's authority to continue military operations in Cambodia. I am delighted that the committee is making a deep study of this important aspect of the broader field of war powers, and I hope the hearings will stimulate a great deal of active and informed debate among the Nation's public.

It is my position, which I left with the committee, that if Congress should seek to order an end to all U.S. bombing operations in Cambodia, this action would nullify the intent of the Founding Fathers to place the direction of war in the hands of the President. I attempted to cite in detail several legal authorities which support my view of this question, as well as the pertinent historical background relating to the allotment of war powers by the Founding Fathers.

Mr. President, because my paper discusses a subject which is of such grave concern to the Nation, I ask unanimous consent that the text may be printed in the RECORD.



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There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE AUTHORITY OF THE PRESIDENT TO CONTINUE MILITARY OPERATIONS IN CAMBODIA WITHOUT CONGRESSIONAL CONTROL

I. THE EFFICIENCY OF CONGRESS ACTING AS AN EXECUTIVE

*A. Washington's troubles with the Continental Congress*

Mr. Chairman, on June 20, 1775, George Washington received his commission as General and Commander in Chief of the Continental Army. From that day forward, it was a constant struggle for Washington to overcome the obstacles put in his way by Congress.

Required by his commission "punctually to observe any such orders and directions" as he should receive from Congress, then clothed with the powers of an Executive, Washington was harrassed, second-guessed, and overruled on his military plans and strategy throughout the War of Independence.

It was Congress who persisted in continuing an unwise American invasion of Canada long after the project was doomed to disaster; it was Congress who ordered that Manhattan Island must be defended to the last, after Washington had instructed its evacuation, and thereby caused the useless surrender of 2,000 American troops; it was Congress who first established the Army upon a hapless system of local militia who came and went every month rather than furnishing Washington with a permanent force.

It was Congress who appointed Gates, recently exposed for plotting against Washington, as commander for the Southern Department instead of Greene, who was Washington's first choice. The result was an immediate disaster. In his very first battle, Gates lost the entire American army in the South.

And, yes, it is Congress who must be held accountable for the tragedy of Valley Forge. In August of 1777, Congress threw out a military commissary general chosen by Washington and itself assumed complete charge of the commissariat. Separated from the military organization of the Army, the commissary department suffered a total breakdown. The entire want of clothing, food, and blankets grew into tragedy as the cold weather came on. A prominent military historian has written: "The amount of harm, caused by the unwise military control usurped by Congress, can only be measured in terms of the appalling sufferings of the American soldiers at Valley Forge, which Washington was powerless to prevent." T. Frothingham, Washington Commander in Chief 234 (1930).

There are some in Congress today who would have us revert to this discredited system. They propose that Congress shall dictate when and where, for what reasons and for how long, the United States can wage military operations. They would control by legislation how many American troops can be stationed in particular areas of the world, and even when United States forces shall withdraw from ongoing hostilities.

*B. The framers intended to prevent a recurrence of the interference Washington experienced*

But, Mr. Chairman, this is exactly the system which very nearly led to disaster during the Revolutionary War. For that reason it was repudiated by the Constitutional Convention. The Founding Fathers had witnessed at first hand the inefficiency of the legislature interfering with military operations. They made up their minds that the new Government which they formed would have a Comamnder in Chief who possessed real power.

This explains why they designated the President to be Commander in Chief. By this decision, Charles Evans Hughes wrote, the Framers planned to create "a union which could fight with the strength of one people, under one government intrusted with the common defense." "The prosecution of war," he said, "demands in the highest degree the promptness, directness and unity of action in military operations which alone can proceed from the executive." Hughes, *War Powers Under the Constitution*, 85 Cent. L.J. 206, 209 (1917).

Thus, did one of the great Chief Justices echo the words of Alexander Hamilton, who wrote in the Federalist No. 73, that, "Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of executive authority."

Therefore, I contend that efforts by some in Congress to seize the function of military command into the Legislative Branch runs counter to the division of powers planned by the Founding Fathers. If this Committee should seek to order the end of all air combat operations in Cambodia, it would nullify the purpose of the Framers to place the direction of war into a single hand, the Constitutional Commander in Chief.

II. THE MAJORITY OF AUTHORITIES AGREE THE PRESIDENT IS CHARGED WITH PRIMARY RESPONSIBILITY FOR THE NATION'S SAFETY

Mr. Chairman, Constitutional authorities throughout our history have been almost unanimous in concluding that the President is vested with an independent control and direction over the military forces in all situations where he believe there is a threat to our country or its freedoms. The notion that the President is subject to the policy directives of Congress has been rejected by leading jurists time and again. It is only during the last decade or so, after the going got tough in Vietnam, that Constitutional revisionists began changing their minds.

In the famous book which first formulated the war powers of this country, William Whiting wrote:

"Congress may effectually control the military power by refusing to vote supplies, or to raise troops, and by impeachment of the President; but for the military movements and measures essential to overcome the enemy—for the general conduct of the war—the President is responsible to and controlled by no other department of government." W. Whiting, The War Powers of the President 82 (2d ed. 1862).

As if in anticipation of the legislation now before the Committee, Whiting added that the Constitution "does not prescribe any territorial limits, within the United States, to which his military operations shall be restricted." *Id.* at 83.

Dr. John Pomeroy, Dean of the University of New York Law School emphatically rejected the idea that "the disposition and management of the land and naval forces would be in the hands of Congress. . . ." "The policy of the Constitution is very different," Pomeroy instructs. The Legislature may "furnish the requisite supplies of money and materials" and "authorize the raising of men" but "all direct management of warlike operations . . . are as much beyond the jurisdiction of the legislature, as they are beyond that of any assemblage of private citizens." J. Pomeroy, An Introduction to the Constitutional Law of the United States, 288, 289 (1870).

Professor Clarence Berdahl, who published a comprehensive study on the Executive's war powers in 1921, squarely tackled this issue. He concluded:

"Although there has been some contention that Congress, by virtue of its power to declare war and to provide for the support of the armed forces, is a superior body, and the President, as Commander-in-Chief, is 'but the Executive arm . . . in every detail and particular, subject to the commands of the lawmaking power,' practically all authorities agree that the President, as Commander-in-Chief, occupies an entirely independent position, having powers that are exclusively his, subject to no restriction or control by either the legislative or judicial departments." C. Berdahl, War Powers of the Executive in the United States 116, 117 (1921).

Professor Willoughby, author of a famous multi-volume study on Constitutional law, agreed with this position. He wrote that the power of the President to commit troops outside the country "as a means of preserving or advancing the foreign interests or relations of the United States" is a "discretionary right constitutionally vested in him, and, therefore, not subject to congressional control." 3 W. Willoughby, The Constitutional Law of the United States 1567 (2d ed. 1929).

Mr. Chairman, there are many other legal scholars whom I could cite as having reached identical findings. The same theme of Presidential responsibility for the Nation's safety runs through 180 years of legal writings.[1] Are we now to cast this aside as if it were never written? Rather, I should think, the weight of authorities in support of Presidential prerogatives would place the burden of proof on the other side. Instead of confining the subject of these hearings to the authority of the President to continue the bombing in Cambodia, I would suggest that a very proper subject of your investigation would be a detailed analysis of what the authority of the Congress is to stop that bombing.

III. THE PRESIDENT, ACTING TO DEFEND AMERICA'S INTERESTS, IS NOT SUBJECT TO THE COMMANDS OF CONGRESS

*A. The declaration of war powers is not the exclusive way the United States can wage war*

Certainly, the declaration of war clause gives us no such power. The idea that the only way this nation can enter into war is through a declaration by Congress is a myth. The vast majority of wars are begun without any declaration. This was as well known to the Founding Fathers as it is to us today.

In the 87 years preceding the Constitutional Convention, 38 wars were held in the Western World and only one of them was preceded by a declaration. Maurice, Hostilities Without Declaration of War 12–27 (1883). That the Founders knew of this condition is proven by Hamilton's statement in the Federalist No. 25 that declarations of war were already in disuse in the Eighteenth Century.

Thus, there is no question that when the Constitutional Convention narrowed the authority of Congress by substituting "declare" for "make" in the declaration of war clause, the Framers understood that there had been and might continue to be many instances in which hostilities would occur with no declaration. To argue that no military operations can begin with a declaration by Congress is to ignore the historical setting in which the Constitution was drafted, and, indeed, is to ignore the ensuing 184 years of life under that document.

[1] Though the question has never been squarely resolved by the Supreme Court, which treats the issue as a "political question" outside the competency of the judiciary, four Members of the High Court have declared in a concurring opinion that "Congress cannot direct the conduct of [military] campaigns. . . ." *Ex parte Milligan*, 71 U.S. 2, 139 (1866). Later, the Supreme Court affirmed a holding of the Court of Claims that "Congress cannot in the disguise of 'rules for the government' of the Army impair the authority of the President as Commander in Chief." *Swaim* v. *United States*, 28 St. Cl. 173, 221 (1893), *aff'd*, 165 U.S. 553 (1897). The Court also has broadly stated that the Commander in Chief provision confers upon the President "such *supreme* and *undivided* command as would be necessary to the prosecution of a successful war" (emphasis added) *United States* v. *Sweeny*, 157 U.S. 281, 284 (1895).



It may come as a surprise to many Americans, but there have been over 200 foreign military hostilities in the history of our Republic and only five of them were declared. These incidents show a consistent practice by which American Presidents have responded to foreign threats with whatever force they believed was necessary and technologically available at the particular moment.

The incidents have not been limited to the Western Hemisphere or to small-scale skirmishes. At least 103 of them took place outside this Hemisphere, and 53 of these occurred in the 18th and 19th centuries. One of them, the Philippine Insurrection, involved the employment of over 126,000 United States troops in a war begun and ended without any declaration of war.

These practices form an impressive source of Constitutional interpretation of a kind which has real meaning in the courts. In fact, the principle of usage has been accepted by the Supreme Court as a *determining* factor in Constitutional interpretation. For example, in *United States* v. *Midwest Oil Co.*, 236 U.S. 459 (1915), the Court approved the validity of a long continued practice of the President to withdraw public land from private acquisition, even though this conflicted with a contrary Act of Congress. That practice fixed the construction, the Court explained, "is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or *the existence of a power*, weight shall be given to the usage itself—even when the validity of the practice is the subject of investigation." *Id.*, at 472, 473. (emphasis added)

A decade later the Court again relied on usage as a basis for rejecting Congressional control over the Presidency. In holding that Congress could not shift gears after 73 years of practice and set conditions on the removal by the President of executive officers, even though such practice had often been the subject of bitter controversy, the Court argued:

"Nor can we concur . . . that when Congress, after full consideration and with the acquiescence and long practice of all the branches of the Government, has established the construction of the Constitution, it may by its mere subsequent legislation reverse such construction. It is not given power by itself thus to amend the Constitution." *Myers v. United States*, 272 U.S. 52, 152, 175 (1926).

These two cases closely parallel debate over the military command powers. Here there are over a hundred years of practice in which Presidents have reacted on their own initiative to any crisis which they believed might present, or might develop into, an unacceptable threat against our national security. Many Presidents have been denounced and condemned from the floor of both Houses for taking these strong military actions. But Congress has never once passed a law blocking or ordering a halt to any of these conflicts. Congress cannot now, after full consideration and acquiescence during almost two centuries, reverse the construction of the Constitution which has become so firmly set.

To those who fear this concept may give an unrestrained power to the President to do anything he wants, I would remind them that I am speaking only of defensive actions by the Executive. The President cannot conduct a war of aggression. He cannot bully another country with threats of armed action simply because we do not like its tariff policies or the way it governs its internal affairs. His Constitutional power of independent action is limited to the defense of our country, its citizens, and its freedoms; but he may act whenever and wherever in his judgment a danger exists, imminently or prospectively, which compels a response on our part.

*B. Congress cannot pass laws under the "Necessary and Proper Clause" which interfere with or limit the President's power as Comamnder in Chief*

Nor can Congress act to restrain Presidential military operations under the guise of the "necessary and proper" clause of Article I. This notion was considered and rejected over one hundred years ago when Whiting counseled President Lincoln that Congress is "bound to pass such laws as will *aid* him" in carrying into execution his military powers. Thus, Congressional measures under the "necessary and proper" clause must be supplementary to and in aid of, the functions of the President as Commander in Chief; they cannot restrict his exercise of those functions.

That this is the correct interpretation of the Constitution is clear from the decision of the Supreme Court in *Myers v. United States*, 272 U.S. 52 (1926), where the Court held that Congress could not limit the President's discretion of removal of executive officers even though Congress itself created those offices. Chief Justice Taft, writing for the Court, emphasized that Congress cannot vary the exercise of the President's separate powers. This, he said, "would be a delegation by the [Constitutional] Convention to Congress of the function of defining the primary boundaries of another of the three great divisions of government." *Id.*, at 127.

*C. Congress cannot pass appropriation restrictions which limit the President's legal power as Commander in Chief*

Neither can Congress use its power of the purse to legislate policy restrictions over the conduct of the President's defense powers. This would be placing "the keys of the Treasury and the command of the army into the same hands," something that Madison rejected in the Federalist No. 37 as being "particularly dangerous" and therefore unintended by the Constitutional Convention.

Congress has great powers over military matters. It controls the size and the strength of the Armed Forces and the amounts and kinds of materials with which we can wage war. Congress can enact or refuse a multitude of emergency powers involving foreign trade and strategic materials. Congress can approve or reject treaties or area resolutions having defense implications. If the President undertakes a truly disastrous course, he can be impeached.

But once Congress has made its decisions of how many men shall be enlisted, or what arms constructed, the President may station those forces and send out those arms to such parts of the world as he determines appropriate in the national defense. The Constitution gives the President the authority to protect American rights and interests abroad and Congress cannot by mere legislation redefine the allotment of powers made by the Framers.[2]

Justice Blackmun has written: that "Article II of the great document vests in the Executive Branch primary power over the conduct of foreign affairs and places in that branch the responsibility for the Nation's safety." *Id.*, at 761.

Also pertinent to this inquiry is the holding by Justice Rehnquist, joined by the Chief Justice and Justice White, that the Executive Branch is charged "with primary responsibility of the conduct of foreign affairs . . ." *First Nat. City Bank v. Banco Nacional De Cuba*, 406, U.S. 759, 768 (1972).

IV. THE LEGAL BASIS OF THE PRESIDENT'S AUTHORITY TO CONTINUE MILITARY OPERATIONS IN CAMBODIA

Applying these principles to the situation in Cambodia and Laos, or even all of Indochina, I believe the President could properly assert at least three grounds for his authority to continue military operations in that area. He might conclude, as did the Court of Appeals for the Second Circuit, that various legislative measures by Congress served as Congressional participation in the Indochina War. *Orlando* v. *Laird*, 443 F. 2d 1039 (1971).

Acting on this participation, which ratified the Executive's military activities, the President is empowered to continue any aspect of those activities which he finds necessary to successfully achieve the objectives of this nation. The Vietnam Agreement announced by the President in January specifically includes among its major elements the withdrawal of all foreign troops from Laos and Cambodia and a ban on the use of Laotian or Cambodian base areas to encroach on the sovereignty and security of South Vietnam. It also requires as an essential condition respect for the independence and neutrality of Laos and Cambodia. North Vietnam has clearly violated these requirements. Therefore, the President, as Commander in Chief, may respond with actions calculated to enforce the Agreement.

In the alternative, the President might find, as was suggested by the Court of Appeals for the District of Columbia, that "[e]ven if his predecessors had exceeded their constitutional authority, President Nixon's duty did not go beyond trying, in good faith and to the best of his ability, to bring the war to an end as promptly as was consistent with the safety of those fighting *and with a profound concern for the durable interests of the nation—its defense, its honor, its morality.*" (emphasis added) *Mitchell* v. *Laird*, ——— F. 2d ——— (No. 71–1510, D.C. Cir. March 20, 1973).

Finding this, the President could reasonably decide that the turn of events in Cambodia, or in Indochina for that matter, do not measure up to the results which he believes are necessary to protect the nation's "durable interests."

Finally, the President could rely solely upon his independent powers as Commander in Chief and conductor of the nation's foreign policy. So long as he determines that the Cambodian or Vietnamese situation threatens the vital security interests of the United States, he can use force to allay that threat. In an age of rampant dictatorships and a physically shrunken world of interrelated societies, the principle of an independent authority on the part of the President to wage defensive war in crisis situations is a national life insurance policy.

[2] Justice Stewart and Justice White have commented that the Constitution endows the President with "a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense." *New York Times Co.* v. *United States*, 403 U.S. 713, 729 (1971).

## RESOLUTION OF THE IOWA STATE SENATE

Mr. HUGHES. Mr. President, the war that will not end is deeply troubling the people of Iowa and the rest of the Nation. American involvement in hostilities has been shifted from Vietnam to Cambodia and Laos.

Despite the widespread public attention to other matters, the facts about the continuing war have been getting through to our people.

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Since the signing of the cease-fire agreement on January 27, the United States has dropped over 145,000 tons of bombs on Laos and Cambodia. This is nearly as much U.S. aircraft dropped on Japan in World War II, excluding the two atomic bombs.

During the period January 27 through April 30, nine more American pilots have been killed in this fighting, and two more are listed as missing in action.

The cost of this bombing is over a quarter of a billion dollars so far—with more to come.

All this is being done without legal authorization from the Congress, and without even the President's prior justification that he was involved only to protect the withdrawal of U.S. troops from Vietnam. This bombing is in arrogant defiance of the Constitution and the Congress.

And in the most shocking renunciation of our constitutional principles, high administration officials have announced that the bombing will continue regardless of what Congress may do.

No wonder the people are angry and troubled.

In a recent public opinion survey, the American people were found to be opposed to the bombing in Cambodia and Laos by a 2-to-1 margin.

By a 6-to-1 margin, they agreed that further military action in Southeast Asia should require a vote of approval by the Congress.

Some steps have already been taken to restore Congress' proper constitutional role over war and peace. Last week, the House of Representatives voted to deny additional transfer authority to the Defense Department to help finance this bombing. Now the Senate has an opportunity to uphold this decision, as well as a chance to go further and cut off all funds for this illegal warmaking. I hope we will take these steps.

On May 9, the Senate of the State of Iowa urged the Congress to take these very steps, in a resolution sponsored and passed with bipartisan support. The Iowa Senate expressed a "frightful concern" about the erosion of congressional influence over these policies and an apprehension that continued bombing may lead to the reinvolvement of American ground troops. I ask unanimous consent that the text of this resolution be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. Mr. President, the Congress has to stop this war even if the President will not. We cannot afford to waste American lives and resources in support of an unauthorized and unjustified Presidential policy.

Farmlands are flooded. Our own fuel supplies run short. Domestic Federal programs to help our people are being sacrificed. The money spent on air operations in Cambodia alone is almost enough to restore the $185 million budget cut in Federal funds for elementary and secondary education.

Why do we continue to wage war in Southeast Asia when our own country needs to be rebuilt

Mr. President, I hope that other Members of Congress will consider these facts and the eloquent plea of the Iowa State Senate for peace in Southeast Asia.

EXHIBIT 1

S. RES. 5

Whereas, Congress is now considering the Department of Defense's request for $500 million additional transfer authority which is described by the Department of Defense as "necessary to provide the flexibility to transfer funds to meet requirements as they arise during the balance of the year",

Whereas, $150 million of the $500 million transfer authority has already been used to fund Cambodian aerial combat operations which have taken place during the first months of this year, and

Whereas, the Iowa Senate feels quite strongly that this action amounts to a Congressional blank check approving combat activities which have already taken place and giving Congressional approval to any future combat activities, and

Whereas, this kind of after-the-fact approval is all too reminiscent of the entire history of United States involvement in Vietnam and especially of the Gulf of Tonkin Resolution, and

Whereas, the Iowa Senate does not want Congress to underwrite either continuation of aerial warfare or the reintroduction of United States ground combat forces in Southeast Asia, Now therefore,

Be it resolved by the Senate of the General Assembly of Iowa, That the Senate is frightfully concerned about the steady erosion of Congressional influence in the policy making decisions concerning Southeast Asia, and that the Iowa Senate is very apprehensive that the continuation of aerial warfare can result in eventual reintroduction of ground troops into a combat environment in Indo-China, and therefore the Iowa Senate urgently requests Congress to refuse the request from the Department of Defense for transfer authority and strongly commends to the attention of Congress the Iowa Senate's support for action which will enforce the terms of the Peace Treaty of Paris and prevent further combat activities by United States forces, and

Be it further resolved, That copies of this resolution be immediately forwarded by the Secretary of the Senate to each member of the Iowa Congressional delegation.

## FOOD PRICE SITUATION

Mr. PEARSON. Mr. President, there has been a great deal of misunderstanding about the food price situation. I recently had an opportunity to read an article by Leo Melamed appearing in the New York Times of April 29 which I thought did a good job of placing this whole matter in perspective. As Mr. Melamed points out, it is essential that we take a look at food prices over a period of time rather than at any particular moment. And when we do this, of course the evidence is inescapable that food has consistently been one of the best buys that the American consumer can make.

Over the past 15 or 20 years, food prices, and particularly prices to the farmer, have been deflationary rather than inflationary. Over the past 24 years, food prices increased 40 percent whereas other consumer items have increased by 58 percent and if food prices had increased as rapidly as industrial wages we would be paying 267 percent more for steak today. Even more significantly, Mr. Melamed points out that the average person spends 32 percent less for food out of each $100 of taxable income than he did 20 years ago, but, at the same time, spends 48 percent more for medical care.

Mr. Melamed also does a good job of analyzing the difficulties of making price controls work. Mr. President, I ask unanimous consent that a copy of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FALLACY OF PRICE CONTROLS FOR FOOD—THEY DO NOT ATTACK THE PROBLEM'S MAIN CAUSE

(By Leo Melamed)

Too little of the true nature or cause of the food price rise has risen to the surface or been properly explained. Take, for instance, the so-called meat boycott.

The power of the housewife has been extolled as if it were a new invention comparable to, say the discovery of the wheel. The truth is that consumer price resistance is a time-honored weapon of the marketplace and is as old as the marketplace itself. It is today no more than it has been from time immemorial, the check in the balance between supply and demand.

Sooner or later, every commodity is liable to face the price resistance level of the consumer at which point the supply will begin to outweigh the demand. Price resistance is second only to supply in affecting the price of any given commodity.

The recent boycott was not, therefore, an extension of women's liberation or an invention of 1973, nor need it have been given the reverence the press seemed to attach to it.

Such glamorization of an important but normal economic function will undoubtedly produce polarization between the consumer and the producer. This will reduce the matter to a war between boycott groups and anti-boycott groups, thus further distorting the supply and demand picture, and certainly be a disservice to our economy.

What is of much more significance, however, is the irresponsible response of many of our political leaders to this dilemma. To a man, it seems they have hopped aboard this bandwagon of sentiment with cries of "the President hasn't done enough," "roll back the prices" and so on.

Such talk may make votes; it certainly doesn't make sense.

Where are our leaders who have the guts to explain the true nature of this problem? Where are our officials who would point out that the present crisis was caused by the convergence of a number of contributing factors, including severe weather, previously depressed prices and profit squeezes and an enormously increased demand for meat?

This, as a result of higher wages and more employment, changed eating habits and Government food programs.

Who explained that some of these factors are of a permanent nature, others are cyclical and still others are temporary?

Who pointed out that one of the main causes has been the devaluation of the dollar, coupled with foreign inflation and increased world affluence, which created additional funds in foreign countries with which to increase their imports of our products; such as grain and meat, were some of the biggest bargains available to them, and that our Government encouraged this eventually to aid our balance of payments?

And who explained that this cause and its effect was a continuing one because you could not have your commodity and eat it too?

Finally, and most importantly, why has so little been written about the low nature of our present food prices?

Food prices in recent months have risen dramatically and out of proportion with other items; the price of meat has, in the last year, risen to an extreme. In fact, food prices in the last several years have been playing catch-up.

But the price of farm products cannot be measured in terms of weeks or months or even one year. The rise and fall of farm commodities are affected by a number of complicated factors that cause a constant tug-of-war between supply and demand.

At any given moment or during any given year, the price may rise or fall dramatically (drawing exceptional public attention to it), but it is unfair to judge this rise or fall as of that moment or that duration. To judge prices of farm commodities adequately and fairly, one must look at them over a longer period of time, say 10 or 20 years. Only then can you assess their cost increases on a basis that has taken into account all of the variables, cycles and adjustments.

How often is it explained that although food prices have risen significantly, they have risen far less than most goods? Or how often is it pointed out that while prices for all consumer items rose by 58 per cent during the last 20 years and housing prices rose by 64 per cent, prices for retail food went up only 47 per cent since 1952 and the price of food eaten at home rose less than 40 per cent?

Even this 40 per cent rise (18 per cent less than the rise of other consumer items) is not the full story, since our average food bill, which took 23 per cent of our after-tax disposable income in 1952, took only 15.7 per cent of the after-tax disposable injected even lower for 1973.

Who has had the courage to point out that during this same 20-year period, while home food prices rose by 40 per cent (but took 7 per cent less of our after-tax income), the hourly wages received by laborers went up 140 per cent?

It is not my intention to be critical of laborers' increased wages, but I certainly call it unfair when labor's leaders use this rise in food prices as a reason for higher wages. Who would point out to them that if food prices had kept pace with wages since 1952, then a quart of milk today would cost 55 per cent more, a dozen eggs 161 per cent more, a pound of hamburger 151 per cent more and a pound of round steak 267 per cent more?

Who would explain that while out of every $100 of after-tax income the average person spends 48 per cent more for medical care; 18 per cent more for his automobile, transportation, gas and oil; 14 per cent more for housing, furniture and household operations than he did 20 years ago, he spends 32 per cent less (yes, less) for food?

Little wonder that the rest of the world, with few exceptions, is envious of our food prices and has come to our counter for our cheap commodities. Has everyone made the comparison between our retail meat prices and the dollar equivalent in foreign countries?

How much has been written about the reasons for our plentiful breadbasket and that a paramount cause for its success has been a relatively free-enterprise system guided mainly by supply, demand and profit motivation; that price and market controls, ceilings and five-year plans (as some have suggested), have been tried in every other corner of the globe (and here, too) with disastrous results, and that we are still the only nation that has produced food commodities on a scale that is generally higher than we can consume?

Instead of facts, we have heard the demands that Government put more controls into this system; that we roll back prices, and that we install some magic bureaucratic system to guide and guard rather than allow it to adjust itself as in the past or as world economic conditions dictate.

The old successful way isn't good enough in these modern times, so let's adopt the unsuccessful policies of other nations. That way we can look forward to the same results that they have achieved and soon we can together lack the same commodities.

Controls, ceilings and such are wonderful ideas, but there are a number of basic things wrong with them:

They don't affect the fundamental cause of the problem in the first place. Increases in prices can be predominantly attributed to lack of supply, or put another way, demand in excess of supply.

An increase of supply or decrease of demand are the only real means of reducing prices. Controls on prices will in no way affect greater supply or lower demand.

They are counterproductive. For the producers, controls induce the psychology that no matter what he does for his product's quality, he cannot get a better price; no matter how hard he works or how much money he spends to produce more, his potential profit per item will remain the same, so his incentive to produce more or better quality diminishes.

For the consumer, controls induce the psychology that no matter how much he buys of the product, the price will not rise and probably won't go down. So his demand for the product has no reason to diminish, in fact, it increases. Controls have always, thereby in the final analysis, produced shortages.

Price controls create a political and public mass psychology that is dangerous. Just like any pacifier, it creates the impression that the problem is solved. Therefore, the real and underlying causes of the problem tend to go unattended. Even worse, often as not, such psychology leads directly to programs and attitudes that increase the basic problem.

Price controls are inherently inflationary. In order to regulate and enforce them, new Government agencies must be created; this is costly.

Such additional Government expenditures can be paid for by higher taxes but usually are not. Instead, the Government pays for it with borrowed or created funds.

Price controls create unforeseen complexities and, in the long run, are self-defeating. No control system has yet been devised that can foresee at the outset all the effects and countereffects on the nation's economy. New rules and interpretations must be constantly added.

Thus controls, in time, become an incomprehensible morass of rules and exceptions riddled with loopholes and conflicting interpretations. Furthermore, human nature will, in the long run, prompt many consumers to circumvent or violate control prices to get better quality or more of a given product. This, in essence, means that prices continue to rise—albeit unofficially.

Price controls tend to become "alive" once installed. Controls are most difficult to be done away with. The psychology that created them and the psychology that they in turn create seem to make them independent of their creator. Like opium or any artificial stimulant, once you have it, you think you can't live without it—regardless of the harm it causes.

If I have oversimplified these issues, it was for emphasis, but the facts remain for anyone to draw his own conclusions.

It is indeed sad that now we have meat ceilings in response to the public clamor for a pacifier. Should the price of meat recede, it will be attributed to the effectiveness of these controls. Forgotten will be the fact that any reduction in meat prices will unquestionably have been caused by stiff consumer price resistance, coupled with a continuing increase in meat supplies, and not at all by the artificial magic of the ceiling.

But, alas, no lesson will have been learned—just the opposite—an erroneous impression will have been created.

Food commodities are our biggest bargain even now and controls, ceilings or other artificial means won't help their production. If our food prices are rising, then it is caused by eventualities over which our farmers had little control. Penalizing them won't help.

It could be that our food prices won't ever come back down—they may even continue to rise—but the answer to this problem, as in the past, lies in production, production incentives and overall national economic management and not in politically inspired rhetoric or artificial price adjustments or controls. And certainly emotionally charged accusations and demands by consumer groups won't do anything except confuse the issues and delay the remedies.



## NO FURTHER U.S. MILITARY INVOLVEMENT IN SOUTHEAST ASIA WITHOUT SPECIFIC AUTHORIZATION FROM CONGRESS

Mr. PELL. Mr. President, the Senate Committee on Foreign Relations, of which I am a member, today gave its approval to an amendment sponsored by Senators CHURCH and CASE that would prohibit further U.S. military involvement in or over Southeast Asia, including Cambodia, without specific authorization by the Congress.

Mr. President, I am a cosponsor of the Church-Case amendment. I voted for it in the Foreign Relations Committee, and I support it wholeheartedly and without reservation.

I believe the amendment is vital for two reasons:

First, I believe the heavy U.S. bombing in Cambodia is a dangerous, costly, and unwise policy. It is a seed from which can grow another enlarged and extended military involvement in Southeast Asia at a time when we are hopefully close to terminating the huge costly involvement of the past decade.

Secondly, the Church-Case amendment is vitally important as an assertion of congressional authority and responsibility for engagement of U.S. forces in war. The amendment is essential to a broader effort to bring a runaway, arbitrary, self-justifying executive branch of our Government back within the constraints of the Constitution.

The administration maintains that its present military intervention in Cambodia is simply a continuation of what we have already been doing in Cambodia for the last 3 years and that our current air operations in Cambodia are necessary to enforce the peace in Southeast Asia. Regardless of whether these propositions are true or not, neither of them provides a legal basis for the continued bombing of Cambodia.

When U.S. ground forces invaded Cambodia in May 1970, we were told that this action was necessary to protect American troops in Vietnam. When our air intervention in Cambodia continued after American troops left Cambodia we were told that continued air interdiction was necessary to protect the withdrawal of American troops from Vietnam and the Congress allowed the bombing to continue only for this latter purpose. On January 27, 1973, however, the last American troops left Vietnam, thus terminating the only legal justification for our air war in Cambodia.

If the administration now believes that it somehow has the authority to wage war

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in Cambodia in the name of enforcing the Vietnam agreement, it should be able to cite specific legislative authority. Neither the Constitution nor any statute grants such power and certainly the conclusion of the Vietnam agreement, without reference to Congress, did not give the executive branch such authority. The proper course of action for the administration, if it believes it desirable to use U.S. Armed Forces in Cambodia, or elsewhere, to enforce the agreement is to come before the Congress and seek such specific authority.

There may be honest disagreement over whether it is in the U.S. interest to seek to impose an Indochina cease-fire by force or whether bombing in Cambodia is likely to bring about such a result. But what should be clear is that that decision properly rests with the Congress.

What is troubling is the administration's sweeping assertion of the right to continue bombing in Cambodia. It suggests a belief that the executive branch can take any action it deems necessary in order to pursue objectives of its own choosing. As such the administration's position makes a mockery of our constitutional processes.

It is not surprising that the administration is reluctant to ask for specific authority to continue the war. The intensification of bombing in Cambodia since January 28 has already cost the life of one American flier and two other fliers are missing in action. Will the American people be willing to see these totals continue to grow over the months ahead? And what will we do when the inevitable event occurs that one or more of our airmen are downed and captured to become prisoners of war. Do we then have to commit more troops in order to secure the return of POW's? We all recall that the POW issue was a major part of the emotional justification for our continued involvement in Vietnam.

It has been calculated that the intensification of the air war in Cambodia since mid-February has already added over $240 million to the cost of the war and that each day's additional bombing adds another $4 million to that total. The peoples' representatives in Congress should be given an opportunity to indicate whether they wish to see their tax dollars wasted in this manner.

Reports from Cambodia indicate that many civilians have been killed by our bombing and that thousands more have become refugees in an effort to escape our attacks. Given a choice, how many Americans would wish to see this continue?

Instead of seeking implied, backdoor approval for continuing the war by means of its pending request for authority to transfer funds within the Department of Defense budget, the administration should put the question of our involvement in Cambodia to the Congress and the American people honest and fairly. Let us have an up or down vote on whether U.S. Armed Forces should be used in Cambodia. To do so would be to restore an essential element of respect for law and due process which has been sadly lacking throughout this dreadful war in Indochina.

## SPACE-AGE HEALING

Mr. GOLDWATER. Mr. President, the May to June issue of the Saturday Evening Post has joined a growing list of magazines and news sources who are recognizing the great spinoff benefits from our space programs. This article tells of the advances made in medicine that have come solely from space probing and study, so I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPACE-AGE HEALING

(By L. B. Taylor, Jr.)

Last October a pregnant woman, hemorrhaging severely, lay near death in the remote village of Chalkyitsik in northeastern Alaska. The nearest professional help was more than fifty snowbound miles away, and without immediate aid, it was feared she would not live through the night. In desperation, a part-time nurse relayed a report on the woman's condition via a ground station antenna system linked to an unmanned satellite positioned in orbit 22,000 miles above earth. The information was picked up at a receiving station in Anchorage, and a doctor transmitted back emergency instructions to the nurse. She then was able to stop the hemorrhaging, and the woman survived the night and was transferred the next day to proper medical facilities for treatment.

A few months earlier, in one of the finest, most modern medical facilities in the world—Stanford University Hospital in Palo Alto, California—25-year-old Mrs. Mary Phillips was bleeding to death and a team of doctors had run out of conventional ways to save her. Over a five-week period, they had given her forty-six pints of whole blood and sixty-four units of plasma, and had performed nine operations, but they could not halt the persistent abdominal bleeding.

At this point, Dr. H. Ward Trueblood, chief resident in surgery at the hospital, called scientists at the National Aeronautics and Space Administration's Ames Research Center in nearby Mountain View, explained the situation, and asked for help. A team of specialists studied the unusual problem and came up with an unprecedented solution. They recommended that Mrs. Phillips be fitted in an astronaut-type pressure suit, worn by test pilots to avoid blacking out during high-speed aerial maneuvers. It applies pressure to counter the draining of blood from the brain and upper body.

The suit stopped Mrs. Phillips' internal hemorrhaging overnight by reducing the difference in pressure between the blood within her arteries and the tissue outside them. This allowed her blood to coagulate naturally, and she soon returned home and resumed a normal life.

Mrs. Phillips and the Alaskan woman both are alive today thanks to technological "spin-off" benefits from the American space program. The advanced processes used to save their lives are but two of thousands of research discoveries and engineering innovations—developed as astronauts headed for the moon—that are being dramatically adapted to down-to-earth applications in the field of medicine.

Since its inception with the passage of the National Space Act in 1958, NASA has pursued a not-well-publicized but nevertheless active program to make the practical by-products of space research available to whoever can use them; to get science and technology down to business, so to speak. The applications have varied greatly—everything from the popular snack, space food sticks, to daily global weather reports beamed around the world from orbiting satellites. In medicine, NASA has assigned task forces of specially trained personnel to work directly with medical researchers to effectively channel complex data into everyday, in-the-field use.

With heart attack victims, for example, every second between the initial strike of pain and the administering of professional help can mean the difference between life or death. More than 60 percent of the fatalities from this killer disease occur within an hour after the first attack; yet, up to now, the ambulance transit period is often lost time in terms of diagnosis and treatment.

The space age is changing that. Through an ingenious system originally designed to check astronauts' heart action, electrodes are sprayed on a patient's body in the ambulance so an electrocardiogram can be flashed via a radio-telephone link to the hospital while the vehicle is en route. Reading the EKG at a hospital console, the doctor has advance knowledge of the patient's condition and can make whatever preparations are necessary before he arrives, saving precious minutes. The system has been successfully tested in Los Angeles and other metropolitan areas.

In today's era of ever-rising medical care costs, the increasing use of space-related electronic devices and techniques promises substantial reductions in hospital operational expenses by forcing highly-trained personnel from routine patient watching duties.

One case in point is a tiny sensor and radio transmitter, initially developed under NASA sponsoring, that has been modified to automatically monitor infants and comatose adults suffering from windpipe obstructions. When injury or disease causes blockage of the upper air passage to the lungs, surgeons frequently must perform a tracheotomy—inserting a small tube in the throat to enhance breathing. If this tube becomes clogged, breathing will stop and brain damage or death can result within two to four minutes.

To prevent this, a full-time nurse must constantly check the tube visually and take immediate corrective action if necessary. This new sensor, however, by noting subtle differences in the temperature of air passing through the tube, actuates an audible or visible alarm within ten seconds of any change. Such a signal can be tied in to a console at a nurse's station, allowing one attendant to safely keep watch over dozens of patients.

A similar system is now in use on an experimental basis at the Children's Hospital Medical Center in Oakland, California. Here, delicate sensors are attached with micro-miniature connectors to new-born infants with respiratory ailments. The transmitter sends a pulsating signal to a central nurse station. If the baby has trouble breathing, the signal is interrupted, instantaneously warning nearby attendants. In fact, the quality of the continuous tone transmitted can, to the experienced ear, provide valuable information concerning the infant's respiration.

Across the nation, in a Miami hospital, small, battery-powered electronic devices, manufactured by aerospace companies, are strapped to patients' arms and legs in the intensive care unit. Through them, such vital physiological information as temperature and blood pressure can be transmitted from as many as sixty-four patients to a single nurse at a monitoring console.

In other areas around the country all sorts of strange-looking contraptions and paraphernalia—originally designed exclusively for moonbound astronauts—have been adapted to a number of practical, if unusual, applications for the sick, injured, lame and paralyzed.

At the Texas Institute for Rehabilitation and Research, for instance, handicapped children learn to walk in a sling support outfit invented at NASA's Langley Research Center in Hampton, Virginia to help acquaint spacemen with the one-sixth gravity conditions on the lunar surface. The rig consists of a walkway, tilted off the horizontal, on



which patients exercise while suspended sideways by belts and pulleys. Various modifications of these slings are being used at other sites to help bedridden patients who find it difficult to retrain unused muscles to walk again.

"Such devices take the load off the heart, the respiratory system, the lower limbs, and relieve the strain on all of the dynamic 'subsystems' of the body," says Dr. James Gaume of Long Beach, California.

Doctors at the Kansas University Medical Center in Kansas City have found a unique use for astronauts' helmets—as respirometers for children. Formerly, youngsters there found the conventional rubber mouthpieces used for the collection of exhaled breath both uncomfortable and difficult to keep in place. At times this impaired the accuracy of the data on oxygen consumption.

The helmets were made to order to solve the problem. They come equipped with an air inlet and outlet, a rubber seal around the neck and a suction pump to continuously circulate fresh air, collect the exhaled breath, and draw the combined fresh air and exhaled breath neatly into an oxygen analyzer. And, as can be imagined, the kids love to use them.

It has turned a troublesome chore into a fun thing.

A second use for spatial headgear is being investigated at the Scott-White Clinic and Hospital in Texas. Here helmets equipped with sponge electrodes to obtain electroencephalographic (EEG) tracings from astronauts and test pilots under stress are being redesigned to detect hearing defects in children.

Certainly one of the most extraordinary space instruments to be applied to medical purposes is a "sight switch" first developed to aid busy astronauts on long-distance flights. It has been successfully converted for quadriplegics—persons with no use of their arms and legs. With it, a patient can easily manipulate a motor-driven wheelchair by the movement of his eyes.

The novel switch operates on the principle of infrared reflection from the eyeball. An infrared light source bounces light off the white of the eye into a photo-electric cell which carries the message to a control activater. When the eyes are moved sideward, one eye reflects the light while the pupil of the other eye absorbs it. The resulting imbalance of voltage controls the direction of the wheelchair. Such a device also can be used to turn pages of a book, flip a thermostat on or off, and control radio and television sets, among other things.

This specialized wheelchair has been tested and favorably evaluated by the Institute of Rehabilitation of the New York University Medical Center, and more recently tested and refined for use by paralyzed people at the Rancho Los Amigos Hospital in Downey, California.

Even Apollo's specially-designed windshields have been put to work on health care problems. They are used in the treatment of severe burn victims. These three-by-four-feet curved "shields" are suspended over patients, allowing freer movement while a constant temperature is maintained under their surface. Water loss through evaporation, one of the major factors in the healing process, also is cut down through use of the constant-temperature shield, and doctors have found in many cases where the shields are applied, pain-suppressant narcotic drugs are not necessary.

"Of particular importance in burn cases is the comfort of the patient, and the need to keep him warm," explains Dr. Richard Grossman, specialist at the Sherman Oaks Hospital Burn Treatment Center in California. "Since the shield does not encompass the patient, it is much easier to change dressings and for the attending physician to determine the progress of the recovery. More than 1,000 patients in a dozen centers have been cared for using the new shield, and the doctors all report it to be a valuable aid," Grossman says.

Similarly, a dry immersion bed designed for research on metabolic rates of astronauts under the weightless conditions of space, now provides relief for victims of severe skin burns or ulcers. In hospitals, patients using the bed lie on a waterproof sheet and remain dry while "floating" in water heated to body temperature. Because the patient is buoyantly supported, there is an infinite number of pressure points, rather than maximum pressure on any single part of the body. The bed is used for people in long-term bed confinement cases to prevent and to treat pressure-produced skin ulcers and to treat massive skin burns.

The technology fallout also is affecting maternity wards. The company which developed the "glass sandwich" to prevent windshield fogging on NASA's high altitude X-15 experimental aircraft has transformed such expertise into the production of a cradle warmer system. It monitors the condition of prematurely born infants and maintains the proper temperature within a laminated plastic bassinet. Several hundred of these units have been purchased by hospitals and clinics.

At many of the nation's leading medical and hospital centers a number of additional space-spawned ideas are in various stages of research, experimentation and laboratory testing. NASA specialists are working with Stanford University School of Medicine scientists, for example, on a dramatic new employment of sonar which, it is hoped, will expose secrets about the functioning of the human heart.

Special sonar machines—which emit and receive high frequency sound waves—can measure precisely the amount of blood pumped out at each contraction of the heart muscle, something standard monitoring devices can't do. This technique can be applied as a screening procedure for patients with known or suspected heart disease, and it can be used to closely follow progress of the heart's healing process in patients recovering from a cardiac attack or from open heart surgery.

Equally exciting is the research being centered on NASA-developed blood pressure sensors so small—some are less than five one-hundredths of an inch in diameter—they can pass through a dog's artery into the heart with no bad effects. At the Harvard Medical School such devices have successfully measured blood pressure with unprecedented accuracy. The sensor is inserted through an ordinary hypodermic needle into an artery maneuvered into the left ventricle on the end of a thin flexible tube to make measurements inside the artery and heart without disturbing the flow of blood. Permanent implantation of a sensor with a transmitter in a human body would allow continuous monitoring of a patient as he moved about freely. And its small size would make it particularly useful in treating babies.

At the St. Louis School of Nursing and Health Services, a revolutionary "muscle accelerometer" has successfully undergone extensive testing to measure minute muscular tremors in the human body. It was patterned after a "momentum transducer," produced by NASA to measure micrometeorite hits on spacecraft, and is capable of recording impacts as faint as that of a grain of sand dropped one inch. This may help doctors in early diagnosis of such dreaded neurological ailments as Parkinson's disease.

The list of usable medical spinoffs from space—tangible ones that are helping save lives and mend bodies now, and others that are being converted from research laboratories to practical uses almost daily—includes scores of additional products, instruments, techniques and systems . . . life-prolonging miniaturized electronic heart pacers . . . lightweight foamed splints for broken arms and legs, replacing heavy, awkward plaster casts . . . new alloys for improved artificial limbs . . . electronic devices that convert audio sounds to vibrations that can be "heard" through the sensitive fingertips of the deaf and blind . . . digital computer processes that clarify medical X-rays. . . .

Yet for all the benefits that have been tapped from space technology to date, they but scratched the surface of what realistically can be expected in the immediate years ahead. Space flight has been largely experimental in nature. The emphasis has centered on engineering; on solving the overwhelming technical problems of just getting to the moon and back safely. But now the thrust is shifting more to the exploitation of space for the betterment of man.

The three manned earth orbital Skylab missions that will run through this November, typify this new direction. Top priority is being given to medical experiments. NASA wants to find out how prolonged time spent in space—up to two months—will affect the astronauts. The metabolic and cardiovascular systems will be measured in depth, and serious investigation of the orbital effect on nutrition, hematology, immunology, neurophysiology and pulmonary functions also will be undertaken.

Primarily, scientists are interested in identifying the precise mechanisms that change the chemistry of the human body when earth's gravity is absent. This knowledge is important not only in planning for future long range space flights, perhaps to other planets, but it can also contribute to a better understanding of life processes which are basic to treating human illnesses here on earth.

## NIXON CAMPAIGN AGAINST "FAR OUT 15" BILLS

Mr. CANNON. Mr. President, one of the more bizarre public relations efforts of the Nixon administration is its present effort to muster support for expected vetoes of certain bills. Thanks to the efforts of the distinguished Senator from Minnesota, Mr. HUMPHREY, we have been able to learn many details of the Nixon campaign against the so-called Far Out 15 bills. This campaign, as my colleagues have been told, includes a 145-page propaganda kit complete with background information, anecdotes and, hard as this would be to believe before ad agencies took over the executive branch, "one liners" to be used in speeches.

I want to add my support to Mr. Humphrey's efforts to investigate this ill-advised campaign and my concurrence in his view that it may violate Federal laws forbidding the use of appropriated funds to lobby Congress. I believe that this latest discovery is just a small part of public relations psychology that has permeated this administration. To further illustrate this belief, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article from the latest issue of Esquire magazine dealing with Mr. Nixon's image makers.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CANNON. One fact contained in that article particularly struck me. It was an estimate from the Office of Management and Budget that the executive branch employs 6,144 people a year, at a cost of $161 million, in public relations.



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My interest in the "Far Out 15," however, goes beyond the propaganda question. Two of those bills, S. 38, the airport development bill, and S. 39, the antihijacking bill, were authored and floor managed to Senate passage by me. I am mystified how they could be included among bills characterized as, and I quote from the administration, "a $9 billion dagger at the pocketbook of the American taxpayer."

To begin with, S. 38, the airport development bill, increases the minimum annual authorization for airport development grants from the current level of $280 million per year to $420 million for fiscal years 1974 and 1975. If one chose to ignore the desperate need of this Nation's airports to expand to meet growing air traffic, one might say that the increase violates a need to curtail Federal spending.

However, this increase will not cost U.S. taxpayers a dime. The airport development program is financed entirely from revenues in the airport and airways trust fund, revenues from use taxes on passengers, airlines, and private aircraft owners and operators. There are presently and there will continue to be adequate excess revenues in the airport and airways trust fund to finance the additional Federal participation in airport grants.

How anyone could include this bill among those that would allegedly contribute to a 4-percent surcharge on individual tax returns escapes me. Yet, that is the incredible statement made by those who compiled the President's propaganda kits.

The second bill, S. 39, establishes a balanced, effective, and workable program to deal with aircraft hijacking. It has drawn opposition from the administration because it would establish an air transportation security force to provide a Federal law enforcement presence at the Nation's major airports to protect against air piracy. The administration wants to saddle this country's 531 airport operating authorities with the responsibility of policing their own airports. This is in spite of the fact that aircraft piracy, extortion, and violence in air transportation are violations of Federal law and the incidents themselves are carried out over large parts of the globe.

The antihijacking bill carries an authorization of $35 million for the next 2 fiscal years. This is a small price for the Federal Government to meet its clear responsibility in an area of critical importance. S. 38, as I mentioned, calls for no expenditures from the Treasury. To solicit support for killing these bills on grounds that they are budget busters is ridiculous and I urge my colleagues to resist the administration's arguments in this regard.

The article from Esquire follows:

EXHIBIT 1

*Q. Are you worried about your image, Mr. President?*

A. Not at all. When Presidents begin to worry about images . . . do you know what happens? They become like the athletes, the football teams and the rest, who become so concerned about what is written about them that they don't play the game well. . . . I don't worry about polls. I don't worry about images. . . . I never have.

Oh yeah?

(By David Wise)

Unlike a candidate, whose campaign funds restrict his television, advertising, and public-relations budget, an incumbent President has almost unlimited federal funds at his disposal for public relations during his four or eight years in the White House. Moreover, prime television time, so costly to a candidate, is usually free to a President between elections.

And while spending by political candidates occurs, for the most part, during campaigns, the government public-relations effort is continuous. The machinery serves the President throughout his term of office, not only at election time.

The vast, interlocking federal information machine has one primary purpose: the selling of the government. The machine markets its one product—the President and his Administration—by distributing an official, and often misleading, version of truth to the voters. It does so with the help of the system of official secrecy and classification, combined with government control over access to military and diplomatic news events. The information machine, in short, is the mechanism through which government information—and misinformation—is transmitted to the press and the electorate. The major objective is to enhance and preserve the Presidential image. In the electronic age, a political leader's image (especially his image on the television screen) is the true index of his power; imagery is a form of political energy directly convertible into votes.

Television is by far the most important public-relations tool available to a president, although an American President, to be sure, operates at some disadvantage, since the government regulates, but does not wholly control, the networks and stations. There are those who lament the absence of a domestic Voice of America to broadcast government propaganda directly to the people. In secret and startling testimony before a House subcommittee in 1971, the commander in chief of the Strategic Air Command, General Bruce K. Holloway, suggested that what America needed to preserve its security was a government-controlled news program to combat media "slanting." He added: "It would have to have authenticity. You would have to have the President starting it off with a thirty-second introduction."

While it might be preferable if the commander of S.A.C. stuck to his missiles and bombers, General Holloway quite accurately understood the fact that the President is the chief public-relations officer of the government. He stands at the apex of what must surely be the largest and most formidable information complex in the world, one that includes not only his own coterie of press secretaries, communicators, speech-writers and media advisers, but literally thousands of p.r. and information officials in the civilian and military departments of the government.

Although the whole thrust of government information is to merchandise the best possible image of the government and its leader, it is a cardinal principle of public relations that this goal is never publicly admitted. Consider, for example, Richard Nixon's appearance on the NBC Today show in March of 1971. Barbara Walters was interviewing the Chief Executive:

MISS WALTERS. . . . There has been a lot of talk, Mr. President, about your image and the fact that the American public—forgive me Mr. President—see you as rather a stuffy man and not a human man. Are you—oh, dear. Are you worried about your image, Mr. President?

President NIXON. Not at all. When Presidents begin to worry about images . . . do you know what happens? They become like the athletes, the football teams and the rest, who become so concerned about what is written about them and what is said about them that they don't play the game well . . . the President, with the enormous responsibilities that he has, must not be constantly preening in front of a mirror. . . . I don't worry about polls. I don't worry about images. . . . I never have.

Here was a President appearing on the *Today* show before an audience of millions of voters—and simultaneously denying he was concerned about his image. That is irony sufficient in itself, but there is additional irony in the fact that Nixon was on the show only because his advisers had persuaded him that he was not getting across to the public and that he needed more exposure. Suddenly, within a period of twelve days, Nixon appeared on the *Today* show, granted a one-hour, live interview to Howard K. Smith on ABC television, and—on the same day he taped the *Today* program—gave a long, folksy interview to a group of women reporters. During the week the newspaper reader or TV viewer could scarcely escape Richard Nixon proclaiming his lack of concern for his image.

For a President so unworried about appearances, Nixon surrounded himself with an unprecedented number of p.r. men and "communicators," some openly acknowledged and others hidden in the White House and the Executive Office of the President under innocuous or misleading titles.

One must begin with Harry Robbins Haldeman, the former manager of the Los Angeles office of J. Walter Thompson, whom Nixon appointed as his principal White House assistant. Strictly speaking, Haldeman's job was to serve as the President's chief of staff, but he installed Ronald L. Ziegler, his protégé at J. Walter, as press secretary, and his deputy, Dwight Chapin, was a member of the President's Image Committee, so it could not be said that Haldeman was entirely remote from public-relations policies.

In 1956 and 1958 Haldeman took leaves of absence from J. Walter Thompson to work for Nixon in political campaigns, and in 1960, when Nixon ran for President, he named Haldeman his chief advance advance man. Haldeman managed Nixon's 1962 campaign for governor of California, but their friendship survived even that disaster. Meanwhile, Haldeman was upwardly mobile at J. Walter, in charge of an office with clients that included Disneyland, 7 UP, and Sea World. One of his young executives, handling the Disneyland and 7 UP accounts, was Ron Ziegler.

While at the University of Southern California, Ziegler had become active in the Young Republicans, and in the 1962 gubernatorial campaign, Haldeman recruited Ziegler as a press aide to Herb Klein. After Nixon lost, Haldeman hired Ziegler at J. Walter. In 1968 Haldeman served as chief of staff of the Nixon-for-President campaign and Ziegler was press spokesman; after the election both moved into the White House in the same capacities.

The new Presidential press secretary was a dark haired man who chewed two sticks of gum at a time, drank Chivas Regal, wore dark blue suits, and had the Secret Service code name Whaleboat. He was usually very pleasant, although not always, and he proved generally popular with most White House reporters. Zeigler's appointment as press secretary—the most visible position in the government information structure—gave rise to considerable speculation about why Nixon had passed over his veteran press secretary, Herb Klein, in favor of a twenty-nine-year-old advertising man with no experience in Washington or in journalism.

The answer goes back to the post-election period when Nixon was putting together his staff at the Hotel Pierre in Manhattan. As soon as Haldeman's appointment was announced, the new staff chief told reporters bluntly that in the Nixon Administration "there will be no Sherman Adams, no Jim Haggerty. . . ." As a matter of fact, Haldeman added, there would be no press secretary "in the traditional sense."



All of this was interesting news to Herb Klein. In 1968 Klein, fifty, had served as "communications manager" of the Presidential campaign, and, having resigned his job as editor of The San Diego Union, he was plainly, awaiting a White House job. Two days after Haldeman announced that there would be no press secretary, Ziegler was named as a special assistant to the President-elect, sans press title. Not until January 13, 1969, did Ziegler announce that Nixon had told him to go ahead and use the title of "press secretary" after all.

In the meantime, three weeks after the election, Klein's appointment as "Director of Communications for the Executive Branch" was finally announced—by Ron Ziegler. It was then that Klein declared that "truth will become the hallmark of the Nixon Administration" and that the new Administration would "eliminate any possibility of a credibility gap"—predictions that proved premature.

The creation of the new post of "communications director" and the appointment of Klein meant that for the first time the public-relations function at the Presidential level had been split in two. An inevitable result was an increase in the cost of White House publicity as the number of people engaged in Presidential p.r. work proliferated. Klein soon had a staff of a dozen persons, whose salaries, added to his own annual pay of $42,500, totaled almost $200,000 a year. Ziegler had an even larger staff of fourteen—eight assistants and six secretaries. Operating from across the street in the Executive Office Building, Klein could see the White House through his office window, but he was physically not as close to the throne as Ziegler, whose office was in the White House proper. Theoretically, Klein spoke for "the Executive Branch as a whole," as Ziegler put it, but in practice this meant that Klein was reduced to working with the Cabinet departments; and traditionally, when any really important news originates in a department, the White House grabs it and the President's press secretary announces it.

"I have the President and the White House," Ziegler once pointedly told an interviewer.

Indeed he did, and within the White House, Ziegler's power and influence grew steadily. One White House official privy to the power struggles inside the palace guard gave a laconic explanation: "Ziegler is Haldeman's man."

Klein had weathered three of Nixon's Six Crises—the "Checkers" speech, the "kitchen debate" in Moscow in 1959, and the 1960 Presidential campaign. And he was at Nixon's side in 1962 when Nixon lost the election for governor of California. Klein alternated his public-relations chores for Nixon with various posts on the conservative San Diego Union; he was named editor of the paper in 1959.

There are reporters in Washington who swear that Klein drew a backstage role at the White House because Nixon did not think he looked good on television. But this factor is probably not as important as it might seem. Pierre Salinger, who closely resembles an overweight Mississippi riverboat gambler (he once played the role of a crooked lawyer on Batman, experienced relatively few credibility problems as President Kennedy's press secretary. By contrast, Arthur Sylvester, whose beatific countenance could pass for that of an Anglican bishop, achieved undesired fame as Robert McNamara's press spokesman by coining the phrase the "right to lie."

From the start, however, Nixon's communications director played an ambiguous role; on the one hand he described himself as a sort of ombudsman, whose job was to "get more information out" by persuading the departments to cooperate with the press. And Klein did win some plaudits from correspondents for opening doors within the government. But as one of the President's public-relations men, Klein also joined in the Nixon Administration's general attack on the news media. Appearing on a TV panel show in November, 1969, for example, he warned that unless the news media, both newspapers and television networks, reexamined their handling of the news, "you do invite government to come in." In time, it became increasingly difficult for Klein to pretend that he served two masters, the press and the President.

The communications director began to spend more time on the road, making speeches and extolling Administration policies. "Klein," said one White House official, "is ambassador to the boondocks." As a sort of traveling salesman for the Nixon White House, Klein argued for the ABM, had a kind word for the military-industrial complex, predicted Clement F. Haynsworth would make a "great" Supreme Court Justice, and praised the silent majority. Before a group of college students at Northern Illinois University, he attacked Senator George McGovern's proposal to expand the food-stamp program. Food stamps, Klein explained, would not end hunger: "A lot of mothers will go out and buy a Pepsi-Cola or a Coke for their children instead of milk. Or they might buy a lot of potato chips for them to eat."

In Washington, Klein presided over Saturday-morning sessions of the Image Committee, whose regular members were himself, Dwight Chapin, and Special Counsel Charles W. "Chuck" Colson, then the eminence grise of the White House p.r. operation. At one such meeting, reported by Allen Drury, the committee's agenda included the question of whether information about the President's reading habits should be provided to several magazines that had requested it. The committee decided this was extremely sensitive, because if it were revealed that he read anything "frivolous," someone would surely use this as the basis for "snide criticism." The committee then turned to another problem: "How to counter the theme that the President is heartless and cold." The discussion became vehement and centered on the fact that "a little black poster girl had been turned away without having her picture taken with the President," a gaffe that aroused criticism in the black community. It was noted by the committee that the girl and her parents would be invited to a Sunday worship service at the White House; perhaps the picture with the President could be taken then. The meeting of the committee began at nine-thirty a.m. and ended just under three hours later.

Klein also presided over occasional informal meetings with information officials from the departments, usually held in Klein's office over drinks and peanuts. At these p.r. encounter groups, the government publicists were encouraged to run ideas up the flagpole and air their collective problems.

At one of these sessions, Klein stressed the importance of tipping off the White House when embarrassing news was about to break. In October, 1971, after Nixon nominated Mrs. Romana Banuelos to be Treasurer of the United States, but before she had been confirmed, U.S. immigration agents raided her Mexican food-packaging plant in California and seized thirty-six Mexican workers as illegal aliens. It developed that the firm had been raided six times in four years for the same reason. Someone had called the communications director before the story broke—presumably it was a p.r. man for the Immigration Service—and the White House had a few hours' notice, Klein said. "I can't tell you," Klein added, "how important that is—to have some forewarning."

To commemorate the year 1971, Klein's office distributed to the press an amazing thirty-four-page, single-spaced mimeographed document entitled "Richard Nixon's Third Year." "In the year now ending," Klein's encomium began, "President Nixon moved vigorously on both the foreign and domestic fronts. . . . It was a year of both initiatives . . . of large conceptions, of daring innovation . . . a year of bold action based on meticulous preparation. It was a good year, that promises much for those to follow. . . . In its first four months, the New Economic Policy has been enormously successful. . . ." And so on.

Upstaged by Ziegler, Klein by 1971 found himself squeezed from a new direction in the person of Charles Wendell Colson. As Special Counsel to the President, Colson's job ostensibly was to deal with organized interest groups. In fact, he moved powerfully but quietly into the field of public relations. Wheeling and dealing backstage, his hand usually hidden, Colson had succeeded by 1972 in building a mini-public-relations empire inside the White House, unannounced and out of public view. In classic Washington tradition—the bureaucrats call it "layering"—Colson had created a third public-relations power center, wedged in above Klein and rivaling even Ziegler.

Colson, a tough, ambitious operator, made it to the White House via a background in Republican politics and law. A New Englander, he went to Brown University, served as a company commander in the Marine Corps during the time of the Korean War, and by age twenty-five was administrative assistant to Senator Leverett Saltonstall, the Massachusetts Republican. He attended law school at night, got his degree, and in 1960 formed what is now the large Washington law firm of Gadsby & Hannah, who have been lobbyists for Grumman Aircraft and other corporate interests. He played a significant role in Nixon's 1968 campaign, and in November, 1969, the President brought him to the White House.

There, Colson quickly earned a reputation as a political mechanic and a sort of improper Bostonian. "Chuck Colson," John Pierson wrote in The Wall Street Journal, "is a hatchet man." It was Colson who delivered a crucial witness to Life reporter William Lambert, resulting in publication of an exposé that contributed to the defeat of Democratic Senator Joseph Tydings in 1970.

Colson was responsible for other politically inspired leaks. Often he pulled the strings and got subordinates or other White House staff members to make the actual contact with a newsman; the technique made it harder to trace the story to Colson. But Colson also operated on a straight p.r. level; he arranged for Nixon to accept a hard hat in 1970 from Peter Brennan, leader of the construction workers' union in New York, who went on during the 1972 Presidential campaign to play a key role in organizing a committee of two hundred labor leaders for Nixon, and became Secretary of Labor in Nixon's second Administration.

Colson gradually took over more and more of Klein's functions. Within the White House, some of Klein's critics had argued that he was too nice, and not enough of a tough political operator to handle the job of Presidential public relations. Robert B. Semple Jr., then the White House correspondent of The New York Times, put it this way in an interview: "If the title of 'communications director' meant propagandizing for the President, then there was a need for a guy with an intensely sharp political mind. And they have since found him—Chuck Colson."

Besides Ziegler and Klein, as Semple analyzed it, Nixon and his advisers perceived

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the need for a third type of operator, "a man who could conduct p.r. political warfare on an activist level. They needed someone who would ask, 'How do you answer John Kerry? How do you organize a citizens' committee to beat the drums for Phase Two?'" Colson in fact organized a group of veterans to compete with Kerry's anti-war Vietnam vets, and helped create the Citizens for a New Prosperity in order to promote the President's economic policies.

As Colson's influence expanded inside the White House, he reached outside to strengthen his public-relations power base. Colson urged Nixon to appoint a top diplomatic correspondent to handle foreign-policy image-making and advise Ziegler and Henry Kissinger. At the President's direction, Colson contacted John Scali of ABC, an experienced reporter and the secret intermediary who had helped President Kennedy to end the Cuban missile crisis.

In two talks with Nixon, Scali was persuaded to take the job of special consultant to the President; in December, 1972, Nixon named Scali U.S. Ambassador to the United Nations.

Colson's own image became somewhat embarrassing, however, after he was linked in the press to the Watergate bugging scandal through Everette Howard Hunt Jr., one of the conspirators, whom Colson had hired as a White House "consultant" in 1971. The two had met, the White House explained, as members of the Washington chapter of the Brown alumni club. The old school tie hastened Colson's departure, which was announced soon after Nixon's reelection. The President, Ron Ziegler explained, "regrets Chuck is leaving the Administration."

Presumably, the President also deeply regretted the departure of Dwight Chapin, which followed published reports that he had engaged in political espionage during the 1972 campaign; he had even, The New York Times said, used the alias "Mr. Chapman" in these activities. And there were recurrent unofficial reports that Herb Klein might soon be leaving too. Polishing the Presidential image was not without its hazards.

In addition to Ziegler and Klein and their deputies and staff, Nixon also employed a speech-writing team of sixteen persons—the largest in White House history—as well as four aides to monitor the news media and compile the "President's Daily News Briefing," a private news digest of about 6000 words prepared for the President each morning In addition, the President had a television adviser—first Roger Ailes (who was paid by the Republican National Committee), and later director Mark Goode. The television adviser worried about camera angles, makeup, lighting, and technical details. Finally, the White House employed a staff of official photographers. Although the White House understandably never issued a press release on the subject, a conservative estimate would be that Nixon's public-relations staff, including all these categories, numbered at least sixty people.

As in every administration, below the Presidential level there existed a large publicity and public-information apparatus extending into virtually every corner of the federal government. Yet no one knew his precise size or cost. One reason for this is that no official of the federal government has the words "public relations" in his title Job titles vary, and in some departments an official serving as assistant to a Cabinet Secretary or as an "executive assistant" is, in fact, the top public-relations man. Below him, there is often a public information office that handles everyday contacts with the press.

It is down below, in the ranks, that counting government p.r. men becomes soupy. Some are deliberately hidden, it is true, under uninformative job descriptions; but, in addition, there is a legitimate problem of definition. Writers, editors, photographers, and others could be included in the definition of "public relations."

An indication of the scope of the information machine can be found, however, in a study published by the United States Civil Service Commission in 1968, entitled Occupation of Federal White-Collar Workers. Buried among its 162 pages of charts, graphs, and computer printouts are some revealing figures.

According to the study, in the category of "Information and the Arts" there were 20,380 employees working for the federal government in 1968, with an average salary of $10,742 a year. There were nineteen occupational titles listed in this broad category, and a few had little to do with public relations, strictly speaking. For example, the list included 165 "museum curators" and six "musical technicians." But even after these and other unrelated occupations are eliminated, the total still provides some indication of the dimensions of the information establishment.

Aware that the massive size of the government public-relations machine made it vulnerable to political attack, Nixon in December, 1969, wrote a memo to Haldeman urging that the Administration take "a very hard look" at the p.r. apparatus. "Every department is terribly overstaffed in this respect—it is one of Washington's worst self-perpetuating bureaucracies," Nixon wrote.

In November, 1970, this was followed by a formal Presidential memorandum to all departments and agencies. In this directive, Nixon ordered a "curtailment of self-serving and wasteful public-relations activities." The job of policing the Nixon order fell to the Office of Management and Budget (O.M.B.). This created a problem; the Executive Branch traditionally claimed it did not know how many public-relations men were employed by the government or how much was spent on such activities. How could the Administration reduce a program when it did not know its size to begin with? How much would be cut from what?

O.M.B. solved this dilemma by sending out questionnaires to the departments and agencies, asking them to report back on the cost and scope of their information programs. Based on the replies, O.M.B. estimated that the Executive Branch employed 6144 people in public relations (including Congressional relations) at a cost of $161,000,000 a year.

The budget office set as its target a reduction in public-relations spending of $45,000,000. O.M.B. then sent a new set of questionnaires to the departments asking how they had complied with the cutback order. The House subcommittee on government information sent out letters asking the same question.

The answers varied widely. The Pentagon claimed it had cut 991 people and $3,700,000 from its p.r. budget; the Department of Health, Education, and Welfare said it had eliminated sixty-eight positions and cut its budget by $1,600,000; other agencies reported smaller reductions.

Eight months after Nixon's directive was issued, O.M.B. officials announced that 1164 public-relations jobs had been eliminated at a saving of $9,400,000. No further figures were ever released although O.M.B. said it "thought" the goal of $45,000,000 would be reached.

There was a major catch to the Nixon cutback however. To the public, it appeared that the government was saving money and trimming fat from the federal payroll. In fact, the order did not require that any public-relations personnel be dismissed and the "cutback" did not save the taxpayers a penny. "The money saved on public relations," O.M.B. official George Strauss explained, "was used for something else—perhaps something else that might not have been done."

Strauss added: "Heads of departments seek shelter for their people. If a p.r. man is a speech writer for the head of an agency, he doesn't want to lose him, so they may change his job description. For example, sixty-eight positions were cut at H.E.W., but it did not mean they were fired. Many were clerical people. They just moved these people elsewhere and now they type for someone else. But this was not a vindictive approach to ruin people's lives or cut them from the payrolls."

Nixon's order contained an explicit Presidential warning against any department attempting to "circumvent" it. Yet the Interior Department received paid, expert advice on how to do just that. The advice came from an astonishing source—Harry Treleaven Jr., the advertising and media director of Nixon's 1968 Presidential campaign.

Treleaven, a grey-haired, fast-talking adman, was another alumnus of J. Walter Thompson, where he had produced commercials for Pan Am and Lark cigarettes. During the 1968 campaign he operated from an office in New York. After Nixon's election he set up his own public-relations firm in Washington, where he was closer to the honeypot. As a highly successful p.r. man—he had, after all, helped to elect a President of the United States—Treleaven might reasonably hope to do business with the new Administration.

The Treleaven affair provides a fascinating case study of the point at which public relations, party politics, and government secrecy intersect. The story began in November, 1970, when Nixon fired the outspoken Wally Hickel as Secretary of the Interior. As his replacement, Nixon chose Representative Rogers C. B. Morton, the Maryland Republican who was then chairman of the Republican National Committee. Morton's deputy at the National Committee was James N. Allison Jr., a former newspaper executive from Midland, Texas, who had managed George Bush's successful campaign for Congress in 1966. It was Allison who first got Treleaven into politics; he had persuaded him to come to Texas to serve as advertising director of Bush's campaign. Morton's nomination as Secretary of Interior was confirmed by the Senate on January 28, 1971, and he was sworn in the next day. Three days later, on February 1, Allison left the national committee to join Treleaven's p.r. firm, which was reorganized as Allison, Treleaven & Rietz, Inc.

On February 18, less than three weeks after he was sworn in as Secretary of Interior Morton hired Treleaven as a $121-a-day consultant. His task was to analyze Interior's public relations and apply his Madison Avenue expertise to "streamline" and "improve the image" of the department.

Treleaven turned in an eighty-five-page report which the Interior Department adamantly refused to make public—even though public information was its subject. Requests made under the Freedom of Information Act for copies of the Treleaven Report were turned down by Mitchell Melich, solicitor of the Interior Department, on the grounds that the report was "an internal communication," though later he replaced a portion to the House Government Information Subcommittee.

A copy obtained from another source sheds light on why Interior preferred to keep Treleaven's report secret. "The [President's] requested reduction in expenditures for public-relations activities has everyone totally confused," Treleaven told Morton. ". . . The fact is the information offices are finding it impossible to cut the kind of items that occasioned the request for a reduction, because they don't exist. The response, therefore, is to eliminate worthwhile items, or go 'underground'—i.e., hide expenditures in other budgets. The latter is probably the practical way out."

It was extraordinary advice. Treleaven was paid several thousand dollars of the taxpayers' money to advise a government department on how to hide federal funds in direct violation of a Presidential order. Treleaven estimated that the department's various public-relations offices "employ over two hundred persons and spend something over $2,000,000." But his report added: "It's virtually impossible to be precise about budgets, because many information activities are paid for by programs, or out of special permanent funds (like the Water and Conservation Fund), or are charged to administrative and operating budgets, or are privately funded. The total for the department is probably close to $4,000,000."



Treleaven was highly critical of Interior's public relations, however, terming its $4,000,000 effort "bland," and "too passive." In the television age, he lamented, most of the "senior people are print-oriented." Because of this, he said, "a top priority must be to develop ways of getting Interior's story on television."

Since the Interior Department's environmental responsibilities often bring it into conflict with corporate interests, Treleaven's next suggestion was startling. "The high cost of producing films has greatly restricted their use," he said. "However, some of the bureaus (Mines, Outdoor Recreation, and Fish and Wildlife) have been able to obtain private funds for their film programs. This is a source of money which should be sought energetically and systematically by the entire department." The Bureau of Mines had forty films available for distribution and "all but two of their films were produced and paid for by industrial sponsors—including Atlantic Richfield, Goodyear, Alcoa, Phillips Petroleum, Texas Gulf Sulphur, Johns-Manville, Phelps Dodge. . . ." Other bureaus "should take lessons from the Bureau of Mines in this area," the report added. If Treleaven perceived any conflict of interest in the Interior Department's accepting money from the industries it regulates, he did not say so.

Most revealing of all, however, was Treleaven's description of the goals of the Office of Information of the Secretary of Interior. Among the "objectives of this office" listed by Treleaven were: "to play a key role in helping develop new programs to mold public opinion in support of the Secretary and the Administration . . . and to head off or counteract adverse publicity resulting from events and activities that could put the department in a bad light, such as mine disasters, accidents in National Parks, etc.)."

This is about as candid a statement of the real purpose of government information as one will find anywhere in print. Small wonder that Interior labeled the report secret and set its lawyers babbling about "internal communications."

Technically, government p.r. is illegal. In 1913 Congress passed a law prohibiting the government from paying any money to a "publicity expert" without Congressional approval. The measure was introduced by Representative Frederick H. Gillett, a Massachusetts Republican, after the Civil Service Commission announced an examination for "Publicity Expert—Male" for the Office of Public Roads.

The bureaucracy easily bypassed the law by hiring "information" experts to handle public relations. The job titles under Civil Service today, for example, are "public information officer" and "public information specialist." A veteran government publicist sardonically explained the legal situation this way: "The fact is there are no public-relations men working for the federal government, and the words 'public relations' do not appear in the federal budget."

Below the policy level, many government information people are career civil servants who try, within the limits of their jobs, to handle information with a minimum of political distortion. And they serve a useful function; they answer questions from the press and public and prepare publications about government programs. Yet they are well aware that much government information is misleading. Mel White, a career information official at H.E.W., declared: "I'm with the government, and I don't believe half of what comes out of any government agency. And I resent that as a taxpayer."

Jack Rosenthal, once press secretary to Attorney General Robert F. Kennedy, divides government public-relations men into three categories. At the top, he said, is the policy-level adviser. He sits in on any important meetings, knows what is going on, and advises his boss on the public-information consequences of policy is the faithful mechanic. He is not at the policy level, but he can get the news out, handle the press leak stories, and build good relations with the reporters." Next is the "defensive p.r. man. This is the lowest rung on the totem pole. He is insecure. He does nothing but answer questions. He never does any leaking. He gives minimal answers, tries not to be quoted, and speaks on background. He is evasive and doesn't return telephone calls. He does the worst job for his boss."

Some of the projects dreamed up by government public-relations men are almost unbelievably banal. In 1969, when the Department of Transportation was pushing the supersonic transport plane, it printed and distributed 50,000 copies of a seventy-three-page Teachers Guide for SST, designed to help indoctrinate the nation's schoolchildren in the virtues of the controversial aircraft. One chapter, entitled "Supersonic Pussycat," tells the story of a rich cat named Marita whose mistress takes her to the French Riviera on an SST. "The day before we were leaving," the cat declares in the story, "I was sent to Fifi's. My silver fur was washed, brushed, and perfumed. My nails were done particularly well. . . . Bright and early the next morning, Mistress and I were off to the airport. . . . We made ourselves comfortable in the large roomy seats and before we knew it we were airborne . . . the pilot announced we were cruising at an altitude of 64,000 feet and at a speed of 1800 m.p.h.—faster than the speed of sound. Why, at this rate, I thought, we'd be in Paris in less than three hours. By the time I had a few slivers of liver (excellent, by the way) and watched a short movie, we had arrived."

Another story in the teachers' guide tells of Maxwell the Mouse, who was worried about sonic boom but found a house that had been soundproofed against jet noise. The booklet also encourages the students to "Play Airport." ("Have children take different roles of people concerned with an airport . . . pilots, stewardesses, traffic controllers, safety officer, etc.")

Apparently acting on the theory that it is never too soon to begin training the little p.r. men of the next generation, the booklet also tests the children with this question: "How would you write the advertisement for the first flight on the SST? How would you illustrate your advertisement to appeal to the interest of people?" All of this cost the taxpayers only $12,872.

It was, of course, a relatively small expenditure as p.r. budgets go. For example, N.A.S.A., with a $12,205,000 public-relations budget and a staff of 359, ranked only third among all federal agencies in public-information spending, according to figures provided by the Office of Management and Budget.* H.E.W. ranked second, with a public-relations budget of $27,400,000 and a staff of 737.

But the Defense Department had by far the largest public-relations operation in the government; according to O.M.B. figures prior to the Nixon cutback the Pentagon public-relations budget was $44,700,000 and had a public-relations staff of 3076 or just over half of all p.r. employees in the federal government by O.M.B.'s calculations. In 1972 the Pentagon said it had 2274 public-relations officials of whom 1649 were in the Armed Services. According to the Pentagon's figures it spent $44,000,000 on public relations in 1969, $40,000,000 in 1970, $29,000,000 in 1971—as a result of the Nixon order and Congressional cuts—and $25,600,000 in 1972.

But Representative Jonathan B. Bingham, Democrat, of New York, charged in a 1971 speech on the House floor that in listing its public-relations expenditures, the Defense Department had omitted several agencies that spent more than $48,000,000 in 1970. Bingham made public a G.A.O. report on these Pentagon agencies. He said it confirmed that "there are nests of public-information activities and expenses in the vast Defense establishment that continue to be hidden from the Congress." Bingham said the agencies that spent the $48,000,000 produced materials ostensibly for "internal use" by the military. The same materials, he said, "in fact are also widely distributed and presented to the public."

The Pentagon's public-relations programs cover a breathtaking array of activities, ranging from V.I.P. tours of military installations for community leaders and businessmen to providing aircraft carriers to Hollywood film makers. Since 1963 the Pentagon has even hired private firms to monitor and record all radio and television newscasts in Washington dealing with military or diplomatic events. According to a Defense Department spokesman, the purpose of this monitoring, which costs about $20,000 a year, is to keep informed "on what's being said about us." The intensity of the Defense Department's interest in "what's being said about us," as well as its sensitivity to criticism of its public-relations effort, became apparent during the flap generated in 1971 by the CBS television special *The Selling of the Pentagon*. Congressional friends of the military unsuccessfully demanded access to CBS outtakes—the portions of film not used on the air—and went so far as to threaten network president Frank Stanton with a jail term for contempt. Perhaps, when all is said and done, Mylai provides a better insight than anything else into the government-information process. In his book, *My Lai 4*, Seymour Hersh reports that Jay Roberts, the Army correspondent who covered Charlie Company's attack on the hamlet, knew very well that most of the dead were civilians; he had personally counted at least fifty bodies. Roberts wrote a story based on the false official version and gave it to the brigade press officer, Second Lieutenant Arthur Dunn, who knew it looked fishy. But Dunn dictated a similar story for division headquarters, and explained later: "If I had known there was a massacre and let somebody write about it, I would have lost my job."

*The figures, for fiscal 1971, were compiled by O.M.B. before the reductions ordered by President Nixon went into effect.

## ENERGY AND FUTURE FOREIGN POLICY

Mr. McCLURE. Mr. President, the long-range implications of our present energy problems have not been receiving the serious attention required to awaken the American people as to what the future holds for our society. Regardless of the existing controversies, and charges and countercharges, surrounding fuel shortages, there are some undisputed facts upon which we could base the economic and foreign policy portions of a new national energy policy, or at least which should be given full consideration.

Economically, the United States is facing the prospect of importing anywhere from $20 billion to $30 billion

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worth of oil, annually, within a short time of 10 to 15 years. From a foreign policy viewpoint, we have to understand that the bulk of this oil will come from, and the dollars will flow to the Arab States of the Middle East, particularly those states bordering on the Arabian Gulf.

At present, U.S. military and international policies do not appear to be considering the implications of these two facts. In a recent series of five excellent editorials by Mr. Joseph Alsop, the price that we might have to pay for such neglect of reality is accurately assessed. I ask unanimous consent that Mr. Alsop's columns be printed at the conclusion of my remarks, so that they may gain the wider dissemination and understanding which they deserve.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLURE. Mr. President, I believe that the U.S. Government could begin now to offset some of the disastrous consequences of our present course. I urge consideration of immediate talks with those Arab States of the gulf region, concerning their futures and ours. It should be apparent to small, relatively defenseless nations that their increased wealth will attract additional threats to their future independence and freedom. And, a United States weakened by enormous balance-of-payments deficits and fuel shortages would not be in a position to balance threats from other world powers. The future stability and peace of the Middle East requires that the United States maintain its presence and capability to act in this unsettled region. I feel certain, however, that our Nation can reach understanding with the Arab nations, based on their future needs and aspirations, as well as our own, and without sacrificing the safety of nonoil or non-OPEC nations.

In February of this year, I spoke at the annual meeting of the National Rural Electric Cooperative Association, at which time I presented what I believe to be the necessary basis for our future understandings with oil-rich nations. Rather than repeat those points at this time, I ask unanimous consent that my speech be included at the conclusion of my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. McCLURE. Mr. President, I believe that the time for a new policy toward energy- and oil-rich nations is upon us, and has been for several years. It is obvious that the best interests of the United States should not be relegated to second-place in our future negotiations. At the same time, we cannot expect other nations to sell themselves to us a barrel at a time, or to drain their country, so that their future generations will revert to pre-oil poverty. Understanding, however, the mutual interests and concerns of all the nations involved will, I believe, lead to a brightening of the dark picture which we now face.

EXHIBIT 1

[From the Washington Post, April 9, 1973]

OIL: THE VULNERABLE JUGULAR

(By Joseph Alsop)

This is an invitation to join a voyage of discovery. It has been a strange voyage, always enlightening, but always cruelly and bitterly enlightening. Those who wish to join had better know, too, that the end of the voyage will be unpleasant—although it will tell volumes about the American future.

Hence the start of the voyage will be well to explain. Some weeks ago, the former Israeli ambassador, who was also one of the two chief minds behind Israel's victory in the Six-Day War, went home for good after a long experience in Washington. Itzhak Rabin is not merely a brave man, a good companion and a good friend. He also has one of the most far-thinking yet down-to-earth strategic minds this city has known in many years.

So it was a matter of pride that the house where these words are written was the last in Washington where he came to say good-bye and to have his final meal in America. In the talk at supper, the voyage in question really began with a fairly idle question:

"Now that it's all over, what impressions do you take home with you from your embassy here?"

Rabin answered that he had a wonderful time here, and in one way, was going home much encouraged. When he came to Washington, he had found the city wholly preoccupied with Vietnam, and dealing with all the more important matters in the world by a method of fumble, muddle and last minute improvision. Now, he added, "your policy has a clear, well thought out direction, and is bold and adroit, too. All that is very good."

Why then, he was asked, did he so carefully say, "in one way." Your oil problem, he answered shortly. You mean you think the Arabs will blackmail the United States into an anti-Israeli policy, was the natural reply. Not at all, he came back energetically. Israel can take care of herself "unless the United States joins with other nations to destroy Israel—and the United States will never do that."

"But why the oil problem, then?" was the next question.

"Because of its direct effects on you," he answered, "and because those direct effects will turn into indirect effects on Israel and so many other nations."

Begin with Israel and the other nations, he was asked. Oh, he replied a bit grimly, Israel is lucky. Israel has the will and wits to defend Israel. Beside China and one or two more, there are not many nations friendly to America that you can say so much about today. But neither Israel, nor China, nor any of the other nations now in the circle of America's friends can possibly achieve successful self-defense, in a new kind of world in which America has ceased to be a great power.

"Ceased to be a great power! My God, I thought you were talking about the oil problem," was the fairly horrified comment.

It was a natural comment, too, for how do most of us, as yet, think about the oil problem? In terms of greater costs, of possible fuel shortages, of our current difficulties with the balance of payments, and also of the Arab political blackmail—which the departing ambassador had dismissed. That, surely, is an honest summary of the way we now think about the oil problem. Perhaps sensing all this, Rabin went on, much more sternly and more earnestly:

"You do not think enough about the oil problem. I have been looking into it for months. It is much worse than you suppose—10 times worse. Your jugular, Western Europe's jugular, Japan's jugular, all run through the Persian Gulf nowadays. Yet you have no means to defend your jugular.

"This is why your country must cease to be a great power, unless you can find means to solve this terrible problem, which everyone has overlooked for too long. No nation can remain a great power, that has a wholly undefended jugular, waiting to be cut by anyone with a willing knife. No nation can be a great power, either that has an ever more worthless currency—unless it is a totalitarian state like Hitler's Germany or the Soviet Union, which the United States will never be.

"Look into the facts that the future will force you to face. Look into what those facts will do to your dollar. Look into the new strategic situation and see what those facts will do to your dollar. Then you will see that I am right."

The evening did not end there, but with affectionate farewells. Yet the terrible words thus spoken, by so wise and warm a friend of our country, could not be forgotten. So "looking into the facts" was the voyage of discovery, to be described in further reports in this space.

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[From the Tulsa Tribune, Apr. 12, 1973]

DOLLAR DRAIN AND FOREIGN OIL

(By Joseph Alsop)

WASHINGTON.—Everyone talks about the "energy crisis." But that phrase merely sketches the surface of the problem. What threatens us—what has started already, in fact—is a permanent currency crisis, which will also mean a permanent inflation crisis.

In three years, on present projections, our dollars cannot be anything like what they seem today, although, God knows, a dollar is now worth little enough. As for our children's dollars, they may almost resemble the German marks of the 1920s, when people had to carry small change in suitcases.

All this, of course, is based on present projections. There are many things that can be done to protect the dollar, all of them highly unpalatable.

On the other hand, if these things are not done, both promptly and all-out, market forces will ruthlessly reduce our current lavish consumption of energy. This will produce something like an unending recession, but it will also alter the present projections radically.

Let us first examine the present projections, however. To begin with, a crisis situation has so suddenly arisen because of two kinds of past miscalculation.

We always overestimated our cushion of unused oil-production capacity through all the years when production was controlled in states like Texas and Oklahoma.

About a year ago, the last controls were removed. The result was only the most minimal increase of production. The cushion was largely a myth, created to beat the rationing system.

On the other hand, the growth of U.S. demand for energy from all sources was even more grossly underestimated. In 1970, to illustrate, President Nixon's Task Force on Oil Imports assured everyone the problem was quite manageable through the year 1980. In 1973, however, our oil imports of 6 million barrels a day are already far above the imports expected by the presidential task force in 1980.

In money terms, we shall have to find $9 billion to send abroad, mainly to the Persian Gulf, to pay for our 1973 oil imports. Even with the money thereafter repatriated by our international oil companies, this is a huge sum.

Such oil imports leave little hope of righting the sadly unbalanced U.S. balance of payments—which means a permanently weak dollar on the world money markets.



But it does not end there, by any means. American energy demand is growing ceaselessly, while American production, especially of natural gas, is also beginning to decline.

In 1975—only two years from now—we shall have to find $15 billion to pay for our oil imports. And this assumes that world oil prices do not go up, either because of another dollar devaluation or simply because of the enormous pressure of demand from Western Europe and Japan as well as the United States.

A little further down the road, the projections are a bit more uncertain. The more optimistic forecasts for 1980 have us paying out $24 billion for foreign oil in that year. The pessimists raise this sum to $30 billion.

As for 1985—when children born last year will just be entering high school—the optimist-pessimist spread is between $30 billion and $70 billion for our foreign oil costs!

The optimists' figures for the future, it must be added, again make no allowance either for further loss of value of the dollar or for further increases in world oil prices. They are like weather forecasts, in truth, that make no allowance for storms that any sane weather forecaster ought to allow for.

Furthermore, these are not oil company figures, although they parallel the projections recently made by the Shell Oil Co. Instead, they come from briefings now being given to senators and leading congressmen by the staff of the Congressional Joint Committee on Atomic Energy.

The sponsors are the committee chairman, Rep. Melvin Price of Illinois, Rep. Chet Holifield of California and Sen. John Pastore of Rhode Island. All are Democrats; and Sen. Pastore, a strong liberal Democrat, has personally begged all other senators to give ear to the dire facts.

The figures also mean an energy crisis of course. There will be local fuel shortages this summer. At least in a fair number of states, there may be gasoline rationing in the summer of 1974. The independent oil and gas distributors are due to suffer shockingly, if not to be wiped out. Short supply is the basic reason. Another reason is the greed of the big companies.

Yet inconvenience for many and heavy loss for a few are mere trifles compared to the national tragedy of a dollar with ever-lessening value. And even this is only the first chapter of the horror story.

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[From the Washington Post, April 13, 1973]

A NATION WITHOUT POWER

(By Joseph Alsop)

What people so cheerily call the "energy crisis" is really like a viciously poisonous onion. Peel off the energy layer, and you find the U.S. dollar rapidly losing value, year by year. Peel off the money layer, and you find the end of the U.S. as a great power.

It is a truism, of course, that no bankrupt nation can play the role of a great power in the world. In and of itself, therefore, the threat to the value of the U.S. dollar is also a threat to the U.S. as a world power.

As previously reported, present projections show this country using $24 billion of imported oil in 1980, and more than $30 billion of imported oil in 1985. These are the lowest sensible estimates, but they are also nonsense-figures. Bankruptcy, or something very like it, will come before 1980 unless we change our ways. No one is going to give us such huge amounts of credit every year, and year after year, when we cannot possibly pay the money back.

Right here, is the greatest single difficulty of exploring this ghastly, suddenly urgent American problem. Even the most solidly based present projections cannot possibly come true in the end, simply because something will give way somewhere, and with a rending crash, long before the fantastic situations finally arise that even the optimistic analysts now foretell.

There is one thing that cannot and will not give way, however, which also has much to do with the American role as a great power. In brief, the Persian Gulf will be the main place, for a long time to come, where all the world but China and the Soviet Union must go to cover most of the world's enormous and swiftly increasing energy-deficit.

To get a crude measure of what this means, it is only necessary to return to the present projections, which come from the briefings of the congressional Joint Committee on Atomic Energy. By these projections, the Persian Gulf states—Iran, Saudi Arabia, Kuwait, Iraq, Abu Dhabi and other little sheikhdoms—will have an oil revenue of at least $16 billion in 1975, and without any further increases in the oil price! On the same highly optimistic assumption, the same states will have an oil revenue in 1980 of about $58 billion!

Once again, these are certain to be nonsense-figures in the end. Except for Iran, none of these oil-rich states has the ghost of a serious national defense. With one or two other exceptions, none of these states has a stable political system. Most have tiny populations in proportion to their vast riches.

History is a harsh process, and history will not permit this lunatic situation to endure indefinitely. The Soviet Union, for example, is already prepared to give history a helping hand. By huge efforts and investments, and by shocking American negligence, the Soviets have established naval predominance in the Indian Ocean. Again by heavy investments, they have also established predominance in the snakepit politics of Iraq.

This means that the Soviets effectively stand astride of both ends of the Persian Gulf. If they move boldly, they can easily cut the oil-jugulars of the United States, and of Western Europe and of Japan. The Soviets are unlikely to do this, to be sure, unless we in the United States continue to neglect our national defense. But the U.S. Senate appears hell bent on just that kind of neglect.

If the Soviets remain passive, moreover, something else will surely happen to change the situation in the Persian Gulf. There are the local Palestinian refugees, for instance, so numerous, so energetic, so bitter against Israel, and such easy targets for the KGB. In any case, such inconceivable wealth cannot pile up indefinitely in such weak hands, without stronger hands reaching out from somewhere to take the wealth away.

Meanwhile, it is another truism that no nation can continue as a great power when its jugular is overseas, and is also at the mercy of anyone who comes along with a sharp knife. When Britain was a great power and oil was first becoming important, Britain therefore moved to establish political control of the Persian Gulf. At the same time, Winston Churchill also made the British government the largest single stockholder of the British Petroleum Co., still second in rank of the huge international oil companies, but now without political protection like all the rest.

All that ended with a whimper, in fact, in the Suez campaign of 1956. Today, it is the great power role of the U.S. that is endangered by an exposed jugular overseas. And today, half the nations of the world conspicuously including Israel—and even Mainland China, in some measure, because of the Soviet threat—live in independence and go their own ways in relative peace precisely because the U.S. is still a great power. But maybe not for long!

[From the Washington Post, April 16, 1973]

EXTINCTION FOR THE FOSSIL FUEL AGE?

(By Joseph Alsop)

"We are in the deepening twilight of the fossil fuel age." Such is the message now going to all senators and representatives from the congressional Joint Committee on Atomic Energy.

It is a ghastly message. From our jobs to our price structure, just about every aspect of every American's daily life squarely depends on lavish expenditures of inexpensive fossil fuels. The immediate sign of this twilight we are entering, because this kind of lavish, cheap expenditure is beginning to be impossible, is what is misleadingly called "the energy crisis."

The phrase is not misleading because there is no energy crisis. It is misleading only because the crisis involves so much more than mere high gas prices and rationing of automotive gasoline. It involves unending inflation, because of continuous loss of value of the U.S. dollars. It even involves the end of the U.S. as a great power in the world.

These are the unavoidable penalties of vast, annually increasing imports of foreign oil, to cover our vast, annually increasing energy deficit. What, then, can be done about it? The answer, again, is ghastly. Here is a short list of measures that it is now urgent to take.

*Item:* To increase domestic oil production, open the entire continental shelf to oil production, including the whole of the Atlantic coast, the Gulf of Mexico, and the Santa Barbara Channel. Also double the present use of federal lands for oil production.

*Item:* To get more natural gas, remove all controls on natural gas prices, especially at the well-head—thereby giving the needed incentives for drilling much deeper and more costly wells.

*Item:* Invest something like 15 billion dollars to increase output of geothermal and hydroelectric energy by the approximate equivalent of 100 Hoover dams. For this, bite the ugly bullet, too, that the needed big increase in hydroelectric energy will call for big dams in national parks, wilderness areas, and even the Grand Canyon.

*Item:* Make enormous investments in oil production from our invaluable oil shale reserves. But again, bite the ugly bullet that large scale exploitation of oil shale will make horribly heavy calls upon scarce water resources, and will also necessitate digging up vast areas of western landscape—although some of the possible processes permit the landscape to be put back again later on.

*Item:* Get the equivalent of 50 Hoover Dams from solar energy exploitation—and require almost all home heating and cooling in the sunny Southwest to be converted to solar energy.

*Item:* Then build 1,000 nuclear power plants of 100 megawatts each between 1980 and the year 2000—with plants going in at a rate of more than one a week after 1985. As of now, a single 100 megawatt plant costs about $1 billion. Yet we have to go from the baseline of today, when our nuclear power production equals the national output of energy from firewood, to a new stage where a very large share of the total energy we consume will be nuclear in origin.

"Ghastly," then, is a modest word for the kind of steps the joint congressional committee is listing for its horrified audience on Capitol Hill. But just consider the present, quite natural fury over high prices and inflation. Even food prices would be drastically lower today, if we had not already been forced to devalue our dollar so often. The devaluations were forced upon us, in turn, because we were buying abroad far more than we could sell. In short, our payments were unbalanced.

So consider the following trade-offs. First, if the Alaska pipeline had been promptly

XUM

photographers. Although the White House understandably never issued a press release on the subject, a conservative estimate would be that Nixon's public-relations staff, including all these categories, numbered at least sixty people.

As in every administration, below the Presidential level there existed a large publicity and public-information apparatus extending into virtually every corner of the federal government. Yet no one knew his precise size or cost. One reason for this is that no official of the federal government has the words "public relations" in his title. Job [illegible] assumed [illegible] serving as assistant to a Cabinet secretary or as an "executive assistant" is in fact the top public-relations man. Below him "there is often a public information office that handles everyday contacts with the press."

It is down below in the tank that counting government p.r. men becomes soup. Some are deliberately hidden if not under uninformative job descriptions, but in addition there is a legitimate problem of definition. Writers, editors, photographers,

The answers varied widely. The Pentagon claimed it had cut 991 people and $3,700,000 from its p.r. budget; the Department of Health, Education, and Welfare said it had eliminated sixty-eight positions and cut its budget by $1,600,000; other agencies reported smaller reductions.

Eight months after Nixon's directive was issued, OMB officials announced that 1164 public-relations jobs had been eliminated at a saving of $9,400,000. No further figures were ever released although OMB said it "thought" the goal of $15,000,000 would be reached.

[illegible]

cutback, however. To the public it appeared that the government was "wiping money and trimming fat from the federal payroll. In fact, the order did not require that any public relations personnel be dismissed and the cutback did not save the taxpayer a penny. The money used with public relations," OMB official George Strauch explained, "was used for something else, perhaps something else that might not have been done."

Staff saddled [illegible] Heads of departments [illegible] mainly refused to make public—even though public information was its subject. Requests made under the Freedom of Information Act for copies of the Treaveen Report were turned down by Mitchell Melich, solicitor of the Interior Department, on the grounds that the report was "an internal communication," though later he replaced a portion to the House Government Information Subcommittee.

A copy obtained from another source shed light on why Interior preferred to keep Treleaven's report secret. "The [President's] requested reduction in expenditure [illegible] politically embarrassing," Treleaven told Morris. The fact is, the information officer [illegible] impossible to cut the kind of items that [illegible] required the request for funds in the federal budget."

[illegible] the policy level many people not [illegible] that people are career civil servants, within the limits of their jobs, to [illegible] information with a minimum of political distortion. And they [illegible] they answer questions from the press and public and prepare publications [illegible] p.r. men of the next generation, the booklet also tests the children with this question: "How would you write the advertisement for the first flight on the SST? How would you illustrate your advertisement to appeal to the interest of people?" All of this cost the taxpayers only $12,872.

It was, of course, a relatively small expenditure as p.r. budgets go. For example, NASA, with a $12,205,000 public-relations budget and a staff of 359, ranked only third among all federal agencies in public-information spending, according to figures provided by the Office of Management and Budget.* [illegible] budget of $27,400,000 and a staff of 737.

But the Defense Department had by far the largest p.r. operation in the Government, according to OMB figures prior to the Nixon cutback. The Pentagon publicity [illegible] was $44,700,000 and had a [illegible] 4,076 (just over half

*The figures [illegible] as of 1971 were compiled by OMB before the reductions ordered by [illegible] were implemented.

a massacre and let somebody write about it. I would have lost my job."

## ENERGY AND FUTURE FOREIGN POLICY

Mr. McCLURE. Mr. President, the long-range implications of our present energy problems have not been receiving the serious attention required to awaken the American people as to what the future holds for our society. Regardless of the [illegible] charges and countercharges, surrounding fuel shortages, there are some undisputed facts upon which we could base the economic and foreign policy portions of a new national energy policy, or at least which should be given full consideration.

Economically, the United States is facing the prospect of importing anywhere from $20 billion to $30 billion



worth of oil, annually, within a short time of 10 to 15 years. From a foreign

EXHIBIT 1

[From the Washington Post, April 6, 1973]

ern Europe's jugular, Japan's jugular, all run through the Persian Gulf.



But it does not end there, by any means. [illegible]

worth of oil, annually, within a short time of 10 to 15 years. From a foreign policy viewpoint, we have to understand that the bulk of this oil will come from, and the dollars will flow to the Arab States of the Middle East, particularly those states bordering on the Arabian Gulf.

At present, U.S. military and international policies do not appear to be considering the implications of these two facts. In a recent series of five excellent editorials by Mr. Joseph Alsop, the price that we might have to pay for such neglect of reality is accurately assessed. I ask unanimous consent that Mr. Alsop's columns be printed at the conclusion of my remarks, so that they may gain the wider dissemination and understanding which they deserve.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLURE. Mr. President, I believe that the U.S. Government could begin now to offset some of the disastrous consequences of our present course. I urge consideration of immediate talks with those Arab States of the gulf region, concerning their futures and ours. It should be apparent to small, relatively defenseless nations that their increased wealth will attract additional threats to their future independence and freedom. And, a United States weakened by enormous balance-of-payments deficits and fuel shortages would not be in a position to balance threats from other world powers. The future stability and peace of the Middle East requires that the United States maintain its presence and capability to act in this unsettled region. I feel certain, however, that our Nation can reach understanding with the Arab nations, based on their future needs and aspirations, as well as our own, and without sacrificing the safety of nonoil or non-OPEC nations.

In February of this year, I spoke at the annual meeting of the National Rural Electric Cooperative Association, at which time I presented what I believe to be the necessary basis for our future understandings with oil-rich nations. Rather than repeat those points at this time, I ask unanimous consent that my speech be included at the conclusion of my remarks today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. McCLURE. Mr. President, I believe that the time for a new policy toward energy- and oil-rich nations is upon us, and has been for several years. It is obvious that the best interests of the United States should not be relegated to second-place in our future negotiations. At the same time, we cannot expect other nations to sell themselves to us a barrel at a time, or to drain their country, so that their future generations will revert to pre-oil poverty. Understanding, however, the mutual interests and concerns of all the nations involved will, I believe, lead to a brightening of the dark picture which we now face.

EXHIBIT 1

[From the Washington Post, April 9, 1973]

OIL: THE VULNERABLE JUGULAR

(By Joseph Alsop)

This is an invitation to join a voyage of discovery. It has been a strange voyage, always enlightening, but always cruelly and bitterly enlightening. Those who wish to join had better know, too, that the end of the voyage will be unpleasant—although it will tell volumes about the American future.

Hence the start of the voyage will be well to explain. Some weeks ago, the former Israeli ambassador, who was also one of the two chief minds behind Israel's victory in the Six-Day War, went home for good after a long experience in Washington. Itzhak Rabin is not merely a brave man, a good companion and a good friend. He also has one of the most far-thinking yet down-to-earth strategic minds this city has known in many years.

So it was a matter of pride that the house where these words are written was the last in Washington where he came to say good-bye and to have his final meal in America. In the talk at supper, the voyage in question really began with a fairly idle question:

"Now that it's all over, what impressions do you take home with you from your embassy here?"

Rabin answered that he had a wonderful time here, and in one way, was going home much encouraged. When he came to Washington, he had found the city wholly preoccupied with Vietnam, and dealing with all the more important matters in the world by a method of fumble, muddle and last minute improvision. Now, he added, "your policy has a clear, well thought out direction, and is bold and adroit, too. All that is very good."

Why then, he was asked, did he so carefully say, "in one way." Your oil problem, he answered shortly. You mean you think the Arabs will blackmail the United States into an anti-Israeli policy, was the natural reply. Not at all, he came back energetically. Israel can take care of herself "unless the United States joins with other nations to destroy Israel—and the United States will never do that."

"But why the oil problem, then?" was the next question.

"Because of its direct effects on you," he answered, "and because those direct effects will turn into indirect effects on Israel and so many other nations."

Begin with Israel and the other nations, he was asked. Oh, he replied a bit grimly, Israel is lucky. Israel has the will and wits to defend Israel. Beside China and one or two more, there are not many nations friendly to America that you can say so much about today. But neither Israel, nor China, nor any of the other nations now in the circle of America's friends can possibly achieve successful self-defense, in a new kind of world in which America has ceased to be a great power.

"Ceased to be a great power! My God, I thought you were talking about the oil problem," was the fairly horrified comment.

It was a natural comment, too, for how do most of us, as yet, think about the oil problem? In terms of greater costs, of possible fuel shortages, of our current difficulties with the balance of payments, and also of the Arab political blackmail—which the departing ambassador had dismissed. That, surely, is an honest summary of the way we now think about the oil problem. Perhaps sensing all this, Rabin went on, much more sternly and more earnestly:

"You do not think enough about the oil problem. I have been looking into it for months. It is much worse than you suppose—10 times worse. Your jugular, Western Europe's jugular, Japan's jugular, all run through the Persian Gulf nowadays. Yet you have no means to defend your jugular.

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"Look into the facts that the future will force you to face. Look into what those facts will do to your dollar. Look into the new strategic situation and see what those facts will do to your dollar. Then you will see that I am right."

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This means that the Soviets effectively stand astride of both ends of the Persian Gulf. If they move boldly, they can easily cut the oil-jugulars of the United States, and of Western Europe and of Japan. The Soviets are unlikely to do this, to be sure, unless we in the United States continue to neglect our national defense. But the U.S. Senate appears hell bent on just that kind of neglect.

If the Soviets remain passive, moreover, something else will surely happen to change the situation in the Persian Gulf. There are the local Palestinian refugees, for instance, so numerous, so energetic, so bitter against Israel, and such easy targets for the KGB. In any case, such inconceivable wealth cannot pile up indefinitely in such weak hands, without stronger hands reaching out from somewhere to take the wealth away.

Meanwhile, it is another truism that no nation can continue as a great power when its jugular is overseas, and is also at the mercy of anyone who comes along with a sharp knife. When Britain was a great power and oil was first becoming important, Britain therefore moved to establish political control of the Persian Gulf. At the same time, Winston Churchill also made the British government the largest single stockholder of the British Petroleum Co., still second in rank of the huge international oil companies, but now without political protection like all the rest.

All that ended with a whimper, in fact, in the Suez campaign of 1956. Today, it is the great power role of the U.S. that is endangered by an exposed jugular overseas. And today, half the nations of the world conspicuously including Israel—and even Mainland China, in some measure, because of the Soviet threat—live in independence and go their own ways in relative peace precisely because the U.S. is still a great power. But maybe not for long!

[From the Washington Post, April 16, 1973]

EXTINCTION FOR THE FOSSIL FUEL AGE?

(By Joseph Alsop)

"We are in the deepening twilight of the fossil fuel age." Such is the message now going to all senators and representatives from the congressional Joint Committee on Atomic Energy.

It is a ghastly message. From our jobs to our price structure, just about every aspect of every American's daily life squarely depends on lavish expenditures of inexpensive fossil fuels. The immediate sign of this twilight we are entering, because this kind of lavish, cheap expenditure is beginning to be impossible, is what is misleadingly called "the energy crisis."

The phrase is not misleading because there is no energy crisis. It is misleading only because the crisis involves so much more than mere high gas prices and rationing of automotive gasoline. It involves unending inflation, because of continuous loss of value of the U.S. dollars. It even involves the end of the U.S. as a great power in the world.

These are the unavoidable penalties of vast, annually increasing imports of foreign oil, to cover our vast, annually increasing energy deficit. What, then, can be done about it? The answer, again, is ghastly. Here is a short list of measures that it is now urgent to take.

*Item:* To increase domestic oil production, open the entire continental shelf to oil production, including the whole of the Atlantic coast, the Gulf of Mexico, and the Santa Barbara Channel. Also double the present use of federal lands for oil production.

*Item:* To get more natural gas, remove all controls on natural gas prices, especially at the well-head—thereby giving the needed incentives for drilling much deeper and more costly wells.

*Item:* Invest something like 15 billion dollars to increase output of geothermal and hydroelectric energy by the approximate equivalent of 100 Hoover dams. For this, bite the ugly bullet, too, that the needed big increase in hydroelectric energy will call for big dams in national parks, wilderness areas, and even the Grand Canyon.

*Item:* Make enormous investments in oil production from our invaluable oil shale reserves. But again, bite the ugly bullet that large scale exploitation of oil shale will make horribly heavy calls upon scarce water resources, and will also necessitate digging up vast areas of western landscape—although some of the possible processes permit the landscape to be put back again later on.

*Item:* Get the equivalent of 50 Hoover Dams from solar energy exploitation—and require almost all home heating and cooling in the sunny Southwest to be converted to solar energy.

*Item:* Then build 1,000 nuclear power plants of 100 megawatts each between 1980 and the year 2000—with plants going in at a rate of more than one a week after 1985. As of now, a single 100 megawatt plant costs about $1 billion. Yet we have to go from the baseline of today, when our nuclear power production equals the national output of energy from firewood, to a new stage where a very large share of the total energy we consume will be nuclear in origin.

"Ghastly," then, is a modest word for the kind of steps the joint congressional committee is listing for its horrified audience on Capitol Hill. But just consider the present, quite natural fury over high prices and inflation. Even food prices would be drastically lower today, if we had not already been forced to devalue our dollar so often. The devaluations were forced upon us, in turn, because we were buying abroad far more than we could sell. In short, our payments were unbalanced.

So consider the following trade-offs. First, if the Alaska pipeline had been promptly

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built when the great Alaska oil field was found, we should today be saving over $2 billion a year on the balance of payments. Second, if exploitation of the Santa Barbara Channel had been pressed forward, despite the famous oil slick, we should again be saving about $2 billion on the balance of payments. Third, removing tetra-ethyl lead from gasoline and otherwise cleaning up automobile exhausts, is already costing about $1.5 billion on the balance of payments.

So there you have some of the price of increasing oil imports. We can have nonstop inflation because of permanently recurring dollar devaluation—which is now the prospect. Or we can stop trying to have our cake and eat it, too, and we can begin to worry about trade-offs. This can mean a lot of other unpalatable things, such as putting refineries and deep water ports where they are unwelcome. Yet we cannot have it both ways.

We are lucky, nonetheless, for the long pull, we have a better chance of getting on top of the energy problem than the western Europeans or the Japanese. But for the moment, this seems a thin consolation.

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[From the Washington Post, May 11, 1973]

ENERGY CRISIS: THE COMING PUBLIC RAGE

(By Joseph Alsop)

If President Nixon survives the Watergate horror, his reproaches to his departed staff members may not end there. At a minimum, the men who ran the White House for Nixon ought to have stopped the Watergate tomfoolery before it became a horror. But meanwhile, it appears they also went pretty far to strike the most useful counter-issue from the President's hands.

There are two points here, both quite simple; and only the first concerns the former White House staff. Briefly, the cabal that used to run the White House for the secluded President strongly intervened to influence the President's recent message to Congress on the energy crisis. In the last analysis, the leaders of the cabal were the ones who made the message into a proposal to use a poultice to cure a cancer.

The Byzantine motives that produced this result are as yet unknown. But what happened is easily known. The man who had been the White House expert on energy, the tough, knowledgeable, far-sighted foreign service specialist James Akins, was sent into outer darkness. The economist Charles Di Bona, a rather feeble compromiser with little knowledge of the problem, was instead brought in to do the President's homework for him.

The result was what you might expect. The message was a poultice to cure a cancer in the sense of only paying the right kinds of lip-service. It muffled the hard realities of the crisis rushing down on this country. It did not insist on any of the hard measures needed to meet the crisis.

The President may well end by bitterly reproaching his former staff for this result, because he is such a profoundly political man. The energy crisis, in turn, has unlimited political potential. It has many aspects, to be sure. It threatens the soundness of the currency. It can bring on unending inflation. It can end the U.S. role as a great power in the world.

But before it does any of these things, which are relatively long term, this multifarious crisis will have a short term political effect. If the President had sent the Congress a bold, tough energy message, he could have used the political effect on the energy crisis against his opponents. But he sent the opposite kind of message. So he must now hope his opponents will obligingly make trouble for themselves—as they have done before.

In this respect, Washington at present is a bit like a city that can only talk about a monstrous breakdown of the sewage system—nasty and smelly enough, God knows!—while the flames that may engulf three quarters of the city crackle merrily in the inner suburbs. The chances are better than even, in other words, that the energy crisis may burst into political flames before the 1974 election. Then the voters will largely forget the Watergate horror in their rage at their own discomfort.

Almost no politicians of either party appear to be prepared for this grisly result. Yet the odds are certainly better against both a cold summer and a warm winter. We need a summer when people will not want to use motor gasoline to travel or even go to the woods or the shore with their families. And need a winter when few will need to expend much oil or natural gas to heat their houses. Then all may yet be well.

The weather is crucial, because we already have a minus-margin of useable energy. The signs are everywhere already; the weaker independent gas and oil distributors are beginning to go to the wall. The gas stations not belonging to the big companies are beginning to open only part-time, or are actually shutting down. One of the larger oil companies, Amoco, has already announced it will allow only 10 gallons (instead of a full tank) to any customer of a gas station on an inter-state freeway.

In motor gasoline, the deficit for this summer is estimated at somewhere between 5 and 7 per cent less. It does not sound like much. But any deficit makes bad trouble; and there will be a worse deficit, if we have a bright, hot, travel-encouraging summer. Whatever happens, moreover, gasoline allocation to priority users will all but certainly be needed—for instance to make sure the farmers have enough fuel for the machinery that will harvest the late summer crops.

Whatever happens, too, our inadequate American refineries will be producing gasoline all summer, instead of building up a back-log of home-heating oil. In the past, we have always gone into the winter with such a back-log. Add a normally tough winter, then, that will leave us with a really serious shortage of motor gasoline for the summer of 1974. You can then see why the insiders of the energy business fear there may be rage throughout the country before the 1974 election.

Maybe, too, the President can still exploit that rage, because his opponents will be even more negligent than he has been.

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EXHIBIT 2

EFFECTIVE PUBLIC POLICY MUST BE BASED ON FACTS

(Remarks of the Honorable JAMES A. MCCLURE, U.S. Senator, Idaho on the Energy-Environment Dilemma, NRECA annual meeting, Dallas, Texas, February 26, 1973)

As it is with other critical national problems facing us today, the apparent dilemma between our need for energy and our need for a safe, healthy environment is aggravated by a long list of myths. Some of these myths go back over a generation of debate and legislation, while others have evolved only within the past two or three years. The strife and wasted time caused by them is serious enough, but, today, when the Nation is faced with an immediate demand for an effective national energy policy, the myth-created delays and confusions are of too high a price for our society to bear. For that reason, I would like to share with you here this afternoon, in the short time that we have available, a brief analysis of some of the more serious myths that have been uncovered during Congressional investigations, both during the 92d Congress and, surprisingly to some critics of Congress, during the few short weeks of the still struggling 93d.

In order to be specific, I will confine my remarks to only two areas of concern: Technology R&D and foreign relations.

The first is a subject about which we have all read and heard much of lately, maybe more than we have wanted to. But, there can be no doubt that the long-range solutions to the energy-environment dilemma lie in advances in technology. But, there has been created a myth that R&D will also solve our immediate problems.

Fusion energy, for example, is often cited as the solution to our energy-environment dilemma. Expert testimony has established, however, that we cannot rely on having a proven fusion system before the 21st century. And, there will still be a considerable job to be done in bringing a controlled fusion reactor into commercial development, and then to begin construction of 1,000 megawatt, or 10,000 megawatt, power plants. In addition, this particular myth overlooks the basic fact that fusion energy is being developed primarily as a source of electric energy. By the year 2000, electric energy might be providing one-half of our total energy needs, but certainly not all.

We can expect, of course, that R&D in the field of fast breeder reactors will pay off before the fusion reactor is commercially available. But, as the new Chairman of the AEC, Dr. Dixy Lee Ray, has said, the LMFBR will be ready for commercial construction about 1982 at the earliest. With the legal questions being raised, now, 1985 might be more realistic. So, assuming construction lead times similar to present day, we can expect breeder reactors to be providing an appreciable share of our electric energy needs by the last decade of this century.

Now, before anyone forms the impression that fusion energy will not be advantageous, let me say that it will indeed be the electric energy source *of the future*, providing that technical feasibility can be demonstrated. But, a national energy policy should recognize that the United States will remain dependent on fossil fuels for the remainder of this century. Light water reactors and fast breeder reactors will play a vital role in supplying future clean energy needs, but we should not believe that their development and construction will relieve us of the serious problems which we face today. Their absence, of course, would certainly make our problems more serious.

As another example, the elimination of sulphur oxides as an air pollutant constitutes a fertile myth-providing field. I don't need to tell you representatives of the working rural electric systems that there is an enormous difference between successful laboratory tests on a process for removing sulphur oxides from stack gases, and final acceptance of a commercially proved system which can be installed on 500 megawatt units, and can be expected to operate at least 50 percent of the time, and not double operating costs. Unfortunately, there are so-called "experts" who have not yet recognized that distinction, and who insist that it is only some sinister greed which opposes reduction of sulphur dioxide levels, to meet standards, *and timetables*, which, in fact, have been established without consideration of "technical" or "economic" values, as called for by the National Environment Policy Act of 1969.

I am confident that we will have the technical means to remove SO2 from stack gases, that we will be able to remove sulphur both organic and inorganic, from coal, and that we will be able to gasify coal on a commercial basis. *But*, we do not have these means *now*.

To insist that sulphur removal capabilities equal need, now, is to generate a myth which affects several different aspects of a national energy policy, not the least being the future of coal in the United States. Utilities faced with impossible standards and timetables cannot pretend that coal is a feasible fuel. They must shift to either low-sulphur fuel oil or natural gas (unless they have found some way, unknown as yet to their competitors, to license, build, and begin operating a nuclear power plant within a year or two). The myth, though, that natural gas is a viable alternate fuel is particularly puzzling. But, it persists. In Los Angeles, there are even proposals to force automobiles to convert to natural gas. The natural gas situation, however, speaks for itself. Not only is it out of the question as a fuel for *new* power plants, it will probably be denied to *existing* power plants within a short time. And, that in itself constitutes another myth: That it is possible for all gas-burning boilers to be shifted to alternate fuels. Today, it seems strange that a steam electric plant would be built to burn only natural gas, with no alternate fuel capability, but I think any criticism in this regard should be viewed in light of the economic, environmental and regulatory climate which existed at the time of original construction.



So, after even a cursory review of the facts concerning energy/environment R&D, it should be evident that many of the basic elements being relied on to support a national energy policy are, indeed, myths. And, any policy designed with the understanding that technology is presently available to "fill in the gaps" or to avoid the necessity for unpleasant political decisions, must be in itself irrational and doomed to becoming a part of the problem. The time and effort spent in evolving such a policy, and in discovering its uselessness, is just too rich a luxury for us to indulge in.

The area of foreign relations typifies a further example of how myths have resulted in lost time—several years of lost time—and have created a situation, which on the surface, looks beyond our control. Failure to recognize the facts concerning technology and lead times has made oil the major swing source of energy today. Utilities which cannot burn coal, and are being denied natural gas, and which cannot construct or operate nuclear plants, are switching to oil. And, this is occurring at a time when oil production in the contiguous United States has peaked.

Other myths have, at the same time, produced a foreign relations situation in which we are more dependent on the same nations on which our allies in the world are dependent.

It is no longer a pertinent argument to debate over whether we should import 12% of our oil from overseas, or 25%, or 35%. The myth of "instant production" has, I hope, finally faded away. It is generally recognized that three to five years are required to develop a new oil field. Two to three years are required to construct a new refinery. We can expect, therefore, that we will be importing at least as much crude oil and refined petroleum products during the remainder of this decade as we are importing now.

Before, though, I go into this situation, I would like to say just a few, brief words about energy conservation. This has been proposed as one solution to our energy-environment dilemma. It is a *partial* solution. To believe that the United States can conserve substantial quantities of energy, *during the next few years*, without serious political, social, or economic damage to our society, is a myth. We *should recognize* the *real* savings available by conservation, and *should* implement programs to *achieve* them. Conservation should definitely be a part of a national energy policy. But, we cannot afford the delusion that it will solve our problems.

Going back to the situation concerning increased oil production, to meet both energy needs and environmental standards, it is necessary to expose several sturdy myths. The first is that it is safer to import oil in tankers than it is to drill for oil offshore. This point was raised at recent Senate Interior Committee hearings, when the Governor of a New England State advocated unlimited oil imports into the United States, but expressed deep concern and reservations over the question of offshore drilling and production in the Atlantic Ocean. Now, there is no question but that offshore oil operations are a critical factor in protecting water quality. But, to assume that tanker operations are safer is a myth.

Oil pollution from tankers exceeds pollution from offshore wells by a factor of more than 10. In addition, tanker pollution often includes refined products, which are more toxic to marine life than crude oil. This is not to say that we should not worry about offshore operations. We should. But, we should not believe that we are going to solve our energy-environment dilemma by substituting imported oil for offshore oil. We will not. Taking into account the degree of governmental control available over offshore rigs, compared to foreign-owned oil tankers, we can safely assume that not only would accidental spillages be higher from tankers, but the incidence of deliberate discharging of oily wastes would be higher.

The final myth which I will discuss has two sides. The first is that we can avoid importing oil from the members of the Organization of Petroleum Exporting Countries—OPEC—during the next few years. We can't. The second side is that OPEC oil is cheap and reliable. It *isn't* cheap. And, we can't assume that it is reliable.

Prices are increasing, and I don't foresee any decrease for imported oil, barring a major economic depression, in which case energy and environmental concerns will probably become of lesser importance to the American public, and thus to the Congress and the Administration.

On the question of reliability, however, there is basis for hope; *but*, only if we can dispel some of the myths presently surrounding our foreign relations with OPEC Nations.

I should, incidentally, mention Canada who, though not an OPEC Member, is a major source of imported energy for the United States. Recent headlines, however, combined with past decisions and statements of the Canadian government should be sufficient to dispel any hope that Canada will sell herself to us a barrel at a time. The Canadians, very wisely, have recognized the necessity of long-term energy reserves for enlarging industrial capacity. If a country hopes to grow, and provide more jobs, more consumer goods, or more tax revenues, it must have energy. And not just 10 or 20 years worth. Thirty years looks like a minimum on which to plan for future industrial growth. For that reason, Canada announced strict controls over domestic energy resources. I don't know whether or not the Canadians expect Ford, General Motors, and Chrysler to move across the border, if energy supplies become too short here, but the idea may have entered their minds.

Our dealings with OPEC have suffered from similar hopes and misinterpretations of national goals. Our dealings with Arab Nations in the past seem to have been predicated on the simple slogan, "They can't drink their oil". Well, that myth should not be around much longer. And, I am not referring to the recent research for converting oil into edible protein. The Arabs have realized what simple arithmetic should have told us: You can make just as much money selling 10 million barrels of oil a day at 5 dollars a barrel as you can selling 20 million barrels at $2.50 a barrel. And this is where I believe that a major change in our energy-environment dilemma can be accomplished, by replacing the myths of Arab dependence and short-sighted greed with a realistic appraisal of Arab plans and aspirations.

To begin with, one major objection to importing huge amounts of oil is the serious undeniable harm which will be done to our balance-of-trade. The myth of Arab dependence, though, tells us that they will return the dollars, by buying more U.S. products. Even ignoring the present situation, where European and Japanese products are sometimes more competitive in our own country, much less in Saudi Arabia, we have to listen to the words of Arab leaders, which tell us what *they* think of the idea. As one example, the Saudi Arabian Minister of Petroleum and Mineral Resources was recently interviewed, and asked if raising the cost of crude oil to industrialized countries would only mean an increase in the cost of goods purchased in his country. His extremely articulate reply included the following logical plan for combatting any such problem. I quote from His Excellency Mr. Yamani's answer:

"Furthermore, Saudi Arabia should begin to industrialize and create viable industries within its territory not only to meet local demand, but for export as well. In this case, we can be competitive with other countries because our energy costs will be lower."

To me, this statement of goals is indicative of a man who understands the relationship between energy and the progress of a society better than some of the economic experts who are widely quoted nowadays.

Why, indeed, should Saudi Arabia, or Canada, or any other country with abundant natural resources, sell those resources so that they can in turn buy back manufactured products—especially if the country is one of the Arab Nations, which can expect within a few years to accumulate financial reserves totalling into the billions of dollars?

The history of Kuwait is a good illustration of the new reasoning which will be required to meet our future energy-environment needs. A generation ago, Kuwait was a relatively poor Nation. Today, they have proven oil reserves of about 66 billion barrels. The Kuwait government has announced a ceiling on oil production—one billion barrels per year. The action surprised some Western officials, but it should not have. Even at this frozen rate of production, the proven reserves will last only about two generations. And, the present leadership of Kuwait remembers what life was like without oil. Can we expect them to drain their country, so that their children and grandchildren can return to the pre-oil days? I think not.

Our approach to Kuwait must be based on the new realities of energy politics. They have the oil. They will sell it, but it won't be cheap. And, they will most likely prefer to sell it to someone who can show them how their children can live productive, healthy lives if the day arrives when they have no more oil.

Now, we know that you don't just run out of oil. It is there, but the production costs keep getting higher. But the Kuwaitis and the Saudis know as well as we do that if their *production* costs become too high, then we will naturally turn to our domestic sources of high cost oil, including the estimated 2 trillion barrels of shale oil. This, incidentally, is the problem facing Venezuela today, particularly with their heavy oil deposits.

For the next few years, at least, we will require large amounts of imported oil. If we will accept the facts—that it will not be cheap and it will involve environmental risks—then we can include this energy source into a rational national energy policy. At the same time, we will need to recognize that the reliability of supply will depend largely on our capability to work with the exporting Nations, so that they can protect the legitimate interests of their citizens and their futures as civilized societies. We cannot expect them to sacrifice their resources to meet our needs. At the same time, we can expect the inherent friendships which do exist in some sections of the Arab world to give us a starting place for new financial and technical bargaining.

If we do not accept these truths, but instead continue to believe in myths, then we will surely find ourselves—in a very short

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time—facing an energy-environment situation more serious than the dire warnings already sounded. For, if nothing else, Congressional investigations over two years, and more, have found no aspect of our lives which is not dependent on reliable energy.

I believe, though, that with the facts which we now have, we can replace myth with fact, and finally approve a long-overdue national energy policy.

Thank you.

## LEGAL AID FOR RURAL POOR

Mr. HUGHES. Mr. President, at a time when the need for providing adequate legal aid to the poor is being widely discussed and various new approaches to this problem are being considered, I would like to call the Senate's attention to a unique program of this nature being conducted in Iowa by the Drake University Law School.

The Drake Legal Clinic, administered by law school seniors, has supplied scores of poor families in the State with free legal services that have been highly effective. One of the most interesting and successful phase of this work is the Boone County legal aid program that reperesents Iowa's only legal aid effort set up solely for the rural poor.

On April 22, the Des Moines Register carried a feature story about the concrete results of this unusual, student-run legal aid program. With the thought that this approach might prove useful in other areas where there are no established legal services programs, I ask unanimous consent that the Register's story entitled "Iowa's Only Legal Aid Plan for the Rural Poor" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IOWA'S ONLY LEGAL AID PLAN FOR THE RURAL POOR

(By Charles Harpster)

BOONE, IOWA.—Six Drake University Law School seniors are learning the law profession here by running Iowa's only legal aid program set up solely for the rural poor.

"Everybody's heard of legal aid for the poor in cities and ghettos," says Drake Law School Associate Prof. Daniel Power, who oversees the student-run Boone County Legal Aid Program.

"But there is just as much poverty on farms and in small towns and rural areas."

Actually, rural areas in Iowa have more poverty:

The 1970 U.S. Census found that 8 per cent of all Boone County families were living on incomes below a "poverty" level. That is fully one-third higher than the family poverty rate of Polk County, the nearest metropolitan area.

And throughout Iowa, more rural families (11 per cent, farm and nonfarm) were living below poverty standards than were urban families (about 7 per cent), the 1970 census found.

Regardless of whether a poverty-level family lives in the city or on a farm, Power feels they share the same kinds of legal problems—credit tangles, domestic squabbles, landlord-tenant disputes.

CHECKS DELAYED

Robert Westburg, 44, and his wife, Carol, 40, say the work of Drake law student Steve Hanson of Altoona saved them and their four children from being evicted from their Boone home.

Westburg, a disabled veteran and a diabetic, fell behind in his house payments because of medical bills and a foul-up that caused a five-month delay in receiving his pension checks from the Veterans and Social Security administration.

Late last fall, the Westburgs were given 30 days' notice to leave the house. The day before they were to receive their three-day eviction notice under the eviction procedure, Mrs. Westburg sought help from Dick Dearborn of Boone, a Disabled American Veterans volunteer worker. Dearborn referred the Westburgs to Drake Law School's Boone program.

Hanson, acting as the Westburg's attorney, succeeded through a series of personal pleas to the landlord's lawyer in holding off the legal eviction proceedings.

Through Dearborn's efforts, a loan was obtained to pay for the house in full. And with the money left over, the Westburgs installed new siding and storm windows on the house—which Mrs. Westburg said cut their maximum winter heating bill from $100 to $50 a month last winter.

"They set us up on our feet," Mrs. Westburg said recently. "Without the help, we would have lost our home. We were desperate."

Powers says the work Hanson did is typical of the kind of work the student lawyers will face in private practice. He believes there is a misconception about the work of lawyers—that they turn the wheels of justice with complex lawsuits, courtroom rhetoric and legal finagling.

PHONE CALLS

But he says he wants his students to learn that at least two-thirds of their clients' problems are met by making telephone calls, writing letters or personally contacting opposing parties. Court action is always a last resort, he says.

A young Boone woman, for example, was about $2,400 in debt. She came to the student legal aid program, located in the Boone County Courthouse here, for one reason: to declare bankruptcy.

Instead, senior Jim Sayre of Boone found that $1,000 of her debts were in a secured note on her car. Another $300 debt was written off because it represented unwanted merchandise the woman had received but never used.

Mostly through personal contact, Sayre persuaded the woman's creditors to give her more time to pay off her debts.

As a final touch, he prepared her federal income tax return and found she had a $250 refund coming. Bankruptcy filings weren't necessary.

Since the Boone Legal Aid program got its start last summer, it has dealt with more than 200 low-income rural clients, Power said.

Currently, six Drake Law School seniors are enrolled in the "class": Sayre, Jim Njus of Inwood, Chuck Schulte of Sac City, Tom Simon of West Des Moines, Frank Henkels of Dubuque and Tom Flynn of Des Moines. Hanson now is enrolled in another Drake legal aid program for students at Iowa State University in Ames.

"GAR ROOM"

Because of Boone County District Court policy, and possible conflicts with local private lawyers, the law students handle no criminal cases here nor any civil actions that are fee-generating, such as damage suits.

Their office—when they are not nudged into the halls by other local groups—is on the first floor of the courthouse in the "GAR Room," named for the Grand Army of the Republic women's group that has legal authority to use courthouse space.

Last year the Boone County Board of Supervisors granted the students $1,150 to help pay mileage expenses from Des Moines to Boone. Otherwise the students provide, without pay, free legal service to qualified low-income clients.

Some clients walk in, some ask for help by phone, but most are referred by a local veterans group or by three members of Mid-Iowa Community Action (MICA).

MICA Director Therese Riordon of Boone and staff members Bonnie Tolsdorf of Ogden and Phyllis George of Pilot Mound contact poverty-level residents of the county to refer them to various agencies that might help.

In another case in the students' files a newly married Boone couple—each 16 years old—found they were unable to pay their bills on the money the wife earned at a part-time job. With an infant child and no rent money, their only choice seemed to be to split up permanently and live with their own parents.

The couple was referred to the student lawyers by Mrs. Riordon. Dubuque senior Frank Henkels, acting as the couple's attorney, persuaded their creditors to hold back. Mrs. Riordon found the husband a full-time job.

FOOD STAMPS

Henkels showed them how to obtain food stamps and secured $75-a-month emergency rent money from the county. Within two months, the couple moved into an apartment and began repaying their debts.

The federally funded MICA program is soon to be phased out, Mrs. Riordon said. But she said she hopes by then the Drake program can sustain itself through word-of-mouth referrals and walk-ins.

"We'd hate to see the legal aid program go out of Boone County," she said. "It turns out that a phone call or letter usually solves the problem. But the young lawyers are able to do it because they know the law inside and out."

Power says that without the Drake program Boone County would have no formal legal aid set-up.

Veterans worker Dearborn estimated that if the 22 veterans helped by the legal aid program had gone to private lawyers, it would have cost them a total of $3,100, or about $141 apiece. The legal aid program was set up with the co-operation of the Boone County Bar Association.

The Boone program is just a part of Power's aim to have his students gain first-hand experience in all sides of the legal process—as trial lawyers, prosecutors, and judges' clerks in addition to the legal aid experience.

Last semester, 19 juniors clerked for federal and county judges in Iowa. Some assisted Polk County Legal Aid lawyers and others worked for Polk County prosecutors.

MISDEMEANOR CASES

The law school also operates a legal aid program for students at Iowa State University and at Drake, and handles certain misdemeanor cases of low-income clients referred by Des Moines Municipal Court judges.

In all, the Drake Legal Clinic is one of the state's largest practicing law firms.

One aim of the legal aid experience, Power said recently, is that future lawyers—many of whom come from wealthy backgrounds—will enter legal practice with "a taste of what it's like to be poor."

Moreover, Power said, he believes that concern for low-income or poverty-level clients is no more than what all lawyers—himself included—pledge to do when sworn in by the chief justice of the Iowa Supreme Court.

In part, the oath says, "I will never reject from any consideration personal to myself the cause of the defenseless or oppressed."

## ENERGY CRISIS

Mr. BEALL. Mr. President, the energy crisis is of increasing concern not only to those of us who serve in the Government but also to Americans across the length and breadth of our country as they feel the consequences of a short supply of gas, oil, and other fuels.



The President in his energy message presented a constructive program to deal with this problem. We are also getting suggestions from legislators and interested citizens who, because of their experience, are especially qualified to talk on this subject.

One of these experts is Mr. C. Edward Utermohle, Jr., chairman of the board and president of Baltimore Gas & Electric Co. who recently gave a speech entitled "The Energy Crisis" at a meeting of the Anne Arundel Trade Council. The speech was well received by those who heard it and since its presentation has been widely acclaimed throughout the metropolitan Baltimore area for the thoughtfullness of its contents.

Mr. President, I ask unanimous consent that Mr. Utermohle's speech be printed in the RECORD so that our colleagues can have the benefit of this reasoned presentation from a man who knows what he is talking about.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE ENERGY CRISIS

(By C. Edward Utermohle, Jr.)

Good evening, members and friends of the highly respected Anne Arundel County Trade Council—ladies and gentlemen.

My assignment this evening might be handled by a geologist; by two economists—one on the side of growth and one on the side of no growth; by any number of environmental experts if they could agree on who their spokesman should be; or by a political leader.

I lay claim to being none of these, but it is necessary for me to keep abreast of the fuel and energy outlook and to participate in making hard, and not always popular, decisions in what I hope is in the long-range interest of our customers, both present and future, and the owners of our business—our stockholders.

For instance, right now, our Company is trying its very best to increase the real property tax base of Anne Arundel County. We want to build a much needed electric power plant at Brandon Shores. You have all heard of it, I suspect.

We announced our plans for this plant in 1971. In our application to the Maryland Public Service Commission we were obliged to list the agencies whose requirements must be met in connection with construction or operation of the plant and related facilities. These include five Federal agencies, six State of Maryland agencies, four Anne Arundel County agencies, two Baltimore County agencies and three Baltimore City agencies. This adds up to a total of twenty governmental agencies involved in addition to the all important Certificate of Public Convenience and Necessity required from the Public Service Commission before actual construction can begin. Several days of hearings were held by the Commission in late 1972 and early this year, and a further hearing was held today, the outcome of which we do not yet know.

The estimated cost of the plant exceeds 275 million dollars and if its two generating units can be completed on schedule in 1977 and 1978, I leave it to you to judge the effect on the real property tax base of Anne Arundel County.

Now, I want to say something about the broader subject—fuels and energy.

You have been reading and hearing quite a lot recently about the so-called "energy crisis." Many of you wonder whether it exists in fact or whether it is propaganda. In my opinion it is real, it will get worse and it will last for several years, in length of time being dependent on how wisely and how promptly we, the American people and our leaders, act to alleviate the situation.

The President took an important step forward last week when he delivered his energy message to Congress. But much of what he urged can only be accomplished if Congress passes the several new pieces of legislation he recommended and if state governments cooperate. In the final analysis, the elected representatives in Congress and the state leaders will only act if they sense solid support by their constituents.

The factors involved are numerous and complex and I will try to cover only the major points. In order to understand what we can do to help solve the existing problems, it is helpful to review some of the history of energy supply that led up to present conditions.

In our lifetime we have been accustomed to an abundant supply of cheap energy. Our nation was generously endowed with rich deposits of coal, oil and natural gas that could be easily recovered for fuel. These readily available fuel resources together with developing technology have provided us with the highest standard of living in the world.

As our dependence on large quantities of energy grew, several factors have developed from unrelated causes to limit the current availability of usable fossil fuels.

1. As consumption of natural gas and oil grew, the most easily accessible deposits were tapped first. These were available primarily in relatively shallow deposits beneath the land of our southwestern states. These readily accessible deposits have been developed to the maximum by drilling wells to brings the gas and oil to the surface and are being rapidly depleted. New reserves of oil and gas exist at greater depths and in the shallow waters off-shore but the time required and the cost of drilling wells is much greater.

2. The second of the major factors of the energy crisis developed concurrently. In the 1950's, the Supreme Court ruled that the Natural Gas Act required the Federal Power Commission to control the price of natural gas delivered at the well-head. This control of prices, in the vain belief that it was protecting the consumer, kept natural gas prices so low that natural gas, the cleanest, most environmentally acceptable fuel is still being sold throughout the country at prices below oil and coal, when it should command a premium because of its quality. The net result of this policy of managed prices is that the incentive to drill more costly deep wells or off-shore wells is not sufficient to attract drillers and they have moved their drilling equipment to other parts of the world where the potential reward is greater for finding a producing well. The net result is that gas is not available for us to supply new commercial and industrial customers and may become unavailable for new residential customers. Thus the consumer enjoyed short term protection on price but lost the long term assurance of adequate supply. Regulation of the market place as a substitute for healthy competition may be necessary at times on a temporary basis but the economic laws cannot be bypassed for long periods without disastrous results.

3. The third and most recent factor affecting the energy picture is the concern for protection of the environment in which we live.

We are all environmentalists. We have to be if we are to continue living on this earth and passing it on to our children and their future generations. But it is much too late to revert to The Garden of Eden which may have had a pure environment until Adam and Eve had children. Extremist groups both within government and outside have used the National Environmental Policy Act to press for the unattainable. None of us can live, and hopefully prosper, on the earth without some effect on the environment. Yet the extremists have thus far succeeded in setting up regulations which are completely unrealistic if our Country's growing population and growing economy are to be supported.

We in the utility industry, and I believe most other fuel and energy suppliers, have been facing the problem of how to strike a balance between economically acceptable uses and environmentally acceptable uses of the limited and depleting natural resources available to us. I am referring to the fossil fuels of coal, oil and natural gas and nuclear fuel (uranium) as used in the present generation of nuclear reactors.

Our most abundant fuel in this country is coal; we have nearly half of the World's known reserve. Coal represents 88 percent of the total proven reserves of all fuels in the United States, including uranium. Yet now the coal industry is called upon to produce less than 20 percent of the total energy consumed annually in this country.

Much of the nation's coal reserves, particularly within reasonable distance of the Eastern Seaboard, are too high in sulfur content to meet today's air quality standards. Large sums are being spent on research and experimentation in efforts to develop satisfactory methods to reduce the sulfur content either before the coal is burned or during the burning process. We were involved in such a project at our Charles P. Crane plant up in Baltimore County, but it proved unsuccessful and the plant was converted from coal to low-sulfur oil. As far as I can determine, commercially reliable processes for burning higher sulfur coals and still meet stringent air quality controls do not now exist. Here is an area where the public, as it becomes more convinced that energy shortages can have serious adverse effects on living comforts and jobs, may demand some relief from what many people now regard as unrealistic standards.

In a recent talk before a convention of General Contractors in California, Mr. Ellis L. Armstrong, then Commissioner of Reclamation, pointed up the general public misunderstanding of the energy situation by quoting from a letter he received from an indignant woman in Chicago. In a lengthy letter to him she concluded along these lines: "Mr. Commissioner, when will you stupid bureaucrats ever learn that burning coal produces pollutants? It also defaces the land because of strip mining. I have been giving it a lot of study and I think you've got better solutions to the energy problem. Why don't you use electricity? It doesn't have any pollutants."

Electric utilities have been forced to convert many of their efficient coal burning plants to the use of low-sulfur oil. Our Company completed the conversion of all of our coal burning units in 1972 at a cost of over $21,000,000. We are retaining low-sulfur coal stocks in large volumes for use in emergencies if sufficient oil is not available.

Because of the shortage of fuel oil from wells in our own country, most of the oil that we and other east coast utilities use must be imported, mostly from Middle East countries. Our Company alone used oil costing $51,500,000 in 1972, a large part of which contributes to our nation's deficit balance of payments. It has been estimated that the importation of oil could double our trade deficit by the early 1980's. This is an extremely serious situation when we consider the current impact that trade deficits of 5 to 6 billion dollars have had on the value of our dollar abroad.

I mentioned that coal, although our most abundant natural fuel by a large margin, is supplying less than 20% of the energy we now consume annually. Oil and natural gas, for which proven reserves have declined to only a 10 year remaining life, supplied 78% of the energy we used in this country in 1972. About 4% was derived from water power at

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hydroelectric dams and 1% from nuclear fuel.

What can be done about it? There are many days when utilities in many areas including ours could burn higher sulfur oil or coal without serious effect on air quality at ground level where people or vegetation could be affected. It is only during periods of atmospheric inversion or stagnation, which occur but rarely in our area and over much of the nation, that there is the possibility of a serious accumulation of pollutants. Yet we, and other utilities, are required under existing air quality standards, to burn only the scarce supplies of low-sulfur oil or low-sulfur coal at all times. From the standpoint of conserving our natural resources and maintaining a manageable balance of payments in international trade, this does not really make sense. Our usable coal reserves could supply our electrical energy needs for centuries.

By proper use of weather forecasts and monitoring air quality, our use of fuels could be changed as required to protect the environment and conserve our nation's fuel resources. A more realistic approach to state air quality regulations is needed as urged by President Nixon in his energy message. The current Maryland standards are much more restrictive than required by Federal Standards. The state policy should recognize that the interests of the great majority of the voting public who rely on industry and commerce for their jobs (or their income from investments) can best be served by a balanced approach to environmental considerations instead of the extreme approach now being attempted.

Before leaving the subject of coal, may I remind you that extensive research is being conducted which has promise of making it more acceptable for use as a fuel. A major joint government-industry program, which our Company is helping to support, is directed toward perfecting a process for converting coal into a clean burning gas equivalent to natural gas. Other experimental work is being done on the conversion of coal to liquid fuel and on other processes for conversion to electricity. These, of course, are not short-range solutions to our natural gas supply problems.

The Columbia Gas System has been striving to develop new sources of gas. In the trade, these are generally known as non-historic sources. Non-historic sources include Alaskan and, hopefully, Canadian natural gas, man-made gas produced from petroleum feedstocks and eventually coal, and imported liquefied natural gas.

Estimates presented us by Columbia Gas, prepared by highly qualified people, indicate that even after the non-historic sources begin to flow gas to the customer, it will do little more than replace diminishing volumes from historic sources unless major new deposits are discovered and placed into production. A promising area for this, according to many geologists, is the outer continental shelf along the East Coast, including Maryland. Can we in Maryland oppose such a development needed to supply our own needs when for twenty years nearly all of our gas has been coming from Southwestern states and their off-shore areas in the Gulf of Mexico? If I were a resident of one of the Gulf states I would take a pretty dim view of drilling wells in the Gulf to supply Maryland residents if Maryland will not allow drilling off of its shores.

Development, construction and operation of nuclear power plants has proceeded much more slowly than originally expected following the establishment of their technical feasibility in the decade after World War II. Our Company kept abreast of the early experimental and development work on the use of nuclear energy, including financial support of a number of groups working in this field. Following intensive engineering and economic studies we announced in May 1967 plans to build two nuclear generating units at Calvert Cliffs. Original plans called for the first unit to become productive in 1973 and the second in 1974. The cost of the completed plant and related transmission facilities was then estimated to be over $300,000,000.

We filed with the Atomic Energy Commission the necessary applications for construction and operating licenses, as well as a number of thick volumes of Preliminary and then Final Safety Analyses. Later, as required under the Environmental Protection Act, we filed more volumes of Environmental Reports and Supplements. Just as an aside—one set of these official public documents occupies several feet of shelf in my office, and we furnished some 300 sets of most of them to the AEC.

Think of the man-years of time required of government engineers, scientists and others just to read and analyze these volumes.

Now, I will say that we have not experienced as much delay in meeting schedules at Calvert Cliffs as has been the case with the plants of some other utility companies, but a pattern of delay is typical across the country. The delays result from bureaucratic action throughout the licensing process, changes required in design and construction, and opposition of environmentalist in addition to the normal problems of a large project. Many of you are familiar with the construction industry and you know that any delays add to costs far out of proportion to the length of the delays. This has been accelerating in recent years because of inflationary material price increases and soaring construction labor rates. Calvert Cliffs will cost over one-half billion dollars by the time it is finished and begins to produce power for our customers, with the first unit now delayed until 1974 and the second unit until 1975.

You are aware, I am sure that we cancelled plans for a second nuclear power plant at a Harford County site. I have said and I repeat that this does not change our firm conviction that nuclear power will become the major source of electric energy for the long-term future. Some nuclear plants are now operating and a larger number now under construction or for which reactors have been ordered, although experiencing delays, will be coming on the lines over the next 10 or more years. But these will be using up our limited economical supplies of uranium at an accelerating pace.

Before this supply is exhausted, the breeder reactor which produces more fuel than it consumes is expected to be proven for commercial use, possibly by the early 1980's. A large scale demonstration plant, jointly financed by government and the electric utility industry, will be built near Oak Ridge, Tennessee, at an estimated cost of about $700,000,000. There could well be other large scale breeder demonstration projects before one or more are accepted for commercial development.

Thus it is evident that ultimate long-term energy sources will not relieve the near-term shortages we are now facing. Relief for the next decade or more will depend on expanding our use of coal, developing new off-shore oil and gas wells, building the trans-Alaskan oil line and a gas line from Alaska across Canada and increased imports of petroleum products and liquefied natural gas.

Unless the citizens of our country are willing to accept a substantially no-growth economy (and I do not believe they will), it seems to me we have no choice but to proceed as rapidly as possible on all fronts.

Our Country should undertake the following without delay:

1. Unrealistic restrictions on the use of coal should be moderated as promptly as possible, thus relieving the mounting pressures on oil and natural gas.

2. The licensing process should be improved to avoid further delays by environmentalists in bringing nuclear power plants into productive use.

3. Imports of crude oil, petroleum products and liquefied natural gas should be increased until our domestic energy shortages can be overcome.

4. Off-shore exploration and drilling should be accelerated in all areas including the East Coast.

5. The Alaskan oil and gas pipelines should be built immediately.

6. Long-range solutions to energy supply shortages should be developed by heavy joint investment by government and industry in demonstration size plants to prove out technologies perfected in laboratories and by pure research in such areas as nuclear fusion.

With an orderly, balanced approach our Nation has the resources and skill to come out of our present dilemma and obtain adequate energy supplies and a safe environment, but we cannot achieve this orderly approach without public opinion to provide the support our legislators need.

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## STATEMENT BY SENATOR J. GLENN BEALL, JR., REGARDING THE PASSAGE OF S. 50, THE OLDER AMERICANS COMPREHENSIVE SERVICES ACT OF 1973

Mr. BEALL. Mr. President, only my presence on the Senate Commerce Committee's recently concluded visit to Europe, exploring new trade possibilities with the nations of both East and West Europe, prevented me from being present during the Senate's consideration of the fuel version of S. 50, the Older Americans Comprehensive Services Act of 1973. As my colleagues will recall, the Senate originally passed S. 50 on February 20 and referred it to the House of Representatives which acted on March 13. Rather than referring this measure to a formal conference committee, the appropriate committees of both the House and the Senate sought to resolve the differences in this bill in a more informal fashion. This approach gave us greater flexibility than could have been achieved in the conference setting and also made possible extensive negotiations with the President's Domestic Council so as to produce a bill that would be signed into law.

I was encouraged, during these negotiations, by the support we received from Mr. Harry F. Walker, the president of the National Association of State Units on Aging. Mr. Walker, who also serves as the executive director of the Maryland State Aging Commission, expressed his willingness to support any reasonable compromise that would receive the President's approval and be promptly implemented by the Department of Health, Education, and Welfare. Because of the spirit of cooperation, agreement was reached; and the President signed the measure into law on May 3, 1973.

Mr. President, as the ranking Republican member of the Subcommittee on Aging and a member of the Special Committee on Aging, I have a special interest in, and concern for, the well-being of our 20 million senior citizens. I have consistently contended that America's elderly citizens deserve a great deal more attention than they have previously received. I, for one, hold our Nation's senior citizens in a position of great respect, for they have toiled long and hard in our Nation's factories, on its farms, in its armed services, and so forth; and they have earned the right to live their retirement years in security, dignity, and independence. We owe these senior Americans a debt of gratitude, for they are primarily responsible for the prosperity and the greatness that our Nation enjoys today.



Through their efforts and sacrifices, our Nation has reached unprecedented heights of economic prosperity, met the challenge of foreign aggressors, and created for all Americans a society dedicated to the full realization of the goals of our Nation's forefathers. Mr. President, during the past year, the members of the Subcommittee on Aging have worked to shape a bill that would achieve the fundamental objective of delivering social services to our older Americans in a prompt, efficient, and effective manner. The subcommittee chairman and the other members of this committee worked in an open and bipartisan manner to produce a bill that will significantly contribute to the well-being of older Americans.

I would like to briefly summarize some of the accomplishments which we have seen in recent years in our efforts to improve the livelihood of older citizens. Since I first came to Congress in January of 1969, I have had the pleasure of working with three Secretaries of Health, Education, and Welfare, Hon. Robert Finch, Hon. Elliot Richardson, and Hon. Caspar Weinberger, all of whom are men of great ability, great sensitivity, and great compassion for our aging Americans as well as other recipients of services in their area of responsibility. Former Commissioner John Martin is a dedicated public servant who is widely respected in the field of aging and did everything in his power to see that the Administration on Aging fulfilled its mandate.

One could hardly comment on the progress we have made in understanding and meeting the needs of the elderly without mentioning the role of Dr. Arthur S. Flemming. Dr. Flemming is a distinguished public servant and academician who has served his Nation in a variety of capacities in the last four decades. As the chairman of the 1971 White House Conference on Aging, Dr. Flemming brought together thousands of delegates and experts from across our Nation. He oversaw an immensely productive White House Conference which has generated the type of momentum needed to bring the problems of our Nation's senior citizens to the attention of all of our people. Since the White House Conference, Dr. Flemming has served as the Special Consultant to the President on Aging, which placed him in an excellent position to advocate the cause of senior citizens, coordinate interdepartmental governmental programs, and inform the public of possible solutions to the various problems confronting our older Americans.

Assisting Dr. Flemming in coordinating domestic programs for the aging is the Committee on Aging within the Cabinet-level Domestic Council. The creation of a Domestic Council, in general, and the Committee on Aging, specifically, reflects President Nixon's commitment to coordinate and deliver services to older Americans in a coherent, effective, efficient manner. It is now up to the Congress to take the decisive steps necessary to end the isolation, the neglect, and the indifference which have plagued older Americans for far too long.

I am very pleased that the President has now nominated Dr. Flemming to serve as Commissioner on Aging. In addition to his duties at the Department of Health, Education, and Welfare, Dr. Flemming will also serve as an assistant to Secretary Weinberger in his capacity as Counselor to the President for Human Resources. Thus Dr. Flemming will continue to have a significant impact on the formation of policy at the highest levels of our Government.

Mr. President, I believe that the enactment of S. 50 will make a very significant contribution to the well-being of older Americans. This legislation dramatically strengthens the Administration on Aging by upgrading it and moving it into the Office of the Secretary of Health, Education, and Welfare. In addition, it significantly expands the Administration on Aging's authority as well as its authorization levels.

Under this bill, AOA will strengthen State and local aging offices, and provide them with the technical know-how needed to meet the requirements contained in this legislation. Within each State, areas selected for priority consideration will receive funds to establish area planning and service agencies. These organizations will serve to coordinate existing social and nutritional services so that they can be effectively delivered to senior citizens who are in need of such services. It is not envisioned, that these regional planning units will directly deliver services to the elderly unless the needed services are unavailable from any other source.

Thus, we are talking about an apparatus that will coordinate programs conducted under the Social Security Act, the Department of Transportation, other agencies within the Department of Health, Education, and Welfare, the Department of Housing and Urban Development, and so forth. In addition, these area aging units will draw upon the resources of existing State and local services as well as nonprofit organizations designed to assist the elderly. At the present time, AOA lacks the authority to effectively coordinate the delivery of various social and nutritional services and I believe that this is perhaps the most significant reform contained in this legislation. In addition, this bill would provide for the establishment of a National Information and Resource Clearing House for the Aging, as well as State and local information and referral systems that will serve to place much needed information in the hands of our senior citizens so that they can resolve many of their problems by their own initiative.

S. 50 seeks to touch as many bases as possible with regard to the problems facing senior citizens. Under the provisions of this legislation we will be able to expand and improve our system of senior citizen centers; expand the volunteer programs for the elderly which are administered by the ACTION Agency; provide community service employment programs; promote expanded library facilities, reading services, and educational programs for senior citizens; train personnel to meet the needs for older Americans; undertake various gerontological research projects; as well as a variety of demonstration and special impact projects designed to further our knowledge with regard to problems of the aging.

Mr. President, I am an enthusiastic supporter of the initiatives contained in this legislation, and I am firmly of the opinion that a significant corner has been turned in our efforts to make life a little better for our Nation's 20 million senior citizens.

Mr. President, the Administration on Aging has compiled a title-by-title summary of the Older Americans Comprehensive Services Amendments of 1973 and I ask unanimous consent that this summary be printed at the conclusion of my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TITLE-BY-TITLE SUMMARY OF S. 50 THE OLDER AMERICANS COMPREHENSIVE SERVICE AMENDMENTS OF 1973

TITLE I—DECLARATION OF OBJECTIVES

States four objectives of the 1973 Amendments, which generally place emphasis on the need to make comprehensive social service programs available to older Americans and to insure their participation in the development of these programs.

Amends the objectives of the Older Americans Act by making access to low-cost transportation an objective of the Act.

TITLE II—ADMINISTRATION ON AGING

This title establishes the Administration on Aging and places it within the Office of the Secretary of Health, Education, and Welfare. AoA is headed by a Commissioner on Aging who is appointed by the President and confirmed by the Senate. The Administration on Aging is given primary responsibility for carrying out the programs authorized under the act.

It provides that the Commissioner shall be directly responsible to the Office of the Secretary and that the Commissioner's functions may not be delegated unless a delegation plan is first submitted to Congress and within thirty days of submitting the plan, the Secretary consults with the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor. The plan will be effective sixty days after it was first transmitted to Congress.

The title assigns eight new functions to the Administration on Aging and expands one of its existing functions. The Commissioner in consultation with the Director of Action is authorized to encourage voluntary organizations to become involved in programs for the Aging.

Title II also requires Federal agencies proposing to establish aging programs or administering such programs to consult with and cooperate with the Administration on Aging. This title also creates within AoA a National Information and Resource Clearing House for the Aging which is authorized to collect, analyze, prepare and disseminate information regarding the needs and interests of older Americans. It will also carry out a program for the collection and dissemination of information about consumer interests of older persons, and will encourage the establishment of State and local information

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centers and will provide technical assistance to them.

In addition, title II contains a section establishing a Federal Council on the Aging which will be composed of 15 members appointed by the President and confirmed by the Senate. The Council will assist and advise the President on matters relating to the needs of older Americans; review and evaluate the impact on the lives of older Americans of Federal policies and programs on the aging; serve as a spokesman on behalf of older Americans by making recommendations to the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress with respect to Federal activities in the field of aging; and undertake programs designed to increase public awareness of the problems and needs of our senior citizens.

The Federal Council on the Aging will also undertake various studies designed to further clarify the specific needs of the elderly and recommends solutions to them, with special emphasis on the impact of all taxes on the elderly and the effects of the formulae in Title III upon the States. The Secretary of HEW and Commissioner on Aging are authorized to provide staff, information, and other assistance to the Federal Council on Aging.

Title II requires the Secretary to publish general standards for evaluation of programs before funds can be released for activities under the Model Projects section (309) and the Training and Research Title (IV) of the Act, and requires that results of the evaluations of the programs be published annually as part of the annual report required of the Commissioner.

A joint funding provision is provided for in this title which is substantially identical to a section of which was previously in the Older Americans Act. It permits the establishment of a single non-Federal share requirement and a waiver of inconsistent contract or grant requirements.

Also included is a provision authorizing including appropriations for one fiscal year in the Appropriations Act for the preceding fiscal year.

Title II also repeals Title VIII of the Older Americans Act which previously authorized establishment of the Advisory Committee on Older Americans and various technical advisory committees, among other provisions.

TITLE III—GRANTS FOR STATES AND AREA PROGRAMS

Title III strikes Title III of the Older Americans Act, which concerns State and Community programs on aging, and inserts a completely revised Title III, of that subject. It contains authorizations for fiscal years 1973 through 1975, to enable the Commissioner on Aging to make grants to each State with an approved State plan under Title III, for paying part of the cost of (1) the administration of area plans by area agencies on aging, (2) the development of comprehensive and coordinated systems for the delivery of social services, and (3) State plan administration. For distributing the appropriations under this authorization among the States, a new allotment formula is provided, based principally upon the ratio of the State's population aged 60 and over to the total U.S. population of that age, but with floors to assure that every State receives a minimum allotment.

Each State is required, in order to receive funds and participate in the program, to designate a State agency as the sole State agency to develop an annual State plan and to administer the State plan within the State. The designated State agency is required to divide the entire State into distinct areas, referred to as planning and service areas, to determine for which of these areas an area plan will be developed, and to designate an area agency for each such area.

Each area agency on aging is required to develop an area plan on aging which meets certain specified requirements, designed to assure the efficient and effectiveness provision of services to the area's elderly.

Areas designed by the State agency to develop area plans will be allotted a major share of the funds allotted to the State for Title III services for the elderly, and funds can be made available to them on a more favorable matching basis (up to 90 percent Federal to 10 percent non-Federal) than to areas not so designated (maximum of 75 percent Federal). The State agency will decide how to apportion the area planning and social service funds allotted to it under the formula specified in the revised Title III, but it will be able to allot not more than 15 percent of its allotment for the cost of administration of area plans, and (after June 30, 1975) not more than 20 percent of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an approved State Plan.

This section of Title III regarding model projects is also revised, principally by requiring special consideration in approving grants and contracts to be given projects designed to assist in meeting special housing needs of older persons, providing continuing education for them, providing preretirement education and information, and assisting in meeting the particular needs of the physically and mentally impaired elderly.

TITLE IV—TRAINING AND RESEARCH

Strikes Title IV and V of the Older Americans Act and reenacts their substance as a revised Title IV.

Requires the Commissioner, from time to time, to appraise existing and future personnel needs in the field of aging and the adequacy of the Nation's efforts to meet them, and to publish an annual report evaluating the plans and programs of other Federal agencies.

The Commissioner would also be authorized to make grants and to enter into contracts to:

Publicize opportunities for careers in the field of aging;

Encourage qualified persons to enter or reenter the field of aging;

Encourage individuals of various professions, vocations, and skills to undertake temporary or part-time assignments in the field of aging; or

Prepare and disseminate recruitment and training materials.

In addition, the authority to make grants or contracts to assist in training persons who are employed or preparing for employment in fields relating to aging is continued for three additional years in the revised Title IV. The revised Title IV also continues for three additional years the authority to make research and development project grants and contracts for:

Studying patterns and conditions of living of older persons;

Developing or demonstrating new ways of contributing toward wholesome and meaningful living for older persons;

Developing or demonstrating ways to achieve or improve coordination of community services for older persons;

Evaluating ways of assisting older persons to enjoy wholesome and meaningful lives and to contribute to the strength and welfare of the Nation;

Collecting and disseminating information concerning research and demonstration results; and

Conducting conferences to facilitate exchange of information.

The Commissioner is directed to conduct a comprehensive study and survey, including research and demonstration projects, of the transportation problems of older Americans and submit a report on his findings and recommendations to the Congress by January 1, 1975.

Another part of Title IV authorizes the Commissioner to make grants for the establishment of support of multidisciplinary centers of gerontology which will:

Recruit and train personnel;

Conduct basic and applied nonmedical research;

Provide consultation services;

Serve as a repository of information;

Stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities;

Develop training programs on aging; and

Create opportunities for innovative, multidisciplinary efforts in teaching, research and demonstrations on aging.

Appropriations of "such sums as may be necessary" are authorized for fiscal years 1973, 1974, and 1975 for carrying out the programs under Title IV.

TITLE V—MULTIPURPOSE SENIOR CENTERS

Title V authorizes several new programs to assist in establishing and operating multipurpose senior centers. The Commissioner is authorized to make grants and contracts to pay up to 75 percent of the cost of acquiring, altering, or renovating facilities to serve as multipurpose senior centers. He may approve a grant or contract only if he determines that:

The facility will be used for a multipurpose senior center for not less than 10 years after purchase; there will be sufficient funds to meet the non-Federal share of the purchase cost; sufficient funds will be available for effective use of the facility; the facility will not be used for religious purposes; there are no existing facilities in the community suitable for leasing; the plans and specifications are in accordance with construction and equipment regulations; and workmen will be paid wages at certain minimum rates.

Appropriations of "such sums as may be necessary" are authorized for acquisition, alteration, or renovation of centers for fiscal years 1973, 1974, and 1975. Unobligated funds at the end of any fiscal year will remain available for the next year.

Title V also authorizes the Secretary to insure any mortgage (with a principal obligation less than $250,000) which covers a new multipurpose senior center, including equipment to be used in its operation. Not over 90 percent of the estimated replacement cost of the property or project, including equipment, can be insured.

In addition, a multipurpose Senior Center Insurance Fund is created to be used by the Secretary as a revolving fund for carrying out the Act's insurance provisions. Such sums as may be necessary are authorized to be appropriated to provide initial capital for the Fund and to assure the soundness of the Fund after it is set up.

In addition, Title V authorizes the Secretary to assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration, or renovation of facilities by making annual interest grants (over a maximum of forty years) to such agencies. Each grant is authorized to be in an amount not greater than the difference between the average annual debt service which would be required to be paid, and the average annual debt service which the institution would have been required to pay, during the life of the loan, if the applicable interest rate were 3 percent per year.

These interest grants cannot be entered into in an aggregate amount greater than is authorized in appropriations act and not more than 12½ percent of the funds provided for this purpose can be used within any one State.

Finally the new Title V authorizes the Commissioner to make grants to meet all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers.

However, these grants are limited to three years and cannot exceed 75 percent of initial staffing costs for the first year, 66⅔ percent for the second year, and 50 percent for the third year.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

Title VI of the bill makes several changes in Title VI of the Act, which relates to the National Older Americans Volunteer Program. One amendment prohibits consideration of compensation of individuals in the R.S.V.P., Foster Grandparent Program, and other Title VI programs as income for any purpose whatever. Another amendment extends and increases R.S.V.P. authorization to $15,000,000 for fiscal year 1973, $17,500,000 for fiscal year 1974, and $20,000,000 for fiscal year 1975.

It also broadens Sec. 611 of the Older Americans Act to authorize not only The Foster Grandparent Program which was already in existence, but also new "Older Americans Community Service Programs", under which the Commissioner is authorized to make grants and contracts to pay all or part of the cost of development and operation of projects to provide additional service opportunities for low-income persons aged sixty or over, to serve persons (other than children) having exceptional needs, including services as "senior health aides" to work with persons receiving home health care and nursing care, and as "senior companions" to persons having developmental disabilities. Title VI increases authorizations for the Foster Grandparent Program and extends the authorizations for the three years.

TITLE VII—NUTRITION PROGRAM

Title VII of the bill amends the recently enacted P.L. 92-258, which authorized the "Nutrition Program for the Elderly" as a new Title VII of the Older Americans Act.

Title VII of the bill amends section 707 of the Act to authorize the Department of Agriculture to donate surplus commodities acquired by it under two statutory authorities, in addition to the one already permitted by law, for use in projects providing nutritional services for the elderly.

The new title also permits nutrition projects assisted under this title to be made a part of the comprehensive and coordinated systems established under Title III, as revised by this bill, when mutually agreed upon by recipients of nutrition grants and contracts and by area planning and service area agencies.

It also provides that the 10 percent limitation upon costs of administration, which was already in the Act, will apply only to fiscal year 1973, and that, for fiscal year 1974 and subsequent years, the use of funds allotted to a State for State planning and administration under Title III may be used to administer the Nutrition program in that State, unless an Agency other than the State agency on aging has been designated to administer the nutrition program, in which case the Commissioner will determine how much of the State's Title III funds of that type can be so used. Finally it makes the Commissioner, rather than the Secretary, the officer of primary responsibility and authority for the Title VII nutrition program.

TITLE VIII—AMENDMENTS TO OTHER ACTS

Title VII amends the Library Services and Construction Act, the National Commission on Libraries and Information Science Act, the Higher Education Act, the Adult Education Act and the Economic Opportunity Act to make them more responsive to the needs of the elderly.

The Library Services and Construction Act is amended to authorize the Commissioner (of Education) to make grants to States for library services for older persons. These grants will be used for:

The training of librarians to work with the elderly;

The conduct of special library programs and the purchase of special materials for the elderly;

The payment of salaries for elderly persons who wish to work in libraries;

The provision of in-home visits to the elderly;

The establishment of outreach programs;

The furnishing of transportation; to enable the elderly to have access to library services.

Such sums as may be necessary are authorized for each fiscal year 1973 through fiscal year 1976 for grants to the States to carry out public library service programs for older persons. The National Commission on Libraries and Information Science Act is amended to require that the Commission authorized by that Act study and analyze the library and informational needs of elderly persons, and that at least one of the members of the Commission be knowledgeable with respect to the library and information service and science needs of the elderly.

The Higher Education Act of 1965 is amended to authorize the Commissioner of Education to make grants to institutions of higher education to assist them in planning, developing, and carrying out programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and certain housing problems.

Such sums as may be necessary are authorized for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977 for these programs.

The Adult Education Act is amended to authorize the Commissioner of Education to make grants for educational programs for elderly persons with limited ability to speak and read the English language. Such sums as may be necessary are authorized for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975 for this program. The Economic Opportunity Act is amended to authorize such sums as may be necessary for fiscal years 1973 and 1974 for the Senior Opportunities and Services programs.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Title IX of the bill authorizes a new statute called the "Older Americans Community Service Employment Act".

It authorizes the Secretary of Labor to establish an older American community service employment program to promote useful part-time work opportunities in community service activities for unemployed low-income persons who are 55 years of age and older and who have poor employment prospects.

The Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations which will provide employment for such persons in their own communities or in nearby communities. To be funded under the new Act, projects are required to meet certain requirements.

Up to 90 percent of the costs of projects may be paid by the Secretary, and he may pay up to 100 percent of the cost of emergency or disaster projects and for projects in economically depressed areas.

Furthermore the Secretary of Labor is required to consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, and other related Federal agencies administering related programs, with a view to achieving coordination with their programs, and to promote coordination of projects under this act with other public and private programs or projects of a similar nature.

To carry out this program, there is authorized to be appropriated $60,000,000 for FY 1973 and $100,000,000 for FY 1974.



## ANGUS CATTLE CENTENNIAL

Mr. DOLE. Mr. President, on May 17, 1873, the first Angus cattle in the United States arrived from Scotland at the Victoria, Kans., ranch of George Grant, and on the 100th anniversary of that event this week a special celebration will be held in Victoria to commemorate the event.

Traditions are important to American cattlemen, who recognize the historical significance of the Angus breed to our Nation's beef industry, and breeders from throughout the United States and visitors from all over the world are expected to attend the celebration. Among the special events will be a tour of the ranch property of George Grant whose house has been declared a national historical site. In addition, a world Angus forum has been set for October 1–4 in Kansas City.

LONG HISTORY

The early history of Aberdeen-Angus cattle is lost in the unwritten annals of the 17th and 18th century Scotland, but it was there—in the highlands of Aberdeenshire and Angusshire—that the breed emerged as the product of the black, hornless cattle native to that rugged country.

The first known historical reference to these polled cattle was in 1523, yet all evidence indicates that they grazed the rugged hills of northern Scotland centuries before that. It was only about 200 years ago, however, that the Aberdeen-Angus breed began to develop into the modern beef cattle we know today. The breed holds the distinction of being the only one bred solely for beef production from its beginning.

Prior to the early 1700's, cattle were raised almost exclusively as work animals. Meat and milk production were incidental. As a result, the polled, black cattle of northern Scotland were not in heavy demand as work stock. Farmers of that area imported huge horned oxen for plowing and other heavy pulling. Their native cattle were not selected for late maturity and heavy bone, rather they wanted animals which matured early and produced excellent beef.

At the same time, farmers began applying the world's first scientific cattle breeding knowledge, gained from the experiments of Robert Bakewell of Dishley, England. Animals began to be bred with the idea of producing better beef, and the popularity of Aberdeen-Angus cattle soon spread throughout Great Britain.

In the middle of the 18th century, the first records of the breed's progress were kept in Aberdeenshire, Angusshire, Kincardineshire, Banffshire, and Morayshire. The first herd book for Aberdeen-Angus cattle was established in 1862; although, many breeders kept ancestry records of their own stock long before this.

Despite early success in the British Isles, it was in Argentina, Canada, and especially in the United States, where the Angus breed was destined to make its most astounding progress. These countries, with vast plains and fertile farmland, were crying for more and better cattle in the late 1800's, even though two other major beef breeds were already well established in the United States.

XUM

ANGUS TO KANSAS IN 1873

The first Angus were brought to Victoria in 1873 by George Grant, a retired London silk merchant from Banffshire, Scotland. The first four bulls he brought to America were used to cross with Longhorn stock, and 1876 Grant had 800 crossbred Angus calves. The calves were said to have weighed about 120 pounds more than other crosses, and in the feedlot the cattle fattened rapidly and commanded the top price at markets around the Midwest.

Since the first Angus came to Kansas, these cattle have made a major contribution to the progress of agriculture throughout the world. The early farmers and ranchers of Kansas proved to the owners of beef cows in other States that Angus provided them the keys to a better way of life.

At the present time, more than 50,000 of America's most influential farmers, ranchers, businessmen, and professional people breed registered Angus, and thousands more raise unregistered Angus as a part of their vital role in improving the general health and nutritional level of the American people. Today, U.S. Angus cattle are recognized throughout the world for their ability to increase the protein level in diets of people everywhere. The governments and leading cattlemen of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, El Salvador, Equador, Finland, Germany, Greece, Guatemala, Honduras, Iran, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Mexico, Nicaragua, Paraguay, Peru, Philippines, Poland, Russia, Spain, Thailand, Turkey, Uganda, Uruguay, and Venezuela and many other countries have come to the United States for seedstock and it can accurately be said Angus cattle have improved the lives of millions of people.

So the people of Kansas take special pride in this beautiful breed of cattle, and I am sure the Angus centennial celebration in Victoria will set the tone for a second century of the breed's contribution to the American way of life.

## SMALL BUSINESS WEEK

Mr. BIBLE. Mr. President, May 13–19 marks the period for Small Business Week this year. This annual observance is a time when $8\frac{1}{2}$ million small businesses are honored for their vital contribution to our Nation's economy. During this week many meetings, presentations, and other affairs are planned by and for small businesses. For instance, on Tuesday, the Small Business Administration will hold its sixth annual subcontracting conference and awards luncheon here in Washington. Their theme is "Small Business Speaks. Who Listens?" At this presentation the Small Business Subcontractor of the Year and the Small Businessman of the Year will be honored.

On Wednesday the Smaller Business Association of New England, the Independent Business Association of Wisconsin, and the Smaller Manufacturers Council of Pittsburgh, Pa., will make their annual presentation to Congress, highlighting problems and accomplishments of the small business community.

On Thursday and Friday, the Government Procurement Subcommittee of the Senate Small Business Committee will hold hearings on several recommendations of the Commission on Government Procurement which concern small business contractors. These are the first hearings on Capitol Hill on this most valuable report recently made to Congress. I am sure that the small business contracting community is most interested in these hearings and the work of this subcommittee in its search for improving the small business opportunities in Government procurement.

I might add that small business plays a most significant part in Government contracting. Last year, out of a total Federal procurement expenditure of about $60 billion, $12.5 billion went to small businesses. That is roughly 20 percent of the total Federal procurement dollars. Furthermore, in numbers of contract actions, the Department of Defense reports that, in fiscal year 1972, 69.3 percent of the total 9,021,073 actions placed with business firms were awarded to small business firms.

It is important, however, that we not delude ourselves by these encouraging statistics. There is the other side of this coin which represents the troubles of small business. For instance, the Dun & Bradstreet business failure figures indicate not only large-scale discouragement of long-established small firms, but also the failure of many others. This is reflected in the lack of competition, deteriorating quality of goods and services, unavailability of business services in some neighborhoods, and lack of economic opportunity. Furthermore, from a study of the tax rates, it is found that, while the statutory rate for small business corporations is 22 percent and 48 percent for large business, the actual effective rate is over 50 percent for smaller and medium sized corporations and less than half of that for the largest corporations. This is an unfair and unnecessary tax squeeze on the struggling businesses which most need relief from tax burdens.

With regard to current economic policy, the noted Economist Pierre Renfret, former adviser to President Nixon, is reported recently as saying—

I think free enterprise is dead. I think it's finished. The U.S. economy has been "Europeanized." It is a system of large companies which, with the cooperation of the Federal government, control the market. The Government, instead of doing things to promote competition—by encouraging small business to compete, actually promotes monopoly.

Mr. President, this is not a time to turn our backs on small business, but to give our wholehearted and undivided attention to it and its problems. I for one welcome these small business groups coming to Washington during Small Business Week and during other weeks of the year. We need the most important role they play in the competitive marketplace, just as they need the assistance and encouragement of the Government to continue to develop and grow.

I am sure that all Senators join with me in a salute to small business during this Small Business Week 1973.

Mr. President, I ask unanimous consent to have printed in the RECORD President Nixon's proclamation setting May 13–19 as Small Business Week.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION 4195—SMALL BUSINESS WEEK, 1973

(By the President of the United States of America)

A PROCLAMATION

In no facet of our national life is the American genius for independence, innovation and self-improvement better displayed than in the small business community.

The instinct to create, sustain and expand an independent enterprise is as old as America herself—an impulse that brought the earliest settlers to our shores and motivated generation after generation of our citizens in their onward, upward march. Nowhere is it more clearly evident today than among our Nation's 8 million small business.

In the past year alone, more than 70 thousand new companies were started. Nineteen out of every twenty firms are considered small business, and they provide approximately 35 million jobs, and contribute more than $420 billion to the gross national product.

They also provide a ladder of opportunity to hard working, ambitious Americans of all races and creeds—the chance to harness individual initiative and ability to the mighty potentials of the free enterprise system. As long as America remains true to her heritage, the small businessman will continue as a mainstay of our economy and our society.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby designate the week beginning May 13, 1973, as Small Business Week. I ask all Americans to share with me during this week a deep pride in the many accomplishments of our Nation's small businessmen and women, and in the invaluable contribution they have made to our free way of life.

In witness whereof, I have hereunto set my hand this 12th day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

RICHARD NIXON.

## THE 1973 JUNIOR MISS

Mr. DOLE. Mr. President, Kansas has another winner—Linda Rutledge of Leavenworth, Kans., has been crowned America's 1973 Junior Miss. To support and substantiate the well-established myth that Kansas is the home of beautiful and talented women, I ask unanimous consent that a brief account which appeared in the Kansas City Star yesterday be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEAVENWORTH STUDENT CHOSEN JUNIOR MISS

MOBILE, ALA.—Linda Susan Rutledge, a blond, green-eyed senior at Leavenworth High School, Leavenworth, was named America's Junior Miss last night.

She was the daughter of Lt. Col. and Mrs. Gary Rutledge. Her father is Marine Corps liaison officer to the Command and General Staff College at Fort Leavenworth. Miss Rutledge was a winner earlier in the week in scholastic competition and played a classical piano solo for the talent part of the competition.

She was crowned by the retiring Junior Miss, Lydia Hedson of Lexington Ky., and was presented a $10,000 scholarship. An information officer at Fort Leavenworth last night said the new Junior Miss plans to attend Pennsylvania State University in the fall where she will major in computer sciences and math.

Miss Hawaii, Sue Murphy, of Kailua, was chosen first runnerup and received a $6,000 scholarship. Miss Illinois, Karen Leidkamp, was second runnerup and received a $4,000 scholarship.



## DOCTOR SHORTAGE PRESENTS CRISIS

Mr. ROBERT C. BYRD. Mr. President, the current shortage of physicians in the United States is a matter of concern to all Americans, since nothing deserves a higher priority than the health of the people of this Nation.

At present, the Association of American Medical Colleges estimates that there are 346,000 doctors in the United States—or one physician for every 636 potential patients. That is 69,000 short of meeting the AAMC's goal of one doctor for every 500 potential patients. By way of comparison, it is interesting to note that there is one doctor for every 420 potential patients in the Soviet Union.

The problem in the United States appears to be getting worse each year. Whereas, in 1950, there were 75 doctors for every 100,000 persons, today there are fewer than 50 physicians per 100,000 citizens.

And, in rural America, the situation is even more alarming. The February 19, 1973, edition of U.S. News & World Report states that—

Counties with less than 10,000 population average fewer than one doctor per 1,000 potential patients.

Because of the doctor shortage, Mr. President, citizens of the United States have had to rely to a large extent on foreign-trained physicians. In 1963, one doctor in every nine doctors practicing in the United States was a graduate of a foreign medical college; today, it is one in every five. And, of the 54,600 interns and resident physicians in U.S. hospitals, 17,500—or one in three—are foreign-trained.

Many of these foreign-trained doctors, to be sure, are Americans who were forced to train abroad, because there was no room for them in U.S. medical schools. In fact, 1 out of every 15 graduates of foreign medical colleges now practicing in the United States is a native of this country.

The plight of these physicians points up the obvious need to expand and increase our facilities for training doctors. In 1972, American medical colleges were able to accept only 13,570 of the more than 37,000 students who applied for admission. And, as Marvin Edwards, editor of Private Practice journal, notes:

American medical schools have been forced to turn away 'B" students, and even "A" students at times.

I am hopeful that the administration and the Congress will recognize the urgent need to expand and increase the number of medical schools in the United States, and that funds will be provided through my amendment to support Public Law 92–541, which authorizes the construction of up to eight new medical colleges.

I ask unanimous consent that a resolution passed by the American College of Physicians at its recent convention be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

The nation's medical schools face a severe financial crisis as a direct consequence of some budgetary actions taken by the Administration in its fiscal 1974 budget. These include:

1. Elimination of training grants, fellowships and career development awards;
2. Reduction in research grants in all areas except cancer and heart disease;
3. Reduction and eventual elimination of general research support grants;
4. Funding of capitation grants at levels far below those recommended by responsible advisory bodies;
5. Elimination of all construction funds for health-sciences facilities;
6. Elimination of Regional Medical Programs.

These actions threaten the immediate fiscal solvency of virtually all medical and health science schools because they will abrogate support of faculty that is essential to the schools' teaching programs. Moreover, these actions come at a time when medical schools have increased the size of their classes in response to the increased need for health manpower. In the long-term, these cuts will be detrimental to the generation of new biomedical knowledge that is essential to patient care, and to the development of the faculty that will need to do the teaching of medical students, interns, residents, and practicing physicians in the next twenty years.

Doctors are one of the nation's most valuable resources, and these doctors are only as good as the medical schools that train them.

The American College of Physicians, a body that counts 22,000 internists in its membership, strongly urges the President to reorder his priorities so that some of these cuts that threaten the very existence of our medical schools can be reversed.

## CUTBACK IN RESEARCH FUNDS FOR MULTIPLE SCLEROSIS

Mr. CANNON. Mr. President, research funds for multiple sclerosis, a severely crippling disease, have been cut back under the President's 1973 budget. Multiple sclerosis is a degenerative disease, working slowly but steadily to destroy the nerve tissues, ultimately causing crippling, and a drastically shortened life span. What is more cruel, Mr. President, is that on October 30 of last year, President Nixon signed a bill authorizing the establishment of a National Commission on Multiple Sclerosis. How cruel it is to give with one hand and take away with another. The Reno Evening Gazette March 26, 1973, printed the story of the administration's deception in pulling the rug out from under multiple sclerosis research. I ask unanimous consent to print the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RENO ATTORNEY RAPS NIXON FOR SCLEROSIS FUND CUT

Reno City Atty. Robert Van Wagoner today claimed the Nixon administration is "severely crippling research on a severely crippling disease."

Van Wagoner, a Democrat, recently named chairman of the Nevada Multiple Sclerosis Society, criticized the President for cutting the budgets of several government agencies directly involved in seeking the answer to the progressively-paralyzing disease.

"On Oct. 30 of last year, Nixon signed a bill authorizing the establishment of a National Commission on Multiple Sclerosis.

"We certainly applauded that, but immediately after the election, Mr. Nixon began to pull the rug out from under M.S. research," Van Wagoner said.

"The President through his Bureau of the Budget, has held up the $3 million secured for M.S. research last year by Nevada Sen. Alan Bible (Democrat).

"He also cut the budget for the National Institutes of Health, the federal government's mainstay of biomedical research, by $42 million. In addition, he cut the budget for the National Institute of Neurological Diseases and Stroke to 5 per cent below last year, and to 10 per cent under 1972 for 1974," Van Wagoner said.

"The list seems endless—Nixon also pocket-vetoed the Rehabilitation Act of 1972 (HR 8395) despite its unanimous passage by both houses of Congress. It is a hard thing to say that this man is unconcerned, but the facts speak for themselves," Van Wagoner said.

"There is nothing more tragic than to have to tell an M.S. patient, who faces years of agony as he slowly crumbles into his wheelchair—or worse—that the cure for his disease is farther away because Mr. Nixon has cut money for research.

"Every year, M.S. strikes more people and destroys more families. The only hope is research, because Multiple Sclerosis is a disease of time—the nerve tissue in the back of the neck is attacked until you can no longer move a muscle in your body. This process takes many years.

"It is inconceivable to me how Mr. Nixon could, in effect, tell so many thousands of people that they will have to wait a little longer because he doesn't want to give permission to spend money already appropriated by Congress. He certainly forgot a lot of people after election day," Van Wagoner said.

"I urge everyone to write the White House and our congressional delegation about this breach of faith with the people."

## BUSINESS WEEK VOTES "NO CONFIDENCE" IN NIXON ADMINISTRATION'S ECONOMIC POLICIES

Mr. HUMPHREY. Mr. President, the recent edition of Business Week carried an editorial that is nothing short of a vote of no confidence from the business community in the Nixon administration's economic policies.

Business Week puts it bluntly:

The Administration has lost its grip on the economy. The President's advisers are clutching the scraps of favorable news and ignoring the evidence that their economic policies are not working.

Business Week is coming to realize what almost all the housewives and working families of this country know—that inflation is increasing, that large businesses are using phase III "controls" to jump prices and increase profits, and that the working people of this country are being forced to pay for policies and programs that are not working.

Business Week suggests an alternative—"new tough wage and price controls, and strict fiscal and monetary discipline."



XUM

Business Week calls for the scrapping of phase III. It is a failure. It is time for Nixon administration policy advisers to admit it is a failure, and then get on with the job of taking the necessary steps to control inflation.

Says Business Week:

Above all, the Administration must act now. There is always a lag between the time a policy is adopted and the time it takes effect. If the Administration waits, it will find itself in the fatal position of having its toughest restraints start to bite at the worst possible moment—after the economy has gone over the top and started down the slope into recession.

Mr. President, this is tough talk from one of the Nation's leading business magazines. Its view ought to be considered by the Nixon administration.

Mr. President, I ask unanimous consent that the editorial from the May 12, 1973, edition of Business Week be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN URGENT PLEA FOR NEW ECONOMIC POLICY—NOW

President Nixon ended his Watergate speech two weeks ago with a reference to the great national and international issues that demand his attention. Among them, none is more urgent than the mounting threat of a violent boom-bust explosion in the U.S. economy.

Absorbed with Watergate and stubbornly hoping that the situation will right itself, the Administration has lost its grip on the economy. The President's advisers are clutching at scraps of favorable news and ignoring the evidence that their economic policies are not working.

This is worse than wishful thinking. It is willful denial of obvious facts. And it is driving the U.S. into a superheated boom that inevitably will end with a paralyzing recession.

Here are the factors:

The U.S. economy is expanding at a pace that cannot be sustained. It is capable of long-term growth at a rate of about 4% a year. For the past two quarters, it has expanded at a rate of 8%, and instead of slowing down, it is, if anything, picking up speed.

Every sector of the economy has picked up the beat. Retail sales, powered by a swift increase of installment debt, increased at a smashing annual rate of 24% in the first quarter of 1973. Automobiles are selling at the rate of over 12-million a year. Homebuilding, which had been expected to turn down this year, is still plunging ahead. Manufacturers' orders are rising twice as fast as they were in 1972, and because shipments cannot keep up, backlogs are building rapidly. Business is programming capital spending at a rate that cannot be achieved.

Inflation has exploded again. It is a 6% rate in the first quarter, and it is going strong in the second. April wholesale prices were climbing at a 12% annual rate, with the industrial sector gaining at a rate of 15.6%. The showing would have been far worse if farm prices had not taken a temporary breather after increasing at a 60% annual rate in March. Phase III is manifestly a failure, and minor changes—such as last week's order requiring large companies to give advance notice of price increases—will not save it.

In short, the U.S. is launched on another round of boom and bust. It was fed too much monetary and fiscal stimulation in 1971 and 1972. Phase II controls were lifted too soon. Inflationary expectations were fanned by too much talk about voluntarism and self-policing controls in Phase III.

CONTROLS WITH TEETH

The problem that faces President Nixon now is to bring the boom under control before it turns into an inflationary explosion. This does not mean penitently acknowledging past mistakes, as the President's advisers seem to believe. It means taking a realistic measure of the situation and devising measures to restrain the breakneck pace of the economic expansion.

There is an alternative to standing pat and letting the economy rush ahead into disaster. It consists of a combination of new, tough wage-price controls and strict fiscal and monetary discipline. It is a painful answer, and it involves some risk. But it is the course the Administration should take.

The first step should be to scrap Phase III and go back to wage-price controls at least as tough as Phase II and considerably broader in scope. Price controls should apply to all farm and food products—not just at retail but far enough back down the line of distribution and production to put effective pressure on prices at the point of first sale. The rules on passing through cost increases should be tightened. The merry game of taking a markup for profit on cost increases should stop.

With the new controls must go a strict program of enforcement. The big trouble with Phase III has not been its rules but the way the rules have been ignored. Enforcement must apply to small companies as well as large. The U.S. economy is too big and too diverse to be managed by passing the word to a few giant corporations and depending on them to police the markets. The worst mistake of Phase III was to let a large number of medium-sized companies think that controls no longer applied to them.

NOW IS THE TIME

Wage-price controls, however, are essentially a short-term device. They can curb inflationary expectations—which is important—and they can keep the inflation process from feeding on itself. But they cannot bring the economic system into balance. That is a job for fiscal and monetary policy.

The $20-billion deficit the federal government is running in the fiscal year ending next June obviously is more stimulation than the economy should be getting as it comes up toward the peak of an expansion. To plan on top of that for a deficit in fiscal 1974 is planning for a calamity. At this point, the budget should be balanced. If the President and Congress cannot agree on spending cuts, they should be ready to close the budget gap with an emergency surtax.

Meanwhile, the Federal Reserve must move in aggressively to tighten money. It should back up its traditional policy of managing money supply by applying selective controls on credit. Where this takes new legislation, the Fed should ask for it promptly. Consumer credit is expanding too fast; too much money is going into real estate speculation; too many bank loans are financing mergers and acquisitions. The flow of credit must be channeled to the points where it will do the most good and cause the least inflation.

Above all, the Administration must act now. There is always a lag between the time a policy is adopted and the time it takes effect. If the Administration waits, it will find itself in the fatal position of having its toughest restraints start to bite at the worst possible moment—after the economy has gone over the top and started down the slope into recession.

## AMERICANS TO CHEAT BECAUSE COMMUNISTS CHEAT

Mr. CHURCH. Mr. President, one of the most crippling consequences of the cold war-hot war continuum between the United States and the Communist world since 1945 is the way that America has tended to imitate its global rival in foreign-military affairs. The latest example of this perversion is now taking place in Indochina where the Los Angeles Times accurately editorializes:

The Government of the United States is applying the principle of a cheat for a cheat.

Not only does this violate the Judaic-Christian standard of ethics upon which this Nation is presumably based, such actions also threaten "a broader American military involvement." I agree wholeheartedly with the Los Angeles Times, all of "this is wrong."

The continuing involvement of U.S. military forces in hostilities in and over Indochina not only further fuels the fires of civil war there, but "It is wrong, also, because it is illegal." The editorial goes on:

What is being done now and what is proposed are not sanctioned by American law or the Constitution.

Concludes the Los Angeles Times:

For the Americans to cheat because the Communists cheat solves nothing. It only worsens a tragedy that must, once and for all, be left to the Indochinese.

I ask unanimous consent that the editorial entitled "The Threat of More Bombing" from the Los Angeles Times of May 3 be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE THREAT OF MORE BOMBING

The government of the United States is applying the principle of a cheat for a cheat in Southeast Asia, risking and, in fact, threatening a broader American military involvement. This is wrong.

Americans are bombing Cambodia at the rate of 39,000 tons a month, despite a signed agreement that this would not be done. Americans have suspended sweeping the mines they sowed in the waters of North Vietnam, despite a signed agreement that the mines would be swept. Americans have from time to time, renewed the bombing of Laos, despite a signed agreement that this would not be done.

These deliberate and open violations of the cease-fire agreement are justified by those who commit them on the ground that the Communists also are cheating. And so they are. The infiltration of men and arms continues. North Vietnamese troops in Laos and Cambodia have not been withdrawn, and fighting continues in conspicuous violation of the signed agreements.

So President Nixon claimed full authority to strike back, to bomb, to burn, to send in waves of B-52 superbombers and fighter-bombers. In the name of peace. Peace with honor. So we are told.

And now the threat has been broadened. William H. Sullivan, a deputy assistant secretary of state, has concluded talks with the North Vietnamese with a warning that either they fully implement the cease-fire or the United States will return "to the unfortunate military situation to which we hoped to put an end by signing the agreement." In other words, the American bombers will be back over Vietnam, not just Cambodia and Laos.

Now, perhaps the bellicosity is nothing more than words designed to strengthen the hand of Henry A. Kissinger if and when he meets Le Duc Tho later this month in Paris. It is an important meeting. There is much that the Americans must say, must protest, to the leaders of North Vietnam. But if more than words are involved, if a renewal and extension of warfare are intended, this is wrong.

It is wrong, above all, because it can only make worse the tragedy of Indochina.

It is wrong, also, because it is illegal. What is being done now and what is proposed are not sanctioned by American law or the Constitution. And this is worth careful examination.

The State Department has given us a lengthy memorandum asserting the legality of the bombing of Cambodia. That authority, the memorandum argues, flows from Article 20 of the cease-fire agreement and from Article II of the U.S. Constitution.

Article 20 provides for the withdrawal of foreign troops from Laos and Cambodia and full respect for their neutrality and independence. It bars military activity, the kind the Communists are doing and the kind the Americans are doing. But, like all of the cease-fire documents, it makes no provision for action or intervention by any signatory in the event of cheating.

Article II of the Constitution apparently is cited because it includes provision for the President to be commander in chief of the armed forces and empowers him to make treaties. The State Department then argues, with a straight face, that this constitutional authority gives the President the power to make war to police what he has done. At no point does the memorandum acknowledge that the cease-fire agreement is not a treaty and has not the power of law of a treaty. There has been no move to seek congressional ratification.

The attempt of the State Department to legitimize the continued American war role in Southeast Asia would be ludicrous if it were not so tragic. It is more than specious, it is dangerous, for it dignifies a doubtful seizure of power by the Presidency and seeks to perpetuate that power even after the last troops, and thereby the last American interest, have been removed.

To stop the American bombing "would undermine the central achievement of the January agreement," the memorandum asserts. Surely we don't need to remind Secretary of State William P. Rogers that the central achievement of the agreement was to get the Americans out of Indochina.

The primary victims of the suspension of minesweeping are the North Vietnamese civilians. The primary victims of the bombing of Cambodia are the people of Cambodia, civilian and military alike. And if the bombing of Vietnam is resumed, it will be the people of Vietnam who are the victims. This is not the business of Americans. For the Americans to cheat because the Communists cheat solves nothing. It only worsens a tragedy that must, once and for all, be left to the Indochinese.



## ABE LASTFOGEL CELEBRATES 75TH BIRTHDAY

Mr. TUNNEY. Mr. President, this Saturday, May 26, we will be celebrating the 75th birthday of an outstanding fellow citizen, Mr. Abe Lastfogel. Mr. Lastfogel has distinguished himself through his fine work as president and chairman of the board of the William Morris Agency, and through his efforts for numerous civic organizations.

Mr. President, Mr. Lastfogel's accomplishments are plentiful. In the educational field, he serves as an associate of both the California Institute of Technology and the University of South California. Additionally, he has served on the board of directors of the United Negro College Fund. In the area of health care, he is a member of the board of directors of St. Jude's Research Hospital and the Cedars-Sinai Medical Center. Mr. Lastfogel also is vitally interested in all our youth. He has done extensive work with Big Brothers of America, was president of USO camp shows, and was named national chairman of the entertainment committee for youth opportunity by our colleague, Mr. HUMPHREY, in 1968.

All this, of course, is over and above Mr. Lastfogel's professional capacity with the William Morris Agency. Mr. Lastfogel has brought marvelous entertainment to citizens from all walks of life. He has helped make our leisure time, so strongly dominated by our love of show business and all that surrounds it, that much more enjoyable.

Mr. President, on behalf of the entire Senate, I join with Mr. Lastfogel's friends and family in wishing him continued health and happiness on the occasion of his 75th birthday.

## NEW MEXICO SENATE MEMORIAL

Mr. DOMENICI. Mr. President, the Senate of the State of New Mexico has approved a Senate memorial requesting equal benefits for Reserve components of the Armed Forces. I ask unanimous consent that this new Mexico Senate memorial be printed in the RECORD at this point for consideration of the Members of this body.

There being no objection, the New Mexico Senate memorial was ordered to be printed in the RECORD, as follows:

SENATE MEMORIAL 13

A MEMORIAL REQUESTING EQUAL BENEFITS FOR RESERVE COMPONENTS OF THE ARMED FORCES

Whereas, the reserve components of the Armed Forces of the United States perform vital national functions; and

Whereas, one of their major functions is to provide the Armed Forces with units trained, equipped, and capable of immediate expansion to war strength, fit for service anywhere in the world; and

Whereas, another function is to defend critical areas of the United States against land, seaborne, or airborne invasion; and

Whereas, they must also be ready to participate by units in all types of operations, including offensive operations, either in the United States or overseas; and

Whereas, the service of the reservist closely parallels that of the regular military enlistee, and is just as important a role; and

Whereas, although they do perform similar functions the reservist is not awarded the same benefits as that of the regular enlistee; and

Whereas, if the reservists were granted the same privileges and benefits as his brother serviceman in the regular military service, then it would be much easier to recruit men into the reserve components, allowing them to fulfill their historic mission "in the first line of defense in the first weeks of an emergency";

Now, therefore, be it resolved by the Senate of the State of New Mexico that the Governor, the Secretary of Defense of the United States, and the members of New Mexico's Delegation to the United States Congress be requested to work toward the passage of needed legislation which would grant reservists the same privileges and benefits as other enlistees in the military service; and

Be it further resolved that certified copies of this resolution be transmitted to the Governor, the Secretary of Defense of the United States, and the members of New Mexico's Delegation to the United States Congress.

Signed and sealed at The Capitol, in the City of Santa Fe.

## FOOD CRISIS IN BANGLADESH

Mr. KENNEDY. Mr. President, in January of this year, the United Nations Secretary-General Kurt Waldheim reported on the food situation in Bangladesh. He said that, despite the successful efforts of the U.N. Relief Operation in Dacca—UNROD—to avert a threat of famine last year, the food situation this year was "more serious and more threatening" than it was in the immediate aftermath of civil war and independence. And he urgently appealed, on behalf of the Government of Bangladesh, for international help and assistance to avert famine again.

On February 6, I called this situation to the attention of Senators—and suggested that, because of our country's vast resources, and because we have traditionally filled most of the "food gap" in East Bengal when it was still part of Pakistan, that we inevitably had a special role to play in responding to the urgent food needs of Bangladesh today.

This was especially true—and continues to be true—in light of the basically good relations we have established with Bangladesh, and the enlightened foreign assistance agreement we concluded with the Government of Sheikh Mujibur Rahman in 1972.

Early this year we committed some 200,000 tons of food to Bangladesh, with the proviso that more would be available in the spring and summer. More is, in fact, available, but our negotiators for this food are striking a cruel bargain, Mr. President. Despite the deteriorating situation in Bangladesh, and the new threat of starvation for millions, our Government apparently sees no emergency and is halting all grant aid of American food and offering what we have for sale. Our negotiators are even suggesting that U.S. dollars to Bangladesh under the foreign assistance program be used to purchase the food offer we made earlier.

All of this, Mr. President, may fit neatly into the administration's new policy of food for cash—but it is contrary to the urgent needs in Bangladesh, and some other areas of the world—let alone violating the high purposes of the food for peace program and the traditional humanitarian concern of the American people.

Hopefully the administration will have the good sense to reconsider its policy toward food needs in Bangladesh—and toward those in need in such places as India and West Africa. Hopefully, also, the administration will help to mobilize the concern of other food producing nations in helping meet current food emergencies throughout the world. For rich nations with food surpluses to stand idle in the midst of hunger and the threat of mass starvation, should outrage the conscience of all mankind.

Mr. President, the Washington Post yesterday carried an excellent editorial on the food crisis in Bangladesh. I ask

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unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GRAIN CRISIS IN BANGLADESH

In Bangladesh the situation is almost beyond belief. This desperately poor and hungry country of 80 million people caught the world's sympathy, or fancy, when it became a nation late in 1971. On this basis, it was offered free some 2.5 million tons of good grains in 1972—nearly half from India, most of the rest from the United States. But political styles change. In 1972 the Soviet Union decided to buy some 18 million tons of food and feed grains in this country. Bangladesh did not disappear as a cause overnight; food commitments made earlier remained in effect. But the Soviet deal, lauded for its contribution to peace and the American balance of payments and the President's re-election, took center stage.

The results, for Bangladesh, have been awesome. Grant aid of American food is halting, to be replaced by sales. The reason is, one official puts it, grant aid was given on an emergency basis and "by definition an emergency is something short-lived." By American definition, one should add. So Bangladesh, whose foreign exchange reserves hover barely at the $200 million mark, has been forced to go out and *buy* some $120 million worth of food—at prices kited by the Soviet wheat deal, needless to say. Even with cash, grains are not available, or not available in the amounts and on the delivery schedules necessary. Bangladesh needs monthly imports of about 300,000 tons to keep even. But now that so many grain ships have been diverted from Dacca to Odessa, deliveries have fallen to 50,000 tons—this at the year's most critical between-harvests time. And, of course, the shippers have raised their prices. One should note that the consumption norm on which these calculations are based is a mere 15 ounces of food grains per person per day, a level certain to guarantee a degree of national malnutrition—malnutrition is itself a horrible wasting disease. About six times as much grain per person goes into the American diet, it might be noted.

What should be done? Immediately, the American and Soviet governments should take all necessary steps to let the available shipping be used to carry the available food to desperate Bangladesh. The seeming Soviet-American conspiracy of selfishness in this matter should be dissolved for the sake of millions of people poised on the brink of wasting and death. The time is so short that this should be done before the scheduled Brezhnev-Nixon summit; they could both make political capital out of it. Regardless of whether the summit is derailed or delayed by Watergate, the two powers should address themselves to the problem: the problem not only of Bangladesh but of all the hungry nations of the world.

Secondly, it is vital at this moment of grave crisis in Bangladesh that the United States, with or without the cooperation of other major food producers, spare Bangladesh the need to divert its grotesquely small reserves of foreign exchange to the purchase of either food or shipping to carry the food. The intended American decision to end grant aid and to sell grain—at easy terms but under a program requiring Bangladesh to pay expensive shipping costs—is simply wrong. This is a form of hard-headedness entirely out of phase with Bangladesh's plight. The United States should keep up international pressure to deal with it, even though the Bengali cause no longer has the "glamor" or excitement that sustained it abroad a year or so ago.

Finally, this particular crisis should spur those in and out of government who understand that food production must be planned much more on an international basis with an eye to filling all international needs. Short-term single-country agricultural planning is an anachronism and a luxury of the rich and, as the condition of Bangladesh demonstrates, a moral outrage. A President looking for worthy new horizons to conquer in international affairs can start right here.

## NEW MEXICO JOINT MEMORIAL

Mr. DOMENICI. Mr. President, the legislature of my home State of New Mexico has recently approved a joint memorial pertaining to the tabulation of population in the Federal decennial census necessary to facilitate the apportionment of State legislative bodies. I ask unanimous consent that this joint memorial be printed in the RECORD for consideration by my colleagues.

There being no objection, the joint memorial was ordered to be printed in the RECORD, as follows:

SENATE JOINT MEMORIAL 7

(Introduced by Senator Gladys Hansen)

A joint memorial pertaining to a plan for the tabulation of population in the Federal Decennial Census necessary to facilitate the apportionment of State legislative bodies

Whereas, the census enumeration districts established in New Mexico for the tabulation of population in the federal decennial census are poorly designed, difficult to identify, sometimes noncontiguous and generally ill-suited for purposes of apportioning or electing legislative bodies; and

Whereas, Representative James A. McClure, Idaho, introduced on June 29, 1972, in the 92nd Congress, Second Session, H.R. 15773 to amend Title 13, United States Code, by providing for the transmittal to each of the several states, in accordance with a plan and form approved by the Governor thereof, of a tabulation of total population of that state obtained in each decennial census and required for the apportionment of the legislative bodies of that state;

Now, therefore, be it resolved by the legislature of the State of New Mexico that the New Mexico Congressional Delegation be urged to support or, if necessary, sponsor legislation similar to H.R. 15773 of the 92nd Congress in the 93rd Congress so that the apportionment of state legislative bodies may be facilitated in compliance with the 14th Amendment to the Constitution of the United States; and

Be it further resolved that copies of this memorial be transmitted to each member of the New Mexico Delegation in Congress and to the Governor of this state.

## THE CHILDREN OF INDOCHINA

Mr. KENNEDY. Mr. President, one of the most tragic lessons of the Indochina war are the millions of disadvantaged children—the orphans, the maimed, the homeless—who have fallen as victims of continuing violence.

As the Congress and the American people begin to assess our Nation's role in a postwar Indochina, we must remember the faces of the children of Indochina, especially South Vietnam, and remember that we are still involved in their plight.

To document the massive needs of the children, to assess what our Nation can do to help, the Judiciary Subcommittee on Refugees, which I serve as chairman, held a hearing last Friday on child welfare and orphan problems in Indochina. The subcommittee received the report of its recent Study Mission to Indochina on the crisis facing the children of the region, particularly in South Vietnam. The Study Mission made several very important and immediate recommendations on what our Government can do to help the children and orphans, and I believe they should be given serious consideration by the Congress and the executive branch.

Mr. President, I ask unanimous consent that the Study Mission's report and recommendations, as well as my opening statement at the hearing, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR KENNEDY'S OPENING STATEMENT BEFORE JUDICIARY SUBCOMMITTEE ON REFUGEES' HEARING ON THE CHILDREN OF INDOCHINA

Today's hearing resumes the Subcommittee's inquiry into the people problems of Indochina.

Nearly a month ago—on April 16—the Subcommittee considered the deteriorating situation in Cambodia, where the number of war victims dramatically escalates each day the bombing and conflict continues. This morning we shall focus on the most pitiful of war victims—the children of Indochina, especially those in South Vietnam.

Nothing so graphically reminds us of the human debris in Southeast Asia—and of our national responsibility to help heal the wounds of war—than the cries for help from homeless orphans, young refugees and maimed children—who are scattered by the hundreds of thousands over the face of Indochina—in North and South Vietnam, and Laos and Cambodia.

For many years their cries for help fell on deaf ears. The problems of child welfare and the needs of orphans went unattended—because governments were too preoccupied with making machines and war.

As early as 1965, witnesses before this Subcommittee told of a growing need for child welfare programs, trained personnel, and long range planning for children in South Vietnam. And in 1967, at the urging of this Subcommittee, a special AID social welfare task force was dispatched to South Vietnam to make program recommendations for children and other disadvantaged by the war. And we will hear this morning from the Chairman of that Task Force. But, as with so many other reports on humanitarian needs in Indochina, the Task Force recommendations were filed away and all but ignored—as conditions among the children and others in need continued to deteriorate. It was only the active humanitarian concern of many private Americans—and the leadership of voluntary agencies in this country and South Vietnam—that in recent months has finally turned our government around—and at least moved it from lip service to tokenism in its concern for young war victims in South Vietnam.

As members of the Subcommittee's recent Study Mission to Indochina. We are faced with a regional crisis of children. We are faced with an urgent need to redouble our efforts to help them—through international channels and voluntary agencies in the field.

In 1965, as we began our massive involvement in the war children were born in Indochina. Some of these children survived and today are at least 7 or 8 years old. But because of the war some are orphans. Some are half-orphans. Some are abandoned in the streets by parents unable to care for them. Some are stunted in mind and body from malnutrition and disease—and from the squalid conditions of the refugee camp or shanty town where they may have lived for many years. Some are burned or maimed. And some are without limbs. But they all represent the crisis of children in Indochina—millions of children in need. And we must not walk away from our national responsibility to help them.



STATEMENT OF DR. JAMES DUMPSON AND MR. WELLS KLEIN ON CHILD WELFARE PROBLEMS IN SOUTH VIETNAM BEFORE HEARINGS HELD BY THE JUDICIARY SUBCOMMITTEE ON REFUGEES, MAY 11, 1973

Mr. Chairman, my name is James R. Dumpson. I am Dean of the Graduate School of Social Services of Fordham University, immediate past President of the National Conference on Social Welfare, and for seven years I was Commissioner of Public Welfare for the City of New York With me is my colleague, Wells C. Klein, Executive Director of the American Council for Nationalities Service, who for five years was General Director of the American Branch International Social Service, after serving as Director of the Refugee and Social Welfare Division of the AID Vietnam Bureau.

Mr. Klein and I recently visited Vietnam in our private capacities as members of the Study Mission this Subcommittee dispatched to investigate postwar humanitarian needs in Indochina. Both Mr. Klein and I have worked in or visited Vietnam on numerous occasions in the past and have observed, at first hand, the steadily deteriorating conditions of children in Vietnam over the last eight years. We come before the Subcommittee this morning, as individuals, and as Americans, deeply disturbed over the welfare of children in Vietnam and deeply disturbed by the lack of sensitivity and responsible initiative our government has shown to even the most minimal needs of these children.

Since 1965 witnesses have come before this Subcommittee to testify as to the growing needs of children in South Vietnam. I, myself, testified nearly six years ago after heading a Social Welfare Task Force to South Vietnam on behalf of the Agency of International Development. But despite this Subcommittee's concern—and the concern of others in the Congress and countless Americans—little was done to meet their needs, even as the numbers of orphans and homeless children increased.

Mr. Chairman, when we speak of the children of Vietnam we are speaking of half the total population—that half, fourteen years and younger who, by reason of their age cannot, even under normal conditions, care for themselves and secure the physical and emotion requisites for survival and growth. But as you well know, in Vietnam we are not speaking of normal conditions. These eight million children have never known a day when the smells, the sights and the sounds of war were not all about them.

The gravity of the situation of children in Vietnam should surprise no one who can put two and two together and reach four. What surpasses surprise, however, is the insensitivity of our government, with some few exceptions which we shall detail later—the insensitivity to the situation that exists in Vietnam and to public concern here at home. We would submit, Mr. Chairman, that these children do not represent a political problem to be dealt with in terms of partisan politics, nor do they represent a problem in the allocation of resources. They are simply a large number of children for whom we share a responsibility—who desperately need our help—help which is not now forthcoming. At the end of this testimony, we shall submit some specific recommendations which we hope this Subcommittee, the Congress, and the Administration will consider as immediate steps which can be taken to alleviate some of the pain and heartbreak, and damage, and begin to turn the situation around so that the children of Vietnam may have a future.

We have spoken of eight million children, but who are these children—what has happened to them—what are their needs? Wherever one observed children, one observed children deprived of their birthright to grow and develop in security with the sustained support of one or more meaningful adults in their lives. There are some 700,000 orphans or half-orphans in Vietnam. They have been torn by years of war from their families or have seen their families decimated about them. Their circumstances vary, but in most every case they lack the minimum physical and/or emotional requisites for healthy growth and development. We have heard much of the need to establish "stability" in Vietnam. By this is meant economic stability with the various supply and demand factors in some order of balance. The need for such economic stability is not disputed. But what about social stability? What is stability for 700,000 orphans? It is more than solving a balance of payments problem, it is an environment in which they can grow and mature with adequate food, clothing, shelter, physical and emotional security, and human contact.

Over 750,000 persons are crowded into approximately 128 refugee camps in South Vietnam. Half of these are children. In camp after camp, one observes children suffering from malnutrition, children with scrawny bodies, eye sores, eye cataracts, missing limbs, scarred face or limb tissue, some naked or half naked. One observes children who are hungry because of bureaucratic red tape or sheer malfeasance. And if this were not enough, the refugees and their children face a particularly bleak future in this would be post war era—an era often referred to as that of "ceaseless fire". They are pawns in the game of who controls the most population. For most of these children there is no prospect of returning home. They are subject to the relentless pressure of de facto physical confinement in squalid, unbelievably crowded conditions. Children need to play—to move—they need stimulation, and new experiences. They need physical and emotional security. The refugee children have none of this and as time passes inevitably the lethargy syndrome becomes more and more deeply entrenched and their prospects for health development become less and less possible.

Some 23,000 children are known to be in orphanages. With rare exceptions, the care of these children is deplorable. The serious, dangerous overcrowding particularly in group care for infants, is nothing short of shocking. In one institution designed for less than 100 children we found nine dedicated nuns, four of whom are practical nurses, caring for 120 infants below one year of age, 95 children between one and two, and 75 or more children over five years of age.

In other institution equipped to accommodate not more than 150 children by the most minimal standards, we observed 400 children cared for by nine nuns. 5 to 7 "men on the grounds" assisting the nuns, and a small component of female custodians. Among these children, as in other institutions, were numerous severely retarded or handicapped children who need and should have intensive care and protection on a one/two or one/three basis.

Mr. Chairman, there is another particular group of children in Vietnam deserving of our concern, the same 25,000 children of mixed parentage whose fathers abandoned them or never knew of their existence, but children who bear the indelible imprint of their heritage. These children can be seen in the streets of Saigon and Danang, in the refugee camps and resettlement sites. Some 1,000 of these children are in orphanages living under the conditions described above. Half of the American fathered children in orphanages obviously had Black American fathers. The remainder of the American fathered children, black and white, at this time, are living with their mothers and families in the general population.

For a variety of reasons, the needs of children of mixed parentage, particularly those already abondoned to orphanages and those whose fathers were unquestionably black, command a high priority in our concerns for the well-being of Vietnamese children. While the great majority of the American-fathered children have not been abandoned by their mothers—we saw much love and warmth for many of these children—as they grow into school-age and adolescence, in all probability, their physical difference will give rise to problems among their peers—for the black child, because he is black, and for the black and white because their mothers "did business with the Americans" as it was expressed by one of the children's grandmothers in a refugee camp.

Of very real concern is the black child. There is no question but that the black Vietnamese child will face serious problems of social rejection based on his physical difference. The experience and present social position of children fathered by French Senegalese troops during the 1945-54 period presents supporting evidence to this contention. Furthermore, there is no black community in Vietnam. These children will grow up and live a relative social isolation as have their French-Senegalese predecessors.

Meeting the needs of these children presents a number of issues that must be recognized and ultimately resolved by the government of Vietnam, hopefully with real and substantial assistance from the government of the United States. First, recognition must be made of the fact, frequently stated by Vietnamese officials, that these are Vietnamese children and the government affirms its ultimate responsibility for all Vietnamese children. This position, in our judgment, must be supported by the government of the United States and all of the voluntary agencies concerned with child welfare in Vietnam. Any program, however, well motivated, that does not accept this fact, does violence to the welfare of all the children in Vietnam.

Second, serious questions must be raised concerning the capability of the Government of Vietnam, at this time, to meet the special needs of these children. A statement of public policy is one thing; translation of that policy into meaningful reality for those for whom it is designed is quite another matter. In the foreseeable present, the needs of children of mixed parentage, particularly those whose fathers are black, and who already have been abandoned to orphanages, cannot be met. Alternative acceptable care to continued orphanage existence must be found.

Third, while high priority attention must be given to this relatively small number of disadvantaged children, it must be done within the context of the pressing needs of other disadvantaged children in Vietnam who are not racially mixed, who may or may not live in orphanages or refugee camps, and who may not be abandoned. This issue underscores the war-induced plight of the general majority of Vietnamese children. They are all war victims as are their mothers and most other adults in Vietnam. We cannot single out for special attention the unique needs of the American-fathered child and ignore that large number of other children who have a right to our concern and assistance. To do this would be unethical, and in our opinion un-American in the true sense of the term.

Mr. Chairman, before proceeding to recommendations, it may be useful to detail exactly what our government has, or has not done, in regard to needs of children in Vietnam. Until 18 months ago there was essentially no U.S. government program directed towards these children. While some assistance was available through PL-480 food distribution and through the refugee pro-

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gram, this was indirect assistance not primarily designed to meet child welfare needs. Also, at one time, the U.S. government gave substantial support to U.S. and international voluntary agencies working in Vietnam, some of which was directed toward children. By the spring of 1971, however, it was no longer government policy to support the voluntary agencies. This was the process of "de-escalation", and with some sort of incomprehensible logic, our government chose to de-escalate voluntary agency support and the already minimal assistance going to children as one of its first steps.

In a way, the timing of this "de-escalation" was fortuitous, for it came at the very moment when a large segment of the American public was becoming increasingly concerned for the welfare of children in Vietnam. The down-grading of voluntary agency support and humanitarian assistance to children dramatically highlighted the lack of U.S. government concern. Thus, in the summer and fall of 1971 several events occurred simultaneously which resulted in a dramatic reversal of the government policy vis-a-vis children in Vietnam. A number of separate pieces of legislation were introduced into the Congress which, in one form or another, called on the government to respond to the needs of Vietnamese children. At the same time, a group of voluntary agencies made strong representations to the government requesting priority and funding for services for these children. Finally, and perhaps most important, the media and a significant and vocal segment of the general public began to focus attention on child welfare concerns, in effect demanding action from our government.

As a result, since the fall of 1971, or some 18 months ago, it has been government policy that the United States has an obligation to help the children of Vietnam. This has meant the beginning—just the beginning—of funding and priority to implement child welfare programs. In the past 18 months the Agency for International Development has done a commendable job of initiating responsible child welfare programs and engaging the Vietnamese Ministry of Social Welfare in developmental child welfare planning.

This brings us to the present. It is important to note that we have commended the AID response in the past 18 months, but not that of the government as a whole. Quite frankly, in our opinion, AID has gone about as far as it can without support from the U.S. Embassy in Saigon and from the White House and State Department in Washington. For the present, at least, some U.S. government funds for child welfare purposes seem to be available. However, these funds cannot be utilized effectively unless the Embassy in Saigon gives the matter of children reasonable recognition in its own priorities and reasonable support to AID and to the Vietnamese Ministry of Social Welfare.

At the time of our visit, the Embassy and AID were at loggerheads, with the real danger that the Embassy might pull the rug from under much of the responsible programming AID has initiated. There is nothing useful to be gained by discussing the details of this matter, except to say that in the immediate sense, and in the long run, most of what we can do for children in Vietnam can only be accomplished through Vietnamese institutions. It is, therefore, imperative to strengthen the Vietnamese government and voluntary agencies at the same time we are addressing ourselves directly to the immediate needs of children. This must be our policy if our assistance to the children in Vietnam is to be in their interest rather than simply a short range response to political pressures on our part.

Proceeding, now, to the future, we would suggest that any child welfare programs in the immediate future must include the following ingredients:

1. Programs and measures designed to prevent the abandonment of children. Among other considerations, this involves counseling services available to mothers to help them identify what is in their best interests and the best interests of their children. Mothers and their families should be helped to identify realistic alternatives to abandonment.

2. Improved institutional care for those children who require such care.

3. Improved maternal and child care including expanded day care facilities.

4. Programs designed to reunite families with high priority assigned to children in orphanages, and to programs designed to maintain children with their families.

5. Facilitation of adoption on a case by case basis for those children for whom this is the best alternative.

These are immediate child welfare goals for children in Vietnam. To achieve these goals, the United States on its part must undertake the following:

1. Ensure reasonable priority by all elements of the U.S. Government for child welfare and translate that priority into realistic meaningful programs with assurance of adequate long-term funding.

2. Raise the issue of the welfare of children with the Vietnamese government at the highest level so that child welfare programming will receive equivalent priority on the Vietnamese side. At this point, the Vietnamese Ministry of Social Welfare is at the bottom of the government's administrative structure and receives scant support in terms of funds and personnel. It is essential that the Ministry be able to hire and train competent personnel to implement reasonable and responsible programs within a Vietnamese context.

3. Support and encourage American and international voluntary agencies to expand their programs of service to Vietnamese children in cooperation with the Ministry of Social Welfare, and under the general supervision of that Ministry.

4. Seek out multi-level mechanisms within the United Nations family and/or the international voluntary agency structure through which to channel continuing child welfare assistance in Vietnam. While the United States must continue to provide major budget support for such endeavors, our government can best discharge its responsibility by working through multi-lateral mechanisms where direct U.S. involvement is minimal.

Further, Mr. Chairman, in very specific terms, we propose the following immediate steps. These can and should be implemented within the next two or three months. To the best of our knowledge, no new policy formulations or funds are required. It is simply a matter of acting with a concerted rather than a divided effort, and with a sense of priority.

1. Invite the establishment of, and fund, a consortium of experienced professional competent voluntary agencies to facilitate and expedite inter-country adoption of Vietnamese children for whom adoption is legally possible and clearly the best plan. Particular priority should be given to the racially mixed child. The primary bottle-neck with regard to inter-country adoption at present is the lack of adequate services and staff in Vietnam. We view this recommendation as an urgent requirement, though we recognize that adoption must still be handled on a case by case basis to protect all parties concerned. The expensive services for the few at the expense of the many is unconscionable. Therefore, the consortium must equally concern itself with providing counseling services to mothers who may be considering abandoning their children, and with the immediate up-grading and improvement of child care services and institutions in Vietnam.

2. Expedite the inter-country adoption process by assigning one additional officer to the INS regional office in Hong Kong so that U.S. government formalities will not represent a bottleneck as they have, on occasion in the past. INS is planning to transfer 1,000 inspectors to the U.S. Customs Bureau in the near future. We ask that one of these be diverted to Hong Kong.

4. The U.S. government, through its Embassy in Saigon, should urge the Government of Vietnam to expedite passage, or interim implementation by decree, of sound adoptional legislation which, we understand, is presently in draft form.

5. The government of the United States should formally transmit to the Government of Vietnam a clear statement of intent of support for programs designed to assure the welfare of children in Vietnam. This recommendation will have the duel effect of indicating American commitment particularly in terms of funds on a more than a year to year basis, and of stimulating the Government of Vietnam to give its own child welfare programs and Ministry of Social Welfare reasonable support and priority. One of the persistent problems is that U.S. funding is only available on a year to year basis. The Vietnamese, understandably, are reluctant to commit themselves to long range programs with only a few months of funding in sight.

6. The U.S. government should strongly urge the Vietnamese government to lift its present restriction on hiring new personnel within the Ministry of Social Welfare. At present, the Ministry does not have adequate personnel, in terms of numbers of professional competence, to supply many of the child welfare services needed.

7. AID should be authorized to proceed with direct hire from outside its own personnel resources in order to replace departing child welfare personnel in Vietnam and expand the AID child welfare advisory and support program by several additional positions.

8. The Subcommittee on Refugees should review the various pieces of legislation addressed to the needs of children of Vietnam which have been introduced over the past two years to determine whether modification of previously proposed legislation, or new legislation, is warranted to ensure that we can and will continue to exercise our responsibilities to the children of Vietnam.

9. The appropriate Subcommittee of the Judiciary Committee should be asked to explore some modification of our present Immigration and Nationality Act in order to enable American fathered children in Vietnam to obtain American citizenship, if they so wish, upon reaching their majority.

10. Until such time as multi-lateral mechanisms can be determined and utilized, the Agency for International Development should continue to work with the government of Vietnam, particularly the Ministry of Social Welfare, in an advisory and supporting role, to assist that government in carrying out its responsibility to the children of Vietnam, responsibilities which we share. After many years of inaction, AID had initiated a well-thought out program of child welfare assistance in Vietnam. The AID continuing effort should be encouraged and supported by this Subcommittee and by the Administration.

Mr. Chairman, we have presented a review of the needs of the children in Vietnam and we have made some specific recommendations for meeting those needs. We do not suggest that our review has been comprehensive or that our recommendations are by any means all inclusive. However, we have sufficient confidence in our own experience and judgments to suggest that careful consideration of the views and recommendations presented this morning will significantly enhance our government's ability to meet our national obligation to the children of Vietnam.



## FINANCIAL STATEMENT OF SENATOR BEALL

Mr. BEALL. Mr. President, in keeping with my usual practice, I am submitting for the RECORD a copy of my financial statement for the year 1972.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

*Financial statement of Senator J. Glenn Beall, Jr., December 31, 1972*

ASSETS

| | |
|---|---|
| Cash in bank: | |
| Checking accounts | $8,447.46 |
| Savings accounts | 11,397.22 |
| Total | 19,844.68 |
| Stocks and bonds (see list attached, appendix A) | 148,738.79 |
| Life insurance—cash surrender value | 17,799.00 |
| Beall, Garner, and Geare Retirement Trust (vested interest) | 31,756.29 |
| Equity in Beall, Garner, and Geare Realty Co. (copartnership) | 10,470.12 |
| Dwellings: | |
| Beall's Lane, Frostburg, Md. | 50,000.00 |
| Western Avenue, Chevy Chase, Md | 80,000.00 |
| | 130,000.00 |
| Personal property (furniture, etc. at both locations | 20,000.00 |
| 1972 Chrysler New Yorker 4-door sedan | 4,100.00 |
| Total | 382,708.88 |

LIABILITIES

| | |
|---|---|
| Note payable, First National Bank & Trust Co. of Western Maryland | 5,000.00 |
| Mortgages: | |
| The Fidelity Bank, Frostburg, Md. (Frostburg dwelling) | 17,213.41 |
| Citizens Building & Loan, Silver Spring, Md. (Chevy Chase dwelling) | 54,677.92 |
| Total | 76,891.33 |
| Net worth | 305,817.55 |

*Appendix A—Stocks and bonds*

| | |
|---|---|
| 39 Beall, Garner & Geare, Inc. (common) | $79,957.02 |
| 100 Beall, Garner & Geare, Inc. (preferred) | 26,000.00 |
| 34 Allegheny Power | 733.00 |
| 100 Canadian Export Gas & Oil | 400.00 |
| 83 Cumberland Fair | 1,660.00 |
| 50 Fidelity Bank of Frostburg | 1,000.00 |
| 211 First National Bank & Trust of Western Maryland | 13,715.00 |
| 50 General Telephone & Electronics | $1,506.25 |
| 5 Irving Trust | 168.75 |
| 17 Kaiser Aluminum & Chemical | 300.75 |
| 8 Kaiser Aluminum & Chemical (4¾ cum. conv. 1959) | 496.00 |
| 60 Minnesota Mining & Manufacturing | 5,157.50 |
| 34 Northern Illinois Gas | 839.25 |
| 30 Standard Oil of New Jersey | 2,625.00 |
| 268 United States Fidelity & Guaranty Co | 11,758.50 |
| 165.874 Massachusetts Investors Growth Stock Fund | 2,421.77 |
| Total | 148,738.79 |

## PROFITS AT RECORD HIGH

Mr. HUMPHREY. Mr. President, the giant corporations of this country are making gigantic profits at the expense of the average working American. Profits have never been higher—averaging increases of 23 percent ahead of the first quarter rate of 1972.

The Survey of Corporate Performance, first quarter, 1973, of Business Week, published May 12, 1973, headlines: "Profits Zoom in the first Round."

Some profit gains have been as much as 227 percent ahead of last year's performance—which was in itself a record breaking year. Profit margins also are charging ahead—and are now the highest in 3 years.

According to present projections, total corporate profits would be an after tax rate of some $61 billion. The profits for steel, paper, building materials, publishing and special machinery were, according to Business Week, "first quarter standouts."

Mr. President, all of us want American business to be healthy. The American system is founded on a strong free enterprise. But we are in a period of inflation, of wage and price stabilization; and it is simply not fair to the average working families of this Nation to have profit zooming—indicating higher and higher prices—while wages are held down.

Mr. President, I ask unanimous consent that the Survey of Corporate Performance as published in Business Week, be printed at this point in the RECORD:

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

PROFITS ZOOM IN THE FIRST ROUND

Corporate profits continued their record-breaking ascent in the first quarter of 1973. Pegged at an annual aftertax rate of at least $61-billion, this year's first-round figure is fully 23% ahead of the first-quarter rate in 1972, and 6.6% greater than the record $57.2-billion rate of 1972's final quarter.

Profit margins, too, showed an impressive gain. Aftertax profits per dollar of sales rose to 6% for the first quarter, the highest in more than three years.

Although corporate profit rates continue to set new highs, aftertax profits as a percentage of gross national product still remain below the pace of a decade ago. In 1966, for example, corporate profits were 6.7% of that year's GNP. But at the current first-quarter rate, they amount to only 4.9% of 1973's estimated GNP of $1.2-trillion.

THE LEADERS

The first-quarter survey, covering 873 companies in 36 separate industries, is specially prepared for Business Week by Denver-based Investors Management Sciences, Inc., a subsidiary of Standard & Poor's Corp. To be included in the current survey, industrial corporations must have garnered at least $26-million in sales for the quarter and have reported them in detail by Apr. 27. Companies reporting for a quarter ending Jan. 31 are included only if their sales were greater than $100-million. In addition to the sales requirement, banks also must have $1-billion in deposits to be included, while utilities must post revenues of $50-million or more for the quarter.

Responding to a record auto sales year, a surge in total demand, and firmer prices, the steel industry led the first-quarter profit boom with earnings for the group up by 84%. The paper industry now has made it to the ranks of BW's top five quarterly performers three times running—this time with first-quarter profits up by 70%. This comes on the heels of profit gains of 59% and 66% for the third and fourth quarters of 1972.

Shortages, sharply higher prices, and a continuation of the construction boom helped boost profits for the building materials industry by 65%. And the developing boom in agriculture began to make itself felt in some industries. Profits for the special machinery group, which manufactures most of the nation's farm equipment, rose by 45%.

It also was a good quarter for publishing, packed by a profit gain of 227% at McGraw-Hill. Higher costs and a recession-related dip in advertising revenues had kept the profit growth for the industry in the 2%-to-7% range for most quarters in 1971 and 1972.

But the most impressive thing about the quarter's profit picture was its breadth and uniformity. Missing were the spectacular—but temporary—profit leaps of 200% to 300% or more. At the same time, however, and for the second quarter in a row, there was only one industry that brought in a groupwide profit decline—the airlines, which as a group reported a net loss of $38.7-million. But the pattern in industry after industry was a profits gain of 20% to 30%.

THE "LOSERS"

Even most of this quarter's "losers" turned in profit performances that in other years might be rated good to excellent. The first quarter usually is the most troublesome for virtually all of the transportation group. This year, an extremely bitter winter in some sections of the nation held railroad and trucking profit growth to 9% and 12% respectively.

Squeezed by relatively low interest rates and the Wall Street doldrums, nonbank financial companies managed to neither make nor lose more money on the average than they did a year ago. Reflecting the same interest-rate pressure, bank profits were up by a respectable 13%, but that figure was considerably below average for most companies this quarter.

As in most quarters, there were individual company standouts, many of which shot up from a low base a year ago. Curtiss-Wright profits rose by 855%, while International Harvester gained 353%, and American Motors 345%. Fairchild Camera led the electrical group with a profit swing of 477%, while Hammermill Paper paced its industry with a 360% increase.

XUM

SURVEY OF CORPORATE PERFORMANCE: 1ST QUARTER 1973

| Company | Sales: 1st quarter 1973 (millions) | Sales: Change from 1972 (percent) | Profits: 1st quarter 1973 (millions) | Profits: Change from 1972 (percent) | Margins: 1st quarter 1973 (percent) | Margins: 1st quarter 1972 (percent) | Ratios: Return on invested capital 1972 | Ratios: Return on common equity 1972 | Ratios: Price earnings ratio 4-30 | 10-year growth: Common equity (percent) | 10-year growth: Earnings per share (percent) | Market value shares O/s yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **AEROSPACE** | | | | | | | | | | | | | |
| Airframes, general aircraft and parts | | | | | | | | | | | | | |
| Beech Aircraft [3] | $49.7 | 18 | $2.3 | 61 | 4.9 | 3.6 | 12.8 | 18.4 | 8 | 5 | 7 | $116 | $1.93 |
| Boeing | 630.8 | −15 | 10.7 | 19 | 1.7 | 1.2 | 6.4 | 4.0 | 11 | 15 | −9 | 542 | 1.57 |
| Cessna Aircraft [3] | 995.2 | 73 | 6.1 | 133 | 6.4 | 4.7 | 13.6 | 18.5 | 9 | 10 | 7 | 250 | 2.56 |
| Curtiss-Wright | 57.7 | 8 | 1.4 | 855 | 2.4 | 0.3 | 3.9 | 3.4 | 38 | −2 | −6 | 279 | 0.85 |
| Fairchild Industries | 55.9 | 5 | −2.9 | NM | NM | 1.5 | 4.3 | 4.5 | 13 | 9 | 8 | 44 | 0.55 |
| Kaman | 30.5 | 17 | .7 | 23 | 2.1 | 2.0 | 7.2 | 9.1 | 7 | 17 | 2 | 14 | 2.40 |
| Lockheed Aircraft | 615.6 | 25 | 3.5 | 3 | 0.6 | 0.7 | 3.7 | 5.0 | 6 | 3 | −13 | 104 | 1.15 |
| McDonnell Douglas | 816.3 | 39 | 34.4 | 58 | 4.2 | 3.7 | 11.6 | 15.5 | 9 | 29 | 16 | 1,047 | 3.91 |
| Northrop | **132.2 | 17 | 1.8 | −25 | 1.3 | 2.1 | 6.0 | 7.1 | 8 | 9 | 6 | 91 | 2.49 |
| Rockwell International [3] | 801.3 | 18 | 34.3 | 34 | 4.3 | 3.8 | 10.0 | 15.8 | 8 | 9 | −4 | 713 | 3.33 |
| Thiokol Chemical | 70.2 | 7 | 3.0 | 36 | 4.3 | 3.4 | 12.0 | 12.0 | 7 | 7 | 2 | 122 | 1.79 |
| United Aircraft | 538.7 | 7 | 14.5 | 16 | 2.7 | 2.5 | 7.9 | 10.0 | 8 | 9 | 8 | 539 | 4.35 |
| VSI [4] | 28.8 | 18 | 2.2 | 45 | 7.7 | 6.3 | 16.0 | 16.9 | 10 | 14 | 10 | 64 | 2.12 |
| Industry Composite | 3,922.9 | 14 | 112.0 | 34 | 2.9 | 2.4 | 7.8 | 10.3 | 11 | 11 | −1 | 3,924 | 2.66 |
| **AIRLINES** | | | | | | | | | | | | | |
| Allegheny Airlines | 71.6 | 59 | −3.4 | NM | NM | NM | 6.3 | 6.6 | 29 | 26 | −3 | 93 | 0.23 |
| American Airlines | 321.8 | 3 | −28.8 | NM | NM | NM | 1.0 | −2.3 | NM | 16 | −14 | 716 | −0.47 |
| Braniff Airways | 97.8 | 11 | 4.0 | 14 | 4.1 | 4.0 | 8.7 | 17.1 | 13 | 11 | 17 | 314 | 0.87 |
| Continental Air Lines | 85.5 | 4 | −.9 | NM | NM | 0.4 | 3.9 | 6.4 | 18 | 18 | 2 | 222 | 0.61 |
| Delta Air Lines [4] | 267.3 | 15 | 12.6 | 54 | 4.7 | 3.5 | 9.8 | 17.7 | 20 | 21 | 16 | 1,245 | 2.92 |
| Eastern Air Lines | 318.9 | 6 | −1.9 | NM | NM | 4.2 | 3.2 | 2.4 | 30 | 20 | NA | 431 | 0.42 |
| Flying Tiger | 61.6 | 8 | 5.8 | 28 | 9.4 | 8.0 | 7.5 | 24.5 | 10 | 26 | 21 | 416 | 2.68 |
| Frontier Air Lines | 28.9 | 22 | .9 | NM | 3.1 | NM | 16.5 | NM | 6 | −1 | 6 | 35 | 1.11 |
| National Airlines [5] | 105.2 | 11 | 5.9 | −14 | 5.6 | 7.3 | 7.5 | 13.6 | 8 | 17 | 9 | 282 | 2.33 |
| Northwest Airlines | 120.0 | 1 | 8.0 | 72 | 6.7 | 3.9 | 3.4 | 4.3 | 26 | 26 | 4 | 775 | 0.98 |
| Pan American World Airways | 296.7 | 10 | −19.1 | NM | NM | NM | NM | −4.2 | NM | 11 | 17 | 362 | −0.42 |
| PSA | 28.4 | 9 | −.4 | NM | NM | 4.2 | 3.7 | 5.2 | 14 | 37 | 3 | 78 | 1.09 |
| Trans World Airlines | 324.7 | 15 | −14.8 | NM | NM | NM | 6.2 | 16.4 | 9 | 13 | −21 | 518 | 3.65 |
| UAL | 442.2 | 10 | −9.5 | NM | NM | NM | 3.1 | 3.7 | 24 | 14 | 4 | 691 | 0.93 |
| Western Air Lines | 94.9 | 8 | 2.8 | 43 | 3.0 | 2.2 | 6.6 | 12.9 | 12 | 9 | −9 | 184 | 0.87 |
| Industry Composite | 2,665.5 | 10 | −38.7 | NM | NM | NM | 4.3 | 6.1 | 17 | 16 | −2 | 6,362 | 0.93 |
| **APPLIANCES** | | | | | | | | | | | | | |
| Hoover | 127.1 | 17 | 8.1 | 28 | 6.4 | 5.8 | 13.5 | 17.9 | 10 | 10 | 9 | 498 | 2.37 |
| Magic Chef [4] | 55.9 | 11 | 1.1 | −54 | 2.0 | 4.9 | 13.1 | 14.7 | 9 | 29 | 12 | 159 | 1.18 |
| Maytag | 53.8 | 9 | 6.6 | 5 | 12.3 | 12.8 | 30.4 | 30.4 | 15 | 5 | 5 | 549 | 2.12 |
| Singer | 576.8 | 10 | 20.9 | 12 | 3.6 | 3.6 | 11.3 | 14.6 | 10 | 4 | 2 | 1,151 | 4.99 |
| Tappan | 66.2 | 33 | 1.9 | 29 | 2.9 | 3.0 | 9.8 | 12.2 | 7 | 10 | 8 | 69 | 2.19 |
| Whirlpool | 372.9 | 22 | 18.2 | 38 | 4.9 | 4.3 | 18.7 | 22.6 | 13 | 13 | 9 | 1,301 | 2.04 |
| Industry Composite | 1,252.7 | 15 | 57.0 | 17 | 4.5 | 4.5 | 14.0 | 18.1 | 11 | 4 | 6 | 3,717 | 2.59 |
| **AUTOMOTIVE** | | | | | | | | | | | | | |
| Autos, trucks, equipment and parts | | | | | | | | | | | | | |
| Allen Group | 45.1 | 31 | .9 | −20 | 1.9 | 3.6 | 6.6 | 8.4 | 11 | 44 | 6 | 49 | 1.17 |
| American Motors [3] | 476.3 | 42 | 16.5 | 345 | 3.5 | 1.1 | 11.3 | 13.2 | 7 | −3 | −16 | 219 | 1.21 |
| Arvin Industries | 92.6 | 14 | 1.7 | 14 | 3.2 | 3.2 | 9.1 | 12.0 | 13 | 8 | 1 | 152 | 1.38 |
| Bearings [4] | 33.5 | 25 | 1.8 | 45 | 5.3 | 4.6 | 17.3 | 17.3 | 17 | 15 | 11 | 100 | 3.19 |
| Bendix [3] | **590.0 | 24 | 16.5 | 29 | 3.0 | 6.9 | 9.2 | 13.4 | 10 | 5 | 3 | 602 | 3.93 |
| Borg-Warner | 365.9 | 18 | 16.8 | 35 | 4.6 | 4.0 | 9.4 | 11.0 | 8 | 5 | 3 | 654 | 3.25 |
| Budd | 190.2 | 15 | 6.7 | 35 | 3.5 | 3.0 | 7.7 | 10.2 | 6 | 3 | 4 | 98 | 2.44 |
| Champion Spark Plug | 101.4 | 12 | 10.9 | 10 | 10.7 | 10.9 | 57.5 | 20.1 | 13 | 11 | 10 | 560 | 3.26 |
| Chrysler | 897.3 | 30 | 89.8 | 151 | 3.1 | 1.6 | 9.2 | 11.3 | 6 | 12 | −2 | 2,147 | 5.28 |
| Cummins Engine | 154.6 | 47 | 5.0 | NM | 3.2 | NM | 6.9 | 8.6 | 16 | 11 | 1 | 400 | 2.29 |
| Dana [4] | 240.5 | 18 | 14.1 | 29 | 5.9 | 5.4 | 13.3 | 16.4 | 9 | 10 | 5 | 537 | 3.75 |
| Eaton | 370.6 | 26 | 23.1 | 27 | 6.3 | 6.2 | 11.7 | 15.2 | 8 | 12 | 7 | 731 | 4.06 |
| Federal-Mogul | 79.3 | 18 | 3.2 | 2 | 4.0 | 4.7 | 10.1 | 12.7 | 10 | 3 | −3 | 160 | 2.56 |
| Ford Motor | 6,122.7 | 26 | 360.7 | 43 | 5.9 | 5.2 | 14.5 | 16.3 | 6 | 5 | 4 | 8,091 | 9.66 |
| Fruehauf | 157.5 | 21 | 8.0 | 39 | 5.1 | 4.4 | 9.5 | 12.2 | 9 | 8 | 0 | 289 | 3.31 |
| General Motors | 9,570.0 | 23 | 816.9 | 26 | 8.5 | 8.4 | 18.8 | 20.2 | 9 | 6 | −1 | 23,195 | 8.10 |
| Gould [4] | 160.6 | 31 | 6.4 | 30 | 4.0 | 4.0 | 10.5 | 12.7 | 9 | 19 | 6 | 272 | 2.61 |
| Houdaille Industries | 70.6 | 27 | 3.1 | 145 | 4.5 | 2.3 | 12.3 | 16.8 | 8 | 15 | 5 | 126 | 1.70 |
| International Harvester | 855.7 | 38 | 12.7 | 353 | 1.5 | 0.5 | 8.3 | 8.2 | 8 | 2 | −2 | 1,048 | 3.53 |
| Kelsey-Hayes [4] | 131.8 | 19 | 2.4 | 58 | 1.8 | 1.4 | 6.7 | 8.7 | 7 | 4 | 3 | 84 | 3.57 |
| Libbey-Owens-Ford | 175.6 | 16 | 17.8 | 27 | 10.1 | 9.3 | NA | 23.1 | 8 | −2 | −2 | 455 | 4.57 |
| Maremount | 68.1 | 13 | 2.4 | 102 | 3.5 | 2.0 | 15.4 | 23.0 | 11 | 5 | −1 | 215 | 2.93 |
| McCord [4] | 39.5 | 53 | 1.4 | 50 | 3.6 | 3.7 | 10.5 | 12.1 | 8 | 9 | 7 | 47 | 2.49 |
| Monroe Auto Equipment [4] | **37.8 | 16 | 5.3 | 18 | 14.0 | 13.8 | 23.5 | 24.3 | 12 | 21 | 24 | 422 | 1.69 |
| Nova | 27.9 | 63 | .4 | 222 | 1.4 | 0.7 | 6.7 | 16.6 | 7 | 0 | 0 | 8 | 0.99 |
| Purolator | 62.3 | 15 | 3.2 | 15 | 5.2 | 5.2 | 15.2 | 19.3 | 19 | 14 | 11 | 277 | 2.59 |
| Questor | 88.1 | 10 | 2.2 | 10 | 2.6 | 2.6 | 9.2 | 10.7 | 10 | 17 | 7 | 220 | 1.68 |
| Raybestos-Manhattan | 45.2 | 24 | 1.8 | 82 | 4.0 | 2.7 | 8.0 | 9.6 | 6 | 2 | −7 | 41 | 4.22 |
| Royal Industries | 43.2 | 23 | 1.7 | 22 | 3.9 | 3.9 | 11.7 | 15.3 | 7 | 31 | 21 | 58 | 1.17 |
| Sealed Power | 28.4 | 18 | 1.7 | 8 | 6.1 | 6.7 | 12.9 | 14.3 | 10 | 10 | 6 | 89 | 2.29 |
| Shelter-Globe [3] | 71.4 | 19 | 2.0 | 15 | 2.8 | 2.9 | 8.8 | 20.3 | 7 | 6 | 12 | 67 | 1.79 |
| Smith (A.O.) | 156.4 | 25 | 4.5 | 8 | 2.9 | 3.3 | 5.7 | 6.5 | 9 | 6 | 11 | 108 | 2.09 |
| Texstar [3] | 41.7 | 26 | 1.0 | 28 | 2.3 | 2.3 | 10.0 | 14.6 | 5 | 15 | 18 | 21 | 0.89 |
| Timken | 140.5 | 26 | 13.7 | 41 | 9.7 | 8.7 | 12.4 | 12.6 | 8 | 7 | 1 | 443 | 4.35 |
| TRW | 497.8 | 30 | 21.2 | 38 | 4.3 | 4.0 | 10.6 | 20.9 | 11 | 9 | 10 | 866 | 2.43 |
| Wagner Electric | 66.7 | 17 | 2.4 | 28 | 3.7 | 3.4 | 10.5 | 13.6 | 7 | NA | NA | 96 | 1.76 |
| White Motor | 273.6 | 19 | 3.1 | 64 | 1.1 | .8 | 4.2 | 8.7 | 13 | 4 | −15 | 119 | 0.90 |
| Industry Composite | 24,465.4 | 25 | 1,502.9 | 37 | 6.1 | 5.6 | 14.2 | 16.7 | 9 | 6 | 0 | 43,676 | 5.89 |

Footnotes at end of table.



| Company | Sales: 1st quarter 1973 (millions) | Sales: Change from 1972 (percent) | Profits: 1st quarter 1973 (millions) | Profits: Change from 1972 (percent) | Margins: 1st quarter 1973 (percent) | Margins: 1st quarter 1972 (percent) | Ratios: Return on invested capital 1972 | Ratios: Return on common equity 1972 | Ratios: Price earnings ratio 4-30 | 10-year growth: Common equity (percent) | 10-year growth: Earnings per share (percent) | Market value shares O/S yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **BANKS AND BANK HOLDING COMPANIES** | | | | | | | | | | | | | |
| Bancal Tri-State | $43.3 | 22 | $2.0 | 130 | 4.6 | 2.4 | 7.0 | 8.8 | 10 | 4 | 1 | $72 | $2.43 |
| Bank of New York | 96.0 | 15 | 6.2 | 2 | 11.1 | 12.5 | 10.7 | 13.3 | 8 | NA | NA | 241 | 4.24 |
| BankAmerica | 458.1 | 18 | 47.4 | 13 | 10.3 | 10.8 | 12.1 | 13.6 | 16 | 6 | 9 | 3310 | 2.82 |
| Bankers Trust New York | 201.3 | 28 | 15.6 | 20 | 7.8 | 8.3 | 9.9 | 12.5 | 9 | 4 | 5 | 687 | 5.98 |
| CIT Financial | 147.0 | 7 | 20.2 | 6 | 13.8 | 14.0 | 7.6 | 13.5 | 10 | 6 | 5 | 978 | 4.20 |
| Cameron Financial | 34.5 | 22 | 3.2 | 7 | 9.2 | 10.5 | 9.8 | 15.2 | 13 | 12 | 10 | 230 | 2.24 |
| CBT | 26.1 | 24 | 2.3 | −12 | 9.0 | 12.6 | 10.4 | 11.0 | 8 | 7 | 7 | 102 | 5.07 |
| Centran Bancshares | 28.9 | 18 | 2.9 | 6 | 10.0 | 11.0 | 9.6 | 11.7 | 9 | 8 | 8 | 107 | 3.04 |
| Charter New York | 109.4 | 45 | 7.3 | 27 | 6.7 | 7.6 | 8.1 | 9.7 | 9 | 6 | 2 | 255 | 3.49 |
| Chase Manhattan | 460.8 | 34 | 43.1 | 10 | 8.7 | 10.6 | 9.4 | 12.2 | 9 | 5 | 8 | 1788 | 4.76 |
| Chemical New York | 214.0 | 33 | 14.9 | −15 | 7.0 | 10.9 | 7.9 | 9.1 | 10 | 4 | 5 | 715 | 4.46 |
| Citizens & Southern National | 52.0 | 27 | 6.3 | 17 | 12.2 | 13.2 | 13.1 | 14.8 | 21 | 13 | 13 | 561 | 1.05 |
| Cleveland Trust | 42.9 | 15 | 7.7 | 27 | 18.0 | 16.3 | 9.9 | 9.9 | 9 | 7 | 10 | 279 | 9.48 |
| Continental Illinois | 193.9 | 46 | 21.9 | 3 | 11.3 | 16.1 | 12.3 | 12.6 | 10 | 6 | 8 | 940 | 4.57 |
| Crocker National | 118.3 | 20 | 7.3 | −8 | 6.2 | 8.1 | 8.5 | 11.3 | 8 | 4 | 5 | 327 | 3.22 |
| Detroit Bank & Trust | 33.6 | 0 | 5.2 | 23 | 15.5 | 12.6 | 11.4 | 11.4 | 8 | 6 | 9 | 153 | 6.29 |
| Fidelity | 39.8 | 25 | 4.4 | 14 | 11.1 | 12.1 | 11.7 | 15.7 | 9 | 6 | 10 | 192 | 4.15 |
| First Bank System | 91.9 | 20 | 13.2 | 6 | 14.4 | 16.2 | 13.7 | 14.4 | 17 | 7 | 12 | 882 | 3.42 |
| First Chicago | 189.6 | 47 | 19.7 | 11 | 10.4 | 13.8 | 10.7 | 12.5 | 13 | 6 | 9 | 1178 | 4.09 |
| First Empire State | 29.6 | 46 | 1.8 | 2 | 6.1 | 8.7 | 10.3 | 11.5 | 8 | 5 | 6 | 65 | 2.71 |
| First National Boston | 115.2 | 53 | 11.2 | 21 | 9.8 | 12.4 | 9.6 | 11.0 | 10 | 5 | 8 | 529 | 3.67 |
| First National City | 601.0 | 31 | 58.2 | 23 | 9.7 | 10.1 | 12.6 | 14.4 | 19 | 5 | 9 | 4139 | 1.95 |
| First National Holding | 30.8 | 42 | 2.9 | 33 | 9.4 | 10.1 | 11.1 | 12.8 | 11 | 5 | 6 | 149 | 2.82 |
| First Pennsylvania | 100.2 | 31 | 10.1 | 20 | 10.1 | 11.0 | 14.0 | 17.4 | 12 | 8 | 13 | 639 | 3.15 |
| First Wisconsin Bankshares | 48.0 | 32 | 4.4 | 19 | 9.0 | 10.1 | 9.1 | 11.7 | 9 | 7 | 10 | 170 | 4.03 |
| Franklin New York | 62.6 | 29 | 3.8 | 4 | 6.0 | 7.5 | 7.4 | 8.2 | 12 | 7 | 3 | 158 | 2.24 |
| Girard | 46.9 | 30 | 3.3 | 1 | 7.1 | 9.2 | 9.6 | 11.6 | 8 | 5 | 7 | 142 | 6.25 |
| Harris Bankcorp | 48.7 | 42 | 4.9 | 23 | 10.1 | 11.7 | 9.6 | 10.5 | 9 | 8 | 9 | 182 | 6.07 |
| Industrial National | 30.3 | 48 | 3.9 | 24 | 12.9 | 15.4 | 12.4 | 16.3 | 10 | 8 | 12 | 191 | 3.05 |
| Lincoln First Banks | 40.2 | 21 | 3.9 | 1 | 9.6 | 11.5 | 8.8 | 10.7 | 7 | 9 | 8 | 102 | 3.93 |
| Manufacturers Hanover | 233.8 | 50 | 23.0 | 29 | 9.8 | 11.4 | 10.6 | 11.7 | 11 | 5 | 8 | 1007 | 2.97 |
| Mfrs National Bank of Detroit | 36.7 | 17 | 3.8 | 15 | 10.4 | 10.6 | 10.1 | 12.6 | 7 | 6 | 8 | 112 | 7.09 |
| Marine Bancorp Seattle | 33.1 | 14 | 2.5 | 7 | 7.5 | 7.9 | 8.8 | 8.8 | 8 | 10 | 10 | 89 | 2.58 |
| Marine Midland Banks | 166.3 | 35 | 9.7 | −11 | 5.8 | 8.9 | 9.8 | 11.4 | 8 | 6 | 7 | 393 | 3.34 |
| Mellon National | 103.7 | 39 | 12.6 | 16 | 12.1 | 14.5 | 9.2 | 9.2 | 10 | 3 | 7 | 430 | 4.75 |
| Morgan (J.P.) | 247.8 | 39 | 35.5 | 19 | 14.3 | 16.7 | 12.1 | 14.4 | 14 | 4 | 10 | 1,920 | 3.43 |
| Natl City Bank of Cleveland | 28.9 | 30 | 5.6 | 5 | 19.4 | 24.0 | 14.2 | 14.2 | 9 | 7 | 10 | 242 | 6.26 |
| National Detroit | 84.4 | 21 | 9.5 | 7 | 11.3 | 12.8 | 9.2 | 10.6 | 7 | 6 | 9 | 305 | 5.90 |
| NCNB | 56.5 | 48 | 6.4 | 24 | 11.4 | 13.6 | 11.6 | 16.7 | 24 | 11 | 13 | 567 | 1.47 |
| Northwest Bancorp | 94.9 | 24 | 11.7 | 22 | 12.4 | 12.6 | 12.1 | 13.6 | 15 | 6 | 10 | 710 | 3.84 |
| Nortrust | 40.7 | 28 | 4.9 | 19 | 12.1 | 13.1 | 11.0 | 11.5 | 10 | 8 | 11 | 179 | 3.68 |
| Seattle-First National | 56.1 | 28 | 6.0 | 6 | 10.7 | 13.0 | 13.0 | 13.0 | 11 | 6 | 9 | 296 | 5.20 |
| Security Natl Bank Hempstead | 31.9 | 26 | 2.8 | −19 | 8.6 | 13.4 | 10.6 | 11.2 | 8 | 25 | 13 | 153 | 2.72 |
| Security Pacific | 177.3 | 24 | 14.8 | 9 | 8.4 | 9.5 | 11.0 | 11.0 | 9 | 6 | 8 | 666 | 2.88 |
| Southeast Banking | 33.7 | 35 | 4.2 | 24 | 12.3 | 13.4 | 10.9 | 15.3 | 13 | 15 | 11 | 295 | 1.87 |
| U.S. Bancorp | 38.2 | 20 | 4.6 | 20 | 12.1 | 12.1 | 12.3 | 13.7 | 11 | 5 | 9 | 219 | 2.15 |
| UnionAmerica | 79.1 | 23 | 6.9 | 19 | 8.7 | 9.0 | 12.2 | 15.1 | 11 | 10 | 7 | 398 | 2.63 |
| United Virginia Bankshares | 33.3 | 33 | 3.7 | 19 | 11.2 | 12.4 | 10.9 | 14.8 | 13 | 12 | 9 | 224 | 2.95 |
| Wachovia | 71.3 | 24 | 8.3 | 5 | 11.7 | 13.8 | 12.1 | 11.9 | 18 | 15 | 11 | 472 | 2.19 |
| Wells Fargo | 150.7 | 30 | 10.3 | 27 | 6.8 | 7.0 | 9.1 | 11.3 | 9 | 5 | 7 | 555 | 2.18 |
| Western Bancorp | 244.9 | 23 | 18.3 | 23 | 7.5 | 7.5 | 10.1 | 11.6 | 10 | 98 | 7 | 838 | 3.15 |
| Industry Composite | 5,739.3 | 30 | 561.6 | 13 | 9.8 | 11.2 | 10.4 | 12.5 | 11 | 5 | 8 | 29,912 | 3.14 |
| **BEVERAGES** | | | | | | | | | | | | | |
| Brewers, distillers, soft drinks | | | | | | | | | | | | | |
| Anheuser-Busch | 248.9 | 11 | 18.4 | 5 | 7.4 | 7.8 | 13.2 | 17.2 | 27 | 11 | 13 | 2,490 | 1.72 |
| Coca-Cola Bottling of N.Y. | 46.7 | 11 | 2.1 | 16 | 4.4 | 4.2 | ÷15.2 | ÷15.3 | 23 | 8 | 12 | 272 | 0.81 |
| Falstaff Brewing | 39.2 | 27 | −1.1 | NM | NM | 0.3 | NM | −14.6 | NM | 0 | −20 | 23 | −1.62 |
| Glenmore Distilleries | *41.1 | 9 | 0.0 | −77 | 0.1 | 0.2 | 3.6 | 2.2 | 14 | 1 | −4 | 12 | 0.65 |
| Heileman (G.) Brewing | *38.3 | 53 | 1.2 | 16 | 3.2 | 4.2 | 12.6 | 19.3 | 9 | 17 | 25 | 49 | 1.55 |
| Heublein | *260.2 | 13 | 8.5 | 17 | 3.3 | 3.2 | 16.6 | 26.6 | 21 | 14 | 15 | 1,121 | 2.02 |
| National Distillers & Chemical | *282.9 | 7 | 10.0 | 38 | 3.5 | 2.8 | 5.8 | 8.1 | 11 | 4 | 3 | 433 | 1.37 |
| Pabst Brewing | *109.1 | 7 | 6.5 | 14 | 5.9 | 5.6 | 13.1 | 14.1 | 23 | 11 | 15 | 714 | 3.08 |
| PepsiCo | 321.6 | 18 | 13.6 | 13 | 4.2 | 4.4 | 12.3 | 17.5 | 27 | 20 | 10 | 2,053 | 3.11 |
| Rheingold | *46.2 | −6 | −1.4 | NM | NM | NM | 3.5 | 2.5 | 40 | 14 | 6 | 57 | 0.34 |
| Schlitz (Jos.) Brewing | *194.5 | 19 | 10.0 | 30 | 5.1 | 4.7 | 15.2 | 19.6 | 36 | 5 | 13 | 1,696 | 1.66 |
| Seven-Up | 27.8 | 9 | 2.8 | 11 | 10.1 | 10.0 | 23.4 | 27.8 | 25 | 22 | 26 | 346 | 1.12 |
| Southdown | **43.6 | 5 | 2.5 | 12 | 5.6 | 5.3 | 8.5 | 33.2 | 5 | 5 | 11 | 62 | 2.60 |
| Industry Composite | 1,701.0 | 16 | 73.0 | 13 | 4.3 | 4.4 | 10.8 | 15.2 | 22 | 8 | 11 | 9,327 | 1.75 |
| **BUILDING MATERIALS** | | | | | | | | | | | | | |
| Cement, wood, paint, heating and plumbing, roofing, etc. | | | | | | | | | | | | | |
| American Cement | 32.5 | 5 | −0.1 | NM | NM | NM | 4.8 | 5.8 | 9 | 0 | −9 | 37 | 0.59 |
| Ameron [4] | 32.3 | 39 | 0.7 | 230 | 2.3 | 0.9 | 8.4 | 10.3 | 6 | 7 | 2 | 38 | 2.30 |
| Bliss & Laughlin Industries | **40.1 | 29 | 2.1 | 65 | 5.2 | 4.1 | 8.4 | 14.4 | 7 | 13 | 9 | 56 | 2.59 |
| Boise Cascade | 326.4 | 21 | 16.3 | 215 | 5.0 | 1.9 | 5.7 | 7.2 | 6 | 38 | 8 | 317 | 1.64 |
| Brown [4] | 63.1 | 26 | 0.9 | 351 | 1.5 | 0.4 | 6.7 | 7.6 | 8 | −2 | −6 | 42 | 1.18 |
| Carrier [5] | 184.1 | 25 | 6.2 | 29 | 3.4 | 3.2 | 8.8 | 11.6 | 14 | 11 | 12 | 675 | 1.37 |
| Certain-teed Products | 99.7 | 17 | 4.4 | 24 | 4.4 | 4.2 | 13.5 | 18.1 | 9 | 7 | 12 | 229 | 2.17 |
| Champion International | 525.0 | 18 | 20.3 | 61 | 3.9 | 2.8 | 6.5 | 12.2 | 9 | 15 | 1 | 641 | 1.98 |
| Copeland [4] | 53.6 | 28 | 3.0 | 30 | 5.7 | 5.5 | 19.4 | 21.9 | 11 | 13 | 15 | 155 | 1.49 |
| Crane | 214.9 | 11 | 2.6 | 27 | 1.2 | 1.1 | 5.7 | 8.1 | 7 | 3 | 14 | 109 | 2.47 |
| De Soto | 62.4 | 17 | 1.5 | 123 | 2.3 | 1.2 | 10.0 | 9.8 | 9 | 16 | −1 | 87 | 1.18 |
| Evans Products | 230.2 | 25 | 4.2 | 25 | 1.8 | 1.8 | 9.1 | 12.8 | 10 | 26 | 22 | 394 | 1.70 |
| Fedders [4] | **81.6 | −13 | 2.4 | −59 | 2.9 | 6.2 | 1.5 | −1.1 | NM | 19 | 20 | 383 | −0.12 |
| Flintkote | 78.6 | 9 | −0.2 | NM | NM | NM | 6.7 | 8.9 | 7 | 4 | 0 | 146 | 2.62 |
| General Portland | 47.6 | 19 | 1.1 | −33 | 2.4 | 4.2 | 7.3 | 9.6 | 8 | 4 | 2 | 141 | 1.57 |
| Georgia-Pacific | 517.6 | 40 | 36.8 | 90 | 7.1 | 5.3 | 8.8 | 16.5 | 15 | 16 | 12 | 1,941 | 2.16 |

Footnotes at end of table.

XUM

SURVEY OF CORPORATE PERFORMANCE: 1ST QUARTER 1973—Continued

| Company | Sales: 1st quarter 1973 (millions) | Sales: Change from 1972 (percent) | Profits: 1st quarter 1973 (millions) | Profits: Change from 1972 (percent) | Margins: 1st quarter 1973 (percent) | Margins: 1st quarter 1972 (percent) | Ratios: Return on invested capital 1972 | Ratios: Return on common equity 1972 | Ratios: Price earnings ratio 4-30 | 10-year growth: Common equity (percent) | 10-year growth: Earnings per share (percent) | Market value shares O/S yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **BUILDING MATERIALS—Continued** | | | | | | | | | | | | | |
| **Cement, wood, paint, heating and plumbing, roofing, etc.—Continued** | | | | | | | | | | | | | |
| Gifford-Hill | $[illegible]35.5 | 14 | $1.7 | −17 | 4.6 | 6.3 | 10.8 | 12.8 | 9 | NA | NA | $111 | $2.07 |
| Ideal Basic Industries | 45.4 | 1 | 4.9 | 6 | 10.8 | 10.3 | 9.8 | 12.4 | 9 | 2 | −4 | 234 | 1.57 |
| Interpace | 48.5 | 4 | 1.2 | 45 | 2.4 | 1.7 | 6.8 | 8.5 | 7 | 9 | −1 | 53 | 2.35 |
| Jim Walter [1] | 234.0 | 30 | 8.6 | 24 | 3.7 | 3.9 | 13.4 | 27.3 | 8 | 20 | 17 | 416 | 2.82 |
| Johns-Manville | 183.4 | 12 | 9.5 | 5 | 5.0 | 5.4 | 9.2 | 10.6 | 9 | 5 | 5 | 574 | 2.69 |
| Kaiser Cement & Gypsum | 34.4 | 3 | 1.4 | −21 | 4.1 | 5.3 | 6.9 | 10.8 | 8 | 1 | −2 | 73 | 1.02 |
| Lone Star Industries | 124.6 | 46 | 1.1 | 37 | 0.9 | 1.0 | 3.7 | 11.3 | 8 | 4 | 2 | 261 | 2.18 |
| Masco | 43.0 | 36 | 4.8 | 37 | 11.2 | 11.0 | 16.8 | 20.4 | 53 | 32 | 18 | 642 | 1.41 |
| National Gypsum | 124.5 | 11 | 6.1 | 15 | 4.9 | 4.8 | 8.4 | 10.1 | 8 | 3 | −1 | 273 | 1.94 |
| NL Industries | 287.7 | 21 | 7.9 | 7 | 2.7 | 3.1 | 6.2 | 9.0 | 9 | 3 | −6 | 405 | 1.55 |
| Norris Industries | 89.3 | 27 | 3.5 | −13 | 3.9 | 5.7 | 15.6 | 17.0 | 8 | 18 | 26 | 199 | 3.73 |
| Owens-Corning Fiberglas | 167.6 | 22 | 11.6 | 71 | 6.9 | 5.0 | 10.5 | 13.7 | 17 | 9 | 7 | 812 | 2.74 |
| Potlatch | 110.1 | 20 | 8.4 | 86 | 7.6 | 4.9 | NA | 10.1 | 8 | 7 | 8 | 188 | 2.78 |
| Robertson (H.H.) | 57.9 | 9 | 1.3 | 175 | 2.2 | 0.9 | 10.4 | 11.4 | 8 | 8 | 8 | 62 | 2.70 |
| SCM [1] | 246.7 | 9 | 3.5 | 147 | 1.4 | 0.6 | 5.8 | 6.9 | 7 | 27 | 3 | 150 | 1.76 |
| Sherwin-Williams [1] | 143.4 | 6 | 0.0 | NM | NM | NM | 7.4 | 9.5 | 10 | 4 | 0 | 274 | 3.82 |
| Sierra Pacific Industries | 26.7 | 37 | 3.0 | 119 | 11.3 | 7.1 | [illegible]24.1 | [illegible]28.9 | 4 | NA | NA | 35 | 2.15 |
| Southwest Forest Industries | 104.1 | 83 | 3.0 | 67 | 2.9 | 3.2 | 8.7 | 12.8 | 4 | 21 | 34 | 52 | 2.13 |
| Tecumseh Products | 135.7 | 20 | 6.7 | 17 | 4.9 | 5.1 | 16.6 | 16.6 | 12 | 13 | 9 | 324 | 4.46 |
| Temple Industries | 28.9 | 23 | 3.3 | 36 | 11.3 | 10.2 | 12.0 | 14.9 | 11 | 12 | 22 | 128 | 1.69 |
| Trane | 70.4 | 18 | 4.5 | 77 | 6.5 | 4.3 | 11.1 | 12.6 | 14 | 10 | 7 | 370 | 3.48 |
| U.S. Gypsum | 170.1 | 17 | 11.6 | 8 | 6.8 | 7.4 | 9.9 | 12.3 | 8 | 1 | −2 | 429 | 2.83 |
| Wallace-Murray | 72.1 | 15 | 2.3 | 27 | 3.1 | 2.8 | 7.9 | 13.5 | 5 | 3 | 11 | 47 | 2.69 |
| Weil-McLain | [illegible]35.4 | 17 | 1.1 | 53 | 3.2 | 2.4 | 11.1 | 13.3 | 6 | 25 | 36 | 58 | 1.81 |
| Weyerhaeuser | 535.6 | 57 | 86.3 | 168 | 16.1 | 9.4 | 13.1 | 19.9 | 17 | 6 | 12 | 3,533 | 3.24 |
| Industry composite | 5,751.1 | 23 | 299.7 | 65 | 5.2 | 3.9 | 8.9 | 12.7 | 10 | 8 | 5 | 15,131 | 2.18 |
| **CHEMICALS** | | | | | | | | | | | | | |
| Air Products & Chemicals [1] | 96.0 | 9 | 5.7 | 30 | 6.0 | 5.0 | 6.9 | 11.0 | 23 | 14 | 10 | 432 | 3.15 |
| Airco | 129.5 | 8 | 3.7 | −37 | 2.9 | 4.9 | 4.3 | 5.9 | 10 | 4 | −2 | 206 | 1.34 |
| Akzona | 166.4 | 21 | 8.5 | 57 | 5.1 | 3.9 | 7.1 | 9.3 | 13 | 12 | 6 | 375 | 2.11 |
| Allied Chemical | 369.0 | 11 | 20.8 | 57 | 5.3 | 3.8 | 7.2 | 8.8 | 13 | 3 | −3 | 799 | 2.65 |
| American Cyanamid | 366.5 | 10 | 29.9 | 21 | 8.4 | 7.6 | 10.7 | 12.9 | 11 | 6 | 3 | 1,559 | 2.34 |
| Big Three Industries | 27.0 | 12 | 3.1 | 22 | 11.3 | 10.5 | 10.1 | 14.5 | 21 | 23 | 16 | 268 | 2.20 |
| Cabot [1] | 78.6 | 9 | 5.1 | 16 | 6.5 | 6.1 | 7.8 | 8.5 | 7 | 8 | 12 | 207 | 3.56 |
| Celanese | 381.9 | 15 | 14.7 | 20 | 3.8 | 3.7 | 5.4 | 9.2 | 9 | 9 | 1 | 561 | 3.57 |
| Chemetron | 83.0 | 4 | 2.6 | 17 | 3.2 | 2.8 | 4.7 | 5.3 | 8 | 8 | −4 | 77 | 2.13 |
| Commercial Solvents | 27.8 | 11 | 0.9 | 144 | 3.1 | 1.4 | 3.9 | 4.6 | 18 | 0 | −17 | 53 | 0.83 |
| Dart Industries | 230.0 | 9 | 13.2 | 31 | 5.8 | 4.8 | 8.5 | 14.3 | 14 | 14 | 12 | 961 | 2.47 |
| Diamond Shamrock | 196.8 | 7 | 10.2 | 68 | 6.5 | 4.1 | 7.6 | 13.4 | 10 | 11 | −3 | 315 | 1.96 |
| Dow Chemical | 702.8 | 28 | 57.9 | 41 | 8.2 | 7.5 | 11.1 | 15.9 | 23 | 7 | 9 | 4,658 | 4.50 |
| Dupont | [illegible]218.0 | 19 | 138.0 | 39 | 11.1 | 9.5 | 12.9 | 14.8 | 18 | 3 | −3 | 8,469 | 9.30 |
| Ethyl | 164.1 | 9 | 12.1 | 23 | 7.4 | 6.6 | 9.7 | 17.7 | 6 | 20 | 12 | 311 | 4.27 |
| Ferro | 54.7 | 18 | 3.8 | 48 | 6.9 | 5.5 | 15.1 | 18.9 | 11 | 7 | 11 | 183 | 3.42 |
| Freeport Minerals | [illegible]37.5 | −2 | 4.7 | 12 | 12.5 | 10.9 | 6.5 | 7.5 | 21 | 5 | 2 | 437 | 1.13 |
| GAF | [illegible]192.5 | 11 | 5.7 | 11 | 3.0 | 3.0 | 7.1 | 10.7 | 7 | 7 | 3 | 281 | 1.79 |
| Grace (W.R.) | 611.8 | 16 | 11.0 | 21 | 1.8 | 1.7 | 6.8 | 8.7 | 11 | 10 | −2 | 723 | 2.21 |
| Hercules | 253.3 | 18 | 19.4 | 29 | 7.7 | 7.0 | 13.0 | 15.2 | 19 | 9 | 6 | 1,462 | 3.72 |
| Inmont | [illegible]96.9 | 11 | 2.9 | 33 | 3.0 | 2.4 | 6.4 | 8.0 | 8 | 8 | −3 | 77 | 1.13 |
| Intl Minerals & Chemicals [1] | 158.2 | 30 | 7.5 | 11 | 4.8 | 5.6 | 8.0 | 12.9 | 11 | 4 | −10 | 291 | 1.97 |
| Kewanee Oil | [illegible]45.3 | 14 | 3.0 | 7 | 6.7 | 7.1 | 9.1 | 10.8 | 12 | 7 | −3 | 140 | 1.45 |
| Koppers | 146.2 | 14 | 3.8 | 186 | 2.6 | 1.0 | 8.1 | 10.9 | 8 | 6 | 8 | 198 | 4.42 |
| Lubrizol | [illegible]51.1 | 9 | 7.1 | 17 | 12.5 | 11.6 | 19.4 | 19.8 | 27 | 15 | 17 | 907 | 1.35 |
| Monsanto | 695.1 | 13 | 73.8 | 55 | 10.6 | 7.7 | 9.0 | 11.6 | 12 | 5 | 0 | 1,638 | 4.27 |
| Nalco Chemical | 49.2 | 11 | 5.2 | 22 | 10.6 | 9.7 | 20.1 | 20.4 | 28 | 13 | 15 | 628 | 2.10 |
| National Starch & Chemical | 51.0 | 21 | 4.2 | 31 | 8.3 | 7.7 | 15.4 | 19.2 | 24 | 10 | 10 | 352 | 2.38 |
| Olin | 301.9 | 13 | 11.7 | 30 | 3.9 | 3.4 | 5.6 | 7.0 | 9 | 3 | −5 | 447 | 1.66 |
| Pennwalt | 114.5 | 12 | 3.8 | 42 | 3.3 | 2.6 | 6.9 | 12.0 | 13 | 4 | −3 | 214 | 1.74 |
| Pepsi | 50.4 | 8 | 1.0 | 30 | 2.0 | 1.6 | 5.4 | 5.9 | 11 | 10 | 11 | 69 | 1.78 |
| Purex [1] | 98.6 | 4 | 4.7 | 20 | 4.8 | 4.1 | 10.7 | 14.7 | 9 | 16 | 6 | 198 | 1.51 |
| Reichhold Chemicals | 63.8 | 19 | 2.5 | 34 | 3.9 | 3.5 | 7.6 | 10.0 | 8 | 6 | 5 | 87 | 1.27 |
| Rohm & Haas | 178.9 | 25 | 15.5 | 60 | 8.7 | 6.8 | 11.1 | 12.9 | 24 | 8 | 2 | 1,134 | 4.08 |
| Stauffer Chemical | 172.2 | 18 | 16.4 | 75 | 9.5 | 6.4 | 9.6 | 13.3 | 12 | 5 | 3 | 452 | 4.07 |
| Sun Chemical | 53.0 | 68 | 0.9 | 199 | 1.6 | 0.9 | 8.2 | 10.5 | 9 | 10 | 18 | 48 | 2.21 |
| Texasgulf | 72.4 | 29 | 8.8 | 48 | 12.2 | 10.6 | 6.5 | 8.8 | 20 | 15 | 16 | 517 | 1.10 |
| Union Carbide | 915.3 | 20 | 66.3 | 32 | 7.2 | 6.6 | 9.0 | 11.7 | 11 | 6 | 0 | 3,037 | 3.68 |
| Witco Chemical | 85.1 | 27 | 3.6 | 42 | 4.3 | 3.8 | 9.5 | 14.0 | 8 | 9 | 6 | 128 | 2.50 |
| Industry Composite | 792.7 | 16 | 613.9 | 37 | 7.0 | 5.9 | 9.1 | 12.2 | 14 | 6 | 1 | 32,898 | 3.29 |
| **CONGLOMERATES** | | | | | | | | | | | | | |
| Avco [1] | 160.0 | 18 | 10.1 | 27 | 6.8 | 6.3 | 5.6 | 10.6 | 4 | 7 | −3 | 178 | 2.60 |
| Colt Industries | 208.1 | 26 | 5.6 | 86 | 2.7 | 1.8 | 5.9 | 9.6 | 8 | 26 | −2 | 137 | 2.20 |
| Gulf & Western Industries [1] | 453.5 | 18 | 21.9 | 35 | 4.8 | 4.2 | 7.3 | 14.5 | 6 | 48 | 26 | 561 | 3.81 |
| Illinois Central Industries | 266.7 | 23 | 15.0 | 13 | 5.6 | 6.1 | NA | NA | 6 | NA | 5 | 268 | 3.18 |
| Indian Head [1] | 126.1 | 20 | 2.9 | 22 | 2.3 | 2.3 | 8.8 | 14.5 | 7 | 24 | 9 | 138 | 3.07 |
| Intl Telephone & Telegraph | [illegible]230.0 | 14 | 105.6 | 11 | 4.7 | 4.9 | 10.9 | 22.3 | 8 | 14 | 12 | 5,759 | 3.89 |
| IU International | [illegible]333.4 | 19 | 18.1 | 21 | 5.4 | 5.3 | 8.3 | 16.9 | 12 | 21 | 11 | 590 | 2.00 |
| Kaiser Industries | 43.7 | −37 | 4.9 | NM | 11.1 | NM | 3.6 | 2.9 | 9 | 11 | −1 | 162 | 0.53 |
| Kidde (Walter) | 232.6 | 23 | 9.1 | 20 | 3.9 | 4.0 | 7.9 | 12.6 | 6 | 40 | 17 | 283 | 3.19 |
| Litton Industries [1] | 663.0 | 10 | 11.1 | NM | 1.7 | NM | 3.1 | 1.9 | 26 | 24 | 9 | 421 | 0.35 |
| LTV | 985.1 | 25 | 8.8 | NM | 0.9 | 0.0 | 6.6 | 9.3 | 6 | 36 | −4 | 79 | 1.55 |
| Martin Marietta | 248.2 | 11 | 6.7 | 14 | 2.7 | 2.6 | 7.7 | 11.1 | 7 | 6 | 3 | 410 | 2.31 |
| Northwest Industries | 169.1 | 13 | 11.3 | 16 | 6.7 | 6.5 | 8.8 | NM | 5 | NA | NA | 219 | 4.33 |
| Signal | [illegible]109.6 | 17 | 16.2 | 89 | 4.0 | 2.5 | 6.4 | 8.3 | 8 | 13 | 0 | 419 | 2.24 |
| Studebaker-Worthington | 251.6 | 24 | 6.3 | 23 | 2.5 | 2.5 | 7.1 | 11.5 | 6 | 9 | 8 | 197 | 7.45 |
| Teledyne [1] | 334.5 | 19 | 14.4 | −2 | 4.3 | 5.2 | 6.2 | 10.0 | 8 | 74 | 31 | 467 | 1.73 |
| Tenneco | 892.9 | 15 | 53.4 | 14 | 6.0 | 6.0 | 8.5 | 15.3 | 9 | 9 | 7 | 1,949 | 2.57 |
| Textron | 451.9 | 8 | 21.5 | 19 | 4.8 | 4.3 | 12.4 | 20.5 | 8 | 11 | 12 | 934 | 2.42 |
| Whittaker [1] | 157.1 | 27 | 2.7 | 0 | 1.7 | 2.2 | 5.6 | 7.3 | 9 | 47 | 40 | 147 | 0.63 |
| Industry Composite | $8,607.0 | 16 | $345.8 | 32 | 4.0 | 3.5 | 7.9 | 13.9 | 8 | 14 | 8 | $13,349 | 2.54 |

Footnotes at end of table.



| Company | Sales: 1st quarter 1973 (millions) | Sales: Change from 1972 (percent) | Profits: 1st quarter 1973 (millions) | Profits: Change from 1972 (percent) | Margins: 1st quarter 1973 (percent) | Margins: 1st quarter 1972 (percent) | Ratios: Return on invested capital 1972 | Ratios: Return on common equity 1972 | Ratios: Price earnings ratio 4-30 | 10-year growth: Common equity (percent) | 10-year growth: Earnings per share (percent) | Market value shares O/S yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **CONTAINERS** | | | | | | | | | | | | | |
| American Can | 483.3 | 7 | 11.5 | 91 | 2.4 | 1.3 | 6.1 | 8.5 | 10 | 4 | 1 | 561 | 3.25 |
| Anchor Hocking | 87.9 | 9 | 4.8 | 13 | 5.5 | 5.3 | 11.5 | 13.1 | 7 | 11 | 12 | 296 | 3.03 |
| Brockway Glass | 63.1 | 15 | 3.1 | −6 | 4.9 | 6.0 | 9.9 | 12.0 | 6 | 17 | 16 | 130 | 2.93 |
| Continental Can | 555.5 | 12 | 16.4 | 31 | 2.9 | 2.5 | 8.5 | 11.5 | 10 | 6 | 8 | 883 | 2.91 |
| Crown Cork & Seal | 122.9 | 11 | 7.5 | 10 | 6.1 | 6.2 | 11.5 | 12.0 | 13 | 13 | 16 | 614 | 1.63 |
| Diamond International | 145.4 | 11 | 9.5 | 10 | 6.6 | 6.6 | 11.0 | 12.7 | 9 | 9 | 7 | 338 | 3.24 |
| Dorsey | 50.1 | 11 | 0.6 | −43 | 2.0 | 4.0 | 7.4 | 9.6 | 6 | 23 | 15 | 34 | 1.25 |
| Federal Paper Board | 57.6 | 7 | 1.7 | 9 | 2.9 | 2.9 | 8.3 | 10.4 | 8 | 6 | 7 | 73 | 2.57 |
| Fibreboard | 60.5 | 24 | 2.5 | 76 | 4.1 | 2.9 | 6.3 | 9.7 | 7 | 0 | 4 | 53 | 2.15 |
| Inland Container | 60.8 | 11 | 2.7 | 97 | 4.5 | 2.5 | 8.1 | 8.9 | 11 | 4 | 1 | 129 | 3.46 |
| National Can | 120.1 | 15 | 2.1 | 23 | 1.7 | 1.6 | 8.8 | 13.3 | 6 | 11 | 15 | 105 | 1.85 |
| Owens-Illinois | 418.9 | 6 | 13.0 | 10 | 3.1 | 3.0 | 7.1 | 10.5 | 8 | 9 | 6 | 636 | 4.05 |
| Stone Container | 34.3 | 14 | 1.4 | 104 | 4.0 | 2.2 | 7.7 | 9.4 | 9 | 9 | 0 | 44 | 1.19 |
| Van Dorn | 26.7 | 27 | 1.0 | 38 | 3.6 | 3.3 | 12.3 | 15.1 | 9 | 31 | 18 | 43 | 1.16 |
| Industry Composite | 2,277.1 | 10 | 77.8 | 26 | 3.4 | 3.0 | 8.1 | 10.9 | 9 | 7 | 7 | 3,799 | 2.74 |
| **DRUGS** | | | | | | | | | | | | | |
| **Ethical, proprietary, medical and hospital supplies** | | | | | | | | | | | | | |
| Abbott Laboratories | 159.1 | 15 | 19.7 | 15 | 7.7 | 7.6 | 11.8 | 14.9 | 21 | 9 | 7 | 953 | 3.93 |
| American Home Products | 487.6 | 11 | 91.5 | 15 | 10.6 | 10.2 | 26.2 | 28.9 | 36 | 13 | 11 | 6,378 | 3.35 |
| American Hospital Supply | 180.6 | 17 | 8.7 | 17 | 4.8 | 4.8 | 10.4 | 10.7 | 39 | 25 | 16 | 1,665 | 1.67 |
| Baxter Laboratories | 78.0 | 15 | 6.3 | 20 | 8.1 | 7.8 | 8.3 | 12.5 | 50 | 21 | 22 | 1,617 | 0.24 |
| Becton, Dickinson | 85.8 | 17 | 6.3 | 15 | 7.4 | 7.5 | 9.9 | 13.6 | 27 | 23 | 15 | 725 | 1.83 |
| Bristol-Myers | 227.6 | 17 | 19.7 | 35 | 6.0 | 5.2 | 16.1 | 21.8 | 23 | 19 | 13 | 2,162 | 2.00 |
| ICN Pharmaceuticals [1] | 40.3 | 5 | 1.2 | 22 | 3.0 | 2.6 | 5.7 | 5.8 | 19 | 113 | 57 | 145 | 0.53 |
| Johnson & Johnson | 572.2 | 15 | 52.2 | 15 | 9.5 | 9.4 | 17.5 | 17.9 | 55 | 15 | 21 | 7,263 | 2.23 |
| Lilly (Eli) | 276.1 | 18 | 47.3 | 28 | 17.1 | 15.7 | 22.5 | 23.0 | 40 | 13 | 17 | 5,459 | 2.09 |
| Merck | 261.6 | 15 | 39.1 | 14 | 15.0 | 15.1 | 25.0 | 26.4 | 43 | 13 | 15 | 6,614 | 2.66 |
| Miles Laboratories | 85.4 | 10 | 4.4 | 18 | 5.1 | 4.8 | 9.5 | 13.8 | 16 | 13 | 17 | 301 | 2.97 |
| Morton-Norwich Products [1] | 106.6 | 7 | 6.7 | −13 | 6.3 | 7.8 | 8.8 | 11.3 | 10 | 25 | 9 | 385 | 1.88 |
| Pfizer | 280.8 | 12 | 28.0 | 20 | 10.0 | 9.4 | 14.5 | 16.3 | 29 | 10 | 9 | 2,909 | 1.57 |
| Richardson-Merrell | 102.7 | 10 | 11.3 | 13 | 8.5 | 8.3 | 13.9 | 15.4 | 21 | 8 | 8 | 861 | 3.47 |
| Robins (A.H.) | 49.7 | 15 | 7.8 | 17 | 15.6 | 15.3 | 19.5 | 21.9 | 32 | 19 | 16 | 961 | 1.87 |
| Rorer-Amchem | 60.0 | 12 | 7.7 | 14 | 12.8 | 12.6 | 21.4 | 22.3 | 21 | 30 | 9 | 453 | 1.57 |
| Schering-Plough | [illegible]165.1 | 22 | 27.5 | 54 | 17.7 | 14.0 | 25.3 | 28.3 | 41 | 17 | 17 | 3,602 | 3.25 |
| Searle (G.D.) | 73.2 | 17 | 11.2 | 22 | 15.2 | 14.7 | 21.3 | 35.3 | 35 | 8 | 9 | 1,333 | 5.15 |
| Smith Kline & French | 162.3 | 8 | 12.1 | 13 | 11.8 | 11.3 | 21.4 | 22.0 | 19 | 9 | 4 | 871 | 3.38 |
| Squibb | 193.7 | 16 | 14.6 | 14 | 7.6 | 7.7 | 13.0 | 15.7 | 31 | 21 | 4 | 2,547 | 3.22 |
| Sterling Drug | 139.6 | 10 | 19.1 | 19 | 10.0 | 10.0 | 18.7 | 19.6 | 28 | 12 | 10 | 2,145 | 1.71 |
| Sybron | 91.4 | 12 | 5.4 | 16 | 5.7 | 5.5 | 10.5 | 12.7 | 15 | 13 | 4 | 366 | 1.41 |
| Tampax | 27.4 | 16 | 7.1 | 15 | 25.9 | 26.2 | 39.4 | 39.0 | 46 | 15 | 17 | 1,514 | 2.51 |
| Upjohn | 119.7 | 25 | 17.7 | 53 | 11.8 | 9.7 | 14.8 | 16.8 | 41 | 7 | 5 | 1,885 | 3.21 |
| Warner-Lambert | 396.9 | 10 | 34.7 | 14 | 8.7 | 8.5 | 14.5 | 15.8 | 30 | 24 | 12 | 3,790 | 3.63 |
| Industry Composite | 4,347.4 | 14 | 441.2 | 20 | 10.1 | 9.7 | 16.8 | 19.4 | 31 | 14 | 12 | 56,739 | 2.25 |
| **ELECTRICAL, ELECTRONICS** | | | | | | | | | | | | | |
| **Heavy equipment, components, radio and TV sets, etc.** | | | | | | | | | | | | | |
| Admiral | 129.4 | 9 | 3.0 | 31 | 2.3 | 2.0 | 12.1 | 13.6 | 5 | 2 | 3 | 93 | 2.5 |
| Ambac Industries | 38.9 | 23 | 1.6 | 71 | 4.6 | 3.3 | 7.0 | 9.0 | 9 | 8 | 4 | 59 | 1.41 |
| AMP | 92.0 | 35 | 10.1 | 44 | 11.0 | 10.3 | 20.8 | 23.1 | 30 | 19 | 15 | 1,575 | 2.95 |
| Avnet [1] | 114.1 | 27 | 5.0 | 33 | 4.4 | 4.2 | 12.3 | 17.3 | 6 | 24 | 12 | 137 | 1.37 |
| Bunker Ramo | 64.0 | 5 | 2.7 | 8 | 4.2 | 4.1 | 8.2 | 9.7 | 8 | 15 | −14 | 179 | 1.68 |
| Burndy | 27.3 | 15 | 1.5 | 23 | 5.4 | 5.1 | 9.4 | 10.8 | 14 | 15 | 11 | 93 | 1.77 |
| Capitol Industries [1] | 36.5 | 35 | 1.4 | NM | 3.9 | NM | 8.1 | 8.3 | 11 | 42 | 5 | 35 | 0.92 |
| CTS | 33.2 | 26 | 3.0 | 33 | 9.0 | 8.5 | NA | 20.1 | 8 | 15 | 10 | 129 | 3.18 |
| Cutler-Hammer | 78.6 | 17 | 3.2 | 35 | 4.0 | 3.5 | 9.1 | 11.4 | 9 | 6 | 1 | 156 | 3.27 |
| Damon [1] | 30.0 | 15 | 2.1 | 32 | 7.1 | 6.1 | 13.7 | 23.6 | 25 | 99 | 54 | 391 | 1.25 |
| E-Systems | 39.0 | 21 | 0.8 | 38 | 2.0 | 1.8 | 8.4 | 10.3 | 6 | 31 | −9 | 22 | 1.62 |
| Echlin Manufacturing [1] | 28.5 | 29 | 1.8 | 25 | 6.4 | 6.6 | 17.4 | 27.5 | 25 | 15 | 16 | 239 | 1.16 |
| Fairchild Camera & Instrument | 75.1 | 47 | 4.4 | 477 | 5.8 | 1.5 | 10.4 | 15.2 | 21 | 8 | 1 | 258 | 2.25 |
| General Electric | [illegible]2,347.4 | 15 | 114.4 | 11 | 4.5 | 4.7 | 15.7 | 18.1 | 20 | 6 | 6 | 13,289 | 2.97 |
| General Instrument [1] | 90.1 | 21 | 2.3 | 55 | 2.5 | 2.0 | 5.1 | 6.3 | 15 | 19 | 3 | 167 | 1.21 |
| Globe-Union [1] | 52.1 | 31 | 0.5 | −24 | 1.0 | 1.8 | 7.1 | 7.8 | 9 | 11 | 1 | 62 | 2.09 |
| Hubbell (Harvey) | 32.7 | 10 | 2.8 | 17 | 8.6 | 8.1 | 14.2 | 21.4 | 15 | 12 | 9 | 180 | 2.59 |
| I-T-E Imperial | 103.7 | 13 | 4.2 | 7 | 4.0 | 4.3 | 9.1 | 11.8 | 9 | NA | NA | 299 | 2.21 |
| LCA | 68.0 | 25 | 4.6 | 26 | 6.9 | 6.9 | [illegible]14.3 | [illegible]15.9 | 11 | NA | NA | 378 | 1.83 |
| Lear Siegler [1] | 156.4 | 11 | 4.6 | 43 | 2.9 | 2.3 | 5.9 | 10.0 | 9 | −1 | −6 | 111 | 0.77 |
| Magnavox | 155.7 | −4 | 1.9 | −70 | 1.3 | 4.0 | 8.1 | 7.8 | 16 | 18 | 7 | 492 | 0.91 |
| Mallory (P.R.) | 53.0 | 18 | 1.9 | 21 | 3.6 | 3.5 | 10.8 | 10.0 | 11 | 8 | 3 | 117 | 2.00 |
| McGraw-Edison | [illegible]202.6 | 17 | 9.4 | 5 | 4.6 | 5.1 | 11.1 | 12.3 | 12 | 7 | 6 | 598 | 2.59 |
| Motorola | [illegible]321.3 | 29 | 14.3 | 76 | 4.5 | 3.3 | 12.3 | 14.0 | 21 | 15 | 10 | 1,804 | 4.24 |
| National Union Electric | 36.4 | 15 | 2.3 | 33 | 6.2 | 5.4 | [illegible]12.0 | [illegible]16.4 | 6 | 18 | −2 | 53 | 3.99 |
| North American Phillips | 160.3 | 13 | 5.9 | 36 | 3.7 | 3.0 | 9.5 | 12.6 | 8 | 16 | 2 | 301 | 3.25 |
| RCA | 1,013.6 | 10 | 41.7 | 15 | 4.1 | 3.9 | 10.4 | 19.4 | 13 | 8 | 6 | 2,895 | 2.12 |
| Raytheon | 358.1 | 3 | 10.7 | 5 | 2.9 | 2.8 | 11.5 | 13.1 | 10 | 14 | 13 | 523 | 2.65 |
| Reliance Electric [1] | 101.9 | 18 | 4.0 | 67 | 3.9 | 2.8 | 9.7 | 14.7 | 11 | 6 | 9 | 187 | 1.49 |
| Sola Basic Industries [1] | 33.8 | 22 | 1.8 | 27 | 5.4 | 5.2 | 8.9 | 10.6 | 9 | 11 | 8 | 67 | 1.57 |
| Sperry Rand [1] | 635.0 | 16 | 29.2 | 46 | 4.6 | 3.6 | 10.1 | 10.6 | 15 | 11 | 16 | 1,652 | 2.62 |
| Square D | 87.5 | 11 | 7.3 | −7 | 8.4 | 10.0 | 20.8 | 21.7 | 15 | 8 | 6 | 847 | 1.51 |
| Texas Instruments | 289.0 | 34 | 18.9 | 75 | 6.5 | 5.0 | 13.3 | 15.5 | 34 | 17 | 13 | 2,017 | 5.04 |
| Thomas Industries | 29.8 | 17 | 1.6 | 13 | 5.3 | 5.5 | 13.1 | 15.3 | 9 | 11 | 11 | 76 | 1.37 |
| VLN | 30.1 | 9 | 1.3 | 43 | 4.5 | 3.4 | 8.3 | 11.6 | 8 | 8 | −4 | 31 | 0.82 |
| Westinghouse Electric | 1,268.1 | 8 | 40.9 | −4 | 3.2 | 3.6 | 8.9 | 10.6 | 14 | 7 | 11 | 3,788 | 2.21 |
| Zenith Radio | 221.3 | 22 | 16.0 | 58 | 7.2 | 5.6 | 21.3 | 21.7 | 13 | 9 | 6 | 1,038 | 2.86 |
| Industry Composite | 8,842.3 | 14 | 383.4 | 20 | 4.3 | 4.1 | 11.9 | 14.8 | 14 | 8 | 7 | 34,339 | 2.41 |

Footnotes at end of table.

XUM

SURVEY OF CORPORATE PERFORMANCE: 1ST QUARTER 1973—Continued

| Company | Sales: 1st quarter 1973 (millions) | Sales: Change from 1972 (percent) | Profits: 1st quarter 1973 (millions) | Profits: Change from 1972 (percent) | Margins: 1st quarter 1973 (percent) | Margins: 1st quarter 1972 (percent) | Ratios: Return on invested capital 1972 | Ratios: Return on common equity 1972 | Ratios: Price earnings ratio 4-30 | 10-year growth: Common equity (percent) | 10-year growth: Earnings per share (percent) | Market value shares O/S yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **FOOD** | | | | | | | | | | | | | |
| Baked goods, canned and packaged foods, dairy products, meat, condiments, etc. | | | | | | | | | | | | | |
| Amalgamated Sugar [1] | $28.2 | −5 | $1.4 | −1 | 5.0 | 4.8 | 9.9 | 10.0 | 8 | 6 | 2 | $57 | $2.94 |
| American Maize Products | 35.7 | 9 | 1.1 | 47 | 3.2 | 2.4 | 5.9 | 7.3 | 9 | 7 | 7 | 33 | 9.88 |
| Amstar [2] | 159.1 | 1 | 3.0 | 22 | 1.9 | 1.5 | 6.6 | 8.3 | 3 | 4 | 6 | 105 | 3.20 |
| Beatrice Foods [19] | 743.7 | 18 | 20.1 | 19 | 2.7 | 2.7 | 15.0 | 19.0 | 18 | 15 | 11 | 1,705 | 1.36 |
| Borden | 559.7 | 6 | 15.3 | 8 | 2.7 | 2.7 | 7.5 | 9.6 | 10 | 8 | 2 | 918 | 2.21 |
| Brewer (C.) | 39.7 | 15 | 1.9 | 37 | 4.7 | 4.0 | 7.9 | 7.9 | 9 | 9 | 10 | 70 | 1.61 |
| CPC International | 490.1 | 12 | 15.4 | 33 | 3.9 | 3.2 | 11.7 | 13.9 | 10 | 5 | 2 | 772 | 2.88 |
| Campbell Soup [3] | 328.4 | 12 | 23.3 | 34 | 7.1 | 6.0 | 12.8 | 13.1 | 14 | 5 | 4 | 1,120 | 2.14 |
| Campbell-Taggart | 91.7 | 17 | 2.7 | −6 | 2.9 | 3.7 | 11.4 | 13.4 | 10 | 8 | 7 | 140 | 2.62 |
| Carnation | 324.9 | 12 | 15.0 | 12 | 4.4 | 4.4 | 12.5 | 15.1 | 25 | 13 | 16 | 1,588 | 3.29 |
| Castle & Cooke | 133.3 | 2 | 5.2 | 2 | 3.9 | 3.9 | NA | NA | NA | 8 | 7 | 210 | NA |
| Central Soya [4] | 306.3 | 37 | 7.7 | 81 | 2.5 | 1.9 | 12.3 | 13.7 | 10 | 8 | 7 | 206 | 2.67 |
| Consolidated Foods [1] | 504.3 | 17 | 14.9 | 13 | 3.0 | 3.1 | 12.2 | 15.9 | 13 | 20 | 12 | 1,162 | 2.63 |
| Cook Industries [7] | *72.6 | 76 | 9.1 | NM | 12.5 | 1.8 | 25.5 | 28.9 | 4 | 15 | −10 | 53 | 4.27 |
| Del Monte [1] | 242.1 | 6 | 5.9 | 9 | 2.5 | 2.4 | 8.7 | 10.4 | 9 | 4 | 2 | 282 | 2.07 |
| Esmark [2] | 867.9 | 14 | 9.3 | 37 | 1.1 | 0.9 | 6.8 | 9.5 | 8 | −1 | 6 | 478 | 3.09 |
| Fairmont Foods [19] | 92.3 | 8 | 1.1 | 29 | 1.2 | 1.0 | 7.5 | 9.5 | 8 | 1 | −4 | 57 | 1.20 |
| Federal [7] | *77.6 | 27 | 1.7 | 18 | 2.3 | 2.4 | 8.8 | 8.9 | 7 | 17 | 0 | 66 | 3.86 |
| General Mills [7] | 384.1 | 18 | 13.6 | 16 | 3.5 | 3.6 | 11.8 | 20.4 | 22 | 7 | 12 | 1,300 | 2.73 |
| Greyhound | *778.8 | 19 | 8.7 | 4 | 1.1 | 1.3 | 9.3 | 13.6 | 9 | 14 | 5 | 775 | 1.67 |
| Heinz (H.J.) [4] | 285.5 | 10 | 7.4 | 8 | 2.6 | 2.6 | 10.6 | 11.2 | 14 | 11 | 9 | 602 | 2.93 |
| Helme Products | 27.2 | 20 | 0.7 | 7 | 2.6 | 3.0 | 8.3 | 10.1 | 9 | 10 | 1 | 29 | 1.62 |
| Hormel (Geo. A.) [2] | 178.2 | 3 | 1.8 | −25 | 1.0 | 1.4 | 7.5 | 7.2 | 13 | 8 | 15 | 96 | 1.50 |
| Intl Multifoods [19] | 148.3 | 25 | 3.3 | 20 | 2.2 | 2.3 | 9.0 | 10.6 | 9 | 7 | 4 | 113 | 2.79 |
| Iowa Beef Processors [2] | 369.7 | 36 | 3.9 | 106 | 0.8 | 0.5 | 13.9 | 19.0 | 6 | 36 | 8 | 79 | 3.58 |
| Kane-Miller | 139.5 | 52 | 1.7 | 363 | 1.2 | 0.4 | 7.4 | 9.8 | 6 | 58 | 16 | 33 | 2.34 |
| Keebler | 51.0 | 11 | 0.8 | 9 | 1.6 | 1.6 | 7.7 | 9.9 | 13 | 1 | 8 | 54 | 2.17 |
| Kellogg | 212.3 | 25 | 14.0 | 15 | 6.6 | 7.1 | 20.6 | 22.2 | 18 | 10 | 8 | 1,143 | 0.85 |
| Kraftco | 856.8 | 10 | 26.7 | 7 | 3.1 | 3.2 | 11.5 | 13.3 | 12 | 5 | 6 | 1,388 | 3.63 |
| Libby, McNeill & Libby [4] | 120.4 | 11 | 0.5 | NM | 0.5 | NM | 0.9 | 1.1 | 38 | 3 | −16 | 55 | 0.13 |
| Mayer (Oscar) [2] | 193.6 | 16 | 4.9 | 33 | 2.5 | 2.2 | 10.4 | 12.7 | 14 | 9 | 14 | 289 | 1.83 |
| Missouri Beef Packers [2] | 116.7 | 42 | 0.8 | 178 | 0.7 | 0.4 | 13.4 | 17.4 | 5 | 59 | NA | 21 | 2.51 |
| Rabisco | 315.0 | 14 | 13.4 | 1 | 4.3 | 4.8 | 11.9 | 16.3 | 13 | 6 | 3 | 909 | 3.61 |
| Norton Simon [3] | 349.2 | 6 | 20.1 | 20 | 5.8 | 5.1 | 11.3 | 19.8 | 18 | 5 | 12 | 1,115 | 1.83 |
| Pillsbury [7] | 196.5 | 15 | 4.1 | 44 | 2.1 | 1.7 | 8.7 | 11.8 | 12 | 6 | 6 | 272 | 3.79 |
| Ralston Purina [3] | *570.6 | 29 | 18.3 | 29 | 3.2 | 3.4 | 10.9 | 15.5 | 19 | 8 | 10 | 1,533 | 1.98 |
| Rath Packing [2] | 86.9 | 23 | 0.5 | NM | 0.5 | NM | NM | −23.1 | NM | −9 | NA | 7 | −3.50 |
| Seaboard Allied Milling [7] | 38.5 | 31 | 0.5 | 44 | 1.3 | 1.1 | 11.8 | 10.4 | 5 | 3 | 18 | 11 | 1.74 |
| Staley (A.E.) Mfg. [2] | 112.4 | 25 | 2.2 | 129 | 1.9 | 1.2 | 8.1 | 7.3 | 19 | 4 | 1 | 77 | 2.89 |
| Standard Brands | *321.5 | 9 | 11.1 | 10 | 3.5 | 3.4 | 10.1 | 14.5 | 16 | 8 | 8 | 734 | 3.27 |
| Stokely-Van Camp [7] | 79.8 | 2 | 1.9 | 11 | 2.3 | 2.1 | 8.1 | 7.9 | 8 | 7 | 6 | 69 | 2.22 |
| Sucrest [2] | 39.7 | 13 | −0.1 | NM | NM | 0.7 | 2.1 | −0.4 | NM | 4 | −3 | 10 | −0.10 |
| Tropicana Products [4] | 30.3 | 15 | 2.3 | 12 | 7.3 | 7.5 | 21.2 | 24.3 | 36 | NA | NA | 533 | 0.99 |
| Wrigley (Wm.) Jr. | 52.0 | 7 | 4.2 | 7 | 8.0 | 8.1 | 14.8 | 14.6 | 13 | 5 | 5 | 239 | 4.71 |
| Industry Composite | 11 080.6 | 16 | 320.4 | 22 | 2.9 | 2.7 | 10.7 | 13.5 | 13 | 6 | 6 | 20,507 | 2.11 |
| **GENERAL MACHINERY** | | | | | | | | | | | | | |
| Machine tools, industrial machinery, metal fabricators, etc. | | | | | | | | | | | | | |
| ATO | 103.0 | 11 | 2.2 | 12 | 2.2 | 2.1 | 7.1 | 12.2 | 7 | 56 | 0 | 66 | 0.97 |
| Acme-Cleveland [1] | 33.1 | 38 | 1.9 | 146 | 5.8 | 3.3 | 7.5 | −8.3 | 10 | NA | NA | 65 | 1.39 |
| American Chain & Cable | 58.9 | 53 | 2.0 | NM | 3.4 | 0.0 | †7.9 | †7.8 | 8 | 4 | −1 | 52 | 2.88 |
| Amtel | 36.7 | 43 | 0.6 | 178 | 1.6 | 0.8 | 5.2 | 4.0 | 22 | 37 | −20 | 22 | 0.25 |
| Associated Spring | 42.6 | 11 | 1.8 | 27 | 4.2 | 3.7 | 10.6 | 11.9 | 9 | 8 | 13 | 75 | 2.98 |
| Babcock & Wilcox | 238.4 | −3 | 5.0 | −11 | 2.1 | 2.3 | 6.9 | 7.7 | 14 | 4 | −5 | 340 | 1.92 |
| Baker Oil Tools [3] | 44.2 | 5 | 2.7 | 14 | 6.1 | 5.6 | 12.4 | 16.1 | 27 | 12 | 10 | 309 | 1.12 |
| Black & Decker Mfg [1] | 113.9 | 22 | 9.7 | 24 | 8.5 | 8.4 | 15.2 | 16.6 | 43 | 13 | 13 | 1,378 | 2.33 |
| Briggs & Stratton [4] | 79.6 | 19 | 9.2 | 19 | 11.6 | 11.5 | 28.2 | 28.2 | 14 | 6 | 6 | 428 | 3.72 |
| Cincinnati Milacron | 82.3 | 39 | 2.0 | NM | 2.5 | NM | 3.5 | 2.9 | 30 | 8 | −8 | 159 | 1.13 |
| Combustion Engineering | 249.5 | 9 | 8.9 | 8 | 3.6 | 3.6 | 10.8 | 15.2 | 17 | 12 | 14 | 593 | 3.82 |
| Continental Copper & Steel [1] | 26.9 | 27 | 1.4 | NM | 5.4 | NM | NM | −8.0 | NM | 7 | 26 | 12 | −0.90 |
| Cooper Industries | 65.9 | 21 | 3.8 | 40 | 5.7 | 4.9 | 9.3 | 13.8 | 11 | 9 | 6 | 152 | 2.74 |
| Crompton & Knowles | 29.1 | −5 | 1.0 | 2 | 3.5 | 3.2 | 7.4 | 9.8 | 8 | 5 | 3 | 38 | 1.80 |
| Dover | 62.3 | 31 | 4.2 | 28 | 6.8 | 7.0 | 16.6 | 18.1 | 12 | 16 | 13 | 249 | 3.38 |
| Dresser Industries | 215.1 | 6 | 7.6 | 6 | 3.5 | 3.5 | 8.6 | 18.9 | 14 | 2 | 10 | 469 | 2.90 |
| Dymo Industries | 32.9 | 20 | 1.2 | 40 | 3.7 | 3.2 | 9.4 | 11.5 | 11 | 13 | 4 | 51 | 1.69 |
| Emhart | 66.9 | 1 | 2.7 | −19 | 4.0 | 5.0 | 9.1 | 9.7 | 9 | 13 | 7 | 157 | 2.81 |
| Ex-Cell-O | 75.6 | 19 | 3.5 | 103 | 4.6 | 2.7 | 6.0 | 6.5 | 13 | 8 | −3 | 174 | 1.38 |
| Foster Wheeler | 111.8 | −14 | 1.7 | 14 | 1.6 | 1.2 | 9.4 | 11.6 | 14 | 4 | 14 | 57 | 2.33 |
| Gardner-Denver | 58.1 | 25 | 5.0 | 11 | 8.6 | 9.6 | 14.7 | 14.7 | 13 | 19 | 10 | 441 | 1.42 |
| Gorlock | 31.7 | 33 | 1.4 | 42 | 4.5 | 4.2 | 9.9 | 12.0 | 8 | 8 | 12 | 45 | 2.07 |
| Harnischfeger | 114.5 | 29 | 4.2 | 29 | 3.6 | 3.6 | 7.6 | 8.6 | 12 | 13 | 5 | 288 | 2.43 |
| Hobart Manufacturing | 75.3 | 41 | 5.2 | 100 | 7.0 | 4.9 | 14.1 | 17.8 | 16 | 10 | 9 | 417 | 1.82 |
| Ingersoll-Rand | 233.0 | 14 | 18.6 | 14 | 8.0 | 8.0 | 13.0 | 15.2 | 14 | 11 | 7 | 1,008 | 4.39 |
| Joy Manufacturing [1] | 81.4 | 1 | 1.7 | −63 | 2.1 | 5.9 | 5.0 | 5.5 | 15 | 10 | 17 | 184 | 1.65 |
| Kaiy Industries | 35.0 | 40 | 1.1 | 33 | 3.1 | 3.3 | † 7.6 | † 5.0 | 10 | NA | NA | 36 | 0.60 |
| Keene | 39.6 | 21 | 0.7 | 14 | 1.8 | 1.9 | 5.5 | 8.4 | 8 | 64 | 33 | 35 | 0.86 |
| Kidde | *13.1 | 14 | 1.4 | 64 | 4.2 | 3.3 | 7.1 | 8.1 | 8 | 7 | −3 | 42 | 1.71 |
| Midland-Ross | 78.2 | 26 | 1.8 | 24 | 2.2 | 2.3 | 5.4 | 6.5 | 9 | 5 | −1 | 86 | 1.48 |
| Omark Industries | 27.1 | 14 | 1.7 | 59 | 6.1 | 4.4 | 9.8 | 11.3 | 7 | 22 | 2 | 52 | 1.40 |
| Otis Elevator | *163.2 | 9 | 8.1 | 9 | 4.9 | 4.9 | 9.5 | 11.5 | 10 | 5 | 1 | 347 | 3.60 |
| Outboard Marine [1] | 138.5 | 21 | 13.5 | 39 | 9.8 | 8.5 | 15.5 | 19.0 | 9 | 8 | 14 | 360 | 4.07 |
| Parker-Hannifin [1] | 86.6 | 27 | 4.4 | 42 | 5.1 | 4.6 | 11.7 | 16.2 | 10 | 15 | 8 | 193 | 2.40 |
| Peabody Galion [1] | 42.1 | 24 | 1.6 | 27 | 3.9 | 3.8 | 11.9 | 14.2 | 22 | 28 | 24 | 235 | 1.20 |
| Paper | 86.0 | 22 | 2.3 | 15 | 2.6 | 2.8 | 10.2 | 10.4 | 8 | 10 | 2 | 78 | 2.94 |
| Smith International | *28.6 | 25 | 1.8 | 51 | 6.1 | 5.1 | 11.3 | 13.8 | 22 | 30 | 16 | 150 | 1.97 |
| Stewart-Warner | 55.4 | 15 | 3.4 | 32 | 6.1 | 5.3 | 12.5 | 12.5 | 10 | 5 | 2 | 144 | 3.05 |
| Sundstrand | 86.4 | 29 | 3.0 | 69 | 3.5 | 2.6 | 5.6 | 5.3 | 14 | 21 | 0 | 183 | 1.34 |
| U.S. Filter | 34.3 | 13 | 1.6 | 23 | 4.6 | 4.2 | 11.6 | 12.4 | 12 | 22 | 25 | 150 | 0.80 |
| Usm | 149.3 | 18 | 4.2 | 230 | 2.8 | 1.0 | 4.6 | 4.7 | 8 | 2 | −5 | 96 | 2.16 |
| Warner & Swasey | 51.1 | 47 | 2.4 | 186 | 4.7 | 2.4 | 6.3 | 6.2 | 15 | 10 | −5 | 148 | 1.89 |
| Wean United | 39.4 | −22 | 0.0 | −96 | 0.1 | 1.3 | −0.8 | −4.3 | NM | 1 | NA | 13 | −0.56 |
| Industry Composite | 3 536.0 | 15 | 162.3 | 28 | 4.6 | 4.1 | NM | 11.5 | 13 | 7 | 4 | 9,579 | 2.15 |

Footnotes at end of the table.



| Company | Sales: 1st quarter 1973 (millions) | Sales: Change from 1972 (percent) | Profits: 1st quarter 1973 (millions) | Profits: Change from 1972 (percent) | Margins: 1st quarter 1973 (percent) | Margins: 1st quarter 1972 (percent) | Ratios: Return on invested capital 1972 | Ratios: Return on common equity 1972 | Ratios: Price earnings ratio 4-30 | 10-year growth: Common equity (percent) | 10-year growth: Earnings per share (percent) | Market value shares O/S yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **INSTRUMENTS** | | | | | | | | | | | | | |
| Controls, measuring devices, photo and optical | | | | | | | | | | | | | |
| Amerek | $43.8 | 14 | $2.0 | 51 | 4.6 | 3.5 | 12.0 | 14.9 | 10 | 10 | 3 | 191 | $1.71 |
| Bausch & Lomb | 50.5 | 18 | 2.3 | 15 | 4.5 | 4.6 | 8.5 | 9.2 | 15 | 11 | 9 | 152 | 1.39 |
| Beckman Instruments [4] | *94.8 | 16 | 3.8 | 25 | 4.0 | 3.8 | 10.1 | 11.1 | 10 | 11 | 13 | 307 | 1.11 |
| Bell & Howell | 33.1 | 6 | 0.8 | 19 | 2.5 | 2.2 | 9.7 | 13.5 | 18 | 22 | 4 | 94 | 0.69 |
| E G & G | 797.6 | 19 | 122.8 | 38 | 15.4 | 13.3 | 20.6 | 21.8 | 37 | 14 | 14 | 23.975 | 3.60 |
| Fisher Scientific | 33.6 | 14 | 0.8 | 6 | 2.4 | 2.6 | 5.3 | 6.1 | 11 | 8 | −8 | 41 | 0.78 |
| Foxboro | 35.1 | −10 | 0.7 | −39 | 2.1 | 3.1 | 4.1 | 3.8 | 27 | 12 | −2 | 132 | 0.90 |
| General Signa | 92.2 | 10 | 3.9 | 19 | 4.2 | 3.9 | 13.2 | 14.0 | 17 | 16 | 10 | 422 | 2.44 |
| Hewlett-Packard | 127.0 | 30 | 8.1 | 51 | 6.4 | 6.3 | 15.0 | 14.7 | 55 | 23 | 15 | 2.288 | 1.48 |
| Itek | 49.2 | 10 | 1.2 | 3 | 2.3 | 2.5 | 6.7 | 7.4 | 15 | 26 | 12 | 145 | 1.84 |
| Johnson Service | 53.3 | 7 | 2.2 | 2 | 4.1 | 4.3 | 11.7 | 17.4 | 9 | 6 | 6 | 129 | 2.24 |
| Minnesota Mining & Manufacturing | 576.0 | 16 | 65.3 | 19 | 11.3 | 11.0 | 17.6 | 19.5 | 35 | 13 | 10 | 9,680 | 2.26 |
| Polaroid | *135.3 | 21 | 11.3 | 28 | 8.3 | 7.9 | 7.9 | 7.9 | 92 | 27 | 19 | 4,143 | 1.77 |
| Ranco [4] | 27.5 | 9 | 1.3 | 2 | 4.7 | 5.0 | 11.3 | 13.3 | 8 | 4 | 3 | 51 | 1.53 |
| Robertshaw Controls | 49.0 | 15 | 2.6 | 12 | 5.3 | 5.5 | 10.9 | 12.7 | 8 | 7 | 11 | 145 | 2.60 |
| Sherwood Medical Industries | 32.1 | 5 | 2.3 | 2 | 7.0 | 7.3 | 13.8 | 16.9 | 12 | NA | NA | 171 | 1.72 |
| Technicon | 29.0 | 19 | 3.2 | 68 | 11.1 | 7.9 | 14.7 | 14.9 | 18 | NA | NA | 309 | 0.61 |
| Tektronix | 59.5 | 21 | 4.7 | 26 | 7.8 | 7.5 | 11.3 | 11.2 | 19 | 19 | 9 | 497 | 1.87 |
| Varian Associates [1] | 60.8 | 18 | 1.6 | 283 | 2.7 | 0.8 | 4.8 | 4.8 | 15 | 10 | −2 | 131 | 0.82 |
| Industry Composite | 2 422.2 | 17 | 242.3 | 29 | 10.0 | 9.0 | 16.0 | 17.3 | 23 | 12 | 11 | 43 039 | 2.45 |
| **LEISURE TIME INDUSTRIES** | | | | | | | | | | | | | |
| American Greetings [19] | *48.2 | 12 | 4.2 | 13 | 8.6 | 8.6 | 13.7 | 16.1 | 37 | 12 | 11 | 619 | 1.07 |
| AMF | 218.9 | 5 | 14.7 | 6 | 6.7 | 6.6 | 14.5 | 21.6 | 10 | 5 | 10 | 1 038 | 3.51 |
| Brunswick | 174.5 | 25 | 9.2 | 23 | 5.3 | 5.2 | 12.6 | 15.0 | 11 | 2 | 22 | 687 | 1.33 |
| Coleman | 51.0 | 23 | 3.1 | 37 | 6.0 | 5.4 | 11.5 | 14.3 | 14 | 11 | 11 | 212 | 1.41 |
| Denny's | *18.7 | 13 | 0.9 | 50 | 1.9 | 1.5 | NA | 13.1 | 19 | 40 | 16 | 113 | 0.68 |
| Disney (Walt) Productions | 86.5 | 15 | 10.4 | 15 | 12.0 | 12.0 | 8.3 | 10.2 | 61 | 31 | 14 | 3 379 | 1.45 |
| Fuqua Industries | 119.1 | 25 | 3.2 | 23 | 2.7 | 2.7 | 9.3 | 13.9 | 7 | 33 | 41 | 166 | 1.52 |
| Gino's | 33.0 | 25 | 0.8 | 14 | 2.5 | 2.2 | 12.5 | 23.7 | 17 | 48 | 39 | 142 | 1.11 |
| Hilton Hotels | 91.9 | 10 | 5.8 | 50 | 6.3 | 4.5 | 6.6 | 10.2 | 11 | 6 | 15 | 351 | 2.28 |
| Holiday Inns | 193.8 | 12 | 7.4 | 10 | 3.8 | 3.9 | 7.5 | 11.9 | 17 | 42 | 30 | 1 288 | 1.34 |
| Host International | 36.3 | 12 | 1.0 | 13 | 2.8 | 2.7 | 11.5 | 18.2 | 13 | 23 | 19 | 133 | 1.14 |
| Howard Johnson | 78.2 | 13 | 3.2 | 29 | 4.1 | 3.6 | 13.7 | 14.1 | 25 | 17 | 11 | 722 | 0.93 |
| Huffman Manufacturing ( ) | 30.3 | 22 | 0.5 | 111 | 1.6 | 0.9 | 11.9 | 13.2 | 8 | 20 | −14 | 23 | 1.89 |
| Madison Square Garden (*) | 29.2 | 28 | 0.8 | 121 | 2.8 | 1.6 | 3.5 | 3.4 | 18 | 49 | NA | 84 | 0.12 |
| Marriott (*) | *52.9 | 31 | 4.7 | 26 | 9.1 | 3.2 | 7.0 | 12.4 | 42 | 27 | 20 | 1 069 | 0.66 |
| Metro-Goldwyn-Mayer (*) | *45.4 | −6 | 3.2 | 19 | 7.0 | 5.5 | 7.6 | 9.2 | 12 | 0 | 8 | 135 | 1.58 |
| Murray Ohio Manufacturing | 32.0 | 13 | 1.5 | 29 | 4.6 | 4.4 | 13.1 | 15.5 | 10 | 7 | 7 | 66 | 2.30 |
| National Homes | 49.6 | −2.0 | NM | NM | .6 | 4.1 | 4.1 | 4.1 | 15 | 13 | 31 | 73 | 0.38 |
| Norlin | 37.0 | 23 | 1.4 | 31 | 3.7 | 3.3 | 9.5 | 11.7 | 5 | 11 | 7 | 55 | 2.38 |
| Ramada Inns | *39.2 | 18 | 3.6 | 18 | 9.1 | 9.1 | 7.0 | 13.7 | 18 | 67 | 23 | 454 | 0.61 |
| Skyline (*) | 66.4 | 3 | 2.2 | −3 | 3.3 | 5.2 | 30.5 | 30.5 | 9 | 37 | 42 | 762 | 1.68 |
| Webb (Del E.) | *73.5 | −12 | 1.3 | 46 | 1.8 | 1.1 | 5.8 | 8.7 | 11 | 8 | −1 | 61 | 0.51 |
| Western Publishing | 41.7 | 6 | 4.7 | 21 | 5.7 | 3.2 | 8.9 | 11.5 | 8 | 4 | 1 | 101 | 2.17 |
| Winnebago Industries (*) | 48.3 | 37 | 4.0 | 13 | 8.3 | 10.0 | 33.2 | 33.5 | 16 | NA | NA | 668 | 0.77 |
| Industry Composite | 1 828.1 | 15 | 86.6 | 14 | 4.7 | 4.8 | 9.1 | 13.6 | 17 | 11 | 16 | 12 058 | 1.23 |
| **METALS AND MINING** | | | | | | | | | | | | | |
| Nonferrous metals, coal, iron ore, etc. | | | | | | | | | | | | | |
| Aluminum Co. of America | 795.9 | 19 | 21.1 | 9 | 4.3 | 4.7 | 6.1 | 8.1 | 12 | 6 | 6 | 1 162 | 1.87 |
| American Metal Climax | 266.7 | 37 | 20.2 | 53 | 7.6 | 6.8 | NA | 12.0 | 11 | 10 | 6 | 779 | 2.89 |
| American Smelting & Refining | 256.0 | 22 | 16.8 | 33 | 6.5 | 6.0 | 7.6 | 7.8 | 16 | 10 | 10 | 497 | 2.00 |
| Anaconda | 301.6 | 27 | 13.3 | 45 | 4.4 | 3.8 | 5.1 | 5.3 | 9 | 0 | 2 | 430 | 2.18 |
| Belden | 56.2 | 23 | 1.2 | 6 | 3.4 | 4.0 | 10.5 | 14.5 | 9 | 8 | 6 | 58 | 2.46 |
| Chromalloy American | 149.8 | 29 | 4.9 | 33 | 3.3 | 3.2 | 9.3 | 14.3 | 8 | 20 | 22 | 189 | 1.94 |
| Copper Range | 31.7 | 24 | 0.6 | NM | 1.9 | NM | NM | −1.5 | NM | 7 | 11 | 38 | −0.63 |
| Cyprus Mines | *28.6 | 17 | 8.1 | 15 | 9.1 | 9.3 | 9.9 | 13.4 | 9 | 8 | 17 | 276 | 3.35 |
| Eastern Gas & Fuel Associates | 97.6 | 0 | 6.5 | −15 | 6.6 | 7.8 | 6.7 | 8.9 | 15 | 10 | 17 | 212 | 1.68 |
| Essex International | 203.7 | 26 | 11.0 | 18 | 5.4 | 5.7 | 11.8 | 17.3 | 8 | 16 | 13 | 461 | 2.10 |
| Gulf Resources & Chemical | *33.2 | 8 | 1.5 | 696 | 4.4 | 0.6 | 9.8 | 37.3 | 10 | 11 | 0 | 38 | 0.85 |
| Homestake Mining | *29.8 | 123 | 3.6 | 251 | 12.2 | 7.7 | 10.6 | 12.0 | 24 | 9 | −6 | 137 | 1.75 |
| Kaiser Aluminum & Chemical | 287.2 | 26 | 9.7 | 316 | 3.4 | 1.0 | 4.1 | 3.4 | 11 | 12 | −3 | 340 | 1.01 |
| Kennecott Copper | 318.4 | 19 | 28.6 | 56 | 9.0 | 6.9 | 7.3 | 8.1 | 9 | 6 | 7 | 788 | 2.94 |
| Martin Marietta Aluminum | 60.2 | 16 | 0.0 | −99 | 0.0 | 2.7 | NM | 0.3 | NM | 10 | −7 | 81 | 0.06 |
| North American Coal | 31.5 | 38 | 0.7 | −31 | 2.1 | 4.3 | 6.1 | 8.2 | 15 | 4 | 5 | 40 | 1.50 |
| Phelps Dodge | 216.6 | 17 | 25.3 | 15 | 11.7 | 11.9 | 10.1 | 11.5 | 10 | 7 | 8 | 808 | 4.17 |
| Pittston | 192.7 | 0 | 7.1 | −25 | 3.9 | 5.2 | 7.3 | 9.6 | 20 | 14 | 13 | 411 | 1.18 |
| Revere Copper & Brass | 116.2 | 21 | −0.9 | NM | NM | NM | NM | −0.8 | NM | 5 | −3 | 50 | −0.21 |
| Reynolds Metals | 316.8 | 17 | 3.5 | NM | 1.1 | NM | NM | 0.7 | 58 | 6 | −9 | 276 | 0.41 |
| Triangle Industries | 53.2 | 29 | 1.0 | 41 | 1.9 | 1.7 | 6.4 | 6.5 | 9 | 7 | 3 | 28 | 1.49 |
| Universal Oil Products | 132.9 | 22 | 4.3 | 22 | 3.2 | 3.2 | 7.9 | 8.6 | 12 | 11 | 4 | 228 | 1.91 |
| Industry Composite | 3 716.6 | 22 | 188.3 | 35 | 5.1 | 4.6 | 6.1 | 7.7 | 14 | 6 | 4 | 7 218 | 2.21 |
| **MISCELLANEOUS MANUFACTURING** | | | | | | | | | | | | | |
| ACF Industries | 107.3 | 23 | 7.3 | 45 | 6.8 | 5.8 | 6.4 | 10.4 | 12 | 4 | 4 | 266 | 3.21 |
| Allied Products | 55.1 | 19 | 1.2 | 69 | 2.2 | 1.6 | 7.9 | 11.1 | 6 | 15 | 11 | 35 | 2.71 |
| Amsted Industries [1] | 87.7 | 28 | 3.1 | 123 | 3.5 | 2.0 | 10.1 | 10.4 | 8 | 4 | 2 | 115 | 5.18 |
| Apache | *34.2 | 20 | 1.6 | 28 | 4.6 | 4.3 | 7.2 | 11.5 | 8 | 22 | 18 | 55 | 1.72 |
| Armstrong Cork | 192.0 | 10 | 14.8 | 39 | 7.7 | 6.6 | 9.8 | 11.5 | 13 | 9 | 0 | 838 | 1.76 |
| Athlone Industries | 43.9 | 21 | 1.2 | 53 | 2.7 | 2.1 | 6.8 | 12.4 | 6 | 127 | 10 | 23 | 2.40 |
| Bangor Punta | *84.1 | 29 | 2.6 | 201 | 3.1 | 1.3 | 5.5 | 7.8 | 5 | 40 | −11 | 72 | 1.97 |
| Bath Industries | 88.3 | 16 | 4.3 | 26 | 4.8 | 4.5 | 18.6 | 25.8 | 8 | 6 | 21 | 285 | 2.99 |
| Bemis | *116.4 | 15 | 2.8 | 24 | 2.4 | 2.2 | 7.3 | 9.3 | 8 | 7 | 9 | 115 | 2.37 |
| Carborundum | 96.2 | 16 | 4.7 | 40 | 4.9 | 4.0 | 8.5 | 9.5 | 12 | 7 | 7 | 258 | 4.78 |
| Coco | 51.5 | 11 | 1.0 | −21 | 2.0 | 2.8 | 8.8 | 12.5 | 8 | 7 | 11 | 82 | 2.37 |
| Corning Glass Works | 204.0 | 22 | 18.3 | 36 | 9.0 | 8.1 | 13.1 | 13.6 | 30 | 11 | 4 | 1.916 | 3.33 |
| Eagle-Picher Industries [1] | 69.7 | 7 | 3.1 | 30 | 4.4 | 3.6 | 10.2 | 14.1 | 10 | 7 | 12 | 118 | 2.77 |
| Gable Industries [4] | 42.1 | 49 | 1.7 | 63 | 4.0 | 3.7 | NA | NA | 7 | 1 | 7 | 54 | 2.52 |
| General Cable | 107.1 | 26 | 3.7 | 4 | 3.5 | 4.3 | 9.1 | 9.6 | 10 | 8 | 2 | 203 | 1.08 |
| General Refractories | 47.8 | 22 | 0.3 | NM | 0.7 | NM | 3.2 | 2.8 | 11 | 2 | −10 | 28 | 0.07 |

Footnotes at end of table.

XUM

SURVEY OF CORPORATE PERFORMANCE: 1ST QUARTER 1973—Continued

| Company | Sales: 1st quarter 1973 (millions) | Sales: Change from 1972 (percent) | Profits: 1st quarter 1973 (millions) | Profits: Change from 1972 (percent) | Margins: 1st quarter 1973 (percent) | Margins: 1st quarter 1972 (percent) | Ratios: Return on invested capital 1972 | Ratios: Return on common equity 1972 | Ratios: Price earnings ratio 4-30 | 10-year growth: Common equity (percent) | 10-year growth: Earnings per share (percent) | Market value shares O S yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MISCELLANEOUS MANUFACTURING—Continued | | | | | | | | | | | | | |
| Manly & Harman | $78.2 | 52 | $1.3 | 77 | 1.7 | 1.5 | 10.8 | 12.0 | 11 | 14 | 3 | $49 | $1.66 |
| Hoover | 86.4 | 25 | 3.6 | −24 | 4.1 | 6.8 | 5.7 | 9.8 | 10 | 13 | 17 | 125 | 1.24 |
| Illinois Tool Works | 96.2 | 20 | 3.8 | 33 | 8.2 | 7.7 | 16.7 | 17.5 | 23 | 15 | 14 | 386 | 1.92 |
| Lowe's | 98.7 | 11 | 3.0 | 2 | 3.1 | 3.8 | 8.4 | 10.7 | 8 | 7 | 7 | 140 | 1.31 |
| Ingersoll Manufacturing | 31.7 | 8 | 0.6 | 4 | 1.9 | 2.0 | 6.8 | 6.8 | 7 | 4 | 9 | 34 | 2.69 |
| Lindsay | 19.4 | 7 | 0.8 | −37 | 1.6 | 2.8 | 8.1 | 11.5 | 8 | 4 | 5 | 59 | 1.71 |
| Lionel | 59.0 | 33 | 2.8 | 62 | 4.8 | 3.9 | 12.6 | 21.3 | 6 | 37 | 15 | 67 | 2.09 |
| Tabasco Industries | 17.7 | 19 | 3.3 | 12 | 2.8 | 3.0 | 8.3 | 9.9 | 8 | 9 | 8 | 186 | 2.37 |
| Norton | 10.2 | 22 | 6.3 | 71 | 5.7 | 4.0 | 7.3 | 7.9 | 8 | 3 | −2 | 175 | 3.21 |
| Philips Industries | 51.4 | 6 | 2.0 | 49 | 4.0 | 2.8 | 11.5 | 14.3 | 6 | 57 | 32 | 49 | 1.19 |
| Purex (H K) | 67.2 | 17 | 0.7 | NM | 1.0 | NM | 2.3 | 1.4 | 32 | 3 | −16 | 33 | 0.77 |
| PPG Industries | 76.2 | 11 | 24.0 | 28 | 6.5 | 5.8 | 9.3 | 12.3 | 8 | 3 | 3 | 977 | 4.23 |
| Premier Industrial | 28.4 | 13 | 1.6 | 7 | 5.7 | 6.0 | 13.2 | 25.7 | 10 | 7 | 13 | 102 | 0.99 |
| Purolator | 21.3 | 20 | 0.3 | 53 | 2.8 | 2.2 | 7.5 | 8.5 | 14 | 3 | 6 | 225 | 4.18 |
| Scott & Fetzer | 59.8 | 29 | 4.2 | 18 | 7.0 | 7.1 | 23.4 | 25.0 | 14 | 31 | 16 | 286 | 2.19 |
| Sewell Manufacturing | 19.2 | 21 | 1.5 | 25 | 7.8 | 8.0 | 9.0 | 11.5 | 9 | 7 | 11 | 193 | 2.32 |
| Swingside | 79.6 | 27 | 5.1 | 39 | 6.4 | 5.9 | 12.2 | 15.5 | 14 | 13 | 12 | 369 | 2.68 |
| Symmons | 93.7 | 19 | 2.7 | 33 | 2.9 | 2.6 | 8.8 | 9.7 | 10 | 8 | 9 | 179 | 2.09 |
| Standard Pressed Steel | 35.8 | 21 | 1.5 | 67 | 4.2 | 0.9 | 7.2 | 7.3 | 9 | 3 | 10 | 44 | 0.82 |
| Stanley Works | 114.0 | 23 | 5.3 | 23 | 4.7 | 4.7 | 11.3 | 13.3 | 12 | 9 | 13 | 347 | 2.70 |
| Todd Shipyards | 64.4 | 3 | 0.9 | NM | 2.0 | NM | NM | 9.5 | 84 | 4 | −10 | 31 | 0.19 |
| Trans Union | 95.3 | 19 | 6.5 | 10 | 6.5 | 9.1 | 6.2 | 13.7 | 12 | 8 | 26 | 438 | 2.66 |
| Tyler | 38.1 | 19 | 1.3 | 7 | 3.7 | 4.2 | 11.7 | 19.6 | 6 | 27 | 12 | 67 | 2.73 |
| U S Industries | 99.2 | 9 | 19.1 | 1 | 4.7 | 5.0 | 13.1 | 16.4 | 5 | 47 | 23 | 597 | 2.20 |
| Vulcan Materials | 65.3 | 10 | 1.6 | 265 | 2.5 | 1.0 | 11.6 | 15.8 | 8 | 7 | 6 | 154 | 3.09 |
| Walco National | 27.5 | 21 | 0.6 | 26 | 2.0 | 2.0 | 7.8 | 8.7 | 8 | 7 | −9 | 13 | 1.94 |
| Wheelabrator-Frye | 52.0 | 32 | 1.9 | 28 | 3.6 | 3.7 | 7.0 | 9.4 | 12 | 5 | −5 | 173 | 1.65 |
| Industry Composite | 4,075.2 | 19 | 187.3 | 31 | 4.6 | 4.1 | 9.2 | 12.1 | 12 | 8 | 5 | 9,955 | 2.32 |
| NONBANK FINANCIAL | | | | | | | | | | | | | |
| Aetna Life & Casualty | 1,138.2 | 17 | 31.1 | 35 | 2.8 | 2.1 | 10.2 | 12.7 | 9 | NA | NA | 1,931 | 6.92 |
| Capital Holding | 77.0 | 8 | 8.9 | 12 | 11.5 | 11.1 | 9.2 | 11.1 | 19 | NA | NA | 765 | 1.37 |
| Crum & Forster | 180.1 | 11 | 15.0 | 16 | 7.2 | 6.9 | 9.9 | 12.4 | 7 | 14 | 31 | 423 | 3.77 |
| Heller (Walter E.) Intl | 36.2 | 19 | 5.6 | 13 | 15.4 | 16.1 | 11.7 | 16.2 | 16 | 11 | 9 | 402 | 2.06 |
| Hutton (E F ) | 36.4 | −11 | 1.3 | −57 | 4.1 | 11.0 | 18.4 | 15.8 | 5 | NA | NA | 80 | 1.69 |
| ITA | 43.9 | 11 | 20.7 | −10 | 4.7 | 6.2 | NA | NA | 8 | NA | NA | NA | 4.34 |
| Marsh & Mclennan | 196.8 | 19 | 8.3 | 11 | 14.9 | 14.9 | 24.0 | 24.6 | 18 | 18 | 13 | 621 | 1.96 |
| Merrill Lynch | 281.1 | −7 | 10.3 | −57 | 5.9 | 12.7 | 22.1 | 13.0 | 9 | NA | NA | 1,000 | 1.73 |
| Paico | 125.1 | 760 | 6.9 | 901 | 3.4 | 41.9 | 1.3 | 2.2 | 35 | NA | NA | 83 | 0.31 |
| Transamerica | 193.3 | 7 | 21.2 | 14 | 4.3 | 4.0 | 8.7 | 10.5 | 10 | 13 | 2 | 1,153 | 1.21 |
| USLIFE | 79.5 | 12 | 5.3 | 14 | 6.8 | 6.7 | 11.2 | 18.6 | 19 | NA | NA | 661 | 2.89 |
| Industry Composite | 2,763.5 | 11 | 130.6 | 0 | 4.6 | 5.2 | NA | NA | 15 | NA | NA | 7,148 | 2.57 |
| OFFICE EQUIPMENT, COMPUTERS | | | | | | | | | | | | | |
| Addressograph-Multigraph | 113.7 | 11 | 3.2 | −5 | 2.8 | 3.0 | 7.3 | 8.3 | 8 | 8 | −1 | 265 | 2.10 |
| Apeco | 31.0 | 11 | 0.8 | −32 | 2.6 | 5.3 | 6.7 | 7.1 | 17 | 13 | 4 | 63 | 0.51 |
| Burroughs | 743.1 | 21 | 45.3 | 34 | 6.0 | 5.5 | 9.7 | 12.7 | 44 | 21 | 25 | 4,057 | 4.99 |
| Control Data | 290.6 | 57 | 17.1 | 63 | 8.5 | 8.3 | 5.6 | 8.8 | 10 | 47 | 27 | 918 | 1.70 |
| Diebold | 45.6 | 23 | 2.9 | 60 | 6.3 | 4.8 | 13.1 | 15.7 | 22 | 16 | 13 | 234 | 2.44 |
| Digital Equipment | 197.1 | 31 | 6.2 | 68 | 9.1 | 7.7 | 13.3 | 13.0 | 44 | 67 | 43 | 919 | 1.60 |
| Honeywell | 725.9 | 17 | 16.1 | 41 | 3.1 | 2.5 | 7.7 | 10.0 | 24 | 15 | 7 | 2,617 | 4.02 |
| Intl Business Machines | 2,870.0 | 6 | 520.1 | 11 | 13.9 | 13.2 | 16.9 | 18.1 | 35 | 17 | 15 | 36,792 | 11.31 |
| Nashua | 82.1 | 23 | 2.5 | 30 | 5.3 | 5.0 | 13.5 | 17.5 | 20 | 14 | 16 | 259 | 2.28 |
| National Cash Register | 687.4 | 12 | 7.5 | NM | 2.0 | NM | NM | −7.9 | NM | 12 | −15 | 712 | −2.07 |
| Standard Register | 79.1 | 12 | 1.0 | 75 | 3.5 | 2.2 | 7.2 | 8.3 | 11 | 5 | −3 | 37 | 1.58 |
| Wang | 92.8 | 10 | 1.2 | 21 | 3.7 | 3.3 | 7.9 | 10.1 | 10 | 7 | 3 | 44 | 1.07 |
| Xerox Computamaster | 290.5 | 15 | 0.9 | 8 | 1.9 | 2.0 | 8.4 | 9.1 | 11 | 10 | 4 | 94 | 1.19 |
| Xerox | 1,008.7 | 22 | 69.3 | 22 | 10.4 | 10.4 | 19.0 | 21.8 | 43 | 35 | 28 | 11,793 | 3.31 |
| Industry, Composite | 7,196.7 | 13 | 485.7 | 20 | 9.9 | 9.3 | 13.1 | 15.3 | 23 | 17 | 13 | 68,865 | 5.77 |
| OIL | | | | | | | | | | | | | |
| Crude, integrated (gross is net after royalty) | | | | | | | | | | | | | |
| Amerada Hess | 305.2 | 10 | 36.7 | 25 | 9.1 | 8.9 | 6.7 | NM | 27 | NA | NA | 934 | 1.32 |
| American Petrofina | 173.5 | 12 | 4.7 | 165 | 6.4 | 3.5 | 12.3 | 14.1 | 14 | 11 | 30 | 247 | 2.67 |
| Apco Oil | 130.7 | 9 | 0.9 | −31 | 2.9 | 4.8 | 7.2 | 8.8 | 8 | 24 | 11 | 62 | 2.11 |
| Ashland Oil | 439.0 | 9 | 15.9 | 41 | 3.6 | 2.8 | 9.8 | 20.6 | 9 | 19 | 6 | 737 | 2.93 |
| Atlantic Richfield | 997.6 | 5 | 50.3 | 52 | 5.0 | 3.5 | 6.5 | 8.8 | 21 | 16 | 6 | 3,389 | 3.71 |
| Belco Petroleum | 100.7 | −3 | 3.0 | 25 | 9.7 | 7.5 | 7.9 | 13.3 | 8 | 18 | 10 | 104 | 1.45 |
| Cities Service | 741.9 | 17 | 34.1 | 17 | 6.6 | 6.2 | 6.8 | 7.4 | 12 | 9 | 4 | 1,245 | 4.02 |
| Commonwealth Oil Refining | 191.1 | 58 | 2.5 | 13 | 3.1 | 3.8 | 4.0 | 0.9 | 90 | 12 | −8 | 118 | 0.10 |
| Continental Oil | 1,181.2 | 9 | 47.5 | 12 | 5.1 | 5.0 | 8.0 | 11.0 | 10 | 10 | 6 | 2,001 | 3.43 |
| Crown Central Petroleum | 142.5 | −2 | 0.3 | 35 | 0.7 | 0.5 | 3.6 | 2.9 | 19 | 8 | 2 | 31 | 0.95 |
| Exxon | 5,674.0 | 13 | 508.0 | 43 | 9.0 | 7.1 | 11.2 | 13.9 | 13 | 5 | 5 | 19,623 | 7.52 |
| Getty Oil | 690.6 | 4 | 27.0 | 21 | 7.5 | 6.4 | 4.3 | 5.6 | 23 | 13 | 8 | 1,755 | 4.23 |
| Gulf Oil | 2,183.0 | 9 | 165.0 | 19 | 7.8 | 7.2 | 6.6 | 8.5 | 11 | 6 | 5 | 5,608 | 2.33 |
| Kerr-McGee | 121.8 | 8 | 11.9 | 20 | 6.8 | 6.1 | 8.8 | 11.9 | 30 | 16 | 8 | 1,605 | 2.18 |
| Marathon Oil | 419.9 | 17 | 24.2 | 59 | 6.8 | 5.3 | 8.7 | 11.2 | 12 | 6 | 8 | 1,084 | 2.94 |
| Mississippi River | 142.2 | −2 | 3.7 | 13 | 8.7 | 7.6 | 8.2 | 11.4 | 10 | 4 | 4 | 168 | 1.53 |
| Mobil Oil | 2,290.0 | 13 | 159.8 | 10 | 5.6 | 5.7 | 9.7 | 11.5 | 12 | 5 | 9 | 7,529 | 5.70 |
| Murphy Oil | 117.9 | 14 | 6.5 | 58 | 6.0 | 4.3 | 5.6 | 9.0 | 18 | 9 | 9 | 365 | 2.89 |
| Occidental Petroleum | 191.3 | 2 | 9.6 | 70 | 1.4 | 0.8 | 1.4 | 0.5 | NM | 55 | 19 | 647 | 0.03 |
| Penzoil | 295.1 | 26 | 19.6 | 23 | 7.7 | 7.8 | 7.8 | 10.7 | 12 | 31 | 15 | 591 | 1.91 |
| Phillips Petroleum | 990.8 | 7 | 43.4 | 22 | 6.4 | 5.6 | 7.4 | 8.7 | 22 | 5 | 1 | 3,345 | 2.08 |
| Quaker State Oil Refining | 45.0 | 21 | 3.6 | 6 | 8.0 | 9.1 | 13.1 | 18.0 | 29 | 12 | 21 | 638 | 1.10 |
| Shell Oil | 1,089.5 | 12 | 80.2 | 49 | 7.4 | 5.5 | 8.1 | 9.9 | 11 | 8 | 3 | 3,699 | 4.26 |
| Skelly Oil | 193.4 | 5 | 10.0 | 3 | 6.5 | 6.8 | 6.4 | 6.7 | 21 | 5 | 6 | 731 | 3.19 |
| Standard Oil (Indiana) | 1,429.0 | 11 | 121.1 | 12 | 8.2 | 7.5 | 8.8 | 10.6 | 15 | 4 | 9 | 6,109 | 5.66 |
| Standard Oil (Calif) | 1,098.4 | 17 | 152.8 | 24 | 9.5 | 9.0 | 10.0 | 11.2 | 13 | 8 | 5 | 6,755 | 6.89 |
| Standard Oil (Ohio) | 442.9 | 10 | 17.5 | 48 | 4.3 | 3.2 | 5.5 | 6.2 | 19 | 16 | 6 | 1,248 | 4.81 |
| Suburban Propane Gas ( ) | 49.2 | 19 | 3.8 | 14 | 7.8 | 8.1 | 9.0 | 11.4 | 11 | 9 | 7 | 131 | 2.00 |
| Tesoro Petroleum (*) | 62.5 | 9 | 4.3 | 88 | 6.8 | 4.0 | 15.2 | 19.3 | 10 | 47 | 62 | 192 | 3.17 |
| Texaco | 2,495.0 | 14 | 264.0 | 15 | 10.6 | 10.5 | 10.3 | 13.0 | 12 | 9 | 6 | 10,201 | 3.39 |
| Union Oil of California | 436.9 | 10 | 38.3 | 28 | 8.1 | 5.1 | 7.0 | 10.2 | 10 | 8 | 7 | 1,131 | 3.74 |
| Industry Composite | 24,799.9 | 14 | 1,866.8 | 27 | 7.5 | 6.8 | 8.6 | 11.1 | 18 | 6 | 5 | 92,202 | 3.99 |

Footnotes at end of table.



| Company | Sales: 1st quarter 1973 (millions) | Sales: Change from 1972 (percent) | Profits: 1st quarter 1973 (millions) | Profits: Change from 1972 (percent) | Margins: 1st quarter 1973 (percent) | Margins: 1st quarter 1972 (percent) | Ratios: Return on invested capital 1972 | Ratios: Return on common equity 1972 | Ratios: Price earnings ratio 4-30 | 10-year growth: Common equity (percent) | 10-year growth: Earnings per share (percent) | Market value shares O S yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PAPER | | | | | | | | | | | | | |
| Avery Products | $53.7 | 28 | $2.6 | 73 | 4.8 | 3.5 | 10.9 | 14.6 | 38 | 27 | 16 | $379 | $1.01 |
| Crown Zellerbach | 319.5 | 24 | 22.7 | 167 | 7.1 | 3.0 | 7.5 | 10.2 | 11 | 4 | 0 | 682 | 2.47 |
| Dennison Manufacturing | 45.7 | 16 | 1.9 | 18 | 4.2 | 4.1 | 10.5 | 14.0 | 8 | 13 | 13 | 91 | 3.14 |
| Fort Howard Paper | 27.9 | 13 | 3.4 | 15 | 12.0 | 11.9 | 16.9 | 17.8 | 29 | NA | NA | 393 | 2.02 |
| Great Northern-Nekoosa | 116.4 | 19 | 5.2 | 24 | 4.5 | 4.3 | 5.7 | 8.0 | 13 | 15 | 9 | 269 | 3.57 |
| Hammermill Paper | 104.7 | 14 | 2.4 | 300 | 2.3 | 0.6 | 3.5 | 3.9 | 13 | 13 | −6 | 115 | .92 |
| International Paper | 552.0 | 9 | 29.8 | 48 | 5.4 | 4.0 | 7.9 | 10.2 | 14 | 3 | 2 | 1,865 | 2.51 |
| Kimberly-Clark | 282.0 | 12 | 21.4 | 54 | 7.6 | 5.5 | 8.9 | 11.4 | 15 | 5 | 1 | 954 | 2.71 |
| Masonite | 60.4 | 6 | 5.7 | 16 | 9.5 | 8.6 | 14.9 | 16.3 | 14 | 9 | 13 | 513 | 1.74 |
| Mead | 301.8 | 12 | 8.0 | 80 | 2.6 | 1.7 | 5.5 | 5.4 | 11 | 9 | −4 | 242 | 1.29 |
| Scott Paper | 221.5 | 14 | 14.0 | 62 | 6.3 | 4.5 | 7.2 | 8.2 | 11 | 7 | −2 | 532 | 1.26 |
| St. Regis Paper | 257.0 | 8 | 11.5 | 66 | 4.5 | 2.9 | 6.4 | 8.5 | 13 | 3 | 4 | 625 | 3.21 |
| Union Camp | 171.5 | 20 | 12.2 | 50 | 7.1 | 5.7 | 9.6 | 14.1 | 15 | 5 | 7 | 736 | 2.84 |
| Westvaco | 127.5 | 19 | 5.2 | NM | 4.1 | 0.4 | 5.4 | 6.9 | 13 | 4 | −1 | 281 | 1.66 |
| Industry Composite | 2,641.5 | 14 | 146.0 | 70 | 5.5 | 3.7 | 7.4 | 9.7 | 16 | 5 | 2 | 7,682 | 2.14 |
| PERSONAL CARE PRDOUCTS | | | | | | | | | | | | | |
| Cosmetics, soap etc | | | | | | | | | | | | | |
| Alberto-Culver | 19.2 | 10 | 1.4 | 16 | 2.8 | 2.7 | 12.1 | 12.8 | 13 | 26 | 13 | 134 | 1.29 |
| Avon Products | 220.9 | 19 | 20.3 | 19 | 9.2 | 9.2 | 33.3 | 36.9 | 59 | 18 | 17 | 7,910 | 2.22 |
| Chesebrough-Pond's | 92.5 | 11 | 6.7 | 20 | 7.3 | 6.7 | 16.0 | 19.5 | 34 | 13 | 12 | 1,085 | 2.28 |
| Colgate-Palmolive | 491.9 | 13 | 15.3 | 22 | 3.1 | 2.9 | 11.8 | 16.3 | 28 | 6 | 9 | 1,976 | 3.35 |
| Economics Laboratory | 48.7 | 24 | 2.9 | 19 | 6.0 | 6.3 | 13.5 | 17.9 | 39 | 23 | 17 | 512 | .87 |
| Faberge | 31.6 | 2 | 1.3 | 7 | 4.3 | 4.1 | 7.8 | 8.1 | 7 | 27 | 3 | 85 | 1.32 |
| Gillette | 231.9 | 18 | 20.8 | 21 | 9.0 | 8.7 | 18.7 | 24.0 | 21 | 12 | 6 | 1,888 | 2.65 |
| Procter & Gamble | 1,024.3 | 12 | 86.6 | 12 | 8.5 | 8.4 | 16.1 | 18.4 | 27 | 7 | 10 | 9,134 | 3.66 |
| Industry Composite | 2,190.9 | 14 | 155.4 | 15 | 7.1 | 7.0 | 17.7 | 20.4 | 28 | 10 | 10 | 22,724 | 2.79 |
| PUBLISHING | | | | | | | | | | | | | |
| Periodicals, books, newspapers | | | | | | | | | | | | | |
| Gannett | 68.9 | 10 | 5.0 | 26 | 7.3 | 6.4 | 11.4 | 14.8 | 31 | 17 | 14 | 783 | 1.18 |
| Knight Newspapers | 77.6 | 8 | 4.2 | 11 | 5.4 | 5.1 | 13.3 | 16.2 | 21 | NA | NA | 552 | 2.04 |
| Macmillan | 81.3 | 4 | 1.5 | 22 | 1.8 | 1.5 | 5.8 | 6.7 | 7 | 26 | 7 | 162 | 1.05 |
| McGraw-Hill | 91.2 | 10 | 2.0 | 227 | 2.1 | 0.7 | 10.3 | 12.6 | 10 | 11 | 3 | 394 | .98 |
| Media General | 30.4 | 14 | 2.0 | 33 | 6.7 | 5.7 | 8.9 | 11.8 | 16 | NA | NA | 142 | 2.36 |
| Meredith | 43.5 | 0 | 1.5 | 58 | 3.4 | 2.2 | 5.8 | 7.6 | 8 | 8 | 8 | 56 | 1.74 |
| New York Times | 184.5 | 7 | 4.0 | 61 | 4.7 | 3.1 | 11.1 | 12.1 | 11 | 14 | 32 | 166 | 1.20 |
| Prentice-Hall | 30.8 | 6 | 1.9 | 12 | 6.3 | 6.0 | 22.7 | 22.7 | 11 | 15 | 16 | 335 | 1.67 |
| Ridder Publications | 35.1 | 7 | 2.3 | 6 | 6.7 | 6.7 | 11.2 | 11.2 | 15 | NA | NA | 195 | 1.34 |
| Time | 124.4 | 8 | 5.3 | 74 | 4.3 | 2.6 | 9.2 | 12.4 | 9 | 9 | 3 | 461 | 4.27 |
| Times Mirror | 149.2 | 21 | 10.3 | 79 | 6.9 | 4.7 | 13.2 | 19.4 | 13 | 14 | 12 | 798 | 1.38 |
| Washington Post | 54.4 | 13 | 1.4 | 81 | 2.6 | 1.6 | 10.1 | 14.1 | 11 | NA | NA | 180 | 2.21 |
| Industry Composite | 877.3 | 10 | 41.5 | 49 | 4.7 | 3.5 | 10.5 | 13.4 | 14 | 9 | 0 | 4,225 | 1.50 |
| RADIO AND BROADCASTING | | | | | | | | | | | | | |
| American Broadcasting | 236.0 | 14 | 9.8 | 53 | 4.2 | 3.1 | 11.4 | 17.0 | 11 | 8 | 8 | 646 | 2.20 |
| Capital Cities Broadcasting | 29.5 | 10 | 4.1 | 16 | 13.8 | 13.0 | 10.6 | 18.5 | 20 | 29 | 21 | 432 | 2.33 |
| Columbia Broadcasting System | 363.7 | 12 | 16.9 | 37 | 4.6 | 3.8 | 15.6 | 23.0 | 12 | 7 | 4 | 1,419 | 5.03 |
| Metromedia | 49.4 | 21 | 1.5 | 39 | 3.1 | 2.7 | †10.0 | †14.9 | 8 | 23 | 8 | 189 | 2.11 |
| Wometco Enterprises | 28.0 | 18 | 1.5 | 28 | 5.3 | 4.9 | 9.0 | 13.1 | 12 | 20 | 11 | 106 | 1.16 |
| Industry Composite | 706.6 | 13 | 33.8 | 38 | 4.8 | 3.9 | 12.7 | 19.4 | 31 | 10 | 6 | 2,792 | 2.47 |
| RAILROADS | | | | | | | | | | | | | |
| Burlington Northern | 289.1 | 15 | 13.7 | 53 | 4.7 | 2.8 | 3.5 | 3.7 | 9 | NA | NA | 609 | 4.33 |
| Missouri Pacific Railroad | 175.7 | 15 | 6.8 | 17 | 3.9 | 3.8 | 3.1 | 3.3 | 9 | NA | −3 | 155 | 9.25 |
| Norfolk & Western Railway | 222.4 | 6 | 16.8 | 10 | 7.6 | 7.3 | 4.2 | 5.5 | 10 | NA | −5 | 693 | 6.27 |
| Rio Grande Industries | 34.4 | 1 | 3.1 | −9 | 9.1 | 10.1 | 6.6 | 6.2 | 8 | NA | NA | 71 | 2.36 |
| Santa Fe Industries | 274.2 | 21 | 20.3 | 11 | 7.4 | 8.1 | 5.1 | 6.3 | 8 | NA | −1 | 822 | 3.31 |
| Seaboard Coast Line Industries | 259.4 | 10 | 16.4 | −15 | 5.5 | 7.1 | 7.4 | 9.0 | 6 | NA | 2 | 689 | 5.76 |
| Southern Pacific | 362.9 | 6 | 14.1 | −28 | 3.9 | 5.7 | 4.9 | 6.2 | 9 | NA | 1 | 1,174 | 3.85 |
| Southern Railway | 190.1 | 6 | 17.9 | 11 | 9.4 | 9.1 | 6.1 | 7.0 | 9 | NA | 4 | 709 | 4.07 |
| Union Pacific | 281.1 | 9 | 24.7 | 37 | 8.8 | 7.0 | 5.2 | 7.3 | 12 | NA | 2 | 1,550 | 4.93 |
| Industry Composite | 2,129.2 | 11 | 134.0 | 9 | 6.3 | 6.4 | 4.9 | 6.1 | 8 | NA | 0 | 6,472 | 4.26 |
| RETAILING | | | | | | | | | | | | | |
| Department, discount, mail order, variety food, specialty stores | | | | | | | | | | | | | |
| Alexander's | 114.4 | 2 | 1.1 | −43 | 1.0 | 1.7 | 3.0 | .6 | 83 | NA | NA | 42 | .06 |
| Allied Stores | 530.8 | 16 | 24.7 | 19 | 4.7 | 4.5 | 6.3 | 8.8 | 8 | 6 | 3 | 323 | 3.27 |
| Amfac | 183.6 | 27 | 5.2 | 3 | 2.8 | 3.5 | 8.2 | 11.7 | 8 | 11 | 12 | 335 | 2.16 |
| Associated Dry Goods | 382.9 | 11 | 25.2 | 16 | 6.6 | 6.3 | 10.8 | 13.6 | 13 | 13 | 10 | 635 | 3.16 |
| Bayless (A. J.) Markets | 33.4 | 17 | 0.6 | 3 | 1.7 | 1.9 | 12.7 | 14.3 | 7 | 6 | 12 | 25 | 1.91 |
| Broadway-Hale Stores | 340.9 | 21 | 19.8 | 25 | 5.8 | 5.6 | 11.9 | 19.1 | 17 | 11 | 7 | 901 | 1.87 |
| Colonial Stores | 175.4 | 5 | 1.9 | −6 | 1.1 | 1.2 | 9.1 | 10.9 | 8 | 7 | 7 | 95 | 2.06 |
| Cook United | 105.7 | 10 | −.7 | NM | NM | NM | 6.3 | 8.1 | 6 | 20 | 12 | 64 | 1.42 |
| Daylin | 134.8 | 12 | 2.9 | 10 | 2.2 | 2.2 | 9.4 | 13.2 | 6 | 61 | 16 | 95 | 1.68 |
| Dayton-Hudson | 444.9 | 21 | 19.3 | 10 | 4.3 | 4.8 | 6.8 | 9.0 | 10 | NA | NA | 424 | 1.74 |
| Dillon | 157.8 | 57 | 2.7 | 54 | 1.7 | 1.8 | 17.5 | 23.9 | 17 | 21 | 14 | 165 | 1.89 |
| Eckerd (Jack) | 100.0 | 24 | 5.8 | 22 | 5.8 | 5.9 | 17.4 | 19.8 | 40 | 41 | 34 | 697 | .84 |
| Fed Mart | 61.9 | 20 | 1.0 | 21 | 1.6 | 1.6 | 7.8 | 14.3 | 6 | 13 | 14 | 27 | 2.31 |
| Federated Dept. Stores | 914.7 | 16 | 52.0 | 13 | 5.7 | 5.8 | 12.7 | 13.9 | 18 | 11 | 7 | 2,440 | 2.46 |
| Fisher Foods | 180.1 | 36 | 2.0 | 16 | 1.1 | 1.3 | 10.5 | 20.0 | 9 | 20 | 26 | 104 | 1.37 |
| Food Fare Stores | 505.6 | 5 | 2.7 | −49 | 0.5 | 1.1 | 4.2 | 1.6 | 25 | 5 | 0 | 68 | .30 |
| Gamble-Skogmo | 377.9 | 8 | 11.0 | 12 | 2.9 | 2.8 | 6.9 | 7.9 | 7 | 13 | 8 | 164 | 4.09 |
| Gimbel Bros. | 263.9 | 6 | 11.8 | 11 | 4.5 | 4.3 | 6.1 | 6.2 | 11 | 8 | 5 | 204 | 1.66 |
| Gordon Jewelry | 50.0 | 20 | 4.9 | 20 | 9.8 | 9.8 | 10.3 | 12.3 | 10 | 22 | 22 | 118 | 1.49 |

Footnotes at end of table.

XUM

SURVEY OF CORPORATE PERFORMANCE: 1ST QUARTER 1973—Continued

| Company | Sales: 1st quarter 1973 (millions) | Sales: Change from 1972 (percent) | Profits: 1st quarter 1973 (millions) | Profits: Change from 1972 (percent) | Margins: 1st quarter 1973 (percent) | Margins: 1st quarter 1972 (percent) | Ratios: Return on invested capital 1972 | Ratios: Return on common equity 1972 | Ratios: Price earnings ratio 4-30 | 10-year growth: Common equity (percent) | 10-year growth: Earnings per share (percent) | Market value shares O S yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| RETAILING—Continued | | | | | | | | | | | | | |
| Department, discount, mail order, variety, food, specialty stores—Continued | | | | | | | | | | | | | |
| Grand Union [9] | $488.9 | 14 | $2.7 | −1 | 0.9 | 1.0 | 5.4 | 5.9 | 10 | 9 | 10 | $96 | $1.80 |
| Grant (W.T.) [11] | 544.6 | 11 | 25.7 | 15 | 6.6 | 6.9 | 12.0 | 11.7 | 8 | 11 | 16 | 622 | 2.70 |
| Great Atlantic & Pac. Tea [1] | 1,680.5 | 20 | −1.3 | NM | NM | NM | −7.6 | −8.1 | NM | 3 | −7 | 407 | −2.05 |
| Great Scott Supermarkets | 68.7 | 19 | 0.6 | 13 | 0.9 | 0.9 | 12.4 | 14.9 | 7 | NA | NA | 12 | 1.17 |
| Hartfield-Zodys [1] | 103.0 | 61 | 1.1 | 56 | 1.1 | 1.3 | 5.9 | 7.6 | 6 | 23 | 18 | 13 | 0.87 |
| Jewel [1] | 549.9 | 12 | 11.6 | 11 | 2.1 | 2.2 | NA | 12.8 | 11 | 11 | 8 | 400 | 3.81 |
| Kresge (S.S.) [1] | 966.5 | 21 | 50.6 | 27 | 3.9 | 3.9 | 16.1 | 19.4 | 27 | 10 | 27 | 5,361 | 1.69 |
| Kroger [1] | 878.1 | 11 | 3.6 | −64 | 0.4 | 1.2 | 4.8 | 4.7 | 14 | 7 | 3 | 298 | 1.25 |
| Lerner Stores [11] | 139.1 | 13 | 9.9 | 13 | 7.1 | 7.1 | 23.6 | 25.0 | 8 | 6 | 23 | 231 | 4.91 |
| Lucky Stores [1] | 552.7 | 13 | 10.7 | 10 | 1.9 | 2.0 | 15.5 | 23.7 | 12 | 21 | 28 | 495 | 0.97 |
| Macy (R. H.) [1] | 560.9 | 8 | 18.3 | 13 | 3.1 | 4.8 | 8.9 | 11.8 | 9 | 10 | 10 | 455 | 3.06 |
| Marcor [1] | 976.2 | 14 | 32.9 | 26 | 3.4 | 4.1 | 7.2 | 9.3 | 10 | −1 | 12 | 764 | 2.17 |
| Marshall Field [1] | 160.5 | 5 | 11.2 | 15 | 7.0 | 6.4 | 9.7 | 10.8 | 12 | 7 | 7 | 330 | 2.31 |
| May Department Stores [1] | 502.5 | 5 | 27.4 | 15 | 5.4 | 5.5 | 7.7 | 10.9 | 10 | 6 | 2 | 756 | 3.13 |
| McCrory [1] | 460.9 | 21 | 13.8 | 10 | 3.0 | 4.1 | 9.5 | 23.9 | 5 | −5 | 22 | 115 | 4.15 |
| Mercantile Stores [1] | 158.5 | 17 | 10.3 | 22 | 6.4 | 6.2 | 13.0 | 15.5 | 23 | 8 | 15 | 448 | 6.39 |
| Mayfield [1] | 130.4 | 19 | 0.2 | 16 | 0.6 | 0.6 | 8.5 | 15.5 | 7 | 8 | 1 | 29 | 1.21 |
| New Process [1] | 31.0 | −6 | 1.9 | −13 | 6.0 | 6.5 | 28.0 | 31.3 | 14 | 15 | 26 | 215 | 0.72 |
| Penn Fruit [1] | 79.2 | −9 | −0.4 | NM | NM | 0.8 | NM | −8.5 | NM | 4 | 15 | 10 | −1.58 |
| Penney (J.C.) [1] | 1,791.9 | 13 | 69.6 | 22 | 3.9 | 3.6 | 15.8 | 16.9 | 28 | 11 | 9 | 5,096 | 2.66 |
| Peoples Drug Stores [1] | 58.2 | 0 | 0.1 | −64 | 0.1 | 0.4 | 3.4 | 3.4 | 14 | 3 | −3 | 25 | 0.48 |
| Pneumo Dynamics [1] | 174.4 | 17 | 0.3 | −40 | 0.1 | 0.8 | NM | −1.9 | NM | 6 | −1 | 9 | −0.27 |
| Pueblo International [1] | 332.5 | 10 | −0.8 | NM | NM | 1.3 | 0.6 | −1.6 | NM | 28 | 17 | 27 | −0.15 |
| Rapid-American [1] | 794.0 | −11 | 16.7 | 1 | 2.1 | 1.8 | 5.9 | 12.9 | 6 | 42 | 17 | 153 | 2.90 |
| Revco (D S ) [1] | 277.9 | 43 | 3.1 | 10 | 1.1 | 1.2 | 22.5 | 25.9 | 24 | 42 | 18 | 255 | 1.71 |
| Rite Aid [1] | 64.6 | 29 | 3.4 | 44 | 5.3 | 5.2 | 19.4 | 24.6 | 38 | NA | NA | 473 | 0.91 |
| Safeway Stores [1] | 1,868.9 | 11 | 18.0 | 0 | 1.2 | 1.4 | 13.6 | 15.4 | 9 | 8 | 7 | 1,112 | 3.55 |
| Saw-On-Drugs [1] | 46.8 | 5 | 0.9 | 10 | 1.9 | 1.8 | 10.6 | 10.6 | 14 | NA | NA | 81 | 0.83 |
| Sears, Roebuck [1] | 3,209.7 | 10 | 233.0 | 12 | 7.5 | 7.4 | 15.4 | 14.5 | 25 | 10 | 9 | 18,051 | 3.93 |
| Skaggs [1] | 834.2 | 13 | 0.7 | −81 | 0.9 | 0.1 | 8.4 | 9.5 | 25 | 32 | 12 | 105 | 1.07 |
| Southland [1] | 303.0 | 11 | 2.9 | 15 | 0.9 | 0.9 | 8.1 | 12.2 | 14 | 33 | 19 | 489 | 1.31 |
| Star Supermarkets [1] | 31.8 | 22 | 0.1 | −26 | 0.4 | 0.7 | 5.4 | 8.3 | 6 | 3 | 4 | 6 | 1.31 |
| Stop & Shop [1] | 244.6 | 13 | 5.1 | 56 | 1.9 | 1.4 | 6.3 | 9.9 | 8 | 9 | 2 | 55 | 2.03 |
| Supermarkets General [1] | 351.8 | 29 | 3.5 | −2 | 1.0 | 1.3 | 5.3 | 6.9 | 15 | NA | NA | 97 | 0.90 |
| Tandy [1] | 179.9 | 24 | 3.9 | 14 | 3.3 | 3.5 | 10.1 | 10.8 | 16 | 52 | 27 | 510 | 1.71 |
| Thrifty Drug Stores [1] | 170.4 | 9 | 3.8 | 5 | 3.1 | 3.2 | 9.8 | 12.7 | 9 | 11 | 5 | 109 | 0.95 |
| Triangle-Pacific Forest [1] | 52.7 | 55 | 1.3 | 121 | 2.4 | 1.7 | 11.2 | 16.2 | 7 | 21 | 16 | 35 | 2.66 |
| Tornado [1] | 205.6 | 4 | 5.8 | −1 | 2.8 | 3.0 | 6.9 | 8.1 | 6 | 27 | 15 | 100 | 1.52 |
| Walgreen [1] | 211.7 | 9 | 1.1 | 19 | 0.5 | 0.5 | 8.7 | 11.5 | 9 | 8 | 6 | 142 | 1.94 |
| Weis Markets [1] | 63.3 | 15 | 2.5 | 1 | 3.9 | 4.4 | 17.0 | 17.0 | 11 | 16 | 15 | 120 | 1.61 |
| Winkes [1] | 211.7 | 23 | 2.7 | 110 | 1.3 | 0.8 | 9.7 | 12.0 | 9 | 22 | 3 | 223 | 2.62 |
| Winn-Dixie Stores [1] | 491.0 | 11 | 11.2 | 11 | 2.3 | 2.3 | 20.9 | 21.5 | 16 | 8 | 7 | 839 | 2.78 |
| Zayre [1] | 312.7 | 22 | 5.0 | −13 | 1.6 | 2.3 | 7.4 | 11.9 | 4 | 34 | 22 | 130 | 2.15 |
| Industry Composite | 24,629.8 | 14 | 838.1 | 13 | 3.4 | 3.5 | 10.2 | 12.4 | 14 | 7 | ..... | 46,235 | 2.13 |
| SAVINGS & LOAN | | | | | | | | | | | | | |
| First Charter Financial | 74.6 | 21 | 12.1 | 21 | 16.2 | 16.2 | 13.8 | 14.4 | 9 | 12 | 18 | 720 | 2.69 |
| Great Western Financial | 79.9 | 16 | 9.8 | 23 | 12.2 | 11.5 | 11.7 | 13.3 | 7 | 15 | 11 | 485 | 2.53 |
| Imperial Corp. of America | 48.2 | 21 | 5.8 | 23 | 12.0 | 11.7 | 13.1 | 13.5 | 6 | 15 | 11 | 286 | 1.65 |
| Industry Composite | 202.6 | 19 | 27.6 | 22 | 13.6 | 13.2 | 12.9 | 13.3 | 8 | 14 | 15 | 1,491 | 2.03 |
| SERVICE INDUSTRIES | | | | | | | | | | | | | |
| Leasing, vending machines, wholesaling, real estate builders, and developers, etc. | | | | | | | | | | | | | |
| Alpha Portland Industries | 32.3 | 26 | 0.7 | 18 | 2.2 | 2.3 | 5.9 | 7.9 | 7 | 0 | −6 | 34 | 1.87 |
| American District Telegraph | 43.8 | 9 | 2.3 | 7 | 6.9 | 7.1 | 10.7 | 11.4 | 27 | 6 | 6 | 285 | 1.90 |
| American Medical Int'l [1] | 78.0 | 15 | 2.7 | 23 | 7.1 | 6.7 | 11.0 | 16.2 | 13 | 69 | 44 | 210 | 1.51 |
| American Medicorp | 55.2 | 12 | 3.4 | 11 | 6.2 | 6.2 | 5.6 | 7.5 | 5 | NA | NA | 116 | 1.01 |
| Atlantic | 45.6 | 46 | 0.1 | 87 | 0.9 | 0.7 | 18.7 | 13.0 | 6 | NA | NA | 9 | 1.53 |
| Automatic Data Processing | 96.1 | 27 | 2.2 | 55 | 8.3 | 6.8 | 13.5 | 19.0 | 50 | 73 | 66 | 522 | 1.31 |
| Automation Industries [1] | 74.1 | 17 | 1.2 | 27 | 2.2 | 2.1 | 7.0 | 7.9 | 7 | 49 | 7 | 66 | 0.61 |
| Bergen Brunswig [1] | 19.5 | 1 | 0.3 | NM | 0.6 | NM | NM | −5.8 | NM | −18 | 7 | 20 | −0.02 |
| Berkey Photo | 41.3 | 38 | 0.9 | 79 | 2.2 | 1.8 | 10.5 | 12.9 | 9 | 30 | 11 | 203 | 1.19 |
| Castle (A.M.) | 38.2 | 29 | 0.5 | 173 | 1.4 | 0.7 | 8.3 | 8.6 | 6 | 3 | 6 | 9 | 3.38 |
| Commercial Metals [1] | 63.0 | 23 | 0.9 | 200 | 1.4 | 0.6 | 13.2 | 12.4 | 6 | 15 | 6 | 20 | 2.50 |
| Cramer Electronics [1] | 29.8 | 25 | 0.4 | NM | 1.5 | 0.0 | 7.2 | 6.3 | 13 | 26 | 12 | 13 | 0.79 |
| Di Giorgio [1] | 126.0 | 13 | 1.8 | 9 | 1.5 | 1.5 | 8.8 | 11.3 | 8 | 10 | 11 | 75 | 1.38 |
| Dittingham [1] | 131.5 | 16 | 1.0 | −24 | 0.7 | 1.1 | 4.8 | 4.6 | 14 | 21 | 10 | 129 | 0.33 |
| Donnelley (R.R.) & Sons [1] | 83.0 | 7 | 5.1 | 26 | 6.1 | 5.2 | 10.2 | 11.4 | 15 | 8 | 8 | 400 | 1.13 |
| Drake [1] | 46.9 | −9 | 0.5 | 85 | 1.1 | 0.5 | 7.4 | 8.0 | 9 | 7 | 0 | 61 | 3.03 |
| Dun & Bradstreet [1] | 319.2 | 19 | 8.7 | 18 | 2.9 | 3.0 | 21.8 | 22.0 | 28 | 12 | 8 | 993 | 2.72 |
| Electronic Data Systems [1] | 78.3 | 19 | 3.9 | 22 | 14.0 | 13.7 | 22.0 | 25.8 | 30 | NA | 11 | 645 | 1.91 |
| Emery Air Freight [1] | 40.6 | 32 | 2.3 | 70 | 5.6 | 4.4 | 41.8 | 42.1 | 47 | 24 | 20 | 402 | 1.19 |
| Fischbach & Moore [1] | 87.2 | 15 | 1.7 | 15 | 2.0 | 2.0 | 15.0 | 19.2 | 17 | 18 | 12 | 185 | 2.65 |
| Forenost-McKenna [1] | 197.5 | 12 | 6.1 | −10 | 1.2 | 1.5 | 8.0 | 16.0 | 7 | 0 | −4 | 262 | 2.65 |
| Genuine Parts [1] | 175.2 | 11 | 2.9 | 12 | 2.6 | 2.5 | 17.0 | 17.4 | 33 | 20 | 16 | 658 | 1.14 |
| Grainger (W.W.) [1] | 51.7 | 27 | 3.1 | 55 | 6.0 | 4.9 | 18.8 | 21.4 | 30 | 25 | 17 | 482 | 1.05 |
| Hospital Corp. of America [1] | 33.6 | 29 | 3.4 | 21 | 6.3 | 6.8 | 7.0 | 12.9 | 13 | NA | NA | 330 | 1.19 |
| Ipco Hospital Supply [1] | 31.5 | 7 | 0.5 | 52 | 1.6 | 1.1 | 5.0 | 6.2 | 15 | 24 | 9 | 37 | 0.34 |
| Jorgensen (Earle M.) [1] | 39.6 | 25 | 1.6 | 42 | 4.1 | 3.6 | 10.6 | 12.0 | 7 | 10 | 7 | 42 | 3.64 |
| Kaufman & Broad [1] | 69.2 | 25 | 5.2 | 41 | 7.5 | 6.7 | 13.6 | 15.9 | 19 | 47 | 28 | 707 | 1.32 |
| Leaseway Transport [1] | 99.9 | 21 | 3.5 | 33 | 3.5 | 3.2 | 11.7 | 27.7 | 13 | 18 | 16 | 321 | 2.51 |
| Malone & Hyde [1] | 138.2 | 15 | 1.9 | 15 | 1.4 | 1.4 | 15.8 | 17.9 | 22 | 21 | 19 | 195 | 1.27 |
| Manpower [1] | 132.1 | 16 | 1.0 | 79 | 3.1 | 2.0 | 15.2 | 16.9 | 13 | 20 | 9 | 49 | 1.93 |
| McKee (Arthur G.) [1] | 64.3 | 16 | 0.5 | 79 | 0.7 | 0.5 | 9.3 | 8.5 | 11 | −1 | 0 | 19 | 1.73 |
| National Service Industries [1] | 97.7 | 8 | 4.7 | 2 | 4.8 | 5.1 | 16.0 | 18.4 | 11 | 17 | 13 | 369 | 1.58 |
| Nielsen (A.C.) [1] | 36.2 | 14 | 3.0 | 17 | 8.2 | 8.0 | 18.2 | 18.2 | 35 | 18 | 12 | 363 | 1.05 |
| Ogden [1] | 290.5 | 11 | 5.3 | 27 | 1.8 | 1.6 | 7.8 | 10.9 | 8 | 17 | 29 | 140 | 1.89 |
| Parsons (Ralph M.) [1] | 34.8 | −47 | 0.6 | 28 | 1.7 | 0.7 | 13.8 | 13.8 | 19 | NA | NA | 59 | 1.37 |
| Retail Credit [1] | 49.4 | 3 | 1.8 | −16 | 3.7 | 4.5 | 18.3 | 19.6 | 19 | 8 | 5 | 95 | 2.75 |

Footnotes at end of table.



| Company | Sales: 1st quarter 1973 (millions) | Sales: Change from 1972 (percent) | Profits: 1st quarter 1973 (millions) | Profits: Change from 1972 (percent) | Margins: 1st quarter 1973 (percent) | Margins: 1st quarter 1972 (percent) | Ratios: Return on invested capital 1972 | Ratios: Return on common equity 1972 | Ratios: Price earnings ratio 4-30 | 10-year growth: Common equity (percent) | 10-year growth: Earnings per share (percent) | Market value shares O S yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ryan Homes | $35.9 | 24 | $1.5 | 15 | 4.1 | 4.4 | 21.5 | 27.5 | 13 | NA | NA | $179 | $1.39 |
| Rycer System | **111.6 | 27 | 3.8 | 46 | 3.4 | 3.2 | 7.9 | 14.4 | 23 | 18 | 27 | 543 | 1.37 |
| Sav-A-Stop [4] | 53.9 | 19 | 0.8 | 44 | 1.5 | 1.2 | 9.3 | 11.6 | 9 | 41 | 26 | 41 | 0.79 |
| Scrivner-Boogaart [3] | 52.3 | 59 | 0.4 | 12 | 0.8 | 0.9 | 10.7 | 13.1 | 7 | 16 | 12 | 9 | 1.14 |
| Sperry & Hutchinson | **150.3 | 5 | 8.1 | −1 | 5.4 | 5.7 | 15.9 | 18.5 | 6 | 12 | 7 | 293 | 3.65 |
| Super Valu Stores [10] | 295.2 | 6 | 2.2 | −27 | 0.7 | 1.1 | 13.1 | 18.3 | 8 | 11 | 8 | 92 | 2.19 |
| UMC Industries | 40.6 | 31 | 1.9 | 7 | 4.7 | 5.4 | 13.1 | 14.1 | 7 | 5 | 10 | 96 | 1.91 |
| VWR United [10] | 75.0 | 19 | 0.6 | NM | 0.8 | NM | 6.8 | 6.9 | 10 | 3 | −12 | 31 | 1.12 |
| Warner Communications | 144.3 | 19 | 14.6 | 18 | 10.1 | 10.2 | 11.3 | 20.1 | 10 | 42 | 21 | 698 | 2.29 |
| Work Wear | 37.4 | 18 | 1.3 | 17 | 3.4 | 3.6 | 7.3 | 13.0 | 6 | 16 | 8 | 34 | 1.66 |
| Zapata [1] | 57.7 | 5 | 4.8 | 27 | 8.4 | 6.9 | 6.6 | 13.5 | 7 | 47 | 30 | 160 | 3.34 |
| Industry Composite | 3,926.6 | 13 | 126.1 | 18 | 3.2 | 3.1 | 10.3 | 15.0 | 15 | 14 | 11 | 10,655 | 1.40 |
| SPECIALTY MACHINERY | | | | | | | | | | | | | |
| Allis-Chalmers | 278.9 | 22 | 4.5 | 49 | 1.6 | 1.3 | 4.7 | 2.4 | 11 | 1 | −3 | 159 | 0.82 |
| American Hoist & Derrick [1] | 64.9 | 24 | 1.3 | 109 | 1.9 | 1.2 | 7.2 | 9.8 | 8 | 11 | −2 | 52 | 1.51 |
| Bucyrus-Erie | 43.9 | 12 | 4.5 | 50 | 10.2 | 7.6 | 12.5 | 13.5 | 11 | 9 | 13 | 177 | 2.83 |
| Caterpillar Tractor | 751.8 | 21 | 60.6 | 41 | 8.1 | 6.9 | 16.9 | 19.9 | 16 | 11 | 7 | 3,792 | 3.93 |
| Clark Equipment | 264.3 | 77 | 14.3 | 51 | 5.4 | 4.6 | 13.6 | 14.4 | 13 | 14 | 7 | 729 | 3.57 |
| Deere [2] | 371.8 | 36 | 28.0 | 60 | 7.5 | 6.1 | 13.7 | 15.7 | 9 | 7 | 4 | 1,333 | 4.19 |
| FMC | 398.1 | 11 | 19.6 | 20 | 4.9 | 4.6 | 9.1 | 12.1 | 8 | 10 | 5 | 720 | 2.12 |
| Koehring [1] | 77.0 | 34 | 1.2 | NM | 1.6 | NM | 9.9 | 9.4 | 7 | 8 | −8 | 99 | 2.02 |
| Unarco | 30.0 | 24 | 1.0 | 35 | 3.4 | 3.1 | 9.3 | 20.3 | 7 | 4 | 8 | 15 | 1.26 |
| Industry Composite | 2,280.8 | 22 | 135.0 | 45 | 5.9 | 5.0 | 12.4 | 14.8 | 10 | 9 | 5 | 7,007 | 3.14 |
| STEEL | | | | | | | | | | | | | |
| Alan Wood Steel | 32.5 | 7 | 0.6 | 281 | 1.8 | 0.5 | 4.6 | 4.2 | 8 | 4 | −5 | 14 | 2.20 |
| Allegheny Ludlum Industries | 188.6 | 30 | 7.9 | 72 | 4.2 | 3.2 | 6.8 | 11.3 | 8 | 0 | −2 | 135 | 3.15 |
| Ampco-Pittsburgh | 26.9 | 24 | 1.2 | 83 | 4.4 | 3.2 | 8.5 | 9.0 | 7 | 10 | 15 | 27 | 1.03 |
| Armco Steel | 531.9 | 20 | 24.1 | 60 | 4.5 | 3.4 | 6.2 | 7.4 | 9 | 4 | −1 | 710 | 2.58 |
| Bethlehem Steel | 960.5 | 36 | 40.5 | 62 | 4.2 | 3.5 | 6.1 | 7.1 | 9 | 3 | 3 | 1,306 | 3.38 |
| Carpenter Technology [4] | **58.8 | 37 | 4.6 | 83 | 7.7 | 5.8 | 10.5 | 12.1 | 8 | 7 | 1 | 101 | 3.60 |
| Copperweld | 56.8 | 33 | 2.8 | 38 | 4.9 | 4.7 | 12.2 | 16.1 | 6 | 4 | 7 | 73 | 4.30 |
| Cyclops | 122.3 | 36 | 3.1 | NM | 2.5 | NM | 7.2 | 8.8 | 5 | 5 | −7 | 46 | 4.68 |
| Harsco | 92.9 | 13 | 4.2 | 24 | 4.5 | 4.2 | 10.9 | 12.5 | 8 | 12 | 5 | 166 | 2.15 |
| Inland Steel | 430.8 | 26 | 19.4 | 10 | 4.5 | 5.2 | 6.6 | 8.6 | 10 | 3 | −1 | 603 | 3.19 |
| Interlake | 111.3 | 21 | 2.9 | 2 | 2.6 | 3.1 | 5.6 | 6.3 | 8 | 7 | 2 | 112 | 3.35 |
| Jones & Laughlin Steel | 365.9 | 39 | 12.0 | 40 | 3.3 | 3.3 | 5.7 | 6.2 | 8 | 7 | −6 | 284 | 2.62 |
| Kaiser Steel | 134.1 | 87 | 2.6 | NM | 1.9 | NM | NM | 3.4 | 7 | 14 | 0 | 74 | 1.59 |
| Keystone Consolidated Inds [3] | 68.2 | 22 | 1.4 | 41 | 2.0 | 1.7 | 4.6 | 4.7 | 7 | 2 | −29 | 39 | 2.23 |
| Lukens Steel | 38.7 | 13 | 1.1 | −9 | 2.9 | 3.6 | 6.5 | 7.3 | 11 | 5 | 2 | 77 | 2.40 |
| McLouth Steel | 88.0 | 25 | 3.6 | 281 | 4.1 | 1.4 | 4.7 | 4.8 | 8 | 1 | −15 | 79 | 2.91 |
| National Standard [3] | 47.6 | 27 | 1.7 | 110 | 3.7 | 2.2 | 5.9 | 7.2 | 23 | 10 | 0 | 148 | 1.10 |
| National Steel | ** 525.6 | 32 | 19.7 | 32 | 3.7 | 3.7 | 5.9 | 7.5 | 10 | 6 | −1 | 753 | 4.07 |
| Republic Steel | 499.2 | 35 | 20.5 | 117 | 4.1 | 2.5 | 4.7 | 5.2 | 9 | 4 | −14 | 419 | 3.25 |
| U.S. Steel | **1,520.0 | 35 | 49.0 | 157 | 3.2 | 1.7 | 4.7 | 5.1 | 9 | 2 | −1 | 1,652 | 3.45 |
| Wheeling-Pittsburgh Steel | 178.8 | 33 | 2.6 | −18 | 1.5 | 2.4 | 3.9 | 3.6 | 6 | 6 | −5 | 74 | 2.65 |
| Industry Composite | 6,079.4 | 32 | 225.6 | 84 | 3.7 | 2.7 | 5.5 | 6.4 | 9 | 3 | −2 | 6,891 | 3.10 |
| TEXTILES AND APPAREL | | | | | | | | | | | | | |
| Avondale Mills [4] | 39.8 | 16 | 1.7 | 94 | 4.2 | 2.5 | 9.7 | 10.1 | 10 | 7 | 8 | 69 | 3.89 |
| Blue Bell [3] | 104.3 | 17 | 4.7 | 1 | 4.5 | 5.3 | 12.7 | 13.6 | 8 | 19 | 14 | 223 | 2.55 |
| Brown Group [2] | 150.3 | 15 | 5.6 | 2 | 3.7 | 4.2 | 11.4 | 12.8 | 9 | 7 | 6 | 242 | 3.02 |
| Burlington Industries [3] | 514.7 | 15 | 20.1 | 68 | 3.9 | 2.7 | 6.6 | 8.1 | 13 | 9 | 2 | 985 | 2.32 |
| Cluett, Peabody | 125.8 | 0 | 2.6 | −14 | 2.1 | 2.5 | 7.7 | 8.1 | 9 | 11 | 1 | 172 | 1.66 |
| Colling & Aikman [3] | 86.3 | 10 | 3.5 | −17 | 4.0 | 5.3 | 12.2 | 15.0 | 9 | 14 | 12 | 193 | 1.55 |
| Cone Mills | 88.2 | 10 | 1.9 | 9 | 2.2 | 2.2 | 6.0 | 6.1 | 7 | 2 | 4 | 75 | 2.72 |
| Dan River | 99.9 | 19 | 1.8 | 179 | 1.8 | 0.8 | 4.6 | 3.7 | 11 | 2 | −16 | 67 | 0.96 |
| DHJ Industries [3] | 34.8 | 21 | 0.9 | 2 | 2.7 | 3.2 | 8.4 | 3.8 | 19 | NA | NA | 23 | 0.57 |
| Duplan | 38.5 | 14 | 0.9 | 98 | 2.5 | 1.4 | 5.1 | 5.0 | 10 | 11 | 12 | 35 | 0.82 |
| Fieldcrest Mills | 57.4 | 13 | 0.7 | −36 | 1.2 | 2.1 | 7.5 | 8.4 | 9 | 12 | 3 | 94 | 2.00 |
| Genesco [1] | 378.6 | 1 | 4.9 | −57 | 1.3 | 3.0 | 2.9 | 0.3 | NM | 8 | −1 | 174 | 0.05 |
| Graniteville | 43.8 | 7 | 2.3 | 185 | 5.2 | 2.0 | 9.9 | 11.4 | 6 | 6 | 0 | 41 | 3.93 |
| Hanes | 66.2 | 20 | 2.1 | 18 | 3.2 | 3.2 | 8.4 | 9.6 | 7 | 6 | 9 | 77 | 2.02 |
| Hart Schaffner & Marx [1] | 118.3 | 10 | 4.1 | 17 | 3.5 | 3.3 | 8.1 | 9.8 | 11 | 12 | 9 | 246 | 1.68 |
| Levi Strauss [4] | 121.6 | 15 | 5.4 | 9 | 4.4 | 4.7 | 14.2 | 15.7 | 15 | NA | NA | 507 | 2.94 |
| Lowenstein (M.) & Sons | 138.8 | 15 | 2.6 | 20 | 1.9 | 1.8 | 5.1 | 5.8 | 8 | 6 | 13 | 74 | 2.53 |
| Melville Shoe | 138.4 | 5 | 2.7 | −13 | 2.0 | 2.4 | 17.9 | 24.1 | 22 | 19 | 21 | 810 | 1.16 |
| Oxford Industries [7] | 48.4 | 12 | 1.9 | 50 | 3.9 | 2.9 | 12.8 | 17.0 | 7 | 15 | 4 | 52 | 3.01 |
| Puritan Fashions [1] | 38.1 | 35 | 1.4 | 35 | 3.7 | 3.7 | 14.8 | 25.9 | 4 | 12 | 6 | 37 | 1.82 |
| Reeves Bros [3] | 52.4 | 16 | 2.4 | 117 | 4.7 | 2.5 | 8.4 | 11.0 | 6 | 8 | 14 | 46 | 4.38 |
| Riegel Textile [3] | 56.8 | 13 | 2.2 | 100 | 3.9 | 2.2 | 7.1 | 9.8 | 7 | 5 | −3 | 51 | 2.53 |
| Spring Mills | 115.1 | 29 | 3.7 | 70 | 3.2 | 2.5 | 5.8 | 6.2 | 8 | −1 | 3 | 126 | 1.83 |
| Stevens (J. P.) [3] | 247.9 | 24 | 6.1 | 86 | 2.5 | 1.6 | 4.7 | 5.0 | 10 | 5 | −5 | 210 | 3.02 |
| United Merchants & Mfrs. [4] | 208.5 | 9 | 4.8 | 78 | 2.3 | 1.4 | 7.7 | 6.5 | 6 | 6 | 4 | 142 | 2.69 |
| Warnaco | 71.7 | 17 | 1.9 | 16 | 2.6 | 2.6 | 10.3 | 13.8 | 7 | 17 | 1 | 74 | 2.37 |
| West Point-Pepperell Mfg. [1] | 120.6 | 26 | 3.8 | 136 | 3.2 | 1.7 | 6.9 | 6.9 | 8 | 10 | −4 | 144 | 2.67 |
| Industry Composite | 3,305.3 | 13 | 96.9 | 23 | 2.9 | 2.7 | 7.4 | 8.7 | 9 | 8 | 3 | 4,986 | 1.91 |
| TIRE AND RUBBER | | | | | | | | | | | | | |
| Amerace | 58.1 | 22 | 2.6 | 14 | 4.5 | 4.9 | 9.2 | 28.1 | 8 | −8 | 4 | 59 | 2.78 |
| American Biltrite Rubber | 34.0 | 4 | 1.3 | 9 | 3.8 | 3.6 | 7.7 | 9.3 | 6 | 8 | −3 | 37 | 1.77 |
| Armstrong Rubber | 54.4 | 15 | 1.5 | 13 | 2.7 | 2.7 | 7.4 | 9.5 | 6 | 6 | 3 | 62 | 4.59 |
| Carlisle | 30.2 | 14 | 1.6 | 43 | 5.4 | 4.3 | 12.6 | 14.6 | 9 | 15 | 9 | 55 | 2.28 |
| Cooper Tire & Rubber | 35.4 | 20 | 1.0 | 47 | 2.9 | 2.4 | 8.8 | 14.2 | 7 | 11 | −2 | 36 | 2.28 |
| Firestone Tire & Rubber [2] | 673.2 | 17 | 26.6 | 23 | 4.0 | 3.8 | 9.2 | 11.5 | 9 | 7 | 6 | 1,453 | 2.45 |
| General Tire & Rubber [1] | 303.4 | 41 | 13.1 | 53 | 4.3 | 4.0 | 10.4 | 13.8 | 6 | 10 | 4 | 554 | 3.45 |
| Goodrich (B. F.) | 405.8 | 17 | 13.4 | 52 | 3.3 | 2.5 | 7.5 | 8.4 | 7 | 4 | 0 | 410 | 3.61 |
| Goodyear Tire & Rubber | 1,069.4 | 16 | 45.3 | 17 | 4.2 | 4.2 | 10.3 | 12.9 | 9 | 9 | 9 | 2,300 | 2.73 |
| Richardson | 29.5 | 1 | 0.8 | 11 | 2.8 | 2.5 | 8.2 | 15.6 | 7 | 11 | −13 | 25 | 1.88 |
| Rubbermaid | 29.6 | 26 | 2.2 | 23 | 7.3 | 7.5 | 15.6 | 18.0 | 34 | 14 | 13 | 315 | 2.39 |
| Industry Composite | 2,723.0 | 19 | 109.5 | 26 | 4.0 | 3.8 | 9.5 | 12.0 | 10 | 6 | 6 | 5,307 | 2.77 |

Footnotes at end of table.



XUM

SURVEY OF CORPORATE PERFORMANCE: 1ST QUARTER 1973—Continued

| Company | Sales 1st quarter 1973 (millions) | Sales Change from 1972 (percent) | Profits 1st quarter 1973 (millions) | Profits Change from 1972 (percent) | Margins 1st quarter 1973 (percent) | Margins 1st quarter 1972 (percent) | Ratios Return on invested capital 1972 | Ratios Return on common equity 1972 | Ratios Price earnings ratio 1 30 | 10-year growth Common equity (percent) | 10-year growth Earnings per share (percent) | Market value shares O S yearend (millions) | 12-months earnings per share |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| TOBACCO | | | | | | | | | | | | | |
| Cigars, cigarettes | | | | | | | | | | | | | |
| American Brands | *$[illegible]21.8 | 1 | $29.9 | 4 | 4.1 | 4.0 | 9.5 | 13.9 | 9 | 9 | 6 | $1.101 | $3.37 |
| General Cigar | **[illegible]68.5 | 5 | 0.6 | −19 | 0.9 | 1.2 | 8.6 | 6.5 | 8 | 7 | 5 | 43 | 2.46 |
| Liggett & Myers | *[illegible]49.1 | −11 | 6.2 | −25 | 3.6 | 4.3 | 7.4 | 8.3 | 13 | 1 | 3 | 317 | 3.25 |
| Loews [illegible] | **[illegible]60.3 | −9 | 24.3 | 48 | 13.5 | 8.3 | 10.6 | 19.2 | 5 | 22 | 55 | 686 | 5.19 |
| Philip Morris | *[illegible]80.6 | 17 | 32.3 | 18 | 5.7 | 5.6 | 13.5 | 20.6 | 25 | 11 | 19 | 3.219 | 4.81 |
| Reynolds (R. J.) Industries | *[illegible]91.5 | 7 | 60.4 | 6 | 8.1 | 8.3 | 11.2 | 17.7 | 8 | 7 | 6 | 2,163 | 5.38 |
| Industry Composite | 2[illegible]91.3 | 5 | 153.3 | 11 | 6.3 | 5.9 | 11.6 | 16.3 | 11 | 8 | 9 | 7,529 | 4.85 |
| TRUCKING | | | | | | | | | | | | | |
| Arkansas Best | [illegible]28.2 | 19 | 1.1 | −7 | 3.8 | 4.9 | 10.4 | 11.8 | 7 | 22 | 17 | 58 | 1.95 |
| Consolidated Freightways | [illegible]86.0 | 20 | 4.0 | −20 | 2.1 | 3.6 | 12.7 | 19.2 | 8 | 11 | 17 | 268 | 1.89 |
| McLean Trucking | [illegible]80.0 | 23 | 2.4 | 32 | 4.0 | 3.7 | 14.6 | 23.1 | 13 | 18 | 17 | 121 | 3.51 |
| Roadway Express | [illegible]98.0 | 22 | 5.9 | 11 | 6.0 | 6.6 | 26.1 | 26.7 | 25 | 18 | 16 | 511 | 1.23 |
| Spector Industries | [illegible]23.9 | 15 | 0.2 | NM | 0.6 | NM | 4.2 | 7.8 | 10 | 1 | −17 | 8 | 0.58 |
| T.I.M.E.-DC | [illegible]43.6 | 17 | 1.2 | 69 | 2.7 | 1.8 | 6.7 | 10.9 | 9 | 21 | −1 | 26 | 1.05 |
| Transcon Lines | [illegible]30.9 | 6 | 0.6 | 43 | 2.0 | 1.5 | 8.6 | 11.9 | 11 | 19 | 2 | 44 | 1.16 |
| Yellow Freight Systems | [illegible]74.1 | 21 | 4.4 | 37 | 5.9 | 5.3 | 17.1 | 27.7 | 19 | 27 | 19 | 322 | 2.44 |
| Industry Composite | [illegible]94.7 | 19 | 19.7 | 12 | 3.7 | 3.9 | 14.0 | 20.8 | 13 | 18 | 11 | 1.389 | 1.68 |
| UTILITIES | | | | | | | | | | | | | |
| Telephone, electric gas | | | | | | | | | | | | | |
| Allegheny Power System | [illegible]98.0 | 11 | 17.7 | 4 | 18.1 | 19.3 | 7.5 | 13.4 | 9 | 9 | 6 | 607 | 2.36 |
| American Electric Power | [illegible]39.7 | 14 | 50.1 | 19 | 20.9 | 19.9 | 8.9 | 14.6 | 10 | 9 | 6 | 1,785 | 2.74 |
| American Natural Gas | [illegible]48.3 | 3 | 37.0 | 8 | 14.9 | 14.2 | 6.6 | 13.0 | 9 | 7 | 6 | 843 | 4.25 |
| American Tel. & Telegraph [illegible] | 5.[illegible]01.4 | 13 | 678.4 | 20 | 12.3 | 11.6 | 6.9 | 9.5 | 12 | 5 | 4 | 29.208 | 4.48 |
| Arizona Public Service | [illegible]63.2 | 22 | 6.2 | 23 | 11.7 | 11.6 | 7.5 | 11.9 | 9 | 5 | 4 | 252 | 2.35 |
| Baltimore Gas & Electric | [illegible]87.8 | 9 | 23.8 | 9 | 18.6 | 18.6 | 7.3 | 11.7 | 10 | 10 | 7 | 686 | 2.84 |
| Boston Edison | [illegible]78.4 | 10 | 5.9 | −33 | 7.6 | 12.4 | 6.6 | 10.2 | 11 | 4 | 7 | 323 | 3.07 |
| Brooklyn Union Gas | [illegible]53.2 | 1 | 8.2 | −3 | 12.9 | 14.2 | 6.9 | 9.7 | 10 | 3 | 1 | 127 | 2.22 |
| Carolina Power & Light | [illegible]96.3 | 21 | 19.6 | 36 | 22.7 | 20.2 | 7.8 | 14.4 | 8 | 11 | 5 | 599 | 2.96 |
| Central & South West | [illegible]02.5 | 13 | 13.6 | 5 | 13.3 | 13.2 | 7.5 | 15.6 | 11 | 6 | 7 | 1,140 | 3.26 |
| Central Telephone & Utilities | [illegible]76.8 | 13 | 9.3 | 10 | 12.1 | 12.5 | 6.7 | 15.6 | 13 | 19 | 7 | 443 | 1.73 |
| Cincinnati Gas & Electric | [illegible]72.6 | 6 | 20.0 | 22 | 19.5 | 17.0 | 8.0 | 15.3 | 10 | 7 | 6 | 429 | 2.46 |
| Cleveland Electric Illuminating | [illegible]92.2 | 11 | 13.0 | 5 | 15.8 | 16.7 | 8.2 | 14.1 | 11 | 4 | 7 | 494 | 3.20 |
| Columbia Gas System | [illegible]72.0 | −2 | 47.1 | 4 | 13.8 | 12.9 | 7.6 | 12.4 | 9 | 5 | 7 | 1,001 | 3.22 |
| Commonwealth Edison | [illegible]94.5 | 8 | 45.9 | 6 | 15.1 | 15.3 | 6.4 | 13.3 | 10 | 4 | 3 | 1,749 | 3.14 |
| Consolidated Edison of NY | [illegible]05.1 | 15 | 50.0 | 10 | 11.8 | 12.3 | 5.9 | 6.7 | 12 | 6 | 0 | 1,376 | 2.08 |
| Consumers Power | [illegible]72.4 | 11 | 31.4 | 22 | 12.4 | 11.3 | 5.7 | 10.3 | 10 | 6 | 4 | 761 | 2.83 |
| Continental Telephone | [illegible]11.7 | 24 | 13.9 | 29 | 10.3 | 9.9 | 7.5 | 16.6 | 13 | 41 | 14 | 829 | 1.69 |
| Dayton Power & Light | [illegible]99.5 | 3 | 10.2 | 1 | 14.6 | 14.8 | 7.5 | 11.5 | 11 | 7 | 5 | 274 | 2.10 |
| Detroit Edison | [illegible]97.7 | 12 | 27.4 | 20 | 14.6 | 13.6 | 6.2 | 10.7 | 10 | 6 | 2 | 820 | 2.12 |
| El Paso Natural Gas | [illegible]96.4 | 2 | 19.0 | 1 | 6.6 | 6.7 | 6.3 | 11.8 | 8 | 7 | 6 | 573 | 1.98 |
| Florida Power & Light | [illegible]47.9 | 26 | 22.4 | 26 | 15.1 | 15.1 | 7.7 | 13.4 | 14 | 10 | 8 | 1,291 | 2.78 |
| Florida Power | [illegible]95.5 | 26 | 9.2 | 27 | 16.5 | 16.4 | 7.1 | 14.1 | 10 | 8 | 9 | 547 | 3.68 |
| General Public Utilities | [illegible]96.5 | 14 | 30.9 | 36 | 18.6 | 15.6 | 7.1 | 10.8 | 9 | 8 | 2 | 846 | 2.31 |
| General Tel. & Electronics | 1.[illegible]01.6 | 13 | 76.9 | 22 | 6.7 | 6.3 | 6.8 | 13.2 | 10 | 11 | 7 | 3,462 | 2.68 |
| Gulf States Utilities | [illegible]59.3 | 19 | 8.1 | 26 | 13.7 | 13.0 | 6.4 | 13.0 | 12 | 9 | 8 | 549 | 1.63 |
| Houston Lighting & Power | [illegible]80.8 | 14 | 9.8 | −3 | 12.1 | 14.2 | 7.7 | 14.9 | 14 | 8 | 8 | 1,035 | 3.00 |
| Illinois Power | [illegible]86.7 | 7 | 16.7 | 17 | 19.3 | 17.7 | 6.5 | 12.5 | 12 | 8 | 4 | 548 | 2.44 |
| Lone Star Gas | [illegible]08.1 | 20 | 21.9 | 8 | 20.2 | 22.4 | 8.7 | 15.2 | 12 | 4 | 7 | 580 | 2.63 |
| Long Island Lighting | [illegible]92.2 | 7 | 17.8 | 3 | 15.8 | 16.4 | 7.7 | 12.4 | 10 | 6 | 6 | 526 | 2.17 |
| Middle South Utilities | [illegible]97.2 | 18 | 20.8 | 33 | 14.1 | 12.5 | 6.6 | 14.8 | 10 | 9 | 9 | 1,077 | 2.09 |
| Mountain States Tel. & Tel. [illegible] | [illegible]96.3 | 18 | 33.6 | 36 | 13.6 | 11.9 | 7.7 | 10.4 | 10 | 6 | 5 | 1,310 | 2.21 |
| National Fuel Gas | [illegible]84.0 | −9 | 9.6 | −19 | 11.5 | 12.9 | †7.4 | †10.0 | 8 | 3 | 1 | 142 | 3.30 |
| New England Tel. & Tel. [illegible] | [illegible]99.3 | 17 | 25.9 | 26 | 9.3 | 8.6 | 6.4 | 8.6 | 13 | 6 | 0 | 1,542 | 2.68 |
| New England Electric System | [illegible]04.1 | 12 | 15.4 | 5 | 12.4 | 13.3 | 6.6 | 12.1 | 9 | 4 | 5 | 419 | 2.59 |
| New England Gas & Electric | [illegible]31.0 | 10 | 3.7 | 34 | 7.3 | 6.0 | 5.8 | 11.6 | 9 | 7 | 5 | 101 | 1.80 |
| New York State Elec. & Gas | [illegible]73.3 | 10 | 10.3 | 9 | 14.0 | 14.2 | 7.0 | 10.9 | 10 | 5 | 2 | 262 | 3.06 |
| Niagara Mohawk Power | [illegible]96.1 | 7 | 32.0 | 8 | 16.3 | 16.2 | 6.7 | 10.9 | 9 | 6 | 2 | 599 | 1.86 |
| Northeast Utilities | [illegible]92.6 | 13 | 22.0 | −1 | 15.4 | 17.6 | 8.7 | 12.5 | 10 | 33 | 5 | 740 | 1.52 |
| Northern Illinois Gas | [illegible]71.1 | 9 | 23.7 | 7 | 13.9 | 14.2 | 7.2 | 15.1 | 9 | 5 | 5 | 352 | 3.03 |
| Northern Indiana Public Serv | [illegible]16.8 | 8 | 14.4 | 8 | 12.3 | 12.3 | 7.4 | 15.1 | 10 | 8 | 8 | 492 | 2.25 |
| Northern States Power | [illegible]78.1 | 6 | 19.6 | 6 | 15.3 | 15.2 | 6.6 | 13.5 | 10 | 8 | 5 | 638 | 2.75 |
| Ohio Edison | [illegible]84.6 | 10 | 14.9 | 9 | 15.7 | 15.8 | 7.1 | 13.8 | 11 | 4 | 4 | 594 | 1.93 |
| Oklahoma Natural Gas [illegible] | [illegible]51.3 | 20 | 9.7 | 16 | 18.8 | 19.5 | 8.4 | 13.1 | 10 | 6 | 4 | 165 | 2.07 |
| Pacific Gas & Electric | [illegible]98.5 | 7 | 65.0 | 8 | 61.7 | 16.5 | 6.9 | 11.8 | 9 | 6 | 6 | 1,993 | 3.07 |
| Pacific Northwest Bell Tel. | [illegible]96.3 | 11 | 13.4 | 8 | 9.8 | 10.1 | 6.8 | 8.6 | 11 | 6 | 2 | 675 | 1.37 |
| Pacific Power & Light | [illegible]71.7 | 18 | 15.4 | 16 | 25.0 | 25.3 | 7.3 | 13.6 | 11 | 5 | 4 | 473 | 2.19 |
| Pacific Tel. & Tel. [illegible] | [illegible]74.0 | 14 | 62.2 | 43 | 9.8 | 7.9 | 5.6 | 7.3 | 12 | 5 | 1 | 2,761 | 1.39 |
| Panhandle Eastern Pipe Line | [illegible]17.6 | 4 | 20.3 | 13 | 14.8 | 13.6 | 8.5 | 18.4 | 9 | 11 | 5 | 652 | 3.94 |
| Pennsylvania Power & Light | [illegible]60.2 | 12 | 15.9 | 12 | 15.9 | 15.8 | 7.1 | 11.5 | 9 | 9 | 3 | 481 | 2.47 |
| Peoples Gas [illegible] | [illegible]23.4 | 1 | 30.2 | −3 | 13.5 | 14.0 | 7.8 | 14.6 | 8 | 6 | 7 | 608 | 4.27 |
| Philadelphia Electric | [illegible]91.6 | 9 | 33.6 | 9 | 17.3 | 17.2 | 6.7 | 10.3 | 11 | 8 | 2 | 1,018 | 2.06 |
| Potomac Electric Power | [illegible]48.3 | 17 | 11.7 | 8 | 17.1 | 18.5 | 6.7 | 10.3 | 10 | 6 | 3 | 390 | 1.53 |
| Public Service of Colorado | [illegible]90.2 | 18 | 13.7 | 24 | 15.1 | 14.3 | 6.7 | 13.0 | 9 | 6 | 5 | 368 | 2.15 |
| Public Service of Indiana | [illegible]82.4 | 19 | 12.3 | 50 | 19.6 | 15.5 | 7.1 | 14.9 | 12 | 4 | 6 | 513 | 3.26 |
| Public Service Electric & Gas | [illegible]97.5 | 8 | 38.6 | 21 | 13.4 | 11.9 | 7.5 | 9.9 | 10 | 8 | 4 | 1 042 | 2.12 |
| Rochester Gas & Electric | [illegible]41.9 | 12 | 8.7 | 42 | 13.5 | 10.6 | 7.7 | 11.5 | 9 | 6 | 5 | 186 | 2.49 |
| San Diego Gas & Electric | [illegible]63.0 | 16 | 9.4 | 26 | 15.0 | 13.7 | 8.0 | 11.2 | 9 | 6 | 7 | 233 | 1.99 |
| South Carolina Electric & Gas | [illegible]70.6 | 13 | 7.3 | 2 | 14.3 | 15.9 | 7.0 | 11.2 | 11 | 10 | 5 | 291 | 1.95 |
| Southern California Edison | [illegible]97.5 | 10 | 28.6 | 9 | 11.5 | 11.7 | 6.2 | 9.6 | 9 | 9 | 4 | 1.207 | 2.57 |
| Southern | [illegible]53.0 | 21 | 41.3 | 27 | 15.7 | 14.9 | 6.0 | 10.8 | 10 | 10 | 5 | 1,424 | 1.94 |
| Texas Eastern Transmission | [illegible]15.2 | 3 | 27.3 | 16 | 12.7 | 11.3 | 8.0 | 15.5 | 16 | 14 | 11 | 1,394 | 3.53 |
| Texas Gas Transmission | [illegible]08.5 | 14 | 10.1 | 43 | 6.8 | 5.4 | 7.7 | 14.1 | 9 | 14 | 3 | 314 | 3.53 |
| Texas Utilities | [illegible]60.9 | 22 | 22.1 | 28 | 16.9 | 16.1 | 8.2 | 15.4 | 15 | 8 | 6 | 1,819 | 2.06 |
| Union Electric | [illegible]73.4 | 9 | 12.6 | 12 | 13.5 | 13.1 | 7.1 | 9.3 | 13 | 9 | 3 | 559 | 1.53 |
| United Telecommunications | [illegible]73.7 | 18 | 15.8 | 11 | 9.1 | 9.7 | 6.3 | 27.5 | 12 | 10 | 5 | 763 | 1.74 |
| Virginia Electric & Power | [illegible]02.8 | 20 | 27.4 | 24 | 20.6 | 19.9 | 8.2 | 12.0 | 9 | 12 | 6 | 1,022 | 2.10 |
| Western Union | **[illegible]14.9 | 1 | 5.8 | −39 | 5.1 | 8.4 | 4.7 | 6.2 | 10 | 6 | 0 | 623 | 2.41 |
| Industry Composite | 16,[illegible]19.6 | 12 | 2,165.3 | 16 | 12.9 | 12.4 | 6.8 | 10.8 | 11 | 6 | 4 | 82,943 | 2.80 |



FOOTNOTES

1 1st quarter ending Feb. 28.
2 1st quarter ending Jan. 31.
3 2d quarter ending Mar. 31.
4 2d quarter ending Feb. 28.
5 2d quarter ending Jan. 31.
6 3d quarter ending Mar. 31.
7 3d quarter ending Feb. 28.
8 3d quarter ending Jan. 31.
9 4th quarter ending Mar. 31.
10 4th quarter ending Feb. 28.
11 4th quarter ending Jan. 31.
*Sales include excise taxes.
**Sales include other income.
***Sales include excise taxes and other income.
†Figures are for 1971.
NA not available.
NM, not meaningful.

Data: Investors Management Sciences.

Glossary: Sales—Includes all sales and other operating revenues. For banks, includes all operating revenues. Profits—Net income before extraordinary items. For banks, profits are before security gains or losses. Margins—Net income before extraordinary items as percent of sales. Return on invested capital—Ratio of net available for common stockholders—adjusted for preferred dividend requirements, minority interest, fixed charges—to total funds invested in company. Return on common equity—Ratio of net available for common stockholders to common equity, which includes common stock, capital surplus, retained earnings. Price-earnings ratio—Based on Apr. 30 stock price and earnings for latest 12 months. Growth in common equity—Annual percentage growth in common equity for latest 10-year period. Growth in earnings per share—Annual percentage growth in earnings per share, including all common stock equivalents, for latest 10-year period. Market value—Shares outstanding times stock price on Dec. 31, 1972. Earnings per share for latest 12 months, includes all common stock equivalents.

## CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

## HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1973

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume the consideration of the unfinished business, S. 14, which the clerk will now read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 14) to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that morning business be resumed for a period not to exceed 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE AGRICULTURAL FUEL CRISIS

Mr. CURTIS. Mr. President, it is impossible for one to overstate the fuel crisis facing agriculture particularly in Nebraska and surrounding States. Unless effective action is taken by the Government forthwith, great damage will be done to our entire economy. Food will be in short supply and many farmers will face financial ruin.

Mr. President, when gasoline or diesel fuel is needed to run a tractor to prepare the ground for seeding, that activity cannot be delayed. Likewise when fuel is needed for planting, it is the law of nature that determines when the planting must be done. Where farming is dependent upon irrigation which requires fuel for the pumps, the water must be applied almost on the day required. Apparently official Washington is unaware of these facts.

For many weeks we have been calling to the attention of the executive branch this dire situation. On May 8, Senators from eight States and those from the executive branch who are responsible for the rationing and allocation of diesel fuel, gasoline, natural gas, and LP gas participated in a meeting. At that meeting these shortages were pointed out. Specific cases were presented. Attention was called to the fact that an allocation of these fuel supplies equal to last year's allocation would not be sufficient. The Government has put forth a program of increased production. Additional millions of acres are to be planted this year. Evidence was also submitted showing that some fuel dealers have had their supplies cut off totally. Ample facts were presented at the May 8 meeting to illustrate what needed to be done.

Mr. President, nothing has happened on the local level to ease the shortage or to supply fuel for farmers who need it now. We are not interested in shuffling of papers in Washington. We want fuel in the farmers' machines.

I can cite a couple of communications from my State which illustrate the situation. On Friday, May 11, we received a communication from petroleum dealer in a small city in central Nebraska. He has been in business for years. He serves about 100 farmers supplying them with the necessary fuel for their farming operations. This dealer's tanks are dry. No one will sell him the product he needs. His farmer customers are facing the planting season with nowhere to turn for the necessary tractor fuel.

On Saturday, a communication was received from a farmer in northern Nebraska. He had already started his farming operations. He had planted a sizable field of alfalfa which he was irrigating and needed to continue with that irrigating process. He had enough fuel to last him for 20 hours. At the end of that 20 hours he will face a desperate situation. His dealer has notified him that he cannot supply him.

Mr. President, those in charge of this program should, without further delay, use the powers they have to put tractor fuel and irrigation pumping fuel into the hands of the farmers who need it. The first objective in meeting the emergency should be to fill all the fuel tanks on all the farms. Nature will not wait. If there is hesitation to do this, the President should delegate the entire responsibility to Secretary of Agriculture Earl Butz. I am sure the Department of Agriculture fully realizes that one has to plant before he harvests and that he has to harvest before food is available and the timing for the whole process is not optional but must conform with the seasons, the weather and all the laws of nature.

Mr. President, I ask unanimous consent that a telegram that I sent Mr. William Simon, Deputy Secretary, U.S. Treasury Department, Washington, D.C., on May 12, and a copy of the telegram that I sent to 15 major oil companies also on May 12 be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MR. WILLIAM SIMON,
*Deputy Secretary, U.S. Treasury Department, Washington, D.C.:*

There is no indication that your voluntary fuel allocation plan will work in time for soil preparation, planting, and irrigating in farm areas. Newly planted alfalfa is being irrigated in Nebraska now. Some farmers are entirely out of fuel and some have only a few hours' supply. Do you expect to implement a plan that actually meets this need at the grass roots?

CARL T. CURTIS,
*U.S. Senator, Nebraska.*

PRESIDENT OR CHIEF EXECUTIVE OFFICER OF THE FOLLOWING OIL COMPANIES DOING BUSINESS IN NEBRASKA: MOBIL, SHELL, SUN, STANDARD, TEXACO, CHEVRON, PHILLIPS, KERR-MCGEE, CONOCO, GULF, CITIES SERVICE, HUSKY, ARCO, HUMBLE, FINK:

Federal administrative officials in Washington have put forth a voluntary plan of fuel allocation designed to give first priority to agricultural needs. Many farmers in Nebraska are either without fuel or have but a few hours' supply available for ground preparation, planting, and irrigating. Irrigation of newly planted alfalfa has already started. The need is immediate. Will your distributors be able to supply them right away, possibly by creating a system of set-asides to assure that needs of agriculture will be met? Can you advise me whether the Federal allocation program is being implemented at your distribution level? Or do you recommend mandatory allocations and rationing? Please reply as early Monday as possible.

CARL T. CURTIS,
*U.S. Senator, Nebraska.*

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

XUM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Kentucky (Mr. COOK) be recognized at this time to speak out of order, and that he be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COOK. I thank the Senator from West Virginia.

## THE LACK OF SUPPORT FOR COAL PROGRAMS

Mr. COOK. Mr. President, I am delighted to see my colleague from the Commonwealth of Kentucky (Mr. HUDDLESTON) occupying the chair, because I know that he shares many of the views in the remarks I am about to make; and I am delighted to have their senior Senator from West Virginia here, whose interest relative to the subject of my comments is well known.

Mr. President, when the average citizen of the Nation flicks a light switch and the lights go on he accepts this electricity as an ideal primary source of energy which enhances his standard of living. If you were to try to convince this individual that this clean ideal electric energy is secondary in nature and much of it is produced by coal, he would be very surprised and equally apprehensive. To the average American, coal is symbolized by the coal bucket, a shovel, and an open fireplace. In his mind, when they disappeared from the American scene, the importance of coal as it affected his daily living habits also disappeared. This lack of understanding of our dependence on coal to reach and maintain our present standard of living has compounded drastically the energy problems which face the Nation today. What is even more unfortunate for these same people is the complete lack of understanding that many of their elected officials seem to have for the problems which underlie this crisis and the solutions which are being proposed to solve these problems.

On April 18 of this year, President Nixon delivered his long-awaited energy message to the Congress. As I stated on that day, I reviewed this message with mixed emotions. What pleased me most was the President's urging that coal be permitted to assume and maintain its rightful place as the leading domestic fossil fuel for energy production. However, he failed to request the additional funds required for an effective research and development program to enable coal to meet this challenge.

Mr. RANDOLPH. Mr. President, will my able colleague yield?

Mr. COOK. I yield.

Mr. RANDOLPH. I hesitate to interrupt the remarks or risk straining the patience of my colleague from Kentucky, who is thoroughly knowledgeable in the subject area which he is discussing. Mr. President, I underscore what the Senator from Kentucky has just said about coal being an abundant fuel, and being, in a sense, a savior in the tragic energy situation which faces our country.

We have coal, and we have enough for 50 to 100 years—possibly for 150 years—to be used not only now and in the coming 10 or 15 years as the energy crisis deepens, but to prepare our energy supplies better to meet the energy needs of this Nation, rather than have us rely upon the uncertain supplies of oil as they come from North Africa and the Arab countries. I have said time and again that we must make the United States of America more energy self-sufficient.

We can and we must make coal a clean-burning fuel through applied technology, and, through technology again, make from coal the energy products we need, namely, clean-burning gas and synthetic oil through coal liquefaction processes.

American coal and its derivatives are far better answers than reliance on foreign oil over the long-term. We cannot afford to buy the backbone of our national defense abroad.

I commend the Kentuckians who represent in this body a very important area in the production of coal, and I think it is incumbent upon all of us who share their concern that we get about the business of using coal. Coal research and development programs have been at a minimum, rather than at the maximum which this country—government and private capital—should have been and should today be investing in to find and adequately develop more energy supplies.

I again congratulate my colleague, and I share his concerns and join in his recommendations. We do need more research into surface mining, as our colleague says.

Furthermore, we have been running coal out of the markets too fast and too much in the name of environmental concerns and for other reasons. We are investing too little too slowly in finding ways to make the coal burning process cleaner and to gasify and liquefy coal to augment our dwindling energy supplies.

Mr. COOK. I thank the Senator from West Virginia. Obviously, all of us are deeply concerned, including the distinguished junior Senator from West Virginia (Mr. ROBERT C. BYRD), who is here, my colleague from Kentucky (Mr. HUDDLESTON), and the distinguished senior Senator from West Virginia, who has worked on this matter at great length ever since the day I arrived here, I know; so I thank him very much.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator for his generous remarks with respect to myself.

Mr. COOK. Mr. President, as a Nation, I believe that we are aware of the existence of an energy crisis. I think it is fair to say that in the past few months there has been an increased recognization of the importance of coal in providing a solution to this energy demand. In scientific periodicals, magazines, and newspapers one can find almost daily mention of coal as the "new hope." The Department of the Interior in its reports and distinguished statesmen and industrialists in testimonies before our committees tell us that coal can do the job. I would hasten to add that coal can do the job provided that it gets the help it needs from the Congress and the administration.

There are many problems both in production and consumption which must be solved before coal can do its job. Let us talk a few minutes about the production of coal by both underground and surface mining methods. It is obvious that without adequate production the problems of consumption become academic.

The production of coal by underground methods is governed by the Coal Mine Health and Safety Act of 1969. I have for some time been concerned over the implementation of this act. On June 19, 1972, and again on April 10, 1973, I requested that hearings be scheduled at the earliest practical date. My first request was denied and as of this date I have not received a reply to my letter of April 10 to the chairman of the Labor Committee of the Senate.

Mr. President, there is a direct correlation between the underground production of coal and these hearings, and I again urge that they be held at the earliest practical date.

Concerning the surface mining of coal I have again just recently overflown the coal fields of eastern and western Kentucky by helicopter and again am much distressed by the devastation of the landscape caused by uncontrolled and unregulated surface mining.

I submit that although we hear a great deal about the impact on the environment caused by surface mining areas having steep slopes, some of the greatest damage was done in relatively flat areas of my State where the slope was 5° or less.

I take the position that to ban the surface mining of coal on a particular piece of land because that land meets some textbook criteria concerning slope is absolutely wrong. I believe that we must prohibit the surface mining of coal in any area—flat land, moderate slope or steep slope—if that particular piece of land cannot be reclaimed. The key then is reclamation. We must insist upon adequate reclamation, and we must require the States to enforce this regulation. If the States cannot, will not, or prefer not to protect the land, then the Federal Government must take this responsibility.

Mr. President, on Wednesday of this week I submitted a statement to the Subcommittee of the Department of the Interior Committee of Appropriations and I ask unanimous consent that a copy of that statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MARLOW W. COOK

Mr. Chairman, I again appear before this committee as did I last year and encourage you to provide the additional funds needed to permit the expansion of the research and demonstration program at Berea, Kentucky. This program is vital if we are to improve technology for the reclamation of surface-mined land. I also hope that this will be the year that we finally begin the construction of the office-laboratory facilities to house these activities. Again this year, as in last year, the required funds do not appear in the FY '74 budget. I cannot understand how we can continue this negative approach to this most necessary research and demonstration program. Last year, as you recall, as a partial answer to my request, you recommended and the Congress approved an addition of one hundred fifty thousand dollars to the operating budget of the Forest Service for research on reclamation on surface-mined lands at Berea. Although woefully insufficient this action was most appreciated. Unfortunately, this sum was impounded and, of course, the much needed expansion of research technology did not materialize. In spite of this disappointment, the program at Berea has continued to move ahead. However, the pace is unacceptably slow.

During the past year it has become even more evident that we are faced with a shortage of energy in this Nation. With this most uncomfortable fact comes the satisfying reassurance that there is a solution which can provide this much needed energy. I refer of course to our coal resources. Coal is the backbone of the fuel inventory and even the most pessimistic reports reveal that it comprises over seventy percent of the total estimated ultimate recoverable fossil fuel resource. We are indeed fortunate to have this abundant domestic natural resource. However, if we do not act wisely we may deny the people of this Nation the use of this valuable energy fuel. There are related problems which deal with both the production and consumption of coal. However, today I will limit my remarks to those concerning production only.

Considerably more than half of the coal produced today is surface mined. I have just recently again flown over the surface mining areas of Kentucky and have been distressed at the undesirable side effects which this surface mining leaves in its wake. It is evident that if we are to continue to surface mine, and I am convinced that some such operations must continue, then it is imperative that we reclaim this land to a usable purpose.

Last year the Congress considered over a dozen surface mining bills. Again this year we have seen at least this number of bills addressed to the subject of surface mining. All bills which accept that surface mining of coal must continue also recognize that the land so mined must be reclaimed. There is no question that there is a certain percentage of land which cannot be reclaimed adequately and therefore should not be surface mined. However, where land can be reclaimed to useful purpose, carefully regulated surface mining should be permitted. There is a direct correlation between the number of acres which can be surface mined under these restrictions and the "state of the art" of reclamation technology. The solution to our problem will be found in realistic and improved reclamation technology applied in effective programs. This technology will not be realized until we have conducted adequate research and demonstration programs in mining operations and reclamation.

I believe that we here in the Congress have a responsibility to take the lead in providing for research to develop this new technology. While we are presented with an excellent program to accomplish this task we again find that inadequate funds are being made available to meet the real requirement.

By way of a very brief review let's consider the forestry program at Berea, because here we find the only sustained federal research program of its kind in the nation. Eleven years ago a small research program for the reclamation of surface mine land was initiated by the U.S. Forest Service at Berea, Kentucky. The program was designed to develop methods of reducing or preventing damage to the environment and forest resources during surface mining operations and to restore these values as quickly as possible after mining has ceased.

From its inception Berea has been a "shoe string" operation. There are only nine professional personnel including a hydrologist, soil chemist, civil engineer, range scientist ecologist, botanist, silviculturist and two forest rangers, and this tremendous staff is magnificently housed in a renovated automobile shop, a greenhouse, a basement room of the college and two bays of a garage. Let me repeat, gentlemen, that this is the only sustained federal research program concerned with reclamation or surface mined land. It is incredible that such responsibility rests on so few, and it should be no surprise that our reclamation technology so lags our surface mining requirements.

In 1967 forty thousand dollars was appropriated by Congress to develop detailed plans for a new office-laboratory building designed to accommodate the larger and more intensive research and demonstration programs planned for Berea. This facility would include the most modern types of equipment housed in laboratories with adequate space to permit professional staffs of sufficient size to pursue research projects and conduct demonstrations in this most vital area.

Architectural plans for the building have been completed and the Forest Service has testified that a contract can be let for contruction as soon as funds in the amount of $1,431,000 are appropriated. For six years now this plan has remained unfunded.

Even more important than the building itself are the research programs which must be pursued. We are pleased with the excellent progress that has been made in the current research programs at Berea. The results of this research have been used in Kentucky, West Virginia, Tennessee, and Maryland in forming their reclamation laws and regulations. Scalping requirements, access roads, and bench width limitations have been adopted. Estimates of sediment production from mining are being used by several States to determine the size of impoundments needed to trap silt.

Water quality standards for surface mined areas have been developed in cooperation with State and other Federal agencies. Revegetation techniques have been adopted by all eastern States where surface mining has occurred during the past years. The research staff has consulted with or appeared at hearings in ten different States, including States as far west as Washington.

Of particular interest to me is the fact that in the past year some 30 mining companies requested and received assistance on reclamation problems and put many of the findings into practice. Typical of the letters I have received is one from a subsidiary of Bethlehem Steel Corporation, and I quote:

"We paid a visit to the forest station located at Berea, Kentucky, and the results were more than I expected. We are now working with them on a cooperative project."

These accomplishments show that forest service research has found ways to improve surface mine reclamation and that results of this research are being used throughout the Nation.

However, as diligent and productive as these efforts have been, the results are very small indeed when compared to the magnitude of the problem. The most difficult and important research still lies ahead. The most urgent problems are in two general areas. First, in improving reclamation engineering practices to better protect the environment and in creating stable conditions for rapid restoration of disturbed areas following the mining operation. Second, water pollution control methods must be developed under realistic mining conditions on large experimental watersheds where all phases of mining and reclamation operations can be monitored, studied and controlled.

Mr. Chairman, the President in his energy message and many of the energy bills now being considered by the Congress all look to the gasification, liquification and desulphurization of coal as being vital to the solution of our energy problems. These programs carry a price tag of billions of dollars. I am in complete agreement. However, I hasten to add that before these goals can reach fruition the coal itself must be mined and made available.

I repeat that more than half of our coal is now provided by surface mining methods. In the interest of insuring that the technology for the reduction and/or elimination of the undesirable effects of surface mining throughout the nation be made available to Federal, State, and private agencies, I urge that the operating budget of the forest service be increased by the comparatively small amount of $875,000 to permit the implementation of the planned expansion of the research program at Berea, Kentucky.

I also urge that the funds in the amount of $1,431,000 be added to the Forest Service budget for the construction of the office-laboratory building which has been designed, with funds appropriated by Congress, to accommodate the larger and more intensive research programs. When we recognize that the decision to recover or abandon millions of tons of coal will be made on the basis of reclamation techniques and programs, the benefits of this program will far exceed these minimal costs.

In conclusion, Mr. Chairman, I have here a letter from the President of Berea College, Dr. Willis D. Weatherford, in which he restates the capability and willingness of Berea to carry on this important work and urges that the necessary funds be made available so that it can move ahead.

I request that this letter be included in the record of the hearings.

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BEREA COLLEGE,
*Berea, Ky., February 18, 1973.*

HON. MARLOW W. COOK,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR COOK: I am writing to you in support of increased funding for the United States Forest Service's surface mine reclamation research project and a new laboratory here in Berea.

As you know, Berea College is deeply concerned with the people and the economic development of Appalachia. Strip mining has a great impact on the people and economy in the mountains of eastern Kentucky. Unless the strip-mined areas are successfully reclaimed, the economic well-being of the people and future development of forest resources will be seriously impaired.

The Berea project has produced many sound results which are used as guidelines for the Kentucky Division of Reclamation and for the surface-mining industry. But a much greater effort is needed to catch up and close the gap.

I want to add my support to the recommendation for an increase of $875,000 in appropriations for the Forest Service reclamation research program at Berea. I would also like to see funds appropriated for the $1,431,000 Forest Sciences Laboratory proposed for Berea. The new building will be located on an 18-acre site under long-term lease to the Forest Service by Berea College. Architectural plans are complete and the Forest Service can contract for its construction as soon as funds are appropriated. While this building is needed for their research program, I feel that early completion will also bring about a greater sharing of facilities and interchange of ideas among personnel of the Forest Service and Berea College.

I hope that you and the other members of Congress will be able to help us this year.

If you wish to have this letter included in the record of the Appropriations Subcommittee hearings for the Forest Service, I will be glad to have you do it.

Yours sincerely,

WILLIS D. WEATHERFORD



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Mr. COOK. Mr. President, I urged this subcommittee to provide the additional funds needed to permit the expansion of the reclamation research and demonstration program at Berea, Ky. This program is vital if we are to improve technology for the reclamation of surface mined land. I also hope that this will be the year that we finally begin the construction of the office-laboratory facilities to house these activities. Again this year, as in last year, the required funds do not appear in the fiscal year 1974 budget. I cannot understand how we can continue this negative approach to this most necessary research and demonstration program.

Either the administration does not or prefers not to understand the importance of reclamation in the whole scheme of coal production. We had the same problem last year and the year before that in that the administration did not include sufficient funds for this research and development reclamation program. I will say that the Congress accepted its responsibility and as a partial answer to my request, $150,000 was added last year to the operating budget of the Forest Service for this much needed research.

Unfortunately this sum was impounded and the much needed expansion of research and technology did not materialize. I interpret this impoundment as a complete lack of understanding by the administration of the reclamation problem. In spite of this disappointment, the program at Berea has continued to move ahead. However, the pace is unacceptably slow.

During the past year, it has become even more evident that we are faced with a shortage of energy in this Nation. With this most uncomfortable fact comes the satisfying reassurance that there is a solution which can provide this much needed energy. As I have stated, this solution lies in the intelligent use of our coal resources.

Coal is the backbone of the fuel inventory and even the most pessimistic reports reveal that it comprises over 70 percent of the total estimated ultimate recoverable fossil fuel resource. We are indeed fortunate to have this abundant domestic natural resource. However, if we do not act wisely we may deny the people of this Nation the use of this valuable energy fuel.

Last year the Congress considered over a dozen surface mining bills. Again this year we have sent at least this number of bills addressed to the subject of surface mining. All bills which accept that surface mining of coal must continue also recognize that the land so mined must be reclaimed. There is no question that there is a certain percentage of land which cannot be reclaimed adequately and therefore should not be surface mined.

However, where land can be reclaimed to useful purpose, carefully regulated surface mining should be permitted. There is a direct correlation between the number of acres which can be surface mined under these restrictions and the "state of the art" of reclamation technology. The solution to our problem will be found in realistic and improved reclamation technology applied in effective programs. This technology will not be realized until we have conducted adequate research and demonstration programs in mining operations and reclamation.

The Executive and the Congress are charged with the responsibility of protecting our land from wanton destruction. I believe that we have an equal responsibility to take the lead in providing for research to find ways to produce our coal within the restrictions we impose. While we are presented with an excellent program to accomplish this task we again find that the administration has not requested the funds to meet the real requirement. The ball is in our court by default and I believe that we must accept our responsibility.

I think it is necessary that we review the forestry program at Berea, because here we find the only sustained Federal research program of its kind in the Nation. Eleven years ago a small research program for the reclamation of surface-mine land was initiated by the U.S. Forest Service at Berea, Ky. The program was designed to develop methods of reducing or preventing damage to the environment and forest resources during surface-mining operations and to restore these values as quickly as possible after mining has ceased. From its inception Berea has been a "shoestring" operation. There are only nine professional personnel including a hydrologist, soil chemist, civil engineer, range scientist, ecologist, botanist, silviculturist and two forest rangers, and this tremendous staff is magnificently housed in a renovated automobile shop, a greenhouse, a basement room of the college and two bays of a garage. Let me repeat, that this is the only sustained Federal research program concerned with reclamation or surface-mined land in the entire Nation. It is incredible that such responsibility rests on so few, and it should be no surprise that our reclamation technology so lags our surface-mining requirements. What is even more incredible is that we hold so much promise for the use of our coal and fail so miserably to provide the research necessary to mine this coal.

In 1967, $40,000 was appropriated by Congress to develop detailed plans for a new office-laboratory building designed to accommodate the larger and more intensive research and demonstration programs planned for Berea. This facility would include the most modern types of equipment housed in laboratories with adequate space to permit professional staffs of sufficient size to pursue research projects and conduct demonstrations in this most vital area.

Architectural plans for the building have been completed and the Forest Service has testified that a contract can be let for construction as soon as funds in the amount of $1,431,000 are appropriated. For 6 years now this plan has remained unfunded. Had we taken the necessary action 5 years ago or even as late as last year we might be much better equipped to address the entire problem of surface mining we face today and thereby address the entire energy problem.

Even more important than the building itself are the research programs which must be pursued. We are pleased with the excellent progress that has been made in the current research programs at Berea. The results of this research have been used in Kentucky, West Virginia, Tennessee, and Maryland in forming their reclamation laws and regulations. Scalping requirements, access roads, and bench width limitations have been adopted. Estimates of sediment production from mining are being used by several States to determine the size of impoundments needed to trap silt. Water quality standards for surface mined areas have been developed in cooperation with State and other Federal agencies, revegetation techniques have been adopted by all eastern States where surface mining has occurred during the past years. The research staff has consulted with or appeared at hearings in 10 different States, including States as far west as Washington. Of particular interest to me is the fact that in the past year some 30 mining companies requested and received assistance on reclamation problems and put many of the findings into practice. Typical of the letters I have received is one from a subsidiary of Bethlehem Steel Corp.:

> We paid a visit to the forest station located at Berea, Kentucky, and the results were more than expected. We are now working with them on a cooperative project.

These are real contributions made by dedicated people in spite of our failure to provide the support they have so requested. These accomplishments show that Forest Service research has found ways to improve surface mine reclamation and that results of this research are being used throughout the Nation. I wonder what additional advancements could have been made if the Executive or the Congress had shown some interest.

As diligent and productive as these efforts have been, the results are very small indeed when compared to the magnitude of the problem. The most difficult and important research still lies ahead. The most urgent problems are in two general areas. First, in improving reclamation engineering practices to better protect the environment and in creating stable conditions for a rapid restoration of disturbed areas following the mining operation. Second, water pollution control methods must be developed under realistic mining conditions on large experimental watersheds where all phases of mining and reclamation operations can be monitored, studied, and controlled.

Mr. President, many of the energy bills now being considered by the Congress all look to the gasification, liquification, and desulfurization of coal as being vital to the solution of our energy problems. These programs carry a price tag of billions of dollars. I am in complete agreement that we must pay this price. However, I hasten to add that before these goals can reach fruition the coal itself must be mined and made available. More than half of our coal is now provided by surface mining methods. In the interest of insuring that the technology for the reduction and/or elimination of the undesirable effects of surface mining throughout the Nation be made available to Federal, State, and private agencies, I urge that the operating budget of the Forest Service be increased by the comparatively small amount of $875,000 to permit the implementation of the planned expansion of the research program at Berea, Ky.

I also urge that the funds in the amount of $1,431,000 be added to the Forest Service budget for the construction of the office-laboratory building which has been designed, with funds appropriated by Congress, to accommodate the larger and more intensive research programs. When we recognize that the decision to recover or abandon millions of tons of coal will be made on the basis of reclamation techniques and programs, the benefits of this program will far exceed these minimal costs.

Mr. President, if we can assume that we will solve these problems and are successful in producing the coal needed to meet our energy requirements, we are still faced with problems related to the use of this coal. On March 1 of this year on the floor of the Senate I addressed the subject. I stated that the main problem facing the coal producer and the powerplant operator is that to my knowledge there was no effective commercially tested desulfurization system available for installation which would permit the consumer to burn high sulfur coal and meet the emission standards established by the EPA within the time limit established by the Congress which is 1975.

The record will show that I voted for the Clean Air Act when it was passed by Congress, and I have not changed my views concerning the goals of this legislation. However, I was then and am now even more convinced about the rather limited effort being devoted to solving the problems related to meeting these standards.

I realize the chief objection to the use of coal from the standpoint of the Clean Air Act is its ash and sulfur content. The technology for removing fly ash from the stack gases of coal-burning plants has been developed to a high degree of efficiency and is ready, available, and should be employed. However, emission standards for oxides are another problem. Coals low enough in sulfur in the natural state or which can be cleaned by known means to meet these standards are extremely limited. The techniques for removing the sulfur compounds from the stack gases are not yet commercially available.

When the implementation plans of some States go into effect between now and 1975, they will specify the new source performance standard of 0.6 pounds of sulfur per million British thermal unit. This will require, in the absence of other control means, the use of "east of the Mississippi" coal containing less than 0.7 percent sulfur. Unfortunately this coal is scarce. The U.S. Bureau of Mines estimates that only about 8 percent of our coal reserves in this area of the country could meet the requirement, and much of that coal is on steep slopes.

In addition to meeting the above limits on new plants, I am concerned about how we can burn coal and meet the limits being imposed on existing units. Although the limits established by the EPA call for meeting the primary standards by July 1, 1975, as directed by Congress, the States are calling for the secondary standards to be met by the same date. This requirement makes it even more imperative that we devote increased effort to the problems of desulfurization and stack cleaning.

Mr. President, I ask Congress, Are we not being just a little bit arbitrary in demanding maximum output from our electrical power producers without a maximum effort to solve the problem which denies this same producer the use of his most available and abundant domestic source of fuel? I think we are.

I believe that the acceptance of this technological failure will have side effects which can have critical long-run national consequences to the economic and military security of our Nation, side effects which I do not believe were anticipated when the act was debated and enacted by the Congress. I do not believe that when the Congress moved to alleviate the threat of air pollution, it did so with a single-minded purpose which was consciously intended to transcend all other vital national goals such as fiscal integrity, national security and independence in the conducting of our foreign relations.

Mr. President, there is a real sense of urgency here. Assuming that the required technology is available in the near future, I submit that the leadtime required to install a desulfurization system in our generating plants without reducing the capacity to meet the consumers' requirements for electrical power will threaten the attainment of announced goals. Admittedly, there is of course some reserve capability in each utility system which can be converted without immediate impact on output. However, as units are taken "off the line" even on a very limited schedule, the remaining converted units must be permitted to continue operation to meet power requirements.

To serve its customers, an electric utility has to deliver power reliably around the clock. This means that it can have only a small part of its capacity—that which is in excess of demand—off the line for maintenance, repair, or experiment at any time. It cannot afford to engage in full scale tests over long time periods with untried equipment without a crippling impact on power output. It cannot stockpile electricity. If it does not have enough capacity at the instance of demand, then it must shed part of the load or purchase power from neighboring systems. Unfortunately, today, few systems have power to spare.

I repeat, if the technology were available it would be most difficult to make necessary installations by 1975 and still meet consumer requirements. We cannot afford further delay.

Mr. President, in conclusion I submit that to adopt a policy which prohibits surface mining would lead to chaos. To adopt a policy of surface mining without adequate reclamation would be unacceptable. To me this is not an impasse. I am convinced that American know-how, given adequate funds and facilities will find a way to reclaim our land.

I again appeal to the Congress to accept the responsibility abrogated by the Executive and provide the funds for the Forest Service at Berea, Ky.

I again appeal to the Senate to hold oversight hearings on the coal mine health and safety bill as soon as possible.

Finally, let us accept the lead provided by the President and limit the sulfur oxide emission restrictions imposed on our utilities to those proposed by the EPA and not some accelerated program which would deny the American people the use of coal for electricity.

Mr. DOMENICI. Mr. President will the Senator from Kentucky yield?

Mr. COOK. I am happy to yield to the Senator from New Mexico.

Mr. DOMENICI. Let me join in complimenting the distinguished Senator from Kentucky upon his remarks on the very serious problem concerning energy resources in America. One might think that a Senator from a Southwestern State like New Mexico is not concerned with the problem, but let me say to the distinguished Senator from Kentucky that, as he well knows, this land, from one end to the other, is great, with tremendous resources. America is concerned about the proper use of our coal and appropriately seeks to provide for the reclamation of its mines, particularly strip mines, in many regions.

If we do not get on with this, we are going to leave the resources to some future generations. However, it seems to me that America stands on the brink of a great catastrophe if we do not provide for the proper use of our resources.

If the distinguished Senator from Kentucky would permit, I wish to digress to the remarks of the senior Senator from Nebraska who spoke preceding the distinguished Senator from Kentucky. He spoke of the extreme shortage of fuel in the Farm Belts of America. For just a moment, I wish to tie that in with the Senator's comments about the future, because that concerns itself with the President of the United States. Our Secretary of Agriculture has said that supply and demand is the solution, the philosophical solution to our food shortage and to our balance-of-payments problem. I join today with the comments of the distinguished Senator from Nebraska (Mr. CURTIS) for he reminds us that the President should charge the Secretary of Agriculture with an immediate plan for allocating fuel to the Farm Belt of this country.

What we have now done is to say to the farmer, "You can plant more." We are giving them 30 percent more cropland in some parts. I might suggest to the Senator from Kentucky that the future is now upon us. They are not going to plant if they cannot be assured of fuel to till the soil and fuel to harvest.

In my small State one county is expected to plant 55,000 acres of new crops, but they cannot because they do not have diesel fuel to till the land or to harvest the crops.

I join the Senator in his remarks and I join the Senator from Nebraska in his



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remarks. He said the problem is now. We urge the President and the Secretary of Agriculture to prepare forthwith and implement a plan to assure the farmers of this country sufficient fuel in their tanks to till with confidence the new acreage being allotted to them, for the future of America depends on it.

Whether we are going to have adequate food, as experts in the administration have planned, for years ahead, depends on now, not 2 months from now. Then it would be too late to plant, and new allocations would be meaningless. We would enter another year of rising food costs and balance-of-payment deficits, and I do not want to be a part of that group of which it might be said that they did not take a stand on the matter and speak out. I urge those in the administration who are concerned about this not to rely on accidents of the marketplace in this matter, because it will not work.

I thank the distinguished Senator for yielding, and I compliment him on his excellent remarks today about future energy needs.

Mr. COOK. I thank the distinguished Senator from New Mexico. As the Senator knows, we are far behind in coal degasification. We have tried to get administrations in the past to give more concern to coal degasification. We have made little progress in the removal of oil from coal shale.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. TAFT. Mr. President, I have listened to the remarks of the distinguished Senator from Kentucky. I commend him for his most statesmanlike review of the coal and energy problems. Coming as I do from the State of Ohio, I point out that Ohio is an enormous energy consumer, as well as the State in which there are large coal deposits that have to be mined by strip mining. Increasingly strict laws on handling and placement of the overburden, and reclaiming of the land has been carried out. In many instances it really improved the character of the land rather than to damaging it.

I think it is of enormous importance that we rapidly move with sulfur removal, coal liquification research as well as gasification of coal. I would be delighted to support the Senator from Kentucky with the research in Berea. I think it is an excellent place to handle the matter.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, we are awaiting the arrival of the Senator from Massachusetts (Mr. KENNEDY) from the Judiciary Committee to open the debate on the unfinished business. Pending his arrival, I ask unanimous consent that the Senator from Kentucky may be permitted to proceed out of order for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. DOMINICK. Mr. President, I was not in the Chamber in time to hear the entire discussion, but I did hear the remarks of the Senator from New Mexico and of the Senator from Ohio, and I heard the end of the speech of the Senator from Kentucky. I think it is time that all of us heed what the Senator has said, what the Senator from New Mexico said, and what the Senator from Ohio and the Senator from Nebraska said.

The other day I was a participant in a telegram we sent to the OEP. I also was a participant in the meeting with the Senator from Nebraska (Mr. CURTIS) in the Vice President's office with Mr. Simon concerning the need for agriculture allocations of fuel for this year. That is only the start, as I am sure the Senator is aware. The Senator is totally correct that our greatest energy resource in the realm of fossil fuel at the moment is the use of coal; and the difficulties we have had with it are first in the research to get an economical method to get methane gas. The other problem is in some of the rules and regulations that have been put into effect on the type coal that can be used and the air pollution that may come from it.

As the Senator knows, I am a pilot, among other things. I have noticed increasing air pollution that has occurred over the last 25 years in our country, which has been very strong, and we need to take action along this line to clear up that matter. There is no doubt at all. I know the Senator from Kentucky agrees with that.

There are great deposits of relatively clean coal, if one may call it that, in our own Western area, as well as in Kentucky. It would be my hope that we can start developing that.

As the Senator from Ohio said, we have to have input on reclamation of these lands, and there is no doubt about that. But also the energy shortage is so extraordinary that one company has already told everyone in our State—not just one jobber but everyone—that they will be cut off from propane and butane. This means jobbers and distributors affiliated with that company will be left out in the cold. They cannot find any other source to get it, and people who rely on this for home use are destitute for any power source within their own homes.

We have another large company that has cut off distributors in rural areas of our State. We have been besieged with letters and telephone calls trying to get something done about it. It is my hope we can. I think the Senator from Kentucky has been aware of the briefings we have had where energy resources estimated for 1985, and we are only 12 years away from that now, are so extraordinary that between 1970 and 1980 to meet the demands is estimated to cost $150 billion in order to put in deep water ports, refineries, pipelines, and so on for fossile fuels imported from the Middle East. Where are we going to get that money? I do not know. Who is going to put it up? I do not know that either. We are told that by 1985 to take care of this demand level we would have to have nuclear powerplants built in streams at the rate of one per week. This is taking into consideration that Congress should pass a law or someone should pass a law or get Detroit to do something about putting out automobiles to get 35 miles per gallon.

We still have to do it. I do not know how we are going to do that. With the EPA situation, and its rules and regulations, we now get about as many gallons per mile with a Chevy Nova as we did a 1965 Cadillac. I bought a 1972 last year, and I am getting 10.2 miles a gallon. That is not a good recommendation for General Motors, or anybody else, either.

What I am saying is that it will not do any good to have rules and regulations under EPA on emissions if we are going to use twice as many gallons of gasoline. It makes no sense in controlling air pollution.

With the energy problem facing us today, with the demand level that already exists, and which will be increasing year by year, I do not see how we can do it unless we follow all the suggestions that have been made—coal gasification, the ability to put nuclear energy onstream, the efforts on geothermal energy, and the efforts on solar energy, which is now going forward, and with some meaningful amounts of money devoted thereto, it is hoped that we may continue this drive, under the leadership of the Senator from Kentucky, and that these proposals will be recognized, in order to get something done and in order to take care of the demands. This may be done to some extent by reducing needs, such as through better insulation in houses, perhaps having some industries use coal instead of oil and gas, or by increasing our gas supplies through methane supplied from coal and even by getting it from garbage.

Unless we do that, we are going to find ourselves, in a short time, not only rationing our fuel supplies, but the price is going to go up.

The gentleman who briefed me indicated that, in relation to our balance-of-payments situation, and the amount of money we would be expending on the import of oil and gas, no longer will we have a U.S. dollar; we will have a camel dollar. That is a pretty graphic freeze, but what he is talking about is the indication that the $80 billion expenditure, or whatever it may be, a year, is more than our total exports at the present time—I am talking tabout 1985 to 1990—and that is at present prices. Once the other countries—they are no dummies—realize we are relying on them, the price is bound to go up. That is not counting the expenditures necessary to get in our tankers, develop our ports, and so forth.

So I am delighted that we have had this opportunity to have this colloquy, and I thank the Senator.

Mr. COOK. I thank the Senator from Colorado and I thank the Senator from West Virginia for allowing us this opportunity to have the colloquy.

I yield back my time.

Mr. ROBERT C. BYRD. The Senator is very welcome.

Mr. President, I yield back my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.



The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1973

The Senate continued with the consideration of the bill (S. 14) to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes.

Mr. KENNEDY. Mr. President, I would like to request unanimous consent that floor privileges be extended to the following individuals during consideration of S. 14, the Health Maintenance Organization and Resource Development Act of 1973, S. 723 and S. 504: Dr. Philip Caper, Mr. Leroy Goldman, Mr. Jay Cutler, Mr. Nik Edes, Mr. John Hunnicutt, Mr. Chuck Woodruff, Mr. Dan Murray, Miss Ellie Parker, Mr. Joe Carter, and Ms. Jane T. Kline.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I am pleased to be able to call the Health Maintenance Organization and Resources Development Act of 1973 to the floor of the Senate.

This bill is very similar to the Health Maintenance Organization and Resources Development Act of 1972, passed by the Senate during the 92d Congress by a vote of 60 to 14.

The Committee on Labor and Public Welfare has made a number of amendments, improving the legislation, and has reduced the total authorization level from approximately $5.1 billion to $1.5 billion over a 3-year period.

This legislation is intended to provide Federal subsidy to help offset the costs incurred in putting together complex and sophisticated organizations intended to provide health care services. The Subcommittee on Health of the Committee on Labor and Public Welfare has held extensive hearings over the past 2 years into the various issues raised in attempting to determine just what type of health maintenance organizations the Federal Government should subsidize.

The legislation seeks to provide Federal subsidy for those types of health maintenance organizations which have a proven track record and which have demonstrated the ability, over the years, to provide health care services to their enrollees, in an efficient, effective, and economical manner.

Because of the President's support for the concept of health maintenance organizations during recent years, and because of the intrinsic appeal of the concept of organizing and structuring our health care services to a greater extent than is now the case, many different types and forms of health maintenance organizations are beginning to emerge.

This legislation, however, is designed to limit large-scale Federal support, at least initially, to those types of health maintenance organizations which have been proven to work.

There is nothing coercive in this legislation. The bill simply makes Federal support available to those wishing to establish health maintenance organizations along rather specific guidelines outlined in the legislation. The total authorizations for Federal subsidy for planning and feasibility, initial development, initial operating subsidy, and construction costs to HMO's amounts to $645 million over a 3-year period.

According to the best estimates available to the committee, even if every dollar authorized were made available for the development of health maintenance organizations, only 150 to 200 such organizations could be fully funded. Approximately 6 million people could be enrolled in the 200 or fewer HMO's assisted by this legislation. That amounts to about 3 percent of the American people.

Mr. President, the health care industry in the United States has a cash flow in excess of $80 billion per year at the present time. A $1.5 billion investment over a period of 3 years, designed to help increase the efficiency with which the health industry functions, is a comparatively miniscule amount of money in an industry that size.

The costs of providing health care services are increasing at a rate approaching 10 percent per year at the present time. It is extremely important something be done soon to try to slow this rate of increase.

The health maintenance organization concept will result in the creation of organized health care delivery systems. Health care services will be organized in such a way as to make them more easily accessible and available to the consumer. The incentives, so prevalent in our existing "nonsystem" of health care delivery which tend to encourage the inappropriate use of very high costs services, will be restructured in HMO's.

Mr. President, nobody I know is advocating doing away with our present health care system. However, I believe that workable and meaningful alternatives to our existing fee-for-service solo practice system of health care can and must be sought and found.

Our health care system at the present time is monolithic. This bill seeks to introduce some small degree of pluralism into that system so that the American people may have a choice in determining how they wish to purchase health care services—through their family doctor or through an HMO. This legislation would make such a choice possible.

Throughout almost a year of hearings specifically concerning health maintenance organizations, and through many additional months of hearings concerning the health care crisis, a number of problems related to the existing manner in which health care services are delivered have come to light. The Health Maintenance Organization and Resources Development Act of 1973, as reported by the Senate Committee on Labor and Public Welfare, contains many provisions intended to alleviate some of the problems which have come to the attention of the Committee on Labor and Public Welfare over the past year and a half.

Although it is clear that no single piece of legislation can correct the many problems currently existent in the delivery of health care services, I believe it to be the responsibility of the Congress to identify problems which currently exist in the health care industry and to do what it can to alleviate them. I believe that new Federal legislation should represent the most progressive and most considered thinking available at the time of its passage. I believe the Federal Government should act to set a tone which can serve as a benchmark to those, in and out of the health care delivery professions, who are interested in the improvement of our current health care delivery system and in elimination of the many problems currently present in it. For that reason, I believe Federal legislation must be the cutting edge of innovation and change in an industry critical to the well-being of the American people. I believe this bill represents that kind of change.

The Health Maintenance Organization and Resources Development Act of 1973 contains provisions intended to alleviate difficulties the committee has observed in the organization, availability, accessibility, and efficiency of the delivery of health care services in urban and rural America.

### HEALTH MAINTENANCE ORGANIZATIONS

Title I of S. 14 provides capital assistance for the planning, initial development, and initial operation of health maintenance organizations in urban areas. In addition, grants and loans to offset the costs of construction of ambulatory facilities are included in this bill.

Health maintenance organizations qualifying for support under the terms of this legislation would represent a substantial departure from the existing solo practice fee-for-service mode of the delivery of health services. The health care industry, now overwhelmingly cast in the fee-for-service solo practice model, provides no real alternatives to the consumer. At the present time, only about 5 million Americans are able to receive services through health maintenance organizations similar to those which will be eligible for assistance under the provisions of title I of S. 14. The intent of this legislation is to provide a stimulus to the development of more health maintenance organizations, so that the existing situation in which no real alternative to the consumer exists can be modified. As President Nixon stated in his 1972 message on health—

> I do not believe that HMOs should or will entirely replace fee-for-service financing. But I do believe that they ought to be everywhere available so that families will have a choice between these methods.

I agree with the President. The provisions of S. 14 are designed to increase capital support for health maintenance organizations so that we can move away from the 96:4 ratio which currently exists between fee-for-service solo practice and health maintenance organizations.

A health maintenance organization, as

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defined in title I of the bill pending before us, has many inherent advantages. First, a group practice arrangement, required under the provisions of part A of title I of this bill, will enable physicians to engage in an informal ongoing peer review and consultative process not possible to nearly as great an extent when providers are geographically separated. In a multispecialty group practice, such as that described in the definitions contained in this title, specialists of many types are available on site for formal and informal consultation concerning the problems of specific patients. The time saved by doing away with the necessity for referring patients to a physician located at some distance from the referring physician will greatly facilitate the provision of high quality health care to patients enrolled in health maintenance organizations. Moreover, a multispecialty group practice approach will facilitate the integration of many of the new and emerging types of health professionals into a truly effective team for the delivery of health care services. Such an approach will go far in increasing the efficiency and effectiveness of the most highly trained and most costly members of the health care team.

Another advantage to a multispecialty group practice approach is that it makes possible the compilation of a single medical record, containing the notes and comments of various types of health professionals who have seen the patient concerning a particular illness, in a single place. A single unit medical record will greatly improve communications among the various health professionals responsible for the care of a patient or group of patients.

It is true that many types of health care organizations exist and are coming into existence in response to growing national concern over the costs and availability of health care services. Many types of health care organizations other than those which would qualify under the definitions in title I of this bill already exist or are being planned. The purpose of the health maintenance organizations and resources development act of 1973 is to provide Federal capital support for forms of health care delivery organizations of proven effectiveness. The steady growth of a multispecialty prepaid group practice over the years, despite the inherent expense and difficulties experienced in establishing them, and the persistent discrimination against and harrassment of these organizations, both legal and extralegal, by organized medicine, is testimony to their effectiveness and acceptability.

In the view of the Committee on Labor and Public Welfare, Federal dollars should be used for the capital support of the very best available in the health care field. The Health Maintenance Organization and Resources Development Act of 1973 makes Federal dollars available for those entities which, in the view of the committee, are the best available at the present time.

SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS

Capital support for the development of a much broader range of less well proven health care delivery entities is available under part B of title I—17.5 percent of the funds appropriated under part A of title I may be earmarked for "supplemental HMO's." In addition, funds in excess of 17.5 percent may be used, if after all qualified applicants under part A are fully funded, appropriated sums remain.

In addition, moneys for the purchase of services from a broad variety of health care organizations are provided in other titles of the bill.

For purposes of this legislation, priority in Federal capital subsidy is provided to those organizations of proven effectiveness, and those organizations which are most difficult to form, which have the highest capital requirements, and therefore have the greatest need for outside subsidization. The committee will be conducting an ongoing review of the cost and effectiveness of other types of health care delivery organizations as they become established, and will be happy to modify this or any future legislation to support those health care entities which have proven their value and effectiveness.

Capital support for experimentation with new types of health care delivery organizations is already available under the Public Health Service Act. The intent of title I of the Health Maintenance Organization and Resources Development Act of 1973, is to initiate the formation of multispecialty prepaid group practice forms of health maintenance organizations. It is anticipated that the Secretary of Health, Education, and Welfare will continue to use the appropriate authorities already in existence for experimentation with other forms of health care delivery organizations.

HEALTH SERVICE ORGANIZATIONS—RURAL AREAS

Title II of this bill provides support for health service organizations, intended to help relieve the unique problems of health care delivery in nonurban areas. Because of relatively scattered populations in rural areas, in the view of the committee, a health maintenance organization as defined in part A of title I of this bill would be difficult or impossible to establish in a rural area. For that reason, provisions are made to provide capital support for health service organizations in rural areas. Health service organizations differ from health maintenance organizations in that great flexibility is permitted for the structure and range of health services provided. Under the provisions of title II of this bill, individual practice plans would be eligible for capital support in rural areas.

The cost of providing health care services in rural areas exceeds that in urban areas on a per capita basis because of the problems of transportation and communication presented by attempting to provide health care services in rural areas. For that reason, Federal capital subsidy is made available under the provisions of title II for a wide variety of types and forms of health care delivery organizations which would qualify under the definition of a health service organization contained within this legislation. The range of services required in this legislation in order for an entity to qualify for support may be altered in the case of a health service organization by a specific waiver on the part of the Secretary of Health, Education, and Welfare. This provision was included as a result of the committee's recognition that personnel, equipment, and facilities to deliver the full range of required comprehensive health services may not be available in rural areas, and that such a requirement might therefore stifle the development of health service organizations unless the flexibility provided by a waiver was included in the bill. However, a health service organization, in obtaining a waiver, must provide the Secretary with adequate assurances that it will work toward the provision of a full range of comprehensive health services as rapidly as possible.

It is the intent of the Committee on Labor and Public Welfare that the Congress take a leadership role in improving the availability and comprehensiveness of services received by enrollees of plans subsidized with Federal funds. To cite the fact that many existing plans do not conform to what the committee believes to be desirable standards at the present time is an inadequate argument against the assumption of a leadership role by the Federal Government in stimulating an improvement in the comprehensiveness of health services which Americans receive. I believe that Federal funds should be used not to reinforce the status quo, but rather to lead the way in improving the existing health care delivery system. The provisions of this bill are designed to accomplish that coal.

AREA HEALTH EDUCATION AND SERVICE CENTERS

Title III of S. 14 contains authority for the Secretary of Health, Education, and Welfare to fund area health education and service centers. Throughout our hearings, both in Washington and last year in the field, it became evident that the urbanization of medical education in this country has contributed to the sparsity of physicians and other health care personnel in rural areas. While this factor is certainly not the only, or perhaps even the major, cause of the shortage of health care personnel in rural areas, it is a contributory factor in the view of the committee. During the visit of the Health Subcommittee to four European countries last fall, we had an opportunity to observe ways in which some of those countries handled the problem of attracting health care personnel to rural areas. One of the most effective ways in which this was done was through the assignment of health care personnel in training to rural health care educational facilities and health care delivery facilities. Not only did this accomplish the goal of placing health care professionals in rural areas on a temporary basis, but it appeared to be a significant factor in encouraging health care personnel to remain in rural areas after the completion of their training. Programs such as these help to reduce the sense of professional isolation felt by health care professionals in rural areas, while at the same time accomplish the goal of providing high quality health care services to the residents of those areas.



Title III of the Health Maintenance Organization and Resources Development Act of 1973 authorizes grants and loan guarantees to subsidize the cost of establishing area health education and service centers in nonmetropolitan areas. University health centers, regional medical programs and nonprofit provider groups are eligible for these funds. The intent of the committee in establishing these authorizations is to encourage the development of educational facilities and programs in areas where such programs do not now exist. It is the intent of the committee that such programs shall not be exclusively educational in nature, but shall utilize the opportunity provided by their existence to provide health care services to the community in which they are located where this is feasible. The committee realizes, of course, that the funding for such health care services should not be derived from funds intended for education alone, but should be derived where possible from service funds.

Toward that end, an area health education and service center must have a written agreement with a health service organization, where a health service organization exists in the area served by the area health education and service center, and must make its facilities and programs available to all licensed providers who are eligible for assistance under the Public Health Service Act, in the area served by the center. It is hoped that the impact of the area health education and service center upon the quality of health services in the area will in this way be maximized. It is hoped by the committee that area health education and service centers will not become ivory towers without impact with or interaction upon the surrounding community.

GENERAL PROVISIONS

Title III of the Health Maintenance Organization and Resources Development Act of 1973 also contains various general provisions. Among them is a provision preempting State laws which restrict group practice, the corporate practice of medicine, or other conditions which would impede and inhibit the growth of health maintenance organizations, health service organizations, and supplementary health maintenance organizations. The history of innovation in the delivery of health care has been one of opposition, harassment and discrimination on the part of organized medicine toward innovators. Some of this opposition has become manifest in State law. As of May 1971, 22 States continued to have laws prohibiting prepaid group practice. The Health Maintenance Organization and Resources Development Act of 1973 provides for Federal preemption of such laws. The committee recognizes the fact that some of these laws were originally intended as controls over the quality of the practice of medicine. Therefore, in order for any provider of health care services to qualify for the preemption provisions of this legislation, that provider must have the approval of the commission on quality health care assurance, established in title IV of this bill.

This requirement was written into this legislation by the committee in order to assure consumers of health care services that those services will be of high quality.

Another important preemption provided in the Health Maintenance Organization and Resources Development Act of 1973 is that against advertising for the purpose of recruiting enrollees. The committee believes that health maintenance orgnizations, health service organizations, and supplemental health maintenance organizations must be allowed to attempt to recruit enrollees to at least as great an extent as commercial health insurance plans.

To prohibit them from doing so, as is the case in many States, would seriously impair their ability to grow. The committee believes that private insurance plans which advertise for the recruitment of subscribers, and then reimburse providers on a fee-for-service basis, are in effect acting as the agents to those providers electing to practice in the fee-for-service mode. It sees no reason why prepaid health care organizations, as long as adequate quality assurances can be provided, should not be allowed to compete on an equal basis.

The preemption of State law regarding the corporate or group practice of medicine is not without precedent. Title IV of Public Law 91–515 established authority for group practice and authorized eligible carriers under the Federal Employees Health Benefits Act to underwrite prepaid group practice without regard to certain State restrictions. In a sense, this provision of the Health Maintenance Organization and Resources Development Act of 1973 is simply a broadening of that general principle.

Another provision contained in title III of this bill authorizes capitation grants to enable health maintenance organizations, supplemental health maintenance organizations, and health service organizations to serve medically indigent and high-risk individuals in instances where all other sources of financing for such services has been utilized. Throughout the past year and a half, the Health Subcommittee has heard of many instances where adequate health care could not be obtained because of inadequate financial resources despite existing insurance mechanisms.

For that reason, the committee has authorized the appropriation of funds, falling into two categories: The first is for the subsidization of the costs of premiums in a health maintenance organization, health service organization, or supplementary health maintenance organization, when all other sources of funding, both public and private, have been exhausted. The committee has provided this form of subsidy for two reasons. First of all, it wishes to underscore its view that in utilizing public funds for the developmental assistance of health maintenance organizations, health service organizations, and supplemental health maintenance organizations, the committee believes it has an obligation to assist those incapable of meeting the costs of services in such organizations.

The committee has placed a 3-year limitation upon capitation subsidies authorized under the provisions of this legislation. This has been done not because the committee believes those requiring such subsidy will not continue to have such a requirement beyond 3 years, but rather because the committee views this particular form of capitation subsidy as less than optimal, and, at best, a stopgap measure. The committee hopes and believes that by the time this 3-year limitation has expired, a more satisfactory mechanism of financing, a true national health insurance plan, will have been enacted.

The committee fully intends to review the effectiveness of the program authorized under section 1245(a), prior to the expiration of this authority, and to take appropriate action at that time based upon experience accumulated with the program authorized by this section of the legislation.

Second, the committee wishes to encourage the enrollment of individuals in organized systems of health care delivery. The committee believes that such organized systems of health care delivery will be capable of giving higher quality health care at much lower costs than is true in a relatively disorganized system.

The second form of subsidy available under this provision is to enable the health maintenance organization, health service organization, or supplemental health maintenance organization to maintain the open enrollment policy required by the provisions of this legislation.

Two practices, prevalent in the private insurance industry, make it difficult for individuals with a history of chronic or recurrent illness, or who in the opinion of the insurer stand a chance or requiring unusually high numbers of health care services, to obtain adequate insurance coverage.

These two practices are related. The first is called skimming. "Skimming" is the practice whereby an insurance company may refuse to provide such an individual with insurance coverage effectively skimming only the best risks for the practice whereby an insurance company to offer lower rates. The second practice is called experience rating.

Experience rating is the practice wherein an indivdual with a high "risk" of utilizing health care services is charged a higher premium rate than are individuals or a group of individuals with a low risk of utilizing services. In this way, the insurance company attempts to pay for the cost of providing a high number of services by levying an additional premium on the user of high number of services. Most often, a high utilizer of services is an individual with a chronic or recurrent illness, who is generally less well able to pay for his services than others.

The committee believes both of these practices to be undesirable, and to be antithetic to the purpose and principles of insurance coverage and risk sharing. For that reason, this legislation requires that any organization qualifying for assistance maintain a community rating policy, that is, must charge the same premium to all of its enrollees, and maintain open enrollment. Open enrollment means that the organization must accept

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enrollees in the order in which they apply up to its capacity, without regard to the applicant's prior health care history.

The committee realizes that both of these requirements place organizations qualifying for assistance under this legislation at a competitive disadvantage with the commercial industry which need not adhere to these requirements. For that reason, the Secretary has been authorized to subsidize organizations qualifying for assistance under this legislation in order to enable them to maintain the required open enrollment policy. If an eligible applicant under the terms and conditions of this legislation can demonstrate to the Secretary that a continuation of an open enrollment policy will result in a premium increase, the Secretary is authorized to make a grant to that organization equal in amount to the amount required to prevent such a general premium increase.

COMMISSION ON QUALITY HEALTH CARE ASSURANCE

Mr. President, problems of the determination of quality in health care services far transcend lack of current knowledge or lack of competence on the part of a particular provider. In my opinion, the absence of agreed upon norms and standards for quality health care on a national scale have greatly contributed to the difficulties currently being experienced by the administrators of public health care programs in determining just what constitutes an appropriate health care service in a given situation. I fully appreciate the unique and important position an individual health care provider must play in determining the appropriateness of services for a particular patient in a particular instance.

However, the importance of the role of that provider cannot justify the continued absence of generalizable standards relating to the inputs, process, or utilization characteristics of health care services, nor to the virtual absence of a capability to relate the process of medical care to the results of that process on the health of the patient.

Licensure standards vary from State to State.

No reason exists for the continuation of this confusion. Unlike law or certain other professions, there is no justification for regional variation in the practice of medicine. Although the incidence of disease may vary from place to place and the population of patients may vary from place to place, medicine is a universal art and science.

I believe providers of health care services throughout the country would welcome the opportunity to participate in an effort intended to increase the body of knowledge concerning the long-range impact of their practices and the opportunity to compare their modes of practice with those of providers in other parts of this country.

For that reason, this legislation provides for the establishment of a commission on quality health care assurance.

The intent of the committee in authorizing the establishment of such a Commission is to promote the assurance or quality health care practices, invest in the accumulation of additional knowledge about the practices of health care professions in this country and the results of those practices, and to provide assurances that consumers have an opportunity to become involved in many of the major policy aspects of the provision of health care services which they purchase and which they receive.

The Commission as authorized in title IV of this bill would consist of 11 members and would be an independent agency of the Federal Government. Of those 11 members, 4 at any given time must be consumers unrelated to the health care industry. The remaining seven must be professionals drawn from health care disciplines. The committee intends that the composition of the professional membership of the Commission shall be representative of various aspects of the health care industry.

The commission is authorized to promulgate standards relating to the qualifications and characteristics of personnel and facilities. This authority is, in the committee's view, closely related to the preemption of State law authorized in title III. It is intended that the Commission, in promulgating such input standards, shall attend to the functions of State laws preempted under the provision of this legislation.

The committee does not intend that the Commission shall engage in the determination of how the health professions should be practiced. It is not the intent of the committee that the Commission shall engage in capricious or arbitrary standard setting concerning health care practices. However, the committee believes it to be essential that the Commission be allowed to assure quality, and to effectively monitor health care practices in such a way as to enable it to eventually determine and formulate criteria for what constitutes good health care practices, and to identify reasons for deviation from good health care practices on the part of providers and consumers alike.

The Commission is authorized to ascertain that a provider, in order to become eligible for certification by the Commission, have an approved quality health care assurance system. No attempt is made to describe the nature of that system in this legislation, with the exception of the committee's desire that consideration be given to the feasibility of including varying types of health care professionals and consumers in the composition of the quality health care assurance system. It is intended by the committee that the quality health care assurance system be locally determined and operated, in compliance with general criteria established by the Commission. It is anticipated by the committee that such quality health care assurance systems will assume a variety of forms.

It is the committee's wish, however, that such systems be able to comply with the uniform reporting requirements, in order to enable the Commission to gather and compile data which will make the establishment of norms for health care practices possible.

Since the passage of legislation similar to this by the Senate last September, the professional standards review organization amendment has been adopted as part of Public Law 92-603. At the present time, the Department of Health, Education, and Welfare is acting to implement this law.

While the committee would prefer that approved quality health care assurance systems on a local level have significant consumer input, nothing in the legislation currently under consideration by the Senate prohibits a local PSRO unit from acquiring approval by the Commission on Quality Health Care Assurance as a quality health care assurance system. It is expected by the committee, however, that such a PSRO unit would comply with the public accountability and reporting requirements to be developed by the Commission in order to be qualified as approved quality health care assurance system.

The committee views the coordination and cooperation of local quality health care assurance systems with the Commission on Quality Health Care Assurance as an essential characteristic if true public accountability of the $80 billion a year health care industry is ever to be achieved.

This one aspect of this legislation is, perhaps, the most critical of all in enabling the American people to receive full value for the health care services for which they pay so dearly.

In addition to the accumulation of data, the Commission is directed to utilize the information gathered from the quality health care assurance systems as well as the medical malpractice arbitration systems authorized in a later section in the title, to compile information relating to health care practices throughout the country. It is then directed to establish, after adequate hearings, statistical norms describing those practices, and is authorized to investigate instances in which significant deviation from those norms is observed.

In this way, it is the hope of the committee that a body of knowledge can be established which will lend itself to the formation of standards within the health care field.

The ultimate goal of the Commission, although requiring many years to accomplish, will be to relate the processes of medical care to the results of those processes.

The Commission is further authorized to enforce the rather rigorous consumer participation and consumer disclosure requirements of this legislation. It is the view of the committee that the consumer, who is the purchaser and recipient of the health care services, should have the greatest possible voice in how and under what circumstances those services are to be delivered. It is hoped by the committee that the Commission will assist in the accomplishment of this goal.

The Commission is authorized to issue certification to health care providers meeting its requirements regarding standards, the operation of approved quality health care assurance systems, and consumer disclosure. Certification by the Commission will be prerequisite to eligibility for any assistance under this legislation or any future assistance under the provisions of the Public Health Service Act.

In addition, any provider, whether an applicant for Federal funds or not, may voluntarily seek Commission certification. In return, any certified provider will receive a quality health care initiative award, equal in amount to the actual costs he incurs in complying with the Commission requirements, such as recordkeeping, bookkeeping, and reporting. No provider shall be eligible for the preemption of State law, the medical malpractice reinsurance protection or federally supervised medical malpractice arbitration procedures unless he is a certified provider of health care under the provisions of this legislation.

In this way, it is intended to stimulate the participation of all health care providers in the quality assurance program on a voluntary basis. It is only through participation of a large proportion of all health care providers that an accurate assessment can be made of the quality of health care in this country at the present time. Adequate evidence already exists that the quality of health care services in this country is, at best, spotty.

This legislation additionally provides for State standards for quality health care assurance. If a State can promulgate standards at least equal to those of the Commission on quality health care assurance and acceptable to the Commission, and can offset the costs of enforcing such standards, it may do so in lieu of direct Federal administration of the quality assurance program.

MEDICAL MALPRACTICE

Mr. President, this bill also provides for the arbitration of medical malpractice disputes, the limitation of contingency fees in such arbitration proceedings, and establishment of a Federal medical malpractice reinsurance program. These provisions are most important reforms to assure stability and equity in this vital area for both the provider of care and the patient.

Medical malpractice litigation has become an onerous and protracted means to resolve medical malpractice disputes. The costs are escalating with less of the medical insurance premium dollar going to compensate the injured party. The delays in resolving such disputes average up to 4½ years from initial filing of a suit. Litigation has failed to provide an efficient means to achieve a fair result for all concerned.

Arbitration is an efficient and effective method to resolve such disputes. High costs and long time delays are avoided. The procedure may be held in any site convenient to all parties. There is no need for extensive legal procedures since rules and procedures governing courtroom litigation are inapplicable. Arbitration has proved sucessful in several different programs for the past 40 years, and I believe will be most effective in the HMO and HSO setting.

Litigation of medical malpractice claims has not been an effective method to monitor quality health care standards in the past. Arbitration as conceived in this bill would be a most important monitor of health care practice. Arbitration is under the aegis of the Commission on quality health care assurance and is closely related to the functions of the Commission. The Commission will use the findings in settlement and arbitration proceedings to evaluate health care and provide data for establishing criteria and standards for quality health care. Because arbitration findings are to be used for developing such standards which ultimately will be incorporated in the criteria for certification, it is most important that providers be certified in order to participate in arbitration. With certification, arbitration information will be an important feedback mechanism to the providers.

Arbitration will not only provide an expeditious method for the resolution of malpractice disputes, but will also be an important means to assess and improve the quality of health care. In such a context the provider of care should be certified by the Commission so that arbitration will be an effective mechanism for insuring better medical care.

The provision to limit attorney's contingency fees merits strong support, for it is crucial to counter the escalating costs of medical malpractice disputes and their settlement. I believe limitation of contingency fees is most appropriate in the arbitration setting since the need for extensive pretrial preparation for litigation in the courtroom is avoided.

The Commission on Quality Health Care Assurance shall be responsible for monitoring all findings of the arbitration proceeding and the corresponding contingent fee arrangements of the attorneys and and their clients. An excellent opportunity is provided the Commission to evaluate the entire process and establish important criteria and standards in this area. Because the Commission shall have such an important role under this provision, it is most important that arbitration and the limitation of contingency fees be available only to those providers of care who have obtained a certificate of compliance from the Commission. These provisions are closely related to issues of quality health care and programs to be provided only to those who have obtained the certificate of compliance.

Mr. President, as a complement to the arbitration and contingent fee limitations provisions in this bill and to assure a measure of stability in medical malpractice insurance, I strongly support the provision for a Federal medical malpractice reinsurance program.

This program responds to the serious need for stability in medical malpractice insurance which has lacked a strong base of back-up support in the reinsurance area. Lack of such support has been a significant factor in cancellation of medical malpractice insurance policies for entire States and localities as well as to individual practitioners. By establishing a Federal reinsurance program of support and controls, the result should be stability and reduced costs for the provider of care.

To obtain the benefits of this reinsurance program, the provider of care must obtain a certificate of compliance from the Commission which is responsible for administering this program. I strongly support this precedent condition or certification, for I do not believe this program should be available to those providers who may not be meeting the quality health care standards promulgated by the Commission. I believe it is most reasonable that all providers, from the individual practitioner to the HMO or HSO, be eligible for such reinsurance protection by simply obtaining certification.

Mr. President, arbitration, the limitation of contingency fees and the reinsurance program as provided in this bill merit strong support to implement reform in a vital health care. Under the supervision of the Commission on quality health care assurance, these measures would not only significantly improve an area of critical concern to providers of care and patients, but also establish the wherewithal to monitor health care standards. Certification as a condition precedent for the provider of care to qualify for such programs is eminently fair and reasonable. I believe providers of care will welcome the evaluation provided by the Commission as vital assistance in developing and maintaining high standards of health care, which is a goal we all share.

Mr. DOMINICK. Mr. President the Senator from Massachusetts (Mr. KENNEDY) and I have been arguing about this bill for some time. I think that some comments at this point would be in order.

Mr. President, when the HMO bill (S. 3327) was reported out of committee last year, I wrote individual views expressing in some detail my concerns with the approach that bill took. While this bill has been altered somewhat—pursuant to amendments I offered on the floor last year and in committee this year, and the Senator from Massachusetts has been most kind in accepting a number of them—its basic approach has not been significantly changed. Accordingly, my concerns remain essentially the same. I still feel this bill represents an attempt to promote one narrow form of health care delivery—closed-panel group practice—and that it would therefore limit the HMO concept's potential for improving our health care delivery system. I still think it is a mistake to encourage the development of delivery mechanisms which can never be economically viable without continuing federal subsidies. And, I still believe the authorization levels are unrealistically high.

For those reasons I will be offering a substitute and some amendments as we get along in the afternoon and hopefully will get the opinion of the Senate as a whole on the points I am making.

The major criticism of medical care in the United States is that good care is not accessible to everyone. There is no question that our superior medical technology gives us the ability to provide the best medical services in the world. But due to high costs and uneven distribution of medical resources and manpower, these services are not available to everyone.

Many have proposed the "health main-



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tenance organization" concept as a way to solve these problems by bringing more organization into the delivery of medical care. The essential elements of the HMO concept are: first, provision of comprehensive medical services—including as a minimum, basic physician care, hospital care, and emergency care; second, to a defined enrolled population; third, on a prepayment rather than a fee-for-service basis.

A wide variety of organizations can meet the essential elements of the HMO concept. They can be divided into two broad categories: first, closed panel group practices, where the physicians providing HMO services practice in a single facility, the prototype for which is the Kaiser-Permanente plan which grew up on the west coast; and, second, individual practice organizations, where the physician providing HMO services continue to practice in individual settings. Foundations for medical care are one example of individual practice type organizations.

Both of these, it seems to me, will substantially try to meet the need. However, both of them should be thoroughly studied so that we have some idea where we are before we start to empty the Treasury on an endless basis for this purpose.

Under an HMO arrangement, instead of going to a different physician and paying a separate fee for each type of medical service rendered, a patient can pay a fixed monthly premium and go to one group of physicians for all of his care. The HMO assumes responsibility for providing comprehensive services to each of its enrollees, even if the cost of such services for a given period of time exceeds the premiums paid in. The theory is that the necessity of staying within a predetermined budget gives the HMO's physician members economic incentives to keep the enrolled population healthy in order to avoid expensive hospital care. Further economies are expected to be achieved by eliminating unnecessary duplication of expensive medical equipment. It is believed that the increased efficiency of this system of delivering medical care will make it possible for fewer physicians to meet the needs of a given enrolled population than are necessary under the less organized fee-for-service system.

I believe the health maintenance organization concept has considerable promise, and I believe it merits Federal assistance. But I think it is important to keep two things in mind. First, it is a broad concept which encompasses a wide range of possibilities for methods of delivering medical care. Second, it is still an experimental concept. Only a few so-called HMO "prototypes" are operating at the present time. Accordingly, many of the claims made in support of the HMO concept have not yet been proven; and we clearly do not have enough experience with different types of HMO's to make an intelligent decision as to which is best. I believe, therefore, that Federal funds should be used to stimulate innovation in developing the HMO concept rather than for full-scale promotion of one specific type of HMO.

S. 14 as reported is an effort to promote one specific type of HMO—closed panel group practice. Title I would authorize $430 million for development of HMO's in urban areas. Most of these funds—82.5 percent—would be reserved for closed panel group practices meeting a very rigid definition of HMO. Only 20 of the 85 existing groups which provide more than 50 percent of their care on a prepayment basis would qualify structurally as HMO's under this definition.

The remaining funds appropriated under title I would be available to "Supplemental HMO's," which are defined more flexibly, so that individual practice as well as closed panel type HMO's could qualify. In addition to branding individual practice type HMO's as inferior, this would limit the potential for innovation in developing improved methods of health care delivery.

Beyond its inflexibility, I think the administrative complexity of this bill would reduce its effectiveness. Planning, developmental, construction, and operational support would be channeled through three separate funding categories to "HMO's," "Supplemental HMO's," and "Health Service Organization," each of which would be required to satisfy different criteria. I think this is a mistake. It insures that a substantial proportion of the funds spent for these purposes will be wasted on administrative costs. In order to maximize the impact of scarce Federal dollars, we should have one flexible definition of HMO.

I strongly believe that legislation to support development of HMO's should be based on the premise that after a limited period of Federal assistance, any given HMO will be economically viable—able to deliver medical services competitively without a continuing Government subsidy. This bill takes exactly the opposite approach. It is based on the premise that Federal subsidies will be available permanently.

In addition to $645 million authorized under titles I and II for planning, development and construction of HMO's, as well as subsidization of operating deficits during their first 3 years of operation, title III authorizes $440 million over the first 3 years to subsidize premium costs for HMO enrollees. Each HMO would be eligible for annual grants in amounts up to 25 percent of its total premium receipts in the preceding year. HMO's with a disproportionate number of "high risk" enrollees would be eligible for additional grants in whatever amounts would be necessary to avoid increasing premium rates. It does not make any difference whether these subsidies are called "capitation grants," "premium subsidies," or "open enrollment subsidies." They are direct payments by the Federal Government for the premiums of HMO enrollees—including those who are not poor.

These massive Federal subsidies are made necessary by the broad range of services which each HMO would be required to make available to its enrollees at one premium rate. In addition to basic physician, hospital, and emergency services, the mandated benefit package would include prescription drugs, "medical social services," vision care, physical medicine, and rehabilitative services, mental health services, and treatment of alcoholism and drug abuse. Each HMO would also be required to provide extended care and dental services to enrollees who elect them for an additional premium. This mandated benefit package must be made available by every HMO without regard to the needs of the enrolled population.

Even HMO prototypes such as Kaiser-Permanente do not provide the range of services this bill would mandate. The result is that no HMO receiving assistance under this legislation could become economically viable. Without massive Federal subsidies, their premium rates could not be competitive with other medical plans, such as those offered by insurance companies. Although I was able to persuade the committee to place a 3-year limit on each HMO's eligibility to receive these premium subsidies, that does not do the job. So long as HMO's assisted under this bill are subject to unrealistic requirements which prevent them from being viable without Federal subsidies, Congress will have no choice but to continue the subsidies. The only alternative—permitting the entire Federal investment to go down the drain—would be unacceptable.

Aside from the substantial cost this permanent financing mechanism adds to an already extravagantly expensive bill, it amounts to piecemeal national health insurance, which should be dealt with in separate legislation. At this point, no one knows how soon a national health insurance program will be enacted, or what form it will take. It would be a mistake to look ourselves into the direct financing mechanism this bill proposed without first carefully considering its implications and all the alternatives. Moreover piecemeal national health insurance which finances only one particular type of health care delivery is unfair. By spending tax funds to subsidize premium costs for HMO enrollees—many of whom are not poor—this bill would discriminate against the vast majority of taxpaying Americans who either choose to receive their medical care from non-HMO types of providers, or who might not live where an HMO is accessible. It should be kept in mind that total present enrollment in HMO-type health plans amounts to a little over 2 percent of our population.

As introduced, S. 14 authorized $5,180,400,000 over a 3-year period. Title V, which would establish a new "National Institute for Health Care Delivery," accounted for $580,000,000 of this. Title V was reported as a separate bill. That, together with reductions in the remaining authorizations, resulted in a total authorization for S. 14 as reported of $1.5 billion.

I think that level is still unrealistic. Even if this bill were not designed to promote one specific kind of HMO, I do not think we could justify spending half a billion dollars a year. Federal funds should not be invested on anything approaching that scale until the HMO concept has been tested much more thoroughly. Moreover, it should be kept in mind that this $1.5 billion would not be a one-time expenditure. First, due to the long lead time necessary to plan and develop HMO's, it is likely that many of the HMO's to receive startup assistance under this bill would not even become fully operational within the 3-year period it covers. Testimony in the hearing record indicates that it takes at least 3 years, $2.5 to $3 million, and 30,000 enrolees in order for a closed panel group practice-type HMO to get off the ground. The Kaiser-Permanente Group in Denver, Colo., is just beginning to approach the break-even mark—with more than 40,000 enrollees, and after investing about $5 million over a 5-year period. Those figures are based on present experience and, therefore, underestimate the difficulty of developing such HMO's under the much more stringent conditions specified in this bill. It would be difficult for the Government to discontinue assistance to any HMO grant recipient before it became operational. Second, even after HMO's assisted under this bill become operational, they would continue to be dependent on Federal subsidies. Almost half of S. 14's total $1.5 billion authorization is earmarked for such subsidies. This includes $255 million for initial operating deficits, and $440 million for premium subsidies.

The total authorization of the HMO bill which has been approved by the House Health Subcommittee—H.R. 51—is about $300 million. S. 14 could be reduced to near that level simply by removing the premium subsidies and other provisions which are not directly related to development of improved methods of health care delivery. The premium subsidies, the "Quality Health Care Commission," and the "Quality Health Care Initiative Awards" provisions account for more than half of S. 14's total $1.5 billion authorization. Improving our health care delivery system is by itself an ambitious goal. If we sincerely want to achieve it, I think provisions of this bill which are intended to do other things, such as establish a national health insurance program for HMO enrollees and a Federal agency to regulate the practice of medicine in the United States, should be stricken.

The future of the HMO concept does not necessarily hinge on the authorization levels in this bill. The Federal Government is doing quite a bit to support the development of HMO's right now. The social security amendments enacted last year make Federal financing available to HMO's through the medicare program. About 600,000 medicaid beneficiaries now have the option of enrolling in HMO's.

The Department of Health, Education, and Welfare has provided more than $20 million in planning and development assistance to 110 HMO applicants over the last 3 years. It should be noted that 14 of such HMO's have become operational with no Federal assistance beyond planning and development grants.

In fact, four of them became operational with only technical assistance from the Federal Government. I think this raises serious questions about the necessity of a grandiose Federal support scheme such as the one this bill envisions—particularly in view of the fact that Federal dollars going into such a program are Federal dollars which will not be available for other urgent needs. I am personally aware of several very worthy health projects in Colorado which have been approved but cannot be funded because of Federal budget constraints. They include important research projects, Hill-Burton hospitals in rural areas, Community Mental Health Centers, VD control clinics, and badly needed construction programs at a new dental school and the School of Veterinary Medicine. A streptococcal disease research unit in Fort Collins will be closed due to a reduction in the budget of the Center for Disease Control. I know Colorado is not unique in this regard; there must be hundreds of similar projects around the country. The point is that so long as the Federal budget has limits, there is no way we can allocate $1.5 billion out of general revenues for this HMO-national health insurance scheme without adversely affecting such projects.

While I strongly support the HMO concept and believe it merits Federal assistance, I cannot support this bill. It is unrealistic, both in terms of cost and scope. It tries to do too many things other than improve the health care delivery system. It is not really an HMO bill; less than half of the funds it authorizes would be used to help HMO's get started.

Moreover, those funds would be used mainly to promote one particular type of HMO. The development of a more efficient and accessible delivery system is in itself a formidable task for one piece of legislation. To the extent that this bill attempts to do more, its chances of achieving that goal are diminished. Its cost should be reduced to realistic levels, and its scope should be narrowed to the urgent problem of stimulating the development of improved health care delivery mechanisms which can be competitive without ongoing Federal subsidies.

Mr. President, I have introduced an amendment in the nature of a substitute for S. 14—printed amendment 113—which is addressed to the problems I have outlined. It consists of those provisions of S. 14 which are directly related to the development of health maintenance organizations. It contains no new provisions. Its total authorization is $385 million.

Title I of the substitute would authorize $385 million over a 3-year period for assistance to HMO's and supplemental HMO's as follows:

Grants for planning and feasibility studies, $45,000,000.

Grants for initial development costs, $70,000,000.

Construction grants, $85,000,000.

Construction loans, $60,000,000.

Loans for initial costs of operation, $125,000,000.

These authorization levels are identical to those in title I of S. 14 except with respect to initial operating costs. S. 14 would authorize $85 million for grants and $85 million for loans for operating deficits of HMO's during their first 3 years of operation. This substitute would authorize $125 million for loans for that purpose, but contains no such authorization for grants.

Title II consists of the "general requirements" provisions of title III of S. 14, which includes authority for loan guarantees and interest subsidies for construction, development, and initial operation of HMO's.

Now, let me just summarize briefly, Mr. President, the provisions of S. 14 not included in the substitute amendment on the ground that they are not directly related to development of HMO's:

CAPITATION GRANTS

Section 1245 of S. 14 would authorize $440 million for grants to HMO's after they become operational to subsidize the cost of premiums paid by their enrollees. As I have stated earlier, these subsidies amount to piecemeal national health insurance, and should be addressed in separate legislation. Frankly, I do not understand how members of the Finance Committee, which has jurisdiction over national health insurance legislation, can let this provision of S. 14 get by without first scrutinizing it closely.

OPERATING SUBSIDIES

Sections 1205 and 1224 of S. 14 would authorize $127.5 million for grants to HMO's and "health service organizations"—HMO's in nonmetropolitan areas—to subsidize their operating deficits during their first 3 years of operation. These subsidies are in addition to $127.5 million in direct loans, as well as loan guarantees and interest subsidies authorized by S. 14 specifically for this purpose. S. 14 also authorizes $172.5 million for grants for planning and feasibility studies and for initial development costs. All of these provisions are retained in this substitute.

Grants to subsidize operating deficits of HMO's after they become operational amount to direct financing of one particular kind of health care delivery, and are objectionable for the same reasons as are the premium subsidies authorized by this bill. Federal support for HMO's should be used to develop delivery systems which can stand on their own after they become operational. Neither the HMO bill which is pending in the House (H.R. 51), nor the administration's bill (S. 972), authorizes direct grants for initial operating costs.

QUALITY COMMISSION AND QUALITY HEALTH CARE INITIATIVE AWARDS

Title IV of S. 14 would authorize $125 million to establish a new national "Commission on Quality Health Care Assurance" which would establish and enforce "national standards and norms" for medical practice. All HMO's funded under S. 14, and all providers receiving assistance under the Public Health Service Act—for example, Hill-Burton hospitals—or the Community Mental Health Centers Act, would be required to be certified by the Commission in order to continue receiving Federal assistance.

Section 1244 of S. 14 would authorize $225 million for "Quality Health Care Initiative Awards"—annual grants to nonfederally-assisted health providers—for example, private practicing physicians—who agree to submit to the jurisdiction of the Commission.



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These provisions add $350 million to the cost of this bill. They would be ongoing Federal expenditures which would increase after the Commission is fully geared up and its jurisdiction expands.

The "PSRO" provisions of the Social Security Amendments enacted last year—Public Law 92-603—will carry out on a local level many of the functions the Commission would perform on a national level. H.R. 1 provided for the establishment of a "Professional Standards Review Organization" system under which physicians organized on a State or local level are charged with the task of monitoring the cost and quality of all medical services provided under medicare and medicaid. Each PSRO will be representative of the physicians in a given geographical area, and will be responsible for setting norms or standards of practice for the area, and enforcing them through the power to withhold Federal reimbursement. This PSRO system, while established specifically for medicare and medicaid services—20 percent of annual health expenditures in the United States—will furnish a mechanism for controlling the quality of all medical care in the United States.

The locality-oriented approach of PSRO is far preferable to the uniform national standards approach of the Commission. Overly specific and universally applicable standards and norms issued by a national Commission in Washington could inhibit innovation in the development of peer review-type quality assurance systems. Moreover, the data necessary to establish national standards and norms for the quality of care admittedly are not yet available. Regulations implementing the PSRO law have not been promulgated yet. Consideration of a national Commission to control the quality of health care should be postponed until PSRO has had an opportunity to prove itself.

HEALTH SERVICE ORGANIZATION AND AREA HEALTH EDUCATION AND SERVICE CENTERS

Title II of S. 14 would authorize $215 million in developmental assistance and operating subsidies for "health service organizations" which would essentially be HMO's located in non-metropolitan areas. Title III of S. 14 authorizes $65 million for development and construction of "area health education and service centers," which would provide educational services to health service organizations.

While this substitute amendment does not retain these provisions of S. 14, it would increase the funds available under part B of title I for "supplemental HMO's," which are defined similarly to health service organizations. S. 14's authorization for HSO's under title II is one-third of the total authorization for HMO's and HSO's under titles I and II.

Accordingly, this amendment would increase the amount earmarked under title I for supplemental HMO's from 17.5 percent to 33⅓ percent.

In conclusion, Mr. President, I believe this substitute offers a realistic alternative to S. 14. It would provide substantial support for development of HMO's—at considerably higher levels than recommended in the House bill, or by the administration. It would not alter the definition of HMO contained in S. 14, or the form of developmental support available to HMO's under S. 14. What it would do is narrow the scope of S. 14 to the development of improved health care delivery systems. By doing that it would greatly enhance the possibilities of achieving that goal. Those who would attack this substitute because it removes provisions directed toward other goals have the burden of showing that such goals are more important. I am confident that that burden cannot be sustained.

TO IMPROVE HEALTH CARE SERVICES FOR AMERICANS

Mr. HUMPHREY. Mr. President, I rise in support of S. 14, the Health Maintenance Organization and Resources Act of 1973, and urge its adoption by the Senate.

I am an original sponsor of this bill because, as I have maintained over several years, the health maintenance organization represents an important new dimension that must be added to our health care system to improve substantially the delivery of services, especially where the supply of physicians and medical facilities is limited. It represents an essential supplement to the traditional solo practice of medicine with its fee-for-service method of financing. And it provides a strong incentive for a long-overdue emphasis upon preventive services to avoid the need for costly, intensive care. It provides for the provision of medical services that are comprehensive, efficient, immediately accessible, and at lower cost to the consumer participant, and for increased professional resources and improved operational systems for the participating physician.

The legislation would provide 3-year authorizations for respective programs of planning, development, construction, and initial operating-cost grants for HMO's, supplemental HMO's, and health service organizations for the development of ambulatory health care facilities, as well as additional loan and loan guarantee assistance that would also be applied to certain transportation and communications equipment costs. It would meet a critical need for professional education networks through authorizing grants and loan guarantees for university health, centers, regional medical programs, and nonprofit provider groups to develop area health education and service centers. Additional capitation grants would be authorized to assist HMO's to serve the medically indigent.

Enrollees would have a substantial policymaking role in the health maintenance organization, with the one-third representation on its policy determination board.

To assure the establishment of effective internal quality control standards by HMO's, and to promote national systems for quality health care, the bill would establish an independent Commission on Quality Health Care Assurance, in addition to preempting State legislation that would inhibit the operation of health maintenance organizations receiving assistance under this program. And to provide for an equitable and effective system to deal with medical malpractice claims with respect to health care providers approved under this program, the bill would establish an arbitration program, directly involving patients, and a Federal medical malpractice reinsurance program.

I am particularly encouraged that this bill recognizes the urgent health care problems confronting our rural areas, through its provisions under titles II and III to bring in health service organizations and to establish area health education and service centers.

Without the establishment of such systems of health care delivery, the Federal Government and the American people can only expect to continue paying the accelerating increase in health care costs. There will continue to be no competitive pressure to hold down these costs, and no options for the health care consumer to excercise any meaningful choice in obtaining services. And people will be required to continue seeking uncoordinated care from various specialists scattered over a wide geographical area, rather than have available a wide range of health care services provided by an integrated professional team at a single site.

I welcome the inclusion in the scope of services to be provided by an HMO under this bill, various home health, nutrition, and social services whose serious need I have discussed in the Senate on numerous occasions in connection with my introduction of relevant legislation. In addition, I intend to give close attention to the implementation of related services under the programs established under this legislation, including the provision of prescription drugs and the provision of vision care, whose vital need I have undertaken to address through legislation introduced to provide coverage for such services under medicare or under community programs of home health care established under a program of direct Federal grants.

I am concerned, however, that certain services would, in part, be provided on an optional basis—in particular, services in the areas of mental health and of extended care. I would urge that continuing serious attention be given to these important needs and that further action be taken in Congress to make such services fully accessible. However, the required incorporation of preventive dental services for children is an outstanding example of essential services that would be a constituent part of any HMO program.

Finally, among amendments added by the Committee on Labor and Public Welfare, that are strongly deserving of support, are provisions authorizing Federal contracts with HMO's to provide health care to Indians and to domestic agricultural migratory workers.

In a recent report to its board of sponsors, the Twin City health care development project, of Minneapolis-St. Paul, Minn.—which has been examining whether a central service mechanism can assist independent developing and operating HMO's—commented that:

The HMO . . . has excited considerable interest in the Twin City metropolitan area. This system of health care delivery in which comprehensive, continuous health care including preventive, diagnostic, outpatient and hospital services are provided to a voluntarily enrolled consumer population in return for a fixed prepaid amount of money is proving nationwide to be an efficient and effective system. At the present time it offers a hope for reducing or containing the high cost of health care.

The report notes HMO's that have been organized in Minneapolis by physicians in group practice, and it sees this particular organizational mode as reflecting the fact that Minnesota has the highest percentage of doctors in group practice of any State in the Nation. Another type is the hospital-based HMO, of which there are two plans currently operating in St. Paul. Another form of HMO could evolve from the pilot city health center, where a neighborhood health center assumes responsibility for the surrounding populations' primary, or ambulatory, health needs.

Perhaps the best known HMO operating in the Twin City area is Group Health Plan, Inc. of St. Paul, a nonhospital based model which is a member-owned nonprofit corporation. Group Health Plan, Inc., has operated since 1957 and presently has three clinics and 55,000 members. They include city of St. Paul, State, and University of Minnesota employees as well as a number of other groups in the Twin Cities.

The Senate Committee on Labor and Public Welfare, in reporting S. 14, indicates that Group Health Plan, Inc., is a type of HMO to which priority Federal funding assistance should be directed.

All of the current health care plans in the Twin City area are nonprofit corporations as stipulated under State law. It is my understanding, however, that the possible need for enabling legislation on the further development of HMO's is currently under debate.

Mr. President, effective Federal financial assistance is required if the HMO is to become a viable alternative for the delivery of health care across America.

It should be noted that substantial reductions have been made in aggregate appropriation authorizations provided under S. 14 as introduced, with authorized funds being cut back—as well as withdrawn in the reporting of title V as a separate bill—from over $5.1 billion to $1.5 billion in the bill as reported from committee. Although this reduction will necessarily limit the scope of programs to be assisted under this bill, the present level of authorizations clearly meets the test of fiscal responsibility, in the light of further health care program priorities for which Congress must provide adequate federal financial assistance. I believe that this figure represents a minimal level if the programs launched under this bill are to have any meaningful impact in improving the Nation's health care system. The administration's proposal to provide only $60 million for this purpose, under its budget for fiscal 1974, and in connection with the legislative proposal of very limited scope which it has submitted, is totally inadequate for the accomplishment of this vital task.

Mr. President, I urge the Senate and House to expedite the early enactment of the Health Maintenance Organization and Resources Act of 1973.

Mr. TAFT. Mr. President, I call up amendment No. 119.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

S. 14

Strike out all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'Health Maintenance Organization Assistance Act of 1973'.

"AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

"SEC. 2. (a) Section 1 of the Public Health Service Act is amended by striking out 'Titles I to XI' and inserting in lieu thereof 'Titles I to XII'.

"(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XII (as in effect prior to the enactment of this Act) as title XIII and by renumbering sections 1201 through 1214 (as in effect prior to the enactment of this Act), and reference thereto, as sections 1301 thorugh 1314, respectively.

"(c) The Public Health Service Act is further amended by adding after title XI the following new title:

"'TITLE XII—ASSISTANCE TO HEALTH MAINTENANCE ORGANIZATIONS

"'CONGRESSIONAL FINDINGS

"'SEC. 1200. (a) The Congress finds that—

"'(1) the medical care system is not organized in a manner which encourages the provision of medical care at reasonable costs;

"'(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventative health services; and

"'(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

"'(b) The purpose of this title is to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas. This purpose is to be accomplished through grants and contracts to encourage the establishment and expansion of health maintenance organizations.

"'DEFINITIONS

"'SEC. 1201. For the purposes of this title—

"'(1) the term "health maintenance organization" means a public or private organization which—

"'(A) provides to enrolled participants, either directly or through arrangements with others, at least those physician, hospital, and health maintenance services determined by the Secretary to be necessary for the provision of comprehensive health care and generally available on an insured or prepaid basis in the locality served by the organization;

"'(B) is compensated for the provision of such services to enrolled participants solely on a predetermined periodic rate basis except for such copayments by participants as the Secretary may, by regulation, authorize; and

"'(C) meets such requirements concerning its organizational structure and financial arrangements as the Secretary may, by regulation, prescribe for the purpose of assuring that—

"'(i) the organization bears the responsibility for the efficient and effective utilization of health care resources to meet the health care needs to participants,

"'(ii) the individuals, groups, and institutions within the organization or cooperating with it in the provision of health care services to participants share in that responsibility, and

"'(iii) the organization provides clearly identifiable focal points of responsibility for the purpose of all managerial, administrative, and service functions;

"'(2) the term "medically underserved area" means an area designated by the Secretary, after consideration of the recommendations (if any) of the appropriate State comprehensive health planning agency (designated by the State as required by section 314(a)(2)(A)) and the local area health planning agency (if any), as an area with a shortage of health services;

"'(3) the term "local area health planning agency" means the agency or organization responsible for the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) and covering the area in which the health maintenance organization operates or proposes to operate, or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria included in regulations, similar functions.

"'GRANTS TO AND CONTRACTS WITH HEALTH MAINTENANCE ORGANIZATIONS

"'SEC. 1202. (a) The Secretary is authorized, during the period beginning July 1, 1973, and ending with close of June 30, 1978, to make grants to any public or nonprofit private health maintenance organization, and to any public or nonprofit private entity intending to become a health maintenance organization, and to enter into contracts with any health maintenance organization or any entity intending to become a health maintenance organization, to—

"'(1) assist it in planning for the development or expansion of a health maintenance organization, and

"'(2) pay all or part of its initial operating costs incurred as a result of its operation in or expansion into a medically underserved area.

"'(b) No grant or contract may be made or entered into under subsection (a) unless the applicant for such grant or contract has provided assurances satisfactory to the Secretary that—

"'(1) it intends to form, create, or expand a health maintenance organization, if the application is for a grant or contract under clause (1) of subsection (a); and

"'(2) it intends to operate in a medically underserved area, if the application is for a grant or contract under clause (2) of subsection (a).

"'(c) A grant or contract pursuant to clause (1) or (2) of subsection (a) may not provide the assistance described therein for more than two years in the case of clause (1) or three years in the case of clause (2).

"'(d) In making grants and entering into contracts under clause (1) of subsection (a) the Secretary shall give priority to those applicants which will provide new or expanded health services to medically underserved areas.

"'GENERAL CONDITIONS

"'SEC. 1203. No grant or contract may be made or entered into under this title unless—

"'(1) the applicant provides assurances satisfactory to the Secretary that, at the time of its application or at such time thereafter as the Secretary may specify, it (A) meets or will meet such standards of financial responsibility as the Secretary may by regulation provide; (B) has or will have the capability to provide prompt, efficient, and economical comprehensive health care services, including institutional services, which meet quality standards established by it in accordance with regulations of the Secre-





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tary; and (C) has or will have a governing board which includes members who (i) have no financial interest in the organization other than as enrolled participants, (ii) are not receiving compensation for the provision of goods or services to the organization other than reasonable compensation for service as members of the governing board, and (iii) are neither employed by, nor members of the immediate family of, persons who have such an interest or are receiving such prohibited compensation;

(2) the State comprehensive health planning agency (referred to in section 1201(2)) and the local area health planning agency (if any) have had an opportunity to comment upon the application in a manner prescribed by the Secretary; and

(3) the applicant agrees to keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may find necessary for purposes of this title.

JOINT FUNDING

"'SEC. 1204. Pursuant to regulations prescribed by the President, where funds are advanced for a single project or program by more than one Federal agency to an organization assisted under this title, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"'WAIVER OF CONTRACT LIMITATIONS

"'SEC. 1205. Whenever the Secretary determines it to be in furtherance of the purpose of this title, contracts authorized under this title may be made, performed, amended, or modified without regard to such provisions of law or other regulations relating to contracts of the United States as the Secretary may specify.

"'AVAILABILITY OF APPROPRIATIONS

"'SEC. 1206. Sums appropriated for any fiscal year ending prior to July 1, 1977, for grants or contracts under this title shall remain available for obligation until the end of the fiscal year following such fiscal year.'

"SERVICES FOR INDIANS

"SEC. 3. Section 1 of the Act of August 5, 1954 (42 U.S.C. 2001), is amended by inserting '(a)' before 'All functions' and by adding at the end thereof the following new subsection:

"'(b) In carrying out his functions, responsibilities, authorities, and duties under this Act, the Secretary is authorized, with the consent of the Indian people served, to contract with private or other non-Federal health agencies or organizations for the provision of health services to such people on a fee-for-service, prepayment, or other basis.'."

Amend the title so as to read: "A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes."

Mr. TAFT. Mr. President, I have called up my amendment No. 119 in the nature of a substitute to S. 14, a bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a quality health care commission, and for other purposes—a bill which, in the committee version, seems to me to go far beyond the limits of what we presently know about this particular form of health care delivery and about the current state of quality in health care generally.

The problem we face in this Congress and in succeeding Congresses—and I hope that we can do something to solve this problem—is the problem of improving health care delivery services and making them available at a reasonable cost to all Americans who need them.

However, it seems to me that HMO is not the only method. I suggest, as I did in the committee, that with the experience we have had to date, we should have a pilot program dealing with HMO's.

I believe that the bill in its present form has structural requirements which are too rigid.

Its structural requirements are too rigid; it contains a multiplicity of redundant authorities; and it inappropriately proposes a vast regulatory system to to monitor the quality of medical care in health maintenance organizations.

It is unreasonable to expect that throughout a nation of diverse geographies, peoples and life styes—all communities interested in developing health maintenance organizations will want to follow an identical model. Practically, that is what this bill does.

The bill carries a pricetag of $1.5 billion, the payment of which cannot be met without the curtailment of other priority on-going programs.

I would suggest, too, that inevitably, I believe, in any subsidy of this size going into this area, we are going to be providing health care not only to the many who need it, for whom we want to provide the best possible health care services, but also to literally millions of other Americans who are quite willing and able to take care of their own medical needs, if not directly under the Kaiser plan and other plans, without the subsidy of medicare or medicaid in a direct way. I think there is ample testimony to that fact.

I think we all recognize, when we go into a $1.5 billion figure, that inevitably the benefits of the programs are going to go to many who, as I say, are not asking for it and do not desire it.

I agree that the HMO is a method for financing and providing health care that has won growing respect. It brings together into a single organization the physicians, the hospital, the laboratory and the clinic, so that patients can get the right care at the right moment. However, while it is clearly a new and useful health care approach for certain needs, it is just as clearly not the answer to all health care problems. It may even create a number of new ones.

I am not against experimentation and, the offering of this substitute amendment is not due to any lack of support for or interest in trying out the concept of health maintenance organizations. However, I do think it would be utter folly to proceed with a measure like S. 14 which implies that the case for health maintenance organizations is already established and almost exclusively provided as a remedy for our health care delivery problems.

The fact of the matter is that HMO's developed to date have moved with little or no Federal support other than medicare/medicaid. If we suddenly recommit the mistake of so many other Federal help programs—massive category bid—it will force the development of HMO's and health care delivery generally into a mold formed by a bureaucrat in Washington on his best guess of a pattern that might fit some special situation he is aware of, but likely little related to the problems of or opportunities in many other areas. We would be unduly hasty and most unwise to propagate by legislation a remedy for health care which has not yet passed any of the necessary tests. Before we even have a chance to get the test models off the ground, it is now proposed to fly with a whole fleet of HMO's.

I think in this area, as we have now come to realize in the area of defense procurement, we should adopt a fly-before-you-buy approach.

The results of developing HMO's with a wide variety of organizational configurations and sponsors to serve many contrasting geographical areas, need to be more widely demonstrated, and that, Mr. President, is an important supporting factor for my amendment. This amendment is designed to carry out the President's recommendations for a Federal program to assist in demonstrating the feasibility of health maintenance organizations as a part of our health care delivery system. It is identical to the administration's bill, S. 972.

In summary, this amendment would: First, establish a demonstration program assistance to public and private organizations to plan, develop and expand health maintenance organizations during the next 5 fiscal years.

The OEO, in its health services office, has been doing this, I find, in a number of programs, and presumably this office would take over from HEW in providing services in that connection.

Second, it would provide assistance in the form of grants and contracts for planning costs, with priority for medically underserved areas, as well as provide grants and contracts for costs of initial operation in medically underserved areas.

Third, it requires review of and opportunity to comment on applications by State and local health planning authorities.

Fourth, it authorizes joint funding for all Federal assistance to any health maintenance organization, with authority to waive normal contracting procedures if necessary; and

Finally, the Secretary of Health, Education, and Welfare would be authorized to carry out his responsibilities related to the provision of health care to Indians by contracting with health maintenance organizations.

The budget contains some $60 million to carry out these provision in fiscal year 1974.

I believe this amount can be used, and used wisely, and we can avoid a great deal of waste and perhaps a great deal of lost time in this direction by adopting this amendment, rather than maintaining a program in areas that are, in many ways, yet untried.



This seems to me a more reasoned approach than the bill reported from committee. As yet, we do not have ample experience to assess the impact and future viability of HMO's and any legislation to implement fully a concept which is still in the demonstration stage, would be unwise and premature.

Mr. KENNEDY. Mr. President, the subcommittee considered this proposal in its deliberations, and voted overwhelmingly against it. The full committee also had an opportunity to consider it, and rejected the proposal, and I think wisely so.

There are a number of very troublesome aspects to the proposal in the Senator's amendment, which I shall develop through colloquy with the distinguished Senator from Ohio. The most troublesome aspect of the amendment is that it represents a very broad granting of authority and power to the Secretary of Health, Education, and Welfare to set up entities which are not described, or defined within the amendment, and we would be doing it with taxpayers' funds, without any kind of assurance that we are going to develop, more effective or more efficient means of providing for the delivery of health care. I am not prepared to be one of those who would give absolute carte blanche to the Secretary of Health, Education, and Welfare, with the power and responsibility, in effect, to sign whatever agreement or contract may come before him under the vague, general definition of a health maintenance organization.

If we are going to commit taxpayers' funds here in Congress, it ought to be for very carefully prescribed functions, and certainly this amendment does do that.

Let me ask the Senator from Ohio if there is any authorization in his amendment.

Mr. TAFT. I would reply to the Senator that there is an authorization of $60 million for the first year.

Mr. KENNEDY. Could the Senator be somewhat more specific, and tell me, in the amendment we are now considering, what particular provision he refers to, that mentions the $60 million figure?

Mr. TAFT. There is not any authorization in the bill at the present time.

Mr. KENNEDY. There is no authorization at the present time?

Mr. TAFT. However, it is in the President's budget in this amount.

Mr. KENNEDY. It is in the President's budget. So we are, in effect, under the language of the amendment, providing such sums as may be appropriated. We are giving, in effect, a blank check to the President.

The Senator has indicated, as the sponsor of the amendment, that he had hoped the $60 million would be the figure which would be approved, but there is nothing in the legislation that would provide any kind of ceiling whatsoever in terms of the authorization.

Mr. TAFT. I would be glad to join the Senator in offering such an amendment, if he desires to offer one in that amount. I just point out that the $60 million is the authorization that there would be under the budget, compared with $1.5 billion, which I am sure that to any administrator under any program would mean he had absolute discretion to use at least $60 million in any direction he wanted to go.

Mr. KENNEDY. Does the Senator, in his amendment, find any provision defining how much of that $60 million would be used for loans or grants, or are we leaving that up to the discretion of the Secretary?

Mr. TAFT. I would represent to the Senator that this program of $60 million, as I think I have amply shown, is in the nature of a pilot program. Without giving broad discretion to the Secretary to make broad determinations as to which alternatives ought to be followed by the Secretary to see which programs do the best work, I do not see how we will ever come out with a program under which we could sensibly spend the kind of sums the Senator from Massachusetts is proposing to spend.

Mr. KENNEDY. With all due respect to my colleague from Ohio, we have tried in the pending bill to define the particular categories; that is, how much will be for construction, how much will be for loans, how much will be for initial development, and how much will be for planning. Here we will be giving an effective blank check to the Secretary. If it is $60 million, it is not indicated in the Senator's amendment that it is $60 million. He indicates that he is prepared to amend it. I have a series of questions, and if the Senator at the end of it wants to offer another substitute or another amendment to handle each or all of these, then we could consider that matter here.

Mr. TAFT. The authorizations in the particular programs under the Senator's bill are of such amounts, in my opinion, that there is a great deal of leeway in them, and waste. We simply do not have, from the testimony we have had before the subcommittee or the testimony before the committee, the basis on which to make the category allocations made by the bill as it came out of the committee—no substance for making a guess. They would all be purely arbitrary guesses.

Mr. KENNEDY. The Senator may have other amendments to make to the different provisions of our legislation and we can analyze them in detail, which I am sure we will over the course, but I was asking the distinguished Senator what the authorization is because it is not in the amendment as sums designated. The Senator has indicated that under the administration's budget, there will be $60 million. There is no definition as to how much will be in the form of loans, guarantees, or allocations for the development of HMO's. It is completely left to the discretion of the Secretary of Health, Education, and Welfare.

Let us look at what the definition of HMO's is on page 3 of the Senator's amendment. I read as follows:

(A) provides to enrolled participants, either directly or through arrangements with others, at least those physician, hospital, and health maintenance services determined by the Secretary to be necessary . . .

It says, "to be determined by the Secretary."

Then there is a wide range of services, to be determined by the Secretary. In other words, the Secretary will be saying how that money will be used and how it will be allocated and what the range of services will be. That would all be determined by the Secretary of Health, Education, and Welfare.

Let us go down a little further on page 3:

* * * for the provision of comprehensive health care and generally available on an insured or prepaid basis in the locality served by the organization;

"'(B) is compensated for the provision of such services to enrolled participants solely on a predetermined periodic rate basis except for such copayments by participants as the Secretary may, by regulation, authorize; and

"'(C) meets such requirements concerning its organizational structure and financial arrangements as the Secretary may, by regulation, prescribe * * *

Then it gives the indication. So we are effectively handing over to the administration the determination of the amount of money they want to have on this. That money will eventually be actually distributed and given to the Secretary to determine the range of services, what the definition of the HMO's will be, and the financial arrangements as well as the organizational structure of HMO's to be funded in this legislation. Congress will not be saying that. It is all there on pages 3 and 4—the organizational structure, the financial arrangements, all as the Secretary of Health, Education, and Welfare wants to provide.

Then we wo over to page 5 of the amendment under the heading "Grants to and Contracts With Health Maintenance Organizations."

It states in section 1202(a):

The Secretary is authorized, during the period beginning July 1, 1973, and ending with close of June 30, 1978, to make grants to any public or nonprofit private health maintenance organization, and to any public or nonprofit private entity intending to become a health maintenance organization, . . .

If that is not the biggest door through which to drive any kind of truck, then I have never seen one. Whatever the definition of an HMO may be, that will permit the Secretary to enter into contracts with any HMO which will be defined by the Secretary of Health, Education, and Welfare. He can say anything is an HMO.

If we do not have a blank check to give to the Secretary with his definition of HMO's, we sure do in section 1202, "Grants to and Contracts With Health Maintenance Organizations."

We can continue along to "General Conditions" on page 6 of the amendment, and they will respond to the question of developing quality control standards. This is described under "General Conditions" at the bottom of page 6—

. . . it (A) meets or will meet such standards of financial responsibility as the Secretary may by regulation provide; . . .

By whom? The Secretary of Health, Education, and Welfare, of course. Again the Secretary.

So we get regulations being made by the Secretary, the definition of HMO's being made by the Secretary, the expend-

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itures being made by the Secretary, and what will be funded defined by the Secretary.

The bill further requires that an HMO has or will have a governing board. Mr. President, do you think it indicates how many people will be on that governing board? We do not know. It requires members. How many members? We do not know.

It can be any number from 1 to 100. The governing board includes members, but there is no indication how many members. I guess the Secretary will decide that as well.

Then, if that is not enough of a grant of authority, it has a "joint funding" provision which, in effect, provides an absolute blank check. If we do not have enough money in HEW, then all we have to do is go over to DOD and see if they have any funds over there. Or go to any other agency because it is a joint funding provision. If I am wrong, I hope that the Senator from Ohio will correct me, but that certainly would be my interpretation of a joint funding provision.

Then the final provision—and this is a beauty, on page 8 of the amendment, entitled "Waiver of Contract Limitations," states:

Whenever the Secretary determines it to be in furtherance of the purpose of this title, contracts authorized under this title may be made, performed, amended, or modified without regard to such provisions of law or other regulations relating to contracts of the United States as the Secretary may specify.

So if the Secretary does not have a blank check before he gets that provision, we have written it right in there, and he can do anything he wants to with that $60 million. If that is what the Senate is prepared to pass as legislation, I think it is not only an abdication of legislative responsibility, but I daresay it would give to the Secretary of Health, Education, and Welfare, whoever he may be, whether Richardson or Weinberger—whoever he may be—a blank check to do just about whatever he would like to do.

It is for these reasons, and others, that the Health Subcommittee turned down this proposal overwhelmingly.

Mr. President, at this point I do not know whether the Senator from Ohio wants to suggest the absence of a quorum in order to get more Senators into the Chamber so that he may ask for the yeas and nays on his amendment, but in the meantime, I yield the floor.

Mr. TAFT. Mr. President, the Senator from Massachusetts does not seem to understand the basic concept of the amendment or the basic differences which exist between the amendment and the bill which is proposed to come out of the committee. The bill which is proposed to come out of the committee has such provisions in it, but let me give the Senate one of them.

On page 157 of the bill, under the heading "Capitation Grants," and so forth, it states:

There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; and $150,000,000 for the fiscal year ending June 30, 1976.

We have no basis whatsoever—absolutely no basis whatsoever, on the facts, knowing that these authorizations will be needed, or whether it will be too low or too high. This is the authority being asked, as a pig in a poke, from Congress at this point.

The reason there is no authorization specifically outlined over and beyond the budget request which is included in the $60 million figure in the amendment, in the proposal by the administration, is that it is—and I want to estimate exactly—that we should go about a pilot program sensibly and try to determine what form, or setup, or type of expenditures, or type of subsidy, will work most effectively in trying to promote the use of HMO's or other health delivery systems that are similar.

The bill assumes that we on the committee and we in Congress are all-knowing and have studied this subject and have a whole volume full of experience on which we are basing some great decision in these areas to come up with capitation grants in the first 3 years to total $440 million, along with the quality health care initiative awards, which are $225 million—and nobody knows what those are, either. This is flying completely blind, as I have indicated to the Senator in presenting this amendment.

Rather than making the mistakes that I think clearly are going to be made, he has built in the committee a basis, I suppose, for moving on to some general medical insurance program, or something of the sort, supposedly. If, somehow, the pattern we set up for HMO's does not work, if there is not a proper response, it will be said that HMO's have been tried and they are not successful in handling this problem. I think this is a lot of baloney. You have to take a look at what the record is, what has been proved, before you embark on a $1.5 billion program covering the entire area of health care in this country, if it really expanded and took the full $1.5 billion that is proposed under this amendment.

We are not ready for that yet; and the reason for the amendment is that we ought to give the broadest authority to the Secretary and those involved to try to experiment and see, on the basis of the small experience we have with HMO's to date, how we can best move into the field of effectively financing HMO's and getting them started.

The problem brought up by the Senator from Colorado, as to whether it ought to be an open or closed panel of physicians, is perhaps the first that has to be decided. If we have a closed panel, as I think would be mandated by the Senator's proposed legislation, we have not even given a shot to try the open approach, whereby an individual can go to his physician and ask for financing.

These questions are totally unresolved, and somehow we seem to direct to ourselves the decision to go ahead and spend vast sums of money, with the same mistake that has been made on many welfare programs in this country. The time to stop is now, and the time to get proper experience in this area is now; and the way to do that is to adopt this amendment.

Mr. KENNEDY. Mr. President, I say to the Senator from Ohio that I am glad to get into a position of analyzing the major proposal which is before the Senate. But he has offered an amendment, and I would think we would be talking about the particular points we have raised about his amendment. He is advocating that Members of the Senate support his amendment. I understand that we will deal with his arguments as we come into the question of defending the measure before the Senate. I wish he had responded to what is effectively a carte blanche. I think it is even worse than that.

I remind the Senator from Ohio that we had more than 40 days of hearings on this matter. If he says that he is not aware of the particular material that was developed there, I wish he had been able to become aware. All of us understand that we have many responsibilities, with an opportunity to spend some of that time as the subcommittee considered these hearings. We are all very knowledgeable and understanding of each other's responsibilities and duties, but we had more than 40 days of hearings. In the course of the afternoon, as these matters are challenged or debated, we will bring that out in the testimony we relied upon for the support of those proposals. To make a general statement that we have a massive bill and have not had hearings belies the facts.

The fact remains that we have in our proposed legislation carefully defined what an HMO is, the range of services, and the different provisions for a very specific reason, and that is the reason that the Senator from Ohio mentioned. We do not want it to be sufficiently broad and general in description so that it includes different HMO's or, as he said, whatever entity can be funded, and thereby waste the American taxpayers' funds. We are funding here health maintenance organizations that have had a trial record, some for 30 years. We have targeted the legislation so that we would not waste those funds. We have tried to narrow it as precisely as we could. If we made it general, there would be an opportunity for waste and duplication, which I do not think we are interested in.

Finally, listening to the Senator from Ohio talk about what a massive program this is, I point out that what we are talking about here is the coverage, over a 3-year period, of initially 3.5 to 4 million Americans. Just a year ago, when we had the Secretary of Health, Education, and Welfare before us, he said he wanted 80 percent of all Americans in these programs by 1980. That was the administration's spokesman who said that, when he appeared before our committee. Here we are talking about 3.5 million Americans over a 3-year period, taking us through 1976. So, measured against what the administration actually demanded of Congress last year, in the President's health message, this is an extremely modest and conservative proposal.

In the course of my opening statement, I mentioned that we passed a bill to achieve this in the amount of $5.1 billion last year—over a 3-year period. We thought there was sufficient justification for that. We are down now to $1.5 billion. We are willing, over a 3-year period, to cut the proposal.

So I think this is consistent with what the President has outlined in his message to Congress, which our committee took seriously during the course of the past year, when we developed the legislation and passed it last year. Now we have cut it effectively about 60 percent, in an effort to act responsibly because of the various spending ceilings. Yet, what we are authorizing here amounts to 7/10 of 1 percent of what we are spending on health in this country for a particular year at the present time. It is a modest program.

Particularly for the reasons I outlined earlier about the weaknesses in the program, I hope the amendment will be defeated.

I am prepared to vote. I would be interested in learning whether the Senator desires a voice vote or a rollcall vote.

Mr. TAFT. Mr. President, I advise the Senator from Massachusetts that I know that a number of other Senators on this side of the aisle have amendments they wish to bring up which contain provisions at which I would like to take a look. I am not going to force the Senate to go to a rollcall vote on this amendment, knowing that they will be going to votes on the succeeding amendments offered by the Senator from Colorado and probably the Senator from New York.

However, before going to a voice vote, I would like to comment on a couple of points.

The Senator said that the administration hopes to have 80 percent of all Americans covered by proper health care; and certainly for those who cannot afford proper health care or do not have it available at this time, that is a goal that I am sure has not been abandoned.

The question before us that we have to decide today is whether or not we are going about the kind of exploration and investigation that is necessary in order to provide that care properly and provide it at what will be an economical and a justifiable financial basis. The goal the Senator seems to be satisfied with, of going ahead now and providing it on a mandated category type of basis of choice made by the committee to date, without any basis of experience or even a guess on the part of witnesses who came before us as to exactly what the form ought to be, seems to me not to meet that goal at all, and to be far less likely to do so because it would bring about a particular category approach and not bring about the objective that needs to be met by 1980.

Mr. President, I think the difference could be stated in this way. The Senator complains about $60 million carte blanche. I would rather have $60 million carte blanche than a $1.5 billion blue-plate special cooked up by a bunch of apprentice cooks who have just come on the line. That is what this amounts to.

Mr. KENNEDY. Mr. President, in connection with the figures, I wish to read from a white paper entitled "Toward a Comprehensive Health Policy for the 1970's," the HEW statement of goals. This is what they say:



The goals of the Administration are to develop 450 HMOs by the end of fiscal year 1973, 100 of which would serve areas with a scarcity of health care resources. By the end of fiscal year 1976, the plan calls for 1,700 HMOs with the potential of enrolling 40 million people, 10 million of whom would be in families wth incomes under $8,000 a year. By the end of the decade, the goal will be to have a sufficient number of HMOs to enroll 90 percent of the population, if they desired to enroll. Most importantly, the choice of traditional modes of care would remain.

We are talking about 200 HMOs. The administration asks for 1,700. I wish we were able to develop 1,700. It would save the consumers a lot of money. But I want to make sure Senators know it is the administration that requested and committed itself to this but it has altered or changed its position. We have difficulty knowing where they stand on some proposals.

I am reading from the administration white paper again, entitled "Toward a Comprehensive Health Policy for the 1970's":

By the end of fiscal year 1976, the plan calls for 1,700 HMOs.

The pending bill would provide 200.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Ohio (Mr. TAFT) (putting the question).

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 113

Mr. DOMINICK. Mr. President, I call up my amendment No. 113, which is an amendment in the nature of a substitute.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, let me just take a moment to explain the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

Amendment No. 113 is as follows:

Strike everything after the enacting clause, and in lieu thereof insert the following:

That this Act may be cited as the "Health Maintenance Organization and Resources Development Act of 1973".

SEC. 2. (a) The Congress finds that—

(1) the medical care system is not organized in a manner which encourages the provision of medical care at reasonable costs;

(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventive health services;

(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

(4) the establishment of health maintenance organizations, will aid in alleviating the serious maldistribution of health care resources which has resulted in inadequate access to medical care particularly in both inner city and rural areas, in providing health care in a more efficient and economical manner, and in reorienting the health care system toward the maintenance of health;

(5) there is a need to provide technical assistance and resources to individuals and groups, undertaking the planning, development, and initial operation of health maintenance organizations and supplemental health maintenance organizations;

(b) The purpose of this Act is to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas by improving the system for the delivery of health care through encouragement of any support for the planning, development, and initial operation of health maintenance organizations and supplemental health maintenance organizations.

SEC. 3. Nothing in this Act, or any amendment made by this Act, shall be construed to supersede any activity relating to review of the provision of health care services under (including review and assessment of quality or quantity of such services or determination or reimbursement therefor) or to the determination of eligibility of any provider, practitioner, agency, or organization to participate under any program established under the Social Security Act.

TITLE I—HEALTH MAINTENANCE ORGANIZATIONS

SEC. 101. The Public Health Service Act is amended by inserting after title XI the following new title:

"TITLE XII—HEALTH MAINTENANCE ORGANIZATIONS

"PART A—SUPPORT OF HEALTH MAINTENANCE ORGANIZATIONS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'health maintenance organization' means an entity which—

"(A) provides as a minimum for all its enrollees (or subscribers) comprehensive health services (as defined in this section) which are uniformly available to all its enrollees (or subscribers) directly through its own staff and supporting resources or through a medical group or groups and such other additional services as may be required through other health delivery entities, for a fixed payment which (i) is to be paid on a periodic basis without regard to the frequency, extent, or kind of health service actually furnished to any particular enrollee; and (ii) is uniform for all its enrollees subject to rules and regulations regarding family rates;

"(B) demonstrates to the satisfaction of the Secretary ability to assure that appropriate comprehensive health services are available and accessible to all its enrollees promptly and in a manner which assures continuity;

"(C) demonstrates to the satisfaction of the Secretary financial responsibility through proof of adequate provision against the risk of insolvency;

"(D) is organized in such a manner (as prescribed by regulations of the Secretary) that assures its enrollees a substantial role

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(generally defined as one-third representation in the body establishing or recommending policy) in the making of policy for the health maintenance organization, with equitable representation of enrollees from medically underserved areas, and provides meaningful procedures for hearing and resolving grievances (i) between its enrollees and the health maintenance organization (including the medical group or groups and other health delivery entities providing health services), and (ii) between the medical group or groups providing health services and other employees and the health maintenance organization;

"(E) encourages and actively provides for its enrollees (i) health education services; (ii) education in the appropriate use of health services provided; and (iii) education in the contribution the patient can make to the maintenance of his own health;

"(F) has organizational arrangements for an on-going quality assurance program which stresses health outcomes;

"(G) provides, in accordance with regulations of the Secretary (including safeguards concerning the confidentiality of the doctor-patient relationship), an effective procedure for developing, compiling, evaluating, and reporting to the Secretary, data which the Secretary shall publish and disseminate on an annual basis) relating to (i) the cost of its operations, (ii) the patterns of utilization of its services, (iii) the availability, accessibility, and acceptability of its services, and (iv) such other matters as the Secretary may require and disclose at least annually and in a manner acceptable to the Secretary, such data to its enrollees and to the general public;

"(H) except for (i) out of area emergency care, and (ii) care reasonably valued in excess of the first $5,000 per enrollee per year, assumes direct financial responsibility without benefit of insurance, on a prospective basis for the provision of the comprehensive health services defined in this section;

"(I) has an open enrollment period, unless a waiver has been granted under section 1249, of not less than thirty days at least once during each consecutive twelve-month period during which it accepts individuals in the order in which they apply for enrollment up to its capacity, subject to the requirements of paragraph (K);

"(J) assumes responsibility for the provisions of health care services to its enrollees (and on a reimbursable basis for short-term health care services to enrollees of any other health maintenance, or supplemental health maintenance organization who are temporarily outside the service area of the health maintenance or supplemental health maintenance organization in which they are enrolled) twenty-four hours a day, seven days a week, and for the appropriate availability of such services in emergencies;

"(K) shall enroll no more than 50 per centum of its enrollees from medically underserved areas, except in rural areas as designated by the Secretary;

"(L) provides, or makes arrangements for, continuing education for its staff;

"(M) emphasizes the use of nurse practitioners, physician's assistants, dental therapists, and other allied health personnel and to the extent practicable and consistent with good medical practice, trains and employs such personnel in the rendering of services;

"(N) provides to its enrollees as an option, for an additional premium, extended care facility services, and dental services;

"(O) may purchase on a fee-for-service basis unusual or infrequently used health care services for its enrollees;

"(P) does not refuse enrollment to or expel any person for any reason concerning his health status or requirements for the provision of health services;

"(Q) provides for the prevention, diagnosis, and medical and psychological treatment of the abuse of or addiction to alcohol and drugs either through its own facilities or existing community facilities; and

"(R) meets such other criteria for its organization and operations as the Secretary may by regulation prescribe, consistent with the provisions of this title.

"(2) The term 'comprehensive health services' means health services provided without limitation as to time or cost as follows—

"(A) physician services (including consultant and referral services);

"(B) inpatient and outpatient hospital services;

"(C) home health services;

"(D) diagnostic laboratory, and diagnostic and therapeutic radiologic services;

"(E) preventive health (including but not limited to voluntary family planning, infertility services, and preventive dental care for children) and early disease detection services;

"(F) emergency health services rendered by any provider of health care, the expense of which shall be borne by the enrollee's health maintenance, supplemental health maintenance, or health service organization;

"(G) provision of or payment for prescription drugs (with patterns of patient drug utilization under continuous surveillance, evaluation, and review by a clinical pharmacist whose duties shall include the maintenance of a drug use profile for each enrollee);

"(H) medical social services;

"(I) vision care (except for eyeglassea which shall be optional) as provided by a physician skilled in the diagnosis and treatment of diseases of the eye, or by an optometrist provided such services are within the scope of his license;

"(J) physical medicine and rehabilitative services (including physical therapy);

"(K) mental health services utilizing existing community mental health centers on a priority basis;

"(L) preventive diagnostic and medical and psychological treatment of the abuse of or addiction to alcohol and drugs; and

"(M) such other personal health services as the Secretary may determine are necessary to insure the protection, maintenance, and support of human health.

"(3) The term 'medical group' means a partnership or other association or group of health professionals of whom not less than four and at least a majority shall be persons who are licensed to practice medicine or osteopathy, and such other licensed health professionals as are necessary to provide comprehensive health services and who are eligible for assistance under this Act, in conformance with requirements promulgated under section 1302, in a State and who (A) as their principal professional activity engage in the coordinated practice of their profession as a group responsibility providing services to health maintenance or health service organization enrollees; (B) if not employees or retainees of a health maintenance organization, or health service organization, pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account plan; (C) jointly use or share medical and other records and substantial portions of major equipment and professional, technical, and administrative staff; (D) share or jointly utilize such additional health and allied health professionals, who may include but are not limited to psychologists and other mental health workers, optometrists, pharmacists, podiatrists, dental therapists, physician's assistants, nurse practitioners and nurse midwives, as are needed to provide comprehensive health services; and (E) arrange for and encourage the continuing education of their members in the field of clinical medicine and related areas.

"(4) The term 'enrollee' when used in connection with a health maintenance organization or supplemental health maintenance organization (as defined in part B) means an individual who has entered into a contractual arrangement, or on whose behalf a contractual arrangement has been entered into, with a health maintenance organization or supplemental health maintenance organization under which such organization assumes the responsibility for the provision of health services to such individual.

"(5) The term 'medically underserved area' means an urban or rural area or population group designated by the Secretary as an area or population group with a shortage of personal health services. Such a designation may be made by the Secretary only after consideration of the comments, if any, of (A) each State comprehensive health planning agency designated pursuant to section 314(a) of this Act covering, in whole or in part, such area, (B) each areawide comprehensive health planning agency designated pursuant to section 314(b) of this Act, covering, in whole or in part, such area, and (C) regional medical programs established pursuant to title IX of this Act, covering, in whole or in part, such area.

"(6) The terms 'construction' and 'cost of construction' include (A) the construction of new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings, including architects' fees, and (B) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered with assistance under this title.

"(7) The term 'high-risk enrollee' means a person who is likely to utilize the services of a provider of health care more often than an actuarially determined average.

"GRANTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 1202. (a) The Secretary may make grants, subject to the general provisions of this title, to public or private nonprofit agencies, organizations, or institutions to assist in projects for planning or studying the feasibility of developing or expanding health maintenance organizations. No project may receive more than $250,000 in grants under this section. Funds awarded under such grants shall be available for expenditure by the grantee for such period (not to exceed two years from the date of award) designated by the Secretary.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL DEVELOPMENT COSTS

"SEC. 1203. (a) The Secretary may make grants, subject to the general provisions of this title, to any public or private nonprofit agencies, organizations, or institutions, to assist them in meeting the costs involved in a project for the initial development of a health maintenance organization prior to its first day of operation. No project may receive more than $1,000,000 in grants under this section.

"(b) Sums awarded under such grant shall be available for expenditure by the granted for not more than three years, and shall be utilized for such purposes as may be prescribed in regulations of the Secretary, including but not limited to (1) implementation of an enrollment campaign; (2) detailed design of and arrangements for the health services to be provided; (3) development of administrative and internal organizational arrangements, including fiscal control and fund accounting procedures and the development of a capital financing program; (4) recruitment of personnel and the conduct of personnel training activities; and (5) payment of architects' and engineers' fees.

"(c) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(d) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION GRANTS

"SEC. 1204. (a) The Secretary may make grants, subject to the general provisions of this title, to assist any public or private nonprofit health maintenance organization or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization in meeting the cost of construction of facilities or portions of facilities for ambulatory care and capital investment for necessary transportation equipment, to be used by it for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for grants for the acquisition or renovation of existing facilities. Except for exceptional circumstances, in which case up to 90 per centum of the cost of construction (as determined by the Secretary) may be authorized by the Secretary, no grant under this section for any project may exceed 75 per centum of the cost of construction of such project. No project may receive more than $2,500,000 in grants under this section.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $40.000.000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION LOANS

"SEC. 1205. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization, or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization, to assist it in meeting the cost of construction of facilities for ambulatory care and transportation services for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for loans for the acquisition or renovation of existing facilities. No loan under this section for any project may exceed 90 per centum of the cost of construction (as determined by the Secretary) of such project.

"(b) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"LOANS FOR INITIAL COSTS OF OPERATION

"SEC. 1206. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization to assist it in meeting, for the period prescribed in subsection (b), a portion of its initial operating costs in excess of gross revenues determined under regulations of the Secretary.

"(b) Loans under this section for initial costs of operation may be made only for the period beginning with the first day of the first month for which such a loan is made and ending with the close of three years after such first day; and such loans with respect to any project may not exceed 60 per centum of such costs of operation, for the first year after such first day; 40 per centum of such costs for the second year after such first day; and 20 per centum of costs for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"PART B—SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS

"SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS

"SEC. 1207. The Secretary may make grants and loans to supplemental health maintenance organizations (as defined in section 1209) from funds appropriated pursuant to authorizations under part A of this Act for the purposes described in part A in amounts not to exceed 33⅓ per centum of the amounts appropriated under such part except that the Secretary may make such grants and loans in excess of 33⅓ per centum of such amounts from funds available during any fiscal year after all applications from qualified applicants under part A have been fully funded. Such grants and loans shall be for the same purposes, and subject to the same conditions and limitations as are applicable in the case of grants and loans to health maintenance organizations (as defined in section 1201).

"DEFINITIONS

"SEC. 1208. For the purposes of this part and part E—

"(1) The term 'supplemental health maintenance organization' means a public or private organization which—

"(A) provides, either directly or through arrangements with others, health services to individuals enrolled with such organization on a per capita prepayment basis;

"(B) provides, either directly, or through arrangements with others and through institutions, entities, and persons meeting the applicable requirements of section 1861 of the Social Security Act, all those health services which a defined population might reasonably require in order to be maintained in good health, including as a minimum emergency care, inpatient hospital and physician care, ambulatory physician care, and outpatient preventive medical services;

"(C) provides physicians' services (i) directly through physicians who are either employees or partners of such organization, or (ii) under arrangements with one or more groups of physicians (organized on a group practice or individual practice basis) under which each such group is reimbursed for its services primarily on the basis of an aggregate fixed sum or on a per capita basis, regardless of whether the individual physician members of any such group are paid on a fee-for-service or other basis;

"(D) demonstrates to the satisfaction of the Secretary proof of financial responsibility and proof of capability to provide comprehensive health care services, including institutional services, efficiently, effectively, and economically and in a manner which assures continuity;

"(E) has arrangements for assuring that the health services required by its enrollees are received promptly and appropriately and that the services which are received meet quality standards which it establishes; and

"(F) is organized in such a manner as to emphasize local initiative and consumer and community involvement in the planning, development, and operation of such supplemental health maintenance organization and seek to insure prompt response to local initiative."

TITLE II—GENERAL REQUIREMENTS

SEC. 301. The Public Health Service Act, as amended by this Act, is further amended by inserting after part B of title XII the following new parts:

"PART C—GENERAL PROVISIONS

"GRANTS AND LOANS

"SEC. 1220. (a) Any loan by the Secretary shall bear interest at a rate comparable to the current legal rate of interest prevailing with respect to loans which are guaranteed under section 1241. No payment of principal on a loan shall be required for the first five years after such loan is made.

"(b) No such loan shall be made unless—

"(1) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"(2) the application provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(c) Any such loan shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions, (including provisions for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

"(d) No such loan shall have a term in excess of fifteen years.

"(e) The Secretary may, for good cause, waive any right of recovery which he has by reason of the failure of a public organization to make payment and interest on a loan under this section.

"LOAN GUARANTEES AND INTEREST SUBSIDIES

"SEC. 1221. (a) In order to assist private health maintenance organizations and supplemental health maintenance organizations (or entities intending to become either), to carry out construction projects for ambulatory care facilities and transportation services, to meet their initial development costs (for not more than three years) or to meet their cost of operation for not more than three years), the Secretary, during the period beginning Janaury 1, 1974, and ending with the close of June 30, 1976, may, in accordance with the provisions of this section, and subject to the general provisions of this Act (A) guarantee to non-Federal lenders making loans to such organizations for such purposes, payment of principal of and interest on such loans which are approved under this section, and (B) in the case of nonprofit health maintenance or supplemental health maintenance organizations, pay to the holder of such loans (and for and on behalf of the organization which received such loan) amounts sufficient (not to exceed 3 per centum per annum) to reduce the net effective interest rate otherwise payable on such loan. No loan guarantee or interest subsidy under this section may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to or be made for an amount which, when added to any grant



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and we at that point got it down to $1.5 billion. That is a decided improvement over the amount proposed last year, and it is a decided improvement over the bill as it passed the Senate last year; but it is still way above the administration's bill, and the bill pending in the House.

So to those who, like myself, are interested in getting a bill enacted into law rather than using it as a flag around which to rally troops, it seems obvious that we are not going to get such a bill. We are either not going to get agreement with the House or we are not going to get it passed over a veto, and I am relatively sure of a veto as a result of the budget proposals which we have already put into legislation we have passed—some $280 billion for the next year. So even the Senate would not override the veto of a bill providing $1.5 billion.

Let us suppose we compromise with the House. What is a compromise between $280 million and $1.5 billion? It is pretty hard to get together, but let us suppose we come up with $700 million. We are still talking about 10 times more than what the administration has recommended, and certainly we are not going to get that amount of money out of the Appropriations Committee. Consequently, this is going through the usual fancy language that we do so many times in the Senate by promising, in broad, sweeping terms, that we are going to take in half the Treasury, and by so doing cure the problem.

We give rise to greater expectations than can be satisfied with the amount of money we will provide. Then they find they are not going to get the money they expected. It leaves a lot of disappointed people by leading them to expect Congress would do something that no appropriation bill will carry through on.

So I asked my staff to draft a proposal which would only—and I emphasize the word "only"—deal with the HMO's because we have a great many titles and a great many dollars in the bill which have absolutely nothing to do with, or very little to do with, HMO's.

One of the items we have, for example, is the capitation subsidy. We did get that changed in committee, on my motion. Originally the capitation subsidies went on forever, but they were limited to the 3-year period of the bill.

But I ask my colleagues, if the capitation subsidies are to be the method by which we get the HMO's together and make sure that there is a large enrollment, why in the world do we need the other parts in there to get the HMO's going just do it on the capitation subsidies?

So what we have done in the substitute is cut out all the provisions which do not deal with the HMO's.

Let me give some examples, for the purposes of the record, of what we have cut out.

Incidentally, I send to the desk two perfecting amendments, which are minor and technical in nature, but which go with the substitute, and ask that they be considered as a part of the substitute.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The modifications are as follows:

On page 17, line 18, following the period after the word, "funded", insert the following: "Not less than 50 per centum of the funds available for grants and loans to supplemental health maintenance organizations under this section shall be reserved for such organizations operating in non-metropolitan areas."

On page 11, after line 25, insert the following new paragraph:

"(8) The term 'non-metropolitan area' means an area no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget, and does not contain a city whose population exceeds fifty thousand persons."

On page 8, line 18, strike the comma following the word, "maintenance", and in lieu thereof insert the word, "or"; on line 19, strike the words, "or health service".

On page 10, line 2, beginning with the word, "or", strike through the word "service", on line 3; on line 4, beginning with the word, "or", strike through the comma following the word "organization" on line 5.

On page 17, line 24, strike the letter "E", and insert in lieu thereof the letter, "C".

On page 30, line 17, strike both commas, and insert in lieu of the first comma the word, "or"; on line 18, strike the words, "or health service organization".

On page 31, line 12, beginning with the word, "health", strike through the comma.

Mr. DOMINICK. What we have done in the substitute is considerably more extensive than the Senator from Ohio (Mr. TAFT) was talking about. We are authorizing in the proposed substitute $385 million for HMO's, of which two-thirds would be used for closed panel HMO's as defined under part A of title I, and one-third would be used for supplemental HMO's under part B.

The pending bill, S. 14, has two provisions in it. The first is for closed panels HMO's. The Senator from Massachusetts (Mr. KENNEDY) was kind enough to accept an amendment which was included in the bill last year in committee and on the floor, in which 17.5 percent of that would be used for other types of HMO's.

In the process of the debate, the Senator from Massachusetts was also kind enough to accept the amendment which I offered to provide that any money not used for the closed panel HMO's could be used for the other foundation types of HMO's.

Over and over again I have heard in the process of this discusion that we need all of this money for the purpose of promoting health care delivery systems which are different from the ones we now have. Frankly, neither the closed panel nor the foundation type is new. They are being used now. As I said in my opening statement, closed panel HMO's are now in operation. Kaiser-Permanente, has been operating on the west coast since World War II.

So, what we are doing here is dealing with one type of relatively experimental group which we would like to see funded at a higher level than in the past, given some Federal assistance, but not tying it to one type of health care delivery system with too much money, the net effect of which will be that we will not have any bill at all.

In addition, we have in S. 14, as it is now put together, a thing called the Quality Health Care Commission. This has nothing to do with HMO. This is designed to develop quality standards for all doctors, whether they are in an HMO or not. In fact, the qualifications which they have to meet under quality health care standards would pretty much mean that the rural doctors who have been in family practice in particular for a great number of years would have a very hard time in qualifying and might even find that they would not even be allowed to practice.

We have been trying to get around that. However, I am not sure that we have got that done in S. 14 as reported. And since it does not have a thing specifically to do with an HMO, we have stricken that also.

Then we have stricken the so-called Quality Health Care Initiative awards of some $225 million which, again, have nothing to do with the HMO concept.

We have also stricken the direct grants for initial operating subsidies and have increased funds available for loans for that purpose.

In making these changes, we would be restricting the scope of the bill to development of HMO's so that it might be the basis of a compromise between the House and Senate. I would hope that it would. I think we need to make Federal assistance available for development of new types of delivery mechanisms. The authorization level which I have put into it is $385 million. They are identical to those in title I of S. 14, except with regard to the initial operating costs. Where S. 14 would authorize $85 million for grants and $85 million for loans, we authorize $125 million for loans only for this purpose.

Title II of the proposed substitute consists of the general requirements provisions of title III of S. 14, which includes authority for loan guarantees and interest subsidies for construction, development, and initial operation of HMO's.

The provisions of S. 14, as proposed by the committee, and the provisions here are distinguishable, as I said, by nature of the fact that I cut out title II, the quality health care Commission, and the capitation grants and the initiative awards. And it seems to me that now we are dealing with a bill which specifically directs itself to what the committee as a whole was trying to accomplish; namely, to provide Federal assistance for development of health maintenance organizations.

This will do it. It is still $100 million above what the House bill is. It is still under the committee proposal and more than six times the amount of the administration proposal.

This, however, is a far cry from the $1.5 billion which the Senator from Massachusetts, as the author of the bill, has in the bill agreed to by the committee.

I feel very strongly that we ought to be doing some of these things. We ought to give Federal assistance to make sure that health care is available. However, I do not think that we will get this done with the bill as it came out of committee.

As I have said in my minority views, that is one of the main reasons why I voted against it when it was reported out, and it is my hope that, if we can



adopt the substitute, we will be able to get some legislation eventually through and enacted into law. I do not think that we will be able to do so in any other way.

Mr. President, I am a pragmatist, but I believe very strongly in the fact that, if we try to get something through, we have to put it in a context in which it is not anathema to everybody. The $5 billion was anathema from the beginning. The $1.5 billion is a smaller hump on the camel. However, it is still awfully big. We will never get any legislation with this type of bill.

With the substitute, we have a good chance of getting something which we can live with, getting something which will be of assistance both to the proposed panel-type and to the other supplementary-type health organizations, and will start a new method of funding for quality health care acceptable to everyone—at least it would be my hope that it will be; and it is reasonable, from the evidence and the testimony we have received and from the efforts that have been made by a number of individual medical societies around the country, that I would think we would have a good start on it at this time.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY: Mr. President, as the Senator from Colorado mentioned in his opening remarks, we have been examining different parts of this legislation for a number of years, and we in the Subcommittee on Health, and the Committee on Labor and Public Welfare, and again here on the Senate floor have become fully aware of the implications of the changes advocated by the Senator from Colorado; but since we debated them fully in the course of the debate last year in some detail, I shall speak only briefly concerning them today.

We recognized, at the outset of the consideration of this legislation, that approximately 96 percent of the health care delivery in this country is done on a fee-for-service basis, and about 4 percent is done through some kind of prepaid group practice system. We virtually have a monolithic system of deliverying health care, and there are many doctors within the system who would prefer to keep it that way.

So what we are attempting to do, in a very modest way, is raise that 4 percent perhaps another 5 percent, to include some additional 5 million Americans, so that instead of the ratio being 96 to 4, it might be 90 to 10, and we will begin to create at least an alternative way and means for delivering health care in this country. What we are attempting to do with this legislation is support the development of at least some alternative, so that we will get some degree of competition within the system. This was really an important part of the basis for the development of the legislation.

The kinds of programs that we would be supporting are programs that vary from the Kaiser-Permanente type program, the Puget Sound group, the Rural Health Associates program up in Maine, to the Harvard program in Massachusetts, the Ross-Loos program in Los Angeles, or the GHA program in the District of Columbia. These programs vary as to the time they have been in existence, but for the most part are widely accepted by the subscribers themselves, and we feel that even though $1.5 billion is a great deal of money, it still, as I mentioned earlier, is a very small percentage, less than 1 percent, of the total amount that is actually expended for health care by this country every year.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. KENNEDY. I yield.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. I thank the Senator from Massachusetts.

Mr. KENNEDY. So I do feel Mr. President, that the dollar figure we are talking about in this legislation is not excessive. It is a great deal of money, but we are expending a great deal of money every year. Every consumer, every patient, is spending amounts that total billions of dollars every year, and we find the general rise in health costs exceeding all other increases; the Consumer Price Index reflects that. What we are attempting to do is attack the problem in a positive, constructive, and real way.

Addressing myself specifically to the proposal of the Senator from Colorado, I would point out, first, that it eliminates the Commission on Quality Health Care Assurance. I believe the Senator recognizes, as Congress has heretofore recognized it, the importance of developing at least some review of the quality of health care in this country.

We find that the availability of quality medical care in this Nation varies widely between various communities, and even between some of the great medical centers. So what we are trying to develop in this legislation is a Commission on Quality Health Care Assurance to collect various materials and data.

The peer review groups will be developed locally: We are not establishing an omnipotent Federal board. What we are doing is requiring that there be some quality review mechanism in every locality in this country, so that we can begin to develop some kind of quality standards, so that people will know, when they go to a doctor, that they will be able to get quality health care. I believe this is terribly important.

With some notable exceptions, in various parts of this country people cannot be assured of that now. So it seems to me imperative that we develop some form of quality control.

What we are not doing, as might be inferred from the Senator from Colorado's remarks, is require that every doctor in the country be qualified by the Commission on Quality Health Care Assurance. The program is strictly voluntary. If you are going to become a member, and participate in the Federal taxpayers' funds, however, you will be included within the general scope of the quality control mechanism. But we are not requiring that every doctor treating any patient in this country be overseen by the commission. So it is important to emphasize, at the outset, that this is a completely voluntary system.

I think a good argument can be made for improved standards in the health care field. We require conformance with standards by those who fly airplanes; they have to fly a certain number of hours every month, or have a certain number of takeoffs and landings, or lose their accreditation. Everyone who flies on airlines understands that. But we do not now require uniform standards for doctors in this country. I hope eventually we will have at least some degree of quality control which will be supported by the medical profession; but this legislation does not provide that, and anyone who supports it ought to understand that we are not requiring that under this legislation. We are requiring it for those who are going to be a part of the health maintenance organization system, or receive other assistance under the Public Health Service Act and Mental Retardation Facilities and Community Mental Health Centers Construction Act.

The Senator's amendment would also eliminate initiative awards. What is the initiative award designed to do? If an existing or proposed health maintenance organization wants to participate under the benefits of this legislation and, therefore, must have a quality control mechanism, it probably will cost them a little more in administrative expenses—perhaps 1 or 2 percent; we are leaving that open. We indicated that we thought it might be 2 percent, under earlier legislation, but we are leaving the amount open, because we did not have precise information, and we thought that in at least that one area the Secretary of Health, Education, and Welfare could determine the appropriate amount.

We are trying to offset the initial administrative cost for a health maintenance organizations when these items of additional cost are necessitated under the quality control provisions. We think that is in the public interest. When a group of doctors want to be able to join the quality care delivery system, so they can assume subscribers of that HMO that they will get high quality health care there should be a Federal carrot to help assist them to move in that direction, particularly when that delivery system may be competing with another system of delivery of health care which is not complying with requirements which are as high. That is not giving those assurances to the consuming public, certainly to the extent that there is some small administrative additional cost which I think should be underwritten by the Government itself. So we have the initiative awards, the Quality Control Commission, and we are supporting the various HMO's that have a track record of beneficial service to the people.

The clearest indication of this has been the fact that the consumers are happy. They are subscribing to the various programs, and therefore, we support them in a way which, as I mentioned earlier, is extremely modest, particularly given the kind of suggestion made by the administration in its testimony 2 years ago when, under its own proposal, there would be set up as a goal 8 times the number of HMO's we are including in this legislation. They wanted Congress to support

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an effort to make it 8 times the amount actually included in here. So we are supporting a health delivery system that will be about one-eighth the goal of by the administration's request. I think that is modest.

Finally I have a [illegible] to exercise under section 711 of the Public Health Service Act the authority to support new and other types of experimental programs on the delivery

that a great job some of the closed panel HMO's have done in this country. I think that probably they have done a pretty good job. But, then, they have been in existence since World War II.

What it obviously points to is that we do not even have Federal assistance to enhance those gains, but that even though they have been here since World War II, only about 1 percent, at most, some 2 million of the United States population are enrolled in them voluntarily. Have not

funded under the bill would ever be economically viable without Federal subsidies. You could not make it economically viable. They are going to have an open enrollment period with reputable [illegible] and that means you are not going to get an economically viable level of participation be it open or closed.

So it seems to me that that provision ought to go out, no matter what happens to the subsidy. Since these subsidies are also direct payments for health care



[illegible] one of the reasons why I am making my statement. I said there [illegible] be something in the quality health [illegible] and initiative awards that may be [illegible] but let us see. It separately and [illegible] and not put it in the package. Mr. administrator, I would [illegible] and would phase out title II. [illegible] to $181 million instead of a billion.

Mr. President, [illegible] Massachusetts is proud [illegible] bring to level off that [illegible] and to provide the discretion to be Secretary of HEW to close those down types.

Let me point out that hopefully [illegible] we do have what Assistant Secretary for Health Eugenia Rose Wilder [illegible] has testified on numerous occasions that [illegible] and would phase out title II. [illegible] to $181 million instead of a billion.

Mr. President, [illegible]

Mr. CURTIS. Will the Senator yield?

Mr. KENNEDY. [illegible]

Mr. CURTIS. Will the Senator be prepared to [illegible] and greater cost containment in the HMO program?

Mr. KENNEDY. [illegible]

Mr. CURTIS. Will the Senator be prepared to [illegible] in those areas?

Mr. KENNEDY. [illegible]

or other loan under this or any other law of the United States, is—

"(i) with respect to any construction, in excess of 90 per centum of the cost of such construction,

"(ii) with respect to initial development costs, in excess of 90 per centum of such costs, or

"(iii) with respect to initial operating costs, in excess of 90 per centum of such costs.

No such loan guarantee may apply to more than 90 per centum of the loss of principal and interest on the loan.

"(b) The Secretary may not approve the application of a health maintenance organization, or supplemental health maintenance organization unless—

"(1) he determines, in the case of a loan for which a guarantee or an interest subsidy payment is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States;

"(2) the term of a loan for which a guarantee and interest subsidy is sought does not exceed twenty-five years if for construction, or fifteen years if for operating costs, or such shorter period as the Secretary prescribes; and

"(3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require.

"(c) Guarantees of loan and interest subsidy payments under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(d) In the case of any loan guaranteed under this section, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to such guarantee unless the Secretary, for good cause, waives his right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made

"(e) Any guarantee of a loan under this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(f)(1) There is established in the Treasury a Health Maintenance Organization, Loan Guarantee and Interest Subsidy Fund (hereafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts (A) to enable him to discharge his responsibilities under guarantees issued by him under this title, and (B) for interest subsidy payments authorized by this title. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required by the fund. To the extent authorized from time to time in appropriation Acts there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this title, including any moneys derived from the sale of assets.

"(2) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this title to meet the obligations under guarantees of loans under subsection (a) or to make interest subsidy payments on such loans, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(g)(1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Acts.

"(2) In any fiscal year no loan guarantee or agreement to make interest subsidy payments may be entered into under this title if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"(A) the principal of the loans guaranteed under this title in such fiscal year, and

"(B) the principal of the loans for which no guarantee has been made under this title and with respect to which an agreement to make interest subsidy payments is entered into under this title in such fiscal year,

to exceed the amount of grant funds obligated under this Act in such fiscal year; except that this paragraph shall not apply if the amount of grant funds obligated under this title in such fiscal year equals the sums appropriated for such fiscal year under this title.

"APPLICATION REQUIREMENTS

"SEC. 1222. (a) No grant, contract, loan, loan guarantee, or interest subsidy may be made under this title unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, consistent with subsection (b) (1), as the Secretary shall by regulation prescribe.

"(b) (1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall include to such extent, in such manner and among such other matters as the Secretary may by regulation prescribe, satisfactory specification of the existing or anticipated (A) population group or groups to be served by the existing or proposed health maintenance organization or supplemental health maintenance organization described in the application, (B) enrollment for such organization, (C) methods, terms, and periods for the enrollment of enrollees, (D) nature and estimated costs per enrollee of the health care and educational services to be provided, (E) sources of professional services, and organizational arrangements for providing health care and educational services, (F) organizational arrangements for an ongoing quality assurance program, (G) sources of prepayment and other forms of payment for the services to be provided, (H) facilities available for and additional capital investments and sources of financing therefor, requirement to provide the level and scope of services proposed, (I) administrative, managerial, and financial arrangements and capabilities of such organization, (J) role for enrollees in the planning and policymaking for such organization, (K) grievance procedures for enrollees, staff, and employees, and (L) evaluation or evaluations of the support for and acceptance of such organization by the population to be served, the sources of operating support, and the professional groups to be involved or affected thereby. An organization making multiple applications for assistance under this title simultaneously or over the course of time shall not be required to submit duplicate or redundant information but shall be required to update the description of the existing or proposed organization in such manner and with such frequency as the Secretary may by regulation prescribe.

"(2) Upon completion of assistance under this title, the recipient of assistance shall make a full and complete report to the Secretary, in such manner as he may by regulation prescribe. Each such report shall include, among such other matters as the Secretary may by regulation prescribe, descriptions of plans, developments, and operations in those areas enumerated in paragraph (1) for specification in applications for assistance.

"(c) A health maintenance organization or supplemental health maintenance organization, receiving assistance under this title shall submit to the Secretary as a condition of its continued assistance, satisfactory assurances, in accordance with such regulations as the Secretary shall prescribe, including but not limited to the following: (1) financial responsibility, and (2) development and operation consistent with the terms of this title and the plans contained in such organization's application or applications for assistance. As used in this subsection the term 'financial responsibility' means the demonstrated capability to adequately carry out the purposes of the project for which the original assistance was made.

"(d)(1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall contain assurances satisfactory to the Secretary that the applicant will, in accordance with such criteria as the Secretary shall by regulation prescribe, enroll the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve; except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"(2) No grant may be made and no loan, loan guarantee, or interest subsidy payment may be made under this title unless the applicant demonstrates to the satisfaction of the Secretary that the applicant will or has enrolled, and will maintain an enrollment of, the maximum number of persons that is available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve, except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.



"(e)(1) The Secretary may not approve an application submitted under section 1203, 1204, 1205, 1206, or 1207 unless the section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) the area to be served by the health maintenance organization, supplemental health maintenance organization, or health service organization for which such application is submitted, or if there is no such agency, the section 314(a) State health planning agency whose section 314(a) plan covers (in whole or in part) such area, has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendations respecting approval of the application. If under applicable State law such an application may not be submitted without the approval of the section 314(b) areawide health planning agency or the section 314(a) State health planning agency, the Secretary may not approve such an application unless the required approval has been obtained.

"(2) The Secretary shall by regulation establish standards and procedures for section 314(b) areawide health planning agencies and section 314(a) State health planning agencies to follow in reviewing and commenting on applications for assistance for health maintenance organizations, health service organizations, and other applicants for assistance under this Act.

"(f) If in any fiscal year there are insufficient funds available for funding of all approved applications for assistance under section 1202, 1203, 1204, 1221, 1222, 1223, or 1224 of this title, the Secretary shall, subject to the priorities in sections 1202(b), 1203(c), and 1204(c), give priority to those applicants which he determines are the most likely to be economically viable.

"EFFECT ON STATE LAW

"SEC. 1223. (a) Notwithstanding any provisions of State law which—

"(1) require approval of a health maintenance organization or supplemental health maintenance organization by a medical society;

"(2) require that physicians constitute all or a majority of the governing body of a health maintenance organization or supplemental health maintenance organization;

"(3) require that all physicians or a percentage of physicians in the local medical society be permitted to participate in rendering the services of the organization;

"(4) require that such organization submit to regulations as an insurer of health care services;

"(5) require that only unincorporated individuals or associations or partnerships may provide health care services;

"(6) prohibit advertising by a professional group for recruitment of enrollees; or

"(7) impose requirements or restrictions on a health maintenance organization or supplemental health maintenance organization in a manner, determined by the Secretary, to be incompatible with this title,

a health maintenance organization or a supplemental health maintenance organization which otherwise conforms with the laws for incorporation and laws for licensing of physicians, osteopaths, and dentists in such State shall be allowed to provide health care services in such State in accordance with the provisions of this title.

"PAYMENT OF GRANTS

"SEC. 1224. The amount of any grant under this title shall be determined by the Secretary. Payments under such grants may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"PROHIBITION ON TRANSFER OF FUNDS

"SEC. 1225. (a) No funds appropriated pursuant to any of the preceding sections of this title shall be available for any purposes other than the purposes of the program authorized by the particular section pursuant to which such funds are appropriated.

"(b) No funds, except those appropriated under this title, shall be used for the purposes of carrying out the provisions of this title

"(c) Only funds appropriated under titles IX and XII of this Act shall be used to initially develop, construct, and initially operate a health maintenance organization, supplemental health maintenance organization, or any other entity that provides, either directly or indirectly through arrangements with others, health care to a defined population on a prepaid basis.

"LABOR STANDARDS

"SEC. 1226. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934.

"OPEN ENROLLMENT WAIVER

"SEC. 1227. In a case where a health maintenance organization demonstrates to the satisfaction of the Secretary that it has a disproportionate share of high-risk enrollees and by maintaining open enrollment it would be required to enroll a nonrepresentative cross section of the community in which it provides services, to the extent that financing is available and people are willing to enroll, and the enrollment of such disproportionate share of high-risk enrollees will jeopardize its economic viability, the Secretary may waive such requirement for open enrollment for a period of not more than three years. A health maintenance organization may receive more than one such waiver.

"ACCESS TO RECORDS

"SEC. 1228. (a) Each recipient of Federal funds under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such funds, the total cost of the undertaking in connection with which such funds are given or used, the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of Federal funds under this Act.

"COMPREHENSIVE SERVICES PHASE-IN

"SEC. 1229. The Secretary may grant a waiver to an applicant for assistance under this title, with respect to the provision of a specific service, required to be provided as a component of comprehensive health services where he determines that—

"(1) such service cannot be provided by the applicant solely because the required health manpower to provide such service is not available; and

"(2) the applicant has a feasible plan to provide such service at the earliest possible date, such date not to exceed three years from the date assistance under this title is first granted to such applicant

"CONTRACTS WITH HEALTH MAINTENANCE ORGANIZATIONS AND MIGRANT WORKERS

"SEC. 1230. The Secretary is authorized to contract with health maintenance organizations or supplemental health maintenance organizations to provide health services to individuals who are eligible for such services from the Indian Health Service or under section 310 of this Act.

"PART D—SPECIAL PROJECT GRANTS TO FACILITATE HEALTH SERVICES IN NONMETROPOLITAN AREAS

"SEC. 1240. The Secretary is authorized to make grants to or contracts with any public or nonprofit private entity (which otherwise may not be eligible for grants or assistance under this title) to study, initiate, and evaluate projects for the delivery, or to facilitate the delivery, in nonmetropolitan areas of comprehensive health services on a prepaid basis."

TECHNICAL AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 301. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to X" and inserting in lieu thereof "Title I, II, and XIV".

(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIV and by renumbering sections 1101 through 1114 (as in effect prior to such date) and references thereto as sections 1401 through 1414, respectively.

(c) Sections 767, 768, 769, 769A, and 769B of the Public Health Service Act (added by section 107 of Public Law 93-157) are redesignated as sections 769, 769A, 769B, 769C, and 769D, respectively.

Mr. DOMINICK. Mr. President, the amendment is, as I said when I called it up, an amendment in the nature of a substitute for the pending bill. I think Members of the Senate—I wish there were more present on the floor—could understand what we are faced with. The Senator from Ohio (Mr. TAFT) has brought up the bill which was originally proposed by the President, but it carried a $60 million budget item in it. It was not in the bill, but that was the budget recommendation. A bill has been reported by the House Health Subcommittee which provided originally for about $300 million, but which was cut back in the process of consideration by the subcommittee, to $280 million. S. 14, as it was originally presented to the committee, provided for $5.2 billion.

Mr. President, there is no way you can put $60 million, $280 million, and $5 billion together, and I pointed this out in committee rather forcibly to the members of our committee on several occasions, and between the time when the bill went from our subcommittee to the full committee, I suggested—and the Senator from Massachusetts (Mr. KENNEDY) was nice enough to accept it—that we should have the staff go over it and determine what reasonable changes could be made.

When we came to full committee the staff had suggested that we make changes to bring it down to about $2.8 billion, which is a decided improvement over $5 billion, but which still has no relationship to $280 million, nor to $60 million.

I therefore attempted to reduce it further in the full committee markup,

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and we at that point got it down to $1.5 billion. That is a decided improvement over the amount proposed last year, and it is a decided improvement over the bill as it passed the Senate last year; but it is still way above the administration's bill, and the bill pending in the House.

So to those who, like myself, are interested in getting a bill enacted into law rather than using it as a flag around which to rally troops, it seems obvious that we are not going to get such a bill. We are either not going to get agreement with the House or we are not going to get it passed over a veto, and I am relatively sure of a veto as a result of the budget proposals which we have already put into legislation we have passed—some $280 billion for the next year. So even the Senate would not override the veto of a bill providing $1.5 billion.

Let us suppose we compromise with the House. What is a compromise between $280 million and $1.5 billion? It is pretty hard to get together, but let us suppose we come up with $700 million. We are still talking about 10 times more than what the administration has recommended, and certainly we are not going to get that amount of money out of the Appropriations Committee. Consequently, this is going through the usual fancy language that we do so many times in the Senate by promising, in broad, sweeping terms, that we are going to take in half the Treasury, and by so doing cure the problem.

We give rise to greater expectations than can be satisfied with the amount of money we will provide. Then they find they are not going to get the money they expected. It leaves a lot of disappointed people by leading them to expect Congress would do something that no appropriation bill will carry through on.

So I asked my staff to draft a proposal which would only—and I emphasize the word "only"—deal with the HMO's because we have a great many titles and a great many dollars in the bill which have absolutely nothing to do with, or very little to do with, HMO's.

One of the items we have, for example, is the capitation subsidy. We did get that changed in committee, on my motion. Originally the capitation subsidies went on forever, but they were limited to the 3-year period of the bill.

But I ask my colleagues, if the capitation subsidies are to be the method by which we get the HMO's together and make sure that there is a large enrollment, why in the world do we need the other parts in there to get the HMO's going just do it on the capitation subsidies?

So what we have done in the substitute is cut out all the provisions which do not deal with the HMO's.

Let me give some examples, for the purposes of the record, of what we have cut out.

Incidentally, I send to the desk two perfecting amendments, which are minor and technical in nature, but which go with the substitute, and ask that they be considered as a part of the substitute.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The modifications are as follows:

On page 17, line 18, following the period after the word, "funded", insert the following: "Not less than 50 per centum of the funds available for grants and loans to supplemental health maintenance organizations under this section shall be reserved for such organizations operating in non-metropolitan areas."

On page 11, after line 25, insert the following new paragraph:

"(8) The term 'non-metropolitan area' means an area no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget, and does not contain a city whose population exceeds fifty thousand persons."

On page 8, line 18, strike the comma following the word, "maintenance", and in lieu thereof insert the word, "or"; on line 19, strike the words, "or health service".

On page 10, line 2, beginning with the word, "or", strike through the word "service", on line 3; on line 4, beginning with the word, "or", strike through the comma following the word "organization" on line 5.

On page 17, line 24, strike the letter "E", and insert in lieu thereof the letter, "C".

On page 30, line 17, strike both commas, and insert in lieu of the first comma the word, "or"; on line 18, strike the words, "or health service organization".

On page 31, line 12, beginning with the word, "health", strike through the comma.

Mr. DOMINICK. What we have done in the substitute is considerably more extensive than the Senator from Ohio (Mr. TAFT) was talking about. We are authorizing in the proposed substitute $385 million for HMO's, of which two-thirds would be used for closed panel HMO's as defined under part A of title I, and one-third would be used for supplemental HMO's under part B.

The pending bill, S. 14, has two provisions in it. The first is for closed panels HMO's. The Senator from Massachusetts (Mr. KENNEDY) was kind enough to accept an amendment which was included in the bill last year in committee and on the floor, in which 17.5 percent of that would be used for other types of HMO's.

In the process of the debate, the Senator from Massachusetts was also kind enough to accept the amendment which I offered to provide that any money not used for the closed panel HMO's could be used for the other foundation types of HMO's.

Over and over again I have heard in the process of this discusion that we need all of this money for the purpose of promoting health care delivery systems which are different from the ones we now have. Frankly, neither the closed panel nor the foundation type is new. They are being used now. As I said in my opening statement, closed panel HMO's are now in operation. Kaiser-Permanente, has been operating on the west coast since World War II.

So, what we are doing here is dealing with one type of relatively experimental group which we would like to see funded at a higher level than in the past, given some Federal assistance, but not tying it to one type of health care delivery system with too much money, the net effect of which will be that we will not have any bill at all.

In addition, we have in S. 14, as it is now put together, a thing called the Quality Health Care Commission. This has nothing to do with HMO. This is designed to develop quality standards for all doctors, whether they are in an HMO or not. In fact, the qualifications which they have to meet under quality health care standards would pretty much mean that the rural doctors who have been in family practice in particular for a great number of years would have a very hard time in qualifying and might even find that they would not even be allowed to practice.

We have been trying to get around that. However, I am not sure that we have got that done in S. 14 as reported. And since it does not have a thing specifically to do with an HMO, we have stricken that also.

Then we have stricken the so-called Quality Health Care Initiative awards of some $225 million which, again, have nothing to do with the HMO concept.

We have also stricken the direct grants for initial operating subsidies and have increased funds available for loans for that purpose.

In making these changes, we would be restricting the scope of the bill to development of HMO's so that it might be the basis of a compromise between the House and Senate. I would hope that it would. I think we need to make Federal assistance available for development of new types of delivery mechanisms. The authorization level which I have put into it is $385 million. They are identical to those in title I of S. 14, except with regard to the initial operating costs. Where S. 14 would authorize $85 million for grants and $85 million for loans, we authorize $125 million for loans only for this purpose.

Title II of the proposed substitute consists of the general requirements provisions of title III of S. 14, which includes authority for loan guarantees and interest subsidies for construction, development, and initial operation of HMO's.

The provisions of S. 14, as proposed by the committee, and the provisions here are distinguishable, as I said, by nature of the fact that I cut out title II, the quality health care Commission, and the capitation grants and the initiative awards. And it seems to me that now we are dealing with a bill which specifically directs itself to what the committee as a whole was trying to accomplish; namely, to provide Federal assistance for development of health maintenance organizations.

This will do it. It is still $100 million above what the House bill is. It is still under the committee proposal and more than six times the amount of the administration proposal.

This, however, is a far cry from the $1.5 billion which the Senator from Massachusetts, as the author of the bill, has in the bill agreed to by the committee.

I feel very strongly that we ought to be doing some of these things. We ought to give Federal assistance to make sure that health care is available. However, I do not think that we will get this done with the bill as it came out of committee.

As I have said in my minority views, that is one of the main reasons why I voted against it when it was reported out, and it is my hope that, if we can



adopt the substitute, we will be able to get some legislation eventually through and enacted into law. I do not think that we will be able to do so in any other way.

Mr. President, I am a pragmatist, but I believe very strongly in the fact that, if we try to get something through, we have to put it in a context in which it is not anathema to everybody. The $5 billion was anathema from the beginning. The $1.5 billion is a smaller hump on the camel. However, it is still awfully big. We will never get any legislation with this type of bill.

With the substitute, we have a good chance of getting something which we can live with, getting something which will be of assistance both to the proposed panel-type and to the other supplementary-type health organizations, and will start a new method of funding for quality health care acceptable to everyone—at least it would be my hope that it will be; and it is reasonable, from the evidence and the testimony we have received and from the efforts that have been made by a number of individual medical societies around the country, that I would think we would have a good start on it at this time.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, as the Senator from Colorado mentioned in his opening remarks, we have been examining different parts of this legislation for a number of years, and we in the Subcommittee on Health, and the Committee on Labor and Public Welfare, and again here on the Senate floor have become fully aware of the implications of the changes advocated by the Senator from Colorado; but since we debated them fully in the course of the debate last year in some detail, I shall speak only briefly concerning them today.

We recognized, at the outset of the consideration of this legislation, that approximately 96 percent of the health care delivery in this country is done on a fee-for-service basis, and about 4 percent is done through some kind of prepaid group practice system. We virtually have a monolithic system of deliverying health care, and there are many doctors within the system who would prefer to keep it that way.

So what we are attempting to do, in a very modest way, is raise that 4 percent perhaps another 5 percent, to include some additional 5 million Americans, so that instead of the ratio being 96 to 4, it might be 90 to 10, and we will begin to create at least an alternative way and means for delivering health care in this country. What we are attempting to do with this legislation is support the development of at least some alternative, so that we will get some degree of competition within the system. This was really an important part of the basis for the development of the legislation.

The kinds of programs that we would be supporting are programs that vary from the Kaiser-Permanente type program, the Puget Sound group, the Rural Health Associates program up in Maine, to the Harvard program in Massachusetts, the Ross-Loos program in Los Angeles, or the GHA program in the District of Columbia. These programs vary as to the time they have been in existence, but for the most part are widely accepted by the subscribers themselves, and we feel that even though $1.5 billion is a great deal of money, it still, as I mentioned earlier, is a very small percentage, less than 1 percent, of the total amount that is actually expended for health care by this country every year.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. KENNEDY. I yield.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. I thank the Senator from Massachusetts.

Mr. KENNEDY. So I do feel Mr. President, that the dollar figure we are talking about in this legislation is not excessive. It is a great deal of money, but we are expending a great deal of money every year. Every consumer, every patient, is spending amounts that total billions of dollars every year, and we find the general rise in health costs exceeding all other increases; the Consumer Price Index reflects that. What we are attempting to do is attack the problem in a positive, constructive, and real way.

Addressing myself specifically to the proposal of the Senator from Colorado, I would point out, first, that it eliminates the Commission on Quality Health Care Assurance. I believe the Senator recognizes, as Congress has heretofore recognized it, the importance of developing at least some review of the quality of health care in this country.

We find that the availability of quality medical care in this Nation varies widely between various communities, and even between some of the great medical centers. So what we are trying to develop in this legislation is a Commission on Quality Health Care Assurance to collect various materials and data.

The peer review groups will be developed locally: We are not establishing an omnipotent Federal board. What we are doing is requiring that there be some quality review mechanism in every locality in this country, so that we can begin to develop some kind of quality standards, so that people will know, when they go to a doctor, that they will be able to get quality health care. I believe this is terribly important.

With some notable exceptions, in various parts of this country people cannot be assured of that now. So it seems to me imperative that we develop some form of quality control.

What we are not doing, as might be inferred from the Senator from Colorado's remarks, is require that every doctor in the country be qualified by the Commission on Quality Health Care Assurance. The program is strictly voluntary. If you are going to become a member, and participate in the Federal taxpayers' funds, however, you will be included within the general scope of the quality control mechanism. But we are not requiring that every doctor treating any patient in this country be overseen by the commission. So it is important to emphasize, at the outset, that this is a completely voluntary system.

I think a good argument can be made for improved standards in the health care field. We require conformance with standards by those who fly airplanes; they have to fly a certain number of hours every month, or have a certain number of takeoffs and landings, or lose their accreditation. Everyone who flies on airlines understands that. But we do not now require uniform standards for doctors in this country. I hope eventually we will have at least some degree of quality control which will be supported by the medical profession; but this legislation does not provide that, and anyone who supports it ought to understand that we are not requiring that under this legislation. We are requiring it for those who are going to be a part of the health maintenance organization system, or receive other assistance under the Public Health Service Act and Mental Retardation Facilities and Community Mental Health Centers Construction Act.

The Senator's amendment would also eliminate initiative awards. What is the initiative award designed to do? If an existing or proposed health maintenance organization wants to participate under the benefits of this legislation and, therefore, must have a quality control mechanism, it probably will cost them a little more in administrative expenses—perhaps 1 or 2 percent; we are leaving that open. We indicated that we thought it might be 2 percent, under earlier legislation, but we are leaving the amount open, because we did not have precise information, and we thought that in at least that one area the Secretary of Health, Education, and Welfare could determine the appropriate amount.

We are trying to offset the initial administrative cost for a health maintenance organizations when these items of additional cost are necessitated under the quality control provisions. We think that is in the public interest. When a group of doctors want to be able to join the quality care delivery system, so they can assume subscribers of that HMO that they will get high quality health care there should be a Federal carrot to help assist them to move in that direction, particularly when that delivery system may be competing with another system of delivery of health care which is not complying with requirements which are as high. That is not giving those assurances to the consuming public, certainly to the extent that there is some small administrative additional cost which I think should be underwritten by the Government itself. So we have the initiative awards, the Quality Control Commission, and we are supporting the various HMO's that have a track record of beneficial service to the people.

The clearest indication of this has been the fact that the consumers are happy. They are subscribing to the various programs, and therefore, we support them in a way which, as I mentioned earlier, is extremely modest, particularly given the kind of suggestion made by the administration in its testimony 2 years ago when, under its own proposal, there would be set up as a goal 8 times the number of HMO's we are including in this legislation. They wanted Congress to support

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an effort to make it 8 times the amount actually included in here. So we are supporting a health delivery system that will be about one-eighth the goal set by the administration's program. I think that is modest.

Finally, I believe that there is already in existence under section 314 of the Public Health Service Act the authority to support new and other types of experimental programs for the delivery of health care. If it is part of the Senators from Colorado's argument that all we want is an experimental program, we already have the wherewithal under section 314 of the Public Health Service Act, and if the administration can find other kinds of delivery mechanisms, or other types of organizations which they want to support and develop, then I say that they have authority to do so.

They do not need it in this particular HMO bill. They already have it under section 314, and also 304, and 910(b) and 910(c). But section 314 provides the mechanism whereby the administration can experiment with this delivery system. Hopefully, if we are able to find a way in the next 1 or 2 years—these are different delivery mechanisms and they might have a track record. It is only a 2- or 3-year record, unlike the track record in Puget Sound of 30 years. But we will be prepared to come back and adjust and change the legislation, if experience in the future justifies that. We want some support for them. We are wide open. I certainly am, and I am certain that other members of the committee are.

I would hope that the Senator's amendment would not be accepted by the Senate.

Mr. DOMINICK. Mr. President, for the purposes of the record, I want to say a few words, but before I do so, I ask unanimous consent that Mr. John E. Hunnicutt who is an assistant of the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), be permitted to stay on the floor during debate. He has been working on this bill for the Senator.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, we talk about the cost of the quality commission, and the Senator from Massachusetts is talking about the small amount of money on the initiative awards, and the cost of the commission in the bill as presented to us, which is $125 million, and the quality initiative awards, is $225 million. So we are talking about $350 million here, no matter what anyone else may think in this body. I think that $350 million is a pretty substantial sum, in the event that this is a good bill, which provides all the quality health care and the initiative awards. So that we can always consider them separately. What I am saying is not that it is necessarily bad, but what I am saying is that it has no place in this bill. We can, by taking it out and considering it separately, bring out a separate bill to say what we want to do about it. We can cut the $350 million out of the bill right there by this method.

Now the Senator from Massachusetts (Mr. KENNEDY) has been talking about what a great job some of the closed panel HMO's have done in this country. I think that probably they have done a pretty good job. But, then, they have been in existence since World War II.

What it obviously means is that we do not need this Federal assistance in order to get them going, but that even though they have been here since World War II, they already represent, at most, some 2 percent or less of the United States population. So they certainly have not caught on as the panacea for all problems in medical care or in quality medical care.

What we are doing is saying, let us put two-thirds of that $385 million into them, which in round figures is about $300 million—a little under—and let us put the balance in the other innovative type, on the supplemental type, the ones that can work in the rural areas and the ones that can work through foundations.

One of the things that I think should be brought out here is the independent commission again, as I have said. About $350 million will be subtracted from the cost of the bill by eliminating those, which I do in my substitute, as they are not really related to the development of HMO's, which is the real problem to which the bill is addressed.

In addition, I might point out that in the social security amendments of last year, we passed a PSRO which is just beginning to operate, on which we have some responsible people who are working at the local and regional area to try to develop the type of quality standards which we would like on the various medical programs, to make sure that everyone has adequate quality care. So, why in the name of heaven do we establish a new quality control commission at a national level when we are trying to work it out at the local level, when there is decided opposition in many areas of the country even now. So it would seem to me that we should give them a chance to work before jumping in with this new commission with all kinds of new and broad authority.

The other point I wanted to mention again involves the capitation subsidies the bill authorizes. The bill as presented to the Senate would authorize $400 million, even though the quality health care deal would subsidize the cost of HMO's, supplemental HMO's, and the health service organizations. Each of these organizations would be eligible for an annual capitation grant in amounts up to 25 percent of the total premium receipts for the preceding year in order to make up the difference between its premiums and what its enrollees could afford to pay. Under the same type of provision, each organization would also be eligible for annual grants in whatever amounts would be necessary in order to avoid premium increases which would otherwise be required because it served a disproportionate number of enrollees.

My substitute would strike that.

I oppose the whole idea of it in the substitute, or the substitute amendment, for three basic reasons. It would add $440 million to the cost of the bill, almost one-third of the $1.5 billion price tag on this.

They insure that no organization funded under the bill would ever be economically viable without Federal subsidies. You could not make it economically viable. They are going to have an open enrollment period with capitation subsidies, and that means you are not going to get an economically viable health organization, be it open or closed.

So it seems to me that that provision ought to go out, no matter what happens to the subsidy. Since these subsidies are also direct payments for health care not necessarily restricted to the poor, they amount to piecemeal national health insurance.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. TAFT. With reference to the capitation grants, I should like to raise a question with the Senator as to how he thinks these capitation grants might be set.

The proposal in the bill reads:

> The amount of such annual grants shall be equal to the difference between the maximum amount (as determined by the Secretary) an enrollee could reasonably be expected to pay toward the health maintenance supplemental health maintenance or health service organization premium and the premium for membership enrollment in such health maintenance, supplemental health maintenance, or health service organization for each such person enrolled.

There was talk earlier of a carte blanche. Apparently, this would give to the Secretary a complete carte blanche in the determination as to who he thinks should be eligible and who should not. There is no requirement that it be tied into any other standard of Federal assistance under any other category program. It really sets up another category program for subsistence so far as health care is concerned, and I think without any standards at all.

Mr. DOMINICK. The Senator, in my opinion, is totally correct.

I do not know who is going to make the determination as to what they reasonably should be expected to pay and what they can pay. So I do not know how anyone even is going to figure how much ought to be put into this. All we can say is that it is limited now by action, with the assistance of the Senator from Ohio, to 3 years, and we have limited it to 25 percent of the total premium cost. So we have those two overall tops on it. But beyond that, almost anybody could do with it whatever they wanted.

Mr. TAFT. Let us go back and talk about the quality health care initiative awards. There, again, I find:

> . . . the Commission on Quality Health Care Assurance shall be entitled to an annual payment in an amount equal to the administrative costs allowed by the Commission . . .

I have some difficulty in trying to determine how those administrative costs might be assessed. If some standards of particular training are provided for a particular doctor or a particular nurse, is this an additional salary they have to be paid? Is it part of additional administrative cost?

Mr. DOMINICK. I think the Senator brings up a good point. I cannot answer the question, because the language is wide open, and there is no way one can tell.



This is one of the reasons why, when I was making my statement, I said there may be something in the quality health care and initiative awards that may be good, but let us go over it separately and tie it down and not put it in as part of this package. My substitute would cut this out and would also cut out title II, or change it to $385 million instead of $1.5 billion.

Mr. President, if the Senator from Massachusetts is ready, I am ready to vote.

Mr. KENNEDY. Mr. President, with respect to the point about the capitation subsidy, at a time when this country has passed a national health insurance program, this provision would not be necessary or needed, either this program which provides for capitation subsidy or the open enrollment subsidies.

Let me say, as one who would defend this position that hopefully when we eliminate the financial barriers to receiving decent health care in this country, we will not need this kind of capitation subsidy or the open enrollment subsidy. Until we have that, there will continue to be the kind of people who have been described by the National Center for Health Statistics, which says that 20 percent of the people in this country have absolutely no health insurance at all.

The people we are trying to pick up under the capitation subsidy are those who are too rich to qualify for medicaid and too poor to pay for the expenses adequate health insurance. Those are the millions of working people in this country who do not qualify for medicaid and yet do not have the resources to pay the kind of premiums which would be required in a health maintenance organization. They are the ones to whom this particular provision is directed. It is a very substantial group, and for the most part it consists of working people and lower middle income people. We are trying to make sure that at least they are included. Those who are wealthy are going to be able to continue whatever system they want or be part of a health maintenance organization, and those under medicaid are going to have their particular health needs financial.

They are people who do not fall within the category of this particular part of the program. It recognizes that within this group or within other groups—perhaps elderly people—they will have additional incidents of sickness, and we want to make sure they are included. That probably will be more costly to HMO's. We provide some discretion to the Secretary of Health, Education, and Welfare so that he will be able to provide some additional resources and that the premium will not be out of line with other parts of the country. Some sections of the country might have an extremely high number of elderly people, for example, or certain parts of the country might have more of one disease than another.

Tuberculosis may be nonexistent in the Southwest and may be quite prevalent in the colder and damper climates. There is no reason why other people who subscribe to those HMO's should have to pay an additional increment. We are trying to level off that provision, and we provide the discretion to he Secretary of HEW to draw those disinctions.

Let me point out that, hopefully, when we achieve what Assistant Secretary of Health, Education, and Welfare Edwards has indicated in testimony during the hearings, and as other Senators have indicated, no matter what particular health insurance program we are going to adopt, when we eliminate the financial barriers to at least having access to the health delivery system, obviously the need for these different provisions will just disappear. They will not be necessary, and we will not have to continue them.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. CURTIS. I was interested in what the distinguished Senator was saying about the Federal assistance to a number of people with health care—a payment in lieu or in part for bringing medical care to them. About how many people does the Senator envision will be reached by this program who are not now receiving federally subsidized medical care?

Mr. KENNEDY. Several million.

Mr. CURTIS. What would be the guidelines for determining their eligiblity?

Mr. KENNEDY. It will depend upon their location, and the availability of other resources.

Mr. CURTIS. This is to reach people who are not now eligible for medicaid. Is that correct?

Mr. KENNDEY. That is correct.

Mr. CURTIS. Now, how much income or property will they be required to have in order to participate in this program if they have too much income and assets for medicaid?

Mr. KENNEDY. Of course, the Senator understands the medicaid breakoff varies in different States.

Mr. CURTIS. My question is: If the legislation does not determine who is eligible, with whom is that authority vested?

Mr. KENNEDY. With the Secretary of Health, Education, and Welfare.

Mr. CURTIS. So the Secretary would have the authority to determine how many people would be eligible to have all or part of their health care subsidized under this HMO program.

Mr. KENNEDY. We are talking about those who would be subscribers to the health maintenance organization.

Mr. CURTIS. Yes.

Mr. KENNEDY. On a lost and dollar basis.

Mr. CURTIS. But the Senator would leave it with the Secretary of Health, Education, and Welfare to determine the income and the assets of those people who would be eligible.

Mr. KENNEDY. Yes, he would have to draw up guidelines as far as eligibility is concerned.

Mr. CURTIS. Who would draw up the guidelines?

Mr. KENNEDY. The Secretary of Health, Education, and Welfare, as it applies to these two provisions of income and capitation subsidies. As to that, the Secretary will establish guidelines, but only with regard to those particular figures.

Mr. CURTIS. Will the benefits of this program be limited to those individuals and groups now participating in an HMO program?

Mr. KENNEDY. I am sorry. I did not hear the Senator.

Mr. CURTIS. Will the benefits of this program be limited to those individuals and groups now participating?

Mr. KENNEDY. It would be those covered by the HMO.

Mr. CURTIS. I wish to call the attention of the distinguished Senator to page 5 of the report, the second paragraph on that page:

> Authorize capitation grants to enable health maintenance organizations, supplemental health maintenance organizations, and health service organizations serve medically indigent and high risk individuals in instances where all other sources of financing for such services have been utilized;

Is it my understanding that what is authorized there is assistance to that part of the population already served by an HMO, or will that subsidy be extended to all the people throughout the country if they enroll in a health maintenance organization?

Mr. KENNEDY. I understand more clearly now what the Senator is driving at. It would apply only to those within the HMO concept.

Mr. CURTIS. But it would include future subscribers as well as present.

Mr. KENNEDY. The Senator is correct. It would only apply to those who are subscribers to health maintenance or health service programs.

Mr. CURTIS. What will be the situation as to the medically indigent and high-risk individuals? Do they get a Federal subsidy if they join an HMO?

Mr. KENNEDY. Well, this assumes there is available an HMO in that particular community available to that individual.

If the Senator is asking if a person has some record of illness, he should not be barred from participating in a health maintenance organization. If he has some financial limitation—the Senator has described the case where hopefully he would also be able to subscribe to health maintenance organizations. He may very well qualify for these provisions of assistance.

Mr. CURTIS. Suppose an individual is not located anywhere near a health maintenance organization, or suppose they choose not to join. Are these benefits payable?

Mr. KENNEDY. No. The answer to that is in the negative.

Mr. CURTIS. Well, then what we have here is a Federal subsidy to a particular type of practice of medicine. Is that correct?

Mr. KENNEDY. That is correct, as far as this particular legislation is concerned. I hope a more adequate health insurance program for everyone is signed into law soon.

Mr. CURTIS. That is all. I thank the Senator.

Mr. DOMINICK. Mr. President, I have two comments I wish to make. First, on the strengthening of this health care

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commission, there was disagreement, I think the record will show, between the type person I said might be covered by this and find himself in trouble, and those who would not. I want to be clear in what I said. The commission would have jurisdiction over HMO's, supplemental HMO's, and health service organizations. That is one category.

Second, all HMO's funded under S. 14 and all providers receiving assistance under the Public Health Service Act, Hill-Burton hospitals, or the Community Health Centers Act would be required to be certified by the commission in order to continue receiving Federal assistance. It strikes me that it applies to all community mental health centers.

The third category would be all providers who agree to submit to the jurisdiction of the commission. As the Senator from Massachussetts knows, every witness who testified has said that even under this bill before the Quality Health Care Commission gets going there is no HMO now in existence—including Kaiser-Permanente—there is no foundation now in existence, there is no health service organization now in existence, which could meet the requirements of this bill. So they all have to change their method of operation, even though they may have been in operation for some 30 years, in order to comply with this bill if they are going to get any assistance under the act.

It strikes me that we are going pretty far afield when we take it on ourselves to say that that is what has to be done. That is why I struck that out. I am not saying it is necessarily all bad, but I do say it ought to be considered, and I cut $350 million out of the bill.

As far as the capitation grant is concerned, I will say to the Senator from Nebraska, the fact of the matter is that if we have these capitation grants in the bill, it is going to help anybody in an HMO now or in the future regardless of whether they make $10 a week or a thousand dollars a week, because they all pay the same premium costs. To the extent that the Federal Government subsidize those costs, the rich man who takes it out gets exactly the same health care as the middle income or low income person. Consequently, we do not have any graduated series of charges, or anything like that; we have a straight subsidy. Under those circumstances, it struck me that we are going pretty far afield with respect to anything connected with the HMO's.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. CURTIS. One of the things that disturbs the junior Senator from Nebraska is that we may, by this bill, be backing into a national health program.

Mr. DOMINICK. The Senator is absolutely correct.

Mr CURTIS. I realize there are Members of this body, and many other people, who have valid opinions that favor at this time a national health program, but I believe that, once adopted, we should face it squarely, call it what it is, notify both the country and the Members of the Senate that it is a national health program. Does the Senator agree?

Mr. DOMINICK. I do.

Mr. CURTIS. I raise the point I am about to raise not because of any committee jealousy, but just because I believe we are running in so many different directions in our legislation relating to health programs. We have at the present time medicare for individuals of 65 years of age. We have the medicaid program for individuals without the resources to provide medical care for themselves. Both programs are far reaching and both programs are filled with problems and inequities that need attention. It strikes me that here we start out in another direction with a new program that does not take into account the needs and shortcomings and problems of the two very broad programs already mentioned. Is that correct?

Mr. DOMINICK. The Senator is right. That is why my substitute eliminates the capitation grant provision, which is the type of thing that would interfere with the medicare and medicaid type of program we were talking about, as well as eliminate the quality health care commission, which is in the bill, and affects the PSRO, which came out of the Senator's committee. It struck me that if we cut the bill from $1.5 billion to $385 million we will go a long way toward helping an innovative type program but without getting tangled up in the type of program the Senator has called attention to.

Mr. CURTIS. I commend the Senator for the work he has done on the bill. I shall certainly vote for the amendment. I shall vote for the amendment which reduces both the cost and the scope of the bill, but as for myself, I do not propose to put the Federal Government, broke as it is, into an additional health program, especially at a time when our existing health programs need so much revision. As we debate the bill now before us, there are other worthwhile research programs, such as for cancer and other diseases, that have been at a standstill for months, because they have no money.

Here we undertake to enact a new bill which, according to the distinguished Senator from Colorado, provides a capitation grant which will benefit millions of people, many of them financially able to provide their own medical care and who are not greatly in need of any Government help.

Mr. DOMINICK. I think the Senator is correct. That is why I have great difficulty in voting for any bill with a capitation grant in it.

Mr. CURTIS. I thank the Senator.

Mr. DOMINICK. My substitute does eliminate it. I appreciate the Senator's speaking out on this subject.

Mr. President, I am ready to vote.

Mr. KENNEDY. Mr. President, on the one hand, we hear from the other side of the aisle that the bill is too big. On the other side of the argument, we hear that we are not going to cover enough people. There may be a few people in rural America who are not going to be able to be covered. You cannot have it both ways. We recognize that this is only a beginning, a start. We recognize that we have accepted an amendment that is going to be limited, at least initially, to 3 years, and we hope that this will be the end of these provisions because we will have, hopefully, a national health program of some kind, whether it be the one I favor or another.

The question that should be before the Senate is whether we are going to pass legislation which will benefit the poor people, who are a great percentage of the American population. A great many of them are going to pay taxes because they are slightly above medicaid and yet cannot afford a premium of approximately $600 a year for a family of four. We should have a sound type of program.

If we accept the elimination of this particular capitation subsidy, we will see millions of working Americans who are completely out of this program.

We are dealing with a program developed with the support of the Senator from Colorado. We are trying to bring consumers into the program. We are really trying to provide a decent health quality program at a price they can afford to pay. This is part of the reason I disagree with the Senator from Nebraska on the question of striking quality control.

Most patients, I believe, who enter a hospital feel when they get there that there are people looking over all aspects and ramifications of health care. That is not so.

We are hopefully trying to do something about this with the development in Congress of the PSRO's and the Commission of Quality Health Care Assurance. I think PSRO's and the Commission are complimentary to each other.

It is important for those who read the RECORD, if they are not here, to note that on page 32 of the report, at the bottom of the page, we point out that in their still incomplete study of manpower utilization, the American College of Surgeons and the American Surgical Association have determined that 30.7 percent of all practicing surgeons in the United States are noncertified by the American Board of Surgery.

I wonder how many people who are operated on in this country know whether their surgeon is certified by the American Board of Surgery. I am not sure whether the fact that he is or is not certified means that he is a good surgeon or a bad surgeon. However, there are many gaps in this entire area. And what we are trying to do is to begin to close some of these loopholes.

This is a very, very modest beginning. However, it is an important beginning, I think, and that is why, for that reason and all the other reasons I have outlined, I would hope that the amendment as modified would be rejected.

Mr. DOMINICK. Mr. President, being the author of the amendment as modified, I think I get the last say. I will be very brief. We are not trying to do away with this. $385 million is authorized. That is $100 million in excess of what the House is talking about in the report from the House Subcommittee. It has a much more likely chance of being able to survive a conference if it has an agreed-upon amount than if it is passed in the present form.

I am not saying that the Quality Health Care Commission is wrong. I am saying that we should take them up separately and decide for ourselves what constructions and qualifications should be put in to make it really work, if that is what we need. In the meantime, we should let the PSRO's go ahead as created in Congress last year.

Capitation grants are wrong. They benefit everyone regardless of income. It does not deal with what the income amounts are. One can get subsidization from the Federal Government, and it is a back door manner of getting health insurance.

Mr. President, for these reasons I urge the adoption of the amendment, as modified.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from Colorado as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD: I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), and the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I further announce that the Senator from Utah (Mr. Moss), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS), are absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "Nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Michigan (Mr. GRIFFIN) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Virginia (Mr. SCOTT) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is absent on official business.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "Yea."

The result was announced—yeas 37, nays 50, as follows:

[No. 135 Leg.]

YEAS—37

| | | |
|---|---|---|
| Allen | Dole | McIntyre |
| Baker | Domenici | Nunn |
| Bartlett | Dominick | Packwood |
| Bellmon | Fannin | Pearson |
| Bennett | Fong | Proxmire |
| Bentsen | Gurney | Roth |
| Brock | Hansen | Scott, Pa. |
| Byrd, Harry F., Jr. | Helms | Stafford |
| Chiles | Hruska | Taft |
| Cook | Johnston | Talmadge |
| Cotton | Long | Thurmond |
| Curtis | McClellan | Young |
| | McClure | |

NAYS—50

| | | |
|---|---|---|
| Aiken | Church | Huddleston |
| Bayh | Clark | Hughes |
| Beall | Eagleton | Humphrey |
| Bible | Fulbright | Inouye |
| Biden | Hart | Jackson |
| Brooke | Hartke | Javits |
| Burdick | Haskell | Kennedy |
| Byrd, Robert C. | Hatfield | Magnuson |
| Cannon | Hathaway | Mansfield |
| Case | Hollings | Mathias |
| McGee | Pastore | Sparkman |
| McGovern | Pell | Stevens |
| Metcalf | Percy | Stevenson |
| Mondale | Randolph | Symington |
| Montoya | Ribicoff | Tunney |
| Muskie | Saxbe | Welcker |
| Nelson | Schweiker | |

NOT VOTING—13

| | | |
|---|---|---|
| Abourezk | Goldwater | Stennis |
| Buckley | Gravel | Tower |
| Cranston | Griffin | Williams |
| Eastland | Moss | |
| Ervin | Scott, Va. | |

So Mr. DOMINICK's amendment, as modified, was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 110

Mr. DOMINICK. Mr. President, I call up my amendment No. 110 and ask that it be stated.

The PRESIDING OFFICER (Mr. HELMS). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 156, line 18, strike through page 158, line 21.

On page 160, line 6, beginning with the word "all", strike through the word "where", on line 7.

Sections 1246, 1247, 1248, 1249, 1250, 1251, and 1252 are renumbered as section 1244, 1245, 1246, 1247, 1248, 1249, and 1250, respectively.

Mr. DOMINICK. Mr. President, if I may have the attention of the Senate, I want to say that, assuming that this is objected to by the manager of the bill, which I think it probably will be, since we have already debated it quite a while, I will be asking for the yeas and nays. I would suspect that we could get to that within a half hour—at least I would hope so. I do not anticipate taking very long. The amendment is very simple.

Mr. KENNEDY. With so many Senators in the Chamber now, would the Senator not like to ask for the yeas and nays?

Mr. DOMINICK. Yes. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, if the Senator would yield, would he consider a time limitation of one-half hour or 40 minutes?

Mr. DOMINICK. I do not think we will need it. I shall be very brief. I am not trying to extend this debate at all.

Mr. President, I say to my colleagues that this amendment, if adopted—and I sincerely hope that it will be—would cut $440 million in Federal subsidies from the bill.

What the amendment would do would be to eliminate the capitation grant. I say to my distinguished friends here, and wish to tell them again, those who were not on the floor before, what the situation is that we are facing.

We have the administration's proposal of $60 million. We have the House bill which was reported by the subcommittee with $280 million in it over a 3-year period; and we have the bill we are faced with now, with $1.5 billon in it. We are not going to be able to put together $1.5 billion. We would, with $280 million, or we are not going to get a bill at all. But if we do, it will be vetoed, and I will say that the veto would be sustained.

This, at least, would eliminate one portion of that. It will not do much without getting it down to where it is reasonable, although from $1.5 billion to $1.1 billion—a little under $1.1 billion—at least that would be of some help.

The reason I am asking for this, and the reason we do it, is simple. We are backing into national health insurance through legislation coming out of the wrong committee. It is coming out of the Committee on Labor and Public Welfare instead of the Committee on Finance.

We are providing for subsidies in this bill, in the provision I am trying to strike, up to 25 percent of the total premium costs of any HMO, just on the say so of the Secretary as to who can or cannot get enrolled, and the number of HMO's, if they decide to go into it.

So we are getting into national health insurance right off the bat, without having had any particular discussion about it, and certainly not having gotten down to the nitty gritty as to whether it should be before our committee.

I brought up two provisions last year and asked that they be referred to the Finance Committee. They were, briefly—but we never got a bill. Finally it passed, but we did not get into this too much.

This I can say to you, Mr. President, that if we go ahead and eliminate this provision, we will have a better chance to get an overall bill. For those who do not want a bill at all, this will be a good reason to vote against my amendment. But for those who would like a bill—as I would—of some kind, I would say that by voting for this amendment, we would be eliminating one of the most objectionable features of the HMO bill as now presented to us.

This particular subsidy situation accounts for about one-third of the total authorization in the bill. No organization funded under this bill would ever be economically viable without a Federal subsidy. To the extent that they can keep them down, they get Federal subsidies, or they would have to raise the overall comprehensive premiums. The net result would be that, without the subsidy, obviously they will be in trouble. So they will be greatly pressured to keep on going forever and ever. In fact, the Senator from Massachusetts has already said he hoped that it would be continued—in our previous debate it was beyond 3 years, to which it is limited now. All I can say is that if we ever hope to have something standing on its own feet to provide comprehensive health care, we have got to get rid of this provision—otherwise, we will never have one.



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The third point I would make is that direct payments for health care are not restricted to the poor and those in lower incomes. I say, for this reason, that everyone who is in any HMO pays the same price. No distinction is made between the wealthy and the poor to the extent that a Federal subsidy comes in to take care of that portion of the cost not borne by the less affluent. The net result is that we get the benefit of this so they do not have to raise the premium. The result is that the wealthy profit out of it, too, those who can well afford to take care of their own situations.

National health insurance should be dealt with in separate legislation. It is not known how soon it will be enacted. The chairman of the Finance Committee is here now and is aware of the problems. I do not think that any of us know what form that might take, if it comes at all. Here we are, going into direct financing, which is another form—a back door form, if we want to put it that way—of the whole debate on national health insurance which has not occurred yet. Financing only one particular type of health care delivery is most unfair. What we are doing, if we go into the closed-panel type or the open-panel type, then we get a Federal subsidy, but if we do not do that, we do not get it at all.

So I would appeal to Senators here who are listening, to please strike this provision. At least we will have to get rid of one, which gives us some kind of reasonable chance that we might make some kind of reasonable compromise and get the bill through.

Mr. KENNEDY. Mr. President, there are two provisions involved in this amendment, the capitation subsidy and the open enrollment subsidy. Let me explain briefly.

Who are we interested in here? We are interested in the blue-collar worker, those with low incomes, those under $10,000 but yet are above medicaid eligibility. National statistics show that one-quarter of the American people do not have any health insurance at all and what the remaining 75 percent have would be grossly inadequate and would not meet the minimum requirements. We are trying to reach out to those individuals and make sure that they will be included in the HMO legislation. They are the ones paying the great percentage of taxes, no matter what figure is finally authorized or appropriated. They will be the ones earning under $10,000 who will be paying the great majority of the taxes in order to finance the program.

All we are trying to do is place a careful limitation on this program of 3 years. We also look after the chronically ill who otherwise would not be eligible so that there will be some flexibility permitted to the Secretary of Health, Education and Welfare in assuring that they will be able to get some additional kind of capitation assistance if they want to belong to a HMO.

We put a limitation of 3 years on this provision. I am not very satisfied about that. In addition, we will have to develop some kind of a means test in this over a period of time. I do not like to see a means test develop.

What we are trying to do, until we are able to get a good national health insurance program—whether it is Russell Long's health program or S. 3, or the AMA program, or the American Hospital Association program, where we will develop some kind of program over the next 3-year period that will eliminate the ability to pay as a barrier to health care—what we are trying to do in this frame of reference is to insure that people who have some resources but not adequate resources will not be eliminated from participation in health maintenance organizations. These people will be knocked out if the amendment of the Senator from Colorado is agreed to. I think they should be permitted to be included.

I am willing to let the Secretary of Health, Education, and Welfare—given the amount of money that will be appropriated—develop the regulations so that they can be included.

One thing we do not want to do here, in the development of a different health care system, is to make the people who are eligible for it only those who are financially endowed. They can get good health insurance. We are trying to recognize in our society that quality, decent health care should be made available to all the American people at a price they can afford to pay. The statistics bear out that many otherwise would not be eligible for it.

We have written into our amendment the provision that this can terminate in a 3-year period. It is a very modest figure in any event.

I think that as a concept as well as in its practical implications, it is important. Hopefully, we will maintain that provision in the legislation.

Mr. DOMINICK. Mr. President, the Senator from Massachusetts may feel that a half billion dollars is moderate, but I do not happen to think so. I surely do not think so at a time when we have already set a limit on what the overall budget can be for this year.

We have said to the President of the United States, "You can not even spend as much as you want to." Yet, here is a bill he did not want at all, and we are saying that we are going to spend $440 million on a national health insurance program which does not even funnel through the right committee and which establishes a set of subsidies which we have not gone into, as to which the Senator from Massachusetts does not even know what the income level is going to be to determine what premium they can pay, which is going to be established by a Secretary of HEW; and we do not know who that is going to be over the next 3 years. As a matter of fact, we do not know who it is going to be from week to week. [Laughter in the galleries.]

Mr. ROBERT C. BYRD. Mr. President, may we have order in the galleries and in the Senate?

The PRESIDING OFFICER. The galleries will be in order.

Mr. DOMINICK. I think we are absolutely going the wrong way if we do this. We are never going to get it in as part of an overall bill in the future. If we want to go into national health insurance, let us do it through the Committee on Finance, not through the Committee on Labor and Public Welfare.

Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. Abourezk), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), and the Senator from Alaska (Mr. Gravel) are necessarily absent.

I further announce that the Senator from Utah (Mr. Moss) and the Senator from New Jersey (Mr. Williams) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Williams) and the Senator from Alaska (Mr. Gravel) would each vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New York (Mr. Buckley), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Virginia (Mr. Scott) is absent on official business.

The Senator from Tennessee (Mr. Baker) and the Senator from Arizona (Mr. Goldwater) are detained on official business.

If present and voting, the Senator from Texas (Mr. Tower) would vote "yea."

The result was announced—yeas 37, nays 49, as follows:

[No. 136 Leg.]

YEAS—37

| | | |
|---|---|---|
| Allen | Dole | McIntyre |
| Bartlett | Domenici | Nunn |
| Beall | Dominick | Packwood |
| Bellmon | Ervin | Pearson |
| Bennett | Fannin | Proxmire |
| Bentsen | Fong | Roth |
| Brock | Gurney | Scott, Pa. |
| Byrd, Harry F., Jr. | Helms | Sparkman |
| | Hruska | Taft |
| Chiles | Johnston | Talmadge |
| Cook | Long | Thurmond |
| Cotton | McClellan | Young |
| Curtis | McClure | |

NAYS—49

| | | |
|---|---|---|
| Aiken | Hathaway | Muskie |
| Bayh | Hollings | Nelson |
| Bible | Huddleston | Pastore |
| Biden | Hughes | Pell |
| Brooke | Humphrey | Percy |
| Burdick | Inouye | Randolph |
| Byrd, Robert C. | Jackson | Ribicoff |
| Cannon | Javits | Saxbe |
| Case | Kennedy | Schweiker |
| Church | Magnuson | Stafford |
| Clark | Mansfield | Stevens |
| Eagleton | Mathias | Stevenson |
| Fulbright | McGee | Symington |
| Hart | McGovern | Tunney |
| Hartke | Metcalf | Weicker |
| Haskell | Mondale | |
| Hatfield | Montoya | |

NOT VOTING—14

| | | |
|---|---|---|
| Abourezk | Goldwater | Scott, Va. |
| Baker | Gravel | Stennis |
| Buckley | Griffin | Tower |
| Cranston | Hansen | Williams |
| Eastland | Moss | |



So Mr. Dominick's amendment (No. 110) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NO. 111

Mr. DOMINICK. Mr. President, I call up my amendment No. 111.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read the amendments (No. 111) as follows:

On page 156, line 1, strike through line 17.

On page 162, beginning with line 14, strike through page 196, line 10, and renumber section 401 as section 501.

On page 111, line 23, beginning with the comma following the word "arrangements", strike through the word "Act)", on line 1, page 112.

On page 112, line 2, beginning with the word "and", strike through the word "Assurance", on line 4.

On page 128, line 10, beginning with the word "in", strike through the word "Assurance", on line 11.

On page 131, page 12, beginning with the word "established", strike through the word "Assurance", on line 14; on line 16, beginning with the comma following the word "outcomes", strike through the word "Assurance, on line 19.

On page 150, line 7, beginning with the word "in", strike through the word "Assurance", on line 8.

On page 152, line 20, strike through line 8 on page 153, and redesignate subsections (g) and (h) of section 1242 as subsections (e) and (f), respectively.

On page 155, line 20, beginning with the word "or", strike through line 21.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, again I will say for the benefit of my colleagues that I am not going to take very long on this amendment. It deals with the provision in the bill which is title IV, which sets up a Commission on Health Quality Care Assurance and which would have authority to promulgate and enforce national standards and norms for medical practice. The Commission would have jurisdiction over all health maintenance organizations, all supplemental health maintenance organizations, and all health service organizations funded under this bill.

It would also include all providers receiving assistance under the Public Health Service Act; in other words, any Hill-Burton assisted hospital would have to comply with the rules and regulations which the Commission would set up in the funds they were going to operate under this act in any way.

It would also cover all community mental health centers, and they would have to comply with the act.

As I have said before, and I will say again for the record, there is not a single HMO, a single hospital, a single health center anywhere in the country which complies with what I understand to be the rules and regulations established, at least in committee hearings, for the purpose of determining what quality health care might be.

It also goes to all other providers who agree to submit to the jurisdiction of the commission.

Let us take a rural doctor, just as an example, or a city doctor, for that matter, who has been in practice for perhaps 10, 15, or 20 years, who is duly licensed and everything else, but if he wants to comply with the rules and regulations of the Quality Health Care Commission in order to be eligible for initiative awards, or whatever it may be, he is going to have to go through all kinds of things which will be in direct contradiction, in many instances, to the State law under which he was licensed as a physician to begin with.

In addition to that, any group practice that wants to go together in a clinic or otherwise would have to comply with it if they wanted to provide health care to individuals and still comply with the act.

In addition, this measure would cut out the initiative awards, and the two of them together means we would have cut out of the present bill about $350 million.

I would say to my friends on the Democratic side that it must be nice to be in the majority and know they have the votes when they come into the Chamber. I have been serving in the Senate now for 11 years. I served in the House 2 years before that. I served in the State legislature for 4 years. Interestingly enough, I never served in the majority. Try and try and try again as one may to make a bad bill better so that he can have something he can live with when it finally gets into law, the minute a Member from the minority side offers an amendment, the majority says "No," whether they agree with the idea or not. I have heard it said in committee, I have heard it on the floor. I have heard Senators coming on the floor say, "I do not know what it is, but if Kennedy is for it or Dominick is against it, I will vote for it." That may be good politics, but it is a poor way to enact laws when we are dealing with the health needs of everybody in the country. Why it should become a partisan situation, I do not know, but it does.

I do not think this amendment will be adopted. I thought the last one had some hope of being adopted. Everybody wants to leap into the health legislation field without knowing what it provides. Nobody knew what he was voting for when he voted for the capitation grants. Senators do not know what grants they are voting for. They do not realize we are giving help to the wealthy as well as the poor. Here we are again putting a provision in a bill at a national level which would totally gut what we did last year in establishing the PSRO under the social security amendments.

So we are saying, we do not have to worry about that any more; we are going to have a National Quality Commission which is going to establish standards for what is good care and what is not, with 11 people out of the whole United States deciding that for medical practice all over the country. It may be that Senators think that is good. I do not know whether they do, but I assure my colleagues there are those of us who do not think it is good in this bill. We ought to have extensive hearings, in any event, before we pass it in this body.

Do we not have any kind of debating situation here, where Senators will look at the merits of the question, instead of saying, "It is Dominick offering the amendment, and I will vote against it"? That is what most Senators are saying—not all, but most.

All I can say is that the PSRO provision of the social security amendments that we enacted last year should carry out on the local level most of the functions which this Commission is supposed to do on a national level. Why have two Commissions doing it? Why go through this rigamarole twice? We have not even gotten the PSRO off the ground yet, and yet we are supposed to review what doctors are doing to determine whether their judgments are right and whether the standards under which they are operating are going to do any good. Now we are going to start a whole new Health Care Commission.

What is it going to do? Is it going to supersede the PSRO? What are we going to tell all the doctors? That they have a standard type of practice that they must follow, and if they do anything different they are wrong? That is what it is supposed to do. It is supposed to establish national "standards and norms" for medical practice.

So what do we do when we establish this Commission? Establish national norms that inhibit development of locality-oriented quality insurance system? It seems to me that is totally wrong, and it certainly is wrong when we are trying to develop something innovative in trying to find ways to get good health care to more people.

I do not know that I need say more. I have said quite a bit about this in the process of arguing my original proposal, and it is in the Record, and I do not suppose I will get any more votes on this one. I will withhold further comments at this time.

Mr. KENNEDY. Mr. President, I would like to believe, contrary to the comments of the distinguished Senator from Colorado, that the reason Senators support the provisions which are in the legislation at the present time, dealing with the Commission on Quality Health Care, the assurance is that they want to do something about quality control in health in this country of ours. They recognize that when we are adding hundreds of millions of dollars to a health care system that consumers will utilize, they should at least be given the assurance that the kind of health care they are going to receive is going to be quality health care under appropriate controls.

What are some of the matters we hope to develop with quality health control? In the United States we have twice as many surgeons as they do in Great Britain. Are the people in the United States twice as healthy as they are in Great Britain, or is it that, because of the reimbursement mechanism we have developed, perhaps we are funding more surgery in this country than we should?

We do not know the answer to that.



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They have not given us the answer to that.

Why are there four times as many tonsillectomies under medicaid in California than there are generally among the California population? We have half as many tonsillectomies on the people under prepaid practice in California as we do under the general population. We have four times as many tonsillectomies on children under medicaid.

That means that we have about eight times as many tonsillectomies on poor people as we do on those who are under a prepaid practice in California.

Do Senators not think we should find out why that is so? We are not doing that now. Who is paying for all the tonsillectomies in California? The taxpayers are paying for that. It might be interesting to note whether some doctors in this country are specializing in medicaid tonsillectomies, which I daresay they are. We have no way of knowing that. There are four times as many tonsillectomies in New England generally than in Liverpool, England. Does that mean that the children in our part of the country are more healthy than the others?

Mr. President, there are statistics of this kind on a wide variety and different kinds of illnesses. We are trying to develop a mechanism for gathering this kind of information, so the Congress and the American people can evaluate the situation in an informed way.

One important factor having to do with the Commission on Quality Health Care Assurance is that we will require peer review at the local level. We are not saying that they have to do it in a particular way. However, we are requiring peer review at the local level.

We will develop information concerning how many patients stay how many days in a hospital. Perhaps in one HMO a lot of people will stay in the hospitals for a longer time.

I can think of delivery systems out in California and in other parts of the country where the doctors make a killing off of the system and send people into the hospitals and keep them there or overprescribe laboratory tests, in order to increase income.

This is where the escalation of health costs are coming from, all these kinds of duplicative services given in many instances whether necessary or not.

At some point, somehow, in some way we are going to develop this kind of material, and in this way hopefully we will develop the kinds of practices and the kinds of criteria which describe the cost of health care for people in this country.

Mr. President, very briefly, there is absolutely no agency of the Government or medical profession now, which inspects the hospitals for quality control today.

The Joint Commission on Accreditation of Hospitals merely looks into how many laboratories a hospital has, how they keep their files, and whether the operating rooms are clean. There is no quality control in this country.

One would think that it would be interesting to obtain this information. If we had in the Massachusetts General Hospital some kind of peer review, they could tell us what they find out. I think that would be generally useful. The people who testified before the committee indicated that it would be useful.

Finally, as I mentioned earlier, the American College of Surgeons and the American Surgical Association has determined that 30 percent of the practicing surgeons in the United States are noncertified by the American Board of Surgery.

Many of these surgeons are unquestionably dedicated, skilled physicians. Some are undertrained, perform too few operations to retain their skills, and should not be performing surgery, given the large number of highly competent surgeons available in the United States. Mr. President, do you not think we ought to learn something about them, too?

I do not think that when a patient goes into a hospital and is referred to a surgeon, he knows how the board certifies their physicians and how operations are reported.

This proposal is really to collect that information. We are not really requiring any extensive quality controls at the local level. We are trying to collect information, so that at some time in the future we will be able to develop some kind of system, based upon accurate information, to develop uniform nationwide quality criteria. That is what we are really interested in. I think that is not the situation at the present. That is what our quality control commission is interested in.

I would hope that that is what Senators who support the bill believe is its concept; that is, the idea that when we develop a system and are providing some incentives to develop a health maintenance organization, we are also going to make certain that when a person walks in to the board he will know that he is going to receive high quality health care. If we eliminate this provision, we will be spending hundreds of millions of dollars of taxpayers' funds and turning them over to a local community and saying, "Develop whatever you want, because we are not interested in the kind of quality health care that people receive."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I further announce that the Senator from Utah (Mr. MOSS) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. SCOTT of Pennsylvania. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Virginia (Mr. SCOTT) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "yea."

The result was announced—yeas 40, nays 47, as follows:

[No. 137 Leg.]

YEAS—40

| | | |
|---|---|---|
| Allen | Dominick | Nelson |
| Baker | Ervin | Nunn |
| Bartlett | Fannin | Packwood |
| Bennett | Fong | Pearson |
| Bentsen | Gurney | Proxmire |
| Brock | Helms | Roth |
| Byrd, Harry F., Jr. | Hruska | Scott, Pa. |
| | Hughes | Sparkman |
| Chiles | Johnston | Stevens |
| Cook | Long | Taft |
| Cotton | Mathias | Talmadge |
| Curtis | McClellan | Thurmond |
| Dole | McClure | Young |
| Domenici | McIntyre | |

NAYS—47

| | | |
|---|---|---|
| Aiken | Hartke | Mondale |
| Bayh | Haskell | Montoya |
| Beall | Hatfield | Muskie |
| Bellmon | Hathaway | Pastore |
| Bible | Hollings | Pell |
| Biden | Huddleston | Percy |
| Brooke | Humphrey | Randolph |
| Burdick | Inouye | Ribicoff |
| Byrd, Robert C. | Jackson | Saxbe |
| Cannon | Javits | Schweiker |
| Case | Kennedy | Stafford |
| Church | Magnuson | Stevenson |
| Clark | Mansfield | Symington |
| Eagleton | McGee | Tunney |
| Fulbright | McGovern | Weicker |
| Hart | Metcalf | |

NOT VOTING—13

| | | |
|---|---|---|
| Abourezk | Gravel | Stennis |
| Buckley | Griffin | Tower |
| Cranston | Hansen | Williams |
| Eastland | Moss | |
| Goldwater | Scott, Va. | |

So Mr. DOMINICK's amendment (No. 111) was rejected.

Mr. KENNEDY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 131

Mr. KENNEDY. Mr. President, I send an amendment to the desk in the nature of a substitute and ask that it be stated.

The PRESIDING OFFICER (Mr. BIDEN). The amendment in the nature of a substitute will be stated.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

AMENDMENT NO. 131 (IN THE NATURE OF A SUBSTITUTE)

Beginning on page 107, line 18, strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Health Maintenance Organization and Resources Development Act of 1973".

SEC. 2. (a) The Congress finds that—



(1) the medical care system is not organized in a manner which encourages the provision of medical care at reasonable costs.

(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventive health services;

(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

(4) the establishment of health maintenance organizations, health service organizations, and area health education and service centers will aid in alleviating the serious maldistribution of health care resources which has resulted in inadequate access to medical care particularly in both inner city and rural areas, in providing health care in a more efficient and economical manner, and in reorienting the health care system toward the maintenance of health;

(5) there is a need to provide technical assistance and resources to individuals and groups, undertaking the planning, development, and initial operation of health maintenance organizations, supplemental health maintenance organizations, health service organizations, and area health education and service centers,

(6) there is a shortage of educational facilities in health sciences and unbalanced emphasis on hospital practice and on rare and exotic diseases in medical education; and

(7) there exists an excessive variance in the quality of health care and health services.

(b) The purpose of this Act is to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas by improving the system for the delivery of health care through encouragement of any support for the planning, development, and initial operation of health maintenance organizations, supplemental health maintenance organizations, health service organizations, and area health education and service centers, particularly with the intent of improving the health of populations in medically underserved areas.

SEC. 3. Nothing in this Act, or any amendment made by this Act, shall be construed to supersede any activity relating to review of the provision of health care services under (including review and assessment of quality or quantity of such services or determination or reimbursement therefor) or to the determination of eligibility of any provider, practitioner, agency, or organization to participate under any program established under the Social Security Act.

TITLE I—HEALTH MAINTENANCE ORGANIZATIONS

SEC. 101. The Public Health Service Act is amended by inserting after title XI the following new title:

"TITLE XII—HEALTH MAINTENANCE ORGANIZATIONS AND HEALTH SERVICE ORGANIZATIONS

"PART A—SUPPORT OF HEALTH MAINTENANCE ORGANIZATIONS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'health maintenance organization' means an entity which—

"(A) provides as a minimum for all its enrollees (or subscribers) comprehensive health services (as defined in this section) which are uniformly available to all its enrollees (or subscribers) directly through its own staff and supporting resources or through a medical group or groups and such other additional services as may be required through other health delivery entities, for a fixed payment which (i) is to be paid on a periodic basis without regard to the frequency, extent, or kind of health service actually furnished to any particular enrollee; and (ii) is uniform for all its enrollees subject to rules and regulations regarding family rules;

"(B) demonstrates to the satisfaction of the Secretary ability to assure that appropriate comprehensive health services are available and accessible to all its enrollees promptly and in a manner which assures continuity;

"(C) demonstrates to the satisfaction of the Secretary financial responsibility through proof of adequate provision against the risk of insolvency;

"(D) is organized in such a manner (as prescribed by regulations of the Secretary) that assures its enrollees a substantial role (generally defined as one-third representation in the body establishing or recommending policy) in the making of policy for the health maintenance organization, with equitable representation of enrollees from medically underserved areas, and provides meaningful procedures for hearing and resolving grievances (i) between its enrollees and the health maintenance organization (including the medical group or groups and other health delivery entities providing health services), and (ii) between the medical group or groups providing health services and other employees and the health maintenance orgauization;

"(E) encourages and actively provides for its enrollees (i) health education services; (ii) education in the appropriate use of health services provided; and (iii) education in the contribution the patient can make to the maintenance of his own health;

"(F) has organizational arrangements, established in accordance with regulations of the Commission on Quality Health Care Assurance (established under title XIII of this Act) for an ongoing quality assurance program which stresses health outcomes and assures that health services provided meet the requirements of the Commission on Quality Health Care Assurance;

"(G) provides, in accordance with regulations of the Secretary (including safeguards concerning the confidentiality of the doctor-patient relationship), and effective procedure for developing, compiling, evaluating, and reporting to the Secretary, data (which the Secretary shall publish and disseminate on an annual basis) relating to (i) the cost of its operations, (ii) the patterns of utilization of its services, (iii) the availability, accessibility, and acceptability of its services, and (iv) such other matters as the Secretary may require and disclose at least annually and in a manner acceptable to the Secretary, such data to its enrollees and to the general public;

"(H) except for (i) out of area emergency care, and (ii) care reasonably valued in excess of the first $5,000 per enrollee per year, assumes direct financial responsibility, without benefit of insurance, on a prospective basis for the provision of the comprehensive health services defined in this section;

"(I) has an open enrollment period, unless a waiver has been granted under section 1249, of not less than thirty days at least once during each consecutive twelve-month period during which it accepts individuals in the order in which they apply for enrollment up to its capacity, subject to the requirements of paragraph (K);

"(J) assumes responsibility for the provisions of health care services to its enrollees (and on a reimbursable basis for short-term health care services to enrollees of any other health maintenance, supplemental health maintenance, or health service organization who are temporarily outside the service area of the health maintenance, supplemental health maintenance, or health service organization in which they are enrolled) twenty-four hours a day, seven days a week, and for the appropriate availability of such services in emergencies;

"(K) shall enroll no more than 50 per centum of its enrollees from medically underserved areas, except in rural areas as designated by the Secretary;

"(L) provides, or makes arrangements for, continuing education for its staff;

"(M) emphasizes the use of nurse practitioners, physician's assistants, dental therapists, and other allied health personnel and to the extent practicable and consistent with good medical practice, trains and employs such personnel in the rendering of services;

"(N) provides to its enrollees as an option, for an additional premium, extended care facility services and dental services:

"(O) may purchase on a fee-for-service basis unusual or infrequently used health care services for its enrollees;

"(P) does not refuse enrollment to or expel any person for any reason concerning his health status or requirements for the provision of health services;

"(Q) provides for the prevention, diagnosis, and medical and psychological treatment of the abuse of or addiction to alcohol and drugs either through its own facilities or existing community facilities; and

"(R) meets such other criteria for its organization and operations as the Secretary may by regulation prescribe, consistent with the provisions of this title.

"(2) The term 'comprehensive health services' means health services provided without limitation as to time or cost as follows—

"(A) physician services (including consultant and referral services);

"(B) inpatient and outpatient hospital services;

"(C) home health services;

"(D) diagnostic laboratory, and diagnostic and therapeutic radiologic services;

"(E) preventive health (including but not limited to voluntary family planning, infertility services, and preventive dental care for children) and early disease detection services;

"(F) emergency health services rendered by any provider of health care, the expense of which shall be borne by the enrollee's health maintenance, supplemental health maintenance, or health service organization;

"(G) provision of or payment for prescription drugs (with patterns of patient drug utilization under continuous surveillance, evaluation, and review by a clinical pharmacist whose duties shall include the maintenance of a drug use profile for each enrollee);

"(H) medical social services;

"(I) vision care (except for eyeglasses which shall be optional) as provided by a physician skilled in the diagnosis and treatment of diseases of the eye, or by an optometrist provided such services are within the scope of his license;

"(J) physical medicine and rehabilitative services (including physical therapy);

"(K) mental health services utilizing existing community mental health centers on a priority basis;

"(L) preventive diagnostic and medical and psychological treatment of the abuse of or addiction to alcohol and drugs; and

"(M) such other personal health services as the Secretary may determine are necessary to insure the protection, maintenance, and support of human health.

"(3) The term 'medical group' means a partnership or other association or group of health professionals of whom not less than four and at least a majority shall be persons who are licensed to practice medicine or osteopathy, and such other licensed health professionals as are necessary to provide comprehensive health services and who are eligible for assistance under this Act, in conformance with requirements promulgated under section 1302, in a State and who (A) engage in the coordinated practice of their profession as a group responsibility providing services to health maintenance or health service organization enrollees; (B) if not employees or retainees of a health

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maintenance organization, or health service organization, pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary, or a drawing account or other plan; (C) jointly use or share substantial portions of medical and other records and major equipment and professional, technical, and administrative staff; (D) share or jointly utilize such additional health and allied health professionals who may include but are not limited to psychologists and other mental health workers, optometrists, pharmacists, podiatrists, dental therapists, physician's assistants, nurse practitioners and nurse midwives, as are needed to provide comprehensive health services; and (E) arrange for and encourage the continuing education of their members in the field of clinical medicine and related areas. Such group may be organized on a group practice or individual practice basis, and individual physician members may be paid on a fee for service or any other basis, so long as the group is reimbursed for its services on the basis of an aggregate fixed sum or on a per capita basis.

"(4) The term 'enrollee' when used in connection with a health maintenance organization, supplemental health maintenance organization (as defined in part B), or health service organization (as defined in part C) means an individual who has entered into a contractual arrangement, or on whose behalf a contractual arrangement has been entered into, with a health maintenance organization, supplemental health maintenance, or a health service organization under which such organization assumes the responsibility for the provision of health services to such individual.

"(5) The term 'medically underserved area' means an urban or rural area or population group designated by the Secretary as an area or population group with a shortage of personal health services. Such a designation may be made by the Secretary only after consideration of the comments, if any, of (A) each State comprehensive health planning agency designated pursuant to section 314(a) of this Act covering, in whole or in part, such area, (B) each areawide comprehensive health planning agency designated pursuant to section 314(b) of this Act, covering, in whole or in part, such area, and (C) regional medical programs established pursuant to title IX of this Act, covering, in whole or in part, such area.

"(6) The terms 'construction' and 'cost of construction' include (A) the construction of new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings including architect's fees, and (B) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered with assistance under this title.

"(7) The term 'high-risk enrollee' means a person who is likely to utilize the services of a provider of health care more often than an actuarially determined average.

"GRANTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 1202. (a) The Secretary may make grants subject to the general provisions of this title, to public or private nonprofit agencies, organizations, or institutions to assist in projects for planning or studying the feasibility of developing or expanding health maintenance organizations. No project may receive more than $250.000 in grants under this section. Funds awarded under such grants shall be available for expenditure by the grantee for such period (not to exceed two years from the date of award) designated by the Secretary.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL DEVELOPMENT COSTS

"SEC. 1203. (a) The Secretary may make grants, subject to the general provisions of this title, to any public or private nonprofit agencies, organizations, or institutions, to assist them in meeting the costs involved in a project for the initial development of a health maintenance organization prior to its first day of operation. No project may receive more than $1,000,000 in grants under this section.

"(b) Sums awarded under such grant shall be available for expenditure by the grantee for not more than three years, and shall be utilized for such purposes as may be prescribed in regulations of the Secretary, including but not limited to (1) implementation of an enrollment campaign; (2) detailed design of and arrangements for the health services to be provided; (3) development of administrative and internal organizational arrangements, including fiscal control and fund accounting procedures and the development of a capital financing program; (4) recruitment of personnel and the conduct of personnel training activities; and (5) payment of architects' and engineers' fees.

"(c) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(d) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION GRANTS

"SEC. 1204. (a) The Secretary may make grants, subject to the general provisions of this title, to assist any public or private nonprofit health maintenance organization or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization in meeting the cost of construction of facilities or portions of facilities for ambulatory care and capital investment for necessary transportation equipment, to be used by it for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for grants for the acquisition or renovation of existing facilities. Except for exceptional circumstances, in which case up to 90 per centum of the cost of construction (as determined by the Secretary) may be authorized by the Secretary, no grant under this section for any project may exceed 75 per centum of the cost of construction of such project. No project may receive more than $2,500,000 in grants under this section.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL COSTS OF OPERATION

"SEC. 1205. (a) Where the Secretary determines that the applicant has made all reasonable attempts to meet his operating expenses (including loans and loan guarantees), he may make grants to public and private nonprofit health maintenance organizations to assist them in meeting operating deficits during the initial three-year period of their operation.

"(b) Grants under this section shall be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day; and such grant with respect to any such organization may not exceed 100 per centum of such operating deficit for the first year after such first day; 67 per centum of such first year operating deficit for the second year after such first day; and 33 per centum of such first year operating deficit for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $5.000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION LOANS

"SEC. 1206. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization, or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization, to assist it in meeting the cost of construction of facilities for ambulatory care and transportation services for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for loans for the acquisition or renovation of existing facilities. No loan under this section for any project may exceed 90 per centum of the cost of construction (as determined by the Secretary) of such project.

"(b) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976. Sums so appropriatde, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"LOANS FOR INITIAL COSTS OF OPERATION

"SEC. 1207. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization to assist it in meeting, for the period prescribed in subsection (b), a portion of its initial operating costs in excess of gross revenues determined under regulations of the Secretary.

"(b) Loans under this section for initial costs of operation may be made only for the period beginning with the first day of the first month for which such a loan is made and ending with the close of three years after such first day; and such loans with respect to any project may not exceed 60 per centum of such costs of operation, for the first year after such first day; 40 per centum of such costs for the second year after such first day; and 20 per centum of such costs for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection, with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"PART B—GENERAL PROVISIONS

"GRANT AND LOANS

"SEC 1240. (a) Any loan by the Secretary shall bear interest at a rate comparable to the legal rate of interest prevailing with respect to loans which are guaranteed under



section 1241. No payment of principal on a loan shall be required for the first five years after such loan is made.

"(b) No such loan shall be made unless—

"(1) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"(2) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(c) Any such loan shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provisions for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

"(d) No such loan shall have a term in excess of fifteen years.

"(e) The Secretary may, for good cause, waive any right of recovery which he has by reason of the failure of a public organization to make payment and interest on a loan under this section.

"LOAN GUARANTEES AND INTEREST SUBSIDIES

"SEC. 1241. (a) In order to assist private health maintenance organizations to carry out construction projects for ambulatory care facilities and transporation services and communication services to be used by it for the provision of health services to its enrollees, to meet their initial development costs (for not more than three years) or to meet their cost of operation (for not more than three years), as well as to subsidize the difference between income and operating expenditures, the Secretary, during the period beginning Jauuary 1, 1974, and ending with the close of June 30, 1976, may, in accordance with the provisions of this section, and subject to the general provisions of this Act (A) guarantee to non-Federal lenders making loans to such organizations for such purposes, payment of principal of and interest on such loans which are approved under this section, and (B) in the case of nonprofit health, maintenance organizations, pay to the holder of such loans (and for and on behalf of the organization which received such loan) amounts sufficient not to exceed 3 per centum per annum) to reduce the net effective interest rate otherwise payable on such loan. No loan guarantee or interest subsidy under this section may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to or be made for an amount which, when added to any grant or other loan under this or any other law of the United States, is—

"(i) with respect to any construction, in excess of 90 per centum of the cost of such construction,

"(ii) with respect to initial development costs, in excess of 90 per centum of such costs, or

"(iii) with respect to initial operating costs, in excess of 90 per centum of such costs.

No such loan guarantee may apply to more than 90 per centum of the loss of principal and interest on the loan.

"(b) The Secretary may not approve the application of a health maintenance organization, unless—

"(1) he determines, in the case of a loan for which a guarantee or an interest subsidy payment is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States;

"(2) the term of a loan for which a guarantee and interest subsidy is sought does not exceed twenty-five years if for construction, or fifteen years if for operating costs, or such shorter period as the Secretary prescribes; and

"(3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require.

"(c) Guarantees of loans and interest subsidy payments under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(d) in the case of any loan guaranteed under this section, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to such guarantee unless the Secretary, for good cause, waives his right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(e) Any guarantee of a loan under this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(f) (1) There is established in the Treasury a Health Maintenance Organization, Loan Guarantee and Interest Subsidy Fund (hereafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts (A) to enable him to discharge his responsibilities under guarantees issued by him under this title, and (B) for interest subsidy payments authorized by this title. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required by the fund. To the extent authorized from time to time in appropriation Acts there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under title, including any moneys derived from the sale of assets.

"(2) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this title to meet the obligations under guarantees of loans under subsection (a) or to make interest subsidy payments on such loans, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, barring such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(g) (1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Acts.

"(2) In any fiscal year no loan guarantee or agreement to make interest subsidy payments may be entered into under this title if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"(A) the principal of the loans guaranteed under this title in such fiscal year, and

"(B) the principal of the loans for which no guarantee has been made under this title and with respect to which an agreement to make interest subsidy payments is entered into under this title in such fiscal year,

to exceed the amount of grant funds obligated under this Act in such fiscal year; except that this paragraph shall not apply if the amount of grant funds obligated under this title in such fiscal year equals the sums appropriated for such fiscal year under this title.

"APPLICATION REQUIREMENTS

"SEC. 1242. (A) No grant, contract, loan, loan guarantee, or interest subsidy may be made under this title unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, consistent with subsection (b) (1), as the Secretary shall by regulation prescribe.

"(b) (1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall include to such extent, in such manner and among such other matters as the Secretary may by regulation prescribe, satisfactory specification of the existing or anticipated (A) population group or groups to be served by the existing or proposed health maintenance organization, described in the application, (B) enrollment for such organization, (C) methods, terms, and periods for the enrollment of enrollees, (D) nature and estimated costs per enrollee of the health care and educational services to be provided, (E) sources of professional services, and organizational arrangements for providing health care and educational services, (F) organizational arrangements for an ongoing quality assurance program in conformance with the requirements of the Commission on Quality Health Care Assurance, (G) sources of prepayment and other forms of payment for the services to be provided, (H) facilities available for and additional capital investments and sources of financing therefor, required to provide the level and scope of services proposed, (I) arrangements and capabilities of such organization, (J) role for enrollees in the planning and policymaking for such organization, (K) grievance procedures for enrollees, staff, and employees, and (L) evaluation or

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evaluations of the support for and acceptance of such organization by the population to be served, the sources of operating support, and the professional groups to be involved or affected thereby. An organization making multiple applications for assistance under this title simultaneously or over the course of time shall not be required to submit duplicate or redundant information but shall be required to update the description of the existing or proposed organization in such manner and with such frequency as the Secretary may by regulation prescribe.

"(2) Upon completion of assistance under this title, the recipient of assistance shall make a full and complete report to the Secretary, in such manner as he may by regulation prescribe. Each such report shall include, among such other matters as the Secretary may by regulation prescribe, descriptions of plans, developments, and operations in those areas enumerated in paragraph (1) for specification in applications for assistance.

"(c) A health maintenance organization, receiving assistance under this title, shall submit to the Secretary as a condition of its continued assistance, satisfactory assurances, in accordance with such regulations as the Secretary shall prescribe, including but not limited to the following: (1) financial responsibility, and (2) development and operation consistent with the terms of this title and the plans contained in such organization's application or applications for assistance. As used in this subsection the term 'financial responsibility' means the demonstrated capability to adequately carry out the purposes of the project for which the original assistance was made.

"(d)(1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall contain assurances satisfactory to the Secretary that the applicant will, in accordance with such criteria as the Secretary shall by regulation prescribe, enroll the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve; except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"(2) No grant may be made and no loan, loan guarantee, or interest subsidy payment may be made under this title unless the applicant demonstrates to the satisfaction of the Secretary that the applicant will or has enrolled, and will maintain an enrollment of, the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve, except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"(e) The Secretary shall have the authority after a hearing on the record to terminate or cancel any grant, loan, loan guarantee, or interest subsidy to any recipient of assistance under this title which he determines is in susbtantial noncompliance with any material provision of this title or after notice from the Commission on Quality Health Care Assurance that such organization has had its certificate of compliance suspended or revoked.

"(f) Effective two years after the date of enactment of this Act, no assistance shall be given under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, to a provider of health care unless such provider holds a valid certificate of compliance under section 1302.

"(g)(1) The Secretary may not approve an application submitted under section 1203, 1204, 1205, 1206, or 1207, unless the section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) the area to be served by the health maintenance organization, for which such application is submitted, or if there is no such agency, the section 314(a) State health planning agency whose section 314(a) plan covers (in whole or in part) such area, has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendations respecting approval of the application. If under applicable State law such an application may not be submitted without the approval of the section 314(b) areawide health planning agency or the section 314(a) State health planning agency, the Secretary may not approve such an application unless the required approval has been obtained.

"(2) The Secretary shall by regulation establish standards and procedures for section 314(b) areawide health planning agencies and section 314(a) State health planning agencies to follow in reviewing and commenting on applications for assistance for health maintenance organizations, and other applicants for assistance under this Act.

"(h) If in any fiscal year there are insufficient funds available for funding of all approved applications for assistance under section 1202, 1203, or 1204 of this title the Secretary shall, subject to the priorities in sections 1202(b), 1203(c), and 1204(c), give priority to those applicants which he determines are the most likely to be economically viable.

"EFFECT ON STATE LAW

"SEC. 1243. (a) Notwithstanding any provisions of State law which—

"(1) require approval of a health maintenance organization, by a medical society;

"(2) require that physicians constitute all or a majority of the governing body of a health maintenance organization;

"(3) require that all physicians or a percentage of physicians in the local medical society be permitted to participate in rendering the services of the organization;

"(4) require that such organization submit to regulations as an insurer of health care services;

"(5) require that only unincorporated individuals or associations or partnerships may provide health care services;

"(6) prohibit advertising by a professional group for recruitment of enrollees; or

"(7) impose requirements or restrictions on a health maintenance organization, in a manner, determined by the Secretary, to be incompatible with this title, a health maintenance organization or other providers of health care receiving Quality Health Care Initiative Awards under this title, who otherwise conform with the laws for incorporation and laws for licensing of physicians, osteopaths, and dentists in such State shall be allowed to provide health care services in such State in accordance with the provisions of this title.

"QUALITY HEALTH CARE INITIATIVE AWARDS

"SEC. 1244. (a) Every provider of health care which is certified by the Commission on Quality Health Care Assurance as maintaining quality control standards in compliance with the requirements set by the Commission on Quality Health Care Assurance shall be entitled to an annual payment in an amount equal to the administrative costs allowed by the Commission, incurred in complying with the requirements of the Commission. Any provider of health care, whether or not subject to the provisions of this Act, may apply to the Commission for certification of compliance under section 1302.

"(b) There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for the fiscal year ending June 30, 1974; $25,000,000 for the fiscal year ending June 30, 1975; and $75,000,000 for the fiscal year ending June 3, 1976.

"CAPITATION GRANTS TO ENABLE HEALTH MAINTENANCE ORGANIZATIONS, SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS, AND HEALTH SERVICE ORGANIZATIONS TO SERVE ALL PERSONS

"SEC. 1245. (a)(1) The Secretary shall make annual grants to health maintenance organizations, serving persons who cannot meet the expenses of such organizations' premiums (excluding additional premium for high option services). The amount of such annual grants shall be equal to the difference between the maximum amount (as determined by the Secretary) an enrollee could reasonably be expected to pay toward the health maintenance organization premium and the premium for membership enrollment in such health maintenance organization for each such person enrolled. A health maintenance organization shall be eligible for grants under this subsection only during the first three years of its operation.

"(2) In determining the amount an enrollee could pay toward the premium, the Secretary shall consider all sources (including public sources) of income available to each such enrollee.

"(3) Grants under this section shall not exceed 25 per centum of the total premium receipts for such health maintenance, supplemental health maintenance or health service organization for the next preceding year.

"(4) There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for the fiscal year ending June 30, 1974; $25,000,000 for the fiscal year ending June 30, 1975; and $75,000,000 for the fiscal year ending June 30, 1976.

"(b)(1) Where a health maintenance organization proposes an increase in its premium rate and the Secretary determines that such increase is due in whole or in part to fulfillment of the requirement for open enrollment, in that such organization has in its enrolled population a disproportionate number of high-risk enrollees, the Secretary shall make annual grants to such organization equal to an amount that would eliminate the need for that part of the proposed premium increase caused by such disproportionate number of high-risk enrollees in such organization. A health maintenance organization shall be eligible for grants under this subsection only during the first three years of its operation.

"(2) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974; $25,000,000 for the fiscal year ending June 30, 1975; and $75,000,000 for the fiscal year ending June 3, 1976.

"PAYMENT OF GRANTS

"SEC. 1246. The amount of any grant under this title shall be determined by the Secretary. Payments under such grants may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"PROHIBITION ON TRANSFER OF FUNDS

"SEC. 1247. (a) No funds appropriated pursuant to any of the preceding sections of this title shall be available for any purposes other than the purposes of the program authorized by the particular section pursuant to which such funds are appropriated.

"(b) No funds, except those appropriated under this title, shall be used for the purposes of carrying out the provisions of this title.

"(c) Only funds appropriated under this title shall be used to initially develop, construct, and initially operate a health maintenance organization, that provides either directly or indirectly through arrangements with others, health care to a defined population on a prepaid basis.

"LABOR STANDARDS

"SEC. 1248. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934.

"OPEN ENROLLMENT WAIVER

"SEC. 1249. In a case where all appropriated funds are expended under section 1245(b)(2) and where a health maintenance organization demonstrates to the satisfaction of the Secretary that it has a disproportionate share of high-risk enrollees and by maintaining open enrollment it would be required to enroll a nonrepresentative cross section of the community in which it provides services, to the extent that financing is available and people are willing to enroll, and the enrollment of such disproportionate share of high-risk enrollees will jeopardize its economic viability, the Secretary may waive such requirement for open enrollment for a period of not more than three years. A health maintenance organization may receive more than one such waiver.

"ACCESS TO RECORDS

"SEC. 1250. (a) Each recipient of Federal funds under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such funds, the total cost of the undertaking in connection with which such funds are given or used, the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of Federal funds under this Act.

"COMPREHENSIVE SERVICES PHASE-IN

"SEC. 1251. The Secretary may grant a waiver to an applicant for assistance under this title, with respect to the provision of a specific service, required to be provided as a component of comprehensive health services where he determines that—

"(1) such service cannot be provided by the applicant solely because the required health manpower to provide such service is not available; and

"(2) the applicant has a feasible plan to provide such service at the earliest possible date, such date not to exceed three years from the date assistance under this title is first granted to such applicant.

"COMPREHENSIVE HEALTH SERVICES FOR INDIANS AND MIGRANT WORKERS

"SEC. 1252. The Secretary is authorized to contract with health maintenance organizations to provide health services to individuals who are eligible for such services from the Indian Health Service or under section 310 of this Act.

"PART C—SPECIAL PROJECT GRANTS TO FACILITATE HEALTH SERVICES IN NONMETROPOLITAN AREAS

"SEC. 1260. (a) The Secretary is authorized to make grants to or contracts with any public or nonprofit private entity (which otherwise may not be eligible for grants or assistance under this title) to study, initiate, and evaluate projects for the delivery, or to facilitate the delivery, in nonmetropolitan areas of comprehensive health services on a prepaid basis."

(b) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.



TITLE II—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

SHORT TITLE

SEC. 201. This title shall be known as the "Commission on Quality Health Care Assurance Act of 1973".

STATEMENT OF PURPOSE

SEC. 202. It is the purpose of this title to promote the quality of health care in the United States by establishing a Commission on Quality Health Care Assurance to develop, establish, and encourage parameters and standards for quality health care.

SEC. 203. The Public Health Service Act, as amended by this Act, is further amended by inserting after title XII the following new title:

"TITLE XIII—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"PART A—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"ESTABLISHMENT OF COMMISSION

"SEC. 1301. (a) There is hereby established (as an independent agency in the executive branch) a Commission on Quality Health Care Assurance.

"(b) The Commission shall be composed of eleven members to be appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Commission. In making such appointments the President shall appoint individuals who are representative of the health care delivery industry, private organizations engaged in developing health care quality standards which may be applicable on a national basis, and consumers not related to the delivery of health care. The terms of office of each member of the Commission shall be five years except that—

"(1) the members first appointed shall serve, as designated by the President, three for a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years;

"(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed; and

"(3) a member shall be eligible for reappointment for one additional term.

"(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

"(d) Any vacancy in the Commission shall not affect its powers and six members of the Commission shall constitute a quorum.

"(e) Four members of the Commission shall be consumers not related to the delivery of health care.

"DUTIES OF THE COMMISSION

"SEC. 1302. (a) The Commission shall—

"(1) promulgate standards for qualifications of personnel, composition of medical groups, and other characteristics dealing with the adequacy of facilities and equipment;

"(2) conduct such research and experimental programs as are determined necessary for the development of—

"(A) criteria for new and improved quality assurance systems, and

"(B) norms, with regard to processes, utilization characteristics, and outcomes;

"(3) require and monitor, in accordance with criteria established based upon findings under paragraph (2), quality assurance systems for health maintenance organizations, and other providers of health care subject to the provisions of this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which shall be designed to—

"(A) improve as well as assess the quality of health care;

"(B) evaluate the inputs, processes, utilization characteristics, and outcomes of health care as related to individuals and population groups, and establish relationships between inputs, processes, utilization characteristics, and outcomes;

"(C) concentrate on those illnesses which have relatively high incidence in the population and which are particularly influenced by medical treatment, rather than on unusual illnesses or conditions whose course is little influenced by therapy;

"(D) improve as well as assesses the accessibility, availability, and acceptability of health care provided by health maintenance organizations, and other providers of health care;

"(E) develop procedures for such systems to report through the policymaking body of the health maintenance organization to the membership and to the Commission on Quality Health Care Assurance; and

"(F) take into account the need for inclusion of consumers as well as the several health care disciplines in the decisionmaking membership of the system;

"(4) issue certificates of compliance to providers of health care certifying that such providers maintain an approved quality assurance system and are otherwise conforming with requirements published under this section;

"(5) after a hearing on the record, revoke or suspend such certificate where it determines that such provider has significantly deviated from the standards, approved quality assurance system, or the norms published pursuant to this section unless such deviation is justified to the satisfaction of the Commission;

"(6) monitor reports by health care providers covered by this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, for the purpose of assuring that the performance of such health care providers is in conformance with the approved quality assurance system and norms published under this section;

"(7) publish objective statistical descriptions of norms accumulated through experience and results of programs conducted under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963;

"(8) conduct a program of research and development which shall have the objectives of—

"(A) improving the technology of assessing the quality of health care with emphasis on the outcomes of health care;

"(B) assessing and comparing the quality of health care provided under different delivery system arrangements;

"(C) analyzing the effects of providing information to consumers and improvement in the methods of information dissemination;

"(D) analyzing the impact of its quality assurance program upon the quality of health care for the American people; and

"(E) coordinating the collection, assimilation and cataloging of existing information regarding quality health care assurance programs of Federal, State, and local agencies and their relationships with one another, with due regard for the protection of the confidential nature of the doctor-patient relationship;

"(9) collect, summarize, and distribute information regarding the impact of medical services and the health status of the population of the United States;

"(10) provide technical assistance to providers of health care in the development of quality control programs;

"(11) study the levels, costs, and quality of health care under health care programs of the Federal Government;

"(12) administer the reinsurance program established under part B of this title;

"(13) analyze the need for standardization of medical record information and facilitate

the development of a system of standard medical reference mechanisms;

"(14) prescribe a schedule of reasonable contingent fees for attorneys representing claimants in proceedings under section 1309; and

"(15) annually report to the President and to the Congress on the conduct of activities, under this title (including results of studies conducted under paragraph (11)) together with such recommendations for additional legislation as the Commission may determine appropriate.

"(b) In developing quality health care assurance system criteria the Commission's consideration shall include but not be limited to existing State regulations, such standards as are in effect for Federal health agencies, and analysis of the results of the reinsurance program and the results of arbitration procedures under part B of this title.

"ADMINISTRATIVE POWERS

"SEC. 1303. (a) In order to carry out the provisions of this Act the Commission is authorized to—

"(1) appoint and fix the compensation of personnel of the Commission in accordance with the provisions of title 5, United States Code;

"(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Commission and delegate authority to any officer or employee;

"(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Commission deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Commission for a period not to exceed ten years without regard to the Act of March 3, 1377 (40 U.S.C. 34);

"(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(5) appoint one or more advisory committees (including a committee for the preparation and analysis of statistics) composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise the Commission with respect to its functions under this Act;

"(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

"(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

"(8) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible; and

"(9) take such actions as may be required for the accomplishment of the objectives of the Commission.

"(b) Upon request made by the Commission each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Commission in the performance of its functions with or without reimbursement. Where the Commission determines that such services, equipment, personnel, facilities, and information cannot be made available for utilization in a manner which would enable it to expeditiously perform its duties under this Act, the Commission may establish where necessary the programs necessary to accomplish its tasks.

"(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(d) The Chairman shall be the chief executive and the administrative officer of the Commission and shall exercise the responsibility of the Commission with respect to—

"(1) the appointment and supervision of personnel employed by the Commission;

"(2) the distribution of jobs among the personnel of the Commission; and

"(3) the use and expenditure of funds.

"COMPENSATION

"SEC. 1304. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(60) Chairman, Commission on Quality Health Care Assurance.'

"(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"'(98) Members, Commission on Quality Health Care Assurance (10).

"'(99) General Counsel, Commission on Quality Health Care Assurance.'

"APPLICABILITY OF COMMISSION REQUIREMENTS

"SEC. 1305. (a) Except as provided in subsection (b) the requirements established by the Commission pursuant to section 1202 shall apply to any provider of health care receiving assistance under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 after the date of enactment of this title.

"(b) Any provider covered under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, may apply to the Commission for a temporary order granting a variance from any requirement or any provision thereof promulgated under section 1302 of this Act. Such temporary order shall be granted only if the provider files an application which establishes that—

"(1) the provider is unable to comply with a requirement by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with any requirement or because necessary construction, alteration, or modernization of facilities cannot be completed by its effective date; and

"(2) the provider has an effective program or coming into compliance with any requirement as quickly as possible with adequate interim safeguards for the protection of consumers of health care.

"(c) The Commission is authorized to grant a variance from any of its requirements or portion thereof whenever it determines or the Secretary of Health, Education, and Welfare certifies that such a variance is necessary to permit a provider to participate in a project approved by him designed to validate new and improved techniques of health care delivery systems.

"REPORTS AND MAINTENANCE OF RECORDS

"SEC. 1306. (a) Each provider, covered under this title, shall make, keep, and preserve, and make available to the Commission and the Secretary of Health, Education, and Welfare, such records regarding activities governed by this title as the Commission, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe.

"(b) The Commission shall prescribe rules and regulations as may be necessary with regard to inspection of the records and facilities of a provider.

"DISCLOSURE TO CONSUMERS OF HEALTH CARE SERVICES

"SEC. 1307. (a) A description of any health care plan covered by this title shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this title.

"(b) A description of the plan shall be comprehensive and shall include, in a manner designed to be understood by the average enrollee, the following:

"(1) fees and prices;

"(2) scope of services included in benefit packages;

"(3) accessibility and availability of services including the location of the facilities, equipment available, hours of operation, practitioners by type and location, and amenities;

"(4) the name and type of administration of the plan; and

"(5) a statement of certification by the Commission.

"(d) The Commission shall monitor the provision of information by providers of care as required by this section. In any case in which information is disclosed or disseminated under this title and is subsequently found to be insufficient, inaccurate, or inaccurately disseminated the Commission shall take such action as is necessary to assure a full retraction of the inaccurate information together with a statement of new data in a manner similar to the initial disclosure or dissemination of such information.

"(e) The disclosure must also include procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part.

"(f) Every provider shall furnish a copy of the plan description (including amendments or modifications thereto) described in subsection (b), to every enrollee upon his enrollment in the plan, and cause the same to be published, in a manner prescribed by the Commission, to the general public.

"PENALTIES

"SEC. 1308. (a) (1) Whenever the Commission after reasonable notice and opportunity for hearing to the provider finds that the provider has significantly deviated from the approved quality assurance system or is engaged in practices which significantly deviate from national or regional norms as determined by the Commission, the Commission shall notify the provider, and the Secretary of Health, Education, and Welfare that such provider shall be ineligible to participate in assistance under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 and that the certificate of approval has been suspended until such time as the provider is found to be in compliance with the requirements established under section 1302. Hearings conducted under this section shall be held, where practicable, in a location convenient to the provider of health care.

"(2) Providers of health care, who have had their certificate suspended for a period, which the Commission determines to be unreasonable, shall have their certificate revoked and shall be liable for the repayment of part or all amounts received under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

"(3) The Commission is authorized to make arrangements with providers of health care who have had their certificates revoked, for reimbursement of amounts received under this Act, and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, including deferred payments on such terms and for such periods as are deemed equitable and appropriate.

"(b) Any person who knowingly makes any false statement, representation, or certification on any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment of not more than six months or by both.

"ARBITRATION

"SEC. 1309. (a) A provider of health care that possesses a valid certificate of compliance issued under section 1302 may enter into a program for the equitable and expeditious handling of malpractice claims which may arise out of care and treatment of patients. Such programs shall be based upon agreements between the patients and the providers of health care to submit all disputes, not settled to the satisfaction of both parties, to binding arbitration in order to gain the benefits of such programs for patients and providers. Records of all such settlements shall be kept by each provider of health care, and submitted to the Commission in such manner as it shall prescribe.

"(b) An agreement to submit to binding arbitration under subsection (a) must be valid in the jurisdiction in which such agreement is made and shall provide for the selection of arbitrators in accordance with rules and regulations promulgated by the Commission. For those providers who shall establish arbitration programs as specified in this section, title 9 of the United States Code shall apply to such arbitration programs if the State or States in which the provider is located has not enacted legislation providing for the finality of arbitration decisions, or for parties to enter into agreements to arbitrate prior to a dispute.

"(c) Written findings of fact and conclusions of law shall be prepared for each arbitration proceeding held under this section. In each case the findings shall be certified by the arbitrator to the Commission. The Commission shall develop a systematic codification of all findings of arbitration proceedings undertaken pursuant to this section and shall publish such findings at least annually or more frequently at the discretion of the Commission. The Commission shall certify all findings of arbitration proceedings undertaken pursuant to this section to all appropriate State or local licensing or disciplinary boards for each such arbitration procedure under the territorial jurisdiction of such board.

"(d) (1) Every attorney who, in connection with any proceedings under this section for personal injuries or for death or for loss of services resulting from personal injury proximately caused by medical malpractice, accepts a retainer or enters into an agreement, express or implied, for compensation for services rendered or to be rendered in such proceedings whereby his compensation is to be dependent or contingent in whole or in part upon the successful prosecution or settlement thereof, shall, within thirty days from the date of any such retainer or agreement of compensation, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"(2) An attorney retained by another attorney on a contingent fee basis as trial or appeal counsel or to assist in the preparation, investigation, or settlement of any such proceeding, shall, within thirty days from the date of such retainer, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"(3) A closing statement shall be filed with the Commission with every proceeding in which a retainer statement is required containing such information as the Commission shall require.

"(4) All statements of retainer or closing statements filed with the Commission shall be confidential, and the information therein contained shall not be divulged or made available for inspection or examination except upon written order of the Chairman or the General Counsel of the Commission.

"(5) Any attorney who charges or collects, for services rendered in connection with any proceedings described in this subsection, any fee in excess of that allowed by the Commission, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"PUBLICATION OF CRITERIA AND NORMS

"SEC. 1310. (a) The Commission may, by rule, promulgate, modify, or revoke any quality health assurance system criterion or norm in the following manner:

"(1) whenever the Commission upon the basis of information submitted to it in writing by an interested person, a nationally recognized standard-producing organization, the Secretary of Health, Education, and Welfare, or a State or political subdivision, or on the basis of information developed by the Commission, or otherwise available to it, determines that a rule should be promulgated in order to serve the objectives of this title, the Commission shall publish such proposed rule promulgating, modifying, or revoking a standard or criterion for a quality health care assurance system or norm in the Federal Register, and shall afford interested persons a period of sixty days after publication to submit written data or comments.

"(2) on or before the last day of the period provided for the submission of written data or comments, any interested person may file with the Commission written objections to the proposed rule stating the grounds therefor and requesting a public hearing on such objections. Within sixty days after the last day for filing such objections the Commission shall publish in the Federal Register a notice specifying the criteria for quality health care assurance systems or norms to which objections have been filed and a hearing request and specifying a time and place for such hearing. Hearings conducted under this section shall be held, where practicable, in a location convenient to the person filing such objection.

"(3) within sixty days after the expiration of the period provided for the submission of written data or comments or within sixty days after the completion of any hearing, whichever is later, the Commission shall issue and publish in the Federal Register a rule promulgating, modifying, or revoking standards, criteria for quality health care assurance systems or norms, or notice of a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date and such period (not in excess of ninety days) as the Commission determines may be necessary to insure that affected persons will be informed of the existence of the criteria or norm and of its determinations and that they are given an opportunity to familiarize themselves with the existence of the requirements of such criteria or norm.

"(b) Any person who may be adversely affected by the promulgation of a rule issued respecting criteria or norms under this section may at any time prior to the ninetieth day after such criteria or norm is promulgated, file a petition challenging the validity of such criterion or norm with the United States district court for the district where such person resides or has his principal place of business for a judicial review of such criterion or norm. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The filing of such petition shall not, unless otherwise stated by the court, operate as a stay of the criterion or norm. The determination of the Commission shall be conclusive if supported by substantial evidence in the record considered as a whole.

"(c) (1) In the case of establishing criteria for the assimilation of objective statistical material required for the publication of norms, the Commission shall hold hearings only when it determines such hearings to be necessary.

"(2) The Commission shall publish in the Federal Register a summary and basis for the establishment of the criteria required by paragraph (1).

"(d) The Commission in compiling information for setting the requirements for this title shall solicit views and information from concerned entities.

"STATE JURISDICTION AND STATE PLANS

"SEC. 1311. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any health issue with respect to which no standard, criterion, or norm is in effect under section 1302 of this Act.

"(b) Any State which at any time desires to assume responsibility for the development and enforcement of health standards, criteria, or norms relating to any health issue with respect to which a Federal standard, criterion, or norm has been promulgated under section 1302, shall submit to the Commission a State plan for the development of such standards, criteria, or norms and their enforcement.

"(c) The Commission shall approve the plan submitted by a State under subsection (b) or any modification thereof only if such plan—

"(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State;

"(2) provides for the development and enforcement of health standards, criteria, or norms relating to one or more health issues which standards, criteria, or norms (and the enforcement of which) will be no less stringent than the standards, criteria, or norms promulgated under section 1302 which relate to the same health issues;

"(3) provides for a right to entry and inspection of all premises of providers of health care subject to this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which includes a prohibition on advance notice of inspections;

"(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards, criteria, and norms;

"(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards, criteria, and norms;

"(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive health program applicable to all providers of health care of the State and its political subdivisions, which program is as effective as the standards contained in an approved State plan;

"(7) requires providers of health care in the State to make reports to the Commission in the same manner and to the same extent as if the State plan were not in effect; and

"(8) provides that the State agency will make such reports to the Commission in such form and containing such information as the Commission shall from time to time require.

"(d) If the Commission rejects a plan submitted under subsection (b), it shall afford the State submitting the plan reasonable notice and opportunity for a hearing before so doing.



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"(e) After the Commission approves a State plan submitted under subsection (b), it may, but shall not be required to, exercise its authority with respect to comparable standards, criteria, or norms promulgated under section 1302, for the period specified in the next sentence. The Commission may exercise the authority referred to above until it determines, on the basis of actual operations under the State plan, that the standards, criterions, or norms set forth in subsection (c) are being applied, but it shall not make such determination for at least three years after the plan's approval under subsection (c).

"(f) The Commission shall, on the basis of reports submitted by the State agency and its own inspections, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Commission finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), it shall notify the State agency of its withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

"(g) The State may obtain a review of a decision of the Commission withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Commission. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Commission's decision in rejecting a proposed State plan or withdrawing its approval of such a plan is not supported by substantial evidence, the court shall affirm the Commission's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(h) The Commission may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more health standards, criteria, or norms in effect in such State until final action is taken by the Commission with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this title, whichever is earlier.

"PROCEDURES TO COUNTERACT IMMINENT DANGERS

"SEC. 1312. (a) The United States district courts shall have jurisdiction, upon petition of the Commission, to restrain any conditions or practices by a provider of health care which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this title. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

"(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this title. The proceeding shall be as provided by rule 65 of the Federal Rules of Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

"(c) Whenever and as soon as the Commission concludes that conditions or practices described in subsection (a) exist it shall inform the affected provider of health care of the danger and that it shall seek relief under this section.

"(d) If the Commission arbitrarily or capriciously fails to seek relief under this section, any person who may be injured by reason of such failure, or the representative of such person might bring an action against the Commission in the United States district court for the district in which the imminent danger is alleged to exist or the provider has its principal office, or in the United States District Court for the District of Columbia, for a writ of mandamus to compel the Commission to seek such an order and for such further relief as may be appropriate.

"DEFINITIONS

"SEC. 1313. For the purposes of this title, the term—

"(1) 'input measure' means assessment based on the qualifications of personnel, facilities, and equipment required to provide medical care;

"(2) 'process measure' means assessment based upon the conformance of medical decisions and actions taken in actual episodes of care to some defined standards of medical practice;

"(3) 'utilization characteristics' means those characteristics giving information concerning the rates of usage of components of the health care system such as the length of hospital stays, the number of doctor-patient contacts, and the number of hospital admissions in a year.

"(4) 'outcome measure' means assessment of care based upon health of patients during and particularly at the conclusion of episodes of care. Standards for clinical outcome should be based solely on the results of health care;

"(5) 'Commission' means the Commission on Quality Health Care Assurance;

"(6) 'reinsurance program' means the Federal Medical Malpractice Reinsurance Program established under part B of this title; and

"(7) 'norm' means a statistical range which reflects the parameters of acceptable quality health care practices existing at the time such norm is promulgated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1314. There are authorized to be appropriated for the carrying out of the provisions of this part $15,000,000 for the fiscal year ending June 30, 1974; $20,000,000 for the fiscal year ending June 30, 1975; and $35,000,000 for the fiscal year ending June 30, 1976.

"PART B—FEDERAL MEDICAL MALPRACTICE REINSURANCE PROGRAM

"PROGRAM ESTABLISHED

"SEC. 1320. There is hereby established an insurance program to be known as the Federal Medical Malpractice Reinsurance Program which shall be administered by the Commission.

"SCOPE OF PROGRAM

"SEC. 1321. The Commission shall make medical malpractice liability reinsurance available to primary insurers of such liability to the extent that such primary insurers are liable for damages resulting from acts of an insured who holds a valid certificate of compliance in accordance with the requirements of section 1302.

"BASIC AUTHORITY

"SEC. 1322. (a) In carrying out the medical malpractice reinsurance program the Commission shall arrange for—

"(1) appropriate financial participation and risk sharing in the reinsurance program by insurance companies or other insurers, and

"(2) other appropriate participation on other than a risk-sharing basis by insurance companies or other insurers, insurance agents and brokers, and insurance adjustment organizations.

"(b) The Commission shall initially make reinsurance available to cover liability for amounts over $25,000 but not exceeding $1,000,000. If on the basis of studies and investigations, and other information that becomes available the Commission determines that it would be feasible to extend medical malpractice reinsurance programs to cover amounts less than $25,000 or more than $1,000,000 it may take such action under this Act as from time to time may be necessary.

"NATURE OF COVERAGE

"SEC. 1323. (a) The Commission from time to time shall, after consultation with appropriate representatives of insurance authorities of the respective States, provide by regulation for general terms and conditions of insurability which shall be applicable to primary medical malpractice insurers participating in the reinsurance program, including—

"(1) the nature and limits of liability which may be covered by such insurance;

"(2) the classification, limitation, and rejection of any risks which may be advisable;

"(3) appropriate minimum and maximum premiums;

"(4) appropriate deductibles; and

"(5) any other terms and conditions relating to insurance coverage or exclusion which may be necessary to carry out the provisions of this title.

"(b) The Commission may enter into such contracts, agreements, or other arrangements, upon such terms and conditions as may be agreed upon with primary insurers in order to carry out the purposes of this part.

"PREMIUM RATES

"SEC. 1324. (a) Premium rates established by the Commission shall be—

"(1) uniform with respect to similar classifications of risks;

"(2) sufficient to provide adequate proceeds to pay all claims for probable losses over a reasonable period of years; and

"(3) exclusive of any loading for administrative expenses of the United States under this part.

"(b) Premiums established under subsection (a) shall be paid to the Commission in such manner as the Commission shall prescribe by regulation.

"TREASURY BORROWING AUTHORITY

"SEC. 1325. (a) The Commission is authorized to issue to the Secretary of the Treasury from time to time and have outstanding at any time, in an amount not exceeding $500,000,000 (or such greater amount as may be approved by the President), notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Commission, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on the outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations to be issued under this subsection, and for such purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"(b) Any funds borrowed by the Commission under this authority shall, from time to time, be deposited in the Medical Malpractice Reinsurance Fund established under section 1326.

"MEDICAL MALPRACTICE REINSURANCE FUND

"SEC. 1326. (a) To carry out the reinsurance program authorized by this Act, the Commission is authorized to establish in the Treasury of the United States a Medical Malpractice Reinsurance Fund which shall be available, without fiscal year limitation—

"(1) to repay to the Secretary of the Treasury such sums as may be borrowed from him (together with interest) in accordance with the authority provided in section 1325 of this title;

"(2) to pay such administrative expenses (or portion of such expenses) of carrying out the reinsurance program as the Commission may deem necessary; and

"(3) to pay claims and other expenses and costs of the reinsurance program (including any premium equalization payments and reinsurance claims), as the Commission deems necessary.

"(b) The fund shall be credited with—

"(1) such funds borrowed in accordance with the authority provided in section 1325 of this Act as may from time to time be deposited in the fund;

"(2) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities;

"(3) interest which may be earned on investments of the fund pursuant to subsection (c);

"(4) such sums as are required to be paid to the Commission under section 1324; and

"(5) receipts from any other operations under this Act which may be credited to the fund.

"(c) If, after all outstanding obligations have been liquidated, the Commission determines that the moneys of the fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

"PAYMENT OF CLAIMS

"SEC. 1327. The Commission is authorized to issue orders establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for any damage which is covered by medical malpractice reinsurance made available under the provisions of this Act."

TECHNICAL AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 204. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I, II, and XV".

(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title XI (as in effect prior to the date of enactment of this Act) as title XV and by renumbering sections 1101 through 1114 (as in effect prior to such date) and references thereto as sections 1501 through 1514, respectively.

(c) Sections 767, 768, 769, 769A, and 769B of the Public Health Service Act (added by section 107 of Public Law 92-157) are redesignated as sections 769, 769A, 769B, 769C, and 769D, respectively.



Mr. KENNEDY. Mr. President, this is an amendment in the nature of a substitute, on which I should like to make a brief statement at this time.

Mr. JAVITS. Mr. President, will the Senator from Massachusetts yield for a parliamentary inquiry?

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, will the amendment in the nature of a substitute, which has just been set up by the Senator from Massachusetts, itself be subject to an amendment in the nature of a substitute?

The PRESIDING OFFICER (Mr. CLARK). In one more degree.

Mr. JAVITS. I thank the Senator from Massachusetts. With the Senator's permission, I wished to make that clear, as I have already given notice of a substitute to be offered for Senator KENNEDY's basic bill. However, I welcome whatever refinements he wishes to make so that we will be able to judge, based on what we hear about it, with respect to submitting another substitute. But I did wish to make it clear that the opportunity was available.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. I yield.

Mr. DOMINICK. Does the Senator intend to go forward with this, because I never heard of the substitute until just this second.

Mr. KENNEDY. I want to indicate that I will go forward with the substitute and, hopefully, introduce it tonight, and make the explanation. It is a reduction, obviously, in the total authorizations, with some variations in the legislation itself, which I hope to explain.

I would be delighted to review with the Senator from Colorado its particular provisions. It is easily understandable. We are dealing with the same issues we talked about earlier this afternoon and in the course of the hearings themselves. But it does, and it will, I think, move a long way toward meeting most of the objections of a number of the minority members of the committee.

It, in effect, will authorize $865 million rather than the $1.5 billion. In effect, we are cutting the total authorization in half. But it is making the cut in ways which I think will still maintain the central structure and thrust of the legislation. But it will be a significant reduction in the total figure which I know is a matter of considerable concern to the Senator from Colorado and to other members of the committee. We will have moved, if that is accepted, from the legislation which passed last year, of $5.1 billion over a 3-year period, to an $865 million authorization. This is troublesome, but at least it will contain the essential thrust of the legislation.

Mr. HUMPHREY. A point of information. The Senator is introducing an amendment in the nature of a substitute that is basic. Does the Senator expect tonight to vote on this between now and the remainder of the evening, or does he intend to explain it tonight and have it in the RECORD and then vote on it tomorrow?

Mr. KENNEDY. The Senator has correctly stated my views. I will explain it this evening and then I will be willing to talk about it with my colleagues and, hopefully, we will be able to take whatever action the Senate wishes to take tomorrow.

Mr. JAVITS. I should like to make it clear that I expect to present a substitute, on which I have previously given notice. I understand perfectly, and repeat, that it is Senator KENNEDY's desire to put forward the most perfect bill he can, consistent with his views. I also state to the Senator from Colorado (Mr. DOMINICK), for the same reason, that I will submit the substitute tomorrow so that the Senate may make its choice.

Mr. KENNEDY. Mr. President, I believe that the Health Maintenance Organization and Resources Development Act of 1973 as reported by the Committee on Labor and Public Welfare is a good bill. I believe it provides a thoughtful, effective approach to dealing with the enormous problems present in the provisions of health care services throughout the United States. I believe it represents one alternative to our existing fragmented, disorganized system of health care delivery.

The health maintenance organization bill pending before us at the present time was ordered reported by the Committee on Labor and Public Welfare by a vote of 14 to 1, with only Senator DOMINICK voting nay.

Since then, two amendments in the nature of substitutes, in addition to Senator DOMINICK's amendments, have been placed on the Senate Calendar.

I believe that major structural amendments to legislation offered by committee members should be made in committee. This path was not chosen with respect to this legislation.

While I feel that the bill as reported is an excellent, strong piece of legislation, I am mindful of the desirability of consolidating the Senate's position with respect to this important issue to the greatest extent possible. For that reason, I have offered amendment No. 131 in the nature of a substitute to S. 14.

My amendment would go a long way toward meeting the objections, as I understand them, of some minority members of the committee whole retaining the features of the bill which I consider to be essential.

My substitute bill would cut total authorizations from $1.5 billion to $865 million for a 3-year period for support to health maintenance organizations and for the creation of an adequate quality assurance mechanism within the Federal Government.

My amendment would retain the rather specific definitions to be required of an HMO before it would be eligible for Federal assistance, but would broaden the present definition to make individual practice models eligible for assistance on

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an equal basis with the closed panel prepaid group practice model. The language contained in part A of title I of S. 14 would be modified in a manner patterned after the amendment offered by Senator DOMINICK to the health maintenance organization legislation last year. Senator DOMINICK's amendment was defeated at that time.

My amendment would further strike authority for supplemental health maintenance organizations, currently eligible for 17½ percent of the funds appropriated under title I. The supplemental health maintenance organization concept is a Federal giveaway program. The definition of entities eligible for funding under part D of title I is so broad, that almost anything can call itself a health maintenance organization and be eligible for funds. I believe it is the responsibility of the Senate to determine, to the greatest extent possible, the characteristics of health maintenance organizations, based upon the extensive hearing record the committee has compiled.

Authority for health service organizations is deleted under the conditions of my amendment. The broadened definition of a health maintenance organization contained in title I of the amendment would allow the Secretary to fund what the now defined as health service organizations in S. 14.

The authority for area health education and service centers is also dropped.

My amendment retains other components of S. 14 unchanged, but at reduced authorization levels. The provisions relating to preemption of restrictive State laws, quality health care initiative awards, capitation grants to enable the Secretary to subsidize premium costs and the costs of compliance with open enrollment requirements, prohibition of the transfer of funds, labor standards, open enrollment waiver, access to records, comprehensive services phase-in, and authority to provide services for Indians and migrant workers are retained.

Title IV of S. 14 is retained in my amendment intact.

The authorization for the appropriation of funds in the committee bill as amended by my amendment, if adopted, would be $865 million over a 3-year period. This compares with an authorization level of $1.5 billion over 3 years in the bill as it now stands, and of $5.18 billion as the bill passed the Senate last September.

Those are the essential differences in the substitute.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I yield.

Mr. DOMINICK. I am still not quite clear. I gather that the Senator knocks out title II in the HSO but leaves in title I. What did the Senator do about other than the closed panel type HMO?

Mr. KENNEDY. We accepted the language the Senator from Colorado offered last year to provide greater flexibility for eligibility. I want to be precise. The Senator is familiar with this. We are not requiring that it be on a salary basis, but we are providing flexibility for a fee for service payment to the doctors if, in the judgment of the HMO, they feel that is the more desirable means of payment.

We provide flexibility in this area, which I think is a desirable quality.

We have tried to broaden the definition for HMO to reach, as I think it will, a number of the points the Senator from Colorado was interested in last year. But the advantage, as I see it, is that we have eliminated the supplemental HMO's, which we thought was defined in too vague and general a manner, and did not warrant the kind of financial support authorized by the bill.

By continuing the range of services and the other requirements for HMO, we tried to make it more flexible in terms of general definition.

Mr. DOMINICK. So that under title I, the Senator is saying that whatever the amount he has—I have not seen the amendment—would be eligible for grants and loans to any type of HMO and not just closed panel. Is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. DOMINICK. And the Senator does not set aside any particular amount for other than closed panel. It is all lumped together, and then there is discretion in the Secretary.

Mr. KENNEDY. The Senator is correct.

Mr. DOMINICK. I thank the Senator.

Mr. KENNEDY. It seems to me that that is a more desirable compromise than what is included in the present arrangement.

The definition of a medical group as changed, and we have added the following language:

> Such group may be organized on a group practice or individual practice basis, and individual physicians may be paid on a fee for service or any other basis, so long as the group is reimbursed for its services on the basis of an aggregate fixed sum or on a per capita basis.

Mr. DOMINICK. I think that is in accord with the language which was voted down last year.

Mr. KENNEDY. I want to make sure the Senator has a complete copy of the proposed legislation this evening. He is certainly familiar with the broad sweep of it. I know he would like a chance to examine it. I have tried to explain briefly the principal areas of difference.

Mr. President, the Senator from Maine spoke to me about the elimination of HSO's, and he wanted some assurances about the availability of resources particularly in rural communities; I think that is an extremely important area. Some of the greatest health needs are in rural communities. The Senator from Maine was interested in developing a dialog to make sure that any adjustments and changes in connection with this matter would be protected. He spoke to me earlier about this, and I expect to have an opportunity to develop that completely with him tomorrow, and with any other Senator, because we intended, as we refined the definition of the HSO, that it should be clear—as I believe it is in the language—that there would be adequate provision for the development of the HMO's in its broader definition within the rural communities of this country. I look forward to making that as clear as possible.

LEAVE OF ABSENCE

Mr. ALLEN. Mr. President, I will be absent necessarily from the session of the Senate on tomorrow. If I were present, I would vote "nay" on final passage of this bill.

I ask unanimous consent that I may be accorded a leave of absence from the Senate for tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I believe it would be helpful to Senators to have an analysis of the difference between the substitute I intend to introduce and the substitute introduced by the Senator from Massachusetts.

I call attention to the fact that last Wednesday I introduced into the RECORD an analysis of the differences between my substitute and S. 14 as originally presented. In order to bring that analysis up to date it is necessary to have the differences before us as to both substitutes. I ask unanimous consent that a memorandum stating the differences made be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

COMPARISON OF DIFFERENCES BETWEEN KENNEDY SUBSTITUTE AMENDMENT AND JAVITS SCHWEIKER SUBSTITUTE AMENDMENT TO S. 14

| *Javits Schweiker* | *Kennedy* |
|---|---|
| I Authorizations: | |
| Total, $705,000,000. | Total, $865,000,000. |
| Part A, $430,000,000. | Part A, $430,000,000. |
| Part C, 0. | Part C, 0. |
| Part D, 0. | Part D, 0. |
| Part E: | Part E: |
| Initiative awards, $150,000,000. | Initiative awards, $125,000,000. |
| Capitation subsidy, 0. | Capitation subsidy, $125,000,000. |
| Open enrollment subsidy, 0. | Open enrollment subsidy, $115,000,000 |
| Quality Commission, $125,000,000. | Quality Commission, $70,000,000. |
| II HMO definition: | |
| Same as S. 14. | Broaden to include individual practice and fee for service payment. |
| III Supplemental HMO's: | |
| Same as S. 14. | Deleted. |
| IV HSO's and AHBC's: | |
| Deleted. | Deleted. |
| V Federal malpractice reinsurance: | |
| Deleted. | Same as S. 14. |
| VI Commission on Quality Health Care Assurance: | |
| Establish in HEW. | Same as S. 14, established as independent agency. |
| VII Waiver of defined health benefits: | |
| Broadened to include lack of facilities and equipment. | Same as S. 14, Limited to lack of health manpower. |



## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 14, 1973, he presented to the President of the United States the enrolled bill S. 721 to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

## ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that in lieu of the name of the Senator from Kentucky (Mr. COOK), for whom an order was entered earlier today for 15 minutes tomorrow, the name of the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) be substituted.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the aforementioned orders tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business tomorrow, the Senate resume its consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. STEVENSON, Mr. HARRY F. BYRD, JR., Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

Mr. President, at the conclusion of the 15-minute orders for the recognition of Senators, there will be a period for the transaction of routine morning business of not to exceed 15 minutes with statements limited therein to 3 minutes.

At the conclusion of the routine morning business, the Senate will resume its consideration of the unfinished business, S. 14. The pending question at that time will be on the adoption of amendment No. 131, an amendment in the nature of a substitute, offered by the distinguished Senator from Massachusetts (Mr. KENNEDY).

It is noted that the Senate will complete its action on S. 14 tomorrow and that it may then proceed to the consideration of S. 723, a bill to esablish a National Institute for Health Care Delivery, and S. 504, a bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical systems.

Upon the completion of those measures it is anticipated as of now, that the Senate would proceed to the consideration of S. 1672, a bill to amend the Small Business Act. Yea-and-nay votes will occur tomorrow.

## ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 5:24 p.m. the Senate adjourned until tomorrow, Tuesday, May 15, 1973, at 12 o'clock noon.

## NOMINATIONS

Executive nominations received by the Senate on May 11, 1973, pursuant to the order of May 10, 1973:

U.S. DISTRICT COURTS

Harlington Wood, Jr., of Illinois, to be a U.S. district judge for the southern district of Illinois vice Omer Poos, retiring.

DEPARTMENT OF JUSTICE

Ralph F. Kell, of Delaware, to be U.S. attorney for the district of Delaware for the term of 4 years vice F. L. Peter Stone, resigned.

Harold O. Bullis, of North Dakota, to be U.S. Attorney for the district of North Dakota for the term of 4 years, reappointment.

NATIONAL MEDIATION BOARD

David H. Stowe, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1976 (reappointment).

U.S. NAVY

The following named captains of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided for by law:

MEDICAL CORPS

Robert G. W. Williams, Jr
Paul Kaufman
Robert C. Laning
Robert L. Baker
William M. Lukash

SUPPLY CORPS

John C. Shepard
Carlton B. Smith
Thomas J. Allshouse

CIVIL ENGINEER CORPS

Kenneth P. Sears

DENTAL CORPS

Robert W. Elliott, Jr.

IN THE NAVY

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line or staff corps of the Navy to qualification therefor as provided by law:

| | |
|---|---|
| Rex T. Aaron | Duncan M. Butt |
| Robert S. Adams, Jr. | Robert Buttermore |
| Gary L. Allen | Michael F. Byrne |
| John B. Allen | John L. Byrnes |
| Richard J. Allen | David P. Caccamo |
| Darl R. Anderson | Frederick W. Caesar |
| William H. Anderson, III Jr. | Terry H Caliman |
| David Archuzel | Kenneth J. Calise |
| Gary T. Arinello | John K. Callahan |
| Olin M. Armentrout | James A. Campbell |
| John R. Ashmore | William L. Campbell |
| Leonard C. Aube | James A. Canter |
| Johnathan R. Austin III | Don L. Canterna |
| | Brian L. Cardiff |
| Bryant W. Averyt | Larry D. Carello |
| James B. Ayres, Jr. | Gary L. Carlile |
| Bruce M. Bachman | Gary S. Carlson |
| W. K. Bandhauer | Stephen A. Carlson |
| Robert C. Barnes | William J. Carothers |
| Douglas J. Barnett | Michael A. Carrigan |
| Randall G. Barnhart | Paul D Carstens |
| Melvin W. Barrentine | James R. Carter |
| Robert P. Barron | Robert A. Casey II |
| William D Barron | Bruce A. Castelman |
| Daniel J. Bauman, Jr. | Kim Castro |
| Neil S. Beck | Mark B. Cavallo |
| John L. Bedker, II | "J" R. Chaffin |
| Michael R. Behrent | Brad A. Chalker |
| Richard H. Belote | Guy C. Chamberlain III |
| James D. Beltz | |
| John F Benjamin | Edward L. Champion Jr. |
| Joseph A. Benkert | |
| Vaughn P. Bennett | Evan M. Chanik, Jr. |
| Wesley A. Bergazzi | James H. Chapman, Jr. |
| Stephen J. Bernascon | John L. Chapman |
| Charles E. Bianco | Steven B. Cheezum |
| William C. Bittman | Raymond N. Chell, Jr |
| Hugo G Blackwood | Dewaine R. Cherry |
| William R. Blake, Jr. | Gary L. Chetelat |
| Gerald B. Blanton | Robert K. Christensen |
| Allen R. Blough | James J. Cipriano |
| Richard T. Bocim | William C. Clair |
| James F. Boland, Jr. | Mark F. Clapper |
| Raoul Bonvouloir, Jr. | Robert J. Clarey |
| Ronald J. Borro | Danny L. Clarkson |
| Ronald E. Bowman | Carl L. Cleveland |
| Frederick J. Brasco | Steven O. Coats |
| Robert E. Brathuhn, Jr. | Robert C. Colleen |
| | Lonnie W. Cole |
| James D. Bridges | Frank S. Coleman Jr |
| Rex S. Bridges | Douglas L. Collins III |
| Pasquale A. Brignola | William F. Comly |
| James L. Brill | Robert H. Conn, Jr. |
| Thomas H. Brillat | Raoul B. Conway |
| James S. Bristow | Norman R. Cook III |
| Thomas E. Broderick | Charles G. Cooper III |
| Thomas G. Broussard, Jr. | David W. Cornell |
| | William R. Corse |
| David A. Brown | John Alan Cory |
| Dean R. Brown | Edward F. Cotter, Jr |
| Gary W. Brown | John G. Cotton |
| James B. Brown, Jr. | Daniel P. Couch |
| Stuart V. Brown | Dana C. Covey |
| James L. Buchanan | Paul R. Cox |
| Bruce W. Buckley | Ryan C. Cramer |
| James R. Burdett | Albert D. Creasy, Jr |
| Kirk S. Burgamy | Jeffrey W. Crews |
| Roger L. Burkhart | William H. Cross, Jr. |
| John Burkholder | Michael S. Crouch |
| Robert M. Burnes | Jeffrey W. Cummings |
| Thomas N Burns | John C. Cunliffe |

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Michael P. Curreri
Gary A. Currey
John L. Dafley, Jr.
Addison G. Daniel III
John R. Davis
Craig B. Dawson
Martin K. Deafenbaug
Steve R. Dean
Wilson B. Decker
Thomas J. Degeorge
Robert C. Degour
Michael C. DeManss
John C. Dempsey, Jr.
Michael F. Dennis
Patrick L. Denny
Daniel C. Denzer
Andrew A. DePeder
Douglas A. DeSalvo
James J. Destafney, Jr.
Stephen B. DeVilbiss
Richard Dick
Lawrence E. Dingos
David O. Dodge
Lawrence T. Doerflein
William G. Doherty
James T. Dohse
Stephen M. Dole
Conrad J. Donahue, Jr.
Joseph W. Doswell, Jr.
Michael J. Dougherty
Patrick R. Drake
Dennis C. Draper
J. B. Dreger
William M. Dunaway
Calvin L. Durst
Dennis M. Dwyer
John J. Edvardsen
James M. Eggleston
John E. Eisaman, Jr.
Richard A. Elliott
Timothy P. Ellis
Michael S. Ellison
Royce A. Engler
Thomas F. Enright
Philip Lee Ertel
Manuel F. Estrada
James F. Etro
Allan J. Eurek
John J. Evans
William G. Evans
William L. Evans
Bruce P. Evjen
James L. Ewing IV
Frederick D. Fahlberg
Bruce K. Farley
Homer L. Faust, Jr.
Thomas M. Feeks
Robert M. Fenlon
John A. Fericks
John R. Ferraro
Jay P. Fischer
Rand H. Fisher
Rory H. Fisher
Robert E. Fishman
Paul V. Fitzgerald III
John L. Fleming
William P. Fogarty
Gregory N. Fontaine
Robert D. Ford
Jack D. Forde, Jr.
Arthur K. Foskett
Tally B. Fox
Frank J. Frabotta
Richard W. Frailing
Howard J. France
Roger B. Francisco
Jonathan D. Friestedt
Raymond N. Fulton, Jr.
William H. Funke
Mark P. Gabrynowicz
Michael J. Gage
Thomas P. Gallagher III
James R. Garban
David P. Garfrerick
James E. Garrison
Richard S. Garvey
Kenneth P. Gathercole
William J. Gerken
Mark J. Geschke
Robert J. Gibson
George C. Giessing III
Douglas C. Gilbert
James V. Gilbert
Dennis M. Gillespie
Randy E. Glasmapp
John C. Goble
Mark A. Golay
Marc D. Goldberg
Jonathan L. Goldstein
William D. Good
John R. Goodrich II
James W. Gordon
John P. Gorman
Thomas F. Gorman, Jr.
Michael J. Gouge
William A. Goulding
Dennis D. Grabulis
Bret Graham
Jeffery W. Grant
William Gravell
George H. Greanias
John B. Gregor
Douglas B. Griffin
Richard A. Griffin, Jr.
David N. Griffith, Jr.
Geoffrey M. Griffiths
Joseph J. Grosel
James P. Grulee
James A. Haggart
James S. Hamlin, Jr.
James D. Hamrick
Carl E. Hance
Rexford D. Hand
Dwight W. Handforth
Scott C. Haney
Allen R. Hansen
Steven P. Hanson
Robert D. Hanson
Ross M. Harding
Bruce C. Hargus
Steve R. Harkins
John C. Harris
Michael J. Harris
Michael M. Harris
Randall C. Harris
Russell E. Harris
James J. Harrison
Marc A. Harrison
Robert M. Hartling
John C. Harvey, Jr.
Peter L. Hatton
David L. Hayes
Conrad P. Hedderich
Dale P. Helmer
Gary L. Helmick
Jay M. Hemberger, Jr.
Howard J. Hempenius
Craig B. Henderson
Michael D. Henderson
Paul B. Hendrickson
Scott L. Hendrickson
Douglas G. Henry
Peter D. Herlin
Richard J. Herman
David L. Herr
Raymond B. Herring
"J" D. Hertel
Randall J. Hess
Samuel G. Hester
James D. Hillenmayer
Phillip P. Hoffmann
Stephen M. Holgate
James C. Holloway
Robert C. Holmes
William B. Holmes
Derek E. Holmquist
Thomas H. Holt
Richard B. Hooker
Richard M. Hoover
Donald D. Hopkins
James P. Hopkins, IV
Steven W. Horton
Kim C. Houck
John J. Howard
Gregory A. Huber
John M. Hudspeth
Thomas P. Muegerich
Louis A. Hughes
David B. Hultberg
Jeffrey A. Iiams
Steven R. Ingram
Kenneth A. Jacobsen
John C. Japuntich
David P. Jaqua
William D. Jobe
Jacob L. Johnson, Jr.
John E. Johnson, Jr.
Kenneth A. Johnson
Robert S. Johnson
Donald W. Jones
Douglas E. Jones
Maxwell L. Jones
Max E. Kalafat
Michael R. Kalas
Joseph C. Kale
James C. Kane
Michael J. Kane
Bruce Keener, IV
Jeffrey D. Keho
Orlon P. Keifer
Stephen H. Keller
Michael D. Kelley
Barry L. Kelly
James D. Kelly
John M. Kelly
Thomas B. Kelly
William G. Kelsey
Wayne M. Kennard
John F. Kennedy
Robert B. Kennedy
John M. Kenny
William A. Kerekes
Thomas J. Kiernan
Thomas J. Kilcline, Jr.
Chad King
Kim A. King
Larry A. King
Mark E. Kirchberg
Robert J. Kirkland III
John R. Kirwan, Jr.
Edward P. Kiss
William C. Kissel
Robert F. Klaus
Gary D. Klein
Glenn E. Klein, Jr.
Robert R. Klepacki
Francis J. Klingseis
Robert J. Knight
Arthur "L" Knoflick
Louis H. Knotts
Charles B. Knutson
Roy E. Knutson
David R. Kohler
Mark W. Kohring
Dennis R. Kolasa
William S. Kordis
Gary D. Kornegay
Norman W. Kowalski
Joseph S. Krajnik
John S. Kraus
Joseph A. Krisiak
Thomas L. Krupski
David W. Kucik
Arthur P. Kuehne
David M. Kuhn
Steven A. Kunkle
Paul S. Kuntz
Michael J. Kupfer, Jr.
William C. Kurz
Wells K. Labberton
Vincent D. Lacava
James C. Lamar
Paul K. Landers
Roger B. Lanning
Randall D. Larson
James H. Lash
William B. Laskin
George C. Lassetter III
Frank J. Laughlin
Douglas J. Law
David M. Leather
Mark A. Leatherwood
Matthew L. Lechleitner
Douglas A. Leland
David L. Lengel
Richard M. Levy
Donald W. Lewis
William R. Liedtke
Carl M. Lindner III
Robert E. Luby, Jr.
David W. Lucas
John C. Lucy
Michael J. Lupidi
Patrick M. Lyons
Gordon S. MacDonald
Charles A. MacMillan
Daniel F. Madden
Joseph S. Mahaley
John D. Maher
Jonathan T. Malay
Barry P. Mangan
William F. Manganaro
David J. Maresh
Donald G. Marquart
David W. Marshall
Douglas B. Marshall
John J. Martin, Jr.
Thomas O. Martin
Peter W. Marzluff
Robert E. Maskell
Robert D. Maslowsky
James J. Masterson
Thomas O. Matella
Kenneth P. Mayeaux
Timothy S. McClay
Mark S. McClellan
Kevin B. McCleskey
James R. McClurg
William M. McCracken
Edward F. McDonald
Bruce E. McGalliard
James M. McGarrah
John J. McGarry, Jr.
Louis L. McGinty
John S. McHenry
John A. McIntosh III
Terrance J. McKearney
Michael S. McKeever
Tobin R. McNatt
Michael D. McRobbie
Duncan H. Meldrum
David D. Mericle
James L. Messervy
Bruce R. Metrick
John R. Midgett
Joachim T. Mihalick
George A. Mikolai
Albert R. Miller, Jr.
Burt E. Miller
Gary W. Miller
Matthew P. Minahan
Frederick R. Minier
Vincent P. Mocini
Randall J. Mollet
Carmen S. Mondelli, Jr.
William M. Montgomery
David B. Moreland
James B. Morin, Jr.
William M. Morrison
James D. Morton III
James A. Moseman
Scott F. Moss
Donald D. Mowry
Edward J. Muldoon, Jr.
Charles L. Munns
Roger W. Murch
James C. Murphy
James S. Murphy
Alexander H. Murray
James P. Murray
Michael K. Murray
Daniel G. Musmanno
Lawrence C. Myers III
Michael S. Myers
Richard C. Myers
Thomas R. Nadeau
Glen E. Nardi
Russell A. Neal II
Leonid Neboshynsky
Gregory M. Neifeit
Hugh D. Nelson
Patrick A. Nelson
Robert N. Nestlerode
Ralph R. Neumeister
Randolph Ni
Steven R. Nichols
William F. Nielsen
Vincent J. Nigro
Michael J. Nolan II
Roger T. Nolan
Robert M. Norman
John A. Norris, Jr.
Gary S. Nowak
John S. Nunnery
Steven M. Nyman
Michael P. Obert
David F. O'Connor
James F. O'Connor
Charles D. O'Dell
Stephen E. Ogden
James C. Oliver III
Eric T. Olson
Larry E. Olson
Dennis J. O'Meara
Fred G. Orchard
Colin C. Osborn
Michael J. O'Shaughnessy
Michael P. O'Sullivan
Stephen S. Oswald
Dudley M. Outcalt
Lewis G. Pallas
George R. Parish III
Thomas K. Parks
Herbert W. Parthum, Jr.
Robert C. Partlow
John J. E. Parus
Keith W. Patten
Donald J. Patton
John E. Patton
Robert M. Peal
Andrew J. Pease
John S. Pechonis
Mark R. Perez
Harry J. Phillips
Donald M. Phipps
Kenneth G. Picha
Craig A. Pierce
John F. Plill, Jr.
Randall S. Plano
Jeffrey L. Poe
Jack M. Pohlmeyer
Bruce C. Pollock
Charles T. Poltack
Steven C. Poppy
Charles R. Porcelli
Carl A. Powell
Glenn C. Powers
Gregory Pozinsky
Robert E. Preston, Jr.
Donald S. Price
Edward L. Price
Ronald J. Price
Ronald H. Provencher
Dale L. Puhrmann
James G. Pulien
Gerard J. Purciarello
Michael T. Rader
James C. Radney
Mark D. Rahmel
Donald W. Randall
James D. Randall
Carl F. Ransburg
Bradford R. Rath
Bill C. Ray
Kevin J. Reale
Raoul B. Reese
John R. Reeves
Thomas J. Reid
Kenneth S. Reightler, Jr.
Otto G. Reimann
Douglas J. Rein
Edward R. Reinhardt
Peter J. Reinhardt
Kai T. Repsholdt
Stephen F. Resser
Craig O. Reynolds
William W. Reynolds
Gary G. Rhoads
Douglas S. Rice
Brian C. Rich
Randy J. Rickey
Michael L. Righi
Thomas F. Roberts
Matthew J. Rogers
Robert W. Rolfes
Gregory J. Rose
Gary Roughead
Micael L. Rowland
Ernest M. Ruberg
Harry J. Rucker
John M. Russell
Thomas B. Russell III
Larry E. Rutledge
Paul J. Ryan
Noe A. Salazar
Mark J. Salmen
Charles N. Salmond
Stephen M. Sammon
Richard G. Samuels, Jr.
Gary V. Samuelson
William C. Sanderson
Mathew J. Saviello
Peter A. Scala
Delbert D. Schaub
Timothy E. Scheib
Guy D. Schein
Andrew E. Schneck
David L. Schreder
Craig W. Scott
Timothy J. Scott
Ronald L. Scudder
John R. Seaberg
William F. Seebode III
Herman L. Seedorf III
Michael J. Selwald
Richard J. Severinghaus
Robert "B" Shary, II
Mark W. Shaughnessy
Dennis J. Shea
Paul G. Sherland
Jack E. Shick
Rodney L. Shockley
Terry L. Shoemaker
Marc A. Shuter
Howard B. Sidman
Harry M. Siegel
Terry D. Silva
John S. Simcox
Thomas L. Simmonds
Michael F. Simon
Daniel L. Simpson
Michael D. Simpson
Robert C. Simpson
Mark S. Skorich
William T. Sleichter
Thomas E. Sliva
Nicholas B. Smilari
David L. Smith
John P. Smith
Kenneth M. Smith, Jr.
Kyle R. Smith
Robert G. Smith
Stephen M. Smith
James C. Snead
James W. Somers
Bruce A. Spalding
John R. Sparaco
Ross A. Springer
David R. Stacy
Barry A. Stark



Thomas G. St. Denis
Michael J. Steele
John C. Stencil
Van A. Stephens
Robert A. Stephenson
Charles M. Stevens II
John R. Stevenson, Jr.
Joseph D. Stewart
Don L. Sticinski
Timothy D. Stoddard
Thomas M. Storch
Dan M. Stover
Gregory C. Straessle
Lance J. Strauss
David W. Stickland
James E. Stuckey II
David L. Stutzman
Joseph W. Suchy
Stephen D. Sudkamp
John A. Sullivan
Eric R. Swanson
Timothy M. Taylor
Michael W. Terry
Thomas J. Tesoriero
Dan I. Thigpen
Bruce G. Thompson
Henry F. Thompson, Jr.
Stephen C. Thompson
Thomas A. Thompson
Lester F. Thorpe
Terry W. Tilton
Craig S. Tomlinson
Christopher F. Tompkins III
David A. Toms
Charles R. Trahan, Jr.
Michael H. Trent
Thomas R. Tritz
Theodore C. Turnblacer
Richard P. Umbel, Jr.
William J. Ungvarsky
Robert W. Van Dine
Leland B. Van Oss
James L. Van Sickle
Robert W. Ver Voorn
Kevin R. Vienna
Pierre G. Vining
Richard L. Virgilio
Dennis J. Vito
Patrick M. Virtue
Pete A. Vrotsos
Dana L. Vugteveen
David D. Wagner
Richard E. Wagner
Robert D. Wakefield
Craig G. Walenga
Thomas E. Warren
George P. Watt, Jr.
Robert D. Watts
William S. Weise
Kenneth C. Weiss
Charles A. Weitz, Jr.
Joseph D. Weller, Jr.
Jeffrey D. Welsh
Raymond L. Wenderlich
William D. West
Mark A. Wheeler
Ronald A. Whisenhunt
Carroll L. White
Donald H. White
Roy A. Wiegand, Jr.
Randy L. Wight
Edward B. Wilkes
Stephen G. Wilkes
Robert F. Willard
William W. Williams
David W. Willmann
Craig W. Wilson
Donald F. Wilson
Eugene K. Wilson, Jr.
Terence S. Wilson
Thomas J. Wilson III
Sherman D. Winchell
Jeffrey R. Woll
Terry R. Woodrow
Richard L. Wright
John W. Wulchet II
John S. Yackus
John D. Yepsen
William M. Yerkes, Jr.
William G. York
Brian K. Young
Ernest C. Young
Gordon R. Young
Mark A. Young
Patrick E. Young
Stephen P. Yuhas
Fred C. Zeile III
Michael I. Zimet
Gary W. Zimmer
James M. Zortman

The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

William H. Powell, Jr.
David P. Sommers.

Lawrence N. Varner (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Patrick M. Devig.
Alan L. Gorrell.
Robert K. O'Bryan.
Daniel J. Weber.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Lowell H. Kallen.
Andrew J. O'Dwyer, Jr.
Douglas M. Stetson.

Richard G. Sowden (Naval Reserve officer) to be a permanent lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

George V. Frankhouser, Jr. (Naval Reserve officer), to be a permanent lieutenant commander and a temporary commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Donald P. Carlson
Robert J. Carlson
Howard L. Grissom
Saul H. Landa
John D. Nydahl
Gerald W. Ogilvie

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

John L. Gottschalk
David B. Green
Joseph M. Hall
Kevin M. Killoren
Martin R. King
Frederick J. Klotzbach, Jr.
Edward D. Kosakoski
Richard O. Kuehl
David M. Maddon
Stephen E. Markkanen
Mark E. Miller
Kevin E. Mulcakey
John W. Nyce
Michael P. O'Connor
Geoffrey F. Presson
William T. Purcell
William J. Perlmutter
Gordon L. Rich
Joseph G. Romano
Robert C. Scholes
David W. Shaier
James T. Shaw III
Carl M. Smeigh, Jr.
Bruce T. VanBelle
Clifford H. Waits, Jr.
Jason L. Williams
Michael E. Wills

The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

Michael S. Bailes
Patrick N. Brady
Steven R. Burnette
Timothy J. Carey
Edward P. Cornely
Michael R. Doerr
Timothy M. Donohue
Douglas V. Dorsey
Peter S. Eltringham
Charles C. Evans
Howard D. Eves
Douglas W. Frolli

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Douglas M. Stetson.

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Frederick J. Klotzbach, Jr.
Edward D. Kosakoski
Richard O. Kuehl
David M. Maddon
Stephen E. Markkanen
Mark E. Miller
Kevin E. Mulcakey
John W. Nyce
Michael P. O'Connor
Geoffrey F. Presson
William T. Purcell
William J. Perlmutter
Gordon L. Rich
Joseph G. Romano
Robert C. Scholes
David W. Shaier
James T. Shaw III
Carl M. Smeigh, Jr.
Bruce T. VanBelle
Clifford H. Waits, Jr.
Jason L. Williams
Michael E. Wills

Raymond H. Beastall (Naval Reserve officer) to be a permanent lieutenant in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

Charles A. Woerz (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Alfred Schmidt, U.S. retired officer, to be reappointed from the temporary disability retired list as chief warrant officer W-2, for temporary service, subject to the qualification therefor as provided by law.

The following-named U.S. Navy officers to be temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Larry E. Cummins
John T. Lucas
Brinton E. Taylor

The following-named (civilian college graduates) to be permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Franklin G. Ebaugh
Ira B. Horton, Jr.

John A. Callahan (civilian college graduate) to be permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

John J. Stevens III (civilian college graduate) to be permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Ex-Cmdr. John E. Williams to be a commander in the Medical Corps, in the Reserve of the U.S. Navy, for temporary service, subject to the qualification therefor as provided by law.

The following-named (civilian college graduates) to be commanders in the Medical Corps, in the Reserve of the U.S. Navy, for temporary service, subject to the qualification therefor as provided by law:

Don R. Tielens
Calvin J. Willis

Capt. Ross B. Moquin, U.S. Navy, to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Harvey A. Akerson
Robert B. Carlson
Patrick J. Constantine
Anthony J. Farace, Jr.
Philip E. Genet
James A. B. Hadman
Robert C. Herrmann
William L. Holton
Walter J. Kucaba
John C. Martin
John D. Matheson
William G. Reeves, Jr
Richard P. Rog
Ronald J. Smith
Paul F. Stannard
Charles F. Tremann

# EXTENSIONS OF REMARKS

## TERROR IN THE NIGHT

### HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Monday, May 14, 1973*

Mr. HARRY F. BYRD, JR. Mr. President, the May 3 edition of the Richmond Times-Dispatch included an excellent editorial about the night raid on the homes of two families in Collinsville, Ill., April 23.

The invasion of these homes was a shocking example of what can happen when law enforcement officials, armed with more authority than judgment, are given too much leeway.

I am firmly opposed to the "no-knock" provisions which Congress has enacted, and I would like to see all such statutes repealed. But if such provisions are to remain on the books, then certainly greater caution must be exercised by those charged with enforcing the law.

The editorial in the Times-Dispatch rightly points out that the fourth amendment to the U.S. Constitution guarantees the right of the people to be secure in their homes. The raid at Collinsville seems to me a clear violation of that right.

I ask unanimous consent that the text of the editorial, "Terror in the Night" be included in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TERROR IN THE NIGHT

At a time when the nation is learning the sickening story of dishonesty and plain criminality among some men who served in the highest positions of trust in the federal government, a chilling episode of another kind involving federal agents has come from Collinsville, Ill.

There, federal narcotics agents are reported to have burst into the homes of two families on a recent night, kicking down the doors, wrecking furniture, mouthing obscen-

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ties, forcing the residents to endure embarrassing indignities, and even flatly telling their victims they were going to die.

The agents were searching for drugs. They had the wrong addresses. They reportedly had no search warrants. One woman, who has had several miscarriages and believes she is pregnant again, was made to lie on the floor in a flimsy negligee after first being compelled to beg the intruders to spare her husband's life. Granted that the agents couldn't have known that the woman may have been in an early stage of pregnancy, there nevertheless could have been no justification for this kind of ruthless intimidation, even if these had been suspects being apprehended.

Unfortunately, these weren't the first such mistakes made by federal narcotics agents. In January, news reports told a chillingly similar tale of an innocent family in Winthrop, Mass. being terrorized by agents of their government.

Quite frankly, these weird incidents sound more appropriate to the KGB tactics against nonconformists in Soviet Russia than to democratic ideals we Americans hold so dear. The Constitution does not say in these words that "a man's home is his castle," but the Fourth Amendment does state: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The illegal sale of dangerous drugs is a terrible menace to society. This paper has editorialized many times on the need for rigorous and appropriate law enforcement against the drug pushers.

However, if there is even a small minority of lawmen to inept in their investigative procedures, so callous and shabby in their methods of arrest, so contemptuous of basic decency, as to perpetuate the Collinsville and Winthrop fiascoes, then the whole necessary law enforcement effort becomes tainted. Laws cannot be enforced by men who themselves flout the law.

The current drive of the federal agents against the drug traffic is being coordinated under an Office for Drug Abuse Law Enforcement created by President Nixon, who has called the drug dealer "public enemy No. 1." We suggest that the operations of this agency and all who work under its aegis be closely scrutinized to take care that it doesn't become the number one public enemy itself. At least in Russia it is said that there is a rap on the door before a citizen is hauled off into the dead of the night.

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## FOR GOOD MEASURE

### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. FUQUA. Mr. Speaker, someday the United States will adopt the metric system.

It should be now.

Our archaic system of measurements is woefully out of date and was never a very good method in the first place. Every year only compounds the problem and the cost of converting to a new system.

It could be done over a period of time with a minimum of disruption. Particularly do I think my proposal would work, for I would make it an optional system. The reason for this is because I think the metric system is so superior that it would be adopted quickly on its merits.

Sometimes the people are ahead of their elected officials.

In this case, I think the Congress is behind the times in not moving forward in adopting the first stages of a metric system for the United States.

I think a recent column by James J. Kilpatrick makes some interesting observations about the need for the metric system and the ease with which it has been adopted elsewhere:

THINK METRIC, JUST FOR GOOD MEASURE

(By James J. Kilpatrick)

A House subcommittee will resume hearings this week on a proposal nearly as old as the Republic itself—a proposal that the United States officially "go metric." It is high time, in my own view, to set the project in motion.

The operative word here is "officially." Important segments of American science and industry have been slipping unofficially into the metric system over a period of years. The pharmaceutical industry, for one example, converted 15 years ago from the old drams and grains to milligrams and grams. Only last month, General Motors announced that it will switch to the metric system for all new products. Ford's next four-cylinder engine will be metric. Camera film everywhere is sold in such sizes as 35-millimeter.

The decision before Congress, as a practical matter, is not whether the international metric system will come into increasing use, but whether conversion will be planned or unplanned. The principal bills before the subcommittee, sponsored by Robert McClory, R-Ill., and Olin E. Teague, D-Tex., differ only slightly in proposing an officially planned conversion over a 10-year period.

Such a conversion wouldn't be easy, as spokesmen for the AFL-CIO and for various industries have made clear. Within the steel industry, the subcommittee has been told, a changeover would cost an estimated $2.16 billion, and these massive costs would produce "little or no benefit." Absorbing such costs is only part of the problem: Millions of workers would have to be taught to "think metric" and to speak in a new vocabulary of kilograms and centimeters.

Proponents of conversion acknowledge these arguments, but contend the difficulties are overblown. Great Britain, now well into its own conversion program, has discovered that much of its timetable was not too fast, but too slow. Japan, which converted in 1961, has had the same experience. Neither Australia nor Canada has encountered insuperable obstacles.

The uncomfortable fact, it is pointed out, is that the United States now is in a lonesome class with such industrial giants as Tonga, Trinidad and Gambia. All the rest of the world has gone to the metric system. If major U.S. exporters are to compete in world markets, sooner or later, regardless of congressional action, they will have to follow the lead of the automobile and the pharmaceutical industries.

An act of Congress, officially fixing the international metric system as our standard of weights and measures, would greatly accelerate this trend. If the government were to require that all of its own purchases and operations be conducted in metric units, the rest of the country willy-nilly would be dragged along. It would be a while before postal clerks began to sell stamps for a three-kilogram package, but the time of transition would pass.

The foreseeable difficulties could be considerably eased by programs of soft and subtle indoctrination. It might startle TV viewers—but only briefly—to be told on the evening news that tomorrow's winds would be at 9 miles, or 14.4 kilometers, an hour. A housewife, buying a new measuring cup, would not be inconvenienced if the units were in ounces on one side and milliliters on the others. (In time, her cookbooks will be in metric measurements anyhow.) It would be useful if the state highway departments, when they replace information signs, would let us know that Cleveland is 50 mi., or 80 km., down the road.

Two years ago, a Commerce Department study recommended an official, planned, 10-year conversion, but the authors of the study emphasized that many non-metric units would remain in common use. There would be no need to abandon such familiar terms as furlong, hand, cord, pica or, for that matter, "pinch." The housewife would continue to speak of a cup of vinegar, though the cup would contain 250 milliliters. Milk would come in liter containers, but we'd keep on calling them quarts. No one is suggesting that a first down on the football field would mean 9.144 meters to go.

The metric system dates from the French Revolution. It has been in worldwide use since 1840 and thus qualifies as a reasonably old idea. It is an idea, I believe, whose time in the United States has come.

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## PROPOSED CLOSURE BY HEW OF THE U.S. PUBLIC HEALTH HOSPITAL, SAN FRANCISCO, BY JULY 1, 1973

### HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. BURTON. Mr. Speaker, I wish to offer comment in relation to the announced plans by this administration to close existing U.S. Public Health Service hospitals in the United States by July 1, 1973. It is a bitter irony that as we approach our country's 200th anniversary that we are sent a crude proposal recommending this destruction of a commitment that has been with us since the founding days of this great Nation. The all too familiar theme of this administration's arrogance and contempt for Congress and their legislative powers is well demonstrated in this matter—HEW authorizes alternative contract negotiations to begin and awaits hoped for congressional inaction in order to implement their plan. That we are in a period of change and transition from tradition is obvious to any student or observer of government. To destroy a knowledge base which has been nurtured and developed over centuries is sheer idiocy. We debate the national health crisis in our land and struggle with the complexities of health care delivery for our people and yet we are asked to sanction the demise of a model health delivery system which has withstood the trials and tribulations of our country's rapid growth and greatness. Gentlemen, to silently witness the planned disintegration and destruction of our historic commitment to public health service in this country is to ignore our history and deny an understanding of current complexities of the health care crisis. The USPHS system provides us a unique portrait of what demonstrated commitment can provide. The USPHS hospitals constitute



a resource so valuable to the community and the Nation that we cannot let it be ignored; its resources for the training of health manpower in all categories of health personnel is a matter of historical and contemporary record. The USPHS hospital's progressive approach to health care and imaginative research provides us with a unique opportunity for enlightenment and rededication.

In 1798 Congress enacted legislation to provide for the care and relief of the sick and injured American seaman which was signed into law by then President John Adams. Circumstances prompting such congressional action were that in the post Revolutionary War period, America's commerce throughout the world began to grow and those who sought their livelihood on the early ships were subject to the traumatic hazards of their duties—that is storms at sea, poor diet, unsanitary conditions—and the threat of disease in foreign and domestic ports. An injured seaman usually was put ashore at the closest port and dependent upon the charitable resources available. The obvious adverse effects on shipping, commerce, and America's national defense prompted the congressional action of 1798.

The continued growth of our country brought forth a number of independent seaport hospitals to provide health care to American seamen and in 1870 the U.S. Marine Hospital Service was first established; the Reorganization Act of 1902 changed its title to the Public Health and Marine Hospital Service and in 1912 the name further amended to the U.S. Public Health Service and as such the USPHS became the principal health agency of the Federal Government.

In 1953 the Department of Health, Education, and Welfare was established by Congress and the USPHS is indeed the oldest of its units. Recent reorganizations of the Public Health Service have established three operating arms including Health Services and Mental Health Administration, the Food and Drug Administration, and the National Institutes of Health.

Prior to 1850 the Federal Government had no provision for the health care of American seamen in San Francisco. In September of 1850, Congress appropriated $50,000 for the construction of a Marine Hospital and in 1853 the new hospital doors were opened at Rincon Hill at the corner of Spear and Harrison Streets in San Francisco; 1868 showed the abandonment of the building due to earthquake concerns and in 1873 Congress made appropriation of a new hospital at the Presidio near Mountain Lake with construction completed in 1875 and a 300 bed hospital to deliver health care to American seamen. In 1927 and 1931 Congress authorized 26 acres in the Presido adjacent to Mountain Lake for completion of building which was further expanded with a three wing addition—wards, laboratories, clinics, and so forth.

The year 1951 brought a name change from U.S. Marine Hospital to USPHSH and all construction and remodeling were completed July 1, 1953. Recent additions in 1961 brought renovations for nurses home, site of the dental health center and a nursing research field center.

The San Francisco PHS hospital is a San Francisco landmark—a general medical and surgical hospital of 300 plus beds. In addition to its general hospital function, PHS hospital, San Francisco, has expended its activities to include teaching and research programs which have brought recognition of excellence in its home community, throughout the country and indeed throughout the world.

Currently the PHS hospital in San Francisco continues to be responsible for the health care of American seamen; additional beneficiaries include U.S. Coast Guard personnel and their dependents, uniformed services personnel and their dependents, Federal employees injured or ill because of employment, patients with unusual diseases or conditions, admitted for special study, quarantine and emergency patients. The USPHS hospital utilizes a dual personnel system in its operation of broad, complex health programs: the commissioned corps—a uniformed service comprised of professionals in medical and health related fields and the civil service system employing a wide variety of professional and nonprofessional personnel.

Organizationally PHS hospital, San Francisco, aside from its administrative and clinical sections—providing diagnostic, therapeutic, and preventive health care on an inpatient and outpatient basis—consists of departments of ophthalmology, orthopedics, outpatient pathology, psychiatry, radiology, dental, dietetic, medicine, nursing, medical records and medical library, with services in anesthesiology, cardiology, dermatology, endocrine-metabolic, gastroenterology, hematology, infectious diseases, leprosy, nephrology, neurology, nuclear medicine, pulmonary, and urology. Special services and programs include a cardiopulmonary laboratory, a western regional central dental laboratory, a leprosy service—providing health care and followup to patients from the San Francisco Bay area and the Western United States—a tumor board and registry, a family planning and cancer screening clinic, an employee health unit, a community hemodialysis unit, a community medicine program proving patient care and research on health delivery systems and prevention of chronic diseases, and intensive care and cardiac care unit, an alcoholic and drug detoxification unit, a nuclear medicine service, and psychiatric clinic and inpatient service to residents of San Francisco's Richmond District, in which the PHS hospital facility is located.

Before dealing directly with the administration's plan and setting forth fiscal, managerial, and moral concerns, it is necessary to present the incredibly sparse documents submitted to Congress by HEW on March 28, 1973, entitled "Plan for Provision of Inpatient Service to the Public Health Service Hospital Beneficiaries Through Contract With Community Hospitals." In addition to the submitted plan, correspondence to Speaker ALBERT made promise of—

Those who are eligible will be best served when their hospital care is provided in community hospitals, rather than in separate hospitals operated by the Federal Government.

. . . *"the change will achieve improved care at greater convenience to those served"* (Emphasis added) . . . inpatient care will continue to be available under other arrangements. For those individuals entitled or authorized to receive care in these Public Health Service Hospitals.

The plan follows:

PLAN FOR PROVISION OF INPATIENT SERVICE TO THE PUBLIC HEALTH SERVICE HOSPITAL BENEFICIARIES THROUGH CONTRACT WITH COMMUNITY HOSPITALS

SAN FRANCISCO, CALIF.

The San Francisco PHS Hospital is a general medical-surgical hospital with active training and research programs. In Fiscal Year 1972 this facility had a primary beneficiary average daily patient load (ADPL) of 154 and an outpatient workload of 100,935 primary beneficiary visits.

According to the 1972 issue of the *American Hospital Association Guide to the Health Care Field*, not one private hospital in the city of San Francisco has an occupancy of 80% or more. This makes it quite apparent that ample beds exist to provide care for the PHS primary beneficiaries. The Pacific Medical Center and St. Francis Memorial Hospital have indicated that jointly they could provide the required inpatient care.

*Community Programs Involving Inpatient Care*

1. Renal Dialysis

The renal dialysis unit provides treatment to 15 to 18 patients per day including patients referred from the community. The number of dialysis beds available in the San Francisco area is sufficient to absorb this patient load upon termination of the service at the PHS hospital.

2. Leprosy

Four hundred patients are on the leprosy roster and receive periodic care at the PHS hospital. In addition, several hundred leprosy contacts are under surveillance and are tested periodically for the disease. The outpatient portion of this program could be continued. Inpatient hospitalization will be continued at the National Leprosarium at Carville, Louisiana.

3. Alcohol Detoxification and Rehabilitation Unit

This 12-bed unit admits 20 to 40 patients and also sees 150 outpatients per month. These services are available from other sources in the community such as the Garden-Sullivan Hospital.

4. Cooperative Program for Richmond District Mental Health Program

This program provides both inpatient and outpatient psychiatric services for the community near the PHS hospital. This program will be terminated upon the cessation of inpatient care.

*Research*

This hospital has major ongoing clinical research in space-related nuclear medicine and metabolic research, cardiovascular research, leprosy, and dental research. Major support is through extramural grants and contracts from other agencies.

| | |
|---|---|
| Extramurally Supported Research (Grants, Contracts, Direct Operation) | $996,000 |
| Intramurally Supported Research | 53,800 |

Current research by department or category (with projected status following termination of inpatient services).

| *Department and project* | *Source of support* |
|---|---|
| Cardiovascular research: | |
| Cooperative coronary drug study. | NIH. |
| Cooperative study of hypertension. | NIH. |
| Do | NIH |



XUM

| *Department and project* | *Source of support* |
|---|---|
| Cardiovascular research—Continued | |
| Leprosy research: | |
| Development of external biosensor methodology for measurement of myocardial function. | NASA. |
| Lipid laboratory tests | NIH. |
| 5 projects | Intramural. |
| Pharmacology and biology of experimental leprosy. | NIH. |
| Skin biopsy specimens | NIH |
| 1 project | Intramural. |
| Dental research: 3 projects | Do. |
| Nuclear medicine: | |
| Bone mineral measurements (Sky Lab). | NASA. |
| 1 project | Intramural. |
| Metabolic research: | |
| Study of methods for modifying mineral balance changes of bed rest. | NASA. |

With termination of inpatient care services, all research requiring inpatient facilities will be phased out. Every assistance will be given to relocating these activities in other facilities. The three cooperative cardiovascular studies supported by NIH, the leprosy research, the dental research, and other studies not requiring inpatient services could continue.

*Training Activities*

During Fiscal Year 1973, the hospital was engaged in the training of 433 individuals in the health care categories. The number of students completing training by June 30, 1973 is 407.

The emphasis is primarily in the area of continuing education of health professionals, the development of new skills of existing personnel, and the training of allied health personnel. The duration of the programs ranges from a matter of hours to a matter of years.

Every possible effort will be made to fulfill commitments to trainees in discontinued programs. Trainees will be assisted in every way practicable to find comparable training in other approved non-PHS hospitals.

*Review and comment by health planning agencies*

On February 9, the Office of Comprehensive Health Planning (314(a) Agency) and the Bay Area Comprehensive Health Planning Council (1314(b) Agency) were requested to comment on the proposed plan to provide care and treatment to PHS beneficiaries in the San Francisco area. A copy of the response from the Bay Area Comprehensive Health Planning Council can be found in the following pages. No response was received from the Office of Comprehensive Health Planning.

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FEBRUARY 15, 1973.

DAVID J. SENCER, M.D.,
*Assistant Surgeon General, Acting Administrator, Department of Health, Education, and Welfare, Rockville, Md.*

DEAR DOCTOR SENCER: We have reviewed the plan for meeting Federal obligations to Public Health Service Beneficiaries as described in your letter of February 9, 1973.

Our comments relate to the two major issues involved: first, the povision of services to the PHS beneficiaries, and secondly, plans for the future use of the present hospital facilities.

1. Services for PHS beneficiaries.

Several proposals for the provision of service to the Public Health Service Beneficiaries were reviewed by our Board. In May 1972, four proposals were considered. Among the four was the proposal of A Consortium of Pacific Medical Center and St. Francis Hospital, San Francisco. At that time, the comment submitted by our Board was:

"The Consortium of St. Francis and Pacific Medical Center proposes a complete service to the beneficiaries with a single point of entry to the system of health service. This has been an expressed objective of the seamen. All services now provided to the beneficiaries, to the community, teaching and research programs could be continued by the consortium at probably no greater cost to the PHS".

In the original proposal, the Consortium proposed a phasing out process of the present operation of the PHS Hospital and Clinics that would provide a continuity of care for the beneficiaries. The transfer of inpatient hospital care should present no major problems as there are sufficient hospital beds. Transfer of outpatient activities to a new location cannot be accomplished as readily and will probably require operation of the present service for a few months. It is recommended that the outpatient services provided bl the Consortium be in close proximity to acute inpatient services in order to avoid costly duplication of support services.

This proposal, as you must be aware, has general community and PHS acceptance, and has been submitted for HEW and Congressional approval.

It is in effect a model of the kind of transition you are hoping for in your operational plan.

2. Future use of the present hospital facilities.

We have previously reported that there is no community need for additional general hospital beds in the San Francisco area, and we strongly urge that this be taken into consideration in future planning for use of the PHS hospital building. If use of the facility for any health function is contemplated, we hope that Comprehensive Health Planning will be consulted during the early planning stage.

We appreciate the opportunity that has been given us to date to participate in the plans for conversion of the PHS Hospital in San Francisco.

Sincerely yours.

DONALD B. ARDELL,
*Executive Director.*

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PACIFIC MEDICAL CENTER,
*San Francisco, Calif., March 15, 1973.*

Mr. RICHARD R. ASHBAUGH,
*Deputy Special Assistant to the Director, DHEW, HSMHA, PHS, PHPS, Rockville, Md.*

DEAR MR. ASHBAUGH: This will confirm the previous conversations with you and members of the study team concerning the conversion of the Public Health Service Hospital in San Francisco to the Consortium of Pacific Medical Center and St. Francis Memorial Hospital. This Consortium will be able to provide all of the necessary inpatient care for the primary beneficiaries served at that hospital effective July 1, 1973.

Sincerely,

CLIFFORD F. SCHWARBERG, Jr.,
*President.*

To set the record straight, the material submitted by HEW should be corrected and their representation that a consortium arrangement exists in San Francisco is without basis. The March 30, 1973 correspondence from St. Francis Memorial Hospital to Pacific Medical Center is self explanatory and states St. Francis' intent to withdraw from participating in the proposal:

SAINT FRANCIS MEMORIAL HOSPITAL,
*San Francisco, Calif., March 30, 1973.*

Mr. CLIFFORD SCHWARBERG,
*President, Pacific Medical Center,*
*San Francisco, Calif.*

DEAR CLIFF: In the past six weeks, Saint Francis has held two special Board meetings in addition to our regular meetings, a total of four in all, to discuss and consider the proposal made to the Department of Health, Education and Welfare on February 14, 1973.

Yesterday, March 28, 1973, the Board of Trustees decided that Saint Francis Memorial Hospital withdraw from participating in the proposal. In making this decision, the Board of Trustees wishes to point out:

(1) Saint Francis strongly endorses cooperation between hospitals as a means towards rationalization in the delivery of health care services. As evidence—our existing and continuing cooperation with Pacific Medical Center, Incorporated in sharing security services, medical record administration and the exploration of joint purchasing. For a number of years we have participated in a joint laundry serving fourteen hospitals.

(2) In April, 1971 Saint Francis took the initiative in encouraging the Hospital Council of Northern California to explore the use of voluntary hospitals in San Francisco to take over the care of patients currently the responsibility of the U.S. Public Health Service Hospital.

It paid several consultants' fees and invested endless hours on the part of staff members to explore the practicality of a consortium with the Pacific Medical Center for the care of primary beneficiaries and other services now rendered by the Public Health Service Hospital. The Board based its decision, in part, on the following:

(A) It was the consensus of the Board of Trustees that Saint Francis would have had to shoulder a disproportionate share of the burden: 50% of the responsibilities of the consortium while it could anticipate participating in no more than some 20% of the gross volume to be generated. In large part, the multiple clinic and dental services required by Public Health Service patients are simply not available at Saint Francis.

(B) Saint Francis' contractual agreement with the City and County (Franciscan Treatment Room) with its related volume, made it possible that Saint Francis' current capacity could not handle the 20% of the volume it might expect from the consortium. This is also true of the Research Programs. No construction of additional facilities could have been completed (even if it received the necessary governmental and planning sanctions) in the time frame we were permitted. (July to September of 1973.)

The Board of Trustees wish me to reiterate that Saint Francis Memorial Hospital is ready and anxious to cooperate with Pacific Medical Center and will supply you with any services it has available that you may require to handle the U.S. Public Health Service patients or in any other area in which we can demonstrate mutual cooperation for the benefit of the community.

Sincerely,

ORVILLE N. BOOTH,
*Executive Vice President.*

Further clarification is called for in response to the correspondence submitted by HEW from the Bay Area comprehensive health planning council stating that a consortium arrangement exists between St. Francis and PMC. Further, the BACHPC correspondence misrepresents the facts regarding PHS hospital San Francisco in stating that "this proposal . . . has general community and PHS acceptance." The correspondence from San Francisco comprehensive health planning council is self-explanatory.

SAN FRANCISCO COMPREHENSIVE
HEALTH PLANNING COUNCIL,
*San Francisco, Calif., April 17, 1973.*

Congressman PHILIP BURTON,
*Rayburn House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN BURTON: In response to your inquiry regarding the United States Public Health Service hospital in San Francisco, the San Francisco Comprehensive Health Planning Council in August 1971 completed an extensive study of this Hospital. At that time, the San Francisco Comprehensive Health Planning Council and the Bay Area Comprehensive Health Planning Council passed the recommendation that the Hospital be retained for primary health care for the primary beneficiaries, and that community services be integrated into this use.

Shortly after SFCHPC and BACHPC passed on this proposal, Health, Education and Welfare indicated community use was absolutely out of the question. As a result, BACHPC considered and passed the recommendation that a consortium, composed of Pacific Medical Center and St. Francis Hospital, be the contracting agent for primary beneficiaries. At that time there was considerable discussion as to the appropriateness of the closing of the Hospital, but inasmuch as Health, Education and Welfare had mandated its closing, there was little choice.

In light of recent events, St. Francis Hospital's withdrawing from the consortium and serious questions being raised about the care of specific diseases such as leprosy, it would seem that any decision regarding the ultimate fate of the Hospital should be delayed until some guarantees regarding services can be made to those persons who are patients of USPHS.

It should be underscored that SFCHPC has as its number one priority the retention of the Hospital as a community resource. At this time there are several options which were unavailable at the time of our first report, but which make the conversion of the Hospital into a community facility much more feasible.

We thank you for your consideration regarding this matter and look forward to your response.

Sincerely,

REVEREND MONSIGNOR
PETER G. ARMSTRONG, President.
By MICHAEL HOWE,
*Executive Committee member.*

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SAN FRANCISCO COMPREHENSIVE
HEALTH PLANNING COUNCIL,
*San Francisco, Calif., April 27, 1973.*

CASPAR W. WEINBERGER,
*Secretary, Department of Health, Education and Welfare, Washington, D.C.*

DEAR SECRETARY WEINBERGER: At the April 26th meeting of the San Francisco Comprehensive Health Planning Council Board of Directors, action was taken on the U.S. Public Health Service Hospital located in San Francisco. Attached is a copy of the two motions which were adopted.

In the interest of the consumers and providers of our community, as well as hospital beneficiaries, SFCHPC objects to present negotiations on an exclusive basis with Pacific Medical Center. We request that nogiations be halted pending submission of our study and recommendations.

Sincerely,

REVEREND MONSIGNOR
PETER G. ARMSTRONG, *President.*

Attachments.

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APRIL 27, 1973.

To: The Board
From: Staff
Re: Motions adopted at Board of Directors' meeting of April 26, 1973 relative to U.S. Public Health Service Hospital, San Francisco

MOTION NO. 1

M/S/C unanimously with respect to Mr. Orville Booth's letter of March 30, 1973 informing Clifford F. Schwarberg, President of Pacific Medical Center, St. Francis Hospital's withdrawal from the Consortium of PMC and St. Francis Hospital to provide management and medical services to the Public Health Service in San Francisco:

SFCHPC objects to HEW negotiating with Pacific Medical Center or any other single hospital on a exclusive basis, and continues to support its Council action December 16, 1971 "it was m/s/c unanimously that should P.H.S. Hospital be closed the Council recommends against HEW negotiating for care limited to a particular hospital; rather, it recommends that freedom of choice be provided."

Further, SFCHPC is responsible for the delivery of health services in its community, and will undertake to study, evaluation and recommend to the U.S. Public Health Service a solution acceptable to all providers in San Francisco and to the U.S. Public Health Service beneficiaries.

Acknowledgement is also made of the Bay Area CHP Council's letter of April 24, 1973.

MOTION NO. 2

M/S/C to set up an ad hoc committee to study the fate of U.S. Public Health Service Hospital in San Francisco and mandate it to study all alternatives for community use as well as closure.

Concerns should include the cost to the taxpayer. When and if contracts are entered into, the Committee should insure that care provided to primary and secondary beneficiaries shall be delivered at the present level or better. This is to include not only medical concerns but, as in the instance of the leprosy treatment center, the potential impact on individual life styles and the community.

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SAN FRANCISO COMPREHENSIVE
HEALTH PLANNING COUNCIL,
*San Francisco, Calif., April 27, 1973*

RICHARD P. HAFNER,
*President, Bay Area CHP Council.*

DEAR MR. HAFNER: Your letter of April 25, 1973 was enthusiastically welcomed by our Council. We, too, have been concerned about negotiations between HEW and the Consortium of St. Francis and Pacific Medical Center hospitals that have been going on for the past year without our Council's participation or knowledge.

Many members of our Board and its subunits had expressed concern over the shortcomings of the Consortium proposal. It is ironic that these concerns are now vindicated as a result of the withdrawal of St. Francis Hospital from the Consortium and the consequent invalidation of this proposal. (See attached letter of March 30, 1973 from Mr. Orville Booth, Executive Vice President of St. Francis Hospital).

We will assume full responsibility for developing whatever recommendations are to be made with regard to the Public Health Service Hospital and its impact on the San Francisco health care delivery system.

Thank you.

Sincerely,

REVEREND MONSIGNOR
PETER G. ARMSTRONG, *President.*

Prior to stating fiscal and mangerial concerns, relative to HEW's plan, I feel it essential to deal with the specifics of this plan as it relates specifically to the existing leprosy program at Public Health Service Hospital, San Francisco. The following letter dated April 18, 1973, from Dr. Paul Fasal, chief of the leprosy service at SFPHS hospital explains well my concern and sets forth in very eloquent manner a situation that demands our immediate attention and intervention:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
PUBLIC HEALTH SERVICE,
*San Francisco, Calif., April 18, 1973.*

PHILLIP BURTON,
*Member of Congress, Rayburn House Office Building, Washington, D.C.*

DEAR CONGRESSMAN BURTON: The following is in response to your inquiry concerning the leprosy program at the Public Health Service Hospital, San Francisco.

The Leprosy Clinic at the Public Health Service Hospital in San Francisco, opened on January 21, 1960. Because of my experience in diagnosing and treating leprosy, acquired while working for the Government of the Federated Malay States in Kuala Lumpur, 14 patients suffering from leprosy were referred to me by colleagues between 1954 and 1959. These 14 patients formed the nucleus of the Leprosy Clinic. Initially, the Clinic was held once every 2 weeks, but it soon became necessary to increase this to twice a week. In 1965, the Clinic was incorporated into a newly established Leprosy Service, operating as part of the Medical Department. This Service is responsible for the care of inpatients suffering from leprosy, the coordinating of all consulting services, and for an extensive training and teaching program, in addition to the operation of the Leprosy Clinic.

The Leprosy Service has 400 registered patients suffering from leprosy. All are treated on an ambulatory basis, except for short periods of hospitalization. In addition to the patients suffering from leprosy, close to 1,000 "contacts" also are registered at the Clinic. These are spouses, children, an others sharing a household, who had been in close contact with a patient while he was suffering from active lepromatous disease. All contacts must be examined periodically and followed for a period of years. At the Leprosy Clinic this service is provided as a matter of routine, in an informal manner, and, as every other service, is provided free of charge. This insures that the contacts return for reexamination as long as is medically indicated.

As far as ethnic background of the patients with leprosy is concerned, the majority are Mexicans and Filipinos. However, Caucasians, Samoans, Hawaiians, Chinese and many other groups also are represented. Most patients are of the lower socio-economic classes, making their living as semi-skilled workers or laborers, but also include a physician, an engineer, and a minister. The patients' ages (at time of registration) range from 4 to 80 years. Patients are referred to the Clinic by private physicians, mostly dermatologists, by Federal, State and local health agencies, and by the medical schools. Length of hospitalization of leprosy patients has decreased steadily during the last few years as the use of newer drugs has shortened the killing time of lepra bacilli, rendering the patient non-communicable within days.

The main indications for hospitalization are workup for initiation of therapy in newly diagnosed cases of lepromatous leprosy, lepra reactions, surgical correction of mutilations and, frequently, burns and/or infections that affect insensitive areas of their skin. The same physician who cares for the patient in the Clinic, takes active part in the patient's treatment when hospitalized. Consulting services are available in fields such as ophthalmology, neurology, orthopaedic and plastic surgery, and all subdivisions of internal medicine, thus providing expert care for the patient. Since all members of the hospital staff have been oriented about leprosy, there is no fear of discrimination, and the leprosy does not carry with it any stigma.

From the patients point of view, hospitalization in our hospital in San Francisco has the following advantages:

1. Admission to a general hospital like ours does not carry with it any stigma.

2. The hospitalization is usually of short duration so that patients do not risk losing their jobs.

3. Admission to a hospital in the community where patients live and work makes it possible for them to be visited by their relatives.

All these advantages would be nullified if every patient suffering from leprosy who is in need of hospitalization would have to be sent to the Public Health Service Hospital in Carville.

The Public Health Service Hospital in Carville—the national leprosarium—is most likely the best leprosarium in the world. It gives excellent medical care, has an interna-

tionally recognized rehabilitation service, excellent recreation activities, and an outstanding, devoted staff. All this, however, does not necessarily mean that it is best suited for hospitalization of every patient from other states, like California. Think of the impact that being confronted by extremely mutilated and obviously diseased patients will have on a young patient who has just been told that he has the disease.

As an illustration of the advantages the Leprosy Service in San Francisco offers, I would like to report briefly on a 16 year old girl diagnosed as suffering from active lepromatous leprosy on December 18, 1972. She was immediately admitted to our hospital and treated with a drug that kills all bacilli one can find in skin biopsies within 4 days—which, however, does not mean cure or arrest of the disease but rendering her noncommunicable. This young lady was hospitalized during her Christmas vacation, and after consulting with the local health officer and school authorities, was allowed to return to school, where she is an excellent student, and to continue her treatment ambulatory. If there was a danger to anybody in her surroundings, it certainly existed during the considerable time she had leprosy before it was diagnosed, and not after effective treatment was started. Unless unforeseen complications arise, this patient should be able to live a completely normal life without being physically or psychologically crippled.

Not only do most of our patients belong to minority groups, but as patients suffering from leprosy, they do form a minority in the United States. The Leprosy Service at the U.S. Public Health Service Hospital in San Francisco, is providing an excellent service for these patients, enabling them to live normal lives, being with their families without any stigma, and most of them gainfully employed, therefore, not dependent on any subsistence from local, state, or federal agencies.

Please do not hesitate to let me know if you desire any additional information.

Sincerely yours,

PAUL FASAL, M.D.
*Chief, Leprosy Service.*

Dr. Paul Fasal is a man of great integrity and dedication and is recognized nationally and internationally as the expert in the field of dermatology and leprosy research and treatment. Ironically, Mr. Weinberger's predecessor at HEW conferred the Distinguished Service Award to Dr. Fasal in 1972 for his outstanding achievements in the international study and treatment of leprosy which have greatly contributed to the humane treatment of leprosy patients throughout the world.

Dr. Fasal's stated concerns are further realized in reading a memorandum of legal opinion dated March 30, 1973 from Attorney James Weissenborn of the Public Health Division, Office of the Secretary, Department of HEW to Dr. Robert E. Streicher, Assistant Surgeon General and Director, Federal Health Programs Service:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
*March 30, 1973.*

To: Robert E. Streicher, M.D., Assistant Surgeon General, Director, Federal Health Programs Service

From: James P. Weissenborn, Attorney, Public Health Division

Subject: Leprosy Patients-Authorization for Contract Care

This has reference to your memorandum dated February 26, 1973, requesting our advice on a number of issues concerning the obligation of the Service to provide health services to Leprosy patients in view of the imminent closure or conversion of a number of Public Health Service Hospitals. You point out such patients are being treated at various Public Health Service facilities and you ask essentially the following questions:

1. May the Service provide contact medical care for Leprosy patients or must treatment be discontinued if the Public Health Service facility (at which the patient is receiving treatment) is closed, if the patient does not go to the National Leprosarium at Carville?

2. May the Service provide contract medical care for leprosy patients at Carville when major medical or surgical treatment is required and is not available at Carville?

Section 331 of the Public Health Service Act provides, in pertinent part, that:

"The Service *shall*, in accordance with regulations *receive into any hospital of the Service* suitable for his accommodation *any* person afflicted with leprosy who presents himself for care, detention or treatment or who may be apprehended under section 332 or 361 of this Act, and any person afflicted with leprosy duly *consigned to the care of the Service* by the proper health authority of any State. . . ." [Emphasis added.]

The section also authorizes the Secretary upon the request of any health authority, "to send for any person . . . afflicted with leprosy, and to convey such person to the appropriate hospital for detention and treatment." When so provided in any appropriation Act, the Secretary is also directed to pay the State of Hawaii for the care rendered the leprosy patients there.

In our opinion, the quoted language limits the Service to the provision of direct care at a "hospital of the Service" except in the case of Hawaii, where Congress has specifically authorized reimbursement.

This understanding of the statute has long been held by the Department. In 1950, prior to the creation of the Department of Health, Education, and Welfare, the Federal Security Administration, in reporting on far-reaching leprosy bill pending in Congress, commented on the Service's contract limitations:

"Section 3 of the bill [S. 276] would make important amendments to the provisions of the Public Health Service Act (secs. 331 and 332) concerning the hospitalization and treatment of persons afflicted with leprosy. Under the law as it now stands, *the Public Health Service can afford hospitalization and medical treatment at Government expense to such persons only at hospitals of the Service.*"[1] (Emphasis added)

Accordingly, if Carville becomes the only "hospital of the Service" suitable for the accommodation of leprosy patients, care for such patients can be provided by the Service only at that facility or at the facility of the State of Hawaii.

Your other major question relates to the provision of major medical or surgical treatment to leprosy patients which is not available at Carville. Currently, when such medical or surgical treatment is required and is not available at Carville, we understand that the patient is transferred to a Public Health Service hospital which does have the capability to provide such treatment. If, however, those facilities are closed, the question is whether the treatment may be purchased on the outside. We are of the opinion that medical or surgical treatment may be purchased for Carville patients in need of such treatment. This conclusion is premised on the federal responsibility for leprosy patients. We think that once the Service has undertaken to provide leprosy treatment at its hospital, it is authorized to secure adequate medical and surgical care and treatment to enable the Service to continue its leprosy treatment of the patient.[2] This situation is distinguishable from the question of authority to contract for the care of leprosy *for leprosy* in that the Service has undertaken and is providing *leprosy* treatment. The medical and surgical care which is indicated is necessary solely to enable the Service to continue the leprosy treatment undertaken and is incident and related thereto.

I believe that unless HEW can supply documentation to the contrary, the costs of health care currently provided by USPHS hospital, San Francisco, will be doubled, and in some instances tripled, if alternative delivery systems are adopted. Inpatient costs at USPHS hospital, San Francisco, are less than $80 per day. In a very recent instance where eligible beneficiaries of PHS were admitted to a San Francisco community-based hospital and later transferred to USPHS hospital, San Francisco, the subsequent billing to the USPHS hospital, San Francisco, was in excess of $300 per diem for treatment by the community hospital. I invite HEW to review the existing backlog of applications for audiometric examinations—referred by the Bureau of Employees Compensation, Department of Labor, to USPHS hospital, San Francisco. These applications are processed at a cost of $50 per case as compared with minimum community estimates of $100 per case and more likely approximating $150 per case—should HEW wish to pursue this cost item I would suggest their conferring with Dr. William W. Richards, chief, Ophthalmology Department, USPHS Hospital, San Francisco:

UNIVERSITY OF CALIFORNIA,
*San Francisco, Calif., March 15, 1973.*

DR. WILLIAM RICHARDS,
*U.S. Public Health Service Hospital,*
*San Francisco, Calif.*

DEAR BILL: I have looked into the charges for ENT evaluation of industry related hearing problems. The customary fees for record review, ENT examination, and a simple audiogram vary from $100-$150 locally. Special audiometric examinations such as bekesy, sisi and electronystagmography are all billed in addition to these charges.

It would therefore seem to me that your fee of $50 for this type of evaluation is well within the local fee schedule structure.

With kindest regards.

Sincerely, yours,

FRANCIS A. SOOY, *M.D., Chancellor.*

For HEW to represent that this plan will achieve improved care at greater convenience to those served is a fraud. Does HEW really expect acceptance of a delivery system which has outpatient and eligibility at one location and inpatient services at many other locations to be an improvement over an existing system offering totally integrated health care—and a single point of entry.

Currently, internships are offered at USPHS hospital San Francisco, in fields of dentistry, medicine, and surgery with

[1] Letter, Administrator, FSA (Ewing) to Chairman, Senate Committee on Labor and Public Welfare (Thomas) dated January 1950, at p. 2 D.F. #29A.

[2] It is a settled rule that, where an appropriation is made for a particular object, by implication it confers authority to incur expenses which are necessary or incident to the proper execution of the object unless there is another appropriation which makes more specific provision for such expenditures, or unless they are prohibited by law. 50 Comp. Gen. 534; 38 Comp. Gen. 782; 29 Comp. Gen. 419. Cf. P.L. 92-80; P.L. 93-9.



resident programs in internal medicine, preventative medicine, surgery, orthopedics, ophthalmology, pharmacy, and periodontics. Does HEW expect these commitments to proceed on an outpatient training basis? The matching process for this year's interns and residents has already been completed and the 20 openings filled; it is interesting to note that there were close to 200 applicants even with HEW's threatened closure. The average daily inpatient workload at the USPHS hospital approximates 251 inpatients per day—American seaman, Coast Guard, military, active duty, renal dialysis, leprosy, and so forth. Outpatient visits approximate 118,582. As stated earlier, inpatient per diem costs are less that $80 per diem; outpatient costs average $20 per visit. Total hospital employment is 635 with minority employment at almost 47 percent.

HEW states that there is planned a phased reduction in personnel, both commissioned and civil service. A placement program will be established for civil service personnel and every effort will be expended to find employment for them within our clinic system, with other Federal agencies, State and local governments, and private industry. Reduction in force will be used, if necessary.

I feel that the time has come for us to have facts and complete plans which deal with people's livelihoods and careers before we decide on alternative commitments. The American people deserve a less haphazard and less inhumane approach than that set before us by HEW in relation to closure of our Public Health Service commitment.

## AMNESTY

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Ms. ABZUG. Mr. Speaker, now that our troops and POW's have returned from Vietnam, now that the House has finally gone on record as opposing further U.S. military involvement in Indochina, and now that we have begun to move toward normalization of relations with China and North Vietnam, we should and we must address ourselves most seriously to the question of amnesty for those whose consciences commanded them not to aid in carrying on our part in the war in Vietnam.

I am pleased to note that the 194th annual convention of the Episcopal Diocese of New York has just gone on record as supporting amnesty along with the U.S. Conference of Catholic Bishops, which did so last year, and with numerous other religious groups throughout the country. I include at the conclusion of these remarks a news article on the convention:

EPISCOPALIANS ASK AMNESTY FOR RESISTERS

(By William Reel)

Delegates to yesterday's 194th annual convention of the Episcopal Diocese of New York voted, 240 to 153, for amnesty for "all who refused military service in Vietnam for reasons of conscience."

They added an amendment commending "those who, following their conscience, served in the armed forces in Vietnam."

The delegates—representing the 204 parishes of the diocese, which covers Manhattan, Staten Island, the Bronx and seven upstate counties—met at Synod House at the Cathedral of St. John the Divine, 112th St. and Amsterdam Ave.

ASK MARIJUANA CLEMENCY

The delegates passed another resolution, which asked authorities "to grant pardon and/or clemency to persons currently incarcerated for mere possession and use of marijuana."

The resolutions are intended to inform the Episcopal Church's general convention, a national meeting later this year, of the views of the New York diocese.

BISHOP TALKS OF WATERGATE

In a speech to the delegates, Rt. Rev. Paul Moore, Episcopal bishop of New York, described the Watergate scandal as "a body blow to all the citizens of the United States." He declared:

"Some of President Nixon's staff felt that, by brains and power, they could manipulate the system, play against the rules of democratic government and to bring victory to their leader, ignoring not only the morality of fair play, but even playing fast and loose with the law itself.

"The thirst for power and the corruption which power brings with its acquisition seems to make men feel themselves above the laws which govern ordinary men," he said. "Inevitably, this spells disaster for them and for the body politic."

## FOREIGN INVESTMENT AND THE U.S. ECONOMY

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. HANNA. Mr. Speaker, the subject of foreign investments by U.S. companies is one about which there is a great deal of misunderstanding and misinformation. One often hears the term "export of jobs" with reference to such investments. This, Mr. Speaker, is a serious misconception with no basis in fact. On the contrary, all the evidence would point to the fact that those industries with substantial foreign investments increase the domestic labor force more than do other industries. Also, Mr. Speaker, there is ample evidence that the persons employed through foreign investments make products for the local market overseas—not products for import to the United States.

When we look at the big picture rather than isolated instances, we must agree with the comments of former Agriculture Secretary, Orville Freeman, who said to me in a recent letter:

It was my conclusion when I left the Cabinet in 1969 that direct investment abroad is a positive stimulant to the U.S. domestic economy. Overseas investment draws exports from the U.S., thereby creating jobs within the U.S. In the process it makes a positive contribution to the U.S. balance of payments. The net return on such investment in the form of dividends, fees, and royalties remitted to the U.S. has now reached a level of approximately $6.5 billion a year.

Recently Business International conducted a survey of 125 U.S. manufacturing companies with varying degrees of overseas investment. During the decade of the 1960's, U.S. manufacturers on the whole increased their U.S. payrolls by under 11 percent. The 125 companies studied increased theirs by 26 percent. Furthermore, the study showed that the greater the company's foreign investment, the greater was its expansion of domestic employment. In contrast to often-heard complaints that U.S. firms are manufacturing abroad and selling here, all of the companies surveyed by Business International sold over 75 percent of their products in the local market of the plant and, for over half of the firms, over 90 percent of sales were for local markets.

Mr. Speaker, when this and other available evidence is carefully weighed, I am confident that the Members will agree that the issue of the multinational corporation and of U.S. investment abroad is too complex to be summed up by the simple cliche that "jobs are exported," and that, in fact, these investments are a positive contribution to our economy.

## HEALTH EDUCATION: A BARGAIN AT ITS PRICE

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. DRINAN. Mr. Speaker, as part of the general reduction in Federal support for health programs, the administration has proposed in its 1974 budget the severe curtailment of medical education funds.

A number of arguments have been offered in support of the proposed cutbacks in research training grants and scholarship eligibility. Among these arguments are: first, support for medical education should be done on a capitation basis, with grants going directly to medical schools; second, there are already enough medical teachers and researchers; third, young doctors should bear the costs of their advanced training by taking out loans in anticipation of their high post-training salaries; and fourth, some recipients of Government research training grants complete their education and go into private practice, instead of medical research or education.

Dr. Mitchell T. Rabkin, general director of the Beth Israel Hospital in Boston, and associate professor of medicine at the Beth Israel Hospital, Harvard Medical School, has prepared a response to these arguments which I find clear and convincing. I hope my colleagues in the Congress will take this opportunity to study Dr. Rabkin's views:

TESTIMONY OF DR. MITCHELL T. RABKIN

My name is Mitchell T. Rabkin. I am a physician, the General Director of Beth Israel Hospital in Boston and a member of the faculty of Harvard Medical School. I want to comment on the proposed changes in Federal expenditures for training medical scientists and academic specialists, that is, the proposed cut in training grants.

Last year, $186 million was spent by the Federal government for postdoctoral medical training, in the form of stipends to trainees and support for their teachers. While this amount represents but 0.2 percent of the

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total health budget, its loss will have a far greater impact. These are the very dollars which create the medical teachers and scientists of today and tomorrow, the people we must have to train the physicians who will care for your grandchildren and the investigators whose insights will benefit them.

What are the government's arguments? They want support for medical education on a capitation basis, directly to medical schools. But the amounts allowed per student by the Federal government are far below those needed to support medical undergraduate education today, much less to provide the postgraduate education which training grants now pay for.

Washington claims that too many people already are in medical teaching and research. They note that more research grants are being applied for than can be funded, so there must be too many people in academic medicine. This view discounts the market considerations which provoke the large number of grant requests, that, is, the fact that teaching already is severely underfunded and medical schools have to scrounge for teaching dollars by what spill-off they can muster from research money. This view also ignores the fact that many unfilled needs for medical teachers exist today and more will be created as some ten new medical schools open over the next few years, in order to produce more physicians. And it ignores the damage that will be brought about by cutting out the next generation of academic physicians.

The government argues that young physicians should borrow, if they wish to go into such training, as do graduate students in other disciplines. Superficially, that might seem fair but it discounts the fact that these young physicians have more debt of longer duration than do graduate students in any other area. Furthermore their choice of academic medicine promises them a prospect of less income in academic medicine than that of their peers who opt for private practice, and therefore less opportunity to get out from under the burden of indebtedness.

The Federal government also argues that some trainees have not gone on into academic medicine but instead moved into private practice, thus wasting the public's funds. Yet it is unrealistic not to recognize that while many young physicians foresee a career in academic medicine, inevitably some will find out through their training experience that a career in teaching and research is not for their temperament, manual dexterity or intellect.

In looking at the training grant funds, the real question should be, what are we buying for our money? Now the Federal government may not be concerned with the number and quality of the doctors who will be around to take care of your great grandchildren and mine, but I, as a physician, medical educator and health care administrator, am very much concerned. Training grants account for much of the funds used in teaching hospitals to train tomorrow's physicians and to develop the future teachers of medicine. The presence of these students and teachers today tends to make the difference that sets the quality in the university hospital at such a high standard. Their absence tomorrow will make even greater a difference.

What is the impact? For example, more than a quarter of a million dollars for support of the academic clinical departments at Beth Israel Hospital come from such funds for training. These funds are being cut off abruptly, and we are threatened with the loss of those people who were destined to be responsible for the quality of tomorrow's medical care—a decision penny-wise but pound-foolish.

No one will deny that the distribution and the cost of medical care today are not ideal. But training grant support deals with a different issue—how to train young physicians, how to affect the quality and quantity of tomorrow's medical leaders. The Federal government appears to believe that withdrawal of funds which support the training process will somehow favorably influence the availability, distribution and cost of medical care. I believe this is more than a grave mistake; it appears to be a punitive judgment. You are aware of the high calibre of medical care existing in Massachusetts. Now you should be aware of the erosion of the foundation of that medical care by indiscriminate withdrawal of training grants. The health of our citizens is a matter of prime importance. It follows that support of teaching and training in medicine should be among the highest priorities of the Commonwealth and the country.

## THE OEO AND ITS SUCCESS IN TWO LOUISIANA COMMUNITIES

### HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. BREAUX. Mr. Speaker, the dismantling of the Office of Economic Opportunity has been halted by recent court action, and thankfully so. Perhaps now we can take this opportunity to consider just how valuable this program has been to millions of Americans, among them, people in my district—the Seventh Congressional District of Louisiana.

Two examples of the effectiveness of the OEO program can be found in Kinder and Oberlin, La.—not large metropolitan areas, but small cities where dedicated people have worked to help the underprivileged—worked and succeeded.

The General Community Programing Center at Kinder has maintained classes in four areas:

First. Youth development, where good grooming is taught, where students learn the proper way to dress, to present themselves in public. Also, these classes provide training programs in various trades and are geared to the interests of young people.

Second. Story hour; this is a class provided for preschool children, introducing them to school activities, responsibilities, cooperation with others and a desegregated atmosphere.

Third. Adult education; research conducted through the Allen Action Agency, the parent organization, revealed a considerable level of illiteracy. So adult education classes were begun in which adults are taught to spell, read and write. Without such training, it is doubtful these people could have taken advantage of an opportunity to become literate.

Fourth. Home management; three classes are offered under this broad category—sewing, cooking, and canning. The sewing classes were provided once a week at the center to persons interested. The classes provided economical methods of properly clothing a family. Cooking classes were conducted in the center and in the homes of people in various area communities, emphasizing an exchange of cooking ideas, the serving of balanced meals and budgeting. Canning classes taught ways to preserve surplus foods for future consumption through water bath canning and pressure cooking.

But this is not all—in fact, this is only part of what has been happening at Kinder because Congress acted favorably toward the antipoverty program. No less than 12 other services have been provided there, including a summer feeding program for children of underprivileged families; a self-help gardening program in which free seeds and fertilizer are provided; a feeder pig program in which low income families are assisted in raising feeder pigs for increased meat production and family consumption; a poultry program through which baby chicks are raised for egg production and meat consumption; a community-related program in which people from throughout the area come together and listen to one another, attempting to find solutions to their common and individual problems; a "target area" program through which people organize themselves to improve community situations; a manpower program geared to provide gainful employment for low income people; housing referrals through which the proper authorities provide assistance in repairing or building a home; employment referrals through which jobs are obtained for the underprivileged.

And there is more—such as making Christmas a more happy time for the poor, providing clothes for needy families, a program of food donation involving local merchants, and a host of referral services which range from welfare, social security and taxes to medicare, legal assistance and transportation services to secure medical aid. Emergency services also are provided through the food stamp program, emergency medical aid and emergency food supplies for families in distress.

Within the same parish—Allen Parish—exists another program, just as effective and just as far-reaching in the scope of its services.

This is the General Community Programing Center at Oberlin, La. The center maintains programs similar to those conducted at Kinder; sewing classes, ceramic classes, canning classes, a story hour class, youth development and home nursing classes; senior citizen involvement in home management, plus referrals to other service-type programs.

The ceramic cooperative effort has provided a sales outlet for the handicraft produced through the center program, and officers have been elected and a bank account established.

Included in the nursing services is the provision of equipment, such as beds, wheelchairs, walkers, and so forth, for those who cannot afford such items.

Students who have dropped out of school and then realize their mistake are referred to such programs as the Job Corps where they can continue their education. Legal aid services are provided; parents are referred to the Headstart program where preschool activities are provided for their children, and followup programs are conducted on all referrals.

Self-help programs in gardening, poultry, and feeder pig projects help the underprivileged and the Allen Parish Council on Aging was formed and chartered as a result of the center's presence in the community.

These are positive, constructive programs of benefit that have been made possible to all people within these communities who have need of such services.



These are programs which illustrate the vital need for Congress to continue funding efforts which provide such benefits.

Instead, with no justification other than a vague reference to high Government cost, the administration has seen fit to terminate a congressionally approved and funded program; namely, the Office of Economic Opportunity.

As we consider the budget for fiscal 1974, it will be good to keep in mind the benefits to people in these two communities and thousands of other communities throughout our Nation because dedicated people care about one another.

## WHOSE FACE HIDES BEHIND THE TERRORIST'S MASK?

### HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. BRASCO. Mr. Speaker, any person with a claim to civilized behavior turned away in revulsion at the assasination of two American diplomats in the Sudan by Arab terrorists.

The time has come to delve a little deeper into who these people are, who finances and protects them, and who masterminds their bloody machinations. Some of the facts are most revealing.

First, the only purpose uniting Arab terrorist organizations is destruction of another society; Israel. The revised Palestine Covenant, adopted by the Palestinian National Council on July 10–12, 1968, is specific in this respect. Paragraph 20 maintains that Jews are not a nation. Paragraphs 2 and 21 state that only Palestinians have a right to self-determination. Paragraphs 9 and 21 reject any solution short of "a complete liberation of the land—the only way to achieve this objective is military, not political."

Let us make one thing clear. Terrorists are not guerrillas fighting in the countryside against enemy troops. Nor are they commandoes engaging enemy military units. They are murderers whose victims are always defenseless civilians, annihilated deliberately, not in combat, and usually with little immediate risk to the perpetrators.

Arab terroist activity has been a principal method in warfare conducted by Arab leaders for 50 years against the very existence of a Jewish national state.

Throughout the Arab world, a double standard is maintained regarding terrorists, their aims and methods. One set is used when speaking among nations wherein Arab governments disassociate themselves from terrorist activities. Another when they speak among themselves. Every Arab government, with the possible exception of Jordan, indicates support for the aims of these assassins—destruction of Israel.

Again, with the exception of Jordan, terrorist activities have been praised by all Arab governments and media they control, often quoting an ambiguous slogan—"Fulfillment of the rights of the Palestinian people." Not a single Arab government has ever come out with an unequivocal condemnation of terror as a method.

The simple truth is that this brand of terrorism is an organized activity, and could not survive for a week without support, material aid, and encouragement from such governments, within whose territory they base their operation.

In January 1964, the Palestine Liberation Organization was founded in Cairo. The main influence here was Egyptian. Fatah was organized under Syrian direction. Yasser Arafat, leader of El Fatah, following the June war, acquired for his organization a predominant role in the Palestine National Council, the governing body of PLO. It is interesting to note that no elections to any representative body of Palestinians have ever taken place. All organs claiming to speak on behalf of Palestinian Arabs are either self-appointed or nominated by Arab governments. However this is the umbrella under which terrorist organizations have flourished.

As Israel grew stronger and better able to deal with terror, it soon became obvious she could carry the war being waged against her back to terrorist home bases in Arab countries. So in a search for vulnerable and defenseless targets, terrorist organizations could only turn to foreign countries. But a cover was needed, and so Black September was born. In fact, when it committed its first murder, that of Jordan's Prime Minister, Wasfi Tal, in Cairo, the Beirut newspaper, Al Nahar, stated immediately that "Black September was in fact a part of Fatah."

Mr. Speaker, Black September does not exist as a separate organization. It is an integral part of the umbrella of terror. Its members are Fatah members.

It is obvious that plans for invasions of embassies, letter bombs, assassinations of athletes, plane hijackings and similar outrageous acts of international brigandry are highly coordinated efforts. Examine the following facts.

In the atrocity committed against our diplomats in the Sudan, the car used was owned by Fatah, and bore diplomatic plates. President Nimeri of Sudan has echoed these facts and accusations.

Arab terrorists require money, headquarters, training, weapons, communications and secret facilities. All are provided by Arab governments. Egypt bears the main blaim. The following terrorist organizations maintain headquarters in Cairo, PLO, PLA, Fatah, and PFLP. At least six other Egypt-based auxiliaries operate openly. All these bodies are known to the Egyptian Government and its intelligence services.

Consider that on September 21, 1972, Al Gumhuriyya, official Egyptian paper, reported on a plan for further terrorist activities to be carried out by Black September. Surely what is known to Egyptian journalists ought to be known to government officials.

Cairo has become the safe haven of terrorists who have completed operations. These include members of the PFLP who in July, 1968, conducted from their Cairo office negotiations concerning an El Al aircraft hijacked to Algiers. PFLP pirates responsible for the September, 1970, hijacking of a Pan American Boeing 747, who flew it to Cairo and blew it up, were set free by the Egyptian Government and reside there.

In Syria, terrorists and armed forces are virtually interchangeable. Syria was the first Arab state encouraging establishment of terror organizations. Support of such activities has been a central tenet of that country since 1968. Today, Syria supports on its land the largest group of terrorists based in any Arab country. Of 14,000 Arab terrorists in Arab nations, 9,000 are Syrian-based. The central military commands of these groups are to be found in Damascus. Syria is also the main center where conferences of various groups are held. Some terrorists have even been identified as Syrian soldiers out of uniform.

Syria maintains tight control over all terrorist operations emanating from her territory. It maintains a special Damascus office responsible for liaison with the organizations. Every terror operation mounted from Syrian territory must receive prior approval from this office. Fatah's principal training bases are in Syria, and terror groups have regular broadcasts over Damascus radio. They even possess their own radio station in Dera'a.

It is well known that Iraq trains terrorists at its own army bases, encouraging its citizens to join terrorist ranks. Libya does the same. Iraq assists in terrorist activities abroad by issuing Iraqi passports to terrorists and enabling them to use its diplomatic mail.

Qadhafi of Libya has openly called for more operations like the infamous Lod massacre. Registration offices for volunteers to terroist organizations have existed in all Libyan embassies since July 1971. After initial Libyan training, volunteers are sent to bases in Syria and Lebanon.

Financial support extended to terrorists by Libya is by far the largest of any Arab State. Algeria is also a major supporter of these groups, maintaining terrorist training bases and offices in its territory and making available large quantities of arms.

All these governments are accessories before, during and after the fact to terror. Murder and terrorism are permissible and even publicly extolled by them as virtues. The Lod Airport massacre was praised by the Prime Minister of Egypt. Terrorists killed in Munich were given a state funeral by the Government of Libya. With the exception of Jordan, not a single Arab government has condemned terrorist organizations.

Arab terrorist operations do not emanate from the minds of deranged extremists. They are not acts of despair. Rather, they are a deliberatly organized activity, put into effect by Arab governments.

Terrorists, when they run any risk, which is rare, do so because they know they command full Arab government backing. Each regime would receive them as heroes, granting both refuge and protection. In Arab countries, these butchers move freely and in the open

Terrorist groups have become an establishment, maintained by Arab governments. They are well paid. All rank and file receive regular salaries far above average earnings of an Arab worker or soldier.

As an establishment, the main objective of these groups is to perpetuate

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themselves. To their employers, Arab governments, they cannot deliver any service except murder and piracy. The objective they seek, destruction of Israel, is an obvious impossibility. Of peace and coexistence they refuse to talk, because that would mean sources of financing might dry up. Therefore to justify money, salaries, bases, offices, voyages, and virulent propaganda, not to mention the ego trip, innocent people must die at random, not in war, but selected anonymously, because they are defenseless.

Now let us relate this to the bloody deeds in Khartoum. The Arab government connection is obvious. Therefore, let them not turn piously with outspread hands to us and plead ignorance and sorrow. Let us instead examine how we ourselves have aided them, although inadvertently, to be sure.

UNRWA, of which the United States is the mainstay, allows terrorists to virtually run its camps in many instances. Sir John Rennie, Commissioner General of UNRWA, responding to such an accusation, unwittingly let the cat out of the proverbial bag. Here are some of his own words, uttered February 23:

UNRWA provides services in, rather than administers, the camps and it is well known that UNRWA has no police powers or responsibility for the maintenance of law and order in them. The UNRWA store . . . has not been under UNRWA's control since 1969, when it was seized by a Palestinian organization along with a number of other buildings in the camps . . . the seizure was reported to the General Assembly, which has been kept regularly informed of UNRWA's unsuccessful efforts to recover them through the Government of Lebanon.

It would seem that the U.N., or the United States through the U.N., does have power to insist that camps it serves ban operations by Palestinian terrorists. If UNRWA wants Lebanon to expel terrorists, it can withhold funds and force Lebanon to assume responsibility for maintenance and care of the camps. Indeed, if UNRWA had taken such action before, misuse of UNRWA camps by terrorists would have long ago been ended and many refugees would have been resettled.

Congress has approved legislation to deny use of American funds for training terrorists, but UNRWA has seemingly found a way to circumvent this injunction.

This failure is now underscored by the Khartoum outrage.

Black September's savagery has been emboldened by weakness and capitulation. Tal's murderers were released. Seven terrorists involved in plane attacks were released in England, West Germany, and Switzerland after the 1970 hijackings. West Germany paid $5 million to ransom a hijacked Lufthansa plane and was swiftly repaid at Munich.

The Munich butchers received a hero's welcome in Libya, and were of course let go. In Rome, two Arabs who arranged to place explosives aboard an El Al plane were "provisionally" let go. Not a single U.N. agency whispered a protest when suicidal Japanese agents of the terrorists mowed down innocent travelers at Israel's Lod Airport. Indeed, nowhere is the bankruptcy and cowardice of the U.N. more glaring than in its double standard as far as terrorists and Israel are concerned. But the U.N. is now regarded as beneath contempt by almost everyone.

Black September has prospered because an amoral international community has been a supine accessory, catering to terrorists with cant and condoning their actions by releasing instead of jailing and executing them.

American diplomats and many other victims of these barbarians would be alive today if the civilized world long ago had refused to submit to terror and blackmail. Their past successes have persuaded Arab governments and terrorists that a complacent world will yield to any demands, no matter how arrogant.

Ruthless Arab terrorists are ready to murder anyone who will not collaborate in their effort to wipe out Israel. But while Israel remains the target, the real victims are Palestinians, whom these assassins claim to represent. For it is mainly the terrorists who are determined to prevent an Arab-Israeli peace.

Israel is a fact of life. She is there to stay, and the sooner the Arabs realize and admit this fact the sooner direct negotiations between both parties, free of great power interference, can ensue. Certainly no meaningful progress towards peace will take place until such face-to-face negotiations between all principals come to pass.

## IMPORTANT SUPPORT FOR THE FREEDOM OF EMIGRATION ACT

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. VANIK. Mr. Speaker, I wish to include at this point in the RECORD, a copy of a resolution that the State of California passed in both Houses recently, in regard to support of the Mills-Vanik-Jackson amendment relating to East-West trade.

There are many such resolutions that should be brought to the attention of the Congress, but this one serves to prove the broad based support of this important legislation, H.R. 3910.

Assemblyman Waxman's successful joint resolution is as follows:

ASSEMBLY JOINT RESOLUTION No. 15

Assembly Joint Resolution No. 15—Relative to East-West trade relations

LEGISLATIVE COUNSEL'S DIGEST

AJR 15, Waxman. East-West trade relations.

Memorializes the President to support, and Congress to enact, legislation to amend the federal East-West Trade Relations Act of 1971 to deny most-favored-nation status to countries which prevent their citizens from emigrating freely by requiring the payment of ransom taxes.

Fiscal committee: no.

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President to support, and the Congress of the United States to enact, legislation to amend the East-West Trade Relations Act of 1971 so as to deny most-favored-nation status to countries which prevent their citizens from emigrating freely by requiring the payment of ransom taxes; and be it further

*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Senator Henry M. Jackson and Congressmen Charles Vanik and Wilbur Mills, and to each Senator and Representative from California in the Congress of the United States.

## TRIBUTE TO THE LATE WALTER S. POSEY

### HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. MAHON. Mr. Speaker, Walter S. Posey, an outstanding citizen of my hometown, Lubbock, Tex., passed away on April 21, 1973.

Walter Posey was a sturdy and stalwart leader who became a legend in his own time. He had tremendous vision, boundless energy, and a talent for leadership which enabled him to play a major role in the history and development of that western frontier area later known as the South Plains of Texas. Those of us from the South Plains who share in the legacy of Walter Posey feel that suitable tribute should be paid to his memory. With this thought in mind, I submit for the RECORD an excellent editorial about him from the Lubbock Avalanche-Journal of April 24, 1973, as follows:

WALTER S. POSEY—SOUTH PLAINS GIANT

It is no exaggeration to say that in the death of Walter S. Posey, pioneer Lubbock civic leader and banker, one of the giants of Panhandle South Plains history has passed away.

Mr. Posey, who was 92 last Thursday, came to the South Plains at the age of 10 in a covered wagon when his father, James B. Posey, moved his family to the Floydada area.

The younger Posey hauled freight with his own wagon and teams, later moving to Lubbock where he became associated with the First National Bank in 1904. He became vice president in 1925, president in 1945 and in 1953 was elected to the post of chairman of the board which he held at his death.

His reputation as a banker, his conservative yet progressive policies played a key role, not only in the growth of the institution which he headed for so long, but in the growth of the city and area which became his home.

Especially was his faith in the farming and cattle future of the area well founded, and it was because of this belief that hundreds, yes thousands, of men were "given a chance and a start" or a helping hand that paid off for the individuals and for the South Plains itself.

Quiet, unassuming, yet a man of deep convictions, and belief in the integrity of his fellowman, Walter Posey acted for the total good of his neighbors and his community.

He is credited with having prompted county and city officials to buy the land which was to become Mackenzie State Park. He was president of the Chamber of Commerce the year Lubbock was chosen as the site for Texas Tech.

He was a city commissioner for 12 years. He, with other civic leaders, helped keep the city's banks open during the depths of the great depression. In countless ways, most unpublicized, he served his city and the vast area surrounding it, but never for personal aggrandizement.

Mr. Posey was a "man of the soil" in many ways. His lifetime spanned the history of the Plains from before the railroad to the era of jet flights and man on the Moon. Yet, through it all, with an ever-present twinkle in his eyes, a firm handshake and an appreciation for the simple things of life, he remained unchanged.

Few men of the down-to-earth philosophy, character and stature of Walter S. Posey pass our way.

As individuals, as a city and as an area, we are fortunate that he did. We are all better for it.



## TRIBUTE TO DR. J. RICHMOND BARBOUR

### HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. BURGENER. Mr. Speaker, on June 29, the Nation will lose the services of one of the most effective innovators in the field of special education. On that date, the retirement of Dr. J. Richmond Barbour will become effective and he will vacate the position of assistant superintendent for student services of the San Diego Unified School District.

Even though Dr. Barbour retires as an administrator of a single school district, his contribution to special education has been so significant that districts across this Nation have utilized procedures and programs originated under him. The loss of this man's active services will be of national concern.

Dr. Barbour's career in education covers over 40 years of service to the people of San Diego and the cause of special education. Ever since his first day as a classroom teacher at Roosevelt Junior High School in 1930, he has been one of those valuable educators who have striven to better understand the needs of the children everywhere. His contributions, while rising from the classroom to administration where he could concentrate more effectively on the question of identifying needs and developing ways to meet them, have been of great benefit to literally millions of children.

Throughout the United States, school districts have examined the work of Dr. Barbour and found application to their own programs very beneficial. In America, reading clinics and family life education programs bear the mark of his attention.

Numerous dissertations have been devoted to the research and development of programs under his supervision. This information has circulated freely within the field of student services.

The deaf, blind, aphasic and those afflicted with unique physical deformities have all benefited from Dick's involvement. The mentally retarded, the emotionally and neurologically handicapped and the gifted child as well have all been of special concern in his unending search to improve the lives and futures of these special children.

Special education has been a prime concern of mine for 20 years. And during these years, I have come to know and respect Dick Barbour as one of the most effective innovators in this field and I am certain that his work will not only be remembered but expanded. To all of us who have worked in this field, the name of Dr. Richard Barbour will long remain.

We all wish him well and thank him for his unselfish contribution to children everywhere.

## EXTENSIVE FLOOD DAMAGE IN MISSISSIPPI DELTA

### Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. MONTGOMERY. Mr. Speaker, everyone is probably aware of the extensive amount of flooding that has taken place in the Mississippi Delta these past few weeks. Thousands of acres are still under water. I would like to share with my colleagues the following report prepared by B. F. Smith, who is executive vice president of the Delta Council. This report shows in a concise factual manner the amount of damage in the Mississippi Delta and the problems that are yet to be experienced as a result of the flooding:

EMERGENCY PROBLEMS RESULTING FROM THE 1973 FLOOD

Backwater flooding from the Mississippi River and its tributaries in 1973, combined with overflows from interior streams and the heavy runoff from the headwater areas of North Mississippi, have resulted in severe flooding and disaster conditions in the Yazoo-Mississippi Delta area.

The problem started in October of 1972 when heavy rainstorms began during the peak of the harvesting season. Rains have continued almost unabated and caused heavy crop losses throughout the area. These rainstorms, combined with similar conditions throughout the Mississippi River watershed, culminated in a massive flood of almost record proportions.

The Vicksburg District, U.S. Corps of Engineers, estimated on May 8 that 1,750,000 acres had been, or are now, flooded in the Yazoo Basin area above the backwater and that an additional 720,000 acres are inundated in the backwater of the South Delta. The most serious and prolonged flooding has been along the Upper Yazoo River and its tributaries and in the backwater area which comprises all or part of six Delta and part-Delta counties. Flood damages in the backwater area are estimated at $60,000,000 with damages in other parts of the Yazoo Basin amounting to $42,000,000. These damages could increase.

Listed below are six Delta and part-Delta counties in the South Delta backwater area and the percentage of land under water:

Issaquena, 90 percent.
Sharkey, 90 percent.
Humphreys, 50 percent.
Yazoo*, 80 percent of Delta portion.
Holmes*, 25 percent.
Warren*, 85 percent of Delta portion.

The agricultural census of 1970 lists the following information for these same counties:

| | Land Area (acres) | Farmland (acres) | Value of land and buildings |
|---|---|---|---|
| Issaquena | 264, 768 | 98, 851 | $31, 520, 937 |
| Sharkey | 279, 010 | 198, 304 | 60, 211, 718 |
| Humphreys | 269, 568 | 239, 152 | 79, 974, 607 |
| Yazoo | 600, 192 | 468, 315 | 88, 222, 580 |
| Holmes | 491, 840 | 359, 699 | 68, 635, 199 |
| Warren | 371, 840 | 199, 326 | 34, 130, 141 |

DURATION OF FLOOD

U.S. Corps of Engineers reports indicate that, with normal rainfall throughout the Mississippi River Drainage System, all land below 103 feet elevation, MSL, will be inundated. Runoff for the backwater will depend upon flood heights of the Mississippi River with a crest of 53 feet on the Vicksburg gauge predicted for May 12. When the fall begins, the Corps of Engineers report indicates that 30 to 35 days will be required before flood heights drop to 35 feet at Vicksburg, even if no more than normal rainfall is experienced. This means that farmers in flooded areas of the South Delta cannot expect to enter their fields before July 1. This is too late to plant crops in 1973. Many farmers along the Upper Yazoo River and its tributaries will experience the same conditions.

Once the flood waters recede, farmers will be confronted with many complex and costly emergency problems. Having lost the opportunity to obtain any income from their farms in 1973, they will also face the immediate need for heavy outlays of funds for rehabilitation of farmland, homes, buildings, facilities and equipment. These activities should be initiated as rapidly as flood and land conditions permit.

EMERGENCY PROBLEMS

Some of the problems that citizens of flooded areas face are:

1. *Credit.* Farmers will need funds to pay labor, meet land notes, pay taxes, meet payments on equipment and defray living expenses. With little or no income in 1973, credit needs of distressed farmers will be beyond the ability of ordinary financing sources. Farmers will also need sources of credit for 1974 production loans and some method should be provided for the consolidation of carryover debts. Businesses of the flooded areas are also adversely affected and are suffering from loss of revenue, damages to buildings and loss of goods.

2. Farm homes, tenant houses, barns, shops and other farm structures have suffered great damage by flooding. Action must be taken as soon as possible to salvage, repair or replace these structures.

3. *Farm labor.* Several thousand farm workers have been displaced from their homes and are now living in temporary shelter. Unless prompt action is taken to provide suitable housing, many of these workers could leave the area causing an acute farm labor shortage. A high percentage of these workers will be needed in salvage, rehabilitation and repair operations on farms.

4. *Debris clearing and removal.* This must be accomplished before other farmland rehabilitation activities can get under way.

5. *Weed and grass control.* Every cultivable acre that has been flooded will have been reinfested with noxious weeds and grass seeds. High temperatures usually prevailing in the summer and moist soil conditions will be conducive to rapid growth of weeds and grasses and effective control measures must be undertaken promptly. Possibly, the most effective measure will be that of fallowing; however, farmland will need to be heavily disked several times during the remainder of 1973 to prevent weeds and grasses from going to seed. This represents a major cost.

6. *Equipment repairs and replacement.* While a major effort was made to evacuate farm equipment, the problem of finding enough land above flood heights where equipment could be stored was a major one. In 1927, the peak stage, MSL, reached 103.7 feet and lands were inundated from March 23 to May 24. Only one time since the 1927 flood has the peak stage exceeded 100 feet above MSL and that was in 1937 with the peak stage recorded at 100.5 feet, MSL. In that year, flooding occurred earlier and lands were inundated from January 25 to March 10. In the 1973 flood, all lands below 103 feet, MSL, were inundated. This left little land, other than Highway 61, the Illinois Central-Gulf Railroad, and the Mississippi River Levee

* Part-Delta, part-Hill.

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above high water. Consequently, the salvage and repair of farm equipment will be a major problem. Without this equipment, farmers will not be able to rehabilitate their land or make a crop in 1974.

7. *Removal of temporary levees.* Many temporary levees were constructed in an effort to prevent flooding of land, homes, plantation headquarters, etc. These levees will have to be removed to facilitate drainage and to permit normal farming operations.

8. *Sanitary facilities.* Most rural homes utilize septic tanks for sewage disposal and also have their own water systems. These systems will need to be thoroughly cleaned and overhauled to provide safe drinking water and septic tanks must be pumped out and repaired. Also, sewage disposal and water systems or towns in flooded areas should be carefully inspected with necessary repair work initiated as soon as possible.

9. *Re-establishment of pastures and feed for livestock.* Most of the livestock was evacuated from flooded areas. The grass on thousands of acres of improved permanent pasture land will have been destroyed by high water and will have to be re-established. Fences will have to be repaired and replaced and feed will have to be provided for livestock when they are returned to the area.

10. *Bridges, culverts, roads.* Long periods of inundation, wave action and swift currents have caused great damages to roads, bridges, and culverts throughout the flooded areas. This includes county facilities, as well as roads, bridges, and culverts on farms. These facilities must be restored.

Also, farm drainage systems have been greatly damaged and in some cases totally destroyed. These facilities will have to be renovated or restored.

11. *Grain storage facilities.* On-farm grain storage facilities were flooded in many cases. These facilities must be thoroughly cleaned with special attention given to the heating and drying units.

12. Indications are that backwaters will continue to linger in low areas throughout the summer. This will provide prime breeding areas for mosquitoes, gnats, horseflies, and other harmful insects. Hordes of mosquitoes could cause a serious public health problem, especially since DDT is no longer available as a control measure. Gnats, horseflies, and deer flies, breed rapidly and are carriers of anaplasmosis and other animal diseases. Insect breeding areas should be treated to minimize this threat.

Care should also be taken because of the large number of snakes that have been displaced from their regular habitat by flood waters. Some of these snakes, rattlesnakes, cottonmouth moccasins and copperhead moccasins, are extremely poisonous.

## WAR ON POVERTY FAILED

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. HUNT. Mr. Speaker, the May issue of First Monday, edited by John Lofton, Jr., and published by the Republican National Committee, has in it a very informative article about the failure of the Great Society's so-called war on poverty. I think the article is of interest to my colleagues, particularly those who have defended the program, and I would like to include it in the RECORD:

THE WAR ON POVERTY, REPRESENTATIVES HAWKINS AND DRINAN, WASTED MONEYS AND SCANDALS: HERE ARE THE FACTS, GENTLEMEN

(*"One by one OEO's liberal friends rose to the poverty agency's defense on Tuesday, flexing their flabby congressional muscles, giving Howie the evil eye like so many clubfighters trying to psych out an opponent before the bell. Howie polished them off, one by one. He was armed with information where they were filled with so much vague gas. Above all, he believed in the efficacy and rectitude of what he was doing, while they tried to sell ignorant flatulence or moral passion."—Reporter Tom Dowling, writing in the Washington Star-News.*)

For some strange reason there is an almost paranoid reaction among the knee-jerk defenders of the program when anyone even remotely hints that the Great Society's so-called War on Poverty ended in anything less than a total victory.

For example, when OEO Acting Director Howard Phillips appeared before a House Education and Labor Subcommittee in February of this year and explained that certain changes were being made in the program to make sure that the taxpayers' money is being spent responsibly, Rep. Augustus Hawkins (D-Calif.), one of the original sponsors of the Economic Opportunity Act of 1964, jumped all over him.

"I don't know what you mean by 'money being spent responsibly' . . . " Hawkins declared, then going on to say other things that showed that he really didn't know what is or is not responsible spending of taxpayers' money.

In another instance, when NPACT senior correspondent Robert McNeil led into a public broadcasting special about the poverty program noting that community action programs have had "problems" ranging from "embezzlement to fraud to monumental failures," Rep. Robert F. Drinan (D-Mass.) later in the show disputed McNeil's remarks saying, "I haven't heard of any scandals . . ."

So, on the assumption that Reps. Hawkins and Drinan are honorable men and thus sincere in their remarks, that is the former doesn't know what is meant by the responsible spending of the taxpayers' money and the latter is unaware of any scandals in the poverty program, the following cases from OEO files are presented for their enlightenment.

NEW YORK

Human Resources Administration of New York City (HRA), report dated August 18, 1971.

Problem: Who's got the $5.7 million OEO gave to New York City?

Findings: In the first three years of the anti-poverty program (1965–68) the Federal government provided $101 million to New York City anti-poverty agencies. The City provided another $82 million: The HRA was the City's agency responsible for the programs.

During the early years of the program, large amounts of these funds were unaccounted for. Estimates of the total unaccounted for funds by Federal and City officials vary from $5.7 million to $7.8 million for the period July 1, 1965 to September 30, 1968. (The different estimates are explained below.)

The Comptroller General found the following conditions contributed to the fiscal shortcomings:

1. "The inability of HRA and its delegate agencies, primarily because they lacked competent fiscal employees, to adhere to OEO policies, procedures, and standards for financial management of funds advanced for the anti-poverty programs."

2. "A lenient attitude by OEO during this period regarding fiscal controls at HRA."

It explained in more detail that at the beginning of the anti-poverty program the city comptroller advanced funds to delegate agencies which then submitted vouchers for expenditures through HRA to the comptroller. The comptroller was unable to process the vouchers promptly enough, so he set up a revolving fund under which advances could be made independent of the vouchering process, with justifying vouchers to be submitted later.

Vouchers submitted by a large number of delegate agencies during the early program years (1965–68) did not account for all the funds that had been advanced. The city comptroller's records as of August 1970 showed that he had received and processed vouchers accounting for only $27.5 million of the $35.3 million that had been advanced to delegate agencies from July 1, 1965 to September 30, 1968. Of the $7.8 million not offset by vouchers, $5.7 million was Federal funds and $2.1 million was city funds.

A series of meetings of involved City and Federal officials reduced this $7.8 million in funds unaccounted for by $2.1 million because of unprocessed vouchers. It was decided to seek outside audits of the remaining $5.7 million. Contracts for the audits were not awarded until July 1971.

In the meantime, on December 30, 1970, OEO disallowed expenditures of $303,522 for the first year (1965–66) and on May 11, 1971, OEO disallowed expenditures of $6,612,842 for the second and third years (1966–68). The latter figure included $391,784 in unexplained expenditures and $6,221,058 in advances to delegate agencies which were not adequately accounted for.

Thus, OEO's estimate of the Federal share of funds not accounted for totals $6,916,364 for the three years.

CONNECTICUT

Community Progress Inc. (CPI), report dated August 12, 1970.

Problem: Criminal and political involvement.

Findings: Warren A. Kimbro was hired by CPI as a neighborhood worker in 1966 at $5,062. By May of 1969 he was coordinator for a Center in New Haven at $10,000.

The New Haven chapter of the Black Panther Party was formed in the spring of 1969. In May of 1969 the first state leader was shelved and was replaced by Kimbro.

On May 22, 1969, the New Haven Panther headquarters was raided and eight members of the party were arrested for the murder of a New York City Panther whose body had been found the day before. Kimbro was one of those arrested and charged with murder and conspiracy to commit murder. He was suspended without pay as of the date of his arrest by CPI and later resigned by letter antidated to May 19.

Prior to joining CPI Kimbro had been arrested five times and had been convicted on two counts of aggravated assault.

ARIZONA

Project Valor—Drug Program of the Committee of Economic Opportunity, report dated March 14–17, 1972.

Problem: Drug counselors using drugs.

Findings: Project Valor received $475,866 from OEO for a two-year period ending June 30, 1973, to rehabilitate hard-core drug addicts of a low-income background.

Eight of the nine counselors in the program are addicts who have arrest records. At least four have numerous criminal convictions for offenses ranging from burglary and grand theft to assault and narcotics violations.

Two have records that go back nearly 30 years. Three are heroin addicts currently undergoing methadone treatment.

One of the counselors on methadone deliberately used his position as counselor to get temporary custody of a female on probation. He took the female (age 22) to another counselor's apartment where he introduced her to heroin for the first time, and also took a fix himself.

The senior counselor admitted having sexual relations with an 18-year old addict who had been released on probation to the Project Valor program. Another counselor took two girls to an apartment where the girls took heroin.

The three counselors were dismissed.

ARKANSAS

Economic Opportunity Council of Pulaski County, report dated September 23, 1968.

Problem: OEO personnel arrested—militant activities.

Findings: Project SANE is an OEO-funded Summer Recreation Project administered by the Economic Opportunity Council of Pulaski County. Six staff members of SANE were organizers and members of Black United Youth (BUY), a militant group which organized boycotts, demonstrations, etc. At least one BUY demonstration ended in violence and the arrest of 30 persons.

One SANE staff member, also a BUY member, was arrested on four counts of assault with intent to kill. He was subsequently suspended by SANE. Another former staff member of SANE, president of BUY, was arrested for armed robbery during a raid in which police confiscated 18 rifles, pistols and some ammunition. He was at that time a Police Community Relations worker for the Economic Opportunity Council, and had recently received a grant to attend the Chicago Urban Training Center.

WEST VIRGINIA

Legal Aid Society of Charleston, report dated January 2, 1970.

Problem: OEO employee embezzles Federal funds by forging checks.

Findings: The secretary-bookkeeper of the Legal Aid Society, a delegate Agency of OEO-funded Tri-County Community Action Against Poverty, Inc., was indicted by a Federal Grand Jury for forgery and embezzlement. On at least four occasions she obtained two salary checks for herself covering single work periods, and forged the treasurer's signature on checks made out to herself. She developed a scheme to accept $50 cash for bankruptcy filing fees, paying the fee by forged check and keeping the cash: This was accomplished at least 20 times, and possibly as many as 50 times. Pleading guilty to all counts, she was placed on three years probation.

PENNSYLVANIA

Cumberland, Dauphin and Perry County Commission on Economic Opportunity, report dated October 21, 1969.

Problem: Violation of regulations; felons hired as program directors.

Findings: The police record of the Director of the Carlisle Neighborhood Center, a CAP-funded program, showed two misdemeanor and two felony convictions at the time he was hired. He was demoted by the Board of Directors for unsatisfactory performance. His predecessor had served six years in state prison for assault to commit murder and was on parole when he was hired. Neither of the two men's records had been checked before their employ, a violation of CAP Memo 23A.

RHODE ISLAND

Progress for Providence (PFP), report dated November 17, 1970 and March 19, 1973.

Problem: OEO employees involved with organized crime.

Findings: The director of the Youth Drop-In Center, a PFP program, has an extensive criminal record showing 30 arrests from 1952 to 1969, including: conspiracy to commit murder, robbery, extortion, assault with a deadly weapon and many others. Described by Providence police as "very much mixed up in organized crime," he has served a total of 17 years in prison. The vice chairman of PFP was arrested four times on felony charges; the director of the Federal Hill Neighborhood Corporation was arrested seven times, and a detached PFP youth worker who had served five and a half years in prison was sentenced in 1960 to 15 years for second degree murder.

CALIFORNIA

CAL–CAP Directors Association, report dated March 13, 1972.

Problem: Local OEO director forges $21,487 check.

Findings: The San Francisco Regional Office had given the CAL–CAP Directors Association a $19,450 grant to give technical assistance to other SFRO grantees. The executive director of the Southern Alameda County EOA (SACEOA) opened two bank accounts, depositing over $21,000 in grant money from the CAL–CAP Directors Association. He then made withdrawals, mostly in cash, totalling over $19,000. The SACEOA Board president suspended his authority to handle funds; refused his demand for cash for a $21,487 cashier's check, the executive director left the bank moments before the arrival of an FBI agent summoned by Inspection. It was determined that a SACEOA check for $21,487 bearing a forged signature had been cashed earlier by the executive director. He was arrested on March 10, 1972, on a charge of forging a check to steal Federal funds.

LOUISIANA

Ouachita Multi-Purpose Community Action Program (OMPCAP), report dated April 16, 1969.

Problem: Mismanagement, white racists.

Findings: Upon the appointment of a white board chairman to replace the previous black chairman, whites quickly moved into key OMPCAP positions. At least three Board members had definite links with the Ku Klux Klan, and it was generally agreed that the nearly all-white Board's plan was to segregate the CAA programs. The private sector members not only represented segregated organizations, a violation of Section 624(a) of the Economic Opportunity Act of 1964; they also were selected without the participation of the poor, violating Section 211(b)(2) of the Act. Eight of the 12 poor representatives were in fact non-poor. The Chairman had complete control of Board meetings and salaries; several were shown to be based on racial discrimination. The black Executive Director's authority has been severely undermined, and he has been object of threats: A sniper fired into his home, narrowly missing his wife, and at another time a Board member publicly threatened to shoot him.

UTAH

Community Action Program for Economic Opportunity (CAPEO), report dated March 8, 1971.

Problem: Criminal involvement, violation of regulations.

Findings: The accounting supervisor of CAPEO was arrested in January 1971 and charged with burglary. He was arrested again a few days later and charged with grand larceny.

He had been hired in 1966 by CAPEO while on parole from a previous conviction and had been arrested five times on vagrancy and trespassing charges since being employed by CAPEO. These arrests were the result of his alleged activities as a sexual pervert (voyeur).

CAPEO employee applicants were not asked to reveal criminal records. This was in violation of CAP Memo 23A.

At the time of the report the accounting supervisor had not been relieved of his duties but he did not have check signing authority.

KANSAS

Wichita Area Community Action Program, report dated December 11, 1969.

Problem: Kickbacks—graft.

Findings: Community Action Agencies (CAA) gave $7,000 to the Resident Advisory Council (RAC) for a summer program in Wichita. It was decided to spend half of the money on a program in which 10 boys would learn the auto body repair trade.

A member of the RAC, who also was chairman of the Youth Program and who suggested the auto body project, received $1,000 kickback from the owner of the body shop used in the program. He also shook down one of the students for a $300 fee for taking the course, $50 of which was paid before the scheme was discovered. Two other boys resigned from the program rather than pay the shakedown fee. After the schemic was uncovered, the RAC member resigned and agreed to make restitution. At the time of the report he had paid back all but $300.

NEW JERSEY

Monmouth County Community Action Program, Inc. (MCAP), report dated May 27, 1970.

Problem: Fiscal and personnel mismanagement.

Findings: The MCAP Deputy Director used a MCAP vehicle for personal travel. The Executive Director leased two luxury automobiles equipped with mobile telephone, in direct violation of Community Action Memo 75, which restricts unnecessary and unrealistic purchases.

At least six employees received salaries in excess of the 20 percent maximum increase allowed by Community Action Memo 23A. Additionally, no verification of previous salary records were kept, a violation of Community Action Memos 23A and 23B, and no evidence of OEO Regional approval in the hiring of some employees. Several personnel files were empty. The Deputy Director traveled to Jamaica and Puerto Rico allegedly on Community Action Programs business without the knowledge or consent of the Board of Trustees. MCAP facilities were allowed to be used by political candidates, violating OEO Instruction 6907–1 Section 4b. The Executive Director and Deputy Director controlled the assets.

CALIFORNIA

Sacramento Area Economic Opportunity Council, report dated March 10, 1971.

Problem: Fight between CAA black employees and Chicanoes during a public meeting.

Findings: A predominantly but not exclusively Chicano audience met to discuss ways of getting CAA funding out from under Cabinet, Inc., which was exclusively black. Several Cabinet, Inc., employees entered the meeting equipped for mayhem, broke it up and attacked the audience. The audience panicked. The action surged outside. Shots were fired. Two of the blacks were wounded, neither seriously. Cabinet, Inc. was terminated and responsibility for programs transferred to Sacramento CAA.

PENNSYLVANIA

Community Progress Council, report dated September 8, 1970.

Problem: CAA staff involved with utilizing "subversive" material and having former criminal records.

Findings: Complaints alleged that CAA staff were using and dealing in narcotics, had criminal records, and employed a consultant who utilized "subversive" material.

CAA staff members were the subject of active narcotics investigations by the York police. Lionel Bailey, CPC associate director, has been convicted of attempted arson. He was apprehended with a firebomb at a school during racial rioting in the summer of 1968. A consultant, William Thompson, head of the Malcolm X Center in Reading, had been utilized by the CAA for "training" and had exhibited the movie "The Battle of Algiers", to juveniles and young adults in York. The movie depicts urban guerrilla war methods as used by the Algerian rebels. Additionally, the CPC board of directors was found not in compliance with the Economic Opportunity Act's provision known as the Green Amendment regarding public officials sitting on the Board.

Thompson was dismissed. The Board was restructured to comply with the statute. No further information since March 10, 1971.



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GENOCIDE CONVENTION

## HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. TREEN. Mr. Speaker, the Senate has the power under our Constitution to ratify treaties. This is a power that the Senate exercises with great deliberation. I particularly urge great deliberation on the Genocide Convention which has been reported out of the Senate Foreign Relations Committee. If ratified, this Convention would be both confusing and dangerous. I wish to bring attention to one ramification of this treaty.

Under the treaty, there is much confusion as to exactly what the convention means in times of military action or wars. Article I of the Convention provides—

Genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

It is important to note that no distinction is made between peace and war. Therefore, soldiers are covered by the Convention:

Article II of the Convention states that—

Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such. . . .

When soldiers are engaged in combat, they obviously intend to destroy, in whole or in part, a national group as such. Therefore, the acts of soldiers thus fall under the treaty.

Article VI of the Convention states—

Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Thus, the convention clearly shows that American soldiers engaged in combat could be tried by foreign courts or in some international penal tribunal "as may have jurisdiction."

The text of the convention, itself, clearly places soldiers under its provisions. The "report" by the Senate Foreign Relations Committee states that the Genocide Convention "does not alter the rules of warfare, or the obligations of parties to the Geneva Convention on the treatment of prisoners of war and protection of civilian persons in time of war."

But this misses the point. The Genocide Convention will change the determination of what constitutes a prisoner of war. Foreign governments, such as that of North Vietnam, would have a legal basis under the Genocide Convention to declare that captured American soldiers are actually not prisoners of war but war criminals and should be tried as such. In such a case, the Geneva Convention on the treatment of prisoners of war has no bearing. The matter is no longer one of POW's but of war criminals.

I do not want to endanger our American fighting men in any way by being silent on the question of ratification of the Genocide Convention. I urge my friends on the other side of the Capitol to refuse ratification of this treaty. Nothing should be done further to endanger American fighting men now or in the future.

Too often in this century, man's inhumanity to man has been witnessed. Hitler's murder of many peoples in Germany and Europe has been equalled by that of Stalin's in the Soviet Union. In Asia, North Vietnam and Communist China have killed many of their own citizens. The International Commission of Jurists found Communist China guilty of genocide against the Tibetans.

I deplore these and all other acts of genocide wherever committed. I, as must all men of good will, will fight against this crime wherever it appears. To stop this crime we must be sure that the means proposed—the Genocide Convention—can fulfill the goal. The convention does not fulfill the goal and at the same time, may have many frightening consequences for America.

SENIOR CITIZENS' STRENGTH

## HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. BINGHAM. Mr. Speaker, America's senior citizens are a group which is all too often overlooked or ignored when national policies are formulated and national resources are allocated. They have served their country well, raised families, and worked long hours to provide the best possible future for their children and their Nation. But, when they enter their "golden years," they find that Federal, State, and local governments do far too little to meet their needs.

In addition to facing the basic physical problems of aging, our senior citizens, who frequently live on fixed incomes and pensions, are the hardest hit victims of inflation and skyrocketing prices. Congress has the responsibility of focusing our national decisionmaking process on which will improve the lives of America's senior citizens and give them the rewards which they so richly deserve for their lifelong contributions to our society.

May is national Senior Citizens' Month, and WABC Radio in New York recently broadcast an editorial to call public attention to that fact and to the conditions which confront senior citizens in our country. This is the text of that commentary:

A New Protest Group Is Sounding Off, and They Mean Business

(By Patrick Muldowney, editorial director)

A few years ago, protesting became a way of life for many people. But for millions of others, picketing and marching just wasn't the way to do things. But not anymore. In New York, New Jersey and Connecticut, there are more than five million people over the age of 60. And for the most part, they have been ignored. They have worked hard all their lives but now find themselves in a situation they don't like. Their living costs have skyrocketed, but not their income. When it comes to getting services from the cities and states, they are lumped together with people who cannot or will not work, with drug addicts, with the problem people.

May is Senior Citizens Month. The men who want to be re-elected better listen. Five million votes is a lot of opposition.

RUMANIAN INDEPENDENCE DAY

## HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. ALBERT. Mr. Speaker, May 10 marked the anniversary of Rumanian Independence Day. It is fitting that we should take this opportunity to honor one of the most courageous peoples of Eastern Europe. On May 10, a chain of events set off by a revolt against Greek rulers in Rumania in 1821 culminated when in 1877 Rumania was finally able to fully cast off the burdens of semi-autonomous status under the Ottoman Turks and establish an independent state. Rumania's right to independence was recognized by the European powers when the diplomatic Congress of Berlin ratified it in June 1878.

The Rumanians were determined to establish a progressive democratic state and made great innovative strides to accomplish their high goal. Despite political events in the Balkans and the looming presence of the reactionary Czarist Russian Empire that made this task difficult, the Rumanians persevered and jealously guarded their independence.

This independence was seriously jeopardized by the Second World War, and since that time, the Rumanians have never really been free. Traditional Russian hegemonial interest in the Balkans reasserted itself after Russian armies overran Rumania and defeated the German armies there. In honor of that victory, May 9, rather than May 10, is the date on which Rumania must officially celebrate its independence. This fact demonstrates that the Rumanians are circumscribed in their ability to act as independently as they would like.

Thus, while the Rumanian Government can be admired for the independent foreign policy stand that has been manifested most recently at the preliminary talks for the European Security Conference, a careful look at this government reveals the burden it imposes on the free and indomitable spirit of the Rumanian people. That spirit will support any "Maverick" like steps expressing particular Rumanian goals, but it remains opposed to the conservatism of the Rumanian regime in domestic affairs. This is a tragedy that a people as fine as the Rumanians should not have to bear.

We in the United States must again call attention to the true Rumanian Independence Day, and recall the past when Rumanians enjoyed freedom unencumbered by shackles of censorship and scrutiny that makes life a constant struggle for small victories in conflicts that should not be fought.

Today the United States finds itself in a period of détente with the Soviet Union, and consequently, with the Eastern European countries. With Rumania we are on the point of reaffirming excellent state relations through the final enactment of a consular convention just recently approved by the Senate. Now it is my sincerest hope that these good relations and deténte will not be restricted to governmental affairs, but that for the Rumanian people, they will inaugurate a future that promises renewed progress toward achievement of Rumanian dreams of liberty and progress for all men, and perhaps the rightful celebration of May 10 as the significant date in Rumanian history that it is.



AMNESTY—NEITHER A BLANKET PARDON NOR BLANKET CONDEMNATION

## HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. ROBISON of New York. Mr. Speaker, as I continue this series of what I hope constitutes both an historical review of this Nation's past experiences with amnesty and an objective overview of today's troubling questions about post-Vietnam amnesty, I am pleased to note a slow increase in public—if not yet congressional—interest in the subject.

As evidence of the former, I now include the following editorial from the April 30 edition of the Christian Science Monitor, one of our more thoughtful and objective publications:

Amnesty and the Exiles

In the aftermath of the Vietnam war, thousands of young Americans living as exiles abroad look homeward, wondering what the future holds for them.

These are the men who evaded the draft or dropped out of the services in an unpopular war. Antiwar groups put their numbers at around 70,000 to 100,000. Government sources say the figure is much lower: 7,000 to 10,000 in Canada, about 600 in Sweden.

In the long run the future of these men will be decided by American public opinion. But it will be months before the issue of amnesty can be debated dispassionately.

President Nixon has closed the door on any prospect of an early amnesty, and obviously believes he speaks for a majority of the people in doing so. At a press conference at the end of January he said: "Those who deserted must pay their price, and the price is not a junket in the Peace Corps. . . . The price is a criminal penalty for disobeying the laws of the United States. . . ." He has repeated this tough line in subsequent statements.

The administration's attitude is that amnesty would be an injustice to the thousands of Americans who served in Vietnam, and particularly to the relatives of the 46,000 Americans who lost their lives in the war, as well as to those who were opposed to the war but stayed home and paid the penalty for that opposition.

Supporters of some form of amnesty invoke the examples of former presidents from George Washington to Harry S Truman. Lincoln granted a general amnesty after the Civil War, overriding the opposition of some congressmen who called for punishment of the South.

In 1946 after World War II, President Truman appointed an amnesty board which reviewed individually 15,000 cases of violation of the Selective Training and Service Act and granted full pardon to 1,523 persons. There has been no act of executive clemency since then. No amnesty was granted to draft evaders or deserters after the Korean war.

However, if the President does not act, it is still open to Congress to do so. Two amnesty bills are currently before Congress, one of which would grant conditional amnesty to draft evaders only and the other (introduced by Representative Bella Abzug) which provides for an umbrella amnesty.

The view of this newspaper is that the draft evaders should be allowed to return provided they accept some form of compensatory service in a nonmilitary activity, as the conscientious objectors who stayed at home did.

We believe the cases of the draft dodgers should be reviewed individually. The question of motivation should be thoughtfully weighed. There are those who were convinced that the Vietnam war was a wrong war and that involvement in it would have been immoral. There were others for whom leaving the country looked like an easier way out. Admittedly it will be difficult to assess motivation, but the attempt must be made.

The case of the deserters is another matter. But they too should be encouraged to come out of exile and face the legal consequences of their decision. For them it is just as important to consider motivation on an individual basis.

A blanket pardon would be unfair and inappropriate. But a blanket condemnation is also out of place. A partial amnesty stipulating compensatory service for draft evaders would, we believe, suit the mood of the country as it reaches out for healing of the divisions caused by the Vietnam war.

As will be noted, I have drawn the title for this week's remarks from that editorial for, while I am not at this point in time presenting nor even considering—since I believe it to be far too early for that—any specific legislative amnesty proposal, the editorialist's views and mine are rather close. Together, we appear to believe that the Vietnam draft evaders should be encouraged and allowed to come home; that, once home, their cases should be reviewed individually, with the question of their separate motivations weighed as thoughtfully as possible, no matter how difficult that may be; and that, in most cases, at least, some form of compensatory service in a non-military activity should be required of them. We are equally agreed that the cases of deserters present a different problem, and quite likely will need to be handled differently. But, most importantly, I feel, the editorialist and I believe that neither a blanket pardon nor blanket condemnation is in order for these unfortunate—and, in some cases, tragic—American exiles.

In any event, I suggest the day will come—sometime—when, if de facto amnesty of the type I discussed last week proves not to be the answer, we will have to address ourselves to the question of whether the President or Congress is the most appropriate source to turn to for whatever form of amnesty proves acceptable to the Nation. Let us, therefore begin this week to look at that question.

National amnesty is usually presumed to be the prerogative of the President—and, in fact, the majority of amnesties in American history were initiated by the Chief Executive; yet, there have been significant instances when the Congress asserted its own authority to enact amnesty legislation. In a notable example, Congress included amnesty provisions in the Confiscation Act of July 17, 1862—An Act to Suppress Insurrection, to Punish Treason and Rebellion, to Seize and Confiscate the Property of Rebels, and for Other Purposes.

Section 13 of that act provided that—

The President is hereby authorized at any time hereafter, by proclamation to extend to persons who may have participated in the existing rebellion in any State or part thereof pardon and amnesty with such exceptions and at such time and on such conditions as he may deem expedient for the public welfare.

Lincoln complied by issuing several amnesty proclamations; however, he cited the Constitution, not the congressional statute, as his authority.

On March 3, 1865, Congress again authorized the Chief Executive to grant amnesty in an act which: First, established forfeiture of citizenship as punishment for desertion; and second, provided for the President to issue a proclamation pardoning all deserters who returned to their posts within 60 days and served a period of time equal to their original term of enlistment. Lincoln's proclamation followed on March 11, 1865.

When, on January 21, 1867, Congress again passed amnesty legislation, it reversed its earlier decision by repealing section 13 of the previously mentioned Confiscation Act—thereby denying the President the authority to grant pardon and amnesty.

As a result of the ratification of the 14th amendment on July 21, 1868, Congress became involved in a series of actions dealing with amnesty. Under section 3 of this amendment, political disabilities were imposed on those who had engaged in the "rebellion"; and, most significantly, Congress alone was bestowed with the power to revoke these penalties:

No person shall be a Senator or Representative in Congress or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

Despite the congressional repeal of section 13 of the 1862 Confiscation Act, President Johnson issued three proclamations of amnesty. The last of these, the Christmas amnesty of 1868, provided for universal and unconditional amnesty to all former rebels. Some Members of Congress reacted immediately—as is evident from the January 5, 1869, debate found in the Congressional Record. Several of the Senators felt that the President had no authority to grant amnesty. Note this dialog:

Senator Ferry. I doubt, myself, any power of the executive department to issue a proclamation of that kind. . . .

Senator Frelinghuysen. I do not find in the Constitution any power given to the President to grant an amnesty at all. The word is not in the Constitution.

Representing the opposing views were Senators Doolittle and Davis. Senator Doolittle interpreted amnesty as a gen-

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eral form of pardon, and therefore maintained that—

If the President has the power to pardon one, he has the power to pardon two or six or one hundred or one thousand and he can do it all in one act. . . . If the President has the power to pardon every man who has been guilty of an offense, he can name those men one by one, or in general words he can say "I pardon all."

Senator Davis was even more adamant in upholding the Presidential power to grant amnesty:

If "amnesty" is simply the synonym of reprieve and pardon, the power of amnesty is vested exclusively in the President of the United States. If it is not vested in him, it does not exist in our government at all.

Senator Conkling then summarized the question:

The point . . . is not whether the President may pardon an individual or different individuals charged with an offense or offenses, but whether he may acquit all men collectively and all communities charged with offenses and this by public proclamation.

The Senate finally acted to send the issue to the Senate Judiciary Committee for further consideration. In their report of February 17, 1869, the committee concluded that the President did not have the power to grant amnesty, arguing that English precedent relied in Parliament, not the King, for this action; and that the Founding Fathers had legal knowledge of amnesty and pardon and had intentionally omitted amnesty from the pardon clause of the Constitution, thereby denying the President this power. The report further states:

The committee, after a careful examination of the subject, have no hesitation in coming to the conclusion that the proclamation in question was wholly beyond the constitutional power to the President, and that it can have no efficacy to the ends sought to be reached by it. . . it will be perceived that amnesty is a larger power than pardon, operating upon the crime instead of the criminal, and effecting restoration and restitution *ab initio* instead of merely remitting unexecuted punishment, and proceeding, like what is called a general pardon, not from the executive, be he king or President, but from the *government*, the *sovereign power*, which in England was the king, in and with his Parliament, as in the United States it is the Congress acting with the approval of the President, or by a two-thirds vote without it.

The committee concluded their report by issuing a resolution:

*Resolved*, That in the opinion of the Senate, the proclamation of the President of the United States, of the 25th of December 1868, purporting to grant general pardon and amnesty to all persons guilty of treason and acts of hostility to the United States during the late rebellion, with restoration of rights, etc., was not authorized by the Constitution or laws.

Although no action was taken on the resolution, Congress—backed by its authority from the 14th amendment—became increasingly active in the area of pardons and removal of political disabilities. On May 22, 1872, the first public law granting general amnesty was passed, reenfranchising thousands of ex-Confederates, with certain exceptions:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein)*, That all political disabilities imposed by the third section of the fourteenth article of amendments of the Constitution of the United States are hereby removed from all persons whomsoever, except Senators and Representatives of the thirty-sixth and thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of departments, and foreign ministers of the United States.

This act was first amended on May 13, 1884, by removing the restrictions on past rebels from serving on juries and holding civil offices; and, further amended on March 21, 1896, by removing the restrictions on former rebels from serving in the U.S. military. Finally on June 8, 1898, a Universal Amnesty Act was passed, which removed all disabilities on all former rebels:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the disability imposed by section three of the Fourteenth Amendment to the Constitution of the United States heretofore incurred is hereby removed.

The Universal Amnesty Act culminated a period of congressional activity when the legislative branch looked to its own authority to enact amnesty legislation. The series of amnesty measures which emanated from Congress following the Civil War were often controversial and, as previously mentioned, were at times contested or contradicted by the Chief Executive. Since the courts have never forwarded a definitive decision concerning the respective prerogatives of the executive and legislative branches to initiate amnesty, this history of congressional action remains the strongest precedent for future congressional initiatives—should we eventually wish to make them.

## TAX REFORM

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. DERWINSKI. Mr. Speaker, I take this time to commend the House Ways and Means Committee for its determination to process trade legislation and then undertake sensible tax reform this year.

In my judgment, a priority issue facing the Congress is the need for a sensible tax reform bill. I am hopeful that a measure of this kind will be passed this year.

There is a clear need for us to effectively revise the income tax structure, and I believe that Congress must pass what we can truly call a tax reform so long as it is not a vehicle for imposing any new or larger tax burdens on the taxpayer.

Therefore, I support the basic position outlined by the President in his tax message to Congress so that we might effectively eliminate the tax shelters and close the glaring loopholes in our present tax structure. I further believe that the tax reforms filed by individuals must be significantly simplified and that this development is long overdue.

I am also supporting the basic aims of the President's domestic program, especially as it applies to control of inflation and economies in Government operations by a reduction in the size of the bureaucracy.

## HEALTH PLANNING EDUCATION: ONE SCHOOL WILL DROP OUT

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. DRINAN. Mr. Speaker, on another occasion I have spoken of the general need for improved health planning. At that time I took notice of the administration's proposal to raise funding for the comprehensive health planning program by $2.5 million to a total of $38.3 million.

When viewed in the light of other administration proposals dealing with Federal health programs, the future of general health programs, the future of health planning dims appreciably. For, aside from the proposed discontinuation of the regional medical program, the administration's requested cutbacks in health education will seriously damage future opportunities in the health planning field. One example is that of the Boston College Graduate School of Social Work's program in comprehensive health planning. As a result of already-inflicted Federal cutbacks, the school has been cut back one-half. If the new administration proposals are allowed to take effect, this valuable health education program will cease to exist.

I have received an analysis on the subject of health planning education from Mr. William Oshima, assistant professor, Department of Community Organization-Social Organization, Boston College School of Social Work, and project director, NIMH community mental health training project; and from Frederick L. Ahearn, Ph. D., chairman, Department of Community Organization-Social Planning, Boston College Graduate School of Social Work, and project director, section 314(c) comprehensive health planner training program. The views of these two educators are worthy of attention.

VIEWS

Recent federal cutbacks in health education have seriously jeopardized the Boston College Graduate School of Social Work's program in Comprehensive Health Planning. The school is being cut about 50% this year for student and faculty support. Next year the program will not exist. Let me tell you a little about the program and its uniqueness for health planning.

The program in Comprehensive Health Planning began in 1970 and has been funded by P.L. 89-749 of the Public Health Service in order to support 3 faculty and 13 graduate students. The major goals of the program are:

(1) to train professional personnel in the areas of health planning and community organization for competent practice at a variety of levels;

(2) to produce graduates who possess:

(a) skills in community analysis (including the ability to identify and analyze community systems and the formal and informal relationships among institutional structures of the community);

(b) skills in organizing and involving citizens, consumers and groups in problem-solving efforts and in the ability to create commitment to planning goals and implementation;

(c) skills in community problem-solving and in knowledge of the planning process with particular emphasis upon the organization and delivery of health services;

(d) an ability to understand individual and group behavior, social policy, research, and evaluation;

(e) an understanding of social problems as these relate to the planning and delivery of health services;

(f) skills in communication and public relations techniques, interpersonal relations, and community action for change efforts; and

(g) an ability to implement plans and to administer programs;

(3) To give special emphasis to recruiting minority and disadvantaged individuals for practice competency as advocate health planners,

(4) To develop training approaches for the staffs of CHP (a) and (b) agencies, social planners in community-health oriented programs, and health consumers;

(5) To provide technical assistance whenever possible to CHP (a) and (b) agencies in the region through the use of faculty and student resources;

A principal thrust of Public Law 89-749, the Comprehesive Health Planning and Public Health Service Amendments of 1966 was the imperative of coordination of existing health services and the planning of new strategies, new programs, and new systems to deliver health services. This program at Boston College is committed to do more than the provision of health services which restore, rehabilitate, and revitalize as *we are equally* concerned about the creation of services directed at the prevention of disabilities and at the promotion of positive social and health functioning. More and more, there must be purpose and determination to *plan*, to *organize*, to *coordinate*, and to administer health services which are available, accessible, relevant, appropriate and adequate.

With the advent of P.L. 89-749, federal monies became available to states and to regions for Comprehensive Health Planning. The thrust of the legislation set into motion a number of needs:

(1) The need for states and regions to set priorities and to plan for Comprehensive Health Services according to a well articulated statement of public policy;

(2) To begin the process of comprehensive and coordinated planning of health services;

(3) To develop and strengthen the role of the recipient-consumer in the planning process;

(4) To expand the training of health Personnel to do planning, administration, and outreach work;

(5) And finally, the need to understand the dynamics of the planning process particularly with reference to sociopolitical aspects.

In conclusion, there is a need for manpower in the health system who are sensitive to these issues and are skilled at linking the many participants in the health planning process—health professionals as well as health consumers. There is a need for health planners with these planning and involvement skills for professional practice in local communities as well as regional, state and national health organizations.

President Nixon's budget cuts will destroy health planning education in this country. The unique program at Boston College which trains health planners with participatory skills will end next year unless the cuts are restored by fiscal year '74. The long term consequences are clear: health planing manpower will not be available in sufficient numbers to bring about the goals of comprehensive plannning, especially the coordination of our health resources for better health service to all Americans.



## WELFARE SCANDAL—XIX

### HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. THOMSON of Wisconsin. Mr. Speaker, sometimes it seems that the right hand does not know what the left is doing. This becomes a concern of the Congress when the metaphor symbolizes the operation of this Nation's welfare system, heavily financed by the Federal Government.

When an administrator is ignorant of the operations of those for whom he is responsible, it is clearly time for a second, and a hard, look at the situation. This is precisely the situation uncovered by both auditors and investigative reporters who looked into the operation of the Milwaukee County Welfare Department. It would make entertaining reading, this saga of ineptitude and bungling, except that the tale represents the waste of an estimated $28 million in this jurisdiction alone last year.

The time for a tightening up of our welfare system is past due. I hope this 19th installment will help convince my colleagues of the continuing crisis confronting our national welfare system and the urgent need for reform:

LITTLE LIGHT IN WELFARE CLOSET

(By Gene Cunningham and Stuart Wilk)

Some of the top administrators in the welfare department "live under the caveman theory. They never come out to see what's going on."

That simple evaluation by a fellow administrator and veteran in the department may be the key to Milwaukee County's welfare problems.

Those running the department apparently know little of what's going on.

They live in "caves"—rooms the walls of which are lined with organizational charts, reorganizational charts, systems outlines and rollaway blackboards on which to draw more charts.

The day to day department operations go on outside, in another world—one with which they seem strangely unfamiliar.

This was evidenced time and again in interviews by Sentinel reporters with administrators and division supervisors.

How they claimed the welfare system operates simply did not match what reporters were told by the very aides and workers who operate it at the client level—nor did it match what one reporter went through in getting on welfare.

Were the administrators and supervisors being untruthful, trying to cover up the department's shoddy operations—or did they simply not know what was going on?

The evidence points to the latter.

A bit of proof is the surprise and anger of the department's upper echelon when it saw in The Sentinel a picture of an employe card game, which for days in a row stretched through the lunch period and on into working hours.

The game went on in full view of anyone who walked down a third floor corridor of the Welfare Center. That's where Sentinel reporters found it and how they were able to watch and time it.

If reporters saw it, why didn't administrators and supervisors? Don't they ever walk through their own building?

The caveman theory holds up.

The blame for the confusion, waste and inefficiency in the department rests solidly on the shoulders of the administrative and supervisory staff.

CONTROL LACKING

Whatever has gone wrong at the caseworker and case aide level could not have happened and continued to happen except for a lack of proper supervision and control from above.

And much has gone wrong.

As one county official put it, if the welfare department were a private business, it would have gone under—simply folded up in bankruptcy.

But it isn't a private business. It is a bureaucracy whose coffers are filled with tax dollars.

There are no owners, stockholders or boards of directors to ride herd on its shoddy operations and demand efficiency. There are only taxpayers and the officials they elect to represent them.

RUNNING DISPUTE

But for years they have largely ignored the department and the system through which welfare is administered and have concentrated, instead, on the argument of whether the welfare recipient is being given too much for too little.

Fraud, administrative errors, waste, employe cheating—all symptoms of mismanagement and inefficiency—have virtually been overlooked while officials and the public complained of the skyrocketing costs of welfare and argued the relative worth of its snarled up programs and grants.

Until a department employe made off with more than $100,000 in tax money in three years of continuing larceny, little official thought was given to checks and controls within the department.

There had not been a financial audit of the department since 1966 although the department has handled hundreds of millions of dollars since that time.

In a "put out the fire" move prompted by the theft of the $100,000, an auditing firm was brought in last year—but only for a systems audit. There still has been no financial audit.

But the report of the systems auditors, couched though it was in language designed not to offend the county, clearly warned that the department's lack of internal controls and defective systems could only mean trouble.

The auditors pinpointed several trouble areas. They found:

More than $180,000 in cash in the department's food stamp office, much of it consisting of unreconciled funds taken in by part time tellers.

Delays in issuing stop payment orders on allegedly lost or stolen welfare checks although such orders could reduce the possibility that those checks might later be cashed.

Millions of dollars worth of checks being issued on the department's imprest fund, an account earmarked for emergency use only.

Checks for repairs on welfare recipients' homes being issued in excess of the established limits but without any special approval.

Shortages of cash in money envelopes from which department homemakers drew funds to pay for clients' needs.

Duplicate and incorrect payments being made by the department for babysitting services furnished to recipients.

Ledgers of cumulative payments made to recipients that were 10 months behind in listings.

The money envelope system used by department homemakers was eliminated after the auditors checked the envelopes and found that the money remaining did not agree with the expenditures the homemakers had reported.

CHANGES DUE

The auditors also noted in their report that a number of procedures and systems

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they had questioned were going to be changed by the department.

Because of its size, complexity and the multimillions of dollars it handles, the welfare department must be regularly audited and its procedures examined, the systems auditors warned.

"The time and personnel devoted to the audit of DPW (Department of Public Welfare) records in recent years has not been sufficient for an organization with disbursements totaling approximately $102 million in 1971," the auditors said.

This is the county welfare department—a monster already out of control and still growing.

The $102 million the auditors cited for 1971 has become $151.5 million in 1973.

Those dollars and the department itself are there for only one reason—to serve those who are in genuine need and to do it in the most efficient manner possible.

But enough slack has been included in the welfare budget to absorb the added costs of waste, fraud, cheating and bureaucratic bungling that have run rampant for too long in Milwaukee County's welfare operations.

It's time for the cavemen to come out and take a look around.

## WILLIAM HERB, SAN LORENZO CIVIC LEADER, RETIRES

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. STARK. Mr. Speaker, I would like to take this opportunity to say a few words about a fine man, one of my constituents, Mr. William Herb, Jr. It is only right that on the occasion of his retirement from the San Lorenzo school system after 28 years of devoted service we pay tribute to the man, the father, the foster father, and the civil leader.

Mr. Herb began his career as a custodian in the San Lorenzo School District in 1945, and by 1963 was appointed business manager and director of classified personnel. In this capacity he was responsible for the administration of all services, personnel and materials in the 27 schools of the district.

His community service has been no less outstanding. As State vice president of the California School Employees Association and a valuable member of the California Association of School Business Officials, Mr. Herb devoted countless hours of hard work and dedication to the betterment of the educational system. The PTA rewarded this contribution to the school system with an honorary life membership.

Mr. Herb is a man of outstanding character whose love for his fellow man is recognized by all who came to know him. Both the Girl Scouts and the Boy Scouts of America will not forget the years he gave in service to them. And all those who were fortunate enough to be young at the time will remember the day that the first teen center in the area was established under his direction.

I am sure that his wife, children, grandchildren, and more than 30 foster children will happily attest to the fact that here is one of the most outstanding men we have been privileged to know. May he have many more very happy years to come.

Thank you, Mr. Herb, for all that you have done. Our community is a better place for having men such as yourself for leaders.

## WATCHDOG OF THE TREASURY

### HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. STEELMAN. Mr. Speaker, a recent editorial in the Dallas Morning News lauded the long record of effective service given to the Nation by our distinguished and greatly respected colleague from Iowa, the Honorable H. R. Gross.

Citing the sordid news of Watergate, the News correctly pointed out that in spite of the pall this seems to cast over all public officials in Washington, there are many like H. R. Gross quietly and effectively discharging their duties. In particular the New praises Mr. Gross' record as the "watchdog of the Federal Treasury."

The full text of the editorial follows:

[From the Dallas Morning News, May 6, 1973]

GROSS OF IOWA

With all the sordid news filling the papers about Watergate, maybe it's time for somebody to say a nice thing about a public official—if for no other reason than to remind that not everybody in Washington is bugging phones, pilfering secrets and trying to dodge the grand jury.

Our bouquet this morning goes to H. R. Gross, 73-year-old congressman from Iowa who long has been the watchdog of the federal Treasury. Gross watches every line of an appropriations bill in the House, and people all over the country send him information on bureaucratic waste and those goofy, ill-advised projects which are often included in federal programs.

Rep. Gross recently termed the Office of Economic Opportunity (Poverty War) the Poor Corps, adding "let me cite some examples of how the U.S. taxpayer is being taken for a ride."

On the West Coast, the executive of an agency received by mistake two OEO checks totaling $62,693 meant for another agency. He opened a savings account with them and when the error was discovered, he was asked to return the money. He replied that it had been spent.

In Rhode Island, the director of an OEO-financed youth group has a police record of 30 arrests on such charges as conspiracy to commit murder, robbery and extortion.

In New York, a community action program head raised his own salary from $12,000 to $14,000 when he was authorized a salary of only $10,500.

In Oregon, $22,631 spent by a Community Action Agency was attributed to improper payments to its executive director, excessive salary increases and improper travel costs.

In New York City, three officials of OEO-financed organizations have been indicted in a kickback conspiracy involving $70,000 in bribes paid to obtain $2 million worth of federal contracts.

Gross once defeated a bill which would have appropriated money to supply every congressman with a flag to fly over his house, his weekend retreat, his boat or the bumper of his car.

We might conclude by saying that if you, who read this, had a stack of $1,000 bills five inches high, you'd be a millionaire. To pay off the national debt, that stack would have to be 18 miles high.

Rep. Gross of Iowa has done what he can, through the years, to keep the stack from going to the moon. Inasmuch as the public is becoming cynical about men who hold public office, it is time to remind ourselves that the good outnumber the bad and that the great majority, like Gross of Iowa, are quietly and effectively discharging their duties.

## SOLIDARITY BEHIND SOVIET JEWS

### HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. KOCH. Mr. Speaker, Mikhail Shepshelovich arrived in Israel in December, 1972, after spending 2 years in a strict Soviet labor camp for alleged anti-Soviet slander. While Mr. Shepshelovich had expected a longer sentence, he attributes the shorter term to American public concern.

Mikhail is from Riga, and studied physical mathematics at the University of Riga. In 1962 he enlisted in the Army and served for 3 years, returning to his studies in 1965.

From the early 1960's on, Mikhail was deeply concerned with the fate of the Jews in the Soviet Union. In 1965, he decided to emigrate to Israel and become involved with the Jewish activist movement in Riga. He believes that his arrest on October 15, 1970, is directly related to his formal application for an exit visa. But, after paying $3,000 in ransom taxes, Mikhail and his mother were permitted to leave for Israel where he plans to enter the Technion to complete his masters degree in aeronautics. This ransom tax that Mr. Shepshelovich was forced to pay before being granted permission to leave the Soviet Union is ample reason why we must continue our efforts to push for the Jackson-Vanik amendment to provide for freedom of emigration as a condition to East-West trade. The only hope of permanantly rescinding the tax and removing all other impediments to emigration is if massive political and economic pressure can be mounted in the West. This is what we, as Members of Congress must do, to stop this barbaric ransom of humans.

At this time I would like to insert into the CONGRESSIONAL RECORD a copy of a speech presented by Mikhail Shepshelovich who was recently in the United States under the auspices of the Greater New York Conference for Soviet Jewry to participate in the Solidarity Sunday for Soviet Jewry. More than 100,000 people joined in the march and rally at which he was the guest of honor.

SOLIDARITY SUNDAY FOR SOVIET JEWS, MAY 6, 1973

(By Mikhail Shepshelovich)

I have just spent two years in a Soviet labor camp. For what? Only for my persistent desire to go to Israel. I was convicted in 1970 on charges of "anti-Soviet activity."

In fact, my only "crime" was to have expressed my views on the tragic situation of the Jews in the Soviet Union and to have dared to apply for an exit visa to Israel. This was at a time when it was next to impossible to get permission to leave the country.

I was not alone. Today, forty-four Jews whose crime, like mine, was their desire to go Israel, are serving their sentences in Soviet labor camps. They are all victims of the harsh Soviet policy of repression of Jewish nationalism.

They suffer for all Russian Jews because they fought for emigration not only for themselves but for others as well.

The fate of these Jews is meant to serve as an example to their Jewish brothers. This is why Jewish prisoners have been sent to harsh political camps where attempts are made to force the prisoners to give up their convictions.

At present, the Soviets cannot afford mass repression. They imprison only scores of people, but are anxious to carry out arrests and send people to labor camps in order to strike terror in the hearts of other Soviet Jews.

I myself was released from a Soviet labor camp only a few months ago. I have seen and I have felt the torturous methods used to destroy their political prisoners.

No longer is this done openly and at once. Today prisoners are broken down quietly and gradually, without any sensation in the outside press. The undesirables must be destroyed or must leave the camps physical or mental cripples.

This is achieved through physical starvation and constant nervous strain. The Soviets know exactly how much their stubborn captives can bear. Severe illness and exhaustion are inevitable.

I myself have seen and witnessed how effective these methods can be. I have been eyewitness as some went out of their minds and others died before the end of their terms. Every day brings the prisoners into greater danger.

Our Prisoners of Conscience, who refuse to give up their intense Jewish commitment, are treated much more cruelly than the others. They protest their imprisonment even in the camps and insist on their right to go to Israel. They are also the victims of anti-Semitism. The lives of the Jewish prisoners are in the hands of those who feel that the Nazis did not finish their job.

Victor Boguslavsky is now in the last year of a three year term. With a heart defect, he was forced to work as a log roller. After a severe heart attack, he was given two injections and heartlessly sent out to work again. His life and the lives of Lev Yagman, Anatoli Altman and Anatoli Goldfield who suffer similar illnesses are in grave danger.

In exchange for primitive medical care and outdated medicines, the authorities demand complete repentance and collaboration with the KGB.

Now that the ransom has been relaxed, new political trials have started in order to discourage emigration.

Recently, Lazar Liubarsky was sentenced to a four year term on charges of "distributing slanderous information against the USSR." The so-called slanders were only letters sent by Liubarsky and his friends to Soviet authorities insisting on their right to go to Israel.

Even more outrageous was the trial of Isak Shkolnik for treason. At first, they tried to convict him as a British spy, but after the British Embassy in Moscow intervened in the case, they simply changed the name of the country. He was accused then of spying for Israel. Without any evidence he was sentenced to ten years.

Minsk officials are now preparing for the show trial of Gedalia Kipnis and Efim Davidowich, two retired army officers. They hope to connect this case to activists in many other Soviet cities, establishing a "conspiracy."

I have often been asked, "What are the results of the support for the prisoners?" Your commitment is absolutely necessary and has helped us tremendously in the past. It is only through your commitment to us that sentences were reduced. Your support is our only hope that the political trials will be stopped.

My own case is an example. I was arrested in October 1970 together with Ruth Alexandrovich and two other Riga activists. In the eight months of solitary confinement preceding our trial we were totally unaware of any efforts undertaken on our behalf. We did not know then of the tremendous support which we received during our imprisonment.

But it was this support which resulted in light terms ranging from only one to three years when we had fully expected five to seven year sentences.

While in the camp I saw our situation improve and then turn suddenly unbearable. But it was only when I arrived in Israel that I realized the changes in the camp depended on the intensity of support abroad.

On behalf of the Jewish prisoners, I appeal to you to continue your struggle for their complete release. I ask you as well to continue your support for all Soviet Jews in Russia and in Israel through the United Jewish Appeal.

As a living witness I state that the fate of the Prisoners of Conscience and all Soviet Jews is in your hands.





## THE METRIC SYSTEM: GIVE THEM AN INCH AND THEY WILL TAKE A METER

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. RARICK. Mr. Speaker, recent reports indicate that American industrialists are moving to abandon the domestic market of the American "haves" and are retooling their industry for "have-nots" in international trade.

Foremost in this new change to capture the "have-not" market of the world is the transition to the metric system of measures "to get the United States in step with the rest of the world, where almost all the other nations are on the metric system already."

Since American "haves" own and operate almost 50 percent of the world's automobiles, perhaps our domestic automobile producers have decided to abandon their sales to the foreign auto producers who are changing their production system to the traditional American system of measures.

The American industrialists express no concern over where the foreign "have-nots" are to get the money to buy the new machines. Perhaps they have been assured that there will be a change in our money so that the "have-nots" come into their equal share.

A related news clipping follows:

[From the Washington Star-News, Apr. 27, 1973]

INDUSTRY INCHES INTO THE METRIC SYSTEM

(By Robert W. Irvin)

DETROIT.—Some key segments of American industry have started the transition to the metric system of measurements.

IBM, Caterpillar Tractor and International-Harvester have already committed themselves to a changeover program from the present inch system of measuring things.

Ford Motor Co. this July will become the first auto maker to build a metric-size engine in the United States. This is the 2.3 liter four-cylinder engine to be used in the new Mustang to be introduced this fall.

Ford for the past three years also has been using metric fasteners to attach some European-built drive line parts to its subcompact Pinto cars built in this country.

But the most ambitious program in the industry has just been announced by General Motors.

GM said it is going to convert all its far flung production facilities to the metric system.

All new parts will be metric, including those now in the development stage such as the rotary Wankel engine, GM said.

GM wouldn't be pinned down to any timetable, saying it would be governed by the regular introduction of new metric parts for cars replacing older parts being phased out of production.

A GM spokesman said it was the first official commitment in the auto industry to complete conversion, although he noted that a few parts always have been metric sized, such as spark plugs and some bearings.

Everett Baugh, executive engineer in forward planning on the GM Engineering Staff, said the rotary engine was "under development under the inch system and is now being converted to metric."

The sizes of American engines are measured by cubic inches while the displacement of metric engines is expressed in liters. A liter is equal to about 61 cubic inches.

There is general acknowledgement that eventually the United States will join most of the rest of the world in using the metric instead of the inch system. The Commerce Department recommended in 1971 that we change over, a recommendation which followed a three-year, $4-million study.

Legislation calling for a 10-year changeover to metric measurements passed the Senate last year and further hearings are expected this year. The Senate Commerce Committee says 11 percent of the nation's economy is already on the metric system, mostly in mechanics, engineering, military, drugs and scientific areas.

You may recall the Apollo astronauts on their recent missions to the moon radioing back distances to craters in meters rather than feet. A meter is equivalent to about 39 inches.

The auto companies want to phase in metric parts on a gradual basis and this is what GM has announced and what Ford obviously also intends doing, in view of its new Mustang engine plant in Lima, Ohio.

As Ford vice-president Herbert L. Misch observed, "In the auto industry, the magnitude of an overnight conversion to the metric system would be chaotic. On the other hand, a well-planned extension of metric usage could minimize both the cost and confusion and still permit benefits to be realized at the earliest possible date."

John T. Benedict, a Chrysler official, said the challenge is to recognize on the one hand that increased use of metric units is necessary and desirable but on the other hand that an "arbitrary wholesale conversion mandated by law could be extremely costly, disruptive and counter-productive."

GM President Edward N. Cole says, "I think over the long pull the metric system will certainly prevail . . . what you will see is a gradual phasing in of new systems with metric dimensions and there won't be a massive retooling of older components that have been in production for some period of time."

There really are two types of conversion systems. One is a nominal conversion, in which a 122-cubic-inch engine would be redesignated as being 101.6 millimeters long.

The real conversion is when a designer or engineer makes a new part which he might round off at 100 millimeters, which would be something over 3.95 inches.

The basic reason for the changeover is to get the United States in step with the rest of the world, where almost all the other nations are on the metric system already or, like the British and Australians, in the process of converting.

The result in the United States some day may be an advertisement about a Cadillac being "a silly millimeter longer."

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## HEALTH PLANNING: A LONG WAY TO GO

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. DRINAN. Mr. Speaker, in the fiscal 1974 budget the administration is engaging in sleight-of-hand tactics with health planning programs.

While comprehensive health planning is one of the very few Federal health programs slated to receive an increase of funding during the 1974 fiscal year, its companion Regional Medical Program is to be terminated. In fiscal 1972 the RMP program was funded at $99.5 million. One year later the funding was cut nearly in half to $58.3 million, and now the administration proposes to end funding for RMP's altogether. As if to sweeten the loss of the RMP program, comprehensive health planning would receive, under the President's request, an additional $2.5 million for a total $38.3 million. It does not take a mathematical genius to see that an increase of $2.5 million of one program coupled with a loss of $58.3 million in another amounts to a net drop of over $50 million.

The regional medical program, I believe, has been victimized by a number of unfair accusations, and most important, is to be laid low by the same shortsighted neglect of human needs that has all too often characterized the actions of this administration.

It is claimed that the regional medical program duplicates other existing Federal health programs and is therefore unnecessary. In fact, RMPs provide a valuable service in encouraging cooperation between medical institutions and among the health community. Further, RMPs are the other federally funded programs actively assisting private health care operations in controlling chronic diseases such as heart disease, cancer, kidney disease, and stroke. In addition, the Tri-State regional medical program, to which Massachusetts belongs along with New Hampshire and Rhode Island, is an excellent example of how RMPs can offer wide-ranging health delivery and development services.

There may be ways in which the regional medical program can be improved. But the need for improvement in the program in no way justifies the severity of the action proposed by the administration. Nor is the proposed elimination of the RMP program made any less unwarranted by the miniscule increase in funding of comprehensive health planning.

What is more, there remain political and administrative impediments to the successful operation of even the comprehensive health planning programs. As is suggested by the statement of Mr. Richard E. Sobota, executive director of the Health Planning Council for Greater Boston, Inc., the focus of health planning efforts still falls far short of what should be the obvious goal—the establishment of a national health policy which assures every American access to quality health care as a basic right rather than as a privilege of wealth.

Because there is a great need to improve the health planning efforts supported by the Federal Government, I would like to share with my colleagues the views of Mr. Sabota:

VIEWS OF RICHARD E. SOBOTA

My name is Richard E. Sobota and I am the Executive Director of Health Planning Council for Greater Boston, Inc., a non-profit corporation designated as the areawide comprehensive health planning agency pursuant to section 314(b) of the Public Health Service Act as amended by P.L. 89–749. As you may know, areawide comprehensive health planning agencies of the type which I represent are somewhat unique in that they are charged by the Federal Government to serve as "Advocates of the Public Interest" in matters of health and health planning, a role which is not commonly assigned to non-governmental organizations. The bulwarks of the Health Planning Council for Greater Boston and its counterparts elsewhere is the large body of consumer volunteers who make up the majority of its decision-making structure. I am here this morning to speak to you with respect to some of the concerns of those consumers, and the providers, who serve as the members of the Health Planning Council for Greater Boston.

I would like to address briefly the Administration's budget proposal as it pertains to health planning and to certain needs and programs in the Greater Boston area.

*Health Planning:* First, I suppose it would be tempting on the part of many persons associated with areawide CHP agencies to be self-satisfied over the fact that continued and somewhat increased funding has been proposed for the Comprehensive Health Planning program, and that the long-standing parallelism, and at times rivalry, between the Comprehensive Health Planning program and the Regional Medical Programs has been brought to an end with the termination of RMP as a national program. I resist that temptation, chiefly because of the apparent manner in which the decision to terminate RMP was reached, but more importantly because my association with health planning under two Federal programs over the past six years has shown me that the Federal commitment to a truly effective health planning program has been as meandering as our own Charles River: the Federal mandates for health planning have been vague; they have been inconsistent over time; and they have been contradictory at given points in time.

(a) In the law (P.L. 89–749) itself, comprehensive health planning received a mandate to "marshal all health resources—facilities, services, manpower, money" but "without interfering with existing patterns of medical practice."

(b) In the initial implementation of the same law, CHP agencies were advised to abandon the previous focus on health facilities and to emphasize health in a comprehensive sense, only to be told most recently that duplication of facilities is one of the principal areas that CHP should be dealing with.

(c) Likewise, the term "comprehensive" as it applies to health has been struck from the Federal vocabulary and replaced with "equitable."

(d) Most recently, we have received the charge to focus our energies upon eliminating duplication of facilities and promoting pluralistic competition within the health system.

I make these points, Congressman Drinan, to emphasize to you that behind the issue of the specific budget cutbacks at hand is a much larger and more critical problem: that of a very weak, inadequate and unjust Federal Policy concerning the health of the citizens of these United States. The people hear from time to time that health and health care is a Right not a privilege, but they do not see that notion of Health is a Right reflected in policies, in budgets, in programs or in specific actions and decisions of the Federal Government. At times, the impression is left that "Health is a Fiscal Option." The concept of Health being a Right and of universal entitlement to that Right is one which only you and your colleagues in Congress can bring to the American People in the form of definitive legislative action.

With regard to the budget cutbacks, the myth continues to exist that adding, subtracting and shifting dollars among programs will cure the ills of the health system that we now have. Every program, every budget item, is regarded more on an individual, piecemeal basis, than on the basis of a total program for the health of the American People. The plea for an overhauling of the system itself has been made by many people on many occasions. I, too, urge your attention to that matter. Altering the financing of an ineffective health care delivery system is not going to have the effect of eliminating the defects in the system itself.

Finally, I would like to comment on just two specific items pertinent to the Administration's proposed budget:

(1) The efforts to plan for the phasing-out and closing of the U.S.P.H.S. hospitals throughout the country first involved the Health Planning Council for Greater Boston in mid-1971. Curiously, the agency responsible for disposing of the PHS hospitals, Health Services and Mental Health Administration (HSMHA), is also the Federal agency responsible for the Comprehensive Health Planning program. I say "curiously" because in the process of developing a strategy for "Converting the HPS Hosptals to Community Management and Use" HSMHA initially overlooked the areawide CHP agencies as sources of local input into the planning relative to the PHS hospitals and subsequently, in both areas where such conversion efforts were to be implemented first (Boston and Seattle) chose to ignore the recommendations presented by the areawide CHP agencies. At this very moment, the Administration continues to work toward a plan which does not meet with the approval of the Health Planning Council for Greater Boston, Inc. (whose position, incidentally, has been widely applauded by local community groups).

(2) In various portions of the Administration's budget proposal, there are severe effects to be felt by organizations and agencies which directly or indirectly are involved in the area of primary health care. That term, for clarification, refers to care out-of-hospitals, often in neighborhood health centers but elsewhere as well. That type of care is of great importance in areas in which numbers of physicians in general practice have dwindled over the years, in areas where services outside of the institutional setting are difficult if not impossible to obtain. In the Administration's budget proposal, services as well as manpower for primary health care are seriously affected. Once again, manipulating dollar items without regard to the system as a whole takes a terrible toll.

I could go into great detail on a number of the points raised above, but time does not permit. Thank you for this opportunity to speak.

## DUNCE OF THE CENTURY

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. DERWINSKI. Mr. Speaker, I believe there has been too much commentary about the Watergate, yet I certainly recognize the legitimate criticism that must be leveled against the perpetrators of the Watergate bugging. The Economist, an outstanding publication serving a dozen communities in metropolitan Chicagoland, carried a very pertinent editorial commentary on the subject on Wednesday, May 9, which I insert into the RECORD at this point:

DUNCE OF THE CENTURY

Enough is being written about Watergate and it is not our intention to hash over many things you have already read. The question that puzzles us, however, is who had the idea in the first place? Of all the stupid acts that have been committed in connection with Watergate that strikes us as the most senseless of all. For if there was anything the Republicans did not have to do to win the election last fall it was bug the Democrats' headquarters. They didn't need any inside information to nail McGovern to the cross. All they had to do was to quote his various statements on his economic and foreign policy ideas and he was dead. Which is the way it turned out.

For all practical purposes, President Nixon was re-elected the day McGovern was nominated. The Republicans didn't have to do a thing. Actually, they didn't do much.

So whoever had the idea to bug Watergate wins the dunce cap of the century award. Even if one assumes that all is fair in love, war and politics the bugging episode must go down as one of the most asinine political adventures of all time.

## DAZZLING VARIETY IN PENSION PLANS

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. RAILSBACK. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following which is the third of a four-part series from the Christian Science Monitor: "Dazzling Variety in Pension Plans:"

DAZZLING VARIETY IN PENSION PLANS—OPTIONS INCLUDE EARLY RETIREMENT, SHARING OF PROFITS, DO-IT-YOURSELF FOR SELF-EMPLOYED

(By David T. Cook)

BOSTON.—The world of privately run pension plans is full of variety.

Nestled among traditional forms are variations that let a worker leave a job without losing his pension or retire while corporate compatriots his age toil on. Some plans make a pension a do-it-yourself project.

There are even pension-related profit-sharing programs to help employees increase their retirement resources.

The option to escape employment before age 65 is a key provision of a growing number of pension plans. A Labor Department study covering 20 million workers found that 60 percent of them could qualify for some form of early retirement.

About 1 in 10 American workers actually takes early retirement, according to estimates by pension-industry sources.

The appeal of early departure from corporate confines depends on what the gateway costs in terms of reduced private-pension and social-security benefits.

PAYMENTS REDUCED

Social-security payments, available at age 62, are reduced five-ninth of 1 percent for every month they are claimed prior to age 65. In addition, corporate pension plans often reduce benefits for those who retire early.

Benefits are reduced using an actuarial table. The smaller benefits paid to workers who retire early are designed to equal the total benefits paid to the retiree who leaves at age 65.

A Conference Board study found that when employers give early-retiring workers a supplement to offset reduced social-security benefits, some 30 percent of those eligible to retire early. Where there is no supplement, only 5 percent leave befor reaching the mandatory retirement age.

Among those who can take early retirement and not suffer reduced corporate-pension benefits are some members of the United Steelworkers.

Not all Steelworkers Union members actually work for steel-producing firms. Some toil in copper and aluminium plants. Those employed by steelmakers can retire at age 60 after 30 years of service without having their retirement benefits reduced.

The union has also negotiated a plan that allow workers to retire at 60 after 15 years' service, but their benefits are reduced.

While early retirement is a relatively recent phenomenon in private industry, Uncle Sam has been sending workers home at an early age for generations. For example, military personnel can retire after 20 years of service at 50 percent pay. After 30 years they can collect three-fourths of their pre-retirement check.

EXECUTIVES EXIT

At some firms the early exit is reserved for the corporate hierarchy. International Business Machines requires that about 30 of its very top officers retire at 60. Others at the firm have to quit at 65. For both retired officers and those who held less lofty positions, IBM periodically adjusts retirement benefits to offset the effects of inflation.

Pension-plan provisions are most likely to please if the retiree has designed them himself.

The Self-Employed Retirement Act of 1962 makes do-it-yourself pensions a possibility for self-employed workers.

The so-called Keogh Act allows self-employed individuals to set aside 10 percent of their annual income up to $2,500. The Internal Revenue Service doesn't tax this money or any income it produces until the fund beneficiary retires.

Retirement funds in a Keogh plan can be withdrawn at age 59½. They must be withdrawn before age 70½ to prevent the plan from being used as a shelter from estate taxes.

The self-employed person can either design his own Keogh plan and have it approved by the IRS or join an approved plan maintained by a bank or insurance company.

The 350,000 educators covered by the combined Teachers' Insurance and Annuity Association and College Retirement Equities Fund (TIAA-CREF) play a part in determining both the size of their pension benefits and when to collect them.

Under the TIAA-CREF plans both employer and teacher contribute to funding a pension. If a teacher changes jobs, 2,500 other participating institutions stand ready to pick up the employer's share of pension contributions. Employees who transfer to nonparticipating institutions pay all costs themselves.

VESTED IMMEDIATELY

Covered educators can retire at any time since all contributions are immediately vested (promised to the pension recipient). The size of the individual's pension is determined by how much has accumulated in his account when he decides to retire.

About 85 percent of the teachers covered by the plan help foot the bill for their pension, according to William Slater, TIAA-CREF vice-president. Employes and employer can each contribute as much as they desire, but total contributions average about 10 percent of each educator's annual salary.

Some industrywide plans let skilled workers change employers and locations without losing pension benefits they have accumulated.

Members of the International Brotherhood of Electrical Workers (IBEW) have one such plan.

Since 1946, when an IBEW member changes employers or cities, he can keep the pension benefits he has earned by ensuring that his new employer contributes to the IBEW noncontributory pension plan.

According to union comptroller Leo Woolls, the plan covers the quarter-million IBEW members who work in construction. It is jointly administered by a board of 12 union and 12 management representatives. The board's one public member: former U.S. Sen. Wayne Morse.

Most pensions don't provide what could be called retirement riches. There are firms, however, without profit-sharing programs designed to enable workers to augment their retirement resources.

PROFITS SHARED

At the Bank of America, employees with three years' seniority participate in a Family Estate Plan. Under the program employees get a share of the bank's profits determined by their wage and seniority level.

The benefits are paid out when the employee leaves the bank and are in addition to a fully funded retirement plan. If an employee leaves the bank before retiring but after 15 years of service, he can take along all of his benefits accrued under the plan.

Eastman Kodak pays out its profit-sharing benefits each year. After a year with the firm, employees are eligible to participate in the wage-dividend program. The dividend is based on worker's total wages for the past five years and their seniority with the firm.

## SUPER BUDGET COMMITTEE

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. OBEY. Mr. Speaker, the proposals of the Joint Study Committee on Budget Control, recommending tremendously powerful budget committees in both the House and Senate, have vast implications for the workings of the Congress and the prerogatives of individual Members.

The Democratic Caucus will be studying the Joint Study Committee proposals on Wednesday morning.

I am inserting in the RECORD a statement by Senator WALTER MONDALE, (Democrat of Minnesota), and newspaper columns by David Broder of the Washington Post, and Milton Viorst, of the Washington Star-News, which point out some of the problems and potential pitfalls with the recommendations for a "super budget committee." I strongly urge my colleagues to read this material:

TESTIMONY OF SENATOR WALTER F. MONDALE

Mr. Chairman, I deeply appreciate the opportunity to testify this morning before the Subcommittee on Budgeting, Management and Expenditures with respect to S. 1641, the "Budget Control Act of 1973" which implements the recommendations of the Joint Committee on Budget Control.

I strongly support the development of sound Congressional budget control procedures. We need to take a clear look at questions of fiscal policy—the size of overall expenditures, appropriate revenue levels, the appropriate level of surplus or deficit.

These are questions which the Congress as a whole has never considered. Yet, they have a tremendous impact on inflation and employment, on the lives and on the pocketbooks of all Americans.



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And I believe we can improve our procedures for weighing national priorities against one another.

But although I support the goals of the Joint Budget Committee's report, I wish to raise with you this morning my deep concern about the wisdom and practicality of the Committee's recommendations.

There will be few questions before the 93rd Congress as important to the nation as the question of Congressional control of the budget process.

This is *not* because the Congress has proven irresponsible with the taxpayer's dollar. In fact, the opposite is true. As the report of the Joint Committee on Budget Control observes, over the past five years the Congress has cut the Administration's requests for appropriated funds by approximately 30 percent, and has increased funding for so-called "back-door" spending by only a little more.

And a major share of these back-door increases have come into the Social Security and Medicare programs which are self-funded through the payroll tax and which, therefore, do not contribute to the growth of the federal deficit. Congress has had a *dampening* effect on the growth of federal deficits, proposed by the Executive Branch largely in order to finance spending for a war in Southeast Asia without a war-time tax.

But the legislation which you are considering *is* crucial to the health of our system of government because it goes to the heart of the relationship between Congress and the Executive Branch.

It is becoming increasingly clear that, in both domestic and foreign policy, the commitment of our government to traditional American values—and above all its ability to respond to the wishes and hopes of the American people—depend on a strong Congressional voice in public policymaking.

Yet, through the device of impoundment, the Executive Branch is moving to assume the same power to decide questions affecting the domestic health of our society that it has assumed in the area of foreign affairs.

A report prepared at my request by the Legislative Reference Service of the Library of Congress indicates that during the last fiscal year, the Executive Branch has impounded an incredible 29 percent of controllable non-defense expenditures. And this figure does not include other Executive actions which do not amount to impoundment in the technical sense—such as the withholding of $6 billion provided by the Congress for water pollution control.

We are rapidly moving toward a domestic system under which the Congress proposes and the President disposes—precisely the opposite of the system proposed in our Constitution.

Only full Congressional participation in both domestic and foreign policy decision-making can assure the full and open debate which is necessary if the American people, through the electoral process, are to make the basic decisions about the future of this country.

And we must act now or the historic role of the Congress as an equal member in the federal establishment will continue to decline.

This Committee, under the distinguished leadership of its Chairman, Senator Ervin, has recognized the danger. In S. 373, the Federal Impoundment Control Procedure Act, you have moved to establish Congressional control over Executive impoundment. You have accompanied this measure with a temporary $268 billion ceiling on fiscal year 1974 expenditures—to guarantee that Congressional priorities, established through the appropriations process, will be maintained for the next year within a non-inflationary spending ceiling.

As an early advocate of this approach, I am deeply pleased that the Committee bill has already been adopted by the full Senate as an amendment to the Par Value Modification Act. I am hopeful that it will be accepted by the House. If it is not, I will fully support the Committee's efforts to secure passage of S. 373 as separate legislation.

And, as a member of the Senate Finance Committee, I will do my best to secure its adoption as an amendment to the next debt ceiling bill, legislation to which it is clearly germane, and which the President must sign.

Now this Committee is considering the crucial question of establishing long-term procedures for Congressional control of budget priorities in future fiscal years.

You have before you a report based on study by the Joint Committee on Budget Control, and legislation modeled on the Joint Committee's recommendations.

For reasons which I will detail, I am deeply concerned that these procedures will fail in practice, and contribute to the growing weakness of the Congress in the area of domestic policy—rather than increasing our ability to respond. Because the question of Congressional control of budget priorities is central to the future of our constitutional government, I believe the burden on this Committee is a heavy one.

COMMITTEE MEMBERSHIP

The Joint Budget Committee recommends establishment of budget committees in both the House and the Senate which are essentially to be responsible for developing a Congressional budget. Two-thirds of the membership of these committees will be elected by the Appropriations, Finance and Ways and Means Committees of the respective Houses. The remaining third will be appointed by the Speaker of the House and President Pro Tem of the Senate.

These committees are given vast responsibility. They will be the most powerful in the Congress, and among the most powerful agencies of the federal establishment.

And yet the Joint Budget Committee's proposal would bypass existing procedures requiring approval by party caucuses and by the full Senate and House of Committee memberships. The proposal would waive limitations relating to service on major committees and limitations on the number of committees which can be chaired by a single Senator or Member of the House. It would, in short, ignore many of the Congressional reforms which have been enacted so painfully over the course of the past quarter century.

I share the concerns of other witnesses that these supremely powerful committees must be fully representative of the membership of the House and Senate.

And I believe that there are other and equally fundamental defects in the approach taken by the Joint Committee recommendation.

I believe the Joint Committee recommendation is grounded on a basic fallacy—which threatens to render the proposal ineffective and, if adopted, an embarrassment to the Congress.

*This central weakness is the mistaken belief that a Congressional budget can and should look like an Executive budget, taking on too much, too soon.*

The Joint Committee proposal provides for Congressional action prior to May 1st of each year on a single concurrent resolution comparable in scope to the President's budget submitted at the end of January. This resolution would:

Establish a ceiling on outlays and budget authority,

Establish federal revenue targets,

Establish the appropriate size of the federal budget surplus or deficit.

And, in addition, the resolution would allocate *all budget and obligational authority* among subcommittees or, at the option of the Budget Committee, by *specific programs and activities.*

The May Concurrent Resolution will deal both with the complex problem of federal fiscal policy with its massive impact on impoundment and inflation, and—in great detail—with the questions of how federal expenditures should be allocated.

This is a massive job. It consists of most of the work presently accomplished by the Congress over the course of a full year. And there is simply no way it can be responsibly accomplished by a single committee within the time allocated.

I ask consent that the timetable proposed by the Joint Committee may appear at this point in my testimony:

*On or before—Action on concurrent resolution to be completed—*

March 1, House committee reports.
March 15, House acts.
March 29, Senate committee reports.
April 12, Senate acts.
May 1, Congress acts.

Under the timetable established by the Joint Committee, the House Committee must report the complete budget resolution on or before March 1st—only one month after receipt of the President's budget. There is no time to conduct detailed hearings on the proper allocation of priorities within the overall budget figure.

Determining fiscal policy alone is a major undertaking, involving not only questions within the control of the Budget Committee, but predictions regarding other economic influences such, for example, as federal monetary policy and approaches to wage and price controls.

And determining the proper allocation of resources among programs has traditionally fully occupied the Appropriations Committees and received extensive attention by the full House and Senate.

Advance work can be done by the committee staff, but by the nature of the process, the Committee and the Congress must respond to the proposals which the President makes in his budget at the end of January.

And staff work—no matter how expert—is no substitute for a process of open hearings through which members of the Committee can inform themselves, the House and Senate, and the American public on the important public policy questions involved.

The procedure recommended by the Joint Committee simply leaves no time for the conduct and printing of hearings on this broad range of economic and programmatic issues. This procedure guarantees that both the Congress and the Committee will be ill-informed.

THE DIFFICULT SITUATION ON THE HOUSE AND SENATE FLOORS

And the task confronting the House and Senate Budget Committees would be a simple one compared with the complex legislative situation which would face Members on the floor of the House and Senate.

A *maximum* of one week would be allowed between filing of the Committee report and the beginning of debate in the House or Senate (excluding the Easter recess in the Senate.) One week is far too short a time for Members of the Congress to analyze the Committee's work.

And review would be made next to impossible by the absence of full and adequate hearings on the complex mass of issues involved.

Debate on the proposed resolutions on the House and Senate floors would be limited to 30 hours, including amendments. Again, this is just not enough time for informed debate on all expenditures to be made by the Federal Government over the course of a fiscal year. Thirty hours might well be devoted to the overall economic questions alone—and just the question of military foreign aid might well deserve 30 hours of debate.

Because there would be inadequate time, issues of varying importance would almost certainly be raised on a "first-come, first-served basis", and many questions could not be raised at all.

The floor situation would be complicated by the "rule of consistency" which would require that each amendment proposing an increase in a single item also proposed a specific decrease in another item or items, or a specific increase in the ceiling, and that these amendments must be voted *en bloc*.

Proponents of amendments would be forced to go through a lengthy "guessing game" to put together a successful package—which would often prove time-consuming. This process would be made more difficult by the requirement that amendments be printed one day in advance.

And the picture is complicated still further by existing rules prohibiting amendments in the third degree and prohibiting amendment of a part of a bill which has already been amended. When an item has been reduced or increased once, it would not be in order for a second amendment to propose reducing or increasing it further.

Consider, for example, an amendment proposing to decrease a defense item and increase an environmental item. Other amendments proposing to increase or decrease either of those items must presumably be raised as amendments at that time. Yet each of these amendments will, under the "rule of consistency", propose increases or decreases in still other parts of the resolution. The offering of a single amendment could result in a web of amendments spreading over the entire bill. And under the rule against amendments beyond the third degree, some members would be unable to offer their amendments at all.

The problem is again compounded by the bill's provision that the budget resolution could not be recommitted to committee for further work.

I see no easy way out of this procedural tangle. Waiving the rule against amendments beyond the second degree or permitting amendments to an item already amended would also lead to legislative chaos.

Perhaps some improvements can be devised, but I believe that the underlying difficulty is simply that the Joint Committee has proposed too complex a bill and too complex a procedure. I think we would be trying to swallow months worth of work in a single gulp, on the basis of inadequate information.

Perhaps we should listen to the warning of Senator Styles Bridges, Chairman of the Joint Budget Committee established in 1946, who said the legislative budget proposed in the 1946 Legislative Reorganization Act could never be more "than a pregame guess at the final score, for it asks the Joint Budget Committee to give its estimate of *a multitude of new facts, figures, conditions, and requests with which it has had no time to become acquainted.*"

WEAKENING THE APPROPRIATIONS PROCESS

One good sign of the incredible scope of the Joint Committee's proposed first concurrent resolution is the emasculating effect which it would have on the appropriations process.

Under the Committee proposal, enactment of the budget resolution would be followed by the regular appropriation procedure based on hearings in the Appropriations Committee and action by the Houses of Congress as a whole.

However, the Appropriations Committee would be bound by ceilings set in the budget resolution, at least at the subcommittee level, and, at the Budget Committee's option, down to individual programs and budget items. And neither the Appropriations Committees nor the respective Houses of Congress would be allowed to expand one sub-ceiling after reducing another.

For example, the appropriations process could reduct defense expenditures below the defense ceiling, but the appropriations process could not increase education expenditures by a corresponding amount above the education ceiling. To do so would require a two-third vote to suspend the rules.

Any shifting of priorities must await the report of a second budget resolution from the Budget Committee. And this resolution again would deal with a whole range of federal expenditures, under time pressure, and procedural difficulty.

The role of the Appropriations Committees, which are able to consider budget questions in detail—and the role of floor debate on appropriations bills—would be severely reduced under the Joint Committee's approach.

OTHER PROBLEMS

There are a number of additional problems which time does not permit me to discuss fully today, and I'm sure there are others of which I am unaware.

For example, as an alternative to proposing specific ceilings for each program, the Budget Committee would be authorized to propose ceilings on appropriation subcommittees. But there appears to be no real rationale for pitting programs against one another in the appropriations process simply because they fall within the same subcommittee.

Why, for example, should health programs compete with education programs and manpower programs—but not with space programs—within an individual ceiling? This approach may be especially harmful since, under the short timeframe permitted by the Joint Committee's proposal there is little guarantee that individual ceilings will be correctly established.

SUMMARY

In short, I believe the complex procedures developed by the Joint Committee would exclude Members of Congress, who are not members of the proposed Budget Committees, from effective participation in the most important legislative decision of the year.

And these procedures virtually guarantee that the essential functions of the Congress will be performed hastily and on the basis of inadequate information.

THE OUTLINE OF A COUNTERPROPOSAL

I believe we must develop a less complicated procedure—a procedure which will establish a firm ceiling on federal expenditures at the beginning of the year, but permit questions of priorities to be debated over a period of time, based on full hearings conducted by the Appropriations and other pertinent Committees.

I would like to leave the Committee with the bare outlines of such a proposal, building on the approach taken in the temporary budget ceiling adopted by the Senate last month, and on the Jordan Amendment which we adopted last year.

(1) My proposal would call for the creation of budget committees in the House and the Senate, with membership selected by party caucuses and ratified by the respective Houses of Congress, as with other Committees. To permit full participation on these most important committees, membership might be limited to six years, with the members to serve staggered terms.

(2) At the beginning of the year the Budget Committees would report concurrent concurrent resolutions establishing ceilings on both budget authority and outlays, and establishing the size of the appropriate deficit or surplus in the light of economic and revenue predictions.

This would permit thorough hearings and full floor debate on a manageable range of issues. And it would assure that for the first time the Congress would have a real voice in economic decisions which affect the lives of every American.

(3) The appropriations process could be allowed to proceed as at present, with the understanding that all controllables would be reduced pro rata to the extent any ceiling is exceeded—as under the Jordan Amendment and the budget ceiling proposal adopted by the Senate last month. As an alternative to pro rata reduction, amendments would be considered in order to any appropriations bill reducing the outlay or authorization figure in any earlier appropriation.

(4) Late in the year a second resolution reported by the Budget Committees could be considered, altering the impact of *pro rata* reductions where the Committee finds this desirable, making any changes in the overall ceiling justified by changed circumstances.

It is true that under this approach a period of uncertainty would exist for about 3 months—beginning July 1st and ending with adoption of the second resolution—regarding the precise amount which would be available within any given appropriation. I would observe that this is the case at present, since the basic appropriations process is rarely completed before the end of the year. However, this uncertainty could be eliminated and the process improved by adoption of Senator Jackson's recommendation that the federal government shift from a fiscal year to a calendar year basis, with the budget continuing to be submitted on January 29.

Supplemental appropriations will in any case prove necessary after adoption of the second resolution. Under my proposal, pro rata reductions would continue to apply unless other specific reductions are proposed in the supplemental appropriation itself. However, the Budget Committees would at any time be empowered to report out legislation altering the impact of pro rata cuts.

I have proposed only the bare outlines of a counter-proposal. It has the following advantages:

It establishes a firm budget ceiling, guaranteeing Congressional participation in questions of economic policy and providing effective safeguards against excessive expenditures;

It provides for Congressional debate of priorities within the context of a non-inflationary spending ceiling; it does so under a simple procedure, which avoids complex procedural tangles; and it guarantees that consideration will take place on the basis of full and adequate Committee hearings.

I'm sure there are difficulties with my proposal, as with all the proposals before this Committee. And I believe that the job facing this committee—the job of constructing a workable, practical bill—is an extremely difficult one. But the success or failure of Congressional efforts to participate effectively in the establishment of domestic priorities rests on our shoulders.

An unworkable procedure which collapses of its own weight—as the Budget Reform Proposals of 1946 collapsed—would be tragic. But a strong and practical bill, combined with the anti-impoundment procedures already developed by this Committee, could help to restore the Congress as an equal partner in the federal system.

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[From the Washington Post, May 13, 1973]

THE PAUSE BEFORE REFORM

(By David S. Broder)

Back before there was a Watergate, you may be able to recall, the main diversion in Washington was the Battle of the Budget. President Nixon threw down a challenge to Congress to limit federal spending. There was agreement by all hands that if the legislators were not to acquiesce in an Executive takeover of the power to set spending priorities, Congress would have to reform its own procedures.

Under the prod of the President's veto-and-impound strategy, a joint House-Senate study committee on budget control went to work. And, much to the surprise of the skeptics, it brought forth in mid-April a unanimous proposal for creation of powerful new budget committees in the House and Senate.

Subject only to very limited debate and amendment by the full membership of Congress, the budget committees would set an overall limit on all federal spending, provide for the appropriate level of taxing, decide how big a deficit or surplus the fiscal sit-



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uation required, and divide up the available resources by program and purpose.

The proposal was generally applauded and was taken as evidence that Congress was ready to "bite the bullet."

Now, a month later, something quite interesting is happening. Serious second thoughts are being expressed and a belated effort is being made, by liberals in Congress and their allies in outside pressure groups, to derail the budget committee plans, at least until their implications can be more carefully examined.

The first suspicion would have to be that this is a case of liberal backsliding at, maybe, the habit of congressional irresponsibility reasserting itself. Mr. Nixon is in hot water politically; his veto threat on spending bills looks less intimidating; the courts have begun to curb his power to impound appropriated funds—so the big spenders are sneaking back to their profligate pattern and forgetting their promise to reform their ways. But when one examines the questions being raised by such thoughtful liberals as Rep. David R. Obey (D-Wis.), Sen. Walter F. Mondale (D-Minn.) and Leon Shull, national director of Americans for Democratic Action, one has to conclude that the issues are serious enough for examination before—and not after—the new system is adopted.

They question both the timetable for action set forth in the proposal and the adequacy of consideration of the complex budget issues it provides.

As it stands, for example, the proposal would require the House budget committee to recommend an overall budget ceiling and the allocation of funds within categories by March 1—barely a month after receipt of the President's budget message. Action by the full House, the Senate committee, the full Senate and the conference committee would be compressed to meet a May 1 deadline.

Although later revisions would be permitted, the requirements for making changes are so stiff as to make it apparent that the basic budget design enacted in that brief period could be little altered.

There are also important questions about the makeup of the two budget committees. Obviously, the 21 House members and 15 Senators who serve on these committees, under the proposal, will have greater power than any comparably small number of legislators have even enjoyed. They ought to be representative of the Congress as a whole and they ought to be responsible to their parties for the decisions they make, but the proposed procedure for constituting the budget committees does not guarantee they will be either.

The suggestion is that one-third of the members in each body come from the appropriations committee, one-third from the tax-writing committees and one-third from the legislative committees. The appropriations and tax committees would choose their own representatives on the budget committee—presumably the most senior members—without any requirement for approval by the party caucus or the full membership of the House and Senate, as is the case now with other committee assignments. Only the five senators and seven representatives from the legislative committees would be chosen by the leadership of the Senate and House.

What this system does guarantee is that the budget committees' majorities would be more conservative, more southern, more rural, more elderly and more immune from the forces of political change than Congress as a whole.

It would, in a crucial area, represent a step backward from the reforms achieved in recent years in Congress, which have made it a place where individual members have a more equal voice on policy and where elected party leaders have authority commensurate with their responsibility.

It is not impossible to construct a congressional budget procedure that meets the need for fiscal discipline without such sacrifice of representatives, responsibility and reform.

But it will take some time and thought, and there is great pressure for Congress simply to adopt a proposal which, at first glance, looks like a great improvement over the present chaotic budget process.

The liberals raising these belated questions are performing a function that traditionally falls to conservatives. They are saying to Congress, and property so: Look before you leap.

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[From the Washington Star and Daily News, Apr 30, 1973]

BUDGET CRISIS: A WAY OUT

(By Milton Viorst)

It's conventional wisdom in Washington that Congress—in contrast to the executive branch—is irresponsible with the public's money, and that only a massive reorganization will enable it to deal sensibly with the federal budget.

Indeed, the President has been energetically fanning this charge to justify his cutbacks in social programs. He has let it be known that the folks on Capitol Hill are logrollers, budget-busters, boondoggiers and general incompetents.

He has, in fact, been so effective in leveling his accusations—or at least he was until the dam broke on the Watergate—that he has sent Congress scurrying about in an effort to devise new budgeting procedures.

That he has provoked Congress into self-examination is welcome. I don't think Congress has looked into its budgeting methods since the administration of James Knox Polk.

But, surprising as it may be, a scrutiny of the facts suggests that, bumbling as the budgeting procedures are, Congress produces results that are not nearly as bad as the conventional wisdom holds. And furthermore, precipitous changes may actually make matters worse.

The chief fact to remember is that in the first three years of the Nixon administration, the federal budget had a cumulative deficit of no less than $80 billion—compared to the cumulative $58 billion deficit of the previous 10 years.

During these first three years, Congress actually cut $3.8 billion out of the administration's budget requests, while appropriating $444 billion. It wasn't much of a cut.

But these figures make it clear that the massive deficits were not the product of congressional big-spenders, as the President alleges, but of (1) calculated fiscal policy and (2) serious mistakes in estimates of revenue.

Under pressure from the President, congressional reformers now propose that Congress, at the beginning of its session, vote an overall spending ceiling—and that all appropriations subsequently approved be kept within that maximum.

On the face of it, such a proposal appears sensible. But the more one examines it, the more questions arise about its feasibility.

The main question proceeds from an assumption that figures for a federal budget can be set more or less arbitrarily. The federal budget, however, is not like a household budget, the limits of which are established by family income. Federal income can be raised or lowered by changing the tax laws—and federal spending depends on the determination of federal policy.

In other words, voting a budget maximum means setting national policy. After all, the budget is what Congress is basically about. Congress can scarcely dispose of its major annual decision by casually fixing an advance ceiling.

Under current procedures, it works on this decision all year long—by having its various committees and subcommittees study and modify the administration's policy proposals. The method is haphazard—because spending votes are taken without regard to income. But since Congress has over three years come within $3.8 billion of what the administration has requested, it can hardly be called irresponsible.

To establish an independent budget, Congress would have to duplicate the administration's Office of Management and Budget. Some committee would have to rule, in advance, on every agency's spending request and then fix federal income.

The decisions of such a committee could be overruled—but it would have a monopoly of information and Congress would, early on, be under pressure to ratify and effectively freeze the committee's figures. A handful of men, then, would substitute for the whole Congress. They would be a Super-Congress.

In my view, that would be a very bad idea—but I think Congress can still deal with the essential problem. A committee could, at the start of each session, hear testimony from economists on how large the deficit (or surplus) should be to maintain prosperity and avoid inflation. Congress could then set the proper deficit (or surplus) figure.

Over the course of the year, Congress could then set its own spending policy—but impose upon itself the duty to raise or lower taxes to reach its target figure. In that way, it can be even more responsible than the administration, and still avoid putting itself into a budgetary straitjacket.

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## LINCOLN AND AMNESTY

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Ms. ABZUG. Mr. Speaker, a recent New York Times editorial noted Abraham Lincoln's human and positive attitude toward amnesty. Observing that the Great Emancipator "set an example for the divided country" and "was not afraid to be magnanimous and forgiving."

As we consider the question of amnesty, let us remember the words of Lincoln's second inaugural address:

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

I include at this point the full text of the Times editorial:

[From The New York Times, Feb. 12, 1973]

AMNESTY UNDER LINCOLN

The war was not yet over—indeed, there were hard battles ahead and calls for revenge were in the air—when President Lincoln began to parole and pardon draft resisters, evaders and even deserters. He found it in his heart to do so while there was a Civil War on, not 10,000 miles away in a foreign jungle but at times only 10,000 yards from the White House.

By official proclamation and by personal letter, he set an example for the divided country by declining to regard his fellow countrymen in resistance or rebellion as enemies to be punished. He was not afraid to be magnanimous and forgiving.

Toward the end of the war, General Grant objected to rebel prisoners being allowed to take the oath and go free. But the President said that as Commander in Chief he would take the responsibility. "On the whole," Lincoln told Grant, "I believe what I have done in this way has done good rather than harm." And he described those freed as "neighbors and neighbors' sons."

Lincoln became known as a pardoning President. The records abound in generous and human phrases: "Please make out pardons for these two boys. . . . Suspend execution of this man under sentence for execution. . . . Let this prisoner be paroled. . . . This boy is pardoned for any desertion. . . . Do not let sentence be executed until further orders from me; meantime send me record of the trial for desertion . . . I will pardon him for the past."

Many thousands of ex-Confederates who took an oath during the war were granted amnesty, partly for military and political aims but also to heal the wounds of war. "When a man is sincerely penitent for his misdeeds," Lincoln said, "he can safely be pardoned, and there is no exception to the rule."

Finally, in the familiar soaring language of his Second Inaugural, Lincoln called for "malice toward none" and "charity for all" to achieve peace not only with all nations but "among ourselves." This noble expression remains a vision for today.

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## TOWARD A SANE FISCAL POLICY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. RANGEL. Mr. Speaker, the citizens' organization, SANE, is a group dedicated to promoting intelligent and rational fiscal policies and budget priorities. Noting the current White House and Executive Office occupants, the citizens at SANE must be awfully busy.

I now submit for the collective interest of this body information and figures compiled by SANE concerning 1974 Federal budget proposals.

This country can no longer afford to throw away billions of dollars on nuclear submarines and computerized artillery systems. Let us, in this Congress, reassert our will to work for thoughtful and compassionate Federal fiscal policies.

The material follows:

THE PRESIDENT'S PRIORITIES: SEVERAL FISCAL YEAR 1974 FEDERAL BUDGET PROPOSALS

CUTS

Cut in activities of the Arms Control and Disarmament Agency, $2 million.

Cut in funds for library resources, $34 million.

Cut in hospital and health facility construction, $36 million.

Cut in operations, research, and facilities of the Environmental Protection Agency, $75 million.

Cut in health training and education, $86 million.

Cut in Rural Electrification Administration, $216 million.

Cut in Public Employment Program, $520 million.

Cut in elementary and secondary education, $1.5 billon.

*Sources:*

*Budget of the U.S. Government, FY74*

*Special Analyses, Budget of the U.S. Government, FY74*

REQUESTS AND INCREASES

$3 million increase for Captor Torpedoes.

$29 million increase for B–1 Bomber.

$41 million request for TACFIRE, tactical field artillery computer system.

$76 million request for aerial targets for missile testing.

$92 million increase in Air Force research, development, test, and evaluation.

$240 million increase for F-15 Tactical Fighter Aircraft.

$546 million request for S–3A Viking Anti-Submarine Warfare Aircraft.

$1.2 billion request for one Trident Submarine.

*Sources:*

*Budget of the U.S. Government, FY74*

*Program Acquisition Costs by Weapon System, DoD Budget, FY74*

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## WHAT WATER MEANS IN THE MIDDLE EAST

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. LONG of Maryland. Mr. Speaker, this year marks the 25th anniversary of the creation of the State of Israel.

Mr. M. Hirsh Goldberg recently pointed out in an essay in the Baltimore Sun the indispensability of water supply to both Israel and the rest of the Middle East, for the development as well as stability.

I am proud that the U.S. Congress, through my Appropriations Committee, has funded the largest aluminum tube desalinization plant in the world, to be built in Israel.

This step toward improvement of desalinization technology is one of the few significant bilateral aid projects which offers immediate worldwide benefits.

I want to share with you Mr. Goldberg's thoughtful article:

ISRAEL'S OTHER STRUGGLE: WHAT WATER MEANS IN THE MIDDLE EAST

(By M. Hirsh Goldberg)

The sound of modern Israel is the soft, steady sput-sput of the water sprinkler. Hundreds of thousands of them can be seen throughout Israel. With their tiny metal whirling arms, they look like those sprinklers used in America to water the lawns of suburbia and the greens of the golf courses. But while the water sprinklers used in America are engaged in an act of luxury, the water sprinklers in Israel are that country's most important weapon in a fight for life and livable land.

Water equals life, a fact we tend never to see in an America so abundantly endowed with rainfall and rivers. But in the Mideast, the critical connection between water and life can be seen in dramatic ways. Jericho, the first city founded by mankind, rises green and flowering out of a desert—right where an underground spring surfaces.

Water has affected even the way cities developed in the Mideast. Archeologists have found the area such a rich repository of artifacts and well preserved structures because in the Mideast cities were built one on top of another to keep them near water sources. Jericho and Jerusalem have many levels. Cities with six to eight levels are not uncommon. Not until the Romans came to the Mideast and introduced their invention of the aqueduct did the Mideast witness the spreading out of its cities.

With water so essential in the Mideast, the State of Israel must live with a glaring fact of life. The water available to Israel comes from only two sources—natural springs and the Jordan River. There are only sixty-five days a year when rain can fall. The heat of the Mideast evaporates the water, dries out the land, increases thereby the need for water to irrigate fields for farming. Climatically, 60 per cent of Israel is desert. Thus, for Israel, water is critical for her future. As the book "The Middle East Yesterday and Today" notes, "The real key to development in the Middle East is water, not oil."

The United States, to, has long realized the importance of water to the entire region. In 1953, the United States tried to work out with the Israelis and the Arabs a comprehensive Jordan Valley development plan that would have provided for the irrigation of some 225,000 acres. After two years of discussion, Arab technical experts from Jordan, Lebanon and Syria agreed with Israeli experts on every important detail. But in October, 1955, the plan was rejected at a meeting of the Arab League because it would have benefited Israel as well as the Arab countries. In the years that followed, a billion cubic meters of water a year continued to roll down the ancient stream into the Dead Sea, wasted.

Even without the Jordan Valley development plan, Israel was able, by the end of her first decade of existence, to produce remarkable results, mainly through modern irrigation techniques and the use of every available drop of water. By 1958, she had more than doubled her cultivated area and quadrupled irrigated land.

But if Israel was to continue with its program of agricultural expansion and especially if she was to develop the Negev, she needed to tap her share of the waters of the Jordan as called for in the original Jordan Valley development plan.

And so Israel began building a massive project called the National Water Carrier, one of the largest of its kind in the world. By using giant 60,000 horsepower engines, Israel could tap the Jordan River north of Lake Tiberias and pump 360,000,000 cubic meters of water each year hundreds of miles down to the Negev. There, a string of newly established kibbutzim could begin the work of making the desert bloom.

When Israel completed the National Water Carrier project in 1964, Syrian engineers, with the help of the Russians, began building tunnels across the mountains of the Golan Heights to divert the waters of the Jordan River away from Israel and out across Lebanon into the Mediterranean Sea. Today, the tourist to the Golan Heights can see the ugly red scar that runs across the Golan Heights where the underground tunnels were being constructed.

It was out of this fight over water that the Six-Day War eventually exploded. Israel threatened to take action against any diversion of the Jordan River. Syria eventually claimed that Israel was massing troops on its borders for an invasion, Nasser, in a show of support, massed Egyptian troops in the Sinai Desert and then followed that with the blockade of the port of Eilat. Again, water was involved: Israel needed the oil imported through Eilat to run the giant engines of the National Water Carrier. Too long a stoppage of the engines and the constantly watered fields of the newly fertile Negev would have burned. And so began the Six-Day War.

Today, the Carrier's main pumping station, referred to by Israelis as the "iron heart of Israel," is one of the most heavily guarded sites in Israel. From the roadway, the station, located on the Galilee between Tiberias and Capernium, looks like a soft high mound of grass, but beneath it are four floors of electronic instruments and three massive engines built in Switzerland. Surrounding this innocuous looking piece of ground are barbed wire, minefields and lookout towers manned by Israeli soldiers.

The National Water Carrier, however, provides only part of what Israel needs to solve



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her water problem. Although she has been able to cultivate 20 per cent of her desert lands, another 40 per cent of Israel is still desert. And water is needed for an ever-growing population (kibbutz youth are told by doctors to combat the loss of body water in the Mideast heat by drinking 30 glasses a day) and for an ever expanding economy (paper, the product of trees and water, is still in short supply and paper goods from napkins to toilet paper are thin and just barely usable).

Israel is therefore turning to other methods. In Dimona and Eilat, treated sewage water is used to irrigate crops for animal feed. While other counties use water to make electricity, Israel uses electricity to make water—the process of desalinization. To keep evaporation down, plastic coverings are being placed over fields and experiments are being tried with thin pipelines placed underground to carry water directly to plant roots. To facilitate wide-spread irrigation, pipes are being made out of aluminum and placed on wheels so that farmers can move irrigation equipment easily.

Israel's ultimate hope is to use nuclear energy to make the process of desalinization economical enough on a broad scale. But for now, desalinization does not seem to be the most practical source of water. Agriculture Minister Haim Gvati recently told a farming conference that "desalinization technology has not developed as we had hoped" and that Israel would have to start purifying sewage on a large scale to meet irrigation requirements during the next ten years. Israel has already submitted plans to the World Bank for an $80 million loan to finance construction of sewage treatment plants near the country's major urban centers.

Water, then, must rank with war as among Israel's major problems. But while war is a social, human problem that could conceivably be resolved in the near future, water, a physical problem, may well defy complete solution for years to come. The Israelis, however, are working strenuously to devise solutions. Witnesses to that struggle are those thousands of water sprinklers throughout Israel with their whirling arms of precious spray.

## TRUE CHRISTIAN SPIRIT

### HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. CONLAN. Mr. Speaker, it is sometimes difficult to maintain one's perspective with the constant barrage of bad news daily confronting us.

Page after page of most newspapers and a significant portion of radio and television news reports serve as perpetual reminders of the unfortunate sin factor affecting the lives of us all.

But from amidst the gloom sometimes shines light. There is usually a short story buried somewhere that reports good deeds or good fortune. And when they appear, such stories almost always save us from believing that we are helpless travelers on a doomed and sinking ship.

I recently came across an item in the Arizona Record, a weekly newspaper in the historic Arizona town of Globe, that did much to restore my faith in the good portion of man's nature. The brief story demonstrated once again that man must constantly rely on a higher goodness to overcome his inherently base origins.

I would like to share this lesson with all of my colleagues in the Congress:

THINGS THAT HAPPEN TO OTHER PEOPLE

Globe grocer Clyde Ramsey has read and heard about such things, but this was the first time it ever happened to him.

He recently received a check for $1.50 for a 'purchase' made in his store some years ago. The following letter tells the story.

"Dear Mr. Ramsey:

"During the year of 1965 or 66, I was attending Globe Junior High. I was 12 years old and am an Apache Indian from San Carlos. I and some friends were ditching school and went to your store at that time where the present Yellow Front store is and I stole a six-pack of beer from there.

"Well, now that I have become a Christian I feel that I should make the wrong things that I have done right. So, I am enclosing a check to cover the appropriate amount.

"This past Saturday, I tried to locate you but only got your address from your daughter. So, this letter will have to reach you."

## CONGRATULATIONS TO ISRAEL ON ITS BIRTHDAY

### HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. BURKE of Florida. Mr. Speaker, May 14, 1973 marks the 25th year that the State of Israel has been in existence, but the nation itself has been in existence since the dawn of recorded time. It fills me with awe to see the Jewish people from all over the world stream to Israel, to a homeland they have always known about and longed to see, and to build there a healthy, strong country to take its place among the nations of the world. Although for 25 years Israel has been denied peace, it has remained faithful to its central destiny: to be a haven of the Jewish people.

The following chart appeared in the Miami Herald on May 6, 1973 showing briefly the history of the nation of Israel. When we compare our own history to this chart we realize how new the United States really is and how difficult it must have been for the Jewish people to maintain their culture, religion, and language for 35 centuries. We all know how difficult it has been for Israel to survive these past 25 years, and these years have been some of the best that the Jewish people have known. They deserve more than congratulations, but, I am not eloquent enough to put into words my admiration for what they have accomplished. So I will just wish happy birthday to the nation of Israel and its citizens, and happines, security, and prosperity as well.

The brief history follows:

A PERSPECTIVE IN TIME FROM PROPHETS TO PRESENT

Time: 1st half of the second millennium BCE, The Patriarchs.

What happened: The Patriarchs—Abraham, Isaac and Jacob—settle in the Land. Their descendants migrate to Egypt where they are enslaved.

What they believed: Early monotheism.

What survives today: The Makhpels Cave in Hebron, for more than 2,000 years believed to be the sepulchre of the Patriachs; mentioned in the Bible, it is to this day a shrine to Jews and Moslems.

Time: 1300—1050 BCE, Return from Egypt and resettlement.

What happened: Exodus from Egypt led by Moses through Sinai desert, Return to the land of Israel. Tribal autonomy.

What they believed: Monotheistic faith codified by Moses' struggle against idolatry.

What survives today: The Hebrew language, The Ten Commandments and other laws (Torah). Names of villages and towns.

Time: 1050—588 BCE Monarch and the First Temple.

What happened: King David makes Jerusalem his capital c. 1000 BCE. His son, Solomon, builds the First Temple. c. 930 BCE the kingdom divides into Judah and Israel.

What they believed: Continued struggle of monotheistic faith against idolatry. The prophets, in the forefront of the struggle, call for fulfillment of ideals of social justice.

What survives today: Earlier books of the Bible. Earlier books of the prophets Archaelogical remains (Jerusalem, Samaria, Lakhish, Gezer, Megiddo, Hatzor and others).

Time: 721–538 BCE. Exile.

What happened: 721 BCE: Conquest of Israel by Assyrians and exile of many of its people. 586 BCE: Conquest of Judah by Babylonians and destruction of the First Temple. Exile of the Jews to Mesopotamia.

What they believed: Belief in the return to Zion and the revival of national life.

What survives today: Some of the books of the Later Prophets.

Time: 538 BCE–70 CE Return from Exile: Second Temple.

What happened: Second return to the Land and construction of Second Temple (mainly 5th century BCE) 323—168 BCE Hellenistic suzerainty Revolt against Rome starts 66 CE. Jerusalem and Second Temple destroyed 70 CE. The Land becomes a Roman province.

What they believed: Jewish monotheistic religion firmly established as a way of life. Fierce resistance to intrusion by foreign idolatry.

What survives today: The Bible (compilation finished during the first part of this period). The Dead Sea Scrolls (1st century BCE—1st century CE). The Western Wall in Jerusalem, Masada, and extensive archaeological remains in towns and villages.

Time: 70 CE—1870 Exile and Dispersion: The Jews a minority in their Land.

What happened: Following Bar-Kokhba's revolt against the Romans (132–135 CE), the Jewish population of the Land gradually declines, until around the 5th Century the Jews become a minority in their own Land.

What they believed: After interruption of independence an intensification of religious faith and yearning for the return to Zion. Rabbinical laws evolve to comprise all aspects of Jewish life and are codified in the Mishna (c. 3rd century) and Talmud (c. 4th-5th centuries).

What survives today: Bar-Kokhba's letters (c. 132 CE). The Mishna and the Talmud. Numerous archaelogogical remains, mainly synagogues and tombs. Letters sent by Jews from the Land to their brethren abroad throughout the centuries.

Time: 1870–1948 Return and Holocaust.

What happened: From 1870 the Jews began settling the desolate areas outside the towns. Waves of immigration multiplied the Jewish community which evolved its own social and political structures. Between 1939 and 1945 the Nazis murdered six million Jews in Europe.

What they believed: While Jewish religion retained its traditional framework, Zionism evolved as an active belief in self-determination by the Jewish people in their ancient Land.

What survives today: The revival of the Hebrew language, Towns and villages established during this period: Petah Tikva, Hadera, Tel Aviv, and other localities. The memories of the Holocaust and the compelling quest for security.

Time: 1948 and ever since Independence and Ingathering of exiles.

What happened: In 1947, the United Nations adopted a resolution to partition the British Mandated territory and established two States—one Jewish, one Arab. On 14 May 1948, the State of Israel was proclaimed. It was immediately invaded by Arab armies. The War of Independence ended in 1949 with Armistice Agreements.

What they believed: Israel as the realization of Jewish national liberation: social, cultural, political, and economic. The Law of Return, permitting all Jews to enter Israel and become Israeli citizens. Coexistence of traditional religious frameworks and secular alternatives (their is no State religion). The quest for social justice.

What survives today: Israel: a living and open society.



## REPUBLIC OF CHINA

### HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 9, 1973*

Mr. TREEN. Mr. Speaker, I wish to associate myself with my numerous distinguished colleagues who have been urging continuing support for our friend and ally, the Republic of China. In addition to the friendship between two free peoples, there are many other interests that bind us together.

The United States and the Republic of China have been allies for more than 30 years. During that time, our friendship has weathered the many tests of time and change. Cultural exchanges, official and unofficial, have helped the American and Chinese peoples to know each other better; and our economic relations continue to be singularly beneficial to both nations.

The Republic of China is now among our 15 most important trading partners. The Republic of China presently enjoys a favorable balance of payments with the United States, but, unlike so many other nations, the free Chinese Government has taken steps to even that balance. Already this year there have been several buying missions from Taiwan in the United States negotiating purchases totaling $800 million. These missions will be followed by others.

From trade statistics and other economic indications, it is obvious that the Republic of China is a rapidly developing country which, unlike so many other developing countries, relies heavily on a free market system which encourages investment.

We Americans can be proud of our support of the Republic of China, which has helped make possible their progress. Let us do nothing to undercut their progress, their freedom, and our mutual friendship.

## REPRESENTATIVE PARREN J. MITCHELL ON "THE DRAFT AND INSTITUTIONAL RACISM"

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. DELLUMS. Mr. Speaker, institutional racism is often difficult to substantiate. However, on occasion, statistics are clear and bias obvious.

Such is the case when one examines figures on inductions in recent years by the Selective Service System. My distinguished colleague, Representative PARREN J. MITCHELL, has written a letter to the Christian Century, which appeared in the May 9 issue of that journal, which clearly documents institutional racism prevalent in that Federal agency.

In view of the fact that no further inductions are planned and because of these well-documented inequities of the system, serious thought should be given to eliminate all funding for Selective Service.

I submit Representative MITCHELL'S letter at this point in the RECORD:

THE DRAFT AND INSTITUTIONAL RACISM

SIR. It was most distressing for me as a black congressman to read the editorial "The Volunteer Army: Black Misgivings," by Cornish Rogers (Feb. 28). To begin with, Mr. Rogers is not correct when he states that "it appears that the Selective Service Act of 1971 will not be extended when it expires July 1." The Military Selective Service Act is permanent legislation; only the induction authority expires at that time. Even after that date the President may call up men who have been deferred in the past and who are under age 35. At a time when social programs are being cut to the bone, the administration proposes a $55 million budget to operate Selective Service during the next year.

A second inaccuracy is Mr. Roger's statement that "the Nixon administration has already made plans for an all-volunteer army . . ." In fact, the all-volunteer military is what we have right now—except for a very few draftees who are serving out the remainder of their tours of duty. Defense Secretary Laird announced on Jan. 27, a month before the editorial was published, "that phase of the draft has ended."

The Congress was able to assist the administration in bringing about this accomplishment by raising pay levels to make it economically feasible for young men to consider the military as a career. If Mr. Rogers thinks that black people do not like this, he should consider the remarks of my colleague, Congressman Ron Dellums:

If the draft is repealed, taxpayers will pay the costs of military defense rather than the young and poor draftees who earn less than the federal minimum wage. Those who enlist in the military should receive a fair income. Opposition to pay increases on the grounds of inflation or increased government spending merely continues the exploitation of first-term servicemen by the taxpayers.

Often it is difficult to substantiate charges of institutional racism, but Selective Service presents no problem in this regard. Consider the fact that the percentage of blacks among draftees is consistently higher than their 11 per cent proportion of the total population. Note too that the percentage of blacks who are draftees is higher than that of those who volunteer.

[Percentage of Draftees]

| Fiscal year: | |
|---|---|
| 1969 | 14.9 |
| 1970 | 15.1 |
| 1971 | 15.9 |
| 1972 | 18.1 |

[Percentage of Volunteers]

| Fiscal year: | |
|---|---|
| 1969 | 12.2 |
| 1970 | 12.3 |
| 1971 | 13.9 |
| 1972 | 15.9 |

Finally, twice as many whites as blacks obtain medical deferments, but certainly no one would argue that the black community receives better health care.

It is primarily because of this institutional racism that *all* black members of Congress have voted against the draft consistently for years. It is significant, I think, that although Mr. Rogers says many blacks have long opposed establishment of an all-volunteer arm," he quotes no black leader to that effect. On record as opposing conscription and favoring freedom are Roy Wilkins, Mrs. Martin Luther King, Jr., David Abernathy, Dick Gregory, members of the congressional black caucus, and so on.

Your readers may be interested to know that Sen. Mike Hatfield has introduced S.J. Res. 54 in the Senate, and I have coauthored H.J. Res. 382, in the House. Both bills are designed to *repeal* the Selective Service system.

Offering adequate pay scales has forced us, for the first time in a quarter century, to face the true costs of the armed forces. One result of this examination is a decrease in the size of the armed forces, from 3.6 million to the present 2.3 million.

Rogers's final paragraph, which implies that "only poor, black and powerless people" would fight and die in America's wars under a voluntary system, simply shows his naiveté as to who did the dying in Vietnam. Despite conscription, it was not the sons of the upper middle class and the wealthy who suffered in the rice paddies. The Selective Service system saw to that. In Vietnam, black men died at two and a half times the rate of the white comrades. We must not now allow the continuation of such an oppressive system.

PARREN J. MITCHELL,
*House of Representatives.*

## CONGRESSMAN WILLIAM LEHMAN ON ADDABBO AMENDMENT

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. LEHMAN. Mr. Speaker, I was happy to vote in favor of the Addabbo amendment last Thursday and to join my colleagues in voicing opposition to our continued involvement in Indochina.

Regretfully, due to a longstanding commitment in my district, I was unable to be present for the remaining votes held on Thursday.

Had I been here I would have supported other votes taken during the day to terminate U.S. involvement in Indochina. Therefore, I would have voted "No" on rollcall No. 137, "Yes" on rollcall No. 138, and "Yes" on rollcall No. 140.

In addition, I would have voted "No" on rollcall No. 139 for increasing category B impacted school aid and "Yes" on rollcall No. 141 for the final passage of the supplemental appropriations bill.

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## THE 1973 SMOG ATTACKS BEGIN IN SOUTHERN CALIFORNIA

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. Brown of California. Mr. Speaker, less than 1 month ago this body voted to side with the highway lobby and against the people of this country on a critical issue. Those of us who believe in clean air, local government control, conservation of energy, and inexpensive mass transit were defeated, 215 to 190 in the vote on Representative GLENN ANDERSON's amendment to permit the use of highway trust fund money for local bus and rail systems. As we all know, that amendment would not have forced any community to spend any money on mass transit, nor would it have forced them to spend any less money on highways. It merely would have given the people within each community the right to decide for themselves what they considered most important.

I think some of our colleagues who voted with the highway lobby and against the people may find it interesting to hear of some of the effects of their votes. Let me quote from a May 10 article in the Ontario Daily Report by Steve Papinchak; the headline reads "West Enders Strangle in Heavy Smog":

The county Air Pollution Control District station located next to the Upland City Hall at 3:55 p.m. recorded an oxidant level of .41 parts per million and .46 at 4:05.

Since this exceeded the .35 ppm community alert stage, the APCD issued a notice of the smog levels to hospitals, any schools that were open and the news media.

There is a likelihood that another warning will be issued today, according to an APCD spokesman.

The article goes on to point out that the smog alert notice recommends agencies reduce activities of children, the elderly, and persons with respiratory problems. The article also gives the APCD forecast for the day: Visibility expected to range from 3 miles down to 0.

In another article appearing on the same day, this one in the San Bernardino Sun-Telegram, Tina Floan quotes an APCD spokesman:

All persons are advised to cease outdoor activity, stay in air conditioned buildings and drive as little as possible . . .

Meanwhile, in Riverside County, which adjoins San Bernardino County and is also partially within my district, the situation was just as bad, if not worse. The city of Riverside had its fifth smog alert of the year, two more than had been called at this date last year. Let me quote from the Riverside Press, in their issue of the same day, May 10:

Riverside's alert was the first of the year to be called when school classes were in session, and resulted in curtailing of activity in physical education classes in Riverside and Alvord Unified School District high schools.

A swim meet between Ramona and Poly high schools was called off, as were an informal volleyball match at Poly High, tryouts for the pep squad and pom pom squad and a junior high pep clinic at Ramona and a drill team clinic at La Sierra High.

Baseball practices at the various high schools were cut short or limited to nonstrenuous activity. Those high school track athletes still in competition were held out of practice.

A Riverside physician, Dr. Robert Zweig, said that smog has caused problems with several patients he has. Those with respiratory problems have trouble breathing, he said, while those with allergies find their condition aggravated, have more drainage and more headaches.

Mr. Speaker, this is only the beginning. Summer has become a deadly season in southern California, and this season is expected to be worse than ever. Why? Because of the irresponsibility of people and institutions, including this House of Representatives. Too many Members of this body do not have what it takes to stand up when it counts.

I will be having more to say on this subject in the near future. Mr. Speaker, I hope that, by the time we have another opportunity to vote on a similar measure, the message from southern California will have come through loud and clear.

## MILITARY BASE CLOSINGS AND THE COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE ACT

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. HARRINGTON. Mr. Speaker, I rise to offer a suggestion with respect to solving the economic problems created by the closing of military facilities in New England and across the country.

I have recently introduced H.R. 7678, the Community Economic Adjustment Assistance Act of 1973. This bill would provide technical and direct financial assistance to the communities adversely affected by the closing, reduction, and relocation of military facilities, installations, and bases.

On April 17 the Department of Defense announced that 274 such facilities would be closed or relocated at a savings of $3 billion in Pentagon excesses. I cannot, as a long-time critic of excessive military spending, in all honesty, oppose these actions.

A total of 42,000 workers will lose their jobs—26,200 of them civilians. Almost 12,000 civilian jobs will be lost in my State of Massachusetts alone where the unemployment rate is already 7.2 percent and where growth has been lagging behind the national average for a decade. These workers need assistance and I will support measures to help them. Senator KENNEDY and Majority Leader O'NEILL have introduced in the Senate and the House the Emergency Manpower and Defense Workers Act of 1973 and I have cosponsored that bill. The legislation provides severance pay, retraining and relocation grants, early retirement benefits, and other forms of assistance. Nothing I say here today should detract one iota from that effort.

But as workers are affected, so are communities. Workers lose jobs, but so do communities. And as there are fewer workers and jobs, there is less money going into retail sales, the housing market, savings, and all other parts of the economy.

Adjustment assistance for workers is short term. Jobs and local redevelopment are the only long-term solutions. The workers who are being laid off, by and large, do not want to leave New England, and we cannot afford to lose their talents, their skills, or their production. The Federal Government has an obligation to provide the necessary assistance to make such redevelopment possible, and to give the communities the financial support necessary to attract new industry and new jobs.

The bill I offer today would cost some $800 million nationally, if every eligible community applied for and received this vitally needed assistance. It would bring $240 million in direct grants into Massachusetts. This is a program we can afford and which we need. I would hope that the suggestion I offer today will receive the serious consideration of all those involved in the urgent business of trying to deal with this critical situation.

I would like to insert in the RECORD at this time a summary of the provisions of H.R. 7678, the Community Economic Adjustment Assistance Act of 1973:

SUMMARY OF THE COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE ACT OF 1973

Section 3: Authority to implement adjustment assistance to communities is vested with the Secretary of Commerce. At this time, the concern of the Department of Labor is with employment; the concerns of the Department of Defense are with strategic considerations; the Department of Commerce is vested with responsibility for the domestic development of our local communities, and this domestic development of our local communities, and this Department should be responsible for those policies designed to support and encourage local redevelopment efforts.

Section 4: A community is eligible for assistance if a reduction, relocation, or closing of a military facility will cause a substantial threat of serious injury to the economic base of the community. Eligibility is based on a rebuttable presumption whereby the community shall be eligible unless the Secretary of Commerce declares within 30 days that the community is not eligible. This is vital for the effective implementation of a program because it will avoid the inevitable bureaucratic delays that are encountered in the implementation of Federal policy.

Section 5: To qualify for assistance, an eligible community must submit a redevelopment plan. Such a plan may be submitted at any time within two years of the date of filing an application for eligibility. The Secretary has 90 days in which to certify a community as eligible and assistance can begin with such certification. The community will be deemed eligible if the Secretary has not determined it to be ineligible within 90 days. A rebuttable presumption is again used to speed decision making.

The Section authorizes the Secretary of Commerce to provide technical assistance to the communities for the purpose of helping the communities prepare the proposal for the redevelopment of the area that is required for certification.

No certification will stay in effect for more than two years, but in no case would it remain in force for less than six months. The exact period is to be determined by the Secretary of Commerce.

Section 6: Several Departments and agencies of the Federal Government already have adjustment assistance programs of a complementary nature, including the Departments of Labor and Defense. The Secretary of Commerce is instructed to refer each certified adjustment proposal to such agencies as he determines appropriate to furnish additional technical and financial assistance.

Section 7: Technical assistance will be provided by the Secretary of Commerce to the adversely affected communities for the purpose of redeveloping their local economies. Such assistance shall be used for the purposes of planning and development in such a way as to attract the new industry and government assistance that will be necessary for the redevelopment of the local area.

Section 8: In addition to this new technical assistance, direct financial assistance shall also be provided in the form of direct grants—to supplement Economic Development Administration, Small Business Administration, and other loans, credits, and other financial assistance—in the amount to $20,000 for each civilian worker totally separated and $10,000 for each civilian worker partially separated. (Such funding levels are offered only as suggestions.)

The cost of this section, if each community affected by the closing and relocation of 274 bases and installations recently announced by the Department of Defense applied for and received assistance, would be no more than $800 million.

There is a provision in the section to prevent windfalls for any areas which provides that no worker shall be counted more than once in the allocation of such funds.



## AMTRAKS INFLATED SHIPPING COSTS

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. HUNT. Mr. Speaker, in the past I have gone on record praising the virtues of the Metroliner and Amtrak. Many years ago, I worked for 5 years for the Pennsylvania Railroad and have fond memories of the glory days of railroading. This could be in part, one of the reasons I would hate to see the railroads fade away.

This past Thursday however, I had an experience which makes me wonder whether they are really making an effort to be competitive. Because in order to survive, they are going to have to compete.

At the request of a television station in my district I had one of my staff take a video tape recording over to the terminal to be put on the Metroliner to Trenton. Now we are all familiar with the size of a VTR, this one was a 6-minute tape, about 10-inches square, perhaps weighing 3-4 pounds. The charge was $6. Now that is about one-half of what the tape cost, and about one-half the cost for me to ride along with it.

I would only suggest that perhaps a good, hard look might be taken to see if prices, as they relate to freight, might not be more competitive. With passengers using other modes of transportation it might well be the only salvation.

## DR. ROBERT MARSTON, FORMER NIH DIRECTOR, ON THE POLITICALIZATION OF MEDICAL RESEARCH

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. DINGELL. Mr. Speaker, recently Dr. Robert Marston, the former Director of the National Institutes of Health, gave a very thoughtful farewell address to his colleagues which I believe deserves the careful attention of all Members of Congress. After being sacked by the President at the end of his first term, Dr. Marston chose this occasion to criticize what he called, "the temptation to misuse science for immediate political ends."

He indicated that the Nixon administration is now confusing the "necessary freedom to conduct research in a free environment" with "advocacy for special interest groups on the one hand a potential disloyalty on the other."

This is unfortunate.

I think it is critical that we be on constant guard to insure that near term political objectives are not allowed to distort medical research funding.

Judith Randal, in an excellent column in the Washington Star-News, pointed out that this administration is not only subverting the whole NIH system, but is, indeed, elevating politically appealing medical research disproportionately at the expense of other research which "makes no sense scientifically and is transparently political in its intent."

Mr. Speaker, at this point in the RECORD I would like to include Dr. Marston's farewell address and Judith Randel's article entitled, "Do Politics and Science Mix?" from the Washington Star-News:

DO POLITICS AND SCIENCE MIX?

(By Judith Randal)

People dismissed from office after a stint with the Nixon administration have varied ways of taking their leave. Some go in disgrace with their tails between their legs. Others go proudly, but quietly—apparently in the belief that to disclose what led up to the rupture would not make any difference either to the public or to the colleagues left behind. The nation should take note that Robert Q. Marston is one of the few in recent memory to have chosen another style.

Marston is the physician and former Rhodes scholar who was appointed by the late President Johnson to head the National Institutes of Health. He succeeded a man, Dr. James V. Shannon, who made the NIH the very symbol of a government agency dedicated to excellence and as free of political constraints as such an agency can be.

Knowing Marston, the scientific community confidently assumed he would carry on in the same tradition, and heaven knows he tried in the face of growing odds. But in December, following President Nixon's landslide victory, he was asked to resign, and on Jan. 20—Inauguration Day—he was ignominiously demoted to serve as acting director of one of the smaller institutes that constitute NIH.

Last week, after deciding to spend a year as a scholar-in-residence at the University of Virginia and to accept a position as a distinguished fellow of the National Academy of Sciences new Institute of Medicine, he spoke for the last time to those with whom he had spent almost eight years at NIH. No successor to the directorship has been named, although the pretext for getting rid of him was to clear the way for the prompt appointment of a "fully qualified" successor for the second Nixon term.

Marston is not a bombastic man, and bitterness and recrimination are not his way. There was no name-calling on this occasion, and no hyperbole, and in a sense what he was saying was meant only for the consumption of his colleagues. Yet so much of it spoke directly to what has made American science the achievement it has become in the years since World War II that it is worth repeating here.

Dealing with the pursuit of intellectual excellence, Marston recalled that it has been NIH custom to have scientific policy decisions made by groups of scientists rather than bureaucratic managers and that this system of "peer review" has brought rich rewards, both in true medical progress and in prestige as measured by such benchmarks as the Nobel prize.

He did not have to tell these men and women that this widely copied system—which has made American science the envy of the world—is now being subverted by the Nixon administration, whose present secretary of Health, Education and Welfare, Caspar W. Weinberger, construes it as self-serving and a fount of potential disloyalty to the administration. As "management for management's sake" replaces the freedom to pursue knowledge in an environment untrammeled by politics, they have seen for themselves that it is being destroyed.

Nor did they need to have recalled for them the mischief being done by beating the drum for cancer (and, to a lesser degree, heart disease) while more fundamental aspects of biomedical research which seek answers to these and, indeed, all disease processes wither for lack of funds. Just as they understand the current folly of ending training support for young scientists who are the source of new ideas, they understand—as the public, for the most part, does not—that to elevate any aspect of medical research disproportionately at the expense of others makes no sense scientifically and is transparently political in its intent.

Accordingly, when Marston told this audience that "creative people are to be valued more than organizational arrangements or complex plans," and that "criticism is a necessary part of science to be encouraged and not stifled," one could only have wished that the "people managers" at the White House could have been listening.

And even more worthy of their attention, in light of current revelations about the Watergate, might have been the following credo with which Marston took his leave:

"Perhaps I speak too much from the idealism of one who chose to go into the medical profession, but I believe in the dignity of man—that to treat one another with respect is an expression of strength, not weakness; and that charity is good, not bad; that the power of public office should not be allowed to lead to arrogance, and that we must always remember as public officials that the money we spend is not our own."

FAREWELL ADDRESS

(By Robert Q. Marston, M.D., National Institutes of Health, April 27, 1973)

It was in the early fall of 1965 that Jim Shannon offered me the job of Associate Director of NIH for the "next two or three years." I commuted back and forth during that fall recruiting the initial staff for Regional Medical Programs and making the transition from academia to Federal service. The "two or three years" have now grown to almost eight years, and when added to the

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two years that I spent here in the early fifties makes it not only the longest time that I have ever served one institution—but as I have said elsewhere, clearly NIH has been the dominant institution of my professional carcer.

I have thoroughly enjoyed each aspect of my experience here: intramural scientist; chairman of an outside advisory committee; Associate Director for Regional Medical Programs; again Associate Director, NIH and Acting Director of the National Institute of Neurological Diseases and Stroke; and of course Director, NIH. In addition, for a period of about one-half year I was Administrator of Health Services and Mental Health Administration. During that exciting period, however, I continued to attend Shannon's staff meetings because the Regional Medical Programs was not actually transferred to HSMHA until about that time that it was decided that I would become Director of NIH.

With so many jobs and so many bosses, it's dangerous to begin naming names. But of the five HEW Secretaries—Gardner, Cohen, Finch, Richardson and Weinberger—I obviously have worked most closely with Wilbur Cohen and Elliot Richardson. I respect both greatly, and enjoyed immensely the working relationship that I had with each. Thus you can understand how much I appreciate the kind words which John Sherman has quoted from Wilbur Cohen and the letter from Elliot Richardson from which excerpts were published in the NIH Record this week. It is worth noting here, that both of these men have, to a high degree, that absolutely essential quality for any Secretary of HEW—a deep concern for and a sensitivity to the needs of people, especially those who may be handicapped by problems of health, ignorance or poverty. Ultimately those responsible for the Nation's health, education and welfare programs both in the Executive and Congressional branches must project to the Nation at large both the image and the reality of such concern and sensitivity.

When I think of other names that should be mentioned today, I run into a serious dilemma. Jim Shannon, John Sherman, and Bob Berliner of course; my immediate OD Staff; Institute and Division and Bureau Directors; intramural, extramural program people—in all more than 10,000 people here at NIH alone, not to mention our whole advisory structure, and then, too, those many individuals from other parts of government—especially my friends from HSMHA and the Department. Nor could I let this time pass without a very special word of appreciation to those members of Congress with whom I've worked over the years—I can only say, "Thanks to all of you for making this the stimulating, exhilarating, experience that it's been for the last eight years." It's been a period of high purpose and great accomplishment in an atmosphere of mutual trust and pleasant associations. It has been a happy place with happy people. Yet if I had to choose a single word to describe NIH, it would have to be the word "quality".

Now I would like to say a few things about NIH, and its future and your future. In so doing it becomes very hard not to repeat things that I have said over and over again as Director of NIH. Indeed, I am a bit embarrassed to find that my speeches fill six rather large filing cabinets. I find in looking over this accumulation that there is almost nothing that I need to say as a private citizen which I did not say as Director of NIH. Thus this public record does spell out, I believe, my strong support—

For the intramural program of NIH;

For the new, young scientists, and for their preparation through the training grant mechanism;

For the peer review system which has evolved over the years;

For basic research, and particularly the principle that applied research should not be expanded at the expense of basic research; and

For a balanced biomedical research program—for example, cancer research should not be increased at the expense of other fields of biomedical science.

And this record also expresses my strong conviction—

That scientific management is more important than the blind application of a system of management;

That creative people are to be valued more than organizational arrangements or complex plans;

That criticism is a necessary part of science to be encouraged and not stifled; and

That the Library of Medicine is a gem in NIH and in the Nation.

Finally I have taken a special and personal pleasure, because of my own background in education, in working with the Bureau of Health Manpower Education in the difficult job of defining and implementing Federal policy in the area of education for health professionals.

In looking over some of these accumulated documents, I hope that some of my personal philosophy about the relationship of people to people comes through. Perhaps I speak too much from the idealism of one who chose to go into the medical profession, but I believe in the dignity of man—that to treat one another with respect is an expression of strength, not weakness; and that charity is good, not bad; that the power of public office should not be allowed to lead to arrogance; and that we must always remember as public officials that the money we spend is not our own.

I find it somewhat strange to be repeating this litany to you as I leave NIH, and I truly hope that events in the future will prove this to have been an unnecessary exercise—that people in the future, looking back on these statements, will even find them a rather pious, obvious list with which no one could disagree. Yet I repeat the points not as abstract items of philosophy but because of specific concerns often surrounding a specific action or statement within recent months.

Let me say again at this point that I thoroughly enjoyed my work at NIH during the first Nixon Administration, and during the latter part of the Johnson Administration. I have no ax to grind. But I know that you have concerns about some of the points that I have touched on. Let me suggest that you view your concerns against the following background. Dr. Hoagland, Director of the Worcester Foundation, in an article entitled, "Anti-Science—a Growing Danger to America's Health and Pocketbook," makes this comment: "It has taken a quarter century to build up the National Institutes of Health. The support of research has been a model other countries have imitated. The peer review system has given us the best science through a Federal agency with the least political interference of any governmental process ever developed. It is truly one of the great achievements of American government but it is being destroyed."

To the extent that you believe as I do in this basic statement about the importance of NIH, let me urge you to do the following three things: Continue to speak out your beliefs constructively. This is a nation of checks and balances, of free people, and as such it is totally dependent on the willingness of honest men and women to speak honestly their best judgments. This is particularly true in the area of science where hopeless confusion is the inevitable result of distortion of truth.

Nations have struggled for years with the problems of maintaining objectivity and the ultimate test of truth in the conduct and the management of biomedical research as that research has been supported increasingly with public funds. The solution in most countries except our own has been to separate medical research from the direct control of Government because of the conviction that the political process is inherently incapable of resisting the temptation to misuse science for its own immediate political needs. Thus, throughout Western Europe the Medical Research Councils tend to be autonomous or semi-autonomous bodies supported by Government, but not controlled by Government. Even in a country such as the USSR, the Academy of Medical Sciences and not the Ministry of Health, has the major responsibility for the conduct and support of such research in the USSR.

In this country, so far at least, enlightened leadership in both the Executive and Congressional Branches have resulted not only in a sound and healthy growth in biomedical research, but in minimum of attempts to bend science to meet short-term political needs. Of course, a major check on such temptations have been the existence of the NIH peer review system.

This necessary freedom to conduct research in a free environment is sometimes being misunderstood as advocacy for special interest groups on the one hand, and potential disloyalty on the other. Such a misunderstanding could result in what has been feared in other countries, that is a distortion of truth—a substitution of bias for objectivity. Thus, there is a special need today for you to continue to provide your candid professional judgments. Anything else can lead only to outright chaos and would be a serious disservice to the Nation you serve.

Second, do not become too discouraged. I remind you that in 1968 when I became Director of NIH, many people, including the then-President of the United States, commented on the difficulty of the job. Many thought then, as some think now, that the only possible role for NIH was a downward one. Instead, the past five years has been a period of major substantive progress. Indeed, as short a time as a year ago, I was able to tell the appropriation committees of Congress that fiscal 1972 had been a good year for NIH. For the Marstons at least this period has been a sort of Shangri-la with a purpose. The work of the NIH is measured in decades and generations, not in weeks, months or even years. No Institution in the world, to my knowledge needs less to be defended. So long as its aspirations remain so high and its accomplishments so unquestioned by competent people its course must continue to be upwards. Of course, as Representative Roy, a physician on our legislative committee, said recently in contrasting the different magnitude of work required to build up rather than discontinue programs, "Any jackass can kick down a barn but it takes a carpenter to build one." Thus one does have to remain alert to attack from the ignorant or intentionally destructive.

Finally, remember the human values. We are dependent on the work of great scientists here and throughout the nation, on teachers and professional people of all levels, but we are also dependent on those who in doing lesser tasks will make it possible for these with special gifts to utilize those gifts optimally. There is unfinished work to be done in the area of equality of opportunity, of abolishment of prejudices of various kinds. Then, too, there will be the invitation to copy harshness and insensitivity that may be seen elsewhere. Times of crisis always bring pressures for friends to fight friends, to forget the broader enemy of disease and ignorance, and to strike out for trivial reasons at those close at hand.

Last week at the Institute Director's meeting I made a special plea that as the Office of the Director, NIH, carries out its necessary role of serving as something of a buffer between "NIH internal" and "NIH external" that people remember the special strains that John Sherman and Bob Berliner have in this interim period, and continue to give them the type of support given me. I am of course keenly disappointed that the promise in December of a new and fully qualified Director of NIH has still not been fulfilled by May. I do not know how long this delay will continue, but I urge you to support each other and to continue to support John and Bob during the interim.

John Gardner has said that institutions can, in contrast to individuals, age without losing their vigor and effectiveness. They are revitalized by the addition of new people. NIH can continue to evolve as it has done over the past decades, by maintaining its flexibility in the development and implementation of its programs. It needs the competence of the experienced and the vigor and enthusiasm of the new initiates. Today especially, it needs all of you to continue to pull together for the good of the Nation.

Finally let me say how much Ann and I are looking forward to the next phase of our career—that of taking a sabbatical year, as a Scholar-in-Residence at the University of Virginia and a Distinguished Fellow at the Institute of Medicine of the National Academy of Sciences.



## TWO PANDAS AND 40 RED CHINESE DIPLOMATS: THE INS AND OUTS OF NIXON DIPLOMACY

**HON. JOHN R. RARICK**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. RARICK. Mr. Speaker, while the 40-member Red Chinese diplomatic delegation are wined and dined in the Washington social whirl, as part of the President's historic new China policy, an estimated 700 anti-Communist Chinese were forced to take to the streets to voice their opposition to the false image of respectability accorded the new delegation.

The anti-Communists, mostly Chinese Americans and students from Taiwan and Hong Kong, seem to understand the "ins" and "outs" of Washington. As one young Chinese puzzled:

He (Nixon) used to be on our side, then without notice Nixon went to China. He is very nasty.

Under the new Nixon China doctrine, the National Chinese have suddenly become the "outs" of the Washington cocktail circuit. The Red Chinese, on the other hand, have emerged as the new "ins" in the Nation's Capital.

Such is the manner of international diplomacy, presumably. The "ins" travel in decadent limousines, while the "outs" must walk.

The related news clippings follow:

[From the Washington Post, May 14, 1973]

PROTESTS CONCERN POLITICS AND HORSES

(By John Saar)

Pursuing causes as widely different as their dress style and transportation, two groups of protesters were on the streets of the capital yesterday.

While 700 anti-Communists chanting slogans and carrying banners and placards against the establishment of the Chinese liaison office here were marching downtown, the clatter of hooves was heard at the Capitol where 200 horse lovers, many of them mounted and wearing Western clothes, protested the slaughter of horses for human consumption.

Both demonstrations were peaceful, incident-free and ended early. The anti-Communists, the majority of them Chinese-Americans or students from Taiwan and Hong Kong, marched a circuitous route from the Lincoln Memorial to the Ellipse with three rallies along the way, including a noisy one at Farragut Square, closest point to the Mayflower Hotel, where the Chinese diplomats are temporarily staying.

They carried Nationalist Chinese flags and professionally printed signs in Chinese and English carrying such legends as "Chinese Communists are murderers of mankind." "Save the swim, defect now."

Speakers mounted attacks on the Communist government of China, alleging repression of the population and the murder of millions—and led the crowd in chants of "Down With Mao," "Freedom for China."

Among the crowd were three friends, all sons of Republic of China military attaches here. Harry Liu, a 21-year-old sophomore at the University of Maryland, wore a tee shirt proclaiming the slogan, "Taiwan, fabulous Formosa," and attacked the Nixon administration "for betraying my country. He used to be on our side, then without notice Nixon went to China. He is very nasty."

Liu said he was taught at school how the communists captured China and how people were treated under their rule. Nothing he had read or heard in America could change his mind.

Fourteen-year-old Punwei Wang, Falls Church, chipped in, "Anyway, the two biggest newspapers in the United States, The New York Times and the Washington Post, lean to the left wing and are prejudiced against us. You never hear anything good from Taiwan."

The third friend, Danny Sun, 17, said, "Either you live in freedom or under communism. Unfortunately, the people on the mainland have no choice."

All three said that, however hopeless it seemed, they would continue opposition to Communist China throughout their lives. Wang added, "Right now it looks hopeless, but the Chinese people are known to be patient and 20 years from now it may be different. We can wait. My father says, 'If not in my son's time, then in my grandson's time.'"

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[From the Washington Evening Star and Daily News, May 2, 1973]

CHINESE DEBUT

(By Joy Billington)

Peking is sending a group of its top-flight journalists on a month's tour of the United States. They are due to arrive about mid-May.

The journalists, who will come to Washington on their tour, will be drawn from all over China and include the leading writers from the People's Daily, according to a member of the Peking Liaison Mission. They will be accompanied by interpreters and secretaries.

Four members of the mission made their first appearance on the embassy cocktail circuit last night, breaking the strict seclusion they had maintained since their arrival here over two weeks ago.

It was at the embassy of Romania. China's good friend since the revolution, at a reception given by Ambassador Corneliu Bogdan for his visiting Minister of Transportation and Telecommunications Emil Draganescu.

Shortly after the 6:30 p.m. reception began, the four Mao-suited Chinese arrived alone, without Secret Service escorts.

While they must have been sending cable after cable home to Peking interpreting the Watergate affair to their foreign office these past days, one Chinese delegate told an American guest: "You must tell us all about the Watergate."

Ambassador Sultan Khan of Pakistan, one of the friends whom the Chinese delegation called on soon after their arrival, said he did not know how a diplomatic delegation living in a hotel (as the Chinese are living at the Mayflower) managed with cables. But he guessed that coded cables would be sent via their own teletype machine, or even Western Union.

Couriers are used only by countries rich enough to carry that expense, Ambassador Khan explained.

Sipping orange juice, Han Hsu was genial to the press, whom he has been avoiding to date. "We've looked at about 10 properties so far," he said, discussing real estate possibilities. "We've been comparing them, and we have narrowed the choice down a bit."

The mission, which will be complete after the arrival "soon" of Gen. Huang Chen, its leader, wants to live together, to eat in a canteen together, and to have a garden, Han said.

Another member of the delegation added that air conditioning is a must. Yet another thought they might buy a hotel, but added with a grin that it will not be the Howard Johnson Motel opposite the Watergate, as has been reported.

"You have to look at more than one property because if you look at one the price stays skyhigh," one of the group told a guest.

Hsu Hsin Hsi, the second secretary of Peking's New York mission to the United Nations, who has been seconded here along with another Chinese U.N. diplomat, said that in New York their 40-strong group does not get out and about the city much.

"We are working too hard. After being kept out of the United Nations for two decades, we have a lot of catching up to do."

Hsu and the other U.N. diplomat brings the number of the delegation up to 12 men, he said.

Speaking the excellent English that all the delegation seem to share, the four Chinese at last night's gathering spent about an hour and a half talking, and listening.

There appeared to be only one awkward moment, when a public affairs official from the Department of Transportation, Frank Clifford, asked Han, "Are you from Taiwan or are you the other lot?" The American, who introduced himself as a "faceless bureaucrat" got a polite little bow and a smile from Han. "We're from Peking," he was told.

Across the room, another member of the delegation asked an American if there were "any people from the other socialist embassies" present. There were a few, such as Yugoslavia's Ambassador Granfil. But the unspecified question probably implied the Soviets..

Soviet Ambassador Dobrynin had been invited, but called to regret due to a May Day staff party at his own embassy.

French Ambassador Kosciusko-Morizet and Belgian Ambassador Loridan both appeared delighted to meet the Chinese.

An old China hand and friend of Anna Chennault's, retired Air Force Gen. Ben Davis, who is an assistant secretary at the Department of Transportation, thought it would be "in the spirit of the times" to go ahead and introduce himself to one of the Chinese. But he added that "I feel the tragedy of the personal discomfort that our good friends here and in Taiwan suffer," and didn't.

The Chinese "are a great people in a generic sense, and I'm not speaking of Peiping or Taiwan," he added, saying he would "sure like to visit" the mainland "because my wife and I had some of the best times of our lives in Taiwan."

Transportation Secretary Claude Brinegar spent most of the reception closeted in a separate room with the Romanian Trans-

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portation minister, who is returning a visit former Transportation Secretary John Volpe made to Romania.

Draganescu hopes to buy U.S. railroad equipment for the Romanian railroads, he said earlier.

Increased U.S.-Romanian trade, Ambassador Bogdan said, would depend on the passing of the East-West trade bill, which would grant "most favored nation" status to Romania, the Soviet Union and other bloc countries. "If reason prevails, we'll get it," he added.

## NATIONAL PUBLIC RADIO OBSERVES SECOND ANNIVERSARY

### HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. DELLENBACK. Mr. Speaker, on May 3, National Public Radio observed its second anniversary. It seems to me to be appropriate on this occasion to extend congratulations to this new network for winning the George Foster Peabody Award for journalism, awarded to NPR on May 2 for its daily news program, "All Things Considered * * *." In addition, I want to extend special congratulations to KOAC in Corvallis, Oreg., a National Public Radio member station, for their achievement in receiving the Peabody Award for its instructional program, "Will Shakespeare and Certain of His Friends."

These achievements illustrate how National Public Radio has advanced in its 2 short years of existence as the only nationwide noncommercial radio network in the country. Before NPR was inaugurated in 1971 with funding from the Corporation for Public Broadcasting there was no single national organization with the responsibility for production, acquisition, and distribution of high-quality professional radio programing for this country's public noncommercial radio stations. Today NPR can claim 133 members operating 156 noncommercial radio stations throughout the Nation. I am delighted that six of these stations are operating in the State of Oregon.

Although National Public Radio network is just that—a national network—the organization takes pride in pointing out that each of its 156 noncommercial radio stations is, at the same time, individually geared to the community which it serves. The President of National Public Radio, Donald R. Quayle, explains this concept in these words:

> To speak of the purpose of NPR . . . is to speak of the varied goals of our member stations as they relate to the individual needs of their listeners.

In practical terms, this concept means that NPR relies on its member stations to provide more than one-third of the network's programing. In addition, in an effort to preserve its individuality, each station is required to initiate most of its own programing, and is restricted from using more than 40 hours of NPR programing each week. Thus, NPR can widen the horizons of its listeners by introducing them to areas of the arts and sciences that have national interest, and at the same time, NPR stations have enough broadcast time to present detailed examinations of subjects that are primarily of local concern.

To provide interesting and significant coverage of the arts, science, human relations, economics and politics for its member stations, NPR has drawn on a number of information and entertainment sources, including the Congress. NPR has provided live coverage of more than 200 hours of testimony at Congressional hearings. Even before NPR was officially on the air, the Senate Foreign Relations Committee hearings on Vietnam were the first to be offered to the network. Since then, NPR has broadcast hearings from several House Committees, including the Committee on Interior and Insular Affairs and the Committee on Government Operations. Hearings before the Senate Judiciary Committee, the Select Committee on Aging and others have also been broadcast by NPR.

As its broadcasting of congressional hearings illustrates, NPR's coverage of current events emphasizes presentation of the news as it happens rather than reports of events after they happen. Consequently, NPR regularly broadcasts live speeches from the National Press Club in Washington, D.C., and was the only network in the country to provide daily live broadcasts directly from the United Nations Conference on the Human Environment held last year in Stockholm. Other broadcasts included the Lyndon Baines Johnson Library Civil Rights Symposium, and the annual meetings of the American Bar Association, the American Association for the Advancement of Science, the Consumer Federation of America, and the National Governors Conference. NPR has also broadcast several lecture series including the Smithsonian "Doubleday Lectures," the Reith Lectures, the National Endowment for the Humanities' "Jefferson Lecture in the Humanities," and Boston's Ford Hall Forum.

One of NPR's most unique public affairs endeavors is a program providing an open forum for citizens of the United States and Canada. CBC's "Cross-Country Checkup" affords listeners from both countries the opportunity to telephone CBC studios toll-free to participate in discussions on topics ranging from anti-Americanism in Canada to the Canadian peacekeeping role in Vietnam.

NPR covered key events at the 1972 Democratic and Republican National Conventions as they occurred and held an "Election Night Watch" to provide listeners with up-to-the-minute poll reports, supplemented by reports from member stations on local congressional races. NPR also broadcast live coverage of the inaugural ceremonies and the inaugural concert from the John F. Kennedy Center for the Performing Arts.

Certainly one of NPR's finest achievements in broadcast journalism has been its 90-minute week-night news magazine, "All Things Considered . . ." In presenting the George Foster Peabody Award for this program, the Peabody Board said that:

> The program embodies a distinctive approach to broadcast journalism providing the public with information which is meaningful and varied. The program presents a unique and analytical examination of the day's news and important issues through exhaustive investigative reporting.

"All Things Considered . . ." regularly covers a wide range of topics. During one recent week, listeners heard interviews with: a meatpacking company regarding the rising cost of meat, one of North Ireland's political leaders, a Scandinavian emigrant who settled in North Dakota, a Member of Congress discussing rising lumber prices, an M.D. who had practiced in the wild west many years ago, an organizer of the meat boycott, and the head of the National Chiefs of Police. Other topics for the week included organized labor's views of the steel agreement, recent medical findings on blood clots, a tribute to the late Noel Coward, abortion, and the history of blacks in the military.

A continuing feature on "All Things Considered . . ." has been a series of reports acquainting the public with the often complex legislative process. The series is tracing the progress of no-fault motor vehicle insurance legislation. To expand on this theme, NPR has called upon its member stations for reports on the progress of no-fault insurance in those States that have adopted the practice and on the reasons some States have rejected the idea.

National Public Radio personnel have been recipients of other awards as well. NPR producer Barbara Newman received an Ohio State Award for "What's a Life Worth?", a program investigating Berylliosis, which is an illness contracted by workers at a beryllium plant in Pennsylvania. The award was presented for "exhaustive journalistic research both in writing content and the quality of taped actuality interviews. This award must also be recognition of the emergence of a much-needed additional voice for national radio journalism—National Public Radio."

Another NPR producer, Jim Russell, received a National Headliner Award for "The Pet Population Explosion," a shattering story on the necessity for mass animal euthanasia. Both of these documentaries were presented as special programs and also on "All Things Considered * * *."

Moving from public affairs to music, National Public Radio has emphasized the production and acquisition of taped performances of concerts held in this country and abroad. "Festival USA," for example, samples the diverse music festivals currently being held across the Nation. "Concert of the Week" is a series of performances recorded in the world's finest concert halls. A number of special music programs have also been supplied by NPR to its member stations, including the National Symphony Orchestra, under the direction of Leonard Bernstein, performing Hayden's "Requiem in Time of War"; the world premiere performance of Scott Joplin's "rag" opera, "Treemonisha"; and a broadcast of Metropolitan Opera auditions held in New York.

A third field of broadcasting endeavor for National Public Radio—drama—is certainly less typically associated with radio broadcasting as we know it today than public affairs or music. It is safe to say that NPR has an uphill road to climb in reviving public interest in radio as an effective means for presenting drama, but the network has already made a significant beginning. Through a reciprocal program exchange agreement with the Canadian Broadcasting Corp., NPR has presented for the first time in this country the CBC-produced "Soundstage," an anthology of radio drama that included Nobel Prize winner Samuel Beckett's original radio drama, "All That Fall." A public radio production center in Madison, Wis., at the National Center for Audio Experimentation with funding from the Corporation for Public Broadcasting, is producing 15 minute episodes of an updated version of the vintage radio comedy, "Ethel and Albert," for National Public Radio.

This kind of wide range in programing—whether it be public affairs, music or drama—enables National Public Radio to bring new dimensions to its listeners. When NPR was inaugurated 2 years ago, its goal was to draw people together with information about themselves and each other. I believe the network has made admirable progress in its 2 years of operation and should be congratulated for its achievements on its second anniversary.



## AN INTERNATIONAL ORGANIZATION OF OIL IMPORTING COUNTRIES

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. YOUNG of Alaska. Mr. Speaker, Thursday, May 17, I am introducing a House resolution requesting the President to commence negotiations for the convening of a convention of major oil-importing countries to establish an international organization of major oil-importing nations and to establish common practices and policies affecting oil pricing, importation, and consumption.

The oil-consuming nations of the world must stand together and have a common policy to offset that of the Organization of Petroleum Exporting Countries—OPEC. Nations such as the United States, Western Europe, and Japan must combine forces so that Middle East nations supplying most of our oil will not be able to continue to bid up the price of petroleum and impose their international policies on us.

By this country's increased reliance on Arab oil, we have put ourselves in a distressing international situation. Arab nations are utilizing their oil revenues for their maximum economic advantage. They are also using their resources to counter American foreign policy. The United States is, on the one hand, firmly committed to a free and independent State of Israel. On the other, we are continuing to rely on oil from a number of countries in the Middle East who are basically committed to the annihilation of the Jewish state.

These complex international repercussions reflect the difficult situation the United States has placed itself in by becoming reliant on Middle East oil. Financial pressure from these Arab States will continue until the United States develops domestic oil sources. The safest alternative to this untenable situation is to develop our domestic supplies as rapidly as possible. However, even if we begin to develop all our domestic sources now, it will be some time before we can eliminate our dependence on foreign oil. And we have not yet begun to develop all our domestic supplies.

Walter Levy, an oil industry consultant, has also suggested an anticartel to OPEC. Speaking before the European-American Conference in Amsterdam, Levy proposed a 10-point program for such an international organization:

[From the Oil Daily, Mar. 28, 1973]

TO PROTECT IMPORTING COMPANIES—OIL ALLIANCE SUGGESTED

AMSTERDAM HOLLAND.—A veteran independent oil industry consultant suggested the Atlantic oil importing countries and Japan form an alliance to "try to cope with the common problems of the security of oil supplies and the financial issues related to it."

Walter J. Levy, owner of Walter J. Levy Association, New York, spoke at the Europe-America Conference here, sponsored by the European Movement.

He suggested these duties for an oil importing nations' organization:

"(1) Study and review of energy demand and supply including tanker, pipeline, and refining availabilities. A program for optimum diversification of supplies.

"(2) A coordinated and/or joint research program for the development of new energy resources.

"(3) Development of conventional and new energy resources.

"(4) Review of arrangements by importing countries for oil supplies from producing countries and the establishment of broad terms of reference and/or of parameters for arrangements, acceptable to importing countries and the establishment of broad countries . . .

"(5) Arrangements for stockpiling, rationing, and equitable sharing of import availabilities in case of an emergency.

"(6) A program on conservation of energy.

"(7) Review and coordination of programs of economic development and technical assistance for producing countries.

"(8) Review of prices, costs, balance of payments effects of oil imports of member countries and also of developing countries; arrangements for support and adjustment if called for.

"(9) Review of government revenues of major oil producing countries and of their impact on world trade, world capital flows and short-term money markets; and a program of financial cooperation.

"(10) A review of the dependency of Middle East producing countries on the exports of industrial and agricultural goods and of military equipment, on shipping, services, technical know-how, etc., from the free world's oil importing countries and a continuous assessment of mutual interdependence; and also of all the means that might be available to cope with an oil supply, trade or finance emergency."

Levy suggested two possible sources of the energy policy; a special new high level international energy council, with member states and a permanent staff, or restructuring of the present OECD oil committee or its High Level Committee to implement the policy.

Its policy framework should set the limits within which the countries as well as the oil companies would handle their affairs, with some provision for changes, Levy said.

One of the important functions of the energy council would be to see that an oil embargo by producing countries became "difficult if not practically impossible," Levy remarked.

He explained this would be done through stockpiling, coordination of rationing policy, and "especially through an emergency import-sharing agreement" among the members.

This would allow supply-demand adjustments to be made, provide time to solve any disputes with the oil-producing countries or, at the worst, allow the importing countries to initiate necessary security measures, he said.

The council would also provide a place for discussion of matters affecting more than one member, such as a supply shortage by one country forcing it to buy up a lot of foreign crude, Levy noted.

It would provide "broad terms of reference" for use when negotiating with the oil producing countries, and reduce the importers' risk of being subject to the producers' unilateral demands, Levy said. The council would provide backing for the oil companies in their negotiations.

The oil producing countries know if their relations with free world countries deteriorate, they will have to depend on Soviet support, which hasn't nearly the benefits to them of western trade, and also involves political risks, Levy said.

Although Levy acknowledged the formation of a council would necessarily involve governments in the oil industry to a considerable extent, he said "there are no realistic alternatives."

We must act now, or the oil-producing countries will continue to use their natural resources to obtain even greater cash reserves, thus increase their leverage internationally. I commend the following two articles to my colleagues attention:

[From the Washington Post, March 5, 1973]

ARAB OIL MONEY HURT DOLLAR

(By Ronald Koven and David B. Ottaway)

Arab oil money played a large part in the monetary crisis which forced a second devaluation of the dollar last month, according to both Arab and U.S. officials.

Some well-placed Arab sources claim that as much as half of the $6 billion in speculative money that flowed to Frankfurt in mid-February consisted of Arab-owned Eurodollars. U.S. sources view that as somewhat exaggerated, but they readily concede that Arab money accounted for at least $1 billion.

The last official estimate of the Bank for International Settlements is that the Middle Eastern countries hold $7.5 billion of the $80 billion in the Eurodollar market, made up of dollars circulating in Europe and not repatriated to the United States.

There has been growing concern in the U.S. government that the Arab oil-producing states, whose steadily mounting official bank holdings are now calculated at about $12 billion, might be tempted to use their monetary clout for political ends. Their reserves are expected to double in the next three years.

Private holdings of the Arab ruling families are thought to be roughly equal to the official government reserves in many of the oil states.

Despite urgings by radical Arabs that the oil money be used deliberately to pressure the United States into changing its Middle East policy, it is generally believed that, with the possible exception of Libya, the Arab money was moved in February in response to the normal instinct of monetary self-preservation.

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It is widely conceded that the major U.S. oil companies also played a large part in the Frankfurt speculation and that the Arab governments simply followed their lead in their instance.

There is some dispute whether Saudi Arabia, the superpower of the oil exporters and perhaps Washington's closest Arab ally, took part in the attack against the dollar.

Saudi sources insist that they simply took a heavy loss on the devaluation, keeping their $3 billion in reserves where it was bound to suffer in any devaluation. But other knowledgeable Arab sources contend that the Saudis also tried to protect their dollar holdings, along with most of the other Arab governments.

U.S. sources tend to believe that Libya, the most politically motivated of the large Arab fund holders, was one of the most active speculators. The Libyans are known to have attacked the British pound in the past for purely political reasons.

Pinning down the source of such "hot money" flows, however, is very difficult.

If an order to switch from dollars to West German marks comes from an Arab account in Beirut through a corresponding Swiss bank, there is no way for money changers in Frankfurt to know exactly who placed the order. There is hard evidence, however that Arab officials in Beirut are trying to keep track of who does what, and the Arab League is known to have conducted a detailed study of the subject.

It is far too early even to make an educated guess of who is behind the latest attack on the dollar in which West German central bank was forced on Thursday to buy up almost $3 billion, the record for a single day.

The problem of determining who the speculators are will be a key consideration in a forthcoming Senate Foreign Relations Committee investigation to be conducted by the subcommittee on multinational corporations headed by Sen. Frank Church (D-Idaho).

Sources close to the preparations for that inquiry are expressing shock that the U.S. government has so little hard information on who has been speculating against the dollar.

But banking sources say that, of the major U.S. and foreign corporations operating across national boundaries, the oil companies are the most prone to play the money markets. This is because they must pay huge sums to the Arab oil states, and the companies try to settle their debts in the most advantageous way.

Thus, if there is $100 million to be paid to Kuwait in three months, for example, an oil company might be tempted to buy marks now in anticipation of a dollar devaluation or an upward revaluation of the mark.

If the bet is correct, the company could make a tidy profit, buying back the $100 million it needs to pay Kuwait and pocketing $10 million in marks in addition in a 10 per cent devaluation.

This practice, known as "leads and lags," is a contagious example for the Arab treasuries, whose officials have often been tutored by the Western oil companies.

An Arab League study by Prof. Youssef Sayegh, head of the economic department at the American University of Beirut and a prominent Palestinian, concluded, however, that there are some limitations to the use of oil money as a political weapon.

He cited the case of a huge, politically motivated transfer (more than $1 billion according to one estimate) of Libyan funds from Britain to France in late 1971.

Sayegh said that most of the Libyan money found its way back to British banks within a week because there was essentially nowhere else for it to be absorbed. "The Arabs are prisoners of their own funds," he concluded.

The militant Libyan government, with official reserves now estimated at more than $3 billion, is considered so far to be the only Arab state with both the resources and the inclination to use its money holdings for political purposes.

Equally militant Iraq, a county now in heavy financial difficulties, is potentially more troublesome for the monetary system than Libya, however.

While Libya's oil reserves are limited and its production has been cut back, Iraq is now considered to have the second largest reserves in the Middle East after Saudi Arabia. It plans to expand its production after just settling a nationalization dispute with Western companies. Until recently, non-Arab Iran was traditionally ranked as the Middle East's second largest oil source. But recent official estimates are that Iraq's oil potential far outstrips Iran's.

For the moment, however, Western worries about Arab oil money's place in the international monetary system are largely confined to the manipulations of the coffers of such traditionalist kingdoms and sheikhdoms as Saudi Arabia, Kuwait, Abu Dhabi, Bahrein and Qatar.

Their current monetary tactics are still thought to be purely motivated by profit-taking and self-protections. That, as recent events in Frankfurt have proven, is threat enough to force the burning of the proverbial midnight oil in the chanceries of the West.

It is clear, however, that those traditionalist Arab states are becoming conscious of the leverage they can have on the monetary system at crucial moments.

When the United States had its first devaluation, in December 1971, the Arab states were just beginning to build up their reserves. Since then, official Saudi dollar holdings have nearly tripled. With more to lose than before, the Saudis and others are demanding to know whether their friendship with the United States will continue to cost them money every time there is a devaluation, not to speak of the cost of their position in the Arab world if Washington continues to back Israel against the Arab cause.

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OIL NATIONS ASK RISE FOR DEVALUATION

(By Jim Hoagland)

BEIRUT, March 22.—The major petroleum-exporting countries decided today to seek increased payments from Western oil companies to compensate for last month's 10 per cent devaluation of the dollar.

If successful, the move by the ministerial committee of the 11-member Organization of Petroleum Exporting Countries could add significantly to American balance of payments problems and create new international inflationary pressures, especially in Western Europe and Japan, where most exports of OPEC members are consumed.

The committee voted after meeting briefly here to set up a three-member "negotiating team" that will contact the oil companies immediately to discuss amending an agreement reached in Geneva last year sets devaluation compensation for the six main Persian Gulf oil producers.

The Geneva agreement, which has set the pattern for similar compensation to all OPEC members, provides for a quarterly review of currency fluctuations. Under this formula the producing companies are due to get a 6 percent increase to companies for the latest devaluation.

But the team is empowered to act "with a view to obtaining full compensation as a result of the devaluation," a press release issued after the OPEC meeting said. OPEC sources said the team would open talks with the American, British and European oil companies by mid-April.

With oil prices rising as fears of fuel shortage become more pronounced in industrialized countries, an increase of even a few percentage points will cost consumers tens of millions of dollars this year alone.

The oil companies, which routinely raise their own prices after each new set of demands from the producing countries, may be able to argue to OPEC that many of the more recent contracts call for payments in hard currencies other than dollars in any event.

But the composition of the negotiating team indicates that OPEC intends to press the issue. Iraq, Libya and Kuwait—the three countries said to have pressed hardest for a full 10 per cent claim at the meeting today—form the unit, which is headed by Libya's oil minister, Izzidan Mabrouk.

OPEC countries produce more than 80 per cent of the world's petroleum exports and have helped drive oil prices up sharply over the past two years by demanding higher payments and increased control over production and marketing.

The gulf countries that signed the Geneva agreement are Abu Dhabi, Iran, Iraq, Kuwait, Qatar and Saudi Arabia. Alberia, Indonesia, Venezuela and Nigeria are OPEC's other members.

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## THE RETIREMENT DREAM BECOMES A NIGHTMARE

### HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. BRASCO. Mr. Speaker, for millions of Americans the dream of retirement has become more of a permanent waking nightmare. From all sides the working American man and woman is beset by lush descriptions of what it will be like when he or she leaves the work force. Sad to say, a combination of factors make reality not only different, but ugly.

Inflation is now averaging 6 percent annually and accelerating. Most retired Americans subsist rather than live, because pensions and annuities are almost always fixed, as is social security. Unable to make ends meet in a normal sense, hard-earned savings dollars are heaved into the breach to be gobbled up in turn by the cost of living.

Food prices are so high as to make meat a luxury to many millions of our elderly. In more than a few cases, the elderly have been found to be consuming pet foods. Rents are outrageous for them in decent areas. As a result many older Americans are forced to lead shabby lives of genteel poverty, often in slum areas. Property taxes often become onerous burdens on older citizens who have spent decades paying off a modest dwelling. To them a property tax increase is a catastrophe they cannot cope with.

Sales taxes eat away at their meager dollars, hitting hardest at those who can least afford to pay. To these people, life becomes a battle to subsist rather than a sunny retirement time.

Reports exist indicating that 70 percent of all single men over age 65 have incomes of less than $2,600 annually. Couples fare only slightly better. Nearly one in four possesses an income below $3,000.

The elderly are the fastest growing group of Americans living in poverty, and these total at least 5 million people. Drugs are a special sore point. The vast majority of these citizens are prone to chronic conditions requiring constant medication. Such prescription drugs are



the difference between pain and ease. Yet many of these people have to make the agonizing choice of food or drugs. Meanwhile, the drug industry piles up staggering profits while millions of these people agonize in silence.

As far as the administration is concerned, there is no chance for any new initiatives on behalf of the more than 20 million older people in this country. This, of course, drops the ball squarely in the court of the Congress. It is up to us to do what is right and necessary.

One immediate inequity concerns H.R. 3819, which corrects an inadvertent inequity created by some legislation passed last year. Congress then stipulated that 90 percent of social services funds to be spent in certain benefit programs had to be applied to those elderly, blind, or disabled persons who are actual cash recipients of welfare, while limiting to 10 percent what can be applied to former or potential recipients.

This has had a negative effect, because States and communities are forced to deny many elderly, blind, and disabled people access to homemaker services, senior citizens centers, counseling, and transportation systems which are in some part responsible for social and financial independence of many recipients. The requirement that 90 percent of funds be spent on welfare recipients is presently resulting in even higher cost to taxpayers by forcing many elderly to turn to welfare, and in some cases to expensive institutionalization.

Congress did not mean to close already established ancillary service programs to those who, though eligible, refuse to go on welfare. H.R. 3819 would eliminate this 90-to-10 percent formula applied to social service funds for the elderly, blind, and disabled. Yet this is just a tiny start.

The essence of the problem afflicting these people is simple: Low income. We can afford illegal wars in Cambodia and aircraft carriers, but no expansion of medicare's umbrella to include and cover out-of-hospital prescription drugs. We can afford a $350,000-man human trip wire in Europe with NATO, but no comprehensive manpower program for older workers.

The answer is a new, comprehensive, meaningful social security bill. If we fail to act, many hundreds of thousands of older people will be forced onto welfare rolls. This will be the ultimate blow to them as well as the final catastrophe to many American communities, who simply cannot carry such an added burden.

I am joining in sponsorship of just such a comprehensive measure, which calls for a 35-percent increase in cash benefits for the elderly, survivors, and the disabled, with a $150 minimum for individuals and $300 monthly for couples. Coupled with the cost-of-living increase Congress voted last year, this will allow the elderly to improve their living standards to an adequate level. Simultaneously, the age of eligibility would be lowered to 60 for men and women alike.

Also included in the measure are the following provisions:

Payment of benefits to married couples will be on their combined earnings record, ending discrimination against the working wife.

Extension of social security coverage, including medicare, to Federal, State, and local employees, at their option, including postal workers.

Removal of limitation on outside earnings. Social security is insurance the worker paid for. He should not be denied benefits because he has provided for other income in old age.

Improvement and expansion of medicare coverage.

This administartion, when not busy with Watergate and other ventures, has proposed that the elderly pay more of the costs of medicare, which I consider an impossibility as well as an affront to these people. This measure would reverse that proposition by reducing the burden on medicare recipients:

It would:

Eliminate the co-insurance payment requirement for supplemental part B coverage for persons with a gross annual income below $4,800.

Provide home care prescription drugs under supplemental coverage.

Reduce the age of entitlement to medicare benefits to 60.

Offer free annual physical examinations to the elderly.

Eliminate the 100-day limit on post-hospital extended care services.

Extend coverage to all disabled persons, regardless of age.

The average elderly person pays $791 annually for medical bills, and the figures are skyrocketing, well ahead of the cost of living. This measures provides for free annual physicals to encourage preventive care rather than rely on crisis treatment. This is a far better method than that sought by the President, who seeks to create cost consciousness by raising costs of coverage.

We are the only Nation in the developed world without a national health insurance plan. Our health statistics are disastrous compared to many other developed nations, including many devastated in the last world war. No segment of the population is in worse shape in respect to delivery of elementary health care than the elderly, and this is perhaps a worse national shame than any Watergate crime.

Our Nation is bursting at the seams with money and prosperity, yet we still persist in maintaining a medieval attitude toward the older person. Yet their numbers increase daily. It is long past time for Congress to cease putting band-aids on the problem. Now we have no other option than to enact some basic legislation to do justice to these deserving citizens.

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## SONG WRITTEN ABOUT WATERGATE

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. LONG of Maryland. Mr. Speaker, Americans have a knack for creating songs about current events and putting to music the stories we see in our daily papers.

Mr. Jerry Dietz of Towson, an old friend, has written a song about a very current topic—the Watergate investigations. It has been set to music and will be released, Mr. Dietz hopes, within the next week. Here are the lyrics to Mr. Dietz's song:

WATERLOO AT WATERGATE

(Words and music by Jerry Dietz, Copyright 1973)

Investigate, investigate, investigate-re-investigate
Watergate, Watergate, Watergate-re-investigate
I wanna know—who paid the dough
Who real-ly ran the show
It seems to me; it's plain to see
There's been a conspiracy.

Now if the F.B.I. would give it a try
I'm sure (that) they'll find—a real wise guy
With a crew cut hair
And a black bow tie
With a bank account—thats sky high

I'm sure they'll find—thats the kind
Of a guy—who's behind
Watergate—so lets cut bait
Lets re-investigate

For in the land of the brave
And the home of the free
There's no room for secrecy
On the ship of state
Or they'll create
Waterloo at Watergate
Waterloo at Watergate
Rah-rah-rah
Waterloo at Watergate
Rah-rah-rah

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## MEMORIAL TO LT. DOUGLAS FOURNET OF KINDER, LA., RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

### HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. BREAUX. Mr. Speaker, on May 28, 1973, the community of Kinder, La., will pay tribute to a brave young man who, in giving his life for his Nation, represented all that is good about America.

The young man is 1st Lt. Douglas B. Fournet, recipient of the Congressional Medal of Honor, and who is interred in the Kinder Cemetery.

American Legion Post No. 244 of Kinder is establishing an appropriately inscribed granite monument in the city park to the memory of this man, and the dedication ceremony will be held on May 28, 1973.

I believe the story surrounding the circumstances of Lieutenant Fournet's death should serve to remind us that young men still are willing to defend their country in times of difficult conflict, not asking how such service can be of benefit to them, but instead giving of themselves unstintingly in dedication to the preservation of freedom.

It was on May 4, 1968, that Lieutenant Fournet, an infantry officer in the U.S. Army, gave his life, but in doing so, undoubtedly saved the lives of at least five other men.



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He was the rifle platoon leader of the 2d Platoon, Company B, 1st Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile) in the Republic of Vietnam.

While advancing uphill against fortified enemy positions in the A Shau Valley, the platoon met intense sniper fire, making any movement difficult at best. The right flank man suddenly discovered an enemy claymore mine covering the route of advance and shouted a warning to the other platoon members.

Lieutenant Fournet realized that the enemy also would be alerted at that moment, and ordered his men to take cover. He then ran uphill toward the mine, drawing a sheath knife as he approached.

Disregarding his own safety and realizing the immediate danger to members of his command, he attempted to slash the control wires leading from the enemy positions to the mine.

But as he reached for the wire, the mine was detonated, killing him instantly. Five other men nearest the mine were only slightly wounded. The heroic and unselfish act of Lieutenant Fournet no doubt spared them serious injury or death.

The people of Kinder are proud of Doug Fournet; the people of Louisiana are proud of him as well. For it is a deed such as this that gives America a rich heritage—a heritage of sacrifice to a cause, a noble cause, the cause of making this a free world for all men.

His family and friends—indeed, all the people who contributed to this man's character and selflessness—are to be commended. For through their diligence and love for him they helped to mold him into the man he became.

Doug Fournet gave all he had to a cause in which he believed; by saving the lives of others, he contributed his own life. But in that sacrifice he exemplifies a spirit of dedication to the noblest aspirations of all men: the quest to live freely and decide for themselves their Nation's course of action.

## CHAPLAIN'S PRAYERS FOR RETURNED POWS

### Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. MONTGOMERY. Mr. Speaker, I recently had the opportunity to participate in welcome home ceremonies for Navy Capt. Charles Gillespie in Meridian, Miss., on April 23 and a similar event for Navy Lt. Bill Bailey in Kosciusko, Miss., on March 24. The most moving part of both of these ceremonies was the prayers offered by Navy Chaplain Frank D. Mintjal of the Meridian Naval Air Station. I commend these prayers to my colleagues for their deep meaning and the beautiful sentiment expressed:

CHARLES GILLESPIE DAY

(Benediction by Chaplain Frank Mintjal)

As we ask your blessing, O Lord, we cannot keep our joy restrained: We, Your people, this very moment have been celebrating Your special favors to us: the Jewish Passover from slavery to freedom, the Resurrection of Jesus from death to life, and the Gillespie Day from Hanoi to home—all one and the same in Your All-knowing Mind. With tears of happiness and hearts of gladness we cry out, "Shalom!" "Alleluia!" and "Thank You, God!"

Send forth these people gathered here, Almighty Father—

But never let them forget the lumps in their throats, the moisture in their eyes when Capt. Gillespie and the other POWs were returning;

Never let them forget the tremendous debt of gratitude they owe these hardy military men;

And never let them forget the lessons of those five and one-half years of his imprisonment, that life *is* worth living but that there *are* principles of honor, family and country worth *suffering* and even *dying* for.

Most of all, Lord God above, never let us forget the beautiful feeling of unity which Capt. Charles Gillespie and his comrades have given to this Country—may their faith and courage be a continuous source of inspiration and strength for all of us citizens.

God, please bless Capt. Charles Gillespie, United States Navy;

God, please give us young people to follow his example of dedication; and God, bless America, land of the free, home of the brave.

Let us work for peace! Charles Gillespie has returned! We shall not forget! Amen.

BILL BAILEY DAY IN KOSCIUSKO

(Prayer of thanks by Lt. Frank D. Mintjal)

Today is a great day, O God. Nearly ten years ago Bill Bailey was commissioned a Naval Officer, with "special trust and confidence" placed in him by the President of this Nation. For five years and eight months he was lost in the prisons of Hanoi like the biblical Joseph was lost in the prisons of Egypt. For years only the Bailey family and a few friends wept and prayed and hoped like Joseph's father, Israel, and brother, Reuben. And a famine and drought spread across the fields of Israel just like the misery and unrest that swept over our great country these past seven years.

But then, the Bailey family and the 1600 other families formed the National League of POW Families, and, like the many sons of Israel, turned the entire population to the East to look for an end to the blight. Finally, like Joseph in Egypt, Bill Bailey and his fellow ex-POWs brought honor and salvation back to this land.

For the noble efforts of the National League and similar organizations like VIVA, we are thankful, Lord. For the tenderness you showed to Mr. Carl Bailey, who like Israel, saw his son before he died, we are very grateful, Lord. But most of all, Lord God Almighty, we are especially grateful for the beautiful feeling of *unity* which Lt. Bill Bailey and his comrades have given to this Country, May their faith and courage be a *continuous* source of inspiration and strength for us citizens.

As we ask Your blessings on this great day, O Lord, we cannot keep our joy restrained; with tears of happiness and hearts of gladness we shout, "Alleuia!" and "Thank you, God!" Bill Bailey has come home!—Amen.

## WHAT WILL HAPPEN IF MEDICAL RESEARCH FUNDS ARE SLASHED: A DOCTOR'S VIEW

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. DRINAN. Mr. Speaker, budgetary actions proposed by the administration could bring to a halt much of the progress made in medical research over the past 20 years. While the administration's proposed decrease in Federal funding of medical research unfortunately comes as no surprise, the President's proposals go more than one step further: Research training grants from the National Institutes of Health are to be totally eliminated, and in addition, reductions planned in the NIH research budget would force severe curtailments in ongoing research projects, not to mention the intimidation of new efforts that would result.

I recently had the opportunity to learn the views on this subject of Dr. Norman G. Levinsky, professor and chairman of the Department of Medicine at the Boston University School of Medicine. In his statement, Dr. Levinsky makes the point that "precipitous" reductions in medical research programs are "notoriously cost ineffective." I believe that my colleagues who read Dr. Levinsky's statement will share this view, and will act to protect the now-threatened medical research programs:

TESTIMONY OF DR. NORMAN G. LEVINSKY

During the past few years, the federal budget for biomedical research expressed in dollars of constant value has gradually decreased. The budget requested by the Administration for the coming fiscal year continues this trend at an accelerated pace and contains a new element, the total elimination of research training funds. These budgetary strictures have already had a number of mischievous effects on biomedical research in this country. Should the current trends continue, biomedical research as we have known it over the past 20 years will be dismantled. In the brief time available, I would like to focus on three of the very many serious problems which will result from progressive reduction of the federal commitment to medical research.

The first is the direct effect on the conduct of biomedical research. The Congress and the Executive Branch have made a verbal commitment to the vigorous investigation of major causes of disability and death. For example, great publicity attended the institution of expanded programs in the fields of cancer and heart diseases. Close scrutiny of the budget requests for the next fiscal year indicates that incremental funding for cancer and heart diseases is far less impressive than the publicity attendant on the announcement of the new efforts would imply. Even more unfortunate is the fact that the increment in funding for these activities is drawn almost entirely from reductions in other areas of biomedical research and training. Such sudden shifts of budget are demoralizing and disruptive of important foregoing efforts. For example, arthritis and rheumatic diseases are among the principal causes of chronic disability in the American people. The announced cuts in the budget of the National Institute of Arthritis and Metabolic Diseases will damage creative investigation in this vital area of health concern. It is important to recognize that research teams carefully assembled over years cannot quickly be put together again once they have been disrupted. Technical personnel are lost, principal investigators become discouraged, and momentum gained from previous years of federal and private support will be dissipated. Precipitous shifts of budget away from ongoing research are notoriously cost ineffective; dollars poured into such programs over the years will not achieve their full potential in improving diagnosis and treatment of human disease. One of the key requirements for good research is continuity of thought, which requires continuity of support.

One further point should be stressed about static or decreasing levels of overall support for biomedical research. This is the effect on young investigators. When the research budget is so limited that it can hardly support prior commitments to senior investigators, young researchers may be virtually excluded from research funding. This phenomenon has become increasingly apparent over the past two or three years. Once discouraged because they are unable to get the funds to get started, young investigators drift off into other fields. Their training and talents for creative biomedical research may be lost to the American people for ever.

This brings me to a second related aspect of the recent changes in the funding of biomedical research and training. This is the decision by the Executive Branch to discontinue federal support for training grants for research physicians. The funds in question represent a relatively small proportion of the total NIH budget, but they have an impact on biomedical research both now and in the future far out of proportion to the sums involved. I have already pointed out the special role of young investigators in providing for innovative approaches to the problems of medical research. During their training period, these young investigators are directly responsible for the conduct of the research projects. They provide enthusiasm, creative approaches, and hard work; without them, ongoing research programs will suffer. Moreover, the training programs in question have been the source of most of the investigators now conducting major programs of research. The elimination of training funds has the gravest implications for our future ability to conduct health-related research. It is fatuous to suggest that trainees previously supported by federal training grants should now be supported by other means. Alternative means simply do not exist to support the number of individuals necessary to guarantee continuance of a varied program of biomedical research in the future. To take as an example my own department, federal training programs have supported 40 to 50 research trainees. By reallocation of internal and private funds, we hope to be able to support perhaps one quarter as great a number of young potential investigators.

Thus far, I have outlined some disastrous effects of cutbacks of direct research and research training support on the conduct of research today and the potential for research in the future. I should like to close by pointing out some of the indirect and less obvious effects on the education of physicians in general.

Elimination of training grant support and the decrement in direct research support will have a devastating effect on our ability to support faculty at medical schools. To use as an example my own Department of Medicine at Boston University again, we have been fortunate in receiving approximately $850,000 per year in training grant support, of which about $200,000 supports part of the salaries of about 30% of my key faculty. The size of the faculty in the Department of Medicine has remained approximately stable during a growth in medical school class from 70 to nearly 140 in five years. This increase in class size was undertaken to meet the national goal of increased production of physicians. Since the faculty who spend part of their time supervising research devote the bulk of their effort to teaching and related duties, the impact of loss of salary support for those key faculty members is evident. I should stress that these same faculty teach not only physicians destined for academic careers but all our Boston University students, the majority of whom have for many years entered careers in the practice of medicine. For a private school with a modest endowment there is no hope of replacing this substantial source of faculty support. The end of these grants can only mean a cutback in faculty and hence in the quality of medical education as a whole.

I hope that the Congress and specifically you as a Representative of a State which has always stood for the finest in medicine and has been a world-leader in the training of medical teachers and researchers will be sympathetic to continued support of these vital medical faculty and trainees, and will press for the restoration of training grants and improved funding for biomedical research in general.

I thank you for the opportunity of speaking to you about these vital matters today.



## IS COLLEGE FOR YOUR CHILDREN?

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 14, 1973*

Mr. DERWINSKI. Mr. Speaker, from time to time, the Suburban Life features a column in which various staff members contribute their own individual viewpoints. I am pleased to insert into the RECORD a very practical and, I believe eminently correct, commentary by John Mars of the Suburban Life staff:

IS COLLEGE FOR YOUR CHILDREN?

(By John Mars)

There now is a crisis in the unemployment market. It's created by an over-abundance of so called educated persons or college graduates. The educational system as it is today continues to greatly overstress the need for higher education.

When I was in high school I went through the painful mesh of directing my goals toward more education.

From what I heard and understood to be the truth from parents and counselors, which is about the same, to get a better job and more money you had to go to college. This may have proved wrong.

According to 1973 figures, for years 1973 to 1977, tomorrow's No. 1 manpower or womanpower demand will be the greatest for stenographers and secretaries.

Positions to be filled annually will require 247,000 secretaries, 131,000 retail salespeople, 111,000 hospital attendants, 89,200 mechanics, 74,000 bookkeeping workers, 69,000 registered nurses, 67,000 waiters and waitresses, 64,000 cashiers and 61,000 typists.

These are the nine big areas. Judging from the figures, the most openings and good paying jobs should be found through manual labor. Being able to use your hands more than your mind is the trend. I now think I was misled in high school.

If I would have know all the pain, money and frustration that I would face before and after college, I doubt now, after the fact, that I would have attended.

My college years cost me $36,000. I averaged spending over $2,000 a year attending a state university. This includes books, clothes, rent, food, insurance, car expenses and tuition. Multiply that $2,000 by four years and it's $8,000. Even then a college degree costs relatively little.

Also add how much I would have made, working a manual labor job averaging, say, $7,000 a year with overtime.

Multiply that by four years away at school and it's $28,000, total $36,000.

Now that I'm out in the "real world" I face a debt of $6,000.

I do not want any "that's too bad" remarks, but it is too bad. Not only for me but for people in similar situations.

The American educational system with all its fantasies and illusions has somehow brainwashed a sizable amount of people who are now pounding the streets for jobs—the grads. Why has this situation happened?

If you think it's easy finding a job now with a degree, you're wrong. Of course, unless you know the right people or are in the right place at the right time.

But what about those that only have 16 years of schooling and no connections and are not at the right place at the right time? Pity the poor fumbling idiots, right?

My advice to parents and teachers is to quit hammering young adults with the beliefs that higher education yields a key to success. It might, but then again, I doubt it.

If I were a parent, I'd "aim" my children toward fulfilling their own goals with their own minds. Let them lead a life not surrounded by uncontrollable pressures to get ahead in the world.

Education is a great tool to understanding ignorance. That I now know. But ignorance is also a tool that can destroy an educated mind and leave you feeling cheated.

# SENATE—*Tuesday, May 15, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. ROBERT T. STAFFORD, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

"Dear Lord and Father of mankind,
Forgive our foolish ways;
Reclothe us in our rightful mind,
In purer lives Thy service find,
In deeper reverence praise.

"Drop Thy still dews of quietness,
Till all our strivings cease;
Take from our souls the strain and stress,
And let our ordered lives confess
The beauty of Thy peace."

—WHITTIER.

In this spirit and by Thy grace may we serve Thee and this Nation.

In Thy holy name we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 15, 1973.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT T. STAFFORD, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. STAFFORD thereupon took the chair as Acting President pro tempore.

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## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 14, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## VETERANS' ADMINISTRATION PHYSICIAN NEW PRESIDENT OF AMERICAN COLLEGE OF PHYSICIANS

Mr. SCOTT of Pennsylvania. Mr. President, a distinguished constituent of the Commonwealth, Dr. Truman G. Schnabel, Jr., was recently elected president of the 21,000-member American College of Physicians at the annual meeting of this international specialty society held in Chicago. Dr. Schnabel is chief of the medical service at the Veterans' Administration Hospital in Philadelphia and also professor of medicine at the University of Pennsylvania School of Medicine.

This is the first time a VA physician has been named president of the organization, although Dr. William S. Middleton, former VA chief medical director, was president of the ACP before his appointment to the Veterans' Administration.

The American College of Physicians was founded in 1915 to maintain and advance the highest possible standards in medical education, medical practice, and clinical research. Much of its work is directed to the continuing education of its members at medical schools and teaching institutions, and the publication of Annals of Internal Medicine. Its meetings comprise forums for the exchange of medical information by practicing, teaching, and research physicians.

Dr. Schnabel was appointed to his present VA position in February 1973. He had served the Philadelphia VA hospital as a consultant since 1954. He was graduated from the University of Pennsylvania School of Medicine in 1943 and most of his professional career has been with the University of Pennsylvania and the Philadelphia General Hospital. Dr. Schnabel achieved full professorial rank in 1963. Recently, he has devoted much of his energy to the field of medical education to which he has made distinguished contributions.

## PENJERDEL REAFFIRMS TOCKS ISLAND SUPPORT

Mr. SCOTT of Pennsylvania. Mr. President, it is my pleasure to report that the Penjerdel Corp.'s reevaluation of Tocks Island conservation project has been completed. The nonprofit Penjerdel Corp. is an affiliate of the Greater Philadelphia Chamber of Commerce. It encompasses the many important economic enterprises in the three-State Pennsylvania, New Jersey, and Delaware region surrounding and oriented toward the city of Philadelphia.

Together these great enterprises represent a huge segment of our economy and workforce, productively employing hundreds of thousands of people, and sustaining the millions of citizens dependent upon the waters of the Delaware River. Aware of this critical dependence, the 70-member Penjerdel Environmental Improvement Committee last summer launched a reevaluation of the congressionally authorized Tocks Island project, for conservation of those waters for all public purposes—including needed domestic, municipal, and industrial water supply, public energy supply, flood protection, and water recreation.

In addition to consulting other recent Tocks Island preconstruction reevaluations, this prestigious committee also met with representatives of both Government and nongovernment groups concerned with this matter, including environmentalist groups. After "reevaluation of both the positive and negative aspects of Tocks Island project" the Penjerdel Environmental Improvement Committee now "reaffirms its continued support." Its report concludes:

The economic, social, and environmental benefits of the Tocks Island project outweigh any adverse environmental impact.

The human values of flood control and water supply are substantial.

It is imperative that the Delaware Valley have an adequate water supply to meet the needs of the public, as well as industrial plants and public utilities—elements of our society of vital concern to us all.

The agencies involved in developing the Tocks project have asserted that the expertise is available to avoid, minimize, or compensate for the anticipated adverse effects and that this will be done.

The valid issues raised should serve to accentuate the need for continuing efforts to best solve the remaining problems, but further delay—of Tocks Island project—is neither prudent nor justified.

Mr. President, the Environmental Improvement Committee's report underscores the basic importance of this authorized conservation project to the human environmental needs of the area. I ask unanimous consent that the report, and its bibliography, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORTING THE TOCKS ISLAND DAM AND RESERVOIR PROJECT AND THE DELAWARE WATER GAP NATIONAL RECREATION AREA, MARCH 29, 1973

The Greater Philadelphia Chamber of Commerce has recently completed a reevaluation of both the positive and negative aspects of the Tocks Island Project and reaffirms its continued support.

On four occasions in the past twenty months the Chamber's Environmental Improvement Committee has voiced its support for the multipurpose project consisting of the Tocks Island Dam and Reservoir Project and the Delaware Water Gap National Recreation Area. This support has been based on its acceptance of the validity of evaluations made or supported by such authoritative sources as the U.S. Corps of Engineers, the Delaware River Basin Commission, the United States Congress, the President's Council on Environmental Quality, and numerous other State and Federal agencies, to the effect that for the area it would accomplish the following (not listed in an order of priority):

1. Provide protection against damaging floods.
2. Meet increasing needs for municipal and industrial water supply.
3. Augment river flow in dry periods.
4. Supply needed electricity for a populous region.
5. Meet increasing outdoor recreation needs in the Northeast.

The Chamber has recognized the validity of certain environmental and economic questions raised regarding related issues, including:

1. Acceleration of area growth with resultant problems for financing highway improvements, for handling influx of people to the recreation areas, and associated problems.
2. Control of river and reservoir pollution.
3. Control of eutrophication of the reservoir.
4. Reservoir draw-down effects to control drought.
5. Need for flood plain and land use controls.
6. Feasibility of some alternatives to accomplish project objectives.

The persistence of opposition to the project from various quarters and the emergence of additional information has led the Chamber to conduct informal briefings with representatives of responsible groups on both sides of the question in order to update its position. Four such meetings were conducted by a task force appointed by the Environmental Improvement Committee between September 18th and December 6, 1972 to hear the comments of the following persons: Col. Carroll D. Strider—District Engineer, U.S. Army Corps of Engineers; Paul Felton—Executive Director, Water Resources Association/Delaware River Basin; Thomas Dolan—President, Environmental Planning and Information Center of Pennsylvania, Inc.; Harold Lockwood—Representing the Sierra Club and Save the Delaware Coalition; Dr. Ruth Patrick—Curator and Chairman, Limnology Department, Philadelphia Academy of Natural Sciences; and James F. Wright—Executive Director, Delaware River Basin Commission, accompanied by Robert L. Goodell—Chief of the Operations Branch.

In addition to the briefings and literature made available from these associations, statements and brochures from other sources have been consulted, as indicated in the bibliography on page 5.

It is not possible, in a project of the scope of the one at Tocks Island, to assert that it will cause no adverse effects, either social or economic or environmental. However, the Chamber is convinced that the economic, social and environmental *benefits* of the Tocks Island Project outweigh any adverse environmental impact. In this respect, we note that the *human* values of flood control and water supply are substantial. Recalling the recent Hurricane Agnes in the Susquehanna River basin we realize the disaster which could befall this area. We feel that the Tocks project will create fewer problems than the alternate solutions for flood control and water supply suggested by the opponents of the project.

The agencies involved in developing the Tocks project have asserted that the expertise is available to avoid, minimize, or compensate for the anticipated adverse effects and that this will be done. Moreover, Federal legislation, such as the recently enacted Federal Water Pollution Control Act Amendments of 1972, provides the basis for controls of non-point pollution sources as well as regional sewage systems.

While it is apparent that all of the problems have not yet been solved, the cost escalation attributed to delay, estimated at about $35 million annually, is a cogent argument for proceeding with this project as soon as possible. No less compelling is the need to support the anticipated economic growth of this area with the resources available in power and water.

The importance of the dam in terms of the potential water supply, flood controls and hydroelectric power has been documented by the Corps of Engineers (See item 10 of bibliography). However, most of the plans for development of new electric power sources in the lower Delaware Valley are dependent upon the reliable sources of cooling water which can be achieved through the Tocks Island Dam Project.

It is imperative that the Delaware Valley have an adequate water supply to meet the needs of the public, as well as industrial plants and public utilities—elements of our society of vital concern to us all.

Certainly the valid issues raised should serve to accentuate the need for continuing efforts to best solve the remaining problems, but further delay is neither prudent nor justified. Let's get on with the job.

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## WILKES-BARRE, PA.—PROGRESS ON DISASTER RELIEF

Mr. SCOTT of Pennsylvania. Mr. President, on May 11, 1973, I presented a statement of my views to the Senate Public Works Subcommittee on Disaster Relief during field hearings in Wilkes-Barre, Pa.

I ask unanimous consent to have my statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HUGH SCOTT, SUBCOMMITTEE ON DISASTER RELIEF, U.S. SENATE COMMITTEE ON PUBLIC WORKS, WILKES-BARRE, PA., MAY 11, 1973

Mr. Chairman, I very much appreciate this opportunity to present my views on the disaster relief effort in Pennsylvania and on proposals to improve it. More than that, however, I want to thank you for holding this hearing in Wilkes-Barre, the city which sustained the heaviest damage in last year's flood. In the course of these hearings, over the next two days, you will hear from many Pennsylvanians who will tell of their first-hand experience and involvement in the flood relief program. This subcommittee would be well advised to consider very seriously the suggestions and criticisms these people make.

Nearly a year ago, tropical storm Agnes hit Pennsylvania with unprecedented fury. It was the worst natural disaster in the Nation's history. Forty-four Pennsylvanians were killed. Many thousands of homes were destroyed. Bridges were torn apart. Factories and businesses were wiped out. Thirty-five million dollars ($35 million) worth of growing crops were destroyed, in addition to millions of dollars in agricultural capital losses. Public utilities and services were cut. When it was over, realistic estimates placed the damage at a *minimum* of $1.5 *billion*.

In response, the Federal government—President Nixon, the Office of Emergency Preparedness and some thirty other agencies initiated a massive relief effort. The entire Commonwealth was declared a major disaster area immediately, thus triggering Federal assistance. The OEP opened field offices, individual assistance centers and mobile teams to direct and coordinate the Federal relief program. Of principal concern to the OEP were shelter and food and the restoration of public facilities and services. The Department of Housing and Urban Development brought in thousands of mobile homes to provide shelter. The Small Business Administration initiated its disaster loan service for both small businessmen and homeowners. The Department of Agriculture, in addition to operating its own emergency loan program for farmers, issued millions of dollars in free food stamps. The U.S. Army Corps of Engineers, having broad responsibility for emergency work, opened field offices and began to clear debris, repair and rebuild roads, bridges, sewer systems and other repairs to public facilities. These are the Federal agencies which carried the heaviest workload.

Once these administrative operations were underway. President Nixon and the Congress took to the legislative track. I, for example, proposed and had passed an emergency appropriation of $200,000,000 just days after the storm ended. These funds were used to provide broad measures of assistance to the Commonwealth and local governments as well as individual victims in the flood area. After several weeks of intense study, the President proposed the Agnes Recovery Act which, in addition to providing enormous Federal relief through appropriations, also proposed one percent disaster loans with the first $5,000 of such loans to be "forgiven"—that is, not to be repaid. I sponsored this bill in the Senate, along with a special aid program for nonprofit, private educational institutions, and within a matter of weeks President Nixon signed it into law.

The very fact that thirty Federal agencies were involved in the relief effort is enough to understand the basic deficiency of that effort. There was no one place where individuals could go for help. What was needed was a single location in the disaster area where sufficient personnel were made available to provide local citizens and public officials information concerning Federal disaster assistance in that area.

More specifically, the relief that was provided came through a multiplicity of vehicles designed for other purposes, and this led to inefficiency, confusion and waste. Each agency that was charged with providing a particular aspect of relief operated within its own legislative framework of rules and regulations. This, in itself, militated against efficient coordination of the recovery effort. A stern Federal taskmaster would have been welcome from the beginning. Furthermore, the categorical grant requirements of the myriad Federal programs involved prevented the rational allocation of government relief funds.

By far, the Federal agency having the most people-to-people contact, in the disaster recovery effort is the Small Business Administration. Under the law, it is charged with administering the disaster loan program for both small businessmen *and* homeowners. I have felt for some time that homeowners loans ought *not* to be a function of SBA, and the Senate Committee on Banking, Housing and Urban Affairs apparently shares my view. In its report last year on the disaster relief program, it noted "that particularly with regard to disaster relief loans to homeowners that SBA's responsibility in disasters often results in the agency's inability to efficiently handle its primary duty of assisting small business." The report went on to say that the Committee was prompted "to feel that the function of handling homeownership disaster loans might well be placed as the responsibility of an agency that has more expertise in that area."

In addition, SBA's own regulations fostered inequities in the loan program and caused dissension in the community when one person, for example, finds out that estimates or requirements given him were substantially different as applied to another person. Loan applications required entirely too much unnecessary background material, and this inevitably caused delay. I am aware, that in filling out these applications, many of our elderly citizens were not advised of the law's provision for the suspension of loan principal payments. To me, this is very sad, because the elderly are really the least able to cope with the financial burdens resulting from the flood.

The Small Business Administration has also had its communication and coordination problems with local redevelopment authorities. For example, the SBA would approve a home loan or a small business loan, the work would be done (or at least underway) and the local redevelopment authority would then acquire the property for urban renewal. Obviously, the public is not being well-served in such circumstances. A similar problem exists with respect to site relocations. I have seen instances in which a loan applicant, whose property was not fully destroyed, wanted to relocate out of the flood plain. He was told that regulations prohibited such benefits unless damage was total. Here again, public policy was less than rational.

Several years ago, a Presidential Task Force on Federal Flood Control Policy recommended that the Government "support consideration of relocation . . . as an alternative to repetitive construction." Specifically, the SBA was even asked to consider modifying its regulations "to require consideration of possible relocation as a qualification criterion for loans." Perhaps the latter recommendation would work a hardship on many individuals, but in those cases in which relocation has been both requested and recommended, the SBA ought to provide maximum assistance.

There is already in effect an SBA regulation which prohibits future flood disaster assistance on abandoned property in flood disaster-prone areas. However, if people are not being given the necessary help to relocate, they are trapped by their own inability to move. People must be encouraged, wherever possible, to leave the flood plain. Local communities should similarly be required to adopt a coherent land use policy. Of course,



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care should be taken when granting relocation aid involving moves of unreasonable distance. Relocation should take place in the same geographical area. The Government could also provide tax incentives for the relocation of obsolete or hazardously located property, perhaps with limits on the number of times disaster deductions may be claimed for properties in hazard areas. This might be one way to achieve a desired goal.

The Department of Housing and Urban Development, although not in the disaster loan business, has had urban renewal coordination problems with local redevelopment agencies as well as with the SBA. There simply is no program for a complete disaster recovery effort, although there is a tremendous need for one especially in the Wilkes-Barre area with 156 municipalities. Not enough monies are available to them to fund the acquisition of a great many damaged properties, for the cost of rehabilitation far exceeds the original worth.

The current HUD moratorium on the construction of new housing has worked a special hardship in the Wyoming Valley area, especially among indigent and elderly citizens. Some consideration ought to be given to ending the moratorium in the face of a disaster recovery situation. As a general rule, though, HUD will have to come up with a cheaper, and either more easily stockable or more easily transportable form of emergency housing. Certainly, in the interest of economy and the speedy return of disaster victims to their homes, HUD must provide more funds for the rehabilitation of homes. Also, an extension of the law's one-year rent free emergency housing ought to be considered for the indigent and the elderly.

One particular case I have encountered with respect to HUD's involvement in property acquisition concerns the local development authority's purchase of some property on the flood area. The authority is permitted under HUD procedures to pay the landowner pre-flood value for his property. The Office of Emergency Preparedness and the authority are asking HUD to change its procedures to, in some cases, allow the authority to purchase a flood-damaged building and the land at pre-flood values and then sell the land after demolition and debris clearance back to the original owner. The existing HUD procedures do not permit former owners to redevelop. This is exactly the type of problem which will have to be addressed in the development of future disaster relief legislation.

Through the Department of Agriculture, the Farmers Home Administration provides a number of services during disaster periods. Working closely with local farmers and the Pennsylvania Farmers' Association, I can recommend at least six changes in the relief program which would have a major and beneficial impact on the farmers' recovery.

1. Thought should be given to providing emergency funds for soil conservation service similar to funds made available to OEP during times of flood disaster.

2. The emergency feed grain program should be changed to include poultry and swine farmers during periods of emergency similar to that after the Agnes flood.

3. The workload problem of county offices of the Agricultural Soil Conservation Service and other agencies during periods of emergency needs to be given attention. In the future, when such an emergency arises, agencies should be given more flexibility to acquire temporary manpower needed to alleviate the workload brought on by such an emergency.

4. Consideration should be given for providing more help to cash crop farmers. Standing crops should be considered as inventory. Changes in both the law and regulations would alleviate this problem.

5. In order to be more equitable, future disaster relief should be based on percentage of loss, rather than a set amount such as $5,000 forgiveness in the current law. This would be especially important to farmers with large losses.

6. Consideration should be given to allow the Farmers Home Administration to provide farmers the same benefits the SBA gives nonfarmers. For example, the FHA should be able to refinance debt in addition to real estate, and should be able to give longer repayment periods to persons hit by flood disasters.

In the early hours of a disaster no one Federal agency is more important than the U.S. Army Corps of Engineers. It is their responsibility to clear away the debris, open the roads, restore bridge traffic, repair the sewer systems and restore other public facilities to maximum use under the circumstances. Their work must be successfully completed before a community can proceed to a full recovery effort.

However, the larger role of the Corps of Engineers is to provide flood protection. In the Susquehanna River basin, which includes Wilkes-Barre and the Wyoming Valley area, I believe that the flooding last year could have been greatly reduced if the necessary flood protection facilities had been in place in upstate New York. The dikes along the way toward the south only served to increase the velocity of the river water along the existing channel. I would continue to urge the Corps to expedite its studies of the basin so that an early determination can be made as to the need for additional flood protection facilities. In the meantime, the Corps should repair those dikes which are absolutely necessary for emergency flood protection.

One problem that has been brought to my attention concerns possible Corps negligence on private property. Perhaps some consideration ought to be given to providing property owners with an additional degree of protection against any damage caused by the Corps in the course of its work. In addition, it would be wise to have the Corps coordinate its activities more closely with local redevelopment authorities, SBA and HUD. If additional flood protection will not be provided by the Corps, for one reason or another, then these agencies should not embark on a massive repair program. Rather, all that should be necessary is full relocation assistance.

Provisions should also be made for immediate stream restoration in cases where such streams need to be restored because of the danger of future flooding. The Corps should establish guidelines, both for itself and for its contractors, to create better understanding and cooperation in the case of stream restoration. These guidelines should shed special light on the predicament in which farmers and private landowners find themselves after a flood.

The principal role played by the Internal Revenue Service during and after a disaster should be to provide immediate tax assistance to persons and businesses suffering losses. This was done, I believe, to everyone's satisfaction. However, the law's provision for $5,000 forgiveness caused a great deal of confusion among persons receiving such benefits, because of the IRS ruling that such forgiven portions of loans were subject to taxation as ordinary income. I even introduced a bill to exclude these grants from taxation.

The IRS has attempted to clarify this confusing situation, but too many people apparently do not understand the rationale behind their ruling. I would suggest a total revision of the tax law insofar as casualty losses are concerned in order to provide maximum tax advantage to persons faced with disaster damage and loss. Perhaps an approach which takes into consideration the cost of a replacement item versus the original cost of the property might be workable. Certainly the IRS should consider the appreciation in value of property along with the actual cost of replacing it.

One particularly crucial problem has arisen with respect to the IRS treatment of certain farm losses. In a recent ruling, the IRS disallowed as a flood loss item the cost associated with seed and fertilizer *in the ground*. If such property were in storage, a loss could be claimed, they said, but once it is in the ground, the loss is disallowed This is a real inequity and it ought to be corrected immediately.

There are a number of things which the Federal government can do, on its own, in a disaster to ease the recovery effort. I think I have covered quite a few of them in my statement. However, some particularly sensitive problems do arise which should command special attention.

With respect to contractors hired by both the government and private citizens, some mechanism ought to be set up to prevent, as much as possible, shoddy work and fraudulent claims. Contractors should be required to register with some government authority in order to be eligible for flood related work. There simply has to be some sort of accountability here in order to prevent abuses, such as price gouging on necessary work.

Consumer protection units should be placed in immediate operation to advise individuals of their rights under the law and to protect them from the few unscrupulous government or business personnel who might seek to take advantage at a critical time for personal gain. Sufficient legal aid must be made available to handle this job well.

Consideration should be given to the imposition, by the government, of limited emergency controls on prices, wages, rents and interest rates. I fully realize that such controls have their drawbacks and tend to disrupt the normal economic exertions of supply and demand. However, to prevent a potentially chaotic situation, some controls are necessary.

Application forms for loans or material assistance should be as free of red tape as possible. There have been too many instances of delay because of long, drawn-out application procedures. Help must be provided as quickly as possible, with a minimum of prerequisites.

The Federal, state and local governments must begin working now to delineate the responsibilities each one has to assume during a disaster. Every minute lost arguing over jurisdictional questions at critical times could be catastrophic. The time for such advance planning is *now*.

In a recent message to Congress on the need for a better Federal program of disaster assistance, President Nixon noted that the "responsibility for relief is presently too fragmented among too many authorities. At the Federal level, disaster relief should be managed by a single agency." I couldn't agree more. In fact, I voiced those same sentiments five months earlier on the Senate floor when I introduced my own bill to streamline Federal disaster assistance. I subsequently introduced another bill to allow relocation assistance to individuals and businesses acquired for certain Federal projects, while waiving the residency and occupation requirements of the law. HUD's urban renewal projects currently enjoy such benefits, and my bill will extend them to other Federal agencies' projects.

The single most important piece of disaster-related legislation pending in Congress now is the National Catastrophic Disaster Insurance Act of which I am a sponsor. The bill proposes a national disaster insurance fund—the pool from which all disbursements for claims will come. The funding formula would be in three parts: First, all property insurance policyholders would pay a small surcharge on property and liability insurance premiums. Second, there would be a 1-percent charge on all repayments to the Small Business Administration and the Farmers Home Administration of their outstanding disaster recovery loans. Third, congressional appropriations would make up the balance. However, the initial appropriation would be $1 billion, which would be repaid at a later date to the Treasury when the National Disaster Insurance Fund reached a sufficient level of reserves. Of particular importance to Pennsylvanians is the retroactive nature of this bill.

President Nixon, in his message to Congress, pledged: . . .

"to improve the delivery of Federal assistance, to provide a more equitable basis for financing individual property losses, and to forge a more balanced partnership for meeting disasters headon—a partnership not only among governments at all levels but also between governments and private citizens. The Federal government would continue to assist with financing, and State and local governments would have far more latitude and responsibility in the use of those funds. For homeowners, farmers and businessmen, who have suffered disaster losses, the Federal government would continue to provide direct assistance."

It is certainly my hope that a catastrophic disaster insurance plan can be a part of this Federal effort.

In conclusion, I want to emphasize that the overall Federal response to last year's floods have been overwhelming. Without it, the Wyoming Valley would never have survived. So whatever criticisms I have had of the Federal operation should be viewed more as procedural criticisms than as structural criticisms. More Federal attention must be paid to the expected response of state and local officials. In retrospect, this can be seen as the weakest link in the chain.

One final word must be said about the tremendous cooperation that existed, and continues to exist, among all the members of the Pennsylvania delegation in Congress. In the last twelve months we have all pulled together to assist in a total Pennsylvania recovery effort. Special praise, however, must go to Representative Dan Flood from Wilkes-Barre. Without his persuasion, influence and good humor, much of what has happened to revive the Wyomong Valley might not have happened. He deserves the gratitude of all Pennsylvanians.

Mr. Chairman, I know full well that the legislative jurisdiction of the Senate Committee on Public Works does not extend to all of the problems and areas I have touched on today. But I hope that I have given you some idea as to the complexity of the Pennsylvania disaster so that you, and the Congress, can work out a legislative solution that will be comprehensive and effective for an indefinite period. Piecemeal legislation will not get the job done.

Thank you again for allowing me this opportunity to present my views.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Illinois (Mr. STEVENSON) is now recognized for not to exceed 15 minutes.

Mr. SCOTT of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, under the previous order, the distinguished Senator from Illinois (Mr. STEVENSON) had reserved time to speak, he to be followed by the Senator from Virginia now speaking. I ask unanimous consent that the order of recognition be reversed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia and the Senator from Illinois will be recognized in the reverse order.

## AID TO NORTH VIETNAM

Mr. HARRY F. BYRD, JR. Mr. President, I have received from the American Legion, Springfield Post 176, of Springfield, Va., a resolution opposing U.S. economic aid to North Vietnam. It is a well written resolution and is attested to by the adjutant, C. Earle Palmer, and the commander, James H. Daley.

The resolution was adopted May 10, 1973. I ask unanimous consent that it be published in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRY F. BYRD, JR. Mr. President, I invite the attention of the Senate to the resolution because I think it important that attention be focused on the proposal to take American tax funds and send them to North Vietnam.

I note in the New York Times of Friday, May 11, 1973, that William H. Sullivan, a senior American negotiator with North Vietnam, said—

That while Hanoi officials strongly desired foreign economic aid, they were suspicious of any multinational programs because "they don't trust the Russians or Chinese any more than they do the United States."

Even though they do not trust the United States, they are willing to take American tax dollars. I, for one, am not willing to give American tax dollars to the North Vietnamese. I do not believe the American people want their dollars taken out of the pockets of hard-working wage earners to be turned over to the aggressors in Hanoi.

I desire to have the RECORD show that I shall strongly oppose any proposal to take tax money from the people of the United States and send it to North Vietnam.

Mr. President, I also ask unanimous consent that the New York Times article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

THE AMERICAN LEGION,
SPAINGFIELD POST 176,
*Springfield, Va.*

RESOLUTION—CONCERNING AID TO NORTH VIETNAM

Whereas, On occasions, the United States of America has had to use force against those who chose by force to deprive others of their freedoms; and

Whereas, In the pursuit of preserving democracy, it has been necessary to render ruin to many institutions, facilities and homes in the countries of our enemies, with such ruin being rendered by design or accident; and

Whereas, It has been the policy of the United States of America to help rebuild nations following cessation of hostilities with, and compliance with post-conflict agreements by, those nations; and

Whereas, Communist North Viet Nam, reportedly, has repeatedly broken the cease-fire agreement since 27 January 1973 and is apparently still promoting active aggression in Southeast Asia, especially in the Republic of Cambodia, for the sole purpose of promoting World Communism; now, therefore, be it

Resolved, That the membership of Springfield American Legion Post 176, regularly convened on 7 May 1973, request that there be no consideration of appropriation, diversion or transfer of U.S. funds for the purpose of rebuilding any institution, facility or home in North Viet Nam until North Viet Nam has shown, beyond a doubt, that she is refraining from aggression, will abide by its cease-fire agreement, and will not attempt to impose Communism upon any individual against their will; and be it further

Resolved, That this resolution be presented to the Tenth District, Department of Virginia, American Legion, Convention on 10 June 1973 for their favorable consideration; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States; Senators William L. Scott and Harry F. Byrd; and Congressmen Joel T. Broyhill and Stanford E. Parris.

EXHIBIT 2

HANOI DEEMED MISTRUSTFUL ON JOINT AID

(By Bernard Gwertzman)

WASHINGTON, May 10.—William H. Sullivan, a senior American negotiator with North Vietnam, said today that while Hanoi officials strongly desired foreign economic aid, they were suspicious of any multinational programs because "they don't trust the Russians or Chinese any more than they do us."

Testifying before the Senate Foreign Relations Committee, Mr. Sullivan said North Vietnam's need for American assistance was one of the factors that might motivate it to comply more fully with the provisions of the three-and-a-half-month-old cease-fire agreement in Vietnam.

Mr. Sullivan, Deputy Assistant Secretary of State for East Asia and Pacific Affairs, was a chief deputy to Henry A. Kissinger in the long negotiations and recently renewed talks in Paris. Today he appeared before the committee on his appointment as Ambassador to the Philippines.

Mr. Sullivan said that although there was "enormous suspicion" in Hanoi of multinational programs, there might be "conscious parallelism" in aid.

He said: "If the Chinese, for instance, built some narrowgauge railroad track for the North Vietnamese, the United States might supply railroad cars that would fit the track."

Senator J. W. Fulbright, chairman of the committee, got into several clashes with Mr. Sullivan over American policy in Indochina.

Mr. Fulbright said he hoped that Mr. Sullivan in his new post in Manila would not lead the United States into "a new Vietnam."

Mr. Sullivan assured him that he did not see anything comparable in the two countries. He said the insurgent problems in the Philippines were not of the same dimensions as those in South Vietnam.

Mr. Fulbright indicated that despite his differences, not only with Mr. Sullivan, but with two other appointees, Graham A. Martin, Ambassador to South Vietnam, and G. McMurtrie Godley, as Mr. Sullivan's successor, he would not try to block their confirmation

Yesterday, Mr. Fulbright suggested that while serving as Ambassador to Italy from 1969 until this January, Mr. Martin had recommended covert American funds to influence Italian politics.

Mr. Martin refused to discuss the matter, and when the hearings resumed today, Mr. Fulbright did not pursue the matter and excused Mr. Martin from further questioning.

Among other nominees heard today were Jack B. Kubisch, as Assistant Secretary for Inter-American Affairs; Robert J. McCloskey as Ambassador to Cyprus, and Philip V. Sanchez as Ambassador to Honduras.



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## RAIDS BY NARCOTICS AGENTS

Mr. HARRY F. BYRD, JR. Mr. President, the Lynchburg, Va., News of May 11, 1973, contains an excellent editorial concerning the raids made on two homes in Collinsville, Ill., by narcotics agents.

News accounts indicate that the agents involved in this case had no warrants and broke into private homes without knocking. They inflicted terror and abuse on innocent people in a manner that suggests the tactics of the Gestapo or the MVD.

Tactics of this kind cannot be tolerated. As the editorial states:

We look to government to protect us against the criminal. But who can we look to, to protect us against such government?

I ask unanimous consent that the editorial, entitled "Terror In The Night," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TERROR IN THE NIGHT

There are three things to keep in mind about the chilling incidents reported in the columns in the center of this page:

1—They are true.

2—They have happened before in this country.

3—They can happen again.

The story came to the attention of Sen. Harry F. Byrd Jr. when the Washington Star published it on Sunday, April 29, under an eight-column headline, "The Night Terror Came Knocking".

". . . It sends chills down one's spine," Senator Byrd told the Senate on May 3. "It is difficult to comprehend that this could happen in the United States." He reminded his colleagues that he had warned against the controversial "no-knock" law passed in 1971 which gives police officers armed with warrants authority to enter a dwelling without knocking or identifying themselves. Narcotics agents, in particular, wanted such a provision, explaining that under the law at that time, they had to knock and identify themselves, thus giving drug users and pushers time to flush drugs down the drain.

In the two Collinsville incidents, however, the narcotics agents did not even have warrants! Moreover, their treatment of the Giglotto and Askew families was uncalled for and reprehensible. Myles J. Ambrose, director of the Federal Drug Abuse Enforcement Program, and a special assistant attorney general, has ordered an investigation, stating that "if any Federal agents have acted improperly, appropriate action will be taken. Under no circumstances will I permit my agents to violate anyone's constitutional rights."

The brutal abuse his agents inflicted on these two families violates not only Constitutional rights but human rights as well. There is no excuse whatsoever for their arrogant, sadistic behavior. Those agents have no business working for the Federal Government and exercising its authority. They should be fired immediatedly, along with the supervisors who authorized the raids.

This is not the first time, unfortunately, that Federal agents have burst into private homes in the night, brandishing guns and refusing to identify themselves. A couple of years ago they shot and seriously wounded a man who tried to defend himself and his wife when a gang of armed, unkempt agents knocked down his door and refused to identify themselves. If this keeps on, somebody is going to be murdered by these thugs.

The Government must be forced to change such methods of operation. The people cannot permit them to behave like criminals in order to catch one. When it does, what difference does it make which is which?

We look to Government to protect us against the criminal. But who can we look to, to protect us against such Government?

We can look to ourselves and only ourselves. And the way to go about it is to demand that such practices be ended at once. If they aren't, we can elect candidates who will see to it that they are ended.

Government controls us every hour of every day of every year except for those few moments we are alone in the voting booths on election days. Then, and then only, are we completely free. If we have enough courage, enough will power, enough sense, we can protect ourselves and preserve our freedoms. Whatever we do, we have only ourselves to blame when terror comes knocking at the door the way it did that night in Collinsville.

## ORDER OF BUSINESS

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be charged to the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. STEVENSON be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order reserved for Mr. STEVENSON may be transferred to my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEXICO-UNITED STATES INTERPARLIAMENTARY MEETINGS—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HATHAWAY). The Chair, on behalf of the Vice President, pursuant to Public Law 86-420, appoints the following Senators to the Mexico-United States Interparliamentary Meetings, Mexico, May 24-29, 1973: the Senator from Utah (Mr. Moss) and the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

## ORDER FOR ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to meet at 11 a.m. tomorrow.)

Mr. ROBERT C. BYRD. Mr. President, I ask to be recognized on my own time now.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

## ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. BARTLETT, Mr. FANNIN, Mr. BELLMON, Mr. HANSEN, Mr. JOHNSTON, Mr. LONG, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators on tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask that the time be charged against the time allotted and reserved to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THIRTY-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 30 minutes and that the time consumed thereby be charged against the time allotted to me and to Mr. GRIFFIN and reserved to me under the order.

The motion was agreed to; and at 12:18 p.m. the Senate took a recess for 30 minutes.

The Senate reassembled at 12:48 p.m., when called to order by the presiding officer (Mr. HATHAWAY).

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan has 12 minutes remaining.

Mr. MATHIAS. Mr. President, I ask unanimous consent, with the agreement of the distinguished Senator from Michigan, that the balance of the time allotted to him may be used by me.

The PRESIDING OFFICER. Without objection, it is so ordered.

## POSITION OF APPROPRIATIONS COMMITTEE ON U.S. INVOLVEMENT IN LAOS AND CAMBODIA

Mr. MATHIAS. Mr. President, the Appropriations Committee of the Senate, has taken today a rather extraordinary action to limit U.S. involvement in both Laos and Cambodia. This is a unanimous action of the committee. I think that this action reflects a growing perception in Congress and in the country with respect to the true situation in Cambodia.

The government forces there, known as Fank, have been widely believed to have 180,000 troops. This is a generally accepted figure. The Khmer Communists according to recent statements by DOD and the administration are said to have armed forces of 40,000 to 50,000 troops, supplemented by somewhere between 4,000 and 5,000 North Vietnamese raiders.

I think a more accurate perception of the 180,000 government troops, or Fank, is that the Lon Nol forces have really only about 30,000 maneuverable troops. The remaining 150,000 are in defensive roles and in varying degrees of readiness or capabiltiy. On the other side, the Khmer Communists are estimated by some authorities to be not 40,000 to 50,000, but there is reason to believe that 80,000 to 100,000 might be a more realistic figure.

In addition these approximately 80,000 troops are said by some authorities to be supplemented by some additional 20,000 service forces and by 100,000 guerrilla militia.

If these figures are correct as contended, we can understand better what is happening in Cambodia, that this is no mere unrest by a militant minority among the people. They are attacking all of the major cities of Cambodia, and are in possession of a number of provincial capitals and threaten the central capital of Phnom Penh itself; this is a major civil war.

I think that the fact that what is going on in Cambodia is a civil war is one of the perceptions which are bringing Congress to insist upon limiting the activities of the United States in that area. I think, as we review the continued bombing in Cambodia, we have to be rigorous in our understanding of its effects according to the press and some authorities the casualties inflicted by that bombing are very largely on civilians and to a negligible degree on troops. That is so because, as we are informed, by a recent Foreign Relations Committee study that the Khmer Communists are advised of the bombing targets well before they are designated, and as a consequence have been able to get their troops out of bombers' target areas.

The United States is in danger of getting itself involved in a civil war in Cambodia if the bombing is permitted to continue. That the war in Cambodia is a civil war is the kind of situation which we have to confront in very real and stark terms, and I am glad that Congress is finally facing the facts. The Congress now realizes that the United States should not make the mistake in Combodia, it made in Vietnam.

Mr. President, I am happy to yield the remainder of my time to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, I thank my distinguished friend from Maryland.



## IMMUNITY SHOULD BE GRANTED WITH CAUTION

Mr. CURTIS. Mr. President, the Watergate affair is a bad mess which cannot be defended. I yield to no one in my desire for a thorough and complete unearthing of all the facts and the punishment of all violators of the law.

We are however, a government of law. Stability of the Government and ordinary justice demand that the judicial processes and the rules of evidence be faithfully followed. Hearsay, rumor, gossip, partial truths, innuendos, suspicions, and imaginations buoyed by self-interest have no place in the American system of justice, and to indulge in such is not in the public interest. We must not lose sight of the fact that evidence to be relied upon must be sworn to under oath and be admissible in a court of law.

Anyone who follows the news on Watergate is fully aware of the fact that the public is being fed much that must be classified as hearsay, rumor, gossip, partial truths, innuendos, suspicions, and imaginations buoyed by self-interest. To give credence to these busybodies will make a mockery of justice.

The offer of immunity to a wrongdoer who has violated the law may place before him a greater temptation than he can bear. To dangle before a law violator the promise that he may go scot-free if he involves someone else can be an obstruction of justice as wrong in its consequences as any conspiracy to obstruct justice which is perpetrated by actual law violators themselves.

The Select Committee on Presidential Campaign Activities should take judicial notice of the fact that for a law violator to testify in a manner to save himself from the penitentiary is an act of self-interest. The committee should also take judicial notice of the fact that it is common for all humans to blame someone else for their misdeeds. I do not suggest that the testimony of any witness be suppressed. I do say that the testimony of all witnesses must conform to the rules of evidence.

The Select Committee on Presidential Campaign Activities is the agent of the entire Senate. As such agent, its mission can be described in two words, "Do justice." Any other course would not serve a legislative purpose or any other appropriate purpose.

King Solomon, four centuries before the Golden Age of Greece, said it better than I can. He said:

To acquit the wicked and condemn the righteous, both are abominable in the Lord's sight.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, how much of my time remains?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all remaining time under 15 minute orders now be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JOHNSTON). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent that during consideration of S. 723 and S. 504, and during all votes thereon, Mr. Jonathan R. Steinberg and Louise Ringwalt of the Committee on Labor and Public Welfare be afforded the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

## QUORUM CALL

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on May 14, 1973, the President had approved and signed the joint resolution (S.J. Res. 93) to provide a temporary extension of the authorization for the President's National Commission on Productivity.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. JOHNSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

## EXTENSION OF PERIOD FOR THE TRANSACTION OF THE ROUTINE MORNING BUSINESS TODAY

Mr. STAFFORD. Mr. President, I ask unanimous consent that, at 1:10 p.m. today, the period for the transaction of routine morning business be extended an additional 15 minutes, with statements therein limited to 3 minutes.

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The PRESIDING OFFICER. Without objection, it is so ordered.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STAFFORD):

A joint resolution of the Legislature of the State of California. Referred to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 13

"Relative to retirement compensation

"Whereas, In accordance with Public Law 92-603, the state's program of aid to the aged will become a federal program with state supplementation; and

"Whereas, Such supplemental income for the recipients' security could be misconstrued as simply public assistance to the elderly; and

"Whereas, There could perhaps be a certain stigma attached to the use of the title "Old Age Assistance or Pension"; and

"Whereas, Such a title certainly would not tend to build morale for our senior citizens, or others receiving such retirement compensation because of a disability not related to age; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to consider renaming this program "Citizens Retirement Income"; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the House of the State of Maryland. Referred to the Committee on the Judiciary:

"HOUSE RESOLUTION No. 42

"House Resolution requesting the Congress of the United States to take appropriate legislative action to insure passage of a Constitutional amendment to restore prayer to our schools

"Whereas, since the Supreme Court ruling banning prayer in our classrooms the need for restoration of this daily declaration of dependence on the Almighty is apparent; and

"Whereas, the past decade of prayerlessness in our schools has witnessed an era of corrupting permissiveness where some of our young people have chosen a listless and purposeless life style supported by addictive drugs and other illicit activities; and

"Whereas, the basic roots of our country are planted in a firm belief of a Supreme Being and the requirement of prayer and thoughtful contemplation in our lives, reflecting the best that America stands for; and

"Whereas, only a concerted national effort can rectify the current situation and that first step must be taken at the Congressional level; and

"Whereas, Senator Schweiker has introduced the following joint resolution in the United States Senate in an effort to move our country in the direction of prayer in our classrooms once again:

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"'ARTICLE —

"'SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public school or other public building which is supported in whole or in part through the expenditure of public funds, to participate voluntarily in nondenominational prayer or meditation.

"'SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.'; now, therefore, be it

"Resolved by the House of Delegates of Maryland, that this body requests the Congress of the United States to take appropriate legislative action to insure passage of a Constitutional amendment to restore prayer to our schools and to go on record as anxious to act on this amendment when it comes before this Legislature for ratification; and be it further

"Resolved, That copies of this Resolution be sent to the Speaker of the House of Representatives, the President of the Senate, Senator L. Schweiker, c/o U.S. Capitol, Washington, D.C. 20515.

"By the House of Delegates, February 14, 1973."

A resolution of the Senate of the State of Maryland. Referred to the Committee on the Judiciary:

"SENATE RESOLUTION No. 47

"Senate Resolution requesting the Congress of the United States to take appropriate legislative action to insure passage of a Constitutional amendment to restore prayer to our schools

"Whereas, since the Supreme Court ruling banning prayer in our classrooms the need for restoration of this daily declaration of dependence on the Almighty is apparent; and

"Whereas, the basic roots of our country are planted in a firm belief of a Supreme Being and the requirement of prayer and thoughtful contemplation in our lives, reflecting the best that America stands for; and

"Whereas, only a concerted national effort can rectify the current situation and that first step must be taken at the Congressional level; and

"Whereas, Senator Schweiker has introduced the following joint resolution in the United States Senate in an effort to move our country in the direction of prayer in our classrooms once again:

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"'ARTICLE —

"'Section 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public school or other public building which is supported in whole or in part through the expenditure of public funds, to participate voluntarily in nondenominational prayer or meditation.

"'Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.'; now, therefore, be it

"Resolved by the Senate of Maryland, That this Body requests the Congress of the United States to take appropriate legislative action to insure passage of a Constitutional amendment to restore prayer to our schools and to go on record as anxious to act on this amendment when it comes before this Legislature for ratification; and be it further

"Resolved, That copies of this Resolution be sent to the Speaker of the House of Representatives, the President of the Senate, Senator L. Schweiker, c/o U.S. Capitol, Washington, D.C. 20515.

"By the Senate, April 5, 1973."

A resolution of the House of the State of Maryland. Referred to the Committee on Labor and Public Welfare:

"HOUSE RESOLUTION No. 122

"House resolution requesting President Nixon and the Congress to fund, at least partially, certain higher education programs

"Whereas, The Congressional supporters of the Higher Education Amendments of 1972, which became Public Law 92-318, envisioned major functions and responsibilities with new authorizations for Comprehensive Statewide Planning (Section 1203), Community College Education (Title X, Part A), Occupational Education (Title X, Part B), and Improvement of Postsecondary Education (Section 404); and

"Whereas, P.L. 92-318 authorized significant appropriations for existing programs in Community Services and Continuing Education (Title I), Equipment for Undergraduate Instruction (Title VI), and Grants for Construction of Undergraduate Academic Facilities (Title VII); and

"Whereas, The Federal Budget for the 1974 Fiscal Year indicates that the community service, instructional equipment, and academic facilities grant programs are scheduled to be terminated; and

"Whereas, No funding is provided in the Federal Budget for FY 74 to implement any of the community college or occupational education authorities; and

"Whereas, It is the sense of the Maryland House of Delegates that the above-mentioned program terminations and lack of appropriations will have a deleterious effect on higher education in the State of Maryland and on American higher education generally; now, therefore, be it

"Resolved by the House of Delegates of Maryland, That the House of Delegates respectfully requests President Nixon and the United States Congress to take prompt steps to fund, at least partially, in the Federal Budget for FY 74, Titles I, VI, VII, X (Part A), X (Part B), and XII of the Higher Education Act; and be it further

"Resolved, That copies of this Resolution be dispatched to President Richard M. Nixon, 1600 Pennsylvania Avenue, N.W., Washington, D.C.; Vice President Spiro T. Agnew; the Honorable Carl Albert, Speaker of the House, Washington, D.C. 20515; the Chairman of the House Appropriations Committee and the House Education and Labor Committee; each member of the Maryland delegation to the United States Congress; and John Ottina, Acting U.S. Commissioner of Education, Washington, D.C. 20202.

"By the House of Delegates, April 5, 1973."

Resolutions of the Massachusetts State Senate. Referred to the Committee on Appropriations:

"RESOLUTION

"Resolutions memorializing the Congress of the United States to enact legislation to provide for the full peacetime utilization of appropriations, installations and persons released from defense-related employment

"Whereas, The people of the Commonwealth have yearned for peace in Southeast Asia and are now yearning for lasting peace; and

"Whereas, The President of the United States has successfully negotiated a ceasefire which is now in force in Vietnam; and

"Whereas, Peace justifiably leads to a steady reduction in defense-related employment, a process which is to be welcomed when it occurs; and

"Whereas, Citizens of the Commonwealth must be allowed the opportunity for productive gainful employment and not suffer the financial and psychological trauma of unemployment: now, therefore, be it

"Resolved, That the Massachusetts Senate respectfully requests the Congress of the United States to enact legislation assuring every person released from defense-related employment as a result of closing military installations equivalent employment in activities related to constructive peaceful pursuits in the area in which he resides and that the full amount of the appropriation for the preceding fiscal year prior to closing of a defense installation be appropriated by Congress for the purposes stated herein; and be it further

"Resolved, That copies of these resolutions be transmitted by the Senate Clerk and Parliamentarian to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"Senate, adopted, April 23, 1973."

Resolutions of the General Court of the Commonwealth of Massachusetts. Referred to the Committee on Labor and Public Welfare:

"RESOLUTION

"Resolutions memorializing the Congress of the United States to enact legislation known as the Education for All Handicapped Children Act

"Whereas, There are more than four million children in the United States who are handicapped by the failure of public schools to meet their special needs, one million of whom are entirely excluded from public schools; and

"Whereas, Exclusion of such children and failure to provide them with adequate educational programs condemns them to hopeless, futile lives; and

"Whereas, The General Court of Massachusetts has recently enacted a law providing for a full-scale reform of the commonwealth's laws pertaining to children with special needs, with the aim of ensuring an adequate, publicly supported education to every child resident therein; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact the pending bill, 'Education for All Handicapped Children Act', mandating and clarifying the educational rights of children with special needs and providing that the federal government underwrite seventy-five per cent of the excess costs required in educating such children; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"House of Representatives, adopted, April 17, 1973.

"Senate, adopted in concurrence, April 25, 1973."

A joint resolution of the Legislature of the State of Minnesota. Referred to the Committee on the Judiciary:

"RESOLUTION

"A resolution memorializing the Congress of the United States to propose a constitutional amendment affirming and protecting the value of human life

"Whereas, the United States Supreme Court has recently put on the United States Constitution a construction that is contradictory to the convictions of the people of the United States about the value of human life; now, therefore,

"Be it resolved, by the Legislature of the State of Minnesota that the Congress of the United States should speedily propose to the states for their ratification an amendment to the United States Constitution substantially in the following form:

"'ARTICLE

"'Section 1. No person shall be deprived of life, liberty, or property, from conception until natural death without due process of law, nor denied the equal protection of the laws; provided that this article shall not prevent medical operations necessary to save the life of a mother.

"'Sec. 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.'

"Be it further resolved, that the Secretary of State of the State of Minnesota transmit copies of this resolution to the Speaker of the United States House of Representatives, the president of the United States Senate, the chairman of the Judiciary Committees of the United States House of Representatives and Senate and the Minnesota Representatives and Senators in Congress."

Resolutions of the Legislature of the State of Nebraska. Referred to the Committee on Appropriations:

"LEGISLATIVE RESOLUTION 66.

"Whereas, the Legislature in 1971 adopted Resolution No. 29 and adopted Resolution No. 51 recommending construction and development of Nebraska's O'Neill Unit and North Loup Division of the Pick-Sloan Missouri Basin Program; and

"Whereas, there is and will continue to be strong need to maintain, strengthen and enhance Nebraska's largest industry, Agriculture; and

"Whereas, local support for the North Loup and O'Neill projects has always been and remains strong; and

"Whereas, there is definite need in these project areas for surface irrigation water to maintain the declining ground waters; and

"Whereas, Nebraska's people need the fish and wildlife and recreational opportunities that can be provided by the O'Neill and North Loup developments; and

"Whereas, both of these projects are a part of the Framework Study of the Nebraska State Water Plan as adopted by the 1972 Legislature; and

"Whereas, both of these developments were authorized for construction and development by the 92nd Congress of the United States of America;

"Now, therefore, he it resolved by the members of the Eighty-Third Legislature of Nebraska, first session:

"1. That the First Session of the Eighty-Third Legislature of Nebraska strongly supports the construction and development of the North Loup Division and the O'Neill Unit.

"2. That the Legislature memorializes the 93rd Congress and the respective Appropriation Committees to provide funds for the Bureau of Reclamation in fiscal year 1974 to do advance and/or preconstruction planning.

"3. That copies of this resolution, suitably engrossed, be transmitted by the Clerk of the Legislature to the United States Senate and House of Representatives of the 93rd Congress, to Honorable John L. McClellan, Chairman of the Senate Appropriations Committee, and Honorable George H. Mahon, Chairman of the House Appropriations Committee, and to each member from Nebraska in the Senate and House of Representatives of the United States."

A concurrent resolution of the Legislature of the State of Oklahoma. Referred to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION No. 53

"A concurrent resolution memorializing Congress to propose an amendment to the Constitution of the United States defining the word 'person' in relation to any stage of biological development, providing for any State to adopt laws necessary to preserve the life of an expectant mother and providing for Congress and the States to enact legislation to enforce the amendment; and directing distribution

"Whereas, the Oklahoma Legislature has supported and shown concern for the life of the unborn child by rejecting all attempts to liberalize, modify or change the state's abortion law; and

"Whereas, the United States Supreme Court has by decision ruled against the unborn; and

"Whereas, the Oklahoma Legislature wishes to define the rights of the unborn.

"Now, therefore, be it resolved by the Senate of the 1st session of the 34th Oklahoma Legislature, the House of Representatives concurring therein:

"Section 1. The Congress of the United States of America be and is hereby respectfully memorialized to propose an amendment to the Constitution of the United States, which shall provide as follows:

"1. As used in the Fifth and Fourteenth Articles of Amendment to the Constitution of the United States, dealing with the deprivation of life, the word 'person' shall apply to every human being regardless of the stage of his biological development.

"2. Nothing herein shall prohibit any state from adopting such laws as are necessary to preserve the life of the expectant mother.

"3. Congress and the several states shall have the power to enforce this amendment by appropriate legislation.

"Section 2. Authenticated copies of this resolution shall be forwarded to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to each member of the Oklahoma congressional delegation."

A resolution of the Twelfth Guam Legislature. Referred to the Committee on Interior and Insular Affairs:

"RESOLUTION No. 77

"Relative to expressing the consensus of the Legislature that the future of Sella Bay should not be determined by continued negotiations with the United States Navy but through direct people-to-people negotiations between the United States as administering power through its appointment of a special ambassador equivalent to the ambassador now dealing with the surrounding islands of the Trust Territory of the Pacific, and the government of Guam represented by a special commission composed of representatives of both the executive and legislative branches, the people of Guam having no objection to the relocation of the ammunition wharf at Apra Harbor nor to the U.S. Navy carrying out its legitimate defense role.

"Be it resolved by the legislature of the territory of Guam:

"Whereas, since the United States Court of Appeals for the Ninth Circuit has dealt a grave setback to the plans of the United States Navy to utilize, for an ammunition wharf, Sella Bay, Guam's last pristine and unspoiled coral reef environment, by its decision finding that the attempted transfer of the bulk of Sella Bay to the Navy violated territorial law because of the absence of concurrence by the Legislature to such transfer, and in view of the undoubted fact that a new ammunition wharf is needed, it is clear that a decision must now be made on how the people of Guam are going to continue to negotiate this issue with the Federal government, each side to respect the legitimate rights of the other; and

"Whereas, the Legislature believes that before determining such a negotiating stance, it is instructive to review the history both of Sella Bay itself and of the Navy's role as the largest landowner in the territory of Guam, and accordingly, the following precis is hereby presented:

"1. The Treaty of Paris whereby the United States of America acquired dominion over the island of Guam specifically required the Federal government to define the civil rights of the people of Guam, but the Congress failing in its responsibilities, instead delegated the entire governance of the island to the United States Navy, and accordingly, following the Treaty of Paris and until 1950, interrupted by a period of even more brutal dictatorship under the forces of Imperial Japan, the people of Guam lived under a



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military dictatorship in which all decisions were made by the local Naval Commander who acted ex-officio as the Governor of Guam, the views, wishes and hopes of the people of Guam being deemed entirely irrelevant to the Navy's occupation of the island, their civil rights being non-existent and their political status being that of wards of a military regime.

"2. Following the Second World War and the reoccupation of Guam by the United States Navy, it was determined, again without consulting the people of Guam, that the island would be turned into a major U.S. defense base for both the Air Force and the Navy, and the Navy, being still the administering authority, at once set about obtaining all the land it thought would be conceivably necessary for this major defense role, and in doing so, used a technique consisting of a mixture of coercion and intimidation combined with appeals to the gratitude of the people of Guam for being rescued from the Japanese to obtain this supposedly needed land at literally give-away prices, enormous tracts being obtained for absolutely minimum payments, with the result that the Navy ended up owning together with other defense facilities in Guam, well over a third of the whole island, and by far the best and most valuable part, whole Guamanian villages being extirpated in the process, and entire communities relocated on miasmal and totally unsuitable property merely to clear for exclusive Navy use large, and now almost entirely empty, tracts of land.

"3. Although this land grab ceased in 1950 when limited self-government was given to the people of Guam and their access to American courts assured, the major damage had been done with the principal sites already obtained, and, indeed, the coming of civilian rule in no way changed the basic Naval attitude toward the people of Guam and the island itself as is evidenced by the continuing Naval prejudice against local residents, their refusing to permit joint use of local beach recreational facilities which should belong to the people of Guam, the refusal being based on racial discrimination, purely and simply, since the Navy always permits Caucasian school teachers and other such contract employees working for the government of Guam to use NCS beach and other Navy beaches but let a Guamanian or other dark skinned resident attempt to set foot on such a beach and he is immediately and summarily thrown off, it being clear, as Admiral Zumwalt himself had admitted, that the United States Navy is still an institution rife with racial prejudice.

"4. It is unappropriate, contrary to American tradition, and against the principles of international law for a military institution to negotiate with civilians with respect to land acquisitions during peace time. While no one can object that during the exigencies of a war, the U.S. Navy or any other military institution summarily utilized for military purposes civilian land, once the war is over and peace is declared, the role of the military does not include that of negotiating for land to be taken from the victims of the war and thus while Custer and other American generals of his ilk and the United States Cavalry slaughtered the Plains Indians at Wounded Knee and other places, it was not they but special civilian emissaries from Washington who negotiated the final peace treaties with the defeated tribes; and

"Whereas, at the point of determining where the negotiations now stand it is imperative that the people of Guam consider Sella Bay and what is at stake, both ecologically, recreationally and culturally:

"1. Sella Bay is part of a 4,000 acre tract of pristine recreational land running from Nimitz Beach to Umatac; this land is unspoiled, is remarkably beautiful, and is culturally and historically of great significance, there being ruins of both Spanish and Chamorro usages of the area.

"2. The whole area is tied into the Fena Lake watershed, the most important watershed in Guam, and thus no disposition of the one should be handled without the other, as is evidenced by the findings of the environmentalists and park specialists from the National Park Service who recommended that the National Sea Shore Park include both the Fena Lake watershed and the Sella Bay locale since in that way the ecology of this unique union of volcanic soil with coral reefs can best be preserved.

"3. With Guam getting more and more tourists, particularly from Japan, it becomes essential to provide for both the tourists as well as for the growing Guam population a place where the unique tropical habitat of Guam is still unspoiled, and the Sella Bay area represents the last part of Guam in Civilian hands where this can be accomplished; and

"Whereas, neither the Legislature nor the people of Guam quarrel with the legitimate needs of the military forces in Guam nor is any argument raised that the ammunition wharf should not be moved from its present hazardous location the question is not whether the wharf should be moved but whether Sella Bay is its only possible point of relocation, some believing that the tip of Orote Peninsula, remote from the rest of the Naval Station, and where the effects from any blasting would be minimized by the high cliffs thereat, would be a suitable alternate location, particularly since it is already owned by the United States Navy and would not cost the Federal government nor the people of Guam anything in its acquisition; and, indeed, the people of Guam welcome the role the territory can play as a keystone of defense of the Pacific, even being happy to see an expansion of the bomb storage facilities in Guam, including nuclear weapons, if necessary to America's arsenal for defense, and thus the argument is not whether Guam should continue to play an important role in America's defense structure since this role is warmly supported by all of the people of Guam, nor whether the ammunition wharf should be relocated, nor whether major ammunition storage should continue on Guam, but solely whether Sella Bay itself is the proper locale for such a relocated ammunition wharf; and

"Whereas, in negotiating this question of where the ammunition wharf should be located, the people of Guam and the Legislature strongly resist and resent the methods used by the Navy in recent years in this matter since the legitimate and vital needs of the people of Guam for additional airport facilities, for school sites to educate both local school children and those of military dependents, and for power generating facility sites, where again the power generated will be used by both military and civilian consumers, should not be used as a club to force the people of Guam to swallow the loss of Sella Bay; the United States, as administering power of a possession which is not totally self-governing nor sovereign, has a duty to protect the interests of the people of Guam, this duty not only being a moral one but also spelled out in the international laws to which the United States is subject, as evidenced by the Charter of the United Nations, ratified by the United States Senate, and the Declaration of Human Rights promulgated by the United Nations as well as the Decolonization Mandate issued by the United Nations General Assembly, and all of these principles involving the relationship of a trustee power to the people under its trust strictly prohibit the type of negotiating attempted by the Navy where the people of Guam were told that unless they gave up Sella Bay, their last unspoiled seashore, they must also give up new school sites, a new site for a power plant, expanded airport facilities, and the other vitally needed land with which the Navy attempted to bait the Sella Bay trap; and

"Whereas, in considering the needs of the United States military within the island of Guam, the United States must also consider Guam's unique role as an outpost of American capital in this part of the Pacific as well as an educational center for all of the surrounding islands, and these two roles alone are of great significance in America's future in the Pacific and cannot be lightly laid aside solely at the behest of military considerations, and therefore in any review of military needs in Guam, the Federal government is obligated to examine all Federal land-holdings in the territory to make absolutely certain that additional civilian land is indeed required for an ammunition wharf; and

"Whereas, in view of the increasing normalization of the relationship between the Federal government and the territory, as evidenced by the recent amendments to the Organic Act permitting both a locally elected governor and a representative of the people of Guam to sit in the House of Representatives, any further attempt to settle military needs in Guam only through the efforts of local military commanders is inappropriate to this new relationship and calls in question once more Guam's real political status: Does it truly have self-government or is it still basically at the mercy of military policies in which it has no voice?; now therefore be it

"Resolved, that the Twelfth Guam Legislature does hereby on behalf of the people of Guam respectfully request and memorialize the President of the United States to appoint a special emissary of the nature of the emissary now negotiating with the people of the Trust Territory of the Pacific Islands, to handle the negotiations between the government of Guam and the United States with respect to Federal land-holdings in Guam, and whether additional civilian land is in fact needed for a military ammunition wharf, it being the consensus of all that the United States Navy is not a proper negotiating party in view of its history of predatory landtakings, prejudice and attempted blackmail, and that an emissary directly from the President, not associated with the past history of the exploitation of Guam by the Navy, would be in the best position of all to negotiate a fair settlement of both the Sella Bay issue as well as all other land matters pending involving the government of Guam and the government of the United States of America; and be it further

"Resolved, that in seeking such a special emissary, the patriotism and devotion of the people of Guam to the United States should in no way be questioned, this patriotism having been best exemplified by the recent conflict in Vietnam wherein the local people lost more sons on a per capita basis than any other American community, but is merely the desire to work out with our civilian mentors in Washington, Guam's best use of its limited local land resources in conjunction with legitimate Federal needs, the people of Guam believing that if the Micronesians, who never fought in America's wars and who have never suffered on America's behalf as have the people of Guam, are entitled to a special emissary from the President, so are the people of Guam, especially on a matter so essential to their future as that of the limited land now held in civilian control on this small island; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the Secretary of the Interior, to the Secretary of Defense, to the President of the Senate, to the Speaker of the House of Representatives, to the Chairman of the Senate and House Committees on Interior and Insular Affairs, to the Washington Delegate, and to the Governor of Guam.

"Duly and regularly adopted on the 3rd day of April, 1973."

A resolution of the Legislature of the Virgin Islands. Referred to the Committee on Interior and Insular Affairs:



"RESOLUTION No. 679

"Resolution to Support Federal Legislation (H.R. 5461) Proposed by the Virgin Islands Delegate to the House of Representatives Providing for the Transfer of Ownership and Control of Water Island in the United States Virgin Islands to the Government of the Virgin Islands

"Whereas in 1952, the Federal Government, acting through the Secretary of Interior, leased the whole of Water Island, the fourth largest of the United States Virgin Islands, together with all improvements, beaches and riparian rights to a private corporation for an initial term of twenty years with an option to the lessee to extend such lease until 1992; and

"Whereas while the stated purpose of such lease was to encourage the development of Water Island in a manner as to contribute to the economy of the Virgin Islands; yet over the past twenty years it is difficult, even from the most objective point of view, to demonstrate how the development of Water Island primarily as a private residential area has contributed in any meaningful way to the betterment of the general welfare of the people of the Virgin Islands; and

"Whereas the Ninth Legislature of the Virgin Islands, prior to the renewal of the Water Island lease in 1972, enacted Act No. 3219 authorizing and directing the Governor of the Virgin Islands with the assistance of a special commission to conduct a comprehensive study of the legal, social, economic and physical conditions existing with regard to Water Island; and said Legislature, on April 1, 1972, adopted Resolution No. 620 petitioning the Secretary of Interior to take all steps necessary to transfer Water Island to the Government of the Virgin Islands at the expiration of the initial twenty-year term of the Water Island lease; and

"Whereas on April 14, 1972, the Acting Government Comptroller for the Virgin Islands submitted to the U.S. Department of Interior his Audit Report 'Lessees' compliance with provisions of lease for Water Island,' which report indicated that Water Island is and has been developed principally as a private housing complex; and

"Whereas it appears that the United States Department of Interior has, without official notice or explanation to the public officials and people of the Virgin Islands, agreed to extend the Water Island lease for an additional twenty years without change in the original terms and conditions of said lease; and

"Whereas the Virgin Islands Delegate to the House of Representatives has recently proposed legislation (HR 5461) in the United States House of Representatives which would, if enacted, authorize the United States Department of Interior to acquire all or part of the leasehold interest in Water Island and to ultimately transfer the ownership of Water Island to the Government of the Virgin Islands; and

"Whereas at a time when the fiscal condition of the Government and the economy of the Virgin Islands require strong support, when a substantial rate of unemployment continues, when new housing sites are badly needed, and when social and economic conditions produce tensions; it is of the utmost importance that the issues and allegations pertaining to the 'Water Island situation' be resolved quickly and equitably with the best interests of the people of the Virgin Islands and of the Federal Government strongly in mind; Now, Therefore,

"Be it resolved by the Legislature of the Virgin Islands:

"Section 1. That the Tenth Legislature of the Virgin Islands hereby fully supports the legislation (HR 5461) recently introduced in the United States House of Representatives by the Virgin Islands Delegate pertaining to the ultimate transfer of Water Island to the Government of the Virgin Islands.

"Section 2. That copies of this Resolution be transferred to the President of the United States, to the Secretary of the United States Department of Interior, to the Presiding Officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Chairman of the Committee on Interior and Insular Affairs of the Senate of the United States and to each member of said Committee, to the Chairman of the Committee on Interior and Insular Affairs of the House of Representatives of the United States and to each member of said Committee, to the Virgin Islands Delegate to the House of Representatives, and to the Governor and Attorney General of the Virgin Islands.

"Thus passed by the Legislature of the Virgin Islands on April 5, 1973."

A resolution adopted by the 1973 Annual General Conference of the National Guard Association of Alabama, relating to legislation to grant certain GI bill of rights and privileges to members of the reserve components for satisfactory service as incentive for enlistment and reenlistment. Referred to the Committee on Armed Services.

A resolution adopted by the board of directors of the Society of Former Special Agents of the Federal Bureau of Investigation Inc., urging that immediate steps be taken to select a permanent Director of the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

A resolution adopted by the governing board. Grossmont Community College District, relating to confirmation of certain Health, Education, and Welfare appointments. Referred to the Committee on Labor and Public Welfare.

Three resolutions adopted by B'nai B'rith Career and Counseling Services: The first relating to support career development, the second relating to providing funds for student aid in school tuition and supplementary career selection, and the third relating to education, training and job opportunities for women. Referred to the Committee on Labor and Public Welfare.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without recommendation:

H.R. 6077. An act to permit immediate retirement of certain Federal employees.

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

S. 1804. A bill to permit immediate retirement of certain Federal employees (Rept. No. 93–152).

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Bernard E. DeLury, of New York, to be an Assistant Secretary of Labor;

Arthur S. Flemming, of Virginia, to be Commissioner on Aging; and

Richard F. Schubert, of Pennsylvania, to be Under Secretary of Labor.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. RANDOLPH, from the Committee on Public Works:

Norbert T. Tiemann, of Nebraska, to be Administrator of the Federal Highway Administration; and

Frederick B. Dent, of South Carolina, to be a member of the National Commission on Materials Policy.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. MAGNUSON, from the Committee on Commerce:

Robert H. Morris, of California, to be a member of the Federal Power Commission; and

William L. Springer, of Illinois, to be a member of the Federal Power Commission.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHURCH:

S. 1811. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income. Referred to the Committee on Finance.

By Mr. McINTYRE:

S. 1812. A bill to improve the coordination of Federal reporting services. Referred to the Committee on Government Operations.

By Mr. DOMINICK:

S. 1813. A bill to amend the Act of September 30, 1950 (Public Law 874, 81st Congress) related to financial assistance for schools in areas affected by Federal activities to provide for a phasing out of certain entitlements under that Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. CRANSTON, Mr. HATHAWAY, Mr. KENNEDY, and Mr. RANDOLPH):

S. 1814. A bill to amend and improve the Adult Education Act. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. NELSON, Mr. TAFT, and Mr. SCHWEIKER):

S. 1815. A bill to provide for an additional year of authorization for programs under the Economic Opportunity Act of 1964. Referred to the Committee on Labor and Public Welfare.

By Mr. PASTORE (for himself, Mr. COTTON, and Mr. HOLLINGS):

S. 1816. A bill to amend the Wool Products Labeling Act of 1939 with respect to recycled wool. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S. 1817. A bill to alleviate the financial crisis confronting the public schools of the Nation by providing grants and loan guarantees for the construction of elementary and secondary schools, by providing increased financial resources for elementary and secondary education and by promoting the equitable distribution of such resources within the States through the establishment of a National Educational Trust Fund, and to establish a Department of Education. Referred to the Committee on Labor and Public Welfare.

By Mr. GURNEY:

S. 1818. A bill authorizing certain members of the Armed Forces of the United States who were captured and held by an enemy force during the Vietnam conflict to enter, without charge, certain designated units of the National Park System and National Recreation Areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. DOLE:

S. 1819. A bill to direct the Secretary of the

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Interior to convey certain lands in Cleary County, Kansas, to Margaret G. More. Referred to the Committee on Interior and Insular Affairs.

By Mr. HART:

S. 1820. A bill to amend the Export Administration Act of 1969 to manage the export of forest products from the United States. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 1821. A bill to amend the Federal Aviation Act of 1958, as amended, by requiring certification and subsidy of at least two air carriers to points receiving neither highway nor railroad service. Referred to the Committee on Commerce.

By Mr. STEVENS:

S. 1822. A bill to exempt from the provisions of the Airport and Airways Revenue Act of 1970 helicopters which are not operated on an established line. Referred to the Committee on Finance.

S. 1823. A bill to further amend section 607 of the Merchant Marine Act, 1936, as amended, relating to vessel construction reserve funds, in order to provide that the modification or installation of certain radio equipment be included in the definition of "reconstruction" for the purpose of such section. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1824. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes. Referred to the Committee on Commerce.

## STATEMENTS ON INTRODUCED BILLS AN JOINT RESOLUTIONS

By Mr. CHURCH:

S. 1811. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income. Referred to the Committee on Finance.

UPDATE THE RETIREMENT INCOME CREDIT

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to modernize the retirement income credit.

Fair and equitable tax treatment for all Americans has long been one of my foremost goals. As chairman of the Senate Committee on Aging, I have been especially committed to tax justice for older Americans.

During the past few years several constructive measures, including a number I have advanced, were approved to provide urgently needed tax relief for overburened moderate- and low-income taxpayers. Some of these measures include:

A new low-income allowance to exempt persons with poverty incomes from paying Federal income tax;

An increase in the personal exemption deduction from $600 to $750;

Liberalization of the child care expense provisions; and

An increase in the standard deduction for persons who do not itemize their expenditures.

But there is still a compelling need to improve or update other provisions of the Internal Revenue Code. One clear-cut example is the retirement income credit. It was adopted in 1954 to provide retired teachers, policemen, firemen, and other government annuitants with comparable tax relief as social security beneficiaries.

Payments under the social security program are, of course, exempt from Federal income tax. Government pensioners and others with little or no social security benefits can still receive similar tax relief by claiming a 15-percent credit on their qualifying retirement income—pensions, annuities, interest, dividends, and rent.

The maximum amount for computing this 15-percent credit is now $1,524 for single aged persons and $2,286 for elderly couples. These amounts must, however, be reduced by:

First, tax-exempt pensions, such as social security benefits and railroad retirement annuities; and

Second, earned income, depending upon the individual's age and extent of earnings.

In the case of persons aged 62 to 71 the maximum base for computing the credit is decreased by $1 for each $2 of earnings between $1,200 and $1,700. And thereafter, it is reduced on a dollar-for-dollar basis for earned income above $1,700.

For public pensioners or annuitants under 62, their maximum base is reduced for each dollar of earnings above $900.

The retirement income credit, however, has not been updated since 1962 for single elderly persons and 1964 for aged couples. As a consequence, it no longer provides equivalent tax relief for retired persons with little or no social security. On the other hand, social security benefits have been adjusted five times during this period to protect older Americans from the cruel effects of inflation.

Quite clearly, the need to update the retirement income credit is long overdue.

To achieve this goal, my bill would increase the maximum amount for computing the 15-percent credit from $1,524 to $2,500 for single aged persons, and from $2,286 to $3,750 for elderly couples. In terms of dollars and cents, this change alone could produce a tax savings of $146 for single older Americans. And for an aged couple, this measure could provide an additional $220 in tax relief.

For older Americans struggling on low or moderate incomes this relief would certainly be most welcome, especially since their purchasing power has been eroded substantially by the staggering increase in the cost of living in recent months.

Second, my proposal would raise the exempt earnings limitation before the maximum base for computing the retirement income credit would be reduced. For retired persons aged 62 to 71, the earnings ceiling would be increased from $1,200 to $2,100—the same level as now exists for social security beneficiaries. Moreover, the $1-for-$2 reduction would apply to all earnings above $2,100, instead of just a $500 band—from $1,200 to $1,700—as under present law. For public pensioners under age 62, the exempt earnings ceiling would be boosted from $900 to $1,200.

Mr. President, the need to modernize the retirement income credit is urgently needed now.

For these reasons, I urge early approval of this measure.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1811

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 37 of the Internal Revenue Code of 1954 (relating to retirement income) is amended to read as follows:

"SEC. 37. RETIREMENT INCOME.

"(a) GENERAL RULES.—

"(1) JOINT RETURNS.—In the case of a joint return—

"(A) if either spouse has attained the age of 65 before the close of the taxable year, or

"(B) if neither spouse has attained the age of 65 before the close of the taxable year but one or both spouses have public retirement system pension income for the taxable year,

there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of the retirement income (as limited by subsection (b)) received by the husband and wife during the taxable year.

"(2) OTHER RETURNS.—In the case of a return by an unmarried individual and of a separate return by a married individual—

"(A) if the individual has attained the age of 65 before the close of the taxable year, or

"(B) if the individual has not attained the age of 65 before the close of the taxable year but has public retirement system pension income for the taxable year,

there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of the retirement income (as limited by subsection (b)) received by the individual during the taxable year.

"(b) LIMITATION OF RETIREMENT INCOME.—

"(1) IN GENERAL.—The amount of retirement income which may be taken into account for purposes of subsection (a) shall not exceed the following amounts (reduced as provided in paragraph (2)):

"(A) $2,500, in the case of an unmarried individual,

"(B) $2,500, in the case of a joint return where only one spouse is an eligible individual,

"(C) $3,750, in the case of a joint return where both spouses are eligible individuals, or

"(D) $1,875, in the case of separate return by a married individual.

"(2) REDUCTION.—Except as provided in paragraphs (3) and (4), the reduction under this paragraph in the case of any individual is—

"(A) any amount received by such individual as a pension or annuity—

"(i) under title II of the Social Security Act,

"(ii) under the Railroad Retirement Act of 1935 or 1937, or

"(iii) otherwise excluded from gross income, plus

"(B) in the case of any individual who has not attained age 72 before the close of the taxable year—

"(i) except as provided in clause (ii), one-half the amount of earned income received by such individual in the taxable year in excess of $2,100, or

"(ii) if such individual has not attained age 62 before the close of the taxable year, and if such individual (or his spouse under age 62) is an eligible individual as defined in subsection (d)(4)(B), any amount of earned income in excess of $1,200 received by such individual in the taxable year.

"(3) SPECIAL RULES FOR DETERMINING THE REDUCTION IN PARAGRAPH (2).

"(A) Joint returns.—In the case of a joint return, the reduction under paragraph (2) shall be the aggregate of the amounts resulting from applying paragraph (2) separately to each spouse.

"(B) Separate returns of married individuals.—In the case of a separate return of a married individual, paragraph (2)(B)(i) shall be applied by substituting '$1,050' for '$2,100', and paragraph (2)(B)(ii) shall be applied by substituting '$600' for '$1,200'.

"(C) No reduction for certain amounts excluded from gross income.—No reduction shall be made under paragraph (2)(A) for any amount excluded from gross income under section 72 (relating to annuities), 101 (relating to life insurance proceeds), 104 (relating to compensation for injuries or sickness), 105 (relating to amounts received under accident and health plans), 402 relating to taxability of beneficiary or employees' trust), or 403 (relating to taxation of employee annuities).

"(4) SPECIAL RULE FOR CERTAIN INDIVIDUALS RECEIVING PUBLIC RETIREMENT SYSTEM PENSION INCOME.—In the case of a joint return where one spouse is an eligible individual as defined in subsection (d)(4)(A) and the other spouse is an eligible individual as defined in subsection (d)(4)(B), there shall be an additional reduction under paragraph (2) in an amount equal to the excess (if any) of $1,250 over the amount of the public retirement system pension income of the spouse who is an eligible individual as defined in subsection (d)(4)(B).

"(c) RETIREMENT INCOME.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'retirement income' means income from—

"(A) pensions and annuities (including public retirement system pension income and including, in the case of an individual who is, or has been, an employee within the meaning of section 401(c)(1), distributions by a trust described in section 401(a) which is exempt from tax under section 501(a),

"(B) interest,

"(C) rents,

"(D) dividends, and

"(E) bonds described in section 405(b)(1)

which are received under a qualified bond purchase plan described in section 405(a) or in a distribution from a trust described in section 401(a) which is exempt from tax under section 501(a),

to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year.

"(2) CERTAIN INDIVIDUALS UNDER AGE 65.—In the case of—

"(A) a return by an unmarried individual who has not attained the age of 65 before the close of the taxable year,

"(B) a separate return by a married individual who has not attained the age of 65 before the close of the taxable year, and

"(C) a joint return if neither spouse has attained the age of 65 before the close of the taxable year,

the term 'retirement income' means only public retirement system pension income, and only so much of such income received by an individual during the taxable year as does not exceed $2,500.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) PUBLIC RETIREMENT SYSTEM PENSION INCOME.—The term 'public retirement system pension income' means income from pensions and annuities under a public retirement system for personal services performed by the taxpayer or his spouse, to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year. For purposes of this paragraph the term 'public retirement system' means a pension, annuity, retirement, or similar fund or system established by the United States, a State, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia.

"(2) EARNED INCOME.—The term 'earned income' has the meaning assigned to such term in section 911(b) except that such term does not include any amount received as a pension or annuity.

"(3) COMMUNITY PROPERTY LAWS DISREGARDED.—The determination of whether—

"(A) earned income, or

"(B) income from pensions and annuities for personal services (including public retirement system pension income and distributions to which subsection (c)(1)(A) applies),

is the income of a husband or wife shall be made without regard to community property laws.

"(4) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(A) has attained the age of 65 before the close of the taxable year, or

"(B) has not attained such age but has public retirement system pension income for the taxable year.

"(5) MARITAL STATUS.—Marital status shall be determined under section 153.

"(6) JOINT RETURN.—The term 'joint return' means the joint return of a husband and wife made under section 6013.

"(e) NONRESIDENT ALIEN INELIGIBLE FOR CREDIT.—No credit shall be allowed under this section to any non-resident alien."

Technical Amendments

(b)(1) Section 904 of the Internal Revenue Code of 1954 (relating to limitation on foreign tax credit) is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g) COORDINATION WITH CREDIT FOR RETIREMENT INCOME.—In the case of an individual, for purposes of subsection (a) the tax against which the credit is taken is such tax reduced by the amount of the credit (if any) for the taxable year allowable under section 37 (relating to retirement income)."

(2) Section 6014(a) of such Code (relating to tax not computed by taxpayer) is amended by striking out the last sentence thereof.

(3) Section 6014(b) of such Code is amended—

(A) by striking out paragraph (4),

(B) by redesignating paragraph (5) as paragraph (4), and

(C) by inserting "or" at the end of paragraph (3).

EFFECTIVE DATE

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1973.

By Mr. McINTYRE:

S. 1812. A bill to improve the coordination of Federal reporting services. Referred to the Committee on Government Operations.

BILL TO REDUCE FEDERAL PAPERWORK BURDEN

Mr. McINTYRE. Mr. President, I introduce for appropriate reference a bill designed to improve the coordination of Federal reporting services by: transferring the authority for the administration of the Federal Reports Act of 1942 from the Director of the Office of Management and Budget to the General Accounting Office under the Comptroller General of the United States; and including the Internal Revenue Service under the provisions of this act.

The burden of Federal redtape and paperwork required of the small business community has been described by a recent editorial pundit as "strangulation in triplicate." This, I feel, accurately portrays the rapidly accelerating problem posed by ever-increasing Federal statistical and reporting systems. It is because of this growing threat to free enterprise that I rise today to offer this bill that I believe will bring under control this runaway Federal bureaucratic attempt to strangulate business in triplicate.

For example, this legislation will remove the White House Office of Management and Budget from its questionable if not inefficient control over bureaucratic paperwork requirements. It will also bring the Internal Revenue Service under greater control in order to simplify and reduce the Federal tax forms which affect not only every small businessman but every citizen as well.

My bill would take from the White House Office of Management and Budget all control over paperwork and give such control and authority to the Comptroller General. It would also place final supervision of all Federal tax forms under the Comptroller General.

Mr. President, the Select Committee on Small Business recently issued a report on the Federal paperwork burden. This report is based on investigations conducted by the Subcommittee on Government Regulation, which I have the privilege to chair. To hear firsthand the problems of small business in complying with the ever-increasing number of Federal reports and regulations, we conducted field hearings in Chicago, Boston, and Concord, N.H., last year.

The stories we heard were frightening. All too often small businesses are forced to merge with larger companies in order to comply with the administrative demands posed by Federal paperwork. We heard of small businesses who closed their doors because they could not pay for the professional assistance of lawyers and accountants, nor did they have the time or expertise to fill out the myriad forms themselves.

A small manufacturer explained that—

Government redtape diverts small businesses from their primary function of making a good product, selling it, keeping solvent, providing jobs and paying taxes. Obviously, if too much money and effort are expended on nonproductive paperwork, small firms cannot hope to compete and stay in business.

One irate witness put the dilemma succinctly:

The bureaucrats can't seem to comprehend that we out of government have to work for a living and that these papers detract from our productive time.

Our report, Senate Report No. 93-125, entitled "The Federal Paperwork Burden," shows that 35 percent of all Federal forms are mandatory. Their volume and complexity pose a threat to small businesses, for example, the president of a small electronics firm pointed out that the alternatives available to small business are to "take a chance on going to jail or go out of business—since no 1-man or 10-man business can keep up and be honest."

Small businesses, especially the mom-and-pop type stores, are particularly threatened. They must fill out numerous reports ranging to as many as 52 tax forms in a single year or suffer severe penalties. This, I submit, is not an example of a government which is concerned and responsive to the needs of its people. It is not a government which is protecting free enterprise. It is instead



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a government which favors only those large concerns who can satisfy its insatiable demand for more information, data, figures, and other esoteric statistics.

Mr. President, in 1942 the Senate Small Business Committee was aware of the potential for destruction which a growing paperwork redtape system could have upon small business. At that time both Houses of Congress affirmatively came to grips with the problem and enacted a paperwork control law known as the Federal Reports Act of 1942. This law contained the potential for holding in check the tendency of the executive bureaucracy to demand ever more data from small business. It sought to eliminate duplication and to simplify government data request forms. It recognized the disparity of resources between small businesses and large firms which have staffs of accountants and lawyers to understand and fill out extensive paperwork forms. It sought to protect small businesses from the competitive disadvantage of having to spend precious resources just to comply with Federal paperwork demands.

I submit, Mr. President, that this good law has been subverted and rendered substantially impotent by the executive branch. Small business has not been helped. Today, small business is victimized as never before by the bureaucracy, aided and abetted by the Federal agency charged by the Congress with protecting the small entrepreneur.

To prove my indictment, I submit the following facts: Section 3 of the 1942 Federal Reports Act requires that the Director of the White House Office of Management and Budget hold hearings in order to end duplicatory agency requests for information. The Director is further charged with actively seeking out such duplications through formal investigations. According to Mr. Frank Carlucci, Assistant Director of OMB, in a letter to me of May 12, 1972—

The Office of Management and Budget has conducted no formal investigations and hearings pursuant to Section 3(b) during the past five years.

I ask: Is this an example of White House concern for the millions of Americans who are small businessmen?

Not only is section 3(b) of the act not implemented, but, as our report shows, section 5 or the review procedure is enforced so ineptly as to render it virtually meaningless. Althought OBM relies solely on section 5 to administer the provisions of the 1942 act, the Statistical Policy Division which performs clearance procedures is understaffed. Contrary to the dictates of commonsense, top officials at OMB have decreased the staff of this office as the demand for information by Federal agencies has increased. The office had 47 professionals in 1947 but today there are only 25 full-time professionals. Congressional oversight committees have repeatedly warned OMB to upgrade its clearance staff but no action has been forthcoming.

In 1965 the House Committee on Post Office and Civil Service, referring to the clearance office, stated that—

A major strengthening of such facilities is the first requisite for correction of the highly unsatisfactory condition of Federal Reporting Activities . . .

In 1968 the Senate Small Business Committee in a report on the paperwork burden stated:

The Federal Reports Act sponsored by this committee in 1942 has not been effective in implementing the policy of Congress directed toward reducing the reporting burden of small business enterprises.

The report cites the reasons as being a lack of adequate staff of OMB and a general lack of commitment.

On August 2, 1972, the Subcommittee on Government Regulation of the Senate Small Business Committee had an opportunity to question Mr. Paul Krueger, Deputy Chief of the Office of Statistical Policy, at length in regard to the effectiveness of his office in controlling proliferation of Federal redtape and paperwork. The following comments by Mr. Krueger are, I feel, typical of the lack of commitment demonstrated by the Office of Management and Budget. They illustrate why we in the Congress must take prompt action if we are to preserve the small business community in America.

When asked if his office was aware of and on the alert to weed out duplicative Federal reporting requirements, Mr. Krueger replied affirmatively. He said:

(Our staff) is expected to become thoroughly informed and acquainted with respect to the whole body of information being collected by any Federal Agencies . . ."

And—

Our professional staff, working in this area, is a pretty expert staff and knowledgeable in what kinds of information are available or collected by different agencies.

Yet, later during this hearing I asked Mr. Krueger if he could supply for the record a list of, and copies of, all forms that a typical small business such as a dress shop or a service station might have to file with the Federal Government during any year. His response was—

No. That I could not even do.

He went on to say—

We don't know which businesses respond to which forms.

The contradiction is obvious to all and I feel supports my contention that the diligent supervision and action required to reduce bureaucratic redtape and paperwork is missing from OMB.

Mr. President, Federal reporting and statistical programs have increased more than 50 percent between 1958 and 1968 when the Senate Small Business Committee prepared its interim report. The man-hour reporting burden conservatively estimated by OMB has increased 30 million man-hours in the past 6 months alone.

One witness who represents thousands of small contractors told our subcommittee:

There is no question of the fact that we are being swamped by official forms, reports and record-keeping requirements that are far above those ever intended by the legislator responsible for the laws for which this administrative burden relies upon in accordance with so-called statutory authority.

This witness went on to state that Government paperwork costs the construction industry $5 billion a year. Is there any wonder why housing is so costly and why so many Americans cannot afford adequate housing? So much of the costs passed on to the consumer can be traced to this great paperwork explosion. Not only that—the consumer gets hit a second time. He is also a taxpayer who must pay ever higher taxes so that Government might generate this paperwork and store it and file it.

The very ability of small business to exist in our economic situation is in jeopardy. Action and not rhetoric is needed now.

I invite the cosponsorship of my bill by every Senator who deplores, as I do, the growing Federal consumption of independent enterprise. I believe this bill will be an effective means of reducing the paperwork burden and will enable small businessmen and all citizens to cope with the growing demands of our bureaucratic statistical reporting systems.

The Comptroller General today as in the past has been the vigilant watchdog of the Congress to control runaway Federal spending, cost overruns, illegal Federal contracting practices, and a variety of other actions which threaten the fiscal integrity of our Nation. Should this bill be enacted, I feel confident he will bring into this new task of controlling Federal bureaucratic redtape the same diligence he applies to his other responsibilities. He will, I am certain, take to heart not only the letter of the Federal Reports Act but the congressional intent as well. I am also certain that he will commit whatever resources may be necessary to protect free enterprise which is being threatened by the very government designed to promote it.

I am hopeful the Senate will give early consideration to this bill. Small business cannot tolerate another 30 million man-hour paperwork increase over the next 6 months in order to satisfy Federal information and statistical demands.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of it be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1812

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 35 of title 44, United States Code, is amended as follows:

(1) In section 3503—

(A) strike out the section caption and insert in lieu thereof the following:

"§ 3503. Duties of Comptroller General of the United States"; and

(B) strike out of the text "Director of the Bureau of the Budget" and insert in lieu thereof "Comptroller General of the United States".

(2) In sections 3504, 3506, 3507, 3509 (1), and 3510, strike out "Director of the Bureau of the Budget" wherever it appears and insert in lieu thereof "Comptroller General".

(3) In sections 3504, 3506, and 3509, strike out "Director" wherever it appears and insert in lieu thereof "Comptroller General".

(4) In the first sentence of section 3506, immediately after "substantial interest", insert the following: "upon the request of 10 or more persons.".

(5) In the second paragraph of section 3507, strike out "the Internal Revenue Service.".



(6) In item 3503 of the chapter analysis, preceding section 3501, strike out "Director of the Bureau of the Budget" and insert in lieu thereof "Comptroller General of the United States".

SEC. 2 (a) Title 44, United States Code, is amended by inserting between chapters 35 and 37, the following new chapter:

"Chapter 36—IMPROVEMENT OF FEDERAL TAX FORMS

"Sec.
"3601. Federal tax form review
"3602. Revision of Federal tax forms.
"§ 3601. Federal tax form review

"The Comptroller General of the United States shall establish within the General Accounting Office a unit—

"(1) to review tax forms, instructions and other such public use documents prepared by the Internal Revenue Service;

"(2) to make recommendations with respect to the simplification of any such forms;

"(3) to make recommendations with respect to the frequency with which any such form should be completed; and

"(4) to make recommendations with respect to the scope of any such forms.

The results of any such review shall be promptly reported to the Congress.

"§ 3602. Revision of Federal tax forms

"Upon request of any party having a substantial interest, or 10 or more persons, or upon his own motion, the Comptroller General may determine whether any tax form prepared by the Internal Revenue Service may be simplified, combined within any other such tax form, or completed less frequently, or the scope thereof reduced. Prior to making a determination, the Comptroller General shall fix a time and place for a hearing at which the Internal Revenue Service and other interested persons may have an opportunity to present their views. After the hearing, the Comptroller General may issue an order requiring the simplification, combining, or completion less frequently of any such tax form, or the reduction of the scope thereof. The Comptroller General may modify the order from time to time as circumstances require, but modification may not be made except after hearing."

(b) The table of contents of chapters, preceding chapter 1 of such title 44, is amended by inserting between items 35 and 37 the following new item:

"36. Improvement of Federal Tax Forms ----------3601".

SECTION-BY-SECTION ANALYSIS

Sec. 1. Deletes the authority of the Director of the Bureau of the Budget to administer the Federal Reports Act of 1942 and grants such authority to the Comptroller General. (44 USC 3501–3511)

Sec. 2. Adds a new Chapter, number 36, to Title 44 of the United States Code which establishes a new unit within the General Accounting Office responsible for the review of all tax forms. The Comptroller General upon his own motion or at the request of ten or more persons may determine whether any tax form prepared by the Internal Revenue Service may be simplified, combined with any other such tax form or completed less frequently. Prior to such a determination, the Comptroller General shall fix a time and place for a hearing at which time the IRS and any other interested party may present their views. After such hearing, the Comptroller General may issue an order requiring such simplification, combining or reduction in frequency of filing. This order may be modified from time to time as circumstances require but only after public hearing.

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By Mr. DOMINICK:

S. 1813. A bill to amend the act of September 30, 1950 (Public Law 874, 81st Congress) relating to financial assistance for schools in areas affected by Federal activites to provide for a phasing out of certain entitlements under that act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, impact aid, Public Law 81–874, has since 1950 been a program of Federal assistance to local educational agencies in areas affected by Federal installations.

Generally, two broad categories of students are assisted under this program. Children whose parents reside on and work on Federal property—A students—and children whose parents work on Federal property but live on private property away from the Federal installation—B students—are counted to determine a local educational agency's—LEA—eligibility for impact aid funds. The traditional justification for such aid has been the removal from the local tax base property owned by the Federal Government and the additional burden placed on the school district by families connected with the Federal installation. Impact aid money to LEA's is revenue sharing in its present form, as there are no restrictions on permissive areas of expenditure.

Section 3 of Public Law 874 is the major source of payments. Under this section, a school district is eligible for assistance if it has 3 percent of its pupils or 400 students who are federally connected—A and B students. The amount of assistance to a school district is derived by multiplying the number of federally connected students by a local contribution rate. However, the total number of B students in average daily attendance is reduced by 50 percent prior to applying the local contribution rate. Presently, this eligibility is being further reduced by limiting payments to LEA's for B students to 54 percent of entitlement. In effect, then, LEA's are getting 54 percent of the money they are eligible to receive for 50 percent of their B students.

The administration's Better Schools Act (S. 1319) proposes the elimination of LEA eligibility for B student payments. In my introductory remarks on the Better Schools Act, I expressed grave concern about the ability of many heavily impacted local school districts to survive the fiscal shock of such an abrupt cessation in the program. In an attempt to find some area of agreement between those who want to eliminate the B student program entirely, and those who want to preserve the program in its present form, I introduce legislation to gradually reduce an LEA's eligibility for B student impact aid funds, and ask that its text be printed at the end of my remarks.

This bill would gradually, over a 5-year period, reduce the number of B students to be counted in arriving at the average daily attendance figure. As I discussed earlier, the school district determines the number of A and B students who were in average daily attendance, and the local contribution rate is applied to all the A students and one-half the number of B students who were in average daily attendance to determine the LEA's impact aid eligibility. My bill would require that for every consecutive year that a B student was counted in the district's average daily attendance computation—or stated differently, for every consecutive year that a B student resided in the school district—the district could only count that student at some fraction rather than as one.

This reduction in a district's B student entitlement would not begin to register until the June 30, 1975, computation of average daily attendance. My bill provides that the consecutive years of inclusion in the previous year's average daily attendance computation—or residence in the district—shall not begin to run until June 30, 1973. The first year of residence—June 30, 1974—in that district allows the LEA full entitlement for the B student. However, after the second consecutive year of residence—June 30, 1975—in the district, the LEA could only count such a student as three-fourths as opposed to one; after the third consecutive year of residence—June 30, 1976—the district can only count the B student as one-half in its computation of the number of B students in average daily attendance; after the fourth consecutive year of residence—June 30, 1977—such a student would be counted as one-fourth; and after the fifth consecutive year of residence—June 30, 1978—such a student shall not be included at all in the district's count. Should a B student move into a school district qualifying for B impact aid on June 30, 1976, that student could be counted—at a reduced level—each year until 1980. In addition, the bill leaves undisturbed the present requirement in Public Law 874 that the contribution rate be applied only to 50 percent of the number of B students in average daily attendance.

Because of the gradual phaseout of 5-year B student residents in the local school district and the expected decrease in appropriations needed to fund this modified program, I would hope that it could be 100 percent funded, rather than limiting payments to LEA's, as is presently being done, to 54 percent of entitlement.

Mr. President, the B category of eligible students can be further subdivided into B military and B civilian. The B civilians—children with a parent who is a civilian employee of the Federal Government working at a Federal installation—would be the group most significantly affected. This legislation was designed to remove this group from eligibility because the residence is available for local taxation; but the effect should be spread over 5 years to give the school districts ample time to absorb the loss.

The effect on districts enrolling substantial numbers of B military students—children from military families with a parent working on Federal property—would not be as great, as I expect transfers would be frequent enough that the 5-year requirement would not be completely satisfied. This result, that is preserving to a great extent B military eligibility, was intended as these families tend to cluster on property which does not significantly add to the district's tax base. As a result, the property tax alone, in the absence of an income tax—family claims residency in another State—and in the absence of a sales tax—family shops on base—does not represent a fair



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share of the cost to the school district of educating the children from these families. The Federal Government in such a case can and should contribute to the cost of instruction in such districts.

Mr. President, this legislation recognizes and fulfills a continuing obligation on the Federal Government to contribute to the cost of educating children who have a more narrowly defined Federal connection. I am confident that local school districts can adjust to significant decreases in B student impact aid, if it is spread over 5 years. Because of the importance of this program to so many school districts, I hope this legislation can receive early consideration and action.

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By Mr. JAVITS (for himself, Mr. CRANSTON, Mr. HATHAWAY, Mr. KENNEDY, and Mr. RANDOLPH):

S. 1814. A bill to amend and improve the Adult Education Act. Referred to the Committee on Labor and Public Welfare.

ADULT EDUCATION AMENDMENTS OF 1973

Mr. JAVITS. Mr. President, I introduce for myself and for Senators CRANSTON, HATHAWAY, KENNEDY, and RANDOLPH, all members of the Subcommittee on Education, the Adult Education Amendments of 1973. A similar bill is being introduced today in the House by a bipartisan group of Members led by Representative LLOYD MEEDS of Washington.

The bill would amend the Adult Education Act to—

Extend the authorizations of existing programs for 5 years through fiscal year 1978.

Provide that up to 25 percent of funds may be used for high school equivalency programs for adults so as better to reach the some 64 million adult Americans with less than a high school education.

Give new emphasis to programs for adults in institutions and to adult programs in community schools.

Provide for State advisory councils which may be established in each State to counsel with both State and Federal authorities on adult education programs.

More than 22 million Americans have less than an elementary school education and some 64 million age 16 and over have less than a high school education. These are the forgotten millions of American education. This represents a tremendous lag which, in our highly technological age, could represent a major handicap to the Nation's progress. For, while we seek to help make available the best possible education for our young people to meet the responsibilities of citizenship and the challenges of a career, we have fallen short in our responsibility toward those adults who for some reason fell by the wayside and were unable to obtain the minimum of a high school education. As was pointed out in "Work in America," the report of the HEW special task force—

> We have largely neglected the educational needs of older workers.

Although there has been a Federal adult education statute on the books, education is thought of as elementary, secondary and postsecondary. Adult education must participate as a full-fledged partner in the American education effort. In today's increasingly complex society, a basic education for an adult is more than acquiring literary—it should be at least the equivalent of going through high school.

For 1971, the latest figures available, the mean annual income for an individual with less than 8 years of elementary school was $5,950; for 1 to 3 years of high school, $8,966; for 4 years of high school, $10,751; and for 4 or more years of college, $16,698.

A high degree of motivation and the effective use of education technology—plus the necessary availability of the means—make it possible for an adult to earn 2 or 3 years of high school credit in but 1 year. And that education is in new concepts of science and of social studies, making his learning relevant to the individual's ambitions and to his life at this time.

This measure has the support of the National Association for Public Continuing and Adult Education—NAPCAE—an affiliate of the National Education Association. I ask unanimous consent that there be included as part of my remarks some statistics from NAPAE's 1973 Almanac indicating the State-by-State need for adult education programs as well as the text of the bill:

There being no objection, the bill and table were ordered to be printed in the RECORD, as follows:

S. 1814

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Adult Education Amendments of 1973".

SEC. 2. Section 303 of the Adult Education Act is amended by adding at the end thereof the following new subsection:

"(j) The term 'community school program' means any program in which a public elementary or secondary school is used as a community center and is operated in cooperation with other groups in the community to provide educational, community, and social services consistent with the purposes of this title for the community which that center serves.".

SEC. 3. Section 304 of the Adult Education Act is amended by striking out "20 per centum" and inserting in lieu thereof "15 per centum".

SEC. 4. Section 306 of the Adult Education Act is amended by redesignating clauses (6), (7), (8), and (9), and all references thereto, as clauses (8), (9), (10), and (11), respectively, and by inserting immediately after clause (5) of such section the following new clauses:

"(6) provide for cooperation with manpower development and training programs and occupational education programs;

"(7) provide that such agency will make available not to exceed 25 per centum of the State's allotment for programs of equivalency for a certificate of graduation from a secondary school;".

SEC. 5. (a) Section 306(a)(1) of the Adult Education Act is amended by inserting after the words "adult population" the word ", including the institutionalized".

(b) Section 309(b) of the Adult Education Act is amended by—

(1) inserting immediately before the word "local" the following: "State educational agencies,";

(2) adding at the end thereof the following new sentence: "Whenever the Commissioner makes grants to local educational agencies or other public and private nonprofit agencies, he shall establish procedures under which the appropriate State educational agencies will be given reasonable opportunity to offer recommendations to the grant recipient and to submit comments to the Commissioner."; and

(3) inserting after the words "television stations" the words "and agencies conducting community school programs".

SEC. 6. The Adult Education Act is amended by inserting immediately after section 310 thereof the following new section:

"STATE ADVISORY COUNCILS

"SEC. 310A. (a) Any State which receives assistance under this title may establish and maintain a State advisory council which shall be appointed by the Governor or, in the case of a State in which members of the State board which governs the State education agencies are elected (including election by the State legislature), by such board.

"(b)(1) Such a State advisory council shall include as members persons who, by reason of experience or training, are knowledgeable in the field of adult education or who are officials of the State educational agency or local educational agency of that State, persons who are or have received adult educational services, and persons who are representative of the general public.

"(2) Such a State advisory council, in accordance with regulations prescribed by the Commissioner, shall—

"(A) advise the State educational agency on the development of, and policy matters arising in, the administration of the State plan approved pursuant to section 306;

"(B) advise with respect to long-range planning and studies to evaluate adult education programs, services, and activities assisted under this Act; and

"(C) prepare and submit to the State educational agency, and to the National Advisory Council for Adult Education established pursuant to section 310, an annual report of its recommendations, accompanied by such additional comments of the State educational agency as that agency deems appropriate.

"(c) Upon the appointment of any such advisory council the appointing authority under subsection (a) of this section shall inform the Commissioner of the establishment of, and membership of, its State advisory council. The Commissioner shall, upon receiving such information, certify that each such council is in compliance with the membership requirements set forth in subsection (b)(1) of this section.

"(d) Each such State advisory council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (c) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State advisory council, except that such rules shall provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning adult education.

"(e) Each such State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section."

SEC. 7. (a) Section 312(a) of the Adult Education Act is amended by—

(1) striking out the word "There" and inserting in lieu thereof "Except as provided in section 313, there"; and

(2) striking out "and June 30, 1973" and by inserting in lieu thereof "and for each of the six succeeding fiscal years".

(b)(1) The matter preceding the colon in section 431 of the Education Amendments of 1972 is amended to read as follows:

"SEC. 431. Title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act) is amended by adding at the end thereof the following new section".

(2) Section 431 of such title III is further amended by striking out "SEC. 314", and by inserting in lieu thereof "SEC. 313".

(3) Section 313(d) of the Adult Education Act (as redesignated by this section) is amended by striking out the word "two" and inserting in lieu thereof the word "five".

EDUCATIONAL ATTAINMENT

| | Age 16 and over, less than elementary school education | Age 16 and over, less than high school |
|---|---|---|
| 50 States, District of Columbia, and Puerto Rico | 22,787,950 | 63,970,815 |
| Alabama | 683,141 | 1,325,055 |
| Alaska[1] | 47,000 | 80,000 |
| Arizona | 212,698 | 438,045 |
| Arkansas | 317,444 | 376,751 |
| California | 1,300,056 | 4,300,379 |
| Colorado | 101,562 | 253,074 |
| Connecticut | 300,000 | 900,000 |
| Delaware | 110,000 | 158,602 |
| District of Columbia | 65,000 | 227,000 |
| Florida | 800,000 | 2,000,000 |
| Georgia | 656,754 | 1,399,175 |
| Hawaii | 84,079 | 191,155 |
| Idaho | 38,565 | 197,072 |
| Illinois | 1,172,035 | 4,121,503 |
| Indiana | 784,064 | 2,767,360 |
| Iowa | 116,801 | 632,366 |
| Kansas | 163,913 | 715,891 |
| Kentucky | 575,481 | 1,317,446 |
| Louisiana | 726,356 | 1,257,925 |
| Maine | 88,539 | 373,000 |
| Maryland | 481,305 | 1,131,672 |
| Massachusetts | 548,172 | 1,698,427 |
| Michigan | 765,183 | 2,735,552 |
| Minnesota | 273,000 | 1,110,000 |
| Mississippi | 640,362 | 900,000 |
| Missouri | 553,235 | 1,714,704 |
| Montana | 91,558 | 171,119 |
| Nebraska | 98,788 | 487,772 |
| Nevada | 40,000 | 108,000 |
| New Hampshire | 55,684 | 125,000 |
| New Jersey | 705,496 | 2,307,982 |
| New Mexico | 116,722 | 287,583 |
| New York | 1,600,000 | 5,500,000 |
| North Carolina | 982,352 | 2,444,381 |
| North Dakota | 61,443 | 216,471 |
| Ohio[1] | 993,167 | 3,437,438 |
| Oklahoma | 302,503 | 856,542 |
| Oregon | 136,200 | 620,000 |
| Pennsylvania | 1,465,002 | 4,403,159 |
| Puerto Rico[1] | | |
| Rhode Island | 100,000 | 300,000 |
| South Carolina | 540,483 | 1,013,000 |
| South Dakota | 48,681 | 201,467 |
| Tennessee | 625,000 | 1,499,000 |
| Texas | 1,758,413 | 3,060,636 |
| Utah | 34,156 | 217,179 |
| Vermont | 33,000 | 121,000 |
| Virginia | 810,000 | 1,539,000 |
| Washington | 160,000 | 750,000 |
| West Virginia | 278,717 | 855,572 |
| Wisconsin | 266,000 | 1,034,660 |
| Wyoming[1] | 19,876 | 91,700 |

[1] 1971-72 information not received.

Source: Based on most recent estimates submitted to NAPCAE by State Departments of Education.

SENATOR RANDOLPH SUPPORTS THE EXTENSION OF THE ADULT EDUCATION ACT

Mr. RANDOLPH. Mr. President, during the last decade significant changes have occurred in our concept of education. Educators are now being challenged to meet the ever growing and changing needs of the community and its citizens. High among these needs is the alarming number of adults who have never completed a high school education.

It is estimated that there are 64 million adults with less than a high school education. The passage of the Adult Education Act in 1966 provided these millions of adults with a greater opportunity to complete their education. Although the estimated number of adults who do not complete a high school education program has had a tremendous effect since its inception.

In West Virginia we are presently serving approximately 73,000 people in the adult basic education program. However, this number is small when compared to the total number of 300,000 disadvantaged adults with less than an eighth grade education. We can take great pride in the number of people that we serve, but we must open new doors for those thousands that are not served.

The bill introduced by Senator JAVITS will extend the authority for the existing program for 5 years. This extension is vital to our continuing efforts to meet the needs of these underprivileged citizens. The bill also provides for cooperation with manpower development and training programs and occupational training programs. The 25 percent of the funds allotted to the States under the program may be used for high school equivalency programs.

It is a great joy to see people learn to read or to see parents and grandparents helping their children with their homework for the first time. The significance of adult education programs is also demonstrated by the new and greater academic skills that participants will carry with them as they seek employment. It is a privilege for me to join with Senator JAVITS in sponsoring this legislation.

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By Mr. JAVITS (for himself, Mr. NELSON, Mr. TAFT, Mr. SCHWEIKER, Mr. MONDALE, and Mr. CRANSTON):

S. 1815. A bill to provide for an additional year of authorization for programs under the Economic Opportunity Act of 1964. Referred to the Committee on Labor and Public Welfare.

EXTENSION OF PROGRAMS UNDER ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENT

AMENDMENT NO. 132

(Ordered to be printed, and referred to the Committee on Labor and Public Welfare.)

Mr. JAVITS. Mr. President, I introduce for myself, Senator NELSON, the chairman of the Subcommittee on Employment, Poverty, and Migratory Labor, Senator TAFT, the ranking minority member of that subcommittee and Senators SCHWEIKER, MONDALE, and CRANSTON a bill to provide for the continuation of the antipoverty programs under the Economic Opportunity Act of 1964.

And as an amendment to that bill I submit on behalf of myself, Senator NELSON, Senator TAFT, and Senator SCHWEIKER the administration's proposal for a National Legal Services Corporation.

S. 1815, essentially an interim measure, provides that in order to maintain legal services programs pending establishment of a new Legal Services Corporation, the Director of the Office of Economic Opportunity may delegate his functions with respect to those programs to the Secretary of Health, Education, and Welfare; this delegation—which is precluded under the existing law will provide continued funding of programs in the event that as of June 30, 1973, a new corporation is not ongoing and the administration's plans to eliminate OEO are accomplished.

It is my hope that the administration will support this interim bill so that continuity will not be lost in the transition to a new Legal Services Corporation; at the present time the legal services program is a "cliff hanger" after July 1, 1973 because the Congress has authorized and reserved funding after that date for legal services only if the program is conducted by OEO and the administration has requested funding only if it is to be conducted by a new Legal Services Corporation.

Accordingly, this measure proposes a compromise under which the program may be continued. It incidentally does not depart substantially from the administration's own plans, expressed in its 1974 fiscal budget which contemplated that the Department of Health, Education, and Welfare would hold the funds for the corporation in the latters absence; the distinction is between merely holding and administering the program and it is the latter that S. 1815 would authorize.

Mr. President, as submitted, the amendment incorporating the administration's new proposed Corporation would establish it under a new title X under the Economic Opportunity Act of 1964.

It is my personal view that although the legal services program may be conducted by a new corporation, that program should remain as an essential antipoverty effort and thus be a part of the basic antipoverty law.

The President's submission of a new proposal for a legal services corporation is a commendable act, putting us "back on the track" concerning the future of the program.

While differences remain with respect to particular terms and some elements of this proposal give me concern, the overriding fact is that the President has rejected alternatives that could have turned the program completely over to the States resulting totally in politicization of the program; instead he has stuck basically to his proposal of last year, and has made a renewed commitment to a legal services corporation, essentially of a national nature.

The new commitment is spelled out in clear terms in the President's message of May 11, 1973, regarding legal services, when he said:

> When I asked the Congress in 1971 to create an independent Legal Services Corporation, I said that my proposal had three major objectives. Those same objectives apply to my proposal today:
>
> "First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profesion; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice."

Mr. President, on April 16, 1973, I joined with a number of Senators in a letter to the President, urging prompt transmittal of a new proposal for a national corporation, as distinct from a State plan approach and pledging "every consideration" to such a new proposal.

The President has "kept faith" with that general request and I shall keep faith with him by insuring the full consideration which we pledged.

In that spirit, I hope that we will work speedily toward a bill which will have the full support of the Congress and the Executive so that this very gifted concept—which the President has championed and which has been frustrated for 2 years—can be given life.



XUM

A BASIC ELEMENTS OF THE BILL

With that background, I shall outline the basic elements of the administration's proposal to establish a Legal Services Corporation, which as I indicated, is being offered as an amendment to the bill.

First, the bill would establish a nonprofit Corporation under the laws of the District of Columbia for the purpose of providing legal services; it would be governed, like last year's administration bill, by an 11 member board appointed by the President, with the advice and consent of the Senate; not more than six members would be of the same political affiliation and a majority would be required to be attorneys.

Second, the Corporation, generally like last year's bill, would be authorized to make grants and enter into contracts with individuals, partnerships, firms, organizations, and corporations.

Third, the Corporation would establish a nine member advisory council in each State, to be appointed by the Governor, or if he failed to act, by the national board. The State council would maintain a continuing review of all legal services. This is essentially a new feature.

Fourth, restrictions would be imposed with respect to representation in criminal proceeding, lobbying, public interest law firms, organizational matters and a number of other activities; any "interested party" could bring suit against the Corporation or its recipients, for a violation of these requirements; many of these provisions are also "new".

Fifth, any person could qualify for legal assistance under the program so long as his income were less than 200 percent of the poverty level and his lack of income did not result from a refusal to seek or accept a job. These are more expansive eligibility requirements than proposed in last years proposal.

Sixth, the Corporation would also be charged with responsibility for conducting a study of alternative ways of delivering legal services, such as judicare, vouchers, prepaid legal insurance, and contracts with law firms. A report of this study would be prepared and submitted to the President and the Congress no later than June 30, 1974. This is also essentially a "new" feature.

Mr. President, many of these provisions are new, some are from the administration's previous proposal but "tougher" than previously advanced, others are subject to different interpretations in terms of practice and constitutional law and some of what I considered to be commendable elements of last year's bill for example, advisory councils—are not included.

We hope that these and other points—as those in other proposals before the Congress—will be addressed with the greatest attention, and of course, the views of the organized bar and the attorneys in the current program with respect to these and other provisions will—as in the past—be a strong guiding force in the final legislation which results.

These provisions and those of other bills before the Congress must be judged by the very principles enunciated by the President—not only in terms of their intent but their potential effects, the independence of the Corporation; freedom of the attorney and maintenance of a vital program.

As in the case of the existing program and previous proposals to establish a Corporation, it shall be my policy to oppose or clarify the elements which could tend to politicize the program and to support and refine elements that will serve to professionalize it.

There have been abuses against the program and abuses within the program and both must be guarded against with great care as we give the program a new home—where it hopefully can "come of age," thrive, and take larger jumps in terms of quantity and quality toward the goal of equal justice, to use the President's own words, as a "basic right of all Americans."

Mr. President, I ask unanimous consent that the following be printed in the RECORD at this point: a copy of the statement by the President, dated May 11, 1973, a comparison prepared at my request by the legislative reference service showing the elements of this proposal, last year's bill, and amendment No. 5 to S. 706 a copy of the letter to the President dated April 16, joined by Senator MONDALE, Senator TAFT, the ranking minority member of the Subcommittee on Employment, Poverty, and Migratory Labor of the Senate Committee on Labor and Public Welfare, and Senators SCHWEIKER, STAFFORD, MONDALE, WILLIAMS, KENNEDY, and CRANSTON, each member of the committee, as well as a copy of the bill, the amendment, and my previous statements on this subject.

There being no objection, the bill, amendment, and material were ordered to be printed in the RECORD as follows:

S. 1815

A bill to provide for an additional year of authorization for programs under the Economic Opportunity Act of 1964

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 245 and 615 of the Economic Opportunity Act of 1964 are each amended by striking out "eight succeeding fiscal years" and inserting in lieu thereof "nine succeeding fiscal years".

SEC. 2. Section 602(d) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following: "except that the Director shall not delegate to any other existing agency his functions with respect to the legal services programs assisted pursuant to section 222(a)(3), 230, 232 and other provisions of this Act, but in order to maintain such programs, he may delegate such functions to the Secretary of Health, Education and Welfare, such delegation to be effective at any time after June 30, 1973.

SEC. 3. Section 3(c)(2) of the Economic Opportunity Amendments of 1972 (P.L. 92-424) is amended by adding at the end thereof the following new sentence: Nothing contained in this paragraph shall prohibit a delegation of functions with respect to legal services programs pursuant to section 602(d) of the Economic Opportunity Act of 1964.

SEC. 4. Section 114 of the Economic Opportunity Amendments of 1969 (P.L. 91-177) is hereby repealed.

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No. 132

Add the following at the end thereof:

SEC. 5. (a) The Economic Opportunity Act of 1964 is further amended by adding at the end thereof the following new title:

"LEGAL SERVICES CORPORATION ACT

"SHORT TITLE

"SEC. 1001. This title may be cited as the 'Legal Services Corporation Act'.

"DEFINITION

"SEC. 1002. As used in this Act, the term—

"(1) 'State' means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or any of the territories and possessions of the United States;

"(2) 'governor' means the chief executive officer of a state;

"(3) 'legal assistance' means the provision of any legal services under this Act; and

"(4) 'staff attorney' means an attorney who receives a majority of his annual professional income from legal assistance under this Act.

"ESTABLISHMENT OF CORPORATION

"SEC. 1003. (a) There is hereby established in the District of Columbia a private nonmembership nonprofit corporation which shall be known as the 'Legal Services Corporation' (hereinafter in this Act referred to as the 'Corporation') for the purpose of providing financial support for legal assistance in noncriminal matters to persons financially unable to afford legal assistance (hereinafter in this Act referred to as 'eligible clients').

"(b) The Corporation shall maintain its principal office in the District of Columbia and shall, it at all times, maintain therein a designated agent to accept service of process for the corporation. Notice to or service upon the agent shall be deemed notice or service upon the corporation.

"GOVERNING BODY

"SEC. 1004 (a) The Corporation shall have a Board of Directors (hereinafter in this Act referred to as the 'board') consisting of eleven voting members appointed by the President, by and with the advice and consent of the Senate, no more than six of whom shall be of the same political party. A majority shall be members of the bar of the highest court of any state and none shall be a full time employee of the United States.

"(b) The term of office of each member of the Board shall be three years or until his successor has been appointed and has qualified; except that of the members first appointed, five members designated by the President shall serve for a term of two years. For purposes of this subsection, the term of office of the initial members of the Board shall be computed from the date of enactment of this Act. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The term of all members shall be computed from the date of termination of the preceding term. No member shall be reappointed to more than two consecutive terms immediately following his initial term.

"(c) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States.

"(d) The President shall select from among the voting members of the Board a Chairman, who shall serve for a term of one year.

"(e) A member of the Board may be removed by a vote of seven members for malfeasance in office, persistent neglect of, or inability to perform, duties and for no other cause.

"(f) Within six months following the appointment of all members of the Board, the Board shall request the Governor of each State to appoint a nine-member advisory council for his State. A majority of the members of the advisory council shall be chosen from among the lawyers admitted to practice in the State and the members of the council shall be subject to annual reappointment. Should the Governor fail to appoint the advisory council within ninety days of receipt of said request from the Board, the Board shall appoint such a council. The advisory council shall be charged with notifying the corporation of any apparent violation of the provisions of this Act and applicable rules and regulations.

"(g) All meetings of the Board, of any executive committee of the Board, and of State advisory councils shall be open to the public, unless the membership of such bodies, by two thirds vote of those elegible to vote, determines that an executive session should be held on a specific occasion.

"OFFICERS AND EMPLOYEES

"SEC. 1005. (a) The Board shall appoint the President of the Corporation, who must be a member of the bar of the highest court of a State and shall be a nonvoting, ex officio member of the Board, and such other officers as the Board determines to be necessary. No officer of the Corporation may receive any salary or other compensation for services from any source other than the Corporation during his period of employment by the Corporation. All officers shall serve at the pleasure of the Board.

"(b) The President of the Corporation, subject to general policies established by the Board, may appoint and remove such employees as he determines to be necessary to carry out the purposes of the Corporation.

"POWERS, DUTIES, AND LIMITATION

"SEC. 1006. (a) In addition to the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, the Corporation shall have authority—

"(1) to make grants to, and to contract with, individuals, partnerships, firms, organizations, corporations, State and local governments, and other appropriate entities (hereinafter in this Act referred to as 'recipients') for the purpose of providing legal assistance to eligible clients;

"(2) to accept grants, gifts, devises, and bequests in furtherance of the purposes of the Corporation; and

"(3) to undertake, either directly or by grant or contract: (i) research, (ii) training and technical assistance, and (iii) to serve as a clearinghouse for information, relating to the delivery of legal assistance under this Act.

"(b)(1) The Corporation shall have authority to insure the compliance of recipients and their employees with the provisions of this Act and the corporate charter and bylaws, and to terminate, after a hearing, financial support to a recipient which fails to comply.

"(2) If an employee of a recipient violates or causes the recipient to violate the provisions of this Act or the charter, bylaws, or guidelines of the Corporation, the recipient shall take appropriate disciplinary action.

"(3) The Corporation shall not interfere with any attorney in carrying out his professional responsibility to his client or abrogate the authority of a State to enforce the applicable standards of professional responsibility which apply to the attorney.

"(4) No attorney shall receive any compensation, either directly or indirectly, for the provision of legal assistance under this Act, unless such attorney is admitted to practice law in the State where the rendering of such assistance is initiated.

"(5) The Corporation shall insure that its employees and employees of recipients, which employees receive a majority of their annual professional income from legal assistance under this Act, shall refrain from participation in, and refrain from encouragement of others to participate in, any of the following activities: (i) rioting, civil disturbance, picketing, boycott, or strike; or (ii) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or (iii) any illegal activity. The Board, within ninety days of the date of enactment of this Act, shall issue rules and regulations to provide for the enforcement of this subsection, which rules shall include provisions for termination or summary suspension of legal assistance supported under this Act, and suspension or termination of compensation to an employee of the Corporation or of a recipient under this Act.

"(6)(A) Any interested person may bring an action in a Federal district court to enforce compliance with the prohibitions of or under this Act by the Corporation or any recipient or any officer or employee of the Corporation or of any recipient.

"(B) If an action is brought under clause (A) to enforce compliance with the prohibitions of or under this Act and a final judgment is rendered in favor of the plaintiff, the Corporation shall promptly reimburse him for his costs and legal fees incurred in prosecution of the action.

"(d) The Corporation shall not—

"(1) participate in litigation on behalf of clients other than the corporate entity itself;

"(2) undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, except that personnel of the Corporation may testify when formally requested to do so by a legislative body, a committee, or a member thereof.

"(e)(1) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(2) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, or employee, except as reasonable compensation for services.

"(3) Neither the Corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment to any political party, political association, or candidate for elective office.

"(4) Neither the Corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any legislative proposals, ballot measures, initiatives, referendums, executive orders, or similar enactments or promulgations.

"GRANTS AND CONTRACTS

"SEC. 1007. (a) With respect to grants or contracts to provide legal assistance to eligible clients, the Corporation shall—

"(1) insure the maintenance of the highest quality of service and professional standards, adherence to the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to eligible clients;

"(2) establish that an individual shall be eligible for legal assistance pursuant to this Act (referred to in this Act as an 'eligible client') if his annualized gross income is less than 200 per centum of the poverty level as defined by the Office of Management and Budget; except that no individual, capable of gainful employment, shall be eligible for the receipt of legal assistance if his lack of gross income results from his refusal or unwillingness to seek or accept employment;

"(3) establish a schedule of fees which will require the client, if able, to pay at least a portion of the cost of legal assistance;

"(4) insure that grants are made and contracts are entered into so as to provide adequate legal assistance to persons in both urban and rural areas;

"(5) insure that attorneys employed full time in legal assistance activities supported in whole or in part by the Corporation represent only eligible clients and refrain from any outside practice of law;

"(6) insure that no funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies; except that personnel of any recipient may testify when formally requested to do so by a legislative body, a committee, or a member thereof;

"(7) insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the Corporation, refrain from—

"(A) any political activity; or

"(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal representation in civil or administrative proceedings); or

"(C) any voter registration activity (other than legal representation);

and insure that attorneys receiving a majority of their annual professional income from legal assistance activities supported in whole or in part by the corporation refrain from the above enumerated activities at any time; and

"(8) the Corporation shall establish guidelines for a system for review of appeals to be implemented by each recipient to insure the efficient utilization of resources and to prevent the taking of frivolous and duplicative appeals.

"(b) No funds made available by the Corporation under this Act, either by grant or contract, may be used—

"(1) to provide legal assistance under this Act with respect to a criminal proceeding or incarceration for a crime;

"(2) for any of the political activities described in section 1007(a)(7) above;

"(3) to award grants or enter into contracts with any public interest law firm which expends any resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both;

"(4) to provide legal assistance under this Act to any person of less than eighteen years of age without formal written consent of one of said persons' parents or guardians, except that if a person of less than eighteen years of age has no parent or legal guardian, an attorney compensated under this Act may represent such person for the purpose of petitioning the court to request appointment of a guardian ad litem, with the written consent of a guardian ad litem necessary for continued provision of such legal assistance.

"(5) to support or conduct training programs for the advocacy of, as distinguished from the dissemination of information about, particular public policies or which encourage political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations; and

"(6) to organize, to assist to organize, or to encourage to organize, or plan for, the creation or formation of, or the structuring of, any organization, association, coalition, alliance, federation, confederation, or any similar entity except as authorized by the Corporation.

"(c) In making grants or entering into contracts for legal assistance, the Corporation shall insure that any recipient organized solely for the purpose of providing legal services to eligible clients is governed by a body a majority of which consists of lawyers who are members of the bar of the State in which the legal services are to be provided.

"(d) The Corporation shall monitor and evaluate programs supported in whole or in part under this Act to insure that the provisions of this Act and the bylaws of the Corporation and applicable rules and regulations are carried out.

"(e) Grants and contracts under this Act shall be made or entered into by the President in the name of the Corporation, but the Board may by rule establish classes of grants or contracts to be reviewed and approved by it prior to such action by the President.

"(f) At least thirty days prior to the Corporation's approval of any grant application or prior to entering into a contract, the Corporation shall notify the Governor and the State bar association of the State in which the recipient will offer legal assistance. Notification shall include a reasonable description of the grant application or proposed

contract and request their comments and recommendations.

"(g) The Corporation shall insure that no less than 10 per centum of the moneys it expends in any year shall go to activities which are non-staff-attorney oriented.

"(h) The Corporation shall conduct a study of alternative methods of delivery of legal services to eligible clients including judicare, vouchers, prepaid legal insurance, and contracts with law firms and shall make recommendations to the President and the Congress on or before June 30, 1974, concerning improvements, changes, or alternative methods for delivery of the systems.

"RECORDS AND REPORTS

"SEC. 1008. (a) The Corporation shall have authority to require such reports as it deems necessary from recipients of grants or contracts.

"(b) The Corporation shall have authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract.

"(c) The Corporation shall publish an annual report which shall be filed by the Corporation with the President and the Congress.

"(d) Copies of all reports pertinent to the evaluation, inspection, or monitoring of recipients shall be maintained in the principal office of the Corporation for a period of at least five years subsequent to such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the Corporation may establish.

"AUDITS

"SEC. 1009. (a) The accounts of the Corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of the jurisdiction in which the audit is undertaken.

"(b) The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons. The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the Corporation.

"(c) In addition to the annual audit, the financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, files, and all other things, papers or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation. A report of such audit shall be made by the Comptroller General to the President and to the Congress, together with such recommendations with respect thereto as he shall deem advisable.

"(d) The Corporation shall audit or require each recipient to provide for an annual audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the Corporation. The Comptroller General of the United States shall receive copies of such reports and may, in addition, inspect the books, accounts, records, files, and all other papers things, or property belonging to or in use by the recipients, which relate to the disposition or use of funds received from the Corporation. The audit reports shall be available for public inspection, during regular business hours, at the principal office of the Corporation. Notwithstanding this subsection, neither the Corporation nor the Comptroller General shall have access to individual case records subject to the attorney-client privilege.

"FINANCING

"SEC. 1010. (a) There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Corporation. The first such appropriation may be made available to the Board at any time after six or more members have been appointed and qualified. Subsequent appropriations shall be for three-year periods or such other periods as appropriation acts may designate, and, if for more than one year, shall be paid to the Corporation in anual installments at the beginning of each fiscal year in such amounts as may be specified in the appropriation acts.

"(b) Where moneys are received by the Corporation or any recipient from funds not made available by the Corporation, they shall not be commingled with funds derived from appropriations under this Act.

"RIGHT TO REPEAL, ALTER OR AMEND

"SEC. 1011. The right to repeal, alter or amend this Act at any time is expressly reserved."

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STATEMENT BY THE PRESIDENT

Two years ago I proposed the creation of a Legal Services Corporation as a means of delivering high quality legal assistance to those who would otherwise be unable to afford it. The need still exists, and today I am once again asking the Congress to establish this corporation.

I firmly believe that we must provide a mechanism to overcome economic barriers to adequate legal assistance.

Eight years ago a legal services program was initiated as a small experiment within the Office of Economic Opportunity. It grew rapidly and today more than 2,250 lawyers are assisting the needy in about 900 neighborhood law offices.

We have learned many lessons during this time. We have learned, for instance, that any Federally-sponsored effort which runs counter to State and local officials is sure to spark controversy. We have learned that Federal programs with noble social aims must be carefully structured to mitigate abuse by those who run them. But more than anything else, we have learned that legal assistance for the poor, when properly provided, is one of the most constructive ways to help them to help themselves. During this period, we have also learned that justice is served far better and differences are settled more rationally within the system than on the streets. Now is the time to make legal services an integral part of our judicial system.

When I asked the Congress in 1971 to create an independent Legal Services Corporation, I said that my proposal had three major objectives. Those same objectives apply to my proposal today:

"First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice."

Many of the features of the new legislation are also similar to those in the 1971 proposal:

The corporation would be non-profit and governed by a board of eleven members appointed by the President, with the advice and consent of the Senate. No more than six members could be of the same political affiliation, and a majority would have to be attorneys.

The corporation would be authorized to make grants or enter into contracts with individuals, partnerships, firms, organizations, and corporations, as well as with State and local governments for the purpose of providing legal assistance to eligible clients.

The corporation would be authorized to undertake research on the delivery of legal services and to serve as a clearinghouse for information on such services.

No funds provided by the corporation could be used with respect to criminal proceedings.

While engaged in legal assistance activities, attorneys would be barred from participating in political activities and from encouraging or participating in strikes, boycotts, picketing and various forms of civil disturbance.

In addition to these provisions, the new legislation contains several features which I believe represent an improvement over my 1971 proposal:

A nine-member advisory council would be established in each State, to be appointed by the Governor or, if he failed to act, by the national board. The State advisory council would maintain a continuing review of all legal service activities within its State and would report any program abuses to the national board.

Anyone could qualify for legal assistance under the program so long as his income were less than 200 percent of the poverty level and his lack of income did not result from a refusal to seek or accept a job.

The corporation would also be charged with responsibility for conducting a study of alternative ways of delivering legal services, such as judicare, vouchers, prepaid legal insurance, and contracts with law firms. A report of this study would be prepared and submitted to the President and the Congress no later than June 30, 1974.

I firmly believe that this bill merits the support of all who believe in a legal services program which gives the poor the help they need, which is free and independent of political pressures and which includes safeguards to ensure that it operates in a responsible manner.

America's system of law now requires equal treatment for all in our courts of criminal justice. It is no less important that equal access be afforded those who seek redress through our civil laws.

We propose no special favors for any group in our society, nor do we seek to mandate the use of the legal system to the exclusion of other social institutions as instruments of social progress. We propose, simply, to protect and preserve a basic right of all Americans.

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STATEMENT OF SENATOR JACOB K. JAVITS

Through the establishment of a legal services corporation, the President's proposal puts us "back on the track" concerning the future of the essential legal services program as part of the Federal Anti-poverty program. I shall join in the introduction of the Administration's bill accordingly.

The President has "kept faith" through this proposal with the Administration's own legal services corporation idea, professionalizing the current efforts, and as I have urged, has rejected other schemes that apparently had been under consideration which could serve to "politicize" the program by placing it almost entirely under State and local control.

While differences remain with respect to the particular terms and some elements of the proposal give me concern, there is now a renewed bi-partisan commitment by the Executive and the Congress together, for a legal services corporation and I am very hopeful that this very gifted concept, which has been frustrated for more than two years, can now be enacted into law at an early date.

While I am very heartened by the Administration's submittal it will not guarantee against a "hiatus" in the current legal services effort since the Administration has requested funding for the program, at the level of $71.5 million after July 1 of this year only if the new corporation is established. Even if we act swiftly on legislation to do so—as I shall urge—it is possible that such a corporation can not be ongoing by that date.

It is therefore essential that this commitment to a new corporation be coupled with a commitment, also joined in by the Executive and the Congress, for continued funding for the current legal services program in the interim so that the current program will not have its "back up against the wall" and continuity and vital services to the poor will not be lost in the transition to a new corporation.

Accordingly, in the context of the Second Supplemental Appropriations bill, soon to be considered in the Senate, I plan to seek—together with a number of my colleagues—advance funding for the current legal services effort with transfer of those funds to a new corporation once it is established and I hope that the Administration will support those efforts to overcome the last stumbling block to effective continuation of the program. I hope also that no changes will be made in the existing program with respect to the major elements pending establishment of the corporation.

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U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
*Washington, D. C., April 16, 1973.*

The Honorable RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: We are writing to you as supporters of the concept of a National Legal Services Corporation, which we believe to be the most effective means of providing equal justice under the law for Americans who are poor.

Although we may differ among ourselves on the precise form such a corporation should take, we share the objective expressed in last year's Administration bill, S. 1769, to establish a National Legal Services Corporation, with an independent board, making funding available directly to grantee programs. We believe this is a highly effective means of providing for a legal services program responsive both to the legal needs of the poor and to the general public.

Accordingly, we are pleased that your fiscal year 1974 budget submitted in January indicated that you have maintained your commitment to this concept and would transmit new legislation to that end.

However, we are concerned that your proposal has not been submitted to Congress as of this date and that in the interim, as a result, the effective operation of the current legal services program has been impaired by short-term funding and questions about its future.

We urge that legislation for a National Legal Services Corporation be transmitted in the immediate future, so that it, along with other proposals before the Congress, may be considered and acted upon at the earliest possible date.

We pledge that the Administration proposal will be given every consideration in order to promptly establish a National Legal Services Corporation to meet the vital needs for equal justice under our Constitution.

With best regards,

Sincerely,

Jacob K. Javits, Robert Taft, Jr., Richard S. Schweiker, Robert T. Stafford, Walter F. Mondale, Alan Cranston, Harrison A. Williams, Edward M. Kennedy.

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COMPARISON OF MAJOR DIFFERENCES IN THE LEGAL SERVICES CORPORATION PROVISIONS

S. 1769 (introduced by Mr. Cook, et al, 92d Congress);
S. 706 Amendment No. 5 (intended to be proposed by Mr. Mondale, et al, 93rd Congress);
S. 1815 (introduced by Mr. Javits) Amendment No. 132 (intended to be proposed by Mr. Javits).

| S. 1769 (92D CONGRESS) | S. 706—AMENDMENT NO. 5 (93D CONGRESS) | AMENDMENT NO. 132 TO S. 1815 (93D CONGRESS) |
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| *Legal Services Corporation* | *National Legal Services Corporation* | *Legal Services Corporation* |
| 1. Board of Directors. | Board of Directors. | Board of Directors. |
| [Sec. 902(a)]. | [Sec. 904(a)]. | [Sec. 4(a)]. |
| The President appoints the 11-member Board of Directors, by and with the advice and consent of the Senate. | The President appoints the 19-member Board of Directors, by and with the advice and consent of the Senate. | The President appoints the 11-voting-member Board of Directors, by and with the advice and consent of the Senate. |
| No more than 6 of the 11-member Board shall be of the same political party. A majority shall be members of the bar of the highest court of a jurisdiction. None shall be a full time employee of the United States. | The 19 members shall be appointed as follows:<br>(1) 10 members from the general public, not less than 6 of whom shall be members of the bar of the highest court of a Senate;<br>(2) 5 members representative of the organized bar and legal education;<br>(3) 2 members from among individuals eligible for assistance under this title; and<br>(4) 2 members from among former legal services project attorneys.<br>Certain, specified organized bar and legal education groups may submit recommendations to the President with respect to the 5 Board members representative of the organized bar and legal education.<br>The Clients Advisory Council may submit recommendations to the President with respect to the 2 Board members from among those eligible for assistance under this title.<br>The Project Attorneys Advisory Council may submit recommendations to the President with respect to the 2 Board members from among former legal services project attorneys. | No more than 6 of the 11-member Board shall be of the same political party. A majority shall be members of the bar of the highest court of any State. None shall be a full-time employee of the United States. |
| [Sec. 902(d)]. | [Sec. 904(a)]. | [Sec. 4(d)]. |
| The Board selects a chairman from among its members—to serve for a 1-year term. | The Board elects annually, by majority vote, a chairman from among its members. | The President selects a chairman from among the voting members—to serve for a 1-year term. |
| [Sec. 902(e)]. | | [Sec. 4(e)]. |
| A Board member may be removed by a vote of 7 members—*only* for malfeasance in office or persistent neglect of or inability to perform duties. | | A Board member may be removed by a vote of 7 members—*only* for malfeasance in office or persistent neglect of or inability to perform duties. |
| | [Sec. 904(f)(1)]. | |
| | No person who is a paid employee or consultant of the Corporation or its grantees may serve on the Board. | |
| | [Sec. 904(f)(2)]. | |



XUM

COMPARISON OF MAJOR DIFFERENCES IN THE LEGAL SERVICES CORPORATION PROVISIONS—Continued

| S. 1769 (92D CONGRESS)—Continued *Legal Services Corporation*—Continued | S. 706—AMENDMENT NO. 5 (93D CONGRESS)—Continued *National Legal Services Corporation*—Con. | AMENDMENT NO. 132 TO S. 1815 (93D CONGRESS)—Continued *Legal Services Corporation*—Continued |
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| | No Board member may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated. | |
| | [Sec. 904(e)]. | |
| | All meetings of the Board, the executive committee of the Board, and advisory councils shall, whenever appropriate, be open to the public. Proper notice of public meetings shall be provided to interested parties and the public. | |
| 2. Incorporating Trusteeship. | Incorporating Trusteeship. | Incorporating Trusteeship. |
| [Sec. 901(b)]. | [Sec. 903(b)] | [Sec. 4(g)]. |
| The initial Board of Directors establishes the Corporation. | Establishes an Incorporating Trusteeship to be composed of the following persons or their designees: | All meetings of the Board, any executive committee of the Board, and advisory councils shall be open to the public—*unless*, by a ⅔ vote, the membership of a body determines that an executive session should be held on a specific occasion. |
| | (a) the president of the American Bar Association; | |
| | (b) the president of the Association of American Law Schools; | |
| | (c) the president of the American Trial Lawyers Association; | |
| | (d) the president of the National Bar Association; and | |
| | (e) the president of the National Legal Aid and Defender Association. | |
| | [Sec. 903(c)]. | |
| | The Incorporating Trusteeship shall establish the initial Clients Advisory Council and the initial Project Attorneys Advisory Council—after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title and associations of active legal services attorneys. Each initial Advisory Council is to be composed of 11 members selected in accordance with procedures, meeting certain requirements in the legislation, established by the Incorporating Trusteeship. | |
| | The initial advisory councils shall be composed of, respectively, persons eligible for assistanve under this title and attorneys actively engaged in providing legal services under any existing legal services program. | |
| | [Sec. 903(e)]. | |
| | The Incorporating Trusteeship shall incorporate the Corporation and prepare for the first meeting of the Board of Directors—*except for* the selection of the Corporation's Executive Director. | |
| 3. Advisory Council. | Advisory Councils. | Advisory Councils. |
| [Sec. 902(f)]. | [Sec. 905(a)]. | [Sec. 4(f)]. |
| The Board of Directors shall appoint an *Advisory Council*. | The Board of Directors shall provide for the selection of a *Clients Advisory Council* (subsequent to the initial Council established by the Incorporating Trusteeship)—after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title. | The Board of Directors shall request the governor of each *State* to appoint a 9-member *advisory council* for the State. |
| Advisory Council members shall include: (a) persons who meet client-eligibility standards; and (b) representatives of the organized bar. | It shall be composed of not more than 11 members, selected in accordance with procedures, meeting certain requirements in the legislation, established by the Board of Directors from among those eligible for assistance under this title. | If a governor fails to appoint a State advisory council within 90 days of receiving the Board's request, the Board of Directors shall appoint a State advisory council. |
| The Advisory Council shall: (a) be convened by the Corporation president at least twice annually; and (b) render advice to the Corporation on matters pertaining to the Corporation. | It shall advise the Board of Directors and the executive director of the Corporation on policy matters relating to the needs of the client community and may act as a liaison with the client community through activities it deems appropriate. It may also submit recommendations to the President in regard to the appointment of the 2 Board members from among those eligible for assistance under this title. | A majority of each advisory council's members shall be chosen from among lawyers admitted to practice in the State and all members shall be subject to annual reappointment. |
| | The Board of Directors shall provide for the selection of a *Project Attorneys Advisory Council* (subsequent to the initial Council established by the Incorporating Trusteeship)—after consulting with and receiving the recommendations of associations of active legal services attorneys. | Each State advisory council shall be charged with notifying the Corporation of any apparent violation of the provisions of this Act and applicable rules and regulations. |



| S. 1769 (92D CONGRESS)—Continued *Legal Services Corporation*—Continued | S. 706—AMENDMENT NO. 5 (93D CONGRESS)—Continued *National Legal Services Corporation*—Con. | AMENDMENT NO. 132 TO S. 1815 (93D CONGRESS)—Continued *Legal Services Corporation*—Continued |
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| | It shall be composed of not more than 11 members, selected in accordance with procedures, meeting certain requirements in the legislation, established by the Board of Directors from among attorneys actively engaged in providing legal services under this title. | |
| | It shall advise the Board of Directors and the executive director of the Corporation on policy matters relating to the furnishing of legal services. It may submit recommendations to the President in regard to the appointment of the 2 Board members from among former legal services project attorneys. | |
| | [Sec. 905(c)]. | |
| | The Board of Directors shall provide sufficient resources for each advisory council. | |
| 4. Lobbying and Political Activity. | Lobbying and Political Activity. | Lobbying and Political Activity. |
| [Sec. 904(d)(2)]. | | [Sec. 6(d)(2)]. |
| The Corporation shall have no authority to undertake to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or their committees—*unless* such bodies, their members, or their committees request that the Corporation make representations to them. | | The Corporation shall not undertake to influence the passage or defeat of any legislation by the Congress or by any State or local legislative bodies—*except that* Corporation personnel may testify when formally requested by a legislative body, or one of its committees or members. |
| [Sec. 905(a)(6)]. | | [Sec. 7(a)(6)]. |
| The Corporation shall insure: | | |
| (a) that *all* attorneys refrain from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies, their members, or their committees *while engaged in activities carried on by Corporation-funded legal services programs*—unless the attorney is requested to make representations; and | | The Corporation shall insure that *no funds* made available to recipient programs are used at any time, directly or indirectly, to undertake to influence the passage or defeat of any legislation by the Congress or by any State or local legislative bodies—*except that* personnel of any recipient program may testify when formally requested by a legislative body, or one of its committees or members. |
| (b) that attorneys *employed full-time* by Corporation-funded legal services programs refrain from lobbying (as set forth in "(a)" immediately above) *at any time*—unless the attorney is requested to make representations. | | |
| | [Sec. 906(c)(1)]. | [Sec. 6(e)(4)]. |
| | The Corporation shall establish procedures and guidelines to insure that *no funds or personnel* made available by the Corporation are used to undertake to influence the passage or defeat of any proposed convention, constitutional amendment, code, statute, executive order, ordinance, regulation, rule, or similar enactment or promulgation considered in any form by any legislative body by representations to such body (or committee or member thereof) or any similar activity—*except where*— | Neither the Corporation nor any recipient program shall contribute or make available corporate funds, program personnel, or equipment for use in advocating or opposing any legislative proposals, ballot measures, initiatives, referendums, executive orders, or similar enactments or promulgations. |
| | (a) an attorney representing an eligible client is requested by the client to make a representation or undertake a similar activity *and* the representation or activity is carried out so as to *not* identify the Corporation or any Corporation-funded legal services program with such representation or activity; and | |
| | (b) personnel of the Corporation or any Corporation-assisted legal services program are requested by a legislative body (or committee or member thereof) to make representations or carry out a similar activity. | |
| | [Sec. 906(e)(2)]. | |
| | Procedures established by the Corporation concerning the lobbying activities mentioned immediately above shall ensure that, where applicable, permitted representations and activities are undertaken in a manner consistent with the ABA Code and Canons. | |
| | [Sec. 906(e)(3)]. | |
| | No Corporation-provided funds shall be used (a) for any activity planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, (b) for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and (c) for conducting any advertising campaign through the commercial media to influence the passage or defeat of legislation. | |
| [Sec. 905(a)(7)]. | [Sec. 907(d)(1)]. | [Sec. 7(a)(7)]. |
| The Corporation shall insure: | The corporation shall ensure that *all* employees of the Corporation or of Corporation-assisted legal services programs, *while engaged in activities carried on by the Corporation* or *Corporation-assisted programs*, refrain from: | The Corporation shall insure: |
| (a) that *all* attorneys, *while engaged in activities carried on by Corporation-funded legal services programs*, refrain from: | (1) any partisan or nonpartisan political activity associated with a candidate for public or party office; | (a) that *all* attorneys, *while engaged in legal assistance activities supported in whole or in part by the Corporation*, refrain from: |
| (1) any partisan political activity associated with a candidate for public or party office or an issue specifically identified with a political party; | (2) any voter registration activity other than legal representation in civil judicial | (1) any political activity; |
| (2) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance with an | | (2) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal representation in civil or administrative proceedings); |

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COMPARISON OF MAJOR DIFFERENCES IN THE LEGAL SERVICES CORPORATION PROVISIONS—Continued

| S. 1769 (92D CONGRESS)—Continued *Legal Services Corporation*—Continued | S. 706—AMENDMENT NO. 5 (93D CONGRESS)—Continued *National Legal Services Corporation*—Con. | AMENDMENT NO. 132 TO S. 1815 (93D CONGRESS)—Continued *Legal Services Corporation*—Continued |
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| election (other than legal representation in civil or administrative proceedings); | or administrative proceedings *or* in connection with legal advice as to adherence to applicable local, State, or Federal registration requirements; and | (3) any voter registration activity (other than legal representation); and |
| (3) any voter registration activity (other than legal representation); and | (3) any activity to provide voters or prospective voters with transportation to the polls. | (b) that *all* attorneys *receiving a majority of their annual professional income from legal assistance activities supported in whole or in part by the Corporation* refrain from the activities enumerated above *at any time.* |
| (b) that attorneys *employed full-time* in Corporation-funded legal services programs refrain from the activities enumerated above *at any time.* | Employees of the Corporation or Corporation-assisted legal services programs or the Corporation-assisted program with any partisan or nonpartisan political activity associated with a candidate for public or party office. | |
| [Sec. 905(b)(2)]. No funds made available by the Corporation, either by grant or contract, may be used for any of the political activities described above. | [Sec. 907(d)(2)]. Employees of the Corporation shall be deemed State or local employees for "Hatch Act" purposes. | [Sec. 7(b)(2)]. No funds made available by the Corporation, either by grant or contract, may be used for any of the political activities described above. |
| | [Sec. 907(d)(3)]. The Corporation-assisted legal services programs shall be deemed State or local agencies for certain "Hatch Act" provisions (i.e. prohibitions on using authority or influence to interfere with or affect the result of an election or nomination; and directly or indirectly coercing, attempting to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes). | |
| | [Sec. 907(d)(4)]. The Board of Directors shall set appropriate guidelines for the private political activities of full-time employees of Corporation-assisted legal services programs. | |
| | [Sec. 907(e)]. The Corporation shall ensure that all employees of the Corporation or of Corporation-assisted legal services program, *while engaged in activities carried on by the Corporation or Corporation-assisted programs,* refrain from participation in and encouragement of others to participate in: | [Scc. 6(d)(5)]. The Corporation shall insure that Corporation and recipient program employees *receiving a majority of their annual professional income from legal assistance under this Act* refrain from participation in, and encouragement of others to participate in, any of the following activities: |
| | (1) illegal demonstrations, picketing, boycott, or strike; | (1) rioting, civil disturbance, picketing, boycott, or strike; |
| | (2) any form of direct action in violation of an outstanding court injunction; and | (2) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or |
| | (3) *any form of direct action designed to involve physical violence, destruction of property,* or *physical injury.* | (3) *any illegal activity.* |
| [Refer to Enforcement of Provisions comparison]. | [Sec. 907(f)]. The Board of Directors shall issue rules and regulations to provide for enforcement of provisions on the nonprofit-nonpolitical nature of the Corporation—including (in accordance with notice and fair hearing provisions): (a) provisions for emergency suspension of assistance to a Corporation-assisted program; (b) summary suspensions of an employee of the Corporation or any Corporation-assisted program; and (c) termination of assistance and employment as deemed appropriate. | The Board of Directors, within 90 days of this Act's enactment, shall issue rules and regulations to provide for the enforcement of the illegal activity limitations mentioned above. These rules shall include provisions for termination or summary suspension of legal assistance under this Act, and suspension or termination of compensation to an employee of the Corporation or an employee of any recipient program. |
| [Sec. 905(e)(3)]. The Corporation may not contribute to or otherwise support any political party or candidate for elective public office. | [Sec. 907(c)]. The Corporation may not contribute to or otherwise support any political party or candidate for elective public office, | [Sec. 6(e)(3)]. Neither the Corporation nor any recipient program shall *contribute or make available corporate funds, program personnel, or equipment to any political party, political association, or candidate for elective office.* |
| | | [Sec. 7(b)(5)]. No funds made available by the Corporation, either by grant or contract, may be used to support or conduct training programs for the advocacy of, as distinguished from the dissemination of information about, particular public policies or which encourage political activities, labor or anti-labor activities, boycotts, picketing, strikes, and demonstrations. |
| | | [Sec. 7(b)(6)]. No funds made available by the Corporation, either by grant or contract, may be used to organize, to assist to organize, or plan for, the creation or formation of, or structuring of, any organization, association, coalition, |



| S. 1769 (92D CONGRESS)—Continued *Legal Services Corporation*—Continued | S. 706—AMENDMENT NO. 5 (93D CONGRESS)—Continued *National Legal Services Corporation*—Con. | AMENDMENT NO. 132 TO S. 1815 (93D CONGRESS)—Continued *Legal Services Corporation*—Continued |
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| | | alliance, federation, confederation, or any similar entity *except* as authorized by the Corporation. |
| 5. Criminal Representation. [Sec. 905(b)(1)]. No funds made available by the Corporation, either by grant or contract, may be used to provide legal services with respect to *any criminal proceeding (including any extraordinary writ, such as habeas corpus and coram nobis, designed to challenge a criminal proceeding).* | Criminal Representation. [Sec. 906(1)]. No funds or *personnel* made available by the Corporation shall be used to provide legal services with respect to *any criminal proceeding.* | Criminal Representation. [Sec. 7(b)(1)]. No funds made available by the Corporation, either by grant or contract, may be used to provide legal assistance with respect to *a criminal proceeding or incarceration for a crime.* |
| 6. Outside practice of law. [Sec. 905(a)(5)]. The Corporation shall insure that attorneys employed full-time in Corporation-funded legal services programs *represent only eligible clients and refrain from any outside practice of law.* | Outside practice of law. [Sec. 906(d)]. The Corporation shall insure that attorneys employed full-time in Corporation-funded programs *refrain from any outside practice of law—unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.* | Outside practice of law. [Sec. 7(a)(5)]. The Corporation shall insure that attorneys employed full-time in legal assistance activities supported in whole or in part by the Corporation *represent only eligible clients and refrain from any outside practice of law.* |
| 7. Solicitation. | Solicitation. [Sec. 906(f)]. The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in Corporation-funded programs, in any case, solicit the client community for professional employment. No Corporation funds shall be expended in pursuance of any employment resulting from such solicitation. Solicitation does not include mere announcement or advertisement that the Corporation is in existence and that its services are available *and* any conduct or activity permissible under the ABA Code and Canons. | Solicitation. |
| 8. Public interest law firms. [Sec. 905(b)(3)]. No funds made available by the Corporation, either by grant or contract, may be used to award grants or enter into contracts which so-called "public interest law firms" which intend to expend at least *75% of their resources and time* litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both. | Public interest law firms. | Public interest law firms. [Sec. 7(b)(3)]. No funds made available by the Corporation, either by grant or contract, may be used to award grants or enter into contracts with any public interest law firm which expends *any resources and time* litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both. |
| 9. Notification prior to approval of a grant or contract. [Sec. 905(f)]. *At least 30 days prior to approval of any* grant or contract application, the Corporation shall notify the *chief executive officer* of the State in which the recipient program will offer legal services. Notification shall include a reasonable description of the grant or contract application. | Notification prior to approval of a grant or contract. [Sec. 906(h)]. *At a reasonable time prior* to approval of any grant or contract application, the Corporation shall notify the *State bar association* of the State in which the recipient program will offer legal services. Notification shall include a reasonable description of the grant or contract application and *request the State bar association for comments and recommendations* on the grant or contract application. | Notification prior to approval of a grant or contract. [Sec. 7(f)]. *At least 30 days prior* to approval of any grant application or prior to entering into a contract, the Corporation shall notify the *Governor* (chief executive officer) and the *State bar association* of the State in which the recipient program will offer legal assistance. Notification shall include a reasonable description of the grant application or proposed contract and *request their comments and recommendations.* |
| 10. Approval of grants or contracts. [Sec. 905(e)]. Grants and contracts shall be *made and refused* by the president of the Corporation—but the Board of Directors shall have authority to establish, by rules, which classes of grants or contracts it wishes to review and approve prior to action by the Corporation president. (NOTE.—The Corporation president is appointed by the Board of Directors.) | Approval of grants or contracts. | Approval of grants or contracts. [Sec. 7(e)]. Grants and contracts shall be *made or entered into* by the president of the Corporation *in the name of the Corporation,* but the Board of Directors may by rule establish classes of grants or contracts to be reviewed and approved by it prior to such action by the Corporation president. (NOTE.—The Corporation president is appointed by the Board of Directors.) |
| 11. Review of appeals. [Sec. 905(a)(8)]. The Corporation shall establish guidelines for *a system for review of appeals* to be implemented by each recipient programs to insure the efficient utilization of resources and *to prevent the taking of frivolous and duplicative appeals.* | Review of appeals. [Sec. 906(g)]. The Corporation shall establish guidelines for *consideration of possible appeals* to be implemented by each Corporation grantee or contractor to insure the efficient utilization of resources. *Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the ABA Code and Canons.* | Review of appeals. [Sec. 7(a)(8)]. The Corporation shall establish guidelines for a system for review of appeals to be implemented by each recipient program to insure the efficient utilization of resources and *to prevent the taking of frivolous and duplicative appeals.* |
| 12. Governing boards of recipient programs. [Sec. 905(c)]. In making contracts and grants for legal assistance, the Corporation shall insure that any recipient program organized solely for the purpose of providing legal services to eligible clients is governed by a body consisting of a *majority of lawyers.* | Governing boards of recipient programs. [Sec. 906(b)(6)]. The Corporation is authorized to establish procedures for the conduct of Corporation-assisted legal services programs containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which *members of the legal profession constitute a majority* | Governing boards of recipient programs. [Sec. 7(c)]. In making grants or entering into contracts for legal assistance, the Corporation shall insure that any recipient organized solely for the purpose of providing legal services to eligible clients is governed by a body consisting of a *majority of lawyers who are members of the bar of the State in* |

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COMPARISON OF MAJOR DIFFERENCES IN THE LEGAL SERVICES CORPORATION PROVISIONS—Continued

| S. 1769 (92D CONGRESS)—Continued<br>*Legal Services Corporation*—Continued | S. 706—AMENDMENT NO. 5 (93D CONGRESS)—Continued<br>*National Legal Services Corporation*—Con. | AMENDMENT NO. 132 TO S. 1815 (93D CONGRESS)—Continued<br>*Legal Services Corporation*—Continued |
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| | *and members of the client community constitute at least ⅓ of the board.*<br>*Waivers* in regard to the requirement for a majority of members from the legal profession may be granted by the Corporation to programs which have a majority of nonlawyer members on their policymaking boards upon the date of enactment of this Act. | *which the legal services are to be provided* |
| 13. Independence of the attorney.<br>[Sec. 904(c)(3)].<br>The Corporation shall not interfere with any attorney in carrying out his professional responsibility to his client or abrogate the authority of a particular jurisdiction to enforce the applicable standards of professional responsibility which apply to the attorney. | Independence of the attorney.<br>[Sec. 906(a)(7)].<br>The Corporation is authorized to establish such procedures and take such other measures as may be necessary to assure that (a) attorneys employed by the Corporation and attorneys paid in whole or in part from Corporation-provided funds carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client and (b) such attorneys adhere to the same ABA Code and Canons as are applicable to other attorneys. | Independence of the attorney.<br>[Sec. 6(c)(3)].<br>The Corporation shall not interfere with any attorney in carrying out his professional responsibility to his client or abrogate the authority of a State to enforce the applicable standards of professional responsibility which apply to the attorney. |
| 14. Eligility determination and fee schedules.<br>[Sec. 905(a)(2)].<br>The Corporation shall establish guidelines to insure that eligibility of clients will be determined on the basis of factors including:<br>(1) assets and income level;<br>(2) fixed debts, medical expenses, and other factors affecting the client's ability to pay;<br>(3) size of the client's family;<br>(4) cost of living in the locality; and<br>(5) such other factors as relate to financial inability to afford legal assistance. | Eligibility determination and fee schedules.<br>[Sec. 906(a)(8)].<br>The Corporation is authorized to establish standards of eligibility for the provision of legal services by any recipient program—with special provision for members of the client community whose means are least adequate to obtain private legal services. | Eligibility determination and fee schedules.<br>[Sec. 7(a)(2)].<br>The Corporation shall establish that an individual shall be eligible for legal assistance under this Act if his annualized gross income is less than 200% of the poverty level as defined by the OMB—except that no individual, capable of gainful employment, shall be eligible if his lack of gross income results from his refusal or unwillingness to seek or accept employment. |
| The Corporation shall establish priorities to insure that those least able to afford legal services are given preference.<br>[Sec. 905(a)(3)].<br>The Corporation shall establish a graduated fee schedule requiring the client, if able, to pay a portion of the cost of legal services. | | [Sec. 7(a)(3)].<br>The Corporation shall establish a schedule of fees which will require the client, if able, to pay at least a portion of the cost of legal assistance.<br>[Sec. 7(b)(4)].<br>No funds made available by the Corporation, either by grant or contract, may be used to provide legal assistance under this Act to any person of less than 18 years of age without formal written consent of one of the person's parents or guardians—*except that* if a person less than 18 has no parent or legal guardian, an attorney compensated under this Act may represent such person for the purpose of petitioning the court to request appointment of a guardian *ad litem*, with the written consent of a guardian *ad litem* necessary for continued provision of such legal assistance. |
| 15. Reports, audits and access to records.<br>[Sec. 906(c)].<br>The Corporation shall publish an annual report to be filed with the President, the Congress, and the Commissioner of the District of Columbia. | Reports, audits, and access to records.<br>[Sec. 911].<br>The Corporation shall prepare an annual report for transmittal to the President and the Congress.<br>The report shall:<br>(a) summarize the activities of the Corporation and make recommendations as the Corporation deems appropriate;<br>(b) include findings and recommendations on the preservation of the attorney-client relationship and adherence to the ABA Code and Canons in Corporation-assisted programs; and<br>(c) include a comprehensive and detailed report of the operations, financial condition, and accomplishments of the Corporation—together with additional views and recommendations, if any, of members of the Board of Directors. | Reports, audits, and access to records.<br>[Sec. 8(c)].<br>The Corporation shall publish an annual report to be filed with the President and the Congress. |
| [Sec. 906(a)].<br>The Corporation shall have authority to require reports as it deems necessary from recipients with which it has made grants or contracts. | | [Sec. 8(a)].<br>The Corporation shall have authority to require reports as it deems necessary from recipients of grants or contracts. |



| S. 1769 (92D CONGRESS)—Continued<br>*Legal Services Corporation*—Continued | S. 706—AMENDMENT NO. 5 (93D CONGRESS)—Continued<br>*National Legal Services Corporation*—Con. | AMENDMENT NO. 132 TO S. 1815 (93D CONGRESS)—Continued<br>*Legal Services Corporation*—Continued |
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| [Sec. 907].<br>The accounts of the Corporation shall be independently audited, annually. The report of the annual audit shall be filed with the GAO and shall be available for public inspection.<br>In addition to the annual independent audit, the GAO may audit the financial transactions of the Corporation. A report of any such GAO audit shall be made to the Congress and the President—together with such commenta and recommendations as the Comptroller-General shall deem advisable. | [Sec. 910].<br>The accounts of the Corporation shall be independently audited, annually. The report of each annual audit shall be included in the Corporation's annual report. Certain requirements are set forth as to the scope of the independent annual audit.<br>In addition to the annual independent audit, the accounts and operations of the Corporation may be audited annually by the GAO. A report of each such GAO audit shall be made to the Congress and shall contain comments and recommendations as the Comptroller-General shall deem advisable.<br>The report of each such GAO audit shall also show specifically any program, expenditure, or other transaction or undertaking observed in the course of the audit which has been carried on or made without the authority of law. | [Sec. 9].<br>The accounts of the Corporation shall be independently audited, annually. The report of the annual audit shall be filed with the GAO and shall be available for public inspection.<br>In addition to the annual independent audit, the GAO may audit the financial transactions of the Corporation. A report of any such GAO audit shall be made to the President and the Congress—together with such comments and recommendations as the Comptroller-General shall deem advisable. |
| The Corporation shall have a right to require an audit report from any recipient program with respect to funds received from the Corporation.<br>[Sec. 906(b)].<br>The Corporation shall have the authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records for the purpose of insuring compliance with the grant or contract. | [Sec. 908].<br>Copies of all records and documents pertinent to each Corporation grant or contract shall be available for public inspection.<br>Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors for at least 3 years. Upon request, to the extent authorized by the Corporation, the substance of such reports shall be furnished to grantees and contractors and may be made available to the President and Members of Congress. | The Corporation shall audit or require each recipient program to provide for an annual audit.<br>[Sec. 8(b)].<br>The Corporation shall have authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records for the purpose of insuring compliance with the grant or contract. |
| [Sec. 907].<br>The independent auditor shall have access to all records of the Corporation.<br>The Comptroller-General shall have access to all Corporation records, reports from grantees and contractors, and records of the grantees and contractors. | [Sec. 910].<br>The independent auditor, the President, and Members of Congress shall have all Corporation records necessary to facilitate an audit made available.<br>The Corporation and the Comptroller-General shall have access, for the purpose of audit and examination, to any records of the grantees and contractors pertinent to Corporation assistance. | [Sec. 9].<br>The independent auditor shall have access to all records of the Corporation<br>The Comptroller-General shall have access to all Corporation records, reports from grantees and contractors, and records of the grantees and contractors. |
| [Sec. 907(d)].<br>Neither the Corporation nor the Comptroller-General shall have access to individual case records subject to the attorney-client privilege. | [Sec. 910].<br>All provisions permitting access to the records of grantees and contractors are qualified with the phrase: "consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession." | [Sec. 9(d)].<br>Neither the Corporation nor the Comptroller-General shall have access to individual case records subject to the attorney-client privilege. |
| 16. Enforcement of provisions.<br>[Sec. 904(c)(1)].<br>The Corporation shall have the authority to insure compliance of recipient programs, and their attorneys with this Act, the corporate charter, and bylaws, and to terminate funding where a recipient program fails to comply. | Enforcement of provisions.<br>[Sec. 914].<br>The Board of Directors shall prescribe procedures to insure that financial assistance will not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the recipient program has been given reasonable notice and opportunity to show cause why such action should not be taken.<br>The Board of Directors shall prescribe procedures to insure that financial assistance shall not be terminated, refunding denied, or emergency suspension continued over 30 days—unless the grantee or contractor has been afforded reasonable notice and an opportunity for a timely full and fair hearing.<br>[Also refer to lobbying and political activity comparison—sec. 907(f)]. | Enforcement of provisions.<br>[Sec. 6(c)(1)].<br>The Corporation shall have the authority to insure compliance of recipient programs and their employees with the provisions of this Act, the corporate charter, and bylaws, and to terminate, after a hearing, financial support to a recipient program which fails to comply. |
| [Sec. 904(c)(2)].<br>If an attorney in a Corporation-funded program violates the provisions of this Act, or the charter, bylaws, or guidelines of the Corporation, the recipient program shall take appropriate disciplinary action. | | [Sec. 6(c)(2)].<br>If an employee of a recipient program violates or causes the recipient to violate the provisions of this Act or the charter, bylaws, or guidelines of the Corporation, the recipient program shall take appropriate disciplinary action. |
| 17. Qualifications of attorneys. | Qualifications of attorneys. | Qualifications of attorneys.<br>[Sec. 6(c)(4)].<br>No attorney shall receive compensation, either directly or indirectly, for the provision of legal assistance under this Act, unless such attorney is admitted to practice law in the State where the rendering of such assistance is initiated. |
| 18. Alternative methods of legal assistance. | Alternative methods of legal assistance. | Alternative methods of legal assistance.<br>[Sec. 7(g)]. |

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COMPARISON OF MAJOR DIFFERENCES IN THE LEGAL SERVICES CORPORATION PROVISIONS—Continued

| S. 1769 (92D CONGRESS)—Continued<br>*Legal Services Corporation*—Continued | S. 706—AMENDMENT NO. 5 (93D CONGRESS)—Continued<br>*National Legal Services Corporation*—Con. | AMENDMENT NO. 132 TO S. 1815 (93D CONGRESS)—Continued<br>*Legal Services Corporation*—Continued |
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| | | The Corporation shall insure that no less than 10% of the monies it expends in any year shall go to activities which are non staff attorney oriented.<br>[Sec. 7(h).]<br>The Corporation shall conduct a study of alternative methods of delivery of legal services to eligible clients including judicare, vouchers, prepaid legal insurance, and contracts with law firms, and shall make recommendations to the President and the Congress on or before June 30, 1974, concerning improvements, changes, or alternative methods for delivery of such systems. |
| 19. OMB and OEO reviews and comments. | OMB and OEO reviews and comments.<br>[Sec. 913(b).]<br>Nothing in the section (913) prohibiting Federal control over the Corporation or its grantees or contractors shall be construed as limiting the authority of the OMB or the OEO to initiate and conclude necessary reviews respecting adherence to the provisions of the title *and* to review and submit comments upon the Corporation's annual budget request at the time it is transmitted to Congress.<br>These reviews shall be conducted in accordance with the ABA Code and Canons. | OMB and OEO reviews and comments. |
| 20. Financing.<br>[Sec. 908]<br>Authorizes such sums as may be necessary. Allows for 3-year appropriations or periods as the appropriations acts may designate—but paid in annual installments. | Financing.<br>[Sec. 909.]<br>Authorizes such sums as may be necessary (in addition to sums reserved and made available from Economic Opportunity Act appropriations). Funds are to remain available until expended.<br>[Sec. 4.]<br>In addition, authorizes $50 million for FY 1974 (above those authorized for OEO's Legal Services Program in the Economic Opportunity Amendments of 1972) *and* authorizes $171.5 million for FY 1975. | Financing.<br>[Sec. 10(a).]<br>Authorizes to be appropriated such sums as may be necessary to carry out the activities of the Corporation.<br>The first appropriation may be made available to the Board of Directors at any time after six or more members have been appointed and qualified.<br>Subsequent appropriations shall be for 3-year periods or such other periods as the appropriations acts may designate—but paid in annual installments.<br>[Sec. 10(b).]<br>Where moneys are received by the Corporation or any recipient from funds not made available by the Corporation, they shall not be comingled with funds derived from appropriations under this Act. |

Mr. NELSON. Mr. President, I join with Senator JAVITS in introducing the administration's proposed Legal Services Corporation legislation.

Over the last several years there has developed a consensus that the program of legal services for the poor needs to be insulated from the political process so that legal services attorneys are able to carry on their responsibility to provide meaningful representation to protect the rights and interests of the poor without interference.

In seeking to accomplish that broadly supported objective, bills were considered in the last Congress to establish a Legal Services Corporation outside of and independent of any Federal agency. During the conference committee's sessions on the extension of the Economic Opportunity Act last fall, it became clear that differences among the House and Senate conferees and the administration could not be resolved at that time, particularly regarding the manner of appointing the board of directors of the corporation.

As chairman of the Subcommittee on Employment and Poverty, I promised at the time the Senate adopted the conference report that I would schedule consideration of legislation for a Legal Services Corporation in the current session of Congress, and that I would cooperate in every way I could with the administration to seek to resolve the issues which we were not able to work out last year. Senator JAVITS joined me in making that commitment.

In presenting its budget for fiscal year 1974, the administration proposed to end the Office of Economic Opportunity. The OEO has been the agency carrying out the legal services program since it began. If the operations of the OEO are ended or transferred to other agencies, the legal services program could be left without an administrative home. There is widespread agreement that the fate of the legal services program must not be allowed to become entangled in the resolution of the controversy over the continued existence of the Office of Economic Opportunity. Therefore, it has become imperative that the issues dividing those who favor a Legal Services Corporation be resolved as speedily as possible.

In that spirit I very much welcome the Legal Services Corporation bill that has just been sent to the Congress. We will want to give the language of the proposed legislation careful consideration. But let me say at this time that it provides what is most important—the opportunity to get started on enacting a Legal Services Corporation law.

Mr. President, the 30th of June is a short 6 weeks away. I believe it is possible to enact a Legal Services Corporation bill by that time, but it will require the prompt attention of and a cooperative attitude among all those who participate. I am confident, now that we have the administration's proposed new legislation, that the effort to create a Legal Services Corporation can, at long last, come to fruition this summer.

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By Mr. PASTORE (for himself, Mr. COTTON, and Mr. HOLLINGS):

S. 1816. A bill to amend the Wool Products Labeling Act of 1939 with respect to recycled wool. Referred to the Committee on Commerce.

Mr. PASTORE. Mr. President, the bill which I introduce will amend the Wool Products Labeling Act of 1939 by substituting the designation "recycled wool" for the present designations used in the act of "reprocessed wool" and "rcused wool."

This is the only amendment to the act covered by this bill. The definition of "wool" in the act is not changed in any way.

The term "recycled" is proposed in lieu of the terms "reprocessed" and "reused" because it is a more accurate description of the process used.

The raw material for reprocessed wool comes from wool clippings and other wool products left over from manufacturing processes and then recycled to its fibrous state. The raw material for reused wool stock comes from wool used in a wool product which has been used by the consumer and is then recycled to its fibrous state. The resulting fibers in each case are fibers of wool which are then made again into cloth, felt or some other wool product. As with wool or other fibers, the recycled wool fiber is frequently blended or combined with other fibers to produce the final product.

Briefly, the steps in the recycling of wool are as follows:

Wool clippings and wool clothing or other wool products are carefully sorted into more than two hundred classifications before they are made into new cloth, felt or other product. To prepare fibers for recycled wool, discarded wool products are first divided into those in good condition and those in poor condition. Products which are not suitable for fabrics are used for certain industrial purposes and for roofing material.

The processed or used wool products are further graded. Knitted materials are separated from woven goods, woolens from worsteds. Pockets or linings of cotton or other materials are removed. The material is then sorted by color to permit its use where feasible without removing dyes. The material is usually carbonized which removes nonwoolen fibers and is thoroughly scoured to remove all soil and dirt. This makes the material completely sanitized.

After sorting has been completed, the products are placed in a machine that picks out the fibers to produce wool stock. Clippings from cutting tables in garment plants are likewise sorted and graded in preparation for recycling.

Wool cloth, whether of 100 percent new wool or of recycled wool, is woven or otherwise fabricated in the same way. Wool stocks, both new wool and recycled wool, are blended to produce yarn which is then woven, knitted or are blended for felt or other products. Fabrics are washed repeatedly to remove oil that is used to lubricate the fibers and all dirt that may be in the fabrics and shrink it. It is then dried in an oven at 240 degrees and finally sheared, finished, pressed and ready for the manufacturer or home sewer.

The wool fibers are truly recycled, being entirely rebuilt into yarn, fabrics and felt, and finally into useful products for apparel, the home or for industry. Recycled wools are used primarily in heavy winter clothing, gloves, caps, felts and blankets. About 11 percent are used for carpets and rugs.

About 26 million pounds of these recycled wool fibers are used annually in the woolen system in the United States. About 12 percent or 3.6 million pounds are reused and the balance is reprocessed. The wool felt industry uses an estimated 7.5 million pounds of recycled wool in addition.

The wool textile industry supports the bill. Spokesmen for the industry believe that products made with recycled wool should be so labeled. The term "recycled" is a more up-to-date and a more accurate term and is understandable to the consumer.



By Mr. HUMPHREY:

S. 1817. A bill to alleviate the financial crisis confronting the public schools of the Nation by providing grants and loan guarantees for the construction of elementary and secondary schools, by providing increased financial resources for elementary and secondary education and by promoting the equitable distribution of such resources within the States through the establishment of a National Educational Trust Fund, and to establish a Department of Education. Referred to the Committee on Labor and Public Welfare.

NATIONAL EDUCATION INVESTMENT ACT OF 1973

Mr. HUMPHREY. Mr. President, today I am introducing legislation which provides for the launching of decisive Federal action to address the critical problems confronting school districts across the Nation.

Entitled the National Education Investment Act of 1973, this bill can assist substantially the establishment of a new education policy for America—a policy to guarantee that all children and youth, without regard to circumstances of residence, family income, or race will have a full and equal opportunity to obtain a quality education.

The four titles of the National Education Investment Act are designed to supplement targeted Federal assistance to disadvantaged children under the Elementary and Secondary Education Act—programs which I firmly believe must be extended by Congress, contrary to administration proposals that they be terminated upon the expiration of authorizations at the end of the current fiscal year.

The titles of my bill would provide for—

First, direct Federal grants for the construction or modernization of schools serving areas with high concentrations of lower-income families;

Second, loan guarantees and interest subsidies to tap major private investment resources to assist school districts across America that have increasingly experienced high debt service costs, or voter turndowns of bond referendums for vitally needed school construction, due to resulting increased local taxes—most recently, only about half of the bond referendums proposed by local jurisdictions in Minnesota have been approved by residents;

Third, the establishment of a national educational trust fund in the Treasury, from which payments would be made to State and local jurisdiction applicants which agree to substantially reduce or eliminate the taxation of real property for the purpose of financing elementary and secondary education, under a program which would promote progressive tax reform in the State and the improvement and balancing of per pupil expenditures among all local school districts; and

Fourth, the establishment of a Cabinet-level Department of Education, to concentrate Federal resources and programs on carrying out essential national education priorities.

The title of the National Education Investment Act indicates the fundamental commitment that must be made to increasing the Federal investment in education to one-third of all public resources.

By contrast, the administration's proposals constitute a profoundly disturbing retreat from even the present minimal commitment by the Federal Government to assisting elementary and secondary schools with critical needs across our country. With the seriously misleading title, the Better Schools Act, the legislation submitted by the administration would cut back Federal assistance to education by well over $500 million, in comparison to funds provided under the Elementary and Secondary Education Act in fiscal 1972. Categorical assistance to Minnesota would be slashed by over $9 million—an incredible prospect that will also be confronted by most other States.

I am deeply disturbed that the administration's budget for fiscal 1974 would allow only 2 cents out of the Federal dollar to be spent for all education needs in America.

By direct contrast, the National Education Investment Act proposes that a major advance be launched in Federal policies toward education. It is not the final answer—a number of other important legislative proposals have been made toward the achievement of this objective which is so vital to the future of our Nation.

However, the legislation which I am introducing today has several characteristics which merit the most serious consideration by Congress.

First, it proposes direct measures to address profound problems—the need for up-to-date school facilities, for ending the unconscionable inequality where a child's education is made dependent on the wealth or poverty of his or her community, and for coordinating numerous Federal programs and concentrating Federal assistance to meet crucial educational needs.

Second, this bill is comprehensive, addressed both to overcoming major fiscal resource disparities among school districts, which undermine equality of educational opportunity for all American children, and to pinpointing special education needs of children which for too long have received a totally inadequate response—including the needs of preschool children, of mentally or physically handicapped children, and of educationally deprived children in areas of poverty.

Third, the National Education Investment Act presents clearly defined measures and a definite time schedule for addressing all these problems—not through just providing more Federal dollars, but through using Federal assistance as leverage to promote counterpart efforts by State and local governments and by the private investment sector. It calls for a total national effort on behalf of our children.

I urge Congress to take action on this priority national agenda for education without delay.

Mr. President, it is necessary that two subjects be addressed directly with respect to this legislation.

First, the issue of tax reform within the States, and the issue of finding adequate revenues to pay for our schools, must not be dealt with as separate matters, in any

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legislation before Congress. These issues must be seen as a single, major problem demanding a comprehensive solution. On the other hand, it must not be the function of the Federal Government to dictate the answers, but rather to provide a strong incentive for the States and local jurisdictions to find equitable and constructive solutions. I believe the National Education Investment Act provides an effective program to address tax reform and education financing issues simultaneously, and to encourage State and local governments to accept the primary responsibility for carrying out this task.

Second, the issue of maintaining local control of schools should be addressed fairly and honestly. Some may view this issue as a slogan without adequate philosophical substance or clear definition, or as being used to justify resistance to school desegregation, or as being divorced from reality where school districts are increasingly finding it almost impossible to fund rising school costs and must depend more and more on outside financial resources.

However, this issue also reflects a deep feeling, a strong belief, of our people in cities and towns across America about local responsibility for the education of children. My bill undertakes to respect this belief, subject to the assurance that an equal opportunity will be provided for all children to obtain an education of high quality.

The National Education Investment Act does call upon State and local educational agencies to specify school-age populations being served and to indicate the scope of educational services, in accounting for the use of Federal assistance. And it does place requirements upon such agencies to implement and carry out certain educational programs for groups of children who have been neglected or inadequately served. But most importantly, this bill takes the basic view that States and localities should now be enabled, through the provision of adequate and dependable Federal assistance—as intended, for example, by the establishment of a National Educational Trust Fund—to work out their own answers to the unique problems they confront in guaranteeing the right of every child to a quality education.

Mr. President, I ask unanimous consent that the following items be printed at this point in the RECORD. First, excerpts from an address on establishing an action agenda for education, which I recently delivered before a conference of the District seven PTA in Minnesota. Second, a summary of the National Education Investment Act, prepared by my office. And third, the text of the bill.

There being no objection, the material and bill were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

The Education of our children and youth will shortly become a central issue in Washington. The Congress must take action on Legislation to continue Federal programs of assistance to education, prior to the expiration of the Elementary and Secondary Education Act on June 30, 1973.

Some might take comfort in reflecting that we have passed the point where it is necessary to argue about whether or not there should be a federal interest in education—the debate that raged in the '40's and '50's.

It was, of course, a false issue, for the federal Government has been involved in the support of public schools since 1783, when under the Articles of Confederation the government set aside two sections of land out of every township for the support of public schools.

However, my purpose tonight is to suggest to you in the strongest possible terms that the issue is still very much alive. The question that must be faced squarely by Congress is whether there will be a regression of federal support for education, under budget and legislative proposals by the present administration.

A recent issue of the Bulletin of the National Congress of Parents and Teachers, entitled "What's Happening in Washington?" states at the outset that "school finance is still a top priority subject."

I strongly believe it should be a top priority subject, but I frankly do not see this concern being expressed by the White House.

The Senate Subcommittee on Education is presently working on legislation to extend the Elementary and Secondary Education Act—a draft bill, S. 1539, on which revisions will be made prior to Senate floor consideration. It was with a deep sense of personal fulfillment that as Vice President, I witnessed the signing of the ESEA into law in 1965—for it brought to fruition a number of legislative proposals I had sponsored during my previous 16 years in the Senate.

Despite claims to the contrary by the present Administration and despite constant delays in funding and chronic underfunding, the Elementary and Secondary Education Act has been effective in improving education for millions of disadvantaged children.

Strong support for the extension of programs under this Act has been expressed by the PTA, the national Education Association, the National School Boards Association, the Council of Chief State School Officers, and school administrators.

But the Administration wants to scrap these programs. Instead, it has submitted proposed legislation that in name only, and definitely not in substance, is to be called the Better Schools Act (S. 1319 H.R. 5823). This is basically the same proposal that was pushed by the Administration last year as special revenue sharing for education—a proposal which Congress firmly rejected.

The Administration bill purports to combine some 32 present education programs into consolidated grants to the States, and it would allegedly permit the States to determine how to use the funds, without federal direction.

That sounds attractive. But let us look at the facts of the matter.

As to actual federal assistance to local school districts, Secretary of Health, Education, and Welfare Weinberger has admitted that the Administration's Bill would authorize $508 million *less* than was provided for under the Elementary and Secondary Education Act in fiscal 1972. Other sources estimate a cutback of up to $600 million. And Commissioner of Education Ottina has admitted that under the Better Schools Act, one million fewer disadvantaged children would be served than this year.

The Administration states that school districts would receive at least 50 percent of the funds they receive in fiscal 1973 for the disadvantaged. But districts which received $10,000 or less this year—and that includes many Indian and other small isolated rural schools—would be eliminated entirely from federal assistance.

Now, what about federal direction?

Despite claims that the Better Schools Act would reduce so-called existing federal control, the bill requires that 75 percent of the funds it would authorize must be spent for basic reading and mathematics. That sounds like a pretty clear and final federal directive to me on what should be taught in our schools.

While I personally would hope that schools will continue to concentrate on reading and mathematics, I do not believe the federal government should dictate to local school officials how they should design the curriculum.

Meanwhile, how finely will the remaining portion of the thinned down federal education assistance dollar be cut up?

Funds for education of the handicapped, for vocational education, and for supportive services—meaning libraries and guidance counselling among others—would be combined under the Better Schools Act into one allocation to the States based on their respective school-age populations. Of this amount, 43 percent is to be used for vocational education, but even the better part of that can be diverted to other purposes, if necessary, under a further provision. And handicapped children can expect only 16 percent of this limited federal assistance.

As you may know, the Administration also proposes to terminate the Category "B" program of aid to federally impacted areas in one stroke, leaving a large number of school districts suddenly facing a critical budget deficit.

But Category "A" aid will also be cut back substantially, for school districts where parents both live and work on Federal property—property which cannot be taxed by local governments.

Major accomplishments in Minnesota would be seriously set back by further provisions in the Better Schools Act which would terminate programs under the Elementary and Secondary Education Act—no further assistance for libraries and textbooks, no experimental programs, no assistance for administrative improvements in State education agencies.

I am advised by the Minnesota Department of Education that the Administration's Better Schools Act would mean an actual loss to our State of over $9 million in comparison to categorical assistance received in fiscal year 1972.

It is all well and good to have Federal program consolidation that insures more effective utilization of resources. But it is dead wrong to propose a consolidation that is a cover-up for the substantial reduction of programs for our most needy children. And let it be clear that this will be the net effect of the Better Schools Act, despite provisions to earmark $1.5 billion for educationally disadvantaged children and allegedly to "hold harmless" all States and local districts at not lower than fiscal 1973 funding levels under ESEA Title I.

The Administration is adamant that this restrictive program be substituted for the Elementary and Secondary and Vocational Education Acts. But I believe a majority in Congress is equally determined not to accept the totally mis-labelled Better Schools Act.

But the point I want to make tonight is that this should not just be a fight between the Administration and Congress. It must, in fact, be *your* fight as well.

Up to now, I've been talking about emergency legislative situations—actions that must be taken to prevent further regressions in policies and priorities of the Administration with respect to education.

But there is also an emergency situation at the grassroots level of America that demands the attention of Congress. I am referring to the fundamental issue of school finance—finding the revenues to meet rising education costs in our communities.

Of the $47 billion spent for schools last year, 52 percent came from local taxes. There is no question but that the regressive local property tax is regarded by the American people as the most unpopular tax in our Nation.

A recent national survey found this tax to be 2½ times more unpopular than even the Federal income tax.

Meanwhile, this tax, used primarily to finance our schools, has worked to make the quality of a child's education a function of the comparative wealth or poverty of the child's community. The recent 5-to-4 decision of the U.S. Supreme Court in San Antonio Independent School District v. Demetrio P. Rodriguez to the contrary, there is a serious nationwide problem of educational disparity resulting from this method of financing, that works out to discriminatory treatment of children. This situation demands corrective legislative action in Washington as well as in our State capitals.

Beyond this fact, however, it is clear that local school districts are being more and more hard pressed to find the funds to meet rising school costs.

They have looked for help to the Federal Government, with the most advanced and effective revenue collection system in the world. But their petitions to the present Administration for the redress of profound grievances have gone unanswered.

The present Administration is rightly concerned to place a limit on the level of Federal spending. No one argues with that fiscal objective. So do not be misled that this is the issue. No, the real issue is what categories of spending will be held back, slashed, while others are quietly increased.

The issue is why defense spending and foreign military assistance and certain other programs should be increased by some $10 billion, while funds for domestic human welfare programs—services to American people in serious need—are cut back by an equivalent amount.

The issue is why this Administration has failed to propose a program of genuine tax reform to lift some of the heavy tax burden off the backs of middle class families, and to produce at least $5 billion in new revenues that could be applied to meeting our critical needs at home.

It was to address this issue directly that I introduced the national priorities resolution, Senate Concurrent Resolution 14. Attention has been focused on this resolution because, while calling for a fiscally responsible budget for fiscal 1974, it also places Congress clearly on record for reductions in non-essential military expenditures and for a reformed tax system. And it would provide a means for meeting our needs in education, in health care, in public employment, in housing and the revitalization of our cities, and in rural economic development and pollution control.

But I believe Congress must also directly confront the issue of financing our schools. And I firmly believe that Congress should seize this opportunity to draft a new education policy for America—a policy committed to addressing effectively the crisis in our schools; and a policy to guarantee that all children and youth, without regard to circumstances or residence, family income, or race will have a full and equal opportunity to obtain a quality education.

Primarily, this new policy should be directed now toward paying the cost of a quality education at all levels—by substantially increasing the federal investment in education to one-third of all public resources. It is unconscionable that only 2 cents out of the federal dollar, or slightly more than $5 billion, would go for education under the Administration's budget for fiscal 1974.

In the near future, I will introduce the National Education Investment Act, to launch a major initiative toward establishing the new education policy for America that I regard as essential in the present decade.

The National Education Investment Act, supplementing the programs of targeted federal assistance under the Elementary and Secondary Education Act, would meet the serious problem of inadequate, obsolescent, and rundown school facilities in depressed areas, by providing for federal grants for the modernization and construction of elementary and secondary schools.

It would address the frequent condition of overcrowded classrooms and the high rate of voter turn-downs of bond referendums, as well as high debt service costs, for financing new and expanded public education facilities. To help solve these serious problems, this bill would provide for a major incentive for private sector investment in this vitally important area.

It would authorize federal loan guarantees and interest subsidies to be provided through a trust fund established in the U.S. Treasury.

And it would end the inherent disparity and injustice of making a child's education dependent on the wealth of the school district he or she happens to live in, by establishing a National Educational Trust Fund with an authorization of $20 billion. Payments from the National Educational Trust Fund by the Secretary of the Treasury to State and local governments would be tied to the reduction of the property tax as the major source of financing for elementary and secondary education. Last year, almost nine-tenths of local spending for schools, or $21 billion, came from the property tax.

Second, these trust fund payments would also be tied to the improvement and overall balancing among school districts of per-pupil expenditures, but without penalizing high-cost or high-expenditure districts.

Finally, the National Education Investment Act would firmly establish the priority that education needs must have in our national policies, by providing for the establishment of a Department of Education. This further strengthening and consolidation of federal resources and programs for educational assistance, beyond affirmative measures taken in the enactment of the Education Amendments of 1972, is of the greatest importance.

This legislation can further the major initiatives taken by Minnesota in promoting a balance among local school district per-pupil expenditure efforts, making our State a model for other States to follow.

But such legislative efforts cannot succeed on their own. They must have public support. Now, perhaps more than ever before in the history of our Nation, the voice of the people must be heard.

The Administration and Congress must know of your concern that a fundamental reordering of national priorities is of vital importance. They must know that you expect our Government to govern with integrity and with concern for the future.

It is to organizations of people like the PTA that we must look for positive action. If you and the nine million like you in PTA's throughout the country do your part, along with millions of other citizens, I am confident that America will enter its third century with great expectations realized, with great opportunities for our children and their children in a world of peace and freedom.

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NATIONAL EDUCATIONAL INVESTMENT ACT OF 1973

(Introduced by Senator HUBERT H. HUMPHREY)

SUMMARY

TITLE I

Provides for Federal grants for construction and acquisition of facilities and equipment for schools serving children of low-income families. Amends Public Law 815, Eighty-First Congress, to add a new Title II, cited as the "Elementary and Secondary School Construction Act of 1973." Designates Federal financial assistance to local educational agencies serving areas with concentrations of children from low-income families, to construct, reconstruct, renovate, and improve elementary and secondary school facilities (including pre-school facilities) so as to meet more effectively the special educational needs of educationally deprived children. Authorization period: July 1, 1973 through June 30, 1977. Authorizes such sums as may be necessary for Federal grants to local educational agencies under a formula based upon children of low-income families and certain other categories. Sets forth basic criteria and State application requirements.

TITLE II

Establishes a program of Federal loan guarantees and interest subsidies for construction and acquisition of facilities for elementary and secondary schools. Authorization period: January 1, 1974 through June 30, 1977. Amount of authorizations: $2.5 billion in fiscal year 1974, and for the succeeding fiscal year. Establishes in the Treasury an Elementary and Secondary School Facility Construction and Acquisition Loan Guarantee and Interest Subsidy Fund to be made available to the Commissioner of Education for the purpose of guaranteeing loans and making interest subsidy payments, on behalf of State and local educational agency applicants, to non-Federal lenders making loans to such agencies. Stipulates interest-differential for reduction of borrowing costs borne by such agencies, and sets forth criteria and limitations for assistance under this title to enable such agencies to meet capital outlay obligations. Provides for appropriate measures to protect the financial interests of the United States, and to assure that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency. As in title I, labor standards and nondiscrimination provisions are stipulated. In addition to regular reporting requirements, provides for a consolidated report to be made by the Commissioner to the Congress, on assistance authorized under this title, not later than January 1, 1977.

TITLE III

Establishes a National Educational Trust Fund in the Treasury, from which the Secretary of the Treasury will make payments to State and local jurisdiction applicants, to enable such applicants to substantially reduce or eliminate the taxation of real property for the purpose of financing elementary and secondary education, during an initial authorization period beginning January 1, 1974 and ending with the close of June 30, 1977. Level of authorizations: $10 billion in each of fiscal years 1974 and 1975, and such sums as may be necessary to carry out the purposes of this title, for fiscal years 1976 and 1977. Provides that during the first and second fiscal year for which application is made, Federal payments shall not exceed (1) the amount of funds received by the applicant from the taxation of real property during the last full fiscal year of the applicant when such funds were raised by such taxation for the purpose of financing elementary or secondary education, or (2) the amount of funds for that year which an applicant in a State would require in order to expend for elementary and secondary education an amount per pupil which is equal to the applicable target per pupil expenditure for that applicant, as further provided (basically, increases and balances per pupil expenditures among local school districts, without penalty to high-cost or high-expenditure areas, while focusing increased assistance on areas of educational deprivation), whichever is greater.

Provides that to be eligible to receive payments under this title in any fiscal year, an applicant must (1) eliminate the taxation of real property, for the purpose of financing elementary and secondary education, on the first $30,000 of assessed value of resident owned domiciles where the head of household





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or immediate survivor is dependent upon certain forms of fixed retirement income, and (2) reduce real property taxes and rent constituting real property taxes upon an individual's homestead (where such taxes are used to finance elementary and secondary education) to not more than 5 per centum of that individual's income.

Federal payments under this title in the second fiscal year for which application is made, and thereafter, are made further contingent upon appropriate certification by the State of the applicant that in the preceding fiscal year, all local educational agencies in the State had per pupil expenditures which met the required level for elementary and secondary school children, as provided under this title. Moreover, the applicant must have planned and will carry out programs to meet identified needs for early childhood development, vocational education, comprehensive educational programs designed to meet the special education needs of mentally or physically handicapped children and children with specific learning disabilities, and compensatory education for children who are educationally deprived. Provision is made for an incentive increase of 10 per cent in payments to an applicant to meet such obligations, and for the withholding of 20 per cent of the payment for which the applicant would otherwise be eligible, where such obligations have not been assumed.

Provides that in the third fiscal year for which application is made, or in any fiscal year for which application is made by a State which meets certain enumerated requirements, including the presentation of a State plan under which specific obligations are assumed, only the State will be eligible to apply for Federal payments from the trust fund. The amount of payment to such State shall be equal to 33⅓ per cent of the expenditures for elementary and secondary education by the State in the preceding fiscal year.

To be eligible for this assistance, the State must comply with the provisions of this title with respect to the substantial reduction or elimination of the taxation of real property, the achievement of the required level of per pupil expenditures by all local educational agencies, the planning and carrying out of educational programs as stated above, and certain general provisions. In addition, the State must have adopted a State tax system under which combined State and local fiscal effort is maintained on behalf of elementary and secondary education, and that assures an equitable distribution within the State of the burden of financing elementary and secondary education, making such financing a function of the total taxable wealth of the State, achieved primarily by basing State taxes upon total personal income.

TITLE IV

Establishes a Department of Education headed by a Secretary at cabinet level, to promote the cause and advancement of education throughout the Nation. Provides for certain functions to be performed by the Secretary of Education and Assistant Secretaries in the fulfillment of this purpose. Transfers to the Department the Education Division of the Department of Health, Education, and Welfare, as well as specified functions in the area of education, of the Secretary of Health, Education, and Welfare of the Director of the Office of Economic Opportunity, of the Secretary of Defense, of the Secretary of Agriculture, of the Secretary of Housing and Urban Development, and of the National Science Foundation. The President is authorized to transfer other Federal agency functions to the Department as he determines necessary to carry out the purposes of this title. Specific transfers and the establishment of the Department are made effective within 90 days of the date of enactment of this title. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

Provides for the creation of a Federal Interagency Committee on Education, to be composed of designated Federal agency officials, whose basic purpose shall be to assure effective coordination of all Federal programs affecting education.

Creates a National Advisory Commission on Education, composed of fifteen members appointed by the President, by and with the advice and consent of the Senate, from among those who have recognized expertise and direct involvement in the field of education, as well as representatives from the general public, industry, and the mass media. The Commission shall review the administration and operation of Federal education programs, conduct evaluations, and make recommendations for necessary improvements and new directions to be undertaken, including legislative recommendations—basically directed toward the determination and implementation of priorities among unmet needs and national goals in education .The Commission shall make annual reports to the President and to Congress. The Commission shall also recommend to the Secretary of Education necessary changes to achieve a manageable and effective advisory structure for the Department.

Provides for a comprehensive report on education to be made annually by the Secretary to the President for submission to the Congress.

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S. 1817

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as of the "National Education Investment Act of 1973".

TITLE I—GRANTS FOR CONSTRUCTION AND ACQUISITION OF FACILITIES AND EQUIPMENT FOR SCHOOLS SERVING CHILDREN OF LOW-INCOME FAMILIES

SEC. 101. The Act of September 23, 1950, Public Law 815, Eighty-first Congress, as amended (20 U.S.C. 631–645), is amended by inserting:

"TITLE I—FINANCIAL ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITY"

immediately above the heading of section 1, by striking out "this Act" wherever it appears in sections 1 through 10, inclusive (other than where it appears in section 5(c), for the second time in section 5(f), and for the first time in the fourth sentence of section 9), and inserting in lieu thereof "this title", and by adding immediately after section 10 the following new title:

"TITLE II—FINANCIAL ASSISTANCE FOR CONSTRUCTION AND ACQUISITION OF FACILITIES AND EQUIPMENT FOR SCHOOLS SERVING CHILDREN OF LOW-INCOME FAMILIES

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Elementary and Secondary School Construction Act of 1973'.

"DECLARATION OF POLICY

"SEC. 202. In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate programs for the construction of facilities for their public elementary and secondary schools, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in this title) to local educational agencies serving areas with concentrations of children from low-income families to construct, reconstruct, renovate, and improve elementary and secondary school facilities (including preschool facilities) so as to meet more effectively the special educational needs of educationally deprived children.

"DURATION OF GRANTS

"SEC. 203. The Commissioner shall, in accordance with the provisions of this title, make payments to State educational agencies for grants to local educational agencies for the period beginning July 1, 1973, and ending June 30, 1974.

"GRANTS—AMOUNT AND ELIGIBILITY

"SEC. 204. (a) (1) From the sums appropriated for making grants under this title for a fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 percentum thereof, as he may determine and shall allot such amount among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this title for any fiscal year shall be an amount equal to one-half of the average per pupil expenditure in that State or in the United States, whichever is the larger, multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and who are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) in families receiving an annual income in excess of the low-income factor (as established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to one-half of such average per pupil expenditure multiplied by the number of children of such ages and families in such county or counties and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner.

"(3) For purposes of this subsection, the term 'State' does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) A local educational agency shall be eligible for a grant for a fiscal year under this title only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)):

"(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children of such families are available on a school district basis, the number of such children of such families in the school district of such local educational agency shall be—

"(A) at least one hundred, or

"(B) equal to 3 per centum or more of the total number of all children aged five to seventeen, inclusive, in such district,



whichever is less, except that it shall in no case be less than ten.

"(2) In any other case, except as provided in paragraph (3), the number of children of such ages of families with such income in the county which includes such local educational agency's school district shall be one hundred or more.

"(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of children of such ages of families of such income for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

"(c) For the purposes of this section, the 'low-income factor' shall be $4,000.

"(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act on the basis of the best available data for the period most nearly comparable to those which are used by the Commissioner under the first two sentences of this subsection in making determinations for the purposes of subsections (a) and (b). When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

"APPLICATION

"SEC. 205. (a) A local educational agency may receive a grant under this title for any fiscal year only upon application therefor approved by the appropriate State educational agency, upon its determination, consistent with such basic criteria as the Commissioner may establish under section 206—

"(1) that payments under this title will be used for projects for the construction of school facilities of the local educational agency which are designed to serve school attendance areas having high concentrations of children from low-income families, including facilities for special projects conducted by the local educational agency in which children from such areas who are enrolled in private elementary or secondary schools, may participate as authorized by section 141 of the Elementary and Secondary Education Act of 1965;

"(2) that the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property;

"(3) that such projects are not inconsistent with overall State plans for the construction of school facilities and that the requirements of section 210 will be complied with on all such projects;

"(4) that the local educational agency will make an annual report and such other necessary reports to the State educational agency, in such form and containing such information, as may be necessary to enable the State educational agency to perform its duties under this title, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports.

"(b) The State educational agency shall not finally disapprove in whole or in part any application for funds under this title without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

"BASIC CRITERIA

"SEC. 206. As soon as practicable after the enactment of this title, the Commissioner shall by regulation prescribe basic criteria to be applied by State educational agencies under section 205. In addition to other matters, such basic criteria shall include the requirement that in approving applications under section 205 priority shall be given to projects which provide for the replacement or restoration of hazardous or unsafe facilities, the consolidation of school facilities where the existing facilities do not provide separate classrooms for each grade, the modernization or replacement of facilities which are antiquated or functionally obsolescent, or the modernization or replacement of facilities to provide innovative facilities or equipment.

"ASSURANCES FROM STATES

"SEC. 207. (a) Any State desiring to participate in the program under this title shall submit through its State educational agency to the Commissioner an application, in such detail as the Commissioner deems necessary, which provides satisfactory assurance—

"(1) that, except as provided in section 208(b), payments under this title will be used only for projects which have been approved by the State educational agency pursuant to section 205(a) and which meet the requirements of that section, and that such agency will in all other respects comply with the provisions of this title, including the enforcement of any obligations imposed upon a local educational agency under section 205(a);

"(2) that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this title; and

"(3) that the State educational agency will make to the Commissioner such reports as may be reasonably necessary to enable the Commissioner to perform his duties under this title (including such reports as he may require to determine the amounts which the local educational agencies of that State are eligible to receive for any fiscal year), and assurance that such agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) The Commissioner shall approve an application which meets the requirements specified in subsection (a), and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State educational agency.

"PAYMENT

"SEC. 208. (a) (1) The Commissioner shall, subject to the provisions of section 209, from time to time pay to each State, in advance or otherwise, the amount which the local educational agencies of that State are eligible to receive under this title. Such payments shall take into account the extent (if any) to which any previous payment to such State educational agency under this title (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to it.

"(2) From the funds paid to it pursuant to paragraph (1) each State educational agency shall distribute to each local educational agency of the State which is not ineligible by reason of section 204(b) and which has submitted an application approved pursuant to section 205(a) the amount for which such application has been approved, except that this amount shall not exceed an amount equal to the maximum amount of the grant as determined for that agency pursuant to section 204.

"(b) The Commissioner is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this title, except that the total of such payments in any fiscal year shall not exceed—

"(1) 1 per centum of the total of the amount of the grants paid under this title for that year to the local educational agencies of the State, or

"(2) $75,000, or $25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands;

whichever is the greater.

"(c) (1) No payments shall be made under this title for any fiscal year to a State which has taken into consideration payments under this title in determining the eligibility of any local educational agency in that State for State aid or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was at least equal to such combined effort for the fiscal year ending June 30, 1972.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 209. If the sums appropriated for any fiscal year, for making the payments provided in this title, are not sufficient to pay in full the total amounts which all local and State educational agencies are eligible to receive under this title for such year, such amounts shall be reduced ratably. In case additional funds become available for making payments under this title for that year, such reduced amounts shall be increased on the same basis that they were reduced.

"LABOR STANDARDS

"SEC. 210. All laborers and mechanics employed by contractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (14 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 265c)."

"NONDISCRIMINATION PROVISION

"SEC. 211. No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participa-

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tion in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act."

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 102. (a) The Act of September 23, 1950, Public Law 815, Eighty-first Congress, (20 U.S.C. 631–645), is amended—

(1) by inserting before section 11 the following title heading:

"TITLE III—ADMINISTRATIVE PROVISIONS"

and

(2) by redesignating sections 11, 12, 13, 14, 15, 16, and 17, as sections 301, 302, 303, 304, 305, 306, and 307, respectively.

(b) The section of such Act redesignated as section 302 is amended by adding at the end thereof the following new subsection:

"(c) No funds appropriated to carry out the provisions of this Act shall be used for the purpose of religious worship or instruction or for the construction of facilities as a place of worship or religious instruction."

(c) Subsection (c) of the section of such Act redesignated as section 303 is amended by inserting "title I of" immediately before "this Act" both times it appears.

DEFINITIONS

SEC. 103. (a) The section of the Act of September 23, 1950, Public Law 815, Eighty-first Congress, redesignated as section 305 is amended by adding at the end thereof the following:

"(17) For the purpose of this section, 'the average per pupil expenditure' in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the soures of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(18) The term "current expenditures' means expenditures for free public education to the extent that such expenditures are made from current revenues, except that such term does not include any such expenditure for the acquisition of land, the erection of facilities, interest, or debt service.

"(19) The term 'county' means those divisions of a State utilized by the Secretary of Commerce in compiling and reporting data regarding counties."

(b) Paragraph (4) of such section is amended by inserting before the period at the end thereof the folowing: ", except that such term does not include any education provided beyond grade 12".

TITLE II—LOAN GUARANTEES AND INTEREST SUBSIDIES FOR CONSTRUCTION AND ACQUISITION OF FACILITIES FOR ELEMENTARY AND SECONDARY SCHOOLS

SECTION 201. (a) In order to assist State and local educational agencies to carry out acquisition and construction of facilities for elementary and secondary schools, the Commissioner of Education, during the period beginning January 1, 1974, and ending with the close of June 30, 1977, may, in accordance with the provisions of this title—

(1) guarantee to non-Federal lenders making loans to such State and local educational agencies for such purposes, payment of principal of and interest on such loans which are approved under this title, and (2) pay to the holder of such loans (and for and on behalf of the State or local educational agency which received such loan) amounts sufficient (not to exceed 3 per centum per annum) to reduce the net effective interest rate otherwise payable on such loan. No loan guarantee or interest subsidy under this title may, except under such special circumstances and under such conditions as are prescribed by the Commissioner, apply to or be made for an amount which, when added to any grant or other loan under this or any other law of the United States, is in excess of 90 per centum of the cost of acquisition or construction of the facility for which such guarantee or loan subsidy payment is sought. No such loan guarantee may apply to more than 90 per centum of the loss of principal and interest on the loan.

(b) No loan guarantee or interest subsidy payment under this title shall be made unless the Commissioner finds that—

(1) the State or local educational agency applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans which are guaranteed or with respect to which interest subsidy payments are made under this title;

(2) the construction will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials;

(3) with respect to a loan for which a guarantee or an interest subsidy payment is sought, the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, and that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

(4) the term of a loan for which a guarantee or interest subsidy payment is sought does not exceed forty years.

(c) Guarantees of loans and interest subsidy payments under this title shall be subject to such further terms and conditions as the Commissioner determines to be necessary to assure that the purposes of this title will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Commissioner to the extent he determines it to be consistent with the financial interests of the United States.

(d) In the case of any loan guaranteed under this title, the United States shall be entitled to recover from the State or local educational agency applicant the amount of any payments made pursuant to such guarantee unless the Commissioner, for good cause, waives his right of recovery, and, upon making such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

(e) Any guarantee of a loan under this title shall be incontestable in the hands of a State or local educational agency applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person, or except where such applicant is in substantial noncompliance with any material provision of this title. The Commissioner shall have the authority after a hearing on the record to terminate or cancel any loan guarantee on behalf of a State or local educational agency where he makes a finding of fact, supported by substantial evidence, that such fraud or misrepresentation or substantial noncompliance with any material provision of this title has occurred.

(f) The Commissioner is authorized to establish and collect such fees from State and local educational agencies for guarantees made under this title as he considers reasonable.

(g) (1) There is established in the Treasury an Elementary and Secondary School Facility Construction and Acquisition Loan Guarantee and Interest Subsidy Fund (hereinafter in this title referred to as the 'fund') which shall be available to the Commissioner without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Act (A) to enable him to discharge his responsibilities under guarantees issued by him under this title, and (B) for interest subsidy payments authorized by this title. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required by the fund. To the extent authorized from time to time in appropriation Acts there shall be deposited in the fund amounts received by the Commissioner as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this title, including any moneys derived from the sale of assets, and fees collected for guarantees made under this title.

(2) If at any time the moneys in the fund are insufficient to enable the Commissioner to discharge his responsibilities under this title to meet the obligations under guarantees of loans under subsection (a) or to make interest subsidy payments on such loans, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Commissioner with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Commissioner from such fund.

(h) (1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this title may not exceed such limitations as may be specified in appropriation Acts.

(2) In any fiscal year no loan guarantee or agreements to make interest subsidy payments may be entered into under this title if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

(A) the principal of the loans guaranteed under this title in such fiscal year, and

(B) the principal of the loans for which no guarantee has been made under this title but with respect to which an agreement to make interest subsidy payments



is entered into under this title in such fiscal year, to exceed the amount of funds obligated under this title in such fiscal year.

(i) Not more than 12½ per centum of the funds obligated under this title for the principal of loans guaranteed and interest subsidy payments made in any one fiscal year may be used within any one State.

(j) The total amount of interest subsidy payments made under agreements entered into under this title in any one fiscal year shall not exceed $300,000,000 in such fiscal year.

APPLICATION

SEC. 202. (a) No loan guarantee or interest subsidy may be made under this title unless an application therefor has been submitted to and approved by the Commissioner. Each such application shall be in such form, submitted in such manner, contain such information, and be consistent with such basic criteria established under section 203, as the Commissioner may require. Each such application shall provide—

(1) that the State or local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property;

(2) that such projects are not inconsistent with overall State plans for the construction and acquisition of school facilities and that the requirements of section 206 will be complied with on all such projects;

(3) that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper accounting for payments made with respect to loans guaranteed and interest subsidy payments made under this title;

(4) that the State or local educational agency is authorized to make such application for assistance under this title under the appropriate State law;

(5) that the State or local educational agency will make an annual report and such other necessary reports to the Commissioner, in such form and containing such information, as may be necessary to enable the Commissioner to perform his duties under this title, and will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

(6) that such information as may be required shall include satisfactory specification of the existing or anticipated (A) population group or groups to be served by the existing or proposed elementary or secondary school facility; (B) organizational and financial arrangements for providing educational services; (C) facilities available for and additional capital investments and sources of financing therefor, required to provide the level and scope of services proposed; and (D) measures to assure that the location and operation of elementary and secondary school facilities constructed or acquired through assistance provided under this title are in compliance with the requirements of section 207.

(b) The Commissioner shall not approve an application which meets the requirements of subsection (a) of this section unless such application in the case of a local educational agency has been submitted to the appropriate State educational agency for comment.

(c) The Commissioner shall not finally disapprove in whole or in part any application for assistance under this title without first according the educational agency submitting the application reasonable notice and opportunity for a hearing.

BASIC CRITERIA

SEC. 203. As soon as practicable after the enactment of this title, the Commissioner shall by regulation prescribe basic criteria for applications submitted under section 202. In addition to other matters, such basic criteria shall include a priority for projects which provide for the replacement or restoration of hazardous or unsafe facilities, the consolidation of school facilities where the existing facilities do not provide separate classrooms for each grade, the modernization or replacement of facilities which are antiquated or functionally obsolescent, or the modernization or replacement of facilities to provide innovative facilities or equipment.

LIMITATIONS

SEC. 204. (a) No assistance shall be provided under this title for any fiscal year to a State which has taken into consideration non-Federal loans guaranteed and interest subsidy payments under this title in determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(b) No assistance shall be provided under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was at least equal to such combined effort for the fiscal year ending June 30, 1972.

JUDICIAL REVIEW

SEC. 205. (a) If any State or local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of its application under the provisions of this title or with his final action under section 201(a), such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the State or local educational agency is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the Court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

LABOR STANDARDS

SEC. 206. All laborers and mechanics employed by contractors on all construction projects under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (14 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 265c).

NONDISCRIMINATION PROVISION

SEC. 207. No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity in a facility assisted in whole or in part by any guaranteed loan or interest subsidy payment made under this title.

PROHIBITION ON USE AS MATCHING FUNDS

SEC. 208. No State or unit of local government may use, directly or indirectly, any part of the funds it receives under this title as a contribution for the purpose of obtaining Federal funds under any law of the United States which requires matching funds as a condition to the receipt of Federal funds.

DEFINITIONS

SEC. 209. As used in this Act—

(a) The term "Commissioner" means the Commissioner of Education.

(b) The term "construction" includes the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities. Such term includes interests in land or offsite improvements.

(c) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(d) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(e) The term "school facilities" includes classrooms and related facilities; and initial equipment, machinery, and utilities necessary or appropriate for school purposes. Such term does not include athletic stadiums, or structures or facilities intended primarily for athletic exhibitions, contests, or games or other events for which admission is to be charged to the general public.

(f) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(g) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

(h) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

EVALUATION REPORT

SEC. 210. Upon completion of elementary or secondary school facility acquisition and, or construction projects under assistance provided under this title, the State or local educational agency recipient of assistance shall make a full and complete report to the Commissioner, in such manner as he may by regulation prescribe, and which shall include descriptions and evaluations of the educational services resulting from such school facility improvements. The Commissioner shall provide a consolidated report to the Congress, with such recommendations, on assistance authorized under this title, as he

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deems appropriate, not later than January 1, 1977.

APPROPRIATIONS AUTHORIZED

SEC. 210. There are authorized to be appropriated to the fund, not to exceed $2,500,000,000 for the fiscal year ending June 30, 1974, and not to exceed $2,500,000,000 for the fiscal year ending June 30, 1975. Funds appropriated pursuant to this section shall be deposited in the fund and shall remain available for obligation and expenditure until expended.

## TITLE III—NATIONAL EDUCATIONAL TRUST FUND

DEFINITIONS

SEC. 301. As used in this title—

(1) The term "Secretary" means the Secretary of the Treasury.

(2) The term "applicant" means any State, political subdivision of a State or other public agency or authority, which imposes a tax on real property for the purpose of financing elementary and secondary education.

(3) The term "fund" means the National Educational Trust Fund established under section 302 of this title.

(4) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

ESTABLISHMENT OF FUND

SEC. 302. There is established in the Treasury of the United States a trust fund to be known as the "National Educational Trust Fund" (hereafter referred to as the "fund"). The fund shall consist of—

(1) amounts appropriated to it by section 303 of this title;

(2) amounts transferred to it from programs authorized under any other provision of law; and

(3) interest and proceeds credited to it under section 304(c), and receipts from any other source.

APPROPRIATIONS TO THE FUND

SEC. 303. There are authorized to be appropriated to the fund, not more than $10,000,000,000 for the fiscal year ending June 30, 1974, and not more than $10,000,000,000 for the fiscal year ending June 30, 1975.

There are further authorized to be appropriated such sums as may be necessary to carry out the purposes of this title for the fiscal year ending June 30, 1976, and for the succeeding fiscal year.

MANAGEMENT OF THE FUND

SEC. 304. (a) It shall be the duty of the Secretary to invest such portion of the fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(b) Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(c) The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

EXPENDITURES FROM THE FUND

SEC. 305. The Secretary is authorized to make and to contract to make payments from the fund to applicants in order to enable such applicants to substantially reduce or eliminate the taxation of real property for the purpose of financing elementary and secondary education, in accordance with further provisions under this title, during the period beginning January 1, 1974, and ending with the close of June 30, 1977.

ELIGIBILITY

SEC. 306. (a) An applicant is eligible to receive payments under this title only if the Secretary determines, on the basis of an application in such form as the Secretary may prescribe and in accordance with further provisions under this title, that the applicant has adopted or will adopt a program to substantially reduce or eliminate the taxation of real property for the purpose of financing elementary and secondary education.

(d) The Secretary shall not finally disapprove any application for funds under this title without first affording the applicant reasonable notice and an opportunity for a hearing. The terms of an application approved under this title shall be considered a contract, to which the United States shall be deemed a party-in-interest, and such contract shall be specifically enforceable in the appropriate Federal District Court by the Secretary.

LIMITATIONS AND CONDITIONS

SEC. 307. (a) Subject to further provisions under this title, and except as provided under subsection (g) of this section, the amount of payment under this title to any applicant, for the first fiscal year in which such application is made, and for the succeeding fiscal year, shall not exceed—

(1) the amount of funds received by the applicant from the taxation of real property during the last full fiscal year of the applicant when such funds were raised by such taxation for the purpose of financing elementary and secondary education, or

(2) the amount of funds for that year which an applicant in a State would require in order to expend for elementary and secondary education an amount per pupil which is equal to the applicable target per pupil expenditure for that applicant,

whichever is greater.

(b) As used in this section—

(1) the term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(2) the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(3) the term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(4) the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(5) the term "target per pupil expenditure" means the per pupil expenditure for elementary and secondary school children, respectively, during the base period fiscal year determined by the Secretary for that State, of that local educational agency within such State with a per pupil expenditure for elementary and secondary school children, respectively, which is exceeded by not more than 10 per centum of the local educational agencies within such State.

(6) the term "urban center" means the central city area of a standard metropolitan statistical area as determined by the Secretary;

(7) the term "local educational agency serving an urban center" means any local educational agency which serves at least one-third of the pupils in any urban center and at least 25,000 pupils; and

(8) the term "applicable target per pupil expenditure" means (A) in the case of a local educational agency serving an urban center, the target per pupil expenditure, and (B) in the case of any other local educational agency, 90 per centum of the target per pupil expenditure, for a State.

(9) the term "homestead" means the dwelling, whether owned or rented, and so much of the land surrounding it, not exceeding one acre, as is reasonably necesary for the use of the dwelling or multipurpose building used as a home and a part of the land upon which it is built, and of a mobile home if used as a home. Such term does not include personal property such as furniture, furnishings, or appliances whether or not affixed to the reality;

(10) the term "income" means the sum of adjusted gross income as defined in the Internal Revenue Code of 1954, the amount of capital gains excluded from adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance and relief, the gross amount of any pension or annuity, nontaxable interest, workmen's compensation, and the gross amount of insurance payments in lieu of income from employment. Such term does not include gifts or noncash relief, services, or other assistance supplied by a public agency;

(11) the term "rent constituting real property taxes" means an amount equal to 25 per centum of the gross rent actually paid in cash (or its equivalent) in any calendar year by an individual solely for the right of occupancy of his homestead in a calendar year; and

(12) the term "gross rent" means a rental paid solely for the right of occupancy of a homestead, exclusive of charges for any utilities, services, furniture, furnishings or personal property or appliances furnished by the landlord as part of the rental agreement whether or not expressly set out in the rental agreement.

(c) To be eligible to receive payments under this title for any fiscal year for which application is made, an applicant shall provide satisfactory assurances to the Secretary that where the taxation of real property is employed for the purpose of financing elementary and secondary education—

(1) it will eliminate the taxation of real property on the first $30,000 of assessed value of all resident owned domiciles in which the head of the household or immediate survivor is receiving Social Security, railroad retirement, veteran's pension and/or disability benefits, or equivalent retirement benefits, whether public or private, as the major source of income; and

(2) it will reduce real property taxes or rent constituting real property taxes upon an individual's homestead for the current taxable year to not more than 5 per centum of that individual's income for that year.

(d) Prior to receiving payment under this title in the second fiscal year for which application is made, each State of an applicant shall present data to the Secretary and to the Commissioner of Education demonstrating that, in the preceding fiscal year, all local educational agencies in the State had per pupil expenditures which met the required level for elementary and secondary school children, respectively, as set forth in this section.

(e) In the second fiscal year for which application is made and each year thereafter, the Secretary shall withhold not more than 20 per centum of the payment for which an applicant would otherwise be eligible, unless the Secretary has received proper notification from the Commissioner of Education, under such requirements as the Commissioner may by regulation prescribe, that such applicant has planned and will carry out programs to meet identified needs for early childhood development, vocational education, comprehensive educational programs designed to meet the special education needs of mentally or physically handicapped children and children with specific learning disabilities, and compensatory education for children who are educationally deprived.

(f) In the second fiscal year for which application is made and each year thereafter, the Secretary is authorized to increase the amount of payments to an applicant by not more than 10 per centum per year, upon receiving proper notification from the Commissioner of Education, under such requirements as the Commissioner may by regulation prescribe, that such applicant would require these additional funds in order to meet additional operating costs sustained by the applicant as a result of—

(1) the implementation of such educational programs as may be required under the provisions of this title;

(2) the acquisition of new educational equipment or the improvement of existing equipment by the applicant;

(3) increased salaries for teachers paid out of funds made available by the applicant.

(g)(1) In the third fiscal year for which application is made and each year thereafter, or in any fiscal year for which an application is approved by the Secretary under the provisions of this subsection, the applicant shall be a State, and the amount of payment to such State shall be equal to 33⅓ per centum of the expenditures for elementary and secondary education, respectively, by such State in the fiscal year preceding the fiscal year for which application is made, upon the determination by the Secretary with the concurrence of the Commissioner of Education, subsequent to the presentation to the Secretary and the Commissioner of such information and data as the Secretary and the Commissioner shall jointly by regulation prescribe, including a State plan as further provided under this subsection, that such State has complied with the provisions of this title with respect to—

(A) the substantial reduction or elimination of the taxation of real property for the purpose of financing elementary and secondary education, as set forth in section 305, section 306, and section (c) of this section;

(B) the achievement of the required level of per pupil expenditures by all local educational agencies in the State, as set forth in subsections (a) (2), (b) (5)-(8), and (d) of this section;

(C) the maintenance of combined fiscal effort by all local educational agencies and the State with respect to the provision of free public education by such agencies, and the establishment of a tax system within the State to maintain such combined fiscal effort and for other purposes, as further provided under this subsection;

(D) the planning and carrying out of educational programs, as further provided under this subsection; and

(E) General Provisions as set forth in section 308.

(2) The State plan shall—

(A) stipulate measures and programs implemented to assure that the State is in compliance with the requirements of paragraph (1) of this subsection;

(B) provide that the State educational agency shall act as the sole agency for the administration of the State plan;

(C) set forth a program under which payments made to the State under this title will be used solely by State and local educational agencies for elementary and secondary educational purposes;

(D) have been adopted only after affording local educational agencies in the State an opportunity to review and comment on its provisions;

(E) present data demonstrating that the combined fiscal effort of local educational agencies and the State with respect to the provision of free public education by such agencies for the preceding fiscal year (exclusive of payments received under this title) was at least equal to such combined effort for the fiscal year preceding the fiscal year in which initial payments were received under this title; *Provided, however*, that the resultant tax system within the State provides that—

(i) there shall be an equitable distribution within the State of the burden of financing public elementary and secondary education; and

(ii) such financing shall be a function of the total taxable wealth of the State, and is not limited to the taxable wealth of the individual local educaional agencies within the State; and

(iii) such financing shall therefore be derived predominantly from State tax collections based upon the personal income of all persons resident in the State;

(F) provide for use by the State educational agency of payments made under this title for the proper and efficient performance of its duties in implementing this title, except that such agency may not, in any fiscal year, use for such purpose an amount greater than 1 per centum of the State's total entitlement for payments under this title in such fiscal year, or $150,000, whichever is the greater;

(G) provide for objective measurements of the number of children in areas served by all respective local educational agencies in the State and for an assessment of their educational needs and achievements, as well as an accounting of educational services provided such children and the number of children served, and for the provision of annual reports to the Commissioner of Education providing such information and data as the Commissioner shall by regulation prescribe in carrying out the provisions of this subparagraph, where such information and data are provided according to the following categories:

(i) children of pre-school age;

(ii) children in the age group served by elementary and intermediate schools through grade nine;

(iii) children in the age group served by secondary schools in grades ten through twelve;

(iv) children who are mentally handicapped;

(v) children who are physically handicapped;

(vi) children who have specific learning disabilities;

(vii) children who are educationally deprived; and

(viii) children who can be assisted by vocational education.

(3) In the second fiscal year for which application is made by a State and each year thereafter, and upon receiving proper notification from the Commissioner of Education on the basis of information and date provided to the Commissioner by such State applicant in accordance with requirements under the State plan as set forth in subparagraph (G) of paragraph (2) of this subsection, the Secretary is authorized to withhold or increase payments to such State applicant as provided, respectively, under subsections (e) and (f) of this section. In any case in which the Commissioner has not determined that satisfactory data for the purpose of this subsection are available, the Commissioner is authorized to request the Secretary of Commerce to make a special estimate of the number of children specified under the respective categories of subparagraph (G) of paragraph (2) of this subsection, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

GENERAL PROVISIONS

SEC. 308. (a) The Secretary shall be the trustee of the fund, and shall report to the Congress not later than March 1 of each year on the status and operation of the fund during the preceding fiscal year.

(b) In order to qualify for any payment under this title, an applicant must establish (in accordance with regulations established by the Secretary, after an opportunity for review and comment by the Governor of a State, with respect to a unit of local government located in such State) to the satisfaction of the Secretary that—

(1) it will use fiscal, accounting, and audit procedures which conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States),

(2) it will provide to the Secretary (and to the Comptroller General of the United States), on reasonable notice, access to, and the right to examine, such books, documents, papers, or records as the Secretary may reasonably require for purposes of reviewing compliance with this title,

(3) it will make such annual and interim reports to the Secretary as he may reasonably require

(4) it will establish policies and procedures designed to assure that no more than 15 per centum of the Federal funds made available under this title will be used for capital outlay and debt service, and

(5) the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property.

(c) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

JUDICIAL REVIEW

SEC. 309. (a) If any applicant is dissatisfied with the Secretary's final action with respect to the approval of its application under the provisions of this title, or with respect to the withholding of payments as provided under section 307 (e), such applicant may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the applicant is located a petition for review of that action. A copy of the petition shall be forthwith trans-



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mitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

TRANSITIONAL PROVISIONS

SEC. 310. Notwithstanding the provisions of Section 306, during the fiscal year ending June 30, 1974, the Secretary is authorized to furnish assistance and make payments to assist applicants in gradually reducing the amount of revenues received by such applicants by the taxation of real property for the purpose of financing elementary and secondary education.

## TITLE IV—DEPARTMENT OF EDUCATION

DEPARTMENT ESTABLISHED

SECTION 401. There is established an executive department which shall be known as the Department of Education (hereinafter referred to as the "Department"). There shall be at the head of the Department a Secretary of Education (hereinafter referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for level I of the Federal Executive Salary Schedule established under section 5312 of title 5, United States Code. The Department shall be administered under the supervision and direction of the Secretary.

FUNCTION AND PURPOSE

SEC. 402. The function and purpose of the Department shall be to promote the cause and advancement of education throughout the Nation. To that end the Secretary shall, among his responsibilities, (1) advise the President with respect to the progress of education; (2) develop and recommend to the President appropriate policies and programs to foster the orderly growth and development of the Nation's educational facilities and resources; (3) exercise leadership at the direction of the President in coordinating Federal activities affecting education; (4) conduct continuing comprehensive surveys, collect data, and make available findings, on the progress of education; (5) provide information and such other assistance as may be authorized by the Congress to aid in the maintenance of efficient school systems; and (6) encourage comprehensive planning by the State and local governments with a view to coordinating Federal, State, and community educational activities at the local level.

UNDER SECRETARY AND OTHER OFFICERS

SEC. 403. There shall be in the Department an Under Secretary, four Assistant Secretaries, and a General Counsel each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such functions and duties as the Secretary may prescribe. The Under Secretary shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule established under section 5314 of title 5, United States Code, and the Assistant Secretaries and General Counsel shall receive compensation at the rate prescribed for level IV under section 5315 of such title. The Under Secretary (or during the absence or disability of the office of Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe) shall act as Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary.

PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

SEC. 404. Except to the extent inconsistent with this title, all provisions of law applicable to the executive departments generally shall apply to the Department.

SEAL

SEC. 405. The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

DELEGATION OF AUTHORITY

SEC. 406. The Secretary may, without being relieved of his responsibility therefor, and unless prohibited by some specific provision of law, perform any function vested in him through or with the aid of such officials or organizational entities of the Department as he may designate.

TRANSFERS TO DEPARTMENT

SEC. 407. (a) The Education Division of the Department of Health, Education, and Welfare, consisting of the Office of Education and the National Institute of Education, together with all of its functions, personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds is transferred to the Department and all functions of the Secretary of Health, Education, and Welfare being administered through such Division, and all functions of the Secretary of Health, Education and Welfare, and all functions of the Assistant Secretary of Health, Education, and Welfare for Education, and all functions of the Commissioner of Education with respect to such Division, Office, and Institute, are transferred to the Secretary.

(b) The following additional functions of the Secretary of Health, Education, and Welfare are transferred to the Secretary:

(1) With respect to and being administered by the Secretary of Health, Education, and Welfare through the Office of Child Development;

(2) With respect to all laws dealing with the relationship between Gallaudet College, Howard University, and American Printing House for the Blind, and the Department of Health, Education, and Welfare;

(3) Under section 394 of the Communications Act of 1934, relating to Federal grants for the construction of television broadcasting facilities to be used for educational purposes; and

(4) Under the Drug Abuse Education Act of 1970.

(c) There are transferred to the Secretary all functions of the Director of the Office of Economic Opportunity (including functions delegated to the Secretary of Health, Education, and Welfare) under sections 22(a) (1) and (2) of the Economic Opportunity Act of 1964 relating to the Project Headstart and Follow Through programs.

(d) There are transferred to the Secretary all functions of the Secretary of Defense with respect to the operation of schools for dependents of members of the Armed Forces.

(e) There are transferred to the Secretary all functions of the Secretary of Agriculture with respect to the operation of the Graduate School, United States Department of Agriculture.

(f) There are transferred to the Secretary all functions of the Secretary of Housing and Urban Development under title IV of the Housing Act of 1950 relating to college housing.

(g) There are transferred to the Secretary all functions of the National Science Foundation which the Director of the Office of Management and Budget determines relate to instructional personnel development programs, instructional program development, and programs in computer innovations designed for use in education.

(h) All personnel, property, leases, obligations, and commitments and unexpended balances of appropriations, allocations, and other funds which the Director of the Office of Management and Budget determines are to be used with respect to any office, agency, bureau, foundation, or function transferred under the provisions of this section, are transferred to the Department of Education.

ADDITIONAL TRANSFERS

SEC. 408. The President is authorized to transfer to the Department of Education, any other agency or instrumentality of the Federal Government which he determines has functions relating to education and should be transferred to the Department of Education to promote efficiency in Government and to carry out the purposes of this title. Such transfers shall be completed within one hundred and eighty days after the date of enactment of this Act, and a report describing such transfers shall be submitted to the Congress not later than thirty days thereafter.

FEDERAL INTERAGENCY COMMITTEE ON EDUCATION

SEC. 409. (a) There is hereby established a Federal Interagency Committee on Education (hereafter referred to as the "Committee").

(b) The Committee shall study and recommend such actions as may be necessary to assure effective coordination of Federal programs affecting education, including—

(1) development of Federal programs in accordance with the educational goals and policies of the Nation;

(2) consistent administration of policies and practices among Federal agencies in the conduct of similar programs;

(3) full and effective communication among Federal agencies to avoid unnecessary duplication of activities;

(4) adequate procedures for the availability of information on educational matters requested by the Secretary; and

(5) full and effective cooperation with the Secretary on such studies and analyses as are necessary to carry out the purposes of this Act.

(c) The Committee shall, within ninety days of the enactment of this Act, advise the President with respect to his responsibilities under section 408.

(d) The Committee shall be composed of the Secretary, who shall be the Chairman, and one appropriate representative of each of the following: The Department of State, the Department of Defense, the Department of Agriculture, the Department of Labor, the Department of Health and Welfare, the Department of Housing and Urban Development, the National Science Foundation, the Atomic Energy Commission, the National Aeronautics and Space Administration, the National Endowments for the Arts and Humanities, and the Office of Economic Opportunity. Other members may be added by Executive order of the President as he determines may be necessary.

(e) The Chairman may invite Federal agencies in addition to agencies represented on the Committee under the provisions of subsection (d) of this section to designate representatives to participate in meetings of the Committee on matters of substantial interest to such agencies which are to be considered by the Committee.

(f) The Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Executive Director of the Domestic Council, and the Director of the Office of Science and Technology may each designate a member of his staff to attend meetings of the Committee as observers.

(g) Each Federal agency which is represented on the Committee under the provisions of subsection (d) of this section, shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945 (31 U.S.C. 691).

NATIONAL ADVISORY COMMISSION ON EDUCATION

SEC. 410. (a) There is hereby established a National Advisory Commission on Education (hereafter referred to as the "National Commission") composed of fifteen members appointed by the President, by and with the advice and consent of the Senate from among individuals—

(1) who are familiar with the educational needs and goals of the United States,

(2) who have competence in assessing the progress of educational agencies, institutions, and organizations in meeting those needs and achieving those goals,

(3) who are familiar with the administration of State and local educational agencies and of institutions of higher education, and

(4) who are representative of the mass media, industry and the general public.

Members shall be appointed for terms of three years, except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one-year each and one-third of the members shall be appointed for terms of two-years each, and (2) appointments to fill the unexpired portion of any terms shall be for such portion only.

(b) The National Commission shall—

(1) review the administration of, general regulations for, and operation of Federal education programs;

(2) advise the Secretary and other Federal officials with respect to the educational needs and goals of the Nation and assess the progress of appropriate agencies, institutions, organizations of the Nation in order to meet those needs and achieve those goals;

(3) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

(4) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of Federal education programs;

(5) consult with Federal, State, and local and other educating agencies, institutions, and organizations with respect to assessing education in the United States and the improvement of the quality of education, including—

(A) areas of unmet needs in education and national goals and the means by which those areas of need may be met and those national goals may be achieved;

(B) determination of priorities among unmet needs and national goals; and

(C) specific means of improving the quality and effectiveness of teaching, curricula, and educational media and of raising standards of scholarship and levels of achievement;

(6) conduct national conferences on the assessment, improvement, and renewal of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other education related organizations, institutions, and persons (including parents of children participating in Federal education programs) may exchange and disseminate information on the improvement of education;

(7) conduct, and report on, comparative studies and evaluations of education systems in foreign countries; and

(8) advise and assist in the coordination of all the advisory bodies to Federal education programs.

(c) The National Commission shall make an annual report and such other reports as it deems appropriate, concerning its findings, recommendations, and activities to the President for submission to the Congress once each year.

(d) In carrying out its responsibilities under this section, the National Commission shall take, together with the Secretary, whatever action is necessary to carry out section 448 of the General Education Provisions Act, to devise a manageable and effective advisory structure for the Department. The National Commission shall advise the Secretary on the number of advisory bodies that are necessary and the manner in which such bodies relate to one another. The National Commission shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Supplementary Centers and Services, the National Advisory Council on Education Professions Development, the National Advisory Council on Educational Research and Development, and such other advisory councils and committees as may be appropriate to carry out its functions under this subsection. All Federal agencies are directed to cooperate with the National Commission in carrying out its functions under this subsection.

(e) The National Commission is authorized to engage such technical assistance as may be required to carry out its functions and the Secretary shall, in addition, make available to the National Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department as the National Commission may require to carry out its functions.

(f) Members of the National Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the National Commission or while otherwise engaged in the business of the National Commission, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the National Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(g) The President shall appoint the National Commission not later than thirty days after the date of enactment of this Act.

TRANSFER MATTERS

SEC. 411. All laws relating to any agency or function transferred under this Act shall, insofar as such laws are not inapplicable, remain in full force and effect. Any transfer of personnel pursuant to this title shall be without change in classification or compensation, except that this requirement shall not operate to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. All orders, rules, regulations, permits, or other privileges made, issued, or granted by any agency or in connection with any functions transferred by this title, and in effect at the time of the transfer, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed. No suit, action, or other proceeding lawfully commenced by or against any agency or any officer of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this title, but the court, on motion or supplemental petition filed at any time within twelve months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the question involved, may allow the same to be maintained by or against the appropriate agency or officer of the United States.

ANNUAL REPORT

SEC. 412. The Secretary shall, as soon as practicable after the end of each calendar year, make a report to the President for the submission to the Congress on the activities of the Department during the preceding calendar year. Such report shall also contain objective data on enrollments, expenditures, numbers of teachers, administrative, supervisory and auxiliary personnel, numbers of professionals who lack full qualifications, needs for classroom and other construction, special needs of critical areas such as urban and rural areas, and similar data.

CONFORMING AMENDMENTS

SEC. 413. (a) Section 19(d)(1) of title 3, United States Code, is amended by striking out "Secretary of Health, Education, and Welfare" at the end thereof and inserting the following: "Secretary of Health and Welfare, Secretary of Education."

(b) Section 1 of title 5, United States Code, is amended by adding at the end thereof: "Eleventh. The Department of Education." and by striking out "Health, Education, and Welfare" and inserting "Health and Welfare."

(c) Any reference to the Office of Education or the Commissioner of Education, in any other law, rule, regulation, certificate, directive, instruction, license, or other official paper in force on the effective date of this title shall be deemed to refer and apply to the Department of Education or the Secretary of Education, as may be appropriate.

(d) Any reference to the Department of Health, Education, and Welfare or the Secretary of Health, Education, and Welfare in any other law, rule, regulation, certificate, directive, instruction, license, or other official paper in force on the effective date of this title shall be deemed to refer and apply to the Department of Health and Welfare and the Secretary of Health and Welfare, respectively.

EXPENDITURES AUTHORIZED

SEC. 414. The Secretary is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere for lawbooks, books of reference and periodicals, and for printing and binding) as may be necessary to carry out the provisions of this Act, and as may be provided for by the Congress from time to time.

APPROPRIATIONS AUTHORIZED

SEC. 415. There are authorized to be appropriated such sums as may be necessary to enable the Department to carry out the provisions of this title and to perform any other duties which may be imposed upon it by law.

EFFECTIVE DATE

SEC. 416. The provisions of this title shall be effective on its date of enactment, except that section 407 shall be effective within ninety days following such date.

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By Mr. GURNEY:

S. 1818. A bill authorizing certain members of the Armed Forces of the United States who were captured and held by an enemy force during the Vietnam conflict to enter, without charge, certain designated units of the National Park System and National Recreation Areas. Referred to the Committee on Interior and Insular Affairs.

Mr. GURNEY. Mr. President, during the past months we have witnessed the homecoming of hundreds of released prisoners of war. With their release have come the accounts of their experiences when captured and while held prisoner. Certainly, there can be no question in my mind that these men were forced to endure under the most difficult of condi-



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tions. For years they were separated from their families and loved ones. For years they were subjected to ideological brainwashing, often accompanied by monstrous physical abuse. The stories of barbaric treatment, torture, and intense political isolation and persecution cannot help but cause all Americans, regardless of their feelings about the war, to salute these wonderful heroic Americans.

Certainly there can be no method of repayment for the years they spent in captivity. Nor can there be any real method of repayment for what they endured. In fact, there is no way that we could ever do enough to convey to these returning prisoners of war our thanks for their sacrifice and for the way they proved themselves to be great Americans, military men, and individuals of such character and inner strength. These men kept their belief in their God, their Nation, and each other. We cannot help but be both thankful and proud of their conduct when we pause to remember the fact that they had no way of knowing how long they were to be imprisoned or when they were to be freed.

They endured all of this while not only coping with the vilest day-to-day conditions but while also being forced to view and contend with the dissension within their own country. Yet through all of this they remained the strongest of the strong.

As I mentioned earlier in my remarks, there is certainly no method of repayment for their individual sacrifice and it is worth noting that they seek no special benefits. However, when we pause to seriously consider the love they have demonstrated for our great Nation, perhaps one small consideration we can make on their behalf would be to award to each and every returned and returning prisoner of war a Meritorious Service Passport that would provide them free access and use to this Nation's National Park System and all of our national recreation areas. Very few, if any, Americans will ever have a greater appreciation of this Nation and its resources than these men. Very few, if any, Americans will ever have a deeper appreciation for the space and beauty of our recreation areas.

In the past we have authorized a Golden Age Passport for our older Americans who have done so much to build this great Nation. I am today offering similar legislation which will create by law a Meritorious Service Passport to be used and enjoyed by these great Americans.

I would like to notify my colleagues of my intention to offer this bill as an amendment to S. 1381, a bill which also amends the Land and Water Conservation Fund Act of 1965.

I ask unanimous consent that my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1818

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (4) of section 4(a) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–6a), is amended (1) by designating the existing text of such paragraph as subparagraph (A); (2) by amending the first two sentences thereof to read as follows: "The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of (i) an annual entrance permit (to be known as the 'Golden Age Passport') to any person sixty-two years of age or older applying for such permit, and (ii) an annual entrance permit (to be known as the 'Meritorious Service Passport') to any member of the Armed Forces of the United States (upon application therefor) who was captured and held for any period of time by an enemy force during the Vietnam conflict. Such permits shall be nontransferable, shall be issued without charge, and shall entitle the bearer and any person accompanying the bearer in a single, private noncommercial vehicle to enter into any admission fee area designated pursuant to this section."; and (3) by adding at the end thereof the following new subparagraph:

"(B) As used in this paragraph, the term 'Vietnam conflict' means the period beginning on February 28, 1961, and ending on such date as shall thereafter be determined by Presidential Proclamation or Concurrent Resolution of the Congress.".

SEC. 2. Paragraph (1) of section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–6a), is amended by inserting immediately after "Golden Age Passport" the following: "or a valid Meritorious Service Passport".

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By Mr. HART:

S. 1820. A bill to amend the Export Administration Act of 1969 to manage the export of forest products from the United States. Referred to the Committee on Banking, Housing and Urban Affairs.

FOREST PRODUCTS EXPORT MANAGEMENT

Mr. HART. Mr. President, I introduce a bill to provide a comprehensive authority to manage the export of forest products so that there will be an adequate supply at reasonable prices for domestic use.

The bill is premised on the concepts that the private and public forests of the United States should be well-managed and that their forest products ought to be for the benefit of all of the people of the United States.

The taxpayers of the United States invest a considerable sum of money each year in governmentally owned forests. They subsidize, for example, extensive systems of protection of the forests from fire and forest research programs. Further, tax laws are written to provide certain benefits to forest owners. The people of the United States then should have first call on the forests to provide lumber for homes, paper and the many other products dependent on a forest industry.

This bill will not suddenly cut off all forest products exports. Rather it will reduce them slowly. It seeks to do this in a manner that encourages forest owners and managers to export only those species and grades of logs and forest products that are surplus to our domestic needs.

The exportation of logs and forest products is a private business, conducted for private profits, by private persons based upon private decisions. In 1968 log exports from Federal forests were partially regulated. Since that time there has been an astronomical increase in log exports, all from private actions. The price of forest products in this country has risen precipitously. The owners of logs are exporting more and more logs voluntarily because it is more profitable for them to do so than it is to manufacture them into forest products and sell them here at home.

My proposal would regulate this trade. It would vest certain authority in the Secretary of Commerce to accomplish this goal. It would vest in the President, with the consent of the Congress, the right to set aside this authority if there were a demonstrated overriding national interest. However, the only regulation proposed is for forest products that are needed in the United States. Those logs and other forest products that are surplus to our needs could continue to be exported without restriction. We are a net importer of forest products today and we are likely to be a net importer for many years to come. The bill seeks to maximize domestic use of trees and their products in the United States.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1820

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Export Administration Act of 1969 is amended by—

(1) inserting immediately before the caption of section 1 the following:

"TITLE I—GENERAL PROVISIONS"

(2) redesignating sections 1 through 14, and all cross references thereto, as sections 101 through 114, respectively;

(3) striking "this Act" wherever it appears in sections 101 through 114 (as redesignated by paragraph (2)) and inserting "this title"; and

(4) striking "This Act" in section 113(a) (as redesignated by paragraph (2)) and inserting "This title".

SEC. 2. The Export Administration Act of 1969 is amended by adding at the end thereof the following new title:

"TITLE II—FOREST PRODUCTS EXPORT MANAGEMENT

"SHORT TITLE

"SEC. 201. This title may be cited as the 'Forest Products Export Management Act of 1973'.

"FINDINGS

"SEC. 202. It is the finding of the Congress that it is in the interest of the people of the United States that there be an adequate supply of forest products continuously available for their use; the United States is abundantly blessed with land capable of growing forests that can produce the range of values that the living forest provides for man's economic, social and spiritual well being; during the past century and into some of this century the forest lands of the United States were viewed as a limitless resource; these forests were subjected to heavy cutting and a low level of management and protection; during the past several decades progress has been made in introducing a higher level of management on public and private forests; there are still substantial forest areas that have not been restored to their optimum level of economic and environmental utility; it is both feasible and wise to sustain the flow of benefits from the forests; some benefits, both tangible and intangible, can be



sustained on an even sort of flow; on larger private and public forests it is practical to maintain a continuous annual flow of forest products, while on smaller forest units the flow of products may be intermittent yet under a high order of forest stewardship, all to the end that the total amount of forest products and other benefits regionally and nationally will be sustained and amplified in future decades; to help attain those goals the wastage of portions of the bole of each tree cut should be kept at as low a level as possible and all reasonable efforts to secure the full utilization of the tree bole should be encouraged; all reasonable forest land management efforts should be encouraged to secure the economic and environmental benefits of our forest resources; the United States has become a substantial importer of softwood logs and products, principally from Canada, and we also import certain hardwoods indigenous to the United States; the importation of logs and forest products from other nations should be encouraged provided this trade does not exploit other nations' forest resources to their disadvantage; the United States especially in the past decade has become a substantial exporter of softwood logs and also exports a substantial quantity of lumber; there is concern that unless this trade is properly managed it will contribute to supply instability, rises in the cost of forest products and depletion of the forest resources of the United States in a manner disadvantageous to the national need and interest.

"FOREST PRODUCTS EXPORT MANAGEMENT

"SEC. 203. (a) Upon enactment of this title, the export of forest products from the United States shall be managed by limiting the volume thereof that annually may be exported and the conditions under which forest products may be exported. This shall be a function of the Secretary of Commerce with cooperation from other agencies of government.

"(b) For the calendar year 1973, softwood log exports shall not exceed the average of such exports during calendar years 1971 and 1972. For softwood lumber, timber, and cants, the exports for calendar year 1973 shall not exceed the average of such exports during calendar years 1971 and 1972.

"(c) Not later than December 1 of each year beginning with 1973, the Secretary shall determine the type and volume of forest products that have been imported for the year in progress. He shall estimate the anticipated level of such imports in the succeeding year and he shall review and analyze all facts he deems pertinent to determining whether the export of forest products is in the national interest and the level of such exports that would be in the national interest.

"(d) Not later than December 15 of each year beginning with 1973, the Secretary shall prescribe for the succeeding year the level of forest products exports that he determines will be permitted in the national interest but, except as provided below, the permitted level of exports of forest products needed for domestic use in any year shall not exceed 10 per centum of the imports of forest products. For the calendar year 1974 such exports may be 20 per centum of the 1973 imports and for 1975 such exports may be 15 per centum of the 1974 imports. In any year, however, the Secretary may permit such higher level of forest products exports not to exceed the 1972 level as he determines will be in the national interest in any year or portion thereof when the domestic price index for forest products is 95 or less using the year 1967 as 100.

"(e) In addition to the export of quantities of forest products as provided in subsection (d), the Secretary shall determine the grades and species of logs and bolts and processed lumber, plywood, and cants not needed for and surplus to domestic purposes and may permit their exportation without regard to the above limits. In reaching his determination, the Secretary shall consider whether the export of such logs will improve the utilization of the bole of cut trees and promote higher levels of forest management. As a condition of issuing such a permit the Secretary shall have made a finding that there is currently no reasonable domestic market for such forest products and shall take into account, among other things—

"(1) whether the applicant has attempted in good faith but unsuccessfully to sell such forest products at no more than fair value to persons that are customarily engaged in the purchase of such products for manufacture or sale; and

"(2) the customary uses for such forest products on the domestic market and the current prevailing conditions as to such

"(f) The Secretary shall by regulation designate at least one day in each month on which he will receive written or oral testimony from permit applicants and other interested persons, relevant to the findings required under paragraph (e) of this subsection. To provide the public notice of pending applications, testimony will be received on only those applications delivered to the Secretary at least ten days prior to the designated date. After receipt and consideration of the testimony, the Secretary shall within five days, Saturdays, Sundays, and legal holidays excluded, approve or disapprove such applications. Concurrent with his action the Secretary shall issue a concise public statement stating his reasons therefor.

"(g) Any person who prior to March 31, 1973 has entered into a firm written contract to deliver forest products for export, shall be permitted by the Secretary to complete such contract and the Secretary shall take these facts into account in determining the permits he will issue under this title. In issuing permits for the export of forest products under subsection (d), the Secretary shall consider all persons and shall not limit such permits to those who have engaged in exports in prior years but he shall issue such permits only to persons who own forest land or persons who own forest products, manufacturing plants, or logging operations and customarily are engaged in the cutting of standing timber or the manufacture of same for domestic manufacture.

"AVAILABILITY OF RECORDS AND STORAGE AREAS

"SEC. 204. Whoever exported forest products in the two years prior to enactment of this title or subsequently applies under this title to export forest products shall permit access to related books, records, and accounts, and their forest storage areas by the Secretary.

"PENALTY

"SEC. 205. Whoever knowingly and willfully exports any timber in violation of this title, or knowingly and fradulently files a false report, or fails to permit the Secretary access to his books, records, and accounts, and his forest product storage areas shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each such violation, and shall not thereafter be permitted to export forest products for a period of not more than five years.

"DEFINITIONS

"SEC. 206. As used in this title—

"(a) the term 'forest products' means coniferous species: *Provided,* That for the purposes of this title, coniferous forest products consist of—

"(1) any logs, such as saw logs, peeler logs, and pulp logs;

"(2) cants, squares, and hewn sawn material exceeding four and one-half inches in thickness;

"(3) split or round bolts, or other round wood not processed to standards and specifications suitable for end product use;

"(4) veneers and plywood; and

"(5) lumber seven feet in length or more with a width in excess of two inches or a thickness in excess of one-half inch.

"(b) The term 'Secretary' means the Secretary of Commerce.

"(c) The term 'exporter' means any individual, corporation, association, firm, or other legal entity which sold forest products under such terms that the seller delivered the forest products either—

"(1) on board a truck or railroad car; or

"(2) alongside a vessel in a manner usual in the port involved or on a dock designated and provided by the buyer; in such circumstances that the seller at that time reasonably believed that the forest products so delivered would, in accordance with orders given by the buyer directly to the carrier, be transported by such truck, railroad car, or vessel to a foreign destination.

"(d) The term 'United States' means the fifty States, and territories, possessions, and trust territories of the United States.

"AUTHORITY TO SUSPEND

"SEC. 207. After the calendar year 1974, the President may suspend the operation of this title, in whole or in part for any calendar year if by July 1 of the preceding year he has made a finding that the overall national interest of the United States will be better served by such action than by the operation of this title and by that date he has submitted his reasons therefor to the Congress of the United States and both Houses of the Congress have passed resolutions stating in effect approval of such request no later than one hundred and twenty calendar days thereafter.

"REGULATIONS AND FEES

"SEC. 208. (a) The Secretary is authorized to issue such regulations as may be necessary to carry out the purposes of this title.

"(b) The Secretary is also authorized to charge reasonable fees to those engaged in the exportation of forest products, or seeking to export forest products to defray the cost of processing and approving their specific application and the inspection of the forest products they are permitted to export. In any case where it shall appear to the satisfaction of the Secretary that any person has made a payment under this authority which is not required, or is in excess of the amount required, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct for payment of expenses incident to the function for which the charges were made and for refunds to depositors as provided above. There are hereby authorized to be appropriated such additional sums as may be necessary to carry out the purposes of this title."

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By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 1821. A bill to amend the Federal Aviation Act of 1958, as amended, by requiring certification and subsidy of at least two air carriers to points receiving neither highway nor railroad service. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, two decisions by the Civil Aeronautics Board prompted the bill I introduce today for myself and my colleague (Mr. GRAVEL).

In 1969, the Civil Aeronautics Board initiated the Alaska Service Investigation. The investigation was subsequently divided into three phases: trunk line, regional routes, and bush routes. The CAB issued a decision and order in December 1971 for the trunk line and re-

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gional route phases. In this decision, the CAB created a monopoly situation by suspending two of the three carriers serving southeastern Alaska. One carrier had previously been suspended in 1965. A second carrier received a subsidy, and the third did not. Upon suspending two of the carriers, the CAB gave a monopoly route award to the remaining carrier on a subsidy ineligible basis.

In September 1972, the CAB decided the bush routes phase of the Alaska Service Investigation. In this decision, the CAB created another monopoly situation by suspending one of two subsidized carriers serving northwestern Alaska. The remaining carrier received a monopoly route award on a subsidy ineligible basis.

Southeast Alaska is islandic. It has neither road nor rail service to Anchorage or Seattle, which are its only gateways other than by air. Air transportation is the only mode of travel other than infrequent and slow ferry service. Northwest Alaska—Nome, Kotzebue, and Unalakleet—is also far and remote. It typifies the Alaskan dilemma of sparsely populated communities scattered great distances from population and supply centers. In the winter months, the Bering Sea freezes and the only mode of transportation is by air. While Alaska is not alone in such physical characteristics, these portions of the State typify the dependence on air of many isolated rural communities in this country.

These two CAB decisions were not in the public's interest. In its attempt to strengthen the financial prospects of Alaskan air operations, the CAB gave insubstantial weight to the Commerce, Postal, and national defense needs, and the public interest which dictated alternative dependable air carrier service.

Competition is important. The absence of competing rail and highway service makes competing air service all the more important.

For this reason, I am today introducing legislation that I introduced originally in the 92d Congress to insure continued air service to points in Alaska and elsewhere that receive neither highway nor rail service. This legislation would make it clear that air service to points in the United States, including Alaska and Hawaii, receiving neither highway service nor railroad service shall be maintained on air routes. It will also insure that subsidy payments necessary to provide such air service will be allowed.

The bill will accomplish the following:

First, the legislation adds a new provision to section 102 of the Federal Aviation Act of 1958. Section 102 details the considerations of the CAB in determining whether certification and should be granted, altered, amended, modified, or suspended under section 401 of the act. This will broaden the public interest standards of the act. It will require the CAB to determine whether or not competing modes of transportation are available to communities for which the CAB authorizes airline service. If communities are isolated from railroad or highway transportation systems, the CAB will have to accommodate this dependency on air service by providing a sufficient amount of competition with the air mode.

Second, section 2 will require that no term or condition of any certificate can limit the maximum subsidy amounts payable for service to or from points receiving neither railroad service nor highway service. Existing certificates must be so amended.

Third, section 3 will require that in detering the need for such a subsidy, the Civil Aeronautics Board and the Secretary of Transportation must consider air service to be a requirement for points receiving neither highway service nor rail service.

Fourth, section 4 will require that in determining the public convenience and necessity under the sections I have previously mentioned, the Board shall consider that the certification of at least two air carriers in areas receiving neither highway service nor railroad service is necessary for the public convenience and necessity.

This legislation is intended to prescribe guidelines in determining the amount of subsidy and the criteria for certification. It is not intended to increase the amount of subsidy paid.

This problem is of extreme concern to the citizens of Alaska. Only last year, the Alaska State Legislature passed House Joint Resolution 82 on this subject.

I request unanimous consent that the bill itself be printed in its entirety in the CONGRESSIONAL RECORD at this point followed by House Joint Resolution 82 of the Alaska State Legislature.

There being no objection, the bill and resolution were ordered to be printed in the RECORD as follows:

S. 1821

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Aviation Act of 1958, as amended, is hereby further amended as follows;

SECTION 1. By redesignating clauses (d), (e), and (f) of section 102 (49 U.S.C. 1302) as clauses (e), (f), and (g), respectively, and by inserting after clause (c) the following:

"(d) The extension of such service to points in the continental United States which shall include Alaska and Hawaii receiving neither highway service nor railroad service."

SEC. 2. By adding a paragraph (7) to subsection (e) of section 401 (49 U.S.C. 1371) that shall provide as follows:

"(7) No term or condition in any certificate shall limit the maximum subsidy amounts payable with respect to service to or from points that receive neither railroad service nor highway service. The Board shall, without hearings, alter, modify, or amend any existing certificate term or condition in contravention of this requirement so as to bring such term or condition into conformity therewith."

SEC. 3. By adding the following sentence to subsection (b) of section 406 (49 U.S.C. 1376): "In the exercise of their powers and duties under this subsection, the Board and the Secretary of Transportation shall consider as required for the commerce of the United States, the Postal Service, and the national defense, air service to points in the continental United States which shall include Alaska and Hawaii receiving neither highway service nor railroad service."

SEC. 4. Add a new Section 406a as follows:

"In determining the public convenience and necessity under Sections 102, 401, and 406, the Board shall consider as necessary to the sound development of an air-transport system properly adapted to the needs of the foreign and domestic commerce of the United States, the postal service and the national defense, the certification of at least two air carriers to provide air service to points in the United States receiving neither highway service nor railroad service."

HOUSE JOINT RESOLUTION No. 82

Relating to the decision of the Civil Aeronautics Board giving Alaska Airlines exclusive authority to service Southeastern Alaska

*Be it resolved by the Legislature of the State of Alaska:*

Whereas the Civil Aeronautics Board has given Alaska Airlines exclusive authority to service Southeastern Alaska commencing February 7, 1972; and

Whereas the people of Southeastern Alaska desire and need competitive air service; and

Whereas the traffic record in Southeastern Alaska has for several years steadily improved, indicating beyond a doubt that competitive service is called for in that area of the state; and

Whereas the documents before the CAB reveals no evidence, as viewed by the State of Alaska, to indicate the financial ability of Alaska Airlines alone to provide the quality and dependability of service necessary to the Southeastern region of the state; and

Whereas the CAB's own traffic projection figures demonstrate an estimated 10 per cent annual increase in air traffic in Southeastern Alaska during each of the next seven years, the term of Alaska's exclusive authority;

Be it resolved by the Alaska Legislature that it expresses grave doubts concerning the wisdom of the decision of the CAB to limit Southeastern Alaska to the services of only one airline; and be it

Further resolved that the Civil Aeronautics Board is urgently requested to re-examine its decision and to assure the continuation of competitive air service for Southeastern Alaska.

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Secor D. Browne, Chairman, Civil Aeronautics Board; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Mike Begich, U.S. Representative, members of the Alaska delegation in Congress.

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By Mr. STEVENS:

S. 1822. A bill to exempt from the provisions of the Airport and Airways Revenue Act of 1970 helicopters which are not operated on an established line. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, I am introducing a bill today to exempt helicopters not operated on established lines—nonscheduled operators—from the Airport and Airways Revenue Act of 1970. The purpose of the legislation is to deal with a problem that has caused many small helicopter operators a great deal of difficulty and has imposed a great financial burden upon them and their customers.

This tax has adversely affected these companies, which are generally small and are not subsidized. They must charge their customers the tax on the full charter rate for the helicopter, whether there be but one passenger or an entire load. This may increase the tax payment more than 10 times for a single passenger riding a 15-seat helicopter.

Many of these helicopter operators use neither airports nor airways communication facilities, two of the major facilities supported by this tax.

For example, one company in Alaska operates in Cook Inlet, maintaining two helicopters, owned or leased by oil companies. The company maintains its own improvements, servicing the helicopters which support 13 permanent drilling platforms in Cook Inlet. They have their own flight-following procedures and communication facilities. They have no need of any governmental communication facilities. The only times such governmental facilities are utilized are infrequently, when the helicopters must return to Anchorage for major maintenance.

This situation is similar to that of many nonscheduled helicopter operators in Alaska. These operators go 4 to 6 months between utilizing FAA facilities.

Parenthetically, many of the helicopters utilizing FAA facilities in Anchorage are those with gross takeoff weights under 6,100 pounds. These are subject to the fuel tax, not the transportation tax.

Seldom is a helicopter over 6,100 pounds chartered on a noncompetitive basis because of the costs involved. They are hired on a competitive bid basis and often leave their base of operation for a considerable period of time. Between 80 and 90 percent of the total flight time of Alaska helicopter operations are in the bush, where FAA facilities for helicopters are nonexistent and unnecessary.

Taxes, such as the aircraft transportation tax, often yield extremely unfair results, especially in situations like the one in Cook Inlet I have just described, where many companies share the use of one helicopter. In such cases, the bookkeeping problems are immense for small operators. It is almost impossible to charge the proper customer fairly for the transportation taxes due.

Such problems arise because the helicopter operator must, several times a day, transport a varying number of passengers per helicopter to a number of different platforms owned by different oil companies and pick up passengers on each of the platforms for the return trip to shore or to other platforms out in the inlet.

As many as 28 passengers working for as many as six different companies may be transported on one flight. Out in the inlet, some passengers may deplane and others may board, only to be transported for a very brief flight to another platform or back to the mainland. To give you an idea of the briefness of the flight, the total flight takes but 20 minutes from the heliport to each of four platforms in Cook Inlet and back to the heliport again.

The taxes are extremely high and quite burdensome. A tax charge of $48 must be made on a 1-hour charter flight in a Bell 205A–1 for six people. The same six people would be required to pay only $8 each in transportation taxes on a Boeing 747 from Anchorage to Seattle. The total amount of the taxes collected is substantial. For example, a single Alaska helicopter operator was required to pay from July 1, 1970, to November 1, 1971, a total of $230,000 in transportation taxes. One customer alone was invoiced $47,000 in transportation taxes for the same 15-month period.

Helicopters not subjected to this tax are now, and would continue to be, subject to the fuel tax imposed by section 4041(c)(4) of the Internal Revenue Code—title 26, United States Code.

For these reasons, I hope serious consideration will be given to amending these transportation taxes for helicopters not operated on established routes. I ask unanimous consent that my bill be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1822

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4281 of title 26, United States Code, is amended by adding at the end thereof the following sentence: "Nor shall such taxes apply to transportation by a helicopter except when operated on an established line.".

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By Mr. STEVENS:

S. 1823. A bill to further amend section 607 of the Merchant Marine Act, 1936, as amended, relating to vessel construction reserve funds, in order to provide that the modification or installation of certain radio equipment be included in the definition of "reconstruction" for the purpose of such section. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, the bill I am introducing today will assist fishermen and vessel owners to buy, modify, and install marine radio equipment required under 47 CFR 83.351 (c) (3) (i). This section was added by the Federal Communications Commission for all vessels under an international agreement designed to make efficient use of the radio spectrum. This agreement stems from the 1967 Marine World Administrative Radio Conference. Its ramifications were not reviewed by the Senate. One of these ramifications entails additional cost to vessel owners required to purchase, modify and/or install new equipment required as a result of the conference. Although the FCC has phased in the new equipment requirements over a period of time in an attempt to minimize the burden on vessel owners, many owners are incurring substantial additional costs nonetheless. Under these regulations, all marine vessels previously required to have radios aboard must have VFA/FM radio capabilities by January 1, 1977. The cost of this radio equipment may range from $300 to $2,000.

This bill will assist vessel owners to meet these costs through tax savings and deferments under the Capital Construction Fund provision of the Merchant Marine Act of 1970. By adding a new definition of "reconstruction" to include such costs, this legislation will insure some expense will be saved by these mariners.

Mr. President, I believe this proposal has considerable merit for boat owners and fishermen, especially those suffering economic hardships, such as those caused by extremely poor salmon runs this past year in Alaska.

I request unanimous consent the bill be printed in its entirety in the CONGRESSIONAL RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1823

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 607(k) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177(k)), is further amended by inserting at the end thereof the following:

"(9) The term 'reconstruction' includes the purchase, modification, and installation of radio equipment in order to meet the requirements of the Federal Communications Commission established in 47 Code of Federal Regulations 83.351(c)(3)(i)."

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By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1824. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference a bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes, and ask unanimous consent that the letter of transmittal, statement of justification, and section-by-section analysis be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
*Washington, D.C., April 20, 1973.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill:

"To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations, and for other purposes."

Since the enactment of the National Traffic and Motor Vehicle Safety Act in 1966, the Department has issued numerous Federal motor vehicle safety standards and notices of proposed standards designed to improve the safety performance of motor vehicles. In addition, the Department has conducted extensive research into accident causation and into innovative techniques for improving motor vehicle safety. These efforts are beginning to show benefits. Despite substantial annual increases in the number of drivers, vehicles and total vehicle miles since 1966, the rate of highway deaths per 100 million miles driven has steadily declined to a record low. Yet much remains to be done.

The purpose of this legislation is to amend the Act to improve the Department's effectiveness in preventing traffic crashes, and deaths and injuries resulting therefrom. This would be accomplished by strengthening and expanding the Secretary's information gathering, investigative and enforcement powers.

To help provide information necessary for the identification of vehicle safety problems and the development of motor vehicle safety standards, the Secretary would be expressly authorized to conduct such investigations as are necessary in the course of his research to carry out the purposes of the Act.

Multi-disciplinary crash investigation teams, acting under present authority, have had difficulty in persuading witnesses and especially parties to crashes to provide information necessary for safety research. This legislation would protect persons who are willing to aid the research effort by pro-



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hibiting the use of team crash reports as evidence and would thereby facilitate obtaining vital crash information.

The effective implementation of the Act is highly dependent upon the ability of the Secretary to acquire information relating to all aspects of his responsibilities. To eliminate the lack of such authority, this legislation would authorize the Secretary to obtain cost data and other information required by him to carry out the Act. It would also authorize the Secretary to conduct informational hearings and to obtain evidence from any person who has any information relevant to the implementation of the Act.

This legislation would improve the Secretary's ability to enforce the Act in several ways. First, the civil penalty authority under the Act would be clarified by expressly providing that it extends to all rules, regulations and orders issued under the Act. This legislation would also authorize the Secretary to seek civil penalties against persons who impede vehicle safety research by failing or refusing to permit the temporary impounding or inspection of motor vehicles or the entry of premises for such purposes by crash investigation teams.

Second, a deficiency in the Act regarding the Department's injunctive authority would be remedied by providing for the restraining of the importation into this country, as well as the sale by American manufacturers, of vehicles which contain a safety defect. At present, the Act provides only for restraining the entry into this country or the sale of vehicles that fail to comply with all applicable safety standards. Further, the term, "defect which relates to motor vehicle safety", would be clarified.

Third, this legislation would clarify the Secretary's authority to inspect and investigate for the purpose of enforcing all rules, regulations, and orders issued under the Act and determining the existence of a safety defect or noncompliance. It would also require motor vehicle dealers and distributors to furnish requisite performance data and other relevant information. This amendment would enable the Department to enforce the Act under circumstances in which the necessary evidence is obtainable only from dealers or distributors.

Fourth, uncertainty as to whether the Tire Identification Regulation issued under section 113(f) is hortatory or mandatory with respect to distributors and dealers would be eliminated by providing that they are required to comply with applicable provisions of the regulation. Noncompliance with those provisions would subject the distributors and dealers to civil penalties.

The Act requires that the annual report on the administration of the Act be submitted by March 1 of the year following the year to which the report relates. However, some of the data necessary for the reports are typically unavailable for analysis until after that date. In order to provide adequate time for the preparation of a complete comprehensive report, the submission date would be changed to July 1.

To increase the Secretary's flexibility in acquiring test facilities for highway safety research, this legislation would authorize him to lease such facilities and to lease real property for use as sites for his construction of new facilities or alteration of existing facilities.

Appropriation would be authorized of such funds as are necessary to carry out the purposes of the Act. This open-ended authorization, which would replace the current specific yearly authorizations, would provide the funds necessary to implement the Act after the present authorization terminates on June 30, 1973.

We urge the prompt introduction and early enactment of this legislation.

The Office of Management and Budget has advised that this proposed legislation is consistent with the Administration's objectives.

Sincerely,

CLAUDE S. BRINEGAR.

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STATEMENT OF JUSTIFICATION

Section 2. This section would clarify the term, "defect which relates to motor vehicle safety", which is used several places in the Act, including sections 111 and 113. The clarification would be accomplished by adopting the interpretation of the term that the Department has used in implementing the Act.

The interpretation was developed simply by combining the existing definitions of "motor vehicle safety" and "defect". Since the definition for "defect" would be rendered superfluous by the addition of the new definition, it would be deleted.

Section 3. This section would clarify the Secretary's authority to conduct such investigations as may be necessary in the course of research to carry out the purposes of the Act. Pursuant to existing authority under section 106, multi-disciplinary crash investigation teams have been established to conduct in-depth studies of motor vehicle crashes. The data collected by the teams are being used to develop a reliable and extensive data base concerning the cause and effect of such crashes. Without an adequate data base, measures concerning vehicle design and driver behavior might be formulated by Federal, State or local governments on the basis of inaccurate information and incorrect assumptions concerning crash causation.

The data collected by the crash investigation teams have already contributed to promulgation or proposal of many Federal motor vehicle safety standards. In addition, the data also facilitate evaluation of existing standards.

The full value of the crash investigation teams cannot, unfortunately, be realized under the present authority in section 106. Despite assurances by the teams that their only purpose is safety research, they have been hampered in their work by the reluctance of parties to crashes to divulge crash information and to permit inspection of their crashed vehicles. The instances in which this has occurred are numerous. In a single year, one team was unable to obtain the full or, in many cases, even the partial cooperation of parties to several hundred crashes. The refusal to cooperate generally stems from the fear of an individual or of his legal counsel or insurer that his statements to the research team might be used against him in a subsequent proceeding.

This lack of cooperation has frequently prevented the teams from obtaining information concerning driver behavior. The experience of the teams in attempting to inspect vehicles involved in crashes has often been equally frustrating. Analysis of crash causation is frequently complicated by alteration of the crash scene and the condition of the vehicles by wrecker crews. The inability of the teams to preserve the post-crash condition of vehicles is particularly critical in those crashes in which malfunction or other defect is suspected. Even when the teams succeed in obtaining permission to take a vehicle to their garage, they are not always able to conduct an adequate inspection. Frequently, the owner or his insurance company picks up the vehicle before the inspection can be completed.

The Department believes that it would be in the interest of motor vehicle safety to protect people who voluntarily contribute to safety research so that such research is enhanced and so that their very act of public spiritedness does not place them in jeopardy.

To remove the impediments to research and to protect such persons, this section would provide that no information furnished the Secretary by an individual concerning a crash and no portion of any report of the Secretary relating to a crash or the investigation thereof would be admissible in any subsequent proceeding, except certain proceedings conducted by the National Transportation Safety Board or the Department of Transportation. Similar restrictions on the use of reports by the Board on any crash or the investigation thereof appear at 49 U.S.C. 1441(e).

The Department believes that enabling the teams to assure parties to crashes and their representatives that their statements will not be used against them will allay their fears. The narrow exception concerning the Board's proceedings would permit this Department to continue to aid the Board in its safety work. The exception for this Department would ensure that the teams could continue to aid the Department in its establishment of Federal motor vehicle safety standards.

The prohibition against the use of information furnished the Secretary as evidence would not result in denying the public access to the findings of the crash investigation teams. All information concerning malfunctions or other defects in motor vehicles and concerning human behavioral factors related to crash causation would be published, but not so as to disclose the names or identities of individuals.

To ensure that the crash investigation teams will be able to preserve and inspect the condition of motor vehicles involved in motor vehicle crashes, this legislation would authorize the officers or employees duly designated by the Secretary to inspect such vehicles. They would also be authorized to impound such vehicles temporarily if necessary to conduct the inspections.

Sections 4 and 5. These sections would remove any doubt that the civil penalty authority under section 109 of the Act can be used to enforce all rules, regulations and orders issued under title I, including the tire identification regulation and all aspects of the important regulation on vehicles manufactured in two or more stages. These sections would also permit the Secretary to seek civil penalties against those persons who fail or refuse to permit impounding or inspection of motor vehicles or entry of premises for such purpose as required by the proposed new subsection (d) of section 106 of the Act.

Section 6. This section would expand the injunctive authority under section 110(a) of the Act so as to permit the restraining of (1) the importation into the United States of vehicles that contain a defect related to motor vehicle safety and (2) the sale of vehicles in this country that contain such a defect. This authority would enable the Department, when it learns of the existence of vehicles that comply with all applicable safety standards but are nevertheless defective, to obtain a court order stopping the manufacturer and/or dealers from continuing to sell the defective vehicles. (Those defective vehicles already sold would, of course, be the subject of a defect notification campaign currently provided for in section 113 of the Act).

This authority would also enable the Department to seek an injunction to prevent the importation or sale of foreign manufactured vehicles, certified as complying with the standards, but damaged in transit to such an extent that they are considered defective. Presently, these vehicles cannot be prevented from entering the country unless the Department has evidence of noncompliance with an applicable safety standard. In the past, several foreign vehicle manufacturers have advised the Department that unauthorized dealers were attempting to bring irremediably damaged vehicles into this country.



Section 7. Paragraph (a) of this section would make it clear that the Secretary's authority under section 112(a) of the Act to conduct inspections and investigations can be used to carry out all provisions of the Act. The language of section 112(a) presently refers only to inspection and investigation for the purpose of enforcing the motor vehicle safety standards.

The language of section 112(b), however, is substantially broader. It refers to the entry and inspection of certain premises for the purpose of enforcing title I of the Act. The proposed amendment would eliminate the inconsistency in the language of these two subsections of section 112 concerning the scope of the Secretary's inspection and investigation authority by amending section 112(a) to authorize expressly inspection and investigation for the purpose of enforcing title I and any rules, regulations or orders issued thereunder. The amendment would remove any doubt that the Secretary has the authority to inspect and investigate for the purpose of enforcing not only motor vehicle safety standards, but also any other rule or regulation issued under title I. The amendment would also make clear that the Secretary's authority under section 112 includes the authority, implied by his disclosure authority in section 113(d), to inspect and investigate for the purpose of determining the existence of a defect related to motor vehicle safety.

Paragraph (c) of this section would expand the Department's information-gathering authority by amending section 112(c) to require distributors and dealers to furnish the Department with information relating to investigatory matters. Section 112 presently requires such information from manufacturers only. In some instances, however, information necessary to the enforcement of the Act may be obtainable only from distributors or dealers. The problem is particularly likely to arise in safety-defect investigations or situations in which the distributor or dealer alters a vehicle or item of motor vehicle equipment after the manufacturer has certified the compliance of the vehicle or equipment with all applicable safety standards.

Paragraph (d) of this section would enable the Secretary to obtain from the manufacturers of motor vehicles and motor vehicle equipment such information as he requires to carry out the Act. One result of the lack of such authority has been the difficulty in obtaining cost and leadtime information from manufacturers to aid in the evaluation of proposed motor vehicle safety standards and in the establishment of reasonable effective dates therefor. Although this information is frequently requested by the Secretary at the time that new standards are proposed, almost none is received.

Paragraph (d) of this section would also authorize the Secretary to conduct informational hearings and to obtain evidence from any person who has any information relevant to the implementation of the Act. Despite the vital importance of information gathering to successful implementation of the Act, the Secretary does not possess general authority for this purpose. This lack is anomalous in view of the extensive information gathering authority in the property damage reduction provisions of the Motor Vehicle Information and Cost Savings Act. This paragraph would give us similar broad authority in the more important pursuit of preventing highway deaths and injuries.

Paragraph (e) of this section would prohibit, except in expressly specified situations, the Secretary from disclosing information received under the new subsection (d) or (e) if it contained a trade secret or other material referred to in 18 U.S.C. 1905. This prohibition is necessary to balance the public need for information against the possibly adverse competitive effects of overly broad dissemination.

Section 8. Paragraph (a) of this section is a clarifying amendment that would remove any doubt that notifications sent by manufacturers pursuant to the Secretary's determination of a safety defect or noncompliance under subsection (e) of section 113 of the Act must be sent to first purchasers, and subsequent warranty holders by certified mail and dealers by certified mail or other more expeditious means.

Paragraph (b) of this section is also a clarifying amendment that would expressly set forth the required contents of a noncompliance notification letter.

Paragraph (c) of this section would make it clear that distributors and dealers are required under section 113 to comply with the applicable provisions of the Tire Identification Regulation (49 CFR 574). We have reason to believe that there is some noncompliance by distributors and dealers and that the noncompliance may be due, in part, to doubt as to whether the regulation is mandatory or merely hortatory. This amendment would give unambiguous notice to all parties concerned that civil penalties may be assessed against distributors and dealers who fail to comply with the regulation.

Section 9. Section 120(a) of the Act requires that the annual report on the administration of the Act be submitted by March 1 of the following year. However, some of the data necessary for the report are typically not available for analysis until after that date. This information includes many types of data from State agencies, such as detailed information on crashes, and deaths and injuries resulting therefrom. In order to provide adequate time for the preparation of a complete, comprehensive report, this section of the bill would change the submission date to July 1.

Section 10. This section would authorize the appropriation of such funds as may be necessary to carry out the purposes of the Act. These funds would be used for the following program activities: motor vehicle and equipment safety standards, safety standards compliance testing, defects analysis, and supporting research and development. The current authorization under the Act terminates June 30, 1973.

Section 11. This section would permit the Secretary to take advantage of those situations in which leasing arrangements would be a more economical means of obtaining the use of facilities or real property than complete acquisition.

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SECTION-BY-SECTION ANALYSIS OF DRAFT BILL TO AMEND THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

Section 2. This section amends section 102 to provide a definition of a "defect which relates to motor vehicle safety", a term used several places in the Act, including sections 111 and 113. The new definition is formed by combining the definitions in section 102 for "motor vehicle safety" and "defect". Since "defect" is not used in the Act except as part of "defect which relates to motor vehicle safety", the separate definition for the former term becomes unnecessary upon the adoption of this amendment and is, therefore, to be deleted.

Section 3. This section adds a new subsection (d) to section 106 of the Act.

Paragraph (1) of subsection (d) clarifies the Secretary's authority to investigate motor vehicle crashes for gathering information and data to aid research authorized by section 106. The Secretary is required to cooperate with State and local officials while conducting his investigations.

For the purpose of conducting the investigations, paragraph (2) of subsection (d) authorizes officers or employees duly designated by the Secretary (1) to enter, at reasonable times and in a reasonable manner, any premises where any crash-involved motor vehicle or item of motor vehicle equipment is located; (2) to impound temporarily for a period not to exceed 72 hours any crash-involved motor vehicle or item of motor vehicle equipment; and (3) to inspect any crash-involved motor vehicle or item of motor vehicle equipment. This paragraph includes the authority to inspect or impound for the purpose of inspection any motor vehicle or item of motor vehicle equipment located at the scene of the crash in which such vehicle or equipment was involved.

Paragraph (3) of subsection (d) requires that whenever an inspection and/or impounding of a vehicle by the Secretary results in the denial of the use of the vehicle to its owner or reduction in its value, the Secretary shall pay reasonable compensation to the vehicle owner.

Paragraph (4) of subsection (d) authorizes the Secretary to obtain a copy of an autopsy report prepared by State or local officials concerning any person who dies in or as a result of a motor vehicle crash.

Paragraph (5) of subsection (d) provides that no portion of any statement or information furnished the Secretary by an individual and no portion of any report of the Secretary relating to a motor vehicle crash or the investigation thereof shall be admissible in any subsequent criminal, civil, or administrative proceeding, except administrative proceedings held by the National Transportation Safety Board under section 5(b)(1) of the Department of Transportation Act and administrative proceedings held by the Department of Transportation under section 103 of the National Traffic and Motor Vehicle Safety Act. This amendment does not prevent a party or witness to a crash from adducing in any proceeding any statement or information that he may have also previously furnished the Secretary concerning such crash. It simply prevents him or any other person from attempting to use the knowledge of departmental employees or agents concerning the statements or information for evidentiary purposes.

Paragraph (6) of subsection (d) provides that the term "motor vehicle crash", as used in subsection (d), means an occurrence associated with the operation of a motor vehicle in or as a result of which any person suffers death or personal injury, or in which there is property damage.

Section 4. This section adds (1) the failure or refusal to permit entry, impounding, or inspection, as required under subsection (d) of section 106, and (2) the failure to comply with any rules, regulations or orders issued under title I of the Act, to the list in subsection (a) of section 108 of acts that constitute violations of the Act. This section permits the Secretary to seek civil penalties against persons who violate subsection (d) of section 106. It also clarifies his authority to seek civil penalties against persons who fail to comply with motor vehicle safety standards or any other rule or regulation issued under title I.

Section 5. This section deletes from section 109 of the Act language that would become superfluous upon the addition of the failure to comply with any rules, regulations or orders issued under title I to the list in subsection (a) of section 108 of the acts that constitute violations of the Act.

Section 6. Paragraph (a) of this section amends subsection (a) of section 110 of the Act to permit the Secretary to seek an injunction against the sale, offer for sale, introduction or delivery for introduction in interstate commerce, or importation into the United States, of any motor vehicle or item of motor vehicle equipment that contains a defect that relates to motor vehicle safety.

Paragraph (b) of this section complements paragraph (a) by amending subsection (a)

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of section 110 to require the Secretary, whenever practicable, to give notice to any person against whom injunctive relief, authorized by paragraph (a), is contemplated, and afford such person an opportunity to present his views and to remedy the defect.

Section 7. Paragraph (a) of this section amends subsection (a) of section 112 of the Act to clarify the Secretary's authority to conduct such inspection and investigation as may be necessary to enforce title I or any rules, regulations or orders issued under title I.

Paragraphs (b) and (c) of this section amend subsections (b) and (c) of section 112, respectively, to conform with the amendments to subsection (a) of section 112 made in paragraph (a) of this section.

Paragraph (c) also amends subsection (c) of section 112 to require that distributors and dealers of motor vehicles and motor vehicle equipment furnish the Secretary with such information and data as he may require to carry out his enforcement responsibilities. Other requirements in this subsection, imposed upon manufacturers, are not imposed upon distributors and dealers.

Paragraph (d) of this section amends section 112 to require that manufacturers of motor vehicles and motor vehicle equipment furnish the Secretary, upon his request, with cost data and such other information as the Secretary may require to carry out the Act.

Paragraph (d) of this section also amends section 112 to authorize the Secretary to conduct informational hearings and to obtain evidence from any person who has any information relevant to the implementation of the Act. The Secretary may secure such information voluntarily or by use of subpoena powers or by issuing general or special orders which compel its production. In the conduct of the hearings under this section, the Secretary is authorized to administer oaths and to pay witnesses.

Paragraph (e) of this section amends subsection (g) of section 112 to provide that any information that the Secretary obtains pursuant to the authority accorded him by the new subsections (d) or (e) shall be considered confidential if it relates to a trade secret or other matter referred to in Section 1905 of Title 18 of the U.S. Code. However, the Secretary is authorized to disclose such information to other officers or employees concerned with implementing the Act or when relevant in any proceeding under the Act. Further, nothing in the amendment authorizes the Secretary to withhold any information from the duly authorized committees of the Congress.

Section 8. Paragraph (a) of this section amends subsection (b) of section 113 of the Act to clarify the requirement that notifications sent by manufacturers pursuant to the Secretary's determination of a defect or noncompliance under subsection (e) of section 113 must be sent to first purchasers, and subsequent warranty holders by certified mail and to dealers by certified mail or other more expeditious means.

Paragraph (b) of this section amends subsection (c) of section 113 to clarify the requirement that purchaser and dealer notifications sent by manufacturers pursuant to a determination by the Secretary under subsection (e) of section 113 of a noncompliance shall contain a clear description of the noncompliance, an evaluation of the risk to traffic safety reasonably related to the noncompliance, and a statement of the measures to be taken to remedy the noncompliance.

Paragraph (c) of this section amends subsection (f) of section 113 to make it clear that the procedures established by the Secretary under that subsection for the furnishing of information by distributors and dealers to tire manufacturers and mandatory and, therefore, are enforceable under the civil penalty authority in section 109 and the injunctive authority in section 110 of the Act.

Section 9. This section amends subsection (a) of section 120 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1408) to change the date for the submission to the Congress of the annual report on the administration of the Act from March 1 to July 1.

Section 10. This section authorizes the appropriation of such funds as are necessary to carry out the purposes of the Act.

Section 11. This section amends section 301 of the Act by authorizing the Secretary to lease test facilities and to lease real property for use as sites for his construction of new facilities or alteration of existing facilities. Subsection (a) of section 301 presently authorizes the Secretary to acquire, but not to lease, facilities or real property. This section also clarifies the Secretary's authority to acquire real property for use as sites for his construction of new facilities or alteration of existing facilities. This authority is implicit in the Secretary's authority to construct facilities.

In accordance with these amendments, this section also amends section 301 to require that a prospectus, submitted to the Congress pursuant to that section, contain an explanation of the need for leasing, rather than acquiring, any facility or real property.

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S. 1824

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National Traffic and Motor Vehicle Safety Authorization Act of 1973".

SEC. 2. Subsection (11) of section 102 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391) is amended to read as follows:

"(11) 'Defect which relates to motor vehicle safety' means any defect in design, construction, materials, components, or performance in motor vehicles or in items of motor vehicle equipment that would result in an unreasonable risk of accidents occurring or in an unreasonable risk of death or injury to persons in the event accidents do occur, and includes the nonoperational safety of such vehicles."

SEC. 3. Section 106 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Secretary is authorized to conduct investigations of the facts, circumstances, conditions and causes of motor vehicle crashes for the purposes of gathering information to identify design failures or defects relating to motor vehicle safety, collecting data to assist in the preparation of Federal motor vehicle safety standards for new and used motor vehicles, and conducting other studies to carry out the purposes of this Act. In making such investigations the Secretary shall cooperate with appropriate State and local officials to the greatest extent possible consistent with the purposes of this subsection.

"(2) For the purpose of carrying out the provisions of this subsection, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times and in a reasonable manner, any premises where any crash-involved motor vehicle or item of motor vehicle equipment is located; (2) to impound temporarily for a period not to exceed 72 hours any crash-involved motor vehicle or item of motor vehicle equipment; and (3) to inspect any crash-involved motor vehicle or item of motor vehicle equipment.

"(3) Whenever the Secretary inspects or temporarily impounds for the purpose of inspection any motor vehicle under this subsection (other than a vehicle subject to Part II of the Interstate Commerce Act), he shall pay reasonable compensation to the owner of such vehicle to the extent that such inspection or impounding results in the denial of the use of the vehicle to its owner or in the reduction of its value.

"(4) The Secretary is authorized to obtain, with or without reimbursement, a copy of the report of the autopsy performed by State or local officials on any person who dies as a result of having been involved in a motor vehicle crash.

"(5) No portion of any statement or information relating to a motor vehicle crash which has been furnished by an individual to the Secretary pursuant to research conducted under this section and no portion of any research report of the Secretary relating to such crash or the investigation thereof for research purposes shall be admissible in any subsequent criminal, civil, or administrative proceeding, except administrative proceedings conducted by the National Transportation Safety Board under section 5(b)(1) of the Department of Transportation Act or by the Department of Transportation under section 103 of the National Traffic and Motor Vehicle Safety Act.

"(6) As used in this subsection, 'motor vehicle crash' means an occurrence associated with the operation of a motor vehicle in or as a result of which any person suffers death or personal injury, or in which there is property damage."

SEC. 4. Subsection (a) of section 108 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1397) is amended by changing the period at the end of subsection (a)(4) to a semicolon and adding at the end of subsection (a) the following new paragraphs:

"(5) fail or refuse to permit entry, impounding or inspection, as required under section 106;

"(6) fail to comply with any rule, regulation or order issued under this title."

SEC. 5. (a) The first sentence in subsection (a) of section 109 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1398) is amended by deleting immediately after "any provision of Section 108" the following: ", or any regulation issued thereunder,".

(b) The second sentence in subsection (a) of section 109 of such Act is amended by deleting immediately after "a provision of section 108" the following: ", or regulations issued thereunder,".

SEC. 6. (a) The first sentence of subsection (a) of section 110 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1399) is amended by inserting immediately after "pursuant to this title," the following: "or to contain a defect which relates to motor vehicle safety,".

(b) The next to the last sentence in subsection (a) of section 110 of such Act is amended by deleting the period at the end thereof and adding the following: "or to remedy the defect."

SEC. 7. (a) Subsection (a) of section 112 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401) is amended to read as follows:

"(a) The Secretary is authorized to conduct such inspection and investigation as may be necessary to enforce this title and any rules, regulations or orders issued thereunder. He shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with this title or any rules, regulations or orders issued thereunder, for appropriate action."

(b) The first sentence of subsection (b) of section 112 of such Act is amended by inserting immediately after "purposes of enforcement of this title," the following: "or any rules, regulations or orders issued thereunder,".

(c) Subsection (c) of section 112 is amended to read as follows:

"(c) Every manufacturer of motor vehicles and motor vehicle equipment shall establish and maintain such records and make such reports, and every manufacturer, distributor or dealer shall provide such information, as the Secretary may reasonably require to enable him to determine whether such manufacturer, distributor or dealer has acted or is acting in compliance with this title or any rules, regulations or orders issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, distributor or dealer has acted or is acting in compliance with this title or any rules, regulations or orders issued thereunder. Nothing in this subsection shall be construed as imposing reporting or recordkeeping requirements on distributors or dealers."

(d) Section 112 is amended by inserting the following new subsections immediately after subsection (c) and redesignating the succeeding subsections accordingly:

"(d) Every manufacturer of motor vehicles and motor vehicle equipment shall, upon request by the Secretary, provide him with cost data and such other information as he may require to carry out the purposes of this title.

"(e)(1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

"(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

"(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

"(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpoena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States."

(e) Subsection (g) of section 112 is amended by deleting "or (c)" immediately after "pursuant to subsection (b)" and substituting in lieu thereof the following: ", (c), (d) or (e)".

SEC. 8. (a) Subsection (b) of section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1402) is amended by inserting immediately after "required by subsection (a)" the following: "or (e)".

(b) Subsection (c) of section 113 of such Act is amended to read as follows:

"(c) The notification required of a manufacturer by subsection (a) or (e) pursuant to the determination of the existence of a defect related to motor vehicle safety or of a failure to comply with an applicable Federal motor vehicle safety standard shall contain a clear description of such defect or failure, an evaluation of the risk to traffic safety reasonably related to such defect or failure, and a statement of the measures to be taken to remedy such defect or failure."

(c) Subsection (f) of section 113 of such Act is amended by deleting the second sentence and substituting in lieu thereof the following: "The Secretary may establish, by order, procedures that shall be followed by manufacturers in establishing and maintaining such records, and procedures that shall be followed by distributors and dealers to assist manufacturers to secure the information required by this subsection. Procedures established pursuant to this subsection with respect to distributors and dealers shall not affect the obligation of manufacturers under this subsection."

SEC. 9. The first sentence of subsection (a) of section 120 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1408) is amended by deleting "March 1" and substituting in lieu thereof the following: "July 1".

SEC. 10. Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. There are authorized to be appropriated such funds as necessary to carry out the purposes of this Act."

SEC. 11. (a) The first sentence of subsection (a) of section 301 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1431) is amended by deleting all that precedes "except that" and inserting in lieu thereof the following:

"SEC. 301. (a) The Secretary of Transportation is authorized—

(1) to plan, design, and construct new facilities,

(2) to alter existing facilities,

(3) to lease facilities, and

(4) to acquire or lease real property for use as sites for his construction of new facilities or alteration of existing facilities,

suitable to conduct research, developing, and compliance and other testing in traffic safety, including highway safety and motor vehicle safety,".

(b) The first sentence of subsection (a) of section 301 of such Act is further amended by striking "or construction", each place it appears in the sentence, and inserting in lieu thereof the following: "constructing, altering, or leasing".

(c) The second sentence of subsection (a) of section 301 of such Act is amended by deleting "or constructed" and substituting in lieu thereof the following: "constructed, altered, or leased".

(d) The second sentence of subsection (a) of section 301 of such Act is further amended by deleting "and" at the end of clause (3), by changing the period at the end of clause (4) to a semicolon, and by adding a new clause (5) as follows: "and (5) a statement of the justification for leasing any facilities or real property.".

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## ADDITIONAL COSPONSORS OF BILLS

S. 433

At the request of Mr. MANSFIELD (for Mr. MAGNUSON) the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 433, to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes.

S. 504

At the request of Mr. KENNEDY, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 504, to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical service systems.

S. 753

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the name of the distinguished Senator from South Dakota (Mr. MCGOVERN) be added as a cosponsor of S. 753, a bill to amend the Disaster Relief Act of 1970.

The ACTING PRESIDENT pro tempore (Mr. STAFFORD). Without objection, it is so ordered.

S. 1032

At the request of the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1032, to provide for loans for the establishment and/or construction of municipal, low-cost, nonprofit clinics for the spaying and neutering of dogs and cats, and for other purposes.

S. 1402

At the request of Mr. HARTKE, the Senator from West Virginia (Mr. RANDOLPH), was added as a cosponsor of S. 1402, the National Blood Bank Act.

S. 1407

At the request of Mr. BURDICK, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 1407, to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission certain authority over railroad car service when an emergency is or may be imminent.

S. 1440

At the request of Mr. PROXMIRE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1440, to assure that Federal housing assistance programs are carried out to the full extent authorized by Congress.

S. 1520

At the request of Mr. ROTH, the Senator from Tennessee (Mr. BAKER), the Senator from Nevada (Mr. BIBLE), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY) and the Senator from Missouri (Mr. SYMINGTON) were added as cosponsors of S. 1520, to establish a commission to study all laws, and executive branch rules, regulations, orders, and procedures, relating to the classification and protection of information for the purpose of determining their consistency with the efficient operation of the Government, including the proper performance of its duties by the Congress.

S. 1682

At the request of Mr. HARTKE, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 1682, a bill to prevent foreign assistance to certain countries which fail to cooperate in efforts to control illicit traffic in narcotics.

S. 1727

At the request of Mr. INOUYE, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 1727, to incorporate the Pearl Harbor Survivors Association.

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## SENATE RESOLUTION 115—SUBMISSION OF A RESOLUTION TO PAY TRIBUTE TO MEMBERS OF THE ARMED FORCES WHO ARE MISSING IN ACTION IN INDOCHINA

(Considered and agreed to later in the day).

Mr. BROOKE (for himself, Mr. ABOUREZK, Mr. BAKER, Mr. BARTLETT, Mr. BAYH, Mr. BEALL, Mr. BENNETT, Mr. BIBLE, Mr. BUCKLEY, Mr. BURDICK, Mr. CLARK, Mr. COTTON, Mr. CRANSTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. GRAVEL, Mr. GRIFFIN, Mr. HART, Mr. HASKELL, Mr. INOUYE, Mr. JACKSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. MCGEE, Mr. MCINTYRE, Mr. MONDALE, Mr. MOSS, Mr. RANDOLPH, Mr. SCOTT of Pennsylvania, Mr. SCOTT of Virgina, Mr. STAFFORD, Mr. STEVENS, Mr. TAFT, Mr. THURMOND, Mr. TOWER, Mr. WILLIAMS, Mr. YOUNG, Mr. KENNEDY, Mr. HUMPHREY, Mr. GOLDWATER, Mr. CASE, Mr. BELLMON, Mr. PERCY, Mr. SAXBE, Mr. PEARSON, Mr. BROCK, Mr. FANNIN, Mr. FONG, Mr. MCCLURE, Mr. HELMS, Mr. HARTKE, Mr. HATFIELD, Mr. PASTORE, Mr. GURNEY, Mr. DOMENICI, Mr. RIBICOFF, Mr. COOK, Mr. AIKEN, Mr. HRUSKA, Mr. ROTH, Mr. WEICKER, Mr. JAVITS, Mr. HANSEN, and Mr. MAGNUSON) submitted a resolution (S. Res. 115) to pay tribute to members of the Armed Forces who are missing in action in Indochina, which was considered and agreed to.

(The resolution is printed in full when it was submitted and agreed to and appears at a later point in the RECORD.)

## SENATE RESOLUTION 116—SUBMISSION OF A RESOLUTION TO PROVIDE ADDITIONAL FUNDS FOR THE COMMITTEE ON APPROPRIATIONS

(Referred to the Committee on Rules and Administration.)

Mr. MCCLELLAN submitted the following resolution:

S. RES. 116

*Resolved*, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $75,000, in addition to the amount and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

## ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 94

At the request of Mr. STEVENS, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Resolution 94, requesting the President to enter into negotiations with major oil importing countries to establish an international organization of oil importing countries.

SENATE RESOLUTION 109

At the request of Mr. STEVENSON, the Senator from Idaho (Mr. CHURCH) and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of Senate Resolution 109, a resolution requesting the Attorney General-Designate of the United States to take actions insuring the independence of the special prosecutor to be appointed in connection with the investigation of illegal activities arising out of the Presidential election of 1972.

## SUPPLEMENTAL APPROPRIATIONS BILL, 1973—AMENDMENT

AMENDMENT NO. 133

(Ordered to be printed, and to lie on the table.)

Mr. HUMPHREY submitted an amendment, intended to be proposed by him, to the bill (H.R. 7447) making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes.

## AMENDMENT OF SMALL BUSINESS ACT—AMENDMENTS

AMENDMENT NO. 134

(Ordered to be printed, and to lie on the table.)

Mr. STEVENSON submitted amendments, intended to be proposed by him, to the amendment No. 97, intended to be proposed by Mr. TAFT to the bill (S. 1672) to amend the Small Business Act.

AMENDMENT NO. 135

(Ordered to be printed, and to lie on the table.)

Mr. STEVENSON submitted an amendment, intended to be proposed by him, to Senate bill 1672, supra.

## ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 98 TO S. 1248

At the request of Mr. EAGLETON, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of amendment 98 to the State Department authorization bill (S. 1248).

AMENDMENT NO. 125 TO S. 1672

At the request of Mr. EAGLETON, the Senator from Illinois (Mr. STEVENSON), the Senator from Wisconsin (Mr. NELSON), the Senator from Kentucky (Mr. COOK) and the Senator from Arkansas (Mr. FULBRIGHT) were added as cosponsors of amendment No. 125 to S. 1672, to amend the Small Business Administration Act.

## NOTICE OF RESCHEDULING OF HEARINGS ON S. 1463 AND S. 1678

Mr. BURDICK. Mr. President, on behalf of the Subcommittee on National Penitentiaries of the Committee on the Judiciary, I announce that the hearings on S. 1463 and S. 1678, previously scheduled for May 15, 1973, have been rescheduled. The hearings will be held on May 22, at 10 a.m. in room 2228 of the Dirksen Senate Office Building. Anyone wishing to testify should contact the subcommittee at extension 225–8994.

## ADDITIONAL STATEMENTS

## WELCOME TO ALASKA—THE GREAT LAND

Mr. STEVENS. Mr. President, Alaska attracts many tourists. Its scenic beauty and diverse cultures provide an esthetic and educational smorgasbord for people throughout the world. We are centrally located on a number of great circle air routes connecting major cities, countries, and continents.

Alaskans extend a warm and legendary hospitality to all comers. We welcome visitors—not just to our land but to our homes and lives too. We are proud—to excess—of our State and its natural wonders.

The Alaska Division of Tourism recently announced that in 1972 during the 5-month summer travel period, Alaska hosted more than 160,000 tourists. That is about 14,000 persons more than had been expected.

Surveys taken of traffic on the Alaskan Highway, the cruise ships, and aboard airplanes resulted in these statistics: Inbound travelers to Alaska totaled 239,795 persons; of these, 161,375 listed tourism as the reason for their trip; 71,446 were residents of the State. The rest were traveling for business, military, or other nontourist purposes.

The State forecasts that 1973 will show a further increase in tourism. Rising real incomes in the United States and increased promotion of Alaska tourism within Japan are expected to yield an increase in the number of visitors to Alaska of more than 20 percent.

This will be the first full year of a special triangle fare between Tokyo, Anchorage, and Honolulu. Also Japan Airlines has launched a $300,000 advertising campaign to promote tourism in the 49th State. Several German groups, plus other foreign tour groups will visit Alaska this coming year. However, most of Alaska's visitors will come from the Lower 48.

Five new cruise ships have been added to those already plying southeastern Alaska waters, and the State expects a 25-percent increase in the number of passengers this year.

We hope these figures will increase. I would like to extend an invitation to all my colleagues in both Houses, their staffs and families, and to the people they represent—which just about covers everyone in America—to come visit Alaska The name "Alaska" means the Great Land—we would like to share it with you.

## ENVIRONMENTAL PRIORITIES

Mr. SPARKMAN. Mr. President, from the perspective of the environment and urban affairs of our country, I believe a new sense of national priorities is emerging. We are going to have to make some tough decisions, and balance some very important national objectives against each other, but I think we have already made some important steps in the right direction. In this regard, and without undue detail, I would like to comment on this direction.

Since the beginning of our Nation's history, Congress and the Federal Government have dealt with environmental issues, but with objectives centering largely on development of our economy: The building of dams for irrigation and flood control, establishment of the Tennessee Valley Authority, which has so greatly benefited my State and area, stimulation of oil supply, for example. The adverse side effects of such development activity were not perceived in those early days. Actually, efforts to preserve environmental amenities mainly



concerned establishment of our national parks.

CITES LEGISLATION SUPPORT

I, accordingly, have actively supported legislation in past sessions of Congress and am currently sponsoring or cosponsoring at least 12 bills in this session designed to protect the environment of my home State of Alabama and the Nation.

In 1969, we passed the National Environmental Policy Act—NEPA—which I supported, and it was signed into law by the President on January 1, 1970. This was our first national policy on the environment as a whole. It committed the Nation to "efforts which will prevent or eliminate damage to the environment," and it made it our national policy to "encourge productive and enjoyable harmony between man and his environment."

Shortly after NEPA became law, President Nixon reorganized the Federal agencies, creating the Environmental Protection Agency—EPA. This Agency took under one wing the major environmental regulatory functions of several Government agencies, in the areas of air pollution, water pollution, noise, solid waste, pesticides, and radiation.

NATIONAL LAND USE POLICY

An important issue related to this which received serious consideration and lively debate in the last Congress was that of creating a national land use policy. The Senate passed a bill to establish such a policy, but the measure did not pass the House of Representatives.

The principal provisions of both the House and Senate measures were similar. Both bills proposed a national land-use policy which would encourage the development and implementation of State land-use programs through a program of Federal grants. The main purpose of the Senate bill was to provide technical and financial assistance to the States to help them improve their knowledge, procedures, institutions, and methods for land-use planning and management. Important new authority was also provided to improve coordination between the planning efforts of the Federal Government and State governments. The States would be required under the act to develop a statewide planning process within 3 years.

An environmental bill of special interest to Alabama is S. 22, a bill to establish a system of wild areas within the national forest system. Title II of this bill applies specifically to the Sipsey area of Bankhead National Forest, Ala. The bill seeks to provide permanent protection and enhancement of Sipsey so that the public may enjoy its natural wild state.

STRINGENT MEASURES NEEDED

A recent major report by the Conservation Foundation, "National Parks for the Future," warns that stringent measures will be needed to protect the magnificent natural features of these unique areas that have met our criteria for designation as national parks. Clearly, we must meet this challenge.

In a nation like ours where some 70 percent of the population live in urbanized surroundings, the quality of the urban environment is of critical concern.

The need for parks within or near cities has been shockingly neglected; a report by the Council on Environmental Quality informed us in 1971 that less than 3 percent of the 491 million acres of public recreation area in the United States is within 40 miles—that is an hour drive—from the center of metropolitan areas with over 500,000 people. Yet 90 million of our 200 million citizens live in such areas. The Council cited a net loss of 22,000 acres of urban parkland in the previous 6 years.

Another report, by the General Accounting Office, stated that during 1962–69 less than 6 percent of open space funds from the Department of Housing and Urban Development were provided to low-income neighborhoods, and this increased to only 30 percent in 1970. The report concludes that existing policies in both the Bureau of Outdoor Recreation and in the Department of Housing and Urban Development are not currently formulated to meet the needs of densely populated areas. One of the key problems responsible for this inadequacy is the inability of local financial resources to obtain and then maintain open spaces in cities. The high cost of land in the center of cities, and the lack of operating funds is almost prohibitive, and is one reason that the Federal grants more often go to affluent and less densely populated suburban areas.

OPEN SPACE LEGISLATION

In the 91st Congress, 10 new recreation units were added to the national park system, and the basic tool of land acquisition, the land and water conservation fund, was increased. A precedent in open space legislation was also set with the establishment of two vast national recreation areas, adjacent to two of our largest metropolitan areas. The new awareness of urban environmental needs was acknowledged by this legislation and our entire park system was enhanced by this new concept—the urban national recreation area.

In addition to supporting this legislation for the entire Nation, I have also included among the environmental bills I am working for this session bills to: First, establish Cathedral Caverns, Ala., as a national monument so that its stalagmite forests and frozen waterfalls may be preserved for future generations of Americans to enjoy; second, a bill to authorize the Secretary of the Interior to study the establishment of Bartram Trails, Ala., as a national scenic trail; and third, a bill to establish Tuskegee Institute as a national historic park.

One of our greatest environmental problems these days is the every day air we breathe. The Clean Air Act legislation went a substantial part of the way in providing a possible basis for essentially cleaning up the air, but solid waste remains an issue in which the solutions have not yet been put into law. Some wide-ranging changes in our packaging and recycling habits remain necessary before we begin to eliminate this very pressing problem.

AIR QUALITY, SOLID WASTE

Both the air quality and solid waste legislation will come up for renewal during this Congress, and there is no question in my mind that we must forcefully renew our commitment to keep working toward our goals for cleaner air and to come to grips with the problem of solid waste.

I have been particularly concerned with recent reports prepared by the task force for the National League of Cities and the U.S. Conference of Mayors commissioned by EPA that stated—

The reduction of solid waste at its source is a national responsibility. The national disposal crisis is the result of national forces and practices which are beyond the scope of local government capacity to resolve and are not the products of local government policies.

As you know, the administration's proposed fiscal 1974 budget slashed Federal outlays for resource recovery and reduction of solid waste from $30 million to $5.3 million and limited EPA's role to supervision of toxic waste disposal.

A NATIONAL PROBLEM

The President acted in the name of local control, with the budget message he submitted to the Congress concluding that reducing solid waste is a "local, not a national problem." I highly concur with the 17-man task force composed primarily of mayors and local environmental, sanitation, and public works officials, as well as EPA Administrator William D. Ruckelshaus that "resource recovery is a Federal responsibility and it requires equitable policy treatment." in order to have an effective uniform program benefiting the entire country—and without such a large reduction in Federal funding.

The President by this budget action, not only is throttling this program, but is once again placing intolerable additional fiscal pressures on the Nation's municipalities. The end result of his budget cut might be that our cities will find it financially impossible to even continue their current solid waste programs.

These and other environmental achievements marked the 91st Congress. During 1971 and 1972, the years of the 92d Congress, the tempo of environmental progress kept up a rapid pace. I would like to mention its major environmental achievements:

Water pollution control legislation was enacted which matched the comprehensive nature of the air pollution enactment of 1970. It centers water pollution control in EPA, rather than allowing substantial authority to remain with the Army Corps of Engineers. It defines tough new criteria for State water quality programs, and provides for a vastly expanded assistance program for construction of State and local sewage treatment plants.

NOISE POLLUTION CITED

In the area of noise pollution, the very first Federal regulation of this problem was provided in the Environmental Noise Control Act of 1972.

The first Federal regulation of pesticides was also enacted during the last Congress. The EPA is given authority to classify all pesticides in "general" or "restricted use" categories, thus limiting the previously unchecked usage of the more dangerous types of poisons.

Coastal zone management legislation during 1972 provided for beneficial planning of the uses of coastal areas which

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support important wildlife and fish, and which are under great pressure from development.

PROTECT THE OCEANS

Ocean dumping regulation was provided in the Marine Protection Research and Sanctuaries Act of 1972. This prohibits a wide range of practices which involved the dumping of hazardous or damaging materials into ocean or tributary waters.

After this pace and progress to protect our environment the 93d Congress will most assuredly be equally busy. In this session, in order to encourage small businesses to meet certain standards in solving some of the problems I have mentioned, I am cosponsoring a bill, S. 804, that provides economic disaster loans to small firms which have trouble financing equipment needed to help protect our environment. This bill will materially aid in the fight on pollution.

Cleaner air can mean some higher prices. More wilderness areas may cost us some timber. But with the proper determination, I think we can make it work.

In summary, I would say that the record of Congress shows great progress toward meeting important environmental goals. But it is clear that we have only made a beginning, and must stay hard at work to achieve the needed improvements in our environment.

## THE ENERGY CRISIS

Mr. DOMINICK. Mr. President, shortages of fuel have occurred worldwide in a time when our drive to protect our environment has affected the use of certain fuels. All of us need to know as of today the present availability of supplies, their locations, and the problems confronting equitable distribution. It has been suggested to me that there may exist certain "brokers" endeavoring to make financial gain out of our crisis by market manipulation. Whether this is true or not I do not know. However, I have requested and have been assured that the Cost of Living Council has been and will be keeping a close watch on the present fuel situation and future actions in the market.

On Tuesday of last week, I joined with several of my distinguished colleagues in meeting with representatives from the Office of Emergency Preparedness and the Departments of the Interior and Treasury. These representatives included Darrell Trent, William Simon, and Steve Wakefield. The purpose of our meeting was to bring to their attention the gravity of our energy crisis as it relates to our farm and rural communities. When we hear of fuel shortages in this body, we know that for many of us, the shortage may result in inconvenience ranging from being able to drive a little less to rearranging our vacation schedules. However, our farmers cannot rearrange the schedule of mother nature—their work must be done on time. For them the words "we are looking into the problem" means no answer to his critical need.

In my State, distributors are being cut back or cut off, distributors who provide fuel to our farmers. The grave consequences of the fuel crisis for farmers include less crops to financial ruin. We are now in a period of the year when planting is critical, and delay will affect all of our citizens. When it is recalled that this past winter was very severe for many of our farmers and ranchers and that our food supply today is critical, the importance of preventing a delay in the farmer's schedule is clearly demonstrated.

Mr. Simon, the conscientious and hard-working Deputy Secretary of the Treasury, expressed his belief that we would have his guidelines for solutions to our fuel shortage by next week. Our meeting in that respect was beneficial, but all of us know that too often the fruits of beneficial meetings wither by delay and indecisiveness. I, for one, would like to go on record as reaffirming my request that we see the solution by next week—we cannot get lost in further considerations or more analyses. The time for action is now so that all of us may seek to solve our energy crisis.

## THE FOREST SERVICE NEEDS ADEQUATE FUNDING

Mr. CHURCH. Mr. President, recently I presented testimony to the Subcommittee on Interior Appropriations of the Senate Appropriations Committee on the subject of Forest Service funding.

I ask unanimous consent that the text of my remarks appear at this point in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

THE FOREST SERVICE NEEDS ADEQUATE FUNDING

(Testimony by Senator CHURCH)

Mr. Chairman, it is a difficult time to discuss funding for any domestic program in light of the prerogatives which the Executive Branch of government claims to itself. I sometimes feel, and I am sure that many of my colleagues share the feeling, that our actions in determining priorities for this nation, have taken on a hollow ring.

Last year, Congress appropriated nearly $30 million in additional funds for the Forest Service to carry out crucial programs of resource management. Not one penny of the additional money, appropriated after lengthy hearings, was expended by the Nixon Administration. In what has to rank as another example of countermanding Presidential Power, totally unconstemplated by the Constitution, President Nixon's aides at the Office of Management and Budget disregarded Congressional priorities and refused to spend any of the extra money furnished by Congress.

Even though I cannot be optimistic as to what the final outcome of this year's battle over the Forest Service Budget will be, I cannot ignore the very real needs of this agency. If Congress again augments the Forest Service's budget, I only hope that the Nixon Administration will accept our decision. If not, then the continuing lumber shortage, the increasing acreage of unreplanted forests, and the shameless waste of diseased and dying trees can be laid on the steps of the White House—where it belongs.

We might well be asked, and rightly so, "If you are going to put $105 million back into the Forest Service budget, then where are you going to cut funds so that Congress does not break a $268 billion spending ceiling?" I think the answer to that is so obvious as not to need elaboration. If this Administration thinks we can afford $2.5 billion to provide aid to North Vietnam, we can surely find a way to restore $105 million for the management of our National Forests. As one who opposes aid to North Vietnam, I have no trouble supporting additional funds for the Forest Service.

There are places where we can cut the budget. I can think of a lot of them. The war is now over. I don't see any reason why the military budget has to go up another 5 billion dollars, to a level much higher than at the peak of our involvement in Vietnam. We've put the last man on the moon. I don't see any reason why we have to increase the budget for the space program when we have so much need for applied technology right here on the ground. And I haven't the slightest idea why it is necessary, at this time, when the Federal Government has gone over 100 billion dollars into debt during the last four years, we should have to increase the foreign aid program. Yes, I can think of a lot of places where we should be cutting back public spending, but the last place we should cut is the management of our natural resources upon which the future wealth of this country so deeply depends.

ROADS AND TRAILS

Perhaps no more foolish cuts in funding could be made by the Administration than its proposed reduction of $71,140,000 for Forest Roads and Trails. The impact of this cut, if upheld, will be devastating both to public recreation and the timber industry.

The Administration maintains that the slack can be made up by transferring more costs of road construction to the private logger. The fact that this would also reduce the net returns to the government on timber sales goes unmentioned. Even if it were true that only loggers benefited from Forest Roads or that public policy should not encourage small business in the timber industry, the savings to the government of such a policy would be questionable. However, neither assumption is valid. Forest Roads are of benefit to recreation users of our forests, providing them with access to the out-of-doors. Forest Roads also benefit the government which can utilize them for fire control and other management activities. Moreover, Congress long ago established small business set-aside sales, a program made possible by legislation which I co-sponsored, which specifically recognizes the desirability of preserving competition in the forest-products industry by assuring smaller operators a part of the action.

If we transfer the heavy costs of road construction on to the timber purchaser, as the administration proposes, we will force many small logging operations out of business. The practical effect of the Administration proposal will be an accelerated movement toward giantism in the forest products industry. This type of economic concentration was precisely what the Congress sought to avoid by enacting legislation authorizing the small business set-aside program. I will have no part of this effort to indirectly undo the small operator.

FOREST-LAND MANAGEMENT

Equally disastrous, in terms of its long term effect upon our nation's forests, are the cuts proposed by the Nixon Administration in the area of Forest Land Management.

At a time when we are increasingly aware of the great importance of restoring our forests and finding new and better methods of harvesting timber, it is astonishing to see funds for reforestation, stand improvement and advanced conservation and improved silvicultural practices cut by over $8 million. Our distinguished colleague from Oregon, Senator Mark Hatfield has estimated that we presently face a backlog of 5 million acres of forest land in need of reforestation. Despite such a backlog the Forest Service is to be given even less money to get on with the job.

The excuse given for cutting the reforestation program is that this effort can be delayed without a severe impact. What I fear, however, is that the same excuse will be invoked, year after year. We are already far behind in reforestation. Every year of delay seriously injures our ability to meet future demands on timber resources.

At the very least, Congress should reinstate this program at last year's level of funding.

COOPERATIVE FOREST FIRE CONTROL

Perhaps no clearer example of executive flim-flam can be found than the Administration's reduction of cooperative forest fire control funds. Under the President's budget, this program would be reduced by $9 million. We are told that the states can make up the differences with Federal revenue-sharing money, if they so desire. Of course, this argument ignores the President's promise that General Revenue Sharing would furnish the states with "new money". Now, we learn that the "new money" isn't new at all. The states are discovering that revenue-sharing funds are really being given in lieu of established Federal programs, with the states expected to make up the difference with their "new money." The more I see of "revenue-sharing," the better satisfied I am to have cast my vote against it, in the first place.

Even if the states are to pick up abandoned Federal efforts, I would think that cooperative forest fire control is a strange place to start the process. Under current arrangements, the states contribute $5.00 for every $1.00 the Federal Government spends. Five to one is a pretty decent ratio, from the standpoint of the Federal Government, for a cooperative state-federal program.

In light of the adverse impact a budget cut of this magnitude will have upon Idaho, I request that these funds be reinstated. Even though President Nixon may not spend the money so appropriated. I feel we should put the Senate on record as favoring the continuation of the cooperative forest fire control program at its current level.

FOREST SERVICE REORGANIZATION

One of the effects of the Forest Service budget cutbacks has been a radical reorganization of the agency itself. The Forest Service has announced a consolidation in its field operations and more centralized administration of Idaho Forests out of a single office in Portland, Oregon. This centralization entails the closing of two regional offices; one in Missoula, Montana, and the other in Ogden, Utah. The reorganization will also cause a reduction of payroll in Idaho. I don't believe, for a moment, that this reorganization will, as the Forest Service claims, allow the agency to better perform its tasks. On the contrary, increased centralization means decreased access by the people to the bureaucracy. Isn't it peculiar that an administration which condemns the concentration of federal power in "faroff Washington, D.C." now advocates the centralization of the Forest Service into ten regions while reducing the personnel in the field? Such a reorganization plan, I am sure, calls for the most careful review by Congress.

FUNDING FOR RECREATION AND ENVIRONMENTAL CONCERNS

Finally, Mr. Chairman, I would like to discuss the lack of funding in the budget to meet increasing recreational demands.

The use of public lands for recreation has skyrocketed. Last year alone, there was an 8 million visitor day increase in load on Forest Service administered lands. Nevertheless, the budget request for recreation programs is $10,000 below last year's level of funding.

Inevitably, the failure to make budgetary provision for burgeoning recreation, will mean extending and increasing use fees in the national forests.

Last year, I joined with the able Chairman of this Committee (Mr. Bible), in an attempt to insure that we would not nickel and dime families to death when they sought to enjoy our national parks and forest lands. We attempted to make the Golden Eagle Passport universal in its application to all developed federal outdoor recreation facilities. The passport would have been a vehicular tag priced at $25.00 a year, and would have covered all entry and use fees, wherever charged. It was our belief that such a program would help clear up the present confusion in use-fee practices. Unfortunately, although we met with success in the Senate, the House of Representatives would not agree to such a universal approach. Consequently, the Golden Eagle emerged as little more than an admission ticket to the carnival tent, as it were, and Idahoans are discovering that for each of the exhibits they must pay an additional fee. In our national parks, for example, it's a dollar for this and a dollar for that and 50 cents for each of the kids. And this plethora of special charges will only get worse as we crimp on the recreational budget.

I don't see the sense of furnishing the Forest Service with less money for recreation at a time when public demand for such services is skyrocketing.

No one will gain from these massive reductions in Forest Service funding. We should, at the very least, restore the Forest Service budget to last year's funding level. If this Committee, in its review of the budget in its totality, finds we can do more at this time, we should do more.

Let's take about 5% of that 2.5 billion dollars President Nixon says we should come up with for the rehabilitation of North Vietnam and put it to work on efforts to rehabilitate our national forests instead.



## DANGER IN LIBERAL DEMOCRACY?

Mr. SAXBE. Mr. President, recently I read an article in the Washington Star by the syndicated columnist, Dr. S. I. Hayakawa, which I would like to share with my colleague.

Dr. Hayakawa, in analyzing an article by Prof. Irving Kristol, raises some interesting points concerning what the future holds for a liberal democracy which shuns those institutions that have been instrumental in formulating values which hold cultures together and provide for measured change.

It is a scholarly article which should give all who read it occasion to reflect upon its meaning. I ask for unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BASIC SUICIDAL FLAW IN OUR FREE SOCIETY?

(S. I. Hayakawa)

Does our free society contain a basic flaw that is causing it to commit suicide?

Professor Irving Kristol thinks it may. He presents in an article in "The Public Interest" entitled "Capitalism, Socialism and Nihilism" an interesting analysis of what has often been called the crisis of values in our time.

For most of the history of the human race, the direction a culture took was determined from above by aristocracies backed by military might; by established religions supported by the state and served by powerful priests and hierarchies; and in our own time, by political commissars who think they know better than the common people what is good for them.

In most cultures, ideas of right and wrong have originated from such sources of values as these, and these values have tended to hold the cultures together and to keep changes to a manageable minimum during any one generation.

But modern liberal democracy has rid itself of established religion and religion has become a private matter. In a diversified culture like ours there is no one source of values; values are relative and shifting. As Kristol points out, for centuries religious leaders, especially Catholic philosophers, have viewed with alarm the progressive departure of societies from their former reliance on divine law. Perhaps, he suggests, they may have been right.

We are now living on the accumulated moral capital of traditional religion, he says. It is running out—and we have no other consensus of values to take its place.

In our system of society, no authority exists to tell us what is good and desirable. We are each free to seek what we think is good in our way, and we do so by means of the free marketplace, which exists to supply people with what they want. If Smith wants to spend his earnings on fine clothes, Jones on his sailboat, and Brown on the Salvation Army—fine. It's a free country. Our society is "given shape through the interaction of a countless sum of individual preferences."

But Kristol points out that this secular liberal democracy is under attack on two fronts. Unlike the Old Left, which believed in material prosperity and technological progress, the New Left attacks the persent social order for its materialism—and would substitute an unspecified Utopia which is nonmaterial, nontechnical, yet conveniently served by machines. Any means, including violence, theft and civil disorder, are advocated to bring down the hated "System"—whereupon a higher system of values will be handed down by the new elite.

On the other hand, the related "counterculture" attacks the social order with a demand for absolute liberty in all areas, especially sex, and has brought about enormous changes in laws and mores in a very short time. Each new "victory" merely confronts its champions with a new frontier to be crossed—so we have quickly progressed from relaxing sexual prohibitions to pornography to sadism and the celebration of perversion.

Strangely, Kristol points out, capitalists see no connection between the counterculture and the threat to their own welfare. At least they are so eager to make money from a contemporary fashion that "large corporations today publish books and magazines, or press and sell records, or make and distribute movies, or sponsor television shows which celebrate pornography, denounce the institution of the family, revile the 'ethics of acquisitiveness,' justify civil insurrection, and generally argue in favor of the expropriation of private industry and the 'liquidation' of industrialists."

Perhaps they believe in some degree in a basic tenet of our society—in the free and unobstructed exchange of ideas out of which the best would survive.

But, in Kristol's disturbing words, "Perhaps (the liberal tradition) never really could believe that vice, when unconstrained by religion, morality and law, might lead to viciousness. It never really could believe that self-destructive nihilism was an authentic and permanent possibility that any society had to guard against. It could refute Marx effectively, but it never thought it would be called upon to refute the Marquis de Sade and Nietzsche."

If we cannot maintain our old faith that freedom and information will make good win out over evil; if we cannot agree on that line where liberty becomes license, and hold to it, if being relativists makes us unwilling to formulate our goals—what then will happen to our free and open society?

These are serious and troubling questions to me, as I think they should be to all of us, although I am not ready to give up being an optimist, a relativist, and a believer in a secular open society.

I think this is something we should all think about—and educators especially. What is the basis for a consensus of values in our society? Where do our goals and values come from? If we believe in a free society, what

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limitations, if any, are we willing to place on that freedom so that society may protect and maintain itself?

## BOYD A. MARTIN

Mr. CHURCH. Mr. President, I wish to pay tribute to a scholar who retires this month from the University of Idaho. He is Dr. Boyd A. Martin.

Dr. Martin is retiring after a career spanning 35 years of association with the University of Idaho as a professor of political science, head of the department of social sciences, dean of the College of Letters and Science, the recipient of the university's first endowed chair as Borah Distinguished Professor and director of the university's institute of human behavior.

These titles, however, tell only part of the story of a remarkable man and a remarkable career. Boyd Martin was present at the first United Nations Conference in San Francisco when the UN Charter was drafted. He has written extensively on international affairs, and yet he also found time to write about his own State.

When he was named Borah Distinguished Professor of Political Science in 1970, University of Idaho President Ernest Hartung summed up Boyd Martin well when he described him as "one of the university's most outstanding scholars and teachers."

Mr. President, there recently appeared in the Argonaut—the university newspaper—a lengthy article on Boyd Martin. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Argonaut, May 4, 1973]

IDAHO'S BOYD MARTIN WILL RETIRE AFTER 35 YEARS OF SERVICE TO IDAHO

A man who has served the University of Idaho as a professor of political science, head of the Department of Social Sciences from 1947–1955 and dean of the College of Letters and Science from 1955–1970 retires this May after 35 years of service.

Dr. Boyd A. Martin, named to the University's first endowed teaching chair as Borah Distinguished Professor of Political Science in 1970, has been director of the university's Institute of Human Behavior since he stepped down as dean three years ago. He has also continued as director of the University's Bureau of Public Affairs Research. He was the first man named to that post in a bureau he worked to see created in 1959.

"Dr. Martin, who is an Idaho native and a graduate of the University of Idaho, has long been recognized as one of the university's most outstanding scholars and teachers, and it is fitting the first teaching chair should go to him," President Ernest W. Hartung said on Martin's appointment as Borah Outstanding Professor.

Martin, who devoted his career to teaching and research in the areas of domestic and international politics, public administration and international politics, public administration and the cause of war and peace, was raised on grain and cattle farms in Idaho and Lewis counties in Idaho and graduated from Nezperce High School in 1929.

He received his bachelor's degree from the University of Idaho in 1936 and his master's degree from Stanford University in 1937, returning to Idaho the following year as an instructor. He completed his doctoral degree at Stanford in 1942, returned to his alma mater as an assistant professor and during the next four years rose to the rank of full professor.

Martin attended the first United Nations Conference, held in San Francisco, which drafted the UN charter. He also attended UNESCO regional meetings at Denver and San Francisco, chairing the humanities section at the latter meeting.

In a recent interview, Martin noted that the UN has done remarkably well considering the frame in which it was created. The UN is a negotiator—not sovereign—due to the existence of the veto, Martin said.

"The problem with the UN was that it was oversold. People thought it could do wonders. The UN won't be able to do anything about major wars until it is given the power to do so by the sovereign nations that compose it," Martin said.

Martin, who served as chairman of the Borah Foundation Committee for the Outlawry of War from 1947–1955, longer than any other professor, continued, "It is fair to say that the Vietnam war was an outgrowth of World War II and of the Cold War which developed in the closing days of that war. If analyzed from this point of view, historians will look back on this period and single out Stalinism as the greater factor in creating the Cold War. The ruthlessness of Stalinism alarmed world liberalism and dealt democratic socialism its greatest blow."

Commenting on the period since the end of World War II, Martin said the greatest development has been the rise of the multinational corporations. He predicted that the these organizations, though they may grow beyond the power of the nation-states to control them, may lead to the development of such things as multinational labor unions and ultimately to greater interdependence among the peoples of the world.

Martin has authored or co-authored several books including "The Direct Primary in Idaho" published by the Stanford University Press in 1947. He has contributed articles to numerous professional journals, served as state editor for the National Municipal Review and was on the editorial board of the Western Political Quarterly. Much of his writing has concerned politics and elections in Idaho.

"One of the great periods of change in Idaho was the development of the progressive movement that came after the appointment of Sen. William E. Borah to fill a vacancy of the U.S. Senate. That movement led to the direct primary law and initative and referendum," Martin said. "There has always been a liberal group in Idaho, never a majority but always influential. Borah had its support and Frank Church has it now. But there are more conservative votes in Idaho today than just a few years ago, as a result of the alienation of the middle classes from liberalism because of the new left," he added.

Commenting on other changes he has seen in his native state, Martin noted there has been a decline of anti-Mormonism and of sectionalism in public education though it shows up occasionally in higher education. He noted that the size of farms has been growing rapidly and that Idaho has now two metropolitan areas. Boise and the Idaho Falls-Pocatello area.

DISTINGUISHED CITIZEN

Martin predicted that Idaho's third metropolitan area will be the quad cities of Lewiston-Clarkson and Moscow-Pullman with Lewiston as the hub. "This may well occur if sufficient air and road transportation are developed in addition to slack water," he said.

Martin, who was selected as a Distinguished Citizen by the "Idaho Statesman" in 1970, has also written the section in Idaho to be included in the forthcoming book, "The Book of States," to be published by Encyclopedia Britannica in 1974. He has served Idaho as a member of the Constitutional Revision Commission from 1965–1970 and was a consultant to the Idaho Municipal League.

He was a member of the steering committee of the Northwest Conference on Higher Education from 1962–1967, serving as chairman during 1965–66.

EDUCATION EVALUATED

Commenting on higher education today, Martin noted that it has fallen from priority No. 1 to No. 3 or 4 in many states. "Higher education wasn't prepared for the late 1960s. Some university presidents ran for cover and some students exercised power beyond their experience. I don't think there's any question but that the new left was attempting to seize the universities and reshape them for their own ends," Martin said.

During this time, with technology putting people out of work, welfare funding was able to capture the No. 1 priority in many states with metropolitan populations, he said, adding that in Idaho public school education has moved up to take the top priority.

"I want to say, however, that the University of Idaho has been very fortunate over the years in having a high level student body. Idaho students come not from homes that are very wealthy or very poor but rather from substantial middle class families. They have strong middle class values and a middle class sense of responsibility. During the late 1960s, Idaho students were an important stabilizing factor on campus and the student body presidents and student leaders were excellent representatives of the University to the people of the state," the former dean said.

Martin and his wife Grace, who have traveled over much of the world, plan to keep their home in Moscow but also intend to put a trailer on some land they own in Cottonwood, part of the family property. They also hope to see much of their family including oldest son William A. Martin who is director of the Boise Head Start program, his wife Gloria and their three children, and son Michael A. Martin who has been in the oil business in Pullman, his wife Katherine, and their two children.

## CONTINUED BOMBING IN INDOCHINA

Mr. BROOKE. Mr. President, the anguish and anxiety over our continued combat activities in Indochina is deeply felt by Members of Congress. I am encouraged by recent moves in the House of Representatives and in the Senate Appropriations and Foreign Relations Committees to curb our military presence in Indochina. I am convinced these actions reflect the deep feelings of the American people that U.S. combat activities serve no legitimate purpose and pursue no end that justifies the destruction and suffering that we are causing. In a May 12 editorial, the Quincy, Mass., Patriot Ledger eloquently stated the case against our continued military operations succinctly and forcefully. I wish to call my colleagues attention to this editorial and ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNSUPPORTED BOMBING

Even the U.S. House of Representatives, which for years has supported three successive Presidents in their Indochina policies, has now gone on record against continued U.S. bombing in Cambodia.

In three separate votes Thursday, the House made it clear it wants no more money spent on bombing Cambodia. The sense of the House was probably expressed by Majority Leader Thomas P. O'Neill, D-Cambridge, who said: "One Vietnam is too many. The nation wants no part of Cambodia."

Neither Secretary of Defense Elliot L. Richardson nor Secretary of State William P. Rogers have been able to persuade Congress of either an overriding national need to commit U.S. military power to the defense of Cambodia, or of a sound legal basis for authority to permit a President to carry out his policy without congressional approval.

Secretary Rogers' main argument the previous week before the Senate Foreign Relations Committee was that the bombing was implicitly permitted by the Vietnam ceasefire agreement so long as a separate ceasefire had not been signed in Cambodia.

This policy of bombing Communist forces until there is a Cambodian ceasefire agreement is as chimerical as it is expressly forbidden by the Paris accords on Indochina. While Mr. Rogers invokes "implicit" deductions, the agreement is very explicit on what is to be done:

Article 20—"(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing military advisers and military personnel, armaments, munitions and war material.

"(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference."

Instead of living up to our side of that agreement, the Nixon Administration is providing military equipment, fuel and air support to the Cambodian government, a government with which this country has no military alliance or other known commitment to protect.

The U.S. government is assuming that the North Vietnamese, with whom it signed the Paris accords, are commanding the war against the Lon Nol government, and that bombing Communist forces will (1) protect and strengthen the position of the Cambodian government, and (2) eventually force the Communist forces to be reasonable and negotiate a cease-fire with the government.

Both assumptions may be false. Reports from Cambodia say most of the anti-government forces are native Cambodian Communists (Khmer Rouge) and other dissidents, and the degree of command direction by the North Vietnamese is uncertain. As to the efficacy of the bombing, reports are that as in Vietnam, bombs are falling as frequently on innocent villagers as they are on the anti-government forces; and in any case, bombing of guerrillas dispersed in the countryside promises to provide more harassment than coercion to make peace.

Despite the clear sentiment of Congress, the Administration vows to transfer money from other parts of the Defense Department budget to finance Cambodian air strikes. Congress and the American people should not allow this to happen. There is no excuse to continue this senseless and open-ended misuse of American military power and the Administration should be forced to stop it.



## MORE MONEY FOR COAL RESEARCH

Mr. STEVENSON. Mr. President, this year the Nation may spend $6 billion to import oil from abroad. The Nation will be compelled to spend many billions more abroad in the near future for energy unless we put first things first. I know of no better example of national irrationality than the expenditure of billions of dollars on undependable foreign sources of fossil fuel and next to nothing developing domestic sources of coal.

The United States has oil in the form of coal equal to 10 times the world's proven oil reserves. Coal can be converted to gas. It would make more sense to spend modest sums on our own coal reserves than to spend enormous sums abroad. To do so, we must begin by devoting more money to coal research. I ask unanimous consent that my testimony on this subject before the Interior Subcommittee of the Senate Appropriations Committee be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STEVENSON ASKS DOUBLING OF FUNDS FOR COAL RESEARCH

Mr. Chairman, my remarks are directed to the budget of the Office of Coal Research. I am joined by your colleague on the Appropriations Committee, Senator Schweiker. Our position is strongly supported by many other members of the Senate.

Consumers in the United States depend on natural gas and oil to supply 79 percent of all their energy needs. Yet natural gas constitutes only 9 percent of our total domestic fossil fuel resources, oil 8 percent, and uranium only 4 percent. The rest—almost 80 percent of our fossil fuel resources—is made up of our 3 trillion tons of coal. In short, we have come to rely on those fuels in shortest supply for the greatest part of our energy requirements, while our greatest single source of energy is relatively underutilized.

We are all aware of the increasing pressures on our oil and gas reserves, the more so after the frightening shortages of this relatively mild winter; the present shortages this spring, and the even greater shortages predicted for this summer. Given the present demand and domestic supply curves, if we continue our present policies, the situation will become much worse before it becomes any better. The demand for oil by 1985 may reach 10 billion barrels per year, and some experts say that upwards of two-thirds of this demand, given our present methods of producing oil, may have to be met by imports. Even a conservative estimate puts the figure at 50 percent.

Similarly, recent estimates of the natural gas situation predict a near doubling of the demand for natural gas between 1971 and 1985, from 22 trillion cubic feet per year to from 35 to 40 trillion. The gap between this demand and what our domestic reserves can supply in 1985 has been variously estimated at 13 to 17 trillion cubic feet—even with pipelines for Alaskan and Canadian imports. As of 1969, the United States had only 18 percent of the world's 1,550 trillion cubic feet of proven natural gas reserves while still producing well over half the world's supply of natural gas.

The implications of importing the 1985 differences in oil and gas are staggering—for our foreign policy, our balance of payments and domestic economy and ultimately for our way and quality of life. We are already seeing the first manifestations. This year's dollar figure for oil imports is expected to be about $6 billion.

One answer is to turn back to coal, but in new ways. Coal will not be a complete answer, and definitely will not be the final answer. But it is an answer with much potential for the next 30, 50, or even 100 or more years.

Under present technology coal burning can present environmental danger. But we have had the capability for some time now to transform our tremendous untapped coal reserves into environmentally sound fuels—clean burning gas and oil.

The idea of coal gasification is not new—indeed, as recently as the early 1940's, most of the gas being used in the United States was produced from coal. But this was relatively low-grade in terms of its energy qualities—400 to 500 BTU's—and with the advent of long distance pipelines which could bring in 1,000 BTU natural gas, coal gasification fell into decline. In addition to its inefficiency, in today's terms it was not, environmentally speaking, clean burning.

As early in 1946, the search was initiated at the Institute of Gas Technology in Chicago for an economical method of synthesizing gas of a quality equal to natural gas. The work proceeded slowly, but was given much impetus in 1964 following the signing of a contract between the Office of Coal Research and the IGT. This led to the HYGAS demonstration plant in Chicago which was dedicated in October of 1970. This plant recently achieved 53 hours of sustained operation.

The Office of Coal Research has funded other pilot plants to research and develop other coal gasifying technologies—in Rapid City, South Dakota; Tacoma, Washington; Princeton, New Jersey; and Homer City, Pennsylvania. At present, however, the HYGAS plant shows the most promise of early commercial application, perhaps by 1976 or 1977.

The HYGAS plant is for high-BTU coal gasification. It is aimed at producing gas for use in homes through the same pipelines which presently feed homes natural gas. With minimal time and funding low-BTU coal gasification could be utilized at electric power plants. Coal can also be converted into crude oil and then refined into oil's many other products. With a "fluidized bed" process it could be burned cleanly and used to power electric generating plants.

The implications of this work are staggering. Improved mining techniques, some of them also in the research stage, might make it environmentally feasible to recover about 2 trillion tons of our Nation's 3 trillion tons of coal. At a conversion rate of 2 barrels or more of synthetic oil per ton—a much better conversion rate than that expected per ton from oil shale—we would have over 4 trillion barrels of oil in the form of coal, or ten times the world's proven reserves. And if this coal were converted to pipeline quality gas, it would yield about 32,000 trillion cubic feet of synthetic gas. Our proven recoverable reserves of natural gas worldwide, as already mentioned, are about 1,550 trillion cubic feet.

These incredible prospects may be for naught if the funds and coordinated Federal policy for general energy research and development are not present. Industry can provide some of the funds, but to develop this potential in time the Federal Government must join in partnership with industry.

Various bills have already been introduced in the 93rd Congress on the subject of energy research and development—such as S. 357 introduced by Senators Magnuson, Hollings, and others, and S. 1283, Senator Jackson's mammoth energy R & D bill. Senator Jackson's bill would set up an overall energy research coordinating body and five quasi-governmental corporations, including a Coal Gasification Corporation and a Coal Liquefaction Corporation.

There is no telling when such a mammoth program, as proposed in the Jackson or Magnuson bills, might get underway, however, and in the meantime there is neither time nor excuse for delay.

In his recent energy message, the President cited coal "as our most abundant and least costly domestic source of energy," and urged that the "highest national priority be given to expanded development and utilization of our coal resources." He did not, however, propose an increase in funds for coal research over the modest 1974 budget figure of $51.3 million. This figure exceeds the 1973 budget figure for coal research by only $8.9 million. It is far below that which can usefully be

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spent on coal research. Senator Bellmon put the question to OCR's Director, Dr. George Hill, when he appeared before this Subcommittee in March, as to whether, "considering the importance of energy to our Nation and the present energy crisis," OCR's budget was "sufficient to cope" with our energy problems. Dr. Hill replied that the OCR offered a "balanced program," but he went on to note policy determination.

Indeed, it is a policy determination, and I believe the Administration has set the wrong policy. Given the energy situation I have outlined, the OCR budget as submitted by the Administration is far out of line with our national energy priorities.

The budget for the Office of Coal Research can usefully be increased from the proposed $51.3 million to $103 million. We would allocate the increase to the following purposes:

Liquefaction of Coal, $23,850,000.

Acceleration of Low BTU Gasification Research, $11,925,000.

Acceleration of Fluidized Bed Combustion Technology, $3,975,000.

Combined Cycle Technology Research, $3,975,000.

Magneto Hydrodynamics (MHD) Research, $3,975,000.

Mining Extraction Technology Research, $3,000,000.

Despite the great promise of coal liquefaction, for example, this year's OCR budget reduces the amount available for coal liquefaction projects from $9.7 million to $9 million. The distinguished majority leader, Senator Mansfield, spoke earlier today of the need for more funds for MHD research. Dr. Hill in his March 16 testimony said that MHD "has great promise in the long run." The MHD budget request is at a "balanced" but too low figure of $3.75 million.

Dr. Hill also said the fluidized-bed boiler combustion technology "offers promise of permitting the burning of high sulfur coal without pollution in the shortest period of developmental time." The OCR budget, however, requests only $2.7 million in fiscal year 1974 for this technology. I know myself from discussions with scientists at Argonne National Laboratory that twice this amount can be utilized profitably.

While we expand the research on coal utilization, we must simultaneously develop mining technology. Some experts believe that there can be developed a satisfactory technique midway between the labor-demanding but hazardous and costly technique of deep mining and the environmentally dangerous technique of strip mining. The authority for such research and development has been in the Office of Coal Research, but it has never been adequately utilized. The incredibly small figure of $500,000 was requested for such research in this year's OCR budget. We have proposed that this figure be vastly expanded, to a total of $3.5 million. It is possible that shallow coal can be extracted from beneath the surface—in other words, without strip mining.

The figures involved in Senator Jackson's proposed bill are on the order of $1.5 billion over the next 7 to 10 years for research into coal gasification and liquefaction alone. If the Congress should decide later on that such an expanded approach is necessary, the programs ongoing within the Office of Coal Research can be incorporated. But the OCR research programs can be expanded now. The OCR has the administrative capacity and has numerous worthy applications awaiting funding. Our energy problems only worsen by the day. We have already waited far too long to begin the level of research necessary to utilize adequately our vast coal reserves. We ought now to redouble those efforts.

## CUTBACKS URGED IN CONSUMPTION OF FUEL BY FEDERAL GOVERNMENT

Mr. DOMINICK. Mr. President, 1 week ago I joined several of my colleagues from this body in meeting with William Simon, Deputy Secretary of the Treasury, to discuss our "energy" crisis and in particular the need to insure adequate fuel supplies to our farmers. Mr. Simon assured us that a plan would be forthcoming before the week was out, and Thursday he revealed the proposals. Basically the plan calls for "voluntary" cooperation by the oil industry. Whether such a plan will work remains to be seen, and for my part I hope that it does.

I would remind my colleagues, however, of the need to insure adequate supplies to our farmers immediately. The farmer cannot adjust his schedule, for he has no control over it. When the time comes to plant or to harvest, it must be done. We all know that if crops are down this year, the immediate effects will range from increasing food prices to economic disaster for our farmers. Moreover, there could be a serious impact on our trade picture. In fiscal year 1973 agricultural exports will amount to $11 billion, or 15 percent of cash farm income. In fiscal year 1973 overall we face a trade deficit of almost $6 billion. Obviously, our agricultural sector has played a significant role in giving strength to our dollar.

I have on this floor previously urged that all of us join in seeking solutions to this "crisis." To that end, last week I wrote to Mr. Simon and Secretary of Defense Elliot L. Richardson concerning cutbacks in the consumption of fuel by the Federal Government and, more particularly, the Department of Defense. I ask unanimous consent to print in the RECORD copies of those letters and would commend suggestions such as these to my colleagues as appropriate responses in our fight against this "crisis."

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 10, 1973.

Hon. ELLIOT L. RICHARDSON,
*Secretary of Defense, Department of Defense, Washington, D.C.*

DEAR MR. SECRETARY: The Department of Defense is the largest single consumer of petroleum products (POL) in the U.S. and the world. As such, your Department can do much to alleviate the fuel shortages being experienced now in certain parts of this country and anticipated on a much larger scale in the near future.

I urge your immediate consideration of a 10% reduction in POL consumption by the Department of Defense. This reduction should be achieved by an across-the-board application of the 10% figure to all functions of the Department except those *directly* related to national security. Reductions in travel, more efficient training exercises and energetic dissemination and enforcement of fuel conservation procedures are some of the means by which this reduction could be accomplished.

You are requested to provide me your comments on the feasibility of the 10% reduction and its effect on DOD functions at the earliest possible date. In addition, I would like to receive the following specific information:

Total POL consumed by DOD in FY '72 and estimated FY '73 total (the figures should indicate usage by each service and types of petroleum products used);

Amount of POL from U.S. supplies provided directly or indirectly to our allies; and

Amount of POL purchased from non-U.S. sources and identity of the countries in which it is obtained.

Mr. Secretary, at a time when the citizens of this country are being asked to conserve fuel, and in some cases being required to do so due to inadequate or non-existent supplies, I believe that the Defense Department, the largest single consumer, should take similar actions in order to help alleviate these real or imminent shortages. I am also requesting Deputy Treasury Secretary, William B. Simon, to consider similar reductions for all other Federal agencies.

Your immediate attention to this matter will be greatly appreciated by me and the people of this country.

Sincerely,

PETER H. DOMINICK,
*U.S. Senator.*

MAY 10, 1973.

Mr. WILLIAM E. SIMON,
*Deputy Secretary of the Treasury, Department of the Treasury, Washington, D.C.*

DEAR MR. SIMON: The "energy" crisis and solutions to it have occupied the attention of government officials, the press and, now, of our citizens for much of this year. We have heard from officials of the Administration and other interested observers on how the citizens of this country can aid. Our citizens have been told to drive slower, cut back on the use of air conditioners, and to perform other actions designed to conserve energy supplies. To date I have received no answer to the question of what action one of our biggest energy consumers is going to take, namely the agencies of the federal government.

I urge your immediate consideration of a 10% reduction in energy consumption by the federal government.

You are requested to provide me your comments on the feasibility of the 10% reduction and its effect on government functions. In addition, I would like to receive the following specific information:

The agency together with the amounts and types of energy it has consumed for its operations for FY '72 and estimated '73 total; and

A breakdown of the costs of such energy consumption.

Let me stress that I am not proposing any curtailment of any essential government function.

We in the government cannot be expected to escape the cutback needs while telling our citizens that they should cut back. All of us are affected and we should all participate in combating the present situation.

Further, I am enclosing for you a copy of my personal letter to Secretary of Defense Elliot Richardson requesting a response to my inquiry of cutting back by 10% Defense Department consumption.

A prompt answer to this proposed cutback will be appreciated not only by me but by all citizens of this country.

Sincerely,

PETER H. DOMINICK,
*U.S. Senator.*

## NEED FOR MOBILE HOME SAFETY STANDARDS

Mr. GURNEY. Mr. President, on March 22, 1973, Senator BROCK introduced S. 1348, a bill to establish National Standards for the Construction of Mobile Homes. This is a most important piece of legislation, and I am proud to cosponsor it.

S. 1348 attacks the problem of mobile home safety by:

First, establishing a National Mobile Home Safety and Advisory Council;

Second, allowing the Secretary of HUD to establish appropriate mobile home safety standards;



Third, prohibiting the interstate distribution of mobile homes that do not comply with the safety standards;

Fourth, allowing and assisting the States to assume the enforcement responsibilities for mobile home standards.

Mobile homes are of ever-increasing importance in this country. Seven million people now live in mobile homes. Nationally there is a projected 10 percent increase in the number of mobile homes shipped; around 600,000 will be shipped this year. Ninety-five percent of all new single family homes sold in the United States in 1972 for $15,000 or less were mobile homes.

Florida has been more dramatically affected by the mobile home surge than any other State in the country. The Sunshine State leads the Nation in mobile home shipments. In 1971 alone Florida had a 30-percent increase in its mobile home shipments; importance of this legislation to the State of Florida cannot be over emphasized.

The rapid growth of the mobile home industry in the United States has far outstripped the capacity of present regulations and guidelines to cope with the increasingly large task of safeguarding the public. Nationally, the Department of Transportation and the Department of Housing and Urban Development are the two Federal agencies most directly involved in mobile home safety standards. The Department of Transportation confines its interest in safety to the dangers involved in transporting the mobile home on the interstate highway system. The Department of Housing and Urban Development, through its FHA loans, is concerned with safety standards of a broader nature. HUD requires that FHA insured homes must be built according to the standards of the American National Standards Institute. However, self-certification by the manufacturers is the only method HUD has to verify compliance by the builders. In fact, HUD has no guarantee that its standards are observed.

Unfortunately, in the face of inadequate national standards, State standards are not much better. Approximately 24 States have standards of mobile home safety ranging from weak to nonexistent. I am proud to say, however, that the State of Florida has shown a considerable amount of initiative in this area. Florida was the first State to adopt the standards of the American National Standards Institute for Mobile Home Construction. Florida even has an inspection system, modest as it is, to enforce its standards. Unfortunately, even with the best of intentions, it is impossible to go it alone in this important area. Today it is simply beyond the ability of State officials to inspect and regulate the massive inflow of out-of-State mobile homes into the State of Florida.

One important aspect of this legislation, the need for improved anchorage standards, was dramatized by damage in the wake of Hurricane Agnes. In the State of Florida alone eight people died in mobile homes during Hurricane Agnes; 177 mobile homes were totally destroyed and another 381 required extensive renovation. Hundreds of human lives were disrupted. Improved anchorage standards can be a matter of life and death for mobile homeowners.

Another danger to mobile homeowners, fire, at least is clear even to the casual observer. Some States have attempted modest safety measures by requiring wider windows so that a mobile home dweller may escape a fire by leaping out the window. Ten minutes, or less, that is the time public safety officials estimate it would take for some mobile homes to be totally consumed by flames. Insurance companies translate this danger from fire into a dollars-and-cents figure. Fire loss is estimated by insurance officials at 4½ times as much in a mobile home as in a conventional dwelling. The rates for fire insurance are also proportionately higher than the same fire insurance for a conventional dwelling.

The problem is clear. Vast numbers of mobile homes are being bought and lived in by millions of Americans. These homes are subject to almost no control for quality or safety. The honest businessman is faced by his less scrupulous competitor who makes a shoddy product in a pretty package and is nowhere to be found when the floor caves in. The consumer has no way to be sure of the quality home he is buying.

Both the consumer and the businessman are caught in the same dilemma. They are caught in a maze of hazy unenforced and unenforceable local safety rules, where any rules at all exist, which do not protect either group from the fly-by-night mobile home company.

People who can afford it the least suffer the most from the loss of their mobile homes. The two groups who make up the largest users of mobile homes are the retirees and the young marrieds.

Both the young couples and the retirees have one thing in common—they cannot afford the financial loss caused by the collapse of their mobile homes. Pause for a moment to consider the condition of an elderly couple who have saved for a lifetime and are now finally starting to enjoy the leisure time they have earned with a life of honest toil. What happens to them when the floor caves in or the roof blows off? With their home gone some of these people will need State and Federal assistance merely to survive.

A clear national standard that can be understood by all and observed by all is the only solution. With a uniform set of safety standards, mobile home living will not only be safer but high insurance rates will both be reduced.

This is an important bill and deserves the earliest possible congressional action.

## PERILS FACING PUBLIC TV

Mr. JAVITS. Mr. President, I have long believed that public TV—with its reliance on a partnership of private sector and Federal funding—had a unique potential to serve as a free-flowing forum of ideas and entertainment for audiences that are smaller than those at which the commercial networks aim.

If this goal is to be achieved, the local public television stations, represented by the Public Broadcasting Service, should retain independence with responsibility for their programing. They should not be dominated by the Corporation for Broadcasting which, through the power of the purse, can influence programing.

The controversy between the Public Broadcasting Service and the Corporation for Public Broadcasting regarding consultation versus domination and the inherent danger of the latter rather than the former is thoughtfully set forth in a recent Buffalo Evening News editorial entitled "Perils Facing Public TV." I commend it to the attention of my colleagues and ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PERILS FACING PUBLIC TV

The apparent role of the White House in the continuing controversy over who will control the programming on public television is at least very confusing, if not downright dismaying.

For a while it looked as though a compromise had been worked out between the Public Broadcasting Service, which represents 233 public TV stations around the country, and the federal Corporation for Public Broadcasting, a bipartisan agency established by Congress in 1967 to funnel government money into public broadcasting and, recently, to make some decisions on programming.

The compromise was championed by Thomas Curtis, an appointee of President Nixon last year. Then, in quick succession, the compromise was rejected by the CPB board, and Mr. Curtis, a Republican ex-congressman from Missouri, resigned and charged that White House lobbyists had "tampered" with the board's independence.

The compromise itself, moreover, would have allowed the local stations through the PBS to retain considerable control over program decisions, in consultation with but not subservience to the federal corporation. This seems not too unreasonable to us, and would not seem to contradict what the White House has professed to want: that is, more local responsibility and diversity in the views presented on both commercial and public television.

Obviously, the failure of the compromise raises practical problems, such as uncertainty in planning programs for next fall's public television schedule.

But more fundamental questions are also involved here. We do not believe that any single national agency should have absolute control over what programs are shown on public television. That could too easily lead to a single political "line" or ideological bias in public affairs programs. Yet surely it is possible for public television to continue treating controversial issues, presenting different sides fairly.

The federal CPB should be as insulated from political and ideological pressures as possible. But probably the best guarantee of fair treatment of public issues lies in building additional diversity into the governing system. Individual public broadcasters around the country ought to share in major ways in programming decisions, and a diversity of financial resources needs to be cultivated to help pay the bills. Public broadcasting should never come to rely on federal funds to the exclusion of individual and corporate sponsors, private foundations or, particularly, money raised through appeals to the general public.

Admittedly, these are general principles. But if agreement on them is generally shared, it ought to be possible to find specifics of acceptable compromise. If agreement on them isn't shared, then public television is in very real trouble.

XUM

## SOCIAL SECURITY BENEFITS AS AFFECTING VETERANS' ADMINISTRATION PENSION PAYMENTS

Mr. BROOKE. Mr. President, the end of the war in Vietnam has focused renewed attention on the problems facing, not only the returning Vietnam veterans, but veterans of all wars. The Nation owes these men a debt which should always be in our thoughts. And although this debt cannot be adequately expressed in monetary terms, sufficient funding for the various veteran programs is an essential beginning.

In Massachusetts, the problems which confront these men and women are particularly acute. Specifically, there is alarm over recent reductions in veterans' benefits as a by-product of the recent 20 percent increase in social security benefits.

By unanimous vote, the Massachusetts House of Representatives and the Massachusetts State Senate have urged the Congress to plug the leak in veterans' benefits.

It is my hope that the members of the Veterans' Affairs Committee give these resolutions and the sentiments they express the most careful study as they consider S. 275 and similar legislation.

Mr. President, I ask unanimous consent that these resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS

Memorializing the Congress of the United States to enact legislation that would preclude social security benefits from affecting Veterans Administration pension payments

Whereas, Many veterans are receiving benefits under the Social Security Act and Veterans Administration pensions; and

Whereas, It would be unfair and unjust to allow any benefits under the Social Security Act to decrease or elminate the Veterans Administration pensions to veterans receiving both; now, therefore, be it

*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to preclude any change in the Social Security Act from affecting any Veterans Administration pension to veterans receiving both; and be it further

*Resolved*, That a copy of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to members thereof from the Commonwealth.

House of Representatives, adopted April 17, 1973.

Senate, adopted in concurrence, April 25, 1973.

## THE 25TH ANNIVERSARY OF ISRAEL STATEHOOD

Mr. WILLIAMS. Mr. President, the festive and joyous celebration in Israel on May 7, marking the 25th anniversary of the establishing of statehood, was yet another example of the deep pride and determination of the Israeli people.

These citizens, joined in spirit by Jewish and non-Jewish friends around the world, reiterated the importance of Israel in her constant struggle to remain a free and democratic state.

The success of this tiny nation against political and military aggression in only the first-quarter century of existence is truly remarkable and merits the praise and encouragement of the free world.

It is, as we all know, success borne of the sacrifice in sweat and blood of thousands of determined people.

It is a success that has been made possible in large part by the steadfast support of individual Americans, and of the U.S. Government.

The celebrating of the 25th anniversary is a fitting time to renew that commitment, both as individuals and as a nation. I wish to take this time to reaffirm my support of Israel, both as an American citizen and a Member of the U.S. Senate.

For all of us who have believed in the potential of Israel, this is a deeply satisfying time.

The tiny state that some said could never exist, has emerged as a mature nation. The citizens of Israel can look back on the startling progress they achieved in only 25 years.

But Israel, and her friends throughout the world, cannot afford the luxury of complacency. Her old enemies in the Middle East and the Soviet Union continue to watch for signs of weakness and hope to dam the flow of human resources which have helped make Israel productive. The many threats to her very existence remain as real as ever, but the determination to keep Israel free is still strong and persistent.

Mr. President, we cannot allow the United States to back away from support for Israel. Our assistance in the form of aid and supplies is very much needed in this struggle to remain free.

Therefore, on this proud occasion of the 25th anniversary of Israeli statehood, I extend my sincerest hopes and prayers for a peaceful and prosperous future for the people of Israel.

## TIMBER EXPORT MANAGEMENT ACT OF 1973

Mr. GURNEY. Mr. President, I have submitted to the Senate Banking, Housing and Urban Affairs Committee, an amendment to my bill, S. 1507, the Timber Export Management Act of 1973, which I introduced on April 10, 1973.

In general, that amendment provides that the Secretary of Commerce shall in December of 1973, when he calculates export restrictions for 1974, restrict those exports to 22 percent of the level of imports he believes will be needed in 1974 to supplement domestic supply. S. 1507 provides he shall use 1973 import levels in such calculations. Because of the dynamic characteristics of the softwood industry, my export restriction formula should use estimated imports needed, rather than import levels of a past year.

I have also submitted to the committee background information which was helpful to me in drafting the bill and which I hope will be of assistance to others in understanding the bill's provisions.

Mr. President, I ask unanimous consent that a copy of my suggested amendment to S. 1507, and the background information which I have submitted to the committee, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1507—JUSTIFICATIONS FOR ITS PROVISIONS

OVERVIEW

The bill restricts exports of softwood logs and timber from Federal and private lands to a percentage of imports of such softwood. The first set of restrictions, for the balance of 1973 and all of 1974, serve to retain within this country an amount of softwood approximately equal to the amount we previously have had to import to supplement domestic supply *just to meet our own domestic needs*. This amount of softwood also approximates the amount of unused milling capacity which can reasonably be expected to mill softwood previously exported. (Calculations are set forth at the conclusion of this document).

Testimony, by industry members and expert observers, before the Cost of Living Council indicated that there is additional unused milling capacity in the northwestern United States. The West Coast Lumber Inspection Bureau recently announced that *its members could gear up milling capacity sufficient to mill an additional 3 million board feet—approximately the same amount S. 1507 would add to the domestic market.*

For years beyond 1974, S. 1507 provides for various percentages of export restrictions to be applied during six month periods. This flexibility is designed to permit the export restrictions to be finetuned as the softwood market returns to equilibrium levels.

Two explicit provisions in the bill provide a means by which the export restrictions shall be suspended and therefore provide for a return to unfettered free market forces at the earliest possible date. Restrictions shall be suspended if (1) foreign demand for softwood no longer threatens to distort domestic market prices or, (2) if the domestic softwood price in fact *averages*, over a six month period, an equilibrium price. Congress, in either instance, may reject any suspension of export restrictions.

These two provisions are important. The first is an incentive to Japan, urging her to follow through on statements she has made to us that she will seek alternative sources of supply. The second provision takes the industry's most recent, generally recognized equilibrium price for softwood (1967) and adds 15% to account for general inflation experienced by the economy as a whole.

BASIC PREMISES OF S. 1507

1. The lumber crisis is primarily a softwood crisis. This wood has the greatest impact of all woods upon our economy because of its extensive use in construction. The use of Federal intervention to solve the lumber crisis should be as limited as possible to permit the government to withdraw its intervention as easily as possible. Therefore, softwood should be the target of legislative proposals.

2. We are a net importer of softwood. Regardless of economic conditions, the United States must import softwood to supplement domestic supply. Import levels, therefore, are a barometer of the intensity of domestic demand for softwood.

3. In general, we sell softwood *logs* to Japan and purchase higher priced *lumber* from Canada. The effect is a net dollar loss to Canada. We have continued these transactions even though we do not have enough softwood *on the market* to meet domestic needs.

4. The ultimate solution to the lumber crisis involves a solution of the box car shortage, increasing the resources of the Forest Service to permit better utilization of forest lands and increases in the sale of logs from Federal lands. These solutions require time to implement. However, several factors dictate the need for immediate, temporary action to restore equilibrium and lower prices to the softwood industry:

(a) *Peaked prices.* Softwood prices appear to have peaked. However, several market forces now at work will keep those prices at high levels and inhibit the return of lower, equilibrium prices. The most important of these is that Japan's demand for our softwood will continue; she faces her own housing boom and lumber shortage. Testimony to both Congress and the Cost of Living Council indicates that Japan's drain on our supply and her willingness to pay higher prices than domestic purchasers have in part inflated domestic softwood prices. Japan has indicated to the U.S. that she will attempt to obtain alternative sources of supply. We know she can do so from Canada, the USSR and from Southeast Asia. (In Southeast Asia, certain hardwoods, such as lauan, can be used for softwood purposes; lauan is a substitute for cedar, and is frequently used for plywood construction). But Japan has not moved with any dispatch in this regard; in fact, she has indicated in the past that alternative sources of supply would be considered but she has continued to *increase* her purchases of our softwood. Therefore, S. 1507 creates an incentive for Japan. If she follows through and finds alternative sources of supply, and her demand pressures no longer threaten to distort our domestic prices, the export restrictions can be lifted immediately. If she does not, however, the export restrictions will temporarily prevent Japan from exerting excessive demand pressures on our softwood supplies and prevent her willingness to pay high prices from escalating domestic softwood prices.

(b) *Protective positioning.* The longer we delay in taking action the greater the opportunity there will be for members of the softwood industry to expedite transactions in anticipation of lower prices in the future, or otherwise position themselves to take advantage of changing market conditions. Such protective positioning may further distort market factors of supply and demand and make a return to equilibrium levels even more difficult and more time consuming.

(c) *The prices of delay* will be paid by domestic consumers of softwood, primarily new home buyers.

5. While the required short term solution of the lumber crisis is a restriction of exports, such restrictions must be *temporary* and *limited in scope*. Export controls devoid of a mandated suspension of controls when equilibrium returns to the market will inevitably distort normal supply and demand forces. They may also prompt retaliation by other countries in the course of their international trade. *Partial* restrictions with *explicit* procedures for their termination will not cause Japan severe harm and *will demonstrate that our goal is market equilibrium and not a governmentally induced trade advantage.*

6. Increasing allowable cuts of softwood from Federal lands, or prohibiting or restricting exports of softwood from Federal lands, are not sufficient remedies. Allowable cuts have never been achieved. In any event, we may not know until too late whether or not cuts actually made will make their way *onto the market*. There currently is much timber cut which has simply not been sold because of lack of resources, administrative difficulties, insufficient access to roads and other deficiencies in our ability to move the softwood onto the market. Some 10 billion board feet are presently left to rot unharvested because of inefficiencies in our timber management and harvesting system. Instead of deciding to simply cut more of our precious timber resources we should (1) stop solving Japan's lumber shortage and housing boom at the expense of our own lumber and housing needs; (2) determine, for the long run, to increase efficiencies in our marketing and harvesting system.

Restricting or eliminating exports from Federal lands will not be a complete solution. In passing the so-called Morse Amendment to the Export Administration Act of 1969, an amendment which limited exports from Federal lands, the Congress directed that regulations be established to prevent the practice of substitution, whereby owners of private forests increased exports of timber from their own lands and purchased Federal timber to meet domestic demand. No regulations were implemented. It now appears that they cannot be effectively implemented as a practical matter. If such regulations were needed when reports from Federal lands were *limited*, they would become crucial if exports from Federal lands were prohibited. Massive evasions of the restrictions would otherwise result. Therefore, effective, timely export limitations will be effective only to the extent that they apply to timber on Federal *as well as* private lands.

CALCULATIONS OF EXPORT RESTRICTIONS IN S. 1507

For 1973 export restrictions the calculations are as follows:

*Total softwood imports*

| | |
|---|---|
| 1971 | 7.3 |
| 1972 | 9.0 |
| Total | 16.3 |
| Average | 8.15 |

*Total softwood exports*

| | |
|---|---|
| 1971 | 3.7 |
| 1972 | 5.0 |
| Total | 8.7 |
| Average | 4.35 |

Therefore, 22% of 8.15=1.79.

*On an annualized basis*, 1973 exports would be restricted to approximately 1.8 billion board feet. This would retain 2.55 billion board feet within the domestic market (4.35 minus 1.79). However, passage of S. 1507 late in 1973 means that for *each month* left in the year at the time of passage export restrictions would be 1/12 of 1.79 billion board feet, or 147.4 million board feet.

For 1974 the Secretary will estimate, in December of 1973, the volume of imports which will be needed to supplement domestic supply. He will restrict exports to 22% of that estimated import level.

Assuming that 1974 exports are no greater than those for *1972* (which is not likely) 22% of 9 billion board feet is approximately 1.98. Rounding that to 2 billion, 1974 exports under S. 1507, would equal 2 billion board feet, with the balance, *3 billion board feet, retained for the domestic market.*

Again, the most recent estimate of unused milling capacity in the northwestern United States is 3 billion board feet (see page 1 *supra*).

While 1974 imports will probably not be the same as those in 1972, it is a reasonable conclusion that, under S. 1507, softwood formerly exported can in fact be milled by current milling capacity in place in the northwestern United States.

Respectfully submitted.

EDWARD J. GURNEY,
*U.S. Senator.*

AMENDMENT

On page 5, strike lines 5 thru 8 and insert in lieu thereof the following:

"(1) For calendar year 1974, the Secretary shall, not later than December 1, 1973, estimate the level of imports of softwood which will be needed in 1974, when added to domestic production, to meet domestic softwood demand during 1974, and shall limit 1974 exports of softwood to 22 per centum of such estimated level of imports."

## SKYLAB WORKSHOP

Mr. MOSS. Mr. President, members of the Senate are aware from press reports last night and this morning that the Skylab workshop launched yesterday has serious difficulties. These difficulties, centered around failure of two large solar cell panels to deploy in orbit and temperature problems in the laboratory itself, threaten to curtail or sharply reduce the returns of this important flight.

NASA administrators and flight control personnel are assessing the effects of these problems on the flight plan, and reviewing alternatives available to obtain greatest benefits from the mission. As my colleagues know, the first manned launch, scheduled for today, has been tentatively rescheduled for launch this Sunday.

The workshop carries numerous new experimental equipment, including earth resources and solar astronomy instruments. We all hope that in the days ahead NASA's experts will succeed in devising ways to maximize the use of the workshop.

I ask unanimous consent to include in the RECORD a brief summary of the experiments planned for the workshop.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE SKYLAB EXPERIMENT PROGRAM

The Skylab experiments will capitalize on the unique opportunities available in Earth orbit. The Earth resources and solar astronomy observations utilize the vantage point and disturbance free environment of orbital space for the investigator to make observations and measurements not possible from terrestrial or airborne observatories. The technology and operations experiments rely on special and unique properties of the space environment to examine phenomena, materials, processes and techniques. The medical investigations during the long 56 day missions will determine man's adaptability to changes in his normal environment.

Another scientific dimension of the Skylab Experiment Program is found in the worldwide solar observations program. This will involve coordinating observations from the ground with those from the Skylab in orbit. Similarly there is a very broad program of data acquisition from ground stations, aircraft and the Earth Resources Technology Satellite for correlation with the information gathered by the Skylab Earth Resources Experiment Package sensors.

The importance of the Skylab Research Program is highlighted in the following descriptions:

EARTH RESOURCES

Remote Earth observations from space have the potential of becoming a fundamental technique in effective use and conservation of natural resources, and in better understanding and managing interacting influences between man and his natural environment.

Photography from Earth orbital spacecraft has proven valuable for mapping geographic and weather features over large areas of the Earth. Systematic application of other remote sensing techniques may extend the usefulness of this capability to mapping of Earth resources and land uses. Resources amenable to this type of study include identification of crops and ground cover, vegetation vigor, soil types, snow pack and water storage, surface or near-surface mineral deposits, sea surface temperature and roughness, the location and migration of fish stock, etc.

Development of remote sensing techniques in extended spectral ranges at altitudes up to 60,000 feet is already a part of the NASA Aircraft Program. Aerial reconnaissance of ground truth sites is being conducted to test measuring techniques, to validate interpretive techniques and to ascertain the dependability of recognizable spectral signa-

tures. Development has reached the point where remote sensing has been used operationally to assist in pinpointing forest fires through dense smoke cover and in mapping corn blight damage.

Space tests of remote sensing techniques have also been conducted during the Mercury, Gemini and Apollo programs with increasing degrees of sophistication. Several thousand high quality photographs obtained have been effectively used in many disciplines. Apollo missions added haze filters, demonstrated photography in the visible and infrared wavelengths, overlap photography for stero viewing, and photography of ground test sites.

The Skylab Earth Resources Experiments Package (EREP) is the most recent step in this important aspect of understanding and managing the Earth/man relationship. EREP will improve on the Apollo visible light and infrared photography and will, in addition, include electronic infrared spectrography and microwave radar and radiometry surveys.

EREP photographic equipment and techniques will greatly improve resolution of Earth resources phenomena by simultaneous exposures using six matched cameras and by precise photometry that can provide more accurate light intensity levels in each survey photograph. The infrared spectrography survey will operate in wavelengths not recordable on photographic film and will provide data for plotting recognizable spectral signatures of the observed phenomena. The EREP microwave radar and radiometry equipment has a low sensitivity to atmospheric moisture and will provide an all-weather source of information on surface moisture, temperature and vegetation distribution. Microwave radiometry over the oceans will provide information on wind and sea conditions on a global scale.

SOLAR OBSERVATIONS

A systematic study of the Earth and its environment would not be complete without detailed study of the Sun. All life on Earth is dependent on the radiation from the Sun received through the atmosphere on land and sea. Variations in the amount and character of the solar radiation reaching the Earth suggests influences that solar cycles have on weather, communications and the terrestrial environment in general. The Skylab experiment program has a major segment devoted to solar studies.

Skylab, and in particular the Apollo Telescope Mount (ATM), will carry a 2,000 pound scientific payload of eight instruments specifically tailored to an observation program of the Sun. It constitutes a significant step into the future by combining capabilities (1) to conduct astronomical research from space removed from the optical and mechanical disturbances evident on Earth, and (2) to have man operate complex equipment with the attendant flexibility and adaptability of the man-machine design. This combination will permit an astronaut trained in the science of astronomy to enhance the achievements possible with large scientific instruments in space.

The ATM instruments are larger and more sensitive than any previously flown in space. Solar astronomers, in this country and abroad, will utilize these instruments along with ground-based instruments for an all-out national and international effort to study the Sun in 1973. All ATM instruments will observe the same spot on the Sun simultaneously. The astronaut will select the most interesting region on the Sun by looking at television displays of the Sun as it can be seen only from space—in ultraviolet light and in X-rays. The scientists conducting the experiments have jointly identified the most important problems that can be addressed with ATM.

PHYSICAL SCIENCES

Earth is a spacecraft in orbit about the Sun. It is surrounded by a near-Earth environment, the atmosphere, which is crucial to the maintenance of life on Earth. The atmosphere in turn is surrounded by a near-vacuum called space which is environmentally hostile to life. Increased understanding of the balance between the hostility of space and the atmospheric protection of Earth is the purpose of the physical science experiments on Skylab.

In addition to an extensive solar study, Skylab will carry physical science experiments to investigate (1) the contribution of deep space (beyond our solar system) to Earth's environment, (2) the characteristics of the Earth's upper atmosphere, and (3) the content of the medium directly surrounding Skylab.

LIFE SCIENCES

The Skylab biomedical program is a study of normal, healthy men and their reactions in an environment where the effects of gravity, one of Earth's key environments, has been nullified. From this study, a great deal can be learned about gravity's importance to man's physiological functions.

Previous studies of man exposed to zero gravity observed a consistent loss of body fluid; a small loss in bone calcium and muscle mass; and a reduction in the ability of blood vessels to actively distribute blood to the various parts of the body following return to an Earth gravity condition. These effects disappeared a few days after returning to Earth and so far have shown no consistent relationship with the time spent in zero gravity. Similar effects have been observed in individuals confined to prolonged bed rest on Earth.

Skylab will allow an evaluation of these and other phenomena under prolonged zero gravity conditions using more rigorous evaluation techniques. Typically the human biomedical experiment program consists of investigations such as the effect of gravity on nutritional requirements, man's metabolic effectiveness in doing mechanical work, the effects of exposure to zero gravity on the heart and blood vessels, the role of gravity on man's psychomotor efficiency in the performance of useful tasks, and the effect of gravity on the senses governing balance, orientations and motion.

TECHNOLOGY AND OPERATIONS EXPERIMENTS

These experiments are related to improving manned operations in space and space technology.

The manned operation of Skylab-A will provide information on the suitability of the living conditions and crew accommodations. The crews will evaluate the size, shape, ease of use, comfort, and appearance of the spacecraft interior and equipment. This information base will provide the "architectural concepts" of future manned spacecraft. A valuable part of these observations will be the crew's subjective likes and dislikes. An example of this, is the sense of roominess that weightlessness appears to induce, with its capability of multidirectional orientation.

Zero gravity introduces new approaches to astronaut mobility. Within the spacecraft, movement from one area to another can be achieved by floating. Outside the spacecraft the same form of movement is possible, but, inconvenient, and without a restraining tether is hazardous. Movement along the outside of the spacecraft is possible by using handholds, but movement from one spacecraft to another requires more sophisticated maneuvering equipment which will be tested within the large experiment compartment in the workshop.

Closely associated with the freedom of travel afforded by zero gravity is the sensitivity of the orbiting spacecraft to disturbances caused by crew motion inside it. Skylab experiments will evaluate the magnitude of this effect.

Manufacturing techniques not possible on Earth may be possible in zero gravity. The casting of spheres, growth of crystal structures and organisms, development of foamed high strength materials are some of the space manufacturing technology concepts to be studied in Skylab. These experiments may lead to practical uses of space for processing a variety of materials.

At Skylab's orbital altitude, the radiation environment differs greatly from that on Earth. The radiation approaching Earth is captured by Earth's magnetic field and forms belts whose inner surfaces are some 250 to 300 miles above Earth. These belts are known as the Van Allen Belts. Over one part of the Earth's surface traversed by Skylab (the South Atlantic), this belt dips low enough for Skylab to pass through. The radiation levels in this South Atlantic Anomaly will be measured and the cumulative effects determined.

## DOMESTIC PRIORITIES BEFORE AID TO NORTH VIETNAM

Mr. JAVITS. Mr. President, I ask unanimous consent that a resolution adopted by the New York State County Executives Association and a news release in connection with a proposed aid agreement with North Vietnam be printed in the RECORD.

There being no objection, the resolution and release were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY NEW YORK STATE COUNTY EXECUTIVES ASSOCIATION

Whereas, if the President of the United States feels it is appropriate and necessary to give North Vietnam $2.5 billion in aid in accordance with the peace agreement,

Now, therefore, be it resolved, that the New York State County Executives Association, representing 80 per cent of the state's residents living outside New York City, believes that such an agreement should not be carried out at the expense of state and local governments,

That, the County Executives support the President's call for special revenue sharing to consolidate the large number of categoric federal-state grant programs into block grants for broad functions,

That, the County Executives are concerned that the Administration's special revenue sharing proposals will provide less money to the point of performance—to states, counties and local units of government—than did the categoric grants,

That, the County Executives feel that in light of the federal money problem, some modest reduction in aid would be acceptable and understandable. However, the County Executives are not prepared to accept a 25 to 33 per cent cut in federal aid just to obtain the freedom of action that special revenue sharing would provide. If this be the case, then the County Executives would prefer to continue the present categoric system and work for change within that system so that state, county and local units of government can better meet the needs of their constituents,

And, lastly, that the County Executives feel that any change from the categoric to a special revenue sharing system must be phased in and provisions made for the hiatus so that local programs do not suffer.

NEWS RELEASE BY NEW YORK STATE COUNTY EXECUTIVES ASSOCIATION

The New York State County Executives Association today asked President Nixon for a commitment that the $2.5 billion aid agreement with North Vietnam will not be carried out at the expense of state and local governments.

Nassau County Executive Ralph G. Caso, association president, said the county executives, who represent 80 per cent of the state's population outside New York City, want assurances that all domestic priorities will be met first.

"We believe that this country's problems of air pollution, water pollution, mass transportation, narcotics control, law enforcement, solid waste disposal and tax relief deserve first attention," Caso asserted. "We also should give priority to the returning veterans who are looking for jobs and education to earn a living.

"Any massive outlay of money to a foreign enemy country will be difficult to explain if we here at home are forced to accept cutbacks in aid for urgently needed programs," he added.

The county executives also expressed concern that the Administration's special revenue sharing proposals will provide less money to states, counties and other local units of government than the present categorical grant system.

"We are not prepared to accept a 25 to 33 per cent cut in federal aid just to obtain the freedom of action that special revenue sharing would provide," Caso said. "If this is the case, than we would prefer to continue the categoric system and work for change within that system so that we can better meet the needs of our constituents.

"We support the President's special revenue sharing proposal provided it does not force us to absorb drastic aid cutbacks and that provisions are made to phase in the new system so that local programs do not suffer in the transition period," he concluded.

The New York State County Executives Association today asked President Nixon for a commitment that the $2.5 billion aid agreement with North Vietnam will not be carried out at the expense of state and local governments.



## OVERSEAS TROOPS: MISSION IMPROBABLE

Mr. PROXMIRE. Mr. President, the May 1973 issue of Sane World contains a particularly well thought out article on the rationale behind the $12 billion yearly commitment in support of U.S. troops overseas. The author is a retired lieutenant colonel who has served as a staff member of the Joint Chiefs of Staff and has won the Presidential Legion of Merit. He is the author of "The Death of the Army: A Pre-Mortum."

So much has been written about U.S. troops in Europe that often the broad perspective is missed. Colonel King restores this balance by addressing the threat U.S. troops face and comparing the combat ready status of those troops. It does not come as a surprise that most of our troops in Europe are serving in noncombat headquarters and support roles but it does force consideration of their primary role: conventional against nuclear.

I understand that this article is part of a longer study soon to be released by Colonel King. If the quality of this initial analysis is a reflection of the final product, it will be a significant contribution to the debate on U.S. commitments to Europe.

Mr. President, I ask unanimous consent that Colonel King's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Sane World, May 1973]

OVERSEAS TROOPS: MISSION IMPROBABLE

(By Lt. Col. Edward King (U.S. Army, ret.))

Fiscal year 1970 the U.S. spent $12 billion to support our troops deployed overseas—in addition to the high costs of our forces in Indo-China. In FY 1973 it still cost the people of the U.S. a total of $30 billion to maintain troops, bases, and facilities abroad.

The rationale behind these overseas deployments of our forces supposedly has its origins in the basic U.S. national security objectives of (1) preserving the U.S. as a free and independent nation, to safeguard its fundamental institutions and values, and to protect its people; (2) contributing to the security of other nations with which we have treaties or whose security significantly impacts on our security. It is difficult, however, to reconcile the presence of our forces and bases in Ethiopia, Morocco and Iran with this basic security objective. Yet this objective is used to justify the military concept known as "forward deployments."

The Department of Defense has postulated the reasons for forward deployments as:

Helping the U.S. deter aggression by demonstrating to potential enemies and our allies the U.S. resolve to honor its commitments;

Enabling the U.S. to assist our allies in collective defense; and

Providing the President with the flexibility necessary in responding promptly to contingencies.

The Department of Defense has said that in determining the overseas deployment of our forces its considers the threat, the military requirements of the area, costs and political considerations.

319,000 IN EUROPE

Yet a close analysis of the principal U.S. troop deployments in FY 1974 does not reveal that these considerations have been adequately weighed. The largest deployment of U.S. forces is in NATO/Europe. These force and equipment levels committed in Europe justify the major part of the FY 1974 defense budget outlays. There are currently 319,000 military (accompanied by 225,000 military-sponsored dependents) stationed in Europe. The number of military personnel stationed there is a determination made among the Secretary of Defense, the Joint Chiefs of Staff and the National Security Council. The Congress has not made a determination on the size of this force since it approved sending five divisions to Europe in 1951.

This is a larger force level than the U.S. maintained in Europe immediately prior to the 1962 Berlin buildup (as of June, 1961, there were 211,623 military personnel in Europe). Despite the reduction in the scope of the Soviet threat to Europe brought about by Sino-Soviet hostility, detente in Europe, a Berlin agreement, the SALT agreement, and increased trade between East and West, the U.S. is maintaining more rather than fewer military personnel permanently stationed in Europe.

Despite the reduced threat in Europe during the past decade, military requirements there have not increased, but military manpower levels have increased. The costs of maintaining these increased U.S. forces have steadily climbed from $12 billion in FY 1971 to $17 billion in FY 1973. The dollar has been twice devalued while U.S. troop levels in Europe were increasing. These troop levels contributed to a balance of payments outflow of $2.2 billion in FY 1971 and this has grown to roughly $5 billion in FY 1973.

WHAT IS THE "THREAT"?

What is the "Soviet threat" that our 319,000 U.S. military personnel deployed in Europe must encounter? The Department of Defense has stated the "threat" in exactly the same words for the past four fiscal years:

"While we do not consider aggression by the USSR likely in the present political climate, the fact remains that the Soviets have a vital interest in preserving the status quo in Central Europe and in retaining their hold on Eastern Europe. A crisis that could lead to a conflict could arise if the political situation substantially changed in a way that threatened the USSR or its hegemony over Eastern Europe, or if a Soviet government saw opportunities for other ways to apply critical pressures on the cohesion of the Alliance. Such a crisis could escalate to hostilities."

There is a great deal of vague supposition contained in the wording of this "threat." But the American people have had to pay a total of $55 billion over the past four years to maintain U.S. forces to defend against it.

How can such a nebulous threat justify the deployment of 198,600 ground troops (out of the NATO total of 319,000) permanently stationed in Central Europe? Even if there were a likely Soviet threat, how many of these deployed army troops would fight to counter it? The Department of Defense states in its military manpower report for FY 1974 that U.S. land forces in Europe will continue at their FY 1973 level. A comparison of the land force levels published in the FY 1973 Military Manpower Report and FY 1974 Report reveals both omissions and contradictions. For example, page 35 of the Department of Defense FY 1974 Military Manpower Report states that, of the 198,600-man land force in Europe, a total of 116,100 men will be in combat units. This is factual only if combat support and direct support assignments are accepted as combat-related.

LESS THAN FORTHRIGHT

The Department of Defense is being less than forthright in claiming that personnel in combat units are performing combat-related duties.

A more realistic appraisal can be made by using the most favorable Army combat-to-support ratio to measure the number of unit personnel performing combat duties. The ratio of the number of Army personnel in Europe assigned to combat duties and support duties is as follows:

| | Fiscal year 1973 | Combat [1] | Support |
|---|---|---|---|
| 4⅓ divisions | [2] 64,736 | 27,210 | 37,526 |
| Division support | 89,145 | 37,440 | 51,705 |
| Berlin brigade | 3,860 | 1,621 | 2,239 |
| Missile forces | 21,218 | 8,912 | 12,306 |
| Strategic intelligence and security | 32 | ..... | 32 |
| Other service support | 801 | ..... | 801 |
| DOD joint activities | 726 | ..... | 726 |
| Free world support | 294 | ..... | 294 |
| General support forces | 2,901 | ..... | 2,901 |
| Other commands agencies | 14,678 | ..... | 14,678 |
| | 198,391 | 75,783 | 123,208 |

| | Fiscal year 1974 | Combat [2] | Support [2] |
|---|---|---|---|
| 4⅓ divisions | [3] 65,300 | 27,426 | 37,874 |
| 2 armored car regiments | 6,100 | 2,562 | 3,538 |
| Berlin brigade | 3,900 | 1,638 | 2,262 |
| Other combat units [3] | 17,900 | 7,518 | 10,382 |
| Missile forces [4] | 22,900 | 9,618 | 13,282 |
| Units supporting divisions | 65,500 | 27,510 | 37,990 |
| Strategic communications, intelligence and security | 10,900 | ..... | 10,900 |
| DOD joint activities, free world and other services support and others | 6,100 | ..... | 6,100 |
| | 198,600 | 76,272 | 122,282 |

These figures show that, using the Army's most favorable divisional combat-to-support ratio, there are over 46,000 more Army support than combat troops in Central Europe. If the less favorable percentage of the number of any personnel assigned to combat duties is applied, the figures for FY 1974 change to the following:

| | Fiscal year 1974 | Combat [3] | Support [3] |
|---|---|---|---|
| 4⅓ divisions | 65,300 | 15,672 | 49,580 |
| 2 armed cavalry regiments | 6,100 | 1,468 | 4,636 |
| Berlin brigade | 3,900 | 936 | 2,964 |
| Other combat units | 17,900 | 4,296 | 13,604 |
| Missile forces | 22,900 | 5,496 | 13,004 |

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| | Fiscal year 1974 | Combat [4] | Support [4] |
|---|---|---|---|
| Units supporting divisions | 65,500 | 15,740 | 49,784 |
| Strategic communications, intelligence and security | 10,900 | ..... | 10,900 |
| DOD/joint activities, free world and other services support and others | 6,100 | ..... | 6,100 |
| | 198,600 | 43,608 | 154,992 |

[1] Computed on the given Army divisional combat-to-support ratio of 42 percent combat to 58 percent support.
[2] 64,600 is the total authorized strength of the divisional forces.
[3] Artillery, combat aviation, combat engineers and air defense.
[4] Includes 7,600 in direct support of missile forces.
[5] Computed on the basis of 24 percent of Army personnel assigned to combat skills, which in the Army includes all individuals assigned whose primary duty is to fire at the enemy.

Regardless of which ratio is used to measure the combat capability of our forces in Central Europe, it is apparent that a majority of them are serving in non-combat headquarters and support roles. In light of the large numbers of troops assigned to non-combat roles and the vagueness of the "threat" they face, it is difficult to justify either the manpower levels or the escalating costs involved.

How do these military manpower deployments that we have maintained in Europe for over 20 years actually defend U.S. national security? The oft-stated purpose of our conventional general purpose manpower in Europe is to provide a means of phased "flexible response" to a Soviet ground attack. Any level of Soviet attack is highly unlikely. But if an attack were likely it is doubtful that U.S. deployments in Central Europe would be able to respond successfully in a purely conventional manner. They are not positioned, trained, manned, or equipped to conduct an effective non-nuclear initial forward defense.

30-DAY WARNING

To provide a militarily credible ability to respond to a conventional Soviet attack, U.S. forces deployed in Central Europe plan on a warning and mobilization period of about 30 days. A caveat to this effect is written into all statements of U.S. land force missions in NATO.

With such an assumed 30-day warning and mobilization period prior to the commencement of hostilities, the U.S. divisions could be repositioned, reinforcements flown in from the U.S., some of the dependents evacuated and usable war-time lines of supply and communication (which are presently nonexistent) could be opened.*

Without such a period of preparation—in the event of a sudden attack—it would be impossible to accomplish any of these requirements, or to gain necessary air superiority to permit the landing of the rapidly airlifted U.S. reinforcements. Yet these airlifted reinforcements are essential to any hope of making a forward defense in Europe. For example, the Department of Defense has stated, "U.S. Army forces located in West Germany are spread thin. However, our plans for Europe include substantial augmentation. That part of the Reforger Division which is based in the Continental U.S. is part of the Commander-in-Chief of Europe's M-Day force and therefore will be deployed during a period of increased tension. Also we plan to deploy an additional two divisions to Europe within 30 days. These two divisions are considered the *minimum essential* for the conduct of an initial conventional defense in the Central Region (italics added)."

Without the additional two divisions plus 10 support units, it is not possible for the U.S. Seventh Army to conduct an effective initial forward defense east of the Rhine River. Under these circumstances the U.S. ground forces deployed in Central Europe would have no choice but quickly to resort to tactical nuclear weapons to save themselves from being destroyed. And at least since 1961 they have planned on making first use of tactical nuclear weapons, from 2.5 to 20 kilotons, within the first 72 hours of commencing battle.

NUCLEAR WEAPONS OR DEFEAT

In 1970 General Lyman Lemnitzer, the U.S. Supreme Commander in Europe from 1962 until 1969, stated the scope of the problem our deployed conventional forces face in testimony before the House Foreign Affairs Committee. "One of the greatest problems that would confront NATO today would be large conventional attack. Then we would be faced with a decision to use nuclear weapons or be defeated," he said.

It would seem that rather than providing a "flexible" manner of response, U.S. conventional troop deployments in Central Europe actually lock us into early first use of tactical nuclear weapons, which would initiate an escalation that could quickly lead to a massive nuclear exchange.

The level of U.S. ground force deployments to NATO should thus be seen not so much in the context of a viable military force for conventional defense, but as a large hostage force manning a tactical nuclear tripwire that guarantees that any American President must opt for immediate nuclear war in Europe. Not to do so would be to negate long-standing military contingency planning to use atomic demolition mines and tactical nuclear weapons in the early hours of any sudden conventional attack. Presidential denial of the use of these nuclear weapons would place the lives of over a half million U.S. servicemen and dependents in grave danger.

*The ability of U.S.-based forces rapidly to reinforce our forces by air is questionable. For example, Exercise Reforger II conducted in the late summer of 1970 tested U.S. ability to airlift troops rapidly to Europe. This exercise required nearly 10 months of prior planning, cost around $10 million and took about a week to move 11,400 soldiers to Europe. Only about 3,000 of those troops were combat personnel. The rest were command and support personnel. It then took those forces another week to remove their prepositioned heavy equipment from storage and put it in operational condition. A 1973 General Accounting Office report indicates that much of the prepositioned equipment was either in the wrong place, broken, or vulnerable to capture in the event of an attack.

## THE ENERGY CRISIS

Mr. BROOKE. Mr. President, we in Massachusetts pride ourselves on our practicality. Innovating, making-do, a spirit of pragmatism are part and parcel of our heritage and makeup.

The energy crisis was a fact of life in New England long before the country as a whole grasped the imminence of the danger. Time and time again imported fuel oil has had, at the very last minute, filled almost empty tanks. Of late, even this source of alternative supply is not readily available. And its price has jumped alarmingly.

Several ideas have been put forth in an effort to conserve, save, preserve the dwindling energy supply. The Massachusetts Legislature recently endorsed one such idea which, to me, has considerable merit—a 12-month system of daylight savings time.

It is my hope that the Commerce Committee of the Senate will give most serious consideration to this proposal during 1973. Such a stitch in time, as the old saying goes, could save much energy.

Mr. President, I ask unanimous consent that these resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS

Memorializing the Congress of the United States to enact appropriate legislation for the uniform and coordinated observance by the several States of a twelve-month system of daylight saving time

Whereas, A uniform and coordinated system of reckoning time throughout the several states is convenient and necessary for the proper and efficient carrying on of interstate commerce; and

Whereas, By the Uniform Time Act of 1966 Congress provided for such a uniform and coordinated system, including the observance of Daylight Saving Time, except in those states which by law omit such observance, during the summer months, from 2:00 A.M. on the last Sunday of April until 2:00 A.M. on the last Sunday of October of each year; and

Whereas, The benefits of Daylight Saving Time, in providing an extension of natural light into the evening hours, have been almost universally acknowledged not only in the United States but also in many foreign nations, some of which currently observe it on a twelve month basis; and

Whereas, The return each fall to Standard Time, whereby winter sunset occurs at 5:00 P.M. and earlier in most latitudes of the United States, causes an undesirable encroachment of darkness upon the latter part of the active day, requiring an unnecessary and undesirable drain upon valuable and increasingly scarce power resources to supply artificial light, creating conditions hazardous to vehicular and pedestrian traffic during a peak travel period and offering unduly propitious conditions for violent and predatory criminal acts upon the streets and thoroughfares of many urban areas; and

Whereas, The value of Daylight Saving Time as a conservation measure, reducing the consumption of fuel for power generation and the concomitant effusion of pollutants, was recognized by the Congress in providing for a twelve month observance of this time reckoning during the war emergency period from February, nineteen hundred and forty-two to October, nineteen hundred and forty-five; and

Whereas, Urgent current needs for conservation of energy sources, control of pollution, deterrence of street crime and reduction of the human suffering and property damage due to accidents combine to support the advisability of a permanent twelve month advance in the system of time reckoning; and

Whereas, Resolutions substantially identical to this have been submitted for the consideration of the legislatures of the several states comprised, in whole or in part, in the Eastern Time Zone, for the purpose of permitting and encouraging a uniform expression and representation to the Congress by said states acting in concert; now, therefore, be it

Resolved, That the General Court of Massachusetts joins with the other states in the Eastern Time Zone in calling upon the Congress of the United States to enact appropriate legislation for the uniform and coordinated observance by the several states of a twelve month system of Daylight Saving Time; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the commonwealth to the President of the United States to the presiding office of each branch of the Congress, and to each member thereof from the commonwealth and to the presiding officers of the legislative bodies of the several states in the Eastern Time Zone.

House of Representatives, adopted, March 12, 1973.

Senate, adopted in concurrence, March 19, 1973.



## FINANCIAL CONDITION OF OPTOMETRY SCHOOLS

Mr. JAVITS. Mr. President, the State College of Optometry, State University of New York, located in New York City, is the first such optometric school in the State. It has been a sorely needed facility; we have been excited about its creation.

The announced budget cuts in Federal funding for the schools and colleges of optometry presents an ominous situation for all 12 schools. The life of the fledgling New York institution may not be in question; surely the quality and scope of its programs are.

Capitation funds for the State College of Optometry are utilized for planning, coordination, evaluation and implementation of academic and clinical programs. Although a part of the State educational system, as you know New York has reached the same type of crisis in budgeting we see on the Federal level. No great chunks of aid seem forthcoming on the State level.

In addition to capitation funding, the cessation of the school's special project grant would eliminate all personnel involved in minority recruitment and thus effectively eliminate the program. This is an area which has seen great promise in optometric education in general. So many of these students seem determined to practice in the disadvantaged areas of the country, those communities suffering the most from lack of adequate health personnel.

With reduction in scholarships and loans, these very students will find even more difficulty in obtaining the wherewithal to proceed with their education. Certainly financial ability should not become the only criterion for admission into professional schools. This new educational policy may force this day upon us.

Some try to tell us that there is no shortage of competent vision care specialists in the Nation today. That may very well be true—although I doubt it. This fiscal policy in relation to these 12 schools and colleges would create that shortage in very short order. As Federal funds vanish from the academic scene, the schools will be forced to reduce their enrollments, in a desperate attempt to reduce costs. In reducing those costs, the quality of education may well be compromised.

The investment in optometric education is small from the Federal standpoint. The dividends are great for they concern the health of the people of this Nation, the people we represent. By no means should we abandon this needed aspect of health education. We need all the trained health care practitioners we can reasonably educate.

## CONSUMER FEDERATION OF AMERICA AWARDS

Mr. MOSS. Mr. President, on Monday, May 7, 1973, the Consumer Federation of America bestowed its highest awards on two distinguished public servants, WARREN G. MAGNUSON and Miles W. Kirkpatrick. In doing so, this outstanding organization, made up of diverse consumer-oriented organizations representing millions of Americans, paid tribute to two of the great heroes of the American consumer.

Senator MAGNUSON has been chairman of the Senate Commerce Committee longer than anyone in history. In his position, he has drafted, steered through the committee and the Congress, and seen signed into law the legislation which has given the consumer those fundamental rights which modern society demands. Thus, it was with great pleasure that I witnessed the presentation to "Maggie" of the Consumer Federation of America's Distinguished Public Service Award.

As chairman of the Federal Trade Commission, Miles W. Kirkpatrick undertook to utilize the tools which Congress provided to protect the American consumer. His stewardship of the FTC will long stand as a mark of the success of diligent application of the laws which Congress enacted to protect the consumer.

Mr. President, I ask unanimous consent that the remarks introducing Senator MAGNUSON as well as his response and the remarks of Miles W. Kirkpatrick be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTRODUCTION OF SENATOR W. G. MAGNUSON OF WASHINGTON

(Remarks by Gordon H. Cole, editor of the Machinist)

Perhaps the best affectionate and perceptive tribute to our guest of honor this evening was paid by President John Kennedy, years ago in Seattle: "Most members of the Senate, as you can already judge, have developed the art of speaking with precision and clarity and force. The secret of Senator Magnuson's meteoric Senate career has been the reverse. He may make clear speeches to you on great public questions. But, in Washington he speaks in the Senate so quietly that few can hear him. He looks down at his desk. He comes into the Senate late in the afternoon. He is very hesitant about interrupting other members of the Senate. When he rises to speak most members of the Senate have left. He sends his messages up to the Senate; everyone says, 'What is it?' and Senator Magnuson says, 'Well, it's nothing important' (pause) and the Grand Coulee Dam is built."

This tale of legislative prowess has its counterpart in every one of the legislative arenas in which this great Senator has made his mark. Not the least of these is the incredible outpouring of major consumer laws which bear his name as author and prime mover. From auto and tire safety to flammable fabrics; from gas pipeline controls to the Child Protection and Toy Safety Act; from the Fair Packaging and Labeling bill (in which he shared leadership with Phil Hart) to credit advertising reforms. It is safe to say that no single Senator in the history of Congress has had a greater input on the major body of law—and his laws are designed to protect the health and safety of our families and our children, to give us an honest dollar's worth for every dollar spent, to raise the standards of business morality.

But the parade of legal statutes doesn't do "Maggie" justice. They only give us a clue to the skill and the good-natured calm with which he exercises leadership in the Senate.

In the waning days of the last Congress, conference committees of the Senate and House met in head-to-head confrontation over the Product Safety Act. It would establish a "Consumer Product Safety Commission," the first new regulatory agency since the '30's. From its very origins, it bore Warren Magnuson's stamp. It had begun with the quiet introduction of his bill to create a temporary National Commission on Product Safety. He had designed the temporary Commission to build public demand for adequate laws to keep needlessly hazardous products out of our homes. The Commission had recommended strong legislation and Senator Magnuson had introduced it. Together with such allies as Senator Moss in the Senate and Congressman Moss in the House, he steered the bill through the Senate.

And now the two Houses were locked in conflict over a key provision of Magnuson's bill—a provision which, for the first time in any legislation, would give *any citizen* who had reason to believe that an unreasonably hazardous product was on the market, the power to petition the Product Safety agency for action. And, the agency failing to act, the power to go to court to compel the agency to act.

There was fierce opposition within industry to this landmark provision. And industry found its advocates along the House conferees.

Those who were there described it with some awe. I'm told that "When Maggie lumbered into the conference it was as if the wise and seasoned teacher had suddenly come into the room where a group of kindergarten children were raising cain. Where there had been squabbling, the conferees suddenly became quiet, respectful. Good-natured Senator Magnuson announced that as a gesture of good faith he was going to move that the Senate conferees adopt the "Springer amendment" giving citizens the right to sue. Now "Springer," whose name he gave to this amendment, was the ranking Republican of the House Commerce Committee, no great hero to CFA. In fact, Congressman Springer was one of the more hostile of the House conferees. In an unguarded moment he had suggested that the staff try to revise the Magnuson citizen-suit amendment and Magnuson knew that the staffs had come up with a solution, with language just as good as the original. When Magnuson generously offered to accept the "Springer amendment," he threw that negative-minded Congressman so off balance that he never did recover. So the "Springer amendment," a milestone in consumer protection, is now part of the law. And it was done with a smile and a handshake.

The Kennedy story about Grand Coulee Dam has its consumer counter-part. This one occurred late one afternoon when the Senate was debating the postal reform act which was to transform the Postal Service into the great efficient private enterprise marvel which gets mail from Washington to Philadelphia at about the same pace as the stage coach and is bankrupting most nonprofit publications with second class permits, such as the Machinist.

One of Senator Magnuson's pet consumer peeves had always been unsolicited merchandise sent through the mail.

We've all been plagued with it. I'm told that when he discovered that the postal reform bill was on the floor he telephoned his office and asked for the draft of a bill he had prepared to make all unsolicited merchandise a gift to the recipient. About 7:00

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P.M., with four or five floor leaders of the bill on the floor, he quietly rose and offered an amendment making unsolicited merchandise a gift. His fellow Senators found his brief words so persuasive enough that they not only accepted the amendment but rushed to co-sponsor it. It was in the bill which passed the Senate and went to conference with the House.

Under the spell cast by this Senatorial magician, the House conferees quietly accepted the provision and it became law. Today every piece of unsolicited merchandise you or I receive in the mail is a gift—a gift let it be said of Warren G. Magnuson.

Laws are just part of the daily contribution which Warren Magnuson makes to the consumer, as Chairman of the Commerce Committee—a post of enormous power which he has held for nearly twenty years—longer than any man in history—and also as the ranking member of the all powerful Appropriations Committee. A stern word in a hearing, a brief telephone call; a pointed letter. They come from his office every day, stiffening the spine of the Federal Trade Commission, getting a laboratory set up to test the tar and nicotine yields of cigarettes; persuading the Federal Trade Commission to use the District of Columbia as a test laboratory for local anti-fraud regulation; raising appropriations for neglected consumer programs; spurring the banning of hazardous products like cyclamates and giving such agencies as the FCC the quiet, behind the scenes encouragement necessary to take such hard stands as requiring anti-smoking ads on television.

When the bureaucracy fails to respond, they learn to regret his anger. For years he had prodded the Commerce Department to promulgate regulations on flammable fabrics to protect children against hazardous sleepwear. Finally Commerce published a standard requiring flame retardant sleepwear for children—but only up to the age of six. This was not enough. Senator Magnuson knew of countless tragic cases of young girls, 10, 11, and in their early teens, who had suffered hideous burns when flannel nightwear caught fire. So he went to the floor again, this time with an amendment to the appropriations bill. He offered an amendment to mandate the setting of flammable fabrics nightwear standards to cover the sizes for older children as well. No one, not even the most ardent textile state Senator dared to confront him on the amendment and it passed unanimously. The Commerce Department finally got the message and issued its standard to protect older children as well.

Today along with strong allies such as Senators Hart and Moss, Ribicoff, Pearson, Percy and Cook, he remains in the forefront of the crucial consumer battles. The Magnuson-Hart no-fault insurance law represents a major institutional reform which will transform an inefficient, expensive, cruel and wasteful system into a fairer and more economical system. In doing this he is taking on the powerful auto insurance industry and the Trial lawyers who have vowed to fight to the last fat fee that can be carved out of the misery of their clients. It is a tough battle. Maggie expects to win it.

He is a prime sponsor of the Consumer Protection Agency bill.

His Magnuson-Moss Warranty/FTC Improvements Act, a bill to give meaning and substance to product warranties and to give teeth and clout to the Federal Trade Commission, will undoubtedly pass the Senate overwhelmingly this year as it did last; hopefully, it will meet with House approval this year.

And while these bills are proceeding, he continues to seek new ways to make the system work better; to bring out the best in business practices, to rid the marketplace of shoddy goods and service in this time of pinched pocketbooks, and to dedicate himself to the proposition that every American is entitled to full value for his consumer dollar.

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REMARKS OF SENATOR WARREN G. MAGNUSON

There's a fresh wind blowing through Washington these days and it's up to us to make certain that it blows to the advantage of the American consumer.

The spotlight has been focused with penetrating intensity upon the relationships between this Administration and the special economic interests who have long sought insulation from strong consumer laws and effective, influence-free regulation.

The energy interests, for decades, have sought freedom to charge all that a desperate energy market can bear for natural gas, free of regulatory restraints.

The Food industry and others have manned the barricades against the creation of even a modestly funded consumer advocate, designed to prod and invigorate the regulatory agencies-like a pike in a carp pond.

And the most die-hard defenders of the auto insurance mess continue to fight a holding action against "no-fault."

If the American public is to be convinced that the White House has not been sold to the special interests, then the Administration must now abandon its short sighted and suspect opposition to reasonable and moderate consumer initiatives now germinating in Congress.

Up to this moment the White House has consistently downgraded consumer representation in its inner councils. It is time for the White House to listen to the voices of consumers at the same decibel level as it hears the voices of corporate campaign contributors and to recognize the need for an independent consumer advocate, and to support the legislation which even leading Republicans such as Senator Javits and Cook have joined with us to sponsor.

It's time for the White House—which has endorsed the *concept* of no-fault insurance—to close its ears to its insurance company donors and support strong federal legislation.

And it is now time for the Administration to reassess an energy policy which seems to have drawn its blueprint from oil company dreams focused only on profits. The Administration should support energy programs which will effectively stimulate the development of new energy resources without creating an unconscionable windfall for an already pampered and highly profitable industry.

Whether it be drug safety, the integrity of our food supply, ridding the country of flammable children's sleepwear, or vigorous enactment of antitrust laws, *this Administration must now redeem its integrity one step at a time by demonstrating that the public interest and not the special interests are pre-eminent in its councils.*

An Administration can be no stronger than the stature, competence and above all the integrity, of the men and women who people its high offices. The Senate Commerce Committee has the responsibility for reviewing the candidates nominated for most of the regulatory agencies and high offices in the Department of Commerce and Transportation. We have always given the President—without regard to party—the benefit of the doubt on these appointments. We have always believed that the President, elected by mandate of the people, is entitled to have serve him the men and women he chooses—unless they are clearly disqualified. But I must tell you that we have swallowed nominees by this Administration who have left a bitter aftertaste and our tolerance for mediocracy and lack of independence from economic interests is rapidly coming to an end.

Here, too, the President has an opportunity to fill vacancies, whether it be on the FTC, or the FPC, or in the Departments, with the kind of men he has now chosen to head the Justice Department and the FBI, men with stature, known competence, and a history of commitment to public service. Above all, men like Miles Kirkpatrick.

The National Commission on Product Safety was perhaps the most successful and the most widely hailed study commission of any appointed by any President. Yet this President did not see fit to select even one of its members, Democrat or Republican, for membership on the permanent Consumer Product Safety Commission which was the product of the study Commission's work. He has an opportunity, in the naming of the fifth Commissioner, to rectify that omission.

Vacancies will be occurring soon in the Federal Trade Commission. That agency has performed well and independently under this Administration. Fairness requires that the fact be acknowledged. But here again key vacancies will occur soon. Will the President give us men and women who will carry on and strengthen the agency? Or will he give us only those whose backgrounds are slanted to bring comfort to the Administration's business constituency.

It is up to you and it is up to us in Congress to continue asking these questions until the answers are the right ones.

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REMARKS BY MILES W. KIRKPATRICK

Ladies and gentlemen. I am indeed honored to be here tonight before this group and to receive the recognition that is evidenced by the award given me tonight. As for the terms of the award and the introduction that you have just heard, my own view is that you have just borne witness to a classic example of "puffery." To wit, the extolling of a product in ultra-pleasing terms that does no real harm because no one is expected to accept it as anything resembling the truth. I am, however, enormously flattered and at a loss for words to express my deep appreciation.

It is now more than two months since I left the Federal Trade Commission, and I do not intend to dwell upon what was or was not accomplished in my time at that agency.

I think it fair to say, however, that the commission was attentive to the problems of the consumer. Tonight I want to make a few observations about some aspects of the commission's relationship to the consumer.

Let me start by observing that, as evidenced by the wide-ranging interests of those who are present tonight, one of the striking characteristics of the consumer movement of the 1970's is its enormous breadth and diversity. Consumers are asserting their rights in all areas of our multibillion-dollar domestic economy. The commission is very much aware of the consumers' efforts in that regard.

For example, the commission received in my time—and I assume continues to receive now—letter after letter complaining about consumer problems that the writer faces or that the writer just wants to bring to the attention of the commission. In the face of that torrent of mail and of rising concern for the consumer, one fact stood out to me very clearly—the Federal Trade Commission obviously is not capable of solving the individual problems of millions of consumers. We could not be, nor were we designed to be, a giant law office for the litigation of individual consumer disputes.

The commission's response must be to plan its activities in limited ways that apply maximum leverage for the largest number of consumers. The commission's budget is severely limited; it is only a small fraction, for example, of the advertising outlays of many large corporations. Many of the small consumer problems which are obviously important to individual consumers may have small importance when viewed against the spectrum of the commission's responsibilities. State and local consumer protection agencies and private grievance solving mechanisms must be made available to solve the bulk of the individual consumer complaints. Our program, as a Federal administrative agency, was to plan our enforcement activities on the broadest possible fronts.

But aside from the sheer impossibility of a government agency of the commission's size and mandate of obtaining relief for each individual consumer in day-to-day problems, my view was that the commission should not be cast in the role of a "big brother" protector against all consumer wrongs. I am convinced that consumers should and must be free to make and to live with their own economic choices. I hasten to say, as with all general rules, this one has some exceptions. Thus, Congress has chosen to outlaw the sale of many flammable fabrics. The same is true of other dangerous substances. I suppose that implicit in congressional action of this kind is that most, or all, consumers would choose not to buy a product if fully informed of the dangers involved.

In other areas, it seems to me that it is not for the Government to say what is good for consumers or bad for consumers. Rather, government should alert consumers by seeing to it that accurate information is available so that consumers may make their own choices in a fair and competitive marketplace.

Putting it another way, I suggest that government should not have any preconceived notions as to how consumers *ought* to behave. Consumers should be free to choose for what to him or her are good reasons, bad reasons, or no reasons at all. It is all right with me if some consumers are arbitrary or irrational in their decisions, so long as those who wish to be rational are able to do so.

I like to think that the commission, in terms of the principles just suggested, has advanced the cause of the consumer at least some little distance.

For many years the Commission concentrated its work in consumer protection on the prevention of practices which deceived the consumer. That effort had the important effect, I believe, of greatly reducing the misinformation confronting consumers in the marketplace. More recently, however, while not abandoning the effort to cut down misinformation, the commission has been refocusing on programs looking to increasing the amount of information that is essential to a consumer in making rational decisions. Some of these programs are in their infancy and in one instance have been rendered ineffective by court attack. I believe that the commission will accomplish some major work in this area; we scratched the surface of these problems, but an enormous amount obviously remains to be done. But there has been progress. For example, the thrust of commission rules such as the care labeling rule, the holder in due course rule, the door-to-door sales cooling off rule, and concepts such as counter advertising and corrective advertising, are all grounded on the same basic concept of creating an economic environment where the consumer can represent his own economic interests effectively.

The commission's objective, in short, is to make it possible for consumers to choose in their own best interests, as they perceive them, in a fair and competitive marketplace. I believe that the commission's role is not to attempt to solve directly the thousands of consumer complaints which came to its attention, but to ensure that the marketplace functions in such a way as to avoid or remedy consumer problems without the need for direct government intervention.

But it is not only at the commission that the consumer's interest is a moving consideration of government. This is also the objective of the consumer legislation currently before Congress.

For example, there will shortly come into being as a result of 1972 legislation a consumer product safety commission. That commission has broad rulemaking and remedial powers. It will be composed of five commissioners and will have jurisdiction to establish safety standards for consumer products over almost the entire range of the consumer market. Consolidated under one roof will be, in addition to the greatly expanded jurisdiction of the new commission, the flammable fabrics safety work heretofore accomplished by the Federal Trade Commission and the responsibility of the FDA with respect to hazardous substances and children's toys.

Again, in the field of legislation, I have little doubt that there will be created by the present Congress an independent Federal agency to advocate and defend consumer interests before the agencies and the courts. That legislation came within a hair's breadth of passing the last session of Congress and its passing in this Congress would seem almost assured.

As to the Federal Trade Commission itself, Senator Magnuson's Commerce Committee has again introduced legislation looking to the increase of its powers. A similar bill during the last session came upon shoal waters because of the inclusion of rulemaking provisions which have for the time being been eliminated from the present bill. The bill would give to the commission the important power to seek injunctions before the Federal courts to bring illegal practices quickly to a halt. The cease and desist order, with the months and years of delay which are inevitable, is frequently not an effective means of enforcing the law in the circumstances of the change and mobility of our society. The same bill would also give to the commission the increased dignity and effectiveness of enforcing its own order in the courts and not have to take those matters to the Department of Justice.

In addition, the Magnuson bill has some totally new and important legislation dealing with warranties. I suppose that the most frequently complained of default on the part of manufacturers is that involving product warranties. Thousands of letters come to the commission on that subject. The proposed legislation would greatly strengthen the commission's hands in this regard in requiring clear, relevant and enforceable warranties.

Another sign of progress toward informed consumers—Senator Hart has opened hearings on the life insurance industry with the prospect of a so-called "truth in insurance" bill in the not too distant future. At the same time, Senator Moss is holding hearings on his re-introduced bill to establish a national institute of marketing and health; this bill, in my view, would provide an enormously constructive mechanism to study the effect of marketing and advertising over the long term.

An important common denominator of those major efforts on behalf of the consumer, both at the FTC and in Congress, is making available to consumers the information which consumers need to protect themselves in the marketplace.

Crucial to this concept of consumer protection, however, is the consumer's willingness and ability to use the information and remedies made available to him. If the consumer does not play the role assigned to him by the classical economic concept of the free enterprise market, much of the recent consumer protection activity loses its validity.

Consumers must realize that consumer protection will work only with their day-to-day involvement. The vital role of CFA, as I see it, has been and will continue to be to involve the consumer and to promote the increasing availability of information essential to enlightened decisions on his or her part.

Thank you.





## EXIMBANK SPONSORS CONCERT TOUR

Mr. SPARKMAN. Mr. President, the Export-Import Bank of the United States is sponsoring a very worthwhile project. I request unanimous consent to place a press release explaining this project in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

EXIMBANK SPONSORS CONCERT TOUR BY NATIONAL CHILDREN'S CHOIR TO VATICAN CITY, NOTRE DAME, WESTMINSTER ABBEY

The National Children's Choir leaves the United States on April 18 for a Cathedral Concert Tour of Europe. Their sacred music will be heard in Rome on Easter Sunday morning at the Holy Father's Mass on the steps of St. Peter's. The following day they will sing mass at 9:30 A.M. in a chapel within the Basilica. From Rome the eighty children will travel to France to perform at the Cathedrals of Notre Dame, Chartres and Rheims, and then to England to sing at St. Martin-in-the-Fields and at Westminster Abbey.

The concert tour is being sponsored by the Export-Import Bank of the United States. Eximbank's efforts to promote better understanding and relations between the U.S. and other countries was cited by Henry Kearns, Chairman and President of the Bank, as one of the many reasons for the Bank's interest in the group's appearance abroad. Mr. Kearns said, "these young people will be our 'junior ambassadors' of goodwill during their tour in Europe. I am certain that they will make many friends for the U.S. and that their performance and joy in their work will convey the real impression of American youth to our neighboring countries."

The Choir, often heard in Washington, have performed for President and Mrs. Nixon at the White House, at St. Patrick's in New York, and at the Concert Hall of Kennedy Center. It is of mixed ethnic and religious backgrounds and was developed under the guidance of Miss Judith St. Aubin, Director of the group.

Miss St. Aubin studied at Marygrove College in Detroit and Pius X School of Liturgical Music at Manhattanville College in New York. She developed the idea for the choir while on a fellowship at Trinity College studying for her Master's degree. A child prodigy, she performed with the Detroit Symphony at the age of 6.

Major funds for the tour have been earned by the children, through their performances, and by working at all sorts of jobs from newspaper delivery to baby-sitting. They will return to the United States from England on May 5.

## ANSWERING LAND GRANT'S CRITICS

Mr. BELLMON. Mr. President, over recent months considerable attention has been focused on a publication called "Hard Tomatoes — Hard Times — The Failure of the Land Grant College Complex." This report was published by the Agri-Business Accountability Project, Washington, D.C., a privately funded, nongovernmental operation.

As a graduate of a land grant college, a practitioner in the field of agriculture,

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and an observer of the tremendous contribution which an efficient progressive agricultural industry backed up by the land grant college system has made to this Nation and the world, I was appalled and disgusted by the efforts of "Hard Tomatoes—Hard Times" to discredit the land grant colleges and agricultural experiment stations.

For this reason, I was pleased to come across an article by Robert H. White-Stevens, chairman of the Bureau of Conservation and Environmental Science at Rutgers University. The article was published in the March, 1973 issue of Animal Nutrition and Health magazine.

Mr. President, I believe other Members of the Senate will be interested in and helped by the review of this short and informative article. I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANSWERING LAND GRANT'S CRITICS

(EDITOR'S NOTE.—"Hard Tomatoes—Hard Times—The Failure of The Land Grant College Complex" is a report published by the Agri-business Accountability Project, Washington, D.C. Following are excerpts from a review by Robert H. White-Stevens, Chairman, Bureau of Conservation and Environmental Science.)

This book is essentially a polemic on the Land Grant College—Agricultural Experiment Station (LGC–AES) system calculated to deprecate and denigrate the century-old organization in any way possible. It ignores the vast beneficial contributions made over the past 100 years to the life style and welfare of the American people, not to mention the tens of millions of other less advanced nations.

It is an appallingly trivial, superficial yet mischievous report, devoid of objective analysis, scholarly consideration, appropriate documentation and even competent English composition. For example, of the 200 references listed, only 101 can generously be considered appropriate objective citations, and perhaps another 23 are acceptable subjective annotations. Of the remaining 175 citations, 39 are simply nonreferences, such as quotes from telephone interviews, personal conferences, private correspondence and equivocal editorial opinions. Nineteen are explanatory footnotes and no less than 118 are repetitions of previously listed citations—an astute way to puff up the facade of erudition in a weak report.

Nowhere is reference made to even the milepost publications marking the formidable advances in agriculture over the past century.

In 1887, some 25 years after the Morrill Act initiated the land grants, the Hatch Act provided for research "to promote the efficient production, marketing, distribution and utilization of farm products as essential to the health and welfare of our people" (emphasis added). This clearly means all Americans, rural and urban. The Hatch Act continues, "It shall be the object and duty of the State agricultural experiment stations . . . to conduct original and other researches, investigations and experiments bearing directly on and contributing to the establishment and maintenance of a permanent and effective agriculture industry of the U.S., including researches basic to the problems of agriculture in its broadest aspects . . . and the development and improvement of the rural home and rural life and the maximum contribution by agriculture to the welfare of the consumers." The LGC–AES has fulfilled these charges by giving the American taxpayer a 100% return annually in food and fiber alone.

The report's suggestion that these funds were frittered away in administrative overhead, publications and trivial research is obviously belied by the enormous r.o.i. achieved.

As farm production proficiency freed increasing numbers to work in industry, education and culture, transport and communications, public health and medicine, local, state and federal government and other services, concern arose about the decline of the small family farm. Subsequent acts (Purnell Act 1925 and Bankhead-Jones 1935) were passed for the LGC–AES system to ameliorate social upheavals created in rural areas by farm changes.

The decline of the family farm and the rise of larger farms was thought undesirable. Nostalgic as it may seem to wish for the polyculture family owned and operated farm, it simply could not meet the demands of urban and suburban people. "Hard Tomatoes—Hard Times" decries these developments, which is perhaps understandable but totally inaccurate.

To suggest that the system has connived with big business to destroy the family-owned farm and drive it off the land is not only unjustified nonsense, it is political demagoguery and claptrap of the most irresponsible and mischievous kind.

The free enterprise system does not guarantee security for anyone, and government attempts to enforce such security invariably curtail freedom in direct proportion to the degree of assured security. The LGC–AES system operates exclusively in a free enterprise economy, where none of its recommendations or guidance must be followed.

Growers, who contract their production with corporations such as canners, freezers, packers, feed formulators, etc., do so on a voluntary basis and are under no compulsion whatsoever. They simply prefer to operate at a guaranteed moderate rate return rather than risk marketing their product on a win or lose basis, completely dependent upon the vagaries and uncertainties of the open market. They can enter into or withdraw from such contracts between crops, flocks or herds as they deem fit.

The extension agents exercise no legal or authoritarian control over what a grower actually does. They advise him of federal and state laws and offer him instruction and guidance in farm operations, but they leave all decisions to the grower himself.

"Hard Tomatoes—Hard Times" completely misses, perhaps intentionally, this nature and contribution of the system. It instead attempts to deprecate and denigrate the entire system by picking over and dwelling upon the relatively few errors of commission and omission.

The target of the report is clearly "agribusiness", which is reiterated in the text several hundred times and is defined in the foreword as: "A corporate aggregation that includes: 1) Agricultural input firms" (i.e. suppliers of seed, processed feeds, fertilizer, agricultural chemical credit, insurance, etc.); "2) Agricultural output firms" (This should include all farms that produce and sell products, but the book excludes farms, other than corporate farms, and includes processors, handlers, distributors and retailers of farm products); "3) Corporations indirectly involved in farming," and "4) Corporations indirectly involved in farming" (which, although not defined, would have to include such industries as steel and other metals, building, transport and communications, textile, utilities, machinery, and virtually the bulk of all industry)".

This definition reveals that the real target is industry in general, educational institutions in general, the capitalistic system in general—in short, the establishment in general. The LGC–AES organization is the chosen salient to approach this general objective. There are many other channels through which such salients can be mounted. These would include medical science, jurisprudence and legal practice, transport, housing, taxation, conservation and environmental protection, foreign trade, etc. Several of these have indeed already been openly denigrated in similar polemics. The technique among these diatribes is surprisingly uniform: ignore the major contributions to human and national welfare; concentrate upon errors, misjudgments, malfeasance and injustice; select references from any source regardless of authenticity or objectivity provided they will fit favorably into the preconceived intent; and conversely exclude all opposing references regardless of their validity, objective experimental evidence. Finally interlard the final report with copious opinionated commentary and snide and insidious quips and aphorisms irrelevant to the topic but hopefully amusing and incitive to the lay reader.

There have been some dozen books and reports issued within the past decade including "Silent Spring", "The Population Bomb", "The Closing Circle", "Poisons in Your Food", "Unsafe at Any Speed", "Harvest of Shame", etc.

"Hard Tomatoes—Hard Times" falls into this category through its common denominators of incomplete evidence, biased selectivity of documentation, preconceived conclusions, exaggerated claims and hyperbolic conclusions. It does, however, fall sadly below its antecedents in its somewhat confused organization, weak literary style and totally impracticable and naive recommendations. The obvious inexperience of the "researchers," the inferior writing and the general superficiality of the total treatise ensure that this report will stand far down the list of such antiestablishment polemics.

The concerted attack on "agribusiness" is, however, worth consideration. The underlying theme appears to be that all the food, fiber and shelter required by a nation of over 200 million can be as readily produced by the small family farm, without the "inputs" or "outputs" ascribed to "agribusiness". The report admits that such farming currently contributes less than 10% of the total food, fiber, and shelter, while "agribusiness" farming provides the other 90% plus. Yet the report blandly contends that America should return to the halcyon days of a century ago when nearly 50% of the population was bound to the toil of the soil to meet the bare necessities of life. It completely inverts the cause:effect relation of labor: technology.

The American farmer is now feeding and clothing twice the population on half the arable land for half the consumer cost. This extraordinary accomplishment, a direct result of the LGC–AES system, is completely ignored by "Hard Tomatoes—Hard Times".

The report repeatedly denounces the cooperation, collaboration and general intercourse that has developed between these ancillary industries and the LGC–AES system in their common effort to serve the farmer-business. The insidious and quite unjust assertion is repeatedly made that this logical association is, in fact, a nefarious conspiracy to fleece the farmer and the consumer purely for self-centered interests and profits.

The facts are that it is the responsibility of the system to check, test and monitor all such "input-output" to ensure it is efficacious, economically valid and safe to both the user and the consumer.

In conclusion, "Hard Tomatoes—Hard Times" is really rather a silly document which avoids a penetrating assessment of the LFS–AES system and instead picks up odds and ends of difficulties which it analyzes without adequate documentation and extrapolates the biased interpretation to embrace the entire LFC–AES system.

It ignores the enormous contributions the system has made to America and the world but emphasizes social problems which are either being studied and resolved or lie beyond the pale of LGC–AES responsibility.



## THE WATERGATE AND THE PRESIDENCY

Mr. McGOVERN. Mr. President, one of the Nation's authorities most qualified to speak on the meaning of the Watergate tragedy is Prof. Arthur Schlesinger, Jr. Mr. Schlesinger long ago distinguished himself as an authority on the administration of President Andrew Jackson. In more recent years, he has been at work on a multivolume history of the administration of President Franklin Roosevelt. During the early 1960's he was a special assistant to President John F. Kennedy.

A noted historian, he is also a Pulitzer Prize-winning author and a brilliant student of American politics.

The Wall Street Journal of May 3, 1973, carries a provocative piece by Mr. Schlesinger relative to the Watergate scandal and its real significance for the Presidency and our political system.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DEMAND FOR A SPECIAL PROSECUTOR

(By Arthur Schlesinger, Jr.)

President Nixon's actions on Monday were dramatic but perhaps not conclusive. They were rather like the lightning flash that illuminates the midnight sky, only to die away and leave the darkness much as before. One image, however, remains. That is of the President implying most strongly, even if not stating expressly, that he had no advance knowledge either of the original campaign of political espionage and sabotage or of the subsequent program of cover-up. The rest of his presidency and his place in history will depend on his capacity to defend these positions.

The President took these positions at a certain price. He threw overboard, for example, the idea that the President knows better than the rest of us—the idea on which Presidents claim the right to run things without congressional or popular interference. He threw overboard too the idea that the Eastern establishment press had been diddling the nation. In fact, he tacitly acknowledged that The Washington Post knew more than he did about his own White House staff. And, in saying he did not take White House involvement in the Watergate affairs seriously until March 21, he threw overboard the picture of Nixon, the demon executive, and convicted himself of inexcusable administrative ignorance and incompetence.

Everyone else knew that something was wrong. What kind of a President do we have who would not bother for nine months to take the trouble to find out for himself whether his own people had been, as mounting evidence indicated, engaged in criminal activity? Even last Monday he continued to call Messrs. Haldeman and Ehrlichman "two of the finest public servants it has been my privilege to know"—a peculiar characterization of men who have been closely tied by sworn testimony to an attempt to corrupt the democratic process. Nor did he say anything to the American people on April 30 about the conclusions of the "intensive new inquiries" which he told us on April 17 he had started on March 21, now more than six weeks ago. We know no more now than before what the President thinks of the behavior of his former Attorney General, who puffed on his pipe while people proposed the commission of crimes in his presence, or of his former Secretary of Commerce, his office safe overflowing with unreported campaign contributions in cash (the McGovern campaign declined to accept large cash contributions), or of his personal attorney, Herbert Kalmbach, a key figure in paying off the spies and saboteurs.

MR. RICHARDSON'S ROLE

If the President is serious in getting to the bottom of the affair, it is not enough to appoint Elliot Richardson Attorney General. Mr. Richardson is an able lawyer and a high-minded man, but he has shown himself in a succession of jobs entirely complaisant when it comes to doing what President Nixon wants, even if it is something Mr. Richardson would certainly not want on his own. The President—or Mr. Richardson, taking advantage of the option offered him by the President—must surely begin by taking the Watergate case away from the Department of Justice, where the prosecutors not only have a political interest in the fortunes of the administration but are even best friends of some of the suspects and their lawyers, and place it in the hands of a special prosecutor.

This was what Coolidge did at Teapot Dome when he appointed Senator Pomerene, a Democrat, and Owen J. Roberts, a Republican, as a bipartisan prosecuting team. It was what Roosevelt did when he called on Roberts to investigate the Pearl Harbor catastrophe. It was what Truman did when he brought Newbold Morris, a Republican, to Washington to investigate charges of official corruption. Nothing less than the designation of an independent prosecutor with full powers is likely to assure the people that they are getting a let-the-chips-fall-where-they-may inquiry.

Several further points deserve consideration. One is this: what a very near thing it all was! Had it not been for the strength of two institutions in our society—had it not been indeed for the courage and perseverance of two people—the Watergate conspirators might well have got away with it. The institutions are the Independent judiciary and the free press. The people are Judge John Sirica, who refused to play the Department of Justice's cover-up game, and Katherine Graham, the publisher of The Washington Post, who, despite incessant and often extremely nasty pressure from the administration, fully backed her news and editorial staff in pursuing the Watergate story to the end. But for Judge Sirica and Mrs. Graham, the independent judiciary and the free press, the ten months of lying would have worked: and the men who planned Watergate would today be secure in their power, their self-assurance and their conviction that they are above the law.

Another point: Arthur Krock told the London Observer the other day that he considered the Nixon administration the third most corrupt in American history. That is certainly true; indeed, in terms of the magnitude of money put to illegal use, it may well be Number One. But it is corruption with a difference. The crookedness in the days of Grant and of Harding was old-fashioned graft. It was politics as defined by Ambrose Bierce—"the conduct of public affairs for private advantage." Repellent as it may be, stealing money for oneself is, alas, in an old American tradition.

What distinguished the Watergate crowd was, in a sense, the purity of their motives. There is no evidence that they were enriching themselves. Their only purpose, so far as one can tell, was to keep President Nixon in power. Far from being jolly rogues like the cronies of Grant or Harding, they were thin-lipped, hard-eyed, crew-cut, Pharisaical types, who didn't drink or smoke and spent a lot of time in sanctimonious complaint about the permissive society. When these keepers of the national morals, these zealous champions of law and order, turned up in connection with Watergate, there was inevitable Schadenfreude, as when the preacher was caught in the chicken coop.

Still there was something frightening too—something that made the whole business a good deal more ominous than the gaudy peculations of the Grant and Harding days. These people were not thieves; they were self-righteous moralists who felt that the end justifies the means. And fanaticism is a greater threat than graft to a free state. Moreover, the great technical innovation involved—the introduction into domestic politics of methods devised by the Central Intelligence Agency for use against foreign foes—equips fanaticism with exceedingly dangerous weapons. Surely both the Watergate state of mind and the Watergate style of political combat must be exposed and stopped at once, or a poison will enter American politics.

And this leads to a further point: we are beginning to be told that Watergate should not be pushed too far lest, by destroying the President, we destroy the effectiveness of the American government. Newsweek quotes a Republican Senator: "It's no longer save the party or even the President. It's save the presidency." Even The Washington Post had an editorial exhortation the other day calling on everyone to rally round "the objective of redeeming the credibility and honor of the presidency." How seriously is this line of argument to be taken? Should people refrain from criticism, however well merited, on the ground that Mr. Nixon is the only President we have?

One thing to be noted is that this doctrine seems to be reserved for Republican Presidents. I don't remember its ever being invoked when Franklin Roosevelt and Harry Truman were under criticism (even though they were never under criticism for anything as sinister as the Watergate affair). Nor was this doctrine in the minds of the Founding Fathers when, in establishing the American government, they rejected the English idea that the king could do no wrong. It is a singularly un-American proposition that authority must have respect, whether or not it has earned it.

In this connection, Henry Kissinger's recent plea for "compassion" for the Watergate conspirators provided one of the most offensive moments in the whole squalid affair. This is an administration that has never shown compassion for anyone, except for big and incompetent business, like Litton Industries and Lockheed, that, indeed, has seemed to rejoice in kicking people when they are down. Recall, for example, the extraordinary pieces of vituperation against George McGovern by White House assistants on the Op Ed page of The New York Times in the month after the election. "The only way to attack crime in America," President Nixon instructed the nation recently, "is the way crime attacks our people—without pity." It would surely be more fitting for this administration, instead of starting an amnesty campaign for the Watergate 16 (or whatever the ultimate body count may be), to live and die by its own professed creed.

There is only one person who can redeem the credibility and honor of the presidency now, and that is the President. The speech and the housecleaning are a beginning, but no more. Only the full truth and condign punishment will begin to restore confidence in the administration. One thing he would be wise to do at once is to reinstitute regular conferences. If he had been exposed to constant questioning by the press over the last ten months, he would not have re-

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mained in such a state of invincible ignorance over the misdeeds of the men he describes as "his closest friends and most trusted associates."

And Watergate is only part of the problem. What we need is a return to a constitutional presidency in every field. President Nixon must explain—better than Secretary Rogers did in his feeble statement the other day—by what constitutional authority he keeps on bombing Cambodia; by what constitutional authority he makes extravagant and unprecedented claims of executive privilege; by what constitutional authority he uses impoundment as a means of refusing to execute the law. The Constitution is a spacious document under which very strong men have been able to conduct the affairs of state. One must hope that after Watergate President Nixon will show a greater sensitivity to the Constitution across the board.

SENATOR GOLDWATER'S STATEMENT

The question remains: what if further investigation shows that President Nixon did, contrary to the implication of his speech, know after the fact and approved the policy of cover-up? Even more, what if it turned out that he knew before the fact and approved the policy of espionage and sabotage? Merely to ask the question is to show how far confidence has eroded. Yet as a recent California law suit has shown, Mr. Nixon, when he ran for governor of California, permitted somewhat similar clandestine operations in his campaign a decade ago. It is his style. Senator Goldwater stated the issue with his customary directness: if it were shown that Mr. Nixon had in any way been "dishonest about this, then I think the impeachment would certainly come."

This brings me to my last point. Let us, as William F. Buckley Jr. did the other day, assume the worst. Let us suppose that President Nixon is "guilty of a misprision of felony," which, as Mr. Buckley points out, is itself a felony. What then? Interference with the electoral process would certainly qualify as a high crime misdemeanor under the Constitution and therefore as ground for impeachment. Mr. Buckley argues strongly against impeachment on the ground that the punishment would be visited primarily on the state. "An appropriate punishment, tough on the malfeasor, but intelligent and magnanimous upon the innocent state, would be the censure of the President by the Congress.

There are many obvious objections to this course. It would mean, first of all, that a President who commits a crime would receive a much smaller penalty than a citizen who committed the same crime. Such selective punishment hardly represents equal justice under law. President Jackson stated the issue properly in 1834. The President, he said, "is liable to impeachment for high crimes and misdemeanors, and on due conviction to removal from office and perpetual disqualification; and notwithstanding such conviction, he may also be indicted and punished according to law. He is also liable to private action of any party who may have been injured by his illegal mandates or instructions in the same manner and to the same extent as the humblest functionary."

Jackson was responding to the only comparable action in our history—a resolution of censure passed by the Senate on the ground that, in removing the government deposits from the Bank of the United States, the President had "assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." This resolution, Jackson went on to point out, charged him with having committed a high crime. It was therefore "in substance an impeachment of the President." If Congress were serious, Jackson said, it should impeach the President. Otherwise it was evading its own constitutional responsibility.

NO HALFWAY HOUSE

All this assumes, of course, President Nixon's complicity in the original crime or in the subsequent cover-up. Should this complicity be proven, Congress will have to bite the bullet and move toward impeachment. There is no halfway house. Nor, indeed, would the state be more punished by impeachment than by the continuation of a lawbreaker as its chief magistrate. What sort of example would that be of law and order at home? What kind of demonstration of American probity would it be to the world? We would not only look cynical; we would look ridiculous. Let us hope that we never come to this, that a special prosecutor will be appointed, that responsibility will be definitely placed, that the President will be unequivocally cleared. But the next step is still up to Mr. Nixon.

Mr. McGOVERN. Mr. President, a second thoughtful treatment of the Watergate issue is an address delivered by Mr. Edward L. Ericson, member of the Board of Leaders of the New York Society for Ethical Culture. Mr. Ericson spoke on New York Radio Station WQXR on Sunday, April 29, 1973. His address, dealing with the moral implications of the Watergate affair was called to my attention by my longtime friend, the distinguished New York attorney, Frank Karelsen, Sr.

I ask unanimous consent that this brilliant analysis by Mr. Ericson be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NO TIME TO DESPAIR—RISING TO MEET OUR MORAL CRISIS

If at the present moment the United States of America is in a state of moral confusion, it is because our power has been gathered into the hands of a small circle of ruthless men who feel accountable to no one and accordingly behave more like the palace guard of a Babylonian despot than the servants of a great democracy.

If we are appalled that moral rot is exposed at the very summit of national political power and that almost inconceivable fraud and corruption are now disclosed in our corporate life, we cannot pretend that these are misfortunes visited upon an innocent and gullible people. In the metaphor of an old American saying, these are only the chickens coming home to roost—evidences of the abuse of power too long condoned.

In rapid succession, three events have been disclosed which require every thoughtful citizen to make moral appraisal of our standards of public life: The Watergate affair—which has sullied the presidency itself. The ITT involvement in Chile—a shameful and dangerous misuse of corporate influence. And the multi-million dollar fraud of the Equity Funding Corporation which has shaken the worlds of Wall Street and insurance.

Any one of these three monumental scandals should be enough to shake our complacency. Together they tell us that the day of reckoning for American democracy cannot be far off. The storm warnings are all flying. In government, in business, in finance, the American people must demonstrate their moral capacity to reform and govern themselves by decent standards—or lose even the appearance of democracy. Since time does not allow us to examine all three of these instances in detail, I shall confine my topic to the ethical analysis of the Watergate, with some suggestions of what we must do to restore credibility to the processes of government.

I do not believe that such a testing of the nation should produce despair. There is no time to despair. On the contrary, there may be opportunity for reform in the current crisis. If we did not experience an event like the Watergate, the thousand little deceits and obstructions of justice which we daily ignore, could chip away our freedoms bit by bit. The Watergate may give us occasion to restore the integrity of American life by making it impossible for all but the most incorrigibly foolish to pretend that nothing is amiss.

Since the days of Joseph McCarthy, the concept of subversive activities—of un-American activities—has been so grossly abused, that one resorts to such language with hesitation. Yet, I think that no weaker term fully describes the outrages which have been committed against the ethics of democratic government in recent months. Is any son or daughter of this free land stupid enough, or morally obtuse enough, to believe that these events can be shrugged off as only the trifling effort of a little band of political zealots to interfere with another band of politicians?

The victim of the Watergate is not a politician or a party. The victim is constitutional government itself, the integrity and credibility of free institutions. One cannot excuse these crimes against the democratic system with the easy attitude that such behavior is only politics as usual.

Those who are accused of involvement are entitled to a fair trial. Only then can individual guilt be established. But the events of Watergate which are already on record are sufficient to fix this incident as one of the most serious attempts in our history to subvert American democracy.

So if one wishes to speak of subversive activities, nothing charged against the luckless defendants convicted a few years ago under the Smith Act remotely approaches Watergate as an attempt to obstruct free government. Those who participated in these deeds are truly more dangerous to constitutional freedom—more subversive in the strict sense—than all the would-be anarchists and revolutionaries who ever gathered in little corners and darkened cellars to plot their uprisings. There is no betrayal equal to that of men of power who preach law and order while attempting to sabotage an election and obstruct justice.

Observers of American life have frequently deplored the stealing of elections which was once so familiar, especially in rural and big city politics. But these old abuses, which had largely given way to stricter concepts of civil rights, were of a more primitive order. The Watergate introduces a more ominous pattern for the future—one familiar to the nations of Europe which fell victim to the sophisticated techniques of modern totalitarian control. Let there be no mistaking what the Watergate implies, if we do not root out the last vestige of this cancer. It brings us considerably closer to the technological dictatorship of George Orwell's nightmare world of 1984, where tyranny is presented as freedom, where public opinion is fabricated to reflect Big Brother's commands. And where the heads of the police power act as political lackeys.

In Lewis Carroll's fantasy of Alice in Wonderland, the Cheshire cat gradually disappears—until all that is left is his grin. The events of Watergate have given us Lewis Carroll's disappearing cat in reverse. All that we now see is the grin, but if we do not take care, we have witnessed the beginning of the appearance of a specter who will haunt our future—not Carroll's Cheshire cat, but Orwell's ever-present, ever-listening image of Big Brother.

(Incidentally, I might inform our radio listeners that beginning a week from this coming Thursday at 7:30 P.M., I shall offer two lectures on "The Impact of the Democratic Vision"—in the second of those addresses, on May 17th, dealing specifically with



some representative Utopias and anti-Utopias, including George Orwell's and Aldous Huxley's dark visions of a future which we may be producing through the perversion of freedom and progress. The public is invited to both of these lectures on May 10 and May 17 at 7:30 P.M., at the Ethical Society Meeting House, as well as to hear my colleagues on other Thursday evenings in this six-week series, already in progress.)

Why are liberals and conservatives, Democrats and Republicans, so deeply troubled by the events at the Watergate? Those who take free government seriously know that democracy's days are numbered when a national political campaign can be subverted and sabotaged, when a public opinion poll can be manufactured to specifications with campaign money—when the evidence of all this can be willfully concealed and condoned by officials acting under the protection and prestige of the presidency. These are grave crimes, and enough has already been documented in the conviction of the defendants to establish that the culprits were not acting without important sources of sponsorship and enormous quantities of money.

Similar acts of political infiltration and provocation may have been even more serious in distorting last year's election. The nagging fact—still not entirely realized—is that we do not know how the election of 1972 would have come out, if these events had not transpired; for the first victim of this elaborate campaign of political fraud was Senator Muskie of Maine. At the beginning of the New Hampshire primary early in 1972, Mr. Muskie was the leading candidate of his party. His greatest popularity was in his home region, northern New England. But then, as most Americans now know, a fraudulent letter was concocted to represent falsely the Senator as a bigot who had spoken abusively of New Hampshire's citizens of French Canadian descent.

Senator Muskie never overcame the damage of this act of forgery. His elimination from the presidential contest certainly changed the dynamics of the entire election. This circumstance, combined with other acts of infiltration and fraud which are now coming to light—and we can only speculate how and many other misdeeds were committed—casts a grim shadow across the most sacred act of free government—the selection of a president and a congress.

Is it any wonder that Vice President Agnew's former Press Secretary, Victor Gold, in a recent essay in the New York Times, shared his profound shock and sense of betrayal by people close to the President—people who had come to power in the name of law and order while trampling both. Is it any wonder also that James Kilpatrick, a dean of conservative reporters and a longtime defender of the President's fiscal and Indo-China policies, virtually wailed his soulsickness before a television audience that these essentially police state, gangster deeds had been committed in the citadel of a supposedly conservative, constitutional government.

How many people in this audience remember Alfred Landon? Hardly anyone under fifty will recall much about the Kansas governor who carried the Republican banner against Franklin Roosevelt in the presidential race of 1936—and incidentally managed to win even fewer electoral votes than George McGovern won in '72. But if you watched the GOP convention in Miami last summer, you may have seen Alf Landon, the old presidential candidate from the Sunflower State, introduced as the grand old man of his party. Well, what does the Grand Old Man of the President's party think of the Watergate—and of the men close to the President who were involved? Writing in the New York Times last Wednesday, Landon confronted the issue squarely as a moral crisis of the gravest nature.

"The inherent moral questions," he wrote, "are getting worse and worse and worse. The question of character is coming in more and more all the time."

So I hope no one will be deceived into thinking that we are merely "talking politics" this morning. What we face is the necessity for making a moral judgment—of examining the standard of democratic ethics as it is understood and practiced by those who in recent years have surrounded the president and have been among his most important advisors and deputies. Alf Landon doesn't think Watergate can be dismissed as a political question. James Kilpatrick does not think it is a mere political issue. Barry Goldwater is not confused about the principle involved. These men, all Republicans and Nixon supporters, recognize the Watergate conspiracy and the consequences which flow from it as an effront to democratic standards and American morality.

Former Governor Landon doesn't think much of the former Attorney General's lame attempt to justify himself by whimpering that others kept bringing the conspiracy "back and back and back" to quote John Mitchell's words. Landon wrote what all Americans must have been thinking, had they been able to put the issue before former Attorney General Mitchell.

"We have the then Attorney General of the United States," Landon declared in his article, "with more power than J. Edgar Hoover had in his prime, finally admitting that he participated in three conferences where the bugging of Democratic National Committee headquarters in the Watergate was discussed. He could have flatly put a stop to it by simply saying, in the first conference, 'If you fellows ever go ahead with your proposed stupid, immoral and illegal plans, I'll throw the book at you, either as crooks or as 'nuts' ".

"Instead," writes Landon, "John Mitchell apparently pussyfooted around with two more conferences. He knew who was involved when it happened. He should have had them prosecuted the next day."

Then Landon goes on to say: "The astounding contradictions in his own statements have shaken and alarmed our citizenry. At the least an Attorney General of the United States has lowered the ethical standards of his high position and his profession by his conduct, betraying the confidence of the President of the United States. . . ."

"The real damage," Gov. Landon concludes, "is the diminished public confidence in, and respect for, our highest public office in the United States of America."

One need not attempt to improve upon this judgment of the former Kansas Governor and Republican presidential nominee. Apparently, Alf Landon—who is 86 years old this year—is an old fashioned American who still takes seriously the belief that law and order—and honest dealing—apply to the rulers no less than to the ruled.

So far, leading statesmen like Landon and Senator Ervin, and the editorial writers of our newspapers, have shielded the president from any suggestion of personal wrong doing. They have stressed that the President's trusted advisors and lieutenants deceived him. All Americans want to believe that our Chief Executive is not implicated.

The ordinary citizen knows that these sorry events do not belong in the house of Jefferson and Lincoln—dealings which would be more at home in Stalin's Cheka or Hitler's chancery. Elaborate plots involving trained espionage agents equipped with sophisticated instruments to disrupt democracy cannot be passed off as ordinary political capers. It is the stuff of which Animal Farm and Brave New World and 1984 are made. If not effectively outlawed, Watergate is the beginning of tyranny on tape, of dictatorship by remote control.

So Mr. Nixon must do much more than protest his personal innocence. Before the presidency can be restored to a position of respect and confidence, the entire structure and atmosphere of presidential government must be changed. The question of the President's personal involvement does not go to the heart of the matter. Something is fundamentally wrong with a concentration of influence which makes a president so woefully dependent for information and advice upon a secretive palace guard. For years members of congress and members of the President's own cabinet have complained about their inability to get through to the Chief Executive over the heads of an arrogant, power-grabbing and apparently ruthless inner circle.

No, Mr. Nixon cannot walk away from this affair and pretend that it was an abuse beyond his control. He built this byzantine White House complex against the advice and alarm of many thoughtful citizens, including leaders of his own party. It ill-befitted the Chief Executive of a democracy from the beginning. It made and kept the president isolated from responsible political opinion, putting subordinates in a position of excessive influence and censorship over the President himself.

It is a tragedy indeed that a President must vindicate himself by pleading how invincibly ignorant he remained of a situation which had disturbed responsible journalists and knowledgeable citizens for many months. I recall having read with astonishment some months ago that the President avoids newspapers and columnists who are critical of his policy and style, because they upset him. But can a President's ego justify his refusal to keep himself informed about every shade of opinion and criticism?

As every intelligent school child learns, it is the weakness of despots and dictators to surround themselves with flatterers who keep them ignorant of the people they govern. This is surely no model for the elected leader of a democratic republic to follow. So Mr. Nixon and the office he represents cannot remain successfully above the Watergate. The Watergate monster has two horns—the horn of guilt and the horn of nonfeasance—and if the President is to avoid being gored by the one, he must impale himself upon the other. No president can be aware of everything in government but to be a prisoner in his own house ignorant of events involving his closest associates which have haunted the country for months is hardly a satisfactory defense. Then to announce an investigation that turns out in retrospect to have been a whitewash, put in the hands of those with an obvious conflict of interest, is to compound the fault. The White House has been damaged, and that damage has been done from within.

But there are also heroes in this story, and because heroes are still possible in this land, we have reason to hope. The heroes to emerge from this dismal business—who have done more to spare democracy in America than many who have won decorations in battle—include two persistent reporters of the Washington Post, Bob Woodward and Carl Bernstein, who refused to quit when enormous pressure was exerted upon them and their newspaper.

The Washington Post, and especially its outstanding editor, Benjamin Bradlee, deserve the gratitude of every American who cherishes free elections and a free press. We must recall that not long ago the Washington Post and the New York Times were singled out for special criticism by Administration spokesmen because they had the audacity to question the policies of our un-

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touchable lords and masters. We can be grateful that we have a free press—and keep it free!

Now that we know in part what happened at the Watergate, we must see that corrective steps are taken. At least these are a minimum:

The entire affair and all other efforts at political disruption should be examined by an independent commission, supported by investigators who are not beholden to the White House.

Congress must make certain by law that the head of the FBI is never again politically subservient or partisan.

The president must drastically reduce White House government by secrecy, which inevitably encourages conspiracy and deceit; and the Chief Executive must restore the lawfully appointed cabinet to its intended place of counsel.

Finally, and most important of all, the shameful and destructive dictatorship of the dollar over our elections must be stopped. Other democracies effectively restrict campaign spending to a decent level; and we must do so, if our government is not to be bought entirely.

These steps, at least, need to be taken to restore some measure of public responsibility.

Maybe we have learned. Maybe the American people now see how easily we could lose our freedom. Perhaps if we know that—and act upon what we know—we may restore democracy and repair the civic morality which is its foundation.

(Ethical Culture is a humanistic religious and educational movement, without sectarian creed or theology, which unites men and women of all races and religious backgrounds upon the principle of commitment to human worth and a common quest of ethical living. The New York Society for Ethical Culture is a member of the American Ethical Union, a federation of Ethical Societies.)

## INTERPRETATION OF SO-CALLED CANADIAN BOAT BILL

Mr. STEVENS. Mr. President, last year Congress passed Public Law 92–601, the so-called Canadian boat bill which prohibits the use of certain small vessels in American waters. These vessels are purchased at Canadian auctions after being prohibited from use in the fisheries of that country.

A question has arisen as to whether the boats may be utilized in the fisheries of the United States for fish other than salmon. This is an important question and affects many potential purchasers.

At my request, the general counsel of the National Oceanic and Atmospheric Administration has clarified this point and interpreted the law as stating that they cannot be utilized in the fisheries of the United States for any species of fish.

I request unanimous consent that the letter of the general counsel of the National Oceanic and Atmospheric Administration of April 17 plus enclosure be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF COMMERCE,
*Rockville, Md., April 17, 1973.*

Hon. TED STEVENS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR STEVENS: This is in response to your request for information upon which to address a reply to your constituents, Julien Maule and E.W. Huntley. These gentlemen represent that they purchased 3 fishing boats at auction, conducted pursuant to the Canadian "buy-back" program, on October 28, 1972, in Delta, British Columbia, Canada. The vessels are subject to the provisions of Public Law 92–601 which was enacted the day prior to the auction. As your constituents point out, a representative from the Seattle office of NOAA attended the hearing to notify prospective bidders of enactment of the law so that they would not be caught unawares by its provisions.

The statute makes it unlawful for any person on board a prohibited vessel to transfer at sea or land in the United States prohibited fish. The terms "prohibited fish" and "prohibited vessel" are defined in section 5 of the Act. "Prohibited fish" means fish "which such (prohibited) vessel was authorized to engage in the catching of. . . ." "Prohibited vessel" is defined as "a vessel of less than 5 net tons which was (a) constructed in a foreign country, (b) used in a fishery of the country, and (c) subsequently prohibited by such foreign country from being used in such fishery. . . ." This is consistent with the views expressed during consideration of the bill by representatives of the Administration. Since the definition of "prohibited vessel" is cast so that the prohibitions which apply to the vessel in the United States would be coextensive with the prohibitions imposed by the foreign country, one must look to the extent of the original foreign authorization and the subsequent prohibition in order to determine the extent of the prohibition in our law. At the time of the auction, we were unable to ascertain the precise terms of the Canadian statute governing the authorization and subsequent prohibition applicable to the boats sold at the "buy-back" auction. We have subsequently determined Category A and Category B vessels of the type sold at the auction are permitted to engage in commercial fishing operations in Canada.

In addition, these vessels only are entitled to be issued a salmon fishing tab which permits a vessel to engage in salmon fishing operations. A Canadian vessel that holds an "A" or "B" category license together with a salmon tab can participate in *all* fisheries in British Columbia. There is no exception to the species that may be fished. This fact has been confirmed by letter of Mr. M. P. Houghton, Chairman of the Salmon Vessel Licensing Committee, to Mr. Donald R. Johnson, our Regional Director, NMFS, Seattle (copy attached). Accordingly, I conclude that the vessels at auction were authorized to engage in any fishery of Canada.

In addition, I note that Canadian law (P.C. 1972—3022, December 19, 1972, which I understand enacted into law the prior emergency regulations which were promulgated at the same time the "buy-back" program went into effect) provides: "Except as authorized by the Minister, no vessel that has been purchased under the buy-back program shall be used in commercial fishing operations, including the collection and transportation of fish."

To sum up, the vessels in question were "authorized to engage in the catching" of all species of fish and were "subsequently prohibited" from being used in any fishery. Therefore, under the terms of the statute the vessels are "prohibited vessels", and the prohibition against the transfer and landing of "prohibited fish" must, according to the definition of that term, apply to all species. Any other interpretation would be contrary to the intent of the legislation.

Sincerely,

JAMES W. BRENNAN,
*Acting General Counsel.*

JANUARY 29, 1973.

Mr. DONALD R. JOHNSON,
*Regional Director, U.S. Department of Commerce, National Marine Fisheries Service, Seattle, Wash.*

DEAR MR. JOHNSON: This will acknowledge your letter of January 18th requiring further information on the B.C. Salmon Vessel "Buy-Back" Program.

A salmon vessel that holds either an "A" or "B" category license can participate in all other fisheries in British Columbia. There is no exemption to the species they may fish.

I would assume, therefore, that any vessel purchased by the "Buy-Back" Program and subsequently sold to U.S. buyers would not be permitted to be licensed in any maritime fisheries in United States waters. If this is the case, would you kindly advise so that we would be in a position to so instruct future U.S. buyers when further auctions are conducted.

Sincerely,

M. P. HOUGHTON,
*Chairman, Salmon Vessel License Committee.*

## GENOCIDE CONVENTION OPPONENTS REBUTTED

Mr. PROXMIRE. Mr. President, it is unfortunate that the controversy surrounding ratification of the Genocide Convention has persisted for so long. The number of nations who have responsibly ratified the convention is large; the United States is one of a small minority of nations which so far have refused or neglected ratification. This situation must change.

Discussion of this issue is not limited to the Senate. Substantial interest has been raised in many areas across the country. The issue has been fully debated. One of the most effective statements of the reasons we should ratify the convention was published as a letter to the editor in the May 5, 1973, edition of the Milwaukee Journal. The author, Bruno U. Bitker, is a longtime staunch supporter of the convention and the principles it embodies. Mr. President, I ask unanimous consent that the text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UN GENOCIDE TREATY

To The Journal: A recent letter opposing the United Nations treaty making genocide an international crime, indicates a misunderstanding of the document. The writer asserts that the treaty was "ordered" by the UN. In fact, under the leadership of the United States, it was approved voluntarily by member nations of the UN. No nation is "ordered" to ratify it. The United States signed it in 1948. Since then, 75 sovereign nations throughout the world have ratified it; only the United States, of the big powers, has failed to formally do so, despite urging by presidents from Truman to Nixon. This neglect is a matter of constant confusion to our friends in the international community, and of satisfaction to our enemies.

The treaty seeks to prevent the mass destruction of a wide variety of groups of human beings. The writer objects because it does not also include political groups. Making the mass murder of "a national, ethical, social or religious group as such" obviously includes most of mankind. It is difficult to understand why the extermination of human groups because of their race, their religion or their ethnicity should not be made an international crime.

The writer further objects because the crime covers mental as well as bodily harm. Either method constitutes a crime when it is used "with the intent to destroy" the victimized group. As more forms of torture in World War II, in Asia and Europe are exposed, and as we learn more about "medical experiments" even in current wars, we recognize the need to include mental harm.

It is correct that the treaty requires the accused to "be tried by a competent tribunal of the state" where the crime was committed, or "by such international penal tribunal as may have jurisdiction." Unfortunately, despite the current madness of terrorism in the world, no such international criminal court now exists. However, growing out of conferences recently held at the Johnson Foundation in Racine, a statute has been drafted which would create an international criminal court with power to try those accused of terrorism and genocide and similar internationl crimes. It is needed.

Ratification of the genocide treaty by the United States is long past due.

BRUNO V. BITKER,
*Chairman, Governor's Commission on the U.N.*



## HOSTILITIES IN INDOCHINA

Mr. ABOUREZK. Mr. President, on January 27, 1973, the U.S. Government signed an agreement which we all hoped would lead to the termination of American involvement in hostilities in Indochina and would signal a new era in U.S. policy in Southeast Asia and throughout the world. More than 10 long years of war had taught us something about the bankruptcy of past policies—or so we thought. Recent developments in Cambodia, however, have raised serious questions about the validity of this assumption. These questions, in turn, have fostered serious and justifiable concern that our new directions in Southeast Asia are but past policies recycled. This is an alarming and discomforting revelation. It is one, however, that cannot be easily dismissed.

As the days pass, and the American bombing raids continue, I am becoming increasingly concerned about our involvement in the Cambodian civil war. Just a few short months ago, amidst the atmosphere of relief which accompanied the signing of the Paris accords, we heard hopes of an all-Indochina peace agreement, or at least a de facto cease-fire in Camobdia. These hopes have long since dissipated, and U.S. bombers are currently engaged in some of the heaviest raids of the war. There is little evidence to suggest that any reduction of the U.S. military presence in Cambodia is imminent.

In my view, there is no moral, legal or constitutional justification for the American bombing of Cambodia. Cambodia is not a member of SEATO and has no defense treaty with the United States. The Tonkin Gulf resolution, which President Johnson often cited as his authority to wage war in Indochina, was repealed by Congress in 1971. And the final justification—that U.S. air raids were necessary to protect the lives of American troops in Vietnam—expired when the last U.S. forces left Vietnam at the end of March.

Since that time, representatives of the Nixon administration have conjured up a number of spurious arguments to justify the continued bombing of Cambodia. We have heard the Secretary of Defense contend that this operation constitutes the "winding up of a residual aspect of the Vietnam war." We have heard other administration officials suggest a connection between the bombings and Mr. Nixon's election mandate, whatever that might be. We have heard the Secretary of State argue that the United States is continuing bombing in Cambodia, and elsewhere, to encourage compliance with article XX of the Paris accords, even though Cambodia is not a party to those agreements and even though it is questionable that the North Vietnamese are in fact involved in hostilities in that country.

Despite these and other administration assertions, the inescapable fact remains that American bombers continue to fly their deadly missions over the Cambodian countryside, hoping to influence an internal power struggle which we do not have the ability or the right to control. The bombing cannot stop the war. It cannot determine the outcome. It can only prolong an already untenable, unfortunate, and inhumane situation.

I am afraid that our current activities in Cambodia are sadly reminiscent of our tragic and misguided intervention in Vietnam. Once again, we are providing massive economic and military aid to a regime which is totally lacking in popular support in the hope of maintaining a government which will be favorable to American interests in Southeast Asia. This policy, in my view, is based on false hopes and neglects the essential realities of the Cambodian situation. If we seriously desire to bring an end to the fighting in Cambodia, we should emphasize the diplomacy necessary to bring the peace, not the bombing which will only prolong the war. We will have to take the initiative in fashioning a political settlement which is the prerequisite of any military settlement. Further American disregard of this reality can only bring continued large-scale destruction of human life while offering little hope of preventing the eventual demise of the Lon Nol government.

Unfortunately, there has been no indication that the administration is ready to acknowledge this fact. On the contrary, we now learn that, in the second supplemental appropriation bill for fiscal year 1974, they are asking for more money to "provide the Defense Department with the needed flexibility to cover additional Southeast Asia costs." Upon closer examination, this bill reads ominously like a Gulf of Tonkin authorization for continued bombing in Cambodia. It provides the Pentagon with the authority to transfer $430 million from one Department of Defense account to another, a large portion of which would be used to help pay for the bombing of Cambodia and for other U.S. military operations in Southeast Asia. I fear that passage of this military appropriations bill, in addition to providing funding for our military adventures in Indochina, will enable the administration to point to congressional funding of the war as justification for its military operations in Indochina.

I am encouraged that the Congress is acting to avert this possibility. Just last Thursday, the House of Representatives voted to block the use of Defense Department funds for the continued bombing of Cambodia. And, yesterday, both the Senate Foreign Relations Committee and the Senate Defense Appropriations Subcommittee took action to stop this illegal activity.

I am greatly encouraged by these developments. However, our efforts to stop the bombing cannot end here. We have heard administration officials proclaim that, even if the Congress blocks the Pentagon's request for this transfer authority, the bombing will continue. The arrogance and irresponsibility of this position is most alarming. It should not be tolerated—by the Congress or the American people.

As I read the daily news reports of the rapidly deteriorating situation in Cambodia, my concern about the wisdom of our Cambodian policy only increases. How quickly we seem to forget the lessons of history. How quickly we seem to forget the tragedies of the past.

The President can continue to speak about "peace with honor." He can continue to extol his achievements in Vietnam. His surrogates can continue to insist that his policies in Vietnam, Laos, and Cambodia are the essential fabric of a "lasting structure of peace" in Indochina. Yet, the fact remains that America is still at war in Indochina, and there is apparently no end in sight.

I believe that, as the Congress continues to consider the second supplemental appropriations bill with its controversial transfer authority clause, it is imperative that the United States take a long, hard look at its Indochina policy.

It is time to isolate the substance of this policy from the rhetoric and to examine its premises and contents. I long for real and meaningful peace for Indochina. So, I believe, do the people of Indochina and the United States.

It is fine to talk in terms of national honor. But, there is little honor in the senseless destruction of countryside or in the deprivation of homeless refugees. The message is clear. It is time to take action to truly secure the peace. If the administration is not willing to take this course of action, the Congress must act for them.

## LEONARD SPACEK DAY IN CHICAGO

Mr. PERCY. Mr. President, the mayor of the city of Chicago and the city council declared May 12, 1973, "Leonard Spacek Day," commemorating the distinguished service of Leonard Spacek, senior partner of Arthur Anderson & Co. That evening I was pleased to join with other citizens of Chicago in paying tribute to Leonard Spacek on the occasion of his retirement from Arthur Anderson. Various speakers depicted for the leaders of the community who had assembled various aspects of his life—including Leonard Spacek's outstanding contributions through the years to the growth, economically, and culturally, of the city of Chicago, to his contribution as a leading member of the American accounting

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profession and to his service to the Nation as well.

Leonard Spacek, as head of Arthur Anderson, has contributed immensely to its present position as the largest public accounting firm in the world, operating in 35 countries with more than 12,000 employees. He has contributed to the educational and cultural life of Chicago and has been a major factor in its philanthropic, charitable, and civic activities.

But the one quality possessed by Leonard Spacek that is more pertinent to the problems of today than any other is that of utter integrity.

It has been my observation in my travels throughout the world, both as a businessman and as a public official, that the ethics and morals of the American business community stand above all others in the world. The American accounting profession has been responsible for helping American business achieve this reputation and no man in the profession has done more to enhance the ethical standards, procedures, and practices of American business management as well as of government than Leonard Spacek.

He has already had a lifetime of accomplishment, but as he retires as active head of a great international business organization, we can all look forward to the many years ahead that he has of public service to his city, State, and country.

I look upon my friendship with him as a valued part of my own life and take great pride in his accomplishments, past, present, and future.

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## THE PRESIDENT'S RELATIONSHIP WITH CONGRESS: THE VIEWS OF DR. LOUIS FISHER

Mr. HUMPHREY. Mr. President, during this session of Congress, a great deal has been heard about the struggle between Congress and the Executive. There has been discussion and debate about impoundment and line-item type vetoes, the doctrine of executive privilege, the administration's horrendous budget cuts of funds for needed social programs, and the effort by Congress to reform its appropriations process.

Some have called this situation a constitutional crisis. Some have said that the ultimate resolution of conflict will be the U.S. Supreme Court.

In the April 23 issue of U.S. News & World Report, we are presented with one more opinion—and I think it is a particularly excellent one. Dr. Louis Fisher, author of the book "President and Congress" and a leading expert on legislative-Executive relations, is interviewed in the journal.

Mr. Fisher notes:

I think that both Congress and the President have been party to the fiscal situation, and if I had to allocate responsibility, I would place more of it on the administration than on Congress.

The balance of this interview contains information on the background of the crisis and Dr. Fisher's solutions to the various problems at hand. I urge my colleagues to take notice of Dr. Fisher's opinions and I request unanimous consent that the entire text of the interview be printed in the RECORD.

There being no objection, the text of the interview was ordered to be printed in the RECORD, as follows:

### POWER STRUGGLE IN WASHINGTON

(Interview with Dr. Louis Fisher, author, and analyst for the Library of Congress)

How serious, in history's perspective, is the widening rift between the White House and Congress? Can it be closed—and, if so, how?

For one view of this problem, "U.S. News & World Report" invited to its conference room a political scientist who has first-hand knowledge of congressional operations.

Q. Dr. Fisher, is the power struggle that is now going on between Congress and the White House really any different from conflicts in the past between the two branches of the Government?

A. This one certainly is different from those of the past. It is becoming a crisis, and I don't know of anyone who can see how it's going to be resolved.

I should make it clear at this point that the views I express here are entirely my own, based on my long interest in this general subject, and in no way do I speak for the Library of Congress.

Q. What kind of crisis do you foresee?

A. We are moving toward a stalemate in Government—we're far too close to one right now—and it could have very serious consequences for the country.

Part of the crisis comes from the fact that some of the programs authorized and funded by Congress are not being carried out by President Nixon and his Administration.

But the more serious part of the crisis, which can have long-term results on the country, is a growing sense in Congress that this is part of a grand design by the Administration to enlarge presidential powers beyond anything yet assumed by Chief Executives of the past.

Q. Why would this produce a crisis in the Government?

A. Because it is destroying the good faith that is essential if the two branches are going to carry out their related functions effectively. You see, there's nothing in the Constitution itself which defines exactly how the two branches are to work together. Always this has been done by self-restraint on both sides in defining the limits of their respective powers.

This factor, throughout most of our history, has made Government more effective. Congress could then give the Administration some discretionary authority in carrying out terms of the legislation to make allowance for administrative or other difficulties that could not be foreseen.

Now we are seeing the Administration, through the Office of Management and Budget, impounding money voted by Congress for specific programs—that is, refusing to release it to the agencies designated by Congress and doing so for political rather than administrative or technical reasons. They do this by abusing the customary discretion given them in the legislation itself.

As a result, Congressmen have to wonder if all legislation is going to be treated this way. There is the ultimate danger that perhaps they will conclude that the only defense is to write the bill in such a rigid and inflexible way as to eliminate discretionary phrasing.

This might curb the practice of impoundment, but it would also reduce efficiency in the spending of that money. And you might go from that to absolute stalemate, to ineffectiveness in Government.

Q. In effect, does impoundment give the President another type of veto over legislation he doesn't like?

A. Yes, that is the effect. It is even more powerful than a veto because Congress lacks a means of overriding an impoundment action.

We have a case in the water-pollution bill that was passed last year over a presidential veto. Here was a clear declaration of congressional insistence on a program on which there had been much deliberation as to what was in the national interest. Yet the President has ordered an impoundment of contract authority that has cut the program by 55 per cent. This was not a mere deferral of spending for technical reasons; it was a political decision by the President that the legislation involved too much "budget busting."

Congress had made a national commitment to clean up the waters. That commitment, unlike earlier ones to build highways or put a man on the moon, has been subordinated to other presidential goals. It isn't a case, as Mr. Ehrlichman [presidential assistant John D. Ehrlichman] has said, that we lack the contractor capability to spend all of the water-pollution money. If you make the commitment, the contractor capability will come—as it did with highways and the space program.

Q. On the other hand, doesn't President Nixon feel that Congress is paying very little attention to his budget?

A. No doubt he does, but his budget is merely a recommendation. There is nothing sacrosanct about it. Congress can alter it and modify any way that Congress wants.

I suppose the President feels that at a time of inflation and tremendous deficits, the economic stakes justify his action. A lot of this reasoning borders on the philosophy that the end justifies the means.

It could be argued that congressional inability to match revenue with appropriations has, in a sense, created a situation where the President felt he had to make these impoundments in order to attain his fiscal goals. On the other hand, the Administration has contributed to deficits through its own spending programs and tax-relief measures, so I don't think the argument is very strong. It was President Nixon who first adopted the "full-employment budget" concept, justifying deficits in the 25-billion-dollar-a-year range.

In short, I think both Congress and the President have been party to the fiscal situation, and if I had to allocate responsibility, I would place more of it on the Administration than on Congress.

Q. Don't people generally tend to blame Congress more than the President when something like this happens?

A. Yes, because Congressmen individually often criticize the performance of Congress as a whole. You don't often see anything like that in the Administration when errors occur in the economic or military realm.

It does no good to repeat the refrain: "Congress has been bad; Congress has been irresponsible." It merely reinforces the view—a distorted one—that Congress is the culprit and the President is the benefactor.

Q. Have any Presidents in the past gotten into trouble over the impoundment issue?

A. Not nearly as much as at present. I recall that during President Truman's Administration, Congress authorized and funded the building of a flush-deck supercarrier. The Administration stopped that program after the keel was laid and went ahead with what he considered to be better-designed carriers. And President Johnson got into some trouble for impounding.

What we are dealing with now, however, is impounding entirely different in nature. It isn't altogether a matter of dollars involved. You could have Administration "A" impounding 10 billion dollars for administrative or technical reasons, and it would be less serious than Administration "B" impounding 5 billion dollars, half of the time for political reasons—it doesn't like the programs and has no intention of going forward later with the same program or choosing an alternative—and the danger to effective government would be worse.

Q. Do you see any signs that the Administration might back down on the matter of impounding money for approved programs?

A. To the contrary, there is every evidence that it is becoming more aggressive.

Take the program authorized last year by Congress to give financial assistance to returning veterans wanting to go to college or university. This became public law, and 25 million dollars was appropriated, with the Department of Health, Education and Welfare designated to run the program. The interesting thing is that this 25 million dollars has not been "impounded." The Office of Management and Budget has apportioned the money to HEW, but Secretary Caspar W. Weinberger has no immediate intention of implementing the program. Why? Because the Administration has made a request to Congress to rescind the appropriation and will not put the program into effect until Congress acts on that request.

Furthermore, Secretary Weinberger communicated to Senator Jacob K. Javits [Republican, of New York] the news that even if Congress rejected the request to rescind the appropriation for this program, there could be no assurance that the program would go into effect because of the Administration's target for a spending limit of 250 billion dollars for the present fiscal year.

This, to me, seems astonishing, and it's an approach that is being used not only for the program of financial aid to veterans going to college but to other programs. Altogether, I think the total appropriations involved come to 383 million dollars. Here is a very novel kind of "veto power."

For the President to fall back on precedents and say that "Thomas Jefferson did it" does not change the fact that, right or wrong, what he is doing is something much different in nature from past impoundments.

Q. How useful are precedents, generally, in this conflict between the White House and Congress—not only in the use of impoundments but in other exercise of presidential authority such as "executive privilege" to deny information to Congress and use of "executive orders" to achieve legislative results?

A. There are really two difficulties in using precedents:

First, some are very limited in scope and not really applicable outside of very narrow issues.

Second, precedents sometimes lose their acceptability as conditions change. Take, for instance, the many precedents to support malapportionment in the legislatures. After years of accepting these precedents, the Supreme Court in 1962 decided they were no longer acceptable and subsequently ordered reapportionment of voting districts for Congress and State legislatures.

Q. If precedents don't help much, does it then boil down to a matter of what either side thinks it can get away with in extending its powers?

A. That's right. As I said before, it is self-restraint in exercise of separate powers that makes the system workable.

Q. Have there ever been so-called "strong" Presidents who did not engage Congress in heated battles over the exercise of presidential authority?

A. By definition, an assertive President is going to have conflicts with Congress. But these struggles can take place within the system without challenging the system itself. Many Presidents have tried to assert their authority, and many have met with and accepted rebuffs.

Franklin D. Roosevelt tried to change the Supreme Court, and Congress didn't let him get away with it, as one example. He tried to undermine his congressional opposition in the primaries, and didn't get away with that either.

For the tentacles of power to reach out now and then, probing, is in the nature of our system, but the situation today is not just one of "feeling around." It's a frontal challenge to congressional prerogatives.

Q. Many political scientists applauded the "strong" Presidency of John F. Kennedy in the early 1960s. Now they're critical of the "strong" Presidency of Richard M. Nixon. Why?

A. It probably has something to do with the fact that so many academicians are on the liberal Democratic side, and Democrats were in control of the White House for so many years they got used to the idea of "strong" Presidents as inherently better for the nation.

I think there's a lesson to be learned here: that a clear definition of institutional responsibilities is a better way of judging a man's performance than his personality or party. The Senate Foreign Relations Committee noted a few years ago, during action on the National Commitments Resolution, that Congress had committed the error of making a personal judgment as to how President Johnson would implement the Tonkin Gulf Resolution when it actually had a responsibility to make an institutional judgment.

Q. Is a "strong" President likely to become more aggressive when the opposing party is dominant to Congress?

A. I don't think we know about that because it is so recently that the power struggles have intensified. Suppose that a Democrat is elected President in 1976 while the Democrats retain control of Congress. If he keeps all of the national-security machinery that has accumulated in recent Administrations, a lot of the power struggle is going to be built into the system, even if he is dealing with a "friendly" Congress.

Q. What about landslide victories such as those won by Franklin D. Roosevelt, Lyndon Johnson and Richard Nixon? Do they tend to make a President more assertive?

A. There does seem to be considerably more boldness in the second Nixon term than in the first. But I don't know whether that is the result of the landslide or of his lameduck status, where he feels he has nothing to lose because he is constitutionally unable to run for a third term, anyway.

Supposedly his interest in the future health of his party would cause him to be careful, but the 1972 election strongly suggests that he places his own personal success far above that of his party. There was great disappointment by Republicans in the lack of White House support for congressional elections.

Q. Isn't the President—not Congress—supposed to make policy?

A. He contributes, but with the advice and consent of Congress. That's the qualification that is often forgotten, and certainly is not in evidence at the present time. I don't know that the present Administration has sought counsel, for instance, with the chairmen of the Agriculture Committees or of the Agriculture Subcommittees of the Appropriations Committees on impoundments of money for farm programs authorized by Congress.

Q. The President recently said that he spoke for "the national interest," while Congress spoke for "special interests." Would you agree with that statement?

A. Well, there's another aspect to the "special interests"—namely this: In a democratic system, private interests are entitled to the political process. Often they bring useful information and insights to that process for both the executive and legislative branches. So I think it is an exceptionally crude generalization to suggest that the President operates for the "general" interest and Congress for "special interests."

### AN ISSUE RIGHT AT THE BEGINNING

Q. In addition to impoundments, what other weapons does a President have in a power struggle with Congress?

A. One type of action is the use of "executive privilege," which became an issue right at the beginning, in the Administration of George Washington.

The House wanted to investigate the American military defeat of General St. Clair [Arthur St. Clair, whose Ohio forces were decimated by Indians in 1791], and President Washington discussed the matter with members of his Cabinet. There was some question whether the papers relating to this defeat should be given to Congress, but in the end they were handed over.

Q. Was that the instance of which President Nixon spoke recently when he said that George Washington set the precedent for exercise of "executive privilege" in withholding information from Congress?

A. Perhaps, or he could have been referring to another instance when the House asked for papers relating to the Jay Treaty [with Great Britain, signed in 1794]. In that case, the President decided not to give the papers to the House. But I don't think this instance is a good precedent either, because the real question was whether the House had a constitutional right to treaty papers which are a matter between the President and the Senate.

In other words, it was an explicit constitutional issue—not one of confidentiality. Washington said that if the House had established a constitutional right such as if it wanted to impeach someone, he would have given them the papers.

Q. Just what is "executive privilege"?

A. President Nixon himself defined it when he said he would use it only for confidential communications between himself and his assistants on matters relating to the national interest—he also used the words "public interest"—and not used in an expansive way simply to protect the Administration from embarrassment.

The question is: How does that principle apply to the Watergate incident? There is the impression, even among Republicans and conservative columnists, that the President's exercise of "executive privilege" relates more strongly to the question of "embarrassment" than of "public interest."

### LEGISLATING BY EXECUTIVE ORDER

Q. Can the President, in effect, legislate with an executive order?

A. Yes, and that practice has increased in recent decades. There's no way for me to know the exact situation in the last few years because, while there are clear cases of legislating by executive order—setting up or expanding programs without prior congressional approval—there are many cases, too, of legislating by other means so that they don't have to be published in the "Federal Register" or the "Weekly Compilation of Presidential Documents."

For instance, presidential communications to his subordinates can affect the carrying out of legislation—but Congress isn't even informed of these communications.

Q. Doesn't the pendulum swing back eventually, even to the point where it is Congress that is accused of overreaching its powers?

A. In the past, Congress has occasionally reached out, too—the most notable example of recent times being the investigations of [the late] Senator Joseph McCarthy into the State and Defense Departments.

And not all cases of "reaching out" by Presidents are initiated by the White House. In some instances, you have to decide how much of its came from presidential initiative and how much as a result of delegation of authority by Congress—just as Congress a couple of years ago gave President Nixon the authority to go ahead with the Economic Stabilization Act.



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On the whole, I would say that recent Executives tend to initiate the contest for power more often than Congress does.

Q. Did the Founding Fathers foresee this at all? Weren't they fearful of tyranny by a strong Executive?

A. That's a popular but oversimplified idea. Historically it would not hold up. Any fears of executive power the Revolutionary leaders had from their dealings with George III began to recede after 1776, when the Continental Congress not only had to pass laws but administer them and even handle judicial issues.

As a result of that experience, the Constitutional Convention saw the need for a separate executive for reasons of efficiency, accountability and responsibility. But I don't think their experience enabled them to foresee who would become dominant. The executive qualities discussed in "The Federalist" papers—energy, unity, decision, secrecy, dispatch—were what the framers hoped the President would possess, more imaginary than real.

Q. Is the pendulum likely to swing away from the recent emphasis on presidential power?

A. It's a question of how much presidential power is getting built into the system. For instance, back in 1939 the Reorganization Act gave the President six special assistants, who became very close to the President—so close they could claim executive privilege along with the President himself. They did not make policy.

Presidential special assistants are now starting to get their own bureaucracies. Henry Kissinger is developing a staff of 150 or so and beginning to be more of a policy maker than the Secretary of State. President Nixon's successor may introduce some modifications, but basically the setup could continue, whoever his successor is.

Q. What about appointment of key persons such as the Director of the Office of Management and Budget who do not require confirmation by Congress? Should that be changed?

A. I don't know how much more responsive to Congress such persons would be, even if the appointment required Senate approval. The Director of the Central Intelligence Agency is appointed subject to Senate confirmation, but that doesn't assure his responsiveness to congressional queries. And I'm not sure that anything would change much if Roy Ash, the new director of OMB, became subject to confirmation. Still, the budget has such awesome dimensions that Congress has to make the process more responsive to legislative priorities.

WHEN CONGRESS IS DOWNGRADED

Q. Some critics picture Congress as weak and unable to combat presidential authority. Is that a true picture?

A. No. Members of Congress, through their constituents and contacts with private organizations, are kept abreast of current problems. There is a good deal of expertise among men who have not only had a number of years' experience but understand the political system.

Q. Does Congress have the research machinery to match that made available to the Administration by the federal bureaucracy?

A. No, and I do think that Congress ought to have greater access to the reports and expertise generated by the executive branch. Hearings were held last year on Senator Cooper's bill [Senator John Sherman Cooper, Republican, of Kentucky] to make studies on national security and intelligence available to the Foreign Affairs and Foreign Relations Committees.

Q. Do you see any signs of that happening?

A. No, I don't.

Q. Does that mean that Congress then will set up its own research establishment?

A. First, I'd like to see what happens to the bill by Senator Edmund S. Muskie [Democrat, of Maine] which would make the raw budget data from federal agencies available to Congress. It would be a pity if Congress finds that the very agencies it sets up and funds won't give information—including national-security data that is already prepared and could be shared under whatever injunctions of secrecy are necessary.

Q. What about Administration complaints of "leakages" of classified information on Capitol Hill? Is that an obstacle to giving Congress more data from the executive branch?

A. I'm not impressed by that argument. Even if information is disclosed to the Foreign Affairs and Foreign Relations Committees and some staff officials, you may still find that fewer than 100 people get access to that information. Any one of them might leak the information, but so might the thousands of people who have access to it in the executive branch—and they're just as big a risk.

In fact, information leaks are pretty commonplace in the executive branch. To say that Congress can't be trusted is much too arrogant.

Q. Congressmen are always saying they can't get the information they want. Why can't they get it? Are their requests ignored?

A. Here we get into strategies, stratagems and motivations in the executive branch. I'm not in a position to know why information is withheld. I know in my own dealings with federal-agency people that sometimes the information is just not available even to them

Some months ago I spent some time trying to find out about the so-called "feed and forage" laws used by the Pentagon, which has been on the books for a little more than a century. Normally, Congress authorizes and appropriates funds; then the federal agency can obligate the money. But the "feed and forage" law reverses the process. So the Pentagon can obligate the money first; then Congress has to appropriate funds later to liquidate the contractual obligations.

Statistical information on that law had been compiled, then boxed because of storage difficulties and was somewhere around the D.C. area. But whoever knew where it was stored no longer was at the Pentagon, and nobody professed to know where all the information was. I didn't get the sense that they were trying to withhold information; they just didn't know where the material was.

Q. You do get lots of reports from Government agencies—

A. Yes, there's a flood coming down from the executive branch, but often the information is in a form that is of no use to Congress while creating the illusion that the executive branch is making relevant information available to Congress. Staff people on Capitol Hill who look for certain information in computerized reports often just can't find it—and when they call down agency experts to help them look, the agency people can't find it either.

Q. Do you get co-operation occasionally from officials of federal agencies?

A. Oh, yes. They're generally very cooperative.

Perhaps an official feels that his agency will survive better in the budget by co-operating with Congress—and if he believes he can survive politically, he may try it.

However, it's sometimes risky—especially since President Nixon has given so much power to the Office of Management and Budget to control those officials who get out of line.

The former Bureau of the Budget was also subject to presidential control, but the reorganization plans of 1970 changed the situation substantially. All of the former BOB statutory functions were vested in the President, who then redelegated those powers to the OMB.

Instead of merely being an arm of the President, OMB is part of the President. That can have profound effects on professional standards of budget officials.

Q. When you speak of additional presidential powers being built into the system, would that include the tightening presidential control over the entire Administration?

A. I think so. The OMB would have not only Mr. Nixon's personal appointee, Roy Ash, but a number of people, such as Fred Malek and others, who have been on the White House staff. The former Bureau of the Budget certainly was always responsive to the President, but its career professionals were not as politically charged in their judgments as seems to be the case now.

Q. Are you saying that it will be even more difficult to get occasional co-operation from individual officials?

A. You see that happening already, just in the extraordinary case of A. Ernest Fitzgerald, a civil-service employe and management analyst with the Air Force who was laid off in an "economy move" in 1969 after telling Congress about huge cost overruns on the C-5A airplane contract.

Then there was the case of Gordon W. Rule, the contract specialist in the Navy who was shifted out of his job after telling us about costly contract "bail outs" sought by defense contractors who claimed they needed more money to fulfill their obligations. Happily, he has just been reinstated in his job.

But the examples of Fitzgerald and Rule set a tone that will discourage frank and candid judgments by career professionals.

Q. Could Congress strengthen its hand if it had tough discipline and leadership such as that provided by Lyndon B. Johnson in the Senate and Sam Rayburn in the House, rather than the more open and less disciplined leadership of today?

A. There are two aspects of leadership: One involves personality; the other involves the much less explored question of the kind of help that can come from the party caucus which is representative of the party and can participate in the making of policies to be executed by the leader.

LEADERSHIP VERSUS "HORSE TRADING"

Q. Does that, in effect, put 535 legislators—often at odds with each other—against one man who has the prestige of his office, access to the media and a bureaucracy to do his bidding?

A. Yes, it is hard to get half of 535 people to pass a law, or to get two thirds to override a presidential veto. Actually, however, what the party has to do in either house is essentially the same brokerage job—the balancing of interests and "horse trading"—that goes on within the Administration.

Quite often the White House comes out not with what Richard M. Nixon wants but what a galaxy of forces is compelling him to support. The public simply doesn't see the logrolling that goes on among the military services for weapons systems or the competition that goes on within a department for a bigger share of the budget. If it did, the public would be less harsh on Congress.

Q. Are legislators diffident in dealing with presidential authority because they don't want to hinder the President's handling of today's very complex and sometimes overwhelming problems?

A. This undoubtedly explains a lot of the delegation of authority to the President. It's reasonable that if you recognize a need for housing—without knowing exactly how to set up a program for it—you will delegate fairly broad authority to the Administration to get a housing program started. I don't think this is abdication; it's realism.

EXPLODING A "CULT OF EXPERTISE"

Q. Is this especially true in areas of national security?



A. Yes, but I hope that one of the lessons of the past decade has been that even on national security, Congress is quite capable of reaching as sound a judgment as the Administration. The congressional challenge to the Safeguard anti-ballistic-missile system exposed one shortcoming after another and showed the capabilities of Congress in dealing with very technical matters.

I think the "cult of executive expertise" carries less weight today. The Administration has access to expertise, but that is not the same thing as saying that it acts on it. There are numerous examples to show how CIA estimates have been doctored or ignored by the Administration because the information didn't square with political needs.

Q. Are you saying that Congressmen, by and large, are just as knowledgeable as members of the executive branch?

A. Well, if you look at Congress in personnel and product, and apply that yardstick to the executive branch, I think Congress comes off quite well.

Q. Are there giants in Congress to compare with those of the nineteenth century such as John C. Calhoun, Henry Clay and Daniel Webster?

A. I don't know why they're such legendary figures. Anyone looking at Congress today can come up with quite a handful of extremely competent members of the House and Senate who would rival those of any period.

Q. Suppose Speaker Joseph G. Cannon, who ran the House with an iron hand in the early years of this century, were to be on hand today. Could he exercise the same authority?

A. Not with committees as strong as they are. He didn't have to worry as much about the independence of committee chairmen. It's expertise that makes the system go now, because problems today are very complicated. There has to be a division of labor in Congress, just as in the executive branch.

Q. Will broadening the representation in committees strengthen Congress or weaken it?

A. Well, [Missouri] Representative Richard Bolling's Committee on Committees is just starting work, and it could run for a year and a half before a plan is drawn up for committee structure and jurisdiction.

But the reforms adopted by Congress in the last few years—starting with the 1970 Legislative Reorganization Act and including changes in the caucus and floor organization—at least show that Congress is not a rigid institution and can make some very far-reaching reforms.

Q. Is there any way that Congress can frontally challenge presidential power—by going to court, for instance?

A. It could go to court on the issues of impoundment or "executive privilege," but I don't think there is anything the Supreme Court can do to instill the quality of self-restraint and co-operation, which is really what is required to make the system work.

Whatever the Court said quite possibly could be interpreted in whatever way the Administration wanted to interpret it—or the Court's decision might be on very narrow grounds and avoid the larger issues. I suspect this would be the case with impoundment, where there are many different types not easily covered by a general statement. I think also that the Court would be very reluctant to get into a matter which strikes so deeply at administrative discretion. In the question of "executive privilege," you get into equally complex considerations involving national security and confidentiality between the President and his assistants.

Q. Has the Supreme Court ever tackled the issue of impoundment?

A. Four or five years ago I did an article for the "George Washington [University] Law Review" on the Supreme Court cases in the past which were held to be applicable to impoundment. It was my own conclusion that they were not really applicable—that only by singling out little phrases here and there would they seem to deal broadly with the impoundment issue.

There is the Missouri decision last year [upheld April 2 by U.S. Court of Appeals] on impoundment related to highway funds, and this went against the Administration. But even if the Supreme Court sustained that decision, it would be hard to apply to other cases because it deals with trust funds.

An interesting decision was handed down a short time ago in Minnesota regarding Secretary [of Agriculture Earl L.] Butz's termination of the FHA [Farmers Home Administration] emergency-loan program, and that, too, went against the Administration. The court held that Butz had violated due process and the Department's own regulations. This is an important case because it attempts to show where an administrator has discretion and where he doesn't

Q. Does this then leave it to Congress to pass statutes of its own, defining its powers more clearly, and let the executive branch respond as it will?

A. I think that if Congress feels there is a court remedy available for impoundment or "executive privilege," it might postpone action on the matter.

Q. In the last resort, Congress could bring impeachment proceedings.

A. It could. That power is vested in Congress by the Constitution, and this fact should be taken seriously.

The Founding Fathers were uneasy about giving Congress this power because they feared it might jeopardize the President's independence. But they felt that misconduct by the President should be subject to that challenge.

Impeachment is something to be taken seriously and used when necessary. If it were interpreted in that light, an Administration probably would behave in such a way as to avoid the possibility.

"WHAT IS NEEDED IS GOOD FAITH"

Q. Can Congress coerce the White House by withholding funds for Administration housekeeping and other programs?

A. There has been a little bit of this in the past, but I can't see it as more than a short-term effort to restore some of the balance of power.

To me, the remedy has to be recognition on the part of both branches—particularly at this moment, the Administration—of what is needed in a political system where Congress ordinarily must give the executive branch broad chunks of discretionary power.

What is needed, simply, is a good-faith relationship. If the Administration is not willing to abide by that, it is going to generate a lot of inflexibility and rigidity—quite possibly an impasse, as I have said—because it is within the powers of Congress to replace discretionary authority with mandatory directives.

The harmful effects of such a situation could be felt by the American people for years and years.

## NEW MINING REGULATIONS

Mr. STEVENS. Mr. President, on April 30 the U.S. Department of the Interior published new mining regulations for coal leases and permits on public, acquired, and Indian lands. These proposed regulations are subject to public comment for a period of 60 days. Because they are of wide interest, I request unanimous consent that they be printed in the RECORD in their entirety and proceeded by a press release summarizing them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSE CHANGES IN REGULATIONS OF MINING OPERATIONS ON FEDERAL LANDS

A revision of regulations governing mining operations under coal leases and permits on public, acquired, and Indian lands is being proposed by the Department of the Interior, Secretary of the Interior Rogers C. B. Morton announced.

The proposed changes—published in the April 30 Federal Register—"would update the coal mining operating regulations to reflect more fully modern mining practices and administrative procedures," according to Secretary Morton.

He said that public comment on the proposed revision—which would emphasize environmental protection requirements—would be welcome, and that the proposed regulations follow closely these applicable to operations under leases for minerals other than oil and gas and coal which were issued by the Department effective July 1, 1972.

Mining operating regulations are enforced by Area Mining Supervisors of the U.S. Geological Survey's Conservation Division. "Under the revision," Secretary Morton said, "the authority of Survey supervisors would be clarified and strengthened, with the emphasis on directing environmental protection and reclamation."

The proposed revisions are primarily designed to provide coal operators a better understanding of their responsibilities for protection of the surface, the natural resources, the environment, existing improvements, and for timely reclamation of disturbed lands.

After publication of the proposed regulations in the Federal Register, there will be a period of 60 days during which interested parties may submit any comments on the proposed rules. Written statements may be submitted to the Director, U.S. Geological Survey, Washington, D.C. 20244.

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DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY [30 CFR PARTS 211, 216]

COAL MINING OPERATING REGULATIONS; PROPOSED REVISION

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181-287), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), 5 U.S.C. 301, the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347), and various statutes relating to mining on Indian lands, it is proposed to revise 30 CFR part 211 as set forth below.

The primary purpose of the proposed revision is to update the regulations governing operations conducted under coal leases, permits, and licenses, on public domain and acquired lands of the United States and on Indian lands administered by the Department of the Interior by deleting obsolete material and including new provisions and requirements consistent with modern mining practices. The revised regulations clarify the responsibility of lessees, permittees, and licensees for the protection of the surface, the natural resources, the environment and existing improvements during operations for the discovery, testing, development, mining, and preparation of coal and for timely reclamation of disturbed lands.

It is also proposed that 30 CFR part 216, applicable to coal mining operations under leases in the State of Alaska which were issued pursuant to the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), prior to its repeal by Public Law 56-252, September 9, 1959, 73 Stat. 490, be revoked and that operations under those leases also be governed by the regulations in 30 CFR part 211 as set forth below.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested

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parties may submit written comments, suggestions, or objections with respect to the proposed revision of 30 CFR part 211 and the proposed revocation of 30 CFR part 216 to the Director, U.S. Geological Survey, Washington, D.C. 20244, on or before June 29, 1933. After the period for comments has expired, the proposed regulations will be revised, if deemed necessary, and republished in the Federal Register as interim regulations.

The Department of the Interior is currently conducting an environmental review of the coal leasing program. The Council on Environmental Quality has recommended that regulations for the effective management and protection of the public lands be promulgated to serve as interim regulations pending completion of that environmental review. The revision of 30 CFR part 211 presently proposed is essential for effective management and protection of the public lands. The delay which would be occasioned by the preparation of a separate environmental statement related solely to the proposed regulations or the withholding of promulgation until an environmental statement on the coal leasing program is completed would create a period during which effective management and protection of the public land would be hindered. The proposed regulations are not fundamentally new regulations, but are essentially the existing regulations already applicable to the same mineral resources and land, reorganized, clarified, and, in some respects, amplified. Moreover, the interim nature of the proposed regulations would limit their overall cumulative impact on the quality of the human environment. Accordingly, the proposed regulations are published without the preparation of an environmental statement. When the review and statement on the coal leasing program are completed, the regulations in effect at that time will be revised to conform with the conclusions of the review.

Part 211 of title 30 of the Code of Federal Regulations is revised to read as follows:

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## PART 211—COAL-MINING OPERATING REGULATIONS

ADMINISTRATION OF REGULATIONS AND DEFINITIONS


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211.2 Definitions.
211.3 Responsibilities.
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AUTHORITY.—34 Stat. 539, 35 Stat. 312 (25 U.S.C. 355 NT); 35 Stat. 781 (25 U.S.C. 398); sec. 32, 41 Stat. 450 (30 U.S.C. 189); 49 Stat. 1967 (25 U.S.C. 501, 502); 52 Stat. 347 (25 U.S.C. 396 (a-f); 61 Stat. 915 (30 U.S.C. 359); 5 U.S.C. 301; Public Law 91-190, 83 Stat. 852 (42 U.S.C. 4321).

§ 211.1 Scope and purpose.

(a) The regulations in this part shall govern operations for the discovery, testing, development, mining, and preparation of coal under coal leases, licenses, and permits issued for public domain and acquired lands pursuant to the regulations in 43 CFR group 3500 and the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741). These regulations shall also apply to operations for the discovery, testing, development, mining, and preparation of coal in tribal and allotted Indian lands under leases and permits issued under the regulations in 25 CFR parts 171, 172, 173, and 174.

(b) The purpose of the regulations in this part is to promote orderly and efficient prospecting, exploration, testing, development, mining, and preparation operations and production practices without waste or avoidable loss of coal or other mineral-bearing formation; to encourage maximum recovery and use of coal resources; to promote operating practices which will avoid, minimize or correct damage to the environment—land, water, and air—and avoid, minimize or correct hazards to public health and safety; and to obtain a proper record and accounting of all coal produced.

(c) These regulations will be interpreted and administered to the fullest extent possible in accordance with the policies of the National Environmental Policy Act of 1969 (83 Stat. 852) 42 U.S.C. 4321-4347.

(d) When the regulations in this part relate to matters included in the regulations in 25 CFR part 177—Surface Exploration, Mining and Reclamation of Lands—pertaining to Indian lands, the regulations in that part shall govern to the extent of any inconsistencies.

(e) When the regulations in this part relate to matters included in the regulations in 43 CFR part 23, the regulations in that part shall govern with respect to technical examinations, issuance or denial of leases, performance bonds, reclamation of land, and reports to the extent of any inconsistencies; otherwise, the regulations in this part shall govern.

§ 211.2 DEFINITIONS.

The terms used in this part shall have the following meanings:

(a) *Secretary.*—The Secretary of the Interior.

(b) *Director.*—The Director of the U.S. Geological Survey, Washington, D.C.

(c) *Division Chief.*—The Chief of the Conservation Division, U.S. Geological Survey, Washington, D.C.

(d) *Regional Manager.*—The Regional Conservation Manager, Conservation Division, U.S. Geological Survey.

(e) *Mining Supervisor.*—The Area Mining Supervisor, Conservation Division, U.S. Geological Survey, a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Division Chief, and the appropriate Regional Manager, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or a subordinate acting under his direction.

(f) *Lessee.*—Any person or persons, partnership, association, corporation, or municipality to whom a coal lease is issued subject to the regulations in this part, or an assignee of such lease under an approved assignment.

(g) *Permittee.*—Any person or persons, partnership, association, corporation, or municipality to whom a coal prospecting permit is issued subject to the regulations in this part, or as assignee of such permit under an approved assignment.

(h) *Licensee.*—Any individual, association of individuals, or municipality to whom a coal license is issued subject to the regulations in this part.

(i) *Leased lands, leased premises, or leased tract.*—Any lands under a coal lease and subject to the regulations in this part.

(j) *Permit lands.*—Any lands under a coal prospecting permit and subject to the regulations in this part.

(k) *Operator.*—A lessee, permittee, or licensee, or one conducting operations on lands under the authority of the lessee, permittee, or licensee.

(l) *Reclamation.*—The measures undertaken to bring about the necessary reconditioning or restoration of land or water that has been affected by exploration, testing, mineral development, mining, onsite processing operations, or waste disposal, in ways which will prevent or control onsite or offsite damage to the environment.

(m) *Coal.*—Coal of all ranks from lignite to anthracite.

(n) *Mine.*—An underground or surface excavation and all parts of the property of a mining plant, either on the surface or underground, that contribute directly or indirectly to the mining and preparation of coal.

(o) *Preparation.*—The sizing, cleaning, drying, mixing, and crushing of the coal and such other work of preparing coal for market.

(p) *Portal.*—Any surface entrance to an underground mine.

(q) *Entry.*—An underground passage used for haulage, ventilation, or as a manway.

(r) *Shaft.*—A mine opening, the axis of which is approximately vertical, extending from the surface to develop one or more coal deposits.

(s) *Slope.*—A mine opening or inclined entry in a dipping coal formation or an inclined tunnel through rock to intersect a coal bed.

(t) *Drift.*—A mine opening or horizontal entry or passage underground.

(u) *Stripping operation.*—The term "stripping operation" or "strip pit" or "open pit" shall mean a mining excavation or development by means of a surface pit in which material over the coal bed is first removed and the coal itself is then extracted.

(v) *Explosive dust.*—An explosive dust is a combustible solid in airborne dispersion capable of propagating flame when ignited.

(w) *Flammable and explosive gases.*—A mixture of atmospheric air and combustible natural gases in such proportions that the mixture is flammable or explosive.

§ 211.3 Responsibilities.

(a) Subject to the supervisory authority of the Secretary, the regulations in this part shall be administered by the Director of the Geological Survey.

(b) The health and safety of miners engaged in mining operations on lands covered by coal leases, permits and licenses is governed by the Federal Coal Mine Health and Safety Act of 1969.

(c) The Mining Supervisor is empowered to regulate prospecting, exploration, testing, development, mining, and preparation operations under the regulations in this part. The Mining Supervisor in the performance of his duties shall:

(1) *Inspection and supervision of operations to prevent waste or damage.*—Examine frequently the lease, permit, or license lands where operations for the discovery, testing, development, mining, or preparation of coal are conducted or are to be conducted; inspect and regulate such operations, including operations at accessory plants, for the purpose of preventing waste of mineral substances or damage to formations and deposits, or nonmineral resources affected by the operations; and insure that the terms and conditions of the permit, lease, or license and the provisions of the approved exploration or mining plans are being complied with.

(2) *Compliance with regulations, lease, permit, or license terms; and approved plans.*—Require operators to conduct their operations in compliance with the provisions of applicable regulations, the terms and conditions of the leases, permits, or licenses, and the requirements of approved exploration or mining plans.

(3) *Reports on condition of lands and manner of operation; recommendations for protection of property.*—Make reports to the division chief through the regional manager, as to the general condition of lands under permit, lease, or license and the manner in which operations are being conducted and orders or instructions are being complied with; and submit information and recommendations for protecting the coal, the coal-bearing formations, other minerals and the nonmineral resources.

(4) *Manner and form of records, reports and notices.*—Prescribe, subject to the approval of the division chief, the manner and form in which records of operations, reports and notices shall be made.

(5) *Records of production; rentals and royalties.*—Obtain and check the records of production of coal; determine rental and royalty liability of lessees, and permittees; collect and deposit rental and royalty payments; and maintain rental and royalty accounts.

(6) *Suspension of operations and production.*—Act on applications for suspension of operations or production or both filed pursuant to 43 CFR 3503.3.2(e), and terminate, when appropriate, suspensions which have been granted; and transmit to the Bureau of Indian Affairs for appropriate action applications for suspension of operations or production or both under leases on Indian lands.

(7) *Cessation and abandonment of operations.*—Upon receipt of a report of cessation or abandonment of operations, or relinquishment of a lease, permit or license, inspect and determine whether the operator has complied with the terms and conditions of the permit or lease and the approved exploration or mining plans; and determine and report to the agency having administrative jurisdiction over the lands when the lands have been properly conditioned for abandonment. The mining supervisor, in accordance with applicable regulations, in 43 CFR part 23 or 25 CFR part 177, will consult with, or obtain the concurrence of the authorized officer of the agency having administrative jurisdiction over the lands with respect to compliance by the operator with the surface protection and reclamation requirements of the lease or permit and the exploration or mining plan.

(8) *Wells or prospect holes.*—Prescribe or approve the methods of protection from wells or prospect holes drilled for any purpose through the coal measures and mines on leased lands and on coal lands subject to lease, with a view to the prevention of leakage of oil, gas, water, or other fluid substances that might endanger the life or health of employees, and prescribe or approve methods of obtaining the ultimate extraction, so far as practicable, of coal in the vicinity of such wells.

(9) *Trespass; involving removal of coal deposits.*—Report to the agency having administrative jurisdiction over the lands any trespass that involves removal of coal deposits.

(10) *Water and air quality.*—Inspect exploratory and mining operations to determine the adequacy of water management and pollution control measures for the protection and control of the quality of surface and ground water resources and the adequacy of emission control measures for the protection and control of air quality.

(11) *Compliance with regulations.*—Issue such orders and instructions, not in conflict with the laws of the State in which the leased or permit lands are situated, as necessary to assure compliance with the purposes of the regulations in this part.

(d) In the exercise of his jurisdiction under the regulations in this part, the mining supervisor shall be subject to the direction and supervisory authority of the division chief, and the appropriate regional manager, each of whom may exercise the jurisdiction of the mining supervisor.

§ 211.4 General obligations of licensees, permittees and lessees (including designated operators or agents).

(a) Operations involving the discovery, testing, development, mining, or preparation of coal shall conform to the provisions of the applicable regulations, the terms and conditions of the lease, permit or license; the requirements of approved exploration or mining plans; and the orders and instructions issued by the mining supervisor. The operator shall take precautions to prevent waste and damage to coal-bearing formations, and shall take such steps as may be needed to prevent injury to life or health and to provide for the health and welfare of employees.

(b) The operator shall take such action as may be needed to avoid, minimize, or repair soil erosion; pollution of air; pollution of surface or ground water; damage to vegetative growth, crops, or timber; injury or destruction of fish and wildlife and their habitat; creation of unsafe or hazardous conditions; and damage to improvements, whether owned by the United States, its permittees, licensees or lessees, or by others; and damage to recreational, scenic, historical, and ecological value of the land. The surface of leased or permit lands shall be reclaimed in accordance with the terms and conditions prescribed in the lease or permit and the provisions of the approved exploration or mining plan. Good "housekeeping" practices shall be observed at all times. Where any question arises as to the necessity for or the adequency of an action to meet the requirements of this paragraph, the determination of the mining supervisor shall control.

(c) All operations conducted under the regulations in this part must be consistent with Federal and State water and air quality standards.

(d) When the mining supervisor determines that a water pollution problem exists, he may require that a lessee, permittee, or licensee maintain records of the use of water, quantity and quality of waste water produced, and the quantity and quality of waste water disposal, including mine drainage discharge, process wastes and associated wastes. In order to obtain this information, the lessee, permittee, or licensee may be required to install a suitable monitoring system.

(e) Full written reports of accidents, inundations, or fires shall be promptly made to the mining supervisor by the operator or his representative. Fatal accidents, accidents threatening damage to the mine, the lands or the deposits, or accidents which could cause water pollution shall be reported promptly to the mining supervisor by telephone. Reports required by this section shall be in addition to those required by part 80 of this title, or other applicable regulations.

(f) Lessees and permittees shall submit the reports required by 25 CFR part 177 and part 200 of this chapter.

(g) If the operator fails to take appropriate action to protect the mine, coal deposits, or surrounding environment from damage or threatened damage by fire, water, oil, gas, subsidence, or other hazards, or fails to protect properly the mine or deposits or eliminate hazards to the public, upon abandonment or cancellation of a lease, permit, or license shall be liable for the expense of labor and supplies used by, or under the direction of the mining supervisor for the protection of the property and elimination of hazards to the public.

§ 211.5 Public inspection of records.

Geological and geophysical interpretations, maps, and data and commercial and financial information required to be submitted under this part shall not be available for public inspection without the consent of the permittee or lessee so long as the permittee or lessee furnishing such data, or his successors or assignees, continues to hold a permit or lease of the lands involved.

§ 211.6 Appeals.

Orders or decisions issued under the regulations in this part may be appealed as provided in part 290 of this chapter.

MAPS AND PLANS

§ 211.10 Exploration, mining and reclamation plans.

(a) *General.*—Before conducting any operations, the operator shall submit to the Mining Supervisor for approval an exploration or mining plan, in quintuplicate, which shall show in detail the proposed exploration, prospecting, testing, development, or mining operations to be conducted. Exploration and mining plans shall be consistent with and responsive to the requirements of the lease or permit for the protection of nonmineral resources and for the reclamation of the surface of the lands affected by the operations. The Mining Supervisor shall consult with the other agencies involved, and shall promptly approve the plans or indicate what modifications of the plans are necessary to conform to the provisions of the applicable regulations and the terms and conditions of the permit or lease. No operations shall be conducted except under an approved plan.

(b) *Exploration plans.*—The Mining Supervisor may require that an exploration plan include any or all of the following:

(1) A description of the environmental conditions within the area where exploration is to be conducted and a general description of the regional environmental conditions.

(2) A narrative description including:

(i) Method of exploration.

(ii) Measures to be taken to prevent or control fire, soil erosion, pollution of air, damage to fish and wildlife or their habitat, or other natural resources and hazards to public health and safety.

(iii) Method for plugging drill holes.

(iv) Method for reclaiming lands disturbed



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by the exploration work, including grading, leveling and revegetation.

(3) Estimated timetable for each phase of the work and for final completion of the program.

(4) Five copies of a suitable map or aerial photograph showing topographic, cultural and drainage features, and the proposed location of drill holes, trenches, access roads, etc.

(c) *Mining plans.*—The Mining Supervisor may require that a mining plan include any or all of the following:

(1) A description of the environmental conditions within the area where mining is to be conducted and a general description of the regional environmental conditions.

(2) A narrative description including:

(i) Nature and extent of the coal deposit.

(ii) Method of mining including mining sequence and production rate.

(iii) Measures to be taken to prevent or control fire, soil erosion, pollution of surface or ground water, pollution of air, damage to fish and wildlife or their habitat or other natural resources, and hazards to public health and safety.

(iv) Method for disposal of refuse, waste or overburden, including location, design to prevent erosion, water pollution, and dump failure.

(v) Design for the necessary impoundment, treatment or control of all runoff water and drainage from mine workings and preparation plants so as to reduce soil erosion and prevent the pollution and increased sedimentation of watercourses.

(vi) The surface reclamation portion of the plan shall include:

(*a*) A reclamation schedule.

(*b*) Method of grading, backfilling and contouring.

(*c*) Method of soil preparation and fertilizer application.

(*d*) Type and mixture of shrubs, trees, grasses, or legumes to be planted.

(*e*) Method of planting, including amount of spacing.

(*f*) Method of abandoning mine openings, including mine portals, shafts, slopes and entries.

(3) Five copies of suitable maps or aerial photographs showing:

(i) Topographic, cultural and drainage features, roads and vehicular trails.

(ii) Cross sections of the deposit.

(iii) Size and locations for mine and surface structures and facilities.

(iv) Location of refuse and waste disposal areas.

(v) Location of settling or water treatment ponds.

(vi) For a surface mine, the planned mine layout map including the coal-outcrop line and a line indicating the limits to which the mining is expected to extend.

(vii) For an underground mine, the planned mine layout map including locations of shafts, slopes, drifts, main haulageways, aircourses, entries, and barrier pillars; and the proposed widths of all slopes, entries, haulageways, aircourses, rooms, crosscuts and barrier pillars.

(d) *Changes in plans.*—Exploration and mining plans may be changed by mutual consent of the Mining Supervisor and the operator at any time to adjust to changed conditions or to correct an oversight. To obtain approval of a changed or supplemental plan, the operator shall submit a written statement of the proposed changes or supplement and the justification for the proposed changes.

(e) *Partial plan.*—If the circumstances warrant, or if development of an exploration or mining plan for the entire operation is dependent upon unknown factors which cannot or will not be determined except during the progress of the operations, a partial plan may be approved and supplemented from time to time. The operator shall not, however, perform any operation except under an approved plan.

§ 211.11 Approaching oil, gas, or water wells.

When mining operations approach within 200 ft. of wells or bore holes that may liberate oil, gas, water, or other fluid, substances, the lessee shall present his plans for mining the coal in proximity to such holes to the Mining Supervisor and obtain his approval before proceeding with the work planned. The plans shall provide that the coal be extracted as completely as practicable with safety and in such manner that the well will not be damaged, and that precautions be taken against the sudden liberation of a body of oil, gas, water, or other fluid. In approaching such holes, the instructions in § 211.42 shall be followed.

§ 211.12 Mine maps.

(a) *General requirements.*—The operator shall maintain an accurate and up-to-date map of the mine, drawn to a scale acceptable to the Mining Supervisor. All maps shall be appropriately marked with reference to Government landmarks or lines and elevations with reference to sea level. Copies of such maps shall be properly posted to date and furnished, in duplicate, to the Mining Supervisor annually or at such other times as he deems necessary. Before any mine or section of a mine is abandoned, closed, or made inaccessible, a survey of such mine or section shall be made and recorded on the map. All excavations in each separate bed shall be shown in such a manner that the production of coal for any royalty period can be accurately ascertained. Additionally, the map shall show the name of the mine, the name of the lessee, the Land Office serial number, the lease boundary lines, surface buildings, dip of the coalbed, true north, the map scale, an explanatory legend, and such other information as the Mining Supervisor shall request.

(b) *Underground mine maps.*—Underground mine maps shall, in addition to the general requirements of paragraph (a) of this section, show all mine workings; the date of extension of the mine workings, and a coal section at each entry face; the location of all surface mine fans; the position of all fire walls, dams, main pumps, fire pipelines, permanent ventilating stoppings, doors, overcasts, permanent seals, and regulators; the direction of the ventilating current in the various parts of the mine at the time of making the latest surveys; sealed areas; known bodies of standing water either in or above the workings of the mine; areas affected by squeezes; the elevations of surface and underground levels of all shafts, slopes or drifts; and the elevation of the floor or bottom of the mine workings at regular intervals in main entries, panels or sections, sump areas, etc.

(c) *Surface mine maps.*—Surface mine maps shall, in addition to the general requirements of paragraph (a) of this section, show the date of extension of the mine workings and a coal section at each working face; all worked-out areas; the stripped but unmined coalbed; and the elevation of the top of the coalbeds and the surface.

(d) *Profiles of steeply dipping beds; vertical views of workings.*—When required by the mining supervisor, vertical projections and cross sections shall accompany plan views of steeply dipping beds.

(e) *Other maps.*—The operator shall prepare such other maps of the leased lands as in the judgment of the mining supervisor are necessary to show the surface boundaries; location, surface elevation, depth, and thickness of the coal, and total depth of each bore hole; improvements; reclamation completed; topography, including subsidence resulting from mining; and the geological conditions as determined from outcrops, drill holes, exploration or mining.

(f) *Accuracy of maps.*—The accuracy of maps furnished shall be certified by a professional engineer, professional land surveyor, or other professionally qualified person.

§ 211.13 Failure of lessee to furnish maps.

(a) *Liability of lessee for expense of survey.*—If the operator fails to furnish a required map, the mining supervisor shall employ a competent mine surveyor to make a survey and a map of the mine, the cost of which shall be charged to and promptly paid by the operator.

(b) *Incorrect maps.*—If any map submitted by an operator is believed to be incorrect, the mining supervisor may cause a survey to be made. If the survey shows the map submitted by the lessee to be substantially incorrect in whole or in part, the cost of making the survey and preparing the map shall be charged to and promptly paid by the operator.

PROSPECTING AND EXPLORATION OPERATIONS

§ 211.20 Information required to be submitted.

The operator shall submit promptly to the mining supervisor upon request, completion, suspension of prospecting or exploration operations, or as provided in the leases and permits, signed copies, in duplicate, of records of all prospecting operations performed on the lease or permit lands along with vertical cross sections through the land and a map showing the exact location of coal outcrops, all drill holes, trenches and other prospecting activities. The records shall include a log of all strata penetrated and conditions encountered, such as water, quicksand, gas, or any unusual conditions; copies of all other in-hole surveys, such as electric logs, gamma ray-neutron logs, sonic logs or any other logs produced; and copies of analyses and results of other tests conducted on the land. All drill holes, trenches and excavations will be logged under the supervision of a competent geologist or engineer. Unless otherwise authorized by the mining supervisor, the core and cuttings from test holes shall be retained by the operator for 1 year and shall be available for inspection at the convenience of the mining supervisor. The mining supervisor may sample such parts of the core and cuttings as he deems advisable.

§ 211.21 Core and test holes.

(a) *Abandonment.*—Drill holes, trenches and other excavations for development or prospecting shall be abandoned in a manner to protect the surface and not to endanger any present or future underground operation or any deposit of oil, gas, other mineral substances, or water strata. Methods of abandonment shall be by backfilling, cementing or capped casing, or both, or by other methods approved in advance by the mining supervisor.

(b) *Surveillance wells.*—With the approval of the mining supervisor, drill holes may be utilized as surveillance wells for the purpose of determining the effect of subsequent operations upon the quantity, quality, or pressure of ground water or mine gases.

(c) *Blowout control devices.*—When drilling on lands valuable or potentially valuable for oil and gas or geothermal resources, the drilling equipment shall be equipped with blowout control devices acceptable to the mining supervisor before penetrating more than 100 feet of consolidated sediments unless a greater depth is approved in advance by the mining supervisor.

(d) *Use of wells by others.*—Upon receipt of a written request from the surface owner or surface administering agency, the mining supervisor may approve the transfer of an exploratory well for further use as a water well. Approval of such well transfer will be accompanied by a corresponding transfer of responsibility for any liability for damage and eventual plugging.



WELFARE AND SOCIETY

§ 211.25 Sanitary, welfare, and safety arrangements.

The underground and surface sanitary, welfare, health, and safety arrangements shall be in accordance with the regulations of the U.S. Public Health Service and the applicable standards in chapter 1 of this title.

CROSS REFERENCE—For regulations of the U.S. Public Health Service, Department of Health, Education, and Welfare, see CFR chapter 1.

MINING METHODS AND MINE ABANDONMENT

§ 211.30 Good practice to be observed.

The operator shall observe good practice following the highest standards in prospecting, exploration, testing, development and mining, sinking wells, shafts, and slopes, driving drifts and tunnels, blasting, the use of explosives, timbering, pumping, reclamation, and other activities on the leased or permit lands.

§ 211.31 Ultimate maximum recovery.

(a) *Maximum recovery and protection for future use.*—Mining operations shall be conducted in a manner to yield the ultimate maximum recovery of the coal deposits, consistent with the protection and use of other natural resources, sound economic practice, and the protection and preservation of the environment—land, water and air.

(b) *No available coal to be abandoned.*—The lessee shall not leave or abandon any coal which otherwise could be safely recovered by approved methods of mining when in the regular course of mining operations the time shall arrive for mining such coal. No entry, level, or panel workings in which the pillars have not been completely extracted within safe limits shall be permanently abandoned and rendered inaccessible, except with the written approval of the mining supervisor.

§ 211.32 Multiple seam mining.

(a) *Sequence of mining.* In general, the available coal in the upper beds shall be worked out before the coal in the lower beds is mined. Simultaneous workings in an upper coalbed shall be kept in advance of the workings in each lower bed. The mining supervisor may authorize mining of any lower beds before mining the available coal in each known upper bed.

(b) *Protective barrier pillars in multiple-seam mining.*—In areas subject to multiple seam extraction, the protective barrier pillars for all main and secondary slope entries, main haulageways, primary aircourses, bleeder entries and manways in each seam shall be superimposed regardless of vertical separation or rock competency; however, modifications, exemptions, or variations of this requirement may be approved in advance by the mining supervisor.

§ 211.33 Advance workings; underground mines.

(a) *Limits for removing coal.*—Where the room and pillar or other system of mining requires advance working in solid coal, including entries, rooms, and crosscuts or breakthroughs, the lessee, except with the written consent of the mining supervisor, shall not extract by such advance workings or first mining more than 60 percent of the total area of the coalbed within any particular tract or panel entered by said advance workings where the cover is less than 500 feet; nor more than 50 percent where the cover is more than 500 feet and less than 1,000 feet; nor more than 40 percent where the cover is more than 1,000 and less than 1,500 feet; nor more than 30 percent where the cover is more than 1,500 feet and less than 2,000 feet; nor more than 20 percent where the cover is more than 2,000 feet. The mining supervisor may require a greater percentage to be left where unfavorable roof or floor conditions prevail or where the coalbed is or may be affected by mining elsewhere.

(b) *Pillar size and shape.*—During development, the size and shape of the pillars will be determined by the depth of cover, heights of coal, proposed method of pillar recovery and other conditions associated with the coalbed. The pillars will be of uniform size and shape insofar as is possible and the smallest dimension shall not be less than 20 feet.

(c) *Basis for computing percentage of tract to be mined.*—The percentage of the total area of the coalbed in a tract to be mined on advance mining shall be computed on the basis of the area and not on the basis of the calculated available tonnage.

§ 211.34 Pillar extraction.

(a) The pillar recovery plan must be approved in advance by the mining supervisor.

(b) Where full pillar recovery is undertaken, extraction shall be such as to allow total caving of the main roof in the pillared area.

(c) Pillars of substantial size which must be abandoned prematurely due to safety considerations must be drilled and shot, if possible, to reduce their size so as to minimize undue forces overriding the working places.

(d) Pillaring methods shall be designed to eliminate pillar points and pillars that project in by the break line.

(e) The overall pillar recovery system shall be designed to minimize the possibility of outbursts, bounces and squeezes.

§ 211.35 Pillars left for support.

(a) *Shaft, entry and slope pillars.*—A pillar proportionate in size to the depth below the surface and the thickness of coal being extracted shall be left in each coalbed for the support of each shaft, main slope, main entry and main aircourse.

(b) *Shaft pillar size.*—Shaft pillars shall be not less in radius than one-half the thickness of cover over the pillar, but not less than 100 feet in radius.

(c) *Slope, main haulage and main aircourse pillar size.*—A pillar width not less than one-fourth of the thickness of cover above it shall be left on each side of the main slope entry system, main haulage entry system and/or main aircourse system. The pillar width will be determined by the maximum depth of the cover anticipated.

(d) *Openings in shaft and slope pillars.*—Shaft and slope landings, sidings, and entries for haulage, ventilation, manways, and shops may be excavated in a pillar provided the area of such places does not exceed 15 percent of the area of the pillar and that no rooms or other openings are made therein for the sole purpose of obtaining quick production.

(e) *Barrier pillars.*—The operator shall not, without the prior consent of the mining supervisor, mine any coal, drive any underground workings, or drill any lateral boreholes within 50 feet of any of the outside boundary lines of the leased lands, nor within such greater distance of said boundary lines as the mining supervisor may prescribe. Payment up to and including the full value of the coal mined may be required for coal mined within such designated distances of the boundary without the written consent of the mining supervisor.

(f) *Lessee may be required to mine barrier pillars on adjacent lands.*—If the coal on land covered by these regulations beyond any barrier pillar has been worked out and the water level beyond the pillar is below the lessee's adjacent operations, the lessee shall, on the written demand of the mining supervisor, mine out and remove all available coal in such barrier, both in the lands covered by the lease and in the adjoining premises, if it can be mined without hardship to the lessee. Authorization of the mining supervisor shall constitute a modification of the lease to include the necessary land.

(g) *Privately owned coal on adjoining premises.*—If the coal mining rights in adjoining premises are privately owned and this coal has been worked out, an agreement may be made with the coal owner for the extraction of the coal remaining in the boundary pillars which otherwise may be lost.

§ 211.36 Development of leased tract through adjoining mines.

An operator may mine leased land from an adjoining underground mine on land privately owned or controlled or from adjacent leased lands, under the following conditions:

(a) The entire mine and operations therein including that part on land privately owned or controlled shall conform to all the regulations in this part.

(b) Free access for inspection of said connecting mine on land privately owned or controlled shall be given at any reasonable time to the mining supervisor or his representative.

§ 211.37 Surface or open pit mining.

(a) *Fire prevention.*—Accumulations of slack coal or combustible waste shall be stored in a location and manner so as not to be a fire hazard to the coal deposit.

(b) *Coal face to be covered in strip pits.*—Upon completion or indefinite suspension of mining operations in all or any part of a strip pit, the face of the coal shall be covered with noncombustible material that will effectively prevent the coalbed from becoming ignited.

(c) *Underground workings from any strip pit.*—The driving of any underground openings by auger or other methods from any strip pit shall not be undertaken without prior written approval of the mining supervisor.

(d) *Reclamation and restoration of mined area.*—Reclamation must be performed as concurrently with mining as feasible.

§ 211.38 Mining isolated blocks of nonleased coal.

Narrow strips of coal which are owned by the United States between leased lands and the outcrop, or small blocks of coal which are owned by the United States adjacent to leased land that would otherwise be isolated or lost may be mined on written authorization of the mining supervisor. Authorization of the mining supervisor shall constitute a modification of the lease to include the necessary land.

§ 211.39 Mine abandonment; surface openings.

(a) *General requirement for abandonment.*—The operator shall substantially backfill, fence, protect or otherwise effectively close all surface openings, subsidence holes, surface excavations or workings which are a hazard to people or animals. Such protective measures shall be maintained in a secure condition during the term of the lease, permit or license. Before permanent abandonment of operations all openings and excavations, including water discharge points, shall be closed or backfilled according to plan approved by the mining supervisor.

(b) *Permanent abandonment of shafts.*—Mine shafts shall be abandoned in a permanent manner so as not to cause a public hazard or nuisance. This shall be done by filling the entire depth with incombustible material or by placing a reinforced concrete slab in solid rock and backfilling to the surface. All proposals for abandoning a shaft must have prior approval of the mining supervisor.

(c) *Permanent abandonment of slope and*

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*drift openings.*—Slope or drift openings when permanently abandoned shall be effectively sealed with solid incombustible material such as reinforced concrete, solid concrete blocks, or other substantial material; or shall be completely filled with incombustible material for a distance of at least 25 feet into such openings. The surface openings and the coal exposed by the operator shall be covered by a sufficient amount of incombustible material that will effectively prevent the coalbed from becoming ignited. All proposals for abandoning a slope or drift must have prior approval of the mining supervisor.

(d) *Temporary abandonment of surface openings.*—Surface openings at all underground mines which are temporarily closed shall be adequately fenced or equipped with a substantial incombustible gate or door which shall remain locked when not in use. Conspicious signs shall be posted prohibiting entrance of unauthorized persons.

(e) *Permanent abandonment—surface mines and strip pits.*—The highwall of the final cut of any abandoned strip or open pit mine must be graded to a slope not greater than 2 to 1. Details shall be provided in the approved plan of reclamation required under part 211.10.

(f) *Reclamation and cleanup.*—Reclamation and cleanup of surface areas around and near permanently abandoned underground and strip mines must commence without delay followingcessation of mining operations.

PROTECTION AGAINST MINE HAZARDS

§ 211.40 Abandonment of underground workings.

(a) *Approval for abandonment required.*—No underground workings or part thereof shall be permanently abandoned and rendered inaccessible without the written approval of the mining supervisor.

(b) *Sealing or ventilating abandoned workings.*—All abandoned workings shall be either sealed or ventilated. All seals shall be constructed of solid, substantial, incombustible material, and at least one seal in each sealed area will be fitted with a pipe and valve for testing the atmosphere and pressures in the sealed area.

§ 211.41 Flammable gas and coal dust.

(a) *Flammable gas.*—All active underground workings shall be ventilated by a current of air containing not less than 19.5 percent oxygen by volume, not more than 0.5 percent carbon dioxide by volume, and contain no harmful quantities of other noxious or poisonous gases. The volume and velocity of the current of ventilating air shall be sufficient to dilute, render harmless, and to carry away flammable, explosive, noxious, and harmful gases, dust, and smoke. No dangerous accumulations of flammable gas will be allowed in or on surface coal handling facilities nor near active strip or augering mining or other types of remote coal recovery methods under an open pit highwall.

(b) *Coal dust.*—Accumulations of coal dust, loose coal, and other combustible materials shall not be permitted to accumulate in dangerous quantities in active underground and surface mine workings, on electrical equipment, or on surface coal handling facilities.

§ 211.42 Approaching abandoned workings.

Whenever a working place in an underground mine approaches within 50 ft of abandoned areas which can be inspected or within 200 ft of any abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within 200 ft of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least 20 ft in advance of the working face of such working place and shall be continually maintained to a distance of at least 10 ft in advance of the working face. Such boreholes shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned areas or adjacent mines. Boreholes shall also be drilled at an angle of 45° and not more than 8 ft apart in the rib of such working places to a distance of at least 20 ft and such rib holes shall be drilled in one or both ribs of such working places as may be necessary for adequate protection of persons working in such places.

§ 211.43 Fire protection and prevention.

All structures within 100 ft of any mine opening shall be of fireproof construction. Flammable material shall not be stored within 100 ft of a mine opening. All shafts shall be fireproof, or adequate fire-control devices, satisfactory to the mining supervisor, shall be installed. All underground offices, stations, shops, magazines, and stores shall be of fireproof construction and so equipped and maintained to eliminate fire hazards. Sufficient materials and firefighting apparatus in working condition shall be maintained at the mine openings and at convenient points in the mine workings for fire emergencies. An adequate water supply shall be held in storage tanks or reservoirs for fire emergencies and shall be available for immediate use through connecting pipelines for either surface or underground fires.

§ 211.44 Alternate source of power for main mine fans.

If deemed necessary by the mining supervisor, all electrically driven main mine fans shall be provided with an alternate source of power for immediate use in case of failure of the electrical power source.

WASTE FROM MINING

§ 211.51 Disposal of mine waste or rejects.

(a) The operator shall dispose of all solid wastes resulting from the mining and preparation of coal and mineral substances as required by the mining supervisor.

(b) All waste or rejects containing practically no coal shall be deposited separately and apart from sized coal for which no immediate market exists. The waste containing coal in such quantity that it may be later separated from the waste by washing or other means shall also be stored separately.

PRODUCTION RECORDS, ROYALTY AND AUDITS

§ 211.60 Production records.

(a) Lessees shall maintain books in which will be kept a correct account by weight of all coal mined; coal sold; to whom sold and the price received; coal stored; coal used on the premise; and coal otherwise disposed of.

(b) Permittees, if producing coal under a prospecting permit, must maintain the same records as required of the lessees in paragraph (a) of this section.

(c) Licenses must maintain a correct record of all coal mined and removed from the land under license.

(d) All records and books maintained by lessees, permittees and licensees showing the required information must be kept current and in such manner that the records can be readily checked by the mining supervisor or his representative upon request.

§ 211.61 Basis for Royalty Computation.

(a) *Sale price.*—The sale price basis for determination of the amount of royalty due shall not be less than the highest and best obtainable market price for coal of similar quality at the usual and customary price of disposal;

(1) At the time of sale, if the coal is sold.

(2) At the time of use by the operator or other disposition, if the coal is used or otherwise disposed of.

(3) On the date the royalty is paid, if the coal is stored for future use, sale, or other disposition.

(b) *Bone or other impurities.*—All bone coal, rock and other impurities may be removed from the raw coal prior to determination of coal weights for royalty purposes.

(c) *Discretion of mining supervisor.*—(1) The right is reserved to the mining supervisor to determine and declare the sale price if it is deemed necessary by him to do so for the protection of the interests of the lessor.

(2) If royalties become due and payable prior to extraction of bone coal, rock, and other impurities or final weighing of coal, the mining supervisor may determine by estimate the weight of the coal for royalty purposes. In addition, the mining supervisor may, after the removal of bone coal, rock and other impurities and final weighing of the coal, require the payment of such additional royalties or allow such credits or refunds as may be necessary to adjust the royalty payments to reflect the true weight of the coal.

§ 211.62 Production reports and payment—other reports.

(a) *Lessees.*—Lessees shall report, on the report form provided, within 30 days after expiration of the period covered by the report, all coal mined from the leased land during each calendar quarter and the sale price basis on which royalty has been paid or will be paid. Except as provided by leases and permits issued under the regulations in 25 CFR parts 171, 172, 173, and 174, the royalty for coal mined shall be paid prior to the end of the third month succeeding the extraction of the coal from the mine.

(b) *Permittees.*—Permittees shall report the prospecting work done, the cost of the work, the results of prospecting and such other information as may be necessary. Permittees shall report all coal mined while determining the existence or workability of the deposit.

(c) *Licensees.*—Licensees shall report all coal mined on a semiannual basis on the report form provided.

(d) *Penalty.*—If a lessee or permittee records or reports less than the true weight or value of coal mined, the Secretary may impose a penalty equal to double the amount of royalty due on the shortage, or the full value of the shortage, which penalty shall be paid in addition to royalty due and payable. If, after warning a lessee or permittee maintains false records or files false reports, a suit to cancel the lease may be instituted in addition to the imposition of penalties.

§ 211.63 Audits.

An audit of the lessee's or permittee's accounts and books may be made annually, or at other such times as may be directed by the mining supervisor, by certified public accountants and at the expense of the lessee. The lessee shall furnish, free of cost, duplicate copies of such annual or other audits to the mining supervisor within 30 days after the completion of each auditing.

INSPECTION, ISSUANCE OF ORDERS, AND ENFORCEMENT OF ORDERS

§ 211.70 Inspection of underground and surface conditions.

Operators shall provide means at all reasonable hours, either day or night, for the Mining Supervisor or his representative to inspect or investigate the underground or surface mine conditions; to conduct surveys; to estimate the amount of coal mined; to study the methods of prospecting, exploration, testing, development, preparation, and handling necessary; to determine the volums, types, and composition of wastes generated, the adequacy of measures for minimizing the amount of such wastes, and the measures for treatment and disposal of such wastes; and to determine whether the terms and conditions of the permit or lease and the requirements of the exploration, mining or reclamation plan have been complied with.



§ 211.71 Issuance of notices, instructions, and orders.

(a) *Address of responsible party.*—Before beginning operations, the operator shall inform the Mining Supervisor in writing of the designation and post office address of the exploration or mining operation, the operator's temporary and permanent post office address, and the name and post office address of the superintendent, or designated operator or agent, who will be in charge of the operations and who will act as the local representative of the operator. Thereafter, the Mining Supervisor shall be informed of each change of address of the mine office or in the name or address of the legal representative.

(b) *Receipt of the notices, instructions, and orders.*—The operator shall be considered to have received all notices, instructions, and orders that are mailed to or posted at the mine or mine office, or mailed or handed to the superintendent, the mine foreman, the mine clerk, or higher officials connected with the mine or exploration site for transmittal to the operator or his local representative.

§ 211.72 Enforcement of orders.

(a) *Notice of noncompliance.*—If the Mining Supervisor determines that an operator has failed to comply with the regulations in this part, other applicable departmental regulations, the terms and conditions of the permit or lease, the requirements of an approved exploration or mining plan, or with the Mining Supervisor's orders or instructions, the Mining Supervisor shall serve a notice of noncompliance. The notice shall specify in what respects the operator has failed to comply with the provisions of applicable regulations, the terms and conditions of the permit or lease, the requirements of an approved exploration or mining plan or the orders and instructions of the Mining Supervisor, and shall specify the action which must be taken to correct the noncompliance and the time limits within which such action must be taken. A written report shall be submitted by the operator to verify that noncompliance has been corrected.

(b) *Penalty for noncompliance.*—If, in the judgment of th Mining Supervisor, failure to comply with the regulations, the terms and conditions of the permit or lease, the requirements of approved exploration or mining plans, or with the Mining Supervisor's orders or instructions threaten immediate, serious, or irreparable damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Mining Supervisor or his representative is authorized, either in writing or orally with written confirmation, to suspend operations without prior notice of noncompliance. Failure of the operator to take action in accordance with the notice of noncompliance shall be grounds for ordering suspension of operations by the Mining Supervisor.

PART 216—OPERATING REGULATIONS GOVERNING THE MINING OF COAL IN ALASKA [REVOKED]

Part 216 of chapter II of title 30 of the Code of Federal Regulations is revoked.

JOHN B. RIGG,
*Deputy Assistant Secretary of the Interior.*
APRIL 24, 1973.

[FR Doc. 73-8318 Filed 4-27-73; 8:45 a.m.]

## AN INDEPENDENT WATERGATE INVESTIGATION

Mr. ERVIN. Mr. President, the Senate Judiciary Committee is presently considering the nomination of Mr. Elliot Richardson to be the Attorney General of the United States. While I have the greatest confidence in Mr. Richardson's personal integrity, I share the concern of many of my colleagues in the Senate about the wisdom of Mr. Richardson's proposal that he appoint a special investigator to direct the Watergate investigation without giving such special investigator full independence. Nothing is more important at this time than to restore the confidence of the American people in the processes of Government. In my opinion as investigation conducted by a person entirely independent of the administration will regain such confidence.

Mr. President, on May 2, 1973, WRAL–TV, in Raleigh, N.C., expressed this same general viewpoint. I ask unanimous consent that a transcript of this television editorial be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

WRAL–TV VIEWPOINT

The U.S. Senate is absolutely correct in its insistence that President Nixon should appoint an outsider, not someone from the Executive Branch, to ramrod the Watergate investigation. It is imperative for him to do so if confidence in the White House is to be maintained—some would say restored.

Mr. Nixon has assigned the job instead to Elliot Richardson, his choice to replace Richard Kleindienst as Attorney General. It is not the same thing as having an outsider run the investigation. Mr. Richardson is above reproach, but he will be the Attorney General, and the Attorney General, no matter who he is, is the President's man.

Surely it should be clear enough by now to anybody, including Mr. Nixon, that something more than an inside job is required inasmuch as the President's top advisors have been implicated in the sordid Watergate affair and inasmuch as there are those who will be so uncharitable as to suggest that Mr. Nixon himself may be in this business up to his neck.

Not all of these persons are sworn enemies of the President either. The most telling criticisms so far have not emanated from Nixon haters. They have emanated from Mr. Nixon's well-wishers who, perceiving no lack of flatterers and lapdogs at the White House, concluded that what the President needed most was honest criticism, not self-evaluations exonerating Nixon staffers of all wrong.

And that gets us to precisely the point. It is the President himself—not John Ehrlichman or Bob Haldeman or any of the President's ex-henchmen—who must be extricated from this unhappy episode, and it is no more possible for the Attorney General to do it than for the President to do it himself. Any results the Attorney General turns in on the point of possible complicity by the President will be suspect. The same will be true if the investigation is assigned to a special prosecutor operating out of the Attorney General's office—an alternative method Mr. Nixon mentioned in his Watergate message this week.

It isn't enough. Even the President's friends, some of them, have been saying that the White House is interested in the truth only because—and to the degree that—the truth is nipping at its heels. Impeachment has been seriously talked about, and at least one Nixon ally—columnist William F. Buckley Jr.—has argued against it on the interesting ground that, while the President may be culpable, impeaching the sovereign would generate such agonies that he ought to be censured instead—as Sen. Joe McCarthy was, for instance.

When we have come to that, when serious men are discussing what form presidential punishment should take, it is clear that something more than another in-house investigation is called for. What is needed is a thorough probe by an outsider whose stature and integrity and—most of all—independence are beyond question.

In the absence of such an investigation, the suspicion of corruption will remain; and unless the President orders such an investigation, the public can be expected to wonder why he didn't.

## AGRICULTURAL RESEARCH HELPS HUMANS, TOO

Mr. BELLMON. Mr. President, a great amount of research work done in agriculture has produced important spinoff results that are applicable to human medicine.

The discovery of dicumarol, used extensively in the treatment of heart patients, the discovery of terramycin, which is one of the present-day wonder drugs, the discovery of most of the vitamins and many of the minerals as well as the amino acid building blocks of protein and the commercial potential for penicillin production were all accomplished in laboratories of the State agricultural experiment stations.

An article in the March 13 issue of the Wall Street Journal calls attention to yet another important discovery. In this case a rather basic accidental finding that was made in the Department of Poultry Science at the Ohio State University resulted in some important new knowledge about how the human body develops immunity to disease.

Some believe this discovery may lead to a treatment for cancer or arthritis. Whether this comes true remains to be seen. Nevertheless, the applications to human medicine that have been found in agricultural research laboratories will be worth far more to humanity than the relatively small amount of money that has been invested in these facilities.

Mr. President, I ask unanimous consent that this article be printed in the RECORD for the information of all Members.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW ADVANCES IN STUDY OF IMMUNITY TO DISEASE ENCOURAGE PHYSICIANS

(By Jerry E. Bishop)

For a young graduate student studying poultry science at Ohio State University it was a rather embarrassing end to a routine laboratory experiment. Timothy S. Chang had been assigned to show some younger students how the chicken develops immunity when vaccinated against the common salmonella bacteria.

For the demonstration he borrowed a dozen healthy chickens from fellow graduate student Bruce Glick, who happened to be using the birds in an esoteric study to learn the function of a mysterious gland in the chicken intestines.

Mr. Chang and his students carefully inoculated the chickens, waited a week, and then drew blood samples to test for evidence of salmonella immunity. To his surprise and chagrin, 10 of the chickens failed to show any signs of immunization. "Tim came back to the lab and asked if I was trying to pull off some kind of joke," recalls Mr. Glick, now professor of poultry science at Mississippi State University in Starkville.



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Puzzled, Mr. Glick checked his lab records on the birds and found the clue. The 10 chickens that failed to develop immunity all had that mysterious gland in the intestines removed by Mr. Glick as part of his research. The two animals that did develop immunity still had the gland intact. The gland obviously had something to do with immunity.

A LONG JUMP

It's a long jump from chickens to humans, physiologically or any other way. But a group of excited researchers say this almost accidental discovery in the chicken is a key element in a new concept of how the human body develops immunity to disease—and what happens when that immunity fails.

Immunity has mystified scientists for centuries. It is the strange ability of the body, when it is exposed to a "foreign" substance, to build up a long-lasting, highly specific protection against that particular substance. The most obvious example is a child's exposure to, say, the mumps virus. He develops a case of mumps but quickly recovers as the body mounts an overpowering attack on the virus. From then on, for years, perhaps a lifetime, the body is immune to any further invasions of the mumps virus.

The same phenomenon plays a role in allergies where the body's immune system, after a first exposure to, say, ragweed pollen, reacts almost violently against every subsequent exposure to the pollen—causing the person to sneeze, have a runny nose and watery eyes and other symptoms. It also occurs when the body rejects grafts of skin or transplants of organs from another person.

The newest concept in immunity research sounds somewhat prosaic. In oversimplified terms it says that instead of one unified immune system in the body, as had been thought for decades, there are really two separate parts to the immune system, each working independently of the other. The new concept is known simply as the two-component immune system theory.

SERENDIPITY AND INGENUITY

So far, the lives of at least two dozen children have been saved as a direct result of the new understanding of immunity, and probably 3,000 other people owe their lives to it indirectly. A new understanding and possible treatment for that ancient pestilence, leprosy, is emerging. And new approaches to such scourges as cancer and arthritis may be in the offing.

Almost as fascinating, the scientists involved in formulating the new concept unfold a story of medical research that occasionally sounds like a movie script. It involves not only chickens at Ohio State, but a host of coincidences and chance meetings, episodes of scientific serendipity, some ingenious experiments and ultimately some dramatic life-saving treatments.

The story takes place against a background of what was known—and unknown—about human immunity in the early 1950s. As every schoolchild is taught, the body's defenders against disease are the "white corpuscles," that is, the white blood cells known broadly as leucocytes. There are several kinds of white cells. Some of the larger types are the scavenger cells that will attack and try to digest anything that breaks through the skin. These are general defenders and don't discriminate among the germs that invade the body.

The white cells that are the sources of immunity are quite different. They are the smallest of the white cells and are called lymphocytes. These lymphocytes have an almost incredible talent. When a foreign substance enters the body the substance carries a chemical identification called an antigen, which is kind of a "dog tag" of the microscopic world. The mumps virus carries its own peculiar antigen, which is different from the antigen of, say, the measles virus.

AN ARMY OF ANTIBODIES

The lymphocytes have the ability to "recognize" antigens. If the antigen is foreign, one that doesn't belong in the body, the lymphocyte launches its attack. It begins secreting special proteins, called antibodies, that engulf the foreign antigen, rendering it harmless. The antibodies function solely against that particular antigen; antibodies produced against mumps viruses are effective only against mumps viruses.

On the first encounter with a foreign antigen it takes a while for the lymphocytes to build up a sufficient army of antibodies. But from then on they keep a reserve of these antibodies floating in the blood stream. In addition, if there is a second invasion of the same antigen, the lymphocytes, now primed, can react almost instantly with a flood of antibodies against it. This, scientists explain, is immunity.

Doctors learned years ago to exploit this situation. Vaccination is nothing more than injecting antigens that have been rendered harmless into the body, spurring the lymphocytes to build up antibodies. The antibodies can be extracted from the blood of one person and given to another to provide temporary immunity; hence, the gamma globulin—the part of the blood that contains the antibodies from a person who is immune to mumps can protect a nonimmune person against mumps. (The protection is temporary because the recipient's own immune system will eventually destroy the "foreign" antibodies.)

In the 1940s and 1950s, this idea of the antibodies being the essence of immunity was controversial, to say the least. The results of various experiments just didn't jibe with the concept. For instance, there was a problem with experimental skin grafts. When a person receives a skin graft it takes two or three weeks for his immune system to reject it. If he receives a second skin graft from the same donor, however, the rejection is far more rapid and violent, which is what one would expect.

When scientists tried to transfer this skin graft immunity to another person they ran into a puzzle. It worked only if they transferred whole lymphocytes, and it didn't work if they transferred only the antibody-rich gamma globulin. In addition, other research was showing quite clearly that the rejection of skin grafts or transplanted organs was being accomplished by the lymphocytes themselves instead of antibodies. Debates raged over whether immunity was really "cellular"—carried out by the lymphocytes themselves—or "humoral"—accomplished by the antibodies circulating in the blood.

In the midst of this debate, a U.S. Army pediatrician at Walter Reed Hospital in Washington dropped a medical bombshell. A four-year-old son of an Air Force officer had been admitted to the hospital with a diagnosis of acute rheumatic fever, the pediatrician, Dr. Ogden C. Bruton, recalled a few years later. At first, penicillin seemed to clear up the infection. But two or three weeks later the child was back sick again.

In the next four years, according to Dr. Bruton, the child was in the hospital 19 times with infections. Antibiotics were of temporary help, but vaccines just didn't work with the boy. The child was in the hospital so much that he became a favorite patient to be shown to distinguished medical personages visiting the hospital.

AS HEALTHY AS ANYONE

"We were there with the child one day and someone suggested this boy, having permanently serious severe infections, almost certainly would have a high gamma globulin." Dr. Bruton recounted later. About that time, the Walter Reed Institute, where research is done, acquired a new machine to check gamma globulin from blood samples, so Dr. Bruton sent a sample of the boy's blood over to be tested.

The next day, he recalled, the machine technician called back and said there was something wrong with the machine because it couldn't detect any gamma globulin. A second sample was sent over and the same report came back. "Well, things begin to click," Dr. Bruton recounted. The boy was incapable of making gamma globulin and antibodies. Hence the severe infections.

Dr. Bruton began giving the youngster monthly shots of gamma globulin, and from that time on he never again suffered the severe infections. At last report, he was 25 years old, working as a bank cashier, still receiving monthly shots of gamma globulin and as healthy as anyone else.

When Dr. Bruton published his report on the boy, in 1952, it was the first reported case of disease due to a defect in the immune system. Since this alert, medical researchers have diagnosed more than 3,000 cases of disease due to various defects in the ability to make antibodies, and most of the patients have been helped—perhaps saved—by the administration of the missing or defective gamma globulin. More importantly from a scientific viewpoint, experiments were performed on some of these persons and it was discovered that they could reject skin grafts although they couldn't make antibodies against infections.

ALMOST OVERLOOKED

It was startling enough that Dr. Bruton's patient could have survived even a few months without an immune system in a world filled with potentially lethal bacteria and viruses. But as the researchers probed this newly discovered "immune deficiency disease," they made another unexpected finding. Although these patients cannot make antibodies against bacteria and viruses, they do produce seemingly normal lymphoctyes and they can reject skin grafts.

The immunologists who were excitedly uncovering case after case of "agammaglobulinemia," as it is called, were completely unaware of Messrs. Glick and Chang and their chickens. Indeed, the medical world came close to never hearing about the two young Ohio State poultry scientists.

At Ohio State, Mr. Glick was under the tutelage of a physiologist who was deep in an effort to determine what the comb of the chicken does. It wasn't a subject about which Mr. Glick could develop much enthusiasm, he now admits. "One day—it must have been in November 1952—I was watching the professor dissect a goose. He removed an obscure-looking gland, and I asked him what it was." The gland, he was told, is known as the bursa of Fabricius, named after Girolamo Fabrizio, a 17th Century Italian anatomist. The gland is found in the intestines of birds, but no one had figured out its purpose.

"A couple of months later, being disenchanted with the comb of the chicken, I got interested in the bursa of Fabricius," Mr. Glick says. "Graduate students kind of grasp at anything to be different, you know." A logical experiment seemed to be to take some newly hatched chickens, remove their bursas, and see if their growth was affected. But in the protective environment of the laboratory the bursaless chickens seemed to thrive just as well as "control" chickens that, after sham surgery, were left with the bursa intact.

AN IDENTICAL SITUATION

It was, of course, the bursa-less chickens that Mr. Chang borrowed for his unsuccessful demonstration of chicken immunity. As experiments in subsequent months showed, if the chicken bursa is removed in early life the birds can't develop the ability to make antibodies. Although they didn't realize it, the Ohio State graduate students were seeing a situation in the chicken identical to the one Dr. Bruton had seen in his young patient at Walter Reed Hospital.



The Ohio State scientists finally got their report published in Poultry Science, a specialty journal. The report was spotted by zoologists at the University of Wisconsin, who undertook confirming experiments and began to get word out to the immunologists.

For a handful of immunologists here and abroad, news of the chicken experiments came at a strange time. For years they had been trying to track down where those ubiquitous and amazing lymphocytes came from in the body. They were now at the climax of this research. Every experiment pointed to the thymus gland as being the source of the lymphocytes and, hence, the throne of immunity. The thymus is a small, butterfly-shaped organ right above the heart whose purpose had been an enigma for years.

What mystified the immunologists was the fact that the chicken, like mammals, also has a thymus gland that had to be involved in immunity. Now the poultry researchers had found a second gland—the bursa of Fabricius—that was involved in immunity.

AN INTRIGUED IMMUNOLOGIST

Among the immunologists intrigued by this discovery in the chicken was Dr. Robert A. Good, then head of pediatrics at the University of Minnesota, who had been probing the role of the thymus in immunity. He almost immediately put a team of younger colleagues to work on the chicken. The team, headed by Dr. Max Cooper, took some newly hatched chicks, removed the thymus in some and the bursa in others, and destroyed any prebirth vestiges of immunity with heavy atomic radiation.

As the birds grew, they redeveloped their immunity. But the chickens without a bursa produced lymphocytes that couldn't make antibodies, and those without a thymus had lymphocytes that couldn't reject skin grafts.

The theory that there may be two components to the immune system began to emerge. It goes like this: The source of all blood cells, including the white cells, is the bone marrow. In the case of the white cells, however, the bone marrow produces only primitive, immature cells. These immature cells then migrate to other parts of the body, where they "grow up" to become lymphocytes.

The immature white cells that reach the thymus gland and mature under its influence become the lymphocytes that reject skin grafts and attack transplant organs and invasions of ragweed pollen and other allergy-causing antigens. Other immature white cells, however, migrate to the bursa of Fabricius or its equivalent. There they grow up to become the lymphocytes that produce antibodies against viruses and similar antigens.

(Scientists haven't yet found an organ in the human that is equivalent to the bursa of Fabricius in birds. Under suspicion are organs such as the tonsils, the appendix, some tissues in the liver, the spleen, or, perhaps, tissues hidden in the bone marrow itself.)

STICKING THEIR NECKS OUT

Birds, of course, evolved differently from mammals like the human. And it is possible that nature, over the eons, had combined both components in the human thymus gland. Yet, there were people who couldn't make antibodies but could reject grafts.

The Minnesota scientists were ready to stick their necks out by 1965, and they did so in a report delivered by Dr. Cooper before the American Academy of Pediatrics. Almost immediately some scientists in the audience cautioned against drawing any conclusions about humans from chicken experiments.

What then happened "couldn't have been more beautiful," recalls Dr. Cooper, who now is at the University of Alabama Medical Center in Birmingham.

A doctor in the audience hurried to the microphone and began describing the puzzling deaths of three infants at St. Christopher's Hospital for Children in Philadelphia and the illness of a fourth child then in the hospital. The speaker was Dr. Angelo M. DiGeorge, pediatrician and endocrinologist from St. Christopher's and a member of the faculty at Temple University.

The first child had been admitted to the hospital in 1963. She had been born without a small gland in the neck, the parathyroid gland, which controls the use of calcium by the body, and was suffering symptoms of this birth defect. The child died suddenly on the third day in the hospital. "I wasn't present when the autopsy was performed." Dr. DiGeorge recounted later.

TRAGIC EXPERIMENTS IN NATURE

But a few weeks afterward, while studying a medical textbook, Dr. DiGeorge found a description of a similar case that noted that the infant patient was missing the thymus gland as well as the parathyroid gland. "I could hardly wait until the next day to ask Dr. James B. Arey about the appearance of the thymus in our infant," he recalled. The pathologists hadn't found any trace of a thymus, he was told.

In the next several months two other children died under similar circumstances and autopsies failed to find a thymus gland. Dr. DiGeorge tried vainly to interest some immunologists in the cases. But the blood tests had showed the children had lymphocytes that couldn't have existed, under the then-current belief, without some vestige of thymus tissue. The pathologist just couldn't find the thymus, the immunologists replied.

Now a fourth child, also born without the parathyroid, was in the hospital and was being struck repeatedly by severe infections. X-rays couldn't find any evidence of a thymus gland, and Dr. DiGeorge was suspicious this was the problem.

After hearing Dr. Cooper's report, Dr. DiGeorge rushed back and began a series of exhaustive tests on the child. Sure enough, the child had the bursa type of immunity and could produce antibodies. But the infant was lacking the thymus type of immunity and couldn't reject skin grafts. Despite the doctors' efforts, the child died 10 months after entering the rospital. The autopsy confirmed it had been born without a thymus gland.

What Dr. Good terms "experiments in nature" had tragically confirmed that the two-component immune system that existed in the chicken also existed in humans. Dr. DiGeorge's patient's were missing the thymus type of immunity while the patients discovered by Dr. Bruton were missing the bursa type of immunity.

## TOWARD A NEW ROLE FOR CONGRESS

Mr. HARTKE. Mr. President, no fact is more clear today than that one branch of the Federal Government has assumed a position of inordinate predominance. The major problem faced by our society today is an excessive reliance on an escalating bureaucracy which is not responsible in any significant degree to the people. We have exalted the Presidency to a point that his powers far exceed their stated limits and pose a real threat of dictatorship.

If there is a first branch of the Federal Government, it is the Congress, for it is in the Congress that 535 elected spokesmen for the American people reside. Yet, it is clear that there has been an erosion of congressional power which threatens to make the legislative branch an archaic and useless institution.

Mr. President, recently an article written by Arlene J. Large appeared in the Wall Street Journal. The article takes the view that Congress responds best to crises and to "defiance of law." It also contends that the President's handling of the budget has had a "shock effect" on the Congress.

Mr. President, I ask unanimous consent that Mr. Large's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, April 13, 1973]

THE SHOCK TREATMENT FOR CONGRESS

(By Arlene J. Large)

WASHINGTON.—One of the scariest lessons of the turbulent '60s was that, in a sense, lawbreaking worked.

City riots resulted in a lot more federal money for cities. Student seizure of the college president's office won them, after the fuss died, a louder voice in campus affairs. Even now, the offense being committed at Wounded Knee are forcing more intense government attention to the problems of Indians generally.

The phenomenon makes politicians squirm. It ought to be possible to do good works without a prelude a lawbreaking and violence. But however deplorable, there's nothing like them for calling attention to a grievance that everybody's been ignoring.

In an entirely different frame of reference, the lesson is being demonstrated again in President Nixon's budget fight with Congress. Mr. Nixon's cancellation of some long-unexamined federal programs is being called illegal on Capitol Hill and even in some federal courtrooms. Cancelling an entrenched federal activity by decree does violence, to say the least, to the traditional Congressional-Executive relationship.

Nevertheless, by not working within the old system, Mr. Nixon has aroused a snoozing Congress and made it mad. He has also made it a little ashamed, and true to the uncomfortable lesson of the '60s, it's starting to shape up.

Budget directors of earlier Presidents beefed for years about the bargain interest rates on federal rural electrification loans, for example, but Congress always voted the money and the lending obediently continued. Mr. Nixon last December smashed that traditional interplay by simply ordering a halt to the loans. Congressmen screamed it was illegal, but the President at last had got their attention.

The result has been a reluctant attempt to redirect the cheap loans to rural electric coops that really need them. The change recently voted by the House evidently still doesn't go far enough to suit the administration, but no earlier President has forced this much motion with more conventional methods.

His proposed slaughter of several federal health programs, uplift projects for depressed areas and a major part of the anti-poverty program likewise have startled lawmakers into promising reform and overhaul. Congressional committees in charge of housing for years neglected their "oversight" function of monitoring this federal patchwork of programs. Now, at last, the Senate Banking Committee is holding some housing hearings. To be sure, the Senators are trying to prepare a case for continuation of the programs, but they're also promising to make repairs.

More important than these individual instances of deathbed religion on Capitol Hill is the total shock effect of Mr. Nixon's behavior on the way Congress handles the budget as a whole.

THUNDERBOLTS GET RESPONSE

The President asserts he must hurl his economy thunderbolts unilaterally because

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the undisciplined legislative mobs aren't organized to consider the budget as a whole. It's an old complaint, but for the first time Congress appears to be responding in a serious way.

Nobody is defending the status quo, the easygoing practice of passing a tandem of piecemeal appropriation bills without relating them to final spending and revenue targets. Now everybody has a plan for doing that.

Typically, a special committee has been appointed to come up with new appropriations procedures, and something good very likely will come of it. Every five minutes, it seems, some lawmaker is saying ponderously: "We must get our own house in order."

There is, of course, a high quotient of politics in the exchange of accusations between the spend-happy Democratic Congress and the Republican President who lacks compassion for the poor. But this is the workaday trade of grownup professional politicians, all trying to keep people interested in what they do. For Congress, the special thumb-in-the-eye that's producing the unusual response of outrage and grudging reform is the feeling that the Executive is trying to take over its job. Mr. Nixon's freezes of appropriations are, in this view, legislative actions going beyond his constitutional authority to recommend bills and veto those he doesn't like.

Mr. Nixon's lawyers insist it's perfectly legal, but so far they're doing poorly in the lower federal courts.

In Minnesota, a group of farmers sued the Agriculture Department for its sudden termination in December of a program of supergenerous disaster loans. Federal District Judge Miles Lord ruled last month that in killing the program, Agriculture Secretary Earl Butz improperly substituted his own opinion of its merit for the will of Congress. Said Judge Lord:

"It is the opinion of the court that the defendants have a ministerial duty to implement the emergency loan program as directed by Congress, that the unilateral termination of the program without notice to the plaintiffs in this case was in violation of the statutes, the agency's own regulations and due process of law."

The government likely will appeal the district court's decision. Meanwhile, Congress yesterday passed a bill reinstating the loans for a brief period. Significantly, though, the administration's "unilateral" and possibly illegal deed fixed lawmakers' attention on the huge budget cost of those generous loans; the new bill eventually would tighten up the terms of rural disaster lending.

After President Johnson impounded some highway money in 1967, Congress wrote into the law a new section forbidding it. When Mr. Nixon nevertheless impounded some highway funds in 1971, the Missouri Highway Commission sued and won both in federal district court and, earlier this month, in the Eighth Circuit Court of Appeals.

THE APPEALS COURT RULING

Administration lawyers essentially argued that despite the must-spend section of the highway law, the Secretary of Transportation has legal discretion to control the rate of outlays. Examining the law, the appeals court in its 2-to-1 ruling said the administration is wrong:

"It is impossible to find from these specific grants of authority discretion in the Secretary to withhold approval on projects Congress has specifically directed because of a system of priorities the Executive chooses to impose on all expenditures."

The Supreme Court probably will have the final word. But here again, the impoundments—legal or otherwise—are producing a response from Congress. The pending version of a new highway bill has a must-spend section, but it also cuts back the amount of interstate roadbuilding money authorized. Sponsors frankly say it's intended to induce Mr. Nixon to stop impounding.

The most recent courtroom setback for the administration came just this week when a federal district judge here ruled that the Office of Economic Opportunity is being closed down prematurely. Congress has voted money for OEO's poverty fighters through June 30, and Judge William Jones ruled they can't be disbanded now just because the Nixon budget contains no funds for the following year.

Even though it's losing in court so far, the administration is able to keep freezing money while the cases are pending. Indeed, one Agriculture Department official told a farm meeting in Idaho that if Congress orders reinstatement of a cancelled soil conservation program, Mr. Nixon will veto the bill and not release funds even if a veto is overridden. If somebody sues, he said, there'll be another President before the case is finally settled. Word of the meeting got back to Rep. John Melcher (D., Mont.), who sees the administration's attitude as "a defiance of congressional constitutional authority."

(In this instance, the impoundment produced no congressional promise to reform the soil conservation program, despite longstanding complaints that it subsidized farmers for doing what they'd probably do anyway. Both the House and Senate have passed bills just ordering the administration to start it up again without change.)

How one feels about the legality of the administration's money freezes doubtless depends on the health and whereabouts of one's own ox. Administration officials say special interest groups naturally will scream, but that taxpayers generally will applaud. That's probably true. But the vigor of the Executive's claim of authority has aroused echoes of the old FDR-era complaints about "one-man rule," with Democrats alarmed about a too-strong presidency and loyalist Republicans sounding comfortable with it.

SENATOR HUGHES' VIEW

Sen. Harold Hughes (D., Iowa) puts it this way: "I am worried not so much about the power of Richard Nixon as the precedent that is being set for other Presidents on down the line in the future. I can't begin to determine what their next step of escalation might be down this road, but when I think about it, it scares the hell out of me."

Sen. Hughes is a liberal who disagrees with Mr. Nixon on the merits of many frozen programs, so his protests aren't based on constitutional theory alone. But a parallel point was made in a recent House speech by Rep. Philip Crane (R., Ill.), an articulate conservative:

"It would be good to believe that liberals who now express concern over too much Executive authority really wish to restore the supremacy of Congress. Unfortunately, the goals of far too many seem more partisan.

"Equally unfortunate is the fact that now that conservatives have a real opportunity to implement their principle of limited government and restore Congress to its proper role, many seem subservient to the will of an Executive of their own party.

"In neither instance is the will or the interest of the people really served."

If in search of its "proper role" Congress improves its haphazard budget-handling methods and re-examines entrenched federal programs. Mr. Nixon's unconventional use of Executive power could be a long-range plus for the Legislative Branch. But some observers of Congress worry that the President's actions could generate a backlash harmful to Executive Branch efficiency. Legislation this year already is beginning to bristle with tightly worded mandatory spending clauses. Louis Fisher, a Library of Congress researcher, thinks Congress will try to grant "less discretion at the cost of effectiveness of government and programs."

Like many others, Mr. Fisher would like to see a greater spirit of cooperation on both sides. So would George Washington University law Professor Arthur Miller. "I think what we are seeing is a complete defiance of the law by the Executive," he said at a recent seminar here on Executive-Legislative relations. "I don't think the President knows best. I don't even think the Congress knows best. I do think that working together, they might do a little better than they are now."

Cooperation is pleasant and statesmanlike. But "defiance of the law" calls more attention to neglected problems, whether on the campus or the musty chambers of the House Appropriations Committee. It's deplorable, but it works.

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## PROGRESS AND PLANS OF NATIONAL COMMISSION ON THE FINANCING OF POSTSECONDARY EDUCATION

Mr. BEALL. Mr. President, I have the pleasure of serving on the National Commission on the Financing of Postsecondary Education, which was established by Public Law 92–318. The commission is expected to report its findings and recommendations by December 31 of this year. Because of the importance of the business of the Commission and the interest in this subject both in the Congress and the country, I ask unanimous consent that an information brief prepared by the commission be printed in the RECORD.

If Members of Congress or others have any suggestions, comments, or criticism with respect to the commission's work, I certainly encourage them to contact the commission or its members.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

AN INFORMATION BRIEF—APRIL 1973

The National Commission on the Financing of Postsecondary Education was appointed by the President and the Congress in late September of 1972 in accordance with the Education Amendments of 1972. The Commission began meeting soon after it was established to consider the extent of its proposed work and to determine the procedures and staffing needed to accomplish the complex study. The Commission has met six times since September. By February 1973, a staff had been drawn together to work with the Commissioners to conduct and publish the study by December 31, 1973.

To facilitate the work that must be accomplished before the Commission can make recommendations to the President and Congress, committees and subcommittees made up of Commission members, working with the professional staff, are meeting almost weekly to accomplish the tasks involved in the comprehensive study described on the following pages. The Commission's monthly meetings are the occasion for review and evaluation of committee work and reports from the research staff. Although there is a heavy pressure of time, the Commission is placing strong emphasis on the thoroughness and quality of work done by the committees and research staff of the Commission.

The Commission attempts both to inform the public of what it is doing and to encourage response by opening its meetings to interested visitors, by maintaining appropriate communication with the postsecondary community, and by soliciting opinions from interested parties. The Commission is making every effort to meet its December deadline and to provide federal, state, and local policy makers with information about and Commission recommendations for the future funding of postsecondary education.

DONALD E. LEONARD, *Chairman.*

SUMMARY

In response to the charge contained in the establishing legislation given on pages 3–5 in the description that follows, the National Commission on the Financing of Postsecondary Education will prepare:

I. A description of the present conditions that are relevant to the role of postsecondary education in our society.

II. A summary of the purposes, scope, and dimensions of postsecondary education.

III. A synthesis of objectives for postsecondary education recommended by the Commission.

IV. A description of and a rationale for the selection of the measures used to evaluate the accomplishment of the objectives.

V. An analysis that describes the kind and amount of financial support for postsecondary education from all sources.

VI. A program analysis of existing funding programs.

VII. A projective analysis estimating the extent to which each of several alternative funding programs would achieve the objectives for postsecondary education agreed upon by the Commission.

VIII. Recommendations for national uniform procedures for calculating instructional costs per student.

IX. An assessment of the nature and causes of serious financial distress facing postsecondary institutions and recommendations for improvement.

X. The final reports of findings and recommendations.

The National Commission on the Financing of Postsecondary Education was established by Public Law 92–318 (Section 140) and appointed by Congress and the President to undertake studies of:

The impact of past, present, and anticipated private, local, state, and federal support for postsecondary education.

The appropriate role of the states in support of higher education (including the application of state law upon postsecondary educational opportunities).

Alternative student assistance programs.

The potential federal, state, and private participation in such programs.

The establishing legislation does not leave entirely to the Commission the task of delineating details of the study, but goes on to indicate several specifics that shall be included and shall be considered:

1. The study shall determine the need, the desirability, the form, and the level of additional governmental and private assistance to postsecondary education.

2. It shall include at least:

a. An analysis of the existing programs of aid to institutions of higher education.

b. An analysis of various alternative proposals presented to the Congress to provide assistance to institutions of higher education.

c. An analysis of other viable alternatives of assistance to institutions of higher education.

3. The analyses under No. 2 shall include:

a. The costs of existing programs and alternative programs.

b. The advantages and disadvantages of each.

c. The extent to which each proposal would preserve the diversity and independence of such institutions.

d. The extent to which each would advance the national goal of making postsecondary education accessible to all individuals, including returning veterans, having the desire and ability to continue their education.

4. In conducting the study, the Commission shall consider:

a. The nature and causes of serious financial distress facing institutions of postsecondary education; and

b. alternative models for the long-range solutions to the problems of financing postsecondary education with special attention to the potential federal, state, local, and private participation in such programs, including, at least:

(1) The assessment of previous related private and governmental studies and their recommendations;

(2) existing state and local programs of aid to postsecondary institutions;

(3) the level of endowment, private sector support, and other incomes of postsecondary institutions and the feasibility of federal and state income tax credits for charitable contributions to postsecondary institutions;

(4) the level of federal support of postsecondary institutions through such programs as research grants and other general and categorical programs;

(5) alternative forms of student assistance, including, at least, loan programs based on income-contingent lending, loan programs which utilize fixed graduated repayment schedules, loan programs which provide for cancellation or deferment of all or part of repayment in any given year based on a certain level of a borrower's income; and existing student assistance programs, including those administered by the Office of Education, the Social Security Administration, the Public Health Service, the National Science Foundation, and the Veterans Administration; and

(6) suggested national uniform standards for determining the annual per-student costs of providing postsecondary education for students in attendance at various types and classes of institutions of higher education.

The legislation requires that "No later than April 30, 1973, [to be amended to December 31, 1973] the Commission shall make a final report to the President and Congress on the results of the investigation and study." The report will include:

1. Findings and recommendations as the Commission deems appropriate, including recommendations for legislation.

2. Suggested national uniform standard procedures for determining the annual per-student costs of providing postsecondary education for students in attendance at various types and classes of institutions for higher education.

Within 60 days from the submission of the final report,

". . . the Commissioner [of Education] shall make a report to the Congress commenting on the Commission's suggested national uniform standards, and incorporating his recommendations with respect to national uniform standards together with any related recommendations for legislation."

To accomplish its task, the Commission has available $1.5 million in federal appropriations.

In response to the charge contained in the establishing legislation, the Commission will prepare:

1. A description of the present conditions that are relevant to the role of postsecondary education in our society. This description will include:

A. Demographic patterns of the population in general: Who seeks a postsecondary education?

B. Demand patterns of current and potential participants: What kinds of postsecondary education programs do they want?

C. Mobility patterns of participants within and among particular postsecondary institutions: What institutions or programs of postsecondary education do they attend and how long do they stay?

D. Broad social and economic attitudes with regard to:

1. The present patterns for responsibility of paying for postsecondary education among:

a. student participants
b. parents
c. taxpayers
d. donors
e. the general public

2. The shifting patterns of employment, including, but not limited to:

a. early retirement
b. the shorter work week
c. increased leisure time
d. increasing female employment
e. status of employment of ethnic minorities

II. A summary of the purposes, scope, and dimensions of postsecondary education that will include alternative categories of institutions, students, and funding programs. In addition, the Commission will summarize and analyze statements of objectives for postsecondary education derived from many sources.

III. A synthesis of objectives for postsecondary education recommended by the Commission. The Commission is currently considering statements of objectives in the following areas:

A. student access and choice
B. institution and program diversity
C. educational and financial accountability
D. institutional autonomy and social responsibility
E. educational benefits to the individual and to society
F. plurality of support for postsecondary education.

IV. A description of and a rationale of the measures used to evaluate the extent to which existing programs and alternative funding programs and proposals contribute to the accomplishment of the objectives agreed upon for postsecondary education and the extent to which they respond to real changes in our society as identified in item I.

V. An analysis that describes the kind and amount of financial support for postsecondary education from the following sources:

A. federal
B. state
C. local
D. private
E. student participant and/or parents

In assembling data for this descriptive analysis, the Commission will not initiate major new data collection efforts, but rather, will draw heavily on existing sources such as federal and state agencies, research centers, institutions of postsecondary education, and foundations.

VI. A program analysis of existing funding programs, including a review of previous funding proposals and related literature; a listing of all federally enacted programs and the major programs enacted at the state and local levels; the collection of appropriate data; and the display of comparative information of the effectiveness of programs where available.

This analysis will utilize the measures developed above as the basis for determining the degree to which the objectives stated in item III. are accomplished.

VII. A projective analysis estimating the extent to which each of several alternative funding programs would achieve the objectives for postsecondary education agreed upon by the Commission. This analysis will consider those funding programs described in the charge to the Commission and alternative patterns of financing postsecondary education among levels of government, students, the families of students, and private sources.

VIII. Recommendations for national uniform procedures for calculating instructional costs per student, including:



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A. The procedures recommended by the Commission.

B. A general discussion of costing problems and methods for calculating costs.

C. A rationale for the Commission's recommendations.

D. A statement of cautions to be applied to the implementation of the recommended procedures.

E. An analysis of anticipated costs to the institution of implementing such procedures in terms of dollars, additional man effort, staff and faculty morale, program adjustments, detrimental publicity, and numerous other factors.

F. A statement concerning the manner in which cost information should be used, displayed, and released, together with examples of misuse of such cost information.

G. Examples of cost information generated by the use of recommended procedures from several types of institutions. The examples will include descriptive information to be associated with the cost information.

IX. An assessment of the nature and causes of serious financial distress facing postsecondary institutions and recommendations of the combination of managerial improvements, instructional reforms, and additional governmental and private assistance to postsecondary education needed to ameliorate such conditions. The criteria used to measure financial distress and the conditions which have created such distress will be developed in the study.

The Commission plans to report its findings and recommendations in the following forms:

1. One or more short, concise, executive-level documents which can serve as a focus of policy discussion in the coming year to include:

a. The basic assumptions underlying the Commission's study.

b. A brief array of information that will be of practical use to state- and national-level policy makers in making judgments about the financial condition of postsecondary education and the likely impacts on national objectives of implementing the financing and structural recommendations of the Commission.

c. Recommendations concerning suggested national uniform standard procedures for determining the annual per student costs of providing postsecondary education for students in attendance at various types and classes of institutions of higher education.

d. Recommendations concerning suggested funding to accomplish objectives relative to:

(1) individual access
(2) institutional choice
(3) program diversity
(4) instructional and fiscal accountability
(5) assignment of institutional responsibility for postsecondary education

e. Other findings and recommendations as the Commission deems appropriate.

2. A more comprehensive publication designed for the interested lay person seeking to understand in greater depth the rationale behind the executive-level report, including alternative recommendations considered and rejected.

3. One or more volumes of staff papers and technical reports that buttress the final executive-level report.

4. A brief report identifying those areas of postsecondary education that, in the judgment of the Commission, require additional investigation if the nation is to be able to improve its understanding and provision of postsecondary education services.

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COMMITTEES OF THE COMMISSION

The following committees have been appointed by the Commission:

Committee on the Conditions, Definitions, and Expectations of Postsecondary Education.

This committee is responsible for developing initial descriptions of present and anticipated social conditions relevant to postsecondary education, objectives concerning postsecondary education, and measures for evaluating the impact of funding programs on those objectives.

Marian W. La Follette, Chairman, J. Glenn Beall, Jr., John Dellenback, Tim R. Engen, Walter C. Mercer, John W. Porter, Louis P. Rodriquez, Sister Jane Scully.

Committee on the Analysis of the Adequacy and Impact of Funding in Postsecondary Education.

This committee is responsible for the initial development of the analytical projects of the Commission, including the development of uniform procedures for determining comparable costs and the criteria for the analysis of financial distress in institutions.

George Kaludis, Chairman, Ernest L. Boyer, John Brademas, Winfield Dunn, Dan M. Martin, Claiborne Pell, H. Reed Saunders, Ruth C. Silva.

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## THE HUBRIS OF A PRESIDENT

Mr. McGOVERN. Mr. President, one of the Nation's most distinguished foreign correspondents is Mr. William L. Shirer. He has been a foreign correspondent for more than 20 years and reported developments in Berlin prior to the rise of Hitler. He is distinguished by his authorship of several books, including "Berlin Diary," and "The Rise and Fall of the Third Reich."

Recently, he authored a piece for the January 22 issue of the Nation magazine, "The Hubris of a President."

I ask unanimous consent that this perceptive article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HUBRIS OF A PRESIDENT

(By William L. Shirer)

Though Richard Nixon does not have the dictatorial power of Adolf Hitler—at least, not yet—he has shown in Vietnam that he has the awesome means, unrestrained by any hand, and the disposition to be just as savage in his determination to massacre and destroy the innocent people of any small nation which refuses to bow to his dictates and which is powerless to retaliate.

And apparently the majority of the American people, like the Germans under Hitler, couldn't care less. While Nixon was celebrating the festivities of the Prince of Peace by his reckless, bloody, paranoiac bombing of Hanoi, our God-fearing citizens were preoccupied with the Washington Redskins and the Miami Dolphins fighting their way to the Super Bowl, and seemed unmoved by the barbarism of their President and its horrible consequences for his victims.

I lived through a similar barbarism in Germany, when Hitler unleashed his terror bombing to force certain foreign peoples to do his bidding. I never thought it could happen here at home—even under a Nixon. No one of any consequence in Nazi Germany publicly protested, but at least the Germans had some excuse. To have spoken out might have cost a man his head—or at the very least the horrors of a concentration camp. But no American, watching the results of this President's violence over the Christmas holidays, viewing on his TV tube the shattered hospital in Hanoi, reading in his newspaper of the devastation Nixon was unleashing on the homes and streets of peaceful citizens, could have been restrained by such fears.

Yet, who, at no personal risk, denounced the monstrous crime? Not a single official in government, very few in the Congress, a few from labor and no one fror big business, and not one notable churchman, Protestant or Catholic. There was not a peep from the President's friends among the clergy: no sound from the Rev. Billy Graham, the Rev. Norman Vincent Peale, or Cardinal Cooke (not even after the Pope had raised his voice against the bombing).

Perhaps this unconcern is due in part to the peculiar luck of Americans. Unlike the inhabitants of every other major country and scores of small ones, we have never been bombed, and hence cannot feel in our own flesh and minds the sufferings of those on whom our President wreaks his vengeance. As one who experienced to some extent in Germany the bombings by the British, and later in England the bombing by the Germans—it was minor, compared to what we have done in Indochina—I rejoiced that Americans had been spared that ordeal.

But no longer. It now occurs to me that, until we go through it ourselves, until our people cower in the shelters of New York, Washington, Chicago, Los Angeles and elsewhere while the buildings collapse overhead and burst into flames, and dead bodies hurtle about and, when it is over for the day or the night, emerge in the rubble to find some of their dear ones mangled, their homes gone, their hospitals, churches, schools demolished—only after the gruesome experience will we realize what we are inflicting on the people of Indochina and especially what we did over Christmas week to the common people of Hanoi.

Does one American in 1,000, or in 100,000, realize that, whereas the Germans dropped 80,000 tons of bombs on Britain in more than five years of war (and we thought it was barbaric), we dropped 100,000 tons on Indochina in the single month of last November, when Nixon restricted the bombing because of the Paris "peace" talks; and that under Lyndon Johnson and Richard Nixon we have dropped a total of 7 million tons of bombs on Vietnam, Cambodia and Laos—vastly more than we and the British let loose on Germany and Japan together in World War II? It was done in the name of "a just peace," of course. Has not Nixon said it dozens of times, his face on the TV screen frozen in unctuousness, as he sent his troops to invade a new country—Cambodia, Laos—or as he ordered his bombers to resume unloading tens of thousands of tons of more lethal bombs on a country which has no Air Force with which to defend itself?

Hitler, a bully also, mouthed the same hypocrisy. As François-Poncet, the French ambassador in Berlin, remarked after the Fuehrer sent his warriors out on the first of his conquests at the very moment when he was showering Europe with a new offer of peace: "Hitler struck his adversary in the face, and then declared: 'I bring you proposals for peace!'"

Is that not what Nixon has done in Vietnam? Where else, since Hitler, has the head of government of a supposedly civilized people declared through a spokesman to his own people (on the eve of an election, to be sure) that "peace is at hand," that 99 per cent of the issues have been negotiated and that only three or four more days of talks are needed to tidy up the agreement, and then (after he is elected) struck the people he has been negotiating with "in good faith" with the most savage bombing in history—and put the blame on them?

I said that after experiencing at first hand the Nazi terror toward others, it never occurred to me that it could happen at home. Has it? To a certain extent? Just a beginning, perhaps? Has Nixon shown that you don't need a totalitarian dictatorship like Hitler's to get by with murder, that you can do it in a democracy as long as the Congress and the people Congress is supposed to represent don't give a damn?

It can be extremely misleading to compare the Nazi regime in Germany with our own situation today. We are not a totalitarian dictatorship. The press, despite the Administration's assaults upon it, is still relatively free. Dissent, despite all the attempts of Nixon and his aides to silence it, is still heard. This article could never have been published under the Fuehrer. Nixon is no Hitler, though with his Christmas bombing he acted like one. The Americans could have thrown him out of office in November. The Germans, after the death of President Hindenburg in 1934, were stuck with Hitler. They had had a parliament, the Reichstag, which, if its members had showed any guts or wisdom, might have restrained him or even overthrown him in his first months of power in 1933, before he tricked it into committing suicide. We have an elected Congress, which had the constitutional power to prevent our Presidents from taking the nation into war in Vietnam and the power to take it out quickly. It abdicated that power. Like the Reichstag, its members were partly tricked (by such things as the Tonkin Gulf frame-up and other Presidential deceits) and like the German parliament its members have thus far lacked the guts or the wisdom to exercise the power the Constitution gave them.

Here begin the similarities. Are there others? One, I think, is in the attitude of Nixon toward the people. "The average American," he told a Washington Star reporter on the eve of his re-election, "is just like the child in the family." The implication was that the average citizen could easily be manipulated by Papa. It is, of course, a form of contempt for the common people. Disraeli, to whom Nixon compared himself in the same interview, had it, but surely the great Presidents—Jefferson, Lincoln, Wilson, Roosevelt, Truman, even Eisenhower—did not. Hitler, for all his professed love of the German people and his attempt to make of them the Master Race, had a profound contempt for them. He thought they were simpletons, at least politically—you could do anything with them. He called them, as Trevor-Roper has pointed out, Dickshaedel, Querschaedel, Dummkoepfe—blockheads and ninnies without political sense. But he would add: "Even stupid races can accomplish something, given good leadership." Once at a Nuremberg party rally, when asked to explain why the German masses became so delirious at these pageants, especially when he spoke, Hitler told a group of American correspondents—off the record—in words almost identical to Nixon's, that it was because they were children at heart. "What luck for rulers," he exclaimed on another occasion, "that men do not think!"

And in these days I cannot help recalling an opinion vouched by one of Hitler's woman secretaries after his death. "Though Hitler," she recalled, "ranged over almost every field of thought. I nevertheless felt that something was missing. . . . It seems to me that his spate of words lacked the human note, the spiritual quality of cultivated man. In his library he had no classic work. No single book on which the human spirit had left its trace.

There were other things in Nazi Germany which recent happenings in this country have forced me, at least to recall:

(1) Justice and the courts. One day in 1936 Hans Frank, the Nazi Minister of Justice (who was later sentenced to death at Nuremberg and hanged), called in the members of the bench and gave them a little advice: "Say to yourself at every decision that you make: 'How would the Fuehrer decide in my place?'" One wonders some times—I mean no disrespect to our judges—if some of the eminent jurists appointed by the President, especially those on the Supreme Court, do not at the moment of decision say to themselves: "How would President Nixon decide in my place?" Nixon's Front Four on the High Court: Burger, Blackmun, Rehnquist and Powell—joined often by "Whizzer" White, Kennedy's only contribution to that bench—have shown a teamwork that must be the envy of Coach Allen's fearsome Front Four, and they have used it increasingly to limit freedoms supposedly guaranteed by the First Amendment, to take but one example. In doing so they cannot have failed to please Nixon. Did he not boast that he appointed only those who shared his philosophy? Most other Presidents have been proud of trying to keep a balance on the Court.

(2) *Assaults on the freedom of the press, First Amendment guarantees dissent.* Obviously we have not fallen as far as Nazi Germany, but are we not on our way? Have not Nixon and his minions carried on for four years an assault on our press freedoms and on the right to dissent—and not without success? They have intimidated the networks, threatened TV station owners with loss of their licenses if they do not, in effect, censor network news critical of the Administration, and successfully gone to court to induce the Supreme Court to rule 5 to 4 that the First Amendment does not give reporters the right to protect their confidential sources—a telling blow to our press freedoms. On the other hand, the Administration, by propaganda, deceit, evasion, playing favorites, and by expert use of the power of the White House to make news and control it, has done very well in putting its own story over in the press. But this has not satisfied Nixon.

I sometimes wonder if he, and Klein, would envy the way the press was handled in Berlin in the days when I was working there. Every morning the editors of the capital's newspapers and the correspondents of out-of-town German journals were made to assemble at the Propaganda Ministry and told by Goebbels or one of his aides what news to print and what to suppress, how to write the news and headline it, and what editorials were to be written that day. To avoid any misunderstandings, a daily written Directive was furnished at the end of the oral instructions. For smaller provincial papers and periodicals without representatives in Berlin, Directives were sent by wire or mail. Radio (there was no TV then) was handled separately but similarly. Every editor, reporter, newscaster and commentator knew each day exactly what to write or say, and did it. Very simple and effective. Nixon's task obviously is more difficult, but he keeps plugging. As one of our great historians, Henry Steele Commager, wrote recently: "Never before in our history . . . has government so audaciously violated the spirit of the constitutional guarantee of freedom of the press."

(3) *Terror bombings, "targeting military objectives only," and the lies about them.* Here we come closer to the Nazi example. Hitler invented terror bombing (unless you count Mussolini's puny effort in Ethiopia), starting with Guernica in Spain and going on to Warsaw, Rotterdam and Coventry. Nixon has been an apt pupil, increasing the terror by more and bigger bombs, but sticking to the same lies about "targeting military objectives" and the same denials of damage to nonmilitary objectives. Nixon's aides, Ronald Ziegler at the White House and Jerry Friedheim at the Pentagon, seem more adept at this business than even Joseph Goebbels. More adept and just as arrogant.

Zeigler, speaking for Nixon, offered two justifications for the Christmas resumption



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of the bombing—both offensive to the truth and to an American's intelligence. First, he linked the bombing to the threat of another Communist offensive: "We are not going to allow the peace talks to be used as a cover for another offensive." But he offered no evidence of an offensive, and the American Command in Saigon admitted it knew of none pending, nor did anyone in Washington. Next, Ziegler, speaking for his silent boss, declared that Nixon was "determined" to continue his bombing until Hanoi decided to resume negotiations "in a spirit of good will and in a constructive attitude." In the Hitler-Nixon double-talk that meant, "until Hanoi agrees to accept a peace that we dictate."

Jerry Friedheim at the Pentagon was worse—he was pure Goebbels. Twice, on December 27 and 29, he denied that we had damaged Hanoi's Bach Mai Hospital and attributed the reports to "enemy propaganda." The effrontery of this staggered a man who had listened to Goebbels' lies time after time. That was because, two days before the first denial, Telford Taylor, a distinguished lawyer, a retired brigadier general and our chief prosecutor at Nuremberg, had cabled *The New York Times* from Hanoi an eyewitness description of the bombed-out hospital. Moreover, millions of Americans had seen on TV Japanese and Swedish films of the hospital's devastation. Even when Friedheim finally admitted, on January 2, that "some limited accidental damage" had been done to the hospital, he suggested that it might have been caused by "North Vietnamese ordnance or aircraft."

I say Friedheim was pure Goebbels (and like him probably lying at the master's orders) because, after a German submarine had torpedoed the British liner *Athenia* on the first day of World War II, I heard Goebbels, first at a press conference and then over the air, deny categorically that the Germans had sunk the boat and then accused the British of having done it. I will pass over Friedheim's bland assertion that if an American POW camp had been hit, as reported, Hanoi would be held responsible—"under the Geneva Convention." But it did remind me of Hitler's declaration on the mornings, he attacked Norway, and later Holland and Belgium, that if they resisted they would be held responsible for the bloodshed. After Friedheim's performance, according to *The New York Times* of January 5, he was awarded the Defense Department Metal for Distinguished Public Service, with the citation: "He has provided with faultless professionalism clear, concise, accurate and timely information concerning the worldwide activities of the Department of Defense."

Did the President become enraged when Henry Kissinger returned from Paris without the agreement he had demanded and in his fury ("You can't do that to Richard Nixon!") order the resumption of the murderous bombing—Christmas or no? We do not know for sure, and probably never will, though Washington seethed with rumors, unconfirmed, that such was the case. Perhaps "high-ranking U.S. officials in Saigon," as an A.P. dispatch called them, were, for once, telling the truth when they said, according to the news agency, that "the ultimate purpose of the bombing was to punish Hanoi," and that "President Thieu had been told that President Nixon's strategy is to devastate North Vietnam."

It recalled a scene, which was confirmed, on the night of March 26, 1941, when news reached Hitler that the pro-Nazi government of Yugoslavia had been toppled and replaced by one that might not do the Fuehrer's bidding. The news, according to some of those present in the chancellery, threw Hitler into one of the wildest rages of his life. He took it, they said, as a personal affront—you couldn't do that to Hitler. He called in his generals and ordered them "to destroy Yugoslavia militarily and as a nation"—a stenographer noted down his words. "Yugloslavia," he added, "would be crushed with unmerciful harshness." He ordered Goering to "destroy Belgrade in attacks by waves" of bombers. That was done; the town was razed. Like large parts of Hanoi these past days.

It could have been, of course, that Nixon made his Yuletide decision to devastate Hanoi in a completely different mood—in a moment of icy calculation. Hitler was in that kind of mood on September 29, 1941 as his armies neared Moscow and Leningrad. His Directive to his army commanders that day began: "The Fuehrer has decided to have Leningrad wiped off the face of the earth. The intention is to raze it to the ground by artillery and continuous air attack. The problem of survival of the population (3 million) is one which cannot and should not be solved by us." He issued a second Directive to the same effect for Moscow. Is it possible that Nixon issued a similar Directive for Hanoi in the same cold-blooded mood? The A.P. report from Saigon indicates the possibility.

(4) Hitler got by with murder because there was no restraining hand upon him—from any source. Did any hand in Washington try to restrain Nixon when he ordered the invasion of Cambodia and Laos, and especially when he ordered the devastating Christmas bombing of Hanoi? We do not know. But we know he did not consult the Congress. He did not confide in it or in the people.

Perhaps we are experiencing here what the Greeks called *hubris*, the sin of overweening pride. It has brought the downfall of so many conquerors—of the Greeks themselves, the Romans, the French under Napoleon, the Germans under Wilhelm II and then Hitler. And we are seeing in Washington what I saw in Berlin in the Nazi time—how power tends to corrupt and absolute power corrupts absolutely.

## NATION'S ENERGY SHORTAGE

Mr. STEVENS. Mr. President, this Nation's energy shortage is manifesting itself most noticeably in gasoline shortages around the country, and the worsening situation was the subject of an article in the April 16, 1973, issue of the Oil and Gas Journal. I believe this article, and the situation it describes, is one more factor pointing to the necessity of moving as rapidly as possible to provide U.S. markets with crude oil from Alaska's North Slope, where one-fourth of this Nation's known oil reserve is located.

I draw my colleagues' attention to the article in the hope that it will help to put the energy shortage in perspective. The situation, quite frankly, is not good, and shows few signs of getting better without increased supplies of crude oil.

One of the ways the United States can increase its domestic supply of crude oil is to provide a transportation system for the crude oil that was discovered on Alaska's North Slope in 1968. The most economical, environmentally feasible transportation method is the trans-Alaska pipeline, and I sincerely hope it will be possible to begin construction of the pipeline system as soon as possible, so it can be sending crude oil to the U.S. west coast by 1976 or 1977.

I ask unanimous consent that the article I just mentioned be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SEVERITY OF U.S. GASOLINE PINCH TIED TO DEMAND GAIN

Shortages of gasoline already are occurring in scattered sections of the country—even before the heavy motoring season starts. They will become more frequent and severe as vacation travel picks up.

But whether the American motorist runs into drastic shortages that severely curtail his driving habits and ultimately result in wartime-type rationing is an open question.

The American Automobile Association has advised that motorists planning to travel this spring and summer need not worry about reports of a gasoline shortage. The Office of Emergency Preparedness has announced there is no need for gasoline rationing, based on its analysis of the situation (OGJ, Mar. 26, p. 58).

The factors. Petroleum supply-demand specialists interviewed by Oil and Gas Journal editors, however, are not all that sure. They say the gasoline supply will be tight in any event. And whether critical shortages are averted depends on a complex set of factors, including:

Demand holding to an increase of only 5% or 6% above the year ago. Any greater increase—and it's very possible—will mean trouble.

Imports ranging from 100,000 b/d to 200,000 b/d. It's a toss-up whether this much product is available abroad; if so, it will be more expensive than the frozen levels of domestic products.

Refineries operating at high levels of at least 91% of capacity with gasoline yields of better than 48%. Whether this is possible will depend on crude availability, avoidance of breakdowns, and just how much distillate the refiner feels he must produce.

Nearly all industry analysts agree that whatever happens this summer will be mild compared to the prospects for shortage next year.

### NEW AUTOS

Most analysts believe that the increase in gasoline demand this summer must be held within a 5–6% range if the nation is to escape serious shortages. And the key to trouble is late-model autos with their gas-consuming emission-control devices.

The latest trends indicate that there may be problems holding down demand. The demand increase for the first 9 months of 1972 was 6.2%, compared with gains in previous years ranging from 2.4% to 4.9%. In the first 2 months of this year, demand was averaging a fat 9% over last year.

The 1970–73 model autos are chiefly responsible. They consume more gasoline than earlier models; just how much is a matter of dispute. Available data indicate the mile/gal. loss will run from 7 to 19% over the four model years.

One private set of fleet tests indicated the mileage loss of 1971 models over 1970 at 7%, 1972 at 6%, and the 1973 over 1972 at 8%. This represented a cumulated mileage loss of 19%; but two direct comparative tests of 1973 models against 1970 models showed a loss ranging from 11% to 17% depending on the number of miles the 1970 models had been driven prior to testing.

These data showed much greater mileage declines than governmental tests made for the Environmental Protection Agency which reported losses of only about 7%.

A profile of the late-model autos showed they average less horsepower, lower compression ratio, and greater weight—all of which lower their efficiency and, along with the emission control devices, account for the loss in miles per gallon. New safety requirements are responsible for most of the added weight (Table 1).

So far as gasoline consumption is concerned, the miles/gallon loss is compounded by the driving habits of Americans. They tend to drive new cars more (see Table 2). Motorists will average driving a car 13,200 miles in the first year, according to one conservative estimate. This drops to 11,000 in third year, 7,000 in ninth and 4,300 in twelfth.

Another estimate put 1st year at 15,000 miles; 2nd at 13,000, 3rd 11,000, 4th 9,500, 5th 8,500, and then 6,000 for remaining life of the car. This means simply that the late-model cars have a much greater impact on gasoline consumption than their numbers would indicate.

A Chase Manhattan Bank analyst estimated for example, that one-half of the expected growth of gasoline demand in 1973 will represent additional fuel consumption due to emission controls on the late models.

Current troubles arise because in the last several years gasoline demand has been rising much faster than the output of refineries.

### REFINERS THE KEY

A Journal analysis shows how vital refinery operations this summer are to avoiding a gasoline crisis (Table 3).

Journal data place refinery crude capacity at 13,383,000 b/d (API estimate of capacity is 13,620,000 b/d, some 237,000 b/d or 1.7% higher and thus will show greater production at lower capacity levels).

The study shows that with a 6% jump in demand if refiners on a national scale operate at 90–92% of capacity and get a gasoline yield of 46–46.5% (see table) they must import 125,000 b/d of gasoline and draw down stocks to 27.4 days' supply at the end of September, a perilously low point.

Refiners can avoid a stock drawdown with yields of 47–48% and imports of 125,000 b/d or yields of 48–48.5% with little imports. If demand should average a 7% gain, yields would have to reach 47.5–48.5% with imports and 48.5–49% with no imports.

If crude supplies should limit refinery operations to 89% of capacity, the drain on inventories would be almost intolerable, and the need for imports could exceed available supplies.

One major company analyst estimates that operations at 89% of capacity with a 5% growth in gasoline demand would pull stocks nearly 19 million bbl below last year at the end of September. With a 7% demand growth, the drawdown would be more than 56 million bbl.

Some analysts doubt the refining industry can sustain operations exceeding 91% of capacity for prolonged periods even if enough crude is available. The strain on aging equipment, they believe, would inevitably cause breakdowns which would bring the operating average down.

This set of circumstances explains why many observers conclude that gasoline demand this summer must be contained within the 5–6% range. The refining industry just can't keep up with constant increases in demand without renewing and expanding plants.

### WEST COAST STORY

The outlook for gasoline west of the Rockies is somewhat easier, although not without problems.

Gasoline demand in Dist. 5 took a 75% jump last year, and a 6% increase is expected this year. This means an additional 55,000 b/d of gasoline must be supplied.

The new supply, according to analysts, can come from increased runs (they were only 86% of capacity last year), a drawdown on stocks, or imports. Crude runs already have been stepped up. The 43 refineries in the district, with rated capacity of 2,138,000 b/d operated at 1,839,000 b/d last year and in the first month of 1973 averaged about 2,000,000 b/d.

Overall crude supply should be ample on the West Coast. The previous quota for imports—850,000 b/d—has been raised to 950,000 b/d. Under ordinary circumstances, this level should be adequate. However, some refineries—mainly the smaller independent plants—have limited capability to adapt to different types of crudes and limited flexibility in transportation facilities to bring in foreign crude. The big problem is getting the crude to refineries that can use it.

### IMPORTS AVAILABLE

Since the United States needs to bring in both crude and products in unusual volumes this summer and fall, supply abroad becomes a vital question.

Whether U.S. refineries can operate even at 91 or 92% capacity and churn out enough gasoline depends on availability of crude—mostly low-sulfur crude. Much of the U.S. refining establishment must have this sweet crude to operate. So must European plants. As a result crude of less than 0.6% sulfur has become practically unavailable on world markets, and the countries that have it are in a mood to charge whatever the market will bear.

The air pollution regulations in this country have aggravated the sweet crude situation worldwide. Several big Caribbean and foreign refiners are snaring sweet crude to make low-sulfur residual fuel without putting in expensive hydrodesulfurization equipment. Northern European refiners who built on the basis of sweet crude are not about to revamp their plants to refine sour crude out of the kindness of their hearts, especially since they see eventually big volumes of sweet crude coming from North Sea fields.

A temporary relaxation of air-pollution rules would have a domino effect on sweet crude, making supplies now going into production of distillate and residual available for gasoline.

### EUROPEAN PRODUCT?

As for gasoline imports, at least one company executive believes Europe probably can supply U.S. needs this year. Europe, however, has a very shallow gasoline pool; and, with demand there soaring also, the long-term prospects for export supplies are not favorable.

Total refining capacity in Western Europe—Belgium, France, Germany, Italy, Netherlands and the U.K.—is 14.4 million b/cd with gasoline-making potential of only 14.8%.

Caribbean refiners are in a similar position. This compares with the U.S. ratio of 41.3%.

Europeans also are very supply conscious. There are regulations in several countries that require long-term product reserves in storage to protect against emergencies. Refiners would be reluctant to draw on these reserves for export.

And if Europeans sell gasoline to the U.S., it won't be at a cut-rate price, rest assured. Premium laid down in New York recently ran 20c/gal which meant that under price ceilings existing then the U.S. importer lost 5c/gal. As one executive put it, "Import one lousy 20,000-ton cargo and you lose almost $400,000."

### HOW ABOUT TANKERS

A final import question: Are tankers available to bring in gasoline? Company traffic executives believe this can be solved this summer.

If imports should average 125,000 b/d, requirements would be 30 to 40 T2-equivalent tankers. The usual ship in this trade would be in the 30,000 to 40,000-wt range. There should be enough ships made available by switching from crude and resid service. Grain ships returning from the Black Sea also will be looking for clean backhauls.

Rates might rise initially, but this would attract more ships which would tend to level off charter prices again. Only immediate problem foreseen is if owners for some reason elect not to switch their ships from normal "dirty" service—crude and resid—to "clean" cargoes for such a short period.

### TIME RUNNING OUT

Time is perhaps the final factor blocking large product imports this summer.

A European refiner, for example, needs to nominate crude in the Persian Gulf, and it takes a month to get it to port. Shipping the crude to Europe may require another month processing it a week more, and moving gasoline to the U.S. about 18 days.

In other words, the time to order gasoline for U.S. arrival in July was no later than April 1. One supply manager observes, "It's already too late for gasoline—we should be working now to import distillate for next winter."

### NEXT YEAR?

There's general agreement that whatever happens this summer, it'll be worse next year.

A study by Petroleum Industry Research Foundation (OGJ, April 9, p. 38), for example, projects that the region east of the Rockies alone will need to import from 237,000 to 265,000 b/d of gasoline in 1974 and 478,000 to 572,000 b/d in 1975. And an import level of 300,000 b/d is considered the maximum that can be realistically expected for 1975. This means a physical shortage of 3–5% of total demand is likely for the region in 1975.

The study points out that a very sharp increase in the price of gasoline will be needed to balance supply and demand in the next few years. And in the absence of price correction either voluntary or compulsory rationing is the only alternative.

The possibility of rationing is being considered by others, too. One major executive expresses the blunt opinion that "wartime rationing of gasoline and fuel oil" should be imposed immediately to prevent a crisis this summer and a disaster next summer. "There is plenty of fuel oil and gasoline to go around—for the necessities," he said. "But the motoring public must realize it can no longer take that Sunday afternoon drive."

Some others mention dampening gasoline demand by stiff price increases or heavy taxes on autos by horsepower, weight, and gasoline-consuming accessories.

The majority supports a national policy that will encourage both domestic production and refining and also importation of crude and products. This will mean decisions on environmetal roadblocks and prices.

### EARLY IMPACT

Signs of coming problems this summer already are abundant. The daily press has been reporting cries of anguish in gasoline markets over the country since late winter.

In many cases, the shortages are more anticipated than actual. They reflect actions by major suppliers who are changing their marketing methods to fit new conditions. The suppliers, in effect, already are imposing some rationing at the wholesale level. It is taking many forms: cutting back jobbers and dealers by a percentage of 1972 volume, or holding them to 1972 levels, or cutting out sales on the spot market, or holding industrial accounts strictly to contract levels or even refusing to renew contracts, and declining to take on new business.

In addition, many suppliers are dropping some of their old business. They aren't bidding on fuels contracts for governmental agencies or some industrial accounts that go for discounted prices. And several major suppliers have pulled out of entire regional markets where their operations have been marginal.

Opposition to the moves has been highly vocal. Independent jobbers and dealers have been hit the hardest, but so have some branded distributors. The independents charge the majors are cutting them down to supply the company-owned outlets. Governmental agencies and commercial consumers charge the majors are guided merely by profits in cutting out the discounted sales.

It's even difficult for the majors to shed some of their marginal markets or allocate



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jobbers. At least three have been taken to court over their efforts.

Regional abandonment of markets, however, has been accomplished successfully—by Sun in eight upper Midwest states, Gulf in a 13-state, $250-million pullout, Amoco on the West Coast, Phillips in the Northeast, and ARCO in the Southeast.

TIGHT EVERYWHERE

The marketing shakedown has reached into nearly every corner of the country.

In Los Angeles, 200 stations put on allocation by Texaco reduced business hours and cut back on personnel. A Whittier, Calif., independent planned to close some of his 100 private-brand stations. A Chico, Calif., truck stop faced shutting down.

In Oregon, a jobber reported he was cut off entirely from supply. Another said he had been limited by his supplier to winter volumes which are 50% less than summer business.

An Arizona independent chain operator reported "I'm in the worst shape I've ever been in for supply." The Northwest Petroleum Association declared in Minneapolis that a shortage of wholesale gasoline existed in Minnesota, North and South Dakota, and parts of Iowa, Nebraska and Illinois.

City purchasing agents in Des Moines and Dallas and state buyer in New Hampshire have had trouble getting bids on their gasoline business; and the city buses in New Orleans are threatened with lack of gasoline.

On the East Coast, the Connecticut attorney general ordered an investigation of oil-company allocation plans which he charges are aimed at driving independents out of business. In Virginia, a Richmond independent claimed he has been on allocation for months and has cut back on the hours his stations remain open. In Florida, several independents, including Sears, have run short of supply and have had to ration customers.

The uniformity of the gasoline problems throughout the nation leaves no doubt that supply already is snug. And further evidence is seen in the end of price wars, closing of marginal marketing operations, and the pressure on independents.

Refiners can sell all the gasoline they can possibly manufacture. So there's no reason to engage in price cutting to maintain market position or gain volume. With costs rising, its also good judgment to shut down low-volume outlets and concentrate business at high-volume stations, where unit costs will be lower.

The squeeze on independent jobbers, wholesalers, and dealers is already evident, and it is not difficult to explain. For the last few years, independent marketers have been the fastest growing segment of the gasoline trade. Their share of the market both as private brands and as independent distributors of branded gasoline, has reached about 30%. But at least half of their supply has come from major refiners, who have used the independents as an outlet for excess gasoline.

But the surplus is gone, and it's logical that refiners channel their limited available supply to directly owned or controlled market outlets.

The speculation is that independents ultimately will have to buy higher-priced foreign gasoline. And the result will be a narrowing of the price differential between independents and majors.

Simply put, gasoline marketing is undergoing a revolution that involves everyone—producer, refiner, marketer, and motorists. The odds favor the nation squeaking through on gasoline this summer; but unless supply-demand trends change soon, severe shortages are inevitable next year.

TABLE 1.—A LOOK AT LATE-MODEL AUTOS

| | 1970 | 1971 | 1972 | 1973 |
|---|---|---|---|---|
| Horsepower [1] | 268 | 253 | 108 | 165 |
| Compression ratio | 9.5 | 8.6 | 8.5 | 8.4 |
| Axle ratio | 2.74 | 2.74 | 2.74 | 2.77 |
| Weight (pounds) | 4,362 | 4,403 | 4,505 | 4,653 |
| Acceleration (seconds): | | | | |
| 0 to 60 miles per hour | 10.7 | 12.0 | 12.8 | 13.0 |
| 25 to 60 miles per hour | 7.8 | 8.5 | 9.6 | 9.5 |
| Miles per gallon | 14.1 | 13.1 | 12.4 | 11.6 |

[1] 1970 71 data are gross horsepower, 1972-73 are net horsepower. All data are based on fleet tests of autos representing range of models produced by GM, Ford, Chrysler and are not averages for all U.S. autos.

TABLE 2.—NEWER CARS GET MORE DRIVING

| Car age | Miles driven/year |
|---|---|
| 1 year | 13,200 |
| 3 years | 11,000 |
| 6 years | 8,700 |
| 9 years | 7,000 |
| 12 years | 4,300 |

TABLE 3.—A LOOK AT U.S. GASOLINE-MAKING CAPABILITY

| Yield | Refinery gasoline (barrels per day) | Natural-gas liquids and other hydrocarbons (barrels per day) | Total production (barrels per day) |
|---|---|---|---|
| A. At 90 percent of crude capacity (1,045,000 barrels per day of crude and 146,000 barrels per day rerun for total refinery input of 12,191,000 barrels per day: | | | |
| 45 percent | 5,486,000 | 856,000 | 6,342,000 |
| 46 percent | 5,608,000 | 875,000 | 6,483,000 |
| 47 percent | 5,730,000 | 894,000 | 6,624,000 |
| 48 percent | 5,852,000 | 913,000 | 6,765,000 |
| 49 percent | 5,974,000 | 932,000 | 6,906,000 |
| 50 percent | 6,096,000 | 951,000 | 7,047,000 |
| B. At 91 percent of crude capacity [1] (12,179,000 barrels per day of crude and 148,000 barrels per day rerun for total refinery input of 12,377,000 barrels per day: | | | |
| 45 percent | 5,547,000 | 866,000 | 6,413,000 |
| 46 percent | 5,670,000 | 885,000 | 6,555,000 |
| 47 percent | 5,794,000 | 904,000 | 6,698,000 |
| 48 percent | 5,917,000 | 923,000 | 6,840,000 |
| 49 percent | 6,040,000 | 943,000 | 6,983,000 |
| 50 percent | 6,164,000 | 962,000 | 7,126,000 |
| C. At 92 percent of crude capacity [1] (12,312,000 barrels per day of crude and 149,000 barrels per day rerun for total refinery input of 12,461,000 barrels per day): | | | |
| 45 percent | 5,607,000 | 875,000 | 6,482,000 |
| 46 percent | 5,732,000 | 895,000 | 6,627,000 |
| 47 percent | 5,857,000 | 914,000 | 6,771,000 |
| 48 percent | 5,981,000 | 933,000 | 6,914,000 |
| 49 percent | 6,106,000 | 953,000 | 7,059,000 |
| 50 percent | 6,231,000 | 972,000 | 7,203,000 |

[1] OGJ percent of capacity figures

## FINANCIAL STATEMENT OF SENATOR AND MRS. ADLAI E. STEVENSON III

Mr. STEVENSON. Mr. President, I have made it a practice for many years to disclose publicly all my economic interests. In accordance with that practice, I ask unanimous consent that a statement of the assets and liabilities of myself and my wife, as of April 1, 1973, be printed in the RECORD. I update these statements quarterly, keeping copies in my Washington and Chicago offices available for public inspection.

There being no objection, the financial statement was ordered to be printed in the RECORD, as follows:

*Consolidated financial statement of Senator and Mrs. Adlai E. Stevenson III, April 1, 1973*

REAL ESTATE

| | |
|---|---|
| Home, Chicago, Ill | $90,000 |
| Home, Washington, D.C. (cost) | 125,000 |
| One-third interest, residence, Beverly, Mass | 30,000 |
| Interest in farm, Jo Daviess County, Ill | 67,500 |
| Fractional interest, Fisk Building, Amarillo, Tex | 3,200 |
| Fractional interest, 1776 Pennsylvania Avenue, Washington D.C | 20,000 |
| Fractional Interest, 633 Folsom Street, San Francisco, Calif | 12,000 |
| Real Estate—St. Maarten Island | 8,000 |
| 10 percent undivided interest in real estate, Tiburon, Calif | 66,195 |

STOCKS AND BONDS

| | |
|---|---|
| 12,640 shares, Evergreen Communications, Inc. (publishes Bloomington, Ill. Daily Pantagraph, operates WROK, Rockford, Ill. and WJBC, Bloomington, Ill., owns 10 percent of Bloomington, Ill. CATV) | 160,000 |
| 3 shares, Bloomington Broadcasting Corp., class B, nonvoting | 1,500 |
| 533 shares, KBA Townbuilders Group Ltd., Tel Aviv | 550 |
| 34.1 shares, R. R. Leaseholds, Inc | 500 |
| The market value of the following stocks and bonds as of Mar 31, 1973: | |
| 10,000 bonds, Baltimore, Md., 6.25 percent, 10/15/84 | 10,991 |
| International Harvester Commercial paper | 1,000 |
| 98 shares, International Business Machines | 42,287 |
| 210 shares, Xerox | 31,763 |
| 442 shares, Harris Intertype | 15,470 |
| 300 shares, Spectra Physics, Inc | 6,750 |
| 300 shares, General Electric | 19,350 |
| 400 shares, Pfizer, Inc | 16,500 |
| 300 shares, Marcor, Inc | 6,525 |
| 70 shares, Louisville Gas. & Elec. Ky | 2,188 |
| 156 shares, R. R. Donnelley & Sons | 3,588 |
| 300 shares, Zayre Corp | 5,250 |
| 300 shares, Rorer-Amchem, Inc | 9,675 |
| 200 shares, Aetna Life & Casualty | 12,950 |
| 450 shares, Narco Scientific Industries | 8,100 |
| 400 shares, Robert Shaw Controls | 10,500 |

CASH

| | |
|---|---|
| Less current obligations | 0 |

MISCELLANEOUS

| | |
|---|---|
| Personal property, including securities of nominal value, furniture, cars, paintings and clothing | 50,000 |
| Total | 837,332 |

DEBTS

| | |
|---|---|
| Mortgage—Perpetual Building Association, Washington, D.C | 77,327 |
| Mortgage—Continental Bank, Chicago, Ill | 17,306 |
| Note payable to Charles J. and Charlotte T. Whalen | $3,375 |
| Total | 98,008 |



## THE PROPOSED CLOSING OF NAVAL FACILITIES ON NARRAGANSETT BAY

Mr. PELL. Mr. President, on Saturday, May 12, I attended a demonstration by thousands of Rhode Islanders who congregated on the steps of the west front of the Capitol to petition the administration for redress of their grievances. These Rhode Islanders are on the verge of losing their jobs, losing their homes, and losing their belief in a sense of fair play by our Government.

Mr. President, along with my colleagues in the Rhode Island congressional delegation. I have met twice with Mr. Elliot Richardson in his capacity as Secretary of Defense. On both occasions, I presented what I believed to be irrefutable arguments based on considerations of strategy, economy, and efficiency, which were prepared by my office in concert with the General Accounting Office. I must say that the logic of my arguments has apparently fallen upon deaf ears. From these arguments the logical conclusion must be that the present Naval facilities on Narragansett Bay should remain. But we are told, for example, that the main reason for the closure of Quonset Naval Air Station is that the 8,000-foot runway is too short to accommodate modern jets. Yet I am informed that the Navy has a carrier air wing, consisting mostly of jet aircraft, stationed overseas in Japan, using an 8,000-foot runway at Atsugi Air Base. And in fact, the Navy has projected a buildup of the force at Atsugi Air Base.

Furthermore, we have been told that the Navy will save millions of dollars by shifting naval units from Newport to Norfolk and other southern ports. However, the Department of Defense has requested in its military construction budget for fiscal year 1974, more than $55 million for naval construction at Norfolk of which the largest single item is $9.6 million for a new berthing pier at the Norfolk Naval Station. Indeed the major reason for spending this $55 million in Norfolk is to accommodate 9,000 naval personnel who will be moving there from Newport.

Mr. President, at this point I ask unanimous consent that there be printed in the RECORD an article which appeared in the Washington Post on Sunday, May 13, concerning the demonstration which was held at the Capitol—exhibit A; a resolution of the Joint Councils of Newport, Middletown, and Portsmouth, R.I., relative to the decision to transfer the Navy fleet from Newport—exhibit B; a statement by the Council of Presidents, representing all labor and management unions and organizations at Quonset Point Naval Air Complex—exhibit C; a statement by the Newport County Chamber of Commerce—exhibit D; a report from the Save Aquidneck Island Fund—exhibit E; and a copy of a letter from the Newport Chamber of Commerce to the President of the United States—exhibit F.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT A

3,500 FROM RHODE ISLAND PROTEST LOSSES OF 20,000 JOBS

(By Eugene L. Meyer)

Franklin Pretto Jr., who is 11 and lives in West Warwick, R.I., had doctored a Nixon campaign sign. He had written, "R.I. Economy Needs You" above the line "Now More Than Ever." An American flag topped off the placard.

Franklin Jr. and his father, who voted to re-elect the President, were among an estimated 3,500 Rhode Islanders who came here yesterday by train, bus and car to protest defense cutbacks announced last month, five months after the election. They had a motorcade, rallied at the Capitol and some went to the White House to pass out leaflets opposing the cuts, which ended some 20,000 jobs in Rhode Island.

In interviews, they told of their feelings of political betrayal and personal economic disaster that had brought them to Washington.

"I voted for Nixon, damn it," said Pretto Sr., 53, a 25-year employee of the Naval Air Re-work Facility at Quonset Point "What am I going to do, a man of 53" he asked. "What does a man of 53 do when the economy drops out from under him? I haven't been able to answer it."

Robert Theroux, a power-house mechanic at Quonset Point for 22 years, 44, father of four boys aged 4 to 9, also described himself as a "disenchanted" Nixon voter.

"I was born, raised and will probably die in Rhode Island," he added. "I'll never move. They offered me a job in Adak. You know where that is? That's in the Aleutian chain. A punishment post. The sun shines three hours a day there."

"I voted for Mr. Nixon for selfish reasons," said Salvatore Conti, a Quonset Point aircraft quality inspector and an organizer of the protest. "I was concerned about my job."

Conti said that more than 3,000 Quonset Point workers will lose their jobs in five months. "I don't understand the urgency," he said. "Why so fast? This isn't a private industry going bankrupt. Why can't we be given a little more time?"

Roger Larrivee, metal-smith, predicted the shutdowns would have a "chain reaction" effect on the general economy of the affected areas. "The Navy kids go to public schools. That means the school is affected, and the teachers. Also the restaurants, cleaning stores. It just goes down the line."

Rhode Island gave the President a 72 per cent vote last November. A campaign ad had appeared in the State's newspaper warning of disastrous defense cut-backs should Senator George McGovern be elected.

'We consider this our own little Watergate," said Sen. Claiborne Pell (D-R.I.) in an interview after the rally.

EXHIBIT B

MIDDLETOWN, R.I.,
*May 7, 1973.*

Senator CLAIBORNE DEB. PELL,
*Congress of United States,*
*Washington, D.C.*

DEAR SENATOR PELL: At a Grand Committee meeting of the Joint Councils of the City of Newport and the Towns of Middletown and Portsmouth, Rhode Island, held on May 2nd 1973, it was voted to pass the enclosed resolutions relative to the decision to transfer the Naval Fleet from the Newport, Rhode Island area and requesting that the General Accounting office furnish this Council with a report dealing with the cost versus savings as a result of the Naval Realignment Program.

Sincerely yours,

FRANK N. CAMPAGNA,
*Town Clerk.*

RESOLUTION OF THE JOINT COUNCILS OF NEWPORT, MIDDLETOWN, PORTSMOUTH, R.I.

Whereas, On April 16, 1973 the Councils and the citizenry of Aquidneck Island were shocked by receiving the astounding and unbelievable information that, as a result of the United States Navy Shore Establishment Realignment Program, the Naval Base, Naval Supply Center and Naval Hospital will be disestablished, the entire Naval Fleet and related activities will be transferred from the Newport area, and

Whereas, the economic impact of this action on Aquidneck Island will be disasterous in that the economy of the area has been geared almostly solely on the presence of the Naval facility, and

Whereas, the Joint Councils of Aquidneck Island, justly concerned with the welfare of it's citizens, serves notice that the proposed action of the Department of Defense will result in a catastrophic situation, now therefore be it

Resolved, the Joint Councils of Aquidneck Island, meeting herewith in Grand Committee, hereby requests that the Department of Defense reconsider this drastic decision and prevent a state of chaos that may well result and, in the event this decision is in fact deemed irreversible and in consideration of the economic well being of the citizens of Aquidneck Island in order that they may commence constructive action relative to the Island's economic recovery, it is imperative that the Federal Government order that normal bureacratic, time consuming methods of releasing surplus Federal property be set aside and immediate action be taken to make available to the communities of Aquidneck Island all Federal properties and facilities not considered absolutely necessary to the operation of the remaining military activities, and be it further

Resolved, that certified copies of this resolution, signed by the Honorable Humphrey J. Donnelly, III, Mayor of Newport, the Honorable Robert M. Silva, President Middletown Town Council, the Honorable Laurent L. Rousseau, President Portsmouth Town Council, be transmitted to the Honorable Richard M. Nixon, President of the United States, the Secretary of Defense and the Congressional delegation from the State of Rhode Island.

Sponsor: Robert M. Silva, President, Middletown Town Council.

Read and passed in Council, May 2, 1973.

RESOLUTION OF THE JOINT COUNCILS OF NEWPORT, MIDDLETOWN, PORTSMOUTH, R.I.

Whereas, The Joint Councils of Aquidneck Island, meeting herewith in Grand Committee to consider and act upon the recent decision of the Department of Defense resulting in the order to transfer the Naval Fleet from the Newport area and to disestablish the Naval Shore facilities on Aquidneck Island, and

Whereas, the Joint Councils and the citizens of this Island vehemently protest this shocking decision which surely threatens our communities with economic disaster, and

Whereas, the logic and wisdom of this determination is hereby questioned and of particular concern to the Councils and citizen taxpayers, is the financial justification involved in this momentous decision, Now Therefore Be It

Resolved, the Joint Councils and the citizens of Aquidneck Island hereby request the Federal General Accounting Office furnish this Council with a comprehensive financial report dealing with the cost versus the savings, resulting from the Naval Shore Estab-

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lishment Realignment Program in the Newport area, and that no action be taken to implement said Realignment Program until such time as the requested study and report is completed, and be it further

Resolved, that certified copies of this resolution, signed by the Honorable Humphrey J. Donnelly, III, Mayor of Newport, the Honorable Robert M. Silva, President, Middletown Town Council, the Honorable Laurent L. Rousseau, President, Portsmouth Town Council, be transmitted to the Honorable Richard M. Nixon, President of the United States, the Secretary of Defense, General Accounting Office and the Congressional delegation from the State of Rhode Island.

Sponsor: Laurent L. Rousseau, President, Portsmouth Council.

Read and passed in Council, May 2, 1973.

FRANK N. CAMPAGNA,
*Town Clerk.*

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EXHIBIT C

STATEMENT BY COUNCIL OF PRESIDENTS

The Council of Presidents, representing all labor and management unions and organizations, strongly urge the closure of the Naval Air Complex, Quonset Point, Rhode Island be reversed, and that work be continued at its present capacity and capabilities and in consonance with the needs of the national security of the United States.

1. If retrenchment in operation is essential, it should be reasonable.

2. If closure cannot be reversed, and if reasonable curtailment of plant operation cannot in fact be justified, we recommend that the phase out of base operations be accomplished over a three to five year time frame. This will ensure not only orderly cessation of operation, but it also will permit employees to make obviously basic and crucial adjustments in their lives in a reasonable manner rather than in a state of panic and chaos.

3. In keeping with Secretary of Defense Elliot Richardson's request that we show proof of why these activities should remain open, we offer the following facts:

a. Narragansett Bay provides the most strategic location for a Naval complex in the Northeast section of the United States.

b. The Department of Defense's decision to close this complex will leave the most populated and industrialized portion of the Eastern seaboard unprotected.

c. We fail to see the rationale of removing these Naval activities to new locations that are already more than adequately protected.

4. We disagree with statements made by officials of the Department of Defense that the Narragansett Bay area cannot accommodate Deep-Draft Carriers.

a. Newport can.

b. Quonset Point piers can with minor dredging.

c. Barging can be accomplished.

5. We cannot understand this explanation in view of the fact that three of our sister activities on the East Coast cannot provide access for Deep-Draft Carriers under *any* circumstances.

a. Cherry Point—Land Locked.

b. Jacksonville—Dredging from the river mouth to Mayport costs $4.5 million per year to accommodate carriers. Then barging from carriers at Mayport to Jacksonville Naval Air Station is 20 miles.

c. Pensacola—Barging.

6. We also disagree with the statement made by officials of the Department of Defense that the Naval Air Station, Quonset Point, is in a state of deterioration.

a. In 1972 a total of 9.7 million dollars for renovation and expansion including three million dollars for rehabilitation of the Naval Air Station Bachelor Enlisted Quarters was accomplished.

b. Base modernization includes a newly renovated base exchange, a newly built commissary, a newly built CPO club, a new golf course club house, and a recently renovated enlisted men's club. Also included, 156 additional housing units at Kings Grant dedicated 6 December 1972, and 200 additional housing units at Hoskins Park dedicated June 1971.

c. The wooden living quarters built during World War II are outdated and scheduled for demolition. This process is going on at all government facilities.

d. This facility is no different in this regard than any of its sister facilities.

e. The industrial complex of the Naval Air Rework Facility is among the most modern in the Navy.

NARF, Building 879 special processing of aircraft parts, 95% complete as of this date, approximately one million dollars (only one of its kind in Navy).

NARF hangar extended in 1970, approximately 1½ million dollars.

NARF consolidated computer controlled machine shop, nearing completion is a model machine shop used for other sister activities to follow.

NARF test cells modernized to test TF-34 S3A engines.

f. As a direct result of a plea in 1971 by the then Secretary of the Navy, Mr. Chafee, private enterprise responded by investing large sums of money in the construction of permanent housing in the immediate area such as Heritage House apartments and Kings Grant apartments which relieved the Navy's urgent need for housing. A further complicating fact is that these structures are in fact tied into the Navy's sewage system.

7. Economic Impact—

a. Four thousand people unemployed. This situation is unique in that it is the only known case of a base closure resulting in nearly complete severance of its work force from the federal payroll.

b. Re-employment possibilities are further complicated by the fact that 66% of the severed employees are 45 years of age or older.

c. Unemployment rate in Rhode Island is already 6.4 percent, and will be raised as high as 15%.

d. Rhode Island offers few possibilities for this highly specialized work force.

e. Economic recovery will be greatly aggravated as we have not fully recovered from the loss of the textile industry.

f. Rhode Island is no more than a metropolitan area and the spin-off from these base closures will affect all of Rhode Island.

g. It appears inconceivable that the federal government would create by its free will an economic disaster in Rhode Island. The following are examples:

1. North Kingstown is to be faced with a surplus of 80 school teachers caused by the withdrawal of the military. Also, North Kingstown is currently faced with an $11.00/$1,000 property tax increase exclusive of the final withdrawal of the military.

2. Kent County communities will be faced with the same problem.

3. Newport is to be faced with a surplus of 130 school teachers. Afternoon sessions of kindergarten class; 24 of 25 are children of the military.

h. The federal payroll for fiscal year 1972 in the Narragansett Bay area was 344 million dollars. It is our opinion that the full impact of this loss is not fully understood by the business community and the general public. A reasonable estimate of the economic impact of this loss could reach a staggering two billion dollars.

i. Twenty-nine percent of the gross payroll or about $100 million was paid to Navy civilian employees at Newport and Quonset-Davisville.

j. This $100 million work force, which has donated nearly one-half million dollars to the United Fund and other charities, will be converted to a liability.

In conclusion we emphatically urge you as our Congressional delegates and State officials to use these facts and any additional information available to convince the Department of Defense that this Naval Complex is a viable part of the defense of the country and the economy of the State of Rhode Island.

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NEWPORT COUNTY CHAMBER OF COMMERCE COUNTY,
*Newport, R.I., May 11, 1973.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

MR. PRESIDENT: In your capacity as Chief Executive of the United States and Commander in Chief of the Armed Forces, you alone are able to place in proper perspective the proper balance between national defense, the economy of the nation, and the economic condition of various geographical segments of the nation. We, therefore, invite your personal review to the plan of the Navy to suddenly abandon Rhode Island. The Navy plans to close Naval Air Station, Quonset Point, R.I., Naval Base, Newport, R.I., and most supporting activities. Virtually all Navy ships in Rhode Island waters will be transferred to southern ports (Norfolk, Va., Charleston, S.C., and Mayport, Fla.).

We believe such a move is—

(a) dangerous to the defense of the country
(b) economically unwise on a national scale
(c) locally a complete financial disaster
(d) damaging to the morale of many of our service personnel.

DEFENSE ASPECTS

By removing surface ships from the northeast, we reduce our quick response ASW capability. It is well known that Russian submarines—some nuclear warhead equipped—patrol our New England waters, soon to be virtually unchallenged. The Russian fishing fleet will in the near future have more ships off our coast than our own Navy.

By concentrating our surface fleet in a few southern ports we invite another Pearl Harbor. When one bomb can destroy an entire city, it would appear imprudent to concentrate our fleet in a few ports.

Of perhaps greatest concern, is the apparent desire of the Department of Defense to locate our Navy in warm climates where they can train in relative comfort. Are we to assume that a potential aggressor would be cooperative enough to meet us on our favorite battleground, or are we more apt to have to endure the rigors of North Atlantic or Arctic Oceans? Certainly both men and equipment of the U.S. Navy must be prepared to fight anywhere and under any conditions.

NATIONAL ECONOMIC ASPECTS

In order to accomplish its mission here in Rhode Island, the Navy has invested more than $561,000,000 in capital facilities. Building of new facilities has steadily improved the condition of the Naval Base and is still going on. Capital equipment expenditures for the last three years are summarized below:

*1970*

| | |
|---|---|
| East Side Narragansett Bay: | |
| Destroyer School and Engineering Laboratory | $1,727,219 |
| Naval Housing (300) Newport, R.I. | 5,244,000 |
| Bachelor Officers Quarters | 1,105,030 |
| Wave-Nurse Officers Quarters | 1,105,030 |
| Total | 9,181,279 |
| West Side Narragansett Bay: | |
| Housing Units (100) North Kingston, R.I. | 1,875,000 |
| Expansion Navy Exchange | 340,000 |
| Electrical Distribution System | 730,560 |
| Utilities | 535,615 |
| Helicopter Transmission Rework Facility | $458,679 |
| Construction of Seabee Regimental Headquarters | 601,861 |
| Total | 4,541,715 |

*1971*

| | |
|---|---|
| East Side: | |
| Temporary Lodges, 125 units | 1,335,000 |
| Commissioned Officers Mess | 681,000 |
| MK 48 Weapons Center | 678,000 |
| Total | 2,694,000 |
| West Side: | |
| Family Housing (100 units) | 1,925,950 |
| Naval Aircraft Maintenance Training Facility | 187,463 |
| Renovation of Air Rework Facilities | 3,383,497 |
| Total | 5,496,910 |

*1972*

| | |
|---|---|
| East Side: | |
| Family Housing (60 units Fort Adams | 1,680,000 |
| Professional Education Center | 2,885,000 |
| Weapons Reliability Laboratory | 487,000 |
| Hospital Rehabilitation and Alterations | 1,203,000 |
| Total | 6,255,000 |
| West Side: | |
| Carrier Pier Repairs | 693,407 |

*1973*

| | |
|---|---|
| East Side: | |
| Enlisted Men's Service Club | 1,296,000 |
| Bachelor Enlisted Quarters | 1,881,000 |
| Sewer Improvements | 1,165,000 |
| Family Housing (200 units) | 5,253,000 |
| Academic Bldg. No. 1 War College | 4,060,000 |
| Family Housing (140 units) | 2,508,000 |
| Total | 16,163,000 |
| West Side: | |
| Renovation and Expansion Quonset Point | 9,762,104 |

Certainly the continued expenditure of funds in Rhode Island has provided the Naval Base with modern facilities to service the fleet. It is readily evident that these facilities will have to be duplicated wherever the fleet relocates. At Mayport, Florida, for example, the nearest hospital is thirty (30) miles away. Navy housing at Norfolk, Charleston, and Mayport are already overcrowded.

EFFECT ON THE LOCAL ECONOMY

The federal government has a history of trying to help when natural disasters strike an area. Within the past month you personally surveyed the flood situation in the Mississippi Valley and pledged federal disaster aid. *Here in Rhode Island, however, we are facing a government-made disaster.*

The economy of our entire state is based upon the Navy. It is our largest employer. It owns the most choice waterfront locations of our state. Economists differ on the number of times a "Navy payroll dollar" gets spent—but it is somewhere between four and ten times. Thus, the reduction in payroll of $131,000,000 to the Newport area alone is a billion-dollar blow to a community of only 70,000 people. Clearly the small businessman, the apartment owner, and the labor force as a whole are being dealt a blow from which this island may never recover.

Twenty-five per cent of the Newport schools' enrollment are sons and daughters of uniformed Navy personnel, 50 per cent of Middletown's and 33 per cent of Portsmouth's. Not only will reduction in teacher staffs be required, but many schools, built at great expense will have to be closed.



For years, the Navy has urged local investors to build low-cost housing for sale or renting to Navy families. Response, while slow at first, has accelerated with private apartment complexes totaling more than 1,500 units opened within the past year. About fifty per cent of these are occupied by military families—all of whom will either transferred or forced to move into the greatly expanded number of Naval Housing units that will now be available.

More than $27,000,000 of direct purchases were made last year from Rhode Island businessmen. This also was spent several times over in the State for goods and services.

It hardly seems reasonable that a government that historically has helped overcome national disasters, would inflict a disaster on its smallest state.

EFFECT ON NAVY MORALE

There are no statistics on Navy morale. Navy policy is to follow orders and disciplinary action is threatened against those who complain. In our discussion with hundreds of Navy men and women, we have yet to find one enthusiastic about leaving. Many are being advised to leave their families behind as there is no housing—either government or urban, where being assigned. Schools in all of the areas where they are being assigned are overcrowded, some on double sessions. Quality of education is not thought to be equal to that in the Newport area. Medical facilities are also unequal to those of Rhode Island.

In summary, Mr. President, we do not believe a comprehensive look at the effect on the nation as a whole has been taken by the Navy in planning this move. We would be happy if you would review this potential government-caused disaster with the same compassion you have shown before in natural disasters.

Respectfully yours,

DAVID P. LEYS,
*President, Newport County Chamber of Commerce.*

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STATEMENT OF THE NEWPORT COUNTY CHAMBER OF COMMERCE IN SUPPORT OF RETAINING THE FLEET IN NARRAGANSETT BAY

1. The Chamber of Commerce of Newport County, representing the business community of the city of Newport and the towns of Middletown and Portsmouth, Rhode Island, strongly urges that the drastic reduction of activities at U.S. Naval Base, Newport, R.I., be reversed for the reasons set forth herein.

2. We strongly endorse the statement of the Council of Presidents in objection to the closure of the naval air complex at Quonset Point, R.I., and concur with the statements made therein.

3. In further response to Secretary of Defense Richardson's request for proof that these activities should remain in Rhode Island, and with particular reference to the Newport situation, we offer the following facts:

A. Concerning national defense and the effectiveness of naval operations:

1. A primary mission of the Navy is the defense of our maritime trade. A major portion of the maritime trade route is found in the North Atlantic regions. The fulfillment of this mission requires the U.S. to maintain a portion of the Atlantic Fleet at an operating base in the Northeast. The naval base at Newport, with its facilities designed to support such forces, logicaly fills these requirements.

2. An important consideration of our national defense is the premise that the disbursal of our fleet is worth the additional expense to minimize the effect of a sudden attack in the event of total war—remember Pearl Harbor.

3. The Navy's future plans are to minimize its dependency on the larger carrier force, and place its reliance on smaller air-craft carriers, such as the sea control ships and a highly mobile destroyer escort force. The present Narragansett Bay facilities of the Navy are the best the Navy has on the East Coast for this type of force. Our government should not indulge in the false economy of closing down these bases today, when our best information tells us these bases will be needed for the ships of tomorrow.

4. One of the primary missions of a destroyer fleet is A.S.W. and destroyers should be kept at Newport to train and operate with submarines at New London. We disagree with the logic of the argument that Narragansett Bay's naval operating areas suffer from more bad weather than the southern ports. The Navy will not be able to choose its next battle ground. It should be trained to fight under the worst conditions. The Japanese in World War II took advantage of our "fair weather Navy," and chose to do battle with us in stormy weather.

5. Narragansett Bay is adjacent to deep water operating areas and a shorter distance to water outside of thousand fathom curve than Charleston or Mayport. The waters off the coast of Rhode Island more closely simulate those of the Mediterranean and Norwegian Sea than do the waters of Virginia, South Carolina, and Florida. It is only logical that ships and aircraft, working in concert, should train in an environment as similar to that in which they would have to operate in a national emergency.

6. Newport is better situated than the southern ports because it is closer to the Navy's two principal mission areas—Gibraltar and the Norwegian Sea.

B. Newport is not an old base. This base has been completely modernized since 1955 by the following major projects:

| | |
|---|---|
| Destroyer piers and breakwater | $19,636,251.00 |
| Dormitories, barracks, etc. | 19,390,000.00 |
| Utilities | 13,423,000.00 |
| Training buildings and facilities | 23,640,000.00 |
| Hospital additions and repairs | 5,487,000.00 |
| Housing | 20,203,000.00 |
| Miscellaneous facilities | 3,790,000.00 |
| Total | 105,569,251.00 |

The Newport base has modern, well-maintained facilities with better than normal military housing, all of which is within a ten minute drive from the destroyer piers—an essential element to speedy mobilization in the day of surprise attack.

C. Shipyard facilities.

1. The closing of Boston naval shipyard will have no appreciable effect on New England's ability to service the fleet. The independent New England shipyards represent many of the Nation's finest modern ship repair and construction facilities, with the craftsmanship and technical know-how to perform all services needed to keep the fleet in a state of readiness at reasonable cost.

2. Two of the southern ports are each served by a shipyard which has a monopoly in the area, resulting in negotiated contracts thirty per cent higher than the competitive bidding in New England.

3. The addition of a floating drydock at Newport in 1972 now means that almost all Newport based ships can receive their shipyard services at the Newport base, close to the training activities there and to the homes of the crew.

D. Naval facilities.

1. Newport contains the fleet training center and the destroyer school (which is scheduled to remain), and the presence of ships at Newport is important to both.

2. Newport naval hospital is well equipped to meet the needs of the fleet stationed at Newport and Quonset.

3. There are 2,310 units of naval housing in Newport, 962 of which have been built

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within the last five years, at a total cost in excess of $21,526,000.00.

4. The supply depot at Newport is modern, efficiently managed and very adequate to meet the needs of the fleet.

5. Newport's fleet fueling facility is the third largest and one of the best the Navy has, and its supply center has one of the largest cold storage operations on the east coast.

6. The Newport base has recently modernized the following facilities:

Base exchange.

C.P.O. club, which will become the enlisted mens' club when a new C.P.O. club (construction of which has started) is completed.

A new recreation center.

Millions of dollars have been spent recently on enlisted mens' quarters and bachelor officers' quarters.

E. Civilian shore facilities:

1. As a result of constant urging by the base commander and by the Secretary of the Navy to construct modern housing, private enterprise in the three communities, Newport, Middletown and Portsmouth, have responded by constructing since 1965 approximately 1500 apartment units at a cost exceeding twenty-two and a half million dollars. During this period, at least an equal number of new single family houses have been constructed.

2. Newport has an active, well supported Navy YMCA. (We understand that the Charlestown, South Carolina, Navy will soon close because of bad relations with the civilian government).

3. The immediate Newport area contains five golf courses, good beaches, indoor and outdoor tennis courts, marinas, and an excellent recreation program which welcomes naval personnel.

4. The three Aquidneck Island communities have excellent school systems, personnel and facilities, which were created in the main to accommodate the children of Navy families. This includes special training facilities which are not available in other naval areas.

5. Morale of the officers and enlisted men stationed in Newport has always been a concern of the community. The chamber of commerce has conducted an active program that has become a model for community-military relations.

F. The Nation's hopes for a total volunteer fleet make it particularly important that they have representation in all major areas of the country, if interest and understanding of the populace are to lead to successful recruitment.

G. Environmental impact:

1. Has an environmental impact study been performed to justify the ecology considerations of the consolidation of the fleet in the muddy river-type ports of Charlestown and Mayport?

2. Can Norfolk's and Chesapeake Bay's ecological limits support the addition of more ships, more housing and more solid waste?

3. Narragansett Bay is deep and subject to constant tidal change, making it ecologically suited for the fleet.

H. Concerning the economy of Newport county:

1. Newport County presently has an unemployment rate of 10 per cent, the highest unemployment rate in the State of Rhode Island, which has one of the highest unemployment rates in the Nation. It is projected that if the Department of Defense persists in its plans to withdraw the fleet from Newport and close Quonset Point, Newport County's unemployment rate will rise to 22 per cent.

2. The loss of the Navy payroll will mean a 9 per cent reduction in the payroll of the State of Rhode Island.

3. The direct reduction of 13,887 military and civilian jobs results in a loss of 41 per cent of the total jobs for the three Aquidneck Island communities of Newport, Middletown and Portsmouth.

4. A quick sampling through a survey of the businesses of these three communities has been conducted by our chamber of commerce since the announced base closings, with the following results:

a. 20 per cent of the businesses on Aquidneck Island responded. These businesses had gross receipts of $61,828,660.00 in 1972, and an average of 43 per cent of these receipts were directly attributed to naval purchasers. The businesses sampled had 1,576 full and part-time employees, and indicated a reduction of this work force, because of the Navy pull-out, of 1,007 employees. Of the 121 businesses replying to the survey, 74 indicated they would go out of business if the Navy reduction went through as contemplated.

5. Newport is unique when compared to the other announced base closings, as Newport is not a base that was originated and developed in World War II. The Navy has been in Newport for 200 years, and the social and economic environment of this community is almost totally dependent upon this relationship.

CONCLUSION

We cannot argue with the decision to close some military bases for economic reasons, if the economies effected are national ones. But is this the case? Will not the savings to the defense budget be a loss to our domestic program if an area is financially devastated in the process?

Should we be required to accept the supercarrier theory when the Navy's future calls for their reduction and construction of small carriers and the smaller types of ships?

Can we help but conclude that the determination of which bases would close and which would not was made with more consideration for the geographical membership of the Armed Forces committees than for the geographical considerations of national defense?

Are we not justified to question fair play of our Federal Government—whose naval representatives a few years ago required that the Newport Bridge be built to accommodate supercarriers and be located so as not to interfere with the fleet at Newport and the aircraft at Quonset?

We join with all Rhode Islanders to urge the President and Congress to keep the fleet in Narragansett Bay where it belongs for the defense of the Nation.

DAVID P. LEYS,
*President.*

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EXHIBIT E

THE NAVY IS OUR ECONOMY

(A report to Save Aquidneck Island Fund, Inc.)

ECONOMY OR WASTE?

The transfer of the fleet from Newport, Rhode Island, with the attendant movement of other facilities, will cost the taxpayers of the United States of America hundreds of millions of dollars.

Following are some of the costs.

| *Cost to Government* | |
|---|---|
| 1. Aid to homeowners under Government Homeowners Assistance Act: | |
| a. 2,772 homes affected [1] [2] | $14,553,000 |
| 2. Families Relocated: | |
| a. 6,105 Families [3] [6] | 8,186,805 |
| 3. Mileage Allowances: | |
| a. 6,105 Families [3] [4] | 1,253,102 |
| 4. Vacated housing units to be duplicated at new locations: | |
| a. 1,460 Units [2] | 29,220,000 |
| 5. Federal dollars spent in 1972 on new construction for disestablished or relocated facilities [5] | $31,707,041 |
| 6. Total replacement value of plant and equipment not including ships and land [5] | 392,700,000 |
| 7. Annual Navy payroll in Newport is [5] [7] (This is 77% of Aquidneck Island's payroll.) | 216,186,416 |
| 8. Navy employment constitutes 63% of the total employment on Aquidneck Island. [5] [7] | |
| 9. Navy Supply Center is the third largest Navy bulk fuel storage facility in the world. [6] | |
| 10. Naval Supply Center has one of the largest cold storage operations on the East Coast. [5] | |
| 11. The Supply Center alone has a value in excess of [5] | 29,000,000 |
| *Economic impact on Aquidneck Island (Newport, Middletown, and Portsmouth)* | |
| 1. A 22% rate of unemployment is anticipated on this island (presently 10%) [8] | |
| 2. Loss of 51% of the total island payroll of these communities is [3] [6] [7] | $144,768,213 |
| 3. Purchases by the Navy from local suppliers are in excess of [3] | 10,000,000 |
| 4. A loss of 13,887 Government jobs is equal to 41% of the total jobs on Aquidneck Island. [6] [7] | |
| 5. An additional loss of 1800 jobs EXCLUSIVE of military base employment is anticipated. [7] [9] | |
| 6. An additional annual loss to the business community includes payroll, maintenance, procurements, and construction [5] [9] | 175,000,000 |
| 7. A loss of more than 50% (600+) of all the business on Aquidneck Island is anticipated. [9] | |

SOCIAL IMPACT

1. The Navy has been an integral part of our lives for over 200 years, consequently, we do not just service the Navy—WE ARE a part of THE NAVY.

2. Adequate housing, recreational, and medical facilities are located within a 10 MINUTE access of the Naval Base.

3. Children attend their NEIGHBORHOOD SCHOOLS which are known for excellent education. Special training facilities located here, which are not available in other areas, exist within a 10 minute drive.

4. A loss of $172,000 to the United Fund and other Charities. [5]

5. Naval facilities have been and are shared by Boy Scouts, Girl Scouts, the Red Cross, and church groups, etc. [5]

6. Disadvantaged children by the THOUSANDS have shared the recreational and cultural facilities of the Naval Base. [5]

7. Hundreds of fire fighters from NEW ENGLAND, participate in training at the Fire Fighters School. [5]

8. Navy personnel and dependents are the back-bone of the Island's organizations; Little League, Boy Scouts, etc.

The Government has always been concerned with natural disasters. Should the Government be any less concerned with a MAN-MADE disaster?

Newport, R.I. is on an island with relatively no industry. We cannot be absorbed into the surrounding regions which ALREADY have the HIGHEST unemployment rate in the Nation.



The Navy is creating housing crises in other locations by transferring the Fleet out of Newport; an area where there ALREADY exists ample housing for Military purposes.

Can we afford NOT to utilize these modern Military facilities and one of the finest natural deep water harbors in the world?

FOOTNOTES

[1] Homeowners Assistance Act.
[2] Newport County Board of Realtors.
[3] Bowler Van & Storage Safeway Systems, Inc.
[4] Naval Finance Office.
[5] Annual Report by the Navy in the Rhode Island Area 1972.
[6] Department of Navy—Office of Legislative Affairs (Fact Sheet April 16, 1973).
[7] Rhode Island Development Council.
[8] State Department of Employment Securities.
[9] Survey of Aquidneck Island Businesses.

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EXCERPTS FROM ANNUAL REPORT BY THE NAVY IN THE RHODE ISLAND AREA—1972

FEBRUARY 1973.

An annual report by the Navy in the Rhode Island area has been published since 1956, and we are pleased to send you a copy of our new report.

The report deals in terms of dollars and missions, and this year shows continued growth of support of the area's economy, with a total payroll slightly in excess of $344 million. But the report does not portray the most important part of the story—the warm welcome our men and women in uniform receive in the communities, and the close cooperation extended by officials on both the state and local level.

We hope you will enjoy reading the details of our operations.

G. L. CASSELL,
*Rear Admiral, U.S. Navy, Commander, Fleet Air Quonset, Naval Air Station, Quonset Point, R.I.*

R. E. RUMBLE,
*Rear Admiral, U.S. Navy, Commander, Naval Base, Newport, R.I.*

REPORT HIGHLIGHTS

The 1972 gross payroll for Navy civilian employees and military personnel in the Rhode Island-Southeastern Massachusetts area totaled slightly more than $344 million—an increase of about $25 million over the previous year.

Two new ships joined the Cruiser-Destroyer Force, U.S. Atlantic Fleet, at Newport in 1972—the guided missile frigates Coontz and R. K. Turner. Another new arrival was the AFDM–7, a 622 foot-long floating drydock berthed at Melville, which is capable of serving all destroyer-type ships. It is manned by 95 officers and 150 enlisted men.

Major construction projects completed at Naval installations on both sides of Narragansett Bay totaled $6,948,407 in 1972. Projects still under construction at year's end amounted to $26,725,863.

All told, 9,915 civilian employees and 27,402 military personnel, including the Naval Facility at Nantucket and reservists at three locations, were assigned to activities and ships in the area. The totals include 4,654 civilians and 16,246 military personnel at Newport, and 5,259 civilians and 9,635 military personnel at Quonset-Davisville.

A total of 40,690 students attended long and short-term schools on both sides of the Bay during 1972.

Twenty-nine per cent of the gross payroll—or about $100 million—was paid to Navy civilian employees at Newport and Quonset-Davisville.

On the east side of Narragansett Bay, (including Nantucket and reservists), salaries for civilian personnel totaled $48,519,463, while those for military personnel amounted to $167,493,405, for a grand total of $216,012,868.

On the west side of the Bay, (including reservists), salaries for civilian personnel amounted to $51,318,870, while those for military personnel totaled $76,727,714, for a grand total of $128,046,584.

Navy civilian and military personnel contributed $451,967 to charitable causes, including the United Fund, National Health Agencies, International Service Agencies, Navy Relief, and other appeals.

During 1972, purchases of resale items by the Quonset Point and Newport Commissaries totaled $27,400,000, with about $6,500,000 worth of the items purchased from Rhode Island-based concerns.

The Naval Supply Center and the Naval Regional Procurement Office, both of Newport, handled purchases totaling $23.8 million, of which more than $8.4 million was awarded to businesses in the Rhode Island area.

The value of local expenditures by the Naval Air Station, Quonset Point, for items bought from Rhode Island firms was almost $12 million.

Spruance Hall, a $2.5 million professional education center, the first building to be constructed for the Naval War College since Pringle Hall back in 1934, was officially opened in ceremonies December 6–7, 1972. The building, named for the late Admiral Raymond A. Spruance, the 25th President of the College, is the first structure to be completed in the College's current $23 million expansion program.

Also at Newport, ground was broken for another 200 family housing units costing $5.2 million (150 off Greene Lane, Middletown, and 50 at Fort Adams).

A total of $9.7 million in contracts for renovation and expansion, including $3 million for rehabilitation of the Naval Air Station's Bachelor Enlisted Quarters, was awarded at Quonset in 1972.

Medical facilities in the Narragansett Bay area (Naval Hospitals at Newport and Quonset, plus dispensaries at the Newport Naval Station and CBC, Davisville), were consolidated into the Naval Regional Medical Center, Newport, last July 1.

A new shore activity, the Human Resource Development Center, was established on April 1 at the Newport Naval Base.

The 14th annual Quonset-Davisville Navy Relief Carnival drew more than 250,000 persons and raised almost $73,500 for the Navy Relief Society.

Naval Mobile Construction Battalion 1 of Davisville won the coveted Peltier award for fiscal year 1971–72. MCB–1 was selected as "most outstanding" of 10 Navy-wide Seabee battalions by the National Society of American Military Engineers.

Thirteen Seabees from Naval Mobile Construction Battalions 1 and 71 at Davisville restored electrical service to more than 3,000 homes in the flood-damaged Wilkes-Barre/Scranton, Pa. area last July.

The 12 ships of Service Squadron Two, U.S. Atlantic Fleet, homeported at Newport and Davisville, are manned by nearly 3,600 officers and men.

The total replacement value of Naval plant and equipment in the Narragansett Bay area, not including ships or land, is $561,176,000.

The 1,733 civilian employees at the Naval Underwater Systems Center, Newport, which includes about 700 scientists and engineers, were paid a total of almost $24.3 million.

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[From the Virginian-Pilot, May 4, 1973]

CONGRESS WANTS $55.3 MILLION CONSTRUCTION IN AREA

(By John Stevenson)

NORFOLK.—Congress has recommended $55.3 million for military construction in Tidewater during fiscal 1974, of which the largest single portion is $9.6 million for a new berthing pier at Norfolk Naval Station.

The construction would help Tidewater prepare for 9,000 Navy people who will move to the area as the result of base closings and realignments elsewhere. The realignments were announced last week.

Besides the new pier, large fiscal recommendations for Tidewater include $3.2 million for a dispensary and dental clinic at Little Creek, $2.5 million for a helicopter maintenance hangar at Norfolk Naval Air Station, $3.9 million for an applied instruction building at Norfolk Naval Station, and $3.3 million for an aircraft systems training building at Oceana.

On the Peninsula, $4.7 million has been recommended for construction at Ft. Eustis. Of this figure, $680,000 would go for a supply and administration facility, $2.5 million would be pumped into barracks modernization, $533,000 would be used for a Post Office, and $992,000 would be earmarked for an electrical distribution system.

In addition, $867,000 has been recommended for barracks modernization at Ft. Monroe and .3 million is being urged for a torpedo overhaul shop at the Naval Weapons Center in Yorktown.

The recommendations for Langley Air Force Base include $403,000 for a radar flight control center and 100,000 for alteration of command administration facilities.

The total for pollution abatement in the 2nd Congressional District, which includes much of Tidewater, is $37.4 million.

The monetary breakdown for Norfolk, Portsmouth, and Virginia Beach goes like this:

Little Creek—$3,211,000 for the dispensary and dental clinic; $139,000 for an electronics building.

Norfolk Naval Air Station—$2,525,000 for the helicopter maintenance hangar.

Norfolk Naval Station—$9,624,000 for the new berthing pier; $803,000 to relocate the fleet landing; $314,000 to dredge beneath Pier 2; $3,950,000 for the applied instruction building; $1,435,000 for enlisting dining facilities modernization; $2,057,000 for pier utilities; and $310,000 for a new vehicle parking area.

Naval Public Works Center—$567,000 for an electrical distribution system, $2,470,000 for a new Nuclear Weapons Training Group building, and $325,000 for a refueling vehicle maintenance facility.

Fleet Marine Force in Norfolk—$374,000 for an enlisted men's dining facility and $312,000 for road improvements.

Fleet Combat Directions Systems Training Center at Dam Neck—$5,959,000 for an applied instruction building, $572,000 for another training building, and $600,000 for a municipal sewer connection.

Norfolk Naval Shipyard in Portsmouth—$4,066,000 for a machine shop, $3,332,000 for utilities improvements, $2,624,000 for bachelor enlisted quarters, and $1,111,000 for enlisted dining facilities.

Also at the shipyard, a sandblast and painting facility at $3,621,000, an industrial waste collection system at $1 million, and a ship waste water collection system at $2,114,000.

Pollution-control projects not mentioned elsewhere include an ashore ship waste-water collection system at Little Creek for $433,000, industrial waste collection system improvements at Norfolk's Naval Air Rework Facility for $268,000, and sewer treatment facilities at Norfolk Naval Station for $620,000.

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EXHIBIT F

MR. PRESIDENT

We the people of Rhode Island cannot accept the abrupt closure of our naval facilities. The following reasons are presented for your consideration:

We trust that you will honor your campaign promise.

Last fall the following ad was published in

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Rhode Island newspapers by the committee to re-elect the President:

"What George McGovern's defense cut could mean to Rhode Island.

If Senator McGovern is elected President and he fulfills his pledge to cut America's defense budget by 40%, here's what's likely to happen in Rhode Island.

Quonset Point, Davisville, and Newport naval base would be severely affected by the McGovern plan. *Thousands of civilian jobs at the bases would be lost and thousands of Navy men and their dependents would have to leave the state. The blow to Rhode Island's economy would be staggering.*

Several thousand Rhode Islanders work at the Electric Boat Division at Groton. Many of these jobs would also be on the line since Senator McGovern would cut the Navy's submarine program.

Nor does the matter end there. For also of concern to Rhode Islanders is the security of their country. They know that the best hope for future agreements on arms limitations and peace itself rests on America's ability to negotiate from a position of strength, and that position would be endangered by so huge a defense cut as the one proposed by Senator McGovern.

*Fortunately, none of this will come to be if the man who's president right now remains president.* It's one of the reasons why more and more people are saying that America needs President Nixon now more ever.

President Nixon. Now more than ever."

Mr. President—Can we depend on you to keep your word?

The abrupt closure and transfer of functions of the naval air rework facility, the Naval Air Station, Quonset Point, and the Newport Naval Base will result in an economic disaster in our state.

Our state has less than one million people, which represents only one half of one percent of the nation's population, yet we are being asked to take 50% of the DOD civilian and military manpower reduction of 42,800 jobs.

The federal payroll in Rhode Island for fiscal year 1972 was 344 million dollars. This is approximately 10 percent of the personal income of the entire state. It is also approximately equal to our annual state budget. How can we recover from such a devastating blow?

As a direct result of a plea made by the Navy in 1971, private businessmen responded by investing many millions of dollars in constructing hundreds of permanent housing units. This relieved the Navy's need for housing. These huge investments will be lost. The business community feels as though it has been "misled."

Traditionally, communities which have been affected by major base closure actions have been given at least three to five years to adjust economically by means of the gradual phase out of operations.

Rhode Island has an unemployment rate of 6.4%, yet those states to which our Navy functions are being transferred have virtually no unemployment. For example, Florida, North Carolina, and Virginia have unemployment rates of 3.1%, 2.6%, and 2.5% respectively. Civil service layoffs alone will increase the Rhode Island unemployment rate by 20 to 30 percent.

The Naval Air Rework Facility at Quonset Point with its nearly 3,000 federal employees is our state's largest single industrial employer. It is one of the few major industrial facilities in Rhode Island.

More than five thousand federal and noncivil service employees of the Navy will be jobless in our state. Except for a very few isolated instances, these employees will not be offered employment elsewhere in federal service. Rhode Island offers few possibilities for this highly specialized work force. Reemployment possibilities are further complicated by the fact that 66% of the employees are 45 years of age or older.

Many additional layoffs and business closures will occur in the private sector which depends heavily upon the presence of the Rhode Island military bases.

The abrupt closure of our modern bases is not in the best interest of either national security, naval operations, or economy.

Quonset Point is the cornerstone of the nation's antisubmarine warfare protection for the entire eastern seaboard. The closure of this facility will leave the entire northeastern sector without adequate protection in the face of the greatly increased menace of soviet submarines which threaten New England with missiles that are equipped with nuclear warheads. It is not logical to remove these naval facilities to new locations that are already adequately protected.

The DOD has stated that the Rhode Island bases have been closed because of their inability to accommodate deep-draft-carriers. Here are some facts:

The Navy retained the Naval Air Rework Facility at Cherry Point, North Carolina. They cannot accommodate carriers. They do not even have a port!

The Navy retained the Naval Air Rework Facility at the Naval Air Station complex in Alameda, California, closed the Air Station, transferred the squadrons, and closed its port to aircraft carriers.

The Naval Air Rework Facility at NAS Jacksonville, Florida cannot handle carriers either. Aircraft workload must be barged from USNS Mayport, Florida—33 miles away. Why couldn't nearby Newport—5 miles away—have served Quonset Point in the same way?

The Port at the Pensacola Naval Air Rework Facility can handle only the smaller carriers of the Essex class—and so can Quonset!

The DOD stated that the Quonset Point runway cannot handle high performance aircraft. Here are the facts:

The largest military aircraft, the C5A, has landed on our runways a number of times.

Why do we need runway longer than 10,000 feet? The aircraft we overhaul do not require longer runways—we have the capability to handle supersonic aircraft. Reliable engineering sources in Washington are not aware of any Navy aircraft (in service or being manufactured) that requires a runway longer than 10,000 feet.

The DOD stated that Quonset Point is becoming obsolete. The fact is that Quonset Point is one of the newest, most modern and progressive industrial complexes in the Navy. In 1972 alone, approximately 10 million dollars were expended for renovations and expansion.

The DOD stated that the Quonset Point base closure would result in a cost savings. However, the projected 23 million dollars savings will not be realized because the base functions are being transferred and not discontinued. The cost of transferring this workload and the increased direct labor costs at most other areas will result in a much higher cost to the taxpayer.

In a recent news statement, Senator Carl Curtis of Nebraska denounced these closures as "highly political" and estimated that the moves will cost the taxpayers an extra 41.5 million dollars or more. His estimate does not include the additional 60 million dollars which will be spent for severance pay, accrued leave, early retirement, employee relocation, housing reimbursement, travel allowances, new military construction not previously identified, equipment acquisition and modification, etc. Our preliminary estimates show that the total increased cost will exceed 100 million dollars, and we haven't "scratched the surface" yet.

Senator Curtis articulated our position precisely when he said, "I not only personally resent but publicly object to vast amounts of federal tax dollars being spent to enrich the economy of one city or area of the country at the expense of others."

Mr. President—All we ask is that all actions now being taken to close the Quonset Point Naval Air Station and Naval Air Rework Facility be halted pending a complete investigation of the facts. If after a fair investigation of the facts it is determined that it is not in the best interest of the nation to keep all the Rhode Island facilities in operation, then at the very least, accomplish the base closures gradually over a three to five year period to avert chaos, panic, and economic collapse in our state. Is this too much to ask?

CHARLES GOYETTE,
*Council of Presidents, Chairman.*
PAUL F. LISCHIO,
*Save our State, Cochairman.*
JOHN ST. GERMAIN,
*Save our State, Cochairman.*

(Representing the business, civic, labor, and management organizations throughout Rhode Island.)

Mr. PELL. Mr. President, the demonstration that was held here Saturday should bring home to every Member of this body that there are thousands of Rhode Islanders who have been treated unjustly and without compassion by this administration. The leaders who organized the rally in Washington, men such as Francis J. P. Sullivan, Jack Replogle, John McGann, and Joseph Dunn, are decent men—men who are concerned with the very survival of their community. Their leadership in this fight against personal and community economic disaster has given us heart and strength so that we can continue our fight for justice and decency for our Rhode Island citizens. Francis J. P. Sullivan deserves particular credit for having thought of, inspired, and led the rally.

No more moving a statement can be made than that delivered at the rally by a blinded veteran, Thomas Garrick, who has worked 18 years at the Naval Air Rework Facility at Quonset Point, who said:

Though I can't see you, I know I am looking out on a tremendous crowd and that we are here today to tell the President of the United States that he let us down.

As Edmund Burke once said:

An event has happened, upon which it is difficult to speak, and impossible to be silent.

I have tried to be objective. I was prepared to accept a proportional cutback, but I was not prepared for the total decimation of the work force of Rhode Island and our economy. I just do not accept a determination which is wrong from every possible aspect—strategic, economic, and efficient operation—and which I honestly believe to be based on prejudice against my area of the country by the administration.

## QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.



Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSTON). Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

## HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1973

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 14, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 120 (S. 14) a bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 131 of the Senator from Massachusetts (Mr. KENNEDY).

QUORUM CALL

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT 131 WITHDRAWN

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, what is the matter pending before the Senate at the present time?

The PRESIDING OFFICER. S. 14 is pending before the Senate, and the pending question is on agreeing to amendment No. 131 of the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Mr. President, would it be appropriate for me to withdraw the amendment?

The PRESIDING OFFICER. The amendment may be withdrawn.

Mr. KENNEDY. Mr. President, I withdraw that amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, the distinguished Senator from New York (Mr. JAVITS), and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment in the nature of a substitute for the committee amendment is as follows:

Beginning on page 107, line 18, insert the following:

That this Act may be cited as the "Health Maintenance Organization and Resources Development Act of 1973".

SEC. 2. (a) The Congress finds that—

(1) the medical care system is not organized in a manner which encourages the provision of medical care at reasonable costs;

(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventive health services;

(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

(4) the establishment of health maintenance organizations, will aid in alleviating the serious maldistribution of health care resources which has resulted in inadequate access to medical care particularly in both inner city and rural areas, in providing health care in a more efficient and economical manner, and in reorienting the health care system toward the maintenance of health;

(5) there is a need to provide technical assistance and resources to individuals and groups, undertaking the planning, development, and initial operation of health maintenance organizations;

(6) there exists an excessive variance in the quality of health care and health services.

(b) The purpose of this Act is to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas by improving the system for the delivery of health care through encouragement of any support for the planning, development, and initial operation of health maintenance organizations, particularly with the intent of improving the health of populations in medically underserved areas.

SEC. 3. Nothing in this Act, or any amendment made by this Act, shall be construed to supersede any activity relating to review of the provision of health care services under (including review and assessment of quality or quantity of such services or determination or reimbursement therefor) or to the determination of eligibility of any provider practitioner, agency, or organization to participate under any program established under the Social Security Act.

TITLE I—HEALTH MAINTENANCE ORGANIZATIONS

SEC. 101. The Public Health Service Act is amended by inserting after title XI the following new title:

"TITLE XII—HEALTH MAINTENANCE ORGANIZATIONS AND HEALTH SERVICE ORGANIZATIONS

"PART A—SUPPORT OF HEALTH MAINTENANCE ORGANIZATIONS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'health maintenance organization' means an entity which—

"(A) provides as a minimum for all its enrollees (or subscribers) comprehensive health services (as defined in this section) which are uniformly available to all its enrollees (or subscribers) directly through its own staff and supporting resources or through a medical group or groups and such other additional services as may be required through other health delivery entities, for a fixed payment which (i) is to be paid on a periodic basis without regard to the frequency, extent, or kind of health service actually furnished to any particular enrollee; and (ii) is uniform for all its enrollees subject to rules and regulations regarding family rates;

"(B) demonstrates to the satisfaction of the Secretary ability to assure that appropriate comprehensive health services are available and accessible to all its enrollees promptly and in a manner which assures continuity;

"(C) demonstrates to the satisfaction of the Secretary financial responsibility through proof of adequate provision against risk of insolvency;

"(D) is organized in such a manner (as prescribed by regulations of the Secretary) that assures its enrollees a substantial role (generally defined as one-third representation in the body establishing or recommending policy) in the making of policy for the health maintenance organization, with equitable representation of enrollees from medically underserved areas, and provides meaningful procedures for hearing and resolving grievances (i) between its enrollees and the health maintenance organization (including the medical group or groups and other health delivery entities providing health services), and (ii) between the medical group or groups providing health services and other employees and the health maintenance organization;

"(E) encourages and actively provides for its enrollees (i) health education services; (ii) education in the appropriate use of health services provided; and (iii) education in the contribution the patient can make to the maintenance of his own health;

"(F) has organizational arrangements, established in accordance with regulations of the Commission on Quality Health Care Assistance (established under title XIII of this Act) for an ongoing quality assurance program which stresses health outcomes and assures that health services provided meet the requirements of the Commission on Quality Health Care Assurance;

"(G) provides, in accordance with regulations of the Secretary (including safeguards concerning the confidentiality of the doctor-patient relationship), and effective procedure for developing, compiling, evaluating, and reporting to the Secretary, data (which the Secretary shall publish and disseminate on an annual basis) relating to (i) the cost of its operations, (ii) the patterns of utilization of its services, (iii) the availability, accessibility, and acceptability of its services, and (iv) such other matters as the Secretary may require and disclose at least annually and in a manner acceptable to the Secretary, such data to its enrollees and to the general public;

"(H) except for (i) out of area emergency care, and (ii) care reasonably valued in excess of the first $5,000 per enrollee per year, assumes direct financial responsibility, without benefit of insurance, on a prospective basis for the provision of the comprehensive health services defined in this section;

"(I) has an open enrollment period unless a waiver has been granted under section 1249, of not less than thirty days at least once during each consecutive twelve-month period during which it accepts individuals in the order in which they apply for enrollment up to its capacity, subject to the requirements of paragraph (K);



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"(J) assumes responsibility for the provision of health care services to its enrollees (and on a reimbursable basis for short-term health care services to enrollees of any other health maintenance, who are temporarily outside the service area of the health maintenance, in which they are enrolled) twenty-four hours a day, seven days a week, and for the appropriate availability of such services in emergencies;

"(K) shall enroll no more than 50 per centum of its enrollees from medically underserved areas, except in rural areas as designated by the Secretary;

"(L) provides, or makes arrangements for, continuing education for its staff;

"(M) emphasizes the use of nurse practitioners, physician's assistants, dental therapists, and other allied health personnel and to the extent practicable and consistent with good medical practice, trains and employs such personnel in the rendering of services;

"(N) provides to its enrollees as an option, for an additional premium, extended care facility services and dental services;

"(O) may purchase on a fee-for-service basis unusual or infrequently used health care services for its enrollees;

"(P) does not refuse enrollment to or expel any person for any reason concerning his health status or requirements for the provision of health services;

"(Q) provides for the prevention, diagnosis, and medical and psychological treatment of the abuse of or addiction to alcohol and drugs either through its own facilities or existing community facilities; and

"(R) meets such other criteria for its organization and operations as the Secretary may by regulation prescribe, consistent with the provisions of this title.

"(2) The term 'comprehensive health services' means health services provided without limitation as to time or cost as follows—

"(A) physician services (including consultant and referral services);

"(B) inpatient and outpatient hospital services;

"(C) home health services;

"(D) diagnostic laboratory, and diagnostic and therapeutic radiologic services;

"(E) preventive health (including but not limited to voluntary family planning, infertility services, and preventive dental care for children) and early disease detection services;

"(F) emergency health services rendered by any provider of health care, the expense of which shall be borne by the enrollee's health maintenance organization;

"(G) provision of or payment for prescription drugs (with patterns of patient drug utilization under continuous surveillance, evaluation, and review by a clinical pharmacist whose duties shall include the maintenance of a drug use profile for each enrollee);

"(H) medical social services;

"(I) vision care (except for eyeglasses which shall be optional) as provided by a physician skilled in the diagnosis and treatment of diseases of the eye, or by an optometrist provided such services are within the scope of his license;

"(J) physical medicine and rehabilitative services (including physical therapy);

"(K) mental health services utilizing existing community mental health centers on a priority basis;

"(L) preventive diagnostic and medical and psychological treatment of the abuse of or addiction to alcohol and drugs; and

"(M) such other personal health services as the Secretary may determine are necessary to insure the protection, maintenance, and support of human health.

"(3) The term 'medical group' means a partnership or other association or group of health professionals of whom not less than four and at least a majority shall be persons who are licensed to practice medicine or osteopathy, and such other licensed health professionals as are necessary to provide comprehensive health services and who are eligible for assistance under this Act, in conformance with requirements promulgated under section 1302, in a State and who (A) engage in the coordinated practice of their profession as a group responsibility providing services to health maintenance enrollees; (B) if not employees or retainees of a health maintenance organization, pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary, or a drawing account or other plan; (C) jointly use or share substantial portions of medical and other records and major equipment and professional, technical, and administrative staff; (D) share or jointly utilize such additional health and allied health professionals who may include but are not limited to psychologists and other mental health workers, optometrists, pharmacists, podiatrists, dental therapists, physician's assistants, nurse practitioners and nurse midwives, as are needed to provide comprehensive health services; and (E) arrange for and encourage the continuing education of their members in the field of clinical medicine and related areas. Such group may be organized on a group practice or individual practice basis, and individual physician members may be paid on a fee for service or any other basis, so long as the group is reimbursed for its services on the basis of an aggregate fixed sum or on a per capita basis.

"(4) The term 'enrollee' when used in connection with a health maintenance organization, means an individual who has entered into a contractual arrangement, or on whose behalf a contractual arrangement has been entered into, with a health maintenance organization, under which such organization assumes the responsibility for the provision of health services to such individual.

"(5) The term 'medically underserved area' means an urban or rural area or population group designated by the Secretary as an area or population group with a shortage of personal health services. Such a designation may be made by the Secretary only after consideration of the comments, if any, of (A) each State comprehensive health planning agency designated pursuant to section 314(a) of this Act covering, in whole or in part, such area, (B) each area-wide comprehensive health planning agency designated pursuant to section 314(b) of this Act, covering, in whole or in part, such area, and (C) regional medical programs established pursuant to title IX of this Act, covering, in whole or in part, such area.

"(6) The terms 'construction' and 'cost of construction' include (A) the construction of new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings, including architects' fees, and (B) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered with assistance under this title.

"(7) The term 'non-metropolitan area' means an area no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget, and does not contain a city whose population exceeds fifty thousand persons.

"(8) The term 'high-risk enrollee' means a person who is likely to utilize the services of a provider of health care more often than an actuarially determined average.

"GRANTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 1202. (a) The Secretary may make grants, subject to the general provisions of this title, to public or private nonprofit agencies, organizations, or institutions to assist in projects for planning or studying the feasibility of developing or expanding health maintenance organizations. No project may receive more than $250,000 in grants under this section. Funds awarded under such grants shall be available for expenditure by the grantee for such period (not to exceed two years from the date of award) designated by the Secretary.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL DEVELOPMENT COSTS

"SEC. 1203. (a) The Secretary may make grants, subject to the general provisions of this title, to any public or private nonprofit agencies, organizations, or institutions, to assist them in meeting the costs involved in a project for the initial development of a health maintenance organization prior to its first day of operation. No project may receive more than $1,000,000 in grants under this section.

"(b) Sums awarded under such grant shall be available for expenditure by the grantee for not more than three years, and shall be utilized for such purposes as may be prescribed in regulations of the Secretary, including but not limited to (1) implementation of an enrollment campaign; (2) detailed design of an arrangement for the health services to be provided; (3) development of administrative and internal organizational arrangements, including fiscal control and fund accounting procedures and the development of a capital financing program; (4) recruitment of personnel and the conduct of personnel training activities; and (5) payment of architects' and engineers' fees.

"(c) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(d) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974, $25,0000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION GRANTS

"SEC. 1204. (a) The Secretary may make grants, subject to the general provisions of this title, to assist any public or private nonprofit health maintenance organization or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization in meeting the cost of construction of facilities or portions of facilities for ambulatory care and capital investment for necessary transportation equipment, to be used by it for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for grants for the acquisition or renovation of existing facilities. Except for exceptional circumstances, in which case up to 90 per centum of the cost of construction (as determined by the Secretary) may be authorized by the Secretary, no grant under this section for any project may exceed 75 per centum of the cost of construction of such project. No project may receive more than $2,500,000 in grants under this section.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $40,000,000 for the fiscal year ending June 30, 1976.



"GRANTS FOR INITIAL COSTS OF OPERATION

"SEC. 1205. (a) Where the Secretary determines that the applicant has made all reasonable attempts to meet his operating expenses (including loans and loan guarantees), he may make grants to public and private nonprofit health maintenance organizations to assist them in meeting operating deficits during the initial three-year period of their operation.

"(b) Grants under this section shall be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day; and such grant with respect to any such organization may not exceed 100 per centum of such operating deficit for the first year after such first day; 67 per centum of such first year operating deficit for the second year after such first day; and 33 per centum of such first year operating deficit for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION LOANS

"SEC. 1206. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization, or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization, to assist it in meeting the cost of construction of facilities for ambulatory care and transportation services for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for loans for the acquisition or renovation of existing facilities. No loan under this section for any project may exceed 90 per centum of the cost of construction (as determined by the Secretary) of such project.

"(b) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"LOANS FOR INITIAL COSTS OF OPERATION

"SEC. 1207. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization to assist it in meeting, for the period prescribed in subsection (b), a portion of its initial operating costs in excess of gross revenues determined under regulations of the Secretary.

"(b) Loans under this section for initial costs of operation may be made only for the period beginning with the first day of the first month for which such a loan is made and ending with the close of three years after such first day; and such loans with respect to any project may not exceed 60 per centum of such costs of operation, for the first year after such first day; 40 per centum of such costs for the second year after such first day; and 20 per centum of such costs for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"PART B—GENERAL PROVISIONS

"GRANTS AND LOANS

"SEC. 1240. (a) Any loan by the Secretary shall bear interest at a rate comparable to the current legal rate of interest prevailing with respect to loans which are guaranteed under section 1241. No payment of principal on a loan shall be required for the first five years after such loan is made.

"(b) No such loan shall be made unless—

"(1) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"(2) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(c) Any such loan shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provisions for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

"(d) No such loan shall have a term in excess of fifteen years.

"(e) The Secretary may, for good cause, waive any right of recovery which he has by reason of the failure of a public organization to make payment and interest on a loan under this section.

"LOAN GUARANTEES AND INTEREST SUBSIDIES

"SEC. 1241. (a) In order to assist private health maintenance organizations to carry out construction projects for ambulatory care facilities and transportation services and communication services to be used by it for the provision of health services to its enrollees, to meet their initial development costs (for not more than three years) or to meet their cost of operation (for not more than three years), as well as to subsidize the difference between income and operating expenditures, the Secretary during the period beginning January 1, 1974, and ending with the close of June 30, 1976, may, in accordance with the provisions of this section, and subject to the general provisions of this Act (A) guarantee to non-Federal lenders making loans to such organizations for such purposes, payment of principal of and interest on such loans which are approved under this section, and (B) in the case of nonprofit health maintenance organization, pay to the holder of such loans (and for and on behalf of the organization which received such loan) amounts sufficient (not to exceed 3 per centum per annum) to reduce the net effective interest rate otherwise payable on such loan. No loan guarantee or interest subsidy under this section may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to or be made for an amount which, when added to any grant or other loan under this or any other law of the United States, is—

"(i) with respect to any construction, in excess of 90 per centum of the cost of such construction,

"(ii) with respect to initial development costs, in excess of 90 per centum of such costs, or

"(iii) with respect to initial operating costs, in excess of 90 per centum of such costs.

No such loan guarantee may apply to more than 90 per centum of the loss of principal and interest on the loan.

"(b) The Secretary may not approve the application of a health maintenance organization, unless—

"(1) he determines, in the case of a loan for which a guarantee or an interest subsidy payment is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States;

"(2) the term of a loan for which a guarantee and interest subsidy is sought does not exceed twenty-five years if for construction, or fifteen years if for operating costs, or such shorter period as the Secretary prescribes; and

"(3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require.

"(c) Guarantees of loans and interest subsidy payments under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved, and to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(d) In the case of any loan guaranteed under this section, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to such guarantee unless the Secretary, for good cause, waives his right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(e) Any guarantee of a loan under this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(f)(1) There is established in the Treasury a Health Maintenance Organization, Loan Guarantee and Interest Subsidy Fund (hereafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts (A) to enable him to discharge his responsibilities under guarantees issued by him under this title, and (B) for interest subsidy payments authorized by this title. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required by the fund. To the extent authorized from time to time in appropriation Acts there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this title, including any moneys derived from the sale of assets.

"(2) If at any time the moneys in the fund are insufficient to enable the Secretary

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to discharge his responsibilities under this title to meet the obligations under guarantees of loans under subsection (a) or to make interest subsidy payments on such loans, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(g)(1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Acts.

"(2) In any fiscal year no loan guarantee or argument to make interest subsidy payments may be entered into under this title if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"(A) the principal of the loans guaranteed under this title in such fiscal year, and

"(B) the principal of the loans for which no guarantee has been made under this title and with respect to which an agreement to make interest subsidy payments is entered into under this title in such fiscal year,

to exceed the amount of grant funds obligated under this Act in such fiscal year; except that this paragraph shall not apply if the amount of grant funds obligated under this title in such fiscal year equals the sums appropriated for such fiscal year under this title.

"APPLICATION REQUIREMENTS

"SEC. 1242. (A) No grant, contract, loan, loan guarantee, or interest subsidy may be made under this title unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, consistent with subsection (b)(1), as the Secretary shall by regulation prescribe.

"(b)(1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall include to such extent, in such manner and among such other matters as the Secretary may by regulation prescribe, satisfactory specification of the existing or anticipated (A) population group or groups to be served by the existing or proposed health maintenance organization, described in the application, (B) enrollment for such organization, (C) methods, terms, and periods for the enrollment of enrollees, (D) nature and estimated costs per enrollee of the health care and educational services to be provided, (E) sources of professional services, and organizational arrangements for providing health care and educational services, (F) organizational arrangements for an ongoing quality assurance program in conformance with the requirements of the Commission on Quality Health Care Assurance, (G) sources of prepayment and other forms of payment for the services to be provided, (H) facilities available for and additional capital investments and sources of financing therefor, required to provide the level and scope of services proposed, (I) administrative, managerial, and financial arrangements and capabilities of such organization, (J) role for enrollees in the planning and policy-making for such organization, (K) grievance procedures for enrollees, staff, and employees, and (L) evaluation or evaluations of the support for and acceptance of such organization by the population to be served, the sources of operating support, and the professional groups to be involved or affected thereby. An organization making multiple applications for assistance under this title simultaneously or over the course of time shall not be required to submit duplicate or redundant information but shall be required to update the description of the existing or proposed organization in such manner and with such frequency as the Secretary may by regulation prescribe.

"(2) Upon completion of assistance under this title, the recipient of assistance shall make a full and complete report to the Secretary, in such manner as he may by regulation prescribe. Each such report shall include, among such other matters as the Secretary may by regulation prescribe, descriptions of plans, developments, and operations in those areas enumerated in paragraph (1) for specification in applications for assistance.

"(c) A health maintenance organization receiving assistance under this title shall submit to the Secretary as a condition of its continued assistance, satisfactory assurances, in accordance with such regulations as the Secretary shall prescribe, including but not limited to the following: (1) financial responsibility, and (2) development and operation consistent with the terms of this title and the plans contained in such organization's application or applications for assistance. As used in this subsection the term 'financial responsibility' means the demonstrated capability to adequately carry out the purposes of the project for which the original assistance was made.

"(d)(1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall contain assurances satisfactory to the Secretary that the applicant will, in accordance with such criteria as the Secretary shall by regulation prescribe, enroll the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve; except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"(2) No grant may be made and no loan, loan guarantee, or interest subsidy payment may be made under this title unless the applicant demonstrates to the satisfaction of the Secretary that the applicant will or has enrolled, and will maintain an enrollment of, the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve, except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"(e) The Secretary shall have the authority after a hearing on the record to terminate or cancel any grant, loan, loan guarantee, or interest subsidy to any recipient of assistance under this title which he determines is in substantial noncompliance with any material provision of this title or after notice from the Commission on Quality Health Care Assurance that such organization has had its certificate of compliance suspended or revoked.

"(f) Effective two years after the date of enactment of this Act, no assistance shall be given under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, to a provider of health care unless such provider holds a valid certificate of compliance under section 1302.

"(g)(1) The Secretary may not approve an application submitted under section 1203, 1204, 1205, 1206, or 1207, unless the section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) the area to be served by the health maintenance organization, for which such application is submitted, or if there is no such agency, the section 314(a) State health planning agency whose section 314(a) plan covers (in whole or in part) such area, has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendations respecting approval of the application. If under applicable State law such an application may not be submitted without the approval of the section 314(b) areawide health planning agency or the section 314(a) State health planning agency, the Secretary may not approve such an application unless the required approval has been obtained.

"(2) The Secretary shall by regulation establish standards and procedures for section 314(b) areawide health planning agencies and section 314(a) State health planning agencies to follow in reviewing and commenting on applications for assistance for health maintenance organizations, and other applicants for assistance under this Act.

"(h) If in any fiscal year there are insufficient funds available for funding of all approved applications for assistance under section 1202, 1203, 1204, or 1224; of this title the Secretary shall, subject to the priorities in sections 1202(b), 1203(c), and 1204(c), give priority to those applicants which he determines are the most likely to be economically viable.

"EFFECT ON STATE LAW

"SEC. 1243. (a) Notwithstanding any provisions of State law which—

"(1) require approval of a health maintenance organization, by a medical society;

"(2) require that physicians constitute all or a majority of the governing body of a health maintenance organization;

"(3) require that all physicians or a percentage of physicians in the local medical society be permitted to participate in rendering the services of the organization;

"(4) require that such organization submit to regulations as an insurer of health care services;

"(5) require that only unincorporated individuals or associations or partnerships may provide health care services;

"(6) prohibit advertising by a professional group for recruitment of enrollees; or

"(7) impose requirements or restrictions on a health maintenance organization determined by the Secretary, to be incompatible with this title,

a health maintenance organization receiving Quality Health Care Initiative Awards under this title, who otherwise conform with the laws for incorporation and laws for licensing of physicians, osteopaths, and dentists in such State shall be allowed to provide health care services in such State in accordance with the provisions of this title.



"QUALITY HEALTH CARE INITIATIVE AWARDS

"SEC. 1244. (a) Every provider of health care which is certified by the Commission on Quality Health Care Assurance as maintaining quality control standards in compliance with the requirements set by the Commission on Quality Health Care Assurance shall be entitled to an annual payment in an amount equal to the administrative costs allowed by the Commission, incurred in complying with the requirements of the Commission. Any provider of health care, whether or not subject to the provisions of this Act, may apply to the Commission for certification of compliance under section 1302.

"(b) There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; and $75,000,000 for the fiscal year ending June 30, 1976.

"CAPITATION GRANTS TO ENABLE HEALTH MAINTENANCE ORGANIZATIONS, SUPPLEMENTAL HEALTH MAINTENANCE ORGANIZATIONS, AND HEALTH SERVICE ORGANIZATIONS TO SERVE ALL PERSONS

"SEC. 1245. (a)(1) The Secretary shall make annual grants to health maintenance organizations, serving persons who cannot meet the expenses of such organizations' premiums (excluding additional premiums for high option services). The amount of such annual grants shall be equal to the difference between the maximum amount (as determined by the Secretary) an enrollee could reasonably be expected to pay toward the health maintenance premium and the premium for membership enrollment in such health maintenance, for each such person enrolled. A health maintenance shall be eligible for grants under this subsection only during the first three years of its operation.

"(2) In determining the amount an enrollee could pay toward the premium, the Secretary shall consider all sources (including public sources) of income available to each such enrollee.

"(3) Grants under this section shall not exceed 25 per centum of the total premium receipts for such health maintenance, for the next preceding year.

"(4) Notwithstanding any other provisions of this Act the Secretary shall allocate on a pro rata basis not less than 7.5 per centum of the sum of the funds appropriated for each fiscal year pursuant to Part A of title XII of this Act to carry out the purposes of this subsection.

"(b)(1) Where a health maintenance, proposes an increase in its premium rate and the Secretary determines that such increase is due in whole or in part to fulfillment of the requirement for open enrollment, in that such organization has in its enrolled population a disproportionate number of high-risk enrollees, the Secretary shall make annual grants to such organization equal to an amount that would eliminate the need for that part of the proposed premium increase caused by such disproportionate number of high-risk enrollees in such organization. A health maintenance organization shall be eligible for grants under this subsection only during the first three years of its operation.

"(2) Notwithstanding any other provisions of this Act the Secretary shall allocate on a pro rata basis not less than 7.5 per centum of the sum of the funds appropriated for each fiscal year pursuant to part A of title XII of this Act to carry out the purposes of this subsection.

"PAYMENT OF GRANTS

"SEC. 1246. The amount of any grant under this title shall be determined by the Secretary. Payments under such grants may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"PROHIBITION ON TRANSFER OF FUNDS

"SEC. 1247. (a) No funds appropriated pursuant to any of the preceding sections of this title shall be available for any purposes other than the purposes of the program authorized by the particular section pursuant to which such funds are appropriated.

"(b) No funds, except those appropriated under this title, shall be used for the purposes of carrying out the provisions of this title.

"(c) Only funds appropriated under titles IX and XII of this Act shall be used to initially develop, construct, and initially operate a health maintenance organization, directly or indirectly through arrangements with others, health care to a defined population on a prepaid basis.

"LABOR STANDARDS

"SEC. 1248. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934.

"OPEN ENROLLMENT WAIVER

"SEC. 1249. In a case where all appropriated funds are expended under section 1245(b)(2) and where a health maintenance organizations, demonstrates to the satisfaction of the Secretary that it has a disproportionate share of high-risk enrollees and by maintaining open enrollment it would be required to enroll a nonrepresentative cross section of the community in which it provides services, to the extent that financing is available and people are willing to enroll, and the enrollment of such disproportionate share of high-risk enrollees will jeopardize its economic viability, the Secretary may waive such requirement for open enrollment for a period of not more than three years. A health maintenance organization may receive more than one such waiver.

"ACCESS TO RECORDS

"SEC. 1250. (a) Each recipient of Federal funds under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such funds, the total cost of the undertaking in connection with which such funds are given or used, the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of Federal funds under this Act.

"COMPREHENSIVE SERVICES PHASE-IN

"SEC. 1251. The Secretary may grant a waiver to an applicant for assistance under this title, with respect to the provision of a specific service, required to be provided as a component of comprehensive health services where he determines that—

"(1) such service cannot be provided by the applicant solely because the required health manpower or equipment to provide such service is not available; and

"(2) the applicant has a feasible plan to provide such service at the earliest possible date, such date not to exceed three years from the date assistance under this title is first granted to such applicant.

"COMPREHENSIVE HEALTH SERVICES FOR INDIANS AND MIGRANT WORKERS

"SEC. 1252. The Secretary is authorized to contract with health maintenance organizations, to provide health services to individuals who are eligible for such services from the Indian Health Service or under section 310 of this Act.

"PART C—SPECIAL PROJECT GRANTS TO FACILITATE HEALTH SERVICES IN NONMETROPOLITAN AREAS

"SEC. 1260. (a) The Secretary is authorized to make grants to or contracts with any public or nonprofit private entity (which otherwise may not be eligible for grants or assistance under this title) to study, initiate, and evaluate projects for the delivery, or to facilitate the delivery, in nonmetropolitan areas of comprehensive health services on a prepaid basis."

(b) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.

TITLE II—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

SHORT TITLE

SEC. 201. This title shall be known as the "Commission on Quality Health Care Assurance Act of 1973".

STATEMENT OF PURPOSE

SEC. 202. It is the purpose of this title to promote the quality of health care in the United States by establishing a Commission on Quality Health Care Assurance to develop, establish, and encourage parameters and standards for quality health care.

SEC. 203. The Public Health Service Act, as amended by this Act, is further amended by inserting after title XII the following new title:

"TITLE XIII—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"PART A—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"ESTABLISHMENT OF COMMISSION

"SEC. 1301. (a) There is hereby established in the Department of Health, Education, and Welfare a Commission on Quality Health Care Assurance.

"(b) The Commission shall be composed of eleven members to be appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Commission. In making such appointments the President shall appoint individuals who are representative of the health care delivery industry, private organizations engaged in developing health care quality standards which may be applicable on a national basis, and consumers not related to the delivery of health care. The terms of office of each member of the Commission shall be five years except that—

"(1) the members first appointed shall serve, as designated by the President, three for a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years;

"(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed; and

"(3) a member shall be eligible for reappointment for one additional term.

"(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

"(d) Any vacancy in the Commission shall not affect its powers and six members of the Commission shall constitute a quorum.

"(e) Four members of the Commission shall be consumers not related to the delivery of health care.

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"DUTIES OF THE COMMISSION

"SEC. 1302. (a) The Commission shall—

"(1) promulgate standards for qualifications of personnel, composition of medical groups, and other characteristics dealing with the adequacy of facilities and equipment;

"(2) conduct such research and experimental programs as are determined necessary for the development of—

"(A) criteria for new and improved quality assurance systems, and

"(B) norms, with regard to processes, utilization characteristics, and outcomes;

"(3) require and monitor, in accordance with criteria established based upon findings under pargaraph (2), quality assurance systems for health maintenance organizations subject to the provisions of this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which shall be designed to—

"(A) improve as well as assess the quality of health care;

"(B) evaluate the inputs, processes, utilization characteristics, and outcomes of health care as related to individuals and population groups, and establish relationships between inputs, processes, utilization characteristics, and outcomes;

"(C) concentrate on those illnesses which have relatively high incidence in the population and which are particularly influenced by medical treatment, rather than on unusual illnesses or conditions whose course is little influenced by therapy;

"(D) improve as well as assesses the accessibility, availability, and acceptability of health care provided by health maintenance organizations, and other providers of health care;

"(E) develop procedures for such systems to report through the policymaking body of the health maintenance, to the membership and to the Commission on Quality Health Care Assurance; and

"(F) take into account the need for inclusion of consumers as well as the several health care disciplines in the decisionmaking membership of the system;

"(4) issue certificates of compliance to providers of health care certifying that such providers maintain an approved quality assurance system and are otherwise conforming with requirements published under this section;

"(5) after a hearing on the record, revoke or suspend such certificate where it determines that such provider has significantly deviated from the standards, approved quality assurance system, or the norms published pursuant to this section unless such deviation is justified to the satisfaction of the Commission;

"(6) monitor reports by health care providers covered by this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, for the purpose of assuring that the performance of such health care providers is in conformance with the approved quality assurance system and norms published under this section;

"(7) publish objective statistical descriptions of norms accumulated through experience and results of programs conducted under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963;

"(8) conduct a program of research and development which shall have the objectives of—

"(A) improving the technology of assessing the quality of health care with emphasis on the outcomes of health care;

"(B) assessing and comparing the quality of health care provided under different delivery system arrangements;

"(C) analyzing the effects of providing information to consumers and improvement in the methods of information dissemination;

"(D) analyzing the impact of its quality assurance upon the quality of health care for the American people; and

"(E) coordinating the collection, assimilation and cataloging of existing information regarding quality health care assurance programs of Federal, State, and local agencies and their relationships with one another, with due regard for the protection of the confidential nature of the doctor-patient relationship;

"(9) collect, summarize, and distribute information regarding the impact of medical services and the health status of the population of the United States;

"(10) provide technical assistance to providers of health care in the development of quality control programs;

"(11) study the levels, costs, and quality of health care under health care programs of the Federal Government;

"(12) analyze the need for standardization of medical record information and facilitate the development of a system of standard medical reference mechanisms;

"(13) prescribe a schedule of reasonable contingent fees for attorneys representing claimants in proceedings under section 1309; and

"(14) annually report to the President and to the Congress on the conduct of activities under this title (including results of studies conducted under paragraph (11)) together with such recommendations for additional legislation as the Commission may determine appropriate.

"(b) In developing quality health care assurance system criteria the Commission's consideration shall include but not be limited to existing State regulations, such standards as are in effect for Federal health agencies, and analysis of the results of the reinsurance program and the results of arbitration procedures under part B of this title.

"ADMINISTRATIVE POWERS

"SEC. 1303. (a) In order to carry out the provisions of this Act the Commission is authorized to—

"(1) appoint and fix the compensation of personnel of the Commission in accordance with the provisions of title 5, United States Code;

"(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Commission and delegate authority to any officer or employee;

"(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Commission deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Commission for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(5) appoint one or more advisory committees (including a committee for the preparation and analysis of statistics) composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise the Commission with respect to its functions under this Act;

"(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

"(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

"(8) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible; and

"(9) take such actions as may be required for the accomplishment of the objectives of the Commission.

"(b) Upon request made by the Commission each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Commission in the performance of its functions with or without reimbursement. Where the Commission determines that such services, equipment, personnel, facilities, and information cannot be made available for utilization in a manner which would enable it to expeditiously perform its duties under this Act, the Commission may establish where necessary the programs necessary to accomplish its tasks.

"(c) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(d) The Chairman shall be the chief executive and the administrative officer of the Commission and shall exercise the responsibility of the Commission with respect to—

"(1) the appointment and supervision of personnel employed by the Commission;

"(2) the distribution of jobs among the personnel of the Commission; and

"(3) the use and expenditure of funds.

"COMPENSATION

"SEC. 1304 (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(60) Chairman, Commission on Quality Health Care Assurance.'

"(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"'(98) Members, Commission on Quality Health Care Assurance (10).

"'(99) General Counsel, Commission on Quality Health Care Assurance.'

"APPLICABILITY OF COMMISSION REQUIREMENTS

"SEC. 1305. (a) Except as provided in subsection (b) the requirements established by the Commission pursuant to section 1302 shall apply to any provider of health care receiving assistance under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 after the date of enactment of this title.

"(b) Any provider covered under his Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, may apply to the Commission for a temporary order granting a variance from any requirement or any provision thereof promulgated under section 1302 of this Act. Such temporary order shall be granted only if the provider files an application which establishes that—

"(1) the provider is unable to comply with a requirement by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with any requirement or because necessary construction, alteration, or modernization of facilities cannot be completed by its effective date; and

"(2) the provider has an effective program for coming into compliance with any requirement as quickly as possible with adequate interim safeguards for the protection of consumers of health care.

"(c) The Commission is authorized to grant a variance from any of its requirements or portion thereof whenever it determines or the Secretary of Health, Education, and Welfare certifies that such a variance is necessary to permit a provider to participate in a project approved by him designed to validate new and improved techniques of health care delivery systems.

"REPORTS AND MAINTENANCE OF RECORDS

"SEC. 1306. (a) Each provider, covered under this title, shall make, keep, and preserve, and make available to the Commission and the Secretary of Health, Education, and Welfare, such records regarding activities governed by this title as the Commission, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe.

"(b) The Commission shall prescribe rules and regulations as may be necessary with regard to inspection of the records and facilities of a provider.

"DISCLOSURE TO CONSUMERS OF HEALTH CARE SERVICES

"SEC. 1307. (a) A description of any health care plan covered by this title shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this title.

"(b) A description of the plan shall be comprehensive and shall include, in a manner designed to be understood by the average enrollee, the following:

"(1) fees and prices;

"(2) scope of services included in benefit packages;

"(3) accessibility and availability of services including the location of the facilities, equipment available, hours of operation, practitioners by type and location, and amenities;

"(4) the name and type of administration of the plan; and

"(5) a statement of certification by the Commission.

"(d) The Commission shall monitor the provision of information by providers of care as required by this section. In any case in which information is disclosed or disseminated under this title and is subsequently found to be insufficient, inaccurate, or inaccurately disseminated the Commission shall take such action as is necessary to assure a full retraction of the inaccurate information together with a statement of new data in a manner similar to the initial disclosure or dissemination of such information.

"(e) The disclosure must also include procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part.

"(f) Every provider shall furnish a copy of the plan description (including amendments or modifications thereto) described in subsection (b), to every enrollee upon his enrollment in the plan, and cause the same to be published, in a manner prescribed by the Commission, to the general public.

"PENALTIES

"SEC. 1308. (a) (1) Whenever the Commission after reasonable notice and opportunity for hearing to the provider finds that the provider has significantly deviated from the approved quality assurance system or is engaged in practices which significantly deviate from national or regional norms as determined by the Commission, the Commission shall notify the provider, and the Secretary of Health, Education, and Welfare that such provider shall be ineligible to participate in assistance under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 and that the certificate of approval has been suspended until such time as the provider is found to be in compliance with the requirements established under section 1302. Hearings conducted under this section shall be held, where practicable, in a location convenient to the provider of health care.

"(2) Providers of health care, who have had their certificate suspended for a period, which the Commission determines to be unreasonable, shall have their certificate revoked and shall be liable for the repayment of part or all amounts received under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

"(3) The Commission is authorized to make arrangements with providers of health care who have had their certificates revoked, for reimbursement of amounts received under this Act, and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, including deferred payments on such terms and for such periods as are deemed equitable and appropriate.

"(b) Any person who knowingly makes any false statement, representation, or certification on any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment of not more than six months or by both.

"ARBITRATION

"SEC. 1309.(a) A provider of health care that possesses a valid certificate of compliance issued under section 1302 may enter into a program for the equitable and expeditious handling of malpractice claims which may arise out of care and treatment of patients. Such programs shall be based upon agreements between the patients and the providers of health care to submit all disputes, not settled to the satisfaction of both parties, to binding arbitration in order to gain the benefits of such programs for patients and providers. Records of all such settlements shall be kept by each provider of health care, and submitted to the Commission in such manner as it shall prescribe.

'(b) An agreement to submit to binding arbitration under subsection (a) must be valid in the jurisdiction in which such agreement is made and shall provide for the selection of arbitrators in accordance with rules and regulations promulgated by the Commission. For those providers who shall establish arbitration programs as specified in this section, title 9 of the United States Code shall apply to such arbitration programs if the State or States in which the provider is located has not enacted legislation providing for the finality of arbitration decisions, or for parties to enter into agreements to arbitrate prior to a dispute.

"(c) Written findings of fact and conclusions of law shall be prepared for each arbitration proceeding held under this section. In each case the findings shall be certified by the arbitrator to the Commission. The Commission shall develop a systematic codification of all findings of arbitration proceedings undertaken pursuant to this section and shall publish such findings at least annually or more frequently at the discretion of the Commisison. The Commission shall certify all findings of arbitration proceedings undertaken pursuant to this section to all appropriate State or local licensing or disciplinary boards for each such arbitration procedure under the territorial jurisdiction of such board.

"(d)(1) Every attorney who, in connection with any proceedings under this section for personal injuries or for death or for loss of services resulting from personal injury proximately caused by medical malpractice, accepts a retainer or enters into an agreement, express or implied, for compensation for services rendered or to be rendered in such proceedings whereby his compensation is to be dependent or contingent in whole or in part upon the successful prosecution or settlement thereof, shall, within thirty days from the date of any such retainer or agreement of compensation, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commisison shall require.

"(2) An attorney retained by another attorney on a contingent fee basis as trial or appeal counsel or to assist in the preparation, investigation, or settlement of any such proceeding, shall, within thirty days from the date of such retainer, sign personally and file with the Commission a retained statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"(3) A closing statement shall be filed with the Commission with every proceeding in which a retainer statement is required containing such information as the Commission shall require.

"(4) All statements of retainer or closing statements filed with the Commission shall be confidential, and the information therein contained shall not be divulged or made available for inspection or examination except upon written order of the Chairman or the General Counsel of the Commission.

"(5) Any attorney who charges or collects, for services rendered in connection with any proceedings described in this subsection, any fee in excess of that allowed by the Commission, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"PUBLICATION OF CRITERIA AND NORMS

"SEC. 1310. (a) The Commission may, by rule, promulgate, modify, or revoke any quality health assurance system criterion or norm in the following manner:

"(1) whenever the Commission upon the basis of information submitted to it in writing by an interested person, a nationally recognized standard-producing organization, the Secretary of Health, Education, and Welfare, or a State or political subdivision, or on the basis of information developed by the Commission, or otherwise available to it, determines that a rule should be promulgated in order to serve the objectives of this title, the Commission shall publish such proposed rule promulgating, modifying, or revoking a standard or criterion for a quality health care assurance system or norm in the Federal Register, and shall afford interested persons a period of sixty days after publication to submit written data or comments.

"(2) on or before the last day of the period provided for the submission of written data or comments, any interested person may file with the Commission written objections to the proposed rule stating the grounds therefor and requesting a public hearing on such objections. Within sixty day after the last day for filing such objections the Commission shall publish in the Federal Register a notice specifying the criteria for quality health care assurance systems or norms to which objections have been filed and a hearing request and specifying a time and place for such hearing. Hearings conducted under this section shall be held, where practicable in a location convenient to the person filing such objection.

"(3) within sixty days after the expiration of the period provided for the submission of written data or comments or within sixty days after the completion of any hear-



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ing, whichever is later, the Commission shall issue and publish in the Federal Register a rule promulgating, modifying, or revoking standards, criteria for quality health care assurance systems or norms, or notice of a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date and such period (not in excess of ninety days) as the Commission determines may be necessary to insure that affected persons will be informed of the existence of the criteria or norm and of its determinations and that they are given an opportunity to familiarize themselves with the existence of the requirements of such criteria or norm.

"(b) Any person who may be adversely affected by the promulgation of a rule issued respecting criteria or norms under this section may at any time prior to the ninetieth day after such criteria or norm is promulgated, file a petition challenging the validity of such criterion or norm with the United States district court for the district where such person resides or has his principal place of business for a judicial review of such criterion or norm. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The filing of such petition shall not, unless otherwise stated by the court, operate as a stay of the criterion or norm. The determinations of the Commission shall be conclusive if supported by substantial evidence in the record considered as a whole.

"(c) (1) In the case of establishing criteria for the assimilation of objective statistical material required for the publication of norms, the Commission shall hold hearings only when it determines such hearings to be necessary.

"(2) The Commission shall publish in the Federal Register a summary and basis for the establishment of the criteria required by paragraph (1).

"(d) The Commission in compiling information for setting the requirements for this title shall solicit views and information from concerned entities.

"STATE JURISDICTION AND STATE PLANS

"SEC. 1311. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any health issue with respect to which no standard, criterion, or norm is in effect under section 1302 of this Act.

"(b) Any State which at any time desires to assume responsibility for the development and enforcement of health standard, criteria, or norms relating to any health issue with respect to which a Federal standard, criterion, or norm has been promulgated under section 1302, shall submit to the Commission a State plan for the development of such standards, criteria, or norms and their enforcement.

"(c) The Commission shall approve the plan submitted by a State under subsection (b) or any modification thereof only if such plan—

"(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State;

"(2) provides for the development and enforcement of health standards, criteria, or norms relating to one or more health issues which standards, criteria, or norms (and the enforcement of which) will be no less stringent than the standards, criteria, or norms promulgated under section 1302 which relate to the same health issues;

"(3) provides for a right to entry and inspection of all premises of providers of health care subject to this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which includes a prohibition on advance notice of inspections;

"(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards, criteria, and norms;

"(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards, criteria, and norms;

"(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive health program applicable to all providers of health care of the State and its political subdivisions, which program is as effective as the standards contained in an approved State plan;

"(7) requires providers of health care in the State to make reports to the Commission in the same manner and to the same extent as if the State plan were not in effect; and

"(8) provides that the State agency will make such reports to the Commission in such form and containing such information as the Commission shall from time to time require.

"(d) If the Commission rejects a plan submitted under subsection (b), it shall afford the State submitting the plan reasonable notice and opportunity for a hearing before so doing.

"(e) After the Commission approves a State plan submitted under subsection (b), it may, but shall not be required to, exercise its authority with respect to comparable standards, criteria, or norms promulgated under section 1302, for the period specified in the next sentence. The Commission may exercise the authority referred to above until it determines, on the basis of actual operations under the State plan, that the standards, criterions, or norms set forth in subsection (c) are being applied, but it shall not make such determination for at least three years after the plan's approval under subsection (c).

"(f) The Commission shall, on the basis of reports submitted by the State agency and its own inspections, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Commission finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), it shall notify the State agency of its withdrawal of approval of such plan and upon receipt of such notice, such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

"(g) The State may obtain a review of a decision of the Commission withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Commission. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Commission's decision in rejecting a proposed State plan or withdrawing its approval of such a plan is not supported by substantial evidence, the court shall affirm the Commission's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(h) The Commission may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more health standards, criteria, or norms in effect in such State until final action is taken by the Commission with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this title, whichever is earlier.

"PROCEDURES TO COUNTERACT IMMINENT DANGERS

"SEC. 1312. (a) The United States district courts shall have jurisdiction, upon petition of the Commission, to restrain any conditions or practices by a provider of health care which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this title. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

"(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this title. The proceeding shall be as provided by rule 65 of the Federal Rules of Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

"(c) Whenever and as soon as the Commission concludes that conditions or practices described in subsection (a) exist it shall inform the affected provider of health care of the danger and that it shall seek relief under this section.

"(d) If the Commission arbitrarily or capriciously fails to seek relief under this section, any person who may be injured by reason of such failure, or the representative of such person might bring an action against the Commission in the United States district court for the district in which the imminent danger is alleged to exist or the provider has its principal office, or in the United States District Court for the District of Columbia, for a writ of mandamus to compel the Commission to seek such an order and for such further relief as may be appropriate.

"DEFINITIONS

"Sec. 1313. For the purposes of this title, the term—

"(1) 'input measure' means assessment based on the qualifications of personnel, facilities, and equipment required to provide medical care;

"(2) 'process measure' means assessment based upon the conformance of medical decisions and action taken in actual episodes of care to some defined standards of medical practice;

"(3) 'utilization characteristics' means those characteristics giving information concerning the rates of usage of components of the health care system such as the length of hospital stays, the number of doctor-patient contacts, and the number of hospital admissions in a year;

"(4) 'outcome measure' means assessment of care based upon health of patients during and particularly at the conclusion of episodes of care. Standards for clinical outcome should be based solely on the results of health care;

"(5) 'Commission' means the Commission on Quality Health Care Assurance;

"(6) 'norm' means a statistical range which reflects the parameters of acceptable quality health care practices existing at the time such norm is promulgated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1314. There are authorized to be appropriated for the carrying out of the provisions of this part $15,000,000 for the fiscal year ending June 30, 1974; $40,000,000 for the fiscal year ending June 30, 1975; and $70,000,000 for the fiscal year ending June 30, 1976."

TECHNICAL AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 204. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I, II, and XIV".

(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIV and by renumbering sections 1101 through 1114 (as in effect prior to such date) and references thereto as sections 1401 through 1414, respectively.

(c) Sections 767, 768, 769, 769A, and 769B of the Public Health Service Act (added by section 107 of Public Law 92-157) are redesignated as sections 769, 769A, 769B, 769C, and 769D, respectively.



Mr. KENNEDY. Mr. President, this amendment represents the best considered judgment of the members of the Health Subcommittee. I think it is an amendment that, if accepted by the Senate, would move us a long way down the road toward achieving the development of HMO's in this country as an alternative to the present system.

Mr. President, just very briefly, I would like to summarize what is incorporated in this amendment, which comes now as sponsored by the Senator from New York, the Senator from Pennsylvania, and myself.

What in effect we are doing is to broaden the whole concept of health maintenance organizations with a broader definition and with waivers permitted in the legislation which can be exercised by the Secretary of HEW. It will certainly be possible to develop health maintenance organizations in urban areas as well as in rural communities. Therefore, the need for a separate health service organization title is not as great as it was in the legislation that was debated on this floor yesterday.

I feel that now, with the essential aspects of the definition of health maintenance organization still being maintained, but with some additional flexibility in terms of the payment of particular doctors who are a part of those health maintenance organizations, we have provided flexibility which I think some minority Members were very much concerned about, and yet have retained the essential character of the health maintenance organizations to a degree which will warrant and justify a Federal taxpayer support. I believe this is a concept which can and should be endorsed by the Senate.

The second title maintains the concept of open enrollment and capitation subsidies, as we debated that question yesterday afternoon. These particular provisions recognize the fact that there will be many millions of Americans who will be unable to afford even the premium to enroll in health maintenance organizations. They will not be the extremely poor, because the extremely poor will be covered by medicaid, and they will not be the wealthy, because they will have satisfactory resources in order to enroll in health maintenance organizations, but for the most part it will be lower middle income groups, those with incomes somewhat above $5,000 and below $10,000, perhaps with large families, where in our best judgment, the premiums would probably be from $600 to $800 a year to cover the essential services for a family. It probably, in the overall picture, will save them money over what they are expending at the present time, whether it be under some kind of arrangement made with their union or otherwise, but permit some flexibility by the Secretary of HEW to provide additional capitation or premium support, so that individuals who fall within this particular financial bracket will be able to enroll in health maintenance organizations. It will also assure that HMO will not have to raise their premiums above a reasonable level if they enroll some individuals who are chronically ill, or perhaps are developed in areas where there is a larger percentage of elderly people who would require more services.

There is no sense, for example, in requiring the working people in such areas to pay a disproportionate amount in premiums to make up for the additional services that may be utilized in meeting the health needs of a given section of the population, whether the chronically ill, the elderly people, or others who may be utilizing particular services within the HMO at a high rate.

We recognize that this is strictly a temporary measure. We realize that Congress and the Senate will eventually come to grips with a health insurance proposal, whether it be the kind of proposal incorporated in S. 3, or whether it be an AMA proposal, a hospital association proposal, or any of a wide range of different arrangements that may be considered by the Senate. We hope that during the period of the next 3 years the Senate will respond in a way which will eliminate the ability to pay as a criterion for receiving decent health care in this country, which I think ought to be the concept and the principle upon which consideration of any health legislation should be based, particularly with health programs that have tax support.

What this proposal does, under this amendment, is to indicate that 15 percent of the money actually appropriated under title I shall be used for either an open enrollment or a capitation subsidy. This is not really what I would like to have seen, not what we introduced in the Senate initially, and not really what came out of the Subcommittee on Health by a vote of 14 to 1, or even as it was included in the amendment I introduced yesterday; but once again, it does have the advantage that at least some money will be included in this particular program.

I recognize the value of that concept under the particular provisions that were introduced yesterday. The Appropriations Committee or the administration may have seen the value of that concept. Under the provisions that were introduced yesterday, the Appropriations Committee or the administration may have seen fit to fund one provision, title I, and not title II, the open enrollment and capitation subsidy provisions and, therefore, failed to achieve what I think was a very legitimate objective of health policy. But this will require that at least some money be allocated for those purposes, and I think 15 percent is a reasonable figure.

We are also maintaining in our proposal a Quality Control Commission, recognizing, if we are going to underwrite the development of an additional health delivery system by taxpayer funds, that we ought to make sure it will be a quality system.

We have outlined and debated that question of the Quality Care Commission. We have introduced the Commission with the malpractice reinsurance provision, which had been a part of our initial act. That aspect had been considered by the President's Commission on Medical Malpractice, which has raised some serious questions about it. The proposed amendment does not include such a provision. The provision for arbitration of medical malpractice disputes is retained.

The grand total for this proposal is some $705 million for a 3-year period. I would reiterate to the Senate that this body passed a 3-year authorization in excess of $5 billion last year. We are now considering some $705 million. Under that limitation, we will achieve only approximately the development of one-eighth of the number of health maintenance organizations that the administration itself indicated it wanted to achieve, through the testimony of its Secretary of HEW, a little over a year ago. So we are not only not, I feel, meeting even the minimum needs of the country, but even the announced goals of the administration. Nonetheless, we are into that particular situation at the present time, and in these final hours of the debate, we are trying to reach as nearly a common ground in our proposal as we possibly can.

So it is in this spirit that we have worked out this agreement. It is not the one that I would have liked to see acted upon. I think that we had a reasonable and responsible proposal earlier, when it came out of the committee. That was a bare minimum proposal but, nonetheless, we are dealing with legislative realities this afternoon. That is where we find ourselves.

I would say, in conclusion, that this amendment brings the very valid and good judgments of the distinguished Senator from New York (Mr. JAVITS), who has been enormously interested in the development of the concept of the HMO and has been one of the most active participants in our own deliberations of it. It reflects many of his views as well as those of the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) who is the ranking Republican member of the Health Committee and who has been one who, I think, has shown enormous sensitivity to this particular issue and support for it as a concept.

Thus, I would hope that we could move ahead with this amendment and that the

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Senate will accept it and support it this afternoon.

Mr. JAVITS. Mr. President, I am very much pleased that the Senator from Massachusetts has seen fit to accept so many of the aspects of the substitute which, on behalf of myself and Senator SCHWEIKER, we had submitted to the Senate, rather than to let the HMO legislation, which is so important, be imperiled or defeated or emasculated by sticking to a position which simply could not be entertained through existing circumstances.

Obviously, Mr. President, as I have now entered into the compromise arrangement with Senator KENNEDY, as has Senator SCHWEIKER, I shall not call up the substitute of which I gave notice yesterday and which has been available for all Members to consider in the RECORD. I am very much pleased that the Senator from Massachusetts has formalized that situation by withdrawing his own substitute and inserting now the agreed upon substitute which I hope the Senate will support.

I think it is important to note the points of agreement which have been reached and the places at which there have been changes from our substitute which I have been prepared to offer.

The aggregate amount, which is the total authorization level, is the same, $705 million over 3 years.

There is no separate authorization for either capitation of open enrollment subsidy grants, but the amendment does provide that for each of the subsidies, the Secretary shall utilize not less than 7½ percent of the amounts actually appropriated under part A to demonstrate the effectiveness and utility of the HMO's. This will give HMO's the broad coverage which will come from the capitation grant which affects individuals otherwise unable to meet the HMO premium expense and the grants which deal with open enrollment high risk enrollees. It is fair to say, in order to demonstrate the validity of the HMO concept, that it is necessary to broaden the base of the clientele in that way.

So I have accepted those two provisions from Senator KENNEDY. The amendment that deals with the definition of the HMO is being broadened to make individual practice with reimbursement among the medical group on a fee for service basis eligible. Therefore, the need for the so-called supplemental HMO's is no longer present.

On the other side of the spectrum, that is, as to a different method of compensation for the provider, that is a necessary element of whatever proof we can make about the HMO.

Now, the deletion of the Federal malpractice reinsurance program is a very important point because we should legislate the reinsurance program, if, as, and when we do, with full contemplation of the complete report which has recently been made. It seems to be agreed that that could not, because of time and other limitations, be reflected in this bill. Hence, we must do it right, if we are to do it at all, rather than be precipitate about it, which I feel the original bill was.

So, the Senator from Massachusetts has agreed that the Committee on Quality Health Care Assurance shall go into HEW, rather than be an independent agency. Again, this is a question of proliferating the independent agencies in the Government in a way which is not essential to their proper functioning. It is desirable to keep this Commission under the tent of the HEW.

One further change which has been made, that is, to broaden the authority of HEW to waive a specific element of health service, not only due to lack of adequate health manpower, already contained in the bill, but also due to lack of equipment. This is essential, especially in rural and otherwise less-settled areas of the country, where equipment to the maximum extent we desire to provide services are often not available.

Mr. President, my dedication to reform and improvement of the health care delivery system by the development of HMO's was expressed in detail in the text of my prepared remarks in support of amendment No. 122—which I will not now call up in view of the recent developments, but I ask unanimous consent that such prepared remarks be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACOB K. JAVITS IN SUPPORT OF JAVITS-SCHWEIKER AMENDMENT NO. 122

Mr. President, the major differences between S. 14, which authorizes appropriations of $1.5 billion over three years, and my amendment number 122, in the nature of a substitute, which authorizes $705 million for the same period, are:

First, the amendment deletes $440,000,000 authorized for capitation grants which are a Federal subsidy to HMO's for: (a) portion of premium cost which individual was unable to pay; and, (b) for the continuation of an open enrollment policy which leads to premium increases due to acceptance of high risk enrollees, e.g. the chronically ill. In lieu thereof, the amendment authorizes the Secretary to utilize existing legislative authority to achieve that goal and thus demonstrate the effectiveness and utility of HMO's.

Second, the amendment deletes the Health Service Organization and Area Health Education Center programs and eliminates $265,000,000 authorized for such separate categorical programs of Federal assistance, the goals of which can be accomplished under the definition of a Supplemental Health Maintenance Organization, authorized by both S. 14 and unchanged in the amendment.

Third, the amendment establishes the Commission on Quality Health Care Assurance in the Department of Health, Education, and Welfare—which is working to achieve the Commission's goals—rather than as an independent agency as provided in S. 14. Establishment of another Federal agency with jurisdiction over only a small segment of the health care delivery system, a segment which would not necessarily include the traditional delivery modes, would, I believe, seriously complicate the task of improving our capacity to assure that health care provided the public meets basic professional standards.

Fourth, the amendment deletes the malpractice reinsurance provisions in S. 14, and so provides opportunity for Congress appropriately to act on the recent "Report of the Secretary's Commission on Medical Malpractice" recommendations (aimed at preventing medical injuries, deterring unnecessary malpractice claims, improving the efficiency and fairness of the claims-resolution process, and providing prompt rehabilitation and equitable compensation of medically-injured persons) which was not available at time of Committee action on issue.

Fifth, the amendment broadens the scope of the Secretary's authority to waive specific required health services in an HMO if there is a lack of health equipment or facilities, in addition to lack of health manpower, as provided in S. 14.

When Senator Kennedy initiated hearings in the 92nd Congress on the precursor to S. 14, I shared the view of Senator Magnuson, also a cosponsor of the measure, that this bill was not a finished legislative product, but rather, and I quote ". . . an extremely valuable working paper, a springboard for serious Congressional consideration of reorganization and reform of the complex issues involved in the delivery of health care."

Also, I made clear that I am not, and I quote, "doctrinaire regarding this bill." My support is for reform and improvement of the health care delivery system, which I believe is the principal purpose of S. 14. Therefore, the essential legislative concepts embodied in S. 14 and carried forward by this amendment are:

1. To insure that Federal assistance will effectuate real change in the health care system, the essential elements of the HMO concept are defined with great precision: (a) provision of comprehensive medical services; (b) to a defined enrolled population; (c) on a prepayment rather than a fee-for-service basis. In the recognition that bringing such organization into the delivery of medical care is "a consummation devoutly to be wished," but may not come to pass, the flexible HMO concept, which encompasses a wide range of possibilities for methods of delivering medical care, is also authorized—supplemental HMO's. For example, the individual practice type HMO's—such as foundations for medical care sponsored by local medical societies—which also seek to stimulate innovation in health care delivery, are eligible for Federal support.

2. I believe there is sufficient evidence to warrant closed panel prepaid group practice as the optimum organizational form of health care delivery. However, to assure a response to varying local needs and capitalize on the strengths and flexibility of the pluralistic health care system already in place, providers are encouraged to work within any one of a number of HMO settings consistent with principles and reasonable criteria which are more likely to be accepted by providers and will therefore bring about reform in the health care delivery system in the long term; but not to the degree and with the rapidity contemplated by the strictly defined HMO. For that reason, I believe that supplemental HMO Federal support should come only when all qualified applicants authorized under part A of title I of the amendment have been funded. That is not to say such HMO's are inferior but rather such HMO applicants choose not to meet the strict definition and provide the broad range of health benefits mandated by part A of title I of the amendment.

3. The financial and organizational aspects of the bill are important—but even more important, is the Government's commitment pursuant to section 1213 of the amendment, to using its considerable leverage to force change where voluntary change would never come. In essence, this provision overrides State law through the use of Federal power in respect to State laws which prohibit or impede the operation of community oriented, consumer sponsored, prepaid group practice units. This represents a major shift from a time when the Government was the willing partner of those forces fighting to maintain the status quo in health care organization in the United States. As the inequities in health services available under the present system have become more widely recognized, the inadvisability of maintaining a system that responds primarily to the professional interest, often at the expense of the public interest, has become manifest.

I believe that if there is to be an effective, meaningful HMO alternative in this country, restrictions must be removed relating to the formation and operation of HMO's characterized by: State laws which vest the control of health plans in the hands of the medical profession: regulations by insurance commissions which seek to adapt prepaid group practice plans to principles of insurance by blurring or ignoring the distinctions between direct service organizations and third party cash indemnity payers; common law practice of medicine rules which prohibit altogether the use of the corporate form for the provision of health services; and use of ethical sanctions by local medical societies to deter physicians from participating in prepared group practice.

The extent of the problem of State laws that often hamper HMO development was confirmed by Elliot L. Richardson, former Secretary of the Department of Health, Education and Welfare, when he testified before the Subcommittee on Health, Committee on Labor and Public Welfare, that:

"Many States impose legal restrictions on HMO development which will have to overcome, for example, in the areas of licensure of health professionals and sponsorship of HMO's. Twenty-one States have even more restrictive laws, in some instances, requiring HMO's to operate under rules applicable to Blue Shield plans or insurance companies. Since HMO's operate in a different fashion from either of these, such laws make it difficult for HMO's to organize.

This is achieved and in a manner which assures that the supplanted State laws do not leave HMO's free to function in a "vacuum," relieved of State and local regulations. Rather, the HMO, which otherwise conforms to State laws for incorporation and licensing of health professionals, must provide health care services in accordance with the strictly defined provisions of this act.

4. The need for assurance of quality health has been one of the great challenges of delivering health services and transcends any one form of health delivery. We must improve our ability to assure the public that the services they receive are of a quality which meets basic professional standards. To achieve this goal, the amendment establishes a Commission on Quality Health Care Assurance in the Department of Health, Education, and Welfare, which, in essence would: monitor quality mechanisms, prescribe criteria and norms and certify provider quality programs. Also, by establishing the Commission in HEW, we could have the benefit of the Department's working toward the development of a nationally applicable quality assurance system, e.g. the Professional Standards Review Organizations program recently established by Public Law 92-303, which provides a basis for further steps in that direction.

5. There is much to be said for the need to assure, in accord with professional standards, the effectiveness and utility of HMO's in serving all people. However, I am not convinced that the authorization of $225,000,000 for capitation grants to HMO's (section 1245(a)(1)) to meet the expenses of their premiums for persons who could not otherwise afford them, or of $215,000,000 for grants to meet the premium increase of an HMO (section 1245(b)(1)) due to its fulfillment of the open enrollment requirement and the HMO's acceptance of high risk enrollees, is appropriate or necessary to accomplish the goals of the legislation.

The Committee was properly ". . . concerned that all people have an opportunity to benefit from programs subsidized by Federal funds," and agreed that the purpose of the authorization for capitation subsidy was ". . . a stopgap measure of authorized funding support" until a program of national health insurance was enacted into law. However, I am concerned that the provisions—authorizing almost a half billion dollars—will hold out false hopes to millions of Americans: that they can expect the Federal government to pay for their health care insurance premiums.

I recognize the need, to provide adequate funding resources for people unable to afford the cost of comprehensive health care or those suffering from preexisting illnesses who otherwise could not obtain comprehensive health care and thus demonstrate the effectiveness of HMO's in providing such care. And I am mindful that until such time that the HMO is able to have a sufficient number of enrollees over which to spread the premium cost for such people, it will be difficult for the HMO or its limited number of enrollees to bear such costs. However, I am confident that there is current legislative authority, under which the Secretary of Health, Education and Welfare could achieve the goal of demonstrating HMO's can serve all persons.

6. We are all concerned about the medical malpractice crisis and recognize that it is not susceptible to a simple solution. Unfortunately, when S. 14 addressed itself to the problem of medical malpractice reinsurance and in response there to established a program of Federal medical malpractice reinsurance, it did not have the benefit of the "Report of the Secretary's Commission on Medical Malpractice". The report cites, and I quote: "This allegation has led to proposals that the Federal Government provide malpractice reinsurance." It then states: "The Commission finds that to the extent that medical malpractice reinsurance is available in the primary market, it is also available in the reinsurance market."

The availability of such insurance is previously discussed and the report states: "The Commission FINDS that malpractice insurance is currently available to health-care practitioners under group plans and the market for such insurance is competitive. Malpractice insurance is also available to individual health-care practitioners, although they appear to have more difficulty in locating insurance sources. Umbrella and excess coverage are also available both to individuals and under group plans."

Thus, given the finding that reinsurance is available where medical malpractice insurance is available and the above cited Commission finding (and the statement in the appendix to the "Report of the Secretary's Commission on Medical Malpractice" that ". . . malpractice insurance is generally available to qualified practitioners and institutions"), I believe it appropriate for this amendment to delete the reinsurance provision.

7. We are all interested in enhancing the Commission's effectiveness in assuring quality medical care, but I am not convinced—and there has not been the necessary compelling evidence to prove—that independence from an established executive department is somehow crucial to fulfilling the need for responsiveness, to resisting the pressures of politics and competing public and private interests, to the visibility and accountability of decision making, and impliedly at least, to the ability to utilize increased resources effectively. Therefore, the amendment establishes the Commission in the Department of Health, Education and Welfare in recognition of the reality of governmental responsiveness. I believe independent status would, in this case, impede the Commission's effectiveness because:

First, an independent agency is no more visible or accountable to the public than an agency within a Cabinet-level Department. Indeed, just the opposite would appear to be true: the Cabinet officer and agency head who reports to him are always publicly visible and accountable for their actions to the Congress, to the President, and to the public. While the actions of independent agencies are equally visible, the heads of independent agencies are often insulated from such accountability by their fixed terms of office.

Second, independent agencies are no more insulated from political and other pressures than agencies within departments. The independent regulatory agencies have not historically shown greater resistance than other agencies to the pressures that often cause agencies to identify their interests with those of the industries they regulate.

Third, independent agencies do not have any greater access to the President than do executive departments. Quite to the contrary, they undoubtedly have less access, since there are a total of 62 separate entities presently reporting directly, in a formal sense, to the President. Only 11 of these 62 are Cabinet departments; the remaining 51 entities clearly are at a disadvantage as compared with the departments. And this disadvantage is compounded each time a new independent entity is created.

Indeed, the growing proliferation of separate entities in theory reporting to the President has led all the bipartisan, blue-ribbon Commissions which have studied the organization of the executive branch, from the Hoover Commissions to the Ash Council, to recommend that the existing entities should be combined into fewer, larger Cabinet-level departments organized along functional lines.

Fourth, independent regulatory agencies have historically fared poorly in the governmental competition for resources. It has often been noted that the independent regulatory agencies are really the stepchildren of both the Congress and the executive branch. Examination of the budgetary records over the period of fiscal year 1970 through fiscal year 1973 shows that the percentage growth of six independent regulatory agencies ranges from a low of 6 percent to a high of 38 percent, with the average at less than 26 percent. This compares with growth of 89 percent for FDA over the same period.

Fifth, from a functional point of view, there are important interrelationships between the Commission and HEW's other major health agencies, and these ties should be further strengthened, rather than disrupted, in the interest of public health.

President Nixon has identified the advantages of HMO's, endorsed the concept, and indicated the role the Federal government should play in encouraging their development. The President said, and I quote: "I do not believe that HMO's should or will entirely replace fee-for-service financing. But I do believe that they ought to be everywhere available so that families will have a choice between these methods." I agree with the President and urge the adoption of this amendment which will enable us to achieve that desired goal.

Mr. JAVITS. Mr. President, therefore, Senators SCHWEICKER, KENNEDY, and I have worked together to resolve our differences, and have developed a mutually acceptable amendment in the nature of a substitute for S. 14, which Senator KENNEDY will introduce on behalf of all of us.

In order for Senators to be able to readily identify how the differences are reconciled, I ask unanimous consent that an analysis as to both substitutes and the compromise substitute be placed in the RECORD.

There being no objection, the analysis is ordered to be printed in the RECORD, as follows:



XUM

COMPARISON OF DIFFERENCES BETWEEN KENNEDY SUBSTITUTE AMENDMENT AND JAVITS/SCHWEIKER SUBSTITUTE AND KENNEDY/JAVITS/SCHWEIKER AMENDMENT

| JAVITS/SCHWEIKER | KENNEDY | KENNEDY/JAVITS/SCHWEIKER |
|---|---|---|
| I. Authorizations: | | |
| Total $705,000,000. | Total, $865,000,000. | Total, $705,000,000 (per Javits/Schweiker). |
| Part A, $430,000,000. | Part A, $430,000,000. | Part A, $430,000,000. |
| Part C, 0. | Part C, 0. | Part C, 0 (per Javits/Schweiker). |
| Part D, 0. | Part D, 0. | Part D, 0 (per Javits/Schweiker). |
| Part E: | Part E: | Part E: |
| Initiative awards, $150,000,000. | Initiative awards, $125,000,000. | Initiative awards, $150,000,000 (per Javits/Schweiker). |
| Capitation subsidy, 0. | Capitation subsidy, $125,000,000. | Capitation subsidy, 0 (per Javits/Schweiker, but 7.5% of appropriations reserved, to demonstrate HMO effectiveness). |
| Open enrollment subsidy, 0. | Open enrollment subsidy, $115,000,000. | Open enrollment subsidy, 0 (per Javits/Schweiker, but 7.5% of appropriations reserved, to demonstrate HMO effectiveness). |
| Quality Commission, $125,000,000. | Quality Commission, $70,000,000. | Quality Commission, $125,000,000 (per Javits/Schweiker). |
| II. HMO definition: Same as S. 14. | Broaden to include individual practice and fee for service payment. | Per Kennedy and thus no need for supplemental HMO's. |
| III. Supplemental HMO's: Same as S. 14. | Deleted. | Deleted. |
| IV. HSO's and AHEC's: Deleted. | Deleted. | Deleted (per Javits/Schweiker). |
| V. Federal malpractice reinsurance: Deleted. | Same as S. 14. | Deleted (per Javits/Schweiker). |
| VI. Commission on Quality Health Care Assurance: Establish in HEW. | Same as S. 14, established as independent agency. | In HEW (per Javits/Schweiker). |
| VII. Waiver of defined health benefits: Broadened to include lack of facilities and equipment. | Same as S. 14, limited to lack of health manpower. | Broadened to Lack of Facilities (per Javits/Schweiker). |

Mr. JAVITS. So, Mr. President, in sum, and I know that the Senator from Maine and the Senator from Colorado may still have some amendments of their choosing to the substitute which we have proposed, I believe that the substitute is a reasonable accord and will give a true and effective trial to the concept of the HMO.

I do not believe that any national health plan—and it is pretty well agreed now that there should be one, whether it is Senator KENNEDY's, mine, the American Medical Association's, or the American Hospital Association's, or some other plan—will have to depend on the reorganization of the health care delivery system.

Without it, we have nothing, no matter how elaborate the plan we may erect or however we may choose to back it up financially, because it is the services and the facilities that count.

This is the way in which we inaugurate, really, what will ultimately become some form of national health scheme—which I think is the best word considering the uncertainty as to the exact form it will take.

For all of those reasons, Mr. President, I urge the Senate to approve the substitute as the best way to prove the concept which we desire to get approved with respect to HMO's, and to reconcile the differing views as to the nature of the HMO which we desire to develop under the aegis of this law.

Mr. President, I believe that the distinguished Senator from Maine (Mr. HATHAWAY) is now prepared to take the floor with his amendment, so I yield the floor.

Mr. HATHAWAY. Mr. President, I have an amendment at the desk which I ask be stated.

The PRESIDING OFFICER (Mr. JOHNSTON). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

Insert after section 1207 the following:

"SPECIAL RURAL AREA GRANTS

"SEC. 1208. (a) The Secretary is authorized to make grants and loans for planning and feasibility studies, initial development costs, construction, and initial costs of operation to health maintenance organizations or nonprofit entities intending to become health maintenance organizations, in non-metropolitan areas.

"(b) There are authorized to be appropriated to carry out the purposes of this section $20,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976.".

Mr. HATHAWAY. Mr. President, first of all, I want to commend the distinguished Senator from Massachusetts (Mr. KENNEDY), and the other Senators who put so much time and effort into this bill, which is a concrete step toward making quality health care available to all of our citizens.

Mr. President, I ask unanimous consent to add the distinguished Senator from West Virginia (Mr. RANDOLPH) as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATHAWAY. One aspect of the amendment which is now before the Senate, troubled me somewhat. In S. 14, which was the HMO bill as originally reported by the Committee on Labor and Public Welfare, there was a section devoted exclusively to aiding the health care delivery problems of our rural areas. This was, I felt, a particularly important section of the bill because of the crisis in health care delivery which currently affects many rural areas. I do not have to reiterate the many statistics that document this crisis: Entire counties in the United States which have no doctor at all, the astronomical doctor-to-patient ratios that exist in our rural areas. The national average is 152 doctors per 100,000 people; whereas, in Mississippi, for example, there are only 83 doctors for every 100,000 people. Another factor is the great distances between medical facilities.

I think all these facts speak eloquently to the need for new health care initiatives in the rural areas. Because of these problems, I was concerned by the dropping of the rural-oriented sections in the bill before the Senate.

I note, however, that the HMO definitions in the amendment now pending have been broadened so that arrangements more appropriate to rural areas will be allowed. But I am still bothered by the lack of any specific earmarking of funds for nonmetropolitan areas contained in this amendment.

For this reason, I am offering an amendment which would add a new section specifically authorizing grants and loans for HMO's and HMO type arrangements in rural areas.

I want to make clear, however, that the purpose of this amendment is to establish a floor and not a ceiling for rural emphasis programs. Rural-based projects should still be able to compete for loans and grants authorized under other sections of the bill. The purpose of the amendment is to make clear in the statute itself that a substantial portion of the HMO's made available by this act will flow to our small towns and rural areas. The amendment itself provides for an additional $100 million—$20 million for the fiscal year ending June 30, 1974, $30 million for the fiscal year 1975, and $50 million for the fiscal year ending June 30, 1976.

Mr. KENNEDY. Mr. President, will the Senator yield?



Mr. HATHAWAY. I yield.

Mr. KENNEDY. Mr. President, I believe the Senator has made an extremely constructive observation, one with which I am wholly in sympathy, and that is about the development of the various health maintenance organizations in rural communities.

Some of the greatest health needs in this country today are in rural communities as well as in the inner cities. The health maintenance organization concept was developed with the full understanding that there was such a need in rural America as well as in urban areas. That is why we developed a health service organization in the initial version of S. 14. We considered the definition of health service organizations to be a good deal more flexible, recognizing the potential for the shortage of health manpower and various specialties and facilities in rural communities. Therefore, we are much less stringent in the requirements for the development of HMO's in rural communities.

Also, we broadened the general definition of health maintenance organizations as they applied generally across the board and gave to the Secretary of Health, Education, and Welfare waiver authority. We are going to permit him to waive certain requirements as they relate to the development of certain services that are otherwise identified in the proposed legislation and for the construction of various facilities, which were really the two key areas with which we were most concerned with regard to rural areas. So we have given this kind of flexibility to the Secretary of Health Education and Welfare.

Under our definition, it is certainly my intention and my interpretation of the language that the development of health maintenance organizations will take place in rural America as well as in the urban areas. If we had looked at the initial measure that was introduced, the Senator from Maine and others interested in the development of health service organizations or HMO's in rural communities would have recognized that at least a third of the total budget for the development of HMO's was specified to be in rural America, with the possibility even then of additional funds. But that was a concept and an idea which has always been a part of the development of this legislation and continues to be so at the present time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. So I think that this amendment is constructive and positive, and I think it will indicate full well the commitment of this body to develop these types of rural arrangements.

The Senator speaks with considerable authority. I am sure he is aware of the splendid program that has been developed in Farmington, Maine, Rural Health Associates. I understand that in Penobscot Bay is another program called Penbay, which is another effort to develop these programs. We had some extremely interesting testimony by Dr. McBride, of Lubec, Maine, and others who talked about this idea and concept and the importance of rural health.

So I would say that, given the fact that we are down today to less than one-half of the total authorization which this body was considering yesterday, this amendment is very modest and reasonable, and certainly is one that I will support; and I urge my colleagues to support and welcome it as a helpful addition to the proposed legislation.

I commend the Senator from Maine for his interest in this area and for his work in it.

Mr. HATHAWAY. I thank the Senator from Massachusetts.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HATHAWAY. I yield.

Mr. JAVITS. Mr. President, I should like to explain to the Senator why I asked for the yeas and nays.

I am going to vote for the Senator's amendment. I think it is appropriate to provide in this bill a proper quotient for the rural areas of the country, which deserve to be served as much as the urban areas.

My problem is that, having arrived at a settlement, as it were, with the Senator from Massachusetts, which was $705 million, I feel that, in fairness to the Senate, it is the Senate that ought to vote the $100 million, rather than my accepting it, because it was not part of the arrangement I had with the Senator from Massachusetts. I do not think it will make any difference in the result, as I am sure the Senator will find, but I think it is fair to those Members who have assumed that this matter had been, as it were, closed out at $705 million. That is the reason why I asked for the yeas and nays.

Mr. HATHAWAY. I appreciate the Senator's comments.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HATHAWAY. I yield.

Mr. TAFT. I was wondering, in view of the remarks of the Senator from Massachusetts that about a third of the funds involved here are expected to be used in rural areas, whether the Senator's amendment does not merely add 100 million to the bill, not necessarily directing any more to rural areas or any other area. In other words, if this money added by this amendment is for rural areas, it means money is available for other purposes of the bill.

Would it be correct to say it would add $7.5 million additional to the capitation grant section? Is my understanding correct?

Mr. HATHAWAY. I am not sure I got the thrust of the Senator's question. But this adds $10 million specifically for applicants in nonmetropolitan areas.

Mr. TAFT. The Senator from Massachusetts said that one-third of the total bill would go to nonmetropolitan areas anyway.

Mr. HATHAWAY. I think the Senator referred to the original S. 14 bill when we had the health service provision in it; and that under the bill one-third of the money would be spent in rural areas.

Mr. TAFT. Is it not true that under the bill as amended, without the Senator's amendment, that one-third would still be used for rural areas?

Mr. HATHAWAY. No, there is no guarantee.

Mr. TAFT. There is no guarantee, but about one-third would be so used. Is the Senator limiting the total amount to be used for rural areas?

Mr. HATHAWAY. No, as I said in my original statement, and I do not think the Senator was in the Chamber at the time, the $100 million is the floor and not a ceiling on the amount that nonmetropolitan areas might receive. They still could receive much more if their applications qualify under the definition.

Mr. TAFT. Does this make $100 million more available for whatever purpose?

Mr. HATHAWAY. It makes $100 million more available.

Mr. TAFT. For whatever purpose?

Mr. HATHAWAY. For applicants from nonmetropolitan areas.

Mr. TAFT. But it also means that there is another $100 million available for other purposes.

Mr. HATHAWAY. That is correct.

Mr. TAFT. I thank the Senator.

Mr. KENNEDY. Mr. President, I would like to point out that with this acceptance of the amendment we will still be $115 million less than the combined totals for health service organizations which we were considering yesterday during the course of the debate. Even with the acceptance of this we will reduce the total of title 1 and title 2 by $115 million. I think this is something we should understand at the present time.

The PRESIDING OFFICER (Mr. PEARSON). The question is on agreeing to the amendment of the Senator from Maine. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa (Mr. HUGHES), are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), and the Senator from Alaska (Mr. GRAVEL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Wyoming (Mr. HANSEN) is necessarily absent.

The Senator from Virginia (Mr. SCOTT) is absent on official business.

The result was announced—yeas 80, nays 14, as follows:

[No. 138 Leg.]

YEAS—80

| | | |
|---|---|---|
| Abourezk | Byrd, Robert C. | Fong |
| Aiken | Cannon | Fulbright |
| Baker | Case | Hart |
| Bayh | Chiles | Hartke |
| Beall | Church | Haskell |
| Bellmon | Clark | Hatfield |
| Bentsen | Cook | Hathaway |
| Bible | Cotton | Hollings |
| Biden | Cranston | Hruska |
| Brooke | Dole | Huddleston |
| Buckley | Domenici | Humphrey |
| Burdick | Dominick | Inouye |
| Byrd, Harry F., Jr. | Eagleton | Jackson |
| | Ervin | Javits |

XUM

| | | |
|---|---|---|
| Johnston | Montoya | Schweiker |
| Kennedy | Moss | Scott, Pa. |
| Long | Muskie | Sparkman |
| Magnuson | Nelson | Stafford |
| Mansfield | Nunn | Stevens |
| Mathias | Packwood | Stevenson |
| McClellan | Pastore | Symington |
| McClure | Pearson | Talmadge |
| McGee | Pell | Thurmond |
| McGovern | Percy | Tunney |
| McIntyre | Randolph | Weicker |
| Metcalf | Ribicoff | Williams |
| Mondale | Roth | Young |

NAYS—14

| | | |
|---|---|---|
| Bartlett | Fannin | Proxmire |
| Bennett | Goldwater | Saxbe |
| Brock | Griffin | Taft |
| Curtis | Gurney | Tower |
| Eastland | Helms | |

NOT VOTING—6

| | | |
|---|---|---|
| Allen | Hansen | Scott, Va. |
| Gravel | Hughes | Stennis |

So Mr. HATHAWAY's amendment to the Kennedy-Javits-Schweiker amendment in the nature of a substitute for the committee amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. MCCLURE). The question is on agreeing to the amendment in the nature of a substitute offered by Senators KENNEDY, JAVITS, and SCHWEIKER, as amended (putting the question).

The amendment, as amended, was agreed to.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMINICK. Mr. President, for the benefit of my colleagues, we are now coming up very close to a final vote on this bill. We have just adopted the Kennedy-Javits-Schweiker substitute which, as amended by the Hathaway amendment, reduces the total authorization from $1.5 billion to $805 million.

It would seem therefore that we can, by passing the measure, get through a meaningful bill. However, I would suggest that their substitute has many of the same problems I pointed out with respect to S. 14 yesterday.

Let me, for the sake of the record, make one additional point not brought out yesterday. Let me read from page 4 of S. 14, a provision which is retained in the substitute:

"EFFECT ON STATE LAW

"SEC. 1213. (a) Notwithstanding any provisions of State law which—

"(1) require approval of a health maintenance organization, supplemental health maintenance organization or health service organization by a medical society;

"(2) require that physicians constitute all or a majority of the governing body of a health maintenance organization or supplemental health maintenance organization;

"(3) require that all physicians or a percentage of physicians in the local medical society be permitted to participate in rendering the services of the organization;

"(4) require that such organization submit to regulations as an insurer of health care services;

"(5) require that only unincorporated individuals or associations or partnerships may provide health care services;

"(6) prohibit advertising by a professional group for recruitment of enrollees; or

"(7) impose requirements or restrictions on a health maintenance organization or supplemental health maintenance organization in a manner, determined by the Secretary to be incompatible with this title,

a health maintenance organization or a supplemental health maintenance organization, or other providers of health care receiving quality health care initiative awards under this title, who otherwise conform with the laws for incorporation and laws for licensing of physicians, osteopaths, and dentists in such State shall be allowed to provide health care services in such State in accordance with the provisions of this title.

In other words, this bill in effect automatically repeals a number of State laws. I wonder whether it should not be left up to the State legislatures to decide what kind of controls they think are necessary with regard to medical practice.

Second, the capitation grants, as I understand it, are limited in amounts at this point to about, if I am correct, no more than 7.5 percent or less than 7.5 percent.

Mr. KENNEDY. It is not less than 7.5 percent.

Mr. DOMINICK. Mr. President, capitation grants are no less than 7.5 percent, which means that they are open ended. The Secretary could commit 50 percent, or 100 percent for that matter, of title I money to pay for HMO premium for a small handful of HMO's. I think this money should be used strictly to develop HMO's.

The capitation grant provision does two things. One, it assures that no HMO will probably ever be viable without Federal assistance. Second, it backs into a national health insurance program without having gone through the Finance Committee in any way whatsoever. Third, it operates equally with respect, to those who have a lot of money and those who are poor, because to the extent that we put capitation money into this, it is up to the enrollment figures. Everyone is treated equally, and everyone who is an enrollee, regardless of income, shall be assisted by the Federal Government. Since HMO's under this bill must charge one uniform premium rate, all enrollees benefit from Federal subsidies. Those who cannot afford the premium have the difference made up by the Federal Government. Those who could afford higher premium benefit because the Government subsidies allow them to pay a lower premium than the HMO would otherwise have to charge.

That may be the way that the Senate wants to go. It is not the way in which I want to go. I think we should provide in this bill assistance for development of HMO's, and save national health insurance for legislation which treats it in a comprehensive way.

The bill still establishes a Quality Health Care Commission. This is a Commission consisting of 11 people appointed by the President with our advice and consent, and representative of all types of disciplines, the majority of which have to be somewhat knowledgeable in medicine. It does not say that they have to be in the practice of medicine. They could be teachers or anyone else. They will set up the standards that all doctors within its jurisdiction must comply.

It will also require that any hospital aided by Hill-Burton funds will also have to comply with the national norms and standards. This obviously conflicts with the approach of PSRO which was enacted last year.

It is not that I am against the HMO's.

I think that they have considerable promise for improving health care delivery in this country, and they are entitled to Federal assistance. But this bill is not really designed to do that. A little over half of its authorizations, as amended, goes for development of HMO's. The rest goes for a number of things which are essentially irrelevant to development of HMO's. In short, this bill is unrealistic both in terms of cost and scope. I intend to vote against it, and hope that a realistic bill which I can support will emerge from the House-Senate Conference on the two bills after the House acts.

THE NEED FOR HMO'S

Mr. MCINTYRE. Mr. President, I am wholeheartedly in favor of responsible legislation encouraging the establishment of health maintenance organizations.

We need to offer reasonable financial incentives to encourage the establishment of HMO's, and to remove existing legal obstructions to their successful operation. HMO's should be given a fair chance to compete on an equal footing with a view to improving access, enhancing quality, and reducing costs of health care.

I have introduced major legislation, the National Healthcare Act of 1973, S. 1100, designed to provide health care for every citizen through a partnership system of private health insurance augmented by Federal assistance for the poor, the near-poor and the uninsurables. The encouragement of health maintenance organizations plays a vital role in that legislation. I hope that this legislation may be forthcoming from the Senate Finance Committee during this session so that the Senate may have a chance to consider it and move toward providing our people with broad and meaningful health care.

However, I had grave doubts about S. 14 as it was brought before the Senate.

Less than half of the money in that bill went for development and start-up costs of HMO's, which is where our available public funds should be spent. Over half of the funds—$790 million—was earmarked as a downpayment on a back-door national health insurance program keyed to closed panel health maintenance organizations.

The bulk of that money, $665 million, was allocated to the payment of direct operating grants and awards to those federally-favored HMO's. Those operating subsidies could go as high as 25 percent of an HMO's total premium receipts.

Now that is not helping HMO's stand on their own feet and compete on a fair basis. These grants would insure that no organization funded under this bill would ever be economically viable without Federal subsidies. Since the Government would pay the difference between their premiums and what their enrollees could afford to pay, they would have no incentive to keep premiums low enough to be competitive with other types of health providers.

Federal support for HMO's should be directed toward the development of more efficient delivery systems which can be competitive without continuing Federal subsidiaries. This is supposed to be the area in which the HMO can excel once it gets started. This is the whole reason for encouraging HMO's in the first place.

There are more than 80 HMO's operating in the country today without Federal subsidy, and many more on the drawing boards of private industry. In fact, there is an HMO available to all Federal employees in Washington, including the Members of this body, at the present time.

The bill also heavily favored one type of HMO the so-called closed-panel HMO over other types which might be more suitable in various parts of our country. The committee report itself, on page 22, recognized that the closed panel HMO "is probably not feasible in most rural areas." Coming from New Hampshire, I was deeply concerned about the health of rural Americans and I am pleased that the Hathaway amendment was adopted.

S. 14 also establishes a new Federal medical malpractice reinsurance program. I can not for the life of me see how this new Federal program is needed to help get fledging HMO's off the ground, particularly since the report of the Secretary of Health, Education, and Welfare's Commission on Medical Malpractice just released the result of its 16-month study of this problem, concluding that such legislation is not needed.

I am happy to say that the amendments to S. 14 offered on the Senate floor today have greatly improved the bill, particularly in opening up the definition of eligible HMO's and bringing greater flexibility into the system. I think this will benefit all Americans as well as benefiting rural Americans in particular. I am going to vote in favor of final passage of this bill because I think the need is great, because I think the further stimulus to HMO's can bring great benefits to the people of our country.

I would like to express, however, my great concern with the operating subsidies which remain in this bill. I think that the delivery of free care or subsidized care to those who have the ability to pay is a grave danger and a bad precedent. I would hope that in conference this point would be given particular consideration and this problem solved before the bill is returned to this body.

Mr. President, I am pleased that the Senate is acting on health legislation. I place the health of the Nation at the top of my priorities.

It is important that we move ahead on improving the HMO program in this country as we are doing in S. 14. Later this week we will consider S. 723, to make existing knowledge in health care more readily available to the medical profession, and S. 504, to help in providing emergency medical assistance through the expanded use of helicopter ambulances and special mobile intensive care units and other emergency procedures.

I compliment the Senior Senator from Massachusetts (Mr. KENNEDY) for bringing S. 14 to the floor. I believe he is doing us a service by making it possible for us to consider ways of strengthening the HMO movement in this country.

Mr. JAVITS. Mr. President, I have heard with great interest the remarks of the Senator from Colorado, and I appreciate them. I think he renders us all a service in bringing them up before the Senate. He should put us to our proof.

For myself, bringing the bill within a reasonable compass, as we have already done, I think it is absolutely essential that it be a necessary prelude to an effort to deal with the national health problem. It now becomes clear that national health care for the individual is too expensive to the rank and file of Americans today. Unless we find some way of mutualizing the risk and placing new emphasis on health maintenance as contrasted with episodic illness health care, we will be inundated by the responsibility. The total bill today is somewhere in the neighborhood of $80 billion.

The most extravagant health scheme, as listed by the analysts at HEW, is something in the area of $115 billion.

Neither of these figures is small and health care costs are a major item in the rising American cost of living. The Senator from Minnesota (Mr. HUMPHREY) is running a very interesting series of hearings in the Joint Economic Committee on this very subject.

The answer is simply that we cannot let it go as it has and face ourselves realistically as decent and humanitarian people. We must recognize that today it is wealth that determines whether we live or die. I have friends, who can afford it, who have been kept alive for years by the latest medical advances and techniques, with plenty of doctors and nurses. And, I also have friends who were cut off, like my own father, at 54, 55, or 56, because they simply cannot afford all this medical care which is available, but cannot be reached because of personal wealth. It is there, but it cannot be reached.

Mr. President, our country is not built that way. We will correct it. The more we learn about health care, which represents the extension of life, the more inducement there is to enter into some form of major health program, I repeat, whether it is Senator KENNEDY's proposal or mine or someone else's, the demand is clearly there. In order to respond to that demand by the people, we have to try out these methods to afford a rationalized, adequate supply of medical care, and the HMO looks like the most promising modality in that area.

So this is really the opening card, as it were, to a great national reform.

I appreciate everything the Senator from Colorado (Mr. DOMINICK) has said. Take, for example, his argument about the lifting of legal restrictions upon HMO's imposed by State law.

This is essentially one of the imperfections, one of the drawbacks of our Federal system. The fact is that you can have 50 types of regulations. In many States, the medical associations run the show, and the medical associations are not always very enlightened. I happen to have one in my State which I think is enlightened; other States may also, but that is by no means the universal rule.

Even Elliot Richardson, our present candidate for Attorney General, who as Secretary of Health, Education, and Welfare, in testifying in regard to HMO legislation, had this to say:

Many States impose legal restrictions on HMO development which will have to overcome, for example, in the areas of licensure of health professionals and sponsorship of HMO's. Twenty-one States have even more restrictive laws, in some instances, requiring HMO's to operate under rules applicable to Blue Shield plans or insurance companies. Since HMO's operate in a different fashion from either of these, such laws make it difficult for HMO's to organize.

Mr. President, taking Senator DOMINICK'S arguments, as I think we should, at face value, without challenging the factual situation which he presents, we have to make a decision. We have to make a decision whether we wish to sustain the Federal system in respect to this particular matter, notwithstanding that it thwarts a great national reform, or whether we wish to use the national power which is available for exactly that purpose, to be used when we consider it desirable, in order to effectuate that great national reform.

We have done it in many areas. We have often overruled State laws. We have often preempted State laws. But the burden is upon us, Senator KENNEDY and myself, to prove that it should be done in this particular case.

I am deeply convinced that it has to be done, otherwise we are absolutely thwarted in any effort to bring the cost of medical care within reason. So, as I say, I am not challenging Senator DOMINICK'S factual presentation; and there may be some Senators who feel that the preservation of the right of each State to write whatever laws it chooses on this subject is so sacred that notwithstanding my deep conviction that it will thwart any kind of national health effort that can be effected, they still want to maintain that right of a State to do as it pleases in this area. I cannot quarrel with that, but for myself, I do not feel that way. I feel that it is antithetical to the interests of freedom and the success of our country to take that position. But I do not feel that there are high moral grounds on which anyone can pontificate. My reasons I have explained to the Senate, and it is for those reasons that I believe the bill should be passed.

Mr. KENNEDY. Mr. President, I shall speak very briefly, because the Senate has considered a number of the points that the Senator from Colorado, a valued member of our committee, has raised this afternoon.

I will say, Mr. President, that the President of the United States, in his message to Congress in 1971, indicated:

Other barriers to the development of HMO's include archaic laws in 22 States which prohibit or limit the group practice of medicine and laws in most States which prevent doctors from delegating certain responsibilities. . . . Under the supremacy clause of the Constitution, these contracts



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will operate to preempt any inconsistent State statutes.

So the President of the United States, in his health message to Congress in 1971, was urging Congress to include this particular provision which has been included in the legislation before us today.

A publication of HEW entitled "A Comprehensive Health Policy for the Seventies," contains a similar statement, indicating, at page 37:

> Finally, the Administration would use the supremacy laws of the Constitution to preempt, in connection with Federal insurance programs, those legal barriers that limit the use of allied health personnel or the organizational form of HMOs.

So what we have included is precisely what the administration requested of us 2 years ago. I think Senator JAVITS has outlined in some detail the reason for it, which is that, for the most part, these laws have been developed by the various health and medical societies over a period of years to prohibit the development of prepaid group practice.

Of course, we do not require that any particular group get into prepaid group practice; all we are saying is that such a group can develop if it is in the interests of the doctors themselves and the other health professionals, and they can meet the requirements of this legislation. That is all we are saying. We are not requiring the preemption of any other part of State legislation.

What we are saying this afternoon is that we would use less than one-quarter of 1 percent of the total moneys being expended by the American people in the general area of health to help build a pluralistic system in the delivery of health care with the hope that, perhaps, because of developments or competition within the health area, we will be able to get a handle on cost and begin to get a real handle on quality and that we will have greater availability of health services to the American people. Finally, let me say, as we have repeated over the course of this debate, if this amount of the authorization is actually accepted, and the money is actually appropriated, we could fund one-eighth the total number of HMO's that President Nixon requested of Congress 2 years ago—one-eighth.

I think that no one can suggest, given the kind of request made by the administration some 2 years ago on behalf of health care, that this is an unreasonable request. I think it is tragically low, as a matter of fact. As we are able to develop the programs, the amount of money that we are eventually going to be able to save the consumer will be many times the amount we are actually authorizing here this afternoon.

Mr. PASTORE. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. PASTORE. As I understand it, what the bill does is to provide grants to groups, either public groups or private nonprofit groups, in order to set up an organization to render this health care to various communities. Is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. PASTORE. Do they have to match this in any way?

Mr. KENNEDY. Only with respect to 25 percent of construction grants and 10 percent of construction loans. They have to meet certain requirements, but they do not have to put up the money, other than these provisions.

Mr. PASTORE. I see.

Mr. JAVITS. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield.

Mr. JAVITS. Yes. They do not have to match it, in the sense of 50–50, or 90–10, but it takes a big investment to establish an HMO. They cannot do so on what they will get under this bill. They will have to find the credit. They will have to find the subscribers and the backers and the necessary physicians and other health professionals. They are not going to be able to go into this just on the——

Mr. PASTORE. May I be a little more specific, then? Say we have a labor group wanting to set up this organization. They would be permitted to do so?

Mr. JAVITS. Of course. The way they would work it out, once they have the appropriate medical personnel, they would have to get the subscribers to start with, and they would have their whole labor group for that, of course. It would be like those who undertake to establish a co-op. If they have enough people to go into it, they are entitled to bank credit, and so forth.

Mr. PASTORE. Could a hospital do it as well?

Mr. JAVITS. Certainly. Any entity could do it, but it would have to start with basic support, either institutional or financial. That is why I interrupted the Senator from Massachusetts. It is not correct to assume that something will get started with some guy with the idea that he will get the money from the Federal Government. Not at all.

Mr. PASTORE. Do we have a formula in the bill as to how much goes to any particular State?

Mr. JAVITS. No. We would have to leave that to where the development of the HMO's takes place.

Mr. PASTORE. Would it be on a first-come-first-served basis?

Mr. JAVITS. I do not think so. The Secretary will take care of that.

Mr. PASTORE. That is within his discretion, then?

Mr. JAVITS. Yes, that is within his discretion.

Mr. DOMINICK. Mr. President, may I say that any group that wants to start is eligible to apply and get $1 million right off the bat.

Mr. PASTORE. I realize that, but if they are doing it in order to help people get well, what is wrong with that?

Mr. DOMINICK. It is all right.

Mr. PASTORE. We are talking about half a billion dollars for North Vietnam.

Mr. DOMINICK. I was not talking about that.

Mr. PASTORE. But I am talking about it.

Mr. DOMINICK. No one else has been talking about it.

Mr. KENNEDY. Mr. President, there are provisions in this legislation that would provide for resources and for the funding of the initial development of authorization programs for planning and for programing. There is funding in here for some grants and some loans and for the actual development and construction of facilities and also for some loans and grants for initial operation; and other purposes.

In some areas HMO's may well develop without Federal participation and, obviously, there should not be any kind of Federal grant in those particular areas. But what we have recognized is that the idea and concept of the HMO is, as the distinguished Senator from Washington (Mr. MAGNUSON) has pointed out in the Puget Sound area of his State, which has been functioning for about 40 years now and is being developed through contributions from the consumers themselves, and they are still expanding although in a more modest kind of way. Perhaps they will be able to expand into broader sections of the community if they could get additional assistance in underwriting some of their services.

But if I were giving that as an absolute answer, one could say, "Well, what can be done in Puget Sound privately we can do privately," and that is true, but we could not develop the kind of HMO's as we have in my State of Massachusetts which tries to reach down and include many of those in the lowest income groups, trying to give them the same kind of quality health care as someone who has adequate financial resources, because the provision of adequate health care should be equal throughout this country, whether poor or rich.

That is one of the essential aspects of the program.

So, Mr. President, that particular program will need more in terms of grants, that kind of flexibility for a given situation, if they are to develop them such in my State, in Lexington, or in Concord, which are affluent communities, where all they will need is a guaranteed loan provision. But we wanted to, obviously, see a development of these programs—and it is a modest amount to develop—in the rural communities and in the urban centers and also, perhaps, in some of the affluent areas, because we have seen where they have developed that they have had a dramatic impact on the delivery of health care generally.

Mr. PASTORE. The reason why I raise the question is that in my own State, several years ago, the AFL–CIO, with the cooperation of the Diocese of Providence, the Lady of Fatima Hospital, initiated a similar program along this line. Their difficulty, of course, lay, as in most of these places, in the question of money. So they appealed to the various foundations and even came down to see me if I could not intercede on their behalf. Their program was a good one. It was a pilot program. I think myself, what we are doing here today, we are doing something that I think should be more or less adopted by the Senate for the reason that here we are trying to fill a gap in rendering medical service to people who ordinarily find the price prohibitive.

The PRESIDING OFFICER (Mr. MCCLURE). The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Is this final action?



The PRESIDING OFFICER. No, it is not.

Mr. JAVITS. I understand.

The PRESIDING OFFICER. There can then be no further amendment except by unanimous consent.

Mr. JAVITS. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. MONDALE. Mr. President, I am pleased to support the Health Maintenance Organization and Resources Act of 1973, which I had the privilege to cosponsor, and to help develop as a member of the Health Subcommittee of the Committee on Labor and Public Welfare.

Proposed national health insurance legislation is addressed to the problem of financing health care. The legislation before the Senate today is addressed to the equally important problem of delivering health care in an efficient way to the American people. If this bill becomes law, Americans throughout the Nation will have a choice between obtaining medical services on the present fee-for-services basis, and obtaining those services on a prepaid basis from a health maintenance organization capable of providing a broad and comprehensive range of health-related services.

There is a growing consensus that health maintenance organizations must play a major role as we design a health care delivery system for the future. Experts agree that group practice, emphasizing preventive care and early detection of disease, can help to cut the spiraling costs of medical care without sacrificing quality.

In my own State of Minnesota, health maintenance organizations are operating successfully in St. Paul and in the northern Minnesota communities of Hibbing and Virginia. Our experience underscores the committee's finding that health maintenance organizations can provide an important contribution to improved health delivery.

Mr. President, the bill before the Senate today represents a major compromise when compared with the bill we enacted last year by the overwhelming vote of 60 to 14. I regret that weakening of commitment from the administration has made a severe scaling down of our proposal necessary. While last year's bill would have provided $5 billion to support the development and initial operation of health maintenance organizations and related institutions, the bill reported to the Senate by the Committee on Labor and Public Welfare would authorize a maximum of $1.5 billion for these purposes over 3 years. And the final version of the bill authorizes only $805 million. But with this adjustment, I believe that S. 14 deserves the wholehearted support of the Senate, the House, and the President, so that we can make a start now toward meeting the Nation's need for a sound system of health care delivery.

I am especially pleased that the Institute of Interdisciplinary Studies, in my own State of Minnesota, has been a leading force in developing the health maintenance organization strategy. The Institute's Dr. Paul Ellwood was instrumental in persuading the adminsitration to endorse this approach. And Dr. Ellwood and his interdisciplinary team have been a valuable resource to the Health Subcommittee in its work.

Mr. President, I wish to thank the Senator from Massachusetts (Mr. KENNEDY)—the chairman of the Health Subcommittee—and his excellent staff for their work in developing our proposal. I am proud of the contribution which a number of outstanding Minnesotans have made to this bill. I urge its adoption by the Senate, and hope it will be quickly enacted by the House and sent to the President to be signed into law.

THE HEALTH CRISIS, THE CONSUMER, AND PREPAID HEALTH CARE

Mr. MOSS. Mr. President, health care delivery is presently suffering sizable strain in spite of the many advances that have occurred in medical research in the past decade. Costs of medical care are rising 10 percent per year, with the Nation already spending $80 billion per year on health care. Insurance coverage constantly leaves consumers of health care holding the bag for unexpected fees and services. Public dissatisfaction rises as the gap between what is possible and what is available widens. In the last few days we hear of plans of two major medical schools in the country to close their doors in the next 2 years because of lack of funds. Residents in rural America and the core section of central cities watch complicated surgery on television medical shows but find the most basic care unavailable to them because of a lack of doctors in their neighborhoods.

This situation need not continue to exist. Variety and pluralism have long been a hallmark of the American tradition, but in health care, a single method—a single system of health care delivery tends to dominate the entire country.

As a cosponsor of S. 14, the Health Maintenance Organization bill, I have already indicated my desire to help stimulate the creation of new proven innovations in health care delivery. The creation of clinics and group practice patterns similar to the "Kaiser" system is a small, careful, but vitally necessary step in developing alternative forms of health care delivery. There is nothing compulsory in this bill. It simply allows the opportunity to join together in the best form of medical practice available. At present there are significant obstacles in providing this kind of group practice.

THE PATIENT BENEFITS

Through prepaid participation in HMO, a patient can go to one building and receive comprehensive health care. All of his records will be located at this facility and will be shared by all the doctors concerned. He will not have to go to one end of town for his earache and to another end of town for his skin rash. And doctors will have complete, rather than partial, medical records available instantaneously. Such a system will also allow better use of health professions such as nursing and paramedics. This will reduce the cost of health care while at the same time improving its quality.

This bill also makes provision for consumers to be included in establishing policy for the organization. There will be consumer representation on the policy-making board of HMO's that receive funds under this bill. Second, the bill also makes provision for patient grievance to be heard and resolved. Such a procedure is sound and reasonable and should allow for steady improvement in the medical service through the mutual effort of the doctor and his patients. Though this is generally a new idea, it has been tried and tested and results have been more than satisfactory. A group health cooperative of Puget Sound in the State of Washington is perhaps the best example. This HMO type organization was established in 1944 by Seattle residents who were disenchanted with the cost and organization of a fee-for-service medicine. They decided to organize a group practice clinic in which control would rest on members of the cooperative rather than with the doctors.

The results of prepaid health cooperative have been favorable. Medical costs are generally held below the national average; the same is true for the number of days for hospitalization per year for each co-op member. When the entire cost of health care is paid for with a specific fee, there is a strong incentive for those who practice health care to find the most efficient and effective ways of delivering this care.

ASSURING HIGH QUALITY HEALTH CARE

A key provision in this legislation is the creation of the mechanism to review, evaluate, and improve health practices. Everyone benefits from having his own work reviewed, and doctors are no exception. This is an extremely important aspect of this legislation, for it can do much to help the medical profession begin to evaluate more effectively the kind of health care received by the country.

Cannot doctors be trusted? Of course they can. But doctors are busy people, and medical advances are coming at such a rapid rate that it is impossible for a normal physician to keep up with all of the developments. A review mechanism that assesses health care and suggests new ways of treatment should be welcomed by practitioners of health care. At present there are some shocking divergences in the way medicine is practiced in various parts of the country. There is no reason for the continuation of this confusion. Unlike some professions, medicine is a universal art and science. Regional variations of the practice of specific treatments for specific diseases only reflect the lag time in the dissemination of new information. The Commission on Quality Health Care Assurance created under this legislation should help bring about improved practices throughout the country.

I strongly support the concept of measuring outcomes to determine the effectiveness of health care. It is strange indeed that much of the evaluation of medical practice has focused on techniques rather than the final health of patients. A much more appropriate procedure would be to review the health of those who have been treated and then relate this to the practices involved. I have been impressed with the works of Dr. John Williamson in this area and



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would like to quote from his recent study, "The Next Step: Quality Assurance Programs." This study points out that the best health care in the hospital is not always sufficient—if health care practices do not extend to treat the "whole man" and his behavior patterns once he leaves the hospital, serious failures may result:

In a recent study of diastolic hypertensive patients in a working class group of people generally seen in a city hospital emergency room, we identified a case fatality rate double maximum expectations. The causes of the inordinate mortality were found to relate directly from lack of follow-up care and low patient compliance resulting in prescriptions not being filled and needed cardiovascular medications not being taken. A large number of these individuals died in heart failure with their major illness uncared for, with both private physicians and city hospital staff legitimately disclaiming responsibility under our present system . . . the results encouraged the staff to develop a new follow-up clinic and to provide professional personnel with direct responsibility for seeing that such patients receive care after discharge from the hospital.

Without emphasis on quality health care insurance, and the measuring of patient health in a systematic fashion, such discoveries might never come to light. In many areas we will improve health care more by emphasizing preventive medicine and follow-up treatment than we will in exotic medical research. Work in all of these areas must go forward, but for too long we have underemphasized preventive care and follow-up treatment. The Commission established in this legislation will do much to further this needed effort.

REASONABLE REFORM

Less than 3 percent of the population in America now have the choice of joining a complete prepaid health care program. This bill makes some very modest attempts to expand that figure by approximately doubling it. This means that well over 90 percent will still not have any choice other than the solo fee-for-service system presently in use. I would prefer to see a broader expansion begin with this legislation, but I understand the necessity of using restraint in the present fiscal climate. We need thousands of health maintenance organizations. This bill will create from 100 to 200, and these facilities should provide a good experimental base for further program developments.

Another needed reform present in this bill will provide priority treatment to previously under-privileged medical areas of the country. The special provisions made to provide care in inner city and rural areas through Health Service Organizations would provide care where it would be impractical to build full-scale HMO's. The area health center program contained in this bill will also aid in the dispersal of health practitioners to areas presently unattractive in the practice of medicine. Isolation and remoteness from professional colleagues often is a barrier preventing doctors from settling in remote areas. This legislation would create area health centers that would provide training, education, and research and thus set aside many of the problems created by conditions outside major metropolitan areas. This is one of the most exciting developments occurring in health care delivery, for it is based in the principle of bringing modern practices to areas presently suffering from the medical services delivery gap that plagues many parts of our country.

This bill does not threaten the respected role of the family physician in individual practice. It simply provides a clear alternative where one is needed. I support the committee bill and urge my colleagues to help this country improve its medical practices by passing this legislation.

Mr. CRANSTON. Mr. President, the bill before us today is a major legislative step toward encouraging the development of systems capable of providing comprehensive health care of high quality in an efficient and economical manner.

Last year, the committee held extensive hearings on the need for health maintenance organizations and on the effects of the establishment of such systems on existing medical resources and the community's ability to respond to the individual patient's needs. Considerable testimony was heard and evidence presented to the committee which has been taken into account in the development of the bill.

I believe we have succeeded in coming up with a workable proposal to offer support at a realistic level to medical groups needing initial assistance in developing programs which can offer a full range of comprehensive health services to enrollees on a prepaid basis. The experience of prepaid group medical practices in the past in providing care has shown that these programs have been able to provide full health care to enrollees at substantial savings, due to the efficiencies in utilization of staff and facilities, and an emphasis on primary care provided on an ambulatory basis, which are encouraged by prepaid group practices.

Included in the reported bill, I am particularly gratified to note, are several amendments I had offered in committee to the legislation when it was under consideration in the last Congress as S. 3327. These amendments were part of S. 3327 as passed by the Senate last September.

These suggestions, Mr. President, were to:

First, expand the consumer and other health disciplines role in quality care assurance systems;

Second, expand the consumer role in the health maintenance organization;

Third, increase emphasis on the participation of all health disciplines in the management of the system and in the provision of health services;

Fourth, provide for reciprocity between HMO's in providing essential continuity of services to enrollees who may travel outside the geographical area of their home-based HMO;

Fifth, include greater specificity as to services included in preventive health services;

Sixth, utilize the skills of clinical pharmacists to the greatest possible extent; and

In addition, S. 14 includes a new amendment I cosponsored with Senator KENNEDY, to authorize the Secretary to contract with health maintenance organizations to provide health services to native American Indians and to domestic migrant and seasonal farmworkers.

EXPANSION OF THE CONSUMER ROLE AND GREATER PARTICIPATION OF ALL HEALTH DISCIPLINES IN QUALITY ASSURANCE REVIEW SYSTEMS

Mr. President, the committee fully recognized that consumers must have a meaningful role in the formulation and implementation of policy concerning the manner in which health care services are delivered, and for that reason the bill does require that consumers have a substantial role in the HMO policymaking body as well as a substantial representation on the Commission on Quality Health Care Assurance. At the same time the committee fully recognized that all health disciplines had a significant role to play in the provision of health care and in the decisions made on how such care should be provided. I have felt that the consumer and all the health disciplines have an important contribution to make in the quality review procedures adopted by an HMO.

It is my very strongly held view that we should establish a clear Federal recognition of the fact that providing health care is not the monopoly of the medical profession.

Also, while I support and approve the principle functions and responsibilities of the Commission on Quality Health Care assurances in the bill, I do not see that Commission as a panacea for upgrading the quality of and improving the access to the provision of health care in the country. I think it can help, but I do not think it can do the job alone.

The Commission can make a beginning of reviewing and monitoring some of the possibly thousands of review systems established around the country only if it creates an enormous Federal bureaucracy. Even then, I do not believe that it can really be counted on to provide effective quality care assurance in the majority of systems for many, many years.

Thus, Mr. President, for me, the best method of attempting to provide for responsive and effective functioning of quality assurance review systems at the local level would be to require the Commission to establish criteria with respect to the representative nature of the decisionmaking membership of those systems, and to take into account in establishing such criteria the desirability of providing representation on such systems of consumers and health care disciplines other than physicians.

Although my amendment does not require explicitly that the national Commission prescribe criteria for the composition of the local review systems, I would hope the Commission could elect to do so.

I was pleased that the amendment I offered to this effect in committee was accepted and that such consumer and multidisciplinary participation will be fostered as a result. I believe that quality assurance systems—the local review mechanism—can be more consistently effective in achieving correction of the deficiencies discovered if they have consumer representation and participation of other health disciplines rather than being composed solely of physicians.

The amendment which I offered extended the committee's emphasis on the principle of the multidisciplinary approach and strong consumer participation on the health-care system by citing as a duty of the Commission on Quality Health Care Assurance the setting forth of requirements for and to subsequently monitor quality assurance systems for health maintenance organizations and other providers of health care. These quality assurance systems would be designed not only to improve and assess the quality of health care, evaluate the provision of health care, concentrate on illnesses having a high incidence in the population which are particularly influenced by medical treatment, but in addition improve as well as assess the accessibility, availability, and acceptability to consumers of the health care provided, and to develop procedures for the systems to make their recommendations known to the membership through the policymaking body of the organization. In the establishment of the quality care assurance system, the committee bill suggests that such systems be designed where feasible, to include consumers as well as members of the several health care disciplines—such as dentists, nurses, and health administrators—in their membership.

Mr. President, I strongly feel that there is a need for the quality assurance system to direct its inquiries to the overall provision of health care and not to limit such inquiries to the quality of medical techniques or procedures utilized. The provision of comprehensive health care at a level acceptable to the patient must also take into consideration nonmedical factors such as location, ambience, and accessibility of service, among others.

These factors frequently are foremost in determining the patient's utilization of services and will bear a direct relationship to his full utilization of comprehensive preventive services.

In these specific areas, Mr. President, the consumer as well as other health care personnel such as the nurse and the social worker, for instance, can make substantial contributions to evaluation of the responsiveness of the organization to the patient's needs. The amendment clarifies that the Commission is expected to encourage emphasis on these factors and on the inclusion of representatives of consumers as well as of the various health disciplines in quality health care assurance systems.

INCREASED EMPHASIS ON THE PARTICIPATION OF ALL HEALTH DISCIPLINES IN MANAGEMENT OF HMO'S

Mr. President, another area in which the role of all health disciplines was strengthened was in the definition of the term "medical group" which was expanded to include not only physicians and dentists, but also such other health professionals as are necessary to provide comprehensive health services. I suggested this redefinition to assure that all health disciplines will have an opportunity to participate in the management of an HMO.

I am delighted with the emphasis placed in the bill on the need for the development of new types of professionals such as the nurse practitioner specialists, and new types of paraprofessionals, and feel that the provisions encouraging the use of team training in all education programs, including continuing education programs will substantially hasten this development. I was gratified to participate in drafting these provisions.

RECIPROCITY OF SERVICES BETWEEN HMO'S

Mr. President, when an individual enrolls in an HMO he should be entitled to comprehensive preventive care. I believe this entitlement should exist even when he is outside of the area of his home HMO. For that reason, I am delighted that the committee accepted language I offered which would reinforce this entitlement and make such services available on a reimbursable basis for short-term health care services to enrollees temporarily outside of their home based HMO.

GREATER SPECIFICITY AS TO PREVENTIVE HEALTH SERVICES

Mr. President, when legislation to support HMO's was first introduced, as a cosponsor, I mentioned that I would seek to amend the term preventive health services to clarify that voluntary family planning services, counseling, and infertility services as well as nutrition counseling and education are included as basic preventive health services. I believe that the bill as reported and the committee report reflect this view, and again am pleased at the cooperative spirit with which my suggestions were accepted.

FULL UTILIZATION OF THE CLINICAL PHARMACIST IN THE HMO

Mr. President, the effect of adverse drug reactions on the recovery of the patient, and the possibility of long term injury or disability, are extremely serious considerations in the provision of health care. Recent surveys have indicated that the incidence of adverse drug reactions is substantial. It is estimated by initial studies that from 3 to 6 percent of hospital admissions are due to adverse drug reactions, and that a minimum of 15 to 18 percent of patients, hospital-wide, suffer an adverse reaction subsequent to their admission. On the assumption that these adverse reactions on the average double the patient's hospital stay, the costs involved are overwhelming. In 1970, there were 478 million hospital days recorded in the United States; one-seventh of this amounts to approximately 70 million patient days, and assuming a room charge of $85 per day, works out to around $6 billion in direct cost. About 80 percent of adverse drug reactions are preventable. Thus 80 percent of this estimated cost—or $4.8 billion—could have been saved, had a system been in operation for insuring a rational drug therapy for each of the patients.

Hopefully, these incidents can be reduced in HMO's by the requirements in S. 14, resulting from an amendment I offered, that a clinical pharmacist survey, evaluate, and review patterns of patient drug utilization, including drug regimens and therapies, and maintain a drug use profile for each enrollee of an HMO.

With the increasing number of new medications and their growing complexity, potential drug use side effects and interactions have become a matter of substantial concern to the medical and patient communities. Making available to the staff of the HMO the services of a clinical pharmacist, specially trained in all the nuances of drug use should assist in minimizing medication errors and preventable adverse drug reactions and interactions.

In addition, Mr. President, the clinical pharmacist can play a major role in the dissemination of important drug use and abuse information, both to the HMO staff and to the enrollees, and play an active role in the health education programs of the HMO. Certainly, the clinical pharmacist in each HMO should oversee and control the quality of drug products utilized by enrollees of the HMO and participate in comparative studies of use and abuse records with other HMO's and other health care facilities.

COMPREHENSIVE HEALTH SERVICES FOR INDIANS AND MIGRANT WORKERS

I am pleased also that the committee has included in S. 14 as now before us provision for the Secretary of Health, Education, and Welfare to contract with health maintenance organizations for comprehensive health services for native Americans and for domestic migrant and seasonal farm workers eligible for care provided by the Indian Health Service and under the Migrant Health Act, respectively.

I believe it is only equitable, Mr. President, that these two population groups for whom the Nation has a statutory responsibility to provide health care should have the opportunity to participate in the most up to date and effective means of providing care. In many cases, individuals from these severely disadvantaged groups do not reside in areas accessible to the federally funded special programs such as the hospitals of the Indian Health Service or the Migrant Health Clinics.

Several Indian tribes have sought to provide contract care, but because specific statutory authority does not now exist, the Indian Health Service has not been able to offer this option to its beneficiaries.

Mr. President, migrant health clinics also may wish to offer this option and this provision would insure it could be exercised. S. 740, currently before the Senate Labor and Public Welfare Committee extending and amending the Migrant Health Act also includes a provision authorizing the Secretary to pay premiums for a prepaid health care plan eligible for Federal assistance where the clinics or special projects request, and a similar provision was adopted by the Senate last year when S. 3762 was passed and sent on to the House. Unfortunately, no action was taken on extending this legislation in the House last Congress.

CONCLUSION

Mr. President, S. 14 as reported is a product of much study by the members of the committee. The bill we developed is an excellent one and one which I believe can lead to a vast improvement in the ability of the Nation's medical communities to respond to the needs of its citizens.



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I would like at this time to express my admiration for the very effective staff work provided the members of the committee by Phil Caper, Jay Cutler, and Leroy Goldman. Their ability to provide needed facts, statistics, and analysis was invaluable in the development of this legislation.

I urge the full support of the Senate for this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Have the yeas and nays been ordered on final passage?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa (Mr. HUGHES) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa (Mr. HUGHES) would each vote "yea".

I further announce that, if present and voting, the Senator from Alabama (Mr. ALLEN), would vote "nay".

Mr. GRIFFIN. I announce that the Senator from Wyoming (Mr. HANSEN) is necessarily absent.

The Senator from Virginia (Mr. SCOTT) is absent on official business.

The result was announced—yeas 69, nays 25, as follows:

[No. 139 Leg.]

YEAS—69

| | | |
|---|---|---|
| Abourezk | Hart | Muskie |
| Aiken | Hartke | Nelson |
| Bayh | Haskell | Packwood |
| Beall | Hatfield | Pastore |
| Bentsen | Hathaway | Pearson |
| Bible | Hollings | Pell |
| Biden | Huddleston | Percy |
| Brooke | Humphrey | Randolph |
| Burdick | Inouye | Ribicoff |
| Byrd, Robert C. | Jackson | Roth |
| Cannon | Javits | Saxbe |
| Case | Kennedy | Schweiker |
| Chiles | Magnuson | Scott, Pa. |
| Church | Mansfield | Sparkman |
| Clark | Mathias | Stafford |
| Cook | McClellan | Stevens |
| Cranston | McGee | Stevenson |
| Domenici | McGovern | Symington |
| Eagleton | McIntyre | Taft |
| Ervin | Metcalf | Tunney |
| Fong | Mondale | Weicker |
| Fulbright | Montoya | Williams |
| Griffin | Moss | Young |

NAYS—25

| | | |
|---|---|---|
| Baker | Curtis | Johnston |
| Bartlett | Dole | Long |
| Bellmon | Dominick | McClure |
| Bennett | Eastland | Nunn |
| Brock | Fannin | Proxmire |
| Buckley | Goldwater | Talmadge |
| Byrd, Harry F., Jr. | Gurney | Thurmond |
| Cotton | Helms | Tower |
| | Hruska | |

NOT VOTING—6

| | | |
|---|---|---|
| Allen | Hansen | Scott, Va. |
| Gravel | Hughes | Stennis |

So the bill (S. 14) was passed, as follows:

S. 14

An act to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Health Maintenance Organization and Resources Development Act of 1973".

SEC. 2. (a) The Congress finds that—

(1) the medical care system is not organized in a manner which encourages the provision of medical care at reasonable costs;

(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventive health services;

(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

(4) the establishment of health maintenance organizations, will aid in alleviating the serious maldistribution of health care resources which has resulted in inadequate access to medical care particularly in both inner city and rural areas, in providing health care in a more efficient and economical manner, and in reorienting the health care system toward the maintenance of health;

(5) there is a need to provide technical assistance and resources to individuals and groups, undertaking the planning, development, and initial operation of health maintenance organizations;

(6) there exists an excessive variance in the quality of health care and health services.

(b) The purpose of this Act is to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas by improving the system for the delivery of health care through encouragement of any support for the planning, development, and initial operation of health maintenance organizations, particularly with the intent of improving the health of populations in medically underserved areas.

SEC. 3. Nothing in this Act, or any amendment made by this Act, shall be construed to supersede any activity relating to review of the provision of health care services under (including review and assessment of quality or quantity of such services or determination or reimbursement therefor) or to the determination of eligibility of any provider, practitioner, agency, or organization to participate under any program established under the Social Security Act.

TITLE I—HEALTH MAINTENANCE ORGANIZATIONS

SEC. 101. The Public Health Service Act is amended by inserting after title XI the following new title:

"TITLE XII—HEALTH MAINTENANCE ORGANIZATIONS AND HEALTH SERVICE ORGANIZATIONS

"PART A—SUPPORT OF HEALTH MAINTENANCE ORGANIZATIONS

"DEFINITIONS

"SEC. 1201. For purposes of this title:

"(1) The term 'health maintenance organization' means an entity which—

"(A) provides as a minimum for all its enrollees (or subscribers) comprehensive health services (as defined in this section) which are uniformly available to all its enrollees (or subscribers) directly through its own staff and supporting resources or through a medical group or groups and such other additional services as may be required through other health delivery entities, for a fixed payment which (i) is to be paid on a periodic basis without regard to the frequency, extent, or kind of health service actually furnished to any particular enrollee; and (ii) is uniform for all its enrollees subject to rules and regulations regarding family rates;

"(B) demonstrates to the satisfaction of the Secretary ability to assure that appropriate comprehensive health services are available and accessible to all its enrollees promptly and in a manner which assures continuity;

"(C) demonstrates to the satisfaction of the Secretary financial responsibility through proof of adequate provision against the risk of insolvency;

"(D) is organized in such a manner (as prescribed by regulations of the Secretary) that assures its enrollees a substantial role (generally defined as one-third representation in the body establishing or recommending policy) in the making of policy for the health maintenance organization, with equitable representation of enrollees from medically underserved areas, and provides meaningful procedures for hearing and resolving grievances (i) between its enrollees and the health maintenance organization (including the medical group or groups and other health delivery entities providing health services), and (ii) between the medical group or groups providing health services and other employees and the health meaintenance organization;

"(E) encourages and actively provides for its enrollees (i) health education services; (ii) education in the appropriate use of health services provided; and (iii) education in the contribution the patient can make to the maintenance of his own health;

"(F) has organizational arrangements, established in accordance with regulations of the Commission on Quality Health Care Assurance (established under title XIII of this Act) for an ongoing quality assurance program which stresses health outcomes and assures that health services provided meet the requirements of the Commission on Quality Health Care Assurance;

"(G) provides, in accordance with regulations of the Secretary (including safeguards concerning the confidentiality of the doctor-patient relationship), an effective procedure for developing, compiling, evaluating, and reporting to the Secretary, data (which the Secretary shall publish and disseminate on an annual basis) relating to (i) the cost of its operations, (ii) the patterns of utilization of its services, (iii) the availability, accessibility, and acceptability of its services, and (iv) such other matters as the Secretary may require and disclose at least annually and in a manner acceptable to the Secretary, such data to its enrollees and to the general public;

"(H) except for (i) out of area emergency care, and (ii) care reasonably valued in excess of the first $5,000 per enrollee per year, assumes direct financial responsibility, without benefit of insurance, on a prospective basis for the provision of the comprehensive health services defined in this section;

"(I) has an open enrollment period, unless a waiver has been granted under section 1249, of not less than thirty days at least once during each consecutive twelve-month period during which it accepts individuals in the order in which they apply for enrollment up to its capacity, subject to the requirements of paragraph (K);

"(J) assumes responsibility for the provisions of health care services to its enrollees (and on a reimbursable basis for short-term health care services to enrollees of any other health maintenance organization, who are temporarily outside the service area of the health maintenance, in which they are enrolled) twenty-four hours a day, seven days a week, and for the appropriate availability of such services in emergencies;

"(K) shall enroll no more than 50 per centum of its enrollees from medically underserved areas, except in rural areas as designated by the Secretary;

"(L) provides, or makes arrangements for, continuing education for its staff;

"(M) emphasizes the use of nurse practitioners, physician's assistants, dental therapists, and other allied health personnel and to the extent practicable and consistent with good medical practice, trains and employs such personnel in the rendering of services;

"(N) provides to its enrollees as an option, for an additional premium, extended care facility services for dental services;

"(O) may purchase on a fee-for-service basis unusual or infrequently used health care services for its enrollees;

"(P) does not refuse enrollment to or expel any person for any reason concerning his health status or requirements for the provision of health services;

"(Q) provides for the prevention, diagnosis, and medical and psychological treatment of the abuse of or addiction to alcohol and drugs either through its own facilities or existing community facilities; and

"(R) meets such other criteria for its organization and operations as the Secretary may by regulation prescribe, consistent with the provisions of this title.

"(2) The term 'comprehensive health services' means health services provided without limitation as to time or cost as follows—

"(A) physician services (including consultant and referral services);

"(B) inpatient and outpatient hospital services;

"(C) home health services;

"(D) diagnostic laboratory, and diagnostic and therapeutic radiologic services;

"(E) preventive health (including but not limited to voluntary family planning, infertility services, and preventive dental care for children) and early disease detection services;

"(F) emergency health services rendered by any provider of health care, the expense of which shall be borne by the enrollee's health maintenance organization;

"(G) provision of or payment for prescription drugs (with patterns of patient drug utilization under continuous surveillance, evaluation, and review by a clinical pharmacist whose duties shall include the maintenance of a drug use profile for each enrollee);

"(H) medical social services;

"(I) vision care (except for eyeglasses which shall be optional) as provided by a physician skilled in the diagnosis and treatment of diseases of the eye, or by an optometrist provided such services are within the scope of his license;

"(J) physical medicine and rehabilitative services (including physical therapy);

"(K) mental health services utilizing existing community mental health centers on a priority basis;

"(L) preventive diagnostic and medical and psychological treatment of the abuse of or addiction to alcohol and drugs; and

"(M) such other personal health services as the Secretary may determine are necessary to insure the protection, maintenance, and support of human health.

"(3) The term 'medical group' means a partnership or other association or group of health professionals of whom not less than four and at least a majority shall be persons who are licensed to practice medicine or osteopathy, and such other licensed health professionals as are necessary to provide comprehensive health services and who are eligible for assistance under this Act, in conformance with requirements promulgated under section 1302, in a State and who (A) engage in the coordinated practice of their profession as a group responsibility providing services to health maintenance enrollees; (B) if not employees or retainees of a health maintenance organization, pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary, or a drawing account or other plan; (C) jointly use or share substantial portions of medical and other records and major equipment and professional, technical, and administrative staff; (D) share or jointly utilize such additional health and allied health professionals who may include but are not limited to psychologists and other mental health workers, optometrists, pharmacists, podiatrists, dental therapists, physician's assistants, nurse practitioners and nurse midwives, as are needed to provide comprehensive health services; and (E) arrange for and encourage the continuing education of their members in the field of clinical medicine and related areas. Such group may be organized on a group practice or individual practice basis, and individual physician members may be paid on a fee for service or any other basis, so long as the group is reimbursed for its services on the basis of an aggregate fixed sum or on a per capita basis.

"(4) The term 'enrollee' when used in connection with a health maintenance organization, means an individual who has entered into a contractual arrangement, or on whose behalf a contractual arrangement has been entered into, with a health maintenance organization, under which such organization assumes the responsibility for the provision of health services to such individual.

"(5) The term 'medically underserved area' means an urban or rural area or population group designated by the Secretary as an area or population group with a shortage of personal health services. Such a designation may be made by the Secretary only after consideration of the comments, if any, of (A) each State comprehensive health planning agency designated pursuant to section 314(a) of this Act covering, in whole or in part, such area, (B) each areawide comprehensive health planning agency designated pursuant to section 314(b) of this Act, covering, in whole or in part, such area, and (C) regional medical programs established pursuant to title IX of this Act, covering, in whole or in part, such area.

"(6) The terms 'construction' and 'cost of construction' include (A) the construction of new buildings, and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings, including architects' fees, and (B) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered with assistance under this title.

"(7) The term 'non-metropolitan area' means an area no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget, and does not contain a city whose population exceeds fifty thousand persons.

"(8) The term 'high-risk enrollee' means a person who is likely to utilize the services of a provider of health care more often than an actuarially determined average.

"GRANTS FOR PLANNING AND FEASIBILITY STUDIES

"SEC. 1202. (a) The Secretary may make grants, subject to the general provisions of this title, to public or private nonprofit agencies, organizations, or institutions to assist in projects for planning or studying the feasibility of developing or expanding health maintenance organizations. No project may receive more than $250,000 in grants under this section. Funds awarded under such grants shall be available for expenditure by the grantee for such period (not to exceed two years from the date of award) designated by the Secretary.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $15,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL DEVELOPMENT COSTS

"SEC. 1203. (a) The Secretary may make grants, subject to the general provisions of this title, to any public or private nonprofit agencies, organization, or institutions, to assist them in meeting the costs involved in a project for the initial development of a health maintenance organization prior to its first day of operation. No project may receive more than $1,000,000 in grants under this section.

"(b) Sums awarded under such grant shall be available for expenditure by the grantee for not more than three years, and shall be utilized for such purposes as may be prescribed in regulations of the Secretary, including but not limited to (1) implementation of an enrollment campaign; (2) detailed design of and arrangements for the health services to be provided; (3) development of administrative and internal organizational arrangements, including fiscal control and fund accounting procedures and the development of a capital financing program; (4) recruitment of personnel and the conduct of personnel training activities; and (5) payment of architects' and engineers fees.

"(c) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their enrollment shall be persons from medically underserved areas.

"(d) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974, $25,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION

"SEC. 1204. (a) The Secretary may make grants, subject to the general provisions of this title, to assist any public or private nonprofit health maintenance organization or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization in meeting the cost of construction of facilities or portions of facilities for ambulatory care and capital investment for necessary transportation equipment, to be used by it for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for grants for the acquisition or renovation of existing facilities. Except for exceptional circumstances, in which case up to 90 per centum of the cost of construction (as determined by the Secretary) may be authorized by the Secretary, no grant under this section for any project may exceed 75 per centum of the cost of construction of such project. No project may receive more than $2,500,000 in grants under this section.

"(b) In making grants under this section the Secretary shall give priority to those applicants who give assurances that at least 30 per centum of their total enrollment shall be persons from medically underserved areas.

"(c) There are authorized to be appropriated to carry out the provisions of this section $15,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $40,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL COSTS OF OPERATION

"SEC. 1205. (a) Where the Secretary determines that the applicant has made all reasonable attempts to meet his operating expenses (including loans and loan guarantees), he may make grants to public and private nonprofit health maintenance organizations to assist them in meeting operating deficits during the initial three-year period of their operation.



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"(b) Grants under this section shall be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day; and such grant with respect to any such organization may not exceed 100 per centum of such operating deficit for the first year after such first day; 67 per centum of such first year operating deficit for the second year after such first day; and 33 per centum of such first year operating deficit for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976.

"CONSTRUCTION LOANS

"SEC. 1206. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization, or any public or private nonprofit agency, organization, or institution intending to become a health maintenance organization, to assist it in meeting the cost of construction of facilities for ambulatory care and transportation services for the provision of health services to its enrollees. The Secretary shall give special consideration to applications for loans for the acquisition or renovation of existing facilities. No loan under this section for any project may exceed 80 per centum of the cost of construction (as determined by the Secretary) of such project.

"(b) There are authorized to be appropriated to carry out the provisions of this section $10,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"LOANS FOR INITIAL COSTS OF OPERATION

"SEC. 1207. (a) The Secretary may make loans, subject to the general provisions of this title, to any public or private nonprofit health maintenance organization to assist it in meeting, for the period prescribed in subsection (b), a portion of its initial operating costs in excess of gross revenues determined under regulations of the Secretary.

"(b) Loans under this section for initial costs of operation may be made only for the period beginning with the first day of the first month for which such a loan is made and ending with the close of three years after such first day; and such loans with respect to any project may not exceed 60 per centum of such costs of operation, for the first year after such first day; 40 per centum of such costs for the second year after such first day; and 20 per centum of such costs for the third year after such first day.

"(c) There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. Sums so appropriated, together with repayments of loans made under this section and any other receipts in connection with the program under this section, shall be placed in and constitute a revolving fund which shall be available to the Secretary without fiscal year limitation for use in making loans and other expenditures in the exercise of his functions under this section.

"SPECIAL RURAL AREA GRANTS

"SEC. 1208. (a) The Secretary is authorized to make grants and loans for planning and feasibility studies, initial development costs, construction, and initial costs of operation to health maintenance organizations or nonprofit entities intending to become health maintenance organizations, in non-metropolitan areas.

"(b) There are authorized to be appropriated to carry out the purposes of this section $20,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976.

"PART B—GENERAL PROVISIONS

"GRANTS AND LOANS

"SEC. 1240. (a) Any loan by the Secretary shall bear interest at a rate comparable to the current legal rate of interest prevailing with respect to loans which are guaranteed under section 1241. No payment of principal on a loan shall be required for the first five years after such loan is made.

"(b) No such loan shall be made unless—

"(1) the Secretary is reasonably satisfied that the applicant therefor will be able to make payments of principal and interest thereon when due, and

"(2) the applicant provides the Secretary with reasonable assurances that there will be available to it such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(c) Any such loan shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provisions for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this title while adequately protecting the financial interests of the United States.

"(d) No such loan shall have a term in excess of fifteen years.

"(e) The Secretary may, for good cause, waive any right of recovery which he has by reason of the failure of a public organization to make payment and interest on a loan under this section.

"LOAN GUARANTEES AND INTEREST SUBSIDIES

"SEC. 1241. (a) In order to assist private health maintenance organizations to carry out construction projects for ambulatory care facilities and transportation services and communication services to be used by it for the provision of health services to its enrollees, to meet their initial development costs (for not more than three years) or to meet their cost of operation (for not more than three years), as well as to subsidize the difference between income and operating expenditures, the Secretary during the period beginning January 1, 1974, and ending with the close of June 30, 1976, may, in accordance with the provisions of this section and subject to the general provisions of this Act (A) guarantee to non-Federal lenders making loans to such organizations for such purposes, payment of principal of and interest on such loans which are approved under this section, and (B) in the case of nonprofit health maintenance organization, pay to the holder of such loans (and for and on behalf of the organization which received such loan) amounts sufficient (not to exceed 3 per centum per annum) to reduce the net effective interest rate otherwise payable on such loan. No loan guarantee or interest subsidy under this section may, except under such special circumstances and under such conditions as are prescribed by regulations, apply to or be made for an amount which, when added to any grant or other loan under this or any other law of the United States, is—

"(i) with respect to any construction, in excess of 90 per centum of the cost of such construction,

"(ii) with respect to initial development costs, in excess of 90 per centum of such costs, or

"(iii) with respect to initial operating costs, in excess of 90 per centum of such costs.

No such loan guarantee may apply to more than 90 per centum of the loss of principal and interest on the loan.

"(b) The Secretary may not approve the application of a health maintenance organization, unless—

"(1) he determines, in the case of a loan for which a guarantee or an interest subsidy payment is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States;

"(2) the term of a loan for which a guarantee and interest subsidy is sought does not exceed twenty-five years if for construction, or fifteen years if for operating costs, or such shorter period as the Secretary prescribes; and

"(3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require.

"(c) Guarantees of loans and interest subsidy payments under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved, and, to the extent permitted by subsection (e), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(d) In the case of any loan guaranteed under this section, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to such guarantee unless the Secretary, for good cause, waives his right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(e) Any guarantee of a loan under this section shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"(f) (1) There is established in the Treasury a Health Maintenance Organization Loan Guarantee and Interest Subsidy Fund (hereafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts (A) to enable him to discharge his responsibilities under guarantees issued by him under this title, and (B) for interest subsidy payments authorized by this title. There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required by the fund. To the extent authorized from time to time in appropriation Acts there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this title, including any moneys derived from the sale of assets.

"(2) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this title to meet the obligations under guarantees of loans under subsection (a) or to make interest subsidy payments on such loans, he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"(g) (1) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this section may not exceed such limitations as may be specified in appropriation Acts.

"(2) In any fiscal year no loan guarantee or agreement to make interest subsidy payments may be entered into under this title if the making of such guarantee or the entering into of such agreement would cause the cumulative total of—

"(A) the principal of the loans guaranteed under this title in such fiscal year, and

"(B) the principal of the loans for which no guarantee has been made under this title and with respect to which an agreement to make interest subsidy payments is entered into under this title in such fiscal year, to exceed the amount of grant funds obligated under this Act in such fiscal year; except that this paragraph shall not apply if the amount of grant funds obligated under this title in such fiscal year equals the sums appropriated for such fiscal year under this title.

"APPLICATION REQUIREMENTS

"SEC. 1242. (a) No grant, contract, loan, loan guarantee, or interest subsidy may be made under this title unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, consistent with subsection (b)(1), as the Secretary shall by regulation prescribe.

"(b)(1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall include to such extent, in such manner and among such other matters as the Secretary may by regulation prescribe, satisfactory specification of the existing or anticipated (A) population group or groups to be served by the existing or proposed health maintenance organization, described in the application, (B) enrollment for such organization, (C) methods, terms, and periods for the enrollment of enrollees, (D) nature and estimated costs per enrollee of the health care and educational services to be provided, (E) sources of professional services, and organizational arrangements for providing health care and educational services, (F) organizational arrangements for an ongoing quality assurance program in conformance with the requirements of the Commission on Quality Health Care Assurance, (G) sources of prepayment and other forms of payment for the services to be provided, (H) facilities available for and additional capital investments and sources of financing therefor, required to provide the level and scope of services proposed, (I) administrative, managerial, and financial arrangements and capabilities of such organization, (J) role for enrollees in the planning and policymaking for such organization, (K) grievance procedures for enrollees, staff, and employees, and (L) evaluation or evaluations of the support for and acceptance of such organization by the population to be served, the sources of operating support, and the professional groups to be involved or affected thereby. An organization making multiple applications for assistance under this title simultaneously or over the course of time shall not be required to submit duplicate or redundant information but shall be required to update the description of the existing or proposed organization in such manner and with such frequency as the Secretary may by regulation prescribe.

"(2) Upon completion of assistance under this title, the recipient of assistance shall make a full and complete report to the Secretary, in such manner as he may by regulation prescribe. Each such report shall include, among such other matters as the Secretary may by regulation prescribe, descriptions of plans, developments, and operations in those areas enumerated in paragraph (1) for specification in applications for assistance.

"(c) A health maintenance organization receiving assistance under this title shall submit to the Secretary as a condition of its continued assistance, satisfactory assurances, in accordance with such regulations as the Secretary shall prescribe, including but not limited to the following: (1) financial responsibility, and (2) development and operation consistent with the terms of this title and the plans contained in such organization's application or applications for assistance. As used in this subsection the term 'financial responsibility' means the demonstrated capability to adequately carry out the purposes of the project for which the original assistance was made.

"(d)(1) An application for a grant, loan, loan guarantee, or interest subsidy under this title shall contain assurances satisfactory to the Secretary that the applicant will, in accordance with such criteria as the Secretary shall by regulation prescribe, enroll the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve; except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"(2) No grant may be made and no loan, loan guarantee, or interest subsidy payment may be made under this title unless the applicant demonstrates to the satisfaction of the Secretary that the applicant will or has enrolled, and will maintain an enrollment of, the maximum number of persons that its available and potential resources (as determined under regulations of the Secretary) will enable it to effectively serve, except that the applicant shall enroll no more than 50 per centum of its enrollees from medically underserved areas except in rural areas as designated by the Secretary.

"(e) The Secretary shall have the authority after a hearing on the record to terminate or cancel any grant, loan, loan guarantee, or interest subsidy to any recipient of assistance under this title which he determines is in substantial noncompliance with any material provision of this title or after notice from the Commission on Quality Health Care Assurance that such organization has had its certificate of compliance suspended or revoked.

"(f) Effective two years after the date of enactment of this Act, no assistance shall be given under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, to a provider of health care unless such provider holds a valid certificate of compliance under section 1302.

"(g)(1) The Secretary may not approve an application submitted under section 1203, 1204, 1205, 1206, or 1207, unless the section 314(b) areawide health planning agency whose section 314(b) plan covers (in whole or in part) the area to be served by the health maintenance organization for which such application is submitted, or if there is no such agency, the section 314(a) State health planning agency whose section 314 (a) plan covers (in whole or in part) such area, has, in accordance with regulations of the Secretary, been provided an opportunity to review the application and to submit to the Secretary for his consideration its recommendations respecting approval of the application. If under applicable State law such an application may not be submitted without the approval of the section 314(b) areawide health planning agency or the section 314(a) State health planning agency, the Secretary may not approve such an application unless the required approval has been obtained.

"(2) The Secretary shall by regulation establish standards and procedures for section 314(b) areawide health planning agencies and section 314(a) State health planning agencies to follow in reviewing and commenting on applications for assistance for health maintenance organizations, and other applicants for assistance under this Act.

"(h) If in any fiscal year there are insufficient funds available for funding of all approved applications for assistance under section 1202, 1203 or 1204 of this title the Secretary shall, subject to the priorities in sections 1202(b), 1203(c), and 1204(c), give priority to those applicants which he determines are the most likely to be economically viable.

"EFFECT ON STATE LAW

"SEC. 1243. (a) Notwithstanding any provisions of State law which—

"(1) require approval of a health maintenance organization, by a medical society;

"(2) require that physicians constitute all or a majority of the governing body of a health maintenance organization;

"(3) require that all physicians or a percentage of physicians in the local medical society be permitted to participate in rendering the services of the organization;

"(4) require that such organization submit to regulations as an insurer of health care services;

"(5) require that only unincorporated individuals or associations or partnerships may provide health care services;

"(6) prohibit advertising by a professional group for recruitment of enrollees; or

"(7) impose requirements or restrictions on a health maintenance organization determined by the Secretary, to be incompatible with this title,

a health maintenance organization receiving Quality Health Care Initiative Awards under this title, who otherwise conform with the laws for incorporation and laws for licensing of physicians, osteopaths, and dentists in such State shall be allowed to provide health care services in such State in accordance with the provisions of this title.

"QUALITY HEALTH CARE INITIATIVE AWARDS

"SEC. 1244. (a) Every provider of health care which is certified by the Commission on Quality Health Care Assurance as maintaining quality control standards in compliance with the requirements set by the Commission on Quality Health Care Assurance shall be entitled to an annual payment in an amount equal to the administrative costs allowed by the Commission, incurred in complying with the requirements of the Commission. Any provider of health care, whether or not subject to the provisions of this Act, may apply



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to the Commission for certification of compliance under section 1302.

"(b) There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for the fiscal year ending June 30, 1974; $50,000,000 for the fiscal year ending June 30, 1975; and $75,000,000 for the fiscal year ending June 30, 1976.

"CAPITATION GRANTS TO ENABLE HEALTH MAINTENANCE ORGANIZATIONS TO SERVE ALL PERSONS

"SEC. 1245. (a)(1) The Secretary shall make annual grants to health maintenance organizations serving persons who cannot meet the expenses of such organizations' premiums (excluding additional premiums for high option services). The amount of such annual grants shall be equal to the difference between the maximum amount (as determined by the Secretary) an enrollee could reasonably be expected to pay toward the health maintenance premium and the premium for membership enrollment in such health maintenance organization, for each such person enrolled. A health maintenance organization shall be eligible for grants under this subsection only during the first three years of its operation.

"(2) In determining the amount an enrollee could pay toward the premium, the Secretary shall consider all sources (including public sources) of income available to each such enrollee.

"(3) Grants under this section shall not exceed 25 per centum of the total premium receipts for such health maintenance organization for the next preceding year.

"(4) Notwithstanding any other provisions of this Act the Secretary shall allocate on a pro rata basis not less than 7.5 per centum of the sum of the funds appropriated for each fiscal year pursuant to part A of title XII of this Act to carry out the purposes of this subsection.

"(b)(1) Where a health maintenance organization proposes an increase in its premium rate and the Secretary determines that such increase is due in whole or in part to fulfillment of the requirement for open enrollment, in that such organization has in its enrolled population a disproportionate number of high risk enrollees, the Secretary shall make annual grants to such organization equal to an amount that would eliminate the need for that part of the proposed premium increase caused by such disproportionate number of high-risk enrollees in such organization. A health maintenance organization shall be eligible for grants under this subsection only during the first three years of its operation.

"(2) Notwithstanding any other provisions of this Act the Secretary shall allocate on a pro rata basis not less than 7.5 per centum of the sum of the funds appropriated for each fiscal year pursuant to part A of title XII of this Act to carry out the purposes of this subsection.

"PAYMENTS OF GRANTS

"SEC. 1246. The amount of any grant under this title shall be determined by the Secretary. Payments under such grants may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary finds necessary.

"PROHIBITION ON TRANSFER OF FUNDS

"SEC. 1247. (a) No funds appropriated pursuant to any of the preceding sections of this title shall be available for any purposes other than the purposes of the program authorized by the particular section pursuant to which such funds are appropriated.

"(b) No funds, except those appropriated under this title, shall be used for the purposes of carrying out the provisions of this title.

"(c) Only funds appropriated under titles XI and XII of this Act shall be used to initially develop, construct, and initially operate a health maintenance organization, directly or indirectly through arrangements with others, health care to a defined population on a prepaid basis.

"LABOR STANDARDS

"SEC. 1248. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934.

"OPEN ENROLLMENT WAIVER

"SEC. 1249. In a case where all appropriated funds are expended under section 1245(b)(2) and where a health maintenance organization demonstrates to the satisfaction of the Secretary that it has a disproportionate share of high-risk enrollees and by maintaining open enrollment it would be required to enroll a nonrepresentative cross section of the community in which it provides services, to the extent that financing is available and people are willing to enroll, and the enrollment of such disproportionate share of high-risk enrollees will jeopardize its economic viability, the Secretary may waive such requirement for open enrollment for a period of not more than three years. A health maintenance organization may receive more than one such waiver.

"ACCESS TO RECORDS

"SEC. 1250. (a) Each recipient of Federal funds under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such funds, the total cost of the undertaking in connection with which such funds are given or used, the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of Federal funds under this Act.

"COMPREHENSIVE SERVICES PHASE-IN

"SEC. 1251. The Secretary may grant a waiver to an applicant for assistance under this title, with respect to the provision of a specific service, required to be provided as a component of comprehensive health services where he determines that—

"(1) such service cannot be provided by the applicant solely because the required health manpower or equipment to provide such service is not available; and

"(2) the applicant has a feasible plan to provide such service at the earliest possible date, such date not to exceed three years from the date assistance under this title is first granted to such applicant.

"COMPREHENSIVE HEALTH SERVICES FOR INDIANS AND MIGRANT WORKERS

"SEC. 1252. The Secretary is authorized to contract with health maintenance organizations to provide health services to individuals who are eligible for such services from the Indian Health Service or under section 310 of this Act.

"PART C—SPECIAL PROJECT GRANTS TO FACILITATE HEALTH SERVICES IN NONMETROPOLITAN AREAS

"SEC. 1260. (a) The Secretary is authorized to make grants to or contracts with any public or nonprofit private entity (which otherwise may not be eligible for grants or assistance under this title) to study, initiate, and evaluate projects for the delivery, or to facilitate the delivery, in nonmetropolitan areas of comprehensive health services on a prepaid basis."

(b) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.

TITLE II—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

SHORT TITLE

SEC. 201. This title shall be known as the "Commission on Quality Health Care Assurance Act of 1973".

STATEMENT OF PURPOSE

SEC. 202. It is the purpose of this title to promote the quality of health care in the United States by establishing a Commission on Quality Health Care Assurance to develop, establish, and encourage parameters and standards for quality health care.

SEC. 203. The Public Health Service Act, as amended by this Act, is further amended by inserting after title XII the following new title:

"TITLE XIII—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"PART A—COMMISSION ON QUALITY HEALTH CARE ASSURANCE

"ESTABLISHMENT OF COMMISSION

"SEC. 1301. (a) There is hereby established in the Department of Health, Education, and Welfare a Commission on Quality Health Care Assurance.

"(b) The Commission shall be composed of eleven members to be appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Commission. In making such appointments the President shall appoint individuals who are representative of the health care delivery industry, private organizations engaged in developing health care quality standards which may be applicable on a national basis, and consumers not related to the delivery of health care. The terms of office of each member of the Commission shall be five years except that—

"(1) the members first appointed shall serve, as designated by the President, three for a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years;

"(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed; and

"(3) a member shall be eligible for reappointment for one additional term.

"(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

"(d) Any vacancy in the Commission shall not affect its powers and six members of the Commission shall constitute a quorum.

"(e) Four members of the Commission shall be consumers not related to the delivery of health care.

"DUTIES OF THE COMMISSION

SEC. 1302. (a) The Commission shall—

"(1) promulgate standards for qualifications of personnel, composition of medical groups, and other characteristics dealing with the adequacy of facilities and equipment;

"(2) conduct such research and experimental programs as are determined necessary for the development of—

"(A) criteria for new and improved quality assurance systems, and

"(B) norms, with regard to processes, utilization characteristics, and outcomes;

"(3) require and monitor, in accordance with criteria established based upon findings under paragraph (2), quality assurance systems for health maintenance organizations subject to the provisions of this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which shall be designed to—

"(A) improve as well as assess the quality of health care;

"(B) evaluate the inputs, processes, utilization characteristics, and outcomes of health care as related to individuals and population groups, and establish relationships between inputs, processes, utilization characteristics, and outcomes;

"(C) concentrate on those illnesses which have relatively high incidence in the population and which are particularly influenced by medical treatment, rather than on unusual illnesses or conditions whose course is little influenced by therapy;

"(D) improve as well as assess the accessibility, availability, and acceptability of health care provided by health maintenance organizations and other providers of health care;

"(E) develop procedures for such systems to report through the policymaking body of the health maintenance organization to the membership and to the Commission on Quality Health Care Assurance; and

"(F) take into account the need for inclusion of consumers as well as the several health care disciplines in the decisionmaking membership of the system;

"(4) issue certificates of compliance to providers of health care certifying that such providers maintain an approved quality assurance system and are otherwise conforming with requirements published under this section;

"(5) after a hearing on the record, revoke or suspend such certificate where it determines that such provider has significantly deviated from the standards, approved quality assurance system, or the norms published pursuant to this section unless such deviation is justified to the satisfaction of the Commission;

"(6) monitor reports by health care providers covered by this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, for the purpose of assuring that the performance of such health care providers is in conformance with the approved quality assurance system and norms published under this section;

"(7) publish objective statistical descriptions of norms accumulated through experience and results of programs conducted under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963;

"(8) conduct a program of research and development which shall have the objectives of—

"(A) improving the technology of assessing the quality of health care with emphasis on the outcomes of health care;

"(B) assessing and comparing the quality of health care provided under different delivery system arrangements;

"(C) analyzing the effects of providing information to consumers and improvement in the methods of information dissemination;

"(D) analyzing the impact of its quality assurance program upon the quality of health care for the American people; and

"(E) coordinating the collection, assimilation and cataloging of existing information regarding quality health care assurance programs of Federal, State, and local agencies and their relationships with one another, with due regard for the protection of the confidential nature of the doctor-patient relationship;

"(9) collect, summarize, and distribute information regarding the impact of medical services and the health status of the population of the United States;

"(10) provide technical assistance to providers of health care in the development of quality control programs;

"(11) study the levels, costs, and quality of health care under health care programs of the Federal Government;

"(12) analyze the need for standardization of medical record information and facilitate the development of a system of standard medical reference mechanisms;

"(13) prescribe a schedule of reasonable contingent fees for attorneys representing claimants in proceedings under section 1309; and

"(14) annually report to the President and to the Congress on the conduct of activities under this title (including results of studies conducted under paragraph (11)) together with such recommendations for additional legislation as the Commission may determine appropriate.

"(b) In developing quality health care assurance system criteria the Commission's consideration shall include but not be limited to existing State regulations, such standards as are in effect for Federal health agencies, and analysis of the results of the reinsurance program and the results of arbitration procedures under part B of this title.

"ADMINISTRATIVE POWERS

"SEC. 1303. (a) In order to carry out the provisions of this Act the Commission is authorized to—

"(1) appoint and fix for the compensation of personnel of the Commission in accordance with the provisions of title 5, United States Code;

"(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Commission and delegate authority to any officer or employee;

"(3) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain, research and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Commission deems necessary; to acquire by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Commission for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);

"(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(5) appoint one or more advisory committees (including a committee for the preparation and analysis of statistics) composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise the Commission with respect to its functions under this Act;

"(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

"(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

"(8) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible; and

"(9) take such actions as may be required for the accomplishment of the objectives of the Commission.

"(b) Upon request made by the Commission each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Commission in the performance of its functions with or without reimbursement. Where the Commission determines that such services, equipment, personnel, facilities, and information cannot be made available for utilization in a manner which would enable it to expeditiously perform its duties under this Act, the Commission may establish where necessary the programs necessary to accomplish its tasks.

"(c) Each member of a committee appointed pursuant to paragrph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed by GS-18 under section 532 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"(d) The Chairman shall be the chief executive and the administrative officer of the Commission and shall exercise the responsibility of the Commission with respect to—

"(1) the appointment and supervision of personnel employed by the Commission;

"(2) the distribution of jobs among the personnel of the Commission; and

"(3) the use and expenditure of funds.

"COMPENSATION

"SEC. 1304. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(60) Chairman, Commission on Quality Health Care Assurance.'

"(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"'(98) Members, Commission on Quality Health Care Assurance (10).

"'(99) General Counsel, Commission on Quality Health Care Assurance.'

"APPLICABILITY OF COMMISSION REQUIREMENTS

SEC. 1305. (a) Except as provided in subsection (b) the requirements established by the Commission pursuant to section 1302 shall apply to any provider of health care receiving assistance under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 after the date of enactment of this title.

"(b) Any provider covered under this Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, may apply to the Commission for a temporary order granting a variance from any requirement or any provision thereof promulgated under section 1302 of this Act. Such temporary order shall be granted only if the provider files an application which establishes that—

"(1) the provider is unable to comply with a requirement by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with any requirement or because necessary construction, alteration, or modernization of facilities cannot be completed by its effective date; and

"(2) the provider has an effective program for coming into compliance with any requirement as quickly as possible with adequate interim safeguards for the protection of consumers of health care.

"(c) The Commission is authorized to grant a variance from any of its requirements or portion thereof whenever it determines or the Secretary of Health, Education, and Welfare certifies that such a variance is necessary to permit a provider to participate in a project approved by him designed to validate new and improved techniques of health care delivery systems.

"REPORTS AND MAINTENANCE OF RECORDS

"SEC. 1306. (a) Each provider, covered under this title, shall make, keep, and preserve, and make available to the Commission and the Secretary of Health, Education, and Welfare, such records regarding activities gov-



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erned by this title as the Commission, in cooperation with the Secretary of Health, Education, and Welfare, shall prescribe.

"(b) The Commission shall prescribe rules and regulations as may be necessary with regard to inspection of the records and facilities of a provider.

"DISCLOSURE TO CONSUMERS OF HEALTH CARE SERVICES

"SEC. 1307. (a) A description of any health care plan covered by this title shall be published as required herein within ninety days after the establishment of such plan or when such plan becomes subject to this title.

"(b) A description of the plan shall be comprehensive and shall include, in a manner designed to be understood by the average enrollee, the following:

"(1) fees and prices;

"(2) scope of services included in benefit packages;

"(3) accessibility and availability of services including the location of the facilities, equipment available, hours of operation, practitioners by type and location, and amenities;

"(4) the name and type of administration of the plan; and

"(5) a statement of certification by the Commission.

"(d) The Commission shall monitor the provision of information by providers of care as required by this section. In any case in which information is disclosed or disseminated under this title and is subsequently found to be insufficient, inaccurate, or inaccurately disseminated the Commission shall take such action as is necessary to assure a full retraction of the inaccurate information together with a statement of new data in a manner similar to the initial disclosure or dissemination of such information.

"(c) The disclosure must also include procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part.

"(f) Every provider shall furnish a copy of the plan description (including amendments or modifications thereto) described in subsection (b), to every enrollee upon his enrollment in the plan, and cause the same to be published, in a manner prescribed by the Commission, to the general public.

"PENALTIES

"SEC. 1308. (a) (1) Whenever the Commission after reasonable notice and opportunity for hearing to the provider finds that the provider has significantly deviated from the approved quality assurance system or is engaged in practices which significantly deviate from national or regional norms as determined by the Commission, the Commission shall notify the provider, and the Secretary of Health, Education, and Welfare that such provider shall be ineligible to participate in assistance under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 and that the certificate of approval has been suspended until such time as the provider is found to be in compliance with the requirements established under section 1302. Hearings conducted under this section shall be held, where practicable, in a location convenient to the provider of health care.

"(2) Providers of health care, who have had their certificate suspended for a period, which the Commission determines to be unreasonable, shall have their certificate revoked and shall be liable for the repayment of part or all amounts received under this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

"(3) The Commission is authorized to make arrangements with providers of health care who have had their certificates revoked, for reimbursement of amounts received under this Act, and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, including deferred payments on such terms and for such periods as are deemed equitable and appropriate.

"(b) Any person who knowingly makes any false statement, representation, or certification on any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall upon conviction be punished by a fine of not more than $10,000 or by imprisonment of not more than six months or by both.

"ARBITRATION

"SEC. 1309. (a) A provider of health care that possesses a valid certificate of compliance issued under section 1302 may enter into a program for the equitable and expenditious handling of malpractice claims which may arise out of care and treatment of patients. Such programs shall be based upon agreements between the patients and the providers of health care to submit all disputes, not settled to the satisfaction of both parties, to binding arbitration in order to gain the benefits of such programs for patients and providers. Records of all such settlements shall be kept by each provider of health care, and submitted to the Commission in such manner as it shall prescribe.

"(b) An agreement to submit to binding arbitration under subsection (a) must be valid in the jurisdiction in which such agreement is made and shall provide for the selection of arbitrators in accordance with rules and regulations promulgated by the Commission. For these providers who shall establish arbitration programs as specified in this section, title 9 of the United States Code shall apply to such arbitration programs if the State or States in which the provider is located has not enacted legislation providing for the finality of arbitration decisions, or for parties to enter into agreements to arbitrate prior to a dispute.

"(c) Written findings of fact and conclusions of law shall be prepared for each arbitration proceeding held under this section. In each case the findings shall be certified by the arbitrator to the Commission. The Commission shall develop a systematic codification of all findings of arbitration proceedings undertaken pursuant to this section and shall publish such findings at least annually or more frequently at the discretion of the Commission. The Commission shall certify all findings of arbitration proceedings undertaken pursuant to this section to all appropriate State or local licensing or disciplinary boards for each such arbitration procedure under the territorial jurisdiction of such board.

"(d) (1) Every attorney who, in connection with any proceedings under this section for personal injuries or for death or for loss of services resulting from personal injury proximately caused by medical malpractice, accepts a retainer or enters into an agreement, express or implied, for compensation for services rendered or to be rendered in such proceedings whereby his compensation is to be dependent or contingent in whole or in part upon the successful prosecution or settlement thereof, shall, within thirty days from the date of any such retainer or agreement of compensation, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"(2) An attorney retained by another attorney on a contingent fee basis as trial or appeal counsel or to assist in the preparation, investigation, or settlement of any such proceeding, shall, within thirty days from the date of such retainer, sign personally and file with the Commission a retainer statement of such retainer or agreement of compensation containing such information as the Commission shall require.

"(3) A closing statement shall be filed with the Commission with every proceeding in which a retainer statement is required containing such information as the Commission shall require.

"(4) All statements of retainer or closing statements filed with the Commission shall be confidential, and the information therein contained shall not be divulged or made available for inspection or examination except upon written order of the Chairman or the General Counsel of the Commission.

"(5) Any attorney who charges or collects, for services rendered in connection with any proceedings described in this subsection, any fee in excess of that allowed by the Commission, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"PUBLICATION OF CRITERIA AND NORMS

"SEC. 1310. (a) The Commission may, by rule, promulgate, modify, or revoke any quality health assurance system criterion or norm in the following manner:

"(1) whenever the Commission upon the basis of information submitted to it in writing by an interested person, a nationally recognized standard-producing organization, the Secretary of Health, Education, and Welfare, or a State or political subdivision, or on the basis of information developed by the Commission, or otherwise available to it, determines that a rule should be promulgated in order to serve the objectives of this title, the Commission shall publish such proposed rule promulgating, modifying, or revoking a standard or criterion for a quality health care assurance system or norm in the Federal Register, and shall afford interested persons a period of sixty days after publication to submit written data or comments.

"(2) on or before the last day of the period provided for the submission of written data or comments, any interested person may file with the Commission written objections to the proposed rule stating the grounds therefor and requesting a public hearing on such objections. Within sixty days after the last day for filing such objections the Commission shall publish in the Federal Register a notice specifying the criteria for quality health care assurance systems or norms to which objections have been filed and a hearing request and specifying a time and place for such hearing. Hearings conducted under this section shall be held, where practicable, in a location convenient to the person filing such objection.

"(3) within sixty days after the expiration of the period provided for the submission of written data or comments or within sixty days after the completion of any hearing, whichever is later, the Commission shall issue and publish in the Federal Register a rule promulgating, modifying, or revoking standards, criteria for quality health care assurance systems or norms, or notice of a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date and such period (not in excess of ninety days) as the Commission determines may be necessary to insure that affected persons will be informed of the existence of the criteria or norm and of its determinations and that they are given an opportunity to familiarize themselves with the existence of the requirements of such criteria or norm.

"(b) Any person who may be adversely affected by the promulgation of a rule issued respecting criteria or norms under this section may at any time prior to the ninetieth day after such criteria or norm is promulgated, file a petition challenging the validity of such criterion or norm with the United States district court for the district where such person resides or has his principal place of business for a judicial review of such criterion or norm. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The filing of such petition shall not, unless otherwise stated by the court, operate as a stay of the criterion or norm. The determinations of the Commission shall be conclusive if supported by substantial evidence in the record considered as a whole.



"(c) (1) In the case of establishing criteria for the assimilation of objective statistical material required for the publication of norms, the Commission shall hold hearings only when it determines such hearings to be necessary.

"(2) The Commission shall publish in the Federal Register a summary and basis for the establishment of the criteria required by paragraph (1).

"(d) The Commission in compiling information for setting the requirements for this title shall solicit views and information from concerned entities.

"STATE JURISDICTION AND STATE PLANS

"SEC. 1311. (a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any health issue with respect to which no standard, criterion or norm is in effect, under section 1302 of this Act.

"(b) Any State which at any time desires to assume responsibility for the development and enforcement of health standards, criteria or norms relating to any health issue with respect to which a Federal standard, criterion, or norm has been promulgated under section 1302, shall submit to the Commission a State plan for the development of such standards, criteria, or norms and their enforcement.

"(c) The Commission shall approve the plan submitted by a State under subsection (b) or any modification thereof only if such plan—

"(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State;

"(2) provides for the development and enforcement of health standards, criteria, or norms relating to one or more health issues which standards, criteria, or norms (and the enforcement of which) will be no less stringent than the standards, criteria, or norms promulgated under section 1302 which relate to the same health issues;

"(3) provides for a right to entry and inspection of all premises of providers of health care subject to this Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 which includes a prohibition on advance notice of inspections;

"(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards, criteria, and norms;

"(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards, criteria, and norms;

"(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive health program applicable to all providers of health care of the State and its political subdivisions, which program is as effective as the standards contained in an approved State plan;

"(7) requires providers of health care in the State to make reports to the Commission in the same manner and to the same extent as if the State plan were not in effect; and

"(8) provides that the State agency will make such reports to the Commission in such form and containing such information as the Commission shall from time to time require.

"(d) If the Commission rejects a plan submitted under subsection (b), it shall afford the State submitting the plan reasonable notice and opportunity for a hearing before so doing.

"(c) After the Commission approves a State plan submitted under subsection (b), it may, but shall not be required to, exercise its authority with respect to comparable standards, criteria, or norms promulgated under section 1302, for the period specified in the next sentence. The Commission may exercise the authority referred to above until it determines, on the basis of actual operations under the State plan, that the standards, criterions, or norms set forth in subsection (c) are being applied, but it shall not make such determination for at least three years after the plan's approval under subsection (c).

"(f) The Commission shall, on the basis of reports submitted by the State agency and its own inspections, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Commission finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), it shall notify the State agency of its withdrawal of approval of such plan and upon receipt of such notice, such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

"(g) The State may obtain a review of a decision of the Commission withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Commission. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Commission's decision in rejecting a proposed State plan or withdrawing its approval of such a plan is not supported by substantial evidence, the court shall affirm the Commission's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(h) The Commission may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more health standards, criteria, or norms in effect in such State until final action is taken by the Commission with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this title, whichever is earlier.

"PROCEDURES TO COUNTERACT IMMINENT DANGERS

"SEC. 1312. (a) The United States district courts shall have jurisdiction, upon petition of the Commission, to restrain any conditions or practices by a provider of health care which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this title. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

"(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of any enforcement proceeding pursuant to this title. The proceeding shall be as provided by rule 65 of the Federal Rules of Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

"(c) Whenever and as soon as the Commission concludes that conditions or practices described in subsection (a) exist it shall inform the affected provider of health care of the danger and that it shall seek relief under this section.

"(d) If the Commission arbitrarily or capriciously fails to seek relief under this section, any person who may be injured by reason of such failure, or the representative of such person might bring an action against the Commission in the United States district court for the district in which the imminent danger is alleged to exist or the provider has its principal office, or in the United States District Court for the District of Columbia, for a writ of mandamus to compel the Commission to seek such an order and for such further relief as may be appropriate.

"DEFINITIONS

"SEC. 1313. For the purposes of this title, the term—

"(1) 'input measure' means assessment based on the qualifications of personnel, facilities, and equipment required to provide medical care;

"(2) 'process measure' means assessment based upon the conformance of medical decisions and actions taken in actual episodes of care to some defined standards of medical practice;

"(3) 'utilization characteristics' means those characteristics giving information concerning the rates of usage of components of the health care system such as the length of hospital stays, the number of doctor-patient contacts, and the number of hospital admissions in a year;

"(4) 'outcome measure' means assessment of care based upon health of patients during and particularly at the conclusion of episodes of care. Standards for clinical outcome should be based solely on the results of health care;

"(5) 'Commission' means the Commission on Quality Health Care Assurance;

"(6) 'norm' means a statistical range which reflects the parameters of acceptable quality health care practices existing at the time such norm is promulgated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1314. There are authorized to be appropriated for the carrying out of the provisions of this part $15,000,000 for the fiscal year ending June 30, 1974; $40,000,000 for the fiscal year ending June 30, 1975; and $70,000,000 for the fiscal year ending June 30, 1976."

TECHNICAL AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 204. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I, II, and XIV".

(b) The Act of July 1, 1944 (58 Stat. 682), is further amended by renumbering title XII (as in effect prior to the date of enactment of this Act) as title XIV and by renumbering sections 1101 through 1111 (as in effect prior to such date) and references thereto as sections 1401 through 1414, respectively.

(c) Sections 767, 768, 769, 769A, and 769B of the Public Health Service Act (added by section 107 of Public Law 92-157) are redesignated as sections 769, 769A, 769B, 769C, and 769D, respectively.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make tech-

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nical and conforming changes in the engrossment of the bill, S. 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate? I beg the Senator's pardon for interrupting him, but I think we should have order in the Senate.

The PRESIDING OFFICER. The Senate will please be in order. The Senators wishing to conduct conversations will please retire to the cloakroom.

The Senator may proceed.

## TRIBUTE TO MEMBERS OF THE ARMED FORCES WHO ARE MISSING IN ACTION IN INDOCHINA

Mr. BROOKE. Mr. President, in less than 2 weeks Americans will pause to pay tribute to the sacrifices of millions of men and women who have served our Nation in times of war.

This Memorial Day, as we commemorate the courage and devotion of those who made the ultimate sacrifice for us, we cannot forget the enduring anguish of thousands of Americans who do not know the fate of loved ones listed as missing in action in Indochina. The pain of uncertainty is exceptionally hard to bear. A wife does not know if she is a widow—a father and mother do not know if they have a son—Children ask "Where's Daddy?", and the only answer is hope and prayer. The American people share these hopes and prayers.

We were relieved when our forces returned from Indochina. We rejoiced when our prisoners of war came home. But our joy remains incomplete. The tragedy of Indochina lingers in many ways: In the skies over Cambodia and in the frequent cease-fire violations in Vietnam and Laos, and in the homes of the families and friends of 1,288 members of our Armed Forces missing in action throughout Indochina.

As we seek to halt the continuing hostilities in Indochina, we must pursue as relentlessly our efforts to resolve the status of our MIA's. We have in Thailand the Joint Casualty Resolution Center, which is poised to undertake the challenging assignment of determining the fate of our MIA's. Last month in Saigon, I met with the commanding officer of the JCRC, Brig. Gen. Robert Kingston, of Brookline, Mass. General Kingston outlined the immediate and comprehensive capabilities of the JCRC, but he underscored the crucial problem of our casualty resolution effort. Our teams cannot now operate in the areas of South Vietnam and Laos presently under control of the Provisional Revolutionary Government—PRG—and the Pathet Lao, respectively. While in Vientiane, I spoke with a representative of the Pathet Lao and urged as strongly as possible that the Pathet Lao move promptly to cooperate with U.S. casualty resolution teams in areas under their control. In Saigon, I made similar urgings to representatives of the PRG. In both cases, though I spoke for myself, I said that I was sure my feelings represented the mood of Congress and the American people who share the anguish of the families of our MIA's.

The resolution I offer sets forth the plight of our MIA's and their families, the responsibility and capability of the United States in resolving their status, and the need for cooperation by all parties in the Indochina conflict for such resolution.

Specifically, this measure calls for special remembrance of the MIA's and their families throughout Memorial Day 1973. It suggests that American motorists turn on their headlights on May 28 as a symbol of their remembrance.

I believe this special remembrance is important to remind the families of the MIA's that all Americans share their burden. But more important than remembrance is the need to end the anguish of the MIA's and their families. Section 3 of this resolution would express the sense of the Senate that—

Every effort be made to secure the cooperation of all parties in the Indochina conflict to insure the fullest and most expeditious resolution of the status of members of the U.S. Forces missing in Indochina.

In the Senate today and across the Nation, Memorial Day, let us make clear that we all share the anxiety, hopes, and prayers of our MIA's and their families, as well as the determination to promptly and relentlessly determine the fate of these brave men.

I submit the resolution, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate? Will the Chair ask Senators to take their seats and attaches to take seats?

The PRESIDING OFFICER. Will the Senate please be in order? The Senate is not in order. Will Senators please take their seats?

The clerk will state the resolution.

The legislative clerk read by title, as follows:

A resolution to pay tribute to members of the Armed Forces who are missing in Indochina.

Mr. BROOKE. The following Senators are cosponsoring the resolutions:

S. RES. 115

Mr. Brooke (for himself, Mr. Abourezk, Mr. Baker, Mr. Bartlett, Mr. Bayh, Mr. Beall, Mr. Bennett, Mr. Bible, Mr. Buckley, Mr. Burdick, Mr. Clark, Mr. Cotton, Mr. Cranston, Mr. Curtis, Mr. Dole, Mr. Dominick, Mr. Eastland, Mr. Gravel, Mr. Griffin, Mr. Hart, Mr. Haskell, Mr. Inouye, Mr. Jackson, Mr. Mansfield, Mr. Mathias, Mr. McGee, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Randolph, Mr. Scott of Pennsylvania, Mr. Scott of Virginia, Mr. Stafford, Mr. Stevens, Mr. Taft, Mr. Thurmond, Mr. Tower, Mr. Williams, Mr. Young, Mr. Kennedy, and Mr. Humphrey.

Mr. Goldwater, Mr. Case, Mr. Bellmon, Mr. Percy, Mr. Saxbe, Mr. Pearson, Mr. Brock, Mr. Fannin, Mr. Fong, Mr. McClure, Mr. Helms, Mr. Hartke, Mr. Hatfield, Mr. Pastore, Mr. Gurney, Mr. Dominici, Mr. Ribicoff, Mr. Cook, Mr. Aiken, Mr. Hruska, Mr. Roth, Mr. Weicker, Mr. Javits, Mr. Hansen, and Mr. Magnuson.)

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROOKE. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The PRESIDING OFFICER. Without objection, preamble to the resolution is agreed to.

The resolution (S. Res. 115), with its preamble, reads as follows:

S. RES. 115

Resolution: To pay tribute to members of the armed forces who are missing in Action in Indochina

Whereas, the United States recognizes its responsibilities for the 1,288 members of the Armed Forces who are currently listed as missing in action in Indochina;

Whereas, the United States is fully prepared to undertake the most comprehensive casualty resolution efforts as soon as all parties to the Indochina conflict are willing to cooperate in such efforts;

Whereas, the families of missing members of the Armed Forces are entitled to an accounting of their fate:

Whereas, the last Monday of May of each year was designated as Memorial Day, a special day in memory of those who lost their lives in war and as a day of prayer for permanent peace: Now, therefore, be it

*Resolved*, That on Memorial Day, May 28, 1973, special remembrance be given by a grateful people to the 1,288 members of the Armed Forces of the United States currently listed as missing in action in Indochina.

SEC. 2. All American motorists are encouraged to turn on their automobile lights throughout Memorial Day, May 28, 1973, as a symbol of this remembrance.

SEC. 3. Every effort be made to secure the cooperation of all parties in the Indochina conflict to insure the fullest and most expeditious resolution of the status of members of the U. S Armed Forces missing in Indochina.

Mr. BROOKE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. TAFT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## NATIONAL INSTITUTE OF HEALTH CARE DELIVERY ACT OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 122, S. 723; that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (S. 723) to establish a National Institute of Health Care Delivery, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments on page 3, line 13, after the word "title", strike out "X" and insert "XI"; in line 14, after the word "Title", strike out "XI" and insert "XII"; at the beginning of line 17, change the section number from "1101" to "1201"; on page 4, at the beginning of line 2, change the section number from "1102" to "1202"; at the beginning of line 24, change the section number from "1103" to "1203"; on page 9, at the beginning of line 9, change the section number from "1104" to "1204"; on page 12, at the beginning of line 24, change the section number from "1104" to "1205"; on page 13, at the beginning of line 1, strike out "(95)" and insert "(98)"; at the beginning of line 6, strike out "(131)" and insert "(132)"; at the beginning of line 9, change the section number from "1106" to "1206"; at the beginning of line 21, change the section number from "1107" to "1207"; on page 14, at the beginning of line 7, change the section number from "1108" to "1208"; at the beginning of line 24, change the section number from "1109" to "1209"; on page 15, line 12, after the word "be", insert "(1)"; on page 17, line 7, after the word "section", strike out "1113" and insert "1213"; in line 20, after the word "section", strike out "1110" and insert "1210"; on page 18, at the beginning of line 2, change the section number from "1110" to "1210"; at the beginning of line 22, change the section number from "1111" to "1211"; on page 19, at the beginning of line 10, change the section number from "1112" to "1212"; at the beginning of line 12, strike out "1113" and insert "1213"; in the same line, after the word "appropriated", strike out "$125,000,000" and insert "$80,000,000"; at the beginning of line 14, strike out "1973" and insert "1974"; in the same line, after the amendment just stated, strike out "$150,000,000" and insert "$125,000,000"; in line 15, after "June 30,", strike out "1974" and insert "1975"; in the same line, after the word "and", strike out "$200,000,000" and insert "$150,000,000"; in line 16, after "June 30,", strike out "1975" and insert "1976"; at the beginning of line 20, change the section number from "1113" to "1213"; on page 21, line 21, after the word "appropriated", strike out "$30,000,000" and insert "$20,000,000"; at the beginning of line 23, strike out "1973" and insert "1974"; in the same line, after the amendment just stated, strike out "$35,000,000" and insert "$25,000,000"; in line 24, after "June 30,", strike out "1974" and insert "1975"; in the same line, after the word "and", strike out "$40,000,000" and insert "$30,000,000"; on page 22, line 1, after "June 30,", strike out "1975" and insert "1976"; and, at the beginning of line 22, change the section number from "1114" to "1214".

## ORDER TO PROCEED TO CONSIDERATION OF S. 504, EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT ACT OF 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the disposition of the pending business, the Senate turn to the consideration of Calendar No. 126, S. 504; that it at that time be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

## NATIONAL INSTITUTE OF HEALTH CARE DELIVERY ACT OF 1973

The Senate continued with the consideration of the bill (S. 723) to establish a National Institute of Health Care delivery, and for other purposes.

Mr. KENNEDY. Mr. President, let me say at the outset that I want to commend the distinguished Senator from Maryland (Mr. BEALL), who has provided great leadership in this particular area and has pressed this idea and concept forward with virtually unanimous support of the members of the Health Subcommittee. I think it is an extremely imaginative and creative proposal. I know the Senator from Maryland will have some extended remarks on this particular proposal, but let me say at the outset it is one which I endorse and support, and I am very hopeful the Senate will endorse it as well.

After the Senator from Maryland makes a statement on it, I think we may review with him some of the particular authorization levels that have been outlined in the legislation. We have just passed the Health Maintenance Organization legislation, with a total authorization of some $800 million. Last year we passed essentially the same piece of legislation with a figure of about $5 billion, and that perhaps measures the tempo of the times. However, I think as we address ourselves to the particular needs, we will perhaps want to review these figures to make sure that we meet our particular responsibilities.

Let me just say very briefly that we spend in excess of $2 billion in biomedical research. Our biomedical researchers have won some 44 Nobel prizes. No country in the world can possibly even begin to match the supremacy of the United States in the area of biomedical research.

I think to a great extent that has been because of the development of the National Institutes of Health and the strong support the National Institutes of Health have been given over recent years.

This particular bill seeks to do in the area of health delivery what has been accomplished in the biomedical research area. We are expending at the present time approximately $60 million in an experimental way for the delivery of health care.

I think the bill makes a great deal of sense. We have seen the extraordinary care that is given in certain parts of the country and the grossly inadequate care given in other parts of the country. Now we are attempting to further this effort and have the Senate consider health care delivery.

I think it is appropriate that at this time we hear from the distinguished Senator from Maryland (Mr. BEALL), who has worked hard in this area and has supported the concept with great strength in the past.

Mr. President, I believe that we need a National Institute of Health Care Delivery, but I also believe that its activities must be carried out in the closest cooperation with the proposed functions of the Commission on Quality Health Care assurance authorized by the HMO bill which has just passed the Senate. It is essential in my opinion for these two efforts to be implemented in a compatible manner.

Mr. President, I would now like to briefly describe the functions of the National Institute of Health Care Delivery.

The Institute's mission will be to carry out an accelerated multidisciplinary research and development effort to improve the organization and delivery in the Nation.

It also authorizes up to eight regional centers and two national special emphasis centers, a health care technology center, and a health care management center.

A 21-member National Advisory Council on Health Care Delivery will advise the Institute of the development, priorities, and execution of its program.

Since World War II, the United States has invested approximately $20 billion in biomedical research. This investment has produced many dividends in terms of major medical breakthroughs and has made the Nation preeminent in the world in medical research.

On the other hand, comparatively small investments have been made in research and developments to improve the organization and delivery of health care. Appropriations for fiscal year 1973 contrast our investment in medical research as compared to health care delivery research. The total outlays for fiscal 1973 for the National Institutes of Health, the Federal Government's chief biomedical research organization, is estimated to be $2.009 billion, while the estimated budget for the National Center for Health Services Research and Development for the same year is $64.4 million. By citing this contrast, I am not suggesting or implying that spending on medical research is out of line. To the contrary, the Congress has supported an acceleration of the Nation's research effort.

The American people are aware of and grateful for the achievements of medical science, but they are also aware of this "gap" which is a source of public dissatisfaction. Our citizens marvel at the miracle-like heart transplants that are taking place, but their plea to the health care community is to make available, accessible, and affordable the achievements, methods, and procedures developed by medical science over the last quarter to to one-half century.

To develop the means and methods to deliver the results of medical research and knowhow to our citizens, wherever they live and at a price they can afford,



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is the principal task facing our Nation and the health community. This is the challenge that will be the work of the National Institute of Health Care Delivery.

I wish to emphasize in very strong terms that the mandate given to the National Institute of Health Care Delivery will be very difficult to carry out and that it is, therefore, essential that the activities of the Institute be undertaken in a prudent and orderly manner. The dual goals of the Institute are to enhance the breadth and effectiveness of health services research and development in the Nation through an expansion of available funds and through the transfer of the National Center for Health Services Research and Development to the Institute and to create a capability to carry out health policy research, development, and training through the staff of the Institute, and the regional and special emphasis centers.

While this innovative approach to policy research and formulation is, in my view, urgently needed and deserving of support, there are serious constraints which will plague this effort. These constraints are: First, there is in the Nation essentially no tradition of health policy research and development and no suitable models on which to base the establishment of a complex, large, and multifaceted research and development effort. Second, there is in the Nation essentially no body of experienced managers to initially head up an effort of the magnitude my amendment ultimately envisions. Third, there is in the Nation a critical shortage of qualified professional personnel in respect to the broad-based function of the institute and, therefore, the recruitment of adequate numbers of such persons will be arduous.

Given these formidable constraints, it is clear that it is not possible to draw a complete analogy between this proposed institute and the ongoing National Institutes of Health. When the NIH was established (in 1937), there was a large pool of well-trained biomedical researchers who were then constrained principally by the lack of money and resources with which to carry out high-level biomedical research. At that time, there was also a large body of potential investigators eager for training if resources could be made available. Such is not the case in health policy research today, in which there is only a small body of practitioners from economics, law, medicine, social services, et cetera, which has specialized in the conduct of the kinds of efforts which are intended to be carried out by the institute.

I believe that, if the efforts of the National Institute of Health Care Delivery are to be successful, priorities must be set which will take cognizance of these constraints. For example, the small number of qualified policy analysts lead me to the conclusion that only a few centers of excellence are possible at the outset of the Institute's activities. I also urge that the Institute devote a major share of its effort to the creation of a major intramural health care research effort analagous to the clinical center of the NIH.

S. 14, Mr. President, authorizes the establishment of the Commission on Quality Health Care Assurance. The need for a close and cooperative working relationship between the Commission and the National Institute of Health Care Delivery is essential.

Mr. President, I want to congratulate my friend and colleague on the committee, the junior Senator from Maryland (Mr. BEALL), who was the author of this legislation in the 92d Congress. His bill, S. 3329, which was introduced in the 92d Congress on the same day that I introduced the HMO bill, addresses a national need. And I want to take this opportunity to commend him for that and also to point out as chairman of the Senate Health Subcommittee, how helpful he has been to the subcommittee in this respect.

Mr. President, given the major reductions, the Senate has made in the authorizations in the HMO bill, I believe it is essential that we appropriately reduce the authorizations in this bill. Accordingly my amendment would propose to reduce the overall authority in S. 723 from $430 million to $390 million. I believe this is a prudent amendment and I hope it will be adopted by the Senate.

Mr. BEALL. Mr. President, at the outset, I thank the distinguished chairman of the Subcommittee on Health, the distinguished Senator from Massachusetts (Mr. KENNEDY), for his initial remarks, and to thank and commend him for the leadership he has shown in the total area of providing an opportunity for better health care for the people of our country. I am particularly grateful for the support he has given to this particular piece of proposed legislation, calling for a National Institute of Health.

The measure was cosponsored by Senators PETER DOMINICK, WILLIAM HATHAWAY, ERNEST HOLLINGS, JACOB JAVITS, JOHN PASTORE, TED STEVENS, and MILTON YOUNG. I am grateful for their support and assistance on this bill. This measure has been reported to the full Senate with the unanimous recommendation of the full Labor and Public Welfare Committee.

S. 723 amends the Public Health Service Act to establish a National Institute of Health Care Delivery as a separate agency within the Department of Health, Education, and Welfare. The Institute's mission will be to conduct a multidisciplinary, research, and development effort to improve the delivery and organization of health care in this Nation. In addition, S. 723 authorizes up to eight regional centers and two special emphasis centers, the Health Care Technology Center and the Health Care Management Center. The total authorized funding for the Institute, the regional centers, and the Special Emphasis Centers, will be $100 million for the first year, $150 million for the second year, and $180 million for the third year, for a total authorization of $430 million over a 3-year period.

I would point out, however, that the authorization for the Institute and the centers does not represent all new funds since the National Center for Health Services Research and Development is transferred to the new Institute, and the total outlays for fiscal year 1974 for this present Center is estimated at $64.4 million.

BACKGROUND AND NEED

Mr. President, I first made this proposal for a National Institute of Health Care Delivery in a June 25, 1971, speech in Gaithersburg, Md. Thereafter, I circulated reprints of the speech to various medical and health organizations and to many experts in the field around the country. The interest in the proposal was most encouraging. I was particularly pleased with the favorable editorial comment by the respected Science Journal. The comments, suggestions, and criticisms that I received were most helpful in molding the proposal into legislative form. I want to extend a special thanks to the Johns Hopkins University and the University of Maryland. Their faculties' interest and observations contributed significantly to the final bill. Before drafting this proposal, I also examined the administrative and organizational structure of the various Federal research and development efforts, as well as some private organizations.

I introduced this proposal in the last Congress as S. 3329 and the legislation was considered by the Labor and Public Welfare Committee in connection with S. 3327, the Health Maintenance Organization Development Act of 1972. The Labor and Public Welfare Committee last year incorporated the Institute as title V of the HMO legislation. The health maintenance organization legislation, including my proposal for a National Institute of Health Care Delivery, was subsequently considered and passed by the Senate on September 20, 1972, by a vote of 60 to 14. No opposition to the Institute was voiced during the Senate debate on the health maintenance organization legislation.

Senator KENNEDY reintroduced the HMO legislation this year as S. 14 in the identical form, which included the National Institute of Health Care Delivery, as passed by the 92d Congress. I also reintroduced my proposal for a National Institute of Health Care Delivery as a separate bill, S. 723. The Labor and Public Welfare Committee, in order to give this proposal the visibility and national attention it deserves, decided to report this measure as separate legislation.

Mr. President, since World War II, the United States has invested approximately $20 billion in biomedical research. This investment has produced many dividends in terms of medical breakthroughs. This effort has made the United States preeminent worldwide in biomedical research.

During the same period, comparatively small investments have been made in research and development to deliver the fruits of biomedical research to the American citizens. For example, the fiscal year 1974 total outlays for the National Institutes of Health, the Federal Government's chief biomedical research organization, is estimated to be $2.009 billion, while the estimated budget for the National Center for Health Services Research and Development is $64.4 million. I want to make it clear that the citing of this contrast does not suggest or imply that we are spending too much for biomedical research. For the record of this Senator, Congress, and the administration clearly reveals strong support for an accelerated attack against the Nos. 1 and 2 diseases of our citizens, heart and cancer. Biomedical research and health care delivery are inextricable pursuits. For as the famous 19th century chemist, Louis Pasteur, observed:

> To him who devoted his life to science, nothing can give more happiness than increasing the number of discoveries, but his cup of joy is full when the results of his studies immediately find practical applications.
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> There are not two sciences. There is only science and the application of science and these two activities are linked as the fruit is to the tree.

The disparity in spending between biomedical research and health care research and development may help explain the preeminence of the United States in biomedical research and the deficiencies in our present health system, as well as the growing gap between what medical science knows and what is delivered to the patient.

I have talked to many Marylanders and citizens of this country. Although our citizens marvel and applaud the achievements of medical science, including the miraclelike transplants that are taking place, their first plea to the health community is not for more dramatic breakthroughs, although these are wanted, but for the health system to make available, accessible and affordable the achievements, methods and procedures developed by medical science over the last quarter to one-half century. The public is aware of the gap between the capabilities of medical science and what is delivered to the patient, and this is a source of much discontent.

Developing the means and methods to deliver the results of medical research to our citizens wherever they live and at a price they can afford will not be an easy task. It will be the difficult mission and challenge given the new Institute.

PRESENT EFFORTS INADEQUATE

Presently, the Nation's effort in this area is at the National Center for Health Services Research and Development. This Center presently is buried in the bureaucracy of the Department of Health, Education, and Welfare, being one of many units of the Health Services and Mental Health Administration.

This Center would be moved to the new Institute. At its present position in the Department, the Center for Health Services Research and Development lacks visibility and its clout is small. It lacks an effective organizational structure and the flexibility that characterizes many Government research and development organizations. It is not funded adequately. Its research function has been shortchanged and underemphasized. It does not even have a legislative mandate. I doubt whether many in Congress, other than those with a special interest in health or serving on the health or appropriations committees, know the Center exists.

Although some interesting efforts have been undertaken at the Center and elsewhere, one must admit that the efforts to date have contributed disappointingly little either to the solving of the problems of the present delivery system or to the producing of alternative systems. The fact is that important questions that had been raised about health care delivery 10 years ago, are still being asked today.

I do not believe that we can wait another decade for these answers. The committee shares this belief not only because of the urgency of our present problems, but also because we will be making fundamental decisions with respect to the directions of health care delivery in the near future and we need all the information and wisdom we can gather so that the decisions made will be the best possible. The new National Institute of Health Care Delivery, with a clear mandate from Congress, top management, the necessary organizational structure and administrative provisions, and with adequate resources, will help us to find the answers to the many health care delivery questions and help make health care delivery in the United States as important as medical research.

LOCATION AND APPROACH

The new National Institute of Health Care Delivery will be a separate agency within the Department of Health, Education, and Welfare. Its organization position within the Department will be comparable to the National Institutes of Health. This position is needed because of the importance and urgency of health care delivery problems. It is necessary if the Institute is going to attract top management and talented men and women required for this undertaking. This elevated structure will give health care delivery research and development greater visibility and raise its stature among the public, the health community, and within the government. The Institute's new structure will enable it to have a strong voice for a needed increased investment and interest in research and development in health care delivery.

The Institute will provide a creative environment wherein multidisciplinary teams from such academic disciplines as health, medicine, engineering, science, accounting, statistics, social sciences, architecture, law, education, and the management sciences can interact and focus their attention and generate action oriented research on the critical and complex problems of health care delivery.

The importance of the multidisciplinary approach was underscored in a 1972 speech by Prof. William B. Schwartz of the Tufts University School of Medicine when he said:

> There is a clear implication that the problems will require a multidisciplinary approach—we are not simply dealing with economic problems to be formulated and analyzed by economists or manpower problems to be dealt with by physicians. The problem of delivery or primary medical care, for example, obviously has an enormous number of facets. It involves not simply a question of more and larger medical schools training more physicians but a range of issues including the maldistribution of physicians, inducements to rural and ghetto practice, restriction of physician entry into specialities that are overpopulated, the use of allied medical personnel to replace physicians in the delivery of primary care, the introduction of computer-aided diagnosis and management as a means of upgrading the non-physician's performance and increasing his range of responsibilities, the use of television as a link between doctors and patients, and the introduction of new transportation strategies as a means of making high quality care available to areas of low population density.
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> In weighing these approaches, consideration must also be given to patient acceptance of new personnel and new technology, to the reliability of computer-aided diagnosis and management, to the response of the physician to incursions of new health personnel and new technology into his domain, to legal problems related to licensure and malpractice, to the time lags involved in the introduction of new strategy, and to the trade-off between quality and quantity that is implicit in changing the traditional patterns of health care. Only in this way can we allocate resources appropriately and can a desirable mix of manpower and technology be brought to bear.

There is another important concept in research and development; namely, "critical mass." This term originated in nuclear physics where critical mass is defined as the amount of radioactive material needed to produce a self-sustaining nuclear reaction. In research and development, critical mass refers to the minimum size and composition needed to achieve the important self-sustaining creative atmosphere for the undertaking. In theoretical basic research, one or two researchers may be the critical mass. On the other hand, in complex and larger research efforts, the critical mass may be hundreds of individuals from many disciplines. In complex and large undertakings where the critical mass is not achieved, researchers tend to pursue smaller tasks individually. The smaller efforts of individuals doing their "own thing" do not often cumulate to produce major efforts. Today we have inadequate numbers of people trained and experienced in this area, and those with this experience are dispersed throughout the Government, universities, and research institutions. As a result, the synergism that can occur when a critical mass of people who are problem solvers from many academic disciplines interact has not yet been adequately developed.

POLICY ANALYSIS ROLE

We also need to develop a strong capability in health care policy analysis. The United States, in reality, today has no overall health policy although there is growing recognition of the need for one.

Even the Department of Health, Education, and Welfare with its enormous responsibility in the health field, has no cadre of full-time professionals solely committed to policy research and analysis. At the Secretariat level, there are a handful of individuals dealing with these matters, but their time and efforts are too often devoted to dealing with present crisis or "firefighting" rather than examining the long-term issues, no matter how important the latter may be.

I might also add that the situation here in the Congress is even more critical. We in Congress should consider establishing a Joint Committee on Health to serve as adjunct to the respective leg-



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islative committees of both the House and the Senate. Such a committee could serve a role to the congressional committees with jurisdiction in the health area, similar to that played by the Joint Committee on Taxation in supporting and complementing the Ways and Means and Finance Committees.

It is clear that the resolution of major policy issues will shape the future of health care delivery in the country. Thus, there is an urgent need to develop analytical capabilities to cope with the large, complex and longrun issues, while the Nation continues to address the immediate problems in the health field.

Policy analysis then will be an important assignment of the Institute through its policy analysis division. As the committee report says:

Policy analysis will be an important part of the work of the Institute. The Committee intends that there be established within the Institute a Health Policy Analysis Division to enable groups of professionals to concentrate on long-term policies in the health field.

INSTITUTE'S MANDATE

The Institute will be headed by a Director, appointed by the President, with the advice and consent of the Senate. The salary of the Director will be at executive level 4, which is similar to and competitive with other Federal research and development agencies. The Institute will also have a Deputy Director, also appointed by the President, and not to exceed four Assistant Directors, selected by the Director.

It will carry out its functions through an inhouse capability and through an extramural effort at the regional health care centers and its two National Special Emphasis Centers, to the Health Care Management Center, and the Health Care Technology Center, as well as broad authority to: First, make grants to States, political subdivisions, universities, hospitals, and other public or nonprofit agencies, institutions, or organizations, and second, contract with public or private agencies, institutions, or organizations for the conduct of research and development, experiments, studies, demonstrations, and the training of individuals to plan and conduct such efforts.

The objectives and mandate of the Institute will be broad. It will pursue all methods and opportunities to improve and advance the effectiveness, efficiency, and quality of health care delivery in the States, regions, and communities of the United States through initiation and support of studies, research, experimentation, development, and demonstration of, but not limited to, 22 specific functions which are spelled out in the legislation. I read these functions as follows:

(1) The existing health care system, emphasizing means and methods to improve such systems and the devising and testing of alternative delivery systems;

(2) Health care systems and subsystems in States, regions, and communities which give special attention to the effective combination and coordination of public and private methods or systems for health care delivery;

(3) Preventive medicine and the techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases, particularly for preschool children;

(4) Systems and technical components of emergency health care and services (including at least one experimental statewide helicopter transportation emergency care system), which utilize, where possible, the skills of returning military corpsmen;

(5) Systems and components of rural health services;

(6) The development of policy with respect to long-term care, particularly for mentally and physical handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aides;

(7) Methods to meet the Nation's medical manpower requirements, including new types of manpower and their utilization and the extent to which tasks performed by physicians and other health professionals may be safely delegated to other appropriately trained individuals in both new and existent health occupations;

(8) Continuing education and the exploration of programs and methods to help health professionals to stay abreast of current developments and to maintain professional excellence;

(9) Health manpower credentialing, licensing, and certification;

(10) The medical malpractice problem, particularly as it relates to quality care, the practice of "defensive medicine" and added costs to the public;

(11) Programs for educating health manpower and the accreditation of such education programs;

(12) Application of all forms of technology, including computers and other electronic devices, in health care delivery;

(13) The efficiency, management, and utilization of new and existing health care facilities including studies of admission practices and examination of cost-finding techniques;

(14) The development of tools and methods to improve planning, management, and decisionmaking in the health care system;

(15) The development of information by which quality, efficiency, and cost of health care may be measured;

(16) The development of uniform accounting practices, financial reporting, and uniform health records;

(17) The development and testing of incentive payment mechanisms that reward efficiency in health care delivery without compromising the quality of care;

(18) The needs of individuals, families, and groups for health care and related services, emphasizing the various life styles, including environmental, recreational, and nutritional factors that bear on an individual's health; identification of those factors affecting acceptance and utilization of health care and related services; and the development of educational materials and methods communicating to the public the importance of personal decisions and actions on health;

(19) The economics of health care and related services, and the impact of the total system of health care delivery and related services upon the standards of living and the general stability of the national economy;

(20) Proposals for the financing of health care, including the potential cost and benefits, and their impact on the health care system;

(21) Concepts and data essential to formation of a factual basis for national health policies; and

(22) The effects on health care delivery of the organization, functions, and interrelationships of Federal, State, and local governmental agencies and programs concerned with planning, organization, and financing of health care delivery.

Mr. President, I would like to make some comments on a number of the specific functions assigned to the institute. It will examine the ways physicians and other health professionals are organized and utilized and the extent to which tasks performed by such professionals may be delegated to other appropriately trained individuals. With respect to any illness, we can combine the talents of medical personnel in various ways. Take a routine physical examination. It may be performed entirely by a doctor, by a doctor-nurse combination, with the nurse taking the medical history and the patient's temperature, or by a doctor-nurse-technician team where the technician performs many of the tests and the doctor's role is limited to the interpretation of the results such as in multiphasic screening. These different approaches to the routine physical examination may produce medical care of the same quality.

They, however, carry vastly different implications, both in terms of cost and the utilization of the physician's scarce time. Similiarly, experts tell us that from 70 to 80 percent of the pediatrician's medical task could be performed by a trained physician-assistant, such as nurses. Furthermore, it is generally felt that doctors spend too much time on routine tasks, including 25 percent of their time on business, such as bookkeeping, billing, ordering supplies, et cetera. Also, it has been estimated that nurses spend up to 25 percent of their time on paperwork. We need to explore all of these areas and to improve our utilization of scarce medical personnel.

The institute will study the manpower credentialing and malpractice problem. Both of these issues have been examined recently, but it is important that an examination and followup on these reports be made. Indications are that malpractice insurance may cost some hospitals as much as $2 a day per patient. The malpractice problem has also resulted in what some refer to as "defensive medicine" under which certain tests or procedures are ordered which may not be really necessary in order to protect a physician from a possible charge of negligence. The institute could use the Federal Government's Public Health Service hospitals and outpatient clinics if license laws prove to be an obstacle to experimentation on the use of new categories of health manpower. Successful experimentation in these Federal facilities should encourage their use elsewhere.

The new institute also will have the responsibility of examining the efficiency, management, and utilization of new and existing health care facilities including studies of admissions practices, financial reporting, and uniform health records.

Some medical experts estimate that as many as 30 percent of hospital admissions are unnecessary. With the average cost of a single day's stay in any hospital being $100 in many urban areas, it becomes important to avoid unnecessary hospitalization. The U.S. Chamber of Commerce in their excellent study, "Improving Our Nation's Health Care System: Proposals for the Seventies," pointed out the need and potential for operational analysis to control cost saying:

Operational analysis by hospitals should quickly become widespread. One hospital director has in effect a predicted length of stay profile for each diagnosis, to use in measuring a doctor's performance. He requires a prospective rather than a retrospective hospital utilization review to be carried out, so that each discharge can be measured against the predicted length of stay for that diagnosis. He suggests greater reward for doctors whose performance results in lowering community costs.

The average length of stay in his hospital is much lower than surrounding institutions. These illustrations suggest the scope for applying to the hospital cost-saving operational analysis familiar to industrial engineers for a generation or more.



An article in Medical Economics of December 1971 featured Parkview Hospital in Indiana which operates with one-fourth fewer employees per patient than comparable hospitals nationally, and at no apparent sacrifice in the general level of care. The cost per patient at this hospital was $58.09 compared with an average of $83.11 for other Indiana hospitals with 250 beds or more.

While I have not evaluated these particular situations personally, I believe they illustrate the potential for operational analysis and the desirability of uniform accounting rules and reporting so that administrators will be able at least to compare the cost and quality of their facility with comparable facilities elsewhere. This should be a useful tool in moderating health costs.

There is also the serious problem of communities and professionals competing for the most advanced and expensive equipment. This often results in unnecessary duplication. Open-heart surgery is a good example. One hospital director has said that open-heart surgery requires a team of 12 doctors, nurses and technicians on constant standby and that 50 operations are needed a year in order to keep the team at its maximum effectiveness and efficiency.

Yet, of the 800 hospitals equipped to do this surgery, one-third do not have a single operation in a year, let alone 50.

A 1972 General Accounting Office study pointed out that the problem of duplication also exists at the Federal Veterans Hospitals. The study noted that since 1965 the Veterans Administration has established 23 open-heart surgery centers in its hospitals and that only 7 centers during fiscal year 1971 performed the minimum number of open-heart operations considered necessary.

The Institute would have a mandate to develop and test incentive payment mechanisms that reward efficiency in health care delivery without, of course, compromising the quality of health care.

The Institute would also examine the applications of all forms of technology including computers and other electronic devices in health care delivery. In this connection the Institute along with the Health Care Technology Center, will examine data processing, which has become standard in other segments of our society. One of the Nation's aerospace corporations did a study of the famed Mayo Clinic and they found that in a $1,000 hospital bill, $300 went to unproductive information handling and filing. Alarmingly, they also found that with all the red tape required, 12 individual steps were needed merely for an X-ray picture—there was one chance in six that the hospital test had some error in it.

The potential of data processing has been illustrated in my State by the Maryland Blue Cross—computer link arrangements with 30 Maryland hospitals. This has enabled Blue Cross to cut its costs of processing patients' admissions and claims by 30 percent from $3.60 per claim to $2.52 per claim.

The Institute will also encourage the development of preventive medicine and the techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases, particularly for preschool children. One issue that needs to be answered here is the cost and benefits associated with annual physical examinations or periodic physical examinations at critical ages. With the growing evidence regarding the importance of the early learning years and the growing interest in early childhood programs, I believe it is important that we develop techniques for early detection of physical or mental difficulties that children may have. That is why I have particularly emphasized the early diagnosis for preschool children.

The Institute will give special emphasis to the development of systems and components of rural health services. Certainly, there is little disagreement with respect to the need to upgrade health care in many rural areas.

The Institute will develop policy with respect to long-term care, particularly for mentally and physically handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aids. Long-term care was one of the areas of concern at the White House Conference on Aging. I believe that society's experience in other areas such as mental retardation demonstrates that alternatives to institutionalization are possible.

The Institute will develop and test systems and technical components of emergency health care and services—including at least one experimental statewide helicopter transportation emergency care system—which utilize, where possible, the skills of returning military corpsmen. This is a neglected area and has been aptly called the "hidden crisis in health care." Injuries are the chief killer of Americans aged 1 through 38. All of us are potential victims. Yet, the fact is that a trauma victim in Vietnam probably has a better chance of survival than an accident victim in the United States. This is because the military, during the Second and Korean Wars developed a highly organized system for transporting and caring for the emergency victim. This procedure has been perfected in Vietnam to such an extent that former Secretary of Defense Laird, during the war was able to declare that the death rate of such victims in Vietnam was near zero.

The technology and know-how is there; all we have to do is organize on a rational basis and apply these lifesaving methods. Heart attack victims could also benefit from improved emergency care arrangements, as some experts have estimated that prompt and early care might potentially save 150,000 heart attack victims annually.

My own State of Maryland, for example, is a pioneer in the emergency health field with one of the Nation's most sophisticated trauma centers, which was recently named the Institute for Emergency Medicine. The State has announced plans to develop a statewide emergency medical system. I work closely with the State and they have received a major grant to develop a communications system. They have now four helicopters in operation and need three or four more. When such a system is operational, the able director of the institute, Dr. R. Adams Cowley, predicts that accident deaths in Maryland could be cut in one-half in 2 years.

TRAINING AND TECHNICAL ASSISTANCE

The Institute will develop methods and support training of individuals to plan and conduct research, development, and evaluation of health care delivery and provide technical assistance and develop methods for the transfer of new knowledge, components, and systems to the health community. The Institute is also authorized to exchange information and collaborate with other countries for the advancement of health care delivery in the United States. The Institute and its affiliated centers will also provide an opportunity for individuals from industry, local and State government and Federal agencies to receive training.

In addition, alumni of the Institute and centers will be available for administrative and policymaking positions in the health community.

These responsibilities are critical. Our ability to expand research and development in the health care delivery field will require additional skilled and trained personnel. Yet the number of economists, physicians, engineers, lawyers, and other experts qualified by training and experience to work in health care research and policy analysis field is limited. I believe that the broad authority granted to the Institute and its centers to develop methods and support for the training of individuals in this field will enable the production of the required manpower.

The Institute should seriously explore the fellowship and training grant mechanism employed so successfully by the National Institutes of Health to lure young talent into Biomedical Research. Basically, NIH uses two approaches. First, following an individual's intern or residency, fellowships are available on a national competitive basis for research. The competitive nature of the fellowship program plus the preeminence of the National Institutes of Health have combined to make this mechanism most successful.

Second, certain universities become training centers for a specific area, for example, heart diseases, and that institution is given a grant by the National Institutes of Health which enables the Institute to attract researchers.

The critical importance of the training function make it imperative that the Institute capitalize on the experience of NIH and others and provide the support



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necessary to produce first-rate professionals in this field.

The Institute may also consider the scholarship approach for postdoctoral work as this might encourage the flow of skilled individuals to create a cadre of professionals sharing common analytical concepts of understanding. The Institute may also determine that long-term appointments are needed to attract individuals from academic life and this certainly would be possible under the broad authority also. Furthermore, the Institute or the Centers may be supporting or conducting seminars in this area. These examples are only cited as illustrative of the broad authority provided to the Institute and the Centers. The specific training program, incentives, and personnel policies will be decided by the Director.

It cannot be emphasized too much the importance of this training function for as the committee report notes, "The committee believes that the requirement and training of top caliber personnel must be an important priority of the Institute, for the ultimate success of the enterprise will depend on men and women who direct and work in the Institute and its Centers.

The new Institute will also have a major evaluation role. The Institute will evaluate the quality, effectiveness and efficiency of Federal health programs, including medicare, medicaid, and the maternal and child health programs of the Social Security Act. For such evaluation, the Secretary of Health, Education, and Welfare is authorized to transfer the evaluation funds appropriated pursuant to section 513 of the Public Health Service Act as he deems necessary.

The Institute will have more expertise, talent and objectivity for evaluation of programs than probably any other Federal agency, and I believe its utilization for this purpose will be exceedingly desirable. There is general agreement that more and improved efforts in evaluation are needed.

EXPERIMENT INCENTIVES

The legislation also provides for supplemental incentive grants to encourage experimentation. The basic thrust of this section is that when the National Advisory Council designates a project or a health facility as essential to the research and development efforts of the Institute or centers, and where it was determined that such experimental efforts would not be undertaken without this incentive, the Director could increase or supplement the regular Federal grant-in-aid health programs up to 80 percent.

For example, under Hill-Burton, the Federal program for health facility construction and modernization, the Federal matching in general cannot exceed two-thirds. Assuming that a particular facility was designated as essential, this section would enable the facility to receive 80 percent Federal matching. Not more than 10 percent of the funds authorized by this legislation could be used for these incentive grants to encourage experimentation.

REPORTS

The Director of the Institute, within 1 year after his appointment and prior to February 1 of each year thereafter, is required to prepare and submit to the Secretary of Health, Education, and Welfare for transmittal shortly thereafter to the President and the Congress, a written report including: First, an appraisal of the Institute's activities, and accomplishments; second, a summary of its significant research and development findings; third, an identification and recommendation concerning those factors or barriers which inhibit implementation of the Institute's significant findings or prevent innovation in health care.

ACTIVE ADVISORY COUNCIL

The Institute will have a prestigious National Advisory Council on Health Care Delivery. This Council will have 21 members, including the Secretary of Health, Education, and Welfare, the chief medical officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, the Director of the National Institutes of Health, the Administrator of the Health Services and Mental Health Administration, and the Director of the National Institute of Health Care Delivery as ex officio members. The other 15 members will be selected by the President from persons who are leaders in the field of medical science, or the organization, delivery or financing of health care; leaders in the management sciences; or representatives of consumers of health care.

In selecting the membership of this Council, it is my intention that the President search for the most distinguished and talented individuals available. The legislation does not spell it out, but it is my intention, and that of the committee, that at least one of the Council members be a practicing physician. At least seven of the Council members must be representatives of consumers. The President will designate the Chairman of the Council, and they will meet at the call of the Chairman, but not less than four times a year.

The bill contemplates an active Council, and specific responsibilities are delineated in the legislation. The Council will be responsible for reviewing the programs, policies, and priorities of the Institute; examining and coordinating health care delivery efforts within the Department of Health, Education, and Welfare and other Federal agencies so as to avoid duplication; assuring that significant research and development findings are communicated throughout the health system and to the public; and evaluating the impact of the Institute's research and development efforts on the health care system.

The Council will be independent and will have its own Executive Director. If the Council is to enjoy the independence that the legislation envisions, it is important that it have a top staff person accountable only to the Council.

The Council under the measure would also be required to submit, as an appendix to the Director's report which I previously discussed, a summary of the progress of the Institute in achieving the bill's objectives and the Council's evaluation of the status of health care delivery and research and development in the Nation. Any minority views of Council members will also be included in this report.

NEEDED ADMINISTRATIVE PROVISIONS

In drafting this legislation, I have studied the various Federal research and development agencies such as the National Institutes of Health, the National Aeronautics and Space Administration, the National Science Foundation, and the National Institute of Education, which was enacted into law last year. We have given to the Institute the administrative provisions which seem to be important to a successful research and development effort.

Thus, the new Institute and centers are provided a flexible personnel system to enable the attraction of the most qualified and talented individuals. This will include the authority, when the Director deems it necessary, to establish the entrance pay level up to two grades higher than it otherwise would be and the authority to appoint a percentage of the employees without regard to civil service laws.

The new Institute is granted the authority to carry over unexpended funds from 1 year to the next. This is vital and will permit the Institute to provide stable funding for multiyear projects which are important in research and development.

The new Institute would be given joint funding authority which will enable the waiver of certain requirements for undertakings where funds are advanced to a single project by more than one Federal agency. The frustrating experience that Johns Hopkins University had in my State when they were moving to establish a prepaid practice program in Baltimore City, illustrates the need for this kind of authority. To put their program together, Johns Hopkins had to deal with 13 different agencies, each with different standards and requirements. Program fragmentation and different, inconsistent rules and regulations almost made the program come apart before it was implemented.

The health programs of the Federal Government are divided in nine departments and at least one dozen agencies. There are a number of provisions in my bill aimed at this problem. First, there is a specific provision directing the establishment within the Institute of offices and procedures necessary to provide for the greatest possible coordination of research and development under the act with activities conducted by other Federal agencies and public and private agencies.

Second, the National Advisory Council has a specific assignment to examine and coordinate health care delivery efforts of the Department of Health, Education, and Welfare and other Federal agencies so as to avoid duplication.

Third, the President is granted for a 2-year period, the authority to transfer to the Institute any program or personnel within the Department of Health, Education, and Welfare when he feels such action is desirable.

DISSEMINATING RESULTS

Mr. President, it is important that the results of the Institute and its centers be disseminated in a timely manner to the health care system and to those Federal agencies responsible for health services. Significant results are of little value if they remain on some shelf or in some Federal storage room. Health is a field which the president of Blue Cross recently characterized as "restlessly in transition." Health is a field in which change may occur rapidly and I believe it is imperative that health researchers and administrators be kept up to date with respect to current development.

To assure that the significant findings are disseminated to the health system and to the public, there would be created within the Institute a Health Care Delivery Information Service. This office would provide, or arrange for, the provisions of indexing, abstracting, translating, or other services leading to a more effective dissemination of health care delivery information and undertake programs to develop new or improved methods for making such information available.

A variety of media could be used by the Health Care Information Services, including a computerized storage and retrieval system, microfiches and suitable periodicals or other publications. The office might also publish or support a monthly journal which would abstract both national and international literature bearing on health services. In addition, it would be useful for the office to establish or to encourage the establishment of a high quality, timely publication service for research reports, monographs, state of the art papers, and other information in the field.

In addition to making certain that the timely information reaches individuals in the health system, the office is expected to help prevent needless duplication of research efforts and the waste of scarce Federal resources.

REGIONAL AND SPECIAL EMPHASIS CENTERS

S. 723 also authorizes a maximum of eight regional centers and two special emphasis centers, the Health Care Technology Center and the Health Care Management Center. The objectives of the regional centers are: First, to enable the study of the different health care problems of the various regions of the Nation; second, to broaden and strengthen the Nation's research and development base in health care delivery; and third, to link better research and development with actual practice.

It may also be desirable, in addition to the above general purposes and programs, that some or all of the regional centers might specialize in an area or areas such as the malpractice problem and other medical-legal issues; and information handling problems.

The location of the regional centers will be determined by the National Advisory Council. This Council, to the extent feasible, is directed to provide broad geographical dispersion of the centers. When all of the centers are operational, each region of the Nation will be served by a center.

I do want to emphasize that the bill authorizes, not to exceed eight regional centers. I want to underscore the admonition in the committee report that "It is not the intent of the committee that all eight centers be created initially." The committee, mindful of the manpower and other constraints, by this language is stressing our intent that we desire the regional centers to be of highest quality. While I envision that all eight centers will be operational sometime in the future, I want to reach that number without sacrificing quality.

Thus, it may be desirable that only two centers be established at the outset. Then, as the Institute's training efforts begin to produce the additional trained manpower, more centers would be established. An added advantage of this approach is that the experience of the early centers should enable subsequent centers and the Congress to learn and make adjustments as experience indicated were necessary.

The regional centers will be funded initially by the Institute for up to 3 years. Thereafter, following a review of each center's work and operations, by the Director and upon the recommendation of the National Advisory Council, the Director may extend the centers for an additional period of not more than 3 years. After this period, it is my intent that the majority of the regional centers' support will be program support in competition with other institutions. I also hope and believe that the States in the regions in which the various centers are located will utilize the centers for research, development, and evaluation.

Thus, at the end of the 6-year period, the success of the center will be determined by the quality of their efforts and the degree of interest shown in their work by the States, local governments, private foundations, industry, and the health care community within the area in which the centers are located. These centers may be managed by a university, or a number of universities and colleges under a consortium arrangement, or by public and private organizations and associations, both profit and nonprofit.

SPECIAL EMPHASIS CENTERS

Two special emphasis centers, a Health Care Technology Center and a Health Care Management Center are also authorized.

The Health Care Technology Center will focus on all forms of technology, including computers, and electronic devices, and its application in the improvement of health care.

Technological advances in such areas as space, communications, and data processing in the last decade have been almost unbelievable. Yet, the technology has not made a similar impact on the health system. In fact, much of the health care system continues to employ the same manual procedures used at the turn of the century. We need to wed 20th century technology with 20th century research to improve the delivery of health care. This will be the assignment of the Health Care Technology Center.

President Nixon, in a number of messages to the Congress, has emphasized the need to encourage the application of science and technology to the solution of domestic problems. In his March 2, 1972, health message, the President specifically identified health as a "vital area" for exploiting technology.

One must confess that the expectations, particularly in the 1960's, that technology would produce a "revolution in health care" have not materialized. The Health Care Technology Center is expected to provide the leadership and mobilize the Nation's involvement and interest in the development and utilization of technology. Particular attention needs to be paid to the involvement of private industry, for the successful development of technology depends, to a great extent, on the interest and actions of private industry. Industry's limited involvement in the health technology area today results from a number of factors including the diffused markets of the health field; the limited success achieved to date; and the Government's failure, to give priority to the utilization of technology in solving of health problems as has been done, for example, in space and defense.

Technological solutions are not likely to result unless the above difficulties are addressed.

There is a need to aggregate both health resources and markets. Once this occurs, I believe industry will identify and take advantage of the economics of scale that generally results from larger markets

I am convinced that there are steps that the Federal Government in general and the Health Care Technology Center in particular can take to encourage technological development in the health area.

For example, various agencies of the Federal Government operate their own health systems, such as the Defense Department and Veterans' Administration. These Federal health systems offer the opportunity for a market sufficiently large to attract industry investment.

Second, the Federal Government could identify potential opportunity for technological solutions and solicit competitive bids through requests for proposals (RFP's) as is done by the Defense Department. Thereafter, there could be full funding of a prototype followed by a guarantee that a sufficient number would be purchased to insure a profit. The units produced could then be sold, loaned, leased, or donated to invididuals or organizations that would use them effectively.

A decision, for example, could be made by the Federal Government to do something about the problems of the visually handicapped in the country. There are about 400,000 legally blind persons in the Nation today. It has been estimated that many of them have a significant amount of visual perception in at least one eye. Optical devices, such as eyeglasses, are of limited value to many of these citizens since such glasses only magnify the image and do not control brightness and contrast which are equal in importance in perceptual acuity. The Rand Corporation has designed and fabricated a prototype circuit television system (CCTV), an electro-optical system involving image magnification, brightness, and contrast. This prototype system has been tested on a number of visually handicapped people ranging in ages from 10 to 83 with a wide variety of eye disorders. Better than 80 percent of the subjects have found the system helpful in reading and writing.



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Work is now underway on a second generation system which is aimed at solving the difficult problem that many partially sighted persons face, namely the transfer of information from one place to another.

The CCTV could well be the forerunner of the new series of devices which would be used to enhance the education of visually handicapped children, to permit partially sighted persons of working age to obtain and hold well-paying jobs which would otherwise be closed to them, and to allow elderly persons with reduced vision to enjoy the pleasures of reading and writing during their declining years.

I cite this as only an example of the problem area for which there exists a sufficiently large market which would undoubtedly create a response from the industrial community, as well as lead to a tremendous aid for the handicapped, if the decision were made to exploit technology in this area.

The committee report makes a point with respect to the technology center's purposes which is important and bears reiteration. The report states—

The committee wishes to emphasize that the center's purpose is to encourage the development of technology to solve the health problems of our citizens and our health institutions and not as a place to find markets for available technology.

In other words, the center should be searching for technological solutions to patient care, health institutions, and systems problems, and not for ways to utilize available technology.

It is also important that the technology or systems that are developed are such that can or will be adopted by the health professionals. It would be also extremely valuable if the technology center would develop expertise with respect to technological forecasting so that the consequences, particularly the cost, of new technology might be predicted. Certainly, with the rising health care costs, the health system does not need "technological playthings" which are neither cost effective or fail to increase productivity.

Mr. President, the Senate Labor and Public Welfare Committee, on which I served in 1971 heard testimony regarding the potential of the computer coupled with new "health care specialists." The committee saw demonstrated a potential way of extending the doctor in remote areas which have been unable to attract a physician.

The computer is already being employed in such areas as the interpretation of the electrocardiogram and the automation of history taking. Last year I visited the University of Maryland Hospital Trauma Center and I watched the computer perform a variety of tasks, including the constant monitoring of even the chemical content of the air that the center's severe trauma victims were breathing.

I believe that there is enormous potential for the use of technology that could bring many benefits to the public and the patient.

At present, our success has been limited. At present, only a handful of individuals are actively concerned with the technology and its potential in helping to solve health problems.

The health care technology center is designed to remedy this situation and serve as the focal point for an accelerated group research effort on both program and hardware development.

The second special emphasis center, the health care management center, is of critical importance. For as Dr. Kerr White, professor of medical care and hospitals, of the Johns Hopkins University has observed—

Vastly improved managerial expertise is a prerequisite for any meaningful improvement in our health care system at the operating and geographical levels.

The health care management centers will focus on the improvement of management and/or organization in the health field, the training and retraining of health administrators, and the development of leaders, planners and policy analysts in the health field. The job of the managers in the health field is most complex. The modern manager of a health enterprise, if he is to carry out his responsibilities with maximum effectiveness, must have a basic undertsanding of a wide variety of management skills and some background in such areas as health, economics, computer technology, and statistics, to mention a few.

Quite often medical administrators are elevated to these positions without adequate preparation for these new responsibilities. Certainly American industry would make certain that its top executives are adequately trained and the health system must do no less. There is also often the need to provide retraining, as is evidenced by the letter I received from an administrator, Dr. Fine, deputy commissioner of the Boston Department of Health and Hospitals. He said—

Practitioners of health care administration, among whom I am one, have been flying by the seat of their pants for too long.

The nation deserves better. There is currently no systematic effort I know of to reach decision makers in the health care field with the results of innovative research and to stimulate a research orientation to many of the problems we all face in the financing, organization, and delivery of services.

There is moreover, an almost total neglect of more formal continuing education opportunities for health care administrators . . . After ten years or more in the field, many of us are in positions of responsibility and strong in experience but weak in understanding of fundamental advances in health care systems, e.g. the problem-oriented medical record, how to organize a prepaid group practice, the use of television in medical diagnosis and treatment, computer applications to health systems problems, etc.

The administrative officer of each regional center and each special emphasis center will be required to submit annually to the director a report which shall include an audit of expenditures; bibliographies, with annotations of research performed; and a description of on-going research program including a summary of significant research and development findings.

The regional and special emphasis centers have a separate authorization of $20 million for the initial fiscal year and a total of $75 million over a 3-year period. Support for a center, other than support for construction, shall not exceed $2 million per year per center, except for the health care technology center, and Federal assistance may be used for research and development, staffing and other basic operating costs, training, demonstration purposes, and construction where the National Advisory Council deems necessary.

CONCLUSION

Mr. President, the health care enterprise in the country is our second largest industry today with spending totaling $83.4 billion, or 7.6 percent of our gross national product. By 1974, health will probably become our largest enterprise with expenditures exceeding $100 billion.

The magnitude of these expenditures alone argue for an accelerated and strengthened research and development component in the health field. There is considerable public frustration and dissatisfaction with various aspects of health care. The public is alarmed over rising costs. Last year I made reference to an Associated Press story which appeared around the time that the institute proposal passed the Senate. This story headlined that the hospitals per day cost in 1971 averaged $92.31, an increase of 13.9 percent over the previous year.

The story hastened to add, however, that the 1970 increase was 15.7 percent and that hospitals have been able to slow the rate of increase. I said then and I repeat today—

Think about it, over a 2-year period almost a 30 percent increase in hospital costs occured. This obviously cannot continue.

The public is also concerned about the manpower and facility shortages as well as their maldistribution and the last Congress passed legislation in response to this problem. The public is also distressed that the benefits of medical science and the scientific discovery system are not reaching them.

There is considerable change occurring in the health system. The rapidity of change and reform is likely to accelerate in the years ahead. I believe that it is imperative that we strengthen our research and development capabilities in the health area so that we may make more intelligent choices and foster constructive changes. I believe that we desperately need advanced warnings of approaching "crises." I believe we need more information upon which to base decisions and make meaningful comparisons in the area.

I believe we need to sharpen our abilities to illuminate issues and to identify possible options and their implications. I believe we need a framework for evolving health care policy for the long term while we continue to address the immediate problems. The size of the health enterprise, its importance to the American public, and the growing Federal investment, make it imperative, in my judgment, that research and development in health care delivery must become as important and achieve the preeminence of biomedical research in the United States.



The respected "Science Journal," in a favorable editorial on my proposal, said—

A major tour de force is needed now to dramatize the importance of rationale organization and planning services . . . If the magnificent benefits of American medical research are meant for all of our people, then an effective science of health care delivery is as important as the medical research itself.

I ask unanimous consent that this editorial be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, as Dr. Kerr White of Johns Hopkins University noted—

The issue in research and development, it seems to me, is the extent to which we are prepared to make federal, state, institutional, academic and industrial commitments to aggressive pursuit of improved ways of providing health care.

Acceptance of change is inevitable and recognition that we need more science in health care rather than less seems essential. The point to be recognized is that the sciences required are more than those encompassed by the traditional biomedical sciences.

The new National Institute of Health Care Delivery recognizes the need for a multidisciplinary attack, represents such a commitment, and provides the "major tour de force" to make health care delivery as important as medical research, and to help speed the benefits of medical science and the scientific discovery system to the people of the United States.

I strongly urge its enactment by the Senate and the Congress.

In conclusion, once again I thank the distinguished Chairman of the Health Subcommittee, the Senator from Massachusetts (Mr. KENNEDY), for his work and cooperation in bringing this legislation to the floor.

EXHIBIT 1

THE TOPSY-TURVY WORLD OF HEALTH CARE DELIVERY

In a recent speech Senator J. GLENN BEALL, Jr., (R-Md.), called for the establishment of a National Institute of Health-Care Delivery.* In so doing, he has focused attention on a national problem of broad scale and transcendent urgency.

Over the years the American people have prided themselves on being the best clothed, best fed, best housed, best educated, and healthiest people in the world. But recent health statistics give cause for concern. Across the board, we are not the healthiest people in the world, in spite of a number of impressive facts. The nation has spent some $20 billion on biomedical research since the late 1940's. We now have more physicians and hospitals than ever before. And currently we spend for health services more—and the rate of expenditure is escalating more rapidly—than we have ever done before. In the last decade alone, physicians' fees have risen twice as rapidly and hospital charges four times as fast as other items in the Consumer Price Index.

The situation is a complex one. Certainly, the balance among the diseases has shifted toward the degenerative disorders. But, in addition, there are striking geographic variations in the availability of health resources. There are marked differences in availability for urban and rural populations and for the poor and the more affluent. Most insurance coverage is inadequate in that it excludes outpatient and preventive services and only partially accommodates catastrophic incidents. And, generally, resources, particularly those for unusual treatment, are poorly utilized everywhere. (If, for example, the utilization of health-care resources were improved by only 10 percent, the saving would be $5 billion. But, with a high proportion of third-party payments, there is little incentive for efficiency. Instead, the trend is to use the higher-cost facilities and services and to make as many of these available as possible.)

The essential ingredients of the Beall proposal merit serious examination. By 1970, health-care delivery had become the nation's second largest industry. But last year only $18 million was spent on research in this area. No other industry can make such a claim. The National Institutes of Health are charged with the technical aspects of prevention and treatment. The Health Services and Mental Health Administration is concerned with health-care delivery, but it has other responsibilities as well. A major tour de force is needed now—an administrative mandate backed by appropriate funding—to dramatize the importance of rational organization and planning of services, even though such action would add yet another agency to the welter already existing in the health field. Future legislation would do well to direct its sole attention to the social sciences, both basic and applied, which underlie effective organization and management. Furthermore, the importance of testing and evaluation should receive significant consideration. Already, a number of alternative systems—for instance, group practice, private prepaid care, a variety of community health-care schemes, and health maintenance organizations—are in various stages of design and development, and a nation with an established scientific tradition must certainly recognize the importance of pilot projects.

If the magnificent benefits of American medical research are meant for all of our people, then an effective science of health-care delivery is as important as the medical research itself.—WILLIAM BEVAN

* J. GLENN BEALL, Jr., "A proposed institute health statistics give cause for concern of health-care delivery," CONGRESSIONAL RECORD, vol. 117, pt. 15, pp. 19852-29854.

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 19, line 18, insert the following new sentence: "Funds authorized for the fiscal year ending June 30, 1974 shall include all of the funds authorized under section 304 of this Act."

On page 19, line 13, strike "$30,000,000" and insert in lieu "$95,000,000".

On page 19, line 14, strike "$125,000,000" and insert in lieu thereof "$105,000,000".

On page 19, line 15, strike "$150,000,000" and insert in lieu thereof "$115,000,000".

Mr. KENNEDY. Mr. President, the figures which are authorized under the bill of the distinguished Senator from Maryland amount to some $430 million. This amendment would reduce that total of $430 million to some $390 million, which will include some new authorizations as well as those in existing law.

The figures, as indicated in the amendment the Institute would have available some $95 million the first year, $105 million the second, and $115 million the third; and for the development of the various regional and special emphases centers, $20 million the first year, $25 million the second, and the $30 million the third year.

There will be in existence authorization for some $94 million the first year assuming S. 1136 becomes law, which I anticipate in the very near future. We are rounding that off to a $95 million authorization; and so, in this sense, it will mean only approximately $21 million of additional authorization for the first year of the bill over existing law.

I know that this is a considerable downward reduction in the figure originally proposed by the Senator from Maryland. It distresses me, as I am sure it does him, that we are going to have to have this kind of reduction, particularly since I think this is a worthwhile and justifiable investment and investment which would, I think, return to the consumers of his country hundreds of millions of dollars, even billions of dollars, over future years. I think that he has, as I mentioned earlier, put his finger on one of the areas in the health field where there has been a paucity of funding and energy in recent times.

So I offer the amendment with considerable reluctance. I offer it with the recognition of the very serious budget restraints that I think all of us feel we are under, even in this health area.

If the Senator is willing to accept the amendment, I shall certainly make every effort I can to see that we get the funding and that we gradually get some increasing authorizations over the years, because this is a sound program and one which I support and which I enthusiastically urge my colleagues to support.

Mr. BEALL. Mr. President, again I thank the Senator from Massachusetts for his remarks concerning this piece of legislation and with the same reluctance that he proposes the amendment to reduce the funds—and when I say reluctance, I mean that I am willing to accept the amendment.

I recognize the practicalities of the situation but although we would like to have more money available for what we consider to be a laudable purpose, that

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of bringing a greater coordination and emphasis into the research and development in the delivery system of health care, I also recognize that we are operating under severe budget constraints and it is necessary that we view these matters realistically and practically.

The amendment offered by the Senator from Massachusetts is a reasonable one and I shall support it.

We should make clear, Mr. President, that the estimated fiscal year 1974 budget is $64 million in this effort. The authorizations then in this measure are reasonable. I believe such an investment will return dividends many times over that amount in the years ahead.

Therefore, Mr. President, I shall support the amendment offered by the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just before we vote, I want to indicate that part of this concept is the development of the field offices all across the country which can be very important and useful centers for the development of the delivery of health care. Hopefully, they will be developed in the rural communities as well as in the urban areas. We are authorizing some $20 million for that in the first year. That will build up as well, so that I think even though first year authorization is modest, the future authorizations are significant and the thrust and the scope of this legislation, I think, can be extremely significant and important in improving health care generally in the country.

I am glad that the Senator from Maryland will accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. DOLE. Mr. President, national expenditures for health have been increasing rapidly over the past decade. In 1972 Americans spent more than $83 billion on health, and that figure is expected to reach $100 billion or more in 1974. Yet in the State of Kansas, and I am sure the same can be said for many other areas of the country, the problems of maintaining adequate health care still plague a large portion of the population.

As a nation we have exhibited our concern with health matters by investing more than $20 billion on health biomedical research since World War II, and it is estimated that by 1980 one out of every $10 spent by an American will go for health. Yet even with this investment, large segments of the population are still not receiving the health care they need and deserve. The excellent knowledge and capabilities of the health care providers are simply not being delivered to all Americans, especially those in rural areas.

RURAL MEDICAL PROBLEMS

No single cause can or should be cited for these areas of deficient health care delivery, since the reasons for the deficiencies are numerous and complex. In rural America the rapid decrease in farm population has been as big a factor as any in the decreasing level of health care available in these areas. As population density has dwindled, it has become more difficult and less lucrative to maintain necessary health care services. The size of the area served by each physician has been expanded and patients as well as doctors and other medical personnel are now required to travel longer distances to receive and deliver health care.

In western Kansas, numerous small towns are now losing physicians through retirement. Those physicians are not being replaced by a younger generation of doctors. Well-equipped and modern hospitals are being threatened with closure due to the lack of physicians to staff them. More than half of the counties either have no dentists at all or a dentist/patient ratio that exceeds 1 to 3,000. A reliable, adequate level of health care is a necessity for any community, and I feel it is time for the Federal Government to address itself in a comprehensive way to the problems of health care delivery and the challenge of bringing the latest medical expertise and knowledge to every American.

Yet this does not mean that the Federal Government should dominate the health care effort, nor do I feel that any drastic revision of the health care system is in order. Rather, Federal involvement should complement the private system and working through it help encourage the delivery of health care services to areas currently not served, while also concentrating effort and resources in areas and on issues of national priority. What is needed is not a new system, but rather a new sense of cooperation between all levels of government and the private sector, working toward the goal of establishing a system of health care delivery which will insure quality health care to all Americans.

It is generally acknowledged that Federal Government effort in the area of health has not been totally successful, but admittedly many of the programs have had a tremendous impact on health care across the country. The Kansas regional program has been one of the most efficient and effective efforts to improve health care delivery in Kansas.

Its programs have helped meet the health manpower needs of the State and improved health care delivery to the less populated and doctorless counties of the State through the use of nurse clinicians. Other programs have worked to aid physicians in their efforts to meet the tremendous demands and responsibilities which result from being the only doctor in a western Kansas county.

I applaud the accomplishments of the program and feel its emphasis on health care delivery has brought more health improvements to Kansas per Federal dollar expended than any other Federal health program. Its success and efficiency are due in large part to the fact that it works through the existing system providing resources and technical assistance to help the system itself meet its increasing demands. Numerous solutions are developed, each specifically tailored to a particular community's or area's needs rather than trying to force a broad, comprehensive program on the Nation as a whole with massive Federal expenditures used to entice participation.

S. 723, the National Institute of Health Care Delivery Act of 1973, employs an approach similar to that of the regional medical programs. The national institute is provided with a broad legislative mandate to examine all aspects of the health care system and the ways and means of improving that system, as well as devising and testing alternative systems. Grants will be made to States, political subdivisions, universities, hospitals, and other parties active in the health care field to enable them to conduct research and develop solutions to their specific health care problem.

WORTHWHILE APPROACH

S. 723 provides for the establishment of a National Institute of Health Care Delivery to carry out a multidisciplinary research and development program to improve health care delivery. The institute is designed to become the principal Government agency for the improvement of health care delivery in the United States. In addition to the national institute, the bill also proposes the establishment of as many as eight regional centers to study the health care delivery problems which are peculiar to the various areas of the country. I would hope that one of these centers might be established in Kansas to study the special problem of health care delivery in the less densely populated areas of the Great Plains. Such a step would be entirely appropriate in view of the work already done by the Kansas rural medical program, and the KRMP's efforts could serve as a well-established base for expanding and improving the initiatives in this area.

The National Institute of Health Care Delivery is intended to improve the effectiveness, efficiency, and quality of health care in the United States through the initiation and support of experimentation in special areas, several of which are of major concern in Kansas. Research in these problem areas and the findings and recommendations which would result would therefore be invaluable to the State. Areas spotlighted for further study and which are of special significance to Kansas include:

Study of the systems and the components of rural health care.

Development of a policy with respect to long-term care—particularly for mentally retarded and physically handicaped individuals and senior citizens—with special emphasis on alternatives to institutionalization, including the use of home health aids.

Study of manpower requirements including new types of health manpower to insure that adequate physicians, health professionals and technicians will be available to deliver quality health care to all segments of the population.

Development of systems and technical components of emergency health care and services, including at least one experimental statewide helicopter transportation emergency care system, which would utilize, where possible, the skills of returning military medical corpsmen.

Development of preventive medicine and the techniques and technology including multiphasic screening and testing, to improve the early diagnosis and treatment of disease, particularly for preschool children.

Continuing education and the exploration of programs and methods to help health professionals to stay abreast of current developments and to maintain professional excellence.

BUILD ON EXISTING GOOD

The programs authorized under S. 723 could bring major improvements in the health delivery field. The dollar investment is relatively small. The emphasis of the bill is on improving and making better use of existing health care system components, rather than investing large amounts of Federal dollars in new delivery programs which are unproven and possibly disruptive of the good that does exist in our existing health care delivery systems. I am hopeful that this measure will be enacted so the work and study in this important field can begin in the near future.

QUORUM CALLS

Mr. BEALL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BEALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEALL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on S. 504, to be called up shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on S. 504.

The yeas and nays were ordered.

The PRESIDING OFFICER. The pending bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa (Mr. HUGHES) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Iowa (Mr. HUGHES) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Wyoming (Mr. HANSEN) is necessarily absent.

The Senator from Virginia (Mr. SCOTT) is absent on official business.

The result was announced—yeas 79, nays 15, as follows:

[No. 140 Leg.]

YEAS—79

| | | |
|---|---|---|
| Abourezk | Fulbright | Montoya |
| Aiken | Griffin | Moss |
| Baker | Hart | Muskie |
| Bayh | Hartke | Nelson |
| Beall | Haskell | Nunn |
| Bentsen | Hatfield | Packwood |
| Bible | Hathaway | Pastore |
| Biden | Hollings | Pearson |
| Brooke | Hruska | Pell |
| Buckley | Huddleston | Percy |
| Burdick | Humphrey | Randolph |
| Byrd, Harry F., Jr. | Inouye | Ribicoff |
| Byrd, Robert C. | Jackson | Saxbe |
| Cannon | Javits | Schweiker |
| Case | Johnston | Scott, Pa. |
| Chiles | Kennedy | Sparkman |
| Church | Long | Stafford |
| Clark | Magnuson | Stevens |
| Cook | Mansfield | Stevenson |
| Cranston | Mathias | Symington |
| Dole | McClellan | Taft |
| Domenici | McClure | Talmadge |
| Dominick | McGee | Tunney |
| Eagleton | McGovern | Weicker |
| Ervin | McIntyre | Williams |
| Fong | Metcalf | Young |
| | Mondale | |

NAYS—15

| | | |
|---|---|---|
| Bartlett | Curtis | Helms |
| Bellmon | Eastland | Proxmire |
| Bennett | Fannin | Roth |
| Brock | Goldwater | Thurmond |
| Cotton | Gurney | Tower |

NOT VOTING—6

| | | |
|---|---|---|
| Allen | Hansen | Scott, Va. |
| Gravel | Hughes | Stennis |

So the bill (S. 723) was passed, as follows:

S. 723

An act to establish a National Institute of Health Care Delivery, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SHORT TITLE

SECTION 1. This Act shall be known as the National Institute of Health Care Delivery Act of 1973.

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress of the United States finds—

(1) that the United States faces a crisis in health care;

(2) that health care costs have increased in the last five years twice as fast as the general cost of living;

(3) that there exists an acute shortage and maldistribution of physician and other medical manpower in inner city and rural areas;

(4) that millions of Americans do not have access to quality health care;

(5) that since World War II the United States has invested approximately $20,000,000,000 in biomedical research, and that this investment has resulted not only in wide recognition of the preeminence of biomedical research in the United States, but also produced many, often spectacular, advances in medical science;

(6) that during the same period comparatively few resources were invested to deliver the discoveries of medical research and technology to our citizens;

(7) that the American public is concerned with the gap between the knowledge and capabilities of medical science and what is delivered to the patient, and that this is a source of public discontentment and dissatisfaction;

(8) that significant changes regarding the health care system have been proposed and may be implemented in the near future;

(9) that the potential costs and benefits associated with the various proposals are largely unknown; and

(10) that inadequate attention emphasis, and resources have been devoted to health policy analysis and health care delivery.

(b) It is the purpose of this Act to establish a National Institute of Health Care Delivery and regional and special emphasis centers to improve health care delivery and to help speed the delivery of the benefits of medical science and the scientific discovery system to the people of the United States.

SEC. 3. The Public Health Service Act is amended by inserting after title XI the following new title:

"TITLE XII—NATIONAL INSTITUTE OF HEALTH CARE DELIVERY

"DEFINITIONS

"SEC. 1201. For the purposes of this title—

"(1) the term 'health care delivery' includes all aspects and interrelationships of the organization, financing, and provision of direct health services to individuals, families, and groups for the purposes of prevention, cure, rehabilitation, restoration, and maintenance of function, and related health services essential to good health.

"ESTABLISHMENT OF INSTITUTE

"SEC. 1202. (a) There is hereby established in the Department of Health, Education, and Welfare a National Institute of Health Care Delivery. The Institute shall carry out a multidisciplinary research and development program to improve delivery of health care services and shall be the principal Government agency for improvement of health care in the United States.

"(b) The Institute shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate for a term of four years. There shall be in the Institute a Deputy Director, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The Deputy Director shall perform such functions as the Director may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director. Upon the expiration of his term, the Director and Deputy Director shall continue to serve until his successor has been appointed and has qualified.

"(c) The Director is authorized to appoint within the Institute not to exceed four Assistant Directors.

"FUNCTIONS OF THE INSTITUTE

"SEC. 1203. (a) It shall be the function of the Institute to pursue methods and opportunities to improve and advance the effectiveness, efficiency, and quality of health care delivery in the States, regions, and communities of the United States, through initiation and support of studies, research, experimentation, development, demonstration, and evaluation of, but not limited to, the following areas and subjects—

"(1) the existing health care system, emphasizing means and methods to improve such system and the devising and testing of alternative delivery systems;

"(2) health care systems and subsystems in States, regions, and communities which give special attention to the effective combination and coordination of public and private methods or systems for health care delivery;

"(3) preventive medicine and the techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases, particularly for preschool children;

"(4) systems and technical components of emergency health care and services (including at least one experimental statewide helicopter transportation emergency care system), which utilize, where possible, the skills of returning military corpsmen;

"(5) systems and components of rural health services;



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"(6) the development of policy with respect to long-term care, particularly for mentally and physically handicapped individuals and senior citizens, with special emphasis on alternatives to institutionalization, including the use of home health aides;

"(7) methods to meet the Nation's medical manpower requirements, including new types of manpower and their utilization and the extent to which tasks performed by physicians and other health professionals may be safety delegated to other appropriately trained individuals in both new and existent health occupations;

"(8) continuing education and the exploration of programs and methods to help health professionals to stay abreast of current developments and to maintain professional excellence;

"(9) health manpower credentialing, licensing, and certification;

"(10) the medical malpractice problem, particularly as it relates to quality care, the practice of 'defensive medicine' and added costs to the public;

"(11) programs for educating health manpower and the accreditation of such education programs;

"(12) application of all forms of technology, including computers and other electronic devices, in health care delivery;

"(13) the efficiency, management, and utilization of new and existing health care facilities including studies of admission practices and examination of cost-finding techniques;

"(14) the development of tools and methods to improve planning, management, and decisionmaking in the health care system;

"(15) the development of information by which quality, efficiency, and cost of health care may be measured;

"(16) the development of uniform accounting practices, financial reporting, and uniform health records;

"(17) the development and testing of incentive payment mechanisms that reward efficiency in health care delivery without compromising the quality of care;

(18) the needs of individuals, families, and groups for health care and related services, emphasizing the various life styles, including environmental, recreational, and nutritional factors that bear on an individual's health; identification of those factors affecting acceptance and utilization of health care and related services; and the development of educational material and methods communicating to the public the importance of personal decisions and actions on health;

"(19) the economics of health care and related services, and the impact of the total system of health care delivery and related services upon the standards of living and the general stability of the national economy;

"(20) proposals for the financing of health care, including their potential cost and benefits, and their impact on the health care system;

"(21) concepts and data essential to formation of a factual basis for national health policies; and

"(22) the effects on health care delivery of the organization, functions, and interrelationships of Federal, State, and local governmental agencies and programs concerned with planning, organization, and financing of health care delivery.

"(b) The Institute shall (1) develop methods for, and support of, training of individuals to plan and conduct research, development, demonstrations, and evaluation of health care delivery and related services; (2) provide technical assistance and development of methods for the transfer of new knowledge, components, and systems to public and private agencies, programs, institutions, and individuals engaged in the improvement of health care delivery; (3) collaborate with governments and private care institutions and programs in foreign countries for the exchange of information and support of research, experiments, demonstrations, and training in order to advance health care delivery in the United States and cooperating nations.

"(c) The Institute shall evaluate the quality, effectiveness, and efficiency of Federal health programs, including titles V, XVIII, and XIX of the Social Security Act.

"(d) In improving the delivery of health care to the Nation's citizens. For the purposes of this subsection the Secretary is authorized to transfer to the Institute such funds as may be necessary pursuant to section 513 of this Act.

"ADMINISTRATIVE PROVISIONS

"SEC. 1204. (a) In order to carry out the provisions of this title the Director is authorized to—

"(1) make grants to States, political subdivisions, universities, hospitals, and other public or nonprofit private agencies, institutions, or organizations for projects for the conduct of research and development, experiments, studies, demonstrations, and training of individuals to plan and conduct such projects;

"(2) make contracts with public or private agencies, institutions, or organizations for the conduct of research and development, experiments, studies, demonstrations, and the training of individuals to plan and execute such contracts;

"(3) appoint and fix the compensation of the personnel of the Institute in accordance with chapter 51 of title 5, United States Code, except that (A) to the extent that the Director deems such action necessary to recruit men and women of exceptional talent, he may establish the entrance grades for personnel at a level of two grades higher than the grade level provided for such personnel under the General Schedule established by such title and fix their compensation accordingly, and (B) to the extent that the Director deems such action necessary to the discharge of his responsibilities, he may appoint personnel of the Institute without regard to civil service or classification laws, except that personnel appointed under such laws do not exceed at any one time one-third of the number of full-time regular technical or professional employees of the Institute;

"(4) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in him or in the Institute and delegate authority to any officer or employee under his direction or his supervision;

"(5) acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain research and other necessary facilities and equipment and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary;

"(6) to acquire by lease or otherwise from the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years without regard to the Act of March 3, 1877;

"(7) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

"(8) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this title;

"(9) utilize with their consent the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

"(10) accept voluntary and uncompensated services notwithstanding the provisions of section 665(b) of title 31, United States Code;

"(11) accept unconditional gifts or donations of services, money, or property, real or personal, mixed, tangible or intangible;

"(12) allocate and expend or transfer to other Federal agencies for expenditure funds made available under this title as he deems necessary;

"(13) establish within the Institute such offices and procedures as may be appropriate to provide for the greatest possible coordination of activities under this title with related research and development activities being carried on by other public and private agencies and organizations; and

"(14) take such other actions as may be required for the accomplishment of the objectives of this title.

"(b) Upon requests made by the Director, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, information, and statistics available, to the greatest practicable extent, consistent with other laws, to the Institute in the performance of its functions with or without reimbursement.

"(c) Each member of a committee appointed pursuant to paragraph (8) of subsection (a) of this section who is not an officer or employe of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties including traveltime. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

"COMPENSATION

"SEC. 1205. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(98) Director, National Institute of Health Care Delivery.'

"(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(132) Deputy Director, National Institute of Health Care Delivery.'

"JOINT WAIVER FUNDING AUTHORITY

"SEC. 1206. Where funds are advanced for for a single project by more than one Federal agency for the purposes of this title, the Director of the Institute may act for all in administering the funds advanced and a single non-Federal share requirement may be established according to the proportion of the funds advanced by each Federal agency. The Director may order any such agency to waive any technical grant or contract requirement which is inconsistent with the similar requirements of the Institute or which the Institute does not impose.

"TRANSFER OF RESEARCH FUNDS OF OTHER GOVERNMENT DEPARTMENTS AND AGENCIES

SEC. 1207. Funds available to any department or agency of the Government for health care delivery research and development, or for the provision of facilities therefor shall be available for transfer with the approval of the head of the department or agency involved, in whole or in part, to the institute for such use as is consistent for the purposes for which such funds were provided, and funds so transferred shall be expendable by the Institute for the purposes for which the transfer was made.

"TRANSFER OF NATIONAL CENTER FOR HEALTH SERVICES RESEARCH AND DEVELOPMENT

"SEC. 1208. (a) The National Center for Health Services Research and Development is hereby transferred from the Health Services and Mental Health Administration to the Institute.

"(b) Subject to the provisions of this section, the President, for a period of two years after the date of enactment of this title, may transfer to the Institute any functions (including powers, duties, activities, facilities, and parts of functions) of the Department of Health, Education, and Welfare or of any officer or organizational entity thereof which relate primarily to the functions, powers, and duties of the Director as described by this title. In connection with any such transfer the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, personnel, and funds.



"NATIONAL ADVISORY COUNCIL ON HEALTH CARE DELIVERY

"SEC. 1209. (a) There is hereby established a National Advisory Council on Health Care Delivery (hereafter referred to as the Council) to be composed of twenty-one members. The Council shall consist of the Secretary of Health, Education, and Welfare, the Chief Medical Officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, the Administrator of the Health Services and Mental Health Administration, the Director of the National Institutes of Health, and the Director of the National Institutes of Health Care Delivery who shall be ex officio members and an additional fifteen members not otherwise of the regular full-time employee of the United States to be appointed by the President without regard to civil service laws. The appointed members shall be (1) persons who are leaders in the field of medical sciences or in the organization, delivery, or financing of health care, (2) leaders in the management sciences, or (3) representatives of the consumers of health care. At least seven of the appointed members shall be representatives of the consumers of health care.

"(b) The President shall designate a Chairman of the Council. The Council shall meet at the call of the Chairman but not less than four times a year.

"(c) Each appointed member of the Council shall hold a term of four years except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, except that the term of the office of the members first taking office shall expire as designated by the President at the time of appointment, three at the end of the first year, four at the end of the second year, four at the end of the third year, and four at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than two terms.

"(d) Appointed members of the Council shall receive compensation at rates not to exceed the daily rate prescribed for GS–18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expense authorized by section 503, title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Chairman of the Council, with the concurrence of a majority of the Council members, shall appoint an Executive Secretary of the Council. The Executive Secretary may be appointed without regard to civil service laws and may be compensated at a rate not exceeding the appropriate rate provided for individuals in grade GS–18 under section 5332, title 5, United States Code. The Director of the Institute shall make available to the Council such additional staff information, and other persons as it may require to carry out its activities.

"(f) The Council shall—

"(1) review programs, policies, and priorities of the Institute, and centers established under section 1213, and advise the Director on the development and conduct of programs of the Institute and centers;

"(2) examine and coordinate health care delivery efforts within the Department of Health, Education, and Welfare and other Federal departments and agencies so as to avoid duplication; and

"(3) assure that significant research and development findings of the Institute and centers are being disseminated to the health care system and evaluate the extent such findings are making an impact on the health care delivery system.

"(g) The Council shall submit as an appendix to the report required by section 1210 of this Act, its report on the progress of the Institute and centers toward the accomplishment of the objectives of this title, and the status of health delivery research development in the United States including any minority views of the Council members.

"SEC. 1210. The Director shall, within one year after the date of his appointment and prior to February 1 of each year thereafter, prepare and submit to the Secretary for his transmittal to the President and the Congress a written report that shall include:

"(1) an appraisal of the activities and accomplishments of the Institute and the centers;

"(2) bibliographies with annotations of research performed or supported and a summary of the significant research and development findings which show promise (given due consideration to the cost, benefits, and the quality of health care program) of improving health care delivery or increasing the productivity of health care systems; and

"(3) identification and recommendations concerning those factors or barriers which inhibit implementation of the significant research and development findings of the Institute and centers or that prevent innovation in health care.

"HEALTH CARE DELIVERY INFORMATION SERVICES

"SEC. 1211. There is created within the National Institute of Health Care Delivery an Office of Health Care Delivery Information Services. Such office shall provide—

"(1) for the provision of indexing, abstracting, translating, and other services leading to a more effective dissemination of information on research and development in health care delivery, to public and private agencies, institutions, and individuals engaged in the improvement of health care delivery and the general public; and

"(2) undertake programs to develop new or improved methods for making such information available.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 1212. For the purposes of carrying out the provisions of this title (except for the provisions of section 1213) there are authorized to be appropriated $95,000,000 for the fiscal year ending June 30, 1974; $105,000,000 for the fiscal year ending June 30, 1975; and $115,000,000 for the fiscal year ending June 30, 1976. Any unexpended sums appropriated pursuant to this section may be carried over without fiscal year limitations. Funds authorized for the fiscal year ending June 30, 1974, shall include all of the funds authorized under section 304 of this Act.

"REGIONAL AND SPECIAL EMPHASIS CENTERS

"SEC. 1213. (a) In order to strengthen the Nation's research and development base in health care delivery, to enable the examination and study of health care delivery problems of the various regions of the United States, and to link better research and development findings with actual practice, the Director is authorized to enter into cooperative arrangements with public or private nonprofit agencies or institutions to pay all or part of the cost planning, establishing, and providing basic operating support for (1) not to exceed eight regional centers to carry out multidisciplinary research and development in health care delivery, and (2) two national special emphasis centers, one of which shall be designated as the Health Care Technology Center, to focus on all forms of technology, including computers and electronic devices, and its application in health care delivery; and one which shall be designated as the Health Care Management Center, to focus on the improvement of management and organization in the health field, the training and retraining of administrators of health care enterprises, and the development of leaders, planners, and policy analysts in the health field.

"(b) Federal payments under this subsection in support of such cooperative agreements may be used for—

"(1) construction to the extent that the National Advisory Council determines such construction is necessary;

"(2) staffing and other basic operating costs;

"(3) research and development;

"(4) training; and

"(5) demonstration purposes.

Support under this subsection other than support for construction shall not exceed $2,000,000 per year per center, except for the Health Care Technology Center, and may be funded for an initial period of not to exceed three years. The Director, following a review of each center's operation and upon the recommendation of the National Advisory Council, may extend the centers for an additional period of not more than three years each.

"(c) The location of the regional centers authorized by subsection (a) shall be determined by the National Advisory Council with a view, to the extent possible, of broad geographical distribution of such centers.

"(d) The administrative officer of each regional and national special emphasis center shall transmit annually to the Director a report which shall set forth (1) an audit of expenditures in accordance with generally accepted accounting procedures, (2) bibliographies, with annotations, of research performed, and (3) a description of ongoing research programs including a summary of significant research and development findings.

"(e) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1974; $25,000,000 for the fiscal year ending June 30, 1975; and $30,000,000 for the fiscal year ending June 30, 1976. Any unexpended sums appropriated pursuant to this subsection may be carried over without fiscal year limitations.

"SUPPLEMENTAL INCENTIVE GRANTS TO ENCOURAGE EXPERIMENTATION

"SEC. 1214. (a) In order to encourage individuals, institutions, and health facilities to participate in research and demonstration projects, which without the incentive assistance provided under this section would not otherwise be carried out, and which have been designated by the National Advisory Council as essential, the Director is authorized to provide funds to be used to increase the Federal contribution to such projects under Federal grant-in-aid programs above the fixed maximum portion of the cost of such projects otherwise authorized by an applicable law. Funds shall be so provided for Federal grant-in-aid programs for which funds are available under the Act authorizing such programs and shall be available without regard to any appropriation authorization ceiling in such Acts.

"(b) The Federal portion of such cost shall not be increased in excess of the percentage established by the Director, and shall in no event exceed 80 per centum thereof.

"(c) The term 'Federal grant-in-aid program' as used in this section means those Federal grant-in-aid programs in the health

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area authorized on or before December 31, 1972.

"(d) Not to exceed 10 per centum of the funds authorized by this title shall be available to carry out this section."

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HATHAWAY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT ACT OF 1973

Mr. KENNEDY. Mr. President, what is before the Senate?

The PRESIDING OFFICER. Pursuant to previous agreement, the Senate will proceed to consider S. 504.

Mr. KENNEDY. As I understand it, the yeas and nays have been ordered on final passage. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The clerk will state the bill by title.

The assistant legislative clerk read the bill (S. 504) by title, as follows:

A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical service systems.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment in the nature of a substitute.

Mr. KENNEDY. Mr. President, I am delighted to be able to join Senator CRANSTON today in supporting S. 504, which is designed to encourage the creation of areawide coordinated emergency medical services systems throughout the country. I believe the passage of this bill is essential if we are to enable our health delivery system to meet the demands placed upon it by accidental injury and sudden death.

Accidental death is one of the great neglected diseases in our society today. In fact, lack of adequate emergency medical services is the major cause of avoidable premature death today, indeed it is the leading cause of death among all people between the ages of 1 to 38. Each year more than 52 million U.S. citizens are injured and of those more than 110,000 die, 11 million require day bed care for a day or more, and 400,000 suffer lasting disability. Of the more than 700,000 deaths from heart disease each year, the majority are due to acute myocardial infarction and more than half of these deaths occur before reaching a hospital. Approximately 40 million persons seek care each year in hospital emergency departments as a result of accidents, heart disease, stroke, poisoning, diabetic coma, conclusive disorders, and many other illnesses.

The enormity of these figures helps to demonstrate the great need that American citizens have for emergency medical services. And yet, emergency medical services is one of the weakest links in the delivery of health care in the Nation. Every year, thousands of lives are lost through the lack of systematic applications of the established principles of medical care. Far too often those who arrive at the site of, for example, a highway accident, are inadequately trained and unable to cope with the human disaster they face. Recent surveys have shown that only 65 percent of the country's present 200,000 ambulance assistants have training to the level of the Red Cross advanced first aid course or higher, 25 percent have a lower level of training and 10 percent have none at all. The chances of the victim of a traffic accident being tended by a man who has little or no idea how to deal with the restoration of breathing, with control of hemorrhage or even with the splinting of fractures, is therefore terrifyingly high.

Not only are the ambulance personnel insufficiently trained: 20,000 of the country's 25,000 ambulances are of the hearse or limousine type. These are nearly always too cramped and underequipped; they do not give the victim the best possible chance of survival. Only 7 percent of all ambulances have radio communication with the hospitals in the area and thousands have no communication even with their dispatcher.

Even when and if the victim finally does arrive, still alive, despite the inadequate care he may have received on his way from the scence of the accident, at the hospital, he cannot expect much better treatment. In most cases, he arrives at the emergency departments without prior notification, and the personnel and equipment are not properly prepared to receive him. The situation is exacerbated by the fact that most emergency departments in the Nation lack not only facilities and personnel but are also overtaxed by millions of nonemergency cases for whom ancilliary outpatient facilities should be provided. Whereas there are many excellent facilities for the definitive care of illness throughout America, there are tragically few for the care of the critically ill, or injured, especially in rural areas.

In the last few years great efforts have been made by professional and other nongovernment organizations to improve the delivery of emergency medical care in the country. In some areas, which have adopted a comprehensive emergency medical service program, great and laudable progress has been made. But what is needed is concerted Government action together with the private sector.

And in recent years Federal agencies just have not moved fast enough to update emergency medical procedures. Within the Department of Health, Education, and Welfare, for example, the support given to research and development of emergency medical services procedures can be described at best as only patchy. Indeed, the report issued by the National Research Council of the National Academy of Sciences in March 1972, declared specically that—

While most of the agencies have resources that could and should be used in the development of a system of emergency medical services, the most efficient role that each agency may play in an overall program is reduced severely because there are no Federal focal points of responsibility.

This, along with the terrifying statistics of accidental injury and death which I have already quoted, seems to me to be an indictment of the way in which emergency medical services is provided in this country today. Emergency medical services is very much the poor relation in health care delivery today. This must be changed. S. 504, as amended, provides $225 million over the next 3 fiscal years for the improvement of almost every aspect of emergency medical services procedures in this country today. These funds, and others, are available on a matching basis of up to 75 percent to those entities which present a plan for a coordinated emergency medical services system for a geographic area. These plans must include a number of basic provisions. Among them: the establishment of an Areawide Emergency Medical Services Planning Council, proposals for training personnel at all levels, a central communications system, universal access to all emergency medical services, regardless of ability to pay, plans for followup and rehabilitation capability, and public education in the subject.

The bill also requires the establishment of an Interagency Technical Committee to oversee and coordinate all aspects of emergency medical care delivery within the Federal Government and a national emergency medical services council composed of members of the general public, or providers of emergency medical services and of the members of the Technical Committee. The functions of this council include reviewing emergency medical services plans submitted under the bill and advising the Secretary of HEW on the continued development of emergency medical services systems.

Since this bill was introduced by Senator CRANSTON and myself and 13 other Members of the Senate on January 23, the Senate Health Subcommittee has held 4 days of hearings—2 in Washington and 2 in California. At those hearings, we heard testimony from a broad variety of witnesses, including the American Medical Association, the American Hospital Association, the Society for Critical Care, the College of Emergency Physicians, and many other individuals and organizations concerned in either providing or receiving health care. The only witness who asserted that the bill was unnecessary was from the administration. All others testified to the excellence of the bill, and many of them made most constructive suggestions as to how the bill would be amended to improve it further. And several of those suggestions have been incorporated into the bill as reported. None of these amendments change the basic purpose or direction of the bill, but all of them help to make it, I believe, an even tighter and more useful piece of legislation. For instance, 15 percent of all funds appropriated are now earmarked for rural areas. And rather than have the president of the national council appointed by the Secretary, he is now to be appointed by the President from among the members of the general public serving on the council. The council is further strengthened by making all those members who serve on it by virtue of their membership of the Interagency Technical Committee ex-officio nonvoting members. The purpose of these amendments is to make the council a genuine national and independent focus of responsibility for the development of emergency medical services throughout the country.



Mr. President, the crisis in emergency medical services at the moment is so serious and concern for its improvement is so widespread throughout the country that all the work on this bill and all the amendments that have been made to it in committee were done on a bipartisan basis, with all members of the subcommittee in full agreement with the bill as unanimously reported. Mr. President, this excellent bill will provide just the sort of focus of responsibility that is lacking today. It is an essential bill and I am confident that it will pass promptly and be of enormous benefit to our society.

In conclusion, Mr. President, we will be considering this afternoon an extremely important measure, because the enactment of this legislation, with appropriations, will result in actually saving hundreds of thousands of lives. This is an emergency medical service program, authorizing the expenditure of some $225 million over a 3-year period. It provides the hardware, the training, the coordination for the development of these emergency medical services.

To a great extent, it is a tribute to the distinguished Senator from California (Mr. CRANSTON), who initially introduced this legislation over a year ago, who conducted the field hearings in his own State of California, and who has done perhaps more than anyone else to bring this legislation before the Senate this afternoon, both in the preparation of the legislation and also in the preparation of the report itself. I think it is a matter of great importance and significance.

I might say that although we are talking about over $225 million for this particular program, and some $15 million for research in this area, the American Medical Association wanted to double this figure. This is probably one of the few occasions that the AMA wanted our subcommittee to double the authorization for a program, but that just goes to show how prudent we on that committee are in guarding the Federal Treasury.

Now I would like to have the Senator from California, who, as I have said, has done so much in the development of the legislation, to explain the bill in greater detail.

So I yield the floor.

Mr. CRANSTON. Mr. President, I want first to thank the distinguished chairman of the Health Subcommittee for those very generous words and for his wonderful cooperation, counsel, and assistance and the contributions of the able subcommittee staff in preparing and handling this legislation.

### INTRODUCTION

Mr. President, I am deeply gratified that the Senate today will be voting on S. 504, the Emergency Medical Services Systems Development Act of 1973, which I introduced on January 23, 1973, with broad bipartisan support, including the leadership of the Labor and Public Welfare Committee, and the Health Subcommittee. This is a measure that will enable communities throughout the Nation to take a good look at their resources for providing the urgent care needed in medical emergencies and to develop means of coordinating these resources and to supplement them where necessary to insure that the residents of the community and visitors to the community will receive appropriate medical attention without delay when it is needed.

### THE BILL IN THE 93D CONGRESS

Mr. President, S. 504 as introduced was virtually identical to S. 3784, the bill I introduced in the 92d Congress which was incorporated into S. 3716 as sections 3 (c) and (d). S. 3716 was passed by the Senate on September 20, 1972, by a vote of 78 to 0. When I introduced S. 504 n the 93d Congress, three changes were made in the provisions passed by the Senate the previous year.

These were: First, to authorize separate appropriations for research in emergency medical services techniques, devices, methods and delivery coordinated with emergency medical services systems; second, to include language authorizing the secretaries of each military department to enter into arrangements with communities for the establishment of MAST—military assistance to safety and traffic—programs; and third, to direct that the annual report required by the proposed legislation including a study of the legal barriers to the provision of emergency medical care.

The Subcommittee on Health of the Labor and Public Welfare Committee held 4 days of hearings on this legislation—2 of which I was privileged to chair in California—and received very constructive suggestions from a broad range of viewpoints which provided the members of the committee with new information on, and insights into, the problems involved in the development of emergency medical services systems.

The committee carefully reviewed all of these suggestions, and we revised the bill to deal with many of them, as I will detail later in my statement.

All witnesses testified to the need for the development of comprehensive and integrated emergency medical services systems in local communities and, with the exception of the administration witnesses, to the need for new legislative authority to create incentives for and authorize support of the development of such systems.

### THE ADMINISTRATION'S OBJECTIONS MET

Mr. President, I think it is useful to point out what appears to be the basis for the administration's objections to this legislation. The administration talks in terms of demonstration initiatives; whereas S. 504 authorizes support for the development of comprehensive emergency medical services systems in local communities.

I believe there is sufficient knowledge and experience available now, which can be employed effectively now, in the Nation's communities. We do not need "demonstration" projects to show us how to improve medical care in emergencies.

The subcommittee received convincing testimony from a broad range of witnesses to exactly this effect. The excellent study undertaken by the National Research Council of the National Academy of Sciences, entitled "Roles and Resources of Federal Agencies in Support of Comprehensive Emergency Medical Services," published in March 1972, recommended the establishment of Federal support for programs along the lines authorized by S. 504 be established.

With this basic difference in approach as a backdrop, I would like to review the administration's four objections to the legislation under consideration in the committee.

First, Mr. President, it argued that ample legislative authority is already on the books to allow the conduct of a range of Federal "demonstration" initiatives in the EMS field. Second, the administration particularly objected to a provision in S. 654, a bill also under consideration in the committee, which would have established a new organizational structure in the department with responsibility for emergency medical services. Third, the representative of the administration stated that the appropriations authorizations in S. 504, and S. 654, were greatly in excess of the amount of funds that could conceivably be soundly invested in a Federal "demonstration" program in the foreseeable future. And fourth, the administration objected to the creation of local planning councils, a National Advisory Council, and an Interagency Technical Committee.

Within the committee, I worked very closely with my colleagues on a bipartisan basis to meet the administration's objections. I would like to express my deep personal gratitude to Senator KENNEDY, the chairman of the health subcommittee, for his counsel and cooperation, and to Senator DOMINICK for his insightful and constructive contributions to the development of the bill in committee. Also, particularly interested in this bill and of great assistance were Senator SCHWEIKER and Senator JAVITS, the ranking subcommittee and full committee minority members, and Senator WILLIAMS, chairman of the full committee, and Senator BEALL, who authored S. 654.

### COORDINATED NOT DUPLICATIVE APPROACH

I believe we have developed a bill that meets the objections posed by the administration. The bill has been amended to make quite clear that it is not intended to duplicate existing legislative authorities. Specific direction to the secretary is written into the statutory language to assure that in providing assistance to communities eligible for grants to implement a plan for an emergency medical services system, the secretary must insure that any assistance under the provisions in S. 504 is provided only to the extent that assistance under other legislative authorities are insufficient to enable the qualitative and quantitative requirements established in the reported bill, and by the secretary pursuant to the bill, to be met.

Our intention is, Mr. President, that

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when a community applies for help in developing a comprehensive emergency medical services system, the secretary of Health, Education, and Welfare shall first seek to provide such support from existing authorities of the Public Health Service Act—such as in health personnel training or renovation of facilities—and, as appropriate, investigate the availability of support under authorities administered by other federal agencies—such as the Department of Transportation for purchase of equipment and training—before providing funds under the provisions in S. 504 as reported.

REDUCED APPROPRIATIONS AUTHORIZATIONS

To move toward the administration's objection, the funding levels in the reported bill have been considerably reduced, despite very conclusive evidence presented to the subcommittee in hearings in Washington and California that much higher levels of funding are badly needed and can be effectively used. The sums authorized to be appropriated in the reported bill—$240 million over the next 3 fiscal years—are considerably less than in the bill as introduced—$315 million—and far lower than in S. 654, the AMA bill introduced by Senator BEALL—which would authorize appropriations of $630 million.

NATIONAL EMPHASIS

Moreover, Mr. President, we have not included in S. 504 the separate, identifiable HEW administrative unit called for in S. 654 to carry out EMS programs. Instead, S. 504, as reported, makes the EMS National Advisory Council a presidentially appointed body and provides the Council clear responsibilities in the grant review process and in the adoption of policies to implement the authorities provided in the bill. Although the administration had objected even to the establishment of the National Advisory Council, testimony presented to the subcommittee was so forceful on this point that I and the other members of the committee were convinced that a strong advisory council is essential to bring about the necessary coordination and to provide the essential leadership to help the Nation's communities develop their own systems of providing comprehensive emergency medical services to their residents and visitors.

NONPARTISAN ISSUE

With these accommodations to the administration's viewpoints, Mr. President, and with the strong support received for this legislation both from the general public and from professional organizations, I am hopeful the administration will now be able to accept the legislation as a realistic and workable approach to improving the Nation's emergency medical services capabilities in line with local needs and local priorities determined at the local level in accordance with national standards.

Mr. President, this is not a partisan issue. Human lives are at stake, and I plan to continue our bipartisan efforts to produce an effective measure which can be enacted into law.

Mr. President, at this point I would like to discuss at greater length the need for this bill and to describe some of the deficiencies existing in the Nation in the provisions of emergency medical services and how the S. 504 as reported will remedy these deficiencies.

NEED FOR BILL

DEFICIENCIES IN EMERGENCY MEDICAL SERVICES

Mr. President, one of the most serious deficiencies in the health system in many communities is the inability to respond immediately and effectively to emergency medical crises. I have been deeply concerned with the mounting numbers of deaths and disabilities resulting from medical emergencies which expert witnesses testified could be averted by adequate planning and organization of health resources.

MORTALITY AND DISABILITY FROM MEDICAL EMERGENCIES

Mr. President, accidental injury is the leading cause of death among all persons aged 1 to 38 and is the fourth leading cause of all deaths in the United States. In 1968 trauma resulted in more than 100,000 deaths, 10 million cases of temporary disability, and 400,000 of permanent disability. Trauma patients used more hospital days than all heart patients or all obstetrical patients and more than four times as many hospital days as all cancer patients.

Projections from studies indicate that mortality from accidents alone could be reduced by from 10 to 20 percent by proper medical care at the scene of the accident or en route to an emergency facility. Thirty percent of cardiac deaths could be prevented if the public were educated to recognize the symptoms of heart attack and if ambulance attendants were adequately trained to provide immediate emergency treatment. Five thousand deaths each year from other causes such as poisonings, drownings, and drug overdoses could be prevented by immediate medical attention.

A National Academy of Sciences-National Research Council report published in March 1972, estimated on the basis of current surveys that only 65 percent of the more than 200,000 ambulance attendants of the Nation were trained to the level of the advanced first aid course of the American National Red Cross or higher levels, that 25 percent were trained to a level less than the Red Cross course, and that 10 percent had no training at all in the fundamentals of first aid.

The ultimate goal outlined in the guidelines established by the National Academy of Sciences-National Research Council in its recommendations on the training of ambulance personnel is to create a nationwide corps of career ambulance emergency medical technicians who are qualified to carry out measures now applied by allied health personnel in emergency departments and by medical corpsmen in combat areas. It is estimated by the National Academy of Sciences-National Research Council that fewer than 35 percent of all ambulance personnel are now qualified at the recommended minimal basic level.

AMBULANCE SERVICES

Mr. President, the adequacies of ambulance services vary widely throughout the Nation. In 1968, the National Highway Safety Bureau conducted a survey which found that in many communities ambulance services are run by the local undertaker. In others, the ambulance service is a separate commercial enterprise—yet few of these find it a profitable business; more than a fourth of the commercial enterprises lose money on ambulance services and depend on other sources for income to make up the loss. The average cost of ambulance service is $75 per trip; however, few emergency victims are able to pay that amount. Third-party insurance rarely covers the full cost; in some instances it covers none of the cost.

The Medical World News, 1971 Special Report "The Crisis in Emergency Care" stated about one-fourth of the ambulance service in the United States is provided by the local unit of government—usually through a public safety organization such as the fire department, police department, or sheriff's office. Two percent of ambulance service is provided by hospitals.

The American College of Emergency Physicians reports, Mr. President, that only 37 percent of ambulances in a recent survey met minimal design standards, and only 6 percent had facilities to communicate directly with a hospital emergency room. Many ambulances have little more room than that sufficient for a prone patient forcing the attendant to crouch to minister to him. Frequently, life-saving equipment or even basic equipment such as splints, backboards, or poison antidotes, are not carried as standard equipment on the ambulance.

HOSPITAL EMERGENCY ROOMS

Mr. President, increasing concern is being expressed throughout the Nation regarding the heavy demands made upon a major element of any emergency medical system—the hospital emergency room. Hospital emergency rooms are increasingly called upon to provide outpatient care for the community. The position paper prepared by the American College of Emergency Physicians in 1972 reported there has been over a 600-percent increase in the number of emergency visits in some hospitals in the last 25 years. Nationally the average is an increase of 10 percent a year. Last year there were approximately 50 million visits to emergency rooms.

In the critically underserved neighborhoods of densely populated urban areas emergency medical services should more accurately be termed primary health services. Here the distinction between emergency medical care and primary health care is very difficult to determine.

This increased community reliance on the services of the emergency room has overburdened its resources and has vastly compounded the difficulties of providing effective critical care to the emergency victim.

In many communities, Mr. President, the small hospital is particularly hindered by inadequate staffing and undertrained personnel and by equipment shortages. Rural communities serving underpopulated areas find it particularly difficult to maintain emergency medical services at the optimum staff and equipment level necessary to meet the infrequent need to provide critical care to an accident victim. According to a study of the National Academy of Sciences, 70 percent of motor vehicle deaths occur in rural areas and communities with a population under 2,500. Some of this tragic difference is caused by inability to reach the patient quickly in an isolated area, but some of it is caused by the inadequacies of overburdened, underequipped, and obsolescent emergency room facilities in these areas.

A special problem faces the rural community on a seasonal basis. For a major part of the year, such communities have a small number of critical medical emergencies. However, during the peak of the resort season, the number of emergencies rises sharply. Frequently these areas have minimal health personnel or health facilities capable of dealing with these emergencies on a 24-hour basis. In such instances the need for areawide planning of emergency medical services and coordination of such services with neighboring communities becomes a matter of necessity.

NEED FOR COORDINATION IN PLANNING SYSTEMS OF EMERGENCY MEDICAL SERVICES

Mr. President, I feel very strongly that a carefully planned, systematic approach with coordinated application of Federal and local resources can correct the deficiencies of emergency medical services throughout the country.

Modern science has given us the means of overcoming many of the present obstacles to providing immediate and effective emergency medical care. The development of portable equipment for the treatment of victims of heart attack, or other critical and sudden illnesses, the development of totally equipped and staffed mobile critical care units capable of bringing the expertise of the hospital to the scene of the emergency; developments in radio and telecommunications permitting electronic monitoring and transmittal of patient data to an acute care center; utilization of rapid means of transport such as helicopters where ground transportation access is poor or too slow—all have provided us with the tools necessary to assure prompt response and reaction to a medical emergency.

Thus the technical information and the medical capacity to deal with most of these problems exist. However, to date, efforts to find solutions to them have been fragmented, and uncoordinated. The greatest deficiency has been lack of coordinated planning efforts at both the local and the national levels. At the community level, methods must be developed to involve all elements related to the provision of emergency services in meeting community needs.

At the Federal level, governmental units in numerous agencies are concerned and involved with the provision of these services, yet coordination has been haphazard.

What is needed Mr. President, is a framework whereby these units can work together nationally and locally to meet shared goals.

The proposed Emergency Medical Services Systems Development Act of 1973 provides the means by which this can be accomplished. The bill as reported adds a new title XII to the Public Health Service Act to authorize the Secretary of HEW to provide support to States, units of local governments, or certain combinations of local governments, to plan, assist in, improve and expand the provision of emergency medical services.

PROVISIONS OF THE BILL

ELIGIBILITY FOR ASSISTANCE UNDER THE NEW TITLE

Mr. President, S. 504 as reported includes a three-year appropriations authorization for grant and contract support ($37.5, $75, and $112.5 million for fiscal years 1974, 1975, and 1976, respectively) for the planning, development or expansion of emergency medical services systems as well as a separate appropriations authorization ($5 million for each year) for research in emergency medicine and systems development carried out in conjunction with a system implemented under the requirements of the bill. Support made available under the basic appropriations authorization may be used for planning, modernization (defined so as not to include erection of free-standing structures), training and manpower development, communications, transportation, the coordination of services and facilities, and other components necessary for the implementation of an emergency medical services system.

I would like to emphasize, Mr. President, that we do not intend to create new grant authorities under the provisions of this bill which are duplicative of existing authorities. The basic purpose of the legislation is to encourage and provide incentives to appropriate units of government to inventory their resources for providing comprehensive emergency medical services, identify the gaps in such services and seek to remedy these deficiencies through better coordination or utilization of existing resources—their own and those available under other Federal programs—as well as to develop the new components which are essential to the achievement of an integrated, comprehensive area emergency medical services system which would meet requirements established by the Secretary. Where assistance is available under other legislative authorities to support the development of any particular component of an emergency medical services system, the Secretary is required to direct the applicant first to seek such assistance and to provide support for such a component under the provisions of the new title XII only where such a component is not supported at all or is not sufficiently supported under other programs to enable it to meet the requirements established under the reported bill. This nonduplication provision is particularly applicable in the case of training of personnel—both paraprofessional and professional—where other authorities of the Public Health Service Act (titles III, VII, VIII, and IX) and other HEW authorities such as MDTA (Manpower Development and Training Act) and Vocational Education, as well as programs administered by other Federal agencies, among them the Department of Labor (MDTA and Vocational Education), the Department of Transportation's Division of Emergency Medical Programs (for training of paramedics), and the Veterans Administration, are available for support. Other components can also be supported by other PHS Act authorities including authorities for facility construction and modernization and for research as well as by other Federal agencies through programs such as those supported by the Division of Emergency Medical Programs of the Department of Transportation or the Department of Defense's MAST program.

SPECIAL PROBLEMS OF RURAL COMMUNITIES

Mr. President, testimony received at the Committee's hearings in Washington and California described the particularly acute problems rural communities have in providing adequate emergency medical care and in making successful applications for grant support. Since statistics on deaths and disabilities have demonstrated that the ratio of such tragedies is much higher in rural isolated areas in proportion to the number of emergency incidents, I felt special emphasis and support should be provided to the development of systems for rural areas. The bill as reported includes a provision that not less than 15 percent of the sums appropriated each year for the planning, development and implementation of emergency medical services systems shall be available only for grants and contracts to rural areas. I would hope the Secretary will provide the technical assistance to these communities which may be necessary to enable them to qualify for such awards. In certain instances, it may be appropriate for funds under the new title XII to be made available to the governmental unit involved to purchase consulting services in the development of such a plan, but generally the committee believed that such planning costs should be borne locally.

Some communities, Mr. President, particularly in rural areas, may not be able to provide the assurance that all components of the emergency medical services system can meet the standards prescribed by the Secretary and required to qualify for assistance under the new title XII. To avoid disqualifying such communities from consideration, the bill as reported, provides that where an applicant demonstrates clearly a particular component cannot meet standards immediately, a grant can be awarded on the assurance that such standards will be met within a year of the initial receipt of assistance.

AREAWIDE APPROACH AND INTRA- AND INTERGOVERNMENTAL COORDINATION

Mr. President, we also recognize that for a system to be efficient and effective, it must contain sufficient resources to meet the wide variety of demands made upon it by medical emergencies. Since all of such a wide range of services may not be available to a small local governmental unit, the bill provides that grants and contracts may be awarded to (1) States, (2) political subdivision, or (3)



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regional arrangements, compacts, or consortiums which present a plan for a comprehensive and coordinated areawide emergency medical services system meeting requirements prescribed by the Secretary, and designed to serve a geographical area at least congruent with the boundaries of a 314(b) areawide comprehensive health planning agency (where one exists), or multiples of such areas, unless the Secretary deems a system serving such an area infeasible and approves a plan serving a portion of such an area. The bill also specifies that a community which presents a plan for a system must include appropriate arrangements for access to specialized medical units in a neighboring community where such resources are not available within portions of the area encompassed by the system or are geographically more accessible in the neighboring community.

Beyond the purpose of ensuring that the community applying for support under the provisions of the new title will be of sufficient size to be able to provide the bulk of the services required for a comprehensive emergency medical services system, the requirement that the geographical area be congruent with the 314(b) agency is intended to resolve in advance the complications and conflicts which are likely to arise in the case of overlapping or adjacent governmental jurisdictions in many areas. In further pursuit of this objective the bill provides that where a regional arrangement, compact, or consortium submitting a plan for an emergency medical services system, includes within its boundaries a standardized metropolitan statistical area, it must comprise at least those units of local government included in the SMSA.

A number of witnesses—among them representatives of the American Medical Association, the California Medical Association, the American College of Emergency Physicians, and the Society for Critical Care—testified to the necessity for continuing review and evaluation of the quality of services provided under an area emergency medical services system and for some form of sanctions where services failed to meet the required standards. The bill as reported provides that the Secretary is required to review annually the performance under the plan submitted for emergency services and is authorized to terminate assistance (in accordance with the Administrative Procedure Act—APA—adjudication requirements) to a grantee where he determines that performance is not substantially in accord with the plan submitted. Such a determination would have to take into consideration not only the review of the Secretary, but also the required independent review and evaluation submitted to him as part of the plan's implementation. These independent reviews and evaluations would be measured in terms of national norms and standards established by the Secretary under APA rulemaking.

DEVELOPMENT OF A PLAN

Mr. President, a basic requirement of any application for funding under the new title XII is the development of a comprehensive plan for the establishment of an area emergency medical services system. The first step for an applicant is to establish an area emergency medical services planning council whose membership must include representatives of all elements in the area to be served concerned with emergency medical services, including consumers, public safety agencies, communications networks, private ambulance firms, representatives of Federal agencies, as well as health care providers, health facilities, and health education institutions. The local council's functions include development of the plan, in consultation with the appropriate 314(a) (State comprehensive health planning agency) and 314(b) (areawide comprehensive health planning agency) agency or agencies, as well as continuous monitoring and evaluation of the operation of the area emergency medical services system.

Although almost all witnesses in subcommittee hearings testified to the importance of drawing on the experience of a broad representation of interests in developing a comprehensive area emergency medical services system, many pointed out that the large number of persons entailed in such a venture might prove cumbersome in the planning, implementation or administration of a system. Because we felt so strongly that all the elements cited in section 1204 in the reported bill, describing the membership of the Council, are essential to the achievement of a comprehensive system, the bill as reported retains a broad representative nature for the area council but permits it to delegate part or all of its authority to a representative subgroup which would, however, be required to reflect the total membership of the Council.

REQUIRED PROVISIONS OF A PLAN

To qualify for support, Mr. President, the plan submitted must provide for or assure that provision will be made for certain components or elements deemed essential for a complete and coordinated emergency medical services system for the area to be served.

UTILIZATION OF PERSONNEL AND FACILITIES OF PUBLIC SAFETY AGENCIES

Mr. President, testimony was presented to the subcommittee on the important role public safety agencies play in the provision of emergency medical services and the need to reinforce this role. The reported bill thus emphasizes that the plan for development of an area system for emergency medical services must provide for the effective utilization of the resources of the public safety agencies of the area, and specific mention is made of the need for training of appropriate personnel of these agencies in the provision of immediate on-the-scene emergency medical aid to victims of illness and accident.

One public safety agency resource which has particular applicability to the provision of emergency medical services is the helicopter utilized by these agencies for traffic control, police, disaster, or other purposes.

In Arizona and in Maryland, Mr. President, the use of these helicopters in emergency medical situations has been invaluable. In both States, the public safety personnel operating the helicopter have been trained to provide emergency medical treatment.

TRAINING

COORDINATION WITH EXISTING HEALTH MANPOWER PROGRAMS

Mr. President, to be eligible for a grant or contract, the applicant must include in the plan provision for the training of sufficient numbers of specialized professional and paraprofessional staff as well as providing for their continuing education. The bill specifies that support for all training and education activities developed under plans be sought first under other authorities of the Public Health Service Act or other laws and where sufficient assistance under such other provisions of law is not available to enable such programs to meet the requirements prescribed by the Secretary, the plan shall develop proposals for such training programs to be coordinated with programs authorized under titles III, VII, VIII, and IX of the Public Health Service Act. These procedures are designed to insure the full utilization of federally supported programs under other legislative authorities and to avoid the overlap and duplication of training activities and funding.

SHORTAGE OF SKILLED EMERGENCY PERSONNEL

Fully trained emergency medical services personnel are an essential element of any comprehensive emergency medical services system. The bill as reported, therefore, requires that the plan must include provision for adequate interdisciplinary programs for educating and training such individuals. The reported bill requires that these programs meet criteria and standards approved by the Secretary after due consultation with appropriate medical and educational entities and specialists. Since there will be an immediate demand that these programs be supported in sufficient numbers to provide the personnel necessary to permit the adequate functioning of emergency medical services systems supported under the new title, the Committee stressed that the Secretary should make the development of these programs a first priority.

TYPES OF TRAINING

In order for emergency medical services systems to be properly planned, developed, operated, and evaluated, several types and levels of personnel will be needed and must be trained.

TEAM TRAINING

The interdisciplinary, multidisciplinary approach to the provision of emergency medical services has proven its effectiveness in Los Angeles, Jacksonville, and the State of Illinois, among other communities utilizing the team concept for the provision of emergency medical services. The training of emergency medical services personnel is particularly well suited to the concept of team training provided within the concept of the total emergency medical services system.

CONTINUING EDUCATION

Continuing education is of paramount importance to the paraprofessional as well as to the professional. Thus, the plan must include provision for continuing education so that any member of the emergency medical staff is required to participate in regularly scheduled continuing education programs.



PHYSICIANS

Currently, Mr. President, there are approximately 15,000 physicians providing emergency care on a full-time basis in emergency rooms across the Nation. Until 1972, there were no postgraduate training programs for emergency physicians such as those under which other specialists are trained. There are now six such programs, and more are being developed. This expansion in the number of postgraduate training programs is promising and I hope the expansion will continue. We were also impressed with testimony presented by the American College of Emergency Physicians on the need for an approved residency program in emergency medicine. Approval of a residency program would facilitate the training of the numbers of full-time emergency physicians needed to adequately serve the Nation's communities.

In addition, emergency medicine specialists, as well as all physicians must have access to continuing education programs geared to meeting medical emergencies with the most up-to-date techniques and resources.

Further, there is a need for all physicians in postgraduate training programs in other specialties and physicians practicing in other specialties to be able to handle common medical emergencies as well as those which arise in their specialties. Programs must be developed to provide training for these physicians to handle common medical emergencies and to maintain such competence when they go into practice.

PARAMEDICS

Mr. President, the importance of adequate training of the paraprofessional, who in most instances, is the first person at the scene of the emergency, cannot be overemphasized. A number of standardized training programs for paramedics have been developed, most notably the course developed by the Department of Transportation which consists of some 70 hours of training. I have been impressed by reports on the highly skilled paraprofessionals who have completed longer periods of training of 300 hours or more. These individuals on the emergency scene, working in conjunction with a professional at the emergency room or other health facility by voice communication, are capable of providing lifesaving care and utilizing complex equipment essential to save the patient from death and protect him from serious disability. Mr. President, Los Angeles County has done an outstanding job in utilizing these highly trained paramedics.

FORMER MILITARY MEDICS

The utilization of former military medics and corpsmen in these systems seems particularly appropriate, and there has been some notable success by communities in recruiting these individuals for these positions.

PUBLIC SAFETY PERSONNEL

I also view the training of appropriate personnel of the public safety agencies in the community as an important consideration in any community's emergency medical system.

NURSING AND OTHER PERSONNEL

In addition, Mr. President, there is a need to develop and train other emergency medical personnel. Among members of the emergency medical services system staff are the emergency nurse, including the specially trained nursing associate who can carry out triage in certain circumstances and provide some element of treatment to the patient, the emergency physician's assistant, emergency medical technicians to work both in hospital emergency departments and at the scene of the emergency, emergency communications personnel knowledgeable about the development and operation of sophisticated communications networks, emergency department ombudsmen, and community workers both within the emergency room and in the community who can relate to the needs of the patients as well as provide educational services on the use of emergency facilities.

The reported bill amends title VII of the Public Health Service Act to include in the sections for special project grants and health manpower education initiative awards, specific authorization for grants for the interdisciplinary training of health personnel in the provision of emergency medical services. These amendments dovetail with the bill's purpose of utilizing existing health manpower training authorities and funding for the training of emergency medical services personnel, and make clear authority which was implicit in both of these title VII programs.

MANAGERS AND PLANNERS

In addition to the emergency medical personnel directly involved with patient care, there is a need for effective managers of emergency medical systems who can plan, develop, operate, and evaluate such systems. Ideally, these managers should have a background in both emergency health care and in health administration and management. Reports of the development of programs to educate such individuals at Ohio State University and at the University of Pennsylvania are very promising, and it is hoped that their development will be pursued at other educational institutions.

The general need for effective health managers or administrators is becoming more evident as medical services move from fragmented, unsystematic care to coordinated and organized systems. There is a real need for these specialists in implementing a comprehensive emergency medical services system in a large community or on a statewide basis.

TRAINING INTEGRATED WITH OTHER COMPONENTS OF THE PLAN

Mr. President, the reported bill does not provide a separate appropriations authorization for training programs operated in isolation from a comprehensive areawide emergency medical services system. It is my conviction that training for emergency medical services can be supported to a large extent by other legislative authorities and, in addition, to be successfully utilized that they must be integrated into and fully coordinated with an emergency medical services system operating in a community.

COMMUNICATIONS

Another requirement of every plan, Mr. President, is the provision for a 24-hour communications system which can provide the necessary linkage from the point of the emergency through a central point—where initial triage may be conducted to assure the individual is directed to the appropriate services for his needs and the appropriate emergency personnel and vehicles can be dispatched—and on through all points of the system to the emergency medical facility and its highly specialized personnel and equipment. Such triage related to medical determinations would be carried out by a nurse or a paramedic with training and experience in such triage. The communications systems should be compatible with the transmission of patient data to the critical care unit through radio or video transmission or other electronic monitoring systems.

The 911 dial system currently being advanced by the telephone companies within the United States is highly effective in providing ready consumer access to an emergency medical services system. But its installation is sometimes a time-consuming process, and alternative courses of action should be explored by communities as an interim measure prior to the installation of a 911 system.

Another major problem involved in consumer access to the communications system is the ability of the dispatch center to locate the emergency geographically, especially when the consumer is a child or a stranger to an area and unable to identify his location. One method which has proven effective in England is to designate the precise geographical location clearly on the callbox or in the telephone booth. Areas of technology must be pursued so that future capabilities can be established to help the central dispatch point identify the location of calls from nonpublic sources.

TRANSPORTATION

Mr. President, another requirement of an area emergency medical services system is adequate provision for transportation. Sufficient numbers of vehicles equipped with the necessary lifesaving equipment, staffed by well-trained emergency personnel and meeting standards of safety and patient care recommended by nationally recognized organizations, must be a basic element of any system. In many communities such vehicles are in use already, sometimes provided by commercial ambulance companies, sometimes by public safety agencies, sometimes by voluntary agencies, and sometimes by the community hospital. Where such resources already exist and where they meet standards of equipment and personnel recommended by the Secretary, they should be incorporated into and would form important components of a program for the provision of comprehensive emergency medical services.

Transportation systems must be geared to the special geographical characteristics of the community, Mr. President. In some areas where road systems are inadequate or distances are great, the

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utilization of a helicopter has proven particularly appropriate in transporting emergency victims. Much more needs to be done, however, to apply to our civilian life the great accomplishments which have been made, through helicopter transport and other methods in the Indochina war, to provide immediate life-saving, life-sustaining services within moments of injury. The outstanding record achieved by the MAST pilot programs established in several communities is an example of the effectiveness of the helicopter as an element of an emergency medical services system in this country.

One of the major deterrents to greater utilization of helicopters is the heavy expense. The involvement of public safety agencies, many of which utilize helicopters for other purposes, in the development of plans for community emergency medical services can offer opportunities for the joint and therefore more economical use of this expensive and selective method of transport.

FACILITIES

Mr. President, another major element in any system for the provision of emergency medical services is adequate facilities, conveniently and strategically located and categorized as to particular competencies, and available for utilization on a 24-hour basis. For the most efficient operation of an emergency medical services system and for the most efficient utilization of scarce financial and professional resources, planning for these facilities is essential. Much organizational efficiency could result from the application of the type of procedures for categorization of facilities which were recommended by the Commission on Emergency Medical Services of the American Medical Association.

Adoption of such a categorization system in the communities would appear to provide a rational approach to the provision of emergency medical services while avoiding expensive and unnecessary duplication of equipment and facilities and poor utilization of scarce staff and financial resources.

The committee felt that generally the construction of free-standing facilities for the provision of emergency medical services would not be an efficient means of providing such services or a sound investment of resources. Thus, the bill provides support for the "modernization" of existing resources and defines modernization (in a definition similar to, but without the word "replacement," contained in section 645 of the Public Health Service Act) to mean "alteration, major repair (to the extent permitted by regulations), remodeling and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings."

I wish to emphasize our concern that communities utilize existing facility resources to the optimum. Where specialized services are nonexistent in a community submitting a plan for a system, the community's plan must provide for appropriate access to such units in a neighboring area where such access is feasible in terms of time and distance.

Mr. President, an example of the type of specialized services for which access must be planned in a system providing for comprehensive emergency medical services is the center for the high-risk newborn infant.

Under this legislation, emergency medical transportation systems could be made available to transport high-risk newborn infants. Great advances are being made in the care of infants in the field of pediatrics through intensive care and treatment of sick babies in special newborn centers. These intensive care nurseries are to infant mortality what the coronary care unit is to the heart patient.

A team of highly trained professionals utilizing sophisticated equipment—including incubators which permit temperature and oxygen control, monitoring equipment for cardiac rate, complex pumps for administration of intravenous fluids and intricate apparatus for resuscitation. Because the cost of these units is prohibitive for the average hospital and the staff personnel are not readily available, intensive care units for the newborn must be developed on a regional basis. Also, specially designed portable incubators may be utilized in conventional ground vehicles, fixed wing aircraft and helicopters when such modes of transportation are available.

UNIVERSALITY OF PROVISION OF SERVICES

Mr. President, the plan must also provide assurance that anyone in need of emergency medical care will be provided such care without regard to ability to pay or prior inquiry as to financial situation or third-party coverage. Far too many stories are told about the first questions asked of a patient being "do you have insurance" or "how can you pay" rather than "where do you hurt" or "how can I help you."

PROVISION FOR MASS CASUALTIES

Mr. President, the plan must also provide for the development of a program to cope with emergency medical services during mass casualties, natural disasters, or national emergencies. In many such circumstances, such as the San Fernando, Calif., earthquake in February 1971, total coordination of and access to resources within the community and in neighboring communities, as well as backup systems and equipment, are required to deal with a large number of casualties.

PUBLIC INFORMATION PROGRAMS

I feel that public information programs advising residents and visitors to the community as to means of access to the emergency medical services system in the community, methods of self-help, and sources of first-aid training are absolutely indispensable to the success of the implementation and operation of any program of emergency medical services. They are also fortunately the easiest and least expensive to mount effectively. These public information programs are an essential element of any program, and the bill requires that every plan provide fully for such programs. Much of such a program can be carried out through appropriate utilization of public service programs of the mass media in the area, through dissemination of material through the public education system (mimeographed notices to school children to take home to their parents), through education programs of voluntary organizations, materials distributed at hospitals, libraries, post offices and other public distribution points, and through other means. Accordingly, the Committee does not intend that funds under the new title will be used to carry out the public education component of the plan; however, some responsibility for promoting and coordinating public information efforts by a staff person supported with funds under the new title would certainly be appropriate.

REVIEW AND EVALUATION

Mr. President, the plan must also provide for the periodic, comprehensive, review and evaluation by independent persons or entities of the extent and quality of the emergency medical services provided in the area, measured in terms of national norms and standards established by the Secretary in rules prescribed under the APA.

STANDARDIZED PATIENT RECORDKEEPING SYSTEM

The reported bill requires that the plan provide for the establishment of a standardized patient recordkeeping system covering the treatment of the patient from initial entry into the system to discharge from the system consistent with ensuing records for followup treatment and rehabilitation. However, if the applicant demonstrates by clear and convincing evidence the infeasibility of so providing immediately, the reported bill permits the Secretary to waive this requirement in accordance with rules prescribed under the APA.

COORDINATION AT THE NATIONAL LEVEL

Mr. President, considerable testimony was provided by representatives of professional groups to the effect that because the provision of emergency medical services has become a matter of nationwide concern and interest and because responsibility at the Federal level for the provision of these services is presently lodged in many existing Federal agencies, a separate agency responsible to the President and outside of any existing Federal agency should be established to provide the coordination and leadership necessary at the Federal level. While I agree coordination is essential, I do not believe the establishment of an additional agency is the most effective or appropriate way to focus Federal attention on this problem. Instead, the bill provides for the establishment of an Interagency Technical Committee and a National Emergency Medical Services Advisory Council.

INTERAGENCY TECHNICAL COMMITTEE

At the Federal level, Mr. President, the bill establishes an Interagency Technical Committee to coordinate Federal programs and activities relating to emergency medical services. Successes have been realized in the MAST programs through coordinated activities of the Department of Defense, Department of Transportation, and the Department of HEW. The Interagency Committee is designed to achieve further cooperative efforts at the Federal level. At the same time, local community efforts must also be made to foster these coordinated arrangements at the local level.



A provision of the reported bill would authorize the Secretaries of each military department—including the Secretary of Transportation as to the Coast Guard in nonwar periods—to enter into agreements with communities for the establishment of MAST programs. These programs have been in effect in five communities with outstanding results. However, the Department of Defense General Counsel has ruled that authorizing legislation is necessary for the expansion of these programs to additional communities. The legislative authority in the reported bill will enable MAST programs to be initiated in some 21 new sites which currently have the capabilities to participate in MAST programs.

NATIONAL EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

A National Advisory Council is established by the reported bill within HEW to review and advise on applications and to make recommendations to the Secretary on implementation of programs under the new title XII. This Council includes (as ex officio nonvoting members) not only representatives from other Federal agencies, but also the Director of the National Institutes of Health and the Administrator of Health Services and Mental Health Administration. I recognize that the development of effective area emergency medical systems will depend on the coordination of the resources of both the research and services components of the Public Health Service and for that reason have specifically included the directors of these units on the Advisory Council. Many representatives of professional organizations and other individuals experienced in the development of emergency medical services argued the need for a focus of responsibility with the Federal Government. The reported bill provides that the Chairman and the other nongovernmental members of the National Emergency Medical Services Advisory Council shall be appointed by the President. The reported bill provides that there will be 15 Presidentially appointed members of whom 7 must be representatives of the general public and 8 must be individual experienced in the provision or development of emergency medical services systems or the training of personnel for emergency medical services systems. The Chairman of the National Advisory Council is to be designated by the President from among the appointive members who represent the general public. The reported bill further specifies that only the appointive members shall be voting members of the Council and that a quorum for carrying out the functions of the Council shall consist of nine voting members. The functions of the Council shall be (1) to advise, consult with, and make recommendations to the Secretary on applications received for grants and contracts in excess of $35,000 (in the same way as peer review advisory councils for the Institutes in NIH), (2) to make recommendations with respect to carrying out all provisions of the bill, including the preparation and review of the annual budget estimate, and (3) to be responsible for collecting, analyzing, and disseminating all data useful in the development of area emergency medical services systems, as well as establishing a national data bank.

The responsibilities given the appointive members of the Council should insure that programs administered under the provisions of the new title are responsive to community needs. In addition, the committee believed that, by virtue of the membership on the Council of all members of the Interagency Technical Committee, the Council will be in a prime position to effect the coordination of programs under the new title as well as programs administered under other authorities of Federal law.

RESEARCH

Mr. President, in addition to the basic elements of an emergency medical services system, such as trained personnel, communications systems, transportation systems, and facilities, intensive research is needed on all aspects of such a system. Such research should be directed toward understanding physiological changes produced by trauma, and should utilize the latest technical knowledge in the development of sophisticated hardware and equipment for monitoring or treating the patient as well as toward the development of systems for providing emergency medical services.

Relatively little has been done in fundamental studies on acutely injured individuals in the areas of wound healing and infections, and psychological, metabolic, cardiac, and respiratory changes following trauma. A beginning has been made through the eight trauma centers supported by the National Institute of General Medical Sciences, but funding for these programs has always been quite limited. The substantial reduction in mortality and lasting disability from burns resulting from the establishment in recent years of specialized burn centers attests to the positive results that can be achieved through applying concentrated medical efforts in a center where multidisciplinary teams can work together in developing optimum treatment capacities and an organized approach to providing specialized care.

In addition the scientific capability developed from the manned space program could well be used to improve our ability to provide emergency medical services.

Because of the need for research in areas related to emergency medical services systems, the reported bill provides separate appropriations authorizations of $5,000,000 annually for support of research programs. Such grants for research must be carried out in conjunction with area emergency medical services systems which have developed a plan meeting the requirements of the new title.

The funding mechanism has been expanded to include contracts as well as grants with nonprofit entities for research and contracts with private agencies, organizations, or institutions for research. However, the requirement that any such research program must be carried out in conjunction with the implementation of a plan approved under the new title XII remains applicable.

ROLE OF COMPREHENSIVE HEALTH PLANNING AGENCIES

Since the 314(b) areawide health planning agency should be the logical local entity to coordinate and plan for a well functioning health system, the new title requires involvement of these agencies in the development and implementation of any programs for area emergency medical services. Indeed, to be eligible for a grant, a governmental unit or combination thereof would have to comprise at least the area covered by an areawide 314(b) planning agency—where one exists—unless the area proved to be incompatible with the development of a coordinated comprehensive system.

REPORTS AND RECORDS

A grantee must make such reports and maintain such records as the Secretary of HEW determines are necessary. To insure that grants and contracts awarded under the provisions of the new title are directed toward the implementation of plans for emergency medical services systems in accordance with its provisions, the reported bill requires the applicant to report periodically on progress achieved in the development, establishment, or expansion of components of such systems.

STANDARDS

Mr. President, to assure the effectiveness of such systems, all components of an emergency medical services system must meet standards and criteria established in rules by the Secretary in accordance with the APA, which includes a full right to advance public notice and personal appearance.

Several witnesses testified to the difficulties some geographical areas might face in being determined eligible for a grant if in each case all components in question were required to meet these criteria and standards prior to the awarding of a grant. As a consequence, the bill as reported provides that, where an applicant has demonstrated by clear and convincing evidence that a particular component of its emergency medical services system cannot immediately meet such standards and criteria, the Secretary may award a grant or a contract on condition that the applicant provides reasonable assurance all such nonconforming components will meet such standards and criteria within one year of the initial receipt of assistance under the new title XII.

AWARD MECHANISMS

Mr. President, the reported bill provides for two alternative award mechanisms—grants and contracts. The broad nature and need for flexibility in the development of plans for emergency medical services systems in any given area are most appropriately addressed by the grant mechanism. A similar approach has also proven most effective in training programs.

However, in the actual implementation of a plan for an emergency medical services system and the development of its components, the utilization of the con-



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tract mechanism has special applicability. The contract mechanism provides a greater degree of assurance that implementation of the plan will follow the original purpose in the plan submitted with the application and provides for greater control over compliance with requirements and quality standards prescribed by the Secretary.

Under the reported bill, utilization of the contract mechanism must be subject to the same review and approval procedures as the grant mechanism. There must also be sufficient flexibility to permit renegotiation of the contract, should the local unit of government feel the original purpose for which the contract was awarded should be changed. Again any such renegotiation should be subject to the same review procedures as used in the grant mechanism.

GENERAL PROVISIONS

Mr. President, the bill as reported would insure that any Federal support of emergency medical services systems or components thereof is provided only where such system or components meet the standards and criteria prescribed by the Secretary in approving plans under the new title, and that such support is provided only in connection with a system approved for the receipt of assistance under the new title. Specifically, in the case of a new grant, the reported bill provides that except as otherwise provided in the new title itself, no payments under any other provision of law (this would include, for example a provision in a no-fault insurance bill to allocate a certain percentage of premium receipts to an emergency medical services sinking fund) may be made except in connection with a system approved for the receipt of assistance under the new title. The reported bill further provides that (except as explained below) no new grants or contracts for the development or expansion of or research in connection with emergency medical services systems or components of systems may be made from funds appropriated under any authority other than the new title XII if (1) grants or contracts for such purposes are authorized by such new title XII and (2) if the full amount authorized to be appropriated by such title XII has not been appropriated or if all such authorized and appropriated funds have not been made available for obligation.

This provision was derived from and carries out the same purposes as section 317(f) (communicable disease control programs) and section 318(f) (venereal disease prevention and control programs) of the Public Health Service Act.

The prohibition is qualified, however, Mr. President, by the provision that where all funds have not been appropriated and obligated, the Secretary is authorized (not withstanding any other law) to expend any such funds as are appropriated under any other provision of the Public Health Service Act, or under any other provision of Federal law, for the development or expansion of new emergency medical services systems or components thereof, but to do so only in accordance with all the provisions, limitations, and restrictions of the new title XII.

In the case of the continuation or renewal of grants or contracts, the reported bill provides that nothing in the new title would limit or restrict the continuation or renewal of grants and contracts under any other provision of law for the conduct of emergency medical transportation and services programs as long as such funds are used in connection with a system approved for the receipt of assistance under the new title.

REPORTS TO CONGRESS

The reported bill requires an annual report to Congress which shall include an evaluation of the adequacy of emergency medical services throughout the Nation, a study of the legal barriers to the provision of such care, and recommendations on legislation which would correct any deficiencies. The provision of emergency medical services is affected in some States by inflexible laws on licensure, malpractice, and liability. This seems to be an appropriate area for study in the preparation of the report.

Mr. President, I ask unanimous consent that appropriate excerpts of the committee report (No. 93-135), which I filed for Mr. KENNEDY on May 3, be set forth in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF COMMITTEE REPORT NO. 93-135

On January 31 and February 1, 1973, the Subcommittee on Health of the Committee on Labor and Public Welfare held hearings in Washington, and on March 9, and March 12, 1973, held field hearings in San Francisco, California, and Los Angeles, California, respectively. At the former hearings, testimony was received from representatives of the Department of Transportation and representatives of professional organizations, including the Society of Critical Care Medicine, the American College of Emergency Physicians, the Ambulance Association of America, the American Heart Association, the American Medical Association, and the American Hospital Association. In addition, considerable testimony was received from concerned individuals having experience in the provision of emergency medical services. At the field hearings in California, testimony was received from the Department of Health, Education, and Welfare, from directors of health services in major local units of government, from consumers, from representatives of rural communities, and from representatives of public safety agencies, schools of medicine, providers of emergency care (such as hospitals, free clinics, ambulance associations, and representatives of professional organizations, including the American College of Surgeons, the American Nurses Association, the California Medical Association, and the California Hospital Association), as well as other concerned individuals having experience in the provision of emergency medical services.

* * * * *

In executive session on March 22, 1973, the Subcommittee on Health considered and unanimously ordered S. 504, with amendments favorably reported to the full Committee on Labor and Public Welfare. The full Committee met in executive session on April 5, 1973, and unanimously approved and ordered favorably reported S. 504 as reported from the Subcommittee with additional amendments all combined into a Committee substitute amendment, and with a title amendment.

* * * * *

SUMMARY OF BILL AS REPORTED

BASIC PURPOSE

The basic purpose of S. 504 as reported is to authorize the Secretary of Health, Education, and Welfare to provide support to States, units of local government, or combinations of local governments to plan, improve, and expand comprehensive and integrated systems for providing emergency medical services. Such support would be premised on the development of a comprehensive plan for the establishment of a comprehensive and integrated emergency medical services system in the applicant community. The plan would have to meet specified requirements, including opportunity for participation by all elements in the community having a relationship to emergency medical services in the development of the plan, and provision for certain essential components, including the training of necessary health care personnel (particularly paramedics), optimum utilization of facilities, adequate provision for transportation of patients, and a communication network providing the necessary linkage from the point of the emergency through despatch to a medical facility having the necessary specialized personnel and equipment. Other requirements of the plan include: assurances that anyone in need of emergency medical care will be provided such care without prior inquiry as to ability to pay for care; a program for coordinated and comprehensive public education and information; a plan for mobilization of resources to meet mass casualties arising from natural disasters; and provision for immediate access to specialized critical medical care units either within the community or in a neighboring community, as well as for a system to provide such followup care and rehabilitation (with consistent record-keeping) as is necessary to bring about the patient's recovery.

The reported bill also establishes an interagency technical committee at the Federal level to coordinate Federal programs and activities relating to emergency medical services, and establishes a National Advisory Council within H.E.W. to advise, consult with and review and make recommendations (in the same way as peer review panels operate for the National Institutes of Health) to the Secretary on applications for grants or contracts received and implementation of programs authorized by the reported bill.

Finally, the reported bill provides for special grants or contracts for research programs carried out in conjunction with area emergency medical services systems which have submitted a plan meeting the requirements set forth in the reported bill.

It should be stressed that, although assistance is authorized to be provided under grant or contract as necessary to support the carrying out of any requisite component of a plan, the basic thrust of the bill is to provide incentive payment with maximum reliance for funding placed on acquisition of funds and resources under other Federal programs (especially for facilities, health manpower training, and transportation and equipment through the Division of Emergency Medical Programs, Department of Transportation, and MAST) and on the generation of local funds. Provisions in the reported bill (sections 1201 and 1203(3)) make this explicit.

SUMMARY OF PROVISIONS

The reported bill adds to the Public Health Service a new title XII which:

1. Authorizes the appropriation of a total of $225 million over a three year period for grants and contracts to units of government (or combinations thereof) for the development of area emergency medical services systems, and requires that no less than 15 percent of the sums appropriated each year shall be made available for grants and contracts for rural areas. Makes clear that in determining the amount of funds to be provided for any component of a system under any such grant or contract, the Secretary shall ensure that such assistance is provided only to the extent that alternative sources of financial support under other provisions of law for such a component are inadequate to enable it to meet the requirements for the plan prescribed in the regulations the Secretary is required to promulgate.

2. Authorizes grants and contracts to (1) States, (2) political subdivisions, or (3) regional arrangements, compacts, or consortiums (including at least a Standardized Metropolitan Statistical Area (SMSA) if any) presenting a plan for a comprehensive and coordinated emergency medical services system, meeting requirements which section 1203 requires the Secretary to establish. Provides for Secretarial review and evaluation of performance under the plan and authorizes termination of assistance whenever the Secretary determines, in accordance with prescribed standards, that performance is not substantially in compliance with the plan.

3. Requires that the plan submitted by each applicant include appropriate community participation, provision for coordinated training programs, communications systems, transportation systems, categorized and nonduplicative facilities, access to specialized medical care units; assurance that services will be available to all patients without prior inquiry as to ability to pay; provision for adoption of a plan for coping with mass disaster provision for transfer to facilities and programs for followup care; provision for a public information program; provision for continuing review and evaluation of the emergency medical services system measured in terms of national norms and standards established by the Secretary; and provision for a standardized patient recordkeeping system.

4. Requires the establishment of an Area Emergency Medical Services Planning Council which must include appropriate representatives of 314 (a) and (b) agencies, regional medical programs, public safety agencies, provider organizations, units of local government, appropriate Federal agencies, communications networks, mass media, public utilities, and the general public. Provides that the functions of the council will include the development in consultation with the appropriate 314(b) agency of the plan for the emergency medical services system, and the continuous monitoring and evaluation of the operation of the system.

5. Establishes the Interagency Technical Committee on Emergency Medical Services composed of representatives of all Federal agencies having a relationship to emergency medical services, which Committee is given responsibility for coordinating Federal programs and activities for emergency medical services.

6. Authorizes the Secretary of Defense to initiate additional MAST (Military Assistance to Safety and Traffic) programs.

7. Establishes a National Emergency Medical Services Advisory Council made up of members of the Interagency Technical Committee (as ex officio, non-voting members) and 15 members of the public (8 technical; 7 general) appointed by the President. The Council's functions shall be to advise, consult with, and review and make recommendations to the Secretary in the same way as peer review advisory councils operate at NIH on applications in excess of $35,000 and to make recommendations with respect to carrying out the provisions of the new title, including the preparation and review of the annual budget, and the collection and dissemination of data useful in the development of area emergency medical services systems, including the establishment of a national data bank.

8. Authorizes grants and contracts in the case of public or private nonprofit entities, and contracts in the case of private entities, for the support of research in emergency medicine techniques, methods, devices and delivery carried out in conjunction with a plan submitted in accordance with section 1203. A total of $15 million over a three-year period is authorized to be appropriated for such research.

9. Requires review of the grant application by 314 (a) and (b) agencies and an opportunity to submit non-binding comments on such application to the Secretary, and the maintenance and submission of such records and reports as the Secretary determines are necessary.

10. Requires all components of an emergency medical services system supported under provisions of the Act to meet standards and criteria established in regulations by the Secretary. Permits the Secretary to waive this requirement only when an applicant clearly demonstrates the infeasibility of complying immediately with respect to such a component but provides assurances that all components will meet such standards within one year of the initial receipt of assistance.

11. Prohibits payments under any other law in connection with the development or maintenance of emergency medical services systems except in connection with a system approved for receipt of assistance under section 1202.

12. Provides that where the sums authorized by S. 504 are not appropriated and obligated at the full level of authorizations in any fiscal year, funds available under any other law for *new* grants or contracts (grantees or contractees not previously receiving assistance) for the development or expansion of, research in, emergency medical services systems or components of such systems may not be obligated or expended except that the Secretary is authorized to obligate or expend such funds but to do so only in accordance with the requirements of the new title.

13. Requires that continuing grants or renewal of existing grants under any other provision of law shall be limited to those in connection with systems approved for the receipt of assistance under section 1202.

14. Requires an annual report to Congress on the administration of programs authorized by the new title, including an evaluation of the adequacy of the provision of emergency medical services throughout the Nation, a study of legal barriers to the effective provision of medical care in emergency situations and recommendations for necessary legislation.

Other provisions of the reported bill:

1. Amend title VII of the Public Health Service Act to include in the sections for special project grants and health manpower education initiative awards, specific authorizations for grants for the interdisciplinary training of health personnel in the provision of emergency medical services.

2. Clarify that the provision of care by a provider of emergency services or other person to an individual in the course of a journey by interstate carrier shall be governed by the law of the jurisdiction in which the provider of care resides, or if he is an individual who is regularly engaged in the provision of health services, by the law of the jurisdiction where he is regularly so engaged.

COMMITTEE AMENDMENTS

The Committee's substitute amendment included several changes as follows:

SUMMARY OF SUBSTANTIVE CHANGES

1. Because the provisions of S. 504 have broad applicability to all aspects of community health, including training, equipment, systems development, transportation, facilities, and the overall planning and coordination of health resources, the Committee felt the provisions to be added to the Public Health Service Act were more appropriately set forth in a separate title, rather than being added as a part of title VI, which relates solely to facility construction and modernization. The bill, as reported, adds a new title XII to the Public Health Service Act.

2. The bill was amended to clarify that, in determining the amount of funds to be provided to support any component in the plan for a system under the new title, the Secretary shall ensure that such assistance is provided only to the extent that alternative sources of Federal financial support under other provisions of law for such a component are inadequate to enable it to meet the requirements prescribed in the regulations the Secretary is required to promulgate. This "secondary funding source" approach was also made explicit in the emergency medical personnel training component of the plan.

3. The bill was amended to clarify that support under the new title could not be provided for construction of new free standing facilities and that any support relative to facilities would be limited to the modernization of existing facilities; and to delete "public education" from the list of activities specifically mentioned as a use of funds appropriated under the new title XII.

4. As a result of testimony stressing the particularly acute problems rural communities have in providing emergency medical care, the bill Committee provided that at least 15 percent of the funds appropriated to support emergency medical services systems under the new title shall be available for grants and contracts for rural areas.

5. In response to testimony from many witnesses (the American Medical Association, California Medical Association, American College of Emergency Physicians, and Society for Critical Care) about the necessity for review and evaluation of the quality of services provided under an area emergency medical services system and for some form of sanctions where services fail to meet the desired standards, the bill was amended to provide that the Secretary is required to review annually performance under a plan and to authorize him to terminate assistance where he determines that performance is not substantially in accord with the plan submitted. Any such determination would have to be made in accordance with rules governing adjudications as prescribed in the Administrative Procedure Act, and would have to take into consideration the reports of independent reviews and evaluations submitted to the Secretary as required by the new title.

6. Section 1203(12) was amended to require that the independent reviews and evaluations required by the new title shall be measured in terms of national norms and standards established by the Secretary in rules made on the record after opportunity for a hearing, in accordance with the rulemaking provisions prescribed in the Administrative Procedure Act.

7. To reinforce the important role the public safety agencies play in the provision of emergency medical services, the bill was amended to emphasize that consideration in the development of an area system for emergency medical services must be given to the effective utilization of the resources of the public safety agencies of the area, and specific mention is made of the need for training appropriate personnel of such public safety agencies in the provision of emergency medical services to victims of illness and accident.

8. A number of clarifying and technical changes were made to section 1203 which sets forth the requirements of a plan for an area emergency medical services system.

9. While substantially all witnesses testified to the importance of drawing upon the experience of a broad representation of interests in developing a comprehensive area emergency medical services system, many pointed out that requiring that a large num-



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ber of persons be involved in all aspects of such a venture might prove cumbersome in the implementation or administration of a program. Because the Committee feels that representation from all the groups cited in section 1204 which describes the Area Emergency Medical Services Planning Council are essential to the achievement of a comprehensive system, section 1204 was amended to permit such a Council to delegate its authority to a subgroup which would, however, be required to reflect the total membership of the Council.

10. Substantial testimony was heard from professional groups that emergency medical services is an area of such importance, and that Federal programs related to these services are lodged in so many existing Federal agencies, that an identifiable unit with high visibility should be established to coordinate and administer these programs. The Committee has addressed itself to this issue by amending section 1206, establishing the National Emergency Medical Services Advisory Council, to make this Council a Presidentially-appointed Council, and to broaden its authorities beyond review and approval of grant applications to making recommendations regarding all authorities of the new title XII, including preparation and review of the annual budget for programs under that title, the collection and dissemination of data useful to the development of area emergency medical services systems, and the establishment of a national data bank.

11. The bill was amended to include authority for contracts as well as grants for research to public and private non-profit entities and for research contracts with private agencies, organizations or institutions. At the same time, the requirement that any such research program must be carried out in conjunction with the implementation of a plan submitted in accordance with the provisions of the new title XII remains applicable.

12. Several witnesses testified to the difficulties some areas might face in being determined eligible for a grant if all components of an area emergency medical services system were required to meet the criteria and standards prescribed by the Secretary prior to the awarding of a grant. To deal with this problem in a way consistent with the approach of the bill as reported, the Committee adopted an amendment to newly designated subsection (c) of section 1209 which provides that where an applicant has demonstrated that all components of its emergency medical services system cannot meet such standards and criteria immediately, the Secretary may award a grant or a contract as long as the applicant provides firm assurance that all such components will meet such standards and criteria within one year of the initial receipt of assistance under the new title.

13. A number of amendments were adopted in Committee to ensure that any Federal support of emergency medical services systems or components thereof would have to meet the standards and criteria prescribed by the Secretary in approving grants under the proposed title XII and would have to be made in connection with a system approved for the receipt of assistance under section 1202 in the new title.

In the case of a new grant, the provisions of subsections (e) and (f) of section 1209 would apply. Subsection (e) provides that, except as provided in subsections (f) and (g), no payments under any other provision of law may be made except in connection with a system approved for the receipt of assistance under section 1202 in the new title. Subsection (f) provides that no new grants or contracts for the development or expansion of or research in connection with emergency medical services systems or components thereof may be made from funds appropriated under any authority other than the new title if grants or contracts for such purposes are authorized by the new title and if the total amount of the funds authorized by the new title have not been appropriated or if all such authorized and appropriated funds have not been made available for obligation. Where all funds have not been appropriated and obligated, the Secretary is authorized to expend any such funds appropriated under any provision of the PHS Act, or under any other provisions of Federal law, for the development or expansion of emergency medical services systems or components thereof, but to do so only in accordance with all the provisions, limitations, and restrictions of the new title XII.

In the case of the continuation of grants or contracts, subsection (g) of section 1209 provides that nothing in the new title XII would limit or restrict the continuation or renewal of grants and contracts under other provisions of law for the conduct of emergency medical transportation and services programs as long as such funds are used in connection with a system approved for the receipt of assistance under section 1202 in the new title and such programs meet standards and criteria established by the Secretary under the new title XII.

14. Amendments were adopted in Committee to amend title VII of the Public Health Service Act to specify that programs for interdisciplinary training for the provision of emergency medical services are eligible for project grant support under sections 772 (Special Project Grants and Contracts) and 774 (Health Manpower Education Initiative Awards).

15. The title of the bill was amended so as to read: "A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems."

* * * * *

COST ESTIMATE PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the Committee estimates that, if all funds authorized were appropriated during fiscal year 1974 and the two succeeding fiscal years, the 3-year costs occasioned by S. 504, as reported, would be as follows:

TABLE I.—EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT ACT OF 1973 (AS REPORTED)

[In millions of dollars]

| | Fiscal years | | |
|---|---|---|---|
| | 1974 | 1975 | 1976 |
| Sec. 1201: Planning, development, and expansion of area emergency medical services systems | 37.5 | 75.0 | 112.5 |
| Sec. 1207: Research in emergency medicine techniques, methods, devices, and delivery | 5.0 | 5.0 | 5.0 |
| Yearly total | 42.5 | 80.0 | 117.5 |
| Grand total (3 years) | | 240.0 | |

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Committee reports that there were no tabulations of votes on S. 504. The Committee unanimously adopted the amendments, and unanimously ordered the bill, with an amendment in the nature of a substitute and a title amendment, reported favorably.

SECTION-BY-SECTION ANALYSIS

*Section 1.*—Establishes the title of the proposed Act as the "Emergency Medical Services Systems Development Act of 1973".

*Section 2.*—Adds to the Public Health Service Act a new title XII—"Development of Area Emergency Medical Services Systems".

*New Section 1201 of the new title.*—Authorizes the appropriation of $37,500,000 in fiscal year 1974, $75,000,000 in fiscal year 1975, and $112,500,000 in fiscal year 1976 for special project grants and contracts with appropriate governmental entities for the planning and development or expansion of comprehensive area emergency medical services systems, reserving not less than 15 per centum of the sums appropriated in each fiscal year for grants or contracts for rural areas. Sums made available under the new section 1201 may be used for planning, modernization, training and manpower development, communications, transportation, coordination of services and facilities and other components necessary for the implementation of a plan for the provision of emergency medical services. The new section specifies that, in determining the amount of funds to be provided for any component of a system under any such grant or contract, the Secretary shall ensure that such assistance is provided only to the extent that such component is not supported by a sufficient amount of Federal assistance under other titles of the PHS Act or other provision of law so as to enable such a component to meet the requirements established by the Secretary under the new title XII.

*New Section 1202 of the new title.*—Provides that funds appropriated under all authorities of the bill as reported (research in new section 1207 and development or expansion of systems in new section 1201) may be awarded by the Secretary only after peer-review type consultation with the National Emergency Medical Services Advisory Council established by new section 1206 and that funds appropriated for the development or expansion of systems (section 1201) shall be provided on a matching basis of up to 75 per centum to (1) States, (2) political subdivisions, or (3) regional arrangements, compacts, or consortiums, which present a plan for a comprehensive and coordinated emergency medical services system meeting requirements prescribed by the Secretary. Such systems must be designed to serve a geographical area at least congruent with the boundaries of a 314(b) agency where one exists, or multiples of such areas, unless the Secretary determines a system serving such an area would be infeasible and approves a plan serving a portion of such an area. The new section further provides that in the case of a regional arrangement, compact, or consortium which includes a standardized metropolitan statistical area (SMSA), such arrangement, compact, or consortium must comprise at least those units of local government in such SMSA. The new section also requires the Secretary to review and evaluate annually performance under a plan and authorizes the Secretary to terminate assistance awarded under provisions of the new title XII where, based upon his annual reviews and evaluations and reports of the independent review and evaluations required by the new title XII, he determines after a hearing, that performance is not substantially in accord with the plan submitted under new section 1203.

*New Section 1203 of the new title.*—Sets forth the requirements of a plan for emergency medical services required to be submitted by each applicant pursuant to section 1202.

*Clause (1) of new section 1203.*—Specifies the basic purpose of the plan—to provide for a complete and coordinated emergency medical services system to serve the appropriate area and emphasizes that consideration must be given to the effective utilization of the resources of the public safety agencies in the area to be served.

*Clause (2) of new section 1203.*—Requires the plan to include a description of the area emergency medical services planning council required to be established by new section 1204.



*Clause (3) of new section 1203.*—Requires the plan to include proposals for training and continuing education of health professionals and paraprofessionals in the provision of emergency medical services with priority given to the recruitment and necessary training of appropriate public safety personnel. The clause further specifies that support for such training and education programs shall first be sought under other appropriate authorities of the Public Health Service Act and other laws, and that, when support under the new title is provided because sufficient assistance is not available under such other authorities, programs supported under the new title shall be carried out in coordination with the education and training programs in the geographical area receiving assistance under other authorities of the Public Health Service Act. This clause also specifies that any such programs must need criteria established by the Secretary in regulations, and, in the case of training of paraprofessionals, must include supervised clinical training for at least one-half of the program.

*Clause (4) of new section 1203.*—Requires the plan to provide for a communications system with appropriate linkages with other communications networks, with maximum accessibility for the public, and telephonic triage screening (generally carried out by appropriate nurse or paramedical personnel) to direct the individual to the emergency facility most appropriate to his needs and to ensure that the most appropriate type of emergency medical unit is despatched to his aid. The system is required to allow for transmission of information by voice, telemetry, or other electronic method and to provide for cross-frequency patching capability.

*Clause (5) of new section 1203.*—Requires the plan to provide for an emergency medical services transportation system appropriate to the individual characteristics of the area.

*Clause (6) of new section 1203.*—Requires the plan to provide for the operation of easily accessible, continuously operational emergency medical facilities with appropriate capabilities which are nonduplicative and categorized in terms of competencies, and are situated at locations in the area suited to the needs of the area.

*Clause (7) of new section 1203.*—Requires the plan to make provision for emergency access to specialized critical medical care units in the area, and, where such units do not exist in the area, to provide for access to such units in a neighboring area where it is feasible in terms of time and distance. The clause also requires that provision be made for reciprocal agreements with neighboring areas for the provision of emergency medical services where such provision would be appropriate and effective in terms of services, time, and distance in a given situation.

*Clause (8) of new section 1203.*—Requires the plan to assure that necessary emergency medical services will be provided all patients requiring services and will be provided without regard to or prior inquiry as to ability to pay. Provision is included for a waiver of the first mandatory requirement to provide services in all situations—where the grantee subsequently clearly demonstrates the infeasibility of providing such universal services.

*Clause (9) new section 1203.*—Requires the plan to provide for the development, within one year of an award under the new title XII, of a plan for submission to the Secretary assuring an operational system for providing emergency medical services during mass casualties, natural disasters, or national emergencies.

*Clause (10) of new section 1203.*—Requires the plan to provide for the transfer to facilities and programs providing necessary followup care and vocational rehabilitation for the maximum recovery and restoration of the patient.

*Clause (11) of new section 1203.*—Requires the plan to provide for a program of public education and information, stressing that this must include the dissemination of information regarding appropriate methods of medical self-help and first-aid, as well as the availability of first-aid training programs.

*Clause (12) of new section 1203.*—Requires the plan to provide for a periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency medical services provided in the area, to be measured in terms of national norms and standards established by the Secretary in rules made on the record after opportunity for a hearing in accordance with provisions regarding rulemaking prescribed in the Administrative Procedure Act (APA) (5 U.S.C. §§ 551-59).

*Clause (13) of new section 1203.*—Requires the plan to provide for a standardized patient record-keeping system covering the treatment of the patient from initial entry into the system all the way through to discharge from the system, to be consistent with ensuing patient records used in followup treatment as well as in the rehabilitation of the patient. The clause further provides for a waiver of the consistency requirement where the grantee subsequently clearly demonstrates the infeasibility of immediately achieving such consistency.

*New section 1204 of the new title. Subsection (a).*—Provides that the composition of the Area Emergency Medical Services Planning Council established in connection with the plan submitted under new section 1203 shall include representatives of the State and appropriate areawide health planning agencies, of the Regional Medical Programs established under title IX, of public safety agencies, hospital councils, public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health or health education, local government or units of local government exercising jurisdiction in the area, VA and other Federal agencies operating medical installations in the area, communications networks, mass media and public utilities serving the area, and firms, organizations and other entities having responsibilities related to the provision of emergency medical services, and consumers who shall comprise at least one-third of the voting membership of the Council. The new section provides that, to the maximum extent feasible, representatives of providers shall be selected so as to represent professional, paraprofessional, and nonprofessional personnel, and that representatives of the general public shall be selected so as to represent all significant segments of the population to be served.

*Subsection (b) of new section 1204.*—States that the functions of the Council shall include the development, in consultation with the congruent 314(b) agencies, if any, of the plan for an emergency medical services system required under new section 1203 and also the continuous monitoring and evaluation of the operation of the emergency medical services system with a view to making recommendations for the improved effectiveness of its operation.

*Subsection (c) of new section 1204.*—Authorizes the Council to delegate part or all of its functions and responsibilities to a subgroup which must be representative of the Council's membership. Subsection (c) also provides that meetings of the Council and subgroups of the Council shall be open to the public and that the public (including all those eligible for membership) shall be advised reasonably in advance of such meeting.

*New section 1205 of the new title. Subsection (a).*—Establishes an Interagency Technical Committee on Emergency Medical Services, and specifies that the responsibilities of the Committee shall include the coordination of Federal programs relating to emergency medical services to assure their adequacy and technical soundness and to provide for the exchange of information necessary to maintain the coordination and effectiveness of these programs. The Section designates the Secretary of HEW as Chairman of the Committee and specifies that representatives of all Federal agencies, and parts of such agencies (including components of HEW), which the Secretary determines administer programs directly affecting emergency medical services functions or responsibilities, shall be members of the Committee. The section requires the Committee to meet at the call of the Chairman, not less often than four times a year.

*Subsection (b) of new section 1205.*—Authorizes the Secretary of each military department to enter into agreements with emergency medical services systems (as is presently done under the MAST program) to provide transportation and other services in emergency situations where it will not interfere with the primary mission of such military department.

*New Section 1206 of the new title. Subsection (a).*—Directs the President to establish a National Emergency Medical Services Advisory Council, and specifies that the Council shall consist of the Secretary of HEW or his designee, the Director of the National Institutes of Health, and the Administrator of the Health Services and Mental Health Administration, in HEW, all members of the Interagency Technical Committee established by section 1205, and fifteen members, appointed by the President, of whom seven must be representatives of the general public and eight individuals experienced in the provision or development of, or training of personnel for, emergency medical services systems. The subsection specifies that the President will designate one of the appointive members as Chairman of the Council and that the ex officio members shall be non-voting members.

*Subsection (b) of new section 1206.*—Specifies that the functions of the Council shall be to advise, consult with, and make recommendations to, the Secretary on applications received for grants and contracts in excess of $35,000 under the new title XII (in the same way as peer review panels operate for NIH institutes), and to make recommendations to the Secretary with respect to carrying out all provisions of the new title, including prior opportunity to review and comment on proposed regulations and guidelines and preparation and review (including agency appeal) of the budget estimate for the program established under the new title. The Council's function shall also include the collection, analysis, and dissemination of all data useful in the development of area emergency medical services systems, including the establishment of a national data bank to utilize information resulting from the operation of emergency medical services systems developed with assistance under the new title.

*Subsection (c) of the new section 1206.*—Sets the term of each appointed member at four years, except in the case of a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, and permits the terms of the initial appointees to be staggered. The subsection specifies that the initial terms of the appointed members representing the general public must be at least three years.

*Subsection (d) of new section 1206.*—Specifies that nine voting members of the Council shall constitute a quorum for the purpose of making recommendations pursuant to subsection (b) of new section 1206.

*Subsection (e) of new section 1206.*—Authorizes appropriate travel and a GS-18 rate of per diem compensation for members of the Council who are not officers or employees of the Federal Government.

*Subsection (f) of new section 1206.*—Requires the Secretary to provide necessary support and staff to the Council.

*Subsection (g) of new section 1206.*—Re-

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quires the Council to meet no less often than four times each year.

*New section 1207 of the new title. Subsection (a).*—Authorizes the Secretary to make grants to or contracts with public or private nonprofit entities, or contracts with private entities, for the support of research in emergency medicine techniques, methods, devices, and delivery to be carried out in conjunction with the implementation of a plan submitted in accordance with new section 1203.

*Subsection (b) of new section 1207.*—Authorizes the appropriation of $5,000,000 each for fiscal year 1974 and the two succeeding fiscal years to carry out such research activities.

*New section 1208 of the new title.*—Prohibits the approval of a grant or contract under the new title unless the appropriate 314(a) and 314(b) agencies have had an opportunity to comment on the application and the applicant has submitted to the Secretary a reply to any such comments with a view toward accommodating any objections and remedying any differences. The new section also requires the applicant to maintain such records and reports as the Secretary determines necessary and requires the application to be submitted in a form meeting specified requirements and to include a description of any restrictions of the law in the area with respect to the full utilization of the training and skills of professional and paraprofessional personnel in the provision of comprehensive emergency medical services.

*Section 1209 of the new title. Subsection (a).*—Authorizes payments of grants in advance or in such installments and on such conditions as the Secretary determines will most effectively carry out the provisions of the new title.

*Subsection (b) of new section 1209.*—Permits contracts to be entered into without regard to section 3648 and 3709 of the Revised Statutes (regarding prohibition of advance payments and requirement of advertising for proposals).

*Subsection (c) of new section 1209.*—Requires that all components of an emergency medical services system supported under the new title must meet standards and criteria established by the Secretary in regulations, after taking into account standards established by appropriate national professional or technical organizations. The establishment of such standards and criteria must be in accordance with all provisions regarding rulemaking as prescribed in the APA. The subsection also permits the Secretary, where an applicant has demonstrated that all components of its emergency medical services system cannot meet immediately the standards and criteria prescribed, to make a grant or contract if the applicant provides reasonable assurance that each noncomplying component of the proposed system will meet such standards within one year of the receipt of assistance under the new title.

*Subsection (d) of new section 1209.*—Requires the submission of the reports of independent reviews and evaluations, carried out pursuant to the plan, to the appropriate Area Emergency Medical Services Planning Council, to the National Emergency Medical Services Advisory Council, and to the Secretary.

*Subsection (e) of new section 1209.*—Provides that, notwithstanding any other provision of law, except as provided in subsections (f) and (g) of new section 1209, unless enacted in express limitation of this subsection, no payments in connection with the development or maintenance of emergency medical services systems (or components of such systems) may be made except in connection with a system approved for the receipt of assistance under new section 1202.

*Subsection (f) of new section 1209.*—Provides that no new grants or contracts for the development or expansion of or research in connection with emergency medical services systems (or components of such systems) may be made from funds appropriated under any authority other than the new title XII (1) if grants or contracts for such purposes are authorized by the new title XII and (2) if all funds authorized to be appropriated under the new title XII have not been appropriated or if all such authorized and appropriated funds have not been obligated. This provision is derived from and carries out the same purposes as subsections (f) of sections 317 and 318 of the PHS Act. The subsection also provides that where all funds authorized under the new title XII have not been appropriated and obligated, the Secretary is authorized notwithstanding any other law to expend funds appropriated under authority of any other such law for the development or expansion of systems, but to do so only in accordance with all the provisions, limitations, and restrictions of the new title XII.

*Subsection (g) of new section 1209.*—Provides that nothing in the proposed title XII shall limit or restrict the continuation of grants and contracts under other provisions of law for the conduct of emergency medical transportation and services programs as long as such funds are used in connection with a system approved for the receipt of assistance under the new title and such programs and their components meet all standards and criteria established by the Secretary under the new title.

*Subsection (h) of new section 1209.*—Defines State to include Guam, American Samoa, and the Trust Territory of the Pacific Islands in addition to those jurisdictions included in the basic definition in section 2(f) of the Public Health Service Act. The subsection also defines the term "modernization" to mean "alteration, major repair (to the extent permitted by regulations), remodeling, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings", which does not include "replacement" as does section 645 of the Public Health Service Act (Hill-Burton) from which this definition is derived.

*Section 1210 of the new title.*—Requires the Secretary to submit to the Congress annually a report on the administration of the new title XII to include an evaluation of the adequacy of the provision of emergency medical services nationally, a study to determine the legal barriers to the effective provision of medical care in emergency situations, and the extent to which needs for services are met under provisions of the new title and recommendations for legislation necessary to provide emergency medical services nationally at a level adequate to meet such needs.

*Section 3. Subsection (a).*—Amends Section 2 of the Public Health Service Act to include the new title XII within the Public Health Service Act.

*Subsection (b) of section 3.*—Amends section 772(a) of the Public Health Service Act to specify programs and projects in the interdisciplinary training of health personnel for the provision of emergency medical services, especially those utilizing clinical experience in emergency medical services systems receiving assistance under the proposed title XII, as among those programs eligible for project grant assistance under the authorities of that section.

*Subsection (c) of section 3.*—Amends section 774(a)(1)(D) of the Public Health Service Act to specify emergency medical services as among those health services for which new or effective approaches to organization and delivery can be encouraged through health manpower initiative awared grants to train individuals in the use of the team approach.

*Section 4.*—Clarifies as a matter of conflicts of laws that the law of the jurisdiction where a person providing emergency medical services resides or practices governs the provision by such person of services in the course of a journey by common carrier crossing state boundaries. This provision has been informally discussed with staff of the Commerce Committee.

CONCLUSION

Mr. CRANSTON. Mr President, adoption of S. 504 will enable the Nation's communities to meet the great need of providing adequate and immediate care to victims of accident and sudden illness. It will help prevent the avoidable tragedies of long-term disabilities or death which too often result from inadequate care at the time of the emergency.

I urge the full support of the Senate for S. 504.

I would like again to express my admiration and thanks for the leadership provided in the development of this legislation by the distinguished Senator from New Jersey (Mr. WILLIAMS), chairman of the Committee on Labor and Public Welfare, and by the distinguished Senator from Massachusetts (Mr. KENNEDY), chairman of the Subcommittee on Health, as well as by the distinguished respective ranking committee and subcommittee minority members, the Senator from New York (Mr. JAVITS), and the Senator from Pennsylvania (Mr. SCHWEIKER). As I have stressed, the distinguished Senator from Colorado (Mr. DOMINICK) and the Senator from Maryland (Mr. BEALL) were of great assistance in the final development of the bill's provisions.

I would also like to express my deep appreciation for the excellent assistance provided by the staff of the Labor and Public Welfare Committee, Willie Shawcross and LeRoy Goldman, for Senator Kennedy, Jay Cutler, Chuck Woodruff, and Joe Carter, for the minority, and Louise Ringwalt and Jon Steinberg assisting me, in the development of this very urgently needed bill.

I look forward to working with my colleagues in the other body to accommodate our differences and send a first-rate bill to the President in the near future.

Mr. MAGNUSON. Mr. President, at this time I send to the desk a modification of my amendment No. 120 and ask that the amendment—as modified—be considered immediately.

Mr. President, I offer this amendment for myself and on behalf of the distinguished chairman of the Health Subcommittee (Mr. KENNEDY), the distinguished author of the bill now before us, the Senator from California (Mr. CRANSTON); the distinguished chairman of the Labor and Public Welfare Committee, the Senator from New Jersey (Mr. WILLIAMS); the distinguished ranking minority member of the Labor and Public Welfare Committee, the Senator from New York (Mr. JAVITS); my distinguished colleague from Washington, the junior Senator from Washington (Mr. JACKSON); the distinguished Senators from Louisiana (Mr. LONG and Mr. JOHNSTON); the distinguished Senators from Texas (Mr. TOWER and Mr. BENTSEN); the distinguished Senators from Maryland (Mr. BEALL and Mr. MATHIAS); the distinguished Senator from Massachusetts (Mr. BROOKE); the distinguished Senator from Alabama (Mr. SPARKMAN); and the distinguished Senator from California (Mr. TUNNEY).

The PRESIDING OFFICER. The clerk will report the amendment.



The assistant legislative clerk proceeded to state the amendment.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendment add the following:

CONTINUED OPERATION OF CERTAIN PUBLIC HEALTH SERVICE HOSPITALS

SEC. 5. (a) The Secretary of Health, Education, and Welfare is directed to take such action as may be necessary to assure that the Public Health Service Hospitals which are located in Seattle, Washington; Boston, Massachusetts; San Francisco, California; Galveston, Texas; New Orleans, Louisiana; Baltimore, Maryland; and Staten Island, New York; shall, until such time as the Congress shall by law otherwise provide, continue in operation as Public Health Service Hospitals and continue to provide inpatient and other health care services to all categories of individuals entitled, or authorized, to receive care and treatment at hospitals or other stations of the Public Health Service, in like manner as such services were provided to such categories of individuals at such hospitals on January 1, 1973.

(b) It is the policy of the Congress that such Public Health Service Hospitals shall (except as may otherwise hereafter be authorized or required by the Congress)—

(1) continue to provide, for categories of individuals for which health care services were provided (or authorized to be provided) by such hospitals on January 1, 1973, a level and range of inpatient, outpatient, and other health-care services which is at least as great as the level and range of such services which were provided (or authorized to be provided) by such hospitals on January 1, 1973, and

(2) continue to conduct a level and range of other health-related activities (including, but not limited to, training and research activities) which is not less than the level and range of such activities which were being conducted on January 1, 1973.

(c)(1) It shall be the duty of the Secretary of Health, Education, and Welfare, in the administration of any and all laws with respect to which he has responsibility, to carry out the provisions of subsections (a) and (b) and he shall take no action (other than action required pursuant to a law enacted after the date of enactment of this Act) inconsistent with such provisions.

(2) Funds appropriated to carry out any activity in furtherance of the provisions of subsections (a) and (b) shall, to the extent necessary to carry out such provisions, be utilized to carry out such activity; and the President shall have no authority to, and shall not, impound or withhold any such funds; except that nothing in this paragraph shall be construed to require the President or the Secretary of Health, Education, and Welfare to expend funds in excess of the maximum amounts which can effectively be utilized in carrying out such provisions.

(d) Nothing in this section shall be construed as authorizing or requiring the conduct of any activity which is not authorized under other provisions of law, nor as an authorization for the appropriation of any funds.

(e)(1) Section 3(b)(2) of the Emergency Health Personnel Act Amendments of 1972 (86 Stat. 1290) is amended by striking the words "Comments (if any)" and inserting in lieu thereof the words "approval of such closing or transfer".

(2) Such section is further amended by striking the comma at the end of paragraph (B) and inserting in lieu thereof a period and by striking the words "after the Secretary has provided each such agency a reasonable opportunity to review and comment on the proposed closing or transfer".

(3) Nothing in this subsection shall be construed as relieving the Secretary of Health, Education, and Welfare from fulfilling any other requirements of this section.

Mr. MAGNUSON. Mr. President, this amendment would not create any new programs, and it would not impose any new burden on the budget. Its only purpose is to keep open the Public Health Service hospitals in Seattle, San Francisco, Galveston, New Orleans, Baltimore, Staten Island, and Boston, Mass., until such time as the Congress authorizes their closure. The Department of Health, Education, and Welfare, of course, has announced that it will close the Seattle, San Francisco, Galveston, New Orleans, Baltimore, and Boston hospitals this summer. Additionally, it intends to close the hospitals in New York and Norfolk soon thereafter.

WHAT THE AMENDMENT WOULD REQUIRE

Our amendment would impose four requirements on HEW:

First, it would require the Department to continue operating the hospitals in question until such time as the Congress, by law, authorizes their closure or transfer to community use.

Second, until the Congress authorized otherwise, it would require the hospitals to continue serving all categories of patients who were eligible for care on January 1 of this year.

Third, until the Congress authorized otherwise, it would require the hospitals to continue providing a level and range of health care services and health-related activities at least as great as they were on January 1.

Fourth, and finally, it would direct the executive branch to spend all funds appropriated for these hospitals unless the other requirements of the amendment could be met with smaller expenditures.

PLANS REQUIRED BY PUBLIC LAW 92-585

Mr. President, in late 1970, the administration first suggested that the eight PHS hospitals be closed or transferred to community use. Last year, Congress enacted Public Law 92-585 which required that before HEW could close any PHS hospital it had to submit to Congress detailed plans showing how the hospital's responsibilities would be met if any of the hospitals were closed. The law required that those plans be sent to us at least 90 days before the proposed closure or transfer. The purpose of those requirements, of course, was to give Congress an opportunity to study the plans and to take appropriate action to keep the hospitals open if the plans were not satisfactory.

On March 28 we received HEW's plans for closing, this July, the PHS hospitals in Seattle, San Francisco, Galveston, New Orleans, Baltimore, and Boston. Also, at that time HEW indicated it intends to submit similar plans soon for the Norfolk and Staten Island hospitals.

As I shall discuss in a few moments, the plans submitted on March 28 are seriously deficient.

But before I get into the specific problems of those plans, I want to comment on the two basic arguments advanced by HEW to justify closing them. Specifically, HEW maintains first, that PHS beneficiaries will be better served by its proposals, and second, that the Federal Government will save money.

COURT ACTION BY BENEFICIARY GROUPS

With respect to the first argument, I would simply point out that beneficiary groups have filed suit in Federal court in both New York and Seattle to keep the PHS hospitals open. Obviously, then, they do not feel they would be better served under HEW's proposals.

FEDERAL GOVERNMENT WILL NOT SAVE MONEY

Now, let us look at the cost argument. According to HEW's own figures, it would cost the Federal Government $99.1 million in fiscal year 1974 operating costs to continue the six PHS hospitals it has announced it plans to close this July. Under its plan, according to HEW, the total fiscal year 1974 operating cost would be $107.5 million. In other words, the Federal Government will have to pay $8.4 million more in fiscal year 1974 operating costs if the hospitals are closed.

Also, according to HEW's figures, the Federal Government will have to pay $7.3 million in nonreoccurring costs in fiscal year 1974 to phase-out the hospital staffs. This $7.3 million would be used for such expenses as severance pay.

In other words, the total fiscal year 1974 Federal cost of HEW's plan for closing the six hospitals will be $114.8 million. That is $15.7 million more than it would cost to continue operating the hospitals.

Now, it is true that these hospitals do need major repairs. HEW estimates the repair cost would be $36.3 million. There are other figures that are lower; but it will cost something. However, it is the $36.3 million to which HEW points to prove that it will be cheaper to close the hospitals.

But remember that the annual operating cost of HEW's proposals will be about $8.4 million higher each year than would be the annual operating cost of continuing the six PHS hospitals. Over 5 years, then, the savings in operating costs which would be accumulated by keeping the hospitals open would pay for the one-time repair cost of $36.3 million.

In the long run, then, the Federal Government will not save any money at all by closing these hospitals.

THE PROBLEMS WITH HEW'S PLANS

Mr. President, important as it is, direct patient care is only one of the functions served by the PHS hospitals. They are also involved in health manpower training, research, and community health programs. According to the plans submitted by HEW on March 28 for the hospitals in Seattle, San Francisco, Galveston, New Orleans, Baltimore, and Boston, research that requires inpatient care will be terminated and manpower training programs will be ended.

Taken together, the hospitals covered by our amendment are now providing essential educational opportunities for more than 1,600 persons training for the health professions. For example, one-fourth—or about 200 students—of the University of Washington Medical School's enrollment is in training at the Seattle PHS hospital along with more than 300 others studying for a variety of health careers. Elimination of those training opportunities could well force the University of Washington and other

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schools in the area to severely cut back their health science enrollments. At a time when the Nation has such serious health manpower shortages I believe it is imperative that we not eliminate available training opportunities such as these.

HEW's plans pose similarly difficult problems with respect to the community health programs now served by these PHS hospitals. In New Orleans, for example, inpatients will no longer be accepted from the model city family health clinics and HEW's plan makes no provision for an alternative source of care. In San Francisco, a PHS hospital program that now provides psychiatric services for those in the community will be terminated without alternative arrangements.

In many other cases, HEW's plan vaguely indicates that these community programs will have other sources of assistance available but does not provide any real evidence to demonstrate that will, in fact, be the case.

The Seattle hospital, for example, currently provides essential supportive services—X-ray, lab tests, and so forth—for a network of 17 community clinics that are staffed free of charge by doctors to provide free care to medical indigents, HEW's plan boldly asserts that similar support services will be provided elsewhere in the community but gives absolutely no evidence to prove that will, in fact, be possible.

The most serious problems with HEW's plans, however, are their deficiencies with respect to the arrangements that will be available for those who now received direct in-patient care at the PHS hospitals. Let me illustrate this point by using the Seattle situation as an example.

In fiscal year 1972 the Seattle PHS Hospital cared for 4,842 in-patients including about 1,100 merchant seamen—this is what these hospitals were established to do years ago when the Congress created them—over 2,000 active or retired military personnel and dependents, 550 Indians—the only Indian clinic anywhere near the area—87 persons referred by the free community clinics, and several hundred civilian Federal employees.

HEW proposes to contract with local hospitals to care for the seamen and other primary beneficiaries. Yet now, just a few weeks before the PHS hospital is to be closed, HEW has not yet negotiated a single contract with any community hospital. Military personnel, HEW says, are to be referred to military hospitals. However, the Department's plan gives no details as to which military hospitals.

More important, the plan gives no proof that the military facilities in the Seattle area have the capacity to handle these patients. This is especially disturbing in light of information that the Madigan Army Medical Center at Ft. Lewis is currently undergoing major staff reductions. Finally, HEW's plan provides no hard information at all as to where the medical indigents will receive hospitalization.

In sum, HEW is asking us and the PHS beneficiaries to trade a health care system we know is working for a package of extremely vague paper proposals. And that, to we, Mr. President, is just not acceptable.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. JAVITS. Mr. President, I wish to state to the Senator my great appreciation, on behalf of my State, for his allowing me to join with him in this amendment, and for including Staten Island, N.Y. He has depicted the situation most accurately, and there are many, many Americans who are grateful for the amendment and for the spirit in which he has put it forth.

Mr. MAGNUSON. In New York, and I am sure it is true in the Chesapeake Bay area as well, the military hospitals are chuck-a-luck full, and they have waiting lines. When HEW says military facilities are available to take care of those served by the PHS hospitals, that is utter nonsense. Moreover, the PHS hospitals are doing it cheaper than if we try to take care of these people somewhere else.

Mr. JAVITS. I thank the Senator.

Mr. MAGNUSON. Mr. President, I yield the floor.

Mr. BEALL. Mr. President, I, too, would like to thank the Senator from Washington for taking the initiative, in this instance, to propose this amendment, and allowing me to become a cosponsor.

I had the good fortune, last Friday, to visit the Public Health Service hospital in Baltimore and see what impact this proposal was having on that institution.

I not only came away with the impression that it was inadvisable, but was impressed with what appeared to be a rather callous insensitivity to the needs of the community in proposing that these hospitals be eliminated so abruptly as of the end of June.

I found, in talking with the administrators of the hospital, that no provision had been made for any sort of transition, but that the only information that the people at the hospital had was the same announcement from HEW that the services were to be terminated as of the 30th of June, and they have received nothing from them since as to how medical service is to be provided in the future, is what is to happen to the facilities.

The consequences in Baltimore are immense, as I am sure they are elsewhere around the country. In Baltimore, for example, one whole floor of the Public Health Service hospital is occupied by the Baltimore Center for Cancer Research. That is an organization that operates under the National Cancer Institute at Bethesda, and is performing some of the most unique and valuable cancer research going on in the United States today. It must operate somewhere, but no one knows where. They must operate in conjunction with hospitals, where they have X-ray and other facilities available, and in conjunction with a surgery department.

Mr. MAGNUSON. And they have for a long time, as I understand, been working with the fine research institution at Johns Hopkins; they work together.

Mr. BEALL. That is correct.

Mr. MAGNUSON. And many medical schools very much deplore this situation, because they are using these PHS hospitals for very valuable purposes in research, as well as in taking care of Indians, merchant mariners, and many, many others.

Mr. BEALL. This Baltimore Research Center is getting patients from all over the country. They have been doing great work in trying to bring about remission in cases of leukemia. I also found there was a brand new dental clinic in the hospital, and one of the best examples of multiphasic screening in operation anywhere. Here, in this Public Health Service facility, they are providing the kind of screening of patients in advance of their illness that truly cuts down on admissions of patients to the hospital and on the total cost of care.

I think the Senator from Washington is to be commended, and that a lot more thought has to go into the phasing out of the Public Health Service hospitals than HEW has been giving it to date.

Mr. KENNEDY. Mr. President, just briefly, I support the amendment. We have indicated that what we are interested in are three things: First, to be assured that those actually using the hospitals in the Public Health Service would be adequately provided for; second, that information would be available on the variations in cost with respect to the closing or transferring of the hospitals and what it would cost to develop new arrangements to provide for the beneficiaries; and, third, we wanted to give an input to the local planning agencies and the State planning agencies in the development of those plans. Tragically, none of these requirements established by the Congress was adequately complied with by the administration under the provisions of Public Law 92–585. Therefore, we are in the situation today where we have to take this rather dramatic step to insure that the beneficiaries will be accorded those benefits which are theirs under Federal law.

It seems to me that the result of this amendment will be to produce affirmative action on the part of the administration. It is a constructive effort by the Senator from Washington (Mr. MAGNUSON), and I join him as a cosponsor.

I am happy to accept the amendment.

Now, Mr. President, as I have said I would like to offer my support for the amendment proposed by Senator MAGNUSON, which will require that the eight Public Health Service hospitals be kept in operation under the Public Health Service until such time as the Congress may take affirmative action to provide otherwise.

Last year, the Senate passed, and the President signed into law, Public Law 92–585, which laid down conditions for the closure or transfer of Public Health Service hospitals and clinics. These conditions require that the Secretary transmit



to Congress an explanation of his proposal which contains:

First, assurances that beneficiaries of the hospitals would be provided equivalent care under any new arrangement;

Second, an estimate of the cost of providing such care, and

Third, the comments of State and local planning agencies on these plans.

The Secretary of Health, Education, and Welfare forwarded explanations of his plans for the eight hospitals to Congress on March 30 of this year. These plans are disastrously lacking with respect to the requirements of the law.

First, they do not assure equivalent care to beneficiaries. They do include what amounts to little more than a cursory survey of bed availability in the communities affected; but they do not include assurances by other institutions that they will assume the burden of providing inpatient care to beneficiaries. Nor do they include any details on how this inpatient care could be offered to meet some of the unique requirements of merchant seamen and other beneficiaries. It would be irresponsible for either the administration or the Congress to approve of new systems for offering health care to these Federal beneficiaries without assurances that the care rendered is equivalent to that currently being offered in the eight Public Health Service hospitals.

With respect to costs, the Department of Health, Education, and Welfare proposal indicates amazingly enough that the proposed new system will have higher operating costs than the current system. They point out that the new proposal will save modernization and construction funds in the short term, but this $45 million savings would be offset in 6 years of operation, and thereafter the new proposal would cost the Federal Government upward of $8 million more per year than the present system. To say the very least, cost is not the major issue in this proposal, and there is no urgency to rush into new arrangements based on cost. That being the case, Department of Health, Education, and Welfare and the Congress should take the time necessary to produce plans which offer every assurance to beneficiaries and the communities involved that their interests are served by the proposed changes.

Finally, the Department of Health, Education, and Welfare explanation of their plans do not contain the comment of State and local health planning agencies on the plans. In fact, the planning agencies never saw Health, Education, and Welfare plans. What they did see was a 3-page letter outlining in general terms the basic policies behind the plan, with no specific indication of what hospitals in their area would be used to care for beneficiaries in lieu of the PHS hospital, or what specific arrangements would be made with these hospitals to assure "equivalent care." Moreover, the letter specifically indicated that the disposition of the PHS facility itself would be left to future determination. This letter, moreover, was forwarded to the planning agencies on February 9, with a deadline for comments of February 23. Mr. President, it is impossible for a health planning agency to evaluate a proposal of this kind without even knowing what community facilities Department of Health, Education, and Welfare intends use to implement their plan. Moreover, since these agencies are concerned with the number and use of health care resources in the community, it is impossible for them to evaluate a plan without an indication of what use will be made of the public health service facility itself. Most of the planning agencies' comments note this impossibility and disapprove of HEW's proposals.

They also point out in several cases, that even if they had been given adequate information on the basis of which to offer their opinion, they could not have done so within the terribly tight timeframe that HEW allowed them.

Mr. President, it is my view that HEW has not met the requirements of Public Law 92–585. It is also my view that Congress cannot responsibly watch steps taken to close or transfer these eight Public Health Service Hospitals without assuring that the legitimate interests of both the Federal beneficiaries and the communities involved are served by these actions. The transfer of all inpatient services to other facilities is clearly the first step in such closing or transfer, and commits the Federal Government to ultimately closing or transferring the facility. Therefore, we should not permit this first step to be taken in July as the Department of Health, Education, and Welfare proposes.

Senator MAGNUSON's amendment prohibits this action. It amends Public Law 92–585 to require that the approval, and not just the comment, of State and local planning agencies must be included in HEW proposals to close or transfer the facility. The Federal Government requires such approval by State and local health planning agencies as a condition of hospitals' participation in medicare and medicaid, and it only stands to reason that the community should have the same safeguards of their health care system when it comes to use of these PHS hospitals in their area.

I urge my colleagues to support this amendment.

Mr. CRANSTON. Mr. President, I am delighted to join the Senator from Washington as a cosponsor of the amendment. It is unfortunate that the amendment is necessary. It is necessary only because of the attitude of the administration and HEW in failing to recognize the importance of the work being done and essential services being provided by the Public Health Service hospitals. There is one such PHS hospital at San Francisco which has been placed in jeopardy for the same reasons that have concerned the Senator from Washington in his State and the others who have spoken regarding their States.

Mr. President, until I am assured that the beneficiaries of the Public Health Service hospitals can count on receiving health care when they need it and at a high level of care. I believe it is wrong to close down these facilities which have been providing adequate health care for these beneficiaries.

I hope that no Senator will vote against S. 504 just because of this amendment. The amendment is, regrettably, necessary due to the intransigence of the administration on this point.

The bill has virtually overwhelming, almost unanimous support. I hope that the fact we are proceeding with this amendment may persuade the administration to adopt a more sensible approach to the problem and that the matter can be resolved by the time the bill is in conference so that perhaps it may not be necessary to keep the amendment in the bill at that time.

Mr. MAGNUSON. May I ask the distinguished authors of the bill to which this amendment is offered—the Emergency Medical Services Act—whether I may be added as a cosponsor of it?

Mr. KENNEDY. Of course. Mr. President, I ask unanimous consent that the name of the Senator from Washington (Mr. MAGNUSON) be added as a cosponsor of the original bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I am pleased to be a cosponsor of amendment No. 120 which will require the Department of Health, Education, and Welfare to continue operating the Baltimore PHS hospital until such time in the future as the Congress might, by law, authorize its closure. On April 17, 1973, I testified before the House Merchant Marine and Fisheries Committee and set forth at that time some of my principle concerns about the fate of our PHS hospitals and clinics. At the conclusion of my remarks today, I shall request unanimous consent that my testimony before the House committee be inserted in the RECORD. Today, however, I would like to discuss one aspect of the Wyman Park PHS Hospital that should be of deep concern to us all. I am referring to the Cancer Research Center.

In 1971, the Congress passed legislation that committed the United States to an all out effort to control cancer.

Named the National Cancer Control Act of 1971—Public Law 92–218—the law was designed to find a cure to the disease that each year kills 350,000 Americans.

The President, in signing the bill, enthusiastically predicted that the cancer bill would promote "the largest attack against a single disease in the history of man."

The legislation sets up a wide range of intensified research, training, and cancer health care programs to deal with the national problem of cancer. It provides a $400 million authorization in its first year and increases the authorization to $600 million a year in the third year. All of these efforts were designed to achieve a maximum effort to overcome cancer.

In addition, each April, beginning in 1972, was to be designated by the President as "Cancer Control Month," in which the United States would rededicate itself to the fight against cancer.

On March 28, 1973, on the eve of the

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1973 "Conquer Cancer" month, the war on cancer in the United States was dealt a severe blow. On that date the Department of Health, Education, and Welfare announced that the eight Public Health hospitals, including the Baltimore PHS facility, were to cease new admissions by late summer and close entirely before the end of 1973.

Among the facilities that would be effected by this plan is the Cancer Research Clinic, at the Baltimore PHS Hospital in Maryland. This facility is an active and vital part of the ongoing war against cancer in the United States.

While the many projects and programs envisioned by the Cancer Act of 1971 remain to be implemented, the Baltimore Cancer Clinic is in operation, researching cancer and curing those afflicted with this disease.

The Cancer Research Center at the Baltimore PHS Hospital is run jointly by the Health Services and Mental Health Administration and the National Institutes of Health.

The center uses 45 beds of the facility to provide care to patients suffering from certain types of malignant growths.

The center can provide this care to patients at a cost far below that of private hospitals. Care at the cancer center only costs about $100 a day, including professional services. This is far below the cost for cancer care in private hospitals, where this type service is often the most expensive of all treatment. One of the reasons the cancer center can offer such low cost care is that it operates as a part of the Baltimore PHS Hospital, itself a very low cost hospital.

Forty percent of the cancer clinic's patients are from Maryland. Most are from within a 100-mile radius of Baltimore. However, the clinic receives patients from all over the country, including merchant seamen and coast guardsmen.

In the words of the Cancer Act passed in 1971, this facility "expeditiously utilized existing research facilities and personnel of the NIH for accelerated exploration of opportunities of special promise."

The clinic uses its facilities to treat special types of cancer malignancies. It carries out laboratory programs in drug research, biochemistry, and immunology, seeking basic information on the problem of cancer and its control. There are currently 62 research projects underway at the Center.

The cancer facility operates on a budget of $4.5 million a year. The beds at this facility represent almost one third of the cancer beds maintained by the National Cancer Institute.

This vital facility would be lost to the city of Baltimore and possibly to the entire Nation, should the Department of HEW succeed in its plan to phase out the PHS facilities.

The Department's plan, which has been presented a number of times since 1970, and rejected each time, would leave the cancer clinic without definite guarantees that it would be continued.

All the Department will say in its "phase out plan" is that "negotiations are underway," telling us nothing about the adequacy or type of arrangements being negotiated.

Both the Baltimore City and Maryland State health planning agencies have expressed their concerns about HEW's plans to close or move this indispensible health clinic.

In the Department of HEW's phaseout plan, presented to Congress, the Baltimore Regional Health Planning Agency states:

> We assume the Cancer Research Center will be closed down and its resources scattered. No other organized unit exists with the capacity to maintain the diagnostic and care services for this added volume.

The Maryland Comprehensive Health Planning Agency concurred in this report, when it noted that—

> The sizable cancer research program conducted at the Hospital would also be closed down, leaving many terminal cancer patients with no comparable care available.

These and other reactions by the Maryland Health community evidence the concern in the State over the closure of the Baltimore PHS Hospital's cancer clinic.

The clinic is an ongoing, functioning, and valuable part of the Nation's fight against cancer. To close this clinic or to fragment it around the Nation, at a time when the country is tooling up to fight this dread disease, is a cruel hoax on the hopes of millions of Americans who want to see cancer conquered.

The latest HEW plan to close the PHS facilities, including the cancer clinic, represents a hasty ill-conceived solution to the need for better medical service in the United States.

In view of the harm this phaseout plan will cause this State and the entire Nation, the proposal should be rejected and the PHS facilities retained under Federal control until such time in the future as the Congress, by law, authorizes further disposition.

I ask unanimous consent that my testimony before the committee be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE CHARLES MCC. MATHIAS, JR.

Mr. Chairman, I wish to express my appreciation to you and the members of this Committee for holding hearings on the vital question of the fate of our Nation's Public Health Service Hospitals and clinics. I am sure that you share with me the sense of urgency over the disposition of these important health resources.

On February 15, 1972, I wrote to the Secretary of HEW requesting information about the current status of the Public Health Service Hospitals, particularly the Wyman Park Public Health Service Hospital located in the city of Baltimore. This hospital, as I am sure you know, for years has been providing medical care to patients from all over the State of Maryland. In less than two weeks, February 24, 1972, I received a reply. I quote:

"As you may know, it is our goal to convert the PHS hospitals to community use as soon as feasible. Our target is to accomplish this by June 30, 1973. . . . However, if in any instance we are not able to develop a feasible plan by that time, the status of the hospital will not be changed. We will continue to operate the facility as a Federal institution until we are able to develop a workable plan for its conversion to community use."

This is a case in which the Government of the United States has made a specific commitment to pursue an unmistakeably clear course of action with respect to the future disposition of the Public Health Service Hospitals. We were told that the status of the Wyman Park Public Health Service Hospital would not be altered until a "workable plan for its conversion to community use" is developed. But that was yesterday.

Today HEW plans to stop in-patient admissions at Wyman Park on July 21, relocate the Baltimore Cancer Research Center of the National Cancer Institute now located in the hospital to some yet undetermined university hospital in Baltimore and close down the hospital's operation as we now know them on September 30. And so I feel obliged to recall that government commitment of last year.

Mr. Chairman, the importance of this hospital to the State of Maryland should not be underestimated. The Wyman Park Public Health Service Hospital manages 4,000 admissions and 138,000 outpatient visits a year.

Wyman Park Hospital's primary mission is to provide comprehensive medical care to legal beneficiaries on an outpatient and/or inpatient basis. Non-legal beneficiaries are also cared for as "emergencies" and "special study" patients. Emergency cases include patients with heart attacks brought to this hospital by the Baltimore Fire Department ambulance and "overflow medical cases seen in the Emergency Rooms of five community hospitals."

Medically indicated care for patients is provided by a staff fully organized into twelve clinical departments, eight para-clinical departments and six administrative sections, all under the leadership of the Director of the hospital. In addition, a Dental Department provides indicated dental care, including oral surgery, to eligible outpatients and/or inpatients.

My understanding is that plans have been made to extend the comprehensive medical care facilities into the Homestead-Montebello area, in which there is a population of some 30,000 with no practicing physician, as an experimental module to study the problems involved in establishing heretofore non-existent health centers in such communities. Lacking official approval, implementation of the plans has not been possible to date.

Concurrent with the medical care program are fully accredited programs in training in the health care field and medical research. Training programs include residency training programs in seven medical specialties, dentistry, hospital pharmacy and hospital administration, fellowship training program in cardiovascular medicine, internship training program in medicine and in dentistry, medical student affiliation training programs with both the University of Maryland and the Johns Hopkins University, graduate nursing student training programs with the University of Maryland, nursing student affiliation training programs with both Catonsville and Baltimore Community Colleges, training of physician assistants, nurses' aid training program operated in conjunction with the Baltimore City Adult Education Division and physical therapy student affiliation training program with both the University of Pennsylvania and the University of Maryland. Moreover, there is a School for Medical Technologists and the only federally operated School for Medical Record Librarians is located in this hospital.

Second, the Baltimore Cancer Research Center of the National Cancer Institute is located in this hospital and conducts clinical evaluation on chemotherapeutic agents used singularly or in combination in certain malignancies. It carries out laboratory programs in drug research, biochemistry and immunology seeking basic information on the problem of cancer and its control. The annual reports for FY 1972/73 lists 72 research projects being undertaken by the Baltimore Cancer Research Center.

I have also learned that the Cancer Research Center has purchased new modern radiotherapy equipment for the treatment of cancer patients worth several hundreds of thousands of dollars which is now idly resting in some warehouse or on some loading dock because of the uncertainty over the hospital's fate.

Mr. Chairman, I am sure that there are members of this Committee who are as concerned as I am by the problem of health care delivery. Today we need the spirit of compromise and disposition to consult with each other that must be the hallmark of the Congress's relationship with the Executive. Instead, we find ourselves confronted with budget proposals which turn out not to be proposals at all, but rather well conceived plans that are already being activated. Two years ago, when the Congress reviewed the matter of the transfer of these facilities, I introduced a bill for authorization and appropriation of the necessary funds to maintain operation of the PHS hospitals and clinics. In addition, I joined with my Senate colleagues in passing a resolution which, in brief, declared that the PHS Hospitals and clinics should continue in operation, pending a thorough study by Congress and the Administration of the present and potential future role of the facilities. We were successful then in persuading the Secretary of Health, Education and Welfare not to take any precipitous action which would deny the many citizens of this country, including many Marylanders who use these hospitals, proper health care.

I plan to join with other members in the Senate who will attempt to prevent the deprivation and disruption that the premature closing of these facilities might precipitate.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Washington (Mr. MAGNUSON).

The amendment, as modified, was agreed to.

The PRESIDING OFFICER (Mr. BIDEN). The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. BUCKLEY. Mr. President, I must vote against this bill for the following reasons:

First. The delivery of emergency medical services is within the judicial competence of the several States.

Second. States wishing to increase the scope of the delivery of such services may utilize, if they choose, general revenue funds. I remind my colleagues that one of the arguments advanced in favor of general revenue sharing is that it would enable us to call to a halt the proliferation of grant-in-aid programs.

Third. The Federal Government does have a role to play in the case of major disasters. If existing disaster relief legislation is inadequate, in this respect, the Senate will shortly have the opportunity to correct those inadequacies in connection with the new disaster relief legislation now in preparation.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DOMINICK. Mr. President, just for the record, I want to compliment the distinguished Senator from California (Mr. CRANSTON) on the emergency medical services bill. I am a cosponsor of this bill, and am happy to give it my support. I was concerned initially that several of its provisions would have duplicated existing authority, but those concerns were resolved through amendments adopted in committee.

I think the need for Federal assistance to develop emergency medical systems which will give everyone access to emergency care has been adequately demonstrated. This bill leaves the responsibility for planning and implementation of such systems where it ought to be—with people at the local level who are within the geographical area to be served by each plan. To insure integration with existing State health activities and planning, the appropriate areawide Comprehensive Health Planning Agencies will have the right to review and comment on each emergency medical plan before it is approved for funding.

This legislation will be particularly helpful in rural areas. There are many areas in Colorado where the nearest emergency facility of any kind is 50 or 60 miles away. No one needs to be reminded that the time it takes to travel that distance can be crucial. The emergency transportation and communications networks envisioned in this bill would help tremendously in these areas. The bill would also provide assistance for establishing emergency treatment facilities which would be accessible to everyone in the geographic area covered by each plan.

As I understand it, these facilities are not intended to be full-blown hospital-type emergency rooms, but would have the equipment and staff necessary to administer emergency care until the patient is moved to a hospital or trauma center. Such facilities can frequently be established through modernization of existing facilities, rather than new construction.

In addition to authorizing funds for purchase of helicopters, ambulances, and communications equipment, the bill would provide the Defense Department with the authority to expand its "MAST" program—military assistance to safety and traffic—beyond its present pilot project level. I think we should do all we can to encourage use of military equipment for such purposes, where it does not interfere with the mission of the military installation, and where the need is not being met by the private sector.

I would also like to see surplus military equipment such as helicopters and radios made available to States and localities for use in emergency medical plans. Colorado is fortunate to have a MAST project which, although it covers a relatively small portion of the State, has resulted in the saving of many lives. The best example I can think of involved a tragic high school bus accident on a mountain pass, about 200 miles from Denver, where the nearest adequate emergency facilities were located. Many of the occupants were killed or seriously injured, but physicians verified that several lives were saved by using MAST helicopters to transport the victims to Denver.

This legislation would make it possible to expand the MAST program, and to establish similar transportation programs so that fewer lives will be lost simply because the patient can not get emergency treatment soon enough. Senator CRANSTON should be commended for this hard work in developing this bill, and I urge my colleagues to support it.

Mr. HUMPHREY. Mr. President, after the passage of these three measures, I wanted to bring to the attention of the Senate and to the country through the journal known as the CONGRESSIONAL RECORD a number of statements that were presented today at a session of the Subcommittee on Consumer Economics of the Joint Economic Committee.

Today, I held hearings as chairman of that subcommittee on the subject of health costs or medical costs. We were privileged to have before us three outstanding witnesses.

One was Dr. John A. D. Cooper, president of the Association of American Medical Colleges. The second witness was Dr. Karen Davis, research associate of the Brookings Institution and assistant professor of economics at Rice University. The third witness was Dr. Alfred C. Neal, president of the Committee for Economic Development. The Committee for Economic Development is one of the few institutions outlining the overall strategy for providing health care.

These witnesses all directed their attention to the subject matter being discussed today in the Senate, in the HMO bill, in the legislation that we adopted for the health delivery system study, and also related evidence or testimony as to the emergency medical services that are required in our country.

I want to commend particularly to the attention of the Senate the statement by Dr. John A. D. Cooper on behalf of the Association of American Medical Colleges. It carries within it some of the most up-to-date material relating to the impact of the administration's budget for fiscal 1974 upon medical care and health services, and professional manpower in the health care field, and the so-called health delivery system and all the related activities associated with health care in America. The statement by Dr. Karen Davis is most enlightening. It describes the present health programs that we have and shows their inadequacies. It concentrates on the whole subject of the delivery of health services to the American people and the accessibility by the consumer to the services.

The statement made by Dr. Alfred C. Neal presents some of the proposals that have been advanced by the Committee for Economic Development. We are indebted to that committee for its foresight and its objectivity.

Mr. President, I ask unanimous consent that these three statements, along with my opening statement that I presented on behalf of the subcommittee, be printed in the RECORD; as well as two newspaper articles, one published on Monday, May 7, 1973, in the Minneapolis Tribune, entitled "Cost of Stay in Hospital Rises 7.9 Per-



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cent in Last Year"; and the other published on the same day in the St. Paul Pioneer Press, entitled "Hospital Fees Up 7.7 Percent; Daily Charge Over $100."

There being no objection, the statements and the articles were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE ASSOCIATION OF AMERICAN MEDICAL COLLEGES ON THE COSTS OF MEDICAL CARE AND THE ROLE OF THE FEDERAL GOVERNMENT

(Presented by John A. D. Cooper, M.D., President of the Association of American Medical Colleges, before the Consumer Economics Subcommittee of the Joint Economic Committee, May 15, 1973)

Mr. Chairman and members of the subcommittee: The Association of American Medical Colleges appreciates this opportunity to appear before the subcommittee as it begins hearings on the costs of medical care generally, and on the impact of the fiscal 1974 budget proposals on future medical costs and medical care. We are grateful that the Subcommittee on Consumer Economics has concerned itself with these crucial problems. We hope that the Association can work with you and the subcommittee during the months and years ahead.

The Association, now in its 97th year, represents the whole complex of persons and institutions charged with the undergraduate and graduate education of physicians. It serves as a national spokesman for all of the 114 operational U.S. medical schools and their students, 400 of the major teaching hospitals, and 51 learned academic societies whose members are engaged in medical education and research. The Association and its membership thus have a deep and direct involvement in the matters of immediate concern to the subcommittee.

In his February, 1971, message to the Congress on health care, President Nixon said, as he had said 19 months previously, that America's medical system faced a "massive crisis." "That crisis has deepened," the President said. "All of us must now join together in a common effort to meet this crisis—each doing his own part to mobilize more effectively the enormous potential of our health care system." One component of this crisis is the rapidly rising cost of medical care.

A great many factors contribute to the costs of medical care. The subcommittee undoubtedly will consider them all during the course of these hearings. The Association will discuss two fundamental factors that are essential determinants not only of medical costs but also of the quality of medical care. The first is the advance of biomedical research; the second is the availability of professional health personnel, and their efficient and effective utilization in the promotion of health and the prevention, diagnosis and treatment of disease.

Biomedical research is the foundation of modern health care. Through advances in knowledge we can develop the understanding of the living process and its modification by illness required to permit control of disease through prevention or diagnosis and treatment in its earliest, least harmful and least expensive phases. We really have never been able to control a disease unless we could intervene before clinical signs and symptoms appear.

A point needs to be made here about medical research and medical costs. Our incomplete knowledge about many diseases is expensive. For most diseases we are at what Dr. Lewis Thomas of the Yale University School of Medicine calls the state of half-way technology: for chronic kidney disease we have the expensive procedures of dialysis or kidney transplantation; for chronic heart disease we have open heart surgery and coronary by-passes; for neoplasms we have toxic antimetabolites, radiation or surgery. But none of these is really evidence of success in dealing with disease. They are in fact confessions of failure, of a lack of adequate understanding to prevent disease before clinical signs and symptoms appear. They are the consequences of partial understanding.

Not many years ago we were at the point of half-way technology for poliomyelitis. The iron lung and other life saving approaches, and orthopedic procedures which gave more mobility to the paralyzed, were little more than expensive methods to ease the suffering. But further biomedical research made it possible to identify and isolate the polio virus and to grow it in monkey tissue. From this capability came a vaccine which eliminated the disease and reduced the cost of polio almost to zero. Thus the additional research carried us beyond the expensive phase of incomplete knowledge to the point of complete control of the disease by preventing its occurrence.

The second fundamental factor, the availability of professional health personnel, helps to determine medical costs because it determines how and by whom medical care is provided. Some of these professionals conduct biomedical research. Others provide the benefits of research by treating patients and operating medical equipment and facilities. Still others serve as teachers for the young physicians of the future. All of them are involved, ultimately, in providing health care to the consumers.

Medical schools need federal support not only to increase the numbers and improve the distribution of physicians, but also to provide the appropriate use of health professionals in a team approach to the delivery of primary care. Since physicians ultimately will find themselves as heads of health care teams that include specially trained nurses, physician assistants and allied health professionals, medical students are working with trainees in these professions as part of their education.

Such teams can serve as models for the delivery of primary health care in the community. Teams also are becoming a common method of providing more highly specialized secondary and tertiary care in the teaching setting. For example, nurse midwives are now working under obstetricians to deliver babies at some academic medical centers. Teams of health professionals have long been responsible for critically ill patients in the intensive care units of most teaching hospitals.

As biomedical research and the availability of health personnel are reduced, the quality of medical care goes down—and medical costs go up. Without the discoveries and products of medical research, medical care itself becomes less efficient and more expensive. Without sufficient numbers and proper distribution of physicians and other health professionals, medical care becomes less available and more expensive.

Increasingly the federal government, and especially the Congress, have come to recognize the relationship between biomedical research and health manpower, on the one hand, and the quality and cost of medical care, on the other. But the proposed budget for fiscal 1974 evidently does not recognize that relationship.

ASSOCIATION SURVEY

When the budget was submitted early this year it was clear at once that health programs were not to receive the support they need. Of particular concern to the Association, and to the subcommittee, the requests were cut for research conducted through the National Institutes of Health and for health manpower programs. Reductions in regular research grants and in training grants and fellowships were especially severe.

The Association staff prepared a 31-page analysis of the health budget proposals and sent it, along with a 46-page questionnaire, to the nation's medical schools. Our effort was to gauge, as accurately as possible, the impact of the proposed budget on medical education. This includes the biomedical research conducted at academic health centers and the training of physicians to provide medical care.

Seventy-eight medical schools responded to the survey and made available to the Association their best judgment of the probable immediate effects—and longer term implications—of these budget recommendations on their education, service and research functions. For the academic year 1972–73, these 78 schools enrolled seven out of every ten medical students, and accounted for about 80 percent of all medical school operating expenditures in fiscal year 1972.

With the Chairman's permission, the Association is submitting a copy of the complete survey to be included in the hearing record. The subcommittee is urged to study this survey carefully for the information it reveals, indirectly, about the future costs of medical care.

The medical schools were asked to review their expenditures of federal funds in fiscal 1972 and their expectations of funds in fiscal 1974. Following are the principal findings of the Association's survey:

1. Federal funds available in fiscal 1974 for support of programs of research, teaching and service would drop 11 percent from the fiscal 1972 level, more than 15 percent from the level in the current fiscal year, and 26 percent from the level planned by the schools in fiscal 1974, prior to the release of the budget recommendations.

2. Income to the schools from other sources is expected to increase in fiscal 1974. But this increase will not offset the anticipated decrease in federal funds. A number of schools reported either that state legislatures would not grant requests for higher state appropriations or would not be in session even to consider such requests. Private schools have no source of income to replace lost federal funds.

3. The proposed reduced levels of fiscal 1974 federal support would require the schools to terminate the employment of one out of every 12 faculty members, unless other sources of salary support can be found. Additional income for the next academic year would be difficult to obtain at this late date.

4. In terms of undergraduate medical education, one third of the schools reporting indicated the strong possibility of having to reduce the size of future entering classes. For a considerable number of schools, future increases in first-year enrollments will not be possible. And for a majority of the reporting schools, programs for curriculum innovation may have to be abandoned or curtailed.

5. Regional Medical Programs termination—as proposed in the budget—may force about one out of two medical schools to phase out or to curtail their health care programs in rural or neighborhood ghetto areas; their referral services in such significant areas as cancer, heart disease, stroke, kidney transplants, radiation and emergency care; and their formal programs for instruction, lectures and seminars for the continuing education of practicing physicians.

ASSOCIATION RECOMMENDATIONS

Based on these and other findings of the survey, the Association has identified five general budgetary needs of the highest priority for medical education. These needs are being described in detail to the Appropriations Committees of the Senate and the House of Representatives. This subcommittee today is not concerned primarily with appropriations requests, but the Association's recommendations must be cited here because they represent the medical schools' response to the Administration's fiscal 1974 budget. The general recommendations follow, in descending order of importance.

*Capitation grants*—Appropriate $168 million for capitation-grant institutional support for schools of medicine, osteopathy and dentistry, the level necessary to maintain the fiscal 1972 dollar level of support per student.

*Regular research grants*—Add $79.5 million to the NIH budget for research institutes and divisions and direct that the funds are to be used to raise regular research grants for each Institute to at least the fiscal 1972 level plus a cost-of-research increase of 12 percent.

*Training grants and fellowships*—Direct the continuation of the NIH research training grants and fellowships and the support of new trainees and fellows and add $82.4 million to the NIH research budget to maintain these activities at the fiscal 1972 level plus a cost-of-training increase of 12 percent. Of the $82.4-million increase, $61 million is to be allocated for training grants and $21.4 million is to be allocated for fellowships.

*Student assistance*—Appropriate $46 million for health professions student loans and $19.2 million for health professions scholarships, the levels necessary to keep pace with enrollment increases or to maintain past levels of assistance. Direct that these programs are to be continued.

*Construction grants*—Appropriate ¢140 million for construction grants for health professions teaching facilities, the same level appropriated in fiscal 1972.

From these general findings and recommendations, the Association would return the subcommittee's attention to the two fundamental factors that determine medical costs and medical care, the advance of biomedical research and the availability of professional health personnel.

BIOMEDICAL RESEARCH

Two of the Association's priority concerns—regular research grants and training grants and fellowships—are part of the NIH research budget. But the budget for fiscal 1974 shows the effect of plans to phase out these programs. This deeply concerns the Association, because these programs profoundly affect both the conduct of research and the training of research scientists and medical school faculty members.

*Regular research grants*

Questions are being raised by the Administration about the wisdom of maintaining federal support of our research efforts, particularly in the form that has made the United States so preeminent in medical science. The mistaken idea is held by those with backgrounds in law or economics, and who have power in decision-making in the federal establishment, that research can be made more effective and efficient by introducing a greater degree of management and more targeting of efforts.

This managerial philosophy is in direct conflict with the findings of a study conducted by the Federal Reserve Bank of Philadelphia. This study of innovations and breakthroughs in five broad areas of technological research showed that virtually all major developments resulted from small entrepreneurial research groups or individuals working outside the framework of large directed programs. As Dr. Irving Langmuir, Nobel laureate in chemistry, once observed, "Only a small part of scientific progress has resulted from a planned search for specific objectives."

Yet, federal decision-makers persist in their belief that the increased management and direction of federal research expenditures by Washington bureaucrats will lead to more immediate payoffs. This thinking is embodied in the President's budget request for NIH, where funds for regular investigator-initiated research are being reduced and money for directed research-by-contract is being increased. New and competing research grants—that is, funds for new investigator-initiated projects—have been slashed by more than 40 percent from the 1972 level. Furthermore, the increased federal support for heart and cancer research, proposed in the fiscal 1974 budget, draws funds away from research in other fields. This can thwart the synergistic benefits of a balanced, coordinated national program of research into the physical and mental diseases and impairments of man.



The thrust of biomedical research is to find the scientific basis for the subsequent development of improved methods for the treatment of disease. The leading edge in biomedicine is comprised of the new ideas and the new researchers which can be developed and encouraged through new research grants. The value of funds directed to the support of specific research projects is, in turn, multiplied by funds providing general research support. These can be used at the discretion of an institution in the development of new research programs, providing initial support for young investigators, undertaking pilot projects and feasibility studies, and supporting centralized facilities and services needed by multiple investigators. General research support funds enable an institution to balance its various research programs and to support research along a broad front of related fields.

While most efforts at measuring the economic benefits of biomedical research suffer from the difficulty of measuring the vast array of imponderables that must be included in any assessment, it is possible in some specific disease areas to produce meaningful information. The use of polio vaccine, for example, resulted in savings in medical care costs alone of more than $326.8 million between 1955 and 1961, according to a study prepared by James W. Colbert, Jr., M.D., vice president for academic affairs of the Medical University of South Carolina, for an American Biology Council task force on the contributions of biology to human welfare. Similarly, he estimated that the benefit from 1963 to 1968 due to immunization against measles amounted to more than $531.5 million. Other studies have reported on savings in other fields. Improved treatment of tuberculosis produced savings of $5 billion in the period 1954 to 1969. Still other illustrations of the value of basic research include: L–Dopa for Parkinson's disease, an annual savings of $1.2 billion; prophylaxis of carcinoma of the cervix by the Papanicolaou smear, an annual saving of $1.1 billion.

*Survey results*—Responding to the Association's survey, the medical schools indicated that fiscal 1974 federal funds for research were substantially below expectations and that the effect on faculty salaries supported from federal research funds would be serious. This drop in federal research funds is to come at the same time the schools expect nonfederal research support to remain virtually unchanged. Overall, the schools reported, federal research support would drop 16 percent from anticipated levels. Funds for new research grants are down 39 percent; contract funds are down 7 percent; funds for specialized centers are down 18 percent; general research support funds are down 71 percent. Faculty support from research grants and contracts is down 17 percent, and from general research support funds is down 71 percent.

*Training grants and fellowships*

In addition to these reductions in regular research grants, the fiscal 1974 budget proposes phasing out the research training and fellowship programs supported through NIH.

To phase out training grant programs would reduce support for graduate education and for stipends available to students preparing themselves for careers in biomedical research and teaching. Institutional support under training grants has made it possible for the medical schools to develop formal educational programs to prepare students with advanced knowledge in their field of interest and related disciplinary fields. After the students have had this initial preparation, their support usually has been transferred to research project grants during the period in which they actually have been obtaining research training at the laboratory bench under the tutelage of their faculty perceptor.

Training grants and fellowships have been highly successful in producing career researchers and teachers. A recent study at the University of Washington indicated that 79 percent of basic science trainees have assumed full-time academic positions; an additional 17 percent have entered full-time research outside the academic health center. Thus, at a single university medical center, the NIH training programs have resulted in 96 percent of the trainees entering careers toward which the training grant program is directed. The University of Minnesota reported that of 1,040 trainees directly supported by training grants, almost 70 percent have taken academic positions. A recent survey of 68 medical schools revealed that of 3,267 internal medicine faculty members, 82 percent had received NIH training grant support during their academic development.

Despite this evidence, the lawyers and economists in the federal hierarchy believe that support of research training is an inappropriate government activity. They cite the "excess of qualified scientific manpower," concluding that an oversupply exists simply because there are not enough federal research dollars to support all the approved projects. They maintain that research must compete in the marketplace with other career opportunities, surviving only on the basis of its attractiveness as a profession. In rejecting the federal role of promoting careers in the public interest, this Administration has apparently endorsed Adam Smith's 18th Century notion that "an invisible hand" will guide the free marketplace toward achieving the common good.

It is difficult to understand the proposal that the marketplace be permitted to determine the interest of young people in preparing themselves for biomedical research and training. Those who enter these fields would have the prospect of a smaller income than they would have if they entered the practice of medicine. At an age when a practicing physician could expect to be earning an average annual income of $43,000, an M.D. who chose an academic career could expect to be earning only $24,000. The marketplace theory suggests that an economically rational person would be unwilling to incur substantial debt to pay for his graduate education, and to engage in an endeavor which would bring lower financial return when he could prepare for practice in programs that would provide income during the training period and would result in a greater stream of earnings once the training was completed.

*Survey results*—Responding to the Association's survey, the schools reported significant unexpected drops in fiscal 1974 funds for research training and resulting drops in numbers of trainees, student stipends, and faculty support. Funds for training grants are down 42 percent; funds for fellowships are down 27 percent. As a result, numbers of trainees or fellows, student stipends and faculty support are down comparable amounts. Because of the cut in training grants, for example, the number of trainees is to drop 44 percent, stipends are to drop 39 percent, and faculty support is to drop 45 percent.

EDUCATION OF HEALTH PROFESSIONALS

Three of the Association's priority concerns—capitation grants, student assistance and construction grants—are part of the NIH health manpower budget for medical, dental and related health professions. The fiscal 1974 request of $271,206,000 is $14.1 million below the amended fiscal 1973 budget and $173.6 million below the level of fiscal 1972 appropriations. These reductions are a direct result of lower per-student capitation support, of plans to shift health professions scholarship assistance to the national health service scholarship program of the Health Services and Mental Health Administration, and of a decision to terminate grant assistance for the construction of health professions teaching facilities.

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*Institutional support*

Aside from special start-up assistance for new schools or for schools of basic science converting to degree-granting medical schools, institutional support is comprised of capitation grants, special project grants and financial distress grants. Capitation grants are by far the most important type of assistance, accounting for 75 percent of the fiscal 1974 request for institutional support. The Comprehensive Health Manpower Training Act of 1971 required the schools to meet certain enrollment increases in order to qualify for capitation grants. Actual capitation grant support never has met the authorized levels of such support (and in fact drops from the 1972 level of 70 percent to a proposed 1974 level of 64.9 percent), but the schools have been required to meet a full 100 percent of the legislatively mandated enrollment increases.

Faced with an immediate need for sizable budget savings, medical schools have virtually no choice but to cut back on the number of faculty and staff. Medical education is highly labor intensive. Salaries and fringe benefits account for some 60–70 percent of the operating budgets of the schools, compared to 30 percent of the operating budgets for industry. The medical schools already anticipate having to terminate or to find other means of support for about one out of 12 faculty members as a result of indicated fiscal 1974 budget reductions. As grave as such reductions are in their effect on medical education programs in the coming year, the implications for future years are even more serious. This is so because a talented and imaginative faculty, once disassembled, is not easily reassembled. Thus, dismantling a school's faculty in order to save money in fiscal 1974, affects not only the short-term prospects for progress in health but also the long-term prospects.

*Survey results*—Responding to the Association's survey, the schools reported unexpected fiscal 1974 drops in each of the major programs of institutional support. Fiscal 1974 capitation grant funds are down 16 percent from anticipated levels. Special project support is down 34 percent for physician augmention projects, down 35 percent for curriculum improvement projects, and down 35 percent for minority enrollment projects. Financial distress assistance is down 69 percent. As a result of this unexpected loss in federal institutional support, the schools reported plans to reduce enrollment, to reduce faculty and staff (or leave vacancies unfilled), and to abandon proposed curriculum improvement projects.

*Student assistance*

Funds for health professions student loans fall far short of the need. Against requests from the medical schools for $37 million in loans, the budget allocates $19.5 million. Against an entitlement by formula of $15 million for medical student scholarships, the budget allocates $4.4 million. This reflects an Administration policy decision to shift health professions scholarship assistance to an expanded national health service scholarship program. The Association does not see how the necessary legislation can be enacted and implemented in time for the September, 1973, entering class.

The immediate lack of adequate scholarship and loan funds to support students from lower socioeconomic levels makes it difficult for the medical schools to continue their efforts to expand minority enrollments and to broaden the socioeconomic background of the student body. In the current academic year, it is estimated that 27 percent of medical students received health professions loans and that 15 percent received health professions scholarships.

The Health Professions Scholarship Program plays an essential role in support of low income medical students. In a separate survey of financial aid needs recently conducted by the Association, it was found that about 20 percent of the current total enrollment of medical students are from families whose gross parental income is less than $10,000 a year. Based on incomplete returns, the Association found that low income students represent 50 percent of the scholarship recipients and 61 percent of all scholarship dollars awarded. Of significance is the fact that the Health Professions Scholarship awards represent approximately one-third of all scholarship funds and thus are a critical component of support for these students.

Although many low income students do secure loans to help them meet medical school expenses, they are understandably reluctant to overburden themselves with financial obligations. In order to attract low income students to a career in medicine it is absolutely necessary that medical schools be in a position to balance scholarship and loan support for such students and to keep the commitments they make. This is the reason that a strong Health Professions Scholarship Program is essential and should be maintained at adequate levels.

*Survey results*—The schools were particularly discouraged at the proposed changes in health professions student assistance. Economically disadvantaged students account for a disproportionately large share of scholarship assistance, and the proposed drop in health professions scholarships will force the schools to abandon plans to enroll more disadvantaged students. More than half the schools reporting, for example, said they would be unable to increase the enrollment of low-income students in the face of reduced scholarship aid. Nearly a third of the reporting schools were concerned that new entering classes would be composed almost exclusively of students from affluent families.

*Construction assistance*

The fiscal 1974 budget requests no construction grants for health professions teaching facilities. Instead, its only request for construction assistance is $1 million for federal interest subsidies on federally guaranted loans. These funds are to be used to make payments on at least six previously approval projects which will add approximately 80 first-year places upon completion.

A number of problems arise with such an approach. (1) The loan guarantee-interest subsidy program is available only for private schools, thus effectively blocking the 71 public medical schools from federal construction assistance, and forcing them to rely upon debt financing if it is available. (2) The number of first-year places to be added under projects supported by the budget is pitifully small when compared to the number of medical school applicants who are turned down each year because the schools are unable to expand their facilities in order to accommodate increased enrollments. (3) The schools are being required to increase their enrollment in order to qualify for capitation-grant institutional support. Yet at the same time, they are being denied the funds they need to erect the facilities for larger enrollment.

There appears to be just as much need now for construction grants for health professions teaching facilities as there was when the program was approved in the Comprehensive Health Manpower Training Act of 1971. The fiscal 1974 authorization is $275 million. About $350 million in approved but unfunded construction grant applications remained after the award of fiscal 1972 construction grants. In addition, the Association estimates that $150 million a year is required just to maintain the existing physical facilities of the medical schools.

*Survey results*—One example from the Association's survey illustrates one of the construction dilemmas facing medical schools. A school reported: "The expansion of enrollment and faculty at this school has proceeded far more rapidly than the expansion of the physical plan, and the faculty is now housed in cramped quarters, including 25 trailers, three 'temporary' buildings, and 78,400 square feet of rented space. Planning funds for an additional building have been approved by the state legislature; but with the loss of federal grants, there is a serious question of whether the state can provide 100 percent funding for the needed construction. Since this is a state institution, the program of guaranteed loans and interested subsidy will not solve our construction needs."

The Association hopes the subcommittee understands the serious implications of the fiscal 1974 budget on biomedical research and the education of health professionals in the immediate future, and on medical care and medical costs in the years to come. Again, the Association urges a careful study of the medical schools' survey included as part of this testimony. It is the most complete statement of its kind now available, and its significance for the eventual consumer interests in medical care should not be underestimated.

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## Financing Medical Care Services: The Federal Role*

(By Karen Davis, the Brookings Institution)

Thank you for the opportunity to testify on the federal role in providing adequate health care to the American people at reasonable cost. The federal government currently plays a major role in financing medical care services through the Medicare and Medicaid programs. In addition, the federal government subsidizes the purchase of health insurance and the payment of medical expenses for most Americans through special tax provisions. Federal payment of medical services, either directly or indirectly through foregone tax revenues, is estimated to amount to $23 billion in 1974.

Since the Administration has proposed several major changes in these programs, I have organized my oral statement around three questions: (1) What deficiencies in financing services for all Americans exist even with current programs? (2) Are the changes in these programs which have been proposed the most effective way of meeting these deficiencies? (3) What problems in the medical care system are unlikely to be solved by even the best financing arrangements?

The case for a major federal role in financing medical services is largely undisputed. While medical care is only one factor contributing to health, it is often a critical factor—sometimes a matter of life and death. Society has come increasingly to the view that adequate medical care is a basic right, neither to be denied nor treated as a charity to those who are poor. Moreover, people have more than altruistic interest in seeing that others get medical care. Communicable diseases are reduced by immunization and treatment, healthier children do better in school, and a healthier work force means a more productive economy.

Without public help many people will

* The views presented in this statement are those of the author and not necessarily those of the officers, trustees, or other staff members of the Brookings Institution.



be unable to finance needed medical care or will be able to do so only with hardship. Medical bills often come in large unpredictable amounts. Private insurance mitigates, but does not solve the problem of financing health care. For the poor, even when payments are spread over time and risks shared through insurance, buying adequate health care is an excessive burden. Medical care, especially preventive care, is likely to be postponed. For the middle class, average medical expenses and standard health insurance coverage do not take an impossibly high share of income, but for those afflicted with major health catastrophes, medical expenses can suddenly bring financial distress or even ruin. Most private insurance does not offer adequate protection against such expenses. Even for the half of the population covered by some major medical insurance, limits are frequently placed on expenditures which will be covered and individuals are required to pay a sizable fraction of those expenditures that are covered.

CURRENT FEDERAL PROGRAMS FINANCING MEDICAL CARE SERVICES

Since the mid-1960s the federal government has played a major role in financing individual medical care services through the Medicare and Medicaid programs. In addition to these well-known programs, the federal government subsidizes the purchase of health insurance and the payment of medical expenses through special tax provisions. Under the personal income tax, individuals may deduct one-half of the cost of health insurance premiums plus all medical expenses (including the remaining premium) that exceed three percent of his income. These provisions benefit high income people far more than low income people, because high income people are more likely to itemize deductions and because they face higher tax rates. A thousand dollar deduction is worth $140 to the taxpayer facing a 14 percent tax rate and $700 to a taxpayer in the 70 percent bracket.[1] Moreover, the fact that employer contributions to health insurance for employees are not included as income on the employees' income tax results in loss of revenue to the government. The federal government, therefore, subsidizes the purchase of health insurance both by individuals and by employers on their behalf.

These three programs for financing individual medical care services have met many gaps in private health insurance coverage. Medicare has brought insurance to many elderly people who would otherwise have lost their insurance coverage on retirement. Medicaid has helped the poor, a group with little private health insurance coverage. Only a third of the poor have any private insurance protection compared with 90 percent of families with incomes of $10,000 or more. The tax provisions provide some relief for families with high medical expenses who itemize deductions under the personal income tax.

As shown in Chart 1, federal expenditures under both Medicare and Medicaid go primarily to low income groups. This is hardly surprising since Medicaid is explicitly designed to aid the poor and Medicare aids the elderly population which is disproportionately represented at the low end of the income scale.[2] Tax subsidies by contrast give only a little relief to the poor, primarily the working poor with health insurance. Most of the benefit of tax subsidies is concentrated in the middle and upper income groups. If one puts all three programs together, about 45 percent of the total benefits go to the people in families with incomes below $5,000. This concentration of benefits on low-income groups, however, is largely attributable to sizable expenditures for low-income old people. Of the $5 billion in benefits for people under 65 in 1970, only 28 percent went to people with family incomes under $5,000, while 40 percent went to individuals with more than $10,000 income. Indirect payment of medical services for middle and upper income families, therefore, substantially exceeds that made on behalf of the non-elderly poor by the federal government.

TABLE 1.—DISTRIBUTION OF BENEFITS UNDER CURRENT PROGRAMS, BY INCOME AND AGE, 1970

| | Total Federal benefits | By program: Medicare payments | By program: Federal medicaid payments | By program: Federal tax subsidies | By age: Under 65 | By age: 65 and over |
|---|---|---|---|---|---|---|
| Total amounts (in millions) | $14,224 | $7,494 | $2,930 | $3,800 | $4,594 | $9,230 |
| Family income (percentage distribution) | 100 | 100 | 100 | 100 | 100 | 100 |
| Under $5,000 | 45 | 54 | 67 | 13 | 28 | 58 |
| $5,000 to $9,999 | 28 | 26 | 24 | 31 | 32 | 26 |
| $10,000 to $14,999 | 16 | 14 | 5 | 26 | 21 | 12 |
| $15,000 and above | 11 | 7 | 4 | 30 | 19 | 7 |

Sources: Total medicare and medicaid payments are from U.S. Social Security Administration, Office of Research and Statistics, compendium of "National Health Expenditures Data," DHEW (SSA) 73-11903 (1973), p. 73; the distribution is derived from unpublished estimates of payments by family income. The amount of tax subsidy is from Bridget M. Mitchell and Ronald J. Vogel, "Health and Taxes: An Assessment of the Medical Deduction," unpublished paper, 1973; the distribution is based on data in ibid., p. 34, and Martin S. Feldstein and Elizabeth Allison, "Tax Subsidies of Private Health Insurance: Distribution, Revenue Loss and Effects," in "The Economics of Federal Subsidy Programs," Joint Economic Committee, U.S. Congress (forthcoming).

PROBLEMS IN CURRENT PROGRAMS

Current federal programs help millions of people pay for medical care, but they have three major flaws: (1) they are extremely uneven in coverage and benefits; (2) they provide little protection against catastrophic medical expenses; (3) the tax subsidy program offers large benefits to the rich and little to the poor.

Relative to other groups the elderly have been treated generously under federal health financing programs. Medicare provides substantial benefits for hospital and physician care for retired persons covered by social security no matter where they live or what their income. In addition to substantial portion of medical money in some states is spent for medical services to improverished old people covered by Medicaid.

These programs do not, however, relieve old people of all Medical expenses. Indeed, the elderly now pay more for medical care out-of-pocket than before the inception of the Medicare program. Private payments for personal health care of the elderly averaged $309 in fiscal year 1966, before the introduction of Medicare. In fiscal 1972, private payments totaled $404 per capita (including $67 in Medicare premiums). The predominantly poor elderly population, therefore, has not been protected from the ravages of medical care inflation.

High out-of-pocket expenses of the elderly are partly attributable to the fact that Medicare does not protect old people from the expenses of prolonged hospitalization or extremely serious illness. Under the hospital portion of Medicare, after the first 60 days the individual pays $18 per day. After the 90th day, the individual may use a lifetime reserve of 60 hospital days, making a contribution of $36 per day. However, once the individual has been in the hospital for 150 days, the program makes no further payments (or after 90 days if the individual has already used up the lifetime reserves), and the individual is forced to pick up all expenses. Under the physician portion of Medicare, individuals must pay 20 percent of the physician charge even if the charge runs into many thousands of dollars. Other benefits such as private duty nursing care and out-of-hospital drugs are not covered at all. If an elderly individual is sick enough for long enough, he may incur bankrupting out-of-pocket costs.

Medicaid has been plagued from its inception by the federal-state nature of the program, so that low-income individuals in some geographical areas have complete protection against virtually all medical expenses while low-income individuals in other geographical areas have only limited Medicaid benefits.[3] As shown in Chart 2, 46 percent of poor individuals live in the South, yet only 17 percent of Medicaid payments go to individuals in that area. Three states, New York, Massachusetts, and California, spend 50 percent of all Medicaid funds. In addition to geographical inequities created by the Medicaid program, by tying benefits to eligibility for welfare, many poor individuals without adequate private health insurance coverage receive no coverage from Medicaid—such as the working poor, childless couples, and low-income families with an unemployed father in states which do not provide cash assistance for such families.

Existing tax subsidies for health insurance and medical expenses also contain a number of deficiencies. First, they channel large amounts of federal revenues to middle and upper income persons for health insurance premiums—expenses which could be met by most upper income persons without undue financial burden. Of the $3.8 billion in tax subsidies in 1970, $2.5 billion stemmed from tax treatment of health insurance premiums.

TABLE 2.—DISTRIBUTION OF BENEFITS UNDER CURRENT PROGRAMS, BY RESIDENCE, 1970

| | Medicare: Elderly population | Medicare: Medicare payments | Medicaid: Poor population | Medicaid: Federal medicaid payments |
|---|---|---|---|---|
| Total amounts (in millions) | 20 | $7,494 | 26 | $2,930 |
| Residence (percentage distribution) | 100.0 | 100.0 | 100.0 | 100.0 |
| Northeast | 25.9 | 28.6 | 17.8 | 39.5 |
| North Central | 28.5 | 27.7 | 21.9 | 19.2 |
| South | 30.1 | 25.7 | 45.7 | 16.7 |
| West | 15.4 | 18.0 | 14.6 | 24.5 |

Sources: U.S. Department of Health, Education, and Welfare, Social Security Administration, Office of Research and Statistics, "Health Insurance for the Aged: Monthly Reimbursements per Person, by State, 1970," HI-41, 1973, table 1; U.S. Department of Health, Education, and Welfare, National Center for Social Statistics, "Numbers of Recipients and Amounts of Payments Under Medicaid and Other Medical Programs Financed From Public Assistance Funds, 1970," NCSSB-4 (Calendar year 1970), 1974, table 3.

Footnotes at end of article.

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Second, tax provisions covering direct medical expenses do not adequately protect individuals from catastrophic expenses. For example, if a family with income of $10,000 incurred $4,000 of medical expenses, its taxes would be reduced by $703. While this is some compensation, it is far from adequate protection against excessive medical bills. Third, the deduction mechanism is an inequitable method of compensating individuals for financial losses from catastrophic medical expenses. For example, if a family with income of $30,000 incurred the same $4,000 of medical expenses, its taxes would be reduced by $1,176.[4] The federal government "pays" a higher share of the medical expenses of the family whose income is four times as high, and who presumably could better afford the $4,000 expenditure. In short, tax deductions do not meet the needs of either the poor or the middle income class. For the former, they provide little assistance at all. For the latter they help pay for normal medical expenses—which are not a burden—and do little to help pay for catastrophic expenses, which are the real medical problem for middle income families.

PROPOSED CHANGES IN CURRENT PROGRAMS

The Administration's budget for fiscal year 1974 proposes cutbacks in Medicare that will result in the elderly paying a larger share of hospital and physician bills. Coinsurance under the physician portion is to be increased from 20 percent to 25 percent and the deductible increased from $60 to $85. This change will result in substantially higher costs for all Medicare beneficiaries using physicians' services. Individuals incurring physicians' bills of $2,000—as do about 400,000 Medicare beneficiaries every year—under current law would pay $450 of those bills. Under the proposed law, they would pay $560. For those unfortunate enough to incur physician charges of as much as $10,000, the individual's share of the bill would increase from $2,050 under current law to $2,560 under the proposed law.

Under the hospital part of Medicare, present copayments will be replaced by a requirement that all individuals pay 10 percent of the total charges for hospital care for all covered days. Most Medicare beneficiaries with hospital stays of 100 or more days would face somewhat lower charges than under current law and for very long stays the reduction in charges would be quite significant. However, since 99 percent of all Medicare hospital stays are less than 100 days in length, most Medicare patients would be required to pay higher charges. Under current law, a patient hospitalized for 30 days, for example, would pay only the initial deductible, estimated to be $84 in 1974. Under proposed legislation, if he incurred average hospital bills he would be required to pay approximately $400.

| Day of hospital stay | 10 | 20 | 30 | 60 | 90 | 150 |
|---|---|---|---|---|---|---|
| Percent of stays exceeding this length of stay | 50 | 21 | 10 | 2 | 1 | 0.6 |
| Total patient payments in 1974 under current legislation | $84 | $84 | $84 | $84 | $714 | $1,234 |
| Average total patient payments in 1974 under proposed legislation | $167 | $281 | $392 | $678 | $864 | $1,163 |

The Administration estimates that these changes in the Medicare law will reduce federal expenditures by $500 million in fiscal year 1974, and $1.3 billion in 1975—the first full year covered by the change.

Greater use of coinsurance features in health insurance coverage can have desirable consequences. Coinsurance on hospital charges, for example, encourages patients and physicians to select less expensive hospitals and reduce excessively long hospital stays, and by doing so discourages hospitals from charging exorbitant fees. The proposed changes in cost-sharing under Medicare are particularly inappropriate, however, because: (1) they are not related to income; (2) they contain no ceiling on coinsurance payments; and (3) savings generated by the coinsurance provisions are not used to provide better protection against catastrophic expenses—such as an increase in covered hospital days or coverage of out-of-hospital prescription drugs.

Any discussion of cost-sharing provisions must be in the context of reasonable ability to pay such charges. Few elderly individuals have sufficient incomes to pay sizeable coinsurance amounts: only 18 percent of the elderly had family incomes above $10,000 in 1970. In addition, the elderly already pay twice as much out-of-pocket for medical services as other population groups. Under proposed legislation, an elderly couple with one member hospitalized for 30 days and physician bills of $2,000 could expect to pay medical expenses of at least $1,500 (including Medicare premiums, non-covered benefits such as drugs, and normal medical expenses for the other family member). Most would agree that such an out-of-pocket payment is excessive for any family with income below $10,000—or about 82 percent of all elderly individuals.

It might be argued that greater use of coinsurance under Medicare would not cause financial burdens because the Medicaid program could pick up coinsurance amounts for the elderly poor. Experience with the Medicaid program; particularly the wide variation in benefits across geographical areas, gives little hope that the Medicaid program can be relied upon to protect all the elderly poor from excessive bills. Furthermore, many elderly persons who could face serious financial burdens under the proposed changes would not be sufficiently poor to qualify for Medicaid. Only 19 percent of the elderly are currently covered by Medicaid.

In addition to the changes in the Medicare program, the Administration has also proposed eliminating the adult dental benefit in the Medicaid program, resulting in a federal savings of $75 million in 1974. Extension of coverage to clinics not associated with hospitals will offset $20 million of this savings and increases in Medicaid expenditures for the elderly necessitated by changes in the Medicare program will offset another $44 million—resulting in a total savings of $11 million. Although these sums are small in relation to total Medicaid expenditures, they should be viewed in the context of past changes in the Medicaid program. The Department of Health, Education, and Welfare estimates that the poor will receive about $1.3 billion less in Medicaid benefits in 1974 as a result of the Social Security Amendments of 1972. At a time when medical costs are rising, legislative effort should be devoted to remedying the deficiencies of the Medicaid program—such as the low benefits in many states and exclusion from coverage of the working poor, childless couples, and, in some states, low-income families with an unemployed father—rather than continuing to cut back benefits.

Recently, the Administration has proposed changes in the tax provisions affecting health insurance and medical expenses. In testimony before the House Ways and Means Committee on April 30, 1973, Secretary of Treasury Shultz indicated that as part of a personal income tax simplification plan, the Administration proposes elimination of the special treatment of individual health insurance expenses. In its place is a single deduction for all medical expenses, health insurance premiums, and casualty losses; an itemized deduction would be permitted only to the extent that the combined total exceeds a floor equal to 5 percent of the taxpayer's adjusted gross income. No change in tax treatment of employer contributions to health insurance premiums is proposed.[5] While this change has the effect of reducing tax subsidies for medical expenses—which go in large part to higher income groups—inequities arising from the greater value of a deduction to higher income individuals would still be present.[6]

A still better alternative would be to replace all existing tax benefits for health insurance and medical expenses with a tax credit for all medical expenses in excess of some percentage of income. For example, taxes could be reduced by one dollar for each dollar of medical expenses in excess of 15 percent of income. In this case, a family with an income of $10,000 and medical expenses of $4,000 would have its taxes reduced by $2,500. A family with income of $40,000 and the same medical expenses would receive no reduction in taxes. Such an approach would have several advantages over a tax deduction. First, tax benefits would be concentrated on those for whom medical expenses pose the most serious financial burdens. Second, individuals would be guaranteed that their payments for medical expenses would not exceed some reasonable fraction of income—any expenses above that would be "paid" by the federal government. Third, the government would no longer be paying a higher share of medical bills for higher income individuals.[7]

Table 3 illustrates the costs and distribution of benefits by income class in 1974 under existing legislation, legislation proposed by the Administration, and several alternative tax credit schemes. The proposed legislation would reduce tax subsidies arising from personal income tax deductions from $2.6 billion in 1974 to $860 million.[8] A refundable full tax credit on all medical expenses in excess of 15 percent of income would result in a tax subsidy of $2.2 billion—if only those individuals who currently itemize medical expenses were to take advantage of the tax credit. However, many low-income individuals who do not currently itemize deductions would be eligible for benefits under a tax credit plan so that the costs are underestimated. The estimates also do not consider any changes in prices, use of medical services, or health insurance coverage which would be induced by the credit. Final cost of the scheme, therefore, would substantially exceed $2.2 billion. Benefits under the tax credit plan would be concentrated much more heavily toward low income individuals. Under current law, 21 percent of personal income tax benefits for medical expenses go to individuals with incomes of less than $10,000.[9] Under proposed legislation, 34 percent of benefits would go to such individuals. Under a refundable full tax credit for all medical expenses in excess of 15 percent of income, 70 percent of the tax benefits would go to individuals with incomes below $10,000.



TABLE 3.—TAX SUBSIDIES FOR MEDICAL EXPENSES UNDER CURRENT AND ALTERNATIVE LAWS, 1974

| | Current law | Law— 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|
| Total tax subsidy (in millions) [1] [2] | $2,625 | $860 | $2,227 | $3,399 | $789 | $1,476 |
| Adjusted gross income class (percentage distribution) | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Under $5,000 | 2.0 | 4.1 | 27.4 | 23.3 | 9.5 | 7.2 |
| $5,000 to $9,999 | 18.7 | 29.7 | 43.3 | 43.2 | 40.4 | 39.3 |
| $10,000 to $14,999 | 21.6 | 19.4 | 9.7 | 13.1 | 14.2 | 20.5 |
| $15,000 and over | 57.8 | 47.0 | 19.4 | 20.3 | 36.0 | 33.0 |

[1] None of the plans include $3,000,000,000 tax subsidy in 1974 attributable to exclusion of employer contributions to health insurance plans from taxable personal income.

[2] Estimates are based on individuals currently itemizing medical deductions. Many low-income individuals who do not currently itemize deductions would be eligible for benefits under a tax credit plan. Tax subsidies shown, therefore, are underestimated—particularly for Laws 2 and 3 which would refund any excess of the credit over total tax liability. The estimates do not consider any changes in prices, use of medical services, or health insurance coverage induced by the credit.

Note: Law 1: Itemized deduction of all health insurance and medical expenses in excess of 5 percent of income (administration proposal omitting casualty losses). Law 2: Full tax credit for all health insurance and medical expenses in excess of 15 percent of income, refundable. Law 3: Full tax credit for all health insurance and medical expenses in excess of 10 percent of income, refundable. Law 4: Full tax credit for all health insurance and medical expenses in excess of 15 percent of income, nonrefundable. Law 5: Full tax credit for all health insurance and medical expenses in excess of 10 percent of income, nonrefundable.

Source: Estimates derived from the 1970 file of individual income tax returns with data projected to calendar year 1974 levels.

While such a plan would do much to alleviate the financial distress of catastrophic medical expenses, a strong case can be made for shifting from a patchwork system of Medicaid for the poor, Medicare for the elderly, private insurance for many others, and tax subsidies for catastrophic expenses to a new system of comprehensive national health insurance designed to move toward three objectives: (1) ensuring that everyone has access to essential medical care regardless of income, location, or type of family; (2) protecting everyone from medical expenses that are high relative to income; and (3) reducing costs and encouraging efficiency in the delivery of medical care. One general type of proposal that seems best adapted to meeting the three criteria at once is a national health insurance plan with income related benefits.

Under such a plan both deductibles and coinsurance would be related to income so that people would be protected against expenses that were high relative to their income. To prevent undue financial burdens a ceiling could be placed on the maximum out-of-pocket expenses a family would have to pay. For example, under the plan, a middle-income family could be responsible for all expenses under 10 percent of income. Above that, the plan could pay half of all expenses until total expenses exceed 20 percent of family income. Once total expenses reached 20 percent of income, the insurance plan could pay all expenses. More generous provisions could be designed for lower income families. To encourage use of preventive services, it might be desirable to have no payment by the lowest income groups. One advantage of such an approach is that a single plan would serve the dual purpose of protecting the poor against normal expenses and protecting higher income people against high expenses, hence, there would be no stigma attached to receiving benefits under the plan. Benefits would depend solely on the relationship between the expense incurred and a family's income, not on arbitrary factors such as where the family happens to live or who is in the family group. The fact that people would normally be paying part of the expenses themselves could be expected to lessen wasteful use of medical resources and encourage both doctors and their patients to use less, rather than more costly types of care.

Unlike a tax subsidy scheme, these automatic incentives could be supplemented with controls on unnecessary utilization, excessive charges by medical care providers, and inferior quality of care. It could also contain incentives promoting the use of innovative and more efficient forms of organizing and delivering medical care services.

PROBLEMS NOT SOLVED BY FINANCING

While an adequate financing program is essential in assuring access to medical services and preventing financing burdens arising from large medical bills, such a financing program cannot be relied upon to solve all the problems of the health care system. Experience with existing financing programs clearly suggests that even with comprehensive national health insurance some groups—especially minority groups and residents of central cities and farms—would get substantially less care than others unless special efforts were made to increase the access of these groups to care.

Under Medicare, for example, uniform benefits are available to all participants, but average expenditures are substantially less for blacks than whites. Although 8.6 percent of the elderly population belongs to a black or other non-white race, they receive only 5.9 percent of the payments made by the program. In 1969, average reimbursement for hospital and physician services per elderly white person was $320 compared with $229 per elderly black person. Most of this discrepancy is explained by the fact that elderly whites use more medical services, even though elderly whites enjoy better health than elderly persons of other races.[10]

TABLE 4.—USE OF MEDICAL SERVICES BY THE ELDERLY, BY RACE, 1968–69

| Type of service | Whites | All other races |
|---|---|---|
| Hospital care: [1] | | |
| Discharges per 1,000 Medicare enrollees | 312 | 237 |
| Hospital days per 1,000 Medicare enrollees | 4,150 | 3,491 |
| Hospital charges per day | $65 | $60 |
| Medicare payments per elderly person | $215 | $150 |
| Physician care: [2] | | |
| Annual visits per person | 6.2 | 5.1 |
| Percent of visits in hospital clinic | 5.4 | 15.3 |
| Medicare payments per elderly person [3] | $105 | $79 |
| Health status: [2] | | |
| Restricted activity days per person per year | 33.1 | 47.6 |
| Bed disability days per person per year | 13.1 | 20.5 |
| Percent with limitations due to chronic conditions | 41.6 | 51.4 |
| Percent unable to carry on major activity | 15.1 | 25.0 |

[1] "Current Medicare Survey Report, Hospital Insurance Sample," inpatient hospital utilization, 1966–69, CMS–2S, Office of Research and Statistics, Social Security Administration, March 1973.

[2] "Age Patterns in Medical Care, Illness, and Disability, United States, 1968 69," series 10 No. 70, National Center for Health Statistics, U.S. Department of Health, Education, and Welfare, April 1972.

[3] Calculated from 1970 data supplied by the Social Security Administration.

Elderly whites have fewer restricted activity days, fewer bed disability days, and fewer suffer from chronic health conditions. In spite of the better health status of elderly whites, whites are admitted to the hospital more frequently, use more days of hospital care, and visit the physician more frequently. Since comprehensive financing appears not to eliminate racial disparities, it is urgent that supplementary measures be undertaken on the supply side to improve the physical access of blacks to medical resources—such as increasing the supply of black medical personnel, greater placement of black physicians on hospital staffs, training of minority residents as paraprofessional personnel to work in community health organizations, subsidies for health care organizations to locate in minority neighborhoods, and improved and expanded hospital outpatient facilities.

In addition to barriers to medical care for blacks and other non-white groups, residence is also an important determinant of use of medical care services. Rural residents lag well behind residents of urban areas in use of medical services—even though rural residents are more likely to have some limitation of activity. Special efforts, perhaps through improved medical transportation systems, will be required to improve access of rural residents to high quality care.

In addition to promoting policies designed to overcome non-financial barriers to access to medical care, federal intervention is required to improve the operation of the market for medical services. The most crucial of these are:

Supplementary measures to control costs of medical services.

Incentives to foster the development of innovative forms of organizing and delivering medical care services.

Measures to assure a desirable mix and supply of medical manpower.

FOOTNOTES

[1] Coverage of out-of-pocket expenses under the personal income tax is equivalent to providing each taxpayer itemizing deductions with an insurance policy which has a deductible equal to three percent of the taxpayer's income and a coinsurance rate that is one minus his marginal effective tax rate.

[2] In 1970, 58 percent of elderly individuals were in families with less than $5,000 income; only 18 percent of the elderly have family incomes above $10,000.

[3] See Charles L. Schultze et al., *Setting National Priorities: The 1973 Budget*, Washington, D.C.: Brookings Institution, 1972, pp. 218–220 for a more complete discussion of the Medicaid program.

[4] Since only those expenses in excess of three percent of income can be deducted, the higher income family has lower total medical deductions. However, the higher marginal tax rate faced by the family with $40,000 income results in a greater tax savings. Comparison here is based on a family of four.

[5] Department of Treasury, *Proposals for Tax Change*, Washington, D.C.: U.S. Government Printing Office, 1973. Originally, the detailed explanation of tax changes included a provision requiring that employer contributions to health insurance plans be



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counted as taxable personal income; this provision is marked "deleted" in the report, and presumably is no longer an Administration proposal.

[7] Under proposed legislation, a family of four with income of $10,000 and medical expenses of $4,000 would receive a tax reduction of $665, while a family with $40,000 income and the same medical expenses would receive a tax reduction of $840.

[7] The major disadvantage of such a tax credit plan is the absence of any controls on expenditures above 15 percent of income. The range over which individuals have some incentive to contain costs could be extended by a tax credit which reduces taxes by $.50 for each dollar of expenditures between 10 and 20 percent of income, and dollar for dollar for all expenditures over 20 percent of income. Another possibility is a tax credit which reduces taxes $.80 for each dollar of expenditure over 12 percent of income. This maintains some incentive for the individual to contain costs over the entire expenditure range, but leaves the individual vulnerable to excessively high costs.

[8] Total tax subsidy, including $3.0 billion in 1974 attributable to exclusion of employers' contributions to health insurance plans from taxable personal income, would be $5.6 billion under current legislation and $3.9 billion under proposed legislation.

[9] This differs from the 44 percent given in Table 1 because it applies only to individual health insurance premiums and medical expenses deducted from the personal income tax. Tax subsidies of employer contributions to health insurance premiums, which are excluded here, are concentrated more heavily on low- and middle-income workers.

[10] Indeed the poor health of blacks, reflected in their high mortality rates, reduces the chance that blacks will live long enough to benefit from Medicare at all. Present life expectancies imply that only 56 percent of black babies will live to age 65, compared with 74 percent of white babies.

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## HEALTH-CARE COSTS

(Statement of Alfred C. Neal, president, Committee for Economic Development)

My name is Alfred C. Neal. I am president of the Committee for Economic Development, which is an organization of 200 leading businessmen and university presidents who study major economic and social issues and formulate recommendations on government and business policy. I am appearing today as a substitute for Philip M. Klutznick, chairman of the CED Research and Policy Committee, who headed our study on health care.

We greatly appreciate the invitation to appear before your Committee. Our concern with the health-care system stems from the involvement of a number of CED trustees in the Steering Committee on Social Problems established by New York Governor Nelson A. Rockefeller. Under the leadership of the late Joseph C. Wilson, chairman of Xerox Corporation and a trustee of CED, the Governor's Steering Committee undertook a national study of health and hospital services and costs. I was privileged to serve on that Committee, which issued its report in June 1971.

A key finding of the Steering Committee was that the way in which health-care services are delivered today—the organization of the delivery system—virtually assures the nation of a continuing spiral of inflation because of the lack of incentives for control of costs. Moreover, the misallocation of resources in the health-care system has produced inadequate care for many people in our society.

The Governor's Steering Committee underscored the important role that the federal government can play in bringing about reform of the health-care system that will result in less costly service. It is a theme which the CED report develops in greater detail. The Steering Committee said that "any new public funds should be used as a lever for change in the delivery system, and that such funds should contain enough incentives to produce voluntary movement toward efficient, effective and more economical health-care systems." Thus the Steering Committee emphasized that it would be a disservice to the nation to set up a national health insurance system without improving the way in which health services are delivered.

The Committee for Economic Development, whose trustees constituted almost half of the Governor's Steering Committee, built upon the foundation of the Steering Committee report. Under Mr. Wilson's chairmanship we undertook a more detailed study on ways of reforming the delivery and financing of health-care services and particularly of ways to make financing contribute to reform of the system. After Mr. Wilson's sudden and untimely death in late 1971, we were able to prevail upon Philip M. Klutznick to serve as acting chairman of the health-care panel.

We were aware of the dangers in trying to make essentially lay judgments in a highly complex professional field. Nevertheless, as Mr. Wilson had put it, "health care, as an industry, is not unlike many other American industries which are equally far-flung, extraordinarily complex, and yet are susceptible to rational managerial evaluations." It was our feeling that the business community could make an important contribution by bringing the experience of management to bear on an extraordinarily complex and disorganized system.

We were greatly aided in our work by a number of outstanding professionals in the field, including Dr. Jerome Pollack, Professor of Economics of Medical Care at Harvard Medical School, who served as project director for the CED study. We issued our report in April 1973, and I am attaching a copy as an exhibit. The names of those who are responsible for the report are listed on pages 5 and 6.

After an intensive investigation of the delivery and financing of health care, we concluded that even if vastly greater resources are poured into the health-care system, the goal of providing adequate health care for all will continue to elude the nation unless the delivery of health-care services is substantially restructed. We therefore set forth a number of recommendations, which I shall discuss later, to improve the organization of the health-care system. It is this group of recommendations which CED believes holds the greatest promise for keeping down the cost of health care.

At the same time, we had to come to grips with a separate but related problem—the need to provide adequate health care for *all* Americans. The problems as we saw it was not simply to keep down costs but also to assure access to health care as a right to all. The central question we faced was how to convert this right into reality—how to convert an aspiration into skills, services, facilities, and systems available to the people.

In the past, the national mode of response has been to deal separately with each shortcoming of the system in a succession of crises—in facilities, manpower, financing, or social policy. We believe that this is no longer tenable and that a serious effort to improve health care must embrace (1) the restructuring and redeployment of the health-care delivery system, with an effective control and planning mechanism and (2) an enlarged insurance system to assure universal coverage. Most important, a coordinated approach to these two essential components of any national health-care system is essential in order to avoid the danger of inflated health costs that do not produce increased services.

### INFLATION IN HEALTH COSTS

The scope of the inflationary problem is well known. The United States devotes a greater share of gross national product to health care than any other nation. The amount of money spent should provide better care for all our people. While it is true that U.S. health services have broadened in scope, and are used with greater frequency and intensiveness, costs have risen beyond the capability of many people and the local levels of government. Total national health expenditures climbed from $12 billion in 1950 to $83 billion in 1972, or from 4.6 per cent to 7.6 per cent of Gross National Product. By far the largest element in the increase in expenditures for personal health since 1950—nearly one-half—is attributed to price rises rather than to greater utilization of services and the introduction of new techniques. Largely as a result of inflation, from 1965 to 1972 alone the nation's health-care expenditures rose from $39 billion to $83 billion. The rate of inflation in the cost of medical services since 1960 has averaged well over half again as much as that of consumer prices generally, and has even exceeded the rate of inflation in the cost of housing.

To stem this massive inflationary tide, CED recommended in July 1972 that the government maintain its wage and price controls in the health-care field. We were pleased to note that this course was followed by the Administration in Phase 3. Wage and price controls should be maintained, moreover, during the inauguration of any national health-insurance program in order to avoid runaway costs during the transitional period. Although market influences, of course, are generally preferable to controls, the market has been shown to work inadequately in the health industry, which is inherently monopolistic. Controls will be needed, therefore, until major structural changes have been accomplished.

### THE INSECURE ROLE OF THE CONSUMER

The burden of securing adequate health care today rests almost exclusively with the patient. More often than not, he must find his own way among the various types and levels of service, with only partial help from the provider. In the majority of cases, no one in the medical profession takes responsibility for determining the appropriate level of total care needed and for seeing that such care (but no more) is supplied. Not only does this fragmented "nonsystem" lead to great variations in the quality of care rendered, but it also fails to deliver the comprehensive and preventive care now desired.

A patient may choose a doctor because of the nature of his illness at one time or a specialist of the wrong type because of a mistake in early diagnosis; he may stay with this physician in order to avoid the inconvenience and uncertainty of starting over again with another. Often the patient's resources are too limited to permit him to search for another physician even if he wanted to do so, or he may regard it as unseemly and indicative of a lack of confidence in the doctor on whose good will he depends. Moreover, the prevalence of one-man medical firms often impedes the free flow of patients from one practitioner to another; such firms run some risk of losing the referred patient to the consultant or the hospital.

Although medical care is only one factor contributing to health, it can be literally a matter of life and death. Self-denial because of low income is not the same in this situation as in rationing one's income when purchasing cars, clothes, or television sets. Medical costs can claim an excessive share of a family's income, even for middle-income people, who usually have insurance. The position of the consumer in the health-care marketplace is indeed an insecure and limited one. In purchasing other goods and services the consumer can police the market by shopping around, but this applies far less to medical services. The average consumer knows less about medical service than almost any other service he pays for.

### DEFECTS IN THE PRESENT SYSTEM

In the view of the CED committee, the single doctor in private practice was suited to a time when medical needs could usually be met by the treatment of a single physician but is unsuited to the growing incidence of chronic illness, the trend toward specialization, and toward preventive medicine. The doctor, as the most expensive element involved, must be employed only in tasks calling for his skills. Lesser tasks can be performed by a paraprofessional and other lower paid health personnel. These imperatives call for group practice and other forms of organization. This road to efficiency has been well travelled by business and by other professions.

The present health structure has resulted in a mixture of technical virtuosity among specialists, on the one hand, and inadequacies in the development of minimum essential care, on the other. People generally experience difficulties in securing adequate primary care. Such organizations as the Kaiser Foundation Health Plans have shown the way to remedy this deficiency at reasonable cost.

Although we recognize that the United States possesses some of the finest hospitals and medical centers in the world, we found severe shortcomings also in the way in which hospitals are organized and managed. In recent years, unnecessary facilities were created nationwide while the existing resources of hospitals were not used effectively. Fewer hospital beds would be needed if facilities were adequate for ambulatory care, self-care, and outpatient treatment.

Most studies of patients show that some people in hospitals either do not need to be there or stay too long. Hospitalization is used far less in better organized systems, where the incentives work to treat patients on an ambulatory basis when this is appropriate rather than as inpatients. The excess costs which these inefficiencies create for the consumer is obvious.

The Administration's decision to terminate those segments of the Hill-Burton program involving the construction and modernization of bed facilities therefore seems well justified. We are concerned, however, by the fact that Hill-Burton funding for ambulatory and outpatient care facilities—which represents about one-quarter of the total program—is also being terminated although the development of such facilities can lead to significant savings in the long run.

Basic to the establishment of a national health-care system and reform of the delivery system, therefore, is a greatly accelerated development of community-based ambulatory- and primary-care centers, and organizations that assume responsibility for providing comprehensive and continuous care.

### INCENTIVES FOR COST CONTROL: THE HMO

The CED report stresses that until doctors, hospitals, and other providers of health care "work within a system which requires them to respond to effective planning that meets national needs and to become involved in the financial consequences of their decisions, costs cannot be controlled and the system cannot be rationalized." We strongly recommended therefore that to the maximum extent possible, providers of care should be paid on the basis of fees and charges fixed in advance and related to a budget that reflects efficient organization and administration. Ideally, financing of health-care services should be based on prepayment of one annual fee for a family's essential medical needs. The concept of the health maintenance organization represents an efficient way of delivering care under such a payment system. The payment system, in turn, will provide a strong motive for efficient organization and delivery of services.

Although emphasizing preventive care, the HMO provides relatively complete and continuous care for its subscribing clientele. Among the many accomplishments of existing health maintenance organizations are striking reductions in the utilization of inpatient care, as well as improved use of manpower and more complete care at an economical cost to subscribers. The impressive nature of these achievements underlies the growing awareness that the development of health maintenance organizations on a much larger scale would be one of the most effective ways possible to fight the escalation of health-care costs.

Comprehensive prepaid plans have brought competition into health services. We envision these new organizations as operating side by side and competing with conventional practice with the intent of improving the operations of both systems.

Although group-practice prepayment has inspired and stimulated the HMO, it constitutes only one such kind of organization. In order to broaden the base for development and to stimulate innovation in organizational design, diverse sponsorship should be encouraged and is being undertaken, including sponsorship by hospitals, medical groups, foundations for medical care, businesses, consumer and community groups, labor unions, insurance companies, Blue Cross-Blue Shield plans, and academic institutions. There should be room for both profit and nonprofit health-care plans sponsored by all types of organizations that can qualify in terms of capability and responsibility.

In our report we made clear, however, that the potentials of the HMO will not be achieved easily or immediately. There are formidable managerial, financial, and often legal hurdles to overcome in establishing a successful HMO. Nor should prompt public acceptance of this relatively new and unknown form of health-care delivery be expected.

We also called for the repeal of restrictive laws which in some areas limit the right to organize group practices, to provide comprehensive care, and to establish prepayment plans—all of which would result in better health care at lower cost. Archaic legislation and regulation have impeded the development of new comprehensive delivery systems. We endorse efforts by the federal government to secure adoption of model state laws to facilitate the formation and operation of such organizations and urge that the states adopt legislation supportive of HMOs. *We recommend that federal support for state health programs be predicated on the elimination of restrictive legislation impeding improvement in the organization of health care.*

### PLANNING AND USE OF RESOURCES

In the course of our study, we became convinced that faulty allocation of resources is a major cause of inadequacies in U.S. health services that result today in poor or substandard care for large segments of the population. While manpower, facilities, and services are lacking in some areas, they are in excess in others. The maldistribution is functional as well as geographical, causing most notably the nearly nationwide inadequacy in primary care while medical specialities often exceed requirements. No adequate effort has been made at overall planning. What confronts the United States is an essential industry—the nation's third largest in terms of people employed—that delivers vitally important services at a level far below its potential capability.

One of our key recommendations, therefore, is the establishment of Regional Health Services Agencies throughout the nation with strong planning powers over facilities and resources. These planning agencies would determine the need for new health-care institutions in each region and would have significant power over the expenditure of federal funds.

The agencies would aid in the establishment of HMOs and would be responsible for supervising the quality of service. Under our plan, the Regional Health Service Agencies would also have effective supervision over pricing and quality arrangements in all HMOs. We are convinced, however, that the planning agencies must not be controlled by those who are the providers of health care and recommended that at least a majority of each board consist of public members.

To provide for the efficient training and use of medical personnel, we recommended the adoption of a national health manpower policy and called for systematic central planning by the office of the Secretary of Health, Education and Welfare to guide the formulation of health training programs. Such programs, the Committee said, should focus on the development of more primary-care physicians and the training of doctors' assistants and other new categories of health personnel. They should also aim at reducing the enormous disparities that have developed in the geographical distribution of medical services, with the six most affluent states averaging twice as many doctors per capita as the six poorest states.

### HEALTH-CARE COSTS AND THE FEDERAL GOVERNMENT

It is impossible to emphasize enough the magnitude of the contribution the federal government could make towards ending the spiral of health-care costs by encouraging reform of the delivery system along the broad outlines set forth above. The experience of the Kaiser Foundation Health Plans on the West Coast, which serve over two million people, and other prepaid plans is an indication of the significant reductions in cost and improvements in care that can accrue to the consumer through the use of effective management techniques in the delivery of health care.

We are therefore concerned that while some of the new budgetary proposals in the area of health care would contribute to increased efficiency, others are likely to hinder needed improvements. Thus, projected outlays for improving the organization and delivery of health services, for training paramedical personnel, for building ambulatory health facilities, and for operating local mental health clinics are diminishing. We are concerned not only that social needs be satisfied. We are concerned that absence of reform of delivery systems in areas where uncontrolled federal expenditures are growing very rapidly will, in the not very long run, turn out to be a false saving.

### A NATIONAL HEALTH INSURANCE PROGRAM

I have concentrated on the need for reforms in the delivery system to curb the spiraling costs in health care. As I mentioned before, however, our committee was also concerned with the need to assure access to adequate health care for all Americans. In our view, there can be no question that universal health coverage should rank high among our national goals.

The national health insurance plan we proposed would provide a basic level of medical protection for everyone through a three-part system. Employers would be required to provide health insurance coverage for all employees and their dependents, and Medicare would be continued for the aged and disabled. A third category would extend insurance coverage on an income-related basis to over 20 million people—mostly poor, nonwhite, unemployed, and self-employed—who now have no medical coverage. The federal government would finance the costs for the poor.

Our Committee made a strong commitment to the principle of universal coverage with the ultimate objective of a high level of benefits for all. However, because of the inadequacies of the delivery system, we insisted that the new health insurance plan should at first cover only basic needs and that benefits should be phased upward only as appropriate changes take place in the organization of the health-care system. In the Committee's view, the high quality of the medical professions in the United States and the substantial resources devoted to



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health care are an indication that the goal of adequate health care for all is within reach. But remembering the inflationary surge after Medicare, we felt that making more money available without improving the delivery of health-care services would merely serve to increase costs without producing better care.

In making our commitment to universal coverage, we were greatly encouraged by the strengths and resources of the present health-care system and were determined to build upon them rather than starting over again with a different system. We were impressed by the firm base that already exists for a national health insurance system through the substantial coverage now provided by both private and public insurance plans, including the massive employer-based plans which provide coverage to over 150 million people.

Under the employment based coverage, employers would be required to provide health insurance coverage for all employees, with costs typically shared between employers and employees. The Committee recognized, however, that this requirement could pose some hardships for small or marginal business. We therefore recommended that a specified ceiling such as a percentage of wages be placed on contributions of both employers and employees. Where costs exceed this ceiling, we suggested a sharing of costs through an insurance pooling mechanism.

Under the third category a fundamental change recommended in our report is the establishment of "community trusteeships," which would administer the funding of health insurance and the organization of care for those not covered through an employment-based plan or Medicare—the poor, unemployed, self-employed, or part-time workers. Individuals insured under community trusteeships would contribute to the plan on a sliding scale, based on income, family size, and employment status, with the federal government paying the rest of the cost. Payments would not be required for those whose income is below the national poverty level, and Medicaid would be abolished.

The national health insurance plan which we recommended would provide continuous coverage for all, without interruption for any cause. Treatment would not be delayed for determination of liability for payment, and care would not be foregone or deferred because of inability to pay.

We estimate that our recommendations would add something less than $5 billion to the nation's health expenditures over present anticipated costs and would reach this level only after the entire set of basic benefits has been phased in. For the longer run, the additional costs implied by our financing recommendations should be offset at least in part by the better utilization of resources and cost reductions resulting from basic management improvements.

Shortly after enacting Medicare, Congress reaffirmed its conviction that "fulfillment of our national purpose depends on promoting and assuring the highest level of health attainable for every person." In our report we have recomended a long step towards this goal. The world's wealthiest nation should not aspire to less than adequate health care for all its people.

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[Telegram from Marion B. Folsom to the New York congressional delegation]

APRIL 13, 1973.

I suggest you study the policy statement issued yesterday (April 12, 1973) by the committee for Economic Development entitled "Building a National Health-Care System." I was active on the committee and favor the proposal. I strongly urge you to endorse by public statement the general principles outlined in this statement. I would go one step further and recommend that the next statutory increase in social security taxes be used to finance the increased revenue requirement for health insurance and that the payroll taxes be reduced for those in the low income group. This deficit would need to be financed by general revenue.

Also, as you know, the health people in the Rochester area are greatly disturbed over the drastic reductions in the health program proposed by the administration. The Rochester area has received meaningful grants from the Department of HEW and the previous administrations over the past years.

These grants have been matched by dollars from local sources and have been in the forefront of new developments in health services. This sudden and sharp reduction will greatly affect the health care of the area. It will set us back in the areas where we have begun to make real progress. I strongly urge that a more selective basis be used to bring about reductions. Savings may be made by postponing the Hill-Burton program and manpower and other long-range programs so that the more effective program can be continued.

The Rochester experience is a clear demonstration of the objective of President Nixon that Federal funds be used to encourage the private sector to marshall its resources.

MARION B. FOLSOM.

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STATEMENT OF SENATOR HUBERT H. HUMPHREY

This morning the Subcommittee on Consumer Economics begins two days of hearings on the costs of medical care, a significant factor in the high cost of living.

People in this country should enjoy the best medical care in the world. Yet we are not meeting this potential. We have the best physicians, the best hospitals and the best schools. But all of these resources are useless to those men, women and children who cannot get to them when in need or to those who just don't have the money to buy the medical care that is available.

Over the past 20 years the cost of medical care has soared.

In 1950, personal health care spending was $12 billion. But in fiscal 1972, the total bill was $83.4 billion.

In 1950, the protection of health consumed about 4.6 percent of the Gross National Product, or $78 per capita. In 1971, it consumed 7.4 percent of the GNP, or $358 per capita. During last year alone, health costs jumped by $26 per person.

We spend a larger percentage of our GNP and more money per person on health care than any other people.

How healthy are we as a result of all these outlays? In 1970, the United States ranked 15th in the rate of infant mortality among industrial nations.

For those that survive, the life expectancy is generally shorter than in other developed nations. In 10 nations, the expectancy for females exceeds the 73.8 year average for the United States, for blacks and other minorities, the American life expectancy is significantly shorter.

Despite the facts, the Administration's view of these problems seems less than urgent. HEW Secretary Elliot Richardson indicated that Administration proposals would be presented near the end of last year. That deadline was later postponed with the promise that the proposals would accompany the 1974 budget.

In his confirmation hearings, the new HEW Secretary, Caspar Weinberger, indicated that they would be available sometime in February or March. February and March have come and gone and all Congress has seen is the 1974 budget.

And this 1974 health budget gives little promise of helping Americans to meet their health care needs. In fact, the impact of this budget will be to make the situation worse for many people.

For example, the Administration would like to reduce medicare payments, thus increasing the patient's cost for an average hospital stay by about 125 percent. An average hospital stay today costs the medicare covered patient $84. If the Administration's proposals are enacted the cost of the average hospital stay to the medicare covered patient will be $189.

The Administration wishes also to:

Phase out Federal support for community mental health centers;

Terminate Federal support for hospital construction;

Drastically cut aid to medical schools and students;

End Federal support for regional medical programs; and

Reduce funding for disease control programs.

This Administration program, if it can be called that, seems to be withdrawal on practically all fronts. And yet the Congress has been provided with little information which would justify these changes or even show that they have received careful consideration.

Today we are fortunate to have several expert witnesses to discuss the cost and availability of medical care, including the effects of the Administration's program, as part of our series of inquiries into the high cost of living.

Our first witness is Dr. John Cooper, president of the Association of American Medical Colleges. Dr. Cooper had a distinguished career as a Professor of Biochemistry and Dean of Sciences at Northwestern University before coming to the AAMC. He is, therefore, in an excellent position to discuss the impact on medical schools and general research of the 1974 budget.

The next witness will be Dr. Karen Davis, a Research Associate at the Brookings Institution. Doctor Davis has been a Brookings Economic Policy Fellow at the Social Security Administration and Assistant Professor of Economics at Rice University. She is an expert in health insurance and the causes of rising hospital costs.

Our third witness is Dr. Alfred Neal who is president of the Committee for Economic Development. The CED is one of the very few institutions which has outlined an overall strategy for providing health care. We are pleased to have Doctor Neal with us today to discuss their proposals.

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[From the Pioneer Press, May 7, 1973]

HOSPITAL FEES UP 7.7 PERCENT; DAILY CHARGE OVER $100

Average daily hospital charges rose to $101.65 throughout Minnesota—topping $100 a day for the first time—in the year ending March 31.

That was an average increase of 7.7 per cent since March 31, 1972, according to a 12-month study of 183 Minnesota hospitals released Sunday by Minnesota Blue Cross and Blue Shield.

The average daily charge for a hospital stay at the end of March, 1973, ranged from $117.52 in Minneapolis (a gain of 7.9 per cent in the year), $102.72 in St. Paul (up 7.0 per cent), $88.52 in Duluth (up 8.1 per cent) and 87.48 for outstate hospitals (up 8.3 per cent).

Average length of stay during the study period decreased by 0.5 per cent statewide with Duluth showing the only increase—5.5 per cent. Minneapolis showed a 1.6 per cent decrease. There was no change in length of stay in St. Paul hospitals. Outstate hospitals reported an 0.9 per cent decrease.

Minneapolis' average charge per hospital case of $892.46, an increase of 6.2 per cent for the year, led the study. In St. Paul the total charge for an average stay was $849.65, a gain of 7 percent. In Duluth it was $730.91 (up 14 per cent); outstate $514.15 (up 7.3 per cent). For the entire state the average case cost was $714.75, a gain of 7.2 percent.

The average outpatient charge per visit increased 6.1 per cent statewide, from $24.14 to $25.61. In Minneapolis the average rose 8.5 per cent from $26.14 to $28.36; in St. Paul 3.6 per cent, from $27.01 to $27.97; in Duluth 8.6 per cent, from $26.03 to $28.26; and 4.8 per cent for outstate hospitals, from $20.63 to $21.62.

The study, Blue Cross and Blue Shield said, was based on actual hospital charges for their 1.25 million subscribers.

The average daily figures in the sampling (and in the table) include room and board charges and ancillary services which include medications, operating rooms, special services, laboratory and other fees, but not physician charges.

The study points out that while the average figures are roughly accurate for any given area, actual charges can vary widely depending on the severity of the patient's condition. Ancillary services can increase drastically in some cases of serious illness or accident, the report said.

Here are bed patient average daily charges by hospital area for the year ending March 31, 1973 compared with those in the year ending March 31, 1972. The study does not include veterans or proprietary hospitals.

| | Mar. 31, 1973 | Mar. 31, 1972 | Percent change |
|---|---|---|---|
| Minneapolis hospitals: | | | |
| Total services | $117.52 | $108.93 | +7.9 |
| Average stay (days) | 7.594 | 7.714 | −1.6 |
| St. Paul hospitals: | | | |
| Total services | 102.72 | 95.99 | +7.0 |
| Average stay | 8.271 | 8.271 | (1) |
| Duluth hospitals: | | | |
| Total services | 88.52 | 81.92 | +8.1 |
| Average stay | 8.257 | 7.828 | +5.5 |
| Statewide hospitals: | | | |
| Total services | 87.48 | 80.79 | +8.3 |
| Average stay | 5.877 | 5.930 | −.9 |
| Total all hospitals: | | | |
| Total services | 101.65 | 94.34 | +7.7 |
| Average stay | 7.032 | 7.068 | −.5 |

[1] No change.

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[From the Minneapolis Tribune, May 7, 1973]

COST OF STAY IN HOSPITAL RISES 7.9 PERCENT IN LAST YEAR

(By Lewis Cope)

The average cost of a patient's stay in a Minneapolis area hospital was $117.52 a day during the 12 months ending March 31—up 7.9 percent over the year before—according to a Blue Cross study released Sunday.

Federal price controls have a goal of lowering hospital cost increases to 6 percent a year. Hospital charges had been going up about 12 percent a year both in the Twin Cities and nationally before the controls started in late 1971.

The current Minneapolis average is more than double the $54 average in 1965. It had been $108.93 a day during the 12 months ending March 31, 1972.

The Blue Cross survey of its cases also found:

Hospital costs in Minnesota as a whole averaged $101.65 a day during the 12 months ending March 31, up 7.7 percent. This is the first time this state-wide index has gone over the $100-a-day mark.

The average for St. Paul area hospitals was $102.72 a day, up 7.0 percent.

The Duluth average was $88.52 a day, up 8.1 percent.

The daily costs include both room charges (which also cover meals and basic nursing care) and ancillary charges (for everything else on the bill from drugs to x-rays).

The averages are simply that. Actual bills differ since more seriously ill patients are more likely to need more drugs and other ancillary services.

The federal regulations say that hospitals cannot raise their charges more than 6 percent a year, except in rare cases where exceptions are granted.

However, the 6 percent is calculated under complex formulas. Also, some hospitals' officials say part of the average increases reported by Blue Cross may reflect the more intensive treatment some patients now receive.

For example, patients are charged each time they get drugs or lab tests. Hence, if patients are getting more drugs and tests, this could be a factor in increasing their bills.

Minneapolis' 7.9-percent increase is the smallest reported in any Blue Cross study since 1965. Statewide figures are not available that far back.

Stephen Rogness, executive director of the Minnesota Hospital Association, noting that the statewide average increase had reached 14 percent just before price controls started and is 7.7 percent in this latest report, said:

"This shows the effect of price controls. The increases are slowing down. Hospitals are complying."

The Blue Cross figures are only for hospital charges. Physicians bill separately for their services.

Blue Cross is the largest insurer of hospitalization in Minnesota. Its case averages are considered the best guide to cost trends. However, they do exclude persons over age 65 covered by federal Medicare.

DAILY HOSPITAL COSTS IN STATE

| | 12 months ending Mar. 31, 1973 | 12 months ending Mar. 31, 1972 | Percent increase |
|---|---|---|---|
| Minneapolis hospitals: | | | |
| Room-board, per day | $57.53 | $54.59 | 5.4 |
| Ancillary [1] per day | 59.99 | 54.34 | 10.4 |
| Total daily average | 117.52 | 108.93 | 7.9 |
| Average days stay | 7.56 | 7.71 | −1.9 |
| Total average bill | 892.46 | 840.31 | 6.2 |
| Outpatient average charge | 28.36 | 26.14 | 8.5 |
| St. Paul hospitals: | | | |
| Room-board, per day | 54.38 | 51.18 | 6.3 |
| Ancillary [1] per day | 48.34 | 44.81 | 7.9 |
| Total daily average | 102.72 | 95.99 | 7.0 |
| Average days stay | 8.27 | 8.27 | ---- |
| Total average bill | 849.65 | 793.98 | 7.0 |
| Outpatient average charge | 27.97 | 27.01 | 3.6 |
| Duluth hospitals: | | | |
| Room-board, per day | 47.84 | 44.54 | 7.4 |
| Ancillary [1] per day | 40.68 | 37.38 | 8.8 |
| Total daily average | 88.52 | 81.92 | 8.1 |
| Average days stay | 8.26 | 7.83 | 5.5 |
| Total average bill | 730.91 | 641.28 | 14.0 |
| Outpatient average charge | 28.26 | 26.03 | 8.6 |
| Minnesota averages: [2] | | | |
| Room-board, per day | 51.06 | 48.01 | 6.4 |
| Ancillary pay [1] per day | 50.59 | 46.33 | 9.2 |
| Total daily average | 101.65 | 94.34 | 7.7 |
| Average days stay | 7.03 | 7.07 | −.6 |
| Total average bill | 714.75 | 666.81 | 7.2 |
| Outpatient average charge | 25.61 | 24.14 | 6.1 |

[1] Ancillary charges are for all of the other things that appear on a hospital bill—such as lab fees, X-rays, operating-room charges, drugs, and certain items of special care.
[2] Includes all outstate as well as metropolitan hospitals.

Source: Minnesota Blue Cross.

Mr. HUMPHREY. Mr. President, in the city of St. Paul, it says, the average hospital room rate is running at about $114 a day, and the average hospital room rate in Minneapolis is running at $117.52 a day.

These statements and articles underscore the importance of the legislation which has been passed today.

As one Senator long interested in the health care of the American people, I want to commend the distinguished Senator from Massachusetts (Mr. KENNEDY), as well as all the members of the subcommittee who have performed so excellently and given us good, sound, constructive legislation.

I listened with great interest to the presentation of the emergency medical services program by the distinguished Senator from California (Mr. CRANSTON). I believe that everyone is indebted to him for his tenacity and perseverance on this subject and also, may I say, for his mastery of the subject matter. I compliment him and look forward to the privilege of supporting the legislation by my vote.

Mr. CRANSTON. Mr. President, I want very briefly to thank the distinguished Senator from Minnesota (Mr. HUMPHREY) for his very generous words, for his support of the legislation, and for the documentation which he has provided for the RECORD backing it up.

I also want to thank the distinguished Senator from Colorado (Mr. DOMINICK) for the very generous words he spoke a few moments ago and, more than that, I want to thank him for his own very cooperative, constructive, and creative approach to this legislation which has enabled us—in good measure, because of his attitude—to carry it so far and so swiftly and with such unity behind its provisions.

I also want to thank the distinguished chairman of the committee, the Senator from New Jersey (Mr. WILLIAMS) and the chairman of the Health Subcommittee, the Senator from Massachusetts (Mr. KENNEDY), for their magnificent help in connection with this measure.

Mr. BEALL. Mr. President, as a cosponsor and as a member of the Health Subcommittee, I urge the enactment of S. 504, the "Emergency Medical Services Systems Development Act of 1973".

This measure is designed to encourage State and local governments to improve, expand and coordinate emergency medical care and services in the Nation so as to prevent needless loss of lives.

As reported the legislation would:

First. Authorize a 3-year, $225 million program for grants and contracts to units of local governments for the development of emergency medical services systems.

Second. Authorize an additional $15 million over a 3-year period for research in emergency medicine techniques, methods, devices, and delivery.

Third. Authorize the Secretary of the Department of Health, Education, and Welfare to promulgate standards of criteria for the various components of emergency medical services system.

Fourth. Establish a National Emergency Medical Services Advisory Council.

Fifth. Create at the Federal level an Interagency Technical Committee to coordinate Federal programs and activities for emergency care and services.

Sixth. Provide special emphasis in health manpower programs for interdisciplinary training of health personnel in the provisions of medical care in emergency situations.

Mr. President, the bill before the Senate today is the product of considerable work and effort. It is designed to respond to what former Secretary of Health DuVal aptly labeled the "hidden crisis in health care." This is an area in which I have been greatly interested and exceedingly active. In addition to cosponsoring S. 504, I also introduced my own bill, S. 654.



XUM

The need for an expanded effort in the emergency medical field is apparent from the following alarming statistics:

Injuries are the leading cause of death of Americans age 1 through 38, the second leading cause of death between ages 1 and 48 and the fourth highest cause of death among our total population;

One out of every four citizens in the Nation will have some type of accident this year;

Every eighth hospital bed is occupied by an accident victim;

The National Safety Council estimates that accidents result in the loss of 150,000 lives annually, 55,000 by motor vehicles alone;

Death is only part of the story as accidents also result in approximately 10 million disabling injuries leaving some 400,000 individuals totally disabled.

The total cost of these injuries is estimated at $25 billion. All of us are potential victims. I attempted to illustrate the magnitude and gravity of this problem when I introduced my bill in the last Congress by comparing the deaths and the cost of the tropical storm Agnes which had swept the east coast that year and it had been front page news.

I noted that during the 6 days that Agnes raged through the east coast, 118 lives were lost and the national damage was estimated at $3 billion. I pointed out that on each day that Agnes swept the coast, an average of 316 of our citizens died of injuries resulting from accidents, for a total of 2,212 victims over the same 6 days that Agnes killed 118 citizens. That comparison indicated the size and seriousness of the problem and the urgency for action—action that may mean the difference between life and death for the 316 Americans who will die from accidents today and the 316 who will die tomorrow, the next day and so on.

Another way of emphasizing the same point is that since S. 504 was introduced, approximately 35,708 Americans have died from accidents.

The public, however, tends to regard such accidents and the resulting death and disabling therefrom as unfortunate occurrences that are inevitable. This premise was not and is not accepted by our military, with the result that a trauma victim during the Vietnam conflict had a better chance of survival than a similar victim here in the United States. This is because our military, during World War II and the Korean war, developed an organized system of transporting and treating emergency victims. This procedure was further perfected in Vietnam until former Secretary of Defense Laird was able to say that the death rate of trauma victims in Vietnam was near zero.

Mr. President, there is no question but that the technology and know-how exists to make similar dramatic improvements here at home. Some States and cities are beginning to move in this area. We need not only to rationalize and categorize our emergency facilities and services and make available the resources necessary to enable the application of these known lifesaving methods.

It should be pointed out that heart attack victims could also benefit from improved emergency care arrangements, with some experts estimating that proper and early care might save 150,000 heart attack victims annually.

President Nixon has responded to this neglect in the emergency care area by instituting a research and development effort to demonstrate improved emergency care and services in the United States. I am particularly pleased that my State of Maryland has been a pioneer in this field. We probably have the most sophisticated trauma center in the Nation, located at the University of Maryland Hospital in Baltimore. A system of rapid transportation has been developed, utilizing a helicopter system operated by the Maryland State Police, and I might add that my colleagues in the Senate should see and talk to these men who daily fly lifesaving missions in Maryland. Their spirit, dedication, and belief is immediately apparent.

The Maryland University Trauma Center, which has recently been renamed the Institute for Emergency Medicine, the Johns Hopkins University Hospital Pediatric Trauma Center, the Baltimore City Hospital-University of Maryland Neonatal Centers, the Baltimore City Hospital Burn Center, the special coronary units, community hospitals and the paid and volunteer ambulance service provided the Baltimore area and other areas of the State, mean that Maryland has the component parts and capability to lead the Nation in this vital area. Although the Baltimore area is ahead of the rest of the State in this regard, there is great interest in all areas of the State and in the Washington metropolitan area as well.

As I indicated, I have been working closely with the State and particularly the Institute for Emergency Medicine and others who assure that Maryland's resources, capabilities and expertise in the emergency care area will be available for all of our citizens across the State. Earlier this year I had the pleasure of announcing that the State of Maryland was granted a $1.25 million grant under the President's program, for the development of an emergency medical services communication system, a vital component of a total emergency care system for the Baltimore metropolitan area. This communication system will improve care for victims of medical emergencies by getting the victim to the most appropriate medical facility as rapidly as possible. Hospitals, ambulances, helicopters and medical personnel as a result will be linked by a radio-telephone network.

The project will establish a central dispatch facility, provide 24-hour medical consultation link hospitals with the State Police's medivac helicopter program and provide immediate care for coronary patients through telemetry equipment installed in ambulances.

I believe and the State of Maryland also believes that we should and must move statewide with this emergency care system as soon as possible.

Mr. President, in some areas of health, such as in our attack against cancer and heart diseases, we are often looking for new discoveries or new breakthroughs. In the trauma area I am convinced that the technology and knowhow exists to dramatically reduce the tragic number of accident deaths. This is an area where action will lead to immediate pay-offs in terms of lives saved.

Dr. R. Adams Cowley, the director of the Maryland Institute for Emergency Medicine predicts that accident deaths in Maryland could be cut in half in 2 years.

Action in this area will truly mean the difference between life and death for accident victims. While this legislation is most important and needed, I also want to encourage doctors, hospital administrators and all other members of the health team to get interested and to place the public's interest above the narrower interest of the various health facilities and institutions so that we can develop the best system or systems.

This legislation is needed and necessary. I am convinced that the ultimate success will depend upon not only what is done at the Federal level, but on the responses and actions by the health community and State and local governments.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from North Carolina (Mr. ERVIN) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES) and the Senator from Alaska (Mr. GRAVEL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Wyoming (Mr. HANSEN) is necessarily absent.

The Senator from Virginia (Mr. SCOTT) is absent on official business.

Also, the Senator from Pennsylvania (Mr. SCHWEIKER) is necessarily absent.

The result was announced—yeas 79, nays 13, as follows:

[No. 141 Leg.]

YEAS—79

| | | |
|---|---|---|
| Abourezk | Griffin | Muskie |
| Aiken | Hart | Nelson |
| Baker | Hartke | Nunn |
| Bayh | Haskell | Packwood |
| Beall | Hatfield | Pastore |
| Bellmon | Hathaway | Pearson |
| Bentsen | Hollings | Pell |
| Bible | Huddleston | Percy |
| Biden | Humphrey | Proxmire |
| Brooke | Inouye | Randolph |
| Byrd, Robert C. | Jackson | Ribicoff |
| Burdick | Javits | Roth |
| Cannon | Johnston | Scott, Pa. |
| Case | Kennedy | Sparkman |
| Chiles | Long | Stafford |
| Clark | Magnuson | Stevens |
| Cook | Mansfield | Stevenson |
| Church | Mathias | Symington |
| Cranston | McClellan | Taft |
| Dole | McClure | Talmadge |
| Domenici | McGee | Thurmond |
| Dominick | McGovern | Tunney |
| Eagleton | McIntyre | Weicker |
| Eastland | Metcalf | Williams |
| Fong | Mondale | Young |
| Fulbright | Montoya | |
| Goldwater | Moss | |

NAYS—13

| | | |
|---|---|---|
| Bartlett | Byrd, Harry F., Jr. | Gurney |
| Bennett | Cotton | Helms |
| Brock | Curtis | Hruska |
| Buckley | Fannin | Saxbe |
| | | Tower |

NOT VOTING—8

| | | |
|---|---|---|
| Allen | Hansen | Scott, Va. |
| Ervin | Hughes | Stennis |
| Gravel | Schweiker | |

So the bill (S. 504) was passed, as follows:

S. 504

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Emergency Medical Services Systems Development Act of 1973".

SEC. 2. The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after title XI the following new title:

"TITLE XII—DEVELOPMENT OF AREA EMERGENCY MEDICAL SERVICES SYSTEMS

"AUTHORIZATION

"SEC. 1201. To assist in, improve, and expand the provision of adequate emergency medical services in the Nation for the treatment of accident victims and victims of sudden illness, and the handling of other medical emergencies, there are authorized to be appropriated $37,500,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $112,500,000 for the fiscal year ending June 30, 1976, of which not less than 15 per centum of the sums appropriated in each such fiscal year shall be available only for grants or contracts for rural areas, as determined by the Secretary in accordance with regulations he shall prescribe, for special project grants to and contracts with appropriate governmental entities for the planning and development or expansion of comprehensive area emergency medical services systems. Sums made available under this section may be used for planning, modernization, training and manpower development, communications, transportation, coordination of services and facilities, and other components necessary for the implementation of a plan submitted in accordance with section 1203. In determining the amount of funds to be provided under any such grant or contract, the Secretary shall insure that assistance under this title is provided in connection with any component of such a plan only to the extent that such component is not supported by a sufficient amount of Federal assistance under other titles of this Act or other provisions of law so as to enable such component to meet the requirements established by the Secretary under this title.

"SEC. 1202. Funds appropriated pursuant to this title shall be available for grants and contracts made by the Secretary, after consultation with the National Emergency Medical Services Advisory Council esablished by section 1206, and funds available for grants and contracts for the developemnt or expansion of comprehensive area emergency medical services system under section 1201 shall be provided on a matching basis of up to 75 per centum in accordance with criteria of need as determined by the Secretary pursuant to regulations he shall prescribe, to assist (1) States, (2) political subdivisions, or (3) regional arrangements, compacts, or consortiums (provided that when the emergency medical services system is to serve a geographical area including a standardized metropolitan statistical area (as determined by the Office of Management and Budget), such arrangement, compact, or consortium must comprise at least those units of general local government in such standardized metropolitan statistical area) presenting a plan for a comprehensive and coordinated emergency medical services system to serve a geographical area which encompasses an area at least congruent with an areawide comprehensive health planning agency (wherever such agency exists) established under section 314(b) of this Act or multiples of such area (unless the Secretary determines that such area cannot feasibly operate under a single plan in which event he may approve a plan submitted for a portion of such area), which plan must be approved by the Secretary and meet requirements consistent with the provisions of section 1203 set forth in regulations prescribed by the Secretary. Such plan must be reviewed and performance thereunder evaluated by the Secretary at least annually, taking into consideration, in addition to his independent evaluation, the reports of the independent review and evaluation submitted to him in accordance with such plan, and the Secretary may terminate assistance under this title whenever he determines, on the record after opportunity for a hearing in accordance with all provisions regarding adjudications as prescribed in the Administrative Procedure Act (5 U.S.C. 551–559), that performance is not substantially in compliance with such plan.

"SEC. 1203. The plan submitted by an applicant pursuant to section 1202 must include the following—

"(1) provision for a complete and coordinated emergency medical services system to serve the appropriate geographical area, including provision for the effective utilization within such system of the appropriate resources, including personnel and facilities, of all public safety agencies having responsibilities within such area;

"(2) a description of the area emergency medical services planning council established pursuant to section 1204;

"(3) (A) proposals for programs to be carried out under titles III, VII, VIII, and IX of this Act or any comparable provision of any other law and (B) in the event that a sufficient amount of assistance under such other titles and laws is not available to meet the requirements established by the Secretary under this title, proposals for programs (carried out in coordination with education and training programs assisted under titles III, VII, VIII, and IX of this Act and in a manner consistent with the appropriate provisions of such applicable title) for the training and continuing education of health professionals and paraprofessionals (with priority for the recruitment and necessary training of veterans of the Armed Forces of the United States with training or experience in the health care field and including appropriate public safety personnel) in the provision of emergency medical services to victims of accident and sudden illness, which programs must meet criteria established by the Secretary in regulations and, in the case of the training of paraprofessionals, must include supervised clinical training for at least one-half of the program;

"(4) provision for a communications system including, at least, a central areawide communications network with appropriate linkages with other area, State, and National networks, and with maximum accessibility for the public through a universal emergency telephone number, telephonic triage screening, and other means, which system shall allow transmission of information by voice, telemetry, or other electronic method and shall provide for cross-frequency patching capability;

"(5) provision for an emergency medical services transportation system, which shall include such air, water, and ground transportation as is necessary to meet the individual characteristics of the area;

"(6) provision for the operation of easily accessible, continuously operational emergency medical services facilities, with appropriate nonduplicative and categorized capabilities, situated at strategic locations in the area so as to meet the emergency medical services needs of the area;

"(7) provision for emergency access to specialized critical medical care units in the area, including provision for the necessary transportation systems for such access, and, where such resources are nonexistent or inadequate in the area, for access to such units in a neighboring area where access is feasible in terms of time and distance; and provision for the establishment of agreements for the provision of emergency medical services, on a reciprocal basis, between the area and appropriate neighboring areas where such access in any particular emergency situation would be more appropriate and effective in terms of services available, time, and distance;

"(8) assurances that necessary emergency medical services shall be provided to all patients requiring services (subject to a subsequent determination by the Secretary, in accordance with regulations which he shall prescribe, that the applicant has demonstrated by clear and convincing evidence the infeasibility of so providing in a particular situation) and shall be provided without regard to, or prior inquiry as to, ability to pay;

"(9) provision for developing for submission for approval by the Secretary, within one year of receipt of funds under this title, a plan assuring an operational system for providing emergency medical services during mass casualties, natural disasters, or national emergencies;

"(10) provision for transfer to facilities and programs providing such followup care and vocational rehabilitation as is necessary to effect the maximum recovery and restoration of the patient;

"(11) provision for a program of public education and information in the area served (taking into account the need of visitors to as well as residents in the community to know or be able to learn immediately the means of obtaining emergency medical services), stressing general dissemination of information regarding appropriate methods of medical self-help and first-aid and regarding the availability of first-aid training programs;

"(12) provision for periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency medical services provided in the area, measured in terms of national norms and standards established by the Secretary in rules made on the record after opportunity for a hearing, in accordance with all provisions regarding rulemaking as prescribed in the Administrative Procedure Act (5 U.S.C. 551-559); and

"(13) provision for a standardized patient recordkeeping system meeting standards established by the Secretary in regulations, which records shall cover the treatment of the patient, from initial entry into through discharge from the emergency medical services system, and shall be consistent with ensuing patient records used in followup treatment and rehabilitation of the patient (subject to a subsequent determination by the Secretary, in accordance with regulations which he shall prescribe, that the applicant has demonstrated by clear and convincing evidence the infeasibility of achieving such consistency).

"AREA EMERGENCY MEDICAL SERVICES PLANNING COUNCIL

"SEC. 1204. (a) The composition of the Area Emergency Medical Services Planning Council to be established in connection with the plan submitted under section 1203 shall include appropriate representatives of the State agency and appropriate areawide health planning agency or agencies (if any) established under section 314, of the regional medical program established under title IX of this Act in the area, of the public safety agencies having responsibilities within the area, of hospital councils, public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health or health education in the area, of the local government or governments or units thereof exercising jurisdiction in the area, of uniformed services of the Federal Government operating installations in the area, of the Veterans' Administration medical facilities



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in the area, of communications networks, mass media, and public utilities serving the area, of firms, organizations, and other entities having responsibilities related to the provision of emergency medical services located in the area, and of the general public in the area who are not related to the provision of health care and who shall comprise at least one-third of the Council's voting membership. To the maximum extent feasible, representatives of providers shall be selected so as to represent professional, paraprofessional, and nonprofessional personnel, and representatives of the general public shall be selected so as to represent all significant segments of the population to be served.

"(b) The functions of such Council shall include development, in consultation with the congruent areawide comprehensive health planning agency or agencies (if any) established pursuant to section 314(b) of the plan to be submitted under section 1203 and shall include continuous monitoring and evaluation of the operation of the emergency medical services system with a view to making recommendations for the improved effectiveness of its operation.

"(c) The Council may delegate part or all of its functions and responsibilities under this section to a subgroup which is representative of the various institutions, agencies, groups, organizations, and interests represented in the Council. Meetings of the Council and any subgroup thereof shall be announced a reasonable time in advance in the mass media serving the area to be served and shall be open to the public.

"INTERAGENCY TECHNICAL COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 1205. (a) The Secretary shall establish an Interagency Technical Committee on Emergency Medical Services which shall be responsible for coordinating those aspects and resources of all Federal programs and activities relating to emergency medical services to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain the necessary coordination and effectiveness of such programs and activities. The Secretary or his designee shall serve as Chairman of the Committee, which shall include appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Academy of Sciences, the National Science Foundation, the Office of Science and Technology, the Federal Communications Commission, the Office of Emergency Preparedness, and such other Federal agencies, and parts thereof (including components of the Department of Health, Education, and Welfare), as the Secretary determines administer programs directly affecting emergency medical services functions or responsibilities. The Committee shall meet at the call of the Chairman, but not less often than four times each year.

"(b) The Secretary of each military department (or his designee), as such term is defined in section 101(8) of title 10, United States Code, is authorized to enter into agreements with emergency medical services systems under which agreements equipment and personnel of the armed force under the Secretary's jurisdiction may, to the extent it will not interfere with the primary mission of that armed force, provide transportation and other services in emergency situations.

"NATIONAL EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

"SEC. 1206. (a) The President shall establish a National Emergency Medical Services Advisory Council with which the Secretary shall consult on a continuing and regular basis in administering this title. The Council shall consist of the Secretary or his designee, the Director of the National Institute of Health and the Administrator of the Health Services and Mental Health Administration in the Department of Health, Education, and Welfare, all other members of the Interagency Technical Committee established under section 1205, and fifteen members appointed by the President, seven of which appointed members shall be members of the general public who are not related to the provision of emergency medical services, and eight shall be individuals experienced in the provision or development of, or the training of personnel to provide, emergency medical services. Those persons serving on the Council by virtue of their filling the enumerated governmental positions shall serve as ex officio, nonvoting members thereof. The President shall designate as Chairman of the Council one of the members appointed from the general public.

"(b) The functions of the Council shall be to advise, consult with, and make recommendations to, the Secretary (through a subgroup which it shall appoint) on applications received for grants and contracts in excess of $35,000 under this title, and to make recommendations to the Secretary with respect to carrying out all provisions of this title, including preparation and review (including any agency appeal thereof) of the annual budget estimate for the program established under this title, and to collect, analyze, and disseminate all data useful in the development of area emergency medical services systems, including the establishment of a national data bank to collect, catalog, maintain, and disseminate, to the maximum extent feasible, the results of the operation of such systems developed with assistance under this title.

"(c) Each appointed member of the Council shall be appointed for a term of four years except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term; and

"(2) of the members first appointed after the effective date of this title, five shall be appointed for a term of four years, five shall be appointed for a term of three years, and five shall be appointed for a term of one year, as designated by the President at the time of the appointment, except that the initial terms of members appointed from the general public who are not related to the provision of emergency medical services shall be not less than three years.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) A vacancy in the Council shall not affect its activities, and nine voting members of the Council shall constitute a quorum for the purpose of making recommendations pursuant to subsection (b) of this section.

"(e) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(f) The Secretary shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.

"(g) The Council shall meet at the call of the Chairman, but not less often than four times each year.

"GRANTS AND CONTRACTS FOR RESEARCH

"SEC. 1207. (a) The Secretary is authorized to make grants to or contracts with public or private nonprofit agencies, organizations, or institutions, for the support of research in emergency medicine techniques, methods, devices, and delivery to be carried out in conjunction with the implementation of a plan submitted in accordance with section 1203.

"(b) For the purpose of making payments pursuant to grants and contracts under this section, there are authorized to be appropriated $5,000,000 each for the fiscal year ending on June 30, 1974, and the next two fiscal years.

"APPLICATION REQUIREMENTS

"SEC. 1208. No application for a grant or contract under this title shall be approved unless—

"(1) the State comprehensive health planning agency established pursuant to section 314(a) and the areawide health planning agency (if any) established pursuant to section 314(b) have had an opportunity to comment thereon, within ninety days of the submission to those agencies of copies of such application, and the applicant has submitted to the Secretary a reply to any such comments with a view toward accommodating any objections by and remedying any differences with such agency or agencies;

"(2) the applicant agrees to maintain such records and make such reports to the Secretary as the Secretary determines are necessary to carry out the provisions of this title; and

"(3) the application is submitted in such form and such manner and contains such information (including specification of restrictions of law or regulations in the area to be served with respect to the full utilization of the training and skills of professional and paraprofessional personnel, as defined by the Secretary in regulations, in the provision of comprehensive emergency medical services) as the Secretary shall prescribe in regulations.

"GENERAL PROVISIONS AND LIMITATIONS

"Sec. 1200. (a) Grants under this title shall be paid in advance or by way of reimbursement in such installments and on such conditions as the Secretary determines will most effectively carry out the provisions of this title.

"(b) Contracts may be entered into under this title without regard to sections 3638 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(c) No grants or contracts may be made under this title in support of an emergency medical services system except (1) where all components of such system meet, or (2) in the event the Secretary, in accordance with regulations which he shall prescribe, determines that the applicant has demonstrated by clear and convincing evidence the infeasibility of compliance with respect to each such component, where the plan submitted under section 1203 contains reasonable assurances that each such components will meet, within the first year of receipt of assistance under this title, standards and criteria established in regulations by the Secretary, after taking into account standards established by appropriate national professional or technical organizations, on the record after opportunity for a hearing, in accordance with all provisions regarding rulemaking as prescribed in the Administrative Procedure Act (5 U.S.C. 551–559).

"(d) Reports of independent reviews and evaluations carried out pursuant to the plan submitted under section 1203 shall be submitted to the appropriate area emergency medical services planning council established under section 1204, to the National Emergency Medical Services Advisory Council established by section 1206, and to the Secretary.

"(e) Except as provided in subsections (f) and (g) of this section, notwithstanding any other provision of law unless enacted in express limitation of this subsection, no payments to any governmental body, person, group, or other entity authorized by any Federal law in connection with the development or maintenance of emergency medical services systems or components thereof (except for reimbursement for actual services provided) shall be made pursuant to any such law except in connection with a system approved for the receipt of assistance under section 1202 of this Act.

"(f) Except as provided in the second sentence of this subsection, no funds appropriated under any provision of this Act other than this title, or under any other provision of Federal law, may be used to make new grants or contracts in any fiscal year for the development or expansion of, or research in connection with, emergency medical services systems or components thereof (except for reimbursement for actual services provided) if (1) grants or contracts for such purpose are authorized by this title and (2)(A) all the funds authorized to be appropriated under this title for such fiscal year have not been appropriated for such year or (B) an amount equal to the amount of funds so authorized to be appropriated has not been obligated in such year. In the event of the applicability of conditions (1) and (2) in the preceding sentence, the Secretary is authorized, notwithstanding any other provision of law, to obligate and expend any such funds for the development or expansion of such systems only in accordance with all the provisions, limitations, and restrictions in this title.

"(g) Nothing in this title shall limit or otherwise restrict the continuation of grants and contracts and the renewal of assistance provided thereunder under other provisions of this Act or other Federal law for the conduct of emergency medical transportation and services programs as long as funds so provided are used in connection with a system approved for the receipt of assistance under section 1202 of this Act and such programs meet the standards and criteria established by the Secretary under this title.

"(h) for the purposes of this title, the term 'State' includes Guam, American Samoa, and the Trust Territory of the Pacific Islands, and the term 'modernization' means alteration, major repair (to the extent permitted by regulations), remodeling, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in (as determined in accordance with regulations) equipment of existing buildings.

"REPORTS

"SEC. 1210. The Secretary shall prepare and submit to the Congress, one year after enactment of this title and every year thereafter, a report on the administration of this title, which shall include an evaluation of the adequacy of the provision of emergency medical services throughout the Nation (including a study to determine the legal barriers to the effective provision of medical care in emergency situations and the extent to which the needs for such services are being adequately met through assistance under this title and otherwise) and his recommendations for any legislation necessary to promote the provision of and provide emergency medical services throughout the Nation at a level adequate to meet such needs."

SEC. 3. (a) Section 1 of the Public Health Service Act (42 U.S.C. 201) is amended by striking out "XI" and inserting in lieu thereof "XII".

(b) Section 772(a) of such Act (42 U.S.C. 295f–2(a)) is amended by—

(1) striking out "or" in clause (12);

(2) striking out "services." at the end of clause (13) and inserting in lieu thereof "services; or"; and

(3) inserting the following new clause after clause (13):

"(14) establish and operate programs and projects in the interdisciplinary training of health personnel for the provision of emergency medical services, especially utilizing clinical experience in emergency medical services systems receiving assistance under title XII of this Act.".

(c) Section 774(a)(1)(D) of such Act (42 U.S.C. 295f–4(a)(1)(D)) is amended by inserting "(including emergency medical services)" after "services" each time it appears.

SEC. 4. Notwithstanding any other provision of law, in the event that an emergency situation requiring immediate medical assistance arises in the course of any journey by an interstate common carrier originating in one State and scheduled to terminate in another, the provision of such emergency medical assistance by a person to any other person in the course of such journey shall be governed by the law of the jurisdiction in which such former person resides or, in the case of a person engaged in the provision of health care services, where such former person is regularly so engaged.

CONTINUED OPERATION OF CERTAIN PUBLIC HEALTH SERVICE HOSPITALS

SEC. 5. (a) The Secretary of Health, Education, and Welfare is directed to take such action as may be necessary to assure that the Public Health Service hospitals which are located in Seattle, Washington; Boston, Massachusetts; San Francisco, California; Galveston, Texas; New Orleans, Louisiana; Baltimore, Maryland; and Staten Island, New York, shall, until such time as the Congress shall by law otherwise provide, continue in operation as Public Health Service hospitals and continue to provide inpatient and other health care services to all categories of individuals entitled, or authorized, to receive care and treatment at hospitals or other stations of the Public Health Service, in like manner as such services were provided to such categories of individuals at such hospitals on January 1, 1973.

(b) It is the policy of the Congress that such Public Health Service hospitals shall (except as may otherwise hereafter be authorized or required by the Congress)—

(1) continue to provide for categories of individuals for which health care services were provided (or authorized to be provided) by such hospitals on January 1, 1973, a level and range of inpatient, outpatient, and other health care services which is at least as great as the level and range of such services which were provided (or authorized to be provided) by such hospitals on January 1, 1973, and

(2) continue to conduct a level and range of other health-related activities (including, but not limited to, training and research activities) which is not less than the level and range of such activities which were being conducted on January 1, 1973.

(c)(1) It shall be the duty of the Secretary of Health, Education and Welfare, in the administration of any and all laws with respect to which he has responsibility, to carry out the provisions of subsections (a) and (b) and he shall take no action (other than action required pursuant to a law enacted after the date of enactment of this Act) inconsistent with such provisions.

(2) Funds appropriated to carry out any activity in furtherance of the provisions of subsections (a) and (b) shall, to the extent necessary to carry out such provisions, be utilized to carry out such activity; and the President shall have no authority to, and shall not, impound or withhold any such funds; except that nothing in this paragraph shall be construed to require the President or the Secretary of Health, Education, and Welfare to expend funds in excess of the maximum amounts which can effectively be utilized in carrying out such provisions.

(d) Nothing in this section shall be construed as authorizing or requiring the conduct of any activity which is not authorized under other provisions of law, nor as an authorization for the appropriation of any funds.

(e)(1) Section 3(b)(2) of the Emergency Health Personnel Act Amendments of 1972 (86 Stat. 1290) is amended by striking the words "Comments (if any)" and inserting in lieu thereof the words "approval of such closing or transfer".

(2) Such section is further amended by striking the comma at the end of paragraph (B) and inserting in lieu thereof a period and by striking the words "after the Secretary has provided each such agency a reasonable opportunity to review and comment on the proposed closing or transfer".

(3) Nothing in this subsection shall be construed as relieving the Secretary of Health, Education, and Welfare from fulfilling any other requirements of this section.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the bill (S. 504) be printed as passed today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title was amended, so as to read: "A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems."

Mr. KENNEDY. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. COOK. I move to lay that motion on the table.

The proposal to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we have passed three significant pieces of health legislation this afternoon. Again I wish to state how much I, as chairman of the Subcommittee on Health appreciate the strong support that we have received from members of the committee on both sides of the aisle. The legislation we passed bears the imprint of the ranking member of the committee, the Senator from Pennsylvania (Mr. SCHWEIKER), as well as the ranking member of the full committee, the Senator from New York (Mr. JAVITS), and the constant efforts of the Senator from Colorado (Mr. DOMINICK) and the Senator from Maryland (Mr. BEALL), who brought forward his program which we considered earlier this afternoon. He has been an extremely active member of the committee.

The minority staff has been of great help to us in this matter. Jay Cutler, John Hunnicutt, Chuck Woodruff, and Joe Carter served their particular Senators well, and I wish to acknowledge their efforts. On our side, the Senator from California (Mr. CRANSTON) has provided considerable leadership in the passage of this bill as well as many other programs. He has been a constant source of strength on this matter as well as other health legislation. I also wish to acknowledge the efforts of the Health Committee staff: Dr. Caper, Lee Goldman, Stan Jones, and Willie Shawcross deserve great credit for their constant attention to detail. I also wish to mention Dan Murray of the Office of the Senate Legislative Counsel and Janet Kline of the Library of Congress who



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have been of great help and assistance to us.

Their contributions in connection with the legislation has been of great significance. I thank all of them very much. We look forward to working with the members of our committee as we meet with the members of the House of Representatives in the respective conferences on these bills.

## MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. McCLURE). The Chair, on behalf of the Vice President, pursuant to Public Law 86-420, appoints the Senator from West Virginia (Mr. RANDOLPH) to attend the Mexico-United States Interparliamentary Meetings, Mexico, May 24–29, 1973.

## CONFERENCE ON DEVELOPMENT OF TRADE BETWEEN THE UNITED STATES AND THE FAR EAST

Mr. MAGNUSON. Mr. President, recently, I had the opportunity to participate in a most significant conference on the development of trade between the United States and the Far East.

Titled "Seattle Symposium" the conference dealt primarily with the development of trade and tourism—in view of recent international developments—with the People's Republic of China and with Japan.

The remarks of Edward E. Carlson, president of United Air Lines to that symposium were of great significance, particularly to my part of the country—the Pacific Northwest—and in order to share Mr. Carlson's thoughts with my colleagues I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being on objection, the remarks were ordered to be printed in the RECORD, as follows:

THE NORTHWEST: GATEWAY TO TRANSPORTATION AND TOURISM

Senator Magnuson, Congressman Pritchard, Chairman Timm, Mr. Hosomi, Distinguished Guests, Ladies and Gentleman:

This has been a most fascinating day for me. We have heard a great group of speakers, and judging from their thoughtful comments, tomorrow should be equally stimulating.

Many unusual, interesting and exciting things have happened to me through the years. Not the least was unexpectedly finding myself in a new business career a little more than two years ago.

This is another unusual and unanticipated experience—to speak to the distinguished group participating in this Symposium.

On a personal basis my identity with the Far East, particularly Japan and China, goes back 42 years.

I was 19 years old when I shipped out of here on the President Lincoln as an ordinary seaman at $47.50 a month. The trip took 14 days to Yokohama. At 19 it was exciting to see Tokyo, Yokohama, Kobe, Shanghai and Hong Kong.

In 1960 I returned to Japan and consummated a hotel relationship on behalf of Western International Hotels. For many years I averaged two or three trips a year to Japan, Hong Kong, Bangkok and, in recent years, Singapore. I have many friends in the Far East. I believe I understand some of the interests of the business community.

It is with this background that I am pleased to share some observations with you.

Seattle is the cornerstone of the Pacific Northwest, and it plays a vital role as this region's gateway to the Orient. Looking westward across the Pacific we can at last see the possibility of greater stability and peace in Asia. This single fact is more important to what we discuss today and tomorrow than anything else. It puts within reach what was not possible a year ago, or a little more than a month ago. It forms the basis for a new Pacific community in which nations that border on this greatest of all oceans may deal with each other as true equals. The relationships are not only desirable but are necessary for the self interest of each of us.

Those of us who have lived in Seattle think we are usually well equipped to understand the importance of closer relationships with our Asian friends. In many ways we share common problems. For years the Pacific Northwest was a remote and isolated part of the United States.

In the early years, as I matured both in school and in the business world, I always sensed that the Eastern seaboard was dominant in the trade, culture and education of this nation. That is changing! Today Seattle ranks among our nation's most important ports. It is a great aircraft manufacturing center and a key trade link to Canada and the Orient. As a tourist gateway to the Pacific, it has always been important. Now its true potential becomes apparent.

Tourism is not only a cultural and social bridge, it is a good business and a big business. Japanese tourists, for example, are expected to quadruple in the 1970–1975 period.

Tourism, like trade, flows two ways. For many years it was mostly the Americans who covered the European continent. This is changing. Europeans have rediscovered the Western Hemisphere. Japanese tourists are coming to Hawaii in ever increasing numbers. Japan is in the midst of a travel explosion. This year more than a million Japanese tourists will go abroad. Last year Japan supplied more visitors to the United States than any other country. Surveys by our Department of Commerce show that Japanese tourists travel for many reasons, including the very basic urge to travel itself, which is at least as important as the choice of destination. If we are to promote understanding among people, we should realize that Americans are not the only tourists. We should develop enlightened transportation and tourist programs for our friends from abroad. To do so, we must be aware that the Japanese travel market is price sensitive, and that younger and less affluent men and women are entering the market in great numbers.

We in the United States have always been curious about other parts of the world. Currently there is a great interest in China, an interest so clearly demonstrated by the huge audience which followed television coverage of President Nixon's historic trip to that country, the interest generated by this Symposium, and the nature of the questions asked today. We know that tourism to and from China will develop slowly, but it will provide an important link as we work to strengthen our chain of mutual understanding.

Seattle is a prime gateway for Pacific tourism and trade to and from Japan, China, Singapore—all of the Far East. It has excellent facilities and services, with little of the congestion encountered at other gateways. It is a great port for seagoing transportation and rail connections, with an outstanding airport facility capable of handling substantial increases in volume with ease. The future spotlight should rest right here. It's a natural and, we believe, an inevitable development, providing this area asserts itself by making a commitment—a commitment that business, labor and appropriate levels of government should join forces in making this truly the Seattle Gateway.

Asia has long been isolated. In recent times most contacts between us have been in a setting of conflict or controversy. Now, we can look ahead to a future as partners, not adversaries.

We are all familiar with Japan's economic miracle. This island-nation of modest size is now one of the Western world's three major economic powers. Since 1955, Japan has averaged a 10 per cent rate of growth in real terms. From 1968 through 1970, real growth averaged 13 per cent a year. Japan's Gross National Product should reach almost $400 billion by 1975, and $500 billion by 1980. For over a decade Japan has been our largest overseas trading partner. It is interesting to note that on a per capita basis, every American purchased about $24 worth of products from Japan in 1969, while every Japanese bought almost $34 worth of imports from the United States.

Just as in the years after World War II, we built an Atlantic partnership—a partnership of equals with a unifying Western Europe—we must look now toward a similar Pacific Partnership. Our vision of this new Partnership will be no simple achievement. It will require major efforts on both sides of the Pacific. But it is vitally necesary to all of us. With a true partnership we can produce economic and technological wonders. Without it, we will only produce more conflict. In order to succeed we must have favorable government policy and sound government relationships. Most of all, there must be a strong dedication by American business to the development of the Partnership through the aggressive pursuit of two-way trade on a basis which is founded on integrity, fair dealing and a goal of mutual benefit.

For the United States this is an important period. We are no longer at war. We are turning to the many economic and social problems we must solve. Twice before in this century we faced a similar problem. Twice before we turned inward and produced economic disaster. After the first World War, we had the chance to help other nations and ourselves by lowering tariff barriers. Instead, Congress passed a series of higher and higher tariffs.

The Smoot-Hawley Tariff—the highest in history—caused retaliation and a breakdown of world trade. In turning inward to protect ourselves, we wound up closing first our docks, then our banks, then our businesses. The lesson should be clear to all of us. After a series of expanded trade agreements after World War II, and the passage of the Trade Expansion Act of 1962, we seemed finally to have settled on a path of trade expansion.

But this is not a new problem, and the approach is not that simple. There always has been strong support for protectionism in this country. When Lewis and Clark first reached the Oregon shore in 1805, one of the burning issues in the young Congress was protection of our infant industries and restrictions on foreign trade. When Seattle was first settled in 1853, the same problem was being debated. The tariff issue was one of the underlying reasons for the Civil War. We should learn from our history.

Today we are at another crucial point. Congress is considering another restrictive measure—the Burke-Hartke Bill, which some people consider the most sweeping legislative proposal to curb imports since the Smoot-Hawley Tariff. It has not only the support of long-time protectionists, but the backing of much of organized labor as well. Many unions, once strong supporters of trade expansion, are worried about unemployment resulting from increased imports and the export of jobs.

The concern about job loss, and business loss, is understandable. The suggested cure is not. The facts simply don't support the conclusion. In contrast to the Burke-Hartke Bill, the legislation proposed by Senator Magnuson and the Administration looks to the legitimate concerns of domestic industry and labor, and recognizes that any return or self-isolation would be self-defeating.

I believe it was 15 or 16 years ago when Senator Magnuson said to me one day, "Somehow, this country must re-establish trade and diplomatic relations with China. With half of the world's population living in that country, it is essential that we somehow ring these two countries together". His statement was quite prophetic.

We were chatting about this in his office a month or so ago, and he said, "Yes, it is good to see a movement in this direction, but you will remember that in some circles, I was badly criticized for my position".

The Senator was right. We are hopeful that appropriate trade legislation will be passed in this session.

We have a lot of evidence demonstrating that foreign trade, and imports alone, create jobs to offset those lost to foreign competition:

1. Jobs associated with foreign trade approach 4.5 million. That's about 6 per cent of total U.S. employment, or the equivalent of the steel and automobile industires combined.

2. We are the world's largest exporting nation. For 1972 we accounted for about 14 per cent, or $48 billion, of the world's exports.

3. Imports alone provide more than a million jobs. Products manufactured abroad must be sold and serviced in the United States. Also, many things made in this country use foreign components or raw materials, and many things made abroad use American components or raw materials.

4. As we curtail imports, foreign governments tend to retaliate. Every billion dollars of exports creates 110,000 new jobs, while every billion dollars of imports supplies goods which would require 88,600 Americans to produce. As a matter of simple arithmetic, if we increase exports nad imports equally, we create more jobs. We must recognize that reality in the United States where only 4 per cent of our Gross National Product is devoted to foreign trade.

It will take statesmanship to produce a good partnership. Any partnership is a marriage in which each party must give up something for the overall good. Successful and prosperous partnerships are based on mutual respect, sacrifice and understanding. We not only have much to give but much to get. What appears to be a short-term sacrifice is in reality a long-term investment. This applies to both sides of the Pacific.

We, in the United States, must recognize that we no longer have the technological superiority in as many areas as we enjoyed after World War II. We must make tradeoffs. We may have to be willing to engage in more joint ventures. We may need joint action on future aircraft development as research, development and production costs continue to rise. It takes seven or eight years to produce positive cash flow on large new aircraft. The venture capital to support those projects is no longer available at a single source, and this applies to both sides of the ocean.

We appreciate the concern of our Japanese friends for their booming textile, electronics and automobile industries. However, the same hard decisions we must make on trade barriers need also be made in other parts of our shrinking planet. Protectionist actions have no more validity in Japan than in the United States. This applies not only to tariff barriers, but other barriers as well. Import quotas, labeling restrictions and other conditions unreasonably applied have similar depressing effects on trade. To sell, we must all buy.

Our new Pacific Partnership should enable us, for the first time, to handle mutual problems. Environmental issues, energy needs, even fishing rights, are common problems which we can handle far better in concert than as individual nations. There are emerging dynamic new societies in the Pacific that should be welcomed into this partnership. They, too, would benefit from, and contribute to, our mutual approach.

Senator Magnuson and Governor Evans understand these problems. They spoke with great conviction on these issues this morning. Many others have deep knowledge of the trade question. But there are many in the nation who do not. It is essential for our people to know how important the Orient is, to know the vital role the Pacific Northwest does and can play as a commercial gateway, and above all, to understand the necessity of expanding our trade both ways.

The President's trip to China last year turned the question of trade with the People's Republic of China from theory to practical reality. This afternoon's panel highlighted the opportunities, as well as the problems, in dealing with the People's Republic. We have no false illusion that there can be massive trade with China immediately.

But we can make a start, and from that start develop steady growth. Both of our nations recognize the bilateral benefits of expanded trade. And this is an area in which political doctrine need not be an emotional factor. After two decades, the United States, between 1969 and 1971, took a series of actions to remove travel and trade barriers with the People's Republic. In February 1972, a joint communique was issued at Shanghai which clearly made the point:

"Both sides view bilateral trade as another area from which mutual benefit can be derived, and agreed that economic relations based on equality and mutual benefit are in the interest of the peoples of the two countries. They agree to facilitate the progressive development of trade between their two countries."

We have learned in the past that step-by-step trade development has far more than economic importance for the nations involved. It builds an atmosphere of confidence and trust, and leads to other economic and political understandings. Like a honeycomb, we can construct a series of inter-related segments—one at a time. In doing this, we recognize that large scale trade and tourism with the People's Republic cannot be an overnight development. But there are clear economic benefits for both sides in having new markets and new sources of supply for imports from China. I look forward to the day when I can be part of the welcoming committee at Seattle when the first airliner from the People's Republic of China lands at Seattle. That will be an important step in forging the new Pacific Partnership which will be a key to our future as individuals and as nations.

Japan and Hong Kong are primary trading partners of the People's Republic of China. This will contiuue. On the assumption that the Gross National Product of the People's Republic is somewhere in the $75–$100 billion range, its 1970 exports constituted only about two to three per cent of total GNP. Imports fall in the same range. We are all familiar with China's drive for self-sufficiency. This has led it to expanding trade with a number of partners, and away from a single supplier. Although Japan claims a fourth of China's total foreign trade, and Hong Kong is the leading export market for the People's Republic, the number of trading partners continues to increase.

The economic rebirth of Japan causes a mixture of admiration and uneasiness in this country. Most of the uneasiness is misplaced. Many are concerned about the growth of our trade imbalance with Japan, and we have sought economic concessions. The problem should ease because of the overdue revaluation of the yen and the removal of residual import restrictions. But, we will probably have to live with a bilateral trade imbalance for at least the short run. For the long run, as Japan turns away from export-oriented heavy industries, and toward more consumer goods and social needs, the export imbalance should shrink.

All of this brings me back to the role of the Pacific Northwest. In the years before World War II, Seattle was a prime gateway for trade to the Far East. It is only natural for this to happen again. In briefly looking over recent data on United States exports to Japan, it is noteworthy that Seattle not only led other West Coast ports in export shipment growth from 1970 to 1971, but led all other comparable ports in growth percentage. Indeed, Seattle led all comparable ports in percentage growth of exports to all countries. This fact speaks for itself as to Seattle's importance as a trade gateway. The opening of relationships with the People's Republic of China represents a continuing opportunity for Seattle to enhance its economy and assert its position as the United States' focal point for the new Pacific Partnership—the Seattle Gateway.

The people who are participating in this Symposium are the experts. They know far more than I just what the prospects and possibilities for a new Pacific Partnership may be. But I do know that our country, in its finest moments has always chosen the course which was most outward-looking—a course which looked toward cooperation and openness rather than narrow rivalry and suspicion. We again have choices before us. With the work of all of us, our country—heeding the lessons of the past, and looking to the future—will again choose to go outward. Seattle should be a key link in this endeavor.

Thank you for having me at this very significant Symposium.

## AMENDMENT OF LABOR-MANAGEMENT RELATIONS ACT, 1947

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 130, S. 1423, and that the bill be laid before the Senate and made the pending business, with no further action thereon today.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 1423) to amend the Labor-Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with an amendment on page 2, line 5, after the word "trust", strike out "funds"." and insert "funds: *Provided further*, That no such legal services shall be furnished (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workmen's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, or this Act, and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959".";

so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States*



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*of America in Congress assembled,* That section 302(c) of the Labor Management Relation Act, 1947, is amended by striking out "or (7)" and inserting in lieu thereof "(7)" and by adding immediately before the period at the end thereof the following: "; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services for employees, their families, and dependents: *Provided,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds: *Provided further,* That no such legal services shall be furnished (A) to initiate any proceeding directed (i) against any such employer or its officer or agents except in workmen's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, or this Act, and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959".

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, having been directed to do so by the distinguished majority leader and having cleared the matter with the distinguished assistant Republican leader and with the able Senator from New Jersey (Mr. WILLIAMS) and other Senators, I ask unanimous consent that debate on the bill, S. 1423, be limited to 3 hours, to be equally divided between and controlled by the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS); that there be a time limitation on any amendment thereto of 1 hour; that there be a time limitation of one-half hour each on amendments to amendments, debatable motions, and appeals; and that the agreement be in the usual form throughout.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

*Ordered,* That, during the consideration of S. 1423, a bill to amend the Labor Management Relations Act, 1947, debate on any amendments in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of the amendment and the manager of the bill, and that debate on amendments in the second degree, debatable motions or appeals shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

*Ordered further,* that on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from New Jersey (Mr. Williams) and the Senator from New York (Mr. Javits); *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

## ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS, S. 1423, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the period for the transaction of routine morning business on tomorrow, the Chair lay before the Senate the unfinished business, S. 1423.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REVISION OF ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to revise the orders for the recognition of Senators on tomorrow as follows: After the two leaders or their designees have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. Moss, Mr. BARTLETT, Mr. JOHNSTON, Mr. BELLMON, Mr. HANSEN, Mr. TAFT, Mr. JAVITS, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR CONSIDERATION OF S. 1672, TO AMEND SMALL BUSINESS ACT, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon disposition of S. 1423, the Senate proceed to the consideration of S. 1672, a bill to amend the Small Business Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. Moss, Mr. BARTLETT, Mr. JOHNSTON, Mr. BELLMON, Mr. HANSEN, Mr. TAFT, Mr. JAVITS, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion thereof, the Senate will resume its consideration of the unfinished business, S. 1423, a bill to amend the Labor Management Relations Act of 1947 to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

Yea-and-nay votes will occur thereon. There is a time limitation on the bill and amendments thereto.

Upon the disposition of S. 1423, the Senate will take up S. 1672, a bill to amend the Small Business Act, under a time limitation. Yea-and-nay votes will occur on amendments thereto, and on passage of the bill, presumably.

So, I repeat, yea-and-nay votes will occur during the afternoon tomorrow.

## ADJOURNMENT UNTIL 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and at 5:34 p.m. the Senate adjourned until tomorrow, Wednesday, May 16, 1973, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 15, 1973:

DIPLOMATIC AND FOREIGN SERVICE

Kenneth D. Keating, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

DEPARTMENT OF JUSTICE

Victor R. Ortega, of New Mexico, to be U.S. attorney for the district of New Mexico for the term of 4 years (reappointment).

Brian P. Gettings, of Virginia, to be U.S. attorney for the eastern district of Virginia for the term of 4 years (reappointment).

U.S. ADVISORY COMMISSION ON INFORMATION

The following-named persons to be members of the U.S. Advisory Commission on Information for terms expiring January 27, 1976:

Hobart Lewis, of New York (reappointment).

J. Leonard Reinsch, of Georgia, vice Frank Stanton, term expired.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

*To be lieutenant general*

Lt. Gen. John H. Hay, Jr., 517-05-6304, Army of the United States (major general, U.S. Army).

# HOUSE OF REPRESENTATIVES—*Tuesday, May 15, 1973*

The House met at 12 o'clock noon.

Rev. George W. Ingerson, Minister, The Bethel United Methodist Church, Hymeria, Ind., offered the following prayer:

*In everything give thanks: For this is the will of God in Christ Jesus concerning you.* I Thessalonians 5: 18.

I thank You Lord for the honor and privilege of offering this prayer as our Congress convenes today. We bow in Thy presence grateful to be alive.

We open our hearts unto Thee, endeavor to make them channels for Thy power in our Nation and world. Help us to keep our thinking clear, clean, our emotions in complete control. Give us the mind to keep our bodies healthy, fit for finer service to Thee and greater service to our great country. Give to these Members of Congress, faith, hope, love that they may lead our people into the right paths of enduring peace, abounding good will.

In the name of Him who summons us to higher fields of endeavor, we pray. Amen.



## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## THE REVEREND GEORGE W. INGERSON, THE BETHEL UNITED METHODIST CHURCH, HYMERA, IND., LEADS HOUSE IN OPENING PRAYER

(Mr. MYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS. Mr. Speaker, the prayer was offered this morning in the House of Representatives by Rev. George Ingerson of the Bethel United Methodist Church of Hymera, Ind. I am extremely proud of Reverend Ingerson for several reasons, but particularly because he is a self-made man.

By that I mean he was born to a family of 10 children and because of the financial plight of that family was unable to finish high school in the normal course of years. He served in World War II with distinction in the U.S. Army and in 1956 finished high school. He then became a Christian in 1958 and answered the call to the Church of the Nazarene in its ministry in 1960. Since then he has become a United Methodist minister.

Mr. Speaker, I share with the community of Hymera their pride in Reverend Ingerson, and we thank the congregation of the Bethel United Methodist Church of Hymera, for sharing Reverend Ingerson with the House of Representatives today.

## FARM SUBSIDY NO. 3

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, fat cat farmers are not the only ones making tracks to the taxpayers' trough.

A wealthy railroad and a small municipal airport also hauled away hefty farm subsidy payments in 1972.

The Southern Pacific Railroad whistled away with $82,000 in subsidies last year for two "farms" in California.

And the municipal airport of Kearney, Nebr., flew off with a farm subsidy of $25,000.

Collecting fat farm subsidies may be a better way to travel for railroads and airports, but it is the taxpayer who is being taken for a ride.

## CONCERNING INTRODUCTION OF THE "200-MILE LIMIT"

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, today I am introducing a bill to call attention to the approaching International Conference on the Law of the Sea. This Conference will consider the international conservation and regulation of the seas and our seabed resources. At issue is whether the oceans will be used rationally and equitably for mankind or whether they will become an arena of unrestrained exploitation. However, the trouble in my State is that Maine's seabed has already been exploited and misused by members of the Conference who now declare their deep concern over diminishing resources. While I am in full agreement with the goals of the Conference, I am skeptical that it will bring the tangible results needed by our fishermen.

In this light, I am introducing my own bill to establish a 200-mile contiguous fishery zone beyond the territorial sea of the United States. Under the provisions of this bill the United States would exercise the same exclusive fishing rights that it now enjoys in its territorial sea. This bill is protective medicine. In the past these conference have failed to produce the substantial progress so urgently needed. The passage of this measure will insure the conservation and protection of our ocean resources, whether the Conference is successful or not.

## MEATPACKING REQUIREMENTS

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBERLAIN. Mr. Speaker, in what one might interpret as a "victory" for the U.S. Department of Agriculture, the U.S. Supreme Court, yesterday, refused to hear an appeal by the Michigan Department of Agriculture for reinstatement of the State's strict meatpacking requirements.

It is the contention of the USDA that States cannot enforce meat packaging laws that are tougher than Federal regulations, and this has now been upheld.

While this may be a victory for a universal implementation of Federal meatpacking regulations, it is not a victory for Michigan consumers who will no longer be protected by Michigan's strict law against using such offal as hearts, stomachs, snouts, spleens, bladders, tongues, and the variety of unwholesome byproducts which packers put into hotdogs and similar items.

It is quite clear that the only recourse the consumer now has is in the Congress, and, with the decision now resting squarely in our laps, I would urge that prompt consideration be given to H.R. 372, which would eliminate such questionable byproducts, which I introduced on the opening day of this 93d Congress.

## CHANGE IN LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I take this time to announce that the chairman of the Committee on Banking and Currency has informed us he does not intend to call up H.R. 6912, the Par Value Modification Act, tomorrow, as originally planned. The bill will not be called up this week, and it is being postponed indefinitely.

We still intend to call up H.R. 2990, the U.S. Postal Service authorization, as announced.

## MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PHASE III IS AN ECONOMIC JOKE ON THE AMERICAN PEOPLE

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, an economist has called President Nixon's phase III a joke—"one of the funniest economic games ever foisted on the American people."

This particular economist happens to be Pierre Rinfret—who was the chief economic spokesman for Mr. Nixon's reelection campaign. Mr. Rinfret gave congressional testimony last week that pointed out the basic fallacies underlying phase III.

The administration is relying on a free enterprise system to control inflation. But it cannot, because the system is no longer free enterprise. Price-fixing, monopolistic practices, and Government intervention have undermined the system to such an extent that it can no longer promote fair competition in the marketplace.

Mr. Rinfret shows how well this economic theory has held up under phase III. In March, the rate of inflation in wholesale prices was 31 percent, he noted. In April, the administration patted itself on the back when that rate declined to "only" 14 percent. Between January and April, consumer inflation exceeded 8 percent on an annual basis.

This testimony by one of President Nixon's former economic advisers simply affirms the bankruptcy of Mr. Nixon's hands-off economic policies. What we need is the comprehensive economic stabilization program that Congress envisioned when it extended the President's wage-price control authority.

## PERMISSION FOR SPECIAL SUBCOMMITTEE ON EDUCATION, COMMITTEE ON EDUCATION AND LABOR, TO SIT TODAY

Mr. O'HARA. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Education of the Committee on Education and Labor be permitted to sit during legislative business this afternoon.

The SPEAKER. Is there objection to

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the request of the gentleman from Michigan?

There was no objection.

## PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the calendar.

Mr. BROWN of Michigan. Mr. Speaker, inasmuch as the bills on the Private Calendar have not been on the calendar in accordance with the agreement between the objectors on the majority and minority sides, I ask unanimous consent that we dispense with the call of the bills on the Private Calendar today.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## THE UNITED NATIONS ENVIRONMENT PROGRAM PARTICIPATION ACT OF 1973

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 361 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 361

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

## CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 142]

| | | |
|---|---|---|
| Anderson, Ill. | Carney, Ohio | Downing |
| Badillo | Carter | Eilberg |
| Barrett | Chisholm | Esch |
| Bell | Clark | Fascell |
| Biaggi | Cotter | Fish |
| Biester | Crane | Frey |
| Blatnik | Cronin | Fuqua |
| Breckinridge | Culver | Gilman |
| Brown, Calif. | Davis, Ga. | Gonzalez |
| Burke, Calif. | Denholm | Grasso |
| Carey, N.Y. | Diggs | Gray |
| Green, Oreg. | Mayne | Rooney, N.Y. |
| Green, Pa. | Michel | Rostenkowski |
| Hanna | Mink | Ruppe |
| Harrington | Mitchell, N.Y. | St Germain |
| Hays | Moorhead, Pa. | Sandman |
| Hébert | Morgan | Staggers |
| Howard | Nix | Steiger, Wis. |
| Karth | Obey | Stokes |
| Kemp | Parris | Talcott |
| King | Passman | Taylor, Mo. |
| Lehman | Patman | Teague, Tex. |
| McCloskey | Peyser | Walsh |
| McDade | Powell, Ohio | Williams |
| McKinney | Riegle | Winn |
| McSpadden | Roberts | Yatron |

The SPEAKER. On this rollcall 355 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

## THE UNITED NATIONS ENVIRONMENT PROGRAM PARTICIPATION ACT OF 1973

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 361 provides for consideration of the bill H.R. 6768, which, as reported by our Committee on Foreign Affairs, would authorize U.S. participation to contribute funds to the United Nations Environment Fund.

As suggested by the name of the Fund, this program is an international effort to improve the global environment. The U.N. Environment Fund, created largely as the result of U.S. efforts, would be used to coordinate and support work in such international environmental fields as identification and control of pollutants, monitoring, conservation, human settlements, information exchange, education, training and research. The Fund would employ the facilities of existing organizations wherever possible.

At the end of 1972, the following nations had made public their intention to contribute specific amounts to the United Nations Environment Fund: Australia, Canada, Finland, France, Federal Republic of Germany, Japan, Netherlands, New Zealand, Sweden, and the United Kingdom. Several other governments have also indicated their intention to contribute amounts which, when combined with the total amount of $40 million authorized to be appropriated under H.R. 6768, would bring the total of the Fund to the $100 million goal to cover the first 5 years of this international program.

In this connection, it should be pointed out that, under H.R. 6768, not more than $10 million will be authorized to be appropriated during fiscal year 1974.

Mr. Speaker, House Resolution 361 provides an open rule with 1 hour of general debate, the time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, after which the bill would be read for amendment under the 5-minute rule.

At the conclusion of the consideration of the bill for amendment, the rule provides that the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Speaker, I urge the adoption of House Resolution 361 in order that H.R. 6768 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman agree that if the bill should pass in its present form, insofar as the House is concerned it would obligate this country to an expenditure of $40 million?

Mr. MATSUNAGA. The obligation for the next 5-year period would be $40 million. For fiscal year 1974 it would be one-fourth of that amount, or $10 million.

Mr. GROSS. Yes, $10 million for fiscal year 1974.

Mr. MATSUNAGA. That is correct.

Mr. GROSS. May I ask the gentleman, did the Rules Committee obtain any information as to how this was arrived at?

Mr. MATSUNAGA. I believe that question could be put during consideration of the bill itself, and the gentleman from Minnesota (Mr. FRASER) the capable chairman of that subcommittee, I am sure will be able to provide a satisfactory answer to the gentleman from Iowa.

Mr. GROSS. But the Rules Committee did not ascertain on what basis this 40-percent contribution was arrived at, or how the $40 million and the $10 million were arrived at.

Mr. MATSUNAGA. I do not recall whether the Rules Committee did or not. I may have been absent during the time the matter was raised. I am not able to recall at this time.

Mr. GROSS. I thank the gentleman for yielding.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 361 is the rule under which we will consider H.R. 6768, the United Nations Environment Program Participation Act of 1973. This open rule provides for 1 hour of general debate.

The purpose of H.R. 6768 is to authorize funds for participation in the United Nations Environment Fund.

The Fund is to be used to coordinate and support international environmental programs. The creation of a United Nations Environment Fund was largely the result of U.S. efforts. In February 1972, President Nixon proposed such a Fund with an initial funding goal of $100,000,000 during the first 5 years. The President has established, subject to congressional aproval, the U.S. share of the Fund, at 40 percent or up to $40,000,000 out of a $100,000,000 Fund.



Therefore, the total amount authorized by the bill is $40,000,000, of which not more than $10,000,000 is authorized to be appropriated during fiscal year 1974.

Mr. Speaker, I urge the adoption of this rule, but on final passage of the bill I shall vote "no." The matter should be fully discussed on the floor of the House.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FRASER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program.

The SPEAKER pro tempore (Mr. O'NEILL). The question is on the motion offered by the gentleman from Minnesota.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6768, with Mr. FULTON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Minnesota (Mr. FRASER), will be recognized for 30 minutes, and the gentleman from California (Mr. MAILLIARD), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill comes to us as the result of a request by the President for authorization for the United States to participate in the new United Nations environment program, including contribution to its voluntary fund for the environment. The President originally proposed this Fund over a year ago, and the idea was accepted at the Stockholm Conference last summer and approved by the U.N. General Assembly last fall.

Briefly, what the bill would do is to authorize $10 million for this year, which is already listed in the President's budget, with the balance of the money authorized to be expended in succeeding years. The undertaking of the United States is to match at a 40-percent level the amount of money which can be generated through contributions from member nations for the U.N. Environmental Fund up to an aggregate total of $100 million to be spent over a 5-year period.

Mr. Chairman, this proposal has already been endorsed by both the House and the Senate in the last Congress. House approval came through an amendment to the foreign assistance bill which urged U.S. support at the General Assembly for this program and for the Fund. In the other body, Senate Concurrent Resolution 83 passed in June of last year during the Stockholm Conference, endorsed the U.S. position on the Environment Program and Fund.

I might say that in the hearings we asked for the comments of a number of the organizations which are concerned with the environment, including the National Audubon Society, the Conservation Foundation, and the Sierra Club. In general their position was that this was a very modest beginning for a very important undertaking, and they strongly urged passage of this bill.

Now, what will this Fund do if the House and the other body approve of it?

First, we expect the Fund to support a global monitoring system which is necessary for the protection and the assessment of environmental effects which are of international significance. It is expected that this Fund will support studies on environmental problems in the nuclear field, in which the United States has a major interest. It will make an important contribution to American agriculture and to the world food supply by helping to establish a global "gene pool" of plants and seeds of known characteristics. By generally stimulating environmental programs over the world, the fund should help increase the export of U.S. environmental protection equipment.

I might say, Mr. Chairman, that this program will be centered in the new headquarters in Nairobi. The money, however, will not go to support the new secretariat, which is headed by Maurice Strong, a Canadian. The cost of the secretariat will be supported by the regular assessed budget of the United Nations.

So this money is all programed money. The money will be spent primarily through the specialized agencies, so there will be no large bureaucracy; instead they will use organizations like the World Health Organization, the International Meteorological Organization, and so on.

Dr. Robert Frosch, who is a senior adviser in this new U.N. program and who recently served as Assistant Secretary of the Navy for Research and Development, will be the person in the new secretariat in charge of the entire program of funds which we are authorizing the United States to participate in by the enactment of this legislation.

Mr. Chairman, I think this is a good bill. It has had bipartisan sponsorship in our subcommittee; it was passed out of the full committee without dissent. It is in support of an important objective of the President's foreign policy, and I would urge this committee to give it its support.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I will be glad to yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I should like to congratulate the gentleman for his very lucid explanation of the purpose of the Fund to be established.

I would simply like to say that this initiative which has been taken by the United States should be supported. This is an important area that does need international attention and the contribution by the United States to this effort, in my opinion, is minimal. I will hope it will be passed and will finally be enacted by the Senate.

Mr. FRASER. I thank the gentleman.

Mr. WYLIE. Will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman.

Mr. WYLIE. I think the purpose of the bill is laudable in its aim and purpose, but I wonder if the gentleman can tell me how the 40-percent figure was arrived at for the U.S. contribution.

Mr. FRASER. This figure was suggested by the President when he made his proposal before the Stockholm Conference convened. I might add that this is probably a rather low percentage for a U.S. contribution to a new venture in which the United States has taken the lead in its establishment. For example, I think in the narcotics program around 50 percent is given where we have a major interest in the international control of narcotics. In population control it is over 80 percent, and in other activities it has ranged as high as 70 percent, for example, in the United National Rehabilitation and Relief Works Agency for Palestinian refugees, although our percentages have been going down.

For a program in which the United States has taken the lead and said, "We think it ought to be done," this is certainly a low percentage.

Mr. WYLIE. If the gentleman will yield further, did anybody raise the question of the provision of the law which we passed last year; namely, Public Law 92-544, which simply stated would prohibit an appropriation in excess of 25 percent of the total annual assessment to the U.N. or any affiliated organization? Was that question raised during the committee's deliberations?

Mr. FRASER. Well, we are very much aware of the 25-percent limitation, because it came up repeatedly in our committee last year. However, it is important to make this specific point: Some of the thrust for that 25-percent limitation came from a recommendation of the Lodge Commission appointed by the President. The commission recommended that the United States work its way down to 25 percent on the assessed budget, but that there should be a corresponding increase in U.S. contributions to the U.N. voluntary programs. Their recommendation was limited to the assessed budget of the U.N., and so far the United Nations has accepted that recommendation as presented by the U.S. delegates, but it was specifically not intended to refer to voluntary programs such as the U.N. Development Program or U.N. Children's Fund and now this program.

Mr. WYLIE. Then this is an admitted effort to avoid the law, as I understand from what the gentleman is saying.

Mr. FRASER. No.

Mr. WYLIE. In other words, there was an agreement in advance, that even though the contribution of the United States to the U.N. can only be 25 percent by Public Law 92-544 now, we would make up the difference through special programs and exceptions such as this. Is that a fair statement?

Mr. FRASER. Let me say to the gentle-

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man, unfortunately, we have not done very well on the voluntary side. In fact, what has happened in the U.N. Development Program is that we run the risk this year of being well below what we have contributed in the last 2 years. That may put this 25 percent recommendation in jeopardy, when it is up for final approval in the General Assembly this fall, because at last year's General Assembly when Ambassador Bush and Senator GALE MCGEE were arguing for the 25-percent limitation they were giving assurances in the U.N. with the authorization of the executive branch that we would hold up our end and even expand our contributions to the voluntary programs and, in fact, right now we are not; we are behind where we should be.

So throughout the debate the distinction between the assessed budget and the voluntary contributions has always been crystal clear. As I say, the Lodge Commission itself separated the two and said that if one of these goes down the other one should go up.

Mr. WYLIE. Mr. Chairman, if the gentleman will yield further, I must say that it is not crystal clear to me. What assurances do we have that the other participating nations will come up with their share, or what steps have been taken generally to see that their money is on deposit at least simultaneously with the deposit of the U.S. contributions?

Mr. FRASER. We have been informed already of ten countries who are pledging an aggregate of $41 million: Australia, Canada, Finland, France, Federal Republic of Germany, Japan, The Netherlands, Sweden and the United Kingdom. Also there are 11 other governments who have indicated their intention to contribute. Assurances are given that their money either is on hand or has been pledged firmly. That is the understanding.

Mr. WYLIE. I thank the gentleman for yielding and for his intelligent response.

Mr. MAILLIARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this legislation, which authorizes U.S. participation in the United Nations environment program, and a U.S. contribution to the U.N. Environment Fund.

The total authorization is $40 million, of which not more than $10 million is to be appropriated during fiscal year 1974. The U.S. share of the Fund would be 40 percent.

The U.N. Environment Fund was proposed by the President in his environmental message to the Congress earlier this year. As the President noted, many environmental problems are worldwide in character and can more effectively be dealt with through international cooperation.

Mr. Chairman, there is much that the Fund can do to help member nations of the U.N., including the United States, deal more effectively with environmental problems. For example, the Fund can foster a greater competence in many countries in the ability to solve environmental problems. The Fund can help countries develop expertise in this area through training activities, research, and by encouraging countries to take environmental factors into account in their decisionmaking processes.

The Fund also is expected to help establish an information referral service which would help facilitate the timely exchange of information between governments on how to solve environmental problems.

The idea of the Fund has been well received by the U.N. membership. As noted in the committee report, 10 countries have announced their intention to contribute specific amounts to the Fund. Eleven other countries have made known their intention to contribute. While the Fund was proposed by the United States, we will not be alone in financing it.

The task of improving our environment will require the cooperation of the other nations that inhabit the earth. Through the U.N. Environment Fund we can take a major step toward achieving that cooperation.

Mr. Chairman, I believe the chairman of the subcommittee has thoroughly explained the bill, which is a very simple bill. I would just like to make one point that I think perhaps has not been made here, and that is in our domestic life the United States is proceeding very rapidly not only at the Federal level, but also at the State level, to impose environmental restrictions of all kinds on our industry so that it is quite obvious that if we do this unilaterally this is going to put our goods at a relative disadvantage competitively in the world markets. Goods that are produced in countries that do not require their industries to incur this added expense of production for environmental protection purposes will have a clear advantage.

I think this is one of the reasons the United States took the initiative in trying to propose that the U.N. get into this business so that the other developed countries of the world will pay comparable attention to environmental problems in their countries as we are proposing to do here in the United States.

Therefore, Mr. Chairman, a 40-percent contribution by the United States does not seem to me to be overly large because I think we have probably the most to gain out of a worldwide effort to take into consideration environmental problems which obviously know no national boundaries, but also to get the other industrialized countries to make a similar effort.

So, as I say, Mr. Chairman, I think we have the most to gain out of it, and I do not think it is unreasonable that we should be willing to put the most into it.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Illinois (Mr. MCCLORY).

Mr. Chairman, I thank the gentleman for yielding to me, and I would just like to add that I had the privilege of attending the Stockholm Conference last year, and I certainly want to commend our participation there. I think we can say without qualification that the problems of air and water pollution, the endangered species, the conservation and prudent use of natural resources, and all of the other problems of the environment are subjects that extend beyond national boundaries. Problems of the environment have worldwide implications and their solutions require both national and international action. Accordingly, it is important for us to participate in most of those activities recommended at the U.N. Environmental Conference, and I support the recommendations of the committee in the presentation of this measure (H.R. 6768).

Mr. Chairman, in further reference to the United Nations Conference, I would like to recall that our colleagues Congressmen JOHN D. DINGELL of Michigan, FRANK M. CLARK of Pennsylvania, and GILBERT GUDE of Maryland were also in attendance at this significant international gathering devoted to the human environment.

Also, our colleague from the other body, Senator HOWARD H. BAKER, Jr., of Tennessee, served as chairman of the advisory committee which participated in the preparatory work of the Conference. He took a prominent part in the deliberations.

In my own behalf, I would add that in serving on a committee dealing with human settlements, I was joined by the distinguished citizen environmentalist, Mr. Laurance S. Rockefeller of New York, and Mr. Samuel Jackson, former Under Secretary of the Department of Housing and Urban Development. Lending further stature to our delegation, I should recall that Attorney General William J. Scott of Illinois was likewise one of our delegates.

While the United Nations Conference declarations and recommendations represent a first step toward the solution of global environmental problems, it is a most important first step—in which it is to our best interests as well as in the best interests of the world community that we should participate in a manner such as is set forth in the pending bill, H.R. 6768.

Mr. Chairman, I am pleased to know that the administration is supporting this measure and that it has broad bipartisan support.

The CHAIRMAN. The gentleman is recognized.

Mr. GROSS. Mr. Chairman, I should like to respond to the statement just made by the gentleman from California (Mr. MAILLIARD) with respect to other countries. There is nothing in this legislation; there is nothing in existence that gives us the least assurance that after spending $100 million, or any other amount, these foreign countries are going to put into effect effective measures with respect to ecology, environment, or anything else. As a cold, hard matter of fact, there is no assurance to be found anywhere in the hearings or in the report that great land masses of Soviet Russia or Red China—and, of course, a much smaller land mass, but the highly populated industrial area of Japan—are going to do anything in this regard. Moreover, I see nothing in the report or in the hearings to indicate that Soviet Russia is going to make any contribution to this cause, or is Red China, or any of the other so-called Communist satellite nations. There is one assurance—that the American public is about to be raped again.

I do hear talk this afternoon about this being a voluntary contribution. It sure as the devil is involuntary on the part of the taxpayers of this country,



and you had better believe it. If the average American taxpayer had an opportunity to vote on this bill here today, committing this country to spend $40 million at the start, with $10 million in the coming fiscal year to get this outfit off the ground, it would be sunk without a trace. The taxpayers would never approve the spawning of another new handout program around the world.

In the name of all that is reasonable haven't we paid through the nose long enough and compelled our people for too long to contribute to these so-called voluntary funds for foreigners? I have no illusions about what is going to happen here today. The President wants this bill, and the House is going to roll over and play dead again and give the President what he wants, despite all of the protestations and all of the wailing and gnashing of teeth and bellyaching about delegated power to the President.

Read the bill. Page 2, lines 3, 4 and 5 state:

> . . . which amount is authorized to remain available until expended, and which may be used upon such terms and conditions as the President may specify . . .

Yes, go on wailing about the delegating of powers to the President and accuse him of usurping power. He is not usurping power. If the Members vote for this bill in its present form you will be giving him the power to spend another $40 million as he sees fit.

Howl to the housetops about Presidential impoundment of funds and then, as in this case, give him some more delegated power

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. ROUSSELOT. I compliment the gentleman from Iowa for raising this point, Mr. Chairman. I am disturbed that the majority leader, the gentleman from Massachusetts, is not paying close attention to the thrust of these arguments, because it was just last week that he was complaining about how much power we were delegating away to the White House. I wonder today he is not complaining about this unwarranted delegation of authority. I am disappointed that the majority leader is not participating in this discussion.

I compliment the gentleman from Iowa for raising these several items of discrepancy in this legislation.

Mr. GROSS. I thank my friend from California.

How did the promoters of this new foreign handout arrive at the figures in this bill?

In the hearings we read the following exchange:

> Mr. FOUNTAIN. It seems like we always ask for things in millions, I never see anything in thousands any more.
>
> Mr. HERTER. Congressman Fountain, first this is a proposal by the President that the U.N. establish a voluntary fund of $100 million for 5 years and the President has also said that he has thought our fair share should be 40 percent . . .

And again Mr. FOUNTAIN of North Carolina had the following exchange with Mr. Herter, Jr., a professional international promoter in the State Department:

> Mr. FOUNTAIN. I was curious to know how you arrived at $100 million.
>
> Mr. HERTER. As I say, sir, I suppose you could call this somewhat arbitrary. However, it was the result of reducing estimates from U.S. agencies in all these fields, some 20 agencies, and their estimates came to 250 collectively.
>
> We said let's reduce this to a figure that at least is one that one can handle and that would appear to do the trick at the outset.

I emphasize the words "appear to do the trick at the outset"—in other words, eeny, meeny, miny, mo, they counted their toes and came up with the answer. Yes, these spenders said, let us get all the traffic will bear; all we think we can gouge out of the public to get this new organization off the ground.

Incidentally, for the information of the Members, I understand the headquarters is to be established in Nairobi, Kenya. Is that the case, Mr. Chairman?

Mr. FRASER. Mr. Chairman, if the gentleman will yield, yes. We would have preferred to have it in Iowa but we decided on Nairobi.

Mr. GROSS. But the arms of Americans were twisted at the United Nations to the point where they had to agree to establish headquarters in Kenya.

Mr. FRASER. To be fair about it, the third world has not had too much participation in these U.N. activities.

Mr. GROSS. Is it true that only recently have they been able to install a few dial telephones in Nairobi?

Mr. FRASER. My understanding is they have very good communications systems out of Nairobi.

Mr. GROSS. So it is intended to establish a headquarters of an outfit that is going to cost the taxpayers of this country at least several hundred million dollars before we get through with it, on the basis of this start, and place that in an area where they have just obtained a few dial telephones.

Mr. Chairman, I will have an amendment to offer to this bill to cut it down to size and in conformity with the financial situation in this country which invites national bankruptcy.

Mr. MAILLIARD. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER. Mr. Chairman, I take this time to ask a question, hoping someone on the Foreign Affairs Committee can answer it. First, it is stated in the report that—

> The purpose of the Fund is to coordinate and support international environmental programs, particularly in the fields of identification and control of pollutants.

What authority would the United Nations have to require a nation to control its pollutants?

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, this program is engaged essentially in monitoring, research, and information exchange. There are other international programs which are now wrestling with the problem of controlling pollution. One of the more significant ones would be the International Maritime Consultative Organization. The forthcoming Conference on the Law of the Sea would also be involved in establishing machinery to deal with some kinds of marine pollution. One of the ways these international organizations would be able to do their work effectively would be if there are some international base lines for standardization and monitoring systems established so they have accurate information on which to base whatever kinds of regulations they will try to develop.

That is really one of the major purposes of this United Nations Environmental Program, to establish international base lines and monitoring systems.

Mr. MILLER. But there would be no way for the United Nations to enforce the control of pollutants in any particular country, am I correct?

Mr. FRASER. If the gentleman is referring to internal pollution within a country, that is correct. Neither this organization, which has no regulatory authority, or any other existing international organization has any authority to deal with pollution confined inside national boundaries.

Mr. MILLER. Mr. Chairman, I thank the gentleman.

Mr. FRASER. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Chairman, as I appreciate the bill before us, bearing the title of "United Nations Environmental Program," it seems to be just another of the inflationary administration programs that send millions of our taxpayers dollars abroad pursuing prestigious projects while depriving our people of similar programs. This trend has become a trademark of the administration.

The purpose of the bill, we learn from the hearings, is to establish a global monitoring system to measure environmental factors affecting human health, the atmosphere, the oceans, climate and terrestrial eco-systems.

Control of the purse strings of the fund will be vested in 58 member nations, with the United States contributing 40 percent or $40 million of the operational costs. Ten other developed countries have apparently agreed to contribute another $41 million. This leaves 47 member nations manipulating the voting control of the destiny of the organization, without agreeing to contribute a single penny.

Mr. Chairman, the hearings indicate that there was some disfavor expressed originally by the U.N. money lobby from the U.S. State Department concerning the selection of Nairobi as the headquarters. But just as they have done on most crucial General Assembly votes during the past few years, the African bloc vote bulldozed its position past the other nations. And Nairobi, in the emerging boondocks of Kenya, was selected over New York or Geneva because the "emerging nations" flexed their voting control over other countries' money can muscle in unison. This kind of bloc vote be expected to continue if the program goes into operation.

Any time the United States, which



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contributes from 25 to 70 percent of the United Nations operations, represents a position unpopular with "emerging nations," whether in the 132-member General Assembly or the 58-member environmental program, we can expect to be out-voted by the bloc.

Based on its past performance, it is not surprising that the administration is in support of this oversized contribution from our people under the "noninflationary" assumption that we are contributing to salvaging the international environment. What about the environment of this country? It seems that any program that has an international name to it is hailed by the administration as a noninflationary investment in goodwill. But any bill tagged with a "domestic" label for similar purposes, is stamped with the kiss of impoundment and denounced as fiscally irresponsible legislation. The internationalists would lead us to believe that if it benefits the U.S. taxpayer, it is "irresponsible"; if it benefits foreigners, it is "goodwill." This doubletalk by the President just does not make good economic sense.

Already this year we have seen this same administration impound as "inflationary" the funds from the Clean Water Act and impound as "irresponsible" funds from the Land and Water Conservation Act. As recent as several days ago, the President vetoed the water and sewage bill, which would have been a dynamic factor in helping control environmental problems in rural America.

Many of the people of my State of Louisiana, whose land has been ravaged by floods, do not understand how the President can turn his back on programs to help them, while lavishing large sums of their money overseas where few Americans will benefit.

By no stroke of the wildest imagination can the foreign aid giveaways by the U.S. Government during fiscal year 1972 which reached the overwhelming total of $16,828,200,000 be considered fiscally responsible. This bill, Mr. Chairman, is yet another indication of the "America Last" foreign policy being recklessly pursued by the administration.

We have been informed that this week, for the second time in 15 months, this body is expected to again devalue our currency and debase our dollar. I, for one, cannot explain to the people I represent how this Congress in good faith can vote to spend $40 million of their money on an unproven, high-sounding scheme controlled by 47 emerging foreign nations, while chipping away at and devaluing their dollars.

I shall cast my people's vote for true fiscal responsibility, and against this bill.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. RARICK. I yield to the gentleman from Tennessee, Mr. Baker.

Mr. BAKER. Would the gentleman have any information as to the amount which Kenya is going to contribute to this fund, which is the place where the headquarters will be located?

Mr. RARICK. Kenya is called an emerging nation and therefore may not be expected to contribute since it is not polluted as yet.

I believe I am correct. The hearings show that Kenya has not agreed to contribute one cent except to provide a site for office space.

Mr. VANIK. Mr. Chairman, I have supported in the past and will continue to support multinational efforts through the United Nations to improve the world's environment. However, I am concerned that the commitment we express today is too shallow to meet the grave challenges that face us today. The pollution of our earth's water and air has grown to frightful proportions.

The National Oceanic and Atmospheric Administration recently made surveys of the Atlantic Ocean. The NOAA report was shocking: several of the research ships encountered pollution so thick that their nets were tangled with a spaghetti-like mass of oily globs. One ship, *Albatross IV*, reported being surrounded by globs of oily substance 75 percent of the time.

Oil is not the only problem. Plastic debris in massive proportions contaminates bodies of water throughout the world.

It is clear that our earth faces a grave challenge. This Nation, as the most prosperous in the world, assumes a special responsibility in meeting the challenge—with the direction we take, others will soon follow.

I am afraid that few of us realize completely the magnitude of the problem and the inadequacy of our past response. We have been all too willing—as with many other special problems we confront—merely to throw money around in hopes for an adequate solution. Events in recent years have taught us the inadequacy of this approach.

We must not allow our commitment to the world's environment to stop with a $40 million check. As world leaders, we must be willing to seek new solutions to the vexing problem of worldwide pollution. Our present energy crisis is in many respects the acid test of our capacity to respond creatively with new direction. The issues of energy and the environment are closely interrelated for very simple reasons: Economic growth requires energy; and the production and use of energy has an unavoidable impact on the environment.

In recent years these issues have become more and more visibly linked. The Alaskan pipeline, the Santa Barbara oil spill, the vital matter of strip mining, all have been embroiled in the energy versus environment struggle. Unfortunately, the controversy has been too often distorted to an economic growth versus no-growth argument. The reconciliation of energy and environment should not be thought of in these terms. The issue, quite simply, is not whether we as a nation and the rest of the world will grow economically; the issue is how we choose to grow in the future.

Despite the mistakes of the past, it still appears true that economic growth—as measured in per capita GNP—does work to improve the general welfare. However, given this fact, there remain many alternative paths to growth.

In the years immediately after World War II, the United States experienced a tremendous technological expansion—new productive technologies led to a number of new products such as plastics, synthetic fertilizers, and detergents. The production—and consumption—of these materials helped us to live a little easier and more comfortably. However, we are only now seeing that the real cost of these materials—in terms of their degradation of the environment—is greater than we were originally aware. In fact, the environmental movement has grown largely out of an effort to put a price tag on those resources—air, land, and water—which heretofore had been, for virtually all intents and purposes, free.

Technological advancement is not good or bad; it is neutral. Mankind decides what rewards technology will reap and what challenges it will conquer. In short, the decision to pollute or not to pollute is one we must all make. If we value the land we stand on, the air we breath and the water we drink, we must learn the importance of guarding these resources from careless assault. This will mean, in most cases, paying more for those products which we enjoyed in the past. But this additional price is not a cost to us as consumers as much as an investment in a better environment.

The United States is presently at the crossroads. The energy shortages of last winter and this spring have presented us with questions which reach to the core of our economic system. Will we continue attempting to supply our voracious appetite for petroleum products despite the environmental risks of the trans-Alaskan pipeline and drilling on the Outer Continental Shelf? Or will we make a serious effort to reduce significantly our careless waste of resources? Will we begin seriously to consider alternative energy sources which present small environmental risks? Or will we continue headlong into an atomic program whose risks we have neither carefully assessed or thoroughly researched?

Any solution to our energy problems must include three complementary solutions: the first is the development and use of improved pollution control devices; the second is the development of clean energy sources such as solar energy and the gassification of coal; and the third is the improvement of efficiency in energy use and the elimination of wasteful consumption.

We have a unique opportunity before us to strike out a new direction in the production and use of world resources. Energy shortages have focused our interest on fossil fuels, but other raw materials are also in a critical state. Recycling technologies must be developed and implemented.

All of this lies ahead of us. We are capable of leadership in the abatement of worldwide pollution. But that position of leadership requires that we go beyond the steps we have taken here today.

Mr. REID. Mr. Chairman, I rise in support of the bill, which would authorize a voluntary contribution of $40 million by the United States to the United Nations Environment Fund, not more than $10 million of which could be authorized for fiscal year 1974.

As a member of the subcommittee that heard testimony on this legislation from a variety of witnesses, I want to note that I support the bill as reported from committee for a number of reasons.

First, H.R. 6768 is a fitting fulfillment of the goals enunciated by many nations at the Stockholm Conference.

Second, it represents our involvement in a multilateral, worldwide effort to clean up our environment, specifically in the fields of identification and control of pollutants, monitoring, conservation, human settlements, information, exchange, education, training, and research.

Finally, I would point out that drastic reductions in the authorizations along the lines that some suggest today would in my view discredit and cast serious doubts not only on our commitment to the environment, but also on our very commitment to the United Nations.

I support the committee bill and urge my colleagues to oppose the crippling amendments being offered.

Mr. FRASER. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "United Nations Environment Program Participation Act of 1973".

SEC. 2. It is the policy of the United States to participate in coordinated international efforts to solve environmental problems of global and international concern, and in order to assist the implementation of this policy, to contribute funds to the United Nations Environmental Fund for the support of international measures to protect and improve the environment.

SEC. 3. There is authorized to be appropriated $40,000,000 for contributions to the United Nations Environment Fund, which amount is authorized to remain available until expended, and which may be used upon such terms and conditions as the President may specify: *Provided*, That not more than $10,000,000 may be appropriated for use in fiscal year 1974.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 2, strike all of Section 3 and insert in lieu thereof the following:

"SEC. 3. There is authorized to be appropriated not more than $2,500,000 for contributions to the United Nations Environment Fund for use in fiscal year 1974."

Mr. GROSS. Mr. Chairman, this is not a complicated amendment. It simply strikes out the $40 million that this bill would commit the taxpayers of this country to put up for the future, and it would strike out the language that the money may be expended on such terms and conditions as the President may specify. It would give to this budding organization $2.5 million, or 25 percent of the $10 million which the bill would provide for fiscal year 1974.

I hope there are those in the House of Representatives who will want to consider, in voting on the amendment, that it strikes from the bill the specification that the President can spend the money as he sees fit.

And I am sure every Member of the House is well aware today of the financial chaos here and around the world.

I am also sure most Members know that the bill to validate the devaluation of the dollar, the devaluation that was announced on February 12, has been eliminated from consideration for this week, and that is apparently because of the sour climate in which to bring that bill to the floor of the House.

With gold on the world money markets to more than $100 per ounce and the American dollar plunging to new lows it would look more than a little funny to bring up a bill to increase the price of what gold the United States still holds by only $4.22 an ounce.

It was the devaluation that brought these things about. The climate, I say again, is not favorable for bringing that bill before the House now.

And, in view of what is going on in this country today the mounting debt, deficit and inflation, the climate should not be favorable for bringing up this kind of a bill; to start off a new international organization with a commitment to spend $40 million. As the gentleman from Louisiana (Mr. RARICK) pointed out, at a time when we are cutting back on programs here at home, this is not the time to launch another brand new foreign organization on a hand-out program with no indication as to what the result may be. It is throwing more money out of the door.

Mr. Chairman, I yield back the balance of my time.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Iowa (Mr. GROSS) on his amendment.

I think that more and more Members are beginning to appreciate the strong role the gentleman from Iowa plays in trying to point out the importance of these bills that come to us rather quickly, without a full consideration, and the tremendous impact that these types of bills collectively have on the inflation problem; especially when we spend it so willy-nilly overseas. This limitation is in line with the 25 percent concept developed by the Appropriations Committee.

Mr. Chairman, I support the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GROSS) has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, I do not know what prompts the President in supporting a bill of this kind, in view of his activities with respect to the impounding of funds for domestic purposes and in view of the cutbacks and cut-offs of other funds. I do not know what prompts him. All I am trying to do in a small way here today is to save him from himself.

I urge the adoption of my amendment.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, most of us over the years have tried to understand our role on the international scene. We have tried as we have gone along, I think, to contribute not only our share but much more than our share. But in those days we were indeed a rich nation; we are no longer a rich nation. Probably, if measured, we are the poorest nation on the face of the earth today.

It might interest the Members to know that the stock market has just dropped down to 900. That is the barometer of the condition of the economy of this country of ours.

Mr. Chairman, certainly we want to join hands with all good people all over the world to do something about environmental corrections that are needed in the ecology of this world of ours.

But by their own admission they say this has nothing to do with the international environmental problems of our brother nations in the United Nations, and yet everything that they drop in their rivers naturally comes into our oceans. You cannot stop environmental damage and dangers by picking out one source at one point.

Mr. Chairman, how many men and women in this world have any idea of what it is going to cost this Nation for its own environmental corrections that are needed so badly? The things that we need in this country amount to billions upon billions of dollars. Untold amounts of money are needed to make us safe from the ravages of floods, the dangers of air pollution and water pollution, and the change in the ecology that may mean something serious to all our children and our children's children.

This is for $40 million today, and just a few days ago the Emergency Employment Act was vetoed. What was that meant to do? It was meant to give these kids coming home from Vietnam a little bit of a stop-gap income, to get tailored back into the American job economy. Money is impounded which was for necsary programs that this Congress measured to be the needs of this country.

Mr. Chairman, on one hand I am getting a great deal of criticism for being a spender, and the President is supposed to be the saviour. Yet no one seems to recognize that spending can take many forms. If you make it sound good, it becomes holy, but in the end the sin is assessed against the people of these United States.

Mr. Chairman, I was home for the election, and just this week it was announced that two little school districts had to raise the price of the school lunch by better than 12½ percent. Every day I turn and you turn around and you get a complaint from somebody that their taxes are going up locally, statewide, and federally and that costs are going up and prices are climbing.

We are no longer a rich nation. Let us declare that right now. We are not a have nation; we are a have not nation. Over $80 billion of American money is floating around the world and raising the price of gold to an unprecedented figure. A third devaluation is in the making. We have become a nation of raw goods producers like a colony of a manufacturing and a producing nation.

Every war that has ever been started for liberation started against the mother country, because it kept the colonies producing the raw materials and turned back the job-giving production of manufactured and semimanufactured goods.

Yes. You can fight and fight to win your liberty, as we did against the English, but now we cannot fight because



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we have become a colony to the whole world. We are producing raw goods and foodstuffs at prices that we pay a premium to produce with billions of dollars of subsidies so that they do not have to devote their time to the growing of foodstuffs.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DENT was allowed to proceed for 1 additional minute.)

Mr. DENT. They can devote their time to processing what we send them. Only 45 percent of the shoes worn by Americans are produced in the United States. Why? Because we sell our raw hides so that others can produce our shoes.

You ask about what unemployment is. I will tell you what unemployment is: the greatest number of nonproducing individuals by percentage and number anywhere in the world at any time since the beginning of the world. There are 26 million under social security, 14 million under welfare, 3 million on private pension systems, and 10 million attached to the Department of Defense, with funds coming out of the Department of the Treasury. Forty cents out of every dollar a worker earns is gone before he gets to spend it. If you measure the damage done to the stocks held by Americans, many of them older citizens and dependent upon some kind of a dividend to keep them from going on relief, you will see what happens. Any situation that keeps every person on a minimum wage today in this country puts them into a welfare role. Yet we cannot raise that because they say it is inflation. If you give $40 million in wage increases, it is inflation, but you take $40 million and put it into this kind of a thing, and it is not inflation. Someone straighten me out, will you?

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I agree with much of what the gentleman from Pennsylvania has said about the problems we are having in this country, but I would like to address myself to the amendment.

The amendment offered by the gentleman from Iowa (Mr. GROSS) would cut this year's contribution by 75 percent. The amount in the bill is the amount that the President put in his budget, $10 million for the year 1974. We have already told the committee that there is a large number of countries which on the strength of what the President proposed had already made commitments exceeding $41 million over the next 5 years, including the principal NATO allies of this country.

On a matter which is as simple and understandable as trying to deal with world environmental matters, on a matter which does not threaten to involve us in international military ventures but is designed to advance peace and cooperation among nations; on the matter of trying to deal with the environment of the planet on which we are all stuck, if we decide not to expend a modest amount of money which was urged by the Chief Executive and approved in principle by the House last year and if we are going to turn our backs on that, then indeed the countries around the world are going to wonder what is wrong with the United States and whether we are really a part of the world community and prepared to behave responsibly.

I think that is essentially the issue. I do not know how much ought to be spent on the problem of worldwide pollution or protecting the environment around the world. Maybe we do not have to spend anything; maybe pollution is not a problem; perhaps we can just let things go and drift, and our world and our country will be all right. But the best-informed people that we have heard from say that there is a need for this program. And I do not believe that organizations like the Audubon Society who strongly supported this bill, or the Sierra Club, who strongly support this bill, or the Conservation Foundation, who strongly supported this bill, and others, would have urged support for this bill if they did not think it was needed. Of course, they all said that it was too small, but they said that we needed it, and this reflected their own considered judgment that we do have an environmental problem and that we do have national and international pollution.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I will not yield to the gentleman from Iowa until I am through.

We do need to be a responsible part of the world community. The Stockholm Conference was one of the most worthwhile international conferences that we have participated in, and it came out in support of some very wise and sensible recommendations; this is one of them.

The General Assembly has approved it. And to say now in effect that we do not care what the President said, and we do not care what the conservationists or the environmentalists in the United States think about this, and that we do not care about the testimony we heard, and that we cannot afford $10 million to carry out our share in this new international undertaking, I think is a very unreasonable position indeed.

So, Mr. Chairman, I would hope that the amendment offered by the gentleman from Iowa (Mr. GROSS) would be rejected.

I do not happen to agree with the President on a lot of things he does, but in this case I do agree with him, and I am prepared to support the position he has taken on this issue, and I hope that the committee will do so as well.

Mr. WYLIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding, and I should like to ask the gentleman from Minnesota a question:

Can the gentleman from Minnesota categorically state that there is any other parliamentary body or legislature that has taken action to commit themselves to any part of the $100 million for this purpose?

Mr. FRASER. Mr. Chairman, if the gentleman from Ohio (Mr. WYLIE) will yield, the information I have is that 10 countries, again, Australia, Canada, Finland, France, Federal Republic of Germany, Japan, Netherlands, New Zealand, Sweden, and the United Kingdom, have announced their intentions to contribute amounts totaling $41 million.

Mr. GROSS. I have read the report. That does not answer the question. The report says only that the countries you have named have announced only an intention.

Could there not just be one time in the history of this Congress when some other country would initiate a foreign aid program rather than the United States? Could not we just once wait to see what they actually will put up?

The gentleman from Minnesota has not answered the question, and he cannot, I do not believe, categorically state that they have taken action as is proposed here today to commit one branch of this Congress to the expenditure of $40 million for this new and untried purpose?

Mr. FRASER. I believe I can answer that if the gentleman will yield.

Mr. GROSS. No, I cannot yield to the gentleman. The gentleman did not yield to me, but more specifically because the gentleman from Ohio has control of the time.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I thank the gentleman for yielding.

There are two observations that I would like to make. First, in most of these other governments they do not have the tangle between the government and the parliaments that we often get into. If the government announces it is proposing to do something, in general their legislative bodies support them in that purpose. But, the more important point is that we are not going to match more than 40 percent. If there are not enough contributions to make up the other 60 percent, we will be reducing our contributions accordingly. So that there is no problem there.

Further, I do not believe there is any difficulty about these other countries fulfilling their commitments but, if there is, then our portion would be cut back.

Mr. WYLIE. Mr. Chairman, I should like to pursue that point for just a moment. I think the gentleman from Iowa makes an excellent point in this regard. We have never required the other countries to put up their money in advance or, indeed, simultaneously with our contributions, as I have suggested earlier, and so many of the countries become in arrears, and we try to pick up the difference all the time. It seems to me this ought to be a voluntary simultaneous-contribution arrangement, and I wonder if any thought has been given to the idea of putting the money in escrow until the other countries put up their money, or put on deposit in such a way so that in effect the contributions of all countries could be spent simultaneously. Was that discussed at all in the committee?

Mr. FRASER. If the gentleman will yield further, the practice, as I understand it, is we do not make the money available until it is actually required. We give a form of commitment but not the money until it is actually required for expenditure.

Mr. WYLIE. How do we get in the position, then, of putting up our money and finding other countries in arrears with respect to U.N. contributions?

Mr. FRASER. The fact is none of the large countries, which make up the bulk of these organizations, have been in arrears except France and the Soviet Union because of the argument over peacekeeping costs. We are late in our contributions. They are due in January, and we do not usually pay them until along about October, so we are usually at the end of the year rather than at the front end of the year.

We are late, and this is one of the problems that the U.N. itself is having in its cash flow.

In any event, the President made it very clear. We are not going to go over 40 percent of what is actually contributed, so if less is contributed than expected, our proportion will go down correspondingly.

Mr. WYLIE. I thank the gentleman.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I should like to address a question to the gentleman from Minnesota (Mr. FRASER). As I understand what the gentleman just said, if other nations do not put their proportionate amount in, we will reduce our amount accordingly?

Mr. FRASER. That is right.

Mr. SHUSTER. Yet the proposed bill does not say that. I will at a later time be offering an amendment to do just that, and I will assume, then, that the gentleman will support my amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Iowa.

Mr. GROSS. Where is it provided in the bill that if they do not put up their money, the U.S. contribution will be reduced to that extent? What provision is there in the legislation for that?

Mr. FRASER. Is the gentleman addressing his question to me?

Mr. GROSS. Yes, or to anyone who can answer it.

Mr. FRASER. The President has made it very clear in his transmittal of the bill and in the undertakings that were made throughout that the United States will match at only a 40-percent level.

Mr. GROSS. The gentleman knows very well that that is not a good answer. What the President intends and what happens can be two very different things. There is no valid assurance.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Will the gentleman from Minnesota support such an amendment?

Mr. FRASER. Subject to further scrutiny, it would certainly seem to carry out what the President's commitment is.

Mr. SHUSTER. I thank the gentleman.

Mr. MAILLIARD. Mr. Chairman, I rise in opposition to the amendment. I do not want to take a lot of time. I think everybody knows what the issues are, but there is a whole lot of misinformation, it seems to me, floating around.

In the first place, this bill, if it is passed—and I hope it will be and I hope this amendment will be defeated—merely carries out in authorizing law what the President proposed. The money still has to be appropriated. The money is not going to be suddenly put into the U.N. Fund if other countries do not put in their contributions.

The idea that we are suddenly here tossing $10 million into a fund that has no other money in it just is not going to happen.

If the gentleman who proposed to offer an amendment to put this into the law and if it is properly drawn I see no objection to it because that is our practice.

The gentleman a few moments ago was talking about arrearages. We cannot have arrearages in a voluntary contribution fund. We have arrearages only in funds that are asssessed for the operation of the United Nations. The voluntary funds are voluntary, where we agree to do it. We have a commitment to do it but we cannot be called in arrears on something that we have agreed voluntarily to do. That refers only to assessed U.N. budget amounts.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I appreciate the gentleman from California (Mr. MAILLIARD) yielding.

The gentleman makes the point that this is just an authorization.

Mr. MAILLIARD. I did not use that phrase.

Mr. ROUSSELOT. But that is the implication.

Mr. MAILLIARD It is not an appropriation. That is what I said.

Mr. ROUSSELOT. And the problem with this authorization is that when the Appropriations Committee comes to us, they say the constant problems with which they are confronted is the House has continually overauthorized and overpromised and that there just is not enough money to go around for all these over promised programs. The money is going to an international fund. There is some reasonable doubt in the minds of some of us as to how the money will be spent on the basis of other international funds of like type in which we have been asked to participate and therefore we should support this proper limitation.

Mr. MAILLIARD. Mr. Chairman, I decline to yield any further.

I will say to the gentleman, he is perfectly entitled to be opposed, but that does not detract from the fact that the gentleman from Louisiana (Mr. PASSMAN) is not particularly inclined to give a blank check. He looks to see whether this money is actually needed before he puts it in an appropriation bill. This bill says that not more than $10 million could be appropriated, and it could be considerably less.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, the only point I was trying to make is that is why the amendment offered by the gentleman from Iowa (Mr. GROSS) makes sense, because it really is in keeping with the formula we have developed in our Appropriations Committee in recent years. Since a $10 million authorization is being called for in this bill for fiscal 1974, the $2.5 million limitation is in keeping with the concept of a 25-percent contribution for this year.

Mr. MAILLIARD. On the contrary, it is not.

Mr. Chairman, I decline to yield any further.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman for yielding.

Mr. MAILLIARD. Mr. Chairman, that is not 25 percent. The proposal is for $100 million over 5 years, so the first year's contribution of $2.5 million would be 12½ percent.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I think the point should be made that we have had the practice, even though it is not spelled out in this bill before us, that our contribution has been directly related to the degree to which other countries have made their contributions. This has been the case in the Cyprus peacekeeping force and other programs. The practice is that if other nations are not contributing we will be holding back a suitable amount. There is no fear we will contribute our $10 or $40 million over a period of time and that no other nation will contribute a penny. That just does not happen.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I thank the gentleman for yielding.

Certainly this legislation has been well thought out. I oppose the amendment as I believe the administration has made a good, clear case for its enactment as reported from committee. This legislation is the culmination of work which was done at the United Nations Conference on the Human Environment which I attended as a representative of the Conservation and Natural Resources Subcommittee of the House Government Operations Committee.

The Stockholm Conference was the first international effort by all nations to consider and to begin to resolve some of the important, common environmental issues facing all mankind.

Despite this noble goal, some of the human frailties of greed, indifference and ignorance which have produced the world's environmental plight were exhibited, in varying degrees, by all of the nations at Stockholm.

The developed nations, while admitting to their sins of environmental neglect, demonstrated some reluctance to make the investment of resources necessary for the type of cleanup to which their citizens are entitled.

Correspondingly, some of the developing nations seemed to follow the illogic that two wrongs make a right—that they have an equal right to pollute while they go through their period of development and that they need not comply with the rules of cleanup until after they have obtained their rightful share of the world's affluence.

We in Government realize that these



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attitudes are to be expected, but it is also clear that they must be changed. For this reason, I feel it is vital that the United States place its full support behind the United Nations Environment Fund.

The purpose of the fund is to coordinate international environmental programs in such areas as the identification and control of pollutants, monitoring, conservation, information exchange, education, training, and research.

The Nixon administration is to be highly commended, Mr. Chairman, for its interest and initiative in backing this program. In his message to Congress on the environment in 1972, Mr. Nixon proposed that an environmental fund be established with an initial funding of $100 million during the first 5 years. Subsequently, the President established, subject to congressional approval, the U.S. fair share of the fund, up to $40 million on a 40–60 matching basis.

Following the President's foresighted lead in this area, other nations have pledged matching funds and I understand that the $100 million goal is quite within reach. I, therefore, urge my colleagues in the House to approved H.R. 6768 and join in this first step toward a coordinated internation environmental program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 42, noes 46.

RECORDED VOTE

Mr. GROSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 216, not voting 53, as follows:

[Roll No. 143]

AYES—164

| | | |
|---|---|---|
| Abdnor | Davis, S.C. | Jones, N.C. |
| Alexander | Davis, Wis. | Jones, Tenn. |
| Andrews, N.C. | de la Garza | Kazen |
| Andrews, N. Dak. | Delaney | Kemp |
| Archer | Dennis | Kuykendall |
| Armstrong | Dent | Kyros |
| Ashbrook | Devine | Landgrebe |
| Bafalis | Dickinson | Landrum |
| Baker | Donohue | Latta |
| Beard | Dorn | Litton |
| Bennett | Downing | Long, Md. |
| Bevill | Dulski | Lott |
| Blackburn | Duncan | McEwen |
| Bowen | Eshleman | Macdonald |
| Bray | Evins, Tenn. | Mahon |
| Breaux | Fisher | Martin, Nebr. |
| Brinkley | Flynt | Martin, N.C. |
| Brooks | Fountain | Mathis, Ga. |
| Broyhill, N.C. | Froehlich | Michel |
| Burgener | Fuqua | Milford |
| Burke, Fla. | Gaydos | Miller |
| Burke, Mass. | Gettys | Mills, Ark. |
| Burleson, Tex. | Ginn | Mills, Md. |
| Burlison, Mo. | Goldwater | Mitchell, N.Y. |
| Butler | Gonzalez | Mizell |
| Byron | Goodling | Mollohan |
| Camp | Gross | Montgomery |
| Casey, Tex. | Grover | Moorhead, Calif. |
| Cederberg | Gunter | Myers |
| Chamberlain | Haley | Nichols |
| Chappell | Hammer-schmidt | Pickle |
| Clancy | Hanley | Poage |
| Clausen, Don H. | Hanrahan | Powell, Ohio |
| Clawson, Del | Harsha | Price, Tex. |
| Cochran | Henderson | Quillen |
| Collier | Hinshaw | Rarick |
| Collins | Holt | Roberts |
| Conlan | Huber | Robinson, Va. |
| Daniel, Dan | Hudnut | Rogers |
| Daniel, Robert W., Jr. | Hunt | Roncallo, Wyo. |
| Davis, Ga. | Hutchinson | Roncallo, N.Y. |
| | Ichord | Rose |
| | Johnson, Pa. | Rousselot |
| Runnels | Steelman | Walsh |
| Ruth | Steiger, Ariz. | Wampler |
| Satterfield | Stephens | Ware |
| Scherle | Stratton | White |
| Schneebeli | Stuckey | Whitten |
| Sebelius | Sullivan | Wiggins |
| Shuster | Symms | Wylie |
| Sikes | Thornton | Young, Alaska |
| Slack | Tiernan | Young, Fla. |
| Snyder | Towell, Nev. | Zion |
| Spence | Treen | Zwach |
| Staggers | Veysey | |
| Steed | Waggonner | |

NOES—216

| | | |
|---|---|---|
| Abzug | Hamilton | Pritchard |
| Adams | Hansen, Idaho | Quie |
| Addabbo | Hansen, Wash. | Railsback |
| Anderson, Calif. | Harrington | Randall |
| Annunzio | Harvey | Rangel |
| Arends | Hastings | Rees |
| Ashley | Hechler, W. Va. | Regula |
| Aspin | Heckler, Mass. | Reid |
| Bell | Heinz | Reuss |
| Bergland | Helstoski | Rhodes |
| Bingham | Hillis | Rinaldo |
| Blatnik | Hogan | Robison, N.Y. |
| Boggs | Holifield | Rodino |
| Boland | Holtzman | Roe |
| Bolling | Horton | Rosenthal |
| Brademas | Hosmer | Roush |
| Brasco | Hungate | Roy |
| Breckinridge | Jarman | Roybal |
| Broomfield | Johnson, Calif. | Ruppe |
| Brotzman | Johnson, Colo. | Ryan |
| Brown, Mich. | Jones, Ala. | Sandman |
| Brown, Ohio | Jones, Okla. | Sarasin |
| Broyhill, Va. | Jordan | Sarbanes |
| Buchanan | Karth | Saylor |
| Burke, Calif. | Kastenmeier | Schroeder |
| Burton | Keating | Seiberling |
| Carey, N.Y. | Ketchum | Shipley |
| Carney, Ohio | Kluczynski | Shoup |
| Chisholm | Koch | Shriver |
| Clay | Leggett | Sisk |
| Cleveland | Lent | Skubitz |
| Cohen | Long, La. | Smith, Iowa |
| Conable | Lujan | Smith, N.Y. |
| Conte | McClory | Stanton, J. William |
| Conyers | McCollister | Stanton, James V. |
| Corman | McCormack | Stark |
| Coughlin | McFall | Steele |
| Culver | Madden | Steiger, Wis. |
| Daniels, Dominick V. | Madigan | Stubblefield |
| Danielson | Mailliard | Studds |
| Dellenback | Mallary | Symington |
| Dellums | Mann | Talcott |
| Derwinski | Maraziti | Taylor, N.C. |
| Diggs | Mathias, Calif. | Teague, Calif. |
| Dingell | Matsunaga | Thompson, N.J. |
| Drinan | Mazzoli | Thomson, Wis. |
| du Pont | Meeds | Thone |
| Eckhardt | Melcher | Udall |
| Edwards, Ala. | Metcalfe | Ullman |
| Edwards, Calif. | Mezvinsky | Vander Jagt |
| Erlenborn | Minish | Vanik |
| Evans, Colo. | Mink | Vigorito |
| Findley | Minshall, Ohio | Waldie |
| Fish | Mitchell, Md. | Whalen |
| Flood | Moakley | Whitehurst |
| Flowers | Mosher | Widnall |
| Foley | Moss | Wilson, Bob |
| Ford, Gerald R. | Murphy, Ill. | Wilson, Charles H., Calif. |
| Ford, William D. | Murphy, N.Y. | Winn |
| Forsythe | Natcher | Wolff |
| Fraser | Nedzi | Wright |
| Frelinghuysen | Nelsen | Wyatt |
| Frenzel | O'Brien | Wydler |
| Fulton | O'Hara | Wyman |
| Giaimo | O'Neill | Yates |
| Gibbons | Owens | Young, Ga. |
| Gilman | Parris | Young, S.C. |
| Grasso | Patten | Young, Tex. |
| Griffiths | Pepper | Zablocki |
| Gubser | Perkins | |
| Gude | Pettis | |
| Guyer | Pike | |
| | Podell | |
| | Preyer | |
| | Price, Ill. | |

NOT VOTING—53

| | | |
|---|---|---|
| Anderson, Ill. | Fascell | McDade |
| Badillo | Frey | McKay |
| Barrett | Gray | McKinney |
| Biaggi | Green, Oreg. | McSpadden |
| Biester | Green, Pa. | Mayne |
| Brown, Calif. | Hanna | Moorhead, Pa. |
| Carter | Hawkins | Morgan |
| Clark | Hays | Nix |
| Cotter | Hébert | Obey |
| Crane | Hicks | Passman |
| Cronin | Howard | Patman |
| Denholm | King | Peyser |
| Eilberg | Lehman | Riegle |
| Esch | McCloskey | Rooney, N.Y. |
| Rooney, Pa. | Taylor, Mo. | Wilson, Charles, Tex. |
| Rostenkowski | Teague, Tex. | Yatron |
| St Germain | Van Deerlin | Young, Ill. |
| Stokes | Williams | |

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 2, strike out lines 1 through 7, and insert in lieu thereof the following:

SEC. 3. There are authorized to be appropriated $5,000,000 for the fiscal year 1974, for contributions to the United Nations Environment Fund, which may be used upon such terms and conditions as the President may specify.

Mr. WYLIE. Mr. Chairman, this amendment is an effort to conform this bill today to a law which this Congress passed on October 25, 1972, and which is included as a part of Public Law 92–544. In that law it says:

For expenses not otherwise provided for necessary to meet annual obligations—

And so forth—

*Provided, however*, That after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization.

In this bill we are specifying that the United States will put up 40 percent, which is in direct contravention and contrary to the language of the law which we just passed last year.

We are in the habit of making exceptions to rules and laws in this House, but we had adequate debate on this provision over a period of several years. It was finally decided that this Congress should speak up and say that no further appropriations will be made in excess of 25 percent, which is an adequate amount, it seems to me, since we do not have anywhere near that kind of influence in the United Nations.

There is no question but this bill has a laudable aim and purpose, and I support the thrust and the intent of the bill.

My amendment would simply say that the United States is now following the law which we passed last year, and would in effect make our contribution 25 percent for fiscal year 1974.

What is wrong with that, Mr. Chairman?

Maybe some of the Members voted against the Gross amendment because they thought the cut was too big but, on the other hand, I do not think we should come right back, after we passed this law just last year and suggest that we should now increase our contribution to that organization to 40 percent, because if we do then we are right back in the same old hassle we had before we passed the law to which I just referred and each time another appropriation comes before this House for the United Nations we are going to make exceptions to that rule.

So I think, Mr. Chairman and members of the committee, that this is an amendment we can all support. It merely confirms again what we said last year, that we think that the other nations of the world ought to share in this effort.



As I said, I think the environmental protection aspects of this legislation are laudable, and for that I applaud the committee in bringing this bill out. I did not receive any good justification in answer to my questions as to how the committee came up with the figure of 40 percent for the United States, and 60 percent for the other nations involved, so I am saying why do we not use the 25-percent formula we approved last year?

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, I thank the gentleman for yielding. I would state to my learned colleague, the gentleman from Ohio (Mr. WYLIE) that I note in the gentleman's amendment in the last two lines of the amendment, after "United Nations Environment Fund," it says "which may be used upon such terms and conditions as the President may specify."

Would my colleague be amenable to striking that last portion of his amendment? I think the first portion of the gentleman's amendment is an excellent amendment.

Mr. WYLIE. I understand the thrust of the question propounded by the gentleman from New Jersey, and that is that again the House of Representatives is delegating to the President authority in the matter of how the money can be used. That argument was made by the gentleman from Iowa (Mr. GROSS). However, I would like to have that language remain in this amendment because I think it would be more agreeable and more acceptable to the Members of this body. Someone has to decide how the money is going to be used, and I believe that that the President is in a better position to do this than anyone else. I do not believe it is feasible, in other words, for this U.N. organization to come back to the Congress at every whipstitch and ask authority to spend the money in the area of control of international environmental protection.

Mr. HUNT. If the gentleman will yield further, I do not believe that is the situation we have on this, but I am a little bit puzzled as to how the President can specify how the United Nations can do anything.

Mr. WYLIE. I understand that.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. WYLIE was allowed to proceed for 1 additional minute.)

Mr. WYLIE. Mr. Chairman, I understand what the gentleman from New Jersey is saying, but really all I want to do with my amendment is to make it conform to the statute which we passed last year. In other words, I want to get back to the 25-percent allocation for the United States and the 75 percent for the other nations of the world formula, and not now make this exception which would increase our contribution to 40 percent.

Therefore I would urge my colleagues to support my amendment.

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. WYLIE).

Mr. FRASER. Mr. Chairman, the thing that puzzles me about this amendment is that it does not do what the author of the amendment says it is designed to do. What this amendment does—and I have just been up at the desk to check the amendment—is to cut the President's request by 87 percent, but it does not say a word about percentages; it just cuts the $40 million authorization for the next 5 years down to $5 million, but it says nothing about percentages at all, but even if you gave it the most liberal interpretation it would still be way under the 25 percent matching, for while the gentleman claims that it deals with the percentage contribution, in fact, the amendment is totally irrelevant to that. It is simply a cutting amendment, it is simply the same type of cutting amendment that was offered by the gentleman from Iowa (Mr. GROSS) the matter that we have just voted on.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Ohio.

Mr. WYLIE. I am using the language from the bill which is before this House today. Additionally, I am reading language from the report which accompanied H.R. 6768. The report says that the United States will make a contribution of $40 million over a period of 5 years, and that this amount represents a contribution of 40 percent. If we divide $40 million by 5 which would be for 1 year—and my amendment would apply only to fiscal year 1974—that would amount to $5 million, as far as the 25 percent figure is concerned. One-quarter of $100 million is $25 million, so what I am talking about is not 25 percent of the total amount; I am talking about 25 percent of the amount which would be contributed for fiscal year 1974 or ⅕ of $25 million. If we multiply $5 million per year by 5, for 5 years we arrive at the $25 million figure which is one-fourth of $100 million. I am using the language which the gentleman has put in his bill. There is no percentage figure in his bill either. It does not say 40 percent, 60 percent, but the report is very specific in calling for a 40–60 ratio of contributions.

Mr. FRASER. If I can make a point with the gentleman, even with his amendment, we can still make up the 40 percent of the amount of money that is provided. He does not deal with a percentage limitation. Moreover, there is absolutely no assurance whether this money is going to be spent at a uniform rate each year. Part of the problem is that the fund has to get under way, and whether that involves either a larger-than-usual or a less-than-usual expenditure is not clear.

The gentleman's amendment does not quote a percentage limitation. It cuts the $40 million to $5 million.

Mr. WYLIE. For 1 year. Will the gentleman yield for just one additional observation?

Mr. FRASER. I yield to the gentleman from Ohio.

Mr. WYLIE. The real reason why I offered my amendment is so that there will be a limitation of 25 percent as the maximum amount to be contributed by the United States. My amendment will require the other participating nations to put up their money before the end of the fiscal year—something not required in the past. So, if other nations contribute an amount which would equal 75 percent of the total amount necessary for fiscal year 1974, then our 25 percent can be utilized but we would make it clear that our contribution will not go above $5 million for fiscal year 1974. This would give us an opportunity to establish a track record to see if the other nations are sincere about this and if they do want to contribute to this new worldwide organization.

What I am saying is that the authorization should not be open ended, and that there ought to be a money limit placed on it, and that it should not exceed 25 percent of the total amount, and the other nations involved would be required to put up 75 percent, which is in accordance with the law we passed last year.

Mr. FRASER. I understand what the gentleman says he is trying to do, but he is not doing it this way.

Another thing, the countries may say if the United States is cutting back their amount of money, they are going to cut back, too, so we will still be faced with matching it at a 40 percent level, because the other governments have been told by the President that we are prepared to carry a 40 percent share. So the gentleman is not succeeding in his amendment in doing what he says he wants to do.

What I want to emphasize is he is simply providing a second version of the Gross amendment cutting the whole bill back.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman from Ohio read a provision of the appropriations law last year which limited contributions by the United States to U.N. and U.N. agencies to 25 percent. If there is no provision in this bill, we are changing that law. Does in fact that limitation still prevail, and are we not thereby limiting contributions to United Nations agencies to 25 percent?

Mr. FRASER. I say to the gentleman my understanding is that the 25-percent limitation applies to the assessed budget for the U.N. As I said earlier on the floor, both Ambassador Bush and Senator GALE MCGEE—who was one of our representatives in the U.N. last year—argued for the 25-percent provision with respect to the assessed budget. I want to underscore that it is to the "assessed," not voluntary contributions which the 25-percent limitation applies. They argued for this on the basis that we were going to keep up our support on U.N. voluntary programs which is well above 25 percent. I reemphasize that the limitation here dealt with the assessed budget. I think it is important that that be made clear.

But in any event let me just say that this wipes out 87 percent of the President's request in the face of a number of commitments from our major allies and important countries around the world. I think it is a very serious mistake and does not do what the gentleman says he would like to see it do.

XUM

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WYLIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 184, not voting 49, as follows:

[Roll No. 144]

AYES—200

| | | |
|---|---|---|
| Abdnor | Gaydos | Parris |
| Alexander | Gettys | Poage |
| Andrews, N.C. | Gialmo | Powell, Ohio |
| Andrews, N. Dak. | Ginn | Price, Tex. |
| Archer | Goldwater | Quie |
| Ashbrook | Gonzalez | Quillen |
| Bafalis | Goodling | Randall |
| Baker | Gray | Rarick |
| Beard | Gross | Roberts |
| Bennett | Grover | Robinson, Va. |
| Bevill | Gubser | Robison, N.Y. |
| Blackburn | Gunter | Rogers |
| Bowen | Guyer | Roncallo, Wyo. |
| Bray | Haley | Roncallo, N.Y. |
| Breaux | Hammer-schmidt | Rose |
| Brinkley | Hanley | Rousselot |
| Brooks | Hanrahan | Roybal |
| Broomfield | Harsha | Runnels |
| Brown, Mich. | Harvey | Ruth |
| Broyhill, N.C. | Hechler, W. Va. | Sarasin |
| Broyhill, Va. | Henderson | Satterfield |
| Burgener | Hinshaw | Saylor |
| Burke, Fla. | Holt | Scherle |
| Burke, Mass. | Huber | Schneebeli |
| Burleson, Tex. | Hudnut | Sebelius |
| Burlison, Mo. | Hungate | Shipley |
| Butler | Hunt | Shuster |
| Byron | Hutchinson | Sikes |
| Camp | Ichord | Skubitz |
| Casey, Tex. | Johnson, Colo. | Slack |
| Cederberg | Johnson, Pa. | Snyder |
| Chamberlain | Jones, N.C. | Spence |
| Chappell | Jones, Okla. | Staggers |
| Clancy | Jones, Tenn. | Stanton, J. William |
| Clausen, Don H. | Kazen | Stanton, James V. |
| Clawson, Del | Kemp | Steed |
| Cleveland | Ketchum | Steelman |
| Cochran | Kuykendall | Steiger, Ariz. |
| Collier | Kyros | Stephens |
| Collins | Landgrebe | Stratton |
| Conlan | Latta | Stubblefield |
| Daniel, Dan | Litton | Stuckey |
| Daniel, Robert W., Jr. | Long, Md. | Sullivan |
| Davis, Ga. | Lott | Symms |
| Davis, S.C. | Lujan | Taylor, N.C. |
| Davis, Wis. | McCollister | Teague, Calif. |
| de la Garza | McEwen | Thornton |
| Delaney | Macdonald | Tiernan |
| Dennis | Madigan | Towell, Nev. |
| Dent | Mahon | Treen |
| Devine | Mann | Ullman |
| Dickinson | Maraziti | Veysey |
| Donohue | Martin, Nebr. | Vigorito |
| Dorn | Martin, N.C. | Waggonner |
| Downing | Mathis, Ga. | Walsh |
| Dulski | Milford | Wampler |
| Duncan | Miller | Ware |
| Eshleman | Mills, Ark. | White |
| Evans, Colo. | Mills, Md. | Whitten |
| Evins, Tenn. | Minshall, Ohio | Widnall |
| Fisher | Mizell | Wiggins |
| Flowers | Mollohan | Wylie |
| Flynt | Montgomery | Young, Alaska |
| Fountain | Moorhead, Calif. | Young, Fla. |
| Froehlich | Nichols | Young, S.C. |
| Fuqua | O'Brien | Zion |
| | | Zwach |

NOES—184

| | | |
|---|---|---|
| Abzug | Boggs | Clay |
| Adams | Boland | Cohen |
| Addabbo | Bolling | Conable |
| Anderson, Calif. | Brademas | Conte |
| Annunzio | Brasco | Conyers |
| Arends | Breckinridge | Corman |
| Armstrong | Brotzman | Coughlin |
| Ashley | Brown, Ohio | Culver |
| Aspin | Buchanan | Daniels, Dominick V. |
| Bell | Burke, Calif. | Danielson |
| Bergland | Burton | Dellenback |
| Bingham | Carey, N.Y. | Dellums |
| Blatnik | Carney, Ohio | Diggs |
| | Chisholm | |
| Dingell | Lehman | Riegle |
| Drinan | Lent | Rinaldo |
| du Pont | Long, La. | Rodino |
| Eckhardt | McClory | Roe |
| Edwards, Ala. | McCormack | Rosenthal |
| Edwards, Calif. | McFall | Roush |
| Erlenborn | McKay | Roy |
| Findley | Madden | Ruppe |
| Fish | Mailliard | Ryan |
| Flood | Mallary | Sandman |
| Foley | Mathias, Calif. | Sarbanes |
| Ford, Gerald R. | Matsunaga | Schroeder |
| Ford, William D. | Mayne | Seiberling |
| Forsythe | Mazzoli | Shoup |
| Fraser | Meeds | Shriver |
| Frelinghuysen | Melcher | Sisk |
| Frenzel | Metcalfe | Smith, Iowa |
| Fulton | Mezvinsky | Smith, N.Y. |
| Gibbons | Michel | Stark |
| Gilman | Minish | Steele |
| Grasso | Mink | Steiger, Wis. |
| Griffiths | Moakley | Studds |
| Gude | Mosher | Symington |
| Hamilton | Moss | Talcott |
| Hansen, Idaho | Murphy, Ill. | Thompson, N.J. |
| Hansen, Wash. | Murphy, N.Y. | Thomson, Wis. |
| Harrington | Natcher | Thone |
| Hastings | Nedzi | Udall |
| Heckler, Mass. | Nelsen | Van Deerlin |
| Heinz | O'Hara | Vander Jagt |
| Helstoski | O'Neill | Vanik |
| Hicks | Owens | Waldie |
| Hillis | Patten | Whalen |
| Hogan | Pepper | Whitehurst |
| Holifield | Perkins | Wilson, Bob |
| Holtzman | Pettis | Wilson, Charles H., Calif. |
| Horton | Pickle | Winn |
| Hosmer | Podell | Wolff |
| Jarman | Preyer | Wright |
| Johnson, Calif. | Price, Ill. | Wyatt |
| Jones, Ala. | Pritchard | Wydler |
| Jordan | Railsback | Wyman |
| Karth | Rangel | Yates |
| Kastenmeier | Rees | Young, Ga. |
| Keating | Regula | Young, Ill. |
| Kluczynski | Reid | Young, Tex. |
| Koch | Reuss | Zablocki |
| Leggett | Rhodes | |

NOT VOTING—49

| | | |
|---|---|---|
| Anderson, Ill. | Green, Oreg. | Nix |
| Badillo | Green, Pa. | Obey |
| Barrett | Hanna | Passman |
| Biaggi | Hawkins | Patman |
| Biester | Haya | Peyser |
| Brown, Calif. | Hébert | Rooney, N.Y. |
| Carter | Howard | Rooney, Pa. |
| Clark | King | Rostenkowski |
| Cotter | Landrum | St Germain |
| Crane | McCloskey | Stokes |
| Cronin | McDade | Taylor, Mo. |
| Denholm | McKinney | Teague, Tex. |
| Derwinski | McSpadden | Williams |
| Eilberg | Mitchell, Md. | Wilson, Charles, Tex. |
| Esch | Moorhead, Pa. | Yatron |
| Fascell | Morgan | |
| Frey | Myers | |

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RARICK: page 2, after line 7, insert a new section:

SEC. 4. No funds authorized by this Act shall be expended, directly or indirectly, to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

Mr. FRASER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Minnesota (Mr. FRASER) reserves a point of order against the amendment.

The gentleman from Louisiana (Mr. RARICK) is recognized.

Mr. RARICK. Mr. Chairman, the amendment I have offered is simple and self-explanatory. It merely provides that no funds authorized under this act shall be extended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

I remind my colleagues that under the language of the amendment offered by the gentleman from Ohio (Mr. WYLIE) as well as provided in section 3 of the bill authority is still vested with the President so that the funds may be used upon such terms and conditions as the President may specify.

Mr. Chairman, this is a good amendment, and I ask for a yea vote.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. FRASER. Mr. Chairman, I make the point of order that this is not a germane amendment. This amendment would deal with the contribution to the United Nations Environmental Fund, and this amendment, which appears to deal with aid to North Vietnam, has no relation to the bill.

The CHAIRMAN. Does the gentleman from Louisiana (Mr. RARICK) wish to be heard on the point of order?

Mr. RARICK. Mr. Chairman, I do.

Mr. Chairman, this amendment provides a limitation upon the use for which the funds are intended. I think it is germane, and I urge the objection be overruled.

The CHAIRMAN (Mr. FULTON). The Chair is prepared to rule.

The amendment offered by the gentleman from Louisiana (Mr. RARICK) would provide for a restriction of the use of the funds authorized by this bill, and it is germane as an amendment to the bill.

The question is on the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SYMMS

Mr. SYMMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SYMMS: Page 2, line 7, immediately after the period insert the following: "Beginning with the fiscal year 1974, and in each fiscal year thereafter, the amount of funds authorized and appropriated to the U.S. Forest Service shall be increased by an amount equal to the funds appropriated for contribution to the United Nations Environment Fund. These additional funds shall be used for the purpose of carrying out reforestation programs in the national forests of the United States."

Mr. FRASER. Mr. Chairman, if I heard the amendment right, I want to make a point of order against the amendment, although I will be glad to reserve the point of order.

Mr. SYMMS. Mr. Chairman, I think with regard to the total environmental picture of the world, as a good example here, the United States would do as well as anything we can do in the United Nations if we enact this amendment which calls for reforestation of our national forests. This is certainly a problem that we need to address ourselves to in this Congress, so I think it is in order.

I urge the Chair rule in favor of its germaneness.

Mr. FRASER. Mr. Chairman, I insist on my point of order.

Clearly this is not germane. If I understand it, reforestation in the United States has nothing to do with this subject matter. It is a matter over which our committee has no jurisdiction.



The CHAIRMAN (Mr. FULTON). The Chair is prepared to rule.

The amendment goes to authorizations and appropriations for an agency and a program not within the scope of this bill and not within the jurisdiction of the Committee on Foreign Affairs which reported the pending measure. The Chair holds the amendment is not germane and sustains the point of order.

If there are no further amendments to be proposed, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FULTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program, pursuant to House Resolution 361, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. FRASER. Mr. Speaker, I demand a separate vote on the so-called Wylie amendment.

The SPEAKER. The question is on the remaining amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 2, strike out lines 1 through 7, and insert in lieu thereof the following:

"SEC. 3. There are authorized to be appropriated $5,000,000 for the fiscal year 1974, for contributions to the United Nations Environment Fund, which may be used upon such terms and conditions as the President may specify."

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. WYLIE. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 198, not voting 43, as follows:

[Roll No. 145]

YEAS—192

| | | |
|---|---|---|
| Abdnor | Butler | Dent |
| Alexander | Byron | Devine |
| Andrews, N.C. | Camp | Dickinson |
| Andrews, N. Dak. | Casey, Tex. | Donohue |
| Archer | Cederberg | Dorn |
| Ashbrook | Chamberlain | Downing |
| Bafalis | Chappell | Dulski |
| Baker | Clancy | Duncan |
| Beard | Clausen, Don H. | Eshleman |
| Bennett | Clawson, Del | Evins, Tenn. |
| Bevill | Cleveland | Fisher |
| Blackburn | Cochran | Flowers |
| Bowen | Collier | Flynt |
| Bray | Collins | Fountain |
| Breaux | Conlan | Froehlich |
| Brinkley | Daniel, Dan | Fuqua |
| Brooks | Daniel, Robert W., Jr. | Gaydos |
| Broyhill, N.C. | Davis, Ga. | Gettys |
| Broyhill, Va. | Davis, S.C. | Ginn |
| Burgener | Davis, Wis. | Goldwater |
| Burke, Fla. | de la Garza | Gonzalez |
| Burke, Mass. | Delaney | Goodling |
| Burleson, Tex. | Dennis | Grasso |
| Burlison, Mo. | | Gray |
| | | Gross |
| Grover | Martin, N.C. | Shipley |
| Gubser | Mathis, Ga. | Shuster |
| Gunter | Michel | Sikes |
| Haley | Milford | Skubitz |
| Hammer-schmidt | Miller | Slack |
| Hanley | Mills, Ark. | Snyder |
| Hanrahan | Mills, Md. | Spence |
| Harsha | Minshall, Ohio | Staggers |
| Harvey | Mizell | Stanton, James V. |
| Hechler, W. Va. | Mollohan | Steelman |
| Henderson | Montgomery | Steiger, Ariz. |
| Hinshaw | Moorhead, Calif. | Stephens |
| Holt | Myers | Stratton |
| Huber | Nichols | Stubblefield |
| Hudnut | Parris | Stuckey |
| Hungate | Passman | Sullivan |
| Hunt | Poage | Symms |
| Hutchinson | Powell, Ohio | Talcott |
| Ichord | Price, Tex. | Taylor, N.C. |
| Johnson, Pa. | Quie | Thornton |
| Jones, N.C. | Quillen | Towell, Nev. |
| Jones, Okla. | Randall | Treen |
| Jones, Tenn. | Rarick | Ullman |
| Kazen | Roberts | Vander Jagt |
| Kemp | Robinson, Va. | Veysey |
| Ketchum | Robison, N.Y. | Vigorito |
| Kuykendall | Rogers | Waggonner |
| Landgrebe | Roncallo, Wyo. | Walsh |
| Latta | Roncallo, N.Y. | Wampler |
| Litton | Rose | Ware |
| Long, Md. | Rousselot | White |
| Lott | Runnels | Whitten |
| Lujan | Ruth | Widnall |
| McCollister | Sarasin | Wiggins |
| McEwen | Satterfield | Wylie |
| Macdonald | Saylor | Young, Alaska |
| Mahon | Scherle | Young, Fla. |
| Mann | Schneebeli | Young, S.C. |
| Maraziti | Sebelius | Zion |
| Martin, Nebr. | | Zwach |

NAYS—198

| | | |
|---|---|---|
| Abzug | Frenzel | Natcher |
| Adams | Fulton | Nedzi |
| Addabbo | Gialmo | Nelsen |
| Anderson, Calif. | Gibbons | O'Brien |
| Annunzio | Gilman | O'Hara |
| Armstrong | Griffiths | O'Neill |
| Ashley | Gude | Owens |
| Aspin | Guyer | Patten |
| Bell | Hamilton | Pepper |
| Bergland | Hansen, Idaho | Perkins |
| Bingham | Hansen, Wash. | Pettis |
| Blatnik | Harrington | Pickle |
| Boggs | Hastings | Pike |
| Boland | Heckler, Mass. | Podell |
| Bolling | Heinz | Preyer |
| Brademas | Helstoski | Price, Ill. |
| Brasco | Hicks | Pritchard |
| Breckinridge | Hillis | Railsback |
| Broomfield | Hogan | Rangel |
| Brotzman | Holifield | Rees |
| Brown, Mich. | Holtzman | Regula |
| Brown, Ohio | Horton | Reid |
| Buchanan | Hosmer | Reuss |
| Burke, Calif. | Jarman | Rhodes |
| Burton | Johnson, Calif. | Riegle |
| Carey, N.Y. | Johnson, Colo. | Rinaldo |
| Carney, Ohio | Jones, Ala. | Rodino |
| Chisholm | Jordan | Roe |
| Clark | Karth | Rosenthal |
| Clay | Kastenmeier | Roush |
| Cohen | Keating | Roy |
| Conable | Kluczynski | Roybal |
| Conte | Koch | Ruppe |
| Conyers | Kyros | Ryan |
| Corman | Leggett | St Germain |
| Coughlin | Lehman | Sandman |
| Culver | Lent | Sarbanes |
| Daniels, Dominick V. | Long, La. | Schroeder |
| Danielson | McClory | Seiberling |
| Dellenback | McCormack | Shoup |
| Dellums | McFall | Shriver |
| Diggs | McKay | Sisk |
| Dingell | McKinney | Smith, Iowa |
| Drinan | Madden | Smith, N.Y. |
| du Pont | Madigan | Stanton, J. William |
| Eckhardt | Mailliard | Stark |
| Edwards, Ala. | Mallary | Steele |
| Edwards, Calif. | Mathias, Calif. | Steiger, Wis. |
| Erlenborn | Matsunaga | Stokes |
| Evans, Colo. | Mayne | Studds |
| Fascell | Mazzoli | Symington |
| Findley | Meeds | Teague, Calif. |
| Fish | Melcher | Thompson, N.J. |
| Flood | Metcalfe | Thomson, Wis. |
| Foley | Mezvinsky | Thone |
| Ford, Gerald R. | Minish | Udall |
| Ford, William D. | Mink | Van Deerlin |
| Forsythe | Moakley | Vanik |
| Fraser | Mosher | Waldie |
| Frelinghuysen | Moss | Whalen |
| | Murphy, Ill. | Whitehurst |
| | Murphy, N.Y. | Wilson, Bob |
| Wilson, Charles H., Calif. | Wolff | Young, Ga. |
| Wilson, Charles, Tex. | Wright | Young, Ill. |
| Winn | Wyatt | Young, Tex. |
| | Wydler | Zablocki |
| | Wyman | |
| | Yates | |

NOT VOTING—43

| | | |
|---|---|---|
| Anderson, Ill. | Frey | Nix |
| Arends | Green, Oreg. | Obey |
| Badillo | Green, Pa. | Patman |
| Barrett | Hanna | Peyser |
| Biaggi | Hawkins | Rooney, N.Y. |
| Biester | Haya | Rooney, Pa. |
| Brown, Calif. | Hébert | Rostenkowski |
| Carter | Howard | Steed |
| Cotter | King | Taylor, Mo. |
| Crane | Landrum | Teague, Tex. |
| Cronin | McCloskey | Tiernan |
| Denholm | McDade | Williams |
| Derwinski | McSpadden | Yatron |
| Eilberg | Moorhead, Pa. | |
| Esch | Morgan | |

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Frey for, with Mr. Morgan against.

Mr. Crane for, with Mr. Rooney of New York against.

Mr. King for, with Mr. Hawkins against.

Mr. Taylor of Missouri for, with Mr. Cronin against.

Mr. Williams for, with Mr. Rostenkowski against.

Mr. Carter for, with Mr. Hanna against.

Until further notice:

Mr. Barrett with Mr. Arends.

Mr. Denholm with Mr. Derwinski.

Mrs. Green of Oregon with Mr. Anderson of Illinois.

Mr. Howard with Mr. Badillo.

Mr. McSpadden with Mr. Biester.

Mr. Moorhead of Pennsylvania with Mr. Brown of California.

Mr. Nix with Mr. McCloskey.

Mr. Tiernan with Mr. Esch.

Mr. Hays with Mr. Peyser.

Mr. Yatron with Mr. McDade.

Mr. Landrum with Mr. Rooney of Pennsylvania.

Mr. Steed with Mr. Obey.

Mr. Teague of Texas with Mr. Cotter.

Mr. Biaggi with Mr. Eilberg.

Mr. Green of Pennsylvania with Mr. Hébert.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. Unqualifiedly, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gross moves to recommit the bill, H.R. 6768, to the Committee on Foreign Affairs.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

XUM

The vote was taken by electronic device; and there were—yeas 267, nays 123, not voting 43, as follows:

[Roll No. 146]

YEAS—267

| | | |
|---|---|---|
| Abdnor | Griffiths | Preyer |
| Abzug | Gubser | Price, Ill. |
| Adams | Gude | Pritchard |
| Addabbo | Guyer | Quie |
| Alexander | Hamilton | Railsback |
| Anderson, Calif. | Hammer-schmidt | Randall |
| Andrews, N.C. | Hanley | Rangel |
| Andrews, N. Dak. | Hansen, Idaho | Rees |
| Annunzio | Hansen, Wash. | Regula |
| Arends | Harrington | Reid |
| Armstrong | Harsha | Reuss |
| Ashley | Harvey | Rhodes |
| Bell | Hastings | Riegle |
| Bergland | Hechler, W. Va. | Rinaldo |
| Bingham | Heckler, Mass. | Robison, N.Y. |
| Blatnik | Heinz | Rodino |
| Boggs | Helstoski | Roncalio, Wyo. |
| Boland | Hicks | Roncalio, N.Y. |
| Bolling | Hillis | Rosenthal |
| Brademas | Hogan | Roush |
| Brasco | Holifield | Roybal |
| Bray | Holtzman | Ruppe |
| Breckinridge | Horton | Ryan |
| Brooks | Hosmer | St Germain |
| Broomfield | Hungate | Sandman |
| Brotzman | Jarman | Sarasin |
| Brown, Mich. | Johnson, Calif. | Sarbanes |
| Brown, Ohio | Johnson, Colo. | Saylor |
| Broyhill, N.C. | Johnson, Pa. | Schneebeli |
| Broyhill, Va. | Jordan | Schroeder |
| Buchanan | Karth | Seiberling |
| Burke, Calif. | Kastenmeier | Shipley |
| Burke, Fla. | Kazen | Shoup |
| Burke, Mass. | Keating | Shriver |
| Burton | Kemp | Sisk |
| Carey, N.Y. | Kluczynski | Smith, Iowa |
| Carney, Ohio | Koch | Smith, N.Y. |
| Cederberg | Kyros | Stanton, J. William |
| Chamberlain | Latta | Stanton, James V. |
| Chisholm | Leggett | Stark |
| Clark | Lehman | Steele |
| Clausen, Don H. | Lent | Steelman |
| Clay | Long, La. | Steiger, Wis. |
| Cleveland | Lujan | Stokes |
| Cohen | McCloskey | Stratton |
| Collier | McCollister | Studds |
| Conable | McCormack | Symington |
| Conte | McFall | Talcott |
| Conyers | McKay | Taylor, N.C. |
| Corman | McKinney | Teague, Calif. |
| Coughlin | Macdonald | Thompson, N.J. |
| Culver | Madden | Thomson, Wis. |
| Daniels, Dominick V. | Madigan | Thone |
| Danielson | Mailliard | Tiernan |
| Delaney | Mallary | Udall |
| Dellenback | Maraziti | Ullman |
| Dellums | Martin, Nebr. | Van Deerlin |
| Dennis | Mathias, Calif. | Vander Jagt |
| Diggs | Matsunaga | Vanik |
| Dingell | Mayne | Veysey |
| Donohue | Mazzoli | Vigorito |
| Drinan | Meeds | Waldie |
| Dulski | Melcher | Walsh |
| du Pont | Metcalfe | Wampler |
| Eckhardt | Mezvinsky | Ware |
| Edwards, Ala. | Milford | Whalen |
| Edwards, Calif. | Miller | White |
| Erlenborn | Minish | Whitehurst |
| Eshleman | Mink | Widnall |
| Evans, Colo. | Minshall, Ohio | Wiggins |
| Fascell | Moakley | Wilson, Bob |
| Findley | Mosher | Wilson, Charles H., Calif. |
| Fish | Moss | Wilson, Charles, Tex. |
| Flood | Murphy, Ill. | Winn |
| Foley | Murphy, N.Y. | Wolff |
| Ford, Gerald R. | Natcher | Wright |
| Ford, William D. | Nedzi | Wyatt |
| Forsythe | Nelsen | Wydler |
| Fraser | O'Brien | Wyman |
| Frelinghuysen | O'Hara | Yates |
| Frenzel | O'Neill | Young, Ga. |
| Fulton | Owens | Young, Ill. |
| Ginmo | Parris | Young, Tex. |
| Gibbons | Patten | Zablocki |
| Gilman | Pepper | Zion |
| Gonzalez | Perkins | Zwach |
| Grasso | Pettis | |
| Gray | Pickle | |
| | Pike | |
| | Podell | |

NAYS—123

| | | |
|---|---|---|
| Archer | Beard | Bowen |
| Ashbrook | Bennett | Breaux |
| Bafalis | Bevill | Brinkley |
| Baker | Blackburn | Burgener |
| Burleson, Tex. | Grover | Powell, Ohio |
| Burlison, Mo. | Gunter | Price, Tex. |
| Butler | Haley | Quillen |
| Byron | Hanrahan | Rarick |
| Camp | Henderson | Roberts |
| Casey, Tex. | Hinshaw | Robinson, Va. |
| Chappell | Holt | Rogers |
| Clancy | Huber | Rose |
| Clawson, Del | Hudnut | Rousselot |
| Cochran | Hunt | Runnels |
| Collins | Hutchinson | Ruth |
| Conlan | Ichord | Satterfield |
| Daniel, Dan | Jones, Ala. | Scherle |
| Daniel, Robert W., Jr. | Jones, N.C. | Sebelius |
| Davis, Ga. | Jones, Okla. | Shuster |
| Davis, S.C. | Jones, Tenn. | Sikes |
| Davis, Wis. | Ketchum | Skubitz |
| de la Garza | Kuykendall | Slack |
| Dent | Landgrebe | Snyder |
| Devine | Litton | Spence |
| Dickinson | Long, Md. | Staggers |
| Dorn | Lott | Steed |
| Downing | McEwen | Steiger, Ariz. |
| Duncan | Mahon | Stephens |
| Evins, Tenn. | Mathis, Ga. | Stubblefield |
| Fisher | Michel | Stuckey |
| Flowers | Mills, Ark. | Sullivan |
| Flynt | Mills, Md. | Symms |
| Fountain | Mitchell, N.Y. | Thornton |
| Froehlich | Mizell | Towell, Nev. |
| Fuqua | Mollohan | Treen |
| Gaydos | Montgomery | Waggonner |
| Gettys | Moorhead, Calif. | Whitten |
| Ginn | Myers | Wylie |
| Goldwater | Nichols | Young, Alaska |
| Goodling | Passman | Young, Fla. |
| Gross | Poage | Young, S.C. |

NOT VOTING—43

| | | |
|---|---|---|
| Anderson, Ill. | Frey | Morgan |
| Aspin | Green, Oreg. | Nix |
| Badillo | Green, Pa. | Obey |
| Barrett | Hanna | Patman |
| Biaggi | Hawkins | Peyser |
| Biester | Hays | Roe |
| Brown, Calif. | Hébert | Rooney, N.Y. |
| Carter | Howard | Rooney, Pa. |
| Cotter | King | Rostenkowski |
| Crane | Landrum | Taylor, Mo. |
| Cronin | McCloskey | Tengue, Tex. |
| Denholm | McDade | Williams |
| Derwinski | McSpadden | Yatron |
| Eilberg | Mitchell, Md. | |
| Esch | Moorhead, Pa. | |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Morgan for, with Mr. King against.
Mr. Peyser for, with Mr. Crane against.
Mr. Cronin for, with Mr. Carter against.
Mr. Biester for, with Mr. Taylor of Missouri against.

Until further notice:

Mr. Eilberg with Mr. Derwinski.
Mr. Hawkins with Mr. McCloskey.
Mr. Hays with Mr. Esch.
Mr. Hébert with Mr. Howard.
Mr. Roe with Mr. Obey.
Mr. Rooney of New York with Mr. Frey.
Mr. Rostenkowski with Mr. Anderson of Illinois.
Mr. Yatron with Mr. McDade.
Mr. Barrett with Mr. Williams.
Mr. Nix with Mr. Patman.
Mr. Rooney of Pennsylvania with Mr. Teague of Texas.
Mr. White with Mr. Aspen.
Mr. Cotter with Mr. Brown of California.
Mr. Denholm with Mr. Biaggi.
Mrs. Green of Oregon with Mr. McSpadden.
Mr. Badillo with Mr. Mitchell of Maryland.
Mr. Green of Pennsylvania with Mr. Hanna.
Mr. Landrum with Mr. Moorhead of Pennsylvania.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## PERSONAL ANNOUNCEMENT

Mr. GONZALEZ. Mr. Speaker, I have just been informed that on the first quorum call today (rollcall 142) I am shown as not being present. Mr. Speaker, I was present, inserted my voting card in the proper slot, but the electronic machine did not record same. I had no reason to think my presence had not been recorded and request that the RECORD reflect this.

## CHANGE IN LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker. I take this time to announce that there has been a change in the legislative program. We are putting over until tomorrow consideration of H.R. 5777, the Hobby Protection Act. We have indefinitely postponed the two bills scheduled for tomorrow, H.R. 2990, the U.S. Postal Service authorization, which was not given a rule today and H.R. 6912 the Par Value Modification Act, which we postponed earlier at the request of the committee chairman.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I am happy to yield to the minority leader.

Mr. GERALD R. FORD. Does that indicate there will be business tomorrow but not on Thursday?

Mr. O'NEILL. There is no business scheduled at the present time for Thursday.

Mr. GERALD R. FORD. I thank the gentleman.

## NEW "ATLANTIC CHARTER"

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues an excellent article entitled "New 'Atlantic Charter'" written by my constituent, Henry Huglin, brigadier general, USAF (retired), of Santa Barbara, Calif.:

NEW "ATLANTIC CHARTER"

(By Henry Huglin)

Despite Watergate and serious problems in Indochina and the Middle East, the President through Dr. Kissinger has launched another wise, appropriate, and timely foreign affairs initiative, a call for "a new Atlantic Charter setting the goals for the future—a blueprint that: builds on the past without becoming its prisoner, deals with the problems our success has created, creates for the Atlantic nations a new relationship in whose progress Japan can share."

This call was set forth in a major administration address which Dr. Kissinger delivered on 23 April to an Associated Press meeting. It was the type of creative leadership that our country has repeatedly offered since the first Atlantic Charter was signed in August, 1941 (during World War II when Britain, Russia, Canada, and much of Europe were fighting Hitler's Germany, but before we got involved) by President Roosevelt and Prime Minister Churchill "to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world."

Dr. Kissinger explained the essence of the proposal as follows.

"Today the need is to make the Atlantic relationship as dynamic a force in building a new structure of peace, less geared to crisis and more conscious of opportunities, drawing its inspirations from its goals rather than its fears . . .

"We must ensure that the momentum of détente is maintained by common objectives rather than by drift, escapism, or complacency.

"The agenda I have outlined here is not an American prescription but an appeal for a joint effort of creativity . . .

"The United States is prepared to make its contribution: We will continue to support European unity . . . We will not disengage from our solemn commitments to our allies . . . We shall continue to pursue the relaxation of tensions with our adversaries on the basis of concrete negotiations in the common interest . . . We will never consciously injure the interests of our friends in Europe or in Asia . . . We are prepared to work cooperatively on new problems we face. Energy, for example . . .

"Just as Europe's autonomy is not an end in itself, so the Atlantic community cannot be an exclusive club. Japan must be a principal partner in our common enterprise."

This speech struck the right note. It is dynamic without being dictatorial. It set a constructive tone, without spelling out details that should be worked out in concert. It presented a sound analysis of the situation now faced by the major non-communist nations—which is what "Atlantic" means in this context.

We are the only nation which can provide such leadership. Despite the buffeting we have undergone from the agonies over Vietnam and monetary and trade problems, we have by far more strength and influence in all major fields than any other non-communist nation. As always, with wealth and power properly go responsibilities. By launching this well-conceived initiative our country in exercising fine leadership.

Along with our NATO allies, we still face the persistent challenge of Russia's massive military might. Through coordinated negotiations with the Russians, we and our Atlantic partners are seeking to reduce tensions and to achieve mutual and balanced force reductions in Europe and further strategic arms limitations.

With the nations of the Common Market, Canada, and Japan, we are engaged in coping with major non-security challenges: reforming the monetary system, moderating trade barriers, insuring dependable sources of oil, reversing the pollution of the air and seas, and generally managing technology for our mutual good.

With Japan we also have additional common political interests in our new relations with China and in promoting stability and peaceful progress throughout Asia.

It was proper and prudent to have spelled out that Japan must be included in the partnership arrangements of the Atlantic community nations. Japan is a first-rank nation in trade and monetary matters with great potential influence.

The preliminary negotiations on this proposal are underway. The concept of a new Atlantic charter now provides the framework on which the President can explore common issues with the many allied leaders with whom he is to confer before he goes to Europe this fall, by which time specific agreements on basic goals and initial actions may be achieved.

Coping with the great international issues of war and peace, economic health, political and social progress, monetary stability, energy, pollution, etc. requires, from us, wisdom, statesmanship, maintenance of adequate economic and military strength, and appropriate initiative and leadership—followed up with skillful, painstaking diplomacy. The President and Dr. Kissinger, backed up by Secretary Rogers and the State Department, have shown—in such steps as the opening to China, negotiations with the Russians, and this new proposal—that they have a clear understanding of geopolitics and the vision, flexibility, and creativity needed.

There is a very long way to go to "a generation of peace." Perhaps it is not even attainable, because the choice is by far not ours alone. But the President and his foreign affairs team are making excellent efforts toward that goal. We all ought to support him in this endeavor and hope that the Watergate mess does not diminish his effectiveness in international affairs.



## LET US NOT FORGET OUR OVERSEAS EMPLOYEES

(Mr. CHAPPELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CHAPPELL. Mr. Speaker, let us not forget our overseas employees. We, in the Congress, need to review from time to time the problems which from day to day confront our 57,000 Federal employees stationed overseas.

I recently had the opportunity to visit several of our installations in the Pacific, including Hawaii, Guam, Okinawa, Taiwan, and Japan. It was apparent to me that the problems for our employees at those locations have been calling to our attention have been, in large measure, ignored.

First, there is the problem of mandatory rotation of employees from overseas areas. Authority for this rotation of overseas employees is contained in DOD instruction 1404.8, Rotation of Employees in Foreign Areas and the Canal Zone, dated April 10, 1968. Nowhere in Public Law 86–585, 86th Congress, can I find an authorization for mandatory rotation of overseas employees. There is a grandfather clause contained in the cited DOD instruction. There is apparently a move now to revoke or evade this clause and this could create serious problems for those who have been overseas for many years. As an example, I found that many long tenure employees had been in overseas assignments in excess of 15 years, and some of them more than 20 years. Now they are being told they will have to rotate back to the States for a period of 2 years without a guarantee of job assignment when they reach the United States. This will create a severe hardship on those who have gone to the outlying areas, established their families and homes, and are in many instances nearing their time of retirement. In most instances when these employees went overseas, they went under different circumstances.

Certainly all of us will understand that Okinawa, 28 years ago, was not the most desirable place to live. Similar circumstances were true on Guam. These people who made the early sacrifices to go overseas, build, and improve the living circumstances there, are entitled to some consideration when they wish to remain during the latter part of their tenure. It is understandable that those stateside now who look upon the overseas assignment as a very desirable experience will push for the rotation system, because they want now to take advantage of what these others have sacrificed so much to accomplish. Aside from the hardships that would be imposed upon our overseas employees, there is the item of unreasonable expense. The Department of Defense has estimated that it will cost $15,000 per family to rotate them and replace them, and when you multiply this by the affected 5,000 employees, this amounts to some $75 million.

Mr. Speaker, the argument made by the Department of Defense in favor of mandatory rotation is that those who have been overseas for periods greater than 5 years tend to "go native" and more and more lose touch with the United States, its goals and principals—that they tend to accept the philosophies and teachings of alien nations. This is one of the most unfounded arguments I have encountered. I found complete repudiation of such an argument in my visits in the Pacific area. I had the opportunity to visit in the homes of these employees, to talk with their children, and to get a good feel of their regard for America. I mention, as examples, such fine Americans as Fred Neylor, president of AFGE Local 1678; Carl Toole, Bill Boone, all of Okinawa; Archie Bengston of Guam, and John Cabral of Honolulu, to name only a few.

I have never encountered a more patriotic group of people, nor have I had the privilege of meeting people who are more keenly aware of the necessity of perpetuating the principles of the United States than are these employees. If, in fact, this is what one calls "going native" then I suggest we find the way to send greater numbers of our Americans to such kinds of assignments for such long periods of time. This injustice can be averted by action on the part of DOD. I hope legislation will not be required. I believe it will not be.

Second, there is a question of permanent resident aliens. Many citizens of the Philippines came to Okinawa to work for the U.S. Government. These foreign nationals, after working for the U.S. Government, many in excess of 20 years, paid their transportation to the United States, obtained their first papers toward U.S. citizenship and returned to Okinawa to their position and continued to work there. They stand in tenure group three, and in the event of reduction in force will be the first to be separated. The immigration laws governing acquisition of U.S. citizenship requires 5 years residence in the United States, of which 1 year may be spent overseas in the employment of the U.S. Government. These permanent resident aliens have indicated their desire to become U.S. citizens by obtaining their first papers. In the event of a RIF—reduction in force—joint travel regulations permit Government transportation to their former country and not the United States. In other words, they had more advantages as a foreign national than as American citizens. This is grossly unfair and unreasonable, and the regulations should be

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so drafted and construed that such an injustice will not occur.

Again, I believe this is a matter that can and must be corrected, hopefully, without legislation by a change of attitude on the part of the Department of Defense. This problem has been presented to the Department of the Army and they appear sympathetic, but state that travel regulations must be changed. In the event these employees are compelled to return to their native country, they will be under a stigma since they had indicated their desire to become U.S. citizens, thus renouncing their prior citizenship. Certainly, it behooves each of us to insist that such travel regulations be changed to provide a more equitable treatment of these foreign nationals—now U.S. citizens.

Third, there is a problem of overseas limited appointees. Prior to April 1956, the vast majority of all Government employees going overseas served under an overseas limited appointment. By Executive order, and under certain criteria, the majority of these employees were converted to career status in April 1956. Due to certain, and in many cases peculiar circumstances, many were not converted. When the "taper bill" was passed several years ago, converting over 30,000 temporary employees to career status, overseas employees were not included. H.R. 10131 was introduced during the 2d session, 92d Congress, but no action was taken on the bill. The Air Force and the Navy have put forth great effort to convert these overseas limited appointees to career status, but the Army has not. I hope and trust the Army will make such a conversion negating any necessity for congressional action.

Fourth, the problem of quarters allowance is keenly in focus. The recent devaluation of the dollar has resulted in a reduction of the exchange rate. On Okinawa alone, the exchange rate dropped from 360 to 300 yens per dollar as of January, 1973. The recent devaluation has dropped the exchange rate to approximately 260 yen per $1. This problem exists not only in Okinawa, but in most areas overseas. In most overseas area, there are some quarters allowed, but these quarters are not sufficient to take care of the total housing for employees, particularly those in the lower grades. A quick review reveals that there is no uniformity in the criteria for assignment of civilians to government quarters.

For example, the Air Force authorizes the GS–7 or wage board equivalent to government quarters on post. All beneath GS–7 must obtain their quarters off base. The Army in certain areas authorizes quarters on post for GS–11 and above, other employees have to seek their own quarters off base. The Air Force will authorize such quartering for 4 years, while the Army will allow up to 5 years. There are many other disparities between the treatment of personnel by the various services. I believe there should be a uniform approach to this problem on the part of the services, and I believe the Department of Defense should be encouraged to establish uniform regulations regarding these matters.

Additionally, it seems to me that we must establish some kind of reasonable policy which would take into consideration the devaluation of the dollar on these employees, especially those who are compelled to live off station. Otherwise, they experience severe hardships. It is my hope that this will be done without the necessity of legislation.

There is a fifth cause for grievance on the part of Government employees assigned overseas. The services will give quarters allowance for one assigned temporarily overseas for 6 months or less, but will not make any such allowance for one who is assigned for a greater period than 6 months. The service considers one a resident of an area if he is assigned there more than 6 months. I believe it would be far more reasonable, Mr. Speaker, to make a standard and uniform allowance for all of our employees assigned overseas whether they are temporarily or permanently assigned. That is to say, whether they are local hire or whether they are transfer employees from the mainland of the United States.

Mr. Speaker, in short, it is time for those of us in the Congress and those in our agencies and departments effected to recognize that our overseas employees are doing a great and outstanding job, that they are keenly dedicated Americans, that they want to be and are of real service to our country, and that they have grievances which should be seriously understood and corrected by our leadership, both in our departments and in the Congress. I hope and believe the matter should and can be handled short of legislation. I invite each one of my colleagues to assist our employees in these matters. Let us not forget our overseas employees.

## CONGRESSMAN VEYSEY PAYS TRIBUTE TO THE LATE HONORABLE DALIP SINGH SAUND

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from California (Mr. VEYSEY), is recognized for 15 minutes.

Mr. VEYSEY. Mr. Speaker, on April 22, 1973, while this House was in recess, a former Member of the Congress, the late Honorable Dalip Singh Saund, passed away in Los Angeles, Calif., after a long illness.

Mr. Speaker, I have taken this special order on this particular day because Karnail Singh Saund of Punjab, India, a brother of our late former Member, Congressman Saund, is here in Washington. He is in attendance at this time along with Ganga Singh Dhillon and several representatives of Sikh temples from throughout the United States. Also with them are Mr. and Mrs. Aya Singh Dhaliwal of Holtville, Calif., Miss Patricia Dhaliwal of El Centro, Calif., and Mr. Troy Yberra of Costa Mesa, and representatives of the Indian Embassy, and the United Nations Delegation.

I wish to welcome these friends to Washington.

A memorial service for the late Congressman Saund will be held later in room H–107 of this building under arrangements made by my good friend and colleague, the gentleman from California, JOHN MCFALL, the distinguished majority whip.

Mr. Speaker, I was particularly saddened by the death on April 22 of my friend former Congressman Dalip S. Saund, who served admirably in this House, alongside you and many of our colleagues from 1957 until 1963.

"Judge" Saund, as he was affectionately known to friends, associates and constituents, was my Congressman during those years, representing the area which I am now proud to serve.

Although "Judge" Saund and I were elected as members of different political parties, and although our philosophies sometimes differed, I had the highest admiration for him as a man and as a public servant. As an elected local government official in Imperial County, and later as the area's State Assemblyman, I had the privilege of working closely with Congressman Saund during his tenure in the House. I enjoyed a warm, personal friendship with him in that capacity and as a neighbor in the Imperial Valley.

It was "Judge" Saund who led the way during the 1940's in the effort to afford U.S. citizenship to natives of India, where he himself was born and where he grew to manhood. He was the first president of the Indian Association of America.

He came to this country to attend the University of California, Berkeley, in 1920, and began farming in the Imperial Valley in 1930.

In 1952, he became the first native of India to hold public office in the United States, when he was elected Justice of the Peace in the Westmorland Judicial District.

In 1956 he was elected to the Congress of the United States, and during his 6 years of service in this House he demonstrated the patriotism, the determination, and the belief in the American system that made his life a classic American success story.

I especially want to offer my condolences to his widow, Marian, to his son Dalip Saund, Jr., who is at present an anthropologist in Thailand, to his daughters, Mrs. Ellie Ford of Los Angeles, and Mrs. Julie Fisher of San Diego, and to his eight grandchildren. We have lost a great American.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. VEYSEY. I yield to my colleague, the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from California who now very capably serves much of the district that was formerly served by Judge Saund.

I had the opportunity to serve with Judge Saund when I was here in my one previous term in 1961 and 1962. I always found him to be a very gentle and thoughtful man. He was known for his very compassionate approach to all problems that faced the Congress. He genuinely devoted himself to all legislative tasks in a meaningful manner. I think the country is the loser because this man, who has now passed from the scene, was an extremely devoted public servant.

As the gentleman in the well has indicated, the two of us probably differed in philosophy in some ways with this fine man, Judge Saund, but we still found him to be a very able and capable legislator who made a serious and definitive attempt to always represent those from his district in a total way, and with a maximum effort.

I thank the gentleman from California for taking this time. We do indeed pay tribute to this fine man, Judge Saund, and extend our prayers to his family.

Mr. VEYSEY. I thank the gentleman for his contribution.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. VEYSEY. I yield to my distinguished colleague, the gentleman from California.

Mr. McFALL. Mr. Speaker, when the light of life extinguished for Judge D. S. Saund on Easter Sunday afternoon, the Nation lost a truly remarkable man.

He was a learned man. Yet he will be remembered far more for his outgoing personality, his commonsense, and successful approaches to complex problems rather than the fact that he had earned high degrees in mathematics.

Born in a foreign land and subjected to severe discrimination during a great deal of his adult life in this country, he proved by his thoughts and deeds that he possessed the determination to succeed which Americans most admire.

Inspired by the writings of Abraham Lincoln and Woodrow Wilson, he decided early in life that the United States would become his adopted home.

His determination and wisdom enabled him to overcome many obstacles. As a young man he became a leader in the fight to change U.S. immigration laws which prohibited natives of the Orient from becoming citizens.

He earned the respect and affection of his friends in Imperial Valley who elected him a judge in the community of Westmorland, Calif., where he had lived since earning master's and Ph. D. degrees at the University of California at Berkeley.

Then, in 1956, he became a national figure almost overnight when he was elected to Congress—the first native of Asian ancestry to gain this distinction.

I consider myself fortunate to have had Judge Saund as a friend and to have served with him during the 6 years he was a Member of the House.

He was highly successful in representation of the people of his district. He knew the needs of the two counties of Imperial and Riverside and worked with skillful determination for beneficial legislation as well as consideration by the executive branch for helpful programs.

I worked closely with him to obtain a law providing protection from a flood of low quality products from abroad which threatened dates and walnuts grown respectively in our two districts.

Because we were in the same "freshman" class of 1957 and had many mutual interests, I learned early of his abilities to work with people and to get things done.

One of his accomplishments was passage of a law to establish an annual interparliamentary conference between Members of the U.S. and Mexican Congresses to discuss mutual problems—of extreme importance to a district adjacent to the Mexican border which Judge Saund represented. Another was enactment of an equalization law dividing equitably the assets of the Agua Caliente Indian tribe in the Palm Springs area among the 100 remaining members.

The unfortunate illness which struck the judge down 11 years ago deprived many of us in this Chamber of a companion whom we had come to know and love. But the loss was even larger for the Nation, for he had the mark of greatness.

What made the judge the type of a man he was? The preface to his autobiography, "Congressman From India," written in 1960, provides much insight. Here are his words:

> This book is the simple story of the struggles, sorrows and joys, defeats and recoveries, of a twenty-year-old native of India who came to the United States and, nearly two score years later, became a United States Congressman.
>
> My guideposts were two of the most beloved men in history, Abraham Lincoln and Mahatma Gandhi. My constant inspiration was the memory of my wise though unlettered mother, who had loved me dearly and taught me the lessons in good living.
>
> I received my inner joys and support from a devoted wife who knew how to chide and guide. Thirty years ago she had married me not for money, position, or prospect, for these I had none. Kipling said, "East is East and West is West, and never the twain shall meet." Clearly, he was wrong, for a Saund from the East met a Kosa from the West. God blessed them with three marvelous children.
>
> In private life I have never known a verbal or physical quarrel with anyone. My religion teaches me that love and service to fellow men are the road to earthly bliss and spiritual salvation.
>
> Lincoln said once, "Be satisfied with skim milk if you can not get cream." I have had to live on skim milk on occasion in life and found it both sweet and nourishing. Gandhi said, "I love my enemies." In my political battles I have found it impossible to malign or belittle my opponents. Yet I have won every contest against heavy odds.
>
> Two of the greatest satisfactions in my professional life came first, when my children, together with my daughter-in-law and son-in-law, volunteered to ring doorbells for me in the campaign in 1956, and second, when in that same election the citizens of my own small home town of Westmorland, my neighbors of thirty years voted over 80 per cent in my favor as an expression of their confidence.
>
> I find comfort in the Declaration of Independence and hope for mankind in the great inalienable truths expressed in the Bill of Rights.

To his widow Marian, his two daughters and a son, his eight grandchildren, and his brothers and sisters in India—one of whom is here today—we extend our condolences. They were fortunate to have shared so intimately in the life of Judge Saund, and I know their loss is very difficult to bear. Their sorrow is shared, however, by many others who can only take comfort in having known this man who helped to make America greater.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. VEYSEY. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank my distinguished colleague, the gentleman from California, for yielding and also for taking the time to sponsor this special order. I join the gentleman in sharing our expression of grief at the fact that Congressman Saund has passed on.

My freshman year here was marked by my getting to know that distinguished fellow American. I got to know him early in my career. I was sworn in on January 10, 1962, and one of the first to come over to shake my hand was Congressman Saund. I got to know him fairly well in the few weeks to follow. Therefore when he went to the hospital I was quite shocked and surprised. I visited him at the hospital. Then when the campaign started in California—and the gentleman in the well will appreciate this because I am a member of the opposite party—I was requested to campaign in behalf of the gentleman from California, Mr. Saund, in his district, and I did indeed go to that beautiful section of California and I did as well as I could, and I met some of his relatives including his lovely wife.

I have thought often of this very distinguished American. For one thing he had had many experiences. As the gentleman has pointed out here briefly, Congressman Saund had been a victim of discrimination. Sometimes it is very difficult to know what it is to experience this type of injustice and it is not until one experiences it that one can really comprehend it. But because of this Judge Saund was able to be sensitive and to be responsive to certain things which at that time, especially between 1956 and 1962, were not as pervasive in the consciousness of the people of our Nation as they are today. So in that respect Congressman Saund was a pioneer.

He also was the author of the bill that set forth the Mexico-United States Interparliamentary Group Committee. I have had the honor of serving on that committee now for about eight years.

So in many ways we are indebted to this distinguished American. I wish to join the gentleman from California and our other colleagues in expressing my deep condolences to the family and surviving relatives of this distinguished American.

Again I compliment the gentleman from California for allowing us the opportunity to set forth in the RECORD our sentiments.

Mr. VEYSEY. I thank the gentleman from Texas for his heartfelt remarks.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. VEYSEY. I yield to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, America's history books often recite the story of Abraham Lincoln walking 40 miles to borrow a book. There is also the story about Lincoln's determination to pay a debt even if it involved a few cents. American's have long admired the traits of self-sacrifice and honesty and tried to emulate Lincoln.

The United States was indeed lucky that a young student in India during the early 1900's was also impressed with Lincoln's life and ideals. His name was Dalip Singh Saund, the first U.S. Congressman of Asiatic birth and ancestry.



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D. S. Saund grew up in a proud and hard-working family in Chhajalwadi, India. During his studies in mathematics at the University of Punjab, he became interested in Mahatma Gandhi's efforts to secure independence for India through nonviolent tactics. Saund joined the struggle for liberation following the footsteps of Gandhi. At the same time he read about Abraham Lincoln and the democracy his own country was struggling to secure.

When Saund came to the United States, he was overwhelmed with the freedoms which most of us take for granted. He decided to stay here, where he could openly argue for or against anything. Mostly he spoke to civic groups about India's effort to throw off British rule.

Saund's first familiarity with American politics tested his belief that American's were open and loving toward all men and would not judge people by their skin color. In 1949, after 4 years of effort, he helped secure citizenship rights for persons of Asiatic ancestry.

Soon after he entered an election in Imperial Valley, Calif., for the position of judge. It was a hectic campaign in which his ancestry was an issue. But he overcame this obstacle and won.

In 1956 he entered the campaign to become a U.S. Congressman from California. Saund never swayed from the Gandhi principles of loving one's enemies even in the fiercest political battles. Saund told the voters:

> I am not running against anybody; all I'm asking for is a job, and it's up to you to decide whether I deserve your support or not.

As a U.S. Congressman from 1956 to 1962, Saund contributed a great deal to the welfare of his constituents. He listened closely to their problems and worked hard to help them. As a legislator he worked equally hard to provide constructive proposals. He always kept the underdog in mind, because of his own struggles to overcome prejudice.

Judge Saund and I worked together between 1960 and 1962 when I was a freshman in Congress. My personal admiration and respect for him was great and matched only by the admiration of his many friends and colleagues in the Congress.

The country and citizens of southern California were indeed fortunate to have as a public official such an ardent follower of Abraham Lincoln and Mahatma Gandhi. Saund's ideals, modeled after these two great men of world history, never faltered. He lived the principles this country was founded upon. D. S. Saund was in this sense a most "American" American.

I was extremely saddened by Saund's recent passing. Yet I know his life was full and rewarding and it is America which was rewarded most by his presence.

Mr. VEYSEY. Mr. Speaker, I thank my colleague for his very kind remarks.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. VEYSEY. Mr. Speaker, I yield to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I wish to join with my many colleagues today in paying tribute to the late California Congressman Dalip S. Saund. Although I did not have the privilege of personally serving with Judge Saund in the Congress, but as a Californian active in political matters, I was very much aware of the excellent reputation he enjoyed as Congressman for what was then the 29th District of California.

As a matter of personal interest, I now represent the 29th District of California and Judge Saund's secretary, Miss Toni McKenzie, is now my executive secretary.

I would like to point out, Mr. Speaker, that there have been times in my office when unique problems have come up and I am not sure what to do, and Miss McKenzie has told me, "Well, when Judge Saund had a similar problem, he handled it this way."

That is a very valuable contribution.

As the first native of India to be elected to public office in the United States and the first ever to be elected to Congress, he was an important example to the peoples of Asia of what could be achieved through dedication and determination under the opportunities offered by our democratic system.

He was noted for his interest and activities in international affairs while serving on the Foreign Affairs Committee. The proximity of his congressional district to Mexico and his understanding of the mutual problems of our countries, prompted him to author legislation establishing annual interparliamentary conferences between the United States and Mexico. These official exchange visits have contributed greatly to the good relations we continue to enjoy with our neighbor to the south.

In addition to his legislative accomplishments, Judge Saund was noted for his dedicated service and the attention he gave to the problems and concerns of his constituents. He never lost sight of the individual as a person and felt that no problem of any of his constituents was too slight or unimportant to be considered. Not only will he be long remembered by his colleagues in the House, who had the privilege of working with him, but the many Californians whom he served so diligently will long hold his memory in esteem.

Mr. VEYSEY. Mr. Speaker, I thank my colleague from California (Mr. DANIELSON) for his gracious remarks.

Mr. JOHNSON of California. Mr. Speaker, as a freshman Congressman in January of 1959, one of the first Californians to greet me was a man who became one of my closest friends and advisers.

Judge Saund had been in Congress for 2 years before I came to Washington but in these 2 years he had learned quickly and well the legislative procedures and operations of the House of Representatives. He had also proven to be one of the hardest working, most dedicated Congressmen I have ever known. He was a generous man and those of us who knew him are well aware of how he shared with his colleagues whatever information, knowledge, or skills he possessed.

I learned much from this hard-working Congressman and the lessons which he taught me in the years we served together have proven helpful to me ever since.

We all knew the judge was a native of Chhajalwadi, India, a graduate of the University of Punjab, and came to this country in 1920 as a graduate student attending the University of California. After obtaining his doctorate in mathematics he tried to teach, but was prohibited from doing this because he was an alien and instead in 1925 entered the farming business in the Imperial Valley. The judge began a long campaign to permit persons native to Asian countries to obtain citizenship, and the result of this effort which began in the early 1940's was that our former colleagues, the Honorable Emanuel Celler, who served so long and so faithfully in this House and Congresswoman Clair Both Luce sponsored legislation to achieve this goal. The legislation was enacted and the judge became a citizen December 16, 1949. The wisdom of this legislation was felt deeply by those of us who knew the judge for had it not been for the Celler-Luce bill Judge Saund could never have served in the House of Representatives.

The judge, as might be expected, served on the Foreign Affairs Committee and as a member of this committee contributed greatly to our understanding among the Members of the House of problems being experienced in Southern Asia and Southeast Asia and of course in his own native land where he was hailed as a "vivid example of democracy in action."

As a member of the Foreign Affairs Committee the judge sponsored and shepherded through the Congress legislation to establish the Mexico-United States Interparliamentary Conferences. As one who has participated in these conferences for many years I can personally attest to his wisdom in getting the legislators of our two neighboring countries together to discuss mutual problems. I feel that we have, through these conferences, achieved the goal of better understanding among officials and peoples of these two countries that Judge Saund sought in sponsoring the original bill.

There are many personal recollections of the judge and his wonderful wife, Marian. We lived for several years in the same apartment building. These memories will live with my wife and me the rest of our days as wonderful moments experienced with truly great friends.

Judge Saund served in Congress only a relatively few years, but his mark will be felt for generations to come, and especially for those generations from and interested in Asian nations. He was a fine public servant in the true sense of the word and he was a wonderful individual devoted to his family who, in turn, have stood by him during his long illness.

It grieves my wife and me that the judge is gone, but we know that the world is a better place for his having been here.

Mr. UDALL. Mr. Speaker, it was my great pleasure to serve in this House with Judge Saund. His keen mind, generous, and friendly manner, and ready sense of humor made him a delight to associate with. His life is a magnificent success story which has been an inspiration to many others in his adopted country.



Mr. BROWN of California. Mr. Speaker, I rise to express my sentiments on this occasion honoring the late Member of this body from 1957–63, D. S. Saund of California. Judge Saund was a personal friend even though our respective service in Congress did not overlap. He represented Imperial County, where I grew up and still have family, and Riverside County, which Congressman VEYSEY and I jointly represent now.

Probably no freshman Member of Congress received as much attention as did Congressman Saund in 1957 during his first year in office. In short order he was sent on around the world tour representing the United States and was received enthusiastically by thousands of people in the Asian countries he visited. It was well deserved attention. He was a remarkable man who had overcome enormous obstacles on the way to being elected a Member of the most powerful and influential legislative body on earth. When Dalip Saund arrived in the United States in 1920, he was still a native of India. It was not until 1949 that he was able to become a citizen and then only as a result of a nationwide effort which he led to revise the Nation's immigration laws on behalf of all Indians in this country seeking to become U.S. citizens. Even the first public office to which he was elected in 1950 was denied him on a technicality due to the date of his naturalization.

During the depression, farming conditions caused him to lose his ranch property and threw him into $8,000 debt. Unlike many others in similar circumstances who filed for bankruptcy, the easiest thing to do, Judge Saund was determined to pay off every one of his debts which he succeeded in doing several years later despite the hardship it caused him.

A man is molded to a large extent by the circumstances of his origins. Such was the case with D. S. Saund. His parents, though illiterate, believed intensely in the importance of education and saw to it that he was given the opportunity to receive a good one in India. It was this belief in education that led Judge Saund to come to this country to obtain further specialized graduate training and led him ultimately to receive a Ph. D. in mathematics at the University of California at Berkeley. Later as a community leader and Member of Congress, he pressed for high standards of educational curriculum and school equipment.

In the same manner he developed deep religious convictions that were to stay with him throughout his life. Although he was a regular contributor to Westmorland's Community Church and an active member of the House Breakfast Prayer Group, Judge Saund remained a devout Sikh, a Hindu religious sect that revolted against the unjust Indian caste system 500 years ago.

He had a strong sense of obligation to his community. Even before leaving India he helped organize two cooperative banks in his town to make loans to villagers who previously had been victimized by moneylenders. He was a community leader in Westmorland, Calif. long before seeking public office. As a judge, he was instrumental in cleaning up a vice-ridden section of his town, forcing local merchants to observe pure food laws, and obliging the local police to behave in a manner worthy of the positions they held. As a Member of Congress, he was a diligent and devoted servant of his constituents, solving innumerable personal and public problems. He was an active member of the Foreign Affairs Committee and the author, among other things, of legislation enacted to provide for regular informal meetings of Members of the Congresses of the United States and Mexico.

As a young man, his fervent belief in the democratic system of government was molded by his reading the writings and biographies of Abraham Lincoln, Theodore Roosevelt, and Woodrow Wilson. His own election to Congress, he believed, was a vindication of these convictions.

Judge Saund was a believer in the individual worth of every man. Once, when asked by a heckler if people would have to wear turbans in his courtroom, he answered:

> My friend, you know me for a tolerant man. I don't care what a man has on top of his head. All I'm interested in is what he's got inside of it.

When Dalip Singh Saund arrived on our shores in 1920, the United States was the richer for it. Now that we have lost him, it is the poorer.

Mr. STUBBLEFIELD. Mr. Speaker, to those here assembled familiar with the personal and political exploits of Hon. Dalip S. Saund, who represented the California 29th District in this Chamber from 1957 to 1963, the news of his passing is received in a spirit of deep remorse. Throughout his lifetime he stood as a symbol of political integrity, personal ability, and democratic principle, in the eyes of thousands of Americans: And his independence, innate honesty, and unquestionable courage endeared him to the multitude both here in his adopted country and in India, his native land.

Born in Amritsar in Punjab, India, Dalip Saund graduated from the University of Punjab and migrated to the United States, where he arrived at the age of 20. Here he renewed his education, receiving a doctorate in mathematics at the University of California. Ineligible at that time, as an Indian, for American citizenship, he became the first president of the Indian Association of America which was largely instrumental in promoting an amendment to the U.S. immigration laws permitting the nationalization of Indian nationals. This was accomplished in 1946, by which time Dalip Saund had become a successful rancher and fertilizer dealer in the Imperial Valley of California.

As a community leader he was persuaded to accept a nomination for justice of the peace in the Westmorland District, to which post he was elected in 1953. Upon the occasion of his swearing-in, he became the first native Indian to hold an elective office in the United States. Coming to the attention of Democratic Party leaders in his district, he received wide support in the Democratic primary contest of 1956 and captured the nomination; and when he easily won the general election in November, the victory was regarded both here and abroad as a great forward stride in American race relations, receiving considerable attention both in Asia and Europe.

In Congress, Dalip Saund was appointed a member of the Committee on Foreign Affairs and the Committee on Interior and Insular Affairs. He served with distinction, ability, and enthusiasm on both these committees. Under the Eisenhower administration, he was a well-known supporter of the President's position on foreign aid, and was always in his corner on that score, irrespective of political differences. In the Committee on Interior and Insular Affairs, the major issue of the Eisenhower years was the pressing demand for statehood on the part of both Alaska and Hawaii; and Dalip Saund was ever in the forefront of this particular battle. On the House floor, he was only vocal, as a general rule, on matters pertaining to his committee assignments, with the exception of his frequent remarks on the farm question about which he, as a California farmer, knew more than many members of the Agriculture Committee itself.

The deep sympathy of Dalip S. Saund, as well as his vast sense of understanding, great knowledge, and good humor made Washington not only a more productive place during his tenure in the House, but also rendered it a more pleasant place to be.

A self-made man, with a strong sense of community purpose, Dalip S. Saund was one of the true reformers of his time, a great political force, and a distinct benefit to American society. I am grieved to hear of his demise, and would like to extend my fondest sympathies to all the members of his family.

Mr. FISHER. Mr. Speaker, it was my happy privilege to have served in this body with the late Dalip Saund of California. I cannot recall a man who has served here during my tenure who commanded more respect and personal popularity. He was a gentleman in the best sense of that word. He was knowledgeable, highly intelligent, and always devoted to any legislation, any cause, which would contribute to the betterment of this country and its government.

Judge Saund, as he was called, had many friends here. Always attentive and courteous, his conduct was always affable and beyond reproach.

I join with my colleagues in paying deserved tribute to a good friend and a truly great American—the late and lamented Judge Dalip S. Saund.

Mr. O'NEILL. Mr. Speaker, I join my distinguished colleagues on this special occasion in paying tribute to Judge Dalip S. Saund, the first native of India ever elected to public office in the United States and the first to serve in Congress.

All of us in this Chamber who knew Dalip wholeheartedly concur with his autobiographical statement that his life was indeed "a vivid example of democ-

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racy in action." Greatly influenced by the writings of Abraham Lincoln and Woodrow Wilson, Dalip Saund was determined to translate to modern government the ideals upon which America was founded.

Once denied citizenship in the United States and the right to own land, Dalip enthusiastically assumed the mantle of leadership to change Federal law which discriminated against persons of Asiatic ancestry. In 1942 he helped organize and became the first president of the India Association of America which sought to obtain citizenship for East Indian residents of the United States.

Through unswerving dedication and resourcefulness Dalip Saund was prominently responsible for the successful passage of a bill, cosponsored by Representatives Emanuel Celler and Claire Booth Luce, permitting persons born in Asia to become U.S. citizens. What a proud and joyous day for Dalip Saund when he was naturalized in 1949.

Elected to the House of Representatives in 1956, Judge Saund conscientiously devoted his 6-year tenure in this body to the cause of civil liberty and rights for all Americans. As a member of the Interior and Insular Committee he authorized legislation granting equalization of properties owned by the Aqua Caliente Indian Tribe in the Palm Springs area, and providing equitable sharing of the assets of the tribe for all its members. He was also successful in obtaining approval of protection for dates against unwholesale imports, development aid for Indian-owned lands, and flood protection for his district.

To chronicle all his legislative achievements and personal successes during his lifetime could not begin to pay Dalip Saund the justice and honor he deserves. Those of us who knew and admired him in the House, remember him as a man of boundless energy, personal interrity, and strong convictions—consistently and tirelessly fighting for the right of "life, liberty, and the pursuit of happiness" for all Americans.

Mrs. O'Neill joins me in expressing sincere condolences to the family and friends of Judge Dalip Saund.

Mr. SISK. Mr. Speaker, I appreciate the gentleman from California (Mr. VEYSEY) arranging for this special order today and permitting me to join in this well-deserved tribute to our departed colleague, Judge Dalip S. Saund.

As Judge Saund himself said upon his triumphant return to his native India in 1957 as a representative of the U.S. House of Representatives, his life was a vivid example of democracy in action.

He was born in the village of Chhajalwadi, India, September 20, 1899; and graduated from University of Punjab with a A.B. degree, majoring in mathematics, 1919. He then came to the United States in 1920 where he enrolled at the University of California at Berkeley as a graduate student and earned M.A. and Ph. D. degrees in mathematics. After receiving his Ph. D. in 1924, he attempted to obtain teaching positions, but was unsuccessful, because he was not a citizen and could not be under Federal law. In 1925, he went to the Imperial Valley of California to enter farming.

In 1942, he helped to organize and became the first president of the India Association of America for the purpose of obtaining citizenship for East Indian residents of the United States.

He joined in an intensive effort to change Federal law prohibiting citizenship for all persons born in Asia. In 1946 a bill cosponsored by Congressman Emanuel Celler and Congresswoman Clare Boothe Luce to permit persons born in Asia to become U.S. citizens was approved by Congress and became law. Mr. Saund became a citizen on December 16, 1949.

After long participation in community events in Westmorland, Calif., Saund was elected judge of the Justice Court in 1952 and served until his election to the House of Representatives in November 1956.

He was the first person of Asiatic ancestry to be elected to the Congress.

During his tenure of office he became much loved and respected by his fellow Congressmen, and I had the pleasure of serving with him on the Interior and Insular Affairs Committee.

He was also noted as a strong advocate of Federal aid to education.

We shall miss this outstanding international figure and Mrs. Sisk and I extend our deepest sympathies to his wife Marian and surviving family.

Mr. MILLS of Arkansas. Mr. Speaker, it was with sadness that I noted the recent passing away of a distinguished former colleague, the Honorable Dalip S. Saund of California.

Judge Saund was originally elected to the 85th Congress, and his distinguished service in this House extended through the 87th Congress. He holds the distinction of being the first native of India ever to be elected to Congress.

Prior to coming to the House of Representatives, Judge Saund had served in important positions in government in his beloved adopted State of California. He had been a judge of the justice court in Westmorland Judicial District immediately preceding his election to Congress.

It was my privilege to know and respect Judge Saund during his 6 years of distinguished service in this House. He will be long remembered for his many contributions and dedicated and effective representation of his district, and California, and his love for this country.

We all mourn the passing of Judge Saund, and I am honored to join with his many friends in the House in expressions of tribute and farewell to this highly esteemed former Member from California.

Mr. ROYBAL. Mr. Speaker, I rise to add my voice to those paying tribute to the memory of our friend and former colleague in the House, the late Dalip S. Saund.

Originally from India, Congressman Saund received his graduate education in the United States earning both a masters and doctoral degree in mathematics from the University of California at Berkeley. Congressman Saund was an ardent community activist and civic leader and, after long participation in community events in Westmorland, Calif., was elected judge of the justice court in 1952. He was the first native of India to hold public office in the United States and his subsequent election to the House of Representatives gives testament to the very high esteem in which he was held by the residents of his district. During his short but distinguished career in the Congress, which was interrupted by failing health, he proved their regard to be well-founded, and I have no doubt that all with whom he came in contact were affected by this same sense of admiration and respect for him.

A capable legislator and dedicated public servant, Dalip Saund will long be remembered as one of our outstanding Congressmen. It is with a deep sense of personal loss that I take note of the passing of one of my most respected supporters and political advisers, as well as beloved friends.

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to add my sentiments to those already expressed today honoring the memory of the late Congressman Dalip S. Saund of California. I would also like to thank my colleague Mr. VEYSEY for arranging for this special order.

Judge Saund, as the first native of India to be elected to the Congress, was uniquely suited to sit on the Foreign Affairs Committee and served there with the distinction that characterized all of his official activities.

All who knew him were impressed with the range of his accomplishments and the depth of his commitment to serving his adopted country and its people.

He was a man of great determination and high goals. As a former colleague of his, I can say that I am proud to have served in the House with Dalip S. Saund and held him in highest regard.

I join with my colleagues in offering my deepest sympathy to his widow, Marian, and the entire Saund family on the death of this fine American.

Mr. HENDERSON. Mr. Speaker, I deem it a high honor to have the opportunity to pay my respects to our departed colleague, the late Judge D. S. Saund.

Although his tenure was relatively short, he was one of the most widely known and respected Members of the House. He was one of those rare persons who, without histrionics, held the attention of all those present when he took the floor to speak.

Respected by the minority as well as those of us in his own party, Judge Saund was a living testimonial to the concept that naturalized Americans from varying backgrounds can and do become great national leaders as elected officials of their adopted country.

Never for a moment did anyone doubt Judge Saund's loyalty to his Nation and his devotion to its cause. His patriotism was of a brand and a degree too often lacking in native-born Americans and was an inspiration to all of us who knew him.

The House of Representatives is the poorer for his loss, but a better body for his service among us.

Mr. BELL. Mr. Speaker, it is with a sense of deep personal loss that I join in this tribute to our former colleague and friend, Judge Dalip Saund. Judge Saund was a man of immense warmth and kindness who genuinely exemplified the spirit of our country.



During my first term in Congress, I had the privilege of serving with Judge Saund. I admired his ability as a legislator and frequently sought his wise counsel.

Born in India, Judge Saund obtained his graduate education in the United States. He became president of an organization with the goal of obtaining citizenship for East Indian residents of the United States. Because of his efforts, Congress passed a law enabling persons born in Asia to become U.S. citizens. He was elected judge of the justice court and served in that capacity until his election to Congress in 1956. Judge Saund received the distinction of being the first person of Asian ancestry elected to Congress.

Judge Dalip Saund will be deeply missed by everyone who knew him. He termed his life "a vivid example of democracy in action." May his memory serve as an inspiration to all.

Mr. HOLIFIELD. Mr. Speaker, I appreciate the action of the gentleman from California (Mr. VEYSEY) in obtaining time for the Members to pay their tribute to former Congressman Dalip Singh Saund who formerly represented portions of the gentleman's congressional district.

Judge Saund was born in Amritsar, India, on September 20, 1899. He was educated at the University of Punjab where he graduated with honors. He also obtained a Ph. D. in mathematics at the University of California, and he graduated from the California Institute of Technology.

Judge Saund volunteered for service in the Korean war and obtained the rank of lieutenant before he was honorably discharged.

Judge Saund, born a citizen of India, became a citizen of the United States and he was very proud of that fact. Many of his countrymen had immigrated from India and had become farmers in the great Imperial Valley. Judge Saund was interested in getting them to become citizens also. To this end, he organized the India Association of America for the purpose of encouraging his countrymen to become citizens.

Judge Saund was active in the civic activities of his home city of Westmorland, Calif. in the Imperial Valley and he became an elected judge of the Justice Court of the Judicial District of the County of Imperial. The fact that this former East Indian could be elected as a judge of the justice court was a tribute to his standing as a citizen and a businessman, and as an individual who was very proud of his American citizenship.

Judge Saund decided in 1956 that he would campaign for election to the U.S. House of Representatives. Here, again, the fact that the people of the congressional district which he served were willing to lay aside any prejudices or feelings that they might have in electing a foreign-born citizen was an example of the high esteem in which he was held by the people. He was elected to Congress on November 6, 1956, and was reelected to the 86th and 87th Congresses.



During the time he was a Member of the House, he served on the Committee on Interior and Insular Affairs and the Foreign Affairs Committee. Judge Saund was highly popular among the Members of the House, both Democrats and Republicans. He never failed to speak of his pride of American citizenship. As a matter of fact the speeches which he gave in his district during his first campaign were speeches which enunciated a deep and abiding faith in the American system of constitutional government, and his fervent appreciation of the fact that he had been accepted as a citizen in the country of his choice—the United States.

Congressman Saund was married to Marian Z. Kosa in 1928 and they were blessed with three children. His recent demise after a long period of illness left his wife and their three children as his immediate family survivors.

Congressman Saund's life was an example, to all of the people of his congressional district and his State, of the fact that an emigrant could come to the United States and establish by his own effort and his sterling character a reputation in his district as a judge of the justice court and as a U.S. Representative in the Halls of the Congress.

Mr. FASCELL. Mr. Speaker, I join in paying final tribute to Dalip Singh Saund, the first person of Asiatic ancestry to be elected to the U.S. Congress. Dr. Saund was a strong and courageous man whose determination and perseverance should stand as an example to all of us.

I was privileged to serve on the Foreign Affairs Committee with Dr. Saund during his three terms in the House. My respect for his insight and dedication developed into admiration during this time, and I am pleased to be able to say that our service together also permitted the development of a strong, personal friendship.

A native of India, Dr. Saund came to the United States in 1920 to continue his studies at the University of California at Berkeley where he earned M.A. and Ph. D. degrees in mathematics. However, his efforts to teach were thwarted because U.S. law at that time prohibited him from becoming a naturalized citizen. He then turned his energies to farming.

In 1942, however, Dr. Saund helped to organize the India Association of America. Because of his initiative and leadership in this association, efforts to amend the Federal law prohibiting citizenship for all persons born in Asia were finally successful in 1946. Legislation sponsored by the former distinguished chairman of the House Judiciary Committee, the Honorable Emanuel Celler, made the necessary change in the law, and in 1949 Dr. Saund became a U.S. citizen.

Dr. Saund was first elected to Congress 7 years later in 1956 after serving as elected judge of the justice court in Westmorland, Calif. Under his leadership, legislation authorizing an annual interparliamentary conference between the United States and Mexico was enacted. He also served as the chairman of a special one-man subcommittee on the Foreign Affairs Committee and toured Southeast Asia to study the working of the mutual security program there. His insights and his contributions to the Foreign Affairs Committee were indeed invaluable.

Dr. Saund's tireless campaign for the rights of all Americans and especially those of Asian origin serve as a model for us today. His life, as he said, was "a vivid example of democracy in action."

"The Judge" was a dear friend whose service in the Congress meant very much to me personally and professionally. I am saddened that his death is the cause for our remembering his strengths and contributions here today, and extend my deepest sympathy to his family.

Mr. VAN DEERLIN. Mr. Speaker, Dalip Saund left Congress the year before I came here. I knew him well as a man. It was my misfortune not to know him better as a legislator, for I would have profited from his experience, precepts, and example.

When Judge Saund gained his seat in Congress in 1956, he had overcome obstacles such as few Members of this body have had to face. The biggest of these was his foreign birth. Judge Saund came to this country from India in 1920. Already holder of a degree in mathematics from the University of Punjab, he earned M.A. and Ph. D. degrees in mathematics at the University of California. Despite his credentials, however, he was unable to obtain a teaching position because he was not a citizen, and under Federal law at that time could not become one.

Undismayed, he joined in intensive efforts to change the law prohibiting citizenship for all persons born in Asia. That law was changed in 1946, and in 1949—29 years after he landed in America—Dalip Saund became a U.S. citizen. In November 1956, after serving for 4 years as a judge of the justice court in Westmorland, Calif., he entered a congressional race against famed aviatrix Jacquelin Cochran Odlum. He won, and became the first person of Asiatic ancestry to be elected to Congress.

Contributing largely to that victory were the dedicated efforts of his daughter, Julie, and her husband, Dr. Fred Fisher, who labored tirelessly on his behalf. Julie's interest in people and her community, inspired by her father, is exemplified by her current campaign to gain a seat on the San Diego Board of Education. Her husband, Dr. Fisher, is a widely known marine scientist who designed the FLIP, a revolutionary 300-foot research vessel which stands on end for deep water studies. Together, Dr. Fisher and Julie formed part of a close-knit registration and canvassing team which led to the success of Judge Saund's first campaign.

Having gained this seat, Judge Saund more than justified the confidence displayed by the electorate. His achievements here were many and, as one might expect from a man who knew adversity, were aimed in great part at helping the poor and deprived, particularly American Indians.

Shortly after his election, Congressman Saund made a tour of Southeast Asia, culminated by a visit to his native

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land where he was greeted by huge crowds. What he saw overseas impelled him to take a position regarding Vietnam which was first unpopular, then overwhelmingly popular in this country. He opposed our involvement in Vietnam, and was among the leaders of those who opposed that involvement. He lived to see his views widely accepted.

It has been aptly pointed out that we are born with our relatives, but that we can choose our friends. Dalip Saund, born in India, chose the United States for his own. This country is the better for his choice.

Mr. PETTIS. Mr. Speaker, I am proud to join this special tribute to the late Congressman Dalip S. Saund, a remarkable man and the first native of India ever elected to Congress.

His career is a lifelong illustration of the promise of our American system. As a new arrival from India, he attended the University of California at Berkeley, receiving a Ph. D. in mathematics. Upon graduation, finding his future made uncertain by a Federal law refusing citizenship to natives of Asia, Mr. Saund led a successful fight to remove this law—achieving his goal in 1946.

In 1949, he became a citizen and, after involving himself in local community service, was elected to the Justice Court. In 1956, Judge Saund ran a successful campaign for the U.S. House of Representatives seat from California's Imperial and Riverside Counties. His victory made him the first Asian ever elected to Congress.

During his years here in Washington, Congressman Saund served with distinction on both the Foreign Affairs and Interior Committees and was unofficial goodwill ambassador from Congress to the nations of Southeast Asia.

In his autobiography, "Congressman From India," Judge Saund termed his own life "a vivid example of democracy in action." He was a man who believed in and stoutly defended the American dream; for, even though he was born across the sea, he took America to heart and found the dream a reality.

He will be sorely missed.

Mr. ANDERSON of California. Mr. Speaker, I join with the many friends of former Congressman Dalip Saund in paying tribute to this man who overcame great adversity to become a leader in our State of California and the Nation.

Born in India, he came to the United States in 1920 where he earned a Ph. D. degree in mathematics at the University of California at Berkeley. Denied U.S. citizenship because of his birthplace, he was also denied the opportunity to teach in this country.

Thus, he went to the Imperial Valley to enter farming where he became active in community affairs. To change the law prohibiting citizenship for all persons born in Asia, Mr. Saund helped organize and became the first president of the India Association of America.

His efforts bore fruit in 1946, as a bill sponsored by Representative Emanuel Celler and Representative Clare Booth Luce to permit persons born in Asia to become U.S. citizens was approved by Congress and signed into law.

In 1949, Representative Saund became a U.S. citizen. Three years later, he was elected judge of the justice court in Westmorland, Calif.

I first came to know him during this period, when I was serving as the chairman of the Democratic Party in California He was an extremely able, personable man who loved his adopted country and possessed a great desire to serve his fellow man.

Those of us who knew and respected him, urged him to run for Congress where in 1956 he became the first person of Asiatic ancestry to serve in the House of Representatives.

Two years later, in 1958, he was instrumental in my election to the position of Lieutenant Governor.

In Congress, Representative Saund served on the Foreign Affairs Committee and the Interior and Insular Affairs Committee. He authored legislation establishing the Interparliamentary Conference with the U.S. and Mexico, and he authored a proposal which provided equitable distribution of properties owned by the Aqua Caliente Indian tribe in the Palm Springs area.

Mr. Speaker, as a student of Gandhi, Lincoln, and Woodrow Wilson, Representative Saund had an unswerving determination to translate the principles on which America was founded into our modern government.

My wife, Lee, joins with me in sending our sympathy and condolences to his widow, Marian; their son, Dalip, Jr.; their daughters, Mrs. Julia Fisher and Mrs. Ellie Ford.

He was my friend and he was my adviser, and we shall all miss him, but his contributions to our society, which were great, will live in our memories forever.

Mr. ZABLOCKI. Mr. Speaker, I wish to join my colleagues in expressing sorrow and in paying tribute to the late Judge Dalip Singh Saund of the former 29th District of California, the first American of Indian ancestry to be elected to the Congress.

It was my privilege to serve in the House and on the Committee on Foreign Affairs with Congressman Saund. He represented his district, his State, and the Nation with dedication and devotion. As a man personally interested and sensitive to the conditions in developing and underdeveloped countries, Mr. Saund toured and studied the countries of the subcontinent of India and Asia upon the request of the then chairman of the Foreign Affairs Committee. His subsequent reports of those countries contributed to a broader understanding of Asia on the part of his fellow colleagues on the Foreign Affairs Committee.

Although some years have passed since he served in Congress, Congressman Saund is well remembered in these halls. My wife joins me in expressing deep sympathy to his wife, his children and grandchildren. May they derive some small consolation from the knowledge that their loss is shared by his friends.

## GENERAL LEAVE

Mr. VEYSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order, Judge Saund.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## ABUSE OF FOOD STAMP PROGRAM

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 60 minutes.

Mr. DICKINSON. Mr. Speaker, during the campaign recently I was talking to a grocer who ran a small supermarket. He was very irate at what had just occurred in his store. A lady at the checkout counter was trying to buy dogfood with food stamps. He advised her that this was illegal, so she said, "All right, son," turning to her boy, "take these cans back to the shelf and bring me 3 pounds of hamburger," which he did.

Another grocer told me of a woman checking out checkout counter, and he remarked on the amount of fresh shrimp that she had. He commented, making a social pleasantry, that she must really like shrimp. She said, "No, as a matter of fact," she did not care for shrimp at all, but her cat liked it, and she could get fresh shrimp with food stamps and could not buy it in a can.

Mr. Speaker, these are just two of many abuses of the food stamp program.

The purpose of our being here today, and taking this special order, is to deal specifically with food stamps for strikers

Mr. Speaker, this afternoon a number of my colleagues will join me in discussing why strikers should not be allowed to receive food stamps.

This practice is an abuse of a program which was originally approved for the primary purpose of providing low-income households with the means to obtain a nutritionally adequate diet, and it is estimated that the cost of providing strikers with food stamps is as great today as the cost of the entire food stamp program in 1969.

I am not opposed to organized labor, but I think that giving food stamps to strikers is fundamentally wrong. When we take the taxpayer's dollar and use it to prefer one side over another—to give one side an advantage over another—in a matter directly affecting the public and consumer, we are abandoning our principles of fair play and free enterprise.

According to a study by Armond J. Thieblot, Jr., and Ronald M. Cowin, entitled "Welfare and Strikes: The Use of Public Funds To Support Strikers," strikes are becoming more frequent and they are lasting longer. I believe any of us who read the newspaper can attest to that fact. Figures contained in the Thieblot-Cowin study indicate widespread use of food stamps by strikers and show a relation between the increased length of strikes and the increased use of public assistance by strikers.

During the General Motors strike of 1970, for example, it is estimated that about 50 percent of the 170,000 Michigan strikers received food stamps for at least 1 month. The overall food stamp aid cost in that State during the 71-day strike was about $10,673,000. Similarly, almost all—97.7 percent—of the Delaware County, Pa., residents striking against Westinghouse in late 1970 and early 1971 received food stamps during the month of January, 1971. Total food stamp aid costs during the 160-day strike were approximately $659,000 in this county.

Man-days lost due to strikes increased from an annual average of 17 million during the early 1960's to 66 million in 1970, almost a 400 percent increase; moreover, man-days lost due to strikes of 60 days or more increased from 6,576,000 to 30,921,000, a striking rise of almost 500 percent. During just one of these lengthy strikes, cited in the Thieblot and Cowin study, one of 160 days at Westinghouse steam division plant in Lester, Pa., a local union leader admitted the great extent to which his union had relied on welfare benefits during the strike:

> Yes, I think our membership now relies on welfare . . . I like to think that we could have stayed out for twenty-two weeks without welfare . . .

Certainly, this is a case of Government intervening to destroy the balance necessary for a successful collective bargaining system. The system depends on pressure on both sides to negotiate a settlement, and if strikers are receiving enough public assistance—a great part of which is food stamps—to keep them from needing to go back to work, there is obviously not the same amount of pressure on the strikers as there is on management.

If the Government through its intervention eliminates the pressure on one side, then it eliminates the incentive to negotiate in good faith and prolongs strikes. Prolonged strikes mean higher wages at settlement and eventually higher taxes. Therefore, we destroy the economic function of collective bargaining throwing the whole system out of whack.

Who suffers from the destruction of the collective bargaining system? We all do. Most especially, however, taxpayers suffer. They are forced to foot the bill for the strike in a backhanded manner, and they suffer most from increased prices and taxes. Would we have the courage to ask the taxpayers for a direct grant to strikers?

The American housewife has taken to the streets with signs of protest against the high cost of meat, and we say we sympathize with her cause. Yet, we ask her family to continue to pay high taxes to subsidize strikers so they can eat better than she and her family do.

What does the public think of this food stamp subsidy to strikers? An Opinion Research Corp. poll conducted in late May 1972 found 46 percent opposed to it and only 32 percent in favor. It found that even 39 percent of union members opposed the practice. The straw poll conducted following a National Educational Television "Advocates" program on the subject found an overwhelming majority of respondents opposed, and Congressmen polling their districts last year found similar results.

In my own district, I asked my constituents whether persons on strike should be eligible for food stamps or other public assistance. An overwhelming majority—83.2 percent—said "no." I was also involved in an open line radio show in Montgomery, Ala., on which several union people called in and said they did not think giving food stamps to strikers was a proper use of the food stamp program. A member of the Railroad Brotherhood said that after 7 days on strike, he and his fellow union members were receiving half pay from the union, and he and the majority of the brotherhood did not think it right that food stamps are available to strikers since most do receive money from the union strike fund. This money, furthermore, is not counted as income in determining eligibility for food stamps.

You have probably received letters during the past several weeks asking you to support the President's efforts to keep Federal spending down. I have been receiving mail on this subject through the years, and I can assure you the taxpayers in my district do not feel the least obligation to subsidize the striker so he can eat better than they do while he waits out the strike which is costing my constituents even more money in the form of higher prices and taxes.

What if the shoe were on the other foot? What if Government were directly subsidizing management when they could not ship or sell or manufacture because of strikes? Do you think either unions or the taxpaying public would favor this? Why should it be different for organized labor?

Food stamps are available without a waiting period and may be used even in short strikes. Program administrators customarily grant stamps readily and determine questionable eligibility at a later date—if at all.

According to the best information I could get, the practice is that anyone who is unemployed and claims to have no more than $1,500 cash or liquid assets can qualify for food stamps. It makes no difference what your actual net worth is, if you claim to have less than $1,500 in cash or liquid assets—and no one checks as a usual rule—you can say your take home pay is between 0 and $20 a month, and with no purchase requirement—not even the 50 cents which used to be charged—you get food stamps each month for a family of four with a value of $112 at the supermarket, or for a family of six with a value of $152. This means that one who is voluntarily unemployed but—as an extreme example—owns a $50,000 house free of debt, owns two new Cadillacs and a cabin cruiser, can get food stamps because neither he nor his wife work. He might be earning $25,000 or $30,000 a year normally and be on strike for a week or a month—and he qualifies.

Use of food stamps also leads strikers into other benefit programs designed to help the needy, not those voluntarily on strike. For many years unions could not draw upon public funds to subsidize strikes. Today, when unions are better financed and more powerful than ever before, there is no need to increase union power by substituting public moneys for union strike funds.

What are the union arguments supporting use of food stamps for strikers? A principal argument is that food stamps are provided to the needy, regardless of the cause of their need, and that failure to furnish stamps to needy strikers will cause their children to go hungry. The purpose of the food stamp program is to provide improved levels of nutrition among low-income households. Strikers voluntarily withhold their labor. Any decline in their level of nutrition during the strike is voluntary and is ordinarily of limited duration. Moreover, food stamps have been available to strikers only very recently. Even though billions of man-days have been lost through strikes over the years, children did not starve during those strikes.

Unions frequently argue that strikers and their families are in need involuntarily, that they are not responsible for withholding their labor. Strikes were not protected at common law. Unions fought hard to obtain the broad strike protections now provided by statute. These statutory protections, which include procedures for calling strikes, carry with them a responsibility on the part of unions to care for members and their families who suffer injury through union activities supported by a majority of the bargaining unit. This burden should not be borne by the general public.

It is contended that many union members do not want to strike and thus deserve food stamps. Unions place great emphasis on their right to exclusive representation and forced union membership. When given these rights by statute, they incurred a corresponding responsibility to protect union members and their families who are placed in need by union conduct. If unwilling to fulfill this responsibility, they should forego compulsory union membership or the power to coerce unwilling strikers through fines and other disciplinary action.

A lot of people like to talk about the rights of strikers. What about the rights of the taxpayer?

When there was an automobile union strike and no cars were being made, the strikers got food stamps. What about the salesmen at the auto dealers who live on commissions? They did not have income sufficient to live on, but they could not get free food stamps. However, their tax dollars help subsidize the people who put them out of work and who were drawing food stamps.

The use of food stamps by strikers is a perversion of the objectives of the Food Stamp Act. Food stamps for strikers is an unintended consequence of a program designed to aid low-income families through better use of surplus foods. Its availability to subsidize strikers is maintained through exertion of vigorous union political efforts. If continued, food stamps for those intended to benefit from the program must be reduced or the cost of the program will continue to accelerate rapidly.

According to letters I receive, there are many of our working poor who really need help but cannot qualify because they have some income—and at the same time, because of the way the law is written, strikers many times less deserving are getting food stamps.

Mr. Speaker, the present policy of al-



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lowing food stamps to strikers is contrary to good business and commonsense and should be abolished. I am pleased a number of my colleagues share this belief and have the courage to stand up and be counted.

Cosponsors of the bill follow:

COSPONSORS OF WM. L. DICKINSON'S BILL TO PROHIBIT THE ISSUANCE OF FOOD STAMPS TO STRIKERS

John B. Anderson (R.-Ill.).
Leslie C. Arends (R.-Ill.).
L. A. (Skip) Bafalis (R.-Fla.).
Robin L. Beard (R.-Tenn.).
John Buchanan (R.-Ala.).
John N. Happy Camp (R.-Okla.).
James M. Collins (R.-Tex.).
Philip N. Crane (R.-Ill.).
Samuel L. Devine (R.-Ohio).
Edwin D. Eshleman (R.-Pa.).
Don Fuqua (D.-Fla.).
George A. Goodling (R.-Pa.).
James A. Haley (D.-Fla.).
James E. Hastings (R.-N.Y.).
William M. Ketchum (R.-Cal.).
James R. Mann (D.-S.C.).
Robert H. Michel (R.-Ill.).
G. V. (Sonny) Montgomery (D.-Miss.).
Walter E. Powell (R.-Ohio).
John J. Rhodes (R.-Ariz.).
John R. Rousselot (R.-Cal.).
William J. Scherle (R.-Iowa).
Gene Snyder (R.-Ky.).
Sam Steiger (R.-Ariz.).
David C. Treen (R.-La.).
Victor V. Veysey (R.-Cal.).
Lawrence Williams (R.-Pa.).
C. W. (Bill) Young (R.-Fla.).
Bill Archer (R.-Tex.).
John M. Ashbrook (R.-Ohio).
LaMar Baker (R.-Tenn.).
Ben B. Blackburn (R.-Ga.).
M. Caldwell Butler (R.-Va.).
Bill Chappell, Jr. (D.-Fla.).
John B. Conlan (R.-Ariz.).
Edward J. Derwinski (R.-Ill.).
Marvin L. Esch (R.-Mich.).
O. C. Fisher (D.-Tex.).
Barry M. Goldwater, Jr. (R.-Cal).
H. R. Gross (R.-Iowa).
John Paul Hammerschmidt (R.-Ark.).
David N. Henderson (D.-N.C.).
Dan Kuykendall (R.-Tenn.).
Robert B. (Bob) Mathias (R.-Cal.).
Wilmer (Vinegar Bend) Mizell (R.-N.C.).
Stanford E. Parris (R.-Va.).
Robert Price (R.-Tex.).
J. Kenneth Robinson (R.-Va.).
David E. Satterfield, III (D.-Va.).
Keith G. Sebelius (R.-Kans.).
Floyd Spence (R.-S.C.).
Steven D. Symms (R.-Idaho).
Guy Vander Jagt (R.-Mich.).
John Ware (R.-Pa.).
Bob Wilson (R.-Cal.).
Edward Young (R.-S.C.).

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, making food stamps available to strikers means that the hard-earned funds of the vast majority of working people are taken from them by the government and distributed to the relatively few persons who become involved in strikes and whose labor unions are perfectly capable of supporting their own efforts without public assistance.

A recent study published by the Industrial Research Unit of the Wharton School of the University of Pennsylvania described the provision of various forms of assistance to strikers as "as unwarranted imposition on the public treasury and the private good. The benefits accrue to a relatively small group which did not really need them in the past and does not need them now." [1] The study found that public assistance to strikers has a tendency to increase the cost of strikes to the general public.

The public depends upon the existence of a relative balance of power between labor and management to keep the costs of goods and services under control. When assistance is provided to union negotiators in the form of a virtually unlimited strike fund, the incentive to avoid lengthy strikes is greatly reduced. The result is bound to be felt by the public in many ways, including greater inconvenience and hardship because of the inability to obtain needed goods and services, higher prices due to the higher settlements which public assistance enables labor to win and which must usually be passed on to the consumer, and higher taxes, as a result of the increased burden which support of strikers places upon the Public Treasury.

In short, the provision of food stamps for strikers takes undue advantage of the generosity of the American taxpayer by requiring him to pay to support persons who are not truly in need and then to pay again in the form of more strikes, longer strikers, and higher prices.

Furthermore, the time has come to take another look at the congressional policy embodied in the Food Stamp Act. The "congressional declaration of policy" accompanying the act refers to utilization of "the Nation's abundance of food." [2] It is time that we recognize that that "abundance," upon which so many misguided programs have been based, may very well be a thing of the past.

In addition, we are all concerned about inflation and particularly alarmed at the unprecedented rise in food prices which has taken place in recent months. Food stamps have contributed to this inflation, first by increasing the purchasing power of consumers, which tends to drive prices up, and then by insuring that the full inflationary impact, which is expected to amount to $2.3 billion [3] in fiscal 1973, will be channeled into the market for food.

What is needed at this point in time is a thorough reevaluation of the food stamp program to bring the program into line with the realities of the seventies. Chief among those realities is that the vast majority of citizens are growing impatient with high taxes and the high cost of living. There is no reason whatsoever why tax money should be used to support strikes, which in turn drive prices higher. The result is higher taxes and higher prices for the consumer, and we in the Congress have a duty to eliminate a practice which is harmful and unfair to those who are required to support it.

On March 22, 1973, the Pasadena Star-News published an excellent editorial which most eloquently state the consumer's case against providing welfare, including food stamps, to strikers. The editorial said:

. . . It is a perversion of the principle of help to the needy, for the government to grant and the worker to accept such aid.

I include the editorial at this point in the RECORD:

NO WELFARE TO STRIKERS

The nation's consumers are threatened this year with what is expected to be one of the most damaging periods of labor discord on record. Some 4.5 million workers are covered by union contracts expiring this year, of which it is estimated about three million will go on strike.

Those strikes will probably be longer and more costly than ever before because the average taxpayer is helping to subsidize them. Public welfare aid is coming to be a more important source of strike support than the union strike fund.

Such ridiculous practice is made possible through food stamps, Aid to Families with Dependent Children and, of all things, unemployment compensation.

It used to be that meager strike funds and the possibility of prolonged hardship without income mitigated against a strike. But those factors have become less pervasive in recent years as public welfare benefits have been successfully manipulated for the benefit of strikers.

It is possible that a person on strike can collect as much as $35 per month in benefits, depending upon the state—the equivalent of about $2 per hour on a working day.

Not only does such practice cause increasing inconvenience to consumers, higher prices and higher taxes, it threatens to undermine the entire system of collective bargaining. Unions and strikers are able to put relentless pressure on employers to acquiesce to their demands since resistance becomes futile when strikers are not greatly hurt by their walkout.

At the same time, the availability of welfare aid to strikers must inevitably lead to like benefits for employers in the form of tax advantages, low interest loans, insurance pools and others, all of which costs the taxpayer still more.

The whole disastrous effect of public welfare to strikers puts the system of collective bargaining out of balance, giving strikers a shield against the hardship of a strike and putting the government on the side of the unions in labor disputes. The federal government, making welfare available to strikers, thus is a partner to the demise of the system of labor negotiation.

The system began to get out of kilter in the mid 1960s with the loosening of the rules of some programs and a change in attitude toward welfare. The number of man days lost during strikes of over 60 days duration more than doubled from 1966 to 1970, from about 15 million to 31 million, once labor realized it could tap welfare's pot of gold for the benefit of strikers.

In some cases, union leaders have consulted with welfare directors far in advance of an intended strike to determine precisely what benefits would be available to workers if they went on strike, then let their members know how to qualify.

What a disastrous change in the attitude of the working man away from self sufficiency and willingness to take the consequences of his own decisions. The public owes a striker nothing.

It is an ominous sign of degeneracy in the strength and self reliance of the American working force, and a perversion of the principle of help to the needy, for the government to grant and the worker to accept such aid.

The need for change in federal and state welfare regulations to preclude the granting of welfare aid to strikers is obvious. Congress must change the food stamp program to make strikers ineligible for such aid as well as Aid to Families with Dependent Children. States which allow workers to collect unemployment benefits when on strike must also change their laws to prevent such practice.

Granting of welfare aid to those who have chosen to walk off their jobs on strike is an intolerable abuse of public assistance and must be terminated.

[1] Armand Thieblot and Ronald Cowan, *Welfare and Strikes* (Philadelphia, Pennsylvania: Industrial Research Unit of the Wharton School of Finance and Commerce, University of Pennsylvania, 1972), p. 220.

[2] Food Stamp Act of 1964, 7 U.S.C. Sec. 2011 (1970).

[3] Testimony of Harold C. Lumb, Consultant to the National Association of Manufacturers, before the Senate Committee on Agriculture and Forestry, Considering S. 517, 93d Congress, 1st Session, p. 564.



Mr. DICKINSON. I thank the gentleman for his remarks.

Mr. GROSS. Will the gentleman yield?

Mr. DICKINSON. I am very pleased to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I wish to commend the gentleman for the remarks he has made this afternoon and say to him I am glad to have had this opportunity to cosponsor the legislation which he is so ably espousing.

Mr. DICKINSON. I thank the gentleman for his kind words and also for his participation here today. He is a cosponsor of the bill which I might say at this time has 56 cosponsors. I anticipate the number will rise even higher.

I am very pleased now to yield to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. I thank the gentleman for yielding.

As a cosponsor of the bill to prohibit food stamps for strikers, along with the gentleman in the well, I would like to make a brief comment.

I do not know that I will exactly have a question to ask, but I do understand—and perhaps the gentleman can assure me that this is the right figure—there are some $2.5 billion being spent now by the U.S. Government on food stamps. Is that correct?

Mr. DICKINSON. I think the figure is substantially correct, and if it is not, we will correct it in the RECORD.

Mr. LANDGREBE. I will ask the gentleman, also, if he does not think with this sort of artificial pressure that perhaps food stamps have a marked effect on the prices in the marketplace that the housewife pays for food. Do you think that might be a correct statement?

Mr. DICKINSON. It is an absolute statement of fact which has been proven. This is one of three main thrusts that motivated me to sponsor this legislation and to oppose the concept of allowing strikers to be eligible for food stamps.

Mr. LANDGREBE. I will then close my comments with this brief statement.

I would, of course, like to associate myself with the entire comments of the gentleman in the well and would also like to say that perhaps the theory of permitting needy people in the country to have the flexibility and the privilege of the selection of foods that are important through the use of the food stamp program is no doubt commendable.

But, on the other hand, I most sincerely believe that we must tighten up the guidelines not only on food stamps for strikers, but when we have a program that permits a woman to buy very expensive fresh or frozen shrimp to feed her cats, then I do not think that is a fair way to expend the taxpayers' money. It would not be so bad if we had the money to spend, but this is the time when it is all being part of our deficit financing in this country, and I believe that that is a very dangerous course we are on.

Again I thank the gentleman for yielding.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for his comments, and the contribution the gentleman has made.

Mr. BAKER. Mr. Speaker, in 1964, Congress changed the status of the food stamp program from a pilot project authorized by the executive branch to a full-scale national program authorized by law. Since I was not a Member of Congress at that time—and since I am now a member of the Committee on Agriculture and participating in hearings on the food stamp program—I went back and reviewed some of the initial discussions and debates for my own education.

And, even a cursory review of the 1964 debate on the bill indicates that Congress intended the program to aid the involuntarily poor, not those who voluntarily, for one reason or another have temporarily reduced their short-run earning power to increase it over the long run.

Thus, I am grateful to Mr. DICKINSON for requesting this special order, and appreciate the opportunity to express my own concern about strikers being eligible for food stamps.

Time and time again over the past decade, it has been pointed out that this program was intended to help the needy—the unemployed, the unemployable, families on welfare, mothers with dependent children, the aged, the blind and disabled—in short, those people who through no fault or choice of their own are involuntarily the victims of incomes inadequate to provide them with the quality, quantity and kind of food necessary to assure a proper diet.

At this time when we are faced with a critical budgetary situation and must make every dollar stretch as far as it can possibly go, there is an even more imperative necessity to clarify who has the greatest need for assistance through the mechanism of the food stamp program. Who should have priority when Federal funds are limited?

Those involved in labor disputes have far more alternatives for financial assistance than do mothers with dependent children, families on welfare, the unemployable, and other involuntarily poor and needy people. Strikers have access to special funds provided by their unions, and ordinarily they have a salable skill and assurance of work in the future. Every food stamp dollar provided to strikers means there is one less for someone more genuinely in need.

It has been said that legislation such as I have cosponsored to exclude strikers from coverage under the Food Stamp Act is "cruel." Well, is it not cruel to reduce the help which can be offered to the aged, the blind, the disabled, widowed mothers with large families, et cetera?

This is the tragic study of so many of our welfare programs. We change criteria and qualifications, or let down restrictions, and the result is always that the pie has to be cut into smaller pieces. Available funds get spread thinner so that the truly needy are squeezed even further, and are denied adequate assistance for basic needs. What has been barely adequate becomes less than adequate.

Let us speculate for a moment on the total costs of just one program abuse—$115,751 in Federal food stamp money given to strikers during 1 month in Detroit, or $85,428 in Montana during one strike. And here I am talking about only the amount of Federal tax money spent to supplement the strike fund allotments—this does not include administrative costs of additional offices and personnel required to handle a temporary flood of food stamp requests or the amount contributed by the stamp recipients.

Let us estimate that the Federal Government spends $100,000 on strikers in each of the 48 States participating in the program. This is not unreasonable, based on available case histories. It is, in fact, a conservative estimate. An average of $100,000 per State quickly mounts up to $4.8 million per month taken away from the truly poor and needy. Others estimate a cost of some $240 million a year for a "normal" year in which about 3,000,000 workers would be idled by strikes at one point or another. I do not consider this insignificant at all. It is about the same as the total appropriation for the entire food stamp program benefits in 1969.

The irony in this situation becomes even more apparent when you stop to consider the double blow this is giving the hard-core disadvantaged. Not only are they being deprived of this amount, initially, but they are also victimized by the inflation such subsidies aid and abet.

Food stamps ought not to be a tax-financed strike fund supplement. They should not be used to aid special interest groups at the expense of the poverty stricken.

I urge my colleagues to put an end to this abuse of our food stamp program.

Mr. ESHLEMAN. Mr. Speaker, as a cosponsor of H.R. 6708, a bill to prohibit food stamps to strikers, I would like to outline the reasons why I believe it is legislation which must be passed.

By authorizing food stamps for men on strike, we are supporting a growing national trend toward using welfare money to back up union walkouts. Welfare money is tax money, and this trend means that the taxes paid by all citizens are being used to benefit a few citizens.

Who benefits from strikes? The Government certainly does not, and, in fact, it spends much money, time and effort in helping to mediate walkouts. So there is no reason for the Government to give welfare support to strikers out of self-interest.

The public does not benefit from strikes. Every walkout causes the public some kind of inconvenience, and when the settlements result in big, new contracts, the public ends up paying for them in higher prices. So there is no reason to give welfare to strikers in the public interest.

The people who benefit from strikes are the workers and their families who win a new contract to their liking because of the walkout. But it is these same people who we use to justfy the practice

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of giving welfare to strikers. We say that these families must not be made to suffer just because there is a union-management dispute. But these families are in that position because the workers, through their unions, have chosen to go on strike. That means the practice adds up to welfare for people who have made a decision not to work. And that is unfair to other American families who work to pay welfare benefits to strikers who have elected not to stay on the job.

The result of this trend toward unions reaching into the public welfare pocket is that strikes are getting longer, contract settlements are getting bigger and the taxpayer is picking up the tab.

The striker on welfare is able to hold out longer and thereby win bigger and better contracts. The longer the strike, the more public inconvenience; and the bigger the contract, the more public expense; but the taxpayer pays; for it anyway.

The unions have everything to gain and nothing to lose when welfare becomes their personal plaything. They no longer have to develop a strike fund. Instead their decision to strike can be based on the knowledge that government will pay the cost of supporting workers' families. And that welfare support is no hardship because there is evidence that it can be as much as 80 percent of average take-home pay.

What kind of climate for labor negotiations develop when the management side is the only one suffering? The workers do not have to get back to their jobs because there is the welfare check. The unions do not have to worry about a dwindling strike fund.

Only one side has a real interest in a short-term walkout, and their way of keeping it short must be to give labor what it wants.

It is time for the Federal Government to get itself out of the business of welfare support to strikers. It is time to get back to our original commitment in the field of labor-management relations—to promote the public interest by helping achieve the fairest possible settlement in the shortest possible time. As a starter we should say bluntly that strikers shall not receive food stamps. That is what H.R. 6708 gives us an opportunity to say.

Mr. MATHIAS of California. Mr. Speaker, I am opposed to making food stamps available to striking workers. The food stamp program was enacted by Congress for the purpose of making nutritious food available to low-income families at prices they can afford. Food stamps were not originally intended to be used to subsidize workers who voluntarily choose to strike for higher wages and more fringe benefits. A large number of workers, however, have voluntarily left their jobs to take part in strikes and have taken advantage of the food stamp program. This misuse of Federal funds is not only costing millions of tax dollars, but has created a situation where the Federal Government, in effect, has become a partner with the labor unions by issuing food stamps to strikers. This interference in the collective bargaining process has served to prolong strikes and increase their economic impact on the Nation.

In order to correct these injustices, I am cosponsoring legislation which will prohibit food stamps from being issued to striking workers.

I believe there are several fundamental reasons why the Food Stamp Act should be amended.

First, the Government should not, under any circumstances, provide direct subsidies to either side of a labor dispute which culminates in a strike. Since strikes are voluntary actions taken with the full knowledge that a loss of income will result, the Government should not be expected to provide financial aid to either side. The responsibility belongs solely with the unions and management.

Second, the Government should not do anything which would strengthen the bargaining position of either labor or management during labor negotiations. Food stamps have served to increase the unions ability to endure longer strikes. This tends to make the final settlements cost more resulting in higher costs to consumers for products and services.

Government interference in the collective bargaining process is not in the spirit of our basic labor laws and policies. In addition, it is contrary to our principles of free enterprise and fair play.

Third, the Government should stick to the purpose of the Food Stamp Act which is to "provide improved levels of nutrition among low-income households" through a program of food assistance.

I believe the Food Stamp Act must be amended to correct these injustices and insure that help is provided to those who really need it most.

Mr. CONLAN. Mr. Speaker, I appreciate the opportunity to participate in this discussion and commend my colleague from Alabama for taking the time for us to clear up some of the misimpressions that exist in Congress and among the general public regarding the issue of food stamps for strikers.

It is a real puzzle to me how striking employees and those engaged in labor disputes can still be receiving food stamps when this issue has been debated as often and as thoroughly in Congress as it has. I have reviewed the history of this dispute rather carefully and I simply do not see any rational basis on which fairminded men can justify issuance of food stamps to strikers.

It is one of the most clearcut cases of the abuse of a Federal program that I can think of, and it simply defies all logic that it can have persisted, unabated, over such a long period of time in the face of so many efforts to reform it.

I do not intend to engage in a lengthy review of the issue today. Anyone who is seriously interested in understanding the arguments and equities of this dispute can find them documented in two frequently cited sources: *ITT* v. *Minter*, 435 F. 2d 939 (1st Cir. 1970), which, in terms of its level of rationality, logic, and intellect, I consider unworthy of a Federal court, but which is the landmark case bearing on this issue; and the very excellent study by Armond Thiebolt and Ronald Corwin of the Wharton School of Finance, entitled, "Welfare and Strikes: The Use of Public Funds To Support Strikers." The latter develops such a reasoned and comprehensive case against the present policy that I believe this irrational debate may at long last be drawing to a close thanks to the work of these two gentlemen.

The primary arguments against the present policy are briefly stated in the summary of conclusions, in chapter IX of the study which I quote:

> In summary, the conclusions of this study are that paying welfare benefits to strikers is an unwarranted imposition on the public treasury and the private good. Organized labor's relative bargaining power before public support was certainly great enough to be influential. The additional power which $329 million per year in direct benefits can buy may well upset the relative bargaining positions of unions and managements so greatly that the fundamental structure of collective bargaining will be seriously threatened. The general public must pay the costs, not only directly through higher taxes and higher prices, but also indirectly through greater disruption to the economic system and through inflation. The benefits accrue to a relatively small group which did not really need them in the past, and does not need them now.

These points must, I think, be generally conceded on both sides, in light of the facts developed by the study.

However, there is one argument, irrational but telling, which is always made in defense of the present policy. It is with this argument I want to deal today, because it is a myth that has been so widely circulated it will require much time and diligent effort for the truth to catch up with it.

The argument is, of course, that the families—specifically the children—of strikers will suffer hunger and privation unless food stamps are made available to them. It is the kind of humanitarian argument which, if true or accepted as true, rolls over all the other arguments like a tidal wave over sand castles, demolishing them completely.

The problem is that there is very little truth in it. That is why I have referred to this entire debate as irrational. On a factual, economic, equitable basis, the idea of subsidizing strikers with food stamps could not have survived a single year. But almost solely on the emotional strength of a mythical need to feed helpless little children, it has survived every attack. Therefore, I want to lend my efforts today to helping truth catch up with fiction.

Those who have argued that to prohibit food stamps to strikers is unfair to little children have given little recognition to the fact that most strikes occur at the end of a contract period which is specific in terms of time and known to the employee from the beginning of the contract. Most such contracts run for a 3-year period. Thus, the worker has a specified time frame in which to plan for the eventuality of a strike.

As Mr. Otto F. Wenzler, labor relations manager for the U.S. Chamber of Commerce so effectively pointed out in recent testimony before the Senate Agriculture Committee, "aid to needy people" is not the only issue involved in this dispute, as some labor officials have tried to insist. Workers do not apply for food stamps "only when they are in desperate need of assistance."

The fact is that under current USDA regulations, a striking worker may have as much as $1,500 in the bank; may own in certain circumstances, as many as three automobiles; may have a working wife earning more than twice the minimum wage; may have the income of any children under age 18 who are students living at home; and may have a net income himself of as much as $360 a month—he may have all this and he and his family remain eligible for food stamps. In addition, the $360 monthly income is a net figure after deductions for such things as income taxes, social security, union dues, shelter costs in excess of 30 percent of income, medical expenses in excess of $10 per month, educational expenses for tuition and mandatory expenses even when covered by scholarships, grants, loans, et cetera, and such nonrecurring income as that derived from inheritances, sale of property, gifts, and income tax refunds.

Clearly, the problem is not hungry families. It is simply a question of who is going to pay the bill for time lost from the job because of a strike.

Another point at which the sincerity of the union argument about hunger and humanitarian motives breaks down is in connection with the policies of the unions themselves. A comprehensive survey of national union strike benefits, for instance, concludes that payments to striking workers usually do not start until the second or third week of a strike. Their policies in this regard, as Mr. Wenzler points out, are sound. When workers know in advance that they may face a strike, it would be absurd for unions not to expect them, in their own interests, to have made provision to carry themselves for a week or so. Since many strikes are over in 2 weeks, there is under this union policy often no need to tap the union treasury at all during a strike. Yet, the Federal Treasury can be tapped immediately by those who, owing to their loss of weekly income, are eligible for food stamps and other welfare benefits.

Further, union benefits for striking workers are usually payable only when the parent union has approved the walkout, without regard for alleged hungry families. A union member who is behind in his dues or assessments is often prevented from drawing strike benefits regardless of his family's need. By these actions, unions imply what they will not say—that it is only the Federal Government that should concern itself with hungry people—not unions.

But perhaps the most important point to be made is that "the hungry family argument" ignores a basic union responsibility. A union is responsible for authorization of a strike and has the corollary obligation to authorize a return to work when its members indicate a desire or need to do so. Government intervention in a labor dispute between private parties, by subsidizing union members with food stamps, perverts the process and permits the union to abrogate its responsibilities.

This is not a "union busting" argument, as some may claim. Free collective bargaining with the right to strike at its core is the cornerstone of Federal labor policy. The Supreme Court has made clear on two occasions that—

The right to bargain collectively does not entail any "right" to insist on one's position free from economic disadvantage.

*American Shipbuilding* Co. v. *NLRB*, 397 U.S. 300, 309 (1965); and that the "results of the contest" must be left "to the bargaining strength of the parties." *H. K. Porter* Co. v. *NLRB* 397 US 99, 108 (1970). Any strike burden which workers cannot or will not shoulder for themselves clearly falls on the union as an element of its bargaining strength, despite the economic disadvantage it may impose.

In summary, then, we should note that—

First. When workers have 3 years to plan for the economic dislocation of a strike and know the exact time frame in which it may come, it need not and should not result in hunger and privation for their children.

Second. If workers do not assume the appropriate responsibility to plan ahead and provide for their families in the event of strike, that responsibility falls on the unions as part of the balance of power in collective bargaining—not upon the taxpayer in general. The union has the same avenues of increasing dues and strike benefits as the Government does of increasing taxes and food stamp benefits. Thus, the question is not hunger or need, but who foots the bills.

Third. Even if food stamps were to be made available to strikers in cases of real need, present regulations clearly permit workers to receive food stamps while retaining both liquid and nonliquid assets which might reasonably be expected to be applied to meeting that need.

Fourth. Any able-bodied man has the option of failing to provide for his family, either by refusing to work or by spending his earnings for things other than the family needs. In such a case, the Federal Treasury does not move in and subsidize his family despite their need, though in extreme cases of neglect or abuse, the State may take his children from him. A striker, who has ample notice to prepare for the economic exigencies of a strike, has no more reason to expect a public subsidy than one who for any other reason refuses to plan for the care of his family when he is able to do so.

In conclusion, I urge that this abuse of the food stamp program be ended. Children of strikers would not be penalized for their parents' actions any more than Congress intended to penalize children of parents who regularly refuse to accept available employment. We have only had the food stamp program since 1964. Strikes were successful for many years prior to that time and their history is not replete with starving and deprived children.

It will not be replete with such cases if this abuse of food stamps is ended. That is the essential weakness of ITT against Minter—it looked only at the social impact of denying benefits to strikers. It gave no attention to the impact of continuing such benefits, which had not been a tradition in American labor relations. Had the court looked at that side of the coin, it would have answered some of its own questions. It would have noticed, as it did not, that denial of benefits to strikers will cause no hardships to the families of strikers which they have not traditionally borne themselves and mitigated to the best of their ability in the past.

Of course, food stamps will ease their burden. And this is precisely the point. It eases their burden at the expense of people to whom the burden does not belong and to the detriment of healthy collective bargaining endeavors.

It is not a question of hunger and need. It is a question of responsibility and who pays the bills.

Mr. BEARD. Mr. Speaker, as a freshman Member of this body. I am delighted to be able to engage in this discussion on food stamp eligibility. It is long overdue. To those who have organized this special order and who have long sought to correct the deficiencies of the Food Stamp Act, and the misinterpretation of congressional intent on exactly who should be eligible for food stamps, I would offer my special thanks.

Since the 1964 Food Stamp Act was enacted, the question of whether its benefits should go to those who voluntarily choose not to work, has been unfortunately and increasingly assumed to be the right of the striker. Nothing could be further from the truth or from the original intent of the Congress in passing this legislation.

In the Sixth District of Tennessee national union leadership does not generally speak for the rank and file, and the vast majority of my constituents consider issuance of food stamps to strikers a blatant abuse of our welfare system.

The people of my district are fed up with having to finance a program which does not serve the truly needy, but serves as a backup fund for unionists unable to reach accords with management.

The people of my district do not appreciate a logic which says his tax dollars must be made available to subsidize crippling work stoppages.

The people of my district have given me a mandate to do everything in my power to end this subsidy and the favoritism it displays.

Mr. Speaker, 1973 is going to be a critical year, not only by virture of the expiration on June 30 of the food stamp program, but also in collective bargaining contracts.

In 1973, about 864 collective bargaining contracts covering 1,000 or more workers effecting a total of 4.7 million workers are scheduled to be renewed. Contract negotiations are scheduled in our Nation's major industries including transportation, construction, automotive, farm implements, electrical machinery and rubber.

If we suffer from long strikes and at least half of those on strike would qualify for food stamps for strikers under the $1,500 assets rule, the cost of providing food stamps to these individuals could conceivably run as high as $338 million this year alone. In 1971, there were 739 strikes which lasted 60 days or more involving 3,271,000 workers.

According to a report from the U.S. Department of Labor, in the month of February 1973, there were 590 strikes in



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effect involving 200,000 workers costing 1,281,000 man days of idleness. This included 11,000 striking teachers in Philadelphia. Converted into food stamp costs for February alone, the food stamp to strikers could amount to $1,233,500.

Food stamps and other welfare programs for strikers have changed the collective bargaining process over the years. Congress has created the current state of affairs which encourages and prolongs strikes and enables union officials to hold out for unreasonable demands without pressure from the rank and file. The result is more strikes and longer strikes, and inflationary settlements. The Government's food stamps and other welfare programs resulted in contracts with shorter durations which replaced the prevalent 3-year cycle of bargaining. This trend has been accentuated by a large jump in the number of 1-year contracts.

It is obvious that the unions have misused food stamps and other welfare programs for strikers. Food stamps have become a part of the union's assorted maneuvers for controlling the labor contract negotiation mechanism.

While a few contend that food stamps should be available to anyone in need for whatever the reason, many others feel that stamps are for those who are involuntarily, not voluntarily in need. They believe the use of the food stamp program is an unfair Federal intervention into collective bargaining on behalf of the unions. They believe that there is simply no justification for the continuation of the food stamp program as it is presently constituted. I agree with them. It diverts money from the program originally enacted to help the truly needy who cannot help themselves. It discriminates against 80 percent of the work force which is not unionized and does not strike, but which pays taxes to subsidize those who do. It prolongs strikes and enables unions to hold out for inflationary wage settlements.

To correct this situation, I believe that the proposal offered by my colleague, Mr. Dickinson, H.R. 5029, which I am pleased to cosponsor, effectively addresses these points. I hope it will be soon adopted by this body.

Mr. BLACKBURN. Mr. Speaker, the professional unionists, in a vain attempt to defend food stamp subsidies, seek to inflame public opinion, charging that those who oppose a taxpayer subsidy to one who refuses to work, are taking the food from the mouths of hungry children.

Let us take a look at this. In 1970, the UAW negotiated the following contract for their 355,000 members working for General Motors. It was a 3-year national agreement providing wage increases from 49 to 61 cents effective November 23, 1970. The contract included a 26 cent cost-of-living adjustment employees would have received during the previous agreement if a limit of 16 cents had not been provided. Other terms included a cost-of-living increase from 16 to 21 cents to cover the current cost-of-living allowance incorporated into the base rate. In addition, effective October 1, 1971, the contract provided optional early retirement after 30 years service at $500 per month and a normal pension rate increase of $1.75 to $7.25, $7.50, or $7.75 a month for each year of credited service depending on the hourly rate. This is not all. The contract also included improvements in the life and health insurance program of the worker and his family.

Does this sound like a breadwinner whose child will starve if the Federal Government will not provide food stamps when he voluntarily chooses not to work? Or, does this indicate to you that the Government should not be a third party in the collective bargaining process by providing food stamps and other welfare benefits to strikers?

The issue is not a question of starving children. We are not talking about the poverty-stricken people for which the food stamp program was originally intended. We are talking about highly paid unionists, earning in some cases up to $20,000 or more a year who want the public to give them discounted food at the expense of Americans who remain at work. This issue is that food stamps and other welfare programs were not designed by the Government as a tool for organized labor, but increasingly they have been bent that way. The issue is that food stamps and welfare payments to strikers amount to a Government subsidy of strikes and make strikers less inclined to reach a settlement.

Mr. BAFALIS. Mr. Speaker, recent studies have determined that welfare benefits received by strikers, primarily in the form of food stamps, now total more than $300 million annually. I don't know how this astonishing fact affects my colleagues, but I personally find myself outraged that the American taxpayer is footing the welfare bills of these people who are voluntarily unemployed. I feel the case of strikers receiving huge welfare subsidies while striking for higher wages and more benefits is the classic example of those in our society who abuse these programs.

The end cost of this abuse to the taxpayers is more than just the $300 million for food stamps. By virtue of the fact that the families of strikers can receive food stamps and other welfare benefits, the hand of the unions is being strengthened in its ability to prolong strikes and to make more and more demands. Obviously, the end result of this is higher prices to the consumer to cover the union's benefits. To my mind, this represents direct Government interference in the collective bargaining process. In matters such as this which directly affect the public and consumer, we are abandoning our principles of fair play and free enterprise.

A recent study conducted by the Wharton School of Finance shows there is a direct relation between the increased length of strikes and the increased use of public assistance by strikers. A good example of this relationship is the 1970 General Motors strike. During this massive strike, the total cash benefits to General Motors' strikers' families in Michigan was more than $4 million with the number of families covered by these programs in that State increasing from 4,000 to over 22,000 during the period of the strike.

Even union representatives have not denied the impact of public assistance in their bargaining process. In the 1969 General Electric strike, representatives stated that public assistance was one of the key contributions to the union's success in securing all its demands. Similarly, I. W. Abel, now president of the Steelworkers Union, acknowledged that during the 1959–60 steel strike, public aid made the strike endurable and exceeded by far the amount that the union poured into the districts and local.

Obviously, the end effect of all this is the erosion of the process of collective bargaining which has long served as the backbone of our economy, at the direct expense of the Nation's taxpayers—both in higher taxes and higher prices. In an attempt to prohibit this abuse, I have joined in sponsoring H.R. 6703 which would make strikers ineligible to receive these welfare benefits. Certainly this Congress must unite in action to end this blatant abuse of public funds once and for all.

Mr. KUYKENDALL. Mr. Speaker, I am pleased to be able to join with my distinguished colleagues in discussing the matter of eligibility for food stamps.

I have cosponsored Congressman DICKINSON'S bill to amend the Food Stamp Act of 1964 to exclude from its provisions every household in which there is a person who is on strike—although this ineligibility would not apply to any household that was eligible for and participating in the food stamp program before the start of such a strike.

It has always been my feeling that welfare assistance should be limited to those persons who are unable to find employment. It makes no sense to take our tax dollars to subsidize voluntary unemployment. Recent studies have also indicated that the availability of welfare assistance to strikers has increased the length of strikes and therefore given one side a weighted advantage in the collective bargaining process.

In addition, the rapidly increasing cost of welfare services must be seen in the light of the continually expanding need. Therefore, it is only sensible to channel all the money available toward our truly needy citizens, who have no other recourse but the State for their daily bread. We are a wealthy country but we cannot care for our poor adequately if we try to stretch our tax dollars too far.

Mr. FISHER. Mr. Speaker, I commend the gentleman from Alabama (Mr. DICKINSON) for this special order today. It is most appropriate that the abuse of the food stamp privilege in this country be revealed and the need for remedial legislation emphasized. The gentleman from Illinois (Mr. MICHEL) has also been a leading exponent of this need for strong and meaningful legislation in this area. Many other Members have joined in this movement.

According to Dr. Armand J. Thieboldt, a professor of management of the University of Maryland, an estimated $300 million in welfare benefits were paid to strikers in 1972.

This is indeed a preposterous misuse of public funds and tax dollars paid by men and women who worked to support those who choose not to work.

Abuse of the food stamp privilege has been a popular and convenient source of assistance that is being provided to those who by their own choice do not work—those on strike. This is a monstrous policy that allows welfare to be misused in this manner, and is manifestly unfair to taxpayers.

Moreover, it is axiomatic, and often contended by labor unions, that when a strike is in progress the Government should be neutral and should not favor either side. It is amazing to me, therefore, that the labor unions would condone this preferential practice by the Federal Government. I have an idea that if the Government stepped into a stricken plant to provide special help to management, the affected union would scream to the high heavens—and with good reason.

Therefore, in the interest of taxpayers and of neutrality, the Dickinson bill to exlude members of households who are on strike from food stamp privileges should be approved. I am pleased to be a cosponsor of the Dickinson measure.

Mr. CRANE. Mr. Speaker, a serious problem facing our country and its long established system of collective bargaining is that, in recent days, we have witnessed a situation in which workers on strike have become the recipients of Federal and State financial assistance.

In West Virginia, for example, a coal strike caused 15,000 new families to be added to the food stamp program, a fact which swelled the State's total food stamp role by 20 percent. In 1 week, the West Virginia State Welfare Department distributed $1.7 million in food stamps to the miners' families and declared that the Federal Government had paid for the program.

Another example is provided by a strike against the Dow Chemical Co. in Bay City, Mich. In its paper of September 6, 1972, the Christian Science Monitor reported that—

> About 135 of 165 workers now in the seventh month of strike against the Dow Chemical Company . . . are receiving unemployment compensation averaging $79 a week, payments that Dow contends lessen the strikers' incentive to negotiate a settlement.

In a recent address, Dr. Herbert Northrup, chairman of the Labor Relations Council and director of the Industrial Research Unit of the Wharton School of Finance at the University of Pennsylvania, pointed out that during a strike at General Motors.

> We figured that almost 30% of the General Motors employees in Michigan were on food stamps and 20% on welfare . . . We've made studies of local situations such as the long Westinghouse strike at the Lester plant outside of Philadelphia. We found out that the Welfare Deartment took on 10 people to take care of the situation.

In cases such as these, the agencies of government have provided workers with their sole strike benefits. The labor unions themselves, in such situations, paid no strike benefits at all.

Such a state of affairs tends to encourage and prolong strikes. Dr. Northrup notes that—

> It enables the union to hold out without pressure from the rank and file. If there is one thing that was clear in both the General Electric and General Motors strike, it is that there was no pressure on the rank and file to settle the strike.

When no pressure exists to settle a strike, the strike tends to continue, costing all concerned, workers, management, and the taxpayers, huge amounts of money. In addition, it makes a significant difference in the character of the result, usually leading to increased inflationary pressure.

Collective bargaining is based, at least in part, upon the assumption of government neutrality. Dr. Northrop declared that—

> The collective bargaining system in the United States cannot work satisfactorily if the public purse becomes an extension of the union treasury for paying strike benefits.

This, however, is clearly what is happening. Government is becoming a silent partner in labor-management disputes, assisting labor unions to prolong strikes and eliminating pressures upon the union leadership from the rank and file to accept settlements.

A study recently published by the University of Pennsylvania's Wharton School has sharply criticized the trend of the past 5 years to use public funds to aid strikers. The study is entitled, "Welfare and Strikes: The Use of Public Funds To Support Strikers."

The study pointed out that strikers sometimes collect as much money from public relief agencies as they were taking home from their jobs and that almost $15 million worth of Federal food stamps alone were distributed to strikers in a major walkout in 1970. Union leaders in another major dispute collected over $5 million a week in public relief.

The U.S. Chamber of Commerce estimates that Government subsidies to strikers in 1973, a heavy bargaining year, could go as high as $304 million. The Chamber believes that much of this will come from a food stamp program originally designed to improve the nutrition levels of low income families, and that other money would seriously drain the reserves of other welfare programs needed to help those at the poverty level, including aid for dependent children.

George B. Morris, Jr., a key labor negotiator, contends that—

> Permitting the trend toward public assistance to strikers to continue is one of the surest ways I know to destroy collective bargaining.

Mr. Morris says that it "cushions the impact of strikes on the union and the striking workers and thus tends to encourage and prolong strikes."

In the 71-day strike of the United Automobile Workers against General Motors in 1970, an estimated $30 million was spent in public welfare benefits to the strikers. Of this sum, nearly $16 million was spent in Michigan alone by 54 of the State's 83 counties.

In New York State, workers meeting certain conditions become eligible for unemployment compensation after being off the job for 7 weeks. General Motors estimates that about $5,250,000 in unemployment compensation was paid by New York to General Motors strikers.

In effect, since the unemployment insurance fund in New York is funded through a tax on employers, General Motors was forced to subsidize its own striking workers.

Under the food stamp program and other forms of public aid, combined with union strike benefits, General Motors strikers were able to endure the 71-day strike with a minimum of economic hardship. Some of them lived as well as, or even better than, when working full time.

The University of Pennsylvania study shows that under the food stamp largesse, one striker, with six children, paid $26 for $180 worth of stamps. He confessed that shopping was a dilemma "because you don't know what to buy."

The availability of food stamps in this and other strike situations prompted other eye opening reports, among them:

> One striker had more food stamps than his family could use, so he sold the stamps so he could buy liquor.
>
> A local grocery store owner reported some of his customers who were receiving food stamps were eating expensive steaks and chops every day during the strike.
>
> Strikers were receiving so many food stamps that their freezers were being filled with steaks and roasts that would feed their families for months after the strike.

The authors of the University of Pennsylvania study conclude that—

> Paying welfare benefits to strikers is an unwarranted imposition on the public treasury and the private good.

They make it clear that the overwhelming weight of opinion unearthed by their study is that tax supported benefits to strikers reduce economic pressures on the strikers for a settlement, thereby prolonging the strike and leading to costly and inflationary settlements.

One simple answer to the problem is for the Congress to simply declare that strikers are ineligible for tax supported benefits. The time to take such action is now—before this unfortunate practice becomes institutionalized and before the inflationary pressures it will produce go beyond our ability to restrain and control them.

Mr. MONTGOMERY. Mr. Speaker, I commend my colleagues for securing this time in order that we might fully discuss the legislation several of us have introduced today to prohibit strikers from receiving food stamps. This is a very important measure and involves an issue which I feel must and should receive the fullest attention.

Let me say at the beginning that my sponsorship of this bill has nothing whatsoever to do with being prolabor or probusiness. I have always tried to approach each piece of legislation dealing with labor and management as a separate entity and decide each one on its individual merits. It is with this same philosophy that I decided to cosponsor the bill to prohibit food stamps for strikers.

My basic thinking is that to allow strikers to receive food stamps has resulted in a gross inequity in our collective bargaining system. By allowing strikers to be eligible for food stamps, the Federal Government in essence is subsidizing strikes. Just as I would be totally opposed to the Government paying business for their losses during a strike, I am opposed to the Government providing assistance to strikers.



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Under our present laws, contract negotiations are supposed to be free of any Government intervention except in two main instances—if either or both parties request a Federal arbitrator or if the President calls for a cooling off period by invoking the Taft-Hartley Act. However, the present eligibility of strikers to receive food stamps has resulted in Federal intervention in the collective bargaining process that I feel is unwarranted and must be stopped. It is my very firm opinion that both sides in labor negotiations should be on equal footing and certainly the Federal Government should not show partiality.

Mr. Speaker, I urge my colleagues to join us in this effort to return stability to the collective bargaining process.

Mr. ROBINSON of Virginia. Mr. Speaker, when the legislative schedule permits me to spend some time in my congressional district, talking informally with citizens in all walks of life, I am continually impressed by the strong public concern about abuses of the welfare system.

In particular, I am questioned as to why something cannot be done to confine the availability of food stamps to individuals and families who are in urgent need through no fault of their own.

Citizens who are at work and paying taxes resent the fact that a portion of their taxes is being used to subsidize the feeding of families whose able-bodied wage earner is absent from available work by choice, as in the case of a labor dispute.

I realize, Mr. Speaker, that it is difficult to divorce this matter from emotionalism.

Certainly, we do not want children to go hungry.

Certainly, we do not want to use the welfare system as a strike-breaking tool.

Labor-management disputes should be settled within the framework of the legitimate collective bargaining process.

This is the very point of the legislation before us.

The food stamp program should not be a lever in the hands of either management or labor. We should make plain that it is intended only to help those who cannot help themselves—those who, because of age, physical disability or unavailability of gainful employment, require public assistance in sustaining themselves and their families.

Historically, members of labor unions have made their judgments, in potential strike situations, on the basis of their view of the merit of their cause and their individual and collective resources available to maintain a strike.

The availability of food stamps, however, has added a tax-financed resource, and this, Mr. Speaker, is clearly wrong.

It is not my expectation, Mr. Speaker, that strikes will be forestalled by enactment of the pending legislation. They will continue to occur when the collective bargaining process breaks down.

The Federal Government, however, should be removed from the area of incentive to the instigation or prolongation of strikes.

The individual striker, in consultation with the members of his family and the officers of his union, should make his own determination as to whether or not the strike can and should be instituted and maintained without the subsidy of food stamps.

Mr. MICHEL. Mr. Speaker, the practice of making food stamps available to striking workers has been of concern to me for some time, and I know I do not need to review with my colleagues the legislative history of this issue or the efforts that have been made to prohibit this use of food stamps.

Neither do I need to recite the evidence which has been presented on numerous occasions indicating the extensive use of food stamps for this purpose. It is estimated that program benefits to strikers run into the hundreds of millions of dollars annually.

I do, however, want to outline some of the basic reasons supporting the view held by many of us that issuance of food stamps to striking workers simply cannot be justified, that the practice is, in fact, damaging, both from a social and from an economic standpoint, and that a specific prohibition against this use of food stamps should be incorporated into the law.

The original thrust of the food stamp program was to provide for improved levels of nutrition among low-income households whose members do not have the resources to help themselves—the involuntarily poor. Nowhere in the history of the legislation establishing this program do we find an expression of congressional intent to extend program benefits to those who have adequate resources to sustain themselves and their families but have chosen not to use them—the voluntarily poor.

And yet, because the language of the law itself has not clearly made this distinction, we find ourselves in a situation today where as much as 10 percent of total annual program benefits may now be going to one particular category of voluntarily poor—striking workers.

Providing food stamps to those who voluntarily stop work in order to improve their pay or employment benefits is not only contrary to the original purpose of the program, but it also constitutes an unwarranted intrusion by Government into the labor-management bargaining process. It helps tip the scales to labor's advantage in a situation where the Federal Government should remain as neutral as possible.

Additionally, it has the effect of reducing the total amount of program funds which could otherwise be made available to those who really need help and have nowhere else to turn.

Beyond the question of whether or not providing food stamps to strikers is wrong in principle looms the even more critical question of whether such a practice makes any sense from an economic standpoint at a time when we are desperately trying to control the upward drive of consumer prices and hold down the skyrocketing balance-of-trade deficits.

The strike is a significant and necessary economic tool for U.S. labor, and has been used responsibly and well to improve the economic conditions of countless millions of workers in this country. But, this is not at issue here, nor is the fact that the strike has also been used irresponsibly from time to time, contributing to our problems of inflation and balance of trade.

The issue is whether or not it is appropriate for the Federal Government to provide an indirect subsidy which has the effect of prolonging such work stoppages and weighting the balance of the collective bargaining system on the side of labor.

Taxpayers are, in effect, forced to subsidize strikes in a way that encourages inflated wage settlements which they, as consumers, wind up paying for in the form of higher prices for goods and services. While we certainly cannot begrudge any segment of the economy the opportunity to obtain a fair return for its labor or product, we must be judicious in the kind of leverage we allow any one group to use to gain advantage over another. The use of the food stamp program as a strike-support mechanism is clearly beyond the pale of reasonable economic leverage.

Few will argue that excessive use of the strike or artificial prolongation of work stoppages is not damaging to our economy. In 1970, 6 years after the passage of the Food Stamp Act of 1964, the number of work stoppages hit a new all-time high of 5,716. The number of strikes from 1956–60 was 18,233. From 1961–65 there were 17,961 strikes. But, from 1966–70 there were 25,460. The number of strikes lasting 90 days or more jumped from 200 in 1960 to 334 in 1970.

The number of strikes almost doubled between 1960 and 1970, the percentage of the labor force involved in strikes more than double, and the loss of man-days more than trebled. We do not need to draw a picture to understand what this means in terms of economic instability and inflation.

We have heard numerous arguments in the past against amending the law to specifically prohibit issuance of food stamps to striking workers, but none of them are compelling. On the contrary, the preponderance of evidence supports the case for prohibition.

We have been presented with emotional appeals pased on the specter of starving wives and children, but this argument becomes increasingly hard to accept as the general level of affluence in the labor force increases.

The timing of most strikes is well known in advance, allowing any thoughtful person to take the necessary provident steps. Most unions have their own strike funds, and many States provide welfare assistance to those on strike. In addition, most of the proposals offered to amend the food stamp law, to date, have contained provision for the continued eligibility of any household that was eligible for and participating in the food stamp program prior to the start of a strike.

In summary, then, the adverse effects of the policy of providing food stamps to striking workers has been amply documented. This practice simply cannot be justified, and now is the time for Congress to face up to the problem once and for all.

There is no conflict between support of the basic right to strike and simultaneous support of prohibiting food stamp benefits to the strikers. I urge my colleagues in the House to support our efforts to correct this abuse of the food stamp program.



## GENERAL LEAVE

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks immediately following my remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## REPORT AND ANALYSIS OF THE ADMINISTRATION'S NEW BUDGETARY DIRECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 30 minutes.

Mr. WHALEN. Mr. Speaker, on January 28, 1973, President Nixon spoke to the Nation on radio. In his address "The New Budget: Charting a New Era of Progress," he stated:

> At noon tomorrow (January 29), I will send to the Congress one of the most powerful documents I will sign as President—my budget proposals for the coming fiscal year.

The President indicated that his budget "calls for spending $250 billion in the current fiscal year 1973, $269 billion next year—fiscal year 1974, commencing July 1, 1973—and $288 billion in fiscal year 1975—beginning July 1974."

To achieve this objective, the administration has embarked upon two courses: First, the impoundment of certain moneys already appropriated by Congress for fiscal year 1973; second, the termination and/or pruning of funds in the fiscal year 1974 budget for specific categorical programs. On page 50 of his January 29, 1973, budget message, President Nixon notes that—

> The actions taken and proposed to reduce spending in this fiscal year, when combined with the FY 1974 budget proposals, will reduce federal outlays by $17 billion in 1974 and by about $22 billion in 1975.

What is the purpose of this effort? This question was answered succinctly by the President in his January 28 radio talk:

> It is time to get big government off your back and out of your pocket. I ask your support to hold government spending down, so that we can keep your taxes and your prices from going up.

Other crucial queries, of course, are: What fiscal year 1973 funds have been impounded? What specific programmatic cuts does the fiscal year 1974 budget detail? These shall be examined in the following two subsections.

### IMPOUNDMENT OF FISCAL YEAR 1973 APPROPRIATED FUNDS

House Joint Resolution 1, enacted January 19, 1973, required the administration to submit to Congress, no later than February 10, 1973, a list of funds impounded during the period from July 1, 1972, to January 29, 1973. On February 5 the Office of Management and Budget reported a figure of $8.7 billion. (See exhibit A.)

Many observers contend that this sum is too conservative. A study headed by Representative JOE L. EVINS, chairman of the Subcommittee on Public Works and Atomic Energy Commission Appropriations, revealed that more than $12 billion was being "withheld, frozen, and impounded by the Office of Management and Budget." (See exhibit B.) The Communication Workers of America Fact-sheet estimates that, of the money already appropriated by Congress," the President has determined that he will not allow $14.7 billion to be spent," including $3 billion in HEW funds.

### FISCAL YEAR 1974 PROGRAMMATIC CHANGES

The $17 billion net "savings" projected in the fiscal year 1974 budget is illusory. According to Hobart Rowen, financial editor of the Washington Post, of this amount "about $15 billion are in gimmicks, or part of a numbers game, and the rest is real." A recent study issued by the Joint Economic Committee of Congress verifies Mr. Rowen's conclusions. The JEC report reveals that reductions of $8.4 billion were "not real savings at all." Many of the estimated reductions represent cuts from commitments that have never been made. For example, the fiscal year 1974 budget proposes a savings of $2.7 billion by limiting "outlays through the operation of the administration-supported statutory ceiling on social services grants—already enacted by Congress." How can $2.7 billion be saved when Congress already has limited social services expenditures to $2.5 billion?

However, a number of programs are faced with "real" cuts. Mr. Rowen estimates that $10 billion has been "sliced out of money basically ticketed for the poor and underprivileged." These reductions include: welfare, $1.5 billion; medicare and housing, $1.5 billion; manpower programs, $1 billion; health, education, and poverty programs, $1 billion; pensions and retirement, $1 billion; environment, $1 billion; agriculture, $1.5 billion; water and natural resources, $0.5 billion; all others, $1 billion.

The fiscal year 1974 budget also reflects an anticipated shift in the method of disbursing funds. In the introduction to this document President Nixon reaffirms his support for the special revenue sharing concept. He states:

> I remain convinced that the principle of special revenue sharing is essential to continued revitalization of the federal system. I am, therefore, proposing the creation of special revenue sharing programs in the 1974 budget. These four programs consist of broad-purpose grants, which will provide state and local governments with $6.9 billion to use with considerable discretion in the areas of education, law enforcement and criminal justice, manpower training, and urban community development. They will replace 70 outmoded, narrower categorical grant programs and will, in most cases, eliminate matching requirements.

### MY OWN STUDY

As President Nixon has suggested, current impoundment efforts, coupled with his fiscal year 1974 budget recommendations, represent "a new era." Indeed, the directional changes outlined by the administration are so profound that their potential impact is difficult to measure. Thus, for the past 3 months I have undertaken a detailed investigation of this new fiscal approach to determine whether the "new era" represents a "better era."

To ascertain its effect nationally, I have read extensively and have conferred with several eminent economists.

Understandably, the effect of administration fiscal procedures upon Ohio's Third Congressional District also concerns me. Consequently, on Friday, March 23, and Saturday, March 24, I conducted ad hoc budget hearings in the Dayton-Montgomery County Public Library. Invited to testify were representatives of various political subdivisions and government and private agencies whose operations are supported by Federal funds.

Hearing procedures conformed to those regularly followed by congressional committees and subcommittees. Each witness, due to time constraints, was limited to a 20-minute appearance—a 10-minute prepared statement followed by a 10-minute question and answer period. In all, 55 citizens, serving 28 organizations, participated in the ad hoc budget proceedings. (See exhibit C.)

### THE ISSUE TWO BASIC CONCERNS

Impoundment, the level of fiscal year 1974 appropriation requests, and the implementation of special revenue sharing in lieu of categorical grants pose two fundamental questions.

First, does this new fiscal direction meet our Nation's needs in such areas as education, health, housing, the environment, manpower training, and poverty?

Second, are inflation and tax increases the only alternatives to termination of impoundment and the retention of human resource categorical programs in the fiscal year 1974 budget?

In researching these two issues, I have utilized both macro-economic and micro-economic analysis. Ohio's Third Congressional District, obviously, has been the focus of my "microscope." That being the case, a description of my district and a brief recitation of its needs is in order.

### OHIO'S THIRD CONGRESSIONAL DISTRICT—ITS PROFILE AND ITS PROBLEMS

The 463,140 residents of Ohio's Third Congressional District are compressed in a 230-square-mile urban-suburban area in the southwest part of the State. Approximately 68 percent of the population dwells in two adjoining communities—the city of Dayton, 243,601, and the city of Kettering, 69,599; 74,649 blacks are segregated in the western portion of the city of Dayton. An estimated 72,000 white Appalachian migrants are quartered in East Dayton.

Dayton is afflicted with all of the inner-city ills confronting other urban communities throughout the United States—whose population, incidentally, is 68.6 percent of the Nation's total.

First, both black adults and black youth experience an above average rate of unemployment. Overall joblessness in the model cities area is 26 percent. Unemployment among those youths, ages 16 to 21, is an astronomical 70 percent.

Second, the level of education is substandard. Of those persons in the district

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who are 25 years of age and over, 57,792, 23.1 percent, have not progressed beyond the eighth grade.

Third, there is a substantial incidence of poverty. As of 1969, 7,925 families—6.7 percent of the district—received less than $3,000 annually. The total yearly income of another 7,282 families—6.2 percent of the district—was in the $3,000 to $4,999 range.

Fourth, housing is inadequate. 51,980 of the district's occupied dwelling units, 34.8 percent, were constructed more than 34 years ago.

Fifth, the crime rate is high. In 1970 and 1971 the total crimes reported in the city of Dayton were 31,312—128 per thousand population—and 27,960—115 per thousand population—respectively. During those same 2 years crimes reported in the model cities section of West Dayton were 252.1 per thousand, 1970, and 220.1 per thousand, 1971.

Sixth, the poor, largely due to malnutrition, are more vulnerable to disease. The Health and Welfare Planning Council of Montgomery County found that those whose income is below the poverty level were disabled 12.2 days per year. Members of families whose incomes exceeded $7,000 yearly lost only 6 days through disability.

How will efforts to solve those problems be affected by impoundment of fiscal year 1973 appropriated funds, fiscal year 1974 budget recommendations, and the institution of special revenue sharing? The following sections detail the results of my research:

THE FINDINGS

GENERAL REVENUE SHARING

On February 4, 1971, President Nixon forwarded to Congress his message on general revenue sharing. His arguments for adopting this plan paralleled those which I advanced in 1966 when I first espoused this theory.

First, personal income and corporated profits, as a source of public revenues, largely have been preempted by the Federal Government.

Second, as a consequence, State and local tax receipts have not kept pace with the demands for services at those levels of government.

Third, there are certain problems which are unique to a particular State or community.

Fourth, State and local, rather than Federal, officials are best able to identify these peculiar needs.

After citing his rationale for general revenue sharing, President Nixon explained how it would work. He stated:

> The specific appropriation level I am recommending is 1.3 percent of taxable personal income; this would mean a General Revenue Sharing program of approximately $5 billion during the first full year of operation, a sum which would rise automatically to $10 billion by 1980. All of this would be *"new" money*—taken from the increase in our revenues which would result from a growing economy. It would not require new taxes *nor would it be transferred from existing programs*". (Emphasis mine.)

On June 22, 1972, the House of Representatives, by a 275–122 vote, approved the administration's general revenue sharing plan. In keeping with my own views, combined with the President's assurance that its implementation would not affect existing categorical projects, I supported H.R. 14370. With the President's signature, the general revenue sharing bill became law on October 20, 1972. Initial allocation to political subdivision in my district included $2,100,342 to the city of Dayton, $1,319,031 to Montgomery County, and $168,387 to the city of Kettering.

My recent budget hearings make it clear that the administration has "changed the rules in the middle of the game." Several witnesses testified that they were advised by Federal authorities to seek general revenue sharing funds to continue programs ticketed for termination. In his article of April 7, 1973, Dayton Journal Herald reporter John Felton notes:

> Dayton, for example, found that it will have to use nearly $800,000 in general revenue sharing money this year to continue federal programs cut in the budget.
>
> The biggest chunk—$500,000—will go later this year to continue paying the 130 employees under the Emergency Employment Act program when it expires.
>
> Another $150,000 will be used for summer youth jobs, and $100,000 has been set aside to continue a soon-to-expire program of abolishing nuisance structures.
>
> City Commission has earmarked $50,000 for several smaller programs about to end.

Thus, it is evident that general revenue sharing offers less "new money" than advertised, and it is being financed, in part, through cessation of existing categorical commitments. Had I been aware last year that Congress was being "led down the primrose path," I would have voted against H.R. 14370.

PROBLEM OF TRANSITION—APRIL 1, 1973, TO JULY 1, 1974

Impoundment and the proposed fiscal year 1974 budget have created a fiscal dilemma for many communities throughout the Nation, including those in my district. Three facts contribute to this situation.

First, it is anticipated that the current withholding effort will continue at least until July 1, 1973—and in some instances for a longer period—at which time the administration hopes its four special revenue sharing programs will become operative.

Second, funds requested in the fiscal year 1974 budget reflect the administration's desire to reduce or eliminate certain categorical projects—as previously noted—in favor of special revenue sharing.

Third, the appropriations bills now before the Congress allocate no new moneys to one of the four special revenue-sharing categories—urban community development. With new commitments dropping to zero in fiscal year 1974, metropolitan centers, between July 1, 1973, and June 30, 1974, suffer a 100-percent reduction in funds available for extension of those projects now being financed through categorical grants.

From my March 23–24 budget hearings, plus subsequent investigation, I have been able to construct the following irreplaceable loss in Federal assistance—that is, grants not replaced by special revenue sharing—in the Third Congressional District between now and June 30, 1974:

| | |
|---|---|
| *Impoundment—fiscal year 1973 funds* | |
| HUD water and sewer grants | $1,400,000 |
| Open Space (4 parks in Dayton; 1 in Kettering) | 322,625 |
| Code enforcement—Five Oaks area | 666,500 |
| 652 FHA units (McLin Village; Young Estates; Kettering Senior Citizens; Vandalia), mortgage value | 10,779,828 |
| National Science Foundation projects: | |
| Wright State University | 50,000 |
| University of Dayton | 416,500 |
| Higher Education Act—veterans cost of instruction (Sinclair, U.D., Wright-State), minimum estimate | 897,000 |
| Total impoundment | $14,532,453 |
| *Fiscal year 1974 allocations—Reductions from fiscal year 1973 (either due to impoundment or nonreplacement by special revenue funds)* | |
| Open space | $910,625 |
| Water and sewer | 1,400,000 |
| Neighborhood facilities | 450,000 |
| Urban renewal—neighborhood development | 5,000,000 |
| Urban Renewal—code enforcement | 1,960,500 |
| Model cities—Inner West | 947,000 |
| Montgomery County Community Action Agency (legal aid; ombudsman, etc.) | 1,900,000 |
| Public employment program | 2,039,227 |
| University of Dayton: | |
| College library resources | 7,000 |
| Student loan programs | 800,000 |
| Research | 662,000 |
| Other programs | 80,500 |
| Sinclair Community College: | |
| College library resources | 8,000 |
| Student loan programs | 561,603 |
| Wright State University: | |
| College library resources | 60,000 |
| Student loan programs | 796,000 |
| Research | 368,000 |
| Third District School Districts: | |
| ESEA title II programs (library materials) | 161,808 |
| NDEA III | 97,736 |
| School Assistance—federally affected areas | 1,736,052 |
| Health programs: | |
| Drew Neighborhood Health Center | 262,220 |
| Dayton Council on Alcohol and Drug Abuse | 268,000 |
| Higher Education Act—veterans cost of instruction (Sinclair, U.D. Wright-State), minimum estimate | 986,700 |
| Total | 21,460,971 |

In human terms, the effect of these program terminations is incalculable. Monetarily, they represent a $35,993,424 income loss to the Third Congressional District. When a 2.5 "multiplier"—(an economics principle which recognizes that each dollar received is respent several times by subsequent recipients) also is calculated, the true loss to the Greater Dayton area during the next 18 months is $89,983,560.

SPECIAL REVENUE SHARING—JULY 1, 1974

As discussed previously, the administration has requested Congress to approve four special revenue sharing programs. If the authorization measures are approved this year, funding, with the exception of urban community development, will commence July 1, 1973. How will special revenue sharing affect the Third Congressional District? Its effects, according to Mr. Howard E. Bales, associate director of research and development, Wright State University, as yet "cannot be measured." This opinion was echoed by other witnesses who participated in my ad hoc budget hearings. Indeed, there is no certainty that Congress will adopt the President's special revenue sharing recommendations. Even assuming legislative implementation, at this juncture total funding levels still are in the "recommendation" stage, channels of disbursement are not prescribed, and distribution criteria have not been defined. Consequently, for those local agencies and political subdivisions presently operating federally funded programs, these uncertainties make fiscal year 1974 planning difficult, if not impossible.

While long-range planning is important, special revenue sharing must be examined in the light of a more basic consideration. As proposed, does it improve, or degrade, our ability to cope with substandard education, unemployment, inadequate housing, growing crime rates in the inner cities, and the high incidence of disease among the poor? Specifically: First, is the dollar commitment adequate to meet these needs? Second, conceptually, does special revenue sharing represent a more efficacious method of coping with these problems?

My own inquiries, buttressed by the sentiments registered by those attending my budget session, lead inescapably to a "no" answer to both queries.

First, special revenue sharing will allocate less funds to urban needs than do present categorical undertakings.

Many of the categorical authorizations, through which the core cities now receive their funds, will be terminated.

As noted previously, no new urban community development projects will be authorized in fiscal year 1974. Only $600 million in new commitments will be accepted by HUD in fiscal year 1975.

Special revenue sharing commitments for education—excluding school lunches—are pegged at $2.5 billion for next year, $600 million less than the categorical level in fiscal year 1972—$3.1 billion.

Special revenue manpower commitments for fiscal year 1974—$1.340 billion—are $360 million below the previous categorical high.

No special revenue sharing is contemplated to replace many of the expiring categorical health programs.

Governmental units, not now receiving categorical aid, will share in special revenue disbursements. Thus, even as the size of the "pie" shrinks, it will be divided among more consumers.

Dayton and its counterparts throughout the United States, therefore, most certainly will suffer a substantial per capita contraction of Federal support with the advent of special revenue sharing. This means that the following Third District projects, now supported by categorical programs scheduled for phaseout, may face partial or complete loss of funds during the coming fiscal year:

Present Third District categorical programs which may be refunded through special revenue sharing:

| | |
|---|---|
| Manpower revenue sharing: | |
| Neighborhood Youth Corps (board of education) | $557,040 |
| Manpower training programs | 925,400 |
| Better Schools Program (education revenue sharing): | |
| Title VI–B, ESEA (validating the placement of the inner-city child) | 29,000 |
| Vocational and adult education | 1,325,000 |
| Total | 2,836,440 |

Second, special revenue sharing is a less viable means of dealing with urban problems. This conclusion is predicated upon five factors.

In relinquishing its policymaking role to State and local officials, Congress has abandoned its responsibility for establishing national goals. Special revenue sharing concerns itself more with the means of distributing Federal funds than with the objectives which these monies are addressed.

Social prejudices will inhibit many State and local officeholders from voting to channel funds into minority-assistance projects.

Suburban communities are unlikely to direct their new-found revenues toward the solution of central-city problems. The distinguished Pulitzer Prize winner, David S. Broder, recently noted that this new fiscal approach represents "a callous sacrifice of the minority who are poor" in favor of "the many who are complacent and comfortable".

(d) Intergovernmental coordination, now being advanced through the A–95, planned variations, and chief executive review processes, becomes more difficult with the proliferation of independent decisionmaking authorities.

Local governments will be burdened with the costly, and perhaps impossible, task of replacing the technical expertise now provided by those administering Federal categorical programs.

From the foregoing it is clear that, for the central city, such as Dayton, special revenue sharing represents an inadequate substitute for the present categorical aid system.

A counterbudget?

Mrs. Sybil B. Silverman, speaking for the National Association of Social Workers, Inc., at my budget session, strongly urged congressional adoption of "a rational counterbudget that will reflect lifegiving social support for the national citizenry." I replied that, regrettably, current congressional fiscal procedures preclude any immediate entertainment of this suggestion.

Presently the House and Senate Appropriations Committee submit 14 individual budgets, plus a number of supplements thereto, for consideration of the Congress. Each of these proposals is acted upon separately and bears no relationship to the total budget. Furthermore, the congressional appropriations process often is not completed until well into the new fiscal year.

In a radio address delivered on October 7, 1972, President Nixon described the failures of this system:

> Congress not only does not consider the total financial picture when it votes on a particular spending bill, it does not even contain a mechanism to do so if it wishes . . . The Congress, thus, has no sure way of knowing whether or when its many separate decisions are contributing to inflation and higher prices, or possibly to higher taxes.

Last fall, in a statement submitted to Republican Task Force on House Rules, I proposed a revision of congressional budgetary procedures. I recommended that Congress institute its own fiscal package which could be known as the Speaker's budget. After consultation with appropriate committee members, the Speaker would present his budget to the House of Representatives on the first Monday of March. I suggested that this document contain three sections: First, a total spending limit for the forthcoming fiscal year; second, a breakdown of this figure by departments—14 subtotals, in other words; and third, a recommendation to increase, decrease, or maintain present tax rates.

Following 2 weeks of general debate, the proposal would be open to amendment. However, any change in departmental allocations would require: First, a corresponding revision in spending and/or tax totals; or second, an equivalent change in another agency's allocation. Once the budget receives House approval, it would be transmitted to the Senate where the same procedure would be followed. It also was my advice that, following the budget's enactment, any subsequent changes in the total spending limitation would require a two-thirds affirmative vote by each Chamber.

In my opinion, four significant benefits would accrue to our economy if Congress adopted this, or a similar plan.

First, integrating the Government's spending and taxing programs affords Congress a cohesive approach to our Nation's economic needs.

Second, by permitting the legislative branch to consider each department's needs within the context of the whole budget, my proposal permits a more precise delineation of spending priorities.

Third, this process also would diminish the impact of pressure groups which would have to vie with other interests for "their share of the action."

Fourth, departmental effectiveness would be increased since each executive agency would know its total expenditure capabilities at the beginning of the fiscal year.

Is such an idea feasible? Referring to Congress fiscal inadequacy, TRB, writing in the April 21, 1973, issue of the New Republic avers that it is. He observes:

> Well, something can be done about it, and we guess it is the big story from Washington though it is terribly dull to watch and tell. (Anything constructive generally is dull, we notice.) A real effort is underway by a strong special Senate and House study committee to give Congress, after 200 years, a budget control mechanism. It would set an annual spending limit, with powerful committees in the House and Senate to police it, and more important, a review process at the end of the year. If Congress overspent itself it would cut back on appropriations or, alternatively, institute new taxes to foot the bill . . .
>
> Sounds simple, eh? It is also revolutionary. And yet there are prominent, well-known, middle-of-the-road Congressmen talking seriously about the biggest legislative reform that we know of. If it comes who will have produced it? Why, Mr. Nixon, to be



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sure. Congress is reluctantly saving its own life because he drove them to it.

SUMMARY

A recent joint statement issued by the Catholic Archdiocese of Washington, the Council of Churches of Greater Washington, and the Jewish Community Council of Greater Washington declares that—

The search for efficiency should not take the form of large-scale elimination of funds needed by children, by the poor, by the elderly, by the sick.

Yet this is precisely the design which is emerging from the architects of the "new era." The administration's budgetary redirection certainly represents a retrenchment in the battle to combat urban problems.

The promise that general revenue sharing will produce all "new" moneys already has been breached. Special revenue sharing funds will be less, both totally and per capita, than the categorical grant programs which they are scheduled to replace. Further, the categorical approach is more effective than is special revenue sharing in treating specific metropolitan area ills.

Congress, unfortunately, is poorly equipped, at present, to match the administration in "the battle of the budget." Progress, however, is being made in this area. Hopefully, by next spring the Congress will have adopted procedures which will permit a more cohesive fiscal process.

THE ALTERNATIVES—INFLATION AND/OR HIGHER TAXES?

Surprisingly, the premise that inflation and/or a tax increase is the inevitable result of the restoration of funds for human resources has not been challenged.

Suppose that all of the $10 billion in the "real" cuts, described by Hobart Rowen, were reinstated by Congress with no compensating budgetary changes? In the face of a $1.26 trillion estimated gross national product for 1973, coupled with substantial unused productive resources—5.1 percent unemployment; 80.5 percent plant capacity utilization for the first quarter of 1973—the inflationary impact of this increase—0.7 percent of GNP—would be minimal.

There is evidence that factors other than inflation underlie recent administration fiscal actions. The abrupt ending on January 11 of phase 2 of the economic stabilization program lends credence to this thesis. Further, the President apparently saw nothing inflationary in his recommendation that the fiscal year 1974 Department of Defense obligational authority be increased $5.7 billion over this year's figure—from an estimated $77.8 billion in fiscal year 1973 to an estimated $83.5 billion for the coming year. Nor does the prospect of spending $1.6 billion for military assistance and $600 million for economic aid in South Vietnam seem to raise inflationary fears.

Indeed, the principal objective of the administration's new budgetary strategy is to force Congress to accept the proposed special revenue-sharing plans. This is made clear in executive department letters to State and local governments. In these communications State and local officials are advised that funds are being held until such time as Congress adopts special revenue sharing.

Even though maintaining urban area categorical programs at current funding levels, with no further budgetary adjustments, will not contribute significantly to inflationary pressures, this is not the only alternative available to Congress.

At a very minimum, two other possibilities exist.

First, Department of Defense obligational authority for fiscal year 1974 can be trimmed by $5 billion without impairing the efficiency of our Armed Forces. If this cut were effectuated, Department of Defense obligational authority still would be $700 million greater than in fiscal year 1973. Of the proposed $5 billion reduction, approximately $1.01 billion can be achieved by reducing troop strength from a projected 2,230,000, as of June 30, 1974, to 2,100,000—computed at an average cost of $7,813.98 for an enlisted man per year. I will detail how other military savings can be realized in a subsequent position paper.

Second, enactment of an equitable tax reform measure would expand Federal revenues by at least $7 billion without a concomitant increase in personal and corporate rates. Approximately $2.5 billion of this can be generated by repealing the accelerated depreciation subsidy extended to the business community through a 1971 Executive order—the 7-percent tax investment credit would not be affected if this recommendation were implemented by Congress. A comprehensive analysis of my views concerning tax reform will appear in a future position statement.

Thus, by reducing defense spending and eliminating certain inequitable tax provisions, Congress can retain those vitally needed urban programs destined for the guillotine and, concurrently, reduce the total proposed appropriations level.

MY BUDGETARY VOTES—93D CONGRESS

In view of the preceding views, what fiscal actions do I plan to pursue during the present legislative session?

First, I shall continue in my efforts to secure more rational congressional budgetary procedures along the lines which I suggested last fall (see section III, D).

Second, I shall support measures designed to end impoundment of fiscal year 1973 appropriations for the Environmental Protection Agency—water and sewer grants—the Department of Housing and Urban Development—open space; code enforcement; public housing; FHA 235 and 236 housing—the National Science Foundation, and the Department of Health, Education, and Welfare—federally affected areas; veterans education.

Third, I shall oppose bills seeking to establish special revenue sharing programs.

Fourth, until I am given the opportunity to consider an overall congressional fiscal package, I, of course, will be required to vote on authorization and appropriation proposals on a bill-by-bill basis.

I will be guided in each instance by the following criteria: Does the measure meet a specific need? If so, what is the position of this need on the scale of national priorities? Is the funding adequate to insure resolution of the problem?

In conformity with these standards, I shall be obliged to oppose certain legislation. This I did in the case of the rural environmental assistance program—REAP—which the Washington Post, in an editorial, termed "an obscure and questionable farm subsidy." I also acted to sustain President Nixon's veto of the rural water and sewer bill. As I stated on April 9:

The issue at hand is that of priorities . . . within the context of needed budgetary restraints, I have assigned greater priority to programs designed to curb the urban ills of our country.

However, I do intend to support retention, full-funding, and suggested improvements of the following categorical programs:

1. Housing and Urban Development:
a. Public Housing.
b. Subsidized Housing (235; 236; Rent Supplement).
c. Water and Sewer.
d. Open Space.
e. Model Cities.
f. Urban Renewal.
g. Neighborhood Facilities.
h. Public Facility Loans.
2. Department of Labor:
a. Public Employment Programs (PEP).
b. Economic Opportunity Act (EOA).
c. Manpower Development and Training Act.
d. Summer Neighborhood Youth Program.
3. Office of Economic Opportunity:
a. Head Start.
b. Legal Aid.
c. Community Action Program.
4. Department of Health, Education and Welfare:
a. Title I—Elementary and Secondary Education Act.
b. Library Support.
c. Child Care (Social Security Act).
d. Federally Affected Areas (Impacted Areas).
e. Veterans Education.
f. Community Mental Health Centers.
g. Higher Education Assistance Programs.
5. Environmental Protection Agency—Air and Water Pollution Programs.

I shall endorse efforts to consolidate redundant categorical projects, particularly in the manpower training realm.

Fifth, I shall actively seek a $5 billion reduction in the Department of Defense's fiscal year 1974 obligational authority.

Sixth, I will work for a more equitable tax structure. A corollary benefit of this undertaking should be an additional tax yield of $7 billion.

CONCLUSION

As columnist Marquis Childs wrote on February 20, 1973:

Who is the enemy? Is it the Russians, the Chinese? Is that why the defense budget of $80 billion plus is sacrosanct? Or is it the killers that day after day strike down men, women and children—cancer, stroke, heart disease? These are life-and-death questions pressed by the specialists who believe that money wisely spent can bring victory over the enemy here at home.

To this domestic enemy list also should be added inadequate education, poverty, poor housing, excessive incidence of urban area crime, and malnutrition.

"The New Era of Progress" ignores these foes. The administration's fiscal outlook, in fact, represents a retrogression both in the funding and in the manner of dealing with our country's major domestic ailments. For the welfare of our Nation this attitude of benign neglect must not prevail. Insuring that it does not will be the focus of my legislative efforts during the coming months. I include the following appendixes:



EXHIBIT A

*Summary of budgetary reserves*

[Dollars in millions*]

| | Amount |
|---|---|
| Executive Office of the President | $3 |
| Funds Appropriated to the President | 127 |
| Department of Agriculture | 1,497 |
| Department of Commerce | 181 |
| Department of Defense—Military | 1,899 |
| Department of Defense—Civil | 118 |
| Department of Health, Education, and Welfare | 35 |
| Department of Housing and Urban Development | 529 |
| Department of the Interior | 482 |
| Department of Justice | 36 |
| Department of State | 6 |
| Department of Transportation | 2,937 |
| Department of Treasury | 24 |
| Atomic Energy Commission | 316 |
| Environmental Protection Agency | 2 |
| General Services Administration | 261 |
| National Aeronautics and Space Administration | 33 |
| Veterans' Administration | 71 |
| Other Independent Agencies: | |
| National Science Foundation | 62 |
| Small Business Administration | 51 |
| All others | 52 |
| Total | 8,723 |

*Above figures submitted by the Office of Management and Budget to Congress as of January 29, 1973.

EXHIBIT B

Partial Listing of Impoundment by Office of Management and Budget of Funds Appropriated by Congress, Released by Representative Joe L. Evins (D-Tenn.), a member of the Committee on Appropriations and Chairman of the Subcommittee on Public Works and Atomic Energy Commission Appropriations, January 15, 1973.

Funds withheld and impounded by OMB include the following:

| | |
|---|---|
| Department of Agriculture | $1,267,076,000 |
| Department of Housing and Urban Development | 523,200,000 |
| Department of Transportation (For Federal-aid to Highways including Interstate) | 2,000,000,000 |
| Department of Defense (Corps of Engineers) | 20,462,000 |
| Department of Commerce (Including $109,555,000 for water, sewage, and industrial expansion grants by the Economic Development Administration) | 243,000,000 |
| Environmental Protection Agency | 6,000,000,000 |
| Department of Health, Education and Welfare | 56,997,490 |
| Department of the Treasury | 24,034,197 |
| Atomic Energy Commission | 15,400,000 |
| Department of Defense (military) | 1,940,448,924 |
| Veterans Administration (Including $46,786,000 for reduction in apportionment) | 111,786,000 |
| Appalachian Regional Commission | 65,000,000 |

EXHIBIT C

Ad Hoc Budget Hearings Held by Congressman Charles W. Whalen, Jr., March 23-24, 1973:

ORGANIZATIONS AND REPRESENTATIVES

City of Dayton: Mayor James H. McGee.
City of Kettering: Mayor Charles F. Horn.
Dayton Area Chamber of Commerce: Mr. Gene Lawrence.
Dayton Board of Education: Mr. William E. Goodwin, President.
Dayton Development Council: Mr. Dudley P. Kircher, Director.
Dayton Metropolitan Housing Authority: Mr. Carl Copp, Chairman; Mr. Hughbert Poore; Mr. Arch Warner.
Dayton-Montgomery County Library: Mrs. John E. Coleman, President-Board of Trustees; Mr. William Chait.
Health Planning Council of Greater Miami Valley: Dr. Robert Craig, President; Mr. Stephen Davie.
Health and Welfare Planning Council: Mrs. Fred Young, President—Board of Directors; Mr. Bernard Hyman.
Home Builders Association of Metropolitan Dayton: Mr. Robert W. Booher, President—Board of Directors; Mr. Jacques Sheley.
League of Women Voters: Mrs. Gail Levin, President.
Metropolitan Churches United: Rev. Richard Hardy, President; Rev. Thomas Dorenbusch; Rev. Robert Kolze.
Model Cities:
Planning Council, Mr. George Washington, President.
South East Priority Board, Mr. Robert Hand, President.
South West Priority Board, Mr. Roscoe Simmons, President.
FROC Priority Board, Mr. Michael Means, President.
North East Priority Board, Mr. Martin Harmuth, President.
North West Priority Board, Mr. Solomon Crane, President.
Miami Valley Chapter of the National Association of Social Workers: Mrs. Sybil Silverman; Mrs. Virginia Creamow; Mr. Robert M. Eschbach; Mr. James Lucas.
Miami Valley Regional Planning Commission: Mr. Edwin S. Brubaker, Chairman; Mr. Dale Bertsch.
Montgomery County Board of Education: Mr. Roland St. John, President; Dr. Kenneth Crim; Dr. Raymond Hopper.
Montgomery County Childrens Services Board: Mr. William Bacon.
Montgomery County Community Action Agency: Mr. Herman Lander, President; Mr. Terry Bradford; Mr. Melvin Jackson.
Montgomery County Farm Bureau Federation: Mr. Ralph Dull, President.
Sinclair Community College: Mr. B. R. Blacklidge, Comptroller; Dr. P. J. Parsons.
Supervisory Council on Crime and Delinquency: Honorable Walter Rice, Chairman.
University of Dayton: Rev. Raymond A. Roesch, S. M., President.
Wright State University: Mr. Howard E. Bales, Assistant Director, Research Development.

## EDUCATION TAX CREDITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, last week I introduced legislation that would allow individuals a tax credit for all educational expenses that they incur. This tax credit would not be limited to only elementary and secondary school expenses, but would also include the cost of higher education, including trade and vocational schools.

Credit would be allowed, within specific limitations, for tuition, fees, books, supplies and other equipment required for courses at an educational institution. Items such as meals, lodging and similar personal and family expenses would not be allowed under my proposal.

At this point I would like to include the complete text of my bill:

H.R. 7708

A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for educational expenses

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) subpart A of part IV of subchapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 42 as section 43, and by inserting after section 41 the following new section:

"SEC. 42. EDUCATIONAL EXPENSES.

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount, determined under subsection (b), of the educational expenses paid by him during the taxable year to one or more educational institutions in providing an education for himself or for any other individual.

"(b) LIMITATIONS.—

"(1) AMOUNT PER INDIVIDUAL.—The credit under subsection (a) for educational expenses of any individual paid during the taxable year shall be an amount equal to the sum of—

"(A) 100 percent of so much of such expenses as does not exceed $200,

"(B) 75 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 25 percent of so much of such expenses as exceeds $500 but does not exceed $1,500.

"(2) PRORATION OF CREDIT WHERE MORE THAN ONE TAXPAYER PAYS EXPENSES.—If educational expenses of an individual are paid by more than one taxpayer during a taxable year, the credit allowable to each such taxpayer under subsection (a) shall be the same portion of the credit determined under paragraph (1) as the amount of educational expenses of such individual paid by that taxpayer during the taxable year is of the amount of the educational expenses of such individual paid by all taxpayers during the taxable year.

"(3) REDUCTION OF CREDIT.—The credit allowed a taxpayer under subsection (a) for educational expenses of any individual paid during the taxable year, as determined under paragraphs (1) and (2) of this subsection, shall be reduced by an amount equal to 1 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceed $25,000.

"(c) DEFINITION.—For purposes of this section—

"(1) EDUCATIONAL EXPENSES.—The term 'educational expenses' means—

"(A) tuition and fees required for the enrollment or attendance of a student at an educational institution, and

"(B) fees, books, supplies, and equipment required for courses of instruction at an educational institution. Such term does not include any amount paid, directly or indirectly, for meals, lodging, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees included an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) EDUCATIONAL INSTITUTION.—The term 'educational' means—

"(A) an educational institution (as defined in section 151(e)(4)) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c); or

"(B) a business or trade school, or technical institution, or other technical or voca-

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tional school in any State, which (i) is legally authorized to provide, and provides within that State, a program of vocational or technical education designed to fit individuals for useful employment in recognized occupations; and (ii) is accredited by a nationally recognized agency or association listed by the United States Commissioner of Education; and (iii) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subparagraph.

"(3) STATE.—The term 'State' includes the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(d) SPECIAL RULES.—

"(1) ADJUSTMENT FOR CERTAIN SCHOLARSHIP AND VETERANS' BENEFITS.—The amount otherwise taken into account under subsection (a) as educational expenses of any individual during any period shall be reduced (before the application of subsection (b) by any amounts received by such individual during such period as—

"(A) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includible in gross income, or

"(B) an educational assistance allowance under chapter 34 or 35 of title 38, United States Code.

"(2) NONCREDIT AND RECREATIONAL, ETC., COURSES.—Amounts paid for educational expenses of any individual shall be taken into account under subsection (a)—

"(A) in the case of an individual who is a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction for which credit is allowed toward a baccalaureate or higher degree, and

"(B) in the case of an individual who is not a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction which are required courses under the rules and practices of the educational institution or are necessary for such individual to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

"(e) DISALLOWANCE OF EXPENSES AS DEDUCTIONS.—No deduction shall be allowed under section 162 (relating to trade or business expenses) for any educational expenses which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to the expenses of any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 42. Educational expenses.
"Sec. 43. Overpayment of tax.".

SEC. 2. The amendments made by the first section of this Act shall apply to the taxable years beginning after December 31, 1970.

With education playing an ever-increasing role in our society and in view of the crisis facing our nonpublic schools, the desirability of such legislation is clearly evident.

The nonpublic school system represents a vital national asset. We must not allow our nonpublic schools to die. They have been making an important contribution to American education and society as a whole since the founding of our Nation and play a special role in education, especially in our urban areas.

Nonpublic schools are having serious financial problems. Low to middle income parents are having a difficult time meeting the increasing tuition costs of nonpublic schools as high taxes and inflation continue to make inroads in their earnings.

Approximately 10 percent of the Nation's children attend nonpublic schools thereby relieving the public school systems and the taxpayer of substantial cost. It has been estimated that the closing of nonpublic schools would result in an increase of $4 billion in annual operating expenses and $5 billion in capital costs to public school systems.

In my opinion, Federal tax relief for the individual family is the best way to help assure the continuance of our private system of education. It would ease the pressure on the public school system by enabling more parents to send their children to nonpublic schools for the first time or to assure their continuing attendance at such schools. The use of the tax system to give relief to parents is preferable to grants and subsidies to the nonpublic schools themselves. Aside from the constitutional problems such direct aid would involve, there would be no reason for Federal involvement in the educational programs of the nonpublic schools, since the parents, not the schools would be the recipients of such benefits under my bill. Federal control of the curriculum and activities of the private school, especially the religiously oriented schools, is a situation which must be avoided.

Within the framework of tax relief, I believe the tax credit approach for all educational expenditures, including trade schools and higher education, as proposed by the legislation I have introduced today, is the best option. It is superior to a tax deduction for two reasons: First, it may be taken even when the taxpayer does not itemize his deductions; and second, it provides a greater benefit to low- and middle-income taxpayers than an itemized deduction.

My bill would provide a tax credit for educational expenses equal to the sum of 100 percent of so much expenses as does not exceed $200; or, 75 percent of so much of such expenses as exceeds $200 but does not exceed $500; or 25 percent of so much of such expenses as exceeds $500 but does not exceed $1,500.

Under our present tax laws we have numerous examples of allowable deductions for private investment to serve the public good. Deductions for charitable contributions to religious and educational institutions are particularly apt. Present tax laws also permit persons who pay taxes to a State or local government for various purposes to deduct these taxes on their Federal returns. Businessmen benefit from deductions for numerous expenses incidental to their activities. Certainly, payments made by parents for reduction ought to receive similar treatment.

We need only look at declining private school enrollment, which is reported at a rate of 6 percent a year, to recognize the need for prompt action by Congress. In addition to nonreligious private schools, there are, of course, many Jewish and Christian schools who are facing serious financial problems. For example, Roman Catholic schools, which comprise the bulk of nonpublic schools, have been forced to close hundreds of schools in the face of increased costs. A major problem facing these schools is their inability to compete with public schools in meeting salary demands of lay teachers. Compounding the problem is the fact that the number of lay teachers has steadily increased as the number of religious orders engaged in teaching has steadily decreased. People of low- and middle-income who want their children to have the benefits of religious instruction as well as academic instruction are finding it next to impossible to meet both the increased tuition costs of the parochial schools and the ever-increasing property taxes needed to support public schools. Increasingly, these parents are being forced to shift their children to the public school system. This trend, if it continues, will seriously aggravate the existing critical situation faced by public institutions.

Far too often, we slip into debate regarding education strictly in terms of dollars and cents, forgetting the contributions made by both the public and nonpublic school systems to the growth of healthy social, ethnic, and cultural expression in America.

Far too often we forget that for virtually every student in a private school there is one less student supported by tax funds, local, State, or Federal. In both the State of Maryland and my county of Prince Georges it costs $1,000 annually for each student in elementary and secondary public school. The parent that makes this saving possible is entitled to some tax saving himself.

In addition to this saving to the local, State, and Federal governments, I would like to cite the problem of those parents in my district who have been subjected to the largest court-ordered schoolbusing in the Nation's history. A Federal court has ordered 32,000 of the county's 160,000 students to be bused so that no school will have less than 10 percent and no more than 50 percent black students. As a result there is massive racially balanced busing in and out of essentially all of the county's 235 schools. The selection of those to be bused is arbitrary in order to meet quotas The distances students are bused may be extreme because of the size of Prince Georges County. Even with one of the largest school bus fleets in the world, schools must open and close on staggered schedules. Some open as early as 7:30 a.m., some close as late as 4:30 p.m. Bused students must leave home as early as 6:30 a.m., return as late as 5:30 p.m.

This court-ordered busing has increased attendance and interest in private schools. Parents are reluctant to have young children transported to distant schools for the sole purpose of achieving an arbitrary statistical balance. Parents with several children are reluctant to have them at different schools because they are of different ages. Parents with transportation problems are not able to permit their youngsters to take part in extracurricular activities.

Thus, private schools in my district serve many purposes. Those with high incomes should not be the only ones who have access to these private schools.

Americans want to retain pluralism in our society that has been a hallmark of its democratic institutions. Our society wants and deserves alternatives to public education. This legislation is a major step in assuring that we retain them in the future.

## DESIGNATION AND PROTECTION OF NATURAL AREAS IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 10 minutes.

Mr. BLACKBURN. Mr. Speaker, I am today introducing legislation which would grant the Secretary of the Interior the power to develop a program for the designation and protection of natural areas throughout the United States.

Presently, the only program available to the Secretary for the preservation and protection of natural areas is the wilderness system. Unfortunately, land must already be in Federal hands for this act to apply. Though the land and water conservation program does provide a 50–50 matching grant for the development of land and water resources for recreation purposes, it does not apply to saving natural areas. Thus, the Interior Department does not have authority to grant aid to States and local governments to acquire natural areas of geological or ecological significance. The legislation which I am introducing would grant the Secretary of the Interior the power to make 50–50 matching grants for this purpose.

I have found, through my studies, that there is a need for an expanded program to protect natural areas in order to achieve an increased appreciation of the natural history of the United States. Their appropriate use, including environmental education, scientific research, and public appreciation of these areas will be encouraged if they are so protected. Most of us remember our youth in which there were large expanses of natural areas. Unfortunately, with the continuing urban sprawling, these areas are being destroyed and we face the danger that future generations will not have the chance to use nature's wonders as we did.

I realize that in any program of this nature there should be an orderly system and criteria established for designating which areas deserve protection and assistance. Therefore, under title II of my legislation, I establish an Advisory Council on the Preservation of Natural Areas. The members of the advisory council shall be the Secretaries of the Interior Agriculure; Housing and Urban Development; Transportation; Defense; Health, Education, and Welfare; the Smithsonian Institution; the President of the Natural Resources Council; and 10 appointments made by the President from the United States from the public. This Council will advise the President and the Congress on matters relating to the implementation and the coordination of this act with other Federal and State activities. Furthermore, the Council shall establish a national registry of areas which are endangered and will be first to receive funding under this act.

In my own State of Georgia, the following areas have been declared eligible for registration as National Historic, Natural, and Environmental Education Landmarks: Etowah Mounds in Bartow County, Harris (Joel Chandler) House in Fulton County, Kolomoki Mounds in Early County, Low (Juliette Gordon) Birthplace in Chatham County, St. Catherines Island in Liberty County, Savannah Historic District in Chatham County, Stallings Island in Columbia County, Traveler's Rest in Stephens County, Marshall Forest in Floyd County, Wassaw Island in Chatham County, and the Elizabeth Elementary School Environmental Study Area in Cobb County.

I am sure many of you have areas in your State that some day might be endangered. If my bill was enacted, these areas would not be lost through oversight and if for some reason their destruction was imminent there would be a mechanism available to be employed in order to preserve and protect these areas for prosperity.

Preservation and protection of our natural areas at this time in our country's history is of prime importance. If we wait too long, there will be little left to protect. I urge prompt consideration of my bill.

## THIS IS NOT THE TIME FOR CUTBACKS IN AGRICULTURAL RESEARCH AND DEVELOPMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. YOUNG) is recognized for 15 minutes.

Mr. YOUNG of South Carolina. Mr. Speaker, today our country is as concerned as I have ever seen it with the problems of continually rising food prices.

As an outgrowth of this corncern, the American farmer is under scrutiny by the people of this Nation as never before. Today, I rise to plead his case and to say that now, more than ever, we should be aware of the efficiency of the American farmer, what it means to all of us, and to make sure that we, as a government, do everything humanly possible to work to make the American farm increasingly efficient.

The way to accomplish this is through research and development, through education and conservation, by continuing and expanding the programs that have helped make the American farm the most efficient in the world.

Yet, I regret to say that now when all of us should be concerned with—and are concerned with—rising food prices, we are told of cutbacks in agricultural research, in State experimental stations, in the extension services, and in conservation programs.

In my judgment, this is a false economy.

I know from my own personal knowledge that money spent on agricultural research and development is one of the most important investments this country can make.

During the Easter recess I traveled over my district and talked with many people. I was impressed with the recurring theme that was often mentioned. Some of the people from the agricultural experiment stations came to me to discuss projects that were being cut completely. Others mentioned early retirement and the fact that personnel were being transferred from one station to another and not replaced.

I listened to these folks as they spoke about the work they felt so strongly about. My first thought was that I was prejudiced concerning these people. As a boy in high school I had watched crops on these stations grow. Year after year the yields of the crops increased amazingly. Increases of 20 to 30 percent were realized through research, improvement in seed, and cultivation and fertilization. These scientists at the research stations had the time, facilities, and appropriations to carry on these experiments, and all the people on the farms reaped the benefits of their work, research, and dedication.

For years it was my pleasure to serve as a supervisor on a soil conservation board. As a member of that board it was a joy to see land reclaimed through ditching, terraces built to keep the soil from eroding, and efforts made to conserve our resources. It is sad to realize that a great part of our pollution today comes from the land. It has always impressed me that the streams of England run clear, yet all too often I see the silt in our Nation being washed away, irreplaceable, while the conservation programs initiated to remedy this problem are being cut. Many of our friends from the city feel that this program is no longer necessary, yet this is the life blood of not only our generation, but of generations to come.

Another problem that was mentioned to us during the Easter holidays was the cutback in agricultural education. Then my mind went back to the time that my farm friends and I spent learning together from agriculture teachers and the exchange of ideas that flowed from the students in the class. As a unit in an agricultural learning institution we searched for a better way to do a job on the farm, for ways to raise production, for ways to improve the quality of crops. Now programs for agricultural training are being cut.

Specifically, today, the Department of Agriculture is withholding funds from agricultural research that were voted by this Congress. It also intends to recommend additional cuts in the budget for the coming year.

The same practice—of withholding funds appropriated by the Congress—is true in the Cooperative State Research Service—this is the program that helps finance the State experimental stations. Also, further cuts are being proposed for the coming year.

In the Extension Service, while no meaningful budget cuts are proposed, the amount available to be spent on programs is cut in effect by the change in the post-





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al regulations, meaning that some $5.7 million must be diverted from other activities to pay for postage.

In ASCS, personnel are being reduced and spending eliminated on the cancellation of the REAP program, which we hope this Congress will reinstate. And, the Soil Conservation Service is being sliced heavily, $9 million coming out of the resources conservation development and $6 million from the watersheds program.

All of these reflect a lessening in priorities on programs that eventually can cut back on farm efficiencies. Farm efficiency means more food for the dollar and is in direct conflict with our determination to hold down further increases in food prices.

Right now food pours forth from our farms. But what if the efficiency of the American farmer stumbles? What if the shelves in the grocery store suddenly become empty and we have to stand in line for our food?

It is our responsibility to keep our farmers in business. We are in the process now of reexamining the Agriculture Act of 1970. Here again we have conflicts. Here again we debate priorities.

In this process we search for the truths and look for the best solutions for the Nation. In so doing, we must examine very closely our agriculture policy.

We must be sure that our priorities maintain a dynamic and productive agriculture.

Food is basic. Food is necessary. All of us need to reexamine the problems relating to the farms that provide our food.

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## DANGER MAY SPAWN IN A PERIOD OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 5 minutes.

Mr. HOSMER. Mr. Speaker, Rear Adm. Ernest McNeill Eller, former Director of the Naval History Division, retired from the Navy in 1970, ending a distinguished 48-year career. Currently, he is serving his second year as national historian of the Navy League. Author of the book "The Soviet Sea Challenge," Admiral Eller has been an anxious observer of the momentous changes of the past decade which have eroded U.S. oceanic strength and tipped the precarious balance of sea power in favor of the Soviet Union.

These are his views as published in the magazine Sea Power for May 1973, on the perils which a nation can allow to develop during a period of peace by failure to prepare for trouble which inevitably will follow:

THE POSTWAR FOLLIES

(By Ernest M. Eller)

After all major conflicts in which the United Statea has been involved there has been, and rightly so, a cutback of U.S. military forces.

Sometimes—more often than not, unfortunately—such cuts have gone beyond the point of reason and safety as the nation's craving for peace and weariness with war, particularly with expenditures for war, have caused the pendulum to swing too far—regardless of postwar world conditions, U.S. international treaty responsibilities, and domestic economic needs.

The country again faces such a situation today as, in the wake of the longest war—and one of the most divisive—in U.S. history, she begins a substantial dismantling of the country's defense establishment and turns to consideration of what many stridently proclaim as "higher priority" domestic matters.

But it is no exaggeration to say that, if America follows too closely the postwar excesses of the past, if she once again permits the pendulum to swing too far, she will be inviting calamity.

This is particularly true as regards the situation at sea, where the United States is losing the fight to a relentless opponent—and, in fact, in the opinion of many naval leaders, has probably already lost it.

It is also no exaggeration to state, alarmist though it may sound, that never before in history has the United States been in as great peril as she is today.

This is so because, for the first time in history, the nation is faced with a ruthless antagonist which, always strong on land, is now, and has been for several years, furiously building a strength at sea which is today second to none.

THE BRITISH SHIELD

In the past, particularly throughout the last century, the benvolent shield of British sea power protected the United States and many other nations from would-be predators. When in this century aggressor nations, ambitious for world conquest, became more so because of the naval and military weakness of the democracies and finally did challenge the Royal Navy, as well as the ascendant, newly powerful U.S. Navy, at sea, there followed the catastrophe of two world wars.

Those who lived through the darkest days of World War II, particularly, know how perilously thin was the margin of naval/military strength by which the Allies finally won out, and should remember that Great Britain nearly succumbed to a submarine force insignificant to that which the Kremlin now directs. Those in the U.S. Navy who survived will never forget the dark and desperate year after Pearl Harbor when the Japanese had a stronger Navy in the Pacific, nor the immense efforts required of the combined navies of the United States, Great Britain, and other Allied countries to check the smaller German and Japanese navies.

With such examples from the recent past, with a strong friendly sea power no longer standing between America and potential adversaries, with an avowed enemy already armed to the teeth daily growing ever stronger—particularly on, under, and now over the seas—and with the acknowledged responsibilities thrust upon and accepted by her as the most powerful of the world's democracies, it seems incredible that America has allowed herself to become abysmally inferior in most of the essentials of sea power.

But this is exactly what has happened. It is hard to understand why this is so. Perhaps today's willingness, not to say eagerness, to demolish the tools of war simply reflects historical American tendencies to let hope ride over common sense. The country has always suffered heavily in times of war for its lack of foresight during the preceding periods of peace.

If history repeats itself once again, if the past is lantern for the future, which it is, Americans can expect cruel days ahead—*but this need not be so if, in fact, U.S. leaders in Congress and in the Executive Branch can read history, and can learn from it.*

EARLY ECONOMY ERRORS

Examining the past may help to put the present situation in better perspective. After the American Revolution Yankee maritime enterprise ranged far and wide. Merchant ships multiplied, and commerce prospered. However, bankrupted by the long war, and struggling to unite on national purpose, the nation's forefathers disbanded the small U.S. Navy of the day and depended upon the good will of others for protection.

They soon learned—the hard way, unfortunately—that freedom cannot survive without the courage and sacrifice and strength that won it in the first place. In a world where power must back the best intentions, one cannot fight sturdily for the right and then on victory day abandon his arms and leave the future as unprotected as the past. Strength in peace is almost more important than in war, *for it can prevent war.* Weakness, on the other hand, invites war.

In 1785, as the United States auctioned off her last warship, Barbary corsairs captured American merchantmen and enslaved the crews. Neglected by their government, many luckless sailors, the "POWs" of their day, died in captivity, and a decade would pass before the last survivors were freed—any similarity wtih Korean War and Vietnam War POW experiences is more than coincidental.

Worse followed. The French Revolution that began in 1789 soon ignited the fifth World War of that century. In efforts to cut each other's lifelines, both England and France (America's ally, under another government, during the Revolutionary War) preyed on the American merchant marine. The U.S. government protested but it was too weak to do more.

Then, in 1792, Algerian corsairs captured several ships and enslaved over 100 more American mariners. Congress finally authorized the building of six frigates—but soon cut that number to three when U.S. diplomats negotiated a humiliating peace at a tribute cost of one-sixth of the national revenue (then $6 million).

At that time the nation's income came almost exclusively from taxes on foreign trade. During the 1795–97 period, income averaged under $6.5 million annually, of which the Navy was allocated 5.5 per cent. Congress obviously wasn't rushing to rebuild a fleet, even though world war still raged.

As hostilities mounted, outrages against American commerce increased. French corsairs even caputred ships in U.S. territorial waters. Congress consequently sped up commissioning a small fleet, and the country entered upon the naval quasi-war with France.

In 1801, following successful conclusion of that war, the U.S. government commenced operations against the Barbary pirates but, as usual, tried to conduct them on a shoestring: naval appropriations dropped from $2.111 million in 1801 to $916,000 in 1802. The war thus dragged on for years until finally settled when the government agreed to pay ransom for the U.S. POWs .

Thereafter, as war continued and American commerce suffered heavily, naval budgets grew. From 1806 to 1811 they averaged around $1.9 million annually, or 20 per cent of the national budget. Such wiser allocation of resources to provide protection at sea in perilous times, however, was hamstrung by what can only be called the "gunboat aberration." (Not only do Americans usually deceive themselves that the end of war means peace forever, but they ever follow the other chimera that security can be bought on the cheap. This time the bargain basement offered Mr. Jefferson's gunboats. Most of the Navy's increased funds went into this folly; hence real preparedness afloat benefited little.)

FOLLY AND FORESIGHT

When the War of 1812 came the United States had, therefore, only a few high-seas warships. The little Navy could not stop the ravages—including the burning of Washington—of the British fleet, but it won notable single-ship duels and lake victories of lasting importance to the American future. When the war ended in 1815, the government consequently continued to strengthen the Navy by commissioning ships of the line, backbone of sea power. During the period 1817–21, appropriations for the Navy averaged $3.56 million, or 18 per cent of total government spending. Three sea wars in less than two decades, and pirate depredations in the West Indies, had apparently driven the lesson home.

It is not necessary to detail the wisdom or folly in naval appropriations for the ensuing century to World War I, except to note two significant examples:

(1) Power afloat played a giant role on the ocean, bays, and rivers during the Civil War. Yet when peace came naval funds plummeted and stayed in the deep six. For 25 years they averaged under 7 per cent of the overall budget, and did not rise to above 10 per cent until the late 1890s. The nation survived such a perilously low level of security only because of Britain's benign rule of the seas—a safeguard no longer present.

(2) One of the few instances of wise and strong U.S. maritime policy over an extended peacetime period followed the short Spanish-American War. During that war, naval expenditures rose only moderately over the years immediately preceding, holding at about 10–11 per cent of total national spending (then $605 million). But in 1900 a new trend began.

It was a time of cataclysmic changes. Giant forces were sweeping the world. The rising tide of the Industrial Revolution and accelerating technology had completely changed navies. A modern ship of the line, the "battleship," had evolved. Submarines were bringing their deadly stealth to boost the offensive strength of navies and increase defensive problems. Aircraft would soon follow.

These revolutionary developments at sea converged with the rise of ambitious rivals east and west yearning to wrest the sea from Britain. At the same time, although not understanding it, the United States was rising to world primacy. Without conscious preparation the nation was becoming world leader.

TR'S PRESCIENCE

A number of Americans, with Teddy Roosevelt—a leader who demonstrates the overriding importance of a single great man in shaping history—in the van, did understand the changes taking place, however, and saw clearly that the key to the defense of freedom lay at sea. With Teddy Roosevelt on the bridge, funding for the Navy rose steadily to about 18 per cent of the rising national budget. Had the U.S. government held to the preceding low 6–10 per cent ratio, in the opinion of many military historians, World War I might well have gone the other way.

Roosevelt's foresight did, of course, provide the naval muscle needed by the Allies to win World War I, and should have been an example to future generations of the necessity for strength at sea. Yet, since the World War I armistice of November 11, 1918, the record of U.S. national peacetime leadership in providing a navy adequate to the nation's needs and to cope with changing and increasingly hostile world conditions has been as bleak as the worst of the past, with only a few bright spots.

Each generation seems to find its own false standard to displace strength, within history has repeatedly demonstrated is the one sure hope for peace in a world where aggression never sleeps. The post-World War I generation found solace in the term "disarmament." Full of good will, the United States scrapped real ships, afloat and building; other nations scrapped mostly blueprints and obsolete hulls.

The Depression and vocal anti-arms advocates led U.S. leaders to cut back even more. Hence, the Navy was not permitted to build up even to treaty levels. By 1930 funds allotted to the Navy had shrunk to under 11 per cent of the national budget, and matters soon grew worse. From 1932 to 1939 Navy funding averaged well under half a billion dollars annually—about 7 per cent of the national budget, approximating the doldrum ratio of the 1870s and 1880s. The Army received little more.

This head-in-the-sand folly, it should be noted, took place in an environment radically different from the post-Civil War era, when the British Navy kept world peace. During the 1930s explosive dangers raged on three continents as the world was rocked by the conquests of the Nazis in Germany and the Fascists in Italy at the same time Japanese imperialists were threatening Asia and the Communists were completing their brutal consolidation of the USSR.

WHAT PRICE WEAKNESS?

The inevitable followed. Determined aggressors, encouraged by weakness, unlosed the horror of another world war. If Britain and America had been prepared, this and future generations may well ask, would Hitler have risked the gamble into Poland? If the United States had doubled appropriations for sea power in the 1930s, would Japanese militarists have dared the Pearl Harbor Day of Infamy?

America's scrimping—Navy funding, for example, fell from $2 *billion* in 1919 to a $484 *million* average during the years 1931–38—during the fateful decade of the 1930s turned against her with a vengeance. Expenditures on the Army (and Army Air) exceeded $50 billion in the single year of 1945, and on the Navy (and Marines and Navy Air), $30 billion. During the long and bloody battles of World War II the small dollar savings achieved by crippling U.S. military strength in the 1930s were turned—at a cost of hundreds of billions of dollars—into an awesome and awful loss of life, untold human misery, and a world torn as under and open, moreover, to yet another ruthless type of aggression: communism, with its evil philosophy that the end justifies the means.

Yet did America heed? No, she seemed bent on suicide, as in wild abandon, after VJ Day, she dissipated her expensive and hard-won military strength. Theorists hoisted a new signal of cheap security—the atomic bomb, which would now keep peace without the expense of conventional arms. Sea power, which had just made possible victory in the most gigantic struggle in the history of mankind, was obsolete, and this was where the biggest savings could be achieved.

Communist intrigue and aggression soon caused new crises: in Poland, Czechoslovakia, Berlin, Greece, Iran, and China. But the United States continued to cut its military strength, nevertheless. The party line now ran that if the nation spent more on defense it would go bankrupt. By 1950 the Navy's share of the now much-reduced defense budget had dwindled to 30 per cent from nearly 50 per cent through most of the 1930's — although dollar expenditures of course much exceeded those of the 1930s, as inflation and sophisticated weapons skyrocketed costs.

Looked at through another prism, the Navy's share of the overall national budget had shrunk to 10 per cent, a hazardous level at any time, but downright foolhardy in 1950, when the mantle of leadership of the Free World had fallen on the United States.

Thus, even with the tragic lesson of the 1930s made abundantly clear by hindsight, only a decade later U.S. leaders were making the same disastrous mistakes. Actually, such repetition of previous mistakes was far worse than the originals, since there was full evidence of the Kremlin's intent to dominate the world stage.

THE LONELY GUARDIAN

The folly of the late 1940s surpassed preceding ones in yet another way. During the 1930s the Navy shared U.S. defense funds close to 50-50 with the Army, averaging over 45 per cent of the small pittance that Congress was allocating for security. But at that time Great Britain still had a powerful fleet, comparable in size to the U.S. fleet. By 1950, however, the U.S. Navy stood almost alone as guardian of the seas, but the share of the new tri-service defense budget earmarked for sea power had dwindled to 30 per cent.

Just as Pearl Harbor followed America's lack of foresight in the 1930s, so in 1950 came the onslaught of the communist juggernaut that rolled down Korea, sweeping to the last corner of land on that embattled peninsula before finally being checked by the Inchon landing and subsequent U.S./U.N. counterattacks. The shadow of the mighty World War II Navy and Marine forces that had swept across the Pacific sufficed once again, though barely, and only because the sea was uncontested.

Had the U.S. Navy been stronger and had U.S. forces ashore been larger, however, there might have been no Korean War and no need for an Inchon landing. The dollars saved by cutting the defense budgets from 1947 to 1950 went up like smoke. The loss of lives and the world disruption that followed those budget cuts—inevitably, it would seem—could be directly charged, once again, to abandonment of the wise maritime strategy that had just led to victory in World War II.

THE SOVIETS MOVE AHEAD

Today, for the third time in one wracked generation, the United States is repeating the same mistakes of the recent past. With the Soviet Union driving to dominate the sea, the nation is spending less than 10 per cent of the national budget for security afloat—this was the level of disaster in the past, and was at that low a level only because no navy in any way comparable to the USSR's present-day fleet existed to challenge the Free World. Today, because of the USSR's furious naval/maritime build-up, coupled with America's own neglect—not to say deliberate cutback—of its Navy, the Soviet Union has shot ahead in nearly every aspect of sea power. In the Navy the Soviets lag only in carriers, amphibious ships, and at-sea replenishment ships. But the Russian fleet now far exceeds the U.S. Navy in submarines, guided-missile surface ships, minecraft, and—most important of all for the future—in new construction. One early consequence of U.S. lethargy occurred when the United States—*which only five years earlier had been far ahead*—accepted, in the 1972 SALT Agreement, a 3:2 Soviet superiority in sea-based ballistic missiles.

In shipyards, oceanography, R&D, merchant marine shipping, fishing fleets, and training of seamen, the Soviets also have drawn far ahead. The significance of the purposeful Soviet drive to win the world at sea, and of the incredible inaction of this country, becomes even more apparent when it is remembered that only 25 years ago the United States led overwhelmingly in all aspects of sea power, and the USSR, far behind, wasn't even in the running.

It is now evident, and becoming more so each day, that the United States will in the future have to import more and more raw materials for the U.S. economy—and, therefore, the American way of life itself—to survive. This being the case, intelligent men may ask, why have those who control this nation's destiny not seemed to learn, as apparently Kremlin leaders *have* learned, that the nation that controls the seas controls the course of civilization?

There are those who say that the present drive to cut expenditures for national security is a natural revulsion on the part of democratic peoples to spending heavily for



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armaments immediately after a war. There may be some truth in this theory, but it is evident from a study of history that the nation acted more wisely after the War of 1812, the Spanish-American War, and the Korean War. At least part of the difference, it would seem, was the foresight of the nation's leaders of those times, as well as their willingness to go to the people and explain to them the need for a continuing strong national defense.

The seas, and free access to them, have ever wielded a mighty influence on the American destiny, and will prove even more vital to the American future. Those who love and understand the sea, and who also know and love this country, may well pray today—having seen the Free World and the U.S. role in it twice barely escape annihilation—that in this third and last chance of this century U.S. leadership, in Congress as well as in the Executive Branch, will rise to the need and not throw away, once again, the strength that has always been a mandatory prerequisite to freedom.

## AN END TO FOOD STAMPS FOR STRIKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 60 minutes.

Mr. COLLINS. Mr. Speaker, it is estimated that during 1973, this Nation's taxpayers are going to pay out well over $200 million in food stamp assistance to strikers. If he has no union-supplied strike benefits or other income, and has not saved any money as a precaution against a strike, a striker with an average-size family could be getting up to $112 per month in food stamps. If he taps other welfare programs—intended for those who cannot work, as food stamps are—he might be able to garner 80 percent or more of his prestrike salary while he is on strike. These and other even more shocking examples of abuse make it imperative that Congress act to deny food stamps to strikers and remove the Federal Government from the collective bargaining process.

Since the late 1960's, there has been an explosion in the abuse of food stamps and other welfare benefits by strikers. Many unions have made a concerted effort to utilize every welfare benefit available to bolster their ability to prolong a strike. A 17-week strike against the California & Hawaiian Sugar Co. was so greatly subsidized by public welfare and food stamps, the union never needed to distribute any of its own strike funds. Food stamps have been the major source of direct, tax-supported assistance to strikers—estimated to make up about two-thirds of the public aid claimed by strikers.

Despite a Federal policy of noninterference in strikes—as expressed in the National Labor Relations Act and other laws—a major loophole has been found and is being exploited more and more every year. Food stamps are becoming a standard strike benefit.

Dr. Herbert Northrup, chairman of the Labor Relations Council and director of the Industrial Research Unit of the Wharton School of Finance and Commerce which last year completed a study on strikers' use of public assistance has stated:

> The collective bargaining system in the United States . . . cannot work satisfactorily if the public purse becomes an extension of the union treasury for paying strike benefits. Yet this is what is happening—and it is happening to such a degree that strikes in many cases no longer hurt.

When there is little or no economic pressure on the rank and file union member to settle a strike, he does not push for a settlement and the union is enabled to hold out longer—for bigger and bigger pay increases. As a result of the abuse of food stamps and other benefits, the most effective pressure on unions to settle a strike is removed.

Mr. Speaker, the public is being asked to pay for strikes not only in higher prices, thus fueling inflation, but in tax dollars going to the dinner table of striking workers. A continued Federal policy of supplying food stamps to strikers cannot help but prolong strikes and push up prices. And perhaps most important, it undermines our commitment to the work ethic, one of the fundamental strengths of this country. One need only look at the example of food stamp abuse in Los Angeles to understand how giving food stamps to strikers fan the flames of inflation and destroys the incentive of an individual to work for a living. The UAW paid the average striker $40 nontaxable dollars a week in strike benefits for a 4-week total of $160. He was able to supplement this with $64 of food stamps and $282 from the California Welfare Department. This gave the striker a real income of $506, compared to a net income of $365 during a 4-week period while he was working—a 38-percent increase for being on strike.

In taking the floor of the House today, it is the purpose of my colleagues and myself to ask that Congress stand up and say that it will not allow food stamps to be used against the public interest. The question of revising and extending the food stamp program will soon be before Congress for a decision and now is the time to reaffirm our commitment to holding down inflation, maintaining the independence of collective bargaining, and upholding a belief in the work ethic as basic to our way of life.

The use of food stamps by strikers is not a case of isolated instances of individual strikers getting food stamps as a last resort. Rather, it is a matter of large numbers of strikers claiming food stamps as a sort of automatic strike benefit, almost from the first day of a strike. It is not a question of starving children, but of organized, assembly line processing of strikers for food stamps, often on the first day of a strike. It is not a case of involuntary poor who, through no fault of their own, must ask for public aid, but a matter of the voluntary poor, for whom welfare was never intended, claiming food stamps as a benefit for choosing not to work.

The precedent was set for large-scale use of food stamps and other welfare benefits by strikers in the 1967–68 copper strike. In that case, public aid was not taped until strikers' reserves had been exhausted, but it opened up a whole new set of resources to unions. By 1969, the strategy of using public funds to supplement union strike funds had become refined enough for General Electric strikers to collect about $25 million in various forms of public assistance. The culmination of the development of the organized use of food stamps and welfare to finance strikes came just a few years ago with the Westinghouse, General Motors, and Teamsters strikes. In these cases, there were blatent abuses of the intent of the food stamp and welfare programs.

In the Westinghouse strike, the Lester—Pennsylvania—local was able to tap public funds to the tune of about $2.5 million and put up almost nothing in terms of its own funds. This meant that virtually all the economic leverage that the union was bringing to bear against the company was supplied by taxpayers in the form of food stamps and welfare.

In the General Motors strike, Michigan strikers alone were able to lay claim to an estimated $11 million worth of food stamps and, at one point, it is estimated that about one-half of the strikers were on food stamps.

In the Teamsters strike, the Chicago locals were able to hold out long past the time other locals across the country had settled, primarily because of the organized use of food stamps and other forms of public assistance. This meant that, after the Chicago Teamsters had finally settled, the entire settlement, across the country, had to be renegotiated based on the more liberal settlement obtained in Chicago. And that is not all. There were such excesses in the distribution of food stamps in this strike that the Governor of Illinois stated that $150,000 worth of food stamps had been procured by members of the Teamsters by "fraud or otherwise." Furthermore, the Department of Agriculture has charged the Cook County Department of Public Aid of "gross negligence in the administration of the food stamp program."

Mr. Speaker, cases such as these are continuing. As unions realize the benefits and the power that public funds can give them, they are using personnel specially trained in the various loopholes in the food stamp program and other welfare programs to go out and prepare unions for strikes. They are, to a greater and greater extent, taking advantage of programs for the involuntary poor to subsidize strikes and strikers.

It is only right that the Federal Government's role in subsidizing strikes, primarily through allowing the use of food stamps by strikers, be ended. It makes sense in terms of this society's commitments to the work ethic and independent collective bargaining and common sense in terms of the money it costs all of us to continue the practice of Federal aid to strikers.

By its nature, the food stamp program, with the most liberal eligibility standards, a requirement for quick certification, and less of a "welfare stigma," is the welfare benefit most widely used by strikers. The program features that make it so easily usable by those voluntarily not working were put there to aid the unfortunate needy. They were not meant to destroy the delicate balance that is needed if collective bargaining is to work.

Proponents of continuing food stamp aid to strikers point out that the work registration, income, and asset standards of the food stamp program keep nonneedy people out of the program and make sure that they accept work if offered. I would submit that, in the case of strikes, it is highly unlikely that these controls are workable. The work registration requirement only works if jobs are available at nonstrike sites. This is an unrealistic expectation in a town that is undergoing a strike and is probably having to lay off many workers in related industries. In addition, what employer would accept a worker he knows will be returning to his former job when the strike is ended. The income and assets tests are also unworkable controls on strikers. During a strike, welfare offices are flooded with applicants for food stamps and other assistance. This makes it almost impossible to check out every applicant fully until a month or so has passed. However, by that time a strike is usually over and the striker has received his tax-supported benefits.

The means of controlling the use of food stamps by strikers does not lie inherent in program controls. It lies in making them ineligible for participation. The bill that I have cosponsored, amending the Food Stamp Act to exclude households who would claim food stamps because a member of the household is on strike, offers a positive first step in removing Federal interference in collective bargaining and tax dollars as strike subsidies.

Mr. Speaker, over the past years the House has moved closer and closer to recognizing that the Federal Government must get itself out of the role of actively supporting strikers with food stamps. Between 1971 and 1972, the margin by which the amendment to remove strikes from food stamp eligibility lacked in passing was more than cut in half, to only 19 votes last year. I would assert that the time has come for this serious decision to be made. We cannot afford to permit a continuation of this "end run" around the intent of the food stamp program and the Federal commitment to maintain a "hands off" stance with regard to strikes.

## ROBERT W. SARNOFF SPEECH BEFORE NBC TELEVISION NETWORK AFFILIATES CONVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 10 minutes.

Mr. O'NEILL. Mr. Speaker, last week the National Broadcasting Co. met with the ownership representatives of the 218 television stations which make up the NBC television network to review plans for next year's television season and discuss items of mutual interest. During the course of the 3-day meeting, Mr. Robert W. Sarnoff, chairman of the board of RCA and himself a former president and chairman of NBC, made a major address which, because of its timeliness, I would like to share with my colleagues.



Mr. Sarnoff, who has spent more than 30 years of his life in the communications and information industries, drew on his long experience in examining the current relationship between the Government and the communications media.

I insert the address of Mr. Sarnoff at this point in the RECORD:

ADDRESS OF ROBERT W. SARNOFF

I'm delighted to be back among so many old friends. This is a sentimental journey for me. It is not only a reunion; it also helps mark a milestone that reaches back far beyond the time, eight years ago, when we last faced each other across this podium. I've just completed my 25th year at RCA. Those years began, and most of them were spent, at NBC.

Television and I came to NBC at about the same time. I was present at the creation and was part of television's growth—from "Ding Dong School" to "Victory at Sea;" to the creation of specials, the expansion of news and the launching of color; to the emergence of television as a vital force in American life. The ties I formed in two decades of working in television have never been broken. I believe I have some credentials to speak about the medium—with the added perspective of a little detachment in recent years.

It is more than a personal milestone that brings me here today. I believe that broadcasting stands at a critical turn in the road. In a sense, we are at a point that recalls earlier moments of major challenge in broadcasting's history.

The first resulted in the bold decision to create radio networking and forge a national service and a new industry. Next, broadcasters had to decide whether to venture from the success of radio to risk the promise of television. And once again, after television was well established, we were confronted with another monumental commitment—turning the medium to color.

Each of these advances into new territory was beset by hazards; each demanded courage and faith; each brought rich rewards—to the public no less than to the broadcasters.

What faces us today is not a great leap into new territory, but it is just as much a test of our nerve and our commitment. The challenge is not from the unknown but from a direction we know all too well. It is the escalation of government intrusion into broadcasting that began long ago, and is now reaching the danger point.

What is at stake is the future of a medium that the American people have relied on increasingly as their chief source of entertainment and information. If we can meet this challenge with unity and resolution, we can enter another era of expanding service and its accompanying rewards. For, this remarkable medium, mature as it is in serving virtually the entire population, still holds the seeds of fresh growth. Before I try to analyze the threats that confront us, let me sketch just how bright our hopes can be.

For the rest of the 70's, households—the basic unit of television circulation—will be growing faster than a growing population. By 1980, TV households will exceed 75 million, an increase of 25 per cent in a decade. Color television, now past the half-way mark in circulation, will spread to more than 90 per cent of these TV households. And color is a built-in growth element all by itself. When it enters the home, viewing goes up and so does advertising effectiveness. We expect television advertising revenues to grow by 40 per cent in the first half of this decade, and by another 50 per cent in the second half.

What about the impact of new technology, such as cablevision, home video cassettes and the video disc? My role at RCA keeps me on top of these developments, and I foresee important markets for them. But they are highly specialized media, which will serve large numbers of relatively small audience segments with a great variety of specialized material. As they mature, these media will nibble away at television's audience, but that will be relatively marginal. As far ahead as we can see, television will retain its unique position, because of its singular capability of delivering huge volumes of entertainment and information, supported by advertising, more economically and effectively, to more people, than any other medium. Even with the new technology and competition, television should be able to continue a growth curve that other industries would envy.

That growth will not come as manna from heaven. It will have to be earned in the future, as it has in the past, by constant effort in identifying and meeting the changing interests of changing audiences. They can turn us off if we don't turn them on, or they can continue tuning us in if we keep attuned to them. I have every confidence in television's creative capacity to hold and increase its audience if it is permitted to do so.

My projection of a bright future for television is rooted, I believe, in a realistic appraisal of the natural forces of economics, competition and technology. What it does not take into account is the artificial forces that would be imposed by government restrictions.

As a regulated industry, broadcasting has learned over the years how to live with government. The first three letters of our alphabet are FCC. We also deal with the FTC, the Department of Justice and other government agencies. And from the very beginning, the industry has maintained a dialogue, mostly a constructive one, with committees in both houses of Congress. I think it is second nature for us to be alert to the special nature of our public stewardship—and I don't think we're particularly thin-skinned about our regulated status.

But the growing intensity of government assaults on broadcasting must give us new and genuine concern. Most visibly, we have had the unprecedented spectacle of high federal officials attacking the national news media in general and television network news in particular. It is plainly an effort to impair the credibility of the news and to influence how it is reported. It seems aimed at a state of public information fed by government handout and starved by official secrecy on matters that are the public's business.

The effort to discredit television news has coincided with another development—the emergence of a new official voice that speaks for the White House on broadcast policy. The Office of Telecommunications Policy has some antecedents as a technical unit in the Executive Branch, but now it has become an activist agency—something new not only for broadcasters but for the FCC and the Congress to contend with.

Here are some of the policies the OTP has been pushing. The agency seeks to force-feed cablevision beyond its natural growth in order to offset broadcasting. It wants to limit repeat programming with no comprehensible justification in the public interest. It has assaulted network news with colorful generalities that defy definition. It has sought to turn the stations into censors of network news by linking such a role with proposed licensing arrangements we all seek.

This latter device was so transparent that an explanation seemed necessary, and so we have the new rallying cry of "localism." Freely translated in this context, "localism" means "divide and conquer." Only the national media have the resources for intensive reporting of major national and international events and issues—in other words, the arena in which the federal government operates. Demeaning and diminishing the national media—whether they be the television net-

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works or the nation's leading newspapers, magazines and wire services—is an effort to stifle the most relevant channels of public information. In the name of localism, the federal government would prefer to put the primary burden of reporting and analyzing national and world issues on a fragmented multitude of local media, which lack the resources for such a task.

Localism is a pretext. What the government wants is a tamed press. Thus, in non-commercial television, we have been witnessing an interesting variation. There, the Corporation for Public Broadcasting, controlled directly by government appointees, has been dismantling national news and public affairs programming. Individual stations have been seeking a role in the decision-making process at the national level. But the Director of the OTP, who proclaims localism for commercial television, opposes giving local non-commercial stations a voice in programming through their own representatives in the national organization.

The government's efforts to make the news media docile and accommodating rely heavily on the technique of intimidation. This technique works only against those who are willing to be timid. But there is another threat that is not sufficiently recognized. That is to strike at national broadcast journalism through actions and proposals attacking the economic capability of networks. I am not suggesting that the government has adopted such a design, but I am concerned that an atmosphere has developed where networks are perceived as fair game.

Whatever may be the motives of this growing pressure on broadcasting, it is important for us—and even more important for the public—to recognize an essential fact: weakening the economic structure of networking could impede the flow of independent information from the country's major national news medium to the people. And in our society, which depends on an informed electorate and an open market of ideas, that would be a calamity.

Some of the economic threats, such as the proposal for countercommercials, are aimed at the whole broadcasting industry. But significantly, the networks are the major target.

For example, the Department of Justice recently dusted off an anti-trust suit against the television networks. It revisits areas already under FCC examination. It proposes actions paralleling steps already taken by the FCC. And it seeks changes that could only disrupt the complex process of program development, selection and scheduling.

Another example is the rerun issue I have cited as one of those pushed by the OTP. During last year's political campaign, the Administration suddenly came to the support of another campaign—one conducted by Hollywood production unions—to cut back network program reruns in prime time. Thia is a proposal designed for private—not public—interest. Incidentally, no such restrictions have been proposed for stations, where local entertainment programming consists largely of reruns.

Again, it is the networks that have been singled out to their disadvantage in the matter of CATV ownership. Here, it seems to me, they are being doubly penalized. On the one hand, only the network companies have been barred from owning cable television systems anywhere in the country. On the other, we have seen the calculated effort to build up CATV as a competitor to the networks.

With the stations openly courted by the government, there could be a short-sighted temptation for you to say: "It's happening to the networks; it isn't happening to us." This would be like saying that the front end of the boat is sinking but we're sitting in the stern.

In television, we are all very much in the same boat—stations, program suppliers and networks. Damage any part and you damage the whole. What is also damaged is a broad program service of news and entertainment, free to the public, and a selling force that helps power our whole national distribution system.

The network business is marked by high risk and modest profit margins but it supports the economics of stations which enjoy much higher earnings ratios as a result. Government actions that would increase a network's costs, disrupt its operations and reduce its economic opportunities would, at the same time, strike at the stations and their service to their communities.

Network news and sports are services of particular value to the public—services that the stations could not otherwise supply. They involve enormous costs with little or no financial return. If the networks' economic resources are drained by repressive government measures, news and sports would certainly be vulnerable to cutbacks. And, indeed, so would the entertainment service, which requires continuing and costly program development, culminating each year at the point where the three network put close to a half billion dollars on the line in high-risk commitments. It is those commitments that support the prime-time program schedule that attracts your major audiences and a good deal of your revenue.

So these are the threats we face in this prosperous year of a promising decade: threats to journalistic freedom joined with threats to television's economic base. They overlap and intertwine. Without freedom to fulfill our responsibilities as a news medium, we *might* hang on to our profits at the cost of our souls. Without a viable economic base, we could hang on to neither. We must meet both threats at the same time and in much the same way—by taking a stand and making common cause with all those who have a stake in freedom of the press and a vigorous system of broadcasting.

I cannot emphasize strongly enough that this is not a matter of partisan politics. What we must resist is not peculiar to any single Administration. It represents a continuing and accelerating trend, begun many years ago. It consists of actions proposed by the well-meaning who do not recognize the side-effects of their prescriptions; it also consists of actions calculated to injure, advanced by men of ill will who seek to cut down the role of broadcasting. Whatever the intention, these attacks on broadcasting are equally dangerous. And do not think that harmful measures, if they are adopted, would not carry into future administrations—and indeed provide the basis for still further turns of the screw.

We are far from perfect and, despite our best efforts, we will go on making our share of mistakes. We do not reject criticism, but we have to consider its source and its purpose. NBC expects to go on hearing from you, and it wants to. As to the work of NBC News, we hope you will not try to act as a censor on behalf of this or any Administration. You can be confident that NBC intends to keep covering, reporting and analyzing the news in a manner best summarized by a famous newspaper slogan: without fear or favor. And that also is in your interest, for that is the kind of news service your audiences want and welcome.

We should all be grateful to the OTP's pot shots at network news for a couple of things. For one, the effort to tie desirable licensing arrangements to demands that stations become watchdogs over network news was so obvious that it backfired and was thoroughly discredited in legislative hearings. Secondly, the OTP's attacks prompted a remarkable outpouring of support for broadcasting from many of the nation's newspapers and magazines. They helped focus the country's attention on the fact that an attack on one news medium is an attack on all. By the same token, many broadcasters have helped make the public more aware of governmental pressures on the print media.

I believe we could and should do even more. Let me offer two examples of issues on which broadcasters should make themselves heard. One is an economic issue on its face, but it is bound up with freedom and diversity of expression. The nation's magazines have borne heavy postal increases and they are now threatened with a rate hike of 142 per cent over the next five years. Some magazines will die as a result; they will be just as dead as if they had been censored.

Another issue on which broadcasters should rally with newspapers and magazines is one that affects the essential function of all the news media.

It is the effort of government to put self-serving restraints on the free flow of information to the people. This can take different forms. One is outright prior restraint on publication of news. Another is the increasingly common device of subjecting investigative reporters to subpoenas and the threat of jail sentences—an abusive practice that results in drying up news sources. Still another is the use of official secrecy as a cloak for official mistakes and derelictions. This is an abuse that has been demonstrated again and again. It is the reason for widespread concern over the government's current efforts to rewrite the sections of the Federal Criminal Code dealing with disclosure of classified information. Whichever of these different means of suppression is employed, the effect is to deprive the public of what it needs to know in a free society.

In a free society, the government is the servant of the public, not its master, and information about government policy belongs to the people as well as the government. The rights guaranteed by the First Amendment were intended to give the public its due. That is common ground on which broadcasting and the print media must stand together and fight side by side.

As to the economic threats that confront television, we must be even more alert to what the government does than to what it says. In this area, I would hope that we could also enlist the understanding and support of the other media. But the first order of business, for all of us in broadcasting, is to recognize our own stake in the economic battle. We are in this together, not just the networks, but all those who benefit from the unique service a network provides: the stations, the program suppliers, the sports world, the advertisers, the advertising agencies and—above all—the public. If we identify the threats, we can overcome them, for their force tends to evaporate with the ventilation of full public exposure.

To provide this ventilation, we must carry on a continuing campaign that lets the public know what it stands to lose if this medium is progressively weakened by government action. And since the Congress is the most direct representative of the public, we must also help our Congressmen and Senators understand what is at stake.

Within the industry itself, there is a special relationship between a network and its affiliates, and I hope we will all rise to it as we have in the past. You and NBC have come a long way together in what is really not a very long time. Within the careers of scores of men in this room, we have built a great American institution out of vision, courage and enterprise. The best is yet to come. It is worth fighting for. And I am confident we will prevail.

## A TRIBUTE TO WARD QUAAL, PRESIDENT OF WGN CONTINENTAL BROADCASTING CO.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I want to call to the attention of my colleagues the honor being conferred on May 16 by Brandeis University to Ward Quaal, president of WGN Continental Broadcasting Co.

Clarence Q. Berger, executive vice president of Brandeis in Waltham, Mass., will present Mr. Quaal with an award for outstanding achievement in the field of communications. The award banquet honoring Mr. Quaal will be held at the Ambassador West Hotel in Chicago.

Ward Quaal, who is also vice president of the Chicago Tribune Co., has distinguished himself in the field of broadcasting for many years and he has spearheaded many innovations in his industry. He has given of his boundless energy and enthusiasm to countless civic projects, and his many contributions to our city of Chicago will be long remembered.

Brandeis University is one of a few small, private universities in the United States, and since its inception in 1948, is recognized as one of the 20 most selective universities in the Nation.

It is the first Jewish-sponsored nonsectarian institution of higher learning in the Western Hemisphere, and is named for the illustrious Supreme Court Justice, Louis Dembitz Brandeis. More than 6,000 alumni have emerged from the undergraduate college, and many are now living in the Greater Chicago area.

This honor for Mr. Quaal follows on the heels of two other recent honors. He received the National Association of Broadcasters Distinguished Service Award—the industry's highest honor, in Washington, D.C., on March 26—and also was named 1973 Illinois Broadcaster of the Year at that statewide association's spring convention in Springfield on April 16.

As the Congressman for the 11th District of Illinois, where the offices of WGN are located, I would also like to mention that Mr. Quaal is to be honored on June 1 with an official portrait award presented by Edward Wilson, president of the Pasadena Tournament of Roses Association. The city of Chicago was proudly represented this year by WGN's "It's a Big Country" float in the Rosebowl parade, and it was WGN's float which placed third in that national event.

It is a genuine pleasure for me to extend my congratulations to Ward Quaal and I take singular pride at paying tribute to him and the entire WGN family for the outstanding public service job they are doing for Chicago and the Nation.

## THE AMERICAN TAXPAYER IS THE LOSER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, in April, the then Secretary of Defense, Elliot L. Richardson reported to Congress that the F–15 fighter plane, which he called the "Air Superiority Fighter," was moving ahead on schedule. Richardson said that the first three squadrons of the F–15, which "should be superior to any fighter the Soviet Union is likely to field in the late 1970's and early 1980's," would be operational by the middle of this decade.

This was encouraging news, indeed, because not only is the F–15 a very advanced fighter plane, but it is a very expensive one too. The Air Force wants to buy 77 of the aircraft in fiscal 1974 at a total cost of $918 million. There is another $230 million tucked away in this year's budget to pay for research and development on the F–15.

This was doubly encouraging news because, in addition, the development of the F–15 has not always gone quite as smoothly as, let us say, a Pentagon briefing. The F–15 engine, being manufactured by Pratt & Whitney, has had a particular history of defects and delays. Secretary Richardson alluded to the troubled history in his annual report when he said that the engine had failed the military qualification endurance test. However, he felt that Congress to date had been "generally very satisfied."

The test to which Secretary Richardson referred was actually quite important. Under the terms of the contract, Pratt & Whitney could not begin production until the test had been successfully completed. In addition, until the engine passed the test, Pratt & Whitney was to be held financially responsible for all contract deficiencies in the engine. The tests were scheduled for mid-April of this year.

Now, as a result of hearings held last week by the House Defense Appropriations Subcommittee, we learn that we had been misled by the Pentagon. As a result of a secret agreement with the contractor, Pratt & Whitney, the Air Force has certified the F–15 engine for production without insuring that the F–15 engine was up to contract standards. They did this by conducting totally trumped-up tests, planned and executed in agreement with Pratt & Whitney for the benefit of Pratt & Whitney. As a result of the tests, tens of millions of dollars in developmental costs have been passed on from Pratt & Whitney to the taxpayer.

This is an awfully shady deal, even by Pentagon standards and I am requesting the General Accounting Office to conduct an investigation. If this is not fraud—and fraud on a grand scale, then the word does not have a meaning any more.

These are the facts: on March 30, shortly before the F–15 engine was to undergo the crucial 150-hour endurance test, program director, Maj. Gen. Benjamin N. Bellis, agreed with agents of Pratt & Whitney to exclude the standards for both height and speed performance from the test. Original F–15 specifications called for speed of mach 2.2 or 2.3 at 40,000 feet.

However, General Bellis and others involved knew that the F–15 could not pass the test. They had already determined that an engine fan component called the stator blade needed modifications. And they knew that with the stator blades not functioning the F–15 engine would burn up. That is why—just for the test—they lowered the standards.

But now that the engine has passed this phony test, Pratt & Whitney is no longer responsible for making good on the engine and now the Government has to pick up the bill for the engine modifications. The contract has been successfully circumvented, and on a technicality, if we may be so kind, Pratt & Whitney has been released from its contractural responsibilities.

The primary blame belongs to F–15 program director, General Bellis. However, once high Air Force officials, including Gen. John D. Ryan, Air Force Chief of Staff, and Robert C. Seamans, Secretary of the Air Force learned of the test, they attempted a coverup. Statements by Secretary Seamans before a House Defense Appropriations subcommittee made at a time when Seamans was aware of the test irregularities, were an obvious attempt to hide the unpleasant facts. At that time, Seamans testified that:

> While the engine endurance run has been completed, we do not feel the run covered the high speed, high attitude, adequately.

It was only in response to committee questions that Seamans acknowledged the true facts of the test.

As Seamans told the subcommittee, the F–15 engine must now undergo additional tests on the modified stator blade assembly in September, but because of the test results, Pratt & Whitney is no longer "contractually responsible" for the costs of the additional work. These costs will run, to take the Air Force's own estimate, into the "tens of millions of dollars." The loser, as usual, is the American taxpayer.

## SUPPORT FOR HOUSE RESOLUTION 382

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. STEED) is recognized for 5 minutes.

Mr. STEED. Mr. Speaker, there has been so much response to a "dear colleague" letter I mailed to House Members this week that I am including the full text of the letter in the CONGRESSIONAL RECORD today so that the matter can be available to others who are interested. The letter follows:

> CONGRESS OF THE UNITED STATES,
> HOUSE OF REPRESENTATIVES,
> *Washington, D.C., May 14, 1973.*
>
> MY DEAR COLLEAGUE: By way of trying to stress to you the importance attached by me to the subject matter discussed herein, may I remind you that "dear colleague" letters are an extreme rarity with me.
>
> Views expressed herein include knowledge and experience I have gained in more than 17 years experience with U.S. Customs appropriations as a member, and now chairman, of the Appropriations subcommittee in charge of the U.S. Treasury Department Appropriations bill.
>
> I urge and seek your support of H. Res. 382 disapproving Reorganization Plan No. 2 for the following reasons:
>
> 1. It would radically change fundamental American criminal justice procedures and concepts of due process by eliminating the historic separation between investigators and prosecutors. To consolidate these vast powers would alter our historic checks and balances inherent in such separation. Moreover, it will reduce the professionalism of the agents—making them mere aides to the prosecuting attorney who develops proprietary interests

in given cases instead of maintaining objective review responsibility. Separating enforcement and prosecution insures maximum objectivity in the performance of both functions.

2. It is a major step toward a national police force by adding yet another investigative enforcement arm to the Department of Justice.

3. It was ill conceived and not based on any serious management study. It was rushed up to the Congress to get it in under the deadline before reorganization authority lapsed. This plan is actually being staffed out *after* its presentation and a host of problems are involved. In fact, policy questions apart, so little time remains to organize the proposed agency prior to the July 1 effective date of the plan that the entire U.S. drug enforcement program will be in disarray for an extended period if this plan becomes law.

4. This reorganization plan runs contrary to Federalism and our revenue sharing concept. Federal officers should not be involved in local drug enforcement matters. They should concentrate strictly on the major organized criminal groups and on strengthening the drug enforcement efforts of the over 400,000 state and local police officials, the first line of defense at the state and local levels.

5. This reorganization plan is admittedly not based on reducing spending—the irony is that this plan will *cost more and produce less*. It is counterproductive. The proposed reorganization plan will strip U.S. Customs of manpower and resources needed for its other contraband and trade enforcement activities. Congress does not have effective details which it needs before acting on the plan.

6. Even the single-agency concept for agents is subject to serious question. There are two broad and distinct areas in the drug field—smuggling and internal distribution, each involving their own tactics and procedures to investigate. Customs has had great success these past four years. The present Commissioner of Customs, a career professional and recent recipient of the Rockefeller Public Service Award, has developed a close working relationship with the Bureau of Narcotics and Dangerous Drugs.

The single-agency approach to drug enforcement largely removes from the battle against illicit drugs the expertise and organization of Customs in preventing the smuggling of all contraband, which has produced substantial successes in drug seizures and arrests. Also important, it removes the checks and balances against collusion which exists when one investigative activity, interfacing with another, may discover and expose corruption.

7. The performance of the elements of the Justice Department now engaged in drug enforcement does not warrant entrusting to it the enormous increase in power and the responsibility for virtually the entire drug enforcement program. The recent DALE raids in Illinois on innocent persons are but one dramatic example of mismanagement.

8. There are alternative plans which would not imperil individual rights and our criminal justice system, and which would cost less and produce more.

A fundamental change in our concepts of law enforcement, as embodied in Reorganization Plan No. 2, certainly should not be entered into lightly, without full public hearings before the Judiciary Committee and without having the views of the American, Federal and other Bar Associations, the International Association of Chiefs of Police and other interested groups.

Since this reorganization plan will weaken the enforcement capability of the Bureau of Customs, the main operating bureau on trade matters, this plan should also be thoroughly considered by the Ways and Means Committee.

This matter is of such serious consequence that it should not be rushed through in an incomplete or unstudied way. Instead, the Congress either should hold extensive hearings to determine the full ramifications of this plan and compare alternative proposals, or return the plan to the Executive Branch for a complete study and analysis, including alternatives, before resubmitting for Congressional consideration.

For all of these reasons, this plan should be rejected and I urge your support for H. Res. 382 disapproving Reorganization Plan No. 2.

Sincerely yours,

TOM STEED,
*Chairman, Treasury-Post Office-General Government Subcommittee on Appropriations.*

## DOMESTIC ANIMAL WELFARE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 15 minutes.

Mr. WOLFF. Mr. Speaker, today I am introducing two major pieces of legislation in the interest of domestic animal welfare in the United States. Both of these measures seek, in their own way, to reduce needless suffering of domestic animals and to make our laws protecting these animals consistent with the affectionate esteem that exists for domestic animals throughout the United States.

The first of these measures would provide Federal assistance for the establishment and construction of municipal, low-cost, non-profit clinics for the spaying and neutering of dogs and cats. This bill recognizes that there is an enormous homeless population of dogs and cats in our country, and that this over-abundance creates a serious problem for communities and too often leads to the needless suffering of homeless animals. Although several State legislatures, including New York, and city councils have expressed a concerned interest in the establishment of municipal spaying clinics as a humane approach to controlling our exploding animal population, there currently exists no co-ordinated effort on either a State or national level to make these publicly owned, self-supporting clinics a reality and to replace the cruel destruction of unwanted, homeless animals with a viable approach to controlling our over-abundant and increasing dog and cat population.

It is my feeling that the only truly humane answer to the population explosion that each year adds scores of diseased, starved, homeless animals to our communities lies in a concerted effort, with Federal support, to set up clinics across the country where animals can be spayed and neutered by qualified veterinarians. We simply cannot continue to allow our animal population to grow at the rate it has been, and we cannot continue to let the surplus of animals be dealt with through destructive means or by merely letting starved, neglected animals roam the streets and cities. Not only is this a question of protecting our domestic animals, but also a matter of reducing what is often a grave health and safety hazard for our communities. Mr. Speaker, a bill very similar to mine has also been introduced in the Senate by Mr. BAYH. By enacting our legislation, an enlightened Congress will be furthering the progress of a long overdue humane project.

Mr. Speaker, the second measure I am introducing would prohibit the importation into the United States of commercially produced domestic dog and cat animal products, and to prohibit these products from moving in interstate commerce. In the past year, we have all heard the frightening story about the group in South Africa that is breeding and raising Dalmation dogs so that their skins can be sold and imported into the United States. In other parts of the world as well, factory-farming and other commercial raising of dogs and cats is increasing; our country does not, and should not want to be a party to this inhumane activity by allowing imports of these products. In fact, if a prohibition against the importation of these dog and cat products is not decreed, we are virtually encouraging the continuation of this reprehensible treatment of domestic animals. We, as a people, have always held in the deepest regard the welfare and well-being of domestic animals, and I believe we should convey this feeling beyond our shores and wholly discourage inhumane treatment of these animals by enacting a strict prohibition against the importation of products made from commercially raised dogs and cats.

Mr. Speaker, I urge Congress to give serious consideration to these two measures as a means to reduce the needless suffering of domestic animals and promote their well-being both in our own country and abroad. The Bible says, "The decent man considers the life of his beast"; in the interest of common decency, I hope Congress will act favorably on my proposals.

## RANGEL REPORTS TO THE CITIZENS OF THE 19TH CONGRESSIONAL DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 10 minutes.

Mr. RANGEL. Mr. Speaker, in this time of great turbulence on the national scene, both politically and socially, I feel it is one of our first responsibilities as Members of Congress to relay to our constituents information on our efforts with regard to the pressing issues of our time.

One of the few bright spots that has shown throughout the entire sordid Watergate investigation has been the open public access to information about the case, sometimes even despite official desires concerning this information.

In line with my goal of keeping these channels of information as open as possible, I place one of my spring informational communications with the residents of the 19th Congressional District before this body and the Nation.

It is my hope that every public official, including the highest officers of the land, will join me in attempting to tell as many Americans as can be reached that we are doing our best to make our Government truly a Government of the people.



CONGRESSMAN CHARLES B. RANGEL REPORTS FROM WASHINGTON TO YOU—SPRING 1973

RANGEL ACTS ON OEO

**As soooon as President Nixon and OEO Director Howard Phillips began destroying the anti poverty program, I authored and introduced H.J. Res. 385, the "Economic Opportunity Compliance Act of 1973", in the House of Representatives with 25 Congressional co-sponsors.**

**This bill orders all officials of the Executive Branch to stop sabotaging the War On Poverty. Judge Jones' recent Federal court decision on OEO ordered exactly the same thing. I am now watching to see if Phillips complies. If he does not, I will recommend that further, more stringent legal action be taken.**

**I am also working in Congress to insure that the War On Poverty is redesigned and refunded to be even more effective than before.**

**At the same time, I am working to implement model social services-welfare regulations to combat the oppressive Administration proposals in this area.**

OPEN LETTER TO THE CITIZENS OF THE 19TH CONGRESSIONAL DISTRICT

DEAR FRIEND: Rarely in American history has any Presidential Administration attempted to carry out so vicious an attack on crucially needed human services programs as has President Richard Nixon and Company.

The Watergate investigation has also made it clear that we are dealing with people whose lust for power transcends the bounds of moral and ethical conduct. We have common criminals in the White House.

In light of this situation, it is time we stopped expecting Nixon and accomplices to temper their actions with conscience. Any Administration that would attempt to throw hundreds of thousands of poor children out of day care programs, as well as cut rehabilitation funds for veterans seriously injured in that Administration's illegal war, obviously has no conscience whatsoever.

It is left up to Congress and the Courts, using the full power of the Constitution, to stop these attacks on human needs. I pledge all of my efforts to the most effective and immediate use of this power.

As the Treasurer of the New York State Democratic Congressional Delegation, my efforts have included working to unite these 22 members around issues of critical concern to the citizens of both our community and the rest of the State.

My position as Secretary of the Congressional Black Caucus has given me the opportunity to play a very active role in planning national mobilizations of citizen opposition to such Nixon moves as the attempted destruction of the Office of Economic Opportunity and its programs. This destruction was also being aimed at fine manpower programs such as the Opportunities Industrialization Centers.

When organizations from our 19th CD wanted to make their voices heard in person against the antipoverty cutbacks in February, I worked to assist them in having the maximum opportunity to reach members of Congress.

In speaking to them, I pointed out that Nixon's actions against the War On Poverty were not only immoral, but in obvious violation of the Constitution. The Federal Courts have since confirmed my belief and ordered the dismantlement halted.

I urged the several thousand persons who came to Washington to continue their struggle and assured them of my total support. Programs like the Community Action Corporations and OIC cannot be allowed to end. Their contribution to our community is invaluable.

If we are to stop this dangerous trend at every level of domestic policy, we will have to maintain the highest level of mutual support and cooperation between citizens and elected officials, as well as among the diverse neighborhoods of our community. Together, I believe we can do it.

Following are summaries of more of my efforts.

Sincerely yours,

CHARLES B. RANGEL,
*Member of Congress.*

RANGEL TAKES ACTION ON THE ISSUES

*Southeast Asia*

When the Vietnam cease-fire and truce agreements were signed recently, I joined with the rest of America in rejoicing for what appeared to be the end of an American military involvement that never should have begun.

But with the step-up of U.S. bombing over Cambodia and other sections of Southeast Asia, and other facts which have surfaced, I believe it is time for our reassurance to give way to a rebirth of the outrage and protest that characterized the peace movement of the sixties.

"POW's and MIA's"

One area of concern to me is that the Administration has failed to account for large numbers of ground soldiers who were declared captured or missing in action. Blacks were among this group of grunt GIs far in excess of their numbers in the general population.

Even though these enlisted men bore the brunt of Vietnam fighting for almost eight years, they have comprised only 12 percent of the POWs who have thus far returned. I am demanding that the Nixon Administration give all available information about these missing men to their families and the rest of America.

I am also working for the passage of legislation that would forbid any U.S. military activities in Southeast Asia.

*Housing freeze*

The Nixon Administration's 18-month freeze on all Federal housing programs represented yet another vicious attack on the needs of the citizens of the 19th Congressional District and the nation.

Immediately after the freeze was announced, I telegrammed the President to express my outrage at his action. I hoped to force him to realize the devastating damage that would result in our community because of his actions.

I have also been working to further the efforts of a broad-based coalition of groups and individuals adversely affected by the freeze to bring additional pressure on the Administration to reverse its stand.

These and other efforts have resulted in at least a partial lifting of the freeze to allow funding of projects already 'in the pipeline' early this year. I will not slacken my efforts, however, until this cruel freeze is totally lifted.

*The fight to save U.S. jobs*

At a time when prices are spiraling upward and unemployment still a major problem, our community and this nation can no longer afford the loss of thousands of American jobs to cheaper foreign labor markets.

I have therefore joined Rep. Burke of Massachusetts and Sen. Hartke of Indiana in offering legislation to stop U.S. firms from sending increasing numbers of jobs and dollars overseas.

This proposal would allow the Federal Government to impose exactly the same kind of quota and tariff restrictions on foreign-made products that nearly every other nation in the world already imposes on U.S. products. There are provisions in the bill insuring that these Federally-imposed restrictions will be fluid enough to prevent the gouging of the consumer by greedy corporations.

*Voter rights*

Following the chaos and frustration experienced by many of you while trying to register and vote in last year's election, I introduced H.R. 4846, the "National Voter Registration Rights Act of 1973" in the House with nearly 40 Congressional cosponsors.

This proposal would enable any potentially eligible voter to register by postcard through the mail without the obstacles of long residency requirements or clerical errors on a local level.

*War on Drugs*

Recently, I spoke before the Fifth National Conference on Methadone Treatment in Washington, D.C. Following are some of my remarks on the methadone problem.

"Many people in my community are concerned because they believe that drugs have been used in the past for the social control of Blacks, and may be used in this manner again.

"In my community, we are also worried about the rapid growth in the street sale of methadone diverted from its normal channels of distribution and from legitimate treatment programs. The number of methadone overdose deaths in New York City and throughout the country has risen sharply during the last two years and we have the increasing phenomena of methadone junkies on Harlem's streets."

In response to the crisis surrounding methadone, I have introduced H.R. 6868, the "Controlled Substances Security Act of 1973", in the House of Representatives. This would place much tighter controls on the storage and shipment of dangerous drugs like methadone.

Also, I am working for the passage of legislation that would close methadone treatment programs that serve only as "methadone drugstores" with either no, or inadequate supportive services and controls over distribution of the drug.

Early in May, the Civil Rights Oversight Subcommittee of the House Judiciary Committee, chaired by Rep. Don Edwards of California, held the hearings that I requested on the racist hiring and promotion policies of Federal drug law enforcement agencies.

It struck me as incredible that the Bureau of Narcotics and Dangerous Drugs, the major Federal anti-drug force has only 68 Black agents, and 1456 whites. The hearings were aimed at ending policies that led to that kind of situation.

I have offered just a few of my efforts in combating drug abuse. Be assured I have not slackened my work to stop the international drug traffic and to force police and other public officials at every level to stop piddling with this life and death problem.

*Senior citizens*

No segment of American society has been harder hit by the Nixon Administration's vicious attacks on human services than the elderly.

I am happy to report that, despite Presidential veto attempts the Older Americans Act of 1973 has been approved almost unanimously by Congress and will most likely be signed into law. This bill contains a wide range of services for seniors never even imagined under the Social Security Act.

I have also joined with Congresspersons Bella Abzug and Don Fraser of Minnesota to offer legislation that would guarantee a $3,750 minimum income for seniors and exempt the recent Social Security benefits increases from income consideration in determining eligibility for such services as public housing, veterans benefits, medicare, and food stamps.

These and other measures to benefit our elderly will have to face the same gauntlet of Nixon Administration attacks as other people-oriented programs. All of us will have to work to overcome these obstacles.

*Food prices*

In response to the skyrocketing price of food for the average citizen in our community and the nation, I introduced legislation to roll all food prices back to their October, 1972 level.

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Many other members of Congress, however-do not seem to be concerned about the climbing prices and have voted against firm price controls. Despite this, I will continue to work to increase their awareness of the hardships these prices cause the average citizen, and particularly the poor. I hope I can count on your support in this struggle.

WATERGATE: CORRUPTION "NOW MORE THAN EVER"

Recent weeks have brought a flood of revealed facts and truths bursting through the White House dam of suppression and cover-up tied to the ever-spreading Watergate affair.

Now that former Attorney-General John Mitchell and other White House aides have admitted having prior knowledge of the attempted bugging of Democratic Headquarters and other attempts at political espionage, the entire story might finally surface. The firing of these aides is just the beginning.

Millions of Americans subjected to this sordid affair are losing confidence in our political system. Their hope and faith in American government will only be restored if a swift and thorough investigation is culminated with the prosecution and conviction of all those involved in the Watergate mess. Article I, Section 2 of the United States Constitution gives the House of Representatives the "sole power" of impeachment.

I have called upon the House Judiciary Committee to create a special subcommittee to investigate the facts in this situation.

COMMUNITY NOTES

Few weekends or other days when there is no business on the floor of the Congress go by without my meeting in the 19th Congressional District with constituents individually or in groups; community political leaders; area government officials; or national figures regarding issues that concern us all.

While many of the constituent meetings deal with the difficult situations that arise, many also deal with the successes of our community's individuals and organizations.

Starting with this month's COMMUNITY NOTES column, I will list a few of the grants received and other successes of the past few months with the hope that we can all become better acquainted with the various efforts underway in our diverse community.

The Museum of Modern Art, Children's Art Carnival in Harlem, $25,000 from the National Endowment for the Arts.

The Teachers Inc.—in Harlem—Head Start and Day Care staff training—$75,000 from HEW.

East Harlem Multi-Service Center (health, counseling, etc.)—an additional $171,622 from HUD.

East Harlem Interfaith Assoc.—for assisting tenant and community housing management cooperatives—$40,000 from City of New York.

Have you visited my offices yet? We are there to serve you.

My Congressional Offices have been designed to provide services to our constituents who are having difficulties with housing, welfare, social security and other problems. We will be happy to assist you at the offices listed below:

Harlem—East Harlem Office: 144 West 125th Street, 866-8600.

Washington, D.C. Office: Room 230 Cannon House Office Bldg., 202-225-4365.

West Side Office: 720 Columbus Avenue, 662-2200.

RANGEL CALLS FOR COMMUNITY PARTICIPATION

While I sincerely appreciate the warm showing of support I have received from all of you during these challenging days in our national political history, I was saddened to note that, on a national level, public confidence in elected and appointed Government officials has dropped to a record low.

I therefore decided that our 19th Congressional District could, and should, become even more of a model for citizen involvement and effective concern.

My feeling in this area was happily reinforced when some of you informed me you were looking for ways to become more actively involved in the process of Government in Washington, D.C. as it relates to our community's pressing problems.

I am therefore initiating 19th CD Citizens Advisory Panels on the areas of greatest concern to all of us. These panels would serve as grassroots resource persons in my work for you in Washington.

If you are interested in participating please indicate the area or areas of your greatest concern by filling out the form below and mailing it to my Washington office.

Name.
Address.
Telephone.
Check area of interest:
Housing.
Health.
Senior citizens.
Consumer.
Employment.
Economic Development.
Other.
Education.
Crime.
Prison Reform.
Ecology.
Social Services.
Narcotics Abuse.
International Affairs.
Civil Rights & Civil Liberties.

RANGEL LEGISLATIVE BOXSCORE

Although many members of Congress have cast their votes against people programs just to please the Nixon Administration, I have, and will, remain firm in my resolve to use every bit of power at my disposal to *fight for these crucially necessary social programs.* My votes in just a few of these major areas that have come before the 93rd Congress in its first four months follow.

Social Services: Motion in the Democratic Caucus to make consideration of model HEW Social Services-Welfare regulations a high priority for the full House—passed (Yes).

Older Americans: Expand the Older Americans Act of 1965 to provide more and better services for Senior Citizens—passed and awaiting Presidential action at this writing. (Yes).

Students: More funds for student loans—passed into law (Yes).

Children: Amend the Child Nutrition Act, ordering the Secretary of Agriculture to stop blocking food for needy children and make cash payments to school districts that were being shortchanged—passed into law (Yes).

Prices: Strengthen Wage and Price Control Act by rolling back prices—Administration pressure on other members killed this approach in favor of a weaker one. (Yes for full rollback).

Loans: Continue the Public Works and Economic Development Act with loan benefits for our area—passed House at this writing. (Yes).

Mass Transit: Open the Highway Trust Fund for mixed mass transit—passed House closed for mass transit, passed Senate open (Yes for opening).

Air Pollution: Expand and strengthen the Clean Air Act for fighting air pollution—passed into law (Yes).

Solid Waste: Extend the Solid Waste Disposal Act for developing better ways of dealing with our waste problems—passed into law (Yes).

I am also pleased to report there has been progress on some of the legislative proposals I have either individually or jointly sponsored. Examples of these include:

BILL AND PROGRESS

Comprehensive Day Care Improvement Act: Work in progress in Education and Labor Committee.

Economic Opportunity Compliance Act—orders Nixon and OEO Director Phillips to stop destroying OEO and its programs: Action pending in Judiciary Committee.

Model HEW Social Services—Welfare Regulations to counter Nixon proposals: HEW modified its proposals somewhat in our direction, but I will continue pushing for the needed direct Congressional action.

Senior Citizens Income Bill—guaranteed minimum income for older Americans: Action pending in Ways and Means Committee.

Senior Citizens Property Tax Bill—provides income tax deduction for property taxes paid in mortgage or rent by seniors: Action pending in Ways and Means Committee.

Servicemens' Drug Treatment Act: Work in progress in Armed Services Committee.

Controlled Substances Act—proposes needed tightening of shipping and storage of dangerous drugs: Action pending in Interstate and Foreign Commerce Committee.

National Voter Registration Rights Act—greatly improves registration procedures: Action pending in Judiciary Committee and promised for this session of Congress.

Stop the Housing Freeze Resolution: Action pending in Banking and Currency Committee.

Stay Out of Southeast Asia Resolution: Action underway in Foreign Affairs Committee.

Public Corruption Bill—making all bribery of public officials a Federal crime: Action pending in Judiciary Committee.

Dietary Supplement Bill—counters FDA proposals for vitamins, etc.: Action pending in Interstate and Foreign Commerce.

## THE REVISED SOCIAL SERVICES REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, this morning, I had the opportunity to present my views on the revised social services regulations which have been proposed by the Department of Health, Education, and Welfare to the Senate Finance Committee. The regulations would cover social service programs such as child care, homemaker services, transportation, and educational programs, and HEW received over 200,000 letters and telegrams protesting their original, ill-conceived, punitive draft.

This new version of the regulations meets some of the objections raised with respect to the first version; there are still a number of serious shortcomings in the proposal, particularly with regard to the assets test for eligibility determinations, the income disregard for people on public assistance, and a framework which may pit programs against one another in the struggle for funds. The current proposal still retains the apparent original goal of an immediate cutting of money costs without regard to the cost in human deprivation or the long-term cost to society of salvaging individuals and families robbed of the hope of becoming self-sufficient, and I urge that it be further revised before being placed in effect. If HEW fails to make the necessary adjustments, then Congress has the responsibility to act, and I am a sponsor of legislation that would enable us to do just that.

The text of my statement to the Finance Committee follows:

TESTIMONY OF CONGRESSWOMAN BELLA S. ABZUG

Mr. Chairman, members of the Committee, I would like to thank you for giving me the opportunity to testify on the new social service regulations issued by the Department of Health, Education and Welfare.

This has been an issue of deep concern to me, one that I have actively pursued since I received an advance copy of the first version of these regulations before they were issued in February.

Even a cursory analysis of that first version showed them to be most punitive in effect and at variance with the philosophy of Congress. The major goal appeared to be an immediate cutting of money costs, no matter what the cost in human deprivation or the real longterm cost to society of salvaging individuals or families robbed of the hope of becoming self-sufficient.

I protested vigorously at that time and continued to raise objections to the regulations in meetings with HEW Secretary Caspar Weinberger and other members of Congress, in letters and in co-sponsorship of legislation. Together with child care organizations and women's groups, I sponsored Working Mothers' Day protests on April 10 to point up the fact that the new regulations would drive out of child care programs working mothers with even modest incomes, forcing many of them to go on welfare to qualify for care for their children.

More than 200,000 letters and telegrams protesting the regulations were sent to HEW from all parts of the country. The so-called final version of the new regulations, issued by Mr. Weinberger May 1, meets some of the objections raised in the first go-round. More careful analysis makes it clear, however, that there are still some very real and serious objections to the regulations, and I strongly urge that they be further revised.

Mr. Chairman, I understand that in a colloquy with you last week Secretary Weinberger raised some possibility of changes in the new regulations. I believe it is essential that the door not be closed on further necessary changes before these regulations are put into effect. There are various "catch-22's," loopholes, and disregards for quality standards in the regulations that require correction, and I am very grateful to this committee for conducting hearings that make it possible to spotlight these deficiencies.

I will address myself to some of the specific problems in a moment, but first I would like to comment on the overall implications and results of these administrative regulations.

When social services were first added to social security legislation, it was done because Congress realized that just giving money to an individual or family in need was not enough. Without back-up services, the problems that forced people onto welfare would not go away nor would more people receive the preventative help that would keep them from entering the public welfare system. With these remedial goals in mind, Congress passed the public welfare amendments that established the 75 percent federal match.

The definition and nature of social services was left to be determined by the states and the Department of Health, Education and Welfare. It was under this program, and the 1967 amendments thereto, that some of the most innovative and creative programs were developed—programs that had the object of helping people get off public assistance and keeping off others, who were not yet receiving cash grants, by enabling them to be self-supporting.

And yet now, from an Administration that pays lip service to the "new federalism" and professes reverence for the "work ethic," we have a set of regulations that places undue authority at the federal level, penalizes the working poor and lower middle class, and in some cases provides incentives to stay on welfare and not become self-supporting.

Now for the specific problems in the regulations: Both the February and May versions include a new requirement that eligibility for services be linked to the various states' resource test for assets. I know that this question was raised with Secretary Weinberger and I think it is important that you know the situation in my state.

In New York State (under the resource test for welfare assistance) an individual can have absolutely no bank accounts, either checking or savings, no insurance with a face value of more than $500, and no personal effects not essential to running the home or related to work.

This means that an individual cannot open a savings account, cannot join the payroll savings plan for U.S. bonds, and cannot even join a Christmas Club.

Let's think of what this means to a working woman who needs a job to support her family and can only work if her child is cared for in a subsidized center. She may work for a company that provides a life insurance policy of $1,000 or more as a standard benefit. What is she supposed to do? Quit her job and look for one that doesn't provide any benefits? If she is thrifty enough to save a few dollars or requires the convenience of a checking account to pay her rent and utility bills, should she be penalized by being deprived of child care facilities so that she can no longer work at all?

If this isn't a "catch 22" in the new regulations, I would like to know what is.

It certainly undercuts the easing of income eligibility requirements for child care services in the May 1 regulations, which were welcomed by us as recognition by Mr. Weinberger that the draft regulations were discriminatory against working women.

While there have been some improvements in the sections dealing with child care in these regulations, there are still enough loopholes and oversights to warrant HEW's changing them, with time for public comment, before they become effective.

In addition to the resource test or liquid assets test, the regulations no longer require that in-home child care must meet standards recommended by the Child Welfare League and the National Council for Homemaker Services. No longer is there a requirement that the care must be suited to the individual child and the parent or guardian involved in the selection of the care. No longer is there any mention of the necessity of progress in developing varied child care sources so that there can be a choice for the parents. And significantly, although the new regulations say that facilities must meet standards as outlined by HEW, there is no direct mention of the federal interagency day care standards. These standards are clearly set forth in the report accompanying the OEO amendments in 1972 as Congressional intent.

Another issue raised last week and one that I would like to reiterate is the problem of income disregard. A public assistance recipient is allowed to deduct certain work-related expenses, such as social security and union dues, whereas the worker who is struggling to be economically independent, who is holding a job and not receiving cash grants, is not allowed to deduct these expenses. Thus, we have another example of a regulation that makes it more advantageous for an individual to receive a cash grant than to work and try to be self-supporting.

One of the most serious deficiencies in these new regulations is the question of program eligibility. The states are told that they must make available at least one of the services mentioned under the Adult Services Program. The regulations thus place the states in a dilemma. In one situation the states, in an effort either to meet their spending ceiling or in an effort to reduce programs, may make only one of the listed services available to appropriate applicants. For example, a state may then specify that it will only offer protective services, but not health related services, or homemaker services, or transportation services, regardless of the specific need of the individual applicant. On the other hand, the state may allow all of the services that were previously mandated but because of the funding ceiling the agencies may be forced to compete with each other for dwindling funds. I am afraid that these regulations will lead many administrators to say, as King Solomon did, "Cut the living child in half, giving half to one and half to the other." The solution here is to provide sufficient funds to continue the services.

The program definitions also create problems that I would like to illustrate. In New York State we have a program called the Welfare Education Plan. This program has been funded since 1962 with Title IV-A money and in New York City is administered by the Board of Education. Under the new regulations this program would be shut down because it costs money. Yet it has an 11-year record of success. The program works with public assistance recipients over 18 who have less than an 8th grade equivalency education or have English language deficiencies. They are taught English, helped to get high school equivalency diplomas and placed in jobs, job training programs or schools for more advanced work skills or education.

Some of those who have benefited from this program came by my office last week and explained how as of July 1st, 7,000 people will be shut out of a program that has success stories like these:

These are the words of Monserrate Velez, who came to New York from Puerto Rico in 1961. "A few years later," she told me, "I was in a wheelchair, a total invalid with two small children. I had no hope at all for my future.

"I came to the Welfare Education Plan in January, 1969," she continued. "School became the only bright spot in my life. My teachers' friendship and encouragement helped my self-confidence. I passed the eighth grade test and then the high school test. Now I am at the Interboro Business Institute preparing to be a bilingual secretary. I can hardly wait to get a job so I can get off welfare. I am even learning to walk again."

I know that last week Senator Mondale described a similar program in Minnesota. These are the programs that are filling the gaps between agencies and services, that provide people with the hope of dignity and self-help. We must not let them fall by the boards. I am also certain that as you continue these hearings and take the testimony of the governors and their representatives you will hear more stories like that of Monserrate Velez.

There is another point I would like to make in response to Secretary Weinberger's testimony of May 8. It has to do with the question of the $2.5 billion ceiling on federal spending for social services. Secretary Weinberger was quite clear in saying that if each state spent the full amount of the money it was eligible to spend, HEW would certainly authorize full reimbursement. Yet, at the same time, he indicated that under the new regulations the estimates for total spending are only $1.8 billion, $700 million below the ceiling authorized by Congress.

If there are states that will not be able to spend their full allotment, then we should have a reallocation formula to allow the additional money to go to states with programs in need of these funds. Another recommendation I would urge is enactment of my measure, H.R. 245, which would exempt child care from the $2.5 billion ceiling. This would enable us to continue obviously useful child care programs, but not at the expense of the other needed services.

There are many other areas of concern to me in these regulations that I will touch on briefly.

We need a clearly defined fair hearing process. Under the regulations there are no advisory committees for any group of services other than child care, and child care advisory committees are recognized only at the



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state level and include no parent participants.

There is also the problem within the regulations that the states may have to wait even longer for guidelines to be issued implementing these regulations. These guidelines, which may or may not come out before July 1, will have as much effect as the regulations themselves but are not subject to the review process of public comment that was so useful in changing the first draft of these regulations. I believe it is important that the guidelines be made public as soon as possible and that, like the regulations, they be subject to further change.

In conclusion, Mr. Chairman, the original intent of Congress was to provide services that would strengthen family life, foster child development, help people to support themselves, and aid, with dignity, those who cannot. This should remain our goal, and no administrative regulations should be allowed to subvert our purpose.

## ADULT EDUCATION AMENDMENTS OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MEEDS) is recognized for 5 minutes.

Mr. MEEDS. Mr. Speaker, I introduce for myself and 39 of my colleagues, the Adult Education Amendments of 1973. A similar bill is being introduced today in the Senate by a bipartisan group of Senators led by Senator JAVITS of New York

The bill we are introducing will amend the Adult Education Act in these ways:

Extend the authorizations of existing programs for 5 years through fiscal year 1978.

Provide that up to 25 percent of funds may be used for high school equivalency programs for adults so as to ensure a concentration of effort on those 64 million Americans with less than a high school education.

Clarify the use of funds for community-sponsored programs utilizing public school buildings.

Specifies the inclusion of institutionalized adults in the target population.

Provide for State advisory councils which may be established in each State to counsel with both State and Federal authorities on adult education programs.

Extends the authorization for adult Indian education programs through fiscal year 1978.

### A SECOND CHANCE

Census figures tell us that nearly one-third of the adults in the United States, 64 million, have less than a high school education. Of these, 22 million have less than an elementary school education. In my State of Washington, where we have long prided ourselves on providing the best in social services, 750,000 adults have less than a high school education.

Although specific legislation on adult education is relatively new, the first act dating from the 89th Congress, we have come a long way from accepting a child-oriented education system with its terminal approach to education as our only responsibility. The question of providing a second chance for under-equipped adults has changed from whether it should be done to how best to do it.

From a purely practical view, we cannot afford to ignore the educational needs of the adult population. The latest income statistics available indicate that a high school graduate earns nearly double the amount earned by someone with less than an eighth grade education. What this means to our national economy is one thing; what it means to the worker is even more important.

In March of this year I received several letters from students in an adult basic education class in my district. If I needed convincing these would have done it. In one student's words:

> This is the only chance I had to at least get somewhere. I hadn't finished high school and I was accepting any kind of job that I could get. These jobs would never allow me to advance in them.

These students, mostly Chicanos, speak of "teachers that care," "that work hard to help us." While these teachers may be more dedicated than the average public schoolteacher, I suspect the biggest difference is that the adult student cares and is willing to work.

Motivation and opportunity combine in adult education programs to make it possible for a student to get what he now knows he needs—a second chance to make a better life for himself.

We need to continue and expand our commitment to provide that "second chance" for the illiterate, the poorly educated, the adult with yesterday's training for today's jobs. I believe the bill we are introducing today moves in that direction.

## FINANCIAL DISCLOSURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. ROBERT W. DANIEL, JR.) is recognized for 5 minutes.

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, I would like to take this opportunity to insert into the CONGRESSIONAL RECORD part A of my financial disclosure statement.

Although this statement is kept on file with the House Committee on Standards and Conduct, it is not published. I feel that any resident of my district should be able to see this report without coming to Washington to examine it. I feel, therefore, that the report should appropriately be published in the RECORD.

At a time when there is growing public distrust of some government officials I am willing to place my investments under public scrutiny. I hope that making my statement an open matter will help restore some of the faith in our Government.

I would like to add two notes of explanation to the statement.

First, in December of last year I placed all my stockholdings in a "blind trust," thus relinquishing all control over their management. My trustee can buy and sell these stocks without my knowledge.

Second, the two debts listed on the report are both in connection with the operation of my farm.

I believe the rest of the report is self-explanatory. I include it below:

PART A—U.S. HOUSE OF REPRESENTATIVES, STATEMENT OF CERTAIN FINANCIAL INTERESTS AND ASSOCIATIONS AS OF DATE OF FILING AND CERTAIN OTHER FINANCIAL DATA COVERING CALENDAR YEAR 1972

*Filing required by April 30, 1973* by Committee on Standards of Official Conduct.

Robert W. Daniel, Jr., Fourth District of Virginia.

The interest of a spouse or any other party, if *constructively controlled* by the person reporting, shall be considered to be the same as the interest of the person reporting.

1. List the name, instrument of ownership, and any position of management held in any business entity doing a substantial business with the Federal Government or subject to Federal regulatory agencies in which the ownership *is in excess of $5,000 fair market value as of the date of filing*, or from which income of *$1,000 or more* was derived during the preceding calendar year. Do not list any time or demand deposit in a financial institution or any debt instrument having a fixed yield unless it is convertible to an equity instrument.

BUSINESS ENTITY, INSTRUMENT OF OWNERSHIP, AND POSITION OF MANAGEMENT

Brandon Plantation, Proprietorship, Proprietor.
Continental Corporation, Common & Convertible pfd., None.
Va. Real Estate Investment Trust, Common, None.
General Motors Corp., Common, None.
Union Carbide, Common, None.
Continental Can Co., Common, None.
General Electric Co., Common, None.
Square D Company, Common, None.
National Distillers & Chemical Company, Common, None.
Rockwell Manufacturing Company, Common, None.
Kennecott Copper Corp., Common, None.
Exxon Corp., Common, None.
Mobil Oil Corp., Common, None.
Shell Canada, Ltd., Class A Common, None.
Shell Oil Co., Common, None.
Standard Oil Calif., Common, None.
Texaco, Inc., Common, None.
R. J. Reynolds Industries, Common, None.
Va. Electric & Power Co., Common, None.
Consolidated Natural Gas Co., Common, None.
American Tel. & Tel. Co., Common, None.
C & O Railway, Common, None.
R.F. & P. R.R., Common, None.
Southern Railway, Common, None.

On December 22, 1972, all of the securities listed in Part A, Item 1, were placed in trust with the First and Merchants National Bank, Richmond, Virginia, as trustee and manager.

2. List the name, address and type of practice of any *professional* organization in which the person reporting, or his spouse, is an officer, director, or partner, or serves in any advisory capacity, from which income of $1,000 or more was derived during the preceding calendar year. None.

3. List the *source* of each of the following items received during the preceding calendar year:

(a) Any income from a *single* source for services rendered (other than from the U.S. Government) exceeding $5,000 and not reported in section 2 above. None.

(b) Any capital gain from a single source exceeding $5,000, other than from the sale of a residence occupied by the person reporting. (As reportable to IRS.) Brandon Plantation: sale of breeding stock.

(c) Reimbursement for expenditures (other than from the U.S. Government) exceeding $1,000 in each instance. None.

(d) Sources of honoraria *aggregating* $300 or more from a single source. (*Name the original source, not a speakers' bureau.*) None.

4. List each creditor to whom the person reporting was indebted for a period of 90 consecutive days or more in the preceding calendar year in an aggregate amount in excess of $10,000 *excluding* any indebtedness specifically secured by the pledge of assets of the person reporting of appropriate value. First & Merchants National Bank, Richmond, Virginia, Southside Virginia Production Credit Association.

ROBERT W. DANIEL, JR.

February 8, 1973.
Sworn into Congress January 3, 1973.



## NEW YORK TIMES COMMENTS ON FARM BILL

(Mr. TEAGUE of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, the New York Times editorial of Monday, May 14, 1973, makes a series of both accurate and devastating points about the farm bill approved last week by the Committee on Agriculture and Forestry of the other body.

This bill apparently is the "opening bid" in an extended and expensive exercise to extend the present farm program without substantial revision or without meaningful reform.

I certainly hope that the House will not continue to embrace the present costly and cumbersome farm program, much less embark upon an effort to increase Government expenditures, restrict imports of agricultural commodities, provide unlimited subsidies for not growing crops, and increasing consumer food and fiber costs.

With that thought in mind, I insert the Times editorial in the RECORD at this point.

### JACKING UP FARM PRICES

If the farm bill approved last week by the Senate Agriculture Committee wins the support of Congress, American housewives can say good-by to any hopes they may have of ever seeing food prices return to levels that—as recently as a year ago—they thought of as high but bearable.

For, at a time when food prices have soared to record heights, the Senate Agriculture Committee has moved to create a subsidy mechanism that would lock up the prices of foodstuffs close to their record peaks.

Under a new concept of "target prices," the bill would require the Secretary of Agriculture to establish the amount of acreage for producing wheat, feed grains and cotton that would if necessary be "set aside"—held out of production—in order to hit "target prices" set far above the average prices of recent years. Wheat would be set at $2.28 a bushel, cotton at 43 cents a pound and corn at $1.53 a bushel. If the "target" prices specified by the Senate committee bill had been in effect last year, they would have cost taxpayers an estimated $2.6 billion. But the Agriculture Committee chairman, Senator Talmadge of Georgia, blithely says, "Hopefully, if prices stay high, it will cost nothing."

Actually, the bill constitutes an outrageous, guaranteed lien on the housewife's pocketbook. An even worse aspect is that, if farm supply should again catch up with booming domestic and world demand, the Government would either have to pay out enormous subsidies or else remove vast amounts of land from production in order to cut supplies of farm goods and thereby hold prices to "target" levels. Since this would mean higher United States farm prices than world market prices, "target-pricing" would necessitate major increases in export subsidies—unless the United States were to find itself priced altogether out of the world market.

The benefits of target-pricing would—like existing farm programs—go primarily to the biggest farm producers, who own the land and produce the crops that get the subsidies, not to the low-income farmers who really need help. The concept of agricultural price targets should be replaced by one of farm income targets that would benefit the poor, not the rich.

Indeed, the Senate Agriculture Committee has turned a deaf ear to Administration proposals that it reduce the present $55,000 limit on payments per farm for each crop—a figure that can be multiplied several times over by big farm operators who can plant different crops and split farms into several units.

The Senate committee also ignored earlier proposals of Agriculture Secretary Butz that specific crops be removed from acreage allotments, thus freeing farmers to make plantings on controlled acreage of whatever crops would give them the best returns in response to market demand. The present system amounts to a set of legalized monopolies, with the Government as its director.

Few city people realize, for instance, that not anybody can grow peanuts; a farmer has to have a "license" from the Government—an acreage allotment—to grow and sell peanuts. For years that acreage for peanuts has been frozen at about 1.5 million tons—but production has roughly doubled. Peanut subsidies in 1972 cost the taxpayer about $105.5 million a year. The program has also jacked up the prices American consumers had to pay for peanuts by about 40 per cent above the world market price. If the present program continues, losses to the Government (the taxpayer) will total $537 million from 1973 through 1977.

Not absolutely but relatively, this is peanuts. Total budgeted costs of farm price and income subsidies—including milk, sugar, rice, tobacco, cotton, wool, wheat, feed grains and so on—exceeded $5 billion last year. To this sum must be added costs totaling at least another $5 billion, in terms of higher prices paid by consumers.

In the midst of inflation, steeply rising farm prices and income, and strongly growing domestic and world food demands, the entire United States farm program desperately needs a complete overhaul, ending costly price supports and subsidies, and modifying existing acreage allotments and "set-asides." The over-all farm problem is no longer one of surplus and deflation but scarcity and inflation. Residual poverty among small farmers will not be ended by present subsidies and acreage restrictions, but requires a different approach aimed directly at increasing the small farmer's income.

## THREE PLEAS TO SAVE THE BALD EAGLE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, as a conservationist who is deeply concerned over the dwindling population of many species of animals, I would like to call to the attention of my colleagues three letters which I received from sixth grade students in my district concerning the preservation of our National symbol—the bald eagle.

As we all know, the number of these majestic creatures which represent the valor, dignity, and strength of our country, is in critical danger. Positive action is needed if our noble emblem is to remain alive for future generations to observe and enjoy.

Each year, the sixth grade students of Parkview School, Anita, Pa., conduct a letter writing contest. This year the subject was "The Preservation of Our National Emblem, the Bald Eagle." Under the direction of Mrs. Emma Zimmerman, three winning letters composed by Susan Maruco, Gary Lamey, and Douglas Mesoraco have been selected.

I would like to salute the winners by inserting their views as part of my remarks:

### FIRST PRIZE

ANITA, PA., *November 29, 1972.*

DEAR MRS. NELSON: It seems some people aren't interested in our sixth grade subject this year. It is the preservation of our National Emblem. I guess they just don't see the power, loyalty, and strength that our ancestors saw in the bald eagle. "The noblest creature that flies," they announced. But the question is, do we still believe it today. The title of National Emblem doesn't stop some individuals from using the bald eagle as an illegal target. A few destroy this eagle as it soars proudly over its natural habitat, and that isn't a very nice thing to do. This is our National Emblem, and I think he expects something from mankind. Even if it is just letting him live in peace.

We chose our subject this year from one of our weekly magazines. It is one of the ways that this organization is getting the problem across to other minds. The sixth graders are sending labels that will get us some land in the National Eagle Nesting Place, a place where the national bird is protected.

The subject is smaller than some problems in the United States, but it's one that needs to be solved. The States have quite a few difficult problems. If we try we can at least work out our eagle friend's troubles. The bald eagle is something that should be salvaged for posterity.

Problems don't interest many people, but there are so many books, clubs, coupons, and projects on our subject that they could do a little something, and not much is more important than saving our National Emblem, the bald eargle.

Sincerely yours.

SUSAN MARUCO.

### SECOND PRIZE

DELANCEY, PA., *November 28, 1972.*

DEAR MRS. NELSON: This year the sixth grade is writing on the preservation of our National Emblem, the bald eagle. The bald eagle was chosen as our National Emblem in 1782. He was chosen because he's a brave, majestic bird. He is also known for his loyalty because he mates for life. He was also chosen because he's the noblest creature who flies. Man is destroying his natural habitat by cutting down the trees in his forests and by destroying his mountains by mining for minerals. Hunters are shooting him. Now he's facing extinction.

You can help stop our National Emblem from going extinct. For every Big Johns or Snack Pack label you send to the Chippewa National Forest in Minnesota, where two pairs of nesting bald eagles have been discovered, they'll buy approximately 15 square feet of private land in your name. They'll turn it over to the U.S. Forest Service for the protection of our National Emblem, the bald eagle.

The sixth grade is helping to preserve our National Emblem by sending Big Johns and Snack Pack labels to the Chippewa National Forest.

Sincerely yours.

GARY LAMEY

### THIRD PRIZE

DE LANCEY, PA., *November 29, 1972.*

DEAR MRS. NELSON: This year the sixth grade is writing about the preservation of the National Emblem, the bald eagle. We have taken away his habitat. But our goal is to keep the bald eagle from disappearing

by giving him what he needs most to survive, peace and privacy.

The eagle is a sign of strength and bravery. It is carefree and fearless. In 1782 he was chosen to be the National Bird. In 1940 congress passed a law to protect the American Eagle. Outside of Alaska there are fewer than 800 nesting pairs existing in the United States.

The sixth grade have been collecting labels of Big John's Beans 'n fixins and cardboard jackets of Snack Pack puddings and fruits. We are going to send these to the Chippewa National Forest in Minnesota. Next to the Chippewa National Forest they will have a place for the eagles so they will have peace and privacy. This will be called the National Eagle Nesting Area. By doing this we hope to preserve the eagle.

Sincerely yours,

DOUGLAS MESORACO.

## ROBERT F. FROEHLKE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, upon the occasion of the departure from Government service of the Honorable Robert F. Froehlke, the Secretary of the Army, it is appropriate to record and commend the outstanding achievements of this distinguished American.

Responding to a request from the President, Bob Froehlke began his public service as Assistant Secretary of Defense for Administration on January 29, 1969, under Secretary of Defense Melvin Laird. In recognition of his managerial and leadership abilities, his already wide-ranging area of responsibility was subsequently expanded to include all Department of Defense intelligence resources and chairmanship of the Blue Ribbon Action Committee and Defense Investigative Review Council. Under Bob Froehlke's leadership, there was marked improvement not only in overall management of administrative services in the Office of the Secretary of Defense but also in the control and realinement of the sensitive and critical intelligence activities.

On July 1, 1971, Bob Froehlke became the Secretary of the Army at a rough time in the Army's history. With steadfast leadership and dedication, he successfully led the Army in the very difficult transition from a large force concerned primarily with supporting U.S. operations in Southeast Asia to a smaller, all-volunteer organization geared to worldwide support of the Nixon doctrine. The results of Mr. Froehlke's special brand of personal, compassionate and enlightened leadership are clearly evident as he returns to private life on May 15, 1973. He leaves the Army better prepared to accomplish its mission, more concerned for the men and women who fill its ranks and with increased esprit and confidence.

I have personally appreciated the friendship and cooperation of Bob Froehlke. I wish him the best in private life and thank him for his fine public service.

## AMNESTY LEGISLATION NEEDED

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, some people seem to feel that an appropriate response to the return of the POW's is to declare unwavering hostility to any form of amnesty. It is as if the guilt some civilians feel at imposing such suffering on these men for the most doubtful of political aims can only be canceled out by imposing suffering on another group of men and women, as a present to the POW's.

I feel that the only appropriate response to suffering is to resolve to minimize it in other people. I believe this would be the case even if we could impose a blanket punishment on war resisters in the name of justice. But I do not believe it is just to make others pay for our mistakes. I consider our adventurism in Indochina to be insane, immoral, and illegal. The State asked a certain number of young men, selected unfairly and arbitrarily, to carry the main burden of this adventurism and to violate either their conscience or the law. Whatever their choice, we may be sure that they did not enjoy it.

The war resisters also served our country. They served it by telling us we had gone too far, that the results of our orders here in Washington were immoral and illegal. If it were not for their inconvenient presence, we would never have known what we were doing.

To tell soldiers that their only enemy is the war resisters is the same demagogic trick as telling the working class that their only enemy is the welfare poor. We should realize that the majority of draft dodgers do not require amnesty, for they avoided military service in an entirely legal fashion. The only ones who found themselves outside the law are those who were either too poor, too principled, or too unlucky to take advantage of the hundreds of loopholes in the selective service system.

For these and many other reasons, I have introduced legislation that would end all legal liabilities resulting from refusal to serve in the Vietnam war. I believe any other form of action would be unfair and vindictive.

I am inserting two articles that should dispel some of the myths that those against amnesty use to justify their position: One, that the courts can be relied upon to deal equitably with amnesty; two, that so-called deserters can be given a blanket condemnation:

[From the New Republic, Apr. 21, 1973]

AMNESTY ROULETTE

(By H. Edward Sharp)

"Those who deserted must pay their price," the President says, "and the price is not a junket in the Peace Corps or something like that." That is probably the consensus of his constituency and of the Congress. But what is the price to be exacted? That is to be left to the courts to decide. "The courts," says Senator Adlai Stevenson III, "are quite competent, the enforcement authorities are quite competent to consider the motivations of the individual. . . ."

Unfortunately for the returning draft evaders, what the courts decide will reflect each judge's personal belief. Some who have little compassion for those who deny service to country, will give the maximum sentence of five years in prison. More sympathetic judges will order alternate service in lieu of prison, or possibly, though unlikely, total amnesty. Some who never acquit may be the most lenient in sentencing. One district judge in Chicago gives lighter sentences to a defendant with a wife and family than to single men.

Besides the disparity of punishments in a given district there is also considerable difference between districts. Southern and southwestern district courts are generally harsher, while Northern districts tend to be more lenient. For example twice as many defendants in Kentucky have received maximum sentences as defendants who have been put on probation. Of the 16 men in the US who in one year received maximum sentences, one-fourth were from Kentucky. On the other hand only two men were given maximum sentences in California, and 408 got probation during the same period. In Senator Stevenson's own state, draft evaders in the Southern Illinois court have only a slight chance for leniency, while those in Northern Illinois have better than a 50-50 chance for probation and alternate service.

The senator's contention that the courts are "quite competent to take into account the reasons, the moral reasons, of an individual for refusing to obey the law" is not quite true. More articulate, educated young men, with a proper air of contrition, may persuade a court to leniency, while an awkward or poorly educated violator who is unable to express himself in appropriate moral terms may get a harsher sentence. Yet each has committed the same transgression. The defendant pleading for leniency on moral grounds must hope his beliefs are consonant with the judge's. I have in mind one defendant who refused induction into the army because he placed a high value on life. The judge noted that he had subsequently attempted suicide, and concluded that if the defendant didn't value his own life he didn't value anyone else's either. Because another defendant had once worked in a factory that produced some war material, one federal judge concluded he had acquiesed in the war.

Not enough Canadian exiles have yet returned to discern a trend in the federal courts; thus the draft evasion cases of those who did not flee are our only guide. During the year ending in June of 1972, 1642 young men were convicted of refusing to submit for induction. All but 53 were put on probation. Of the 53 jailed 16 were given the maximum five-year sentence.

The point I raise is not whether expatriates should receive amnesty, alternate service or imprisonment, but rather whether all should not get the same consideration. There ought to be some legislative equity.

(NOTE.—Mr. Sharp worked as a legal researcher on Selective Service cases in Chicago during the late 1960s.)

[From the Nation, April 16, 1973]

THE TRUTH ABOUT DESERTERS

(By Robert K. Musil)

(NOTE.—Mr. Musil, a former Army captain active in the GI movement at Fort Benjamin Harrison, was discharged as a conscientious objector. He is associate secretary of the Central Committee for Conscientious Objectors, an agency for military and draft counseling and co-editor of CCCO News Notes.)

Myths abound about deserters. A colorful Howard Johnson's place mat warns diners on the New Jersey Turnpike that picking up hitchhikers can be dangerous—many of them are AWOLs. Even liberal Sen. Philip A. Hart characterized AWOLs at the Kennedy hearings on the draft and amnesty last spring as "guys who take off with the company cash."

In the growing debate over amnesty in the new ceasefire period, everyone is getting into the anti-AWOL act. In a carefully orchestrated media campaign, Administration spokesmen, including columnist William S. White, White House special counsel Charles W. Colson, and speechwriter Patrick S. Buchanan, have tried to minimize the number of deserters and to label them "malingerers, opportunists, criminals and cowards." Even the usually moderate editorial page of The New York Times, in discussing amnesty (February 23), draws "a sharp distinction between them [draft resisters] and those who deserted the Armed Forces."

On the surface, those who degrade deserters seem to have a solid case. They point out that unlike draft evaders, AWOLs have already taken an oath to serve their country; many of them have criminal records, or are fleeing prosecution. They add that legal avenues of redress of grievances were open to them. Finally, and most significantly, they claim that the motivations of deserters were neither conscientious nor pure. In support of this final point, one of great rhetorical strength in the amnesty debate, they often allude to or quote Pentagon studies from the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs [OASD (M&RA)] that purport to show that only 5 per cent of all deserters were motivated by anti-war feelings.

These myths are held for various reasons. Most of the public is simply ignorant about AWOLs. They rely on World War II clichés and stereotypes of the bad guy slinking away from his buddies under fire. Or, lacking the data or background to challenge them, they simply accept official explanations. Some politicians inadvertently add fuel to the myths when, hoping to appear reasonable and pragmatic, they speak about amnesty for draft resisters, but neglect deserters in order to gain support.

The current Administration campaign to disparage deserters and perpetuate misconceptions is another matter. [See "What Nixon Forgets: Congress Bestows Amnesty" by Harrop A. Freeman, The Nation, March 26.] By portraying the number of deserters at large as insignificant, and impugning their motives as confused at best, but more likely as dishonorable and criminal, the Administration hopes in one blow to discredit its amnesty opposition, justify its war policies, and cover up long-standing abuses in the armed forces.

In this climate, we need a fresh, hard look at deserters. The facts are difficult to come by, but they clearly explode all of the old myths. First, it must be emphasized that the term "deserter" is simply a convenience. It is used by the military to refer to those persons who have been absent without leave for a period of thirty days or more, been dropped from the rolls of their unit, and then *administratively* classified as deserters for purposes of record keeping, notification of the FBI, etc. No person absent without leave is legally a deserter until convicted of that offense under the Uniform Code of Military Justice. Desertion, as an offense, requires an *intent* to remain away from the military permanently, and is rather difficult to prove. Thus Pentagon statistics about deserters refer only to those persons who have been dropped from their unit rolls, and do not include a far larger number of persons who at any given time are AWOL for less than one month.

The number of deserters during the Vietnam era is staggering and is probably underreported. From fiscal 1965 through early fiscal 1973 (August 1, 1964-December 31, 1972) the Pentagon reports 495,689 cases of desertion, not counting the Coast Guard. Of these cases, the Pentagon claims that more than 90 per cent have returned to military control (either by apprehension or voluntarily) and that only 32,718 are still at large. Even accepting Pentagon figures for the moment, we can quickly understand the current Administration attempts to vilify deserters. In addition to the well-known GI movement, another significant segment of the armed forces (about 5 per cent of the Army and Marines) protested the war the best way they knew how—by leaving.

If one considers that in 1971 in the Army alone, 79,000 soldiers, or nearly six full divisions (7.3 per cent of all Army personnel), deserted, the problem becomes clear. This desertion rate was more than triple the highest rate during the Korean War. It was also much higher than any rate recorded for World War II, when a greater percentage of U.S. troops were in combat zones and there were no one-year rotations. If it is kept in mind that low-ranking soldiers and those in combat-arms units are most likely to desert (only about one in ten GIs engage in combat), it is evident that in some Army units desertion reached *epidemic* proportions during the war in Vietnam.

If one adds the short-term AWOL rate in the Army (17.7 per cent in 1971) to the desertion rate (there is some overlap for those who had multiple AWOLs or went AWOL before deserting), nearly one-quarter of all GIs walked away from their units for periods ranging from a couple of weeks to years. What were they escaping from? Given the unpopularity of the war at home, the reports of maltreatment and mismanagement of personnel throughout the Vietnam era, a massive GI movement, and desertion rates far higher than for any previous war, one would assume that desertion was related to antiwar feeling. In fact, the rates match escalation and deescalation in Indochina in an almost perfect bell curve. For instance, in 1972, when the air war was escalated and received more national attention, Air Force desertion rates doubled from the year before.

Not so, says the Pentagon. The official Department of Defense Information Guidance Series claims:

"It is human nature that the grass somewhere else sometimes appears greener. Since the beginning of military forces, the urge to "go over the hill" has been more than some could resist. The reasons are also as old as man: financial or family troubles, romantic involvement, earlier misconduct that led to disciplinary action, inability to adjust to military life or family pressures before going overseas. . . . Only a small percentage . . . of the deserters who have fled to a foreign country in recent years have been motivated by political reason or anti-Vietnam feeling."

Col. Victor A. DiFiori, the Pentagon AWOL expert and spokesman, points to the now widely quoted studies from his office at OASD, (M&RA) that show that "only 5 per cent" of those who desert are motivated by anti-war feelings. The Pentagon studies deserve close analysis, since they are the only official studies of desertion available. The methodology, assumptions and interpretation of findings used by the Department of Defense would cause any self-respecting sociologist to go AWOL from the profession.

Although many, if not a majority, of those who desert remain within the United States by going "underground" in large cities or even in their home towns, the samples used in the studies are based on servicemen who are known to have deserted or have attempted to desert to foreign countries. Maj. Gen. Leo S. Benade, Deputy Assistant Secretary of Defense, added confusion about the source of the studies when he testified at the Kennedy hearings that the surveys were based on 660 of those returned to military control from overseas. This kind of questioning in the face of penalties would have been enough to discredit the study. In appendices to the hearings, however, Benade disclosed that he had been in error, and that the motivation studies were based only on reports from commanders in the field who estimate a man's motivation for leaving through an investigation of statements, interviews with friends, etc. These reports are then filed with OASD (M&RA) on Form DD-N(A) 1039. These reports have been required only since December 24, 1970, and are entitled "U.S. Military Absentees Who Have Placed or Have Attempted to Place Themselves Under Control of a Foreign Nation to Protest Against the U.S. or Commit Disloyal Acts." Thus, given the method of collecting data—the compilation of estimates of motivation by field commanders—and realizing that such information became desirable only as political exiles received attention, the Pentagon studies can be seen as a collection of unsupported impressions. They are not even as solid as the answers would have been from those returning to military control—the method presumed by many persons to have been used after General Benade's testimony.

Given all these inadequacies, the Pentagon studies still reveal some astonishing conclusions. Only one-third of the sample had had previous "disciplinary or administrative action" taken against them. And, it must be remembered, upward of 80 per cent of all military courts-martial are for the "crime" of going AWOL. Other military crimes include such vague acts as "disrespect to a superior officer," or the famous catchall of military justice, "all other acts prejudicial to good order and discipline." This provision, Article 134 of the Uniform Code of Military Justice, caught many an anti-war GI in its disciplinary dragnet, and only recently was struck down as unconstitutionally vague by the Washington Court of Appeals.

The reasons for desertion offered in the survey break down as follows: 47.5 per cent, no reason stated; 20 per cent, aliens, or to live with an alien spouse; 10 per cent, under charges or investigation, or escaped from confinement; 5 per cent, Vietnamese War; 4 per cent, family, financial, or personal; 2.5 per cent, claimed C.O. or pacifistic beliefs; 3.5 per cent, inability to adjust to military life; 5 per cent, fear of being killed; 7 per cent, miscellaneous.

If we neglect the 20 per cent aliens as an untypical distortion due to sampling, the Pentagon either does not know the motivations of nearly half the deserters, or they supplied reasons that, to the average mind, are clearly anti-war or anti-military. ("Inability to adjust" might be better translated as, "My drill sergeant was driving me crazy," or "I just had to get out of the Army.") Only 4 per cent are listed under the widely trumpeted and "time-honored" personal reasons. In short, even if the methodology of the Pentagon's study were sound, its conclusions are virtually useless as an indicator of deserter motivation. If anything, they show that GIs did *not* desert simply because "the grass is greener." Privately, Colonel DeFiori admits that motivations are extremely difficult to determine, especially on the basis of such field reports. He adds that the attempt to distinguish between the motivations of draft evaders and deserters is bound to be a futile exercise.

Department of Defense statistics on the numbers of deserters are presented with an equal aura of infallibility, but are equally suspect. On January 1, 1972, OASD (M&RA) released untotaled figures showing the number of deserters from fiscal 1959 through the first few months of fiscal 1972. These were broken down into armed forces members dropped from units and returned to military control by service and year. The figures for those dropped from fiscal 1965-early fiscal 1972 added up to 421,104, while those returned, when added up, came to only 286,625. These figures would indicate that as of January 1972, there were 134,479 deserters at large.

When questioned about this discrepancy, Lt. Col. James Heinbaugh of OASD (M&RA) stated, "That chart is now marked, 'not to be used, inaccurate.' We no longer give the breakdown figures by year for numbers returned to military control. You have the last chart of that type." The chart, however, exactly matches current figures from DOD on numbers *dropped* from unit rolls, which

are still given by year. Only the numbers *returned* and the numbers *still at large* are no longer offered by year. They are available only in summary. The conclusions to be drawn are obvious and ominous. Either Pentagon recordkeeping from 1958–1972 was inaccurate to the tune of 100,000 deserters, or the current figures of those returned to military control have been manipulated to hide a massive problem and serve political ends.

Even if one believes the notion of previous bookkeeping errors and accepts the current figure of 32,718 deserters at large, that figure, too, is open to serious question. The Pentagon likes to pretend that it has a perfect record of the more than 8 million Vietnam-era GIs. This is simply not the case: the recent return of a POW who had been officially buried is but one graphic example of the fallibility of Pentagon records.

Jon Landau, staff attorney for the Central Committee for Conscientious Objectors (CCCO) in Philadelphia, has handled countless returning AWOL cases and has been in touch with other attorneys and counselors. He states, "I'm personally aware of at least twenty cases where returning AWOLs gave themselves up only to find no personnel records of them at all. Other times, the base where a serviceman returns has to communicate with a man's previous unit for information, even though it's supposed to be in Washington." Other military counselors report similar experiences, including numbers of men who were never reported AWOL at all. Rev. L. William Yolton of the Presbyterian Church Emergency Ministry on Conscience and War, says, "Just recently, I counseled with a young woman who was receiving a dependent's allowance the whole time her husband was in Canada." Given incidents like these, and the general unreliability of Pentagon paperwork in the war years, from civilians at My Lai listed as "128 VC killed" through GIs sent home to await orders which they never received, the Pentagon figure of 32,718 deserters at large must be seen as a rather shaky *minimum*. And, if the suddenly withdrawn records are correct, there may be 134,000 or more deserters still at large. Similarly, the number of deserters reported by the Pentagon to be in foreign countries is far larger than the 2,705 or so currently claimed. This number counts only those persons whose whereabouts are *officially known* to the Department of Defense through investigation and intelligence services. Obviously, large numbers of deserters have been remiss in reporting changes of address.

Whatever the true number of deserters still at large—and they are great enough to cause high-ranking heads to roll in any other army—why do so many service personnel go AWOL? Those in a position to know best are the deserters themselves, other GIs, and the military counselors who have maintained a flourishing practice during recent years. Attorney Robert S. Rivkin, author of *GI Rights and Army Justice* and *The Rights of Servicemen*, served in legal services as an enlisted man and currently defends GIs in Germany for the Lawyers Military Defense Committee of the ACLU. He writes, "Experience has taught us that many GIs are away without leave because of something the military did or failed to do."

Thus, in addition to anti-war feelings that are prevalent in most returning AWOLs seen by military counselors, many GIs were finally motivated to leave because of lack of proper discharges, physical, psychological or racial abuse, improper medical treatment, unfair disciplinary actions, and other failings of the massive and impersonal military bureaucracy. Their individual stories vary, but most originally enlisted in the armed forces, come from working-class families, and do not articulate their feelings well. The main difference between them and the middle-class draft resisters is that often they object only *after* their direct experience of war or life in the armed forces. By then, their legal options and access to outside support and expertise are severely limited. With only a drill sergeant, or unfriendly commander, or career chaplain to turn to, they leave. Like so many refugees, they have voted with their feet.

Take Archie, a Memphis youth recruited into the Marines despite periods of blacking out and a hearing impairment. At boot camp, Archie was continually beaten and abused because drill sergeants thought he was faking when he passed out. So he went AWOL. Finally picked up by the FBI, he was sent to the Philadelphia Naval Base, where he was thrown into the brig despite a physician's recommendation. There he blacked out again, was beaten and thrown under a scalding shower by a guard for his "faking." He was then hospitalized and received death threats if he talked. Finally, Archie was discharged as "undesirable."

Or Tom, a black Marine from Philadelphia who had to quit high school to help his mother, on welfare, raise nine other children. He joined the Marines to earn money. When his wife began having complications with her pregnancy, Tom went to his drill sergeant for help, but got none. It was then that he left Camp Lejeune to support his mother and expectant wife. Someone in his neighborhood thought it would be "best" if he were reported. It wasn't long before the FBI picked him up and returned him to face general court-martial charges.

Stuart is another to whom legal redress was unavailable or improperly denied. He slowly developed conscientious objection to war and requested discharge when his ship at New London, Conn. was armed with nuclear-tipped missiles. The *Welsh* decision broadening C.O. status to persons whose objections were not religious had yet to be handed down, so Stuart could not qualify for discharge. Like many others he faced an almost impossible choice of up to five years of hard labor in a military prison or violating his conscience. He left.

Although Louie had applied for C.O. status from his local draft board (he was turned down) and had been part of an apprentice program in a machine shop (worth a 2-A deferment), he was drafted and sent to Fort Dix. Objecting to war in the first place and feeling that he shouldn't be there at all, Louie soon left Fort Dix and returned to his home town near Harrisburg, Pa. He tried to begin life again, but eventually the FBI began to close in. Louie was lucky; he came to a military counselor who discovered that, like many young men, he had been illegally drafted. A federal judge freed Louie on a writ of *habeas corpus* within a matter of hours. But he and his young wife could never regain the time lost at Fort Dix, or the months of hell as the FBI closed in.

Scott is typical of the many Vietnam veterans who deserted after they got back to the States. (The problem was so severe that in 1971 the Army quickly dropped its one experiment with allowing Vietnam GIs a mid-tour leave to the continental United States. He had enlisted in the Marines from Peoria. Soon he was fighting along the DMZ where his position was overrun the first week. Scott has a formidable collection of medals to show for his bravery, but as he fought he became sickened by killing, especially the senseless destruction and killing of civilians by U.S. troops. He turned to his chaplain for help, explaining that he could no longer kill, and wanted out. But he was simple told to stick it out; no mention of C.O. discharges. Like many soldiers in Vietnam, he turned to, drugs for escape and became dependent. Upon his return to the States, he again turned to a chaplain for help with his drug problem and his feelings against war, but was merely advised to pray. In desperation, he went AWOL and sought drug counseling. He shook his habit, and then turned to military counselors for help. Despite counseling and an excellent war record, he, too, received an undesirable discharge. Even if a GI is "lucky" enough upon his return to receive an undesirable discharge in lieu of court-martial and stockade time, he is branded for life.

Dan was thrown into the Camp Pendleton brig on a minor charge. Like a number of prisoners there in the late 1960s, he was beaten and hanged by his wrists on a fence for long periods of time. He developed severe psychological problems and went AWOL to Canada. Like many deserters in Canada, he was unable to make it in a strange country and returned to military control despite his hatred and fear of stockades. He too was discharged as undesirable. Since then, he has bounced from one menial jab to another and continually threatens suicide. He is barred from VA benefits and very few employers will hire him. Even fewer people seem to care about his days hanging from the fence at Camp Pendleton.

All of these men should have been easily and honorably discharged when their problems first arose, but like most AWOLs they were the unfortunate victims of a policy of retaining personnel at any cost. Although the number of administrative discharges rose rapidly in 1971 as the armed forces tried to reach the reduced force levels ordered by Congress, and have shown a rapid increase in the Navy recently as racial problems remain unresolved, proper discharges were given in miserly fashion. [See "Administrative Discharges: The 'Less Than Honorable' Solution" by John Grady, The Nation, February 19.]

One instructor at the Army's Adjutant General's Corps School at Fort Benjamin Harrison, Ind., where personnel officers are trained, bragged that while stationed at Fort Sill, Okla. "he had never let a single discharge get through his office." His attitude—that most GIs seeking discharge are merely shirkers—is not a typical, despite regulations that provide for discharge in a number of clear-cut cases. But even these provisions are not publicized by the armed forces, and are often unknown to GIs.

In order to fill this gap, CCCO had to print and distribute free to GIs thousands of booklets on each of the five types of discharge. Even then, despite a Supreme Court ruling, *Flower* v. *U.S.*, permitting leafletting on open bases, the Army went to court to bar distribution of pamphlets that merely explain the legal rights to discharge. Only recently was the Army overruled in *CCCO* v. *Fellows*, and distribution of information on discharges permitted.

The results of these policies have been disastrous. For example, the discharge available for persons who become C.O.s *after* entry to active duty is not even mentioned in the curriculum at the Adjutant General's School, and most GIs still believe, incorrectly, that it is impossible to get out if you did not declare C.O. status to your draft board. Despite this, more than 8,000 GIs applied for C.O. discharge, while thousands more were intimidated after an initial inquiry by being told no such provisions existed. Or they found that their paperwork mysteriously was lost or arbitrarily denied at the local level. Until federal court intervention in the process in 1969, almost all applications that reached the Pentagon were turned down. Thousands of other GIs, of course, never qualified at all because the courts still do not recognize objection to a particular war. Many of these GI's, faced with harsh sentences in military stockades, or violating their consciences, simply went AWOL.

The record is similar with other discharges for erroneous induction/enlistment, hardship, medical or psychological problems. Dr. Curtis Tarr testified before Senator Kennedy's hearings on the draft in 1972 that large numbers of men had been illegally drafted. The Gates Commission, among others, reported that before recent pay raises, many GIs were destitute and living on welfare. Dr. Peter Bourne has written that the psychological stresses of basic training are even more severe than those experienced in combat. And, of course, reports of racial abuse, stockade beatings, spinal meningitis, and lack of medical care were rampant. Peter Barnes observes in Pawns: The Plight of the Citizen Soldier that "every week at Fort Dix, New Jersey, the Army's major Northeastern training base, there are an average of four suicide attempts. . . . Nine actual suicides occurred at Fort Dix in 1968."

It is no wonder that the Nixon Administration is trying to discredit deserters. To acknowledge their true numbers and their real motivations would require an admission that massive numbers of ordinary, enlisted GIs rejected the war, and that countless thousands were denied humane treatment and legal discharges by a military that felt it could keep its troops in the field only by fear and force. If the truth were known about deserters, the Administration might be forced to consider sweeping changes in military justice and personnel policies—including, not insignificantly, the right to dissent from war, and the right to quit one's job.



## THE BETTER VOTING ACT; SENSIBLE MAJOR CHANGES IN THE VOTING-REGISTRATION SYSTEM

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, today, I am introducing new legislation that will remedy many current problems associated with voting.

The voting process in our modern, mobile and highly technical society are vastly different than those associated with voting when the Constitution was drafted. Philosophical approaches to voting are also extremely different. When our country was founded, and when registration laws were first enacted, philosophy behind the laws was to restrict voting to a select few. Today, we are concerned with moving toward universal suffrage—without regard to race, sex, national origin, failure to pay a poll tax, or other such obvious methods of discrimination.

What we must legislate away today are more subtle, but glaring discriminatory practices present in our system of registration and voting; practices which affect individuals, not across the board against a specific group, but against people from all groups, from all walks of life.

In last year's election, slightly less than half the eligible voters did not vote. Reasons for not voting have been offered; most center around general apathy, and some feeling that the Presidential election was hardly going to be affected by one vote. There was also disaffection with the candidates—neither aroused the confidence of the electorate sufficiently to cause heavy voting. However, in our major urban areas, in which minority group population has steadily grown, voting participation has fallen off more drastically than most other areas of the country.

I cannot help but feel that the reason for this extremely low turnout among minorities is a feeling that government is not responsive to real needs.

This, in the broadest sense, is the problem we confront today.

The present voting system is designed to keep the mildly interested citizens away from the polls. We must encourage the participation of every citizen to the maximum extent possible. We must prove to the American electorate that we want to represent all of them. And in order to serve in this capacity, we must allow the greatest number of voters to voice their opinions.

The current voter registration process is time-consuming, cumbersome, demanding, and obsolete, a system which is a burden on the individual. It presents a myriad of obstacles that ultimately serve to disfranchise millions and millions of voters. Difficulty in traveling long distances to reach registration places; difficulty in finding parking; uncooperative election officials; complex, outdated and lengthy registration forms; and many other more insidious problems all aid to disfranchise many average voters.

In 1968, a post-election Gallup poll indicated that 5 million voters were prevented from voting by residence requirements. Residence requirements that are over 30 days when applied to presidential elections have apparently been struck down by the Supreme Court in Oregon against Mitchell. However, de facto residency requirements still exist in several States. If registration books close 6 months before the election, then a citizen must be a resident for at least those 6 months before being allowed to vote. This is a horrendous situation, and should not be allowed to continue under any circumstances. Any citizen of the United States should be allowed to vote wherever he happens to be living—whether it is for 1 day or 10 years. His life will still be affected by the elected officials after election day.

For many voters, voting on election day is often costly, time-consuming, and generally inconvenient. According to the Gallup poll, three million potential voters could not leave their jobs to vote—and if they did, they might have lost several hours pay, or even a full day's pay. In essence, being docked pay for voting is a poll tax. Many citizens are justified feeling that they should not have to pay to vote.

Long lines at polling places also discourage voters. Returning from a day's work and going to the polls to find an hours' wait would discourage even the most patriotic and citizenship-conscious voter.

A contributing factor to the west coast's low turnout is the fact that election results are known before polls close. In the last election, in my district, the outcome for President had been determined at 5:30 p.m. with several hours left before polls closed. Citizens feel that their vote is even more meaningless at that point, and understandably will not vote. But there are other offices besides the President's to consider—as well as policy referendums and local officials. Immediate dissemination of "news" serves to disfranchise voters.

Numerous studies have analyzed obstacles to voting; each one in its summary recommended one form or another of national voter registration as a remedy. The report of the Commission on Registration and Voting Participation, which was established by President Kennedy, stated in 1963 that—

> The only effective method of guaranteeing the vote for all Americans is the enactment by Congress of some form of uniform voter qualification standards. The Commission further believes that the right to vote must in many instances, be safeguarded and assumed by the Federal Government. Adequate legislation must include both standards and implementation.

Ten years ago, the question of bringing the responsibility of guaranteeing the right to vote should have rested with the Federal Government. A decade ago, insuring the right to vote belonged with the Congress. Yet, we are just beginning to grapple with the ugly monster of citizenship.

Mr. Richard Carlson, director of the elections systems project for the National Municipal League, has said that:

> The non-voting population is large and growing but that it is made up "disproportionately of the young, the urban poor, Blacks, American Indians and Chicanos. The groups with the greatest stake in social change are the least likely to participate in one of the basic mechanisms for generating political power.

I cannot impress upon my colleagues enough the true importance of Mr. Carlson's next statement:

> The United States is the only country that holds free elections in which the responsibility for maintaining lists of eligible voters rest almost entirely with individual initiative rather than with an agency of the state.

In Britain, the lists are compiled by electoral registration officers by either a door-to-door canvass or by mail. But it is conducted by an agency of the state, not by the individual.

The League of Women Voters, in a definitive work published last year, noted:

> It is the contention of this report that millions of American citizens fail to vote not because they are disinterested, but because they are disenfranchised by the present election system. Ironically moreover, many of them lose their right to vote not because they are poor, black, uneducated or uninterested, but because they are part of the mainstream of American society. Moving to a better neighborhood, accepting a company transfer, going to college, getting married, serving their country, and exercising other rights, freedoms and obligations to their country to often has had the effect of denying citizens their right to vote.

The report concluded that the system will continue to disfranchise voters unless changes are made at both the administrative and legislative levels. The Better Voting Act does both these things.

The 1968 Gallup poll projected that 10 million voters could have registered but did not. We must recognize this obvious deficiency in the system. The Senate is receptive to this type of legislation. It is time that the House of Representatives be the same. The simplest, most efficient method of voter registration suggested to date is the post card system, which is an integral component of The Better Voting Act.

The Better Voting Act deals with both aspects of exercising the right to vote. As it exists today there is a two-step approach to voting.

First, the individual must take the ini-



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tiative and attempt to overcome initial obstacles to registering. Once that hurdle has been cleared, in order to be heard, there are other major problems: obstacles to actually exercising the franchise; long lines; the early closing times; the inaccurate lists; and the machine breakdowns.

This bill combines into one complete package, a series of remedies designed to radically simplify and expedite the voting process. The New York Times on November 10, 1972 stated that—

The withdrawal of the American electorate away from the voting booth does not halt the election of the president, but it shuts the boycotter out of a voice in the selection of Members of Congress and all the other shapers of public policy. What remains a priority matter for future elections is the breaking down of the enormous barriers that still stand in the way of voting for those who do not want to vote.

The Better Voting Act will do just that.

It administratively simplifies all aspects of voting.

It in no way attempts to force people to vote; it merely simplifies. It remains the obligation of individual candidates to arouse the interest of the electorate; similarly it is the obligation of Members of Congress to insure simplicity in exercising the franchise.

Here, in outline, are the major provisions of the bill: First, the bill would have Federal elections fall on the first Saturday, Sunday, and Monday in November. This would make possible for citizens from all walks of life to vote at their convenience—not at the convenience of the State. Polls would be open for 18 hours each day so that there would be ample time for all citizens to vote. Polls would stay open until 11 p.m. local time thus insuring the equal protection of every citizen's right to vote.

No results could be tabulated or compiled until all polls are closed. In this manner, potential voters will not be influenced by results in one sector of the country. In addition, a truer representation of the electorate will occur. Each voting citizen will vote his own mind and not be influenced by decisions of others.

Equally important, the bill would institute a national system of voter registration by post card. There would be established in the Bureau of the Census an Office of National Voter Registration; the Office will oversee all procedures involved in enrolling the maximum number of voters. The Office will distribute registration forms to every household address, all U.S. military personnel both here and overseas, and all citizens living abroad. Forms would be available to interested citizens' groups, who could possibly canvass in areas difficult to reach by mail and be available in quantity at all post offices. The Office would also analyze patterns and causes of nonvoting, and results of each election so that a greater understanding of the American electorate can be realized. This analysis is in addition to reports periodically issued to Congress describing progress made toward universal enrollment, and problems encountered in attempting to attain that goal.

The time for enacting legislation dealing with the voting process was years ago.

But Congress has not acted, and now we must grapple with a problem of monumental importance to the continuing functioning of the machinery of government. Voting—and more specifically—making one's voice heard, is presently comprised of a tangled web of laws that contradict each other, and make little practical sense. It has made voting become a difficult right to exercise; one that takes two separate and distinct acts. "The Better Voting Act" deals with both, and makes them easier to accomplish.

To alleviate problems associated with registration is a commendable goal—but not enough. There exists too many problems concerned with the actual voting act to simply be ignored. The problem is twofold, therefore this legislation is twofold. The responsibility of simplifying voting procedures rests solely with Congress. We must meet that challenge, and deal with it effectively.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROSTENKOWSKI (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. MCSPADDEN (at the request of Mr. O'NEILL), for today, on account of family illness.

Mr. O'BRIEN (at the request of Mr. GERALD R. FORD), for May 16 and 17, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HINSHAW) and to revise and extend their remarks and include extraneous matter):

Mr. WHALEN, for 30 minutes, today.
Mr. HOGAN, for 10 minutes, today.
Mr. BLACKBURN, for 10 minutes, today.
Mr. YOUNG of South Carolina, for 5 minutes, today.
Mr. HOSMER, for 5 minutes, today.
Mr. COLLINS, for 60 minutes, today.

(The following Members (at the request of Mr. DANIELSON) to revise and extend their remarks and include extraneous material):

Mr. O'NEILL, for 10 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. ASPIN, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. STEED, for 5 minutes, today.
Mr. WOLFF, for 15 minutes, today.
Mr. RANGEL, for 10 minutes, today.
Ms. ABZUG, for 10 minutes, today.
Mr. MEEDS, for 5 minutes, today.
Mr. HÉBERT, for 60 minutes, May 22.
Mr. ROBERT W. DANIEL, JR. (at the request of Mr. ROUSSELOT), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. VEYSEY and to include extraneous matter notwithstanding the fact it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $552.50.

Mr. DELLUMS and to include extraneous matter notwithstanding the fact it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $467.50.

(The following Members (at the request of Mr. HINSHAW) and to include extraneous matter:)

Mr. ROBISON of New York.
Mr. HEINZ.
Mr. SCHERLE.
Mr. RAILSBACK in four instances.
Mr. CONTE in two instances.
Mr. HOGAN in three instances.
Mr. HANRAHAN.
Mr. THOMSON of Wisconsin.
Mr. LOTT.
Mr. BROTZMAN in three instances.
Mr. WYMAN in two instances.
Mr. MICHEL.
Mr. ARCHER.
Mr. STEIGER of Arizona.
Mr. ZWACH.
Mr. ROUSSELOT in two instances.
Mr. SMITH of New York.
Mr. FINDLEY.
Mr. ABDNOR.
Mr. KEATING.

(The following Members (at the request of Mr. DANIELSON) and to include extraneous matter:)

Mr. GUNTER.
Mr. DELANEY.
Mr. DRINAN in 10 instances.
Mr. BOLLING.
Mr. BRADEMAS in six instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. CHAPPELL.
Mr. VANIK in two instances.
Mr. CASEY of Texas.
Mr. HÉBERT in three instances.
Mr. ALEXANDER in five instances.
Ms. ABZUG in five instances.
Mr. WALDIE in three instances.
Mr. BERGLAND.
Mr. DOMINICK V. DANIELS in three instances.
Mr. MANN in five instances.
Mr. OWENS in five instances.
Mr. MOLLOHAN in four instances.
Mr. PODELL in two instances.
Mr. REID.
Mr. HAMILTON.
Mr. ZABLOCKI in two instances.
Mrs. SCHROEDER.

(The following Members (at the request of Mr. OWENS) and to revise and extend their remarks:)

Mr. ANDERSON of California in four instances.
Mr. HUNGATE in two instances.

## ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 53 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 16, 1973, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

910. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for the appointment of alternates for the Governors of the International Monetary Fund and of the International Bank for Reconstruction and Development; to the Committee on Banking and Currency.

911. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to establish a Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

912. A letter from the Assistant Secretary of the Interior, transmitting a copy of a construction contract with the South Columbia Basin Irrigation District, pursuant to 70 Stat. 274; to the Committee on Interior and Insular Affairs.

913. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Collins Radio Co., Cedar Rapids, Iowa, for a research project entitled "Hoist Radio System for Deep Shafts", pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

914. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the appointment of transcribers of official court reporters' transcripts in the United States District Courts, and for other purposes; to the Committee on the Judiciary.

915. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the appointment of legal assistants in the Courts of Appeals of the United States; to the Committee on the Judiciary.

916. Letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 21, 1972, submitted a report, together with accompaning papers and illustrations, on Ediz Hook, Port Angeles, Wash., requested by resolutions of the committees on public works, U.S. Senate and House of Representatives, adopted September 13, and October 8, 1968. (H. Doc. No. 93–101); to the Committee on Public Works and ordered to be printed with illustrations.

917. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing extension of the leasehold interest for Federal Center No. 1 at Hyattsville, Md., pursuant to the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

918. A letter from the Administrator of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide an earlier effective date for payment of pension to veterans; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 77. A bill to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services; with amendment (Rept. No. 93–205). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.J. Res. 512. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development, and for other purposes (Rept. No. 93–208). Referred to the Committee of the Whole House on the State of Union.

Mr. MADDEN: Committee on Rules. House Resolution 394. Resolution providing for the consideration of H.R. 7200. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rate; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes; (Rept. No. 93–207). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. CAREY of New York, Mr. CULVER, Mr. DIGGS, Mr. HANSEN of Idaho, Mr. METCALFE, Mr. PIKE, Mr. RINALDO, and Mr. SARASIN):

H.R. 7783. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize safety design standards for schoolbuses, to require certain safety standards be established for schoolbuses, to require the investigation of certain schoolbus accidents and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGLAND:

H.R. 7784. A bill to declare Leach Lake, Cass Lake, and Winnibigoshish Lake in the State of Minnesota to be nonnavigable waters for certain purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACKBURN:

H.R. 7785. A bill to authorize the Secretary of the Interior to further develop a program for the designation and protection of additional natural areas throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS:

H.R. 7786. A bill to extend the Drug Abuse Education Act of 1970 for 3 years; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 7787. A bill to amend the Federal Meat Inspection Act to prohibit the sale for human consumption of meat from horses, mules, and other equines; to the Committee on Agriculture.

By Mr. BROTZMAN:

H.R. 7788. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN:

H.R. 7789. A bill to establish a contiguous fishery zone (two hundred-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. CONTE:

H.R. 7790. A bill to amend the Federal Aviation Act of 1958, as amended, to authorize the establishment of a class of commuter air carriers, to provide for issuance of certificates of public convenience and necessity to members of that class who may apply therefor, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7791. A bill to increase the duty on rubber filament; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 7792. A bill to establish minimum prison and parole standards in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of South Carolina:

H.R. 7793. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone number 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. DELLUMS:

H.R. 7794. A bill to prohibit reimbursement and the payment of rewards for the apprehension of members of the Armed Forces who are classified as absentees, deserters, or being absent without leave; to the Committee on Armed Services.

H.R. 7795. A bill to require educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers; to the Committee on Education and Labor.

H.R. 7796. A bill to establish an Office of National Voter Registration within the Bureau of the Census, and for other purposes; to the Committee on House Administration.

By Mr. DICKINSON (for himself, Mr. YOUNG of Florida, Mr. MONTGOMERY, Mr. MATHIAS of California, Mr. ROBINSON of Virginia, Mr. GOLDWATER, Mr. PARRIS, Mr. KUYKENDALL, Mr. HALEY, Mr. DEVINE, Mr. YOUNG of South Carolina, Mr. COLLINS, Mr. BOB WILSON, Mr. MICHEL, Mr. FISHER, Mr. GROSS, Mr. ARENDS, Mr. GOODLING, Mr. BEARD, Mr. RHODES, Mr. CONLAN, Mr. ANDERSON of Illinois, Mr. POWELL of Ohio, Mr. SPENCE, and Mr. CAMP):

H.R. 7797. A bill to amend the Food Stamp Act of 1964, to exclude from coverage by the act every household which has a member who is on strike, and for other purposes; to the Committee on Agriculture.

By Mr. DICKINSON (for himself, Mr. VEYSEY, Mr. TREEN, Mr. ESHLEMAN, Mr. SEBELIUS, Mr. BAKER, Mr. ARCHER, Mr. KETCHUM, Mr. ROUSSELOT, Mr. SCHERLE, Mr. BLACKBURN, Mr. BUCHANAN, Mr. MANN, Mr. BAFALIS, Mr. CRANE, Mr. STEIGER of Arizona, Mr. SATTERFIELD, Mr. CHAPPELL, Mr. FUQUA, Mr. DERWINSKI, Mr. ASHBROOK, Mr. SNYDER, Mr. MIZELL, Mr. HENDERSON, and Mr. PRICE of Texas):

H.R. 7798. A bill to amend the Food Stamp Act of 1964, to exclude from coverage by the act every household which has a member who is on strike, and for other purposes; to the Committee on Agriculture.

By Mr. DICKINSON (for himself, Mr. HAMMERSCHMIDT, Mr. ESCH, Mr. WARE, Mr. WILLIAMS, Mr. SYMMS, Mr. BUTLER, Mr. HASTINGS, Mr. VANDER JAGT, and Mr. COLLIER):

H.R. 7799. A bill to amend the Food Stamp Act of 1964, to exclude from coverage by the act every household which has a member who is on strike, and for other purposes; to the Committee on Agriculture.

By Mr. EVINS of Tennessee (for himself, Mr. ANDREWS of North Dakota, Mr. ANNUNZIO, Mr. HUNGATE, Mr. MINSHALL of Ohio, Mr. SKUBITZ, Mr. SMITH of Iowa, and Mr. STEED):

H.R. 7800. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor; to the Committee on the Judiciary.

By Mr. FLOWERS:

H.R. 7801. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. MCCORMACK, Mr. ULLMAN, Mr. HANSEN of Idaho, and Mr. SYMMS):

H.R. 7802. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Columbia-Snake Palouse program; to the Committee on Agriculture.



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By Mr. FORSYTHE:

H.R. 7803. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 7804. A bill to amend title 10, United States Code to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. HARRINGTON:

H.R. 7805. A bill to amend the Foreign Assistance Act of 1961 to require congressional authorization for the involvement of American Forces in further hostilities in Indochina, and for extending assistance to North Vietnam; to the Committee on Foreign Affairs.

By Mr. HASTINGS (for himself, Mr. ROGERS, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HEINZ, and Mr. HUDNUT):

H.R. 7806. A bill to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWKINS (for himself and Mr. ROSTENKOWSKI):

H.R. 7807. A bill to provide financial assistance for the development and implementation of work and training and year round recreational opportunities, together with related services and for other purposes; to the Committee on Education and Labor.

By Mr. HÉBERT:

H.R. 7808. A bill to allow non-Federal public bodies to repay in yearly installments cash payments due the Federal Government in connection with any resource water project undertaken by the Secretary of the Army; to the Committee on Public Works.

By Mr. HEINZ (for himself, Mr. DANIELSON, Mr. EDWARDS of California, Mr. HARRINGTON, Mr. REGULA, and Mr. WON PAT):

H.R. 7809. A bill to amend the Vocational Rehabilitation Act to provide a more equitable method of allotting funds for vocational rehabilitation services among the States; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 7810. A bill to encourage the movement in interstate and foreign commerce of recycled and recyclable materials and to reduce the quantities of solid waste materials in commerce which cannot be recycled or do not contain available recycled materials, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Pennsylvania:

H.R. 7811. A bill to modify the project for Kinzua Dam and Allegheny Reservoir, Pa. and N.Y.; to the Committee on Public Works.

By Mr. KEMP:

H.R. 7812. A bill to add an additional judgeship in the Western District of New York; to the Committee on the Judiciary.

H.R. 7813. A bill to amend certain provisions of Federal law relating to explosives; to the Committee on the Judiciary.

H.R. 7814. A bill to authorize a program for the improvement and restoration of the Buffalo Metropolitan Area, N.Y.; to the Committee on Public Works.

By Mr. LEHMAN:

H.R. 7815. A bill to amend the National School Lunch Act, as amended, to assure that the school food service program is maintained as a nutrition service to children in public and private schools, and for other purposes; to the Committee on Education and Labor.

By Mr. McKINNEY (for himself, Mr. HASTINGS, and Mr. RINALDO):

H.R. 7816. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself and Mr. WON PAT):

H.R. 7817. A bill to amend the act to establish Federal agricultural services to Guam; to the Committee on Agriculture.

By Mr. MEEDS (for himself, Mr. ESCH, Mr. BENITEZ, Mr. PEPPER, Mr. HOWARD, Mr. WON PAT, Mr. OWENS, Mr. DANIELSON, Mr. HAWKINS, Mr. MITCHELL of Maryland, Mr. EDWARDS of California, Mr. WHITE, Mr. BADILLO, Mr. WILLIAM D. FORD, Mr. CLAY, Mr. BERGLAND, Mr. PODELL, Mr. ROE, Mr. MOAKLEY, Mr. STOKES, Mr. DE LUGO, Mr. CHARLES H. WILSON of California, Mrs. MINK, and Mr. DAVIS of Georgia):

H.R. 7818. A bill to amend and improve the Adult Education Act; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mrs. GRASSO, Mr. STARK, Mr. ROSE, Mr. STUDDS, Mr. ERLENBORN, Mr. BRADEMAS, Mr. RANGEL, Mr. EILBERG, Mr. CARNEY of Ohio, Mr. MCCORMACK, Mr. MCDADE, Mr. MELCHER, Mr. SARBANES, Mr. HARRINGTON, Mr. FRASER and Mr. ROYBAL):

H.R. 7819. A bill to amend and improve the Adult Education Act; to the Committee on Education and Labor.

By Mr. MELCHER (for himself and Mr. RONCALIO of Wyoming):

H.R. 7820. A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain potential water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of Illinois:

H.R. 7821. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 7822. A bill to provide for the continued operation of various Public Health Service Hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 7823. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury, and for other purposes; to the Committee on Banking and Currency.

By Mr. QUIE (for himself, Mr. PERKINS, Mr. STEIGER of Wisconsin, Mr. ESHLEMAN, Mr. ERLENBORN, Mr. DELLENBACK, Mr. ESCH, Mr. HANSEN of Idaho, Mr. FORSYTHE, and Mr. TOWELL of Nevada):

H.R. 7824. A bill to establish a Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. RANGEL:

H.R. 7825. A bill to amend the U.S. Housing Act of 1937 to provide that a tenant in a low-rent public housing project may not be evicted therefrom without a public hearing; to the Committee on Banking and Currency.

H.R. 7826. A bill to amend the U.S. Housing Act of 1937 to increase the amount of the annual contributions which may be paid thereunder with respect to low-rent housing projects by establishing a more realistic subsidy formula; to the Committee on Banking and Currency.

H.R. 7827. A bill to amend the U.S. Housing Act of 1937 to remove the existing dollar limit on the amount of annual contributions which may be contracted for to assist low-rent public housing; to the Committee on Banking and Currency.

H.R. 7828. A bill to amend the Urban Mass Transportation Act of 1964 to remove the existing percentage limits on the amount of grant assistance which may be provided thereunder for projects in any one State; to the Committee on Banking and Currency.

H.R. 7829. A bill to amend the Small Business Act to authorize certifications of a small business concern's competency in lieu of bonding in connection with certain Federal construction contracts, and to establish a National Construction Task Force to assist in broadening small business participation in the construction industry; to the Committee on Banking and Currency.

H.R. 7830. A bill to authorize increases in Federal Housing Administration mortgage ceilings under subsidized multifamily housing programs to meet construction costs; to the Committee on Banking and Currency.

H.R. 7831. A bill to amend section 236 of the National Housing Act; to the Committee on Banking and Currency.

H.R. 7832. A bill to amend section 101 of the Housing and Urban Development Act of 1965 to provide increased rent supplement payments in the case of tenants with larger families; to the Committee on Banking and Currency.

H.R. 7833. A bill to establish a new program of loans to be made from a revolving fund by the Secretary of Housing and Urban Development to assist in the provision and rehabilitation of housing for middle-income families; to the Committee on Banking and Currency.

H.R. 7834. A bill to amend the U.S. Housing Act of 1937 to remove the existing 15 percent limit on the amount of assistance which may be provided thereunder for low-rent public housing in any one State; to the Committee on Banking and Currency.

H.R. 7835. A bill to provide new and improved transportation programs for older persons; to the Committee on Banking and Currency.

H.R. 7836. A bill to prohibit States and political subdivisions from discriminating against low and moderate income housing, and to give a priority in determining eligibility for assistance under various Federal programs to political subdivisions which submit plans for the inclusion of low and moderate income housing in their development; to the Committee on Banking and Currency.

H.R. 7837. A bill to amend section 236 (1) of the National Housing Act; to the Committee on Banking and Currency.

H.R. 7838. A bill to amend title I of the Housing Act of 1949 to require the establishment of more effective procedures for the relocation of individuals, families, and business concerns from the area of urban renewal projects; to the Committee on Banking and Currency.

H.R. 7839. A bill to amend title I of the Housing Act of 1949 to provide that individuals, families, and business concerns displaced by an urban renewal project shall have a priority of opportunity to relocate in the project area after its redevelopment; to the Committee on Banking and Currency.

H.R. 7840. A bill to amend title I of the Housing Act of 1949 to provide more adequate relocation payments for individuals, families, and business concerns displaced from urban renewal areas; to the Committee on Banking and Currency.

H.R. 7841. A bill to prohibit States and political subdivisions from discriminating against low and moderate income housing, and to give a priority in determining eligibility for assistance under various Federal programs to political subdivisions which submit plans for the inclusion of low and moderate income housing in their development; to the Committee on Banking and Currency.

H.R. 7842. A bill to provide the Secretary of Health, Education, and Welfare with the authority to make grants to States and local communities to pay for the cost of eye examination programs to detect glaucoma for the elderly; to the Committee on Interstate and Foreign Commerce.

H.R. 7843. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation program or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

H.R. 7844. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 7845. A bill to allow a credit against Federal income taxes or payments from the United States Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

H.R. 7846. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. RARICK (for himself, Mr. LONG of Louisiana, and Mr. THONE):

H.R. 7847. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to prohibit the importation of agricultural commodities when pesticides are used in connection with such commodities in a manner which is prohibited in the United States by any Federal law; to the Committee on Agriculture.

By Mr. RUPPE:

H.R. 7848. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. RONCALIO of Wyoming:

H.R. 7849. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RONCALLO of New York:

H.R. 7850. A bill to prohibit the use of appropriated funds to carry out or assist research on living human fetuses; to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE (for himself and Mr. ASPIN):

H.R. 7851. A bill to provide for a study of the availability of a route for a trans-Canada oil pipeline to transmit petroleum from the North Slope of Alaska to the continental United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa:

H.R. 7852. A bill to amend the Commodity Exchange Act to require public disclosure of certain information relating to sales of commodities for export, and for other purposes; to the Committee on Agriculture.

By Mr. WALDIE:

H.R. 7853. A bill to insure a fair and reasonable participation of U.S. flag commercial vessels in movement of petroleum and petroleum products imported into the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WALDIE (for himself, Mr. HAWKINS, and Mr. KYROS):

H.R. 7854. A bill to discourage experimentation on animals by elementary and secondary school children; to the Committee on Education and Labor.

By Mr. WHALEN:

H.R. 7855. A bill to provide for the appointment of a special prosecutor to prosecute any offenses against the United States arising out of the "Watergate affair"; to the Committee on the Judiciary.

By Mr. WHITEHURST (for himself, Mr. BADILLO, Mr. BINGHAM, Mr. BOWEN, Mr. BROWN of California, Mrs. BURKE of California, Mr. CLEVELAND, Mr. CONLAN, Mr. DUNCAN, Mr. EILBERG, Mrs. GRASSO, Mr. GROVER, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HILLIS, Mr. HOSMER, and Mr. HUPER):

H.R. 7856. A bill to amend section 9 of the Military Selective Service Act relating to reemployment rights of members and former members of the Armed Forces of the United States; to the Committee on Armed Services.

By Mr. WHITEHURST (for himself, Mr. ICHORD, Mr. KETCHUM, Mr. LUJAN, Mr. MOSS, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. PEPPER, Mr. RIEGLE, Mr. ROE, Mr. RONCALLO of New York, Mr. ROY, Mr. STEIGER of Wisconsin, Mr. TAYLOR of North Carolina, Mr. WARE, Mr. WON PAT, and Mr. CHARLES H. WILSON of California):

H.R. 7857. A bill to amend section 9 of the Military Selective Service Act relating to reemployment rights of members and former members of the Armed Forces of the United States; to the Committee on Armed Services.

By Mr. CHARLES H. WILSON of California:

H.R. 7858. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 7859. A bill to provide for loans for the establishment or construction, or both, of municipal, low-cost, nonprofit clinics for the spaying and neutering of dogs and cats, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7860. A bill to prohibit the importation into the United States of commercially produced domestic dog and cat animal products; and to prohibit dog and cat animal products moving in interstate commerce; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 7861. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research; to the Committee on Agriculture.

By Mr. DELLUMS:

H.J. Res. 556. Joint resolution proposing an amendment to the Constitution of the United States giving to Congress the power to make or alter regulations relating to the times, places, and manner of appointing electors to choose the President; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.J. Res. 557. Joint resolution proposing an amendment to the Constitution of the United States relating to the nominating of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. DENHOLM:

H. Con. Res. 218. Concurrent resolution to express the support of Congress on participation in the Symposium on Management and Utilization of Remote Sensing Data to be held in Sioux Falls, S. Dak., October 29 to November 2, 1973; to the Committee on Science and Astronautics.

By Mr. RANGEL:

H. Res. 395. Resolution to create a Select Committee on Aging; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII, memorials, were presented and referred as follows:

203. By the SPEAKER: A memorial of the Legislature of the State of Nebraska, relative to funds for advance or preconstruction planning on the O'Neill unit and North Loup Division of the Pick-Sloan Missouri Basin program; to the Committee on Appropriations.

204. Also, memorial of the Legislature of the State of Minnesota, requesting the Congress to propose an amendment to the Constitution of the United States concerning abortion; to the Committee on the Judiciary.

205. Also, memorial of the Legislature of the State of California, relative to retirement compensation; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GINN:

H.R. 7862. A bill for the relief of Joseph E. Litman; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 7863. A bill for the relief of Donald R. Manning; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 7864. A bill for the relief of Louise C. Bauer; to the Committee on the Judiciary.



# EXTENSIONS OF REMARKS

## SENATOR RANDOLPH EXPRESSES APPRECIATION TO THE VALUE OF RADIO—PRESIDENT PROCLAIMS MAY AS MONTH TO FOCUS ATTENTION ON THIS MEDIA—WEST VIRGINIA STATIONS ARE LISTED

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 15, 1973*

Mr. RANDOLPH. Mr. President, May has been recognized by the Congress and designated as National Radio Month and I join in expressing tribute to the leaders of this dynamic industry on their outstanding service in the public interest.

The development of radio broadcasting has been called the "miracle of the ages," because it more than any other communication media links all corners of the world. Its advent also paved the way for television and the dazzling satellite communication network that are considered so commonplace today.

The dream of broadcasting worldwide is credited to a young inventor, Lee De Forest, who wrote—

My present task is to distribute sweet melody over the city and the sea so that even the mariner far out at sea across the silent waves may hear the music of his homeland.

But this dream might never have become a reality if other men of vision such as Sarnoff, Marconi and Bell had not shared it and realized the possibilities.

"I have in mind a plan . . ." These

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words written by David Sarnoff in 1915 signaled the beginning of a lifetime of prophecy by a man who has probably exercised a greater influence over modern living than anyone since Thomas Alva Edison.

Sarnoff's plan was a "Radio Music Box" to bring news and music into the home by wireless. Over the next half-century, Sarnoff first dreamed and then fulfilled. As the head of the world's foremost electronics company, the Radio Corporation of America, he became the driving force behind such development as network broadcasting, black-and-white television and then color TV.

Back in 1922, when manufacture of the first 'Radio Music Boxes" had barely begun, Sarnoff was urging researchers to develop a portable "radiolette" that would transmit information "not only at home but in the office, workshop, street, or elsewhere."

The first national application of this communications miracle was the live broadcast of election results in the Harding-Cox presidential contest by KDKA of Pittsburgh. This same radio station broadcast the first sports event—a football game between the University of Pittsburgh and West Virginia University.

In 1923, Sarnoff told the RCA board of directors—

I believe that television, which is the technical name for seeing instead of hearing by radio, will come to pass in due course.

And in 1930, a full decade before the first commercial TV sets were exhibited, he spoke of television as being "advanced to the stage when color as well as shadow would be faithfully transmitted."

The advent of television led some market analysts to predict that radio was doomed. But they reckoned without the inventiveness of electronics engineers and the unique mobility of the medium. Far from dying, the radio broadcasting industry has demonstrated a robust and progressive picture of its capabilities. There are in the United States today a total of 6,819 radio broadcasting outlets and approximately 368 million radio receivers. Every day, 100 million Americans listen to radio. It is the sole outlet of mass communications for the blind and a boon to the millions of elderly, poor or geographically isolated Americans who cannot afford television or receive its signals.

Mr. President, I salute the thousands of individuals engaged in the daily business of radio broadcasting who, through their responsible and dedicated efforts, attempt to inform, educate and entertain a vast majority of Americans. I am especially grateful to the broadcasting industry in our home State of West Virginia, where geological conditions are sometimes such that radio becomes a vital force in shaping the destinies of smaller communities and thousands of citizens isolated by mountainous terrain. I ask unanimous consent that a listing of these 92 public-spirited radio stations in the Mountain State be placed in the RECORD.

There being no objection, the listing of stations was ordered to be printed in the RECORD as follows:

Beckley: WCIR, WCIR-FM, WBKW-FM, WWNR.
Berkeley Springs: WCST, WCST-FM.
Bethany: WVBC-FM.
Bluefield: WHIS, WHIS-FM, WKOY.
Buckhannon: WBUC, WVWC-FM.
Charleston: WCAW, WVAP-FM, WCHS, WBES-FM, WKAZ, WKAZ-FM, WKNA-FM, WTIP, WTIO-FM, WXIT.
Charles Town: WXVA, WZFM-FM.
Clarksburg: WBOY, WHAR, WPDX, WRGT-FM.
Elkins: WDNE.
Fairmont: WMMN, WTCS.
Fisher: WELD.
Grafton: WVVW.
Hinton: WMTD.
Huntington: WCMI, WEMM-FM, WGNT, WKEE, WKEE-FM, WMUL-FM, WTCR, WVQM-FM, WWHY.
Hurricane: WPNS.
Keyser: WKLP, WKYR.
Kingwood: WFSP.
Logan: WLOG, WVOW, WVOW-FM.
Martinsburg: WEPM, WEPM-FM.
Matewan: WHJC.
Milton: WNST.
Montgomery: WMON.
Morgantown: WAJR, WAJR-FM, WCLG.
Moundsville: WEIF.
New Martinsville: WETZ.
Oak Hill: WOAY, WOAY-FM.
Parkersburg: WCEF, WCEF-FM, WPAR, WTAP, WTAP-FM.
Pineville: WWYO.
Princeton: WLOH, WHGC-FM.
Ravenswood: WMOV.
Richwood: WVAR.
Ronceverte: WRON.
St. Albans: WKLC, WKLC-FM.
South Charleston: WRDS.
Spencer: WVRC.
Sutton: WSGB.
Weirton: WEIR.
Welch: WELC, WXEE.
Weston: WHAW.
White Sulphur Springs: WSLW.
Wheeling: WKWK, WKWK-FM, WNEW, WTRF-FM, WWVA, WWVA-FM, WHAW-FM.
Williamson: WBTH.

## COMMISSIONING OF THE U.S.S. "WILLIAM H. BATES" (SSN-680)

### HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HÉBERT. Mr. Speaker, on May 5, 1973, at Pascagoula, Miss., under a clear, blue sky and with a gentle breeze, the U.S.S. *William H. Bates* was placed in commission and added to the submarine force of the U.S. Navy. The *Bates* was named for and honors our former, great colleague who was ranking member of the House Armed Services Committee at the time of his untimely death in 1969. Bill Bates led the battle in Congress for a strong nuclear Navy and it is only fitting that one of our latest nuclear submarines should bear his name. Our good friend and committee colleague, the Honorable LES ARENDS, the House of Representatives' whip, gave the principal address at the commissioning ceremony and I commend his eloquent tribute to the attention of the House:

ADDRESS BY THE HONORABLE LESLIE C. ARENDS OF ILLINOIS AT THE COMMISSIONING OF THE "WILLIAM H. BATES" (SSN-680), MAY 5, 1973

It is particularly fitting that one of our nuclear-powered warships should be named in honor of the late Congressman William H. Bates—a great patriot, statesman, and dedicated American who believed that a strong nuclear Navy is essential to preserving peace.

This nuclear attack submarine which we commission today could bear a no more fitting name. During his two decades of Congressional service, Bill Bates was one of the foremost authorities on national defense. As ranking minority member of the House Armed Services Committee, and as a member of the Joint Committee on Atomic Energy, he was a most effective leader in strengthening our Navy.

To the members of the *Bates* crew particularly, let me assure you that your submarine honors a real professional.

Bill Bates understood the Navy. He served it long and well for ten years as a regular officer, and he clearly recognized its mission. He maintained that professionalism through his association with the Naval Reserve throughout his Congressional career.

As we commission the USS *William H. Bates*, I share the pride of the Bates family today. This occasion has special significance to me for two basic reasons—one very personal, and one of national importance.

First, Congressman Bill Bates was my close friend and colleague and a person for whom I had the very highest regard.

We sat next to each other on the House Armed Services Committee. He was my Regional Republican Whip in the House of Representatives. We worked together as delegates to NATO Conferences.

We frequently played golf together. Our families had a mutuality of interests and sought each other's company.

Our ideas and our ideals were similar. We shared confidences. We shared our problems, seeking the benefit of each other's advice. We shared our sorrows, and we shared our joys.

No finer man ever served in the Congress. No finer friend could any man have. He was a true nobleman—in character, in personality, and in intellect. He was a dedicated family man and a dedicated legislator. He was, in the fullest sense, a true patriot—dedicated to the service of God, and dedicated to the service of country.

Secondly, this occasion is particularly significant because it is my view, as it was Bill Bates' view, that a strong nuclear Navy is absolutely essential to the defense of this great country.

I am sure that you are aware of the leading role which the Congress has taken in converting our Navy to nuclear power.

As a member of the House Armed Services Committee since its inception, I fought side by side with Bill Bates to ensure that the advantages of nuclear propulsion would be incorporated in submarines and surface warships.

I can think of no other defense-related matter in which the Congress has been more influential than in the fight to achieve a nuclear-power Navy. And Bill Bates was our staunch leader in that critical fight.

You may recall that the first nuclear submarine, the *Nautilus*, was started through special steps taken by the Congress. Yet, some of you may not realize that as recently as five years ago the Department of Defense decided to build no more atomic submarines. under those plans, the *Bates* would have been one of the last submarines built for the United States Navy. As ludicrous as it may sound today, that decision would have persisted had Bill Bates and the Congress not refused to accept it.

The Defense Department of that period was so obsessed with its cost effectiveness studies that it nearly lost sight of the Nation's defense needs. Bill Bates was one of the key members of the Congress who undertook to educate the Congress and the public as to what was going on, and he *did* just that with endless devotion.

The Congress responded to the warning of Congressman Bates and those of us who fought alongside him. As a result, the Congress reinstituted a nuclear submarine construction program and required the Defense Department to proceed immediately with the new high-speed nuclear submarines.

Today, with continuing Congressional pressure, we have 18 such submarines authorized, with five more being requested in the Fiscal Year 1974 Budget. Most of our defense planners *now* recognize the importance of these ships.

This was indeed a vital issue when Bill Bates brought it to the Nation's attention. If we had let our nuclear submarine construction program die in 1968, our defense posture would now be in dangerously serious jeopardy. Even as it is, the Soviets today continue to maintain a total submarine force level nearly three times the size of that of the United States. In addition, the Soviets have raced past us in numbers of nuclear submarines. They are operating 110 nuclear submarines compared with our 101, and they are building three times as many each year as we are.

This tremendous Soviet buildup has required a vast commitment of Russian resources. Yet, it has resulted in the development of a Russian nuclear submarine construction capability far exceeding that in the United States.

In other words, this country would have been in a position of unacceptable submarine inferiority had the Congress not insisted upon continuing the nuclear submarine program. And I daresay that, without the determined leadership of Bill Bates, the Congress would not have taken such wise and firm action.

But vigilance knows no rest. There are other nuclear submarine programs that must proceed. Of particular importance to the Congress this session is the funding request in the Fiscal Year 1974 Budget to build the first TRIDENT ballistic-missile submarine. This crucial issue was weighed and debated in the last Congress when funds for the TRIDENT missile and submarine development were authorized. The conclusion of a majority of the Congress was that our submarine strategic missile force was vital to national survival and that its modernization should proceed without delay.

We need the TRIDENT submarines with their longer range missiles—to increase the survivability of our seaborne deterrent in the 1980's and beyond, and to replace our aging POLARIS ships. We must press ahead with this program, and I assure you that I support the President's TRIDENT request.

Another issue of great importance to our Navy in the future is the development of a tactical cruise-missile submarine. This type of submarine is particularly well suited to attacking surface warships and merchantmen, and it has already been extensively developed by the Soviet Union to interdict our all-important ocean lifelines.

While our attention is of necessity focused on our traditional attack and strategic submarine programs, we must also look ahead to our Navy's needs as it prepares for the likely threats of the future.

Bill Bates was also a vigorous leader in the Congressional fight to provide nuclear power for the carriers and the major fleet escorts needed by our first-line surface striking forces. He was a principal author of the language in the law which made the Congressional action to provide nuclear power for frigates a Constitutional issue.

On the Floor of the House, he said: "It seems to me the time has long since passed when we should have nuclear power for our surface ships."

Referring to the long time it took our Navy to change from sail to steam, he said: "Let us not take two-thirds of a century again, as we did 100 years ago in making the necessary transition. Let us cut the chains that bind the fighting ships to a pipeline. Let us cut the umbilical cord from the mother ship so that these nuclear ships can do the kind of a job that our Country and the times demand."

Our nuclear-powered warships have already demonstrated how essential they are in projecting our naval strength overseas.

There is no question now that we must exploit the advantages of nuclear power in all our major combatants and that adequate numbers of these ships must be built. Unless we do so, our future naval commanders will lack the means to ensure our survival as a Nation.

The William H. Bates carries the proud name of a man whose life was dedicated to establishing a strong national defense to preserve our cherished freedoms. I hope the example he set—his knowledge, his strength of character, his persistence, and his determination to do whatever was necessary to get the job done—will inspire all those who serve in this ship.

The reputation of the USS William H. Bates will depend on your hard work and determination. The responsibility for meeting this challenge now rests on your shoulders.

Good luck, and smooth sailing.



## ENVIRONMENTAL CONCERNS AND INDUSTRIAL SAFETY

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. WALDIE. Mr. Speaker, we are all aware of the valuable role played by organizations such as the Sierra Club and the Friends of the Earth in protecting our natural environment. Now such groups are beginning to take the lead in protecting an even more important resource: the human resources of our country.

With the increasing revelations of unsafe working conditions in large industries which generate industrial pollution comes the need to provide adequately for the safety of workers. Some have questioned the propriety of the activity of environmental groups in such disputes. I urge anyone with such doubts to read the careful reasoning of David R. Brower, president of Friends of the Earth, in a rebuttal to an editorial which appeared in the San Francisco Chronicle. His letter follows:

FRIENDS OF THE EARTH,
*San Francisco, Calif., March 13, 1973.*

EDITOR,
*San Francisco Chronicle,*
*San Francisco, Calif.*

DEAR EDITOR: Your editorial of March 7 erra in seeking to limit environmental organizations to their "traditional province." You chide the Sierra Club for taking sides with the union in the Shell Oil strike. We congratulate the club, remembering the early park victories it won with labor's help.

Friends of the Earth, meeting with 11 other conservation organizations, endorsed this strike January 30. We have long agreed with John Muir that "when you try to pick out anything by itself, you find it hitched to everything else in the universe." The fight for a better environment must go on concurrently inside the factory, in the inner city, and in suburbia, at sea, on the shore, in rural areas, in wildlands, and in the heart of wilderness.

The industrial worker is hardest hit by industrial pollution. If the toxic dust, fumes, and gas and the noise generated in a factory threaten neighboring communities, how much more they threaten him, at work and in his nearby home.

The Oil, Chemical, and Atomic Workers International Union (OCAW) people deserve safeguards for their health and safety. They are not a resource to be wasted, nor are other working people, in or out of unions. The OCAW helped us block the monstrous waste of the SST. We will try to help them too, and the people as a whole.

The urgency of their proposals is pointed up by the alarming cancer mortality in another industry: one in every five asbestos workers who died within the last five years, died of cancer of the lung. This and other frightening numbers on industrial-caused death and disease in the asbestos industry was reported in the Chronicle March 12 from a paper presented by Dr. Irving J. Selikoff of New York Mount Sinai School of Medicine. Access to all company morbidity and mortality records of employees is one of the points of contention between the OCAW and Shell Oil. We believe employees have the right to know the risk a company faces them with. Shell makes many poisons. How well are they insulated from people?

FOE will continue to work with many labor groups in coalitions to defeat environmentally unsound projects, like the SST, urban freeways, the fight against black lung, the fight to end the broadcasting of toxic metals, and, in this case, the right of the worker to participate in decisions regarding his own health. Through cooperation between diverse groups with mutual aims we can combat the reluctance of corporations to acknowledge responsibilities: they could ignore in the days when there seemed to be more than enough environment to go around. On the immediate issue, other oil companies got with it. So should Shell. They should not seek special privilege by holding back.

Sincerely,

DAVID R. BROWER,
*President.*

## QUICK AND ACCURATE INFORMATION FOR CONGRESS

### HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. CHAPPELL. Mr. Speaker, a recent article in the Washington Post pointed up the problem faced by each of us in securing quick and accurate information as to what is going on in the Federal bureaucracy.

The report indicated the Congress has a grand total of three computers available to it, not counting the electronic voting machine. We have our bill status system, which tells us about our own bills. In addition to the House and Senate computers, the General Accounting Office has a computer, and the Library of Congress has one. In addition, the GAO and LOC also lease time on other computers from time to time.

The executive branch, on the other hand, enjoys the services of 5,400 computers at a cost of some $2 billion a year, and it is on these computers that the Congress must rely for whatever information the agencies choose to give us.

There is no reason, Mr. Speaker, why this variance should be allowed to go on. I do not suggest the Congress engage in a race to close the "computer gap," but

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I do suggest there must be a way whereby the Congress can tap into the agency computers for information rather than rely on the agency interpretation of computer information.

Surely there is technology available to make it possible for a congressional computer to be connected to the computer banks of the agencies so that we as Members of Congress could select out our own information and interpret it.

In my own office, I am constantly told by the agencies that no more money is available at this time, for one program or another. The agency has the computer with all the data. All I have is a telephone line to the agency and I, and my constituents, are at the mercy of the voice on the other end of the telephone line. Now I am not suggesting that our agency people are misleading us, I do suggest that we might come to a different conclusion, from that of the agency on a given set of facts if we had them immediately available to us.

How helpful it would be if each of us could ask a congressional computer center to pull data from the agency computer giving the up-to-date status of funds, and projects as well as other helpful information. Then we could each speak with better knowledge to the question of available money.

## WOMEN LEAD OPPOSITION TO ABORTION

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HOGAN. Mr. Speaker, in the Washington Evening Star and Daily News on April 17 there was a very interesting poll published relating to the abortion issue. The poll was conducted by a group of political scientists at the University of Michigan's Institute for Social Research.

The significance of this poll was the fact that a short time before the Supreme Court handed down their decision legalizing abortion in January, a majority of the eligible voters in the country were opposed to abortion.

Another very interesting fact discovered by the poll was that women themselves are opposed to abortion in greater numbers than men.

Earlier polls have indicated that the public has been fairly evenly divided on the question of abortion, but this most recent poll has detected a swing away from the permissive view on abortion.

I would encourage all of my colleagues to read this article.

Following is the complete text of the article:

OPINION POLL: WOMEN LEAD OPPOSITION TO ABORTION

(By John Lear)

Although the recent Supreme Court decision upholding the legality of abortion was based largely on the argument that women have a constitutional right to make a personal decision concerning the children they will bear, American women themselves are not as determined to exercise that right as men are to guarantee it.

This is perhaps the most surprising finding of a public opinion survey just reported by political scientists at the University of Michigan's Institute for Social Research.

The survey disclosed that only a short time before the Supreme Court in January voted 7–2 in support of the view that the Constitution protects the right to abortion, a majority of the eligible voters of the country were opposed to abortion.

The data came from computer analysis of answers given by a sample of 2,738 citizens questioned between Sept. 15 and Nov. 6, 1972 by ISR surveyors. The sample was statistically representative of the whole electorate, and the weight of preference against abortion was roughly 3-2.

When the responses to the ISR questionnaire were separated according to sex, women in all three of the age brackets covered were found to be slightly more opposed to abortion than were men. Here are the figures:

PERCENT IN OPPOSITION

| | Men | Women |
|---|---|---|
| Over 60 | 67 | 72 |
| 30 to 60 | 58 | 60 |
| Under 30 | 43 | 49 |

Among the respondents in the under-30 age group, where a majority of both sexes favored abortion, the number of women opposed to abortion was 6 percent higher than the number of men.

In June, during the California primary, Dr. Warren Miller of ISR's Center for Political Studies, decided to include the abortion question in the 1972 edition of a pre-election survey ISR has been conducting regularly for a quarter century. By then, abortion not only had attained the status of a nationally debated social problem but seemed likely to become an active issue in the presidential campaign. The ISR survey received the following percentages of favorable responses to these four statements:

Abortion should never be forbidden—25 percent.

Abortion should be allowed in any case in which the prospective mother would have difficulty in bringing up her child—17 percent.

Abortion should be permitted only when the life of the mother would be endangered by the birth—47 percent.

Abortion should never be allowed—11 percent.

Although those absolutely in favor of abortion were more than twice as numerous as those absolutely opposed, the holders of the two extreme positions together totaled only a shade more than one-third of the population sample.

Since those who expressed a more moderate view accounted for almost two-thirds of the sample, analysts agreed that the most accurate separation of the data would combine the responses to the first two statements and juxtapose them against the combined responses to the last two. The result was 42 percent favorable to abortion, 58 percent opposed.

Because opposition to abortion is a tenet of modern Roman Catholic teaching, a substantial component of the opposition sentiment could be expected to be Catholic. The ISR data confirmed that expectation.

Of Catholics in the sample, 67 percent were opposed to abortion. But Catholics make up something less than a quarter of the population of the country and obviously could not alone account for an electoral majority in opposition. The balance had to be made up by non-Catholics. And when all Protestants were counted together, 59 percent of them were found to be lined up with the Catholics. Only Jews were steadfastly in favor of abortion and overwhelmingly so (82 percent).

Other differences became noticeable when the so-called "establishment" Protestants (Congregationalists, Episcopalians, Lutherans, Presbyterians, and several smaller groups) were split off from the more fundamentalist Protestant denominations. The Protestant "establishment" then was seen to have a 1 percent majority in favor of abortion while 63 percent of the far more numerous fundamentalists were opposed.

An even more interesting difference surfaced when the attitudes of Catholics, "establishment" Protestants, and Protestant fundamentalists were measured in terms of frequency of worship. Of "establishment" Protestants who went to church every week or almost every week, 57 percent opposed abortion; of those who appeared in church only a few times a year or not at all, 59 percent favored abortion.

Catholics who went to church every week or almost every week were 83 percent opposed to abortion; those who got to church but once or twice a year or never were 51 percent in favor of abortion. It was the Protestant fundamentalists who most resisted abortion regardless of the regularity of their attendance at church.

Among those who worshipped every week or almost every week, 75 percent were opposed to abortion; when church attendance dropped to only a few times a year or ceased altogether, 56 percent of the Protestant fundamentalists still opposed abortion.

What other elements influential in defining traditional morality in America can be identified in the ISR abortion data?

One is the immediate environment into which people are born and in which they grow up. Within the ISR sample, 72 percent of those reared in a rural setting opposed abortion, 55 percent of those who grew up in towns or small cities opposed abortion, and 54 percent of those who lived in big cities favored abortion.

Education is another factor in moral definition. The more schooling people have, the less willing they are to see abortion as an evil. College people are three times as favorable to abortion as are those whose education stopped in grade school. However, those at the college level favor abortion by only a 7 percent margin.

A third face of traditional morality is social class. Sixty-five percent of those who consider themselves members of the working class opposed to abortion. Those who characterize themselves as middle class are so evenly split on abortion that a majority cannot be said to exist on either side of the question.

Race is a factor, too. Blacks are more anti-abortion than whites are, although only slightly so.

In view of what the ISR study has already revealed, it is not surprising to learn that the older people are, the more they oppose abortion. Here the attitudes are expressed by age bracket:

*Percent in opposition*

| | |
|---|---|
| Over 60 years | 72 |
| 30 to 60 years | 60 |
| Under 30 years | 47 |

## RUMANIAN INDEPENDENCE DAY

### HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. DELANEY. Mr. Speaker, May 10 is the date the brave people of Rumania celebrated their anniversary of national independence, but their struggle for total freedom is still unrealized. Rumania has endured almost constant alien domination since the 15th century when this country was seized by the powerful Ottoman Turks. The significant chapters in Rumania's determined fight for self-rule did not unfold until the 19th century during the Russo-Turkish war. On May 10, 1877, Rumania proclaimed her independence and quickly allied with Russia to defeat the Ottoman Empire.

A prosperous era of some 60 years followed. Rumania established herself as an independent kingdom and played an important role in the international politics of Europe. However, the situation drastically changed with World War II. As the global conflict drew to an end, Rumania fell under Soviet occupation and, as in the case of other Eastern European countries, the program of complete Communist indoctrination was set in motion. It is rather ironic that Russia, once the power that helped Rumania win her independence had now become her oppressor.

Despite 25 years of strict foreign rule, the people of Rumania have refused to relinquish the remembrances of past glories and colorful culture. They are forbidden to openly celebrate the 10th of May as their traditional day of freedom. Instead, official celebrations have been shifted to the 9th of May, the anniversary of the Soviet victory over Nazi Germany in Rumania. So I believe it is fitting that we join together to openly commemorate this date for those who can only observe this occasion in their hearts, and pray that Rumania will persevere in her courageous efforts to one day be an independent nation.

## TAX RELIEF FOR PROPERTY OWNERS

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, on April 18, 1973, the town council of West New York, N.J., passed a resolution calling for tax relief for property owners.

Mr. Speaker, property owners, and rent payers, too, for indirectly they assume the crushing real property burden, have reached a breaking point. I know that Hudson County which I represent is one of the most crowded parts of the oldest section of the United States. But I say to all Members of this House that the old epitaph: "As you are now so once was I and as I am now so must you be" is appropriate. The problems of blight and pollution which are part of life in northern New Jersey will be yours sooner than you think.

Mr. Speaker, we have reached the breaking point. Dynamic action must be taken at the State level and the Federal, too, if municipal government is to survive. The resolution adopted by the town fathers in West New York deserves the attention of all Members of this House and I insert it at this point in the RECORD.

RESOLUTION

Whereas, the burden of financing public education is disproportionately and unfairly distributed among property owners, and



Whereas, said burden does not reflect the essential national concept of equality in distributing governmental costs, and education for all children, and

Whereas, the responsibility for providing a system of equitable cost distribution and quality education rests upon the State of New Jersey.

Now, therefore, be it resolved by the Board of Commissioners of the Town of West New York, Hudson County, New Jersey, that it does hereby petition the Governor and Legislature of the State of New Jersey to take all steps necessary during the year 1973 to lift the burden of financing education from the property owner and to devise systems by which said costs would be re-distributed throughout the state on a uniform basis, and

Be it further resolved that the Governor and Legislature of the State of New Jersey is further petitioned to amend the constitution to dedicate any revenue sources so established solely for the purpose of financing elementary and secondary education, and

Be it further resolved that the Town Clerk is hereby directed to forward certified copies of this resolution to the Governor, the State Legislature, and each Municipality within the State of New Jersey.

CERTIFICATE

I, Raymond F. Gabriel, Town Clerk, certify that the above is a true copy of a resolution passed by the Board of Commissioners of the Town of West New York on this 18th day of April, 1973.

RAYMOND F. GABRIEL,
*Town Clerk of the Town of West New York.*

## TRIBUTE TO PARAMOUNT BOY SCOUT TROOP 661

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. ANDERSON of California. Mr. Speaker, all of us who are familiar with scouting know that it is an outstanding accomplishment to attain the rank of Eagle Scout. It is, indeed, a tribute to the leaders of a troop when one of the members achieves the hard-won position of Eagle Scout. However, it is a rare feat for one troop to produce seven Eagle Scouts.

Such a troop is Paramout Troop 661, led by scoutmaster Bill Carpenter for the past 7 years, with the able assistance of his brother Bill, and Jim McVey.

Each year approximately 2 percent of the over 2 million Boy Scouts reach the coveted goal of Eagle Scout. To attain this position of honor, a Boy Scout must earn at least 21 merit badges by mastering various skills which demand intelligence, leadership, community spirit, initiative, patriotism, and athletic ability.

The young men of the Paramount Troop who exhibited these qualities are the following:

Paul Zandvliet, age 15, and his brother Pete Zandvliet, Jr., 16, attend Pius X High School in Downey, and are the sons of Pete and Lois Marie Zandvliet of Paramount. Paul has held the positions of assistant senior patrol leader, junior assistant scoutmaster, and instructor. Pete, Jr., who was named Scout of the Year, has been an instructor, junior assistant scoutmaster, and a member of the leadership corps.

Garry Ford, age 15, and his brother Jerry, age 14, attend Bellflower High School, and are the sons of Mr. and Mrs. Bob Ford of Bellflower. Garry has been a patrol leader, a senior patrol leader, and a junior assistant scoutmaster. Jerry has attained the positions of senior patrol leader, and instructor.

Mike Brady, 15, a student at Paramount High School, is the son of Ronald and Patricia Brady of Paramount. He has been a junior assistant patrol leader, and junior assistant scoutmaster.

Steven Martin, age 13, is in the seventh grade at Clearwater Intermediate, and is the son of Ronald and Agatha Martin of Paramount. He has been a patrol leader, and an instructor.

Michael Nelson, age 13, is also a student at Clearwater Intermediate. He is the son of James M. and Jacqueline Nelson of Paramount, and has attained the positions of patrol leader and instructor.

Mr. Speaker, these seven young men are a credit to their families, to their schools, and to their communities, and I salute them for their outstanding achievements in scouting.

I also commend their leaders Bob and Bill Carpenter and Jim McVey for the leadership and guidance they have provided.

Originally formed in 1963 at Our Lady of Rosary Church in Paramount, but in 1971 moved to Faith Presbyterian Church in Paramount; the friends of troop 661, which currently has registered 45 boys in their program, should take great pride in their efforts to develop community-minded leaders through Scouting.

Mr. Speaker, it gives me great pleasure to call to the attention of the Members of the House of Representatives the accomplishments of troop 661, and the quality of the program which has produced seven Eagle Scouts.

## NONESSENTIAL FUEL CONSUMPTION SHOULD BE CUT

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. ASPIN. Mr. Speaker, as a result of the U.S. fuel squeeze, the bill of the world's largest oil customer—the Pentagon—will climb hundreds of millions of dollars in the next year.

I am calling upon the military today to take the lead as the country's largest petroleum consumer and drastically cut nonessential consumption.

Much of the Pentagon's fuel consumption is nonessential—like driving around thousands of officers in staff cars—and this consumption should be cut back.

I am also asking the Chairman of the Joint Chiefs of Staff, Adm. Thomas Moorer what plans are being formulated to cut back nonessential fuel consumption.

The first place to start is with military staff cars and I am sure that there are a number of areas for potential sav-

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ing which will not affect essential military operations.

Officials of the Defense Fuel Supply Center, which purchases gas for the Pentagon, believe that energy conservation and the budgetary squeeze will cut back military fuel purchases. One official has already admitted to a member of my staff that cost increases will be at least "more than $100 million" for the next year.

Just like the ordinary consumer, the military should cut its nonessential consumption in order to save energy and taxpayers' dollars.

The Defense Department purchases gasoline and oil for all Federal agencies, but civilian departments account for only $100 million worth of the annual $1.4 billion the Pentagon buys.

I am also asking various civilian agencies to take similar measures.

Federal agencies, including the Pentagon, should take the lead in finding ways to conserve petroleum products.

## PENSION REFORMS LOOM IN CONGRESSIONAL SIGHTS

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. RAILSBACK. Mr. Speaker, over the past few days, I have inserted the fine four-part series of pension reform articles from the Christian Science Monitor in the CONGRESSIONAL RECORD. Today, for the review of my colleagues, I insert the conclusion, "Pension Reforms Loom in Congressional Sights." As one who has introduced several bills in this area, I am hopeful the Congress will be successful in passing pension legislation in the near future. Perhaps the information from this series will prove helpful as my colleagues continue their deliberations. Under the leave to extend my remarks in the RECORD, I include the following: "Pension Reforms Loom in Congressional Sights."

PENSION REFORMS LOOM IN CONGRESSIONAL SIGHTS—CHIEF PLANS TAKE DIFFERENT APPROACHES TO KEY ISSUES OF VESTING AND PORTABILITY

(By David T. Cook)

BOSTON.—Congress is pushing for pension reform.

In the first two weeks of the current session 30 pension reform bills were filed.

More than 120 others have been introduced since then, according to Vance Anderson, special counsel to the House Labor Committee's pension study task force.

Of the more than 150 pending pieces of pension related legislation, three reform packages are given the best chance of becoming law.

Sweeping reform is proposed by Sens. Harrison A. Williams Jr. (D) of New Jersey and Jacob K. Javits (R) of New York in S 4. Senator Williams is chairman and Senator Javits ranking Republican member of the Senate Labor Committee. The Williams-Javits bill is cosponsored by 51 other senators.

In the House, Rep. John H. Dent (D) of Pennsylvania is sponsoring two bills, HR 2 and 462, containing provisions similar in concept to the Williams-Javits bill in the Senate.

LESSER CHANGE

The Nixon administration is proposing less radical changes in a pension-reform package of the two bills submitted to each House.

Messrs. Nixon, Dent, Williams, and Javits agree that tighter fiduciary standards are needed in pension-fund administration.

All three packages would:

Make pension administrators responsible for making good any losses caused by a breach of fiduciary responsibility.

Prohibit pension-fund administrators from using pension assets to further their own interests.

Limit a pension plan's investment in securities of its sponsoring firm to 10 percent of the fund's portfolio.

The three reform packages also substantially agree on disclosure proposals that would:

Require pension plans to issue annual reports to all employees. The report would list the fund's significant transactions, as well as its assets and liabilities.

Require the annual report to state which of the plan's investments had become uncollectible.

The reform packages disagree about how fast employee pension benefits should vest. Benefits are vested when an employee can collect a pension whether or not he is employed at the sponsoring firm when he retires.

VESTED IN 15 YEARS

Under the Williams-Javits bill, benefits would be vested after 15 years with one company. After eight years of service, 30 percent of a worker's pension benefits would be vested. An additional 10 percent would vest each year for the next seven years.

The Dent reform package provides the quickest vesting and thus the highest potential cost for employers. Under its provisions all benefits would be vested following 10 years of service with a firm after an employee reached age 30.

The Nixon reform package provides the slowest vesting for young employees, but more rapid vesting for middle-aged workers. It is based on the "rule of 50."

Under this plan half an employee's benefits are vested when his age and years of service with a firm total 50. An additional 10 percent of his benefits vest during each of the next five years.

Vested benefits are of more value when they are funded. A pension plan is fully funded when, if the sponsoring firm were to close its doors, the plan's assets could pay every worker all benefits promised (vested) to him.

The Williams-Javits Senate bill would give a firm 30 years to accumulate funds to cover all benefit credits, vested or not.

The Dent bill would allow a pension plan 25 years to get together assets to cover all vested benefits.

The Nixon plan would require a fund to annually set aside 5 percent of vested liabilities not previously funded, but would impose no time limit for full funding. If vested liabilities were to grow each year, the plan might never be fully funded.

Despite the extensive reforms they have proposed, both the Dent and Williams-Javits packages propose federally sponsored pension-insurance plans to protect workers if their plan should fail. Under both packages the insurance program would be administered by the Labor Department.

Under the Williams-Javits proposals, retirement benefits under plans meeting federal standards would be insured up to $500 a month.

The Dent package suggests insuring 90 percent of vested benefits not covered by a firm's pension fund assets.

The Nixon administration opposes reinsurance. The President says it would require regulation "on a scale out of keeping with the free enterprise system."

The reform packages also disagree on the desirability of making pension benefits portable. Benefits are completely portable when those earned in one firm and industry can be taken by an employee without loss to another company in an unrelated industry.

The Williams-Javits bill would make portability a voluntary matter. Employers could transfer workers' unvested pension benefits to a portability fund operated by the secretary of labor. The money would either be given to the employee in care of his next employer's pension plan, or held by the government's portability fund and paid to the worker at retirement.

Mandatory portability under a similar system is proposed by the Dent reform package.

PORTABILITY OMITTED

The Nixon proposals don't contain portability provisions.

The Nixon package does have "self-help" features the other two don't include.

The administration plan would permit workers whose employers don't have pension plans to set up their own retirement funds. The individual could contribute 20 percent of his annual income up to $1,300. The money set aside would not be taxed until it was taken as retirement income.

The administration package also would liberalize Keogh Act provisions available only to the self-employed. Contributions up to 15 percent of income would be permitted, instead of the present 10 percent maximum. The maximum dollar set-aside would move from $2,500 to $7,500.

The cost of pension reform is disputed.

A House labor subcommittee study found "major reform proposals don't differ significantly in potential costs." This report forecast that most employers' pension costs would go up between a fraction and 7 percent if vesting and funding reform proposals were enacted.

But a Treasury study found that the Williams-Javits bill's vesting proposals would be considerably more expensive than the Nixon administration's proposed "rule of 50." The Treasury says the Nixon reform package would push up employer costs 5 percent while the Williams-Javits proposal would cause an 11 percent pension cost increase.

PENSION REFORM AT A GLANCE

| Reform package proposed by | Bill number(s) | Legislative action completed this year | Vesting provisions | Portability provisions | Funding provisions | Pension insurance provisions |
|---|---|---|---|---|---|---|
| Representative John H. Dent. | H.R. 2, H.R. 462. | None | After reaching age 30, a worker's benefits would vest completely after 10 years with a firm. | Firms would be required to participate in a portability plan run by the Secretary of Labor. | Firms would have 25 years to set aside funds to cover all vested pension benefits. | Government insurance would provide 90 percent of pension benefits not covered by a firm's pension plan. |
| Senators Jacob K. Javits and Harrison A. Williams, Jr. | S. 4 | Favorably reported by Senate Labor Committee. Awaiting action by the full Senate. | Pension benefits would be completely vested after 15 years with a firm. Benefits would be 30 percent vested after 8 years; an additional 10 percent would vest each subsequent year. | Firms could participate in a portability plan run by the Secretary of Labor. | Firms would have 30 years to set aside funds to cover all pension benefits, vested or not. | Pension benefits, up to $500 a month, would be insured. |



| Reform package proposed by | Bill number(s) | Legislative action completed this year | Vesting provisions | Portability provisions | Funding provisions | Pension insurance provisions |
|---|---|---|---|---|---|---|
| The Nixon administration. | S. 1557, S. 1631, H.R. 6900, H.R. 7157. | None | Benefits would be 50 percent vested when a worker's age and years with a firm totaled 50. After that, an additional 10 percent would vest each year. | None | Firms would have to set aside 5 percent of the value of unfunded vested pension benefits each year. | None. |

## PROMINENT CITIZEN FEARS LOSS OF FREEDOM IF NO-KNOCK LAW CONTINUES

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, Prof. Thomas Gray Webb, historian for DeKalb County, Tenn., has recently set out in a letter excellent and well-reasoned arguments against the so-called no-knock law.

Professor Webb points out that the right given police to, in effect, break into homes is frighteningly reminiscent of the police state of Hitler's Germany.

Because of the interest of the American people and my colleagues in this matter, I place the letter from Professor Webb, together with the enclosed editorial from the Nashville Tennessean, in the RECORD:

SMITHVILLE, TENN.,
*May 6, 1973.*

DEAR MR. JOE: I am enclosing an editorial from a recent issue of the Nashville *Tennessean*. It concerns the so-called "no-knock" law which Congress passed several months ago, and which at the time I considered absolutely unconstitutional, since it clearly violates the Fourth Amendment. The then Attorney General, John Mitchell, pressed for this law, saying that it was necessary for the maintenance of "law and order." Subsequent events have shown just how much Mr. Mitchell was truly concerned with law and order.

If it has become necessary for us to lose our most basic and precious freedoms just to maintain order, then we have truly failed as a nation. Hitler's Germany, though totally lacking in freedom, was a very orderly nation. I think that we do not wish to pay such a price to suppress the narcotics business, dangerous as it may be.

I feel that the time has come for Congress to repeal this law which was pushed on the nation by an administration which many feel is the most corrupt in our entire history. This same administration has made strong efforts to suppress the freedom of the press; had they been successful we might never have known just how corrupt the administration was.

Those who opposed passage of the law stated not only that it was unconstitutional but that it would be greatly abused. These instances cited in the editorial show that it is being abused, and there have been other instances, some here in Tennessee.

Some two hundred years ago spoke William Pitt regarding the rights of Englishmen: "The poorest man may in his cottage bid defiance to all the force of the crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter, the rain may enter—but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement." Surely in our quest to insure the rights of the individual we have not ended with less rights than an Englishman had two hundred years ago.

I truly believe that the time has come for the Congress to reassert its powers as set out in the Constitution. One of the best ways to begin will be to repeal this unconstitutional law violating one of our basic rights.

I remain,
Sincerely,

TOMMY WEBB.

NATION IS IN TROUBLE IF NO-KNOCK CONTINUES

It is difficult to read about the raids by federal narcotics agents on two private homes in Collinsville, Ill., last week without feeling great anxiety for the survival of basic civil liberties in the U.S.

In each raid residents were surprised by the shattering of glass, the noise of their doors being battered down, and numerous men swarming into the homes with guns drawn. There are no warrants shown and no proper identification made. The raiders were long-haired, unshaven and poorly dressed, according to the residents, and they shouted obscenities as they barged in.

In each case the home was damaged. Residents were cursed and abusively treated, guns were placed at the heads of some and their lives threatened. Women were roughed up and addressed obscenely and one was forced to remain only partially clad as the agents stared.

In both cases the federal agents had made a mistake and gone to the wrong house. Instead of finding narcotics law violators, the agents had burst in without warning on the private family activities of law-abiding citizens. When the errors were discovered, the agents stalked off without apology.

"They acted like those German Gestapos," said one of the victims, Mr. Herbert Giglotto, a boiler-maker. "If they were representatives of the federal government, we're all in trouble."

This is not the first time that such incidents have occurred since the "no-knock" law was signed by President Nixon July 29, 1970. This law—which is contrary to constitutional guaranties that the people shall be secure in their homes from government intrusion—has led to numerous shootings and destruction of property of innocent citizens.

Most of the incidents have been due to "error"—but this only serves to point up the dangers of the no-knock law. Errors inevitably occur when constitutional guaranties are relaxed and careless, poorly-trained men are given guns and sent out to enforce the law in their own way. To prevent such errors was the reason the founding fathers put the Bill of Rights in the Constitution.

In August, 1971, Treasury agents—informed by a juvenile that a certain person kept hand grenades at his home—battered down an apartment door in Silver Springs, Md. It was the wrong apartment. The agents then went downstairs to the right apartment and battered down its door. The man they sought was in the bathtub. Thinking his home was being robbed, he climbed out of the tub, grabbed an antique revolver and fired once at the officers. The agents shot eight times at the man. One of the bullets lodged in his head, leaving him an invalid, perhaps for the rest of his life. In the apartment the agents found four deactivated hand grenades, apparently souvenirs which some child had mistaken for the real thing.

These horrors are bad enough in themselves—but what makes them worse is the fact that after they occur the agency responsible usually fails to see anything wrong and defends the actions of the agents. Sorry, but it's the law, seems to be their stock reply. Well, it's time to get rid of such a law. The nation's defense against criminals does not depend on wholesale violations of constitutional principles and the perpetration of injustices against innocent persons.

The no-knock law passed by Congress at the behest of Mr. John Mitchell, who had been named attorney general to give the Nixon administration the image of a law-and-order administration.

It was argued at the time by constitutional authorities and others that the no-knock law would lead to errors and abuses. But Mr. Mitchell disagreed, "Civil liberties will be protected because the courts will make proper safeguards," he said. And he said he doubted there would be any threat to "innocent people in their homes."

Well, it has been made abundantly clear since the law was passed that Mr. Mitchell was wrong. Innocent people have been threatened and injured in their homes—and they will continue to be threatened as long as the no-knock law is the law of the land. The courts can't stand as safeguards when irreparable errors are made by the arresting officers.

This is not the first time Mr. Mitchell has been wrong, either. Recent developments in the Watergate case have shown the former attorney general was wrong a number of times. Both Mr. Mitchell and President Nixon have suffered a severe loss of credibility as experts on law and order. So far about all this administration has come up with is a law that abuses the rights of the innocent without providing any special advantage in finding the guilty, which violates the nation's traditional values of justice and is taking the nation along the path to oppression and the loss of liberty.

Unless this misdirected sense of law and order is halted by Congress, Mr. Giglotto is right: "We're all in trouble."

## CRUCIFIXION AT WOUNDED KNEE—1973

### HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. ABDNOR. Mr. Speaker, once again the papers in my State of South Dakota have shown the light of truth and disbelief during the confrontation and occupation of Wounded Knee, the sacred burial grounds of the Sioux.

In my attempts to tell the whole story of the goings-on while militant AIM Indians occupied Wounded Knee, I was totally shocked by the fact that this Nation did not hear what occurred on Easter Sunday of this year. I hope my colleagues and the people of this country note the flagrant disregard AIM has for the rights and justice of others by seeing what their rank and file did to an unknown body

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while others looked on not believing their eyes.

I would like the Congress to also note that an AIM Indian is far from representative of the whole Indian construct. What the Rapid City Journal reported on April 23, 1973, as related by Mr. Terry De Vine, an AP reporter, and printed below, is far from the comprehension of middle America in plausibility.

The article is as follows:

MARSHALS WATCH AIM EASTER SPECTACLE

(By Terry De Vine)

WOUNDED KNEE, S. DAK.—Federal officers surrounding Wounded Knee spent Easter Sunday watching what appeared to be an American Indian Movement (AIM) version of the crucifixion.

U.S. deputy marshals manning one of several roadblocks around the village watched for nearly six hours as insurgent Indians in the village kicked and pummeled an unidentified person tied to a makeshift cross near one of the AIM bunkers.

U.S. Marshal Jack Richardson, Wichita, Kan., deputy commander of the Special Operations Group (SOG), said initially it appeared that the object tied to the cross might be a dummy dressed in a marshal's camouflage uniform.

However, marshals who viewed the incident through binoculars from about 1,000 yards away said the body doubled over whenever it received a blow.

They said the person was cut down late Sunday afternoon and dragged back to the village by several Indians.

Richardson speculated that the militants might have staged the spectacle in full view of the federal position in an effort to get marshals to fire on the bunker.

He also said it might have been an attempt by AIM members to force marshals to expose themselves, setting them up for fire from AIM snipers.

Richardson said he could offer no definite explanation for the bizarre performance.

Meanwhile, a National Council of Churches representative, the Rev. John Adams, said about 70 persons began a five-day protest march from Rosebud to Wounded Knee Sunday.

AIM attorney Ramon Roubideaux of Rapid City had said earlier that 500 persons would participate in the march to protest treatment of Indians in general.

Richard Hellstern, deputy assistant U.S. attorney general, said the marchers will not be allowed to enter the reservation, which has been declared off limits to nonresidents.

AIM Security Chief Stan Holder was scheduled to be arraigned Monday in Rapid City on charges stemming from the Feb. 27 takeover of the village.

Holder who surrendered last week to federal authorities, was released on bond and allowed to return to the village to talk to other AIM leaders in hopes of bringing about a peaceful settlement to the siege, which is now in its 56th day.

Nineteen other persons arrested early Easter morning also were to be arraigned in Rapid City. Hellstern said 13 of those arrested were attempting to backpack food into the besieged village through federal lines. The others also were trying to enter the village, he said.

Hellstern said seven federal arrest warrants have been issued against persons involved in an airdrop of supplies into Wounded Knee last Tuesday.

He said a Boston Globe reporter, Thomas Oliphant, who was expected to surrender to federal authorities Monday, was believed to be the organizer of the airdrop.

"We think we have the entire group isolated," said Hellstern. He said those arrested will be charged with conspiracy and crossing state lines to participate in a civil disorder.

## BIOMEDICAL RESEARCH—ITS IMPORTANCE IN OUR NATIONAL HEALTH PROGRAMS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. DRINAN. Mr. Speaker, those who are aware of the importance of medical research realize the necessity of a harmonious effort jointly shared by the Government and the medical community. The costs of medical research are high, and thus Government assistance is invaluable. But the potential rewards of medical research clearly justify these costs.

Medical research is a most productive Government investment, for its benefits are clear and tangible, affecting the lives of millions of people. The goal of medical research is to improve the lives of all people—a goal that surely should be identical with the best interests of Government. Unlike some Government programs that do little to improve the quality of life—and sometimes even harm it—medical research is a necessary means toward a wholly desirable end.

Yet, for all the accomplishments of medical research in the past 20 years, the partnership of the Federal Government and the medical community is being seriously challenged. The fiscal 1974 budget proposals of the President would, I believe, grievously wound medical research throughout our Nation.

One medical professional deeply concerned about the proposed budgetary cutbacks is Dr. Kurt J. Isselbacher, Mallinckrodt professor of medicine at Harvard Medical School; chief, gastroenterology, Massachusetts General Hospital; chairman, executive committee, Department of Medicine, Harvard Medical School; and chairman, Harvard University Cancer Committee.

Dr. Isselbacher's statement on the subject of medical research is excellent. I urge my colleagues to give particularly close attention to the incisive analysis of Dr. Isselbacher:

STATEMENT BY DR. KURT J. ISSELBACHER

I am most honored, Congressman Drinan, to be appearing before you to emphasize the importance of biomedical research as it relates to the health and welfare of the people of our nation.

Today we seem to be at a crossroads in the relationship between the federal government and medical research community. Those who are aware of the importance of medical research recognize the need for the continued growth and rational expansion of the cooperative effort between medicine and government. On the other hand the Administration seems to disagree with this concept. It has outlined a withdrawal of federal support for research and is dismantling the research training programs thus assuring a reduction in the pool of able young medical scientists. Even if one could agree with the reasoning of the Administration, its actions are far too drastic and far too precipitous. At the present time the area of medical research represents one of the finest examples in our history of cooperation between government and medicine. This country's biomedical research establishment has been second to none in the world. Nevertheless in spite of past achievements we are told that there should be reduction in the ever proliferating biomedical research grants and a return of medical scientists into clinical practice so that health care delivery can be improved and manpower increased. However one should note that less than 4% of our medical school graduates go into full-time medical academic careers and a still smaller percentage are in full-time research. We are told about useless expenditures for ivory tower research and that much of our biomedical research is not relevant. At the same time there are recommendations that medical research can be conducted on a crash program basis such as the moon shot effort. This assumes that the federal government can legislate advances in medical research which clearly it cannot. Unfortunately the Administration does not appear to understand the very serious implication of its drastic if not devastating decisions not only for the next few years but the effect these actions will have for years to come.

I would like to address myself briefly to four areas:

1. The importance of training of biomedical investigators.
2. The importance of basic or fundamental research.
3. The role of applied and contract research.
4. The importance of the peer review mechanism.

1. *The importance of the training and fellowship program.* I need not reemphasize to you again the importance of the training programs to develop medical researchers. Not only are these individuals the scientists who will carry out our future research efforts but they also are the major source and resource for our medical school faculties. The training programs have provided the mechanisms for encouraging the best minds of our nation to be brought into the field of research and teaching. While some training funds have come from private organizations such as the American Cancer Society, the financial resources of such organizations have never been large enough to provide more than a small fraction of the necessary fellowship and training support. *Only the federal government has funds of this magnitude.* While anyone who has examined the problem of medical research and medical school teaching in this country recognizes the vital nature of the fellowship program, the Administration has insisted that the training programs be dismantled and eliminated forthwith.

What are their reasons for this? The first argument is that *there already are too many medical researchers in this country.* Their specious argument is that since there are more research grants approved by the National Institutes of Health than can be funded this indicates that there are more scientists than necessary to do the job! Of course this reasoning is false. The obvious reason for this situation is that there are insufficient funds to support the many research proposals that have been considered scientifically sound but cannot be funded. The second argument (most recently made by our new Assistant Secretary for Health) suggests that an inequity exists since training and fellowship support does not exist in other fields such as in the arts, philosophy or history and that this inequity should be eliminated by phasing out the programs in the biomedical sciences. This reasoning amounts to throwing out the baby with the bath water. The third argument is based on the view that the government is now paying for the training of individuals who go out and develop lucrative practices and that the government should not support the training of such individuals. We would agree that this is not desirable. However the evidence shows that more than 80% of the individuals trained in the biomedical area pursue academic careers and choose to remain in academic positions which are much less lucrative than private practice.



The Administration therefore suggests that individuals who wish to pursue biomedical research should continue their training by taking out loans. This sounds good to those not familiar with the problem, but such a system will not work. It should be pointed out that over 36% of graduate students have a major indebtedness and over 56% of medical students are in debt by the time they graduate. More than 50% of the individuals who are in the training and fellowship programs are in debt and 70–75% of this group have indicated that they would not be able to continue their research training if this training had to be achieved on the basis of loans because of their already significant indebtedness. The Administration fails to recognize that we need to encourage not discourage the training of biomedical scientists. Since they represent 4% or less of our medical graduates, by denying them the opportunity to enter academic careers their numbers will not significantly swell the ranks of the general practitioners. We cannot on the one hand respond to the Administration's request to expand the number of medical schools and increase the enrollment of students and at the same time diminish the pool from which the faculty for these schools will be derived.

It should be noted that in 1972 the amounts spent for training of biomedical investigators were less than 0.2% of the total health expenditures.

2. *The importance of basic or fundamental research.* As indicated above, there are those who argue that support of basic research amounts to a useless expenditure of funds for research conducted by ivory tower investigators working on irrelevant projects. The past performance of our biomedical establishment certainly belies this Act.

Basic research in the medical sciences is the study of life processes. Such research is essential to our understanding of diseases, their mechanism, treatment, and hopefully their cure. Tied to our past achievements in basic research is the fact that many of the contributions and discoveries and advances in disease have come from unpredictable areas by individuals working in completely unrelated fields and often while working on unrelated problems. Many examples can be cited to indicate the importance of biomedical research and the fact that a breakthrough in the elucidation of a disease often comes from a serendipitous observation by an able and observant scientist working in another scientific area:

(a) The recent advances in our understanding of the role of viruses in the causation of cancer have come from our understanding of how viruses infect bacteria. Dr. David Baltimore of the Massachusetts Institute of Technology discovered an enzyme in bacteria which converts RNA into DNA. This enzyme is considered by workers in the cancer field to be related to the mechanism whereby certain RNA viruses can influence cells and alter the DNA and genetic information of the cells making them malignant. This work was carried out not under the aegis of a cancer research grant, and was the result of Dr. Baltimore's basic studies of viruses and how they infect bacteria.

(b) The Nobel Prize winning work of Dr. John Enders on the eradication of poliomyelitis resulted from his finding that viruses could be grown in the test tube on cultures of monkey kidney cells. Enders was interested in developing a means for growing viruses so that he could work on the possible role of viruses and cancer. At that time he was not intending to solve the polio problem. The results of this work are now history and through his efforts the polio vaccine was developed.

(c) The breakthrough in the antibiotic treatment of tuberculosis was again made by a Nobel laureate, Dr. S. Waksman of Rutgers, a soil microbiologist whose work led to the application of streptomycin to the treatment of tuberculosis.

(d) Significant advances have recently been made in viral hepatitis, a disease with which some 20–30,000 people are hospitalized every year at an estimated total cost of about $60 million. Ten years ago Dr. Baruch Blumberg, a population geneticist, quite by accident found that a particular antigen occurred with great frequency in the blood of Australian aborigines. He was not looking for the hepatitis virus but as a result of his alertness what he discovered in the blood of these Australian aborigines has turned out in fact to be the hepatitis virus which causes so-called serum hepatitis. As a result of this pioneering work (again by someone who was not originally studying that particular disease), we now have a blood test to detect this hepatitis virus.

(e) The revolutionary treatment for Parkinson's disease came as a result of studies carried out by Dr. George Cotzias working on neurologic problems caused by manganese poisoning in the miners of Chile. It was only later that Dr. Cotzias found that his observations to have relevance to the important problem of Parkinsonism.

If one wishes to look at the economic benefits that have come from basic research one can turn to the study performed by Mr. Owen McCrory, a consultant in medical economics. He has estimated that in 1967 alone there were 2.7 million wage earners alive and working due in part to the new methods of treatment. These workers paid the federal government $1.7 billion in income and excise taxes in their earnings. The NIH appropriations for that fiscal year of 1967 were $1.4 billion. *McCrory has concluded from his analysis that the funds appropriated in fiscal 1972 to the NIH and the Mental Health Administration have been repaid to the federal government eight times over in income and excise taxes of wage earners whose lives have been saved due to medical research successes.*

In this regard I might also refer to some studies which we carried out 18 years ago on genetic disorder, Galactosemia, a disease causing mental retardation which we found to be due to the hereditary lack of an enzyme. In the past enzyme research was thought to be real ivory tower science. However as a result of our studies there is now in the state of Massachusetts a routine screening test for Galactosemia on all newborn infants. As a result the disease can be discovered at birth and the infants can be prevented from developing mental retardation.

3. *Applied Research.* It is obvious that the basic research is valuable if it can be properly applied so that it can lead to the diagnosis, treatment, cure and prevention of disease. Recently, however, the Administration has focused on applied research at the expense of basic research. In point of fact while applied research is important, it cannot be carried out at the expense of or in lieu of basic research. To achieve its goals the Administration is focusing heavily on research contracts. The contract research approach suggests that we now possess all of the basic scientific facts needed for the conquest of a disease such as cancer, and all that is necessary is to set up timetables of expected progress, hire the required researchers (although this can't be done by eliminating training grants and fellowships), and then confidently set back and expect this disease such as cancer to disappear from our midst.

However if we look at past history we find that whenever significant scientific thrusts have been successful they have always been based on a solid foundation of fundamental research established with the efforts of many scientists over a considerable period of time and not through "crash programs." If in the late 1940's there had been a crash program aimed at the polio problem the funds would have been used to build a better respirator and perhaps the polio problem would still be with us now.

We must never forget that for the most part we have little insight about the mysteries of life in spite of all we have done, and thus it is almost impossible to plan ahead for what the future will bring. The best that we can do is to try to bring our most intelligent and able minds to bear on a given problem and let them follow their own direction. Scientific discoveries are generally unforeseen events not included in theory for otherwise they would have been foreseen.

4. *The peer review mechanism.* Let me finally comment on the importance of the peer review mechanism in the awarding of funds. This is a system which over the last 20 or 25 years has worked very effectively in the allocation of funds for research and training. By this system a request is reviewed by experts in the field and judged on merit and quality in the fairest way possible. The decisions are made without regard to geographic location or political factors, but purely on the quality and substance of the proposal. Obviously no system is perfect and errors in judgment can and do occur. The Administration would like to eliminate the peer review system, and to make decisions "in camera" with no or little scientific advice. If one eliminates the peer review mechanism, funds could be allocated across the country on a regional basis. Rather than being awarded to the most able scientists, one could then justify grants being allocated to many states not receiving large research funds. This may make political sense but it does not make good scientific sense. The peer review mechanism permits investigators knowledgeable in a field of discipline to examine proposals and recommend awards based on one criterion alone—scientific merit. It is ironic that recent scientists while visiting Russia have been asked repeatedly about our peer review mechanism. The Russians apparently have recognized the merits of our system and now wish to implement it in their own country. Former NIH Director Robert Marston has sounded a warning in his farewell speech April 27:

"The peer review system has given us the best science through a federal agency with the least political interference of any governmental process ever developed. It is truly one of the great achievements of American government but it is being destroyed."

I would like to conclude, Congressman Drinan, by emphasizing that the training of biomedical scientists and support for biomedical research must be continued at an appropriate level. Research must be supported in a balanced manner. Basic and applied research are not mutually exclusive, and fundamental research should not be eliminated or downgraded at the expense of applied research or because money is needed to improve our health care delivery system. All these various components of our health related efforts are important.

What constitutes a reasonable expenditure of funds for biomedical research and training? I would submit that industry has shown us the way. Most of our large corporations allocate a certain percentage of their resources (generally 8 to 10%) for research and development. It seems perfectly reasonable to me that a certain percentage of our total health expenditures should be allocated for biomedical research and training. At the present time this percentage is 2% and decreasing annually. This percentage is far too low and if it continues to drop, our whole effort to improve the health of our people and the quality of life will be seriously jeopardized. We hope (a) that there will be an increase in funds in the 1974 fiscal budget for biomedical research, (b) that the allocation of these funds, using the peer review mechanism, will continue to take cognizance of the importance of fundamental research, and (c) that it is recognized by all that research and training of biomedical scientists are interrelated and go hand in hand.

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RESOLUTIONS ADOPTED AT THE NATIONAL UNION ASSEMBLY OF THE NATIONAL CONFERENCE OF MOTION PICTURE AND TELEVISION UNIONS

## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Ms. ABZUG. Mr. Speaker, yesterday my office was visited by representatives of a number of motion picture and television people whose local unions are located in New York City. Among those in the group were Abraham Kanter, business representative, U.S.A. Local 829, Olga Barrekette, Local 161, Motion Picture Script Supervisors and Production Office Coordinators, John T. McGuire, assistant executive secretary, Screen Actors Guild, Fredda Briant, business representative, TWAU Local 764, Dick Weaver, Local 18032, Association of Theater Agents and Managers, Steve D'Inzillo, Local 306, IATSE, Anthony J. Luisi, Local 16, NABET, and Howard Linkoff, Local 15, NABET.

The problems which face working people in this industry are similar to those facing most working people in this country: foreign competition, much of it really coming from foreign branches and operations of American-based multinational corporations, is causing tremendous unemployment among movie and television workers. The need for legislation such as H.R. 241, the Foreign Investment and Multinational Corporation Control Act, grows daily, and I am pleased to see that the Committee on Ways and Means has begun hearings into this critical subject.

Mr. Speaker, I insert at the conclusion of my remarks several resolutions adopted by the National Union Assembly of the National Conference of Motion Picture and Television Unions:

RESOLUTION

Competitive bidding for U.S. governmental agencies producing or processing motion picture and audio-visual materials

Whereas, Approximately one-half billion dollars is annually allocated by the combined agencies of the U.S. Government for the production and processing of motion pictures, and

Whereas, These productions are allocated for use by these governmental agencies for educational, defense, training, propaganda and entertainment medias, and

Whereas, The present governmental bidding system of cheapest production cost is unfair and inequitable to union employees working under more advantageous wages and conditions provided by their collective bargaining agreements, and

Whereas, The construction industry satisfactorily resolved similar problems by the passage of the Davis-Bacon Act which requires all employers bidding on U.S. Government contracts pay the going rate, plus fringe benefits presently applicable in the area, and

Whereas, Such requirement applied to the motion picture industry would give private producers using union employees the opportunity to compete in the open market for a share of government production in the American tradition of equal opportunity and free enterprise,

Now, therefore be it resolved, that we the delegates to the National Conference of Motion Picture and Television Unions meeting in Phoenix, Arizona on February 22, 1973 hereby declare our vigorous support of legislation that would amend the United States Service Contract Act requiring contractors of the departments and agencies of the United States government engaged in the production and processing of motion pictures and audio-visual materials to pay the prevailing wages and fringe benefits of the industry.

RESOLUTION: BURKE-HARIKE BILL

Whereas: The AFL-CIO Economic Policy Committee has recognized that increased foreign imports and United States owned foreign operations have resulted in the loss of job opportunities for American workers, and

Whereas: The foreign investments of American motion picture and television film producers have created catastrophic unemployment among workers in the United States domestic film industry, and

Whereas: The Foreign Trade Investment Act of 1972-73 (Burke-Hartke Bill) establishes tariff and trade regulations that protect American workers from displacement by foreign imports, and

Whereas: Some Federal administrative agencies have considered the motion picture and television industry as a communications media and not a producer of tangible items, goods or articles;

Now, therefore be it resolved that the National Conference of Motion Picture and Television Unions meeting in Phoenix, Arizona on February 22, 1973 go on record supporting the Burke-Hartke legislation, and

Be it further resolved that Title III, Section 301(a) "Categories of Goods" of the Bill include the following:

"The products of the motion picture and television industry shall be understood to be within the meaning of the term 'goods'."

RESOLUTION ON THE REPEAL OF THE PRIME TIME RULING ON TELEVISION

We, the delegates to the National Conference of Motion Picture and Television Unions hereby reaffirm our opposition to detrimental Prime Time Ruling of the Federal Communication Commission and call upon the Commission to order its immediate repeal.

We also call upon the Commission to adopt rules that would drastically reduce the use of re-runs on television. Such action would be fairer to the viewing public in that it would bring an increase in new programs and would at the same time vastly increase employment among actors, technicians, craftsmen and all those engaged in the production of motion picture and other programs shown on television.

RETIREMENT OF OSCAR A. CRIST

## HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. BROTZMAN. Mr. Speaker, on May 25, 1973, Mr. Oscar A. Crist, the chief deputy U.S. marshal for the District of Colorado will be retiring. This will bring to a close more than 36 years of distinguished service to the people of this country by Mr. Crist. He served 4 years in the Armed Forces and 32 years as a deputy marshal. He is, at this time, the senior deputy marshal in the U.S. Marshal Service.

When I had the privilege of serving as U.S. attorney for the District of Colorado I became well acquainted with Mr. Crist. His service to the courts and the judicial process was outstanding. I can say with all honesty that his good work was a great aid to me and my staff. My association with Oscar Crist is something I will always treasure.

Mr. Speaker, I wish to take this opportunity, on behalf of myself and Mrs. Brotzman, to wish Oscar Crist much pleasure and contentment in his richly deserved retirement.

PETROLEUM IMPORTS

## HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. WALDIE. Mr. Speaker, I am introducing today a bill designed to insure that U.S. flag vessels will carry at least 20 percent of our petroleum imports. I believe that a continuation of our present reliance on foreign shipping for a resource so vital to our Nation could lead to severe problems in terms of our security and our balance of payments. A conversion to American tankers would provide measurable improvements to our employment rate and greater control over the effect of such shipping on the environment.

I hope that all Members will consider carefully the facts in the following summary:

A BILL TO REQUIRE THAT A PERCENTAGE OF U.S. OIL IMPORTS BE CARRIED ON U.S. FLAG VESSELS

This legislation will guarantee that U.S. flag vessels, when available at fair and reasonable rates, will carry a minimum of twenty percent of U.S. oil imports of petroleum and petroleum products, with the percentage rising to 30 percent by 1977.

The bill will provide the impetus to achieve the full intent of Congress, as expressed in the Merchant Marine Act of 1970, to build a strong and competitive American Merchant Marine. Presently there are no U.S. flag tankers regularly engaged in the U.S. oil import trades.

NATIONAL SECURITY

The United States is currently in double jeopardy because of our dependence on both foreign sources of supply and foreign flag vessels to import our growing oil needs.

The President's energy program, announced on April 18, 1973 is an attempt to reduce our dependence on foreign oil supplies. This bill would free the U.S. from the dangers of peacetime economic and political coercion by nations controlling vessels engaged in U.S. oil trades, while providing our nation with a large tanker fleet available in a national emergency.

BALANCE OF PAYMENTS

In 1975, with an estimated 8 billion barrels a day of required oil imports, the projected drain on the U.S. balance of payments of approximately 2 billion dollars for the transportation costs of U.S. oil imports could be reduced by one-fourth if U.S. tankers carry the percentage of oil imports envisioned by this bill.

EMPLOYMENT IMPACT

Over 45 thousand seafaring, shipbuilding and allied industry jobs will be created initially; rising to over 65 thousand by 1985.

ENVIRONMENT

Presently over half of U.S. oil imports are carried on runaway flag vessels of Panama and Liberia, which have higher accident rates than U.S. vessels.

U.S. vessels are manned by experienced American crews and are regulated by the U.S. Coast Guard.

There can be meaningful enforcement of pollution controls on U.S. flag tankers—enforcement on foreign tankers will be difficult if not impossible if we are wholly dependent on foreign tankers for our oil needs.

H.R. 7853

A bill to insure a fair and reasonable participation of United States flag commercial vessels in movement of petroleum and petroleum products imported into the U.S.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Section 901(b)(1) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241), shall be further amended by striking the colon after the words "in such manner as will insure a fair and reasonable participation of United States-flag commercial vessels in such cargoes by geographical areas," inserting a period, and adding the following:

"The appropriate agency or agencies shall also take such steps as may be necessary and practicable to assure that at least 20 per centum of the gross tonnage of all petroleum and petroleum products imported into the United States on ocean vessels, including movements (i) directly from original point of production and (ii) from such original point to intermediate points for transshipment or refinement and ultimate delivery into the United States, shall be transported on privately owned U.S.-flag commercial vessels to the extent such vessels are available at fair and reasonable rates for U.S.-flag commercial vessels, in such manner as will ensure fair and reasonable participation of U.S.-flag commercial vessels in such cargoes by geographical areas: *Provided*, That the quantity required so to be carried in U.S.-flag commercial vessels shall be at least 25 per centum after June 30, 1975, and at least 30 per centum after June 30, 1977, if the Secretary of Commerce shall on December 31 preceding each such date determine that U.S. tonnage existing or on order and scheduled to be delivered by such date would be adequate to carry such quantity."



FOOD COUNTS MOST

## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. ZWACH. Mr. Speaker, in times past, in times of war, our producers have been called upon to go all out for "food to win the war" and history shows that they were very successful.

A recent editorial by Bill Paulson in the Mountain Lake Observer, in our Sixth Congressional District of Minnesota, comes up with the idea that food also won the peace for us in Vietnam.

This is a most interesting premise that I would like to share with my colleagues and all of the other readers by inserting it in the CONGRESSIONAL RECORD:

FOOD COUNTS MOST

History may record that the American farmer was a decisive influence on the road that led to peace. The farmer, free enterprise agriculture, has made our country the food larder of the world.

This is notably true for communist countries where there is high rate of efficiencies in agriculture and the incentives to produce are abysmally low.

It is evident that food can be an influencing policy in the world today. Note that Russia is buying millions of tons of grain abroad, a large amount of this from the United States. China, too, has to depend upon additional foodstuffs and has or is bargaining with Canada, Argentina, and our country.

There is no question that hungry people have to stay close to their food supply source and the greatest and biggest source of food supplies is the United States.

Could this fact, then, have been the hidden instrument that kept the big communist powers from retaliating when we put military pressure on North Vietnam. This could be the explanation for the lack of retort. That the food-producing capacity of our country, of our farmers, was much more important to both Russia and China than the plight of Vietnam.

DUNBARTON COLLEGE CLOSES

## HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, on May 14, 1973 the Washington Star-News published an article dealing with the passing of Dunbarton College from the scene at the end of the present academic year. Despite the dedication of the members of the Order of the Sisters of the Holy Cross and the superb leadership of the college's chief executive, Dr. Paul G. Buchanan, Dunbarton just could not make it.

Mr. Speaker, if this were an isolated example it would be a sad event, but the closing of this fine private college for women is all too common across this Nation. It seems as though the private college which receives its operating expenses from tuition and fees is finding that its back is to the wall. While Dunbarton is a small college this situation affects some of the Nation's biggest universities. Indeed such educational giants as New York University and Boston University are also feeling the financial pinch. Federal assistance has dried up as the Nixon administration moves its priorities elsewhere and costs continue to soar.

Mr. Speaker, we must take action now if we are to save the private college. Time is running out if more colleges are not to go the way of Dunbarton College.

Because this situation is so critical I hope all Members will read the Star-News account of Dunbarton's final commencement.

The article follows:

LAST CLASS GRADUATES—DUNBARTON COLLEGE DIES

Dunbarton College, a small Catholic school for girls in Northwest Washington, died yesterday. It was 38.

The 22-acre, tree-lined college, victim of spiraling costs and waning interest in parochial, single-sex institutions, awarded its last bachelor of arts degrees to 77 graduating seniors during brief afternoon ceremonies and then shut its doors to students for the last time.

The campus will remain open, but studentless, until Aug. 31 to allow school officials time to mop up unfinished affairs and the board of directors to make a decision on what it is going to do with the valuable property at 2935 Upton St.

"This is both a sad and a happy occasion," Rep. Thomas P. O'Neill Jr., D-Mass., told the graduating class, "but the passing of Dunbarton College will not lessen the advances its graduates have made."

O'Neill, majority leader of the House who received an honorary degree during the final ceremonies at Dunbarton, said that the closing of Dunbarton College is part of a national trend away from small, private female institutions in the nation.

He cited statistics that there were 298 public and private one-sex colleges in the nation in 1960, but by 1970, 40 percent of these had become coeducational and 37 colleges had closed down. Of the 37, all but 10 were Catholic colleges.

O'Neill attributed the decline of single-sex colleges to a "fiscal crisis facing all campuses, with declining enrollments at Catholic institutions that comes as other types of institutions extend their facilities to others without regard to race, color or creed."

School officials said the decision to close Dunbarton came after six years of accumulating debts and recurring problems which have faced Catholic colleges elsewhere—crime, lack of federal funding, unpopularity of female-only institutions, competition from community colleges, and a decline in the interest of church-related schools.

College President Dr. Paul G. Buchanan, who led an unsuccessful fight to reverse the trend here, said the overriding consideration in closing the school was $3.5 million in debts accumulated since 1967 and an operating deficit which was expected to reach $1 million this year.

School officials said offers for the college have come from a number of private schools and a proposal has been made to turn it over to the Catholic Archdiocese of Washington.

The college was founded in 1935 by Sister Rose Elizabeth of the Order of the Sisters of the Holy Cross and it will be up to the order to make a final decision on disposition of the property.

Dr. Lillian Bateman, assistant to Buchanan, said juniors who attended the college this year and completed their school requirements, will get degrees from Dunbarton when they finish their required course work at other institutions. Freshmen and sophomores have been placed in other universities here and in other parts of the nation.

However, some faculty members have not been so lucky, Dr. Bateman said, since only a few have found places at other colleges and universities because of the glut of Ph.D.'s on the market this year.

"It's a shame, because there are some good teachers here," she said.

CONGRESS MUST REASSERT ITS CONSTITUTIONAL AUTHORITY IN THE AREA OF WAR POWERS

## HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. RUPPE. Mr. Speaker, in view of the importance of the House-passed amendments to the second supplemental appropriation of 1973 which prohibited the spending of the defense appropriation for the bombing in Cambodia, I would like to state specifically the reasons for my votes on this issue.

When the Addabbo amendment was first offered, I supported the amendment. I also voted for the Long amendment. Later when a separate vote was demanded on the Addabbo amendment, I voted against this provision.

Only after the Long proposal specifically prohibiting U.S. combat activities in or over Cambodia was passed did I reverse my position on the Addabbo amendment. By prohibiting the transfer of $430 million by the Department of

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Defense, the Addabbo amendment not only blocked additional funding of the United States bombing in Cambodia, but it also blocked the transfer authority for funding of U.S. defense-related activities in important strategic areas such as the Middle East. My colleague, Congressman CLARENCE LONG, best stated the case for the language of his amendment rather than Mr. ADDABBO's proposal—

I feel that the proposed amendment to be offered by the gentleman from New York (Mr. ADDABBO) is a good amendment if that is all we can get, but I think that we need a much more precise instrument and I feel that my amendment is more precise because it is a clear message from the Congress to the President that all bombing in Cambodia must stop. It is an explicit, not merely an implicit message.

Despite my turnabout on the Addabbo provision, I want to make it clear that the intent of my votes was firm and consistent throughout the House consideration of U.S. activity in Cambodia. I did not believe that the Congress should back into further American military involvement without the specific review and approval by the Congress of the President's policy in Cambodia.

In my view, there was no logic or right in the administration's attempt to use the transfer authority within the Department of Defense to establish congressional approval of the U.S. military policy in Cambodia. President Nixon could easily come before this Congress and advise this body of his intended policy of action in Cambodia and ask for a resolution of support.

Frankly, I could probably support, in the short term, the bombing campaign President Nixon has directed in Cambodia. The North Vietnamese have violated the terms of the cease-fire negotiated by Mr. Kissinger; they have failed to withdraw their military advisers and military personnel from Cambodia, and they have directly encroached on the sovereignty of that unhappy country.

It has been suggested by Secretary of State Rogers that President Nixon can cite violations of the cease-fire agreement as authorizing measures for the U.S. bombing in Cambodia. In my view, there is nothing in the U.S. Constitution that suggests that executive agreements are of such force that Presidents have the right to unilaterally commit the Armed Forces of this Nation to either implement or punish violations of those executive agreements.

The Tonkin Bay resolution was cited by President Johnson as the expressed authority for maintaining the American commitment in Southeast Asia. That resolution was repealed by Congress in January 1971. President Nixon justified the continuation of American involvement in South Vietnam by citing his responsibility as the American Commander in Chief to protect our American servicemen and bring back our prisoners of war. American troops have now been withdrawn and our POW's have been returned. Now, in the absence of a declaration of hostilities by the Congress, there is no legal basis that I know of for the continued American commitment of land, sea, or air forces in Southeast Asia.

My votes last week on the Addabbo and Long amendments, therefore, were not cast so much in opposition to the U.S. Cambodia policy as they were a statement of my belief that the Congress must reassert its constitutional authority in the area of war powers. I earnestly hope that the President will heed the message from the Congress and seek a direct congressional authorization of the U.S. policy in Cambodia.

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## THE WATERGATE AFFAIR: IS A SPECIAL PROSECUTOR ENOUGH?

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. RANGEL. Mr. Speaker, the confidence of the American electorate in our political system has clearly been shattered in the wake of the Watergate revelations.

This collective faith can only be restored by a complete investigation and thorough prosecution of those involved in these crimes. In this light, the appointment of a special prosecutor by Attorney General-nominee Richardson will be crucial in setting the stage for swift justice in the very near future in this matter.

It is equally important, however, that the House of Representatives not shrink from its responsibility in this matter. Section 2 of article I of the Constitution gives the House of Representatives sole authority and responsibility for the initiation of proceedings for the impeachment of the President.

We have reached the point where the latest Gallup poll indicated that 40 percent of the American people believe the President had prior knowledge of Watergate or was involved in the Watergate coverup. I do not presume to judge the President's guilt or innocence, and neither should any Member of the House. As Members, however, we are charged with the constitutional responsibility of measuring the President's conduct in the Watergate affair against the constitutional standard for impeachment. By taking the lead in the initiation of such an investigation, the Judiciary Committee would be acting in a responsible manner to clear the air of charges that the President was involved in the Watergate bugging and coverup.

I now submit for your attention and the attention of my colleagues, a perceptive article on this subject, written by Harvard Law School professor and associate dean, Paul M. Bator, that appeared in the New York Times of May 15:

A WATERGATE "WARREN COMMISSION"

(By Paul M. Bator)

CAMBRIDGE, MASS.—Ambiguities and confusions abound in the discussions of an independent prosecutor in the Watergate case.

There is, first, the question of what it is that we want. Is it simply an impartial and independent investigation and airing of the facts? If so, what we need is not a special prosecutor appointed by the Attorney General but a person or group appointed to function as a commission of inquiry as, for instance, the Warren Commission. Such a person or group can be made completely independent of the executive branch and given subpoena and other necessary powers.

But this is not what is primarily talked about. What is sought is, a prosecutor whose purpose in making an investigation would be to determine whether criminal charges should be brought and, in the event, to press them.

But if this is what is in mind, then the extent to which we can or should demand independence may be limited. It is highly doubtful that the function of bringing criminal prosecutions on behalf of the United States can be taken away from the executive branch of the Government. The Constitution vests executive power in the President and commands him to take "care that the laws be faithfully executed." The enforcement of Federal criminal law is a cental part of the function of executing the laws. For the Congress or anyone else to purport to create an agency wholly independent from the executive branch with power to enforce the criminal law would probably be unconstitutional. It may also be unwise.

The Watergate prosecutor should be independent but he must also be accountable. There should be someone to pass on his performance with power (to put it brutally) to fire him. Until impeached, the President (or his officers) must retain that authority.

Elliot Richardson, nominated to be Attorney General, is therefore on sound ground when he insists that the independent prosecutor must ultimately be accountable to and subject to the authority of the Attorney General and the President.

But this does not mean that the prosecutor cannot be given wide de facto independence. Mr. Richardson should draft instructions which make it clear that the prosecutor may proceed to subpoena (and procure immunity for) witnesses and to seek indictments without advance clearance from him. Indeed, it would be quite legitimate and desirable to instruct the prosecutor to engage in no advance consultations with Mr. Richardson. But this is not the equivalent of total independence. The prosecutor should be required to report from time to time to the Attorney General, who must retain the power to appraise his performance and to fire him if necessary.

I appreciate that even this creates an uncomfortable dilemma. Many do not trust the President in this matter; how can they trust the prosecutor if he is in any way accountable to the President? My answer is that to some extent the dilemma is unsolvable: under our Constitution, lack of confidence in the Presidency does not justify creating an extraconstitutional independent prosecuting authority. Notice, however, that the solvent of public opinion alleviates the dilemma: the best guarantee of the prosecuter's independence will be his ability to say to the public that the President (or Mr. Richardson) is interfering with the impartial execution of his functions.

And one aspect—perhaps the most significant aspect—of the dilemma is, I believe, solvable. The executive branch is not the proper authority to pass on the question whether the President should be impeached. It would be proper, I believe, to insulate from the executive's authority evidence discovered by the prosecutor bearing on Presidential misconduct. Mr. Richardson should instruct the prosecutor to transmit any such evidence directly to the House of Representatives, which should authorize its Judiciary Committee (or create a select committee) to receive and consider it.



## TRIBUTE TO ROBERT F. FROEHLKE

### HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HÉBERT. Mr. Speaker, I want to extend best wishes to Robert F. Froehlke as he leaves his post as Secretary of the Army and heads for new endeavors and new challenges.

Since he came aboard as Secretary on July 1, 1971, we have gotten to know one another well. Our professional relationship has been one of straightforwardness and honesty. We have, at times, disagreed but without being disagreeable.

Our personal relationship has been a genuine one because Bob Froehlke is a likeable guy, a man of integrity, devoted to doing the best possible job while in service to his country.

Such dedicated public servants come along all too infrequently, and their stay is all too brief. But Bob Froehlke has left his mark on the U.S. Army through his active leadership in the nearly 2 years he has been Secretary, and the country as a whole is the beneficiary. His 2-year tour of duty as Assistant Secretary of Administration was just as meaningful and provided the foundation for his efforts as Secretary.

At this point in the RECORD I want to include Bob's farewell remarks and the letter he received from the President.

REMARKS BY SECRETARY OF THE ARMY, ROBERT F. FROEHLKE

It is customary to remark that one leaves with "Mixed Feelings."

Let me omit what is expected and say the unexpected. The reason is not that I just want to come up with something new. I simply feel a man should take a more positive approach than that of his soul nicely split in the middle, which, anyway, sounds for my normal taste a little bit too much like schizophrenia.

We should not coddle ourselves by indulging in those ever quoted Mixed Feelings. A man has his assigned task. He does it to the best of his ability and with a genuine, perhaps even zestful eagerness. Then he comes to the end of the time allotted him for that particular task, that particular mission. And he leaves. Still deeply interested in what had been his work, still feeling close to those who became his friends in a common endeavor, he passes on to meet new problems, new joys—or miseries—and a new style of life. Another page is being turned over.

Those who have dealt with me over the years know that this attitude is not cold or heartless, it is merely a reflection of a life-affirming view which I might have inscribed on a plaque somewhere, someday in my home somewhere: "No regrets, please. Life goes on colorful, rich, vibrant."

It is also customary for him who departs to express in a few well polished phrases what he thinks, "in all humility," he has accomplished and how much, nevertheless, still remains to be done by his successors. I do not believe it behooves a man—even with that nice saving qualifier "in all humility"—to speak of his own achievements. History and our peers will judge what each of us has really accomplished. Let not the individual himself try to assume the role of arbiter. He is too close to himself to be objective. How painful for his listeners to hear him embarrassingly strive to hold the "appropriate" medium line between self-congratulating pride and self-doubting modesty. And yet, I am sufficiently human to take great satisfaction in what I perceive the Army has accomplished during my tenure.

Am I, then, to express no thoughts, no feeling at this moment of departure? That would be more than wrong, it would be inhuman: It would leave all of us here assembled with a sense of emptiness, and ill at ease. Moreover, it would be entirely against my own inner grain, my belief—my credo, I might say—that in this modern, technological, bureaucratic age men are in more dire need than ever before to communicate, *truly* communicate, with one another.

And this, friends, is really the issue I have at heart while taking my leave from you and from that great, but also big, institution: The United States Army. Yes, big too, and therein lies a problem. It has been my observation that in *all* large organizations—civilian or military, secular or clerical—*de*personalization is the most serious and most pervasive single threat to the effectiveness of the whole body and to the sustained performance of its members. Have we not all seen individuals, soldiers as well as civilians, turn from eager, enthusiastic, courageous men and achievers into dehydrated bureaucrats? Do not let us accept the myth that this is an unavoidable consequence of numerical growth itself, that there is no room for warm-blooded strong personalities and for human relations within the big green machine. Let us, for Heaven's sake, not end up by equating efficiency and excellence with Systems Analysis.

My whole life has been so definitely wedded to practical affairs that I can hardly be considered a dreamer walking in the clouds. Yet, I venture to state that one *can* move from de-personalization to re-personalization. And while there is no glib psychological cookbook or Manual on Leadership which can provide a mechanical procedure, or concocted recipe there are a few very simple ways:

First: The higher a man is placed in the organizational totem pole, the greater an effort he must make to take a personal as distinguished from a merely professional interest in the ideas, the ideals, the inner being of those serving under him.

Second: Let those in positions of Command be untiring talent scouts. I guarantee you that very astonishing finds will be made if you are forever on the lookout for the man who might be a born planner, a born logistician, a born inspirer of others in combat or in peace. Only, I beg, do not ever commit the error of trying to make an excellent piano player into a violinist or vice versa. Even the most gifted among us are endowed only in some fields, and in this complex age it is most necessary to form a very precise judgment of *who* is good at *what*, and, above all else, who is a man of rocklike character able to stand through a crisis and who is but a clever theoretician unable to act. We do have the talents; let us unceasingly search for them. The Department of the Army is not a computerized machine, composed of what is technically referred to as "Personnel," but a dynamic body of soldiers and civilians, men and women, real live warm human beings. Let us not only take care of their material needs but let us make a vow to keep their hearts and souls alive today, tomorrow and forever more.

History teaches that even the great and peaceful Democracies may fall on hard times of terrible and terrifying crises. Should such times ever arrive—and there is none among us who cannot see that we live in a dangerous and explosive World—the supreme civilian authorities of this our nation must be able to call on and count on its Armed Forces as a means of last resort.

While I pray that the call to arms will never actually come, I also pray, trust and believe that, should it come, this Army of ours will be quietly ready in body and spirit.

Nancy and I leave you with perhaps a tear in our eye, but definitely sincere and hearty smiles on our faces. We refuse to think that we are leaving good friends. Rather, we thank the good Lord that we have had this opportunity during this completed chapter of our lives to make many new friends.

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THE WHITE HOUSE,
*Washington, D.C., May 1, 1973.*

Hon. ROBERT F. FROEHLKE,
*Secretary of the Army,*
*Washington, D.C.*

DEAR BOB: It is with deep appreciation for your outstanding service—and sincere regret that you will be leaving us—that I accept your resignation as Secretary of the Army, effective May 15, 1973, as you requested.

For more than four years, you have been a leader in our efforts to improve the management effectiveness of the Department of Defense. As Assistant Secretary for Administration, you contributed substantially to the efforts of Secretary Laird and Deputy Secretary Packard to recruit outstanding personnel and to mold them into a hard-hitting management team. And your superb efforts in developing clearer lines of policy and fiscal control over the Department's intelligence resources has had the added benefit of improving communications among all the intelligence agencies.

Perhaps most importantly, the Army today is a stronger, more confident group of men and women than it was when you became Secretary two years ago. You have been not only an outstanding leader during this time of transition to an all volunteer force, but also one whose personal dedication has been felt throughout the ranks. The result is a renewed pride and sense of mission within the service, and greater respect for our men and women in uniform among the American people.

I will always be grateful to you for your willingness to play a part in our Administration, and I hope these past four years are ones which will be a continuing source of pride to you. You have served our Nation with great distinction, and as you return to private life, I am pleased to have this opportunity to extend my warmest best wishes to Mrs. Froehlke and to you.

Sincerely,

RICHARD NIXON.

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## PARKVILLE, MD., STUDENTS INDUCTED IN NATIONAL JUNIOR HONOR SOCIETY

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. LONG of Maryland. Mr. Speaker, the Alvin V. Burgess chapter of the National Junior Honor Society at Parkville Junior High School in Parkville, Baltimore County, Md., recently inducted 50 members.

The criteria for membership in the society include outstanding achievement in five areas: Scholarship, leadership, service, character, and citizenship. The young people recently inducted represent both the high ideals of the society and the thousands of junior high school students who are annually made part of this select group.

Each member accepts by his or her induction a high standard of achievement against which to compare future endeavors. I congratulate and send best wishes to these inductees:

Pam Alexander, Pam Amoss, Cosette Arbin, Ellen Armandt, Kathy Bailey, Sharon Baummer, Mary Beall, Lisa Belsky.

Theresa Bents, Diane Ciampaglio, Alice Clark, Beth Clark, Beverly Davis, Penny Derrickson, Manette Frese, Terry Gradl.



XUM

Richard Huneke, Debbie Insley, Laurie Jones, Stacie Klebe, David Koepper, John Lathroum, Cindy Leach, Susan Lisek, Karen Lombardi.

Wayne Mahaffey, Andrea Miller, Harriet Miller, Joanne Miller, Keltie Mull, Janice Myers, Susan Myers, Linda Naumann.

Kathy Naylor, Ginger Owens, Scott Parks, Patti Powell, Lois Rassa, Elena Riviert, Kimberly Roberts, Sue Roznowski.

Steve Sauthoff, Ray Schulmeyer, Tessie Schulmeyer, Coralea Simmons, Brian Torone, Ron Tyszko, Eddie Vance, Karen Waitkus, Cindy Zuromski.

## FREIGHT CAR SHORTAGE

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. BRADEMAS. Mr. Speaker, the Nation is currently undergoing the effects of a transportation crisis in the form of a shortage of railroad boxcars.

I have received numerous communications from constituents concerning this problem, and according to recent reports the average daily nationwide shortage of boxcars now amounts to over 16,000 units.

The Washington Post of Sunday, May 13, 1973 contains an excellent article summarizing the problem, and in order that all of the Members might be informed as to this pressing difficulty I include it at this point in the RECORD.

The article follows:

FREIGHT CAR SHORTAGE

(By William H. Jones)

When Gordius, king of Phrygia, tied a knot which was incapable of being untied except by the future ruler of Asia, the knot stayed that way until cut by Alexander the Great.

Similarly, the nation's rail transportation network today has been tied into a very tight Gordian knot—and there's no expectation that it can be cut open any time soon.

The annual freight car shortage has struck America in 1973 with a vengeance never before experienced, aggravated by the cumulative pressures of huge export grain deals for which there was no adequate prior planning, the ravages of unseasonal weather and record flooding, bankrupt railroads in the Northeastern states and a booming national economy.

"In history, it's never been this bad," said Thomas J. Byrne, the rail section chief of the Interstate Commerce Commission.

Since the crisis started building in January, Byrne has spent most of his waking hours placating angry shippers, governors and congressmen, as well as cajoling railroad executives to get moving.

The shortage of freight cars peaked at a record high during early April and since has eased a bit with the opening of seasonal Great Lakes shipping. But a severe shortage still exists and experts say it may be several years before the transportation system recovers from what began in euphoria last August, when the U.S. announced it would sell 422 million bushels of grain to the Soviet Union.

At various times since, grain elevators have stood filled to capacity with no railroad cars nearby for loading, and farmers have fretted because they lacked fertilizer to plant new grain crops—the fertilizer was in Texas, waiting to be loaded into freight cars.

Lumber has not been delivered, causing delays on some construction projects across the nation. Food as been tied up, which could become a factor in supermarket pricing.

During the worst period, Byrne said, there was an average daily nationwide shortage of between 16,000 and 18,000 boxcars, plus a like amount daily of hopper cars.

Back in January, the ICC thought the crisis was bad when only 9,000 boxcars and 10,000 hopper cars were short every day. At present, the shortages are down to about 12,000-13,000 each of boxcars and hoppers a day.

"We consider any daily average in excess of 8,000 a real critical situation," said Byrne, whose agency has pressed to the limits its power in what has become a virtual national emergency.

"There are just not enough cars to meet the demand," said Byrne, "with the huge grain shipments, growing demand by cotton shippers, a jam-up of lumber, and the booming economy."

The shortages are nearly everywhere: manpower is lacking, locomotive power is not enough, railroad yards are clogged, grain elevators at ports can't handle the volume.

The only portion of the distribution pipeline capable of meeting demand has been ocean shipping. At times, about 50 ships were motionless in the waters off Gulf Coast ports during March and April, waiting for berths to open up so their empty holds could be filled with grain.

But there has been a separate impact on maritime shippers, whose rates for moving others commodities have risen sharply in recent months because ocean vessels were committed for more lucrative grain shipments. There are now fewer ships to go around.

Basically, a transportation bottleneck of various proportions occurs every year because crops and products are not produced on a continual basis. There are peaks and valleys of demand for all types of transport and the industry as a whole cannot afford to build a fleet large enough to handle every last shipment during peak demand.

The huge and unexpected impact of grain shipments for export, however, created a greater bottleneck in 1973. There is a widespread fear that, by the time of the next harvests this summer, elevators and the transportation pipeline still will be clogged.

On top of the grain agreements, the economy has moved forward at a pace too rapid for the transportation system to accommodate. "You can't get there all at once," said economist Arthur Okun on Friday, discussing the overall economic boom today. "Even if the capacity is there, it can't all be turned on at once."

Okun, former chairman of the Council of Economic Advisers under President Johnson, asserted that while he's basically an expansionist, "it's important to get there in a gradual way, less abruptly."

Edwin M. Wheeler, head of the Fertilizer Institute, recently testified on Capitol Hill that there is "no vehicle in the English language that describes the urgency of the situation or our utter frustration in trying to solve it."

He noted that some 46 million tons of fertilizer are expected to be produced in 1973 and that 75 per cent of the output is needed on the farms now. "Unless we can move this material, there is no hope for reduced supermarket prices," Wheeler testified.

W. H. Van Slyke of the Association of American Railroads said the major problem has been at the Gulf Coast ports, where the overwhelming majority of grain tonnage is sent for loading on ships. There just aren't enough grain elevators at the ports to unload rail cars fast enough, he said.

During the winter months, an alternative—the Great Lakes—is frozen shut. And shipping all the way to the East Coast has never been feasible because of longer-distance costs.

On one day in April, for example, the Houston port unloaded 719 freight cars while another 2,419 remained backed up either in the port area or north of Houston.

The opening of Great Lakes ports has changed the picture in more recent weeks. On May 2, for instance, 738 cars were unloaded at Duluth-Superior and no cars were backed up. In Houston on that day, the backlog was down to 1,632.

Any "easing" of the crisis is more apparent than real, however. For one thing, Byrne said, flooding throughout the Midwest has adversely affected shippers' ability to load freight cars.

And Robert Brastrup, administrator of the Montana Wheat Research and Marketing Committee, in a telephone interview from Helena, pointed out that farmers are now in the fields seeding and not in a position to deliver grain as they were during colder months.

Since last fall, Brastrup estimated, farmers in Montana alone have shipped 100 million bushels of grain out of their state, mostly on train cars. Trucks have been used as much as possible, but the supply of rental trucks is exhausted.

Another factor in the recent, slight easing of the grain bottleneck has been the only truly innovative project to date—shipping grain as if it was coal, through facilities at Newport News, Va., operated by the Chessie System (combined Chesapeake & Ohio/Baltimore & Ohio railroads).

Chessie's coal unloading operation was idle and company executives approached Continental Grain Co. with a suggestion that grain be shipped in open-top coal hopper cars, which would be made part of a so-called "through" train—meaning that an entire train was made up of grain-carrying hoppers and moved over the tracks of several railroads to a destination without switching and yard delays.

Some earlier attempts to ship by open hopper, with the grain covered by canvas or plastic and shipped from the Midwest to Gulf ports, had failed because heavy rains and winds ripped off the covers and soaked the contents to the point that grain solidified.

Chessie, however, helped design a combined plastic-cotton covering kept in place by what are really huge rubber bands. The new grain trains being moved into the Virginia port area are utilizing unique machines that pick up entire hopper cars and turn them on their sides for unloading into waiting ships.

Other railroads' grain shipments through the ports of Virginia and Baltimore have increased sharply. James E. Carr, newly named senior vice president of the Norfolk & Western Railway, said last week that in the first quarter this year, N&W moved 27,000 carloads of grain through Hampton Roads, a 59 per cent increase from a year earlier.

Carr also revealed that Continental Grain might expand a grain elevator operation in Norfolk and said an unidentified firm will probably soon announce a "fairly substantial capital expenditure for a Tidewater grain operation.

While expansion of grain export operations at East Coast ports could have a long-term impact, the proportion of overall tonnage today is very small—even with Chessie's innovation. (Chessie also inaugurated new through trains to bring lumber to the Washington area from the Pacific northwest.)

Of an estimated 1.15 billion bushels of wheat exports in the 1972-73 crop year ending June 30, about 30 million bushels will be processed through the coal operation in the Virginia port.

Overall, considering all the unexpected pressures, most government and transportation experts give the nations railroads high marks for their performance in recent months.

In the 12 months ended Feb. 28, railroad companies added 6,998 new covered hopper cars to their fleets at a cost of more than $125 million. And as of March 1 another 5,198 hoppers were on order—all of them with bigger capacity than older cars.

Orders for new and rebuilt freight cars in the first quarter this year—20,126 cars—were nearly double the year earlier pace and the highest since 1966.

Cumulative freight volume carried by the major railroads in the first 15 weeks of 1973 was 236 billion ton miles, up 8.8 per cent from the 1972 period. Seven Midwestern railroads have ordered 300 new diesel engines, too.

One problem in this area, however, has been the northeast railroad crisis, where six bankrupt companies cannot afford the capital outlays needed to buy new equipment.

This has resulted in a situation where profitable southern and western lines are seeing the new freight cars not on their own systems but tied up in the northeast. Southern Railway president W. Graham Claytor, Jr., says his firm lost "several millions of dollars" of potential revenues in the first quarter because enough cars were not available to meet customers' demands—despite Southern's record investments in new rolling stock, which was elsewhere in the U.S. rail network.

During one recent week, the Burlington Northern, another profitable company which has been buying new freight cars, found that 57 per cent of its boxcars and hopper cars were on other railroads.

According to spokesmen for western railroads, the less profitable lines in this region find it easier to pay penalties for holding on to other companies' freight cars too long than to build new cars.

Some hard-pressed representatives of grain producing states have called on the ICC to issue an "exclusion order," which could force all railroads to immediately send back freight cars to the railroad of ownership. But that could leave the notheast with inadequate cars to move food and fuel, other experts said.

Stephen Ailes, president of the Association of American Railroads, said recently that since all forecasts indicate greater transportation needs in further years, some rail companies must be given federal financial aid to improve capacity and utilization. Basically, the industry supports a program of government-guaranteed loans.

Brastrup, of the Montana wheat committee, said the three main ways to deal with the problem on a long-term basis are to build even more hopper cars, to enforce stiffer penalties on eastern railroads that tie up freight cars, and to establish a new rate structure for grain hauling that will encourage such efficiencies as through trains.

There is little doubt that in the next decade, at least, American's output of grains for export will soar with demand from abroad. This year alone, the Agriculture Department said Thursday, farmers are expected harvest a record 1.28 billion bushels of wheat, or 8 per cent above the 1972 pace.

## THE COURAGE AND PROPHETIC QUALITIES OF HON. HALE BOGGS

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HUNGATE. Mr. Speaker, about 2 years ago our distinguished colleague and majority leader, the late Hale Boggs, placed a statement in the RECORD which at the time aroused skepticism in some of us as well as in the public and the press.

A reading of his statement today shows its truly prophetic qualities and reflects again his courage and the contribution Hale Boggs made to our country:

[From the CONGRESSIONAL RECORD, Apr. 5, 1971]

DIRECTOR OF THE FBI J. EDGAR HOOVER SHOULD RESIGN

Mr. BOGGS. Mr. Speaker and my colleagues, I apologize for my voice. I have a cold.

What I am going to say I say in sorrow, because it is always tragic when a great man who has given his life to his country comes to the twilight of his life and fails to understand it is time to leave the service and enjoy retirement.

Mr. Speaker, I am talking about Mr. J. Edgar Hoover, the Director of the Federal Bureau of Investigation. The time has come for the Attorney General of the United States to ask for the resignation of Mr. Hoover.

When the FBI taps the telephones of Members of this body and of Members of the Senate, when the FBI stations agents on college campuses to infiltrate college organizations, when the FBI adopts the tactics of the Soviet Union and Hitler's Gestapo, then it is time—it is way past time, Mr. Speaker—that the present Director thereof no longer be the Director.

The greatest thing we have in this Nation is the Bill of Rights. We are a great country because we are a free country under the Bill of Rights. The way Mr. Hoover is running the FBI today it is no longer a free country.

I was astonished to read in the paper this morning where Mr. Mitchell says that he is a law-and-order man; therefore, Mr. Hoover, being a law-and-order man, will stay on. If law and order means the suppression of the Bill of Rights, infiltration of college campuses, the tapping of the telephones of Members of Congress of the United States, then I say "God help us."

I ask again that Mr. Mitchell, the Attorney General of the United States, have enough courage to demand the resignation of Mr. Hoover.

## WITHOUT TAX FUNDS

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. GAYDOS. Mr. Speaker, the borough of White Oak in western Pennsylvania boasts a community athletic association that now possesses a 38-acre play spot which contains baseball fields, a lighted football gridiron, basketball courts, a new gymnasium, a snack bar and picnic grounds.

Other places, I am sure, have provided similar facilities for the enjoyment of their youngsters. None, however, in my judgment, can exceed in spaciousness and quality of equipment of the White Oak complex.

What is more, the job done by the residents of White Oak serves as needed evidence that private effort still has an important role in the building up of our country and that not everything in the way of civic progress must come through the use of tax funds.

The people of White Oak made the recreation center possible. They got the idea, organized the association for the purpose of fulfilling it and then set out and raised the money needed in fund drives and by donations and dues paid by the organization membership. The only outside help was a contribution by the Scaife Foundation of $20,000 toward the cost of a community center and lights for the football field.

Most of the hard labor was furnished by the fathers of the children benefited. A lot of the fund raising was done by their mothers. The Boy Scouts, too, have given a hand. A giant electric scoreboard is the work of Explorer Post 22, produced under the guidance of Duane Simpson, an electrical engineer and a former president of the athletic association.

The present officers of the association are Manuel G. Stoupis, president, Tom A. Kemper, vice president, C. A. Neuschwander, secretary, G. A. Antoncic, treasurer, and C. A. Mandella, assistant secretary.

The association, with its physical plant now worth an estimated $150,000, has had 6,000 children participate in its programs since it came into being back in 1956, a figure that is increasing at a higher rate year after year. Last year it supported a long list of activities for both boys and girls and now has ambitious plans to add tennis courts, sledding trails, skating rinks, handball courts and more equipment for indoor games in Winter months.

The people of White Oak deserve congratulations. They also deserve the thanks of all of us for having proved once more in this age of heavy governmental spending, and growing reliance upon it, that all Americans have not lost the knack or the zest for getting things done through their own initiative and effort:

What makes this athletic complex unusual is that it was built without any government funds—federal or local.

White Oak can be justly proud of that.

## THE PEOPLE HAVE SPOKEN

### HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. LOTT. Mr. Speaker, when I mailed out 150,000 questionnaires in early January to the people of Mississippi's Fifth Congressional District, I was staggered by the incredible response. My first newsletter, mailed in late April, reported the results of that poll.

Some 30,000 South Mississippians responded to the questionnaire. I believe that such a response is additional evidence that the people of Mississippi are deeply concerned about the problems of this country.

So that my colleagues on both sides of the aisle may study the results of the poll, I hereby submit them for inclusion into the RECORD:

THE PEOPLE HAVE SPOKEN

1. The three issues people feel are the most important and should be given top priority are: (1) economy, (2) education, and (3) taxes.

2. Many programs have been introduced to restructure the American health care system by replacing individual medical practice with large, federally-subsidized clinics. Cost estimates range from $12 billion to $77 billion. Do you favor enactment of such legislation?



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Yes: 13%; No: 85%; Undecided: 2%.

3. Federal farm controls and supports should be: (a) Phased out within five years: 44%; (b) Continued substantially as is: 52%; (c) Increased: 4%.

4. Do you favor federal intervention when prolonged labor strikes threaten the public interest?

Yes: 62%; No: 28%; Undecided: 10%.

5. Do you think Social Security payments should be automatically adjusted upward with the cost of living?

Yes: 71%; No: 15%; Undecided: 14%.

6. Do you think the U.S. financial contribution to the United Nations should be reduced?

Yes: 87%; No: 9%; Undecided: 4%.

7. Would you be willing to pay more for products if their use and manufacture could be made pollution-free?

Yes: 30%; No: 55%; Undecided: 15%.

8. Do you favor removal of the Social Security earnings limit?

Yes: 72%; No: 22%; Undecided: 6%.

9. Would you favor passage of a constitutional amendment to prohibit busing to achieve racial balance in public schools?

Yes: 91%; No: 5%; Undecided: 4%.

## PLANNING COMMUNITY DEVELOPMENT IN SANTA BARBARA, CALIF.

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. WALDIE. Mr. Speaker, in these days of burgeoning population and increasing overcrowding of cities, more attention needs to be paid to far-sighted planning of community development.

In Santa Barbara, Calif., there exists a Community Planning Association, from whose experience over the years I believe many other cities could benefit. The activities of this organization, and the need for such planning, are described in an article by Leon B. Sager, entitled "The 'Intentional' Community", appearing in the spring 1973 issue of Cry California, a magazine dedicated to creating greater public awareness of the problems to be faced in maintaining a beautiful and productive California.

The article follows:

THE "INTENTIONAL" COMMUNITY

(By Leon B. Sager*)

Internationally known for its beauty, the California coastal city of Santa Barbara has become endangered by a dramatic increase in population, primarily new residents. Santa Barbara is in one of the fastest-growing counties in the United States, with a current population of 250,000 mostly concentrated in the Goleta Valley area west of the city. The expansion rate was 56 percent between 1960 and 1970, twice that of the state and four times that of the nation. One of the most serious consequences of this tremendous growth is the rapid conversion of pleasant orchards and open land to drab, unplanned housing and commercial units. In company with many other localities, Santa Barbara now faces the question: can unlimited growth and unplanned urbanization be stopped?

* A resident of Santa Barbara, Leon B. Sager is active in several community groups interested in preserving the character and beauty of the city. His articles have appeared in the magazine of the Center for the Study of Democratic Institutions, among other publications.

Fortunately, there is among the citizenry a strongly motivated group of capable and concerned individuals willing to devote a large amount of time to civic affairs. This has been true for over half a century. Notable among them, recognized nationwide for her effective environmental activities, Miss Pearl Chase expresses her sentiments and those of her associates: "A city that develops finely should delight the eye, feed the intellect, and lead the people out of the bondage of the commonplace." Santa Barbarans are also fortunate to have a daily newspaper, the *News-Press*, which is alert to the environmental hazards of uncontrolled development.

As early as the 1920s, within a year of the disastrous earthquake of 1925, a Community Arts Association was formed, with branches in drama, music, the arts, and plans and planting. An architectural board of review was created, and all proposed structures required the board's approval—something found in few cities in the country at the time. Largely creditable to these pioneers and their successors is the charming Spanish-style courthouse, built in 1929, with its high-ceilinged supervisors' chambers emblazoned with murals depicting the history of the city from the 16th century, as well as palm-tree bordered Cabrillo Boulevard; State Street's wide, mosaiclike sidewalks, benches, trees and fountains; and El Paseo, a section of shops, offices and restaurants, including the "Street of Spain." This mall-type development in the heart of the city, combined with ample free and convenient off-street parking, has enabled Santa Barbara so far to counteract the attraction of new and elaborate suburban shopping centers and escape the blight and deterioration suffered by the downtown areas of so many cities across the country.

Unfortunately, other less-attractive developments have also emerged. An example is the contiguous, unincorporated community of Goleta to the west above Santa Barbara. *Today's Action, Tomorrow's Profit*, a brochure published by the Community Environmental Council of Santa Barbara, to which the writer is indebted for part of the research in this article, says of Goleta: "Prior to 1950, the city remained a small town surrounded by orchards and cropland of fine quality. Goleta urbanized rapidly during the late 1950s and early 1960s, with growth sprawling outward from the town center. Though by 1965 the city was already well on the way to saturation, construction has continued at an undiminished pace, filling the entire eastern portion of the valley with new development." Most of it is unsightly and, unless significant changes occur, destined for ever-greater deterioration. The delightful and productive lemon and avocado orchards which helped make the area unique and lovely are being rapidly converted to unplanned and undistinguished residential and commercial districts.

In 1964, after years of effort, citizen groups developed a movement to create coordinated county and city general plans. All segments of the community participated. To assist in design and final plans, the county board of supervisors engaged the services of Simon Eisner & Associates of Pasadena. Primarily providing a land-use policy for the city as well as the county, the plans, as adopted, make recommendations concerning zoning, subdivision laws, building heights, transportation and land assessment. Despite far-sighted features, many of which have been beneficial to both city and county, there is continuing disagreement as to whether the plans provide sufficient safeguards against excessive growth. There is even concern that the plans would not prevent disastrous development of much of the south coast area of the county.

It has become clear that a short-range, exclusively local economic perspective is inadequate if the area is to escape the fate that has befallen cities and their suburbs across the nation. In the early 1960s, a period of economic boom in Santa Barbara as well as throughout California, land-use policies, basic in determining population density, became the dominant issue. Citizens divided into two general groupings, developers and conservationists, the one primarily concerned with immediate profits, the other with the long-term effect of growth on their way of life.

In the continuous struggle, each group has scored both victories and defeats. Developers have frequently increased population density by securing zoning variations altering the general plans. Though conservationists frequently found themselves accepting the inevitability and even desirability of some expansion, they have continued the fight and often stemmed the tide of development.

Differences between organized citizenry and elected officials are no novelty in either the city or the county. George Clyde, a member of the county board of supervisors who retired a short time ago, observed that "The people of Santa Barbara County had to come to the rescue of their coastline three times recently after the supervisors had approved [development which] would have been detrimental." But, as Mr. Clyde has also noted, "Attitudes of elective officials have changed somewhat in the past two years, and there is a possibility—a slim one—that the drastic decisions needed to preserve our environment will be made.

"Two of the prime decisions that must be made are: the adoption of a new General Plan, radically limiting future population growth; and the rolling back of zoning to conform to such a new General Plan.

"If these two steps are not taken, the environment of the South Coast area of Santa Barbara will be degraded simply by an overabundance of people. Population projections show a South Coast total in the year 2000 of nearly 300,000 persons—and this figure is *below* the holding capacity of the present General Plan. We can probably live with some growth but we cannot live in a quality environment as we know it today with anything like 300,000 people in the South Coast area."

Control of high-rise buildings has long been a primary concern of Santa Barbara residents, particularly proposals for such construction on the waterfront. They were familiar with the unfortunate development at La Jolla, near San Diego, where high-rise at the water's edge proved disastrous, ruining the ocean view for the entire city and curtailing public use of the beaches.

Citizen groups were active and effective in the 1960s in stopping two efforts to construct high-rise buildings. In 1966, the Santa Barbara Biltmore Hotel obtained a conditional-use and variance permit for construction of a high-rise annex on the beachfront. A local group took the matter to the Santa Barbara Superior Court where they received a ruling in their favor. When this was contested, the matter was taken to the District Court of Appeals in Los Angeles and the decision of the lower court was upheld.

The El Mirasol Hotel had been a Santa Barbara landmark for over half a century. Set in beautifully landscaped grounds, it entertained guests from all over the world. But by the 1960s, the property was in a state of increasing decline. It was sold, the buildings were torn down, and plans were developed in 1969 for a high-rise apartment complex, including a six-story structure, which required a variance of zoning. Powerful forces were set to work and a variance was approved by the city council. A high-rise structure in the very heart of the city seemed a certainty. Again, a group of citizens instituted legal action, at the conclusion of which the court reversed the city council's decision.

Fearful, nevertheless, that the developers would ultimately make a breakthrough, many citizen groups combined their efforts to secure permanent safeguards. The culmination was a well-attended series of three forum meetings in March and April, 1970. After all sides had been heard, polls indicated that a large majority opposed high-rise. Apparently impressed by such evidence, the city council resisted all pressure by the developers and high-rise was again avoided.

Santa Barbara's zoning ordinances provide that no building in a residential area may be higher than 30 feet for one- or two-family units, 45 feet for three or more units, and 60 feet for industrial or commercial structures. As with any zoning, however, the city council was empowered to grant variances. Still apprehensive that this might happen at some future time, a group of organizations led by the League of Women Voters placed on the November 1972 ballot a proposition, now incorporated in the city charter, which precludes any future amendment or variance of the building-height limits existing in the charter.

Another important city ordinance, passed in 1969, pertains to El Pueblo Viejo, an area consisting of some 72 blocks in the center of the city. Under the terms of the ordinance, no structure may be built or altered in the area which does not conform to one of three styles of architecture: California adobe, Monterey or Spanish Colonial.

Thus, continuous efforts on the part of conservation-minded citizens have been necessary to preserve the quality of Santa Barbara's environment.

In January, 1969, Santa Barbara was struck by an environmental disaster which quickly became and for many weeks remained a front-page story, with repercussions continuing to the present. A Union Oil Company drilling operation lost control of an oil well in the Santa Barbara Channel. Huge quantities of oil poured into the ocean, quickly reached the beaches, and what had been one of the nation's choice playgrounds and a habitat for birds and marine life became a scene of filth and desolation.

Again, the community responded. Within two days, an organization was formed which called itself GOO (Get Oil Out! Inc.) and addressed itself to the immediate task of cleaning the beaches and rescuing oil-soaked birds. GOO's long-term goal was, and is today, to terminate all oil-drilling operations in this area of the California coast and to make offshore operations safe in other areas. Demands for both state and federal legislation were made by the group.

The sensitivity of the issue and its national scope became quickly apparent. It was to be a battle with giants. A full and reliable account of events surrounding and following the misfortune is to be found in *Black Tide* by Robert Easton, a Santa Barbara author. In summary, possibly GOO's greatest achievement after three and a half years of unremitting effort is the focusing of national attention on the problems of offshore oil-drilling. Though other accomplishments must be considered modest, they are not insignificant. On the state level, authorization of drilling permits has come to a complete stop, and a sanctuary zone has been established around the Channel Islands where oil companies cannot operate. Federally, as of this writing, there has been a temporary blocking of the installation of two drilling platforms—a potential of 140 wells—and of exploratory drilling on 35 leases in the Santa Barbara area. Initiated by GOO and similar organizations in most coastal states, extended Congressional debate is in progress considering whether all offshore drilling should be discontinued.

On still another front, a major disruption occurred in Santa Barbara during the 1960s. Surprisingly, this resulted from a decision by the Regents of the University of California to expand and relocate the already existing Santa Barbara State College into a branch of the university in the Goleta Valley. At first, citizens were pleased. A branch of the esteemed university would surely add prestige to the city. But concern quickly developed when it was learned that plans were being made for a student body of 25,000 which would require a faculty and staff of some 1,200, and neither the Santa Barbara City Council nor the County Board of Supervisors had been consulted during the planning. A major oversight was the lack of provision for off-campus student housing. Concern soon turned to consternation.

Isla Vista, a new, unincorporated section close to the university campus, became a bonanza for fast-buck builders. Very shortly it became an architectural nightmare. With housing space at a premium, students were compelled to pay exorbitant rental for shabby quarters with few or no services. The housing situation, coupled with student opposition to being drafted in the Vietnam war, resulted in a series of violent disturbances that shocked the entire community. Then came tragedy.

In the wake of the burning of the Isla Vista branch of the Bank of America came the fatal shooting of a student. A long period of turmoil ensued: conflicts between students and university authorites, over-reaction by some police and sheriff forces, and lack of decisive action by the board of supervisors. After weeks of conflict and months of negotiation, quiet was restored. Plans for university expansion have since been curtailed and a new organization has evolved—Isla Vista Community Council.

Finally, there is the fight over the Highway 101 or crosstown freeway which has gone on with the State Division of Highways since 1954. It was then that studies were begun by the state to convert the existing four-lane divided highway to a full freeway. During the intervening years, a series of community meetings took place at which citizens and government officials debated the routing, design and size of the proposed construction. In November, 1971, the Santa Barbara City Council finally entered into an agreement with the state, under the terms of which the surface-level freeway will generally follow the existing Highway 101 route and the Southern Pacific railroad tracks will be moved north adjacent to the new freeway, forming a single transportation corridor through the city. According to the planning program approved by the State Highway Commission last April, right-of-way acquisition is due to begin this year, with construction starting in 1976. But the plan is still opposed by many Santa Barbarans who continue to explore possible alternatives.

Thus, as the Santa Barbara community strives to deal with its problems, it is working steadily to broaden citizen participation in public decisions. Opportunity for education is exceptional, through programs conducted by the Continuing Education Division of Santa Barbara City College, in cooperation with the Community Environmental Council. Some 26,000 individuals, equal to over half the adult population of the city, attend one or more lectures or courses each year. Speakers include members of the faculties of local colleges and UC Santa Barbara, as well as fellows, associates and visiting scholars from the Center for the Study of Democratic Institutions. Recently, the Adult Education Center sponsored a series of lectures and discussions entitled "Last Call for Santa Barbara—the Good Life or Megalopolis?" The well-attended sessions undertook a critical review of the problems facing the South Coast of Santa Barbara. The tape-recorded proceedings were edited and elaborated into the aforementioned brochure, *Today's Action, Tomorrow's Profit*.

An 800-member Citizens Planning Association carries on much of the civic-oriented activity in the area. Few actions of public interest in Santa Barbara County (comparable in size to the state of Delaware) escape its scrutiny. Its influence is attested by the frequency with which consultation is sought by the city council and the board of supervisors before enactment of legislation. The association was a leader in creating the Santa Barbara General Plan. Concerned with land use, open space, density and a multitude of other community problems, CPA has arranged frequent public meetings, among them a series in the fall of 1972 entitled "Water, Water Everywhere," sponsored by the League of Women Voters.

One of CPA's foremost concerns is the South Coast region of Santa Barbara County, under heavy assault from developers and threatened with the congestion and dangerous levels of pollution which afflict the Los Angeles basin. Together with numerous other ad hoc groups whose formation was prompted by concern for the community at the time of the oil disaster, CPA has hopes that the haphazard development can be halted before it exceeds the holding capacity cited by former supervisor Clyde. Among such groups is the Community Environmental Council, formed in 1970. Composed largely of people in the 20-to-40 age bracket, it has become a strong voice for comprehensive environmental planning. A basic premise shared by these organizations is that, for the most part, Americans have not anticipated problems—they have reacted to them. Santa Barbara, they are determined, shall be different.

Old or new, citizen organizations have much to engage them. In February, 1972, following the city council's adoption in 1971 of the crosstown freeway routing and relocation of the Southern Pacific tracks, the Southern Pacific Land Company and its associate, American Communities-Santa Barbara, Inc., presented a multimillion-dollar development program to the council. Their original proposal included a 500- to 1,000-room motel/conference complex and various other developments directly on the beachfront. Proponents of the project claimed it would attract tourists and thus act as a significant boost to the economy. Many Santa Barbarans, however, viewed such claims with reservation, if not alarm. In their opinion, the proposed closing of Cabrillo Boulevard, together with the thousands of tourists who would be drawn to the area, presented a serious threat to the character and quality of Santa Barbara life.

A newly formed citizen group, the Committee to Save East Beach, with the cooperation of other organizations, sponsored a citizens' symposium of lectures and discussion regarding the proposal, and also engaged the services of the design firm of Skidmore, Owings and Merrill to assist the committee in conducting a one-month study of the overall situation in lower Santa Barbara from the freeway to the waterfront, prepare a sketch plan, and assist local talent in developing alternate proposals for the waterfront area. Following completion of the study last July, the result, entitled "A Plan for East Beach," was presented at a large public meeting. William Penn Mott, Jr., director of the State Department of Parks and Recreation, and John Fisher-Smith of Skidmore, Owings and Merrill addressed the group. Mr. Fisher-Smith showed slides contrasting well-planned design in cities across the country with poorly planned and haphazard development.

Responding to this broadly based citizen concern, the city council authorized the committee (now renamed "The Committee for Santa Barbara") to meet with the developers, representatives of the Chamber of Commerce, and other interested parties, to create a comprehensive development plan for the city's vital waterfront area. These meetings have established a basis for cooperation which may prove fruitful. They may, in fact, lead to the kind of innovative development Santa Barbara is known for.

A strong research and design team has been created by the Committee for Santa



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Barbara to work with landowners, developers and city planning authorities toward a comprehensive design for the entire lower Santa Barbara area. Hopefully, the plan will include open space and parkland melded with hotel, housing and commercial developments.

What of the future? It is evident that much further deliberation is needed. If present community concern and involvement can be sustained and enlarged, there is reason to hope that the problems can ultimately be resolved and the beachfront area made an harmonious addition to the city's many attractive features.

Many Santa Barbarans believe that if they are to avoid the catastrophe of megalopolis, the entire county must be seen in perspective; contradictions and conflicting priorities must be resolved. Further, in the opinion of many observers, Santa Barbara must study its problems in relation to a regional concept. It must consider the impact upon its own environment of social and economic decisions made by neighboring counties to the north and south, and it must take proposed state and federal actions closely into account.

As in many other communities the nation over, concerned residents and officials know that without such effective comprehensive planning, they are faced with increasing environmental deterioration, the inevitable result of a never-ending series of rear-guard actions which are sometimes successful but hold dim prospects for long-range solutions. However, if past efforts are indicative, the prospect is good that Santa Barbara can preserve the qualities which have won the admiration of visitors from every part of the world and uphold its reputation as an "intentional" community deeply concerned with the quality of life.

## CONGRESSMAN DOMINICK V. DANIELS ENDORSES NATIONAL DAY OF PRAYER

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. DOMINICK V. DANIELS. Mr. Speaker, recently I sent a letter to constituents in the Hudson City section of Jersey City, N.J., soliciting responses from citizens on pending national problems and seeking solutions.

Naturally I received a number of views, many of which were worthwhile and which I shall seek to implement. However, one respondent, Mr. Fred Bogad of 3719 Kennedy Boulevard, Jersey City, N.J., offered a suggestion which I think has some merit. Mr. Bogad suggested a national day of prayer when people turn away from mundane things and give time to prayer. I think that Mr. Bogad's idea is an excellent one and I think that many religious persons would agree with him. Certainly I do.

Mr. Speaker, there are also a great many persons not particularly religious who might appreciate one day a year when America comes to a halt, no newspapers, no television, no public transportation except for emergencies. This would be a day when all Americans could commune with their God or simply spend the day with their families at home, a kind of national recharging of the batteries. Harried, frenetic Americans might find a national day of peace and tranquility an excellent idea.

Mr. Speaker, at this point in the RECORD I include Mr. Bogad's letter. I urge all of my colleagues to read his views.

The letter follows:

JERSEY CITY, N.J.

Hon. DOMINICK V. DANIELS,
*Washington, D.C.:*

I have never bothered with this type of mail simply because I have very little faith in letters to Congressmen. Perhaps you are an exception to the rule. If so, here is my first and probably last reply to this type of mail.

How about setting aside one day where people *do not* buy newspapers, turn on the radio, turn on the stereo, turn on the television.

Instead give time to prayer to God and no other.

The same manner of prayer that Jesus told his disciples to do as in Luke Ch. 11, Vs. 2/4.

This can be done on a non-denominational basis.

Sincerely,

FRED BOGAD.

## THE HIRELINGS FLEETH

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. FINDLEY. Mr. Speaker, the unraveling of the Watergate affair has been a tribute to a vigorous, free press, as President Nixon aptly put it in his address to the Nation.

The editor of my hometown newspaper, The Pike Press, has written an editorial invoking Biblical references which gets right to the point, or at least to one of the points about Watergate. Now that those who betrayed the trust of the American people are leaving the Government, the country must now begin to turn its attention to other pressing matters. True, Watergate must be fully dealt with, and all those guilty of misconduct must be brought to justice. But the Nation must also go about its business in the meantime, and perhaps that is not being sufficiently done now.

Text of editorial follows:

THE HIRELINGS FLEETH

But he that is an hireling, and not the shepherd, whose own the sheep are not, seeth the wolf coming, and leaveth the sheep, and fleeth: and the wolf catcheth them, and scattereth the sheep. The hireling fleeth, because he is an hireling, and careth not for the sheep.—St. John x.11

Many a politician has learned to his regret the truth of the maxim: I can take care of my enemies; it's my friends I need to fear.

Now, one of the greatest politicians of them all, has learned the calamity of being surrounded by those whose "zeal exceeded their judgment."

The Watergate tragedy was brought on essentially because of a handful of infantile men who were hirelings and careth not for the sheep, meaning in this sense, the American public, their true masters—not the President and not a committee to reelect the President.

And so the hirelings fleeth. And surely the sheep are scattereth as opinions of the public range from anguished cries for impeachment to cynical resignation that it's just American politics—common to both parties and hardly unprecedented.

At least we hope public officials will think twice before they excoriate the press again for shining its searchlight where it belongs—from courthouse to White House.

But to his credit, in his nationwide address President Nixon recognized the merit of a "vigorous free press." It could presage a badly needed new understanding with reporters.

And at some point or other the country is going to have to set its mind on some matters besides Watergate. Other problems have been overshadowed, but they're still very much with us. Some day we're going to have to get back to them.

## TRADE POLICY: WILL CONGRESS CAPITULATE AGAIN?

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HANNA. Mr. Speaker, when Members of Congress venture home to give speeches, I have no doubt that one of the most frequently used topics is the urgent necessity of reasserting the role of the Congress vis-a-vis the President in determining national policies. It is also a subject very much in vogue at Washington dinner parties. Yet, with all the talk one hears on this subject, it is amazing how easily this sentiment is lost when a specific opportunity is at hand to take positive action.

Most recently the House had the opportunity to pass a bill through which the Congress would have worked its will on the economic stabilization program. Instead, the House passed an extension of the President's authority devoid of directive or guidelines. I can imagine no greater contradiction of the sentiment for balancing the power of the two branches of Government. There is now on the horizon yet another congressional capitulation to Executive authority. I refer to H.R. 6767, the Trade Reform Act of 1973. The bill virtually surrenders international economic policy to the President. The bill would give the President almost unlimited authority to raise or lower import quotas and tariffs. We have surrendered domestic economic policy to the White House—now, if we surrender international economic policy, we might as well pass one last bill giving the President the power to set taxes and adjourn sine die, lock up the Capitol Building and go home for good.

I am in agreement with many of my colleagues that the President needs an element of flexibility in order to deal effectively at the economic negotiating table—but not to the extent of an "Economic Tonkin Gulf Resolution," such as the President requests. Surely the distinguished members of the Ways and Means Committee can find a legislative formula which will come down somewhere between putting quota and tariff rates in cement and leaving them entirely up to the President.

Mr. Speaker, some of my colleagues may think that I am throwing a wet blanket on what has been billed as "free-trader" legislation. The bill is advertised as giving the President the authority to suspend import duties, for example, but surely this can work both ways—"The King giveth and the King taketh away."

Beyond the important constitutional issue of congressional delegation of authority, a problem arises concerning business decisions. As Mr. David J. Steinberg describes, if the President's bill is passed, we will have a "yo-yo trade policy" with tariff and quotas moving up and down with no regularity or predictability. The consequence for the American consumer, the businessman, and everyone in the economy is permanent uncertainty. Business planning and decisionmaking will be completely disrupted and, as a result, consumer and labor interests will suffer. Most economists would agree, I am sure, that a high level of uncertainty in the economy is very unhealthy. It results in poor planning and a misallocation of resources. This warning from Mr. Steinberg of the Committee for a National Trade Policy should not be taken lightly.

What the administration asks for is simply more power. It is typical of this administration to contend that the solution to problems is more power. But what about programs and policies? What policies will the administration pursue and what programs will they develop if armed with this power? We see no indications of this in the bill, in the President's messages or in the initial administration testimony before the Ways and Means Committee. We have no indication of how the President intends to give the United States a dynamic trade posture.

Furthermore, we are given no idea of what goals the administration intends to pursue. They want to expand trade, they say, but what is the goal by which they can be measured? Five percent expansion, 10 percent, 20? And over what period of time?

Finally, Mr. Speaker, we are given no idea of the administration's feelings and plans with respect to the institutional support for trade policy. Are they satisfied with the support given by the Departments of State, Treasury, and Commerce, which are supposed to be promoting and aiding U.S. export activities? Are they satisfied with existing insurance procedures in the Export-Import Bank? If they are, they stand alone. Those who operate in this field know only too well that we need new institutional supports for the expansion of U.S. trade and the restoration of a favorable trade balance. We need only look at the track record of the countries who have enjoyed the most success in recent years in trade to see that the key to success is an open partnership of public and private agencies promoting a country's products in the world market place.

Mr. Speaker, until the administration gives us a clear picture of its goals—in measurable terms—and elaborates for the Congress and the American people the policies and programs it will pursue, we have no way to judge whether they deserve to have the increased power they seek. To increase trade power in a trade policy vacuum is not responsible legislating.

Surely the Congress can find some formula which will give the President sufficient negotiating leeway and yet put some restriction on his discretion. We should say, for example, Mr. President, you can give away this much and no more. I am confident that the Congress can do it. I know we should do it. But I am afraid that, based on our track record, we will not do it.



## SUCCESS AGAINST POLLUTION

### HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HANRAHAN. Mr. Speaker, the fight against pollution has been a long, continuous struggle. There are many avenues which may be taken when attempting to tackle this problem. One such means has been meeting with success in the Chicago area, local action.

I would like to bring to the attention of my colleagues a recent editorial from the Suburbanite Economist newspaper. This commentary aptly describes how these local groups have achieved success against pollution:

SUCCESS AGAINST POLLUTION

While it is difficult to produce concrete evidence of success in the fight against pollution on a state or national level, it is encouraging to note that citizen action at the local level is getting results.

In Summit, for example, a persistent group known as Save Our Resources and Environment (Sore) has recently won a victory after a three year fight against a roofing company. It is true that the battle went on too long, but the fact that the company is reputed to be the world's largest manufacturer of asphalt felt roofing products undoubtedly made the fight harder and the victory sweeter. The company is presently under a permanent injunction issued by Judge James J. Mejda of Circuit court to desist from polluting the air. The company can be closed if emissions are denser that the court order allows and the emission of certain particularly obnoxious chemicals is strictly forbidden.

In nearby Blue Island a company that makes a fence post coating material is also under a permanent injunction issued by Judge Nathan M. Cohen of Circuit court to desist from polluting the air in the vicinity of its plant with foul odors.

As we mentioned, in both instances the action that led to the injunctions was instigated by concerned citizens. And both groups have been kind enough to credit the Economist Newspapers with providing the proper publicity needed to make their crusades a success. Something we were glad to do, of course.

The point we want to make is that local action may be the strongest weapon in the fight for clean air. City, state and national bureaucracies do a lot of talking about the need for a war on pollution, but that's about it all amounts to: sound and fury, no more. When citizens at the grass roots level become concerned and go to court they can get results, though the effort takes time and money. It cannot be won in a week or a month, but the rightness of the cause will win out in the long run. It cannot be denied.

As an example of the waste and delay that appears to be going on at the upper echelons of the pollution bureaucracy we point to the controversy going on over the appointment of Mrs. Mary Lee Leahy as the state director of the environmental protection agency. A part of the fight involves criticisms leveled at Chicago's program by Governor Walker. Among these are a charge that the city has an $80,000 computer which it received from the federal government as part of a million dollar grant in storage, that the city has been "keeping secret" results of investigations on individual polluters for certain kinds of air pollutants and that the city has not supplied the state with a record of citizens' complaints or smoke violations.

These are charges, we point out, and may not be completely true. However, the fact that there are even grounds for such charges is somewhat of an indictment of the bureaucracy. And, of course, the fact that you have two agencies spending their time throwing stones at each other is a complete waste of the taxpayers' money.

That's why we urge local groups to tackle pollution in their community. Relief cannot be denied on any just grounds and though our courts may not be perfect justice usually does prevail in the long run.

## TRIBUTE TO SYLVIA ZANKICH

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. ANDERSON of California. Mr. Speaker, on May 19, a testimonial dinner will be held in San Pedro, Calif., to honor a lady who has dedicated her life to the service of her community.

Sylvia's entry into community affairs began after a needless tragedy occurred where eight children drowned in the Bixby Slough. Sylvia brought this public hazard to the prompt attention of the local officials and began working to convert the hazard into a recreational area. She worked on the steering committee and organized the public to develop support for the project, which became a reality in 1972.

Her dedication and commitment to the community was recognized by all who knew her and, as a result, she became an active leader in the efforts to improve the quality of life of the people in the South Bay area.

Sylvia Zankich has been in the forefront of efforts to upgrade the activities designed to provide a safe and healthy outlet for the children of our area. Both the San Pedro and Wilmington Boys Clubs have benefited by her contributions and leadership, as have the Los Angeles County Foster Home, the San Pedro Retarded Children's Foundation, the Little League, the Pumpkin Ball, and other community programs for children.

In addition, she has served as the Wilmington Heart Fund Community chairwoman for 7 years. As chairwoman of the United Services Organization, she has brought her zeal and drive to the funding of the worthy philanthropic projects the benefit service personnel and all of the people of the harbor area. Sylvia has also served the Mahar House, the Red

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Cross, the NAACP, and the John Tracy Clinic. She was also the driving force behind the organizing of a new chapter of the Community Service Organization for the underprivileged of San Pedro and Wilmington.

As a successful businesswoman in the bail bond business, Sylvia Zankich is active in the Wilmington Chamber of Commerce and the San Pedro Businessmen's Association.

Her organizing talents have been recognized by public officials in the harbor area, as she was a member of Governor Brown's Advisory Committee, a member of the mayor's Community Advisory Committee, and vice president of the Los Angeles Commission of Consumer Affairs and Social Services.

The first honorary mayor of San Pedro, Sylvia Zankich is a participant in the governmental process, serving in the League of Women Voters, a delegate to many Democratic State conventions, and a National Democratic Convention. She has also been called upon to lead numerous political campaign organizations in the harbor area.

Mr. Speaker, I take great pride in calling to the attention of the House of Representatives the kind of community spirit and volunteer efforts that have made the harbor area such a great place to live, work, and play. These qualities are epitomized by Sylvia Zankich—a fine lady who is recognized as an inspiration to us all. I commend her for her years of dedication, and I salute the people of San Pedro for honoring such a well-deserved individual who has meant so much to the betterment of our community and Nation.

## SECRETARY OF THE ARMY ROBERT F. FROEHLKE

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. BRAY. Mr. Speaker, I wish to acknowledge the untiring efforts of a great American. The President has accepted the resignation of Secretary of the Army, Robert F. Froehlke, effective May 15, 1973.

During his 2 years as Secretary of the Army, Secretary Froehlke has streamlined and improved the Army's management effectiveness. Under Secretary Froehlke's leadership, the U.S. Army completed its mission in Vietnam; saw the return of our prisoners, and trained and equipped the Republic of Vietnam army.

Additionally, credibility of the Army with Congress and the American public was largely regained during Secretary Froehlke's tenure. The renewed pride, confidence, professionalism, and sense of mission within the Army is a tribute to Secretary Froehlke's complete personal dedication.

It is my honor to pay tribute to Secretary Froehlke, an American who has served his Nation with great distinction.

## ELECTION REFORM

### HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. KEATING. Mr. Speaker, during consideration of the Campaign Reform Act of 1972 I introduced an amendment which broadened the responsibilities of the U.S. General Accounting Office of Federal Elections to include the distribution of information on election administration.

While the finance reporting side of the Office of Federal Elections has received most of the publicity, the Election Information Clearinghouse is making considerable progress.

In January of this year the clearinghouse released a study of election difficulties in seven jurisdictions: Oakland, Calif.; Detroit, Mich.; Cincinnati, Ohio; Los Angeles, Calif.; Portland, Oreg.; Cleveland, Ohio; and Akron, Ohio.

The report made 26 recommendations on how the administration of elections can be improved after studying the elections in the seven cities. The recommendations ranged from the role of the courts in election day procedures to ballot size and having election boards practice election day operations.

At the present time the clearinghouse is conducting a basic survey of the more than 7,000 election boards across the country. They are in the final stage of preparing the questionnaire that will be mailed out. The questionnaire will go into problems such as local registration procedures, distribution of election information, machinery used, and the structure of the local election board. The questionnaire will also ask to see if there has been any fraud or election sabotage in the past 10 years in their area.

Currently the clearinghouse is starting two studies on two specific problems in the election administration field. One is on voter registration procedures, and the second is on voting equipment.

The voter registration study will look into the various methods of registration from simple cards kept at a central office to an on-line computer system. The study will investigate the effectiveness of the various systems comparing statewide to county registration and the chances of fraud of the different procedures.

The other study on voting machines will examine the election machinery that is currently available. It will discuss the successes and failures of these machines, their cost, and the chances of fraud from the different systems.

These two studies should serve as a source material for all districts that are looking for new ideas in election administration.

Starting in July, working with the Congressional Research Service, the Clearinghouse will issue reports on changes in election laws and court decisions. Besides the monthly reports there will be quarterly summaries and a year-end final report.

There are, of course, many other areas that still need study.

There are many questions surrounding absentee voting and how this can be made easier. A related problem is the development of residency standards. With our very mobile society, this is becoming an increasing problem.

The Watergate has brought to light the sabotage attempts that go on all too often in political campaigns. We must do everything possible to end all such practices.

At the beginning of the 93d Congress I introduced legislation that I feel will help improve voter participation in presidential elections—moving election day up one month. I was pleased to see that the majority whip in the other body, Senator ROBERT BYRD, introduced similar legislation. This would shorten the campaign and put the election in a period of the year when the weather is better. Another proposal in my bill would establish simultaneous voting hours for presidential elections so that the results from the East Coast will not influence the West Coast.

The Watergate has done serious damage to our entire political system. We have a responsibility to make changes that will give the public renewed confidence in our political system.

## A MOTHER'S PLEA: DO NOT MAKE MARIHUANA LEGAL

### HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. GUNTER. Mr. Speaker, Mr. Robert A. Francis is the director of the Florida American Legion Boys State. He sent me a copy of a letter which appeared in the St. Petersburg Evening Independent on Thursday, May 3, 1973. I believe this letter represents the views of many parents as to the dangers they see regarding the potential legalization of marihuana. I urge my colleagues to take note of this message:

A MOTHER'S PLEA: DO NOT MAKE MARIHUANA LEGAL

EDITOR: I am writing this letter on the way to Fort Lauderdale to visit our son at the drug-abuse rehabilitation center—called "The Seed"—founded by Art Barker:

My husband and I are taking this trip (500 miles) twice a week on Monday and Friday, to attend the open meeting. We leave at 2 p.m., and arrive home between 3:30 and 4 a.m.

From 7:30 to 11:30 a.m., we sit with hundreds of parents at The Seed, looking across to hundreds of young people. We do not talk, we just sit and listen as one youngster after another unfolds his or her story of drug involvement. Ages range from 10 to 25 years—drugs from marijuana to heroin.

Then the time comes for the parents to say a few words and when the microphone reaches us, we get up, look at our son, tell him we miss him and love him.

On March 18 he was 17 years of age. For 16 years he was a fine upright boy with a good sense of justice and high goals, a loyal friend and loving son—a good student, a popular boy who was good in school and good at sports.

Shortly after his 16th birthday, he told us that he was smoking marijuana, that he liked the high feeling it gave him and so did his friends. To subdue our protests and horror, he informed us that he saw harm in taking alcohol or tobacco and would not partake in such partying with his friends even if they should do so. Both, he told us, are addictive and habit-forming.

But marijuana—that was a different story! No hangover, not addictive, and most of all—as he had read——our own government commission stated publicly after much research (not in the houses of families with teenagers) that marijuana is a minor drug compared to alcohol and tobacco; and that same commission recommends legalization of the weed. The same argument was given us by all his friends.

From then on we had to watch our only son turn from an open-minded, honest boy to a boy who had many secrets; who, in place of a kiss when he came home, would look downward, hurry to his room and lock the door. The Visene bottle was never out of reach. His grades in school dropped from A-B to C-D and, on the last report card, an F. The F was for skipping too many days in school, a fact we were not even aware of. A boy with a 100 per cent attending record was twice suspended for 10 days each time, for leaving school grounds without permission. Dents and scrapes on his and his father's car became numerous and so were the traffic tickets.

One night he and two of his friends were arrested while smoking marijuana in our son's car on a deserted strip of marshland. They were all 16 years old. They were handcuffed and brought to the police station. Our son was not charged because his friends had the marijuana and paraphernalia in the back seat at the time of apprehension. Lucky?

I don't know how often I have stood in the laundry crying because I had found another shirt or slacks with burnt holes down the front . . . holes made by burning marijuana held with a so-called roach clip. Eleven joints were found behind a book; a plastic bag half full of the weed was found under the car seat; another joint in the back pocket of his jeans—these were a usual find. For the rest of the family, another day of tears, threatening, begging him to stop. He would and could NOT!

Two weeks before his 17th birthday, we had him picked up by the local police, brought to the police station and then to the Juvenile Detention Center, to obtain a court order to have him ordered to the full-time Seed program.

Now all we can do is love him and hope he will understand that in order to save him from a criminal record, we had him taken against his will, hoping Seed will do for him what it was able to do for so many others—clear his head, make him happy and high on life again in place of being high on marijuana, so he will be able to function as a useful citizen.

We miss him so! We are scared parents! We do not believe in the government commission's recommendation and findings. We do not want marijuana legalized!

Legalization of marijuana would add to our nation's problems—the problem of the habitual "pot head."

In the name of our children, WAKE UP! The government commission should be awakened to the reality of its responsibilities. The damage already done amongst the young users, and the users who went on to other drugs, is great.

The commission's attempt to justify its recommendation of legalizing marijuana by comparing it to the already legal and misused drug "alcohol" . . . is irresponsible. Marijuana should be judged on its own destroying merits.



## FIVE FACES OF FREEDOM

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. GUDE. Mr. Speaker, the winning address in this year's competition of the Capitol Hill Toastmasters Club was a stirring reminder of the men who have died for our freedoms.

The address, by Williamson Day, then won two area competitions which now take it to the May 19 finals of the Toastmasters Clubs of the District of Columbia, Virginia and Maryland. I would like to share with you Mr. Day's dramatic statement reflecting the fervor and patriotism which is embodied in so much of American history and tradition:

FIVE FACES OF FREEDOM

By Williamson Day

Five faces of freedom • • • five faces to remember. Five faces to take with you, to hold in trust for your children and your children's children. Five faces of freedom.

The French and Indian Wars, 1754. A 22-year old colonel of provincial militia stands in a makeshift fort somewhere near the twisting Monongahela. He stands in torrential rain, the end of an ill-conceived and disastrous campaign to attack French-held Fort Duquesne. After seven years, Colonel George Washington's men are rebelling. Without food or ammunition, they break into the last of the supplies—the rum—and Washington fits together the words he will use to surrender to the French.

You kneel by the Colonel, holding down a wounded soldier. What passes for a surgeon is amputating his leg. You hand the soldier his anesthetic: a wooden block to clench between his teeth. You know he will die, but not quickly or pleasantly.

The Revolutionary War, 1777. The wind howls down the Schuylkill and across the Valley Forge plateau. It is subzero weather. In weeks past it has snowed, but tonight it is too cold to snow. You are huddled with remnants of the 11th Virginia, Varnum's Brigade, and Lee's Dragons. You sit, swathed in rags, tucking bits of straw and grass into your boots to keep warm.

Near you sits a sentry, a Marylander hoping to be home by spring. He is numb with cold, too weak to stand. An officer limps by, and the sentry, grasping his rifle, stiffens in salute. The next morning, as dawn colors the sky, you find him—frozen in salute.

World War I, 1918. Ardennes, France, Verdun is to the South, Chateau-Thierry behind, the Meuse-Argonne line ahead. It is Christmas Day. The snow has frozen with mud. Trenches zig-zag across the breast of the earth, scarring the French countryside. You see Americans and Englishmen leave their trenches and meet Germans in no man's land to exchange chocolates and cigarettes: American Lucky Strikes for German Ecksteins. The soldiers sing, first in German, *Stille Nacht, Heilige Nacht;* then in English, *Silent Night, Holy Night.* They shake hands and thread their way back through the coils of barbed wire to their trenches. Hours later, they meet again, eviscerated, lying lifeless on the wire. In the pockets of the Germans, saved for later, Lucky Strikes; in the blouses of the Americans, in the tunics of the English, Ecksteins.

World War II, 1943. The Marianas, Southwest Pacific. The United States has been at war for two years. You are an American marine, bare to the waist, short on water, testing your condition. You press your tongue to the roof of your mouth and your gums bleed. Now your squad moves up. Someone's flame thrower explodes, covering him with jellied gasoline. He crawls grotesquely, screaming, until, burned and charred, he is immolated.

The Vietnam War, 1972. The United States has been in Indochina for 12 years. Before that, the French had been at war for 8. You are stationed in a military hospital in Saigon—in the Burn Ward. You see a lieutenant, 22 years old, the point of his patrol, with second- and third-degree burns on 80 percent of his body. His skin has turned sour.

"You've got a girl, says a doctor. "Try to think about replying to her letters. She knows you're burned." The lieutenant stares with hollow eyes. "You'll be out of here in no time," the doctor says. The lieutenant is smarter: for all intents and purposes, he was dead the moment he was hit.

Five faces of freedom. Five faces that gave us the liberty we enjoy tonight. Take those faces with you. Keep those faces for those who follow you. But remember: those faces are looking at us, looking into our eyes. If we fail to preserve our freedom, if we fail to keep our legacy of peace, dare we look back?

## NO TITLE NECESSARY

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. BROWN of California. Mr. Speaker, any comments I might make about the brief item which I would like to insert in the RECORD at this point would serve only to dilute the effectiveness of the material. So, without introduction, I offer for the consideration of our colleagues the Art Hoppe column which appeared in the San Bernardino Sun-Telegram on May 8:

Following is the text of an historic address I delivered to my wife at 9:00 p.m. E.S.T. on Monday, April 30th:

My fellow spouse, I want to talk to you tonight from my heart.

It was last June 17, when I was trying to get a little rest on the back porch after my strenous efforts to make our yard a better yard in which to live, that I first heard reports of seven termites being found in our basement.

While I did not say so at the time, as your husband, I was appalled at this senseless invasion of seven termites in our basement. And I immediately asked younger members of our family, who shall be nameless, to investigate.

When they reported there were no more termites in our basement, I believed in them. I had faith in them, I did not know that in their zeal to spare the neighborhood from worry, they concealed facts from the neighbors, from you and from me.

When gossips continued to insist there were more termites in our basement, I repeatedly asked whether this was true. I received repeated reassurances it was not.

Then, last March, new information came to me suggesting a real possibility the charges were true. That was when the kitchen fell in.

Now I have always believed, rightly or wrongly, as the father of this family, that maintaining the integrity of this house was a sacred trust. I was determined we should get to the bottom of this matter and the truth should fully be brought out, no matter how many termites were involved.

At the same time, I was determined not to take any precipitous action, and to avoid, if at all possible, any action that would appear to reflect on innocent termites.

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Moreover, while I usually inspect the basement myself, I was extremely busy as you know, painting the living room and building a gazebo. Gazeboes first, basements second. For it is my sacred duty, as head of the household, to make this a better house for all members of our family.

Who, then is to blame, for the front wall caving in?

The easiest course would be for me to blame those to whom I delegated the responsibility to inspect the basement. But that would be the cowardly thing to do.

I will not place the blame on subordinates—on those whose zeal exceeded their judgment, and who may have done wrong for a father they deeply believed to be right.

In any family, the man at the top must bear the responsibility. That responsibility, therefore, belongs to the head of the household. I accept it.

And I pledge to you tonight, dear, that those who are responsible, other than myself, shall be brought to justice and that all termites shall be purged from this house long after I have left it.

And, speaking of that, I have already devoted entirely too much of my invaluable time to this whole sordid affair. Having been betrayed by those I trusted to investigate this matter, I have now asked others whom I trust to investigate this matter.

I feel we should now turn our attention to less divisive subjects and work together for peace in our family. To this end, I am off on a grand tour of Europe to discuss our mutual problems with other heads of households in order that we may build an even better house.

God Bless America! God bless each and every one of you! And God help us if the roof falls in! Thank you.

## FOOD STAMP PROGRAM

### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. YOUNG of Florida. Mr. Speaker, I appreciate having the opportunity to discuss the matter or prohibiting food stamps to persons participating in a labor strike.

Under the present system, America's taxpayers are in effect subsidizing people who voluntarily choose not to work in connection with a strike. The right to strike is basic—but those choosing to do so have no right to be supported by taxpayers' funds, particularly since some of those taxes are paid by the companies and individuals involved in the labor dispute.

Therefore, the targets of some strikes are placed in the unconscionable position of seeing some of their tax money go to help support those striking against them.

No one knows how many millions of dollars are siphoned away from legitimate welfare recipients each year by strikers. The Department of Agriculture, which administers the food stamp program, admits there is no way of knowing. All a striker has to do is say he is out of work to qualify for the food stamp benefits; he need not say he is voluntarily unemployed because he has chosen to go on strike.

The legislation we are today discussing would in no way penalize those who legitimately qualify for food stamp benefits, but would prevent the general public from having to foot part of the bill for a labor dispute.

This proposal, amending the Food Stamp Act of 1964, does not exempt persons whose families qualified for stamps prior to a strike, and would be limited to members of unions actually on strike, not union members forced out of work because of another union's strike. The purpose of the legislation is to exclude from food stamp benefits those who voluntarily choose to stop working in connection with a strike.

Under the present system, the American public is being misused, the target of labor strikes is being unfairly abused, and those who legitimately qualify for welfare are being cheated of funds that otherwise would be available to them.

The Agriculture Committee and the Congress should act promptly to correct these gross inequities by stopping the subsidy of strikers at the taxpayer's expense.

## EMPLOYMENT OF THE HANDICAPPED

### HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. BROTZMAN. Mr. Speaker, recently I was privileged to visit with a delegation of Coloradans who were in Washington to promote opportunities for the handicapped. The group was headed by Mr. Sam L. Redman. He is the executive secretary of the Colorado Governor's Committee To Promote Opportunities for the Handicapped. Sam is handicapped and is living proof of the accomplishments our handicapped citizens are capable of achieving.

During the course of my meeting, I was advised that one of the members of the delegation, Miss Mary Margaret Zabrasek, had written an essay on employment of the handicapped which was judged to be the best such essay written in Colorado on this important subject. Because of my deep interest in the handicapped, I asked to be sent a copy of the essay. Having read it over, I can see why Miss Zabrasek was selected the winner of the contest.

Mr. Speaker, I believe all of my colleagues would find Miss Zabrasek's essay to be of interest. Accordingly, I ask for unanimous consent to enter the essay in the RECORD at this point.

EMPLOYMENT OF THE HANDICAPPED—TOMORROW'S CHALLENGE

(By Margaret Zabrasek)

"Although people may be the victims of Fate, they will not be the victims of our neglect." This quotation by John F. Kennedy nearly ten years ago, exemplified the renewed concern for rehabilitating the mentally, physically, and socially disabled. Since then, the results of those efforts are evident in the many new programs that have been innovated to assist millions of disabled Americans who could enjoy useful and productive lives.

Through personal interviews, it was found that the basic need of any disabled person is understanding. A handicapped person should be treated as normally as possible. At a local bakery, where six of the ten employees are handicapped, the manager commented, "Many customers, unfortunately, tantalize and abuse them due to ignorance. However, if pitied and over-protected, their growth will be hampered and the low estimate that the disabled have of themselves will even deteriorate more as failures in life are inevitably encountered."[1]

Much of the individual's success will depend on his *own* determination and courage in overcoming obstacles. The manager of a department store cited an example of one of his own employees, "A young man afflicted with spastic paralysis who would have been completely non-productive now contributes to the success of this business due to his own desire to be a useful member of society."[2] Touring the store, I witnessed his ability to be serviceable and through conversing with him learned that he manipulates a motorized wheelchair only with his feet—coming to work in any type of weather.

The attitude of employers toward disabled persons is important. First, it must be comprehended that the handicapped *are* people—with all the favorable and less favorable attributes of humans, and as Helen Keller, blind, deaf, and mute, stated, "It is good to give the unfortunate a living; it is still better to raise them to a life worth living. It is not so much the infirmity that causes unhappiness as the grief of a useless, dependent existence."

My community is meeting tomorrow's challenge today. The Division of Rehabilitation provides assistance in preparing for, finding, and maintaining a suitable occupation. A vocational program has been instituted at the local college where one hundred persons are currently enrolled for individualized job training. Also, there are industries organized especially for the handicapped which provide a program of paid work including work adjustment training, occupational skill training, and final placement in a competitive job in the community.

The director of one of these industries is himself disabled. He is a model of those impediments one's motivation can conquer. Coming from an impoverished family of seven children, he incurred a spinal injury at the age of sixteen and would never walk again. He studied accounting and was so successful that he retired at thirty five years of age. Appointed treasurer on the Executive Board of this particular industry, he detected the embezzlement of funds and was requested to become director without remuneration. He accepted and formed a productive enterprise which has expanded to other cities. This man instills in his disabled employees the same zeal to do productive work and be self-reliant.

Progress has begun—with the handicapped themselves, proving their abilities in spite of their disabilities. A college professor, leaving education to become involved with the handicapped, commented, "We must avoid limiting the severely disabled by our own concepts of what they can accomplish."[3] Their employers attest to their attendance records, amount of production, and job stability as qualities of an exceptional employee.

One young lady who works with the handicapped feels that she receives more satisfaction and benefits from the experience than from the time she has given of herself. To realize tomorrow's challenge of employing the handicapped, more people need to experience the appreciation and loyalty shown by disabled persons for common considera-

[1] Mr. Bob Boyer—Duncan Donuts, Sunset Plaza.

[2] Miss Pam Wilson—Goodwill Industries, Contact and Rehab. Div.

[3] Mr. Robert Bryan—Pueblo Diversified Industries, Administrative Assistant.



tions given them. Once this is developed, the problem of employment will be conquered and attention can be focused on improving other aspects of the handicapped person's life and future.

## SPECIAL PROSECUTOR NECESSARY

### HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. MOLLOHAN. Mr. Speaker, public sentiment for an impartial investigation of the Watergate scandal is growing daily. One of the most comprehensive analyses of what is obviously the viewpoint held by the majority of Americans was published as an editorial in the Parkersburg News, of Parkersburg, W. Va., on Friday, May 11. I commend this editorial, which is reprinted below, to the attention of all Members of Congress:

SPECIAL PROSECUTOR NECESSARY

Elliot L. Richardson, President Nixon's new choice to fill the office of attorney general, this week answered critics of the Watergate investigation by announcing that he would indeed, name a special prosecutor to supervise efforts to uncover the "whole truth" of the scandal.

The cry for a special prosecutor from outside the government to press the Watergate bugging and related alleged illegal acts in connection with the 1972 presidential campaign was heard before Mr. Nixon addressed the nation on the Watergate last week. It has intensified since with complaints that the President should have named a special prosecutor himself rather than leaving the situation in the hands of Richardson.

It has seemed obvious that such a move had to be made if any credibility was to be attached to the President's pronouncement that he intended to press the Watergate investigation no matter who was involved. The believeability of such an impartial investigation appeared all but impossible from inside the government, particularly on the heels of the resignations of L. Patrick Gray as acting director of the Federal Bureau of Investigation and Richard Kleindienst as attorney general.

Both Gray and Kleindienst had been associated closely at one time or another with high officials of the Committee to Re-Elect the President and presidential aides H. R. (Bob) Haldeman, John Ehrlichman and John W. Dean III, who also have resigned from the White House staff. Watergate hangs heavily over the heads of all of them.

Even Richardson, who is believed to be clean as a houndstooth as far as Watergate is concerned, is viewed with suspicion due to his service in the administration in a variety of positions since Mr. Nixon took office. No direct accusations were leveled at Richardson when the President announced that he would have full responsibility for the investigation, including the authority to name a special prosecutor. However, many congressional Democrats and Republicans did charge that it was still like having a member of the family investigate the family.

Richardson's promise to name a special prosecutor, therefore, is welcome. Richardson went a step further in his announcement by inviting the Senate Judiciary Committee to hold hearings on the appointee and said he would welcome an expression of confidence by the Senate in the choice of prosecutor.

Even with continued daily revelations and speculation over the scope of the Watergate scandal, with implications of presidential involvement and with mutterings about impeachment of or resignation by the President, Richardson's action seems at long last to have placed the investigation on the right track.

But, both the Senate and Richardson must move swiftly—the Senate on Richardson's confirmation and Richardson on the naming of the special prosecutor. Public confidence in government has been badly shaken. The job of restoring that confidence by independent investigation must begin at the earliest possible moment.

## BILL TO AID THE COAST GUARD

### HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. BERGLAND. Mr. Speaker, during our debate over appropriations for the U.S. Coast Guard last week, I was amazed to learn of their severe shortage of manpower and funds.

I listened with great interest to a most impressive compilation of their difficulties. I learned that the Coast Guard budget and personnel are strained to the breaking point. I discovered that things are so bad they have been forced to close 20 stations since 1967 and 13 more are in the process of being closed. It was specifically noted that the Coast Guard simply does not have the manpower or facilities to fulfill its responsibilities in the inspection and licensing of small craft.

Mr. Speaker, I would be the last to condemn the excellent work that the Coast Guard has done throughout its long history. I could not begin to estimate the number of lives they have saved, the number of criminals they have helped to bring to justice.

With their new responsibilities in protecting the rights of American fishermen in our coastal waters, new important duties in the enforcement of laws to protect our seaboards from pollution and contamination, with their ever-increasing workload to conduct their traditional functions of rescue and law enforcement, with the catalog of difficulties and shortages revealed in our recent debate, it seems only reasonable that we relieve the Coast Guard of responsibilities that can be accomplished by capable State and local authorities.

It is for this reason that I have today introduced legislation to return the administration of the boat inspection and licensing programs on Leech, Cass, and Winnibigoshish Lakes in Minnesota to State and local authorities.

The State of Minnesota, assisted by dedicated county sheriffs departments, has led the Nation in establishing firm small craft safety programs and rigorously enforcing regulations. If there is any effect at all, in turning over the responsibilities for these programs to the Coast Guard, it is to reduce their effectiveness. The State of Minnesota has the regulations necessary to assure the safety of small craft passengers. County law enforcement agencies have the manpower to enforce them.

I urge the House of Representatives to pass this legislation and allow the Coast Guard to return to far more important business.

## AMERICAN FOODSTUFFS: BIG CLOUT FOR TRADING

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. RAILSBACK. Mr. Speaker, for the review of my colleagues, under the leave to extend my remarks in the RECORD, I include the following article from the May 14 Chicago Tribune which more fully explains this reasoning:

AMERICAN FOODSTUFFS: BIG CLOUT FOR TRADING

(By Elliot Janeway)

New York, May 13.—Oil is America's big new resources problem. America is fresh out of it. But where to buy oil is less a problem than how to shop for it. The producing countries have plenty of oil. The trouble is that they also have plenty-plus of the dollars America is pressing on them for their oil.

As America has been growing more insecure, the people in the oil-producing countries have been growing richer at her expense. It's little wonder that the oil powers have been growing steadily more formidable in the eyes of Americans. The sharper America's new oil shortage pinches, the higher America's fuel cost bill is inflated, the drier her gas and oil pumps run; and the weaker Americans assume they are, the stronger they believe their sources of oil are.

This latter-day American disposition to talk poor invites a weak trading stance. It fails to reckon on the trouble the oil-producing countries would be in without the American market. Their need to move their oil into America is at least as critical as their oil is for the American standard of living.

But America's need to buy foreign oil accounts for only part of the inclination of the oil-producing countries to play ball with her. Their need to buy the one line of products which America is uniquely able to sell accounts for the willingness of the oil-producing countries to keep the trading friendly and to keep the terms reasonable. America's ability to export basic foodstuffs is her secret weapon.

Americans of faint heart and strong susceptibility to suggestions of weakness in foreign dealings are inclined to foreshorten the proportions of America's oil problem by measuring it purely in terms of her dollar drain. Admittedly, America is going to need oceans of oil from overseas. Admittedly too, she has allowed her dollar drain to be inflated to the proportions of a nonstop hemorrhage.

The pessimism in vogue among market watchers thruout America is asking how America is to find the money to pay her prospective oil import tab. The realism on the rise among marketmakers is discovering that having American foodstuffs to ship is a sure way to magnetize return cargoes of oil.

Last month, one of America's major oil companies—by definition, one of America's major importers—approached a knowledgeable Congressional friend from the Gulf oil country and the rich farm area just above it. The purpose of their call for help was to latch on to 10,000 tons of top-quality Mississippi Valley rice. And cost was of no concern to this oil company foraging for rice. All that mattered was getting the rice to

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barter for acceptance of its bids for crude in the Middle East.

Unlike soybeans or the rest of America's long line of rich feed crops for live stock and poultry, rice is scarcely a top premium crop. To Americans, trading rice for oil is an obvious bargain, at any price. By the primitive nutritional standards still prevailing in the Middle Eastern oil world, getting rice in barter for oil is a fair exchange. It's better business than just taking in still more dollars.

This telltale incident—by no means isolated—drives home a point I have been at pains to make. America is accepting the disadvantages of financial weakness when the advantages of economic strength are in her grasp. Dealing from her economic strength is America's surest hope of recouping her financial losses and overcoming her financial weaknesses.

Nevertheless, the same mentality which presided over America's decline and fall from undisputed world financial leadership is resisting the opportunity to reclaim for leadership. The endemic stupidity dominating Washington still sees American agricultural products as the export giveaways so many of them were until just a short time ago.

The overeducated ideologies who not only accepted but welcomed the multiple devaluations of the dollar inhabit an academic vacuum insulated from the realities represented by the terms of trade. The dogmatic opportunism of devaluation has hoodwinked America into marking down the export selling prices of her basic foodstuffs to countries poor in their larders and rich in their treasuries. Then, while all America is up in arms over the runaway in domestic food prices, this same institutionalized idiocy is bragging that American farm exports are up—as if they could be down? Adding insult to injury, the dollar devaluation which left America with less to show for the farm exports her creditors need also obliged her to put up more cash to pay for the oil she herself needs.

The potential hold America's agricultural resources are giving her over her creditors is more than a headstart. It is here to stay. None of her creditors have the soil, the space, the people, or the technology to outgrow their dependence on American foodstuffs. More than incidentally, some of these creditors also supply America with the oil she needs. Trading hard to feed them well guarantees a fair trade to fuel America.

Old-time Yankee trading knew how to harness dollar diplomacy to lead from strength and to deal away from weakness. The opportunity will be around for a long enough time to justify the hope that the mentality in charge of American policy-making will rediscover the technique.

## PEACE IS HIS PROFESSION

### HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. ALEXANDER. Mr. Speaker, a most distinguished Arkansan and American will complete his honored career in uniform this year when Gen. Horace M. Wade, Vice Chief of Staff of the U.S. Air Force, retires after 35 years on active duty. General Wade enlisted in the U.S. Army Air Corps in 1937 and advanced through the grades to his present rank.

Overseas he served in the Middle East and was Chief of Staff of the Supreme Headquarters of the Allied Powers in Europe. He has been decorated with the Silver Star, Legion of Merit with two Oak Leaf Clusters, DFC, Air Medal with Oak Leaf Cluster, and numerous other awards.

A native of Magnolia, Ark., General Wade graduated from the University of Arkansas in 1948, and was named a distinguished alumnus during 1971. He has achieved higher military rank than any other Arkansas graduate. During his service in various corners of the world and in all parts of the United States, he has never lost his loyalty to the State in which he was born nor to the Razorbacks. An active member of the Washington Chapter of the University of Arkansas Alumni Chapter, General Wade was asked to deliver the after dinner address at the chapter's annual spring meeting.

At this time, I would like to share with you the General's thoughts looking back on 35 years of military service as stated to the Arkansas alumni:

ADDRESS BY GEN. HORACE M. WADE

I am happy and honored to be here with my friends and fellow alumni of our great University.

I don't think I'm any different from anyone else who accepts an invitation to address a group, so I too have spent considerable time thinking of a subject which I could use to talk with you about tonight. I hastened to dismiss several subjects since I know you already know about our great state and equally great university. I'm sure that you know that the Razorbacks have had their last losing football season. You are obviously well informed on the Washington scene. After all, it is "foreigners" such as ourselves that make this city and our federal government operate.

Then I thought a little more and soon I realized that it has been 25 years since I received my degree at the University. I have spent those 25 years in the uniform of the United States Air Force. In fact, I have been on active duty with the Army Air Corps and the United States Air Force for the last 35 years. And, I suspect that makes me unique to this group.

In effect, I have devoted my life and my personal career to the military service. One might ask, "Why?" And—over the years—many have asked me, "Why?" Sometimes when asked this question, I felt there was more to it than simply, "Why?" I sometimes perceive a negative reaction to anything or anyone "military." So, I have homed in on this question as a departure point for my brief remarks tonight.

I entered flying school in late 1937 at Randolph Field, Texas. Some of you may recall the environment of those days. The American public was concerned predominantly with domestic issues. There was little concern for—or for that matter, little knowledge of—the international scene. As a result, there was little concern for military readiness.

World War II was on the horizon. Japan was flexing its muscles in the Far East—especially in China. Hitler was starting his madness in Europe. But America was not stirred. Even in the early 1940's, there was heavy Congressional debate over the extension of the draft laws. You may recall that the legislation to extend the period of conscription was passed by just one vote.

The attack on Pearl Harbor changed all that. The American public was now stirred. We responded to a crisis. Our nation was at war—our national security was threatened. During those war years, the military enjoyed an excellent relationship with the civilian sector. The military public image was good.

Following World War II, we all looked to an era of peace. We dismantled our vast military machine. The public approved of this for Americans were tired of war. Then came Korea! But this time, our people could not see the threat to our national security. They could see no tangible results of the fighting and, alas, they really could not see a viable peace. We did not lose that war, but many wondered what we had won. Enthusiasm for armed conflict—and its warriors—was on the decline.

John Foster Dulles, as Secretary of State in the 1950s, kept the ever-present thought of nuclear holocaust in front of the American people. The massive retaliation strategy of the 1950s required large defense expenditures. It also tended to polarize our thinking. It drove many Americans toward a more pacifist attitude. This fear of war—reflected in pacifism—impacted adversely on the civilian attitudes with regard to the requirements of our armed forces.

In the early sixties, President Kennedy sought to change the massive retaliation concept. He focused a sharp effort to build-up our conventional forces. He foresaw the possibility of having to engage in limited conflicts. The Kennedy charisma tended to carry this conventional force build-up with the public.

However, as we increased our involvement in Southeast Asia, the public again found our military exploits unacceptable. Again, as in Korea, there was no *apparent* threat to our national security, no sign of tangible results, and little prospect for a traditional victory.

The lengthy conflict in Southeast Asia has left a bad military taste with many people in this country. Again today—as in the 1930s—one segment of our society seems to be looking inward. They would have us withdraw from our national commitments to the international community. With this withdrawal would come the natural drawdown of military forces and a lessened emphasis on our national defense posture.

I do not intend to change anyone's mind on this issue. I would like, however, to provide my input to the continuing dialogue—or to provide "food for thought" as we would say back home. What would our nation be like if it were not for our defense policies and for our military forces? In answering that question, I might also answer the original question, "Why" did I stay in uniform all these years?

Let me say at the outset of this discussion that the only purpose for our military is Peace. I spent many years in the Strategic Air Command and our motto then, as now, was Peace Is Our Profession.

Our job is to *deter war*. Believe me, none of us have any desire to fight a war—especially in this age of superpowers and nuclear weapons. We realize that the man in uniform is the one on the firing line. No one wants to get shot at . . . killed . . . or held prisoner for 6–8 years. To think otherwise is ridiculous.

Our job then is deterrence.

Essentially, there are three factors in the deterrence equation. All three must be present if deterrence is to work.

First, we must have a military force capable of defeating any potential aggressor's force—after we have first been attacked.

Second, we must have the national will to employ that force, and

Third, any potential aggressor must know we have the force and the will to use it against him.

If these three factors are present . . . and if we are dealing with rational human beings . . . then we will have deterrence.

There are those, of course, who ask, "What are we deterring?" They see no threat to our national security. Let me cite just one example. These skeptics look to Western Europe—the scene of two major world wars. Because there is stability and security, they would challenge the fact that any threat exists to the NATO countries. Consequently, they counsel for the withdrawal of U.S. troops from that area.



Unfortunately, our own successes have created a paradox. There is stability and security in Western Europe because *there is* a NATO *military force*—and there is a potential threat. For example:

The Warsaw Pact ground forces significantly outnumber NATO forces. (Incidentally, their mobility and discipline were convincingly demonstrated against one of their own—Czechoslovakia—a few years ago.)

The Warsaw Pact air forces in Europe have half again as many tactical aircraft as NATO.

The Soviet Navy is the second largest fleet in the world, and they possess the largest submarine fleet.

Certainly, no one can predict what would happen if the NATO forces were not there—nor what *might* have happened over the last two decades. But when I recall the incidents in Greece, Berlin, Hungary, Czechoslovakia, etc., I have to wonder.

There are other examples beyond the borders of Europe—such as Cuba, here on our doorsteps. However, I don't wish to belabor the point.

I do wish to note that excessive overt aggression has been deterred . . . a nuclear war has been deterred to date. I think there's a very good reason for this. We have a first class military force and have, on occasions such as the Cuban crisis, demonstrated a willingness to use that force. Our potential aggressors have received the message. In effect, we have the three ingredients to the deterrent recipe.

The question now is, "Will we retain this deterrent force?" Can we as a nation afford it? I would respond to those questions with a question, "Can we afford not to?" In effect, your Department of Defense serves as an insurance policy on the life of this great nation—and on its great ideals. Who among you would like to sacrifice the most cherished of all intangibles—FREEDOM?

But, the critics ask, "What price tag is attached to our insurance premium?" Well, in this fiscal year, defense spending accounted for just over six percent of our nation's GNP. It accounts for about twenty percent of *all* public spending—federal, state and local. And this year—Fiscal 1973—defense spending, *in real terms*, is at lowest since FY 1951. In effect, none of the real growth in our national economy over the past 22 years is allocated currently to National Defense.

I do not wish to get carried away with this issue, but it is a frequently misstated and misunderstood issue. Personally, from my perspective, I think six percent of our GNP is a reasonable investment in our national security.

Our nation represents the greatest idea in government ever tried by man—democracy. Winston Churchill was credited with observing that "Democracy is the worst form of government . . . except for all the others." It is difficult to logically dispute that Churchillian observation.

Our experiment has worked. It provides the world's best environment for individual expression, educational and occupational opportunities, standard of living, and personal freedom. I realize it is not all perfect. We also have inequalities, prejudices, poverty and sickness.

But we in America have the unlimited opportunity to do *what the people want to do*. We are free to act as the majority wishes. I contend this freedom is assured as long as we pay the premiums on our policy. As long as we have a strong military force in-being and a national determination to employ that force, if necessary—then we will deter war. And we can continue to harvest the benefits of peace—and freedom.

I have devoted my life to this concept. I am happy and proud to have done so. I have shared many wonderful experiences with some of the finest people in the world—our uniformed military men and women. Many of which, incidentally, are—like you and me—residents of the great state of Arkansas. The caliber of our military men and women and their dedication to this country have been amply demonstrated by our returning POWs. It is also reflected by another group which has received less recognition. Yet, they and their families have suffered even more. I speak of our many men missing in action and of those who gave their lives for our *freedom—yours* and *mine*.

I am proud of this nation . . . I am proud of its people . . . I want those who follow us to be equally proud—and *free*. That is why I devoted these many years to the uniform of my country.

Thank you very much.

## RUMANIA CELEBRATES 96TH ANNIVERSARY

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. BROOMFIELD. Mr. Speaker, last week on the 10th of May, the people of Rumania and people of Rumanian descent throughout the world celebrated the 96th anniversary of the independence of their country.

In honor of that occasion, I rise today to pay tribute to the brave and freedom-loving people of Rumania who have resisted the dictatorship which has attempted to assimilate and erode their national and cultural integrity.

Rumania first won her freedom in 1877 after four centuries of suppression by her more aggressive neighbors who parceled her territories among themselves. It was only when the Russians and the Turks were distracted by the war in the Balkans that Rumania under the direction of Prince Charles was able to assert her sovereignty.

Four years later, Prince Charles was proclaimed Charles the I. King of Rumania. In the ensuing years, Rumania took her place among the international community of nations and grew as a peace-loving, prosperous member of the European community.

Unfortunately, this enlightened period came to an abrupt halt in 1945 when the U.S.S.R. and its army forced a puppet regime faithful to the Kremlin upon Rumania. It has been 28 years since the political independence of Rumania was crushed and yet the spirit of the people remains strong and determined.

They look to the 10th of May as a symbol of their illustrious past and they draw sustenance and hope from its memory. While their supposedly representative government all but ignores the traditional date of Rumanian National Independence, within their hearts Rumanians still remember the 10th of May.

Mr. Speaker, despite the concerted efforts of the ruling dictatorship, the people of Rumania still harbor an intense desire for personal freedom and liberty. It is only fitting then that we pause to pay our respects and admiration to the people of Rumania and express our sincere hope that their long-sought independence will be soon returned to them.

## SENATOR TOWER SPEAKS OUT ON AMNESTY

### HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. ARCHER. Mr. Speaker, judging by the correspondence from my district, one of the major issues now facing the American people is that of amnesty for those who fled military service or deserted from it during the past decade. Some of our colleagues have already introduced bills this session which would grant unconditional amnesty to such individuals and allow them to return to our Nation without penalty. These proposals have been receiving the active support from some organizations around the country.

One private organization which has been effectively explaining and advocating a position in opposition to amnesty is Young Americans for Freedom—YAF. This organization of college, high school, and young adult members has distributed thousands of pieces of literature and materials calling for no amnesty as well as making available to the American people buttons and bumper strips against amnesty. Its leaders have testified before the Republican and Democratic Platform Committees as well as congressional committees. I want to commend them for their tireless work on this project. Their voice on this issue is truly the voice of responsible young Americans.

I would like to especially call to the attention of my colleagues an article written by the distinguished senior Senator from Texas (Mr. TOWER). The article, which follows, appeared in the October 1972, issue of New Guard, the magazine of YAF:

A QUESTION OF AMNESTY

(By Senator JOHN TOWER)

As the end of our involvement in the ground combat in Vietnam comes within the foreseeable future, the question of amnesty for those who have dodged the draft or deserted the armed forces during recent years has been raised.

There are really two points to be considered in this problem:

First, whether amnesty is to be granted for draft dodgers and deserters who acted out of cowardice, and

Second, whether amnesty should be granted to those who did so in protest of the war.

There appears to be no question about the prosecution of those men who deserted or evaded the draft for reasons other than to protest the war. Everyone seems to agree that these men committed illegal acts and should be prosecuted for them.

There are those in our society, however, who now contend that amnesty should be granted to those men who refused military service as a personal protest against the war.

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But, if we grant amnesty to some, it will be difficult indeed to distinguish those who honestly protested the war from those who fled because they feared to risk personal danger and who would claim that their act was a virtuous one.

It seems to me, that the courageous individuals who refused the draft to make a personal protest against the war have already followed the true course for civil disobedience and willingly stood trial for their illegal act, arguing that their protest is a form of defense in court. Those who have fled their country to avoid prosecution do not seem to me to be those who courageously protest the war.

NOT DESERVING OF FORGIVENESS

I cannot agree that those men who left their friends to suffer the hardships of Vietnam without them are deserving of forgiveness. These men have violated the law and if they have found refuge in foreign lands, they have not yet been tried or punished. Some contend that to be exiled from one's homeland is punishment enough. But those who have chosen this course have done so of their own will. It is hard for me to believe that they love their country more than those who have remained within it. Those who have chosen self-exile as an alternative to military service have placed their own moral judgment above loyalty to their country.

I shall not support efforts to return these men to the United States free from prosecution. If they wish to return, they should be allowed to do so, but they should remain subject to prosecution. They should be given an opportunity to tell the motives behind their actions but they should be willing to subject themselves to justice, and they should not be given amnesty. I shall not support efforts to return these men to the United States with amnesty. If they wish to return to be tried and to serve punishment, if any, then I shall welcome them.

There were many men who would have preferred not to serve in the Armed Forces when their nation asked them to do so. But these men saw their duty and willingly served although they would have preferred not to. And there were a few, on the other hand, who felt so strongly a moral obligation against the war that they stood trial and made their case a forum for their opposition. I am proud of the former, and I disagree with the views of the latter; but I respect both. I do not respect those that fled their country rather than see military service and I do not believe we should grant those individuals our respect after the war is over.

A discussion of amnesty brings us also to the question of the draft. Because there are many drawbacks to drafting young men for military service, not the least of which is the placing of an unfair burden on those who are selected, I have supported efforts to move into reality. Toward this end, I have supported military pay raises, subject to fiscal constraints, which are designed to increase the number of volunteers. And I have offered and supported a number of various pieces of legislation designed to make military service more attractive.

These include legislation to improve compensation for our reserve forces, to extend coverage of the Serviceman's Group Life Insurance Program to the Reserves and the National Guard; to credit for pay and retirement purposes service performed as a member of the Senior Reserve Officers Training Corps program or in the Service Academies, and several other bills aimed at improving the quality of life for those on active duty.

Responsible action by the Congress to improve living and working within the armed forces, and thus make military service more attractive for volunteers, hopefully will boost the level of volunteers. Together with our reduced manpower commitments overseas, an increase in volunteer should make the draft no longer necessary.

That is my hope, just as it is the hope of most Americans.

But amnesty for those who have fled their country rather than answer the selective service calls would break a faith with those who have served. I shall oppose moves to grant amnesty for draft evaders and military deserters.

## GASOLINE AND OIL ALLOCATION

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. FRASER. Mr. Speaker, as was predicted, the gasoline and oil shortage is getting worse. Farmers are having increasing difficulty in obtaining diesel fuel. Five hundred and sixty-two gasoline stations have closed throughout the country. An inordinately high percentage of these is in Minnesota. Trucking companies and taxi companies are being forced to curtail operations, with consequent layoffs.

Last Thursday, the administration announced a voluntary petroleum allocation system which leaves the key decisions to the major oil companies. On April 30, in the Economic Stabilization Act Amendments of 1973, Congress gave the President authority to allocate petroleum supplies. It did not give this authority to industry.

In effect, the administration's voluntary system condones market sharing, in violation of the Anti-trust Act. The plan gives priority to eight large categories, such as State and local governments and public transportation systems, but leaves the precedence among these groups to be determined by the major oil companies.

The administration has declared that if a company fails to comply with the new guidelines, the Department of the Interior's Office of Oil and Gas can "impose mandatory allocation on the supplier." We cannot afford to wait and see if the Government will administer its so-called voluntary program as though, in fact, it were mandatory.

In proposing its allocation plan, the administration declared that Government regulation and control are unnecessary in an industry "where there is every evidence of intense and healthy competition." I do not believe that this is an accurate assessment of the petroleum industry, in which some 20-odd companies tightly control production, distribution, and marketing. The Federal Trade Commission has been studying possible antitrust enforcement action against the major oil companies for some time.

I urge Congress to proceed with legislation to establish a mandatory oil and gasoline allocation system which will insure that equitable allocation is left neither to the altruism of the big oil companies nor to the good intentions of the executive branch.

I call attention of Members to the following editorial in Monday's Washington Post, which points out that instead of preserving competition as it purports to do, the administration's new allocation system abets the monopoly situation in the oil industry:

AT THE BOTTOM OF THE GAS TANK

Given the gasoline shortage that the country has now got itself into, the administration's new allocation plan is a realistic and useful response. In the seller's market that is developing, the allocation plan warns refiners against cutting off those geographical areas that are inconvenient to reach. It admonishes distributors to keep supplies flowing to vital services. It has its order of priorities exactly right, putting at the top of the list the farmers who are currently threatened with a lack of fuel for the spring planting.

But there is no need to be pollyannish about this allocation plan. In order to squeak past the immediate danger, the administration is deliberately running other risks that may eventually prove very costly. First of all, let us call this plan by its proper name: it is a cartel. It assigns fixed shares of a limited production to the various middlemen and consumers. It establishes those shares by a combination of historical practice and national need. As an immediate remedy to the immediate shortages, it is doubtless unavoidable. But the country ought to be under no illusions regarding the nature of this remedy.

Ironically, the gasoline allocation plan is being defended here and there as a device to preserve competition and keep prices down by protecting the independent retailers. In fact, not for the first time, we are seeing federal anti-trust policy create just the opposite, an obvious and highly conventional market-sharing agreement. It will help the independents survive, but it will do nothing for price competition.

The price of gasoline is now rising, and the only real question is the rate at which it rises. One reason is the ferocious effectiveness of another cartel, the economic alliance of Middle Eastern countries that export crude oil. As for our domestic producers, they are reaching for increasingly expensive sites and techniques of extracting our own oil.

Oil company profits are currently high. With most of the producers running as close to full capacity as they are able, they are reaping very substantial economies of scale. It costs very little more to run an oil well, or a highly automated refinery, at 95 percent of capacity than at 70 percent. Strained capacity is good for the producer, at least in the short run. It makes a difference to this country how the oil companies spend these profits.

Consumers need an adequate and assured supply of gasoline. That will require heavy capital investment by the companies to expand their refining plants, to build pipelines, to pursue technical research and exploration for new deposits. Some companies say that, to meet fully their rising responsibilities in these fields, they will need to invest even more than they are earning. But are they actually going to invest where they ought? In the past, some of the oil companies have shown a lamentable tendency in their fat years to dribble away great amounts of money on excessive and redundant merchandising. The public would like some assurance that the present high profits will mean more production for the future, rather than more marginal and heavily subsidized filling stations on every other street corner.

Gasoline consumption in this country ran about 5 percent higher in the first three months of this year than in the same period of 1972. Stocks on hand, in contrast, are about 10 percent lower, mainly because of federal pressure on the refiners throughout the winter to correct the earlier shortage of fuel oil. The full magnitude of the shortfall in gasoline will presumably appear with the peak of the summer vacation season, around the Fourth of July. Both the administration and the oil industry are very apprehensive, for good reason, about the reaction of the American motorist when he discovers that he really cannot buy as much gasoline as he wants.

It is a picture that invites reflection: The American consumer, enjoying more money and more leisure than ever before, is now threatened with an empty gas tank as he sets off on his vacation. The American oil companies, rolling in profits, cannot find enough crude oil at any price. And a Republican administration, hoping to prevent even worse misfortunes, imposes a cartel on the gasoline market. For those readers of a philosophical inclination, it might provide apt commentary on the nature of the nation's new prosperity.



## WELFARE SCANDAL—XX

### HON. VERNON W. THOMSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. THOMSON of Wisconsin. Mr. Speaker, our present welfare system encourages irresponsibility among recipients due to the shoddy mismanagement of the programs and their susceptibility to fraud.

One of the problems is that recipients take aids earmarked for such essentials as housing and renege on their common obligations to spend the money for rents. In Milwaukee right now the Milwaukee housing authority estimates that welfare clients in public housing projects are $12,000 in arrears in their rents. This is not because the taxpayers have not ladled out the moneys for the rent checks. They have. But the recipients think they might like a new TV or a new car or a night on the town instead. Until this type of abuse is corrected by tightening up the administration of our welfare programs, this utter waste of our tax dollars can be expected to continue unabated.

Today I am inserting the 20th segment of a series of articles from the Milwaukee Sentinel exposing the shocking waste and fraud which characterize the operation of the Milwaukee county welfare department. It is my hope that exposing this situation will speed congressional action on welfare reform legislation.

The article follows:

CLIENTS OWE $12,000 IN PROJECT RENT

(By Gene Cunningham and Stuart Wilk)

Welfare clients living in city housing projects owe the Milwaukee Housing Authority $12,000 in unpaid back rent, and the housing authority wants either to collect the money or evict the clients.

The $12,000 is the total back rent owed by 118 of the 1,021 welfare clients living in the city's five public, low income housing projects.

After several months of nonpayment of rent, the welfare department can put a client on voucher payments, paying rent directly to a landlord rather than giving the money to the client and trusting him to pay his rent with it.

However, in a meeting last month, representatives of the Department of City Development were told by welfare department officials that voucher payments to the housing authority are prohibited by federal regulations.

Edward J. Hayes, commissioner of city development and secretary of the housing authority, said that Arthur Silverman, county welfare director, said that voucher payments could not be made to a federally subsidized body such as the housing authority.

DIRECT PAY ASKED

Hayes said that representatives from his office met with Silverman Feb. 5 to ask that welfare clients owing back rent be put on vouchers allowing rent payments to be made direct to the housing authority.

"We were turned down. We were told that the federal HEW (Department of Health, Education and Welfare) programs would not allow it," Hayes said.

NOT FOR ALL

Silverman told a reporter Monday that what he had told Hayes was that "there cannot be payments for all individuals living in housing projects by voucher, but that those who have been involved in mismanagement could be paid" by voucher.

"That's my recollection," Silverman said.

He pointed out that neither the federal government nor the state government would share in payments for back rent—which would constitute duplicate payments.

But "if a client has not paid rent for two months or more, voucher payments can be made," Silverman said. Voucher payments are being made to the housing authority in some cases, he said.

A HEW spokesman in Chicago also said voucher payments could be made.

"There is no distinction between voucher payments to a public agency or a private landlord," Miss Rosella M. Hart, deputy regional commissioner for state programs for HEW, said Monday.

The fact that public housing projects are operated with a combination of federal and local funds has nothing to do with the propriety of voucher payments, she said.

"We're going to have to get up there and look into the situation," Miss Hart added.

Hayes, who was appointed commissioner of city development last October, said he did not know how much money the housing authority might have lost over the years through the nonpayment of rent by welfare clients.

When he took over as commissioner, he said, he noticed from monthly reports submitted to him that a lot of welfare clients in the housing projects were not paying their rent.

NOTICED ARREARS

The $12,000 in unpaid rent is only the amount now owed by welfare clients living in the housing projects, Hayes said. Some of them have not paid their rent in three or four months, he said.

During any given month in the past there would have been others with unpaid rents, he said. He declined to estimate the amounts.

"We want to remain solvent. But if this grows, you can't remain solvent in a situation like this," Hayes declared.

The rent money received, he said, is used to pay the operating costs of the housing projects, which are funded with two-thirds federal and one-third local funds.

The nonpayment of rent is a problem, he said.

"Actually, it's a limited problem except in one of the housing projects—Hillside," Hayes said.

The Hillside project is bounded by N. 6th, N. 9th, W. Galena and W. Vliet Sts.

At Hillside, 80 of 373 welfare clients owe back rent totaling $9,000, Hayes said.

In the other four housing projects, a total of 38 out of 648 welfare clients owe back rent totaling $3,000, he said.

SMOOTH NO OSVS

Rents in the projects, he said, are not set flat rates but are based on ability to pay and cannot exceed 25% of a family's income. They vary from as little as $6 to as much as $190 a month, Hayes said.

A recent federal court case, he said, established that a welfare client cannot be evicted from a housing project for nonpayment of rent.

Instead, Hayes said, they must be given a hearing by an administrative review board before any action is taken.

The required administrative review process has been established and hearings on individual cases will start soon, he said.

He estimated that hearings on the 38 cases in the four projects other than Hillside probably will be completed within one month.

Each case will be considered individually and any extentuating circumstances will be taken into account in deciding the action to be taken, Hayes said.

Holding the hearings, he said, will enable the housing authority to follow up with the action that any private landlord would take—either obtain payment or proceed with eviction.

"I think, with the exception of those in the Hillside project, payment will result," Hayes said.

## A MESSAGE FROM THE CHIEF JUSTICE

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HOGAN. Mr. Speaker, I have the privilege of serving on a Subcommittee of the House Judiciary Committee which is involved in the complex works of revising the rules of evidence.

There has been some controversy surrounding the procedures involved in the development, promulgation and consideration of these rules.

Chief Justice Warren Burger, writing in the April, 1973 issue of the Third Branch, Bulletin of the Federal Courts, explains very well the process involved in the rule making.

Our subcommittee has held hearings on the proposed Federal rules of evidence and is now involved in a line-by-line scrutiny of the proposed rules. Following this deliberation additional hearings will be held.

Mr. Speaker, the chairman and members of the subcommittee have made it clear that we are anxious to have as much input from Members of Congress, the courts, the bar, and the general public as we possibly can. It is important that these comments be received as soon as possible since we are attempting to complete our arduous task of revision as expeditiously as possible.

Mr. Speaker, because he clearly explains the process underway in connection with revision of the new rules of evidence for the Federal Courts, I request that Chief Justice Burger's article be printed in the RECORD at this point:

A MESSAGE FROM THE CHIEF JUSTICE

Cougress has postponed, pending further action, the effective date of the Rules of Evidence promulgated by the Supreme Court last fall. These Rules were developed by an Advisory Committee, appointed by Chief Justice Warren in 1965 and acting under the rulemaking power Congress delegated to the judiciary. Some lawyers and District Judges

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have expressed concern over this action by Congress. There is no occasion for concern on this score for the rulemaking process is working as it should.

It is important to recall the history of rulemaking. In 1934, Congress vested civil rulemaking power in the Supreme Court, and subsequently Congress granted broader authority including rulemaking for criminal procedure. This process of rulemaking includes, as a first step, the appointment of a Judicial Conference Advisory Committee. That Committee conducts studies and develops rules; circulation of drafts to bench and bar follows. When the rules have been developed the Advisory Committee submits them to the Standing Committee on Rules of Practice and Procedure. If approved by the Standing Committee, the rules then go to the Judicial Conference of the United States. If the Conference approves them, they are submitted to the Supreme Court. If the Court in turn approves them, they are then transmitted to the Congress. Absent negative action by that body, the rules become law 90 days later, although a later date for their taking effect may be set by the Court or by the Congress to permit more time for Congressional scrutiny. It will readily be seen that this four-stage "screening" as is thorough and comprehensive as any legislative process could be.

This is the mechanism the Congress devised nearly 40 years ago with the cooperation of the courts and the bar. It is a most effective one and certainly is as careful a technical screening as could be provided, especially given the multitudinous responsibilities with which Congress is burdened and the specialized nature of procedure in federal litigation.

After this extremely careful process of formulating rules, however, comes the time for review by the elected representatives of the people.

Thus, rulemaking is a partnership, a joint enterprise, between Congress and the Judicial Branch. It was first carried to successful conclusion in 1938, with the adoption of the Federal Rules of Civil Procedure; then came the Federal Rules of Criminal Procedure. Later on Appellate Rules were adopted. All of these rules are under constant scrutiny of Judicial Conference Advisory Committees.

The rulemaking enterprise has been one of the most successful and fruitful of any joint effort between branches of government in history. But, we must always remember that it is a *joint* enterprise, and while Congress has rendered us the compliment of general approval in the past, it does not mean that the Congress should accept blindly or on faith whatever we submit. Nor does the action of Congress in extending the time for consideration of the rules now submitted indicate more than an appropriate desire to give careful study to an important development in the law.

The current Rules of Evidence have been under study for a total of eight years. They were completed more than two years ago by the Advisory Committee, approved by the Standing Committee, on Rules of Practice and Procedure and the Judicial Conference, and then submitted to the Supreme Court. After initial consideration, the Supreme Court "remanded" them to the Rules Committee for further consideration and consultation with the bar. After this additional screening, certain of the rules were revised and resubmitted to the Supreme Court. The Court approved them in late 1972 and submitted them to the Congress in early 1973.

It is well known that District Judges have been applying many of the proposed rules, very often as persuasive authority, while they were in the draft stage. This is not surprising since these rules are largely a codification of long-established and tested rules of evidence that state and federal judges have been using and developing for generations.

I return to my basic point: the rule-making process is functioning as its designers intended. The Congress is, as always, overwhelmed by many problems of an urgent nature, and is entitled to adequate time to study carefully any proposed rules submitted. The House Judiciary Committee is proceeding with this review in a sub-committee chaired by Congressman William L. Hungate of Missouri. The system is working and will do so as long as each component performs it assigned role.

## ONE MORE MARK AGAINST THE POSTAL SERVICE

### HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. ALEXANDER. Mr. Speaker, today I wish to again share with my colleagues a letter which I received from one of my constituents complaining about U.S. Postal Service. Unfortunately, letters of this type are all too frequent and as Mr. Doonan points out some of it may not even have been delivered yet. It is time for us in the Congress to take more positive action to correct the present postal conditions which have come about since the establishment of the U.S. Postal Service.

Mr. Doonan's letter follows:

FAIRFIELD BAY, ARK.,
*April 18, 1973.*

Hon. BILL ALEXANDER,
*House of Representatives,*
*Washington, D.C.*

DEAR REPRESENTATIVE ALEXANDER: I'm writing you about the U.S. Postal Service.

When we had 3 cent letter postage, there were two city deliveries daily, full Saturday service, and unparalleled efficiency. The Department was proud of the service, and so were we, but not now!

Some time ago, when we were living in Des Moines, Iowa, I ordered a film from Portland, Oregon, well in advance of the date of a Saturday night meeting. And when did the film arrive—you guessed it—on the Monday following the meeting, although it had been sent a week earlier, by Air Mail, Special Delivery! This inexcusable, sloppy service caused me considerable trouble and embarrassment, as you can well imagine.

Just recently—on Sunday, April 8th., to be exact, I mailed an important business letter from Dallas, Texas to Des Moines, Iowa. I received a complaint that it hadn't arrived yet on Saturday, April 14th. It seems the more important the mail, the more likely it will be fouled up. I could go on with countless other examples of slow, inadequate and undependable service, but I feel sure your *other* mail accurately reflects the picture—providing that it has been delivered yet!

Then there's Parcel Post. If U.P.S. can deliver packages quickly, safely, efficiently and make money too, why can't the Postal Service do it too? As I see it, one big trouble is in the American Postal Workers Union. Every time there is an increase in rates, the Union promptly "milks" the increase into the pockets of the workers. Then too, unionism tends to protect, even perpetuate the lazy, inefficient worker, while making sure the more efficient ones are not properly rewarded. You know, "only so many bricks per hour." I see that the Union is lobbying for legislation which would give them the right to strike. I wonder when they found out they didn't *have* the right? I recall there *was* a strike, despite the oath which each employee takes when he is sworn in!

Furthermore, I don't like the cancelling stamp, which eliminates the point of origin of letters, nor does it give the *time* of mailing, as it used to do. Sir—something drastic needs to be done about bettering the service from the U.S. Postal Service, and I don't mean in 1974!

Sincerely yours,

THOMAS DOONAN.

P.S.—We are new citizens of Arkansas, as of Nov. 1, 1972. We "immigrated" from Iowa.

## MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

### HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD each month the Monthly Calendar of the Smithsonian Institution. The May Calendar of Events follows:

MAY AT THE SMITHSONIAN

EVENTS

*Thursday, May 3*

Creative Screen: Award-winning films produced or sponsored by federal agencies. Conducted Tours, National Park Service: *Time of the West*, National Park Service, *The Design Necessity*, Federal Council on the Arts and the Humanities. Complete program begins 11:15 a.m., 12:15, 1:15 and 2:15 p.m. Renwick Gallery.

Films: Bienville Gallery Cut. *Torn Signs, Room 333, Big Bayou Black*—three rarely shown films by artist Ralston Crawford. 12 noon-2 p.m. National Collection of Fine Arts.

Seminar in Neurobiology: *Evidence for Molecular Coding of Information in the Nervous System.* Lecturer: George Ungar, Baylor University. Graduate level lecture on current research in neurobiology, sponsored jointly by the Consortium of Universities and the Smithsonian Institution Radiation Biology Laboratory. Question and answer period follows the lecture. 7:30 p.m., History and Technology Building auditorium. Final lecture: May 10.

*Friday, May 4*

Exhibition: *Views of the Earth.* Twenty large dye transfer color prints by Robert Buchnam, photographer and pilot. The abstract and the concrete are combined in aerial views to show "whats happening on earth. National Collection of Fine Arts through July 1.

*Saturday, May 5*

Films: *Bienville Gallcy Cut.* Repeat. See May 3.

Concert: *Sonya Monosoff*, violin, with chamber orchestra, presenting music of Haydn and Mozart. Evening concert, Hall of Musical Instruments, History and Technology Building. For ticket information call 381-5398.

Museum Lecture: *Dentistry in America in the 17th through 19th Centuries.* Speaker: Everett Jackson, Museum Specialist, Division of Medical Sciences, 2:30 p.m., History and Technology Building auditorium.

*Sunday, May 6*

Tallulah, A Memory. Eugenia Rawls creates a vivid stage portrait of Tallulah Bankhead with recollections of both her personal and professional lives. 8 p.m., Baird Auditorium, Natural History Building. $4 general admission; $3 Associates. Call 381-5157 for tickets.

*Monday, May 7*

Exhibition: *High School Graphics III.* Third annual exhibition of graphics by students of the District of Columbia public high schools. Sponsored by the National Collection of Fine Arts, District schools, and the Washington Print Club. Prizes will be awarded, NCFA, through June 11.

*Tuesday, May 8*

Lecture: *My Twenty Years of Kinetic Construction.* Internationally-known sculptor George Rickey lectures on his work and the pioneering achievements of the early Constructivist sculptors. 12 noon, National Collection of Fine Arts.

*Wednesday, May 9*

American Aviation Historical Society. Monthly meeting and program. 8 p.m., Room 1169, Arts and Industries Building. Open to the public. Call Mr. Wood, 381-5791 for further details.

*Thursday, May 10*

Seminar in Neurobiology: *The Role of the Membrane in Sensory Excitation.* Lecturer: Richard A. Cone, Johns Hopkins University. See May 3 for seminar details.

Anthropological Film Conference. Three-day conference and film program designed for filmmakers and educators, sponsored jointly by the Smithsonian Institution and the Anthropological Film Research Institute. For registration information calls Ms. Frazier, 381-6484. $10 general, $5 students and Associates.

*Friday, May 11*

Exhibition: *American Coverlets.* Beautiful, utilitarian art form shown in 15 American coverlets, 13 color reproduction and text panels. Includes three color slide presentations on weaving, spinning, and dyeing relating to the production of coverlets, with a background of taped folk songs sung by a master weaver at Williamsburg. The Renwick Gallery, through September 13.

*Saturday, May 12*

Museum Lecture: *Development of U.S. Army Uniforms from the Revolutionary War to World War II.* Speaker: Mr. Donald E. Kloster, Museum Specialist, Division of Military History. 2:30 p.m., History and Technology Building auditorium.

*Sunday, May 13*

Lecture: *It Ain't Necessarily Soul:* Gershwin's *Porgy and Bess* as a symbol. Rich Crawford, member of the music faculty at the University of Michigan, presented by the Division of Musical Instruments. 7:30 p.m., "Music Machines—American Style" exhibit hall, History and Technology Building. Free.

Baroque Betwixt Brunch. Baroque music performed on original instruments of the period with informal talk by Helen Hollis of the Division of Musical Instruments. Brunch served before or after the concert. $8 general admission; $7 Associates. Call 381-5157 for tickets.

Exhibition: *Man-Made Crystals:* A spectacularly colorful exhibit explaining the role of these newly developed materials, the technology that produces them and their relationship to natural materials. Featured are actual crystals grown in laboratories, and everyday products that incorporate them. Some of the largest and finest cut man-made gems are displayed along with natural gems showing the differences and similarities between them. Museum of Natural History, through Labor Day.

*Monday, May 14*

Concert: *Judith Norell*, harpsichord; *Bruce Brewer*, tenor. Cantatas of Mondonville, Campra, and music of Rameau. 7:30 p.m., Hall of Musical Instruments, History and Technology Building. Free.

*Wednesday, May 16*

Lunchbox Forum: *What Can You Do With a Planetarium.* Informal lecture by Jerry Barberly, of the National Air and Space Museum. 12 noon, National Air and Space Museum building.

*Thursday, May 17*

Creative Screen: Award-winning film, produced or sponsored by federal agencies. *The Eternal Forest*, U.S. Department of Agriculture; *The Endless Chain*, Atomic Energy Commission; *The Design Necessity*, Federal Council on the Arts and the Humanities. Complete showings begin 11:15 a.m., 12:15, 1:15 and 2:15 p.m. The Renwick Gallery.

*Friday, May 18*

Radio Concert: *Brazilian Church Music of the 19th Century.* National Gallery of Art Orchestra, directed by Richard Bales and 50 voices from the Catholic University Acapella Choir, directed by Dr. Michael Cordavanna. Recorded earlier this year at the Smithsonian's Renwick Gallery. 8:30 p.m., WETA-FM (90.9).

*Saturday, May 19*

Children's Day. Fourth annual all-day do-and-see festival for the young at art. Events include monoprinting, artist demonstrations, marionette theater, strolling musicians, films, magicians, treasure hunts, improvisational tours, mime theater and videotaping. Children's Day is designed for children aged 4 to 12 (young visitors to be accompanied by adults) and will be held both in the museum and in the courtyard. 10 a.m.-4 p.m., National Collection of Fine Arts. Free.

Museum Lecture: *Quilts and Slumber Throws in the National Collections.* Speaker: Doris M. Bowman, Museum Specialist, Division of Textiles. 2:30 p.m., History and Technology Building auditorium.

*Sunday, May 20*

Soul Vibration Band and Show. Seven piece all women band. 2 p.m., Anacostia Neighborhood Museum. Free.

*Tuesday, May 22*

Memorial Lecture: *Georg Scheutz* (1785-1873). In commemoration of the Swedish auditor, inventor, writer and publisher. Scheutz's difference engine, the first fully operable printing calculator, is on display in the Museum of History and Technology. Speaker: Dr. Uta C. Merzbach, Curator, Section of Mathematics. 2:30 p.m., History and Technology Building auditorium.

Concert: *Carole Bogard*, soprano; *Catherina Meints*, viola da gamba; *Jacqueline Anderson*, baroque violin, and assisting artists. Works by Handel, Rameau and Marais, all performed with historic instruments. 8:30 p.m., Hall of Musical Instruments, History and Technology Building. For ticket information call 381-5398.

*Wednesday, May 23*

Concert, by Port Authority, a portion of the U.S. Navy Band, and featuring a female vocalist. 10 a.m., Anacostia Neighborhood Museum. Free.

*Thursday, May 24*

Films: *Bienville Gallery Cut.* Repeat. See May 3.

*Saturday, May 26*

Museum Lecture: *Women's Bathing Dress in the United States.* Speaker: Mrs. Claudia Kidwell, Associate Curator, Division of Costume and Furnishings. 2:30 p.m., History and Technology Building auditorium.

Films: *Bienville Gallery Cut.* Repeat. See May 3.

FIFTIETH ANNIVERSARY CELEBRATION

*The Freer Gallery of Art*

An exhibition of Japanese "Ukiyoe" paintings begins a series of special exhibitions and symposia to take place during the coming year. Ukiyoe, meaning floating world, is a school of Japanese painting of the late 16th century, that recorded the brilliant pageant of life in Edo and Koyoto, including the courtesans, samurai, merchants, peddlers and actors. More than 100 examples from the Freer collections follow the development of Ukiyo from its beginnings to later periods that included artist Hokusai. Begins May 3.

RECENTLY OPENED EXHIBITIONS

Henry R. Luce Hall of News Reporting. A new exhibit hall that provides a multi-media chronicle of news gathering and dissemination from colonial times to the present days of instantaneous satellite reporting. Areas of the exhibit will feature working teletypes, cartoons, tribute to newsboys, photography, evolution of newspapers, Trans-Lux Newreel Theater, early days of radio and the impact of television. Museum of History and Technology.

Experimentarium. An experimental adaptation of the spacearium. The half-hour demonstration programs, entitled *New Born Babe*, are presented weekdays at 4 and 4:30 p.m., and touch briefly on three subject areas: an introduction to the experimentarium and what it can do; the history of air and space flight; and future study in astrophysics. National Air and Space Museum. Schedule changes will be announced on Dial-A-Museum, 737-8811.

The Magnificent West: American Heritage. Photographs by Milton Goldstein capture the majesty of some of our national parks—Yosemite, Grand Canyon, Yellowstone, the Tetons, Zion, Bryce, Sequoia and King's Canyon. Museum at Natural History, through May 15.

Masterpieces of Eskimo Ivory Carving. Small display of Alaskan Eskimo carvings. Rotunda. Museum of Natural History.

Foreign Study Tours.—For further details write Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

African Safari: July 17-Aug. 8. Waiting list only.

Mexico and Guatemala: Aug. 27-Sept. 14.

International Aerospace Tour: Sept. 17-Oct. 3.

Copernicus: The cities in Poland and Italy where he lived and worked. Oct. 1-23.

Domestic Study Tours.—For further details write Mrs. Kilkenny, Room 106-SI, Smithsonian Institution, Washington, D.C. 20560.

Skylab Launch: May 11-17.

Folkcraft and Musical Instrument Makers, Kentucky, North Carolina and Virginia: April 23-29.

Vanishing Indian Crafts: May 11-19, May 18-26, May 25-June 2.

Haiti Skin Diving on the Santa Maria site: May 13-23.

Olympic National Park: June 24-July 1.

Alaska Float Trip: July 18-Aug. 1. Waiting list only.

New Hampshire Archaeology Dig: One week, Aug. 5 or 12. Students only, Aug. 19.

Acadia National Park: Sept. 9-15.

California Colonial History: Sept. 16-23.

Sea and Shore Laboratory: Oct. 11-18.

PUPPET THEATER

Alice in Wonderland. Lewis Carroll's dream fantasy featuring all the favorite characters insulting, advising and delighting Alice as she tumbles after the White Rabbit into an incredible dream world of eternal tea time. A new production for children by Allan Stevens and Company, presented by the Division of Performing Arts. Performances Wednesdays, Thursdays and Fridays, 10:30 and 11:30 a.m., Saturdays and Sundays, 11 a.m., 12:30 and 2:30 p.m. Admission $1 children; $1.25 adults. Group rates available. For reservations call 381-5395.

MUSEUM WALK-IN TOURS

*Museum of History and Technology*

Highlights of the Collections: Monday, Wednesday, Friday—10:30, 11:30 a.m.; Tuesday, Thursday, 10:30, 11:30 a.m., 1:30 p.m.; Weekends—10:30 a.m., 12, 1:30 and 3 p.m.

First Ladies Gowns: Same times as Highlights.

*The National Portrait Gallery*

Highlights: 11 a.m., 1 and 2 p.m., seven days a week.

Mini-Tours: Noon.

SUMMER HOURS

Museum of History and Technology, Museum of Natural History, Arts and Industries





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Building, National Air and Space Museum—10 a.m.-9 p.m., seven days a week.

Freer Gallery of Art, National Collection of Fine Arts, The Renwick Gallery, National Portrait Gallery, Smithsonian Institution Building—10 a.m.-5:30 p.m.

National Zoo buildings—9 a.m.-6 p.m., seven days a week.

Anacostia Neighborhood Museum—10 a.m.-6 p.m., weekdays; 1-6 p.m. weekends.

DEMONSTRATIONS

*Museum of History and Technology*

Steam Engines. Wednesday through Friday, 1-2:30 p.m. 1st floor.

Machine Tools. Wednesday through Friday, 1-2 p.m. 1st floor.

Spinning and Weaving—Tuesday through Thursday, 10 a.m.-2 p.m. 1st floor.

Hand-Set Printing Presses. Monday, Tuesday, Thursday, Friday, 2-4 p.m. 3rd floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American folk instruments. Hall of Musical Instruments, 3rd floor, 1:30 p.m., Mondys and Fridays—keyboard instruments; Tuesday—wind instruments; Wednesdays—lutes and guitars; Thursdays—folk instruments.

Music Machines—American Style Mechanical and electronic music machines. Monday through Friday, 1:00 p.m., 2nd floor. As part of this exhibit, excerpts from musical films are shown continuously:

May 1-3—Highlights from Disney II; 4-10—Highlights of MGM Musicals; 11-17—Highlights from Disney I; 18-24—Disney II; and 25-31—Highlights of MGM Musicals.

Dial-A-Phenomenon—737-8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

Dial-A-Museum—737-8811 for daily announcements on new exhibits and special events.

Use of funds for printing this publication approved by the Director of the Office of Management and Budget, June 3, 1971.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS-AM (570) and FM (103.5) from 9-9:30 p.m. The program schedule for May:

6th—*The Energy Crisis:* Is There One? A discussion featuring Roger Carlsmith, Director of the Program in Energy Studies at the Oak Ridge National Laboratory. Dr. George Szego, President of Inter-Technology Corporation, and William Ellers, Director of the Smithsonian Office of Environmental Sciences.

13th—*The Nature of Scientific Discovery.* Highlights from the symposium held in Washington last month to commemorate the 500th anniversary of the birth of Nicolaus Copernicus.

20th—*Concert*—Harpsichord James Weaver performs music by J. S. Bach and Louis Couperin.

27th—*Dissecting a Mummy.* Dr. T. Aidan Cockburn, Research Associate at the Smithsonian, and Dr. J. Lawrence Angel, of the Museum of Natural History, describe what they learned by opening up an Egyptian mummy; *The Smithsonian's Gunboat.* Philip Lundeberg and Howard Hoffman tell the story of the "Philadelphia," the only surviving man-of-war of the American revolution.

Radio Smithsonian can also be heard over WAMU-FM (88.5), Fridays at 2 p.m.

OTHER EVENTS

Sponsored by the Smithsonian Associates. For reservations call 381-5157.

Theatre Series. Four evenings of musical comedy, opera and dance at Wolf Trap Theatre and four evenings of discussions on the productions. A meeting with Mrs. Jouett Shouse is also part of the series. June 14-Aug 30.

Women at Work. *Fashion: A Front Row Seat,* with Eleni Epstein, Fashion Editor, Washington *Star-News* May 2. Monthly luncheon/lecture series.

Tours, classes and workshops are also offered by the Smithsonian Associates. For a complete schedule of available activities, call 381-5157.

## FURTHER THOUGHTS ON INVESTIGATIONS

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Ms. ABZUG. Mr. Speaker, during this unprecedented crisis, we in Congress ask ourselves what we can do to get at the truth of the Watergate scandals, to insure the stability of government, to make certain that no such excesses occur again.

An editorial in the New Republic for May 12 suggests that:

Congress does not have to sit on its hands. It can give the GAO subpoena power and authority to enforce the election campaign act. Or it can set up a federal elections commission as an independent agency, one that could assume the GAO's responsibilities under the Federal Election Campaign Act for receiving campaign fund reports, reviewing them and investigating discrepancies or allegations of improprieties. Such a commission could be empowered to hold immediate public hearings on allegations, subpoena witnesses and information and take testimony under oath.

It is a thought worth considering, and I insert the editorial in the RECORD at this point:

THE PRESIDENT BUYS TIME

The President's April 30 television performance was only the latest in a line of carefully drafted, deceptive 'explanations" that began to flow from the White House and the Committee for the Re-election of the President within days after five men were arrested inside Democratic Party headquarters in the Watergate building. Some of the President's most conservative supporters had been urging him to say it wasn't so. He could not do that. He could only plead ignorance and accept responsibility. But responsibility for what? His ignorance?

A heart string was plucked when Mr. Nixon mentioned that on the day of the Watergate arrests, June 17 last year, he was "in Florida trying to get a few days' rest after my visit to Moscow." In truth he had returned from the Moscow trip June 2 and had already taken "a few days' rest" in Florida before flying to Key Biscayne again June 16. Then, solemnly, he told his audience, "I was appalled at this senseless, illegal action and I was shocked to learn that employees of the re-election committee were apparently among those guilty." Delayed shock. On June 19 Mr. Nixon's press secretary, Ron Ziegler, announced in response to questions, "I am not going to comment from the White House on a third-rate burglary attempt." The descriptive word around the White House then and for some time later for Watergate was a "caper."

We are now informed, however, that on learning of the break-in, Mr. Nixon "immediately ordered an investigation by appropriate government authorities." In truth the FBI had entered the case hours after the burglars were discovered and well before news reports were out—a fact worth noting since the President says he first learned of the Watergate "from news reports." Former acting FBI Director L. Patrick Gray III testified at his Senate confirmation hearings that *he* ordered a full investigation the afternoon of June 17. He never mentioned any order from the President. By "appropriate government authorities," does the President have in mind the investigation run by former presidential counsel John Wesley Dean III? We doubt it.

Mr. Nixon's toughest problem is persuading the public he knew nothing of his staff's complicity in the political espionage and sabotage—before or after the Watergate arrests. "As the investigation went forward," he said on April 30, "I repeatedly asked *those* conducting the investigation whether there was any reason to believe that members of my administration were in any way involved." Was John Mitchell a "member of his administration"? Mitchell at the time of Watergate was Nixon's campaign director, and has since stated that, while attorney general, he sat in on three meetings at which political espionage, sabotage and wiretapping were discussed (he says he opposed the latter). When he resigned as campaign manager, did he fail to share his knowledge with the President? Was he asked to do so? Was it just chance that the President, on August 29, "categorically" absolving anyone on the White House staff or in the administration from blame, added "presently employed"?

Acting FBI Director Gray was conducting an investigation. Was he one of *those* consulted? Gray testified he never spoke with the President. Yet it was the FBI investigative material leak to Washington Post newsmen that formed the stories linking administration and White House aides to Watergate Did *those* not include Dean, who was reading FBI reports and thus could verify the truth of the news stories? The President said the other night," . . . because I believed the reports I was getting, because I had faith in the *persons* [who else besides Dean?] from whom I was getting them, I discounted the stories in the press . . ."

How much else did he discount? An FBI interview last September with Nixon's former personal lawyer, Herbert Kalmbach, linking White House appointments secretary Dwight Chapin to political saboteur Donald Segretti, was given to The Washington Post and Time magazine and published October 15. Chapin denied the story. On March 1 this year acting FBI Director Gray produced a summary of the Kalmbach FBI interview confirming the previously printed stories. Nevertheless, at a subsequent news conference, the President implied that his personal lawyer's statement represented "charges . . . hearsay . . . guilt by innuendo." In short Mr. Nixon repeatedly refused to acknowledge facts, even when officially presented to him in an FBI report—hardly the attitude of a man searching for the whole truth but misled by others.

Toward the end of his April 30 talk, the President sought to dull the sharp edges of espionage and sabotage by calling them "shady tactics" adopted by "well-intentioned people" who, "under the intensive pressures of a campaign" decide "that what is at stake is of such importance to the nation that the end justifies the means." At another point he equated Republican violations of law to "ugly mob violence and other inexcusable campaign tactics . . . in the past including those that may have been a response by one side to the excesses or expected excesses of the other side . . . Both of our great parties have been guilty of such tactics." These may have been the justifications his aides gave him for condoning or even planning what occurred in 1972, but there is no evidence that the Democrats did anything to match it. This spreading scandal is not simply a commonplace example of the cynicism we have come to associate with the word "politician." It is a Republican scandal, a White House scandal. The public and the democratic process have been slapped in the face by Republicans who behaved not only improperly but criminally. And the President adds to the insult by his suggestion that the Ervin Select Committee should "conduct its investigation in an evenhanded way, going into charges against both candidates, both political parties."

This urge to bring the Democrats into the Watergate by the back door came to the fore with the President's lofty appeal to "all of you everywhere—to join in working toward a new set of standards, new rules and procedures to insure that future elections will be as nearly free of such abuses as they possibly can be made." No new standards, rules or procedures are needed. What is needed is tough, non-partisan investigation and enforcement of present law. While the President was asking for new election laws, the General Accounting Office was for the fourth time since August of last year releasing a report urging the United States attorney general "in the strongest terms to take the initiative with regard to these reported violations of the Federal Election Campaign Act and with the investigative resources available to his department, determine the full extent to which officials of the Committee to Reelect the President may have failed in their responsibilities under the Act in their dealings in cash funds." The President ought to read the GAO report which details the refusal to cooperate of present and past employees of the President's reelection committee. Some of those committee officials would not even meet with GAO investigators.

While waiting for the grand jury to act and the Ervin committee hearings to unfold, the Congress does not have to sit on its hands. It can give the GAO subpoena power and authority to enforce the election campaign act. Or it can set up a federal elections commission as an independent agency, one that could assume the GAO's responsibilities under the Federal Election Campaign Act for receiving campaign fund reports, reviewing them and investigating discrepancies or allegations of improprieties. Such a commission could be empowered to hold immediate public hearings on allegations, subpoena witnesses and information and take testimony under oath.

It was through control of the FBI investigation, the Department of Justice and therefore the Federal prosecutors that the White House was able not only to delay a trial in the Watergate arrests until the 1972 campaign was over, but also to cover up the full extent of the sabotage and espionage and shield key men who were involved. An independent, hopefully non-partisan but at least bipartisan election commission with authority and power to act immediately—while the campaign is on—could serve as a deterrent to future scoundrels.



## GOVERNOR REAGAN PROPOSES TAX LIMIT

### HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. VEYSEY. Mr. Speaker, any plan which has a reasonable chance to reduce taxes without eliminating or drastically curtailing necessary services, and does it in an equitable manner for all classes of taxpayers is welcomed by all of us.

California Governor Ronald Reagan has prepared a plan which, under the California initiative-referendum system, is expected to be presented directly to the electors of the State.

With congressional concern over budget control, this measure is well worth the reading and consideration of all Members of the body, and I reproduce its text herewith:

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

The Attorney General has prepared a title and summary of the chief purposes and points of the proposed measure, as follows:

Tax and Expenditure Limitations. Initiative Constitutional Amendment. Limits State expenditures; restricts use of defined surplus revenue to tax reductions, refunds, or emergencies. Eliminates personal income tax for lower income persons; reduces others' 1973 or 1974 tax up to 20%, from surplus, and subsequent year rates 7½%. Requires two-thirds legislative vote for new or changed State taxes. Limits local property tax rates except school districts'. Requires State funding of new programs mandated to local governments. Provides for tax and expenditure limit adjustments when functions transferred. Contains special indebtedness obligation provisions. Allows local tax rate and expenditure limit increases upon voter approval. If the proposed initiative is adopted undefined additional financing from State sources in the approximate amount of Five Hundred Sixty Eight Thousand dollars ($568,000) on a one-time basis and Two Hundred Thirty Six Thousand dollars ($236,000) annually thereafter will be required for State administrative costs.

To Honorable Secretary of State of California:

The undersigned hereby proposes that the Constitution of the State of California be amended by adding Article XXIX and petitions the Secretary of State to submit this proposal to the electors of California for adoption. The text of the proposed measure is as follows:

"The People of the State of California do enact as follows:

"The Constitution of the State of California is amended by adding Article XXIX, to read:

ARTICLE XXIX—REVENUE CONTROL AND TAX REDUCTION

Section 1. Declaration of Purpose.

The people of the State of California declare it is in the best interests of the State to effect an orderly reduction of their tax burden, without shifting costs to local government, by enacting this Constitutional provision to:

(a) Limit and reduce State taxes.

(b) Provide for refunds to the taxpayers of surplus State revenues.

(c) Limit Local Entity property tax rates.

(d) Establish funding procedures for Emergency Situations, and

(e) Require voter approval of taxes which exceed the limits set forth in this Article.

Section 2. State Tax Revenue Limit; Tax Surplus Fund; 20% Tax Refund.

(a) There is a State Tax Revenue Limit determined as provided in this Article.

(1) If State Tax Revenues for any fiscal year exceed the State Tax Revenue Limit for that fiscal year, the excess shall be transferred to the Tax Surplus Fund, which is hereby established.

(2) The Tax Surplus Fund shall be used only for one or more of the following purposes:

(i) For tax refunds or reductions;

(ii) For approved Emergency Situation appropriations under Section 6 of this Article.

(3) The Legislature shall minimize accumulations within the Tax Surplus Fund by making periodic tax refunds or reductions as permitted by this Article.

(b) On the effective date of this Article, the Controller shall determine the amount of surplus in the General Fund as of the end of fiscal year 1972-73 and shall designate such portion of the surplus as is necessary and available to effect the refund of subdivision (b)(1) hereof.

(1) The surplus so designated shall be utilized for a refund by means of a credit of 20% of personal income taxes for the calendar year 1973, excluding taxes on capital gains on assets held for more than one year, items of tax preference, estates and trusts, or in such lesser percentage as the Director of the Department of Finance shall certify is available for such refund. Single individuals whose adjusted gross income is less than $4,000.00 and married couples and heads of households whose adjusted gross income is less than $8,000.00 shall bear no personal income tax. If this Article is effective on or before December 31, 1973, then this paragraph shall apply to the 1973 taxable year. If this Article becomes effective after December 31, 1973, then this Section shall apply to the 1974 taxable year.

(2) If prior to the effective date of this Article, a statute is enacted providing the refund as set forth in subdivision (b)(1) of this Section, such statute shall be deemed compliance with the requirements of this subdivision (b) to the extent such refund is provided.

(3) The Legislature shall, by statute, implement the tax refund required by subdivision (b)(1) as to application to non-resident and fiscal year taxpayers and as to credits in computing liability.

(4) State Tax Revenue for purposes of computing the State Tax Revenue Limit as here defined shall not be reduced by refunds made pursuant to this subdivision (b).

Section 3. Appropriation Limit.

No appropriation shall cause an expenditure during any fiscal year of State Tax Revenues for that fiscal year in excess of the State Tax Revenue Limit for that fiscal year, other than for tax refunds or, pursuant to Section 6 of this Article, for Emergency Situations. Subject only to such exceptions, any such expenditure in excess of the State Tax Revenue Limit is prohibited. The Legislature shall, prior to any other appropriation, first make provision for the payment of the principal and interest on th indebtedness of the State.

Section 4. State Tax Adjustments: Personal Income Tax Reduction.

(a) The imposition of any new tax or the change in the rate or base of any tax by the Legislature shall be by statute passed by roll-call vote entered in the journal, two-thirds of the membership of each house concurring, except for tax refunds or reductions by appropriations specifically declared to be out of the Tax Surplus Fund which shall be by statute passed by a vote of the majority of the membership of each house.

(b) For 1974 and thereafter, the State personal income tax liability of taxpayers shall be determined at rates no higher than those in effect on January 1, 1973, less a credit of 7½%. Single individuals whose adjusted gross income is less than $4,000.00 and married couples and heads of households whose adjusted gross income is less than $8,000.00 shall bear no State personal income tax. The Legislature shall, by statute, implement the tax reduction required by this Section as to application to non-resident and fiscal year taxpayers and as to credits in computing liability. The provisions of this subdivision (b) may be modified by statute passed by roll-call vote entered in the journal, two-thirds of the membership of each house concurring. If this Article becomes effective after December 31, 1973, then this subdivision shall apply to 1975 and thereafter instead of 1974 and thereafter.

Section 5. State Tax Revenue Limit Adjustment by Election.

The State Tax Revenue Limit may be increased or decreased by a designated dollar

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amount by a majority vote of the people at a Statewide election approving a measure placed on the ballot by the Legislature by a roll-call vote entered into the journal two-thirds of the membership of each house concurring, or placed on the ballot as an initiative statute pursuant to Article IV of this Constitution. A measure so approved shall take effect the day after the election, unless the measure provides otherwise.

Section 6. Emergency Fund and Emergency Appropriations.

(a) A Special Emergency Fund of not more than 0.2% of the State Personal Income shall be established and maintained by the Legislature. Money appropriated to the Special Emergency Fund shall be from State Tax Revenues and shall be subject to the State Tax Revenue Limit.

(b) Upon the Governor's declaration of an Emergency Situation and the exhaustion of such emergency funds as may be available from the Federal Government, the Legislature may make appropriations to meet the Emergency Situation from the Special Emergency Fund or, if that fund is exhausted, either from the Tax Surplus Fund or from State Tax Revenues derived from a specific tax increase or a specific new tax designated for the Emergency situation and enacted in accordance with Section 4 of this Article. Any tax so enacted shall remain in effect no longer than two years, unless its continuation is approved by a majority of the votes cast for and against its continuance at a Statewide election.

Section 7. Local Taxes.

(a) The Maximum Property Tax Rates of each Local Entity are set at the rates levied for the fiscal year 1971–72 or for the fiscal year 1972–73, whichever is the higher. The Maximum Property Tax Rates for a Local Entity created after the effective date of this Article shall be established by the electorate of the Local Entity at the time of its creation.

(b) To permit adjustment of the Maximum Property Tax Rates set in subdivision (a) of this Section, the Legislature shall enact statutes, within the general intent of this Article, to permit:

(1) Maximum Property Tax Rates to be increased or decreased to reflect cost variations due to cost-of-living or population changes not offset by assessed valuation changes or to allow for other special circumstances creating hardship for individual Local Entities.

(2) Maximum Property Tax Rate to be increased or decreased when authorized by the electorate of the Local Entity, or if there is no electorate, then as provided by the Legislature.

(3) Maximum Property Tax Rates to be increased by a four-fifths vote of the governing board of a Local Entity, to secure revenue to defray the costs of an Emergency Situation affecting the Local Entity, but any such increase shall remain in effect no longer than two years, unless its continuation is approved by the Local Entity's electorate.

(c) All property taxable by Local Entities and School Districts, except personal property specially classified for the purpose of assessment and taxation pursuant to the provisions of Section 14 of Article XIII of this Constitution, shall be assessed at a uniform percentage of full value established by the Legislature. If that percentage is any figure other than twenty-five, the maximum rates prescribed in subdivisions (a) and (b) of this Section shall be converted into new maximums by multiplying them by twenty-five and dividing them by the new assessment percentage. Full value, as used herein, means fair market value or such other standard of value as is required or authorized under this Constitution.

(d) No Local Entity or School District shall impose, levy or collect any tax upon or measured by income, or any part thereof, except as authorized by the Legislature by a statute passed by a roll-call vote entered in the journal, two-thirds of the membership of each house concurring. This subdivision (d) shall not be construed to prohibit the imposition, levy or collection of any otherwise authorized license tax upon a business measured by or according to gross receipts.

Section 8. Protection of Local Entities and School Districts from State-Imposed Costs.

(a) After the effective date of this Article, no new program, or increase in level of service under an existing program, shall be mandated to Local Entities or School Districts by the State until an appropriation has been made to pay to the Local Entities or School Districts the costs of the mandated program or service, but no appropriation for payments to Local Entities or School Districts shall be required if such program or increase in level of service under a program is determined by the Legislature to be applicable generally to private entities or individuals, as well as to Local Entities or School Districts.

(b) The Legislature shall enact statutes to establish procedures for implementing this Section consistent with the following principles and directives:

(1) The performance of functions or services not required to be performed prior to a mandate to the Local Entity or School District shall be considered a new program or increase in level of service.

(2) The increased workload under an existing program, the implementation of statutes existing at the effective date of this Article or the definition of a new crime or change in the definition of an existing crime by statute shall not be considered a mandated new program or a mandated increase in level of service.

Section 9. Maintenance of Local Property Tax Relief.

(a) If the State reduces local property tax relief by decreasing the specific unit amount, rate or percentage established by statute for payments made under formula to Local Entities or School Districts from that in effect upon the effective date of this Article, the State Tax Revenue Limit shall be decreased by an amount equivalent to the decrease in payments to Local Entities or School Districts.

(b) The adjustment to the State Tax Revenue Limit required by this Section shall be made in the first fiscal year of the decrease of payment described in subdivision (a) of this Section. Such adjustment shall remain in effect for each subsequent fiscal year.

Section 10. Adjustments for Program and Cost Transfers.

To maintain a balance between the tax burden and the cost of specific government programs at the State and local level, and to further accomplish the purposes of this Article, the Legislature shall enact statutes consistent with the following principles and directives:

(a) If the Legislature enacts a specific property tax relief measure funded by State Tax Revenues or if, by order of any court, the costs of a program are transferred from Local Entities or School Districts to the State, the State Tax Revenue Limit may be increased, providing the Maximum Property Tax Rates of affected Local Entities or the then existing tax rates of affected School Districts are commensurately decreased.

(b) If the costs of a program are transferred from the State or Local Entities or School Districts to the Federal Government, the State Revenue Limit or the Maximum Tax Rates of affected Local Entities or the then existing tax rates of affected School Districts shall be commensurately decreased.

(c) If the costs of a program are transferred to or imposed on existing or newly created Local Entities by Federal Law or the order of any court, the Maximum Property Tax Rates of affected Local Entities may be commensurately increased, pursuant to such specific conditions of State approval in each case as the Legislature may impose.

(d) If the costs of a program are transferred between existing or newly created Local Entities or School Districts, the Maximum Property Tax Rates or the then existing tax rates of each shall be commensurately adjusted.

(e) If Federal taxes are reduced on condition that the State increase expenditures by an amount equivalent to the Federal reduction, the State Tax Revenue Limit may be increased by such amount.

(f) The adjustments required by this Section of the State Tax Revenue Limit, the Maximum Property Tax Rates or the then existing tax rates in the case of School Districts shall be made in the first fiscal year of transfer or operation. Such adjustment shall remain in effect for each subsequent fiscal year.

Section 11. Economic Estimates Commission.

(a) There shall be an Economic Estimates Commission consisting of the State Controller; the Director of the Department of Finance or an appointee of the Governor as designated by him; and a designee appointed by the Legislature who is not a member of the Legislature, selected in a manner provided by the Joint Rules of the Legislature. The Commission shall act by a vote of two-thirds of its membership. The Commission Chairman shall be designated by the Governor. The Commission shall utilize the resources of existing State agencies in carrying out its duties.

(b) The Commission shall determine and publish, prior to April 1 of each year, the State Tax Revenue Limit for the following fiscal year by making and publishing all necessary estimates and calculations as provided in this Article. If this Amendment is not effective prior to April 1, 1974, the Commission shall determine the State Tax Revenue Limit for fiscal year 1974–75 as soon after enactment as it can act. If it does not act prior to July 1, 1974, the State Tax Revenue Limit for fiscal year 1974–75 shall be the amount of the State Tax Revenue as here defined for fiscal year 1973–74. The Commission shall also determine and publish such estimates of the State Tax Revenue Limit as are necessary for the orderly and proper development of State budgets. If the Commission does not act to determine the State Tax Revenue Limit before July 1 of a fiscal year, the State Tax Revenue Limit for that fiscal year shall remain the same as for the previous fiscal year.

Section 12. Computation of State Tax Revenue Limit.

(a) The State Tax Revenue Limit for a fiscal year shall be computed as the dollar sum of

(1) the greater of the following:

(i) the dollar amount derived by multiplying together the State Tax Revenue Limit Income Quotient for the specified fiscal year and the State Personal Income for the calendar year in which the specified fiscal year commences; or

(ii) the dollar amount derived by multiplying together the State Tax Revenue Limit Population-Inflation Quotient, the State Population for the calendar year in which the specified fiscal year commences and the Consumer Price Index; plus

(2) the dollar amount increase or decrease to the State Tax Revenue Limit authorized for that fiscal year pursuant to Sections 5, 9 and 10 of this Article.

(b) Beginning with the fiscal year 1989–90, or with a fiscal year in which the State Tax Revenue Limit Income Quotient is no greater than 0.0700, the Legislature, by statute passed by roll-call vote entered in the journal, two-thirds of the membership of each house concurring, may terminate further reduction in the State Tax Revenue Limit Income Quotient. Thereafter, the State Tax Revenue Limit Income Quotient shall be maintained at the level reached in the fiscal year in which such statute is enacted; however, annual reductions may be reinstated by statute passed by roll-call vote, two-thirds of the membership of each house concurring.

(c) If the statistical series used to determine the Consumer Price Index, State Personal Income and State Population, as defined in Section 16 of this Article, are recomputed by or succeeded by new series reported by the United States Department of Commerce or the United States Department of Labor or a successor agency of the United States Government, the State Tax Revenue Limit Income Quotient or State Tax Revenue Limit Population-Inflation Quotient shall be rederived in accordance with the recomputation of new series, and the rederived quotient shall be used in computing the State Tax Revenue Limit for the fiscal year succeeding the fiscal year in which the quotient was rederived.

Section 13. Bonds and Pensions.

(a) Nothing in Section 3 or in any other provision of this Article shall limit the taxes levied or otherwise to be levied or appropriations made for the payment or discharge of any indebtedness of the State and the interest thereon heretofore or hereafter authorized by vote of the electors, or State notes or other securities issued in anticipation of the collection of taxes, and all bonds or other indebtedness of the State shall be payable from taxes of any kind or character which may be levied by the State without limitation of rate or amount.

(b) Nothing herein contained shall limit any indebtedness or liability of Local Entities or School Districts which has been duly authorized by a vote of the electors there. All taxes or assessments required to be levied or collected for the payment of indebtedness so incurred may be levied upon all property subject to taxation or special assessment by the Local Entities or School Districts without limit as to rate or amount, and the Maximum Property Tax Rates applicable herein shall not apply to the payment of indebtedness so incurred. The Maximum Property Tax Rates applicable to Local Entities shall not be applicable to obligations to levy taxes under the Improvement Bond Act of 1915 or to the authority of Local Entities or School Districts to levy and collect taxes to pay for Local Entities or School Districts retirement and pension benefits pursuant to laws which have been, or may in the future be, approved by the voters.

Section 14. Severability.

If any portion, section, subdivision or clause of this Article, or the application thereof to any entity, person or circumstance, be declared unconstitutional or held invalid or deemed unenforceable for any reason, the remaining portions of this Article and the application of such portions to other entities, persons or circumstances, shall not be affected thereby.

Section 15. Implementing Statutes.

(a) The Legislature, by statute, shall establish procedures for elections required by this Article, shall appropriate funds for any Statewide special election called pursuant to this Article and shall enact any other statutes necessary to carry out the provisions of this Article.

(b) The Legislature, by statute, may determine the fund or funds from which transfers to the Tax Surplus Fund, as established by subdivision (a) of Section 2 of this Article, shall be made, unless this Constitution restricts the use of a designated fund to other specified purposes. In the absence of statutory provisions, transfer to the Tax Surplus Fund shall be from the State General Fund.

Section 16. Definitions.

(a) "State Tax Revenue" means the revenue of the State from every tax, fee, penalty, receipt and other monetary exaction, interest in connection therewith, and any transfer out of the Tax Surplus Fund other than for tax refund, except Excluded State Revenues are not part of State Tax Revenues.

(b) "Excluded State Revenues" means

(1) The following receipts:

(i) intergovernmental transfer payments;

(ii) contributions and deposits to, receipts of, income of and proceeds of capital transactions of Employment Trust Funds;

(iii) revenue derived from a specific tax levied as permitted in Section 6 to the extent such revenue is used to meet an Emergency Situation;

(iv) proceeds from the sale or issuance of State bonds or notes;

(v) grants and contract income for projects or research sponsored and funded by non-governmental agencies;

(vi) internal fund transfers such as interfund or inter-agency transfers, revenue, reimbursements, abatements, advances, loans, repayment of loans;

(vii) proceeds from the sale of investments and the redemption of matured securities;

(viii) proceeds from the sale of real and personal property;

(ix) gifts, donations, bequests to the State;

(x) endowment income;

(xi) service fees and charges derived from projects which are financed by revenue bonds secured solely by the revenue of such projects to the extent that such fees and charges are used for the payment of principal and interest on such bonds.

(2) The following fees:

(i) proceeds from the activities of the University of California and the State University and College System, including, but not limited to, student tuition and fees and post-secondary education income derived from housing, parking, food service, students union fees, book stores or similar enterprises;

(ii) non-commercial fish and game fees, assessments and other revenues;

(iii) service or use fees levied by the Department of Parks and Recreation;

(iv) income from environmental license plates;

(v) revenue derived from State-owned parking lots and garages.

(3) Fees which meet all of the following criteria:

(i) the service or product for which the fee is paid is generally available from a non-State source, or the fee is collected solely to regulate a non-commercial, non-professional, non-criminal activity other than those referred to in Article XXVI:

(ii) the fee collected is used to defray all or part of the costs of the State in providing the service;

(iii) the payer of the fee receives the benefit derived from payment of the fee; and

(iv) are designated by statute as Excluded State Revenues.

(c) "Intergovernmental Transfer Payments" means dollar amounts received by the State of California from the Federal Government or any Local Entity or School District except those taxes, fees and penalties imposed by the State and collected by the Local Entity or School District for the State.

(d) "Employment Trust Funds" means the Unemployment Fund, Unemployment Administration Fund, Unemployment Compensation Disability Fund, Old Age and Survivors Insurance Revolving Fund, Uninsured Employers Fund, State Compensation Insurance Fund, State Employee Contingency Reserve Fund; and the Public Employees Retirement Fund, Teachers Retirement Fund, Judges Retirement Fund, Legislators Retirement Fund and other similar retirement funds.

(e) "Expenditure." As used herein, an expenditure occurs at the time and to the extent that a valid obligation against an appropriation is created. For the purpose of capital outlay in connection with this Article, a valid obligation shall be considered to have been incurred when the Legislature appropriates the funds.

(f) "Emergency Situation" means an extraordinary occurrence requiring unanticipated and immediate expenditures to preserve the health and safety of the people.

(g) "Maximum Property Tax Rates" means the property tax rate or rates and ad valorem special assessment rate or rates for any Local Entity.

(h) "Local Entity" means any city, county, city and county, chartered city, chartered county, chartered city and county, taxing zone, special district or other unit of government encompassing an area less than the entire State, or any Statewide district, or any combination thereof in existence on the effective date of this Article or any such entity established thereafter. Local Entity does not include a School District.

(i) "School Districts" means the entities specified as parts of the Public School System in Article IX, Section 6, of this Constitution and includes Community Colleges but does not include the State University and College System.

(j) "Estimated State Tax Revenues" means the dollar amount of State Tax Revenues as estimated by the Economic Estimates Commission.

(k) "State Personal Income" means the estimate made by the Economic Estimates Commission of the dollar amount that will be reported as Total Income by Persons for the State of California for the specified calendar year by the United States Department of Commerce or successor agency in its official publications.

(l) "State Tax Revenue Limit Income Quotient" means:

(1) For the fiscal year 1974–75, the number derived by:

(i) Dividing the sum of Estimated State Tax Revenues for the fiscal year 1973–74 by the State Personal Income for the calendar year 1973, and

(ii) Subtracting 0.001.

(2) For each fiscal year succeeding the fiscal year 1974–75, the number derived by:

(i) Dividing the State Tax Revenue Limit for the previous fiscal year by the State Personal Income for the previous calendar year, and

(ii) Subtracting 0.001.

(m) "State Population" means the estimate made by the Economic Estimates Commission of the number that will be reported as Total Population of the State of California for the specified calendar year by the United States Department of Commerce or successor agency in its official publications.

(n) "Consumer Price Index" means the number reported as the Consumer Price Index for the United States (Base year 1967=100) by the United States Department of Labor, or successor agency of the United States Government, for the most current month in its latest official publication.

(o) "State Tax Revenue Limit Population-Inflation Quotient" means the number derived by dividing:

(1) The Estimated State Tax Revenue for the fiscal year 1973–74 by

(2) The State Population for the calendar year 1973 as multiplied by the Consumer Price Index available to the Economic Estimates Commission at the time it computes the State Tax Revenue Limit for fiscal year 1974–75.



## PRIVATE CALENDAR

## HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. BOLAND. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of, the Private Calendar. I hope this might be of some

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value of the Members of this House, especially our newer colleagues.

Of the five House calendars, the Private Calendar is the one to which all private bills are referred. Private bills deal with specific individuals, corporations, institutions and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only five were private laws. But, their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress—1885–87—the first Congress for which complete workload and output data is available—passed 1,031 private laws, as compared with 434 public laws. At the turn of the century, the 56th Congress passed 1,498 private laws and 443 public laws—a better then 3-to-1 ratio.

Private bills were referred to the Committee of the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62d Congress changed this procedure by its rule XXIV, clause 6, which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932 and then adopted in its present form on March 27, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream; or, fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82d Congress passed 1,023 private laws, as compared with 594 public laws. The 88th Congress passed 360 private laws and 666 public laws.

Under rule XXIV, clause 6, the Private Calendar is called the first and third Tuesdays of each month. The consideration of Private Calendar bills on the first Tuesday is mandatory unless dispensed with by two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House as in Committee of the Whole.

On the third Tuesday of each month the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matter so stricken out shall not again be included in an omnibus bill during the session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved into their component bills, which are engrossed separately and disposed of as if passed severally.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members the official objectors system the House has established to deal with our great volume of private bills.

The majority leader and the minority leader each appoint three Members to serve as Private Calendar objectors during a Congress. The objectors are on the floor ready to object to any private bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or question about a particular private bill, he can get assistance from the objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. Those rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. The agreement is as follows:

Reaffirming the policy initially adopted on June 3, 1958, the Members of the majority and minority Private Calendar objectors committees have today agreed that during the 93d Congress they will consider only those bills which have been on the Private Calendar for a period of 7 calendar days, excluding the day the bills are reported and the day the Private Calendar is called.

It is agreed that the majority and minority legislative clerks will not submit to the objectors any bills which do not meet this requirement.

This policy will be strictly observed except during the closing days of each session when House rules are suspended.

The agreement was entered into by the majority objectors—the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Ohio (Mr. JAMES V. STANTON), and the gentleman from Georgia (Mr. DAVIS)—and the minority objectors.

I feel confident that I speak for my colleagues when I request all Members to enable us to give the necessary advance consideration to the private bills, by not asking us to depart from the above agreement unless absolutely necessary.

## A CLARIFICATION ON MAGNOLIA LIQUOR CO.

### HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HÉBERT. Mr. Speaker, in May of 1972 a report was furnished the Select Committee on Crime by Mr. Aaron Kohn, director of the Metropolitan Crime Commission in New Orleans, and he testified before the panel with respect to this report.

Certain portions of this report were reported in the press and certain of these stories effected Mr. Malcolm Woldenberg, Mr. Stephen Goldring and their firm, Magnolia Liquor Co., Inc., of New Orleans.

The impression received by some persons because of this publicity was that these individuals and their firm were the subject of the investigation. This, combined with the name of the Select Committee on Crime, was harmful and detrimental to Mr. Goldring and Mr. Woldenberg and to their business activities, particularly through Magnolia Liquor Co., Inc.

As a result, Mr. Moise S. Steeg, Jr., representing them, paid a visit to Mr. Joseph Phillips, chief counsel of the Select Committee on Crime. Mr. Steeg explained all the circumstances concerning the various matters to which Mr. Kohn testified and the correspondence I am inserting at this point in the RECORD is the result of this discussion. In the interest of fair play and in order to give the matter some clarification, I include the following correspondence:

AUGUST 3, 1972.

Mr. STEPHEN GOLDRING,
Mr. MALCOLM WOLDENBERG,
*Magnolia Liquor Co., Inc.,*
*New Orleans, La.*

GENTLEMEN: As you know, on August 2, 1972, I met with the Chief Counsel for the Select Committee on Crime of the House of Representatives in Washington, D.C. I had a very frank discussion with him concerning the testimony of Aaron Kohn before the Committee insofar as it related to you individuals, as well as Magnolia Liquor Company. I left with him full documentation of each of the transactions mentioned in this testimony.

Mr. Phillips explained that the purpose of the Committee is to investigate such evidence as comes before them to determine first whether any further investigation is necessary and second whether such investigation will provide the basis for legislative action.

He further explained that the Committee does not give, in effect, a "No True Bill" as does a Grand Jury. All that the Committee can do is determine whether or not it will proceed with further investigation. I will report to you as soon as I have heard from Mr. Phillips.

Very truly yours,

MOISE S. STEEG, Jr.

AUGUST 11, 1972.

Mr. STEPHEN GOLDRING,
Mr. MALCOLM WOLDENBERG,
*Magnolia Liquor Co., Inc.,*
*New Orleans, La.*

GENTLEMEN: As I wrote on August 3rd, I have discussed the testimony of Aaron Kohn with the Chief Counsel of the Select Committee on Crime. He has now advised me that the Crime Committee has concluded its inquiry in relation to Jefferson Downs and does not intend any further investigation of Messrs. Stephen Goldring, Malcolm Woldenberg and Magnolia Liquor Company, Inc. and their transactions with Magnolia Park, Inc. or its successor, Jefferson Downs, Inc.

I am very gratified with this result and with best personal regards, I remain

Very truly yours,

MOISE S. STEEG, Jr.



## WHITE HOUSE CONFERENCE ON EDUCATION

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 10, 1973*

Mr. RAILSBACK. Mr. Speaker, on May 3, I joined with Congressman JOHN ERLENBORN in sponsoring a bill calling for a White House Conference on Education in 1975. I today urge its immediate and favorable consideration.

At this time, approximately one out of every three Americans is actively involved in the education process—either as a student or as a teacher. This is a remarkable level of participation and it underscores the high value which our citizens assign to education as well as to emphasize the great importance of education to the general well-being and continued progress of our Nation.

In 1954, President Dwight D. Eisenhower provided the inspiration and leadership which culminated in the first White House Conference on Education. President Eisenhower asked for the "most thorough, widespread, and concerted study the American people have ever made of their educational problems." President Eisenhower explained:

This study is necessary, I believe, to make citizens realize the importance of immediate and continued action if we are to have agencies that contribute to a well-educated Nation.

This first White House Conference on Education was held in Washington in 1955 and proved to be an important milestone in American educational history and a most significant forum for the exchange of ideas on the improvement of American education.

Ten years after the first conference, Washington again hosted a White House Conference on Education. Convening in the summer of 1965, the second conference came at a time when a major expansion of the Federal role in education—through such legislation as the Elementary and Secondary Education Act—was in process. In his message concerning this conference, President Lyndon Johnson framed some of the important questions it was to consider:

How can we bring first-class education to the city slum and to impoverished rural areas? Today the children of five million families are denied it.

How can we stimulate every child to catch the love of learning so he wants to stay in school? One million children now drop out of school each year.

How do we guarantee that new funds will bring new ideas and new techniques to our school system—not just simply expand the old and the outmoded?

How can local and state and federal government best cooperate to make education . . . the first among all of the nation's goals?

Year 1975 will mark the 10th anniversary of the second White House Conference on Education and the 20th anniversary of the first Conference on Education. Today many of the significant questions raised and discussed in these previous conferences remain with us. But we have also made important progress, and, I am convinced, 1975 would be an excellent time to take stock of what has been accomplished within American education over the past two decades as well as to identify what areas need renewed attention and effort.

In addition, since a Conference on Education in 1975 would occur just 1 year before the Bicentennial Year, such a conference could provide a broad forum for the discussion of what ought to be our national education goals and plans as we begin our third century as a strong and independent people.

I therefore hope, Mr. Speaker, that 1975 will mark the occasion for the third White House Conference on Education, and that all Members of both Houses of Congress will join in the support and rapid passage of H.R. 7461, which will help achieve this goal.

## NO GROWTH IS ANOTHER WAY OF SAYING URBAN SPRAWL

### HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. STEIGER of Arizona. Mr. Speaker, land-use legislation is an issue that will most likely be addressed by the 93d Congress. In fact, extensive hearings have already been held on a number of land-use bills that have been introduced.

There are many different views regarding the amount of control that different levels of Government should be permitted to exercise in regulating the use of land. I would like to call to my colleagues' attention some thoughts on this subject as expressed by Mr. Bernard H. Siegan in an article that appeared in the March 11, 1973, issue of the Baltimore Sunday Sun. Mr. Siegan is a specialist in real estate law and is the author of the book, "Land Use Without Zoning," which has received a number of excellent reviews. The article by Mr. Siegan follows:

"NO GROWTH" IS ANOTHER WAY OF SAYING "URBAN SPRAWL"

(By Bernard H. Siegan)

CHICAGO.—Laws to regulate the use of land should recognize at least three objectives: First, land is a precious and scarce resource and should not be wasted. Second, when and as used, it should be used to satisfy the most or more pressing needs of society. Third, it should be utilized for the benefit and advantage of all people as distinct from any special class or group.

There should be little difficulty in finding consensus on these issues, and many new laws and regulations are continually being proposed and adopted seemingly to achieve the stated objectives. The problem is that these or virtually any laws will generally obstruct and deny them. The fact of the matter is that these objectives are much more likely to be accomplished in the absence of laws than in their presence. In other words, I submit that the best land-use regulation usually is no regulation: No zoning is the best zoning!

LAWS ARE SUPPOSED TO CONSERVE LAND, NOT WASTE IT

Let me explain this conclusion by discussing in detail the issues in the order presented. With respect to the first objective, there is presently an appalling trend throughout the country to pass laws in the cause of conserving the land that will operate to waste it. I refer particularly to two kinds of zoning regulations: first, those that reduce density, that is, the amount of living units, single family or multiple family that will be allowed on an acre of land, and second, those that prohibit high-rise or low-rise multiple-family construction. To require one house on two acres of land when the potential occupants would be pleased and delighted to have the opportunity to live on a fraction of that amount usually is nothing more than a waste of the land and their money.

Similar reasoning applies to density limitations on multi-family buildings (apartments, condominiums and townhouses) or the prohibition entirely of these structures. (Each floor of an apartment building in effect adds to the supply of land.) There is no surer means for consuming needlessly the land than by forcing persons who prefer to live in apartments or townhouses to live in homes. Frequently, sites for homes for the same number of families will occupy five or even ten itmes as much land as low-rise apartments do, and the figure is much higher with respect to high-rises.

This trend toward reducing density and forbidding multi-family structures may waste hundreds of square miles. If some of the dire predictions for our environmental future are even partially correct, we will need someday all of this land just to feed ourselves.

LIMITING GROWTH WOULD BAR THE POOR FROM BETTER HOUSING

Despite this waste and exploitation of a precious natural resource, the environmentalists and conservationists are not storming city halls and burning zoning ordinances. On the contrary, they tend to approve of measures that restrict land use in the belief that this will provide for more open space and green and wooded areas. They want more of nature retained as it is and left undisturbed by development and people. Apparently they only want their kind of earth saved. And this raises the second of the objectives of regulation: use of the land to satisfy our most pressing needs, one of which obviously is for a better environment.

While there is certainly some environmental merit in a "no-growth" or a "controlled growth" position, each is but one approach, favoring and promoting a minority interest at best, and then likely overall to deteriorate rather than improve environmental conditions for many more people. Prohibiting or limiting development will injure the portion of the environment that is unquestionably the most important, that which houses the people and supplies their material needs.

For most people, the home is where the major part of life is spent. It is the place that occupies the time and attention of the wife and children most of each day and where the husband spends most of his time when

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not at work. Its characteristics greatly influence the quality of one's life. Similarly, a better neighborhood and greater convenience to work and shopping are most significant environmental goals.

One direct consequence of these anti-development policies will be to deny those who would occupy the new and excluded housing an opportunity to better their environment. Another is that the living conditions of the many dependent on the construction and related industries for their livelihoods will suffer temporarily if not permanently by the resultant curbs on production.

The indirect effects will be considerably more pervasive. Environmental conditions throughout a housing market will suffer. (An entire metropolitan area may constitute a single housing market.) These practices will (a) curtail the filtering process upon which great numbers of people are dependent for better housing conditions, (b) raise generally the cost of shelter, (c) cause worse environmental conditions for many or most apartment dwellers within that housing market, and (d) cause greater spreading and scattering of housing accommodations, something popularly condemned by environmentalists and planners as "urban sprawl."

Filtering in housing occurs when new homes and apartments are constructed and families move into them, vacating their former residences for occupancy by others. The others, in turn, may vacate still other units and the process continues through a number of sequences A study of this process in 17 metropolitan areas made by the Survey Research Center at the University of Michigan has shown that on the average, the construction of one new unit makes it possible for a succession of 3.5 moves to occur to different and more likely better housing accommodation. New construction thus benefits more people indirectly than it does directly; 2.5 moves to existing housing and only 1 move to new housing.

The survey shows that more than one third of all those who move are likely to be in the lower and moderate-income categories, and that while most new construction occurs in the outer portions of the metropolitan area, these moves extend to older areas near the center of the city. The nation's worst environmental conditions exist for these income levels and in these areas and conditions will further deteriorate if housing production is reduced. The housing subsidy programs have done little to alleviate these problems, and improvement necessitates greater housing supply in the private market. Those of higher income who are ineligible for subsidized housing and cannot afford new housing are similarly dependent for better housing on the filtering process induced by new construction. The survey makes it clear (if ever there were doubt) that prohibiting new construction seriously harms the groups that are most in need of a better environment.

When construction in a housing market is curtailed, owners of existing rental properties will be among the primary beneficiaries. Prices increase and competition decreases when production is not allowed to respond to demand. In the case of apartments, rents will be increased either directly through the amount actually charged or indirectly, through reduction in services, repairs, maintenance and improvement, or probably in many instances, through a combination of all or most of these. Higher rents will cause more doubling-up, increasing density within areas containing these buildings. These conditions will be intensified as the filtering process is halted. The end result will be much poorer housing conditions for a great many people and further deterioration for marginal and older buildings and areas. Buildings will remain in service that otherwise would be removed. More people will be paying more for the same or a lesser quality of housing.

*Demand will continue*

Although the anti-development pressures will curtail much construction, they cannot stop it all. The demand for new housing will remain largely unabated, and it will be forced to locate in the places of least resistance, where opposing political pressures are absent or limited. The most likely areas for this to occur will be those of small population, principally the more rural and outlying sections, areas which otherwise would not be in demand. The result will be a greater proliferation or scattering of housing and all of the problems and detriments which come with "urban sprawl." This includes the cost of installing new or extending existing sewer and water facilities, and building new or wider roads and highways. More telephone poles and utility lines and generating stations will have to be installed. The cost of schoolbus transportation will increase. More people will be spending greater amounts of time driving to and from work and shopping. And much open space and green and wooded areas will be disturbed or destroyed by this intrusion of housing and related facilities.

Similarly, more severe density restrictions will cause housing to spread out, also necessitating the installation of more streets and other facilities and creating greater burdens and inconvenience for more people. Obviously a two-acre minimum lot size will require generally the installation of more lineal feet of road than a one-acre restriction. An apartment or townhouse project containing many more times the number of residents will require only a fraction of the lineal footage of pavement needed for a single-family development. This raises the interesting question as to whether horizontal or vertical construction is more incompatible with or damaging to nature and the wild.

ZONING LAWS FAVOR THOSE IN POWER, FROM THE SUBURBS

We come now to the third objective of laws regulating the use of land: they should not operate in a discriminatory manner. The land should be utilized to enhance the human condition of all, rich and poor alike. However, zoning laws do not and cannot operate indiscriminately. Zoning laws are controlled through the political processes of government, and therefore serve the interests, values and standards of the most politically influential people in the community.

As a result, zoning laws have been used deliberately to exclude would-be tenants and less affluent home-owners from much of the suburbs and many parts of the cities. Development has been curtailed and made more expensive. This is not only harmful to the interests of those who would like to move in, but also, as I have indicated, to a great many others in our society.

Nor have the exclusionary practices arisen as a consequence of recent environmental concerns. They have existed since the advent of zoning, and have been promulgated and defended under a succession of holy banners: sound planning, aesthetics, property rights and values, fiscal stability, home rule, etc. The reasoning and pretexts have varied over the years and among communities, but the results have been basically the same.

*Not rich, not poor*

Zoning on a state level is not likely to solve the problem of exclusion because most state legislatures are suburban-rural dominated. Legislators from these areas frequently represent the same point of view as the local politicians who adopt zoning ordinances. The state will probably provide token recognition for the housing problems of the less affluent through some provision for subsidized housing for moderate and low income families. It is doubtful, however, that such tokenism will accomplish little more than to assuage the consciences of the law makers. It certainly will not serve the large numbers of people not poor enough to qualify for subsidized housing and not rich enough to afford new housing. Massachusetts enacted legislation in 1969 to overcome suburban intransigence towards subsidized housing, and its experience to date suggests that very few of those who would be eligible will ever benefit from such laws.

Some may contend that only chaos and instability will result in the absence of zoning. There is a clear and pragmatic answer to this argument: it is the land use experience of Houston, Texas, the nation's sixth largest city in population and third or fourth in area. That city has never adopted zoning. In its place, it has adopted a very limited number of specific land-use ordinances designed to cope with specific land-use problems, such as requiring a minimum lot size for single family (5,000 square feet), street setbacks, off-street parking, location control for slaughter-houses and a few other uses, and density limitations on mobile homes. (The city does have building, subdivision, traffic and minimum housing regulations.) Houston has no density controls on rental units (other than the provision for off-street parking) and few location restrictions.

*Restrictive covenants*

These regulations together with the competitive forces of the market place and the use of restrictive covenants by land and property owners (which are enforced by the city) control the use of property in Houston. Restrictive covenants are private legal agreements that generally prohibit multi-family, commercial and industrial uses within a single-family subdivision. Real estate is certainly no less stable or valuable in Houston than in other major cities. Nor is land necessarily utilized to maximum density. (If it were, only high-rise apartment buildings would go up and there are relatively few in Houston.) Some people live on big sites, others on small sites, depending largely on income and how they choose to spend it. And probably overall, there is no more proliferation of different uses than elsewhere, residential sections remain about as devoid of factories, gas stations and hamburger franchises as they would under zoning.

There is a minimum of political control over land use in Houston. The local councilmen cannot impose or remove restrictions on any land or property for the benefit of those politically influential. No individuals or groups, therefore, can through the political process dominate either directly or indirectly, the environment of others. Why should they?

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PEOPLE'S LOBBY

## HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. LANDGREBE. Mr. Speaker, I wish to bring to the attention of my colleagues an article written recently by Robert S. Allen for Hall Syndicate concerning a very questionable instance in the most recent Democratic administration. The column follows:

PEOPLE'S LOBBY

(By Robert S. Allen)

WASHINGTON, April 28, 1973.—John Gardner unquestionably would indignantly deny it, but apparently he is not above the pharisaical practice of "do as I say, not as I do."

As the militantly liberal head of Common Cause, multi-million dollar self-styled "people's lobby," Gardner is a highly vocal and aggressive crusader and reformer. Particularly, he and the organization he founded and rules are inveterately anti-Nixon Administration and pro-Democratic.

But as Secretary of the Department of Health, Education and Welfare in the Johnson Administration, Gardner permitted some amazing fund juggling to finance a study of doubtful value—if any at all.

Evidence indicates it was a gross waste of taxpayers' money—and a shocking instance of bureaucratic chicanery.

The backstage story is a jolter. It involves Gardner, then-Education Commissioner Harold Howe and other HEW officials—all up to their eyebrows in this astonishing affair.

In substance, what they did was to divert $500,000 appropriated by Congress for one purpose to something entirely different.

In addition, the deal included two other savory tidbits: $15,000 manipulated from Office of Education funds for another purpose; and a junket to Paris for one of the high-flown Ph.D. participants.

Intricacies of this eye-popping operation are detailed in a report based on a comprehensive investigation initiated by Representative Edith Green, D-Ore.

For years as ranking member of the Education and Labor Committee and now as an influential member of the Appropriations subcommittee on education, the one-time schoolteacher has vigorously assailed and exposed Office of Education mismanagement, waste, illegal backdating of contracts totaling tens of millions of dollars, and other malodorous practices.

The unpublished investigative report says evidence points to then-HEW Secretary Gardner as having "made the decision" authorizing the highly improper, if not illegal, fund juggling.

BALD AND BRAZEN

As uncovered by the investigation, following is what happened in this astounding instances of blatant bureaucratic skulduggery:

The Public Broadcasting Act of 1967, Title III, stated, "Secretary of HEW is authorized to conduct . . . a comprehensive study of instructional television and radio . . ." But while authorizing that, Congress didn't vote the money for it.

Whereupon, Education Commissioner Harold Howe, undeterred by the lack of such an appropriation, decided to proceed with the study anyway—by the simple device of using funds appropriated for Title VII of the National Defense Education Act (NDEA).

Simple, all right, albeit wholly improper—if not outright illegal.

Says the report, it is "not clear who really decided to fund the Title III study with Title VII funds." But Commissioner Howe, in a memorandum to Gardner "implied Gardner made the decision."

Adds the report pointedly: "There is no record of consultation or correspondence with members of Congress or with key committee chairmen concerning this switch of funds . . . Throughout the duration of the contract, there is ambiguity as to whether this was a Title III (Public Broadcasting Act) or a Title VII (NDEA) study."

Also caustically noted by the report is that the files of the contract "contain no records of any meetings of the Commission set up to make the study (by Gardner) and we have no way of knowing whether this Commission did anything at all during its existence."

Similarly significantly noted is that when Gardner established this "Commission on Instructional Technology," no mention was made of Title III. Instead, "the entire matter was viewed as an NDEA Title VII project."

But a few days later, HEW Undersecretary Wilbur Cohen wrote to Representative Daniel Flood, D-Pa., chairman of the Appropriations subcommittee on HEW, presenting the study as taking place under Title III. From then on, declares the report, "this was clearly the presentation of a fiat accompli, a fitting symbol of the Office of Education's stance throughout this affair toward congressional intent."

MORE GALL—AND DUPLICITY

Previously, Gardner had been plainly informed about the fund juggling.

He was told about it in a "briefing memorandum" from Donald Simpson, Assistant Secretary for Administration, who stated clearly, "Title III authorizes you to conduct a comprehensive study of instructional television and radio. . . . Funds have not been provided under Title III of the Public Broadcasting Act; therefore the study will be conducted using funds under the National Defense Education Act (Title VII)."

Indignantly comments the report:

"That statement is exceptional for its boldness. 'No funds have been appropriated under Title III, therefore the study will be funded in another way.' Not therefore that there will be no study! But therefore we will use other funds appropriated for something else."

Another jolting revelation of the probe is that the director of the study was paid "for 90 percent of his time during the 14 months of the project at a full per annum rate of $36,000." Also that two others working only part-time got $20,000 a year; another even less time, $18,000; and four others still less, $16,000 a year.

In May 1970, five weeks after the last extension of this extraordinary contract, a form letter was sent to the $36,000 project director acknowledging receipt of the study—which is described as consisting of a "massive compendium of papers filling over eight volumes and 3,000 pages of typed script."

Strangely, however, none of this voluminous material "is in the files nor could it be located anywhere in the Office of Education." Adds the investigative report:

"This is the more remarkable inasmuch as part of the material was subsequently published as a committee print of the House Committee on Education and Labor—although there is no record at all in the files as to how the material got to the Committee or why the Committee published it."

Capping even that enigma is the following:

Eight days after the submission of this huge study, the project director was officially informed it had been found "satisfactory;" in other words, it was formally approved.

Sardonically comments the investigative report, "Eight days to evaluate that material and declare it satisfactory! Obviously, no one read it; certainly not a single word of a written review or evaluation can be found in the files. The project had thus come to a 'successful' conclusion."

But that isn't all. One last vignette serves as a fitting close.

An "international workshop on educational technology" to be held in Paris was called to the attention of the Office of Education. Whereupon a memorandum was sent "to the proper authorities" recommending participation in the meeting at OE expense—the money to come from the "planning budget, a heretofore untapped source." Three OE officials, all Ph.Ds., were suggested as junketeers.

"When the smoke cleared," concludes the report, "only Dr. C. Ray Carpenter seems to have attended the Paris sessions . . . at the expense of the Office of Education."

It is noteworthy that in all of Gardner's wide-ranging fusillading and pot-shotting as head of Common Cause, not a word has ever been said about the Office of Education backdating of contracts running into the tens of millions of dollars and various other bureaucratic hijinks.

It's very strange how he has somehow managed to miss these costly antics.



PEACE IS NOT AT HAND IN THE TV WAR

## HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. MICHEL. Mr. Speaker, I am pleased and proud to announce that a young man from my home town, Mr. John Frost, a senior at Peoria High School won the American Legion's National Oratorical Contest on April 12, 1973 at Queens College, Charlotte, N.C. As a result John was awarded an $8,000 scholarship and will address the national convention of the American Legion to be held in Hawaii in August.

Interestingly, this is only the third time in 36 years that a contestant from Illinois has reached the finals. However, on all three of those occasions the contestant from Illinois won the competition.

The contest consists of a 10 minute prepared oration on the Constitution and a citizens duties under the Constitution. There is also a 5 minute extemporaneous discourse on a phase of the Constitution which is chosen at the site of the contest and for which each contestant has 5 minutes to prepare.

Needless to say all of us in Peoria are tremendously proud of John Frost since this is the first time that a contestant from Peoria has ever reached the finals, and it is a tribute to his ability that he was able to come out on top in his first effort.

I insert a copy of his award winning speech in the RECORD at this point.

PEACE IS NOT AT HAND IN THE TV WAR

(By John Frost)

There is a war going on in this country. The sides are firmly drawn and each is armed by some of the most powerful forces man has ever unleashed. Each day the armies fortify and refortify their trenches. Strafing runs and shellings are hazards well known to these antagonists. Casualties are mounting, and week upon week brings a new offensive where one faction attempts to out-maneuver, outflank, and crush the enemy. The bloody conflict drags on. Peace is not at hand.

The war I speak of is not that of nation against nation, ideology against ideology, or culture against culture. Rather it is a conflict which matches today's electronic media bolstered by the First Amendment, against the federal government, supported by the powers implied in the U.S. Constitution. Both sides possess a huge stockpile of invective and are quite expert at creating smoke screens that cloud the vital issues at stake. Only a public that can see through the haze will be able to correctly judge this Constitutional fracas.

Let's take a look at TV as a combatant. Yes, television is the great sorcerer of our time. It has the ability to attract a man's eyes and captivate his attention for hours on end. The hypnotic effect of the electronic media is its source of power over our society.

Its fantastic intensity probably would have forced Will Rogers to change his observation that what he knew was what he read in the newspapers, because today, according to the Harris Polls, for millions of Americans knowledge is what they see or hear on their television sets. Whenever networks broadcast news, editorialize, produce documentaries, or even carry political announcements, they can be-

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come the presiding judge in the national trial of controversial issues.

As the late President Lyndon Johnson said in a speech delivered to the National Association of Broadcasters, "You of the broadcasting industry have enormous powers in your hands. By your standards of what is news, you can cultivate wisdom or you can nurture misguided passion."

One must concede that the television industry has not been immune to the danger of "nurturing misguided passion." A contempt citation investigated by the House of Representatives against CBS revealed that in a network documentary concerning the Pentagon Papers deceptive editing was used in the printed texts of interviews.

Another example of poor judgment exhibited by television is the constant use of violence in its programming. Each evening acts of violence have been piped into our living rooms. Scenes of murder, riots and even the Viet Nam War can be viewed over dessert. We have yet to determine the incalculable damage done to our children who have been eye witnesses to this murder and mayhem.

Partially due to television's lack of self regulation, the Nixon Administration, led by Vice President Agnew, has taken the offensive. In his initial blast the Vice-President said, "A small group of anchormen, commentators, and executive producers enjoy a free hand in selecting, interpreting, and presenting the great issues in our nation—a concentration of power over American public opinion unknown in history."

To reduce the power of the electronic media Clay Whitehead, a top administration aide, authored a plan that would hold local stations responsible to the FCC for the networks' programming. The proposed legislation was designed to eradicate alleged bias in network newscasting by giving the FCC the right to indirectly censor the networks.

So we see that the federal government in its fight with the electronic media is trying to strengthen its position by using the powers implied in the Constitution.

But from behind the shield of the First Amendment another great hue and cry is heard. It emanates from our nation's newsrooms. Has the Administration in its rage against verbal indignities molested the letter and the spirit of the Constitution?

Well, in 1786, Thomas Jefferson wrote, "Our liberty depends on freedom of the press, and that cannot be limited without being lost." Jefferson's beliefs were echoed by our founding fathers, men who intended to create a fourth estate with the press an equal power to the executive, legislative, and the judicial branches. Indeed, the First Amendment clearly states that Congress shall pass no law abridging the freedom of the press.

Through the FCC and its control of licensing the U.S. government is actually acquiring levers through which it can control television and deny the freedom of the press.

A case in point is a Jacksonville, Florida station's attempt to get a license renewal. You see, WJXT had a hand in blocking the Supreme Court's nomination of G. Harold Carswell by uncovering his endorsement of segregation. WJXT's application to the FCC was challenged by a group headed by President Nixon's former Florida campaign manager. If the Administration had wished to do so, it might have pressured the executive-appointed Federal Communication Commission into refusing WJXT's application and thus eliminated its flow of information to the public.

This type of federal action in which the FCC becomes a mere extension of the executive branch is in clear violation of the spirit of the First Amendment and contrary to the intentions of our founding fathers.

Here then a dilemma emerges: should we have an adversary media with little control, or should we have tightly governed television at the mercy of the executive branch?

Nicholas Johnson, FCC commissioner, indicated a plausible solution when he said, "This is a do-it-yourself nation, with a government to match. Ordinary citizens can influence administrative decisions concerning television." Johnson's comments come from the fact that the FCC maintains a file on all licensed stations. Periodically complaints in this file receive attention from the commission. If a citizen writes a letter to the FCC detailing specific instances in which a local station has used poor taste in programming the FCC will have grounds to tell the offending station to reform or lose its operating license.

Such individual action has in the past worked. The practice of broadcasting anti-smoking commercials in tandem with smoking commercials arose from a detailed letter written by a New York lawyer. The proposed takeover of the ABC television network by ITT was stopped by a group of individuals.

By filing complaints to deny license renewals, the individual or groups of citizens can through the FCC solve the existing television crisis.

In the final analysis the people's right to know must reign supreme. The quarrelsome relationship between media and administration must be recognized not as a liability but as a crowning achievement of our forefathers. This interplay can be preserved by insuring that federal control of television reflects not the government's feelings but rather the thoughts and objections of ordinary citizens.

To those in high public office we can only say as Harry Truman once said, "If the means of communication don't like what you do, let them say what they want to say, and if you're in my disposition, you'll get up and tell them where they're wrong."

And on the other hand we must impress upon the television industry that free journalism under the First Amendment does not mean irresponsible journalism completely free of criticism from a concerned public.

It is not necessary that the networks and the government hold a verbal disarmament conference. For indeed, behind all the poisonous words, the anti-personnel phrases, and inflammatory sentences used by the warring sides lies one of the greatest assets of our Constitution.

## NEIGHBORHOOD YOUTH CORPS

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. CONTE. Mr. Speaker, if there is one issue that unites the residents of the communities in my district, it is the question of continued funding for the Neighborhood Youth Corps. Recently the North Adams Transcript of North Adams, Mass., published in its columns an excellent two part series on the Neighborhood Youth Corps program in its community. The author of this series, Stanley W. Robbins, approached his assignment from the standpoint of what the program has meant to the youngsters who have been participants. Mr. Robbins' story is revealing. The youngsters told about NYC as it is and Mr. Robbins recorded it. At this time, I would like to insert this series into the RECORD:

YOUTH CORPS WORKERS PRAISE PROGRAM—PART I

(By Stanley W. Robbins)

It's easy to determine the immediate financial effect on a community when a federal program is discontinued. It's a simple post mortem to collect a series of quotes from officials either praising or abusing the dropped program.

What is not very simple or easy is to gauge the effect the program has had on the lives of the people it serviced. All too often the people whose lives have been affected, either for good or for ill, aren't even asked what the program meant to them.

The Neighborhood Youth Corps, which is scheduled to die this June by presidential decree, is a program which enabled many area youths to earn money working on a variety of local, state, and non-profit agencies.

The program is restricted to people between the ages of 18 and 22, all of whom qualify for assistance under federal anti-poverty guidelines.

There are more than 25 youths employed on a year-round basis and more than 200 enrolled in the summer program in Northern Berkshire. All of the jobs pay a minimum wage of $1.85 per hour and the young people work from 10 to 28 hours each week.

Patricia Cross is 18 years old. She left Freeman School after the 8th grade. She has been with the Youth Corps since then.

"When I left school it gave me something to do," said Patricia. "I like it very much."

"I did leave the Youth Corps once to try and make it myself but it didn't work out. If it goes out I won't know what to do for another job because jobs are hard to get today," she added.

Patricia has worked at the Day Care Center on Summer Street, helping prepare meals. Today she believes she has found a direction for her future career through her work in the kitchen.

Susan Millis is a 17-year-old sophomore at St. Joseph Regional High School who has also been working at the Day Care Center.

"I like it a lot," she said. "Working with children is something I really like, and if it wasn't for the Youth Corps I wouldn't be there."

"I really wish it wouldn't end," she added, "I want other people to get a job too and experience the same thing I have."

"It's got me ready for a full-time job when I get out of school," said Carla Daugherty, a senior at Drury High School.

"I've been working with the Youth Corps since I was 14 and it's really helped me see what I want to be," she said.

Carla has been a secretary in the Youth Corps office since she started with the program. Now she plans to pursue a secretarial career at Berkshire Community College.

She plans to use the money she earned through the Youth Corps to pay for her college education. "It's helped my mother because we have a large family," she said.

"Some of the kids are going to have an awful hard time going to college without the Youth Corps," she said.

"When the Youth Corps goes it's going to be really bad: there'll be kids hanging around all over the place," she added.

"It's given me a steady job and money coming in every week," said Robert Valliers, who is also a senior at Drury High School.

"It's helped me stay in school. There were a lot of times when I felt like leaving, but the fact that I had to go to work meant that I had to go to school too," he said.

Robert has been doing custodial work at the high school for the past four years.

"Now I don't mind going to work and doing work," he said. "Four years ago I would not even think of working."

Regarding the demise of the Youth Corps he said, "There's going to be a lot of kids hanging around doing nothing."

Rose Elmer is planning a career as a pharmacist when she graduates from St. Joseph High School this June, because of what she learned in the Youth Corps.

"You have ideas about working, but when you really work they change," she said. "It just opened up a whole new world of things I never understood or heard about."



Rose has been working in the pharmacy at North Adams Regional Hospital under the guidance of the hospital's pharmacist.

"It gave me a responsibility I had never had before," she said. "I guess it gave me a chance to do things on my own."

"A lot of people kind of look down on the Youth Corps because it's for poor people," she said, "but if it's gone, a lot of kids will be out of a job, and the people who have kids working for them are really going to feel it."

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NEIGHBORHOOD YOUTH CORPS LAUDED BY MAYOR—PART II

(By Stanley W. Robbins)

"I think that of all the programs I've seen, my association with this program has been the most favorable," Mayor Joseph R. Biaco told The Transcript in reference to the Neighborhood Youth Corps, which will lose its funding June 30.

"Not only did the program give the kids a chance to earn money, but it gave them the opportunity for a degree of respect—self and otherwise," said the mayor.

The Neighborhood Youth Corps has provided youth in Northern Berkshire with 25 year-round and more than 200 summer jobs over the past year. The youngsters range from 18 to 22 years old and all of them qualify under federal anti-poverty guidelines.

For the moment it appears as if the Youth Corps will die this June without federal funding.

How do the young people who take part in the program feel about the loss of the Youth Corps?

Eugene Shook, a McCann freshman who has been doing maintenance work at Historic Valley Park, said, "It gets you ready for when you want to get a full-time job and it keeps you off the streets."

"When you're working you don't have to borrow," he said. "I give a little to my mother every week," he added.

"If they're going to shut it off kids could get in a lot of trouble," he said.

"It's a good program."

"I can be on my own now," said Patricia Anton, a Drury senior who has been working in the Clerk of Courts office.

"I learned to plan for a career really," she said. "Also I think I saved the city a lot of money for the court office."

"I was hoping my little sister would be able to get jobs like that," she added.

"I know the Youth Corps has kept me out of trouble for a couple of years," said Peter Rarick, a freshman at St. Joseph Regional High School.

"I've had money in my pocket and I don't steal," he said, adding, "When I'm working I don't have time to take and hang around the streets and get in trouble."

Peter has done janitorial work at South Forty Alternatives, Emergency Trips, the YMCA, and most recently at Greylock school.

"I bought myself a new bike, and all my clothes for the past three years," he said. "If it wasn't for the Youth Corps I wouldn't be able to go bowling on weekends like I like."

"I know I'll always support the Youth Corps," said Peter. "They pay us a minimum wage and you can't do better about that."

Bonnie Parsons, who is attending night classes at McCann School to earn a high school equivalency diploma said, "It was my only chance."

"I was married at 18 and my husband couldn't get a job. He just got back from Vietnam and he couldn't find work, she said.

"Now I have a chance to finish my schooling and I have a chance to do work I enjoy," she added.

Bonnie has been working as a secretary at the Youth Corps office for the past two and a half years.

"It's not only good for me but all the other low-income families," she said. "If the Youth Corps stops it will hurt me completely."

Stephen Monette, who is also working toward his high school equivalency diploma at night, has done janitorial work for the past three years at the Armory, Brayton School, and starting this week at the North Adams Police Station.

"People always say there's not a lot to custodial work, but there is," said Stephen. "I enjoyed a lot of the custodial work. It taught me not to quit."

"My father's deceased and my mother's not working and the money's been very helpful at home," he said.

Regarding the demise of the Youth Corps, he said, "Without the Youth Corps there'd be nothing. A lot of people will be out of work and a lot of people appreciated the work that was done by the Youth Corps."

"We have nine kids in my family and my father's been laid off all winter," said Bonnie Dargie, a sophomore at Hoosac Valley High School.

Bonnie has been working in the school's secretarial office for the past two years.

"If the Youth Corps goes, I won't have any money," she said. "And I'll tell you a lot of people appreciated the Youth Corps, especially me."

"Without the Youth Corps I wouldn't have been able to afford clothes, a class ring, and my class picture," said Darlene Marshall, a senior at Hoosac Valley.

"I think it's bad if it goes because I know there are lots of kids who can't get jobs. I don't ask my mother for money any more," she added.

Dennis Mazza has been doing janitorial work at Hoosac Valley for the past three years. He is a junior at the school.

"It's given me quite a bit," he said. "It keeps me busy and it keeps me out of trouble."

"When I heard President Nixon was taking $200,000 from the program I got real upset," said Dennis. "It helped me spend money wisely and now I'd like to stay with custodial work."

"It definitely made me stay in school because it gave me a great opportunity," he said. "The Youth Corps gave all these kids a chance to see what it was like to work and to earn money without running to mommy and daddy for more money," he added.

"I hate to see the Youth Corps go, that is all I can say."

## NIXON ADMINISTRATION HOUSING POLICIES WREAK HAVOC ON HUMAN LIFE IN NEW YORK CITY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. RANGEL. Mr. Speaker, now that the freeze on congressionally authorized Federal participation in subsidized housing has moved into its fifth month, I felt certain my colleagues and the Nation would like to know the kind of damage it has caused the overall housing program in New York City.

While we have learned that we cannot appeal to the conscience of the Nixon administration, I hope that the specter of the needless waste of millions of dollars combined with the irreparable damage to millions of lives will begin to sway the White House to totally lift the freeze and allow an orderly phase-in of the needed improvements of the Federal role in housing.

Following is the article:

HOUSING: MONEY IS THE KEY

(By Joseph Kahn)

Q. What is the city's housing picture?

A. In a word, bleak, certainly for new construction.

Q. What are the facts?

A. This is the year of the big freeze and left out in the cold is 90 per cent of the city's population—our low and moderate-income families. According to Housing and Development Administrator Andrew Kerr, only 9000 units of new construction for low income families will be underway this year and none thereafter because of the federal subsidy freeze. And with 15,000 units a year abandoned, another 13,000 demolished, there isn't much to cheer about.

On the other hand, for the middle and upper income wage-earners ($20,000 a year and over for a family of four, comprising 10 per cent of apartment dwellers) the housing supply is increasing substantially. Last year, 7000 fully private units and 20,000 under the city's partial tax exemption program were started and in the very near future there will be a surplus of such units.

There is another discouraging factor lower income groups must face. The state's almost two-year-old vacancy decontrol law, which decontrols an apartment when it is vacated, has snatched 144,000 units out of the rent range of poorer families. With rent increases on the average up 90 per cent, the city administration and tenant organizations have joined forces and are now attempting to get the Legislature to repeal the law.

Q. If new construction is a lost cause for the near future, what about rehabilitation?

A. Officials agree the major task is to maintain existing rent-controlled housing for lower income families and to work for a reversal of the federal freeze so the 35,000 units already approved by the federal government and in the pipeline can get built.

Despite mounting criticism of the Maximum Base Rent system, which gives a landlord who keeps his building in good shape a 7½ per cent increase yearly until a computer-set increase is reached, Rent Commissioner Nathan Leventhal is convinced it is a sensible and feasible program and it will eventually work out to the advantage of both tenants and landlords.

There were 400,000 violations removed by landlords in order to qualify for raises under the MBR program. In addition, the city has expanded code enforcement, the emergency repair program, the housing repair and maintenance project, and has improved the complaint bureau. Last year, 500,000 violations were listed in response to almost 500,000 calls from tenants and many were corrected.

The City Council, under tenant pressure, is repealing MBR, but the measure will probably be challenged in the courts on the ground the action violates a state law forbidding local interference on rent control. The tenants claim that many landlords are not properly maintaining their buildings with MBR funds allocated for the purpose.

The city also has broadened its receivership program, which allows a takeover of abandoned buildings where tenants remain and use rents for repairs and maintenance. There are 114 buildings in the program with another 200 expected this year.

In addition, the reorganized Municipal Loan rehabilitation program has been expanded and the city is now attempting to get banks and lending institutions to participate, both to increase the leverage of city money and to protect their own investments in various communities.

A new co-op conversion program which allows tenant-ownership of buildings in low or moderate income areas, is going ahead and looks very promising. Finally, the city is pushing legislation to enable speed-up of ex-

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isting programs, including taking title to a building after one year of tax arrears instead of the present three years. Also, new bills would allow rehabilitation loans for one and two family homes (restricted to multiple dwellings now) and permit the conversion of unused ground-floor commercial space for apartment use.

Q. What's happening with Mitchell-Lama, the city's major tool for housing middle income families?

A. Last year new construction under the tax-abatement program reached an all-time high, with starts of over 6,400 units. Many of the projects had the federal Section 236 subsidy mortgages attached which cuts interest from about 7 per cent to 1 per cent, thus reducing rents from $90 a room a month to approximately $40.

But, with the federal freeze, it is unlikely there'll be much Section 236 money around.

Q. How are the existing projects doing?

A. Unfortunately, not too well. They are still the biggest bargains in town, but many of them are having money troubles and face rent increases. Operational and financing costs are going up and some buildings have fallen into arrears. Others are in the red because they are not collecting surcharges from residents over the income limits.

The HDA found in a survey of 300 tenants that 38 per cent were under-reporting their incomes. Surcharges are important because one-half goes into the building's operating fund and helps alleviate rent increases. The other half is used to subsidize elderly tenants.

To verify incomes, the HDA asked tenants for permission to automatically inspect their city tax returns, but a City Council bill last month said no. The agency, however, may continue to demand income verification on an individual basis, and, of course, may take legal and administrative action against housing companies which do not comply with surcharge regulations.

The city administration has proposed in its legislative package in Albany several benefits to Mitchell-Lama buildings: 1. Tenants whose incomes rise more than 50 per cent above admissions levels, now required to leave, be allowed to stay if they continue to pay proportionate surcharges 2. Tenants be allowed to deduct, when computing gross income, all medical expenses above 3 per cent of gross income. 3. The age of eligibility for a subsidy be reduced from 65 to 62 and the maximum income requirement be cut to $4500 from $5000.

Q. Is there a chance of any money for housing coming into the city? What about revenue sharing and President Nixon's community development program?

A. The city has received about $300-million from revenue-sharing, but not a dime goes for housing. It has been allocated for capital projects. As for Nixon's community development block programs, even by his own schedule, they can only start by July 1, 1974.

Keer says the funds, which will be below the total the city is now receiving under categorical grants can only be spent on acquiring land and not to build housing.

Most of the city's rehabilitation efforts come out of city monies, specifically from the city's debt incurring capacity and the capital budget. Involved primarily are the Municipal Loan, co-op conversion, and the Mini-Loan programs which are self-sustaining, and for this reason, the city can commit unlimited amounts of money.

Over the next few years, the city's rehabilitation programs will be aimed at self-sustaining projects. The city's Housing Development Corp. also has substantial debt incurring capacity; however, it too cannot provide the interest subsidies necessary to build housing to serve the low and moderate income families.

The city also has proposed to the Legislature a local FHA-type mortgage insurance agency for rehabilitation in slum areas. An initial capital of $7.5 million would insure up to $450 million worth of mortgages.

Q. Can private builders do more?

A. Sure, but without subsidies, they can't rent what they build. They are overstocked with upper-income apartments and are playing a waiting game. But there are some who are doing something. The impetus has been the city's partial tax abatement program. To qualify, owners must rent new units at 15 per cent below comparable market rents and put them under rent stabilization for 10 years. This city is seeking renewal of this legislation in Albany this year

The city also has a new zoning provision which permits the construction of three-family houses instead of two-family ones. It is anticipated at least 10,000 units will be started in the next two years.

Q. Is relocation a problem?

A. Yes, and city housing officials say it has gotten worse under vacancy decontrol. But the need for relocation units will drop to some extent due to the federal freeze on subsidies for urban renewal developments which will have to be cancelled. This means instead of relocating families, the city will have to maintain the run-down buildings on the renewal sites.

At the same time, emergency relocation work continues for families who are forced to move because of fires and to make way for public improvements such as schools and police stations. Relocating large families is still very difficult, and will become worse as new public housing comes to a virtual halt.

Q. What can be done about the demolition of basically sound rehabilitable housing?

A. It is crucial that the city limit as much as possible the demolition of existing low and moderate income units. Last year in Manhattan, 4400 units were torn down for new construction, rehabilitation and conversion of units at higher rents. The city now closely scrutinizes requests for evictions to make sure there is no harassment of tenants and that the new construction is marketable. In cases where certificates of eviction were not granted, the courts have sustained the city.

Q. Will the new housing court help code enforcement?

A. Yes, even with several defects in the law, by taking housing violations out of the Criminal Court, it is expected the backlog of 700,000 violations will be disposed of faster and with better results. In the past, landlords were only fined about $13 per case on the average after months of delay. Now, fines can go up to $100 per violation for each day it exists.

The city's housing officials also point out that state funding is inadequate to provide for cyclical inspections of buildings. Instead of providing 50 per cent of enforcement cost, the state is only contributing one-third.

Q. Is there no solution to the housing crisis? What can be done?

A. The key to decent living quarters is money. Everybody knows it, but the question is where is it to come from. HDA head Andrew Kerr says the money is in Washington, but it is not being used for housing!

"The Federal Housing and Urban Development budget was cut in half, from $4-billion to $2-billion, while the Defense budget was increased. It may seem a tired refrain, but the priorities are simply wrong."

Obviously, the President must be convinced. Two years ago, it was suggested a massive public works construction program be started which would produce 500,000 units a year. Minority workers could be recruited for the work, and in this way not only would housing be built, but unemployment would vanish.

In the meantime, while the vacancy rate remains low in the city and apathy continues in Washington and new construction for the lower income families remains a dream, the city must put all of its resources and ingenuity into preserving its existing housing.

## CHAIRMAN LEONOR K. SULLIVAN PRAISES COAST GUARD AUXILIARY AND PRESENTS AUGUST A. BUSCH, JR., BOATING SAFETY AWARD TO ONE OF ITS LEADERS, RALPH W. WRIGHT OF BOCA RATON, FLA.

### HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mrs. SULLIVAN. Mr. Speaker, one of my most pleasant assignments as chairman of the House Committee on Merchant Marine and Fisheries was to participate Saturday night in the annual spring conference of the U.S. Coast Guard Auxiliary, held in Memphis, Tenn., and discuss the important work of this all-volunteer organization as a defense auxiliary in World War II and as an invaluable aid to the Coast Guard during the past 34 years in developing an understanding and appreciation among millions of boatowners of the rules of recreational boating safety.

It was also my privilege to present to an outstanding leader in the U.S. Coast Guard Auxiliary, Mr. Ralph W. Wright of Boca Raton, Fla., the impressive and beautiful August A. Busch, Jr., Boating Safety Trophy originated and awarded by the chairman of the board and chief executive officer of Anheuser-Busch of St. Louis as a form of recognition for unusual contributions by individuals to the cause of boating safety. Among those who have received the Busch award in the past are Admiral Chester R. Bender, Commandant of the U.S. Coast Guard, and Rear Adm. Austin C. Wagner, chief of the Coast Guard's Office of Boating Safety.

When the Coast Guard Auxiliary was organized in 1939, there were only about 300,000 motorboats operating on the waterways of the United States. Today, the number exceeds 8,000,000 and is expanding daily, as more and more Americans of all ages and occupations develop an interest in this form of recreation. Their very number and the diversity of their equipment would create safety problems of incalculable dimensions if it were not for the work of the Coast Guard in enforcing laws passed by Congress to regulate boating practices, and if the Coast Guard did not have the dedicated assistance in education, inspection, and accident prevention—and in rescue operations, too—of private boatowners who have joined the Auxiliary and contributed their time and effort and equipment to help make the waterways safer.

Because of the widespread interest among so many American families in recreational boating, I submit herewith the remarks I made Saturday night at the spring conference of the U.S. Coast Guard Auxiliary, followed by the presentation of the August A. Busch, Jr., Boating Safety Trophy to Mr. Wright:



REMARKS BY CONGRESSWOMAN LEONOR K. SULLIVAN (DEMOCRAT, OF MISSOURI) CHAIRMAN, HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES, AT ANNUAL SPRING CONFERENCE OF U.S. COAST GUARD AUXILIARY, HELD AT MEMPHIS, TENN., SATURDAY, MAY 12, 1973

Thank you for inviting me to be with you here in Memphis tonight, and for affording me the distinct honor of speaking to you on the occasion of your Annual Spring Conference. I am pleased to join you not only because of your dedicated involvement in matters of interest to the House Merchant Marine and Fisheries Committee, of which I have the honor to be Chairman, but also for the very personal reason that you are meeting here in the State of Tennessee, which, together with my own State of Missouri, occupies an important segment in the Great Mississippi River inland waterway system.

I am particularly glad of this opportunity since it allows me to express to you my admiration and appreciation for all the many things that you have done—are doing—and which you are yet to do—in lending your talents, your time, and your resources to the cause of boating safety.

As I was considering what might be appropriate for me to discuss here tonight, I was reminded of a story of a former Chairman of my Committee, who was invited to give the commencement address at the Coast Guard Academy some years ago—before the days of air conditioning. The story goes that he decided to select a topic that he could be sure would be of interest to his audience—so he spoke to the new graduates—for about two hours—on "The History of the Coast Guard". I am certain that the new ensigns received no special pay for "extra hazardous duty", but I am equally certain that they began their new careers with some reservations about Committee Chairmen!—And that hot, humid June afternoon in Billard Hall must have made the phrase "carrying coals to New Castle" even more pungent in their minds.

So—don't be worried that I intend to give you a lecture on the history of your very fine organization—even though that history is well worth relating. I hope you will forgive me, however, if I may occasionally refer to some facet of that history as I speak tonight.

I think that most people who have an interest in recreational boating are generally aware of the activities of the Coast Guard Auxiliary in the promotion of boating safety—and the expansion of those activities in recent years.

FROM 300,000 TO MORE THAN 8 MILLION

No longer is the ownership of a recreational boat limited to the privileged few, wealthy enough to maintain yachts with permanent crews, or who, living a life of leisure, can indulge themselves with extended cruises on their own vessels. Today, recreational boating has expanded so that it is enjoyed by the masses of citizens, many of whom are anxious to obtain temporary relief from the hectic nature of their daily lives by a quick retreat for an evening or weekend of boating, whether they have in mind fishing, traveling, sightseeing, or simply relaxing on the water, away from the "madding crowd". The very attraction of boating, however, with the chance to "get away from it all", is threatened as more and more people, with increased incomes and more leisure time, become aware of its availability. Even those with average means have found that such activities are within their reach.

Unfortunately, we see evidence every day of the fact that too many new boaters think that all they have to do is get a boat, fill up with gas, load it down with as many people as they can squeeze on board, add the weight of their food and gear, crank up the engine, and sail away!

In 1939, when your organization had its beginning, there were about 300,000 motor boats operating on the waterways of the United States. Today that number has expanded to over eight million and continues to increase daily. With increasing numbers come increasing problems, and those of us who are most concerned must make certain that those problems do not "swamp" us for lack of attention.

There are several outstanding organizations which are interested in fostering better knowledge of the marine environment in order to promote boating safety. Among these are such organizations as the U. S. Power Squadron, the American Red Cross, and the National Safety Council, but none shines more brightly as the beacon to novice boatmen than yours, the Coast Guard Auxiliary. I would hesitate to think what chaos might exist on our national waterways if it were not for your dedicated efforts in both prevention and cure!—If you did not already exist, someone would have to invent you.

INVITATION TO TRAGEDY

As the boating public rapidly expands, many people are not aware of a changed environment—from that of their daily lives—when they get out on the water. They know perfectly well that before they can drive an automobile, they must take lessons, learn the traffic laws, obtain a driving license, gain experience gradually, and above all, use good judgment and common sense whenever they are on the road.

Somehow, the lure and novelty of operating a boat often seem to lead beginners to think that they need neither experience nor preparation. It is then that tragedies occur, and it is in this area of ignorance that your organization with its training program and its many promotions of safety practices can make its greatest contribution—to protect the recreational boater against the foolhardy, including himself, and thereby to insure the best possible atmosphere for the safety and enjoyment of all

The development of recreational boating in this country has some things in common with the development of the country itself. As our nation expanded westward in its early days, it was quite often man against nature, and survival depended on being prepared against the natural dangers of the unsettled frontier. In boating, in its infancy, survival was generally dependent only upon being prepared against the natural dangers of storms and uncharted waters.

Today, problems are somewhat different. Our country and its survival now depend not so much upon being prepared for natural dangers, but upon resolving the conflicts which arise from increasingly crowded conditions in our society and from conflicts between individuals. Similarly, in boating, in addition to the continuing natural dangers of hidden reefs and sudden storms, more likely sources of danger arise from the increasingly crowded conditions of our waterways, and the threats to each other as boaters vie for space. To be really safe, we must recognize both sources of danger, and we must as we can, eliminate them.

LAWS TO PROMOTE BOATING SAFETY

Over the years, the Congress has attempted to face up to the problems of boating safety. In advancing steps, for instance, the Motor Boat Act of 1940, the Federal Boating Act of 1958, and the Federal Boat Safety Act of 1971, have each declared specific national policy and set certain standards to be followed. The Coast Guard has been given the important responsibility for implementing and enforcing those, and similar, laws.

In carrying out its implementing responsibility, the Coast Guard has long been aware that "an ounce of prevention is worth a pound of cure," and has generally tailored its boating safety programs consistent with that basic approach. It should be no surprise, therefore, that as far back as the 1930s, there was active initiative to create a voluntary auxiliary to the Coast Guard, which could carry the message of boating safety directly to the boating public and by educating that boating public in safe practices, could promote the enjoyment of recreational boating without the imposition of unnecessary restrictions and without many of the tragedies which could otherwise follow. In the Coast Guard, Admiral Russell R. Waesche, then Commandant—whose son, incidentally, also a Coast Guard admiral, recently served in my city of St. Louis—was most responsible for pushing this concept, and he was inspired, and supported in his efforts, by some of the concerned citizens who themselves later took an active role in the formation of the Auxiliary.

The birth of the Coast Guard Auxiliary took place with the Coast Guard Reserve Act of 1939, and because many people are not aware of the early activities of the Auxiliary and its membership, this is one facet of your history that I would like to touch upon.

SERVICE IN WORLD WAR II

With the outbreak of World War II, which found our country relatively unprepared, both in equipment and trained manpower, many additional responsibilities were assumed by Coast Guard personnel. As the war threatened our own national security, the Coast Guard undertook expanded patrol work, port security activities, explosive loading supervision, and other similar responsibilities—and the rapidly expanding Auxiliary assumed its share of the load. After Pearl Harbor, and the later submarine threat off our shores, over 1,000 Auxiliary vessels were taken into the Coast Guard Reserve and many Auxiliarists enrolled in the Temporary Reserve in order to man those vessels. The wartime contribution of the so-called "Corsair Fleet" and the Coastal Picket Patrol were in large part due to the dedication of the Auxiliarists who volunteered their services until the expansion of the regular Coast Guard and Coast Guard Reserve was sufficient to accomplish the tasks assigned. That part of your history is, at least to the general public, a relatively unknown one and yet one for which the nation owes this organization its deep appreciation.

With the end of the war, the Auxiliary regrouped and began anew—to carry out its fundamental mission in boating safety—and over the years, it has continued to make its valuable contribution.

PURPOSES OF THE AUXILIARY

The basic purposes of the Auxiliary are listed in the original law and are continued today in Chapter 23, Title 14, of the U.S. Code. Because they were well conceived in the beginning, they still persist in their original form, with only minor changes in wording. If I may paraphrase them, they include the promotion of safety and the effecting of rescues; the promotion of efficiency in motor boat operation; the fostering of knowledge of, and compliance with, boating safety laws and regulations; and facilitation of other operations of the Coast Guard. In all those missions, you have been very successful. Consistent with them, you have inaugurated your courtesy motor boat examination program; you have instituted training programs both as to equipment and as to operations; you conceived and were primarily responsible for the institution of an annual National Safe Boating Week, thereby publicizing safety programs to the public; you have conducted routine safety patrols on the waterways of the country; you have sponsored marine safety broadcasts; you have successfully completed many rescues; you have contributed your assistance and your vessels at times of natural disaster in the aftermath of hurricanes, earthquakes, and tornadoes; and what is most timely as we meet here tonight, you have rendered sorely needed assistance to those who have suffered personal danger and property loss through periodic floods.

I will not attempt to place a specific value on your efforts—how can I?

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AID TO THOSE IN DISTRESS

How can I quantify the benefit of a life saved, of personal distress relieved, of personal danger averted? What is the value of your sponsorship, as I am told, of over 300,000 training courses, and over 300,000 courtesy motor boat examinations given in just the past year? And, all these things are in addition to the protection afforded to actual property which has been preserved.

I am told that the Auxiliary has assisted over 36,000 persons in distress, and that almost 400 lives have been saved as a result of your efforts. And, what results can we attribute to the more than 30,000 safety patrols and the almost 8,000 support missions which have been accomplished by your dedicated members?

In any case, for all the reasons which I have referred to, I am very happy to be here to express to the 35,000 men and women of the Auxiliary, from the newest recruit to the National Commodore, the thanks and appreciation of a grateful public for your noteworthy deeds and your outstanding achievements over the years, most of which have been accomplished at great personal expense and personal effort—often at the risk of your own lives. What is most impressive to me is the fact that you have done these things because of your genuine concern for your fellow man.

To Admiral Bender, and to the other officers of the Coast Guard, I commend you for your support of the work of the Auxiliary.

I strongly urge the entire Coast Guard, wherever there is a unit, to cooperate closely with these volunteer citizens, and with their assistance to encourage a greater effort in promoting the safety of our waterways and in protecting the people who use and enjoy them.

I know that you will all understand my feeling, and I am sure the feeling of other Members of the Congress concerning the importance of the work which is being accomplished by this group of dedicated citizens. We ask of the Coast Guard continuing reports on the activities of the Auxiliary, and we solicit any suggestions to us as to how we in the Congress may contribute to the betterment of this splendid organization.

Ladies and Gentlemen, I thank you again for permitting me the pleasure of joining you on this occasion.

Next, Mr. Speaker, I submit the remarks I made in presenting the award to Mr. Ralph W. Wright, of Boca Raton, Fla.

PRESENTATION BY CHAIRMAN SULLIVAN OF THE MERCHANT MARINE AND FISHERIES COMMITTEE OF THE AUGUST A. BUSCH, JR., BOATING SAFETY TROPHY TO RALPH W. WRIGHT

I have dual roles here tonight and in now presenting this beautiful August A. Busch, Jr. Trophy to Mr. Ralphh W. Wright. I am representing Mr. August A. Busch, Jr., Chairman of the Board of Anheuser-Busch and its Chief Executive Officer. This highly prized and beautiful award signifies the appreciation that one of America's major corporations has for the outstanding leadership which Mr. Wright has exhibited to promote, to encourage, and to carry out one of the world's outstanding safety programs in connection with boating.

Mr. Wright joned the Auxiliary on 15 November 1965 and has served nobly in each of the four cornerstones of the Auxiliary. He has been a qualified Courtesy Examiner since 1966, a qualified Instructor since 1968 and attained the high rank of an AUXOP in 1971.

He held the elected position as Flotilla Commander of Flotilla 36 and under his excellent leadership, the Flotilla won the exclusive Gold Cup Award for the greatest contribution towards boating safety in the nation in 1969, and was, additionally, awarded the National Board Trophy by the Auxiliary National Board in 1969.

He was the recipient of the Coast Guard's Certificate of Administrative Merit for excellent services in furthering the alms of the U.S. Coast Guard Auxiliary.

He was appointed to his current high National staff office in May 1971 and has certainly extended great zeal and professionalism to the National Public Education Program. While in this office he contributed to the supervision and writing of part of the booklets that now are a part of the successful twelve lesson public education course.

His continued drive has produced additional slides for the seven lesson sail and 12 lesson courses. Recently, under his direction, the new educational material presented at this Conference became a reality.

He is a gentleman in every sense and has added immensely to the lofty goals of the Coast Guard Auxiliary.

Mr. Wright, no one knows better than you do how much work needs to be done and it is the sincere hope of all of us that you will continue your efforts in this direction. On behalf of Mr. August A. Busch, Jr., I express the thanks and deep appreciation of his company and all of the thousands of people throughout the United States and present to you the August A. Busch, Jr. Trophy.

## THE RESTRUCTURING OF OEO BENEFITS THE COUNTRY

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. SCHERLE. Mr. Speaker, on March 29, 1973 an article appeared in the Albuquerque Tribune in which Mr. Howard Phillips, head of OEO, explains his policies and goals during the restructuring of OEO.

Mr. Phillips comments are very interesting and I include them to be printed in the RECORD at this point:

DISMANTLING OF OEO SEES NEED TO RESHAPE DOMESTIC POLICIES

(By Lee Stillwell)

WASHINGTON.—Howard Phillips, the man in charge of dismantling the Office of Economic Opportunity (OEO), sees his role as helping President Nixon reshape the nation's domestic policies.

Phillips says the public controversy surrounding him these days doesn't affect him or his goal of closing OEO's doors at the end of June.

"It honestly doesn't bother me . . . to me, the reality of things is more important than the appearance of things. In five years most of the accounts of what happened will be forgotten but the reality of what happens will speak for itself."

YOUTH CHAIRMAN

Phillips first worked for Nixon as his Massachusetts youth chairman during the 1960 campaign while still a Harvard student. He believes the "Domestic Nixon Doctrine" is of revolutionary proportions.

"More generally known as the New Federalism, this doctrine will in my view prove even more consequential in the history of human liberty than his achievements in foreign policy," Phillips said.

This belief has given Phillips the determination to achieve the deadline of dismantling OEO by June 30, sending programs the Nixon administration believes are workable to other agencies while killing those it feels are not.

REALLY CONVINCED

A tall, intense man of 32 who wears conservative suits and keeps his hair neatly trimmed, Phillips says: "I really am convinced that what I am doing is the right thing."

He sees the elimination of OEO and its policies as a way of reversing the power flow, giving it back to the people while taking it away from what he calls "bureaucrats."

"People have a right to decide for themselves," he says. "Why should a bureaucrat have the right to make your mistakes for you . . .? You should be able to make your own mistakes or your own successes. It's a mistake to think all the talent in this country lives on this side of the Potomac River.

LOCAL AUTHORITY

"If you are going to get good people in local government, you have to give them the authority to make decisions of greater significance than what color do you paint the fire truck."

Phillips said the transfer of OEO programs to other agencies should provide better efficiency and more self-determination for communities:

"What we are doing is not a negative thing . . . it is a positive thing. We're not ending the federal government's federal poverty program . . . we've giving it new life by giving it a chance to be effective."

DEFENDS CUTBACK

Phillips defends one of the more controversial aspects of the plan, eliminating the one-third federal funding of the nation's 907 Community Action Agencies this fiscal year.

"We're not in a position to say which Community Action Agencies are good and which are bad; we are saying local people have to make that decision," Phillips said, pointing out that local governments have the option of funding good programs fully.

He said a legislative committee in Massachusetts just appropriated $8 million to continue CAA programs.

LEGAL SERVICES

And he contends the legal services program will be more effective if Congress approves legislation creating a separate federal legal assistance corps.

The current OEO legal services programs employ more than 2,200 lawyers and in many cases they don't merely represent clients, Phillips charged, contending:

"They have been encouraged by OEO to organize groups, publish newsletters, assist lobbying activities, and otherwise engage in advocacy on issues of public policy in ways which do not arise out of the representation of specific clients."

## MAY 10—RUMANIAN INDEPENDENCE DAY

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HOGAN. Mr. Speaker, I wish to note the historic commemoration of the 10th of May, a joyous occasion for thousands of Americans of Rumanian descent who celebrate this Rumanian Independence Day.

The Rumanian National Committee, like many organizations dedicated to preserving national celebrations of genuine freedom, has maintained an awareness of landmarks in Rumanian history that have taken place on May 10.

On that date in 1866, Prince Charles of Hohenzollern-Sigmaringen was proclaimed Prince of Rumania, and thus founded the Rumanian dynasty. Exactly 11 years later, the Principality of Rumania severed her ties to the Ottoman Empire and proclaimed her independence; and on May 10, 1881, the people of Rumania made their country to the rank of kingdom by crowning Charles I King of Rumania.

That the Rumanian people should celebrate this holiday with all the tributes and reminders of their glorious national past is perfectly understandable. For there is a common quality in each human being that compels him to look to his national past and to identify himself with those moments of national glory. And what is more meaningful, what event is more full of satisfaction, than when a nation asserts its right of national independence from an oppressor and achieves that independence.

Rumania today is playing an increasingly important role in world affairs. The Rumanian people, who once served as a bridge between the Roman and Slavic worlds, are now an important meeting ground between two equally disparate worlds: Western democracy and Soviet communism. For those who believe bridges can and should be built between the two worlds, the example of Rumania is heartening, indeed.

It is, therefore, fitting that those who hold the cause of freedom in high regard should pause at this time to pay respect to the brave Rumanian people.



## TRIBUTE TO A POLICEWOMAN

### HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. MOAKLEY. Mr. Speaker, as one who has always been opposed to discrimination of any kind, whether based on race, religion, age, or sex, I am very pleased to pay tribute at this time to an outstanding police officer who happens also to be a woman.

Diane Hofferty of the Boston Police Department has been cited for bravery beyond the call of duty in the daring apprehension of an armed robbery suspect.

She has been selected along with a number of other exceptional women for excellence in male-oriented jobs. Among the other distinguished Boston women to be so honored are: Muriel Snowden, founder of Freedom House in Roxbury; Sister Suzanne Kelly, dean of student affairs at Stonehill College; Mrs. Edgar C. Bacon, senior graphic illustrator for Bolt, Beranek, & Newman, Inc.; Heidi Mover of Massachusetts General Hospital's endocrinology labs; and Vicki Barletta, president of Travel Castles, Inc. The award winners in the communications field are Natalie Jacobson, co-anchor woman of channel 5's mid-day news; Marilyn Salenger, co-anchor woman of channel 7; and Gretchen Wortham, director of community affairs of channel 5.

They will be honored at a luncheon to benefit Horizons for Youth, the only completely free camp for disadvantaged New England youth. It was founded in 1938 by Julius Stone to bring together boys of varied backgrounds, races, and religions to teach them democracy in action. This summer about 2,000 boys and girls from 167 different communities will enjoy the benefits at Kiddie Kamp Horizons for Youth in Sharon, Mass.

Policewoman Hofferty will also receive an outstanding woman's award from Boston Federal Executive Board's Women's opportunity committee at a special ceremony in Boston on May 18.

The 24-year-old Boston policewoman grew up in South Boston and was a sixth grade teacher before joining the force in April of 1972.

She is assigned to Boston's District 4, covering the Back Bay and South End areas. Recently, while driving a police cruiser, she spotted the robbery suspect moments after he had allegedly robbed a Newbury Street jewelry store. She chased the man into a South End house where she caught him hiding in a basement laundry room.

Diane Hofferty comes from a family with strong ties to the police department. Her husband, Stephen Hofferty is assigned to the tactical police force; her grandfather was a police officer; her grandmother, a police matron; and she has several cousins who are also policemen.

It was an exploit of daring and courage and Policewoman Hofferty well deserves her public commendation.

More than that, it is reflective of the kind of service given by women in all walks of life. In recognition of the accomplishments of such remarkable women as honored here today, I think it is especially important that the equal rights amendment be enacted. Now more than ever it is essential to affirm our common humanity under the Constitution.

## RSVP LENDS PURPOSE TO LIVES OF OLDER AMERICANS

### HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HEINZ. Mr. Speaker, despite the passage of several important and vital initiatives by this and the 92d Congress, I am and remain deeply concerned about the plight of our older Americans. This extends to services available to them, financial assistance to help them meet the ever-rising cost of living while struggling with a fixed income, and more to the point, in finding ways to lend dignity and purpose to retirement years.

There is nothing "golden" about the "golden years" if they are spent in a constant, futile search for monetary relief and everyday pursuits which would add meaningful activities to one's existence.

One such activity is the retired senior volunteers program—RSVP—operated in conjunction with the Federal Government's ACTION.

How this program is set up and conducted is best described in an article which appeared in the April 1973 issue of Carnegie magazine, published monthly by the Carnegie Institute and Carnegie Library in Pittsburgh, part of which is in the 18th district I represent.

It was written by Mr. James L. Swauger, assistant director of the museum and because it is self-explanatory, I would like to insert the text of Mr. Swauger's article in the RECORD at this time.

The text follows:

RSVP LENDS PURPOSE TO LIVES OF OLDER AMERICANS

Conversations opened months ago between Walter J. Burke, international secretary-treasurer of the United Steelworkers of America, and me, associate director of Carnegie Museum, now bear fruit in the launching by the union and the museum of a pilot program of union-museum cooperation providing for volunteer participation by retired Steelworkers in the work of the museum. The project is operated in conjunction with the Retired Senior Volunteer Program, one of the Federal government's ACTION programs.

Agreement for joint action came from matching needs. Steelworker officials continually search for interesting, meaningful, and satisfying activities for release of the energies and absorption of the interests of retired union members. Carnegie Museum badly needs (as do all other musuums) para-professional laboratory and office help for whose employment funds are not available. To Burke and me it seemed logical that union and museum could be of great service to each other.

There are specific basic rules that apply to joint action. Vital to Steelworker decision to associate with the museum is assurance by museum officials that no volunteer will replace a man at a paying job nor prevent a paying job from being established.

The museum's premise is that it seeks and will accept only volunteers whose interest in the work of a particular museum section already exists. The museum does not propose to develop such interest. It seemed to Burke and me that among the retired union people in the Pittsburgh region there must surely be one or two who all their lives had wished they could work with birds or fossils or plants or Indian arrowheads; but who, under the pressure of earning a living, could find neither time nor opportunity to explore and enlarge their interest. Retired, they have the time. The museum proffers opportunity in return for volunteer service providing much needed help to the museum.

Neither union nor museum believes retired people should have to spend money to help the museum. The trail to a source of funds to cover day-by-day ordinary expenses for volunteers, transportation, lunches, and the like, led first to James W. O'Brien at Steelworker headquarters in Washington, D.C. Responsible to Burke's office for Steelworker retiree programs, O'Brien had called Robert W. Baron of Glassport, who works with Steelworker retiree groups in this area, to meet with the two of us to explore funding possibilities. Through Baron's sources, we learned that the Retired Senior Volunteer Program was seeking stations for volunteer services and had funds to cover out-of-pocket expenses for volunteers working at such stations.

Arrangements were thereupon made with Mrs. Bea Miller to accept Carnegie Museum as a station so that volunteers working at the museum are assured their out-of-pocket expenses are covered. Mrs. Miller administers the Federal grant made to the Information and Volunteer Services of Allegheny County for operation of the Retired Senior Volunteer Program in the county.

The program is not a panacea for the needs of all retirees, let alone all retired steelworkers. The museum can probably handle at the very most no more than fifty volunteers. But fifty is fifty more than none, and interesting tasks are at hand.

Opportunities exist for participation in the work of many museum sections: Minerals, fossils, plants, insects and spiders, birds,

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mammals, man, environmental studies, exhibits, library, and director's office. Volunteers will soon be needed to man an Information Desk in a new Orientation and Information Hall.

Sample jobs include general laboratory assistance; preparation of fossil specimens; fleshing, skeletonizing, and tagging mammal specimens; preparation of working drawings for exhibit construction; repair and maintenance of spinning wheels and models; collection cataloging; general office work to include typing, filing, and the care of records of various sorts; and many others. Volunteers may come to us with special skills we had not thought of as applicable to one or another of the jobs we've always wanted to do but had never been able to get to. While volunteers will have to possess basic skills for some tasks, others can be learned on the job.

Although the volunteer retiree program is being implemented primarily through the Steelworkers, neither the Steelworkers nor the museum desires to restrict it to Steelworkers. Any retired person can investigate and be considered for a volunteer post at the museum. Initial discussions were held with the Steelworkers because of excellent Steelworker-museum cooperation in programs in the past, and we at the museum know the union has an established communication network through its retiree units so that dissemination of invitations to help the museum will be rapid and efficient. It is through the Steelworkers that the museum readily reaches other formal retiree organizations on a national basis because Baron is a board member of the National Council of Senior Citizens.

Implications of Steelworker-museum cooperation are international. Established here as a pilot project, the retiree program is an example to the more than five thousand museums in the American Association of Museums in the United States, Canada, and Mexico, and for the forty-two hundred Steelworker locals throughout the United States and Canada.

Volunteer service of great value is nothing new to the museum world. Most frequently, volunteer service is a personal affair—a friend of the director or of a staff member, or even (and this is heartening) someone with training, interest, and desire who exhibits initiative by approaching the museum without any personal pre-association and asks to be given work to do. The Steelworker-Carnegie Museum association injects another factor into this picture: the mode of recruitment is institutional. The union as an organization is working with the museum as an organization for mutual benefit. We believe it will result in greater service to both retired people and to the museum.

Inquiries relating to the program should be addressed primarily to Robert W. Baron, Local Union No. 2227—District 15, United Steelworkers of America, 1301 Philip Murray Road, West Mifflin, Pennsylvania, 15122; and to Mrs. Bea Miller, RSVP, Information and Volunteer Services of Allegheny County, 200 Ross Street, Pittsburgh, Pennsylvania, 15219. The museum contact, in instances where neither Baron nor Miller is available, is Mrs. Helen P. Swauger (herself a volunteer), administrative assistant, Volunteer Retiree Program, Carnegie Museum, 4400 Forbes Avenue, Pittsburgh, Pennsylvania, 15213.

## A FREE MARKET

### HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. ROUSSELOT. Mr. Speaker, there has been a great deal of discussion in this Congress about the problem of high prices and what actually is the cause of these high prices in the marketplace. An article recently appeared in America's Future, a fortnightly review of the news, dated April 27, 1973, the comments from which I believe the Members of this House could well benefit.

I encourage review of this article as a matter of course because, in my opinion, many Members of this House have fallen into a "go-along-with-the-drift-of-the-times" attitude by being mesmerized into the belief that the free marketplace can no longer operate with any degree of equilibrium or balance for consumer products. This same me-too philosophy then tells us that the only alternative, is massive Government regulation or control.

This article in America's Future, which was also covered by America's Future Mutual Network Broadcast April 15, 1973, is a searching and thoughtful commentary of this whole issue and I commend it to my colleagues for their consideration:

A FREE MARKET

INEVITABLE HANGOVER

We seem to be on a national scapegoat-hunt these days—looking for somebody to blame for high prices. In the process, there are all sorts of demands for all sorts of governmental action which, no matter how well-intentioned, will only make matters worse. As we explained recently, high prices are the result of governmental actions and interferences in the free market, and the only way to return to some degree of equilibrium is to let the market operate freely once more.

That isn't yearning after "a nostalgic conception that has gone down the drain," as one reader accused us of doing. It is a fact of economic life in a free society if we wish the society to remain free. And it does no good to blame high prices, as this reader does and as many other uninformed Americans do, on a nonexistent "meat cartel" or "the greedy rush of the food industry to make a killing." Using the word "cartel" in connection with the meat or food industry in America is about as far from the fact as one can get—the food industry being one of the most competitive in our system. And the industry, including what he calls "super-marketism" is a long, long way from making a killing from high prices because its costs have increased tremendously and because, in the case of the super-markets, their margin of profit (about one percent) is so thin that they suffer losses with any decrease in volume.

It cannot be repeated often enough that the cause of high prices is inflation, and that the cause of inflation is deficit spending by governments. It is a fact of history that in periods when government deficits rose, so did prices; when government surpluses appeared, prices adjusted to saner levels. This is particularly so in periods following wars, going all the way back to the Civil War, because wars usually are fought in whole or in part with borrowed money instead of on a pay-as-you-go basis out of taxes. This was most glaringly the case with the Vietnam war, when our people, led by the Kennedy and Johnson administrations, thought we could have both guns and butter—that is, fight a war and at the same time spend on all sorts of social projects at home.

Now we are suffering the inevitable hangover. The quickest and safest—but not the least painful—way to get over it is to let the free market have its way. Demands for more rather than less governmental interferences and controls not only will prolong the hangover but make recovery from it far more difficult to achieve.

PRICES AND DEFICITS

One does not have to be an economist or fiscal expert to see the connection between government deficits and high prices. We need only heed the lessons of history. In the more than one hundred years since the Civil War, we have had four major periods of rapidly rising prices—some of them, incidentally, far more painful than the present one. Each occurred during and following a war, and each was accompanied by government deficits.

At the end of the four years of the Civil War, the national government's deficit was 40 times greater than at the beginning. During that period prices approximately doubled—that is, rose 100 percent. Then, up to and after 1870, the national government had surpluses instead of deficits—and the price index fell to half of what it had been in 1864.

During and immediately after World War I, the federal government ran great deficits—and again prices doubled. But by the early '20s, the government once more was showing surpluses—and the wholesale price index dropped 74 points from its high in 1919.

The third and fourth major periods of price rise were during and following World War II and the present one during and following the Vietnam war. In both cases they were accompanied by tremendous government deficits.

The price rise during and following World War II was approximately 50 percent, peaking during 1948. Then it began to ease off, concurrently with two years (1947 and 1948) during which the federal government did not have a deficit.

The present price rise—about 32 percent since 1965—is so far the lowest of them all. But it should be pretty obvious from this bit of fiscal history that it will become higher, or begin to ease off, depending on whether we continue to have government deficits or whether some degree of fiscal sanity makes its way into federal government spending.

There is another aspect of government deficits, their inflationary effect and thus high prices, which hardly anyone save a few sound economists ever mentions these days. Those deficits get piled one upon another and become part of the public debt.

We came out of the Civil War with a federal-government debt of about two and a half billion dollars. It was progressively reduced, with a few ups and downs, to a little over a billion dollars until World War I. At the end of that war, it stood at about 25 billion dollars, but again it was progressively reduced, getting down to 16 billion dollars until the early '30s.

Then, with the advent of FDR's so-called New Deal, it started up again, and with World War II wound up at the unbelievable figure of 245 billion dollars.

But the deficits have grown each year since, with a few pauses now and then, and so the debt today has reached the practically incomprehensible figure of around 430 billion dollars.

Advocates of unending government spending and borrowing, of course, tell us that's all right, because the economy has grown, and that the debt deally doesn't matter because, to use their favorite phrase, "we owe it to ourselves." They ignore the fact that the interest on that debt is now more than 20 billion dollars a year—an amount which must be paid out of taxes which in turn add to the cost of everything we buy.

MORE, OR LESS CONTROLS?

Believers in a government-managed economy think the solution to all this is more rather than less government controls and interferences, despite the fact that it was these which produced the problem in the first place. However, the dislocations thus produced make proper solutions not only difficult but painful and, of course, politically unpopular.



So far as controls are concerned, they may have a temporary effect, but in the end they only make the problem worse because they interfere with the productivity of the free market and, if not accompanied by governmental fiscal sanity, actually produce shortages.

But most important, a free economy is the only type, whatever its ups and downs, that ever has or can produce the greatest amount and variety of goods at the lowest prices. In such an economy there can be no defense of governmental controls except, perhaps, in wartime. Wars bring dislocations in a free economy because so much energy must be directed to producing destructive rather than productive goods. Therefore, temporary controls, including rationing of goods, may be necessary. Older citizens can remember such an experience during and immediately after World War II. But they also should remember that even in wartime, the controls produced black markets, shortages and rising prices despite the controls.

But controls in a free economy—provided always we want it to stay free—during peacetime are indefensible from the standpoint of long-range correction of economic maladies as well as from the practical standpoint. One does not necessarily have to defend the present high price of meat, for example, to think back to the year following the end of World War II when in many places housewives who did not get to the market early in the morning could not find even a few hotdogs or a half pound of chopped meat; when in other places there was no meat of any kind available; when even institutions and hospitals couldn't buy it for love nor money.

If we can't remember these days, all we need do is look at one of the most controlled economies in the world—that of Soviet Russia, a rich agricultural nation which throughout its communist history, up to this very day, suffers shortages of the most basic food products.

## BILL PITTS DEPARTS FROM CAPITOL HILL

### HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. COLLIER. Mr. Speaker, during my 16 years in Congress I have become well-acquainted with many of the able and dedicated people who work on Capitol Hill. Some of them are employed by the individual Members, some by the committees, and some by the leadership.

One of the employees who has labored here diligently and conscientiously for many years is William R. Pitts, more familiarly known as Bill. He worked for several Members, including Thomas C. Cochran of Pennsylvania, Charles Halleck of Indiana, and three Illinoisans, Ralph Church, Charles S. Dewey, and LESLIE C. ARENDS. Bill put in a quarter of a century as an aide to ARENDS, the Republican whip.

Dr. Pitts retired at the expiration of the 92d Congress, but I am sure that he finds plenty to occupy his mind and exercise his numerous talents. My best wishes accompany him as he departs from the Nation's Capital.

Mr. Speaker, I would like to extend my remarks in the RECORD by inserting a story that appeared in the De Kalb, Ill., Chronicle:

STORIES A CONGRESSIONAL AIDE CAN TELL

WASHINGTON.—Bill Pitts, longtime aide to house minority whip Leslie C. Arends of Illinois, is retiring from Capitol Hill to his old books and a new pool table.

"I'll miss the hill," says Pitts, a small compact, gray man of 65 whose heavy glasses let his warmth and wisdom shine through. "You feel you're on the inside of momentous decisions. But there are frustrations when your ego has to work in anonymity."

Dr. William R. Pitts, "The old professor" to some of his friends, has a right to an ego, though he'd probably be the last to take an ego trip. For all his college degrees, he's as easy to talk to as your best neighbor.

Bill started out as the "Boy Wonder of Sharon" back in Pennsylvania where he was born in 1907, the son of a steel worker in the rolling hills.

In high school, Bill was bookish and ill at ease with small talk but he was a demon on the debate platform. He made it to the Chicago finals in the national scholastic championship and walked off with the $2,000 scholarship top prize.

"I was small and slim," Bill recalls. "My stature entered into it a little bit, but I also had a capacity to talk with feeling."

Bill's debate scholarship got him into Brown University, a small Ivy League college for boys in Providence, R.I. By waiting on fraternity tables, working as a night librarian, and picking up some of the endowment money as a debater, he earned his way. He left Brown with a bachelor of arts and a masters in history.

He returned to Sharon during the depression and wangled a job at a "Scotch clergyman's stipend" from the editor of The Sharon Herald. Bill wrote editorials and byline articles on foreign affairs. This soon led to the knife-and-fork circuit as a speaker at Rotary, Kiwanis and similar club meetings.

When his Methodist minister took a sabbatical and the pulpit replacement failed to arrive in time, Bill was prevailed upon to fill in as a lay preacher. He did so well, he never missed a Sunday in some pulpit in Pennsylvania, Ohio or Indiana.

Bill got to Washington when his editor told Rep. Thomas C. Cochran, a Pennsylvania Republican, he had a young man on the staff who wanted to study law. The editor suggested Bill work in the congressman's office and go to school at night.

That's the way it worked out. Bill attended Georgetown University for some eight years, winning a bachelor's, master's and doctorate in law.

"I wouldn't do it again," says Pitts. "I had an intellectual curiosity. I wanted to be a professor in government."

About the time Cochran decided to return to Pennsylvania to become a judge, Bill married Florence Graham in 1935. She was from nearby Niles, Ohio, just across the line from Sharon, and they had met on a blind date. They're still together, as Bill goes into retirement.

With his new responsibilities, Bill wanted a congressman "with a safe district" so he went with Rep. Ralph Church of Evanston, Ill. He even took up residence in Evanston.

When Church lost in a senatorial primary, Bill decided to go into law, but Charles S. Dewey, a Republican running in Church's old neighboring district, said Bill should stay in Washington with him.

"It was too precarious, but he talked me into it," Bill grins.

World War II came and Bill went into the Navy as a deck officer under training for amphibious operations. He got orders to the Navy Department as a special assistant to the renegotiation board and handled all the board's appeals. He dealt frequently with the Navy Secy. James V. Forrestal, who gave him a commendation ribbon.

"I admired him greatly," says Bill. "He was one of the greatest men I ever came in contact with. He was fair and compassionate."

Dewey, Bill's former millionaire congressman boss, was meanwhile defeated for re-election. But when they met again after Bill was mustered out in the rank of lieutenant commander, Dewey persuaded his one time aid to join him at Chase National Bank in New York City where he was a vice president.

"I ended up with the bank as special legal officer attached to the hierarchy," says Bill.

He hadn't moved his family, so when he returned about a year later to pack for New York, he ran into Rep. Charley Halleck, newly-elevated majority leader of the Republican 80th congress.

"Oh, great!" Bill said when Halleck asked him to be his aide. "I'd like that."

"The 80th was a great congress," declares Bill. "It passed the Taft-Hartley Act, it balanced the budget, it had a surplus, it initiated the Marshall Plan for Truman and he called it the "Do-nothing congress."

As Bill sees it, it won the enmity of the Democrats because Halleck bottled up in rules and cut back on more federal housing and aid to education and public works project on the premise the administration hadn't spent the money already appropriated.

Halleck he assesses as "an intellectual, impatient and brusque," a man calculated to give prima donnas and slow learners a hard time.

"Halleck was a great leader because he really led. He was also a great speaker. He could ad lib and give meaning to your words. He could adjust the manuscript to the situation when things were moving fast. It was said of him that he "absorbed knowledge through his skin."

His most "dramatic" time with Halleck was the GOP national convention when Halleck was in line for the vice-presidential nomination but Tom Dewey won it.

"The Dewey people, in my judgment," double-crossed Halleck," says Bill. "They promised him the nomination if he could deliver certain delegations. He filled his side of the bargain."

The Republicans lost the house and Speaker Joe Martin had to step back down to the minority leader's post, bumping Halleck. Halleck didn't want the whip post, held by his lieutenant Arends. He supported Arends' bid to keep it and Arends won.

Bill Pitts joined Arends, who has been whip longer than anyone in the history of the house.

Bill spent 25 years as the Illinoisan's whip aide.

Dramatics are not Arends' nature," says Bill when asked to highlight his experience. "But he's a great guy to work for."

Arends would never neglect his district for national affairs, says Bill, although by the same token he takes the whip assignment seriously.

Bill says his worst day came when the bells that call members to the chamber "kept clanging."

"We didn't know what was going on until the cloakroom told us there was shooting in the house and some members were hurt. We heard that a bullet had gone through the leadership desk."

This was where Arends sat. When the Puerto Ricans shot up the house that day, one bullet kicked up a splinter from the desk into his eye, but he was unhurt.

Arends returned to his office shakey and nervous, saying he just "couldn't understand it," Bill recalls.

Bill spent his last day in Arends office briefing his successor, Joseph H. MacCaulay, who had formerly worked for Congresswoman Charlotte T. Reid and other members of the house.

Bill says a good staff man should have a



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motto. His has been: "Work unseen, be more than you seem."

## EFFECTS OF ELIMINATING COMMUNITY ACTION AND LEGAL SERVICES IN GEORGIA

### HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. YOUNG of Georgia. Mr. Speaker, the effects of liquidating Community Action Agencies and Legal Services in Georgia would be tragic and utterly inhumane.

Mrs. Merlyn E. Richardson, representing the League of Women Voters of Georgia, has prepared a moving and persuasive statement on the consequences of dismantling the Office of Economic Opportunity and, in the process, ending community action programs and legal services.

The statement was prepared for hearings scheduled last month in Atlanta by the House Subcommittee on Equal Opportunities, of which our distinguished colleague, Congressman AUGUSTUS F. HAWKINS, is chairman. Unfortunately, the hearings had to be canceled when legislation on the House floor unexpectedly required a long session and prevented Members from leaving Washington.

However, this is an important statement and I want to share it with you by placing it in the RECORD:

STATEMENT BY MRS. MERLYN E. RICHARDSON

I am Mrs Merlyn E. Richardson, 755 Park Lane, Decatur, a member of the League of Women Voters of Georgia. I speak to the effect of the liquidation of Community Action Agencies and legal services under the dismantling of the Office of Equal Opportunity. I speak for the need for funding for the Community Action Agency programs and for legislation to establish an independent Legal Services Corporation as a strong national program for legal services.

As you know, the elimination of these programs hits the same level of income citizens in Georgia who have been hurt by the limitation of the amendment to the General Federal Revenue Sharing Act of 1972 which affected Title IV-A and Title XVI of the Social Security Act; people who have been hurt by the impoundment of funds for housing for 18 months—an estimated loss to economy of Georgia of $380 million plus; citizens who will be hurt under the cuts in the proposed 1974 Administration Budget in medicare and housing, in manpower programs, in health, education and poverty programs; the same persons who will be hurt under limiting regulations governing social services' funding (in the last quarter of 1973, 65,000 people would be deprived and in 1974, 108,538 citizens would lose the helping services). All these cuts come at once with no time to prepare for interim help until other programs begin under proposed special revenue sharing acts.

Please hear now about just a few of the many who will be hurt from the cancellation of funds to Community Action Agencies.

"My children entered OEO Day Care in April of 1966. I have five children and still have two in the center. I am sole support for my children and myself. I feel proud to be able to do this but if it hadn't been for OEO. I would have had to go on welfare which I do not want to do. Due to the wonderful training and guidance from the center, my children have been well prepared for school and even more important they have learned to share and to help each other and myself. Last year my home burned and my children and I lost everything we had except the clothes we had on. The wonderful people at OEO were a blessing. They helped me to find a house to live in and helped me to get so many things that I needed to start housekeeping again."

Mrs. O. doesn't know whether she is 78 or 100, but she is a senior citizen of limited income who receives $2 an hour for nine hours of work a week to be a good neighbor and homemaker. She mops kitchens, does some grocery shopping, takes out garbage, makes beds, cleans yards for those unable to help themselves.

"Prior to Mr. B's employment with Operation Mainstream he had been released from several jobs due to his drinking. Thru months later after working on this program, Mr. B. has not missed a day on his job and has not reported to work drinking. He has stated that without the counseling and training he has gotten from Mainstream, things would have been hopeless for him. If this program can be kept in force many others such as Mr. B. could return to rolls of productive citizens."

On July 1, 1973, there will be an absolute loss of $9.3 million to Georgia covering OEO account 221 grants under Community Action Agencies serving 82,000 persons. There are 21 plus areas which represent Limited Purpose Agencies where the county administers one or two programs such as Head Start, Neighborhood Youth Corps or Emergency and Medical Services. These 221 account grants range over many areas of needed services which are crucial for the existence of low income individuals and families.

As the people mentioned in the above true-life stories prove, these services allow potentially self-sufficient individuals to achieve independence. OEO has handled the funds for Head Start and $7.7 million will be lost by end of August unless a new agency is formed. There is also $600,000 each for summer food programs and for aging that will be gone. $13.3 million will be lost under the Neighborhood Youth Corps.

There are two sisters whose father and mother are dead and they live with their grandfather who is on welfare. The girls keep house for the elderly man, do all the cooking, make all of their clothes and are excellent students. These girls are entirely dependent on the money they earn from the Neighborhood Youth Corps to buy cloth for their clothes and for school supplies. One girl works in a state-county office and the other works in a county office. Both are doing excellent work and are well liked by their supervisors.

There is a male enrollee who is dependent on the Neighborhood Youth Corps program to stay in school and help with family income. There are five in the family. His father was in an auto accident in the Spring of 1972. He is still un-conscious in the hospital. It was learned about six months ago that his mother has cancer. The only income the family has to cope with this situation is a small welfare check. NYC income from enrollee's work and odd jobs enrollee can get on the week-end.

Some of our contacts made in preparing this statement revealed that in many respects, Community Action need is greater in the rural areas than urban parts of Georgia. In communities such as the Coastal Plain Area, 30% of the population is considered low-income and the agency reaches about 50% of these citizens. Resources are few and needs of the poor are seldom articulated without leadership and assistance from Community Action. "We do not try to be a panacea; we cannot cure all the ills but we can and do help the people that have the desire and ambition to get out of poverty and into the mainstream of life. Our main concern is that an agency is available for those who are striving for a better life."

In one rural area CAA, for example, the following programs are serving the citizens: neighborhood service system, neighborhood youth corps, summer Head Start, community day care services, after school day care for school-age children, alcoholism rehabilitation, family planning, emergency food and medical services, hire-a-mother, operation mainstream, help communities help themselves, handicraft production and sales, business career preparation, nutrition program for elderly, senior opportunity center. The Work Incentive Program depends upon many supportive services to be effective, and these were available through Community Action only.

Mrs. W. lives in a county where there are no job opportunities except in farm labor. She tried to work in a clothing factory, but she could not meet production. She was placed in training by the CAA as a nurses' aide. Her supervisors worked very closely with her, getting her to work on time, helping with personal hygiene, working with her on every detail of her job. By the end of the six month training period she surpassed her peers and became the best mainstream worker in the hospital, and accordingly is currently employed there.

There are situations where only the staying power of the CAA has solved the problems-long drawn out negotiations for tenants of public housing, for eligibility for assistance and for help while such was going on. Everything starts at the Neighborhood Center, for services, referrals and activities. In proposed plans for transfers of some programs we can find no answers for where funding will come for this important focalpoint.

A phone call to a Neighborhood Center reported a family in desperate circumstances. The mother in the family was on the way to the hospital to give birth to her sixth child. The children in the family were inadequately fed and clothed; the father was seriously ill. The father had always done a good job of providing for his family, but within a few months he was stricken with two different health problems, requiring several months of hospitalization and later home confinement. The family's resources were drained. They turned to welfare and were receiving a monthly allotment by the time OEO came into contact with the family. The money was simply not sufficient.

Through the Neighborhood Center, the family came into contact with resources to help most immediate needs. These resources included the center's Citizens Neighborhood Advisory Council, a group made up of poverty area residents organized to work on issues, but who had an emergency fund for the kind of day-to-day problems that this family was facing—problems that are commonplace for the very poor. OEO's goals and the goal of the family now merge: self-help. Rehabilitation for the father, job training for the mother when the baby is old enough is planned. The mother said "We would have been completely lost without the Neighborhood Center."

As a further result of the termination of the Office of Economic Opportunity, 1181 Community Action Agency employees will be laid off in Georgia. Since the Community Action Agency serves as the umbrella agency for HEW, Department of Labor and other federal and state funds, there is another potential loss of $33,139,077 in social service programs that employ nearly 1800 people. Many of these employees became employed for the first time in a community action program. They gained dignity when they left the welfare roles and pride as a reward for serving those less fortunate. Over 50% of the total CAA employment is black and about 70% is female.

Atlanta Legal Aid Society, operating out of many centers in the metropolitan area receives some $670,000 from the Office of Economic Opportunity. In 1972, 14,450 cases were handled in the areas of the consumer, civil procedure, landlord/tenant, social security, education and employment, administration of justice. There is also work done in community education, family law, summer interns.

Miss B., a double amputee, faced the possibility of eviction from her home before the intervention of Atlanta Legal Aid. She is 72 years old and not too skilled in reading and writing. Her legal troubles began when she signed a contract with a contracting company for home improvements.

One court decision on a Legal Aid case held that a landlord financed under 221 (d) (3) of the National Housing Act could not comply with procedural due process unless he alleged and proved "good cause" for evicting his tenant. A class action alleged that conditions in a jail for pre-trial detainees amounted to cruel and unusual punishment and denied them due process of law. The court ordered that the top floor of the jail be closed, the bottom floor be refurbished, an emergency exit be constructed. A new jail is now being built.

Thank you for your courtesy in listening and for the opportunity to speak at this regional hearing. The League of Women Voters of Georgia strongly urges you to consider funding for the Community Action Agencies and for legislation to establish an independent Legal Services Corporation.



## WATERGATE AND OUR POLITICAL SYSTEM

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include this speech on the the Watergate incident and its impact on our political system:

On the night of June 17, 1972, Frank Wills, 24 years old, slim, black, Job Corps graduate, a bachelor, was working as a security guard in the Watergate complex. He noticed tape placed on the latches of two doors, so the doors would not lock when closed. He removed the tape and continued his rounds. He thought the maintenance men had left the tape on the doors, but just to be sure, he returned ten minutes later. This time he found the locks on the doors taped open.

He called the police. The police arrived and they found men, speaking with foreign accents, crawling on the floor of the 6th floor suite of the Democratic National Committee.

The police also found a shortwave receiver, door jimmies, walkie-talkies, cameras, films, tear gas guns, electronic eavesdropping equipment and 5300 in cash.

For eleven months now, the American people have been sent rocking and reeling with one disclosure after another from the Watergate mess.

From this event the variety of incidents known as "Watergate" have erupted, shaking the American people and their government to the very roots.

Consider what we know today, even at this early stage in the search for truth:

In October, 1972, The Washington Post revealed that FBI agents had established that the Watergate bugging incident stemmed from a massive campaign of political spying and sabotage, conducted on behalf of the President, directed by officials at the White House. These activities included:

Following members of the candidates' families,

Assembling dossiers on their personal lives,

Forging letters and distributing them under the candidates' letterheads,

Leaking false information to the press,

Throwing campaign schedules into disarray,

Seizing confidential files,

Planting provocateurs,

Investigating potential donors.

The President's campaign oragnization deluged the President with thousands of telegrams to create the impression that his war politics were enthusiastically supported.

The Attorney General of the United States discussed illegal wiretappings and burglaries and took no action against the persons who made those criminal proposals in his presence.

The President's lawyer and the head of his domestic policy staff discussed whether incriminating documents should be thrown into the Potomac River.

The acting head of the FBI burned documents.

The former Secretary of Commerce and chief fundraiser pressured shady businessmen for large sums of money, in cash.

A member of the White House staff directed the burglary of the psychiatric files of a defendant in a pending criminal case, Daniel Ellsberg. The help of the CIA was obtained for that operation, in direct violation of the law.

The chief domestic advisor to the President met twice with the federal judge presiding over the Ellsberg case, while it was going on, and offered him the directorship of the FBI.

A White House staff member sent one of the Watergate criminals to the State Department to copy diplomatic cables and fake one involving President Kennedy.

The Nixon administration, over a period of two years, placed wiretaps on phones of its own officials and on phones of reporters of 3 newspapers.

The White House repeatedly issued false statements about the Watergate affair, accused the Washintgon Post and other papers of printing charges they knew to be false, and later asserted that those "lies and slanders" are now to be regarded as "inoperative."

This handful of incidents, randomly selected, only begins to convey the effort of ruthless men to destroy the political opposition, violate the election laws, and alter the very nature of the American political and legal system.

Watergate has raised a variety of questions:

Why did it happen?

Looking back at the 1972 election, which the President won so overwhelmingly, many people simply can find no reason for Watergate. These people have forgotten some recent history.

After the 1970 election, Richard Nixon was in trouble. The Democrats had retained solid control of the Senate and the House. They had erased the Republicans' 2 to 1 majority in the nation's governorships. The polls showed Senator Muskie beating him, and Senators Kennedy and Humphrey running even with him.

One of the President's intimates said lately, "The President was walking into a one-term Presidency in the summer of 1971, on almost every issue."

In a most revealing statement, the President was quoted as saying, "the guy who can hurt me the most is Muskie. The guy who can hurt me least is McGovern."

Beyond that, Nixon was surrounded by a group of disciplined, arrogant loyalists who were absolutely persuaded that they knew what was best for the country, and they would brook no criticism or dissent:

Listen to their statements:

Charles Colson, a close confidant of the President, put it best: "I would walk over my grandmother, if necessary, to help the President's re-election."

Attorney General Kleindienst, testifying later, said that the President had the power to forbid 2.5 million federal employees from testifying before Congress under any circumstances.

H. R. Haldeman said, "The President is naturally concerned by the kind of criticism that can get in the way of what he is trying to do, and that would be unfair criticism."

These men exhibited an attitude of "anything goes" and utter disdain of the law and the American people.

Their underlying philosophy was that the ends justify the means, that the powerful people know best. Observing the tone of the Nixon men, the New York Times said that Watergate was the "characteristic, almost inevitable, scandal of this Administration."

Was the Watergate just another example of political skull-duggery, the kind of thing every politician does?

To be sure, our historical background in politics contains sleazy tactics, unethical standards in the use of money, dirty tricks, and character assassination.

In Muncie, Indiana, the local paper carried a letter from a reader who pointed out:

"No lives were lost, no one harmed, no bank robbed, or large amount of money lost, and so far as we can detect, no one in particular was harmed. It is indeed getting boring."

Governor Reagan said that those responsible for Watergate should not be considered criminals because "They are not criminals at heart."

But Watergate was not politics as usual. It was a flagrant violation of law including:

Wiretapping

Burglary

Breaking and entering

Conspiracy

Obstruction of justice

Sabotaging opponents' meetings

Putting spies in their offices

Stealing material from their files

Forging incriminating letters.

This was not a case of the misuse of power for the sake of acquiring money. It was using money for the sake of acquiring power.

The President may call it an "excess of zeal," but that is a peculiar description for men who:

Perverted the public trust,

Deformed the processes of criminal justice,

Conspired to break the authority of the U.S. government and to break its laws,

And to cover up their crimes.

Watergate is the biggest scandal in American political history. Grant, Harding, Truman had their troubles and one or two officials resigned or were convicted.

So far in Watergate:

7 have been found guilty and at least 13 resignations and firings are related to Watergate;

One Attorney General resigned and has been indicted;

Another Attorney General resigned;

An FBI Director resigned;

An appointment secretary to the President resigned;

The President's two top aides resigned and are implicated;

A Secretary of Commerce resigned and has been indicted;

The President's personal lawyer was fired;

The President's White House counsel was fired.

And we can anticipate a number of indictments and convictions in the coming months.

Why did it take the public so long to believe?

This is one of the major puzzles of Watergate.

Any Democratic candidate in 1972 knew that the people were simply not interested in Watergate. Disclosure after disclosure poured forth between the time of the burglary and the election in 1972, but there was

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no outcry from the public. In September, reporters would go for days without hearing a single person voluntarily mention Watergate.

Why?

The people believed the White House. They were not outraged. During the days of Dwight Eisenhower, they could get disturbed about a Vicuna coat. Maybe they were weary after Vietnam. Maybe they were turned off by George McGovern. Maybe their moral standards were not as high as they once were.

In any case, they just did not want to believe that the disclosures were accurate.

All that has changed today, but it took a long time before the American people began to believe the stories.

Was President Nixon himself involved in Watergate?

There is no evidence, either direct or hearsay, that the President understood the broad reach of Watergate before last March 21. On that date he said he heard serious charges and began his own new inquiry into the case.

Newsweek has related two incidents that Mr. Dean, the President's counsel, believes associate the President with the conspiracy, but these stories rest on Mr. Dean's assumptions not on the President's words.

Also, L. Patrick Gray has said that he warned the President on July 6 (3 weeks after Watergate) that some White House aides were meddling with the investigation.

Short of the President, the comolicity runs to the edge of the President's desk, but none of the men of the President's inner circle have yet described what they did or what they told the President.

While most experts doubt that the President knew about Watergate in advance, there is much speculation that the President learned of White House involvement once the Nixon-Re-Election Committee had been linked with the wiretappers, and many think it is simply unbelievable that John Mitchell, a long time Nixon confidant, did not tell the President everything he knew about the wiretappers and their plans.

Some, like Senator Brooke of Massachusetts, say that it is inconceivable that the President did not know what his closest associates were doing. They point out that men like Haldeman never took any initiative the President did not want.

Did the President know about the activities of his close associates?

We do not know. But we do know that if he did not, he should have.

Nevertheless, no explicit suggestion has been made that the President was told of the cover-up.

What is the real harm of Watergate?

As the energies of this Administration have been focused on Watergate, a malaise has gripped the Administration. Appointments are unfilled: 59 of them by one count in subcabinet, ambassadorial and other top level jobs.

The President's design for his second term has been "disrupted." His chain of command has become unlinked. One White House official said, "The ship of state lies dead in the water." It is a government in turmoil.

Watergate deals yet another setback to the confidence of Americans in government and the integrity and future quality of the political processes in this country. Any right-minded American must ask himself, as he views the impact of Watergate on the already low status of politics and government in the nation today, how much erosion of confidence can our system tolerate and still survive.

*What should the Democrats do?*

Some Democrats are gleeful about the political fallout from Watergate. They are rushing to the attack, intent upon striking a crippling blow to their political adversaries, and already counting the political victories in 1974. That is the easy, perhaps instinctive, approach for Democratic politicians.

After all, the target is vulnerable, the characters are despicable, and we can attack with impunity from high moral ground. Some would say Watergate is a Democratic politician's dream. But in my view, such an attack is also the wrong approach to a national, and not a party, tragedy.

This is not the time for rejoicing because a political bonanza has been handed to us gratuitously, but rather a time for soul-searching and reflection about the integrity of the political process of this nation.

The appropriate course is to insist upon a careful and complete investigation of the Watergate affair and a full disclosure of the truth, and to join with all men and women of good will to restore confidence in the decision-making processes of the nation.

An independent prosecutor of unquestioned integrity and the highest professional ability should be appointed, and given the resources and the authority to conduct a thorough investigation. It is necessary that the prosecutor be removed from the influence of the presidency.

Impeachment proceedings, and references to them, should be silenced as premature.

For the future there are lessons to be learned from Watergate:

1) An open presidency.

Watergate simply would not have happened had Mr Nixon conducted his government in public.

He and future presidents need to conduct an open presidency—open to the public, the Congress and the press. They need men around them who represnt a broad philosophical base to insure a ferment of ideas. They need contact with the best minds in America and a cabinet composed of the ablest men in America.

The presidential news-conference must be reestablished.

The concentration of power in the presidency must be opposed, and we must return to a balance of the powers of government with a stronger Congress, as envisaged by the U.S. Constitution.

2) Elections.

A whole series of steps must be taken to protect the integrity of American elections.

They include:

Sharp limitations on the size of individual gifts;

Overall limit on expenditures for a given race;

An end to organized interest group giving;

Complete reporting of contributions and expenditures;

The creation of a tough enforcement agency to ensure compliance.

3) Finally, we must keep faith in the American political system. At Watergate, some of the people within the system failed us—and that should not surprise or dismay us at any time under any party.

But the system worked—perhaps slowly, but it did work:

A federal grand jury brought the first indictments;

A Federal judge raised the first official doubts about the adequacy of an investigation and expressed his dissatisfaction in open court;

The Congress, much maligned in recent days, kept the affair from being buried:

Senator Ervin's investigation committee assured that Watergate would continue as a major public issue.

Individual members of the Congress played significant roles. Senator Goldwater demanded a full airing of the affair and other Republicans followed. Senator Byrd of West Virginia asked some penetrating questions.

Although much of the press forgot about Watergate, at least a few papers and a few reporters were not intimidated, kept digging in the face of harassment and other pressure, and played their full role as the 4th estate.

If we have learned these lessons—even Watergate may have been worth it.

## JOHN W. McCORMACK

## HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. CONTE. Mr. Speaker, earlier this year, in March, our beloved former Speaker and distinguished Congressman from Massachusetts John W. McCormack was honored by the people of the city of Holyoke, Mass., by being named the 1973 recipient of the John F. Kennedy National Award. The award is bestowed by the committee planning the annual St. Patrick's Day Parade in that city and yearly recognizes an outstanding American of Irish heritage.

This year's award could not have been given to a finer man, I am sure all of my colleagues will agree. A measure of the esteem in which the Speaker is held in Holyoke was evident in the wide coverage given his preparade activities in the city's daily newspaper, the Holyoke Transcript-Telegram.

At this time, I would like to insert some of the articles that appeared in that paper about the Speaker and recommend them to my fellow Members of the House:

JOHN McCORMACK NAMED KENNEDY AWARD WINNER

(By Jim Griffin)

John W. McCormack, the son of Irish immigrants who rose to the most important legislative post in the world—the Speakership of the U.S. House of Representatives—has been named this year's John F. Kennedy National Award Winner, by the St. Patrick's Day Parade Committee.

The 81-year-old retired congressman from South Boston will join a list of prominent personalities, including the man for whom the national award is named, in accepting the most prestigious presentation the local parade group makes.

42 YEARS

McCormack, who now resides in Jamaica Plain, served a total of 42 years in the House, and led the 435-member body through some of the most significant legislative action in the history of the Congress.

He retired as a Speaker, the successor to the late Sam Rayburn, having served for about a decade in the post. His successor was Carl Albert.

McCormack was the son of Irish immigrants and decided as a young man that he would become a lawyer. He clerked in Boston, and passed the Massachusetts Bar when he was 21.

McCormack continued in public service, but switched from the Army to politics.

He was elected to the Massachusetts legislature, and after serving one term as a representative, decided to become a candidate for the state senate. He did, and he won.

THREE TERMS

McCormack served a total of three terms in the state's senatorial body before running for what is now the Bay State's Ninth Congressional District.

Since then, he has served in the Congress. He became the Democratic Floor Leader in 1940, and the Speaker in 1961.

McCormack, a devout Catholic and eternally devoted to his late wife Harriet, loved politics, but never was a part of the Washington social whirl. He and his wife dined together each night in their hotel suite, and he never took part in various Congressional trips, since he wanted to be at her side.



In December of 1971, Harriet died, and the now-retired Speaker vacated his quarters in the Capitol, and came back to Massachusetts. He continues to work daily at the John W. McCormack Federal Building, in Boston, and has been doing some traveling (he was, for instance, spotted at the Inauguration in Washington last weekend).

The former Speaker now lives with his family, nephew Edward J. McCormack Jr., the former Attorney General, Mrs. McCormack, and their two sons.

COMMITTEE

Included on the selection committee are Dr. John J. Driscoll (the chairman), former Senate President Maurice A. Donahue, William G. Rogers, Atty. Maurice J. Ferriter, the Rev. John J. Mara and Michael J. Moran.

Dr. Driscoll said this morning that the House Speaker will be here on March 17 and will participate in the St. Patrick's Day weekend, receiving his award at the traditional mass at St. Jerome's Church and laying the wreath at the late President Kennedy's Memorial, as well as riding in the parade.

The distinguished award has been presented to President John F. Kennedy, Bishop Jeremiah J. Minihan, Boston Mayor John F. Collins, Bishop Christopher J. Weldon, syndicated columnist Robert Considine, actor William D. Gargan, Atty. James B. Donovan, James J. Shea, Senator Edward M. Kennedy, former light heavyweight boxing champion Tommy Loughran, Democratic National Committee Chairman Lawrence F. O'Brien, Richard Cardinal Cushing, Connecticut Gov. John N. Dempsey, actor Pat O'Brien and Air Force Major General Timothy J. Dacey Jr., since 1958.

JFK AWARD RECIPIENT MCCORMACK LAYS WREATH AT KENNEDY MEMORIAL

(By Paul M. Craig)

One of his happiest and most coveted honors is the selection here of former U.S. House Speaker John W. McCormack as the 1973 John F. Kennedy National Award recipient.

The award has been presented by the St. Patrick's Committee annually since 1958 to an outstanding American of Irish descent.

The first recipient was Kennedy in that year when he was also campaigning for re-election as U.S. Senator.

The award was renamed in his honor following the 1963 Dallas assassination.

Kennedy's memory was honored this year beginning at 4:25 this rainy afternoon with the wreath laying ceremony at the monument where Suffolk and Appleton Sts. converge.

McCormack, a long time friend laid the wreath and briefly commented on Kennedy's significance in history being "his decisive action in confronting Khrushchev in 1962 preventing the Soviet Union from installing in Cuba intermediate range missiles pointed at the United States."

FIRST RETURN

This is McCormack's first return to Holyoke in "about 15 years" with many friendships renewed.

Several telephone calls came into the Transcript-Telegram city editor from "long lost" friends asking when McCormack would arrive, his schedule and where he would stay.

Kennedy won his Senate seat in 1952; in that same year Atty. John S. Begley nominated McCormack for president and he carried the state primary then withdrawing so "Kennedy and the rest of the delegation could vote for Adlai Stevenson," McCormack recalled.

He said Begley's speech was "the greatest nominating speech of all the Democratic conventions."

When McCormack learned by phone relay from JFK committee chairman Dr. John J. Driscoll of his selection for the honor by Holyoke, he thought himself to be "very very happy and highly honored. I never expected it; you don't even think of such things until they select you."

IRISH ACCOLADE

The local tribute is a harbinger of another Irish accolade when on April 12 McCormack will be bestowed an honorary doctorate from the National University of Ireland at Dublin.

He has also been selected man of the year by the secretary's club of House and Senate members, an award which will also be given in April.

Upon learning that he will share the parade route with at least one repatriated prisoner of war, McCormack echoed the returnees' concern for the men still in Vietnamese captivity.

"I'm very happy with their release," he said, and then added "we'll have complete happiness when all the men are brought back with their families."

McCormack will march in the first division, just after grand marshal Timothy J. Sullivan with his aides Daniel J. Reynolds and John K. Bowler, and past parade marshals.

In the second unit of this division, leading the St. Pat's membership will be Air Force Capt. Joseph E. Milligan, with his aide Dr. Francis J. Baker.

Milligan, who has attended both the Chicopee and Holyoke coronation balls, arrived at Westover AFB on Feb. 21. He had been shot down over North Vietnam in his F4 fighter on May 20, 1967.

Arriving at 11 this morning at the Holiday Inn, McCormack himself was reunited with old friends in "one of the cities I like to visit. I like the people of Holyoke and their very fine contributions to our country."

Saying he is extremely glad to see old friends, he listed among these Congs. Edward P. Boland and Silvio O. Conte in the latter's case noting "friendship transcends party affiliations."

TV MASS

After his arrival, McCormack lunched at the Log Cabin and following his participation in the Kennedy Memorial, will be at St. Jerome Church where Bishop Christopher J. Weldon will present the National Award during the public televised mass at 6.

From there, McCormack will be guest of honor at the Bishop's reception at Wyckoff Country Club with dinner at 8.

Other recipients of the JFK Award indicate the diversity of the Irish contribution to American life.

They are, Auxiliary Bishop of Boston Jeremiah J. Minnihan, D.D., 1959; Boston Mayor John F. Collins, 1960; Bishop Christopher J. Weldon, 1961;

Newsman Robert B. Considine, 1962; actor William D. Gargan, 1963; Atty. James B. Donovan, 1964, who negotiated the release of U2 pilot Francis Gary Powers;

Milton Bradley president, James J. Shea, 1965; Sen. Edward M. Kennedy, 1966; world light heavyweight boxing champion Tommy Loughran, 1967;

Democratic National Chairman Lawrence J. O'Brien, 1968; Archbishop of Boston Richard Cardinal Cushing, 1969; Connecticut Governor John N. Dempsey, 1970;

Actor Pat O'Brien, 1971; and last year Strategic Air Command Chief of Staff Maj. Gen. Timothy J. Dacey.

MCCORMACK FETED AT MAYOR'S RECEPTION AND RETURNED POW IS QUIETLY WELCOMED

Two honored guests made the traditional Mayor's Reception, Sunday morning at Gleason's Townhouse.

Their official guest of honor, of course, was JFK Award Winner, former U.S. House Speaker John W. McCormack, but a surprise and very welcome second guest of honor was Air Force Capt. Joseph E. Milligan, one of the recently released POWs who is currently stationed at Westover Air Force Base Hospital for de-briefing.

Milligan, in keeping with the low key set by government officials in welcoming POWs, was not greeted with fanfare. He circulated quietly among the gathering along with other Westover representatives. He talked freely of future plans.

The pair were officially greeted by the first family of Holyoke—Mayor William S. Taupier, his wife and children.

Both men proved to delight and excite the many people who attended the reception, which is the sixth such reception hosted by the mayor and his wife, Patricia. Also on hand to help welcome guests were the Taupier's five children.

SILVER HAIR

Erect, silver haired, 81-year-old McCormack was accompanied up the stairs to the "Emerald Room," site of the reception, by several members of the St. Patrick's Day Parade Committee among them Leo Hickson and Atty. Maurice E. Ferriter. At the head of the stairs McCormack received a warm greeting by Mayor Taupier and his wife.

The former House Speaker was immediately surrounded by well wishers and many of the area's political leaders pressed in and around McCormack to lend their best wishes to the JFK Award Winner. McCormack appeared relaxed and wanted to shake hands with all the people he was introduced to or who just pressed forward to shake his hand.

GRAND NEPHEW

The Speaker's grand nephew was to have accompanied McCormack; he told friends, however, sickness in the younger McCormack's family prevented the state's former Attorney General, Edward McCormack from coming to the Paper City on Sunday.

Then, following close on the heels of the arrival of McCormack, confusion and excitement was heard downstairs.

Soon Capt. Milligan accompanied by Dr. Francis H. Baker of the parade committee was on the stairs coming up to the "Emerald Room."

The slight, quiet Air Force captain, a native of Annandale, N.J., was introduced to Mayor and Mrs. Taupier, who expressed their personal pleasure the captain had accepted their invitation to the reception and was going to march in the parade.

The 31-year-old former POW was relaxed and in good spirits and told the T-T he had taken in a number of Irish weekend events including the Holyoke's Brian Boru Club's concert held at the Highpoint Inn Saturday night.

The "Irish" Air Force captain ("only on my father's side") says his debriefing and medical exams are just about completed at the base hospital. He expects to be released from the hospital in a matter of a few weeks and then will enjoy a 90-day "convalescence leave in New Jersey with his parents.

The captain who was a prisoner for six years will follow up his 90-day leave with a two-week briefing program at Maxwell Air Force Base, Alabama, especially for former POWs and then possibly 140 days of retraining in flying at Randolph Air Force Base, in Texas.

This is a "maybe" situation says Capt. Milligan who disclosed he has applied for a four-year course which would eventually lead to his becoming an Air Force veterinarian.

If he is accepted in this program of study he will give up his flying career with the Air Force; however he expects to make the Air Force his career and will go for a full 20 years.

Milligan entered the service in 1963 after graduation from college, was shot down over North Vietnam in 1967. All his years in prison will count toward his overall career time says the captain.

His interview with the T-T disclosed the

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captain is quiet and very unassuming. He did admit he had some food cravings while in prison that he took advantage to get in the first weeks at the base hospital.

He said he just couldn't get "enough eggs, as well as milk, cottage cheese and ice cream." These cravings were in a way natural, as Capt. Milligan is the son of a dairy farmer.

Sunday was a real important day for Capt. Milligan because he ended his interviewing telling the T–T just one month ago, on Feb. 18, Capt. Milligan was released from his Hanoi prison camp.

CEREMONIES AT KENNEDY MEMORIAL SATURDAY

Despite the impending rain which did shorten ceremonies Saturday afternoon at the John F. Kennedy Monument, Mayor William S. Taupier promised former U.S. House Speaker John W. McCormack "enjoyable days in Holyoke."

McCormack has revisited the city after about 15 years as the recipient of the John F. Kennedy National Award given by the St. Patrick's Parade committee.

Following the invocation by Msgr. John F. Harrington, McCormack laid the wreath at the monument escorted by Dr. John J. Driscoll.

WIND

The weather was windy and grey with lowering skies but about 150 people watched the brief tribute to the slain President.

While Willimansett American Legion Post 353 fired the salute, a gust of wind driven rain before it toppled the wreath which was set right by the dignitaries.

Several of the onlookers were youths, including some students from Sacred Heart School. After the ceremonies, McCormack took time to chat with several of the audience and many children, including those of parade president Russell J. McNiff.

McCormack also paused to listen while the Air Force Band of the East, with MSgt. Donald Upchurch conducting, played the Irish Regiment March.

Buglers from the band sounded taps.

HONORED

Following these ceremonies, McCormack was himself honored when he was presented the JKF Award during the televised mass by Bishop Christopher J. Weldon.

McCormack was the cynosure of all eyes at the Bishop's Reception held in honor of the JFK Award winner at Wyckoff Park Country Club.

Emcee was McCormack's long time friend Atty. John S. Begley. The association of these two goes back to World War One when they met while involved in state politics.

During his comments, the former U.S. House Speaker for more consecutive years than any man so far in the history of the country, told the audience of some 500 people that it is indeed "good fortune to be honored by my friends."

He was, he said "humbled and proud" to join the other distinguished JFK award winners.

TELEGRAMS

Besides the honor from the St. Pat'a committee and the applause of the audience, McCormack received congratulatory telegrams from Cong. Silvio O. Conte, Sen. Edward M. Kennedy and House Speaker Carl Albert.

On hand was Cong. Edward P. Boland, who gave a ringing speech of praise to McCormack. His sentiments were echoed in Albert's telegram praising the event which would "honor my beloved friend" whom he termed a man of "keen intellect and big heart."

Boland was acting as the spokesman for the U.S. House, especially for the Massachusetts delegation.

In introducing Atty. Begley, Dr. John E. McHugh noted his "rise to fame parallels the rise of the Irish race."

Begley quickly pointed out the combined life span of McCormack, parade grand marshal Timothy J. Sullivan and himself equalled 240 years.

Begley also introduced McNiff saying "Russ McNiff has measured up" to the hard job of his term as president.

McNiff pointed out the beginning of the Distinguished American of Irish descent award, now the JFK award, seven years after the parade was begun 22 years ago.

In his brief comments, Mayor Taupier praised the contribution of the Irish who "have managed to bring a community together" and then invited McCormack "to enjoy it with us."

Bishop Weldon gave the invocation and benediction.

## SCHOOLBUS SAFETY

### HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. ROBISON of New York. Mr. Speaker, recently the House Interstate and Foreign Commerce Committee held hearings on the important issue of schoolbus safety. While I was not able to appear in person before the committee to testify on behalf of H.R. 5633, the schoolbus safety bill I have introduced, I have submitted the following statement for the consideration of the committee:

STATEMENT OF CONGRESSMAN HOWARD W. ROBISON FOR THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, TUESDAY, MAY 15, 1973

Mr. ROBISON of New York. Mr. Chairman, on January 3, 1973, three Vestal, New York, high school students lost their lives in a tragic bus accident near Owego, New York. The bus, carrying a junior varsity swimming team, skidded on the ice and turned over. Apparently, the three fatalities resulted from youngsters being thrown through the windows and the bus turning over on them.

This accident has focused the attention of parents, school administrators and other public officials on the entire issue of school bus safety. The tragedy prompted a rather exhaustive study on my part. I have sought the advice and counsel of experts both in and out of government. A large body of data and material has been accumulated for my analysis and study.

School bus safety is an "emerging" issue. In the quest for safer automobiles and advances in highway safety, school bus safety was not initially considered to have a high priority. Primarily due to the diligent efforts of the National Transportation Safety Board, the Department of Transportation, Congress and the public more generally, have been forced to focus their attention on this critical problem.

There are those who point to the rather low injury and fatality rate for school bus passengers as the justification for the low priority given school bus safety considerations. It is true that the fatalities and injuries over 100 million miles traveled are markedly lower for the school bus than they are for passenger cars. But, these cold, rather impersonal statistics can not be permitted to determine our priorities.

The National Transportation Safety Board's (NTSB) rationale for the attention it has given school bus accidents is compelling. The NTSB states:

"In the school bus field, the degree of effort for safety has not been traditionally determined by cost/benefit considerations, but by the unique need for protection of the innocent children who ride school buses, and who are almost totally unable to assure their safety by their own actions. School bus riding children are seated within the buses usually because State laws require schooling, the children are not there totally of their own volition. Society has established many regulations for the safety of school children which may appear to be exaggerated in other fields. For this reason, it appears that the employment of structural assembly methods in school buses which are less efficient than methods used in other types of passenger buses should be considered primarily a question of justice to school bus riding children. This consideration of justice, in the Board's view should override the question of whether the cost of complete assembly could be demonstrated to be less than the dollar value of the lives saved."

I heartily concur in the Board's declaration that priorities here should be established on the basis of justice rather than the single dimension of accident statistics.

We must take those actions necessary and critical to ensure the safest possible travel for students who must ride in school buses.

One of the immediate reactions to school bus accidents where youngsters have been thrown from a bus, or injured after being tossed around within the bus, is to call for the installation and use of seat belts in all school buses—for both drivers and passengers. On the surface this appears to be a sensible and logical step to take in order to save lives and prevent injury. A closer look at the school bus safety question reveals the seat belt issue is only the tip of the iceberg.

A December 16, 1971 report of the House Committee on Government Operations states, "School bus bodies are usually constructed in a manner that makes them a hostile and unsafe environment in the event of a collision."

Thus, the seat belt question is but a part of a much larger issue—school bus construction standards.

The National Traffic and Motor Vehicle Safety Act of 1966 was enacted by the Congress to reduce accidents and deaths resulting from traffic accidents. The law gives the Secretary of Transportation the authority to establish motor vehicle safety standards and to undertake and support necessary safety research and development needed to reduce accidents, injuries and deaths. The Department of Transportation's stated goal is the reduction of the traffic death rate per 100 million vehicle miles from a 5.3 level in 1939 to 3.6 by 1980.

In attempting to meet its goal the Department of Transportation has devoted almost all of its efforts to passenger cars. The seat belt-air bag controversy for passenger cars is an example of the preoccupation with this type of vehicle.

Sadly, safety standards for school buses have been neglected. Again citing the House Government Operations Committee report:

"Investigations of the Department of Transportation and the National Transportation Safety Board show that children riding in school buses face unwarranted exposure to death and serious injury in crashes due to the tendency of school bus bodies to literally pull apart at the seams and in that way cause passengers to be ejected or injured by the resulting exposed edges of the sheet metal body panels . . . School buses do not provide impact absorbent interior surfaces, contoured seats, or any form of occupant restraint system. This occupant



packaging technology has existed in the automobile area for several years, and it probably can be applied to school bus body construction with relative ease and at a reasonable cost."

The Government Operations Committee strongly recommended that the Department of Transportation require the construction of school buses that would provide a much safer environment for the school bus passenger.

The need for action—without further delay—is obvious. No excuses remain since the technology needed to improve school bus construction already exists. The cost involved is not prohibitive.

By now it should be clear that the issue is not one of simply seat belts or no seat belts.

Beginning with the school bus accident reports of the National Transportation Safety Act going on through House Public Works and Government Operations Committee hearings—and a Society of Automotive Engineers report on School Bus Passenger Protection—one quickly finds that structural deficiencies in school buses loom as much larger obstacles to the safer transportation of school children than does the matter of seat belts alone.

One of the more serious problems identified by the National Transportation Safety Board is that the structural integrity of the school bus itself is grossly inadequate. In its conclusions after investigating two school bus accidents in Alabama the NTSB said:

"1) There have been crashes in which the disintegration of the structural parts are evident. . .'

"2) Interior panels present exposed sharp edges because widely spaced and inadequate fastenings at joints fail. . ."

Most inter-city buses have almost double the rivets or fasteners found on school buses. It appears that the National Highway Traffic Safety Administration will not have standards in this area for some time. While work is underway it may well be 12 to 18 months before manufacturers will be forced to meet minimum standards.

Another problem of considerable importance is that of seat stability and configuration. The 1967 Society of Automotive Engineers study reports, "School bus seats at the time of this study are grossly inadequate for protecting passengers." It is my understanding that in the disastrous school bus-truck accident in New Mexico recently only the last two rows of seats in the back of the bus remained fastened to the floor. When the bus collided with the truck, all of the other seats tore loose from the frame.

Obviously, the seat anchorage in school buses are weak. The Society of Automotive Engineers study done at UCLA states that seat anchorages and seat cushion fasteners must not tear loose as the result of forward decelerations under 30G. (The UCLA findings are based on a series of three full scale school bus collision experiments in which anthropometric dummy passengers were used.)

Not only are seat anchorages inadequate, but the seat design itself in school buses is faulty. The UCLA study states:

"Low-back seat units, seat back heights less than 28 inches, greatly increase chances of injuries during school bus accidents. Seats most commonly encountered in school buses have seat back heights ranging from 18 to 20 inches. The low-back units possibly provide no head support, except for the very young school children and have the passenger in an extremely vulnerable condition when the vehicle is rear-ended. In addition, for the head-on collision, the lap-belted passenger, even the three year-old in some instances, pivoted about the belt and struck the top horizontal edge of the low seatback ahead in a manner that applied extremely dangerous forces to the face, neck and chest of the individual."

The UCLA report speaks directly to the point of placing seat belts in buses already on the road. It clearly states that no seat belts should be placed in any bus unless the seatback height is at least 28 inches. The report also states that seats in existing buses are not designed to withstand the stress of seat belts and must be strengthened substantially if seat belts are installed.

The report clearly demonstrates that standards for seat design must be up-graded. Seat back height must be at least 28 inches. In fact the report states, "The greatest single contribution to school bus passenger collision safety is the high strength, high back safety seat."

The report then recommends that a lap belt or some other type of passenger restraint system is next in importance.

Of course, of great importance as well is the padding of seats, arm rests and any other exposed "hard" surfaces which might cause injuries in a collision.

The National Traffic Safety Administration has recently issued the long awaited new performance standards for seats in buses. While the proposed standards are designed to cover all buses, they too represent a significant step forward in upgrading the safety in school buses.

The new standards do require a seat back height of 28 inches; padding is required on all surfaces within a specified area of the seat; seat belts are offered as an option to meet the proposed standards; under the new standards seat anchorages must meet performance tests to prevent their tearing out on impact.

The proposed standards, which are to take effect September 1, 1974, will result in a higher degree of safety for school-age youngsters. Nevertheless, as pointed out earlier, there are other critical areas where action is badly needed.

There appears to be unanimity on the matter of requiring seat belts for school bus drivers. In fact, Standard 17, "Pupil Transportation Safety" promulgated by NHISA requires that drivers of all school bus vehicles wear seat belts in vehicles equipped with them.

There is considerable disagreement, however, among experts on the matter of requiring seat belts for all school bus passengers. Presently, seat belts are required in all vehicles transporting up to 12 passengers. They are not required for passenger buses which are designed to carry more than 12 passengers.

As noted earlier, the ULCA study does recommend seat belts for school bus passengers, provided that structure and interior designs are up-graded. Safety experts in NHISA have recommended against mandatory seat belts. State education experts in pupil transportation have also expressed serious reservations about the advisability of seat belts in school buses. The proposed standards recently issued by NHSTA give seat belts as an option for meeting the standards.

Seat belts in school buses have become an emotional issue. Accidents involving school buses on vehicles carrying students are likely to provoke an anguished call for seat belts. The issue is one not easily resolved. Except for the UCLA study, which leaves some questions unanswered, there are no definitive studies. In the early 1960's one bus company in New York State did install seat belts for slightly over a month. Since no accidents occurred during that time it was impossible to ascertain their effect. A bus company spokesman did, however, comment on other problems—the use of the seat belt as a play thing; persuading students to use them, etc.

The Vehicle Equipment Safety Commission (VESC), an Interstate Compact organization dealing with motor carrier safety, has developed its own minimum standards for school bus construction and equipment. Its standards do not recommend seat belts for school bus passengers.

New York State's Department of Education regulations, perhaps the most complete and advanced of any of the states, do not require seat belts for school bus passengers.

A controversy over seat belts has been raging in New Jersey over the last couple of years. In January, 1972, Dr. Orville Parish, Director of Pupil Transportation, New Jersey Board of Education, organized a seminar at which seat belts in school buses was the only topic considered.

While there was near unanimity on the need for new highback seats in school buses, there was no consensus reached on the matter of seat belts. Those attending did agree on one other point—there is a need for more reliable data, based on demonstration projects, to settle the questions about seat belts in school buses.

At this point, it becomes necessary to stand back and take a look at where we are. Questions must be asked—who has the responsibility and authority to act. Its record of stewardship of this authority and responsibility leaves something to be desired. It has not been very responsive in fulfilling the mandate given it under the National Traffic and Motor Vehicle Safety Act of 1966. School bus safety, for reasons already cited, was not given a high priority. Public pressures and legislative initiatives from the Congress have finally speeded DOT's pace.

Rule making activity has been stepped up and an internal task force was formed and has completed its report. (The report has not been made public.)

There is, however, some concern, which I share, that the manner in which the Department of Transportation has approached the school bus safety question may not produce the best results.

Instead of treating the school bus as a vehicle that has special or unique characteristics that demand separate treatment, the Department of Transportation is promulgating construction standards which cover all buses, including school buses.

The differences between the school bus and intercity and intracity buses, it seems to me, are sufficient in magnitude to warrant a separate set of standards for school buses. The requirements of the various types of buses are diverse—they carry different kinds of passenger loads—they are designed to fulfill dissimilar functions.

My own analysis leads me to conclude that the school bus should be treated separately.

As a result, I have introduced a bill which, I hope, will help set a faster pace for the activities designed to up-grade school bus construction and safety.

The legislation I am proposing differs from other legislation which has dealt with school bus safety.

First, it directs the Secretary of Transportation to complete rule making procedures for school bus construction standards within one year of enactment of the bill.

Second, the bill directs the Secretary of Transportation to undertake and complete within two years a comprehensive study to determine the advisability of requiring seat belts in school buses.

Frankly, the data on seat belts available to me now does not provide a sufficient basis on which to make a reasoned judgment. There appears to be compelling reasons which lead one to conclude that seat belts are not necessary—indeed could be counter-produc-

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tive to improved safety. On the other hand, it is clear that most of the "compelling" reasons have not stood the test of rigorous analysis and research. Perhaps, the dispute over seat belts will never be resolved to everyone's satisfaction. Nevertheless, the results of the study being proposed in my bill should answer many of the questions which have been raised. It should give us the solid empirical data needed to make informed and reasoned judgments.

School bus safety is an issue that touches most of us in one way or another. While the Federal Government does have a considerable responsibility, State government and local school officials must share this responsibility.

What I have discussed here deals primarily with school bus construction—the integrity of the bus—its interior and design. It is important if school children are to be provided the safety they deserve. But the fact of the matter is that most school bus related deaths do not result from collisions, but rather involve youngsters who lose their lives outside their bus, killed by the bus itself or other vehicles as they approached or left the bus.

We can and must build a safer bus. It can and will better protect our children—but, safe operation of the bus itself, and safer driving on the part of the general public will have as great, if not more of a positive effect on school bus safety.

It is my hope the Committee will carefully consider my bill and the others that have been introduced with the view of reporting needed legislation to the House in the near future.

## NARCOTIC TREATMENT PROGRAMS

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. RAILSBACK. Mr. Speaker, on May 9, I joined Congressman HASTINGS in sponsoring legislation to amend the Controlled Substances Act. Our bill, H.R. 7643, provides for the registration of practitioners who conduct narcotic treatment programs.

In the past, methadone—which is one of the most popular and successful drugs used to treat an addict—was considered as strictly an experimental drug. The clinic and private practitioners who offered methadone treatment were officially deemed to be engaged in research. However, as the number of such programs and doctors surged upward during the past several years, it became quite clear that this treatment was no longer mere research.

Accordingly, last April, the Food and Drug Administration proposed an alteration of its regulations which take maintenance out of the experimental category. The final altered regulations were promulgated on December 15, 1972, and, under the new controls, methadone used as a maintenance drug now receives a new drug status, and is subject to more rigorous requirements.

Unfortunately, there were and there continue to be some carelessly run methadone programs and a small—very small—number of physicians who have been making fortunes by improperly dispensing the drug. They have presented the country with a serious and flourishing black market problem. In addition to methadone abuse, abuses are being reported with morphine, numorphan, demerol, and other drugs—which, if administered properly, can be very helpful.

The bill I was pleased to cosponsor with my colleague from New York will assist in rectifying the tragic situation I have just described. It will do so by providing for the separate registration of any practitioner who dispenses or administers narcotic drugs in the treatment of addicts—either for maintenance or detoxification. It also presents explicit statutory authority for requiring registrants to comply with standards for the security of drug stocks and the maintenance of records.

This act will certainly go a long way in eliminating the illegal efforts which are being undertaken merely for profit at the expense of far too many individuals. I urge enactment of H.R. 7643 at the earliest possible time as a necessary and vital step in our efforts against drug abuse.

## SPIDER AT THE CENTER OF THE WEB

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Ms. ABZUG. Mr. Speaker, Carey McWilliams, editor of the Nation, has recalled for us some history that we should not forget as the Watergate eruptions continue. His contention is that Richard Nixon's 1972 election campaign was no different from his campaign in 1962, so far as tactics are concerned.

Mr. McWilliams urged a real investigation rather than a cover-up, saying:

The President has given us not the truth but a preposterous alibi. What is needed is the kind of investigation that would determine whether a factual basis for his impeachment exists. If such facts can be established, then an impeachment resolution should be introduced; if they can not, then and only then can we begin to forget about Watergate.

At this point I would like to insert the entire editorial into the RECORD:

TOO LITTLE, TOO LATE

(By Carey McWilliams)

He finally came down from the mountain and gave us the word. But just what has he done? What do we know now that we did not know before?

The departure of Kleindienst, Haldeman, Ehrlichman and Dean is welcome news, if a bit late. The selection of Elliot Richardson to replace Kleindienst, of William Ruckelshaus for L. Patrick Gray, and of Leonard Garment as special counsel instead of John Dean, are perhaps the best selections the President could have made from his immediate circle of loyal political adherents—a somewhat limited talent pool. Mr. Richardson, we are told, has "absolute authority" to proceed with the Watergate investigation; we hope that statement is true. He also has authority to name a "special supervising prosecutor" which, on its face, is a bit of a weasel. What Mr. Richardson should do—for his sake and ours—is clear: he should name a special prosecutor, not to supervise but to take charge of the Watergate investigation and the ensuing trials. This special prosecutor should have ample funds and power to select his own staff; Asst. Atty. Gen. Henry Petersen and his aides, all of whom have been discredited, should be removed from the case. The FBI should be ordered to cooperate with the special prosecutor.

It would help if the special prosecutor were a Democrat or an independent, or at least acceptable to the top Democratic leadership (not merely to Senator Mansfield); but that is not essential. Herbert Stern, the U.S. Attorney in Newark, James R. Thompson, the U.S. Attorney in Chicago, or Jon Waltz of the Law School, Northwestern University, all Republicans, would be good nominees.

In brief, the President has finally acted, but he has taken only those steps which were essential to project the image that he is now "clean as a hound's tooth." Kleindienst was discredited before he was confirmed. The removal of Haldeman and Ehrlichman was promptly cheered by the Republicans in Congress and is, therefore, good politics. It also gave the President a chance to indulge in a favorite routine: their removal was, predictably, "one of the most difficult decisions" of his Presidency. Of the four men removed, only Dean showed a possible willingness to cooperate before the roof fell in. Having taken this minimal action, the President will now seek to lock the door to his office, ignore the press, and take as many long junkets as possible, to foreign lands of course. He will turn his full attention to "the larger duties" of his office and, rest assured, will try to have nothing more to say or do about Watergate.

The speech itself was soap opera in the manner of his "slush fund" speech of 1952. The President has never lacked the intuitions of a demagogue; he can skillfully measure the amount and variety of "corn" to use in his invariably self-serving and intellectually dishonest presentations. He never fails to say that he could have taken the easy route but manfully did not; he always tries to touch a few heart strings in his inimitably vulgar way. His TV speeches are Madison Avenue "presentations," empty of content, misleading, couched in wretched rhetoric.

In his speech he told us virtually nothing we did not know and he raised more questions than he answered. He immediately ordered a report on June 17, 1972. What happened to it? Where is it? He was "appalled," "shocked," but "until March of this year" believed what he was told by his staff, who were known to be under investigation. Apparently he did not read a copy of *The Washington Post* for nearly a year. On its face, his statement is simply not credible. The American people would like to be able to believe their President, but the polls indicate that many of them, perhaps a majority, feel that Mr. Nixon was involved in Watergate in the sense that he at all times knew what Mitchell, Haldeman, Ehrlichman and Dean knew.

But more important, he certainly knew—and well before April 17—that efforts were being made to cover up and actually to obstruct the investigation. He must be charged with knowledge of what was being said by a large section of the press and the Republican leadership in Congress. He wants us to believe that 1972 was the one campaign which he let others manage for him. True, he did make fewer speeches because his "handlers" were anxious to keep him off the hustings; he himself was champing at the bit and watching every phase of the campaign. Indeed he set up a special committee to manage his campaign, apart from the GOP.

Haldeman and Ehrlichman are his "closest associates" in the White House and "the finest public servants" he has ever known. Then why should he throw them overboard? Why not grant them leaves? By inference they were overzealous and "may have done wrong in a cause they deeply believed to be right." But the same overzealousness was exhibited by Haldeman in California in 1962 when he managed his first campaign for Nixon. Court records there indicate that Mr. Nixon and Mr. Haldeman knew of and approved a fake letter and poll which was sent out in the name of a "Democratic" committee to members of the Democratic Party, accusing Governor Brown of being "soft on communism" for not excluding Communists from Democratic Party membership. The mind boggles at the notion that he did not know what Haldeman, Ehrlichman, Dean, Magruder, Colson, LaRue and Mitchell knew about campaign tactics and strategy, the size of the exchequer, and the frenzied efforts to cover up on Watergate. As always, the President presents himself as being angelic: he will not place blame on subordinates but will manfully shoulder responsibility for what happened. President Kennedy accepted responsibility for the Bay of Pigs fiasco, but he did not deny that he knew about it. Who knows more about "the shady tactics" sometimes used in American politics than Richard Nixon? Living witnesses of high repute, Jerry Voorhis, Helen Gahagan Douglas and Earl Warren can testify to his long-standing addiction to precisely the tactics which were used in his 1972 campaign.

What the President has attempted is a whitewash. It may work. The Republicans in Congress are pleased; some of that pressure has been removed. The Democratic leadership, at the top, is weak and unreliable. The public would probably like to pretend that Watergate never happened. All the same there are good reasons to believe that this whitewash won't cover The trials will drag on. They will be dramatic. More disclosures are certain. More squealers will squeal. A large section of the press will now be engaged and the competition for disclosure will intensify. Then, too, the President is a lame duck, the Republicans are divided over Watergate and what to do about it, and the successorship is up for grabs. It is also unlikely that the President can hold the line he has sought to draw: no communications on Watergate and total preoccupation with affairs of state. Watergate will haunt him wherever he goes, whatever he does. And the Ervin committee hearings will start soon.

The President's problem is that he is responsible for Watergate. He is responsible not merely in the sense that he has indicated but because, in a very real sense, he is the central figure in the case, the spider at the center of the web. What is needed, of course, is an investigation of his role in "this sordid affair" which he once ordered his press aide to dismiss as a third-rate burglary. Even some of his former backers have proposed a resolution of censure. But a better next step would be the appointment of a special panel by the Senate or the House, or jointly as Rep. John Moss has proposed. The public must have the truth. The President has given us not the truth but a preposterous alibi. What is needed is the kind of investigation that would determine whether a factual basis for his impeachment exists. If such facts can be established, then an impeachment resolution should be introduced; if they can not, then and only then can we begin to forget about Watergate.



## THE IMPACT OF PROPOSED HEALTH BUDGET CUTS ON BIOMEDICAL RESEARCH

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. DRINAN. Mr. Speaker, Roger W. Jeanloz is a professor of biological chemistry at Harvard Medical School and is the head of the Laboratory for Carbohydrate Research, Massachusetts General Hospital.

I recently had the opportunity, at the hearings on Federal health programs that I held on May 5, 1973 in Newton, Mass., to receive testimony from Dr. Jeanloz on the subject of medical research.

Like many of his colleagues in the health profession, Dr. Jeanloz is concerned about the impact of proposed reductions in Federal support of biomedical research. As he notes in his convincing testimony, these cutbacks take the following forms: First, reduction in the total amount of research money available; second, shifting distribution of medical research funds from a grant system, which is accessible to nonprofit institutions, to a contract system, which gives an advantage to industrial laboratories; and third, a substantial decrease in scholarship and training grant funds.

If these administration proposals are allowed to take effect, the result will be unfortunate not only for the medical institutions, faculties, researchers, and students who will be most directly affected. Rather the real losers will be the rest of us, and future generations, who will be deprived of the long-term benefits in health care that stem directly from biomedical research.

I urge my colleagues not to abandon the many medical programs now endangered by the administration's myopic budget. While these medical issues may seem at first glimpse to be somewhat vague, their genuine significance suggests to me at least that the issues involved should be comprehensively aired. For this reason I have inserted into the CONGRESSIONAL RECORD a number of statements from health care professionals and medical educators.

On this occasion I would like to share with my fellow Members of Congress the statement offered by Dr. Jeanloz on the subject of biomedical research:

TESTIMONY OF PROF. ROGER W. JEANLOZ, PROFESSOR OF BIOLGICAL CHEMISTRY, HARVARD MEDICAL SCHOOL, HEAD OF THE LABORATORY FOR CARBOHYDRATE RESEARCH, MASSACHUSETTS GENERAL HOSPITAL

Congressman Drinan, I am pleased to have the privilege of testifying here today because the issue of government cutbacks is of grave concern for the future of medical research, which means for the health of all human beings and, finally, for the reputation of our country.

Basic research is the source of all future practical development and it is commonly accepted that no industry would survive without steadily improving its products. Some may ask why this basic research is not undertaken by private enterprises, for example, drug companies. The answer is very simple: Only the public in general is interested in the improvement of its health. Drug companies are basically not interested in improving the health of the public. I always remember the admonition of the director of a leading drug company when, after obtaining my Ph.D., I was inquiring about a position in their research department. "Don't forget that in industry, it is the stockholder whom we have to please." Since improvement of health is not always directly related to the introduction of new drugs, only public funds can afford to support basic research, and what country will do this, if the wealthiest country in our world does not show the example?

The present policies of the Federal Administration undermine basic medical research in two different fashions: the first is in decreasing the total amount of money available, the second in shifting the mode of distribution from the grant system, which is the only one readily available to nonprofit institutions, to the contract system. The contract system benefits industrial laboratories without special knowledge in the field or academic departments not actively engaged in research.

The decrease in financial support shows its effect on the support of both the Training Grant Program and on the Research Grant Program of the National Institutes of Health.

In the Department of Biological Chemistry of Harvard Medical School, the financial support of the present 30 graduate students in biochemistry will be phased out within the next 3 years. Of the 30 students thus supported, it may be possible for the University to offer help to, at the most, 12 students. After 4 years of college and 5 years of graduate work, these students will normally take 2 to 3 years of postgraduate work at salaries in the range of 7–8,000 dollars yearly, and then they will move to academic positions where some may reach the upper 20,000-dollar range, but many more will remain at around 20,000 dollars. We are far away from the 100,000-dollar salaries generally mentioned as a reason to suppress Training Grants. In the past 15 years, only one student (less than 2%) has found a position in industry, all the others having gone into research and/or teaching positions.

The Laboratory for Carbohydrate Research is a part, with the Arthritis Unit and the Developmental Biology Laboratory, of the Lovett Group for Diseases Causing Deformities, which is studying the causes of arthritis, rheumatism, and other diseases of the connective tissues. The Group presently has a Training Grant for Arthritis which supports three postgraduate M.D.'s for research on arthritis and also supports part of the salaries of the teaching staff. We have been advised that the salaries of the trainees will be phased out within the next two years, and despite the fact that we are at the beginning of May, we still do not know

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whether the salaries of the teaching staff will be paid next July. This is the present state of incertitude in which we live under the present policies.

Concerning the Research Funds, much emphasis has been put on the increase in financial support for cancer and heart disease, without mentioning that these increases are made at the expense of the critical needs of other diseases. Because a large proportion of the funds are earmarked for ongoing projects, the funds for competitive projects of the Institute for Arthritis, Metabolism and Digestive Diseases, which support the research of the Lovett Group, will be decreased by 60% within the next two years. Ongoing projects may be decreased slightly in total amount, but because of inflation, this may mean an effective decrease of 10-15% per year.

Another aspect which is of great concern to the academic basic researcher is the shift from the grant system to the contract system. Basically, the two systems are not too different, since both proposals spell out in detail the goals of the research. However, these goals may be modified in the grant system if new leads open, and who knows in advance the results of research? If we knew the final results, there would be no need to undertake the study. On the other hand, the contract system requires that the proposal be strictly followed or the proposal is terminated on short notice. Whereas grants are usually awarded for a 5-year period, the length of a contract rarely exceeds two years. Since nonprofit institutions (such as universities and hospitals) have no funds to pay their basic scientists between contracts, they are unable to compete with industrial laboratories which can maintain ongoing research groups between contracts at the expense of their profit. Finally, only the research groups, which may have very little experience in the field wherein they request a contract, or groups at universities where most of the staff is engaged in and paid for a heavy load of teaching, will propose contracts. This is clearly reflected in the scientific level of the proposal. In my own experience, I have found that whereas up to 90% of the scientific proposals submitted under the grant system were acceptable, less than 10% were acceptable under the contract system. At the present time, we see industry offering high salaries to medical technicians trained at the universities, thus undermining successful academic research groups. Industry is, however, unable to attract highly trained professionals because of the lack of security in industrial research supported on government contracts and of the secretive aspect of industrial research.

Finally, I would like to discuss an aspect which is rarely mentioned and to which I am probably more sensitive, as a naturalized citizen, than many of my American-born colleagues: It is the great disservice done to the reputation of this country abroad by the dismantling of our basic medical research establishment. I came here from Switzerland in 1949 for one year as a trainee of the National Institutes of Health and stayed because I liked the research atmosphere of this country. I was proud to work in a city called the Athens of America and to work in a scientific community which was becoming the leader of the scientific world. I have been an exchange scientist in the USSR under the exchange program of the Academy of Science and a lecturer in Poland under the auspices of the State Department, and I am regularly invited to lecture in Western Europe. Everywhere I have seen the greatest respect and admiration for American science. Scientists from as far as Japan, South Africa, India, Pakistan, Israel, Egypt, Poland and Czechoslovakia, as well as from most Western European countries have spent from one to three years in my laboratory. Those coming from wealthy countries were supported by their own country; the others were supported by our research funds. If our academic research effort is curtailed or abolished, to which country will these excellent young foreign scientists turn? Is our country, in the future, going to be known only by the number of atomic warheads and supersonic bombers that she possesses?

## STANDBY AIR FARES

### HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. BROTZMAN. Mr. Speaker, I am today introducing legislation to save youth and senior citizen standby air fares that have come into common use among the Nation's commercial air carriers. These fares are currently under attack by the Civil Aeronautics Board. A recent ruling would phase them out by June of 1974. The CAB holds that such fares constitute age discrimination and should be discontinued.

I disagree with the CAB. There are many compelling reasons for continuing fare reductions on a space-available basis, and I feel it can be demonstrated adequately that all concerned are better off for their existence. These fares provide an acceptable method of promoting greater passenger traffic among these age groups.

In most cases with these age groups, it is not a case of a person flying for a higher fare or a lower fare. It is a case of flying for a lower fare or not at all. Current airline figures show an average load rate of only 50 percent of capacity. It should be very obvious that the airlines would prefer to fill their planes, even at reduced rates, than to continue to fly half empty. Filling a plane with more cash-paying customers raises the revenue of the airline and lowers the average cost of flying each passenger.

Figures my staff has researched show that the airlines enjoy a profit of more than $20 million each year from standby youth fares. Without these fares and the subsequent income they generate, this money would have to be made up from travelers left taking the plane.

Where preferential air fares ran into trouble was with the advent of reserved seat youth fares. These fares guarantee the use of an airplane seat at only 80 percent of a regular fare with the only justification for the price difference being the traveler's age. Under these types of fares, younger passengers actually take seats away from full-fare paying customers on the busier weekend flights. As such, these fares are discriminatory and I agree with the CAB that they should be abolished.

However, my bill deals solely with reduced fares on a space-available basis. Standby fares do not deprive any full-fare customer of a seat. They only fill seats which would otherwise go empty, a cost to both the airline and the paying customer. Empty seats abound during "offpeak" hours when travel is the lightest. Senior citizens and youth are groups which could help fill this breach.

Mr. Speaker, adoption of this legislation would benefit everyone concerned with commercial air travel in the United States today. It would provide millions of Americans with the opportunity to fly they would not otherwise have, thus making them more mobile and productive members of our society. It would generate more income for the commercial carrier, helping him out of his economic straits and avoiding Government subsidy. Finally, it would help the airlines keep the cost to other air travelers down by lowering the average per seat cost of most flights.

Because the ruling by the Civil Aeronautics Board is scheduled to go into effect in the very near future, I feel it imperative that the Congress pass this legislation with the utmost speed. Therefore, I would urge the Interstate and Foreign Commerce Committee to consider such a measure at the earliest possible date.

## MEASURING QUALITY IN HIGHER EDUCATION

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. BRADEMAS. Mr. Speaker, the current issue of College and University Business contains a most interesting guest editorial by Allan W. Ostar, executive director of the American Association of State Colleges and Universities.

Mr. Ostar's theme is the necessity of identifying appropriate standards of accountability for the Nation's colleges and universities. He points out that considerations of both quality and quantity are essential to any appropriate definition of accountability, and identifies several other factors important to any such inquiry.

In order that all Members may have the benefit of Mr. Ostar's editorial, I include it at this point in the RECORD:

QUALITY: HOW IS IT REALLY MEASURED?

(By Allan W. Ostar)

More than one college and university administrator has been trapped in the headlock of accountability by a state official, by a taxpayer, by a newspaper editor. It is very easy to demand accountability. It is far more difficult to demonstrate it. Unlike business and industry, colleges and universities do not "produce" graduates. A campus is not an assembly line, a student is not raw material, and a diploma is not a profit margin. The process of education is more subtle, the results more diffuse.

Obviously a far different formula is needed to measure the quality and effectiveness of higher education—one which measures accurately the true function of colleges and universities, the education and socialization of students.

There is a standard currently employed by educators, a traditional standard which defines institutional quality in highly quantifiable terms. According to this traditional measure, institutional quality becomes the coefficient of the number of volumes in the library, the student-faculty ratio, the adequacies of the physical plant, and per cent of Ph.Ds on the faculty.

These factors are quantities. They also are inputs into the higher education process, not the results of the process, and as such they really give little indication of how well the college or university fulfills its true purpose: educating and socializing. It matters little how many volumes are in the library if the students are not stimulated to open the covers. It matters little how many degrees a faculty member possesses if the students in his classroom spend the period gazing out the window.

These traditional indices are as inappropriate as the production approach in defining quality. Evidence of the unsuitability of the indices exists in the fact that despite their utilization, the cries for accountability are mounting. Realistically, what is needed is a redefinition of educational quality which focuses on the educational process, not the accessories.

The American Association of State Colleges and Universities (AASCU) confronted this thorny problem and established a Committee on Quality and Effectiveness in Undergraduate Higher Education to study more appropriate standards. A statement subsequently drafted by the committee was wholeheartedly approved by the 289 members.

The statement sets forth new criteria for evaluating the effectiveness of an institution: criteria which place the quality factors in higher education on the individual internal goals of an institution. Viewing quality as a function of internal goals avoids the danger inherent in the traditional measures of quality. That is: Externally imposed standards force colleges and universities to emulate an institutional ideal, stifling diversity and the adaptability needed to accommodate the changing needs of an institution's constituencies.

For example, one hears condescending comments about the quality of black institutions. But quality compared to what? A Harvard? How is a Harvard of "higher quality" than a North Carolina Central University, or a Jackson State University? Is quality more "big name" professors, federal grants, rare collections in the library, and higher cost per student? Or is quality the impact that an institution has on a student. The value added to a person in terms of skills, problem-solving, expanded perspective and self-awareness is a comparative point between a Harvard and a Jackson State. And in terms of what a student is capable of when he enters the institution and what he is capable of when he leaves, the Jackson States of our nation are offering a much higher quality of education than the Harvards.

Not all students have the same educational needs. Not all segments of society have the same needs. In geography, in population, in technology, and in societal attitude, the United States is a heterogeneous country. A numerical rating of standard factors which compels colleges and universities to form a homogeneous group is not in the best interests of education or the country. It is time to eliminate the pecking order syndrome in higher education and talk about quality in terms of how well each institution measures up to its own goals and objectives, what kind of impact it makes on its students, and what kind of contribution its graduates make to society.

Protecting diversity is not ducking the issue, as some people may claim. Diverse quality is measurable. To evaluate the effectiveness of an institution's unique goals, four criteria may be used: student development, institutional vitality, public service, and research.

By far the most important criterion is student development, the cognitive and affective progress of students, which is the value-added concept. Cognitive development may be measured by the level of special knowledge in a student's chosen field and his ability to reason critically and objectively. Affective development may be measured by post-graduate employment, achievement motivation, and the types of organizations in which the student has membership.

Related to student development is the criterion of institutional vitality, which is the ability of an institution to adapt its structure and power to changing conditions. Institutional vitality can be measured by the rate of student retention, the successful education of high-risk students, and the racial and socioeconomic mix of the student population.

The third factor is the degree to which institutions perform public service to the society at large and to the surrounding community. Public service takes many forms. It may take an educational form in extension programs, evening classes for adults, or seminars for special groups in the community. It may be in a consulting form, where institutional personnel and resources are used in support capacity for business, health, environment or community planning. Or, an institution may serve the esthetic and leisure needs of the community through the performing arts, the availability of the library, art exhibits, and athletic events. The effectiveness of public service is evident in the attitude of the community toward the institution and in the improvement of community life as a result of institutional action.

The final criterion is not the amount of research, but the product of research. Research should not be measured by the number of patents and the number of published papers, but by the qualitative good which results for society and man, benefiting his health, his understanding of other men, his arts, and his safety.

These criteria are as easily measurable as the traditional quantitive criteria. They may not be as easily implemented simply because tradition is accompanied by an inertia and familiarity which is reluctantly released. However, as long as we maintain the traditional standards, higher education remains vulnerable to the demands of accountability.



## NIXON SPEECH—NOT QUITE WHOLE TRUTH

### HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 15, 1973*

Mr. MOLLOHAN. Mr. Speaker, I, along with the majority of my congressional colleagues are seriously concerned about the need to re-establish public confidence in our Government and in the American system. Occasionally, we are too close to the issues to fully evaluate the impact of actions by Government leaders in the public viewpoint. On April 30 the President expressed his position on national radio and television on the Watergate scandal. One of the leading newspapers in my congressional district, The Clarksburg Exponent, published its editorial evaluation of the President's statement, an evaluation with which I fully agree. I quote that editorial:

NIXON SPEECH—NOT QUITE WHOLE TRUTH

Friends—yes, friends—of President Nixon do not believe he advanced his personal cause or that of the presidency in any enduring way by his cool and lofty tale of the all-consuming Watergate affair.

The tone was presidential. His comment bore the marks of the high quest for truth and justice befitting his office. It was reinforced by solid action in the earlier removals of four top administration men, including his two closest aides.

For the sake of the country and the office, even his Democratic adversaries wanted these very things from him. Yet, somehow, it all came to too little.

In the view of some who have known and liked him, what Mr. Nixon said lacked the impressive force of specific candor. It was presidential gold dust thrown in the eyes, or a glittering movie-set facade supported by shaky props.

He told the American people that, uncharacteristically, he in 1972 delegated most of his camapign decisions to others. But he did not say to whom, nor what crucial instructions he gave to his chosen surrogates.

Besides being uninformative at its heart, this assertion is not accurate. Observers and men who toiled in his campaigns can testify convincingly that he delegated heavy campaign authority in 1968 and perhaps before.

His newest utterance seeks, then, to perpetuate an unsupportable legend, Nixon the man with his eye constantly on every political gauge but too busy with higher duties in 1972 to follow pattern.

Another gaping hole in the facade. Who repeatedly reassured him that his key people were not involved? Was it always the same man, or were there several?

Still, Mr. Nixon left the way open for others to be touched, saying no one could be spared from the workings of justice and there would be no "whitewash" in the White

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House. Though his voice choked a bit, was there something of the cold shove in his final pat on the back for "closest friends and trusted aides' John Ehrlichman and H.R. (Bob) Haldeman?

Even as the President promised no whitewash, some of his key words had the pale cast of euphemism. He spoke of men whose zeal "exceeded their judgment" and whose good intentions in a cause they believe right graded easily into "shady" campaign activities.

How does this cover the alleged break-in by Nixon re-election agents at the office of the psychiatrist serving Daniel Ellsberg, defendant in the Pentagon papers case?

Indeed, as digested by some of his critical friends, this euphemistic language is judged to be far short of matching the magnitude of the offenses already revealed or hinted at in the Watergate esplonage-sabotage case.

The President has seemed to "clean house," leaving his establishment painfully disorganized in the face of pending big events. But his basement and his attic still hold too many secrets which can cloud the fresh image he tried to paint.

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# RESOLUTION CHART

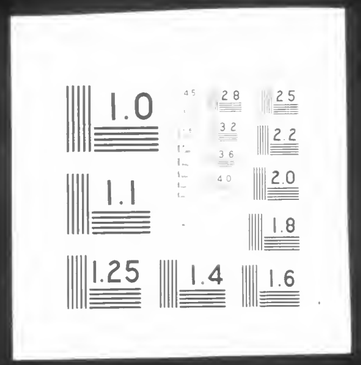


100 MILLIMETERS

**INSTRUCTIONS** Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.